PUBLICATION NO:2575

REEL NO: 45

TITLE: FEDERAL REGISTER

VOLUME: 13

DATE: September 1, 1948-November 30, 1948

University Microfilms, A Xerox Company, Ann Arbor, Michigan

VOL 13

INDEX

JULY - SEPT

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FEDERAL REGISTER

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U. S. GOVERNMENT PRINTING OFFICE: 1948

VOL 13

SEPT

REFERENCE

SEP 1 1948

FEDERAL REGISTER

VOLUME 13 NUMBER 171

Washington, Wednesday, September 1, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2806

DEATH OF CHARLES EVANS HUGHES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

To the People of the United States:

The Nation has lost one of its most preeminent elder sages. Charles Evans Hughes, who died at Osterville, Massachusetts, last night, will be counted in the long perspective of history not only as one of the most highly esteemed statesmen of our time, but indeed as among the most distinguished of the men who have devoted themselves to the public weal since the origin of our country.

Humanitarian understanding, exalted vision, and inspired judgement characterized the long career of Charles Evans Hughes, who served the people of New York State as Governor and the people of the Nation as Associate Justice of the Supreme Court, as Secretary of State, and as Chief Justice of the United States.

The whole world needs and will continue to need statesmen and citizens capable of viewing the march of events objectively and adhering firmly to the reasonable and just. In view of that need, we should all long remember this superb example of a life dedicated to reason and to justice in human affairs.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby direct that the flag of the United States be flown at half mast on all Government buildings until after the funeral services for Charles Evans Hughes shall have been concluded, and I request the people of the United States to render every appropriate reverence to this great American, in their homes, their schools, their churches, and in other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-eighth day of August in the year of our Lord nineteen hundred [SEAL] and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-7865; Filed, Aug. 30, 1948; 2:03 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 CCC Peanut Bulletins 1, 2, 3, Supp. 1]

PART 275—PEANUT LOAN AND PURCHASE PROGRAMS

1948 PEANUT PRICE SUPPORT PROGRAM BULLETINS

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 3775, 3777, and 3778, governing the making of loans on peanuts and purchases of peanuts produced in 1948, are hereby supplemented as follows:

§ 275.149 *Loan values and support prices.* Loan values and support prices for merchantable farmers' stock peanuts at established receiving points and prices for No. 2 shelled peanuts purchased from approved dealers are shown on the attached table, CCC Peanut Form 606, 1948 Crop. (Sec. 8, 56 Stat. 767, 50 U. S. C. 968; Pub. Law 806, 80th Cong.)

Issued and effective this 24th day of August 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: August 26, 1948.

RALPH S. TRIGG,
President, Commodity Credit Corporation.

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CCC Peanut Form 606
1948 Crop

EXHIBIT A—1948 PEANUT PROGRAM

[Loan values and support prices for merchantable farmers stock peanuts at established receiving points and prices for No. 2 shelled peanuts purchased from approved dealers]

Sound mature kernels[1] (percent)	Spanish and Valencia east of Mississippi River	Spanish and Valencia west of Mississippi River	Runner[2]	Virginia type
	Dollars per ton	*Dollars per ton*	*Dollars per ton*	*Dollars per ton*
Above: 70	(3)	(4)	(5)	(6)
70	215.00	210.00	210.00	223.00
69	*211.90	*207.00	207.00	219.80
68	*208.80	*204.00	204.00	216.60
67	*205.70	*201.00	201.00	213.40
66	*202.60	*198.00	198.00	210.20
65	*199.50	*195.00	195.00	207.00
Below 65	*(7)	*(7)	*(7)	*(10)

*Base grade price.
[1] Includes whole loose kernels.
[2] For the purpose of this program includes all peanuts, excluding Valencia, which except for type, meet the "U. S. Standards for Farmers Stock Runner Peanuts (1931)" but do not meet the U. S. Standards for Farmers Stock Spanish or Farmers Stock Virginia type peanuts.
[3] $215.00 plus $3.10 per ton for each 1% above 70% sound mature kernels.
[4] $210.00 plus $3.00 per ton for each 1% above 70% sound mature kernels.
[5] $210.00 plus $3.00 per ton for each 1% above 70% sound mature kernels.
[6] $223.00 plus $3.20 per ton for each 1% above 70% sound mature kernels.
[7] $199.50 less $3.10 per ton for each 1% or fractional part thereof below 65% sound mature kernels.
[8] $195.00 less $3.00 per ton for each 1% or fractional part thereof below 65% sound mature kernels.
[9] $195.00 less $3.00 per ton for each 1% or fractional part thereof below 65% sound mature kernels.
[10] $207.00 less $3.20 per ton for each 1% or fractional part thereof below 65% sound mature kernels.

NOTE: (1) Add to the above prices for Virginia type peanuts 50¢ per ton as a premium for each full 1% of Extra Large kernels in excess of 15 percent.
(2) Deduct from the above prices $3.00 per ton for each full 1% damage in excess of 1%.
(3) No producer loans will be made on peanuts containing 5% and more damage.
(4) Deduct from the above prices 50¢ per ton for each full 1% foreign matter in excess of 3% but not in excess of 15 percent. For each full 1% of foreign material in excess of 15 percent deduct $1.00.
(5) Above prices are for peanuts delivered in bulk in the States of Georgia, Florida, Alabama, Mississippi, and that part of South Carolina west of the Santee, Congaree and Broad Rivers, and Louisiana east of the Mississippi River. In all other states or parts of states peanuts must be delivered in sacks as is the usual custom, except that Commodity Credit Corporation may authorize bulk delivery at those points equipped to handle such delivery.

Prices for No. 2 shelled peanuts

Type	Spanish and Valencia	Runner	Virginia
Price per pound	*Cents* 15¾	*Cents* 15¾	*Cents* 16¼

[F. R. Doc. 48-7788; Filed, Aug. 31, 1948; 8:49 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of Federal Reserve System

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

CONDITIONS OF MEMBERSHIP

Pursuant to section 9 of the Federal Reserve Act, as amended, and for the purpose of eliminating certain conditions of membership which are not considered essential as standard conditions of membership for State member banks of the Federal Reserve System, Part 208 is amended effective September 1, 1948, by striking out subparagraph (3) (condition of membership numbered 3) of § 208.6 (a), the headnote of § 208.6 (a), all of § 208.6 (b), and footnotes numbered 10, 11, 12, 13, and 14; by renumbering the succeeding footnotes accordingly; and by adding to footnote numbered 6 appended to subparagraph (1) (condition of membership numbered 1) of § 208.6 (a) a new paragraph reading as follows:

For many years, the Board prescribed, as standard conditions of membership, a condition which, in general, prohibited banks from engaging as a business in the sale of real estate loans to the public and certain conditions relating to the exercise of trust powers, including one which prohibited self-dealing in the investment of trust funds. The elimination of these conditions as standard conditions of membership does not reflect any change in the Board's position as to the undesirability of the practices formerly prohibited by such conditions; and attention is called to the fact that engaging as a business in the sale of real estate loans to the public or failing to conduct trust business in accordance with the applicable State laws and sound principles of trust administration may constitute unsafe or unsound practices and violate condition numbered (1).

Section 208.6, as amended, reads as follows:

§ 208.6 *Conditions of membership* (a) Pursuant to the authority contained in the first paragraph of section 9 of the Federal Reserve Act (44 Stat. 1229, 48 Stat. 164, 971; 12 U. S. C. 321), which authorizes the Board to permit applying State banks to become members of the Federal Reserve System "subject to the provisions of this act and to such conditions as it may prescribe pursuant thereto," the Board, except as hereinafter stated, will prescribe the following conditions of membership for each State bank hereafter applying for admission to the Federal Reserve System, and, in addition, such other conditions as may be considered necessary or advisable in the particular case:

(1) Such bank at all times shall conduct its business and exercise its powers with due regard to the safety of its depositors, and, except with the permission of the Board of Governors of the Federal Reserve System, such bank shall not cause or permit any change to be made in the general character of its business or in the scope of the corporate powers exercised by it at the time of admission to membership.[6]

(2) The net capital and surplus funds of such bank shall be adequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities,[7] and its capital[8] shall not be reduced except with the permission of the Board of Governors of the Federal Reserve System.[9]

The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure, and especially because in connection with this amendment which relieves certain restrictions such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11 (i), 38 Stat. 262, sec. 3, 40 Stat. 232, 42 Stat. 821, sec. 17 (b), 48 Stat. 185, sec. 9, 44 Stat. 1229, 45 Stat. 492, 46 Stat. 170, sec. 2, 46 Stat. 251, sec. 1, 46 Stat. 814, sec. 5, 48 Stat. 164, sec. 2, 48 Stat. 971, sec. 202, 49 Stat. 704, sec. 310 (b), 49 Stat. 710, sec. 320, 49 Stat. 713, sec. 338, 49 Stat. 721, sec. 12B (e), (g), (y), 49 Stat. 687, 688, 703, secs. 325, 345, 49 Stat. 715, 722; 12 U. S. C. 248 (i), 12 U. S. C. 321–338 and Sup., 12 U. S. C., Sup. 264 (e), (g), (y), 486, 51b–1)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-7834; Filed, Aug. 31, 1948; 9:11 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Office of International Trade

[3d Gen. Rev. of Export Regs. Amdt. 9]

PART 371—GENERAL REGULATIONS

SHIPMENT ENTERING FOREIGN TRADE ZONES

Part 371 *General regulations* is amended by inserting a new § 371.10a between §§ 371.10 and 371.11 to read as follows:

§ 371.10a *Shipment entering foreign trade zones.* Except for the commodities listed in § 372.9 (b), commodities wholly of foreign origin and for which no customs entry has been made with a collec-

[6] If, after admission of any bank to membership, it should desire to make any change in the general character of its business or in the scope of its corporate powers exercised at the time of admission, it will be necessary for it to obtain the permission of the Board before making any such change.

The acquisition by a bank of the assets of another institution through merger, consolidation, or purchase may result in a change in the character of its assets or the scope of its functions within the meaning of condition numbered (1) and if at any time a member State bank subject to such condition anticipates making any such acquisition a detailed report setting forth all of the facts in connection with the transaction should be made promptly to the Federal Reserve bank of the district in which such bank is located.

For many years, the Board prescribed, as standard conditions of membership, a condition which, in general, prohibited banks from engaging as a business in the sale of real estate loans to the public and certain conditions relating to the exercise of trust powers, including one which prohibited self-dealing in the investment of trust funds. The elimination of these conditions as standard conditions of membership does not reflect any change in the Board's position as to the undesirability of the practices formerly prohibited by such conditions; and attention is called to the fact that engaging as a business in the sale of real estate loans to the public or failing to conduct trust business in accordance with the applicable State laws and sound principles of trust administration may constitute unsafe or unsound practices and violate condition numbered (1).

[7] If at any time, in the light of all the circumstances, the aggregate amount of the bank's net capital and surplus funds appears to be inadequate, the bank, within such period as shall be deemed by the Board to be reasonable for this purpose, shall increase the amount thereof to an amount which in the judgment of the Board shall be adequate in relation to the bank's aggregate deposit liabilities and other corporate responsibilities.

[8] This applies to capital stock of all classes and to capital notes and debentures legally issued and purchased by the Reconstruction Finance Corporation which, under the Federal Reserve Act, are considered as capital for purposes of membership.

A reduction in capital however, shall not be deemed to be contrary to this provision if, at the same time, the capital is correspondingly increased or a specific reserve in an amount not less than the amount of the capital reduction is set aside to provide for an increase in capital and can be used for no other purpose; provided, of course, the transaction does not violate any provision of applicable laws.

[9] This condition will not be prescribed in connection with the admission of mutual savings banks to membership in the Federal Reserve System.

tor of customs may be exported from a foreign trade zone without a license from the Department of Commerce.

This amendment shall become effective as of July 23, 1948.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: August 12, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-7792; Filed, Aug. 31, 1948; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52016]

PART 1—CUSTOMS DISTRICTS AND PORTS; DELEGATION OF POWERS TO COMMISSIONER OF CUSTOMS

CUSTOMS PATROL DISTRICTS ABOLISHED

Inasmuch as the customs border patrol has been abolishd, § 1.6, Customs Regulations of 1943 (19 CFR Cum. Supp. 1.6), is deleted.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 26, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7796; Filed, Aug. 31, 1948; 8:50 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

Subchapter B—Personnel

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective September 1, 1948, Appendix A (13 F. R. 3736) is revised to read as follows:

FOREIGN SERVICE ALLOWANCE RATES

OFFICERS

Class I

Station			Travel
Subsistence	Quarters	Total	
None	None	None	$7.00

NOTE: The above allowances are applicable to all countries and places outside the continental United States not otherwise listed herein.

Class II

$2.55	$2.50	$5.05	$8.00

Czechoslovakia. Island of Cyprus.
Colombia (except Bogota)

FOREIGN SERVICE ALLOWANCE RATES—Continued

OFFICERS—continued

Class III

Station			Travel
Subsistence	Quarters	Total	
$2.55	$3.75	$6.30	$9.00

Hungary. China (including Hong Kong).

Class IV

$3.00	$0.75	$3.75	$7.00

Cuba (except Havana). Equador.
Belgium. Brazil (except Rio de Janeiro, Sao Paulo and Recife).
Costa Rica. Honduras.
Great Britain and Northern Ireland (except London). El Salvador.
Guatemala. Dominican Republic.
Nicaragua. Surinam.
Chile (except Punta Arenas). Bolivia.
Paraguay. Morocco.
Peru.

Class V

$3.00	$1.00	$4.00	$7.00

Afghanistan. Netherlands.
Algeria. Norway.
Alaska. Recife, Brazil.
Bermuda. Spain.
Denmark. Sweden.
Ethiopia. Tunisia.
Finland. Trieste (free city of).
Irish Free State. Union of South Africa.
Italy (except Rome). Uruguay.
Liberia (except Monrovia).

Class VI

$3.75	$0.75	$4.50	$7.25

Burma (except Rangoon).

Class VII

$3.75	$1.00	$4.75	$8.00

Portugal.

Class VIII

$3.75	$1.50	$5.25	$8.00

Ceylon. London.
Egypt (except Cairo). Siam.
India. Pakistan (except Karachi).
French Indochina.
Mexico City.

Class IX

$3.75	$2.00	$5.75	$9.00

Bogota, Colombia.

Class X

$3.75	$3.00	$6.75	$10.00

Cairo, Egypt. Philippine Islands.
Switzerland.

Class XI

$3.75	$4.00	$7.75	$11.00

Bulgaria Netherlands, East Indies.

Class XII

$4.50	$1.50	$6.00	$9.00

Havana, Cuba. Monrovia, Liberia.
Syria.

FOREIGN SERVICE ALLOWANCE RATES—Continued

OFFICERS—continued

Class XIII

Station			Travel
Subsistence	Quarters	Total	
$5.25	$1.75	$7.00	$10.00

Iraq. Rome, Italy.
Trans-Jordan. State of Israel.
Palestine.

Class XIV

$6.00	$1.50	$7.50	$10.00

Republic of Lebanon. Turkey.
Rangoon, Burma. Malayan Union.
Singapore. Karachi, Pakistan.

Class XV

$7.50	$3.50	$11.00	$15.00

None.

Class XVI

$6.00	$3.00	$9.00	$12.00

Iceland. Yugoslavia. Rumania.

Class XVII

None	$1.75	$1.75	$7.00

Australia. New Zealand.

Class XVIII

$3.00	None	$3.00	$7.00

Paris and Orly Field, France.

Special Classification

$9.00	$5.00	$14.00	$18.00

Union of Soviet Socialist Republics.

$4.50	$2.50	$7.00	$7.00

Wake Island.

$8.25	$3.75	$12.00	$12.00

Greece (personnel not in receipt of diplomatic exchange rate).

NOTE: Greece (personnel in receipt of diplomatic exchange rate, allowances prescribed in Class I applicable).

$5.25	$3.75	$9.00	$9.00

Punta Arenas, Chile.

$6.75	$3.25	$10.00	$11.00

Poland (personnel not in receipt of diplomatic exchange rate).

NOTE: Poland (personnel in receipt of diplomatic exchange rate, allowances prescribed in Class I applicable).

$3.75	$3.25	$7.00	$7.00

Bahrein Island, Persian Gulf.

$3.75	$4.75	$8.50	$8.50

Rio de Janeiro, Brazil. Argentina.
Sao Paulo, Brazil.

$6.75	$5.25	$12.00	$15.00

Venezuela.

Dated: August 20, 1948.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: August 26, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-7806; Filed, Aug. 31, 1948; 8:52 a. m.]

PART 22—PERSONNEL OTHER THAN COMMISSIONED OFFICERS

APPOINTMENT OF SPECIAL CONSULTANTS

Section 22.3 is amended to read as follows:

§ 22.3 *Appointment of special consultants.* When the Public Health Service requires the services of consultants who cannot be obtained when needed through regular Civil Service appointment, or under compensation provisions of the Classification Act of 1923, as amended, the Surgeon General, Deputy Surgeon General, Executive Officer, or Chief Personnel Officer may appoint, in accordance with such instructions as may be issued from time to time by the Administrator, special consultants to assist and advise in the operations of the Service at such per diem or other rates of compensation as the Surgeon General, Deputy Surgeon General, Executive Officer, or Chief Personnel Officer shall determine. No such consultant shall be employed for an aggregate of more than one-half of the number of working days of any fiscal year unless the Administrator, because of special circumstances, shall approve an extension thereof. (Sec. 207 (e), 58 Stat. 686, sec. 12, 60 Stat. 809; 42 U. S. C. Sup. 209 (c))

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: August 26, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-7807; Filed, Aug. 31, 1948; 8:52 a. m.]

PART 34—MEDICAL EXAMINATION OF ALIENS

SCOPE OF EXAMINATIONS

Section 34.4 is amended to read as follows:

§ 34.4 *Scope of examinations: general; applicants for immigration visas; chest X-ray and blood test.* (a) In performing examinations and reexaminations, medical officers shall give consideration to only those matters which relate to the physical or mental condition of the alien, and shall issue certificates or notifications of a disease or defect as hereinafter provided only if the presence of such disease or defect is clearly established.

(b) Except as provided in paragraph (c) of this section, examinations of applicants for immigration visas shall in all cases include a chest X-ray for tuberculosis and a blood test for syphilis. In the case of examinations conducted at American consulates where necessary X-ray and laboratory facilities for the making of such tests are not available to the examining medical officer, the applicant may be required to furnish a chest X-ray plate, a reading thereof, and a blood serology in order that the medical examination may be completed. The X-ray plate, the reading thereof, the blood serological report and record of the physical examination shall be placed in a separate envelope and attached to the alien's immigration visa in such a manner as to be readily detached for examination by medical officers at United States ports of entry. However, if no such proofs have been presented and the examination is made in a community where there are no facilities available for the making of such tests, the examining medical officer shall so state upon the physical examination form. In the event that, at the port of entry, no such X-ray plate, reading, and blood serology are found attached to the alien's immigration visa, a medical hold shall be issued pending completion of the examination by the required X-ray and blood test.

(c) The provisions of paragraph (b) of this section shall not be applicable in the case of an applicant ten years of age or less unless the examining medical officer has reason to suspect that the applicant has tuberculosis or syphilis. (Sec. 16, 39 Stat. 874, secs. 322 (c), 325, 58 Stat. 697; 8 U. S. C. 152, 42 U. S. C. 249 (c), 252)

The foregoing amendment is issued to increase the effectiveness of pre-embarkation medical examination of aliens with particular reference to the detection of tuberculosis and syphilis, thereby reducing the possibility of entry into the United States of aliens suffering from those diseases.

Effective date. It is hereby found that, in view of the frequent reports of embarkation of aliens suffering from tuberculosis or syphilis, postponement of the effective date of the foregoing amendment would endanger the public health. The foregoing amendment is therefore made effective September 1, 1948.

Dated: August 30, 1948.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: August 30, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-7864; Filed, Aug. 31, 1948; 8:53 a. m.]

Subchapter F—Quarantine, Inspection, Licensing

PART 71—FOREIGN QUARANTINE

GENERAL PROVISION; GENERAL REQUIREMENT

Notice of proposed rule making and public rule making proceedings have been omitted in the issuance of the following amendments to the indicated sections of this part. Notice and rule making proceedings have been found to be unnecessary because the amendments are issued only for the purpose of clarifying provisions of these sections and exempting certain vessels and aircraft from requirements now in effect.

Section 71.46 is amended to read as follows:

§ 71.46 *General provision.* (a) A vessel or aircraft arriving at a port under the control of the United States shall undergo quarantine inspection prior to entry unless the vessel or aircraft is in one of the following categories:

(1) A vessel or aircraft which in the current voyage has not touched at any port other than ports under the control of the United States or ports in Canada, Newfoundland, the Islands of St. Pierre and Miquelon, Iceland, Greenland, the West Coast of Lower California, Cuba, the Bahama Islands, the Canal Zone, or the Bermuda Islands.

(2) A vessel or aircraft which in the current voyage has received free pratique (or, in the case of an aircraft, has received final release from the quarantine officer) at a port under the control of the United States, and since receiving such pratique (or such release, in the case of an aircraft) has not touched at a port other than those described in the preceding subparagraph.

(3) A vessel or aircraft which, having received free pratique at a port of the Canal Zone, arrives at a port under the control of the United States and transmits a duplicate of the Canal Zone pratique to the quarantine officer, provided that since receiving such pratique the vessel or aircraft has not touched at ports other than those listed in paragraph (a) (1) of this section.[1]

(4) A vessel which having received pratique at a Canadian port located in the international waters of (i) the Straits of Juan de Fuca, Haro, Georgia, Rosario and the Puget Sound and tributaries and connected waters on the West Coast, or (ii) the Saint Lawrence River and the Great Lakes, and their tributaries and connected waters on the East Coast, travels on the same international waters to a United States port and presents a duplicate of the Canadian pratique to the quarantine officer.[1]

(b) A vessel or aircraft otherwise exempt from inspection under the provisions of paragraphs (a) (1) to (4) of this section shall undergo quarantine inspection prior to entering a port under the control of the United States if the vessel or aircraft:

(1) Has aboard a person infected or suspected of being infected with anthrax, chickenpox, cholera, dengue, diphtheria, infectious encephalitis, measles, meningoccus meningitis, plague, poliomyelitis, psittacosis, scarlet fever, smallpox, streptococcic sore throat, typhoid fever, typhus, or yellow fever, or

(2) Arrives from a port where at the time of departure there was present or suspected of being present cholera, plague, or yellow fever, or where there was significant increase in prevalence of

[1] See Subpart H (footnote) regarding issuance of duplicate pratique by United States quarantine officers for presentation to quarantine authorities of the Canal Zone or Canada.

smallpox or typhus at the time the vessel or aircraft touched there.

Section 71.121 is amended to read as follows:

§ 71.121 *General requirement.* Vessels subject to quarantine inspection pursuant to Subpart D shall not enter a port under the control of the United States to discharge cargo or land passengers unless a certificate of free or provisional pratique has been issued to the master. When it is desired not to comply with the requirements for a certificate of free or provisional pratique, the vessel is at liberty to return to sea if bound for a foreign port.

The footnote to § 71.122 is amended to read as follows:

Free pratique. • • •

¹ A vessel which has received free pratique at a port under the control of the United States, and is destined for a port of the Canal Zone, shall be furnished with a duplicate of such pratique for presentation to Canal Zone quarantine authorities. A vessel which has received free pratique at a port in the United States located in the international waters described in § 71.46 (a) (4), and which is destined for a Canadian port in the same waters, shall be furnished with a duplicate of such pratique for presentation to Canadian quarantine authorities.

Effective date. The foregoing amendments shall become effective on September 1, 1948.

Dated: August 24, 1948.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: August 26, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-7797; Filed, Aug. 31, 1948; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2463]

PART 4—DELEGATIONS OF AUTHORITY

INVESTIGATION, CONSTRUCTION AND OPERATION OF FEDERAL WATER CONSERVATION AND UTILIZATION PROJECTS AND FEDERAL RECLAMATION PROJECTS

Paragraphs (a) (3) of §§ 4.411 and 4.412, authorizing the Commissioner of Reclamation to acquire and maintain water rights in regard to Federal water conservation and utilization projects and Federal reclamation projects (Orders Nos. 2017 and 2018; 10 F. R. 258 and 259; 43 CFR, 1946 Supp., 4.411 and 4.412) are hereby revised to read as follows:

(3) To initiate, prosecute, acquire and perfect water rights in the name of the United States, pursuant to the provisions of state law and in conformity with applicable interstate agreements; and to file applications, notices, petitions and all other documents and to take any other steps which are useful and proper to protect, secure, and maintain such water rights in good standing.

Dated: August 20, 1948.

OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 48-7773; Filed, Aug. 31, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF PEACHES IN SPARTAN BOXES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Revised-41]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF PEACHES IN SPARTAN BOXES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.542 *Shipments of peaches in Spartan boxes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971) any person may offer for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of peaches packed in Spartan boxes, when such carload freight is loaded not less than three complete tiers high and so as to occupy the entire floor space of the car.

This General Permit ODT 18A, Revised-41 shall become effective August 28, 1948, and shall expire September 30, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321 Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 26th day of August 1948.

HOMER C. KING,
Deputy Director of the Office of Defense Transportation.

[F. R. Doc. 48-7795; Filed, Aug. 31, 1948; 8:50 a. m.]

[Special Direction ODT 18A-2A, Amdt. 13]

PART 520—CONSERVATION OF RAIL EQUIPMENT EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to § 500.73 of General Order ODT 18A Revised, as amended, Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151) is hereby further amended by changing Item 395 thereof to read as follows:

395. *Melons, including cantaloupes, casaba, honeyball, honeydew, persian, and watermelons.* Shall be loaded to a weight not less than 22,400 pounds.

This Amendment 13 to Special Direction ODT 18A-2A shall become effective August 30, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971)

Issued at Washington, D. C., this 27th day of August 1948.

C. R. MEGEE,
Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 48-7794; Filed, Aug. 31, 1948; 8:50 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 9113]

BROADCASTING OF INFORMATION CONCERNING LOTTERIES, GIFT ENTERPRISES OR SIMILAR SCHEMES

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

1. Supplemental notice is hereby given of proposed rule making with respect to the broadcasting of lottery information. On August 5, 1948, the Commission released a notice of proposed rule making with respect to this matter.

2. On June 25, 1948 by Public Law 772, 80th Congress 2d Session, section 316 was removed from the Communications Act of 1934 and recodified effective September 1, 1948 as section 1304 of the United States Criminal Code, 18 U. S. C. section 1304. This change was part of a general revision of laws relating to federal crimes which included among its purposes, the recodification of the Criminal Code and of criminal provisions not already in that code which could be transferred from other titles without injury to their text. No substantive change in the applicable law with respect to the broadcast of lottery programs was apparently contemplated by the recodification. See 93 Congressional Record, pp. 5048-5049; H. Rep. No. 304, 80th Cong. 2d Sess. p. A-99 (Reviser's notes). Accordingly, the Congress has reaffirmed the public policy embodied in section 316 of the Communications Act and has renewed the determination that it is contrary to the public interest to permit the broadcasting of lottery programs over the air.

3. This Commission is authorized to and has the duty to consider in connection with its general licensing authority policies affecting radio expressed in other acts of Congress. See McLean Trucking Company v. United States, 326 U. S. 67; Southern Steamship Company v. NLRB, 316 U. S. 31. It has authority, therefore, in determining whether a grant of a given license application would serve the public interest, convenience or necessity, to consider the Congressional mandate that no licensee should broadcast any program containing any advertisement or information concerning any lottery, gift enterprise or similar scheme. And in so doing the Commission is not required to await prior judicial determination that a given program is in violation of section 1304 of the Criminal Code. Public Clearing House v. Coyne, 194 U. S. 497; Southern Steamship Company v. NLRB, 316 U. S. 31. And the Commission is authorized to issue general rules setting forth for the information of licensees its intention to refuse licenses to persons operating in violation of the Congressional prohibition against the broadcast of lottery information set forth in section 1304 of the Criminal Code. See National Broadcasting Company v. United States, 319 U. S. 190.

4. Accordingly, the Commission proposes to adhere to its determination of August 5, 1948 that rules with respect to the broadcasting of lottery information should be promulgated by this Commission. Notice is hereby given that rules, similar in form to the Chain Broadcasting regulations, §§ 3.101-3.108 of the rules dealing with the qualifications of licensees, are proposed to be promulgated. These proposed rules are designed to assist the Commission, licensees, and other interested persons in giving effect to the public policy embodied in the determination of Congress that the United States should not "permit any radio station licensed and regulated by the government to engage in such unlawful practices." Senate Report 1045 on H. R. 7716, 72d Congress, 2d Session.

5. The proposed rules would also set forth with particularity, as set out in the Appendix of the notice of proposed rule making issued August 5, 1948 for standard, FM and television broadcasting, certain types of programs which the Commission believes are clearly prohibited by section 316 of the Communications Act of 1934, as amended (effective September 1, 1948, section 1304 of the U. S. Criminal Code, 18 U. S. C.) which makes criminal the broadcast of "any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance." These specifications of various types of programs which the Commission will consider to be lotteries, gift enterprises or similar schemes in violation of law, are intended to afford broadcast licensees an opportunity to be informed, so far as it is possible to do so, of the interpretation of the law with respect to these matters which the Commission proposes to apply in the exercise of its licensing functions. These proposed rules therefore are entirely interpretative in nature and do not purport to add to or detract from the statutory prohibition imposed by Congress.

6. The proposed rules are issued under the authority of sections 4 (i), 303 (r), 307 (a), 308 (b) and 309 (a) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the manner proposed may file with the Commission on or before September 10, 1948, a statement or brief setting forth his comments. At the same time persons favoring the rules as proposed may file statements in support thereof. The Commission will consider all such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: August 26, 1948.

Released: August 27, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7805; Filed, Aug. 31, 1948; 8:52 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

FACTORY-MADE STEEL HOUSES

VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and of manufacturers of factory-made steel houses, and after expression of the views of industry, labor and the public generally at an open public hearing held on July 14, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. In furtherance of the residential housing program, the steel producers participating herein will, during the period this plan shall remain in effect, make available or cause to be made available, out of the production of their own mill or the mills of their subsidiaries or affiliates, a total of 59,000 tons of steel sheet (other than enameling grades) and strip (hereinafter called steel products) to manufacturers of factory-made steel houses who comply with the provisions of this plan (hereinafter called Manufacturers), for use solely in the manufacture of such houses, exclusive of bathtubs, sinks, lavatories, kitchen and undersink cabinets, dish and clothes washing machines, exhaust, fans, lighting fixtures, water and heating units (hereinafter called fixtures and appliances) for such houses, in accordance with and subject to the terms and conditions hereinafter set forth.

2. (a) The quantities and types of such steel products so to be made available by each steel producer shall, except as may be otherwise specified in such steel producer's acceptance hereof, be such as the Secretary of Commerce (after consultation with the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce) determines to be fair and equitable in order to accomplish, as nearly as may be, the supply of such steel products, on a graduated monthly basis, necessary to fulfill the purposes of this plan.

Each steel producer participating herein will, however, upon request of the Secretary of Commerce, give consideration to making such steel products available under this plan in amounts additional to the amounts provided for in its acceptance hereof.

(b) Such steel products will be made available under such contractual arrangements as may be made by the respective steel producers, or their subsidiaries and affiliates, with the respective Manufacturers, and no request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers or to the delivery of steel products or to the allocation of business among such manufacturers, nor will any request or authorization be made to such steel producers for any limitation or restriction on the production or marketing of any such steel products. Nothing herein contained shall be construed as authorizing or approving any fixing of prices, and the participation herein of any steel producer shall not affect the prices or terms and conditions on which any such steel products as are made available, are actually sold and delivered.

(c) Each steel producer participating herein will make available, or cause to be made available, only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products. The quantities of such steel products which it will make available, or cause to be made available in any month, may be reduced, or at its option the delivery thereof may be postponed, in direct proportion to any production losses which it or its subsidiary or affiliate shall sustain during any such month, due to causes beyond its or their control.

(d) Each steel producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) report to the Office of Industry Cooperation the total quantities of the several types of such steel products shipped, pursuant to purchase orders hereunder, in any monthly period or periods during the operation of this plan.

3. (a) Each individual Manufacturer participating herein will submit to the Secretary of Commerce monthly schedules and reports (subject to the approval of the Bureau of the Budget, under the Federal Reports Act of 1942) on forms furnished by the Secretary of Commerce, showing by plants (1) the number of complete houses and the quantities of each type of end product manufactured for incorporation in houses scheduled for production during the succeeding month hereunder; (2) the net tonnage of each size and kind of such steel products required for each item scheduled in (1) hereof during the succeeding month; (3) the total quantities and kinds of such steel products received from all sources during the next preceding month; (4) the number of complete houses, and the quantity of each type of end product manufactured for inclusion in houses manufactured during the preceding month; (5) and other relevant information. After receiving such schedules and reports, the Secretary of Commerce will relate such estimated requirements to the over-all program and determine the quantities of steel products to be made available herein to each individual participating Manufacturer.

(b) By participation herein, the several Manufacturers shall be obligated to use all steel products made available hereunder solely for and in the manufacture of factory-made steel houses, exclusive of any fixtures and appliances (as listed in paragraph 1 hereof) therefor; not to resell or transfer such steel products; nor build up any inventories of steel or end products beyond current needs for the purposes hereof. Each purchase order for any such steel products to be made available hereunder shall bear the following certification of the Manufacturer placing such purchase order:

The undersigned hereby certifies and agrees that this order is placed under section 3 of the Voluntary Plan authorized under Public Law 395 for Allocation of Steel Products for the Manufacture of Factory-Made Steel Houses and that the steel products specified in this order will be used solely for and in the manufacture of such houses, exclusive of any fixtures and appliances (as listed in Pararaph 1 of said plan) therefor, with which the undersigned is familiar.

4. After approval hereof by the Attorney General and by the Secretary of Commerce, and after requests for compliance herewith shall have been made of steel producers and Manufacturers by the Secretary of Commerce, any such steel producer or Manufacturer may become a participant herein by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such steel producers and Manufacturers as notify the Secretary of Commerce in writing that they will comply with such requests.

5. This plan shall become effective upon the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon notice, by letter, telegram or publication in the FEDERAL REGISTER, not less than 60 days prior to such earlier date.

6. Any such steel producer or Manufacturer may withdraw from this plan by giving not less than sixty days written notice of its intention so to do to the Secretary of Commerce.

Approved: August 18, 1948.

CHARLES SAWYER,
Secretary of Commerce.

Approved: August 16, 1948.

TOM C. CLARK,
Attorney General.

AUGUST 18, 1948.

DEAR MR. ————.

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Sheet and Strip (other than enameling grades) to manufacturers of factory-made steel houses for residential housing, other than certain fixtures and appliances, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience, I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you agree in writing to comply with the Plan.

Since the matter of arranging early allocations of steel sheet and strip is essential to carrying out the purposes of the Plan, I must know as promptly as possible how many consuming manufacturers desire to participate. I trust therefore, that I may have your favorable response on or before August 30, 1948. If I do not receive your acceptance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

AUGUST 18, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Factory-Made Steel Houses has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

In accordance with the provisions of Paragraph 2 of the Plan, an initial determination has been made by me with respect to the quantities of each type of steel product which shall be made available, on a graduated monthly basis, by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience, I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the total quantities of each type of steel product which it has been initially determined by me, with the advice of the Steel Task Committee, in accordance with Paragraph 2 of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-7833; Filed, Aug. 31, 1948; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 7339]

BERKS BROADCASTING CO. (WEEU)

ORDER CONTINUING HEARING

In re application of Berks Broadcasting Company (WEEU), Reading, Pennsylvania, Docket No. 7339, File No. BP-4380; for construction permit.

Whereas, the above-entitled application of Berks Broadcasting Company (WEEU), Reading, Pennsylvania, is presently scheduled to be heard on August 23, 1948, at Washington, D. C.; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the above-entitled application;

It is ordered, This 20th day of August 1948, that the said hearing on the above-entitled application be, and it is hereby, continued, on the Commission's own motion, to 10:00 a. m., Thursday, October 21, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7802; Filed, Aug. 31, 1948; 8:51 a. m.]

[Docket No. 8044]

JOHN J. DEMPSEY

ORDER CONTINUING HEARING

The Commission having under consideration a petition filed August 17, 1948, by Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, requesting a continuance in the hearing presently scheduled for September 1, 1948, at Albuquerque, New Mexico, in the proceeding upon the petition of John J. Dempsey (Docket No. 8044);

It is ordered, This 20th day of August 1948, that the petition be, and it is hereby, granted; and that the hearing in the above-entitled matter be, and it is hereby, continued to 10:00 a. m., Monday, November 15, 1948, at Albuquerque, New Mexico.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7803; Filed, Aug. 31, 1948; 8:51 a. m.]

[Docket No. 8230]

CHARGES FOR COMMUNICATIONS SERVICE BETWEEN THE UNITED STATES AND OVERSEAS AND FOREIGN POINTS

ORDER CONTINUING HEARING REGARDING MULTIPLE ADDRESS PRESS SERVICE

The Commission, having under consideration a petition filed on August 12, 1948, by Mackay Radio and Telegraph Company requesting a postponement of a further hearing in the above matter for a period of approximately two weeks or as soon thereafter as is convenient for the Commission; and

It appearing, that the other parties involved, namely, Press Wireless, Inc. and RCA Communications, Inc. have no objections to the postponement requested;

It is ordered, This 23d day of August 1948, that the hearing in this proceeding now scheduled for September 13, 1948 is continued until October 12, 1948 at the same time and place as heretofore designated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7804; Filed, Aug. 31, 1948; 8:51 a. m.]

[Docket No. 8579]

FLORAL CITY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Edward T. Dillon, Francis X. McNerney and James T. Boland, a partnership d/b as Floral City Broadasting Company, Monroe, Michigan, Docket No. 8579, File No. BP-6167; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of August 1948;

The Commission having under consideration the above-entitled application of Edward T. Dillon, Francis X. McNerney and James T. Boland, a partnership d/b as Floral City Broadcasting Company, for a construction permit for a new standard broadcast station to operate on the frequency 1430 kc, 500 w power, DA, daytime only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations,

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations or with the service proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to those provisions pertaining to the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7798; Filed, Aug. 31, 1948; 8:51 a. m.]

[Docket No. 8826]

MACKAY RADIO AND TELEGRAPH CO., INC., AND RCA COMMUNICATIONS, INC.

ORDER POSTPONING HEARING

In the matter of Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc. Applications for modifications of licenses to authorize communication with Pakistan.

The Commission, having under consideration its order of April 15, 1948, setting the date for hearing herein on September 20, 1948;

It appearing that said date conflicts with other matters pending before the Commission;

It further appearing that the parties herein have agreed to a postponement of the hearing until November 8, 1948;

It is ordered, This 11th day of August 1948, that the hearing herein, now scheduled to commence on September 20, 1948, is postponed to November 8, 1948, at the same time and place as heretofore designated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7801; Filed, Aug. 31, 1948; 8:51 a. m.]

[Docket No. 9124]

JONAS WEILAND AND WFTC BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Jonas Weiland (assignor), WFTC Broadcasting Company,

Inc. (assignee), Docket No. 9124, File No. BAL-638; for assignment of license of standard broadcast station WFTC, Kinston, N. C.

At a session of the Federal Communications Commission held in its offices in Washington, D. C. on the 18th day of August 1948;

The Commission having under consideration the above entitled application for assignment of the license of radio station WFTC, Kinston, N. C. from Jonas Weiland to WFTC Broadcasting Company, Inc. and not being satisfied that it is in possession of full information as required by the Communication Act of 1934, as amended, and acting pursuant to section 310 (b) of said act;

It is ordered, That the above entitled application for assignment of license of station WFTC be, and it is hereby designated for hearing at a time and place to be set by subsequent order of the Commission on the following issues:

(1) To determine whether the proposed assignee is legally, technically, financially and otherwise qualified to own or control and operate radio station WFTC, Kinston, North Carolina.

(2) To determine the full contract arrangements or agreement of sale either presently made or to be made by the proposed assignee with the present licensee, including the price and the manner of payment and the properties to be received therefor.

(3) To secure full information as to the plans of the proposed assignee for staffing the station, its plans with respect to the station's programming, and all other plans or arrangements for operating the station.

(4) To determine the extent of ownership of the assignor in the licensees of stations WSSV, Petersburg, Va. and WINZ, Hollywood, Fla., the financial worth of such interests and whether such interests, if any, have been reported to the Commission as is required by §§ 1.341–1.343 of the Commission's rules and regulations.

(5) To determine whether a grant of the above application will be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7800; Filed, Aug. 31, 1948; 8:51 a. m.]

[Docket No. 9145]

RADIO ST. CLAIR, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio St. Clair, Inc., Marine City, Michigan, Docket No. 9145, File No. BP-6489; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of August 1948;

The Commission having under consideration the above-entitled application of Radio St. Clair, Inc., requesting authority to construct a new standard broadcast station at Marine City, Michigan, to operate on 1590 kc, with 500 w power, daytime only; a letter filed February 26, 1948, by Summit Radio Corporation (WAKR, Akron, Ohio), protesting the grant of the Marine City application without a hearing; and the applicant's March 12, 1948, request, supported by subsequent pleadings, that the Commission (1) require WAKR to operate in accordance with its license; (2) reconsider its action of February 27, 1948, granting a license to WAKR should it continue its present daytime operations; (3) deny WAKR's request that the instant application be designated for hearing; and (4) grant the application without hearing;

It appearing that the said application of Radio St. Clair, Inc., would involve daytime interference to Station WAKR within that station's present 0.5 mv/m contour;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WAKR, Akron, Ohio, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast stations.

It is further ordered, That the aforesaid request for relief filed March 12, 1948, by Radio St. Clair, Inc. insofar as it requests relief inconsistent with the foregoing action be, and it is hereby, denied and that otherwise it be, and it is hereby, designated for hearing in consolidation with the above-entitled application and with particular reference to the following issue:

To determine whether station WAKR is operating as authorized in its license and if not whether it would be practical, feasible, and in the public interest to require WAKR to operate otherwise.

It is further ordered, That Summit Radio Corporation, licensee of station WAKR, Akron, Ohio, be, and it is hereby made a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7799; Filed, Aug. 31, 1948; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1419]

MARGARET E. VILLIGER

NOTICE OF ORDER AUTHORIZING ISSUANCE OF NEW LICENSE (MINOR)

AUGUST 27, 1948.

Notice is hereby given that, on August 25, 1948, the Federal Power Commission issued its order entered August 24, 1948, authorizing issuance of new license (minor) in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7789; Filed, Aug. 31, 1948; 8:49 a. m.]

[Docket Nos. ID-1100, ID-1101]

RALPH T. MCELVENNY AND CHESTER N. CHUBB

NOTICE OF AUTHORIZATION PURSUANT TO SECTION 305 (b) OF THE FEDERAL POWER ACT

AUGUST 27, 1948.

Notice is hereby given that, on August 24, 1948, the Federal Power Commission issued its orders entered August 24, 1948, in the above-designated matters authorizing Applicants to hold certain positions in St. Joseph Light & Power Company, et al, pursuant to section 305 (b) of the Federal Power Act.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7790; Filed, Aug. 31, 1948; 8:49 a. m.]

[Docket Nos. G-620, G-1035, G-880, G-1013, G-1029, G-1023, G-1031]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF OPINION NO. 166-A

AUGUST 27, 1948.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-620 and G-1035; Texas Eastern Transmission Corporation, Docket No. G-880; City of Grand Rapids, Michigan, et al. vs. Michigan Consolidated Gas Company, et al., Docket No. G-1013; Michigan Public Service Commission, Docket No. G-1029; Panhandle Eastern Pipe Line Company, et al., Docket No. G-1023; New York Public Service Commission, Docket No. G-1031.

Notice is hereby given that, on August 25, 1948, the Federal Power Commission issued its Opinion No. 166-A, dated August 24, 1948, in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7791; Filed, Aug. 31, 1948; 8:49 a. m.]

[Docket No. IT-5743]

SAN DIEGO GAS & ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF AUTHORIZATION TO EXPORT ELECTRIC ENERGY

AUGUST 26, 1948.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act, 16 U. S. C. 791a-825r, San Diego Gas & Electric Company on August 20, 1948, filed with the Federal Power Commission an application for amendment of the authorization previously granted by the Commission under said act so as to permit an increase in the exportation of electric energy to a point on the international boundary, United States and Mexico, opposite Tiajuana Baja California, Mexico, to an amount not in excess of 40,000,000 kilowatt-hours per year at a rate not to exceed 7,000 kilowatts.

The present exportation is limited to 20,000,000 kilowatt-hours annually at a rate not to exceed 4,000 kilowatts.

Any person desiring to be heard or to make any protest with reference to the proposed amendment should, on or before September 15, 1948, filed with the Federal Power Commission a petition or protest in accordance with the Commission's regulations under the Federal Power Act.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7772; Filed, Aug. 31, 1948; 8:46 a. m.]

[Docket No. G-817]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND MODIFYING PRIOR ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 26, 1948.

Notice is hereby given that, on August 24, 1948, the Federal Power Commission issued its order entered August 24, 1948, issuing certificate of public convenience and necessity and modifying prior order issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7782; Filed, Aug. 31, 1948; 8:48 a. m.]

[Docket No. E-6153]

TELLURIDE POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

AUGUST 26, 1948.

Notice is hereby given that, on August 24, 1948, the Federal Power Commission issued its order entered August 24, 1948, authorizing issuance of promissory notes in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7781; Filed, Aug. 31, 1948; 8:48 a. m.]

[Docket No. G-1059]

COLORADO INTERSTATE GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 26, 1948.

Notice is hereby given that, on August 24, 1948, the Federal Power Commission issued its findings and order entered August 24, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7783; Filed, Aug. 31, 1948; 8:48 a. m.]

[Project No. 437]

ROSALIE STURGIS WHEELER AND GUARANTY TRUST CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (MINOR)

AUGUST 26, 1948.

In the matter of Rosalie Sturgis Wheeler and Guaranty Trust Company, trustee for John J. Miller and A. C. Hough.

Notice is hereby given that, on August 25, 1948, the Federal Power Commission issued its order entered August 24, 1948, accepting surrender of license (minor) in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7784; Filed, Aug. 31, 1948; 8:48 a. m.]

[Project No. 1917]

HOLYOKE WATER POWER CO.

NOTICE OF ORDER GRANTING REQUEST FOR WITHDRAWAL OF APPLICATION

AUGUST 26, 1948.

Notice is hereby given that, on August 24, 1948, the Federal Power Commission issued its order entered August 24, 1948, granting request for withdrawal of Holyoke Water Power Company's application for license in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7785; Filed, Aug. 31, 1948; 8:48 a. m.]

[Docket Nos. G-921, G-1073]

UNITED GAS PIPE LINE CO. AND TENNESSEE GAS TRANSMISSION CO.

ORDER POSTPONING HEARING

AUGUST 26, 1948.

Upon consideration of the telegraphic request filed August 25, 1948, by United Gas Pipe Line Company, Applicant, at Docket No. G-921, requesting a postponement of the hearing on the above-docketed proceedings from September 8, 1948 to September 9, 1948, and Tennessee Gas Transmission Company, Applicant, at Docket No. G-1073, concurring in such request;

It appearing to the Commission that:

Good cause exists for granting the request for postponement as hereinafter provided; The Commission, therefore, orders that:

The public hearing in the above-docketed proceedings now set to commence on September 8, 1948, be and the same is hereby postponed to September 9, 1948, commencing at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: August 26, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7786; Filed, Aug. 31, 1948; 8:48 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Revocation of Special Allocation Order ODT R-1, as Amended]

TANK CARS FOR TRANSPORTATION OF SULFURIC ACID AND AMMONIUM NITRATE SOLUTION

ALLOCATION FOR USE

Pursuant to Executive Orders 8989, as amended, 9729, as amended, and 9919, *It is hereby ordered*, That Special Allocation Order ODT R-1, as amended (12 F. R. 564, 1099) relating to the allocation of certain Class ICC 103A or ARA 3 tank cars owned by the Department of the Army, be, and it is hereby, revoked effective September 1, 1948.

(E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641, E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 26th day of August 1948.

HOMER C. KING,
Deputy Director of the Office of Defense Transportation.

[F. R. Doc. 48-7793; Filed, Aug. 31, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-40, 54-53, 54-144, 54-156, 59-40, 59-49]

CENTRAL PUBLIC UTILITY CORP. ET AL.

MEMORANDUM FINDINGS, OPINION AND ORDER

At a regular session of the Securities and Exchange Commission held at its

office in the city of Washington, D. C., on the 25th day of August 1948.

In the matters of Central Public Utility Corporation, File No. 54–156; Central Public Utility Corporation, File No. 54–144; Consolidated Electric and Gas Company, File No. 54–40; Central Public Utility Corporation, Consolidated Electric and Gas Company, File No. 59–40; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, File No. 54–53; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under Voting Trust Agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, File No. 59–49.

On September 5, 1947, the Commission approved an Amended Plan ("Amended Plan") filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Central Public Utility Corporation ("Central Public"), a registered holding company, concerned primarily with a reorganization of Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and direct subsidiary of Central Public. The order of the Commission also granted and permitted to become effective certain applications and declarations concerned with transactions related to the consummation of the plan.[1]

Briefly stated, Amended Plan provided that Central Public would cause Consolidated to exchange the common stock of Atlanta Gas Light Company, all of which was then owned by Consolidated, for the publicly held preferred stock of Consolidated in full satisfaction and discharge of the claims and rights of the publicly held preferred stock. As at December 31, 1946, Consolidated's capitalization consisted of $10,750,000 principal amount of notes payable to various banks, bearing interest at 2¼% per annum and maturing November 29, 1948; 183,719 shares of $6.00 Cumulative Preferred Stock, of which 68,856 shares were owned by Central Public and 114,863 shares were owned by the public; 1,480,000 shares of Class A non-cumulative stock, par value $1.00 per share and liquidation preference $25.00 per share, all owned by Central Public; and 1,000,000 shares of common stock, par value $1.00 per share, all owned by Central Public. As at December 31, 1946, dividend arrears applicable to the preferred stock amounted to $85.85 per share on 114,107 shares which were issued in August 1932; $84.00 per share on 12 shares which were issued in February 1933; and $7.50 per share on 744 shares which were issued in 1945.[2]

Amended Plan, among other things, provided that Central Public would cause Consolidated to pay all fees and expenses or other remunerations in connection therewith which the Commission found to be reasonable. The Commission, by order, reserved jurisdiction with respect to the reasonableness and allocation of all fees, expenses and other remunerations incurred, or to be incurred, in connection with the consummation of Amended Plan, with certain limited and specified exceptions.[3] Petitions with respect to fees and expenses have now been filed with the Commission. The fees sought by these petitions, as amended, and the identity of persons seeking such fees are as follows:

	Fees	Expenses
Duke & Landis, New York, N. Y., counsel for Central Public	$40,000	$2,877.83
Shearman & Sterling & Wright, New York, N. Y., counsel for Consolidated	10,000	180.64
Baltimore National Bank, Baltimore, Md., trustee under indenture securing Central Public's bonds	7,500	1,085.05
Piper, Watkins, Avirett & Egerton, Baltimore, Md., counsel for Baltimore National Bank	15,000	----------
Percival Jackson, Esq., New York, N. Y., counsel for certain holders of preferred stock of Consolidated	10,000	482.75
Jesse Holland, Esq., Chicago, Ill., counsel for a holder of bonds of Central Public	4,000	809.62
R. Lawrence Siegel, Esq., New York, N. Y., counsel for a Protective Committee for preferred stockholders of Consolidated	32,290	1,724.23
Protective Committee	5,000	843.53
Experts of Protective Committee	850	6.15
W. C. Gilman, New York, N. Y., expert called on behalf of Baltimore National Bank	7,250	598.95
Jay S. Hartt, Chicago, Ill., expert called on behalf of Central Public	5,227	1,452.14
Total	137,117	10,060.89

The section 11 proceedings from which Amended Plan ultimately evolved were initiated in 1941 by the filing of a plan under section 11 (e) of the act by Consolidated. Hearings were held with respect to that plan, at which Central Public, Consolidated, and Baltimore National Bank, as trustee under the indenture securing the bonds of Central Public, were each represented by separate counsel, but no final order of the Commission was entered. None of the other persons now seeking compensation were participants in these earlier proceedings except J. Samuel Hartt whose former services in that period have already been compensated.

During subsequent years and until 1946, a series of postponements of the section 11 proceeding was granted by the Commission at the request of Consolidated, in order to enable it to carry out its program of divesting itself of many of its subsidiary companies. Nothing of consequence to the recapitalization of Consolidated transpired in this period.

In April 1946 Central Public filed a plan for the recapitalization of Consolidated pursuant to section 11 (e) of the act. Briefly, this plan proposed that the equity capital of Consolidated be reduced to a single class of common stock (as hereinabove indicated, the capitalization of Consolidated consisted of preferred, Class A, and common stock). The allocation of the new common stock proposed by Central Public was such that Central Public, on the basis of its holdings of preferred, Class A and common stock, would have received for its holdings approximately 15% of the new common stock of Consolidated. Public hearings were held with respect to this plan and a substantial record developed with respect to the many issues presented by the proceeding. At these public hearings various representatives of owners of preferred stock of Consolidated and bonds of Central Public for the first time requested and were granted permission to participate.[4] All of the representatives of holders of preferred stock opposed the recapitalization plan. Generally speaking, the representatives of the holders of the bonds of Central Public were not opposed to the recapitalization plan, although they took the position that the proposed treatment of the public preferred stockholders was too generous. As a result of the opposition of the representatives of preferred stockholders and in an effort to avoid protracted litigation, Central Public in the early fall of 1946, undertook to develop an Amended Plan which would prove satisfactory to the representatives of the publicly held preferred stock of Consolidated and to the representatives of the holders of the bonds of Central Public.

On April 1, 1947, Central Public filed Amended Plan which, as hereinbefore indicated, proposed the distribution of the common stock of Atlanta Gas Light Company to the public holders of the preferred stock of Consolidated.

The public hearings with respect to Amended Plan were of relatively short duration and no substantial objections to Amended Plan were raised by any interested party.

In order to determine the reasonableness of the requested fees, it is necessary to consider briefly the nature of the activities and contribution to the matter of each of the petitioners.

Duke & Landis, by David B. Landis, Esquire, as counsel for Central Public had general supervisory responsibility for Amended Plan. Shearman & Sterling & Wright, by George B. Pedot, Esquire, as counsel for Consolidated, assisted in the presentation of the factual data with respect to Consolidated and its subsidiaries upon which were predicated the requisite financial and other analyses.

Baltimore National Bank, successor Trustee under the indenture securing the income bonds of Central Public, felt that its duties required an active participation in the section 11 proceedings before the Commission and has participated therein since 1941. It represents that its requested fee covers all allowances to the bank as trustee under the indenture during this period.

[1] See Central Public Utility Corporation, et al., — S. E. C. — (1947) Holding Company Act Release No. 7691.

[2] For further details with respect to Amended Plan, see Central Public Utility Corporation, et al., Holding Company Act Release No. 7334.

[3] These exceptions were with respect to fees of the distributing agent and the transfer agent for the common stock of Atlanta.

[4] In addition to persons who are seeking fees, the following additional persons appeared for the first time in these proceedings at these hearings: Harold S. Lynton and Theodore Thau, representing owners of Preferred stock of Consolidated; Robert O. Borer representing his mother as owner of preferred stock of Consolidated; and Roy Roadcap representing certain bondholders of Central Public.

Piper, Watkins, Avirett & Egerton, by James Piper and Martin McDonough, Esquires, counsel for the Baltimore National Bank assisted and advised the bank in its activities in connection with Amended Plan and presented the expert witness, W. C. Gilman, who appeared on behalf of the bank.

Percival Jackson, Esquire, appeared on behalf of several owners of preferred stock of Consolidated. Jackson actively opposed the recapitallization plan proposed in 1946 and appears to have had an active part in the negotiations between conflicting security interests leading to Amended Plan.

Jesse Holland, Esquire represented a holder of bonds of Central Public. With the exception of the Baltimore National Bank, representing all of the bond holders, Holland represented the largest amount of bonds participating in the proceeding. It appears that Holland was active in gaining the acceptance of Amended Plan by the Central Public bond holders.

R. Lawrence Siegal, Esquire, and the Protective Committee for the $6 Cumulative Preferred Stock, organized pursuant to the requirements of Rule U-62, were participants in the proceedings from April 1946, in the case of Siegal, and from November 1946 (the effective date of the U-R-1 declaration under Rule U-62), in the case of the Committee.

We have examined the petitions filed and the memoranda in support thereof as well as amendments filed by two of the petitioners.[5] On the basis of these data it appears that the amounts requested are not unreasonable except for the requests of the Protective Committee and its counsel as to which no findings are made. The fees requested by the Protective Committee and its counsel aggregate in excess of $38,000. These fees are very large in relation to the fees sought by the others in the proceeding except for counsel to Central Public whose role was of course of a very different and more comprehensive nature. We have been unable to discern in the record, to date, what, if any, benefits have resulted from the participation of the Committee and its counsel and are not in a position to approve the requested amount or, indeed, any amount, without a further showing. We shall accordingly retain our jurisdiction with respect to their fees and disbursements while releasing it as to the others.

It is therefore ordered, That Consolidated pay the fees and disbursements except for the fees and expenses of the Protective Committee for the $6 Cumulative Preferred Stock and its counsel, as hereinbefore set out.

It is further ordered, That the jurisdiction hereinbefore reserved in our findings, opinion and order dated September 5, 1947, with respect to the reasonableness and appropriate allocation of all fees and expenses incurred in connection with the consummation of Amended Plan be and the same hereby is released to the extent hereinbefore indicated, all other reservations of jurisdiction contained in said documents to remain in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–7774; Filed, Aug. 31, 1948; 8:46 a. m.]

[5] Jackson's original petition sought $25,000 and Holland's original petition sought $9,750. These petitions have now been amended to $10,000 and $4,000 respectively.

[File Nos. 54–136, 59–83]

LONG ISLAND LIGHTING CO. ET AL.

ORDER REQUIRING RECAPITALIZATION ON BASIS OF SINGLE CLASS OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of August 1948.

In the matter of Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company, Long Beach Gas Company, Inc., File Nos. 54–136, 59–83.

The Commission having instituted proceedings (designated as File No. 59–83) pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act") with respect to Long Island Lighting Company, a registered holding company, and three of its public-utility subsidiary companies, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company, and Long Beach Gas Company, Inc., to determine whether voting power is unfairly and inequitably distributed among the security holders of each of said companies and, if so, what steps should be required of each of said companies to insure a fair and equitable distribution of voting power among such security holders; and

Long Island Lighting Company, Queens Borough Gas and Electric Company, and Nassau & Suffolk Lighting Company having jointly filed, pursuant to the provisions of section 11 (e) of the act, an amended plan for their consolidation and recapitalization (designated as File No. 54–136); and

The Commission having consolidated the proceedings instituted pursuant to section 11 (b) (2) with the proceedings with respect to the amended plan filed pursuant to section 11 (e); and

Hearings having been held with respect to the section 11 (b) (2) proceedings and the Commission having severed for disposition the matters raised by the section 11 (b) (2) proceedings from the matters raised by the section 11 (e) amended plan, and proposed findings and conclusions, and briefs in support thereof, having been filed by various interested persons, and the Commission having considered the record with respect to the section 11 (b) (2) proceedings and having entered its findings and opinion with respect to such proceedings (designated as File No. 59–83), in which it is determined that there exists an unfair and inequitable distribution of voting power among the security holders of each of said four companies and in which the Commission set forth the steps required to be taken by each of said four companies to insure a fair and equitable distribution of voting power among the security holders of each of the four companies:

It is ordered, Pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, that:

1. Long Island Lighting Company effect a recapitalization so as to substitute for its existing preferred and common stocks a single class of stock, namely, common stock, such new common stock to be distributed among the holders of its preferred and common stocks in a fair and equitable manner.

2. Long Island Lighting Company and Queens Borough Gas and Electric Company take appropriate action to cause Queens Borough Gas and Electric Company to effect a recapitalization so as to substitute for its existing preferred and common stocks a single class of stock, namely, common stock, such new common stock to be distributed among the holders of its preferred and common stocks in a fair and equitable manner.

3. Long Island Lighting Company, Queens Borough Gas and Electric Company, and Nassau & Suffolk Lighting Company take appropriate action to cause Nassau & Suffolk Lighting Company to effect a recapitalization so as to substitute for its existing preferred and common stocks a single class of stock, namely, common stock, such new common stock to be distributed among the holders of its preferred and common stocks in a fair and equitable manner and, in connection with such recapitalization, to eliminate its open account liability (including interest thereon) to Queens Borough Gas and Electric Company in a manner appropriate under the standards of the act.

4. Long Island Lighting Company, Queens Borough Gas and Electric Company, and Long Beach Gas Company, Inc., take appropriate action to cause Long Beach Gas Company, Inc., to effect a recapitalization so as to substitute for its existing preferred and common stocks a single class of stock, namely, common stock, such new common stock to be distributed among the holders of its preferred and common stocks in a fair and equitable manner and, in connection with such recapitalization, to eliminate its open account liabilities (including interest thereon) to associated companies in a manner appropriate under the standards of the act.

It is further ordered, That jurisdiction be, and hereby is, reserved under sections 11 (b) (2) of the Public Utility Holding Company Act of 1935 to enter such other and further orders as may be necessary or appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–7780; Filed, Aug. 31, 1948; 8:47 a. m.]

[File No. 70–1686]

KANSAS GAS AND ELECTRIC CO.

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C. on the 25th day of August A.D. 1948.

Kansas Gas and Electric Company ("Kansas"), an electric utility subsidiary of American Power & Light Company, in turn a subsidiary of Electric Bond and Share Company, both registered holding companies, has filed a declaration and amendments thereto, under section 6 (a) and 7 of the Public Utility Holding Company Act of 1935, relative to certain proposed amendments to its Certificate of Incorporation and by-laws. After appropriate notice a public hearing was held. We have examined the record and make the following findings.

Kansas proposes to call a special meeting of stockholders and upon receipt of the required vote, amend its Certificate of Incorporation in the following respects: [1] (a) By increasing its authorized common stock of 600,000 shares without par value to 1,000,000 shares without par value; (b) by providing that the life of the corporation shall be perpetual; (c) by providing that any of the authorized shares of stock may be issued and sold for such considerations as the Board of Directors may deem advisable, including cash, labor done, real or personal property, or the use thereof; and, (d) by providing that the location of the principal office of the Company may be established at 201 North Market Street, Wichita, Kansas.

It is stated that it is desirable to increase the authorized shares of common stock and to provide that additional common stock may be sold for such considerations as the Directors shall approve in order to facilitate and make more flexible the issuance and sale of additional common stock. Kansas has represented that such flexibility is desirable in order to facilitate its large construction program, a part of which it intends to finance by the issuance of additional common stock.

In addition, Kansas proposes upon the receipt of the required vote to amend its by-laws so as to (a) change the date of its annual meeting from the second Wednesday in June of each year to the first Wednesday following the 20th day of May of each year and, (b) to confer upon the Board of Directors the power to authorize compensation and fees to be paid to Directors for services to Kansas. It is provided, however, that the aggregate amount of such compensation, including fees, to any one Director, as such, shall not exceed $1,000 per annum.

Kansas is incorporated under the laws of West Virginia and the record contains an opinion of counsel to the effect that the proposed amendments to the Company's Certificate of Incorporation and by-laws meet the requirements of State law.

From an examination of the declaration we conclude that, if adopted, the proposed amendments will not alter the priorities, preferences, voting power, or other rights of the holders of Kansas' outstanding securities in a manner prejudicial to such holders. We further find that if adopted the proposed amendments will not result in an unfair or an inequitable distribution of voting power among the holders of the securities of Kansas. We find that the proposed amendments will not otherwise be detrimental to the public interest or the interests of investors and consumers. Under the circumstances we believe that the proposed amendments may properly be submitted to the stockholders of Kansas for their consideration. We conclude, therefore, that the declaration as amended may be permitted to become effective. We observe no reason for the imposition of any terms or conditions other than those contained in Rule U-24.

It is ordered, That the declaration, as amended, filed by Kansas Gas and Electric Company herein under sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, be, and it hereby is, permitted to become effective, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7775; Filed, Aug. 31, 1948; 8:47 a. m.]

[1] The proposals for charter and by-law amendments as originally filed were modified by subsequent amendment to the declaration. The original proposals were indicated in our Notice of and Order for Hearing in this matter, Holding Company Act Release No. 8447.

[File No. 70-1894]

POTOMAC EDISON CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of August A. D. 1948.

In the matter of the Potomac Edison Company, Potomac Light and Power Company, South Penn Power Company, File No. 70-1894.

The Potomac Edison Company ("Potomac Edison"), a public utility subsidiary of a registered holding company, and its wholly owned subsidiaries, Potomac Light and Power Company ("Potomac Light"), and South Penn Power Company ("South Penn"), have filed a joint application-declaration, and one amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transactions:

Potomac Light proposes to issue and sell 4,000 shares of its authorized and unissued Common Stock, par value $100 per share, and Potomac Edison proposes to acquire such shares for a cash consideration of $400,000, the aggregate par value thereof.

South Penn proposes to issue and sell 160,200 shares of its authorized and unissued Capital Stock, without nominal or par value, and Potomac Edison proposes to acquire such shares for a cash consideration of $801,000, the aggregate stated value thereof.

Potomac Edison now owns all of the outstanding capital stock and long-term debt of Potomac Light and South Penn, consisting of 32,000 shares of Common Stock, par value $100 per share, and $100,000 principal amount of open account advances, in the case of Potomac Light, and of 166,800 shares of Capital Stock, with a stated value of $834,000, and $673,161.47 principal amount of open account advances, in the case of South Penn. Such shares of capital stocks and $573,161.47 of the aforesaid open account advances of South Penn are presently pledged under the Indenture of Potomac Edison, dated as of October 1, 1944, securing its First Mortgage and Collateral Trust Bonds, 3% Series Due 1974 and 3⅛% Series Due 1978. The additional shares of capital stocks of Potomac Light and South Penn to be acquired by Potomac Edison will be pledged under said Indenture in accordance with the requirements thereof. Potomac Light is incorporated under the laws of the State of West Virginia and operates all of the electric properties of Potomac Edison's system in that State. South Penn is incorporated under the laws of the Commonwealth of Pennsylvania and operates all of the electric properties of Potomac Edison's system in that Commonwealth.

Potomac Light and South Penn propose to use the proceeds from the sale of such additional shares of capital stocks to pay their indebtedness to Potomac Edison and for the construction of property additions and improvements.

The filing, among other things, contains copies of orders of the Public Service Commission of Maryland, the Public Service Commission of West Virginia and the Public Utility Commission of Pennsylvania authorizing the transactions to the extent they fall within the respective jurisdiction of such Commissions.

The filing was made with this Commission on July 21, 1948 and the amendment thereto was filed on August 23, 1948. Notice of this filing was duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, the Commission not having received a request for a hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon.

The Commission finding with respect to this joint application-declaration that the applicable statutory standards are satisfied, that there is no basis for any adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective, and further deeming it appropriate to grant the request of applicants-declarants that this order should become effective upon issuance;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that this joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7779; Filed, Aug. 31, 1948; 8:47 a. m.]

[File No. 70-1896]

ARKANSAS POWER & LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1948.

Arkansas Power & Light Company ("Arkansas"), a utility subsidiary of Electric Power & Light Company, a registered holding company, having filed an application-declaration and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder regarding the proposed issue and sale by Arkansas pursuant to the competitive bidding requirements of Rule U-50 of $7,500,000 principal amount of First Mortgage Bonds, --% Series, due 1978; and

The Commission having by order dated August 12, 1948, granted said application and permitted the declaration to become effective subject, however, to the condition, among others, that the proposed issue and sale of bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order had been issued by this Commission in the light of the record so completed; and

The Commission having reserved jurisdiction over the payment of fees and expenses to be paid in connection with the proposed transactions; and

A further amendment to the application-declaration having been filed on August 25, 1948, setting forth the action taken by Arkansas to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, the following bids for the bonds have been received:

Bidding group headed by—	Coupon rate	Price to company (percent of principal amount)	Annual cost of money (percent)
Halsey Stuart & Co., Inc.	3⅛	100.5811	3.0951
Lehman Bros. and Stone & Webster Securities Corp.	3⅛	100.5699	3.0957
White, Weld & Co.	3⅛	100.4099	3.1039
Glore Forgan & Co. and Harriman Ripley & Co.	3⅛	100.40	3.1044
The First Boston Corp.	3⅛	100.399	3.1044
Equitable Securities Corp. and Central Republic Co., Inc.	3⅛	100.18	3.1157

Said amendment having further set forth that Arkansas has accepted the bid of Halsey Stuart & Co., Inc., as set out above and that such bonds will be offered for sale to the public at a price of 101.07% of the principal amount thereof plus accrued interest from August 1, 1948 to the date of delivery, resulting in an underwriters' spread of .4889% of the principal amount of said bonds; and

Said amendment having also set forth the nature and extent of legal services rendered and the fees requested therefor and the estimated expenses of counsel for which reimbursement is requested; and

It appearing to the Commission that such legal fees and expenses of counsel as set forth below are not unreasonable and that jurisdiction of such matters should be released:

	Fees	Estimated expenses not to exceed—	Total
Reid & Priest, counsel for Arkansas	$9,500	$500	$10,000
House, Moses & Holmes, counsel for Arkansas	6,000	500	6,500
White & Case, counsel for successful bidders	7,000	175	7,175

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to such matters:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as the result of competitive bidding under Rule U-50 and with respect to the fees and expenses of counsel be and hereby is released and that said application-declaration, as amended, be and the same hereby is granted and permitted to become effective forthwith subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7777; Filed, Aug. 31, 1948; 8:47 a. m.]

[File No. 70-1898]

UNION PRODUCING CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1948.

Notice is hereby given that Union Producing Company ("Union"), a wholly owned non-utility subsidiary of United Gas Corporation which in turn is a subsidiary of Electric Power & Light Corporation, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935. The application designates sections 9 (a) (1), 10 (a) (1), 10 (b) and 10 (c) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 10, 1948, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application which he desires to controvert, or may request in writing that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 10, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the proposed transactions which may be summarized as follows:

Union proposes to acquire for a cash consideration of $100 one share of common stock, par value $100, of Drilling Research, Inc., a new corporation to be organized under the laws of the State of Delaware.

The proposed new corporation will have an authorized capital stock of 100 shares of common stock, $100 par value, and upon the formation thereof each of the thirty-nine oil companies presently listed as participating in the organization of the new corporation will subscribe to one share of common stock. Each subscriber will be entitled to elect one director.

The new corporation will be a non-profit organization the stated purposes of which will be to formulate and carry out a drilling research program for the discovery and development of new methods and apparatus useful in connection with the drilling of natural gas and oil wells, and other forms of petroleum hydrocarbons. The net expense of such research program, estimated at $750,000 for a period commencing July 1, 1948 and ending December 31, 1951, will be underwritten by the stockholders of the new company. Such underwriting will be done on the basis of a formula predicated on the number of wells drilled by each stockholder for the past three years. Under such formula Union's share of the expense is estimated at $5,700 for the period.

Applicant requests the Commission's order be issued as soon as practicable and become effective immediately upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7776; Filed, Aug. 31, 1948; 8:47 a. m.]

[File No. 70-1908]

GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of August 1948.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration, pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder with respect to the following transaction:

GPU proposes to make a cash capital contribution to its public-utility subsidiary, Jersey Central Power & Light Company ("Jersey Central") of $1,000,-

000 which will be employed by Jersey Central for construction purposes. Jersey Central will credit the $1,000,000 to capital surplus.

Such declaration having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant a request of declarant that there be no waiting period between the issuance of the Commission's order and the date the order is to become effective.

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-7778; Filed, Aug. 31, 1948; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Notice No. D-1 (E)]

G. B. RAFFETTO, INC.

APPLICATION DENIED AND DISMISSED

AUGUST 27, 1948.

Application of G. B. Raffetto, Inc., of New York, N. Y. for investigation of marrons, candied, crystallized, or glacé, or prepared or preserved in any manner under provisions of Part I, Executive Order 9832 (concerning Escape Clause in Trade Agreements) has been denied and dismissed.

The Tariff Commission has dismissed the application filed by G. B. Raffetto, Inc., for an investigation under Executive Order 9832 with respect to preserved marrons. The application was concerned with candied marrons and marrons in sirup and requested relief from an alleged threat of injury due to increased imports resulting from trade-agreement concessions. Under paragraph 756 of the Tariff Act of 1930 the import duty on preserved marrons was 25 cents a pound. The rate was reduced to 12½ cents a pound pursuant to the trade agreement with France which took effect in 1936. The rate was further reduced to 8 cents a pound pursuant to the General Agreement on Tariffs and Trade effective January 1, 1948.

Consideration of the facts regarding the prewar and recent imports of candied marrons and marrons in sirup, the trend of imports in recent months, the level and the trend of domestic production, and other competitive factors with respect to domestic and imported marrons, indicates that the possibility of injury to domestic producers is not such as to warrant the Commission in undertaking a formal investigation under Executive Order 9832 at this time.

The dismissal of the present application does not impair the right of the applicant to apply subsequently for an investigation pursuant to Executive Order 9832.

SIDNEY MORGAN,
Secretary.

[F. R. Doc. 48-7771; Filed, Aug. 31, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11458]

CAROLA BRUTSCHE

In re: Bond owned by Carola Brutsche. F-28-28950-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carola Brutsche, whose last known address is Wilhelminenstrasse 23, Mundenheim, Rhein, Rheinpfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) Lake View Avenue Building Corporation registered income 6% bond, due 1946, of $1,000 face value, bearing number 168, registered in the name of Carola Brutsche and presently in the custody of Greenebaum Investment Company, 39 South LaSalle Street, Chicago, Illinois, together with any and all rights thereunder and thereto, including particularly but not limited to the right to all distributions of cash made or to be made with respect thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7808; Filed, Aug. 31, 1948; 8:52 a. m.]

[Vesting Order 11482]

HUGO DALMAR

In re: Trust u/w of Hugo Dalmar, deceased. File D-28-3830-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josephine Dalmar, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Trust created under the will of Hugo Dalmar, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Continental Illinois National Bank and Trust Company of Chicago, as Trustee, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7809; Filed, Aug. 31, 1948; 8:52 a. m.]

[Vesting Order 11608]

DEUTSCHE SUDAMERIKANISCHE BANK, A. G.

In re: Bonds, detached bond coupons and arrears certificates owned by Deutsche Sudamerikanische Bank, Aktiengesellschaft, also known as Deutsch-Sudamerikanische Bank, A. G. F-28-857-A-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Sudamerikanische Bank, Aktiengesellschaft, also known as Deutsch Sudamerikanische Bank, A. G., the last known address of which is 20-21 Mohrenstrasse, Berlin W. 8, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in a custodian account, account number F86225, together with any and all rights thereunder and thereto,

b. Those certain detached bond coupons described in Exhibit B, attached hereto and by reference made a part hereof, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in a custodian account, account number F86225, together with any and all rights thereunder and thereto, and

c. Two (2) Republic of Colombia 4% Arrears Certificates of $15.00 face value, bearing the numbers F8392 and 11446 and due January 1, 1946, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in a custodian account, account number F86225, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 9, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Description of issue	Bond No.	Face value
United States of Brazil Central Railway electricification of 1922, 30-year 7% gold bond due June 1, 1952.	M16798	$1,000
Republic of Chile external 20-year sinking fund gold bond 7% due Nov. 1, 1942.	M13407	1,000
Republic of Columbia external sinking fund gold bond 6% due Jan. 1, 1961.	D1933	500
Mortgage Bank of Chile guaranteed sinking fund gold bond 6½% due June 30, 1957.	D1014	500
Mortgage Bank of Chile guaranteed sinking fund gold bonds of 1926, 6½% due June 30, 1961.	M15676	1,000
	M15677	1,000
Republic of Uruguay external readjustment sinking fund dollar bonds of 1937, 4% due Feb. 1, 1978.	D190	500
	D191	500
Conversion Office German foreign debts 3% dollar bonds due Jan. 1, 1946.	M007774	1,000
	C052902	100
	C052903	100
	C052904	100
	C052905	100
	C052906	100
	C052907	100
	C052908	100
	C052909	100
Fractional conversion office, German foreign debt 3% dollar bonds due Jan. 1, 1946.	270222	20
	270223	20
	270224	20
	270225	20
	270226	20
	270227	20
	270228	20
	067269	5
	033608	2.50
	033609	2.50
Siemens & Halske debenture 25-year sinking fund gold bonds 6½% due Sept. 1, 1951.	M15795	1,000
	M4285	1,000
	M12278	1,000
	M11300	1,000
	M18624	1,000
	M11510	1,000
	M12470	1,000
	M3754	1,000
	M3844	1,000
	M3645	1,000
Siemens & Halske stock corporation debenture 25-year sinking fund gold bonds 3½% due Sept. 1, 1951.	M15712	1,000
	M15821	1,000

EXHIBIT B

Description of bond issue	Number of coupons and face value	Due date of coupons
Conversion office German foreign debts 3% dollar bonds due Jan. 1, 1946, #C052902/909 for $100.00 each.	4 @ $1.50..	6/1/40
	8 @ $1.50..	7/1/40
	8 @ $1.50..	1/1/41
	8 @ $1.50..	7/1/41
Conversion office German foreign debts 3% dollar bond due Jan. 1, 1946, #M00774 for $1,000.00.	1 @ $15.00..	7/1/40
	1 @ $15.00..	1/1/41
	1 @ $15.00..	7/1/41
Siemens & Halske stock corporation debentures 25-year sinking fund 3½% gold bonds due Sept. 1, 1951, #M3645, 15712 and 15821 for $1,000.00 each.	3 @ $16.25..	3/1/40
	3 @ $16.25..	9/1/40
	3 @ $16.25..	3/1/41
	3 @ $16.25..	9/1/41
United States of Brazil railway electrification of 1922; 30-year 7% gold bond due June 1, 1952, #M16798.	1 @ $35.00..	6/1/42
	1 @ $35.00..	12/1/42
	1 @ $35.00..	6/1/43
	1 @ $35.00..	12/1/43

[F. R. Doc. 48-7813; Filed, Aug. 31, 1948; 8:53 a. m.]

[Vesting Order 11512]

HENRY SCHRUMPF

In re: Estate of Henry Schrumpf, deceased. File D-28-8166; E. T. sec. 9179.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lulu Mueller, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in sub-paragraph 1 hereof in and to the Estate of Henry Schrumpf, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry T. Schrumpf, as executor, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Madison;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7812; Filed, Aug. 31, 1948; 8:53 a. m.]

[Vesting Order 11485]

HENRY FRANK

In re: Trust under will of Henry Frank, dec'd. File No. D 28-12305, E. T. 16509.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Frank Myer, Gustav Frank and Albert Frank, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Bertha Frank Myer, Gustav Frank and Albert Frank, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Henry Frank, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Willard C. Locke and Harold Dodge, Sr., Co-Trustees, acting under the judicial supervision of the County Clerk, Walworth County, Wisconsin,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the issue, names unknown, of Bertha Frank Myer, Gustav Frank and Albert Frank, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7810; Filed, Aug. 31, 1948; 8:53 a. m.]

[Vesting Order 11488]

HENRY C. GROTE

In re: Trust under will of Henry C. Grote, deceased. File No. D-28-12307; E. T. sec. 16519.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Rathmann and Minna Kupfer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Marie Rathmann and the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Minna Kupfer, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under paragraph Third of the will of Henry C. Grote, deceased, and presently being administered by the Chicago Title & Trust Company, of 111 West Washington Street, Chicago, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Marie Rathmann and the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Minna Kupfer, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7811; Filed, Aug. 31, 1948; 8:53 a. m.]

[Vesting Order 11713]

ALVIN CARL HUNGER

In re: Estate of Alvin Carl Hunger, deceased. File D-28-11547; E. T. sec. 15762.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Ella Neubert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: A 1/6th undivided interest in and to Lot Seven (7) in Block Two (2) in C. T. Kennan's Subdivision of a part of the South West One-Quarter of Section Seven (7), Township Seven (7), Range Twenty-two (22), in the 20th Ward of the City of Milwaukee, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7814; Filed, Aug. 31, 1948; 8:54 a. m.]

[Vesting Order 11812]

REV. GIKYO KUCHIBA

In re: Debt owing to Rev. Gikyo Kuchiba, also known as Gikyo Kuchiba, and as G. Kuchiba. D-39-182-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rev. Gikyo Kuchiba, also known as Gikyo Kuchiba and as G. Kuchiba, whose last known address is Ihara Mura, Yuuchi-gun, Shimane Prefecture, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follow: That certain debt or other obligation of Pacific Bank in Dissolution, P. O. Box 1200, Honolulu, T. H., evidenced by check Number 10029 issued by and presently in the custody of said Pacific Bank in Dissolution, payable to the order of G. Kuchiba in the amount of $56.06, together with all rights in, to and under, including particularly but not limited to the rights to possession and presentation for collection and payment of, the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rev. Gikyo Kuchiba, also known as Gikyo Kuchiba and as G. Kuchiba, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7815; Filed, Aug. 31, 1948; 8:54 a. m.]

[Vesting Order 11814]

HARUTO YAMANE AND REV. S. MATSUURA

In re: Bank accounts owned by the personal representatives, heirs, next of kin, legatees and distributees of Haruto Yamane, deceased, and by Rev. S. Matsuura, also known as Shun Matsuura, as Shuun Matsuura and as Shuum Matsuura. D-39-19138-E-1; D-39-16725-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Haruto Yamane, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That Rev. S. Matsuura, also known as Shun Matsuura, as Shuun Matsuura, as Shum Matsuura and as Shuum Matsuura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations of Bishop National Bank of Hawaii at Honolulu, King and Bishop Streets, Honolulu, T. H., arising out of savings accounts numbered 664 and 585 and entitled S. Ushiroda, Gdn. of Haruto Yamane, and Rev. S. Matsuura, respectively, maintained at the branch office of the aforesaid bank located at Kealakekua, Hawaii, T. H., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Haruto Yamane, deceased, and Rev. S. Matsuura, also known as Shun Matsuura, as Shuun Matsuura, as Shum Matsuura and as Shuum Matsura, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Haruto Yamane, deceased, and the person named in subparagraph 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7816; Filed, Aug. 31, 1948; 8:54 a. m.]

[Vesting Order 11826]

MASAO HAMADA

In re: Bank account owned by Masao Hamada. F-39-6080-C-1; F-39-6080-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masao Hamada, whose last known address is Itsukaichi Machi, Hiroshima Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bishop National Bank of Hawaii at Honolulu, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 55616, entitled K. Hamada, Tr. for Masao Hamada, maintained in said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Masao Hamada, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7817; Filed, Aug. 31, 1948; 8:54 a. m.]

[Vesting Order 11828]

SHINICHI IWAMOTO

In re: Debt owing to Shinichi Iwamoto. D-39-285-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shinichi Iwamoto, whose last known address is Yamaguchi Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shinichi Iwamoto, by Ichiro Sato, doing business as Komatsuya Hotel, 491 North King Street, Honolulu, T. H., in the amount of $94.00 as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7818; Filed, Aug. 31, 1948; 8:54 a. m.]

[Vesting Order 11829]

TSURUMATSU KIDA

In re: Stock owned by Tsurumatsu Kida. F-39-6139-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsurumatsu Kida, whose last known address is Wakayama Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Fifteen (15) shares of $10 par value common capital stock of Honolulu Fishing Company, Limited, Market Place, North Queen Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificate number 13 for ten (10) shares, and certificate number 53 for five (5) shares, registered in the name of Tsurumatsu Kida, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tsurumatsu Kida, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7819; Filed, Aug. 31, 1948; 8:54 a. m.]

[Vesting Order 11830]

WAICHI MAEDA

In re: Stock owned by and debts owing to Waichi Maeda. D-39-19088-A-1; D-39-19088-A-2; D-39-19088-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Waichi Maeda, whose last known address is 3 Chome, Shinichi, Yanai City, Yamaguchi-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property desribed as follows:

a. Fifty (50) shares of no par value common capital stock of Standard Brands, Inc., 595 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number CO 445993, registered in the name of Waichi Maeda and presently in the custody of Bishop National Bank of Hawaii at Honolulu, King-Smith Street Branch, Honolulu, T. H., together with all declared and unpaid dividends thereon,

b. One hundred (100) shares of $0.05 par value capital stock of Mountain City Copper Co., 818 Kearns Building, Salt Lake City, Utah, a corporation organized under the laws of the State of Utah, presently in the custody of Francis I. du Pont & Company, New York, New York, in an account in the name of A. D. Castro & Co., Ltd., Honolulu, T. H., together with all declared and unpaid dividends thereon,

c. One hundred (100) shares of no par value common capital stock of Interlake Iron Company, Union Commerce Building, Cleveland, Ohio, a corporation organized under the laws of the State of New York, presently in the custody of Francis I. du Pont & Company, New York, New York, in an account in the name of A. D. Castro & Co., Ltd., Honolulu, T. H., together with all declared and unpaid dividends thereon,

d. That certain debt or other obligation owing to Waichi Maeda by A. D. Castro & Co., Ltd., 924 Bethel Street, Honolulu, T. H., in the amount of $14.80, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation owing to Waichi Maeda by Frank Nichols, Limited, Stangenwald Building, Honolulu, T. H., in the amount of $86.81, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Waichi Maeda, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7820; Filed, Aug. 31, 1948; 8:55 a. m.]

[Vesting Order 11849]

FRIEDA DOHMEYER

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Frieda Dohmeyer. F-28-23469-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Frieda Dohmeyer, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Eighteen (18) shares of $50 par value Common Capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, N. Y., a corporation organized under the laws of the State of Montana, evidenced by certificates number 466419 and 474596 for six (6) and twelve (12) shares, respectively, registered in the name of Frieda Dohmeyer, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Frieda Dohmeyer, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Frieda Dohmeyer, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7821; Filed, Aug. 31, 1948; 8:55 a. m.]

[Vesting Order 11851]

MINA AND HERMAN FRANCK

In re: Stock owned by Mina Franck and Herman Franck. F-28-23368-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mina Franck and Herman Franck whose last known address is Rastatt, Veilchens Trasse-1, Baden, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Thirty (30) shares of $5 par value capital stock of Nash-Kelvinator Corporation, 14250 Plymouth Road, Detroit, Michigan, a corporation organized under the laws of the State of Maryland, evidenced by certificate numbered B 01773, registered in the name of Miss Mina Franck and Herman Franck as joint tenants and not as tenants in common, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7822; Filed, Aug. 31, 1948; 8:55 a. m.]

[Vesting Order 11852]

SHIGEYO FUJII

In re: Bond owned by Shigeyo Fujii.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeyo Fujii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: One (1) United States of America Defense Savings Bond, Series E, of $25.00 face value, bearing the number Q14725343E, registered in the name of Miss Shigeyo Fujii, 859 Rosecrans, Los Angeles, Calif., presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7823; Filed, Aug. 31, 1948; 8:55 a. m.]

[Vesting Order 11854]

TORAICHI ISHIMARU ET AL.

In re: Debts owing to Toraichi Ishimaru and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed in Exhibit A, attached hereto and by reference made a part hereof, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to the persons whose names are listed in Exhibit A by The Yokohama Specie Bank, Ltd., San Francisco Office and/or Superintendent of Banks of the State of California, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of the accounts, maintained at the aforesaid San Francisco Office, which are described opposite said names listed in Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons whose names are listed in Exhibit A, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons whose names are listed in Exhibit A are not within a designated enemy country,

the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and last known address of creditor	Description of account	File No.
Toraichi Ishimaru, 4077-2 3 Ban-Cho, Tokuyama, Yamaguchi-Ken, Japan.	Credit note on Kobe—"Home Currency Draft Sold Account" entitled Toraichi Ishimaru.	F-39-1421-E-1.
Toyosuke Igata, also known as T. Igata and as T. Ikata, Tokushima, Japan.	Fixed deposit account number 90364, entitled "T. Igata."	F-39-6356-E-1.
Takeshi Katayama, also known as T. Katayama, Okayama, Japan.	Commercial checking account entitled "T. Katayama."	D-39-157-E-1.
Shigeru Shimada, also known as S. Shimada, Kochi, Japan.	Current checking account entitled "S. Shimada."	F-39-1288-E-1.
Katsutaro Miyazaki, also known as K. Miyazaki, Tokyo, Japan.	Commercial checking account entitled "Katsutaro Miyazaki."	F-39-2237-E-1.
Shigeo Morita, Nagoya, Japan	Blocked account entitled "Shigeo Morita"	F-39-3400-E-1.
Yoshitsugu Megurikami, also known as Y. Megurikami, Hyogo, Japan.	Commercial checking account entitled "Y. Megurikami."	F-39-6357-E-1.
Kichimatsu Shinya, also known as K. Shinya, Ishikawa, Japan.	Commercial checking account entitled "K. Shinya."	F-39-6358-E-1.

[F. R. Doc. 48-7824; Filed, Aug. 31, 1948; 8:55 a. m.]

[Vesting Order 11861]

ANNA HARMS PIENING

In re: Stock owned by Anna Harms Piening. F-28-2346I-D-½.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Harms Piening, whose last known address is Uetersen, Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $100, par value capital stock of Northern Pacific Railway Company, 176 East 5th Street, St. Paul, Minnesota, a corporation organized under the laws of the State of Wisconsin, evidenced by certificate number 184148, registered in the name of Mrs. Anna Harms Piening, together with all declared and unpaid dividends thereon, and

b. Six (6) shares of $100 par value common capital stock of The Baltimore and Ohio Railroad Company, Baltimore, Maryland, a corporation organized under the laws of the State of Maryland, evidenced by certificate A 361028, registered in the name of Anna Harms Piening, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7825; Filed, Aug. 31, 1948; 8:55 a. m.]

[Vesting Order 11865]

YOKOHAMA SPECIE BANK, LTD.

In re: Debt owing to The Yokohama Specie Bank, Ltd.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That The Yokohama Specie Bank, Ltd., the last known address of which is Yokohama, Japan, is a corporation organized under the laws of Japan and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Ltd., Los Angeles Office, Los Angeles, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a temporary receipt account entitled National Merchandise Corporation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by The Yokohoma Specie Bank, Ltd., the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7826; Filed, Aug. 31, 1948; 8:55 a. m.]

[Vesting Order 11874]

FREDERICK HEIDER, JR., ET AL.

In re: Bank accounts owned by Frederick Heider, Jr. and others. F-28-10038-E-1; F-28-12668-E-1; F-28-10039-E-1; F-28-11853-E-1; F-28-9839-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below: Frederick Heider, Jr., Rodewald, Germany; Augusta Gade Wehrenberg, Stelshauser, Liebenau, Neinburg-Weser, Germany; William Heider, 113 Lothringer Strasse, Koln on the Rhine, Germany; Eda Gade Rudeman, Germany; Antoinette Heider Gewehr, 113 Lothringer Strasse, Koln on the Rhine, Germany; are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Frederick Heider, Jr., by Prince Georges Bank and Trust Company, 5214 Baltimore Avenue, Hyattsville, Maryland, arising out of a checking account, entitled Frederick Heider, Jr., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Augusta Gade Wehrenberg, by Prince Georges Bank and Trust Company, 5214 Baltimore Avenue, Hyattsville, Maryland, arising out of a checking account, entitled Augusta Gade Wehrenberg, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to William Heider, by Prince Georges Bank and Trust Company, 5214 Baltimore Avenue, Hyattsville, Maryland, arising out of a checking account, entitled William Heider, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Eda Gade Rudeman, by Prince Georges Bank and Trust Company, 5214 Baltimore Avenue, Hyattsville, Maryland, arising out of a checking account, entitled Eda Gade Rudeman, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation owing to Antoinette Heider Gewehr, by Prince Georges Bank and Trust Company, 5214 Baltimore Avenue, Hyattsville, Maryland, arising out of a checking account, entitled Antoinette Heider Gewehr, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7828; Filed, Aug. 31, 1948; 8:56 a. m.]

[Vesting Order 11885]

ADAM STAPPENBATHER

In re: Stock owned by Adam Stappenbather. F-28-22919-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adam Stappenbather, whose last known address is Burgwindheim By Bamberg, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of $10.00 par value common capital stock of Freeport Sulphur Company, 122 East 42d Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 66204, registered in the name of Adam Stappenbather, Burgwindheim By Bambert, Bayern, Germany, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7829; Filed, Aug. 31, 1948; 8:56 a. m.]

[Vesting Order 11864]

SOSHICHI UNO

In re: Bank account owned by Soshichi Uno. D-39-12872-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Soshichi Uno, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Soshichi Uno, by The Bank of California National Association, 400 California Street, San Francisco, California, arising out of a commercial account, entitled Mr. Soshichi Uno, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7765; Filed, Aug. 30, 1948; 8:49 a. m.]

[Vesting Order 11888]

TOMO TAKASHINA AND MASAYOSHI YOKAI

In re: Debts owing to Tomo Takashina, also known as T. Takasina, and Masayoshi Yokai, also known as Masayoshi Yokoi and as M. Yokoi. F–39–2839–E–1; F–39–6355–E–1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomo Takashina, also known as T. Takasina, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That Masayoshi Yokai, also known as Masayoshi Yokoi and as M. Yokoi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: Those certain debts or other obligations owing to Tomo Takashina, also known as T. Takasina, and Masayoshi Yokai, also known as Masayoshi Yokoi and as M. Yokoi, by The Yokohama Specie Bank, Ltd., San Francisco Office and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of commercial checking accounts entitled T. Takasina and M. Yokoi, respectively, maintained at the aforesaid San Francisco Office, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–7830; Filed, Aug. 31, 1948; 8:56 a. m.]

[Vesting Order 9963, Amdt.]

ALFRED MEUEL

In re: Bonds owned by and debt owing to Alfred Meuel.

Vesting Order 9963, dated October 7, 1947, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 d. of the said Vesting Order 9963 the Date Due "6/1/47" set forth opposite Bond numbers M3718724G and M3718725G and substituting therefor "6/1/57."

All other provisions of said Vesting Order 9963 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–7832; Filed, Aug. 31, 1948; 8:57 a. m.]

[Vesting Order 9963, as Amended; Amdt.]

ALFRED MEUEL

In re: Bonds owned by and debt owing to Alfred Meuel.

Vesting Order 9963, dated October 7, 1947, as amended, is hereby further amended as follows and not otherwise:

By deleting from subparagraph 2 d. with regard to ten United States Treasury Bonds, Series G, the number "M2156868G" and substituting therefor "M2157868G".

All other provisions of said Vesting Order 9963, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–7831; Filed, Aug. 31, 1948; 8:57 a. m.]

[Vesting Order 11860]

KEN NISHIGAWA

In re: Bank account owned by Miss Ken Nishigawa. F–39–6127–E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miss Ken Nishigawa, whose last known address is 5 Hikawa-Cho Akasaka, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Miss Ken Nishigawa, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a commercial investment deposit account, account number AE 20498, entitled Miss Ken Nishigawa, maintained at the branch office of the aforesaid bank located at 111th Street at Broadway, New York 25, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–7764; Filed, Aug. 30, 1948; 8:48 a. m.]

EFERENCE SEP 9 '48

FEDERAL REGISTER

VOLUME 13 NUMBER 172

Washington, Thursday, September 2, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9993

REGULATIONS RELATING TO COMMISSIONED OFFICERS AND EMPLOYEES OF THE PUBLIC HEALTH SERVICE

1. *Regulations prescribed.* By virtue of the authority vested in me by the Public Health Service Act, approved July 1, 1944 (58 Stat. 682), as amended, and as President of the United States, I hereby prescribe the following regulations relating to commissioned officers and employees of the Public Health Service which shall constitute Subparts A through N, inclusive, of Part 21, and §§ 22.1 and 22.2 of Part 22 of Chapter I of Title 42 of the Code of Federal Regulations:

PART 21—COMMISSIONED OFFICERS

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21.11 Officers other than medical officers.
21.12 Designation of specialties.
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SUBPART C—APPOINTMENT

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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SUBPART A—DEFINITIONS

§ 21.1 *Meaning of terms.* As used in this part, the term:

(a) "Act" means the Public Health Service Act, 58 Stat. 682, as now or hereafter amended.

(b) "Administrator" means the Federal Security Administrator.

(c) "Agency" means the Federal Security Agency.

(d) "Service" means the Public Health Service.

(e) "Surgeon General" means the Surgeon General of the Public Health Service or such other officer of the Service to whom the Surgeon General delegates any of the authority conferred herein.

(f) "Commissioned officer" or "officer", unless otherwise indicated, means both an officer of the Regular Corps and an officer of the Reserve Corps. (Sec. 215, 58 Stat. 690; 42 U. S. C. 216)

SUBPART B—TITLES

AUTHORITY: §§ 21.11 to 21.13, inclusive, issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216. Additional authority is noted in parenthesis following sections affected.

§ 21.11 *Officers other than medical officers.* The titles of officers, other than medical officers, in the junior assistant, assistant, senior assistant, full, and senior grades shall be "dental surgeon", "sanitary engineer", "pharmacist", "nurse officer", "scientist", "dietitian", "therapist", "sanitarian", "veterinarian", or a similar term descriptive of the specialty of such class of officers. The titles of officers, other than medical officers, in the director grade shall be the term "director" preceded by the term "dental", "sanitary engineer", "pharmacist", "nurse", "scientist", "dietitian", "therapist", "sanitarian", "veterinarian", or a simliar descriptive term. The titles of officers, other than medical officers, in the grade of Assistant Surgeon General shall be "Assistant Surgeon General", except that following such title there shall be added a parenthetical identification, such as "dental" or "sanitary engineer". (Sec. 206 (b), 58 Stat. 685; 42 U. S. C. 207 (b))

§ 21.12 *Designation of specialties.* Scientist officers and other officers having generally descriptive titles, in using their titles in correspondence outside the Agency and in the programs of scientific meetings, may designate their specialties in parentheses following their names and titles, as, for example, Richard Roe, Senior Scientist (Entomologist). (Sec. 206 (b), 58 Stat. 685; 42 U. S. C. 207 (b))

§ 21.13 *Military titles.* An officer in uniform may use, for purposes of identification and address, the military or naval title of rank corresponding to the grade markings worn. An officer detailed for duty with the Army, Air Force, Navy, Coast Guard, or Coast and Geodetic Survey may use in official correspondence the title of military or naval rank corresponding to the grade markings worn, as, for example, Richard Roe, Major, U. S. P. H. S., or Richard Roe, Lieutenant Commander, U. S. P. H. S.

SUBPART C—APPOINTMENT

AUTHORITY: §§ 21.21 to 21.59, inclusive, issued under sec. 215, 58 Stat. 690, sec. 208, 58 Stat. 685, as amended by sec. 5, Pub. Law 425, 80th Cong., 62 Stat. 40; 42 U. S. C. 216, 209.

Provisions Applicable Both to Regular and Reserve Corps

§ 21.21 *Meaning of terms.* The term "approved" as used in this subpart in connection with "school", "college", "postgraduate school", or "training course" means, except as otherwise provided by law, a school, college, postgraduate school, or training course which has been accredited or approved by a professional body or bodies acceptable to the Surgeon General for such purpose, or which, in the absence of such a body, meets generally accepted professional standards as determined by the Surgeon General.

§ 21.22 *Submission of application and evidence of qualifications.*—(a) *Application form.* Every candidate for examination for appointment as an officer shall submit a written application on such form as may be prescribed by the Surgeon General.

(b) *Documentary evidence and photograph.* The application shall be accompanied by: (1) Documentary evidence of (i) date and place of birth (birth certificate if obtainable); (ii) completion of educational and professional training; (iii) United States citizenship in the case of an applicant of foreign birth; and (iv) current registration as a graduate nurse under a nurse practice act of a State, Territory, or the District of Columbia in the case of a nurse; (2) such other documentary evidence as may be required by the Surgeon General, and (3) a recent photograph.

§ 21.23 *False statements as disqualification.* Willfully false statements shall be cause for rejection of the application or, as provided in Subpart N, for dismissal.

§ 21.24 *Physical examinations.* Every candidate for appointment as an officer shall undergo such physical examination as the Surgeon General may direct, and no candidate who is not found to be physically qualified shall be appointed as an officer.

§ 21.25 *Eligibility; junior assistant grade.*—(a) *Requirements; all candidates.* Except as provided in § 21.54 and as otherwise provided in this section, every candidate for examination for appointment in the grade of junior assistant:

(1) Shall be a citizen of the United States;

(2) Shall be at least 18 years of age; and

(3) Shall have been granted an academic or professional degree from an approved school, college, or postgraduate school, and, unless the required professional training has been otherwise obtained from an approved school, college, or postgraduate school, shall have majored in the profession in which the examination is being held.

(b) *Additional requirement; nurse officers.* Every candidate for examination for appointment as a nurse officer shall be currently registered as a graduate nurse under a nurse practice act of a State, Territory, or the District of Columbia.

(c) *Special requirement; therapists.* Every candidate for examination for appointment as a therapist shall have received a certificate from an approved school of physical therapy or an approved school of occupational therapy.

(d) *Temporary substitute for academic or professional degree; nurse officers and therapists.* Every candidate who applies for examination for appointment as a nurse officer or therapist in the junior assistant grade prior to January 1, 1949 and who has received subsequent to July 1, 1943, a certificate in his profession from an approved school, may substitute such certificate for the requirement of an academic or professional degree. In the case of a candidate for examination for appointment as a nurse officer, the certificate which may be substituted for the requirement of an academic or professional degree shall have been granted by a State-accredited school of nursing connected with a hospital having a daily census of not less than 50, and offering adequate nursing experience in medicine, surgery, pediatrics, and obstetrics at the time of graduation of the candidate.

§ 21.26 *Eligibility; assistant grade.*—(a) *Requirements; all candidates.* Except as otherwise provided in this section, every candidate for examination for appointment in the grade of assistant:

(1) Shall meet the requirements for eligibility for examination for appointment in the grade of junior assistant;

(2) Shall be at least 21 years of age; and

(3) Shall have had at least 7 years of educational and professional training or experience subsequent to high school, except that a candidate who applies for examination for appointment in the Reserve Corps to serve as a medical or dental intern may be examined for such appointment upon the completion of 6 years of such education, training, or experience.

(b) *Additional requirement; dietitians.* Every candidate for examination for appointment as a dietitian shall have successfully completed an approved training course for dietetic interns.

(c) *Temporary substitute for academic degree; nurse officers and therapists.* Every candidate who has received subsequent to July 1, 1943, a certificate in his profession from an approved school, who applies for examination for appointment as a nurse officer or therapist in the assistant grade prior to January 1, 1953, and who has had, during the five years immediately prior to the date of such application, 4 years or more of experience as a nurse, physical therapist, or occupational therapist in the Army, Navy, or Public Health Service with a satisfactory record of active service, may substitute such certificate and experience for the requirement of an academic degree.

(d) *Temporary substitute for dietetic internship; dietitians.* Every candidate who applies for examination for appointment as a dietitian in the assistant grade prior to January 1, 1949, who has had, prior to such date, 3 years or more of experience as a dietitian and who has received an academic degree from an approved college with a major in foods and nutrition or institutional management in the field of dietetics, may substitute such education and experience for the requirement of successful completion of an approved training course for dietetic interns.

§ 21.27 *Eligibility; senior assistant grade.* Every candidate for examination for appointment in the grade of senior assistant shall meet the requirements for eligibility for examination for appointment in the grade of assistant and shall have completed at least 10 years of educational and professional training or experience subsequent to high school.

§ 21.28 *Eligibility; grades above senior assistant grade.* Every candidate for examination for appointment in grades above that of senior assistant shall meet the requirements for eligibility for examination for appointment in the grade of senior assistant. Candidates for examination for appointment in the full, senior, or director grade shall have completed at least 7, 14, or 15 additional years, respectively, of postgraduate professional training or experience. When officers of the Service are unavailable for the performance of duties requiring highly specialized training and experience in special fields related to public health, the Surgeon General may specify that a candidate for appointment to the Regular Corps with such highly specialized training and experience shall be examined for appointment in the full or senior grade upon completion of at least 5 or 12 additional years, respectively, of postgraduate professional training or experience, except that the total number of such appointments during a fiscal year shall not exceed three.

§ 21.29 *Eligibility; all grades; academic and professional education and professional training and experience.* The Surgeon General is authorized, subject to the other provisions of this subpart, to adopt additional standards by which the education, training, and experience required under this subpart, and evidence thereof, shall be of such specific kind and quality, pertinent to the particular profession concerned, as in his judgment are necessary to limit the examination to qualified candidates.

§ 21.30 *Boards; appointment of; powers and duties.* The Surgeon General shall from time to time appoint boards and subboards of officers to consider the qualifications of candidates for appointment as officers, and shall refer to such boards the applications of those candidates who are eligible for examination for appointment. Such boards and subboards shall consist of three or more officers, the majority of whom, so far as practicable, shall be of the same profession as the candidate. The Surgeon General shall prescribe the duties of boards and subboards in relation to the examination process not otherwise prescribed in this subpart.

§ 21.31 *General service.* Officers shall be appointed only to general service and shall be subject to change of station.

§ 21.32 *Certification by candidate; requirement of new physical examination.* If a candidate for appointment in the Regular Corps or an officer of the Reserve Corps on inactive service has passed a physical examination within a period of 6 months from the date on which it is contemplated that he will be appointed or called to active duty, he shall, prior to being appointed or called to active duty, certify that to the best of his knowledge and belief he is free from all disease or injury not noted in his record at the time of his examination and that he is willing to serve in any climate. If a candidate for appointment in the Regular Corps, or an officer of the Reserve Corps on inactive service, has not passed a physical examination within a period of 6 months from the date on which it is contemplated that he will be appointed or called to active duty, he may, prior to being appointed or called to active duty, be required to undergo such physical examination as the Surgeon General may direct to determine his physical qualification for appointment or call to active duty in accordance with standards prescribed for original appointment, or he may be appointed or called to active duty after executing the certificate described above, but shall be physically examined to determine his physical qualification for continued active service in accordance with standards prescribed for original appointment within a period of 15 days after reporting for duty at his first station.

Provisions Applicable Only to Regular Corps

§ 21.41 *Professional examinations, holding of; subjects to be included.* From time to time the Surgeon General may order examinations to be held in such professions and for such grades as he deems necessary for the purpose of providing merit rolls of eligible candidates for appointment in the Regular Corps and shall, if a professional examination is to be required, prescribe the subjects relating to each such profession in which candidates will be examined.

§ 21.42 *Examinations; junior assistant, assistant, or senior assistant grade.* The examination for appointment to the junior assistant, assistant, or senior assistant grade in the Regular Corps shall consist of (a) a written professional examination relating to the fundamentals of the candidate's profession and their relationship to the activities of the Service, and (b) an examination as to the candidate's general fitness, which shall include an oral interview, and a review and evaluation of the candidate's academic and professional education and professional training and experience, and may include other written tests to determine the candidate's fitness for appointment as an officer.

§ 21.43 *Examination; full grade and above.* The examination for appointment to the full, senior, or director grade in the Regular Corps shall consist of a review and evaluation of the candidate's academic and professional education and professional training and experience. The Surgeon General may, however, direct that the examination of a candidate for appointment to any such grade shall also include an oral interview, a written or oral professional examination, or both.

§ 21.44 *Clinical or other practical demonstration.* In the discretion of the Surgeon General a candidate for appointment to any grade up to and including the senior assistant grade in the Regular Corps may be required to perform successfully a clinical or other practical demonstration which, if required, shall constitute a part of the professional examination.

§ 21.45 *Rating values.* The examination of every candidate for appointment to any grade in the Regular Corps shall be rated by a board appointed pursuant to § 21.30 in accordance with such relative values for each part of the examination as are prescribed by the Surgeon General. No candidate who receives a final rating below 80 shall be appointed in the Regular Corps.

§ 21.46 *Merit roll.* Each board appointed pursuant to § 21.30 to consider the qualifications of candidates for appointment as officers shall assign a numerical rating to each candidate for appointment in the Regular Corps who passes the examination, and shall submit a report to the Surgeon General of the ratings and the relative standing of all such candidates for each grade in each profession. The Surgeon General shall submit each such report with his recommendations to the Administrator, and, if approved by the Administrator, the report shall constitute a merit roll from which the Administrator shall, in accordance with relative standing, recommend available persons to the President for nomination as commissioned officers of the Regular Corps. A board may consider any newly discovered evidence relating to the physical, professional, or personal qualifications of any candidate examined for appointment. Upon recommendation of such board after review of such evidence, the Surgeon General, with the approval of the Administrator, may correct the rating of a candidate or may qualify or disqualify a candidate. The placing of a candidate's name on a merit roll shall give no assurance of an appointment. A merit roll shall expire when a new merit roll in the same profession and grade has been established, but no merit roll shall continue in effect longer than two years after its approval by the Administrator. Every candidate who has not been nominated by the President for appointment prior to the expiration of a merit roll on which his name appears, shall, unless he requests the opportunity to be reexamined, be rated with the next group of candidates of the same profession for appointment in the same grade and shall be given the same rating he had on the expired merit roll. If two candidates who were examined at the same time receive the same numerical rating, the elder candidate shall assume relative standing on the merit roll over the younger candidate. If a candidate whose name is being transferred from an expired to a new merit roll has the same numerical rating as a candidate whose name is being placed on the new merit roll for the first time, the former shall assume relative standing on the merit roll over the latter. The name of a candidate may be removed from a merit roll in the event that he refuses an appointment when offered. No candidate's eligibility for appointment shall exceed two years unless he again becomes eligible as the result of another examination.

§ 21.47 *Examination; anticipation of meeting qualifications.* A potential candidate for appointment in any grade in the Regular Corps may be examined within a period of nine months prior to the date upon which it is anticipated that he will qualify for appointment under this subpart. Upon successful completion of the examination, his name will be entered on a merit roll. In the event that his name, in order of relative standing among all candidates, precedes that of fully qualified candidates, his name, for purpose of appointment, shall be passed over in favor of fully qualified candidates until such time as he becomes fully qualified, but in no event shall he otherwise lose his relative standing on the merit roll, except as provided in § 21.46. If the candidate fails to qualify for appointment at the time that it was anticipated that he would qualify, his name shall be removed from the merit roll.

§ 21.48 *Reappointment of former officers of the Regular Corps.* If a candidate for appointment to the Regular Corps is a former officer of the Regular Corps and if he applies for reappointment to the Regular Corps within two years from the date of the termination of his commission in the Regular Corps, he may be appointed to the Regular Corps without regard to the merit rolls after passing an examination which shall consist of a physical examination and a review and evaluation of his record with the Service. If reappointed, such candidate shall be reappointed in the permanent grade held by him at the time of the termination of his commission, and shall, for purposes of promotion, pay and pay period, seniority in grade, and retirement, be credited with the same credits he had at the time his commission was terminated. For purposes of § 21.114 a reappointment shall be considered as an original appointment.

Provisions Applicable Only to Reserve Corps

§ 21.51 *Appointment of officers having specialized training or experience in administration and management.* The Surgeon General may recommend for original appointment in the Reserve Corps candidates who have specialized training or experience in administration and management relating to the functions of the Service. All such candidates shall be subject to the same eligibility requirements for original appointment as are applicable to other candidates, except that such a candidate may substitute experience in administration or management for the requirement of professional training or experience.

§ 21.52 *Waiver of entrance qualifications for original appointment in time of war or national emergency.* If, in time of war or national emergency proclaimed by the President, the Administrator determines that there is need for commissioned personnel to meet the needs of the Service, other than persons eligible for examination for original appointment under the eligibility requirements prescribed in this subpart, he may prescribe standards of eligibility for examination for the original appointment of officers in the Reserve Corps without regard to such eligibility requirements. Such standards shall, however, authorize the examination only of candidates with specialized experience in administration or management or candidates with training or experience in fields relating to public health. The permanent grade of an officer who becomes eligible for examination for appointment pursuant to such standards and who becomes eligible for appointment after passage of an examination shall be limited to the junior assistant or the assistant grade, except that, if upon examination a candidate is found to be exceptionally qualified for the performance of highly specialized duties with the Service pursuant to § 21.55, he may be recommended for appointment to any grade up to and including the director grade. Any appointment made pursuant to this section shall be terminated not later than 6 months following the termination of the war or the national emergency proclaimed by the President.

§ 21.53 *Examination.* The examination of candidates for original appointment as officers to any grade in the Reserve Corps shall consist of a review and evaluation of their academic and other education and their training and experience. In the discretion of the Surgeon General the examination of any such candidate may include an oral interview, a written examination, or both.

§ 21.54 *Students.* A potential candidate for appointment in the Regular Corps who is pursuing a course of instruction which, upon completion, would qualify him under §§ 21.25 or 21.26 for examination for appointment in the junior assistant or assistant grade may be examined for and appointed in the Reserve Corps in the junior assistant grade but shall not be called to extended active duty until the successful completion of such course of instruction, except that he may be called to active duty for purposes of training for periods not to exceed 120 days during any fiscal year.

§ 21.55 *Appointment to higher grades; candidates exceptionally qualified in specialized fields.* Any candidate eligible for examination for appointment in the grade of assistant pursuant to § 21.26 who, upon examination for such purpose, is found exceptionally qualified for the performance of duties requiring highly specialized training or experience may be recommended for appointment in the Reserve Corps in any grade up to and including the director grade without regard to the additional years of postgraduate training or experience prescribed for grades above the assistant grade.

§ 21.56 *Reappointment.* An officer of the Reserve Corps, after being examined and found qualified for reappointment, may be recommended for reappointment to the same grade in the event that his commission expires before he becomes eligible for reappointment to a higher grade, or may be recommended for reappointment to a higher grade to be effective on or after the date on which he meets the qualifications prescribed in this subpart for original appointment to such higher grade.

§ 21.57 *Examination for reappointment.* The examination of an officer of the Reserve Corps on active duty who is being considered for reappointment in such corps shall consist of a review and evaluation of his record with the Service. The examination of an officer of the Reserve Corps on inactive duty who is being considered for reappointment in such corps shall consist of (a) a review and evaluation of his record with the Service while on active duty, if any, and (b) the record of his training or experience during the period of his inactive duty preceding such examination. In the discretion of the Surgeon General the examination for reappointment of an officer, whether on active or inactive duty, may include an oral interview.

§ 21.58 *Physical examination for reappointment.* Every officer of the Reserve Corps being considered for reappointment shall undergo such physical examination as the Surgeon General may direct. An officer on active duty may be recommended for reappointment unless he is found to have a physical disability which, if it were incurred in line of duty in time of war, would make him eligible for retirement. Except as otherwise provided in § 21.59, an officer not on active duty may be recommended for promotion only if he meets the physical qualifications for original appointment. If an officer is not available to be physically examined because of circumstances which make it impracticable for the Service to require such examination, he may, in the discretion of the Surgeon General, be reappointed without such examination, but shall be examined as soon thereafter as practicable and his physical qualification or disqualification for continued or future active service shall be determined on the same basis as if the physical examination had been given prior to reappointment.

§ 21.59 *Reappointment of officers who are or have been in a retired status.* An officer of the Reserve Corps who has been retired for disability shall, upon a finding that he has recovered from his disability, be recommended for reappointment to the grade held by him at the time of his retirement without further physical or other examination. An officer of the Reserve Corps not on active duty who has been retired for disability, who has been found to have recovered from such disability, and who has not served on active duty since the termination of his retired status may, upon the expiration of the commission issued to him upon the termination of his retired status, be recommended for reappointment without a physical examination, but such reappointment shall be made only to the grade held by him prior to his reappointment. The provisions of this section shall not, however, preclude an officer from being reappointed to a higher grade pursuant to § 21.56, if he passes the physical examination required by § 21.58 in advance of such reappointment.

SUBPART D—INCREASED PAY AND ALLOWANCES

§ 21.61 *Duty requiring intimate contact with leprosy patients; additional pay.* (a) Every officer who is assigned to full-time duty at a station of the Service devoted exclusively to the care of leprosy patients and who is engaged as a physician, dentist, nurse, dietitian, dispensing pharmacist, technician, or otherwise in the diagnosis or treatment of the diseases of such patients shall receive while so assigned, in addition to the pay and allowances of his grade, a sum equal to 50 per centum of the pay of his grade.

(b) Every officer who is assigned to full-time duty at a station of the Service devoted exclusively to the care of leprosy patients and who is not entitled to the additional payment of 50 per centum under paragraph (a) of this section shall receive while so assigned, in addition to the pay and allowances of his grade, a sum equal to 25 per centum of the pay of his grade. (Sec. 209 (g), 58 Stat. 687; 42 U. S. C. 210 (g))

SUBPART E—ALLOTMENTS

§ 21.71 *Generally.* An officer on active duty may be permitted to allot a part or all of his monthly pay and allowances for the payment of insurance premiums, the purchase of securities of the Federal Government, or for other proper purposes approved by the Surgeon General: *Provided*, That no officer, without the approval of the Surgeon General, may have in force more than two allotments at one time, exclusive of allotments for insurance premiums. (Sec. 209 (c), 58 Stat. 686; 42 U. S. C. 210 (c))

§ 21.72 *On active duty or traveling outside continental United States.* An officer on active duty whose permanent or temporary post of duty is outside the continental United States or in Alaska or who, while stationed in the United States, is traveling on official business outside the continental United States or in Alaska, may be permitted to allot, in addition to allotments for the purposes as indicated in § 21.71, a part or all of his monthly pay and allowances for the support of his family or dependents, except that no officer, without the approval of the Surgeon General, may have in force more than two allotments at one time, exclusive of allotments for insurance premiums. (Sec. 209 (c), 58 Stat. 686; 42 U. S. C. 210 (c))

SUBPART F—LEAVE

AUTHORITY: §§ 21.81 to 21.95, inclusive, issued under secs. 209 (c), 215, 58 Stat. 686, 690; 42 U. S. C. 210 (c), 216, except as noted following provisions affected.

DEFINITIONS

§ 21.81 *Meaning of terms.* For the purpose of computing and granting leave pursuant to this subpart:

(a) A "year" or "leave year" means the period beginning July 1 of any calendar year and ending June 30 of the succeeding calendar year.

(b) "Annual leave" means any period of one work day or more during which an officer is relieved from his scheduled working hours, other than for sick leave, and all non-work days within such period.

(c) A "work day" means a day on which an officer is scheduled to perform more than brief periods of work, including a day when an officer is scheduled to serve as officer of the day, to be on call, or to perform official travel.

(d) A "non-work day" means a day designated by an officer in charge on which an officer has no scheduled working hours, including a day on which an officer is ordinarily scheduled to perform only brief periods of work, such as ward rounds in a hospital.

(e) "Off-work hours" means the period between the normal completion and commencement of scheduled working hours on two consecutive work days.

(f) "Station leave" means authorized absence from duty and station on non-work days, off-work hours, or for a period of less than one work day.

(g) "Sick leave" means any period of one day or more with respect to which an officer is excused from duty because of sickness, disability, or need of medical services.

Leave With Pay

§ 21.84 *Accrual and accumulation of annual leave.* An officer shall accrue annual leave at the rate of 30 days for each full year of active service with the Service, and for any portion of a year at the rate of one day for each 12 consecutive days of such service. Annual leave accrued during a leave year, but unused at the end of such year, shall be carried forward as accumulated leave for use in succeeding leave years, except that accumulated leave credited to an officer at the beginning of a new leave year in excess of 60 days shall be canceled: *Provided, however*, That accumulated annual leave credited to an officer on July 1, 1948, in excess of 60 days but not exceeding 120 days shall be carried forward in succeeding leave years until used, commuted, or compensated. Annual leave taken during a leave year shall be charged first against the leave accrued or to accrue during that year. No annual leave shall accrue (a) during any period of such leave immediately preceding the termination or inactivation of a commission, or retirement, (b) during any period in which an officer is placed on leave without pay while detailed pursuant to section 214 (b) or 214 (c) of the act, or (c) during any period of absence without leave.

§ 21.85 *Carrying over accrued and accumulated annual leave during continued service.* Annual leave accrued and accumulated but not taken shall not survive the expiration, termination, or inactivation of a commission, or retirement, except that such accrued and accumulated leave shall remain available (a) to an officer whose commission expires or is terminated but who, without a break in active service, accepts a new commission, and (b) to an officer who is retired for age in time of war but who is continued on or recalled to active duty without a break in active service.

§ 21.86 *Granting of annual leave.* Within the limitations prescribed in §§ 21.84 and 21.85, annual leave with pay may be granted, upon application, by the Surgeon General at such time or times and for such periods as are approved by him. Annual leave not exceeding 30 days may be granted as provided herein as an advance of leave not yet accrued or accumulated. A period of absence from duty shall be considered as annual leave only if authorized in advance or if the absence and the reasons therefor are reported as promptly as circumstances permit and the absence is excused by the Surgeon General.

§ 21.87 *Computation of annual leave.* The number of days of annual leave taken shall be computed by counting each work day during the period of leave and all non-work days within such period, but excluding any period of station

leave immediately preceding or immediately following such leave, except that in the case of annual leave taken immediately preceding the expiration, termination, or inactivation of a commission, or retirement, each day, following the day on which an officer is released from his assigned station, shall be counted as a day of leave.

§ 21.88 *Station leave.* During off-work hours and on non-work days, during which an officer has no scheduled working hours he shall be entitled to station leave unless the officer in charge otherwise directs. If an officer desires to take station leave for a period of less than one work day or on a non-work day during which he is scheduled to perform only a brief period of work, he must obtain the oral permission of the officer in charge. Station leave shall not be charged as annual leave.

§ 21.89 *Reporting of absence; granting of sick leave.* Absence from duty with pay because of sickness, disability, or need of medical services shall be reported immediately, and sick leave may be granted therefore. Every such absence in excess of 3 days shall be supported by a medical certificate which shall be furnished to the officer responsible for granting such leave promptly upon the termination of such absence, and which shall state the nature of the sickness, disability, or need of medical services. A medical certificate also shall be furnished promptly to the Surgeon General at the end of each period of 30 days of continuous absence. Sick leave may be granted by the Surgeon General to the extent that circumstances justify, but it shall not be granted in advance.

§ 21.90 *Prolonged or frequent absence due to sickness or disability; review of status.* Absence from duty due to sickness or disability for a period of more than 90 consecutive days or for an aggregate of more than 120 days in any one calendar year shall be reported to the Surgeon General, who:

(a) In the case of an officer of the Regular Corps, or of an officer of the Reserve Corps who may be entitled to retirement pay for disability pursuant to section 211 (a) of the act, shall appoint a board to consider whether such officer should be retired; or

(b) In the case of an officer of the Reserve Corps who is not entitled to retirement pay for disability pursuant to section 211 (a) of the act, shall determine whether such officer should be continued in an active duty status.

§ 21.91 *Reporting of whereabouts during annual, sick, or station leave.* During a period of annual, sick, or station leave an officer shall be considered to be in an active duty status and shall be subject to all regulations governing commissioned officers, including those relating to discipline. During all such periods of leave, an officer shall keep the officer in charge informed as to the place or places at which he may be located and shall be subject to recall to duty at any time.

Leave Without Pay While on Detail

§ 21.95 *Leave without pay while on detail.* The Surgeon General, with the approval of the Administrator, may place an officer on leave without pay while detailed pursuant to section 214 (b) or 214 (c) of the act for such period as may be agreed upon by the Surgeon General and the officer. (Sec. 214 (d), 58 Stat. 690; 42 U. S. C. 215 (d))

SUBPART C—PROMOTION

AUTHORITY: § 21.101 and §§ 21.112 to 21.142, inclusive, issued under secs. 215, 210, 58 Stat. 690, 687, as amended by sec. 6 (a), Pub. Law 425, 80th Cong., 62 Stat. 42; 42 U. S. C. 216, 211.

Definitions

§ 21.101 *Meaning of terms.* For purposes of this subpart:

(a) A "service promotion" means a permanent promotion, other than to a restricted grade, (1) to the assistant grade upon meeting the requirements for original appointment to such grade, (2) to the senior assistant, full, or senior grade upon completion of three, ten, or seventeen years of service, respectively, in and above the assistant grade, or (3) to such grades because of having seniority over an officer who receives such a promotion.

(b) An "accelerated promotion" means a permanent promotion to the senior assistant, full, or senior grade, other than to a restricted grade, prior to the date on which an officer would be entitled to a service promotion.

(c) A "selected promotion" means a permanent promotion to a restricted grade or to the director grade.

(d) A "temporary promotion" means a promotion which may be terminated at any time, as may be directed by the President.

(e) A "graded position" means a position which the Surgeon General has designated as requiring the services of an officer of a certain grade.

(f) A "restricted grade" means the senior grade or both the full and senior grade in a professional category to which promotions shall be made only if vacancies exist in such grade or grades.

(g) A "seniority list" means a list for each grade of each category in the Regular Corps which shall include the names of all officers of that grade and category in the order of their seniority in grade and relative standing for purposes of examination for promotion.

(h) A "promotion register" means a list for each grade of each category in the Regular Corps which shall include the names of all officers of that grade and category who have passed examinations for permanent promotion to the next higher grade.

(i) A "category" or "professional category" means one of the categories into which the Regular Corps is divided for the purpose of establishing eligibility for promotion pursuant to section 209 (a) of the act.

Provisions Applicable Only to Regular Corps

§ 21.112 *Establishment of seniority lists.* There shall be established for each grade of each category in the Regular Corps a seniority list which shall include the names of those officers of the Regular Corps on active duty, holding permanent commissions in such grade and assigned to such category. The names of officers on each seniority list shall be arranged in the order of their seniority pursuant to section 210 (j) of the act and this subpart.

§ 21.113 *Seniority in grade; junior assistant grade.* The order of seniority of officers of the Regular Corps on each seniority list for the junior assistant grade shall be established in accordance with the length of time each officer must serve before becoming eligible for promotion to the assistant grade. An officer having a shorter period of time to serve before becoming eligible for promotion shall assume seniority over an officer having a longer period of time to serve before becoming eligible for promotion.

§ 21.114 *Officers of the Regular Corps entitled to the same seniority in grade.* (a) Except as provided in paragraph (b) of this section, if two or more officers of the Regular Corps on the same seniority list are entitled to the same seniority, their relative standing on such list shall be determined as follows:

(1) An officer already in a grade shall have relative standing over an officer originally appointed to the grade.

(2) If two or more officers are originally appointed to the same grade on the same day, they shall have relative standing in accordance with their numerical scores on the examinations for appointment. If their numerical scores are the same, the elder officer shall have relative standing over the younger officer.

(3) If an officer is originally appointed on the same day that another officer is promoted to the same grade, the officer promoted to the grade shall have relative standing over the officer appointed to the grade.

(b) If two or more officers in the Regular Corps on February 28, 1948, have the same seniority as determined pursuant to section 6 (d) or (e) of Public Law 425, 80th Congress, their relative standing shall remain the same as it was on the lineal list in effect on such date.

§ 21.115 *Restricted grades.* Officers of the Regular Corps in the nurse, dietitian, and therapist categories shall be permanently promoted to the full and senior grades only if vacancies exist in such grades. Officers of the Regular Corps in the pharmacist and sanitarian categories shall be permanently promoted to the senior grade only if vacancies exist in such grade.

§ 21.116 *Promotion to assistant grade.* Each officer of the Regular Corps in the junior assistant grade, who is examined and found qualified for promotion, shall be eligible for a service promotion to the assistant grade on the first day of the month following the date on which he meets the qualifications prescribed for original appointment to the assistant grade, regardless of length of service in the junior assistant grade, or, in the case of an officer in the Regular Corps on February 28, 1948, on such date as his promotion credit in such grade equals four years, whichever date is the earlier.

§ 21.117 *Annual promotion boards; appointment of; powers and duties.* At least once each calendar year on a date to be selected by him, the Surgeon General shall appoint one or more annual promotion boards for each professional category into which the Regular Corps is divided for purposes of promotion to consider the qualifications of officers of the Regular Corps for permanent promotions, and may appoint such subboards as are necessary to assist the boards. Such boards and subboards shall consist of three or more officers, the majority of whom, so far as practicable, shall be of the same profession as the officers to be considered for promotion. The Surgeon General shall prescribe the duties and procedures of boards and subboards in relation to the examination process not otherwise prescribed in this subpart.

§ 21.118 *Officers to be considered for promotion.* The Surgeon General shall submit to the appropriate annual promotion board for consideration for promotion the names of those officers of the Regular Corps who will become eligible for service promotions during such ensuing period of one year or less as he may prescribe and the names of a sufficient number of officers of the Regular Corps to meet the estimated needs of the Service for accelerated or selected promotions during the same period. The number of names referred to a board for consideration for accelerated or selected promotions shall be based (a) upon the number of vacancies in each particular grade existing or anticipated within such period, (b) the number of such vacancies which the Surgeon General determines to fill by means of such promotions, and (c) a determination as to whether the examination for promotion to the full grade or above shall be competitive or non-competitive.

§ 21.119 *Disqualification of a member of a promotion board.* No member of a promotion board shall participate in the second of the first two consecutive considerations of an officer for promotion to the same grade when the member served as a member of a promotion board which failed to select such officer for promotion on the first of such two consecutive considerations.

§ 21.120 *Physical examination.* Every officer of the Regular Corps being considered for a permanent promotion shall undergo such physical examination as the Surgeon General may direct. An officer shall be recommended for promotion unless he is found to have a physical disability which, if incurred in line of duty, would make him eligible for retirement. If an officer is not available to be physically examined because of circumstances which would make it impracticable for the Service to require such examination, he may be recommended for promotion without taking such examination, but shall be examined as soon thereafter as practicable.

§ 21.121 *Examination; promotion to the assistant and senior assistant grades.* The examination for permanent promotion to the assistant and senior assistant grades in the Regular Corps shall consist of (a) a written professional examination in such subjects as are prescribed by the Surgeon General relating to the officer's profession, the various activities of the Service, and the Service laws and regulations, and (b) a review and evaluation of the officer's record with the Service, and (c), in the discretion of the Surgeon General, an oral interview to determine the officer's fitness for promotion. If, however, an officer who is to be considered for promotion to the assistant or senior assistant grade is not available to take the written professional examination because of circumstances which make it impracticable for the Service to administer such examination, his examination may, in the discretion of the Surgeon General, consist of a review and evaluation of his record with the Service.

§ 21.122 *Examination for promotion to the full grade and above.* The examination for permanent promotion to the full, senior, or director grade in the Regular Corps shall consist of a review and evaluation of an officer's record with the Service, and may, in the discretion of the Surgeon General, include an oral interview, a written or oral professional examination, or both.

§ 21.123 *Rating values.* The examination of every officer for permanent promotion to any grade in the Regular Corps shall be rated, except as provided in § 21.124, by a promotion board in accordance with relative values prescribed by the Surgeon General for each part of the examination.

§ 21.124 *Competitive examination for selected promotions.* If the Surgeon General prescribes that an examination for selected promotions shall be competitive, he may require that the board considering officers for such promotions shall recommend for promotion, out of the number of officers examined, only those officers who possess such special qualifications as he may prescribe, in which event the board shall rate only those officers who possess such qualifications.

§ 21.125 *Use of ratings in determining eligibility for promotion.* Every officer who receives a rating of 80 or above on a non-competitive examination shall be considered as having passed the examination. Every officer who receives a rating of 80 or above on a competitive examination and who, on the basis of his rating, falls within the number of officers to be selected for promotion, as prescribed by the Surgeon General pursuant to section 210 (c) of the act, shall be considered as having passed the examination.

§ 21.126 *Establishment of promotion registers.* There shall be established for each grade of each category in the Regular Corps a promotion register which shall include the names of those officers of the Regular Corps who have passed examinations for permanent promotion to the next higher grade in the category to which assigned. The names of officers when originally entered on a promotion register shall be arranged in the order of their relative standing on their seniority list but next below the names of all officers already on such register. If an officer is not promoted within two years from the date his name is placed on a promotion register, he shall be reexamined for promotion. If he passes the examination, he shall retain his standing on the register, and if he fails to pass the examination, his name shall be removed from the register.

§ 21.127 *Recommendation for promotion.* Officers will be recommended to the President for promotion in the order of their standing on a promotion register, and no officer will be recommended ahead of any officer senior to him on such register, except that if an officer on a promotion register becomes eligible for a service promotion pursuant to section 210 (f) of the act, he shall be recommended for promotion ahead of officers above him on such register but junior to him on the seniority list. When an officer is promoted, his name shall be removed from the promotion register of the grade from which promoted.

§ 21.128 *Graded positions.* After considering the relative importance of the duties and responsibilities of a position in relation to the duties and responsibilities of other positions occupied by commissioned officers, the Surgeon General may determine that such position requires the services of an officer of a certain grade and may designate such position as a graded position.

§ 21.129 *Selection of officers for assignment to graded positions.* The Surgeon General may select an officer of the Regular Corps to be assigned to a graded position without regard to seniority or grade. Selection for such an assignment shall, however, be based upon a consideration of the qualifications of an officer for such assignment and his ability to perform the duties and responsibilities of the position as demonstrated by his training, experience, and record with the Service.

§ 21.130 *Temporary promotion upon assignment to a graded position.* If an officer of the Regular Corps is assigned to a graded position pursuant to § 21.129, if his current permanent or temporary grade is lower than the grade designated for such position, and if there is a vacancy in such grade and in the category of the officer so assigned, the officer shall be recommended to the President for a temporary promotion to such grade.

§ 21.131 *Limitations on temporary promotions.* Except as otherwise provided in § 21.132, officers of the Regular Corps shall be recommended to the President for temporary promotions only as provided in § 21.130. Upon a subsequent assignment by the Surgeon General to a non-graded position, an officer shall revert to his permanent grade. Upon a subsequent assignment by the Surgeon General to a graded position designated as requiring a lower grade, an officer shall revert to his permanent grade but shall be eligible for a new temporary promotion pursuant to § 21.130.

§ 21.132 *Temporary promotions in time of war or national emergency.* In time of war or national emergency proclaimed by the President, the Surgeon General may recommend to the President for temporary promotions officers of the Regular Corps, in addition to officers assigned to graded positions. Selection for such a temporary promotion

shall be based upon a consideration of the qualifications of an officer for promotion and his ability to perform the duties and responsibilities of the higher grade as demonstrated by his training, experience, and record with the Service. If a temporary promotion is other than upon assignment to a graded position, it may be terminated by the Administrator at any time.

§ 21.133 *Effect of disciplinary action.* Nothing contained in this subpart shall be construed to authorize the promotion of an officer of the Regular Corps if such promotion would be inconsistent with action taken pursuant to the regulations on discipline to reduce the grade, promotion credit, or seniority of such officer.

Provisions Applicable Only to Reserve Corps

§ 21.141 *Dividing Reserve Corps into professional categories.* Whenever the number of officers of the Regular Corps on active duty, plus the number of officers of the Reserve Corps who have been on active duty for thirty days or more, exceeds the authorized strength of the Regular Corps, the Surgeon General shall, for the purpose of establishing eligibility of officers of the Reserve Corps for temporary promotions, divide the Reserve Corps into professional categories which shall, to the greatest extent practicable, be the same as the categories into which the Regular Corps is divided pursuant to section 209 (a) of the act. The Surgeon General shall thereupon assign each officer of the Reserve Corps, on the basis of his training and experience, to one of such categories.

§ 21.142 *Temporary promotions; Reserve Corps.* Under the same conditions and subject to the same limitations as are applicable to an officer of the Regular Corps, an officer of the Reserve Corps may be selected for assignment to a graded position, and, if selected and if a vacancy exists among numbers in grade established by the Administrator pursuant to section 210 (1) of the act in the higher grade and in the category of the officer so assigned, he shall be recommended for a temporary promotion to such grade. To the extent that vacancies exist in each grade of each category among numbers in grade established by the Administrator pursuant to section 210 (1) of the act, officers of the Reserve Corps, in addition to officers assigned to graded positions, may be recommended for temporary promotions. In time of war or national emergency proclaimed by the President, officers of the Reserve Corps may be recommended for temporary promotions under the same conditions and procedures as are applicable to officers of the Regular Corps. Any promotion made pursuant to this section may be terminated by the Administrator at any time.

SUBPART H—SEPARATION OF CERTAIN OFFICERS

AUTHORITY: §§ 21.151 to 21.154, inclusive, issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216. Additional authority is noted in parentheses following sections affected.

§ 21.151 *Separation of officers of Regular Corps originally appointed in or above the senior assistant grade.* As soon as practicable after the conclusion of the first three years of service of an officer of the Regular Corps originally appointed in or above the grade of senior assistant, the record of such officer shall be reviewed by a board appointed by the Surgeon General composed of three or more commissioned officers of the Regular Corps, the majority of whom, so far as practicable, shall be of the same professional category as the officer whose record is under review. If the board finds such officer not fully qualified for further service and if such finding is approved by the Surgeon General and the Administrator, such officer shall be separated from the Service. (Sec. 210 (b), 58 Stat. 687, as amended by sec. 6 (a), Pub. Law 425, 80th Cong., 62 Stat. 42; 42 U. S. C. 211 (b))

§ 21.152 *Separation of officers because of pregnancy.* An officer who becomes pregnant shall be placed on annual leave upon her own application or at such time as the Surgeon General may determine to be in the interest of the Service, but not later than the end of the sixth month of pregnancy. After the expiration of such leave, an officer who has had not less than 10 months continuous active service immediately prior to such expiration shall, upon application, be granted 90 days of sick leave. If after the expiration of annual and sick leave, if any, the officer has not requested to be returned to duty and has not presented evidence to the Surgeon General that she is physically qualified for duty, the officer, if a member of the Reserve Corps, shall be placed on inactive duty, or, if a member of the Regular Corps, her commission shall be terminated. After being placed on annual leave pursuant to this section, no officer shall be granted sick leave, other than the 90 days of sick leave hereinabove authorized, because of sickness, disability, or need of medical services incident to pregnancy or puerperium. An officer of the Regular Corps whose commission has been terminated pursuant to this section may apply for reappointment pursuant to § 21.48.

§ 21.153 *Separation of officers of the Regular Corps for physical reasons under certain circumstances.* If a medical review board, after considering the case of an officer referred to it pursuant to § 21.161, finds (a) that an officer of the Regular Corps has a physical disability which precludes the useful and efficient performance of his duties but that such disability was not incurred in line of duty pursuant to § 21.171 (e), or (b) that an officer of the Regular Corps who is physically examined within 15 days from the date of his original appointment pursuant to § 21.32, fails to meet the physical qualifications required for original appointment because of a condition which existed prior to his appointment, it shall report such facts to the Surgeon General. If such report is approved by the Surgeon General and the Administrator, the commission of the officer concerned shall be terminated.

§ 21.154 *Separation of officers of the Regular Corps for refusal to undergo examination under certain circumstances.* If the Surgeon General finds (a) that an officer of the Regular Corps eligible to take an examination for promotion refuses, without good cause, to take such examination, including the physical examination, or (b) that an officer of the Regular Corps whose retirement for physical disability is being considered by a medical review board appointed pursuant to § 21.161 has failed, without good cause, to supply any information or undergo any examination required by such board pursuant to § 21.162, he shall refer the case of such officer to a board of investigation appointed pursuant to § 21.283 for the purpose of determining whether the commission of such officer should be terminated. If the board recommends that the commission of such officer be terminated, and if such recommendation is approved by the Surgeon General and the Administrator, the commission of the officer concerned shall be terminated. (Sec. 6 (a), Pub. Law 425, 80th Cong., 62 Stat. 42)

SUBPART I—MEDICAL REVIEW BOARD

AUTHORITY: §§ 21.161 to 21.163, inclusive, issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216.

§ 21.161 *Medical review board.* The Surgeon General shall appoint one or more medical review boards and may appoint such subboards as are necessary to assist the boards. Such boards and subboards shall consist of three or more medical officers and may include one or more dental officers. The Surgeon General shall refer to a medical review board the case of any officer who may be entitled to retirement for physical disability, the case of any officer who has been retired for physical disability but who may have recovered from such disability, and the case of any officer who after his appointment in the Regular Corps or call to active duty in the Reserve Corps is required pursuant to § 21.32 to undergo a physical examination the results of which indicate a possible physical disqualification for further service. In addition, he may refer to such board the case of any candidate being considered for original appointment to either the Regular or the Reserve Corps, the case of any officer of the Reserve Corps being considered for reappointment, call to active duty, or continued active duty, the case of any officer of the Reserve Corps who having been reappointed without taking a physical examination is subsequently physically examined pursuant to § 21.58, and the case of any officer of the Regular Corps being considered for permanent promotion, in which questions exist concerning the physical qualification of such candidate or officer for appointment, reappointment, call to active duty, continued active duty, or promotion.

§ 21.162 *Powers and duties of medical review boards.* A board or subboard may require an officer whose case has been referred to it to undergo such further physical examination as it may direct and to appear before the board and answer any question or produce any document in his possession pertinent to his health history or his activities at the time when the alleged disability arose or was aggravated. Upon the conclusion of its examination and deliberation, the board shall report its findings and recommendations to the Surgeon General.

§ 21.163 *Action by the Surgeon General.* Upon receipt of a report from a medical review board the Surgeon General may return the report to the board for further investigation and recommendations, or may dissolve the board and appoint a new board to complete the investigation or to reinvestigate the case. Upon receipt of a final report from a medical review board the Surgeon General shall consider such report in determining the action to be taken.

SUBPART J—RETIREMENT

AUTHORITY: §§ 21.171 to 21.191, inclusive, issued under secs. 215, 211, 58 Stat. 690, 688, as amended by sec. 7, Pub. Law 425, 80th Cong., 62 Stat. 47; 42 U. S. C. 216, 212.

For Disability

§ 21.171 *Meaning of terms.* For purposes of physical disability retirement, the term:

(a) "Retirement" means the retirement of an officer with retired pay for a service-connected or a service-aggravated total disability.

(b) "Service-connected disability" means, in the case of an officer of the Regular Corps, a disability from disease or injury incurred in line of duty, and, in the case of an officer of the Reserve Corps, a disability from a disease or injury incurred in line of duty in time of war.

(c) "Service-aggravated disability" means, in the case of an officer of the Regular Corps, a disability from a pre-existing disease or injury aggravated in line of duty, and, in the case of an officer of the Reserve Corps, a disability from a pre-existing disease or injury aggravated in line of duty in time of war.

(d) "Total disability" means a service-connected or service-aggravated disability which has continued for 90 days and which totally disables an officer for the useful and efficient performance of the duties of his grade.

(e) "Disability not incurred in line of duty" includes a disability resulting proximately from an act or omission in violation of either a statute or regulation specifically applicable to the conduct of an officer, a disability proximately resulting from the private practice of an officer's profession, or a disability proximately resulting from an act or omission which in itself is immoral, including disability proximately resulting from intentional self-inflicted injury.

(f) "Recovery" means such recovery by a retired officer from his disability that he no longer has a total disability.

§ 21.172 *Generally.* An officer shall, subject to the provisions of this part, be retired during the effective period of his commission, for a service-connected or a service-aggravated total disability.

§ 21.173 *Effective date.* The retirement of an officer shall be effective on the first day of the month following the expiration of his accumulated annual leave. The number of days of annual leave to be given to an officer prior to his retirement shall be the number of days of such leave accumulated as of the date of the approval by the Administrator of a finding that the officer should be retired pursuant to this subpart. An officer shall be placed on annual leave prior to retirement on such day as will cause his annual leave to expire on the last day of a month.

§ 21.174 *Termination of reserve commission.* If an officer of the Reserve Corps is retired for disability, his commission shall be terminated on the effective date of his retirement.

§ 21.175 *Duration.* Retired pay shall continue for life or until the recovery of the officer from his disability.

§ 21.176 *Termination; Regular Corps; recall to active duty.* If an officer of the Regular Corps retired for disability is found to have recovered from his disability, he shall be recalled to active duty.

§ 21.177 *Termination; Reserve Corps*—(a) *Termination of retired pay.* If an officer of the Reserve Corps retired for disability is found to have recovered from his disability, his retired pay shall terminate upon the date on which the Surgeon General approves a finding that he has recovered.

(b) *Recall to active duty.* An officer of the Reserve Corps who has been retired for disability and whose retired status has been terminated pursuant to paragraph (a) of this section may be called to active duty only in the event that he is found to meet the physical qualifications required for original appointment, except that a physical defect relating to the disability for which he was retired may be waived.

§ 21.178 *Retired officer; review of disability.* An officer retired for disability shall, from time to time, undergo such review of his disability as the Surgeon General may direct. No officer retired for disability shall be required to submit to a physical examination or otherwise be required to undergo a review of his disability after attaining the age of 64 years or after the date on which he would have completed 30 years of service for purposes of retirement had he remained on active duty.

§ 21.179 *Relapse after recovery; Reserve Corps.* If an officer of the Reserve Corps who has been retired for disability and whose retired status has been terminated pursuant to § 21.177 shall again become totally disabled and if his relapse is not due to any new intervening cause, he shall again become entitled to retired pay.

§ 21.180 *Report by medical review board.* If the report of a medical review board which has considered the case of an officer for retirement recommends that such officer be retired, and if such report is approved by the Surgeon General and the Administrator, the officer shall be retired. If the report of a medical review board which has considered the case of a retired officer for the termination of his retired status recommends that the retired status of such officer be terminated, and if such report is approved by the Surgeon General, the retired status of the officer shall be terminated.

§ 21.181 *Failure to undergo examination or supply information.* If the Surgeon General finds that an officer whose retirement or the termination of whose retired pay is being considered by a medical review board has willfully failed to supply any information or to undergo any examination required by such board pursuant to this subpart, he may deny such officer retired pay and shall suspend or terminate his retired pay pursuant to section 211 (h) of the act.

§ 21.182 *Presumptions.* The following presumptions shall be applicable with respect to disability; and they shall be overcome only by a preponderance of the evidence:

(a) *Good health.* After an officer who is appointed in the Regular Corps or who is called to active duty in the Reserve Corps has complied with the requirements of § 21.32 and has been found to be physically qualified, he shall be presumed to be free from all disease or injury not noted in the record of his physical condition at the time of such compliance.

(b) *Presumption of service-connection of disability*—(1) *Regular Corps.* A disability which is incurred in line of duty by an officer of the Regular Corps from a disease or injury not noted in the record of his physical condition pursuant to paragraph (a) of this section and which manifests itself while the officer is on active duty shall be presumed to be a service-connected disability.

(2) *Reserve Corps.* A disability which is incurred in line of duty by an officer of the Reserve Corps from a disease or injury not noted in the record of his physical condition pursuant to paragraph (a) of this section at the beginning of a tour of active duty and which manifests itself while the officer is still on active duty in time of war shall be presumed to be a service-connected disability. It shall be presumed that any such disability which manifests itself within 60 days of the last active service in time of war of an officer of the Reserve Corps is a service-connected disability. It shall be presumed that any such disability which does not manifest itself within 60 days of the last active service in time of war of an officer of the Reserve Corps is not a service-connected disability.

(c) *Presumption of service-aggravation of disability*—(1) *Regular Corps.* A disability which is incurred in line of duty by an officer of the Regular Corps and which is found to have resulted from an aggravation of a disease or injury noted in the record of his physical condition pursuant to paragraph (a) of this section during the active service of such officer shall be presumed to be a service-aggravated disability.

(2) *Reserve Corps.* A disability which is incurred in line of duty by an officer of the Reserve Corps, which is found to have resulted from an aggravation during the active service of such officer of a disease or injury noted in the record of his physical condition pursuant to paragraph (a) of this section at the beginning of a tour of active duty and which manifests itself while he is still on active duty in time of

war shall be presumed to be a service-aggravated disability. It shall be presumed that any such disability which manifests itself within 60 days of the last active service in time of war of an officer of the Reserve Corps is a service-aggravated disability. It shall be presumed that any such disability which does not manifest itself within 60 days of the last active service in time of war of an officer of the Reserve Corps is not a service-aggravated disability.

§ 21.183 *Transmission of information to certain agencies.* The Surgeon General shall forward to the Veterans Administration or to the Bureau of Employees' Compensation, Federal Security Agency, upon request, any record or document or a copy or abstract thereof obtained in a proceeding pursuant to §§ 21.171 to 21.182.

After Thirty Years of Service

§ 21.184 *Retirement of officers in the senior grade.* Each officer of the Regular Corps in the senior grade, other than an officer in a restricted grade, who has completed 30 years of service for purposes of retirement and who does not request in writing prior to completion of such service that he be retired within 6 months after completion of such service, shall be retired by the Administrator not later than 6 months after completion of such service.

§ 21.185 *Retirement boards; appointment of.* The Surgeon General shall from time to time appoint retirement boards which shall consist of five or more officers, the majority of whom shall, insofar as practicable, be of the same professional category as the officer being considered for retirement.

§ 21.186 *Referral of records to retirement boards.* If an officer of the Regular Corps who is in the director grade, other than an officer during the period of his assignment in the grade of Assistant Surgeon General or above, or who is in the senior grade in a restricted grade, does not request in writing prior to completion of 30 years of service for purposes of retirement that he be retired within 6 months after completion of such service, the Surgeon General shall refer his record, including the record of his physical condition, to an appropriate retirement board which shall review such record to determine his qualifications for continued active service.

§ 21.187 *Powers and duties of retirement boards.* A retirement board shall consider the record referred to it by the Surgeon General, and in addition may require for its consideration an oral or written statement from any officer, including the officer concerned, which it believes to be pertinent to an evaluation of the qualifications of such officer for continued active service. The recommendation of a majority of the members of a board shall be reported to the Surgeon General as the recommendation of the board.

§ 21.188 *Subsequent review of record.* If an officer of the Regular Corps is not retired as a result of a review of his record and if he is not subsequently retired for any other reason, the Surgeon General may again refer his record to a retirement board for review at any time, and shall refer his record to a retirement board for review within 3 months after a date which is 2 years subsequent to the date on which the record of such officer was last reviewed by a retirement board. Each review of his record shall be conducted as prescribed in § 21.187.

§ 21.189 *Prescription of numbers for retirement.* The Surgeon General may from time to time refer to appropriate retirement boards the records of all officers of the Regular Corps in a professional category, other than the record of an officer during the period of his assignment in the grade of Assistant Surgeon General or above, who have completed 30 or more years of service for purposes of retirement and who have not been retired, and may prescribe that, out of the number of such officers, a specified number of them shall be recommended for retirement.

§ 21.190 *Action by the Surgeon General and the Administrator.* If a retirement board finds that an officer should be retired and if such finding is approved by the Surgeon General and the Administrator, the officer concerned shall be retired and his retirement shall be effectuated as prescribed in § 21.173.

For Length of Service or for Age

§ 21.191 *Recall to active duty in time of war.* In time of war the Surgeon General may order any commissioned officer of the Regular Corps retired for age or retired after the completion of 30 years of service to present himself for such physical examination as the Surgeon General may direct, and may order to active duty any such officer found physically capable of performing the duties to which he may be assigned, except that the tour of duty of any officer so recalled shall not extend beyond the last day of the sixth month following the termination of the state of war.

SUBPART K—TRAINING

AUTHORITY: §§ 21.201 to 21.204, inclusive, issued under sec. 8, Pub. Law 425, 80th Cong., 62 Stat. 47.

§ 21.201 *Definition.* The term "approved educational institution" as used in this subpart means an educational institution which has been accredited or approved by a professional body or bodies acceptable to the Surgeon General for such purpose, or which, in the absence of such a body, meets generally accepted professional standards as determined by the Surgeon General.

§ 21.202 *Assignment of officers to educational institutions for training.* After considering the needs of the Service for officers with knowledge, skill, and experience in the specialties required by Service activities, the Surgeon General may assign an officer of the Regular Corps, with his consent, to an approved educational institution for purposes of training for such length of time as the Surgeon General shall determine and under such conditions as may be agreed upon by the educational institution and the Surgeon General.

§ 21.203 *Payment of tuition and fees.* When an officer of the Regular Corps is assigned to an educational institution for training, the institution shall be paid for tuition and other fees and charges, including student health service fees, registration fees, laboratory fees, and diploma fees, in the same amounts as are applicable to other students and in such manner as may be agreed upon by the institution and the Surgeon General.

§ 21.204 *Other necessary expenses.* An officer of the Regular Corps upon assignment to an educational institution for training for a period of 3 months or more shall be entitled to reimbursement for necessary expenses incident to his attendance incurred for the purchase of textbooks, equipment, and supplies on an actual cost basis not to exceed a total of $100.00 during each year of such training. Such reimbursement shall be made upon the submission of proper receipt for each item.

SUBPART L—UNIFORMS

AUTHORITY: §§ 21.211 to 21.242, inclusive, issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216. Additional authority is noted in parentheses following sections affected.

Male Officers

§ 21.211 *Generally.* Except as provided in § 21.231, the uniforms of male officers of the Service shall be the same as the uniforms now or hereafter prescribed for male commissioned officers of the Coast Guard of corresponding grades, except as follows:

(a) *Insignia.* Public Health Service insignia shall be substituted for Coast Guard insignia other than appropriate insignia of grade.

(b) *Miniature corps device on collar tip.* A metal Public Health Service miniature corps device shall be worn on the left shirt collar tip in lieu of the grade mark worn by commissioned officers of the Coast Guard.

(c) *Chin strap.* There shall be worn on the cap a sliding leather strap faced with gold-colored lace or thread, ½ inch wide, with a center band of maroon running lengthwise, 1/16 inch wide, with brass eyelets at each end, and with two slides of the same width and design as the strap at right angles to the strap.

Female Officers

§ 21.221 *Generally.* Except as provided in § 21.231, the uniforms of female officers of the Service shall be the same as the uniforms now or hereafter prescribed for commissioned officers of the Women's Reserve, U. S. Naval Reserve of corresponding grades, except as follows:

(a) *Insignia.* Public Health Service insignia, other than appropriate insignia of grade, shall be worn in lieu of the insignia of the Women's Reserve, U. S. Naval Reserve.

(b) *Sleeve Marking.* The sleeve markings of grade worn on each sleeve of the jacket or blouse of the blue uniform shall be of gold-colored lace or thread and shall correspond with the sleeve markings of grade worn on the blue uniform of male officers of the Service of corresponding grades. The sleeve markings of grade worn on each sleeve of the jacket or blouse of the white uniform shall be of gold-colored thread. The sleeve markings of grade worn on the jacket or blouse of the striped seersucker uniform shall be of navy blue braid. The sleeve markings of grade worn on each sleeve of the blue overcoat shall be of black silk braid and shall correspond with the sleeve markings of grade worn on the blue overcoat of male officers of the Service of corresponding grades.

(c) *Corps device.* A corps device shall be worn on each sleeve of the jacket or blouse of the blue, white, or striped seersucker uniform. The corps device worn on the blue jacket or blouse shall be of gold-colored lace or thread. The corps device worn on the white jacket or blouse shall be of gold-colored thread on a white background. The corps device worn on the striped seersucker jacket or blouse shall be of navy blue thread on a white background. A corps device of black silk thread shall be worn on each sleeve of the blue overcoat. A metal miniature corps device shall be worn on each lapel of the jacket or blouse of the blue or white uniform.

(d) *Seersucker uniform; miniature grade marking and corps device on collar tips.* The dress of the striped seersucker uniform shall be worn with a metal miniature grade marking on the right collar tip and with a metal miniature corps device on the left collar tip.

(e) *Headgear.* Headgear for female officers shall consist of a garrison cap of striped seersucker, white, or blue of any of the materials authorized for uniforms and shall be worn with a metal miniature cap device on the left side and a metal miniature grade mark on the right side. The white garrison cap shall be worn with the white uniform. The blue garrison cap shall be worn with the blue uniform. The striped seersucker garrison cap shall be worn with the striped seersucker uniform.

§ 21.222 *Working uniforms.* Female officers while on duty at hospitals, or while performing other professional duties in which white working uniforms are customarily worn, shall wear a conventional white working uniform. A metal miniature corps device shall be worn on the left collar tip and a metal miniature grade mark shall be worn on the right tip of this uniform, each device being worn one inch from the front edge of the collar.

§ 21.223 *Detail to States.* Female officers detailed to State or local health departments while engaged in public health activities, consisting of home visiting or clinical work, may wear the uniform dress, if any, of the State public health department to which detailed, together with the garrison cap with miniature Public Health Service cap device on the left side and a miniature metal grade mark on the right side. While wearing State health department uniforms such officers shall wear the same collar-tip insignia as female officers on hospital duty.

§ 21.224 *Change in uniform.* In the event that changes in the uniform of the Women's Reserve, U. S. Naval Reserve, are prescribed, female officers of the Service may continue to wear any uniforms owned by them at the time they are notified of such changes for a period not to exceed two years thereafter, but uniforms acquired after such notification shall be in accordance with the prescribed changes.

Male and Female Officers

§ 21.231 *Correspondence with uniforms of other commissioned services in certain cases.* If officers of the Service are detailed for duty or serve as liaison officers with any other commissioned service, or perform such other assignments in such places or under such circumstances as would make the wearing of the uniform of another commissioned service more appropriate, the Surgeon General may direct that such officers shall wear the uniform prescribed for such other commissioned service, except that the Public Health Service insignia shall, in all cases, be substituted for the insignia of such other commissioned service other than appropriate insignia of grade and, in the case of an Army type uniform, other than the block letters "U. S.".

§ 21.232 *Insignia.* Public Health Service insignia shall be as follows:

(a) *Corps device.* An ornament of gold-colored metal or gold-colored lace or thread consisting of a fouled anchor and caduceus crossed as in the seal of the Service, 1 inch high and 1 inch wide. Except when incorporated as part of the cap device, the corps device shall be so placed on the uniform that the staff of the caduceus is vertical and the anchor is pointing inward.

(b) *Miniature corps device.* A corps device 11/16 inch high and 11/16 inch wide.

(c) *Cap device.* An ornament of gold-colored metal or gold-colored lace or thread consisting of a shield with a chief with thirteen stars surmounted with a spread eagle, head dextral, with the whole placed on the corps device, with dimensions as follows:

	Inches
Height of shield	13/16
Height of eagle	7/8
Wing spread of eagle	2 1/8
Staff of caduceus	2 1/2
Length of anchor	2 1/4

(d) *Miniature cap device.* A cap device with dimensions as follows:

	Inches
Height of shield	½
Height of eagle	½
Wing spread of eagle	13/16
Staff of caduceus	13/16
Length of anchor	13/16

(e) *Buttons.* Buttons of the same composition and arrangement as on the corresponding article of uniform clothing of a commissioned officer of the Coast Guard, Women's Reserve, U. S. Naval Reserve, or other commissioned corps, with the corps device of the Public Health Service embossed on the button.

§ 21.233 *Wearing of uniforms in time of war.* In time of war, officers of the Service on active duty shall appear in uniform unless otherwise directed by the Surgeon General.

§ 21.234 *Wearing of uniforms in time of peace.* In time of peace, the Surgeon General shall from time to time designate those stations of the Service at which, and those areas, if any, in which, officers of the Service shall wear uniforms.

§ 21.235 *Uniform of the day; generally.* The Surgeon General shall from time to time prescribe the uniform of the day to be worn at particular stations of the Service or in particular areas at the seasons of the year and on dress occasions, and the Surgeon General may also prescribe the circumstances under which uniforms need not be worn.

§ 21.236 *Uniform of the day; certain officers.* Officers of the Service detailed for duty with other commissioned services shall wear the uniform of the day most nearly corresponding to that worn by the unit with which such officers are serving.

§ 21.237 *Wearing of uniforms; inactive, retired, or former officers.* Unless authorized by the Surgeon General, officers of the Reserve Corps on inactive duty and retired officers shall not wear uniforms except on occasions of ceremony. The Surgeon General may, however, authorize an officer to wear the uniform of his grade for a period not to exceed 30 days following the termination of his commission, his transfer to inactive duty, or his retirement. (Sec. 510, 58 Stat. 711; 42 U. S. C. 228)

Other Persons

§ 21.241 *Persons authorized to wear similar insignia.* Employees of the Public Health Service while wearing uniforms in accordance with regulations of the Surgeon General approved by the Administrator, members of the United States Cadet Nurse Corps, or persons authorized by the Surgeon General to wear a uniform similar to the uniform of members of the United States Cadet Nurse Corps may wear Public Health Service insignia, or insignia similar thereto. (Sec. 510, 58 Stat. 711; 42 U. S. C. 228)

§ 21.242 *Wearing of certain insignia, or of ornamental jewelry resembling insignia.* Persons not in uniform and not representing themselves to be commissioned officers of the Public Health Service or members of the United States Cadet Nurse Corps may wear ornamental jewelry resembling Public Health Service insignia, or may wear the corps device, or cap device, or miniatures thereof, in honor of a commissioned officer of the Public Health Service or a member of the United States Cadet Nurse Corps. (Sec. 510, 58 Stat. 711; 42 U. S. C. 228)

SUBPART M—DECORATIONS

AUTHORITY: §§ 21.251 to 21.253, inclusive, issued under sec. 212 (d), 58 Stat. 689; 42 U. S. C. 213 (d).

§ 21.251 *Military, naval, or foreign government decorations*—(a) *Decorations evidencing service.* For service in time of war or service in any theatre of operations under circumstances and conditions comparable to service performed by members of the armed forces, commissioned officers of the Service shall be authorized to wear medals, ribbons, or decorations authorized to be worn by members of the armed services to signify

such service, such authorization to be governed by the same rules and regulations as are prescribed for the armed forces. No decoration evidencing participation in a particular campaign or engagement shall be worn unless an officer was or is detailed to one of the armed services and was or is assigned to a unit awarded such decoration. No officer shall be entitled to wear a decoration awarded by any of the armed services to their members to signify service in time of peace unless an officer was or is detailed to one of the armed services and is authorized by the service to which detailed to wear such decoration.

(b) *Decorations evidencing personal merit.* Commissioned officers may be awarded, and may accept and wear, military ribbons, decorations, or medals awarded by the United States or by a foreign government for personal merit or achievement under the same circumstances as may now or hereafter be provided by law in the case of members of the armed forces of the United States.

§ 21.252 *Wound or service chevrons; overseas service bars.* Commissioned officers who served with the Army during World War I may wear on an Army type uniform, with respect to such service, the wound or service chevrons as prescribed by the Army (see 10 CFR, 1944 Supp., 709.27). One overseas service bar is authorized to be worn by commissioned officers on an Army type uniform, as prescribed in Army regulations (see 10 CFR, 1946 Supp., 709.27 (d)), for each period of 6 months of active service outside the continental limits of the United States or in Alaska from December 7, 1941, to September 2, 1946, both dates inclusive.

§ 21.253 *Other medals, ribbons, or badges.* Commissioned officers may wear medals, ribbons, or badges awarded to them by the Treasury Department. The distinctive badges adopted by military, hereditary, and patriotic societies composed of persons or descendants of persons who served in the armed forces of the United States or in the Service during the Colonial wars, the War of the Revolution, the War of 1812, the Mexican War, the Civil War, the Spanish-American War, the First World War, and the Second World War, respectively, may be worn on all occasions of ceremony by commissioned officers who are regular members of such organizations and entitled by their rules to wear such decorations.

SUBPART N—DISCIPLINE

AUTHORITY: §§ 21.261 to 21.322, inclusive, issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216.

General Provisions

§ 21.261 *Applicability.* The provisions of this subpart shall apply to all commissioned officers, whether on leave, active duty, or retired, except that they shall not apply to officers on detail pursuant to section 214 of the act to the extent that this subpart may be inconsistent with the special service in which they are engaged. Officers detailed for duty with other commissioned services shall be subject to the laws for the government of the service to which detailed. During the effective period of any Executive order declaring the Service to be a military service and prescribing that the commissioned corps shall be subject to the Articles of War or to the Articles for the Government of the Navy, disciplinary action may be initiated, prosecuted, and completed either in accordance with the provisions of such order or in accordance with the provisions of this subpart.

§ 21.262 *Orders of superior officers.* Officers are required to observe and promptly to obey the lawful orders of the Surgeon General and all other official superiors. Such orders may be written or oral, but all countermanding orders shall be in writing unless the original order was oral and is countermanded by the officer who issued it.

§ 21.263 *Officer in charge; designation.* The officer in charge of a station shall have authority over all officers serving with him and shall enforce Service regulations and issue and enforce such lawful orders as he may deem necessary for proper administration of the station. As used in this subpart, "officer in charge" means the officer so assigned by the Surgeon General.

§ 21.264 *Officer in temporary charge; designation.* An officer in charge shall designate an officer assigned to his station to act as the officer in temporary charge in the event of his absence, disability, or death. Such designation may be made without regard to rank or professional category.

§ 21.265 *Officer in temporary charge; authority.* An officer in temporary charge shall make no substantial changes in the regular routine of the station unless such changes are found to be necessary from conditions of emergency or changed circumstances. Any order making such change together with the reasons therefor shall be entered in the files of the station over the signature of the officer in temporary charge.

§ 21.266 *Official correspondence.* All official communications written by officers relative to matters of official business shall be forwarded through the officer in charge.

§ 21.267 *Furnishing information.* No officer shall publish or furnish for publication any official reports of current statistics of the operations of the Service or any information concerning the Service without authority from the Surgeon General; nor shall an officer publish or offer for publication any article dealing with professional subjects or the policy of the Service unless the article shall have been submitted to and approved by the Surgeon General or his designated representative. No reports or information concerning the Service shall be volunteered to the press without the consent of the officer in charge, to whom representatives of the press shall be referred when requesting information.

§ 21.268 *Letters of recommendation.* No officer shall give any letter of recommendation with respect to any article of manufacture or on behalf of any firm or corporation.

§ 21.269 *Outside employment.* No officer on active duty shall render any professional services for remuneration except with written approval of the Surgeon General.

§ 21.270 *Reporting when detailed.* An officer detailed for duty to another agency of the Government shall report by letter, telegram, or in person to the head of such agency or to the chief officer of the particular service to which detailed.

§ 21.271 *Misconduct.* The following actions or conduct shall constitute grounds for disciplinary action pursuant to this subpart:

(a) Wilful disobedience of the lawful orders of a superior officer.

(b) Negligence or carelessness in obeying orders.

(c) Excessive use of drugs or intoxicating liquors.

(d) Conduct tending to bring discredit upon the officer or upon the Service, or upon both.

(e) Financial irregularities.

(f) Use of language disrespectful of official superiors or other officers.

(g) Any publication or public statement impugning the professional competency or personal character of another officer.

(h) Waste of public property or knowingly permitting such waste.

(i) Conviction of a felony or an offense involving moral turpitude.

(j) Wilful submission of false information in application for appointment or in any proceeding of the Service.

(k) Abusive treatment of subordinate officers or employees, of patients or beneficiaries of the Service, or of members of the public in their dealings with the Service.

(l) Absence without leave.

(m) Violation of any regulation prescribed for the government of the Service.

§ 21.272 *Summary punishment—(a) Officer in charge.* The officer in charge may impose upon an officer subject to his authority the following punishment for misconduct during any period when the latter was so subject: (1) Private reprimand; and (2) suspension of privileges pending immediate report of such misconduct to and instructions from the Surgeon General.

(b) *The Surgeon General.* After a determination by the Surgeon General that an officer has been absent without leave, he shall deduct from the annual leave accumulated by such officer two days for each day or fraction thereof of absence. If an officer is absent without leave for 30 or more days during a calendar year, the Surgeon General may recommend to the Administrator that the commission of such officer be terminated and if the Administrator approves such recommendation, the commission of such officer shall be terminated. If the Surgeon General so determines, he may refer any case of absence without leave to a board of investigation for investigation and recommendations in accordance with the provisions of this subpart.

(c) *Recording of action taken.* Any action taken pursuant to this section shall be entered on the service record of the officer. Such entry shall include the date and nature of the offense and the action taken.

§ 21.273 *Leave of absence during pendency of charges.* An officer authorized to grant leave of absence shall not grant leave to an officer against whom charges are pending, but requests for leave at that time shall be referred to the Surgeon General for action.

§ 21.274 *Grievances.* If any officer shall consider himself agrieved by another officer and shall fail to secure an adjustment of the matter to his satisfaction, he may report such fact in writing through the officer in charge to the Surgeon General.

Boards of Investigation

§ 21.281 *Order to appear before board; time limitations.* When an officer is charged by his superior officer, or by any responsible person or persons, with conduct constituting a ground for disciplinary action under this subpart, he may be ordered to appear before a board of investigation, but no officer shall be so ordered to appear or punished for any offense connected with the Service committed more than one year before the issuance of such order. Any period during which an officer is outside the continental United States or in Alaska or any period during which discovery of the offense was prevented by the giving of false information by or in behalf of an officer shall not be counted as part of such one-year limitation.

§ 21.282 *Convocation.* A board of investigation may be convoked by order of the Administrator or the Surgeon General. Such order shall indicate the time and place of assembly.

§ 21.283 *Composition.* The board of investigation shall consist wholly of commissioned officers of the Service and of not less than three members, who shall be appointed by the Administrator upon recommendation of the Surgeon General. The members of the board shall, if practicable, be equal or senior in rank to the accused officer and shall, if practicable, include at least one officer of the same profession as the accused officer.

§ 21.284 *Punishment.* The board shall hear the case and make a report of its findings. If the accused officer is found guilty, the board shall make recommendations as to punishment which shall be limited to the following:

(a) Dismissal from the Service.

(b) Reduction of grade, with a specific recommendation with regard to promotion credit and seniority in the grade to which reduced.

(c) Loss of seniority with a specific recommendation with regard to promotion credit.

(d) Official reprimand by circular letter.

(e) Official reprimand by the Surgeon General.

(f) Any combination of the punishments prescribed in the preceding subdivisions (b), (c), (d) and (e).

§ 21.285 *Service representative.* In connection with any proceeding before a board of investigation, the Surgeon General shall detail an officer of the Service, not liable to be summoned as a witness, to prepare a statement of the charges and specifications against the accused officer and to act in the interest of the Government as Service representative before the board. The Service representative shall not be a member, and shall be independent of the control, of the board. The Service representative shall investigate all the circumstances of the case. All persons connected with the Service shall furnish the Service representative with such information within their knowledge as he may request. He shall have the right to be furnished with such instructions and papers or copies thereof as may be necessary for his guidance.

§ 21.286 *Notice of charges; right to counsel.* When charges are preferred against an officer for the investigation of which a board of investigation is ordered, the officer shall be furnished a copy of such charges and the specifications thereof and shall be notified that he may, if desired, have counsel to aid in his defense.

§ 21.287 *Presiding officer.* The senior officer of the board shall be the presiding officer. He shall (a) preserve order, (b) decide upon matters relating to the routine of business, (c) request the presence of witnesses, (d) administer oaths as required, and (e) adjourn the board from day to day. He shall be authorized at any time to order the exclusion from the room of any person other than the members of the board, the recorder, the stenographer, the accused and his counsel, and the Service representative, and to order a closed session limited to members of the board for the purpose of deliberation upon objections to questions and evidence and upon the validity of challenges and pleas, and of formulating its findings and recommendations. Should any member of the board object to a decision of the presiding officer, the question shall be submitted to and decided by a majority vote of the board.

§ 21.288 *Recorder.* The junior officer of the board shall be recorder. Under the direction and control of the board it shall be his duty (a) to record the proceedings, (b) to append original documents (or authenticated copies thereof) to the record, (c) to have custody of the record and all documents submitted to the board, (d) to assist the board in systematizing the information it may receive, (e) to render the board such assistance as will enable it to present the facts to the convoking authority, (f) to read the charges and specifications when the accused is arraigned, (g) if practicable, to read the record of the proceedings of the preceding session at the opening of each session, (h) as may be directed by the presiding officer, to prepare and send out requests to witnesses to appear and testify, and (i) in conjunction with the presiding officer, to authenticate the proceedings by his signature.

§ 21.289 *Stenographer.* Stenographic assistants shall be employed to record the testimony.

§ 21.290 *The record.* Except as otherwise provided, the entire proceedings of the board shall be fully set forth in the record, which shall be signed by the presiding officer and the recorder. Such record shall be confidential and shall not be disclosed except for the purposes of the proceedings, but the accused and his counsel shall be permitted access to the record for the purpose of preparing the defense of the accused in such proceedings.

§ 21.291 *Oath of board members.* When the board assembles, the recorder shall read the order convoking it. Such order shall be read in the presence of the Service representative, the stenographer, the accused officer, and his counsel. The recorder shall then administer the following oath to each member of the board: "I do solemnly swear (or affirm) that I will carefully and impartially investigate and try the case now about to be opened; that in announcing my conclusions and recommendations to be embodied in the report of this board to be submitted to the convoking authority, I will be governed wholly by the evidence adduced, and I will not be influenced for or against the accused by anything not clearly shown in the recorded evidence; so help me God." The presiding officer shall then administer the same oath to the recorder of the board.

§ 21.292 *Oath of recorder and stenographer.* The recorder and the stenographic assistants shall be sworn by the presiding officer to keep a true record of proceedings, as follows: "I do solemnly swear (or affirm) that I will faithfully perform the duties of recorder (or stenographer) to this board, and that I will not divulge any of the proceedings of the investigation; so help me God."

§ 21.293 *Affirmations.* The closing phrase invoking the Deity in the oaths prescribed in this subpart shall be omitted in cases of affirmation.

§ 21.294 *Sessions.* The board shall sit daily, except Sundays and holidays, until a decision is reached unless temporarily adjourned or dismissed by the authority which convoked it: *Provided,* That the presiding officer may, for good cause, grant a continuance to either party for such time and as often as may appear to be just. When the proceedings of the board have commenced, they shall not be suspended or delayed on account of the absence of any of the members if a majority but not less than three members is present, and in the absence of the accused officer without good cause the board may proceed as if he were present.

§ 21.295 *Challenges.* The presiding officer shall ask the accused whether he objects to being tried by any member of the board, and, in case of objection, he shall state his reasons therefor. The recorder shall enter a minute of the inquiry and of the answer upon the records. A challenged member shall have the right to reply to the accused. All

parties except the unchallenged members shall be excluded until a decision has been reached upon the validity of the challenge by the remaining members of the board. Should the challenge be sustained, the facts shall be reported by the presiding officer to the Surgeon General, and if the number of members is reduced below three, the board shall adjourn until instructions are received. Each challenge, whenever the accused wishes to challenge more than one member, shall be received and considered separately.

§ 21.296 *List of witnesses.* The Service representative and the accused shall each furnish the presiding officer a list of his witnesses. Other witnesses may be introduced at a later stage of the investigation upon giving reasonable notice. The notice to testify shall be prepared by the recorder and signed by the presiding officer.

§ 21.297 *Reading of charges and specifications.* The recorder shall read in the presence of the accused the charges and specification of charges preferred against him, and the accused shall be called upon to plead on each specification and charge *seriatim*, as follows: The recorder shall read the specification of the first charge, and the presiding officer shall then address the accused by name and designation and ask whether he is guilty or not guilty of the specification just read. Each specification shall be read and the accused asked to plead in each instance until all of the specifications of the first charge have been covered. Then the charge shall be read and the accused be required to plead to that. The specifications and charges shall be pleaded to in this manner until all have been covered.

§ 21.298 *Plea to charges.* If the accused officer is present and refuses to plead, the presiding officer shall direct a plea of "not guilty" to be entered.

§ 21.299 *Plea in bar.* A plea in bar of investigation shall be in writing, signed by the accused, and appended to the record. Witnesses may be called and arguments submitted by both parties upon such plea. The board shall deliberate upon the matter in closed session, and, upon reopening, the board's decision shall be announced by the presiding officer. If the plea is sustained, a report shall be forwarded to the convoking authority and the board shall adjourn to await further orders.

§ 21.300 *Preliminary instructions to witnesses.* Witnesses other than the accused shall be present only when testifying, and they shall be warned that they are not to converse on any matter pertaining to the pending investigation.

§ 21.301 *Calling of witnesses; oath.* The witnesses shall be called before the board separately. The presiding officer shall administer to each the following oath: "I do solemnly swear (or affirm) that I will make true answers to such questions as may be propounded to me; so help me God." Witnesses shall be cautioned before giving their testimony to testify only to facts which are within their own knowledge.

§ 21.302 *Verification of testimony.* After the testimony of the witness is closed the whole of his testimony as recorded may be read over to him and, when corrected in such parts as are in error, he shall sign it. The signatures of the witnesses shall be authenticated by the presiding officer of the board.

§ 21.303 *Witness fees.* Upon the application of the presiding officer payment of the usual witness fees to witnesses unconnected with the Government service may be authorized.

§ 21.304 *Evidence; admissibility.* Evidence may be received by the board even though inadmissible under rules of evidence applicable to court procedure. The Service representative or the counsel for the accused may, however, object to the admission of evidence or testimony on the ground that it is irrelevant, immaterial, incompetent, or otherwise improper, and if such objection is overruled by the board he shall be allowed to enter his objection upon the record. Notwithstanding the provisions of § 21.281, whenever it shall appear to the board to be material to the charges to prove or disprove a particular habit of the accused, evidence as to his record in that regard for a period of 3 years prior to the order convoking the board shall be admissible.

§ 21.305 *Depositions.* Depositions of individuals who are unable to appear in person before the board and whose testimony is material to a complete investigation of the case may be received, provided that the accused shall be given an opportunity to have present when the deposition is taken a representative who may cross-examine the witnesses.

§ 21.306 *Order of examination.* The evidence on the part of the Service shall be first taken. The evidence for the defense shall be taken when the Service rests. Either side may rest at pleasure. The examination of witnesses shall close by taking such testimony as may be offered in rebuttal, surrebuttal, impeachment, or to sustain the credibility of those witnesses whose testimony an effort has been made to impeach. The board may recall a witness at any stage of the proceedings, provided that the right of cross-examination by the accused and the Service representative shall not be denied. Each witness shall first be examined in chief by the party who summons him, and then cross-examined by the opposite party. In case of new matter being introduced on cross-examination, the party calling the witness may examine him with respect to such matter, and, under like circumstances, a recross-examination shall be permitted. The Board may put such questions to the witness as may be deemed necessary; a question by a member of the board generally shall not be asked until the Service representative and the accused have finished their examinations.

§ 21.307 *Testimony of accused.* The accused may in any case, testify in his own behalf, but his failure to do so shall create no presumption against him. If the accused does testify in his own behalf, he shall be subject to cross-examination concerning any facts to which he has testified.

§ 21.308 *Defense rebuttal.* When the examination of witnesses is closed the accused may present arguments in his defense, in writing or orally, in person or by counsel. This statement, if written, may be read before the board. The whole shall become a part of the record.

§ 21.309 *Reply of service representative.* The Service representative shall have the right to reply to the defense in writing or orally, and this reply shall become a part of the record.

§ 21.310 *Close of hearing.* When the Service representative and the defense have completed their arguments, the hearing shall be closed. The board may, however, before its finding, authorize reopening for the introduction of new evidence, provided it be shown that the evidence is material and its omission would leave the case incomplete. The board shall then retire to consider the record.

§ 21.311 *Consideration by board.* (a) When the board has sufficiently examined the evidence, the presiding officer shall put the question upon each specification of each charge, beginning with the first, whether the specification is "proved", "not proved", or "proved in part". No written minute of the votes shall be preserved unless so ordered by the unanimous vote of the board. In any oral vote the member of the board who is junior in rank shall vote first. When a majority of the board agrees upon a finding it shall be so recorded.

(b) When the members have voted upon all the specifications of any charge, the question shall be put upon the charge to each member: "Is the accused guilty of the charge, or not guilty?". When a majority decision is arrived at, the result shall be recorded. The board shall then proceed to the next charge and specifications until votes have been taken and decisions recorded upon all the charges and specifications.

(c) When the members of the board have voted upon all the charges, if the accused has been found guilty upon any of them, the members shall proceed to vote upon the punishment to be recommended. Each member shall write down the punishment which he believes should be recommended and shall hand his vote to the presiding officer, who shall announce the result. If a majority shall not have agreed upon the nature and degree of the punishment to be recommended, the presiding officer shall proceed, beginning with the mildest punishment that has been proposed and continuing, if necessary, to the next more severe punishment, and so on, successively, until a punishment to be recommended has been decided upon by a majority of the members of the board.

(d) A finding of guilty shall not be entered on a charge other than a charge specified. In case evidence develops which in the opinion of the Service representative warrants additional charges and specifications, appropriate recommendation shall be made with respect thereto by the Service representative to the Surgeon General. The Service representative shall give due notice to the presiding officer, whereupon the board shall await further instructions from the Surgeon General.

§ 21.312 *Findings and recommendations of board.* After all charges and specifications have been voted upon, the recorder, under the direction of the board, shall draw up the findings, specifying as to each charge whether the accused has been found guilty or not guilty, and, on approval by the board, shall enter such findings upon the record, together with the recommendations of the board as to punishment and clemency if the accused has been found guilty of any charge.

§ 21.313 *Recommendations of board.* In arriving at its recommendations as to the nature and degree of the punishment, if any, to be imposed, the board shall take into consideration all previous convictions and the official record of the accused. If mitigating circumstances have appeared during the proceedings which could not be taken into consideration in determining the degree of guilt found by the verdict, the board may avail itself of such circumstances as grounds for recommending clemency. Any recommendation for clemency shall be inserted immediately after the recommendation as to punishment.

§ 21.314 *Report to accompany record.* The board shall prepare a report to accompany the record and in such report shall review the evidence as a whole, with specific reference to all evidence and to any conclusions of law on controverted questions upon which the findings are based. The report of the board shall be signed by the members concurring; any member or members not concurring, in whole or in part, may submit and sign a minority report.

§ 21.315 *Transmittal of record and report.* After the record (including the transcript of the testimony) and other documents have been signed, they shall be forwarded by the presiding officer to the Surgeon General. The board shall then adjourn pending further orders.

Action Upon Findings and Recommendations of Board

§ 21.321 *Action by Surgeon General.* The Surgeon General shall review the record, report, and recommendations of the board, and may either order further investigation by the board or transmit the papers in the case to the Administrator with his recommendations.

§ 21.322 *Action by the Administrator.* No recommendation for punishment shall be effective until approved by the Administrator. The Administrator shall review the record, report, and recommendations of the board and the recommendations of the Surgeon General, and may either order a further investigation by the board or approve the findings and recommendations in whole or in part; or, upon the basis of the approved findings, he may order punishment or a grant of clemency or other disposition not inconsistent with these regulations. The disposition of a case by the Administrator shall be final.

PART 22—PERSONNEL OTHER THAN COMMISSIONED OFFICERS

LEPROSY DUTY BY CIVIL SERVICE OFFICERS AND EMPLOYEES

Sec.
22.1 Duty requiring intimate contact with leprosy patients; additional pay for civil service officers or employees.
22.2 Exception respecting certain persons.

LEPROSY DUTY BY CIVIL SERVICE OFFICERS AND EMPLOYEES

§ 22.1 *Duty requiring intimate contact with leprosy patients; additional pay for civil service officers or employees.* Except as provided in § 22.2, civil service officers and employees of the Service shall receive additional pay for duty requiring intimate contact with leprosy patients on the same basis as is set forth in § 21.61 of this chapter with respect to officers of the commissioned corps. (Sec. 209 (g), 58 Stat. 687; 42 U. S. C. 210 (g))

§ 22.2 *Exception respecting certain persons.* No civil service officer or employee of the Service who is occupying a position allocated at a level above similar positions at general hospital stations of the Service shall receive any additional payment under § 22.1 until the status of such position has been reallocated in accordance with similar positions at general hospital stations of the Service. (Sec. 209 (g), 58 Stat. 687; 42 U. S. C. 210 (g))

DELEGATIONS, REVOCATIONS, AND EFFECTIVE DATE

2. *Exercise by the Administrator of certain powers of the President.* The Administrator is authorized, in his discretion, to exercise the powers of the President (a) to terminate reserve commissions under section 207 (a) (2) of the act, (b) to terminate temporary promotions under section 6 (b) of Public Law 425, 80th Congress, and (c) to specify ports under section 366 (a) of the act.

3. *Revocations.* (a) Executive Order 9655 of November 14, 1945, entitled "Regulations Relating to Commissioned Officers and Employees of the Public Health Service", Executive Order 9697 of October 10, 1947, entitled "Amendments to Regulations Relating to Commissioned Officers and Employees of the Public Health Service", and Executive Order 9955 of May 6, 1948, entitled "Regulations Pertaining to Promotions to Certain Grades in the Regular Corps of the Public Health Service" are revoked.

(b) The revocation of Executive Order 9655 shall not affect any act done or offense committed under section 2.271 of such order or any proceeding held or commenced in any disciplinary action under sections 2.281 to 2.322, inclusive, of such order. Disciplinary action for misconduct prior to July 1, 1948, may be initiated, prosecuted, and completed either in accordance with Executive Order 9655 as if it had not been revoked, or in accordance with §§ 21.281 to 21.322, inclusive, of Part 21 of Chapter I of Title 42 of the Code of Federal Regulations as prescribed by this order.

(c) The revocation of Executive Order 9655 shall not revive any of the regulations revoked by section 3.21 of that order.

4. *Effective date.* This order shall be effective as of July 1, 1948.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 31, 1948.

[F. R. Doc. 48-7904; Filed, Aug. 31, 1948; 1:49 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Rice Bulletin 1]

PART 225—RICE LOANS AND PURCHASE AGREEMENTS

1948 RICE PRICE SUPPORT PROGRAM BULLETIN

This bulletin states the requirements with respect to the 1948 Rice Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available to producers and cooperative marketing associations of producers (hereinafter referred to as the producer) on eligible rice in accordance with this bulletin.

Sec.
225.201 Administration.
225.202 Availability of loans and purchases.
225.203 Approved lending agencies.
225.204 Eligible producer.
225.205 Eligible rice.
225.206 Eligible storage.
225.207 Approved forms.
225.208 Determination of quantity.
225.209 Determination of dockage.
225.210 Liens.
225.211 Service fees.
225.212 Set-offs.
225.213 Interest rate.
225.214 Transfer of producer's equity.
225.215 Safeguarding of the rice.
225.216 Insurance.
225.217 Loss or damage to the rice.
225.218 Personal liability.
225.219 Maturity and satisfaction.
225.220 Removal of the rice under loan.
225.221 Release of the rice under loan.
225.222 Purchase of notes.
225.223 CCC field offices.
225.224 Rates at which loans and purchases will be made.

AUTHORITY: §§ 225.201 to 225.224, inclusive, issued under sec. 8, 56 Stat. 767, as amended; sec. 5 (a), Pub. Law 806, 80th Cong.; 50 U. S. C. 968.

§ 225.201 *Administration.* The program will be administered by PMA through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and CCC field offices. The program will be under the general supervision of the Manager of CCC. Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity, grade, and milling quality or milling test of the rice, the amount of the loan, and the value of the rice delivered under a loan or pur-

chase agreement. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents, or with the address of the CCC field office to which loan documents may be forwarded for disbursement.

§ 225.202 *Availability of loans and purchases*—(a) *Area.* Loans and purchase agreements shall be available to producers on eligible rice produced in the States of Arkansas, Louisiana, California, Missouri, and Texas.

(b) *Time.* Loans and purchase agreements shall be available through January 31, 1949, and the applicable documents must be signed by the producer and delivered or mailed to the county committee not later than such date.

(c) *Source.* Loans shall be made to producers direct by CCC field offices and by lending agencies under lending agency agreements with CCC. Purchase agreements shall be made through the offices of county committees.

§ 225.203 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative association, corporation, partnership, individual, or other legal entity with which the CCC has entered into a Lending Agency Agreement (Form PMA-97 or other form prescribed by CCC).

§ 225.204 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing rough rice in 1948, as landowner, landlord, tenant, or sharecropper.

Cooperative marketing associations of producers shall be eligible for loans and purchase agreements: *Provided*, That: (a) the grower members are bound by contract to market through the association; (b) the major part of the rice marketed by the association is produced by members who are eligible producers; (c) the members share proportionately in the proceeds from marketings according to the quantity and quality of rice each delivers to the association; (d) the rice purchased from non-members is segregated sufficiently to assure that the rice placed under loan or delivered under a purchase agreement shall accurately reflect the quantity and quality of rice grown by grower members; and, (e) the association has the legal right to pledge or mortgage the rice as security for a loan.

§ 225.205 *Eligible rice.* Eligible rice shall be rough rice produced in 1948 which meets the following requirements:

(a) In accordance with the United States Standards for Rough Rice, such rice shall be of the varieties included in classes I to IX, inclusive, and of the varieties Patna, Zenith, Arkrose, Blue Bonnet, Magnolia, and Prelude, included in the miscellaneous class X.

(b) Such rice shall grade U. S. No. 4 or better; shall show a minimum yield of 25 pounds of head rice from 100 pounds of rough rice on the basis of the respective milling tests in California and in the southern States; and shall contain not more than 14½ percent moisture except that rice produced in California shall contain not more than 15 percent moisture.

(c) Except in the case of eligible cooperative marketing associations of producers, the beneficial interest in the rice must be in the producer tendering the rice for loan or purchase and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested.

(d) In the case of farm-storage loans, such rice shall have been in storage at last 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State PMA Committee.

§ 225.206 *Eligible storage.* Eligible storage for rice shall meet the following requirements:

(a) *Farm storage.* Under the loan program eligible farm storage for rice shall consist of structures which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the rice, permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather.

(b) *Warehouse storage.* Under the loan and purchase program eligible warehouse storage shall consist of public warehouses for which a uniform rice storage agreement (CCC Rice Form H) has been executed and approved by CCC for the storage of rice of the 1948 crop.

§ 225.207 *Approved forms.* The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin, govern the rights and responsibilities of the producer. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement or in executing any of the loan or purchase agreement documents will render him subject to criminal prosecution.

Notes and chattel mortgages, note and loan agreements, and purchase agreements must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase documents executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producer's notes on CCC Commodity Form A, secured by chattel mortgages on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreements on CCC Rice Form B, secured by negotiable warehouse receipts representing rice stored in approved warehouses and each warehouse receipt must be accompanied by a supplemental certificate. All rice pledged as security for a loan on a single CCC Rice Form B must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement documents shall consist of the purchase agreement (Commodity Purchase 1) and purchase agreement settlement (Commodity Purchase 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Rice stored in eligible warehouse storage under the loan program or delivered to an eligible warehouse under the purchase agreement program must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts representing such rice must be issued by an approved warehouse in the name of the eligible producer, dated on or prior to the date of the related note, properly endorsed in blank so as to vest title in the holder, and must include only one class (or in the case of class X only one variety), grade, and milling quality or milling test of rice.

(2) Warehouse receipts shall carry an endorsement in substantially the following form:

Warehouse charges through April 30, 1949, on the rice represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of this warehouse receipt.

(3) Each warehouse receipt must be accompanied by a supplemental certificate, properly identified, describing as to the lot covered by the warehouse receipt, its weight, and its quality in terms of its class, grade, test weight, dockage, moisture, and such applicable factors as damaged kernels, red rice, foreign material, milling quality or milling test, chalky kernels, mud lumps, muddy kernels, seeds, cereal grains, and rice of other classes. The supplemental certificate must be executed by the producer if the warehouse receipt is marked "sacked identity preserved," "specially binned," or "bulk identity preserved." In all other cases, the supplemental certificate must be executed by the warehouseman.

§ 225.208 *Determination of quantity.* Loans and purchase agreements shall be made on the basis of rough rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded. A cubic foot of rice testing 45 pounds per bushel, when determined by measurement, shall be 36 pounds. A deduction of one pound for each sack will be made in determining the net quantity of the rice when stored as sacked rice. The quantity determined by measurement of rice having a test weight different from 45 pounds per bushel shall be adjusted by the following percentages:

For rice testing	Percentages
45 pounds or over	100
44 pounds or over, but less than 45 lbs.	98
43 pounds or over, but less than 44 lbs.	96
42 pounds or over, but less than 43 lbs.	93
41 pounds or over, but less than 42 lbs.	91
40 pounds or over, but less than 41 lbs.	89

Proportionately lower for rice testing below 40 pounds.

Loans will be made only on 95 percent of the quantity of rice determined in accordance with this section. However, at the time of delivery, settlement will be made on the basis of the actual quantity and quality of rice delivered.

§ 225.209 *Determination of dockage.* The percentage of dockage shall be determined in accordance with the United States Standards for Rough Rice with respect to all lots of rice produced in California. The weight of such dockage shall be deducted from the gross weight of the rice in determining the net quantity available for loan. The test weight and milling test for such rice shall be on a dockage free basis.

§ 225.210 *Liens.* The rice must be free and clear of all liens or encumbrances, or if liens on encumbrances exist on the rice, proper waivers must be obtained. Liens for warehouse charges will be recognized by CCC only from May 1, 1949, or the date of the warehouse receipt, whichever is later.

§ 225.211 *Service fees*—(a) *Loans.* The producer shall pay a service fee of 2 cents per 100 pounds on the quantity of rice placed under loan, or $3.00, whichever is greater. If the quantity of rice delivered in satisfaction of a loan exceeds the quantity of rice placed under loan, a service fee of 2 cents per 100 pounds shall be charged the producer on the excess quantity delivered.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of 1 cent per 100 pounds on the quantity of rice specified on Commodity Purchase 1, as the maximum quantity he may deliver, or $1.50, whichever is greater.

(c) *Refunds.* No refunds of service fees will be made.

§ 225.212 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

§ 225.213 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding any other printed provisions of the note.

§ 225.214 *Transfer of producer's equity*—(a) *Loans.* The right of the producer to transfer either his right to redeem the rice under loan or his remaining interest therein may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign the purchase agreement.

§ 225.215 *Safeguarding of the rice.* The producer obtaining a farm-storage loan is obligated to maintain the storage structures in good repair, and to keep the rice in good condition. Also, in the case of warehouse-stored rice, when the receipts are marked "sacked identity preserved," "specially binned," or "bulk identity preserved," the producer is obligated to keep the rice in good condition.

§ 225.216 *Insurance.* CCC will not require the producer to insure the rice placed under loan; however, if the producer does insure such rice, such insurance shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the rice involved in the loss.

§ 225.217 *Loss or damage to the rice.* The producer is responsible for any loss in quantity or quality of the rice placed under farm-storage loan, or of rice covered by warehouse receipts marked "sacked identity preserved," "specially binned," or "bulk identity preserved," except that uninsured physical loss or damage occurring without fault, negligence or conversion on the part of the producer, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 225.218 *Personal liability.* The making of any fraudulent representation by the producer in the loan or purchase documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the rice by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 225.219 *Maturity and satisfaction*—(a) *Loans.* Loans mature on demand but not later than April 30, 1949. In the case of farm-storage loans, and in the case of warehouse-storage loans involving warehouse receipts bearing the notation "sacked identity preserved," "specially binned," or "bulk identity preserved," the producer is required to pay off his loan on or before maturity, or to deliver the rice at maturity in accordance with the instructions of CCC. Settlement will be made on the basis of official weights, grades, and yields (as shown by milling quality test or milling test) determined at time of delivery to CCC. Credit will be given for the settlement value of the total quantity of each lot of such rice delivered: *Provided*, All of it either was stored in the bin in which the rice under loan was stored, or was part of the original lot of sacked rice placed under loan, at the applicable loan rate according to grade and quality. If the settlement value of the rice delivered exceeds the amount due on the loan, the amount of the excess shall be paid by CCC to the producer. If the settlement value of the rice is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In case of warehouse-storage loans where the supplemental certificates accompanying the warehouse receipts are executed by the warehouseman, if the producer does not repay his loan by maturity CCC shall have the right to sell or pool the rice in accordance with the provisions of the note and loan agreement and § 225.220.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase 1) shall not be obligated to deliver any rice to CCC. However, the quantity of rice he specifies in the purchase agreement will be the maximum quantity he may deliver to CCC. If the producer desires to deliver rice to CCC he shall, within 30 days following April 30, 1949, the maturity date for rice loans, or such earlier date as demand for repayment of rice loans may be made, submit warehouse receipts representing eligible rice stored in eligible warehouse storage to the county committee for the quantity of such rice he elects to sell to CCC, or, in the case of rice stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Rice stored in other than eligible warehouse storage will be purchased on delivery at points designated by CCC. When delivery is completed, payment shall be made by a sight draft drawn on CCC by the State PMA office on the basis of approved Commodity Purchase 4. The producer shall direct on such form to whom payment of the purchase price shall be made.

Eligible rice will be purchased on the basis of official weights, grades, and yields (as shown by milling quality test or milling test) determined at the time of delivery to CCC; or, if such rice is delivered to a CCC bin site, on the basis of the weight, grade, yield, and other quality factors determined by the county committee (in accordance with instructions for the determination of such factors under the loan program) and approved by the producer at the time of delivery.

§ 225.220 *Removal of the rice under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the rice and sell it, either as rough rice or after milling, by separate contract or after pooling it with other lots of rice similarly held. The producer shall have no right of redemption after the rice is sold or milled. He shall have no right of redemption after the rice is pooled but shall share ratably in any overplus remaining upon liquidation of the pool. The CCC shall have the right to treat pooled rice as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of rice even though part or all of such

pooled rice is disposed of under such policies at prices less than the current domestic price for such rice. Any sum due the producer as a result of the sale of the rice, or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 225.221 *Release of the rice under loan.* A producer may at any time obtain release of the rice remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon repayment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county recording office records. Partial releases of the rice prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the rice to be released. However, each partial release must cover all of the rice either under one warehouse receipt number or in one farm-storage bin or in one lot of farm-stored sacked rice.

§ 225.222 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committee on CCC Commodity Form F, or such other form as CCC may prescribe, of all payments received on producers' notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the CCC field office serving the area.

§ 225.223 *CCC field offices.* The CCC field offices for rice, and the States served by them, are shown below:

Address and States:
1114 Commerce Street, Dallas 2, Texas: Arkansas, Louisiana, Missouri, and Texas.
30 Van Ness Avenue, San Francisco 2, California: California.

§ 225.224 *Rates at which loans and purchases will be made*—(a) *Basic rate.* The basic loan or purchase rate for 100 pounds of rough rice grading U. S. No. 3 or U. S. No. 4 shall be computed as follows:

Multiply the yield of head rice by the applicable value factor for head rice (as shown in the table below according to class or variety and geographical area). Similarly, multiply the yield of broken rice by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate for 100 pounds of rough rice and express such rate in dollars and cents.

In the case of rough rice produced in California, the milling test must be made on the basis of dockage-free rough rice and the head rice yield shall be stated on the basis of head rice with 4 percent broken kernels. In computing the loan or purchase rate, fractions of a pound of yields of heads or brokens shall be dropped and the rate shall be rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Class or variety	California		Other areas	
	Head [1] rice	Broken rice	Head rice	Broken rice
Rexoro, Nira, Patna and Blue Bonnet	0.0864	0.0300	0.0888	0.0300
Fortuna and Edith	.0842	.0300	.0865	.0300
Prelude, Lady Wright, Calody, Blue Rose, Arkrose, Magnolia and Zenith	.0725	.0300	.0743	.0300
Pearl and Early Prolific	.0588	.0300	.0600	.0300

[1] With 4 percent broken.

(b) *Premiums.* If the rice grades U. S. No. 1 or U. S. No. 2, a premium of 10 cents per 100 pounds of rough rice shall be added to the basic rate.

Issued this 31st day of August 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-7935; Filed, Sept. 1, 1948; 9:03 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 946—MILK IN LOUISVILLE, KY., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held March 17–20, 1948, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is hereby found that a pro rata assessment on handlers at a rate not to exceed two cents per hundredweight with respect to all receipts by the handler, during each delivery period, of (i) milk from producers (including such handler's own production) and (ii) other source milk received at a plant described in subparagraphs (1) and (2) of § 946.1 (e), upon which payment is required pursuant to § 946.10 of this order, will provide the funds necessary for the maintenance and functions of the market administrator in the administration of this order and such assessment is approved.

(2) It is necessary, in the public interest, to make this amendment to the said order, as amended, effective not later than September 1, 1948, for the reason that its provisions will increase, for certain months beginning with September, the prices which handlers covered thereunder will be required to pay for milk disposed of by them in Class I and Class II uses, which increased payments are necessary to reflect current marketing conditions. The changes effected by this order amending the order, as amended, do not require substantial or extensive preparation by persons affected prior to the effective date. The time intervening between the date of issuance of this order and its effective date affords persons affected a reasonable time to prepare for its effective date. In view of the foregoing, it is

hereby found and determined that good cause exists for making this amendment effective September 1, 1948, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after publication (See sec. 4c, Administrative Procedure Act, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Louisville, Kentucky, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of this order and who during June 1948 (said month having been determined to be a representative period) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 946.1 (i) and substitute therefor the following:

(i) "Producer-handler" means any person who is both a producer and a handler but who receives no milk from other producers (exclusive of producer-handlers).

2. Amend § 946.1 (j) to read as follows:

(j) "Other source milk" means all skim milk and butterfat received in any form from a producer-handler and from a source other than producers or other handlers, except any nonfluid milk product which is received and disposed of in the same form.

3. Delete § 946.3 (a) (3) and renumber subparagraph (4) as subparagraph (3).

4. Delete in § 946.3 (b) (3) (iii) the words "emergency milk and".

5. Delete in § 946.3 (b) (3) (iii) (*a*) the words "emergency milk or".

6. Amend § 946.3 (b) (3) (iii) (*b*) to read as follows:

(b) If milk from producers is transferred as milk, skim milk, or cream by a handler from a plant described under subparagraph (1) or (2) of § 946.1 (e) of such handler to any other plant of such handler, under supporting transfer records satisfactory to the market administrator, the shrinkage of skim milk and butterfat, respectively, on the aforesaid transferred portion shall be computed on a pro rata basis with the skim milk and butterfat, respectively, contained in all milk, skim milk, and cream received in the latter plant and added to the shrinkage of producer's milk handled in the handler's fluid milk plant.

7. Delete § 946.3 (c) (1) and substitute therefor the following:

(1) All skim milk and butterfat disposed of by a handler, either by transfer or diversion, to another handler or to a person who is not a handler but who distributes milk or manufactures milk products, shall be classified as follows:

(i) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(ii) As Class I milk if transferred or diverted in the form of milk or skim milk to another handler (except a producer-handler) or to a person who is not a handler but who distributes milk or manufactures milk products, and as Class II milk if so disposed of in the form of cream, unless utilization in another class is mutually indicated in writing to the market administratpr by both the transferring handler and the receiver on or before the 5th day after the end of the delivery period: *Provided*, That if upon inspection of the records of such receiver it is found that an equivalent amount of skim milk and butterfat, respectively, was not actually used in such indicated use the remaining pounds shall be classified a Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream: *Provided further*, That the classification of any such transfer or diversion of skim milk and butterfat between handlers shall be subject to allocation for each handler in the sequence set forth in paragraph (e) of this section: *And provided further*, That all skim milk and butterfat contained in milk and skim milk so disposed of to a plant located 100 miles or more from the City Hall at Louisville, Kentucky, by the shortest highway distance as determined by the market administrator, shall be Class I milk.

8. Delete § 946.3 (d) (1) (iii) and renumber subdivision (iv) as subdivision (iii).

9. Delete in § 946.3 (d) (9) (ii) (*a*) the words "emergency milk and".

10. Delete § 946.3 (e) and substitute therefor the following:

(e) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class, for each handler, after making the following computations shall be the pounds of skim milk in such class allocated to milk received from producers:

(i) Subtract the allowable shrinkage of skim milk in milk received from producers from the total pounds of skim milk in Class III;

(ii) Subtract the pounds of other source skim milk from the pounds of skim milk in the lowest-priced class: *Provided*, That if the pounds of skim milk to be subtracted is greater than the pounds of skim milk in such class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class;

(iii) Subtract the pounds of skim milk contained in milk, skim milk, and cream received from other handlers from the pounds of skim milk in the class to which it was assigned: *Provided*, That if the pounds of skim milk to be subtracted is greater than the pounds of skim milk in such class, the balance shall be subtracted from the pounds of skim milk in the next higher-priced class; and

(iv) Add the allowable shrinkage of skim milk in milk received from producers to the pounds of skim milk in Class III; but if the pounds of skim milk remaining in all classes exceeds the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the lowest-priced class: *Provided*, That if the pounds of skim milk to be subtracted is greater than the pounds of skim milk remaining in the lowest-priced class, the balance shall be subtracted from the pounds of skim milk remaining in the next higher-priced class.

(2) Determine the pounds of butterfat to be allocated to milk received from producers in a manner similar to that prescribed in subparagraph (1) of this paragraph for skim milk.

11. Delete § 946.4 (a) and substitute therefore the following:

(a) *Basic formula prices for Class I milk and Class II milk.* The basic formula price per hundredweight of milk to be used in computing the prices for Class I milk and Class II milk shall be the highest price resulting from the computations set forth in subparagraphs (1), (2), or (3) of this paragraph.

(1) Add 15 cents to the Class III price.

(2) (i) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the arithmetic average of the weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by 7, add 30 percent thereof, and then multiply by 3.8.

(3) To the average of the basic (or field) prices reported to have been paid or to be paid for milk of 3.5 percent butterfat content, without deductions for hauling or other charges to be paid by the farm shipper, received from farmers during the delivery period at the following plants or places for which prices

are reported to the market administrator or to the Department of Agriculture by the companies listed below:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed as follows: Multiply the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture for the delivery period, by 0.12 and then by 3.

12. Delete § 946.4 (b) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.05 for the delivery periods of April through August; and $1.25 for the delivery periods of September through March.

13. Delete § 946.4 (b) (2) and substitute therefor the following:

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts per hundredweight: $0.50 for the delivery periods of April through August; and $0.70 for the delivery periods of September through March.

14. Delete in § 946.5 (a) (1) the words "receipts of emergency milk".
15. Delete § 946.5 (a) (2).
16. Delete § 946.5 (a) (3).
17. Delete § 946.6 (a) and substitute therefor the following:

(a) *Producer-handlers.* No provision hereof shall apply to a producer-handler, except that such producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

18. Delete § 946.6 (b).
19. Delete in paragraph (c) of § 946.6 the words "receipts of emergency milk", and renumber such paragraph as paragraph (b).
20. Delete in § 946.7 (a) the words "paragraphs (b) and (c)" and substitute therefor "paragraph (b)".
21. Delete in § 946.7 (a) the words "emergency milk or".
22. Delete in § 946.10 the words "emergency milk" and substitute therefor "other source milk".

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 707; 7 U. S. C. 601 et seq.; sec. 102 Reorg. Plan 1 of 1947; 12 F. R. 4534)

Issued at Washington, D. C. this 30th day of August 1948 to be effective on and after the first day of September, 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7879; Filed, Sept. 1, 1948; 8:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 116—CIVIL AIR NAVIGATION

INSECTICIDE AND DISINSECTIZATION

Notice of proposed rule-making having been published (13 F. R. 580) and consideration having been given to all relevant matter presented, the following amendment is prescribed to the above regulations. This amendment is for the purpose of prescribing insecticides and the method of disinsectization of aircraft pursuant to § 116.13 (d) of Title 8, being also § 6.10c (d) of Title 19 and § 71.513 (d) of Title 42, and shall be effective 30 days after the date of publication in the FEDERAL REGISTER.

Section 116.13 of Title 8, also designated as § 6.10c of Title 19 and § 71.513 of Title 42, is amended by redesignating paragraph (e) of such section as paragraph (f) and by inserting immediately prior thereto a new paragraph designated paragraph (e) and reading as follows:

§ 116.13 *Public health requirements.*

* * *

(e) *Insecticide and method of disinsectization.* The following insecticides and disinsectization method are prescribed pursuant to paragraph (d) of this section:

(1) The insecticide shall be either Insecticidal Aerosol G-382, the formula of which is given below, or an insecticide found by the Surgeon General of the Public Health Service, upon application by an interested person, to be substantially as effective as Insecticidal Aerosol G-382;

FORMULA FOR INSECTICIDAL AEROSOL G-382

	Percent by weight
Pyrethrum extract, purified (20% pyrethrins)	5
DDT (aerosol grade)	3
Cyclohexanone	5
Lubricating oil (SAE 30)	2
Freon "12"	85

(2) The method of disinsectization shall be as follows:

(i) The insecticide shall be dispensed in the amount of not less than 5 grams for each 1000 cu. ft. of enclosed space in the aircraft, and shall be released or sprayed throughout all accessible compartments.

(ii) Disinsectization may be accomplished either while the aircraft is in flight or while on the ground prior to take-off, but in no case shall disinsectization be accomplished later than 30 minutes prior to the first landing at a United States port.

(iii) The ventilation system shall be stopped and all openings to the exterior kept closed while the insecticide is being released or sprayed, and for a period of not less than 3 minutes thereafter. If disinsectization is accomplished on the ground prior to take-off, the ventilation system may be opened at the end of such period, provided that the system is equipped with filters or other means for preventing the entrance of insects into the aircraft, but doors, windows, or other such openings to the exterior shall be kept closed until after the take-off, except in the case of emergency, or to permit persons applying the insecticide to debark.

FRANK DOW,
Acting Commissioner of Customs.
JOHN S. GRAHAM,
Acting Secretary of the Treasury.

AUGUST 11, 1948.

LEONARD A. SCHEELE,
Surgeon General,
Public Health Service.

Approved: August 9, 1948.

OSCAR R. EWING,
Federal Security Administrator.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 48-7666; Filed, Sept. 1, 1948; 9:02 a. m.]

PART 150—ARREST AND DEPORTATION

SUSPENSION OF DEPORTATION

AUGUST 9, 1938.

Paragraphs (b) (3), (b) (4), and (d) of § 150.10, Chapter I, Title 8, Code of Federal Regulations, are amended to read as follows:

§ 150.10 *Special procedure; application by an alien prior to arrest for suspension of deportation.* * * *

(b) *Eligibility.* An alien is eligible to be considered for suspension of deportation if:

* * * * *

(3) He is not ineligible for naturalization or, if ineligible, such ineligibility is solely by reason of his race; and

(4) It is found that:

(i) Such deportation would result in serious economic detriment to a citizen or a legally resident alien who is the spouse, parent, or minor child of such alien; or

(ii) Such alien has resided continuously in the United States for seven years or more and was residing in the United States on July 1, 1948.

* * * * *

(d) *Documents and investigation required.* Where a warrant of arrest has been issued under this section and Forms I-256 and I-55 have been accepted as a prima facie showing of eligibility for suspension of deportation, the alien shall be advised:

(1) To obtain promptly and furnish to the officer in charge:

(i) Official certifications to establish his relationship to those he claims would suffer economic detriment by his deportation and, if such persons are citizens of the United States, evidence of their citizenship; or

(ii) Documentary evidence that he has resided continuously in the United States for seven years or more and was residing in the United States on July 1, 1948.

(2) To submit the affidavits of two witnesses, preferably citizens, and if the alien is employed, one from his employer, who can vouch for the alien's good moral character for the preceding five years.

The officer in charge shall obtain verifications of such entries of the alien and other persons as are pertinent to the case and shall also cause an investigation to be conducted for the purpose of obtaining facts which will bear upon the alien's claim to eligibility for relief under the provisions of paragraph (b) of this section. The investigating officer shall make a written report of his investigation to be included in the record.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making is found to be contrary to the public interest because Public Law 863, 80th Congress, which is implemented by these rules, became effective on July 1, 1948, and the execution of functions of the Immigration and Naturalization Service under that statute would be unduly impeded by such notice. For the same reason it is found that the provisions of section 4 (c) of the Administrative Procedure Act providing for delayed effective date are inapplicable.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1, 12 F. R. 4781)

WATSON B. MILLER,
Commissioner of
Immigration and Naturalization.

Approved: August 20, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-7863; Filed, Sept. 1, 1948; 8:50 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 12—DELEGATIONS OF AUTHORITY

EXECUTIVE ORDER 9665

Section 12.8 *Executive Order 9665* (15 CFR 1946 Supp., 12.8), paragraph (c), is amended as follows:

1. By deleting from the first sentence the phrase "Office of Small Business" and substituting therefor "Office of Domestic Commerce."

2. By deleting from the second sentence "The Director of the Office of Small Business" and substituting "The Director of the Office of Domestic Commerce."

(R. S. 161; 5 U. S. C. 22)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-7836; Filed, Sept. 1, 1948; 8:46 a. m.]

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Office of Domestic Commerce

PART 330—GENERAL ORGANIZATION AND FUNCTIONS

PART 331—FUNCTIONS OF DIVISIONS

PART 332—RESOURCES AVAILABLE TO PUBLIC

TRANSFER OF REGULATIONS

CROSS REFERENCE: For revocation of Parts 330 through 332 of this chapter and substitution of an uncodified text therefor, see Federal Register Document 48-7838 in the Notices section, *infra*.

PART 340—OFFICE OF SMALL BUSINESS; GENERAL FUNCTIONS AND ORGANIZATION

PART 341—OFFICE OF SMALL BUSINESS; FUNCTIONS OF ORGANIZATION UNITS

PART 342—OFFICE OF SMALL BUSINESS; AVAILABILITY OF SERVICES

Parts 340, 341 and 342 are revoked. The existing functions of the former Office of Small Business have been transferred to the Office of Domestic Commerce (see Parts 330, 331 and 332, *supra*).

(5 U. S. C. 22; R. S. 161)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-7837; Filed, Sept. 1, 1948; 8:46 a. m.]

PART 354—MAJOR ACTIVITIES

DEPARTMENT OF COMMERCE FIELD SERVICE

Section 354.3 *Area development* (15 CFR 1947 Supp., 354.3) is revoked.

(R. S. 161; 5 U. S. C. 22)

[SEAL] CARLTON HAYWARD,
Director of the Field Service.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-7835; Filed, Sept. 1, 1948; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52021]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

SHORTAGE AFFIDAVITS AND POST ENTRIES

Section 4.12, Customs Regulations of 1943, as amended, relating to correction of manifests, further amended.

The first two sentences of § 4.12 (c), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.12 (c)), relate only to cases of overage in a vessel's cargo. As the third sentence is intended to relate to cases of shortage as well as overage in bulk merchandise, and the inclusion of that sentence in paragraph (c) has given the mistaken impression that it related only to overage cases, it is believed desirable to clarify the regulation by placing the third sentence in a separate paragraph and amending it to make it expressly applicable to shortages as well as overages.

Therefore, § 4.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.12), as amended, is further amended by deleting the last sentence of paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) to read as follows:

(d) A correction in the manifest shall not be required in the case of bulk merchandise if the collector is satisfied that the difference between the manifested quantity and the quantity unladen, whether the difference constitutes an overage or a shortage, is an ordinary and usual difference properly attributable to absorption of moisture, temperature, faulty weighing at the port of lading, or other similar reason.

(R. S. 161, sec. 440, 46 Stat. 712, sec. 584, 46 Stat. 748, as amended, sec. 624, 46 Stat. 759, sec. 102, 60 Stat. 1097; 5 U. S. C. 22, 19 U. S. C. 1440, 1584, 1624, sec. 102 Reorganization Plan No. 3 of 1946)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: August 27, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7882; Filed, Sept. 1, 1948; 8:52 a. m.]

PART 6—AIR COMMERCE REGULATIONS

INSECTICIDE AND DISINSECTIZATION

CROSS REFERENCE: For an amendment to § 6.10c, see Title 8, Chapter I, Part 116; *supra*.

[T. D. 52022]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

DATE OF ENTRY; ENTRY OF TOOLS OF TRADE

Sections 8.4, 8.50, and 8.51, Customs Regulations of 1943, relating to formal, appraisement, and informal entries, amended.

1. Section 8.4 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.4 (b)), is amended as follows:

The first sentence is deleted and the following is substituted therefor: "The date of entry is the date on which an entry is officially accepted by a collector of customs. A formal consumption entry or a warehouse entry shall be officially accepted on the date that the importer has completed the performance of all acts required of him which are necessary to secure the issuance of a consumption entry permit or a permit for the transfer of the merchandise to a bonded warehouse."

The following sentence is added at the end of the paragraph: "As to dates that appraisement entries, informal entries on customs Form 5119, and informal mail entries are officially accepted, see §§ 8.50

(g) and 8.51 (e), and § 9.3 (c) of this chapter.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

2. Section 8.50, Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.50), is amended as follows:

Paragraph (a) is amended to read:

§ 8.50 *Entry by appraisement.* (a) Application for an entry by appraisement shall be made in triplicate on customs Form 7500.

Paragraph (b) is amended to read:

(b) An application for an entry by appraisement may be approved by the collector without securing the approval of the Commissioner's office for articles described in section 498 (a) (2), (3), (4), (5), (7), or (8), Tariff Act of 1930.[39] As the value of articles of the following descriptions cannot be declared, an application for an entry by appraisement for any such articles pursuant to section 498 (a) (10),[39] Tariff Act of 1930, may be approved by the collector without the approval of the Commissioner's office:

(1) Articles which are second-hand;

(2) Articles which have become deteriorated or damaged before importation otherwise than as specified in section 498 (a) (2);

(3) Articles which are not the subject of a commercial transaction; and

(4) So-called overages or dock accumulations which cannot be identified with any particular shipment.

Entry by appraisement for articles not provided for above shall be allowed only with the approval of the Commissioner's office. Each request for such approval shall be filed in triplicate with the collector and shall state in detail the reasons for the request for entry by appraisement.

Paragraph (d) is deleted; paragraph (c) is redesignated paragraph (d); and a new paragraph (c) is added to read as follows:

(c) An application for an entry by appraisement shall not be approved after the merchandise has been appraised or released from customs custody, nor for damaged merchandise when the damage occurs after importation.

Paragraph (e) is amended by deleting "After acceptance, the entry" and substituting therefor "After submission, if acceptable, the application".

The parenthetical matter at the end of paragraph (f) is deleted and a new paragraph (g) is added to read as follows:

(g) An entry by appraisement shall be officially accepted on the date that the importer has completed the performance of all acts required of him which are necessary to secure a permit to release, including the deposit of estimated duties on the basis of the appraiser's report if any are due. (Sec. 498, 46 Stat. 728; 19 U. S. C. 1498)

3. Section 8.51, Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.51), as amended by T. D. 51560 (11 F. R. 13298), is further amended as follows:

Paragraph (a) is amended by substituting "prepared" for "accepted" in the third and fifth sentences and by revising the fourth sentence to read as follows: "This form may also be used for the entry of household or personal effects or tools of trade entitled to free entry under paragraph 1632, 1747 (first clause), or 1798, Tariff Act of 1930, but any such articles imported in the baggage of their owner shall ordinarily be included in his baggage declaration."

The parenthetical matter at the end of paragraph (d) is deleted and a new paragraph (e), reading as follows, is added:

(e) An informal entry on customs Form 5119 shall be officially accepted on the date that the estimated duties or the free entry documents are received by the appropriate customs officer at the port where the entry is to be accounted for and scheduled.

(Sec. 498 (a), 46 Stat. 728; 19 U. S. C. 1498 (a))

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 27, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7883; Filed, Sept. 1., 1948; 8:52 a. m.]

[T. D. 52020]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES

T. D. 49501, providing for additional information on customs invoices of braids, plaits, laces, and willow sheets or squares, amended. Section 8.13 (i), Customs Regulations of 1943, as amended, further amended.

The first paragraph of T. D. 49501, providing for additional information on invoices of braids, plaits, laces, and willow sheets or squares subject to the provisions of item 1504 (a) of the trade agreement with Switzerland, by requiring a statement of the gross and net weights of such articles, is amended to provide that "invoices of imported braids, plaits, laces, and willow sheets or squares subject to the provisions of item 1504 (a) of the trade agreement with Switzerland (T. D. 48093), and invoices of imported braids and bandings subject to the provisions of the first item 1529 (a) of the said trade agreement shall contain a statement showing the gross weight of each package and the net weight per piece of each different pattern contained in each package."

This amendment shall be effective as to invoices certified after 30 days after the publication of this notice in the weekly Treasury Decisions.

(Sec. 481 (a) (10), 46 Stat. 719; 19 U. S. C. 1481 (a) (10))

Section 8.13 (i), Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.13 (i)), as amended, is hereby further amended by changing to a comma the period following the item "Braids, plaits, laces, and willow sheets or squares subject to the provisions of item 1504 (a), Swiss Trade Agreement (T. D. 48903)" and adding "and braids and bandings subject to the provisions of the first item 1529 (a) of the said trade agreement"; and by changing to a semicolon the period following the date opposite said item and adding the number and date of this decision.

(Secs. 481, 624, 46 Stat. 719; 19 U. S. C. 1481, 1624)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 27, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7885; Filed, Sept. 1, 1948; 8:52 a. m.]

[T. D. 52019]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

PART 25—CUSTOMS BONDS

BONDS AND BONDED WAREHOUSES

Sections 19.2, 19.3, 19.4, 25.3, 25.4, and 25.5, Customs Regulations of 1943, amended.

1. Section 19.2, Customs Regulations of 1943 (19 CFR, Cum. Supp., 19.2), is hereby amended by deleting "in duplicate" or ", in duplicate," wherever either appears in paragraph (a), (b), or (c), by redesignating paragraph (d) as (e), and by adding a new paragraph (d) reading as follows:

(d) On approval of the application to bond a proprietor's manufacturing warehouse, class 6, a bond shall be executed in duplicate on customs Form 3583. In the case of a bonded smelting and refining warehouse, class 7, the bond shall be executed with the required number of copies and in the form prescribed in T. D. 50267. All documents referred to in paragraph (b) of this section as may relate to proprietor's warehouse bonds, class 6 or 7, shall be submitted in duplicate.

(Secs. 555, 556, 624, 46 Stat. 743, 759; 19 U. S. C. 1555, 1556, 1624)

2. Section 19.3 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 19.3 (a)), is hereby amended to read as follows:

§ 19.3 *Bonded warehouses; alterations; suspensions; discontinuance.* (a) Alterations in bonded warehouses, class 6 or 7, may be made by permission of the collector, unless they constitute a material change in the premises, in which case the approval of the Bureau is required. All alterations to warehouses of class 2, 3, 4, 5, or 8, or combinations thereof, may be made by permission of the collector without approval of the Bureau.

(Secs. 555, 556, 624, 46 Stat. 743, 759; 19 U. S. C. 1555, 1556, 1624)

3. Section 19.3 (c), Customs Regulations of 1943 (19 CFR, Cum. Supp., 19.3 (c)), is hereby amended by inserting after the first sentence the following sentence: "The collector may take similar action in the case of a warehouse of class 2, 3, 4, 5, or 8."

(Secs. 555, 556, 624, 46 Stat. 743, 759; 19 U. S. C. 1555, 1556, 1624)

4. Section 19.4, Customs Regulations of 1943 (19 CFR, Cum. Supp. 19.4), is hereby amended by adding the words "and sanitary" after the word "safety" in the headnote; by deleting the parenthetical matter after paragraph (c); and by adding a new paragraph (d) reading as follows:

§ 19.4 *Offices; safety and sanitary requirements.* * * *

(d) In the case of merchandise subject to the Federal Food, Drug, and Cosmetic Act particular care shall be exercised by the warehouseman to keep the premises clean and free of rodents, insect infestation, trash, or other insanitary conditions. (Secs. 555, 556, 624, 46 Stat. 743, 759; 19 U. S. C. 1555, 1556, 1624)

Bureau Circular Letter No. 2513 shall be cited as a marginal reference opposite § 19.4 (d).

5. Section 25.3 (a) (1), Customs Regulations of 1943 (19 CFR, Cum. Supp., 25.3 (a) (1)), is hereby amended to read as follows:

§ 25.3 *Bonds approved by Commissioner of Customs; form and execution.* (a) * * *

(1) Proprietor's manufacturing warehouse bond, class 6, customs Form 3583, in an amount to be recommended by the collector, but not less than $5,000 on each building or area and not more than $50,000 on all buildings or areas, unless the Commissioner believes additional security necessary. Buildings connected by loading platforms or sheds shall be considered as separate buildings. It shall be prepared in duplicate and, after execution by the principal and surety, delivered to the collector of customs to be forwarded to the Bureau with his recommendation, together with all reports, documents, and drawings filed in connection therewith.

(Sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 19 U. S. C. 1623, 1624)

6. Section 25.3 (a), Customs Regulations of 1943, is hereby further amended by deleting subparagraph (4) and renumbering subparagraphs (5) and (6) as (4) and (5), respectively.

(Sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 19 U. S. C. 1623, 1624)

7. Section 25.4 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 25.4 (a)), is hereby amended by redesignating subparagraphs (1) to (17) as subparagraphs (2) to (18); by redesignating subparagraphs (18) to (30) as subparagraphs (20) to (31), and by inserting new subparagraphs (1) and (19) reading as follows:

(1) Proprietor's warehouse bond, customs Form 3581 in the amount of $5,000 on each building or area covered, but not to exceed $50,000 on all buildings or areas unless the collector believes additional security necessary. Buildings connected by loading platforms or sheds shall be considered as separate buildings. All reports, documents, and drawings submitted in connection with the bonding of the warehouse shall be filed with the bond.

* * * * *

(19) Blanket vessel, vehicle, or aircraft term bond, customs Form 7569, in the amount of $10,000, or such larger amount as may be fixed by the collector of customs at the port where the bond is filed. A carrier desiring to execute such a bond shall file an application for permission to execute the bond with the collector of customs at any headquarters port. The bond shall be accompanied by a copy for each port named therein.

* * * * * *

(R. S. 161, sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759, secs. 1, 2, 52 Stat. 758, 759; 5 U. S. C. 22, 19 U. S. C. 1623, 1624, 46 U. S. C. 91, 92)

8. Section 25.5 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 25.5 (a)), is hereby amended to read as follows:

§ 25.5 *General instructions.* (a) The names of the principal and sureties and their respective places of residence shall appear in full in the body of the bond.

The signature of each party to a bond executed by a non-corporate principal or surety shall be witnessed by two persons, who shall sign their names as witnesses, followed by their addresses. No witnesses are required where bonds are executed by properly authorized officers or agents of a corporate principal or a corporate surety. If the bond is executed by an authorized officer of a corporation, the officer's signature shall be properly attested under the corporate seal.

(Sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 19 U. S. C. 1623, 1624)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 27, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7884; Filed, Sept. 1, 1948; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 2—ENFORCEMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

DISPOSAL IN VIOLATION OF THE ACT, REGULATIONS OR BOND

The Joint Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act (21 CFR, Cum. Supp., 2.300-2.312), issued by the Secretary of the Treasury and the Secretary, Department of Agriculture (from which the Food and Drug Administration was transferred to the Federal Security Agency by section 12 of Reorganization Plan No. IV, effective June 30, 1940), are hereby amended as follows:

Section 2.311 (c) is amended by deleting from the second sentence "the Secretary of the Treasury may deem" and inserting in lieu thereof "may be deemed"; and by deleting "duplicate" from the last sentence and inserting in lieu thereof "triplicate".

Section 2.311 (d) is amended to read as follows:

§ 2.311 *Disposal in violation of the act, regulations or bond.* * * *

(d) Upon the receipt of an application for relief as provided for in paragraph (c) of this section, the collector of customs may cancel the liability for liquidated damages incurred under the bond upon the payment of a lesser amount or upon such other terms and conditions as shall be deemed appropriate under the law and in view of the circumstances, but the collector shall not act under this section in any case unless the chief of station having jurisdiction at the port of entry is in full agreement with the action.

(Sec. 3 (a), 44 Stat. 1382, secs. 701 (b), 801, 52 Stat. 1055, 1058; 5 U. S. C. 281b (a), 21 U. S. C. 371 (b), 381)

The foregoing amendments shall be effective on the date of publication in the FEDERAL REGISTER.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.
OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 48-7912; Filed, Sept. 1, 1948; 9:03 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 34]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule B is amended by incorporating Item 30 as follows:

30. Provisions relating to the Galesburg Defense-Rental Area, State of Illinois.

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents for all housing accommodations in the Galesburg Defense-Rental Area shall be increased 18 percent, effective September 1, 1948, except in cases in which the maximum rents have been adjusted un-

[1] 12 F. R. 4331, 5040, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294, 322, 441, 475, 476, 493, 523, 827, 861, 1118, 1628, 1793, 1861, 1927, 1929, 3116, 3339, 3628, 3673, 4894.

der section 5 (a) (12) of the rent regulations prior to the effective date of this amendment. All provisions of this regulation insofar as they are applicable to the Galesburg Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective September 1, 1948.

Issued this 1st day of September 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement to Accompany Amendment 34 to the Controlled Housing Rent Regulation

The Local Advisory Board for the Galesburg Defense-Rental Area, Illinois, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase of 18 percent in the general rent level in the Galesburg Defense-Rental Area, Illinois, except in cases in which the maximum rents have been adjusted under section 5 (a) (12) of the rent regulations prior to the effective date of this amendment.

The Housing Expediter has found that these recommendations are appropriately substantiated and are in accordance with applicable law and regulations and is therefore issuing this amendment to effectuate these recommendations.

[F. R. Doc. 48-7881; Filed, Sept. 1, 1948; 8:52 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 34]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments (§ 825.5) is amended in the following respect:

1. Schedule B is amended by incorporating Item 31 as follows:

31. Provisions relating to the Galesburg Defense-Rental Area, State of Illinois.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents for all housing accommodations in the Galesburg Defense-Rental Area shall be increased 18 per cent, effective September 1, 1948, except in cases in which the maximum rents have been adjusted under section 5 (a) (9) of the rent regulations prior to the effective date of this amendment. All provisions of this regulation insofar as they are applicable to the Galesburg Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective September 1, 1948.

Issued this 1st day of September 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement to Accompany Amendment 34 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for the Galesburg-Defense Rental Area, Illinois, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase of 18 percent in the general rent level in the Galesburg Defense-Rental Area, Illinois, except in cases in which the maximum rents have been adjusted under section 5 (a) (9) of the rent regulations prior to the effective date of this amendment.

The Housing Expediter has found that these recommendations are appropriately substantiated and are in accordance with applicable law and regulations and is therefore issuing this amendment to effectuate these recommendations.

[F. R. Doc. 48-7880; Filed, Sept. 1, 1948; 8:51 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

IMPORTING AND EXPORTING BETWEEN U. S. AND MEMBERS OF GENERALLY LICENSED TRADE AREA

SEPTEMBER 2, 1948.

Amendment to General License No. 53 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading with the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Paragraph (d) (1) of § 131.53 (paragraph (4) (a) of General License No. 53) is hereby amended to read as follows:

§ 131.53 *General License No. 53.* * * *

(d) As used in this section:

(1) The term "generally licensed trade area" shall include all foreign countries except the following:

(i) Germany and Japan;

(ii) Bulgaria, Hungary, Rumania, and Italy;

(iii) Sweden, Switzerland and Liechtenstein;

(iv) France (including Monaco), Belgium, Norway, Finland, the Netherlands, Czechoslovakia, Luxembourg, Denmark, Greece, Poland, Estonia, Latvia, Lithuania, and Austria, but not including any colony or other non-European territory subject to the jurisdiction of any such country except French West Africa, Algeria, Tunisia, and French Morocco.

(Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regs., Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 48-7938; Filed, Sept. 1, 1948; 10:34 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

TRANSACTIONS WITH PORTUGAL

SEPTEMBER 2, 1948.

Revocation of General License No. 70 under Executive Order No. 8389, as amended, Executive Order No. 9193, as amended, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to foreign funds control.

Section 131.70 (General License No. 70) is hereby revoked.

(Sec. 5 (b) 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, Apr. 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regs., Apr. 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184, 12 F. R. 6)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 48-7939; Filed, Sept. 1, 1948; 10:34 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, Department of the Army

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

1. The opening portion and subparagraph (4) of § 201.1 (e) are amended to read as follows:

§ 201.1 *Appointment.* * * *

(e) *Appointment of medical and dental officers and chaplains who are one grade higher than prescribed by applicable T/O & E (effective until 1 January 1951).* Vacancies for medical and dental officers and chaplains in the National Guard may be filled by assignment thereto of qualified individuals who are one grade higher than that specified by applicable T/O & E, subject to the following provisions:

* * * * *

[1] 12 F. R. 4302, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 321, 442, 476, 497, 523, 828, 861, 1119, 1627, 1793, 1873, 1929, 3116, 3117, 3339, 3651, 3673, 4895.

(4) An officer so assigned, after having served for a period of at least 1 year in such assignment, will be replaced immediately upon availability of a qualified officer in the proper grade or one grade junior to that specified.

2. In § 201.2, paragraph (c) (1) (iii) (*a*) and (c) are changed, paragraph (c) (2) (vii) is added, paragraph (d) (3) (i) and (ii) are changed, paragraph (d) (4) is changed, paragraph (d) (5) is added and paragraph (e) (1) is changed, as follows:

§ 201.2 *Federal recognition.* * * *

(c) *Persons eligible.* Persons commissioned as officers of the National Guard will not be recognized as such under any of the provisions of these regulations unless they will have been selected from the following classes, and will have taken and subscribed to the oath of office prescribed in section 73 of the National Defense Act.

(1) *Initial procurement.* * * *

(iii) *Specialists from other sources.* (*a*) Wartime service or previous military training are not required for appointment and Federal recognition in the National Guard of clergymen as chaplains, doctors as medical officers, dentists as dental officers, and officers assigned to State Headquarters and Headquarters Detachments. Officers assigned to State Headquarters and Headquarters Detachments will not be eligible for reassignment to other units without meeting the full requirements for age-in-grade, age on appointment, World War II service, and physical conditions.

* * * * *

(c) Maximum age-in-grade requirements established in paragraph (d) (3) (ii) of this section apply to these officers, except officers for assignment to State Headquarters and Headquarters Detachments. Maximum age-in-grade restrictions will not apply in the appointment of officers assigned to State Headquarters and Headquarters Detachments.

* * * * *

(2) *Continuing procurement.* After initial reorganization, commissioned officers will be obtained from the following sources:

* * * * *

(vii) Effective 15 July 1948, warrant officers and enlisted men of Army units, not less than 21 nor more than 32 years of age, who have completed a minimum of 1 year's service with the armed forces, or the National Guard, or a combination of the two prior to the date of appointment, and have successfully completed such subcourses as are contained in the 10-series of the Army extension courses, and have been recommended by an examining board for appointment or commission with waiver, and are otherwise qualified; provided that after a date which shall be 1 year from the date of this provision, no such warrant officer or enlisted man shall be appointed or commissioned if he has passed his 28th birthday. (Only second lieutenants for Army units will be procured under the provisions of this subparagraph.)

(d) *Requirements for recognition.* The Chief, National Guard Bureau, will not grant Federal recognition to an officer until he has evidence that the following requirements have been met:

* * * * *

(3) *Age.* (*Effective until 1 January 1951.*)—(i) *For initial recognition.* No candidate will be examined for recognition who is less than 21 or more than 59 years old, nor unless his age is such that he can serve at least 1 year before recognition will be terminated under age limitations as set forth in subdivision (ii) of this subparagraph except that: for rated officers in tactical air units, no candidate for original commission as second lieutenant will be more than 27; as first lieutenant, more than 32; as captain, more than 37; as major, more than 40; as lieutenant colonel, more than 43; as colonel, more than 45. * * *

(ii) *For continued recognition.* The following maximum age-in-grade limitations are established for officers of the National Guard except those assigned to State Headquarters and Headquarters Detachments. An officer will be considered over the maximum age for his grade upon reaching the birthday anniversary of the year prescribed.

Assignment	2d lt.	1st lt.	Capt.	Maj.	Lt. col.	Col.
Rated officers in tactical air units	31	36	41	44	47	49
Nonrated officers (including flight surgeons) in tactical air units and all officers in nontactical air units	35	35	42	47	52	55
Other than air units	35	35	42	47	52	55

NOTE: Tactical air units include only tactical group headquarters, fighter, and light bombardment squadrons. Rated officers in wing or higher headquarters and service units will be included in the same age brackets as prescribed for nontactical air units.

(4) *Examination.* The candidate must pass such physical, moral, and professional tests as the President may prescribe, except that waivers of strict physical requirements may be granted officers assigned to State Headquarters and Headquarters Detachments, provided the defect is static in nature, not subject to complications or aggravation by reason of military duty; will not necessitate hospitalization or time-loss from duty, and will not interfere with the satisfactory performance of his military duty in his particular assignment.

(5) *Citizenship.* The candidate must be a citizen of the United States.

(e) *Termination of recognition.* Recognition of a National Guard officer terminates: (1) When:

(i) A major general has reached the age of 62 or a brigadier general has reached the age of 60.

(ii) An officer below the grade of general officer, except an officer assigned to State Headquarters and Headquarters Detachments, has passed the maximum age prescribed for his grade in paragraph (d) (3) (ii) of this section.

(iii) An officer assigned to State Headquarters and Headquarters Detachments has reached the age of 60 except in the case of a major general as prescribed in subdivision (i) of this subparagraph.

* * * * *

3. In § 201.3, paragraphs (d) and (h) are changed as follows:

§ 201.3 *Examination.* * * *

(d) *Determination of general qualifications.* The board will determine whether or not the general qualifications of the candidate indicate suitability for the military service. * * * Each applicant examined under the provisions of § 201.2 (c) (2) must have attained a score of 110 or higher in the AGCT.

* * * * *

(h) *Certificate of Eligibility (WD NGB Form 89a).* (1) WD NGB Form 89a (Certificate of Eligibility) is a written statement by the Chief, National Guard Bureau, and will be issued when the individual named therein has:

(i) Satisfactorily completed the tests and met the qualifications prescribed for a particular grade in a particular arm or service, and is therefore qualified for appointment in that grade and arm or service, or,

(ii) Successfully passed the examining board for appointment and commission under the provisions of § 201.2 (c) (2) and has been recommended for commission with waiver, and no T/O vacancy exists for his assignment. Cases of this nature will have the notation "subject to waiver requirements," added on the face of the form.

(2) If appointment or promotion to the office for which an applicant is certified as eligible is made within 2 years from the date shown on this certificate, Federal recognition will be extended without further examination other than physical.

4. § 201.4 (d) is amended to read as follows:

§ 201.4 *Waivers.* * * *

(d) *Waiver of technical requirements.* (1) When an officer is commissioned in an arm or service other than that in which he performed his wartime service or when, by reason of conversion of his unit or transfer to an arm or service other than that in which recognized, qualifications in those technical subjects not common to the two arms or services may be waived for a period of 1 year, or in exceptional cases, for such additional time as may be otherwise prescribed by the Chief, National Guard Bureau: *Provided*, That, until such time as the Corps of Military Police, Transportation Corps, and the Army Security Agency may be accorded full status as a branch of the service, officers assigned to appropriate unit vacancies therein will be commissioned in their basic arm or service, but will be required to meet such technical requirements for grade and position assignment as may be prescribed by the Provost Marshal General, Chief of Transportation, and Chief, Army Security Agency, through the Chief, Army Field Forces.

(2) Waivers of technical requirements for a period of 2 years may be granted to candidates applying for appointment and

commission under the provisions of § 201.2 (c) (2) (vii).

[NGR 20, 11 Dec. 1947, as amended by NGB Cir. 17, 15 July 1948] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-7861; Filed, Sept. 1, 1948; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 5, §§ 5.2594, 5.2595, and 5.2596 are amended to read as follows:

PAYMENT OF PENSION OR COMPENSATION TO A CHILD WHEN IT REACHES SIXTEEN OR EIGHTEEN YEARS OF AGE

Payment of Pension or Compensation Based Upon Helplessness

§ 5.2594 *Helpless child.* For the purpose of the laws authorizing the payment of death compensation or pension, the term "helpless child" shall mean a child who was permanently incapable of self-support by reason of physical or mental defect at the date of attaining the age of 16 or 18 years, whichever is applicable, and at the date of filing claim. The requirement that a child be "insane, idiotic, or otherwise mentally or physically helpless" as a prerequisite to the continuance of benefits after a child attains the age of 16 years will be considered as having been met when the evidence shows that the child is permanently incapable of self-support by reason of physical or mental defect. (Sec. 4, 41 Stat. 586, sec. 2, 44 Stat. 382, 1362; sec. 7, 57 Stat. 555, sec. 1, 58 Stat. 186; 38 U. S. C. 37, 288, 364a, 381a, Ch. 12 note)

§ 5.2595 *After age 18.* Pension or compensation otherwise payable on behalf of a helpless unmarried child will be continued from the child's eighteenth birthday without the filing of a formal claim, provided helplessness is alleged prior to or within 1 year after the date on which the child attains the age of 18 years, and evidence establishing entitlement is received within 1 year from the date of request by the Veterans' Administration. If helplessness is not alleged prior to or within 1 year after the child attains the age of 18 years, such benefits will be continued from the date of receipt in the Veterans' Administration of a communication from or on behalf of the child, alleging helplessness, provided evidence establishing entitlement is received within 1 year from the date of request by the Veterans' Administration. (Sec. 7, 57 Stat. 555; 38 U. S. C., Ch. 12 note)

§ 5.2596 *After age 16.*—(a) *Service prior to April 20, 1898.* Pension or compensation on behalf of a helpless unmarried child may be continued from the child's sixteenth birthday without the filing of a formal claim, provided helplessness was alleged in the original application; otherwise a formal application will be required.

(b) *Service in Spanish-American War, Boxer Rebellion, or Philippine Insurrection.*—(1) *Helplessness at 16.* Pension or compensation may be continued on behalf of a legitimate unmarried child who became helpless prior to attaining the age of 16 years, without the filing of a formal claim, provided helplessness is alleged prior to or within 1 year after the date on which the child attains the age of 16 years, and evidence establishing entitlement is received within 1 year from the date of request by the Veterans' Administration. If helplessness is not alleged prior to or within 1 year after the child attains the age of 16 years, such benefits will be continued from the date of receipt in the Veterans' Administration of a communication from or on behalf of the child alleging helplessness provided evidence establishing entitlement is received within 1 year from the date of request by the Veterans' Administration. Pension under the act of May 1, 1926, as reenacted, will be payable at the rate set forth in § 5.2634 (a) (1) or (a) (2) (i). Compensation will be payable at the rate set forth in § 5.2624. (Sec. 4, 41 Stat. 586, sec. 2, 44 Stat. 382, 1362, sec. 1, 58 Stat. 186; 38 U. S. C. 37, 288, 364a, 381a)

(2) *Helplessness at 18.* Where the child's entitlement to pension under the act of May 1, 1926, as reenacted, arises pursuant to sections 1 and 7, Public Law 144, 78th Congress, the rate payable will be that set forth in § 5.2634 (c) where there is a widow, or the rate set forth in § 5.2634 (a) (2) (ii) where there is no widow. Compensation will be payable at the rate set forth in § 5.2624.

(c) *Public Law 280, 78th Congress (Act of April 1, 1944).* The continuance of pension or compensation is authorized under the provisions of Public Law 280, 78th Congress, without regard to whether the child was under or over the age of 16 years at the date of the veteran's death, if helplessness existed at the date of attaining the age of 16 years and exists at the date of filing claim. These benefits terminate upon marriage, except that awards approved prior to April 1, 1944, are not subject to this provision. The application of this law is restricted to claims based on service rendered prior to April 20, 1898, or based on service rendered in the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, where the child meets the definition of a child contained in the act of May 1, 1926, as re-enacted, and without reference to section 7, Public Law 144, 78th Congress. (58 Stat. 186, 38 U. S. C. 37)

2. In Part 5, the title of § 5.2598 is changed, paragraphs (c) and (f) thereof are amended and paragraph (h) is added to read as follows:

Payment of Pension or Compensation Based on School Attendance

§ 5.2598 *Effective dates.* Except as outlined in § 5.2500 pertaining to original claims, the effective dates of payments on account of school attendance will be as follows:

* * * * *

(c) *Holiday or vacation periods.*—(1) *Continuance during holidays or vacation period.* In a claim where evidence is submitted showing that the child was attending a course of instruction in an approved institution at the close of a regular school term and intends to resume attendance at the next regular term, either in the same or a different institution, the award will be continued during the intervening holiday or vacation period, if all other requirements are met: *Provided,* That where the child does not actually resume attendance, the award will be discontinued as of the day preceding the date of such failure to pursue a course or as of the date of last payment, whichever is the earlier: *Provided further,* That payments will not be authorized retroactively for the vacation period where the child fails to resume attendance at the end of such period.

(2) *Evidence received during vacation period.* Where evidence is received during a holiday or vacation period, awards continuing or resuming payments will not be withheld until the vacation period has elapsed and commencement of the course has been reported by the school but will be approved without delay if otherwise in order.

(3) *Notice during vacation period that course will not be commenced.* Upon receipt of notice during a vacation or holiday period that a child will not commence or resume attendance at the next regular term, the ending date of the school award will be the date of last payment but not prior to the date of expiration of the last regular term nor subsequent to the day preceding the date of commencement of the next regular term.

(4) *Report of failure to commence or resume course.*—(i) *If award has been made.* If notice as described in the preceding subparagraph has not been received, and it is ascertained after the close of the holiday or vacation period that the child has failed to commence or resume an approved course at the next regular term, or if the required evidence of attendance is not received from the school within 10 days after the date of follow-up request after the date of commencement (see Veterans' Administration adjudication procedure), payments will be discontinued effective the day preceding the date on which the course was to have been commenced or resumed or the date of last payment, whichever is the earlier: *Provided,* That if the reason for the failure to commence or resume the course was the marriage of the child, the ending date will be the day preceding the marriage: *Provided further,* That if no payments have been made, the award will be reduced or discontinued from its effective date but not prior to the date of expiration of the last regular term.

(ii) *If award has not been made.* If notice as provided in subparagraph (c) (3) or report of failure to commence or resume a course following a vacation or holiday period is received before an award has been made, pursuant to approval of a course of instruction, benefits that may be payable by reason of prior pursuit of an approved course will not be authorized through the vacation or holiday period.

(5) *Resumption of payments after discontinuance for failure to submit notice of commencement.* Payments reduced or discontinued pursuant to paragraph (c) (4) (i) of this section for failure to submit VA Form 674b within 10 days from the date of request therefor, pursuant to Veterans' Administration adjudication procedure, will be resumed, if otherwise in order, from the effective date of such reduction or discontinuance upon receipt within 1 year from that date of VA Form 674b showing attendance at the commencement of term for which such benefits were denied.

(6) *Ending dates of school awards.* If VA Forms 8-674 and 8-674a show the year, month, and day on which it is expected the course will be terminated, the ending date of the school award will be the earliest date shown. If one form shows only the month and year and the other shows a definite date in an earlier month, the definite date will be accepted. In all other instances, the earliest month shown in either form will be accepted, and the ending date of the school award will be the last day of the preceding month.

* * * * *

(f) *Apportionment.* In any case wherein death pension or compensation is currently being paid and an apportioned award is to be made for a child who commences or recommences an approved course of instruction, the rate payable to or for such child from the eighteenth birthday, date of commencement of school attendance, date of application, or the date of receipt of such evidence, whichever is applicable under paragraphs (a), (b), (c), or (d) of this section, to the first of the month next succeeding that in which the changed award is approved shall be only the difference between the amount of pension or compensation currently being paid and the total amount payable by reason of including such child among the dependents for whom benefits are being paid. On and after the first of the month next succeeding that in which the changed award is approved, the pension or compensation will be apportioned as provided in § 5.2591 (c).

* * * * *

(h) *Evidence requirements.*—(1) *General.* The requirement that evidence of school attendance must be filed will be considered as having been met when notice of such school attendance, meeting the requirements of an informal claim, is received, provided the necessary formal evidence on VA Forms 8-674 and 8-674a is filed within 1 year from the date of request.

(2) *Accrued benefits only.* When a claim for accrued benefits is filed by or on behalf of a veteran's child over 18 but under 21 years of age who was pursuing a course of instruction at the time of the payee's death and payment of accrued benefits only is involved, evidence of school attendance will consist of VA Form 674c executed jointly by the child and the school official. When the payee's death occurred during a school vacation period, the requirements will be considered to have been met if the child was carried on the school rolls on the last day of the regular school term immediately preceding the date of the payee's death.

(Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 426, 707)

[SEAL] O. W. CLARK,
Executive Assistant Administrator of Veterans' Affairs.

[F. R. Doc. 48-7868; Filed, Sept. 1, 1948; 8:50 a. m.]

PART 20—GUARDIANSHIP AND LEGAL ADMINISTRATION

AMOUNT OF BENEFITS PAYABLE TO LEGAL CUSTODIAN OR CUSTODIAN-IN-FACT; PAYMENTS TO BONDED OFFICER OF INDIAN RESERVATIONS

1. In Part 20, the basic paragraph of § 20.5205 is amended to read as follows:

§ 20.5205 *Amount of benefits payable by Veterans' Administration to legal custodian or custodian-in-fact; payments to bonded officer of Indian reservations.* When a claimant under legal disability is found entitled to any benefit payable by the Veterans' Administration, the accrued amount of which at the time of the execution of Veterans' Administration Form 2-555, Certificate of Legal Custody, is $700 or less, or the monthly rate of which is $65 or less, or if the finding is in favor of two or more claimants under legal disability and the accrued amount is $1,000 or less, or the combined monthly rates for two claimants amount to $90 or less, for three claimants $115 or less, plus monthly payments of $20 for each additional claimant and no legal guardian or committee has been appointed, the awards shall be made upon proper finding to the person legally vested with the responsibility or care of such claimant or claimants; *Provided,* That the best interests of the claimant or claimants will be served thereby and the legal custodian is properly qualified. (Pub. Law 868, 80th Cong.)

[SEAL] O. W. CLARK,
Executive Assistant Administrator of Veterans' Affairs.

[F. R. Doc. 48-7869; Filed, Sept. 1, 1948; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

GERMANY; ADDITIONAL MAIL SERVICE

In § 127.19 *Special delivery (Exprès) service,* of Subpart A (13 F. R. 900, 2354), make the following change:

Insert, in paragraph (a), between "France", and "Gibraltar", in the list of countries therein contained, a new country, as follows:

Germany (French Zone, excluding the French sector of Berlin, only.)

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-7840; Filed, Sept. 1, 1948; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

STATE OF ISRAEL; ADDITIONAL MAIL SERVICE

In § 127.280a, *Israel (State of),* of Subpart D (13 F. R. 4320), make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Regular mails.* See Table No. 1, § 127.200, for classifications, weight limits, rates and dimensions. Service is limited to letters, post cards, commercial papers, printed matter, and samples of merchandise. Small packets not accepted.

Registry service is available for letters, post cards, commercial papers, printed matter, and samples of merchandise, but not for air letter sheets. The fee is 20 cents for each article in addition to the regular postage. Registry return receipts may be obtained upon payment of an additional fee of five cents if requested at time of mailing or ten cents if requested after mailing.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-7841; Filed, Sept. 1, 1948; 8:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

MISCELLANEOUS AMENDMENTS

1. The table of contents to Subpart G is amended by adding immediately prior to § 21.112 the following new sections:

21.110 Division of Regular Corps into professional categories.
21.111 Prescription of numbers in grade.

2. The table of contents to Subpart J is amended by adding at the end thereof the following undesignated centerhead and sections:

Restricted Grade Retirements

21.194 Voluntary retirement; restricted grades.
21.195 Referral of records to retirement boards.
21.196 Subsequent review of records.
21.197 Action by the Surgeon General and the Administrator.

3. Subpart G is amended by adding immediately prior to § 21.112 the following new sections:

§ 21.110 *Division of Regular Corps into professional categories.* The Regular Corps is divided into the following professional categories for the purpose

of establishing eligibility of officers of such corps for promotion: medical, dental, sanitary engineer, scientist, nurse, pharmacist, veterinarian, sanitarian, dietitian, and therapist. (Sec. 5 (i), Pub. Law 425, 80th Cong., 62 Stat. 41)

§ 21.111 *Prescription of numbers in grade.* The following maximum number of officers are authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1948, and ending June 30, 1949:

Director Grade	192
Senior Grade	429
Full Grade	385
Senior Assistant Grade	331
Assistant Grade	73
Junior Assistant Grade	46

(Sec. 4 (b), Pub. Law 425, 80th Cong., 62 Stat. 39)

4. Subpart J is amended by adding at the end thereof the following undesignated centerhead and sections:

Restricted Grade Retirements

AUTHORITY: §§ 21.194 to 21.197, inclusive, issued under sec. 7 (d), Pub. Law 425, 80th Cong., 62 Stat. 46.

§ 21.194 *Voluntary retirement; restricted grades.* An officer of the Regular Corps shall, upon his application and subject to the approval of the Surgeon General, be retired pursuant to section 211 (g) of the act on or after such date as he becomes eligible for retirement pursuant to said sections: *Provided*, That he has not been found qualified for a permanent promotion prior to the date upon which the Surgeon General approves his application for retirement.

§ 21.195 *Referral of records to retirement boards.* (a) If an officer does not request in writing within one month subsequent to the date on which he becomes eligible for retirement pursuant to section 211 (g) of the act that he be retired within six months after such date, the Surgeon General shall immediately after the expiration of such month refer his record, including the record of his physical condition, to a retirement board appointed pursuant to § 21.185 which board shall review his record to determine his qualifications for continued active service. In considering each such record the retirement board shall have the powers and duties prescribed in § 21.187.

(b) If the Surgeon General disapproves the application of an officer for retirement pursuant to § 21.194, he shall, not later than one year from the date on which the officer first applied for retirement, submit the officer's record to a retirement board for review as prescribed in paragraph (a) of this section: *Provided*, That the officer is still eligible for retirement at such time.

§ 21.196 *Subsequent review of records.* The records of officers who remain eligible for retirement pursuant to section 211 (g) of the act shall be subject to such additional reviews as are prescribed in §§ 21.188 and 21.189.

§ 21.197 *Action by the Surgeon General and the Administrator.* If a retirement board finds that an officer who is eligible for retirement pursuant to section 211 (g) of the act should be retired and if such finding is approved by the Surgeon General and the Administrator, the officer concerned shall be retired and his retirement shall be effectuated as prescribed in § 21.173.

5. Subpart R, as approved by the Acting Federal Security Administrator, June 24, 1948, (13 F. R. 3607), is hereby revoked.

6. These amendments shall be effective on the date of their publication in the FEDERAL REGISTER.

NOTE: These amendments are amendments to Part 21, Title 42, Code of Federal Regulations, as amended by Executive Order 9993, *supra*.

Dated: August 19, 1948.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: August 20, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-7677; Filed, Aug. 31, 1948; 1:49 a. m.]

PART 21—COMMISSIONED OFFICERS

PART 22—PERSONNEL OTHER THAN COMMISSIONED OFFICERS

CROSS REFERENCE: For regulations relating to commissioned officers and employees of the Public Health Service, constituting Subparts A through N, inclusive, of Part 21, and §§ 22.1 and 22.2 of Part 22, see Executive Order 9993, *supra*. For certain additions to Part 21, see F. R. Doc. 48-7677 under this chapter, *infra*.

PART 71—FOREIGN QUARANTINE

INSECTICIDE AND DISINSECTIZATION

CROSS REFERENCE: For an amendment to § 71.513, see Title 8, Chapter I, Part 116, *supra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management

[Order No. 334]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS TO THE MANAGERS

AUGUST 24, 1948.

The last paragraph of § 50.503 contained in Order 325 of August 6, 1948, is amended to read as follows:

The managers of the above specified offices are also authorized to approve all bonds filed in connection with noncompetitive oil and gas leases, including collective bonds, and, with respect to nonproducing, noncompetitive leases, to approve assignments thereof or royalty interests therein, of operating agreements and assignments of such agreements, and of subleases.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201, 43 CFR 4.275)

MARION CLAWSON,
Director.

[F. R. Doc. 48-7849; Filed, Sept. 1, 1948; 8:48 a. m.]

Appendix—Public Land Orders

[Public Land Order 518]

CALIFORNIA

REVOKING IN PART EXECUTIVE ORDER CREATING PUBLIC WATER RESERVE NO. 114

By virtue of the authority contained in section 1 of the act of June 25, 1910 (36 Stat. 847, 43 U. S. C. 141), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The Executive order of February 23, 1928, creating Public Water Reserve No. 114, is hereby revoked as to the following described land:

SAN BERNARDINO MERIDIAN

T. 8 S., R. 11 E., 20, SW¼SE¼.

The area described contains 40 acres.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

AUGUST 24, 1948.

[F. R. Doc. 48-7850; Filed, Sept. 1, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 151]

RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given under section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930 (19 U. S. C., 1201 (1606)), proposes to recognize the book of record of Criolla horses entitled "Stud Book Argentino para la Raza Criolla", published by the Sociedad Rural Argentina, Buenos Aires, Argentina (José A. Martinez de Hoz, President), and to add the name of the stud book to the list of books of record named in 9 CFR and Supps. 151.6 (a), under the sub-heading "Horses".

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of publication of this notice in the FEDERAL REGISTER.

Issued this 30th day of August 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7855; Filed, Sept. 1, 1948; 8:49 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Department of the Army

ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

DESCRIPTION OF CENTRAL AND FIELD AGENCIES

The Description of Central and Field Agencies, which formerly appeared in the Code of Federal Regulations as Part 1, Subtitle A, Title 10, is amended by changing section 1.10, and by adding a new section 1.29, as follows:

SECTION 1.10 *Director of Intelligence.* The Director of Intelligence, General Staff, United States Army, is the individual responsible in the Department of the Army for the collection and evaluation of information and for the production and dissemination of intelligence pertaining to the war potential, topography, military forces, and military and related activities of foreign countries and pertaining to the strategic vulnerability of the continental United States. He is responsible for producing intelligence relating to activities or conditions within the United States which threaten internal security and which might require the employment of troops and for producing intelligence relating to the activities of individuals or agencies potentially or actually dangerous to the security of the Army within the zone of interior. The Director of Intelligence supervises counterintelligence activities and military intelligence and counterintelligence training matters, and prepares training policies and plans in this field in accordance with the over-all training policies established by the Director of Organization and Training. He is responsible for the accomplishment of Army signal intelligence and communication security missions, utilizing the Army Security Agency for this purpose, and exercises supervision over personnel of the Military Intelligence Reserve and Army Security Reserve, recommending their mobilization assignments to the Director of Personnel and Administration. The Director of Intelligence represents the Department of the Army on intelligence and counterintelligence matters in its relations with other Departments and agencies of the United States Government and with foreign governments, operates the military attaché system, and provides the official channel of liaison between the Department of the Army and foreign military representatives on duty or visiting in the United States. He is responsible for meeting the intelligence requirements of the Chief of Staff, the General Staff, the Administrative and Technical Services, and the major commands. Since intelligence is a vital function of command, all army commanders must have adequate intelligence organizations. These organizations mutually support and collaborate with each other under the general coordination of the Director of Intelligence, General Staff, United States Army.

* * * * * *

SEC. 1.29 *Communications*—(a) *How addressed.* (1) Matters requiring the attention of the Secretary, the Under Secretary, or an Assistant Secretary of the Army will be addressed to the above individuals by title, Washington 25, D. C.

(2) Matters requiring the attention of the Chief of Staff or the Deputy Chief of Staff, United States Army, or the attention of more than one of the divisions of the General or Special Staffs will be addressed to the Chief of Staff, United States Army, Washington 25, D. C. Correspondence requiring the attention of a single division of the General or Special Staffs may be addressed to the head of the division by title, General or Special Staff (as the case may be), United States Army, Washington 25, D. C.

(3) Matters requiring the attention of an Administrative or Technical Service will be addressed to the head of the service by title, Department of the Army, Washington 25, D. C.

(b) *Communications addressed to The Adjutant General.* Except as provided in paragraph (a) of this section, all communications requiring the attention of Headquarters, Department of the Army, will be addressed to The Adjutant General, Department of the Army, Washington 25, D. C.

[Cir. 64, 1948, as amended by Cir. 240, 1948] (E. O. 9082, Feb. 28, 1942, as amended by E. O. 9722, May 13, 1946)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-7862; Filed, Sept. 1, 1948; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

KLAMATH PROJECT, CALIF.

FIRST FORM RECLAMATION WITHDRAWAL

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described land from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

KLAMATH PROJECT

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 46 N., R. 6 E., Sec. 18, Lot 6.

The above area aggregates 13.85 acres.

Notice for Filing Objections

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California for use in connection with the Klamath Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held

at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. E. TOMLINSON,
Acting Commissioner,
Bureau of Reclamation.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

MARION CLAWSON,
Director,
Bureau of Land Management.

AUGUST 17, 1948.

[F. R. Doc. 48-7846; Filed, Sept. 1, 1948; 8:47 a. m.]

MISSOURI BASIN PROJECT, WYO.

FIRST FORM RECLAMATION WITHDRAWAL

MAY 27, 1948.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 383):

MISSOURI BASIN PROJECT

BIG HORN UNIT NO. 3

Sixth Principal Meridian, Wyoming

T. 49 N., R. 92 W.,
Sec. 7, all;
Sec. 18, all;
Sec. 19, all;
Sec. 30, all;
Sec. 31, all.
T. 49 N., R. 93 W.,
Sec. 12, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 13, all;
Sec. 24, all;
Sec. 25, all;
Sec. 36, all.

The above area approximates 6,156.63 acres.

Notice for Filing Objections

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands for use in connection with the Missouri Basin Project, Wyoming, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON,
Assistant Commissioner,
Bureau of Reclamation.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

MARION CLAWSON,
Director,
Bureau of Land Management.

AUGUST 17, 1948.

[F. R. Doc. 48-7845; Filed, Sept. 1, 1948; 8:47 a. m.]

[Central Valley Project 2]

CENTRAL VALLEY PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

AUGUST 2, 1948.

1. *Water rental.* Irrigation water will be furnished, when available, upon a rental basis during the irrigation season of 1949 (January 1, 1949 to December 31, 1949, inclusive), to the irrigable lands in the San Joaquin River area of the Central Valley Project.

2. *Charges and terms of payment.* The water rental charge shall be $1.50 per acre-foot of water for all classes of use such as grassland, wild fowl, percolation, or crop water. The water rental charge for surplus operational spill water, if and when available as determined by the District Manager, shall be $0.10 per acre-foot. The purchase of surplus operational spill shall in nowise affect the obligation of the water user to pay for crop, grassland, wild fowl, or percolation water contracted for. All charges shall be payable by the water user to the United States in advance of the delivery of water.

3. *Delivery of water.* The United States will release from storage, divert, or otherwise allow to flow to an agreed point or points of delivery sufficient water as available to cover the requirements of the water user.

4. Applications for water may be made by the landowner or by anyone who presents evidence satisfactory to the District Manager that he is the tenant or lessee of the land for which water is requested or that he has been authorized by the owner or district to make a water application for such land.

5. Applications for water service and the payments required will be received on or after December 1, 1948, at the office of the District Manager, Merced, California.

RICHARD L. BOKE,
Regional Director.

[F. R. Doc. 48-7841; Filed, Sept. 1, 1948; 8:47 a. m.]

[No. 6, Amdt. 1]

YAKIMA IRRIGATION PROJECT, ROZA DIVISION, WASHINGTON

AMENDMENT OF CORRECTED PUBLIC NOTICE THAT WATER IS READY FOR DELIVERY TO PART OF THE LANDS OF THE ROZA DIVISION, YAKIMA PROJECT

AUGUST 6, 1948.

Corrected Public Notice No. 6, dated March 4, 1946, is hereby amended with respect to the lands listed below, as of November 6, 1945 (the date of the issuance of Public Notice No. 6), in the following manner:

Description	Irrigable area, private land	
	From—	To—
T. 11 N., R. 20 E., W. M.:		
Sec. 5:	*Acres*	*Acres*
NE¼NE¼	31.7	34.3
NW¼NE¼	14.5	24.0
SW¼NE¼	9.4	18.4
SE¼NE¼	36.4	40.0
SW¼NW¼	11.9	13.3
SE¼NW¼	14.2	15.3
SE¼SW¼	13.1	14.7
NE¼SE¼	32.6	29.5
NW¼SE¼	28.7	33.2
SW¼SE¼	27.1	34.4
SE¼SE¼	32.5	34.2
Sec. 12: SW¼SW¼	37.4	38.8
T. 11 N., R. 21 E., W. M.:		
Sec. 18: NE¼SE¼	29.2	28.7

In all other respects, Corrected Public Notice No. 6, dated March 4, 1946, remains in full force and effect.

KENNETH MARKWELL,
Acting Commissioner.

[F. R. Doc. 48-7842; Filed, Sept. 1, 1948; 8:47 a. m.]

[No. 8, Amdt. 1]

YAKIMA IRRIGATION PROJECT, ROZA DIVISION, WASHINGTON

AMENDMENT OF PUBLIC NOTICE THAT WATER IS READY FOR DELIVERY TO PART OF LANDS OF ROZA DIVISION; ANNOUNCEMENT OF CONSTRUCTION CHARGE INSTALMENTS

AUGUST 6, 1948.

Public Notice No. 8, dated September 24, 1946, is hereby amended with respect to the lands listed below, as of September 24, 1946, in the following manner:

Description	Irrigable area, private land	
	From—	To—
T. 10 N., R. 22 E., W. M.:		
Sec. 4:	*Acres*	*Acres*
NW¼SW¼	39.8	39.0
SW¼SW¼	0.0	0.8

In all other respects, Public Notice No. 8, dated September 24, 1946, remains in full force and effect.

KENNETH MARKWELL,
Acting Commissioner.

[F. R. Doc. 48-7843; Filed, Sept. 1, 1948; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of Domestic Commerce, Bureau of Foreign and Domestic Commerce

GENERAL ORGANIZATON AND FUNCTIONS; FUNCTIONS OF DIVISIONS; RESOURCES AVAILABLE TO PUBLIC

Parts 330 through 332 and amendments thereto (15 CFR 1946 Supp., 330 through 332; 15 CFR 1947 Supp., 330.2, 330.3, 331.7; 13 F. R. 3861, 2511, 4379) are revoked, and new text substituted therefor as follows:

NOTE: Parts 330, 331, and 332 are hereby withdrawn from the Code of Federal Regulations. Future amendments to material contained in Parts 330, 331, and 332 will appear as notices in the daily issue of the FEDERAL REGISTER.

GENERAL ORGANIZATION AND FUNCTIONS

1. Creation.
2. General purpose and functions.
3. General organization.

FUNCTIONS OF DIVISIONS

4. Office of the Director.
5. Area Development Division.
6. Marketing Division.
7. Small Business Division.
8. Trade Association Division.
9. Transportation Division.
10. Industry Divisions.
11. Construction Division.

RESOURCES AVAILABLE TO PUBLIC

12. Services available.
13. Published material.

GENERAL ORGANIZATION AND FUNCTIONS

1. *Creation.* The Office of Domestic Commerce was established by Department Order No. 10 of December 18, 1945, by consolidating functions formerly carried out by certain organizational units of the Bureau of Foreign and Domestic Commerce as follows: (a) the functions of the Trade Association Unit, (b) the functions of the Division of Industrial Economy, except those concerned with foreign trade, (c) the functions of the Distribution Division, except those concerned primarily with small business, and (d) the functions of the Construction Division. Subsequent Department Orders have transferred to the Office of Domestic Commerce the functions of the Office of Materials Distribution and the Office of Small Business.

2. *General purpose and functions.* The general functions of the Office of Domestic Commerce are (a) to promote the domestic commerce of the United States by (1) stimulating the profitable operation of the manufacturing, construction, distribution, transportation and service industries, in order to achieve and sustain full and efficient production and employment; (2) providing factual, analytical and interpretative data on commodities, industry and transportation, and marketing as basic guides for business and industry in trade maintenance and expansion programs; (3) maintaining good working relationships with trade associations and other groups representing industry; and (4) assisting state and regional planning organizations in promoting the economic development of regions and areas;

(b) To serve as the agency through which the Department's services may be made available to small business and through which the small businessman's interests may be brought to the attention of the Department and other executive agencies and establishments; and

(c) To administer functions assigned to the Department of Commerce in connection with economic control and adjustment programs as delegated by the Secretary under provisions of law and Executive Orders (e. g., Title III of the Second War Powers Act of 1942, as amended; Public Law 395, 80th Congress; Public Law 520, 79th Congress; Public Law 469, 80th Congress; Public Law 793, 80th Congress; and implementing Executive Orders).

3. *General organization.* Within the Office of Domestic Commerce are the (a) Office of the Director, (b) Area Development Division, (c) Marketing Division, (d) Small Business Division, (e) Trade Association Division, (f) Transportation Division, (g) Chemicals Division, (h) Food Division, (i) Forest Products Division, (j) General Products Division, (k) Iron and Steel Division, (l) Machinery Division, (m) Non-Ferrous Metals and Minerals Division, (n) Rubber Division, (o) Textiles and Leather Division, and (p) Construction Division.

FUNCTIONS OF DIVISIONS

4. *Office of the Director.* (a) The Director of the Office of Domestic Commerce is responsible to the Assistant Secretary for Foreign and Domestic Commerce.

(b) The Office of the Director is responsible for formulating the policies, developing and coordinating the programs, and directing all operations of the Office of Domestic Commerce. In addition to the Director, who is responsible for the administration of the Office of Domestic Commerce, the Office of the Director consists of

(1) A Deputy Director, who assists the Director in supervising and directing the operations of the organization and serves as head of the office in his absence or inability to serve;

(2) An Assistant Director who has charge of the activities of the industry divisions (including the Construction Division) and certain staff groups including the Compliance Staff, the Priorities Staff, and the Industry Analysis Staff;

(3) An Assistant Director who has charge of the activities of the Area Development, Marketing, Small Business, Trade Association, and Transportation Divisions;

(4) An Assistant to the Director who has charge of the field programs and publications programs of the office;

(5) An Administrative Staff under an Administrative Officer, who assists and advises the Director on matters of organization, budget, personnel, procedures, issuance functions, and administrative services.

5. *Area Development Division.* The Area Development Division works with and assists state planning and development groups, and regional and local area development agencies in studying the economic problems and potentialities of an area as a whole, and in developing programs for making greater use of local resources and expending the industry and commerce of the area by making the date, skills and experience of the Department available to such organizations; mobilizes the resources of the Department and coordinates the activities of the other bureaus and offices with respect to specific area development projects; and participates in the work of Federal interagency committees concerned with the development of resources of river basins and other areas.

6. *Marketing Division.* The Marketing Division promotes the effective distribution of goods and services by conducting analytical studies and preparing basic data for the use of business in assaying marketing potentials, formulating sales quotas, delineating trading areas, and developing more efficient and economical distribution and marketing practices; compiles distribution cost analyses to provide techniques whereby business firms may determine profitable and unprofitable areas of operation as they apply to customers, commodities, territories, channels, and functions; analyzes operating cost ratios in the distributive trades, and prepares programs for reducing the cost of distribution; conducts special wholesale and retail studies dealing with efficient methods of operation, layout, goods handling, warehousing and similar activities; works with the National Distribution Council and the Retail Trade Advisory Committee in furtherance of their programs; and provides advisory service in the field of trade regulations, Federal and State.

7. *Small Business Division.* The Small Business Division makes the data, skills, and experience of the Department available to the small business community by collecting, analyzing and disseminating information and data found to be of special importance to the small businessman; conducts research and study on managerial and other small business problems, and publishes the results of such research; administers the Department's university extension service, through which schools of business administration, bureaus of business research, and other organizations are encouraged to offer courses appropriate to the management of small business, plan and develop research projects with and in behalf of small business groups, and otherwise use their facilities and resources for the benefit of small business; promotes and establishes cooperative relationships beneficial to small business with business, civil and governmental groups; and actively represents small manufacturers and suppliers of the country with respect to their interest and need for participation in Federal procurement programs. The Director of the Office of Domestic Commerce is authorized to perform any duties not hereinlisted which were previously performed by the Director of the Office of Small Business and required by law or executive order.

8. *Trade Association Division.* The Trade Association Division serves as the Department's point of contact with trade associations and other types of

non-profit trade groups by promoting closer liaison with such groups through conventions, conferences, trade journals, bulletins, and committees; encourages cooperation between groups interested in similar objectives or general business problems; obtains recommendations from such groups with respect to the domestic commerce programs and activities of the Department; and collects, compiles, and publishes information concerning such national associations and local groups.

9. *Transportation Division.* The Transportation Division performs a continuous appraisal and evaluation of all types of domestic and territorial transportation and public utilities, as well as United States international sea and air services, in order to ascertain and promote their ability to meet efficiently and economically the current and potential needs of commerce; analyzes the services, rates, practices, organization; and regulation of the transportation and public utilities industries; studies the movement of traffic and indicates the effect of transportation factors on production, distribution and location of industry; furnishes information on transportation and public utility problems to the office, the Department, and the business community; and assists in the development and coordination of the Department's transportation policies.

10. *Industry Divisions.* Each of the industry divisions, except the Construction Division, treated in section 11 below (i. e., *Chemicals, Food, Forest Products, General Products, Iron and Steel, Machinery, Non-Ferrous Metals and Minerals, Rubber,* and *Textiles and Leather Divisions*) plans, develops and prepares for publication basic statistical and economic data on the industries within its area of specialization, and issues periodic industry reports to provide businessmen with the latest information on current and prospective trends in such industries and commodities; prepares production analyses and consumption requirements to maintain currently a complete supply and demand picture for each industry concerned; conducts research projects and studies on specific phases of the industries within its area of specialization, useful to industry in current operations and long-range planning, conducts industry surveys as a basis for policy decisions on national and international economic problems by the Department and other Government agencies requiring such data in connection with their specific responsibilities; provides the necessary analytical and statistical information on commodities and industries to assist the Department in fulfilling its responsibilities under the Voluntary Agreements Program (Public Law 395, 80th Congress and Executive Order 9919); prepares production, supply, and requirements studies on materials and products to determine the amounts that may be exported and makes recommendations in connection with the administration of export controls; carries out the civilian deficiency provisions under the Strategic and Critical Materials Stockpiling Act (Public Law 520, 79th Congress and Executive Order 9841); and, under the provisions of the Second Decontrol Act, as amended, prepares studies of products critically needed here and recommends that such products be eligible for priorities assistance to increase production abroad when direct benefit to the United States will result, processes export priority assistance applications affecting materials under its jurisdiction, and administers the control systems which are or may be authorized by the Congress over any commodity, product or material within its area of specialization. In addition to the above functions, the Rubber Division is responsible for carrying out those provisions of the Rubber Act of 1948 delegated to the Secretary of Commerce (Public Law 469, 80th Congress and Executive Order 9942), including the programming and requiring the consumption of synthetic rubber to provide for the maintenance of an adequate rubber producing industry and the availability of natural rubber for strategic stockpiling.

11. *Construction Division.* The Construction Division compiles, analyzes and disseminates information relating to economic, industrial, commercial and financial developments in the construction industry, including dollar volume statistics on a national and regional basis and forecasts of anticipated construction volume and building materials availability; collects, interprets and makes available data on factors influencing the demand for the products of the construction and building materials industries, including existing and proposed policies of business and government which affect construction; encourages and publicizes technological developments and improved methods in the construction and building materials fields; promotes the modernization and improvement of building codes, in cooperation with the technical staff of the National Bureau of Standards; and stimulates the elimination of restrictive practices and barriers which tend to limit construction.

RESOURCES AVAILABLE TO PUBLIC

12. *Services available.* The resources of the Office of Domestic Commerce are made available to the public through answers to inquiries received by mail, through personal interviews, and through the publication of reports and articles. Inquiries may be addressed to the Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., or to the nearest field office of the Department. (See Parts 350–359 for the location and addresses of the field offices.) Personal interviews may be had at the Washington Office or in the field offices.

13. *Published material.* The Office of Domestic Commerce disseminates material, information and analyses of a commodity or industry nature through the medium of the following publications:

(a) *Industry reports.* These reports are designed to give periodic analyses of significant current trends in specific industries and services. They are available on a subscription basis from the Superintendent of Documents, Washington 25, D. C., or from the nearest Department Field Office, with the exception of two reports which are available on request from the Department of Commerce Washington 25, D. C.

(b) *Industrial and economic series.* This medium is used for special booklets giving complete and detailed statistical and other background information on specific industries, trades and services.

(c) *Information on trade associations.* Special tabulations of trade association addresses and convention dates are furnished to the Department Field Offices and are available there for public reference. In addition, manuals covering trade association activities are compiled and made available through the industrial series.

(d) *Marketing information.* Booklets entitled, "Business Establishments, Employment and Taxable Payrolls under Old Age and Survivors Insurance Program, First Quarter 1946, by Industry Groups and By Counties," have been prepared for each State. These data, compiled on a county basis from reports of employers, are of value in analyzing market potentials, determining sales quotas, laying out sales territories, and measuring effectiveness of sales operations and advertising efforts. These booklets are free and can be obtained from the Department of Commerce, Washington 25, D. C.

(e) *Small business aids.* These are designed to give in brief form helpful information to small businesses. They are available on request from the nearest Department Field Office.

(R. S. 161; 5 U. S. C. 22)

[SEAL] H. B. McCOY,
Director,
Office of Domestic Commerce.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-7838; Filed, Sept. 1, 1948; 9:00 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2000]

POWER AUTHORITY OF THE STATE OF NEW YORK

ORDER FIXING HEARING

AUGUST 26, 1948.

(1) On July 16, 1948, the Power Authority of the State of New York (the Authority), a political subdivision of the State of New York, filed an application for a license under the Federal Power Act for a proposed hydroelectric development (Project No. 2000) to be located in and along the St. Lawrence River on the United States side of the international boundary line, St. Lawrence County, New York.

(2) Public notice of the filing of the application has been given as required by the act.

The Commission finds that:

(3) The proposed project is of such widespread interest that it is desirable and in the public interest to hold a hearing respecting the matters involved and the issues presented in this proceeding.

It is ordered, That:

(4) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by the Federal Power Act, particularly sections 4, 6 and 308 thereof, and the Commission's rules of practice and procedure (in force January 1, 1948, as amended and supplemented), a public hearing be held on the 4th day of October, 1948, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(5) As provided in Rule 30 (18 CFR 1.30) of the Commission's rules of practice and procedure, the officer hereafter designated to preside at the hearing shall certify the record of the hearing, including his report thereon, to the Commission for its decision and the presiding officer's report shall constitute a recommended decision.

Date of issuance: August 27, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7839; Filed, Sept. 1, 1948; 8:46 a. m.]

[Docket Nos. G-854, G-962, G-963]

ATLANTIC SEABOARD CORP. ET AL.

ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND FIXING DATE FOR FILING BRIEFS AND FOR ORAL ARGUMENT

AUGUST 27, 1948.

In the matters of Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation, Docket No. G-854, Tennessee Gas Transmission Company, Docket No. G-962, and Commonwealth Natural Gas Corporation, Docket No. G-963.

Upon consideration of:

(a) Motion filed on August 2, 1948, by Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation in Docket No. G-854, requesting, among other things, the omission of the intermediate decision procedure, and further, requesting opportunity for oral argument before the Commission in lieu of the filing of briefs;

(b) The motion filed on August 2, 1948, by Tennessee Gas Transmission Company in Docket No. G-962, requesting, among other things, the omission of the intermediate decision procedure, and further, requesting opportunity for oral argument before the Commission in lieu of the filing of briefs;

(c) The answer in opposition to the aforesaid motions for omission of the intermediate decision procedure in the proceedings in Docket Nos. G-854 and G-962, filed herein on August 5, 1948, by the National Coal Association, et al., requesting, among other things, that the intermediate decision procedure be followed and that opportunity be offered for the filing of briefs, with proposed findings and conclusions and supporting reasons therefor;

The Commission finds that:

(1) Due and timely execution of its functions imperatively and unavoidably requires that the Commission omit the intermediate decision procedure and render final decision in the proceedings in Docket Nos. G-854 and G-962.

(2) Good cause exists for providing opportunity for oral argument before the Commission and for the filing of briefs and/or proposed findings and conclusions with supporting reasons therefor, as hereinafter ordered.

The Commission therefore orders that:

(A) The intermediate decision procedure in the proceedings in Docket Nos. G-854 and G-962 be and the same is hereby omitted in accordance with the provisions of § 1.30 (c) of the Commission's rules of practice and procedure.

(B) Briefs and/or proposed findings and conclusions with supporting reasons therefor be filed on or before the date fixed for oral argument herein, and oral argument be had before the Commission on September 16, 1948, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: August 30, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-7860; Filed, Sept. 1, 1948; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 824]

UNLOADING OF COAL AT TOLEDO, OHIO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of August A. D. 1948.

It appearing, that 6 cars of coal at Toledo, Ohio, on The New York Central Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Coal at Toledo, Ohio, be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately

N&W 9528	N&W 0041
N&W 39676	N&W 69299
N&W 10537	N&W 13847

containing coal, now on hand at Toledo, Ohio, consigned for account of Cleveland Cliffs, Poe consignment.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., August 30, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-7867; Filed, Sept. 1, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1909]

NEW ENGLAND POWER CO. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of August A. D. 1948.

In the matter of New England Power Company, Beverly Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Malden Electric Company, Malden and Melrose Gas Light Company, New England Electric System, Salem Electric Lighting Company, Salem Gas Light Company, Suburban Gas and Electric Company; File No. 70-1909.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its subsidiary companies, New England Power Company, ("NEPCO"), Beverly Gas and Electric Company ("Beverly"), Gloucester Electric Company ("Gloucester"), Haverhill Electric Company ("Haverhill"), Malden Electric Company ("Malden"), Malden and Melrose Gas Light Company ("Malden and Melrose"), Salem Electric Lighting Company ("Salem Electric"), Salem Gas Light Company ("Salem Gas"), and Suburban Gas and Electric Company ("Suburban") have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 and have designated section 10 of the act and Rule

U-43 promulgated under the act as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration, as amended, which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

NEPCO proposes to acquire for cash and the other nine Applicants-Declarants, hereinafter referred to collectively as "the selling companies," propose to sell, all the outstanding capital stock and notes of Salem Terminal Corporation ("Salem Terminal").

Salem Terminal, which is an affiliate of NEPCO and each of the selling companies, owns real estate and coal handling equipment which presently is leased to and operated by non-affiliated interests. All of the outstanding capital stock and notes of Salem Terminal are owned by the selling companies as follows:

Owner	Number of shares ($25 par)	Total par value	Face value of notes payable	Total
Beverly	2,000	$50,000	$87,400	$137,400
Gloucester	----	----	27,600	27,600
Haverhill	2,600	65,000	115,000	180,000
Malden	2,600	65,000	138,000	203,000
Malden and Melrose	2,600	65,000	101,200	166,200
NEES	2,000	50,000	138,000	188,000
Salem Electric	6,200	155,000	460,000	615,000
Salem Gas	----	----	27,600	27,600
Suburban	2,000	50,000	105,800	155,800
Total	20,000	500,000	1,200,000	1,700,000

The consideration to be paid by NEPCO to the selling companies will be the par value of the capital stock and the face value of the notes plus accrued interest thereon, aggregating $1,700,000 exclusive of accrued interest. It is stated in the application-declaration that, as at May 31, 1948, the net book value of the properties of Salem Terminal (exclusive of organization expenses of $3,507 but including construction work orders in progress of $9,788) amounted to $1,662,440 and that, within the knowledge of the management of Salem Terminal, the book value of its plant and property represents cost. It is further stated that the consideration to be paid for the capital stock and notes of Salem Terminal proposed to be sold is equal to the cost of such securities to the selling companies. In an opinion of Jackson & Moreland, Engineers, dated June 22, 1943, based on an examination of the property of Salem Terminal, a review of its original cost and depreciation and a consideration of present-day costs, "the fair value of the property of Salem Terminal Corporation is approximately $1,600,000."

The acquisition of the capital stock and notes of Salem Terminal is stated by NEPCO to be the first step in its program to acquire all of the assets of Salem Terminal and to construct a steam-electric generating station to be located on a part of the land now owned by Salem Terminal. NEPCO intends to finance temporarily the cost of acquiring the capital stock and notes of Salem Terminal by bank borrowing and the selling companies propose to use the cash to be received for said stock and notes to reduce notes payable to banks, or to pay for construction or for other corporate purposes.

Incidental services in connection with the proposed transactions will be performed by New England Power Service Company, an affiliate service company, at the actual cost thereof. The selling companies will pay for the appraisal services of Jackson & Moreland and certain of them will pay Massachusetts and Federal transfer taxes in connection with the sale of the capital stock of Salem Terminal. The expenses in connection with the proposed transaction are estimated in the application-declaration as tabulated below:

Name	Estimated service company expenses	Services of Jackson and Moreland	Transfer taxes	Total
NEPCO	$1,500	----	----	$1,500
Beverly	100	$400	$40	540
Gloucester	100	100	----	200
Haverhill	100	500	52	652
Malden	100	600	52	752
Malden and Melrose	100	500	52	652
NEES	100	500	40	640
Salem Electric	100	1,800	124	2,024
Salem Gas	100	100	----	200
Suburban	100	500	40	640
Total	2,400	5,000	400	7,800

The application-declaration states that no State or Federal Commission other than this Commission has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said application-declaration under the applicable provisions of the act and the rules and regulations thereunder be held at 10:00 a. m., e. s. t., on the 5th day of October 1948 at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date, the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before the 30th day of September 1948 ris request or application therefor, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen MacCullen, or any other officer or officers of this Commission designated by it for the purpose shall preside at the hearing in such matter. The officer so designated to preside at said hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further consideration:

1. Whether the proposed acquisition by NEPCO of the capital stock and notes of Salem Terminal satisfies the requirements of section 10 of the act, and particularly, the requirements of section 10 (b) (2) and section 10 (c) (1) thereof.

2. What terms and conditions, if any, should be imposed by the Commission in connection with the acquisition by NEPCO of the capital stock and notes of Salem Terminal.

3. Whether the accounting entries proposed to be recorded on the books of the Applicants-Declarants to reflect the proposed transactions are in conformity with the standards of the act and rules promulgated thereunder and are in accordance with sound accounting principles.

4. Whether the fees or other remunerations to be paid in connection with the proposed transactions are reasonable.

5. Whether the transactions proposed by the Applicants-Declarants meet the requirements of the section 12 of the act as implemented by Rule U-43 promulgated thereunder.

6. Whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and rules promulgated thereunder and, if not, whether and what modifications or terms and conditions should be imposed by the Commission to satisfy the standards of the Act.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on New England Power Company, Beverly Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Malden Electric Company, Malden and Melrose Gas Light Company, New England Electric System, Salem Electric Lighting Company, Salem Gas Light Company and Suburban Gas and Electric Company and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and that further notice be given to all other persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-7851; Filed, Sept. 1, 1948; 8:48 a. m.]

[File No. 54-51]

NATIONAL POWER & LIGHT CO. ET AL.

ORDER APPROVING PLAN FILED

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1948.

In the matter of National Power & Light Company, Lehigh Valley Transit Company, Lehigh Valley Transportation Company, Easton Transit Company, Easton & South Bethlehem Transportation Company; File No. 54-51.

National Power & Light Company ("National"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, National's subsidiary Lehigh Valley Transit Company ("Transit") and its wholly owned subsidiaries Lehigh Valley Transportation Company ("Lehigh"), Easton Transit Company ("Easton"), and Easton & South Bethlehem Transportation Company ("Bethlehem"), having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") and other applicable provisions of the act for approval of an amended plan for reorganization of Transit; and

Copies of the Notice of Filing and Order for Hearing having been mailed to all known security holders of Transit, notice having been given to all parties and interested persons, a public hearing having been held at which hearing security holders of Transit and other interested persons were afforded an opportunity to be heard; and

The Commission having considered the record in the matter and filed its findings and opinion on the 17th day of August 1948 stating that the amended plan could not be approved but that it could approve the amended plan if it were further amended to include the following modification:

That the price of the 4½% preferred stock of Pennsylvania Power & Light Company to be offered in exchange to the bondholders of Transit on an optional basis at a valuation of $112.50 per share, as provided for in the amended plan, be changed to a price based on the market prices of such stock on the New York Curb Exchange prior to the time such optional exchange offer is made, such price to be subject to approval or modification by the Commission.

Transit on August 24, 1948, having filed a further amendment to the amended plan which amendment was joined in by National, Lehigh, Easton and Bethlehem containing the above modification as well as the following modifications.

(a) In substitution for the paragraph of the plan providing for a consummation date within a certain stated period after the entry of an appropriate order by the District Court of the United States the following is substituted:

"*Consummation date.* National and Transit reserve the right to designate a consummation date for the Bonds and a separate consummation date for the Preferred and Common stocks (referred to herein as the 'Bond consummation date' and the 'Stock consummation date,' respectively) or, at their election, to fix a single consummation date for all phases of the plan. Such consummation date or dates shall be fixed by National and Transit as soon as practicable after the issuance of the order of the Court referred to in subparagraph (b) of Part VI hereof. However, such date or dates shall not be later than 120 days after the date upon which an order of such Court enforcing the plan shall have become final and no longer subject to appeal."

(b) Where the term "par value" of the stock to be issued by Transit is used in the amended plan such term is changed to read "stated value" in the plan as further amended.

(c) The following paragraphs are substituted for paragraphs of the amended plan concerning the rights of the security holders on the consummation dates:

"*Plan binding upon security holders.* Upon the bond consummation date of the plan, the plan will be binding upon all holders of Transit's presently outstanding Refunding and Improvement Mortgage 5% Bonds. Upon the Stock consummation date, the plan will be binding upon all holders of Transit's Preferred and Common stocks. After such respective consummation dates all rights attaching to each of such securities shall, as of each such consummation date, thereupon cease and become void and of no effect. The holders of all of such securities shall thereafter be entitled only to receive cash and/or securities, all as provided for in the plan. In the event of a single consummation date for all phases of the plan, the plan on such date will be binding upon all holders of Transit's presently outstanding Bonds and Preferred and Common stocks and all rights attaching to such securities shall as of such date, thereupon cease and become void and of no effect. The holders of all such securities shall thereafter be entitled only to receive cash and/or securities, all as provided for in the plan."

(d) National will make such disposition of the shares of new common stock of Transit to be received by it as may be approved by the Commission, and, in this connection, National reserves the right to propose to distribute such shares of new common stock to its own common stockholders.

The Commission having found that if the plan were amended to conform with the proposed modification such plan would be fair and equitable to the security holders affected thereby and necessary and appropriate to effectuate the provisions of section 11 (b) of the act; and

Transit having requested the Commission pursuant to section 11 (e) of the act to apply to a court in accordance with the provisions of section 18 (f) of the act to enforce and carry out the terms and provisions of the amended plan as further amended on August 24, 1948; and

National and Transit having requested that the Commission enter an order reciting that the proposed transactions provided in the amended plan are necessary or appropriate to the integration or simplification of the holding company system of which National and Transit are members and necessary or appropriate to effectuate the provisions of section 11 (b) of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

It is ordered, That on the basis of the record herein and the findings and opinion heretofore entered on August 17, 1948 and pursuant to section 11 (e) of the act and other applicable provisions of the Act the said amended plan as further amended be and hereby is approved subject to the terms and conditions contained in Rule U-24 and to the following additional terms and conditions:

(1) That the order entered herein shall not be operative to authorize the consummation of the transactions proposed in the said amended plan until an appropriate United States District Court shall upon application thereto enter an order enforcing said amended plan;

(2) That jurisdiction is specifically reserved to determine the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the said amended plan;

(3) That jurisdiction is specifically reserved to determine the price at which the Pennsylvania Power & Light 4½% stock will be offered on an optional exchange basis to the holders of Transit's bonds;

(4) That jurisdiction is specifically reserved with respect to the terms and conditions of the stock proposed to be issued by Transit, the manner of its issuance and the distribution thereof.

It is further ordered, That counsel for the Commission be and they hereby are authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court pursuant to the provisions of section 11 (e) and in accordance with section 18 (f) of the act, to enforce and carry out the terms and provisions of said amended plan.

It is further ordered, That the issuances distributions, transfers and exchanges of securities and the transactions specified and itemized below, all as provided by the same Amended Plan, are necessary or appropriate to the integration or simplification of the holding company system of which Transit and National are a part and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) The distribution and transfer by Transit of 13,769 shares of Pennsylvania Power & Light Company 4½% preferred stock or such part thereof as may be required including the issuance of any interim certificates therefor and cash, in exchange for the amount of its Refund and Improvement Mortgage Bonds which are surrendered for cancellation pursuant to the Exchange Offer specified in said amended plan.

(2) The surrender by National and the acquisition and cancellation by Transit of 98,349.5654 shares of the 5% preferred stock of Transit and the issuance and delivery to National in exchange therefor

of 545,610 shares of $2 stated value common stock of Transit.

(3) The surrender by National and the acquisition by Transit as a contribution to its capital of 58,255 shares of $50 par value common stock of Transit.

(4) The acquisition by Transit of 454 shares of its $50 par value common stock from its stockholders other than National and the issuance and transfer by Transit in exchange therefor of one share of its $2 stated value stock for each share of $50 par value common stock so surrendered.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7852; Filed, Sept. 1, 1948; 8:48 a. m.]

[File No. 70-1936]

REPUBLIC SERVICE CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of August A. D. 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 by Republic Service Corporation ("Republic"), a registered holding company, for exemption from the provisions of sections 6 (a) and 7 of the act in respect of the issue and sale of securities.

Notice is further given that any interested person may, not later than September 13, 1948 at 5:30 p. m., e. d. s. t. request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 13, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Republic proposes to borrow, on or about October 1, 1948, the sum of $150,000 (including the renewal of $50,000 of present indebtedness) from Provident Trust Company of Philadelphia and to issue therefor its nine month promissory note bearing interest at the rate of 4% per annum, to reimburse its treasury for construction advances made to subsidiaries.

This transaction is incidental to the pending reorganization of Republic under section 11 of the act (see Holding Company Act Release No. 8170). The note proposed to be issued will be subordinated in certain respects to $950,000 principal amount of five year secured notes proposed to be issued by Republic under its plan of reorganization. Under the provisions of such plan, the $150,000 note will constitute approximately 9.1% of the principal amount and par value of other outstanding securities of Republic and the company requests authorization, pursuant to the first sentence of section 6 (b) of the act, to issue such note.

Republic requests that the Commission's order granting said application be issued as soon as practicable and become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7853; Filed, Sept. 1, 1948; 8:48 a. m.]

[File No. 812-561]

NIAGARA SHARE CORP. AND SCHOELLKOPF, HUTTON & POMEROY, INC.

NOTICE OF APPLICATION; STATEMENT OF ISSUES, ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of August A. D. 1948.

Notice is hereby given that Niagara Share Corporation (Niagara), and Schoellkopf, Hutton and Pomeroy (SH&P), have filed an application under sections 6 (c) and 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from sections 17 (a) and 21 (b) of the act the series of transactions hereinafter described.

Niagara is a non-diversified, closed-end, management investment company registered under the act, which was incorporated in Maryland and has its principal office at 70 Niagara Street, Buffalo 2, New York. SH&P, a broker, dealer and underwriter of securities, was incorporated in New York, and also has its principal office at 70 Niagara Street, Buffalo 2, New York. Niagara owns all of the 32,300 shares outstanding of the 5½% Cumulative Participating Non-Voting Preferred Stock of SH&P. Niagara also owns 14,479 or 5.21% of the 277,771 shares of the voting common stock of SH&P outstanding, and SH&P and Niagara, accordingly, are affiliated persons within the meaning of the act.

SH&P is the owner of an office building located at 70 Niagara Street, Buffalo, New York, and rents office space in this building to Niagara. As of July 1, 1948, SH&P entered into an agreement with The Mutual Benefit Life Insurance Company of Newark, New Jersey (Mutual), to sell such premises to Mutual for $325,000. As a condition of such sales agreement, Mutual specified that Niagara must enter into a long term lease of the property. At the request of SH&P, Niagara agreed to enter into a lease agreement with Mutual as of July 1, 1948, with respect to this property, which provides, in part that the lease shall run for 21 years, with two options, each giving Niagara the right to extend the term of the lease for a period of ten years; that the rent during the initial term will be $22,750 per annum, and $9,600 per annum during each extended term, Niagara to pay all taxes, assessments, insurance premiums and other charges; that Niagara is to maintain the premises in good repair and operating condition at its own expense; and that Niagara, at its expense, shall maintain full insurance with respect to the premises. In consideration for Niagara entering into such a lease arrangement with Mutual, SH&P, on July 6, 1948, agreed to enter into a sublease with Niagara, with respect to the same premises covering the same period and containing substantially the same terms and conditions as the proposed lease between Mutual and Niagara, and with the additional provision that Niagara may occupy its present or comparable space in the building without payment therefor during the life of the lease.

Niagara also proposes to sell, and SH&P proposes to purchase, for cash at par, 15,000 shares of the 5½% Participating Non-Voting Preferred Stock (par value $100) of SH&P owned by Niagara.

The applicants specifically request an order of the Commission:

(1) Pursuant to section 17 (b) of the act, exempting the proposed purchase by SH&P of 15,000 shares of its Preferred Stock from Niagara, from the provisions of section 17 (a) (2) of the act which make it unlawful for an affiliated person of a registered investment company to purchase any security or other property from such investment company;

(2) Pursuant to section 17 (b) of the act, exempting the proposed sublease by Niagara to SH&P from the provisions of section 17 (a) (2); and

(3) Pursuant to section 6 (c) of the act, exempting in its entirety the transaction involving the proposed lease by Niagara from Mutual, and the proposed sublease by Niagara to SH&P, from the provisions of section 21 (b) of the act, if applicable.

Section 21 (b) prohibits a registered management investment company from lending money or property to any person, directly or indirectly, if such person controls or is under common control with such registered company. (The applicants do not concede that they are under common control.)

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington 25, D. C.

The Division of Corporation Finance has advised the Commission that upon a preliminary examination of the application, it deems the following issues to be raised thereby, without prejudice to the specification of additional issues upon further examination:

(1) Whether SH&P and Niagara are under common control, or either of such companies controls the other company;

(2) Whether the terms of the proposed sublease by Niagara to SH&P, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; whether the proposed sublease is consistent with the policy of Niagara as recited in its registration statement and reports filed under the act; and whether the proposed sublease is consistent with the general purposes of the act;

(3) Whether the terms of the transaction in its entirety, involving the proposed lease from Mutual to Niagara and the proposed sublease by Niagara to SH&P, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; whether the proposed transaction in its entirety is consistent with the policy of Niagara as recited in its registration statement and reports filed under the act; and whether such proposed transaction is consistent with the general purposes of the act;

(4) Whether the proposed exemption of the foregoing transaction in its entirety from section 21 (b) of the act (if applicable), is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act;

(5) Whether the terms of the proposed repurchase by SH&P of 15,000 shares of its Preferred Stock from NIAGARA, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; whether the proposed repurchase is consistent with the policy of NIAGARA as recited in its registration statement and reports filed under the act; and whether the proposed repurchase is consistent with the general purposes of the act.

It appearing to the Commission that a hearing upon the application is necessary and appropriate;

It is ordered, Pursuant to section 40 (a) of said act that a public hearing of the aforesaid application be held on September 9, 1948 at 10:00 a. m., eastern daylight time in Room 101 of the offices of the Commission, 425 Second Street NW., Washington 25, D. C.

It is further ordered, That Richard Townsend or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice.

It is further ordered, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings, or to consolidate with these proceedings other proceedings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

Notice of such hearing is hereby given to the above-named Niagara Share Corporation; Schoellkopf, Hutton & Pomeroy, Inc.; and The Mutual Benefit Life Insurance Company and to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard in said proceeding should file with the hearing officer or the Secretary of the Commission, on or before September 7, 1948, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any of the above matters or issues he deems raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7854; Filed, Sept. 1, 1948; 8:48 a. m.]

[File No. 70-1935]

PUBLIC SERVICE ELECTRIC AND GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of August 1948.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Electric and Gas Company ("PEG"), a subsidiary of The United Corporation, a registered holding company. PEG designates section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 2, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 2, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

PEG proposes to borrow from time to time, on or before September 15, 1948 and not later than April 15, 1949, not more than $50,000,000 from nine commercial banks, such loans to be represented by unsecured notes maturing not later than September 15, 1950. Such notes are not to be acquired by said banks for resale to the public. The commercial banks by whom the loans are to be made and the maximum amount of the loan from each bank are as follows:

The Chase National Bank of the City of New York	$14,000,000
The First National Bank of the City of New York	6,000,000
Fidelity Union Trust Company, Newark, New Jersey	2,000,000
J. P. Morgan & Co., Incorporated, New York	2,000,000
Guaranty Trust Company of New York	7,000,000
The National City Bank of New York	5,000,000
Central Hanover Bank and Trust Company, New York	5,000,000
Chemical Bank and Trust Company, New York	5,000,000
Manufacturers Trust Company, New York	4,000,000

Pursuant to the terms of the bank credit agreement, the notes will bear interest at the rate of 2% per annum to September 15, 1949 and thereafter at the rate of 2¼% per annum, such interest to be payable on December 15, 1948 and quarter-annually thereafter. PEG has the right to pay, in whole or in part, at any time prior to maturity thereof, without premium, the loans made under the credit agreement. PEG will pay to the respective banks a stand-by charge at the rate of ½ of 1% per annum on the average daily unused balance under the several commitments of the banks.

PEG states that any portion of the proceeds from the proposed loans not used for property additions and improvements will be used to pay the outstanding $18,000,000 principal amount of notes of PEG due March 15, 1949, or to pay at maturity certain prior lien bonds of PEG which mature within the next ten months.

PEG states that the proposed transaction is subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, in which state the company is organized and doing business, and that a copy of such Commission's order approving the proposed borrowing of $50,000,000 will be supplied by amendment.

Applicant requests that the Commission's order be issued at the earliest possible date and that such order become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7905; Filed, Sept. 1, 1948; 8:56 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11496]

GUSTAV KUEHL

In re: Estate of Gustav Kuehl, deceased. File D-17-295; E. T. sec. 7109.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amanda Ramm, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That the sum of $256.26 was paid to the Attorney General of the United States by George A. Richards, Administrator of the Estate of Gustav Kuehl, deceased;

3. That the said sum of $256.26 was accepted by the Attorney General of the United States on May 7, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the sum of $256.26 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7870; Filed, Sept. 1, 1948; 8:50 a. m.]

[Vesting Order 11522]

ROSA ZITTELL

In re: Guardianship of Rosa Zittell. File No. F-28-17710; E. T. sec. 4307.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Zittell, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all the property and estate of Rosa Zittell in the possession, custody or control of The Louisville Trust Company, Louisville, Kentucky, as Guardian of Rosa Zittell, subject, however, to all lawful fees, charges of, and disbursements by said The Louisville Trust Company as Guardian, of Rosa Zittell, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Louisville Trust Company, as Guardian, acting under the judicial supervision of the Jefferson County Court, Kentucky;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7871; Filed, Sept. 1, 1948; 8:50 a. m.]

[Vesting Order 11576]

JOHANN GEORG KUENER

In re: Trust under will of Johann Georg Kuener, deceased. (File No. D-28-10460; E. T. sec. 14875.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Johann Baumgartner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives of Franziska Hohmann Baumgartner, deceased, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under item First of the will of Johann Georg Kuener, deceased, is property within the United States payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Herman J. Jongebloed, 208 East Wisconsin Avenue, Milwaukee 2, Wisconsin, as trustee, acting under the judicial supervision of the County Court, Milwaukee County, Wisconsin;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives of Franziska Hohmann Baumgartner, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7872; Filed, Sept. 1, 1948; 8:50 a. m.]

[Vesting Order 11853]

WILHELM HERZOG

In re: Trust certificate owned by Wilhelm Herzog. F-28-7163-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Herzog, whose last known address is Elbersberg, Kreis Wolfhagen, Fritzlar-Land, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) Trust Certificate, representing interest in one thousand three hundred and eighty (1,380) shares of stock of the First National Bank of Jeffersonville, New York, said certificate registered in the name of Wilhelm Herzog, of the face value of $1,069.69, bearing the number 742, and presently in the custody of Tompken & Farley, 250 Park Avenue, New York, New York, together with any and all rights thereunder and thereto, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7873; Filed, Sept. 1, 1948; 8:51 a. m.]

[Vesting Order 11857]

KARL LAUTZ ET AL.

In re: Stock and participating unit owned by the personal representatives, heirs, next of kin, legatees and distributees of Karl Lautz, deceased. F-28-23495-A-1; F-28-23495-D-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Karl Lautz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Forty (40) shares of $100. par value common capital stock of The Baltimore and Ohio Railroad Company, Baltimore, Maryland, a corporation organized under the laws of the State of Maryland, evidenced by certificate number A-390613, registered in the name of Karl Lautz and presently in the custody of Irving Trust Company, One Wall Street, New York, New York, in an account in the name of Handelstrust West N. V., Amsterdam, The Netherlands, together with all declared and unpaid dividends thereon, and

b. Certificate number 13748 for one (1) participating unit of beneficial ownership of shares of $100. par value common capital stock of Washington Railway and Electric Company deposited with Bankers Trust Company, 16 Wall Street, New York, New York, under an agreement dated as of November 29, 1939, said certificate being registered in the name of Karl Lautz and being presently in the custody of Irving Trust Company, One Wall Street, New York, New York, in an account in the name of Handelstrust West, N. V., Amsterdam, The Netherlands, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Karl Lautz, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Karl Lautz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7874; Filed, Sept. 1, 1948; 8:51 a. m.]

[Vesting Order 11866]

FRIEDA PULVERMANN ET AL.

In re: Stock owned by Frieda Pulvermann, the personal representatives, heirs, next of kin, legatees and distributees of John A. Pulvermann, Sr., deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Eduard F. Pulvermann, deceased.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Pulvermann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of John A. Pulvermann, Sr., deceased and the personal representatives, heirs, next of kin, legatees and distributees of Eduard F. Pulvermann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Those certain three hundred seventy-five (375) shares of no par value class B common capital stock of Markt & Hammacher Company, 53 Park Place, New York, New York, a corporation organized under the laws of the State of New Jersey, which were transferred on the books and records of said Markt & Hammacher Company on June 17, 1943 from the name of Amalie Steneck to the name of George John Leewitz, also known as George John Leeds, and are presently included within the aggregate of 2875 shares of said no par value class B common capital stock evidenced by certificate number B 26 registered in the name of said George John Leewitz, also known as George John Leeds, together with all declared and unpaid dividends thereon.

b. Those certain one thousand (1,000) shares of no par value class B common capital stock of Markt & Hammacher Company, 53 Park Place, New York, New York, a corporation organized under the laws of the State of New Jersey, which were transferred on the books and records of said Markt & Hammacher Company on June 17, 1943 from the name of Edward Vintschger to the name of George John Leewitz, also known as George John Leeds, and are presently included within the aggregate of 2875 shares of said no par value class B common capital stock evidenced by certificate number B 26 registered in the name of said George John Leewitz, also known as George John Leeds, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Frieda Pulvermann and the personal representatives, heirs, next of kin, legatees and distributees of Eduard F. Pulvermann, deceased, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: Three hundred seventy-five (375) shares of no par value class B common capital stock of Markt & Hammacher Company, 53 Park Place, New York, New York, a corporation organized under the laws of the State of New Jersey, constituting one-half of those certain seven hundred fifty (750) shares of said no par value class B common capital stock which were transferred on the books and records of said Markt & Hammacher Company on June 17, 1943 from the name of Elizabeth Haskin to the name of George John Leewitz, also known as George John Leeds, and being presently included within the aggregate of 2875 shares of said no par value class B common stock evidenced by certificate number B 26 registered in the name of said George John Leewitz, also known as George John Leeds, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on ac-

count of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of John A. Pulvermann, Sr., deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Eduard F. Pulvermann, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that Frieda Pulvermann, the personal representatives, heirs, next of kin, legatees and distributees of John A. Pulvermann, Sr., deceased, and the personal representatives, heirs, next of kin, legatees and distributees of Eduard F. Pulvermann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the 1750 shares of stock described in subparagraphs 3 and 4 hereof, together with dividends as specified therein, subject to the right, if any, of George John Leewitz, also known as George John Leeds, to reimbursement of the purchase prices paid by him for the above vested shares of stock, after deduction of all income, if any, received by him due to his apparent ownership of said shares of stock.

Such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7827; Filed, Aug. 31, 1948; 8:56 a. m.]

[Vesting Order 11879]

HERMINE JOHNSON AND GERTRUDE HEYE

In re: Stock and Bank Account owned by the personal representatives, heirs, next of kin, legatees and distributees of Hermine Johnson, Deceased, and stock owned by Gertrude Heye. F-28-4955-A-1; F-28-4955-A-2; F-28-4955-D-1, 2, 3; F-28-4955-E-1; F-28-27978-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Hermine Johnson, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That Gertrude Heye, whose last known address is Lienen Bei Elsfleth, Oldenburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows:

a. One hundred and thirty-five (135) shares of $10.00 par value common stock of Lone Star Gas Company, 301 South Harwood Street, Dallas 1, Texas, a corporation organized under the laws of the State of Texas, evidenced by certificates numbered D22931 and DO7486 for 100 and 35 shares, respectively, together with all declared and unpaid dividends thereon,

b. Seven (7) shares of $20.00 par value common stock of Northern Natural Gas Co., Aquila Court Building, Omaha, Nebraska, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered OF-11339, together with all declared and unpaid dividends thereon, and any and all rights of exchange thereof for $10.00 par value common stock of the aforesaid company,

c. Fourteen (14) shares of $100.00 par value 5% preferred stock of Crucible Steel Company of America, 405 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered PO-18374, registered in the name of Mrs. Hermine Johnson, together with all declared and unpaid dividends thereon,

d. One hundred and eighty-eight (183) shares of no par value common capital stock of Columbia Gas & Electric Corporation, 61 Broadway, New York 6, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered CP/O 25911, ON/O 110094, OP/O 13856, CP/P 12184, OP/O 12781 and CP 26611, for 1, 37, 19, 1, 30 and 100 shares, respectively, registered in the name of Hermine Johnson, together with all declared and unpaid dividends thereon,

e. Ten (10) shares of $1.00 par value common capital stock of The Pennroad Corporation, 1400 Delaware Trust Bldg., Wilmington 28, Delaware, evidenced by certificates numbered 383852 and 383872 for 7 and 3 shares, respectively, registered in the name of Hermine Johnson, together with all declared and unpaid dividends thereon, and

f. That certain debt or other obligation of Peoples First National Bank & Trust Company, Pittsburgh, Pa., arising out of a Savings Account, account number 83824, entitled Mrs. Hermine Johnson, maintained at the North Side Branch of the aforesaid bank located at 526 Federal Street, Pittsburgh (12), Pa., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Hermine Johnson, deceased, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: Twenty-three (23) shares of $1.00 par value common capital stock of The Pennroad Corporation, 1400 Delaware Trust Bldg., Wilmington 28, Delaware, evidenced by certificates numbered 445288, 445289, 445290, for 10, 10 and 3 shares, respectively, registered in the name of Gertrude Heye, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gertrude Heye, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Hermine Johnson, deceased, and the person named in subparagraph 2, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7875; Filed, Sept. 1, 1948; 8:51 a. m.]

[Vesting Order 11880]

SHUICHI KAWAOKA AND TSUGI UYEKI

In re: Debts owing to Shuichi Kawaoka and Tsugi Uyeki, also known as Tsugi Kawanobe and as Tsugi Yamanouchi. F-39-4973-E-1; D-39-14814-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shuichi Kawaoka, whose last known address is Hiroshima, Japan, and Tsugi Uyeki, also known as Tsugi Kawanobe and as Tsugi Yamanouchi, whose last known address is Tochigi, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to Shuichi Kawaoka and Tsugi Uyeki, also known as Tsugi Kawanobe and as Tsugi Yamanouchi, by The Yokohama Specie Bank, Ltd., Los Angeles, California, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising respectively out of fixed deposit account number 67773 entitled Shuichi Kawaoka and fixed deposit account number 69030 entitled Tsugi Kawanobe, maintained at the aforesaid Los Angeles Office, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings as prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7876; Filed, Sept. 1, 1948; 8:51 a. m.]

[Vesting Order 11884]

ALFRED LEHMAN AND ANNA SENF

In re: Debt owing to Alfred Lehman and Anna Senf. D-28-11861-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Lehman, whose last known address is Thielenstreet 39, Bremen, Germany, and Anna Senf, whose last known address is Gete 10, Bremen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by a check in the sum of $56.81, payable to Magda Sippel, Executrix of the Estate of August Schuler, deceased, and presently in the custody of the Office of the Comptroller of Currency, Treasury Department, Washington 25, D. C., arising out of Claim No. 8668 against the National City Bank of New Rochelle, New York, together with any and all accruals thereto, and any and all rights to demand, collect and enforce the aforesaid debt or other obligation, and all rights in, to and under the aforesaid check, including particularly the right to possession and presentation for payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alfred Lehman and Anna Senf, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7877; Filed, Sept. 1, 1948; 8:51 a. m.]

[Vesting Order 11886]

LINA STULGIES AND TOKUZO SHIOZAKA

In re: Stock owned by Lina Stulgies and Tokuzo Shiozaka. F-28-24114-D-1; F-39-4800-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Stulgies, whose last known address is Courbiere, Str. 14, Berlin W-62, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Tokuzo Shiozaka, whose last known address is 22-1-4 Chome, Nokamoto, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: Ten (10) shares of $5 par value common capital stock of Warner Bros. Pictures, Inc., 321 West 44th Street, New York 18, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number 35122, registered in the name of Miss Lina Stulgies, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Lina Stulgies, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: Forty (40) shares of $5 par value common capital stock of Warner Bros. Pictures, Inc., 321 West 44th Street, New York 18, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number BCO 46711, registered in the name of Tokuzo Shiozaka, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tokuzo Shiozaka, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany), and

6. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7878; Filed, Sept. 1, 1948; 8:51 a. m.]

REFERENCE SEP 9 '48

REFERENCE

SEP 9 '48

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 13 NUMBER 173

Washington, Friday, September 3, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9994

AMENDMENT OF EXECUTIVE ORDER NO. 9952 OF APRIL 22, 1948, PROVIDING FOR THE TERMINATION OF REEMPLOYMENT RIGHTS OF FEDERAL CIVILIAN EMPLOYEES WHO TRANSFERRED TO PUBLIC OR PRIVATE AGENCIES FOR NATIONAL-DEFENSE OR WAR WORK

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States, section 1 of Executive Order No. 9952 of April 22, 1948, providing for the termination of reemployment rights of Federal civilian employees who transferred to public or private agencies for national-defense or war work, is hereby amended to read as follows:

1. All existing reemployment rights to positions in the Federal service acquired under authority of Executive Order No. 8973 of December 12, 1941, Executive Order No. 9067 of February 20, 1942, or Directive No. X as amended by Directive No. XVI of the War Manpower Commission (7 F. R. 7298, 11050), or under regulations of the Civil Service Commission issued pursuant thereto, shall expire on October 22, 1948, unless application for reemployment under such rights shall have been made before that date: *Provided*, that nothing in this order shall prevent the exercise of such reemployment rights on or after October 22, 1948, (a) by any employee who on that date is serving in a Federal agency which on that date is being liquidated or is required by statute to be liquidated; or (b) by any person upon separation from the armed forces or release from the merchant marine if at the time of his entry into the armed forces or merchant marine he would have acquired restoration rights had he entered such service from the agency from which he originally transferred: *And Provided further*, that any person who subsequent to October 22, 1948, takes any action which results in the extension of his period of service in the armed forces or merchant marine may not exercise such reemployment rights upon separation or release therefrom.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 1, 1948.

[F. R. Doc. 48-7984; Filed, Sept. 1, 1948; 4:00 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LISTS OF POSITIONS EXCEPTED

Under authority of § 6.1 (a) of Executive Order No. 9830, and at the request of the Acting Administrator of the Federal Security Agency, the Commission has determined that professional and consultative positions, not to exceed ten, in the Children's Bureau, which are required to be filled in conection with the 1950 White House Conference on Children and Youth, should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (19) is amended as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A* • • •

(19) *Federal Security Agency* • • •

(xvii) Children's Bureau: NC/PD. Ten professional and consultative positions required in connection with the 1950 White House Conference on Children and Youth. Employment under this subdivision shall not extend beyond June 30, 1951.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 48-7913; Filed, Sept. 2, 1948; 8:48 a. m.]

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HARRY S. TRUMAN

THE WHITE HOUSE,
September 1, 1948.

[F. R. Doc. 48-7984; Filed, Sept. 1, 1948; 4:00 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

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§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A* • • •

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(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
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[F. R. Doc. 48-7913; Filed, Sept. 2, 1948; 8:48 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers' Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

GENERAL DELEGATION OF AUTHORITY TO STATE DIRECTORS: RATIFICATION OF CERTAIN INSTRUMENTS

Part 300, "General", in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Cum. Supp., Chapter III, Subchapter A), is amended by revoking § 300.13 and by revising § 300.12 to read as follows:

§ 300.12 *General delegation of authority to State Directors: ratification of certain instruments.* (a) Each State Director of the Farmers Home Administration is hereby authorized, within the area of his jurisdiction, on behalf of the United States of America and the Secretary of Agriculture:

(1) To approve loans, and make commitments to and insure mortgages, incident to the programs of the Farmers Home Administration, including, but not limited to, the approval of options, the approval of the assignment, and the designation of assignees, of options; the approval and acceptance of security, including determinations that outstanding interests in security property are not objectionable and the obtaining of severance and subordination agreements; the endorsement of bonds and notes in connection with the insurance of mortgages; and the execution of necessary documents.

(2) To do and perform all acts necessary for the servicing, reviewing, collection, and enforcement of payment of indebtedness, now or hereafter administered or serviced by the Farmers Home Administration, including indebtedness contracted through the Resettlement Administration, the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, State rural rehabilitation corporations, defense relocation corporations, land leasing and purchasing associations, and other similar associations, corporations, and agencies. This authority shall include, but shall not be limited to, the cancellation, compromise, liquidation, and adjustment of indebtedness, including the modification of contracts and other instruments; authority to require further security; authority to declare entire indebtedness due and payable; the administrative determinations preparatory to initiation of foreclosure proceedings; the appointment and designation of substitute trustees in deeds of trust and representatives of the United States and the Secretary of Agriculture to foreclose under the power of sale in real estate mortgages; the designation of persons to bid at foreclosure sales on behalf of the United States and the Secretary of Agriculture; taking possession of, and the acquisition of, real and personal property; the approval of the transfer to third persons of security property; the repair, maintenance, and operation of security property, including the granting of leases and the execution of caretaker agreements; the execution and filing of proofs of claim; the execution and delivery of, or consent to, suspensions and releases of assignments of income from mortgaged property, partial and full releases of security, waivers of liens, subordination agreements, satisfactions, and other documents; consent to the assignment, partial or full release, or satisfaction of insured mortgages; authority to enter into agreements to purchase nondelinquent insured mortgages; and the issuance, publication, and service of notices and other instruments.

(3) To lease, sell or otherwise dispose of real and personal property now held or hereafter acquired by the Farmers Home Administration, including the granting of Revocable Licenses covering rights-of-way which are determined by the State Director to be of benefit to the public in general or to the Government. Incident to this authority, the State Director is authorized to make determinations required or authorized by law and to execute and deliver contracts, leases, deeds and other instruments.

(4) To execute certificates of satisfaction and proof of loss on insurance contracts.

(5) To file and record instruments.

(6) To do and perform all other acts necessary for the proper administration of the programs of the Farmers Home Administration.

(b) All acts hereby authorized to be performed by a State Director shall be performed in accordance with the provisions of applicable laws.

(c) In the absence of the State Director, the authority hereby delegated to him may be exercised by the Acting State Director.

(d) All deeds, releases, subordination agreements, and other instruments affecting title to real property heretofore executed by officials or employees of the Farmers Home Administration, or the Farm Security Administration or the Resettlement Administration, incident to the administration of programs now under the jurisdiction of said Farmers Home Administration are hereby confirmed and approved. The acceptance and approval of conveyances of real property on behalf of the United States by such officials and employees likewise are approved.

(e) This section shall not be construed to revoke or modify any delegation of authority to the Administrator or Acting Administrator of the Farmers Home Administration or any redelegation of authority, instruction, procedure, or regulation heretofore issued, and every such delegation, redelegation, instruction, procedure, or regulation is hereby continued in full force and effect, unless otherwise revoked or modified. (R. S. 161, 50 Stat. 869, sec. 7, 54 Stat. 1124, 50 Stat. 522, 60 Stat. 1062, Pub. Law 249, 80th Cong. (61 Stat. 493), Pub. Law 720, 80th Cong. (62 Stat. 534), 58 Stat. 836, 60 Stat. 711, Pub. Law 785, 80th Cong. (62 Stat. 1027); 5 U. S. C. 22, 16 U. S. C. 590r et seq., 16 U. S. C. 590z–5, 7 U. S. C. 1000 et seq., 12 U. S. C. 1150 et seq., 40 U. S. C. 436 et seq.; Order, Secretary of Agriculture, Oct. 14, 1946, 11 F. R. 12520, Order, Acting Secretary of Agriculture, Oct. 30, 1947, 12 F. R. 7137, Order, Secretary of Agriculture, July 9, 1948, 13 F. R. 4147)

August 20, 1948.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: August 31, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48–7895; Filed, Sept. 2, 1948; 8:55 a. m.]

PART 320—METHOD OF REDELEGATION OF AUTHORITY

DELEGATION OF AUTHORITY

Section 320.1, *Delegation of authority* in Chapter III of Title 6, Code of Federal Regulations (6 CFR, 1944 Supp., Chapter III, Subchapter A), is amended to read as follows:

§ 320.1 *Delegation of authority*—(a) *General.* A statement in a Farmers Home Administration procedural issuance directing or permitting an employee, referred to by functional title, to perform an act will constitute authority for the employee to perform the act.

(b) *Limitations on authority of delegates.* Any authority delegated or redelegated to an employee will be exercised subject to, and in full compliance with, (1) the limitations, conditions, and

requirements of the instrument by which the authority is delegated or redelegated, and (2) such direction and supervision as may be consistent therewith.

(c) *Responsibility of delegating officials.* Delegating officials retain full responsibility for supervising and directing subordinates (and have the right to review the actions of such subordinates) in the exercise of delegated authorities.

(d) *Authority of supervisors.* All Farmers Home Administration employees are automatically delegated the same authority as is delegated to their respective subordinates, and are responsible for supervising such subordinates in the proper exercise of such authorities, except:

(1) When authority is delegated directly to such subordinates by authorized Governmental officials outside the Farmers Home Administration.

(2) When acts must be performed by certain officials or employees under applicable laws and departmental regulations.

(3) When fiscal transactions and instruments are required by applicable laws, rules and regulations to be approved by immediate supervisors or other specific officials. (R. S. 161, 5 U. S. C. 22; Order, Secretary of Agriculture, Oct. 14, 1946, 11 F. R. 12520; Order, Acting Secretary of Agriculture, Oct. 30, 1947, 12 F. R. 7137; Order, Secretary of Agriculture, July 9, 1948, 13 F. R. 4147)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

AUGUST 18, 1948.

Approved: August 31, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7893; Filed, Sept. 2, 1948; 8:55 a. m.]

PART 320—METHOD OF REDELEGATION OF AUTHORITY

DESIGNATION OF ACTING OFFICIALS

Section 320.2, *Designation of Acting Regional Directors* in Chapter III of Title 6, Code of Federal Regulations (6 CFR, 1944 Supp., Chapter III, Subchapter A), is amended to read as follows:

§ 320.2 *Designation of acting officials*—(a) *General.* Officials of the Farmers Home Administration listed in paragraph (b) of this section are authorized to designate subordinate employees to serve in an acting capacity in the positions of such officials and positions under the supervision of such officials when the regular incumbents thereof are temporarily absent from duty or from their normal headquarters, provided: (1) the employees so designated are qualified and, if performance of such duties require bonding, are properly bonded, and (2) the duration of the absence and the nature of the duties to be performed during such absence will warrant the designation.

(b) *Authorities.* The following officials are authorized to designate acting officials for positions as indicated:

(1) *National Office.* (i) The Administrator will designate the Acting Administrator, and acting officials for any other position on his immediate staff.

(ii) The head of each National Office division is authorized to designate an acting division head and acting officials for any other position within his division.

(2) *Area Finance Offices.* (i) The Area Finance Manager is authorized to designate an Acting Area Finance Manager, acting chiefs of the Fiscal and Administrative Services divisions of the Area Finance Office, and acting officials for any other position on the immediate staff of the Area Finance Manager.

(ii) The chiefs of the Fiscal and Administrative Services divisions in the Area Finance Office are authorized to designate acting officials for any subordinate position in their respective divisions.

(3) *Field offices of the Examination Division.* (i) The Chief of the Examination Division in the National Office is authorized to designate Acting Area and Acting Resident Examination Officers of the Examination Division.

(ii) Except for the positions designated in paragraph (b) (3) (i) of this section, the Area and Resident Examination Officers are authorized to designate an acting official for any position connected with the respective Area or Resident Examination Offices.

(4) *State offices.* The State Director is authorized to designate an Acting State Director, and acting officials for any other position under his jurisdiction.

(c) *Authority of acting officials*—(1) *Extent of authority.* The employee designated to act in a position will have all rights, privileges, duties, and powers delegated to the position of the regular incumbent, including the authority to execute documents incident thereto. This will not include authorities delegated or redelegated to the regular incumbent of the position by special delegation or redelegation (delegations to individuals by name).

(2) *Signature of acting official.* Documents executed by acting officials in their acting capacity will be signed in their own names, using their temporary titles; for example, "Acting State Director" or "Acting County Supervisor". (R. S. 161, 5 U. S. C. 22; Order, Secretary of Agriculture, Oct. 14, 1946, 11 F. R. 12520; Order, Acting Secretary of Agriculture, Oct. 30, 1947, 12 F. R. 7137; Order, Secretary of Agriculture, July 9, 1948, 13 F. R. 4147)

[SEAL] DILLARD B. LASSETER,
Administrator
Farmers Home Administration.

AUGUST 18, 1948.

Approved: August 31, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7894; Filed, Sept. 2, 1948; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 303—COOPERATIVE SUPPRESSION OF PLANT DISEASES AND INSECT PESTS

SUBPART—GOLDEN NEMATODE SUPPRESSIVE PROGRAM, 1948 SEASON

Pursuant to the authority vested by section 6 of the Golden Nematode Act (Public Law 645, 80th Congress, approved June 15, 1948), and having determined that the State of New York, through legislation, appropriations, and quarantine regulations has taken action and provided funds and means to carry out effectively a cooperative program to suppress, control, and prevent the spread of the known infestation of the golden nematode in accord with the other provisions of the Golden Nematode Act, the Secretary of Agriculture of the United States and the Commissioner of Agriculture and Markets of the State of New York have cooperatively determined that the following procedures and rates shall be used in compensating growers in the portion of Long Island, New York, where the golden nematode is known to occur for carrying out a program for the control and suppression of this nematode during the 1948 season:

Sec.
303.1-1 Compensation only to nongrowers of potatoes.
303.1-2 Compensation to nonowners of land involved.
303.1-3 Compensation to owner-operators.
303.1-4 Agreement and voucher forms.
303.1-5 Agency designated to act for Federal Government.
303.1-6 Agent of Secretary of Agriculture to determine eligibility for payment.

AUTHORITY: §§ 303.1-1 to 303.1-6, inclusive, issued under Act of June 15, 1948, Public Law 645; 80th Congress.

§ 303.1-1 *Compensation only to nongrowers of potatoes.* Compensation will be paid only to those growers who refrained from planting potatoes on land infested or exposed to infestation by the golden nematode, and who grew on such lands only such crops as were approved by the Department of Agriculture and Markets of the State of New York.

§ 303.1-2 *Compensation to nonowners of land involved.* The State of New York, through its Commissioner of Agriculture and Markets, will assume full responsibility of and make the entire compensation payments to growers who refrained from planting potatoes on land which was infested or exposed to infestation by the golden nematode and which was not owned by such growers.

§ 303.1-3 *Compensation to owner-operators*—(a) *Apportionment of losses.* Losses to owner-operators of lands infested by or exposed to the golden nematode who refrained from growing potatoes shall be borne by the United States Department of Agriculture, the Department of Agriculture and Markets of the State of New York, and the owner-operator.

(b) *Joint payments by Federal and State governments.* The full and uniform amount to be paid jointly by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York to each owner-operator of lands infested by or exposed to the golden nematode shall be at the rate of $150 per acre, divided equally between the two named agencies. The payment of $150 will be made only to owners who have complied in good faith with all regulations concerning the golden nematode promulgated by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York.

(c) *Computation of payments.* It has been determined that, based on (1) the estimated value of crops that were approved by the Department of Agriculture and Markets of the State of New York for production on lands infested by the golden nematode, (2) an analysis of the average cost of producing potatoes in Nassau County, Long Island, New York, (3) the average annual yield of potatoes in said Nassau County, and (4) the estimated sale value of potatoes in that area, the joint compensation of $150 per acre will not be more than two thirds of the total loss accruing to the owner-operator.

§ 303.1-4 *Agreement and voucher forms.* As a condition of payment each owner-operator shall enter into an agreement with the Department of Agriculture and Markets of the State of New York, which shall be executed at least in duplicate. One fully executed copy of the agreement and a certificate by a responsible officer of the Department of Agriculture and Markets of the State of New York, both of which shall be substantially in the form appended hereto, shall be attached to and made a part of each voucher (Standard Form 1034) executed by a grower seeking to receive compensation from the United States Department of Agriculture. The purpose of the voucher shall be stated substantially as follows:

One-half of compensation for refraining from planting potatoes on ---------- acres of land infested by or exposed to the golden nematode.

§ 303.1-5 *Agency designated to act for Federal Government.* The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture is hereby authorized to carry out, on behalf of the Federal Government, the cooperative program to suppress, control, and prevent the spread of the golden nematode.

§ 303.1-6 *Agent of Secretary of Agriculture to determine eligibility for payment.* Ralph A. Sheals, in Field Charge, Golden Nematode Project, Hicksville, Long Island, New York, working under the direction of the Chief of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, is hereby designated as the authorized agent of the Secretary of Agriculture in determining eligibility for compensation under the regulations in this subpart and approving the amount of compensation to be provided by the United States Department of Agriculture to any owner-operator who refrained from planting potatoes during 1948.

The Golden Nematode Act was not approved until June 15, 1948, at which time potato-growing operations were already well under way. Therefore, in order to be of value to the program for suppressing, controlling, and preventing the spread of the golden nematode for the 1948 season, it is necessary that these regulations be made effective at once. Compliance with the provisions of the regulations is not obligatory, but confers a benefit upon eligible growers. For the reasons stated, it is found upon good cause, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), that notice and public procedure on these regulations are unnecessary, impractical, and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done in the District of Columbia this 31st day of August 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Concurred with: August 31, 1948.

C. CHESTER DUMOND,
Commissioner of Agriculture and Markets, State of New York.

Contract No. --

APPENDIX—AGREEMENT FOR THE CONTROL AND PREVENTION OF THE GOLDEN NEMATODE DISEASE OF POTATOES (HETERODERA ROSTOCHIENSIS)

This agreement, made this ------ day of ----------, 1948, by and between The People of the State of New York, acting by and through C. Chester Du Mond, Commissioner of Agriculture and Markets of the State of New York, party of the first part, hereinafter called the "State", and ----------, of the Town of ----------, County of ----------, State of New York, and whose P. O. address is ----------, party of the second part, hereinafter called the Owner.

Witnesseth:

Whereas, it is desired to control and prevent the spread of the golden nematode disease of potatoes (Heterodera rostochiensis), and

Whereas, the Commissioner of Agriculture and Markets has determined that the lands hereinafter described are owned by the party of the second part, and

Whereas, the Commissioner of Agriculture and Markets has determined the said lands to be dangerously exposed to infection or infestation by such nematode disease, and

Whereas, it is the desire of both parties that such lands shall receive appropriate treatment designed to purify them and suppress such disease.

Now, Therefore, pursuant to the authority of Chapter 663 of the Laws of 1947, and Article 14 of the Agriculture and Markets Law of the State of New York, and in further consideration of the premises and the mutual covenants of the parties hereto, it is mutually agreed as follows:

1. Upon full compliance by the owner with all of the terms, conditions and covenants to be by him performed as herein provided, the State shall pay to the owner compensation therefor, at the rate of Seventy-five Dollars per acre for the lands hereinafter described, amounting in the aggregate to the sum of ---------- Dollars ($--------).

(NOTE: It is contemplated that the compensation for the 1948 season will be divided equally between the State of New York and the Federal Government through the United States Department of Agriculture. This agreement as to amount of compensation deals only with the payment by the State of New York. Contingent on approval by the Secretary of Agriculture and availability of funds, the owner will receive an equal amount from the Federal Government.)

2. That the owner shall submit such lands to the full control and direction of the State and more particularly the Department of Agriculture and Markets of the State of New York, its agents, employees, and any person or agency to be designated by it, for the purpose of carrying out the program for the control and suppression of the golden nematode disease of potatoes during the growing year of 1948.

3. That such lands shall not be used for the growing of potatoes during the ensuing growing season.

4. That the owner shall during such season grow on said lands only such crops as shall be first approved by the Department of Agriculture and Markets of the State of New York.

5. That the owner shall cooperate at all times and in all respects as directed by the Department of Agriculture and Markets of the State of New York, its agents, employees, and any other person or agency duly designated by it in the program to be initiated and carried out for the control and suppression of golden nematode disease of potatoes during the life of this contract.

6. It is mutually understood and agreed that no liability arising out of the program for control authorized by this agreement shall accrue against the State, or the Commissioner of Agriculture and Markets, or any person designated by him to carry out the program, or any agency cooperating in the carrying out of this program, except for the payment of the compensation above provided.

7. It is mutually understood and agreed that this contract shall be deemed executory only to the extent of the moneys appropriated and available therefor.

8. This agreement shall bind the executors, administrators, trustees, distributees, successors and assigns of the owner.

9. It is mutually understood and agreed that the lands subject to the provisions and conditions of this agreement are more particularly described as follows, and the party of the second part hereto expressly represents, warrants and declares he is the owner therof:

All that certain parcel and acreage of lands situate in the Town of ----------, County of Nassau, State of New York, described upon the assessment rolls of Nassau County, as follows:

Section	*Block*	*Lot*	*Acres*
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---------	---------	---------	---------
---------	---------	---------	---------
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In witness whereof, the parties hereto have caused this agreement to be executed the day and year first above written, in counterparts.

THE PEOPLE OF THE STATE OF NEW YORK,

Commissioner of Agriculture and Markets of the State of New York

---

Owner

Witness:

ALBANY, NEW YORK,
----------, 1948.

I, C. CHESTER DU MOND, Commissioner of Agriculture and Markets of the State of New York, do hereby certify that the party of the second part named in the within instrument has fully complied with all the terms, conditions and covenants to be by him performed as in the within instrument provided; that the acreage subject to compensation as above provided for is true and accurate; that said party of the second part is thereby entitled to the sum of Seventy-five Dollars per acre for ---------- acres, making in all the sum of $--------, no part of which has been paid, and payment of said sum of $--------, is hereby approved and allowed.

Commissioner of Agriculaure and Markets of the State of New York.

[F. R. Doc. 48-7892; Filed, Sept. 2, 1948; 8:55 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS FOR THE 1949 AND SUCCEEDING CROP YEARS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect with respect to continuous and succeeding crop years, until amended or superseded by regulations hereafter made.

To the extent stated in § 415.15 the provisions of this subpart supersede the Flax Crop Insurance Regulations for Continuous Contracts Covering 1948 and Succeeding Crop Years (Yield Insurance) (12 F. R. 8744, 13 F. R. 745, 1331).

Sec.

415.1 Availability of flax crop insurance.
415.2 Coverages per acre.
415.3 Premium rates.
415.4 Application for insurance.
415.5 The contract.
415.6 Person to whom indemnity shall be paid.
415.7 Public notice of indemnities paid.
415.8 Death, incompetence, or disappearance of insured.
415.9 Fiduciaries.
415.10 Assignment or transfer of claims for refunds of excess note payments not permitted.
415.11 Refund of excess note payments in case of death, incompetence or disappearance.
415.12 Creditors.
415.13 Partial insurance protection.
415.14 Rounding of fractional units.
415.15 Changes in continuous contracts covering the 1948 and succeeding crop years.
415.16. The policy.

AUTHORITY: §§ 415.1 to 415.16, inclusive, issued under secs. 506 (e), 507 (c), 508, 509, and 516 (b), 52 Stat. 73-75, 77, 61 Stat. 718; 7 U. S. C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).

§ 415.1 *Availability of flax crop insurance.* (a) Flax crop insurance under continuous contracts for the 1949 and succeeding crop years will be provided only in accordance with this subpart in the following counties:

Iowa:	Minnesota—Con.
Osceola.	Traverse.
Kansas:	Wilkin.
Allen.	Montana:
Anderson.	McCone.
Minnesota:	Sheridan.
Becker.	North Dakota:
Blue Earth.	Barnes.
Brown.	Benson.
Clay.	Cass.
Kandiyohi.	Grand Forks.
Kittson.	La Moure.
Lac Qui Parle.	McLean.
Lincoln	Nelson.
Lyon.	Pembina.
McLeod.	Pierce.
Marshall.	Ramsey.
Martin.	Richland.
Murray.	Steele.
Nobles.	Stutsman.
Norman.	Traill.
Olmsted.	Walsh.
Pennington.	Ward.
Polk.	South Dakota:
Pope.	Codington.
Redwood.	Day.
Roseau.	Roberts.
Swift.	

(b) Insurance will not be provided with respect to applications for flax insurance filed in a county in accordance with this subpart unless such written applications, together with any flax crop insurance contracts in force for the ensuing crop year, cover at least 200 farms in the county or one-third of the farms normally producing flax. For this purpose an insurance unit shall be counted as one farm.

§ 415.2 *Coverages per acre.* The Corporation shall establish coverages per acre by areas which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act. Coverages so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect. The coverage per acre for any specific acreage shall be the coverage (for the applicable farming practice, if any) approved by the Corporation for the coverage and rate area in which the acreage is located.

§ 415.3 *Premium rates.* The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for flax crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect. The premium rate per acre for any specific acreage shall be the premium rate (for the applicable farming practice, if any) approved by the Corporation for the coverage and rate area in which the acreage is located.

§ 415.4 *Application for insurance.* Application for insurance on a form entitled "Application for Flax Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a flax crop. For any crop year applications shall be submitted to the county office on or before March 15.

§ 415.5 *The contract.* Upon acceptance of an application for insurance by a duly authorized representative of the Corporation, the contract shall be in effect and will consist of the application and the policy issued by the Corporation.

§ 415.6 *Person to whom indemnity shall be paid.* (a) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under the provisions of this subpart, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered, or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable in accordance with the provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(b) The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which indemnity payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive and payment of an indemnity to such person(s) shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

§ 415.7 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 415.8 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after seeding the flax crop in any year but before the time of loss, and his insured interest in the flax crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified the indemnity shall be paid to the persons beneficially entitled to share in the insured interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That if the indemnity exceeds $500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent or disappears after the seeding of the flax crop in any year but before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in the flax crop insurance policy.

(c) If an applicant for insurance or the insured, as the case may be, dies, is judicially declared incompetent, or disappears less than 15 days before the applicable calendar closing date for the filing of applications for insurance in any year, and before the beginning of seeding of the flax crop in such year, whoever succeeds him on the farm with the right to seed the flax crop as his heir or heirs, administrator, executor, guardian, committee or conservator, shall be substituted for the original applicant or the insured upon filing with the county office before the beginning of seeding, a statement in writing in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant or the insured arising out of such application or the contract: *Provided, however,* That any substitution made pursuant to this paragraph shall be effective only with respect to the flax crop to be seeded in the ensuing crop year, and the contract shall terminate at the end of such year. If no such statement is filed, as required by this paragraph, the original application or contract shall be void.

(d) In case of death of the insured after the seeding of flax is begun for any crop year, any additional acreage which is seeded for the insured's estate for that crop year shall be covered by the contract.

(e) Subject to the provisions of paragraph (c) of this section, the contract shall terminate upon death, judicial declaration of incompetence, or disappearance of the insured, except that if such death, judicial declaration of incompetence, or disappearance occurs after the seeding of the flax crop in any crop year but before the end of the insurance period for such year, the contract shall terminate at the end of such insurance period.

(f) The insured shall be deemed to have disappeared within the meaning of this subpart if he fails to file with the county office written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the last known address of the insured.

§ 415.9 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under this subpart to the insured interest in the crop, to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however,* That the settlement may be made with any one or more of the persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 415.10 *Assignment or transfer of claims for refunds of excess note payments not permitted.* No claim for a refund of an excess note payment or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any flax crop covered by the contract. Refund of any excess note payment will be made only to the person who made such payment, except as provided in § 415.11.

§ 415.11 *Refund of excess note payment in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of an excess note payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 415.8 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

§ 415.12 *Creditors.* An interest (including an involuntary transfer) in an insured flax crop because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract.

§ 415.13 *Partial insurance protection.* (a) An applicant may elect to apply for 65 percent of the maximum protection available under the contract. This election may be made only on an application for insurance filed on or before the closing date for filing applications.

(b) The insured may elect, subject to approval by the Corporation, to change from maximum protection to 65 percent of the maximum protection available under the contract, or to change from 65 percent protection to maximum protection. Request for such change shall be made in writing and filed with the Corporation on or before December 31 of any year. Upon approval by the Corporation the change shall become effective beginning with flax seeded for harvest in the next calendar year after the election.

§ 415.14 *Rounding of fractional units.* The premium shall be rounded to the nearest tenth of a bushel and the total coverage to the nearest bushel. Total production shall be rounded to the nearest bushel. Fractions of acres shall be rounded to the nearest tenth of an acre. Computations shall be carried one digit beyond the digit that is to be rounded. If the last digit is 1, 2, 3, or 4, the rounding shall be downward, but if such digit is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 415.15 *Changes in contracts covering the 1948 and succeeding crop years.* If the insured had a continuous flax crop insurance contract in force for the 1948 and succeeding crop years, and the contract has not been canceled pursuant to § 415.154 of the applicable regulations (12 F. R. 8744, 13 F. R. 745, 1331) the contract for the 1949 and succeeding crop years shall consist of the previously accepted application for insurance and the policy issued in accordance with this subpart.

Notice of changes in 1948 contracts for the 1949 crop year shall be mailed to the insured on or before December 15, 1948.

§ 415.16 *The policy.* The provisions of the policy are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

---------- ----------
Name Policy
---------- ----------
Address County State

(Hereinafter designated as the insured)

against loss of production on his flax crop while in the field, due to unavoidable causes including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. In witness whereof, the Federal Crop Insurance Corporation has caused this policy to be issued this ------ day of ----------, 19----.

FEDERAL CROP INSURANCE CORPORATION,
By ----------
State Crop Insurance Director.

TERMS AND CONDITIONS

1. *Insured flax.* The flax to be insured shall be flax seeded for harvest as seed but does not include (1) volunteer or self-seeded flax, (2) flax seeded with any other crop except perennial grasses or legumes other than vetch, and (3) flax seeded for purposes other than for harvest as seed.

2. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage is shown therefor on the county actuarial table (including maps and related forms) on the closing date for filing applications for that crop year, and the farming practice followed on such acreage is one for which a coverage was established.

3. *Responsibility of insured to report acreage and interest.* (a) Promptly after seeding flax each year, the insured shall submit to the Corporation, on a form entitled "Flax Crop Insurance Acreage Report," a report over his signature of all acreage in the county seeded to flax in which he has an interest at the time of seeding. This report shall show the acreage of flax for each insurance unit and his interest in each at the time of seeding. If the insured does not have an insurable interest in flax seeded in any year, the acreage report shall nevertheless be submitted promptly after the seeding of flax is generally completed in the county. Any acreage report submitted by the insured shall be considered final and not subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after seeding of flax is generally

completed in the county, as determined by the Corporation.

(c) Failure of the county office to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

4. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the acreage of flax seeded for harvest as seed as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage seeded to flax which is destroyed or substantially destroyed (as defined in section 16) and on which it is practical to reseed to flax, as determined by the Corporation, and such acreage is not reseeded to flax, and (b) any acreage initially seeded to flax too late to expect to produce a normal crop, as determined by the Corporation.

5. *Insured interest.* The insured interest in the flax crop covered by the contract shall be the interest of the insured at the time of seeding as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest whichever occurs first.

6. *Coverage per acre.* The coverage per acre shall be the applicable number of bushels of flax established for the area in which the insured acreage is located, and shall be shown by practice(s) on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (a) released and seeded to a substitute crop, (b) not harvested and not seeded to a substitute crop, or (c) harvested.

7. *Fixed price.* The fixed price per bushel for any crop year shall be the higher of the loan rate per bushel for flax seed or the support price per bushel for flax seed, as established by the U. S. Department of Agriculture for the crop year, with differentials as determined by the Corporation for the location of the insurance unit. However, if neither a loan rate nor a support price per bushel is established by the U. S. Department of Agriculture for any year by January 15 of that year, the fixed price for such year shall be determined by the Corporation. The fixed price is used in determining the cash equivalent of premiums and indemnities. This price shall be on file in the county office.

8. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the flax is seeded. Insurance shall cease with respect to any portion of the flax crop covered by the contract upon threshing or removal from the field, but in no event shall the insurance remain in effect later than October 31 of each year, unless such time is extended in writing by the Corporation.

9. *Life of contract, cancelation thereof.* (a) Subject to the provisions of paragraph (d) of this section, the contract shall be in effect for the 1949 crop year and shall continue in effect for each succeeding crop year until either party gives to the other party, on or before December 31 of any year, written notice of cancelation effective beginning with flax seeded for harvest in the next calendar year. Any notice of cancelation given by the insured to the Corporation shall be submitted in writing to the county office.

(b) If the insured cancels the contract, he shall not be eligible for crop insurance on flax to be seeded in the county for harvest in the next calendar year unless he subsequently files an application for insurance on or before December 31 preceding such year.

(c) If for two consecutive crop years no flax in which the insured has an insurable interest is seeded in the county, the contract shall terminate.

(d) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding closing date the contract shall continue to be in force.

10. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured at least 15 days prior to December 31. Failure of the insured to cancel the contract as provided in section 9 shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

11. *Causes of loss not insured against.* The contract shall not cover loss of production caused by: (a) Failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of defective or unadapted seed, failure to plant a sufficient quantity of seed, failure properly to prepare the land for seeding or properly to seed, care for or harvest and thresh the insured crop (including unreasonable delay thereof); (c) following different fertilizer or farming practices than those considered in establishing the coverage per acre; (d) seeding flax on land which is generally not considered capable of producing a flax crop comparable to that produced on the land considered in establishing the coverage per acre; (e) seeding excessive acreage under abnormal conditions; (f) seeding perennial or biennial legumes or perennial grasses with the flax or in the growing flax crop; (g) seeding flax under conditions of immediate hazard; (h) inability to obtain labor, seed, fertilizer, machinery, repairs or insect poison; (i) break-down of machinery, or failure of equipment due to mechanical defects; (j) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand; (k) domestic animals or poultry; or (l) theft.

12. *Partial insurance protection.* If the accepted application provides for partial insurance protection, the premium and any indemnity shall be 65 percent of the amount otherwise computed in accordance with the contract.

13. *Amount of annual premium.* (a) The premium rate per acre will be the applicable number of bushels of flax established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown by practices on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of flax, (2) the applicable premium rate(s), (3) the insured interest in the crop at the time of seeding, and (4) the fixed price. There will be a reduction in the annual premium for each insurance unit of one percent in cases where the insured acreage on the insurance unit is as much as 25 acres and does not exceed 74.9 acres, and an additional one percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the flax crop on such acreage is seeded.

14. *Manner of payment of premium.* (a) The applicant executes a premium note by signing the application for flax crop insurance. This note represents a promise to pay to the Corporation annually during the life of the contract, on or before July 31 of each year the premium for all insurance units covered by the contract.

(b) A discount of five percent shall be allowed on any earned annual premium which is paid in full on or before June 30 if the insured has submitted to the Corporation at the county office his flax acreage report promptly after seeding but not later than June 30 of such crop year.

(c) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before December 31 following the maturity date, and an additional three percent on the principal amount owing at the end of each six-month period thereafter.

(d) Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payments tendered shall not be regarded as paid unless collection is made.

(e) Any unpaid amount of any annual premium plus any interest due may be deducted (either before or after the date of maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

15. *Notice of loss or damage.* (a) Unless otherwise provided by the Corporation, if a loss under the contract is probable, notice in writing shall be given the Corporation at the county office immediately after any material damage to the insured crop. The crop shall not be harvested, removed, or any other use made of it until it has been inspected by the Corporation.

(b) Unless otherwise provided by the Corporation, if, at the completion of threshing of the insured flax crop, a loss under the contract has been sustained, or is probable, notice in writing shall be given immediately to the Corporation at the county office. If such notice is not given within 15 days after threshing is completed, the Corporation reserves the right to reject any claim for indemnity. This notice is in addition to any notice required by paragraph (a) of this section.

16. *Released acreage.* Any insured acreage on which the flax crop has been destroyed or substantially destroyed may be released by the Corporation for planting to a substitute crop or to be put to another use. The flax crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the land is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof. No insured acreage may be planted to a substitute crop or put to another use until the Corporation releases such acreage. On any acreage where the flax has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

17. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period, unless the entire flax crop on the insurance unit was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage, as determined by the Corporation.

18. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the actual production of flax on the insurance unit, the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the causes of loss not insured against by the contract. If a loss is claimed, any flax acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

19. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 20 (b). An insurance unit consists of (a) all the insurable acreage of flax in the county in which the insured has 100 percent interest in the crop at the time of seeding, or (b) all the insurable acreage of flax in the county owned by one person which is operated by the insured as a share tenant, or (c) all the insurable acreage of flax in the county which is owned by the insured and is rented to one share tenant at the time of seeding. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. For any crop year of the contract acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table.

20. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the seeded acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre and subtracting therefrom the total production for the seeded acreage and multiplying the remainder by the insured interest. However, if the seeded acreage on the insurance unit exceeds the insured acreage on the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the insured acreage to the seeded acreage, or if the premium computed for the acreage and interest shown on the acreage report is less than the premium computed for the seeded acreage, the amount of loss determined for the seeded acreage may be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the seeded acreage, if the Corporation so elects. The total production for an insurance unit shall include all production determined in accordance with the following schedule:

SCHEDULE

Acreage Classification	*Total Production in Bushels*
1. Acreage on which flax is threshed.	1. Actual production of flax which is threshed.
2. Acreage released by the Corporation and planted to a substitute crop.	2. That portion of the appraised production which is in excess of the coverage.
3. Acreage not harvested and not seeded to a substitute crop.	3. That portion of the appraised production which is in excess of the number of bushels determined by subtracting (i) the coverage for such acreage from (ii) the coverage such acreage would have if it were harvested.
4. Acreage put to another use without being released by the Corporation.	4. Appraised production but not less than the product of (i) such acreage and (ii) the coverage per acre.
5. Acreage with reduced yield due solely to any cause(s) not insured against.	5. Appraised number of bushels by which production has been reduced but not less than the product of (i) such acreage and (ii) the coverage per acre, minus any flax harvested.
6. Acreage with reduced yield due partially to a cause(s) not insured against and partially to a cause(s) insured against.	6. Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

(b) If the production from two or more insurance units is commingled and the insured fails to establish and maintain records satisfactory to the Corporation of acreage or the production from each, the insurance with respect to such units may be voided by the Corporation for the crop year and the premium forfeited by the insured. However, if all the component parts are insured the total coverage for the component parts may be considered as the total coverage for the combination, if the Corporation so elects, in which case any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of uninsured acreage and production therefrom and for one or more insurance units or portions thereof, any production from such acreage which is commingled with production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation for the crop year and the premium forfeited by the insured.

(c) The cash amount of the indemnity shall be determined by multiplying the amount of the loss in bushels by the fixed price.

21. *Payment of indemnity.* (a) Indemnities shall be paid only by check. The amount of indemnity for which the Corporation may be liable will be payable within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damages on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium plus any interest due or any other obligation of the insured to the Corporation.

(c) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree, rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

22. *Payment to transferee.* (a) If the insured transfers all or a part of his insured interest in a flax crop before the beginning of harvest or the time of loss, whichever occurs first, he shall immediately notify the Corporation thereof in writing at the county office. The transferee under such a transfer will be entitled to the benefits of the contract with respect to the interest so transferred, provided the transferee immediately following the transfer makes suitable arrangements with the Corporation for the payment of any premium with respect to the interest so transferred, whereupon the transferee and the transferor shall be jointly and severally liable for the amount of such premium. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 26. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

(b) An involuntary transfer of an insured interest in a flax crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract.

(c) Any deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium plus any interest due on the land involved in the transfer for the crop year in which the transfer is made, plus the unpaid amount of any other obligation of the transferee to the Corporation.

(d) If, as a result of any transfer, diverse interests appear with respect to any insurance unit, any indemnity payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

(e) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

23. *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a part of the flax crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of the contract will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s)

to whom such payment will be made shall be final and conclusive. Payment of an indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

24. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where an indemnity is paid to the insured by another Government agency because of damage to the flax crop, the Corporation reserves the right to determine its liability under the contract taking into consideration the amount paid by such other agency.

25. *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

26. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized, including the right of the assignee to submit a "Statement in Proof of Loss" if the insured refuses to submit or disappears without having submitted such statement.

27. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all flax produced on each insurance unit covered by the contract, and on any uninsured acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may be reasonably required, any person(s) designated by the Corporation shall have access to the farm(s).

28. *Voidance of contract.* The contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if (a) at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interest in the flax crop covered thereby, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the flax crop covered thereby, whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

29. *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation, nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

30. *General.* (a) In addition to the terms and provisions in the application and policy, the Flax Crop Insurance Regulations for Continuous Contracts for the 1949 and Succeeding Crop Years (7 CFR, Part 415) shall govern with respect to (1) death, incompetence, or disappearance of the insured, (2) fiduciaries, (3) prohibition against assignment or transfer of claims for refunds, (4) rounding of fractional units, (5) creditors, (6) minimum participation requirements, and (7) changes from or to partial insurance protection.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

31. *Meaning of terms.* For the purpose of the flax crop insurance program, the terms:

(a) "Contract" means the accepted application for insurance and this policy.

(b) "County Actuarial Table" means the form and related material (including the crop insurance maps) approved by the Corporation for listing the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the office of the county agricultural conservation association in the county or other office specified by the Corporation.

(d) "Crop year" means the period within which the flax crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(e) "Harvest" means any mechanical severance from the land of matured flax for threshing where the flax crop has not been destroyed or substantially destroyed.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(g) "Substitute crop" means any crop, except biennial and perennial legumes and perennial grasses, planted on released acreage before harvest of flax becomes general in the county as determined by the Corporation. Biennial and perennial legumes and perennial grasses seeded with the flax or in the growing flax crop shall not be considered a substitute crop.

(h) "Tenant" means a person who rents land from another person for a share of the flax crop or proceeds therefrom produced on such land.

33. *Maturity date.* For each year of the contract the maturity date for the payment of annual premiums shall be July 31.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on August 19, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: August 31, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7897; Filed, Sept. 2, 1948; 8:56 a. m.]

[Amdt. 1]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS COVERING 1949 AND SUCCEEDING CROP YEARS

The Wheat Crop Insurance Regulations for Continuous Contracts covering 1949 and Succeeding Crop Years (13 F. R. 2607) are hereby amended as follows:

1. Section 418.156 is amended to read as follows:

§ 418.156 *Reduction of premium based on good experience.* The insured's annual premium may be reduced in any year as follows: (a) not to exceed 50 percent for commodity coverage insurance if it is determined by the Corporation that the accumulated balance, expressed in bushels, of premiums over indemnities on consecutively insured wheat crops exceeds his total coverage (on a harvested acreage basis), or (b) not to exceed 25 percent for monetary coverage insurance if it is determined by the Corporation that the cash equivalent (based on the predetermined price for that crop year) of the accumulated balance, expressed in bushels, of premiums over indemnities on consecutively insured wheat crops exceeds his total coverage (computed on a harvested acreage basis). As used in this section, "consecutively insured crops" means the wheat crops insured in consecutive years (ending with the current crop year) but excluding the 1945 crop if no application for insurance was submitted. Failure to apply for insurance in any year, except 1945, shall render any person ineligible for the benefits of any premium balance accumulated prior to such year if insurance is offered in the county in which such person's farm is located, even though insurance may not be provided in the county during such year because of failure to meet the minimum participation requirement: *Provided, however,* That failure to submit an application for insurance for any year will not render a person ineligible for the benefits of this section, if (1) the failure to submit an application was due to service in the active military or naval service of the United States, or (2) the insured established to the satisfaction of the Corporation, prior to the applicable 1946 maturity date, that failure to submit an application for any crop year prior to 1946 was due to the fact that wheat was not seeded in that year. Nothing in this section shall create in the insured any right to a reduced premium.

2. Section 418.168 is amended by changing section 12 of the Monetary Coverage Policy to read as follows:

12. *Amount of annual premium.* The premium rate per acre will be the applicable number of dollars established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown by practices on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (a) the insured acreage of wheat, (b) the applicable premium rate(s) and (c) the insured interest in the crop at the time of seeding. There will be a reduction in the annual premium for each insurance unit of one percent in cases where the insured acreage on the insurance unit is as much as 25 acres and does not exceed 74.9 acres, and an additional one percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the wheat crop on such acreage is seeded. The insured's annual premium may be reduced in any year not to exceed 25 percent if it is determined by the Corporation that the cash equivalent (based on the predetermined price for that crop year) of the accumulated balance, expressed in bushels, of premiums over indemnities on consecutively insured wheat crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in the preceding sentence shall create in the insured any right to a reduced premium.

(53 Stat. 73-75, 77, 61 Stat. 718; 7 U.S.C., 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on August 19, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: August 31, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7896; Filed, Sept. 2, 1948; 8:56 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 951.302 *Tokay Grape Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) in that the time intervening between the date when information upon which this order is based became available and the time when this order must become effective is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., California d. s. t., September 4, 1948, and ending at 12:01 a. m., p. s. t., January 1, 1949, no shipper shall ship:

(i) From the Florin District, any Tokay grapes produced in such district which do not meet the grade and size requirements of U. S. No. 1 Table Grapes, as defined in the United States Standards for Table Grapes (11 F. R. 13568): *Provided,* That, in addition to the tolerances provided for said U. S. No. 1 Table Grapes, there shall be allowed, for each container of Tokay grapes, an aggregate tolerance of ten (10) percent, by weight, for defects not considered serious damage, and for bunches smaller than the minimum size specified for said U. S. No. 1 Table Grapes; or

(ii) From the Lodi District, any Tokay grapes produced in such district which do not meet the grade and size requirements of U. S. No. 1 Table Grapes, as defined in the aforesaid United States Standards.

(2) As used in this section, the terms "shipper," "Florin District," "Lodi District," "district," "size," and "bunches" shall have the same meaning as when used in the amended marketing agreement and order, and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.1 et seq.)

Done at Washington, D. C., this 31st day of August 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-7890; Filed, Sept. 2, 1948; 8:55 a. m.]

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-325]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

TEMPORARY AUTHORIZATION FOR SCHEDULED AIR TRANSPORTATION OF CARGO

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of August 1948.

The present provisions of the Civil Air Regulations require all scheduled air carriers to obtain air carrier operating certificates under the provisions of Parts 40 and 61, or Part 41 of the Civil Air Regulations, and to conduct their operations in accordance with the applicable rules governing scheduled air carrier operations. Special Civil Air Regulation Serial Number SR-317-A permits scheduled noncertificated cargo carriers to conduct their operations in accordance with the provisions of Part 42 of the Civil Air Regulations. Present regulations require nonscheduled air carriers to operate under the provisions of Part 42 of the Civil Air Regulations.

This Special Civil Air Regulation will permit all air carriers which have been authorized by the Board pursuant to Title IV of the act to engage in scheduled interstate, overseas, or foreign air transportation of cargo to conduct cargo-only operations under the provisions of Part 42 of the Civil Air Regulations. This regulation will avoid any economic discrimination between scheduled certificated and noncertificated cargo carriers which may have resulted due to the differences between the requirements of Part 42 and the requirements of Parts 40 and 61 and Part 41 until such time as cargo-only certification and operation rules are promulgated by the Board.

Special Civil Air Regulations Serial Numbers SR-317 and SR-317-A may be rescinded, as this regulation will also permit those air carriers, designated as "noncertificated cargo carriers" and authorized to engage in scheduled air transportation of cargo under the provisions of § 292.5 of the Economic Regulations, to conduct such scheduled air transportation under the air carrier certification and operations rules of Part 42 of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since it imposes no additional burden on any person, this regulation may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective immediately;

Any air carrier authorized by the Board, pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, to engage in scheduled air transportation of cargo may conduct such transportation under the air carrier certification and operation rules prescribed in Part 42 of the Civil Air Regulations.

This regulation shall supersede Special Civil Air Regulations Serial Numbers SR-317 and SR-317-A and shall terminate August 1, 1949, unless sooner terminated or rescinded by the Board.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 48-7937; Filed, Sept. 2, 1948; 8:52 a. m.]

[Civil Air Reg. Amdt. 61-2]

PART 61—SCHEDULED AIR CARRIER RULES

BANKING AFTER TAKE-OFF

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of August 1948.

Section 61.7209 of the Civil Air Regulations, in effect, forbids the banking of air carrier aircraft immediately after take-off until a minimum altitude of 500 feet has been attained. This regulation prohibits the changing of the aircraft's

course until this altitude has been reached which in some instances results in flight at a low altitude directly over highly congested areas. It is desirable to avoid such flights wherever possible and the rescission of this regulation will permit the establishment of better traffic patterns which will accomplish this purpose. Since other provisions of the Civil Air Regulations establish adequate safeguards against unnecessary and unsafe maneuvering of aircraft at low altitudes and § 60.108 (c) requires aircraft to conform to traffic patterns prescribed for individual airports, this regulation may be rescinded without an adverse effect on safety.

Special Civil Air Regulations Serial Numbers 188 and 398 provide exceptions to § 61.7209 and, therefore, may be terminated upon rescission of this rule.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends the Civil Air Regulations (14 CFR, Part 61, as amended) effective August 27, 1948:

1. By rescinding § 61.7209.

2. By rescinding Special Civil Air Regulations Serial Numbers 188 and 398.

(Secs. 205 (a), 601–610, 52 Stat. 984, 1007–1012; 49 U. S. C. 425 (a), 551–560)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 48-7936; Filed, Sept. 2, 1948; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52025]

ENFORCEMENT AND LITIGATION

MISCELLANEOUS AMENDMENTS TO CHAPTER

Various provisions of the Customs Regulations of 1943 amended to conform with the enacted codifications of Titles 18 and 28 of the United States Code.

Attention is invited to Public Law 772, 80th Congress, approved June 25, 1948, an act "To revise, codify, and enact into positive law, Title 18 of the United States Code, entitled 'Crimes and Criminal Procedure,'" effective September 1, 1948.

Attention is also invited to Public Law 773, 80th Congress, approved June 25, 1948, an act "To revise, codify, and enact into law Title 28 of the United States Code entitled 'Judicial Code and Judiciary,'" effective September 1, 1948.

Public Law 772 repeals a number of provisions of the Tariff Act of 1930 and related laws enforced by the Customs Service and incorporates their substance in new Title 18 of the United States Code. Public Law 773 repeals a number of provisions of the Tariff Act of 1930, in whole or in part, and incorporates the substance of the repealed matter in new Title 28 of the United States Code. The following amendments of the Customs Regulations of 1943 are made to reflect these changes in law and shall be effective on and after September 1, 1948.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Part 4, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 4), is amended as follows:

1. Footnote 1, appended to § 4.1 (a), is amended by substituting "(R. S. 3068, sec. 307, 49 Stat. 528,)" for "(18 U. S. C. 122)" at the end of the second paragraph.

2. The third paragraph of footnote 2, appended to § 4.1 (c) is amended to read as follows:

"Whoever, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, shall be fined not more than $200 or imprisoned not more than six months, or both.

"The master of such vessel may take any such person into custody, and deliver him up forthwith to any law enforcement officer, to be by him taken before any committing magistrate, to be dealt with according to law." (18 U. S. C. 2279)

3. Footnote 45, appended to § 4.24 (a), is amended by substituting "(Sec. 26, 23 Stat. 59, sec. 10, 32 Stat. 829, sec. 102, 1946 Reorg. Plan No. 3, 11 F. R. 7875, 60 Stat. 1097)" for "(18 U. S. C. 643, E. O. 9083; 7 F. R. 1609)" at the end thereof.

4. Section 4.24 (d) is amended by deleting "18 U. S. C. 643," from the parenthetical matter at the end thereof.

5. Footnote 98, appended to § 4.61 (b) (13), is amended by substituting "18 U. S. C. 1724" for "18 U. S. C. 326."

6. Footnote 104, appended to § 4.73 (a), is amended by substituting "18 U. S. C. Ch. 45, secs. 14, 16, and 17 of the Criminal Code (35 Stat. 1090–1091)," for "18 U. S. C. Ch. 2."

7. Section 4.98 (g) (1) is amended by substituting "(R. S. [illegible])" for "(28 U. S. C. 607)" in the first sentence.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C., 19 U. S. C. 1624)

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

1. Section 5.15, Customs Regulations of 1943 (19 CFR, Cum. Supp., 5.15), is amended by changing the parenthetical matter at the end thereof to read "(18 U. S. C. 547; secs. 595, 624, 46 Stat. 752, 759; 19 U. S. C. 1595, 1625)".

2. The last paragraph of footnote 13, appended to the said § 5.15 is amended to read as follows:

"Whoever receives or deposits any merchandise in any building upon the boundary line between the United States and any foreign country, or carries any merchandise through the same, in violation of law, shall be fined not more than $5,000 or imprisoned not more than two years, or both." (18 U. S. C. 547)

PART 9—IMPORTATIONS BY MAIL

Part 9, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 9), is amended as follows:

1. The parenthetical matter at the end of § 9.5 (c) is amended to read "(18 U. S. C. 545; secs. 618, 624, 46 Stat. 757, 759; 19 U. S. C. 361)" in the last sentence.

2. In the marginal references opposite § 9.12 (d) substitute "18 U. S. C. 43, 44, 1716, 1761, 1762;" for "18 U. S. C. 340 and Ch. 9;"

3. In the marginal references opposite § 9.12 (e) substitute "18 U. S. C. 1301" for "18 U. S. C. 387"; and "18 U. S. C. 1461" for "18 U. S. C. 334."

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C., 19 U. S. C. 1624)

PART 12—SPECIAL CLASSES OF MERCHANDISE

Part 12, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 12), is amended as follows:

1. Footnote 14, appended to § 12.27, is deleted and the following is inserted in lieu thereof:

[14] "Whoever delivers or knowingly receives for shipment, transportation, or carriage in interstate or foreign commerce, any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country, or captured, killed, taken, purchased, sold, or possessed contrary to any Act of Congress, or the law of any State, Territory, Possession, or foreign country, or subdivision thereof; or

"Whoever transports, brings, or conveys from any foreign country into the United States any wild animal or bird, or the dead body or part thereof, or the egg of any such bird captured, killed, taken, shipped, transported, or carried contrary to the law of such foreign country or subdivision thereof; or

"Whoever knowingly purchases or receives any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country or shipped, transported, carried, brought, or conveyed in violation of this section; or

"Whoever, having purchased or received any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country or shipped, transported, or carried in interstate commerce, makes any false record or account thereof; or

"Whoever imports from or exports to Mexico any game mammal, dead or alive, or parts or products thereof, except under permit or authorization of the Secretary of the Interior, in accordance with regulations issued by him and approved by the President—

"Shall be fined not more than $500 or imprisoned not more than six months, or both; and the wild animals or birds, or the dead bodies or parts thereof, or the eggs of such birds, shall be forfeited." (18 U. S. C. 43)

"Whoever ships, transports, carries, brings or conveys in interstate or foreign commerce any package containing wild animals or birds, or the dead bodies or parts thereof, without plainly marking, labeling, or tagging such package with the names and addresses of the shipper and consignee and with an accurate statement showing the contents by number and kind; or

"Whoever ships, transports, carries, brings or conveys in interstate commerce, any package containing migratory birds included in any convention to which the United States is a party, without marking, labeling, or tagging such package as prescribed in such conventions, or Act of Congress, or regulation thereunder; or

"Whoever ships, transports, carries, brings or conveys in interstate commerce any package containing furs, hides, or skins of wild animals without plainly marking, labeling, or tagging such package with the names and addresses of the shipper and consignee—

"Shall be fined not more than $500 or imprisoned not more than six months, or both; and the shipment shall be forfeited." (18 U. S. C. 44)

"Any employee authorized by the Secretary of the Interior to enforce sections 43 and 44 of this title, and any officer of the customs, may arrest any person violating said sections in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections." (18 U. S. C. 3054)

"Any employee authorized by the Secretary of the Interior to enforce sections 43 and 44 of this title, and any officer of the customs, shall have authority to execute any warrant to search for and seize any property used or possessed in violation of said sections and property so seized shall be held by him or by the United States marshal pending disposition thereof by the court." (18 U. S. C. 3112)

2. Section 12.38 is amended to read as follows:

§ 12.38 *Labeling requirements; packages.* All packages of liquor not labeled as required by 18 U. S. C. 1263 [25] shall be seized and disposed of as provided for by law (18 U. S. C. 3615). (Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

3. Footnote 25 appended to § 12.38 is amended to read as follows:

[25] "Whoever knowingly ships into any place within the United States, any package of or package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such package is so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than $1,000 or imprisoned not more than one year, or both." (18 U. S. C. 1263)

"All liquor involved in any violation of sections 1261–1265 of this title, the containers of such liquor, and every vehicle or vessel used in the transportation thereof, shall be seized and forfeited and such property or its proceeds disposed of in accordance with the laws relating to seizures, forfeitures, and dispositions of property or proceeds, for violation of the internal-revenue laws." (18 U. S. C. 3615)

4. Footnote 27, appended to § 12.40 (a), is amended by transferring the parenthetical matter from the end of the last paragraph to the end of the preceding paragraph, by deleting the remainder of the last paragraph, and by inserting a new last paragraph to read as follows:

"Whoever, being an officer, agent, or employee of the United States, knowingly aids or abets any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or books, pamphlets, papers, writings, advertisements, circulars, prints, pictures, or drawings containing any matter advocating or urging treason or insurrection against the United States or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be fined not more than $5,000 or imprisoned not more than ten years, or both." (18 U. S. C. 552)

5. Section 12.40 (d) is amended by substituting "of the offender" for "under the provisions of the Criminal Code."

6. The last sentence of footnote 28, appended to § 12.40 (f), is amended to read as follows:

Sections 1461 and 1462, title 18, United States Code, contain provisions which apply to information and advertisements on these subjects.

7. Section 12.47 is amended by substituting "section 1761 or 1762, title 18, United States Code,[29]" for "the Act of July 24, 1935, 49 Stat. 494 (18 U. S. C. 396b–396e) [30]".

8. Footnote 30, appended to § 12.47, is amended to read as follows:

[30] "(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) This chapter shall not apply to agricultural commodities or parts for the repair of farm machinery, nor to commodities manufactured in a Federal, District of Columbia, or State institution for use by the Federal Government, or by the District of Columbia, or by any State or Political subdivision of a State." (18 U. S. C. 1761)

"(a) All packages containing any goods, wares, or merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, when shipped or transported in interstate or foreign commerce shall be plainly and clearly marked, so that the name and address of the shipper, the name and address of the consignee, the nature of the contents, and the name and location of the penal or reformatory institution where produced wholly or in part may be readily ascertained on an inspection of the outside of such package.

"(b) Whoever violates this section shall be fined not more than $1,000, and any goods, wares, or merchandise transported in violation of this section or section 1761 of this title shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law." (18 U. S. C. 1762)

9. Section 12.48 (a) is amended by substituting "chapter 25, title 18, United States Code," for "various sections of title 18 of the United States Code,".

10. Footnote 31 appended to § 12.48 (a) is amended to read as follows:

[31] Under 18 U. S. C. 489, it is unlawful to import any "business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in the likeness or similitude as to design, color, or the inscription thereon of any of the coins of the United States or of any foreign country issued as money, either under the authority of the United States or under the authority of any foreign government."

Under 18 U. S. C. 474 it is unlawful to bring into the United States any "plate, stone, or other thing, * * * from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States" or any "engraving, photograph, print, or impression" in the likeness of any "obligation or other security issued under the authority of the United States," except under the direction of some proper officer of the United States.

Under 18 U. S. C. 481 it is unlawful to bring into the United States any "counterfeit plate, stone, or other thing, engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corporation."

Uncanceled foreign or domestic postage or revenue stamps are obligations of the Government which issues them, and facsimiles or imitations thereof are subject to forfeiture.

11. Section 12.48 (c) is amended by deleting the first sentence and substituting the following in lieu thereof:

(c) Printed matter of the character described in section 489 or 504, title 18, United States Code,[32] containing illustrations of coins or medals, or reproductions of postage or revenue stamps, executed in accordance with any exception stated in section 489 or 504, or the regulations referred to in paragraph (b) of this section, as the case may be, may be admitted to entry.

12. Footnote 32, appended to § 12.48 (c), is amended to read as follows:

[32] "This section shall not forbid or prevent the printing and publishing of illustrations of coins and medals or the making of the necessary plates for the same to be used in illustrating numismatic and historical books and journals and school arithmetics and the circulars of legitimate publishers and dealers in the same." (18 U. S. C. 489)

"(a) Nothing in sections 481, 492 and 502 of this title, or in any other provision of law, shall forbid or prevent the printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, for philatelic purposes in articles, books, journals, newspapers, or albums (including the circulars or advertising literature of legitimate dealers in stamps or publishers of or dealers in philatelic or historical articles, books, journals, or albums), of black and white illustrations of—

(1) foreign revenue stamps if from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps;

(2) foreign postage stamps; or

(3) such portion of the border of a stamp of the United States as may be necessary to show minor distinctive features of the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated.

"(b) Notwithstanding any other provision of law, the Secretary of the Treasury, subject to the approval of the President, may, upon finding that no hindrance to the suppression of counterfeiting and no tendency to bring into disrepute any obligation or other security of the United States will result, by regulations, permit, to the extent and under such conditions as he may deem appropriate, the printing, publishing or importation or the making or importation of the necessary plates for such printing or publishing, for philatelic purposes in articles, books, journals, newspapers, or albums (including the circulars or advertising literature of legitimate dealers in stamps or publishers of or dealers in philatelic or historical articles, books, journals, or albums), of black and white illustrations of canceled or uncanceled United States postage stamps.

"The Secretary, subject to the approval of the President, may amend or repeal such regulations at any time. Such regulations, and any amendment or repeal thereof, shall

become effective upon publication thereof in the FEDERAL REGISTER or upon such date as may be specified therein if later than the date of publication.

"All findings of fact made hereunder shall be final and conclusive and shall not be subject to review." (18 U. S. C. 504)

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C. 1, 19 U. S. C. 1624)

PART 17—PROTESTS AND REAPPRAISEMENTS

Part 17, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 17), is hereby amended as follows:

1. Footnote 3, appended to § 17.4 (a), and footnote 4, appended to § 17.4 (b), are amended to read as follows:

[3] "Any party to a proceeding before the Customs Court who is dissatisfied with the decision of such court as to the construction of the law and the facts respecting the classification of imported merchandise and the rate of duty imposed thereon under such classification, or with any other appealable decision of such court, may, not later than sixty days after the entry of the decision, apply to the Court of Customs and Patent Appeals for a review of all questions of law and fact. In cases arising in the Territories and Possessions ninety days shall be allowed for making such application.

"The application shall be made by filing in the office of the clerk of the Court of Customs and Patent Appeals a concise statement of errors of law and fact complained of; and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the Court of Customs and Patent Appeals shall immediately order the Customs Court to transmit the record and evidence taken, together with a certified statement of the facts involved in the case and the decision thereon; and all the evidence taken by and before the Customs Court shall be competent evidence before the Court of Customs and Patent Appeals. The decision of the Court of Customs and Patent Appeals shall be final unless set aside or modified by the Supreme Court, and the case shall be remanded to the Customs Court for further proceedings to be taken in pursuance of such decision." (28 U. S. C. 2601)

[4] "The Court of Customs and Patent Appeals shall have jurisdiction to review by appeal final decision of the Customs Court in all cases as to the construction of the law and the facts respecting the classification of merchandise, the rate of duty imposed thereon under such classifications, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of the Customs Court and as to the laws and regulations governing the collection of the customs revenues." (28 U. S. C. 1541)

"Cases in the Court of Customs and Patent Appeals may be reviewed by the Supreme Court by writ of certiorari." (28 U. S. C. 1256)

2. Footnote 8, appended to § 17.7 (c), is amended by placing a period after "United States Customs Court" and by deleting the remainder of the sentence.

3. Footnote 9, appended to § 17.8 (b), is amended to read as follows:

[9] "The Customs Court shall have exclusive jurisdiction of appeals for reappraisement and applications for review of reappraisement of imported merchandise * * *." (28 U. S. C. 1582)

"In finding the value of merchandise, in reappraisement proceedings before a single judge of the Customs Court, affidavits and depositions of persons whose attendance cannot reasonably be had, price lists and catalogues, reports or depositions of consuls, customs agents, collectors, appraisers, assistant appraisers, examiners, and other officers of the Government may be admitted in evidence. Copies of official documents, when certified by an official duly authorized by the Secretary of the Treasury, may be admitted in evidence with the same force and effect as original documents.

"The value found by the appraiser shall be presumed to be the value of the merchandise. The burden shall rest upon the party who challenges its correctness to prove otherwise." (28 U. S. C. 2633)

"The judge assigned to hear an appeal for reappraisement of merchandise shall render his decision in writing, together with a statement of the reasons therefor and of the facts on which his decision is based." (28 U. S. C. 2635)

"(a) The decision of a single judge in a reappraisement proceeding shall be final and conclusive upon all parties unless within 30 days from the date it is filed with the collector of customs an application for its review is filed with or mailed to the Customs Court by the collector or other person authorized by the Secretary of the Treasury, and a copy of such application mailed to the consignee, or his agent or attorney, or filed by the consignee, or his agent or attorney, with the collector, by whom the same shall be forwarded forthwith to such court." (28 U. S. C. 2636 (a))

"The decision of a division of the Customs Court, in any matter within its jurisdiction shall be the decision of such court, and shall be final and conclusive upon all parties, unless a party to such proceeding takes an appeal to the Court of Customs and Patent Appeals within the time and manner provided in section 2601 of this title, but if the decision relates to a reappraisement of merchandise, such appeal to the Court of Customs and Patent Appeals shall be upon questions of law only." (28 U. S. C. 2637)

4. Footnote 13, appended to § 17.11 (a), is amended by deleting the last sentence of paragraph (b), the last sentence of paragraph (c), and all of paragraph (d); by inserting a quotation mark and "(Tariff Act of 1930, sec. 516, as amended; 19 U. S. C. 1516)" at the end of paragraph (c); and by adding a new full paragraph to read as follows:

"In reappraisement or classification proceedings instituted under section 1516 of Title 19, an American manufacturer, producer, or wholesaler shall not have the right to inspect any documents or papers of the consignee or importer disclosing any information which the Customs Court or any judge or division thereof deems unnecessary or improper to be disclosed to him." (28 U. S. C. 2634 (b))

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C., 19 U. S. C. 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Part 23, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 23), is amended as follows:

1. In the marginal references opposite § 23.3 (a) substitute "18 USC 3041" for "18 U. S. C. 591, 595 R. S. 1014."

2. The first paragraph of footnote 6, appended to § 23.3 (b), is amended to read as follows:

[6] "All property taken or detained under any revenue law of the United States shall not be repleviable, but shall be deemed to be in the custody of the law and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof." (28 U. S. C. 2463)

3. Section 23.3 (d) is amended by changing the parenthetical matter at the end thereof to read as follows: "(Secs. 459, 460, 624, 46 Stat. 717, 759, secs. 1, 3–8, 49 Stat. 517–520, sec. 10 (a), (b), 52 Stat. 1082; 18 U. S. C. 546, 19 U. S. C. 1459, 1460, 1624, 1701, 1703–1708)"

4. The last paragraph of footnote 12, appended to § 23.6 (a), is amended to read as follows:

Acts or omissions which constitute grounds for forfeiture under section 592 may also justify criminal prosecution under 18 U. S. C. 542, in addition to the forfeiture incurred under section 592.

5. Section 23.8 is amended by substituting "section 545, title 18, United States Code,[15]" for "section 593, Tariff Act of 1930,[15]" and by changing the parenthetical matter at the end thereof to read as follows: "(Sec. 624, 46 Stat. 759; 18 U. S. C. 545, 19 U. S. C. 1624)."

6. Footnote 15, appended to § 23.8, is amended to read as follows:

[15] "Whoever knowingly and willfully, with intent to defraud the United States, smuggles, or clandestinely introduces into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent invoice, or other document or paper; or

"Whoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law—

"Shall be fined not more than $5,000 or imprisoned not more than two years, or both.

"Proof of defendant's possession of such goods, unless explained to the satisfaction of the jury, shall be deemed evidence sufficient to authorize conviction for violation of this section.

"Merchandise introduced into the United States in violation of this section shall be forfeited to the United States.

"The term 'United States', as used in this section, shall not include the Philippine Islands, Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Guam." (18 U. S. C. 545)

7. Footnote 16, appended to § 23.8, is amended by substituting "18 U. S. C. 545" for "sec. 593, Tariff Act of 1930."

8. In the marginal reference opposite § 23.11 (a) substitute "28 U. S. C. 2006, 2465" for "18 U. S. C. 818, 842."

9. The third and fourth paragraphs of footnote 22, appended to § 23.11 (d), are amended to read as follows:

"Whoever, being an officer, agent, or employee of the United States or any department or agency thereof, engaged in the enforcement of any law of the United States, searches any private dwelling used and occupied as such dwelling without a warrant directing such search, or maliciously and without reasonable cause searches any other building or property without a search warrant, shall be fined for a first offense not more than $1,000; and, for a subsequent offense, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"This section shall not apply to any person—

(a) serving a warrant of arrest; or

(b) arresting or attempting to arrest a person committing or attempting to commit an offense in his presence, or who has committed or is suspected on reasonable grounds of having committed a felony; or

(c) making a search at the request or invitation or with the consent of the occupant of the premises." (18 U. S. C. 2236)

"Whoever falsely represents himself to be an officer, agent, or employee of the United States, and in such assumed character arrests or detains any person or in any manner searches the person, buildings, or other property of any person, shall be fined not more than $1,000 or imprisoned not more than three years, or both." (18 U. S. C. 913)

10. Section 23.12 (f) is deleted and paragraph (g) thereof, added by T. D. 51855, is redesignated (f).

11. In the marginal references opposite § 23.21 (a) substitute "18 U. S. C. 3237, 3238, 28 U. S. C. 1395" for "28 U. S. C. 102, 103, 106)".

12. The last two paragraphs of footnote 33, appended to § 23.21 (a), are amended to read as follows:

"Upon the entry of judgment for the claimant in any proceeding to condemn or forfeit property seized under any Act of Congress, such property shall be returned forthwith to the claimant or his agent; but if it appears that there was reasonable cause for the seizure, the court shall cause a proper certificate thereof to be entered and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution." (28 U. S. C. 2465)

"Execution shall not issue against a collector or other revenue officer on a final judgment in any proceeding against him for any of his acts, or for the recovery of any money exacted by or paid to him and subsequently paid into the Treasury, in performing his official duties, if the court certifies that:

(1) probable cause existed; or

(2) the officer acted under the directions of the Secretary of the Treasury or other proper Government officer.

"When such certificate has been issued, the amount of the judgment shall be paid out of the proper appropriation by the Treasury." (28 U. S. C. 2006)

13. Section 23.22 (a) is amended by inserting "[24]" after "court proceeding", deleting "under the provisions of section 938, Revised Statutes, as amended,[25]", and by adding at the end thereof "(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)".

14. The first paragraph of footnote 36, appended to § 23.22 (a), is deleted.

15. Section 23.22 (b) is deleted.

16. In the marginal references opposite § 23.29, delete "39615, R. S. 563, 28 U. S. C. 45 (5) (9)."

17. The first paragraph of footnote 45, appended to § 23.29, is amended by substituting "Collectors and appraisers" for "Collectors, appraisers, and judges and divisions of the United States Customs Court."

18. Section 23.30 is amended by substituting "212, title 18, United States Code" for "601, Tariff Act of 1930" and the parenthetical matter at the end thereof is amended to read "(Sec. 624, 46 Stat. 759; 18 U. S. C. 212, 19 U. S. C. 1624)".

19. Footnote 46, appended to § 23.30, is amended to read as follows:

[46] "Whoever gives, offers, or promises any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of merchandise or baggage, or of the liquidation of the entry thereof, or by threats or demands or promises of any character attempts improperly to influence or control any such officer or employee of the United States as to the performance of his official duties, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

"Evidence, satisfactory to the court, of such giving, offering, or promising to give, or attempting to influence or control, shall be prima facie evidence that the same was contrary to law." (18 U. S. C. 212)

"Moneys received or tendered in evidence in any United States Court, or before any officer thereof, which have been paid to or received by any official as a bribe, shall, after the final disposition of the case, proceeding or investigation, be deposited in the registry of the court to be disposed of in accordance with the order of the court, to be subject, however, to the provisions of section 852 [now 2042] of Title 28." (18 U. S. C. 3612)

20. The parenthetical matter at the end of § 23.31 (b) is amended to read "(Sec. 208, 49 Stat. 526; 18 U. S. C. 545, 19 U. S. C. 483)".

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C., 19 U. S. C. 1624)

PART 26—DISCLOSURE OF INFORMATION

Section 26.2 (e), Customs Regulations of 1943 (19 CFR, Cum. Supp., 26.2 (e)) is amended by substituting "1733" for "661" in the last sentence thereof.

(R. S. 161, sec. 624; 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C., 19 U. S. C. 1624)

W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7910; Filed, Sept. 2, 1948; 8:47 a. m.]

[T. D. 52026]

PART 16—LIQUIDATION OF DUTIES

PART 17—PROTESTS AND REAPPRAISEMENTS

NOTICE OF LIQUIDATION

Sections 16.2 (d), (e), (f), and (g), 16.12 (b), and 17.1 (c), Customs Regulations of 1943, relating to notice of liquidation, amended.

1. Section 16.2, Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.2), as amended by T. D. 51215, is further amended as follows:

Paragraph (d) is amended by substituting the following for the fifth and sixth sentences: "The bulletin notice of liquidation shall be posted as soon as possible in a conspicuous place in the customhouse for the information of importers or lodged at some other suitable place in the customhouse in such a manner that it can readily be located and consulted by all interested persons, who shall be directed to that place by a notice maintained in a conspicuous place in the customhouse stating where notices of liquidations of entries are to be found. The bulletin notice of liquidation shall be dated with the date of posting or, if not posted, with the date it is lodged in the above-described place for the information of importers. The entries for which the bulletin notice of liquidation has been prepared shall be stamped "Liquidated," with the date of liquidation, which shall be the same as the date of the bulletin notice of liquidation."

Paragraph (e) is amended by substituting "notice thereof posted or lodged as specified in paragraph (d)" for the last two words thereof.

Paragraph (f) is amended by inserting "or lodged" after the word "posted".

Paragraph (g) is amended by inserting "or lodged" after the word "posted".

(Secs. 505, 624, 46 Stat. 732, 759; 19 U. S. C. 1505, 1624)

2. Section 16.12 (b) Customs Regulations of 1943 (19 CFR, Cum. Supp. 16.12 (b)), is amended to read as follows:

(b) Appraisement, informal, mail, and baggage entries shall be formally liquidated after verification by the comptroller and return to the collector, and a carbon copy of customs Form 5171 covering such entries shall be posted or lodged as the notice of liquidation, in the place and manner specified in § 16.2 (d) for customs Form 4333, after a line has been drawn through the data relating to any entry listed thereon which has not been liquidated as entered. When any such entry is liquidated otherwise than as entered, or is liquidated after the copy of Form 5171 on which it was scheduled has already been posted or lodged as a notice of liquidation, notice of the liquidation shall be posted or lodged on customs Form 4333. All such entries ready for liquidation during any one month may be liquidated on any convenient day during that month. The date of posting or lodging for the information of importers shall be stamped on the bulletin as the date of liquidation of all entries covered thereby.

(Secs. 505, 624, 46 Stat. 732, 759; 19 U. S. C. 1505, 1624)

3. Section 17.1 (c), Customs Regulations of 1943 (19 CFR, Cum. Supp., 17.1 (c)), is amended to read as follows:

(c) The date of liquidation for the purpose of computing the time for filing protests under section 514, Tariff Act of 1930, shall be the date of liquidation stamped upon the entry, and the posting or lodging of notice of the liquidation in compliance with § 16.2 (d) of this chapter shall be sufficient notice of the fact and date of liquidation.

(Secs. 514, 624, 46 Stat. 734, 759; 19 U. S. C. 1514, 1624)

FRANK DOW,
Acting Commissioner of Customs.

Approved: August 30, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7911; Filed, Sept. 2, 1948; 8:48 a. m.]

[T. D. 52023]

PART 25—CUSTOMS BONDS

FREE-ENTRY OR REDUCED-DUTY DOCUMENTS

The acceptance of free-entry or reduced-duty documents after liquidation of the entry.

Section 25.17 (g), Customs Regulations of 1943 (19 CFR, Cum. Supp., 25.17 (g)), is hereby amended by deleting the words "bonded period but prior to the liquidation" and substituting in lieu thereof the words "bond period but before liquidation of the entry or within such time after liquidation as will permit a valid reliquidation."

(Sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 19 U. S. C. 1623, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: August 27, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7909; Filed, Sept. 2, 1948; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231, 4961; 13 F. R. 439, 1305, 2475, 3969) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.107 *Streptomycin ointment*—(a) *Potency.* Proceed as directed in § 141.101, except paragraphs (j) and (k) thereof, and, in lieu of the directions in paragraph (e) of § 141.101, prepare the sample as follows:

Accurately weigh the tube and contents and squeeze approximately 1.0 gm. into a blending jar containing 50 ml. of 0.10 M potassium phosphate buffer (pH 7.8 to 8.0). Reweigh the tube to obtain weight of ointment used in the test. Using a high-speed blender, blend the mixture for 3 minutes. Dilute an aliquot of the mixture to contain 100 mcg. of streptomycin base (estimated) per milliliter. Transfer 1.0 ml. of this solution to a 100-ml. flask and make up to volume with 0.10 M potassium phosphate buffer (pH 7.8 to 8.0). Use this last dilution in the assay for potency. The potency of streptomycin ointment is satisfactory if it contains not less than 85% of the number of micrograms of streptomycin base per gram it is represented to contain.

(b) *Microorganism count.* Accurately weigh the tube and squeeze approximately 0.5 gm. of the ointment into 4 to 5 ml. of a 1:300 solution of sterile hydroxylamine hydrochloride. Reweigh the tube to obtain weight of ointment used in the test. Warm the hydroxylamine solution containing the ointment for 1 hour or longer at 48–50° C. or until ointment is completely emulsified (moderate shaking at frequent intervals will aid in rapid emulsification). Divide the emulsified ointment into two test tubes, each containing 25 cc. of melted nutrient agar prepared as directed in § 141.1 (b) (1). Shake the tubes to insure even distribution and pour the contents of each tube into a sterile Petri dish and place in a 37° C. incubator for 48 hours. Count the number of colonies appearing on the plates and calculate therefrom the number of viable microorganisms per gram of ointment.

2. Section 146.26 *Penicillin ointment (calcium penicillin ointment, penicillin ointment calcium salt, crystalline penicillin ointment)*, paragraph (a), first sentence, is amended to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Penicillin ointment is calcium penicillin or crystalline penicillin in an ointment base composed of wool fat, petrolatum, or white petrolatum, or any mixture of two or all of these, with or without liquid petrolatum, white wax, yellow wax, carboxymethylcellulose, cottonseed oil, or peanut oil, oxycholesterin derivatives from wool fat, or any mixture of two or all of these.

3. Section 146.45 *Procaine penicillin in oil*, paragraph (a), *Standards of identity, strength, quality, and purity* second sentence, is amended to read: "Its potency is 300,000 units per milliliter, except if it is labeled solely for veterinary use, its potency may be 100,000 units per milliliter."

4. Section 146.47 *Procaine penicillin for aqueous injection*, paragraph (a), *Standards of identity, strength, quality and purity*, first sentence, is amended to read: "Procaine penicillin for aqueous injection is a dry mixture of procaine penicillin and one or more suitable and harmless suspending or dispersing agents, with or without sodium citrate."

Section 146.47, paragraph (d), *Requests for certification; samples*, subparagraph (3) (iii) is amended to read:

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

4. Part 146 is amended by adding the following new section:

§ 146.102 *Streptomycin ointment*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin ointment is streptomycin in an ointment base composed of white petrolatum, white wax, stearic acid, propylene glycol, or distilled water, or any mixture of two or all of these, with or without suitable and harmless dispersing and suspending agents. Its potency is not less than 5,000 mcg. per gram of ointment. Its content of viable microorganisms is not more than 50 per gram. The streptomycin used conforms to the requirements of § 146.101 (a), except subparagraphs (2), (4), (5), (6), and (8) of that paragraph. Each other substance, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Streptomycin ointment shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U. S. P., and shall not be larger than the 2-ounce size. The composition of the tubes and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of streptomycin ointment shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of micrograms per gram of the batch; and

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 9 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.)";

(ii) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a ----------," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words as the case may be; and

(iii) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such ointment, or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such ointment, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

(d) *Requests for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of streptomycin ointment shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch, potency, microorganism count;

(ii) The streptomycin used in making the batch; potency, toxicity, pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin used in making the batch; 5 packages containing approximately equal portions of not less than 0.5 gm. each, packaged in accordance with the requirements of § 146.101 (b).

(iii) In case of an initial request for certification, the ingredients used in making the ointment base of the batch; one package of each containing approximately 200 gm., except for the suspending and dispersing agents used, in which case the sample shall consist of approximately 5 gm.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of streptomycin ointment under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii), and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for the use of an additional ingredient in the manufacture of procaine penicillin for aqueous injection and penicillin ointment; for a new product, streptomycin ointment; and for a new dosage form for procaine penicillin in oil when packaged and labeled solely for veterinary use, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the use of an additional ingredient in the manufacture of procaine penicillin for aqueous injection and penicillin ointment; to delay providing for a new streptomycin product, streptomycin ointment; and to delay providing for a new dosage form for procaine penicillin in oil when packaged solely for veterinary use.

Dated: August 30, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-7906; Filed, Sept. 2, 1948; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. OR 18]

PART 1—FUNCTIONS AND ORGANIZATION

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238), Title 22, Part 1, of the Code of Federal Regulations is amended as follows:

1. Section 1.170 is amended to read as follows:

§ 1.170 *Special Assistant to the Secretary for Press Relations*—(a) *Purpose.* To represent the Secretary in dealing with representatives of the foreign and domestic press and of radio, news-reel, and photographic agencies on news developments relating to the Department.

(b) *Major functions.* The office of the Special Assistant to the Secretary for Press Relations performs the following functions:

(1) Serves as adviser to the Secretary on press relations.

(2) Arranges and assists at press conferences held by the Department.

(3) Plans, prepares, and releases information to all news media on the activities and policies of the Department.

(4) Arranges for press services and relations at international conferences held in the United States and provides a Press Officer at international conferences held abroad.

(5) Prepares the News Digest, a daily summary of news stories, editorials, magazine articles, columns, and radio commentaries on international relations that have a particular bearing upon Department activities. Prepares the Foreign Press Summary, a daily summary of comment in leading publications abroad.

(6) Prepares and distributes clippings, press releases, and press-conference summaries to the Department and Foreign Service.

(c) *Organization.* The office of the Special Assistant to the Secretary for Press Relations is composed of the office of the Special Assistant, Press Branch, News Digest Branch, and Newspaper Analysis Branch.

(1) Office of the Special Assistant:

(i) Serves as adviser to the Secretary, Under Secretary, and other officials of the Department on press relations, both in the Department and at international conferences.

(ii) Maintains liaison with the press-relations sections of the White House and other Federal agencies.

(iii) Acts as the clearance agency of the Department for speeches, news releases, articles, statements, etc., where such material is issued by other Federal agencies and bears on foreign policy or is issued by the Department and relates to the activities of other Federal agencies.

(iv) Exercises general supervision over the Press Branch, News Digest Branch, and Newspaper Analysis Branch.

(2) Press Branch:

(i) Deals directly with the press on current activities of the Department, and clears information for the press with proper Department officers.

(ii) Answers the inquiries of press and supplies requested background information.

(iii) Prepares and distributes press releases.

(iv) Arranges press conferences and special interviews.

(v) Maintains cross-reference files on all releases issued by the Department and the White House.

(3) News Digest Branch: Prepares the News Digest and Foreign Press Summary for distribution throughout the Department, to the Foreign Service, and to other Federal agencies as requested.

(4) Newspaper Analysis Branch: Prepares, distributes, and catalogs press clippings dealing with foreign policy.

2. Section 1.190 is amended to read as follows:

§ 1.190 *Executive Secretariat.*—(a) *Purpose.* To provide the Secretary and Under Secretary with staff assistance to facilitate the prompt and efficient handling, coordination, and control of those matters which are related to their immediate responsibilities; and to serve as a channel between the Secretary, Under Secretary, and the Department for the orderly flow of decisions and information.

(b) *Major functions.* The Executive Secretariat performs the following major functions:

(1) Directs and controls the orderly and prompt flow of papers to and from the Secretary and Under Secretary, insuring full correlation of relevant responsibilities in the preparation of policy recommendations prior to submission for decision.

(2) Insures the proper implementation of decisions made by the Secretary and Under Secretary and referred elsewhere for action.

(3) Assists in the identification of policy problems that require coordination of the Department resources.

(4) Collects, maintains, and disseminates policy decisions and other staff records and reports necessary in the formulation and implementation of policy.

(5) Insures the effective use of group consultation for coordination through the official committee structure.

(6) Insures proper coordination and adherence to established policy and standards for outgoing communications of the Department.

(7) Makes the arrangements necessary for the President and the Secretary in their state relations with the agents of other governments.

(8) Undertakes special assignments and provides miscellaneous services for the Secretary and Under Secretary, including top-level liaison assignments.

(9) Provides budgetary, personnel-management, and other administrative services for the offices of the Secretary, Under Secretary, Counselor, Policy Planning Staff, and Executive Secretariat.

(c) *Committee Secretariat Staff.* The Committee Secretariat Staff provides staff assistance and advice regarding the establishment, coordination, operation, and termination of all Departmental committees and interdepartmental committees advisory to the Secretary of State. The Secretariat provides secretariat services in intergovernmental negotiations, as assigned. With regard to Departmental and interdepartmental committees the Staff is responsible for the following specific functions:

(1) Initiates and insures coordination in the formulation of policy recommendations by committees.

(2) Advises the Director of the Executive Secretariat regarding problems of policy-coordination having Department-wide implication, knowledge of which arises from committee operations.

(3) Provides efficient organization and management of operations of individual committees for the committee chairmen.

(4) Advises committee chairmen on the prompt consideration of problems which fall within their terms of reference, and apprises them of policy decisions relating to all problems before them.

(5) Insures adequate reporting of committee proceedings and decisions to the Secretary, high-level officers, and other interested officers of the Department.

(6) Maintains an adequate and uniform system of committee documentation, including agenda, minutes, and reports.

(7) Maintains essential records of individual committees and of the committee program as a whole, including rosters of existing committees.

(d) *Policy Reports Staff.* The Policy Reports Staff performs the following functions:

(1) Circulates within the Executive Secretariat, among offices within the Department, and between the Department and the missions, such policy informational material as may be necessary to the proper functioning of the Department and the missions.

(2) Transmits background informational material from the Offices through the Executive Secretariat to the Secretary and, as directed, to the President.

(3) Disseminates from the Executive Secretariat such policy decisions and information regarding other related developments as may be necessary for the guidance of officers in the Department and chiefs of mission abroad.

(4) Supervises the preparation and revision by the Offices of policy statements covering such countries, areas, and topics as may be determined from time to time; and distributes the statements within the Department and among the missions.

(5) Directs the preparation by the Offices, and prepares and maintains for the Secretary and Under Secretary, a compilation of statements, with essential background information, on policy problems which are, or are likely to be, of importance or concern to them.

(6) Serves as the repository for official policy decisions, statements, and commitments; and, to this end, maintains the Policy Record File, a comprehensive, carefully indexed, record of policy information drawn from all sources. This file is available for the use and consultation of all authorized officers.

(7) Acts in a policy-liaison capacity in areas assigned by the Secretary.

(e) *Protocol Staff.* The Protocol Staff performs the following functions:

(1) Plans and makes all arrangements for foreign visits of state; and arranges for the reception, by the President and the Secretary of State, of the chiefs of foreign missions and of distinguished foreign visitors.

(2) Arranges with Federal, State, and local government agencies for the granting of courtesies, privileges, and immunities to officials of foreign governments and international organizations; and arranges reciprocal privileges for American officials abroad.

(3) Advises the President and the Secretary of State on all matters of protocol.

(4) Operates the Blair House and the Blair-Lee House for the housing and entertainment of distinguished foreign guests.

(5) Maintains the seals of the United States and the Department of State, and handles matters pertaining thereto.

(6) Prepares and arranges for the monthly publication of the Diplomatic List.

(7) Arranges for the visits of foreign naval vessels and foreign military organizations to the United States, and for the visits of American naval vessels and American military organizations to foreign countries.

(8) Maintains custody of decorations and awards conferred by foreign governments upon officers of the United States, and determines when such individuals are legally entitled to receive such decorations or awards.

(f) *Correspondence Review Staff.* The Correspondence Review Staff performs the following functions:

(1) Reviews, edits, and coordinates outgoing correspondence, except that prepared for the signature of the Secretary or Under Secretary, to see that it is in accordance with the Department's policy, practice, and style; that it violates no diplomatic protocol; and that applicable administrative directives have been complied with.

(2) Acts as the official channel for the orderly receipt, presentation for signature, and proper disposition of certain outgoing correspondence, except that prepared for the signature of the Secretary or Under Secretary.

(3) Plans, initiates, and executes policies and procedures for effective preparation, coordination, and review of correspondence originating in the Department.

(4) Provides general information and advises on Departmental practice, procedure, and precedents relating to correspondence.

(5) Collaborates in the planning and development of correspondence-training programs for the personnel of the Department.

3. Section 1.320 is amended to read as follows:

§ 1.320 *Office of Libraries and Intelligence-Acquisition*—(a) *Purpose.* To plan, develop, and implement a program for the acquisition and dissemination of library and intelligence materials and information; for the collection, evaluation, and compilation of biographic data on foreign personalities; and for the maintenance, coordination, and development of Department libraries and reference services, including the central collection of intelligence information and materials.

(b) *Major function.* The Office performs the following functions:

(1) Plans, develops, and implements programs for—

(i) The acquisition and dissemination of library and intelligence materials and information.

(ii) The maintenance and operation of the Department libraries and reference services, including the central collection of intelligence information and materials.

(iii) Department participation with Federal and non-Federal libraries, library organizations, and associations, in cooperative library activities, including the acquisition of foreign publications, maps, and bibliographic projects and services.

(iv) The assembling and evaluation of biographic data, maintenance of biographic files, and preparation of biographic intelligence reports.

(c) *Organization.* The Office consists of the Office of the Director, including the Executive Officer and the Librarian of the Department; the Division of Library and Reference Services, Division of Acquisition and Distribution, and Division of Biographic Information.

(d) *Relationships with other agencies.* The Office has relationship—

(1) With the Departments of the Army, Navy, and Air Force, the Central Intelligence Agency, and all other Federal agencies.

(2) With Federal and other libraries.

4. Section 1.1510 *Office of Special Political Affairs* is deleted. The Office of Special Political Affairs is in process of reorganization.

5. Section 1.1800 is amended to read as follows:

§ 1.1800 *Assistant Secretary—Administration*—(a) *Purpose.* To advise and assist the Secretary in the development and formulation of over-all organizational, administrative, and budgetary policies for the Department, the Foreign Service, and such special programs as may be vested in the Department of State or the Secretary by statute, Executive order, or otherwise; to execute and implement policies so developed and formulated; and to provide the necessary facilities to implement policies approved by the Secretary.

(b) *Major functions.* The Assistant Secretary is responsible for the development of sound organization structures; the establishment of appropriate budgetary and administrative procedures; the establishment of the management controls necessary to assure the proper administrative implementation of substantive policies and programs approved by the Secretary; and the effective performance, among others, of the following functions:

(1) Supervises and controls the organization pattern of the Department, the Foreign Service, and special programs, and their component Offices, divisions, and other units.

(2) Exercises the authority vested in the Secretary of State or the Department of State, by statute, Executive order, or otherwise, to allocate funds made available to the Secretary or the Department.

(3) Prepares the annual budget estimates; and supervises the use of appropriated funds, in accordance with Congressional limitations, administrative objectives, and policies of the President and the Secretary.

(4) Administrates United States participation in international organizations and international conferences.

(5) Directs personnel-management of the Department, the Foreign Service, and the special programs.

(6) Operates the procurement, communication, and transportation services.

(7) Provides, maintains, and operates the physical establishments in the United States and abroad.

(8) Provides security within the Department, the Foreign Service, and the special programs.

(9) Protects American interests through administration of passport, visa, and munition-control laws and programs, and other pertinent laws.

(c) *Organization.* The Office of the Assistant Secretary consists of the Assistant Secretary, Deputy Assistant Secretaries, Executive and Special Assistants, and the Office of Controls, Office of the Foreign Service, Office of Budget and Planning, and Office of Departmental Administration.

6. In § 1.1820 paragraph (d) is added as follows:

§ 1.1820 *Director General of the Foreign Service.* • • •

(d) *Relationship with other agencies.* The Director General coordinates the activities of the Foreign Service with the needs of the Department and all other Federal agencies, and serves as a member of the Board of the Foreign Service and a member or chairman of other interdepartmental bodies concerned with specific aspects of Foreign Service operations.

7. Section 1.1830 is amended to read as follows:

§ 1.1830 *Office of the Foreign Service*—(a) *Purpose.* To provide administrative leadership, management, and direction to the Foreign Service of the United States; to strengthen relationships between the field establishments and the Department and other Federal agencies; and to develop the potential capabilities of individual members of the Foreign Service to the fullest extent.

(b) *Major functions.* The Office performs the following functions:

(1) Develops and directs the personal program for the Foreign Service of the United States.

(2) Programs and administratively directs field reporting, and coordinates requests for field reporting.

(3) Provides administrative services to field establishments, and directs the Foreign Service in providing the services to the public that are required by law and Foreign Service regulations.

(4) Provides housing for Foreign Service operations, and furnishes and maintains Foreign Service establishments.

(5) Develops and operates the training programs, both substantive and administrative, to meet the needs of the Foreign Service and the Department.

(6) Develops the plans and programs for improvement in the over-all administration and management of the Foreign Service.

(7) Through the Corps of Foreign Service Inspectors, directs the inspection of Foreign Service establishments and gives constructive advice and assistance on better methods of operation.

(8) Serves as coordinator for the Philippine Rehabilitation Program for the Department and other participating agencies; serves a single authority within the Department to make decisions on behalf of the Department on all matters of administration common to the agencies participating in the program.

(c) *Organization.* The Office consists of the office of the Executive Officer, Division of Foreign Service Planning, Division of Foreign Service Personnel, Division of Foreign Service Administration, Division of Foreign Buildings Operations, Foreign Service Institute, Division of Foreign Reporting Services, and Secretariat to the Board of Examiners for the Foreign Service.

(d) *Relationship with other agencies.* The Office maintains operating relations with all Federal agencies which are concerned with the administration of programs through the Foreign Service.

8. In § 1.1900 the introductory text and subparagraph (1) of paragraph (c) are amended to read as follows:

§ 1.1900 *Legal Adviser.* • • •

(c) *Organization.* The office of the Legal Adviser consists of the offices of the Executive Assistant; the Deputy Legal Adviser, Assistant Legal Advisers for Political Affairs, International-Organization Affairs, International Claims, Economic Affairs, Administration and Foreign Service, Military Affairs and Occupied Areas, Public Affairs, and Special Problems; and Assistant for Treaty Affairs.

(1) Deputy Legal Adviser: Serves as principal adviser and consultant to the Legal Adviser and, in his absence, as Acting Legal Adviser.

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9. Section 1.2553 is added as follows:

§ 1.2553 *Policy Committee on Arms and Armaments*—(a) *Purpose.* To coordinate all aspects of Department policy with respect to arms and armaments; and to be solely responsible for the presentation of arms-policy matters to the State-Army-Navy-Air Force Coordinating Committee.

(b) *Major functions.* (1) The Committee is responsible for the coordination of all aspects of Department policy with respect to arms and armaments.

(2) The Chairman of the Committee takes the initiative in submitting to the State-Army-Navy-Air Force Coordinating Committee, or to any appropriate subcommittee thereof, such policy matters with respect to arms and armaments as may require concerted study, consideration, or action by the Departments of State, the Army, the Navy, and the Air Force. No policy matters or decisions with respect to arms or armaments are to be presented in behalf of the Department to the Coordinating Committee, except through the Chairman of the Policy Committee or with his concurrence.

(3) Each member of the Committee is authorized to bind his office on any matter coming before the Committee for consideration or action.

(c) *Membership.* (1) The Committee consists of:

(i) The Assistant Secretary — Occupied Areas, representative of the Secretary of State, Chairman of the Committee, and Department member of the State-Army-Navy-Air Force Coordinating Committee on all matters of policy dealing with arms and armaments.

(ii) A representative of the Assistant Secretary—Economic Affairs.

(iii) A representative of the Office of European Affairs.

(iv) A representative of the Office of Near Eastern and African Affairs.

(v) A representative of the Office of Far Eastern Affairs.

(vi) A representative of the Office of American Republic Affairs.

(vii) A representative of the Office of United Nations Affairs.

(viii) A representative of the Office of Controls.

(ix) A Deputy Chairman and an Executive Secretary each designated by the Chairman.

(2) The Chairman may invite to the meetings of the Armaments Committee representatives of Offices who do not hold permanent membership thereon when matters of special interest to such Offices are being considered by the Committee.

(d) *Activities.* (1) The Committee holds stated meetings and maintains a

record of its proceedings. The Chairman, with the advice and counsel of the membership, compiles a list of projects and studies with respect to arms and armament. These projects are assigned for research, development, and analysis to the membership of the Committee as their respective interests may appear. Consideration by the Committee, and submission to the State-Army-Navy-Air Force Coordinating Committee, of any such projects or studies is on the basis of relative urgency, as determined by the Chairman.

(2) The Chairman prescribes the rules of conduct of the Committee and the time and place of its meetings. All interdepartmental liaison by members of the Committee, or of its Secretariat, with respect to arms and armaments is to be accomplished as the Chairman may determine or with his concurrence.

(3) The Chairman places matters on the State-Army-Navy-Air Force Coordinating Committee agenda for consideration. He recommends to the Chairman of the Coordinating Committee duly qualified candidates to represent the Department on any Coordinating Committee subcommittee appointed to consider any matter in respect of arms or armaments, and no one shall represent the Department on any such subcommittee without the approval of the Chairman.

(4) It is expected that the Committee will formulate Department policy in matters of arms and armaments by unanimous action; however, in the event that unanimity cannot be attained, determination shall be made by the Chairman. Any such determination by the Chairman shall be final unless presented to the Under Secretary for review by an Assistant Secretary. A request for review shall be initiated in writing at an early date following the meeting of the Committee at which the determination was made, stating the grounds upon which review is sought; and copies thereof shall be forwarded to the Chairman and to the Secretary of the Committee. It is expected that the Chairman, Deputy Chairman, and Executive Secretary of the Committee shall be notified by the dissenting member of the intention to seek review within seventy-two hours following the meeting at which the decision in question was taken.

(5) Technical and secretarial facilities are provided the Committee, in the first instance, by the Executive Secretariat; and they shall be augmented to such extent as may be necessary by contribution of personnel and facilities by the offices participating in the membership of the Committee. Upon the request of the Chairman, the Assistant Secretary—Administration shall, to the extent necessary in his opinion, levy on any office or division of the Department for such personnel and facilities as the Secretariat may require.

10. In § 1.2561 paragraph (c) is revised to incorporate paragraph (d) and paragraph (d) is deleted, as follows:

§ 1.2561 *Committee on Attestation.* • • •

(c) *Organization.* The Committee is composed of an Attestation Officer, designated by the Chief of the Division of Libraries and Institutes of the Office of Educational Exchange, who serves as Chairman, a Secretary appointed by him with the approval of the Chief, and representatives of such other Department organization units, other Federal agencies, and nongovernmental organizations as may be invited from time to time to participate in the deliberations of the Committee on matters directly involving their interests or technical competence.

11. In § 1.2562 paragraph (c) is revised to incorporate paragraph (d) and paragraph (d) is deleted, as follows:

§ 1.2562 *Review Committee on Visual and Audio Material.* • • •

(c) *Organization.* The Committee is composed of a Chairman, designated by the Chief of the Division of Libraries and Institutes of the Office of Educational Exchange, a Secretary appointed by him with the approval of the Chief, and representatives of such other Department organization units, other Federal agencies, and non-governmental organizations as may be invited from time to time to participate in the deliberations of the Committee on matters directly involving their interests or technical competence.

This regulation will be effective on the date of publication in the FEDERAL REGISTER.

For the Secretary of State.

Approved: August 2, 1948.

[SEAL] STANLEY T. OREAR,
Chief,
Division of Organization and Budget.

[F. R. Doc. 48-7899; Filed, Sept. 2, 1948; 9:02 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 35]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATIONS FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respect:

1. Schedule A, item 165, is amended to describe the counties in the defense-rental area under the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments as follows:

Mississippi—Grenada.
Mississippi—LeFlore.

[1] 12 F. R. 4302, 5040, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 295, 321, 442, 476, 476, 497, 523, 528, 861, 1119, 1627, 1793, 1873, 1929, 1929, 3116, 3117, 3339, 3651, 3673, 4895, 5001.

This amendment shall become effective September 2, 1948.

Issued this 2d day of September 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement to Accompany Amendment 35 to the Rent Regulation for Controlled Rooms in Roominghouses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the County of Montgomery, a portion of the Grenada Defense-rental Area in the State of Mississippi, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said portion of the area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-7900; Filed, Sept. 2, 1948; 8:46 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 36]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respect:

1. Schedule A, item 42A, is amended to describe the counties in the defense-rental area under the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments as follows:

Colorado—Moffat.

This amendment shall become effective September 2, 1948.

Issued this 2d day of September 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement to Accompany Amendment 36 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the County of Rio Blanco, a portion of the Craig Defense-rental Area, situated in the State of Colorado, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said portion of the area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-7901; Filed, Sept. 2, 1948; 8:46 a. m.]

[Controlled Housing Rent Reg.,[1] Amdt. 35]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule A, Item 165, is amended to describe the counties in the defense-rental area under the Controlled Rent Regulation for Housing as follows:

Mississippi—Grenada.
Mississippi—Leflore.

This amendment shall become effective September 2, 1948.

Issued this 2d day of September 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement to Accompany Amendment 35 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the County of Montgomery, a portion of the Grenada Defense-rental Area situated in the State of Mississippi, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said portion of the area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-7902; Filed, Sept. 2, 1948; 8:46 a. m.]

[1] 12 F. R. 4331, 5040, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294, 294, 322, 441, 475, 476, 498, 523, 827, 861, 1118, 1628, 1793, 1861, 1927, 1929, 3116, 3116, 3339, 3628, 3673, 4894, 5001.

[Controlled Housing Rent Reg.,[1] Amdt. 36]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule A, item 42A, is amended to describe the counties in the defense-rental area under the Controlled Housing Rent Regulation as follows:

Colorado—Moffat.

This amendment shall become effective September 2, 1948.

Issued this 2d day of September 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement to Accompany Amendment 36 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the County of Rio Blanco, a portion of the Craig Defense-rental Area situated in the State of Colorado, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said portion of the area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-7903; Filed, Sept. 2, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[No. 13528]

PART 132—POWER BRAKES AND DRAW BARS (RAILROAD)

INVESTIGATION OF POWER BRAKES AND APPLIANCES FOR OPERATING POWER BRAKE SYSTEMS

At a session of the Interstate Commerce Commission, Division 3 held at its office in Washington, D. C., on the 27th day of August A. D. 1948.

The Division having under consideration the reports and orders heretofore entered in the above-entitled proceeding (§ 132.3), and good cause appearing therefor:

It is ordered, That the order of September 21, 1945, heretofore entered herein, insofar as it requires respondents to install power brakes and appliances on their cars used in freight service on or before January 1, 1949, be, and it is hereby, amended so as to require respondents to install said power brakes and appliances on their cars used in freight service, as described, which are interchanged between and among respondents, on or before January 1, 1950; and on all their other cars used in freight service, as described, on or before January 1, 1952.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-7847; Filed, Sept. 2, 1948; 9:35 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 802]

FAIR AND REASONABLE WAGE RATES AND PRICES FOR 1949 CROP OF SUGARCANE AND SUGAR BEETS IN CALIFORNIA, PUERTO RICO, VIRGIN ISLANDS, AND HAWAII

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 922), notice is hereby given that public hearings will be held as follows:

At San Juan, Puerto Rico, in the Auditorium of the School of Tropical Medicine on September 22, 1948, at 9:30 a. m.;

At Christiansted, St. Croix, Virgin Islands, in the Municipal Council Hall on September 27, 1948, at 9:30 a. m.;

At Honolulu, on the Island of Oahu, in the Federal Court Room, Federal Building on October 20, 1948, at 9:30 a. m.;

At Hilo, on the Island of Hawaii, in the Circuit Court Room, Post Office Building on October 22, at 9:30 a. m.; and

At Berkeley, California, in the Farm Credit Administration Building on October 27, 1948, at 10:00 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico, the Virgin Islands, and Hawaii, and sugar beets in California during the calendar or crop year 1949 (1948–49 crop year in Puerto Rico) on farms with respect to which applications for payments under the said act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the said act, fair and reasonable prices for the 1948–49 Puerto Rican and the 1949 Hawaiian and Virgin Islands crops of sugarcane and the 1949 crop of sugar beets in California, to be paid, under either purchase or toll agreements by processors who, as producers, apply for payments under the said act. In the interest of obtaining the best information possible, all interested persons are requested to appear and express their views and present appropriate data in regard to the foregoing matters.

Such hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearings by the presiding officers.

Lawrence Myers, George A. Dice, Ward S. Stevenson, Thomas H. Allen, G. Laguardia, and Will N. King are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 31st day of August 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7848; Filed, Sept. 2, 1948; 9:17 a. m.]

[7 CFR, Part 941]

HANDLING OF MILK IN CHICAGO, ILL., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to a proposed marketing agreement, regulating the handling of milk in the Chicago, Illinois, milk marketing area.

Interested parties may file written exceptions to the recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the decision recommended is based, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by Homer and Chester Williams, partners doing business as Wern Farms, Waukesha, Wisconsin. The public hearing was held at Chicago, Illinois, June 30, 1948, upon notice issued on June 17, 1948 (13 F. R. 3342).

The sole material issue presented on the record was the extent, if any, to which handlers who produce certified milk, and whose sole distribution in the marketing area is certified milk, should be relieved of obligations as a handler under the order with respect to milk not of his own production.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing, it is found and concluded that:

No change should be made in the present order provisions. The proponent is a producer of certified milk with a plant approved for Chicago who receives certified milk from one producer and regular milk from sixteen to twenty other producers, all approved for Chicago distribution. His distribution in the marketing area is confined to certified milk which is also distributed in other areas; regular milk is distributed only outside the marketing area.

The receipt of Chicago approved milk at a plant approved for handling milk to be distributed in Chicago makes the operator of such a plant a handler under the present provisions of the order and requires that producers delivering to such plant be paid the uniform price provided by the order, and that any differences between the value of receipts at the uniform price and the utilization value of receipts at the class prices of the order be equalized through the producer settlement fund. In determining the utilization value at class prices of receipts of milk from other producers, the handler's own production is subtracted pro rata from the various classes in which milk is used in the approved plant.

It was proposed that amendment be made to the order which should relieve handlers who confined their distribution in the marketing area to certified milk from all obligations beyond those of producer-handlers, who merely report as required by the market administrator. In support of such proposal the arguments advanced are: (a) That the health standards for certified milk are rigid, and that regularly approved Chicago milk cannot be distributed as certified milk; (b) That the regularly approved Chicago milk received is such only because Chicago health authorities require approval before it can enter the plant from which certified milk is marketed in Chicago; (c) That the regularly approved milk is distributed as fluid milk only in unregulated markets in competition with milk not priced under the order, and that payment of Chicago class prices for such uses imposes a hardship; and (d) That the volume involved is insignificant in the Chicago market.

From the record and brief of the petitioners it is evident that the principal feature of the present regulation to which they object is the requirement of paying Chicago class prices for milk distributed in outside markets. It was admitted on the record that independent procurement of milk would require payments to producers under present conditions at the Chicago blend price, plus premiums which other Chicago handlers are currently paying producers in the area. In addition there is required under the order payments into the producer settlement fund when class utilization is higher than the average which determines the blend price. Such payments accrue to the benefit of producers generally through the blend price. In recent Chicago hearings, the question of special class prices for Chicago milk used in outside markets has been examined in considerable detail. This proposal would provide that such milk would be unpriced when the handler distributing it engaged in the Chicago marketing area only in a specialized business. With respect to outside sales, this record does not provide a basis for departure from previous decisions that Chicago milk should not be priced for outside sales at less than the regular class prices for sales in the marketing area. To provide that such milk be unpriced is in effect to price it at the blend price, which the record shows would mean less than the regular class prices to the handler in question.

The contention that the non-certified Chicago approved milk received at plants handling certified milk should be treated differently from other Chicago approved milk is based on the fact that such milk is approved only because health authorities require it for protection of the certified milk that reaches the marketing area. Every handler who has a plant approved for Chicago must likewise receive only Chicago approved milk at such plant. If a handler proposes to add out-of-area sales to the Chicago business of his Chicago approved plant, any additional receipts required for the out-of-area business must be Chicago approved milk to comply with health regulations.

While the volume represented here is small compared to the total of the Chicago market, any amendment action to exempt completely from regulation operators of the type in question, would conflict directly with fundamental principles of the Chicago order. Such actions would provide exemptions from price regulation to one handler on Chicago approved milk sold outside the marketing area, and impose it on others. Chicago approved producers delivering to the plant in question would be removed from the protections of the order, and producers in general would fail to benefit from the class usage of Chicago approved milk.

The order should not be amended to exempt handlers who produce and distribute certified milk from regulations under the order with respect to producer milk receipts at an approved plant.

Rulings on proposed findings and conclusions. A brief was filed on behalf of Wern Farms. The brief contains statements of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the brief was carefully considered, along with the evidence in the record, in making the finding, and conclusions hereinbefore set forth. Although the brief does not contain specific requests to make proposed findings, it is assumed that the statements, conclusions, and arguments submitted were for this purpose and are treated accordingly. To the extent that such proposed findings and conclusions are inconsistent with the proposed findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Issued at Washington, D. C., this 30th day of August 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-7891; Filed, Sept. 2, 1948; 9:17 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-405]

FOUNTAIN PEN AND MECHANICAL PENCIL INDUSTRY

NOTICE OF FURTHER HEARING AND EXTENSION OF TIME WITHIN WHICH TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 31st day of August 1948.

Pursuant to action taken at hearing on the proposed rules held in Washington, D. C., June 30, 1948, further opportunity is extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties (including consumers) affected by or having an interest in the proposed trade practice rules for the Fountain Pen and Mechanical Pencil Industry to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose, and upon request to the Commission, they may obtain copies of the proposed rules under consideration in the proceeding. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, which shall be filed with the Commission not later than September 23, 1948.

The further opportunity to be heard orally will be afforded at a hearing beginning at 10 a. m. (d. s. t.), September 23, 1948, in the Hotel Pennsylvania, Seventh Avenue and 33d Street, New York, N. Y., to any such persons, partnerships, corporations, organizations, or other parties (including consumers) who desire to appear and be heard. All matters presented orally or in writing will be given due consideration by the Commission.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 48-7914; Filed, Sept. 2, 1948; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 6, 10, 11, 16]

[Docket Nos. 8658, 8965, 8972, 8973, 8974, 9001, 9018, 9046, 9047]

GENERAL MOBILE RADIO SERVICE ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In the matter of General Mobile Radio Service, Docket No. 8658; allocation of frequencies between 25 and 30 Mc., Docket No. 8965; allocation of frequencies between 44 and 50 Mc., and between 152 and 162 Mc., Docket No. 8972; allocation of frequencies between 72 and 76 Mc., Docket No. 8973; allocation of frequencies in the Band 450–460 Mc., Docket No. 8974; revision of Part 10, "Rules and Regulations Governing Emergency Radio Service" to change the name of this part to "Rules and Regulations Governing Public Safety Radio Services," and to make other changes and amendments, Docket No. 9001; promulgation of New Part 11 of the Commission's rules—Rules Governing Industrial Radio Services, Docket No. 9018; proposed rules and regulations governing domestic public mobile radiotelephone services, Docket No. 9046; promulgation of new Part 16, Rules Governing the Land Transportation Radio Services, Docket No. 9047.

At a session of the Federal Communications Commission held at its offices on the 25th day of August 1948;

The Commission, having before it the records in the above dockets, and requests from various parties to the above-entitled proceedings that the Commission afford them an opportunity to be heard with respect to certain of the issues arising out of the Commission's notices of proposed rule-making in said dockets;

It is ordered, That oral argument in the above proceedings will be heard by the Commission commencing on October 6, 1948, at 10:00 a. m., in Washington, D. C., at a place to be hereafter announced;

It is further ordered, That any interested person may present oral argument herein, on condition that he file with the Commission, no later than September 15, 1948, a written statement in duplicate stating his intention to appear and present oral argument, and also stating the nature of his interest in the proceedings and his best estimate of the time required for his oral argument.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7919; Filed, Sept. 2, 1948; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

[1948 Dept. Circ. 834]

1⅜ PERCENT TREASURY NOTES OF SERIES A-1950

OFFERING OF NOTES

SEPTEMBER 1, 1948.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 1⅜ percent Treasury Notes of Series A-1950, in exchange for 1½ percent Treasury Notes of Series A-1948, maturing September 15, 1948.

II. *Description of notes.* 1. The notes will be dated September 15, 1948, and will bear interest from that date at the rate of 1⅜ percent per annum, payable on a semiannual basis on April 1 and October 1, 1949, and April 1, 1950. They will mature April 1, 1950, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before September 15, 1948, or on later allotment, and may be made only in Treasury Notes of Series A-1948, maturing September 15, 1948, which will be accepted at par, and should accompany the subscription.

V. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 48-7908; Filed, Sept. 2, 1948; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 25]

DESIGNATION OF MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of August 1948;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that Rosel H. Hyde, Commissioner, be, and he is hereby, designated as Motions Commissioner for the month of September, 1948.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7916; Filed, Sept. 2, 1948; 8:48 a. m.]

[Docket Nos. 7748, 8400]

WDZ BROADCASTING CO. AND DROVERS JOURNAL PUBLISHING CO. (WAAF)

NOTICE OF ORAL ARGUMENT

Beginning at ten o'clock a. m., on Monday, October 4, 1948, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

ARGUMENT NO. 1

Docket No. 7748. B4-P-4671.	WDZ Broadcasting Co. (WDZ), Decatur, Ill.	For construction permit to change transmitter and studio locations.

ARGUMENT NO. 2

Docket No. 8400. B4-P-4796.	Drovers Journal Publishing Co. (WAAF), Chicago, Ill.	For construction permit to change hours and power from daytime to unlimited and 1 kw. to 5 kw. operating on 950 kc.

Dated: August 19, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7917; Filed, Sept. 2, 1948; 8:48 a. m.]

[Docket Nos. 7950, 7951, 8114]

RADIO ENTERPRISES, INC. (KELD), ET AL.

ORDER REOPENING HEARING ON STATED ISSUES

In re applications of Radio Enterprises, Inc. (KELD), El Dorado, Arkansas, Docket No. 8114, File No. BP-5644; James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company (KGKB), Tyler, Texas, Docket No. 7950, File No. BP-4769; Hugh J. Powell (KGGF), Coffeyville, Kansas, Docket No. 7951, File No. BMP-2021; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of August 1948;

The Commission having under consideration the petition of Radio Enterprises, Inc. (KELD), an applicant in the above-entitled proceedings, requesting that the record in the said proceedings be reopened to permit it to show the non-availability of the transmitter site suggested for it at the said hearing by James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company (KGKB); an opposition thereto filed by James G. Ulmer, et al., and the respondent's reply; and

It appearing, that the above-entitled applications were heard in a consolidated proceeding and the issues in this hearing permitted the licensee of KGKB to introduce in evidence suggested directional antenna designs other than those specified in the above-entitled applications of KGKB and KELD; that the licensee of KGKB suggested a transmitter site for the alternate directional antenna design for KELD and obtained an option to lease the said property; and

It further appearing, that since the close of the record in the above-entitled proceeding power lines have been placed over the said suggested transmitter site; that the presence of these power lines precludes the use of this property by KELD and may also render unusable for a directional operation the transmitter site specified by KELD in its above-entitled application; and that, therefore, on the basis of the present record, a proper determination of the issues in this case cannot now be made; and

It further appearing, that information has come to the Commission's attention which indicates that the daytime interference problems in these proceedings may be more serious than that reflected by the present record; and that it would serve the public interest to hold a further hearing for the purpose of taking additional testimony on the question of the said daytime interference problems; and

It further appearing, that since the close of the record in these proceedings the Commission, on October 14, 1947, granted the application (File No. BAL-612) of Hugh J. Powell for the assignment of license of Station KGGF to The Midwest Broadcasting Company, Inc. and that the said Hugh J. Powell is not associated with the new licensee of the said station;

It is ordered, That the said petition of Radio Enterprises, Inc. be, and it is hereby, granted and the record in the above-entitled proceeding be, and it is hereby, reopened for further hearing to be held at a time and place to be determined by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, The Midwest Broadcasting Company, Inc., its officers, directors and stockholders to construct and operate station KGGF as proposed.

2. To determine whether the operation of Stations KGGF and KELD as proposed would involve objectionable interference daytime with the operation of Station KGKB as proposed in its above-entitled application and as suggested at the hearing and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the transmitter sites of the proposed and suggested operation of Station KELD would comply with the Commission's Standards of Good Engineering Practice.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7924; Filed, Sept. 2, 1948; 8:50 a. m.]

[Docket Nos. 8813-8817, 8824, 9003, 9146]

BALBOA RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Balboa Radio Corporation, San Diego, California, Docket No. 8813, File No. BPCT-197; McKinnon Publications, Inc., San Diego, California, Docket No. 8814, File No. BPCT-298; Airfan Radio Corporation, Ltd., San Diego, California, Docket No. 8815, File No. BPCT-313; Leon N. Papernow, William F. Eddy, Richard T. Clarke, Russell R. Rogers, and Charles A. Muehling, d/b as Television Broadcasting Company, San Diego, California, Docket No. 8816, File No. BPCT-314; San Diego Broadcasting Company, San Diego, California, Docket No. 8817, File No. BPCT-318; Video Broadcasting Company (a co-partnership consisting of John A. Masterson, Harold M. Holden, John W. Nelson, John F. Reddy, Lester C. Bacon, W. F. Laughlin, Charles Wesley Turner, J. B. Moser, I. D. Ditmars, Charles B. Brown and H. E. Moser), San Diego, California, Docket No. 8824, File No. BPCT-341; Leland Holzer, San Diego, California, Docket No. 9003, File No. BPCT-480; Charles E. Salik, San Diego, California, Docket No. 9146, File No. BPCT-555; for TV construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of August 1948;

The Commission having under consideration the above-entitled application of Charles E. Salik (File No. BPCT-555) requesting a construction permit for a new TV broadcast station to operate unlimited time on a television channel allocated to the San Diego metropolitan district under § 3.606 of the Commission's rules and regulations; and

It appearing, that on February 26, June 8 and June 16, 1948, the Commission designated the pending applications for television stations at San Diego, California, for hearing in a consolidated proceeding because said applications exceeded in number the television channels allocated to the Sa Diego metropolitan district;

It is ordered, That pursuant to section 309 (a) of the Communications Act, as amended, the above-entitled application of Charles E. Salik (File No. BPCT-555) be, and it is hereby, designated for hearing in a consolidated proceeding with the other pending applications for TV stations at San Diego, California, i. e., File Nos. BPCT-197, BPCT-298, BPCT-313, BPCT-314, BPCT-318, BPCT-341, and BPCT-480, scheduled to begin on September 7, 1948, at San Diego, California, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for television broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules governing television broadcast stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7918; Filed, Sept. 2, 1948; 8:49 a. m.]

KKIN, INC.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on August 10, 1948 there was filed with it an application (BTC-671) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of KKIN, Inc., licensee of station KKIN, from D. O. Kinnie to Lyman Treaster and Albert F. Blain, a partnership. The proposal to transfer control arises out of a contract of July 30, 1948 pursuant to which D. O. Kinnie has agreed to sell 408 shares or 51% of the outstanding stock of the licensee to the partnership of Lyman Treaster and Albert F. Blain for $25,000 of which $15,000 has been deposited in escrow and $10,000 is due within 10 days of Commission consent to the transfer. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 24, 1948 that starting on August 12, 1948 notice of the filing of the application would be inserted in The Visalia Times-Delta, a newspaper of general circulation at Visala, California, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from August 12, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7920; Filed, Sept. 2, 1948; 8:49 a. m.]

WYANDOTTE NEWS CO.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on June 2, 1948 there was filed with it an application (BTC-653) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Wyandotte News Company, licensee of FM station WJJW, from C. Lee Edwards to Strauss Gantz. The proposal to transfer control arises out of a contract of February 25, 1948 pursuant to which C. Lee Edwards proposes to sell to Strauss Gantz 6,360 shares of $10 par value voting common stock of Wyandotte News Company (66.05% of total stock outstanding) for a total purchase price of $92,220. The sum of $500 has been deposited, $12,006 will be paid on Commission consent to the transfer, seven payments of $10,000 each will be made annually thereafter, and the final payment of $10,214 is due eight years after Commission consent. Of the total purchase price of $92,220 for the 66.05% stock interest, the radio properties and radio investments of Wyandotte News Compahy have been segregated from the non-radio properties and have been assigned the value of $43,840. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321, which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 20, 1948 that starting on August 4, 1948 notice of the filing of the application would be inserted in The Detroit Free Press, a newspaper of general circulation at Detroit, Michigan, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from August 4, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7921; Filed, Sept. 2, 1948; 8:49 a. m.]

WHBO

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on August 5, 1948, there was filed with it an application (BAL-765) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WHBO, Sulphur Springs, Florida, from Harold A. Dunlap and James D. Sinyard, d/b as Sulphur Springs Broadcasters, to Harold A. Dunlap and Harry J. Dunlap, d/b as Sulphur Springs Broadcasters. The proposal to assign the license arises out of a contract of June 7, 1948 pursuant to which James D. Sinyard will sell his 50% partnership interest to Harry J. Dunlap for the sum of $25,000, $2,500 of which has been paid as a binder, and the balance, payable in cash and certain credits, is due upon Commission consent to the proposed assignment of license. Further information as to the arrangements may be found with the application and associated papers

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 20, 1948 that starting on August 5, 1948 notice of the filing of the application would be inserted in The Tampa Daily Times, a newspaper of general circulation at Tampa, Florida, in conformity with the above section.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from August 5, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7922; Filed, Sept. 2, 1948; 8:49 a. m.]

WHKP

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENTS OF LICENSE [1]

The Commission hereby gives notice that on July 20, 1948 there was filed with it an application (BAL-767) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WHKP from Monroe M. Redden and W. A. Egerton, d/b as Redege Broadcasting Company, to Radio Hendersonville, Inc. The proposal to assign the license arises out of a series of agreements pursuant to which Radio Hendersonville, Inc. and its stockholders will pay or have paid Monroe M. Redden, W. A. Egerton, L. B. Prince and R. L. Whitmire the total sum of $18,825 and have assumed or underwritten obligations of the station in the approximate amount of $21,000. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant that starting on July 22, 1948 notice of the filing of the application would be inserted in The Hendersonville Times News, a newspaper of general circulation at Hendersonville, North Carolina, in conformity with the above section.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from July 22, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7923; Filed, Sept. 2, 1948; 8:50 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

CHECK LIST OF RULES AND REGULATIONS AS OF AUGUST 9, 1948

AUGUST 10, 1948.

Listed below is identification of the composition of the rules and regulations of the Federal Communications Commission to provide a means for individuals possessing books of the Commission's rules and regulations to check for the completeness thereof. This list brings the rules up to date as of August 9, 1948. All rules and regulations here listed are on sale at the Office of the Superintendent of Documents, Washington, D. C., with the exception of those parts opposite which there is a asterisk. Copies of those parts opposite which there is an asterik may be obtained from the Federal Communications Commission on request. Amendments to all parts of the rules and regulations here listed may be secured from the Federal Communications Commission on request. (Note that all persons who obtain parts of these rules and regulations from the FCC, or who purchase those parts on sale at the Office of the Superintendent of Documents, who desire amendments to these parts, must fill out and return to the Commission one copy of #86780 (distributed with each part of the rules and regulations) for each part concerning which they desire to receive amendments.)

Part No.	Edition	Amendments outstanding to this edition
1	Edition revised to Feb. 20, 1947	Nos. 1-1 through 1-37 (note that 1-11 is superseded by 1-14).
2	Edition revised to June 1, 1946	Nos. 2-1 through 2-3.
3	Edition revised to Jan. 16, 1948	Nos. 3-1 through 3-8 (note that 3-3 has expired by its own terms).
*4	Edition effective Sept. 10, 1946 (mimeograph No. 97640).	Nos. 338 and 360.
5	Edition revised to Jan. 16, 1948	Nos. 5-1 and 5-2.
6	Edition revised to Feb. 18, 1947	Nos. 6-1 and 6-2.
*7	Edition revised to Apr. 5, 1941	Nos. 77, 90, 116, 127, 198, 233, 279, 316, 340.
	or	
	Edition revised to Sept. 30, 1945	Nos. 316 and 340.
8	Edition revised to May 31, 1943	Correction sheet No. 12 and Nos. 184, 222, 231, 234, 247, 248, 252, 268, 280, 308, 317, 322, 343, 356, 358, 362, 369, 371, 377, 381, 384.
9	Edition revised to July 1, 1947	Nos. 9-2 through 9-5.
*10	Edition revised to Feb. 6, 1946	Nos. 309, 341, 347, 378.
	or	
	Edition revised to Oct. 16, 1944	Nos. 273, 290, 309, 341, 347, 378.
11	Edition effective Jan. 1, 1939	Nos. 128, 201, 291, 342, 348, 350, 379.
12	Edition revised to May 9, 1946	Nos. 12-3, 12-9, 12-13, 12-16, 12-17, 12-18, 12-19, 12-20 12-21, 12-22, 12-23, 12-24, 12-25 (Nos. 12-1, 12-2, 12-4, 12-5, 12-6, 12-7, 12-8, 12-10, 12-11, 12-12, 12-14, 12-15 superseded).
13	Edition revised to Jan. 30, 1948	Nos. 13-2 through 13-5.
14	Revised to Apr. 2, 1942	Nos. 332, 380, 382.
	or	
	Effective Dec. 5, 1938	Nos. 116, 332, 380, 382.
15	Recodified July 21, 1948 (set forth as Amendment 15-1).	No. 15-1.
16	Revised to Sept. 1, 1947	Nos. 16-4, 16-5.
*17	Effective Sept. 12, 1946 (mimeograph No. 97733).	Nos. 17-1 through 17-6 (note that 17-2 is superseded by 17-4).
18	Revised to Apr. 30, 1948	No. 18-5.
*19	Effective Dec. 1, 1947 (mimeograph No. 12099).	No amendments outstanding.
31-32	Revised to Aug. 1, 1946 (note: includes "Standard Practices" and "Telephone Accounting Bulletin No. 1" as appendices).	Nos. 31-1, 31-2, 32-1.
33	Effective Jan. 1, 1939	Nos. 130, 217, 238, 353.
34	Effective Jan. 1, 1940	Nos. 218, 299, and 318.
35	Revised to Aug. 1, 1947	No amendments outstanding.
41	Revised to Dec. 4, 1947	Do.
42	Revised to May 27, 1943	Nos. 257 and 302.
*43	Entire part as revised to July 21, 1948, set forth in Amendment 387.	No. 387.
51	Effective July 25, 1944	No amendments outstanding.
52	Effective July 11, 1944	Do.
61	Revised to Aug. 1, 1946	Do.
62	Revised to May 23, 1944	Do.
*63	Revised to Dec. 30, 1946	No. 63-1.
*64	Revised to Sept. 19, 1946 (No. 96866)	Nos. 64-1 and 64-2.
*65	Effective July 5, 1944	No. 277.
	or	
	Revised to Sept. 4, 1945	No amendments outstanding.
Standards of Good Engineering Practice—Standard Broadcast, edition revised to Oct. 30, 1947.		Nos. SGEP-AM-1, SGEP-AM-2.
Standards of Good Engineering Practice—FM, edition revised to Jan. 9, 1946.		Nos. 307, 336, 363, 364, 367, 385.
Standards of Good Engineering Practice—Television, edition effective Dec. 19, 1945.		No amendments outstanding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7915; Filed, Sept. 2, 1948; 9:18 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1041, G-1046, G-1049, G-1050, G-1101, G-1107, G-1108]

COUNCIL BLUFFS GAS CO. ET AL.

ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

AUGUST 25, 1948.

Council Bluffs Gas Company, Docket No. G-1107; Central Electric & Gas Company, Docket No. G-1041; Minnesota Valley Natural Gas Company, Docket No. G-1046; Minneapolis Gas Light Company, Docket No. G-1049; Hastings Gas Company, Docket No. G-1050; Iowa-Illinois Gas and Electric Company, v. Northern Natural Gas Company, Docket No. G-1101.

In the matter of Northern Natural Gas Company, Docket No. G-1108.

It appears to the Commission that:

(a) Northern Natural Gas Company ("Northern"), a "natural-gas company" within the meaning of the Natural Gas Act, on March 3, 1948, transmitted to each of the gas distribution companies served from its pipe-line system a proposed plan for allocating additional capacity which would become available by reason of the construction and operation of new facilities. Northern, at the time, proposed to increase the capacity from 390,000 Mcf to 420,000 Mcf per day. The proposed plan of allocation, allegedly in accordance with the provisions of Paragraph (12-D) [1] of Rate Schedule G-1 of Northern's FPC Gas Schedules Volume No. 2, was to be utilized in establishing the Contract Demand of each customer commencing November 1948.

(b) Subsequently, complaints were filed with the Commission by Council Bluffs Gas Company on April 26, 1948, Docket No. G-1107 (formerly designated IN-589); Central Electric & Gas Company, on April 27, 1943, Docket No. G-1041; Minnesota Valley Natural Gas Company, on May 3, 1948, Docket No. G-1046; and Hastings Gas Company, on May 17, 1948, Docket No. G-1050, alleging, among other things and for the reasons stated in such complaints, that the proposed method of allocation set forth in Northern's letter of March 3, 1948, was unfair, discriminatory and inequitable.

(c) On May 17, 1948, Minneapolis Gas Light Company, Docket No. G-1049, filed with the Commission a complaint alleging that Northern's contemplated retention of certain volumes of natural gas as a "cushion" under its proposed method of allocation was unreasonable and unnecessary. Thereafter, however, Minneapolis Gas Light Company, by letter of June 16, 1948, advised the Commission that it had received from Northern a letter dated June 9, 1948, proposing a "new method of allocation" applicable to the increase in capacity from 390,000 Mcf to 425,000 Mcf per day,[2] and Minneapolis Gas Light Company suggested that its "complaint be held in abeyance pending final disposition of the matter." To date, however, Minneapolis Gas Light Company has taken no action to withdraw its complaint.

(d) On June 21, 1948, Northern filed with the Commission its several answers to the complaints in Docket Nos. G-1107, G-1041, G-1046, G-1049 and G-1050 with Exhibit A thereto. Exhibit A, made a part of Northern's answer, is a letter dated June 9, 1948, with nine pages of tabulation and information attached thereto, and is stated in Northern's answer to be "a proposed method of apportionment of limited increases in Contract Demands under said paragraph (12-d) of its Schedules, which method is an alternative to that proposed in said letter of March 3, 1948" which proposal of March 3, 1948, had been the subject of the complaints thereafter filed.

(e) After the revised proposed method of allocation had been transmitted to each of Northern's customers on June 18, 1948, protests against such revised plan were received from Central Electric & Gas Company, Minnesota Valley Natural Gas Company (IN-606) and Hastings Gas Company; and a supplemental complaint was filed by Central Electric & Gas Company on August 11, 1948, in Docket No. G-1041 and an original complaint was filed by Iowa-Illinois Gas and Electric Company on August 16, 1948, Docket No. G-1101 concerning the revised proposed method of allocation. Answers to such supplemental complaint and original complaint have not as yet been filed by Northern.[3]

(f) On July 15, 1948, Northern forwarded to each of its customer companies new town border contracts embodying Contract Demands as set forth in the revised proposed method of allocation as contained in Exhibit A (letter of June 9, 1948, and attachments thereto) to its several answers, hereinbefore referred to, filed with the Commission on June 21, 1948.

(g) By letter of August 13, 1948, Northern advised the Commission that as of the date of its letter that it had received executed copies of the new town border contracts from the following of its customer companies:

Central States Electric Company.
Interstate Power Company.
Iowa Electric Company.
Iowa Electric Light & Power Company.
Iowa Public Service Company.
Kansas Power & Light Company.
Minneapolis Gas Light Company.
Metropolitan Utilities District.
Nebraska Public Service Company.
Northern States Power Company.
Northwestern Light & Power Company.
Owatonna Municipal Utilities.
Pender, Nebraska (Village of).
Peoples Natural Gas Company.
Sioux City Gas & Electric Company.
South Dakota Public Service Company.
Yankton Gas Company.

And, as of the same date, the following customer companies had not returned the new town border contracts:

Austin Municipal Utilities.
Central Electric & Gas Company.
Central Natural Gas Company.
Council Bluffs Gas Company.
Elkhorn Valley Gas Company.
Hastings Gas Company.
Iowa-Illinois Gas & Electric Company.
Iowa Power & Light Company.
Minnesota Natural Gas Company.
Minnesota Valley Natural Gas Company.
Nebraska Natural Gas Company.
New Ulm Municipal Utilities.
Peoples Gas & Electric Company.
Perry Gas Company.
Western States Utilities Company.

Wherefore, in view of the foregoing, the Commission finds that: It is appropriate and desirable that a hearing be held:

(1) With respect to the issues raised by the several complaints and answers thereto in the above-docketed matters; and

(2) For the purpose of determining:

(i) Whether either of the methods of allocating additional increased capacity as proposed by Northern in its letters of March 3, 1948 and June 18, 1948, to its customer companies, is in accordance with the provisions of paragraph (12-d) of Rate Schedule G-1 of Northern's FPC Gas Schedules Volume 2.

(ii) Whether the new town border contracts proposed by Northern affecting a rate schedule on file with the Commission are unjust, unreasonable, unduly discriminatory, or preferential;

(iii) Whether the Commission should, in lieu of such new town border contracts, prescribe other terms and conditions respecting the apportionment of limited increases in Contract Demands; and

(iv) Whether the provisions of paragraph (12-d) of Rate Schedule G-1 of Northern's FPC Gas Schedules Volume 2, (and any other provisions of such schedules affected thereby) should be modified so as to embody specific terms and conditions with respect to the apportionment of limited increases in Contract Demand.

The Commission orders that:

(A) A public hearing be held commencing on September 28, 1948, at 10:00 a. m. in Omaha, Nebraska, at a place to be hereafter designated by further order of the Commission.

(B) Any person, other than the Complainants and Defendant, desiring to participate in such proceedings shall file with the Commission a petition for intervention on or before September 10, 1948.

(C) Any person desiring to submit any suggested revision of Northern's proposed methods of apportionment of lim-

[1] Paragraph (12-4) of Rate Schedule G-1 of Northern's FPC Gas Schedules Volume No. 2 provides as follows:

"Apportionment of Limited Increases in Contract Demand: Whenever the total requests of all Gas Utilities for increased Contract Demands exceed the pipe line capacity or gas supply Northern considers can be made available, the additional capacity will be apportioned among all Gas Utilities on an equitable basis. Such limited allocation shall give precedence to the requirements of the Gas Utility for residential and small volume commercial and industrial consumers."

[2] On April 21, 1948, the Commission issued an order in Docket No. G-998 authorizing the installation of facilities designed to increase the capacity of Northern's system from 390,000 Mcf to 420,000 Mcf per day; and on July 14, 1948, in Docket No. G-1034, an order was issued authorizing changes in Northern's facilities designed to increase capacity of the system to 425,000 Mcf per day.

[3] Northern's answer to the supplemental complaint of Central Electric & Gas Company, Docket No. G-1041, is to be filed on or before September 1, 1948; and the answer to the original complaint of Iowa-Illinois Gas and Electric Company, Docket No. G-1101, is to be filed on or before September 3, 1948.

ited increases in contract demand as embodied in Northern's letters and attachments thereto of March 3, and June 18, 1948, shall file such suggested revision and data in support thereof with the Commission on or before September 10, 1948.

(D) Interested State commissions may participate in the proceedings in accordance with §§ 1.8 and 1.37 of the rules of practice and procedure.

Date of issuance: August 31, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 48-7698; Filed, Sept. 2, 1948; 8:58 a. m.]

[Docket Nos. G-1051, 1079]

EL PASO NATURAL GAS CO. ET AL.

ORDER FIXING DATE FOR ORAL ARGUMENT

AUGUST 27, 1948.

In the matters of El Paso Natural Gas Company and Southern California Gas Company, Docket No. G-1051; Southern Counties Gas Company of California, Docket No. G-1079.

It appearing to the Commission that: Counsel for the parties and staff counsel having concurred in the request for waiver of the intermediate decision procedure in the above-docketed proceedings in accordance with § 1.30 (c) of the Commission's rules of practice and procedure, and having requested the opportunity for presenting oral argument before the Commission and for filing proposed findings and conclusions with supporting reasons therefor;

The Commission orders that: Proposed findings and conclusions with supporting reasons therefor be filed on or before the date herein fixed for oral argument, and oral argument be had before the Commission on September 1, 1948, at 10:00 a. m. (e. d. s. t.) in Conference Room C of the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N. W., Washington, D. C.

Date of issuance: August 30, 1948.

By the Commission.

[SEAL] J. H. GUTHRIE, *Acting Secretary.*

[F. R. Doc. 48-7886; Filed, Sept. 2, 1948; 9:02 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1912]

IOWA POWER AND LIGHT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of August A. D. 1948.

Iowa Power and Light Company ("Iowa"), a public utility subsidiary of Continental Gas & Electric Corporation, a registered holding company subsidiary of The United Light and Railways Company, having filed an application, pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, with respect to the following transactions:

Iowa proposes to purchase from available treasury cash certain assets of Central States Electric Company ("Central States"), a non-affiliate, located in Marion, Monroe and Mahaska Counties in the State of Iowa, for a consideration of $102,500 cash. The assets to be acquired consist of electric transmission lines and urban and rural distribution facilities, together with the appurtenant real property, franchises, leaseholds and contract rights. The application states that the facilities to be acquired are some distance from and not interconnected with the other facilities of Central States and are substantially surrounded by and are contiguous to the service area of Iowa. It is further stated that, upon the completion, on or about October 15, 1948, of a four-mile transmission line now under construction, the assets to be acquired will integrate and be physically interconnected with the facilities of Iowa. It is also stated that Iowa and Central States, under date of June 30, 1948, entered into a contract for the sale and purchase of the facilities and that since July 1, 1948 Iowa has been in possession of and operating such facilities; and

Said application having been filed on August 2, 1948, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The application having represented that no regulatory authority other than this Commission has jurisdiction over the proposed acquisition and sale of assets; and

Applicant having requested that the Commission enter its order granting said application on or before August 30, 1948, and that said order become effective upon its issuance; and

The Commission finding that the proposed acquisition of utility assets will have the tendency required by section 10 (c) (2) of the act, and that the requirements of the other applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and observing no basis for adverse findings thereunder; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application and the request for acceleration of the effectiveness of the Commission's order be granted without prejudice, however, to the jurisdiction of any other regulatory agency with respect to the accounts of Iowa, and subject to the jurisdiction heretofore reserved by order entered August 5, 1941, with respect to what action The United Light and Railways Company, Continental Gas & Electric Corporation and their subsidiaries shall take to comply with the standards of sections 11 (b) (1) and 11 (b) (2) of the act;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application be, and hereby is, granted and become effective forthwith, upon the condition that the utility assets to be acquired may be retained by Iowa only if they are interconnected with the electric utility system of Iowa not later than October 15, 1948, and subject to the jurisdiction reserved in the Commission's order of August 5, 1941 with respect to what action The United Light and Railways Company, Continental Gas & Electric Corporation and their subsidiaries shall take to comply with the standards of sections 11 (b) (1) and 11 (b) (2) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7887; Filed, Sept. 2, 1948; 9:02 a. m.]

[File No. 70-1932]

UNITED PUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of August A. D. 1948.

Notice is hereby given that United Public Service Corporation ("United"), a registered holding company and a subsidiary of The Middle West Corporation, also a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). The application-declaration designates section 12 (c) of the act and Rule U-46 of the General rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 9, 1948, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held with respect to said application-declaration, stating the nature of his interest, the reason for such request and the issues of fact or law raised by the application which he desires to controvert, or may request in writing that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C. At any time after September 9, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration on file in the office of the Commission for a statement of the proposed transactions, which may be summarized as follows:

United proposes to make two cash distributions to the holders of its capital stock as part of the process of its complete liquidation from funds to be received from cash liquidating dividends to be paid by United Public Utilities Corporation ("UPU"). The Commission has approved proposals by UPU providing, among other things, for cash distributions of $5 and $4 per share to the holders of the common stock of UPU. When the $5 per share distribution by UPU is consummated, United, the holder of 148,055 shares (39.98%) of the common stock of UPU, will receive cash in the amount of $740,275. Thereupon, United proposes to distribute in cash $2.42 per share or an aggregate of $740,501 to the holders of its outstanding capital stock. When the $4 per share distribution by UPU is made, United will receive cash in the amount of $592,220. Upon receipt of such cash, United proposes to make an additional cash distribution of $1.93 per share or an aggregate of $590,564 to the holders of its outstanding capital stock.

The application-declaration states that the proposed distributions are subject to the action of the stockholders of United authorizing the dissolution of the corporation. The application-declaration further states that the only remaining asset of United, other than cash, is its investment in the common stock of UPU and that the amounts to be received by United as cash dividends on its holdings of the common stock of UPU are not required for the conduct of United's business.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7889; Filed, Sept. 2, 1948; 9:02 a. m.]

[File No. 70-1933]

MADISON GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of August A. D. 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Madison Gas and Electric Company ("Madison"), a public utility subsidiary of American Light & Traction Company ("American Light"), a registered holding company. Applicant designates section 6 (b) of the act and Rule U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 9, 1948 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said application stating the nature of his interest, the reasons for such request and the issues of fact and law raised by said application which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

At any time after September 9, 1948, said application may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Madison proposes to enter into a Credit Agreement, which will expire eighteen months from date of execution, with Harris Trust and Savings Bank, Chicago, Illinois, and First Wisconsin National Bank of Milwaukee, Wisconsin ("the Banks"). The Credit Agreement will commit the Banks to advance to Madison a maximum of $2,000,000 at an interest rate of 2¼% per annum. All notes issued by Madison will mature eighteen months from the date of execution of the Credit Agreement. The Credit Agreement provides that a quarterly commitment fee of one-half of one per cent per annum, based upon the average daily unused balance of the commitment computed for the preceding quarter period, will be paid to the Banks. Madison will have the right to reduce the commitment of the Banks at any time with a proportionate reduction of the commitment fee, and may prepay the notes at any time without penalty.

The application states that Madison requires funds to finance the construction of additional facilities urgently needed in the operation of its business. It is also stated that the $2,000,000 to be borrowed under the proposed Credit Agreement should enable Madison to finance its construction program until the fall of 1949. In the interim Madison expects to conclude a permanent financing program which will involve the repayment of its bank borrowings and the raising of such additional funds as may be appropriate to complete its construction program through 1950.

It is stated that the Public Service Commission of Wisconsin has jurisdiction over the proposed transactions and that an application was filed with that Commission on August 20, 1948.

Applicant requests that the Commission's order with respect to the proposed transactions become effective immediately upon issuance thereof and that such order issue not later than September 14, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7888; Filed, Sept. 2, 1948; 9:02 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11507]

CARL RUHSTRAT

In re: Trust under will of Carl Ruhstrat, deceased. File No. D-28-8095-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Ruhstrat, Lina Ruhstrat, Elisabeth Bottcher, Eva Bottcher, Inge Bottcher, Ina Matthiessen, Heinz Matthiessen, Kurt Matthiessen, Maria Hanssen, Adolf Ernst Hanssen, Ramon Hanssen, Elisabeth Boedeker, Emmi Boedecker, Erna Hofmann, Ehrengard Hofmann Hensel, Sigrid Hofmann, Jurgen Hofmann, Hanna Horschik, Hanna Horschik, Josef Horschik, Walter Horschik, Konrad Horschik, August Ruhstrat, Hedwig Ruhstrat, and Annamarei Ruhstrat, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs at law, next of kin, legatees and distributees, names unknown, of Emma Ruhstrat; the heirs at law, next of kin, legatees and distributees, names unknown, of Lina Ruhstrat; the heirs at law, next of kin, legatees and distributees, names unknown, of Elisabeth Boedeker; and the heirs at law, next of kin, legatees and distributees, names unknown, of Emmi Boedeker, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under paragraph Fourth of the will of Carl Ruhstrat, deceased, and presently being administered by the Safe Deposit and Trust Company of Baltimore, Baltimore, Maryland as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the heirs at law, next of kin, legatees and distributees, names unknown, of Emma Ruhstrat; the heirs of law, next of kin, legatees and distributees, names unknown, of Lina Ruhstrat; the heirs at law, next of kin, legatees and distributees, names unknown, of Elisabeth Boedeker; and the heirs at law, next of kin, legatees and distributees, names known, of Emmi Boedeker are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7925; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 11513]

GEORGE SEYBERTH

In re: Trust u/w of George Seyberth, deceased. File D-28-11473; E. T. Sec. 15,700.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Brechtel, John Keilholz and Ferdinand Lohr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Trust u/w of George Seyberth, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Mrs. Louise Seyberth and Miss Emma Seyberth, as trustees, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Eau Claire;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7926; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 11516]

HEDWIG E. TROX

In re: Estate of Hedwig E. Trox, deceased. File No. D-28-3529; E. T. sec. 5654.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Emilie Kuhner, Wilhelm Gerbig, Ludwig Gerbig, Albert Gerbig, Ida Abschutz, Else Pfestorf, Alfred Gerbig, Rudi Gerbig, Renate Gerbig, Kurt Gerbig, Heinz Jurgens, Christa Gerbig, Wilhelm Gerbig, Franz Gerbig, Fritz Gerbig, Jenny Saft, Helene Jacobs, Frieda Sonnekalb, Franz Gerbig, Robert Hoffman, Ernest Hoffman, Friedrick Trox, Karl Trox, Johanna Kotzick, a/k/a Johanna Kosick, Herman Strunk, Karl Strunk, Hedwig Schultz, August Lohr, and Hermine Weber, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Emil Gerbig, deceased, of Alfred Gerbig, of Kurt Gerbig, of Robert Gerbig, and of Albert Gerbig, deceased, and each of them, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Hedwig E. Trox, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Victor J. Kehrer, Executor, acting under the judicial supervision of the Probate Court of Belmont County, Ohio;

and it is hereby determined:

5. That to the extent that the persons named in sub-paragraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Emil Gerbig, deceased, of Alfred Gerbig, of Kurt Gerbig, of Robert Gerbig, and of Albert Gerbig, deceased, and each of them, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7927; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 11586]

BERTHA SCHULENBERG

In re: Estate of Bertha Schulenberg, deceased. File D-28-12341. E. T. 16554.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Schnoor, Martin Schnoor, and Meta Telle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Bertha Schulenberg, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Gottfried Schnoor, R. R. #1, Mason City, Illinois, Administrator, acting under the judicial supervision of the County Court, Mason County, Havana, Illinois,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7928; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 11803]

TOBIS FILMKUNST, G. M. B. H. ET AL.

In re: Motion picture film and copyright interests therein owned by Tobis Filmkunst G. m. b. H. and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) whose names and last known addresses are set forth in Column 3 of Exhibit A attached hereto and made a part hereof, are residents of, or are organized under the laws of, or have their principal places of business in, Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 3 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such designated enemy countries, in, to and under the following:

a. The motion picture films whose titles are set forth in Column 2 of said Exhibit A,

b. The copyrights, if any, described in said Exhibit A,

c. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization, adaptation, version and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

d. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

e. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

f. All rights of renewal, reversion or revesting, if any, in the foregoing, and

g. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany) and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests therein held by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Title of works	Column 3 Names and last known addresses of owners
Unknown	Das Bad auf der Tenne	Tobis Filmkunst G. m. b. H., Berlin, Germany (nationality, (German).
Do	Der Ball	Vandal and Charles Delac Tonfilm-Produktions G. m. b. H., Berlin, Germany (nationality, German).
Do	Meiosis	Reichsanstalt für Film und Bild in Wissenschaft und Unterricht, Berlin, Germany (nationality, German) and Mikrolaboratorium der Firma Carl Zeiss, Jena, Germany (nationality, German).

[F. R. Doc. 48-7929; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 11873]

PAUL GERLACH

In re: Stock owned by Paul Gerlach. F-28-26959-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Gerlach, whose last known address is Dotzliemerstr (96) Weisbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Seventy-five (75) shares of no par value Class A common capital stock of Arkansas Natural Gas Corporation, Slattery Bldg., Shreveport, Louisiana, evidenced by a certificate numbered TNY080173, registered in the name of Paul Gerlach, Dotzliemerstr (96) Weisbaden, Germany, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7930; Filed, Sept. 2, 1948; 8:51 a. m.]

REFERENCE

[Vesting Order 10636, Amdt.]

HERMAN H. WILLER

In re: Estate of Herman H. Willer, deceased. File No. D–28–11762; E. T. sec. 15967.

Vesting Order 10636, dated February 5, 1945 is hereby amended as follows and not otherwise:

By deleting subparagraph 4 of said Vesting Order 10636 and substituting therefor the following:

4. That the property described as follows: Lot 1 in George Lovrik's Sub-Division of a Part of the NW¼ of Section 30 in Township 6 South, Range 2 East of the Third P. M. in Franklin County, Illinois, except mineral rights, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

All other provisions of said Vesting Order 10636 and all action taken on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 9, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–7934; Filed, Sept. 2, 1948; 8:52 a. m.]

[Vesting Order 11836]

MATILDA KORN

In re: Estate of Matilda Korn, deceased. File D–28–12382; E. T. sec. 16602.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matilda K. Hermann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Matilda Korn, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Paul Korn of 6499 Pierson Road, Flint, Michigan, as Executor, acting under the judicial supervision of the Probate Court of County of Genesee, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–7931; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 11887]

HEDWIG SUHR ET AL.

In re: Stock owned by Hedwig Suhr, Emma Kempe, Martha Markert and Karl Markert, and the personal representatives, heirs, next of kin, legatees and distributees of Otto Suhr, deceased. F–28–1905–D–1, A–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Suhr, Emma Kempe, Martha Markert and Karl Markert, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Otto Suhr, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows: Three hundred (300) shares of $25.00 par value preferred capital stock of United Shoe Machinery Corporation, 140 Federal Street, Boston, Massachusetts, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbers A7839, A7840 and A7841 for one hundred (100) shares each, registered in the name of Egger & Co., and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hedwig Suhr, Emma Kempe, Martha Markert and Karl Markert, and the personal representatives, heirs, next of kin, legatees and distributees of Otto Suhr, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributes of Otto Suhr, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–7933; Filed, Sept. 2, 1948; 8:52 a. m.]

REFERENCE

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 13 NUMBER 174

Washington, Saturday, September 4, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9995

RESTORING CERTAIN LANDS OF THE SCHOFIELD BARRACKS MILITARY RESERVATION AND THE WHEELER FIELD MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands in Waianae-Uka, District of Waianae and Waikakalaua, District of Ewa, Island of Oahu, Territory of Hawaii, were reserved for military purposes by Executive order of July 20, 1899, as modified by Executive Orders No. 1137 of November 15, 1909, No. 1242 of August 23, 1910, No. 2800 of February 4, 1918, and No. 5771 of January 4, 1932; and

WHEREAS the hereinafter-described parcels of such lands are no longer needed for military purposes, and it is deemed advisable and in the public interest that they be restored to the use of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

The following parcels of land comprising a part of the Schofield Barracks Military Reservation and the Wheeler Field Military Reservation, both located on the Island of Oahu, Territory of Hawaii, are hereby restored to the jurisdiction of the Territory of Hawaii for use for road purposes, subject to the terms and conditions hereinafter stated:

I. Beginning at the northeast corner of this piece of land on the boundary between Schofield Barracks and Wheeler Field Military Reservations, the true azimuth and distance to United States Military Reservation Monument No. 11 being 203°41′ 119.42 feet and the coordinates of said Monument No. 11 referred to Government Survey triangulation station "WAIPIO-UKA" being 13,078.88 feet north and 12,728.54 feet west, thence running by azimuths measured clockwise from true south from the above described initial point:

1. 23°41′ 136.95 feet along Wheeler Field Military Reservation (War Department General Order No. 4 dated August 5, 1939) to United States Military Reservation Monument No. 10;

2. 7°03′06″ 143.29 feet along Wheeler Field Military Reservation (War Department General Order No. 4 dated August 5, 1939);

3. Thence on a curve to the left with a radius of 1058.76 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 30°28′36″ 45.02 feet;

4. 29°15′30″ 359.66 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);

5. Thence along same on a curve to the left with a radius of 84.00 feet the chord azimuth and distance being 344°15′30″ 118.79 feet;

6. 29°15′30″ 100.00 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);

7. Thence along same on a curve to the left with a radius of 80.44 feet the chord azimuth and distance being 77°54′45″ 106.28 feet;

8. Thence on a curve to the left with a radius of 2241.83 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 34°55′34″ 128.26 feet;

9. Thence on a curve to the left with a radius of 1065.37 feet along the northwest side of the present Kunia Road, Project N. R. H. 16–A, (covered by Presidential Executive Order No. 6570 dated January 20, 1934) the chord azimuth and distance being 36°31′19″ 563.12 feet;

10. 200°15′30″ 35.24 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);

11. Thence along same on a curve to the right with a radius of 2341.83 feet, the chord azimuth and distance being 204°11′ 320.60 feet;

12. 208°06′30″ 720.22 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);

13. Thence along same on a curve to the left with a radius of 84.03 feet, the chord azimuth and distance being 163°41′ 117.64 feet;

14. 209°15′30″ 100.00 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);

15. Thence along same on a curve to the left with a radius of 84.02 feet, the chord azimuth and distance being 260°00′30″ 106.32 feet;

16. 220°45′30″ 199.03 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);

17. Thence along same on a curve to the right with a radius of 1195.92 feet the chord azimuth and distance being 223°06′39″ 98.18 feet to the point of beginning and containing an area of 154,870 square feet or 3.555 acres.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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II. Beginning at the east corner of this piece of land on the boundary between Schofield Barracks and Wheeler Field Military Reservations, the true azimuth and distance to United States Military Reservation Monument No. 12 being 265°38'10" 40.48 feet, and the coordinates of said Monument No. 12 referred to Government Survey triangulation station "Waipio-uka" being 13,107.18 feet north and 12,357.67 feet west, thence running by azimuths measured clockwise from true south from the above described initial point:

1. First on a curve to the left with a radius of 1058.76 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4) the chord azimuth and distance being 48°16'41" 604.35 feet;
2. 187°03'06" 143.29 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) to United States Military Reservation Monument No. 10;
3. 233°41' 136.95 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. Thence on a curve to the right with a radius of 1195.92 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4) the chord azimuth and distance being 229°46'38" 179.92 feet;
5. 265°38'10" 241.80 feet along Schofield Barracks Military Reservation, (Presidential Executive Order No. 2800) to the point of beginning and containing an area of 43,898 square feet or 1.008 acre.

III. Beginning at the northeast corner of this piece of land on the boundary between Schofield Barracks and Wheeler Field Military Reservations, the true azimuth and distance to United States Military Reservation Monument No. 13 being 185°50' 16.84 feet and the coordinates of said Monument No. 13 referred to Government Survey triangulation station "Waipio-uka" being 13,262.79 feet north and 12,341.77 feet west, thence running by azimuths measured clockwise from true south from the above described initial point:

1. 5°50' 123.99 feet along Wheeler Field Military Reservation (War Department General Order No. 4);
2. Thence on a curve to the left with a radius of 1058.76 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) the chord azimuth and distance being 66°06'10" 45.89 feet;
3. 85°38'10" 241.80 feet along Wheeler Field Military Reservation (War Department General Order No. 4);
4. Thence on a curve to the right with a radius of 1195.92 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) the chord azimuth and distance being 239°53'44" 241.90 feet;
5. 245°42' 94.79 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) to the point of beginning and containing an area of 21,220 square feet or 0.487 acre.

IV. Beginning at the northwest corner of this piece of land on the boundary between Schofield Barracks and Wheeler Field Military Reservations, the true azimuth and distance to United States Military Reservation Monument No. 13 being 185°50' 16.84 feet and the coordinates of said Monument No. 13 referred to Government Survey triangulation station "Waipio-uka" being 13,262.79 feet north and 12,341.77 feet west, thence running by azimuth measured clockwise from true south from the above described initial point:

1. 245°42' 35.77 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4);
2. 273°45'40" 274.08 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) to United States Military Reservation Monument No. 14;

3. 249°59' 350.75 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) to United States Military Reservation Monument No. 15;
4. 69°45' 646.88 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4);
5. Thence along same on a curve to the left with a radius of 1058.76 feet the chord azimuth and distance being 68°32'50" 44.45 feet;
6. 185°50' 123.99 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) to the point of beginning and containing an area of 21,553 square feet or 0.495 acre.

V. Beginning at United States Military Reservation Monument No. 95–20 at the east corner of this piece of land, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 14,275.65 feet north and 10,604.58 feet west, thence running by azimuths measured clockwise from true south:

1. 39°36' 486.43 feet along Wheeler Field Military Reservation (War Department General Order No. 4);
2. Thence on a curve to the left with a radius of 2260.86 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) the chord azimuth and distance being 45°59' 35.51 feet;
3. 45°32' 223.29 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. Thence along same on a curve to the right with a radius of 1412.79 feet, the chord azimuth and distance being 50°49'25" 260.52 feet;
5. 129°00'20" 91.14 feet along Wheeler Field Military Reservation (War Department General Order No. 4) to United States Military Reservation Monument No. 18;
6. 84°21'45" 23.72 feet along Wheeler Field Military Reservation (War Department General Order No. 4) to United States Military Reservation Monument No. 17;
7. 39°43'10" 246.25 feet along Wheeler Field Military Reservation (War Department General Order No. 4);
8. Thence on a curve to the right with a radius of 1412.79 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 68°43'45" 50.34 feet;
9. 69°45' 114.71 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) to United States Military Reservation Monument No. 15;
10. 69°59' 350.75 feet along Wheeler Field Military Reservation (War Department General Order No. 4), to United States Military Reservation Monument No. 14;
11. 93°45'40" 274.08 feet along Wheeler Field Military Reservation (War Department General Order No. 4);
12. 245°42' 240.45 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
13. Thence along same on a curve to the left with a radius of 74.96 feet, the chord azimuth and distance being 202°43'30" 102.20 feet;
14. 249°45' 100.00 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
15. Thence along same on a curve to the left with a radius of 77.84 feet, the chord azimuth and distance being 299°47'35" 99.98 feet;
16. Thence on a curve to the left with a radius of 1382.40 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 242°41'05" 815.33 feet;
17. 225°32' 224.94 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
18. Thence along same on a curve to the left with a radius of 1780.73 feet, the chord azimuth and distance being 217°45'38" 481.67 feet;
19. 310°59'43" 115.51 feet along the southwest boundary of the former Lellehua School Lot, to the point of beginning and containing an area of 199,588 square feet or 4.582 acres.

VI. Beginning at United States Military Reservation Monument No. 18 at the most northerly corner of this piece of land, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 13,612.55 feet north and 11,372.32 feet west, thence running by azimuths measured clockwise from true south:

1. 309°00'20" 91.14 feet along Schofield Barracks Military Reservation (Presidental Executive Order No. 2800);
2. Thence on a curve to the right with a radius of 1412.79 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4), the chord azimuth and distance being 61°54'40" 285.41 feet;
3. 219°43'10" 246.25 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), to United States Military Reservation Monument No. 17;
4. 264°21'45" 23.72 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) to the point of beginning and containing an area of 15,408 square feet or 0.354 acre.

VII. Beginning at United States Military Reservation Monument No. 95–20 at the north corner of this piece of land, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 14,275.65 feet north and 10,604.58 feet west, thence running by azimuths measured clockwise from true south:

1. 310°59'43" 64.19 feet along the southwest boundary of the former Lellehua School Lot;
2. Thence on a curve to the left with a radius of 84.00 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4), the chord azimuth and distance being 00°32' 118.79 feet;
3. 45°32' 110.00 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4);
4. Thence along same on a curve to the left with a radius of 84.00 feet, the chord azimuth and distance being 93°46'59" 111.87 feet;
5. Thence on a curve to the left with a radius of 2260.86 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4), the chord azimuth and distance being 49°13'59" 220.86 feet;
6. 219°36' 486.43 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) to the point of beginning and containing an area of 29,376 square feet or 0.674 acre.

VIII. Beginning at United States Military Reservation Monument No. 95–20 on the southwest boundary of this piece of land, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 14,275.65 feet north and 10,604.58 feet west, thence running by azimuths measured clockwise from true south:

1. 130°59'43" 115.51 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
2. Thence on a curve to the left with a radius of 1780.73 feet along the remainder of former Lellehua School Lot, the chord azimuth and distance being 209°03'32" 57.74 feet;
3. 252°50'43" 586.26 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) to the point of beginning and containing an area of 199,588 square feet or 4.582 acres.

IX. Beginning at the northwest corner of this piece of land and on the south side of Wilikina Drive, the true azimuths and distances from United States Military Reservation Monument No. 39 (Kokoloea) on the following traverse being (a) 25°53'42" 5.91 feet, (b) 26°53'08" 55.66 feet, thence running by azimuths measured clockwise from true south:

1. 252°49'26" 712.71 feet along the south side of Wilikina Drive;
2. Thence on a curve to the left with a radius of 1150.00 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 69°28'29" 134.37 feet;
3. 72°50'43" 586.26 feet along the former Lellehua School Lot;
4. Thence on a curve to the left with a radius of 1780.73 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 207°57'20" 10.84 feet to the point of beginning and containing an area of 4,868 square feet or 0.112 acre.

X. Beginning at the northwest corner of this piece of land, on the boundary between the United States Military Reservation of Schofield Barracks and Lot 1–B of Grant 4616 to Mrs. Mary E. Clark and on the present east side of Kamehameha Highway, the true azimuth and distance to United States Military Reservation Monument No. 40 (Paka) being 67°01'58" 46.68 feet and the coordinates of said Monument No. 40 referred to Government Survey triangulation station "Waipio-uka" being 15,738.59 feet north and 6,509.65 feet west, thence running by azimuths measured clockwise from true south from the above described initial point:

1. 247°01'58" 53.32 feet along Lot 1–B of Grant 4616 to Mrs. Mary E. Clark;
2. 1°53'20" 271.10 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
3. 350°13'50" 650.00 feet along same;
4. 357°04'20" 100.72 feet along same;
5. 350°13'50" 825.00 feet along same;
6. 350°50'30" 375.02 feet along same;
7. 350°13'50" 2250.00 feet along same;
8. 344°33' 100.49 feet along same;
9. 350°13'50" 241.64 feet along same;
10. 58°59'04" 21.43 feet along Lot 1–A, Map 11, and Lot 8–A, Map 3 of Land Court Application 1000 to United States Military Reservation Monument No. 79;
11. 171°54' 0.58 feet along the present east side of Kamehameha Highway;
12. 170°13'50" 4712.38 feet along the present east side of Kamehameha Highway;
13. 188°03'30" 94.31 feet along the present east side of Kamehameha Highway to the point of beginning and containing an area of 76,056 square feet or 1.746 acres.

XI. Beginning at the most northerly corner of this piece of land on the present west side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 15,012.97 feet north and 6,449.08 feet west, thence running by azimuths measured clockwise from true south:

1. 350°13'50" 4064.96 feet along the present west side of Kamehameha Highway;

2. 351°54' 343.25 feet along same;
3. 170°13'50" 2940.76 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4);
4. 169°37'10" 375.02 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4);
5. 170°13'50" 585.00 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4);
6. Thence along same on a curve to the left with a radius of 88.00 feet, the chord azimuth and distance being 125°13'50" 124.45 feet;
7. 170°13'50" 84.00 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4);
8. Thence along same on a curve to the left with a radius of 88.00 feet, the chord azimuth and distance being 215°13'50" 124.45 feet;
9. 170°13'50" 247.30 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4);
10. 260°13'50" 14.00 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4) to the point of beginning and containing an area of 58,196 square feet or 1.336 acres.

XII. Beginning at the southeast corner of this piece of land on the present west side of Kamehameha Highway, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 15,012.97 feet north and 6,449.08 feet west, thence running by azimuths measured clockwise from true south:

1. 80°13'50" 14.00 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4);
2. Thence on a curve to the left with a radius of 540.00 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4), the chord azimuth and distance being 124°14'22" 776.77 feet;
3. Again on a curve to the left with a radius of 2788.14 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4), the chord azimuth and distance being 75°32'48.5" 262.83 feet;
4. 72°50'43" 160.25 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4);
5. Thence on a curve to the right with a radius of 100,037.14 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4), the chord azimuth and distance being 73°07'54.5" 1009.54 feet;
6. Thence on a curve to the left with a radius of 99,937.14 feet along the remainder of Wheeler Field Military Reservation (War Department General Order No. 4), the chord azimuth and distance being 73°08'59.45" 936.60 feet;
7. 191°55'13" 32.09 feet along the east boundary of the former Leilehua School Lot;
8. 191°55'13" 9.32 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
9. 252°49'26" 2930.15 feet along the present south side of Wilikina Drive;
10. 8°03'30" 16.73 feet along the present west side of Kamehameha Highway;
11. 350°13'50" 658.80 feet along the present west side of Kamehameha Highway to the point of beginning and containing an area of 227,169 squnre feet or 5.215 acres.

XIII. Begining at the west corner of this piece of land on the north boundary of the former Leilehua School Lot, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 14,654.21 feet north and 9,846.29 feet west, thence running by azimuth measured clockwise from true south:

1. 252°50'43" 509.12 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
2. 11°55'13" 32.09 feet along Wheeler Field Military Reservation (War Department General Order No. 4);
3. Thence on a curve to the left with a radius of 99,937.14 feet along the remainder of the former Leilehua School Lot, the chord azimuth and distance being 72°51'47.95" 62.94 feet;
4. 72°50'43" 19.71 feet along the remainder of the former Leilehua School Lot;
5. Thence along same on a curve to the right with a radius of 3007.74 feet, the chord azimuth and distance being 76°36'52" 395.44 feet;
6. Thence on a curve to the left with a radius of 1150.00 feet along the remainder of the former Leilehua School Lot, the chord azimuth and distance being 79°58'27.5" 16.43 feet to the point of beginning and containing an area of 10,200 square feet or 0.234 acre.

XIV. Beginning at the northeast corner of this piece of land on the present south side of Wilikina Drive, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 14,813.49 feet north and 9,357.98 feet west, thence running by azimuths measured clockwise from true south:

1. 11°55'13" 9.32 feet along Wheeler Field Military Reservation (War Department General Order No. 4);
2. 72°50'43" 509.12 feet along the former Leilehua School Lot;
3. Thence on a curve to the left with a radius of 1150.00 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 76°11'40" 135.22 feet;
4. 252°49'26" 648.66 feet along the present south side of Wilikina Drive to the point of beginning and containing an area of 4,472 square feet or 0.103 acre.

XV. Beginning at the northwest corner of this piece of land on the present north side of Wilikina Drive, the true azimuth and distance to United States Military Reservation Monument No. 39 (Kokoloea) being 205°53'42" 5.91 feet and the coordinates of said Monument No. 39 referred to Government Survey triangulation station "Waipio-uka" being 14,466.43 feet north and 10,630.87 feet west, thence running by azimuths measured clockwise from true south from the above described initial point:

1. 252°49'26" 4271.65 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
2. 8°03'30" 44.22 feet along the present west side of Kamehameha Highway;
3. 72°49'26" 4281.52 feet along Wheeler Field Military Reservation (War Department General Order No. 4);
4. Thence on a curve to the left with a radius of 1780.73 feet across Wilikina Drive, the chord azimuth and distance being 206°53'08" 55.66 feet to the point of beginning and containing an area of 171,233 square feet or 3.931 acre.

XVI. Beginning at the most easterly corner of this piece of land on the boundary between Schofield Barracks Military Reservation and Lot 1–B of Grant 4616 to Mrs. Mary E. Clark and on the present west side of Kamehameha Highway, the true azimuth and distance to United States Military Reservation Monument No. 40 (Paka) being 252°50'43" 44.21 feet and the coordinates of said Monument No. 40 referred to Government Survey triangulation station "Waipio-uka" being 15,738.59 feet north and 6,509.65 feet west, thence running by azimuths measured clockwise from true south from the above described initial point:

1. 8°03'30" 3.01 feet along the present west side of Kamehameha Highway;
2. 72°49'26" 824.43 feet along the present north side of Wilikina Drive;
3. 162°50'43" 3.03 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. 252°50'43" 325.70 feet along Lot 1–B of Grant 4616 to Mrs. Mary E. Clark to the point of beginning and containing an area of 2,375 square feet or 0.055 acre.

XVII. Beginning at the United States Military Reservation Monument No. 39 (Kokoloea) at the northwest corner of this piece of land, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 14,466.43 feet north and 10,630.87 feet west, thence running by azimuths measured clockwise from true south:

1. 252°50'43" 200.30 feet along land deeded to E. D. Tenney Trustee by the Territory of Hawaii, deed dated May 3, 1907 and recorded in Liber 291, Pages 336–338;
2. 252°50'43" 3242.89 feet along land deeded to E. D. Tenney Trustee by the Territory of Hawaii, deed dated May 3, 1907 and recorded in Liber 291, Pages 336–338, and land deeded to the Wahiawa Water Company by the Territory of Hawaii, deed dated June 6, 1935, recorded in Liber 1283, Pages 4–6 and Lot 1–B of Grant 4616 to Mrs. Mary E. Clark;
3. 342°50'43" 3.03 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. 72°49'26" 3447.22 feet along the present north side of Wilikina Drive;
5. Thence on a curve to the left with a radius of 1780.73 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) the chord azimuth and distance being 205°53'42" 5.91 feet to the point of beginning and containing an area of 12,670 square feet or 0.291 acre.

XVIII. Beginning at the southeast corner of this piece of land on the boundary between the Schofield Barracks Military Reservation and Lot 1–A of Grant 4616 to Mrs. Mary E. Clark, the true azimuth and distance from United States Military Reservation Monument No. 39 (Kokoloea) being 119°26'20" 556.90 feet and the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 14,740.14 feet north and 11,115.86 feet west, thence running by azimuth measured clockwise from true south:

1. First on a curve to the right with a radius of 1405.78 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 106°35'04" 84.09 feet;
2. 129°24'02" 66.80 feet along the present northeast side of Kaukonahua Road;
3. 209°26'20" 7.15 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. 299°26'20" 147.77 feet along Lot 1–A of Grant 4616 to Mrs. Mary E. Clark to the point of beginning and containing an area of 1053 square feet or 0.038 acre;

XIX. Beginning at the northwest corner of this piece of land on the present northeast side of Kaukonahua Road, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 15,124.78 feet north and 11,635.51 feet west, thence running by azimuths measured clockwise from true south:

1. 219°32'20" 15.87 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
2. Thence on a curve to the left with a radius of 1372.40 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 300°58'22" 408.84 feet;
3. 345°05'20" 117.81 feet along Lot 1–A of Grant 4616 to Mrs. Mary E. Clark;
4. 29°26'20" 7.15 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);

5. 129°24'02" 501.37 feet along the present northeast side of Kaukonahua Road to the point of beginning and containing an area of 18,320 square feet or 0.421 acre.

XX. Beginning at the northwest corner of this piece of land on the present northeast side of Kaukonahua Road, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 15,124.78 feet north and 11,635.51 feet west, thence running by azimuths measured clockwise from true south:

1. 309°24'02" -568.17 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
2. Thence on a curve to the right with a radius of 1405.78 feet across the Kaukonahua Road, the chord azimuth and distance being 110°51'51" 125.87 feet;
3. 179°24'02" 448.93 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. 219°32'20" 40.00 feet across the Kaukonahua Road to the point of beginning and containing an area of 20,469 square feet or 0.47 acre.

XXI. Beginning at the northwest corner of this piece of land on the present southwest side of Kaukonahua Road, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 15,093.93 feet north and 11,660.97 feet west, thence running by azimuths measured clockwise from true south:

1. 309°24'02" 448.93 feet along the present southwest side of Kaukonahua Road;
2. Thence on a curve to the right with a radius of 1405.78 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 121°29'04" 392.94 feet;
3. 129°32'20" 58.88 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. 219°32'20" 54.13 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) to the point of beginning and containing an area of 17,416 square feet or 0.40 acre.

XXII. Beginning at the east corner of this piece of land on the present southwest side of Kaukonahua Road, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 15,093.93 feet north and 11,660.97 feet west, thence running by azimuths measured clockwise from true south:

1. 39°32'20" 54.13 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
2. 129°32'20" 1931.87 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
3. 123°49'40" 100.50 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. 129°32'20" 115.00 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
5. Thence along same on a curve to the left with a radius of 88.00 feet, the chord azimuth and distance being 85°57'20" 121.34 feet;
6. 132°22'20" 64.80 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
7. Thence along same on a curve to the left with a radius of 88.00 feet, the chord azimuth and distance being 172°04'40" 118.99 feet;
8. 120°32'20" 279.22 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
9. Thence along same on a curve to the left with a radius of 68.00 feet, the chord azimuth and distance being 86°51'10" 92.21 feet;
10. 130°41' 65.28 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
11. Thence along same on a curve to the left with a radius of 88.00 feet, the chord azimuth and distance being 176°43'26" 100.23 feet;
12. Thence along same on a curve to the right with a radius of 550.00 feet, the chord azimuth and distance being 154°28'26" 262.65 feet;
13. 166°56'20" 64.69 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
14. 256°56'20" 30.13 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
15. 346°54'22" 52.33 feet along the present west side of Kaukonahua Road;
16. Thence along same on a curve to the left with a radius of 473.52 feet, the chord azimuth and distance being 328°09'12" 304.46 feet;
17. 309°24'02" 2808.68 feet along the present southwest side of Kaukonahua Road to the point of beginning and containing an area of 179,721 square feet or 4.126 acres.

XXIII. Beginning at the south corner of this piece of land on the present southwest side of Kaukonahua Road, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 15,093.93 feet north and 11,660.97 feet west, thence running by azimuths measured clockwise from true south:

1. 129°24'02" 2808.68 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
2. Thence along same on a curve to the right with a radius of 473.52 feet, the chord azimuth and distance being 148°09'12" 304.46 feet;
3. 166°54'22" 52.33 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. 256°56'20" 40.00 feet across Kaukonahua Road;
5. 346°54'22" 52.31 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
6. Thence along same on a curve to the left with a radius of 433.52 feet, the chord azimuth and distance being 328°09'12" 278.74 feet;
7. 309°24'02" 2808.78 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
8. 39°32'20" 40.00 feet across Kaukonahua Road to the point of beginning and containing an area of 126,317 square feet or 2.90 acres.

XXIV. Beginning at the south corner of this piece of land on the present northeast side of Kaukonahua Road, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 15,124.78 feet north and 11,635.51 feet west, thence running by azimuths measured clockwise from true south:

1. 129°24'02" 2029.71 feet along the present northeast side of Kaukonahua Road;
2. 209°00' 21.12 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
3. 309°32'20" 2033.56 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. 39°32'20" 15.87 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800) to the point of beginning and containing an area of 37,208 square feet or 0.854 acre.

XXV. Beginning at the most westerly corner of this piece of land on the present east side of Kaukonahua Road, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 17,195.35 feet north and 13,964.84 feet west, thence running by azimuths measured clockwise from true south:

1. 256°56'20" 29.87 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
2. 346°56'20" 64.69 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
3. Thence along same on a curve to the left with a radius of 450.00 feet, the chord azimuth and distance being 340°54'06" 94.66 feet;
4. 358°07'15" 10.17 feet along Grant 4623 to L. G. Kellogg;
5. 312°45'25" 780.10 feet along Grant 4623 to L. G. Kellogg;
6. 285°30'15" 44.61 feet along Grant 4623 to L. G. Kellogg;
7. 309°32'20" 104.24 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
8. 29°00' 21.12 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
9. 129°24'02" 779.07 feet along the present northeast side of Kaukonahua Road;
10. Thence along same on a curve to the right with a radius of 433.52 feet, the chord azimuth and distance being 148°09'12" 278.74 feet;
11. 166°54'22" 52.31 feet along the present east side of Kaukonahua Road to the point of beginning and containing an area of 26,473 square feet or 0.608 acre.

XXVI. Beginning at the southeast corner of this piece of land on the present west side of Kaukonahua Road, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 17,186.31 feet north and 14,003.81 feet west, thence running by azimuths measured clockwise from true south:

1. 76°56'20" 30.13 feet along the remainder of Schofield Barracks Military Reservation;
2. 166°56'20" 1338.47 feet along the remainder of Schofield Barracks Military Reservation;
3. 337°00'52" 103.01 feet along the former west side of Kaukonahua Road;
4. 344°26'22" 271.16 feet along the former west side of Kaukonahua Road;
5. 346°54'22" 966.09 feet along the former west side of Kaukonahua Road to the point of beginning and containing an area of 36,150 square feet or 0.830 acre.

XXVII. Beginning at the southeast corner of this piece of land on the present east side of Kaukonahua Road, the coordinates of said pint of beginning referred to Government Survey triangulation station "Waipio-uka" being 17,195.35 feet north and 13,964.84 feet west, thence running by azimuths measured clockwise from true south:

1. 76°56'20" 40.00 feet across Kaukonahua Road;
2. 166°54'22" 966.09 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
3. 164°26'22" 271.16 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. 157°00'52" 192.39 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
5. Thence on a curve to the left with a radius of 325.85 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 147°43'41" 105.16 feet;
6. 166°56'20" 72.21 feet across Kaukonahua Road;
7. Thence on a curve to the right with a radius of 365.85 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 322°44' 180.50 feet;
8. 337°00'52" 194.99 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
9. 344°26'22" 274.62 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);

10. 346°54'22" 966.97 feet along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), to the point of beginning and containing an area of 63,144 square feet or 1.450 acre.

XXVIII. Beginning at the southwest corner of this piece of land on the present east side of Kaukonahua Road, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 17,195.35 feet north and 13,964.84 feet west, thence running by azimuths measured clockwise from true south:

1. 166°54'22" 966.97 feet along the former east side of Kaukonahua Road;
2. 164°26'22" 274.62 feet along the former east side of Kaukonahua Road;
3. 157°00'52" 114.20 feet along the former east side of Kaukonahua Road;
4. 264°19'07" 62.59 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
5. 346°56'20" 1345.78 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
6. 76°56'20" 29.87 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), to the point of beginning and containing an area of 44,762 square feet or 1.028 acre.

XXIX. Beginning at the southwest corner of this piece of land on the former east side of Kaukonahua Road, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 18,506.86 feet north and 14,302.17 feet west, thence running by azimuths measured clockwise from true south:

1. 157°00'52" 80.79 feet along the former east side of Kaukonahua Road;
2. Thence along same on a curve to the left with a radius of 365.85 feet, the chord azimuth and distance being 142°44' 180.50 feet;
3. 166°56'20" 215.18 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. 329°26'10" 333.16 feet;
5. 261°09'40" 49.94 feet;
6. 346°56'20" 146.02 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
7. 84°19'07" 62.59 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), to the point of beginning and containing an area of 23,422 square feet or 0.538 acre.

XXX. Beginning at the south corner of this piece of land on the boundary between Schofield Barracks Military Reservation and Grant 4623 to L. G. Kellogg, the coordinates of said point of beginning referred to Government Survey triangulation station "Waipio-uka" being 17,049.62 feet north and 13,890.16 feet west, thence running by azimuths measured clockwise from true south:

1. First on a curve to the right with a radius of 450.00 feet, along Schofield Barracks Military Reservation (Presidential Executive Order No. 2800), the chord azimuth and distance being 160°54'06" 94.66 feet;
2. 166°56'20" 564.69 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
3. 256°56'20" 140.19 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800);
4. 358°07'15" 671.57 feet along Grant 4623 to L. G. Kellogg to the point of beginning and containing an area of 49,147 square feet or 1.128 acre.

The aggregate area of the above described parcels is 1,748,003 square feet or 40.132 acres, more or less.

The use of these parcels of land for road purposes by the Territory of Hawaii is subject to the following conditions:

1. The new construction at Wright Gate is subject to approval of the Commanding Officer, Wheeler Field Military Reservation.

2. The parcel of land designated XXX above shall be used as a parking area for off-street parking.

3. The United States Government reserves the right to use such land as may be necessary along both sides of the road on the parcels of land designated as XVIII, XIX, XXI, XXII, and XXIV above, for utilities such as light, water, telephone, telegraph, sewers, and electrical power lines, subject to the provisions of Act No. 173 of Session Laws of Hawaii, Regular Session of 1945.

4. The Territory of Hawaii shall remove all buildings and utilities from the above-described land and shall relocate the same as directed by the Commanding General, Schofield Barracks Military Reservation, and the Commanding Officer, Wheeler Field Military Reservation. The Territory of Hawaii shall also construct the necessary roads and driveways and shall bear all expenses.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 2, 1948.

[F. R. Doc. 48-8063; Filed, Sept. 3, 1948; 10:25 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES STANDARDS FOR ORANGES

On July 13, 1948, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 48-6197; 13 F. R. 3939, 4104) regarding proposed United States Standards for Oranges to supersede United States Standards for Citrus Fruits (12 F. R. 6277) currently in effect, insofar as such United States Standards for Citrus Fruits apply to oranges. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the United States Standards for Oranges, hereinafter set forth, are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948).

§ 51.192 *Oranges*—(a) *General.* (1) These standards apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines. These standards do not apply to tangerines or to California and Arizona oranges for which separate U. S. Standards are issued. The U. S. Combination and the U. S. Combination Russet grades do not apply to Florida oranges.

(2) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(3) For packages which contain more than 10 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(4) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects except that not more than one fruit which is decayed or very seriously damaged shall be allowed in any package.

(b) *Grades*—(1) *U. S. Fancy.* U. S. Fancy shall consist of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture; free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, from injury by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration.

(ii) See tolerances for defects.

(iii) If any lot of U. S. Fancy fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(2) *U. S. No. 1.* U. S. No. 1 shall consist of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture; free from bruises, cuts which are not healed, decay, growth cracks, sprayburn, undeveloped or sunken segments, and from damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects or mechanical or other means.

(i) Oranges of the early and midseason varieties shall be fairly well colored.

(ii) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(iii) In this grade not more than one-third of the surface, in the aggregate, may be affected with discoloration.

(iv) See tolerances for defects.

(v) If any lot of U. S. No. 1 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(3) *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration.

(i) See tolerances for defects.

(ii) If any lot of U. S. No. 1 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges)

(4) *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected with discoloration.

(i) See tolerances for defects.

(ii) If any lot of U. S. No. 1 Golden fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(5) *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruit shall have in excess of one-third of the surface in the aggregate affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruit is caused by rust mite, all fruit may have in excess of one-third of the surface affected with discoloration.

(i) See tolerance for defects.

(ii) If any lot of U. S. No. 1 Bronze fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(6) *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected with discoloration.

(i) See tolerances for defects.

(ii) If any lot of U. S. No. 1 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(7) *U. S. No. 2.* U. S. No. 2 shall consist of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, not more than slightly rough, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, mechanical or other means.

(i) Each orange of this grade shall be reasonably well colored.

(ii) In this grade not more than one-half of the surface, in the aggregate, may be affected with discoloration.

(iii) See tolerances for defects.

(iv) If any lot of U. S. No. 2 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(8) *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration.

(i) See tolerances for defects.

(ii) If any lot of U. S. No. 2 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(9) *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruit shall have in excess of one-half of the surface, in the aggregate, affected with discoloration.

(i) See tolerances for defects.

(ii) If any lot of U. S. No. 2 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(10) *U. S. No. 3.* U. S. No. 3 shall consist of oranges of similar varietal characteristics which are mature; which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked; which are free from cuts which are not healed and from decay; and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, mechanical or other means.

(i) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color.

(ii) See tolerances for defects.

(iii) If any lot of U. S. No. 3 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(11) *U. S. Combination.* Any lot of oranges may be designated "U. S. Combination" when not less than 50 percent, by count, of the fruit in each container meets the requirements of U. S. No. 1 grade, and each of the remainder of the oranges, in addition to meeting all other requirements of the U. S. No. 2 grade, shall meet the following requirements for color:

In this grade, the U. S. No. 2 oranges of early and midseason varieties shall be fairly well colored, and those of the Valencia and other late varieties shall be reasonably well colored.

(i) See tolerances for defects.

(ii) If any lot of U. S. Combination fruit also meets the internal specifications of "U. S. Grade AA Juice, (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(12) *U. S. Combination Russet.* Any lot of oranges may be designated "U. S. Combination Russet" when not less than 50 percent, by count, of the fruit in each container meets the requirements of U. S. No. 1 grade and each of the remainder of the oranges meets the requirements of the U. S. No. 2 grade: *Provided*, That all oranges in the lot shall have in excess of one-third of the surface, in the aggregate, affected with discoloration.

(i) See tolerances for defects.

(ii) If any lot of U. S. Combination Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(c) *Unclassified.* "Unclassified" shall consist of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Tolerances for defects.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy Grade.* Not more than 10 percent, by count, of the fruit in any container may be below the requirements of this grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(2) *U. S. No. 1 Grade.* Not more than 10 percent, by count, of the fruits in any container may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more

than 20 percent, by count, of the fruits in any container may have discoloration in excess of one-third of the fruit surface, but not more than one-fourth of this tolerance, or 5 percent, shall be allowed for discoloration in excess of one-half of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

(3) *U. S. No. 1 Bright and U. S. No. 2 Bright Grades.* Not more than 10 percent, by count, of the fruits in any container may be below the requirements of the grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any container may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(4) *U. S. No. 1 Golden and U. S. No. 1 Bronze Grades.* Not more than 10 percent, by count, of the fruits in any container may be below the requirements of the grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of the surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(5) *U. S. No. 1 Russet Grade.* Not more than 10 percent, by count, of the fruits in any container may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any container may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of the surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(6) *U. S. No. 2 Grade.* Not more than 10 percent, by count, of the fruits in any container may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any container may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(7) *U. S. No. 2 Russet Grade.* Not more than 10 percent, by count, of the fruits in any container may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of the surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent loss than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(8) *U. S. No. 3 Grade.* Not more than 15 percent, by count, of the fruits in any container may be below the requirements of this grade but not more than one-third of this tolerance, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(9) *U. S. Combination Grade.* Not more than 10 percent, by count, of the fruits in any container may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any container may have more than the amount of discoloration specified. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 required or specified: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(10) *U. S. Combination Russet Grade.* Not more than 10 percent, by count, of the fruits in any container may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 20 percent, by count, of the fruits in any container may have less than one-third discoloration. No part of any tolerance shall be allowed to reduce for the lot as a whole, the percentage of U. S. No. 1 except for discoloration required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 except for discoloration required or specified: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(e) *Standard pack for oranges except Temple variety.* (1) Fruit shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes, shall be arranged according to the approved and recognized methods. When wrapped, each fruit shall be enclosed in its individual wrapper and show at least one-half twist, except that in packs of oranges of a size 250 and smaller, only fruit in the top and bottom layers and fruit exposed at the sides of the box shall be required to be wrapped.

(2) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(3) When packed in standard nailed boxes, each container shall show a minimum bulge of 1¼ inches.

(4) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruit in any container is outside the range given below for various packs:

DIAMETER IN INCHES

Pack	Minimum	Maximum
96's	3 6/16	3 12/16
126's	3 1/16	3 9/16
150's	3	3 6/16
176's	2 14/16	3 3/16
200's	2 13/16	3 [illegible]
216's	2 12/16	3 [illegible]
250's	2 9/16	2 14/16
288's	2 5/16	2 12/16
324's	2 2/16	2 10/16

(5) "Uniform in size" means that not mor than 10 percent, by count, of the fruits in any container vary more than the following amounts:

150 size and smaller—not more than 4/16 inch in diameter.

126 size and larger—not more than 5/16 inch in diameter.

(6) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

(f) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

(2) "Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

(3) "Firm" as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin Group (Satsumas, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

(4) "Well formed" means that the fruit has the shape characteristic of the variety.

(5) "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

(6) "Injury" means any defect or blemish which more than slightly affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as injury:

(i) Green spots or oil spots, when appreciably affecting the appearance of the individual fruit.

(ii) Rough and excessively wide or protruding navels, when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the naval growth so folded and ridged that it detracts noticeably from the appearance of the orange.

(iii) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit.

(iv) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade.

(v) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

(7) "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

(8) "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

(9) "Damage" means any defect or injury which materially affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(i) Ammoniation, when not occurring as light speck type similar to melanose.

(ii) Creasing, when causing the skin to be materially weakened.

(iii) Dryness or mushy condition, when affecting all segments of common oranges more than one-fourth inch at the stem end, or all segments of varieties of the Mandarin Group more than one-eighth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit.

(iv) Green spots or oil spots, when materially affecting the appearance of the individual fruit.

(v) Scab, when it cannot be classed as discoloration, or appreciably affects shape or texture.

(vi) Scale, when it materially affects the appearance of the fruit.

(vii) Scars which are deep.

(viii) Scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(ix) Scars which are not smooth.

(x) Split or rough or protruding navels, when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing.

(xi) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard.

(xii) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of one-fourth inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated and averaging more than 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(xiii) Richness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(10) "Fairly well colored" means that except for one inch in the aggregate of green color, the yellow or orange color predominates over the green color on that part of the fruit which is not discolored.

(11) "Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate, which is not discolored.

(12) "Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin Group (Satsumas, King, Mandarin) means that the skin of the fruit is not extremely puffy or extremely loose.

(13) "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed, or otherwise deformed.

(14) "Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

(15) "Serious damage" means any defect or injury which seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or when dark and aggregating more than three-fourths inch in diameter or when light colored and aggregating more than 1¼ inches in diameter.

(ii) Buckskin, when aggregating more than 25 percent of the fruit surface or the fruit texture is seriously affected.

(iii) Creasing, when so deep or extensive that the skin is seriously weakened.

(iv) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin Group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit.

(v) Green spots or oil spots, when seriously affecting the appearance of the individual fruit.

(vi) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture.

(vii) Scale, when it seriously affects the appearance of the individual fruit.

(viii) Scars which are very deep.

(ix) Scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(x) Scars which are not fairly smooth.

(xi) Split or rough or protruding navels, when any split is unhealed, or one well healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange.

(xii) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(xiii) Sunburn, which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(xiv) Thorn scratches, when the injury is not well healed, or concentrated

light colored thorn injury which has caused an area of more than an average of one-half inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated, averaging more than 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(xv) Undeveloped or sunken segments, in navel oranges, when such segments are so sunken or undeveloped that they are readily noticeable.

(xvi) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(16) "Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

(17) "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

(18) "Very serious damage" means any defect or injury which very seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as very serious damage:

(i) Growth cracks that are seriously weakened, gummy or not healed.

(ii) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks.

(iii) Bird pecks, when not healed.

(iv) Caked melanese, when more than 25 percent, in the aggregate, of the surface of the fruit is caked.

(v) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit.

(vi) Creasing, when so deep or extensive that the skin is very seriously weakened.

(vii) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin Group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit.

(viii) Scab, when aggregating more than 25 percent of the surface of the fruit.

(ix) Scale, when covering more than 20 percent of the surface of the fruit.

(x) Split navels, when not healed or the fruit is seriously weakened.

(xi) Sprayburn, when seriously affecting more than one-third of the fruit surface.

(xii) Sunburn, when seriously affecting more than one-third of the fruit surface.

(xiii) Thorn punctures, when not healed or the fruit is seriously weakened.

(xiv) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(g) *Standards for internal quality of common sweet oranges (Citrus Sinensis (L) Osbeck)*—(1) *U. S. Grade AA Juice (Double A).* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade AA Juice (Double A)":

(i) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table I of this section.

(2) *U. S. Grade A Juice.* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade A Juice":

(i) Each lot of fruit shall contain an average of not less than four and one-half gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table I of this section.

(3) *Maximum anhydrous citric acid permissible for corresponding total soluble solids.* For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following table together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE I

Total soluble solids average percent	Maximum anhydrous citric acid average percent	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50–1
9.1	.963	9.45–1
9.2	.979	9.40–1
9.3	.995	9.35–1
9.4	1.011	9.30–1
9.5	1.027	9.25–1
9.6	1.043	9.20–1
9.7	1.060	9.15–1
9.8	1.077	9.10–1
9.9	1.094	9.05–1
10.0	1.111	9.00–1
10.1	1.128	8.95–1
10.2	1.146	8.90–1
10.3	1.164	8.85–1
10.4	1.182	8.80–1
10.5	1.200	8.75–1
10.6	1.218	8.70–1
10.7	1.237	8.65–1
10.8	1.256	8.60–1
10.9	1.275	8.55–1
11.0	1.294	8.50–1
11.1	1.306	8.50–1
11.2	1.318	8.50–1
11.3	1.329	8.50–1
11.4	1.341	8.50–1
11.5	1.353	8.50–1
11.6	1.365	8.50–1
11.7	1.376	8.50–1
11.8	1.388	8.50–1
11.9	1.400	8.50–1
12.0	1.412	8.50–1
12.1	1.424	8.50–1
12.2	1.435	8.50–1
12.3	1.447	8.50–1
12.4	1.459	8.50–1
12.5	1.471	8.50–1
12.6	1.482	8.50–1
12.7	1.494	8.50–1
12.8	1.506	8.50–1
12.9	1.517	8.50–1
13.0	1.530	8.50–1
13.1	1.541	8.50–1
13.2	1.553	8.50–1
13.3	1.565	8.50–1
13.4	1.576	8.50–1
13.5	1.588	8.50–1
13.6	1.600	8.50–1
13.7	1.612	8.50–1
13.8	1.624	8.50–1
13.9	1.635	8.50–1
14.0	1.647	8.50–1
14.1	1.659	8.50–1

TABLE I—Continued

Total soluble solids average percent	Maximum anhydrous citric acid average percent	Minimum ratio of total soluble solids to anhydrous citric acid
14.2	1.671	8.50–1
14.3	1.682	8.50–1
14.4	1.694	8.50–1
14.5	1.706	8.50–1
14.6	1.718	8.50–1
14.7	1.729	8.50–1
14.8	1.741	8.50–1
14.9	1.753	8.50–1
15.0	1.765	8.50–1
15.1	1.776	8.50–1
15.2	1.788	8.50–1
15.3	1.800	8.50–1
15.4	1.812	8.50–1
15.5	1.824	8.50–1
15.6 or more		8.50–1

(4) *Method of juice extraction.* The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer, or by hand, and shall be strained through a double thickness of gauze having 44 x 40 threads per square inch, and shall not be extracted or strained in any other manner.

(h) *Effective time and supersedure.* The United States Standards for Oranges contained in this section and which supersede the United States Standards for Citrus Fruits (12 F. R. 6277) insofar as such standards for citrus fruits apply to oranges shall become effective on September 14, 1948.

It is hereby found that it is impractical, unnecessary, and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et. seq.) because the packing of oranges will commence in September, and it is in the public interest that the standards be in effect at the commencement of the packing season; and a reasonable time is permitted, under the circumstances, for preparation for such effective date (Pub. Law 712, 80th Cong., approved June 19, 1948.)

Done at Washington, D. C., this 2d day of September 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-8043; Filed, Sept. 3, 1948; 9:00 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 289 Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in subparagraph (b) (1) of § 953.396 (Lemon Regulation 289, 13 F. R. 5019), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 29, 1948, and ending at 12:01 a. m., P. s. t., September 5, 1948, is hereby fixed as follows:

(i) District 1: 400 carloads.

(ii) District 2: Unlimited movement.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 1st day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-7994; Filed, Sept. 3, 1948; 8:55 a. m.]

[Lemon Reg. 290]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.397 *Lemon Regulation 290*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq. 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 5, 1948, and ending at 12:01 a. m., P. s. t., September 12, 1948, is hereby fixed as follows:

(i) District 1: 325 Carloads;

(ii) District 2: Unlimited Movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 289, (13 F. R. 5019) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8047; Filed, Sept. 3, 1948; 9:32 a. m.]

[Orange Reg. 246]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.392 *Orange Regulation 246*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 5, 1948, and ending at 12:01 a. m., P. s. t., September 12, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement; (*b*) Prorate District No. 2: 1,500 carloads; (*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement; (*b*) Prorate District No. 2: No movement; (*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 3d day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 5, 1948, to 12:01 a. m. Sept. 12, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0760
A. F. G. Corona	.1554
A. F. G. Fullerton	.7392
A. F. G. Orange	.4930
A. F. G. Riverside	.1130
A. F. G. San Juan Capistrano	1.0559
A. F. G. Santa Paula	.6247
Hazeltine Packing Co	.4279
Placentia Pioneer Valley Growers Association	.6353

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Signal Fruit Association	0.1370
Azusa Citrus Association	.3964
Covina Valley Orange Co	.1029
Damerel Allison Co	.8553
Glendora Mutual Orange Association	.3956
Irwindale Citrus Association	.3783
Puente Mutual Citrus Association	.2150
Valencia Heights Orchard Association	.4843
Covina Citrus Association	1.1208
Covina Orange Growers Association	.5921
Glendora Citrus Association	.3798
Glendora Hts. Orange & Lemon Growers Association	.0590
Gold Buckle Association	.5645
La Verne Orange Association	.6826
Anaheim Citrus Fruit Association	1.0590
Anaheim Valencia Orange Association	.7974
Eadington Fruit Co., Inc	2.3024
Fullerton Mutual Orange Association	1.2753
La Habra Citrus Association	1.2689
Orange County Valencia Association	.6449
Orangethorpe Citrus Association	.8745
Placentia Cooperative Orange Association	.6069
Yorba Linda Citrus Association	.6557
Citrus Fruit Growers	.1456
Cucamonga Citrus Association	.2245
Etiwanda Citrus Fruit Association	.0377
Mountain View Fruit Association	.0191
Old Baldy Citrus Association	.1331
Rialto Heights Orange Growers	.0320
Upland Citrus Association	.3970
Upland Heights Orange Association	.1279
Consolidated Orange Growers	1.9296
Frances Citrus Association	1.2604
Garden Grove Citrus Association	1.4022
Goldenwest Citrus Association, The	1.8765
Irvine Valencia Growers	2.8168
Olive Heights Citrus Association	2.0204
Santa Ana-Tustin Mutual Citrus Association	1.3030
Santiago Orange Growers Association	4.2585
Tustin Hills Citrus Association	2.6656
Villa Park Orchards Association, The	1.6385
Bradford Brothers, Inc	.7243
Placentia Mutual Orange Association	1.6057
Placentia Orange Growers Association	1.8470
Yorba Orange Growers Association	.6139
Call Ranch	.0753
Corona Citrus Association	.5527
Jameson Company	.0474
Orange Heights Orange Association	.3868
Crafton Orange Growers Association	.4591
East Highlands Citrus Association	.0816
Fontana Citrus Association	.1203
Highland Fruit Growers Association	.0000
Redlands Heights Groves	.3173
Redlands Orangedale Association	.3377
Break & Sons, Allen	.0639
Bryn Mawr Fruit Growers Association	.2679
Krinard Packing Co	.3039
Mission Citrus Association	.1649
Redlands Coop. Fruit Association	.3711
Redlands Orange Growers Association	.2568
Redlands Select Groves	.3402
Rialto Citrus Association	.2332
Rialto Orange Co	.1693
Southern Citrus Association	.2310
United Citrus Growers	.0909

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Zilen Citrus Co	0.0734
Arlington Heights Citrus Co	.1122
Brown-Estate, L. V. W	.1419
Gavilan Citrus Association	.1607
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0654
McDermont Fruit Co	.1900
Monte Vista Citrus Association	.1938
National Orange Co	.0362
Riverside Heights Orange Growers Association	.0629
Sierra Vista Packing Association	.0553
Victoria Avenue Citrus Association	.1682
Claremont Citrus Association	.1825
College Heights Orange & Lemon Association	.2772
El Camino Citrus Association	.0870
Indian Hill Citrus Association	.2029
Pomona Fruit Growers Exchange	.4190
Walnut Fruit Growers Association	.4197
West Ontario Citrus Association	.4099
El Cajon Valley Citrus Association	.2930
Escondido Orange Association	2.5991
San Dimas Orange Growers Association	.5078
Andrews Brothers of California	.4037
Ball & Tweedy Association	.7563
Canoga Citrus Association	1.0021
North Whittier Heights Citrus Association	.9861
San Fernando Fruit Growers Association	.6726
San Fernando Heights Orange Association	1.0809
Sierra Madre-Lamanda Citrus Association	.4946
Camarillo Citrus Association	1.8660
Fillmore Citrus Association	3.6938
Mupu Citrus Association	3.1676
Ojai Orange Association	1.0669
Piru Citrus Association	1.5423
Santa Paula Orange Association	1.2042
Tapo Citrus Association	1.2553
Ventura County Citrus Association	.0370
Limoneira Co	.7491
East Whittier Citrus Association	.3952
El Ranchito Citrus Association	1.0443
Murphy Ranch Co	.4679
Rivera Citrus Association	.5055
Whittier Citrus Association	.6927
Whittier Select Citrus Association	.4068
Anaheim Cooperative Orange Association	1.1288
Bryn Mawr Mutual Orange Association	.1028
Chula Vista Mutual Lemon Association	.1361
Escondido Cooperative Citrus Association	.4185
Euclid Avenue Orange Association	.5024
Foothill Citrus Union, Inc	.0356
Fullerton Cooperative Orange Association	.3132
Garden Grove Orange Cooperative, Inc	.6481
Golden Orange Groves, Inc	.2721
Highland Mutual Groves	.0130
Index Mutual Association	.2421
La Verne Coop. Citrus Association	1.3460
Mentone Heights Association	.0576
Olive Hillside Groves	.6456
Orange Coop. Citrus Association	1.0059
Redlands Foothill Groves	.0305
Redlands Mutual Orange Association	.1912
Riverside Citrus Association	.6483
Ventura County Orange and Lemon Association	.9944
Whittier Mutual Orange and Lemon Association	.1335
Babijucie Corp. of Calif	.3230
Banks Fruit Co	.0000
Banks, L. M	.2002
Borden Fruit Co	1.0020
California Associated Growers	.1113
California Fruit Distributors	.0463

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Cherokee Citrus Co., Inc	0.1400
Chess Co., Meyer W	.3183
Escondido Avocado Growers	.0205
Evans Bros. Packing Co	.1111
Furr, N. C	.0187
Gold Banner Association	.2928
Granada Hills Packing Co	.0399
Granada Packing House	1.4401
Hill, Fred A	.0796
Inland Fruit Dealers, Inc	.0638
Morris Brothers Fruit Co	.0114
Orange Belt Fruit Distributors	1.8581
Panno Fruit Co., Carlo	.0251
Paramount Citrus Association	.3841
Placentia Orchard Co	.4964
San Antonio Orchard Co	.3722
Snyder & Sons Co., W. A	.4119
Stephens, T. F	.2294
Torn Ranch	.0037
Wall, E. T	.1246
Webb Packing Co	.0270
Western Fruit Growers, Inc., Reds	.6495

[F. R. Doc. 48-8065; Filed, Sept. 3, 1948; 10:58 a. m.]

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

RESTORATION OF CERTAIN LANDS OF THE SCHOFIELD BARRACKS MILITARY RESERVATION AND THE WHEELER FIELD MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

CROSS REFERENCE: For order restoring certain lands of the Schofield Barracks Military Reservation and the Wheeler Field Military Reservation to the jurisdiction of the Territory of Hawaii, see Executive Order 9995, *supra*. This order affects the tabulation contained in § 501.1.

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 206—TRUST POWERS OF NATIONAL BANKS

LIMITATIONS ON PARTICIPATION IN COMMON TRUST FUNDS

The following interpretation under this part was issued by the Board of Governors of the Federal Reserve System on August 27, 1948.

§ 206.104 *Limitations on participation in common trust funds.* Section 206.17 (c) (5), dealing with limitations upon investments in common trust funds, provides in part as follows:

No funds of any trust shall be invested in a participation in a Common Trust Fund if such investment would result in such trust having invested in the aggregate in the Common Trust Fund an amount in excess of 10 per cent of the value of the assets of the Common Trust Fund at the time of investment, as determined by the trust investment committee, or the sum of $50,000, whichever is less. • • • In applying the limitations contained in this paragraph, if two or more trusts are created by the same settlor or settlors and as much as one-half of the income or principal or both of each trust is payable or applicable to the use of the same person or persons, such trusts shall be considered as one.

The Board of Governors has considered an inquiry with respect to the application of the above-quoted provisions of the part in the following situation:

Two trusts are created by the same settlor. The first trust is for her benefit for life, then for the benefit of the life of a second party with remainder over to a third party. The second trust is for the life benefit of the second party with remainder over to a third party. The beneficial interest might merge for a time for the remaining period of the life of the second party if he should survive the settlor, and then upon the second party's death there would be an ultimate merger upon vesting of the principal of both trusts in the third party.

The Board pointed out that this situation was very similar to the one considered in a ruling published in the 1941 Federal Reserve Bulletin at page 618, the only difference being in the possible merger of the beneficial interests for a time in one of the two life tenants before ultimate merger upon vesting of the principal of both trusts in the remainderman. The Board concluded that this situation came within the scope of the 1941 ruling and that investments in a common trust fund might be made without considering the two trusts as one for the purpose of applying the limitations of § 206.17 (c) (5) quoted above.

The Board also stated that the merger of the beneficial interests through vesting thereof in one person at some future date would not necessitate at such time withdrawal or reduction of the participation by either trust in the common trust fund, as § 206.17 (c) (5) is intended to deal only with the act of investing in participations in common trust funds and does not require the withdrawal or reduction of participations once legally acquired. (Sec. 11 (i), 38 Stat. 262, sec. 2, 40 Stat. 968, 46 Stat. 814, sec. 342, 49 Stat. 722, sec. 1, 40 Stat. 1043, 44 Stat. 1224, sec. 24, 48 Stat. 190, secs. 330, 331, 49 Stat. 716, 719, sec. 160, 49 Stat. 1708, secs. 2, 3, 24 Stat. 18; 12 U. S. C. 248 (i), 12 U. S. C. 248 (k) and Sup., 33, 34a, 26 U. S. C. Sup. 169, 12 U. S. C. 30, 31)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-7940; Filed, Sept. 3, 1948; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2468]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO THE DIRECTOR IN SPECIFIED MATTERS

Subparagraphs (6), (9), (10), (11), (22), (23), (28), (35) and (45) of paragraph (a) of § 4.275 are amended, and new subparagraphs (77) to (82), inclusive, are added to paragraph (a), as follows:

§ 4.275 *Functions with respect to various statutes.* (a) • • •

(6) Applications by States, counties or municipalities for the lease, sale or exchange of public lands for recreational use under the act of June 14, 1926 (44 Stat. 741; 43 U. S. C. 869, or the act of April 13, 1928 (45 Stat. 429; 43 U. S. C. 869a), the issuance, modification or cancellation of such leases, and the approval of such sales or exchanges.

• • • • • •

(9) Applications to use public lands under right-of-way permits or easements authorized by the following acts, and the issuance, assignment, modification, cancellation, or revocation of such permits or easements: *Provided*, That such actions involving lands within national parks, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior, may only be taken after the consent of the head of the bureau or agency administering the reservation has been obtained.

(i) Under the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959, 16 U. S. C. 79).

(ii) Under the act of March 4, 1911 (36 Stat. 1235, 1253–54; 43 U. S. C. 961).

(iii) Under section 4 (P) of the act of December 5, 1924 (43 Stat. 704), for the construction, operation or maintenance of main transmission lines to transmit electrical energy, as provided by the Boulder Canyon Act of December 21, 1928 (45 Stat. 1056, 1061).

(10) Approval of applications for rights-of-way and the issuance, modification and assignment of such easements, and cancellations on relinquishments, or when authorized as a result of forfeiture proceedings, under the following acts: *Provided*, That such actions involving lands within national parks, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior, may only be taken after the consent of the head of the bureau or agency administering the reservation has been obtained.

(i) Act of March 3, 1891 (26 Stat. 1101), as amended by the act of March 4, 1917 (39 Stat. 1197), act of March 1, 1921 (41 Stat. 1194), and the act of May 28, 1926 (44 Stat. 668; 43 U. S. C. 946–950), for right-of-way for canals, laterals, and reservoir sites for irrigation and drainage purposes, including the right to materials for construction thereof, and permits or easements for caretaker's building sites on adjoining acreage.

(ii) Section 17 of the Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18) for right-of-way for highways and road building material sites.

(iii) Act of June 8, 1938 (52 Stat. 633), as amended (23 U. S. C. 10b), for right-of-way for roadside and landscape development under the Federal Aid Highway Act.

(iv) Act of November 19, 1941 (55 Stat. 767; 23 U. S. C., Sup., 108) for right-of-way for flight strips under the Federal Aid Highway Act.

(v) Approval of rights-of-way for railroad purposes under the act of March 18, 1875 (18 Stat. 482; 43 U. S. C. 934).

(vi) Approval of rights-of-way under section 28 of the act of February 25, 1920, as amended (41 Stat. 437, 449; 30 U. S. C. 185), and of modifications and partial or entire relinquishments of such rights-of-way.

(11) Applications to lease deposits of silica sand and other nonmetalliferous minerals pursuant to 43 CFR, §§ 199.1 to 199.14, inclusive, the issuance, modification or cancellation of such leases, and the designation of leasing units.

• • • • • •

(22) Applications for sodium permits and leases under section 23 of the act of February 25, 1920, as amended (41 Stat. 447; 30 U. S. C. 261), the issuance of such permits and leases and cancellations relating thereto.

(23) Applications for sulphur permits and leases under the act of April 17, 1926, as amended (44 Stat. 301; 30 U. S. C. 271), the issuance of such permits and leases and cancellations relating thereto.

• • • • • •

(28) The approval of assignments of mineral permits and leases, or royalty interests in leases, of operating agreements and assignments of such agreements, and of subleases.

• • • • • •

(35) The issuance of special land use permits pursuant to 43 CFR, Part 258, and § 115.150, including such permits to Federal agencies, and to State agencies and political subdivisions.

• • • • • •

(45) The signing of correspondence, including letters to the Bureau of the Budget and the Attorney General, concerning the revocation of public-land withdrawals, when the agency which requested the withdrawal has advised that it is no longer necessary for its purposes.

• • • • • •

(77) Applications by States under section 4 of the Carey Act of August 18, 1894 (28 Stat. 422; 43 U. S. C. 641), as amended and supplemented, applications for extensions of segregation and for temporary withdrawals in connection with such applications, and the issuance of all necessary orders in Carey Act matters.

(78) Color of title applications and riparian claims under 43 CFR, Parts 140 and 141, the appraisement of the lands embraced in such applications and claims, and the issuance of final certificates in these cases.

(79) Applications to lease gold, silver and quicksilver to the owners of confirmed private land claims pursuant to 43 CFR, Part 187, and the issuance, modification or cancellation of such leases.

(80) The issuance of orders of the types listed below, withdrawing or reserving public lands or restoring such lands from withdrawal or reservation based on statutory powers of the Secretary:

(i) Withdrawals for stock-driveways, authorized by section 10 of the act of December 29, 1916 (39 Stat. 865), as amended (45 Stat. 1144; 43 U. S. C. 300);

(ii) Withdrawals for recreational purposes under the act of June 14, 1926 (44 Stat. 741; 43 U. S. C. 869);

(iii) Withdrawals in aid of air navigation facilities, under section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214); and

(iv) The issuance of orders establishing grazing districts and the modification or revocation of such orders, under section 1 of the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315), as amended.

(81) Applications for repayment under 43 CFR, Part 217 and the approval of such applications.

(82) The confirmation of entries of public lands pursuant to the authority vested in the Secretary of the Interior by R. S. 2450, 2451, and 2456 (43 U. S. C. 1161–1163).

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

J. A. KRUG,
Secretary of the Interior.

AUGUST 30, 1948.

[F. R. Doc. 48-7941; Filed, Sept. 3, 1948; 8:46 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1693]

PART 250—PUBLIC SALES

DEFINITIONS

Section 250.2 is amended to change the designation of paragraphs "(c)" and "(d)" to read "(d)" and "(e)", respectively, and a new paragraph "(c)" inserted to read:

§ 250.2 *Definitions.* • • •

(c) "Regional Administrator" means the regional administrator for the region in which the land is situated. Where there is no district land office in the State in which the land is situated, however, it means the "Director."

Sections 250.4, 250.5, and 250.11 (b) 3 are amended to substitute the words "Regional Administrator" for the word "Director" whenever it appears.

(R. S. 453, 2478; 43 U. S. C. 2, 1201)

MARION CLAWSON,
Director.

Approved: August 27, 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 48-7963; Filed, Sept. 3, 1948; 8:51 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket Nos. 8736, 8975]

ANNOUNCEMENT OF CONFERENCE ON SEPTEMBER 13, 1948, WITH INDUSTRY REGARDING FUTURE PROCEDURES PERTAINING TO TELEVISION BROADCAST ALLOCATIONS

In the matter of amendment of § 3.606 of the Commission's rules and regulations; Docket No. 8975; Docket No. 8736.

1. On May 5, 1948, the Commission adopted an order which provided for a rule making proceeding to commence on June 14, 1948 for making changes and additions to its allocation plan set forth in § 3.606 of its rules and regulations. The Commission's proposed changes were based on the "Standards of Good Engineering Practice Concerning Television Broadcast Stations," adopted on December 19, 1945, which are currently in effect.

2. During the hearing the Commission received testimony regarding the effects of tropospheric interference on present and proposed allocations. The present standards do not include specific data on tropospheric propagation. For the past several years the Commission has been conducting measurements of tropospheric signals in the FM and television frequency ranges, looking toward the preparation of propagation curves and their inclusion in the FM and television engineering standards. Because of the claims during the television allocation hearings of serious effects of tropospheric interference on present and proposed television allocations, which are in general supported by studies made by the Comission's Bureau of Engineering, the Commission is considering the question of revising its television allocation standards to incorporate the effects of tropospheric propagation. A collateral problem is the basis and extent to which the proposed allocations should utilize directional antennas. Also there were other suggestions made which should receive consideration, i. e., whether present power and antenna height restrictions should be changed and whether protected contours should be revised.

3. The Commission desires to base the national television allocation plan on the best available engineering information. This will first require a consideration of questions regarding the desirability of revising the present Rules and Standards pertaining to the technical phases of television allocations. Since achievement of the most rapid development of television consistent with the soundest engineering foundation must depend on the fullest cooperation between the Commission and the television industry in facing and solving the important problems which may be presented, the Commission is calling a conference with interested parties on September 13, 1948, at 10:00 a. m., in Room 6121, New Post Office Building, Washington, D. C., to consider the following matters:

1. Whether the Commission should initiate proceedings to revise the television allocation rules and standards prior to final decision in Dockets 8975 and 8736.

2. If the standards are to be revised, what policy should be adopted with respect to applications now pending before the Commission.

3. What procedures should be adopted in order that the revised standards can be based on the best available engineering information.

4. It is emphasized that the purpose of this conference is to discuss substantial questions which may be presented by the record concerning the adequacy of existing rules and standards to achieve the soundest allocation plan, and not to discuss engineering details or suggestions in relation to such questions. Briefs, memoranda or statements embodying information or proposals for consideration at the conference may be submitted before or at the time of the conference. To facilitate preparation of an agenda and an order of presentation for the conference, parties who intend to participate should notify the Commission by September 5, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7985; Filed, Sept. 3, 1948; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52029]

NOVA LISBOA, ANGOLA

ADDITION TO "NO CONSUL" LIST

AUGUST 31, 1948.

In accordance with a recommendation from the Department of State, Nova Lisboa, Angola, is hereby added to the "No consul" list (1947) T. D. 51797, as amended.

Consular invoices covering merchandise from the above-named place will be accepted if certified under the provisions of section 482 (f), Tariff Act of 1930.

[SEAL] W. R. JOHNSON,
Deputy Commissioner.

[F. R. Doc. 48-7983; Filed, Sept. 3, 1948; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 28360]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3), 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 160 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 83

For Lease Only for All Purposes Mentioned in the Act Except Business

T. 5 N., R. 8 W., S. B. M.,
Sec. 13, SE¼.

2. As to applications regularly filed prior to 12:35 p. m., February 24, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 12:35 p. m. February 24, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 12:35 p. m. February 24, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7955; Filed, Sept. 3, 1948; 8:49 a. m.]

[Misc. 28361]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 880 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 79

For Lease Only for All Purposes Mentioned in the Act Except Business

T. 5 N., R. 7 W., S. B. M.,
Sec. 2, lot 1 of NW¼ (S½NW¼);
Sec. 7, SE¼;
Sec. 13, W½E½;
Sec. 24, NW¼;
Sec. 26, NE¼;
Sec. 34, SW¼.

2. As to applications regularly filed prior to 12:35 p. m., February 24, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 12:35 p. m. February 24, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 12:35 p. m. February 24, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7951; Filed, Sept. 3, 1948; 8:48 a. m.]

[Misc. 28621]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43

CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 240 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 85

For Lease and Sale for All Purposes Mentioned in the Act Except Camp and Business

T. 1 N., R. 11 E., S. B. M.,
Sec. 35, SW¼, E½SE¼.

2. As to applications regularly filed prior to 9:54 a. m. February 25, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 9:54 a. m. February 25, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 9:54 a. m. February 25, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. The lands involved in this order have been appraised and the sale price fixed at $10.00 per acre. All leases issued will contain a provision affording the lessee or his duly approved successor in interest an option to purchase at or after the expiration of one year from the date the lease is issued, provided the improvements required under the lease have been made and the terms and conditions of the lease complied with. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7957; Filed, Sept. 3, 1948; 8:49 a. m.]

[Misc. 29647]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3), 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 880 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 77

For Lease Only for All Purposes Mentioned in the Act Except Camp and Business

T. 5 N., R. 2 W., S. B. M.,
Sec. 2, SW¼SW¼;
Sec. 3, SW¼NW¼, SE¼SE¼;
Sec. 4, S½NE¼;
Sec. 8, lot 1 of SW¼, W½SE¼, SE¼SE¼;
Sec. 8, NE¼;
Sec. 10, E½NE¼;
Sec. 17, NW¼, NW¼SW¼;
Sec. 33, NW¼NW¼.

2. As to applications regularly filed prior to 11:40 a. m. March 2, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948 to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 11:40 a. m. March 2, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 11:40 a. m. March 2, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet. The longer dimension should extend north and south except in the W½E½NW¼, W½NW¼, and NW¼SW¼ sec. 17, where the longer dimension should extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7949; Filed, Sept. 3, 1948; 8:47 a. m.]

[Misc. 30760]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 520 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 90

For Lease Only for All Purposes Mentioned in the Act Except Business

T. 4 N., R. 5 W., S. B. M.,
Sec. 3, lot 1 of NE¼;
Sec. 4, SW¼;
Sec. 6, E½ lot 1 of NW¼, lot 1 of SW¼;
Sec. 11, NE¼NE¼;
Sec. 13, N½NW¼, SE¼NW¼.

2. As to applications regularly filed prior to 3:05 p. m. March 17, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948 to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 3:05 p. m. March 17, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:05 p. m. March 17, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet. The longer dimension extending east and west in sec. 13, and north and south in the other sections.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7962; Filed, Sept. 3, 1948; 8:50 a. m.]

[Misc. 30761]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3), 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 40 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 81

For Lease and Sale for All Purposes Mentioned in the Act Except Business

T. 1 S., R. 6 E., S. B. M.,
Sec. 2, SW¼SE¼.

2. As to applications regularly filed prior to 3:05 p. m. March 17, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit

leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans' preference filings from 3:05 p. m., March 17, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:05 p. m., March 17, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet.

7. The lands involved in this order have been appraised and the sale price fixed at $20.00 per acre. All leases issued will contain a provision affording the lessee or his duly approved successor in interest an option to purchase at or after the expiration of one year from the date the lease is issued, provided the improvements required under the lease have been made and the terms and conditions of the lease complied with. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

8. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7953; Filed, Sept. 3, 1948; 8:48 a. m.]

[Misc. 30762]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 200 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 88

For Lease Only for All Purposes Mentioned in the Act Except Business

T. 4 N., R. 8 W., S. B. M.,
Sec. 3, W½ lot 1 of NW¼, W½SW¼;
Sec. 10, W½NW¼.

2. As to applications regularly filed prior to 3:05 p. m. March 17, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 3:05 p. m. March 17, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:05 p. m. March 17, 1948, to the close of business on January 28, 1949.

5. Applications filed within the period mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensfon extending north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7960; Filed, Sept. 3, 1948; 8:50 a. m.]

[Misc. 30763]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act

of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 160 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 82

For Lease Only for All Purposes Mentioned in the Act Except Business

T. 4 N., R. 6 W., S. B. M.,
Sec. 1, SW¼.

2. As to applications regularly filed prior to 3:05 p. m. March 17, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948 to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 3:05 p. m. March 17, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:05 p. m. March 17, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7954; Filed, Sept. 3, 1948; 8:48 a. m.]

[Misc. 30765]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 1,240 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 87

For Lease and Sale for All Purposes Mentioned in the Act Except Camp and Business

T. 1 N., R. 8 E., S. B. M.,
Sec. 4, lot 1 of NW¼, SW¼;
Sec. 6, lot 1 of NE¼, E½ lot 1 of NW¼, lot 1 of SW¼, SE¼;
Sec. 8.

2. As to applications regularly filed prior to 9:00 a. m. March 19, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 9:00 a. m. March 19, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m. March 19, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet.

7. The lands involved in this order have been appraised and the sale price fixed at $20.00 per acre. All leases issued will contain a provision affording the lessee or his duly approved successor in interest an option to purchase at or after the expiration of one year from the date the lease is issued, provided the improvements required under the lease have been made and the terms and conditions of the lease complied with. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

8. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7959; Filed, Sept. 3, 1948; 8:50 a. m.]

[Misc. 30766]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 480 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 84

For Lease and Sale for All Purposes Mentioned in the Act Except Camp and Business

T. 1 N., R. 10 E., S. B. M.,
Sec. 3, lot 1 of NE¼, lot 1 of NW¼, SE¼;
Sec. 4, lot 1 of NE¼, E½ of lot 1 of NW¼, NE¼SW¼.

2. As to applications regularly filed prior to 9:00 a. m. March 19, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948 to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 9:00 a. m. March 19, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m. March 19, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet.

7. The lands involved in this order have been appraised and the sale price fixed at $20.00 per acre. All leases issued will contain a provision affording the lessee or his duly approved successor in interest an option to purchase at or after the expiration of one year from

the date the lease is issued, provided the improvements required under the lease have been made and the terms and conditions of the lease complied with. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

8. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7956; Filed, Sept. 3, 1948; 8:49 a. m.]

[Misc. 30769]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 13,200 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 72

For Lease and Sale for All Purposes Mentioned in the Act Except Camp and Business

T. 2 N., R. 8 E., S. B. M.,
Sec. 1, W½ lot 1 of NE¼, lot 1 of NW¼, S½;
Sec. 3, lot 1 of NE¼, lot 1 of NW¼, S½;
Sec. 4, lot 1 of NE¼, lot 1 of NW¼, S½;
Sec. 5, lot 1 of NE¼, lot 1 of NW¼, S½;
Sec. 6, lot 1 of NE¼, E½ lot 1 of NW¼, lot 1 of SW¼, SE¼;
Sec. 7, lot 1 of NW¼, lot 1 of SW¼, E½;
Secs. 8, 9, 10;
Sec. 11, SW¼;
Secs. 15 and 17;
Sec. 18, lot 1 of NW¼, lot 1 of SW¼, E½;
Sec. 19, lot 1 of NW¼, lot 1 of SW¼, E½;
Secs. 20, 21, and 22;
Sec. 23, W½;
Sec. 27, W½;
Secs. 28 and 29;
Sec. 30, lot 1 of NW¼, lot 1 of SW¼, E½;
Sec. 31, NE¼, N½SE¼;
Secs. 32 and 33;
Sec. 34, W½.

2. As to applications regularly filed prior to 8:30 a. m. March 19, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948 to close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 8:30 a. m., March 19, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., March 19, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet. The longest dimension of the tracts should extend north and south except in sections 1, 3, 15, 22, 23, 27, and 34 in which the longest dimension should extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. The lands involved in this order have been appraised and the sale price fixed at $10.00 per acre. All leases issued will contain a provision affording the lessee or his duly approved successor in interest an option to purchase at or after the expiration of one year from the date the lease is issued, provided the improvements required under the lease have been made and the terms and conditions of the lease complied with. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7944; Filed, Sept. 3, 1948; 8:46 a. m.]

[Misc. 30770]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 4,400 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 75

For Lease and Sale for All Purposes Mentioned in the Act Except Camp and Businesses

T. 2 N., R. 9 E., S. B. M.,
Sec. 6, lot 1 of SW¼, SW¼SE¼;
Sec. 7, NE¼, N½SE¼;
Sec. 8, S½S½;
Sec. 15, E½, E½W½, SW¼NW¼, NW¼SW¼;
Sec. 17;
Sec. 21, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 23, S½, S½NW¼, NW¼NW¼;
Sec. 24, S½NW¼, SW¼, S½SE¼;
Sec. 25;
Sec. 26, N½, SE¼;
Sec. 27, NE¼;
Sec. 28, W½, W½E½.

2. As to applications regularly filed prior to 9:00 a. m. March 19, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 9:00 a. m. March 19, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 9:00 a. m. March 19, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet.

7. The lands involved in this order have been appraised and the sale price fixed at $10.00 per acre. All leases issued will contain a provision affording the lessee or his duly approved successor in interest an option to purchase at or after the expiration of one year from the date the lease is issued, provided the improvements required under the lease have been made and the terms and conditions of the lease complied with. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

8. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7947; Filed, Sept. 3, 1948; 8:47 a. m.]

[Misc. 31420]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 160 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 70

For Lease and Sale for All Purposes Mentioned in the Act Except Business

T. 1 S., R. 5 E., S. B. M.,
Sec. 8, NE¼NE¼, NW¼SE¼;
Sec. 12, S½SE¼.

2. As to applications regularly filed prior to 3:00 p. m. March 22, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 3:00 p. m. March 22, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:00 p. m. March 22, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. The lands involved in this order have been appraised and the sale price fixed at $20.00 per acre. All leases issued will contain a provision affording the lessee or his duly approved successor in interest an option to purchase at or after the expiration of one year from the date the lease is issued, provided the improvements required under the lease have been made and the terms and conditions of the lease complied with. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7942; Filed, Sept. 3, 1948; 8:46 a. m.]

[Misc. 31724]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 80 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 73

For Lease Only for Home and Cabin Sites

T. 5 N., R. 3 W., S. B. M.,
Sec. 6, SW¼NE¼, SE¼NW¼.

2. As to applications regularly filed prior to 8:55 a. m. March 26, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 8:55 a. m. March 26, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:55 a. m. March 26, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tracts provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7945; Filed, Sept. 3, 1948; 8:46 a. m.]

[Misc. 33478]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 1,120 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 74

For Lease Only for All Purposes Mentioned in the Act Except Business

T. 3 S., R. 5 E., S. B. M.,
Sec. 24, W½NE¼;
Sec. 28, E½E½, W½SE¼, S½SW¼;
Sec. 30, N½ of lot 1 of NW¼, W½NE¼, SE¼NE¼;
Sec. 32, SW¼NE¼, NE¼NW¼, W½SW¼, SE¼SW¼;
Sec. 34, W½NW¼, SW¼, W½SE¼, SE¼SE¼.

2. As to applications regularly filed prior to 3:05 p. m. April 12, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 3:05 p. m. April 12, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:05 p. m. April 12, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet. The longer dimension should extend east and west in secs. 24 and 30, and north and south in secs. 28, 32, and 34.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7946; Filed, Sept. 3, 1948; 8:47 a. m.]

[Misc. 33656]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 30 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 86

For Lease Only for All Purposes Mentioned in the Act Except Business

T. 4 S., R. 5 E., S. B. M.,
Sec. 36, N½SW¼SW¼, N½SW¼SW¼SW¼, E½SE¼SW¼SW¼.

2. As to applications regularly filed prior to 3:30 p. m. April 13, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 3:30 p. m. April 13, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:30 p. m. April 13, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet.

7. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

8. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7958; Filed, Sept. 3, 1948; 8:49 a. m.]

[Misc. 33712]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 320 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 80

For Lease Only for All Purposes Mentioned in the Act Except Business

T. 4 S., R. 6 E., S. B. M.,
Sec. 6, S½NE¼, NW¼SE¼, N½ Lot 1 of SW¼;
Sec. 32, E½E½.

2. As to applications regularly filed prior to 3:35 p. m. April 15, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 3:35 p. m. April 15, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:35 p. m. April 15, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7952; Filed, Sept. 3, 1948; 8:48 a. m.]

[Misc. 34275]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3), 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, land district, embracing 60 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 76

For Lease Only for All Purposes Mentioned in the Act, Except Cabin, Camp, and Business

T. 5 S., R. 4 W., S. B. M.,
Sec. 28, SE¼SE¼;
Sec. 33, N½NE¼NE¼.

2. As to applications regularly filed prior to 3:24 p. m. April 16, 1948, and are

for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 3:24 p. m. April 16, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:24 p. m. April 16, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7948; Filed, Sept. 3, 1948; 8:47 a. m.]

[Misc. 34277]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Los Angeles, California, and district, embracing 600 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 89

For Lease Only for All Purposes Mentioned in the Act Except Business

T. 3 S., R. 4 E., S. B. M.,
Sec. 4, N½S½SE¼;
Sec. 6, Lot 1 of NE¼, Lot 1 of SW¼, SE¼;
Sec. 8, NE¼;
Sec. 18, Lot 1 of SW¼.

2. As to applications regularly filed prior to 3:24 p. m. April 16, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 3:24 p. m. April 16, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 3:24 p. m. April 16, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet. The longer dimension should extend east and west in the N½ sec. 6, and north and south on the other lands.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles 12, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7961; Filed, Sept. 3, 1948; 8:50 a. m.]

[Misc. 38837]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Sacramento, California, land district, embracing 80 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 78

For Lease and Sale for All Purposes Mentioned in the Act Except Camp and Recreational

T. 14 N., R. 9 E., S. B. M.,
Sec. 30, NW¼NE¼ and N½ of lot 1 of NW¼.

2. As to applications regularly filed prior to 1:00 p. m. June 1, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 1:00 p. m. June 1, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 1:00 p. m. June 1, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. The lands involved in this order have been appraised and the sale price fixed at $50.00 per site. All leases issued will contain a provision affording the lessee or his duly approved successor in interest an option to purchase at or after the expiration of one year from the date the lease is issued, provided the improvements required under the lease have been made and the terms and conditions of the lease complied with. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Sacramento, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7950; Filed, Sept. 3, 1948; 8:48 a. m.]

[Misc. 39410]

CALIFORNIA

CLASSIFICATION ORDER

AUGUST 27, 1948.

1. Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2325 dated May 24, 1947 (43 CFR 4.275 (b) (3) 12 F. R. 3566), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. sec. 682a), as hereinafter indicated, the following described lands in the Sacramento, California, land district, embracing 80 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 71

For Lease Only for All Purposes Mentioned in the Act Except Business

T. 12 N., R. 10 W., M. D. M.,
Sec. 12, lots 8 and 9.

2. As to applications regularly filed prior to 8:30 a. m. June 10, 1948, and are for the type of site for which the land is classified this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2 this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on October 29, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. October 29, 1948, to the close of business on January 27, 1949.

(b) Advance period for simultaneous veterans preference filings from 8:30 a. m. June 10, 1948, to the close of business on October 29, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally commencing at 10:00 a. m. on January 28, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m. June 10, 1948, to the close of business on January 28, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension extending north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Sacramento, California.

MARION CLAWSON,
Director.

[F. R. Doc. 48-7943; Filed, Sept. 3, 1948; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1557]

ALLOCATION OF FUNDS FOR LOANS

JULY 16, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 94H Jones	$155,000
Illinois 23N Sangamon	97,000
Illinois 39P Fulton	310,000
Indiana 6G Boone	50,000
Indiana 46E Miami	85,000
Indiana 100E Newton	60,000
Iowa 7K Marshall	194,000
Iowa 75K Montgomery	175,000
Kansas 47C, D Trego	830,000
Michigan 20H Delta	140,000
Ohio 55M Coshocton	315,000
Ohio 59L Morrow	55,000
Pennsylvania 15T Bradford	490,000
South Carolina 14Z Aiken	365,000
South Dakota 6G Union	125,000
Tennessee 24G Montgomery	1,700,000
Texas 65N Rusk	400,000
Virginia 31U Mecklenburg	450,000
Virginia 35M Madison	570,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-7995; Filed, Sept. 3, 1948; 8:55 a. m.]

[Administrative Order 1558]

ALLOCATION OF FUNDS FOR LOANS

JULY 16, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Missouri 34L Macon	$565,000
Oregon 26K Wasco	575,000
Tennessee 20L Gibson	1,170,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-7996; Filed, Sept. 3, 1948; 8:56 a. m.]

[Administrative Order 1559]

ALLOCATION OF FUNDS FOR LOANS

JULY 16, 1948.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 22R Butler	$50,000
Kansas 15P Dickinson	25,000
Kentucky 56M Morgan	50,000
Texas 127C Gilmer	5,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-7997; Filed, Sept. 3, 1948; 8:56 a. m.]

[Administrative Order 1560]

ALLOCATION OF FUNDS FOR LOANS

JULY 16, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts set forth in the following schedule:

Project designation:	*Amount*
Indiana 60L Morgan	$290,000
Ohio 86L Guernsey	145,000
South Dakota 33C Beadle	690,000
Tennessee 23F Dickson Public	890,000
Wisconsin 53L Eau Claire	340,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-7998; Filed, Sept. 3, 1948; 8:56 a. m.]

[Administrative Order 1561]

ALLOCATION OF FUNDS FOR LOANS

JULY 16, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the

Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Indiana 52M Ripley	$520,000
Iowa 73K, L Adair	1,234,000
Minnesota 57V, Y Ottertail	1,100,000
Mississippi 22L, N Leake	1,380,000
Missouri 36M, P, R Audrain	610,000
Missouri 42N, P, R Caldwell	980,000
Ohio 60P Seneca	290,000
Texas 70L, M, N, P Hamilton	830,000
Texas 72H Lamar	400,000
Texas 125F Jasper	370,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-7999; Filed, Sept. 3, 1948; 8:56 a. m.]

[Administrative Order 1562]

ALLOCATION OF FUNDS FOR LOANS

JULY 16, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
New Mexico 19E Colfax	$400,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8000; Filed, Sept. 3, 1948; 8:56 a. m.]

[Administrative Order 1563]

ALLOCATION OF FUNDS FOR LOANS

JULY 16, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Alabama 18S Cullman	$1,005,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8001; Filed Sept. 3, 1948; 8:56 a. m.]

[Administrative Order 1564]

ALLOCATION OF FUNDS FOR LOANS

JULY 23, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kansas 28G, H Norton	$1,100,000
Kentucky 37N Owen	710,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8002; Filed, Sept. 8, 1948; 8:56 a. m.]

[Administrative Order 1565]

ALLOCATION OF FUNDS FOR LOANS

JULY 23, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kansas 15M, N Dickinson	$535,000
Texas 87P, R Karnes	450,000
Virginia 30S Bath	500,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8003; Filed, Sept. 3, 1948; 8:56 a. m.]

[Administrative Order 1566]

CHANGE OF PROJECT DESIGNATION

JULY 27, 1948.

Inasmuch as Laclede Electric Cooperative has transferred certain of its properties and assets to Gascosage Electric Cooperative, and Gascosage Electric Cooperative has assumed in part the indebtedness to United States of America, of Laclede Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 753, dated April 1, 1943, by changing the project designation appearing therein as "Missouri 3-1043C1 Laclede" in the amount of $216,000 to read "Missouri 3-1043C1 Laclede" in the amount of $193,957.47 and "Missouri 68 Pulaski (Missouri 3-1043C1 Laclede)" in the amount of $22,042.53.

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8004; Filed, Sept. 3, 1948; 8:56 a. m.]

[Administrative Order 1567]

CHANGE OF PROJECT DESIGNATION

JULY 27, 1948.

Inasmuch as Nodaway Worth Electric Cooperative, Inc. has transferred certain of its properties and assets to Rideta Electric Cooperative, and Rideta Electric Cooperative has assumed in part the indebtedness to United States of America, of Nodaway Worth Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 778, dated September 24, 1943, by changing the project designation appearing therein as "Missouri 4051A2 Nodaway" in the amount of $40,000 to read "Missouri 4051A2 Nodaway" in the amount of $2,161.45 and "Iowa 80 Ringgold (Missouri 4051A2 Nodaway)" in the amount of $37,838.55.

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8005; Filed, Sept. 3, 1948; 8:57 a. m.]

[Administrative Order 1568]

ALLOCATION OF FUNDS FOR LOANS

JULY 27, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 99G McIntosh	$90,000
Iowa 79N Clarke	1,165,000
Ohio 83S Huron	75,000
Texas 95S Medina	765,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8006; Filed, Sept. 3, 1948; 8:57 a. m.]

[Administrative Order 1569]

ALLOCATION OF FUNDS FOR LOANS

JULY 28, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
South Carolina 35L Abbeville	$315,000
Texas 44F Hunt	90,000
Texas 80R Collingsworth	450,000
Virginia 22Z Caroline	1,000,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8007; Filed, Sept. 3, 1948; 8:57 a. m.]

[Administrative Order 1570]

ALLOCATION OF FUNDS FOR LOANS

JULY 30, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 84N Cobb	$115,000
Iowa 57H Mitchell	222,000
Minnesota 74N Norman	470,000
Mississippi 39R Jackson	390,000
North Dakota 33C, D Stark	1,300,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-8008; Filed, Sept. 3, 1948; 8:57 a. m.]

[Administrative Order 1571]

ALLOCATION OF FUNDS FOR LOANS

JULY 30, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Idaho 11H Kootenai	$185,000
Iowa 3L, M Plymouth	542,000
Kentucky 50N Graves	970,000
Michigan 42L Mason	52,000
Michigan 44P Grand Traverse	85,000
Ohio 32R Belmont	225,000
Texas 92L Bandera	100,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-8009; Filed, Sept. 3, 1948; 8:57 a. m.]

[Administrative Order 1572]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 2, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 39D, E. Lamar	$855,000
Oregon 29D Morrow	150,000
Texas 104K Mitchell	400,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-8010; Filed, Sept. 3, 1948; 8:57 a. m.]

[Administrative Order 1573]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 3, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Michigan 33R Charlevoix	$285,000
Montana 21M Big Horn	250,000
Oregon 22K Clackamas	250,000
South Carolina 26N Darlington	150,000
South Dakota 12L Minnehaha	1,650,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-8011; Filed, Sept. 3, 1948; 8:57 a. m.]

[Administrative Order 1574]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 6, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Florida 14Y Clay	$1,060,000
Iowa 53L Linn	170,000
Kentucky 21P Nelson	465,000
Kentucky 34N Barren	270,000

Project designation—Continued	*Amount*
Kentucky 55S Henderson-Union	$1,435,000
Pennsylvania 4S Crawford	420,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8012; Filed, Sept. 3, 1948; 8:57 a. m.]

[Administrative Order 1575]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 10, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Georgia 98D Randolph	$650,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-8013; Filed, Sept. 3, 1948; 8:58 a. m.]

[Administrative Order 1576]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 11, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Delaware 2T, U Sussex	$485,000
Oklahoma 34D Texas	500,000
Texas 83P Fisher	165,000
Texas 84M Hall	130,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-8014; Filed, Sept. 3, 1948; 8:58 a. m.]

[Administrative Order 1577]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 11, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Kansas 34T Barton	$1,260,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-8015; Filed, Sept. 3, 1948; 8:58 a. m.]

[Administrative Order 1578]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 16, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
North Dakota 22E Bottineau	$1,400,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8016; Filed, Sept. 3, 1948; 8:58 a. m.]

[Administrative Order 1579]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 16, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Mississippi 29T Oktibbeha	$1,560,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8017; Filed, Sept. 3, 1948; 8:58 a. m.]

[Administrative Order 1580]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 16, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 66N Taylor	$80,000
Georgia 69L Washington	765,000
Indiana 1L, M Greene	260,000
Iowa 30M Franklin	140,000
Texas 62H, K Bailey	430,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8018; Filed, Sept. 3, 1948; 8:58 a. m.]

[Administrative Order 1581]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 16, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Idaho 17M Fremont	$350,000
Minnesota 95P Lake of the Woods	123,000
Missouri 18P, T Texas	900,000
Texas 11M Kaufman	150,000

WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-8019; Filed, Sept. 3, 1948; 8:58 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1670]

PARKS AIR LINES, INC.

NOTICE OF HEARING

In the matter of the application of Parks Air Lines, Inc., formerly Parks Air Transport, Inc., under section 408 of the Civil Aeronautics Act of 1938, as amended, for approval of relationships between Parks Air Lines, Inc., and certain other corporations and individuals engaged in various phases of aeronautics.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on October 5, 1948, at 10:00 a. m. (eastern standard time) in Conference Room A, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N. W., Washington, D. C., before Examiner F. Merritt Ruhlen.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Is Parks Aircraft Sales and Service, Inc., a person engaged in a phase of aeronautics within the meaning of section 408 (a) of the act?

2. Is Parks College of Aeronautical Technology of St. Louis University a person engaged in a phase of aeronautics within the meaning of section 408 (a) of the act?

3. Is Parks Air Lines, Inc., controlled by either Parks Aircraft Sales and Service, Inc., or Parks College of Aeronautical Technology of St. Louis University or by both?

4. Is the control of Parks Air Lines, Inc., by Parks Aircraft Sales and Service, Inc., or by Parks College of Aeronautical Technology of St. Louis University or by both consistent with the public interest?

5. Would the control of Parks Air Lines, Inc., by Parks Aircraft Sales and Service, Inc., or by Parks College of Aeronautical Technology of St. Louis University or by both result in creating a monopoly and therefore restrain competition or jeopardize another air carrier?

Notice is further given that any person other than parties of record as of August 30, 1948, desiring to be heard in this proceeding may file with the Board on or before October 5, 1948, a statement setting forth the facts and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 285.6 (a) of the Board's rules of practice.

For further details concerning this proceeding, interested persons are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., September 1, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-7980; Filed, Sept. 8, 1948; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 7772]

TELECOLOR CORP.

ORDER DESIGNATING APPLICATION FOR ORAL ARGUMENT

In re application of Telecolor Corporation, West Springfield, Massachusetts, Docket No. 7772, File No. BP-4946; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of August 1948;

The Commission having under consideration the Proposed Decision adopted January 26, 1948, in the above-entitled proceeding and the exceptions and request for final grant or oral argument submitted on behalf of the above-entitled applicant; and

It appearing that the above-entitled applicant requests a grant of its application, or, in the alternative, an opportunity to present argument on its exceptions to the Proposed Decision, and that oral argument should be afforded Telecolor Corporation before any further action in this proceeding is taken;

Accordingly, it is ordered, That the exceptions and request for final grant or oral argument filed by Telecolor Corporation be, and they are hereby, designated for oral argument to be held in Washington, D. C., before the Commission on October 4, 1948, at 11:00 a. m., and that Telecolor Corporation direct its argument to the Proposed Decision in this proceeding and the issues raised in its exceptions and request for final grant or oral argument.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-7986; Filed, Sept. 3, 1948; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1086]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

AUGUST 31, 1948.

Notice is hereby given that on July 19, 1948, an application was filed with the Federal Power Commission by Texas Gas Transmission Corporation (Applicant), a Delaware corporation with it principal places of business at Owensboro, Kentucky, and Memphis, Tennessee, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of facilities hereinafter described and more particularly set forth in the application on file with the Commission and open to public inspection:

Approximately 7½ miles of 8⅝-inch O. D. lateral pipeline from a point on the pipeline system operated by Texas Eastern Transmission Corporation in closest proximity to the Horseshoe area system of Indiana Gas and Water Company, near Mitchell, Indiana, and extending from that point to the nearest connection with the distribution system operated by Indiana Gas and Water Company, which proposed pipeline would be used for the sale of natural gas by Applicant to the said Indiana company.

The application also requests an order from the Commission pursuant to section 7 (a) of the Natural Gas Act, as amended, directing Texas Eastern Transmission Corporation to sell approximately 5000 Mcf of natural gas per day to Applicant and deliver that quantity of natural gas through Applicant's existing connection with Texas Eastern at Seymour, Indiana, and also through the lateral pipeline proposed to be constructed in accordance with the design of this pending application. This portion of the application requesting authority pursuant to section 7 (a) of the Natural Gas Act was, by order of the Commission dated July 28, 1948, set for hearing and consolidated with the proceedings then pending involving Texas Eastern Transmission Corporation in Docket No. G-1003.

Applicant, in requesting authority to construct the aforesaid lateral pipeline in accordance with the provisions of section 7 (c) of the Natural Gas Act, as amended, states that the proposed connection is needed in order adequately to supply the needs of the Horseshoe area served by Indiana Gas and Water Company, which area embraces the towns of Greencastle, Martinsville, Bloomington, Bedford, Franklin, Columbus, Seymour and Shelbyville in Indiana. Applicant further states that the needs of this area have rapidly increased during the past few years and, in addition, present requirements of industries whose products affect the national economy and defense will utilize increasing amounts of gas during the coming 1948–1949 winter season. Applicant states that during the past 1947–1948 winter season, despite allocations made of the quantities of gas delivered by Panhandle Eastern Pipe Line Company as a main supplier of natural gas to Applicant, that it could not deliver to Indiana Gas and Water Company the quantities of gas needed in the so-called Horseshoe area of that distribution system.

Applicant states that the need for the designated quantity of gas will extend for a period of approximately one year, after which Applicant contemplates that the construction of the facilities proposed by it in the application filed as Docket No. G-859 will have been completed and through such facilities Applicant will then be able to supply the growing needs of Indiana Gas and Water Company.

The estimated total over-all capital cost of the construction of the proposed facilities is $124,367, which will be financed with funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such a request.

The application of Texas Gas Transmission Corporation is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 48-7981; Filed, Sept. 3, 1948; 8:54 a. m.]

[Docket No. G-1086]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

AUGUST 31, 1948.

Upon consideration of the application filed on July 19, 1948, by Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal places of business at Owensboro, Kentucky, and Memphis, Tennessee, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, as fully described in such application on file with the Commission and open to public inspection, public notice of said application being published in the FEDERAL REGISTER concurrently with this order;

It appears to the Commission that: Among the issues involved by said application and other pleadings filed in connection therewith, are the following:

(1) The extent of public need and market requirements for natural gas in the areas which may be served;

(2) Whether the proposed facilities, as designed and applied for, and the proposed method of operation thereof, are adequate to render the services proposed and to meet the estimated demands for natural gas in the areas which may be served;

(3) The sufficiency of supply of natural gas to meet the demands in the areas which may be served by means of the proposed facilities;

(4) Whether the construction and operation of the proposed facilities are or will be required by the present or future public convenience and necessity.

The Commission, therefore, orders that:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on the 22d day of September 1948, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters presented and the issues involved in the application and other pleadings in the above-entitled proceeding.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

By the Commission.

Date of issuance: September 1, 1948.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 48-7982; Filed, Sept. 3, 1948; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-394]

ROOT PETROLEUM CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Board of Trade of the City of Chicago, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, $1.00 Par Value, of Root Petroleum Company.

The application alleges that (1) prior to December 17, 1947 Pan American Petroleum Corporation purchased from the largest single stockholder of Root Petroleum Company and from his family approximately 132,000 shares of the $1.00 par value Common Stock at $25.00 per share, and that it had also purchased from other stockholders additional shares until it had become the owner of a majority of the outstanding shares of Root Petroleum Company; (2) Pan American Petroleum Corporation extended offers to all the remaining stockholders of Root Petroleum Company to purchase their shares at $25.00 per share, which offers were extended or renewed until June 30, 1948; (3) that as of July 2, 1948 the number of shares of Common Stock of Root Petroleum Company held by stockholders other than Pan American Petroleum Corporation had been reduced to approximately 6,000, distributed among 83 stockholders; (4) that the number of shares remaining outstanding in the hands of the public has become so reduced as to make inadvisable further dealings in this security on the applicant exchange; (5) that the rules of the Board of Trade of the City of Chicago with respect to the striking of a security from registration and listing have been complied with; and (6) that the Board of Trade of the City of Chicago suspended the Common Stock, par value $1.00, of Root Petroleum Company from dealings on the Board of Trade of the City of Chicago at the close of business on June 30, 1948.

Upon receipt of a request, prior to September 22, 1948, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7977; Filed, Sept. 3, 1948; 8:53 a. m.]

[File No. 7-1061]

ALLEGHENY CORP.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Pittsburgh Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $1 Par Value, of Allegheny Corporation, Wilmington, Delaware.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Pittsburgh Stock Exchange is western Pennsylvania, eastern Ohio and West Virginia; that out of a total of 4,567,797 shares outstanding, 597,695 shares are owned by 5,055 shareholders residing in the states of Pennsylvania, Ohio and West Virginia; and that in the vicinity of the Pittsburgh Stock Exchange there were 525 transactions involving 45,598 shares during the period from May 1, 1947 to April 30, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public inter-

est and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $1 Par Value, of Allegheny Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7968; Filed, Sept. 3, 1948; 8:51 a. m.]

[File No. 7-1062]

AMERICAN LOCOMOTIVE CO.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Pittsburgh Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $1 Par Value, of American Locomotive Company, Schenectady, New York.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Pittsburgh Stock Exchange is western Pennsylvania, eastern Ohio and West Virginia; that out of a total of 1,783,832 shares outstanding, 253,000 are owned by 3,400 shareholders residing in the states of Pennsylvania, Ohio and West Virginia; and that in the vicinity of the Pittsburgh Stock Exchange there were 389 transactions involving 15,176 shares during the period from May 1, 1947 to April 30, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $1 Par Value, of American Locomotive Company be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7966; Filed, Sept. 3, 1948; 8:51 a. m.]

[File No. 7-1064]

CANADIAN PACIFIC RAILWAY CO.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Pittsburgh Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $25 Par Value, of Canadian Pacific Railway Company, Montreal, Canada.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Pittsburgh Stock Exchange is western Pennsylvania, eastern Ohio and West Virginia; that out of a total of 13,400,000 shares outstanding, 299,728 shares are owned by 2,854 shareholders residing in the states of Pennsylvania, Ohio and West Virginia; and that in the vicinity of the Pittsburgh Stock Exchange there were 199 transactions involving 21,847 shares during the period from May 1, 1947 to April 30, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $25 Par Value, of Canadian Pacific Railway be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7965; Filed, Sept. 3, 1948; 8:51 a. m.]

[File No. 7-1063]

ARKANSAS NATURAL GAS CORP.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Pittsburgh Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Class "A" Common Stock, No Par Value, of Arkansas Natural Gas Corporation, Shreveport, Louisiana.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Boston Stock Exchange; that the geographical area deemed to constitute the vicinity of the Pittsburgh Stock Exchange is western Pennsylvania, eastern Ohio and West Virginia; that out of a total of 3,522,521 shares outstanding, 382,120 shares are owned by 4,116 shareholders residing in the states of Pennsylvania, Ohio and West Virginia; and that in the vicinity of the Pittsburgh Stock Exchange there were 390 transactions involving 38,180 shares during the period from May 1, 1947 to April 30, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Class "A" Common Stock, No Par Value, of Arkansas Natural Gas Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7967; Filed, Sept. 3, 1948; 8:51 a. m.]

[File No. 7-1065]

EASTERN GAS AND FUEL ASSOCIATES

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Pittsburgh Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Eastern Gas and Fuel Associates, Boston, Massachusetts.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Boston Stock Exchange; that the geographical area deemed to constitute the vicinity of the Pittsburgh Stock Exchange is western Pennsylvania, eastern Ohio and West Virginia; that out of a total of 1,988,400 shares outstanding, 1,659,388 shares are owned by 768 shareholders residing in the states of Pennsylvania, Ohio and West Virginia; and that in the vicinity of the Pittsburgh Stock Exchange there were 140 transactions involving 18,914 shares during the period from May 1, 1947, to April 30, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Eastern Gas and Fuel Associates, be and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7964; Filed, Sept. 3, 1948; 8:51 a. m.]

[File No. 7-1067]

JONES AND LAUGHLIN STEEL CORP.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Pittsburgh Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Jones and Laughlin Steel Corporation, Pittsburgh, Pennsylvania;

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Pittsburgh Stock Exchange is western Pennsylvania, eastern Ohio and West Virginia; that out of a total of 2,476,502 shares outstanding, 22,999 shares are owned by shareholders residing in the vicinity of the Pittsburgh Stock Exchange; and that in the vicinity of the Pittsburgh Stock Exchange there were 556 transactions involving 28,300 shares during the period from May 1, 1947 to April 30, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Jones and Laughlin Steel Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7975; Filed, Sept. 3, 1948; 8:52 a. m.]

[File No. 7-1068]

KAISER-FRAZER CORP.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Pittsburgh Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $1 Par Value, of Kaiser-Frazer Corporation, Willow Run, Michigan.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Detroit Stock Exchange, the New York Curb Exchange, the Los Angeles Stock Exchange, and the San Francisco Stock Exchange; that the geographical area deemed to constitute the vicinity of the Pittsburgh Stock Exchange is western Pennsylvania, eastern Ohio and West Virginia; that out of a total of 4,750,000 shares outstanding, 284,376 shares are owned by 3,209 shareholders residing in the states of Pennsylvania, Ohio and West Virginia; and that in the vicinity of the Pittsburgh Stock Exchange there were 514 transactions involving 50,694 shares during the period from May 1, 1947 to April 30, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $1 Par Value, of Kaiser-Frazer Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7974; Filed, Sept. 3, 1948; 8:52 a. m.]

[File No. 7-1069]

LOEW'S INC.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Pittsburgh Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Loew's Incorporated, 1540 Broadway, New York, New York.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Pittsburgh Stock Exchange is western Pennsylvania, eastern Ohio and West Virginia; that out of a total of 5,142,615 shares outstanding, 10,947 shares are owned by shareholders in the vicinity of the Pittsburgh Stock Exchange; and that in the vicinity of the Pittsburgh Stock Exchange there were 483 transactions involving 20,318 shares during the period from May 1, 1947, to April 30, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges

thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Loew's Incorporated be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7973; Filed, Sept. 3, 1948; 8:52 a. m.]

[File No. 7-1070]

SCHENLEY DISTILLERS CORP.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Pittsburgh Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $1.75 Par Value, of Schenley Distillers Corporation, 350 Fifth Avenue, New York, New York.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Pittsburgh Stock Exchange is western Pennsylvania, eastern Ohio and West Virginia; that out of a total of 3,600,000 shares outstanding, 226,010 shares are owned by 1,615 shareholders residing in the states of Ohio, Pennsylvania and West Virginia; and that in the vicinity of the Pittsburgh Stock Exchange there were 455 transactions involving 39,344 shares during the period from May 1, 1947, to April 30, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $1.75 Par Value, of Schenley Distillers Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7972; Filed, Sept. 3, 1948; 8:52 a. m.]

[File No. 7-1071]

STUDEBAKER CORP.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Pittsburgh Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $1 Par Value, of Studebaker Corporation, South Bend, Indiana.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Pittsburgh Stock Exchange is western Pennsylvania, eastern Ohio and West Virginia; that out of a total of 2,355,507 shares outstanding, 7,923 shares are owned by shareholders residing in the vicinity of the Pittsburgh Stock Exchange; and that in the vicinity of the Pittsburgh Stock Exchange there were 250 transactions involving 19,096 shares during the period from May 1, 1947, to April 30, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $1.75 Par Value, of Schenley Distillers Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7971; Filed, Sept. 3, 1948; 8:52 a. m.]

[File No. 7-1072]

SUNRAY OIL CORP.

FINDINGS AND ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Pittsburgh Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $1 Par Value, of Sunray Oil Corporation, Tulsa, Oklahoma.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Los Angeles Stock Exchange and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Pittsburgh Stock Exchange is western Pennsylvania, eastern Ohio and West Virginia; that out of a total of 4,904,647 shares outstanding, 562,624 shares are owned by 4,391 shareholders residing in the states of Pennsylvania, Ohio and West Virginia; and that in the vicinity of the Pittsburgh Stock Exchange there were 728 transactions involving 71,082 shares during the period from May 1, 1947, to April 30, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Pittsburgh Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $1 Par Value, of Sunray Oil Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7970; Filed, Sept. 3, 1948; 8:52 a. m.]

[File No. 70-1904]

COLUMBIA GAS SYSTEM, INC., AND GETTYSBURG GAS CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of August 1948.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its gas utility subsidiary, Gettysburg Gas Corporation ("Gettysburg"), having filed a joint declaration, pursuant to sections 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-45 promulgated thereunder, with respect to the following transactions:

Gettysburg has outstanding $112,500 principal amount of 6% First Mortgage Bonds due September 1, 1948, $140,000 principal amount of 6% Income Demand Loans and 780 shares of common stock of a par value of $100 a share. The claim for interest on the 6% Income Demand Loans is cumulative although payable only to the extent earned, and at May 31, 1948, Gettysburg's contingent liability for interest on these loans amounted to $17,350 and its Earned Surplus since September 30, 1946 amounted to $10,769.

Columbia, as owner of all the foregoing securities, proposes to surrender the First Mortgage Bonds and Income Demand Loans to Gettysburg for cancellation; prior thereto Gettysburg will pay interest on the Income Demand Loans to the extent to its Earned Surplus since September 30, 1946 and Columbia will forgive the unpaid balance of such interest. Columbia proposes to increase its investment account in the common stock of Gettysburg by the aggregate principal amount of the First Mortgage Bonds and Income Demand Loans.

The foregoing constitutes the preliminary step in the acquisition by The Manufacturers Light and Heat Company, also a subsidiary of Columbia, of the assets of Gettysburg. The remaining steps contemplate the contribution by Columbia of the common stock of Gettysburg to The Manufacturers Light and Heat Company and the liquidation and dissolution of Gettysburg.

Said joint declaration having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint declaration be permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the joint declaration be, and the same hereby is, permitted to become effective.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7978; Filed, Sept. 3, 1948; 8:53 a. m.]

[File No. 70-1931]

CONSOLIDATED ELECTRIC AND GAS CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 30th day of August A. D. 1948.

Notice is hereby given that Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935, and certain rules and regulations promulgated thereunder. All interested persons are referred to said declaration, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Consolidated proposes to issue and sell, at par, one year promissory notes in the aggregate face amount of $5,000,000 and bearing interest at the rate of 3½% per annum. These notes are to be sold to Central Hanover Bank and Trust Company, New York, New York and Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois in the amount of $2,500,000 to each bank. Consolidated also proposes to pledge, as security for said notes, certain portfolio securities of Consolidated and its direct and wholly-owned subsidiary, The Islands Gas and Electric Company. The proceeds from the sale of these notes, together with other corporate funds, are to be used to redeem and retire bank notes of Consolidated now outstanding in the total aggregate amount of $5,200,000, maturing September 19, 1948. It is stated in the filing that fees and expenses applicable to the proposed transactions are not expected to exceed $2,500.

Sections 6 (a) (1) and 7 of the act have been designated by the filing as being applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that the declaration should not be permitted to become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on said matters, under the applicable sections of the act and rules and regulations promulgated thereunder, be held at 10:00 a. m., e. d. s. t., on the 13th of September 1948, in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings should file with the Secretary of the Commission on or before September 9, 1948, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the declaration, upon the basis thereof the following matters and questions are presented for consideration by the Commission, without prejudice as to presentation of additional matters and questions upon further examination:

1. Whether the notes proposed to be issued are reasonably adapted to the earning power of Consolidated, to the security structure of Consolidated and other companies in the same holding company system, and, in the light of the amount thereof and the purposes indicated, are necessary or appropriate to the economical and efficient operation of the businesses in which Consolidated is engaged;

2. Whether the terms and conditions of the issuance of the notes are in any way detrimental to the public interest or the interest of investors or consumers;

3. Whether the accounting entries proposed to be recorded in connection with the proposed transactions are proper, conform to sound accounting principles, and meet the standards of the act and rules and regulations thereunder;

4. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules and regulations thereunder and, if not, what modifications or terms and conditions should be required or imposed to meet such requirements.

It is further ordered, That notice of said hearing is hereby given to Consolidated and all interested persons, said notice to be given to Consolidated by registered mail and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the persons on the mailing list of the Commission for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7969; Filed, Sept. 3, 1948; 8:52 a. m.]

[File No. 70-1934]

ATLANTIC CITY ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of August A. D. 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Atlantic City Electric Company ("Atlantic City"), an electric utility subsidiary of American

Gas and Electric Company, a registered holding company. Applicant designates section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may not later than September 13, 1948, at 5:30 p.m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 13, 1948, said application as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Pursuant to a credit agreement approved by the Commission on July 11, 1947 (Holding Company Act Release No. 7563), which provided that Irving Trust Company and Guaranty Trust Company of New York would make certain loans to Atlantic City from time to time aggregating $3,600,000, and in accordance with which the sum of $2,000,000 has already been borrowed, Atlantic City proposes to borrow from such banks an additional $750,000. The proposed loans will be evidenced by promissory notes maturing December 31, 1950 and will bear interest at the rate of 1½% per annum until July 11, 1949, and thereafter at the rate of 1¾% per annum until maturity. The notes may be prepaid in whole or in part upon 10 days' notice without premium unless such prepayment is made with money borrowed at a lower rate of interest, in which event a premium of ¼ of 1% per annum of the amount being prepaid shall be payable.

The proceeds of such loan will be applied in part to the payment of 60 day notes due October 15, 1948, in the aggregate amount of $500,000 issued in anticipation of the present proposed borrowing to reimburse the company for expenditures theretofore made for property additions. The balance of the proceeds will be added to the general treasury funds of the company.

The issuance of the notes are subject to the approval of the Board of Public Utility Commissioners of the State of New Jersey, the Commission of the State in which Atlantic City is organized and doing business and an application for approval has been filed with such Commission.

The applicant requests that the Commission's order be issued at the earliest practicable date and that such order shall be effective upon issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7976; Filed, Sept. 3, 1948; 8:53 a. m.]

[File No. 70-1937]

STATEN ISLAND EDISON CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of August 1948.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Staten Island Edison Corporation ("Staten Island"), an indirect subsidiary of General Public Utilities Corporation, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 16, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 16, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Staten Island proposes to issue and sell to three commercial banks an aggregate of $1,750,000 principal amount of notes, each such note to bear interest at a rate not in excess of 2% per annum and to be of a maturity not in excess of six months. The proceeds of the new notes will be used to meet the maturity of $1,750,000 principal amount of presently outstanding notes.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7979; Filed, Sept. 3, 1948; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11503]

META M. PFEIFFER

In re: Estate of Meta M. Pfeiffer, deceased. File No. D-66-1530; E. T. sec. 9680.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Wieland, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $1,789.75 was paid to the Alien Property Custodian by Charles Goodman, as administrator of the Estate of Meta M. Pfeiffer, deceased;

3. That the said sum of $1,789.75 was accepted by the Alien Property Custodian on July 26, 1945, pursuant to the Trading With the Enemy Act, as amended;

4. That the sum of $7,557.69 was paid to the Attorney General of the United States by Charles Goodman, Administrator of the Estate of Meta M. Pfeiffer, deceased;

5. That the said sum of $7,557.69 was accepted by the Attorney General of the United States on March 11, 1948, pursuant to the Trading With the Enemy Act, as amended.

6. That the said sums of $1,789.75 and $7,557.69 are presently in the possession of the Attorney General of the United States and were property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which were evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

7. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-7987; Filed, Sept. 3, 1948; 8:54 a. m.]

[Vesting Order 11589]

JOHN VOEGELI

In re: Estate of John Voegeli, deceased. File D-66-968; E. T. sec. 6107.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willi Kaiser, whose last known address was, on April 17, 1946, Rumania, was on such date a resident of Rumania and a national of a designated enemy country (Rumania);

2. That Victor Kaiser, whose last known address was, on April 17, 1946, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany);

3. That the sum of $133.33 was paid to the Alien Property Custodian by William Balthasar Voegeli, Executor of the Estate of John Voegeli, deceased;

4. That the said sum of $133.33 was accepted by the Alien Property Custodian on April 17, 1946, pursuant to the Trading with the Enemy Act, as amended;

5. That the said sum of $133.33 is presently in the possession of the Attorney General of the United States and was property in the process of administration by the aforesaid William Balthasar Voegeli, Executor, acting under the judicial supervision of the County Court of Green County, Wisconsin, which was payable or deliverable to, or claimed by, the aforesaid nationals of designated enemy countries (Rumania and Germany);

and it is hereby determined:

6. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on April 17, 1946, the national interest of the United States required that such person be treated as a national of a designated enemy country (Rumania) on such date;

7. That to the extent that the person named in subparagraph 2 hereof was not within a designated enemy country on April 17, 1946, the national interest of the United States required that such person be treated as a national of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-7988; Filed, Sept. 3, 1948; 8:55 a. m.]

[Vesting Order 11839]

ELVIRA AMALIE METHFESSEL AND ALBERT L. STIRN

In re: Trust Indenture between Elvira Amalie Methfessel, settlor, and Albert L. Stirn, trustee. File No. D-28-12316-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erika Eckhardt, Otto Eckhardt, and Rolf Eckhardt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated April 27, 1937 by and between Elvira Amalie Methfessel and Albert L. Stirn, trustee, presently being administered by Albert L. Stirn, trustee, 56 Howard Avenue, Staten Island 1, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-7989; Filed, Sept. 3, 1948; 8:55 a. m.]

[Vesting Order 11871]

BOREAS, A. G. ET AL.

In re: Stock owned by and a debt owing to Boreas, A. G., Emilie Mueller, Emil Schniewind and Georg Schniewind.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willy Schniewind, Hermann Schniewind and Hans Carl Schniewind, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Gesellschaft Buergerlichen Rechts Bestehend aus Willy Schniewind, Hermann Schniewind, Hans Carl Schniewind, the last known address of which is Haan Rhineland, Diekerstrasse 26, Germany, is an unincorporated association composed of the persons identified in subparagraph 1 hereof, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Haan Rhineland, Germany, and is a national of a designated enemy country (Germany);

3. That Boreas, A. G., is a corporation, organized under the laws of Lichtenstein, whose principal place of business is located at Vaduz, Lichtenstein, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by the persons identified in subparagraph 1 hereof, directly, or through the aforesaid Gesellschaft Buergerlichen Rechts Bestehend aus Willy Schniewind, Hermann Schniewind, Hans Carl Schniewind, and is a national of a designated enemy country (Germany);

4. That Emilie Mueller, Emil Schniewind and Georg Schniewind, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

5. That the property described as follows:

a. That certain debt or other obligation of Brown Bros. Harriman & Co., 59 Wall Street, New York, New York, arising out of an account entitled Herbert Waller Elberfeld Account, maintained at the Office of the aforesaid debtor, and any and all rights to demand, enforce and collect the same, and

b. Eleven thousand one hundred and eighty four (11,184) shares of $.25 par value common capital stock of Susquehanna Mills, Inc., a corporation organized under the laws of the State of New York, evidenced by certificates numbered NU-1 through NU-10, for 1,000 shares each, N-91 through N-97 and N-1868 through N-1871 for 100 shares each, N-18 for 54 shares and N-1431 for 30 shares, registered in the name of Brown Bros. Harriman & Co., and presently in the custody of Brown Bros. Harriman & Co., 59 Wall Street, New York, New York, in an account entitled Herbert Waller Elberfeld Account, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Boreas, A. G., Emilie Mueller, Emil Schniewind and Georg Schniewind, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That the aforesaid Boreas, A. G. is controlled by, or acting for or on behalf of a designated enemy country (Germany), or persons within such country, and is a national of a designated enemy country (Germany);

7. That to the extent that the persons named in subparagraphs 1, 2, 3, and 4 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7990; Filed, Sept. 3, 1948; 8:55 a. m.]

[Vesting Order 11882]

AUGUST RENZELBERG ET AL.

In re: Stock owned by and debt owing to August Renzelberg, also known as A. Renzelberg, Participation Certificates owned by and debts owing to Marie Burgi and others. F-28-8817-A-1, D-66-2253-D-1, F-28-23443-D-1, F-28-23444-D-1, F-28-23445-D-1, F-28-23446-D-1, F-28-23447-D-1, F-28-23448-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth below:

August Renzelberg, also known as A. Renzelberg, 134 Erlanger Strasse, Emskirchen/Mittelfranken, Germany.
Marie Burgi, Germany.
Katharine Fhumm, also known as Katharina Fhumm, Germany.
Carl Honold, Germany.
George N. Honold, Germany.
George Oelkuch, Germany.
Johannes Oelkuch, Germany.
Emma Schemberger, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Two hundred and sixty-two (262) shares of Cumulative Preferred stock of the Eugene Dietzgen Company, Chicago, Illinois, evidenced by the certificates listed below in the amounts set forth opposite each such certificate number:

Certificate No.	Number of shares	Certificate No.	Number of shares
1397	49	1404	8
1398	9	1405	35
1399	20	1406	14
1400	15	1577	29
1401	14	1685	2
1402	18	1746	35
1403	14		

said certificates registered in the name of A. Renzelberg, and presently in the custody of The Northern Trust Company, 50 South LaSalle, Chicago 90, Illinois, in account number 3-5273 entitled August Renzelberg, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to August Renzelberg, also known as A. Renzelberg, by The Northern Trust Company, 50 LaSalle, Chicago 90, Illinois, in the amount of $7,495.42, as of July 30, 1948, maintained in an Agent Account, account number 3-15394, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by August Renzelberg, also known as A. Renzelberg, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows.

a. Those certain debts or other obligations, matured or unmatured, evidenced by Participation Certificates in Trust No. 11072, issued by The Northern Trust Company as Trustees, 50 South LaSalle, Chicago 90, Illinois, said certificates numbered as listed below, registered in the names of the persons and in the amounts set forth opposite each such certificate number:

Certificate No.	Units	Registered owner
189	153 35/100	Marie Burgi.
196	153 35/100	Katharine Fhumm.
183	153 35/100	Carl Honold.
182	153 35/100	George N. Honold.
190	153 35/100	George Oelkuch.
193	153 35/100	Johannes Oelkuch.
192	153 35/100	Emma Schemberger.

and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in and under the aforesaid Participation Certificates, and

b. Those certain debts or other obligations of The Northern Trust Company, 50 South LaSalle, Chicago 90, Illinois, owed to the persons whose names are set forth below in the amounts set forth opposite each such name as follows:

Name:	Amount
Marie Burgi	$105.55
Katharina Fhumm	105.55
Carl Honold	105.55
George N. Honold	105.55
George Oelkuch	105.55
Johannes Oelkuch	105.55
Emma Schemberger	105.56

said amounts presently on deposit in an Agent Account with The Northern Trust Company, 50 South LaSalle, Chicago 90, Illinois, account number 3-15394, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Marie Burgi, Katharina Fhumm, also known as Katharine Fhumm, Carl Honold, George N. Honold, George Oelkuch, Johannes Oelkuch, and Emma Schemberger, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7991; Filed, Sept. 3, 1948; 8:55 a. m.]

[Vesting Order 11883]

ANDREAS SCHWAB ET AL.

In re: Debts owing to Andreas Schwab and others, and Jewelry and Participation Certificates owned by Katharina Franziska Horlacher and others. F-28-15170-C-1; F-28-23404-C-1; F-28-23482-C-1; F-28-25321-C-1; F-28-25822-C-1; F-28-25892-C-1; F-28-26124-C-1; F-28-26196-C-1; F-28-26309-C-1; F-28-26429-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth in Exhibit A attached hereto and by reference made a part hereof, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certains debts or other obligations owing to the persons named in the aforesaid Exhibit A, by Detjen & Detjen, Attorneys at Law, 511 Locust Street, St. Louis 1, Missouri, representing a portion of the sum of money on deposit with the Mississippi Valley Trust Company, Broadway and Olive Street, St. Louis, Missouri, in a blocked account entitled "Detjen & Detjen, Blocked Account, Attorneys 102 nationals of Germany, Treasury License SL-518, dated 8/5/41, and Attorneys for heirs of Henry Koelling, dec'd., SL-670, 8/18/41.," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and any and all accruals thereto, subject, however, to any and all lawful attorney's liens of Detjen & Detjen, 511 Locust Street, St. Louis, Missouri, arising out of accrued but unpaid fees for legal services,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Andreas Schwab, Mrs. Klara Neppel, also known as Klara Petz, Fritz Niemeyer, Anna Koerner, also known as Anna Held, Auguste Eckhardt, also known as Auguste Held, August Held, Henriette Rindsland, also known as Henriette Held, Ella Klages, also known as Ella Held, Minna Bikker, also known as Minna Schreiber, Gertrud Moeller, also known as Gertrud Ostermann, Anna Notbohm, also known as Anna Schreiber, Wilhelm Schreiber, Dorothea Findorf, also known as Dorothea Schreiber, Auguste Schmidt, also known as Auguste Schreiber, Emilie Bothe, also known as Emilie Schreiber, Mrs. Katharina Franziska Horlacher, Karl Horlacher, Willy Horlacher, Mrs. Rina Becker, also known as Rina Horlacher, Otto Ernst Horlacher, Friedrich Horlacher, Johann Horlacher, Johannes Strobach, Elizabeth Huth, Hildegard Hofmeister, Anna Keppner, Mrs. Franz Titz, also known as Mrs. Franz Selp, Mrs. Marie Ursula Fritsch, also known as Marie Ursula Lauber, Jakob Lauber, Wilhelm Lauber, Albert Maier, Degenhard Maier, Wilhelm Koelling, Katharine Koelling, August Koelling, Luise Nienaber, also known as Luise Koelling, Lina Strathmann, also known as Lina Koelling, Wilhelm Brutlach, Karoline Henrichvark, also known as Karoline Koelling, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Jewelry listed as follows:

2 yellow metal tie clasps.
1 yellow metal ring with three white stones.
1 yellow metal stick pin with white stone set.
1 Waltham wrist watch.

presently in the custody of Detjen & Detjen, Attorneys at Law, 511 Locust Street, St. Louis 1, Missouri, and

b. One (1) participation certificate representing an interest in the Lafayette-Southside Bank & Trust Co. Liquidating Fund, St. Louis, Missouri, said certificate numbered 32124 and presently in the custody of Detjen & Detjen, Attorneys at Law, 511 Locust Street, St. Louis 1, Missouri, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mrs. Katharina Franziska Horlacher, Karl Horlacher, Willy Horlacher, Mrs. Rina Becker, also known as Rina Horlacher, Otto Ernst Horlacher, Friedrich Horlacher, and Johann Horlacher, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of National and Last Known Address

Andreas Schwab, Remlingen, Germany.
Mrs. Klara Neppel, also known as Klara Petz, Munich, Germany.
Fritz Niemeyer, Dorfmark-Hannover, Germany.
Anna Koerner, also known as Anna Held, Quer Str. 39, Hanover, Germany.
Auguste Eckhardt, also known as Auguste Held, Landwehr Str. 75, Hanover, Germany.
August Held, Widemann Str. 14, Hanover, Germany.
Henriette Rindsland, also known as Henriette Held, Bernward Str. 33, Hanover, Germany.
Ella Klages, also known as Ella Held, Bokeloh, Germany.
Minna Bikker, also known as Minna Schreiber, Schaardeich 103, Ruestringen, Germany.
Gertrud Moeller, also known as Gertrud Ostermann, Eutin, Germany.
Anna Notbohm, also known as Anna Schreiber, Berlin, Germany.
Wilhelm Schreiber, Hameln, Wilhelmshaven, Germany.
Dorothea Findorf, also known as Dorothea Schreiber, Kiel, Germany.
Auguste Schmidt, also known as Auguste Schreiber, Grossburgwedel, Germany.
Emilie Bothe, also known as Emilie Schreiber, Hanover, Germany.
Mrs. Katharina Franziska Horlacher, Mannheim, Germany.
Karl Horlacher, Mannheim, Germany.
Willy Horlacher, Bruchsal, Germany.
Mrs. Rina Becker, also known as Rina Horlacher, Mannheim, Germany.
Otto Ernst Horlacher, Mannheim, Germany.
Friedrich Horlacher, Mannheim, Germany.
Johann Horlacher, Poelitz, Germany.
Johannes Strobach, Scharnweber Str. 87, Berlin-Reinickendorf, Germany.
Elizabeth Huth, West Buelow Str. 19, Berlin-Zehlendorf, Germany.
Hildegard Hofmeister, 14 Friedlaender Str., Anklam, Germany.
Anna Keppner, Stadthospital, Schwalbacher Str., Wiesbaden, Germany.
Mrs. Franz Titz, also known as Mrs. Franz Selp, Chemnitz Str. 13, Kiel, Germany.
Mrs. Marie Ursula Fritsch, also known as Marie Ursula Lauber, Kirch Str. 2, Altenheim, Baden, Germany.
Jakob Lauber, Kanonengasse 28, Altenheim, Germany.
Wilhelm Lauber, Lindengasse 4, Altenheim, Germany.
Albert Maier, Hochbrueck, Germany.
Degenhard Maier, St. Herrmann, Germany.
Wilhelm Koelling, Hoyel, Germany.
Katharine Koelling, Hoyel, Germany.
August Koelling, Enger, Germany.
Luise Nienaber, also known as Luise Koelling, Westerenger, Germany.
Lina Strathmann, also known as Lina Koelling, Niederntalle 1./L., Germany.
Wilhelm Brutlach, Dreyen near Enger, Germany.
Karoline Henrichvark, also known as Karoline Koelling, Enger, Germany.

[F. R. Doc. 48-7932; Filed, Sept. 2, 1948; 8:52 a. m.]

[Vesting Order 11890]

TAKA UOMOTO

In re: Bank account owned by Taka Uomoto, also known as Takae Uomoto and as T. Uomoto. D-39-1390-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Taka Uomoto, also known as Takae Uomoto and as T. Uomoto, whose last known address is Yamatahama City, Ehime-Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Those certain debts or other obligations owing to Taka Uomoto, also known as Takae Uomoto and as T. Uomoto, by Sumitomo Bank of Seattle, Room 1210, 1411 Fourth Avenue Building, Seattle 1, Washington, arising out of time certificates of deposit numbered 15184 and 15213 and entitled T. Uomoto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7992; Filed, Sept. 3, 1948; 8:55 a. m.]

[Vesting Order 11711]

KATIE HENNEIKE

In re: Estate of Katie Kenneike, deceased. File D-28-11493; E. T. sec. 15716.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacob Viebrock, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the heirs, devisees and legatees, names unknown, of Jacob Viebrock, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Katie Menneike, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by S. D. Sturdevant, as administrator, acting under the judicial supervision of the County Court of the State of Illinois, in and for the County of Iroquois;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the heirs, devisees and legatees, names unknown, of Jacob Viebrock, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-7993; Filed, Sept. 3, 1948; 8:55 a. m.]

FEDERAL REGISTER

VOLUME 13 NUMBER 175

Washington, Wednesday, September 8, 1948

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[General Sugar Quota Regs., Series 10, No. 1, Amdt. 6]

PART 821—SUGAR QUOTAS

SUGAR QUOTAS FOR 1948

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922) and the Administrative Procedure Act (60 Stat. 237), General Sugar Quota Regulations, Series 10, No. 1 (13 F. R. 133) as amended (13 F. R. 1303, 3109, 4009, 4660), establishing quotas for 1948, are hereby amended as hereinafter set forth.

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 and is made for the purpose of changing the effective date of Amendment 4 to General Sugar Quota Regulations, Series 10, No. 1, and to prorate among the foreign countries other than Cuba and the Republic of the Philippines that part of the prorations of the basic quota to such foreign countries remaining unfilled on September 1. This amendment also reallots to certain foreign countries the unfilled portions of the Philippine deficit heretofore allotted to other foreign countries.

Among other things, Amendment 4, which was published in the FEDERAL REGISTER on August 12, 1948, revised the basic quota for foreign countries other than Cuba and the Republic of the Philippines. This change in such quota resulted from the revision of the determination of sugar consumption requirements made by the Secretary of Agriculture on July 26, 1948. At the same time the proration of such basic quota among the foreign countries was also revised. Section 204 (b) of the act provides that if on the first day of September in any calendar year any part or all of any such proration to a foreign country has not been filled the Secretary may revise the prorations and allot the unfilled portions to those foreign countries which have filled their prorations by such date. In order to accomplish the objectives of the act, particularly those relating to consumer protection and the promotion of export trade, it is deemed necessary to reallocate the unfilled prorations of the quota based on the revised estimate of consumption made July 26, 1948. To do this, such revised prorations must be made effective before September 1. Accordingly, it is hereby found that compliance with the effective date requirement of the Administrative Procedure Act is impracticable and contrary to the public interest and Amendment 4 shall become effective on the date of its publication in the FEDERAL REGISTER.

This amendment revises the prorations to foreign countries other than Cuba and the Republic of the Philippines of the basic quota for such foreign countries and reallots to certain foreign countries the unfilled prorations of the Philippine deficit allotted to other foreign countries other than Cuba. In order to afford affected countries adequate opportunity to ship the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that the revised prorations be made effective immediately. It should be noted that the Act accords to each country the right to import the amount of its basic proration by providing that no reduction therein shall be made by reason of a determination under section 204 (b). Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendments herein made shall become effective on the date of their publication in the FEDERAL REGISTER.

General Sugar Quota Regulations, Series 10, No. 1 (13 F. R. 133) as amended (13 F. R. 1303, 3109, 4009, 4660) are hereby further amended as follows:

1. The effective date of Amendment 4 to these regulations is hereby changed to August 12, 1948.

2. Section 821.5 is amended by adding thereto new paragraphs (g) and (h) as follows:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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ippines established under section 202 (c) of the act amounted to 13,795,912 pounds of sugar and that the Dominican Republic and the Republics of Haiti, Mexico, Peru and El Salvador had filled their prorations of such quota by September 1, 1948.

(b) *Allotment of unfilled prorations of quota for foreign countries other than Cuba and the Republic of the Philippines.* An amount of sugar equal to the unfilled prorations to foreign countries determined in paragraph (g) of this section is hereby prorated, pursuant to subsections (b) and (d) of section 204 of the act as follows:

Country:	*Additional allotments in pounds, raw value*
Dominican Republic	2,387,668
Haiti, Republic of	329,986
Mexico	2,159,731
Peru	3,979,435
Salvador	2,939,092
	11,795,912
Unallotted reserve	2,000,000
	13,795,912

3. Section 821.6 (b) is changed to read:

§ 821.6 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* * * *

(b) *Additional prorations.* An amount of sugar equal to that part of the deficit prorated to foreign countries other than Cuba and the Republic of the Philippines under paragraph (d) of § 821.5 is hereby prorated, pursuant to subsections (a) and (d) of section 204 of the act, as follows:

Country:	*Additional allotments in pounds, raw value*
Dominican Republic	20,989,663
Haiti, Republic of	2,538,744
Mexico	8,135,056
Peru	34,962,667
Salvador	3,553,870
Subtotal	70,200,000
Unallotted Reserve	4,000,000
	74,200,000

Statement of bases and considerations. As of September 1, 1948, the quota for foreign countries other than Cuba and the Republic of the Philippines, established pursuant to section 202 (c) of the act, equaled 53,040,000 pounds of sugar, raw value. On the same date the share of the 1948 Philippine deficit accruing to foreign countries other than Cuba and the Republic of the Philippines, pursuant to section 204 (a) of the act, equaled 74,200,000 pounds of sugar, raw value.

Section 204 (b) of the act provides that if, on the first day of September in any calendar year, any part or all of the proration to any foreign country of the quota for foreign countries other than Cuba and the Republic of the Philippines established under the provisions of section 202 (c) has not been filled, the Secretary may revise the proration of such quota among such foreign countries by allotting an amount of sugar equal to the unfilled proration to those countries which have filled their quotas by such date. Section 204 (c) of the act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any such determination of a deficit.

The Dominican Republic, the Republics of Haiti, Mexico, Peru, and El Salvador are the only foreign countries that have filled their proration of the basic quota for foreign countries other than Cuba and the Republic of the Philippines, established pursuant to section 202 (c) of the act, as of September 1, 1948. Therefore, pursuant to section 204 (b) and section 204 (d) of the act, the unfilled portions of the prorations for all other foreign countries have been prorated to the five foreign countries mentioned above on the basis of the proration now in effect with the exception of 2,000,000 pounds of sugar held in an unallotted reserve for future contingencies.

The Dominican Republic and the Republics of Haiti and Peru are the only foreign countries that have substantially filled their prorations of the Philippine deficit as of September 1, 1948, and, according to trade sources, are the only foreign countries that appear likely to fill the additional prorations set forth in these regulations before the end of the calendar year. Advice from trade sources also indicates that the Republic of Mexico expects to fill all or a major portion of its current unfilled balance of the Philippine deficit during the remaining months of 1948. Therefore, in order to assure the filling of quotas so as to have available sufficient sugar to meet the requirements of consumers in the continental United States, allotments of the Philippine deficit to foreign countries are herein revised. Section 204 (d) gives the Secretary of Agriculture authority to allot the Philippine deficit among foreign countries on such basis as he shall determine. The Philippine deficit previously prorated to Mexico has not been changed. The unfilled balances of the Philippine deficit of all other foreign countries other than Cuba and the Republic of the Philippines have been prorated to the Dominican Republic, Haiti, and Peru on the basis of the prorations now in effect, with the exception that 4,000,000 pounds have been held in an unallotted reserve for future contingencies.

Although the unfilled portions of the prorations which each country received pursuant to section 202 (c) of the act have been prorated to those countries that had filled their prorations as of September 1, 1948, the existing prorations for such countries in effect on that date are not reduced by reason of a deficit having been determined.

After giving effect to the changes set forth in General Sugar Quota Regulations, Series 10, No. 1, and Amendments 1 to 6 thereto, the current sugar quotas in terms of short tons, raw value, for foreign countries other than Cuba and the Republic of the Philippines are as follows:

REALLOTMENT OF BASIC PRORATIONS AND PHILIPPINE DEFICIT TO FOREIGN COUNTRIES OTHER THAN CUBA AND THE PHILIPPINES (SEPT. 1, 1948) [1]

	Basic proration, Sept. 1, 1948	Adjusted basic proration, Sept. 1, 1948 [2]	Adjusted allotment of Philippine deficit Sept. 1, 1948	Total adjusted proration, Sept. 1, 1948
Belgium	312,661	0	0	0
Canada	399,309	0	0	0
China and Hong Kong	306,081	0	0	0
Czechoslovakia	279,722	0	0	0
Dominican Republic	7,084,336	9,472,004	20,989,663	30,461,667
Dutch East Indies	224,506	0	0	0
Guatemala	355,787	0	0	0
Haiti, Republic of	979,087	1,309,073	2,538,744	3,847,817
Honduras	3,646,628	0	0	0
Mexico	6,408,604	8,567,765	8,135,056	16,702,821
Netherlands	231,451	0	0	0
Nicaragua	10,558,401	[3] 4,245,000	0	4,245,000
Peru	11,807,192	15,786,627	34,962,667	50,749,294
Salvadore	8,720,439	11,659,531	[3] 3,553,870	15,213,401
United Kingdom	372,535	0	0	0
Venezuela	308,087	0	0	0
Other countries	45,603	0	0	0
Sub total	52,540,000	51,040,000	70,200,000	121,240,000
Unallotted reserve	500,000	2,000,000	4,000,000	[4] 6,000,000
Total	53,040,000	53,040,000	74,200,000	127,240,000

[1] Based on charges against quota through Sept. 1, 1948.
[2] By reason of section 204 (c) of the act each individual country retains its basic proration of the quota even though it may not have filled such proration by Sept. 1.

Done at Washington, D. C., this 1st day of September 1948.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8036; Filed, Sept. 7, 1948; 8:46 a. m.]

PART 821—SUGAR QUOTAS

DECISION OF THE SECRETARY OF AGRICULTURE ON THE ALLOTMENT OF THE 1948 SUGAR QUOTAS FOR PUERTO RICO

Basis and purpose. Section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") requires the Secretary of Agriculture to allot a quota whenever he

§ 821.5 *Determination and proration of area deficits.* * * *

(g) *Deficit in prorations of foreign countries other than Cuba and the Republic of the Philippines.* It is hereby determined, pursuant to section 204 (b) of the act, that by September 1, 1948, unfilled prorations to foreign countries of the quota for foreign countries other than Cuba and the Republic of the Phil-

finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area.

On May 10, 1948, the Secretary found that the allotment of the 1948 sugar quota for Puerto Rico for consumption in the continental United States and the 1948 sugar quota for local consumption in Puerto Rico was necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and, in accordance with the applicable rules of practice and procedure, issued a notice of a public hearing for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of such quotas. The hearing was held at the time and place specified in the notice.

The finding that allotments were necessary was based on the fact that the estimated quantity of Puerto Rican sugar which would be available for marketing in 1948 exceeded by a substantial amount the combined mainland and local quotas. Current production data, however, reveal that the total quantity of Puerto Rican sugar which will be available for marketing in 1948 is approximately 1,108,000 short tons, raw value, which is about 26,000 short tons less than the total quantity estimated at the time of the issuance of notice of the hearing. In addition, on July 12, 1948 (13 F. R. 4009) the Secretary of Agriculture found that Hawaii and the mainland cane sugar area will be unable to market the quotas for such areas and determined deficits therefor. The consequent proration of these deficits in accordance with the provisions of section 204 (a) of the act increased the 1948 continental sugar quota for Puerto Rico by 48,302 short tons, raw value. In view of the current data relating to the 1947–1948 sugar crop and the increased quota resulting from the proration of deficits in other sugar producing areas, it now appears that the total quantity of Puerto Rican sugar which will be available for marketing in 1948 will exceed the sum of the mainland and local quotas by approximately 26,000 short tons, raw value. Therefore, it is not anticipated that such excess will cause disorderly marketing and importation of such sugar or deny all interested persons an equitable opportunity to market such sugar in continental United States and Puerto Rico. Accordingly, pursuant to the authority conferred upon the Secretary of Agriculture by the act, and on the basis of the foregoing, the following determination is hereby issued:

§ 821.52 *Allotment of 1948 sugar quotas for Puerto Rico unnecessary.* It is hereby found and determined that the allotment of the 1948 sugar quotas for Puerto Rico is not necessary to prevent disorderly marketing and importation of such sugar or to enable all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico or otherwise to accomplish the purposes of the Sugar Act of 1948. (60 Stat. 237; 61 Stat. 922)

Done at Washington, D. C., this 1st day of September 1948.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48–8037; Filed, Sept. 7, 1948; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs. Serial No. SR–326]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

ISSUANCE OF AIR CARRIER OPERATING CERTIFICATES TO PERSONS HOLDING TEMPORARY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of August 1948.

Special Civil Air Regulation Serial Number 396 which authorizes the Administrator to issue an air carrier operating certificate, or amendments thereto, to an air carrier holding a temporary certificate of public convenience and necessity, issued by the Board, will terminate August 31, 1948.

The purpose of this proposed Special Civil Air Regulation is to continue authorization for the issuance or amendment of air carrier operating certificates under conditions specified herein to those scheduled air carriers holding temporary certificates of public convenience and necessity.

It is anticipated that the continuation of this authorization for one year will provide sufficient time for incorporation of adequate rules in the Civil Air Regulations to govern these operations.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective September 1, 1948:

An air carrier operating certificate, or amendments thereto, may be issued by the Administrator to an air carrier holding a temporary certificate of public convenience and necessity issued by the Board, authorizing such carrier to engage in scheduled air carrier operations which do not fully meet the certification and operation requirements of Parts 40 and 61 of the Civil Air Regulations, if the Administrator finds that any of such requirements can be omitted or modified without adversely affecting safety. Such omissions or modifications, when approved by the Administrator shall be listed in the air carrier operating certificate, and the Administrator shall promptly notify the Board of the omissions or modifications approved by him and the reasons therefor.

This regulation supersedes Special Civil Air Regulation Serial Number 396 and shall terminate August 31, 1949.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48–8046; Filed, Sept. 7, 1948; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5245]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HAROLD S. SCHWARTZ ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (i) *Advertising falsely or misleadingly—Free Goods or service:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.6 (dd) *Advertising falsely or misleadingly—Special or limited offers:* § 3.6 (gg) *Advertising falsely or misleadingly—Value:* § 3.72 (e) *Offering unfair, improper and deceptive inducements to purchase or deal—Free Goods:* § 3.72 (g 10) *Offering unfair, improper and deceptive inducements to purchase or deal—Limited offers or supply.* In connection with the offering for sale, sale, and distribution in commerce, of various types of household merchandise, wearing apparel, novelties, or other merchandise, (1) representing that any service or commodity for which a charge is made directly or indirectly, or the cost of which is included in the purchase price of any other service or commodity, is free, either by the use of the term "free" or by any other term or terms of similar import or meaning, (2) representing that the customary or usual price for any kind or type of merchandise or commodity is a special, reduced, or cut-rate price; that an offer of said merchandise or commodity is limited in point of time when the offer is not in fact so limited; or that said merchandise or commodity offered is of a value in excess of the usual or customary price thereof; (3) using the words "grain leather" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a designation for, as descriptive of, or in connection with a product not composed wholly of the outer or hair-side of a skin or hide, except that where such a product is made in part of grain leather this provision shall not prevent a true description of such part or portion, provided such description is clearly limited thereto; (4) using the numeral "10" or any variation thereof, either as a symbol or word, to designate, describe, or refer to a telescope or other instrument which does not in fact magnify objects ten times; or otherwise attributing to any instrument a magnifying power in excess of that possessed by its lenses; (5) using the words "weather forecaster" or any other word or words of similar import or meaning, either alone or in conjunction with any other word or words to describe, designate, or refer to any instrument which does not provide a dependable means of weather forecasting; or, (6) using the word "Swiss" or any other word or words of similar import or meaning, either alone or in conjunction with any other word or words, to designate, describe, or refer to a product not in fact made in, or imported from, Switzerland; or directly or impliedly representing in any manner that a domestic product is of foreign origin or manufacture; prohibited. (Sec. 5, 38 Stat. 719 as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Harold S. Schwartz et al., trading as Illinois Merchandise Mart, Docket 5245, July 21, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 21st day of July A. D. 1948.

In the Matter of Harold S. Schwartz, Jerome G. Becker, Louis S. Schwartz, and Louis C. Schnitz, Copartners, Trading as Illinois Merchandise Mart

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, exception thereto, and brief in support of the complaint (no brief having been filed by the respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Harold S. Schwartz, Jerome G. Becker, Louis S. Schwartz, and Louis C. Schnitz, individually or as copartners trading as Illinois Merchandise Mart or under any other name or names, their agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution in commerce as "commerce" is defined in the Federal Trade Commission Act, of various types of household merchandise, wearing apparel, novelties, or other merchandise, do forthwith cease and desist from directly or indirectly:

1. Representing that any service or commodity for which a charge is made directly or indirectly, or the cost of which is included in the purchase price of any other service or commodity, is free, either by the use of the term "free" or by any other term or terms of similar import or meaning.

2. Representing that the customary or usual price for any kind or type of merchandise or commodity is a special, reduced, or cut-rate price; that an offer of said merchandise or commodity is limited in point of time when the offer is not in fact so limited; or that said merchandise or commodity offered is of a value in excess of the usual or customary price thereof.

3. Using the words "grain leather" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a designation for, as descriptive of, or in connection with a product not composed wholly of the outer or hair-side of a skin or hide, except that where such a product is made in part of grain leather this provision shall not prevent a true description of such part or portion, provided such description is clearly limited thereto.

4. Using the numeral "10" or any variation thereof, either as a symbol or word, to designate, describe, or refer to a telescope or other instrument which does not in fact magnify objects ten times or otherwise attributing to any instrument a magnifying power in excess of that possessed by its lenses.

5. Using the words "weather forecaster" or any other word or words of similar import or meaning, either alone or in conjunction with any other word or words to describe, designate, or refer to any instrument which does not provide a dependable means of weather forecasting.

6. Using the word "Swiss" or any other word or words of similar import or meaning, either alone or in conjunction with any other word or words, to designate, describe, or refer to a product not in fact made in, or imported from, Switzerland; or directly or impliedly representing in any manner that a domestic product is of foreign origin or manufacture.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with it.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48–8027; Filed, Sept. 7, 1948; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION OF COMMISSION; SUBMITTALS AND REQUESTS

CROSS REFERENCE: For order withdrawing from the Code of Federal Regulations those regulations heretofore appearing in Part 200 of this chapter, future amendments of which will appear in the Notices section, see Federal Register Document 48–8031 in the Notices section, *infra.* This document also amends former Part 200 by describing additional duties of trial examiners.

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

PART 500—GENERAL

MISCELLANEOUS AMENDMENTS

Section 500.22 of Subpart C is amended effective September 1, 1948, by:

1. Deleting opposite the State of Louisiana, in the column headed *City* "Shreveport '" and substituting therefor "Shreveport".

2. Deleting in the column headed *Address* "Bossier City Bank and Trust Company, Bossier City" and substituting therefor "205 Milam Street".

3. Deleting in the column headed *jurisdiction* "(See New Orleans)" and substituting therefor "Counties north of Vernon, Allen, Evangeline, St. Landry and Pointe Coupee".

(Sec. 1, 48 Stat. 1246; 12 U. S. C. and Sup. 1702 and Reorg. Plan No. 3 of 1947, effective July 27, 1947)

[SEAL] R. WINTON ELLIOTT,
Assistant Commissioner.

AUGUST 31, 1948.

[F. R. Doc. 48–8025; Filed, Sept. 7, 1948; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5652]

PART 180—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

ACTION BY CARRIER AND BY COLLECTOR OF CUSTOMS AT PORT OF ARRIVAL

1. On June 29, 1948, notice of proposed rule making regarding shipment of liquors and articles from Puerto Rico to the United States was published in the FEDERAL REGISTER (13 F. R. 3589).

2. No objections to the rules having been received, Regulations 24, approved June 16, 1941, are hereby changed by adding § 180.48a and amending § 180.49.

§ 180.48a *Action by carrier.* The carrier of the merchandise specified on the Form 487–B shall, at the time of unlading at the port of arrival in the United States, segregate and arrange the cases of liquors or articles for convenient customs examination and will assume any expense incurred in connection therewith. (Secs. 3360 and 4041, I. R. C.)

§ 180.49 *Action by collector of customs at port of arrival*—(a) *Inspection.* Upon receipt of Form 487–B, application and permit to ship tax-paid liquors or articles to the United States, bearing the sworn affidavit of the shipper and the certification of the insular internal revenue agent that all the internal revenue taxes due no the liquors or articles cov-

ered thereby have been paid and the copies of Form 487–B from the collector of customs in Puerto Rico, the collector of customs at the port of arrival will inspect the merchandise to determine whether the quantity specified on the Form 487–B is contained in the shipment. He will execute his certificate on Part 5 of each copy of Form 487–B received and indicate thereon any exceptions found at the time of discharge. The statement of exceptions should show the serial number of each case or other shipping container which sustained a loss, the quantity of liquor reported shipped in such container and the quantity lost. Losses occurring as the result of missing bottles, cases or other containers should be listed separately from empty containers and containers which have sustained losses due to breakage. Where the statement is made on the basis of bottles missing or lost due to other cause, the number and size of bottles lost should be shown. If the collector finds that the full amount of the taxes due has not been paid, he will require the difference due to be paid prior to release of the merchandise in accordance with the applicable provisions of the regulations in this part. When the proper inspection of the merchandise has been effected and any additional taxes found to be due on the liquors or articles collected, the merchandise will be released.

(b) *Disposition of forms.* Two copies of the Form 487–B will be forwarded to the deputy collector of internal revenue at San Juan, Puerto Rico, and one copy of the form will be retained by the collector of customs and be available for inspection by internal revenue officers. If the taxpayer files a claim for refund of tax on losses, the deputy collector of internal revenue will forward to the Commissioner a copy of the completed Form 487–B with the claim for refund. (Secs. 3360 and 4041, I. R. C.)

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Secs. 3360 and 4041 of the Internal Revenue Code (26 U. S. C. A. 3360 and 4041))

GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.
FRANK DOW,
Acting Commissioner of Customs.

Approved: September 1, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48–8045; Filed; Sept. 7, 1948; 8:52 a. m.]

[T. D. 5651]

PART 181—STILLS AND DISTILLING APPARATUS

MISCELLANEOUS AMENDMENTS

1. On June 10, 1948, notice of proposed rule making regarding the tax-free exportation of distilling apparatus was published in the FEDERAL REGISTER (13 F. R. 3120).

2. No objections to the rules having been received, the following added §§ 181.28, 181.29, 181.30, 181.31 and 181.32 and the amendment of §§ 181.13 (g) and 181.14 (a) of Regulations 23, approved March 30, 1940 (26 CFR, Part 181), are hereby adopted.

§ 181.13 *Taxable status of stills.* • • •

(g) *Exportation.* Stills or worms or condensers intended for purposes other than distilling as defined in § 181.12 may be removed without payment of the commodity tax for export by the manufacturer, or dealer, under the procedure prescribed by §§ 181.28, 181.29, 181.30, 181.31 and 181.32. (Sec. 3791, I. R. C.)

§ 181.14 *Procedure for removal for domestic use*—(a) *Application and permit for removal.* No still, boiler (doubler or pot still), worm, condenser, or other distilling apparatus, shall be removed from the premises of the manufacturer, or dealer, as the case may be, for delivery to a user, or for his own use, until the collector of the district in which the manufacturer or vendor is located has received from the manufacturer or vendor an application on Form 110, in triplicate, for permission to remove the distilling apparatus, and permit on such form has been received from such collector to remove the same. Such application shall disclose the name and address of the manufacturer or vendor, the approximate date the apparatus is to be removed, the name and address of the person by whom the apparatus is to be used, the purpose for which it is to be used, the type and kind of apparatus, its capacity, the manufacturer's serial number of the apparatus, and, if the apparatus is taxable, the serial number of the manufacturer's special (occupational) tax stamp and the serial number of the special (commodity) tax stamp for the apparatus. The collector issuing the removal permit shall furnish a copy of such permit to the district supervisor in whose district the apparatus is to be set up, registered and used. No distilling apparatus may be set up or used for distilling as defined by § 181.12 without application to and permit from the district supervisor in whose district the apparatus is to be used as provided in § 181.14 (b). (See §§ 181.17 to 181.27, inclusive, relative to exportation of stills with benefit of drawback, and §§ 181.28 to 181.32, inclusive, relative to exportation free of tax.) (Sec. 3791, I. R. C.)

Article VI—Exportation of Distilling Apparatus Free of Tax

§ 181.28 *Application and entry, Form 1960.* The exporter will execute and file with the collector of internal revenue an application and entry on Form 1690, in quadruplicate, when he desires to remove for exportation, without payment of the commodity tax, a still, worm or condenser intended for purposes other than distilling. Each application, Form 1690, must be numbered serially commencing with number 1 and continuing in regular sequence for all applications thereafter. Parts 1 and 2 of each copy will be fully executed. A statement by the person who intends to use the distilling apparatus other than for distilling must be filed by the exporter in support of the application. The statement must show the purchaser's name and address, the purpose for which the distilling apparatus will be used, the manufacturer's serial number of the distilling apparatus and the manufacturer's name and address. The serial number and the manufacturer's name and address may be entered on the statement by the exporter. If all required information has been furnished by the exporter, the collector of internal revenue will approve each copy of the application and entry, retain the original and return three copies to the exporter. The purchaser's statement will be retained by the collector. Upon receipt of the approved copies of the application and entry, the exporter may remove the still, worm or condenser described therein for export free of tax. If evidence of exportation (as hereinafter prescribed) is not received by the collector of internal revenue in due course, an appropriate inquiry will be made. (Sec. 3791, I. R. C.)

§ 181.29 *Marking of stills, worms or condensers.* Stills, worms or condensers intended for exportation free of tax shall have branded or stamped thereon, in a conspicuous place, the words "For export," followed by the serial number of the article and the manufacturer's name. Where such articles are manufactured from metal plates, the words "For export," with the serial number of the article and the manufacturer's name directly thereunder, will be stamped (in letters and figures which must, in no case, be less than one-half inch in height) thereon with a suitable die, or otherwise permanently affixed to each article. Where the article is constructed of wood, the words "For export," the serial number of the article and the manufacturer's name will be branded thereon. If the article is to be exported in a shipping container, the foregoing marks must also be shown on such container in a manner which will enable ready identification by customs officers. (Sec. 3791, I. R. C.)

§ 181.30 *Delivery of shipment; bill of lading.* The exporter, upon receipt of the approved copies of the application and entry, will deliver the still, worm or condenser either to the carrier or directly for customs inspection. Two copies of the Form 1690 will be transmitted to the collector of customs. A copy of the export bill of lading shall be forwarded and filed with the collector of customs. In case of exportation through a border port to foreign contiguous territory, the bill of lading will cover transportation to destination and must show the routing, particularly the carrier which will deliver the shipment for customs inspection at the border; also, that the shipment was sent in care of the collector or deputy collector of customs at the border port. (Sec. 3791, I. R. C.)

§ 181.31 *Inspection and lading.* The collector of customs to whom the copies of Form 1690 are transmitted will fill in on each copy of the form the order for inspection and lading. The inspector of customs will carefully examine the shipment described in the entry and he will, if he finds it to be otherwise than described, make a special report thereon. After having complied with the order of inspection and after the distilling apparatus has been duly laden on board the exporting vessel or other vehicle the inspector will complete and sign the certificate of inspection and lading. (Sec. 3791, I. R. C.)

§ 181.32 *Certification of exportation.* After inspection, lading and clearance for a foreign port of the vessel or other vehicle on which the distilling apparatus described in the entry is laden, and after receipt of the export or through bill of lading, the collector of customs will execute the certificate of exportation on each copy of the entry, Form 1690. The collector of customs will retain one copy for his entry record and transmit the remaining copy of the Form 1690 to the collector of internal revenue who approved the form. (Sec. 3791, I. R. C.)

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Sec. 3791 of the Internal Revenue Code (26 U. S. C. A. 3791))

GEO J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: September 1, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48–8044; Filed, Sept. 7, 1948; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order No. 2467]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

Section 4.277 is amended to read as follows:

§ 4.277 *Authority to designate employees to perform the functions of Managers.* The Director may authorize any qualified employee of the Bureau of Land Management to perform the functions of the manager of a district land and survey office in case of the death, resignation, absence, or sickness of the manager. However, such employee shall not decide or dispose of a contest or protest. He may not perform the functions of manager until he has filed a bond in such penal sum as the Director may fix and the bond has been accepted by the Director. Each employee authorized to act under this section shall sign all documents and other papers under his pay roll title and not as manager.

Each such employee shall, by memoranda, advise his regional administrator of the beginning and of the termination of a period during which he performs the functions of manager. Copies of such memoranda shall be sent to the Director.

The authority conferred by this section may be redelegated by the Director to the regional administrators by an order published in the FEDERAL REGISTER.

(R. S. 161; 5 U. S. C. 22; Reorganization Plan No. 3 of 1946; 43 CFR 4.250)

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 30, 1948.

[F. R. Doc. 48–8022; Filed, Sept. 7, 1948; 8:50 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

[Order No. 331]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS TO REGIONAL ADMINISTRATORS AND MANAGERS

AUGUST 31, 1948.

1. New subparagraphs are added to paragraphs (a) and (b) of § 50.451, as follows:

§ 50.451 *Functions with respect to various statutes.*[1] (a) • • •

(7) Approval of construction in advance of the issuance of a permit or easement in right-of-way cases, in accordance with 43 CFR, 244.10, 245.8, as amended.

(8) Applications to use public lands under right-of-way permits for tramroads under the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956), and the issuance, assignment, modification or cancellation of such permits.

(9) Applications to use public lands under right-of-way permits or easements authorized by the following acts, and the issuance, assignment, modification, cancellation, or revocation of such permits or easements: *Provided*, That such actions involving lands within national parks, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior, may only be taken after the consent of the head of the bureau or agency administering the reservation has been obtained.

(i) Under the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959, 16 U. S. C. 79).

(ii) Under the act of March 4, 1911 (36 Stat. 1235, 1253–54; 43 U. S. C. 961).

(iii) Under section 4 (P) of the act of December 5, 1924 (43 Stat. 704), for the construction, operation or maintenance of main transmission lines to transmit electrical energy, as provided by the Boulder Canyon Act of December 21, 1928 (45 Stat. 1056, 1061).

(10) Approval of applications for rights-of-way and the issuance, modification and assignment of such easements, and cancellations on relinquishments, or when authorized as a result of forfeiture proceedings, under the following acts: *Provided*, That such actions involving lands within national parks, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior, may only be taken after the consent of the head of the bureau or agency administering the reservation has been obtained.

(i) Act of March 3, 1891 (26 Stat. 1101), as amended by the act of March 4, 1917 (39 Stat. 1197), act of March 1, 1921 (41 Stat. 1194), and the act of May 28, 1926 (44 Stat. 668; 43 U. S. C. 946–950), for right-of-way for canals, laterals, and reservoir sites for irrigation and drainage purposes, including the right to materials for construction thereof, and permits or easements for caretaker's building sites on adjoining acreage.

(ii) Section 17 of the Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18) for right-of-way for highways and road building material sites.

(iii) Act of June 8, 1938 (52 Stat. 633), as amended (23 U. S. C. 10b), for right-of-way for roadside and landscape development under the Federal Aid Highway Act.

(iv) Act of November 19, 1941 (55 Stat. 767; 23 U. S. C., Sup., 108) for right-of-way for flight strips under the Federal Aid Highway Act.

(v) Approval of rights-of-way for railroad purposes under the act of March 18, 1875 (18 Stat. 482; 43 U. S. C. 934).

(vi) Approval of rights-of-way under section 28 of the act of February 25, 1920, as amended (41 Stat. 437, 449; 30 U. S. C. 185), and of modifications and partial or entire relinquishments of such rights-of-way.

(24) Applications for mineral spring leases under the act of March 3, 1925 (43 Stat. 1133; 43 U. S. C. 971), the issuance of such leases, and assignments, modifications and cancellations relating thereto.

(34) Applications for reservoir sites for water for livestock under the act of January 13, 1897 (29 Stat. 484), as amended by the act of March 3, 1923 (42 Stat. 1437; 43 U. S. C. 952–955).

(35) The issuance of special land use permits pursuant to 43 CFR, Part 258, and § 115.150, including such permits to Federal agencies, and to State agencies and political subdivisions.

(48) Applications and permits for the development of underground water in Nevada under 43 CFR, Part 234.

(b) The regional administrators may cause to be classified under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269, 1272), as amended by the act of June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315f), or pursuant to other laws, land as being suitable for the following types of disposition, without obtaining the approval of the Director, unless the Director in any particular matter determines otherwise, subject in any event to an appeal to the Director according to the rules of practice, 43 CFR, Part 221:

(7) Under 43 CFR, Part 234, relating to the development of underground water in Nevada.

2. Paragraph (a) of § 50.501 is amended and new subparagraphs are added to it as follows:

[1] The numbers of the subparagraphs in this section correspond with the numbers of the related subparagraphs in 43 CFR 4.275 (a) and (b).

§ 50.501 *Functions with respect to various statutes.*[2] (a) The managers may act in relation to the following classes of matters in accordance with applicable regulations and procedures, without obtaining the approval of the Director or Regional Administrator; unless the Director or Regional Administrator in any particular matter determines otherwise, subject in any event to an appeal to the Director and from his decision to the Secretary, in accordance with the rules of practice (43 CFR, Part 221).

(4) Applications to lease public lands in Alaska for fur farms under the act of July 3, 1926 (44 Stat. 821; 48 U. S. C. 360, 361), and the issuance, assignment, modification or cancellation of such leases.

(5) Applications to lease public lands in Alaska for grazing purposes under the act of March 4, 1927 (44 Stat. 1452; 48 U. S. C. 471, 471a–471c), and the issuance, assignment, modification or cancellation of such leases.

(7) Approval of construction in advance of the issuance of a permit or easement in right-of-way cases, in accordance with 43 CFR, 244.10, 245.8, as amended.

(8) Applications to use public lands under right-of-way permits for tramroads under the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956), and the issuance, assignment, modification or cancellation of such permits.

(9) Applications to use public lands under right-of-way permits or easements authorized by the following acts, and the issuance, assignment, modification, cancellation, or revocation of such permits or easements: *Provided*, That such actions involving lands within national parks, or any reservations of the United States for use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior, may only be taken after the consent of the head of the bureau or agency administering the reservation has been obtained.

(i) Under the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959, 16 U. S. C. 79).

(ii) Under the act of March 4, 1911 (36 Stat. 1235, 1253–54; 43 U. S. C. 961).

(iii) Under section 4 (p) of the act of December 5, 1924 (43 Stat. 704), for the construction, operation or maintenance of main transmission lines to transmit electrical energy, as provided by the Boulder Canyon Act of December 21, 1928 (45 Stat. 1056, 1061).

(10) Approval of applications for rights-of-way and the issuance, modification and assignment of such easements, and cancellations on relinquishments, or when authorized as a result of forfeiture proceedings, under the following acts: *Provided*, That such actions involving lands within national parks, or any reservations of the United States for the use of or administered by the National Park Service, the Fish and Wildlife Service, or any agency outside the Department of the Interior, may only be taken after the consent of the head of the bureau or agency administering the reservation has been obtained.

(i) Act of March 3, 1891 (26 Stat. 1101), as amended by the act of March 4, 1917 (39 Stat. 1197), act of March 1, 1921 (41 Stat. 1194), and the act of May 28, 1926 (44 Stat. 668; 43 U. S. C. 946–950), for right-of-way for canals, laterals, and reservoir sites for irrigation and drainage purposes; including the right to materials for construction thereof, and permits or easements for caretaker's building sites on adjoining acreage.

(ii) Section 17 of the Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18) for right-of-way for highways and road building material sites.

(iii) Act of June 8, 1938 (52 Stat. 633), as amended (23 U. S. C. 10b), for right-of-way for roadside and landscape development under the Federal Aid Highway Act.

(iv) Act of November 19, 1941 (55 Stat. 767; 23 U. S. C., Sup., 108) for right-of-way for flight strips under the Federal Aid Highway Act.

(v) Approval of rights-of-way for railroad purposes under the act of March 18, 1875 (18 Stat. 482; 43 U. S. C. 934).

(vi) Approval of rights-of-way under section 28 of the act of February 25, 1920, as amended (41 Stat. 437, 449; 30 U. S. C. 185), and of modifications and partial or entire relinquishments of such rights-of-way.

(24) Applications for mineral spring leases under the act of March 3, 1925 (43 Stat. 1133; 43 U. S. C. 971), the issuance of such leases, and assignments, modifications and cancellations relating thereto.

(34) Applications for reservoir sites for water for livestock under the act of January 13, 1897 (29 Stat. 484), as amended by the act of March 3, 1923 (42 Stat. 1437; 43 U. S. C. 952–955).

(48) Applications and permits for the development of underground water in Nevada under 43 CFR, part 234.

(43 CFR 4.275; R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

MARION CLAWSON,
Director.

[F. R. Doc. 48–8021; Filed, Sept. 7, 1948; 8:49 a. m.]

[Circular No. 1694]

PART 251—AIRPORTS AND AVIATION FIELDS

USE FOR AIRPORT PURPOSES BY PUBLIC AGENCIES UNDER FEDERAL AIRPORT ACT OF MAY 13, 1946, OF LANDS UNDER JURISDICTION OF DEPARTMENT OF THE INTERIOR

Sec.
251.18 Statutory authority.
251.19 Definitions.
251.20 Request by Administrator for transfer of property interest.
251.21 Action on request.
251.22 Publication and posting required where fee title to public lands is to be transferred.
251.23 Special provisions in instrument of transfer.

AUTHORITY: §§ 251.18 to 251.23, inclusive, issued under the authority contained R. S. 453, 2478, 43 U. S. C. sec. 2, 1201; 5 U. S. C. 485.

§ 251.18 *Statutory authority.* Section 16 of the Federal Airport Act of May 13, 1946[1] (60 Stat. 179, 49 U. S. C. sec. 1101) provides that whenever the Administrator of Civil Aeronautics determines that the use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project under the act, or for the operation of any public airport, he shall file with the head of the Department or agency having control of such lands a request that such property interest therein as he may deem necessary be conveyed to the public agency sponsoring the project in question or owning or controlling the airport.

Upon receipt of the request from the Administrator of Civil Aeronautics, the head of the Department or agency having control of the lands in question is directed to determine whether the requested conveyance is inconsistent with the needs of the Department or agency and to notify the Administrator of his determination within a period of four months after receipt of the Administrator's request. Upon the determination of the head of the Department or agency that it is not so inconsistent, he is authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested.

§ 251.19 *Definitions.* As used in the regulations in this part, unless the context requires otherwise, the following terms shall have the meaning indicated:

(a) "The act" means the Federal Airport Act of May 13, 1946 (60 Stat. 179, 49 U. S. C. sec. 1101).

(b) "Secretary" means the Secretary of the Interior or his duly authorized representative.

(c) "Director" means the Director of the Bureau of Land Management or his duly authorized representative.

(d) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(e) "Applicant" means any public agency as defined in 14 CFR 555.4, which, either individually or jointly with one or more other such public agencies, submits to the Administrator, an application requesting that public lands or interests therein, be transferred to such applicant under the Federal Airport Act.

(f) "Property interest" means the title to or any other interest in land or any easement through or other interest in air space.

(g) "Instrument of transfer" includes a patent, deed, lease or other instrument transferring a property interest.

§ 251.20 *Request by Administrator for transfer of property interest.* Each request by the Administrator in behalf of the applicant for the transfer of a property interest in public lands or other Federally owned lands under the jurisdiction of the Department of the Interior should be addressed to the Director, should be in duplicate, and should contain the following:

(a) A copy of the application filed by the requesting public agency with the Administrator.

(b) A description of the land, if surveyed, by legal subdivisions, specifying section, township, and range. Unsurveyed land should be described by metes and bounds with a tie to a corner of the public-land surveys if within two miles; otherwise a tie should be made to some prominent topographic feature and the approximate latitude and longitude should be given when practicable.

§ 251.21 *Action on the request.* The Secretary will determine whether the requested transfer is inconsistent with the needs of the Department or any agency thereof, and if it is not, the covenants, terms and conditions, if any, under which such transfer should be made. Any such conveyance will be made subject to valid existing rights of record, and to those disclosed as a result of posting, publication, or otherwise.

Ordinarily where the lands involved are situated within a national park or monument or within an Indian reservation the transfer will not be authorized.

§ 251.22 *Publication and posting required where fee title to public lands is to be transferred.* Before a transfer of fee title to public lands is made, the Bureau of Land Management will require the applicant to publish, at its own expense, in a newspaper of general circulation in the county in which the land is situated, a notice stating that a request has been made by the Administrator on behalf of the applicant (giving its name and address) to acquire title to public lands (describing them) under the act, for the purpose of carrying out a project under the act, or for the operation of a public airport, as the case may be, and that the purpose of the notice is to give persons claiming an interest in the land or having bona fide objections to the proposed transfer an opportunity to file with the Director, Washington 25, D. C., within 30 days after the date of the first publication, a protest, together with evidence that the protest has been served on the applicant. If the notice is published in a daily paper, the notice should be published for four consecutive weeks in the Wednesday issue, if a weekly, in four consecutive issues, and if a semi-weekly or tri-weekly, in any of the issues on the same day each week for four consecutive weeks. The notice will also be posted during the entire period of publication in the district land office, Bureau of Land Management, for the district in which the lands are situated, or if there is no district land office, in the office of the Director, Washington, D. C. No transfer will be made until proof of publication and posting of the notice has been filed with the Director.

§ 251.23 *Special provisions in the instrument of transfer.* Each instrument of transfer made hereunder of fee title or a lesser estate in the lands shall contain:

(a) The covenants, terms and conditions requested by the Administrator, as well as those required for the protection of the Department of the Interior or any agency thereof.

(b) A reservation to the United States of fissionable source materials pursuant to the act of August 1, 1946 (60 Stat. 755, 42 U. S. C. sec. 1801) where public lands are involved, and pursuant to Executive Order 9908 of December 5, 1947 (12 F. R. 8223–4) where non-public lands are involved.

MARION CLAWSON,
Director.

Approved: August 30, 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 48–8020; Filed, Sept. 7, 1948; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC–37]

PART 170—COMMERCIAL ZONES

COMMERCIAL ZONES AND TERMINAL AREAS

Upon further consideration of the order entered on July 19, 1948, in connection with the second supplemental report in this proceeding and of petitions and statements filed by various parties and good cause therefor appearing: *It is ordered*, That:

The effective date of §§ 170.16, *Commercial zones determined generally, with exceptions*, 170.11, *Commercial zones of municipalities in New Jersey within 5 miles of New York, N. Y., determined*, and 170.12, *Commercial zones of municipalities in Westchester and Nassau Counties, N. Y.*, contained in order of the Commission dated July 19, 1948 (13 F. R. 4393), be, and it is hereby, postponed from September 1, 1948, to December 1, 1948.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 546; 49 U. S. C. 303 (b) (8))

Dated at Washington, D. C., this the 30th day of August A. D. 1948.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48–8039; Filed, Sept. 7, 1948; 8:47 a. m.]

[Ex Parte No. MC–37]

PART 170—COMMERCIAL ZONES

COMMERCIAL ZONES AND TERMINAL AREAS

Upon further consideration of the order entered on July 19, 1948, in connection with the third supplemental report in this proceeding, and of petitions and statements filed by various parties and good cause therefore appearing: *It is ordered*, That:

The effective date of §§ 170.40 *Operating authority for service at a particular municipality*, 170.41, *Operating authority for service at a particular unincorporated community*, 170.42, *Terminal areas of motor carriers and freight forwarders at municipalities served*, 170.43, *Terminal areas of motor carriers and freight forwarders at unincorporated communities served*, contained in the order of the Commission of July 20, 1948, (13 F. R. 4446) relating to terminal areas and construction of operating authorities of motor carriers and freight forwarders, be, and it is hereby, postponed from October 1, 1948, to December 1, 1948.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 546, 54 Stat. 920, 56 Stat. 300; 49 U. S. C. 302 (c) 303 (b) (8))

Dated at Washington, D. C., this 30th day of August A. D. 1948.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48–8038; Filed, Sept. 7, 1948; 8:47 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF CRANBERRIES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev. 20A]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF CRANBERRIES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.518 *Shipments of cranberries.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971) or in Item 365 of Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting

[2] The numbers of the subparagraphs in this section correspond with the numbers of the related subparagraphs in 43 CFR 4.275 (a).

[1] The regulations of the Civil Aeronautics Administration under this act are found in 14 CFR, Part 555.

of cranberries when such carload freight is loaded to a weight not less than the applicable tariff carload minimum weight.

This General Permit ODT 18A, Revised-20A shall become effective September 4, 1948, and shall expire October 31, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641, E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 1st day of September 1948.

HOMER C. KING,
Deputy Director of the Office of Defense Transportation.

[F. R. Doc. 48-8026; Filed, Sept. 7, 1948; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 939]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 48-6466, appearing at page 4128 of the issue for Tuesday, July 20, 1948, "§ 936.101" should read "§ 939.101"; in § 939.104 (c), line 15, the word "receiver" should read "receive".

FEDERAL POWER COMMISSION

[18 CFR, Parts 153, 154, 155, 250]

[Docket No. R-107]

FORM, COMPOSITION, FILING AND POSTING OF RATE SCHEDULES AND TARIFFS FOR TRANSPORTATION OR SALE OF NATURAL GAS

NOTICE OF PROPOSED RULE MAKING

Revision of amendments to regulations and approved forms under the Natural Gas Act, to prescribe revised rules governing form, composition, filing and posting of rate schedules and tariffs for the transportation or sale of natural gas.

The proposed amendments to the above-mentioned regulations heretofore published (13 F. R. 2045-2050) have been revised as set forth below. Public hearings in this matter will be held in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., commencing at 10:00 a. m. (e. d. s. t.) on September 20, 1948 (13 F. R. 3343-3344, 3820).

[SEAL] J. H. GUTRIDE,
Acting Secretary.

PART 153—APPLICATION FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS

§ 153.8 *Filing of contracts, rate schedules, etc.* Persons authorized to export natural gas from the United States to a foreign country or to import natural gas from a foreign country shall file two full and complete copies of every contract and the amendments thereto, presently or hereafter effective, for such export or import, together with all rate schedules, agreements, leases or other writings, tariffs, classifications, rules and regulations relative to such export or import in the manner specified in Part 154, except that the requirements of §§ 154.31 through 154.41 shall not be applicable.

PART 154—RATE SCHEDULES AND TARIFFS

APPLICATION

Sec.
154.1 Application; obligation to file.

DEFINITIONS

154.11 Rate schedule.
154.12 Contract.
154.13 Service agreements.
154.14 FPC gas tariff.
154.15 Filing date.
154.16 Posting.

IN GENERAL

154.21 Effective tariff.
154.22 Notice requirements.
154.23 Acceptance for filing not approval.
154.24 Rejection of material submitted for filing.
154.25 Informal submission for staff suggestions.
154.26 Number of copies.
154.27 Comments by interested parties.

FORM AND COMPOSITION OF TARIFF

154.31 Application.
154.32 Form, type, and size.
154.33 Binder, title page and arrangements.
154.34 Composition of tariff.
154.35 Table of contents.
154.36 Preliminary statement.
154.37 Map.
154.38 Composition of rate schedule.
154.39 General terms and conditions.
154.40 Composition of service agreement.
154.41 Index of purchasers.

SPECIAL PERMISSIONS

154.51 Waiver of notice requirements.
154.52 Exception to form and composition of tariff.

METHOD OF SUBMISSION FOR FILING

154.61 Application.
154.62 Material submitted with initial rate schedule, or executed service agreement.
154.63 Material submitted with changes in a tariff, executed service agreement or part thereof.
154.64 Cancellation or termination.
154.65 Adoption of tariff by successor.

RESTATEMENT OF SCHEDULE FILED PRIOR TO ----------[1]

154.81 Application.
154.82 Requirement for restatement.
154.83 Filing date of restatement.
154.84 Plan of restatement.
154.85 Status of contracts filed as rate schedules and restated.
154.86 Availability of Commission staff for advice prior to formal filing.

[1] Effective date of rules.

APPLICATION

§ 154.1 *Application; obligation to file.* On and after ----------[1] every natural-gas company shall file with the Commission and post in conformity with the requirements of this part, schedules showing all rates, and charges for any transportation or sale of natural gas subject to the jurisdiction of the Commission and the classifications, practices, rules and regulations affecting such rates, charges and services, together with all contracts in any manner affecting or relating thereto: *Provided, however,* That all such presently effective schedules filed with the Commission before the aforesaid date shall be restated as set forth in § 154.82 to conform with the following rules and regulations, and filed and posted on or before the dates specified in § 154.83.

DEFINITION OF TERMS USED IN THIS PART

§ 154.11 *Rate schedule.* The term "rate schedule" means a statement of a rate or charge for a particular classification of transportation or sale of natural gas subject to the jurisdiction of the Commission, and all terms, conditions, classifications, practices, rules and regulations affecting such rate or charge. This term also includes any contract for which special permission has been obtained in accordance with § 154.52.

§ 154.12 *Contract.* The term "contract" means any agreement which in any manner affects or relates to rates, charges, classifications, practices, rules, regulations or services for any transportation or sale of natural gas subject to the jurisdiction of the Commission. This term includes an executed service agreement.

§ 154.13 *Service agreement.* The term "service agreement" means an unexecuted form of agreement for service under a natural-gas company's tariff.

§ 154.14 *Tariff or FPC gas tariff.* The term "tariff" or "FPC gas tariff" means a compilation, in book form, of all of the effective rate schedules of a particular natural-gas company, and a copy of each form of service agreement.

§ 154.15 *Filing date.* The term "filing date" means the day on which a tariff or part thereof or a contract is received in the office of the Secretary of the Commission for filing in compliance with the requirements of this part.

§ 154.16 *Posting.* The term "posting" means (a) making a copy of a natural-gas company's tariff and contracts available during regular business hours for

public inspection in a convenient form and place at the natural-gas company's offices where business is conducted with affected customers and (b) mailing to each customer affected a copy of such tariff or part thereof at the time it is sent to the Commission for filing.

IN GENERAL

§ 154.21 *Effective tariff.* The effective tariff of a natural-gas company shall be the tariff filed pursuant to the requirements of this part, and permitted by the Commission to become effective. No natural-gas company shall directly or indirectly, demand, charge or collect any rate or charge for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, or impose any classifications, practices, rules or regulations, different from those prescribed in its effective tariff and executed service agreements on file with the Commission, unless otherwise specifically provided by order of the Commission.

§ 154.22 *Notice requirements.* All tariffs, and contracts or any part thereof shall be filed with the Commission and posted not less than thirty days nor more than sixty days prior to the proposed effective date thereof, unless a different period of time is permitted by the Commission in accordance with § 154.51. *Provided, however,* That no natural-gas company shall file under this part any new rate schedule or contract for the performance of any service for which a certificate of public convenience and necessity must be obtained pursuant to section 7 (c) of the Natural Gas Act, until such certificate has been issued. Nothing herein shall be construed as preventing the natural-gas company from entering into any such agreement prior to the granting of such a certificate.

§ 154.23 *Acceptance for filing not approval.* The acceptance for filing of any tariff, contract or part thereof is not to be considered as approval by the Commission.

§ 154.24 *Rejection of material submitted for filing.* The Commission reserves the right to reject any material submitted for filing which fails to comply with the requirements set forth in this part.

§ 154.25 *Informal submission for staff suggestions.* Any natural-gas company may informally submit a tariff or any part thereof or material relating thereto for the suggestions of the staff of the Commission prior to filing.

§ 154.26 *Number of copies to be supplied.* Two copies of any tariff, contract, or part thereof, and material relating thereto, Certificates of Adoption, and Notices of Cancellation or Termination submitted for filing must be supplied to the Commission: *Provided, however,* That restatements filed pursuant to §§ 154.81 through 154.86 shall be furnished in quintuplicate. All copies are to be included in one package, together with letter of transmittal and other material and information required by these rules, and addressed to the Federal Power Commission, Washington 25, D. C. The Commission reserves the right to request additional copies.

§ 154.27 *Comments by interested parties.* Comments of any purchaser or other interested party concerning any filing made pursuant to this part should be submitted within 15 days after the date of filing. This section shall not limit any right to file protests and complaints.

FORM AND COMPOSITION OF TARIFF

§ 154.31 *Application.* Sections 154.32 through 154.41 after[1] are applicable to all rate schedules thereafter filed or restated, except that such sections are only partially applicable, to rate schedules filed under § 154.52. (A form of an assembled tariff is available upon request.)

§ 154.32 *Form, type, and size.* The tariff shall be printed, typewritten or otherwise reproduced on 8½ by 11 inch sheets of a durable paper so as to result in a clear and permanent record. The sheets of the Tariff shall be ruled to set off borders of 1¼ inches on top, bottom and left sides and ½ inch on the right side, punched on the left side and assembled in a binder.

§ 154.33 *Binder, title page, and arrangements.* The binder shall show on the front cover:

FPC Gas Tariff
Original Volume No. 1
of
(Name of Natural-Gas Company)
Filed with
Federal Power Commission

If it is advisable to submit the tariff in two or more volumes, the volumes shall be identified by "Original Volume No. 1", "Original Volume No. 2", etc., directly below the words "FPC Gas Tariff." Rate schedules for which special exception has been obtained under § 154.52 may be filed in a separate volume as part of the tariff.

When any volume of a tariff is to be superseded or replaced in its entirety, the replacing volume shall show prominently on the binder and the title page the volume number being superseded or replaced, as for example:

FPC Gas Tariff
First Revised Volume No. 1
(Supersedes Original Volume No. 1)

The first page shall be a title page which shall carry the information shown on the cover and, in addition, the name, title, and address of the person to whom communications concerning the tariff should be sent.

All sheets except the title page shall have the following information placed in the margins:

(a) *Identification.* At the left above the top marginal ruling, the exact name of the company shall be shown, under which shall be set forth the words "FPC Gas Tariff," together with volume identification where applicable.

(b) *Numbering of sheets.* At the right above the top marginal ruling, the sheet number shall appear after the words "Original Sheet No. ------." All sheets in the originally filed tariff shall be numbered consecutively beginning with the table of contents as "Original Sheet No. 1".

Revised or superseding sheets shall be numbered "------ Revised Sheet No. ------" below which shall appear "Superseding ------ Sheet No. ------." The first blank above shall show the number of the revision (i. e., First, Second, etc.) and the sheet number shall be the same as the sheet replaced. The third and fourth blanks shall be filled according to the numbering of the sheet replaced.

Sheets which are to be inserted between two consecutively numbered sheets shall be designated "Original Sheet No. ------," with the blank space filled with the appropriate number and a letter to indicate an insertion. Illustration: Three sheets which would come between original sheets 8 and 9 would be designated "Original Sheet No. 8A," "Original Sheet No. 8B," and "Original Sheet No. 8C."

(c) *Issuing officer and issued date.* On the left below the lower marginal ruling, shall be placed "Issued by:" followed by the name and title of the person authorized to issue the sheet. Immediately below shall be placed "Issued on" followed by the date of issue.

(d) *Effective date.* On the right below the lower marginal ruling shall be placed "Effective:" followed by the specific effective date desired by the company.

(e) *Sheets filed to comply with Commission orders.* Sheets which are filed to make effective rate schedules or provisions ordered by the Commission shall carry the following notation in the bottom margin: "Issued to comply with order of the Federal Power Commission, Docket No. ----, dated ----------."

§ 154.34 *Composition of tariff.* The tariff shall contain, in the order named, sections setting forth a table of contents, a preliminary statement, a map of the system, the rate schedules, general terms and conditions, form of service agreement and an index of purchasers: *Provided, however,* That rate schedules for which special exception has been obtained under § 154.52 may be filed in a separate volume as permitted by § 154.33.

Rate schedules shall be grouped according to class and numbered serially within each group, using a letter before the serial number to indicate the class of service. For example, G-1, G-2 may be used for general service; CD-1, CD-2 for contract demand service; I-1, I-2 for interruptible service; T-1, T-2 for transmission service; X-1, X-2 for schedules for which special exception has been obtained.

§ 154.35 *Table of contents.* The table of contents shall contain a list of the rate schedules and other sections in the order in which they appear, showing the sheet number of the first page of each section. The list of rate schedules shall consist of (a) the symbol designation of each rate schedule, (b) a very brief description of the service, and (c) the sheet number of the first page of each rate schedule.

§ 154.36 *Preliminary statement.* The preliminary statement shall contain a

[1] Effective date of rules.

brief general description of the company's operations and may also contain a general explanation of its policies and practices. No general rules and regulations shall be included in the preliminary statement, nor any material necessary for the interpretation or application of the rate schedules.

§ 154.37 *Map.* The map shall show on a single sheet, if practicable, the general geographic location of the company's principal pipe line facilities and of the points at which service is rendered under the Tariff. Where the company's rate schedules are generally available by area, the boundary lines of the rate zones or rate areas should be shown and the areas or zones identified. The map shall be revised annually to reflect major changes if any.

§ 154.38 *Composition of rate schedule.* The sheets of a rate schedule shall contain a statement of a rate or charge and all terms and conditions governing its application, arranged as follows:

(a) *Title.* Each rate schedule shall have a title consisting of a designation (see § 154.34), and a statement of the type or classification of service to which it is applicable.

(b) *Availability.* This paragraph shall describe the conditions under which the rate is available, and, if necessary, the geographic zone in which available.

(c) *Applicability and character of service.* This paragraph shall fully describe the kind or classification of service to be rendered.

(d) *Statement of rate.* All rates shall be clearly stated in cents or in dollars and cents per unit. Only the rates and charges to be used in current billing shall be included in the rate schedules.

A rate having more than one part shall have each part set out separately under appropriate headings such as: Demand Charge, Commodity Charge, etc. The minimum bill and other provisions affecting charges shall not be included in this paragraph, but shall be included in subsequent paragraphs.

No rule, regulation, exception or condition such as tax, commodity price index, wholesale price index, purchased gas cost adjustment clauses or other similar price adjustments or periodic changes shall be included in the rate schedule or any other part of the tariff which in any way attempts to authorize the modification or change of any rate or charge specified in the rate schedule, or the substitution therefor of any other rate or charge.

(e) *Minimum bill.* The minimum bill heading shall appear on every rate schedule followed by the word "none" if no minimum bill is provided.

(f) *Other provisions.* All other major provisions governing the application of the rate schedule, such as determination of billing demand, contract demand, heat content, measurement base, shall be set forth similarly with appropriate headings, or if appropriate, they may be incorporated by reference to the applicable general terms and conditions.

(g) *Applicable general terms and conditions.* This paragraph shall list by reference the general terms and conditions set forth in the following section which apply to the particular rate schedule.

§ 154.39 *General terms and conditions.* This section shall contain provisions which apply to all or any of the rate schedules and which may more conveniently be arranged in a separate section of the tariff. Subsections and paragraphs shall be numbered for convenient reference.

§ 154.40 *Composition of service agreement.* There shall be submitted as part of the tariff an unexecuted copy of each a form of service agreement. The service agreement forms should provide for insertion of such items as the name of the purchaser, service to be rendered, area to be served, maximum obligation to deliver, delivery points, delivery pressure, applicable rate schedules by reference to the tariff, effective date and term, and identification of any prior agreements being superseded.

§ 154.41 *Index of purchasers.* The index of purchasers shall contain an alphabetical list of all purchasers under the tariff, showing for each the rate schedule or schedules under which service is rendered, and the following information concerning the contract: (a) the date of execution, (b) the effective date and (c) the term.

The index of purchasers shall be kept current by filing new or revised sheets within 60 days of any change.

SPECIAL PERMISSIONS

§ 154.51 *Waiver of notice requirements.* Upon application and for good cause shown, the Commission may by order provide that a tariff, contract, or part thereof shall be effective on less than 30 days notice. The Commission, upon request and for good cause shown, may permit a tariff, contract, or part thereof to be filed prior to sixty days before the proposed effective date.

§ 154.52 *Exception to form and composition of tariff.* Upon application and for good cause shown, the Commission may permit special rate schedules to be filed in the form of an agreement in the case of special operating arrangements such as for exchange or transportation of natural gas; or for the sale of gas at charges computed on a cost-formula basis, which charges need not be stated in cents or in dollars and cents per unit. Such rate schedules shall conform to the form, type and size specified in § 154.32 and shall contain on each sheet the marginal notations specified in § 154.33. In addition each such rate schedule shall contain a title page which shall show its designation, the parties to the agreement, the date of agreement and a brief generalized description of services to be rendered. Such rate schedules shall not contain any supplements. Any modifications shall be by revised or insert sheets.

Such rate schedules may be included in a separate volume of the tariff, which shall contain a table of its contents. This table of contents shall also be incorporated with the table of contents of other volumes.

METHOD OF SUBMISSION FOR FILING

§ 154.61 *Application.* Sections 154.62 through 154.65, except as hereinafter otherwise specifically provided, apply to all tariffs, executed service agreement, or parts thereof which are filed after ----- [1]

§ 154.62 *Material submitted with initial rate schedule or executed service agreement.* With the filing of any initial Rate Schedule or executed service agreement not superseding or making any change in a rate schedule, executed service agreement, or part thereof already on file, there shall be included a letter of transmittal containing a list of the material inclosed, the date on which such filing is proposed to become effective, and a list of the purchasers to whom it has been mailed: *Provided, however,* That the provisions of this section shall not be applicable to filings made pursuant to §§ 154.81 through 154.86.

In addition, the following material shall be submitted where applicable:

(a) *Statement of the reasons for rate schedule.* A statement of the nature, and the reason for such proposed initial rate schedule. Data submitted in response to subsequent items may be included by reference as a part of the response to this item.

(b) *Estimate of sales and revenues under an initial rate schedule or executed service agreement.* An estimate of sales or transportation performed and revenues thereunder, by months for the 12 months immediately succeeding the proposed effective date. The estimate shall be subdivided by rate schedules, classes of service, customers and delivery points, when more than one is involved. Such data shall include estimates of actual and billing quantities, that are to be used to compute the charges, such as actual demands, billing demands, volumes, heat content, and other determinants.

(c) *Basis of the rate or charge proposed in initial rate schedule.* A statement shall be submitted explaining the basis used in arriving at the proposed rate or charge. Such statement shall clearly show whether such rate or charge results from negotiation, cost of service determination, competitive factors, or others, and shall give the nature of any studies which have been made in connection therewith. If all or any portion of such information has already been submitted to the Commission, specific reference thereto should be made.

§ 154.63 *Material submitted with changes in a tariff, executed service agreements or part thereof.* With the filing of any tariff, executed service agreement or part thereof which changes or supersedes any tariff, contract or part thereof on file with the Commission, there shall be included a letter of transmittal containing a list of the material inclosed, the date on which such filing is proposed to become effective, and a list of the purchasers to whom it has been mailed: *Provided, however,* That the provisions of this section shall not be applicable to filings made pursuant to §§ 154.81 through 154.86, unless such fil-

[1] Effective date of rules.

ing results in a change in rate, charge, classification or service.

In addition, the following material is to be submitted where applicable:

(a) *Statement of reasons for change in tariff contract, or part thereof.* A statement of the nature, the reasons and the basis for the proposed change. Data submitted in response to subsequent items may be included by reference as part of the response to this item.

(b) *Comparison of sales and revenues if change in rate or charge involved.* A comparative statement of sales made or transportation performed and revenues therefrom, by months, under the present and proposed tariff, contract, or part thereof, each applied to the transactions for the twelve months immediately preceding and for the twelve months immediately succeeding the proposed effective date of the change in tariff, contract or part thereof. Actual data shall be used as far as possible, and any estimated data should be designated as such. The statement shall be subdivided by rate schedules, classes of service, customers, and delivery points when more than one is involved. Such data shall include actual and billing quantities that are used to compute the charges, such as actual demands, billing demands, volumes, heat content and other determinants.

(c) *Rate increase applications.* If the proposed change in tariff, contract or part thereof will result in an increase in rates or charges, there shall be submitted in support of the proposed increased rate or charge a statement showing the cost of service for the entire system, and also the cost allocated to the particular service or classification for which the increase in rates or charges is proposed, together with an explanation of the allocation methods.

The information submitted in the statement shall show for the most recent 12-month period or calendar year:

(1) The original cost of facilities and the depreciation reserve, segregated functionally by major account classifications.

(2) Working capital including materials and supplies, with an explanation of the method of derivation thereof.

(3) Any other items claimed as part of the rate base. Such other items should be identified by major account classifications.

(4) Gas operating expenses segregated functionally by major account classifications.

(5) Annual charges for depreciation segregated according to each major account classification shown in subparagraph (1) above; the annual depreciation rates used in computing such charges; and the method of determining such depreciation rates.

(6) Taxes charged to gas operations, classified under appropriate headings of Federal, State and local, with appropriate subclassification. There should be shown herein any increases in taxes estimated to result from the proposed rate increase, together with the method of derivation of the estimated amount of such tax increase.

(7) Rate of return claimed as reasonable, and the resulting amount of return.

(8) Cost of service as developed from above items.

(9) Relationship between the proposed tariff or part thereof which results in an increase in rates or charges, and the costs allocated to the particular service or classification.

(10) Gas operating revenues segregated functionally by major account classifications. The statement shall show, by major account classifications, any significant changes in costs experienced during the period for which the above information is submitted, or which are anticipated in the future, with an explanation of the reasons therefor.

(d) *Submission of material by reference.* If all or any portion of the information called for by pars. (a) through (d) of this section has already been submitted to the Commission, specific reference thereto may be made in lieu of resubmission in response to these requirements.

(e) *Change in executed service agreements.* Any change in an executed service agreement shall be made only by a superseding executed service agreement. Such service agreement shall not contain any supplements.

§ 154.64 *Cancellation or termination.* When a filed tariff, contract or part thereof is proposed to be canceled or is to terminate by its own terms and no new tariff, executed service agreement or part thereof is to be filed in its place, the natural-gas company shall notify the Commission of the proposed cancellation or termination on the form indicated in § 250.2 or § 250.3, whichever is applicable, at least thirty days prior to the proposed effective date of such cancellation or termination. A copy of such notice to the Commission shall be duly posted. With such notice, the company shall submit a statement showing the reasons for the cancellation or termination, a list of the affected purchasers to whom the notice has been mailed, the sales made or transportation performed and revenues therefrom, by months, for the twelve months immediately preceding the proposed effective date of the cancellation or termination. Actual data shall be used as far as possible, and any estimated data should be designated as such. Such statement shall be subdivided by rate schedules, classes of service, customers and delivery points when more than one is involved. *Provided, however,* That the filing of such notice shall not be construed as compliance with the requirements of section 7 (b) of the Natural Gas Act.

§ 154.65 *Adoption of tariff by successor.* Whenever the tariff or contracts of a natural-gas company are to be adopted by another company or person as a result of an acquisition, or merger, authorized by appropriate certificate of public convenience and necessity, or for any other reason, the succeeding company shall file with the Commission and post within thirty days after such succession a certificate of adoption on the form prescribed in § 250.4. Within ninety days after such notice is filed, the succeeding company shall file a tariff with the sheets bearing the correct name of the successor company, to replace the tariff previously adopted.

RESTATEMENT OF SCHEDULES FILED PRIOR TO ------ [1]

§ 154.81 *Application.* Sections 154.82 through 154.86 apply to effective schedules of rates, charges, classifications, practices, regulations and contracts for the transportation or sale of natural gas subject to the jurisdiction of the Commission filed prior to ------,[1] which have not been prepared in accordance with §§ 154.31 through 154.41, and for which special exception has not been obtained under § 154.52.

§ 154.82 *Requirement for restatement.* All effective schedules of rates, charges, classifications, practices, regulations, and contracts not prepared in accordance with §§ 154.31 through 154.41 shall be restated and filed as parts of a tariff in accordance with said sections on or before the dates specified in § 154.83 and duly posted at the time of filing. *Provided, however,* That when necessary, pending completion of restatement within the time provided for by § 154.83, schedules may be filed in accordance with Part 154 as in effect prior to ------ [1]

§ 154.83 *Filing date of restatements.* Natural gas companies shall file, in quintuplicate, restatements of their rate schedules as parts of tariffs on or before the dates specified below, unless an extension of time is granted by the Commision upon application and for good cause shown:

Companies Making Their Major Sales in

Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Utah, West Virginia, Wisconsin, Wyoming, on or before ----- [2].

Alabama, District of Columbia, Florida, Georgia, Kentucky, Maryland, New York, New Jersey, North Carolina, Pennsylvania, Tennessee, Virginia, on or before ----- [3].

Arizona, Arkansas, California, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas, on or before ----- [4].

With the filing of such restatement there shall be included a letter of transmittal containing a list of the material inclosed and a list of the purchasers to whom it has been mailed.

§ 154.84 *Plan of restatement.* The restatement shall contain the provisions of schedules of rates, charges, classifications, practices, regulations and contracts effective on the date the tariff is filed. However, concurrent with the restatement, a natural-gas company may propose changes in rates, charges, classifications, services, practices, rules and regulations in accordance with § 154.63 of this part. Differences in the phraseology of schedules should be reconciled whenever possible. The effective date to be shown on the tariff sheets shall be that desired by the company, but not less

[1] Effective date of rules.
[2] Ninety days after effective date of rules.
[3] One hundred and twenty days after effective date of rules.
[4] One hundred and fifty days after effective date of rules.

than 30 days nor more than 60 days after filing pursuant to § 154.83.

§ 154.85 *Status of contracts filed as rate schedules and restated.* Each contract, which is now filed as an effective rate schedule and which is required to be restated as a part of a tariff, may be continued in effect and shall be considered as an executed service agreement to the extent that it is not inconsistent with the tariff, until such contract expires by its presently provided terms or is replaced by an executed service agreement in a form contained in the tariff: *Provided, however,* That the natural-gas company, concurrent with the filing of the tariff, shall submit, for insertion in front of each such contract, a statement identifying the provisions thereof which are not inconsistent with or duplicative of the tariff and which are to remain in effect.

Provided further, however, That no change in such contract may be made except by the execution of a form of service agreement contained in the tariff.

§ 154.86 *Availability of Commission staff for advice prior to formal filing.* Any natural-gas company restating its schedules in accordance with § 154.82 may informally submit a tariff or any part thereof for the suggestions of the staff of the Commission, or may confer with the staff of the Commission to obtain advice on any problem of restatement, prior to submission of the tariff to the Commission for filing and posting.

PART 155—CONTRACTS AND RATE SCHEDULES FOR DIRECT INDUSTRIAL SALES

§ 155.1 *Contracts and rate schedules for direct industrial sales.* Every natural-gas company shall currently furnish to the Commission two full and complete copies of every contract and the amendments thereto, presently or hereafter effective, for the direct sale of natural gas to industrial consumers for consumption where such contract involves the sale of 100,000 Mcf per year or more, together with all rate schedules, agreements, leases or other writings, tariffs, classifications, services, rules and regulations relative to such sale; *Provided, however,* That when such a presently filed contract is renewed or extended on identical terms except as to the period during which it is to be in effect, the natural-gas company may notify the Commission of such renewal or extension by letter, in duplicate, stating the date of the renewal or extension agreement and the period during which it is to be in effect, instead of furnishing to the Commission two copies of such renewal or extension agreement. In addition, every natural-gas company shall furnish to the Commission in October of each year, two full and complete lists of all direct industrial consumers using 3,000 Mcf or more during any month of the 12 months ended with the preceding August, but less than 100,000 Mcf per year, showing name, location, type of service such as firm or interruptible, and maximum monthly use during the 12-month period.

PART 250—FORMS

Sec.
250.2 Form of proposed cancellation of tariff or part thereof (see § 154.64).
250.3 Form of proposed cancellation or termination of contract or part thereof (see § 154.64).
250.4 Form of certificate of adoption (see § 154.65).

§ 250.2 *Form of proposed cancellation of tariff or part thereof (see § 154.64).*

-------- Revised Sheet No. --------
Superseding-Sheet(s) No. --------
Name of company ----------
FPC Gas Tariff ----------

CANCELLATION OF TARIFF

Notice is hereby given that effective ----------, FPC Gas Tariff of ----------
(date) (Name of company)
----------, is to be cancelled. To be used for cancellation of an entire Tariff.

CANCELLATION OF RATE SCHEDULE --------

Notice is hereby given that effective ----------, Rate Schedule --------- con-
(date)
stituting ---- Sheet(s) No.(s) ---- of the FPC Gas Tariff of ----------
(Name of company)
is to be cancelled. To be used when an entire Rate Schedule is to be cancelled.

CANCELLATION OF SHEET NO. --------

Notice is hereby given that effective ----------, Sheet(s) No(s). ------ of the
(date)
FPC Gas Tariff of ----------
(Name of company)
is to be cancelled. To be used for cancellation of individual sheets.
Issued by: (Name and title of issuing officer). Effective: (Date).
Issued on:

§ 250.3 *Form of proposed cancellation or termination of contract or part thereof (see § 154.64).*

Notice is hereby given that effective the ---------- day of ----------, ----, the contract with ----------,
(Name of purchaser or purchasers)
dated ---------- and relating to service under rate schedule(s) ----------
----
(Here identify the rate schedule(s), giving ---------- is to be sheet numbers in the Tariff)

(Specify whether it automatically terminates ----------
by its terms or is to be cancelled by action of the parties.)

(Name of natural-gas company filing notice)
By ----------

(Title)
Dated ----------

§ 250.4 *Form of certificate of adoption (See § 154.65).*

The ----------
(Exact name of company or person)

(Address)
effective ----------
(Effective date of adoption)
hereby adopts, ratifies, and makes its own, in every respect, the Tariff and contracts listed below, which have heretofore been filed with the Federal Power Commission by ----------
(Exact name of predecessor)

(Here identify the Tariff and contracts adopted.)

(Name of successor)
By ----------

(Title)
Dated ----------, 194--

[F. R. Doc. 48-8107; Filed, Sept. 7, 1948; 10:40 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 48-42]

APPROVAL OF EQUIPMENT

Correction

In Federal Register Document 48-7724, appearing at page 5026 of the issue for Saturday, August 28, 1948, the second paragraph under "Safety Valves" should read:

Approval No. 162.001/88/0, Series 70E, cast iron body pop safety valve, exposed spring, expanded outlet, maximum working pressure 30 p. s. i., maximum temperature 450° F., limited to installation on heating boilers and evaporators, not permitted on power boilers, Dwg. No. P-20120, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Marine and Industrial Products Co., 1526 Vine Street, Philadelphia 2, Pa.

DEPARTMENT OF THE INTERIOR

Geological Survey

ALASKA

POWER SITE CLASSIFICATION NO. 398, LAKE PERSEVERANCE AND WARD LAKE

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C., 818):

REVILLAGIGEDO ISLAND

All lands not heretofore withdrawn in connection with Federal Power Project No. 1135 in a strip extending 1,000 feet each side of a center line beginning at a point on the southwest shore of Lake Perseverance, Revillagigedo Island, Alaska, south 43 degrees west 1,400 feet from the Lake outlet, thence N. 59° west 3,000 feet; thence south 58° W 900 feet thence S. 68° W 1,500 feet to the shore of Ward Lake, all in the Ward Creek watershed.

The area described aggregates 251.6 acres.

THOMAS B. NOLAN,
Acting Director.

AUGUST 30, 1948.

[F. R. Doc. 48-8028; Filed, Sept. 7, 1948; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-287, G-1068]

EL PASO GAS TRANSPORTATION CORP. AND UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 2, 1948.

Notice is hereby given that, on September 1, 1948, the Federal Power Commission issued its findings and orders entered August 31, 1948, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-8042; Filed, Sept. 7, 1948; 8:47 a. m.]

[Docket No. G-1061]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER AUTHORIZING AND APPROVING ABANDONMENT OF FACILITIES

SEPTEMBER 2, 1948.

Notice is hereby given that, on September 1, 1948, the Federal Power Commission issued its findings and order entered August 31, 1948, authorizing and approving abandonment of facilities in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-8041; Filed, Sept. 7, 1948; 8:47 a. m.]

[Docket Nos. G-859, G-1089]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

AUGUST 31, 1948.

Upon consideration of the following applications filed with the Federal Power Commission for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas pipe line facilities, subject to the jurisdiction of the Commission, as described in such applications, on file with the Commission and open to public inspection:

(i) Application filed July 20, 1948, in Docket No. G-1089 by Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation, with its principal place of business at Shreveport, Louisiana, public notice of such application having been given, including publication in the FEDERAL REGISTER on August 13, 1948 (13 F. R. 4701);

(ii) Amended application filed June 24, 1948, by Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation with its principal places of business at Owensboro, Kentucky, and Memphis, Tennessee, public notice of such application having been given, including publication in the FEDERAL REGISTER on July 8, 1948 (13 F. R. 3796-7);

It appears to the Commission that:

(a) Hearing on the amended application filed by Texas Gas in Docket No. G-859 has been ordered for 10:00 a. m. on September 27, 1948, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., pursuant to the terms of Commission order issued August 4, 1948, published in the FEDERAL REGISTER August 10, 1948 (13 F. R. 4611);

(b) The application filed by Texas Eastern in Docket No. G-1089 is an integral part of the plan proposed by Texas Gas in its application in Docket No. G-859 and by virtue of such two applications, facilities are sought to be constructed for the transportation and sale of approximately 350,000 Mcf of natural gas per day to serve the areas now supplied by Texas Gas and also the areas which may be served by Texas Eastern under any certificate issued as a result of this proceeding;

(c) Among the issues involved in said applications, and other pleadings, including intervening petitions presently filed in connection therewith, are the following:

(1) The extent of public need and market requirements for natural gas in the areas which may be served;

(2) Whether the facilities, as designed and proposed to be constructed and the methods of operation thereof are adequate to render the services proposed and to meet the estimated demands for natural gas in the areas which may be served;

(3) The sufficiency of the supply of natural gas available to meet the demands in the areas which may be served by means of the proposed facilities;

(4) Applicants' ability to finance the construction and operation of the proposed facilities, the feasibility of the plan of financing proposed, and whether the Commission may in the public interest require competitive bidding on all debt and stock securities, by a condition to any certificate which may be issued, or otherwise;

(5) The economic feasibility of the proposed construction and operation of the facilities sought to be constructed;

(6) Whether each of the applicants is qualified, able and willing properly to do the acts and to perform the services proposed and to conform to the provision of the Natural Gas Act, as amended, and the requirements, rules and regulations of the Commission thereunder;

(7) Whether the construction and operation of the proposed facilities are or will be required by the present or future public convenience and necessity;

(d) Good cause exists for consolidating the proceedings in the above-entitled dockets.

The Commission, therefore, orders that:

(A) The proceedings in Docket Nos. G-1089 and G-859 be and the same are hereby consolidated;

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a public hearing in the above-entitled consolidated proceedings be held on the 27th day of September 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters presented and the issues involved in the applications and the other pleadings including intervening petitions in these proceedings;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 1, 1948.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-8040; Filed, Sept. 7, 1948; 8:47 a. m.]

[Docket No. G-1102]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION

AUGUST 31, 1948.

Notice is hereby given that on August 16, 1948, an application was filed with the Federal Power Commission by Colorado-Wyoming Gas Company (Applicant), a Delaware corporation with its principal office in Denver, Colorado, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following natural-gas facilities:

Approximately 3.85 miles of 8⅝-inch transmission pipe line from a point on Applicant's existing 8-inch line about one mile north of the present Boulder lateral and near the common point of Sections 29, 28, 33 and 32 of Township 1 North, Range 69 West, west 3.85 miles to the intersection with the existing lateral located about 1,000 feet east of the common point of intersection of Sections 27, 26, 35 and 34 of Township 1 North, Range 70 West.

Applicant states the proposed facilities will in effect loop 3.85 miles of 8-inch line reinforcing its present supply of natural gas into the Boulder, Colorado area; and that the entire system will benefit through lower operating pressures required to serve Boulder area effecting a material savings in lower pumping costs, and in lost and unaccounted-for gas.

Applicant states the estimated total capital cost of the proposed facilities will be approximately $49,000; and that no financing of the construction is planned.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creating of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Colorado-Wyoming Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 and 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-8024; Filed, Sept. 7, 1948; 8:50 a. m.]

[Project No. 2003]

KETCHIKAN PULP & PAPER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

AUGUST 31, 1948.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Ketchikan Pulp & Paper Company, of Bellingham, Washington, has filed application for preliminary permit for proposed water-power Project No. 2003 to be located on Revillagigedo Island, in the First Judicial Division, Alaska, and consisting of a dam at the outlet of Orchard Lake, a conduit, and a powerhouse on Shrimp Bay; a dam on Swan Creek, outlet of Swan Lake, a conduit, a powerhouse on Carroll Inlet; a dam on Fish Creek at the outlet of Big Lake, a conduit taking water from Lagoon Lake, and a powerhouse on Fish Creek near Low Lake; a dam, near the outlet of Perseverance Lake to store water for processing purposes in the company's plant and for possible development of power and a pipe line to Ward Cove; and a transmission line connecting the plants with a substation on the shore of Ward Cove. The total installed capacity of the power plants is estimated at about 29,500 horsepower.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before October 15, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-8023; Filed, Sept. 7, 1948; 8:50 a. m.]

[Docket No. E-6161]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

SEPTEMBER 3, 1948.

Notice is hereby given that on September 2, 1948, an application and amendment thereto, were filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Northwestern Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska, with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of $700,000 aggregate principal amount of First Mortgage Bonds, 3½% series due 1978, to be dated September 1, 1948, and mature September 1, 1978; and pending consummation of the sale of the Bonds, to issue 3% promissory notes in the aggregate principal amount of $700,000, to be dated as of the date of issuance, on or about September 23, 1948, to mature 60 days after date of issuance and to be secured by a pledge of the aforementioned First Mortgage Bonds. Fifty percent of the aggregate principal amount of the notes will be issued to The Chase National Bank of the City of New York, 25% of the aggregate principal amount of said notes will be issued to the First National Bank of Minneapolis, and 25% of the aggregate principal amount of said notes will be issued to the Northwestern National Bank of Minneapolis. In the event that the sale of First Mortgage Bonds is consummated prior to the making of the bank loans, the bank loans will not be made and the promissory notes will not be issued; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 20th day of September 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-8093; Filed; Sept. 7, 1948; 10:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

ORGANIZATION; TRIAL EXAMINERS

The codification of Part 200 (statement of organization of the Commission) has been discontinued and hereafter amendments will appear in the Notices section of the FEDERAL REGISTER.

The Securities and Exchange Commission today directed that the descriptive statement with respect to the organization and procedure of the Commission heretofore published in the FEDERAL REGISTER (formerly § 200.4) which reads as follows:

Trial Examiners. The trial examiners preside at hearings, make rulings relating thereto, and in certain cases issue recommended decisions. The trial examiners are assigned by the Commission to cases in rotation so far as practicable.

be amended by inserting after the first sentence thereof the following: "In addition to presiding at hearings required to be conducted pursuant to sections 7 and 8 of the Administrative Procedure Act, trial examiners occasionally preside over hearings held pursuant to the Commission's power to make examinations and investigations; in such instances the trial examiners' duties are primarily to maintain order, to receive evidence and to rule impartially on objections; they take no part in the development of the facts nor do they consult privately with those members of the Commission's staff engaged in the investigative or prosecuting functions."

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

SEPTEMBER 1, 1948.

[F. R. Doc. 48-8031; Filed, Sept. 7, 1948; 8:51 a. m.]

[File Nos. 70-1903, 70-1929]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE OF FILING OF APPLICATIONS-DECLARATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of September 1948.

In the matters of The Columbia Gas System, Inc. and The Manufacturers Light and Heat Company, File No. 70-1903; The Manufacturers Light and Heat Company and Gettysburg Gas Corporation, File No. 70-1929.

Notice is hereby given that joint applications-declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its utility subsidiary, The Manufacturers Light and Heat Company ("Manufacturers"), and by the latter corporation and Gettysburg Gas Corporation ("Gettysburg"), also a public-utility subsidiary of Columbia. Applicants-declarants have designated sections 9 (a), 10 and 12 (d) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 20, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said applications-declarations which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 20, 1948, said applications-declarations, as filed- or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said applications-declarations which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Columbia proposes to contribute all of the shares of common stock of Gettysburg, being 780 shares of $100 par value each, to Manufacturers.

Manufacturers proposes that, upon the acquisition of all the outstanding shares of the common stock of Gettysburg, it will cause Gettysburg to be dissolved and liquidated, and as the sole stockholders it will acquire all the assets and assume all the liabilities of Gettysburg.

The foregoing transactions are the final steps designed to effect the acquisition of the Gettysburg properties by Manufacturers and the dissolution of Gettysburg, this Commission having by order dated August 27, 1948 permitted Columbia to forgive and contribute to Gettysburg all of the indebtedness of that company, consisting of $112,500 principal amount of First Mortgage Bonds and $140,000 principal amount of Income Demand Loans.

The acquisition by Manufacturers of the assets of Gettysburg has been submitted to the Pennsylvania Public Utility Commission for its approval.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8029; Filed, Sept. 7, 1948; 8:50 a. m.]

[File No. 70-1907]

COLUMBIA GAS SYSTEM, INC., AND CENTRAL KENTUCKY NATURAL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 31st day of August 1948.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its gas utility subsidiary, Central Kentucky Natural Gas Company ("Central Kentucky"), having filed a joint application-declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transaction:

Central Kentucky proposes to issue and sell to Columbia, which proposes to acquire the same, its 3¼% notes due in equal annual installments commencing 1950 and ending in 1974, in an estimated principal amount of $575,000.

The proceeds of said issuance and sale by Central Kentucky are to be used together with treasury cash to purchase certain gas distribution properties from Kentucky Utilities Company, a non-affiliated company, which properties are located in the City of Lexington, Kentucky, and are, and for many years have been, operated under lease by Central Kentucky. The purchase price for said properties, which is to be paid in cash, is to be the original cost thereof less accrued depreciation to the date of purchase; it being estimated that at July 1, 1948, the purchase price would have been $576,732.

The sale by Kentucky Utilities Company and the acquisition by Central Kentucky of the gas distribution properties have been approved by the Public Service Commission of Kentucky.

Such application-declaration having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the application-declaration, deeming it appropriate in the public interest and in the interests of investors and consumers that said application-declaration be granted and permitted to become effective, and deeming it appropriate to grant the request of applicants-declarants that the order become effective as soon as possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8030; Filed, Sept. 7, 1948; 8:51 a. m.]

[File No. 70-1928]

TOLEDO EDISON CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

Notice is hereby given that The Toledo Edison Company ("Toledo"), a public utility subsidiary of Cities Service Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicant has designated section 6 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 9, 1948 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such application as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application on file in the office of the Commission for a statement of the proposed transaction, which may be summarized as follows:

Toledo proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $5,000,000 principal amount of First Mortgage Bonds, --% Series, due 1978. The coupon rate and price to the company will be determined by competitive bidding. It is stated that the net proceeds from the sale of such bonds will be added to the company's general funds and used to provide part of the new capital required by Toledo for its construction program.

The proposed issue and sale has been submitted for approval to the Public Utilities Commission of Ohio, the commission of the State in which Toledo is organized and doing business.

The applicant requests that the Commission's order granting the application be issued on or before September 10, 1948, and become effective immediately upon issuance thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8032; Filed, Sept. 7, 1948; 8:51 a. m.]

[File Nos. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP. (DEL.)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the proposed payment of a dividend of $1.50 per share or an aggregate of approximately $2,161,870 on the outstanding shares of its preferred stock, payable on the 28th day after the date of the order of the Commission permitting the payment of such dividend or on October 1, 1948, whichever date is the later, to stockholders of record at the close of business on the 10th day after the date of such order (or if such 10th day is not a business day, the first business day following such 10th day) or on September 10, 1948, whichever date is the later; and

The Commission having heretofore instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the act with respect to Commonwealth & Southern and its subsidiaries; and

Commonwealth having filed a plan for compliance with such sections of the act, providing, among other things, for the liquidation of Commonwealth; and

Commonwealth having stated in the instant declaration that "The Board * * * recognizes that, in view of the pending proceedings, the 'Earned Surplus' account may be so qualified that under the rules and practice of the Commission, payment of said dividend is subject to the requirement of Commission authorization under the provisions of section 12 (c) of the act and Rule U-46 in spite of the fact that, as authorized by section 34 of the Delaware General Corporation Law, the source of payment of such dividend under such Law is Commonwealth's net profits for the current and preceding fiscal year"; and

The instant declaration having been filed on August 18, 1948 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming that it would not be necessary or appropriate to deny effectiveness to the declaration under the standards of section 12 (c) of the act and Rule U-46 if it should be found that the proposed payment were to be made out of capital and that, therefore, it is unnecessary for the Commission to determine whether said proposed payment is being made out of capital; and

The Commission therefore deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective insofar as section 12 (c) and Rule U-46 are applicable to the proposed payment; and

Commonwealth having requested that the Commission's order be issued herein on or before September 1, 1948, and become effective forthwith, and the Commission deeming it appropriate to grant such request;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith, provided, however, that this order shall not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code, and provided further that Commonwealth accompany the dividend checks with a statement to the effect (1) that Commonwealth filed the declaration regarding the proposed dividend payment pursuant to section 12 (c) and Rule U-46 by reason of its uncertainty as to whether the "Earned Surplus" account may be so qualified, under the Rules and practice of the Commission, that payment of the proposed dividend is subject to the requirement of Commission authorization under the act and the Rules thereunder and that the Commission permitted the declaration to become effective without determining whether the proposed payment is being made out of capital and (2) that the Commission's action in permitting the declaration to become effective should not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8033; Filed, Sept. 7, 1948; 8:51 a. m.]

[File No. 70-1890]

INDIANA & MICHIGAN ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of August A. D. 1948.

Indiana & Michigan Electric Company ("Indiana"), a subsidiary of American Gas and Electric Company, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rules U-42 and U-50 promulgated thereunder with respect to the following transactions:

Indiana proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $25,000,000 principal amount of First Mortgage Bonds, --% Series, due 1978. The coupon rate and price to the company will be determined by competitive bidding, except that the invitation for bids will specify that the coupon rate shall be in multiples of ⅛ of 1% and shall not exceed 3¼% and that the price to be paid to the Company shall not be less than 100% nor more than 102¾% of the principal amount.

The net proceeds of the sale of such bonds will be applied to the prepayment without premium of $16,000,000 principal amount of notes payable to banks and the balance of the proceeds remaining after such prepayment will be applied, together with other funds of Indiana, to pay for necessary construction and improvements.

The application having been filed on July 14, 1948, and the latest amendment thereto having been filed on August 25, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to such application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Indiana is entitled to an exemption from the provisions of sections 6 (a) and 7 of the act pursuant to the provisions of section 6 (b), it appearing that the proposed issue and sale of bonds are solely for the purpose of financing the business of Indiana and have been expressly authorized by the Public Service Commission of Indiana, the Commission of the state in which Indiana is organized and doing business and by the Michigan Public Service Commission, the Commission of the state in which Indiana is also doing business; and the Commission being of the opinion that it is appropriate to grant said application, as amended, without the imposition of terms and conditions other than those hereinafter stated; and the Commission also deeming it appropriate to grant applicant's request that the order herein become effective forthwith upon the issuance thereof:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application, as amended, be and the same hereby is granted subject to the terms and conditions contained in Rule U-24 and subject to the following additional conditions, the imposition of which has been assented to by the applicant:

(1) That the proposed sale of bonds of Indiana shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed which order may contain such further terms and conditions as may then be deemed appropriate;

(2) That jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transaction.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8034; Filed, Sept. 7, 1948; 8:51 a. m.]

[File No. 70-1923]

CENTRAL MAINE POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

Central Maine Power Company ("Central Maine"), a subsidiary company of New England Public Service Company, a registered holding company, having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder with respect to the following transactions:

Central Maine proposes to increase its short-term debt to a maximum amount of $8,500,000 up to and including December 31, 1948, by the issue of promissory notes to The First National Bank of Boston, from time to time, to and including December 31, 1948, said notes having a maturity of nine months or less. The company had outstanding as of August 11, 1948, notes payable to The First National Bank of Boston aggregating $3,800,000. It is stated that the company has an understanding with The First National Bank of Boston that, until further notice, interest rates on the first $5,000,000 of renewals or new money will be at the rate of 1¾% per annum and on amounts in excess of $5,000,000 will be at the rate of 2% per annum. It is further stated that in case said rates shall exceed such amounts, the company will file an amendment to its application, stating the rates of interest, at least five days prior to the execution and delivery of any note bearing such new interest rates, and unless the Commission shall notify the company to the contrary within said five-day period, the amendment shall become effective at the end of said period. The issuance of such notes is for the stated purpose of obtaining the funds necessary to continue the company's 1948 construction program. The application states that the company intends to issue and sell sufficient shares of common stock between now and the end of 1948 to yield approximately $5,000,000, and that it is its present intention that this sale take place during the month of November. It is further stated that the proceeds from the sale of such common stock will be applied toward the payment of outstanding notes.

Said application having been filed on August 12, 1948, and an amendment thereto having been filed on August 16, 1948, and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application as amended that the requirements of the applicable sections of the act and the rules and regulations thereunder are satisfied and finding it appropriate in the public interest and in the interest of investors and consumers that said application as amended be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that the application as amended be, and hereby is, granted forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8035; Filed, Sept. 7, 1948; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11686]

WALTER K. POEHLMANN AND TRUST CO. OF NEW JERSEY

In re: Trust Agreement dated June 4, 1932, between Walter K. Poehlmann, settlor, and The Trust Company of New Jersey, trustee. Files F-28-6625 and F-28-6625-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walter K. Poehlmann, Rose Poehlmann and Lenore Poehlmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Lenore Poehlmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated June 4, 1932, by and between Walter K. Poehlmann and The Trust Company of New Jersey, 35 Journal Square, Jersey City, New Jersey, presently being administered by The Trust Company of New Jersey, Trustee, 35 Journal Square, Jersey City, New Jersey, including, but not limited to the right of Walter K. Poehlmann to amend, cancel or revoke the trust agreement,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany).

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Leonore Poehlmann are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 22, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8048; Filed, Sept. 7, 1948; 8:52 a. m.]

[Vesting Order 11837]

FRANK KOSAI ET AL.

In re: United States of America v. Frank Kosai, et al. File No. D-39-6216.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ben Kosai, whose last known address was, on October 14, 1947, Japan, was on such date a resident of Japan and a national of a designated enemy country (Japan);

2. That the sum of $166.66 was paid to the Attorney General of the United States by the Clerk of the United States District Court, Western District of Washington, Northern Division, Seattle, Washington, in the action entitled "United States of America v. Frank Kosai, et al., No. 533";

3. That the sum of $166.66 was accepted by the Attorney General of the United States on October 14, 1947, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $166.66 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on October 14, 1947, the national interest of the United States required that such person be treated as a national of a designated enemy country (Japan) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8049; Filed, Sept. 7, 1948; 8:52 a. m.]

[Vesting Order 11850]

AGNES ECKHARDT ET AL.

In re: Stock owned by Agnes Eckhardt, Jacob Reil, Lena K. Schmidt, Theresia Reil, and Karoline Reil, also known as Karolina Reil. D-66-2251-D-1; D-66-2339-D-1; F-28-23609-D-2; F-28-25309-D-1; F-28-14161-D-1/2; F-28-14075-D-2/3; F-28-25310-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Agnes Eckhardt, Jacob Reil, Lena K. Schmidt, Theresia Reil, and Karoline Reil, also known as Karolina Reil, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Three (3) shares of no par value prior lien preferred $7.00 Dividend Series capital stock of Central and South West Utilities Co. (now Central & Southwest Corporation), 902 Market Street, Wilmington 99, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered L028307 registered in the name of Agnes Eckhardt, Germershausen 38 K R Duderstadt, Germany, together with all declared and unpaid dividends thereon, and any and all rights to the proceeds of redemption thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Agnes Eckhardt, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: Ten (10) shares of no par value preferred $7.00 Dividend Series capital stock of Central and South West Utilities Co. (now Central & Southwest Corporation), 902 Market Street, Wilmington 99, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered P016827, registered in the name of Jacob Reil, Ziegetsdorf 54, Regensburg 2 Hand, Bayern, Germany, together with all declared and unpaid dividends thereon, and any and all rights to the proceeds of redemption thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Jacob Reil, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows:

a. Ten (10) shares of $100.00 par value 7% preferred capital stock of North West Utilities Company, 902 Market Street, Wilmington, Delaware, evidenced by a certificate numbered PA06493, registered in the name of Lena K. Schmidt, Coslar, Harz, Koethe Str. 11, Germany, together with all declared and unpaid dividends thereon, and

b. Fifteen (15) shares of $100.00 par value 6% preferred capital stock of Michigan Gas and Electric Company, 101 West Second Street, Ashland, Wisconsin, a corporation organized under the laws of the State of Michigan, evidenced by a certificate numbered P01135, registered in the name of Lena K. Schmidt, Goslar, Harzkother Str. 11, Germany, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Lena K. Schmidt, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows:

a. Five (5) shares of $100.00 par value 7% preferred capital stock of North West Utilities Company, 902 Market Street, Wilmington, Delaware, evidenced by a certificate numbered PA07290, registered in the name of Theresia Reil, Ziegetsdorf 54, Regensburg 2, Hand, Bayern, Germany, together with all declared and unpaid dividends thereon, and

b. Ten (10) shares of no par value preferred $7.00 Dividend Series capital stock of Central and South West Utilities Co. (now Central & Southwest Corporation), 902 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered P016828, registered in the name of Theresia Reil, Ziegetsdorf 54, Regensburg 2, Hand, Bayern, Germany, together with all declared and unpaid dividends thereon, and any and all rights to the proceeds of redemption thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Theresia Reil, the aforesaid national of a designated enemy country (Germany);

6. That the property described as follows: Five (5) shares of $100.00 par value 7% preferred capital stock of North West Utilities Company, 902 Market Street, Wilmington, Delaware, evidenced by a certificate numbered PA06728, registered in the name of Karolina Reil, Ziegetsdorf 54, Regensburg 2, Hand, Bayern, Germany, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karoline Reil, also known as Karolina Reil, the aforesaid national of a designated enemy country (Germany);

7. That the property described as follows: Eleven (11) shares of no par value preferred $7.00 Dividend Series capital stock of Central and South West Utilities Co. (now Central & Southwest Corporation) 902 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered P06428, registered in the names of Theresia Reil and Karoline Reil, Ziegetsdorf 54, Regensburg 2, Hand, Bayern, Germany, together with all declared and unpaid dividends thereon, and any and all rights to the proceeds of redemption thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8052; Filed, Sept. 7, 1948; 8:53 a. m.]

[Vesting Order 11844]

CHRISTIANE SCHMIDT

In re: Estate of Christiane Schmidt, also known as Dora Schmidt, deceased. File No. D-28-11491; E. T. sec. 15709.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinerich Schwiecker and Fritz Schwiecker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $297.09 was paid to the Attorney General of the United States by Christiane Forstenaicher, Executrix of the estate of Christiane Schmidt, also known as Dora Schmidt, deceased;

3. That the said sum of $297.09 was accepted by the Attorney General of the United States on May 26, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $297.09 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8051; Filed, Sept. 7, 1948; 8:53 a. m.]

[Vesting Order 11842]

WALTER K. POEHLMANN AND TRUST CO. OF NEW JERSEY

In re: Trust Agreement dated June 4, 1932, between Walter K. Poehlmann, settlor, and The Trust Company of New Jersey, trustee. Files F-28-6625 and F-28-6625-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irmgard Poehlmann and Walter Poehlmann (son of Walter K. Poehlmann) whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Irmgard Poehlmann and the issue, names unknown, of Walter Poehlmann (son of Walter K. Poehlmann), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated June 4, 1932, by and between Walter K. Poehlmann and The Trust Company of New Jersey, 35 Journal Square, Jersey City, New Jersey, presently being administered by The Trust Company of New Jersey, Trustee, 35 Journal Square, Jersey City, New Jersey,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Irmgard Poehlmann and the issue, names unknown, of Walter Poehlmann (son of Walter K. Poehlmann) are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8050; Filed, Sept. 7, 1948; 8:53 a. m.]

[Vesting Order 11855]

UHICHI KINOSHITA

In re: Bank account owned by Uhichi Kinoshita. F-39-6076-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Uhichi Kinoshita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Uhichi Kinoshita, by Bishop National Bank of Hawaii at Honolulu, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 62580, entitled Uhichi Kinoshita, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8053; Filed, Sept. 7, 1948; 8:53 a. m.]

[Vesting Order 11856]

GEORGE T. KUNITOMO

In re: Stock owned by George T. Kunitomo. F-39-6145-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George T. Kunitomo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Ten (10) shares of $10 par value common capital stock of Honolulu Laundry Company, Limited 1065 Waimanu Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 611, registered in the name of George T. Kunitomo, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8054; Filed, Sept. 7, 1948; 8:53 a. m.]

[Vesting Order 11862]

ZENICHI TANIMOTO AND J. ISHIZU

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Zenichi Tanimoto, deceased, and of J. Ishizu, deceased. F-39-4080-D-1; F-39-5107-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees, and distributees of Zenichi Tanimoto, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of J. Ishizu, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: Seven (7) shares of $25 par value common capital stock of Hilo Rice Mill Co., Ltd., 458 Kamehameha Avenue, Hilo, Hawaii, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by the certificates listed below, registered in the names of the persons listed below in the amounts appearing opposite each name as follows:

Name in which registered	Certificate No.	Number of shares
Zenichi Tanimoto	162	3
	332	1
	423	2
J. Ishizu	310	1

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Zenichi Tanimoto, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of J. Ishizu, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Zenichi Tanimoto, deceased, and the personal representatives, heirs, next of kin, legatees and distributees of J. Ishizu, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8056; Filed, Sept. 7, 1948; 8:53 a. m.]

[Vesting Order 11858]

DR. KLAUS AND ENID MEHNERT

In re: Bank account owned by Dr. Klaus Mehnert and Enid Mehnert. D-28-5217-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Klaus Mehnert and Enid Mehnert, each of whose last known address is Stuttgart, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Dr. Klaus Mehnert and Enid Mehnert, by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a checking account entitled Dr. Klaus and Enid Mehnert, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8055; Filed, Sept. 7, 1948; 8:53 a. m.]

[Vesting Order 11863]

EIJI AND HARUE TSUMURA

In re: Bank accounts owned by Eiji Tsumura and Harue Tsumura. D-39-16909-C-1; D-39-16909-E-1; D-39-18824 E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eiji Tsumura and Harue Tsumura, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Receiver's Liability Number 2984, entitled Eiji Tsumura or Harue Tsumura, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8057; Filed, Sept. 7, 1948; 8:54 a. m.]

[Vesting Order 11867]

KURT LINDHORST

In re: Trademarks owned by Kurt Lindhorst of Berlin, Germany.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Lindhorst, whose last known address is Berlin, Germany, is a resident of Germany and a national of a foreign country (Germany);

2. That the property described as follows:

(a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described together with the right to sue therefor) created in Kurt Lindhorst by virtue of an agreement executed January 28, 1937 (including all modifications thereof and supplements thereto, if any) by and between Kurt Lindhorst and Lady Handicraft Co., Inc., New York, New York, which agreement relates among other things, to two trademarks registered in the United States Patent Office, Nos. 284,130 and 284,131, respectively, and "Lindhorst Appollo Cordonnet," an unregistered trademark, and

(b) The unregistered trademark "Lindhorst Apollo Cordonnet" and trademarks registered in the United States Patent Office identified as follows:

Register No.	Date	Character of goods
284130	June 16, 1931	Cotton yarns.
284131	do	Wool yarns.

together with

(i) The respective good will of the business in the United States and all its possessions to which said trademarks are appurtenant,

(ii) Any and all indicia of such good will (including but not limited to formulae whether secret or not, procedure, customers lists, labels, machines and other equipment),

(iii) Any interests of any nature whatsoever in and any rights and claims of every character and description to said business, good will and trademarks and registrations thereof, and

(iv) All accrued royalties payable or held with respect to such trademarks and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof,

is property of, and is property payable or held with respect to trademarks or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8058; Filed, Sept. 7, 1948; 8:54 a. m.]

[Vesting Order 11902]

GOTTLIEB AND WALBURGA SCHNEIDER

In re: Real property, household furniture and furnishings, bank accounts, cash and claim owned by Gottlieb Schneider and Wallburga Schneider, also known as Wally Schneider.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gottlieb Schneider and Walburga Schneider, also known as Wally Schneider, whose last known address is 201 Pforonten Ried, Allgäu, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the Township of Jackson, County of Ocean, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All that personal property, consisting of household furniture and furnishings located on the real property described in subparagraph 2-a hereof, and described in Exhibit B, attached hereto and by reference made a part hereof,

c. That certain debt or obligation owing to the persons named in subparagraph 1 hereof, by Federal Trust Company, Newark, New Jersey, arising out of Savings Account No. 47198, entitled "Wally or Gottlieb Schneider," maintained at the Springfield Avenue Branch of the aforesaid bank located at No. 470 18th Avenue, Newark, New Jersey, and any and all rights to demand, enforce and collect the same, and

d. Cash in the sum of $94.00, presently in the possession of the Attorney General of the United States,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Gottlieb Schneider and Walburga Schneider, also known as Wally Schneider, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Walburga Schneider, also known as Wally Schneider, by Hoboken Bank for Savings, Washington and First Streets, Hoboken, New Jersey, arising out of Savings Account No. 199572, entitled "Wally Schneider," and any and all rights to demand, enforce and collect the same, and

b. Cash in the sum of $1,108.80, presently in the possession of the Treasury Department of the United States, in Trust Fund Account, Symbol 158915, entitled "Deposits, Funds of Civilian Internees and Prisoners of War" and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Walburga Schneider, also known as Wally Schneider, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: Cash in the sum of $3,086.85, presently in the possession of the Treasury Department of the United States, in Trust Fund Account, Symbol 158915, entitled "Deposits, Funds of Civilian Internees and Prisoners of War" and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Gottlieb Schneider, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as

REFERENCE SEP 13

nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b to 4 hereof, inclusive,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

EXHIBIT A

All that certain tract or parcel of land and premises hereinafter particularly described, situate, lying and being in the Township of Jackson in the County of Ocean and State of New Jersey.

Situated on the North side of the South Branch of Metedeconk River near Jackson's Mills known as the homestead of Jonathan C. Strickland.

Beginning at the second corner of fifty and 55/100 acres returned to Andrew Bell Dec. 1813 and recorded at Perth Amboy in the office of the Surveyor General in book S–16 page 30., also the beginning corner of a tract of 48 90/100 acres conveyed to Frank Gordon. Thence (1) as in A. D. 1942, South sixty one degrees four minutes West six hundred forty two 18/100 feet to corner of 1 44/100 acres conveyed to Jonathan Clayton. Thence (2) South seventy one degrees thirty nine minutes West two hundred and 4/100 feet. Thence (3) South forty nine degrees West two hundred eighty seven and 1/10 feet. Thence (4) North forty two degrees twenty six minutes West seven hundred twelve feet to a stone. Thence (5) North forty one degrees forty four minutes East four hundred forty five and 54/100 feet to an iron stake. Thence (6) South twenty five degrees thirty minutes East one hundred thirty three feet. Thence (7) North sixty four degrees thirty minutes East three hundred forty two feet. Thence (8) North twenty six minutes West fifty four and 8/10. Thence (9) North sixty four degrees East two hundred eight and 71/100 feet. Thence (10) North twenty six degrees West three hundred twenty nine 6/10 feet to the road from Jackson's Mills to Freehold. Thence (11) along said road North sixty four degrees thirty minutes East twelve hundred three and 29/100 feet. Thence (12) South twelve degrees fifty minutes East four hundred thirty four and 4/10 feet.. Thence (13) along Southerly line of two acres Conveyed by Frank Gordon and his wife to Sylvia Turner, North Sixty five degrees eighteen minutes East two hundred ten feet. Thence (14) South forty eight degrees five minutes East along a road eighty one feet. Thence (15) along line of Albert H. Weise, South twelve degrees fifteen minutes West four hundred thirty four feet to a stone his Southwest corner. Thence (16) South seventy degrees fifty five minutes East one hundred five feet to line of land formerly Jacob Young's. Thence (17) South twelve degrees fifteen minutes West ninety seven feet to the center of a large oak tree stump. Thence (18) North eighty seven degrees forty minutes West three hundred sixteen and 8/10 feet. Thence (19) South twelve degrees fifty minutes West three hundred three and 6/10 feet to a stone. Thence (20) South forty six degrees six minutes west three hundred eighteen and 2/10 feet. Thence (21) North sixty degrees and fifty six minutes West forty three feet to the point of beginning, containing forty six acres.

Being part of the same premises conveyed to Frank Gordon by deed from the widow and heirs of Zachariah Hankins recorded in book 318 of deeds page 236 in the office of the clerk of Ocean County.

EXHIBIT B

1 clothes closet.
2 oil cloth rugs.
1 buffet.
1 carton of old dishes—mixed.
1 sideboard buffet.
1 dish closet.
2 Morris chairs.
1 wardrobe.
1 bird cage.
1 carton of books.
1 china closet.
1 metal bed and spring.
1 Majestic radio.
1 parlor table.
1 sofa.
1 cabinet.
1 Victrola.
1 gas stove.
1 carton of pans.

[F. R. Doc. 48–8060; Filed, Sept. 7, 1948; 8:54 a. m.]

[Vesting Order 11936]

RIHEI AND HANA KAWASAKI

In re: Bonds and other property owned by Rihei Kawasaki and Hana Kawasaki. D–39–6914–F–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rihei Kawasaki and Hana Kawasaki, whose last known address is Shizouka Ken, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of Security-First National Bank of Los Angeles, Civic Center Branch, 110 South Spring Street, Los Angeles, California, in safe deposit box number 1934, together with any and all rights thereunder and thereto, and

b. All other property of any nature whatsoever of Rihei Kawasaki and Hana Kawasaki, presently in the custody of Security-First National Bank of Los Angeles, Civic Center Branch, 110 South Spring Street, Los Angeles, California, including particularly but not limited to the property in safe deposit box number 1934, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

EXHIBIT A

Description of issue	Bond No.	Value
United States defense bonds series E	L3923124E	$50
	L3923123E	50
	C4603173E	100
	C4603174E	100
	D17809941E	500
	D11488814E	500
Government of Japan 5% bonds of 1907 due 1947	S–2570	£200
	11–3732	£200
Tokio Electric Light Co. 6% bonds due 1953	6769	$1,000
	8178	1,000
	8200	1,000
	8201	1,000
	17798	1,000
	18111	1,000
	18110	1,000
	28385	1,000
	29088	1,000
	39300	1,000
	40137	1,000
	40138	1,000
	39301	1,000
	45540	1,000
	39308	1,000

[F. R. Doc. 48–8061; Filed, Sept. 7, 1948; 8:54 a. m.]

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 13 NUMBER 176

Washington, Thursday, September 9, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2807

DETERMINING THE DRUG KETO-BEMIDONE TO BE AN OPIATE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 3228 (f) of the Internal Revenue Code provides in part as follows:

(f) OPIATE.—The word "opiate" as used in this part and subchapter A of chapter 23 shall mean any drug (as defined in the Federal Food, Drug and Cosmetic Act) found by the Secretary of the Treasury, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary.;

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found the drug Keto-bemidone [4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride] to have an addiction-forming and addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found the drug Keto-bemidone [4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride] to have an addiction-forming and addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this fourth day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48–8140; Filed, Sept. 7, 1948; 4:39 p. m.]

PROCLAMATION 2808

POSTPONING THE EFFECTIVE DATE OF PROCLAMATION NO. 2775 OF MARCH 26, 1948, PRESCRIBING CHANGES IN PANAMA CANAL TOLL RATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, authorizes the President to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal, and provides that no tolls when so prescribed shall be changed unless six months' notice thereof is given by the President by proclamation; and

WHEREAS increased tolls were prescribed by Proclamation No. 2775 of March 26, 1948, the said proclamation to become effective on October 1, 1948; and

WHEREAS it now appears that the Congress may be called upon to give consideration to the entire question of the cost of operation of the Panama Canal and the tolls to be levied for the use thereof; and

WHEREAS it appears consistent with the public interest to postpone the effective date of the said Proclamation No. 2775 until April 1, 1949, so as to permit continuance of the present tolls until the Congress shall have had opportunity for such consideration:

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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Title 49—Transportation and Railroads
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NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid section 411 of title 2 of the Canal Zone Code, do hereby proclaim that the effective date of the said Proclamation No. 2775 of March 26, 1948, is postponed to, and shall be, April 1, 1949.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8162; Filed, Sept. 8, 1948; 11:11 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

PART 29—RETIREMENT

MISCELLANEOUS AMENDMENTS

1. Sectfon 24.13 is amended to read as follows:

§ 24.13 *Instructor, school activities (principal, P–3; high school teacher, P–1–2; elementary teacher, P–1), P–210–1–3, Army and Navy civilian schools—*(a) *Educational requirement.* The educational requirements for these positions are the current educational requirements of the States in which the positions are located.

(b) *Duties.* The duties of these positions are to serve as principal or as elementary or high school teacher in Army or Navy schools for children of personnel of the armed forces.

(c) *Knowledge and training requisite for performance of duties.* The enrollment in schools maintained by the Army and the Navy Departments is extremely transient because of the frequent shifting of Army and Navy personnel from one assignment to another. In order that students may transfer from these schools without loss of educational credits, the Army and Navy schools must have approval or certification from the State Board of Education in which the school is located. (There is reciprocity [illegible]

§ 24.89 *Plant quarantine inspector P–485–1—*(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree in one of the following subjects: entomology, zoology, botany, plant pathology, mycology, horticulture, or biology; or

(2) Courses in biological science in an accredited college or university, consisting of lectures, recitations, and laboratory work totaling at least 20 semester hours in any one or a combination of the subjects shown under subparagraph (1) of this paragraph; plus additional appropriate experience which, when combined with the above 20 semester hours, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Plant Quarantine Inspectors perform inspectional duties in connection with the various plant quarantines at ports of entry and make inspections of imported foreign plant material for injurious foreign insect pests and plant diseases.

(c) *Knowledge and training requisite for performance of duties.* The duties of Plant Quarantine Inspector cannot be successfully performed without a knowledge of the plant quarantines and regulations and a scientific knowledge of plants, plant pests, and plant diseases. This knowledge and training can be gained only through a directed course of study in an accredited college or university with scientific libraries, well-equipped laboratories, and thoroughly trained instructors, where guidance is expertly given and progress is competently evaluated.

§ 24.90 *Entomologist P–430–1—*(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree with major study in entomology; or

(2) Courses in entomology in an accredited college or university, consisting of lectures, recitations, and laboratory work totaling at least 12 semester hours; fundamental courses in other biological and physical sciences (exclusive of applied sciences such as game management, horticulture, fish culture, animal husbandry, etc.) totaling 15 semester hours; plus additional appropriate education or experience which, when combined with the 12 hours in entomology and 15 hours in biological and physical sciences, will total 4 years of education and experience and give the applicant a [illegible]

the utilization of beneficial insects and perform related duties.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.36 (b), (c), (d), and (e) are applicable to this section.

3. The following subparagraph of this section is hereby revoked: Section 24.36 (a) (19) *Entomologist.*

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 654)

4. The second sentence of paragraph (a) of § 29.8 is amended to read as follows:

§ 29.8 *Military service.* (a) • • • The only exception occurs in case the employee is receiving retired pay awarded for reasons other than service-connected disability incurred in combat with an enemy of the United States or by explosion of an instrument of war, or awarded under Title III of the act of June 29, 1948, Public Law 810, 80th Congress.

(Sec. 17, 46 Stat. 478; 5 U. S. C. 709; Pub. Law 810, 80th Cong.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 48-8064; Filed, Sept. 8, 1948; 8:46 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of Federal Reserve System

PART 224—DISCOUNT RATES

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view of accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended to read as follows:

Sec.
224.1 Introduction.
224.2 Advances and discounts for member banks under sections 13 and 13a.
224.3 Advances to member banks under section 10 (b).
224.4 Advances to persons other than member banks.
224.5 Buying rates on bills.
224.6 Rates to industrial or commercial businesses under section 13b.
224.7 Rates to financing institutions under section 13b.
224.8 Findings.

AUTHORITY: §§ 224.1 to 224.8 inclusive, issued under sec. 14 (d), 38 Stat. 264, as amended by 41 Stat. 378 and 42 Stat. 1486 and [illegible]

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid section 411 of title 2 of the Canal Zone Code, do hereby proclaim that the effective date of the said Proclamation No. 2775 of March 26, 1948, is postponed to, and shall be, April 1, 1949.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8162; Filed, Sept. 8, 1948; 11:11 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

PART 29—RETIREMENT

MISCELLANEOUS AMENDMENTS

1. Section 24.13 is amended to read as follows:

§ 24.13 *Instructor, school activities (principal, P–3; high school teacher, P–1–2; elementary teacher, P–1), P–210–1–3, Army and Navy civilian schools*—(a) *Educational requirement.* The educational requirements for these positions are the current educational requirements of the States in which the positions are located.

(b) *Duties.* The duties of these positions are to serve as principal or as elementary or high school teacher in Army or Navy schools for children of personnel of the armed forces.

(c) *Knowledge and training requisite for performance of duties.* The enrollment in schools maintained by the Army and the Navy Departments is extremely transient because of the frequent shifting of Army and Navy personnel from one assignment to another. In order that students may transfer from these schools without loss of educational credits, the Army and Navy schools must have approval or certification from the State Board of Education in which the school is located. (There is reciprocity between the States in the acceptance of students from an approved or certified school.) Qualifications of teachers in these schools must, therefore, be the current requirements of the State in which the school is located.

2. The following sections are hereby added:

§ 24.89 *Plant quarantine inspector P–485–1*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree in one of the following subjects: entomology, zoology, botany, plant pathology, mycology, horticulture, or biology; or

(2) Courses in biological science in an accredited college or university, consisting of lectures, recitations, and laboratory work totaling at least 20 semester hours in any one or a combination of the subjects shown under subparagraph (1) of this paragraph; plus additional appropriate experience which, when combined with the above 20 semester hours, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Plant Quarantine Inspectors perform inspectional duties in connection with the various plant quarantines at ports of entry and make inspections of imported foreign plant material for injurious foreign insect pests and plant diseases.

(c) *Knowledge and training requisite for performance of duties.* The duties of Plant Quarantine Inspector cannot be successfully performed without a knowledge of the plant quarantines and regulations and a scientific knowledge of plants, plant pests, and plant diseases. This knowledge and training can be gained only through a directed course of study in an accredited college or university with scientific libraries, well-equipped laboratories, and thoroughly trained instructors, where guidance is expertly given and progress is competently evaluated.

§ 24.90 *Entomologist P–430–1*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree with major study in entomology; or

(2) Courses in entomology in an accredited college or university, consisting of lectures, recitations, and laboratory work totaling at least 12 semester hours; fundamental courses in other biological and physical sciences (exclusive of applied sciences sluch as game management, horticulture, fish culture, animal husbandry, etc.) totaling 15 semester hours; plus additional appropriate education or experience which, when combined with the 12 hours in entomology and 15 hours in biological and physical sciences, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Entomologists assist in field and laboratory research or other scientific or professional work on the control of insects affecting crops or on the utilization of beneficial insects and perform related duties.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.36 (b), (c), (d), and (e) are applicable to this section.

3. The following subparagraph of this section is hereby revoked: Section 24.36 (a) (19) *Entomologist.*

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854)

4. The second sentence of paragraph (a) of § 29.8 is amended to read as follows:

§ 29.8 *Military service.* (a) • • • The only exception occurs in case the employee is receiving retired pay awarded for reasons other than service-connected disability incurred in combat with an enemy of the United States or by explosion of an instrument of war, or awarded under Title III of the act of June 29, 1948, Public Law 810, 80th Congress.

(Sec. 17, 46 Stat. 478; 5 U. S. C. 709; Pub. Law 810, 80th Cong.)

[SEAL]

UNITED STATES CIVIL SERVICE COMMISSION,
L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 48-8064; Filed, Sept. 8, 1948; 8:46 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of Federal Reserve System

PART 224—DISCOUNT RATES

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view of accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended to read as follows:

Sec.
224.1 Introduction.
224.2 Advances and discounts for member banks under sections 13 and 13a.
224.3 Advances to member banks under section 10 (b).
224.4 Advances to persons other than member banks.
224.5 Buying rates on bills.
224.6 Rates to industrial or commercial businesses under section 13b.
224.7 Rates to financing institutions under section 13b.
224.8 Findings.

AUTHORITY: §§ 224.1 to 224.8, inclusive, issued under sec. 14 (d), 38 Stat. 264, as amended by 41 Stat. 550, 42 Stat. 1480 and 49 Stat. 704, 706; 12 U. S. C. 357.

§ 224.1 *Introduction.* The following are the rates to be charged by the Federal Reserve Banks as established by such Banks and as reviewed and determined by the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 14 (d) of the Fed-

eral Reserve Act. All rates are stated in per cent per annum. Except as otherwise provided, these rates are effective immediately.

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under section 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	1½	Aug. 13, 1948
New York	1½	Do.
Philadelphia	1½	Aug. 23, 1948
Cleveland	1½	Aug. 13, 1948
Richmond	1½	Do.
Atlanta	1½	Do.
Chicago	1½	Do.
St. Louis	1½	Aug. 19, 1948
Minneapolis	1½	Aug. 13, 1948
Kansas City	1½	Aug. 16, 1948
Dallas	1½	Aug. 13, 1948
San Francisco	1½	Do.

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	2	Aug. 13, 1948
New York	2	Do.
Philadelphia	2	Aug. 23, 1948
Cleveland	2	Aug. 13, 1948
Richmond	2	Do.
Atlanta	2	Do.
Chicago	2	Do.
St. Louis	2	Aug. 19, 1948
Minneapolis	2	Aug. 13, 1948
Kansas City	2	Aug. 16, 1948
Dallas	2	Aug. 13, 1948
San Francisco	2	Do.

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	2½	Jan. 14, 1948
New York	2½	Apr. 6, 1946
Philadelphia	2½	Aug. 23, 1948
Cleveland	2½	Aug. 13, 1948
Richmond	2½	Mar. 16, 1946
Atlanta	2½	Jan. 24, 1948
Chicago	2¾	Aug. 15, 1948
St. Louis	2½	Jan. 12, 1948
Minneapolis	2¾	Aug. 23, 1948
Kansas City	2½	Jan. 19, 1948
Dallas	2½	Feb. 14, 1948
San Francisco	2½	Apr. 25, 1946

§ 224.5 *Buying rates on bills.* The minimum buying rates for prime bankers' acceptances [1] are :

[1] Rates shown for bankers' acceptances also apply, with same effective dates, to purchases of Government securities under resale agreement at the following Federal Reserve Banks, Boston, New York, Philadelphia, Cleveland, Chicago, and San Francisco. New York and St. Louis have minimum buying rates on trade acceptances of 1½ per cent and 1¾ per cent, respectively, with same effective dates.

Federal Reserve Bank of—	Rate	Effective
Boston	1½	Aug. 13, 1948
New York	1½	Do.
Philadelphia	1½	Aug. 23, 1948
Cleveland	1½	Aug. 30, 1948
Richmond	1½	Aug. 13, 1948
Atlanta	1½	Do.
Chicago	1½	Do.
St. Louis	1½	Aug. 19, 1948
Minneapolis	1½	Aug. 23, 1948
Kansas City	1½	Aug. 16, 1948
Dallas	1½	Aug. 13, 1948
San Francisco	1½	Aug. 21, 1948

§ 224.6 *Rates to industrial or commercial businesses under section 13b.* The rates to industrial and commercial businesses (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On loans	On commitments	Effective
Boston	2½–5	½–1½	Aug. 13, 1948
New York	2½–5	½–1½	June 6, 1942
Philadelphia	2½–5	½–1¼	May 20, 1942
Cleveland	2½–5	½–1½	May 8, 1942
Richmond	2½–5	½–1¼	May 23, 1942
Atlanta	2½–5	½–1¼	May 16, 1942
Chicago	2½–5	¼–1¼	Oct. 5, 1944
St. Louis	3–5	½–1¼	Aug. 19, 1948
Minneapolis	2½–5	½–1¼	May 16, 1942
Kansas City	2½–5	½–1¼	June 6, 1942
Dallas	2½–5	½–1¼	May 16, 1942
San Francisco	2½–5	½–1¼	May 23, 1942

§ 224.7 *Rates to financing institutions under section 13b.* The rates to financing institutions under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On discounts or purchases: Portion for which institution is obligated	On discounts or purchases: Remaining portion	On commitments	Effective
Boston	(1)	(2)	½–1½	Aug. 13, 1948
New York	(1)	(2)	½–1¼	June 6, 1942
Philadelphia	(1)	(2)	½–1¼	May 20, 1942
Cleveland	(1)	(2)	½–1¼	Jan. 12, 1948
Richmond	(1)	(2)	½–1¼	May 23, 1942
Atlanta	(1)	(2)	[4] ½–1¼	Aug. 13, 1948
Chicago	2½–5	2½–5	¼–1¼	Oct. 5, 1944
St. Louis	1½–2	(3)	¼–1¼	Aug. 19, 1948
Minneapolis	(1)	(2)	½–1¼	May 16, 1942
Kansas City	(1)	(2)	½–1¼	June 6, 1942
Dallas	(1)	(2)	[4] ½–1¼	May 16, 1942
San Francisco	(1)	(2)	[4] ½–1¼	May 23, 1942

[1] Rate charged borrower less commitment rate.
[2] Rate charged borrower, but not exceeding 1 percent above rate under § 224.2.
[3] Rate charged borrower.
[4] ¼ percent on undisbursed portion of loan.

§ 224.8 *Findings*—(a) *No notice or public participation; rates effective immediately.* There is no notice or public participation when rates now or hereafter specified in this part are reviewed and determined. The Board of Governors of the Federal Reserve System finds that in this situation such notice and public participation are impracticable, unnecessary, and contrary to the public interest for the reasons stated in section 2 (e) of the Board's rules of procedure (§ 262.2 (e) of Part 262), and especially because such proceduce would prevent the action from becoming effective as promptly as necessary, would permit unfair profits, would unreasonably interfere with the necessary actions of the Board would not aid the persons affected, and would otherwise serve no useful purpose. For the same reasons, and good cause found, the effective dates of these rates, as now or hereafter reviewed and determined, are not deferred for 30 days; and except as otherwise provided, such rates are effective immediately.

(b) *Only changes in rates published.* Under section 14 (d) of the Federal Reserve Act, rates must be established at each Federal Reserve Bank every fourteen days, or oftener if deemed necessary by the Board of Governors of the Federal Reserve System. To avoid frequent and unnecessary publication of the fact that an existing rate is continued, only changes in rates will be published; and the fact that no new rate is published means that the existing rate has been continued.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-7907; Filed, Sept. 8, 1948; 8:46 a. m.]

TITLE 15—COMMERCE

Chapter V—Weather Bureau, Department of Commerce

PART 502—ORGANIZATION

MISCELLANEOUS AMENDMENTS

Part 502 (15 CFR 1946 Supp., 502; and 15 CFR 1947 Supp., 502) is hereby amended in the following respects:

1. A new § 502.5 is added as follows:

§ 502.5 *Plans and Program Management Office.* Plans and Program Management Office which provides for coordination of administrative and operational functions.

2. Present § 502.5 *Assistant Chief for Administration,* is renumbered to § 502.6.

3. Present §§ 502.6 and 502.7 are changed as follows:

Section 502.6 is renumbered § 502.7 and the title changed from *Assistant Chief for Technical Services* to *Assistant Chief for Operations.*

Section 502.7 is renumbered § 502.8 and the title changed from *Assistant Chief for Scientific Services* to *Assistant Chief for Research and Scientific Services.*

4. Present §§ 502.8 through 502.10 are redesignated as follows: § 502.8 to § 502.9 *Division of Administrative Services;* § 502.9 to § 502.10 *Budget Office;* § 502.10 to § 502.11 *Division of Personnel Management.*

5. Present § 502.11 *Division of Station Operations* is deleted and a new section, designated § 502.12, is substituted therefor as follows:

§ 502.12 *Division of Station Facilities and Meteorological Observations.* Division of Station Facilities and Meteorological Observations which plans, directs, coordinates and implements the basic weather observational program; devises or revises methods, observational aids, instructions and manuals; develops and applies standards for efficient utilization of equipment and space at field stations; maintains comprehensive station histories classified by types of service programs conducted in the field, and coordinates the several networks of substations (paid and cooperative) to obtain the most effective utilization of part-time observers.

6. Present §§ 502.12 through 502.14 are redesignated as follows: § 502.12 to § 502.13 *Division of Synoptic Reports and Forecasts;* § 502.13 to § 502.14 *Instrument Division;* § 502.14 to § 502.15 *Division of Climatological and Hydrologic Services.*

7. Present § 502.15 is redesignated § 502.16 and the title changed from *Division of Special Scientific Services* to *Division of Scientific Services.*

8. Present §§ 502.16 through 502.19 are redesignated as follows: § 502.16 to § 502.17 *Division of Physical Research;* § 502.17 to § 502.18 *Weather Bureau Station at Washington National Airport;* § 502.18 to § 502.19 *Regional Offices;* and § 502.19 to § 502.20 *Field stations.*

These amendments are effective September 1, 1948.

(R. S. 161; 5 U. S. C. 22)

[SEAL] F. W. REICHELDERFER,
Chief, Weather Bureau.

Approved:

JOHN R. ALISON,
Acting Secretary of Commerce.

[F. R. Doc. 48-8074; Filed, Sept. 8, 1948; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52036]

PART 2—MEASUREMENT OF VESSELS

PART 3—DOCUMENTATION OF VESSELS

MEASUREMENT OF OPEN VESSELS: DOCUMENTATION OF VESSELS, DELETING CERTAIN REFERENCES TO WAR SHIPPING ADMINISTRATION

Sections 2.48; 3.2, 3.60, 3.61, 3.65, 3.66, 3.69, 3.73, Customs Regulations of 1943, amended.

1. Section 2.48, Customs Regulations of 1943 (19 CFR, Cum. Supp., 2.48), is amended as follows:

Paragraphs (b) and (c) are amended to read as follows:

§ 2.43 *Open vessels.* * * *

(b) An open vessel is one of any length without a deck, or with only a partial deck or partial decks, the total length of which is less than one-half her tonnage length.

(c) Further, a vessel having a tonnage length of less than 50 feet and a partial deck of any length or a single full length deck, which, in either case, lies more than one-sixth of the midship depth below the line of the upper edge of the upper strake to the usual point in the hold for taking the register depth, shall, for admeasurement purposes, be deemed an open vessel.

(R. S. 161, sec. 3, 23 Stat. 119, R. S. 4153, as amended, sec. 4, 28, Stat. 743; 5 U. S. C. 22, 46 U. S. C. 3, 77, 79. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., Ch. IV)

2. Part 3, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 3), is amended as follows:

Section 3.2 (c) is amended by deleting "or the War Shipping Administration" from the "Class 10" subdivision.

Section 3.60 (a) is amended by deleting "or the War Shipping Administration."

Section 3.61 (a) is amended by deleting "or the War Shipping Administration."

Section 3.65 is amended as follows:

Paragraph (a) is amended by deleting "or the War Shipping Administration."

Subparagraph (1) of paragraph (a) is amended by deleting "or the United States represented by the War Shipping Administration."

Section 3.66 is amended by deleting "or the War Shipping Administration" and "or the Administration" wherever used in that section.

Section 3.69 is amended by deleting "or the War Shipping Administration."

Section 3.73 is amended by deleting ", of" after the word "master"; by substituting in lieu thereof the word "or"; and by deleting ", or of the War Shipping Administration."

(R. S. 161, sec. 2, 3, 23 Stat. 118, 119, sec. 5, 55 Stat. 244, as amended, sec. 202, 60 Stat. 501; 5 U. S. C. 22, 46 U. S. C. 2, 3, 50 U. S. C. App. 1275, 1291 note. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., Ch. IV)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8089; Filed, Sept. 8, 1948; 8:54 a. m.]

[T. D. 52038]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

CREW PURCHASES AND STORES; INCLUSION IN MANIFEST

Sections 4.85 (b) and (d) and 4.87 (b) and (d), as amended by T. D. 51912, relating to manifesting, amended.

1. Section 4.85 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.85 (b)), is hereby amended to read as follows:

§ 4.85 *Vessels with residue cargo for domestic ports.* * * *

(b) When applying for clearance from the port of first arrival, the master of the vessel shall present to the collector a manifest in duplicate of all the foreign cargo then retained on board for delivery at other domestic or foreign ports. This manifest, referred to hereinafter as an abstract manifest, may be a legible copy of the complete inward foreign manifest with the items deleted which cover cargo previously discharged.

2. Section 4.85 (d), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.85 (d)), is hereby amended to read as follows:

(d) On arrival at the next and each succeeding domestic port, the master shall report arrival and make entry within 24 hours by presenting both abstract manifests received by him on clearance from the last port with the Form 1385 attached, duplicate lists of all unentered articles acquired abroad by the officers and crew of the vessel which are still retained on board and of the stores on board, and the traveling manifest with Form 3221 attached." He shall also file his oath on customs Form 3251. No additional vessel bond on customs Form 7567 or 7569 need be filed. Upon each departure for another domestic port, the same procedure shall be followed as on departure from the port of first arrival, except that the collector may endorse on the new certificate on customs Form 3221 attached to the traveling manifest at each such port the following notation:

For foreign ports and dates of departure therefrom see attached Form 3221 issued at ----------, the first domestic port of entry. These movements shall be recorded as foreign transactions.

(R. S. 161, 251, secs. 439, 442, 443, 444, 624, 46 Stat. 712, 713, 759; 5 U. S. C. 22, 19 U. S. C. 66, 1439, 1442, 1443, 1444, 1624)

3. Section 4.87 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.87 (b)), is hereby amended to read as follows:

§ 4.87 *Vessels proceeding foreign via domestic ports.* * * *

(b) When applying for a clearance from the first and each succeeding port of lading, except the final port of departure from the United States, the master of the vessel shall present to the collector a manifest in duplicate on customs Form 1374 of all the cargo laden on board for export with the port of lading indicated for each item.

4. Section 4.87 (d), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.87 (d)), as amended by T. D. 51912, is further amended by deleting the second sentence and substituting the following: "He shall also make entry within 48 hours by presenting the vessel's document, the certified manifest received by him upon clearance from the last port, and duplicate lists of all unentered articles acquired abroad by the officers and crew of the vessel which are still retained on board and of the stores on board."

(R. S. 161, sec. 2, 23 Stat. 118, R. S. 4197, as amended, 4200, as amended, 4367, 4368, secs. 433, 435, 437, 624, 46 Stat. 711, 759; 5 U. S. C. 22, 19 U. S. C. 1433, 1435, 1437, 1624, 46 U. S. C. 2, 91, 92, 313, 314)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8085; Filed, Sept. 8, 1948; 8:53 a. m.]

[T. D. 52035]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

EXAMINATION OF BAGGAGE IN FOREIGN TERRITORY

Section 5.5 (a), Customs Regulations of 1943, relating to examination of baggage in foreign territory, amended.

Section 5.5 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 5.5 (a)), is hereby amended by changing the period after the first sentence to a comma and adding the following: "but, except as to baggage being forwarded under baggage check, such examination shall not be made of baggage containing articles for which the $100 or $300 exemption is claimed under paragraph 1798, Tariff Act of 1930, as amended."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8087; Filed, Sept. 8, 1948; 8:53 a. m.]

[T. D. 52033]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

LIQUIDATED DAMAGES AND PENALTIES

1. Section 10.39, Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.39), (as amended by T. D. 51868), is hereby amended by deleting the last sentence of paragraph (d) and the parenthetical matter at the end thereof and by adding two new paragraphs designated (e) and (f) reading as follows:

§ 10.39 *Cancellation of bonds.* • • •

(e) If a written application for relief is timely filed, it shall be transmitted to the Bureau with a full report of the facts, unless it is allowed by the collector in whole or in part in accordance with this regulation. If the full amount of liquidated damages demanded does not exceed $1,000, or $2,000 in the case of articles entered under section 308 (5), and the collector is satisfied that the importation was properly entered under paragraph 1607 or section 308, and that there was no intent to defraud the revenue or delay the payment of duty, the collector may cancel the liability for the payment of liquidated damages as follows:

(1) If the articles in respect of which there was a default was entered under section 308 (1) or (5) and evidence is furnished which satisfies the collector that the article would have been entitled to free entry as domestic products exported and returned had the evidence been furnished at the time of entry, without the collection of liquidated damages.

(2) If the merchandise in respect of which there was a default has been exported or destroyed under customs supervision but not within the bond period, upon the payment of such lesser amount as the collector may deem appropriate under the law and in view of the circumstances, or without the collection of liquidated damages if the collector is satisfied that the delay in exportation or destruction was for the benefit of the United States or was occasioned wholly by circumstances reasonably beyond the control of the parties concerned and which could not have been anticipated by a reasonably prudent person.

(3) If the merchandise in respect of which there was a default was exported or destroyed within the bond period but not under customs supervision and satisfactory documentary evidence of actual exportation, such as a foreign landing certificate, or of death or other complete destruction, such as a veterinarian's certificate or affidavits of two disinterested witnesses, are furnished together with a complete explanation by the applicant of the failure to obtain customs supervision, upon the payment of such lesser amount as the collector may deem appropriate under the law and in view of the circumstances, or without the collection of liquidated damages if the collector is satisfied that the merchandise was destroyed under circumstances which precluded any arrangement to obtain customs supervision.

(4) If there has been compliance with the terms of the bond in respect of part of but not all the articles and the default with respect to the other articles is not within the purview of subparagraphs (1), (2), or (3) of this section, upon the payment of an amount equal to one and one-quarter times the duty on the articles not disposed of in compliance with the bond.

(5) In any case involving articles entered under paragraph 1607 or section 308, upon the payment of an amount equal to one and one-quarter times the duties which would have accrued on the articles had they been entered under an ordinary consumption entry, if such amount is determined to be less than the full amount of the bond.

(f) If the collector believes that greater relief is warranted in any case than he is authorized to grant by paragraph (e) of this section, he shall forward the application to the Bureau with a full report on the case. If the applicant is not satisfied with a collector's action under paragraph (e) of this section and submits a supplemental application, both the original and the supplemental applications shall be transmitted to the Bureau with a full report on the case. (Pars. 1607, 1747, 1808; sec. 201, 46 Stat. 673, 680, 684, sec. 308, 46 Stat. 690, sec. 4, 52 Stat. 1079, sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 19 U. S. C. 1201, 1308, 1623, 1624)

2. Section 23.25, Customs Regulations of 1943 (19 CFR, Cum. Supp., 23.25), is hereby amended as follows:

Paragraph (b) is amended by deleting "$50" and "$200" and inserting in lieu thereof $100" and "$500", respectively.

Paragraph (c) is redesignated "(d)" and a new paragraph (c) is inserted reading as follows:

§ 23.25 *Remission or mitigation by collectors.* • • •

(c) When an article admitted without bond under section 308 (5), Tariff Act of 1930, is not exported nor entered under bond within the time allowed by law or is exported without proper customs clearance and the collector of customs concerned is satisfied (i) that the article was properly admitted under section 308 (5) without bond, and (ii) that there was no intent to defraud the revenue or delay the payment of duty, the collector may remit the accrued forfeiture or close the case under the following circumstances subject to the conditions specified:

(1) If the article has not been exported, but the collector is satisfied that the owner intends to export it within 1 year from the date of its admission, upon the filing of a 6-months' bond entry, which the collector may extend for 6 months pursuant to § 10.37, as amended.

(2) If the article has not been, and will not be, exported, upon the payment of an amount equal to one and one-quarter times the duty on the article based on its value at the time of admission, or without the collection of a penalty if exportation of the article or entry under bond was prevented by destruction by casualty, or in the event of partial destruction, upon payment of an amount equal to the duty on the article based on its salvage value.

(3) If the value of the article does not exceed $2,000 and the collector is satisfied by the production of a foreign landing certificate or other convincing evidence that the article was exported within 90 days after the expiration of the time during which exaction of a bond was deferred, upon the payment of $10, or without the collection of a penalty if the collector is satisfied that the delay in exportation was due to circumstances reasonably beyond the control of the party in interest and which could not have been anticipated by a reasonably prudent person.

(4) If evidence is produced before the expiration of 90 days after the time during which exaction of a bond was deferred and such evidence satisfies the collector that the article, whether exported or not, would have been entitled to free entry as a domestic product exported and returned had it been so entered, upon the payment of $10.

(5) If the collector is satisfied by the production of a foreign landing certificate or other convincing evidence that the article was actually exported within the time limit, without the collection of a penalty.

The parenthetical matter following paragraph (c) (redesignated (d)) is amended to read as follows: "(Sec. 3, 44 Stat. 1382, R. S. 251, secs. 618, 624, 643, 46 Stat. 757, 759, 761; 5 U. S. C. 281b, 19 U. S. C. 66, 1618, 1624, 1643)"

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8088; Filed, Sept. 8, 1948; 8:54 a. m.]

[T. D. 52037]

PART 22—DRAWBACK

DRAWBACK ON AIRCRAFT

Sections 22.1, 22.3 (b), 22.4 (g), 22.7 (c), and 22.16 (f), Customs Regulations of 1943, relating to aircraft manufactured or produced under section 313 (g), Tariff Act of 1930, amended.

Part 22, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 22), is hereby amended as follows:

Section 22.1 is amended by inserting "and aircraft" after "vessels" and by amending footnote 3 by inserting "or aircraft" after "vessels" and "vessel" wherever appearing therein.

Section 22.3 (b) is amended by inserting "or aircraft" after "vessel" wherever appearing therein.

Section 22.4 (g) is amended by inserting "or aircraft" after "vessel" wherever appearing therein.

Section 22.7 (c) is amended by inserting "under section 313 (a), Tariff Act of 1930," after "claimed".

Section 22.16 (f) is amended by inserting "or aircraft upon which drawback is to be claimed under section 313 (g), Tariff Act of 1930," after the comma following the word "vessel" where that word first appears, and by inserting "or aircraft" after "vessel" wherever thereafter appearing therein.

(Sec. 6, 32 Stat. 55, sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759, sec. 644, 46 Stat. 761; 19 U. S. C. 152a, 1313, 1624, 1644)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8086; Filed, Sept. 8, 1948; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

FINDING WITH REGARD TO DRUG KETO-BEMIDONE

CROSS REFERENCE: For order proclaiming and making effective the finding of the Secretary of the Treasury with regard to the drug keto-bemidone having addiction-forming and addiction-sustaining liability similar to morphine, see Proclamation 2807, *supra.*

TITLE 24—HOUSING CREDIT

Chapter VII—Housing and Home Finance Agency

PART 751—ESTABLISHING THE GENERAL RESPONSIBILITIES AND ORGANIZATION OF THE OFFICE OF THE ADMINISTRATOR, HOUSING AND HOME FINANCE AGENCY, INCLUDING DELEGATIONS OF FINAL AUTHORITY

SUBPART C—DELEGATION OF AUTHORITY

Section 751.8 is hereby amended to read as follows:

§ 751.8 *Designation of Acting Administrator.* (a) Pursuant to the provisions of Reorganization Plan No. 3 of 1947, and Public Law 600, 79th Congress, the officials of the Housing and Home Finance Agency hereinafter named and in the order in which they are named are hereby designated to act in the place and stead of the Housing and Home Finance Administrator with the title of "Acting Administrator" with all the powers, duties, and rights conferred upon the said Administrator by Reorganization Plan No. 3, the Housing Act of 1948, the Lanham Act (54 Stat. 1125, as amended, 42 U. S. C. Sup. 1521), and any other act of Congress or Executive Order, in the event of the absence, illness, or inability of the Administrator to act, and all such powers, duties, and rights are hereby delegated to such officials in such order and for such period as the Administrator may be absent from Washington, D. C., or unable to perform his official functions.

(b) The following named officials, and designated in the following order, shall have authority to act as "Acting Administrator", but no official shall have authority to act as "Acting Administrator" unless all those whose names appear before his are absent from their official post and unable to act:

(1) B. T. Fitzpatrick, Assistant Administrator (Program) and General Counsel

(2) Joseph H. Orendorff, Acting Assistant Administrator (Lanham Act)

(3) Lewis E. Williams, Acting Assistant Administrator (Administration)

(61 Stat. 954; Pub. Law 600, 79th Cong.)

Issued this 3d day of September 1948.

RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 48-8070; Filed, Sept. 8, 1948; 8:47 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 27—TOLLS FOR USE OF CANAL

RATES OF TOLL

CROSS REFERENCE: For order postponing the effective date of Proclamation 2775, which changed the rates of toll for use of the Panama Canal prescribed by Proclamation 2247, as amended by Proclamation 2249, codified in § 27.1, see Proclamation 2808, *supra.*

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. In Part 1, a new subdivision (xi) is added to § 1.513 (b) (1) to read as follows:

§ 1.513 *Disclosure of information contained in military and naval service and related medical records received by the Veterans' Administration from the national military establishment.* • • •

(b) *Medical records.* • • •

(1) • • •

(xi) Health and social agencies; on the authority of the veteran or his duly authorized representative.

2. In Part 1, § 1.525 (b) and (c) are amended to read as follows:

§ 1.525 *Inspection of records by or disclosure of information to recognized representatives of organizations.* (a) (1) • • •

(b) (1) Inspection of folders by accredited representatives shall be in space assigned for such inspection; however, where space or other local problems make it impractical to assign space for this purpose the Assistant Administrator or comparable official concerned in Central Office or the Deputy Administrator or Manager at the particular office affected may permit inspection of folders at the desks of the accredited representatives in the office(s) which they regularly occupy. Deputy Administrators and Managers and Directors of the Services concerned in Central Office will designate and assign, in or near the space occupied by accredited representatives, one or more employees to whom the folders will be charged and who will at all times know and have a record of the location of such folders during the time they are made available for inspection by the accredited representatives.

(2) When it is necessary that folders which are being inspected by accredited representatives be carried elsewhere within the installation for purposes of official discussion or presentation of claims, such folders shall be carried by Veterans' Administration employees; however, where it is not feasible to use Veterans' Administration employees for these purposes, the Deputy Administrator or Manager or the Director of the Service concerned in Central Office may permit the folders to be carried by the accredited representatives, provided the designated Veterans' Administration employee to whom the folders are charged is at all time kept informed of their location.

• • • • • •

(4) Clinical records and medical files, including files for outpatient treatment, may be inspected by accredited representatives only to the extent such records or parts thereof are incorporated in the claims folder, or are made available to Veterans' Administration personnel in the adjudication of the claim. Records or data in clinical or medical files which are not incorporated in the claims folder or which are not made available to Veterans' Administration personnel for adjudication purposes will not be inspected by anyone other than those employees of the Veterans' Administration whose duties require same for the purpose of clinical diagnosis or medical treatment.

• • • • • •

(c) Deputy Administrators and Managers and the Directors of the Services concerned in Central Office will be responsible for the administrative compliance with and accomplishment of the foregoing within their jurisdiction, and

any violations of the prescribed conditions for inspection of files will be brought to the immediate attention of the Administrator.

(R. S. 471, 43 Stat. 607, 608, 46 Stat. 1016; 38 U. S. C. 2, 11, 11a, 421, 426)

[SEAL] O. W. CLARK,
Executive Assistant Administrator of Veterans' Affairs.

[F. R. Doc. 48-8072; Filed, Sept. 7, 1948; 8:52 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter VI—Office of Vocational Rehabilitation, Federal Security Agency

PART 602—VENDING STAND PROGRAM FOR THE BLIND IN FEDERAL AND OTHER BUILDINGS

Pursuant to the authority conferred by Public Law 732, 74th Congress, approved June 20, 1936 (49 Stat. 1559) and Sec. 6, Reorganization Plan No. 2 of 1946, 11 F. R. 7873, the following regulations are prescribed with respect to the designation of State Agencies for the licensing of blind persons to operate vending stands in Federal and other buildings.

Sec.
602.1 Terms.
602.2 Application for designation as licensing agency; general.
602.3 Application for designation as licensing agency; contents.
602.4 Application for designation as licensing agency; approval.
602.5 Issuance of licenses to individuals.
602.6 Application for establishment of vending stands.
602.7 Rules and regulations of licensing agency.
602.8 Program proceeds.
602.9 Vending stands established under the business enterprises program for the blind.
602.10 Utilization of services of public agency or private non-profit corporation.
602.11 Maintenance and repair of vending stands.
602.12 Reports.
602.13 Agreements with State vocational rehabilitation agencies.
602.14 District of Columbia.
602.15 Revocation of designation as licensing agency.
602.16 Revocation of designation as licensing agency; procedures.
602.17 Revocation of designation as licensing agency; effect.
602.18 Previous designation as licensing agency; effective date of regulations.

AUTHORITY: §§ 602.1 to 602.18 inclusive, issued under Sec. 2 (a), 49 Stat. 1559; 20 U. S. C. 107 (a); and Sec. 6, 60 Stat. 1095; 5 U. S. C. 133y-16.

§ 602.1 *Terms.* Unless otherwise herein specifically indicated, the terms listed below are defined as follows:

(a) "Act" means Public Law 732, approved June 20, 1936, enacted by the 74th Congress, and usually referred to as the "Randolph-Sheppard Act."

(b) "Administrator" means the Federal Security Administrator.

(c) "Director" means the Director of the Office of Vocational Rehabilitation.

(d) "Licensing agency" means the State agency designated by the Director, pursuant to the act and these regulations, to issue licenses to blind persons for the operation of vending stands in Federal and other buildings.

(e) "Commission for the Blind" means a State agency which provides services exclusively for the blind and other visually handicapped individuals.

(f) "Program" means all the activities of the licensing agency, pursuant to the act and this part, related to vending stands in Federal and other buildings. Such activities include the determination of the eligibility of blind persons for the operation of such vending stands, the issuance of licenses to such persons, the termination of such licenses, and the provision directly or indirectly of such administrative and supervisory services as may be necessary to achieve the purposes of the act.

(g) "Federal buildings" means buildings owned by the Federal Government and those buildings or portions of other buildings leased or occupied by the Federal Government.

(h) "Other buildings" means nonfederal buildings in which vending stands are established or operated by the use of any funds derived in whole or in part, directly or indirectly, from the operation of vending stands in Federal buildings.

(i) "License" means a written instrument issued by the licensing agency to a blind person, pursuant to the act and this part, authorizing such person to operate a vending stand in a Federal or other building.

(j) "Operator" means a blind person licensed to operate a vending stand in a Federal or other building under the act.

(k) "Vocational Rehabilitation Act" means Public Law 236, 66th Congress, approved June 2, 1920, as amended by Public Law 113, 78th Congress, 1st Session, approved July 6, 1943.

(l) "Vocational rehabilitation services" means those services necessary to render a blind person fit to engage in remunerative employment.

(m) "State Vocational Rehabilitation Agency" means that agency in the State providing vocational rehabilitation services to the blind under a State plan approved pursuant to the provisions of the Vocational Rehabilitation Act.

(n) "Vending stand" means:

(1) Such counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment as are necessary for the vending of such articles as may be approved by the Licensing Agency and the Federal Department having control of the building; or,

(2) Automatic coin-operated machines for the vending of such articles.

(o) "Private non-profit organization" means any charitable or civic organization or corporation, no part of the net earnings of which inures to the benefit of any shareholder or individual.

(p) "Private non-profit corporation" means any corporation organized for the promotion of the social and economic welfare of disabled persons, no part of the net earnings of which inures to the benefit of any shareholder or individual and which performs any functions in connection with the program under the direction and control of the State agency.

(q) "Blind person" means an individual having not more than ten percentum visual acuity in the better eye with correction, as certified by a duly licensed physician skilled in the diseases of the human eye.

(r) "State" means a State, Territory, or possession.

(s) "Business Enterprises Program for the Blind" means that program established pursuant to Part 601 of this chapter.

§ 602.2 *Application for designation as licensing agency; general—(a) State Agency.* Applications for designation as licensing agency may be submitted only by the Commission for the Blind in each State, *Provided*, That, in any State where there is no such Commission or where such Commission does not desire designation, an application for designation may be submitted by some other public agency of that State.

(b) *Form.* The application shall:

(1) Be submitted in writing to the Director;

(2) Be approved by the Governor of the State; and

(3) Be transmitted over the signature of the executive officer of the State agency making application.

§ 602.3 *Application for designation as licensing agency; contents.* The application shall indicate:

(a) The licensing agency's legal authority to perform the functions necessary for the administration of the program;

(b) The licensing agency's organization for carrying out the program, including, where the licensing agency and the State Vocational Rehabilitation Agency are the same, the relationship between the two programs.

(c) The policies, procedures, and standards to be employed in the selection of suitable locations for vending stands;

(d) The policies to be followed in making suitable vending stands and adequate stocks of merchandise available to operators and the sources of funds to be used therefor;

(e) The sources of funds for the administration of the program;

(f) The policies, procedures, and standards governing the relationship of the licensing agency to the operators, including their selection, duties, supervision, transfer, financial participation, entitlement to health, retirement and other benefits, and training designed to improve their proficiency;

(g) The contents of the cooperative agreement between the licensing agency and the State Vocational Rehabilitation Agency where the licensing agency and the State Vocational Rehabilitation Agency are not the same;

(h) The arrangements made or contemplated, if any, for the utilization of the services of any public agency or private non-profit corporation, the agreements with such agency or corporation and the services to be provided, the procedures for the supervision and control of the services provided by such agency or corporation and methods used in evaluating services received, the basis for remuneration to such agency or corporation, and the fiscal controls and accounting procedures;

(i) The arrangements made or contemplated, if any, for the vesting, in accordance with the laws of the State, of the right, title to, and interest in vending stands (exclusive of automatic coin-operated machines) used in the program in another public agency or in a private non-profit organization or corporation designated as the nominee of the licensing agency to hold such right, title, and interest for program purposes.

(j) That the licensing agency will:

(1) Cooperate with the Director in, and will assume full responsibility for, the administration of the program in the State; and

(2) Terminate the license of any operator when it is satisfied that the vending stand is not being operated in accordance with its established rules and regulations.

§ 602.4 *Application for designation as licensing agency; approval.* When the Director determines that the application indicates a plan of program operations which will stimulate and enlarge the economic opportunities for the blind and meets the other requirements of the act and of this part, he shall approve the application and shall designate the applying agency as the licensing agency for that State.

§ 602.5 *Issuance of licenses to individuals.* (a) The licensing agency shall issue licenses only to persons who are determined to be:

(1) Blind;

(2) Citizens of the United States;

(3) At least 21 years of age at the birthday prior to the issuance of the license;

(4) Qualified for the operation of a vending stand through such vocational rehabilitation services as may be necessary.

(b) In issuing licenses for Federal buildings the licensing agency shall give preference to blind persons who are in need of employment and have resided for at least one year in the State in which such vending stand is to be located.

(c) Each license shall be issued for an indefinite period but shall be subject to termination by the licensing agency if, after affording the operator an opportunity for a fair hearing, it finds that the vending stand is not being operated in accordance with its rules and regulations.

(d) Each license for the operation of a vending stand in a Federal building shall be subject to the approval of the Federal agency having charge of the building in which the vending stand is located.

(e) In the case of vending machines, the licenses shall be issued in the name of and for the benefit of the program; *Provided, however*, That, licenses for vending machines installed in buildings where there is an operator may be issued in the name of such operator and regarded as a part of his vending stand.

§ 602.6 *Application for establishment of vending stands.* Prior to the establishment of each vending stand, the licensing agency shall submit to the Director, in accordance with procedures established by him, such information with respect to the location, equipment, and merchandising plan for each such vending stand as may be required by the Director and the Federal department or other agency having charge of the building in which the vending stand is to be located.

§ 602.7 *Rules and regulations of licensing agency.* (a) The licensing agency shall prescribe, as a condition precedent to the issuance of licenses to blind persons for the operation of vending stands in Federal and other buildings under the act and this part, and enforce such rules and regulations as are necessary to enable it to carry out its responsibilities under the act and these regulations, and to assure the conduct of the program and the operation of each vending stand in accordance with the act, this part, and the regulations of the Federal agencies having charge of the building in which the vending stand is located, as well as all applicable State laws and regulations. Copies of such rules and regulations shall be made available to all operators, and adequate steps shall be taken to assure that the meaning thereof is understood by such operators. Copies shall also be submitted to the Office of Vocational Rehabilitation.

(b) Such rules and regulations shall include adequate provisions to assure:

(1) That the right, title to, and interest in vending stands (exclusive of automatic coin-operated machines) used in the program will be vested, in accordance with the laws of the State, in the licensing agency for use and disposition for program purposes only: *Provided*, That, such right, title, and interest may be vested, in accordance with the laws of the State, in another public agency or in a private non-profit organization or corporation where such agency or organization has been designated by the licensing agency as its nominee to hold such right, title, and interest only for program purposes subject to the paramount right of the licensing agency to direct and control the use, transfer, and disposition of such vending stands;

(2) That operators will be selected, on the basis of objective criteria, for licensing from a roster of qualified applicants;

(3) That an opportunity for a fair hearing will be afforded to each operator before final action is taken to terminate or suspend his license or issue a license to him for the operation of a stand producing less income or which may be less suitable for any other reason.

§ 602.8 *Program proceeds.* Except to the extent provided in § 602.9 hereof, all program proceeds derived, directly or indirectly, by the licensing agency from the operations of the program shall be retained by or for the benefit of the program, subject to disbursement under the control and at the direction of the licensing agency only for program purposes. These purposes may include the payment of the pro rata share of the necessary managerial, supervisory, and operating expense, the establishment of a fair minimum return for all operators, the expansion of the program, the preservation and replacement of program assets, and the provision of retirement and other benefits to the operators.

§ 602.9 *Vending stands established under the Business Enterprises Program for the Blind.* With respect to vending stands established with funds from the Business Enterprises Program for the Blind, such vending stands shall be established, managed, controlled, and operated in accordance with the provisions of Part 601 of this chapter, and any program proceeds derived directly or indirectly, from the vending stands thus established shall be held in the manner and for the purposes specified in such regulations with respect to that part of the Business Enterprises Program for the Blind relating to vending stands.

§ 602.10 *Utilization of services of public agency or private non-profit corporation.* (a) If, in the operation of any phase of the program, the licensing agency utilizes the services of a public agency or of a private non-profit corporation, the terms of the agreement between the licensing agency and such agency or corporation shall comply with such standards and contain such provisions as are determined to be necessary to insure the retention by the licensing agency of full responsibility for the management, control, and operation of all phases of the program and to protect the interests of the operators.

(b) The licensing agency shall not enter into any agreement or arrangement with any public agency or private non-profit corporation which will in any way, either directly or indirectly, prejudice, impair, or limit the authority of the licensing agency to take any action deemed by it necessary for the proper and efficient management, control, and operation of the program, including all actions with respect to selection, placement and financial participation of the operators and the preservation, utilization, and disposition of program assets.

§ 602.11 *Maintenance and repair of vending stands.* The licensing agency shall maintain or cause to be maintained all vending stands in good repair and shall replace or cause to be replaced worn-out and obsolete equipment as required to insure the continued successful operation of the stand.

§ 602.12 *Reports.* The licensing agency shall keep the Director informed of any substantial changes in its legal authority, policies, rules and regulations, agreements with all public agencies or non-profit organizations, or other program activities and shall make such reports, in such form, and containing such information, as the Director shall require, and shall comply with such provisions as he shall find necessary to assure the correctness and verification of such reports.

§ 602.13 *Agreements with State Vocational Rehabilitation Agencies.* In the event that the licensing agency is not also the State Vocational Rehabilitation Agency, the licensing agency shall enter into a cooperative agreement with the State Vocational Rehabilitation Agency with respect to the provisions of vocational rehabilitation services to blind persons, who are eligible therefor and

who are in need of such services in order to qualify for licensure in the program.

§ 602.14 *District of Columbia.* The Division of the Federal Office of Vocational Rehabilitation known as the District of Columbia Rehabilitation Service shall be the licensing agency for the District of Columbia, and, to the extent applicable, shall be subject to this part in the administration of the program in the District of Columbia.

§ 602.15 *Revocation of designation as licensing agency.* The Director shall revoke his designation of any licensing agency if he finds, after affording such agency an opportunity for a hearing, as hereinafter provided, that, in the administration of the program, there is a failure on the part of such agency to comply substantially with the provisions of the act and this part.

§ 602.16 *Revocation of designation as licensing agency; procedures.* (a) If the Director has reason to believe that, in the administration of the program, there is a failure on the part of any licensing agency to comply substantially with the act and this part, he shall so inform such agency in writing, setting forth, in detail, the areas in which there is such failure and giving it a reasonable opportunity to comply.

(b) If, after the lapse of a reasonable time, the Director is of the opinion that such failure to comply still continues and that the licensing agency is not taking the necessary steps to comply, he shall offer to such agency, by reasonable notice in writing thereto and to the Governor of the State, an opportunity for a hearing to determine whether there is a failure on the part of such agency to comply substantially with the provisions of the act and this part.

(c) If, after affording the licensing agency such reasonable notice and opportunity for hearing, the Director determines that there is a failure on the part of such agency to comply substantially with the act and this part, he shall, by appropriate written notice to such agency and to the Governor of the State, effective 90 days from the date of such notice, revoke said agency's designation as licensing agency.

(d) If, before the expiration of such 90 days, the Director determines that the licensing agency is taking the necessary steps to comply, he may postpone the effective date of such revocation for such time as he deems necessary for the best interest of the program.

(e) If, prior to the effective date of such revocation, the Director finds that there is no longer a failure on the part of the licensing agency to comply substantially with the provisions of the act and of this part, he shall so notify the agency and the Governor of the State, in which event the revocation of the designation shall not become effective.

§ 602.17 *Revocation of designation as licensing agency; effect.* (a) Effective upon the receipt of the notice of revocation of a State Agency's designation as licensing agency, in accordance with § 602.16 (c), the licensing agency's authority to issue licenses to blind persons for the operation of vending stands in Federal and other buildings under the act and this part shall be suspended, except upon special authorization by the Director.

(b) After the effective date of the revocation of a State Agency's designation as licensing agency, such agency shall have no authority to issue licenses to blind persons for the operation of vending stands in Federal and other buildings under the act and this part.

(c) If, at the expiration of 60 days from the effective date of a revocation of a State Agency's designation as licensing agency, no other agency in the State is designated, pursuant to the provisions of the act and this part, as licensing agency, all licenses issued by the agency whose designation has been revoked shall terminate.

§ 602.18 *Previous designation as licensing agency; effective date of regulations.* (a) Applications for designation as licensing agency submitted to and approved by the Commissioner of Education or the Director prior to the effective date of this part shall have the same force and effect and shall be subject to the same conditions as though submitted and approved under this part, except, that, licensing agencies heretofore designated shall have 150 days from the effective date of this part to comply with the provision of § 602.7 and to submit those materials which are, by this part, required to be submitted as a part of the application for designation as licensing agency but which were not previously required to be thus submitted.

(b) This part shall be effective upon publication in the FEDERAL REGISTER.

Dated: September 1, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-8075; Filed, Sept. 8, 1948; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 775, Amdt. 4]

PART 95—CAR SERVICE

DEMURRAGE ON RAILROAD FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of September A. D. 1948.

Upon further consideration of Revised Service Order No. 775 (13 F. R. 2379), as amended (13 F. R. 2569, 2679, 3763), and good cause appearing therefor: It is ordered, that:

§ 95.775 *Demurrage on railroad freight cars.* The provisions of Revised Service Order No. 775 shall not apply to cars on hand at 7:00 a. m., September 3, 1948, or arriving prior to 7:00 a. m., October 1, 1948, the loading or unloading of which is interfered with due to strike of truck men, at any point in the counties of Manhattan, Bronx, Kings, Queens, or Richmond, in the State of New York; and the counties of Bergen, Hudson, Essex, Union, or Middlesex, in the State of New Jersey.

It is further ordered, that a copy of this order and direction shall be served upon each state railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476; sec. 4; 54 Stat. 901; U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8071; Filed, Sept. 8, 1948; 8:48 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For an exception to the provisions of the requirements of § 500.72, see Part 520 of this chapter, *infra.*

[Special Direction ODT 18A-1, Amdt. 12]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18 A, Revised, as amended, Special Direction ODT 18A-1, as amended (8 F. R. 14481; 9 F. R. 117, 7585; 10 F. R. 12456, 12747; 11 F. R. 9084, 10662, 12183; 12 F. R. 105; 13 F. R. 779, 2174, 3278) is hereby further amended by adding a new item to read as follows:

846. *Sidings.* Composition and prepared, straight or mixed carloads, shall be loaded to a weight not less than 40,000 pounds.

This Amendment 12 to Special Direction ODT 18A-1, as amended, shall become effective September 7, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034; 2386; 13 F. R. 2971)

Issued at Washington, D. C. this 3d day of September 1948.

C. R. MEGEE,
Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 48-8077; Filed, Sept. 8, 1948; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 185]

WAREHOUSING OF DISTILLED SPIRITS

NOTICE OF PROPOSED RULE-MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2800 (a), 2873, and 3176 of the Internal Revenue Code (U. S. C., title 26, sections 2800 (a), 2873, and 3176).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Sections 185.9, 185.10, 185.28, 185.78, 185.79, 185.81, 185.82, 185.83, 185.88, 185.89, 185.96, 185.97, 185.99, and 185.231 of Regulations 10 (26 CFR, Part 185) are amended.

2. These amendments are designed to simplify requirements relating to (1) construction and equipment and changes therein, (2) alternate operation of bottling departments of internal revenue bonded warehouses for bottling distilled spirits in bond and bottling after removal from bond and (3) the preparation and filing of qualifying documents; and for other purposes.

§ 185.9 *Walls.* The walls of warehouse buildings or rooms must be securely and substantially constructed. If wood, corrugated iron or tin is used, the same must be applied over solid sheathing for the first 12 feet of height and over solid sheathing or sheathing spaced not greater than 12 inches from board to board for the remaining height. Where substantial sheet metal is used and the sheets are welded together in such a manner as to constitute a solid wall, sheathing may be applied in any manner desired. (Secs. 2873, 3176, I. R. C.)

§ 185.10 *Roofs.* The roofs of warehouse buildings must be securely and substantially constructed. Where corrugated iron or tin is used, the same must be applied over sheathing spaced not greater than 12 inches from board to board. Where substantial sheet metal is used and the sheets are welded together in such a manner as to constitute a solid roof, sheathing may be applied in any manner desired. (Secs. 2873, 3176, I. R. C.)

§ 185.28 *Construction of weighing tanks.* Weighing tanks provided for weighing distilled spirits in an internal revenue bonded warehouse shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom, and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words, "Weighing Tank," followed by its serial number and capacity in wine gallons. The beams or dials of weighing tank scales must indicate weight in 5 pound graduations for scales up to and including 25 tons capacity, in 10 pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity and in 20 pound graduations for scales having a capacity of more than 60 tons. The inlet and outlet pipe connections of each weighing tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must also be so constructed that they can be closed and similarly locked. (Secs. 2873, 3176, I. R. C.)

§ 185.78 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. The cardinal points of the compass must appear on each sheet, except those of elevational plans. The minimum scale of any plat will not be less than $\frac{1}{50}$ inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2873, 3176, I. R. C.)

§ 185.79 *Depiction of warehouse premises.* Plats must show the outer boundaries of the warehouse premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning with respect to its distance and bearings from some near and well-known landmark must be shown. The plat must also contain an accurate depiction of the building or buildings comprising the premises and any drive way, public highway or railroad right of way adjacent thereto or connecting therewith. The depiction of the premises on the plat should agree with the description thereof in the application, Form 27-D. If the premises are separated by a public highway, or railroad right of way, and the tracts of land comprising the premises, or parts thereof, abut on such highway, or right of way, opposite each other, the different tracts will be depicted separately by courses and distances, in feet and inches, and outlined in a color contrasting with those used for other drawings on the plat. If two or more buildings are to be used, they must be shown in their relative positions and the alphabetical designation of each indicated. If the warehouse consists of a room or floor of a building, an outline of the building, the precise location and the dimensions of the room or floor, and the means of ingress from and egress to a public street or yard, shall be shown. All first floor doors of each building will be shown on the plat. Except as provided in § 185.87, all pipe lines leading to or from the premises, the purpose for which used, and the points of origin and termination, will be indicated on the plat. (Secs. 2873, 3176, I. R. C.)

§ 185.81 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors and the location of all doors, windows, and other openings and how such openings are protected. If the construction of all floors in a single building is identical, a typical floor plan may be filed in lieu of a separate plan for each floor. All apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans and their designated use indicated. In the case of tanks and similar equipment, the serial number and capacity shall also be shown. (Secs. 2873, 3176, I. R. C.)

§ 185.82 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises, the deposit in storage tanks and the removal therefrom. Such diagrams shall clearly depict all equipment in its relative operating sequence and elevation by floors with all connecting pipe lines, valves, flanges, measuring devices and attachments for Government locks. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major equipment such as storage tanks and weighing tanks must be identified on these plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 185.87, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2873, 3176, I. R. C.)

§ 185.83 *Elevational plans of buildings.* The plans shall also include an exterior, elevational view of each exposure of each building or room, showing the type of security afforded the openings. The number of stories and the height of each story will be indicated on the elevational plans. In lieu of drawings, the warehouseman may submit a photograph of each exposure of each building in a size not smaller than 7 x 9 inches. The photographs must be in suf-

ficient detail to clearly depict the buildings from the ground to the roof and must be properly identified. Where photographs are submitted, drawings must be furnished to show the security afforded openings within 12 feet of the ground. (Secs. 2873, 3176, I. R .C.)

§ 185.88 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the proprietor, the draftsman and the district supervisor substantially in the following form:

(Name of warehouseman)

(Address)
Accuracy certified by

(Name and capacity—for the proprietor)

(Draftsman)
---------- 19--- Sheet No.----
Approved ----------
(Date)

(District supervisor)
IRBW No. ----

(Secs. 2873, 3176, I. R. C.)

§ 185.89 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2873, 3176, I. R. C.)

§ 185.96 *Changes in premises.* Where the premises are to be extended or curtailed, the proprietor must file with the district supervisor an amended application, Form 27–D, and an amended plat of the premises as extended or curtailed except as herein specifically authorized in the case of alternate operations of the bottling department. If the plans are affected by the extension or curtailment, they must also be amended. The additional premises covered by an extension may not be used for bonded warehouse purposes, and the portion of the warehouse premises to be excluded by curtailment may not be used for other than warehouse purposes, prior to approval of the application, Form 27–D, plat and plans if required, filed in connection therewith. Where an internal revenue bonded warehouse contains a bottling-in-bond department and the documents required by Regulations 6 (26 CFR, Part 188), governing the alternate operation of a bottling house as a bottling-in-bond department and a tax-paid bottling house are filed, and no change in proprietorship is involved, the filing of additional applications, Form 27–D, covering changes in the temporary status thereof from time to time will not be required. Where a warehouse building on distillery premises on which a lien for taxes has attached under section 2800 (e), I. R. C., is demolished or altered, the provisions of Regulations 4 and 5 (26 CFR, Parts 183 and 184) relative to the filing of indemnity bonds will be followed. (Secs. 2873, 3176, I. R. C.)

§ 185.97 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the warehouse premises, or where a change is to be made in the use of any portion of such premises, the proprietor shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon approval of the application, the changes will be made under the supervision of a Government officer. The completed changes will be reflected in the next amended application, Form 27–D, and amended plans filed by the warehouseman, unless the district supervisor requires the immediate filing of an amended application and amended plans. (Secs. 2873, 3176, I. R. C.)

§ 185.99 *Amended notice and plans covering changes in equipment.* Upon completion of changes in equipment which materially affect the accuracy of the Form 27–D or plans, the proprietor must file an amended notice and amended plans. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, such as general repairs, changes in pipe lines, or the addition or removal of a tank, the proprietor must include such changes in the next amended application and plans filed by him: *Provided*, That the Commissioner or the district supervisor may, at any time, in his discretion, require the immediate filing of an amended application and plans covering any change in equipment. (Secs. 2873, 3176, I. R. C.)

§ 185.231 *Rate of tax.* The law imposes a tax on distilled spirits produced in, or imported into, the United States at the rate prescribed therein on each proof gallon or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond. (Secs. 2800 (a), 3176, I. R. C.)

3. This Treasury division shall be effective on the 31st day after its publication in the FEDERAL REGISTER.

(Secs. 2800 (a), 2873, 3176, Internal Revenue Code (U. S. C., title 26, sections 2800 (a), 2873, and 3176))

[F. R. Doc. 8091; Filed, Sept. 8, 1948; 8:54 a. m.]

[26 CFR, Part 189]

BOTTLING OF TAX-PAID DISTILLED SPIRITS

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2816, 2829, 2871, and 3176, Internal Revenue Code (26 U. S. C. 2816, 2829, 2871, and 3176).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Sections 189.7, 189.14, 189.16, 189.22, 189.35, 189.36, 189.38, 189.39, 189.40, 189.43, 189.44, 189.48, 189.58, 189.62, 189.69, and 189.100 of Regulations 11 (26 CFR, Part 189), relating to the bottling of tax-paid distilled spirits, are amended.

2. These amendments are designed to provide standard graduations for beams of weighing tanks; to simplify requirements dealing with the preparation, filing, and consideration of certain documents required for the qualification and operation of tax-paid bottling houses; to establish procedure for the receipt, for bottling, of distilled spirits from a distillery contiguous to, or in the immediate vicinity of, a tax-paid bottling house; and to facilitate procurement of stamps.

§ 189.7 *Buildings or rooms.* The tax-paid bottling house must be so constructed and equipped as to be suitable for the bottling of spirits. Except as provided in § 189.9 and as to necessary openings for the passage of approved distilled spirits, utility and similar pipe lines, as provided by the regulations in this part Regulations 4 (26 CFR, Part 183) and Regulations 15 (26 CFR, Part 190), the room or building must be completely separated from contiguous buildings or rooms by solid, unbroken partitions and floors of substantial construction. If the tax-paid bottling house is in the same building in which is located an internal revenue bonded warehouse or rectifying plant, the two premises must have no means of interior communication with each other, except by approved pipe lines, and as specifically provided herein. Where a tax-paid bottling house has heretofore been established under the same roof or in the same building with an internal revenue bonded warehouse or a rectifying plant with interior communication between the two premises, it may continue to operate in such location if the revenue will not be jeopardized. When a bottling-in-bond department is operated temporarily as a tax-paid bottling house, as provided by the regulations in this part and Regulations 6 (26 CFR, Part 188), communication between the bottling house and warehouse within the building may continue. (Secs. 2871, 3176, I. R. C.)

§ 189.14 *Weighing tanks.* Where weighing tanks are used for gauging spirits, such tanks shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words, "Weighing Tank," followed by its serial number and capacity in wine gallons. The beams or dials of weighing tank scales must indicate weight in 5 pound graduations for scales up to and including 25 tons capacity, in 10 pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity, and in 20 pound graduations for scales having a capacity of more than 60 tons. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.16 *Storage tanks.* If distilled spirits are received in tank cars or by pipe line, suitable storage tanks must be provided within which to store such spirits, unless the spirits are run directly into bottling tanks as provided in § 189.58. Each storage tank shall be constructed of metal and be of uniform dimensions from top to bottom, and shall be mounted on accurate scales, or equipped with a suitable measuring device whereby the actual contents will be correctly indicated. There shall be painted on each tank the words, "Storage Tank," followed by its serial number and capacity in wine gallons. Stopcocks must be provided and so arranged as to control completely the flow of spirits, both into and out of the tank. A suitable board shall be provided on each storage tank for the attachment of Forms 1520 and 1440, as hereinafter prescribed. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.22 *Pipe lines.* Pipe lines used for the conveyance of tax-paid rectified spirits from bottling tanks in a contiguous rectifying plant to bottling tanks in the tax-paid bottling house must be constructed, secured, painted, and marked in accordance with the requirements of Regulations 15 (26 CFR, Part 190). Pipe lines used for the conveyance of tax-paid distilled spirits from the cistern room of a distillery to the bottling tanks or storage tanks in the tax-paid bottling house must be constructed, secured, painted, and marked in accordance with the requirements of Regulations 4 (26 CFR, Part 183). Pipe lines used for the conveyance of distilled water to contiguous establishments operated under the internal revenue laws and regulations must be independent ones, without any connection with any other pipe, tank vessel, or utensil on the tax-paid bottling house premises, except the distilled water storage tank: *Provided*, That where distilled water is to be so conveyed from two or more distilled water storage tanks, the pipe line may be connected with such tanks by permanent manifold connections. Such pipe lines must be constructed of metal and exposed to view throughout their entire lengths. The metal pipe lines in the tax-paid bottling house used for conveying the following substances shall be kept painted in the colors indicated:

Black	Spirits.
White	Water.
Aluminum	Steam.
Orange	Air.
Purple	Refrigerants.

These colors are intended for such pipe lines only and are prescribed for the purpose of distinguishing such pipe lines from each other and from all other pipe lines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed, is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.35 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2816, 3176, I. R. C.)

§ 189.36 *Depiction of premises.* Plats must show the outer boundaries of the tax-paid bottling house premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building or buildings comprising the premises and any driveway, public highway or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27–E. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way, opposite each other, the different tracts will be depicted separately, in feet and inches. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor doors of each building on the premises will be shown on the plat. If the tax-paid bottling house consists of a room or a floor of a building, an outline of the building, the precise location and dimensions of the room or floor, and the means of ingress from, and egress to, a public street or yard shall be shown. Except as provided in § 189.42, all pipe lines leading to or from the premises, the purpose for which used, and points of origin and termination will be indicated on the plat. (Secs. 2871, 3176, I. R. C.)

§ 189.38 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors and the locations of all doors, windows, and other openings, and how such openings are protected. If a portion of a building is used, such as a room or floor, the floor plans will include only that portion and shall also show the means of ingress and egress to the street. All apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans and their designated use indicated. In the case of water stills, tanks and similar equipment, the serial number and capacity shall also be shown. (Secs. 2871, 3176, I. R. C.)

§ 189.39 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises until the cased spirits are removed from the bottling room. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence and elevation by floors with all connecting pipe lines, valves, flanges, measuring devices and attachments for Government locks. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major equipment, such as dump tanks, bottling tanks, filters, etc., must be identified on these plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 189.42, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2871, 3176, I. R. C.)

§ 189.40 *Pipe lines to rectifying plant or distillery.* The plans shall show pipe lines, if any, connecting the tax-paid bottling house with a rectifying plant or with the cistern room of a distillery for the transfer of tax-paid distilled spirits for bottling. The plans will show the relative location of the bottling house and the distillery or rectifying plant and also the bottling tank or storage tank to which such pipe lines are connected. (Secs. 2871, 3176, I. R. C.)

§ 189.43 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the proprietor, the draftsman, and the district supervisor, substantially in the following form:

(Name of proprietor)

(Address)
Accuracy certified by

(Name and capacity—for the proprietor)

(Draftsman)
---------- 19-- Sheet No. ----
(Date)
Approved ----------
(Date)

(District supervisor)
TPBH No. ----

(Secs. 2871, 3176, I. R. C.)

§ 189.44 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and let-

tered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2871, 3176, I. R. C.)

§ 189.48 *Procedure applicable.* The action by the district supervisor in connection with the establishment, and changes subsequent to establishment, of tax-paid bottling houses will be in accordance with the procedure, in so far as applicable, prescribed by the regulations governing the establishment, and changes subsequent to establishment, of the proprietor's distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse: *Provided*, That where a bottling-in-bond department is operated alternately as a tax-paid bottling house, the district supervisor may authorize change in operations in accordance with Regulations 6 (26 CFR, Part 188). (Secs. 2871, 3176, I. R. C.)

§ 189.58 *Deposit in bottling house.* When spirits are received, the same must be deposited in the tax-paid bottling house. When distilled spirits are received at a tax-paid bottling house in a railroad tank car, or by pipe line from a distillery contiguous to or in the immediate vicinity of the tax-paid bottling house, the same must be transferred or conveyed into storage tanks, unless the spirits are transferred or conveyed directly from the tank car or pipe line to bottling tanks. Distilled spirits may be shipped in tank cars to a tax-paid bottling house only where the bottling house is equipped with suitable railroad siding facilities. (Secs. 2871, 3176, I. R. C.)

§ 189.62 *Disposition of gauge report.* When distilled spirits received in a tank car or by a pipe line from a distillery are run into a storage tank, the report of gauge, Form 1520 in the case of spirits other than alcohol, and Form 1440 in the case of alcohol, sent to the proprietor of the tax-paid bottling house by the shipper, shall be attached to such storage tank. The proprietor shall enter the date and quantity of removals from the storage tank in a blank space on the report of gauge. The report of gauge shall be kept on the tank until such time as the quantity covered by such report has been withdrawn from the tank. The report shall then be filed by the proprietor, available for inspection by Government officers. If the distilled spirits are transferred directly from the tank car or by a pipe line from the distillery, into a bottling tank, the proprietor shall make a note to that effect on the report of gauge and file it. The requirements of this section shall not preclude bottling of the distilled spirits prior to receipt of Forms 1520 or 1440 when the distilled spirits are received by tank car. (Secs. 2871, 3176, I. R. C.)

§ 189.69 *Unstamped spirits.* When a stamp has been lost or mutilated by accident so that the required portion thereof cannot be returned, an affidavit setting forth all the facts in the case will be made by the proprietor and attached to each copy of Form 230. Where spirits received in tank cars bearing certificate of taxpayment, Form 1595, or spirits received by pipe line from the cistern room of a distillery, or rectified spirits by pipe line from a contiguous rectifying plant, or where spirits in stamped bottles are to be dumped, an explanatory statement will be made in the columns provided for the description of stamps on Form 230, as "Form 1595, Serial No. ---, dated ---, heretofore submitted," or "Form 1520 dated ------, pipe line transfer on Form 1595 Serial No. ----," or "See Form 237, S/N ---- Dated ------," or "In stamped bottles," as the case may be. (Secs. 2871, 3176, I. R. C.)

§ 189.100 *Shipment of stamps.* Where the stamps are to be shipped, the collector will forward the stamps to the Government officer by registered mail or express. The expense of forwarding the stamps by registered mail or express will be borne by the proprietor. The collector may furnish the stamps directly to the proprietor for immediate delivery to the Government officer in accordance with § 189.99a. (Sec. 3176, I. R. C.)

3. This Treasury decision shall be effective on the 31st day after its publication in the FEDERAL REGISTER.

(Secs. 2816, 2829, 2871, and 3176, I. R. C. (26 U. S. C. 2816, 2829, 2871, and 3176))

[F. R. Doc. 48-8990; Filed, Sept. 8, 1948; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 927]

[Docket No. AO 71-A-16]

NOTICE OF HEARING ON HANDLING OF MILK, NEW YORK METROPOLITAN MILK MARKETING AREA

PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159., 4904), notice is hereby given of a hearing to be held at the Commodore Hotel, New York, New York, beginning at 10:00 a. m., e. s. t., September 27, 1948 for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed amendments with respect to which evidence will be received are as follows:

1. (Proposed by Production and Marketing Administration) Amend § 927.1 (b) by deleting therefrom the words "or the War Food Administrator,".

2. (Proposed by Production and Marketing Administration) Delete the proviso in § 927.3 (a) (1).

3. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.3 (a) (4) (ii) by changing the "." after the first sentence to a ":" and adding the following: *"Provided*, That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met, even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant."

4. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.3 (a) (3) (i) to read:

(i) Be willing to ship in the form of milk to the marketing area all milk received at the plant from dairy farmers; and be willing to ship milk received at the plant from dairy farmers in such form as to secure utilization of such milk in a manner to assure the greatest possible return to all producers;

5. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.3 (a) (4) (iv) (b) by changing the next to the last sentence to read: "Such specified classes shall include Class I-A, and Class I-C which is ultimately distributed in the special cream area, in Fairfield County, Connecticut, or in Pennsylvania outside the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland to the extent of the amount of milk received by a handler from producers which was ultimately distributed in the same areas during the previous month of June."

6. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.3 (a) (4) (iv) to provide, in addition to the conditions now set forth (in (a), (b), and (c) thereof) under which pool plant designations may be suspended, the following alternative conditions:

(a) There has been issued by the market administrator, and mailed to all handlers operating pool plants, the market administrator's determination that, from all available information, he finds that milk received from producers at pool plants is not being utilized in a manner to assure the greatest possible return to all producers.

(b) Within a period ending not later than the end of the second month after the month during which such notice has been mailed, the market administrator requests a handler operating a plant to make reports to the market administrator with respect to the utilization of milk received at such plant from producers.

(c) On the basis of such report or reports and other available information the market administrator finds such handler is utilizing milk in specified classes in an excessive amount and is thus not utilizing milk received from producers in a manner to assure the greatest possible return to producers.

7. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.3 (a) (4) (v) to provide, in the event the market administrator has issued a determination pursuant to Proposal No. 6, that pool plant designations may be cancelled under the following conditions:

(a) No pool plant designation shall be cancelled if the handler operating the plant utilized a percentage in the classes specified by the market administrator pursuant to paragraph (c) of Proposal No. 6 of the total milk received by him at all pool plants from producers during the month in which such suspension is made effective which is not more than the percentage of the total milk reported by all handlers to have been received from producers during such month which was reported to have been used in such classes.

(b) In the event that all milk received from producers at a plant is reported to the market administrator by a cooperative association qualified pursuant to § 927.9 (f), and such association pays the producers for such milk, the pool plant designation of such plant shall not be cancelled if the cooperative operating the plant utilized the percentage in the classes specified by the market administrator pursuant to paragraph (c) of Proposal No. 6 of the total milk received by it at all pool plants from producers during the month in which such suspension is made effective which is not more than the percentage of the total milk reported by all handlers to have been received from producers during such month which was reported to have been used in such classes.

8. (Proposed by Milk Handlers and Processors Association, Inc.) Amend § 927.3 (a) (4) (iv) (b) by changing the last two sentences to read: "Such specified classes shall include Class I-A and all or a part of Classes II-A and II-B (except cold storage cream). In addition, such specified classes may include Class I-C but such Class I-C shall be restricted to not more than the percentage of Class I-C in the total milk pooled during the previous month of June."

9. (Proposed by Rockdale Creamery Corporation.) Delete from § 927.3 (a) (4) (iv) (b) the words "and Class I-C to the extent of 50 percent of the milk received by a handler from producers" and substitute therefor "and Class I-C to the extent that the percentage should be the same as utilized by the handler during the months of April, May, and June."

10. (Proposed by Milk Handlers and Processors Association, Inc.) Amend § 927.3 (b) by changing the percentage in the first proviso to 100 percent.

11. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (1) by adding a new sentence between the first and second sentences to read: "Having established the manufacture of cream, such cream may not, in any event, be classified in any class higher than Class II-A."

12. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (3) by changing the "." at the end of the first proviso to a ":" and adding the following: *"Provided further*, That no butterfat shipped to another plant in the form of cream may be classified in a class higher than that which is applicable to cream sold as fluid cream in the area in which such other plant is located, unless such butterfat is reshipped to a plant or a purchaser in another area which would cause its classification into a higher class."

13. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Delete § 927.4 (a) (3) (i).

14. (Proposed by Brunetto Cheese Company.) Delete subdivision (i) of § 927.4 (a) (3); or, as an alternative, amend § 927.4 (a) (3) (i), to provide that milk, cream, and skim milk shipped into the marketing area and utilized in the manufacture of cheese, except Cheddar cheese, be classified in the appropriate class or classes for milk, cream, and skim milk so utilized.

15. (Proposed by L. Daitch and Company, Inc.; Delaware County Dairies, Inc.; and Dan Franklin Dairies, Inc.) Delete subdivision (i) of § 927.4 (a) (3); or, as an alternative, amend § 927.4 (a) (3) (i), to provide that milk, cream, and skim milk shipped into the marketing area and utilized in the manufacture of sour cream, cream cheese, cheese, except Cheddar cheese, or butter, be classified in the appropriate class or classes, for milk, cream, and skim milk, so utilized; or, as an alternative, amend § 927.4 (a) (3) (i), by inserting after the words "in the form of frozen desserts or homogenized mixtures" the words "sour cream, cream cheese, cheese, except Cheddar cheese, or butter"; and by adding at the end of the said subdivision the words: "except where said skim milk is utilized in the manufacture of the products aforesaid, in which event it shall be classified as Class V-B."

16. (Proposed by Brunetto Cheese Company; L. Daitch and Company, Inc.; Delaware County Dairies, Inc.; and Dan Franklin Dairies, Inc.) Amend § 927.4 (c) (13) to read:

(13) Class V-A milk shall be the skim milk in all milk, which skim milk enters the marketing area and is utilized therein in the form of fluid skim milk or cultured or flavored milk drinks containing less than 3 percent butterfat, or which is not accounted for in some product leaving or on hand at a plant.

17. (Proposed by Brunetto Cheese Company; L. Daitch and Company, Inc.; Delaware County Dairies, Inc.; and Dan Franklin Dairies, Inc.) Amend such other portions of the order, including § 927.9 (h), as may be necessary to carry out the intention expressed in Proposals 14, 15, and 16 above of classifying and paying for milk, cream, and skim milk in accordance with its actual utilization.

18. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (3) by adding the following as subdivision (ii) and by changing the numbering of subdivisions (ii) through (vii) to (iii) through (viii):

(ii) If the shipment is in the form of milk to a plant in an area not regulated by another order of the Secretary, the milk shall, in no event, be classified in any class higher than Class I-C, unless such milk is ultimately distributed in the marketing area or in an area regulated by order of the Secretary.

19. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (3) (iv) to read:

(iv) If the shipment is in the form of milk shipped from the plant where received from dairy farmers to a plant outside New York State, Vermont, New Jersey or Pennsylvania, or to a plant in the County of Allegheny, Beaver, Fayette, Greene, Washington, or Westmoreland in Pennsylvania, it shall be classified as Classes I-A, I-B, or I-C if the plant to which the shipment is made is located more than 65 miles from any pool plant.

20. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (3) (v) and (vi) so that, in each instance, the classification in Class II-E or Class II-D shall be dependent upon the fact that the plant to which the cream or plain condensed milk is shipped is located more than 65 miles from any pool plant.

21. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (5) (i) to read:

(i) Milk, cream, plain condensed milk, or skim milk received from pool plants or from producers shall be assigned as far as possible to Class I-A, Class II-A, Class II-B, or Class V-A, if such classification is based on a product shipped to or distributed in the marketing area in the form of milk, cream, plain condensed milk, frozen desserts or homogenized mixtures, skim milk, or cultured and flavored milk drinks.

22. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend the order to provide that a manufactured product not otherwise defined or classified in the order shall be defined and classified as follows:

A product which contains 15 percent or more of butterfat, and a smaller amount of milk solids not fat than butterfat, with or without other ingredients, shall be defined as a manufactured cream product, and be classified in Class II-B.

23. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend the order to provide that a manufactured product not otherwise defined or classified in the order shall be defined and classified as follows:

A product which contains 7.5 percent or more of butterfat and which is not within the definition of a manufactured cream product, with or without other ingredients, shall be defined as a manufactured whole milk products, and be classified in Class III.

24. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (c) (5) by adding before the words "plain condensed milk" the word "eggnog."

25. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (c) (9) by changing the last clause to read: "or all milk the butterfat from which leaves or is on hand at a plant in the form of cream cheese. If such cream cheese is made from frozen cream, it shall be classified in Class II-F regardless of the location of the plant at

which such cream cheese is manufactured."

26. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (c) (11) by adding the following: "If the butter is manufactured from frozen cream, it shall be classified in Class IV–A, regardless of the location of the plant at which the butter is manufactured."

27. (Proposed by Rockdale Creamery Corporation.) Amend § 927.5 (a) (4) to read:

(4) For Class I–C milk the price shall be the Class I–A price plus 20 cents per hundredweight.

28. (Proposed by Production and Marketing Administration.) Renumber paragraphs (3) through (15) of § 927.5 (a) as (2) through (14), respectively, and change all references to these paragraphs which appear in other parts of the order accordingly.

29. (Proposed by Production and Marketing Administration.) Delete the proviso in § 927.5 (a) (5).

30. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (6) by eliminating the proviso.

31. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (6) to read:

(6) For Class II–B milk the price shall be the Class II–E price.

32. (Proposed by Association of Ice Cream Manufacturers of New York State.) Reconsider the Class II–B price (§ 927.5 (a) (6)).

33. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.5 (a) (6) to read:

(6) For Class II–B milk the price paid during each month shall be 12 cents less than the Class II–A price.

34. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (7) to read:

(7) For Class II–C milk the price shall be the Class II–E price.

35. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (8) to read:

(8) For Class II–D milk the price shall be the Class II–E price.

36. (Proposed by Association of Ice Cream Manufacturers of New York State.) Amend § 927.5 (a) (8) to read:

(8) For Class II–D milk the price during each month shall be the price for Class II–F milk.

37. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Reconsider the proper pricing of Class III milk and the list of evaporated milk plants to be used in computing the average price paid to farmers for 3.5 milk (§ 927.5 (a) (11)).

38. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (11) by eliminating the second proviso.

39. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.5 (a) (11) by changing that portion preceding the last proviso to read:

(11) For Class III milk the price during each month shall be 10 cents higher than the average, computed by the market administrator, of prices as reported to the United States Department of Agriculture, paid during such month to farmers for 3.5 milk at evaporated milk plants at locations listed in this subparagraph: *Provided*, That the Class III price during the months of October, November, and December shall be such average plus 15 cents:

40. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.5 (a) (12) to read:

(12) For Class IV–A milk the price during each month shall be the price for Class II–E milk: *Provided*, That the Class IV–A price during the months of October, November, and December shall be the Class II–E price plus 25 cents.

41. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (12) by eliminating the proviso.

42. (Proposed by Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc.; Eastern Milk Producers' Cooperative Association, Inc.; Dairymen's League Cooperative Association, Inc.; and District 50, United Mine Workers of America.) Amend § 927.5 (a) (13) to read:

(13) For Class IV–B milk the price shall be each month from January to September of each year 95 percent of the price as computed by the market administrator for Class III milk, and each month from October to December of each year 100 percent of the price, as computed by the market administrator, for Class III milk: *Provided*, That if the milk is moved from the plant where received from producers to a cheese factory which is a half mile or more from the first plant, then 12 cents per hundredweight shall be deducted from such price.

43. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (13) by eliminating the second proviso.

44. (Proposed by Rockdale Creamery Corporation.) Amend that portion of § 927.5 (a) (13) preceding the words "subtract 1.5 cents" to read:

(13) For Class IV–B milk the price during each month shall be a price computed by the market administrator as follows: from the average of the highest prices reported daily during each month, by the United States Department of Agriculture in the New York market at wholesale for New York State cheddars or in the absence of such quotations the monthly quotations in the New York City market for Twins.

45. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.5 (a) (13) to read:

(13) For Class IV–B milk the price during each month shall be the price for Class III milk: *Provided*, That the Class IV–B price during the months of October, November, and December shall be the Class III price plus 25 cents.

46. (Proposed by Milk Handlers and Processors Association, Inc.) Amend § 927.5 (a) (15) to read:

(15) For Class V–B milk the price during each month shall be a price computed by the market administrator as follows: from the average of all the hot roller process dry skim milk quotations for "other brands, animal feed, carlots, bags or barrels" and for "other brands, human consumption, carlots, bags, or barrels" (using midpoint of any range as one quotation), published for the delivery period in "The Producers' Price Current", subtract 5 percent, subtract 6 cents, and multiply by 8.3.

47. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) In § 927.5 (a) (15) delete the words "subtract 4 cents" and substitute therefor "subtract 7.5 cents."

48. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (c) by changing the phrase, "shortest highway mileage distance from the plant to Columbus Circle, New York City," to "shortest usable highway mileage distance normally traversed by tank trucks from the plant to Columbus Circle, New York City,".

49. (Proposed by Production and Marketing Administration.) Amend § 927.6 (a) (5) by changing the reference "§ 927.8 (e)" contained therein to "§ 927.9 (h)".

50. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend the first sentence of § 927.6 (c) to read: "On or before the last day of the period for establishing classification pursuant to § 927.4 (a) (2), or, if earlier, not later than 15 days prior to the date of final removal of the cream from storage, the handler separating the milk, the cream from which is subsequently claimed to be classified in Class II–B, shall report to the market administrator, on forms prescribed by the market administrator, information with respect to the storage of cream as a basis for Class II–B classification."

51. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.6 (e) by adding the following: "Should the market administrator fail to verify all reports and payments of each handler as above directed, any classification reported and claimed by a handler pursuant to § 927.4 or any payments reported or claimed pursuant to § 927.9 shall be allowed as claimed."

52. (Proposed by Rockdale Creamery Corporation and Mutual Cooperative of Independent Producers, Inc.) Delete § 927.7 (a) (5).

53. (Proposed by Farm Bureau and Conservation Committee of the Board of Supervisors of Sullivan County at the request of milk producers of Sullivan County.) Amend § 927.7 (a) (5) to read:

(5) With respect to milk received from producers, deduct 30 cents per hundredweight at plants in the marketing area and within one hundred miles of the New York market, Columbus Circle, and plants located between one hundred and one hundred twenty-five miles from the New York market, Columbus Circle, deduct 15 cents per hundredweight, and plants between one hundred twenty-five and one hundred thirty-five miles from New York market, Columbus Circle, deduct 10 cents per hundredweight, and plants located between one hundred thirty-five and one hundred forty-five miles from New York market, Columbus Circle, deduct 5 cents per hundredweight.

54. (Proposed by Moon's Dairy.) Amend § 927.7 (a) (5) to include Catskill, New York.

55. (Proposed by Dairymen's League Co-operative Association, Inc.) Delete the second and third provisos in § 927.8 (a).

56. (Proposed by Production and Marketing Administration.) Amend § 927.8 (c) by deleting therefrom the phrase, "except Class I–B.".

57. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.9 (g) to read:

(g) *Storage cream payments.* With respect to butterfat in frozen cream held in one or more licensed cold storage warehouses for more than 28 days under the conditions set forth in § 927.4 (c) (5), the handler operating the plant at which was separated the milk, the cream from which is subsequently claimed to be classified in Class II–B, may make claim, on forms supplied by the market administrator, for payments out of the producer settlement fund, if such butterfat was received from producers during the months of April to September, inclusive, and was assigned, in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to § 927.4 (b) hereof, to Classes II–D, II–E, or II–F during the months of July to March, inclusive, or to Class IV–A during the months of January to March, inclusive. The market administrator shall, after investigation and audit of such claim, make payment to such handler out of the producer settlement fund, or issue credit against balances due from such handler to the producer settlement fund, in an amount equal to the difference between the Class II–B price for 3.5 milk in the zone in which is located the plant at which the milk was separated and the class price (for 3.5 milk) for such assigned utilization in the zone in which is located the plant at which the milk was separated. The Class II–B price and the class price for such assigned utilization shall be the prices in effect for the month during which the milk was received from producers. The quantity of milk in the frozen cream shall be determined by dividing the pounds of fat in the frozen cream by 0.035. Claims pursuant to this paragraph shall be made not later than ninety (90) days after the month during which such frozen cream is utilized: *Provided*, That, if the market administrator, upon audit, makes any changes that affect the reported utilization of such frozen cream, either new or corrected claims may be made during a period ending not later than ninety (90) days after notice by the market administrator of such changes. Any claim pursuant to this paragraph may be assigned, by the handler who would otherwise be entitled to receive payment pursuant to such claim, to another purchaser of the frozen cream, provided notice is received by the market administrator of such assignment prior to the payment of any such claim.

58. (Proposed by Association of Ice Cream Manufacturers of New York State.) Amend the last sentence of § 927.9 (g) to read: "Claims pursuant to this paragraph shall be made not later than ninety (90) days after the month during which such frozen cream is utilized: *Provided*, That if the market administrator, upon audit, makes any changes in such claims, new or corrected claims may be made by the handler during a period ending not later than ninety (90) days after notice by the market administrator of such changes."

59. (Proposed by Rockdale Creamery Corporation.) Delete § 927.9 (g).

60. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Reexamine storage cream payments on Classes II–D, II–E, and II–F (§ 927.9 (g)).

61. (Proposed by Association of Ice Cream Manufacturers of New York State.) Amend § 927.9 (h) (1) and (2), by deleting all references to Class II–B milk and milk products.

62. (Proposed by Breakstone Brothers, Inc.) Amend the order to provide that sour cream manufactured from storage cream from other than producer sources be designated as Class II–B cream for the purposes of computing the payments required under § 927.9 (h).

63. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.9 (h) so as to provide that no payments shall be made by handlers to producers, through the producer settlement fund, for milk, cultured or flavored milk drinks, cream, plain condensed milk, or skim milk which is permitted to come into the marketing area from dairy farmers who are not producers, under any order issued by any health authority (local or State) having jurisdiction over the sale of such products in the marketing area.

64. (Proposed by Production and Marketing Administration.) Delete § 927.11, renumber § 927.12 and § 927.13 as 927.11 and 927.12, respectively, and add a new paragraph (d) to § 927.5 to read:

(d) *Use of equivalent prices.* If for any reason a price (or prices) for milk or any milk product specified in this section or in subparagraphs (1) and (2) of § 927.2 (e) for use in computing and announcing class prices and for other purposes is not reported or published in the manner therein described, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

Copies of this notice of hearing and of the said tentative marketing agreement and of the order, as amended, now in effect, may be procured from the Market Administrator, 205 East 42nd Street, New York, New York, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: September 2, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator,
Production and Marketing Administration.

[F. R. Doc. 48–8066; Filed, Sept. 8, 1948; 8:46 a. m.]

NOTICES

FEDERAL TRADE COMMISSION

OIL HEATING INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 3d day of September 1948.

Notice is hereby given that a Trade Practice Conference will be held by the Federal Trade Commission for the Oil Heating Industry of the New England States Trade Area in the Georgian Room, Hotel Statler, Park Square, Boston, Massachusetts, on September 30, 1948, commencing at 10 a. m., eastern standard time.

The industry for which the conference is called is composed of persons, firms, corporations, or organizations engaged in the retail sale and distribution of oil burners and accessories (theremostat controls, tanks, etc., but not radiators, ducts, etc.) and oils for use in heating. All members of such industry are cordially invited to attend or be represented at the conference.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

By direction of the Commisssion.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 48–8076; Filed, Sept. 8, 1948; 8:49 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Department of the Army

ORGANIZATION AND PROCEDURES OF THE CIVIL AFFAIRS DIVISION

LEGISLATION FOR MONETARY REFORM IN GERMANY

The legislation for monetary reform in Germany, which was published in 13 F. R. 4965, 26 August 1948, is amended by changing section 3.106 (o) (1) to read as follows:

SEC. 3.106 *Law No. 63—Third law for Monetary Reform (Conversion Law).*

* * *

(o) *Article 15; liabilities to United Nations Nationals.* (1) The provisions of paragraphs (m) through (y) of this section shall apply to Reichsmark liabilities to United Nations Nationals, unless the United Nations creditor refuses a payment tendered or made in accordance with the provisions of this section, or objects by a declaration made to the debtor on or before October 20, 1948, against the conversion of the debt into Deutsche Marks as provided by this section.

[CSCAD, Sept. 1, 1948] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8073; Filed, Sept. 8, 1948; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-552]

MORRIS PLAN CORP. OF AMERICA ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its offices in the city of Washington, D. C., on the 2d day of September A. D. 1948.

In the matter of the Morris Plan Corporation of America, American General Corporation, the Barnett National Bank of Jacksonville, Trustee, and Courts P. Kendall; File No. 812-552.

Notice is hereby given that the Morris Plan Corporation of America (Morris Plan), with its principal place of business at 103 Park Avenue, New York, New York, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of the act, the proposed purchase by Morris Plan from The Barnett National Bank of Jacksonville, Jacksonville, Florida, as Trustee, of 170 shares of the capital stock of Morris Plan Savings Bank (the Bank), 11 Laura Street, Jacksonville, Florida, for an aggregate consideration of $99,655.

Section 17 (a) (1) of the act makes it unlawful for an affiliated person of an affiliated person of a registered investment company, acting as principal, knowingly to sell any security or property to any company controlled by such registered investment company, with certain exceptions not pertinent to this case.

American General Corporation, 420 Lexington Avenue, New York, New York, is a closed-end, non-diversified, management investment company, registered under the act. American General Corporation owns approximately 61% of the common stock of Morris Plan, the only class of stock of Morris Plan entitled to vote. Morris Plan, in turn, owns 20% of the outstanding stock of the Bank. Courts P. Kendall, 3319 Pine Street, Jacksonville, Florida, is the president and a director of the Bank. The Barnett National Bank is trustee of two intervivos trusts, which hold the 170 shares (representing 34% of the shares outstanding) of the capital stock of the Bank to be purchased by Morris Plan, and Courts P. Kendall is a contingent beneficiary under such trusts. The application states that the proposed transaction accordingly involves the sale of securities by an affiliated person of an affiliated person of a registered investment company, to a company controlled by such registered investment company, and requests an order exempting the proposed transaction from the provisions of section 17 (a) (1) of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after September 20, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 17, 1948, at 5:30 P. M., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8067; Filed, Sept. 8, 1948; 8:46 a. m.]

[File No. 70-1837]

THE NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of September 1948.

The North American Company ("North American"), a registered holding company, and its subsidiary, Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility company, having filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding the proposed issue and sale by Union of 105,000 additional shares of its common stock to North American, all as summarized in Holding Company Act Release No. 8228; and

The Commission, on May 27, 1948, having issued its notice of filing and order for hearing with respect to said joint application and declaration directing that a hearing be held on July 12, 1948; and

On July 12, 1948, said hearing having been adjourned, at the request of applicants-declarants, until September 14, 1948; and

Applicants-declarants having on August 30, 1948, requested that said adjourned hearing be postponed from September 14, 1948 to October 13, 1948; and

It appearing appropriate to the Commission that such request for postponement should be granted and that the adjourned hearing heretofore scheduled for September 14, 1948, should be postponed until October 13, 1948:

It is ordered, That the adjourned hearing in this matter heretofore scheduled for September 14, 1948, at 10:00 a. m., e. d. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., be, and the same hereby is, postponed to October 13, 1948, at 10:00 a. m., e. s. t., at the same place and before the same hearing officer previously designated. On such day the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8068; Filed, Sept. 8, 1948; 8:47 a. m.]

[File No. 70-1911]

MISSOURI POWER & LIGHT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of September 1948.

Missouri Power & Light Company ("Missouri"), a subsidiary of North American Light & Power Company ("Light & Power"), which in turn is a subsidiary of The North American Company ("North American"), both registered holding companies, has filed with the Commission an application pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("the act"), regarding the proposal by Missouri to purchase from Central States Edison, Inc. ("Central States"), a nonaffiliate, all of the outstanding capital stock (954 shares) of Gasconade Power Company ("Gasconade"), and a certain promissory note in the principal amount of $441,490.32 with unpaid interest, payable on demand, bearing interest at 8% per annum, issued by Gasconade and held by Central States, for a cash consideration of $800,000, subject to certain adjustments. The proposed sale of the securities will be made under the terms and conditions of a contract, dated June 22, 1948, between Central States and Missouri, which provides, among other things, that the purchase and sale shall be consummated on or before October 1, 1948, and that the purchase price to be paid for such securities shall be adjusted, at the time of closing, to reflect any increase or decrease since February 29, 1948 in earned surplus, reserve for retirements, interest on the said promissory note, and any loans or advances made by Central States to Gasconade.

The application having been filed on August 2, 1948, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said application within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Public Service Commission of the State of Missouri having issued an order authorizing the proposed transactions; and

North American having agreed that the indirect interest in Gasconade which it will acquire by virtue of the foregoing transactions will be held subject to the requirements of the Commission's order of April 14, 1942, pursuant to section 11 (b) (1) of the act, as though North American had been specifically required in said order to sever its relationship with Gasconade; and

The Commission finding that the provisions of section 10 of the act are satisfied and that no adverse findings are necessary under sections 8, 9 and 10 of the act with respect to the proposed acquisition of the securities of Gasconade, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application.

It is ordered, Pursuant to the provisions of Rule U-23 and the applicable provisions of the act that the application be, and the same hereby is, granted, and that the proposed transactions may be consummated forthwith, subject to the terms and conditions prescribed by Rule U-24.

It is further ordered, That the Commission's order of April 14, 1942, requiring, among other things, that The North American Company sever its relationship with Missouri Power & Light Company by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the act or the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by Missouri Power & Light Company, shall be deemed to require The North American Company to sever its relationship with Gasconade Power Company with the same force and effect as if said order had specifically ordered the disposition by The North American Company of its interest in Gasconade Power Company.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8069; Filed, Sept. 8, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11592]

LOUIS HOLLWEG

In re: Trusts under deeds of Louis Hollweg, grantor, dated June 6, 1923. File No. D-28-376-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Lochmann, Auguste Lochman, Sophie Lochman, Elizabeth Lochman, Ida Kuhlmann, Dora Kuhlmann, Auguste Kuhlmann and Louise Kuhlmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated June 6, 1923, (known as the Lochmann Trust) made by Louis Hollweg, as grantor, and that certain trust agreement dated June 6, 1923, (known as the Kuhlmann Trust) made by Louis Hollweg, as grantor, presently being administered by Ferdinand L. Hollweg, Successor-Trustee, 2445 Park Avenue #4, Indianapolis 5, Indiana,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons identified in subparagraph 1 are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8078; Filed, Sept. 8, 1948; 8:50 a. m.]

[Vesting Order 11649]

KATIE LIERK

In re: Estate of Katie Lierk, deceased. File D-28-11604; E. T. sec. 15316.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Keil, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Katie Lierk, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Guy R. Wheeler, as administrator, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Cuyahoga;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8079; Filed, Sept. 8, 1948; 8:50 a. m.]

RENCE SEP 14

[Return Order 177]

ARKADY FIEDLER

Having considered the claim set forth below and having issued a Determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No.; Notice of Intention to Return Published; Property

Arkady Fielder, 19 Horusey Rise, London N. 19, England, Claim No. 3407; July 21, 1948 (13 F. R. 4170); Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 4031 (9 F. R. 13780, November 17, 1944) relating to the literary work "Kosciusko Squadron 303" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $552.74.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8084; Filed, Sept. 8, 1948; 8:50 a. m.]

[Vesting Order 11901]

SOPHIE BUNDT

In re: Interest in real property, property insurance policies and a claim owned by Sophie Bundt, also known as Sophie Bundtz.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Bundt, also known as Sophie Bundtz, whose last known address is 16 Walldorf-Hessen Gartenstrasse 23, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property, situated in the City of Pittsburgh, Allegheny County, Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title and interest of Sophie Bundt, also known as Sophie Bundtz, in and to the following described insurance policies:

Fire and Extended Coverage Policy No. 342410, issued by The American Insurance Company of Newark, New Jersey, 15 Washington Street, Newark 1, New Jersey, in the amount of $2,500, which policy expires April 1, 1950, and insures the property described in subparagraph 2-a hereof, and

Fire and Extended Coverage Policy No. 380564, issued by United Firemen's Insurance Company of Philadelphia, 55 Fifth Avenue, New York, New York, in the amount of $2,500.00, which policy expires August 2, 1949, and insures the property described in subparagraph 2–a hereof, and

c. That certain debt or other obligation, owing to Spohie Bundt, also known as Sophie Bundtz, by Allegheny Trust Company, Philadelphia, Pennsylvania, arising out of her share of the rentals collected on the property described in subparagraph 2–a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b and 2–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

EXHIBIT A

All that certain lot or piece of ground situate in the 26th Ward, City of Pittsburgh, County of Allegheny and State of Pennsylvania, being Lot Numbered One (1) and part of Lot Numbered Two (2) in the Plan of Miller and McCain, as recorded in Plan Book Vol. 11, page 5, and being bounded and described as follows, to wit:

Beginning at the northeasterly corner of Burgess Street and Merritt Avenue (formerly Maple Avenue); and extending thence along the Northerly line of said Burgess Street, North 79°41' East, eighty-nine and thirty-one one-hundredths (89.31) feet, to a peint: thence North 57°13' West, eighty-five and seventy-four one-hundredths (85.74) feet, to the Easterly line of said Merritt Avenue; thence along said Merritt Avenue, South 32°47' West, ten (10) feet, to the dividing line common to said Lots Numbered One (1) and Two (2); and thence still along the line of said Merritt Avenue, South 10°52' West, fifty-five (55) feet to the place of beginning.

Having erected thereon a two-story and Mansard frame dwelling house.

Being the same premises which Edward Krebs, widower, by deed dated April 2, 1923, and recorded in the Recordef's Office of Allegheny County in Deed Book Volume 2142, page 508, granted and conveyed to Harry D. McRoberts and Alice J. McRoberts, his wife, parties of the first part hereto.

[F. R. Doc. 48-8059; Filed, Sept. 7, 1948; 8:54 a. m.]

[Vesting Order 10379, as Amended, Amdt.]

TOKUICHI HAMADA ET AL.

In re: Stock in Hamakua Shokwai, Ltd., owned by Tokuichi Hamada and others.

Vesting Order 10379, dated December 19, 1947, as amended, is hereby further amended as follows and not otherwise:

By deleting from subparagraph 5 thereof the words and figures, Seventy-six (76) and substituting therefor the words and figures Seventy-five (75) and also by deleting the figure 4 from Certificate Number 194 and substituting therefor the figure 5 and by deleting the figure 3 appearing opposite Certificate Number 194 and substituting therefor the figure 2.

All other provisions of said Vesting Order 10379, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8062; Filed, Sept. 7, 1948; 8:54 a. m.]

FRENCE SEP 14

FEDERAL REGISTER

VOLUME 13 NUMBER 177

Washington, Friday, September 10, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2809

SUPPLEMENTING PROCLAMATION NO. 2790 OF JUNE 11, 1948, PROCLAIMING THE PROTOCOL OF RECTIFICATIONS TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Proclamation No. 2790 of June 11, 1948, proclaimed that the provisions of part I of schedule XX of the General Agreement on Tariffs and Trade should be applied as if the rectifications in the Protocol of Rectifications to the General Agreement on Tariffs and Trade, referred to in the 7th recital of the said proclamation, had appeared in the said general agreement on October 30, 1947; and

WHEREAS the rate of duty for item 1110 of schedule XX specified in the copy of the said protocol annexed to the said proclamation of June 11, 1948, reads: "35¢ per lb. and 25% ad val."; and

WHEREAS the rate of duty for the said item should read: "33¢ per lb. and 25% ad val.":

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930 as amended (19 U. S. C. 1351), do proclaim that the said Proclamation No. 2790 of June 11, 1948, shall be applied as if the copy of the said protocol annexed thereto had stated the rate of duty for item 1110 of schedule XX to be 33¢ per lb. and 25% ad val.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL] HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8173; Filed, Sept. 8, 1948; 3:17 p. m.]

EXECUTIVE ORDER 9996

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE PUBLIC BELT RAILROAD COMMISSION FOR THE CITY OF NEW ORLEANS AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Public Belt Railroad Commission for the City of New Orleans, a carrier, and certain of its employees represented by the Brotherhood of Locomotive Firemen and Enginemen and the Brotherhood of Railroad Trainmen, labor organizations; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce within the State of Louisiana to a degree such as to deprive that state of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

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THE PRESIDENT

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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Title 50—Wildlife
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As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Public Belt Railroad Commission for the City of New Orleans or its employees in the conditions out of which the said dispute arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 8, 1948.

[F. R. Doc. 48-8171; Filed, Sept. 8, 1948; 2:36 p. m.]

EXECUTIVE ORDER 9997

AMENDMENT OF EXECUTIVE ORDER NO. 9805, PRESCRIBING REGULATIONS GOVERNING PAYMENT OF CERTAIN TRAVEL AND TRANSPORTATION EXPENSES

By virtue of the authority vested in me by the act of August 2, 1946, 60 Stat. 806, it is ordered that Schedule A attached to and made a part of Executive Order No. 9805 of November 25, 1946, entitled "Regulations Governing Payment of Travel and Transportation Expenses of Civilian Officers and Employees of the United States when Transferred from One Official Station to Another for Permanent Duty" be, and it is hereby, amended to read as follows:

SCHEDULE A—RATE PER 100 POUNDS

Miles	1,799 pounds or less	1,800 pounds to 3,799 pounds	3,800 pounds to 7,000 pounds
15	3.02	2.96	2.89
25	3.18	3.05	2.99
40	3.32	3.13	3.02
50	3.44	3.21	3.01
60	3.55	3.29	3.12
70	3.66	3.39	3.20
80	3.78	3.48	3.27
90	3.89	3.57	3.36
100	4.01	3.66	3.45
110	4.13	3.77	3.54
120	4.24	3.87	3.64
130	4.36	3.97	3.75
140	4.48	4.06	3.83
150	4.60	4.17	3.93
160	4.71	4.27	4.03
180	4.96	4.48	4.23
190	5.08	4.58	4.33
200	5.19	4.69	4.44
210	5.30	4.78	4.53
220	5.41	4.88	4.60
230	5.52	4.98	4.69
240	5.64	5.07	4.78
250	5.74	5.16	4.88
260	5.85	5.26	4.97
270	5.93	5.35	5.05
285	6.09	5.48	5.19
300	6.25	5.64	5.33
315	6.39	5.76	5.45
330	6.52	5.89	5.57
345	6.65	6.03	5.70
360	6.79	6.14	5.82
	1,849 pounds or less	1,850 pounds to 3,849 pounds	3,850 pounds to 7,000 pounds
375	6.92	6.25	5.93
390	7.06	6.36	6.06
405	7.18	6.48	6.18
415	7.27	6.57	6.25
430	7.39	6.69	6.37
445	7.51	6.83	6.50
460	7.62	6.95	6.61
475	7.74	7.07	6.74
490	7.85	7.20	6.85

SCHEDULE A—RATE PER 100 POUNDS—Con.

Miles	1,849 pounds or less	1,850 pounds to 3,799 pounds	3,850 pounds to 7,000 pounds
505	7.98	7.30	6.97
520	8.08	7.40	7.07
535	8.18	7.51	7.18
550	8.29	7.61	7.28
565	8.39	7.71	7.39
580	8.49	7.80	7.50
	1,899 pounds or less	1,900 pounds to 3,849 pounds	3,900 pounds to 7,000 pounds
600	8.63	7.95	7.63
615	8.74	8.05	7.73
630	8.83	8.15	7.82
645	8.92	8.21	7.91
655	9.05	8.34	8.04
680	9.20	8.49	8.19
710	9.32	8.64	8.32
725	9.42	8.73	8.40
740	9.51	8.82	8.48
760	9.64	8.94	8.59
785	9.80	9.09	8.74
810	9.93	9.23	8.86
835	10.05	9.33	8.98
860	10.18	9.43	9.11
880	10.28	9.49	9.21
905	10.40	9.59	9.33
923	10.50	9.69	9.43
950	10.62	9.82	9.54
970	10.72	9.92	9.63
1,000	10.87	10.14	9.76
1,020	10.97	10.20	9.83
1,050	11.09	10.35	9.96
1,080	11.23	10.48	10.09
1,110	11.39	10.62	10.24
1,140	11.54	10.76	10.37
1,170	11.67	10.87	10.47
1,200	11.78	10.99	10.60
1,230	12.03	11.23	10.81
1,260	12.15	11.36	10.93
1,290	12.27	11.47	11.04
1,320	12.40	11.58	11.16
1,350	12.50	11.70	11.27
1,380	12.63	11.82	11.39
1,410	12.76	11.93	11.49
1,440	12.88	12.05	11.61
1,470	12.99	12.17	11.72
1,500	13.09	12.27	11.83
1,530	13.23	12.40	11.95
1,560	13.33	12.51	12.07
1,590	13.45	12.63	12.18
1,620	13.58	12.74	12.29
1,650	13.69	12.88	12.44
1,680	13.80	12.99	12.53
1,710	13.92	13.08	12.66
1,740	14.04	13.23	12.79
1,770	14.16	13.33	12.90
1,800	14.28	13.45	13.01
1,830	14.40	13.58	13.13
1,860	14.51	13.69	13.25
1,890	14.62	13.80	13.37
1,920	14.76	13.93	13.48
1,950	14.91	14.09	13.66
1,980	15.06	14.24	13.80
2,010	15.23	14.42	13.98
2,040	15.38	14.56	14.12
2,070	15.54	14.72	14.27
2,100	15.69	14.88	14.44
2,130	15.86	15.03	14.59
2,160	16.01	15.20	14.76
2,190	16.19	15.35	14.91
2,220	16.32	15.50	15.06
2,250	16.48	15.67	15.23
2,280	16.65	15.82	15.38
2,310	16.80	15.99	15.54
2,340	16.97	16.13	15.69
2,370	17.11	16.30	15.86
2,400	17.26	16.45	16.01
2,430	17.44	16.62	16.19
2,460	17.58	16.77	16.32
2,490	17.76	16.93	16.48
3,000	17.90	17.08	16.65
3,050	18.07	17.24	16.79
3,100	18.22	17.41	16.96

This order shall be effective in any case in which the order directing the travel involved is issued on or after July 1, 1948, and it shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 8, 1948.

[F. R. Doc. 48-8174; Filed, Sept. 8, 1948; 4:16 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 256—COTTON LOANS

SCHEDULE OF BASE LOAN RATES BY CITIES AND COUNTIES FOR COTTON ENTERING THE 1948 LOAN

Pursuant to sec. 302, 52 Stat. 43, as amended, sec. 8, 56 Stat. 767, as amended, Pub. Law 806, 80th Cong., particularly sec. 5 (a) thereof; 7 U. S. C. 1302, 50 U. S. C. App. 963, Commodity Credit Corporation has issued, in 1948 Cotton Loan Instructions, regulations governing the making of loans on cotton produced in 1948. Such regulations are hereby supplemented as follows:

§ 256.239 *Basic loan rates by warehouse locations.* The base loan rates applicable to Middling White and Extra White 15/16-inch upland cotton, under Commodity Credit Corporation's 1948 cotton loan program, are as follows:

ALABAMA

City and county	Basis Middling White and Extra White 15/16" loan rate
Abbeville, Henry	30.99
Akron, Hale	30.90
Albertville, Marshall	31.08
Alexander City, Tallapoosa	31.17
Aliceville, Pickens	30.81
Altoona, Etowah	31.17
Andalusia, Covington	30.90
Anniston, Calhoun	31.17
Arab, Marshall	31.08
Ardmore, Limestone	30.90
Ashford, Houston	30.99
Ashland, Clay	31.17
Athens, Limestone	30.90
Atmore, Escambia	30.81
Attalla, Etowah	31.17
Auburn, Lee	31.17
Banks, Pike	30.99
Bankston, Fayette	30.90
Belk, Fayette	30.90
Berry, Fayette	30.90
Birmingham, Jefferson	30.99
Blountsville, Blount	31.08
Boaz, Marshall	31.08
Boligee, Greens	30.81
Brantley, Crenshaw	30.90
Brantley, Dallas	30.90
Brent, Bibb	30.99
Brewton, Escambia	30.81
Bridgeport, Jackson	30.99
Brownton (P. O. Henagar), De Kalb	31.08
Brundidge, Pike	30.99
Butler, Choctaw	30.81
Camden, Wilcox	30.81
Camp Hill, Tallapoosa	31.17
Carbon Hill, Walker	30.90
Carrollton, Pickens	30.81
Centerville, Bibb	30.99
Chavies, De Kalb	31.08
Childersburg, Talladega	31.17
Clanton, Chilton	30.99
Clio, Barbour	31.08
Collinsville, De Kalb	31.08
Columbia, Houston	30.99
Columbiana, Shelby	31.08
Cordova, Walker	30.90
Courtland, Lawrence	30.90
Cooper, Chilton	30.99
Cullman, Cullman	30.99
Clayton, Barbour	31.08
Dadeville, Tallapoosa	31.17
Dancy, Pickens	30.81
Decatur, Morgan	30.99
Demopolis, Marengo	30.81
Dothan, Houston	30.99
Dozier, Crenshaw	30.90
Dutton, Jackson	30.99
Elba, Coffee	30.99
Elkmont, Limestone	30.90
Enterprise, Coffee	30.99
Eufaula, Barbour	31.08
Eutaw, Greene	30.81
Evergreen, Conecuh	30.81
Fackler, Jackson	30.99
Fadette, Geneva	30.99
Faunsdale, Marengo	30.81
Fayette, Fayette	30.90
Florala, Covington	30.90
Florence, Lauderdale	30.81
Fort Deposit, Lowndes	30.90
Fort Payne, DeKalb	31.08
Fyffe, DeKalb	31.08
Gadsden, Etowah	31.17
Gantt, Covington	30.90
Geneva, Geneva	30.99
Georgiana, Butler	30.90
Glen Allen, Fayette	30.90
Goodwater, Coosa	31.08
Garde, Pickens	30.81
Goshen, Pike	30.99
Greensboro, Hale	30.90
Greenville, Butler	30.90
Guin, Marion	30.81
Guntersville, Marshall	31.08
Hackleburg, Marion	30.81
Haleyville, Winston	30.90
Hamilton, Marion	30.81
Hanceville, Cullman	30.99
Hartford, Geneva	30.99
Hartselle, Morgan	30.99
Headland, Henry	30.99
Heflin, Cleburne	31.17
Henegar, DeKalb	31.08
Hodges, Franklin	30.81
Hollywood, Jackson	30.99
Huntsville, Madison	30.99
Hurtisboro, Russell	31.17
Jacksonville, Calhoun	31.17
Jasper, Walker	30.90
Jemison, Chilton	30.99
Kennedy, Lamar	30.81
Lafayette, Chambers	31.17
Leighton, Colbert	30.81
Lester, Limeston	30.90
Linden, Marengo	30.81
Lineville, Clay	31.17
Livingston, Sumter	30.81
Louisville, Barbour	31.08
Luverne, Crenshaw	30.90
Madison, Madison	30.99
Malvern, Geneva	30.99
Maplesville, Chilton	30.99
Marion, Perry	30.90
McCullough, Escambia	30.81
Millport, Lamar	30.81
Mobile, Mobile	30.71
Monroeville, Monroe	30.81
Montevallo, Shelby	31.08
Montgomery, Montgomery	30.99
Moores Bridge, Tuscaloosa	30.90
Moores Valley, Wilcox	30.81
Moulton, Lawrence	30.90
Moundville, Hale	30.90
Newbern, Hale	30.90
New Brockton, Coffee	30.99
New Hope, Madison	30.99
Newville, Henry	30.99
Northport, Tuscaloosa	30.90
Notasulga, Macon	31.08
Oakman, Walker	30.90
Oneonta, Blount	31.08
Opelika, Lee	31.17
Opp, Covington	30.90
Ozark, Dale	30.99
Panola, Sumter	30.81
Pell City, St. Clair	31.08
Peterman, Monroe	30.81
Phil Campbell, Franklin	30.81
Pine Hill, Wilcox	30.81
Pisgah, Jackson	30.99
Pollard, Escambia	30.81
Prattville, Autauga	30.99
Red Bay, Franklin	30.81
Red Level, Covington	30.90
Reform, Pickens	30.81
Repton, Conecuh	30.81
Roanoke, Randolph	31.17
Rogersville, Lauderdale	30.81
Russellville, Franklin	30.81
Samantha, Tuscaloosa	30.90
Samson, Geneva	30.99
Scottsboro, Jackson	30.99
Section, Jackson	30.99
Selma, Dallas	30.90
Sheffield, Colbert	30.81
Slocomb, Geneva	30.99
Stevenson, Jackson	30.99
Stewart, Hale	30.90
Sulligent, Lamar	30.81
Sweetwater, Marengo	30.81
Sylacauga, Talladega	31.17
Sylvania, DeKalb	31.08
Talladega, Talladega	31.17
Tallassee, Elmore	31.08
Thomasville, Clarke	30.81
Troy, Pike	30.99
Tuscaloosa, Tuscaloosa	30.90
Tuscumbia, Colbert	30.81
Tuskegee, Macon	31.08
Union Springs, Bullock	31.08
Uniontown, Perry	30.90
Vernon, Lamar	30.81
Vina, Franklin	30.81
Wadley, Randolph	31.17
Webb, Houston	30.99
Wetumpka, Elmore	31.08
Winnfield, Marion	30.81
Woodville, Jackson	30.99
York, Sumter	30.81

ARIZONA

City and county	Basis Middling White and Extra White 15/16" loan rate
Phoenix, Maricopa	30.02

ARKANSAS

City and county	Basis Middling White and Extra White 15/16" loan rate
Arkadelphia, Clark	30.60
Ashdown, Little River	30.60
Batesville, Independence	30.60
Blytheville, Mississippi	30.65
Boughton, Nevada	30.60
Brinkley, Monroe	30.65
Camden, Ouachita	30.60
Conway, Faulkner	30.60
Cotton Plant, Woodruff	30.65
Dardanelle, Yell	30.60
Dell, Mississippi	30.65
Dumas, Desha	30.63
Earle, Crittenden	30.65
England, Lonoke	30.63
Eudora, Chicot	30.62
Evadale, Mississippi	30.63
Fordyce, Dallas	30.60
Forrest City, St. Francis	30.65
Fort Smith, Sebastian	30.60
Harrisburg, Poinsett	30.65
Helene, Phillips	30.65
Hope, Hempstead	30.60
Hughes, St. Francis	30.65
Hulbert (post office, West Memphis), Crittenden	30.68
Jonesboro, Craighead	30.65
Junction City, Union	30.60
Leachville, Mississippi	30.65
Lepanto, Poinsett	30.65
Little Rock, Pulaski	30.63
Lonoke, Lonoke	30.63
Magnolia, Columbia	30.60
Malvern, Hot Springs	30.60
Marianna, Lee	30.65
Marked Tree, Poinsett	30.65
Marvell, Phillips	30.65
McCrory, Woodruff	30.65
McGehee, Desha	30.63
Morrilton, Conway	30.60
Nashville, Howard	30.60
Newport, Jackson	30.63
Osceola, Mississippi	30.65
Paragould, Greene	30.65
Pine Bluff, Jefferson	30.63
Portland, Ashley	30.60
Prescott, Nevada	30.60

ARKANSAS—Continued

City and county	Basis Middling White and Extra White 15/16" loan rate
Rison, Cleveland	30.63
Russellville, Pope	30.60
Searcy, White	30.63
Sparkman, Dallas	30.60
Truman, Poinsett	30.65
Waldo, Columbia	30.60
Walnut Ridge, Lawrence	30.63
Warren, Bradley	30.60
West Memphis, Crittenden	30.68
Wilson, Mississippi	30.65
Wynne, Cross	30.65

CALIFORNIA

City and county	Basis Middling White and Extra White 15/16" loan rate
Bakersfield, Kern	30.02
Fresno, Fresno	30.02
Pinedale, Fresno	30.02
San Francisco, San Francisco	30.02
San Pedro, Los Angeles	30.02
Tulare, Tulare	30.02

FLORIDA

City and county	Basis Middling White and Extra White 15/16" loan rate
Pensacola, Escambia	30.71
Live Oak, Suwanee	31.09
Mayo, Lafayette	31.09

GEORGIA

City and county	Basis Middling White and Extra White 15/16" loan rate
Abbeville, Wilcox	31.18
Adrian, Emanuel	31.27
Albany, Dougherty	31.18
Allentown, Wilkinson	31.27
Alma, Bacon	31.18
Americus, Sumter	31.18
Arlington, Calhoun	31.09
Athens, Clarke	31.34
Atlanta, Fulton	31.27
Augusta, Richmond	31.34
Bainbridge, Decatur	31.09
Barnesville, Lamar	31.27
Bartow, Jefferson	31.27
Baxley, Appling	31.18
Bishop, Oconee	31.34
Blackshear, Pierce	31.09
Blakely, Early	31.09
Braselton, Jackson	31.34
Bronwood, Terrell	31.18
Brooklet, Bulloch	31.27
Buchanan, Haralson	31.27
Buena Vista, Marion	31.27
Buford, Gwinnett	31.27
Butler, Taylor	31.27
Byronville, Dooly	31.18
Cadwell, Laurens	31.27
Calhoun, Gordon	31.27
Camilla, Mitchell	31.09
Canon, Franklin	31.34
Carrollton, Carroll	31.27
Cartersville, Bartow	31.27
Cedartown, Polk	31.27
Chauncey, Dodge	31.27
Chester, Dodge	31.27
Claxton, Evans	31.18
Cochran, Bleckley	31.27
Colquitt, Miller	31.09
Columbus, Muscogee	31.27
Comer, Madison	31.34
Commerce, Jackson	31.34
Conyers, Rockdale	31.27
Cordele, Crisp	31.18
Covington, Newton	31.27
Culloden, Monroe	31.27
Cuthbert, Randolph	31.09
Dallas, Paulding	31.27
Dalton, Whitfield	31.27
Davisboro, Washington	31.27
Dawson, Terrell	31.18
Dexter, Laurens	31.27
Doerun, Colquitt	31.09
Donalsonville, Seminole	31.09
Douglas, Coffee	31.18
Dublin, Laurens	31.27
Dudley, Laurens	31.27
Eastman, Dodge	31.27
East Point, Fulton	31.27
Eatonton, Putnam	31.27
Edison, Calhoun	31.09
Elberton, Elbert	31.34
Ellaville, Schley	31.27
Fairburn, Fulton	31.27
Fayetteville, Fayette	31.27
Fitzgerald, Ben Hill	31.18
Forsyth, Monroe	31.27
Fort Gaines, Clay	31.09
Fort Valley, Peach	31.27
Gainesville, Hall	31.34
Garfield, Emanuel	31.27
Gay, Meriwether	31.27
Glenville, Tattnall	31.18
Grantville, Coweta	31.27
Graymont, Emanuel	31.27
Greensboro, Greene	31.34
Greenville, Meriwether	31.27
Gresston, Dodge	31.27
Griffin, Spalding	31.27
Haralson, Coweta	31.27
Harrison, Washington	31.27
Hartsfield, Colquitt	31.09
Hartwell, Hart	31.34
Hawkinsville, Pulaski	31.27
Hogansville, Troup	31.27
Ideal, Macon	31.27
Jackson, Butts	31.27
Jefferson, Jackson	31.34
Jeffersonville, Twiggs	31.27
Jesup, Wayne	31.18
Jonesboro, Clayton	31.27
Kelly, Jasper	31.27
Kite, Johnson	31.27
La Grange, Troup	31.27
Lavonia, Franklin	31.34
Lawrenceville, Gwinnett	31.27
Leary, Calhoun	31.09
Leslie, Sumter	31.18
Lilly, Dooly	31.18
Lincolnton, Lincoln	31.34
Locust Grove, Henry	31.27
Logansville, Walton	31.27
Louisville, Jefferson	31.27
Lumpkin, Stewart	31.18
Macon, Bibb	31.27
Madison, Morgan	31.27
Manchester, Meriwether	31.27
Mansfield, Newton	31.27
Marietta, Cobb	31.27
Marshallville, Macon	31.27
McDonough, Henry	31.27
McRae, Telfair	31.18
Meansville, Pike	31.27
Meigs, Thomas	31.09
Metter, Candler	31.27
Midville, Burke	31.27
Milan, Dodge	31.27
Milledgeville, Baldwin	31.27
Millen, Jenkins	31.27
Monroe, Walton	31.27
Montezuma, Macon	31.27
Monticello, Jasper	31.27
Montrose, Laurens	31.27
Moreland, Coweta	31.27
Moultrie, Colquitt	31.09
Newnan, Coweta	31.27
Ochlocknee, Thomas	31.09
Ocilla, Irwin	31.18
Oglethorpe, Macon	31.27
Orchard Hill, Spalding	31.27
Parrott, Terrell	31.18
Pelham, Mitchell	31.09
Perry, Houston	31.27
Pinehurst, Dooly	31.18
Plains, Sumter	31.18
Portal, Bulloch	31.27
Pulaski, Candler	31.27
Rebecca, Turner	31.18
Rentz, Laurens	31.27
Reynolds, Taylor	31.27
Rhine, Dodge	31.27
Richland, Stewart	31.18
Rochelle, Wilcox	31.18
Rockmart, Polk	31.27
Rocky Ford, Screven	31.27
Rome, Floyd	31.27
Royston, Franklin	31.34
Rutledge, Morgan	31.27
Sandersville, Washington	31.27
Savannah, Chatham	31.27
Scotland, Telfair	31.18
Senoia, Coweta	31.27
Shady Dale, Jasper	31.27
Sharpsburg, Coweta	31.27
Shellman, Bartow	31.27
Shellman, Randolph	31.09
Social Circle, Walton	31.27
Soperton, Treutlen	31.27
Sparta, Hancock	31.27
Statesboro, Bulloch	31.27
Summit, Emanuel	31.27
Swainsboro, Emanuel	31.27
Sycamore, Turner	31.18
Sylvania, Screven	31.27
Sylvester, Worth	31.18
Tallapoosa, Haralson	31.27
Taylorsville, Bartow	31.27
Temple, Carroll	31.27
Tennille, Washington	31.27
Thomaston, Upson	31.27
Thomson, McDuffie	31.34
Tignall, Wilkes	31.34
Toccoa, Stephens	31.34
Turin, Coweta	31.27
Tyrone, Fayette	31.27
Unadilla, Dooly	31.18
Valdosta, Lowndes	31.09
Vidalia, Toombs	31.18
Vienna, Dooly	31.18
Villa Rica, Carroll	31.27
Wadley, Jefferson	31.27
Warrenton, Warren	31.34
Washington, Wilkes	31.34
Watkinsville, Oconee	31.34
Waynesboro, Burke	31.27
West Point, Troup	31.27
Williamson, Pike	31.27
Winder, Barrow	31.34
Woodland, Talbot	31.27
Wrightsville, Johnson	31.27
Zebulon, Pike	31.27

LOUISIANA

City and county	Basis Middling White and Extra White 15/16" loan rate
Alexandria, Rapides	30.60
Arcadia, Bienville	30.60
Bernice, Union	30.60
Bryceland, Bienville	30.60
Bunkie, Avoyelles	30.60
Chatham, Jackson	30.60
Choudrant, Lincoln	30.60
Coushatta, Red River	30.60
Delhi, Richland	30.61
Dubach, Lincoln	30.60
Farmerville, Union	30.60
Ferriday, Concordia	30.62
Franklinton, Washington	30.67
Gibsland, Bienville	30.60
Haynesville, Claiborne	30.60
Homer, Claiborne	30.60
Jonesboro, Jackson	30.60
Lake Charles, Calcasieu	30.60
Lake Providence, East Carroll	30.62
Logansport, De Soto	30.60
Mansfield, De Soto	30.60
Marion, Union	30.60
Minden, Webster	30.60
Monroe, Quachita	30.60
Natchitoches, Natchitoches	30.60
Newellton, Tensas	30.62
New Orleans, Orleans	30.67
Oak Grove, West Carroll	30.61
Plain Dealing, Bossier	30.60
Rayville, Richland	30.60
Ringgold, Bienville	30.60
Ruston, Lincoln	30.60
Shreveport, Caddo	30.60
Springhill, Webster	30.60
Tallulah, Madison	30.62
Winnsboro, Franklin	30.60

MISSISSIPPI

City and county	Basis Middling White and Extra White 15/16" loan rate
Aberdeen, Monroe	30.71
Amory, Monroe	30.71
Batesville, Panola	30.71
Belmont, Tishomingo	30.71
Belzoni, Humphreys	30.67
Booneville, Prentiss	30.71

MISSISSIPPI—Continued

City and county	Basis Middling White and Extra White 15/16" loan rate
Brookhaven, Lincoln	30.68
Canton, Madison	30.71
Carthage, Leake	30.71
Clarksdale, Coahoma	30.67
Cleveland, Bolivar	30.67
Columbia, Marion	30.68
Columbus, Lowndes	30.71
Como, Panola	30.71
Corinth, Alcorn	30.71
Drew, Sunflower	30.67
Durant, Holmes	30.71
Forest, Scott	30.68
Gloster, Amite	30.67
Goodman, Holmes	30.71
Greenville, Washington	30.67
Greenwood, Leflore	30.67
Grenada, Grenada	30.71
Gulfport, Harrison	30.67
Hattiesburg, Forrest	30.68
Hollandale, Washington	30.67
Holly Springs, Marshall	30.71
Houston, Chickasaw	30.71
Indianola, Sunflower	30.67
Inverness, Sunflower	30.67
Itta Bena, Leflore	30.67
Jackson, Hinds	30.68
Kosciusko, Attala	30.71
Laurel, Jones	30.68
Leland, Washington	30.67
Lexington, Holmes	30.67
Liberty, Amite	30.68
Louisville, Winston	30.71
Macon, Noxubee	30.71
Magee, Simpson	30.68
Magnolia, Pike	30.68
Marks, Quitman	30.67
McComb, Pike	30.68
Meridian, Lauderdale	30.71
Mount Olive, Covington	30.68
Natchez, Adams	30.67
New Albany, Union	30.71
Newton, Newton	30.68
Okolona, Chickasaw	30.71
Oxford, Lafayette	30.71
Philadelphia, Neshoba	30.71
Pontotoc, Pontotoc	30.71
Port Gibson, Claiborne	30.67
Quitman, Clarke	30.68
Ripley, Tippah	30.71
Rolling Fork, Sharkey	30.67
Rosedale, Bolivar	30.67
Ruleville, Sunflower	30.67
Shaw, Bolivar	30.67
Shelby, Bolivar	30.67
Shuqualk, Noxubee	30.71
Summitt, Pike	30.68
Tulpelo, Lee	30.71
Tutwiler, Tallahatchie	30.67
Tylertown, Walthall	30.68
Union, Newton	30.71
Vicksburg, Warren	30.67
Water Valley, Yalobusha	30.71
Wesson, Copiah	30.68
West Point, Clay	30.71
Yazoo City, Yazoo	30.67

MISSOURI

Arbyrd, Dunklin	30.65
Caruthersville, Pemiscot	30.65
Charleston, Mississippi	30.63
Hayti, Pemiscot	30.65
Kennett, Dunklin	30.63
Lilbourn, New Madrid	30.63
Malden, Dunklin	30.63
Portageville, New Madrid	30.65
Sikeston, Scott	30.63

NEW MEXICO

Artesia, Eddy	30.38
Cameo, Roosevelt	30.38
Carlsbad, Eddy	30.38
Delphos, Roosevelt	30.38
Elida, Roosevelt	30.38
Hagerman, Chaves	30.38
Kenna, Roosevelt	30.38
Kermit, Roosevelt	30.38
Krider, Roosevelt	30.38
Las Cruces, Dona Ana	30.37

NEW MEXICO—Continued

City and county	Basis Middling White and Extra White 15/16" loan rate
Portales, Roosevelt	30.38
Roswell, Chaves	30.38
Tolar, Roosevelt	30.38
Tornero, Roosevelt	30.38
Yerba, Roosevelt	30.38

NORTH CAROLINA

Avondale, Rutherford	31.44
Battlesboro, Nash	31.37
Benson, Johnston	31.37
Bethel, Pitt	31.37
Bladenboro, Bladen	31.37
Bostic, Rutherford	31.44
Candor, Montgomery	31.44
Carthage, Moore	31.44
Charlotte, Mecklenburg	31.44
Cherryville, Gaston	31.44
Clayton, Johnston	31.37
Clinton, Sampson	31.37
Columbus, Polk	31.44
Concord, Cabarrus	31.44
Dunn, Harnett	31.37
Durham, Durham	31.44
Edenton, Chowan	31.37
Elizabeth City, Pasquotank	31.37
Enfield, Halifax	31.37
Farmville, Pitt	31.37
Fayetteville, Cumberland	31.37
Forest City, Rutherford	31.44
Franklin, Macon	31.44
Gastonia, Gaston	31.44
Goldsboro, Wayne	31.37
Greensboro, Guilford	31.44
Gumberry, Northampton	31.37
Harris, Rutherford	31.44
Henderson, Vance	31.37
Hickory, Catawba	31.44
Hope Hills, Cumberland	31.37
Jackson, Northampton	31.37
Kings Mountain, Cleveland	31.44
Kinston, Lenoir	31.37
La Grange, Lenoir	31.37
Laurel Hill, Scotland	31.37
Laurinburg, Scotland	31.37
Lewiston, Bertie	31.37
Lilesville, Anson	31.44
Lincolnton, Lincoln	31.44
Littleton, Halifax	31.37
Louisburg, Franklin	31.37
Lumberton, Robeson	31.37
East Lumberton, Robeson	31.37
Marshville, Union	31.44
Matthews, Mecklenburg	31.44
Maxton, Robeson	31.37
Monroe, Union	31.44
Mooresville, Iredell	31.44
Morven, Anson	31.44
Mount Gilead, Montgomery	31.37
Mount Olive, Wayne	31.37
Nashville, Nash	31.44
Newton, Catawba	31.37
Norlina, Warren	31.37
Parkton, Robeson	31.37
Pates, Robeson	31.37
Pembroke, Robeson	31.37
Pikeville, Wayne	31.37
Pinetops, Edgecombe	31.37
Raeford, Hoke	31.37
Raleigh, Wake	31.37
Ranlo, Gaston	31.44
Red Springs, Robeson	31.37
Rich Square, Northampton	31.37
Reidsville, Rockingham	31.44
Roanoke Rapids, Halifax	31.37
Rockingham, Richmond	31.44
Rocky Mount, Edgecombe	31.37
Rowland, Robeson	31.37
Rutherfordton, Rutherford	31.44
Saint Pauls, Robeson	31.37
Salisbury, Rowan	31.44
Sanford, Lee	31.44
Scotland Neck, Halifax	31.37
Shelby, Cleveland	31.44
Smithfield, Johnston	31.37
Spring Hope, Nash	31.37
Stantonsburg, Wilson	31.37
Statesville, Iredell	31.44

NORTH CAROLINA—Continued

City and county	Basis Middling White and Extra White 15/16" loan rate
Tarboro, Edgecombe	31.37
Wadesboro, Anson	31.44
Wagram, Scotland	31.37
Wake Forest, Wake	31.37
Warrenton, Warren	31.37
Washington, Beaufort	31.37
Weldon, Halifax	31.37
Wilmington, New Hanover	31.37
Wilson, Wilson	31.37
Woodland, Northampton	31.37

OKLAHOMA

Ada, Pontotoc	30.60
Altus, Jackson	30.53
Anadarko, Caddo	30.53
Ardmore, Carter	30.53
Blanchard, McClain	30.53
Carter, Beckham	30.53
Chandler, Lincoln	30.53
Chickasha, Grady	30.53
Clinton, Custer	30.53
Cushing, Payne	30.60
Durant, Bryan	30.60
Elk City, Beckham	30.53
Erick, Beckham	30.53
Frederick, Tillman	30.53
Foss, Washita	30.53
Guthrie, Logan	30.53
Hobart, Kiowa	30.53
Hollis, Harmon	30.53
Hugo, Choctaw	30.60
Lawton, Comanche	30.53
Lindsay, Garvin	30.53
Mangum, Greer	30.53
Marlow, Stephens	30.53
McAlester, Pittsburg	30.60
Mountain View, Kiowa	30.53
Muskogee, Muskogee	30.60
Oklahoma City, Oklahoma	30.53
Pauls Valley, Garvin	30.53
Ryan, Jefferson	30.53
Sentinel, Washita	30.53
Shawnee, Pottawatomie	30.60
Snyder, Kiowa	30.53
Stroud, Lincoln	30.60
Tipton, Tillman	30.53
Waurika, Jefferson	30.53
Weleetka, Okfuskee	30.60
Wynnewood, Garvin	30.53

SOUTH CAROLINA

Abbeville, Abbeville	31.44
Aiken, Aiken	31.44
Allendale, Allendale	31.37
Anderson, Anderson	31.44
Andrews, Georgetown	31.37
Angelus, Chesterfield	31.44
Ashwood, Lee	31.37
Atkins, Lee	31.37
Bamberg, Bamberg	31.37
Barnwell, Barnwell	31.37
Batesburg, Lexington	31.44
Belton, Anderson	31.44
Bennettsville, Marlboro	31.37
Bethune, Kershaw	31.44
Bishopville, Lee	31.37
Blacksburg, Cherokee	31.44
Blackstock, Fairfield	31.44
Blackville, Barnwell	31.37
Blairs, Fairfield	31.44
Blaney, Kershaw	31.44
Blenheim, Marlboro	31.37
Bowman, Orangeburg	31.37
Boykin, Kershaw	31.44
Brunson, Hampton	31.37
Calhoun Falls, Abbeville	31.44
Camden, Kershaw	31.44
Cameron, Calhoun	31.37
Campobello, Spartanburg	31.44
Carlisle, Union	31.44
Catawba, York	31.44
Cateechee, Pickens	31.44
Central, Pickens	31.44
Charleston, Charleston	31.37
Chappells, Newberry	31.44
Cheraw, Chesterfield	31.44
Chesnee, Spartanburg	31.44
Chester, Chester	31.44

SOUTH CAROLINA—Continued

City and county	Basis Middling White and Extra White 15/16" loan rate
Chesterfield, Chesterfield	31.44
Clayton, Fairfield	31.44
Clinton, Laurens	31.44
Clio, Marlboro	31.37
Clover, York	31.44
Columbia, Richland	31.44
Conestee, Greenville	31.44
Cope, Orangeburg	31.37
Cordova, Orangeburg	31.37
Cowpens, Spartanburg	31.44
Crocketville, Hampton	31.37
Cross Anchor, Spartanburg	31.44
Cross Hill, Laurens	31.44
Darlington, Darlington	31.37
Davis Station, Clarendon	31.37
Dillon, Dillon	31.37
Drake, Marlboro	31.37
Due West, Abbeville	31.44
Dunbar, Marlboro	31.37
Dunbarton, Barnwell	31.37
Duncan, Spartanburg	31.44
Easley, Pickens	31.44
Edgefield, Edgefield	31.44
Ehrhardt, Bamberg	31.37
Elko, Barnwell	31.37
Ellenton, Aiken	31.44
Elliot, Lee	31.37
Elloree, Orangeburg	31.37
Enoree, Spartanburg	31.44
Estill, Hampton	31.37
Eureka, Aiken	31.44
Eutawville, Orangeburg	31.37
Fairfax, Allendale	31.37
Fair Forest, Spartanburg	31.44
Filbert, York	31.44
Fingerville, Spartanburg	31.44
Florence, Florence	31.37
Fountain Inn, Greenville	31.44
Gaffney, Cherokee	31.44
Gray Court, Laurens	31.44
Greenville, Greenville	31.44
Greenwood, Greenwood	31.44
Greer, Greenville	31.44
Hamer, Dillon	31.37
Hampton, Hampton	31.37
Hartsville, Darlington	31.37
Heath Springs, Lancaster	31.44
Hickory Grove, York	31.44
Holly Hill, Orangeburg	31.37
Honea Path, Anderson	31.44
Inman, Spartanburg	31.44
Iva, Anderson	31.44
Jefferson, Chesterfield	31.44
Jenkinsville, Fairfield	31.44
Johnsonville, Florence	31.37
Johnston, Edgefield	31.44
Jonesville, Union	31.44
Kershaw, Kershaw	31.44
Kings Creek, Cherokee	31.44
Kingstree, Williamsburg	31.37
Kline, Barnwell	31.37
Kollocks, Marlboro	31.37
Lake City, Florence	31.37
Lamar, Darlington	31.37
Lancaster, Lancaster	31.44
Landrum, Spartanburg	31.44
Lanford, Laurens	31.44
Latta, Dillon	31.37
Laurens, Laurens	31.44
Leesville, Lexington	31.44
Lester, Marlboro	31.37
Liberty, Pickens	31.44
Little Rock, Dillon	31.37
Lowrys, Chester	31.44
Luray, Hampton	31.37
Lynchburg, Lee	31.37
Manning, Clarendon	31.37
Marion, Marion	31.37
Mauldin, Greenville	31.44
Mayesville, Sumter	31.37
McCall, Marlboro	31.37
McCormick, McCormick	31.44
Mount Carmel, McCormick	31.44
Mount Croghan, Chesterfield	31.44
Neeses, Orangeburg	31.37
Newberry, Newbery	31.44
Newry, Oconee	31.44
New Zion, Clarendon	31.37

SOUTH CAROLINA—Continued

City and county	Basis Middling White and Extra White 15/16" loan rate
Ninety Six, Greenwood	31.44
Norris, Pickens	31.44
North, Orangeburg	31.37
North Charleston, Charleston	31.37
Norway, Orangeburg	31.37
Olanta, Florence	31.37
Olar, Bamberg	31.37
Orangeburg, Orangeburg	31.37
Owings, Laurens	31.44
Pageland, Chesterfield	31.44
Pamplico, Florence	31.37
Parksville, McCormick	31.44
Pelzer (Route 2), Anderson	31.44
Pendleton, Anderson	31.44
Pickens, Pickens	31.44
Piedmont, Greenville	31.44
Plum Branch, McCormick	31.44
Pomaria, Newberry	31.44
Princeton, Laurens	31.44
Remini, Clarendon	31.37
Richburg, Chester	31.44
Ridge Spring, Saluda	31.44
Ridgeway, Fairfield	31.44
Rock Hill, York	31.44
Roebuck, Spartanburg	31.44
Rowesville, Orangeburg	31.37
Saint Matthews, Calhoun	31.37
Salley, Aiken	31.44
Saluda, Saluda	31.44
Sandy Springs, Anderson	31.44
Scotia, Hampton	31.37
Seigling, Allendale	31.37
Seneca, Oconee	31.44
Sharon, York	31.44
Silver, Clarendon	31.37
Simpsonville, Greenville	31.44
Six Mile, Pickens	31.37
Smoaks, Colleton	31.37
Spartanburg, Spartanburg	31.44
Springfield, Orangeburg	31.37
Starr, Anderson	31.44
Summerton, Clarendon	31.37
Sumter, Sumter	31.37
Swansea, Lexington	31.44
Tatum, Marlboro	31.37
Timmonsville, Florence	31.37
Trenton, Edgefield	31.44
Union, Union	31.44
Vance, Orangeburg	31.37
Van Wyck, Lancaster	31.44
Wagener, Aiken	31.44
Walhalla, Oconee	31.44
Waterloo, Laurens	31.44
Wedgefield, Sumter	31.37
Westminister, Oconee	31.44
West Union, Oconee	31.44
Whitmire, Newberry	31.44
Whitney, Spartanburg	31.44
Williamston, Anderson	31.44
Williston, Barnwell	31.37
Windsor, Aiken	31.44
Winnsboro, Fairfield	31.44
Wisacky, Lee	31.37
Wolfton, Orangeburg	31.37
Woodruff, Spartanburg	31.44
York, York	31.44

TENNESSEE

Appleton, Lawrence	30.81
Brownsville, Haywood	30.70
Chattanooga, Hamilton	31.17
Covington, Tipton	30.70
Decherd, Franklin	30.99
Dunn, Lawrence	30.81
Dyersburg, Dyer	30.70
Elora, Lincoln	30.90
Fayetteville, Lincoln	30.90
Five Points, Lawrence	30.81
Henderson, Chester	30.71
Jackson, Madison	30.71
Lawrenceburg, Lawrence	30.81
Loretto, Lawrence	30.81
Memphis, Shelby	30.71
Milan, Gibson	30.70
Murfreesboro, Rutherford	30.90
Ripley, Lauderdale	30.70
Tiptonville, Lake	30.70
Winchester, Franklin	30.99

TEXAS

City and county	Basis Middling White and Extra White 15/16" loan rate
Abernathy, Hale	30.46
Abilene, Taylor	30.51
Ackerly, Dawson	30.46
Acuff, Lubbock	30.46
Afton, Dickens	30.51
Alba, Wood	30.60
Alvarado, Johnson	30.53
Amarillo, Potter	30.46
Amherst, Lamb	30.46
Anna, Collin	30.60
Anson, Jones	30.51
Anton, Hockley	30.46
Aspermont, Stonewall	30.51
Athens, Henderson	30.60
Atlanta, Cass	30.60
Austin, Travis	30.53
Austonio, Houston	30.53
Avery, Red River	30.60
Baileyboro, Bailey	30.46
Ballinger, Runnels	30.51
Barry, Navarro	30.53
Bartlett, Bell	30.53
Beaumont, Jefferson	30.60
Beckville, Panola	30.60
Belton, Bell	30.53
Bertram, Burnett	30.53
Big Spring, Howard	30.46
Bledsoe, Cochran	30.46
Bloomburg, Cass	30.60
Bogata, Red River	30.60
Bonham, Fannin	30.60
Bovina, Parmer	30.46
Brady, McCulloch	30.51
Brenham, Washington	30.53
Broadview, Lubbock	30.46
Brownfield, Terry	30.46
Brownsville, Cameron	30.46
Brownwood, Brown	30.53
Bryan, Brazos	30.53
Bula, Bailey	30.46
Bynum, Hill	30.53
Caldwell, Burleson	30.53
Calvert, Robertson	30.53
Cameron, Milan	30.53
Carthage, Panola	30.60
Celina, Collin	30.53
Center, Shelby	30.60
Childress, Childress	30.51
Chillicothe, Hardeman	30.53
Clarendon, Donley	30.46
Clarksville, Red River	30.60
Cleburne, Johnson	30.53
Coble, Hockley	30.46
Coleman, Coleman	30.51
Colorado City, Mitchell	30.51
Commerce, Hunt	30.60
Cooper, Delta	30.60
Corpus Christi, Neuces	30.49
Corsicana, Navarre	30.53
Crockett, Houston	30.53
Crosbyton, Crosby	30.46
Cuero, De Witt	30.53
Daingerfield, Morris	30.60
Dallas, Dallas	30.53
Dean, Clay	30.53
Dean, Hockley	30.46
Dean, Leon	30.53
Decatur, Wise	30.53
Denison, Grayson	30.60
Denton, Denton	30.53
Deport, Lamar	30.60
Draw, Lynn	30.46
Dublin, Erath	30.53
Eden, Concho	30.51
Edgewood, Van Zandt	30.60
El Campo, Wharton	30.53
Elgin, Bastrop	30.53
Elkhart, Anderson	30.53
El Paso, El Paso	30.37
Elysian Fields, Harrison	30.60
Emhouse, Navarro	30.53
Enloe, Delta	30.60
Ennis, Ellis	30.53
Enochs, Bailey	30.46
Fabens, El Paso	30.37
Fairfield, Freestone	30.53
Farwell, Parmer	30.46

TEXAS—Continued

City and county	Basis Middling White and Extra White 15/16" loan rate
Floydada, Floyd	30.51
Forney, Kaufman	30.53
Fort Stockton, Pecos	30.44
Fort Worth, Tarrant	30.53
Frisco, Collin	30.53
Gainesville, Cooke	30.60
Galveston, Galveston	30.60
Ganado, Jackson	30.53
Garland, Dallas	30.60
Gary, Panola	30.60
Gatesville, Coryell	30.53
Gilmer, Upshur	30.60
Gonzales, Gonzales	30.53
Grand Salino, Van Zandt	30.60
Grandview, Johnson	30.53
Granger, Williamson	30.53
Grapeland, Houston	30.53
Grassland, Lynn	30.46
Greenville, Hunt	30.60
Hale Center, Hale	30.46
Hamilton, Hamilton	30.53
Hamlin, Jones	30.51
Harlingen, Cameron	30.46
Haskell, Haskell	30.51
Hearne, Robertson	30.53
Hebron, Denton	30.53
Hedley, Donley	30.51
Henderson, Rusk	30.60
Hereford, Deaf Smith	30.46
Hico, Hamilton	30.53
Hillsboro, Hill	30.53
Honey Grove, Fannin	30.60
Houston, Harris	30.60
Hubbard, Hill	30.53
Hughes Springs, Cass	30.60
Huntsville, Walker	30.53
Irene, Hill	30.53
Itasca, Hill	30.53
Jacksonville, Cherokee	30.60
Jayton, Kent	30.51
Jarrell, Williamson	30.53
Jefferson, Marion	30.60
Jewett, Leon	30.53
Kaufman, Kaufman	30.60
Kenedy, Karnes	30.49
Kerens, Navarre	30.53
Killeen, Bell	30.53
Knox City, Knox	30.51
Krum, Denton	30.53
Ladonia, Fannin	30.60
La Grange, Fayette	30.53
Lamesa, Dawson	30.46
Levelland, Hockley	30.46
Lindale, Smith	30.60
Littlefield, Lamb	30.46
Lockhart, Caldwell	30.53
Lockney, Floyd	30.43
Longview, Gregg	30.60
Loraine, Mitchell	30.51
Lorenzo, Crosby	30.46
Lovelady, Houston	30.53
Lubbock, Lubbock	30.46
Lueders, Jones	30.51
Madisonville, Madison	30.53
Marlin, Falls	30.53
Marshall, Harrison	30.60
Mart, McLennan	30.53
Maypearl, Ellis	30.53
McAdoo, Dickens	30.51
McGregor, McLennan	30.53
McKinney, Collin	30.60
McLean, Gray	30.51
Meadow, Terry	30.46
Memphis, Hall	30.51
Merita, Tom Green	30.51
Merkel, Taylor	30.51
Mexia, Limestone	30.53
Midlothian, Ellis	30.53
Midway, Madison	30.46
Mineola, Wood	30.60
Morton, Cochran	30.46
Mount Pleasant, Titus	30.60
Muleshoe, Bailey	30.46
Munday, Knox	30.51
Nacogdoches, Nacogdoches	30.60
Naples, Morris	30.60
Navasota, Grimes	30.53

TEXAS—Continued

City and county	Basis Middling White and Extra White 15/16" loan rate
Needmore, Bailey	30.46
Needmore, Delta	30.60
New Boston, Bowie	30.60
New Braunfels, Comal	30.53
New Home, Lynn	30.46
New Moore, Lynn	30.46
Nocona, Montague	30.53
Norton, Runnels	30.51
Oasis, Dallas	30.53
O'Donnell, Lynn	30.46
Old Glory, Stonewall	30.51
Olton, Lamb	30.46
Omaha, Morris	30.60
Paducah, Cottle	30.51
Palestine, Anderson	30.53
Paris, Lamar	30.60
Patricia, Dawson	30.46
Peacock, Stonewall	30.51
Pecos, Reeves	30.44
Petersburg, Hale	30.46
Pettit, Hockley	30.46
Pilot Point, Benton	30.53
Pittsburg, Camp	30.60
Plainview, Hale	30.46
Plano, Collin	30.60
Port Lavaca, Calhoun	30.53
Post, Garza	30.46
Princeton, Collin	30.60
Prosper, Collin	30.53
Quanah, Hardeman	30.53
Quitaque, Briscoe	30.46
Quitman, Wood	30.60
Radium, Jones	30.51
Ralls, Crosby	30.46
Refugio, Refugio	30.53
Rice, Navarro	30.53
Roans Prairie, Grimes	30.53
Roaring Springs, Motley	30.51
Robstown, Nueces	30.49
Roby, Fisher	30.51
Rochelle, McCulloch	30.51
Rochester, Haskell	30.51
Rockwall, Rockwall	30.60
Ropesville, Hockley	30.46
Roscoe, Nolan	30.51
Rosebud, Falls	30.53
Rotan, Fisher	30.51
Rowlett, Dallas	30.60
Royse City, Rockwall	30.60
Rule, Haskell	30.51
Salado, Bell	30.53
San Angelo, Tom Green	30.51
San Augustine, San Augustine	30.60
San Marcos, Hays	30.53
Schulenburg, Fayette	30.53
Seagraves, Gaines	30.46
Seguin, Guadalupe	30.53
Seymour, Baylor	30.53
Shallowater, Lubbock	30.46
Shamrock, Wheeler	30.51
Sherman, Grayson	30.60
Shiner, Lavaca	30.53
Shiro, Grimes	30.53
Silverton, Briscoe	30.46
Slaton, Lubbock	30.46
Snyder, Scurry	30.51
Spade, Mitchell	30.46
Spade, Lamb	30.51
Spur, Dickens	30.51
Stamford, Jones	30.51
Stanton, Martin	30.46
Streetman, Freestone	30.53
Sudan, Lamb	30.46
Sulphur Springs, Hopkins	30.60
Sweetwater, Nolan	30.51
Swenson, Stonewall	30.51
Taft, San Patricio	30.49
Tahoka, Lynn	30.46
Tatum, Rusk	30.60
Taylor, Williamson	30.53
Teague, Freestone	30.53
Temple, Bell	30.53
Tenaha, Shelby	30.60
Terrell, Kaufman	30.60
Texarkana, Bowie	30.60
Texas City, Galveston	30.60
Timpson, Shelby	30.60

TEXAS—Continued

City and county	Basis Middling White and Extra White 15/16" loan rate
Troup, Smith	30.60
Turkey, Hall	30.46
Twitty, Wheeler	30.51
Tyler, Smith	30.60
Valley Mills, Bosque	30.53
Venus, Johnson	30.53
Vernon, Wilbarger	30.53
Victoria, Victoria	30.53
Waco, McLennan	30.53
Waxahachie, Ellis	30.53
Wellington, Collingsworth	30.51
West, McLennan	30.53
Whitewright, Grayson	30.60
Whitharral, Hockley	30.46
Wichita Falls, Wichita	30.53
Wills Point, Van Zandt	30.60
Wilson, Lynn	30.46
Winnsboro, Wood	30.60
Winters, Runnels	30.51
Wolfe City, Hunt	30.60
Wolfforth, Lubbock	30.46
Yoakum, Lavaca	30.53
Yorktown, De Witt	30.53

VIRGINIA

Brodnax, Brunswick	31.37
Kenbridge, Lunenburg	31.37
Norfolk, Norfolk	31.37

Sec. 302, 52 Stat. 43, as amended, sec. 8, 56 Stat. 767, as amended, Pub. Law 806, 80th Cong.; 7 U. S. C. 1302, 50 U. S. C., App., 968.

Issued this 3d day of September, 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 3, 1948.

RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 48-8134; Filed, Sept. 9, 1948; 8:57 a. m.]

[1948 C. C. C. Dry Edible Bean Bulletin 1]

PART 276—DRY EDIBLE BEAN LOAN AND PURCHASE AGREEMENTS

1948 DRY EDIBLE BEAN PRICE SUPPORT PROGRAM BULLETIN

This bulletin states the requirements with respect to the 1948 Dry Edible Bean Loan and Purchase Agreement Program formulated by the Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available to producers and cooperative marketing associations of producers (hereinafter referred to as the producer) on eligible beans in accordance with this bulletin.

Sec.
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276.202 Availability of loans and purchases.
276.203 Approved lending agencies.
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276.222 Delivery of beans to CCC.
276.223 Purchase of notes.
276.224 CCC field offices.

AUTHORITY: §§ 276.201 to 276.224, inclusive, issued under sec. 4 (a), 55 Stat. 498, as amended, sec. 1 (b), Pub. Law 897, 80th Cong., sec. 5 (a), Pub. Law 806, 80th Cong., 15 U. S. C. 713a-8 (a).

§ 276.201 *Administration.* The program will be administered in the field through CCC field offices, State PMA committees, and county agricultural conservation committees, under the general supervision and direction of the Manager, CCC. Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and quality of the beans, the amount of the loan, and the value of the eligible beans delivered under a loan or purchase agreement. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents or with the address of the CCC field office to which loan documents may be forwarded for disbursement.

§ 276.202 *Availability of loans and purchases*—(a) *Area.* Loans and purchase agreements shall be available to producers of eligible beans produced in the States of Arizona, California, Colorado, Idaho, Michigan, Minnesota, Montana, Nebraska, North Dakota, New Mexico, New York, South Dakota, Utah, Washington, Wisconsin, and Wyoming, and such other States as CCC may hereafter designate.

(b) *Time.* Loans and purchase agreements shall be available through December 31, 1948, and the applicable documents must be signed by the producer and delivered or mailed to the county committee not later than such date.

(c) *Source.* Loans shall be made to producers direct by CCC field offices and by lending agencies under lending agency agreements with CCC. Purchase agreements shall be made through the offices of the county agricultural conservation committees.

§ 276.203 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA-97 or other form prescribed by CCC).

§ 276.204 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing beans in 1948 as landowner, landlord, tenant, or sharecropper.

Cooperative marketing associations of producers shall be eligible for loans and purchase agreements provided that: (1) The association markets beans produced solely by eligible producer members, (2) the producer members are bound by contract to market through the association, (3) the association has authority to obtain a loan on the security of the beans, and to give a lien thereon, and (4) the members share proportionately according to the quantity, grade and class of beans each delivers to the association.

§ 276.205 *Eligible beans.* Eligible beans (hereinafter referred to as beans) shall be dry edible beans of the following classes: Pea and Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Cranberry, Light Red Kidney, Dark Red Kidney, Western Red Kidney, Standard Lima, and Baby Lima produced in 1948.

Beans tendered as collateral for a loan shall have a moisture content of not more than 18 percent and, after deduction of foreign material, shall contain not more than 10 percent of other defects as these terms are defined in the U. S. Standards for Beans. In addition, such beans shall not be musty, or sour, or heating, or hot, or weevily, or materially weathered, or shall not be beans which have any commercially objectionable odor, or which are otherwise of distinctly low quality.

In order to be eligible for a loan, beans stored on the farm must have been stored in the bin or granary for at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State PMA committee.

Except in the case of eligible cooperative marketing associations of producers, the beneficial interest in the beans must be in the person tendering them for loan or purchase and must always have been in him, or must have been in him and a former producer whom he succeeded before the beans were harvested.

§ 276.206 *Eligible storage.* Eligible storage for beans shall meet the following requirements:

(a) *Farm storage.* Under the loan program eligible farm storage shall consist of farm bins and granaries which, as determined by the county committee, are of such substantial and permanent construction as to permit safe storage that will prevent physical loss, permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather. Farm-storage loans will not be available to associations of producers.

(b) *Warehouse storage.* Under the loan and purchase program, eligible warehouse storage shall consist of warehouses for which a storage agreement (C. C. C. Bean and Pea Form H or revised form thereof) has been executed and approved by CCC for the storage of beans. Warehouse receipts referred to herein shall be negotiable warehouse receipts, representing eligible beans, issued by such warehouses, and shall conform to requirements of CCC.

§ 276.207 *Approved forms.* The approved forms consist of the loan and purchase documents which, together with the provisions of this bulletin, govern the rights and responsibilities of the producer.

Any fraudulent representation made by a producer in obtaining a loan or purchase agreement or in executing any of the loan or purchase documents, will render him subject to criminal prosecution.

Notes and chattel mortgages, note and loan agreements, and purchase agreements must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase documents executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producer's notes on CCC Commodity Form A, secured by chattel mortgages on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreements on CCC Commodity Form B, secured by negotiable warehouse receipts representing beans stored in approved warehouses. All beans pledged as security for a loan on a single CCC Commodity Form B must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase 1) and Purchase Agreement Settlement (Commodity Purchase 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Beans stored in eligible warehouse storage under the loan or delivered under a purchase agreement program must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer or producer association, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) CCC will not require that the warehouse insure the beans placed under loan; however, if the warehouse does insure the beans, such insurance shall inure to the benefit of CCC to the extent of its interest.

(3) Each warehouse receipt, or the supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the net weight of sound beans and the grade or all grading factors used in the determination of the quality of the beans.

§ 276.208 *Determination of quantity under loan.* Loans shall be made on the basis of sound beans. The quantity of sound beans shall be the quantity of eligible beans minus dockage and other defects as defined in the U. S. Standards for Beans.

(a) *Farm-stored.* The quantity of bulk beans stored in an approved bin or granary on a farm shall be determined by dividing the number of cubic feet of beans in such bin or granary by 2.1 and

multiplying the result by the percentage of sound beans. The result will be the net weight of sound beans in units of 100 pounds. If beans are stored in sacks a deduction of ¾ pound per sack shall be made from the gross weight.

(b) *Warehouse-stored.* The quantity of beans stored in an eligible warehouse will be the net weight multiplied by the percentage of sound beans as shown on the warehouse receipt or supplemental certificate.

§ 276.209 *Liens.* The beans must be free and clear of all liens and encumbrances, otherwise proper waivers must be obtained.

§ 276.210 *Service fees*—(a) *Loans.* Where the beans under loan are farm-stored the producer shall pay a service fee of 2 cents per 100 pounds on the quantity of sound beans placed under loan, or $3.00 whichever is greater, and where the beans under loan are warehouse-stored the producer shall pay a service fee of one cent per 100 pounds on the quantity of sound beans or $1.50 whichever is greater.

If the quantity of beans delivered in satisfaction of a loan exceeds the quantity of sound beans placed under loan, a service fee of 2 cents per 100 pounds shall be charged the producer on the excess quantity delivered.

(b) *Purchase agreements.* At the time the producer signs the purchase agreement he shall pay a service fee of one cent per 100 pounds on the quantity of beans specified by the producer on Commodity Purchase 1, as the maximum quantity he may deliver, or $1.50 whichever is greater. No refund of service fees will be made.

§ 276.211 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amount due prior lienholders. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

§ 276.212 *Loan and settlement rates*—(a) *Loan rate.* The loan rate shall be $5.00 per 100 pounds of sound beans.

(b) *Settlement rates.* Settlement rates f. o. b. railroad car on beans delivered at country shipping points by the producer to CCC in satisfaction of a loan or pursuant to a purchase agreement shall be as follows per 100 pounds net weight:

Class	*U. S. No. 1*
Pea and Medium White	$8.10
Great Northern:	
Idaho	7.70
Montana and all counties of Wyoming except Goshen, Laramie and Platte	7.80
Other areas	7.95
Small White and Flat Small White	8.30
Light Red Kidney, Dark Red Kidney and Western Red Kidney	9.60
Pinto:	
Idaho, Utah and counties of Dolores, Montezuma and San Miguel in Colorado	8.20
Class—Continued	
Pinto—Continued	
Montana; the counties of Alamosa, Archuleta, Chaffee, Custer, Conejos, Costilla, Delta, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, La Plata, Lake, Mesa, Mineral, Moffat, Montrose, Ouray, Park, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, and Summit in Colorado; all counties in Wyoming except Goshen, Laramie and Platte; and San Juan, Rio Arriba and Taos counties in New Mexico	$8.30
The counties of McKinley and Valencia in New Mexico	8.35
Other areas	8.45
Cranberry	8.95
Pink	8.40
Small Red	7.95
Baby Lima	8.35
Standard Lima	9.95

U. S. Choice Handpicked and U. S. Extra No. 1 Beans. Ten cents per 100 pounds net weight more than the applicable price for the same class of U. S. No. 1 beans set forth in this section.

U. S. No. 2 Beans. Fifteen cents per 100 pounds net weight less than the applicable price for the same class of U. S. No. 1 beans set forth in this section. If beans are delivered to a point not on a railroad the applicable settlement rate shall be reduced by the cost of transportation to the normal railroad shipping point.

§ 276.213 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding any other printed provisions of the note.

§ 276.214 *Transfer of producer's equity*—(a) *Loan.* The right of the producer to transfer either his right to redeem the beans under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his purchase agreement.

§ 276.215 *Safeguarding of the beans.* The producer obtaining a farm-storage loan is obligated to maintain the farm storage structures in good repair, and to keep the beans in good condition.

§ 276.216 *Insurance.* CCC will not require the producer to insure the beans placed under loan; however, if the producer does insure such beans such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the beans involved in the loss.

§ 276.217 *Loss or damage to the beans*—(a) *Farm-storage.* The producer is responsible for any loss in quantity or quality of the beans placed under farm storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer, and resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC in accordance with paragraph (c) of this section, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

(b) *Warehouse-storage.* In the case of loss or damage other than shrinkage to beans in warehouse storage the producer's account will be credited in the amount of such loss or damage in accordance with paragraph (c) of this section.

(c) *Credit for loss or damage.* The amount to be credited to the producer shall be determined by multiplying the number of cwt. of sound beans lost or destroyed by the settlement rate for U. S. No. 2 beans of the class lost or destroyed, except that if the warehouse receipt or an official inspection certificate covering the beans shows a grade of U. S. No. 2 or better, the amount credited shall be determined by multiplying the net weight of the beans lost or destroyed by the settlement rate for the class and grade of such beans.

§ 276.218 *Personal liability on loans.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the beans by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 276.219 *Maturity and satisfaction*—(a) *Loans.* Loans mature on demand but not later than April 30, 1949. In the case of farm storage loans, the producer is required to pay off his loan on or before maturity or to deliver the mortgage beans in accordance with instructions issued by the county committee. Credit will be given at the applicable settlement rate for the total net quantity of beans so delivered. If the settlement value of the beans delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the beans is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the beans may be delivered before the maturity date of the loan upon prior approval by the county committee.

In the case of warehouse-storage loans, if the producer does not repay his loan by maturity date, CCC shall have the right to process and sell the beans in satisfaction of the loan in accordance with the provisions of the note and loan agreement. If the warehouse receipt represents identical thresher-run lots of beans, the producer must arrange to resubmit warehouse receipts on cleaned and bagged beans after maturity date in accordance with instructions issued by the county committee.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase 1) will not be obligated to deliver any beans to CCC. However, the quantity of beans he specified in the purchase agreement will be the maximum quantity he may deliver to CCC. If the producer desires to deliver beans to CCC he shall, within 30 days following April 30, 1949, the maturity date of bean loans, or such earlier date as demand for payment of bean loans may be made, submit warehouse receipts representing eligible beans stored in eligible warehouse storage to the county committee for the quantity of such beans he elects to sell to CCC, or in the case of beans stored in other than eligible warehouse storage, he shall notify the county committee of his intentions to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery. Delivery of beans not stored in eligible warehouse storage shall be made as directed by CCC. When delivery is completed, payment will be made by sight draft drawn on CCC by the State PMA office on the basis of an approved Commodity Purchase 4. The producer shall direct on such form to whom payment of the purchase price shall be made. Eligible beans will be purchased on the basis of the weight and grade factors shown on the warehouse receipt and accompanying documents; or, if such beans are delivered to a CCC bin site, on the basis of the weight and grade determinations made by the county committee and approved by the producer.

§ 276.220 *Removal of the beans under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the beans and process them and sell them, either by separate contract or after pooling them with other lots of beans similarly held. The producer has no right of redemption after the beans are pooled, but shall share ratably in any overplus remaining on liquidation of the pool. CCC shall have the right to treat the pooled beans as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interest of the producers and consumers, and not unduly impair the market for the current crop of beans, even though part or all of such pooled beans are disposed of under such policies at prices less than the current domestic price for such beans. Any sum due the producer as a result of the sale of beans or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 276.221 *Release of the beans under loan.* The producer may at any time prior to delivery to CCC obtain release of the beans under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not affected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon repayment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county recording of fice records. Partial release of the beans prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of sound beans to be released. In case of warehouse-storage loans, each partial release must cover all beans under one warehouse receipt number.

§ 276.222 *Delivery of beans to CCC.* If beans are delivered by the producer to CCC pursuant to the purchase agreement or in satisfaction of a loan, the following terms and conditions shall apply with respect to packaging, quantity, quality, delivery point and charges:

(a) *Packaging.* Beans delivered to CCC shall be packed 100 pounds net in bags equal to or better than new bags made of 36-inch, 10.4 ounce A or B quality common jute or heavier weight jute, or new cotton bags, 36-inch 2.35 yard osnaburg or 40-inch 2.50 yard osnaburg; if new bags are not available No. 1 used bags made of 36-inch 10.4 ounce A and B quality jute or heavier, free of holes, patches, or other defects, satisfactory for the proper conservation of the product, and thoroughly cleaned before being filled may be used. Bag seams must be sufficiently strong to develop the full strength of the cloth. Bags will be marked as prescribed by CCC prior to delivery.

(b) *Determination of quantity.* The quantity of beans delivered to CCC from other than an approved warehouse will be determined on the basis of official weight at the point of delivery, evidenced by scale tickets, minus the tare weight of the sacks, and shall be approved by the producer. The quantity of beans delivered to CCC in an approved warehouse shall be the weight of beans specified in the warehouse receipts or supplemental certificate.

(c) *Determination of quality.* Beans shall be of the classes specified in § 276.205, grading U. S. No. 2 or better as defined by the U. S. Standards for Beans and as evidenced by a Federal or Federal-State inspection certificate, issued by or under the supervision of the Grain Branch, PMA.

(d) *Delivery point.* Beans shall be delivered in an approved warehouse, or to an assembly point, or f. o. b. cars, country shipping point, as specified by the county committee.

(e) *Charges.* All charges, including storage, cleaning, bagging, inspection fees, etc., incurred on beans up to the time of delivery to CCC shall be paid by the producer prior to such delivery or shall be deducted from the settlement value.

If beans are delivered to CCC in satisfaction of a loan which do not meet the requirements of paragraph (c) of this section, the quantity, quality, and settlement value shall be determined by or under the supervision of the appropriate CCC field office.

§ 276.223 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on CCC Commodity Form F, or such other form as CCC may prescribe, of all payments received on producers' notes held by them, and they are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the CCC field office serving the area.

§ 276.224 *CCC field offices.* The CCC field offices and the areas served by them, are shown below:

Address and Area
Chicago 5, Ill., 623 South Wabash Avenue: Michigan.
Dallas 2, Tex., 1114 Commerce Street: New Mexico.
Kansas City 6, Mo., 417 East Thirteenth Street: Colorado, Nebraska, and Wyoming.
Minneapolis 1, Minn., 328 McKnight Building: Minnesota, Montana, North Dakota, South Dakota and Wisconsin.
New York 4, N. Y., 67 Broad Street, Room 1304: New York.
Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho and Washington.
San Francisco 2, Calif., 30 Van Ness Avenue: Arizona, California, and Utah.

Issued this the 3d day of September, 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 3, 1948.

RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 48-8135; Filed, Sept. 9, 1948; 8:57 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

DELEGATION OF AUTHORITY TO DETERMINE SURPLUS AGRICULTURAL COMMODITIES UNDER SECTION 112 (D) OF FOREIGN ASSISTANCE ACT

I hereby delegate the authority to determine those commodities which are surplus agricultural commodities as defined in section 112 (d) of the Foreign Assistance Act of 1948 (Public Law 472, 80th Congress) to the Administrator of the Production and Marketing Administration to be exercised in conformity with standards and procedure prescribed by me.

This delegation of authority shall be effective as of August 11, 1948.

(R. S. 161; 5 U. S. C. 22)

Done at Washington, D. C., this 3d day of September, 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8137; Filed, Sept. 9, 1948; 8:57 a. m.]

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES CONSUMER STANDARDS FOR FRESH TOMATOES

On July 23, 1948, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 48-6633; 13 F. R. 4235), regarding proposed United States Consumer Standards for Fresh Tomatoes. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Consumer Standards for Fresh Tomatoes are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948).

§ 51.420 *Consumer standards for fresh tomatoes*—(a) *General.* (1) These standards apply only to field-grown tomatoes and not to tomatoes grown in greenhouses.

(b) *Grades*—(1) *U. S. Grade A.* U. S. Grade A shall consist of tomatoes of similar varietal characteristics which are mature and are at least turning (See Maturity Classification), but are not over-ripe or soft; which are well developed, at least fairly well formed, fairly smooth, free from soft rot, freezing injury, and from damage caused by dirt, bruises, cuts, shriveling, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, dry rot, other diseases, insects, hail, or mechanical or other means. Tomatoes on the shown face shall be reasonably representative in size and quality of the contents of the container. (See paragraph (c) of this section.)

(i) Incident to proper grading and handling, except for maturity, not more than 5 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the grade, including not more than 1 percent for tomatoes which are affected by soft rot.

(2) *U. S. Grade B.* U. S. Grade B shall consist of tomatoes of similar varietal characteristics which are mature and are at least turning (See Maturity Classification), but are not overripe or soft, and not badly misshapen; which are free from soft rot, freezing injury, and from serious damage caused by dirt, bruises, cuts, shriveling, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, dry rot, other diseases, insects, hail, or mechanical or other means. Tomatoes on the shown face shall be reasonably representative in size and quality of the contents of the container (See paragraph (c) of this section).

(i) Incident to proper grading and handling, except for maturity, not more than 5 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the grade, including not more than 1 percent for tomatoes which are affected by soft rot.

(c) *Size classification.* The following terms may be used for describing the size of the tomatoes in any lot:

Small	*Medium*
Under 3 oz.	3 to 6 oz., inc.
Large	*Very large*
Over 6 to 10 oz., inc.	Over 10 oz.

(1) The tomatoes may also be classed in terms of combinations of the above sizes, as "Small to Medium," "Medium to Large," "Small to Very Large," etc., in accordance with the facts.

(2) Incident to proper sizing, not more than 10 percent, by count, of the tomatoes in any lot may vary from the size specified.

(d) *Maturity classification.* Tomatoes which are characteristically red when ripe, but are not overripe or soft, may be classified for maturity as follows:

(1) Turning, when at least some part of the surface of the tomato, but less than one-half of the surface in the aggregate, is covered with pink color.

(2) Pink, when the tomato shows from one-half to three-fourths of the surface in the aggregate covered with pink or red color.

(3) Hard ripe, when the tomato shows three-fourths or more of the surface in the aggregate covered with pink or red color.

(4) Firm ripe, when the tomato shows three-fourths or more of the surface in the aggregate covered with red color characteristic of reasonably well ripened tomatoes.

(5) Incident to proper maturity determination, not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the maturity specified: *Provided*, That not more than 5 percent shall be allowed for tomatoes which are immature or are overripe or soft.

(e) *Off-grade tomatoes.* Tomatoes which fail to meet the requirements of either of the foregoing grades shall be Off-Grade tomatoes.

(f) *Definitions.* (1) "Similar varietal characteristics" means that the tomatoes are alike as to color, i. e., bright red varieties shall not be mixed with varieties which have a purplish tinge.

(2) "Mature" means that the tomato has reached the stage of development which will insure a proper completion of the ripening process.

(3) "Well developed" means that the tomato shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue and usually open spaces, are not considered well developed.

(4) "Fairly well formed" means that the tomato is not decidedly kidney-shaped, lopsided, elongated, angular, or otherwise deformed.

(5) "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

(6) "Damage" means any defect which materially affects the appearance, or edible, shipping or keeping quality of the tomatoes. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Cuts which are not shallow, not well healed, or when more than ½ inch in length.

(ii) Puffiness if the open space in one or more locules materially affects the appearance when the tomato is cut through the center at right angles to a line running from the stem to the blossom end.

(iii) Catfaces: These are irregular, dark, leathery scars at the blossom end of the fruit. Such scars damage the tomato when they are rough or deep, or when channels extend into the locule, or when they are fairly smooth and greater in area than a circle ⅜ inch in diameter on a 2½ inch tomato. Smaller tomatoes shall have lesser areas of fairly smooth catfaces and larger tomatoes may have greater areas, provided that such catfaces do not affect the appearance of the tomatoes to a greater extent than that caused by fairly smooth catfaces which are permitted on a 2½ inch tomato.

(iv) Growth cracks: These are ruptures or cracks radiating from the stem scar, or concentric to the stem scar. They damage the tomato when not well healed, or when more than ½ inch in length measured from the margin of the stem scar; except that very narrow, well healed cracks concentric to the stem scar shall not be considered as damage unless they are so numerous as to damage the appearance of the fruit.

(v) Scars (except catfaces), when dark colored and shallow and aggregating more than ¼ inch in diameter on a tomato 2½ inches in diameter, or lighter colored shallow scars covering a greater area when they detract from the appearance to a greater extent than a dark-colored, shallow scar ¼ inch in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided*, That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a 2½-inch tomato. A scar which penetrates the wall of the tomato shall be considered as damage.

(vi) Dry rot such as dry type Macrosporium or Phoma, when the spot is not adjacent to the stem scar, or when adjacent to the stem scar and more than 3/16 inch in diameter.

(7) "Badly misshapen" means that the tomato is so badly deformed that its appearance is seriously affected.

(8) "Serious damage" means any defect which seriously affects the appearance, or edible, shipping, or keeping quality of the tomatoes. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Soft ripe tomatoes or tomatoes affected by soft rot.

(ii) Fresh holes or cuts, or any holes or cuts through the tomato wall, or healed cuts which seriously affect the appearance of the tomato.

(iii) Tomatoes showing any effects of freezing.

(iv) Puffiness which causes the tomato to be distinctly light in weight.

(v) Growth cracks, when not well healed, or when so extensive, deep or discolored that the appearance of the tomato is seriously affected.

(vi) Scars (except catfaces), when dark colored and shallow and aggregating more than ½ inch in diameter on a tomato 2½ inches in diameter, or lighter colored, shallow scars covering a greater area when they detract from the appearance to a greater extent than a dark-colored, shallow scar ½ inch in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas, provided that such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a 2½ inch tomato.

(vii) Dry rot such as dry type Macrosporium or Phoma, when the spot is not adjacent to the stem scar, or when adjacent to the stem scar and more than ¼ inch in diameter.

(viii) Fruit actually infested with worms.

(g) *Effective time.* The United States Consumer Standards for Fresh Tomatoes contained in this section shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

(Pub. Law 712, 80th Cong.)

Done at Washington, D. C., this 3d day of September 1948.

[SEAL] JOHN I. THOMPSON,
Administrator, Production and Marketing Administration.

[F. R. Doc. 48-8132; Filed, Sept. 9, 1948; 8:56 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS FOR THE 1949 AND SUCCEEDING CROP YEARS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect with respect to continuous cotton crop insurance contracts for the 1949 and succeeding crop years, until amended or superseded by regulations hereafter made.

To the extent stated in § 419.15 the provisions of this subpart supersede the Cotton Crop Insurance Regulations for Continuous Contracts For the 1948 and Succeeding Crop Years (Yield Insurance) (12 F. R. 8061).

Sec.

419.1 Availability of cotton crop insurance.
419.2 Coverages per acre.
419.3 Premium rates.
419.4 Application for insurance.
419.5 The contract.
419.6 Person to whom indemnity shall be paid.
419.7 Public notice of indemnities paid.
419.8 Death, incompetence, or disappearance of insured.
419.9 Fiduciaries.
419.10 Assignment or transfer of claims for refunds of excess note payments not permitted.
419.11 Refund of excess note payments in case of death, incompetence or disappearance.
419.12 Creditors.
419.13 Partial insurance protection.
419.14 Rounding of fractional units.
419.15 Changes in continuous contracts for the 1948 and succeeding crop years.
419.16 The commodity coverage policy.
419.17 The monetary coverage policy.

AUTHORITY: §§ 419.1 to 419.17, inclusive, issued under secs. 506 (e), 507 (c), 508, 509, and 516 (b), 52 Stat. 73-75, 77, 61 Stat. 718; 7 U. S. C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).

§ 419.1 *Availability of cotton crop insurance.* (a) Cotton crop insurance under continuous contracts for the 1949 and succeeding crop years will be provided only in accordance with this subpart in not to exceed 56 counties. A list of these counties will be published by amendment to this section.

(b) Insurance on either a commodity coverage basis or a monetary coverage basis may be offered under this subpart. However, insurance on only one such basis will be provided in a county. The type of coverage applicable to each county will be designated (1) by the Corporation and shown on the county actuarial table and (2) by amendment to this section.

(c) Insurance will not be provided with respect to applications for cotton insurance filed in a county in accordance with this subpart unless such written applications, together with cotton crop insurance contracts in force for the ensuing crop year, cover at least 200 farms in the county or one-third of the farms normally producing cotton. For this purpose an insurance unit shall be counted as one farm.

§ 419.2 *Coverages per acre.* The Corporation shall establish coverages per acre by areas which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act. Coverages so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect. The coverage per acre for any specific acreage shall be the coverage (for the applicable farming practice, if any) approved by the Corporation for the coverage and rate area in which the acreage is located.

§ 419.3 *Premium rates.* The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for cotton crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect. The premium rate per acre for any specific acreage shall be the premium rate (for the applicable farming practice, if any) approved by the Corporation for the coverage and rate area in which the acreage is located.

§ 419.4 *Application for insurance.* Application for insurance on a form entitled "Application for Cotton Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, tenant, or sharecropper, in a cotton crop. For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year.

(a) January 31 for Lubbock County, Texas.

(b) March 25 for Pinal County, Arizona; Tulare County, California; Chaves County, New Mexico; and Reeves County, Texas.

(c) March 31 for Houston County, Alabama; Burke and Dooly Counties, Georgia; Bienville, Caddo, Natchitoches, and Richland Parishes, Louisiana; Covington and Walthall Counties, Mississippi; and Bell, Collin, Ellis, Fannin, Hill, McLennan, Red River, and Williamson Counties, Texas.

(d) April 10 for all other counties.

§ 419.5 *The contract.* Upon acceptance of an application for insurance by a duly authorized representative of the Corporation, the contract shall be in effect and will consist of the application and the policy issued by the Corporation. The provisions of the commodity coverage policy are shown in § 419.16 and the provisions of the monetary coverage policy are shown in § 419.17.

§ 419.6 *Person to whom indemnity shall be paid.* (a) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under the provisions of this subpart, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered, or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable in accordance with the provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(b) The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which indemnity payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive and payment of an indemnity to such person(s) shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

§ 419.7 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 419.8 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after planting the cotton crop in any year but before the time of loss, and his insured interest in the cotton crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified the indemnity shall be paid to the persons beneficially entitled to share in the insured interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That if the indemnity exceeds $500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent or disappears after the planting of the cotton crop in any year but before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in section 21 of the cotton crop insurance policy.

(c) If an applicant for insurance or the insured, as the case may be, dies, is judicially declared incompetent, or disappears less than 15 days before the applicable calendar closing date for the filing of applications for insurance in any year, and before the beginning of planting of the cotton crop in such year, whoever succeeds him on the farm with the right to plant the cotton crop as his heir or heirs, administrator, executor, guardian, committee, or conservator, shall be substituted for the original applicant or the insured upon filing with the county office before the beginning of planting, a statement in writing in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant or the insured arising out of such application or the contract: *Provided, however,* That any substitution made pursuant to this paragraph shall be effective only with respect to the cotton crop to be planted in the ensuing crop year, and the contract shall terminate at the end of such year. If no such statement is filed, as required by this paragraph, the original application or contract shall be void.

(d) In case of death of the insured after the planting of the cotton crop is begun for any crop year, any additional acreage of cotton which is planted for the insured's estate for that crop year shall be covered by the contract.

(e) Subject to the provisions of paragraph (a) of this section, the contract shall terminate upon death, judicial declaration of incompetence, or disappearance of the insured, except that if such death, judicial declaration of incompetence, or disappearance occurs after the planting of the cotton crop in any crop year but before the end of the insurance period for such year, the contract shall terminate at the end of such insurance period.

(f) The insured shall be deemed to have disappeared within the meaning of this subpart if he fails to file with the county office written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the last known address of the insured.

§ 419.9 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under this subpart to the insured interest in the crop, to the extent of their respective interest, upon proper application and proof of the facts: *Provided, however,* That the settlement may be made with any one or more of the persons on behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 419.10 *Assignment or transfer of claims for refunds of excess note payments not permitted.* No claim for a refund of an excess note payment or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment under the contract or any transfer of interest in any cotton crop covered by the contract. Refund of any excess note payment will be made only to the person who made such payment, except as provided in § 419.11.

§ 419.11 *Refund of excess note payments in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of an excess note payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 419.8 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

§ 419.12 *Creditors.* An interest (including an involuntary transfer) in an insured cotton crop because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract.

§ 419.13 *Partial insurance protection.* (a) An applicant may elect to apply for one-half of the maximum protection available under the contract. This election may be made only on an application for insurance filed on or before the closing date for filing applications.

(b) An insured may elect, subject to approval by the Corporation, to change from maximum protection to one-half of the maximum protection available under the contract or to change from one-half protection to maximum protection. Request for such change shall be made in writing and filed with the Corporation on or before December 31 of any year. Upon approval by the Corporation, the change shall become effective beginning with the next succeeding crop year after the election.

§ 419.14 *Rounding of fractional units.* In the case of commodity coverage insurance, the premium and the total coverage shall be rounded to the nearest pound. In the case of monetary coverage insurance, the premium, the total coverage and the value of the total production shall be rounded to the nearest cent. In any case, total production shall be rounded to the nearest pound. Fractions of acres shall be rounded to the nearest tenth of an acre. Computations shall be carried one digit beyond the digit that is to be rounded. If the last digit is 1, 2, 3, or 4, the rounding shall be downward but if such digit is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 419.15 *Changes in continuous contracts for the 1948 and succeeding crop years.* If the insured had a continuous cotton crop insurance contract in force for the 1948 and succeeding crop years, and the contract has not been canceled pursuant to § 419.54 of the applicable regulations (12 F. R. 8061) the contract for the 1949 and succeeding crop years shall consist of the previously accepted application for insurance and the policy issued in accordance with this subpart. Notice of changes in 1948 contracts for the 1949 crop year shall be mailed to the insured on or before December 15, 1948.

§ 419.16 *The commodity coverage policy.* The provisions of the commodity coverage policy are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

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Name Policy number

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Address County State

(hereinafter designated as the insured) against loss of lint cotton production on his cotton crop while in the field, due to unavoidable causes including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. (For irrigated acreage, see section 31.) In witness whereof, The Federal Crop Insurance Corporation has caused this policy to be issued this ------ day of ------ 19---.

FEDERAL CROP INSURANCE CORPORATION,
By ----------
State Crop Insurance Director

TERMS AND CONDITIONS

1. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage is established therefor for that crop year on the county actuarial table (including maps and related forms) before the applicable calendar closing date for filing applications for insurance, provided the farming practice followed on such acreage is one for which a coverage was established.

2. *Responsibility of insured to report acreage and interest.* (a) Promptly after planting a cotton crop each year, the insured shall submit to the Corporation, on a form entitled "Cotton Crop Insurance Acreage Report," a report over his signature, of all acreage in the county planted to cotton in which he has an interest at the time of planting. This report shall show the acreage of cotton for each insurance unit and his interest in each at the time of planting. If the insured does not have an insurable interest in cotton planted in any year, the acreage report shall nevertheless be submitted promptly after the planting of cotton is generally completed in the county. Any acreage report submitted by the insured shall be considered final and not subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after cotton planting is generally completed in the county, as determined by the Corporation.

(c) Failure of the county office to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

3. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the acreage of cotton planted as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage planted to cotton which is destroyed or substantially destroyed (as defined in section 15) and on which it is practical to replant to cotton, as determined by the Corporation, and such acreage is not replanted to cotton, (b) any acreage initially planted to cotton too late to expect a normal crop to be produced as determined by the Corporation, (c) new ground acreage planted to cotton the first year of cultivation, and (d) any acreage planted to cotton following in the same crop year a small grain crop which reaches the heading stage. (For irrigated acreage, see section 31.)

4. *Insured interest.* The insured interest in the cotton crop covered by the contract shall be the interest of the insured at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest whichever occurs first.

5. *Coverage per acre.* (a) The coverage per acre is progressive by stages of production and shall be that approved by the Corporation for the area in which the insured acreage is located, and shall be shown by practice(s) on the county actuarial table which shall be on file in the county office. There are four stages of production as follows:

First stage. After it is too late to plant cotton but before the first cultivation.

Second stage. After the first cultivation but before laying by;

Third stage. After laying by but before harvest; and

Fourth stage. After harvest and to the end of the insurance period.

(b) If the cotton crop on any acreage is destroyed or substantially destroyed, as defined in section 15, the coverage applicable thereto shall be that established for the area in which the acreage is located and for the stage of production reached by the crop at the time of destruction or substantial destruction.

6. *Fixed price.* The fixed price per pound for any crop year shall be 90 percent of the parity price of cotton as officially determined by the Secretary of Agriculture for November 15 preceding the crop year, with differentials as determined by the Corporation for the applicable grade and staple and the location of the insurance unit. Each year the amount of the premium and the indemnity, if any, shall be determined by using the fixed price per pound for such year. This price shall be on file in the county office not later than December 15 preceding the crop year for which it applies.

7. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the cotton is planted. Insurance shall cease with respect to any portion of the cotton crop covered by the contract upon removal from the field, upon being housed, or upon disposal of the unharvested crop or transfer of interest in unharvested cotton after harvest has commenced, but in no event shall the insurance remain in effect later than the applicable date set forth as the end of the insurance period in section 32, unless such time is extended in writing by the Corporation.

8. *Life of contract, cancellation thereof.* (a) Subject to the provisions of paragraph (d) of this section, the contract shall be in effect for the 1949 crop year and shall continue in effect for each succeeding crop year until either party gives to the other party, on or before December 31 of any year, written notice of cancellation, effective at the beginning of the next succeeding crop year after the calendar year in which notice is given. Any notice of cancellation given by the insured to the Corporation shall be submitted in writing to the county office.

(b) If the insured cancels the contract, he shall not be eligible for cotton crop insurance for the next succeeding crop year unless he subsequently files an application for insurance on or before December 31 preceding such crop year.

(c) If for two consecutive crop years no cotton in which the insured has an insurable interest is planted in the county, the contract shall terminate.

(d) If the minimum participation requirement as established by the Corporation is not met for any year, the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding applicable closing date the contract shall continue to be in force.

9. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured on or before December 15 preceding the crop year for which such changes are to become effective. Failure of the insured to cancel the contract as provided in section 8 shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

10. *Causes of loss not insured against.* The contract shall not cover loss of production caused by: (a) failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of defective or unadapted seed, failure to plant a sufficient quantity of seed, failure properly to prepare the land for planting, or properly to plant, care for or harvest (including unreasonable delay thereof) the insured crop; (c) following different fertilizer or farming practices than those considered in establishing the coverage; (d) planting cotton on land which is generally considered incapable of producing a cotton crop comparable to that produced on the land considered in establishing the coverage; (e) planting cotton on land following peanuts harvested for nuts; (f) planting a variety of cotton which differs materially in yield from the variety considered in establishing the coverage for the land; (g) planting excessive acreage under abnormal conditions; (h) planting another crop (except winter legumes) in the growing cotton crop; (i) planting cotton under conditions of immediate hazard; (j) inability to obtain labor, seed, fertilizer, machinery, repairs or insect poison; (k) break-down of machinery or failure of equipment due to mechanical defects; (l) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper, or wage hand; (m) domestic animals; (n) action of any person, or State, county, or municipal government, in the use of chemicals for the control of noxious weeds; or (o) theft.

11. *Partial insurance protection.* If the accepted application provides for partial insurance protection, the premium and any indemnity shall be one-half of the amount otherwise commuted in accordance with the contract.

12. *Amount of annual premium.* The premium rate per acre will be the applicable number of pounds of lint cotton established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (a) the insured acreage of cotton, (b) the applicable premium rate(s), (c) the insured interest in the crop at the time of planting, and (d) the fixed price. However, the amount of the premium so determined for an insurance unit shall not exceed 50 percent of the result obtained by multiplying (a) the insured acreage by (b) the applicable coverage per acre by (c) the insured interest in the crop and by (d) the fixed price. There will be a reduction in the annual premium for each insurance unit of two percent in cases where the insured acreage on the insurance unit is as much as 50 acres and does not exceed 99.9 acres, and an additional two percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the cotton crop on such acreage is planted.

13. *Manner of payment of premium.* (a) The applicant executes a premium note by signing the application for cotton crop insurance. This note represents a promise to pay to the Corporation annually during the life of the contract, on or before the applicable maturity date shown in section 32 the premium for all insurance units covered by the contract.

(b) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before December 31 following the maturity date, and an additional three percent on the principal amount unpaid at the end of each six-month period thereafter.

(c) Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payments tendered shall not be regarded as paid unless collection is made.

(d) Any unpaid amount of any annual premium note plus any interest due may be deducted (either before or after the date of maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

14. *Notice of loss or damage.* (a) Unless otherwise provided by the Corporation, if a loss under the contract is probable, notice in writing shall be given the Corporation at the county office immediately after any material damage to the insured crop. The crop shall not be harvested, removed, or any other use made of it until it has been inspected by the Corporation.

(b) Unless otherwise provided by the Corporation, if, at the completion of harvest of the insured cotton crop, or at the end of the insurance period, whichever is earlier, a loss under the contract has been sustained, or is probable, notice in writing shall be given immediately to the Corporation at the county office. If such notice is not given within 15 days after harvest is completed, or by the end of the insurance period, whichever is earlier, the Corporation reserves the right to reject any claim for indemnity. This notice is in addition to any notice required by paragraph (a) of this section.

15. *Released acreage and released crop.* (a) Any insured acreage on which the cotton crop has been destroyed or substantially destroyed may be released by the Corporation. The cotton crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the land is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof. No insured acreage may be planted to a substitute crop or put to another use until the Corporation releases such acreage. On any acreage where the cotton has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation. All acreage of cotton on the insurance unit, which is not released earlier, shall be deemed to be released upon the signing of a statement in proof of loss for such unit by the insured and the local representative of the Corporation.

(b) At the end of the insurance period and as a basis for determining the amount of loss, if any, under the contract the cotton crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

16. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period, unless the entire cotton crop on the insurance unit was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage, as determined by the Corporation.

17. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the actual production of cotton on the insurance unit, the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the causes of loss not insured against by the contract. The cotton stalks on any acreage with respect to which a loss is claimed, shall not be destroyed until the Corporation makes an inspection.

18. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 19 (b). An insurance unit consists of all insurable acreage in the county (a) in which the insured has 100 percent interest, plus any acreage owned by him and worked for him by sharecroppers, or (b) which is owned by the insured and rented to one tenant, or (c) which is owned by one person and operated by the insured as a tenant, or (d) which is owned by one person and worked by the insured as a sharecropper. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

For any crop year of the contract, acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table.

19. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the planted acreage for such unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre and subtracting therefrom the total production for the planted acreage and multiplying the remainder by the insured interest. However, if the planted acreage on the insurance unit exceeds the insured acreage on the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the insured acreage to the planted acreage, or if the premium computed for the acreage and interest shown on the acreage report is less than the premium computed for the planted acreage the amount of loss determined for the planted acreage may be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage, if the Corporation so elects. The total production for an insurance unit shall include:

(1) All harvested cotton (not subsequently destroyed by a cause insured against before being housed or removed from the field);

(2) The amount by which the appraised production of lint cotton exceeds the amount of insurance, for any acreage released by the Corporation because of damage occurring in the second stage of production;

(3) The appraised production of lint cotton for any acreage which is released by the Corporation because of damage occurring in the third stage of production, as determined by the Corporation, and the appraised production of lint cotton for any other acreage which is not harvested, except acreage which is released because of damage occurring in the first or second stage of production;

(4) The appraised unharvested production of lint cotton on acreage which reaches the fourth stage of production;

(5) The appraised production of lint cotton for any portion of the insured cotton acreage that is put to another use without the consent of the Corporation, but not less than the product of (i) such acreage and (ii) the coverage per acre applicable to such acreage in the fourth stage of production;

(6) The appraised number of pounds of lint cotton by which production on any acreage has been reduced solely because of any cause not insured against, but not less than the product of (i) such acreage and (ii) the coverage per acre applicable to such acreage in the fourth stage of production minus any quantity of lint cotton harvested from such acreage and the lint cotton equivalent of any quantity of cotton not harvested from such acreage and remaining in the field; and

(7) The appraised number of pounds of lint cotton by which production on any acreage has been reduced because of any cause not insured against, where damage on such acreage has resulted from a cause insured against and a cause not insured against.

(b) If the production from two or more insurance units is commingled and the insured fails to establish and maintain records satisfactory to the Corporation of acreage or the production from each, the insurance with respect to such units may be voided by the Corporation for the crop year and the premium forfeited by the insured. However, if all the acreage from which production is commingled is insured, the total coverage for the insurance units from which the production is commingled may be considered as the total coverage for the combination, if the Corporation so elects, in which case any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of uninsured acreage and production therefrom and for one or more insurance units or portions thereof, any production from such acreage which is commingled with production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation for the crop year and the premium forfeited by the insured.

(c) The cash amount of the indemnity shall be determined by multiplying the amount of the loss in pounds by the fixed price.

20. *Payment of indemnity.* (a) Indemnities shall be paid only by check. The amount of indemnity for which the Corporation may be liable will be payable within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damages on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium plus any interest due or any other obligation of the insured to the Corporation.

(c) Any indemnity payable under the contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

21. *Payment to transferee.* (a) If the insured transfers all or a part of his insured interest in a cotton crop before the beginning of harvest or the time of loss, whichever occurs first, he shall immediately notify the Corporation thereof in writing at the county office. The transferee under such a transfer will be entitled to the benefits of the contract with respect to the interest so transferred, provided the transferee immediately following the transfer makes suitable arrangements with the Corporation for the payment of any premium with respect to the interest so transferred, whereupon the transferee and the transferor shall be jointly and severally liable for the amount of such premium. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 25. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

(b) An involuntary transfer of an insured interest in a cotton crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract.

(c) Any deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium plus any interest due on the land involved in the transfer for the crop year in which the transfer is made, plus the unpaid amount of any other obligation of the transferee to the Corporation.

(d) If, as a result of any transfer, diverse interests appear with respect to any insurance unit, any indemnity payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

(e) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

22. *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a part of the cotton crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of the contract will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of an indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

23. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where an indemnity is paid to the insured by another Government agency because of damage to the cotton crop, the Corporation reserves the right to determine its liability under the contract taking into consideration the amount paid by such other agency.

24. *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

25. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized, including the right of the assignee to submit a "Statement in Proof of Loss" if the insured refuses to submit or disappears without having submitted such statement.

26. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all cotton produced on each insurance unit covered by the contract, and on any uninsured acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may be reasonably required, any person(s) designated by the Corporation shall have access to the farm(s).

27. *Voidance of contract.* The contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if (a) at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interest in the cotton crop covered thereby, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the cotton crop covered thereby, whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

28. *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

29. *General.* (a) In addition to the terms and provisions in the application and policy, the Cotton Crop Insurance Regulations for Continuous Contracts for The 1949 and Succeeding Crop Years (7 CFR, Part 419, § 419.1–419.17) shall govern with respect to (1) death, incompetence, or disappearance of the insured, (2) fiduciaries, (3) prohibition against assignment or transfer of claims for refunds, (4) rounding of fractional units, (5) creditors, (6) minimum participation requirements and (7) changes from or to partial insurance protection.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

30. *Meaning of terms.* For the purpose of the cotton crop insurance program, the terms:

(a) "Contract" means the accepted application for insurance and this policy.

(b) "Cotton crop" means only American Upland cotton and does not include cotton planted primarily for experimental purposes.

(c) "County" means the area commonly designated as such, and includes a parish in Louisiana.

(d) "County Actuarial Table" means the form and related material (including the crop insurance maps) approved by the Corporation for listing the coverage per acre and the premium rates per acre, applicable in the county.

(e) "County Office" means the office of the County Agricultural Conservation Association in the county or other office specified by the Corporation.

(f) "Crop year" means the period beginning with the day following the applicable closing date for the filing of applications for insurance for any year and within which the cotton crop is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is planted.

(g) "First cultivation" means the first tillage of the cotton after it is up, which must be performed with an implement (other than a spike tooth or section harrow, rotary hoe, or stalk cutter) designed for use on individual cotton rows for the purpose of working the ground close to the plants.

(h) "Harvest" means the removal of seed cotton from the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means. For the purpose of determining the stage of production, any acreage which has been harvested one time, as determined by the Corporation, shall be considered as harvested unless such acreage is determined by the Corporation to have been destroyed or substantially destroyed in an earlier stage.

(i) "Laying by" means the completion of the final cultivation, consistent with good farming practice, that would be necessary to carry the crop to harvest.

(j) "New ground acreage" in all states except Arizona, California, and New Mexico, means acreage on which it was necessary to remove or deaden timber and remove undergrowth to carry out established cultural practices. Pasture land, other than woodland pasture, cleared of underbrush and brought into cultivation will not be considered new ground acreage. In Arizona, California, and New Mexico, "new ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except that acreage in tame hay or rotation pasture during the previous crop year shall not be considered new ground acreage.

(k) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and, wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(l) "Sharecropper" means a person who works a farm in whole or in part under the supervision of the operator and with workstock and equipment not furnished by himself and is entitled to receive a share of the cotton crop produced thereon or of the proceeds therefrom.

(m) "State Director" means the representative of the Corporation responsible for the executive direction of the Federal crop insurance program in the state.

(n) "Tenant" means a person other than a sharecropper who rents land from another person and works the cotton crop with workstock and equipment furnished by himself,

and is entitled under a written or oral lease or agreement to receive a share of the crop or proceeds therefrom produced on such land.

31. *Irrigated acreage.* (a) In addition to the provisions of section 3, where insurance is written on an irrigated basis the following provisions shall apply:

(1) In areas where a part of the cotton is normally irrigated and a part is not normally irrigated, the acreage of cotton which shall be insured on an irrigated basis in any year shall not exceed the smaller of (i) that acreage which could be irrigated in a normal year with the facilities available or (ii) that acreage on which one preplanting irrigation of at least three acre-inches is carried out.

(2) Insurance shall not attach with respect to acreage planted to cotton the first year after being leveled.

(b) In addition to the causes of loss insured against shown on the first page of this policy the contract shall cover loss in production due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured, including (1) lowering of the water level in pump wells adequate at the beginning of the growing season to the extent that either deepening the well or drilling a new well would be necessary to obtain an adequate supply of water, (2) failure of public power used for pumping or failure of an irrigation district or water company to deliver water where such failure is not within the control of the insured, and (3) the collapse of casing in wells.

(c) In addition to the causes of loss not insured against shown in section 10, the contract shall not cover loss in production caused by (1) failure properly to apply adequate irrigation water to cotton when needed and in accordance with recognized good farming practices for the area, (2) failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells when such adjustments can be made without deepening the well, (3) failure properly to apply irrigation water to cotton in proportion to the need of the crop and the amount of water available for all irrigated crops, and (4) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which could be reasonably expected.

32. *Date table.* For each year of the contract the maturity date, the end of the insurance period and the cancellation date are as follows:

State and county [1]	Maturity date	End of insurance period [2]	Cancelation date
Alabama:			
Houston	Aug. 31	Oct. 31	Dec. 31.
Chilton	do	Nov. 15	Do.
Tuscaloosa	do	do	Do.
All others	do	Dec. 15	Do.
Arizona	Sept. 30	Jan. 31	Do.
Arkansas:			
Crittenden	Aug. 31	Dec. 31	Do.
Lawrence	do	do	Do.
All others	do	Dec. 15	Do.
California	Sept. 30	Jan. 31	Do.
Georgia:			
Burke	Aug. 31	Nov. 30	Do.
Dooly	do	Oct. 31	Do.
All others	do	Dec. 15	Do.
Louisiana	do	Nov. 30	Do.
Missouri	do	Dec. 31	Do.
Mississippi:			
Covington	do	Oct. 31	Do.
Holmes	do	Nov. 30	Do.
Lee	do	do	Do.
Walthall	do	Oct. 31	Do.
All others	do	Dec. 15	Do.
North Carolina	do	Dec. 31	Do.
New Mexico	Sept. 30	do	Do.
Oklahoma	Aug. 31	do	Do.

[1] If no county name(s) appears for a State, the dates shown for such State are applicable to all cotton crop insurance counties in that State.

[2] See section 7.

State and county [1]	Maturity date	End of insurance period [2]	Cancelation date
South Carolina:			
Orangeburg	Aug. 31	Nov. 30	Dec. 31.
All others	do	Dec. 15	Do.
Tennessee:			
Lauderdale	do	Dec. 31	Do.
McNairy	do	Dec. 15	Do.
Texas:			
Collin	do	do	Do.
Fannin	do	do	Do.
Lubbock	do	Dec. 31	Do.
Red River	do	Dec. 15	Do.
Reeves	Sept. 30	Dec. 31	Do.
All Others	Aug. 31	Nov. 30	Do.

§ 419.17 *The monetary coverage policy.* The provisions of the monetary coverage policy are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

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Name Policy number

---------- ---------- ----------
Address County State

(hereinafter designated as the insured) against loss of lint cotton production on his cotton crop while in the field, due to unavoidable causes including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. (For irrigated acreage, see section 31.) In witness whereof, The Federal Crop Insurance Corporation has caused this policy to be issued this ------ day of ---------- 19----.

FEDERAL CROP INSURANCE CORPORATION,
By ----------
State Crop Insurance Director

TERMS AND CONDITIONS

1. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage is established therefor for that crop year on the county actuarial table (including maps and related forms) before the applicable calendar closing date for filing applications for insurance, provided the farming practice followed on such acreage is one for which a coverage was established.

2. *Responsibility of insured to report acreage and interest.* (a) Promptly after planting a cotton crop each year, the insured shall submit to the Corporation, on a form entitled "Cotton Crop Insurance Acreage Report," a report over his signature, of all acreage in the county planted to cotton in which he has an interest at the time of planting. This report shall show the acreage of cotton for each insurance unit and his interest in each at the time of planting. If the insured does not have an insurable interest in cotton planted in any year, the acreage report shall nevertheless be submitted promptly after the planting of cotton is generally completed in the county. Any acreage report submitted by the insured shall be considered final and not subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after cotton planting is generally completed in the county, as determined by the Corporation.

(c) Failure of the county office to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

3. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the acreage of cotton planted as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage planted to cotton which is destroyed or substantially destroyed (as defined in section 15) and on which it is practical to replant to cotton, as determined by the Corporation, and such acreage is not replanted to cotton, (b) any acreage initially planted to cotton too late to expect a normal crop to be produced as determined by the Corporation, (c) new ground acreage planted to cotton the first year of cultivation, and (d) any acreage planted to cotton following in the same crop year a small grain crop which reaches the heading stage. (For irrigated acreage, see section 31.)

4. *Insured interest.* The insured interest in the cotton crop covered by the contract shall be the interest of the insured at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest, whichever occurs first.

5. *Coverage per acre.* (a) The coverage per acre is progressive by stages of production and shall be that approved by the Corporation for the area in which the insured acreage is located and shall be shown by practice(s) on the county actuarial table which shall be on file in the county office. There are four stages of production as follows:

First stage. After it is too late to plant cotton but before the first cultivation.

Second stage. After the first cultivation but before laying by;

Third stage. After laying by but before harvest; and

Fourth stage. After harvest and to the end of the insurance period.

(b) If the cotton crop on any acreage is destroyed or substantially destroyed, as defined in section 15, the coverage applicable thereto shall be that established for the area in which the acreage is located and for the stage of production reached by the crop at the time of destruction or substantial destruction.

6. *Predetermined price.* In determining any loss under the contract, production shall be evaluated at a predetermined price per pound which the Corporation shall establish annually for the applicable crop year. The predetermined price for the 1949 crop year shall be $0.27 per pound. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured not later than December 15 preceding the crop year for which it applies.

7. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the cotton is planted. Insurance shall cease with respect to any portion of the cotton crop covered by the contract upon removal from the field, upon being housed, or upon disposal of the unharvested crop or transfer of interest in unharvested cotton after harvest has commenced, but in no event shall the insurance remain in effect later than the applicable date set forth as the end of the insurance period in section 32, unless such time is extended in writing by the Corporation.

8. *Life of contract, cancellation thereof.* (a) Subject to the provisions of paragraph (d) of this section, the contract shall be in effect for the 1949 crop year and shall continue in effect for each succeeding crop year until either party gives to the other party, on or before December 31 of any year, written notice of cancelation, effective at the beginning of the next succeeding crop year after the calendar year in which notice is given. Any notice of cancelation given by the insured to the Corporation shall be submitted in writing to the county office.

(b) If the insured cancels the contract, he shall not be eligible for cotton crop insurance for the next succeeding crop year unless he subsequently files an application for insurance on or before December 31 preceding such crop year.

(c) If for two consecutive crop years no cotton in which the insured has an insurable interest is planted in the county, the contract shall terminate.

(d) If the minimum participation requirement as established by the Corporation is not met for any year, the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding applicable closing date the contract shall continue to be in force.

9. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured on or before December 15 preceding the crop year for which such changes are to become effective. Failure of the insured to cancel the contract as provided in section 8 shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

10. *Causes of loss not insured against.* The contract shall not cover loss of production caused by: (a) failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of defective or unadapted seed, failure to plant a sufficient quantity of seed, failure properly to prepare the land for planting, or properly to plant, care for or harvest (including unreasonable delay thereof) the insured crop; (c) following different fertilizer or farming practices than those considered in establishing the coverage; (d) planting cotton on land which is generally considered incapable of producing a cotton crop comparable to that produced on the land considered in establishing the coverage; (e) planting cotton on land following peanuts harvested for nuts; (f) planting a variety of cotton which differs materially in yield from the variety considered in establishing the coverage for the land; (g) planting excessive acreage under abnormal conditions; (h) planting another crop (except winter legumes) in the growing cotton crop; (i) planting cotton under conditions of immediate hazard; (j) inability to obtain labor, seed, fertilizer, machinery, repairs or insect poison; (k) break-down of machinery or failure of equipment due to mechanical defects; (l) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper, or wage hand; (m) domestic animals; (n) action of any person, or State, county, or municipal government, in the use of chemicals for the control of noxious weeds; or (o) theft.

11. *Partial insurance protection.* If the accepted application provides for partial insurance protection, the premium and any indemnity shall be one-half of the amount otherwise computed in accordance with the contract.

12. *Amount of annual premium.* The premium rate per acre will be the applicable number of dollars established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (a) the insured acreage of cotton, (b) the applicable premium rate(s) and (c) the insured interest in the crop at the time of planting. However, the amount of the premium so determined for an insurance unit shall not exceed 50 percent of the result obtained by multiplying (a) the insured acreage by (b) the applicable coverage per acre and by (c) the insured interest in the crop.

There will be a reduction in the annual premium for each insurance unit of two percent in cases where the insured acreage on the insurance unit is as much as 50 acres and does not exceed 99.9 acres, and an additional two percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the cotton crop on such acreage is planted.

13. *Manner of payment of premium.* (a) The applicant executes a premium note by signing the application for cotton crop insurance. This note represents a promise to pay to the Corporation annually during the life of the contract, on or before the applicable maturity date shown in section 32 the premium for all insurance units covered by the contract.

(b) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before December 31 following the maturity date, and an additional three percent on the principal amount unpaid at the end of each six-month period thereafter.

(c) Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payments tendered shall not be regarded as paid unless collection is made.

(d) Any unpaid amount of any annual premium note plus any interest due may be deducted (either before or after the date of maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

14. *Notice of loss or damage.* (a) Unless otherwise provided by the Corporation, if a loss under the contract is probable, notice in writing shall be given the Corporation at the county office immediately after any material damage to the insured crop. The crop shall not be harvested, removed, or any other use made of it until it has been inspected by the Corporation.

(b) Unless otherwise provided by the Corporation, if, at the completion of harvest of the insured cotton crop, or at the end of the insurance period, whichever is earlier, a loss under the contract has been sustained, or is probable, notice in writing shall be given immediately to the Corporation at the county office. If such notice is not given within 15 days after harvest is completed, or by the end of the insurance period, whichever is earlier, the Corporation reserves the right to reject any claim for indemnity. This notice is in addition to any notice required by paragraph (a) of this section.

15. *Released acreage and released crop.* (a) Any insured acreage on which the cotton crop has been destroyed or substantially destroyed may be released by the Corporation. The cotton crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the land is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof. No insured acreage may be planted to a substitute crop or put to another use until the Corporation releases such acreage. On any acreage where the cotton has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation. All acreage of cotton on the insurance unit, which is not released earlier, shall be deemed to be released upon the signing of a statement in proof of loss for such unit by the insured and the local representative of the Corporation.

(b) At the end of the insurance period and as a basis for determining the amount of loss, if any, under the contract the cotton crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

16. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period, unless the entire cotton crop on the insurance unit was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage, as determined by the Corporation.

17. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the actual production of cotton on the insurance unit, the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the causes of loss not insured against by the contract. The cotton stalks on any acreage with respect to which a loss is claimed, shall not be destroyed until the Corporation makes an inspection.

18. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 19 (b). An insurance unit consists of all insurable acreage in the county (a) in which the insured has 100 percent interest, plus any acreage owned by him and worked for him by sharecroppers, or (b) which is owned by the insured and rented to one tenant, or (c) which is owned by one person and operated by the insured as a tenant, or (d) which is owned by one person and worked by the insured as a sharecropper. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. For any crop year of the contract, acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table.

19. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the planted acreage for such unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre and subtracting therefrom the total production for the planted acreage and multiplying the remainder by the insured interest. However, if the planted acreage on the insurance unit exceeds the insured acreage on the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the insured acreage to the planted acreage, or if

the premium computed for the acreage and interest shown on the acreage report is less than the premium computed for the planted acreage the amount of loss determined for the planted acreage may be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage, if the Corporation so elects. The total production for an insurance unit shall include:

(1) All harvested cotton (not subsequently destroyed by a cause insured against before being housed or removed from the field);

(2) For any acreage of cotton released by the Corporation because of damage occurring in the second stage of production, the amount by which the appraised production of lint cotton exceeds the number of pounds of lint cotton determined by dividing (i) the amount of coverage for such acreage by (ii) the predetermined price.

(3) The appraised production of lint cotton for any acreage which is released by the Corporation because of damage occurring in the third stage of production, as determined by the Corporation, and the appraised production of lint cotton for any other acreage which is not harvested, except acreage which is released because of damage occurring in the first or second stage of production;

(4) The appraised unharvested production of lint cotton on acreage which reaches the fourth stage of production;

(5) The appraised production of lint cotton for any portion of the insured cotton acreage that is put to another use without the consent of the Corporation but not less than the product of (i) such acreage and (ii) the pounds equivalent of the coverage per acre for such acreage in the fourth stage of production determined on the basis of the predetermined price.

(6) The appraised number of pounds of lint cotton by which production on any acreage has been reduced solely because of any cause not insured against, but not less than the product of (i) such acreage and (ii) the pounds equivalent of the coverage per acre for such acreage in the fourth stage of production determined on the basis of the predetermined price, minus any quantity of cotton harvested from such acreage; and

(7) The appraised number of pounds of lint cotton by which production on any acreage has been reduced because of any cause not insured against where damage on such acreage has resulted from a cause insured against and a cause not insured against.

(b) If the production from two or more insurance units is commingled and the insured fails to establish and maintain records satisfactory to the Corporation of acreage or the production from each, the insurance with respect to such units may be voided by the Corporation for the crop year and the premium forfeited by the insured. However, if all the acreage from which production is commingled is insured, the total coverage for the insurance units from which the production is commingled may be considered as the total coverage for the combination, if the Corporation so elects, in which case any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of uninsured acreage and production therefrom and for one or more insurance units or portions thereof, any production from such acreage which is commingled with production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation for the crop year and the premium forfeited by the insured.

20. *Payment of indemnity.* (a) Indemnities shall be paid only by check. The amount of indemnity for which the Corporation may be liable will be payable within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damages on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium plus any interest due or any other obligation of the insured to the Corporation.

(c) Any indemnity payable under the contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

21. *Payment to transferee.* (a) If the insured transfers all or a part of his insured interest in a cotton crop before the beginning of harvest or the time of loss, whichever occurs first, he shall immediately notify the Corporation thereof in writing at the county office. The transferee under such a transfer will be entitled to the benefits of the contract with respect to the interest so transferred, provided the transferee immediately following the transfer makes suitable arrangements with the Corporation for the payment of any premium with respect to the interest so transferred, whereupon the transferee and the transferor shall be jointly and severally liable for the amount of such premium. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 25. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

(b) An involuntary transfer of an insured interest in a cotton crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract.

(c) Any deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium plus any interest due on the land involved in the transfer for the crop year in which the transfer is made, plus the unpaid amount of any other obligation of the transferee to the Corporation.

(d) If, as a result of any transfer, diverse interests appear with respect to any insurance unit, any indemnity payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

(e) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

22. *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a part of the cotton crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of the contract will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of an indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

23. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where an indemnity is paid to the insured by another Government agency because of damage to the cotton crop, the Corporation reserves the right to determine its liability under the contract taking into consideration the amount paid by such other agency.

24. *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

25. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized, including the right of the assignee to submit a "Statement in Proof of Loss" if the insured refuses to submit or disappears without having submitted such statement.

26. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all cotton produced on each insurance unit covered by the contract, and on any uninsured acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may be reasonably required, any person(s) designated by the Corporation shall have access to the farm(s).

27. *Voidance of contract.* The contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if (a) at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interest in the cotton crop covered thereby, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the cotton crop covered thereby, whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

28. *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

29. *General.* (a) In addition to the terms and provisions in the application and policy, the Cotton Crop Insurance Regulations for Continuous Contracts For The 1949 and Succeeding Crop Years (7 CFR, Part 419, §419.1–419.17) shall govern with respect to (1) death, incompetence, or disappearance of the insured, (2) fiduciaries, (3) prohibition against assignment or transfer of claims for refunds, (4) rounding of fractional units, (5) creditors, (6) minimum participation requirements, and (7) changes from or to partial insurance protection.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

30. *Meaning of terms.* For the purpose of the cotton crop insurance program, the terms:

(a) "Contract" means the accepted application for insurance and this policy.

(b) "Cotton crop" means only American Upland cotton and does not include cotton planted primarily for experimental purposes.

(c) "County" means the area commonly designated as such, and includes a parish in Louisiana.

(d) "County Actuarial Table" means the form and related material (including the crop insurance maps) approved by the Corporation for listing the coverages per acre and the premium rates per acre, applicable in the county.

(e) "County Office" means the office of the County Agricultural Conservation Association in the county or other office specified by the Corporation.

(f) "Crop year" means the period beginning with the day following the applicable closing date for the filing of applications for insurance for any year and within which the cotton crop is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is planted.

(g) "First cultivation" means the first tillage of the cotton after it is up, which must be performed with an implement (other than a spike tooth or section harrow, rotary hoe, or stalk cutter) designed for use on individual cotton rows for the purpose of working the ground close to the plants.

(h) "Harvest" means the removal of seed cotton from the open cotton boll or the severance of the open cotton boll from the stalk by either manual or mechanical means. For the purpose of determining the stage of production, any acreage which has been harvested one time, as determined by the Corporation, shall be considered as harvested unless such acreage is determined by the Corporation to have been destroyed or substantially destroyed in an earlier stage.

(i) "Laying by" means the completion of the final cultivation, consistent with good farming practice, that would be necessary to carry the crop to harvest.

(j) "New ground acreage" in all states except Arizona, California and New Mexico, means acreage on which it was necessary to remove or deaden timber and remove undergrowth to carry out established cultural practices. Pasture land, other than woodland pasture, cleared of underbrush and brought into cultivation will not be considered new ground acreage. In Arizona, California and New Mexico, "new ground acreage" means any acreage which has not been planted to a crop in any one of the previous three crop years, except that acreage in tame hay or rotation pasture during the previous crop year shall not be considered new ground acreage.

(k) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and, wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(l) "Sharecropper" means a person who works a farm in whole or in part under the supervision of the operator and with workstock and equipment not furnished by himself and is entitled to receive a share of the cotton crop produced thereon or of the proceeds therefrom.

(m) "State Director" means the representative of the Corporation responsible for the executive direction of the Federal crop insurance program in the state.

(n) "Tenant" means a person other than a sharecropper who rents land from another person and works the cotton crop with workstock and equipment furnished by himself and is entitled under a written or oral lease or agreement to receive a share of the crop or proceeds therefrom produced on such land.

31. *Irrigated acreage.* (a) In addition to the provision of section 3, where insurance is written on an irrigated basis the following provisions shall apply:

(1) In areas where a part of the cotton is normally irrigated and a part is not normally irrigated, the acreage of cotton which shall be insured on an irrigated basis in any year shall not exceed the smaller of (i) that acreage which could be irrigated in a normal year with the facilities available or (ii) that acreage on which one preplanting irrigation of at least three acre-inches is carried out.

(2) Insurance shall not attach with respect to acreage planted to cotton the first year after being leveled.

(b) In addition to the causes of loss insured against shown on the first page of this policy the contract shall cover loss in production due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured, including (1) lowering of the water level in pump wells adequate at the beginning of the growing season to the extent that either deepening the well or drilling a new well would be necessary to obtain an adequate supply of water, (2) failure of public power used for pumping or failure of an irrigation district or water company to deliver water where such failure is not within the control of the insured, and (3) the collapse of casing in wells.

(c) In addition to the causes of loss not insured against shown in section 10, the contract shall not cover loss in production caused by (1) failure properly to apply adequate irrigation water to cotton when needed and in accordance with recognized good farming practices for the area, (2) failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells when such adjustments can be made without deepening the well, (3) failure properly to apply irrigation water to cotton in proportion to the need of the crop and the amount of water available for all irrigated crops, and (4) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which could be reasonably expected.

32. *Date table.* For each year of the contract the maturity date, the end of the insurance period and the cancelation date are as follows:

State and county [1]	Maturity date	End of insurance period [2]	Cancelation date
Alabama:			
Houston	Aug. 31	Oct. 31	Dec. 31.
Chilton	do	Nov. 15	Do.
Tuscaloosa	do	do	Do.
All others	do	Dec. 15	Do.
Arizona	Sept. 30	Jan. 31	Do.
Arkansas:			
Crittenden	Aug. 31	Dec. 31	Do.
Lawrence	do	do	Do.
All others	do	Dec. 15	Do.
California	Sept. 30	Jan. 31	Do.
Georgia:			
Burke	Aug. 31	Nov. 30	Do.
Dooly	do	Oct. 31	Do.
All others	do	Dec. 15	Do.
Louisiana	do	Nov. 30	Do.
Missouri	do	Dec. 31	Do.
Mississippi:			
Covington	do	Oct. 31	Do.
Holmes	do	Nov. 30	Do.
Lee	do	do	Do.
Walthall	do	Oct. 31	Do.
All others	do	Dec. 15	Do.
North Carolina	do	Dec. 31	Do.
New Mexico	Sept. 30	do	Do.
Oklahoma	Aug. 31	do	Do.
South Carolina:			
Orangeburg	do	Nov. 30	Do.
All others	do	Dec. 15	Do.
Tennessee:			
Lauderdale	do	Dec. 31	Do.
McNairy	do	Dec. 15	Do.
Texas:			
Collin	do	do	Do.
Fannin	do	do	Do.
Lubbock	do	Dec. 31	Do.
Red River	do	Dec. 15	Do.
Reeves	Sept. 30	Dec. 31	Do.
All others	Aug. 31	Nov. 30	Do.

[1] If no county name(s) appears for a State, the dates shown for such State are applicable to all cotton crop insurance counties in that State.

[2] See section 7.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on August 19, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved September 3, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8136; Filed, Sept. 9, 1948; 8:57 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 1—GENERAL INFORMATION REGARDING THE IMMIGRATION AND NATURALIZATION SERVICE

PART 171—DISPLACED PERSONS RESIDING IN THE UNITED STATES

DISPLACED PERSONS RESIDING IN THE UNITED STATES

AUGUST 12, 1948.

The following amendments to Title 8, Chapter I, Code of Federal Regulations, are hereby prescribed:

1. Section 1.44 is amended by changing the period at the end of paragraph (j) to

a semicolon and by adding paragraph (k) which, taken with the introductory sentence, shall read as follows:

§ 1.44 *Final authority; delegation to Assistant Commissioner, Adjudications Division.* The final authority of the Attorney General or the Commissioner delegated to the Assistant Commissioner, Adjudications Division, includes determinations involving the following:

* * * * *

(k) Applications for adjustment of immigration status filed under the provisions of section 4 of the Displaced Persons Act of 1948 (Pub. Law 774, 80th Cong.) by displaced persons residing in the United States.

2. The following part is added:

PART 171—DISPLACED PERSONS RESIDING IN THE UNITED STATES

Sec.
171.1 Eligibility for adjustment of status.
171.2 Application for adjustment of status.
171.3 Receipt of application by Commissioner.
171.4 Documents and investigation.
171.5 Hearings.
171.6 Evidence and burden of proof.
171.7 Proposed findings, conclusions, and decision.
171.8 Reopening of hearing.
171.9 Forwarding of record to Commissioner.
171.10 Action where applicant found eligible.
171.11 Action where applicant found ineligible.

AUTHORITY: §§ 171.1 to 171.11, inclusive, issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1. §§ 171.1 to 171.11, inclusive, interpret and apply sec. 4, Pub. Law 774, 80th Cong., approved June 25, 1948.

§ 171.1 *Eligibility for adjustment of status*—(a) *Qualifications.* Subject to the limitation described in paragraph (b) of this section, an alien is eligible to be considered for adjustment of his immigration status as a displaced person residing in the United States to that of a permanent resident under the provisions of section 4 of the Displaced Persons Act of 1948 (Pub. Law 774, 80th Cong.) if:

(1) His last entry into the United States occurred prior to April 1, 1948, and was a lawful one as a nonimmigrant under section 3 or as a nonquota immigrant student under subdivision (e) of section 4 of the Immigration Act of 1924 as amended; and

(2) He is presently admissible to the United States under the immigration laws; and

(3) He is a person displaced from the country of his birth, or nationality, or of his last residence as a result of events occasioned by, and occurring subsequent to the outbreak on September 1, 1939, of World War II; and

(4) He cannot return to any of such countries because of persecution or fear of persecution on account of race, religion, or political opinions.

(b) *Limitation.* The number of displaced persons who shall be granted the status of permanent residence pursuant to this section shall not exceed 15,000.

§ 171.2 *Application for adjustment of status.* Any alien who desires to be considered for adjustment of immigration status as a displaced person under the provisions of § 171.1 shall make application therefor in duplicate on Form I–500, which may be obtained by any such alien through personal application or by application through the mail to any office of the Immigration and Naturalization Service. After Form I–500 is filled out, it shall be mailed by the applicant in duplicate on or after October 1, 1948, direct to the Commissioner of Immigration and Naturalization, Temporary Federal Office Building X, 19th and East Capitol Streets, NE., Washington 25, D. C. A separate application must be made for each applicant and mailed separately. An application in behalf of each child who is under the age of 14 years shall be filed by his parent or guardian.

§ 171.3 *Receipt of application by Commissioner*—(a) *Issuance of receipt.* Applications received by the Commissioner shall be serially numbered in the order of the postmark appearing on the envelope in which the application is contained. The Commissioner shall issue to each applicant a receipt bearing a number identical with the serial number placed on the application.

(b) *Transmission of application to field office.* Verification of the applicant's last entry to the United States shall be made from Central Office records where possible and endorsed upon the original and duplicate applications. The Commissioner shall send the duplicate copy of the application to the Immigration and Naturalization Service office having jurisdiction over the applicant's place of residence.

§ 171.4 *Documents and investigation.* Upon receipt of the duplicate copy of the application, the officer in charge of the Immigration and Naturalization Service office having jurisdiction over the applicant's place of residence shall advise the applicant to obtain promptly the following documents: Two photographs as described in § 364.1 of this chapter; birth certificate; passport; marriage certificate, if any; affidavits of three witnesses, preferably citizens of the United States—and if the applicant is employed, one from his employer—attesting to the applicant's good moral character; police records covering the period of the applicant's residence in the United States and, where such residence in the United States has been for a period of less than five years, foreign police records, if obtainable, covering the applicant's foreign residence within the five years immediately preceding the filing of the Form I–500; and any documentary evidence the applicant may have to establish his eligibility under § 171.1. The applicant shall be instructed to forward to the officer in charge photostatic copies of all documents, whenever possible, and to submit the originals at the time he appears for the hearing. The officer in charge shall obtain verification of the applicant's last entry into the United States where such verification has not been furnished by the Central Office when transmitting the duplicate application. The officer in charge shall also cause an independent character investigation to be conducted covering the period of the applicant's residence in the United States. Where the applicant has resided in the United States for a period in excess of five years, the independent character investigation shall cover the last five years of such residence. The investigating officer shall make a written report of his investigation, to be included in the record as provided in § 171.5 (d) (2).

§ 171.5 *Hearings*—(a) *Notice to appear for hearing; counsel.* When the necessary entry has been verified and the documents required of the applicant and the report of the investigating officer have been submitted, the applicant shall be notified to appear for a hearing at a time and place to be designated by the officer in charge. The applicant shall also be informed that he may be represented at the hearing by counsel or other person qualified to appear in accordance with the provisions of Part 95 of this chapter. Such attorney or representative may submit a brief in writing. The attorney or representative shall be notified of the final decision in the case.

(b) *Interpreters.* Where the services of an interpreter are found necessary in the conduct of a hearing, the interpreter, if not an employee of the Service, shall be sworn to interpret and translate accurately.

(c) *Order in which evidence shall be presented.* The evidence of record should clearly establish whether the applicant meets the eligibility requirements set forth in § 171.1. The examining officer shall conduct the hearing in the following order:

(1) Examination of the applicant;

(2) The development of facts relating to the applicant's eligibility for adjustment of immigration status under this part;

(3) The obtaining of the personal history data required by paragraph (d) (4) of this section;

(4) Examination of witnesses; and

(5) The securing of other pertinent information not already obtained for the record, including such evidence as the applicant may desire to present in support of his application.

(d) *Examination of applicant.* (1) Upon the applicant's appearance, he shall be granted a hearing to establish his eligibility for adjustment of immigration status under this part. The examining officer shall apprise the applicant that the purpose of the hearing is to establish the facts as to his eligibility for adjustment of status. The examining officer shall orally review the application with the applicant, or in the case of a child under the age of 14 years with the parent or guardian, before administering the oath. Any necessary changes in the application shall be consecutively numbered and acknowledged in writing by the applicant or the parent or guardian. The applicant shall be advised of the penalty for perjury, of the penal provisions of section 14 of the Displaced Persons Act of 1948, and of the fact that any false answers to any of the questions in the application or at the hearing may bar him from the relief he requests. The examining officer shall then administer the oath or affirmation contained on page 4 of Form I–500 and obtain the applicant's signature in the appropriate place.

(2) At the hearing, the applicant shall produce the original documents required to be presented by § 171.4 in support of his application. The original documents shall be returned to the applicant at the conclusion of the hearing if the examining officer is satisfied as to their authenticity and photostatic or other copies thereof have been supplied by the applicant for the record which the examining officer is satisfied are true and correct. The examining officer shall enter of record, as exhibits identified by number, the copy of the application; the documents presented by the applicant; depositions, if any; certifications and affidavits submitted by the applicant; the written report of the investigation, and the reports as to record of the applicant's entry and of the entries of such other persons as may be material to the case. The examining officer shall further make sure that the record is a verbatim report of everything that is stated during the course of the hearing, including the oaths administered, the warnings given to the applicant or the witnesses, and the rulings on objections, except statements made off the record with the consent of the applicant or counsel, and arguments of counsel in support of his objections, which may be submitted in the form of a brief to accompany the record.

(3) The applicant shall then be interrogated under oath or affirmation as to his eligibility to be considered for adjustment for immigration status as a displaced person residing in the United States under the provisions of section 4 of the Displaced Persons Act of 1948 and § 171.1. Eligibility of the applicant as to subparagraphs (3) and (4) of paragraph (a) of § 171.1 shall be comprehensively covered by oral interrogation of the applicant and of the witnesses presented by him, if any.

(4) The interrogation shall include the name or names of the applicant (correctly spelled); date and place of the applicant's birth; the name of the nearest town of importance to such place of birth; the province and country in which such place is located; the names and locations of schools the applicant has attended; the last address and length of residence of the applicant in his native country, in the country of which he is a citizen or subject, and in the country in which he has last resided prior to his last entry into the United States; the country in which the applicant embarked for the United States or for foreign territory contiguous to the United States; correct names and addresses and the citizenship or nationality of the applicant's nearest relatives residing in the country of his birth, in the country of which he is a citizen or subject, and in the country in which he last resided prior to his last entry into the United States; and correct names and addresses of all near relatives residing in the United States.

(e) *Examination of witnesses.* Witnesses, if presented by the applicant, shall be examined orally under oath or affirmation in order to obtain evidence bearing upon the applicant's qualifications for adjustment of status. Witnesses located within a reasonable distance of the place of examination shall be required to appear in person. When witnesses cannot appear because of remoteness, disability, or other sufficient reason, their testimony shall be taken under oath in question-and-answer form by an officer of the Immigration and Naturalization Service at a place found convenient under the circumstances. The applicant shall have the right at his own expense to be present or to be represented, if desired, when the testimony is taken. The transcript of the testimony shall be sent to the officer in charge of the office where the hearing provided for in this section is being conducted.

(f) *Medical examination.* Each applicant shall be examined by a medical officer of the United States Public Health Service. A report of such examination, setting forth the findings of the examining physician as to the mental and physical condition of the applicant, shall be incorporated into the record.

§ 171.6 *Evidence and burden of proof.* The applicant's eligibility for adjustment of immigration status as a displaced person residing in the United States under the provisions of section 4 of the Displaced Persons Act of 1948 must be established to the satisfaction of the Commissioner of Immigration and Naturalization. The burden of proof shall be upon the applicant. In presenting such proof, he shall be entitled to the benefit of any records concerning his entry which are in the custody of the Immigration and Naturalization Service.

§ 171.7 *Proposed findings, conclusions, and decision*—(a) *Preparation by examining officer.* As soon as practicable after the hearing has been conducted, the examining officer shall prepare a memorandum to the Commissioner setting forth a summary of the evidence adduced at the hearing, his proposed findings of fact and conclusions of law, and a proposed decision.

(b) *Proposed decision.* (1) If, upon consideration of all the facts and circumstances of the case which shall be clearly set forth in the memorandum, the examining officer shall find that the applicant meets the eligibility requirements set forth in § 171.1, he shall so recommend to the Commissioner.

(2) If, upon consideration of all the facts and circumstances of the case, the examining officer shall find that the applicant does not meet the eligibility requirements set forth in § 171.1, he shall so recommend to the Commissioner.

(c) *Service of findings of examining officer.* Where the decision of the examining officer is adverse to the applicant, a copy of the examinging officer's memorandum containing his discussion of the evidence, proposed findings of fact, proposed conclusions of law, and proposed decision shall be furnished to the applicant or his counsel by personal service, if practicable; otherwise by registered mail, and a return receipt therefor shall be obtained.

(d) *Filing of exceptions.* When proposed findings of fact, proposed conclusions of law, and proposed decision are served as required by the preceding paragraph, the applicant or his attorney or representative shall be allowed by the officer in charge a reasonable time (not to exceed 10 days, except on showing of good cause that more time is necessary) in which to file exceptions thereto and to submit a brief, if desired. Reasonable extensions of time for the filing of exceptions or brief may be granted in the discretion of the officer in charge.

§ 171.8 *Reopening of hearing.* At any time prior to the forwarding of the record of hearing to the Commissioner, the officer in charge of a district or suboffice may direct that a case be reopened for proper cause. The Commissioner may direct a reopening of the record of hearing for proper cause at any time. Requests by applicants or their representatives for a reopening of a hearing prior to entry of a final order shall be in writing, state the new facts to be proved, and be supported by affidavits or other evidentiary material. All requests for reopening must be filed with the appropriate officer in charge of the Immigration and Naturalization Service. If the record of hearing has been forwarded to the Commissioner, the request for reopening shall be forwarded by the officer in charge to the Commissioner. The Commissioner shall grant or deny the request if the case is pending before him.

§ 171.9 *Forwarding of record to Commissioner.* Upon receipt of exceptions and brief, if any, of the applicant or his counsel, or upon the expiration of the time allowed for the submission of exceptions or brief, the entire record, the examining officer's memorandum of proposed findings, conclusions, and decision, with exceptions and brief, shall be forwarded to the Commissioner.

§ 171.10 *Action where applicant found eligible.* If the Commissioner is satisfied from the record, the accompanying documents, and the circumstances of the case that the applicant meets the eligibility requirements set forth in § 171.1, he shall report to the Congress all of the pertinent facts in the case. If during the session of the Congress at which the case is reported, or prior to the end of the session of the Congress next following the session at which the case is reported, the Congress passes a concurrent resolution stating in substance that it favors the granting of the status of permanent residence to such applicant, the Commissioner of Immigration and Naturalization shall, upon receipt of a fee of $18 (which shall be deposited in the Treasury of the United States to the account of miscellaneous receipts), record the admission of the applicant for permanent residence as of the date of the applicant's last entry into the United States and shall issue a certificate on Form I–151 showing the facts of such record of admission for permanent residence.

§ 171.11 *Action where applicant found ineligible.* If the Commissioner is not satisfied from the record and the accompanying documents that the applicant meets the eligibility requirements set forth in § 171.1, an order to that effect will be entered and such further action

taken as may be prescribed by law. A copy of such order shall be served upon the counsel or representative of the applicant or, in the absence of such counsel or representative, upon the applicant himself, by personal service or by registered mail. If the applicant does not have counsel or a representative, the order shall be served upon him by the appropriate field office of the Immigration and Naturalization Service; otherwise, the order shall be served by the Commissioner on the applicant's counsel or representative.

The Assistant Commissioner of Immigration and Naturalization, Adjudications Division, is hereby authorized to perform any function that the Commissioner of Immigration and Naturalization is authorized or required to perform by this order.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making is found to be contrary to the public interest because Public Law 774, 80th Congress, which is implemented by these rules, became effective on June 25, 1948, and the execution of functions of the Immigration and Naturalization Service under that statute would be unduly impeded by such notice. For the same reason it is found that the provisions of section 4 (c) of the Administrative Procedure Act providing for delayed effective date are inapplicable.

PEYTON FORD,
Acting Attorney General.

Recommended: August 12, 1948.

WATSON B. MILLER,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 48-8117; Filed, Sept. 8, 1948; 10:11 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Regulation D]

PART 204—RESERVES OF MEMBER BANKS

1. Effective September 16, 1948, paragraph (a) of § 204.2 is amended by striking out the words "the sixth paragraph of" in the last sentence thereof.

2. Effective September 16, 1948, footnote numbered 16 appended to paragraph (a) of § 204.2 is amended to read as follows:

[16] The amount of the reserves required to be maintained by any such member bank as a result of any such change may not be less than the amount of the reserves specified above nor more than twice such amount, except that through June 30, 1949, the required reserves for time deposits may be not more than 7½ percent and those for demand deposits of banks in central reserve cities, reserve cities, and other places may be not more than 30 percent, 24 percent, and 18 percent, respectively.

3. Effective September 16, 1948, paragraph (b) of § 204.2 is amended by striking out the following in the first sentence thereof: "and, until six months after the cessation of hostilities in the present war as determined by proclamation of the President or concurrent resolution of the Congress, no deposit payable to the United States by any member bank arising solely as the result of subscriptions made by or through such member bank for United States Government securities issued under authority of the Second Liberty Bond Act, as amended, shall be included in net demand deposits or in time deposits which are subject to reserve requirements."

4. Effective as to member banks not in reserve and central reserve cities at the opening of business on September 16, 1948, and as to member banks in reserve and central reserve cities at the opening of business on September 24, 1948, § 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 *Supplement: Reserves required to be maintained by member banks with Federal Reserve Banks.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2 (a), the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

7½ percent of its time deposits plus—
16 percent of its net demand deposits if not in a reserve or central reserve city;
22 percent of its net demand deposits if in a reserve city, except as to any bank located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 16 percent reserves against its net demand deposits;
26 percent of its net demand deposits if located in a central reserve city, except as to any bank located in an outlying district of a central reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 16 percent or 22 percent reserves against its net demand deposits.

5. These amendments are issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act in the light of existing economic conditions and the present inflationary credit situation. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with these amendments for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure, and especially because such notice, procedure and prior publication would prevent the action from becoming effective as promptly as necessary, would unreasonably interfere with necessary efforts to prevent injurious credit expansion, and would serve no useful purpose.

(Sec. 11 (c), (e), (i), 38 Stat. 262, sec. 10, 40 Stat. 239, sec. 4, 40 Stat. 970, sec. 207, 49 Stat. 708, sec. 324, 49 Stat. 714, sec. 2, 56 Stat. 648, Pub. Law 905, 80th Cong.; 12 U. S. C. 248 (c), (e), (i), 462, 466, 12 U. S. C. Sup. 462b, 461, 462a1, 465)

Approved this 8th day of September, 1948.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 48-8195; Filed, Sept. 9, 1948; 9:40 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52041]

PHILIPPINE TRADE; CUBAN PREFERENCE

Customs Regulations of 1943 amended pursuant to the Philippine Trade Act of 1946 and the exclusive trade agreement with Cuba of October 30, 1947.

PART 3—DOCUMENTATION OF VESSELS

Part 3, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 3), is amended as follows:

Section 3.2 (c) is amended by deleting ", with the Philippine Islands," from the "Class 9" subdivision.

Note 4, appended to § 3.3 (a), is amended by deleting "collector of customs of the Philippine Islands, the".

Section 3.3 (b) is amended by deleting "the Philippine Islands and".

Section 3.42 (f), as amended by T. D. 51912, is further amended by deleting ", with the Philippine Islands," from the notation set forth therein.

Section 3.61 (a) is amended by deleting "the collector of customs of the Philippine Islands,".

Section 3.61 (c) is amended by deleting "with the Philippine Islands,".

(R. S. 251, sec. 624, 46 Stat. 759, 60 Stat. 1352; 19 U. S. C. 66, 1624, Proc. No. 2695, 11 F. R. 7517)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

Note 26 appended to § 4.14 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.14 (a)), is amended by deleting the first comma, inserting "and the" in lieu thereof, and deleting ", and the Philippine Islands".

(R. S. 251, sec. 624, 46 Stat. 759, 60 Stat. 1352; 19 U. S. C. 66, 1624, Proc. No. 2695, 11 F. R. 7517)

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

Sections 7.2 to 7.7, inclusive, Customs Regulations of 1943 (19 CFR, Cum. Supp., 7.2–7.7), and the notes appended thereto are deleted.

(R. S. 251, sec. 624, 46 Stat. 759, 60 Stat. 1352; U. S. C. 66, 1624, Proc. No. 2695, 11 F. R. 7517)

PART 9—IMPORTATIONS BY MAIL

Section 9.9, Customs Regulations of 1943 (19 CFR, Cum. Supp., 9.9), is amended by deleting from the first sentence of paragraph (d) "the Philippine Islands or", "Philippine or", and "and is not of a class subject to a quota limitation on free entry", by adding to paragraph (d) "(R. S. 251, sec. 624, 46 Stat. 759, 19 U. S. C. 66, 1624)", and by deleting paragraph (e). The citation of T. D. 50043 in the margin opposite paragraphs (c) and (d) shall be deleted.

(R. S. 251, sec. 624, 46 Stat. 759, 60 Stat. 1352; 19 U. S. C. 66, 1624, Proc. No. 2695, 11 F. R. 7517)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Section 10.26 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.26 (b)), as amended by T. D. 51874, is amended by deleting "the Philippine Islands," from the first sentence.

(R. S. 251, sec. 624, 46 Stat. 759, 60 Stat. 1352; 19 U. S. C. 66, 1624, Proc. No. 2695, 11 F. R. 7517)

PART 12—SPECIAL CLASSES OF MERCHANDISE

Note 29 appended to § 12.42, Customs Regulations of 1943 (19 CFR, Cum. Supp., 12.42), is amended by deleting the last paragraph.

(R. S. 251, sec. 624, 46 Stat. 759, 60 Stat. 1352, 19 U. S. C. 66, 1624, Proc. No. 2695, 11 F. R. 7517)

PART 16—LIQUIDATION OF DUTIES

Part 16, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 16), is amended as follows:

Section 16.23 (a) is amended by deleting "August 24, 1934, as amended by the supplementary trade agreement with that country concluded on December 18, 1939,[17]" and substituting therefor "October 30, 1947,[17]".

Note 17 appended to § 16.23 (a) is amended to read as follows:

[17] The operation of the Convention of Commercial Reciprocity between the United States and Cuba signed December 11, 1902 (T. D. 24836), and the operation of the trade agreement with Cuba of August 24, 1934 (T. D. 47232), as amended by the supplementary trade agreements of December 18, 1939 (T. D. 50050), and of December 23, 1941 (T. D. 50541), are suspended for such time as the United States and Cuba are both contracting parties to the General Agreement on Tariffs and Trade concluded at Geneva on October 30, 1947.

Section 16.23 (b) is amended by deleting "of article I or III" from the third sentence.

A new section is added to the end of the part to read as follows:

§ 16.26 *Philippine trade.* (a) The free entry of "Philippine articles"[18] entered, or withdrawn from warehouse, for consumption before July 4, 1954, and the total or partial exemptions for the period after July 4, 1954, which are authorized by the Philippine Trade Act of 1946 and the exclusive trade agreement between the United States and the Republic of the Philippines, effective January 2, 1947, apply to "Philippine articles" imported from any foreign country.

(b) No evidence of origin shall be required for any Philippine merchandise which is unconditionally free of duty.

(c) When any total or partial exemption from duty is claimed on the ground that an importation consists of "Philippine articles," the claim shall be allowed only if it is established to the satisfaction of the collector of customs concerned. The collector may accept as satisfactory evidence that an article is "Philippine article" a certificate in the appropriate form specified in paragraph (d) of this section, subject to any verification he may deem necessary, or he may satisfy himself of such fact by other reasonable ways and means if, taking into consideration the kind and value of the goods and the circumstances of importation, he deems a certificate unnecessary.

(d) (1) When no material which is not the growth, product, or manufacture of the Philippines or of the United States was used at any stage in the production of the imported article, a certificate in the following form may be accepted as evidence that the commodity is a "Philippine article":

The product covered by the _____
(Describe above the invoice, bill of lading, or other document or statement identifying the shipment)
annexed or appended to this certificate of Philippine origin at the time it was subscribed and sworn to before the notary public, or other officer authorized to administer oaths, whose signature appears below, is the growth, product, or manufacture of the Philippines. No foreign materials (other than those which are of the growth, product, or manufacture of the United States) were used at any stage in the production of this product, i. e., either in its immediate production or in the production of any intermediate product used at any stage in the chain of production in the Philippines which resulted in this product.

(2) When any material which is not the growth, product, or manufacture of the Philippines or of the United States was used at any stage in the manufacture of the imported article, a certificate in the following form may be accepted as evidence that the commodity is nevertheless a "Philippine article":

The product covered by the _____
(Describe above the invoice, bill of lading, or other document or statement identifying the shipment)
annexed or appended to this certificate of Philippine origin at the time it was subscribed and sworn to before the notary public, or other officer authorized to administer oaths, whose signature appears below, is the product of the Philippines. There were used in its production in the Philippines _____
(Number of units and description)
of foreign materials (other than those which are of the growth, product, or manufacture of the United States), valued by the Philippine customs officers for the purpose of the Philippine customs laws at _____
(Official Philippine customs value at the time of importation into the Philippines, in terms of pounds, yards, or other applicable unit) plus, if not included in such unit value, _____, the cost per unit of bringing such foreign materials to the Philippines.

(3) If the collector shall be satisfied that the revenue will be protected adequately thereby, he may accept in lieu of the certificate specified in subdivision (2) a certificate in the following form:

The product covered by the _____
(Describe above the invoice, bill of lading, or other document or statement identifying the shipment)
annexed or appended to this certificate of Philippine origin at the time it was subscribed and sworn to before the notary public, or other officer authorized to administer oaths, whose signature appears below, is the product of the Philippines. There were or may have been used in its production in the Philippines foreign materials (other than those which are of the growth, product, or manufacture of the United States).

It is impracticable to ascertain the exact number of units of foreign material, if any, used in its production or the customs valuation of such material, but to the best of (my) (our) (its) knowledge and belief such foreign materials as were or may have been used would not exceed 20 per centum of the selling price or invoice value of the product covered by this certificate.

(4) If more than one kind of article is covered by a certificate provided for in (1), (2), or (3) above, the required information shall be shown with respect to each kind. When more than one kind of material of other than Philippine or United States origin is used in the production of an article covered by such a certificate, the certificate shall state the number of units, description, and Philippine customs valuation per unit of each such kind of material.

(5) A certificate conforming to (1), (2), or (3) above shall be accepted as evidence of the facts alleged therein only if (i) there is annexed thereto a copy of the commercial invoice or bill of lading covering the articles or other documentary matter which identifies the articles to which the certificate pertains, (ii) the certificate is signed by the manufacturer or producer of the articles to which it pertains, or by the person who exported the articles from the Philippines, and is sworn to by him before a person authorized to administer oaths, and (iii) it clearly appears that such copy or other documentary matter was annexed to the certificate when it was signed and sworn to. (R. S. 251, sec. 624, 46 Stat. 759, secs. 2, 201–5, 214, 60 Stat. 141, 143, 144, 146; 19 U. S. C. 66, 1624, 22 U. S. C. 1251–1255, 1264, 1360)

(R. S. 251, sec. 624, 46 Stat. 759, secs. 2, 201–5, 214, 60 Stat. 141, 143, 144, 146, 1352; 19 U. S. C. 66, 1624, 22 U. S. C.

[18] The term "Philippine articles" means articles which are products of the Philippines, but does not include any article produced with the use of materials imported into the Philippines which are products of any country other than the Philippines or the United States if the aggregate value of such imported materials when landed at the Philippine port of entry, exclusive of any landing cost and Philippine duty, was more than 20 per centum of the appraised customs value of the article imported into the United States. (22 U. S. C. 1269 (a) (4).)

1251–1255, 1264, 1360, Proc. No. 2695, 11 F. R. 7517)

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Section 19.15 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 19.15 (a)), is amended by deleting "or for shipment to the Philippine Islands".

(R. S. 251, sec. 624, 46 Stat. 759, 60 Stat. 1352; 19 U. S. C. 66, 1624, Proc. 2695, 11 F. R. 7517)

PART 22—DRAWBACK

Part 22, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 22), is amended as follows:

Section 22.2 is amended to read as follows:

§ 22.2 *Canal Zone and Guantanamo Bay.* The Panama Canal Zone and Guantanamo Bay Naval Station shall be considered foreign territory for drawback purposes.' Secs. 313, 624, 46 Stat. 693, 759; 19 U. S. C. 1313, 1624)

Section 22.4 (b) is amended by deleting "(or shipped to the Philippine Islands)" from the last clause.

Section 22.6 (b) is amended by deleting "(or shipment to the Philippine Islands)" from the introductory part of the paragraph.

Section 22.26 (b) is amended by deleting therefrom "the Philippine Islands,", "3341,", and the comma following "3351."

The first paragraph of note 11 appended to § 22.26 (b) is deleted.

The parenthetical matter at the end of § 22.30 (e) is transferred to the end of § 22.30 (d) and the remainder of § 22.30 (e) is deleted.

Section 22.34 (a) is amended by deleting "except in the case of shipments to the Philippine Islands" from the last sentence.

(R. S. 251, sec. 624, 46 Stat. 759, 60 Stat. 1352; 19 U. S. C. 66, 1624, Proc. No. 2695, 11 F. R. 7517)

W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8116; Filed, Sept. 9, 1948; 8:53 a. m.]

[T. D. 52040]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

INWARD FOREIGN MANIFESTS

Sections 4.7 and 4.34, Customs Regulations of 1943, relating to inward foreign manifests, amended.

1. Section 4.7, Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.7), is amended as follows:

Paragraph (a) is amended by deleting the second and third sentences and substituting the following therefor:

§ 4.7 *Inward foreign manifest; production on demand; contents and form.* (a) • • • The manifest shall be legible and complete on customs Form 7527–A, except that a collector of customs is authorized to permit the use of customs Form 7527–B in his district, in lieu of customs Form 7527–A, to such extent as customs Form 7527–B will meet his requirements. The original and one copy of the manifest shall be ready for production on demand.[1] In addition, there shall be at least two other copies except when only one is required for local customs purposes, but a reasonable time shall be allowed by the boarding officer for the preparation of the additional copy or copies. • • •

Paragraph (b) is amended by inserting "when required," after "discharging inspector,".

(Secs. 431, 581 (a), 583, 624, 46 Stat. 710, 747, 748, 759, sec. 203, 49 Stat. 521; 19 U. S. C. 1431, 1581 (a), 1583, 1624, Sec. 102, Reorganization Plan No. 3 of 1946; 3 CFR, 1946 Supp., Ch. IV)

2. Section 4.34 (d), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.34 (d)), is amended by deleting "on customs Form 7527–B" in the first sentence and substituting therefor "on an inward foreign manifest as set forth in § 4.7 (a)."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8115; Filed, Sept. 9, 1948; 8:53 a. m.]

[T. D. 52039]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

IN-TRANSIT SHIPMENTS

Sections 5.11, 18.4, and 18.14, Customs Regulations of 1943, relating to merchandise and baggage in transit through the United States, amended or further amended.

1. Section 5.11, Customs Regulations of 1943 (19 CFR, Cum. Supp., 5.11), as amended, is further amended as follows:

Paragraph (a) is further amended by inserting "(including baggage)" after "merchandise" in the first clause of the first sentence; by amending the parenthetical matter in the first sentence to read "(§§ 18.14 and 18.20–18.24)"; and by inserting "or 7520" after "7512" wherever the latter appears.

Paragraph (b) is amended by inserting "(including baggage)" after "merchandise" and by changing the period to a comma and adding "unless the Commissioner has authorized some other special procedure."

(Sec. 553, 46 Stat. 742, sec. 21, 52 Stat. 1087; 19 U. S. C. 1553)

2. Section 18.4 (a) Customs Regulations of 1943 (19 CFR, Cum. Supp. 18.4 (a)), is amended by adding the following sentence: "The Commissioner of Customs may authorize the waiver of sealing of conveyances or compartments in which bonded merchandise is transported in other cases when in his opinion the sealing thereof is unnecessary to protect the revenue or to prevent violations of the customs laws and regulations."

(Sec. 551, 46 Stat. 742, 59 Stat. 667, sec. 624, 46 Stat. 759; 19 U. S. C. 1551, 1624)

3. Section 18.14, Customs Regulations of 1943 (19 CFR, Cum. Supp. 18.14), is amended by inserting the following before the parenthetical matter at the end: "See § 5.11 for the regulations applicable to baggage shipped in transit through the United States between points in Canada or Mexico."

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8114; Filed, Sept. 9, 1948; 8:52 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter J—House Manufacturing Loans, War Housing Insurance

PART 585—ADMINISTRATIVE RULES OF FEDERAL HOUSING COMMISSIONER UNDER SECTION 609 OF THE NATIONAL HOUSING ACT

APPLICATION AND COMMITMENT

Sec.
585.1 Mortgagee approved under section 203 (b) or section 603 (b) of the National Housing Act approved as lenders to file application.
585.2 Form of application.
585.3 Fee to accompany application.
585.4 Approval of application.

MANUFACTURER'S LOAN

585.5 Manufacturer's loan, eligibility requirements.

PURCHASER'S LOAN

585.6 Requirements of eligibility and conditions of insurance of purchaser's loan.

EFFECTIVE DATE

585.7 Effective date.

AUTHORITY: §§ 585.1 to 585.7, inclusive, issued under sec. 1, 55 Stat. 61, Pub. Laws 129, 901, 80th Cong.; 12 U. S. C. 1742.

APPLICATION AND COMMITMENT

§ 585.1 *Mortgagee approved under section 203 (b) or section 603 (b) of the National Housing Act approved as lenders to file application.* Application for the insurance of loans under section 609 of the National Housing Act, which are eligible as hereinafter provided, may be filed by any lender which is approved as a mortgagee under sections 203 (b) or 603 (b) of the National Housing Act, and by any other chartered institution or permanent organization having succession upon its approval by the Commissioner for a particular transaction.

§ 585.2 *Form of application.* The application must be made upon a standard form prescribed by the Commissioner and forwarded to the Federal Housing Administration, Washington 25, D. C.

Prior to the filing of the formal application, the proposed borrower or the proposed lender may submit to the Federal Housing Administration a request for a preliminary analysis with respect to specific questions of eligibility upon a standard form to be prescribed by the Commissioner, which request should be forwarded to Washington headquarters.

§ 585.3 *Fee to accompany application.* The application must be accompanied by the lender's check for a sum computed at the rate of three dollars ($3) per thousand dollars ($1,000) of the original principal amount of the loan applied for. If the application is refused without an estimate of the necessary current cost of manufacturing the houses, the fee paid will be returned to the applicant. If agreements are entered into between the borrower and the lender, with the approval of the Commissioner for the substitution of the security for an insured loan, the Commissioner may charge a further fee payable at the time of the request for substitution, in such amount as may be determined by the Commissioner, but, in no event, shall such additional fee exceed one dollar and a half ($1.50) per thousand dollars ($1,000) of the loan value of the substituted security as determined by the Commissioner.

§ 585.4 *Approval of application.* Upon approval of an application, acceptance of the loan for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Commissioner, the terms and conditions under which the insurance will be granted.

MANUFACTURER'S LOAN

§ 585.5 *Manufacturer's loan, eligibility requirements.* To be eligible for insurance:

(a) *Use of proceeds.* The proceeds of the loan shall be used for the purpose of financing the cost of manufacturing houses meeting such requirements of sound quality, durability, livability, and safety as may be prescribed by the Commissioner.

(b) *Maximum amount of loan.* The loan shall involve a principal obligation not in excess of ninety per centum (90%) of the amount which the Commissioner estimates will be the necessary current cost of manufacturing such houses, exclusive of profit, less such amounts as may have been paid by a purchaser prior to the assignment of the purchase contracts as security for the loan.

(c) *Execution of binding purchase contracts.* The manufacturer shall establish that binding purchase contracts have been executed satisfactory to the Commissioner providing for the purchase and delivery of the houses to be manufactured, which contracts shall provide for the payment of the purchase price at such time as may be agreed to by the parties thereto, but, in no event, shall the purchase price be payable on a date in excess of thirty (30) days after the date of delivery of such houses, unless not less than twenty per centum (20%) of such purchase price is paid on or before the date of delivery and the lender has accepted and discounted or has agreed to accept and discount, a promissory note or notes, executed by the purchaser, representing the unpaid portion of such purchase price pursuant to § 585.6. All purchase contracts providing for the payment of the purchase price after delivery of the house or houses shall, by their terms, require the purchaser at or prior to delivery to execute a note or notes representing the unpaid portion of the purchase price of such house or houses.

(d) *Security, agreements and undertakings.* The loan shall be secured by an assignment of the purchase contracts specified in the next preceding paragraph and of all sums payable under such purchase contracts on or after the date of such assignment, with the right in the assignee to proceed against such security in the case of default as provided in the assignment, which assignment shall be in such form and contain such terms and conditions as may be prescribed by the Commissioner; and the Commissioner may require such other agreements and undertakings to further secure the loan as he may determine, including the right, in the case of default or at any time necessary to protect the lender, to compel delivery to the lender of any houses manufactured with the proceeds of the loan and then owned and in the possession of the manufacturer.

(e) *Requirements with respect to plant facilities, capital funds, and experience and credit standing.* The manufacturer shall establish to the satisfaction of the Commissioner that he has or will have (1) adequate plant facilities, (2) sufficient capital funds, taking into account the loan applied for, and (3) the experience necessary to achieve the required production schedule. The manufacturer must have a general credit standing satisfactory to the Commissioner.

(f) *Maturity.* The loan shall have a maturity satisfactory to the Commissioner but not in excess of one year from the date of the note.

(g) *Rate of interest.* The loan may bear interest at such rate as may be agreed upon between the borrower and the lender, but in no case shall such interest rate be in excess of four per centum (4%) per annum on the amount of the principal obligation outstanding at any time.

(h) *Loan agreement, matters required therein.* The manufacturer and the lender shall, prior to the insurance of the loan, enter into a written loan agreement, containing such terms and conditions and undertakings with respect to the loan transaction as may be approved by the Commissioner, including provisions with respect to the manner and conditions under which advances, if any, during the process of manufacture are to be made by the lender and approved for insurance by the Commissioner, and provisions under which substitutions of security may be made from time to time. Such loan agreement may also contain the conditions under which the lender may agree to accept or discount promissory notes executed by purchasers under purchase contracts assigned as security for the loan, which promissory notes the lender intends to report for insurance, pursuant to § 585.6 and section 609 (i) of the National Housing Act.

(i) *Form and contents of note.* The note evidencing the indebtedness shall be in such form and contain such provisions as the Commissioner may determine, including a provision for acceleration of maturity, at the option of the holder, in the event of default in the payment of any sums due thereunder or failure to perform any undertaking or agreement contained in the note or any collateral document executed in connection with the loan transaction.

(j) *Inspections of books, records and operations of manufacturer.* The books, records, contracts, documents, papers, property equipment, buildings and machinery used in connection with and pertaining to the manufacture of the houses shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times. The manufacturer shall furnish, at the request of the Commissioner, his employees or attorneys, specific answers to questions upon which information is desired from time to time relative to the income, assets, liabilities, contracts, operations, including all papers and documents relating to cost of manufacturing of such houses, and any other information with respect to any matters concerned with the manufacturing of such houses which may reasonably be required by the lender and the Commissioner. The above enumeration of specific items shall not be deemed in any manner to limit the generality of the preceding sentence. In case the manufacturer is in default either under the provisions of the loan, or has failed to meet any applicable requirements of this section, or is in default with respect to any agreement or undertaking between the manufacturer and the lender or any agreement or undertaking to which the Commissioner is a party, the Commissioner may require the manufacturer to furnish at its expense a complete audit of the manufacturer's books of accounts, duly certified by a public accountant satisfactory to the Commissioner.

(k) *Fees and charges collectible from manufacturer.* The lender may charge and collect from the manufacturer the amounts payable by the lender to the Commissioner on account of insurance premiums under the insurance contract, application and appraisal fees, and inspection charges, and, in addition, any amounts payable by the lender to the Commissioner in connection with the insurance of purchasers' notes pursuant to § 585.6. Nothing in this subsection shall be construed as prohibiting the lender from charging the manufacturer an initial service charge, to reimburse itself for the cost of closing the transaction or an additional charge for handling substitutions of security, all such charges to be in amounts as may be agreed upon between the parties.

PURCHASER'S LOAN

§ 585.6 *Requirements of eligibility and conditions of insurance of purchaser's loan.* If in connection with a manufacturer's loan insured under section 609 (b) of the National Housing Act, eligible for insurance as provided in

§ 585.5, the purchase contract or contracts assigned to secure such manufacturer's loan, provide for the payment of not less than twenty per centum (20%) of such purchase price on or before the date of delivery of such houses, with the balance of the purchase price being evidenced by a promissory note or notes to be executed by the purchaser, and the lender has accepted and discounted or has agreed to accept or discount such promissory note or notes, any amounts advanced to the manufacturer or to its account in connection with the loan to the manufacturer, representing the proceeds of such promissory note or notes executed by the purchaser, will be considered a loan to the purchaser and the lender shall be insured against loss on account of any such loans as provided in the contract of insurance to be executed by the lender and the Commissioner in connection with the manufacturer's loan, provided such purchaser's loan or loans meet the conditions set forth in the contract of insurance and the following:

(a) *Maximum amount of loan.* Involve a principal obligation not in excess of eighty per centum (80%) of the purchase price of the manufactured house or houses delivered or to be delivered pursuant to the purchase contract or contracts assigned to secure the manufacturer's loan, and in connection with which the purchaser has paid to the manufacturer or to the lender for the account of the manufacturer on or before the date of delivery of any such houses, the balance of the purchase price in cash, which amount shall in no event be less than twenty per centum (20%) of the purchase price.

(b) *Maturity.* Have a maturity satisfactory to the Commissioner but not in excess of one hundred and eighty (180) days from the date of the note or notes and bear interest at a rate not to exceed four per centum (4%) per annum.

(c) *Form of note.* The note or notes shall be executed on a form satisfactory to the Commissioner, shall bear the genuine signature of the purchaser as maker, and shall be valid and enforceable against the maker or makers.

(d) *Credit standing of purchaser.* The purchaser must have a general credit standing satisfactory to the Commissioner. The Commissioner may specify in the contract of insurance with the lender the conditions under which additional notes may be accepted and discounted by the lender.

(e) *No past due loan.* Except with the prior approval of the Commissioner, no promissory note shall be eligible for insurance under this section if, at the time the note is discounted or accepted, the lender has knowledge that the purchaser is past due with respect to any note, purchase contract or other obligation created in connection with or incidental to the manufacturer's loan.

(f) *Limitation of aggregate amount of loans.* The Commissioner may prescribe in the commitment or in the contract of insurance the aggregate amount of purchaser loans which may be reported for insurance under this section with respect to any separate manufacturer's loan, and, in addition, may prescribe the aggregate amount of such purchaser loans which may be reported for insurance with respect to any individual purchaser.

(g) *Report of loan.* All purchaser loans accepted or discounted pursuant to this section shall be reported for insurance to the Commissioner on a form approved by him within thirty (30) days from the date accepted or discounted by the lender.

EFFECTIVE DATE

§ 585.7 *Effective date.* The Administrative rules in this part are effective as to all loans with respect to which a commitment to insure under section 609 is issued to an approved lender on or after September 3, 1948.

PART 586—ADMINISTRATIVE REGULATIONS OF FEDERAL HOUSING COMMISSIONER UNDER SECTION 609 OF TITLE VI OF NATIONAL HOUSING ACT

Sec.

586.1 Citation.
586.2 Definitions.
586.3 Insurance premium.
586.4 Contract of insurance.
586.5 Default and rights of lender under insurance contract with respect to manufacturer's loan.
586.6 Default and rights of lender under insurance contract with respect to purchaser loans.
586.7 Assignments.
586.8 Amendments.
586.9 Effective date.

AUTHORITY: §§ 586.1 to 586.9, inclusive, issued under sec. 1, 55 Stat. 61, Pub. Laws 129,901, 80th Cong.; 12 U. S. C. 1742.

§ 586.1 *Citation.* The regulations in this part may be cited and referred to as "Regulations of the Federal Housing Commissioner under section 609 of the National Housing Act, as amended, revised September 3, 1948."

§ 586.2 *Definitions.* As used in the regulations in this part the term:

(a) "Commissioner" means the Federal Housing Commissioner.

(b) "Act" means the National Housing Act, as amended.

(c) "Contract of Insurance" means the written instrument duly executed by the Commissioner and the lender setting forth the terms, conditions, and provisions of insurance.

(d) "Lender" means a financial institution which is eligible to obtain the insurance of loans made pursuant to section 609 of the act and includes the original lender, its successors and such of its assigns as are approved by the Commissioner.

(e) "Insured Loan" means a loan with respect to which the Commissioner has executed a contract of insurance, and shall include not only the loan to the manufacturer but also any purchaser loan eligible for insurance under section 609 (i) of the National Housing Act, and § 585.6 of this chapter.

§ 586.3 *Insurance premiums*—(a) *Manufacturer's loan.* With respect to a manufacturer's loan, the lender shall pay to the Commissioner an insurance charge, equal to one per centum (1%) of the original principal of the loan specified in the commitment to insure and such premium charge shall be paid on the date the Contract of Insurance becomes effective. Such premium charge shall be construed as fully earned when paid and shall be computed without regard to the amount of the loan actually advanced or outstanding.

(b) *Purchaser's loan.* With respect to a purchaser's loan, the lender shall pay to the Commissioner an insurance charge, equal to one-half of one per centum (½ of 1%) of the original face amount of any such loan. Such charge shall be paid at the time the loan is reported for insurance.

§ 586.4 *Contract of insurance.* Upon compliance satisfactory to the Commissioner with the terms of the commitment to insure, the Commissioner and the lender shall execute the contract of insurance and the loan shall be an insured loan from the effective date of such contract, and such contract may contain provisions to insure the lender against any losses it may sustain resulting from the acceptance and discount of any purchaser's note. The Commissioner and the lender shall thereafter be bound by the contract of insurance, subject to the provisions of the regulations in this part which shall form a part of each such contract.

The contract of insurance shall contain such provisions as the Commissioner may prescribe with respect to the servicing of the loan, submission of reports and notices regarding the loan transaction and other duties of the lender in the handling of the loan transaction prior or subsequent to default, consistent with the provisions of section 609 of the act and the Administrative rules and regulations thereunder.

§ 586.5 *Default and rights of lender under insurance contract with respect to manufacturer's loan* — (a) *Default and filing claim.* If the manufacturer fails to make any payment due under or provided to be paid by the terms of the loan or fails to perform any other covenant or obligation contained in any assignment, agreement or undertaking executed by the borrower in connection with such loan, because of which the lender has declared the full amount due and payable under the acceleration clause contained therein, and such failure continues for a period of thirty (30) days, the loan shall be considered in default and the lender shall within thirty (30) days thereafter give notice in writing to the Commissioner of such default. At any time within thirty (30) days after the date of such notice, or within such further period as may be agreed upon by the Commissioner in writing, the lender shall, in such manner as the Commissioner may require, assign, transfer, and deliver to the Commissioner the original credit instrument without recourse or warranty, except that the note bears the genuine signature of the manufacturer as borrower, is valid and enforceable in the jurisdiction in which it is issued, the amount stated in the instrument of assignment is actually due and owing, there are no offsets or counterclaims thereto, and that the lender has a good right to assign the note and other items enumerated below:

(1) All rights and interest arising with respect to the loan so in default;

(2) All claims of the lender against the borrower or others, arising out of the loan transaction, except such claims as may have been released with the approval of the Commissioner;

(3) Any cash or property held by the lender, or to which it is entitled, as deposits made for the account of the borrower and which have not been applied in reduction of the principal of the loan; and

(4) All records, documents, books, papers, and accounts relating to the loan transaction.

The assignment provided for in this section shall be in a form satisfactory to the Commissioner.

(b) *Payment of debentures.* Upon such assignment, transfer, and delivery and compliance with the provisions of paragraph (a) of this section, the Commissioner shall deliver to the lender:

(1) Debentures of the War Housing Insurance Fund as set forth in section 604 (d) of the act, issued as of the date the loan became in default, bearing interest at the rate of two and one-half per centum (2½%) per annum, payable semi-annually on the first day of January and the first day of July of each year and having a total face value equal to the unpaid principal balance of the loan on the date of default as determined in paragraph (a) of this section, less any amounts received by the lender from any source and applied on the loan subsequent to the date of default and prior to its assignment to the Commissioner.

(2) Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall be issued in multiples of fifty dollars ($50) and any difference not in excess of fifty dollars ($50) between the amount of debentures to which the lender is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the lender.

§ 586.6 *Default and rights of lender under insurance contract with respect to purchaser loans*—(a) *Default.* The failure of the purchaser to make any payment due under or provided to be paid by the terms of any promissory note or notes executed by the purchaser and accepted and discounted by the lender and reported for insurance under the provisions of section 609 (i) of the National Housing Act, as amended, shall be considered a default under this subsection, and the lender shall be entitled to receive the benefit of the insurance as hereinafter provided.

(b) *Form of claim.* Claim for reimbursement for loss shall be made on a form provided by the Commissioner and executed by a duly qualified officer of the lender and shall be accompanied by the lender's complete credit and collection file pertaining to the transaction.

(c) *Time of filing claim and requirements with respect thereto.* At any time within thirty (30) days after the date of default or within such further period as may be agreed upon by the Commissioner in writing, the lender shall, in such manner as the Commissioner may require, assign, transfer, and deliver to the Commissioner the original note or notes without recourse or warranty, except that the note bears the genuine signature of the purchaser, as borrower, is valid and enforceable, the amount stated in the instrument of assignment is actually due and owing, there are no offsets or counterclaims thereto, and that the lender has a good right to assign the note and other items enumerated below:

(1) All rights and interest arising with respect to the loan so in default;

(2) All claims of the lender against the borrower or others, including any property or security of whatever nature, arising out of the loan transaction, except such claims as may have been released with the approval of the Commissioner; and

(3) All records, documents, books, papers, and accounts relating to the loan transaction.

The assignment provided for herein shall be in a form satisfactory to the Commissioner.

(d) *Payment of debentures.* Upon such assignment, transfer, and delivery and compliance with the provisions of paragraphs (a), (b), and (c) of this section, the Commissioner shall deliver to the lender:

(1) Debentures of the War Housing Insurance Fund as set forth in section 604 (d) of the act issued as of the date application is filed for the insurance benefits and shall bear interest from such date at the rate of two and one-half per centum (2½%) per annum, payable semi-annually on the first day of January and the first day of July of each year and having a total face value equal to the unpaid principal balance of the loan on the date of default as determined in paragraph (a) of this section, plus interest at the rate of four per centum (4%) per annum from the date of default to the date the application is filed for the insurance benefits.

(2) Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment day on three (3) months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall be issued in multiples of fifty dollars ($50) and any difference not in excess of fifty dollars ($50) between the amount of debentures to which the lender is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the lender.

§ 586.7 *Assignments*—(a) *Manufacturer's loans.* Manufacturer's loans insured under the regulations in this part may be transferred (but, except with the written approval of the Commissioner, only subsequent to full disbursement of the loan proceeds) to a transferee, who is approved by the Commissioner. Upon such approval and transfer and the assumption by the transferee of all obligations under the contract of insurance, the transfer shall be released from its obligations under the contract of insurance.

(b) *Purchaser's loans.* Purchaser loans insured under the regulations in this part may be transferred with the approval of the Commissioner: *Provided,* That no such approval will be given except in connection with an assignment of the manufacturer's loan.

§ 586.8 *Amendments.* The regulations in this part may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not affect the contract of insurance on any loan already insured, or any loan on which the Commissioner has made a commitment to insure.

§ 586.9 *Effective date.* The regulations in this part are effective as to all loans on which a commitment to insure under section 609 is issued to an approved lender on or after September 3, 1948.

Issued at Washington, D. C., September 3, 1948.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 48-8113; Filed, Sept. 9, 1948; 8:52 a. m.]

Chapter VIII—Office of Housing Expediter

PART 851—ORGANIZATION DESCRIPTION, INCLUDING DELEGATION OF FINAL AUTHORITY

DESIGNATION OF ACTING HOUSING EXPEDITER

Designation of Acting Housing Expediter. J. Walter White is hereby designated to act as Housing Expediter during my absence from September 7, 1948, to October 8, 1948, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Housing and Rent Act of 1947, as amended, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such period.

(Pub. Laws 129, 464, 80th Cong.)

Issued this 3d day of September 1948.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 48-8092; Filed, Sept. 9, 1948; 8:46 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

SITGREAVES NATIONAL FOREST; REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on the Heber, the

Chevalon, and a part of the Pinedale Ranger Districts in the Sitgreaves National Forest, State of Arizona; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat., 35, 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat., 628, 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of land in the Heber, Chevalon, and part of the Pinedale Ranger Districts of the Sitgreaves National Forest is issued:

Temporary closure from livestock grazing.[1] (a) The following-described areas in the Sitgreaves National Forest are hereby closed for the period October 1, 1948 to September 30, 1949 to grazing by horses excepting those that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such lands:

The Chevalon, Heber and part of the Pinedale Districts, Sitgreaves National Forest, bounded on the east by the west boundary fences of the Pinedale Community Allotment and the Park Community Allotment; on the south by the fences between the Apache Indian Reservation and the Sitgreaves National Forest, the fence between the Tonto National Forest and the Sitgreaves National Forest, and the Mogollon rim, an impassable barrier; on the west by the boundary between the Coconino and Sitgreaves National Forests, generally along Leonard and Clear Creek Canyons; and on the north by the forest boundary fence, and the north boundary fence of the Grover Springs Allotment.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Sitgreaves National Forest is located.

(30 Stat. 35, 33 Stat. 628; 16 U. S. C. 551, 472)

Done at Washington, D. C., this 3d day of September 1948.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8139; Filed, Sept. 9, 1948; 8:58 a. m.]

[1] This affects tabulation contained in 36 CFR, Sec. 261.50.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

GERMANY; ADDITIONAL MAIL SERVICE

In § 127.264 *Germany*, of Subpart D, (13 F. R. 980, 2167), make the following changes:

1. Amend paragraph (a) (1) by deleting therefrom the following sentence: "Printed matter accepted only to the American and British zones (see subparagraph (5) (iii) of this paragraph.)"

2. Amend paragraph (a) (2) to read as follows:

(2) *Special delivery.* Letters and other regular mail articles addressed to the French Zone of Germany will be given special-delivery service at destination, provided they are prepaid the fee of twenty cents in addition to the postage and bear the "Exprès" label (Form 2977) or are plainly marked in red ink "Exprès".

No special delivery service to the remainder of Germany.

3. Amend paragraph (a) (5) (iii) by changing the first paragraph thereof to read as follows:

(iii) Printed matter up to 4 pounds 6 ounces in weight may be mailed on a gift basis to the American and British Zones of Germany, excluding Berlin; also allowed are copies of certain trade publications when mailed in response to subscriptions placed with the approval of the governing authorities in the Bizonal area.

Printed matter up to 6 pounds 9 ounces in weight may also be mailed to the French Zone of Germany, excluding Berlin, but only the following types are accepted: Printed personal or family announcements, such as birth, marriage, and death announcements, visiting cards, etc., also catalogs, prospectuses, and similar commercial literature. These articles may be registered upon payment of the fee of 20 cents in addition to the regular postage:

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] JOSEPH J. LAWLER,
Acting Postmaster General.

[F. R. Doc. 48-8098; Filed, Sept. 9, 1948; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

TOBACCO IN GIFT PACKAGES FOR THE NETHERLANDS

In § 127.307 *Netherlands*, of Subpart D (13 F. R. 1012, 4234), make the following change:

Amend paragraph (b) (4) (v) to read as follows:

(v) Gift parcels addressed to individuals in the Netherlands may not contain more than 400 cigarettes or 1,000 grams (2 pounds 3 ounces) of chopped tobacco, which amounts represent the monthly quota of tobacco that individuals are allowed to receive.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] JOSEPH J. LAWLER,
Acting Postmaster General.

[F. R. Doc. 48-8097; Filed, Sept. 9, 1948; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

SEYCHELLES; AIR MAIL SERVICE INITIATED

In § 127.346 *Seychelles*, of Subpart D (13 F. R. 1036), make the following change:

Change paragraph (a) (3) to read as follows:

(3) *Air mail service.* Initiated September 1, 1948. Postage rate, 25 cents per half ounce or fraction.

It is to be noted that the air-mail articles will be dispatched via Mombasa, British East Africa, for onward forwarding by steamship. Sea dispatches from Mombasa to Seychelles are irregular and one or two services monthly are the most that can be expected.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] JOSEPH J. LAWLER,
Acting Postmaster General.

[F. R. Doc. 48-8096; Filed, Sept. 9, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[S. O. 817, Amdt. 2]

REDUCED RATES ON GIANT REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of September A. D. 1948.

Upon further consideration of Service Order No. 817 (13 F. R. 3320), as amended (13 F. R. 3738), and good cause appearing therefor: *It is ordered*, That:

Section 95.817 *Reduced rates on Giant type refrigerator cars*, of Service Order No. 817 (13 F. R. 3320), be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 12:01 a. m., December 31, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Tariff provisions suspended. The operation of all tariff rules, regulations, or charges insofar as they conflict with this order is hereby suspended.

Announcement of suspension. Each railroad, or its agent, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions set forth.

Effective date. This amendment shall become effective at 11:59 p. m., September 4, 1948.

It is further ordered, That a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8112; Filed, Sept. 9, 1948; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 208—KODIAK AREA FISHERIES

HERRING CATCH LIMITATION; EXCEPTION

Basis and purposes. As a result of investigations by field biologists of the Fish and Wildlife Service, it has been determined that the take of herring in the Kodiak Island region indicates a population of older fish than had been anticipated. It has been determined that this population can yield an additional 60,000 barrels of herring to the commercial fishery without injury to the stock. Accordingly, to increase the herring catch quota in the Kodiak region, § 208.25 is amended as follows:

Section 208.25 *Herring catch limitation; exceptions*, is hereby amended by deleting therefrom "300,000 barrels" and substituting in lieu thereof "360,000 barrels".

Since the present quota of 300,000 barrels is almost filled, any delay in the effective date of this amendment would unnecessarily disrupt the industry. Accordingly, this amendment to the regulations shall become effective immediately upon publication in the FEDERAL REGISTER.

(44 Stat. 752; 48 U. S. C. 221; sec. 4 (e), Reorg. Plan II of 1939, 3 CFR, 1939 Supp., Ch. IV)

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1948.

[F. R. Doc. 48-8094; Filed, Sept. 9, 1948; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 975]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73rd Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR., Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held at Cleveland, Ohio, on March 18 and 19, 1948, after the issuance of a notice on March 12, 1948, (13 F. R. 1326).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 26, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER (13 F. R. 4395, 4551).

Exceptions were filed on behalf of the Milk Market Survey Committee, representing a large majority of the handlers, and by the Pet Milk Company. These exceptions have been considered and appropriate revisions made. To the extent to which the findings and conclusions of the recommended decision as hereinafter modified, are at variance with the exceptions, such exceptions are hereby overruled. Counsel for the Milk Market Survey Committee requested a ruling as to whether the modified proposal submitted for proposal No. 5 of the Milk Producers Federation of Cleveland set forth in the notice of hearing may be properly considered as being within the scope of such notice. This request was renewed in connection with the exceptions filed. It is hereby determined that such modified proposal was within the scope of the notice of hearing.

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 48-6856; 13 F. R. 4395, 4551) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following amendments:

1. Delete the first two sentences of the second paragraph beginning in column 2, 13 F. R. 4396 (F. R. Doc. 48-6856), and substitute therefor the following:

The extent of the need for milk in the short production season of October through January indicates that the minimum delivery requirements applicable to plants already qualified as pool plants also should be raised in order that adequate milk supplies may be assured in these months. On the other hand once a plant has attained pool plant status it is felt that such plant should not be disqualified on the basis of failure to meet the more stringent standard for one month. It is provided, therefore, that a pool plant will not be disqualified if it delivers more than 10 percent but fails to deliver 50 percent of its dairy farm supply in one of the months of October, November, December, and January.

2. Delete the third paragraph beginning in column 3, 13 F. R. 4396 (F. R. Doc. 6856) in its entirety and substitute therefor the following:

The problem of pricing skim milk (from producer milk) used to produce bulk condensed skim milk appears to involve primarily its ultimate use value in the manufacture of ice cream and ice cream mix by handlers. Handlers emphasized that bulk condensed skim milk and nonfat dry milk solids from outside sources may be substituted readily for bulk condensed skim milk made from producer milk in the manufacture of ice cream to be sold locally. It was contended further that the price of skim milk for bulk condensed skim milk should be related closely to the market price for nonfat dry milk solids. It was also stated, however, that the use of producer milk in making ice cream offers some advantage from the standpoint of the quality of product marketed.

Normally there is a price differential between the market prices of bulk condensed skim milk and nonfat dry milk solids. The prices for nonfat solids in bulk condensed skim milk usually run higher than the prices of nonfat dry milk solids made by either spray or roller process. Data contained in the record relative to the open market prices of plain condensed skim milk in bulk delivered at Cleveland from outside plants and the open market prices of nonfat dry milk solids provide a reasonable basis for estimating the value of skim milk from producer milk used in the manfacture of condensed skim milk in relation to the prices of nonfat dry milk solids, taking into account a somewhat unusual condition of price relationships in 1947. This relationship may be expressed, for convenience, in terms of a differential over the price of skim milk used to produce roller process nonfat dry milk solids as determined by a formula

already contained in the order. Allowing for the fact that the latter formula uses roller process nonfat dry milk solids quotations f. o. b. manufacturing points in the Chicago area, whereas prices on bulk condensed skim milk submitted were quoted on a "delivered at Cleveland" basis, and considering that the ultimate use of a large percentage of the skim milk being priced will be in the form of Class II milk items, an appropriate differential under present circumstances would be the equivalent of approximately 25 cents per hundredweight of skim milk. A differential of 25 cents per hundredweight over the price for skim milk in roller process nonfat dry milk solids has been provided, therefore, in the formula for pricing skim milk in bulk condensed skim milk and cottage cheese to reflect a reasonable price level for such skim milk.

3. Delete the last two sentences of the first paragraph beginning in column 1, 13 F. R. 4397 (F. R. Doc. 48-6856), and substitute therefor the following:

The proposal submitted by producers does not satisfy the need for a new formula for this purpose. However, such proposal may be used, with modification, as an appropriate basis for pricing skim milk utilized in the manufacture of evaporated or condensed milk (or skim milk) in hermetically sealed cans. The current average price of the 18 plants named in § 975.6 (a) (1) is used as the basis for the formula offered by the producers. However, over a period of time this price runs somewhat higher than the average price at representative Ohio condensary plants, as shown by the record. A downward adjustment of 8 cents per hundredweight in the current average price of the 18 plants named in § 975.6 (a) (1) should compensate for this price difference.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure covering proceedings to formulate marketing agreements and orders have been met.

Determination of representative period. The month of February, 1948, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Cleveland, Ohio, milk marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with the decision.

This decision filed at Washington, D. C., this 3d day of September 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area*

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth in this section.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73rd Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to Sections 2 and 8c of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. *It is therefore ordered*, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 975.3 (a) (2) (ii) and substitute therefor the following:

(ii) A plant which either was a pool plant on August 31, 1948, or has become a pool plant pursuant to subparagraph (3) of this paragraph.

2. Delete § 975.3 (a) (3) and substitute therefor the following:

(3) A plant having approval of the appropriate health authority in the marketing area to do so which has, within the delivery period of January, February, or March and within each of the five consecutive preceding delivery periods, furnished milk to a pool plant described in subparagraph (1) of this paragraph in an amount equal to 50 percent or more of its entire receipts of milk from dairy farmers during each such delivery period.

3. Delete § 975.3 (c) and substitute therefor the following:

(c) *Disqualification.* A plant shall be disqualified as a pool plant under either of the following circumstances:

(1) Upon prior written request for disqualification made by the plant operator; such disqualification to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in paragraph (a) (1) of this section; or

(2) If such plant furnished to a pool plant described in paragraph (a) (1) of this section less than 10 percent of its dairy farm supply of milk in any month except April, May, June, or July and less than 50 percent of such supply during more than one of the months of October, November, December, and January: *Provided*, That upon receipt by the market administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this subparagraph: *And provided further*, That this subparagraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

4. Delete § 975.5 (b) (1) (ii) and substitute therefor the following:

(ii) Transferred as any item included in subdivision (i) of this subparagraph from a pool plant to the plant of a producer-handler, or transferred as any such item, except cream, to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

5. Delete § 975.5 (g) (2) and substitute therefor the following:

(2) For the delivery periods of October, November, December, and January, subtract from the pounds of butterfat in Class I milk, the smaller of the following:

(i) The pounds, if any, by which the butterfat in milk received from producers and pool plants is less than 110 percent of the pounds of butterfat in such handler's milk, skim milk, buttermilk, flavored milk and flavored milk drink classified as Class I milk (exclusive of any reconstituted skim milk) pursuant to paragraph (b) (1) (i) of this section, not including such Class I milk transferred to pool plants or to nonpool plants; or

(ii) The pounds of butterfat in other source milk received.

6. Delete § 975.6 (b) (2) and substitute therefor the following:

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20: *Provided*, That in no event shall (i) the price of butterfat pursuant to this subparagraph for sweet or sour cream, or of any mixture of cream and milk (or skim milk), be less than the price computed pursuant to paragraph (c) (2) of this section, or (ii) the price of butterfat for the remaining items of Class I milk be less than the price of butterfat computed pursuant to paragraph (c) (2) of this section plus $3.00.

7. Delete § 975.6 (c) (3) and substitute therefor the following:

(3) The price of skim milk shall be that computed pursuant to the first proviso in paragraph (d) (2) of this section.

8. Delete subparagraphs (2) and (3) of § 975.6 (d) and substitute therefor the following:

(2) The price of skim milk (calculated to the nearest full cent) shall be the average carlot price per pound of nonfat dry milk solids for human consumption, roller process, f. o. b., manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, less 5.5 cents, and then multiplied by 8.5: *Provided*, That the price of skim milk used to produce bulk condensed skim milk or whole milk (sweetened or unsweetened), cottage cheese, and powdered malted milk shall be such price, plus 25 cents: *And provided also*, That the price of skim milk used to produce evaporated or condensed milk (or skim milk) in hermetically sealed cans shall be the price resulting from the following computation:

(i) Multiply by 0.035 the price of butterfat computed pursuant to subparagraph (1) of this paragraph prior to the proviso therein;

(ii) Subtract such amount from the price computed for the next succeeding delivery period pursuant to paragraph (a) (1) of this section minus 8 cents;

(iii) Divide this result by 0.965, and round off to the nearest full cent.

9. At the end of § 975.7 (a) replace the period (.) with a colon (:) and add the following proviso:

And provided also, That such handler shall be credited at the difference between the applicable Class I prices for skim milk and butterfat and the highest of the Class III prices for skim milk and butterfat, respectively, with respect to any item specified in § 975.5 (b) (1) (i) disposed of during April, May, June or July to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations.

[F. R. Doc. 48-8133; Filed, Sept. 9, 1948; 8:56 a. m.]

[7 CFR, Part 978]

HANDLING OF MILK IN NASHVILLE, TENN., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND TO A PROPOSED AMENDMENT TO THE ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held at Nashville, Tennessee, on June 15, 1948, pursuant to a notice issued on June 7, 1948 (13 F. R. 3130).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 23, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 28, 1948 (13 F. R. 4324).

The material issues presented on the record of the hearing were whether:

(1) The definition of "other source milk" should be revised to exclude nonfluid milk products received and disposed of in the same form.

(2) The allocation provisions should be revised to provide for the prorating of other source skim milk whenever receipts of producer skim milk are less than 105 percent of the skim milk used in Class I, Class II, and cottage cheese.

(3) The provisions with respect to the computation of the uniform price to producers should be revised to provide for the adoption of a fall premium payment plan whereby a specified amount per hundredweight would be deducted in computing the uniform price for producer milk received during the delivery periods of April, May, and June and paid to the market administrator to be held in escrow for payment to producers during the subsequent delivery periods of September, October, and November.

Rulings on exceptions. Exceptions to the recommended decision were filed on behalf of the handlers who would be subject to the proposed marketing agreement and to the proposed order amending the order. In arriving at the findings and conclusions decided upon in this decision each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions decided upon herein are at variance with the exceptions pertaining thereto such exceptions are overruled.

Findings and conclusions. The proposed findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof are as follows:

(1) The definition of "other source milk" should be revised to exclude all nonfluid milk products (Class III products) which are received and disposed of in the same form. The present provisions of the order require that a handler report the receipts of and pay administrative assessment on all producer milk and other source milk received at a fluid milk plant. The record shows that the elimination of the requirement that handlers report the receipt of nonfluid milk products received and disposed of in the same form would not affect the type or detail of records required to be kept by handlers to enable the market administrator to verify or audit handler receipts and utilization of milk. It would, however, relieve both the market administrator and handlers of the paper work necessitated by the present provision in the reporting and classification of such nonfluid milk products. The proposed change would not affect the price producers receive for milk but would slightly reduce the cost which some handlers are required to pay for the administration of the order. No objections were made to this proposal.

(2) The allocation provisions should be revised to provide for the prorating between Class I and Class II of the receipts of other source skim milk which are in excess of skim milk in Class III, less allowable shrinkage, whenever receipts of skim milk from producers and from other handlers are less than 105 percent of the amount of Class I and Class II skim milk disposed of by the handler to any person other than by transfer or diversion pursuant to § 978.4 (d). The present provisions of the order provide that other source skim milk be assigned in the lowest-priced available utilization after subtracting allowable shrinkage from Class III.

The record indicates that there has been sufficient producer butterfat to supply the market with products required to be made from graded supplies during virtually all months since the inception of the order. There has been, however, insufficient skim milk to meet minimum needs in all periods except the flush months of production. Because of the day-to-day fluctuations in receipts and sales, it is necessary in the Nashville market at this time that the amount of milk delivered by producers be at least 5 percent in excess of the actual amount used in products required to be made from graded supplies if the market is to be adequately supplied. Producers expressed a feeling of some responsibility in supplying the market requirements for graded milk.

It was proposed that the 105 percent rule apply to milk used in Class I, Class II, and cottage cheese. However, the record shows that cottage cheese is not required by the health department to be made from Grade A milk. For this reason, it is not necessary to provide Grade A milk for the production of cottage cheese and consequently the inclusion of cottage cheese in the proposed 105 percent rule is not indicated.

Both handlers and producers originally proposed that the allocation of other source skim milk be based on the combined utilization of all handlers in the market. The record shows the impracticability of administering the proposal on other than an individual-handler basis as well as the inequities which could arise between handlers with sufficient supplies of producer skim milk and those who were required to purchase additional supplies from approved sources.

(3) The uniform price provisions should be revised to include a fall premium payment plan which would provide for the deduction of 45 cents per hundredweight in computing the uniform price to producers for the delivery periods of April, May, and June; such amount to be paid by each handler, for each hundredweight of producer milk received by him, to the market administrator and held in escrow for distribution to producers through the producer-settlement fund during subsequent delivery periods of September, October, and November.

Seasonal pricing under the present order provisions is limited to the seasonal pattern of manufactured milk prices as reflected in the basic formula and to the effect on the blend price of the greater volume of milk in Class III during the months of flush production. Producers and handlers argued that such seasonal changes in prices are insufficient to shift production to the pattern needed to adequately supply market requirements throughout the year. Both contended that a differential of $1.50 per hundredweight between spring and fall prices was needed to produce the desired pattern and that to reflect such a difference in the class price differentials paid by handlers would produce an undesirable and adverse pattern of retail prices. Producers proposed to withhold 40 cents per hundredweight from the uniform price during the months of April, May, and June while handlers contended that 50 cents per hundredweight was necessary to provide the $1.50 differential between spring and fall prices.

The problem of maintaining an adequate fluid milk supply at all seasons of the year is acute in the Nashville market. The record shows that for each year since 1945 receipts of producer milk during the shortest month of production have been less than 60 percent of such receipts during the months of highest production. Thus, an appropriate approach to the problem is to induce producers to shift part of their flush production to the short production season of September, October, and November.

The so-called "fall premium payment plan" of leveling milk production is a simple and expedient method of providing a monetary incentive to producers to make a shift in their production pattern by withholding from the uniform price a specified amount per hundredweight of milk delivered during the months of April, May, and June and by subsequently distributing to the producers through the producer-settlement fund during each of the months of September, October, and November, one-third of the amount of money so deducted. The plan does not change the use-class price of milk to handlers and does not affect a control of production since it does not establish a maximum or minimum quantity of milk that producers either individually or collectively may ship to the market. Under the plan all producers receive the same price per hundredweight of milk of similar test delivered during any particular delivery period. Each producer is free to determine his own yearly production pattern. This plan has the support of both producers and handlers. It is concluded to be a logical and effective means of influencing a more even production pattern in the Nashville market.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect the market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order as hereby proposed to be amended will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Nashville, Tennessee, marketing area," and "Order amending the order regulating the handling of milk in the Nashville, Tennessee, marketing area," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, covering proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 3d day of September 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area

§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 *et seq.*), a public hearing was held June 15, 1948, upon a proposed amendment to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tennessee, milk marketing area. The recommended decision (13 F. R. 4324) was made by the Assistant Administrator of the Production and Marketing Administration on July 23, 1948. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to secs. 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended; and the aforesaid order is hereby amended as follows:

1. Delete § 978.1 (m) and substitute therefor the following:

(m) "Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a source other than producers or other handlers, except any nonfluid milk product which is received and disposed of in the same form.

2. Delete the semicolon (;) at the end of § 978.4 (f) (1) (ii) and add the following:

: *Provided,* That, if the receipts of skim milk from producers and from other handlers are less than 105 percent of the amount of Class I and Class II skim milk disposed of by such handler to any person other than by transfer or diversion pursuant to paragraph (d) of this section, the pounds of skim milk in other source milk shall be subtracted from the remaining pounds of skim milk in Class III milk, and the pounds of skim milk in other source milk which are in excess of the remaining pounds of skim milk in Class III milk shall be subtracted pro rata from the pounds of skim milk in Class I and Class II milk;

3. Delete the period (.) at the end of § 978.4 (f) (2) and add the following: ", except that the proviso in subparagraph (1) (ii) of this paragraph shall not apply."

4. Delete § 978.7 (b) (3) and (5) and substitute therefor the following:

(3) (i) Add an amount equivalent to the cash balance on hand in the producer-settlement fund established by the provisions of subparagraph (5) (i) of this paragraph, less the total amount of contingent obligations to handlers pursuant to § 978.8 (d):

(ii) For such of the delivery periods of September, October, and November, beginning September 1949, add an amount equivalent to one-third of the total of the three amounts representing the cash balance established, during the delivery periods of April, May, and June immediately preceding, as a fall season production incentive pursuant to subparagraph (5) (ii) of this paragraph.

(5) (i) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers;

(ii) For each of the delivery periods of April, May, and June, beginning April 1949, subtract 45 cents, for the purpose of establishing in the producer-settlement fund a cash balance for distribution pursuant to subparagraph (3) (ii) of this paragraph. This result shall be known as the "uniform price" per hundredweight for such delivery period for producer milk containing 4.0 percent butterfat, f. o. b. fluid milk plant.

[F. R. Doc. 48-8138; Filed, Sept. 9, 1948; 8:58 a. m.]

[7 CFR, Part 985]

[Docket No. AO-193]

HANDLING OF EMPEROR GRAPES GROWN IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 48-7514, appearing at page 4821 in the issue for Friday, August 20, 1948, the following corrections are made:

1. In the third column on page 4825, in the 17th line of paragraph (c), the word "market" should read "marketing".

2. In the first column on page 4827, in the second paragraph of paragraph (e), the seventh sentence should read, "The form or manner of such notice should be that which is reasonably designed to acquaint all interested parties with the details of the marketing policy."

3. In the third column on page 4830, in the 24th line of paragraph (m), the comma after "37" should be deleted.

4. In the third column on page 4831, in the sixth line of subparagraph (9), a comma should follow the word "That".

5. In the second column on page 4832, in the seventh line of § 985.3 (a), a comma should be inserted after the word "committee".

NOTICES

POST OFFICE DEPARTMENT

INTERNATIONAL MAILS; RELIEF PACKAGES

ACCEPTANCE AND RATES FOR DELIVERY IN JAPAN, KOREA AND RYUKYU ISLANDS

Effective August 24, 1948, pursuant to arrangements concluded with the Department of the Army, the acceptance is authorized of "U. S. A. Gift Parcels" addressed for delivery in Japan, Korea and the Ryukyu Islands.

The parcels must comply with the conditions set forth in the notice published in the FEDERAL REGISTER of July 23, 1948, entitled "Relief Packages", (13 F. R. 4240). The permitted contents include nonperishable foods, clothing and clothes-making materials, shoes and shoe-making materials, mailable medical and health supplies, and household supplies and utensils, as well as any items permitted in gift parcels for the countries concerned, as shown under the relative country items, as amended, in the FEDERAL REGISTER of February 27, 1948 (13 F. R. 892 et seq.). However, the combined total domestic retail value of all soap, butter and other edible fats, and oils included in each relief parcel must not exceed $5; and the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each relief package must not exceed $5.

"U. S. A. Gift Parcels" for Japan and Korea will be subject to the postage rate of 10 cents a pound. The parcels are acceptable for mailing to all places in Korea and to the four main islands of Japan and the adjacent Japanese islands as listed in the FEDERAL REGISTER of April 16, 1948 (13 F. R. 2044).

"U. S. A. Gift Parcels" for the Ryukyu Islands will be subject to the following rates of postage:

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.15	12	$1.80
2	.30	13	1.95
3	.45	14	2.10
4	.60	15	2.25
5	.75	16	2.40
6	.90	17	2.55
7	1.05	18	2.70
8	1.20	19	2.85
9	1.35	20	3.00
10	1.50	21	3.15
11	1.65	22	3.30

Service is available to all islands of the Ryukyu Group south of 30° north latitude, including Kuchinoshima.

[SEAL] JOSEPH J. LAWLER,
Acting Postmaster General.

[F. R. Doc. 48-8099; Filed, Sept. 9, 1948; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Brooklyn Bureau of Social Service, 285 Schermerhorn Street, Brooklyn 17, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective September 1, 1948, and expires April 30, 1949.

Philadelphia Branch, Pennsylvania Association for the Blind, 110 South 18th Street, Philadelphia, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective September 1, 1948, and expires February 28, 1949.

Rehabilitation Institute, 2700 McGee Trafficway, Kansas City, Missouri; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective September 8, 1948, and expires February 28, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 1st day of September 1948.

RAYMOND G. GARCEAU,
Director,
Field Operations Branch.

[F. R. Doc. 48-8095; Filed, Sept. 9, 1948; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8921]

SUFFOLK BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Suffolk Broadcasting Corporation, Patchogue, New York, for construction permit, Docket No. 8921, File No. BP-6515.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 1st day of September 1948.

The Commission having under consideration the above-entitled application of Suffolk Broadcasting Corporation for construction permit for a new standard broadcast station to operate on 1370 kc, with 500 w power, daytime only at Patchogue, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application, be, and it is hereby designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with stations WBNX New York, New York and WAWZ Zarephath, New Jersey or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, WBNX Broadcasting Company Inc., licensee of station WBNX New York, New York and Pillar of Fire Inc., licensee of station WAWZ Zarephath, New Jersey be, and they are hereby made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8108; Filed, Sept. 9, 1948; 8:49 a. m.]

NIED & STEVENS, INC.

NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on August 26, 1948, there was filed with it an application (BTC-674) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Nied & Stevens, Inc., licensee of AM station WRRN and permittee of station WRRN-FM, Warren, Ohio, from Perry H. Stevens, Frank T. Nied, Lucy S. Stevens and Evelyn A. Nied to The Tribune Company. The proposal to transfer control arises out of a contract of July 16, 1948, pursuant to which the holders of 100% of the stock of Nied & Stevens, Inc., will sell all their stock to the transferee for $300,000 payable $90,000 on the closing date plus five notes, each for $42,000, one of such notes being due one year from date and another each succeeding year until all have been paid. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 26, 1948 that starting on August 30, 1948 notice of the filing of the application would be inserted in The Tribune Chronicle, a newspaper of general circulation at Warren, Ohio, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from August 30, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8109; Filed, Sept. 9, 1948; 8:50 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

BIG SPRING HERALD BROADCASTING CO.

NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on August 23, 1948, there was filed with it an application (BTC-672) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Big Spring Herald Broadcasting Company, licensee of station KBST, from seven stockholders in the licensee to Big Spring Broadcasting Company. The proposal to transfer control arises out of a contract of July 31, 1948 pursuant to which seven stockholders of the licensee corporation have agreed to sell 750 shares of stock or 100% of the licensee's outstanding stock to Big Spring Broadcasting Company for a consideration of $353.33 per share (total $265,000). Payments will be made as follows: the sum of $86.66 per share will be paid each stockholder within 30 days after written consent of the Commission; the balance of $266.67 per share, to be evidenced by notes, will be paid in 20 equal installments of $8 per share due every six months after execution of the notes with a final installment of $106.66 per share payable 11 years after execution of the notes. All notes will bear interest at the rate of 3% payable every 6 months. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 24, 1948 that starting on August 24, 1948 notice of the filing of the application would be inserted in the Big Spring Daily Herald, a newspaper of general circulation at Big Spring, Texas, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from August 24, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8110; Filed, Sept. 9, 1948; 8:50 a. m.]

RADIO STATION WBAY

NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on August 20, 1948, there was filed with it an application (BAL-769) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WBAY, Coral Gables, Florida, from Atlantic Shores Broadcasting Ltd. to Atlantic Shores Broadcasting, Inc. The proposal to assign the license arises out of a contract of April 17, 1948, pursuant to which the assignor will sell all station properties and all advertising and operating contracts where assignable to the assignee for $125,000, $25,000 of which has been deposited in escrow, the balance payable on the closing date in cash or, at the option of the buyer, $50,000 in cash and the balance in equal monthly installments over a period of three years with 10% interest on the unpaid balance. Assets and properties being assigned do not include cash, securities, accounts receivable, or choses in action. The assignee will not be liable for any of the assignor's debts except those incurred in the operation of station WBAY from April 17, 1948 to the date of closing. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 27, 1948, that starting on August 24, 1948, notice of the filing of the application would be inserted in the Riviera Times, a newspaper of general circulation at Coral Gables, Florida, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from August 24, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8111; Filed, Sept. 9, 1948; 8:50 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1915]

NORTH AMERICAN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in Washington, D. C., on the 3d day of September 1948.

The North American Company ("North American"), a registered holding company, has filed a declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("the act") and the General Rules and Regulations promulgated thereunder, regarding a proposal to distribute, on November 1, 1948, in partial liquidation, to its holders of Common Stock of record as of October 4, 1948, one share of Common Stock of Pacific Gas and Electric Company ("Pacific") for each 80 shares of Common Stock of North American held. No certificates will be issued for fractions of shares of stock of Pacific; in lieu thereof, cash will be paid with respect to such numbers of shares as would be entitled to less than a full share of Pacific at the rate of $35 per share of Pacific (the approximate market price of such stock at the close of the market on July 29, 1948); such payment being the equivalent of 43¾ cents per share of Common Stock of North American entitled to be paid such cash. North American estimates that the proposed transactions will involve the distribution of approximately 89,136 shares (of a total of 166,667 shares held) of Common Stock of Pacific and approximately $630,764 in cash in lieu of fractions of such stock.

In connection with the proposed distribution, North American proposes to charge to Capital Surplus an amount (approximately $2,732,766) aggregating the carrying value of the shares of Pacific Common Stock to be distributed and the cash (approximately $630,764) to be paid in lieu of fractional shares, together with the expenses of such distribution. North American proposes that sufficient Capital Surplus for this purpose be provided by transferring from Earned Surplus to Capital Surplus an equivalent amount.

Of its estimated remaining 77,531 shares of Pacific Common Stock, North American represents that it intends to file subsequently with the Commission an appropriate notification or application with respect to the sale of 75,000 shares prior to November 1, 1948. The remaining balance of 2,531 shares is to be held until the number of shares required for the proposed distribution to stockholders on November 1, 1948, is finally ascertained; thereafter, as soon as practicable, after the issuance by the Commission of a supplemental order conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, North American proposes to sell such residual shares on the New York Stock Exchange.

The declaration having been filed on August 3, 1948, and Notice of Filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

North American having requested that the Commission's order conform to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest

of investors to permit said declaration to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

It is further ordered and recited and the Commission finds, That the proposed distribution on November 1, 1948 of the shares of Pacific Common Stock (out of Certificates Nos. NF-217604, NF-217605, NF-363382, NF-217667 to NF-217693, inclusive, NF-217695 to NF-217720, inclusive, NC-112675 to NC-112789, inclusive, NC-138261, NF-217606, F-494281, C-53990, NF-317250 and B-731) by North American through the transfer and distribution of such shares to its stockholders, all as authorized or permitted by this order, is necessary or appropriate to the integration or simplification of the holding company system of which North American is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8104; Filed, Sept. 9, 1948; 8:49 a. m.]

[File Nos. 59-91, 54-165]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER DIRECTING DISPOSITION OF INTEREST IN CERTAIN PROPERTIES AND RECAPITALIZATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of September 1948.

In the matter of Pennsylvania Gas & Electric Corp. and Subsidiary Companies, (Respondents), File No. 59-91; Allegany Gas Co., Crystal City Gas Co., Saugerties Gas Light Co., Addison Gas and Power Co., North Penn Gas Co., Pennsylvania Gas & Electric Corp. (Applicants), File No. 54-165.

The Commission by its notice and order, dated March 9, 1948, having instituted proceedings under sections 11 (b) (1), 11 (b) (2), 15 (a), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935 with respect to Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, and its subsidiaries; and said notice and order having consolidated such proceedings for the purpose of hearing with those relating to a plan filed by Penn Corp and several of its subsidiaries pursuant to section 11 (e) of the act;

Public hearings having been held in the consolidated proceedings after appropriate notice thereof and the Commission having considered the record and having issued its findings and opinion;

It is ordered, Pursuant to section 11 (b) (1) of the act, that Penn Corp. shall sever its relationship with York County Gas Company, Newport Gas Light Company and North Shore Gas Company by disposing or causing the disposition, in an appropriate manner not in contravention of the act or the rules, regulations or orders of the Commission thereunder, of its direct or indirect ownership, control and holding of securities issued and properties owned, controlled or operated by such companies.

It is further ordered, Pursuant to section 11 (b) (2) of the act, that Penn Corp take appropriate steps, in an appropriate manner not in contravention of the act or the rules, regulations or orders of the Commission thereunder, to change its present preferred and common stocks into one class of stock, namely, common stock.

It is further ordered, That jurisdiction be, and the same hereby is, reserved (a) to enter such other and further orders and to take such other action as the Commission may deem necessary or appropriate to secure compliance by Penn Corp and its subsidiaries with this order and with sections 11 (b) (1), 11 (b) (2), 15 (a), 15 (f) and 20 (a) of the act, and in particular to determine all questions under section 11 (b) (2) relating to the long term debt in the capital structure of Penn Corp and to the appropriateness of the continued existence of Penn Corp, (b) to decide all questions relating to the retainability by Penn Corp of its interest in New Penn Development Corporation and Penn-Western Service Corporation, (c) to decide all questions relating to the issues raised by the section 11 (e) plan filed by Penn Corp and certain of its subsidiaries, and (d) to enter such other and further orders from time to time as the Commission may deem necessary to secure compliance by the respondents with the provisions of the act, of this order, and of the rules, regulations and orders under the act.

It is further ordered, That this order shall be effective immediately upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8101; Filed, Sept. 9, 1948; 8:48 a. m.]

[File No. 70-1897]

LEHIGH VALLEY TRANSPORTATION CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3rd day of September A. D. 1948.

Lehigh Valley Transportation Company ("Lehigh"), a transportation subsidiary of Lehigh Valley Transit Company ("Transit"), which is a subsidiary of National Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof with respect to the following proposed transaction:

Lehigh proposes to borrow $205,000, divided approximately equally, from Lehigh Valley Trust Company, Allentown National Bank, and Home Life Insurance Company. The proceeds of the loans, together with approximately $52,000 of corporate funds, will be used by Lehigh to purchase twenty new buses. Each of such loans will be evidenced by a four-year promissory note and will be secured by a chattel mortgage on certain buses purchased or to be purchased. Each loan will be payable in forty-eight equal monthly installments, commencing one month from date of issue, and will bear interest at the rate of 4% per annum on the unpaid balance.

The application having been filed on July 23, 1948, and amendments thereto having been filed on August 3, 1948 and August 27, 1948, and notice of such filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Lehigh is entitled to an exemption from the provisions of sections 6 (a) and 7 of the act, pursuant to the provisions of section 6 (b) thereof, by reason of the fact that the issue and sale of the proposed notes are solely for the purpose of financing the business of a non-utility subsidiary of a registered holding company, and the fact that the transactions have been specifically authorized by the Pennsylvania Public Utility Commission, the State Commission of the State in which Lehigh is organized and is doing business; and the Commission being of the opinion that it is appropriate to grant said application, as amended, without the imposition of terms and conditions other than those hereinafter stated; and the Commission also deeming it appropriate to grant applicant's request that the order herein become effective forthwith upon the issuance thereof:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that the application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8102; Filed, Sept. 9, 1948; 8:48 a. m.]

[File No. 70-1922]

NASSAU & SUFFOLK LIGHTING CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3rd day of September 1948.

Nassau & Suffolk Lighting Company, an indirect subsidiary of Long Island Lighting Company, a registered holding company, having filed a declaration, as amended, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transaction:

Declarant proposes to issue and sell for cash at principal amount to two commercial banks an aggregate of $200,000 principal amount of unsecured notes, each of which will bear interest at the rate of 2½% per annum, and will mature on June 30, 1949. The proceeds of the sale of the notes are to be used for payment of the company's construction requirements.

Such declaration, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, as amended, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration, as amended, be permitted to become effective, and deeming it appropriate to grant a request of declarant that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith .

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8103; Filed, Sept. 9, 1948; 8:49 a. m.]

[File No. 70-1817]

UNION ELECTRIC CO. OF MISSOURI AND UNION ELECTRIC POWER CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of September 1948.

The Commission having, by orders dated May 18, 1948 and May 26, 1948, granted and permitted to become effective the joint application-declaration, as amended, of Union Electric Company of Missouri ("Union") a registered holding company and an electric utility subsidiary of The North American Company, also a registered holding company, and of Union Electric Power Company ("Union Power"), Union's wholly-owned electric utility subsidiary, relating to the issuance and sale by Union of $25,000,000 principal amount of 3% Debentures due 1968 and the issue and sale by Union Power, and the acquisition thereof by Union, of up to $18,000,000 aggregate par value of additional shares of preferred stock of Union Power, all as more fully described in Holding Company Release No. 8189; and

The Commission having in said orders reserved jurisdiction over the payment of all legal fees and expenses incurred in connection with the debenture and preferred stock financing; and

Union having supplemented the record with statements setting forth the amended, nature and extent of legal services rendered by the various counsel for which requests for payment have been made, as follows:

To be paid by Union:	
Igoe, Carroll, Keefe & Coburn	$6,000
Clifton J. O'Harra	500
Thompson, Mitchell, Thompson & Young	1,000
To be paid by Underwriters:	
Cahill, Gordon, Zachry & Reindel	12,500

The Commission having considered the record and it appearing to the Commission that the legal fees are not unreasonable and that jurisdiction over such fees should be released:

It is ordered, That the jurisdiction heretofore reserved over the payment of the legal fees and expenses incurred in connection with the debenture and preferred stock financing herein be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8105; Filed, Sept. 9, 1948; 8:49 a. m.]

[File Nos. 54-161, 59-20, 59-8, 54-75]

COMMONWEALTH & SOUTHERN CORP. (DEL.) ET AL.

ORDER ADJOURNING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of September A. D. 1948.

In the matter of The Commonwealth & Southern Corp. (Delaware), File No. 54-161; The Commonwealth & Southern Corp. (Delaware), Respondent, File No. 59-20; The Commonwealth & Southern Corp. (Delaware) and Its Subsidiary Companies, Respondents, File No. 59-8; The Commonwealth & Southern Corp. (Delaware), File No. 54-75.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed with the Commission pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") an application for approval of a plan dated July 30, 1947, for compliance with sections 11 (b) (1) and 11 (b) (2) of the act, and on July 7, 1948 Commonwealth having filed amendments to said plan; and

On August 16, 1948, the Commission having issued a notice and order reopening the record and reconvening the hearings on the plan as amended for certain limited purposes set forth in said order and having set the hearing for September 14, 1948 (Holding Company Act Releases Nos. 8441 and 8456); and

An adjournment of said hearing having been requested upon the ground that upon the date set for the hearing the Chairman of the Committee of the holders of preferred stock will be unavailable, and the Commission having been advised that all participants have indicated that September 15, 1948, would be a convenient date for the holding of such hearing;

The Commission having considered the request for adjournment and it appearing that it is appropriate that an adjournment be granted herein:

It is ordered, That the reconvened hearing scheduled to be held in these consolidated proceedings on the 14th day of September 1948, at 10:00 a. m., e. d. s. t. at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. be, and the same hereby is adjourned to the 15th day of September 1948 at 11:00 a. m., e. d. s. t. at said offices of the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8106; Filed, Sept. 9, 1948; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11655]

CARL SANDNER AND GREENBAUM SONS BANK AND TRUST CO.

In re: Trust agreement dated September 5, 1912 between Carl Sandner, settlor and Greenebaum Sons Bank and Trust Company, trustee. File No. D-28-10579-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theckla (Thekla) Sandner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to, and arising out of or under that certain trust agreement dated September 5, 1912 by and between Carl Sandner, settlor and Greenebaum Sons Bank and Trust Company, trustee, presently being administered by The Trust Company of Chicago, successor trustee, 104 South La Salle Street, Chicago, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8080; Filed, Sept. 8, 1948; 8:50 a. m.]

[Vesting Order 11687]

GUSTAV SELL

In re: Estate of Gustav Sell, deceased. File No. F-28-12238; E. T. Sec. 14044.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Salewsky, Herman Sell, Henrietta Linder, Gustav Sell, Lina Sell, Minna Bolz, Meta Teuchert and Albert Sell, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2853.32 deposited on or about March 27, 1945, with the County Treasurer of Cottonwood County, Minnesota, to the credit of Auguste Salewsky, Herman Sell, Henrietta Linder, Gustav Sell, Lina Sell, Minna Bolz, Meta Teuchert and Albert Sell, pursuant to order of the Probate Court, County of Cottonwood, dated March 27, 1945, in the matter of the estate of Gustav Sell, deceased, including increments thereon and subject to the lawful fees and allowances of the County Treasurer of Cottonwood County, Minnesota, is property payable or deliverable to, or claimed by, the persons identified in sub-paragraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Cottonwood County, Minnesota, as depositary, acting under the judicial supervision of the Probate Court, County of Cottonwood, Minnesota;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 22, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8081; Filed, Sept. 8, 1948; 8:50 a. m.]

[Vesting Order 11843]

FRANK RUDMANN

In re: Trusts under the Will of Frank Rudmann, deceased; File No. D-28-12304; E. T. sec. 16508.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magdalena Glecht, also known as Magdalena Gschlecht, Gervas Rudmann, and Eugen Rudmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Erica Rudmann, and the children, names unknown, of Erica Rudmann, the children, names unknown, of Magdalena Glecht, also known as Magdalena Gschlecht, the children, names unknown, of Gervas Rudmann, the children, names unknown, of Eugen Rudmann, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Frank Rudmann, deceased, and in and to the Trusts created under the Will of Frank Rudmann, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by William F. Rudmann, as Trustee and Executor, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, Erica Rudmann and the children, names unknown, of Erica Rudmann, the children, names unknown, of Magdalena Glecht, also known as Magdalena Gschlecht, the children, names unknown, of Gervas Rudmann, the children, names unknown, of Eugen Rudmann, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8118; Filed, Sept. 9, 1948; 8:53 a. m.]

[Vesting Order 11872]

KURT BOCK

In re: Debt owing to Kurt Bock. F-28-22113-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Bock, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The American Metal Company, Limited, 61 Broadway, New York 6, New York, in the amount of $75., said debt or other obligation evidenced by 3 outstanding dividend checks in the amount of $25, each, drawn to the order of Kurt Bock, said checks numbered N-91115, S-18798 and S-77727, and dated September 3, 1940, March 3, 1941 and June 2, 1941, respectively, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights in and under the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8119; Filed, Sept. 9, 1948; 8:53 a. m.]

[Vesting Order 11875]

CHRISTINE HOFFELNER

In re: Bank account owned by Christine Hoffelner. F-28-22929-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christine Hoffelner, whose last known address is 36 Seilerstrasse, Pfungstadt, Darmstadt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Metropolitan Federal Savings and Loan Association of Los Angeles, 612 South Spring Street, Los Angeles 14, California, arising out of a savings account, account number OS 2163, entitled August Czurda in trust for Christine Hoffelner, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christine Hoffelner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8120; Filed, Sept. 9, 1948; 8:53 a. m.]

[Vesting Order 11876]

JOSEPHINE HOFFELNER

In re: Bank account owned by Josephine Hoffelner, also known as Josefine Hoffelner. F-28-22931-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josephine Hoffelner, also known as Josefine Hoffelner, whose last known address is 36 Seilerstrasse, Pfungstadt, Darmstadt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Fourth Federal Savings and Loan Association of New York, 1355 First Avenue, New York 21, New York, arising out of a savings account, entitled August Czurda in Trust for Josephine Hoffelner, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or controlled by, Josephine Hoffelner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8121; Filed, Sept. 9, 1948; 8:53 a. m.]

[Vesting Order 11877]

MAX HOFFELNER

In re: Bank account owned by Max Hoffelner. F-28-22932-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Max Hoffelner, whose last known address is Premich 132, Bad Kissingen, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Dade Federal Savings and Loan Association of Miami, 45 N. E. 1st Avenue, Miami, Florida, arising out of a savings account, account number 4446, entitled August Czurda in Trust for Max Hoffelner, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Max Hoffelner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8122; Filed, Sept. 9, 1948; 8:53 a. m.]

[Vesting Order 11878]

KARL HUERTTLE

In re: Bank account owned by Karl Huerttle. F-28-11494-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Huerttle, whose last known address is Hochstrasse 26, Friedrichshafen (Wuerttemberg), Germany, is a resident of Germany and a national

of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of First National Bank of Akron, 106 South Main Street, Akron, Ohio, arising out of a savings account, account number 23550, entitled Edward P. Bonazzi as Trustee for Karl Huerttle, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karl Huerttle, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8123; Filed, Sept. 9, 1948; 8:54 a. m.]

[Vesting Order 11881]

WALBURGA REHM

In re: Bank account owned by Walburga Rehm, also known as Wallburga Rehm. D-28-12329-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Walburga Rehm, also known as Wallburga Rehm, whose last known address is c/o Max Rehm, 4/2 Georgenstrasse, Malermeister, Munchen 13, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Walburga Rehm, also known as Wallburga Rehm, by Emigrant Industrial Savings Bank, 51 Chambers Street, New York 8, New York, arising out of a savings account, account number 203,135, entitled Walburga Rehm, maintained at the branch office of the aforesaid bank located at 5 East 42d Street, New York 17, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended,

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8124; Filed, Sept. 9, 1948; 8:54 a. m.]

[Vesting Order 11891]

FRITZ WUNDERLE

In re: Debts owing to Fritz Wunderle. F-28-27855-C-1; C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Wunderle, whose last known address is Geiselinstr. 3-4 Lauingen, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Fritz Wunderle, by Express Exchange, 201 East 86th Street, New York 28, New York, in the amount of $634.83, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same; and

b. That certain debt or other obligation owing to Fritz Wunderle, by S. Schweizer, R. F. D. 1, Mahopac, New York, in the amount of $500.00, as of February 7, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8125; Filed, Sept. 9, 1948; 8:54 a. m.]

[Vesting Order 11897]

HEDWIG NICOL

In re: Stock owned by Hedwig Nicol. F-28-22768-D-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Nicol, whose last known address is c/o Frau Hedwig Peters, 40 Viktoria Strasse, Wuppertal, Eberfeld, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) shares of common capital stock of The United Corporation, 901 Market Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by temporary certificate number TCO-43108, registered in the name of Miss Hedwig Nicol and presently in the custody of G. Forrest Butterworth, 14 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8126; Filed, Sept. 9, 1948; 8:54 a. m.]

[Vesting Order 11937]

LOUISE KAULFUSS ET AL.

In re: Real property, property insurance policies and claims owned by Louise Kaulfuss, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany);

Names and Last Known Addresses

Louise Kaulfuss, Markthalle 4, Chemnitz, Germany.

Ottilie Schroeter, Berlin-Britz, Germany.

Walter Hamann, Provinz Str. 46, Berlin-Schoenholz, Germany.

Helena Bittner, Schulzendorf, District Teltow, Germany.

Gustav Dranz, Luettringhaus Str. 3, Koeln-Kalk, Germany.

Robert Dranz, Herman Goering Str. 53, Bestensee, District Teltow, Germany.

Richard Dranz, Ring Str. 49, Neheim a/Ruhr, Germany.

Frieda Dranz Fabienke, Krumme Str. 19, Schwerin a/Warthe, Germany.

2. That the property described as follows:

a. Real property, situated in the City of St. Louis, State of Missouri, particularly described as Lot 16 of Arsenal Heights in City Block 1455, containing a front of 25 feet on the East line of Compton Avenue by a depth eastwardly of 132 feet 9 inches, more or less, to an alley 20 feet wide. Bounded North by Lot 15 and South by Lot 17 of said block and subdivision, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property.

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to the property insurance policies, particularly described in Exhibit A, attached hereto and by reference made a part hereof, which policies insure the real property described in subparagraph 2-a hereof, and

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by McDonald Realty Co., Inc., 2845 Olive Street, St. Louis 3, Missouri, arising from rents collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b a .d 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

EXHIBIT A

The property insurance policies covering the real property situated at 3000 Compton Avenue, St. Louis, Missouri, are as follows:

Insurance company	Type	Policy No.	Face amount	Expiration date
a. Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa.	Fire and extended coverage.	60576	$2,000.00	July 26, 1950
b. Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa.	do	40963	1,500.00	July 12, 1949
c. General Accident Fire & Life Assurance Corp., c/o McDonald Realty Co., Inc., 2845 Olive St., St. Louis, Mo.	Public liability	996959	15,000/30,000	Oct. 31, 1949

[F. R. Doc. 48-8127; Filed, Sept. 9, 1948; 8:54 a. m.]

[Vesting Order 11938]

ANNETTE CASASSA SCHLIEPER ET AL.

In re: Interest in real property and property insurance policies owned by Annette Casassa Schlieper, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annette Casassa Schlieper, Olli Dietz, Anni Grote and Irma Verberne, whose last known addresses are Garmisch, Partenkirchen, Germany and Georg Schlieper and Walter Schlieper, whose last known addresses are Barmen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property, situated in the Township of Delaware, County of Pike, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to the property insurance policies, particularly described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the real property described in subparagraph 2-a hereof, together with any and all extensions or renewals thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States re-

quires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

EXHIBIT A

All those certain pieces, parcels and tracts of land, situate in the Township of Delaware, in the County of Pike and State of Pennsylvania, bounded and described as follows:

Tract No. 1. Beginning at a corner of lands now or late of Charles F. Bosler, thence North 20 degrees East forty-five and one-fourth (45¼) rods to a chestnut tree; thence South 69 degrees East Seventy and fourteen twenty-fifths (70¹⁴⁄₂₅) rods to a chestnut tree; thence North 12 degrees East fifty-five (55) rods; thence North 70 degrees West sixty-seven and three-fourths (67¾) rods; thence North 70 degrees West sixty-two (62) rods; thence South 24½ degrees West ninety-five and one twenty-fifth (95¹⁄₂₅) rods; thence South 70 degrees East about seventy (70) rods to the place of beginning. Containing sixty-three acres (63 As.) more or less.

Tract No. 2. (a) Beginning at a stone corner of line of lands of Mrs. Rachel Steel, thence South 76 degrees East sixty-two and one-tenth (62¹⁄₁₀) rods to a stake in line of land of Mrs. Rachel Steel and the late Sarah A. Jagger; thence along lands of said late Sarah A. Jagger and Charles F. Bosler, South 24 degrees West fifty-three and one-half (53½) rods to a carner; thence along line of lands of Rachel Steele, North 70 degrees West fifty-eight (58) rods to a corner; thence along line of lands of late Joseph Lewis, North 20 degrees East fifty-three and one-fourth (53¼) rods to the place of beginning. Containing twenty acres (20 As.), be the same more or less.

(b) Beginning at a stone corner by the side of a road and on line of lands of John Whitaker, thence along said road, North 19¾ degrees East thirty-six (36) rods to a stone corner; thence North 70¼ degrees West sixty (60) rods to a stone corner; thence South 24 degrees West thirty-six (36) rods and five (5) links to a stone corner; thence by lands of Phebe Jagger and Jacob Lehomodeu, South 70¼ degrees East seventy-two and one-half (72½) rods to place of beginning. Containing sixteen acres (16 As.), more or less.

Tract No. 3. (a) Beginning at a stone corner of line of lands of Mrs. Rachel Steele, thence South 76 degrees East sixty two and one-tenth (62¹⁄₁₀) rods to a stake in line of land of Mrs. Rachel Steel and the late Sarah A. Jagger; thence along lands of said late Sarah A. Jagger and Charles F. Bosler, South 24 degrees West fifty-three and one-half (53½) rods to a corner; thence along line of lands of Rachel Steele, North 70 degrees West fifty eight (58) rods to a corner; thence along line of lands of late Joseph Lewis, North 20 degrees East fifty three and one-fourth (53¼) rods to the place of beginning. Containing twenty acres (20 As.), be the same more or less.

(b) Beginning at a stone corner by the side of a road on a line of lands of John Whittaker, thence along said road, North 19¾ degrees East thirty six (36) rods to a stone corner; thence North 70¼ degrees West sixty (60) rods to a stone corner; thence South 24 degrees West thirty six (36) rods and five (5) links to a stone corner; thence by lands of Phebe Jagger and Jacob Lehomodeu, South 70¼ degrees East seventy two and one half (72½) rods to place of beginning. Containing sixteen acres (16 As.) more or less.

Tract No. 4. Beginning on line of S. A. Jagger on a stone fence, North 65¾ degrees West 12 rods to line of Joseph VanAmer; thence along VanAmer North 24¼ degrees East 36 rods to stone corner; thence North 65¾ degrees West 28 rods to stone corner and line of Neil; thence North 47 degrees East 62 rods to the middle of Dingman Turnpike, and line of Manley Lord; thence South 29 degrees East 33¼ rods to a point in said Turnpike; thence South 43 degrees East 5¼ rods to a point in Turnpike opposite a fence along field of Harry S. Albright; thence along lands of Harry S. Albright and following the general course of the fence about South 39½ degrees West 72 rods to point or place of beginning. Containing Thirteen acres and Forty Perches, more or less.

EXHIBIT B

The property insurance policies covering the real property situated in Delaware Township, County of Pike, State of Pennsylvania, are as follows:

Insurance company	Type	Policy No.	Face amount	Expiration date
Fire Association of Philadelphia, 401 Walnut St., Philadelphia, Pa.	Fire	6090	$1,650.00	May 29, 1948
North British & Mercantile Insurance Co., Ltd., 150 William St., New York, N. Y.	do	339581	1,650.00	Do.
Continental Insurance Co., 80 Maiden Lane, New York, N. Y.	do	3754	4,000.00	Sept. 21, 1948
Great American Insurance Co., 1 Liberty St., New York, N. Y.	do	1575	3,200.00	Dec. 1, 1948
London Liverpool & Globe Co., Ltd., 150 William St., New York, N. Y.	do	635146	3,000.00	May 1, 1949
North British & Mercantile Insurance Co., Ltd., 150 William St., New York, N. Y.	do	621122	1,700.00	June 27, 1950
Standard Fire Insurance Co., 151 Farmington Ave., Hartford, Conn.	do	80809	1,500.00	June 2, 1950

[F. R. Doc. 48–8128; Filed, Sept. 9, 1948; 8:54 a. m.]

[Vesting Order 11929]

HERMINE ROOS

In re: Estate of Hermine Roos, deceased. File D–28–12174. E. T. sec. 16401.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willy Grossman, Johannes Fahrig, Elizabeth Fahrig, Martha Kuntze, and "John" Kuntze (true first name unknown, husband of Martha Kuntze), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Hermine Roos, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Harold F. Batchelor, as executor, acting under the judicial supervision of the Superior Court, Los Angeles County, California;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–8082; Filed, Sept. 8, 1948; 8:50 a. m.]

[Vesting Order 11960]

TOMITARO KASAI

In re: Debt owing to Tomitaro Kasai, F–39–1086–E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomitaro Kasai, whose last known address is Yamanashi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Tomitaro Kasai by The Yokohama Specie Bank, Ltd., San Francisco Office and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a temporary receipts account entitled Tomitaro Kasai, maintained at the aforesaid San Francisco Office, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tomitaro Kasai, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–8083; Filed, Sept. 8, 1948; 8:50 a. m.]

[Return Order No. 185]

JITSUICHI MASAKI ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims which are incorporated by reference herein and filed herewith and notice of intention to return having been published on July 8, 1948 (13 F. R. 3803).

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jitsuichi Masaki, 215 Kalihi Street, Honolulu, T. H., 11410, $1,063.29.

Masako Matono, P. O. Box 193, Wahiawa, Oahu, T. H., 11411, $507.36.

Kumanosuke Morikawa, 923 Ahana Lane, Honolulu, T. H., 11416, $3,015.79.

Suye Nakaya, a/k/a Sue Nakaya, 2020–A Young Street, Honolulu, T. H., 11422, $2,724.25.

Yoshi Nojima,[1] 1438–B Chung Hoon Lane, Honolulu, T. H., 11430, $287.03.

Yasuko Ono, 503 Winant Street, Honolulu 35, T. H., 11434, $210.27.

Tokuta Oyama, 4161 Koko Drive, Honolulu, T. H., 11435, $714.42.

Kama Shiroma or Kamada Shiroma, 1744 Silva Street, Honolulu, T. H., 11439, $1,755.14.

Suzu Suzuki or Eijiro Suzuki, c/o Ewa Plantation Hospital, Ewa, Oahu, T. H., 11441, $2,113.98.

Sankichi Uyehara or Eto Uyehara, 2009 Democrat Street, Honolulu, T. H., 11448, $347.29.

Richard Kiyoshi Yoshizumi or Hatsuye Yoshizumi, 758 Kinau Street, Honolulu 34, T. H., 11453, $2,710.50.

Mrs. Toshi Ito, P. O. Box 698, Puunene, Maui, T. H., 11491, $1,084.40.

Saku Kamano, 1347 Cunha Lane No. 3, Honolulu 22, T. H., 11493, $627.40.

Hideko Kuba or Ryoson Kuba, c/o 207 Watumull Building, 1006–A Keeaumoku Street, Honolulu, T. H., 11503, $500.75.

Hatsuzo Kunimitsu, 1830 Sereno Lane, Honolulu 52, T. H., 11507, $719.18.

K. Mikami, a/k/a Katsutoshi Mikami, P. O. Box 416, Waipahu, Oahu, T. H., 11515, $2,112.87.

Sada Miyashiro (Ushi Miyashiro), 761 Pohukaina Street, Honolulu, T. H., 11517, $1,513.63.

I. Nakamura, 216 North Beretania Street, Honolulu, T. H., 11527, $380.91.

Muta Nakamura, P. O. Box 384, Waipahu, Oahu, T. H., 11528, $1,770.73.

Minoru Ogasawara or Kisayo Ogasawara, 244 Kalihi Street, Honolulu, T. H., 11538, $2,052.87.

Tsuruko Takushi or Kamei Takushi, 532–A Kiawe Street, Honolulu, T. H., 11551, $262.06.

Isao Yamakawa, 1750 Waiola Street, Honolulu, T. H., 11560, $1,041.92.

Kaizo Goto or Kikuyo Goto, 442–A Cooke Street, Honolulu, T. H., 11815, $1,509.44.

Rinichi Hashimoto, Box 483, Waipahu, Oahu, T. H., 11817, $2,247.56.

Masaichi Hirakawa, 1714 Lanakila Avenue, Honolulu, T. H., 11821, $659.94.

Kahei Nagata, 1516 Wai Lane, Honolulu 52, T. H., 11831, $213.70.

Kumezuchi Nakamura or Takeshi Nakamura, 1845 Sereno Lane, Honolulu, T. H., 11833, $3,162.57.

Hatsuno Terayama, 2969 Kahaloo Drive, Honolulu, T. H., 11843, $390.04.

Sakuichi Terayama or Hatsuno Terayama, 2969 Kahaloa Drive, Honolulu 15, T. H., 11844, $352.61.

Masashi Kanda or Tane Kanda, Hauula, Oahu, T. H., 11983, $1,100.57.

Zenichi Saiki, 2742 Date Street, Honolulu, T. H., 11997, $251.28.

Hanshichi Saito or Tatsu Saito, P. O. Box 78, Aiea, Oahu, T. H., 11998, $641.06.

Mrs. Tsuyu Takeuchi, 825–A Coolidge Street, Honolulu, T. H., 11999, $397.92.

Seiichiro Ito, P. O. Box 517, Waialua, Oahu, T. H., 11065, $533.77.

Banjiro Iwamoto or Waka Iwamoto, 2106 Young Street, Honolulu, T. H., 11069, $836.95.

Suga Kasada or Iuyemon Kasada, Waipahu, Oahu, T. H., 11076, $932.11.

Mitsuzuchi Kawashima, 2642 Pamoa Road, Honolulu 5, T. H., 11079, $502.03.

[1] or Miyoshi Nojima, deceased.

Genta Kitamura or Kazumo Kitamura, 1646 Kalihi Street, Honolulu, T. H., 11081, $774.65.

Mrs. Aki Kohatsu, 1651 Young Street, Honolulu 19, T. H., 11086, $2,926.55.

Kiku Kuranaka or Kameichi Kuranaka, Honouliuli, Ewa, Oahu, T. H., 11092, $631.27.

Kiyoko Kasashima, 1651 Pohaku Street, Honolulu, T. H., 12497, $233.72.

Oto Miyashiro, 2574 Booth Road, Honolulu, T. H., 12501, $1,010.50.

Ichi Moriguchi, 346 North Kuakini Street, Honolulu, T. H., 12502, $1,630.74.

Mrs. Wakae Nakamura or Toshie Chinaka, 4500 Farmers Road, Honolulu, T. H., 12526, $1,877.49.

Tsuruye Eto, 1235 10th Avenue, Honolulu, T. H., 27470, $2,038.86.

Uhichi Kume, 622 East Waipa Lane, Honolulu, T. H., 27483, $1,123.53.

Kinu Miura,[2] 1717 Palolo Avenue, Honolulu, T. H., 27487, $266.65.

Toyosaku Nezu, Kaneohe, Oahu, T. H., 27493, $625.74.

Kozue Sasaki,[3] P. O. Box 111, Ninole, T. H., 27500, $1,019.36.

Tokuichi Tominaga, 163 North Vineyard Street, Honolulu, T. H., 27501, $401.57.

Mrs. Kameyo Uyesugi, 1420 Dillingham Boulevard, Honolulu, T. H., 27502, $507.84.

Masaaki Uyesugi, 1420 Dillingham Boulevard, Honolulu, T. H., 27504, $1,010.26.

Korie Ayano, 644–A Auahi Street, Honolulu, T. H., 29088, $1,128.81.

Mrs. Jeanette K. Bringman (nee Kiyo Fukunaga), 1321 Peleula Lane, Honolulu, T. H., 29089, $7.70.

Haruko Funakura,[4] 1118–A Hoolai Street, Honolulu, T. H., 29094, $109.43.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 3, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–8130; Filed, Sept. 9, 1948; 8:55 a. m.]

[Return Order No. 186]

TSURUYE ISHII ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims which are incorporated by reference herein and filed herewith and notice of intention to return having been publishing on July 27, 1948 (13 F. R. 4307).

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Tsuruye Ishii, a/k/a Tsurue Ishii, 3087 Noela Drive, Honolulu, T. H., 29113, $126.59.

Tsurujiro Iwahiro, 1421–E Elm Street, Honolulu, T. H., 29114, $345.80.

Masao Imose, guardian of Takashi Imose, P. O. Box 792, Puunene, Maui, T. H., 29115, $60.93.

[2] Or Goichi Miura, deceased.
[3] Or Tadaichi Sasaki, deceased.
[4] Or Kenichi Funakura, deceased.

Tamano Iguchi, guardian of William Tomokazu Iguchi, 766–A Laniwai Street, Honolulu 13, T. H., 29116, $51.00.

Tamano Iguchi, trustee for Miyono Nomura (Iguchi), 457 North King Street, Honolulu, T. H., 29117, $10.79.

Tsushiyo Imamura, P. O. Box 388, Kaunakakai, Molokai, T. H., 29118, $127.63.

Mrs. Shizu Iwaki, 2838 Loi Street, Honolulu, T. H., 29121, $51.01.

Ruikichi Yamamoto, guardian of Shinkichi Yamamoto, 2571 Kuhio Avenue, Honolulu, T. H., 29122, $11.10.

Yoshihiro Yanagi, 478 Pau Lane, Honolulu, T. H., 29123, $85.79.

Tokumasa Yanagi, 478 Pau Lane, Honolulu, T. H., 29124, $70.41.

Noriyuki Yanagi, 478 Pau Lane, Honolulu, T. H., 29125, $71.53.

Fumiko Yoshimura, 419 Koula Street, Honolulu 13, T. H., 29126, $53.93.

Katsuto Yokoyama, 901 Kuilei Lane, Honolulu, T. H., 29127, $150.22.

Kiyo Yokoyama, guardian of Sueo Yokoyama, 901 Kuilei Lane, Honolulu, T. H., 29128, $350.22.

Shigezuchi Morikubo, administrator estate of Takenu Kanda, deceased, and guardian of Kimiko, Tadao, and Takeshi Kanda, 1008 Isenberg Street, Honolulu, T. H., 29129, $13.70.

Ichimatsu Kimura or Bunichi Kimura, 455-A Koula Street, Honolulu 13, T. H., 29130, $2,946.27.

Shina Kawasaki, P. O. Box 1123, Lihue, Kauai, T. H., 29131, $3,060.00.

Jiro Kawanishi, 913–D Kaheka Lane, Honolulu, T. H., 29132, $30.47.

Kanae Kajiwara, 4225 Ahuawa Place, Honolulu, T. H., 29133, $31.23.

Tatsuko Kajioka, 2654 Pacific Heights Road, Honolulu, T. H., 29134, $5.00.

Tsumi Kira, 1327 Kamehameha IV Road, Honolulu, T. H., 29135, $337.45.

Kuma Kobayashi, 3325–B Maunaloa Avenue, Honolulu, T. H., 29136, $28.34.

Kanae Kajiwara, 4225 Ahuawa Place, Honolulu, T. H., 29138, $122.00.

Kanae Kajiwara, trustee for Akira Kajiwara, 4225 Ahuawa Place, Honolulu 55, T. H., 29139, $12.81.

Dr. I. Katsuki, 1326 Keeaumoku Street, Honolulu, T. H., 29140, $4.00.

Zenji Kobayashi, 3325–B Maunaloa Avenue, Honolulu, T. H., 29141, $7.92.

Yukiko Miyao, guardian of Yoshimaru Miyao, 1916 Young Street, Honolulu, T. H., 29142, $58.75.

Yukinobu Matsumoto, 837–A Kuilei Lane, Honolulu 36, T. H., 29143, $22.14.

Minoru Masuko, P. O. Box 122, Aiea, Oahu, T. H., 29144, $1.20.

Yone Morisaki, guardian of Sadamu Morisaki, 903–A North King Street, Honolulu, T. H., 29145, $80.42.

Shosaburo Morimoto or Sona Morimoto, Holualoa, T. H., 29147, $1,545.83.

Yone Morisaki, 903–A North King Street, Honolulu, T. H., 29146, $739.18.

Miyo Matsuzaki, 1628 Homerule Street, Honolulu, T. H., 29148, $36.25.

Yukiko Miyao, 1916 Young Street, Honolulu, T. H., 29149, $191.87.

Yukiko Miyao, guardian of Junko Miyao, 1916 Young Street, Honolulu, T. H., 29150, $32.95.

Yukiko Miyao, trustee for Masanori Miyao, 1916 Young Street, Honolulu, T. H., 29151, $20.90.

Yukiko Miyao, guardian of Takaomi Miyao, 1916 Young Street, Honolulu, T. H., 29152, $39.44.

Wataru Maeda or Tome Maeda, 2146 Wilcox Road, Honolulu, T. H., 29157, $1,336.18.

Fumio Koochi, 2039 Hillcrest Street, Honolulu, T. H., 29158, $6.97.

Hosho Nako, 920–A–5 Austin Lane, Honolulu, T. H., 29159, $11.11.

Jane T. Nakamura, P. O. Box 151, Shofield Barracks, T. H., 29160, $14.33.

Tsunekichi Nagasaki, guardian of Hisako Nagasaki, 711 Birch Street, Honolulu, T. H., 29161, $134.46.

Yone Morisaki, guardian of Sueka Morisaki, 903–A North King Street, Honolulu, T. H., 29162, $101.51.

Shigeru Nagasaki, 711 Birch Street, Honolulu, T. H., 29163, $125.82.

Kiyoko Nagayama, 1841 Sereno Lane, Honolulu, T. H., 29164, $1.58.

Kiyoshi Nakagawa, 943–E Akepo Lane, Honolulu 51, T. H., 29165, $540.83.

Sanokichi Ono, guardian of Tadashi Ono, 223 South Beretania Street, Honolulu, T. H., 29166, $121.42.

Shigeru Ono, 149 Emma Lane, Honolulu, T. H., 29167, $121.42.

Harumi Ono, 149 Emma Lane, Honolulu, T. H. 29168, $56.65.

Kazuo Otsuki, 1321 10th Avenue, Honolulu 31, T. H., 29169, $47.51.

Kiyoshi Sakamoto, P. O. Box 370 Waipahu, Oahu, T. H., 29170, $294.61.

Satoshi Sugimoto and Saichi Sugimoto, 459 North Kukui Street, Honolulu, T. H., 29172, $162.31.

Kuse Shinsato or Yaye Shinsato, P. O. Box 808, Waipahu, Oahu, T. H., 29173, $3.98.

Kansuke Tomota or Nishiko Tomota, Puhi, Kauai, T. H., 29174, $967.02.

Sae Tachikawa, P. O. Box 2856, Wailuku, Maui, T. H., 29176, $51.44.

Torazo Umemoto, 2609 Kamanaiki Street, Honolulu, T. H., 29177, $206.54.

Jiro Watanabe, 245 North Kuakini Street, Honolulu, T. H., 29178, $183.85.

Shigeto Wakida, guardian of Haruye Wakida, 1331 Ninth Avenue, Honolulu, T. H., 29179, $22.88.

Yoshi Watanabe, 245 North Kuakini Street, Honolulu 52, T. H., 29180, $570.48.

Tatsuo Yamamoto, 644–A Auahi Street, Honolulu, T. H., 29182, $239.23.

Sueharu Yamamoto, 644–A Auahi Street, Honolulu, T. H., 29183, $116.07.

Shisen Asato, Honohina, Hakalau, T. H., 13757, $76.03.

Sadame Awaya, 1431 Meyers Street, Honolulu, T. H., 13758, $10.20.

Tomonosuke Fujii, c/o Nakamura Hotel, 228 Beretania Street, Honolulu, T. H., 13759, $150.78.

Kunio Goto, 442–A Cooke Street, Honolulu, T. H., 13761, $222.22.

Kikuyo Goto, trustee for Satoshi Goto, 442–A Cooke Street, Honolulu, T. H., 13762, $31.60.

Kikuyo Goto, trustee for Kunio Goto, 442–A Cooke Street, Honolulu, T. H., 13763, $31.59.

Tsuneji Hashimoto, Kealakekua, T. H., 13764, $2.39.

Tsurumatsu Hayashi, trustee for Yuzuru Hayashi, 1528 Kam IV Road, Honolulu, T. H., 13765, $103.52.

Gyuchu Higa, 322 North King Street, Honolulu, T. H., 13766, $10.09.

Eikichi Ide, Parker Road, Kaneohe, Oahu, T. H., 13768, $2,140.12.

Hamaichi Kaneda, 4848 Kalanianaole Highway, Honolulu, T. H., 13769, $623.25.

Asayo Kumagai, trustee for Teruto Kumagai, 13771, $27.41.

Mrs. Tsuru Kuwaye or Ryogi Kuwaye, 3104 Kaunaoa Street, Honolulu 56, T. H., 13773, $1,037.45.

Maru Maemoto or Tatsuyo Maemoto, 4357 Apeape Place, Honolulu 55, T. H., 13774, $2,072.21.

Isaku Mikami, P. O. Box 362, Wahiawa, Oahu, T. H., 13775, $7.77.

Yoshisuke Miyakawa or Ito Miyakawa, 2714 Kaaha Street, Honolulu, T. H., 13776, $681.54.

Hatsuichi Miyamoto, 934 Austin Lane, Honolulu, T. H., 13777, $441.00.

Tadaichi Nakato, Honohina, Hakalau, T. H., 13781, $50.75.

Kakuji Okada, guardian of Kazuyuki Okada, 4321 Waialae Avenue, Honolulu 55, T. H., 13783, $386.63.

Takane Okawa, trustee for Morio Okawa, 918–A Naopala Lane, Honolulu 35, T. H., 13785, $21.90.

Eisuke Shimahara, P. O. Box 96, Waialua, Oahu, T. H., 13789, $556.11.

Sei Soga, 736 Eleventh Avenue, Honolulu, T. H., 13790, $38.23.

Mrs. Shigeo Soga, guardian of Ichiro Soga, 736 Eleventh Avenue, Honolulu, T. H., 13791, $60.91.

Tokio Sudo, House No. 59, Mill Camp, Aiea, Oahu, T. H., 13792, $523.69.

Noshi Takahashi, c/o Yoshimoto Store, Kokokahi, Kaneohe, Oahu, T. H., 13793, $119.08.

Kumetaro Takemoto, Makaweli, Kauai, T. H., 13795, $1,082.84.

Yoshiichi Tamura, guardian of Shuichi Tamura, 525 Lana Lane, Honolulu 13, T. H., 13796, $90.32.

Yoshiichi Tamura, guardian of Yaeno Tamura, 525 Lana Lane, Honolulu 13, T. H., 13797, $123.05.

Fuki Tanno, guardian of Kiyoko Tanno, Toshie Tanno, Susumu Tanno, Masae Tanno, Kazue Tanno, Waikane, Oahu, T. H., 13799, $90.99.

Fuki Tanno, guardian of Kiyoko Tanno, Waikane, Oahu, T. H., 13800, $159.01.

Inosuke Tomiyama, Wailea, Hakalau, T. H., 13801, $1,155.72.

Shizue Watanabe, 2873–A East Manoa Road, Honolulu, T. H., 13805, $102.22.

Jukichi Watanabe or Misao Watanabe, Kealia, Kauai, T. H., 13806, $1,044.28.

Masakichi Yamamoto, 741 S. Queen Street, Honolulu, T. H., 13807, $20.43.

Michiyoshi Yamane, 1938 Pauoa Road, Honolulu, T. H., 13808, $429.53.

Kiyo Yokoyama or Umeno Yokoyama, 2639 South King Street, Honolulu, T. H., 13809, $357.43.

Richard K. Yokoyama, 901 Kuilei Lane, Honolulu, T. H., 13810, $190.26.

Shizuhiko Yoshimura, 944 Ahana Lane, Honolulu, T. H., 13811, $43.77.

Bunpachi Fujioka, P. O. Box 194, Hilo, T. H., 16132, $25.86.

Fujino Fujioka, guardian of Fujiko Fujioka, P. O. Box 38, Kailua, Oahu, T. H., 16133, $26.52.

Fujino Fujioka, guardian of Kazutomi Fujioka, P. O. Box 219, Kailua, Oahu, T. H., 16134, $8.51.

Fujino Fujioka, guardian of Tamiko Fujioka, P. O. Box 219, Kailua, Oahu, T. H., 16135, $4.00.

Sadanosuke Hamada, P. O. Box 469, Lanai City, T. H., 16136, $1,118.13.

Rai Ide, Paleka Road, Kaneohe, Oahu, T. H., 16137, $235.02.

Kenichi Imada, Kilauea, Kauai, T. H., 16138, $104.13.

Tsutomu Ishii or Otokichi Ishii, 1 Christley Lane, Honolulu 39, T. H., 16139, $201.55.

Tsunezo Ito, Kaupakalua, Haiku, Maui, T. H., 16140, $1,096.05.

Shizue Jinnaior Satoshi Jinnai, Kalului, Maui, P. O. Box 325, T. H., 16141, $512.71.

Katsuichi Kawamoto, 943 11th Avenue, Honolulu, T. H., 16143, $6,137.93.

Kano Kawamura, Kapaa, Kauai, T. H., 16144, $980.16.

Kano Kawamura or Tomi Kawamura, Kapaa, Kauai, T. H., 16145, $1,430.42.

Tomi Kawamura or Kano Kawamura, Kapaa, Kauai, T. H., 16146, $202.50.

Jisaburo Kinoshita, P. O. Box 344, Lanai City, Lanai, T. H., 16147, $253.91.

Kiyono Kobayashi, 938 South Queen Street, Honolulu, T. H., 16148, $80.42.

Shigeru Kobayashi, 938 South Queen Street, Honolulu, T. H., 16149, $107.49.

Mitsue Matsuse, 1942 Netcalf Street, Honolulu, T. H., 16151, $508.36.

Hideo Miyazawa, 1331–C Peleula Lane, Honolulu, T. H., 16153, $200.30.

Masataro Mizukami, 8½ Miles, Olaa, T. H., 16154, $1,018.89.

Isami Motonaga or [1] Mrs. Riyo Motonaga, P. O. Box 234, Hakalau, T. H., 16155, $300.41.

Isami Motonaga or [1] Sakumatsu Motonaga, P. O. Box 234, Hakalau, T. H., 16156, $1,518.78.

Yasoichi Nagano or Shizuyo Nagano, 1762 Nanea Street, Honolulu, T. H., 16157, $1,178.11.

[1] a/k/a Isama Motonaga.

Santaro Nagata or Kimi Nagata, Kaloa, Kauai, T. H., 16158, $5,405.65.

Yenzo Oda, P. O. Box 52, Puunene, Maui, T. H., 16160, $253.12.

Goichi Omoto or Yoshiko Omoto, Lahaina, Maui, T. H., 16162, $572.58.

Ryosaku Sasaki or Nobuko Tanaka, 959 F. Akepo Lane, Honolulu, T. H., 16163, $1,161.22.

Mrs. Kinuyo Shigemasa or Tadashi Shigemasa, P. O. Box 113, Naalehu Kau, T. H., 16164, $1,624.30.

Kitayo Shimizu or Jitsuzo Shimizu, P. O. Box 84, Lanai City, Lanai, T. H., 16165, $560.17.

Mrs. Mitsue Sugita, Makawao, Maui, T. H., 16166, $1,796.77.

Hisako Takahashi (by marriage Hisako Hasebe), P. O. Box 1062, Lanaikai, Oahu, T. H., 16167, $58.74.

Masaichi Takashige or Teru Takashige, P. O. Box 83, Papaikow, T. H., 16163, $160.17.

Ryoma Tanaka or Fuino Tanaka, Pihonua Camp 3, Hilo, T. H., 16169, $1,016.33.

Kame Sumida, 1558 Kauluwela Lane, Honolulu 22, T. H., 7100, $3,062.08.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48–8131; Filed, Sept. 9, 1948; 8:55 a. m.]

[Vesting Order 11005, Amdt.]

HEINRICH HILLECKE AND KLANGFILM G. M. B. H.

In re: Debts owing to Heinrich Hillecke and Klangfilm G. m. b. H.

Vesting Order 11005, dated March 31, 1948, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Hillecke, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Klangfilm G. m. b. H., the last known address of which is 19 Saarlandstr., Berlin SW. 11, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to Heinrich Hillecke, by Marks & Clark, 220 Broadway, New York 7, New York, in the amount of $19.00 as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Heinrich Hillecke by Westinghouse Electric International Company, 40 Wall Street, New York 5, New York, in the amount of $1,184.94, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Klangfilm G. m. b. H. by Westinghouse Electric International Company, 40 Wall Street, New York 5, New York, in the amount of $1,459.70, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–8129; Filed, Sept. 9, 1948; 8:54 a. m.]

REFERENCE SEP 14

REFERENCE

SEP 14

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 13 NUMBER 178

Washington, Saturday, September 11, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2810

AIR FORCE DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS September 18, 1948, is the first anniversary of the autonomous United States Air Force; and

WHEREAS it is fitting that our people pay tribute to the men and women, both living and dead, who have contributed to the growth of American air power; and

WHEREAS the United States Air Force is maintaining high standards of proficiency through constant research and development in the field of aviation and through peacetime training of personnel for its mission; and

WHEREAS a grateful Nation recognizes the increasing importance of air power in preserving our democratic way of life, in assuring the physical security of our country, and in helping to safeguard international peace:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate Saturday, September 18, 1948, as Air Force Day, and I direct that the flag of the United States be displayed on all Government buildings on that day.

I earnestly request that the people of the United States observe Air Force Day by participating in the programs scheduled at Air Force Bases and by attending civic-sponsored Air Force events. I invite the State and local governments, as well as patriotic and civic organizations and the agencies of the press, the radio, and the motion-picture industry, to cooperate fully in this observance. I also direct that the appropriate agencies of the Federal Government assist in every feasible way in the celebration of Air Force Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8202; Filed, Sept. 9, 1948; 12:52 p. m.]

PROCLAMATION 2811

UNITED NATIONS DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the people of the United States are united in a firm resolve to cooperate effectively with other countries, through the medium of the United Nations, to the end that a future of peace, freedom, and justice may prevail upon the earth; and

WHEREAS it is fitting that the devotion of the American people to the ideals expressed in the Charter of the United Nations should be reaffirmed in our inmost hearts and expressed in public ceremonies; and

WHEREAS it is our desire that our support of the United Nations be given added strength and positive affirmation through the activities of an informed public; and

WHEREAS the General Assembly of the United Nations, on October 31, 1947, unanimously adopted a resolution declaring that October 24, the anniversary of the coming into force of the Charter of the United Nations, "shall henceforth be officially called 'United Nations Day' and shall be devoted to making known to the peoples of the world the aims and achievements of the United Nations and to gaining their support for the work of the United Nations"; and

WHEREAS the General Assembly, in the same resolution, invited the member governments to cooperate with the United Nations in securing observance of United Nations Day:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby urge the people of

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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the United States to observe October 24, 1948, as United Nations Day by exercises exemplifying our recognition of the achievements of the United Nations, our support of its aims, and our determination to strive for the realization of those aims.

And I call upon the officers of the Federal, State, and local governments, as well as upon civic, educational, and religious organizations and institutions, and also upon the agencies of the press, radio, and other media of information, to cooperate in programs designed to give public expression to our devotion to the United Nations and to make more effective our participation in the work of the United Nations; and I urge our citizens to participate actively in these programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 9th day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8100; Filed, Sept. 9, 1948; 3:48 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. That part of § 2.114 (e) (2) (i) which reads "and third, to qualified former Federal employees." is hereby revoked. Section 2.114 (c) is amended to read as follows:

§ 2.114 *Temporary appointment.* • • •

(c) *Job employment.* When there is work of a temporary character, at the completion of which the services of an additional employee will not be required, a temporary appointment may be made with the prior authority of the Commission for a period not to exceed 6 months. If such an appointment is made originally for a period of less than 6 months, it may be extended without further approval of the Commission for a period or periods not extending beyond 6 months from the date of original appointment. Such temporary appointment shall be made through certification from the Commission's eligible registers unless there are no available eligibles. Such temporary appointment may be extended beyond a total of 6 months only if there are no eligibles available for the additional period or after an adequate showing that such extension is necessary to complete the job of work for which the person was originally employed. The Commission may restrict certification for temporary job employment to eligibles that are immediately available because of residence or other conditions.

(R. S. 1753; sec. 2, 22 Stat, 403; 5 U. S. C. 631, 633)

2. Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Securities and Exchange Commission, the Commission has determined that the position of law clerk-trainee should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (23) is revised by amending subdivisions (ii) and (iii) and by adding subdivision (vi), as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(23) *Securities and Exchange Commission.* • • •

(ii) A General Counsel.

(iii) Director, Division of Trading and Exchanges; Director, Division of Public Utilities; Director, Division of Corporation Finance.

• • • • • •

(vi) NC/PD. Law clerk-trainee positions. Appointments under this subdivision shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed nine months pending admission to the bar.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259).

3. The following subparagraphs of § 24.36 (a) are hereby revoked: § 24.36 (a) (14) *Aquatic Biologist;* § 24.36 (a) (15) *Biologist (Wildlife).*

4. The following sections are hereby added:

§ 24.91 *Aquatic Biologist P–416–1*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree, including 30 semester hours in biology, at least 9 of which are in zoology and at least 6 of which are in aquatic studies such as limnology, fishery biology, fish culture, or aquatic ecology; or

(2) Courses in biology in an accredited college or university totaling 30-semester hours, at least 9 of which are in zoology and 6 in aquatic studies such as limnology, fishery biology, fish culture, or aquatic ecology; plus additional appropriate experience or education which, when combined with the 30 semester hours in biology, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Aquatic biologists assist in research or other scientific or professional work in the study of life history, habits, classification, and economic relations of aquatic organisms and fish, particularly those forms of importance to industry.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.36 (b), (c), (d), and (e) are applicable to this section.

§ 24.92 *Biologist (Wildlife) P–420–1*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree, including a minimum of 30 semester hours in biology of which 10 semester hours are in botany and 15 semester hours are in zoology; at least 6 of the 15 semester hours in zoology must be in such wildlife courses as mammology, ornithology, animal ecology, or wildlife management; or

(2) Courses in biology in an accredited college or university totaling 30 semester hours, of which 10 semester hours must be in botany and 15 semester hours in zoology; at least 6 of the 15 semester hours in zoology must be in such wildlife courses as mammology, ornithology, animal ecology, or wildlife management; plus additional appropriate experience or education which, when combined with the 30 semester hours in biology, will total 4 years of education or experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Wildlife biologists assist in research or other scientific or professional work in the investigation of the distribution, habits, life history and classification of birds, mammals, and other animal life and their relation to agriculture and other interests.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of section 24.36 (b), (c), (d), and (e) are applicable to this section.

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-8161; Filed, Sept. 10, 1948; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS, AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS [1]

REVISED REGULATIONS

On August 11, 1948, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 48-7230; 13 F. R. 4640) regarding proposed regulations in lieu of existing regulations applicable to fruits and vegetables (grading and inspection) (7 CFR, Supps. 52.1 to 52.67, both inclusive). After consideration of all relevant matters presented, including the proposed revised regulations set forth in the aforementioned notice, the following revised regulations covering processed fruits and vegetables, processed products thereof, and certain other processed frood products, are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948).

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AUTHORITY: §§ 52.1 to 52.58, inclusive, issued under Pub. Law 712, 80th Cong.

§ 52.1 *Administration of regulations.* The Administrator, Production and Marketing Administration, United States Department of Agriculture, is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Production and Marketing Administration of the Department, in his discretion.

DEFINITIONS

§ 52.2 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 52.3 *Terms defined.* For the purpose of the regulations in this part unless the context otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the following provisions of the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess.), or any future act of Congress conferring similar authority:

Market inspection of farm products: For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the services rendered.

And also:

Marketing farm products. For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world. • • •

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

(d) "Administrator" means the Administrator of the Production and Marketing Administration of the Department.

(e) "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(f) "Interested party" means any person who has a financial interest in the commodity involved.

(g) "Applicant" means any interested party who requests inspection service hereunder.

(h) "Processed product" means any fruit, vegetable, or other food product covered under these regulations which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

[1] Among such other processed food products are the following: Honey; molasses, except for stock feed; nuts and nut products, except oil; sugar (cane, beet and maple); sirups (blended), sirups, except from grain; marine food products, except oil.

(i) "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

(j) "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for condition of containers in a lot, and may, when authorized by the Administrator, perform related services under the act and the regulations in this part.

(k) "Inspection service" means:

(1) The sampling pursuant to the regulations in this part;

(2) The determination pursuant to the regulations in this part of;

(i) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(ii) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(3) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed product, or any report relative to any of the foregoing; or

(4) Performance by an inspector of any related services such as assigning an inspector in a processing plant to observe the preparation of the product from its raw state through each step in the entire process, or observe conditions under which the product is being prepared, processed, and packed, or observe plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkload the inspected processed product in connection with the marketing of the processed product.

(l) "Sampling" means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

(m) "Sample" means a single container, a single portion of a container, any number of containers, or a composite mixture of a single type, style or size of a single commodity, packed in a single size of container, to be used for inspection.

(n) "Class" means a grade or rank of quality.

(o) "Quality" means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

(p) "Condition" means the degree of soundness of the product which may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper storage or improper handling.

(q) "Case" means the number of containers (cased or uncased) which, by the particular industry are ordinarily packed in a shipping container.

(r) "Lot" for the purpose of the regulations in this part means any number of containers of the same size and type containing a processed product of the same type or style offered for inspection by an interested party, except containers bearing an identification mark different from other containers and containing a lower grade quality than the containers bearing the other marks, may be considered as a separate lot.

(s) "Officially drawn sample" means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Administrator pursuant to the regulations in this part.

(t) "Unofficially drawn sample" means any sample that has been selected by any person other than an inspector or licensed sampler, or any other person not authorized by the Administrator pursuant to the regulations in this part.

(u) "Certificate of sampling" means a statement, either written or printed, issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condition under which the processed product is stored.

(v) "Inspection certificate" means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

(w) "Certificate of loading" means a statement, either written or printed, pursuant to the regulations in this part, relative to checkloading of a processed product subsequent to inspection thereof.

INSPECTION SERVICE

§ 52.4 *Where inspection service is offered.* Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 52.5 *Who may obtain inspection service.* An application for inspection service may be made by any interested party, including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 52.6 *How to make application.* An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place [2] where the service is desired. Satisfactory proof that the applicant is an interested party, and satisfactory proof of the authority of any person applying for inspection service, shall be furnished.

§ 52.7 *Information required in connection with application.* Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, such application shall be confirmed promptly in writing. In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product for which application for inspection is made, including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previously to the application by any Federal agency and the purpose for which inspection is desired.

§ 52.8 *Filing of application.* An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 52.9 *Record of filing time.* A record showing the date and hour when each application for inspection or for an appeal inspection is received shall be maintained.

§ 52.10 *When application may be rejected.* An application for inspection service may be rejected by the Admin-

[2] List of inspection offices:
Atlanta 3, Ga.: 449 West Peachtree St., NE.
Baltimore 2, Md.: 407 Appraisers Stores Bldg.
Boston 10, Mass.: 725 Appraisers Stores Bldg.
Cedar Rapids, Iowa: 201 Federal Bldg.
Chicago 7, Ill.: 915 U. S. Customs Bldg., 610 South Canal St.
Columbus 15, Ohio: 39 Old Federal Bldg
Detroit 9, Mich.: Room 36, Detroit Union Produce Terminal, 7201 West Fort St.
Denver 2, Colo.: 553 U. S. Customhouse.
Easton, Md.: 32 East Dover St.
Fayetteville 5, Ark.: 320½ West Dickson St.
Fresno 3, Calif.: 1630 La Salle Ave.
Hammond, La.: Southeastern College Campus (P. O. Box 151).
Los Angeles 15, Calif.: Room 351, Bendix Bldg., 1206 Maple Ave.
Nashville 3, Tenn.: 326 11th Ave. N. (P. O. Box 1174).
New York 14, N. Y.: Room 654, 641 Washington St.
Philadelphia 6, Pa.: 601 U. S. Customshouse, 2d and Chestnut Sts.
Portland 3, Maine: Room 18, U. S. Customshouse Bldg.
Portland 5, Oreg.: 312 U. S. Courthouse.
Richmond 19, Va.: 1030 State Office Bldg.
Ripon, Wis.: U. S. Post Office Bldg.
Rochester 4, N. Y.: 300 Terminal Bldg.
Salem, Oreg.: 977 Edgewater St.
Salt Lake City 1, Utah: B-45 State Capitol Bldg.
San Francisco 3, Calif.: Room 942, 821 Market St.
San Jose 10, Calif.: 52 Locust St.
Seattle 1, Wash.: 1917 1st Ave., Alaska Trade Bldg.
Stockton 22, Calif.: 1238 East Harding Way.
Washington 25, D. C.: 224 12th St. SW. (2d floor).
Winter Haven, Fla.: Old Postal Arcade Bldg., 326 Ave. D.
Weslaco, Tex.: 245 Texas Blvd.
Yakima, Wash.: 212 Liberty Bldg.

istrator (a) for non-compliance by the applicant with the regulations in this part, or (b) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 52.11 *When application may be withdrawn.* An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided,* That, the applicant shall pay any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.12 *Disposition of inspected sample.* Any processed product sample that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 52.13 *Basis of inspection.* Inspection service shall be performed on the basis of the appropriate U. S. Standards for grades of processed products, Federal or Quartermaster Corps specifications, written buyer and seller contract specifications or any written specification by an applicant which is approved by the Administrator.

§ 52.14 *Order of inspection service.* Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 52.15 *Postponing inspection service.* If the inspector determines that it is not possible accurately to ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 52.16 *Financial interest of inspector.* No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 52.17 *Forms of certificates.* Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Administrator.

§ 52.18 *Issuance of certificates.* (a) An inspection certificate may be issued only by an inspector: *Provided,* That another employee of the inspection service may sign any such certificate covering any processed product inspected by an inspector when given power of attorney by such inspector and authorized by the Administrator, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided,* That, another employee of the inspection service may sign such certificate of loading covering any processed product check loaded by an inspector or licensed sampler when given power of attorney by such inspector or licensed sampler and authorized by the Administrator to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

§ 52.19 *Issuance of corrected certificates.* A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 52.20 *Issuance of an inspection report in lieu of an inspection certificate.* A letter report in lieu of an inspection certificate, may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided,* That, the issuance of such report is approved by the Administrator.

§ 52.21 *Disposition of inspection certificates.* The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be filed in such manner as the Administrator may designate. Additional copies of any such certificate may be supplied to any interested party as provided in § 52.50.

§ 52.22 *Report of inspection results prior to issuance of formal report.* Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

APPEAL INSPECTION

§ 52.23 *When appeal inspection may be requested.* An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Administrator the time within which an application for appeal inspection may be made may be extended.

§ 52.24 *Where to file for an appeal inspection and information required.* (a) Application for an appeal inspection may be filed with:

(1) The inspector who issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 52.25 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided,* That, the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.26 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if (a) the reasons for the appeal inspection are frivolous or not substantial; (b) the quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested; (c) the lot in question is not, or cannot be made accessible for the selection of officially drawn samples; (d) the lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the lot from which officially drawn samples were previously inspected; or (e) there is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 52.27 *Who shall perform appeal inspection.* An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Administrator and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided,* That, the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 52.28 *Appeal inspection certificate.* After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate.. The provisions in the regulations in this part concerning forms of certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who received copies of the superseded certificate.

LICENSING OF SAMPLERS AND INSPECTORS

§ 52.29 *Who may become licensed sampler.* Any person possessing qualifications as determined by an examination for competency, given by the Administrator, may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to these regulations as directed by the Administrator.

§ 52.30 *Application to become a licensed sampler.* Application to become a licensed sampler shall be made to the Administrator on forms furnished for that purpose. Each such application shall be executed and signed by the applicant in his own handwriting, and the information contained therein shall be verified by him under oath or affirmation administered by a notary public, and the application shall contain or be accompanied by:

(a) Satisfactory evidence that he has passed his twenty-first birthday;

(b) A statement showing his present and previous occupations, together with names of all employers for whom he has worked with periods of service during the last ten years previous to the date of his application;

(c) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;

(d) A statement by the applicant that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(e) Such other information as may be required by the aforesaid Administrator.

§ 52.31 *Inspectors.* Inspections will ordinarily be performed by employees under the Administrator who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Administrator is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

§ 52.32 *Suspension or revocation of license of licensed sampler or licensed inspector.* Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 52.33 *Surrender of license.* Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

SAMPLING

§ 52.34 *How samples are drawn by inspectors or licensed samplers.* An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Administrator, select samples of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure representative samples of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 52.35 *Accessibility for sampling.* Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 52.36 *How officially drawn samples are to be identified.* Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 52.37 *How samples are to be shipped.* Unless otherwise directed by the Administrator, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 52.38 *Sampling rates for officially drawn samples.* Unless otherwise directed by the Administrator, each inspector and each licensed sampler shall select from each lot not less than the number of samples indicated in the following applicable tables except as may be required otherwise by the provisions in § 52.34.

TABLE I—CANNED FRUITS AND VEGETABLES AND CANNED FRUIT AND VEGETABLE PRODUCTS AND OTHER CANNED PROCESSED PRODUCTS, SUCH AS PEANUT BUTTER, PICKLES, RELISHES, JAMS, JELLIES, MARMALADES, HONEY, MAPLE SIRUP AND CONCENTRATES

Size and type of container	*Rate of sampling*[1]
Any type of container not exceeding that of a No. 3 size can (404 x 414).	1 container for each 2,400 containers or fraction thereof.
Any type of container of a volume capacity exceeding that of a No. 3 size can (404 x 414) but not exceeding that of a No. 12 size can (603 x 812).	1 container for each 1,200 containers or fraction thereof.
Any type of container of a volume capacity exceeding that of a No. 12 size can (603 x 812).	One 8-ounce sample (approximate weight) for each 200 containers or fraction thereof.

[1] These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

TABLE II—FROZEN FRUITS AND VEGETABLES

Size and type of container	Rate of sampling [1]
Any type of container of 1 pound or less net weight.	1 container for each 2,400 containers or fraction thereof.
Any type of container over 1 pound but less than 5 pounds, net weight.	1 container for each 1,600 containers or fraction thereof.
Any type of container of 5 pounds or more, but less than 10 pounds, net weight.	1 container for each 1,200 containers or fraction thereof.
Any type of container of 10 pounds or more, net weight.	One 2-pound sample (approximate weight) for each 4,000 pounds of the first 20,000 pounds, plus 1 additional 2-pound sample for each additional 8,000 pounds, or fraction thereof, in excess of 20,000 pounds.

[1] These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

TABLE III—DRIED FRUITS

Size and type of container	Rate of sampling [1]
Any type of container not exceeding 3 pounds, net weight.	1 container for each 2,400 containers or fraction thereof.
Larger than 3 pounds but less than 25 pounds.	1 container for each 1,200 containers or fraction thereof.
25 pounds and larger	One 8-ounce sample (approximate weight) for each 3,000 pounds in the first 30,000 pounds, plus 1 additional similar sample for each additional 6,000 pounds or fraction thereof in excess of 30,000 pounds. In no case shall the total weight of the samples drawn be less than 100 ounces.

[1] These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

TABLE IV—DEHYDRATED FRUITS AND VEGETABLES

Size and type of container	Rate of sampling [1]
Any type of container of 5 pounds or less net weight.	1 container for each 2,400 containers or fraction thereof.
Any type of container in excess of 5 pounds, net weight.	One 20-ounce (approximate weight) sample for each 4,000 pounds or fraction thereof.

[1] These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

TABLE V—PROCESSED PRODUCTS NOT SPECIFICALLY LISTED IN ANY TABLE CONTAINED IN THIS SECTION

Size and type of container	Rate of sampling [1]
Any type of container irrespective of its size or volume capacity.	At a rate that will represent the lot as may be determined by the inspector.

[1] These are minimum rates and in no case shall less than two (2) samples be drawn from any one lot.

§ 52.39 *Issuance of certificate of sampling.* Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that an inspector who inspects the samples which he has drawn need not prepare a sampling certificate. One copy of each certificate of sampling prepared shall be retained by the inspector or licensed sampler (as the case may be) and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Administrator.

§ 52.40 *Identification of lots sampled.* Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Administrator, if such lots do not otherwise possess suitable identification.

FEES AND CHARGES

§ 52.41 *Payment of fees and charges.* Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, such fees and charges shall be paid in advance. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the Treasurer of the United States and remitted to the office of inspection serving the area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Administrator, in which latter event the contract provisions shall apply.

§ 52.42 *Schedule of fees.* (a) Unless otherwise provided for in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of three (3) dollars per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section as follows: [2]

(1) *Canned fruits and vegetables and canned fruit and vegetable products and other canned processed products, such as peanut butter, pickles, relishes, jams, jellies, marmalades, honey, maple sirup, and concentrates.*

Officially drawn samples [1]

Each lot:	
Minimum fee for 600 cases or less	$5.00
For each additional 200 cases, or fraction thereof, in excess of 600 cases	1.40

Unofficially drawn samples

Minimum fee	$2.00
For more than 4 containers of any type of a volume capacity not in excess of that of a No. 3 size can (404 x 414), per container	.50
For more than 2 containers of any type of a volume capacity exceeding that of a No. 3 size can (404 x 414) but not exceeding that of a No. 12 size (603 x 812), per container	1.00

[1] Inspection of large quantities: When application is made for inspection of 20,000 cases or more of a single commodity of canned fruits and vegetables and canned fruit and vegetable products in containers of any type of a volume capacity not exceeding that of a No. 12 size (603 x 812) the fee shall be at the rate of $1.20 for each 200 cases or fraction thereof: *Provided*, That, the commodity is available for inspection at any one place at any one time.

(2) *Frozen fruits and vegetables.*

Officially drawn samples

Each lot:	
Minimum fee for 10,000 pounds or less	$5.00
For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds	1.75

Unofficially drawn samples

Minimum fee for a single sample	$2.00
For each additional sample	1.00

(3) *Dried fruits.*

Officially drawn samples

Each lot:	
Minimum fee for 12,000 pounds or less	$5.00
For each additional 2,000 pounds, or fraction thereof in excess of 12,000 pounds	.40

Unofficially drawn samples

Each sample	$3.00

(4) *Dehydrated fruits and vegetables.*

Officially drawn samples

Each lot:	
Minimum fee for 20,000 pounds or less	$15.00
For each additional 2,000 pounds, or fraction thereof in excess of 20,000 pounds	1.50

[2] The fees specified herein are exclusive of charges for such micro, chemical and certain other special analyses, other than salt, acid, catalase, peroxidase, soluble solids (by refrac.) or total solids (by refrac.), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

Unofficially drawn samples

Each lot:	
Minimum fee for 3 samples or less	$7.50
For each additional sample in excess of 3 samples	2.50

(5) *Other processed products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3) and (4) of this paragraph shall be at the rate of $3.00 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided, however*, That fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

§ 52.43 *Fees to be charged and collected for sampling when performed by a licensed sampler.* Such sampling fees as are specifically prescribed by the Administrator in connection with the licensing of the particular sampler (which fees are to be prescribed in the light of the sampling work to be performed by such sampler and other pertinent factors) may be assessed and collected by such licensed sampler directly from the applicant: *Provided*, That, if such licensed sampler is an employee of a State, the appropriate authority of that State may make the collection, or they may be assessed and collected by the office of inspection serving the area where the services are performed.

§ 52.44 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 60 percent of the fee provided in this part applicable to the respective processed product: *Provided*, That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of three (3) dollars per hour prescribed in this part.

§ 52.45 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 60 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Administrator: *Provided*, That, if the fee charged is based on the hourly rate, the fee shall be at the rate of three (3) dollars per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

§ 52.46 *Fee for appeal inspection.* The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided*, That, if the result of any appeal inspection made for any applicant, other than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 52.47 *Charges for micro, chemical and certain other special analyses.* The following charges shall be made for micro, chemical and certain other special analyses when not included in the fee for inspection for class, quality or condition:

Type of analysis	For first analysis	For each additional analysis
Micro, chemical, and certain other special analyses		
Mold count	$1.50	$1.50
Worm larvae and insect fragment count	3.00	3.00
Fly egg and maggot count	3.00	3.00
Alcohol insoluble solids	3.00	2.00
Alcohol	2.00	2.00
Ascorbic acid (vitamin C)	6.00	2.00
Ash	2.00	2.00
Ash, salt free	4.00	4.00
Ash, acid insoluble	4.00	4.00
Ash, water insoluble	4.00	4.00
Catalase [1]	2.00	1.00
Crude fiber	10.00	5.00
Ether extract (crude fat)	5.00	5.00
Fiber, green and wax bean	3.00	2.00
Iodine number	8.00	8.00
Moisture (air oven method)	2.00	2.00
Moisture (vacuum oven method)	2.00	2.00
Nitrogen	3.00	2.00
Non-volatile ether extract	6.00	6.00
Oil of lemon and orange extract (precipitation method)	3.00	3.00
Oil of lemon extract with oil base (distillation method)	4.00	4.00
Peroxidase [1]	2.00	1.00
Phosphorus pentoxide (P_2O_5)	8.00	8.00
Phosphorus pentoxide (P_2O_5) and aluminum trioxide (Al_2O_3)	15.00	15.00
Recoverable oil	2.00	2.00
Reducing sugars	6.00	6.00
Titrations: citric, lactic, acetic, or fatty acids, sodium chloride [1]	1.00	1.00
Starch or carbohydrates (direct hydrolysis)	12.00	10.00
Carbohydrates (by difference)	12.00	10.00
Sulphur dioxide (direct titration)	3.00	1.00
Soluble solids (by Refrac.) [1]	2.00	1.00
Total solids (by Refrac.) [1]	2.00	1.00
Total solids (by drying)	3.00	2.00
Vanillin and coumarin	10.00	10.00
Volatile and non-volatile ether extract	8.00	8.00
Water extract	4.00	4.00
Water insoluble, inorganic residue, examination for adulteration, and particle count	8.50	6.00

[1] Included in the fee for inspection service when class, quality, or condition also determined.

§ 52.48 *When charges are to be based on hourly rate not otherwise provided for in this part.* When inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of three (3) dollars per hour.

§ 52.49 *Fees for score sheets.* If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of fifty cents for each twelve samples, or fraction thereof, inspected and listed on such score sheets.

§ 52.50 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 52.21, may be supplied to any interested party upon payment of a fee of $1.50 for each set of three (3) or fewer copies.

§ 52.51 *Travel and other expenses.* Charges may be made to cover cost of travel and other expenses incurred by the inspection service in connection with the performance of any inspection service, including travel and other expenses incurred in connection with any appeal inspection.

§ 52.52 *Charges for inspection service on a contract basis.* Irrespective of fees and charges prescribed in foregoing sections, the Administrator may enter into contracts with applicants to perform inspection service pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection service provided in such contracts shall be on such basis as will reimburse the Production and Marketing Administration of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Administrator.

MISCELLANEOUS

§ 52.53 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fradulent practice found to be made or committed by any person in connection with:

(a) The making or filing of an application for any inspection service;

(b) The submission of samples for inspection;

(c) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(d) The use of the words "Packed under continuous inspection of the U. S. Department of Agriculture," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(e) The use of a facsimile form which simulates in whole or in part any official U. S. certificate for the purpose of purporting to evidence the U. S. grade of any processed product; or

(f) Any wilful violation of the regulations in this part or supplementary rules or instructions issued by the Administrator, may be deemed sufficient cause for debarring such person from any or all benefits of the act.

§ 52.54 *Political activity.* All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited.

This applies to all appointees or licensees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 52.55 *Interfering with an inspector or licensed sampler.* Any further benefits of the act may be denied any applicant or other interested party who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector or licensed sampler in the performance of his duties.

§ 52.56 *Compliance with other laws.* None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

§ 52.57 *Identification.* Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

§ 52.58 *Publication.* Publication under the act and in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

It is hereby found and determined that it is necessary in the public interest to make this order effective not later than 12:01 a. m., e. d. s. t., September 16, 1948, to permit the prompt charging of increased fees to cover increased operational expenses resulting from the recent increase in Federal Government salaries and other cost increases. Delay in making such increases effective promptly would result in an increasing deficit in proportion to the length of delay. The public has heretofore been notified of the proposed revised regulations by way of the aforementioned notice which was published in the FEDERAL REGISTER on August 11, 1948, and no further time for preparation for coverage under these revised regulations is needed by interested parties. In these circumstances, it is impractical, unnecessary and contrary to the public interest to delay the effective date of these revised regulations for thirty days after their publication in the FEDERAL REGISTER (see sec. 4 of the Administrative Procedure Act, 60 Stat. 237).

Issued at Washington, D. C., this 8th day of September 1948, to become effective on and after 12:01 a. m., e. d. s. t., September 16, 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8179; Filed, Sept. 10, 1948; 8:54 a. m.]

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES STANDARDS FOR ORANGES

Correction

In Federal Register Document 48-8043, appearing at page 5174 in the issue for Saturday, September 4, 1948, the following corrections should be made:

1. In the table on page 5176 under "Minimum" the second figure which reads "3⁹⁄₁₆" should read "3¹¹⁄₁₆."

2. In the third column on page 5176, in the second line of subparagraph (5) the first word should read "more."

3. In the second column of page 5177, the first word in subdivision (xiii) should read "Riciness".

4. In the first column of Table I on page 5178 the number immediately above "11.7" should read "11.6".

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Regulation 99]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.396 *Grapefruit Regulation 99*—(a) *Findings*—(1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 13, 1948, and ending at 12:01 a. m., e. s. t., September 20, 1948, no handler shall ship:

(i) Any grapefruit, other than pink grapefruit, grown in the State of Florida which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8201; Filed, Sept. 10, 1948; 8:59 a. m.]

PART 979—IRISH POTATOES IN EASTERN SOUTH DAKOTA PRODUCTION AREA

LIMITATION OF SHIPMENTS

§ 979.301 *Regulation No. 1*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 103 and Order No. 79 (13 F. R. 1994), regulating the handling of potatoes grown in the Eastern South Dakota production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the South Dakota Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, (ii) shipments of potatoes from the production area have already begun, (iii) compliance with this regulation will not require any special preparation on the part of handlers which cannot be completed by the effective date hereof, and (iv) a reasonable time is permitted, under the circumstances, for preparation for such date.

(b) *Order.* (1) During the period beginning on September 15, 1948, and ending on June 30, 1949, both dates inclusive, no handler shall ship any potatoes unless such potatoes meet the requirements of the U. S. Commercial grade or any higher grade: *Provided,* That seed potatoes shipped for seed purposes shall not be subject to any limitation hereunder but shall be subject to the inspection and assessment requirements of the marketing agreement and order.

(2) As used in this section, the terms "handler," "ship," "production area," "potatoes," and "seed potatoes," shall have the same meaning as when used in said marketing agreement and order; and the term "U. S. Commercial" shall have the same meaning as when used in the U. S. Standards for Potatoes (12 F. R. 3651). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8197; Filed, Sept. 10, 1948; 8:59 a. m.]

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Correction

In Federal Register Document 48-7890, appearing on page 5147 in the issue for Friday September 3, 1948, in the second line of paragraph (b) (2), insert the word "ship," immediately following the word "shipper,".

[Lemon Reg. 290, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 12, 1948 and ending at 12:01 a. m., P. s. t., September 19, 1948 is hereby fixed as follows:

(i) District 1: 300 carloads;

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1" and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 12, 1948, to 12:01 a. m. Sept. 26, 1948]

District No. 1

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.124
American Fruit Growers, Inc., Fullerton	.239
American Fruit Growers, Inc., Upland	.133
Hazeltine Packing Company	.149
Ventura Coastal Lemon Company	3.062
Ventura Pacific Company	1.792
Total A. F. G.	5.499
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.147
La Verne Lemon Association	.342
La Habra Citrus Association, The	.895
Yorba Linda Citrus Association, The	.770
Alta Loma Hts. Citrus Association	.479
Etiwanda Citrus Fruit Association	.241
Mountain View Fruit Association	.375
Old Baldy Citrus Association	.717
Upland Lemon Growers Association	4.310
Central Lemon Association	.556
Irvine Citrus Association, The	.816
Placentia Mutual Orange Association	.208
Corona Citrus Association	.130
Corona Foothill Lemon Company	2.093
Jameson Company	.671
Arlington Heights Citrus Co.	.341
College Heights Orange & Lemon Association	2.623
Chula Vista Citrus Association	1.412
El Cajon Valley Citrus Association	.039
Escondido Lemon Association	1.678
Fallbrook Citrus Association	.984

[Lemon Reg. 291]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.398 *Lemon Regulation 291*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 5, 1948, and ending at 12:01 a. m., P. s. t., September 12, 1948, is hereby fixed as follows:

(i) District 1: 400 carloads.

(ii) District 2: Unlimited movement.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 9th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8234; Filed, Sept. 10, 1948; 8:53 a. m.]

PRORATE BASE SCHEDULE—Continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Lemon Grove Citrus Association	0.397
San Dimas Lemon Association	.832
Carpinteria Lemon Association	3.435
Carpinteria Mutual Citrus Association	3.798
Goleta Lemon Association	5.610
Johnston Fruit Company	9.322
North Whittier Heights Citrus Association	.328
San Fernando Heights Lemon Association	.252
San Fernando Lemon Association	.118
Sierra Madre-Lamanda Citrus Association	.918
Tulare Co. Lemon & Grapefruit Association	.000
Briggs Lemon Association	2.767
Culbertson Investment Co	.897
Culbertson Lemon Association	1.816
Fillmore Lemon Association	1.255
Oxnard Citrus Association No. 1	6.591
Oxnard Citrus Association No. 2	2.269
Rancho Sespe	.754
Santa Paula Citrus Fruit Association	3.796
Saticoy Lemon Association	6.811
Seaboard Lemon Association	5.292
Somis Lemon Association	3.640
Ventura Citrus Association	2.186
Limoneira Co	2.265
Teague-McKevett Association	.802
East Whittier Citrus Association	.417
Leffingwell Rancho Lemon Association	.422
Murphy Ranch Company	.892
Whittier Citrus Association	.176
Whittier Select Citrus Association	.163
Total C. F. G. E	89.048
Chula Vista Mutual Lemon Association	.747
Escondido Co-op. Citrus Association	.158
Highland Mutual Groves	.000
Index Mutual Association	.179
La Verne Co-op. Citrus Association	1.250
Orange Co-op. Citrus Association	.039
Ventura County Orange & Lemon Association	2.524
Whittier Mutual Orange & Lemon Association	.079
Total M. O. D	4.976
California Citrus Groves, Inc., Ltd	.000
Dewars, Pieter	.000
Evans Brothers Packing Co	.003
Flint, Arthur E	.000
Furr, N. C	.000
Harding & Leggett	.000
Isely, W. J	.000
Johnson, Fred	.000
Levinson, Sam	.023
Lorbeer, Carroll, W. C	.000
Manos, Gus & William	.407
Orange Belt Fruit Distributors	.000
Rooke, B. G., Packing Co	.044
San Antonio Orchard Co	.000
Segal, Joseph	.000
Torn Ranch	.000
Walshe, Jack M	.000
Zaninovich Bros., Inc	.477
Total independents	

[F. R. Doc. 48-8233; Filed, Sept. 10, 1948; 8:53 a. m.]

[Orange Reg. 247]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.393 *Orange Regulation 247*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 12, 1948 and ending at 12:01 a. m., P. s. t., September 19, 1948 is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: 1,500 carloads;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 12, 1948, to 12:01 a. m. Sept. 19, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0769
A. F. G. Corona	.1171
A. F. G. Fullerton	.7480
A. F. G. Orange	4988
A. F. G. Riverside	.1144
A. F. G. San Juan Capistrano	1.0684
A. F. G. Santa Paula	.6321
Hazeltine Packing Co	.4330
Placentia Pioneer Valencia Growers Association	.6429
Signal Fruit Association	.1387
Azusa Citrus Association	.4010
Covina Valley Orange Co	.1042
Damerel-Allison Co	.8855
Glendora Mutual Orange Association	.4002
Irwindale Citrus Association	.3804
Puente Mutual Citrus Association	.2176
Valencia Heights Orchard Association	.4900
Covina Citrus Association	1.1341
Covina Orange Growers Association	.5992
Glendora Citrus Association	.3842
Glendora Heights Orange & Lemon Growers Association	.0597
Gold Buckle Association	.5711
La Verne Orange Association	.6908
Anaheim Citrus Fruit Association	1.2071
Anaheim Valencia Orange Association	.8208
Eadington Fruit Co., Inc	2.2837
Fullerton Mutual Orange Association	1.2948
La Habra Citrus Association	1.2839
Orange County Valencia Association	.6313
Orangethorpe Citrus Association	.8849
Placentia Cooperative Orange Association	.6447
Yorba Linda Citrus Association	.6635
Citrus Fruit Growers	.1474
Cucamonga Citrus Association	.2271
Etiwanda Citrus Fruit Association	.0562
Mountain View Fruit Association	.0193
Old Baldy Citrus Association	.1347
Rialto Heights Orange Growers	.0628
Upland Citrus Association	.4017
Upland Heights Orange Association	.1293
Consolidated Orange Growers	1.9526
Frances Citrus Association	1.5761
Garden Grove Citrus Association	1.4190
Goldenwest Citrus Association The	1.6414
Irvine Valencia Growers	2.8502
Olive Heights Citrus Association	2.0444
Santa Ana-Tustin Mutual Citrus Association	1.3185
Santiago Orange Growers Association	4.3091
Tustin Hills Citrus Association	2.6789
Villa Park Orchards Association, The	1.6580
Bradford Brothers, Inc	.7330
Placentia Mutual Orange Association	1.6119
Placentia Orange Growers Association	1.8638
Yorba Orange Growers Association	.6212
Call Ranch	.0762
Corona Citrus Association	.5624
Jameson Co	.0489
Orange Heights Orange Association	.3090
Crafton Orange Growers Association	.4376
East Highlands Citrus Association	.0825
Fontana Citrus Association	.1218
Highland Fruit Growers Association	.0000
Redlands Heights Groves	.3210
Redlands Orangedale Association	.3417
Break & Sons, Allen	.0646

PRORATE BASE SCHEDULE—Continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Bryn Mawr Fruit Growers Association	0.2711
Krinard Packing Co	.3076
Mission Citrus Association	.1668
Redlands Cooperative Fruit Association	.3756
Redlands Orange Growers Association	.2598
Redlands Select Groves	.3225
Rialto Citrus Association	.2095
Rialto Orange Co	.2147
Southern Citrus Association	.2010
United Citrus Growers	.0920
Zilen Citrus Co	.0742
Arlington Heights Citrus Co	.1329
Brown Estate, L. V. W	.1128
Gavilan Citrus Association	.1625
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0670
McDermont Fruit Co	.1923
Monte Vista Citrus Association	.1961
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0636
Sierra Vista Packing Association	.0602
Victoria Avenue Citrus Association	.1904
Claremont Citrus Association	.1647
College Heights Orange & Lemon Association	.2857
El Camino Citrus Association	.0880
Indian Hill Citrus Association	.2053
Pomona Fruit Growers Exchange	.4240
Walnut Fruit Growers Association	.4361
West Ontario Citrus Association	.4148
El Cajon Valley Citrus Association	.2964
Escondido Orange Association	2.6300
San Dimas Orange Growers Association	.5000
Andrews Brothers of California	.1955
Ball & Tweedy Association	.5958
Canoga Citrus Association	1.1753
North Whittier Heights Citrus Association	.0978
San Fernando Fruit Growers Association	.4872
San Fernando Heights Orange Association	1.0253
Sierra Madre-Lamanda Citrus Association	.2969
Camarillo Citrus Association	1.8705
Fillmore Citrus Association	3.7472
Mupu Citrus Association	3.2053
Ojai Orange Association	1.0796
Piru Citrus Association	1.5671
Santa Paula Orange Association	1.2185
Tapo Citrus Association	1.2702
Ventura County Citrus Association	.0375
Limoneira Co	.7084
East Whittier Citrus Association	.3999
El Ranchito Citrus Association	1.0568
Murphy Ranch Co	.4735
Rivera Citrus Association	.4379
Whittier Citrus Association	.7080
Whittier Select Citrus Association	.4116
Anaheim Cooperative Orange Association	1.1423
Bryn Mawr Mutual Orange Association	.0410
Chula Vista Mutual Lemon Association	.1376
Escondido Cooperative Citrus Association	.4235
Euclid Avenue Orange Association	.5084
Foothill Citrus Union, Inc	.0361
Fullerton Cooperative Orange Association	.3041
Garden Grove Orange Cooperative, Inc	.6506
Golden Orange Groves, Inc	.2754
Highland Mutual Groves	.0098
Index Mutual Association	.2450
La Verne Coop. Citrus Association	1.3619
Mentone Heights Association	.0729

PRORATE BASE SCHEDULE—Continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Olive Hillside Groves	0.6622
Orange Coop. Citrus Association	1.0178
Redlands Foothill Groves	.6380
Redlands Mutual Orange Association	.1935
Riverside Citrus Association	.0566
Ventura County Orange and Lemon Association	1.0062
Whittier Mutual Orange and Lemon Association	.1351
Babijuice Corp. of Calif	.3501
Banks Fruit Co	.0000
Banks, L. M	.2026
Borden Fruit Co	1.0169
California Associated Growers	.0981
California Fruit Distributors	.0483
Cherokee Citrus Co., Inc	.1417
Chess Co., Meyer W	.3600
Escondido Avocado Growers	.0207
Evans Bros. Packing Co	.1117
Furr, N. C	.0189
Gold Banner Association	.2962
Granada Hills Packing Co	.0404
Granada Packing House	1.3298
Hill, Fred A	.0806
Inland Fruit Dealers, Inc	.0706
Morris Brothers Fruit Co	.0116
Orange Belt Fruit Distributors	1.8805
Panno Fruit Co., Carlo	.0212
Paramount Citrus Association	.3741
Placentia Orchard Co	.3748
San Antonio Orchard Co	.3732
Snyder & Sons Co., W. A	.4162
Stephens, T. F	.2321
Torn Ranch	.0000
Wall, E. T	.1261
Webb Packing Co	.0000
Western Fruit Growers, Inc., Redlands	.6572

[F. R. Doc. 48-8245; Filed, Sept. 10, 1948; 11:26 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 501—GENERAL RULES OF PROCEDURE

FILING OF CLAIM AND EFFECT OF DISALLOWANCE

Part 501 is hereby amended by addition of § 501.61 and § 501.62, as set out below.

§ 501.61 *Filing of claim as condition precedent to suit.* The filing, heretofore or hereafter, of a claim under section 32 of the Trading with the Enemy Act shall constitute the filing of notice required by section 9 of the act as a condition precedent to the filing of a suit in equity for the return of property seized by, vested in, or transferred to the Alien Property Custodian, the Office of Alien Property Custodian, or the Attorney General.

§ 501.62 *Effect of disallowance of claim in determining period of limitations for filing suit.* The final disallowance under the rules of Part 504 of this chapter of any claim for the return of property filed under the Trading with the Enemy Act shall constitute a disallowance for the purpose of determining the period of limitations, prescribed in section 33 of the act, within which a suit pursuant to section 9 of the act may be instituted.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, Pub. Law 874, 80th Cong., 50 U. S. C., App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1945, 3 CFR, 1946 Supp.)

Executed at Washington, D. C., this 7th day of September 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-8185; Filed Sept. 10, 1948; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 1]

PART 405—PROCEDURE OF CIVIL AERONAUTICS ADMINISTRATION

SUBPART E—RECORDATION OF CONVEYANCES

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4 [1] of the Administrative Procedure Act, I hereby amend Part 405, Subpart E, to read as follows:

Sec.
405.51 Recordation of aircraft ownership.
405.52 Recordation of encumbrances against specifically identified aircraft engines.
405.53 Recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers.

AUTHORITY: §§ 405.51 to 405.53, inclusive, issued under 52 Stat. 986, 1006; 54 Stat. 1233, 1235–1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 458, 521.

§ 405.51 *Recordation of aircraft ownership*—(a) *General.* All conveyances which affect the title to, or any interest in, any aircraft registered under the provisions of the Civil Aeronautics Act are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any document evidencing indebtedness will be furnished to the holder of such document.

(b) *Forms of conveyance.* The following forms have been prepared by the Administrator for use in recording of conveyances and are available upon request to the Civil Aeronautics Administration, Office of the Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

(1) *Form ACA 500: Part C, Bill of Sale.* (For further information concerning Form ACA 500, see § 405.31 (c).)

(2) *Form ACA 506: Release.* (This form appears on the back of a letter acknowledging receipt of a chattel mortgage, and should be in the possession of

[1] In 13 F. R. 4199–4200, notice of intention to adopt this amendment was published, and interested persons were granted 15 days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matter presented.

the mortgagee or his assignee to be used when the mortgage is cleared.)

(3) *Form ACA 818: Release Contract of Conditional Sale.* (This form appears on the back of a letter acknowledging receipt of a contract of conditional sale and should be in the possession of the seller or his assignee to be used when all conditions of the contract have been met.)

(4) *Form ACA 905: Aircraft Chattel Mortgage.*

(5) *Form ACA 906: Aircraft Conditional Sale Contract.*

(6) *Form ACA 909: Supplemental Affidavit to Application for Registration for All Types of Aircraft.* (To be filled in and submitted with Application for Registration (Form ACA 500, Part B) when the aircraft has been repossessed pursuant to the provisions of a chattel mortgage or contract of conditional sale and the person repossessing desires registration of the aircraft in his name.)

(c) *Application.* A conveyance may be recorded by submitting the original document, or a properly executed duplicate thereof, to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C. There is no fee (other than the $4.00 registration fee) for recording a bill of sale. A fee of $4.00 is charged for the recording of a lien covering one aircraft. If more than one aircraft is covered by such lien the fee shall be $4.00 for each aircraft. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a lien covering an aircraft.

(d) *Requirements.* For further information with respect to the requirements and instructions for the recordation of aircraft conveyances, see Part 503 of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

§ 405.52 *Recordation of encumbrances against specifically identified aircraft engines*—(a) *General.* All conveyances affecting the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any such conveyance will be furnished to the holder thereof.

(b) *Forms of conveyance.* The Civil Aeronautics Administration has not prepared any sample forms of conveyance for use in taking a security interest in aircraft engines. However, Form ACA-1990 has been designed to serve as a receipt for the recording of aircraft engine conveyances.

(c) *Recording fee.* A fee of $2.00 is charged for the recording of an instrument executed for security purposes covering one engine. If more than one aircraft engine is covered by such instrument the fee shall be $2.00 for each aircraft engine. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering an aircraft engine.

(d) *Requirements.* For further information with respect to the requirements and instructions for the recordation of encumbrances against specifically identified aircraft engines, see Part 504 of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

§ 405.53 *Recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers*—(a) *General.* All conveyances affecting the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended, for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instruments need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof, are eligible for recordation with the Civil Aeronautics Administration. A receipt showing the recording of any such conveyance will be furnished to the holder thereof.

(b) *Forms of conveyance.* The Civil Aeronautics Administration has not prepared any sample forms of conveyance for use in taking a security interest in aircraft engines, propellers, appliances, or spare parts. However, Form ACA-1991 has been designed to serve as a receipt for the recording of such conveyances.

(c) *Recording fee.* A fee of $2.00 is charged for the recording of an instrument executed for security purposes covering aircraft engines, propellers, appliances, or spare parts situated in one location. If the property covered by the instrument is situated in more than one location the fee shall be $2.00 for each location. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering aircraft engines, propellers, appliances, or spare parts.

(d) *Requirements.* For further information with respect to the requirements and instructions for the recordation of encumbrances against aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of certificated air carriers, see Part 505 of this chapter, or mail requests to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C.

This amendment shall become effective 30 days after it is published in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8142; Filed, Sept. 10, 1948; 8:46 a. m.]

PART 503—RECORDATION OF AIRCRAFT OWNERSHIP

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4[1] of the Administrative Procedure Act, I hereby revise Part 503 to read as follows:

Sec.
503.1 Basis and purpose.
503.2 Definitions.
503.3 Eligibility of conveyances.

AUTHORITY: §§ 503.1 to 503.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235–1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 401, 458, 523.

§ 503.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for recordation of conveyances affecting the title to, or any interest in, any aircraft registered under the provisions of section 501 of the Civil Aeronautics Act of 1938, as amended, and Part 501 or Part 502 of this chapter. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 503.2 *Definitions.* As used in this part, "conveyance" means:

(a) A bill of sale, contract of conditional sale, mortgage, assignment of mortgage, or other instrument affecting title to, or interest in, aircraft; and

(b) Any release, cancellation, discharge, or satisfaction relating to any conveyance or other instrument recorded under this part.

§ 503.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It is executed upon the form prescribed by the Administrator for such type of conveyance, or upon a form deemed by the Administrator to be its equivalent;

(b) It is accompanied by a duly executed application for registration and the required registration fee, and complies with the other provisions of either § 501.3 (a) or (b) of this chapter, whichever is applicable: *Provided,* That this paragraph shall not apply to conveyances affecting an interest in, but not title to, the aircraft;

(c) It affects an aircraft currently registered under the terms of the Civil Aeronautics Act of 1938, as amended;

[1] In 13 F. R. 4200, notice of intention to adopt this revision was published, and interested persons were granted 15 days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matter presented.

(d) It is accompanied by the required recordation fee:[2] *Provided,* That this paragraph shall apply only to conveyances executed for security purposes, and not to any release, cancellation, discharge, or satisfaction thereof; and

(e) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory or possession thereof, or the District of Columbia, to take acknowledgement of deeds.

This revision shall become effective 30 days after it is published in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8143; Filed, Sept. 10, 1948; 8:46 a. m.]

PART 504—RECORDATION OF ENCUMBRANCES AGAINST SPECIFICALLY IDENTIFIED AIRCRAFT ENGINES

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4[1] of the Administrative Procedure Act, I hereby adopt Part 504 to read as follows:

Sec.
504.1 Basis and purpose.
504.2 Definitions.
504.3 Eligibility of conveyances.

AUTHORITY: §§ 504.1 to 504.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235–1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 401, 458, 523.

§ 504.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for recordation of conveyances affecting the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 504.2 *Definitions.* As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which instrument affects the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated take-off horsepower for each such engine or the equivalent of such horsepower;

(b) Any assignment, amendment, or supplement of or to any of the instruments set forth in paragraph (a) of this section; and

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 504.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It affects an aircraft engine which is specifically identified by make, model, and by manufacturer's serial number;

(b) It affects an aircraft engine of seven hundred and fifty or more rated take-off horsepower or the equivalent of such horsepower;

(c) It is accompanied by the required recordation fee:[2] *Provided,* That this paragraph shall not apply to any release, cancellation, discharge, or satisfaction relating to any conveyance recorded under this part; and

(d) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

This part shall become effective 30 days after it is published in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8144; Filed, Sept. 10, 1948; 8:46 a. m.]

PART 505—RECORDATION OF ENCUMBRANCES AGAINST AIRCRAFT ENGINES, PROPELLERS, APPLIANCES, OR SPARE PARTS

Acting pursuant to authority appearing in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended, and in accordance with sections 3 and 4[1] of the Administrative Procedure Act, I hereby adopt Part 505 to read as follows:

Sec.
505.1 Basis and purpose.
505.2 Definitions.
505.3 Eligibility of conveyances.

AUTHORITY: §§ 505.1 to 505.3, inclusive, issued under 52 Stat. 973, 986, 1006; 54 Stat. 1233, 1235–1236, Pub. Law 692, 80th Cong.; 49 U. S. C. 401, 458, 523.

§ 505.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for recordation of conveyances affecting the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended, for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instrument need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof. The basis for this part is found in sections 308 and 503 of the Civil Aeronautics Act of 1938, as amended.

§ 505.2 *Definitions.* As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, or other instrument executed for security purposes, which instrument affects the title to, or any interest in, any aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended;

(b) Any assignment, amendment, or supplement of or to any of the instruments set forth in paragraph (a) of this section; and

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 505.3 *Eligibility of conveyances.* A conveyance shall be eligible for recordation only if:

(a) It affects aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended;

(b) It specifically describes the location or locations of the aircraft engines, propellers, appliances, and spare parts covered thereby;

(c) It is accompanied by the required recordation fee:[4] *Provided,* That this paragraph shall not apply to any release, cancellation, discharge, or satisfaction relating to any conveyance recorded under this part; and

(d) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

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[1] In 13 F. R. 4200–4201, notice of intention to adopt this part was published, and interested persons were granted 15 days to submit written data, views, or arguments in regard thereto. Consideration has been given to all relevant matter presented.

[2] Section 405.51 (c) of this chapter provides: "Application. A conveyance may be recorded by submitting the original document, or a properly executed duplicate thereof, to the Civil Aeronautics Administration, Office of Aviation Safety, Aircraft Service, Aircraft Records Section, Washington 25, D. C. There is no fee (other than the $4.00 registration fee) for recording a bill of sale. A fee of $4.00 is charged for the recording of a lien covering one aircraft. If more than one aircraft is covered by such lien the fee shall be $4.00 for each aircraft. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a lien covering an aircraft."

[2] Section 405.52 (c) of this chapter provides: "Recording fee. A fee of $2.00 is charged for the recording of an instrument executed for security purposes covering one engine. If more than one aircraft engine is covered by such instrument the fee shall be $2.00 for each aircraft engine. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering an aircraft engine."

[4] Section 405.53 (c) of this chapter provides: "Recording fee. A fee of $2.00 is charged for the recording of an instrument executed for security purposes covering aircraft engines, propellers, appliances or spare parts situated in one location. If the property covered by the instrument is situated in more than one location the fee shall be $2.00 for each location. Fees shall be submitted in the form of a check or money order made payable to the Treasurer of the United States. No fee is required for the recording of a release, cancellation, discharge, or satisfaction relating to a conveyance covering aircraft engines, propellers, appliances or spare parts."

This part shall become effective 30 days after it is published in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8145; Filed, Sept. 10, 1948; 8:46 a. m.]

[Amdt. 1]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Under sections 205, 308, and 601 of the Civil Aeronautics Act of 1938, as amended, and sections 42.341, 42.342, 42.37, 60.306, and 61.752 of the Civil Air Regulations the Administrator is authorized to prescribe standard instrument approach procedures, including landing and take-off minimums.

Acting pursuant to the foregoing authority, and in accordance with sections 3 and 4 of the Administrative Procedure Act, the following amendment to Part 609 is hereby adopted. This amendment relieves restrictions, clarifies existing regulations, and imposes no additional burdens upon interested persons. It is issued without delay, in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required.

1. Section 609.1 *Introduction*, paragraph (a) is amended to read:

(a) The following standard instrument approach procedures (including ceiling and visibility minimums for take-off and landing at particular airports) shall be identical for all users, with the following exceptions: The minimums for take-off and landing shall not apply to (1) military aircraft, or (2) users for whom the Administrator has specifically authorized lower minimums. The minimums for take-offs shall not apply to those users for whom the Administrator has not been authorized to prescribe take-off minimums.

2. Section 609.1 *Introduction*, paragraphs (c) and (d) are amended by substituting "visual contact" for "VFR" wherever the latter term appears.

3. Section 609.2 *Ceiling and visibility minimums*, paragraphs (a) and (b) are amended by substituting "landing" for "approach" wherever the latter term appears.

4. Section 609.2 *Ceiling and visibility minimums*, paragraph (e) is amended by eliminating "Procedure" and capitalizing "not."

(Secs. 205, 308, 601, 52 Stat. 984, 986, 1007; 54 Stat. 1231, 1233–1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 458, 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8141; Filed, Sept. 10, 1948; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 48-7906, appearing at page 5152 in the issue for Friday, September 3, 1948, in the third column, paragraph "(a)" should read paragraph "(d)"; on page 5153 in the first column, in subparagraph (2) (i), the comma following the word "batch" should be changed to a semicolon.

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

PART 03—DELEGATIONS OF AUTHORITY

EXECUTION AND APPROVAL OF CONTRACTS

Under Subchapter A, Part 03, § 03.2 entitled "Execution and approval of contracts", paragraphs (b) and (c) are amended, and new paragraph (d) is added, all to read as follows:

§ 03.2 *Execution and approval of contracts.*

(b) To the Chief of the Administrative Division is delegated the power to make the final approval of all contracts in which the consideration to be paid by the Government is not more than $10,000.00, except the following contracts: contracts for construction and cooperative agreements not on approved Bureau of Mines forms.

(c) To the Chief of the Petroleum and Natural Gas Branch is delegated the power to make the final approval of the following contracts: contracts for the sale of helium if there is no information or reason to believe that the helium is to be exported, used in airship flights to foreign countries, or used for novel industrial purposes.

(d) The power is reserved in the Director to make the final approval of the following contracts: contracts in which the consideration to be paid by the Government is more than $10,000.00; contracts for construction; and cooperative agreements not on approved Bureau of Mines forms. Contracts for the sale of helium, if there is information or reason to believe that the helium is to be exported, used in airship flights to foreign countries, or used for novel industrial purposes, will ordinarily be referred to the Secretary for approval or execution pursuant to the provisions of 43 C. F. R., 1947 Supp. 4.355.

Dated: September 3, 1948.

THOS. H. MILLER,
Acting Director.

[F. R. Doc. 48-8150; Filed, Sept. 10, 1948; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 519]

ALASKA

WITHDRAWING PUBLIC LAND FOR THE USE OF THE BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights, the following-described tract of public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral leasing laws, and reserved for the use of the Bureau of Land Management, Department of the Interior, as an administrative site:

U. S. Survey No. 2721, at the junction of Steese Highway with the Circle-Hot Springs Road at Central House, in latitude 65° 34' N., longitude 144° 49' W.

The area described contains 7.11 acres.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 30, 1948.

[F. R. Doc. 48-8146; Filed, Sept. 10, 1948; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter D—Tank Vessels

[CGFR 48-45]

PART 35—OPERATION

MISCELLANEOUS AMENDMENTS

A notice regarding proposed changes in the inspection and navigation regulations was published in the FEDERAL REGISTER dated March 6, 1948 (13 F. R. 1237) and public hearings were held by the Merchant Marine Council on March 30 and 31, 1948, at Washington, D. C.

The purpose of the amendments to the regulations is to clarify their intent, establish additional safety requirements on the basis of experience obtained, and to permit certain practices to be employed by the industry in the operation of tank vessels.

By virtue of the authority vested in me by R. S. 4405, as amended, 46 U. S. C. 375, section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), R. S. 4417a, 46 U. S. C. 391a, section 5 (e), 55 Stat. 244, as amended, 50 U. S. C. 1275, the following amendments to the regulations are prescribed, which shall become effective 90 days after date of publication of this document in the FEDERAL REGISTER:

GENERAL

1. Section 35.1–3 is amended by designating the first paragraph as (a) and adding the following paragraph (b):

§ 35.1–3 *Illness, alcohol, drugs—TB/ALL.* * * *

(b) When a member of the crew of a tank vessel which is loading bulk cargo of Grades A, B or C arrives at the gangway and is observed to be in an intoxicated condition, he shall not be permitted to board the ship without escort.

GENERAL SAFETY RULES

2. Section 35.4–2 is amended to read as follows:

§ 35.4–2 *Fires, matches, and smoking—TB/ALL.* * * *

(a) *General.* In making the determinations required under paragraphs (b), (c) and (d) of this section the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall exercise his skill and experience with due regard to attendant conditions and circumstances, including consideration for location of shore side facilities, maintenance of mobility, provision for fire protection, state or change of winds, tides, sea, weather conditions, forces of nature and other circumstances generally beyond human control.

(b) *Boiler fires.* Boiler fires are normally permitted during cargo transfer operations: *Provided*, That prior to loading Grade A, B, and C cargoes, the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall make an inspection to determine whether in his judgment boiler fires may be maintained with reasonable safety during the loading operation.

(c) *Galley fires.* Galley fires are normally permitted during cargo transfer operations: *Provided*, That prior to loading Grade A, B and C cargoes the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall make an inspection to determine whether in his judgment galley fires may be maintained with reasonable safety during the loading operation.

(d) *Smoking.* Smoking is prohibited on the weather decks of tank vessels when they are not gas free and are alongside docks. At other times and places the senior deck officer on duty, who shall be a licensed officer or certificated tankerman, shall designate when and where the crew may smoke: *Provided*, That prior to loading Grade A, B and C cargoes the master or senior deck officer on duty shall make an inspection to determine if and where, in his judgment, smoking may be permitted with reasonable safety during the loading operation.

(e) *Matches.* The use of other than safety matches is forbidden aboard tank vessels at all times.

CARGO HANDLING

3. Section 35.5–5 is amended by adding the following paragraphs (h), (i) and (j):

§ 35.5–5 *Inspection prior to transfer of cargo—TB/ALL.* * * *

(h) In loading Grade A, B and C cargoes, that an inspection has been made to determine whether boiler fires can be maintained with reasonable safety.

(i) In loading Grade A, B and C cargoes, that an inspection has been made to determine whether galley fires can be maintained with reasonable safety.

(j) In loading Grade A, B and C cargoes, that an inspection has been made to determine whether smoking may be permitted with reasonable safety.

4. Section 35.5–6 is amended to read as follows:

§ 35.5–6 *Approval to start transfer of cargo—(a) TB/ALL.* When the senior deck officer on duty has assured himself that the requirements of § 35.5–5 have been met, he may give his approval to start operations.

(b) *T/ALL.* After completing the inspection required by § 35.5–5 and prior to giving his approval to start the cargo transfer operation, the master or senior deck officer on duty shall fill in the following Declaration of Inspection in duplicate. The original of the Declaration of Inspection shall be kept aboard for the information of authorized persons. The duplicate, where required, shall be handed to the terminal superintendent or his representative who shall on demand be given the opportunity to satisfy himself that the condition of the vessel is as stated in the Declaration of Inspection.

DECLARATION OF INSPECTION PRIOR TO BULK CARGO TRANSFER

Date_____

/S_____ ____ Port of _____

I, _____, being the master or senior deck officer in charge of the transfer of bulk inflammable and combustible cargo about to be undertaken do certify that I have personally inspected this vessel with reference to the following requirements set forth in § 35.5–5 and that opposite each of them I have indicated that the regulation has been complied with.

(1) Are warnings displayed as required?

(2) Is there any repair work in way of cargo spaces being carried on for which permission has not been given?

(3) Is cargo hose of sufficient length properly connected and supported and are cargo valves properly set?

(4) Have all cargo hose connections for loading Grade A, B and C cargoes been made to the vessel's pipe lines?

(5) Are there any fires or open flames present on the deck or in any compartment which is located on, facing, open and adjacent to that part of the deck on which the cargo hose is connected?

(6) Has the shore terminal or other tank vessel concerned reported itself in readiness for transfer of cargo?

(7) Are sea valves connected to the cargo system closed?

(8) If Grade A, B and C cargoes are to be loaded and boiler fires are lighted—has an inspection been made to determine that they may be operated with reasonable safety?

(9) If Grade A, B and C cargoes are to be loaded and galley fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety?

(10) If Grade A, B and C cargoes are to be loaded, has an inspection been made to determine whether smoking is to be permitted? If smoking is to be permitted, have spaces been designated for this purpose?

5. Section 35.5–8 (c) is amended to read as follows:

§ 35.5–8 *Conditions under which transfer operations shall not be commenced or if started shall be discontinued—TB/ALL.* * * *

(c) If a self-propelled vessel comes directly alongside in way of cargo tanks of a tanker or tank barge which is loading Grade A, B or C cargo.

(R. S. 4405, as amended, R. S. 4417a, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 50 U. S. C. 1275; sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

Dated: September 7, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 48-8186; Filed, Sept. 10, 1948; 8:55 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 396, Amdt. 1]

PART 95—CAR SERVICE

PERISHABLES; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of September A. D. 1948.

Upon further consideration of Revised Service Order No. 396 (13 F. R. 3738), and good cause appearing therefor:

It is ordered, That: Revised Service Order No. 396, *Perishables; restrictions on reconsigning*, be, and it is hereby suspended until 7:00 a. m. September 22, 1948, unless otherwise modified.

It is further ordered, That this amendment shall become effective at 7:00 a. m., September 8, 1948, and it shall apply on all cars on hand for diversion or reconsignment on or after the effective date hereof.

It is further ordered, That a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8166; Filed, Sept. 10, 1948; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 72]

PREVENTION OF SPREAD OF SPLENETIC OR TICK FEVER IN CATTLE

NOTICE OF PROPOSED AMENDMENT OF REGULATIONS

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture of the United States, pursuant to the Act of March 3, 1905 as amended and extended (21 U. S. C. 123–128) is considering revoking § 72.3 of the regulations for prevention of the spread of splenetic or tick fever in cattle (9 CFR and 1946 Supp. Part 72), and amending § 72.2 of said regulations to read as follows:

§ 72.2 *Splenetic or tick fever in cattle in described territory of Texas and Puerto Rico; prohibitions on movement of cattle.* Notice is hereby given that the contagious and infectious disease known as splenetic or tick fever exists in cattle in portions of the State of Texas and in the Territory of Puerto Rico. Therefore, in the portions of the State of Texas and the Territory of Puerto Rico described in §§ 72.4 and 72.5, the quarantine heretofore established is continued, and the movement of cattle therefrom to any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of Parts 71 and 72 of this chapter (9 CFR, Cum. Supp., and 1946 Supp., Parts 71 and 72; regulations 1 and 2, B. A. I. Order 309, as amended; B. A. I. Order 380, as amended, and B. A. I. Circular Letters 1369, 1750 and 1895, and Administrative Notice 1).

The other presently effective provisions of the regulations in Part 72 are to be continued in force.

The purpose of the proposed amendment is simply to release from the Federal quarantine imposed by the regulations in 9 CFR and 1946 Supp. Part 72, the area quarantined in Florida on account of splenetic or tick fever in cattle.

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of publication of this notice in the FEDERAL REGISTER.

Issued this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48–8177; Filed, Sept. 10, 1948; 8:54 a. m.]

Production and Marketing Administration

PRODUCERS LIVESTOCK COMMISSION CO., INC.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the Producers Livestock Commission Co., Inc. of Abilene, Texas is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921 (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days after the publication of this notice, any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 3d day of September 1948.

[SEAL] PRESTON RICHARDS,
Acting Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48–8163; Filed, Sept. 10, 1948; 8:50 a. m.]

RANCHERS AND FARMERS LIVESTOCK SALES CO.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the Ranchers and Farmers Livestock Sales Company at Clovis, New Mexico, is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), and should be make subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921 (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days after the publication of this notice, any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 3d day of September 1948.

[SEAL] PRESTON RICHARDS,
Acting Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48–8164; Filed, Sept. 10, 1948; 8:50 a. m.]

[7 CFR, Part 951]

HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and Supps. 900.1 et seq.), a public hearing was held at Lodi, California, beginning on April 15, 1948, pursuant to notice thereof which was published in the FEDERAL REGISTER (13 F. R. 1940), upon proposed amendments to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., Part 951), regulating the handling of Tokay Grapes grown in the State of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on July 9, 1948, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (13 F. R. 4020, 4199, 4324, 4428).

Exceptions to the recommended decision were filed on behalf of the Industry Committee, Tokay Marketing Agreement, 1515–9th Street, Sacramento, California. In arriving at the findings and conclusions decided upon in this decision each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions decided upon herein are at variance with the exceptions pertaining thereto, such exceptions are overruled.

The material issues, findings and conclusions, and the general findings of the aforesaid recommended decision (13 F. R. 4020, 4199, 4428) are hereby approved and adopted as the material issues, findings, and conclusions, and general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Tokay Grapes Grown in the State of California" and "Order Amending the Order, as Amended, Regulating the Handling of Tokay Grapes Grown in the State of California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the annexed agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of said agreement amending the marketing agreement, as amended, are identical with those contained in the annexed order amending the order, as amended, which will be published with this decision.

This decision filed at Washington, D. C. this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Tokay Grapes Grown in the State of California

§ 951.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.; 61 Stat. 208, 707), and the rules of practice and procedure effective thereunder (7 CFR and Supps., 900.1 et seq.), a public hearing was held at Lodi, California, beginning on April 15, 1948, upon proposed amendments to Marketing Agreement No. 93, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of Tokay grapes grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement and the proposed amendments thereto upon which hearings have been held; and

(3) There are no differences in the production and marketing of said grapes grown in the production area covered by the said order, as amended and as hereby further amended, that make necessary different terms and provisions applicable to different parts of said area.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of Tokay grapes grown in the State of California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended and as hereby further amended; and such order is hereby further amended as follows:

1. Insert the following immediately preceding the period in § 951.1 (b): "and further amended by Public Law 305, 80th Cong., approved August 1, 1947".

2. Delete § 951.1 (g) and insert, in lieu thereof, the following:

(g) "Handle" is synonymous with "ship" and means to sell, load in a conveyance for transportation, offer for transportation, transport, deliver to a refrigerated storage warehouse in the State of California, or, in any other way to place grapes in the current of commerce between the State of California and any point outside thereof, or so as directly to burden, obstruct, or affect such commerce.

3. Delete § 951.1 (k) (1) and insert, in lieu thereof, the following:

(1) "Lodi District" means the County of San Joaquin, and shall be divided into the following Election Districts: (i) "Acampo Election District" means the school district of Houston; (ii) "Woodbridge Election District" means the school district of Woods, and that portion of the Galt Joint Union School District situated in San Joaquin County; (iii) "Lafayette Election District" means the school districts of Lafayette, Henderson, Turner, Ray, Terminous and New Hope; (iv) "Victor Election District" means the school districts of Bruella, Victor, Lockeford, Oak View and Clements; (v) "Alpine Election District" means the school districts of Alpine and Lodi; (vi) "Live Oak Election District" means all of the school districts in the Lodi District, other than those included in the Acampo, Woodbridge, Lafayette, Victor, and Alpine Election Districts.

4. Delete the third sentence from § 951.2 (a).

5. Insert the following immediately preceding the semicolon in § 951.2 (m) (3): ", and to engage in such research and service activities relating to the handling of grapes as may be approved, from time to time, by the Secretary".

6. In §§ 951.2 (m) (13), 951.2 (m) (15), and 951.2 (p) (5), delete the terms "§§ 951.4 and 951.5" and insert, in lieu thereof, the words "the provisions."

7. Delete the first sentence in § 951.3 (a) and insert, in lieu thereof, the following: "The Industry Committee is authorized to incur such expenses as the Secretary may find are reasonable and are likely to be incurred by the Industry Committee during the then current season for its maintenance and functioning and for such research and service activities relating to the handling of grapes as the Secretary may determine to be appropriate."

8. In the first sentence in § 951.3 (b) delete the words after "will be" and insert, in lieu thereof, the following: "incurred, as aforesaid, by the committee during such season."

9. In § 951.4 (b) delete subparagraph (2) and renumber subparagraph "(3)" as "(2)."

10. Delete the provisions of subparagraphs (1) through (5) of § 951.4 (c) *Exemptions,* renumber subparagraph (6) of § 951.4 (c) to read "(5)," and insert the following:

(1) The Industry Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(2) In the event the Secretary issues a regulation pursuant to this section, the Industry Committee shall determine for each district the percentage which the grapes produced in each such district, and permitted to be shipped under such regulation, is of the quantity of grapes produced in the respective district which would be shipped in the absence of such regulation. An exemption certificate shall thereafter be issued by the Industry Committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or having shipped a percentage of his crop of grapes equal to the percentage determined as aforesaid of all grapes permitted to be shipped from his district. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of grapes equal to the percentage determined as aforesaid.

(3) In the event the Industry Committee determines that, by reason of general crop failure or other general unusual conditions within a particular district, it is not feasible or would not be equitable to issue exemption certificates to growers within such district on the basis set forth in subparagraph (2) of this paragraph, it shall issue such certificates on the basis of the average of the percentages, as determined in subparagraph (2) of this paragraph, of the crops of grapes permitted to be shipped from both districts. An exemption certificate shall thereafter be issued by the Industry Committee to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or having shipped a percentage of his crop of grapes equal to the average of the percentages determined as aforesaid. The certificate shall permit such grower to ship, or have shipped, a percentage of his crop of grapes equal to the average of the percentages determined as aforesaid.

(4) If any grower is dissatisfied with the action of the Industry Committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided,* That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee. The authority of the Secretary to supervise and control the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

11. Renumber §§ 951.5, 951.6, and 951.7 through 951.18 to read, respectively, §§ 951.7, 951.8, and §§ 951.10 through 951.21 in proper numerical sequence.

12. In § 951.4 (d) delete the words "this section" after the words "pursuant to," and insert, in lieu thereof, the terms "§§ 951.4 and 951.5." Redesignate paragraph (d) of § 951.4 to read § 951.6.

13. Add a new § 951.5, as follows:

§ 951.5 *Minimum standards of quality and maturity*—(a) *Recommendation.* Whenever the Industry Committee deems it advisable to establish and maintain in effect during any period minimum standards of quality or maturity, or both, governing the shipment of grapes pursuant to this section, it shall so recommend to the Secretary. Each such recommendation of the committee shall be in terms of (1) freedom of the grapes from material impairment of shipping quality; (2) freedom of the grapes from material impairment of edible quality; (3) freedom of the grapes from serious damage to appearance; (4) minimum maturity requirements; or (5) any combination of the foregoing. With each such recommendation, the committee shall submit to the Secretary the information and data on which such recommendation is predicated; and the committee shall also submit to the Secretary such other information as he may request. The committee shall give prompt notice to handlers and growers of any such recommendation.

(b) *Establishment.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or material, or both, for grapes and to limit the shipment of grapes during any period to those meeting the minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards, designate such period, and so limit the shipment of such grapes. The Secretary shall immediately notify the Industry Committee of the issuance of such regulation, and said committee shall give such notice thereof as may be reasonably calculated to bring such regulation to the attention of the handlers and growers.

14. Add a new § 951.9 as follows:

§ 951.9 *Modification, suspension, or termination.* Whenever the Industry Committee deems it advisable to recommend to the Secretary the modification, suspension, or termination of any or all of the regulations established pursuant hereto, it shall so recommend to the Secretary. If the Secretary finds upon the basis of such recommendation or from other available information that to modify such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information that any such regulations obstruct or do not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulations. The Secretary shall immediately notify the Industry Committee, and such committee shall promptly give adequate notice to handlers and growers, of the issuance of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

[F. R. Doc. 48-8175; Filed, Sept. 10, 1948; 8:53 a. m.]

[7 CFR, Part 951]

Handling of Tokay Grapes Grown in California

Order Directing That a Referendum Be Conducted; Designation of Agents to Conduct the Referendum; Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.; 61 Stat. 208, 707), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1947, to March 31, 1948, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California, in the production of Tokay grapes for shipment in fresh form to determine whether such producers favor the issuance of an order amending Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in California, which amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.[1] J. H. Bryce and R. C. Beeman of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture, to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct the referendum in the manner herein prescribed:

(1) By giving opportunity to each of the aforesaid producers to cast his ballot in the manner herein authorized, relative to the aforesaid order, on a copy of an appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing Tokay grapes grown in California or in rendering services for or advancing the interests of the producers of California Tokay grapes, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted; (ii) that any ballots may be cast by mail; (iii) that all ballots so cast must be addressed to J. H. Bryce, Field Representative, Western Marketing Field Office, 100 Plaza Building, 921 Tenth Street, Sacramento 14, California; and (iv) of the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address is known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determines that voting may be conducted at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote.

(5) By giving ballots to producers at each such meeting, and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By forwarding to J. H. Bryce, 100 Plaza Building, 921 Tenth Street, Sacramento 14, California, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer and each cooperative association of producers to whom a ballot form was furnished;

(ii) A register containing the name and address of each producer and each cooperative association of producers from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(9) By appointing any county farm advisers in California, and any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each county farm adviser and other person so appointed shall serve without compensation, and may be authorized by the said referendum agents or any of them to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth.

(b) Upon receipt by J. H. Bryce of all ballots cast in accordance with the provisions hereof, and such other information and data as may be required pursuant hereto, he shall forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administratio, United States Department of Agriculture, Washington 25, D. C. The Fruit and Vegetable Branch shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they or any of them deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reason therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid amendments to the order, as amended, may be examined at the Office of the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or obtained from the Western Marketing Field Office, of the Fruit and Vegetable Branch, Production and Marketing Administration, at either 100 Plaza Building, 921 Tenth Street, Sacramento 14, California, or 2180 Milvia Street, Berkeley 1, California.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Done at Washington, D. C., this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8176; Filed, Sept. 10, 1948; 8:54 a. m.]

[1] See F. R. Doc. 48-8175, *supra*.

[7 CFR, Part 951]

Tokay Grapes Grown in California

Notice of Proposed Rule Making With Respect to Budget of Expenses and Fixing of Rate of Assessment for 1948-49 Season

Consideration is being given to the following proposals, submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California, as the agency to administer the terms and provisions thereof;

(a) That the Secretary of Agriculture find that expenses not to exceed $23,470.00 may necessarily be incurred during the season beginning April 1, 1948, and ending March 31, 1949, both dates inclusive, in order to enable said Industry Committee to perform its functions under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler, who is the first shipper thereof, shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment at $0.014 per hundred pounds, billing weight, of Tokay grapes shipped by such handler during said season.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall mail the same to the Hearing Clerk, United States Department of Agriculture, Room 1846 South Building, Washington 25, D. C., not later than midnight of the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be submitted in quadruplicate.

As used herein, "handled," "shipped," and "season" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.3)

Issued this 8th day of September 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8178; Filed Sept. 10, 1948; 8:54 a. m.]

[7 CFR, Part 987]

Handling of Irish Potatoes Grown in Maine

Decision With Respect to Proposed Marketing Agreement and Order

Correction

In Federal Register Document 48-7651, appearing at page 4958 in the issue for Thursday, August 26, 1948, the subparagraphs under § 987.0 should be designated (1), (2), and (3) instead of (a), (b), and (c).

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice for Filing Objections to Public Land Order 519[1] Withdrawing Public Land for the Use of the Bureau of Land Management, Department of the Interior, as an Administrative Site

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

AUGUST 30, 1948.

[F. R. Doc. 48-8147; Filed, Sept. 10, 1948; 8:47 a. m.]

[1] See F. R. Doc. 48-8146, Title 43, Chapter I, Appendix, *supra*.

[Misc. 2090671]

ALASKA

Shore Space Restoration Order 404

AUGUST 26, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C.

372), and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

The 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the lands hereinafter described.

At 10:00 a. m. on October 28, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 28, 1948, to January 27, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 9, 1948, to October 28, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 28, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 28, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from January 8, 1949, to January 28, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 28, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

The lands affected by this order are described as follows:

TERRITORY OF ALASKA

A tract of land on Baranof Island, Thimbleberry Bay, identified as U. S. Survey No. 2581, containing approximately 5 acres (homesite application of C. J. Mills, Anchorage 09963).

A tract of land along Gastineau Channel, identified as U. S. Survey No. 2650, containing approximately 5 acres (homesite application of Beatrice J. Stoddard, Anchorage 010349).

A tract of land on the shore of Gastineau Channel, about 4½ miles from Juneau, Alaska, between U. S. Survey No. 2572 and U. S. Survey No. 2168, with a shore line of approximately 87 chains.

The areas above described are not used or needed by the public for landing places or for harborage purposes. Some of these lands are occupied as homesites and have been improved by the construction of habitable houses and cultivation of gardens.

MARION CLAWSON,
Director.

[F. R. Doc. 48-8148; Filed, Sept. 10, 1948; 8:47 a. m.]

[Misc. 2090671]

ALASKA

SHORE SPACE RESTORATION ORDER 406

SEPTEMBER 1, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

The 80-rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the lands hereinafter described.

At 10:00 a. m. on November 3, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from November 3, 1948, to February 2, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 15, 1948, to November 3, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on November 3, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on February 3, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from January 15, 1949, to February 3, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on February 3, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

The lands affected by this order are described as follows:

SEWARD MERIDIAN

T. 3 N., R. 12 W.,
Sec. 24, lot 4.
T. 1 S., R. 14 W.,
Sec. 14, lot 1;
Sec. 23, SE¼NE¼, lots 1 and 2.

T. 6 S., R. 14 W.,
Sec. 14, SW¼SW¼;
Sec. 23, lots 2 and 3.
T. 8 S., R. 14 W.,
Sec. 30, lot 1.

COPPER RIVER MERIDIAN

T. 58 S., R. 79 E.,
Sec. 28, SW¼NW¼, lots 1, 2, 4, 5, 6, and 7.

The areas described aggregate 542.06 acres.

The lands above described are not needed or used for landing places or for harborage purposes. Some of these lands are embraced in pending settlement claims and homestead entries, and are occupied and have been improved by the applicants.

MARION CLAWSON,
Director.

[F. R. Doc. 48-8149; Filed, Sept. 10, 1948; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 946]

HYRUM CITY, UTAH

NOTICE OF ORDER GRANTING PARTIAL EXEMPTION FROM PAYMENT OF ANNUAL CHARGES

SEPTEMBER 7, 1948.

Notice is hereby given that, on September 2, 1948, the Federal Power Commission issued its order entered August 31, 1948, granting partial exemption from payment of annual charges for the year 1946, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8151; Filed, Sept. 10, 1948; 8:47 a. m.]

[Docket Nos. ID-900, ID-1102]

JOHN A. PURCELL AND JOSEPH M. COSTELLO

NOTICE OF AUTHORIZATION PURSUANT TO SECTION 305 (B) OF THE FEDERAL POWER ACT

SEPTEMBER 7, 1948.

Notice is hereby given that, on September 2, 1948, the Federal Power Commission issued its orders entered August 31, 1948, in the above-designated matters, authorizing Applicants to hold positions in certain companies pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8152; Filed, Sept. 10, 1948; 8:47 a. m.]

[Docket No. E-6159]

CONNECTICUT RIVER POWER CO. AND NEW ENGLAND POWER CO.

ORDER INSTITUTING RATE INVESTIGATION

SEPTEMBER 2, 1948.

It appears to the Commission that:

(a) Connecticut River Power Company (Connecticut Company) and New England Power Company (NEPCO), subsidiaries of New England Electric System, own and operate facilities in the States of Vermont, New Hampshire, and Massachusetts, including hydroelectric projects licensed under Part 1 of the Federal Power Act and identified in the Commission's records as projects Nos. 1855, 1892 and 1904, for the generation, transmission, and sale of electric energy.

(b) The business of Connecticut Company and NEPCO is predominantly the sale of electric energy at wholesale in interstate commerce pursuant to rate schedules on file with this Commission.

(c) Connecticut Company, under rate schedules designated by the Commission as Connecticut Company's Rate Schedule FPC Nos. 1 and 6, sells all of the output of its generating plants, in excess of local load requirements, to NEPCO.

(d) Connecticut Company and NEPCO, as licensees, are subject to Parts I and III of the Federal Power Act and, as public utilities, by reason of the ownership or operation of facilities for the transmission or sale of electric energy at wholesale in interstate commerce, are subject to Parts II and III of the Federal Power Act.

(e) On the basis of data available to the Commission, the rates, charges, services, or classification for or in connection with the transmission or sale of electric energy at wholesale in interstate commerce by Connecticut Company and NEPCO may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds that:

It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that an investigation be instituted by the Commission into and concerning any rate, charge, service or classification, demanded, observed, charged or collected by New England Power Company or Connecticut River Power Company, for or in connection with the transmission or sale of electric power and energy subject to the Commission's jurisdiction and any rule, regulation, practice, or contract affecting such rate, charge, service, or classification.

The Commission orders that:

An investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, service, or classification demanded, observed, charged, or collected by New England Power Company or Connecticut River Power Company for or in connection with the transmission or sale of electric power and energy subject to the Commission's jurisdiction or any rule, regulation, practice or contract affecting such rate, charge, service, or classification, is unjust, unreasonable, unduly discriminatory or preferential;

(B) If, after hearing, it shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, non-discriminatory or non-preferential rates, charges, services, classification, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: September 3, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-8153; Filed, Sept. 10, 1948; 8:48 a. m.]

[Docket No. G-1115]

CANADIAN RIVER GAS CO. AND COLORADO INTERSTATE GAS CO.

ORDER INSTITUTING RATE INVESTIGATION

SEPTEMBER 2, 1948.

It appearing to the Commission that:

(a) Canadian River Gas Company (Canadian River) owns and operates a natural-gas transmission pipeline system extending from the Panhandle gas field in Texas to a point near Clayton, New Mexico, and is engaged in the transportation and sale of natural gas for resale in interstate commerce and is a "natural-gas company" within the meaning of the Natural Gas Act, as amended, as heretofore found by the commission in its order of March 18, 1942, in Docket Nos. G–118, G–121 and G–124 (3 FPC 66–68);

(b) Colorado Interstate Gas Company (Colorado Interstate) owns and operates a natural-gas transmission pipeline system extending from a point near Clayton, New Mexico, to Denver, Colorado, Colorado Interstate purchases natural gas from Canadian River at said point of commencement of its main pipeline and also at a point near Gray, Oklahoma, purchases additional natural gas from producers in the Kansas-Hugoton field, and transports and sells said natural gas for resale in interstate commerce, and is therefore a "natural-gas company" within the meaning of the Natural Gas Act, as amended, as heretofore found by the Commission in its order of March 18, 1942, in Docket Nos. G–118, G–121 and G–124 (3 FPC 69–71);

(c) On the basis of data available to the Commission, the rates, charges, services or classifications for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission by Canadian River and Colorado Interstate may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds that:

It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that an investigation be instituted by the Commission into and concerning any rate, charge, service or classification, demanded, observed, charged or collected by Canadian River Gas Company and Colorado Interstate Gas Company, for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rule, regulation, practice, or contract affecting such rate, charge, service or classification.

The Commission, on its own motion, orders that:

An investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, service, or classification demanded, observed, charged or collected by Canadian River Gas Company and Colorado Interstate Gas Company for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission or any rule, regulation, practice or contract affecting such rate, charge, service, or classification, is unjust, unreasonable, unduly discriminatory or preferential;

(B) If, after hearing, it shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, non-discriminatory or non-preferential rates, charges, services, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: September 3, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 48-8154; Filed, Sept. 10, 1948; 8:48 a. m.]

[Docket No. G-1116]

PANHANDLE EASTERN PIPE LINE CO.

ORDER INSTITUTING RATE INVESTIGATION

SEPTEMBER 2, 1948.

It appears to the Commission that:

(a) Panhandle Eastern Pipe Line Company (Panhandle) owns and operates a natural-gas transmission pipeline system located in the States of Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio and Michigan, and by such operations is engaged in the transportation and sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of September 23, 1942, in Docket Nos. G-200 and G-207 (3 FPC 296),

(b) By letter of June 4, 1947, the Commission advised Panhandle as follows:

The Commission has directed that an informal investigation be made of the interstate wholesale rates (including rate structure), the accounts, and the operations of Panhandle Eastern Pipe Line Company. This action is in accordance with the policy of the Commission to make a field examination, from time to time, of the rates, subject to its jurisdiction, of natural gas companies as defined in the Natural Gas Act.

(c) By telegram of August 22, 1947, the Commission advised Panhandle that the informal investigation would commence on September 2, 1947. The informal investigation did commence on September 2, 1947, and since then has been continuously in progress.

(d) On the basis of data presently available to the Commission as a result of such informal investigation, the rates, charges, services or classifications for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission by Panhandle may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds that:

It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that a formal investigation now be instituted by the Commission into and concerning any rate, charge, service or classification, demanded, observed, charged or collected by Panhandle Eastern Pipe Line Company, for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rule, regulation, practice or contract affecting such rate, charge, service or classification.

The Commission, on its own motion, orders that:

A formal investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, service or classification demanded, observed, charged or collected by Panhandle Eastern Pipe Line Company for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission or any rule, regulation, practice or contract affecting such rate, charge, service, or classification, is unjust, unreasonable, unduly discriminatory or preferential;

(B) If, after hearing, it shall find that any of such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, non-discriminatory or non-preferential rates, charges, services, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: September 3, 1948.

By the Commission.

[SEAL] J. H. GUTHRIE, *Acting Secretary.*

[F. R. Doc. 48-8155; Filed, Sept. 10, 1948; 8:48 a. m.]

[DOCKET NO. E-6160]

CENTRAL VERMONT PUBLIC SERVICE CORP.

ORDER SUSPENDING RATE SCHEDULES

SEPTEMBER 2, 1948.

It appears to the Commission that:

(a) Central Vermont Public Service Corporation (Central Vermont) submitted for filing on August 5, 1948, the following supplemental rate schedules:

Tentative designation	Rate schedules proposed to be superseded	Purchaser
Supp. No. 3 to FPC No. 11	Supp. No. 2, as amended, to FPC No. 11.	Village of Ludlow, Vt.
Supp. No. 2 to FPC No. 17	Supp. No. 1, as amended, to FPC No. 17.	Woodstock Electric Co.
Supp. No. 3 to FPC No. 20	Supp. No. 2, to FPC No. 20	Allied Power & Light Co.
Supp. No. 1 to FPC No. 34		Rochester Electric Light & Power Co.

providing for changes in the rates and charges to the above named purchasers of electric energy supplied by Central Vermont resulting generally in increased charges for such service.

(b) Central Vermont has requested that the proposed supplemental rate schedules be allowed to take effect with meter readings on and after July 7, 1948.

(c) Unless suspended by order of the Commission, the rate schedules of Central Vermont with the tentative designations referred to in paragraph (a), above, will become effective as of September 5, 1948, pursuant to the provisions of the Federal Power Act and the general rules and regulations promulgated thereunder.

(d) The change in rates or charges provided by the supplemental rate schedules, identified by the tentative designations, referred to in paragraph (a) above, may result in excessive rates or charges to the purchasers enumerated in said paragraph (a); may place an undue burden upon ultimate consumers of such electric energy; may be discriminatory; and may result in increased rates or charges which have not been shown to be justified.

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed rates or charges and that said proposed rates or charges be suspended pending such hearing and the decision thereon.

The Commission orders that:

(A) A public hearing be held commencing November 1, 1948, at 10:00 a. m. (E. S. T.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges provided for in Central Vermont Public Service Corporation supplemental rate schedules identified in paragraph (a) above.

(B) Pending such hearing and decision thereon, the supplemental rate schedules referred to in paragraph (a) above, be and the same are hereby suspended and the use of such rates or charges deferred until February 5, 1949, and thereafter such rate schedules shall go into effect in the manner prescribed by the Commission in accordance with the Federal Power Act.

(C) During the period of suspension the rates or charges heretofore in effect under the rate schedules on file with the Commission for service to the purchasers by Central Vermont, enumerated in paragraph (a) above, shall remain and continue in effect.

(D) At such hearing, the burden of proof to show that the proposed rates or charges are just and reasonable shall be upon Central Vermont Public Service Corporation.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Date of issuance: September 3, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 48-8156; Filed, Sept. 10, 1948; 8:48 a. m.]

[Docket No. G-1099]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 2, 1948.

Upon consideration of the application filed August 9, 1948, by Lone Star Gas Company (Applicant), a Texas Corporation with its principal place of business at Dallas, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and continued operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 20, 1948 (13 F. R. 4841).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on September 21, 1948, at 9:30 a. m. (EDST), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 3, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 48-8157; Filed, Sept. 10, 1948; 8:49 a. m.]

[Docket No. G-1105]

PIEDMONT NATURAL GAS CORP.

NOTICE OF APPLICATION

SEPTEMBER 7, 1948.

Notice is hereby given that on August 24, 1948, an application was filed with the Federal Power Commission by the Piedmont Natural Gas Corporation (Applicant), a Delaware corporation with its principal place of business at Spartanburg, South Carolina, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a natural gas pipeline.

The application recites that such pipeline will be approximately 990 miles in length originating in the upper Gulf Coast gas fields of Texas, and southwest Louisiana, and extending through the States of Mississippi, Alabama, Georgia, South Carolina, North Carolina, terminating in the vicinity of Danville, Virginia. The proposed project includes the installation of 12 compressor stations having a total of 87,000 horsepower, with a line capacity of approximately 215,000 Mcf per day.

The estimated cost of the proposed pipeline with compressor stations, river crossings and appurtenant facilities is $75,444,000, including an allowance for working capital. The financing of the line will be through the issuance of bonds, preferred stock, bank loans and additional common stock.

Applicant proposes to operate its transmission pipeline for the transportation of natural gas for resale to distributing companies in the States of South Carolina, North Carolina, and Virginia.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Piedmont Natural Gas Corporation is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8167; Filed Sept. 10, 1948; 8:50 a. m.]

[Project No. 2002]

LINOMA POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 7, 1948.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r), that Linoma Power Company, of Lincoln, Nebraska, has filed application for preliminary permit for proposed water-power Project No. 2002 to be located on the Platte River in Sarpy, Cass, and Saunders Counties, Nebraska, and consisting of a dam near South Bend, Nebraska, forming a reservoir extending upstream to the vicinity of Ashland, Nebraska, a powerhouse integral with the dam, and appurtenant facilities. The head created by the dam would be about 25 feet.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before October 15, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8168; Filed, Sept. 10, 1948; 8:50 a. m.]

[Docket No. G-1110]

WAYNESBORO GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 7, 1948.

Notice is hereby given that on August 27, 1948, an application was filed with the Federal Power Commission by the Waynesboro Gas Company (Applicant), a Pennsylvania corporation located in Waynesboro, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, as amended, directing the Manufacturers Light and Heat Company to establish a physical connection of its transportation facilities with proposed facilities of Applicant and sell and deliver natural gas to Applicant for distribution in the Borough of Waynesboro, Franklin County, Pennsylvania.

The application recites that the present gas manufacturing plant being operated by the Waynesboro Gas Company was constructed in 1910 and due to the increased cost of light oil, coal and labor, together with increased demand for gas service, its gas plant operating costs have increased to a point where it is impossible to maintain economical operation.

Applicant asserts that it entered into a contract with the Manufacturers Light and Heat Company on January 7, 1946, whereby Manufacturers Light and Heat Company agreed to supply certain quantities of natural gas.

It is further submitted by Applicant that it has taken all reasonable steps for the purpose of obtaining deliveries of gas in accordance with its contract with

the Manufacturers Light and Heat Company but that it has been unable to obtain deliveries in accordance with its agreement.

The estimated sales and send-out of 1100 B. t. u. natural gas for the years 1949, 1950, 1951 and 1952, submitted by the Company are respectively 39,806 Mcf, 43,829 Mcf, 50,393 Mcf and 60,835 Mcf. The peak day estimates for the aforementioned years are estimated by the Applicant to be 166 Mcf, 183 Mcf, 210 Mcf and 253 Mcf.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Waynesboro Gas Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8169; Filed, Sept. 10, 1948; 8:51 a. m.]

[Docket No. G-1111]

GULFCOAST NORTHERN GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 7, 1948.

Notice is hereby given that on August 27, 1948, Gulfcoast Northern Gas Company (Applicant), a Delaware corporation with its principal place of business at Tulsa, Oklahoma, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of:

1. Approximately 1,184 miles of 26-inch O. D. natural-gas transmission pipe line commencing at a point at or near the La Gloria-Seeligson Gas Fields in Brooks, Jim Wells, and Kleberg Counties, Texas, and extending in a northerly direction to a crossing of the Mississippi River near Cape Girardeau, Missouri, and thence northerly to its terminus at or near Compressor Station No. 10 of the Natural Gas Pipeline Company of America, near Genesso, Henry County, Illinois.

2. Approximately 83 miles of lateral lines, as follows:

(a) 57 miles of 18-inch O. D. to the Feazel Gas Field.

(b) 26 miles of 10¾-inch O. D. to the Logansport Gas Field.

3. Twelve (12) compressor stations having a combined capacity of 115,200 installed horsepower.

4. Gas dehydration plants, metering and regulating stations, and other facilities appurtenant to the above-mentioned facilities.

Applicant proposes to obtain its supplies of natural gas from reserves in the La Gloria and Seeligson Fields in Brooks, Jim Wells, and Kleberg Counties, Texas, and in gas fields in De Soto, Lincoln, Webster, Bossier, and Claiborne Parishes, Louisiana. Applicant states that it does not propose to engage in the production or gathering of natural gas, but will purchase its supplies from owners of reserves in these fields totaling between five and six trillion cubic feet of natural gas. It is stated that such owners are willing to dedicate such reserves to this project for a period of at least twenty (20) years. According to the application, additional reserves will be obtained from other sources located along the route of the proposed line.

Applicant proposes to use the above-described facilities for the supply of natural gas to the Natural Gas Pipeline Company, which in turn supplies gas directly or indirectly to Chicago District Pipe Line Company, The Peoples Gas Light and Coke Company, Public Service Company of Northern Illinois, Western United Gas and Electric Company, and Public Service Company of Northern Indiana, in the Chicago area, and to its other utility customers in the areas served by it. The application states that the major companies presently serving the Chicago area now need in excess of 245,000 Mcf of natural gas per day to supplement their present supply of gas, and that, within approximately one year after the line is constructed, they will need in excess of 350,000 Mcf of additional gas per day.

The proposed facilities, according to Applicant, are designed to deliver initially at the northern terminus approximately 245,000 Mcf per day, and 350,000 Mcf per day ultimately.

Applicant estimates that the total overall capital cost will be $119,000,000. This is proposed to be financed by the issuance of the following securities:

Bonds, 3.5 percent, 20-year	$89,250,000
Preferred stock, 5 percent	17,850,000
Common stock	11,900,000

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure (18 CFR 1.37), and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of the Gulfcoast Northern Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 and 1.10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8170; Filed, Sept. 10, 1948; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5562]

BETHANY COLLEGE AND DIVINITY SCHOOL ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 31st day of August A. D. 1948.

In the matter of Bethany College and Divinity School, a corporation, Carl M. Kilmer and Lulu M. Kilmer, individually, and as officers of said corporation, and William Potter, Grace Sercomb, Ted Victor Vorhees, J. Frederick Doering, William Morgan Keller, Carl M. Kilmer, Jesse J. Coody, Richard H. Crowder, Merle P. Estabrooks, Edith C. Sheetz, and John W. Oliver, individually and as officers and members of the Board of Governors of said corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Henry P. Alden, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, September 20, 1948, at ten o'clock in the forenoon of that day (eastern standard time), in Room 204, Post Office Building, Flint, Michigan.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 48-8172; Filed, Sept. 10, 1948; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 29721; No. 29722]

ALL-RAIL COMMODITY RATES BETWEEN CALIFORNIA, OREGON, AND WASHINGTON, AND PACIFIC COASTWISE WATER RATES

SPECIAL RULES OF PROCEDURE

SEPTEMBER 2, 1948.

These proceedings are assigned for hearing at the Assembly Room, Public Library, Civic Center, San Francisco, Calif., October 18, 1948, 10 o'clock a. m., United States standard Pacific time, before Commissioner Clyde B. Aitchison.

As this is an investigation on the Commission's own motion, petitions of intervention are unnecessary, but the parties should be prepared to comply with the requirements of Rule 73 of the general rules of practice.

In order to save time and expense it is strongly urged that persons having common interests endeavor, so far as possible, to consolidate their presentation of testimony and arrange for cross-examination by a limited number of counsel.

In the preparation of exhibits Rules 81 to 84 of the general rules of practice should be observed. If possible, all documentary evidence to be introduced by each witness should be suitably bound together in a single exhibit with pages consecutively numbered. At least 50 copies of each exhibit should be available. So far as possible exhibits should be self-explanatory to minimize the time required for oral testimony.

Witnesses who prepare their testimony in writing should comply with Rule 77 of the general rules of practice. They should have a sufficient number of copies to supply opposing counsel, the official reporter, and the presiding officer. To save time it is suggested that such written statements be prepared with a view to their being copied into the record by agreement without being read by the witness or that they be submitted as verified statements, as stated in the next paragraph.

Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will be received in the absence of objection. Parties offering such statements should provide 50 copies thereof as early as possible in the hearings. Verified statements may be mailed, addressed to Commissioner Aitchison, % Bureau of Motor Carriers, Interstate Commerce Commission, Room 166, Federal Office Building, Fulton and Leavenworth Streets, Zone 2, San Francisco, so as to reach him on or prior to the date of the hearing. Notice of objection to the receipt of any such statements should be given promptly to the Commission, and to the party offering the statement. If no such notice is given, it will be assumed that objection is waived, subject to the right of any person in any appropriate manner to raise questions as to the weight of such verified statements. Such statements should conform to the general rules of practice with respect to style, mimeographing, printing, etc. They should be limited strictly to matters of fact and contain no argument; if not so limited, they may be excluded. The Commission on its own motion or objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions involved in these proceedings, (b) is obviously incompetent, or (c) is argumentative. All verified statements received in evidence will be part of the record upon which the Commission will base its decision.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8165; Filed, Sept. 10, 1948; 8:50 a. m.]

PHILIPPINE ALIEN PROPERTY ADMINISTRATION

[Bar Order 9]

MUTO MIYA ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9816, and Executive Order 9876, November 30, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 27th day of August 1948.

WESTLEY W. SILVIAN,
Acting Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
Muto Miya	Japanese	Davao City	P-401
Saburo Yogi	do	do	P-402
Taio Sangyo Kabushiki Kaisha.	Corporation organized and existing under the laws of and having its principal office in Japan.	Cebu City	P-403
Unknown Japanese	Japanese	Unknown	P-404
Karl Friedrich Muller	German	Schillerstrass 83, Ebingen b/Revelingerr, French Zone 14 b, Germany.	P-405
Apo Canning Corp	Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals.	Talome, Davao City	P-406
Matsuzo Kiyan	Japanese	265 Socrego (Int.), Quezon City.	P-407
Manko Kanashiro and others.	do	Cebu City	P-408
Yoshio Kubo	do	875 Cordillera, Station Mesa, Manila.	P-410
Hisato Kubota	do	Magarao, Camarines Sur.	P-411
Alfred Gabler-Gumbert	German	Ossla, Germany	P-412
Sumimoto Shoten, Ltd.	Corporation organized and existing under the laws of and having its principal office in Japan.	Tondo, Manila	P-413
Imperial Japanese Government.	Japanese		P-414
Takiyama (FNU)	do	Bifian, Laguna	P-415
Imperial Japanese Government.	do		P-416
Yutaka Nakashima	do	Dagupan, Pangasinan	P-417
Imperial Japanese Army	do		P-418
Imperial Japanese Government.	do		P-419
Hanzo Harano	do	Davao City	P-420
Dresdner Bank	A banking corporation organized and existing under the laws of and having its place of business in Germany.	Coblenz, Germany	P-421
D. Toyama and T. Toyama.	Japanese	Claveria St., Davao City.	P-422
Kazuo Takaziwa	do	P. O. Box 80, Davao, Davao.	P-423
Yutaka Nakashima	do	Dagupan, Pangasinan	P-424
Imperial Japanese Navy	do		P-425
Lasang Plantation Co., Inc.	Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals.	Davao	P-426
R. Honda	Japanese	Davao City	P-427
Imperial Japanese Army	do		P-428
Ihelji Muroaka	do	Legaspi, Albay	P-429
Hikoichi Watari	do	Davao City	P-430
Imperial Japanese Army	do		P-431
Tahei Yoko	do	452-56 Juan Luna, Manila.	P-432
Imperial Japanese Army	do		P-433
Fukimo Hatakayama	do	Silay, Occidental Negros.	P-434
National Commodities Procurement & Distribution Corp. (NADISCO).	An instrumentality and/or agency of the puppet "Republic of the Philippines".	Manila	P-435
Soichi Yamamoto	Japanese	C/o Honoda Hotel, Zamboanga City.	P-436
Naogiro Aihara	do		P-437
Imperial Japanese Navy	do		P-438
J. Kuwahara and Y. Mishimoto.	do	San Juan del Monte	P-439
Imperial Japanese Army	do		P-440
Kanjiro Koyama (Aurora Photo Co.).	do	Manila	P-441
Tatunosuke Kato	do	Malitbog, Leyte	P-442
Mori Hattori	do	Unknown	P-443
C. Reumer and Dolores Ritcher.	Germans	Treskowstrect 18, Bremen, Germany, and Wilhelmstrasse, 6-11 Erfurt, Germany.	P-444
Totaro Enta	Japanese	Manila	P-445
Imperial Japanese Government.	do		P-446

APPENDIX A—Continued

Name of debtor	Nationality	Last known address	Vesting order	Name of debtor	Nationality	Last known address	Vesting order
Imperial Japanese Army	Japanese		P-447	Y. Kurisu, also known as Yozo Kurisu, Yonezo Kajita and Eda Kajita.	Japanese	751-53 Rizal Ave	[1] P-382
Kame Oshiro	do	Davao City	P-448		do	246 Gral. Solano	[1] P-23
Tsuruo Koike	do	do	P-449				
Nagawa Kogoh	do	do	P-450				

[1] Supplement.

[F. R. Doc. 48-8190; Filed, Sept. 10, 1948; 8:56 a. m.]

[Bar Order 6]

CARL BECKER ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, November 30, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 27th day of August 1948.

WESTLEY W. SILVIAN,
Acting Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order	Name of debtor	Nationality	Last known address	Vesting order
Carl Becker and others	German	Myers Bldg., Port Area, Manila.	P-251	Riverside Plantation Co.	Corporation organized under the laws of the Philippines but controlled by Japanese nationals.	Talomo, Davao City	P-278
C. Andre & Co.	A business enterprise organized under the laws of and having its principal place of business in Hamburg, Germany.	327 National City Bank Bldg., Manila.	P-252	J. Konrad and/or wife	Germans	City of Baguio	P-279
				Kureha Boseki Kaisha	Corporation organized under the laws of and having its principal place of business in Japan.	Koronadal, Cotabato	P-280
C. T. Struckmann and and Waege.	do	5th Floor Soriano Bldg., Manila.	P-253				
Yoshizo Furukawa and Tokuko Furukawa.	Japanese	Davao City	P-254	Subjects of Japan (Kimura, Matsumora, Nebel, Oshita, Takano and Yushida).	Japanese	La Trinidad, Benuet, Mt. Province.	P-281
Kurashiki Boseki Kaisha	Corporation organized under the laws of and having its principal place of business in Japan.	Tarlac, Tarlac	P-255	Yeiichi Imamura a/k/a Enrique Imamura.	do	Julugan, Tanza, Cavite.	P-282
				Imperial Japanese Government.	do		P-283
Kumiro Kumiyama	Japanese	City of Baguio	P-256	Davao Nichi-Nichi	Corporation owned and controlled by subjects of Japan and having its principal place of business in Davao City.	Davao City, Philippines.	P-284
Imperial Japanese Army	do	Bacolod City	P-257				
Yaeman Ohyabu	do	Cotabato, Cotabato	P-258				
Tanzo Yamasaki	do	Tarlac, Tarlac	P-259				
Unknown Japanese	do	Justo Lukban St., Daet, Camarines Norte.	P-260				
Japanese Government or unknown Japanese national.	do	Manila	P-261	Imperial Japanese Government.	Japanese	Negros Occidental, Philippines.	P-285
				Maximillian Joseph Hoffmeister.	German	Sandstrasse 20, Muchen, Germany.	P-286
Nord-Deutsche Versicherungs Gesellschaft a/k/a North German Insurance Co.	A corporation organized under the laws of and having its principal place of business in Hamburg, Germany.	Hamburg, Germany	P-262	Takeichi Sakamoto	Japanese	Baliwag, Bulacan	P-287
				Tomio Matsuoka and Kotako Matsuoka.	do	Pagsanhan, Mulanay, Tayabas (Quezon).	P-288
				Kamo Akamini	do	1484 G. Tuazon, Sampaloc, Manila.	P-289
Ceded Corasigue	Japanese	Los Baños, Laguna	P-263	Yutaka Nakashima	do	Dagupan, Pangasinan.	P-290
Do	do	do	[1] P-263	Toyo Cotton Mills, Inc.	Corporation organized and existing under the laws of Japan, having its place of business in the Philippines.	Gen. Trias, Cavite	P-291
E. Murata	do	Mambaling, City of Cebu.	P-264				
Shinichi Niki	do	Cebu City, Philippines.	P-265				
Imperial Japanese Government.	do	Baler, Tayabas (Quezon).	P-266	Hayashi (FNU)	Japanese	Araneta St., Bacolod City.	P-292
Government of Germany	German		P-267	Imperial Japanese Army	do	Cebu Philippines	P-293
Pangasinan Nippi Unya Kabushiki Kaisha.	Corporation organized and existing under the laws of the Philippines, 52 percent of its outstanding capital stock is registered in the names of Japanese nationals.	Dagupan, Pangasinan.	P-268	K. Abe and others	do	Baculo City, Philippines.	P-294
				Mitsui Bussan Kaisha	Corporation organized under the laws of and having its principal place of business in Japan.	Manila	P-295
Arima	Japanese	Trinidad, Mt. Province.	P-269	Imperial Japanese Navy	Japanese	Davao City, Philippines.	P-296
Imperial Japanese Government.	do	Sta. Ana, Davao City	P-270	Imperial Japanese Army	do	Iloilo City, Philippines	P-297
Do	do	Talisay, Negros Occ	P-271	Domingo Uy de Tadakuma.	do	City of Davao, Philippines.	P-298
Seiji Uyehara	do	Daet, Camarines Norte.	P-272	Tokio Seiko Kabushiki Kaisha.	Corporation organized under the laws of and having its principal place of business in Japan.	do	[1] P-298
Japanese Imperial Government.	do	Legaspi St., Daet, Camarines Norte.	P-273				
Do	do	Gindulman, Bohol	P-274	Do	do	do	[1] P-298
Japanese Civilian Association of Bacolod City.	do	City of Bacolod	P-275	Imperial Japanese Government.	Japanese	Marikina, Rizal	P-299
M. Adachi and Masal Adachi.	do	Bontoc, Mt. Province	P-276	Noritsugu Katashima	do	Ilang, Davao City	P-300
Arata Tsutsui	do	Manila	P-277	Sugahei Matsuo and Yuku Matsuo.	do	Davao City	[1] P-31

[1] Amendment. [2] As further amended. [3] Supplemental.

[F. R. Doc. 48-8187; Filed, Sept. 10, 1948; 8:56 a. m.]

[Bar Order 7]

KIYO TAKESUYE ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, November 30, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 27th day of August 1948.

WESTLEY W. SILVIAN,
Acting Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order	Name of debtor	Nationality	Last known address	Vesting order
Kiyo Takesuye	Japanese	Zamboanga, Zamboanga.	P-301	Nankosuisan Kabushiki Kaisha.	Corporation organized and existing under the laws of Japan and permitted to do business and operate in the Philippines.	Davao City, Davao	P-331
Yoritsuma Kutsuna and Take Kutsuna	do	2015 Luna St., Pasay (now Rizal City), Rizal.	P-302	Do	do	do	[1] P-331
Shigeru Nakashima	do	411 Reina Regente, Manila.	P-303	Yukuji Nakamura and Chitosi Nakamura.	Japanese	San Nicolas, Manila	P-332
Yochiro Yamane	do	Bacolod, Negros Occidental.	P-304	Mazaichi Nozawa and others.	do	Manila	P-333
Arajiro Danjo and others	do	Iloilo, Iloilo	P-305	Imperial Japanese Government.	do	Bacolod City, Negros Occidental.	P-334
Kiyoshi Tadakuma	do	Davao City, Davao	P-306	Do	do	Quezon City	P-336
Unknown Japanese	do	Manila	P-307	Imperial Japanese Army	do	Cebu City	P-337
Imperial Japanese Army	do	Talisay, Negros Occidental.	P-308	S. Higuchi and other Japanese nationals.	do	Trinidad, Mt. Province.	P-338
Imperial Japanese Government.	do	Sasa, Davao City	P-309	Imperial Japanese Army and Navy.	do	Davao City	P-339
K. Toogi	do	Taft and Leeson Sts., Bacolod City, Negros Occ.	P-310	Mitsubishi Shoji Kaisha, Ltd.	Corporation organized under the laws of and having its head office in Tokyo, Japan.	National City Bank Building, Manila.	P-340
Murakami	do	Bacolod City, Negros Occ.	P-311				
T. Torohiro	do	Bontoc, Mt. Province	P-312				
Uyahara Kameckes	do	Bacolod City, Negros Occ.	P-313	Ritsuo Terachi and others (trading under the name of Cotabato Industrial Co., Inc.).	Japanese	Cotabato, Cotabato	P-341
Tameo Yamashita	do	Pangil, Laguna	P-314				
Yaichi Shigihara	do	Sariaya, Quezon	P-315				
Yamamoto & Co	do	Baguio, Mt. Province	P-316	Taisho Marine & Fire Insurance Co., Ltd.	Corporation organized under the laws of and having its principal place of business in Tokyo, Japan.	Tokyo, Japan	P-342
Sadaji Iwaasa and Tsuyako Iwaasa.	do	Davao City, Davao	P-317				
Imperial Japanese Navy	do	Tondo, Manila	P-318				
Unknown Japanese	do	Unknown	P-319				
M. Aihara	do	Bontoc, Mt. Province	P-320	M. Mori	Japanese	Manila	P-343
M. Nakatani	do	Manila	P-321	Imperial Japanese Government.	do	Opon, Cebu	P-344
Shigeaki Yoshikawa and Sawa Yoshikawa.	do	1028 Oroquieta St., Manila.	P-322				
Do	do	do	[1] P-322	Yonezo Kajita	do		P-345
Imperial Japanese Government.	do	Davao City, Davao	P-323	Masing Cuños	do	Sariaya, Tayabas (now Quezon).	P-346
Zamboanga Development Co., Inc.	Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals.	Malong, Lamitan, Zamboanga.	P-324	Imperial Japanese Army	do	Caloocan, Rizal	P-347
				S. Kakisage	do		P-348
				Ikichi Ihara	do	Guinobatan, Albay	P-349
Imperial Japanese Government.	Japanese	Manila	P-325	Estate of Edward Weber-Duran a/k/a George Bernard Edward Duran; Edward Eugen George Weber and Eduardo Weber.	German	Germany	P-350
Tsunesaburo Mishima and Bui Mishima.	do	Tugbok, Gulanga, Davao.	P-326				
Kahuro Sugioka	do	Legaspi, Albay	P-327	Asaichi Kagawa	Japanese	Manila	[2] P-17
Yoshimosa Fujiwara	do	928-930 Washington St., Manila.	P-328	Do	do	do	[3] P-17
Katsujiro Nakashima	do	Davao City, Davao	P-329				
Nangoku Kigyo Kabushiki Kaisha, Ltd.	Corporation organized under the laws of Japan and a business enterprise within the Philippines.	Nasipit, Agusan	P-330				

[1] Amendment. [2] Supplement. [3] Amendment to supplemental.

[F. R. Doc. 48-8188; Filed, Sept. 10, 1948; 8:56 a. m.]

[Bar Order 8]

MAGOZO FURUYAMA ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, November 30, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 27th day of August 1948.

WESTLEY W. SILVIAN,
Acting Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
Nagozo Furuyama	Japanese	San Fernando, Pampanga.	P-351
Yosheo Suizaki under the trade name "Japanese Drug Store."	do	612 R. Hidalgo St., Manila.	P-353
Y. Kaneoku and others	do	415 Samanillo Bldg., Escolta, Manila Offices of Consolidated Mines, Inc.	P-354
Macaria Hara	do	Trinidad, Mt. Province.	P-355
A. Pistor	German		P-356
Tagakpan Industrial Association.	Corporation organized and existing under the laws of the Philippines but controlled by Japanese nationals.	Wangan, Guinaga, Davao City.	P-357
S. Isobe and others	Japanese	Iloilo, Iloilo	P-358
Estate of Georg E. Weber	German	Germany	P-359
Manila Shoyu Jozo Kabushiki Kaisha.	Corporation organized and existing under the laws of the Philippines.	Tondo, Manila	P-360
Yokohama Fire and Marine Insurance Co., Ltd.	Corporation organized and existing under the laws of and having its principal place of business in Yokohama, Japan.	Yokohama, Japan	P-361
Do	do	do	P-361
Imperial Japanese Government.	Japanese	Cadiz, Negros Occidental.	P-362
Do	do	North Harbor, Manila	P-363
Isamu Sakamioto	do	818 R. Hidalgo St., Manila.	P-364
Imperial Japanese Air Force.	do	4 Lacson St., Bacolod City.	P-365
Atsuhiko Hoshi	do	Davao City, Davao	P-366
Mintal Plantation Co	Corporation organized and existing under the laws of the Philippines, 98% of its capital stock is registered in the name of Japanese nationals.	Mintal, Davao City	P-367
Tadakuma (FNU)	Japanese	Daliao, Davao City	P-368
Imperial Japanese Government.	do		P-369
Nanyo Plantation Co	Corporation organized and existing under the laws of the Philippines, but controlled by Japanese nationals.	Davao	P-370
T. Kamikawa	Japanese	Dingras, Ilocos Norte	P-371
Hisato Kiyomoto	do	507 Claveria St., Davao City.	P-372
Y. Imamura	do	Mindoro	P-373
Hashiro Kawahara under the trade-name "The Ideal Bazaar."	do	411-13 Rizal Ave., Manila.	P-374
Tokiji Karasawa and Kiyono Karasawa.	do	Talomo, Davao City	P-375
Imperial Japanese Government.	do	Bagulo City	P-376
Do	do	Silay, Occidental Negros.	P-377
Do	do		P-378
Germann & Co., Ltd	Corporation organized and existing under the laws of and with principal place of business at Hamburg, Germany, and a branch office in the Philippines.	156 Juan Luna St., Manila.	P-379
E. F. Von Hunolstein	German	Unknown	P-380
Imperial Japanese Government.	Japanese	Cebu City, Philippines.	P-381
Yozo Kurisu and/or Star Bicycle Store.	do	751-53 Rizal Ave., Manila.	P-382
S. Tamura	do	Cebu City	P-383
Christian Albert Ludwig Boysen and Minna E. Boysen.	Germans	Luzon Stevedoring Co., Port Area, Manila.	P-384
Imperial Japanese Government.	Japanese	Bacolod City, Negros Occidental.	P-385
Do	do	San Fernando, La Union.	P-386
Taiwan Seito Kaisha	Corporation organized and existing under the laws of Japan and doing business in the Philippines.	Manapla, Negros Occidental.	P-387
Imperial Japanese Army.	Japanese	Silay, Negros Occidental.	P-388
Do	do	Pangauiban, Catanduanes.	P-389
K. Matsukawa	do	307 Wilson Bldg., Juan Luna, Manila.	P-390
Asafugi Nagaya and others.	do	Davao City, Davao	P-391
Imperial Japanese Navy.	do		P-392
Imperial Japanese Government.	do	Manila	P-393
Estate of Antonina Bautista, Catalina Ternoka, and Edward Teraoka owned by Carlos Teraoka and Marie Dolores Teraoka.	do	13 Ferguson Rd., Baguio City.	P-394
K. Kasumgui	do	Del Monte Ave., Quezon City.	P-395
Nippon Yusen Kaisha	Corporation organized and existing under the laws of Japan and doing business in the Philippines.	Tokyo, Japan	P-396
Seizu Higa	Japanese	Washington St., Davao City.	P-397
Imperial Japanese Army.	do	Baguio City, Philippines.	P-398
Imperial Japanese Government.	do	La Castellana, Negros Occidental.	P-399
I. Yamamura and others.	do	Zamboanga, Zamboanga.	P-400
Taiwan Tekkosho	do	Japan	[1] P-30
Masao Matsumoto and Kyo Matsumoto.	do	1067 Arlegui St., Quiapo, Manila.	[1] P-15

[1] Supplement. [2] Amendment.

[F. R. Doc. 48-8189; Filed, Sept. 10, 1948; 8:56 a. m.]

[Bar Order 10]

JUNICHI YAMABE ET AL.

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Philippine Alien Property Administrator by Executive Order 9818, and Executive Order 9876, November 30, 1948, is hereby fixed as the date after which the filing of claims shall be barred in respect of any of the debtors listed in Appendix A hereto.

Executed at Manila, P. I., this 27th day of August 1948.

WESTLEY W. SILVIAN,
Acting Deputy Administrator.

APPENDIX A

Name of debtor	Nationality	Last known address	Vesting order
Junichi Yamabe and Cenen Francisco Yambe.	Japanese	San Juan del Monte, Rizal.	P-451
Mrs. K. Takara	do	Davao City	P-452
Seizo Tamura and Toshiko Tamura.	do	Manila	P-453
Kana Tamanaha	do	Davao City	P-454
Jinjo	do	do	P-455
Kobayashi	do	do	P-456
Unknown Japanese subjects.	do	do	P-457
Imperial Japanese Navy.	do	do	P-458
Do	do	do	P-459
Unknown Japanese	do	do	P-460
Theodor Hasche	German	Hamburg, Germany	P-461
Otsuka (FNU)	Japanese		P-462
Sakamatu Yamamoto and Jiro Hiyama.	do	Cebu City	P-463
Kushiro Fujimoto	do	319 P. Gomez, Station, Cruz, Manila.	P-464
Captain Hanamura	do	Iloilo City	P-465
Imperial Japanese Army	do		P-466
Uichi Aiba	do	Calle Real, Tabaco, Albay.	P-467
Imperial Japanese Air Force.	do		P-468
Imperial Japanese Government.	do		P-469
Akitaro (Jose) Usui	do	Pililla, Rizal	P-470
Fukami	do	Toril, Davao City	P-471
Unknown Japanese	do		P-472
Philippine Sugar Association.	An agency and/or instrumentality of the puppet "Republic of the Philippines."	Bacolod City, Philippines.	P-473
Toyo Takusyoku Kaisha, Ltd.	A corporation duly organized and existing under the laws of the Japanese Empire and licensed to do business in the Philippines.	Rosario, Batangas	P-474
Isidro Nakamura	Japanese	124 Coral, Tendo	P-475
Imperial Japanese Army.	do		P-476
Nagamine	do	Fonciano Reyes, Davao City.	P-477
Japanese Ishikawa	do	Piapi, Bocana, Davao City.	P-478
Imperial Japanese Navy.	Japanese		P-479
Yamatu Samabuco	do	Bocana, Davao City	P-480
Japanese Nationals (Yasuhiro, et al.).	do		P-481
Ludwig Groll	German	10 Fraunestein St., Frankfurt-Main, Germany.	P-482
Taltaku	A business enterprise organized and existing under the laws of and having its principal place of business in Japan.	Ibaan, Batangas	P-483
Imperial Japanese Navy	Japanese		P-484
Imperial Japanese Government.	do		P-485
Unknown Japanese	do		P-486
E. Lange	German	Not known	P-487
W. Zollenkop	do	do	P-488
Imperial Japanese Navy.	Japanese		P-489
Imperial Japanese Army.	do		P-490
Otto Bretting	German	Hotel Beur Avenue Lac, Zurich, Switzerland.	P-491
Kiehiemon Masaki and Kiyo Masaki.	Japanese	Talomo Beach, Davao City.	P-492
Imperial Japanese Army.	do		P-493
Y. Imagawa	do	Cotabato, Cotabato	P-494
Iloilo Japanese Society	An association exclusively of Japanese subjects.	Iloilo City, Iloilo	P-495
Imperial Japanese Army.	Japanese		P-496
Shoza Takahashi	do	P. O. Box 2777, Manila	P-497
Hana Wida	do	Parang, Cotabato	P-498
Imperial Japanese Army	do		P-499
Imperial Japanese Army, Imperial Japanese Navy, instrumentalities of the Imperial Japanese Government and unknown Japanese citizens.	do		P-500
Imperial Japanese Government.	do	Davao City, Davao	[1] P-323
Taiwan Tekkosho	do	Japan	[1] P-30

[1] Supplement.

[F. R. Doc. 48-8191; Filed, Sept. 10, 1948; 8:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-564]

AMERICAN GENERAL CORP. ET AL.

NOTICE OF APPLICATION

In the matter of American General Corporation, The Morris Plan Corporation of America, National Industrial Credit Corporation, Collateral Discount Corporation and George M. Greene, File No. 812-564.

Notice is hereby given that National Industrial Credit Corporation (National), 103 Park Avenue, New York, N. Y., has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of the act, the proposed sale by National to George M. Greene, 32-33 81st Street, Jackson Heights, Long Island, New York, of 250 shares of capital stock, comprising all the stock outstanding of Collateral Discount Corporation (Collateral), 103 Park Avenue, New York, N. Y., for a cash purchase price of $25,000. George M. Greene is president and a director of Collateral.

Section 17 (a) (2) of the act makes it unlawful for an affiliated person of an affiliated person of a registered investment company, acting as principal, knowingly to purchase from any company controlled by such registered investment company, any security or other property, except securities of which the seller is the issuer.

American General Corporation, 420 Lexington Avenue, New York, N. Y., is a closed-end, non-diversified, management investment company registered under the act. American General Corporation owns approximately 61% of the common stock of the Morris Plan Corporation of America, 103 Park Avenue, New York, N. Y., the only class of stock of such company entitled to vote. The Morris Plan Corporation of America owns all the issued and outstanding shares of the capital stock of National. National, in turn, owns all the issued and outstanding shares of the capital stock of Collateral. Since George M. Greene is an officer and director of Collateral, the proposed purchase by him from National of capital stock of Collateral involves the purchase by an affiliated person of an affiliated person, of a registered investment company, from a company controlled by such registered investment company, of a security of which the seller is not the issuer. The application therefore requests an order exempting the proposed transaction from the provisions of section 17 (a) (2) of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after September 24, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 22, 1948, at 5:30 p. m., submit to the Commission in writ-

REFERENCE SEP 17

ing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8158; Filed, Sept. 10, 1948; 8:49 a. m.]

[File Nos. 70-1910, 70-1920, 68-106]

METROPOLITAN EDISON CO. AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of September 1948.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed a declaration and its subsidiary, Metropolitan Edison Company ("Met Ed"), having filed a declaration and an application-declaration, and amendments thereto, pursuant to the provisions of sections 6 (b), 12 (b) and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-45, U-50, U-62 and U-65 promulated hereunder regarding the following transactions:

1. GPU will make a cash capital contribution to Met Ed of $1,500,000. Met Ed will increase the stated capital of its no par value common stock by the $1,500,000.

2. Met Ed will issue and sell, at competitive bidding, $3,500,000 principal amount of first mortgage bonds, ____% series, due 1978, and 40,000 shares of ____% $100 par value cumulative preferred stock.

3. Met Ed will make cash capital contributions, from time to time during the period ending September 30, 1949, to its subsidiary, Edison Light and Power Company, of $1,500,000.

4. Met Ed will solicit the requisite consent of its preferred and common shareholders to (a) issue the 40,000 shares of ____% $100 par value cumulative preferred stock, and (b) increase the stated value applicable to its no par value common stock by $1,500,000.

5. Met Ed will amend its charter so as to restrict the payment of dividends upon its common stock.

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is hereby ordered, Pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder, that the aforesaid declaration filed by GPU and the aforesaid declaration and application-declaration, as amended, filed by Met Ed be, and hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24 of the general rules and regulations under the act and to the further condition that the proposed issue and sale of said bonds and preferred stock shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms and conditions as may then be deemed appropriate, jurisdiction being reserved with respect to the imposition thereof in connection with the proposed transactions.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of the fees and expenses of all counsel.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8159; Filed, Sept. 10, 1948; 8:49 a. m.]

[File No. 70-1935]

PUBLIC SERVICE ELECTRIC AND GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of September 1948.

Public Service Electric and Gas Company ("PEG"), an electric utility subsidiary of the United Corporation, a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following proposed transaction:

PEG proposes to borrow from time to time, on or before September 15, 1948, and not later than April 15, 1949, not more than $50,000,000 from nine commercial banks, such loans to be represented by unsecured notes maturing not later than September 15, 1950. Such notes are not to be acquired by said banks for resale to the public. The commercial banks by whom the loans are to be made and the maximum amount of the loan from each bank are as follows:

The Chase National Bank of the City of New York	$14,000,000
The First National Bank of the City of New York	6,000,000
Fidelity Union Trust Co., Newark, N. J.	2,000,000
J. P. Morgan & Co., Inc., New York	2,000,000
Guaranty Trust Co. of New York	7,000,000
The National City Bank of New York	5,000,000
Central Hanover Bank & Trust Co., New York	$5,000,000
Chemical Bank & Trust Co., New York	5,000,000
Manufacturers Trust Co., New York	4,000,000

Pursuant to the terms of the bank credit agreement, the notes will bear interest at the rate of 2% per annum to September 15, 1949, and thereafter at the rate of 2¼% per annum, such interest to be payable on December 15, 1948, and quarter-annually thereafter. PEG has the right to pay, in whole or in part, at any time prior to maturity thereof, without premium, the loans made under the credit agreement. PEG will pay to the respective banks a stand-by charge at the rate of ½ of 1% per annum on the average daily unused balance under the several commitments of the banks.

PEG states that any portion of the proceeds from the proposed loans not used for property additions and improvements will be used to pay the outstanding $18,000,000 principal amount of notes of PEG due March 15, 1949, or to pay at maturity certain prior lien bonds of PEG which mature within the next ten months.

PEG states that the proposed transaction is subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, in which state the company is organized and doing business, and that a copy of such Commission's order approving the proposed borrowing of $50,000,000 will be supplied by amendment.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application be granted, and deeming it appropriate to grant the request of applicant that the order become effective as soon as possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed borrowing shall not be consummated until the same has been approved by the Board of Public Utility Commissioners of the State of New Jersey.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8160; Filed, Sept. 10, 1948; 8:49 a. m.]

REFERENCE

SEP 17

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 13 NUMBER 179

Washington, Tuesday, September 14, 1948

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

ALASKA

CROSS REFERENCE: For order affecting the tabulation contained in § 501.1, see Public Land Order 520 in the Appendix to Chapter I of Title 43, *infra*. This order revokes Public Land Order 169 of September 21, 1943, reserving certain public lands in Alaska for the use of the War Department for military purposes.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs. Amdt. 27-3]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

AIRCRAFT DISPATCHER AERONAUTICAL EXPERIENCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 3d day of September 1948.

Section 27.15 (f) of the Civil Air Regulations requires applicants for aircraft dispatcher certificates to have served in connection with the dispatching of air carrier aircraft under the supervision of a certificated dispatcher for at least 90 days within the 6 calendar months immediately preceding application. It does not appear that this requirement should be a prerequisite to the examination of an applicant, since prior to exercising the privileges of his certificate an aircraft dispatcher must comply with the recent experience requirements of § 27.23. Under the provisions of Part 27, in addition to required aeronautical experience, an applicant must demonstrate satisfactorily his compliance with the knowledge and skill requirements which are sufficiently stringent to assure that a successful applicant is fully competent to exercise the privileges of an aircraft dispatcher certificate.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 27 of the Civil Air Regulations (14 CFR, Part 27, as amended) effective September 3, 1948:

1. By amending § 27.15 (e) to read as follows:

§ 27.15 *Aeronautical experience.*

* * *

(e) Applicant shall be a graduate of an aircraft dispatcher course approved by the Administrator.

2. By rescinding § 27.15 (f).

(Secs. 205 (a), 601-610, 52 Stat. 984, 1007-1012; 49 U. S. C. 425 (a), 551-560)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-8212; Filed, Sept. 13, 1948; 8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1107; 45 U. S. C. 362 (l)), §§ 345.1 and 345.2 of the regulations of the Railroad Retirement Board under such act (4 F. R. 4370, 12 F. R. 2327) are amended, by Board Order 48-288, dated August 18, 1948, to read as follows:

§ 345.1 *Statutory provisions.*

Every employer shall pay a contribution, with respect to having employees in his service, equal to the percentage determined as set forth below of so much of the com-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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1948 Edition

(Revised through June 30)

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in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional contribution as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

(1) With respect to compensation paid prior to January 1, 1948, the rate shall be 3 per centum;

(2) With respect to compensation paid after December 31, 1947, the rate shall be as follows:

If the balance to the credit of the railroad unemployment insurance account as of the close of business on September 30, of any year, as determined by the Board, is:	The rate with respect to compensation paid during the next succeeding calendar year shall be:
	Percent
$450,000,000 or more	½
$400,000,000 or more but less than $450,000,000	1
$350,000,000 or more but less than $400,000,000	1½
$300,000,000 or more but less than $350,000,000	2
$250,000,000 or more but less than $300,000,000	2½
Less than $250,000,000	3

As soon as practicable following the enactment of this act, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30, 1947, and on or before December 31 of 1948 and of each succeeding year, the Board shall determine and proclaim the balance to the credit of the account as of the close of business on September 30 of such year.

The contributions required by this act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this act as may be prescribed by regulations of the Board, and shall not be deducted, in whole or in part, from the compensation of employees in the employer's employ. If a contribution required by this act is not paid when due, there shall be added to the amount payable (except in the case of adjustments made in accordance with the provisions of this act) interest at the rate of 1 per centum per month or fraction of a month from the date the contribution became due until paid. Any interest collected pursuant to this section shall be credited to the account.

All provisions of law, including penalties, applicable with respect to any tax imposed by section 1800 or 2700 of the Internal Revenue Code, and the provisions of section 3661 of such code, insofar as applicable and not inconsistent with the provisions of this act, shall be applicable with respect to the contributions required by this act: *Provided*, That all authority and functions conferred by or pursuant to such provisions upon any officer or employee of the United States, except the authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to such contributions, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor.

* * * For the purpose of determining * * * the amount of contributions due pursuant to this act, employment after June 30, 1940, in the service of a local lodge or division of a railway-labor-organization employer or as an employee representative shall be disregarded.

pensation as is not in excess of $300 for any calendar month paid by him to any employee for services rendered to him after June 30, 1939: *Provided, however*, That if compensation is paid to any employee by more than one employer with respect to any such calendar month, the contributions required by this section shall apply to not more than $300 of the aggregate compensation paid to said employee by all said employers with respect to such calendar month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the contribution with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services during any calendar month after 1946 bears to the total compensation paid by all such employers after December 31, 1946 to such employee for services rendered during such month; and

§ 345.2 *Employers' contributions.* (a) Except as provided in paragraph (b) of this section, every employer shall pay a contribution equal to the following percentages of the amount of compensation paid by such employer for employment on and after July 1, 1939, excluding, however, that part of the compensation which is in excess of $300 and is paid by the employer to any employee with respect to employment during any one calendar month.

	Percent
(1) With respect to compensation paid from July 1, 1939, to Dec. 31, 1947	3
(2) With respect to compensation paid from Jan. 1, 1948, to Dec. 31, 1948	½
(3) With respect to compensation paid during each succeeding calendar year, the applicable percentage specified in § 345.1	—

(b) If compensation is paid by more than one employer to an employee with respect to employment during the same calendar month, and if the aggregate compensation paid to such employee by all employers is more than $300 for the calendar month, then there shall be included in the measure of each such employer's contribution only that proportion of $300 which the amount paid by him to the employee for the month bears to the aggregate compensation paid to such employee by all employers for that month: *Provided, however,*

(1) If such aggregate compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid to the employee by the employer other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of the employer other than a subordinate unit with respect to the compensation paid by him to such employee for that month shall be $300.

(2) If such aggregate compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by the employers other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any contribution with respect to the compensation paid by it to such employee for that month, and the measure of the contribution of each employer other than a subordinate unit shall be that proportion of $300 which the compensation paid by such employer to the employee for the month bears to the total compensation paid to such employee by all such employers other than a subordinate unit for that month.

(3) If such aggregate compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate unit is less than $300 for the month, then the measure of the contribution of each employer other than the subordinate unit shall be the full amount of compensation paid by him to such employee for that month, and the measure of the contribution of the subordinate unit of a national railway-labor-organization employer shall be $300 less the total compensation paid to such employee for that month by all other employers.

(4) If such aggregate compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid to the employee by all employers other than the subordinate units is less than $300 for the month, then the measure of the contribution of each employer other than the subordinate units shall be the full amount of compensation paid by him to such employee for that month, and the measure of the contribution of each subordinate unit of the national railway-labor-organization employer shall be that proportion of $300 less the total compensation paid to such employee for the month by all employers other than the subordinate units which the compensation paid by such subordinate unit to the employee for that month bears to the total compensation paid to such employee by all such subordinate units for that month.

(Sec. 12, 52 Stat. 1107; 45 U. S. C. 362 (l))

Dated: September 2, 1948.

By authority of the Board.

[SEAL] MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 48-8259; Filed, Sept. 13, 1948; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspection, Marketing Practices)

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (GRADING, CERTIFICATION AND STANDARDS)

UNITED STATES CONSUMER STANDARDS FOR FRESH TOMATOES

Correction

In Federal Register Document 48-8132, appearing at page 5260 in the issue for Friday, September 10, 1948, the title after the signature should read *"Assistant Administrator, Production and Marketing Administration."*

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

ORDER TERMINATING THE ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement

Act of 1937, as amended (7 U. S. C. 601 et seq.), an order (8 F. R. 9733) was issued on July 14, 1943, suspending the provisions in §§ 939.4, 939.5, and 939.6 of Order No. 39 (7 CFR, Cum. Supp., 939.1 et seq.), regulating the handling of the Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington and California. Such action was taken on the basis that the aforesaid provisions did not at that time tend to effectuate the declared policy of the act.

On the basis of available information, it is hereby found and determined that the provisions in §§ 939.4, 939.5, and 939.6 of said Order No. 39 will, on and after September 16, 1948, tend to effectuate the declared policy of the act.

It is, therefore, ordered, That the order (8 F. R. 9733) suspending the provisions of §§ 939.4, 939.5, and 939.6 of said Order No. 39 is hereby terminated effective September 16, 1948.

It is hereby found and determined that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this termination order until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the shipping season for the pears covered by said Order No. 39 will commence in early September, and it is necessary that the aforesaid provisions be in effect at that time; the time intervening between the date when information upon which this termination order is based became available and the time when the aforesaid provisions must be in effect in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8235; Filed, Sept. 13, 1948; 8:53 a. m.]

[Pear Order 1]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

REGULATIONS BY GRADES AND SIZES

§ 939.301 *Order No. 1*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 39 (7 CFR Cum. Supp. 939.1 et seq.), regulating the handling of the Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations and information submitted by the Control Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impractical and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective is insufficient, and a reasonable time is permitted under the circumstances, for preparation for such effective date.

(b) *Order.* (1) It is hereby ordered that no shipper shall ship on and after the effective date hereof:

(i) Winter Nelis, Beurre Bosc, Beurre Easter, or Beurre Clairgeau pears which do not meet the requirements of U. S. No. 2 grade, as such grade is specified in the U. S. Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties, issued by the United States Department of Agriculture, effective July 8, 1940; or

(ii) Doyenne du Comice or Beurre d'Anjou pears which do not meet the requirements of the U. S. No. 2 grade, as such grade is specified in the aforesaid U. S. Standards: *Provided*, That such pears, if otherwise meeting the requirements of the U. S. Combination grade, as such grade is specified in the aforesaid U. S. Standards, may be shipped in interstate commerce only, and not in foreign commerce, if the unhealed broken skins or skin punctures on said pears measure not in excess of three-sixteenths of one inch in diameter and three-sixteenths of one inch in depth; or

(iii) Doyenne du Comice, Beurre Easter, or Beurre Clairgeau pears which are of a size smaller than the 180 size; or

(iv) Beurre d'Anjou or Beurre Bosc pears which are of a size smaller than the 195 size; or

(v) Winter Nelis pears which are of a size smaller than the 225 size.

(2) *Definitions.* As used in this section the terms "180 size," "195 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack 180, 195, or 225 pears, respectively, in a standard western pear box (inside dimensions, 18 inches long by 11½ inches wide by 8½ inches deep) when such pears are packed in accordance with the sizing and packing specifications of a standard pack as specified in said U. S. Standards.

(3) *Termination of Order No. 1 (1942).* It is further ordered pursuant to the aforesaid authority, that Order No. 1 (1942) dated August 25, 1942, issued pursuant to the provisions of said marketing agreement and order, be, and the same hereby is, terminated at 12:01 a. m., P. s. t., September 16, 1948.

(4) *Effective date.* It is further ordered pursuant to the aforesaid authority, that the provisions hereof shall become effective at 12:01 a. m., P. s. t., September 16, 1948. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8242; Filed, Sept. 13, 1948; 9:04 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[T. D. 5653]

PART 400—EXCISE TAX ON EMPLOYERS UNDER TITLE IX OF THE SOCIAL SECURITY ACT

PART 401—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER TITLE VIII OF THE SOCIAL SECURITY ACT

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

MISCELLANEOUS AMENDMENTS

Regulations 106 and 107, Regulations 90 and 91, and such Regulations 90 and 91 as made applicable to the Internal Revenue Code, amended to insert therein the pertinent provisions of Public Law 642, 80th Congress, enacted June 14, 1948, relating to the employer-employee relationship.

On November 27, 1947, notice of proposed rule making, regarding amendments to the employment and social security tax regulations with respect to the employer-employee relationship, was published in the FEDERAL REGISTER (12 F. R. 7966). In view of the enactment of Public Law 642, 80th Congress, on June 14, 1948, the proposed amendments contained in the afore-mentioned notice of proposed rule making will not be adopted. The amendments set forth below are made in order to insert the pertinent provisions of sections 1 and 2 of Public Law 642, 80th Congress, in Regulations 106 (26 CFR Part 402), relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (Subchapter A, Chapter 9, Internal Revenue Code); in Regulations 107 (26 CFR Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (Subchapter C, Chapter 9, Internal Revenue Code); in Regulations 90 (26 CFR Part 400), relating to the excise tax on employers under Title IX of the Social Security Act; in such Regulations 90 as made applicable to the Internal Revenue Code by Treasury Decision 4885 (26 CFR, Cum. Supp., p. 5876); in Regulations 91 (26 CFR Part 401), relating to the employees' tax and the employers' tax under Title VIII of the Social Security Act; and in such Regulations 91 as made applicable to the Internal Revenue Code by such Treasury Decision 4885. Such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 402.201 of Regulations 106, the following is inserted:

SECTION 1 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

That (a) section 1426 (d) • • • of the Internal Revenue Code are amended by inserting before the period at the end of each the following: ", but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules".

(b) The amendments made by subsection (a) shall have the same effect as if included in the Internal Revenue Code on February 10, 1939, the date of its enactment.

PAR. 2. Immediately preceding § 402.204 of Regulations 106, the following is inserted:

SECTION 1426 (d) OF THE ACT

EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules. (Sec. 1426 (d), I. R. C., as amended, effective Jan 1, 1940, by sec. 606, Social Security Act Amendments of 1939, and as amended, effective Jan. 1, 1940, by sec. 1, P. L. 642, 80th Cong., enacted June 14, 1948.)

PAR. 3. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 403.201 of Regulations 107, the following is inserted:

SECTION 1 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

That (a) • • • section 1607 (1) of the Internal Revenue Code are amended by inserting before the period at the end of each the following: ", but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules".

(b) The amendments made by subsection (a) shall have the same effect as if included in the Internal Revenue Code on February 10, 1939, the date of its enactment.

PAR. 4. Immediately preceding § 403.204 of Regulations 107, the following is inserted:

SECTION 1607 (1) OF THE ACT

EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules. (Sec. 1607 (1), I. R. C., as amended, effective Jan. 1, 1940, by sec. 614, Social Security Act Amendments of 1939, and as amended, effective Jan. 1, 1940, by sec. 1, P. L. 642, 80th Cong., enacted June 14, 1948.)

PAR. 5. Immediately preceding the caption "Section 907 of the act" as set forth preceding § 400.1 of Regulations 90, the following is inserted:

SECTION 2 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

(a) Section 1101 (a) (6) of the Social Security Act is amended by inserting before the period at the end thereof the following: ", but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules".

(b) The amendment made by subsection (a) shall have the same effect as if included in the Social Security Act on August 14, 1935, the date of its enactment, • • •.

• • • • •

PAR. 6. Immediately preceding § 400.205 of Regulations 90, the following is inserted:

SECTION 1101 (a) (6) OF THE ACT

EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules. (Sec. 1101 (a) (6), Social Security Act, as amended, effective Jan. 1, 1936, by sec. 2, P. L. 642, 80th Cong., enacted June 14, 1948.)

PAR. 7. Immediately preceding the caption "Section 907 of the act" as set forth preceding § 400.1 of Regulations 90 (26 CFR 400.1), only as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 1 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

That (a) • • • section 1607 (1) of the Internal Revenue Code are amended by inserting before the period at the end of each the following: ", but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules".

(b) The amendments made by subsection (a) shall have the same effect as if included in the Internal Revenue Code on February 10, 1939, the date of its enactment.

PAR. 8. Immediately preceding § 400.205 of Regulations 90, only as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 1607 (h) OF THE FEDERAL UNEMPLOYMENT TAX ACT, AS ENACTED FEBRUARY 10, 1939

EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules. (Sec. 1607 (h), I. R. C., effective during the calendar year 1939, as amended, effective Jan. 1, 1939, by sec. 1, P. L. 642, 80th Cong., enacted June 14, 1948.)

PAR. 9. Immediately preceding the caption "Section 811 of the act" as set forth preceding § 400.1 of Regulations 91, the following is inserted:

SECTION 2 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

(a) Section 1101 (a) (6) of the Social Security Act is amended by inserting before the period at the end thereof the following: ", but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules".

(b) The amendment made by subsection (a) shall have the same effect as if included in the Social Security Act of August 14, 1935, the date of its enactment, • • •.

• • • • •

PAR. 10. Immediately preceding § 401.3 of Regulations 91, the following is inserted:

SECTION 1101 (a) (6) OF THE ACT

EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules. (Sec. 1101 (a) (6), Social Security Act, as amended, effective Jan. 1, 1937, by sec. 2, P. L. 642, 80th Cong., enacted June 14, 1948.)

PAR. 11. Immediately preceding the caption "Section 811 of the act" as set forth preceding § 401.1 of Regulations 91, only as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 1 OF PUBLIC LAW 642, 80TH CONGRESS, ENACTED JUNE 14, 1948

That (a) section 1426 (d) • • • of the Internal Revenue Code are amended by inserting before the period at the end of each the following: ", but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relationship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules."

(b) The amendments made by subsection (a) shall have the same effect as if included in the Internal Revenue Code on February 10, 1939, the date of its enactment.

PAR. 12. Immediately preceding § 401.3 of Regulations 91, only as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 1426 (c) OF THE INTERNAL REVENUE CODE, AS ENACTED FEBRUARY 10, 1939

EMPLOYEE

The term "employee" includes an officer of a corporation, but such term does not include (1) any individual who, under the usual common-law rules applicable in determining the employer-employee relation-

ship, has the status of an independent contractor or (2) any individual (except an officer of a corporation) who is not an employee under such common-law rules. (Sec. 1426 (c), I. R. C., effective after March 31, 1939, and prior to Jan. 1, 1940, as amended, effective April 1, 1939, by sec. 1, P. L. 642, 80th Cong., enacted June 14, 1948)

Because this Treasury decision merely inserts the pertinent provisions of sections 1 and 2 of Public Law 642, 80th Congress, enacted June 14, 1948, in the appropriate places in the applicable regulations, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 178, 188, 467; secs. 808, 908, 49 Stat. 638, 643; secs. 1, 2 Pub. Law 642, 80th Cong.; 26 U. S. C. 1429, 1609, 3791, 42 U. S. C. 1008, 1108.)

GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: September 7, 1948.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8211; Filed, Sept. 13, 1948; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 520]

ALASKA

REVOCATION OF PUBLIC LAND ORDER NO. 169 OF SEPTEMBER 21, 1943

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C., title 16, sec. 473), and otherwise, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 169 of September 21, 1943, reserving the public lands within the following-described area in Alaska for the use of the War Department for military purposes, is hereby revoked:

Beginning at the point of intersection of latitude 59°34' north, and 139°30' west.

From the initial point—

South, along the meridian to latitude 59°25' N.;

West, along the parallel of latitude to the 5 fathom line of the Gulf of Alaska;

Northwesterly, with the 5 fathom line around Ocean Cape to longitude 139°50' W., near Point Carrew on Monti Bay;

North, along the meridian to latitude 59°36' N.;

East, along the parallel of latitude to longitude 139°44' W.;

South, along the meridian to latitude 59°34' N.;

East, along the parallel of latitude to the point of beginning.

The area described aggregates 62,260 acres, more or less.

The lands are subject to (1) Proclamation No. 846 of February 16, 1909 (35 Stat. 2226), enlarging the Tongass National Forest; (2) the withdrawal for lighthouse purposes made by Executive Order No. 3406 of February 13, 1921, so far as such order affects lands at Point Carrew, Item No. 102, and at Ocean Cape, Item No. 103; and (3) the withdrawal for naval purposes made by Executive Order No. 5214 of October 30, 1929, so far as that order affects any of the lands in the above-described area.

This order shall become effective at 10:00 a. m. on November 5, 1948.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1948.

[F. R. Doc. 48-8192; Filed, Sept. 13, 1948; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 903]

[Docket No. AO 10-A 12]

HANDLING OF MILK IN ST. LOUIS, MO., MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps., 900.1 et seq.), notice is hereby given of a public hearing to be held in the Chase Hotel, at St. Louis, Missouri, beginning at 10: 30 a. m., c. d. t., on September 20, 1948, for the purpose of receiving evidence with respect to the proposed amendments, hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, milk marketing area. The proposals to define various types of plants, to revise the classification of milk transferred between various plants, and to adopt a market-wide pool in lieu of an individual-handler pool raise the question as to whether an adjustment should be made in the location differentials to handlers and producers. Similarly, the proposals to revise the definition of Class I milk by including skim milk, buttermilk, and flavored milk drinks; to revise the method of allocating receipts of milk, skim milk, and cream from sources other than producers and handlers in the classification of producer milk; and to provide a butterfat differential to handlers raise the question whether the adoption of any of said proposals would necessitate a change in the method of accounting and pricing of skim milk and butterfat. Evidence with respect to these questions will also be received at the hearing. These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By Sanitary Milk Producers:

1. Delete the provisions of § 903.1 (b) and substitute therefor the following:

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

2. Delete the provisions of § 903.1 (e) and substitute therefor the following:

(e) "Producer" means any person, except a producer-handler, who produces, under a dairy farm permit or rating issued by the proper health authorities in the "marketing area" for production of Grade A or Grade B raw milk, milk which is received at a city plant or at a country plant. As used herein, such "dairy farm permit or rating" means one issued by any of the health authorities duly authorized to administer regulations governing the quality of milk disposed of in the area.

3. Delete the provisions of § 903.1 (f) and substitute therefor the following:

(f) "Handler" means any person who, on his own behalf or on behalf of others, receives milk from producers, associations of producers or other handlers at a city plant, or at a country plant.

By the Dairy Branch, Production and Marketing Administration:

4. Delete the provisions of § 903.1 (h) and substitute therefor the following:

(h) "Delivery period" means a calender month, or the portion thereof during which this order is in effect.

By the Sanitary Milk Producers:

5. Add as § 903.1 (j) the following:

(j) "City plant" means a milk plant, operated by a person, from which packaged fluid milk is disposed of in the marketing area.

6. Add as § 903.1 (k) the following:

(k) "Country plant" means a milk plant, operated by a person from which milk of producers eligible for distribution as packaged fluid milk in the marketing area, is disposed of to a city plant.

7. Add as § 903.1 (l) the following:

(l) "Producer-handler" means any person who produces milk and operates a city plant but who receives no milk from producers.

By handlers:

8. Amend the order by adding the following:

Pool plant. Subject to the conditions set forth in this section, a pool plant means any of the following plants except a bottling plant operated by a producer-handler.

(1) A bottling plant located inside the marketing area which distributes within the marketing area not less than 40 percent of its total producer receipts as Class I milk during the delivery periods of April, May, and June, and not less than 50 percent during all other delivery periods.

(2) A bottling plant located outside the marketing area which operates a route or routes wholly or partially within the marketing area and disposes within the marketing area of not less than 40 percent of its total producer receipts as Class I milk during the delivery periods of April, May, and June, and not less than 50 percent during all other delivery periods.

(3) A plant located outside the marketing area and operating no routes wholly or partially within the marketing area but having approval of the appropriate health authority in the marketing area to supply milk to a pool plant described in subparagraphs (1) or (2) of this paragraph: *Provided, however,* That such plant shall supply to pool plants described in subparagraphs (1) or (2) of this paragraph not less than 60 percent of its total producer receipts during any of the delivery periods of August through November. If such plant fails to supply a volume of milk equal to or exceeding 60 percent of its total producer receipts within any one of the delivery periods of August through November, then such plant shall not participate in the pool prior to August 1 of the following year. The name and location of plants meeting the requirements of this subparagraph shall be listed by the market administrator and publicly announced by him for each delivery period not later than the 14th day after the end of such delivery period by posting in a conspicuous place in his office.

Nonpool plant. A nonpool plant means any plant that receives milk from producers and is not a pool plant.

By the Dairy Branch, Production and Marketing Administration:

9. Amend § 901.1 by adding a new paragraph to read as follows:

"Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by executive order to perform the price reporting functions of the United States Department of Agriculture.

10. Amend § 903.1 by adding a new paragraph to read as follows:

"Other source milk" means all milk, skim milk, cream, and milk products received from a producer-handler or from a source other than producers or other handlers, except any nonfluid milk product which is received and disposed of in the same form.

11. Delete the provisions of § 903.2 (c) and substitute therefor the following:

(c) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

12. Amend § 903.2 (d) by adding a new subparagraph to read as follows:

(8) Verify all reports and payments required to be made by handlers pursuant to the provisions of this order.

By handlers:

13. Open § 903.3, *Classification of milk,* and § 903.4, *Minimum prices,* for consideration and the receipt of evidence pertaining to the entire problem of classification and pricing of milk.

By the Sanitary Milk Producers:

14. Amend § 903.3, *Classification of milk,* so that skim milk, flavored drinks, and buttermilk, now in Class II, will be placed in Class I.

By handlers:

15. Amend § 903.3 (b) (2) by striking all of said subparagraph and inserting in lieu thereof the following:

(2) Class II milk shall be all milk, the skim milk and butterfat of which is established (i) as having been used or disposed of in any form other than as milk and (ii) as actual plant shrinkage but not to exceed 3 percent of the receipts of milk, skim milk, and cream from all sources.

By the Sanitary Milk Producers:

16. Delete the provisions of § 903.3 (b) (2) (ii) and substitute therefor the following:

(ii) In actual plant shrinkage of producer milk computed pursuant to paragraph (f) of this section, but not in excess of 2 percent thereof, and in actual plant shrinkage of all other milk computed pursuant to paragraph (f) of this section.

17. Add to § 903.3 a new paragraph to read as follows:

(f) *Shrinkage.* The market administrator shall determine the shrinkage in producer milk and in all other milk, skim milk, and cream in the following manner:

(1) Computed the total shrinkage for each handler, and

(2) Prorate the total shrinkage computed pursuant to subparagraph (1) of this paragraph between producer milk and all other milk received by the handler after deducting receipts from the other city plants.

By handlers:

18. Amend § 903.3 (c) (2) by striking out the following sentence of the proviso: "that all milk or skim milk moved in fluid form to plants more than 110 air-line miles from the city hall in St. Louis shall be Class I milk."

By the Sanitary Milk Producers:

19. Amend § 903.3 (c) by adding the following subparagraphs:

(3) Milk or skim milk transferred from a city plant or a country plant to the city plant of a producer-handler shall be Class I milk and cream so transferred shall be Class II milk.

(4) Milk, skim milk, or cream received at a city plant or a country plant from a producer-handler shall be considered as other source milk for classification purposes.

(5) Milk of producers, skim milk, or cream from milk of producers transferred from a country plant to a city plant shall be prorated among the classes in the same manner as though such milk, skim milk, or cream was received from producers.

By handlers:

20. Amend § 903.3 (d) by striking all of said paragraph and inserting in lieu thereof the following:

(d) *Classification of excess milk or butterfat.* In the event that a handler, after subtracting receipts from other handlers and receipts from sources determined as other than producers or handlers, has disposed of milk, or butterfat, in excess of the milk, or butterfat, which, on the basis of his reports, has been credited to his producers as having been received from them, such milk, or the milk equivalent of such butterfat, shall be prorated to producer milk and receipts from sources other than producers or handlers in the same relation that each is to the total receipts.

21. Amend § 903.3 (e) by striking out subparagraphs (2), (3), (4), and (5) and adding the following:

(2) Subtract from the remaining pounds of Class I milk the pounds of ungraded milk received from sources other than producers or handlers which was disposed of as fluid milk.

(3) Milk approved by the proper health authorities for consumption as milk in the marketing area which has been received from a person who is a handler as defined under another Federal Marketing Order shall be deducted from each class in the same proportion that each handler's Class I and Class II sales are to his total sales of ordinance products.

By the Sanitary Milk Producers:

22. Delete § 903.3 (e) (3) and § 903.3 (e) (5).

By the Dairy Branch, Production and Marketing Administration:

23. Amend § 903.3 by adding a new paragraph to read as follows:

Responsibility of handlers and reclassification of milk. (1) All milk, skim milk, and cream shall be classified as Class I milk unless the handler who first receives such milk, skim milk, or cream proves to the market administrator that such milk, skim milk, or cream should be classified otherwise.

(2) Any milk, skim milk, or cream classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

By the Sanitary Milk Producers:

24. Delete the provisions of § 903.4 (a) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundredweight: $1.35 for the delivery periods of July through December; $1.10 for the delivery periods of January through March; and $0.90 for the delivery periods of April through June: *Provided,* That if during the 12 months immediately preceding the delivery period the total amount of milk delivered by producers is less than 130 percent of the total Class I milk reported by all handlers as determined by the market administrator, an additional 46 cents per hundredweight shall be added to the Class I price for the months of July through December, and 23 cents for the months of January through March.

25. Amend § 903.4 (a) (2), by adding the following: *Provided further,* That if during the 12 months immediately preceding the delivery period the total amount of milk delivered by producers is less than 130 percent of total Class I milk reported by all the handlers as determined by the market administrator an additional 46 cents per hundredweight on ordnance products shall be added to the Class II price for the months of July through December and 23 cents per hundredweight for the months of January through March.

26. Amend § 903.4 by adding a new paragraph (c):

(c) *Butterfat differential to handlers.* If any handler has received milk from producers during the delivery period containing more or less than 3.5 percent of butterfat such handlers shall add or deduct, per hundredweight of milk, for each one-tenth of one percent of butterfat above or below 3.5 percent, an amount computed as follows: Multiply by 1.4 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

By handlers:

27. Amend § 903.4 (a) (1) and (2) by striking all of said paragraphs and substituting in lieu thereof the following:

(1) Class I milk: The price for Class I milk shall be the price computed under subparagraph (3) of this paragraph plus the following amount per hundredweight: $1.35 for the delivery periods of August through November; $1.10 for the delivery periods of July and December through March; and $0.90 for the delivery periods of April through June.

(2) Class II milk: The price for Class II milk shall be the price computed under subparagraph (3) of this paragraph, plus the following amount per hundredweight: 55 cents for the delivery periods of August through November; 35 cents for the delivery periods of April through June: *Provided,* That during any delivery period the price of milk used by such handler for evaporated milk in hermetically sealed containers are disposed of by such handler to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, shall be the average of the basic, or field, prices per hundredweight determined for the plants listed in subparagraph (3) of this paragraph.

28. Amend § 903.4 (a) (3) by striking all of said paragraph before the listing of plants and substituting in lieu thereof the following:

(3) *Basic formula price.* The basic formula price to be used in determining the price for Class I and Class II milk pursuant to subparagraphs (1) and (2) of this paragraph shall be the price resulting from the following computation by the market administrator: Determine the arithmetic average of the available basic, or field, prices per hundredweight reported to the United States Department of Agriculture (or to such other Federal agency as may hereinafter be authorized to perform this function) as paid immediately preceding delivery period for milk of 3.5 percent butterfat content to all farmers at the pool plants or places.

By the Dairy Branch, Production and Marketing Administration:

29. Delete § 903.5 (b) and substitute therefor the following:

(b) *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to: (1) Verify the receipts and utilization of all milk and milk products and, in case of errors or omissions, ascertain the correct figures; (2) weigh, sample, and test for butterfat content all milk and milk products handled; (3) verify payments to producers; and (4) make such examinations of operations, equipment, and facilities, as the market administrator deems necessary.

By the Sanitary Milk Producers:

30. Add to § 903.6 a new paragraph to read as follows:

(b) *Interest on overdue accounts.* Any unpaid obligations of a handler or of the market administrator, pursuant to §§ 903.8, 903.9, or 903.10, shall bear interest at the rate of one-half of 1 percent per month, such interest to accrue on the first day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until paid.

By handlers:

31. Amend the order to provide for a market-wide pool by deleting § 903.7 and substituting therefor the following:

§ 903.7 *Determination of uniform price—*(a) *Computation of value for each handler.* For each delivery period, the market administrator shall compute the value of milk of producers received by each handler by multiplying the pounds in each class by the applicable class price, adding together the resulting class values, and adding to such sum the value of any excess milk or butterfat classified pursuant to § 903.3 (d) and deducting the amount of the adjustment to be made pursuant to § 903.8 (g).

(b) *Commutation of the uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of producer milk as follows:

(1) Combine into one total the values, computed pursuant to paragraph (a) of this section for all pool plant handlers who made reports prescribed by § 903.5 for such delivery period.

(2) Add the aggregate of the value of all allowable location adjustments computed at the applicable rates set forth in § 903.4 (b).

(3) Add an amount representing the cash balance in the producer-settlement fund.

(4) Divide the resulting amount by the total hundredweight of milk received from producers included in these computations; and

(5) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers.

32. Delete § 903.8 (a) and substitute therefor the following:

§ 903.8 *Payment for milk—*(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer, for the total value of milk received from such producer during such delivery period of not less than the uniform price per hundredweight subject to the following adjustment, (1) the producer butterfat differential and location adjustment, (2) marketing service deductions, (3) deductions authorized by the producer, and (4) any error in calculating payments to such producer for the past delivery periods.

(b) *The producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by the handlers pursuant to paragraphs (c) and (e) of this section, and out of which he shall make all payments pursuant to paragraphs (d) and (e) of this section: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

(c) *Payments to the producer-settlement fund.* On or before the 11th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the value of his milk, computed pursuant to § 903.7 (a), for such delivery period is greater than the amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price.

(d) *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each delivery period, the market administrator shall pay to each handler (except those in default of payments required pursuant to § 903.8 (c), for the preceding delivery periods), for payment to producers, any amount by which the total value of his milk, computed pursuant to § 903.7 (a) for such delivery period is less than the amount computed by multiplying the hundredweight of milk received by him from producers during the delivery period by the uniform price. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(e) *Adjustments of errors in payments.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payments to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (d) of this section, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by this section, the handler shall make up such payment not later than the time of making payment to producers next following such disclosure.

33. Renumber § 903.8 (b) and (c) to (f) and (g) respectively, and delete paragraph (d) and renumber paragraph (e) to (h).

By the Dairy Branch, Production and Marketing Administration:

34. Delete the provisions of § 903.9 and substitute therefor the following:

§ 903.9 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 2½ cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during such delivery period, of (a) milk from producers (including such handler's own production), and (b) other source milk, received at a fluid milk plant.

35. Delete the provisions of § 903.10 (a) and substitute therefor the following:

(a) *Deduction for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 903.8 (a), shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers (excluding such handler's own production) during the delivery period and shall pay such deductions to the market administrator on or before the 15th day after the end of the delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

36. Add a new section to read as follows:

§ 903.16 *Separability of provisions.* If any provisions hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

37. Redraft such sections, or portions thereof, necessary to effectuate any proposals which are adopted as a result of this hearing.

By handlers:

38. Make such other changes as may be required to make the order, as amended, conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis, Missouri, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: September 9, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-8198; Filed, Sept. 13, 1948; 8:47 a. m.]

[7 CFR, Part 903]

HANDLING OF MILK IN ST. LOUIS, MO., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supps., 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the 5th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, to consider a proposed amendment to the order, as amended, and to the tentative marketing agreement, was held at St. Louis, Missouri, on July 7–9, 1948, following receipt of a proposal filed by the Sanitary Milk Producers, St. Louis, Missouri. The notice of hearing was issued on June 18, 1948 (13 F. R. 3299, 3485).

The material issue presented on the record of the hearing was whether the Class I price differential over the basic formula price should be revised immediately.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Sanitary Milk Producers, Square Deal Producers Association of Illinois, Co-Operative Milk Producers of Missouri, and the handlers who would be subject to the proposed marketing agreement and the order amending the order, as amended. The briefs contained statements in the nature of suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions set forth herein. To the extent that any suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Findings and conclusions. The proposal to effect an immediate amendment to the order, as amended, to provide for an increase of 46 cents in the Class I price differential for the delivery periods of July through December and 23 cents for the delivery periods of January through March, if during the 12 months immediately preceding the delivery period the total volume of milk delivered by all producers was less than 130 percent of the total Class I sales by all handlers, should not be adopted at this time.

In support of such proposal producers stated that producer receipts of 130 percent of Class I sales were necessary to supply market requirements of fluid milk, fluid cream, skim milk, buttermilk, flavored milk, and flavored milk drinks. The definition of Class I milk includes only fluid milk, and milk not accounted for as Class II milk. Fluid cream, skim milk, buttermilk, flavored milk, and flavored milk drinks are classified as Class II milk along with manufactured products which are not required to be made from Grade A milk. The record does not show sufficient justification for the adoption of such a proposal without a review of the related classification provisions of the order.

Proposals were also made at the hearing to revise the Class I price differential over the basic price. It is concluded that such differential would be affected by the definition of Class I milk (which it is proposed shall be considered at the forthcoming hearing) and hence no action on these proposals may appropriately be taken at this time.

Evidence with respect to the classification provisions was not considered at the hearing of July 7–9, 1948. However, a request has been received for a public hearing to consider such provisions in connection with a review of the same price proposal which was considered at the hearing of July 7–9, 1948. A notice setting the date for such public hearing is being issued simultaneously herewith.

This decision filed at Washington, D. C., this 9th day of September 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-8199; Filed, Sept. 13, 1948; 8:47 a. m.]

[7 CFR, Part 966]

[Docket No. AO164-A1]

HANDLING OF ORANGES GROWN IN CALIFORNIA OR ARIZONA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER AND TENTATIVELY APPROVED MARKETING AGREEMENT

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to Order No. 66 (7 CFR, Cum. Supp. 966.2 et seq.), hereinafter referred to as the "order", and to the tentatively approved marketing agreement, hereinafter referred to as the "marketing agreement", regulating the handling of oranges grown in the State of California or in the State of Arizona, to be made effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., not later than the close of business on the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Production and Marketing Administration as a result of proposed amendments received from various individuals, and groups of growers and handlers of oranges grown in the States of California and Arizona. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that a public hearing would be held at Los Angeles, California, on April 6, 1948, and at Phoenix, Arizona, on April 19, 1948, to consider the proposed amendments was published in the FEDERAL REGISTER (13 F. R. 1320, 1611). The hearing was held at Los Angeles, California, on April 6–9, 1948, and April 12–15, 1948, and at Phoenix, Arizona, on April 19, 1948.

Material issues. Material issues presented on the record of the hearing pertain to amending the marketing agreement and order as follows:

(1) Delete the provisions thereof permitting regulation of the handling of oranges grown in the State of Arizona;

(2) Provide therein that allotment be issued only to handlers owning or controlling mature oranges;

(3) Delete the provisions thereof relevant to prorate districts;

(4) Delete the provisions thereof relevant to the allotment pool or modify the provisions thereof to establish therein definite mechanics whereby allotments may be equitably allocated to facilitate the handling of early maturity and short life oranges;

(5) Provide therein that the Orange Administrative Committee be increased to 11 members by the addition of 4 handler members and that grower committee representation be by districts insofar as practicable;

(6) Provide therein for regulation based on the sizes of oranges;

(7) Define therein "exports" and "diversion";

(8) Provide therein for the regulation of the handling of oranges which handling directly burdens, obstructs, or affects the handling of oranges in interstate or foreign commerce;

(9) Provide therein for the mandatory appointment of a marketing economist by the Orange Administrative Committee;

(10) Provide therein for the establishment and operation of a surplus diversion program;

(11) Provide therein adequate specifications relevant to the handling of oranges which are not subject to regulation under the program;

(12) Provide therein an adequate specification of the contents of reports to be filed by each handler with the Orange Administrative Committee;

(13) Provide therein a new method for adjusting prorate bases in accordance with changes of control of oranges.

Findings and conclusions. The findings and conclusions on the aforesaid material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) Oranges grown in the State of Arizona compete in the market with those grown in the State of California. Oranges grown in both states are packed, in general, under the same grade and size specifications and in the same types of containers. The varieties of oranges grown in both states are identical. Most of the oranges grown in the State of Arizona are marketed by the same marketing organizations marketing the oranges grown in the State of California. Prices received by growers for Arizona oranges during the past three years under the operation of the order have been slightly higher than prices received by growers of California oranges. Oranges grown in some areas of California are marketed under conditions very similar to conditions under which oranges grown in Arizona are marketed. Eastern markets do not differentiate between Arizona oranges and California oranges. Rail freight rates to eastern markets are the same for oranges grown in California and Arizona.

Production of oranges in Arizona would be greatly accelerated if the handling of oranges grown in that State were not regulated, inasmuch as producers therein would share in the benefits of regulation of shipments of oranges grown in California without assuming any of the burden of such regulation. It would be unfair to California growers and handlers of oranges to exclude Arizona orange shipments from the burden of regulation because growers and handlers in both States receive substantially identical benefits from such regulation. Regulation for oranges grown in both States should be recommended by the same administrative committee to integrate and coordinate regulation under the marketing agreement and order to afford growers and handlers therein the maximum benefit from regulation. The present marketing agreement and order program is concerned with problems which arise in every area producing oranges in both States and should, therefore, continue to cover all of such areas within these States.

On the basis of the foregoing findings and reasons it is hereby found and concluded that the marketing agreement and order regulating the handling of oranges grown in the State of California or in the State of Arizona should continue to regulate the handling of oranges grown in both of said States.

(2) Oranges must be mature to afford consumer satisfaction and to be shipped under statutes of the States of California and Arizona. Undue delay in affording handlers an opportunity to market mature oranges or oranges of short life results in the deterioration of such fruit and in financial losses.

Mature oranges and oranges of short life should be afforded an opportunity to be shipped to market during the normal marketing season of such oranges (subject to the ability of the market to absorb such oranges at prices declared in the act to be the policy of Congress to establish) regardless of the location of production of such oranges in the States of California and Arizona. Handlers of such oranges in California and Arizona should be afforded an opportunity under the marketing agreement and order to proportionately share marketing opportunities for such oranges, through proportionate allocation of allotment, so that each handler is permitted to ship that percentage of each variety of such oranges to market, during the normal life thereof, as will equal, insofar as may be practicable, the average percentage of such varieties to be shipped by all handlers of such varieties grown in said states, subject to restriction of such marketing opportunities for all oranges produced in such states to such volume of shipment as will result in obtaining prices therefor declared in the act to be the policy of Congress to establish.

Oranges of any one variety in any one geographical section in the States of California and Arizona do not necessarily attain maturity on the same date as other oranges of the same variety in the same geographical section. Scientific tests can definitely determine, under substantially identical statutes in California and Arizona, when oranges are mature. While a particular orange grove, or part thereof, in any part of such states does not necessarily mature on the same date in successive years, such grove, or part thereof, will mature at approximately the same relative time each year in relation to other groves of the same variety in the same geographical section, thereby supplying maturity patterns which will minimize administrative difficulties in the operation of regulations on such basis.

Oranges of any one variety grown in any one geographical section in the States of California and Arizona do not maintain their merchantable qualities for identical periods of time. The period for the maintenance of such qualities can be determined in a manner similar to that followed in establishing patterns of maturity. Once short life orange patterns are determined for such states, administrative difficulties involved in affording the handlers of such oranges a proportionate opportunity to market such oranges during the normal life thereof, subject to the same price limitation referred to in connection with maturity considerations, will be minimized.

Affording handlers an opportunity to market mature oranges wherever grown in California and Arizona when they attain maturity and during the normal marketing life thereof, subject to such proportionate limitation as will permit, insofar as possible, the total volume of all oranges grown in such states and marketed during such period to bring price returns declared in the act to be the policy of Congress to establish, will, to the maximum extent, eliminate inequities alleged to occur under the marketing agreement and order by virtue of issuing allotments on district bases and, therefore, such districts should be retained because they constitute an invaluable aid to the orderly administration of the marketing agreement and order.

The burden of showing maturity or short life conditions to the committee in connection with applications for the allocation of allotments should, however, remain on such applicants because they are familiar with the conditions of oranges owned or controlled by them, which should deter unsustainable applications, and a shift of such burden to the committee would result in the receipt of excessive applications for the allocation of such allotments in an attempt to acquire an inequitable share of the market, either presently or prospectively, where the oranges covered by such applications could not conceivably qualify for allotment on the basis of maturity or short life.

The administrative committee should not be required to allocate allotment to an applicant showing that he owns or controls one or a few boxes of mature oranges because the administrative details involved therein would be so extensive and expensive as to tend to defeat the purposes of the act. Although the committee should be required to consider maturity and short life factors at all times in connection with recommendations for volume regulations and with the allocation of allotments, minimum volume of mature or short life oranges requiring recommendations for volume regulations and allocation of an allotment in connection with any particular application for such allotment should not be specified for the same reason. Such determination of minimum quantities should be made on a uniform basis by the committee consistent with factual situations in all orange-producing sections of the States of California and Arizona.

The total tree crop of oranges in the States of California and Arizona is the potential supply of oranges to be marketed from such states. Therefore, the prorate base of each handler should continue to be computed on the basis of his ownership or control of a portion of such crop in relation to such total crop. Accordingly, the definition of oranges available for current shipment should not be changed. Allocation of authority to ship such owned or controlled oranges, however, should be given, insofar as possible, when such oranges are mature and at a rate and to the extent that each handler will be afforded an opportunity to obtain his fair share of the market during the normal life of such oranges as hereinbefore indicated. All oranges do not fall in the category of short life or early maturity oranges. Therefore, while all handlers in the States of California and Arizona must proportionately share the market for all oranges, subject to such limitation on total and individual shipments required to obtain prices therefor at the level established in the act as the policy of Congress therefor, individual handlers owning or controlling short life or mature oranges should be afforded an opportunity to ship such oranges when they mature and during the normal life thereof. If all handlers participated in shipping their owned or controlled oranges to market on a proportionate basis during the average life of such oranges, handlers owning or controlling early maturity or short life oranges would be deprived of a portion of their fair share of such market during the period of such average life.

Therefore, it is necessary to provide that the administrative committee be permitted, when circumstances warrant, to allocate allotments to such owners or controllers of early maturity or short life oranges at an earlier time or in addition to their normal weekly allotments, respectively. This does not mean that the recipients of such earlier or additional allotments receive an opportunity to market more than their fair share of oranges on a proportionate basis. It merely means, and the amendment provisions hereinafter set forth so provide, that such recipients shall receive, insofar as is practicable, allotments at the time their owned or controlled oranges are mature, permitting them to ship such oranges, to the extent of the proportionate average to be shipped by all of the handlers of the variety involved, during the normal life of such oranges. Under such provisions, no handler will receive an opportunity to market more than his fair share of oranges because allotments permitting shipments for such purpose will not be allocated to him after he has received sufficient allotment to ship the aforesaid proportionate average to be shipped by all handlers. After sufficient allotment has been allocated to a handler in connection with his early maturity or short life oranges of one or more varieties to permit him to ship the aforesaid proportionate average, remaining allotment otherwise issuable to him in connection with such oranges by virtue of his prorate base shall be allocated to the handlers owning or controlling oranges from whom allotment was withheld. Such provisions will not be detrimental to owners or controllers of normal maturity and life oranges because they will continue to receive allotment which should permit them to ship to market the proportionate average to be shipped by all handlers of such oranges. Such provisions should not be mandatory upon the committee because the quantity of early maturity or short life oranges in any particular area and in any particular season may be so insignificant as to be inconsequential. Such provisions should not set an arbitrary percentage ceiling on the oranges of short life or early maturity which may receive allotments thereunder because of the wide variety of circumstances which can occur from season to season and which affect short life and early maturity conditions. The only fair criterion is to allocate sufficient allotment to permit handlers of early maturity and short life oranges to ship the proportionate average of all handlers of oranges of each variety thereof.

Therefore, on the basis of the foregoing findings and reasons, it is concluded that the provisions of the marketing agreement and order relevant to the definition of oranges available for current shipments (an integral element in determining the prorate base) and prorate districts should not be amended; that the provisions of the marketing agreement and order should be amended, as hereinafter set forth, to require that the administrative committee consider maturity condition factors in making recommendations for regulations thereunder and for allocating allotment under such regulations; and that the provisions of the "Allotment Pool" should be changed to facilitate allocation of allotment in accordance with the foregoing.

(3) The committee charged with the responsibility of administering the marketing agreement and order is now composed entirely of growers of oranges produced in the States of California and Arizona, except for one member who is prohibited from being a grower, handler, or employee, agent or representative of a grower or handler (other than a charitable or educational institution which is a grower or handler). To acquire marketing information necessary for committee recommendations for regulations, the committee has obtained the views of handlers of oranges grown in such States on an informal basis. This procedure has been extremely helpful to the com-

mittee in arriving at sound recommendations for regulations of the handling of oranges grown in such States; but, in some instances, such informal information has not received appropriate emphasis in the deliberations of the committee because the handlers supplying such information were not permitted to vote on committee recommendations. The quality of information submitted to the committee by handlers will be improved, in many instances, if such handlers are required to assume responsibility as members of the committee in connection with committee recommendations for regulations based in part thereon. Handler members of the committee would not have sectional views on desirable regulations because, in most instances, handlers market oranges grown in several or all parts of the States of California and Arizona. Conversely, growers may have such sectional views as to desirable regulations and, therefore, grower representation on the committee should be, insofar as practicable, on a geographical basis to permit important subdivisions of the orange-growing sections of the States of California and Arizona to be represented on such committee. Committee representation by growers on such geographical basis will result in grower representation which will, to a large extent, tend to equalize possible sectional views of one or more grower representatives.

A committee of eleven members will be sufficiently small in number to permit it to operate in a practical and expeditious manner in administering the terms and provisions of the marketing agreement and order. At the same time, a committee of such size will be sufficiently large to permit all orange-growing sections of the States of California and Arizona to be represented thereon. Six members of the committee should continue to be growers of oranges produced in the States of California and Arizona to supply grower representation, insofar as practicable, to all segments of the said States. Such members should continue to be nominated and selected for membership on the committee as presently provided in the marketing agreement and order. Grower representation on the committee should exceed all other representation thereon because the regulatory program is designed and authorized for the benefit of growers; and grower views as to desirable regulations tending to effectuate the declared policy of the act when leavened by handler views relevant to the marketing of oranges grown in said States, should result in fair and appropriate recommendations and regulations for such purpose. Four members of the committee should be handlers because such number is deemed necessary to supply the committee with effective handler views as to the marketing situation for oranges grown in all portions of the States of California and Arizona. While independent handlers may not have exactly the same marketing views as to desirable regulations under the marketing agreement and order as the views of cooperative handlers, the legitimate divergence between such views will receive due representation and weight in committee deliberations on the representative basis hereinafter set forth. Cooperative handlers market more than three fourths of the oranges grown in the States of California and Arizona, so that cooperative handlers or representatives thereof should predominate in handler representation on the committee. On the basis of the percentage of the crop handled, there should be three cooperative handler representatives on said committee and one independent handler representative.

The eleventh member of the committee should be an impartial member thereof and accordingly, should not be a handler, a grower, or a representative of either. Such impartiality will tend to be attained if such impartial member is nominated by grower and handler members.

Alternate members with the same qualifications as members, as hereinbefore set forth, should be selected for each member to permit the committee to operate at all times with a full representative complement. Therefore, as such alternate members may and frequently do participate in committee activities in the place and stead of the members under appropriate circumstances, such alternate members should be nominated and selected on the same basis as such members. As the Secretary is responsible under the act for the administration of the marketing agreement and order, the Secretary should have authority to finally select committee members and alternates from nominations submitted as aforesaid. To provide the Secretary with some latitude for independent judgment in selecting committee members and alternates who, in his judgment, are the most competent individuals available for service on the committee, not less than two nominees should be named for each position to be filled on the committee.

The present provisions of the marketing agreement and order require that a majority of the committee shall constitute a quorum and that any action of the committee shall require four concurring votes. To maintain relatively equal requirements in connection with a committee of eleven members, the provisions of the marketing agreement and order should be amended to provide that six members of the committee shall constitute a quorum and to provide that any action of the committee shall require six concurring votes. Experience with the operation of the marketing agreement and order with the aforesaid quorum and concurring vote requirements has demonstrated that such requirements are fair and equitable and that recommendations for regulations made on the basis of a concurring majority vote of the members of the committee are thereby based on a sound representative opinion of experts. There is no reason to anticipate that a proportionate change in the quorum requirements or concurring vote requirements should be desirable.

The Secretary is authorized by present provisions of the marketing agreement and order to prescribe the time and manner of nominating members and alternate members of the committee. The Fruit and Vegetable Branch, Production and Marketing Administration, proposed such conforming amendments to the present marketing agreement and order as might be required by amendments thereto specifically set forth in the notice of hearing and considered at the public hearing thereon. Proponents of amendments to the provisions of the marketing agreement and order applicable to the Administrative Committee stated that minor changes should be made to the "Term of Office" section thereof. Therefore, the term of office provision of the marketing agreement and order should be amended to modernize the language therein contained and to retain committee members and alternates in office for the term for which they are selected and qualified and until their respective successors are selected and have qualified, regardless of the time at which amendments to the marketing agreement and order become effective. Although such results could be attained by appropriate prescription of the Secretary in connection with the time and manner of nominating members and alternate members of the committee, it is deemed desirable to amend the marketing agreement and order in connection with such "Term of Office," so that all parties affected thereby will have prompt and timely notice of the manner in which the Administrative Committee will be expanded from seven to eleven members and prompt and timely notice of the official status of incumbent committee members and alternates.

Therefore, on the basis of the foregoing findings and reasons, it is concluded that the present provisions of the marketing agreement and order should be amended, as hereinafter set forth, to provide that the committee be composed of eleven members and eleven alternates; that grower representation thereon be, insofar as is practicable, on a geographical representation basis; that four handlers and their alternates be selected to serve on such committee; that growers and handlers duly selected and qualified for service on such committee nominate two impartial members and their alternates to serve on said committee; that one impartial member and alternate be selected by the Secretary to serve on said committee; that the term of office of committee members and alternates be for periods of two years beginning on November 1, 1944, and on the 1st of November of each even numbered year thereafter; and that a majority of the committee shall constitute a quorum, with action of the committee to require six concurring votes.

(4) The production of oranges in the States of California and Arizona is in excess of a quantity which, when marketed in their entirety, will permit farmers to obtain prices therefor at a level that will give such oranges a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of such oranges during the period August 1919–July 1929. Oranges produced in said States and diverted from fresh fruit channels to other market channels do not return to the growers thereof prices equal to price returns from oranges sold in fresh fruit channels, but such diversion will tend to increase the prices received by said

growers for oranges marketed in fresh fruit channels toward the prices declared in the act to be the policy of Congress to establish, thereby raising the returns to growers of all oranges because the increased price returns received from oranges marketed in fresh fruit channels is not entirely offset by lower price returns from diverted oranges. Under average normal conditions, with or without regulation on the handling of oranges grown in said States, there is diversion from fresh fruit channels of that portion of such oranges which, from time to time, are deemed to be less desirable for fresh fruit channels on the basis of price returns which are obtainable therefor. This diversion is, however, based entirely on the judgments of individual handlers of such oranges, subject to some limitation when volume regulation is in effect, as to the quantity which should be diverted. Each of such judgments is predicated on the greatest good to be derived by the individual therefrom and, consequently, the composite judgment of such handlers does not always result in the diversion of a sufficiently large quantity of such oranges to attain the maximum possible benefit under the act for all growers of such oranges.

The marketing agreement and order contains no direct provisions for the regulation or control on the handling of that quantity of oranges produced in the aforesaid States in excess of the quantity necessary to supply normal demand therefor, which oranges are, therefore, surplus. Such surplus oranges are potentially available for sale in any market at all times and handlers thereof actually market a portion of such surplus oranges where possible and when such marketing potentially results in returns therefor equal to or slightly in excess of the actual cost of such marketing. This potential availability and actual marketing depress the prices growers receive for all oranges produced in the aforesaid States. Removal of such surplus from all possibility of being marketed would, therefore, tend to effectuate the declared policy of the act by increasing price returns received by growers of oranges produced in said States and marketed, thereby tending to give producers of all oranges produced in said States prices therefor declared in the act to be the policy of Congress to establish. No reasonable method of completely elminating all of such surplus oranges produced in the aforesaid States, or of equalizing the burden of such elimination among producers and handlers thereof, was presented at the public hearing.

There is no uniformity of opinion among producers and handlers of oranges grown in the aforesaid States as to the method which should be employed in reducing or controlling the aforesaid surplus oranges, which reduction or control would tend to effectuate the declared policy of the act. However, such producers and handlers generally agree that oranges of specified sizes at various times generally bring lower price returns to the producers thereof in fresh fruit marketing channels than oranges of other sizes. Elimination of such lower price return oranges from market in fresh fruit channels would free such channels from the depressing price effect of the aforesaid surplus oranges, thereby tending to effectuate the declared policy of the act, and would work no hardship on the producers of such oranges because when the average production of such sizes by any one of such producers prevents him from shipping, by virtue of size regulations, as large a proportion of each variety of his oranges as the average proportion of each such variety of oranges to be shipped by all producers in the aforesaid States or in such producer's prorate district, such producer of excess quantities of such sizes would be permitted to ship a sufficient quantity of each such variety of his oranges to equal the average to be shipped of each such variety by all producers of such variety in the aforesaid States or in such producer's prorate district.

Price returns to growers of oranges in the aforesaid States are not at an identical rate for all sizes thereof, regardless of the channel in which they are marketed, and the returns to such growers for any particular size of oranges fluctuate from day to day and week to week. Demand in fresh fruit channels, in conjunction with available supply, dictates such prices in such channels. Therefore, size regulation of such oranges can adjust the supply thereof, by sizes, available in fresh fruit marketing channels to such volume as will tend to increase grower returns therefor. Oranges eliminated from fresh fruit marketing channels by such size regulations will tend to be diverted to non-regulated channels. While all of such diversion will not afford the producers of the oranges involved therein price returns equal to price returns from oranges marketed in fresh fruit channels, the removal of such oranges from possibility of marketing in fresh fruit channels will tend to sufficiently increase prices received by growers for oranges marketed in such fresh fruit channels to more than offset relatively lower price returns to growers of oranges so diverted. Such size regulation should merely prohibit the handling of specified sizes of the aforesaid oranges in interstate or foreign commerce, or such handling thereof as will directly burden, obstruct, or affect such commerce, so that the handlers of all of such oranges will continue to have equal opportunities subject to such regulation. Regulation to eliminate or to minimize the deleterious price return aspect of the aforesaid surplus oranges should not require diversion or elimination of a percentage of oranges grown in the aforesaid States because such specification would, under certain circumstances, result, for example, in lower price returns to growers of oranges in the aforesaid States through diversion or elimination of high quality oranges of sizes commanding consumer premiums and through marketing of low quality and undesirable sized oranges.

Canada constitutes a relatively large fresh fruit market for small sized oranges grown in the aforesaid States. Small sized oranges from California and Arizona return to the growers thereof a higher price when sold in Canada than when sold in the Continental United States or Alaska. Therefore, size regulation on the handling of oranges grown in said States should facilitate preservation of such Canadian outlet by, under appropriate circumstance, permitting different sized oranges to be shipped to Canada than to other points in Contital United States or Alaska.

Size regulation will tend to minimize or eliminate undesirable sizes from market (which can not be satisfactorily accomplished under volume regulation alone), which undesirable sizes depress the entire fresh fruit market price for all oranges, including those particular sizes, grown in said States. Under other circumstances, size regulation might not be necessary at all because of the relative nonexistence of undesirable sizes. Size regulation should be used, therefore, to effectuate the declared policy of the act, with or without volume regulation, as the circumstances warrant. Such use does not alter present marketing agreement and order requirement relevant to recommendations for and issuance of volume regulation.

Size regulation on the foregoing basis will not result in the complete elimination of the surplus problem of oranges grown in the aforesaid States. Regulation on such basis will, however, tend to increase grower price returns for oranges grown in said States and marketed in fresh fruit channels by an amount in excess of lower grower returns received from oranges grown in said States and diverted to other than fresh fruit channels.

On the basis of the findings and reasons hereinbefore set forth, it is concluded that the marketing agreement and order should be amended to permit the administrative committee to recommend size regulation of oranges grown in the States of California and Arizona when conditions warrant; that such regulation may thereafter be made effective, with or without volume regulation, upon a determination that such regulation will tend to effectuate the declared policy of the act; that such regulation shall prohibit the shipment of oranges grown in said States in interstate or foreign commerce, or so as to directly burden, obstruct, or affect such commerce, of a specified size or sizes during a specified period or periods; that such regulation shall permit size limitations of shipments to Canada different from such limitations to the continental United States and Alaska, and that such regulation shall permit all growers of oranges so regulated to apply for and receive permission to ship such quantity of sizes of each variety prohibited from shipment by such regulation as may be necessary to permit them to ship the proportionate average of such variety to be shipped by all growers of such varieties in said States or all growers of such varieties in the applicant's prorate district.

(5) Any sale of oranges affects the price and supply of all other sales of oranges. Fluctuations of prices for oranges in any market result in fluctuations of prices therefor in all other mar-

kets. While prices received in California and Arizona for oranges grown in those States fluctuate in accordance with the volume of such oranges offered for sale therein, which volume is directly affected by the interstate market price received for oranges grown in said States and by the total available supply of oranges grown in such States, such California and Arizona prices have been generally lower than the prices received for such oranges in interstate fresh fruit markets, e. g., substantially lower average returns were received on an f. o. b. basis for oranges marketed within the State of California during the periods June 2 to July 31, 1947, January 2 to January 12, 1948, and January 13 to February 27, 1948, than returns for comparable oranges marketed in interstate fresh fruit markets during the same periods.

All oranges grown in the aforesaid States were, prior to regulation under the marketing agreement and order, available to satisfy all marketing requirements therefor. During such period, the surplus portion of such orange crop had a depressing effect on the prices growers received therefor from all markets. Limitation of the volume of such oranges which could be marketed in interstate fresh fruit channels under the marketing agreement and order tended to increase grower returns for the oranges so marketed. However, the continued existence of surplus oranges grown and marketed in said States free from regulation of any kind depressed the price returns to growers of oranges produced in such States and marketed in interstate fresh fruit channels because of the disposition of purchasers of oranges in interstate fresh fruit channels to restrict their purchases in anticipation of eventually being able to procure a portion of the surplus orange crop grown in such States at reduced prices. Although relatively little of the surplus orange crop grown in said States and prohibited from shipment by regulation under the marketing agreement and order reaches interstate fresh fruit marketing channels contrary to regulations applicable thereto, the aforesaid disposition continues.

In excess of 10 percent of the total sales in fresh fruit channels of oranges grown in the aforesaid States are consummated in such States for consumption therein. Such percentage will increase as the population of such States increases.

Such appreciable percentage of unregulated oranges produced and sold in said States for prices generally less than the prices received by growers for oranges produced in such States and sold in interstate fresh fruit channels, creates a psychological sales inertia in interstate fresh fruit channels merely because of the general dissemination of information relevant to such lower prevailing prices in the aforesaid States.

The price received for oranges sold within these States is very low during certain periods of the year and, during such periods, growers receive little or no return therefor. This creates confusion and lack of confidence in the interstate markets for oranges grown in such States. Also, growers must receive larger returns for the oranges marketed in interstate commerce as a result of such low prices in intrastate markets to establish the level of prices declared in the act to be the policy of Congress to establish. This directly burdens, obstructs, and affects interstate and foreign commerce in oranges.

While the total sales of oranges produced and sold in the aforesaid States exceed 10 percent of the total quantity of oranges produced in such States, the prices received therefor and the quantity available at any particular time are subject to wide fluctuations because the premium market for oranges produced in said States is the interstate fresh fruit market. Such wide fluctuations of price and quantity promotes disorderly marketing in such States and in interstate fresh fruit channels. Regulation of the handling of oranges grown and sold in said States should result in more orderly marketing in such States and in interstate fresh fruit markets if the quantity of oranges available therefor is restricted on a uniform basis for both of such markets, thereby resulting in relatively uniform average prices for such oranges to the producers thereof. There is no reason to anticipate that such regulation will result in other than an orderly intrastate and interstate marketing for oranges produced in said States because such regulation will tend to remove the reasons for price and volume fluctuations in each of such markets, including the depressing effect on the price of oranges produced and sold in the aforesaid States of a large potential surplus orange crop which could be marketed therein free from regulation.

The act permits regulation of all handling of oranges grown in the aforesaid States, which handling is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce, on the basis of size, volume, or both. The act prohibits the application of such regulation to a retailer of oranges in his capacity as such retailer and to a producer of such oranges in his capacity as a producer. Sales of oranges grown in said States on the trees by the producers thereof and the transportation of oranges grown in the aforesaid States to packing houses for the purpose of having such oranges prepared for market should not be subjected to regulation because it is administratively desirable and most effective to subject such oranges to regulation in the possession of handlers subsequent to such sales or transportation. As all handling of the aforesaid oranges except as indicated above and except for the handling of oranges specifically exempt from regulation by the provisions of the act or the marketing agreement and order, is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, as hereinbefore found, it is concluded that the handling of all of such oranges, with the exception hereinbefore noted, should be subject to such regulation and that the marketing agreement and order should be appropriately amended to so provide.

(6) To facilitate effective enforcement of the regulation of the handling of oranges grown in the aforesaid States, it will be necessary to require more detailed reports from handlers than heretofore required, i. e., handlers should be required to report to the Administrative Committee the total disposition of all oranges handled by them in such manner that said committee will be permitted, on the basis of such reports, to verify the contents thereof. Therefore, the present report provisions of the marketing agreement and order should be amended to provide that handlers should report the total quantity of oranges handled by them, showing the destination, quantity and size by variety, and purpose for which such quantities are to be used, of each lot thereof. While all of such information will satisfactorily serve the purpose for which it is submitted to the Administrative Committee if such information is submitted on a weekly basis because allotments are issued on a weekly basis and determinations relevant to allotment violation are on a weekly basis, size information by variety and standard pack box or its equivalent should be mailed to the Administrative Committee within 24 hours after shipment of each standard packed box or its equivalent because each shipment must comply with applicable size regulations in effect at the time of shipment and delay in ascertaining the existence of violations of such regulations would unnecessarily jeopardize the effectiveness of such regulation. Therefore, report requirements of the marketing agreement and order should be amended as hereinafter set forth.

(7) The Administrative Committee of the marketing agreement and order is presently empowered to appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each such appointee. There is no cogent reason disclosed in the hearing record to justify a specific requirement that the committee appoint a particular type of employee; the committee already has such power and, if the committee deems it desirable to appoint a marketing economist or other specialist to aid it in discharging its duties, sufficient provision is already made in the marketing agreement and order for such purpose.

(8) The hearing record does not contain substantial evidence justifying amendment of the marketing agreement and order to establish a new method for adjusting prorate bases in accordance with changes of control of oranges grown in the aforesaid States. Testimony in the record on such proposed new method shows that, for example, the adoption thereof would permit handlers to obtain allotments on the basis of all oranges controlled by them; use such allotment to ship oranges procured from producers favored by them; and, when the aforesaid shipments were consummated and unfavored producers changed handlers because of such favoritism, no appropriate adjustment would be made for the use of allotment procured on the basis of the control of oranges of such unfavored producer to ship the oranges of such favored producers. The present provisions of the marketing agreement and order contain no such manifest inequity and, accordingly, should not be amended as proposed.

(9) The proposal to define "diversion" and "export" were proposed in the hearing notice and considered at the hearing as part of the proposal to amend the marketing agreement and order to establish and operate a diversion program. As it has been hereinbefore found and concluded that the marketing agreement and order should not be amended to establish provisions therein for such diversion program, it is herewith found and concluded that amending the marketing agreement and order to define "diversion" would serve no useful purpose and that, therefore, such amendment to define "diversion" should not be made. Similarly, a definition of "export" would serve no useful purpose in connection with the aforesaid diversion program but substantial evidence in the hearing record shows that such definition in the marketing agreement and order would permit a desirable simplification of other language in the agreement and order. Therefore, it is found and concluded that the marketing agreement and order should be amended to incorporate therein a definition of "export" to simplify language therein, as hereinafter set forth.

(10) Oranges grown in the aforesaid States which are free from regulation under the marketing agreement and order, except for safeguards established by the administrative committee to prevent such oranges from being disposed of in violation of regulations, are, manifestly, not "handled" as such term is defined in said marketing agreement and order. Some individuals have, under the marketing agreement and order and despite the aforesaid safeguards, handled oranges, the handling of which should have been subject to regulation, which handling was not, in fact, regulated because of representations that such oranges were being disposed of for purposes specifically declared in the act and the marketing agreement and order to be free from regulation and because of allegations of ignorance as to the possibility of such diversion from channels free from regulation. Such diversion constitutes a real menace to effective administration of the marketing agreement and order. Therefore, it is found and concluded that the provisions of the marketing agreement and order relevant to oranges the disposition of which is free from regulation should be amended to correctly indicate that such oranges are not handled and that the aforesaid safeguards are prescribed to insure that the provisions of the marketing agreement and order are not violated, intentionally or otherwise, by the said diversions.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Mutual Orange Distributors, California Fruit Growers Exchange, Southern Shippers Group, Independent Citrus Growers and Shippers Association, Central California Citrus Exchange and Tulare County Fruit Exchange, and Arizona Orange-Lemon Growers Association. Every point covered in the briefs was carefully considered along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such proposed findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings and conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (1) The tentatively approved marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The tentatively approved marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended regulate the handling of oranges grown in the State of California or in the State of Arizona in the same manner as and are applicable only to persons in the respective classes of industrial and commercial activity specified in the tentatively approved marketing agreement upon which hearings have been held;

(3) The terms and provisions of the tentatively approved marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary to give due recognition to the difference in production and marketing of oranges grown in the State of California or in the State of Arizona; and

(4) The tentatively approved marketing agreement as hereby proposed to be amended and the order as hereby proposed to be amended are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of such regional production area would not effectively carry out the declared policy of the act.

Recommended amendments to the tentatively approved marketing agreement and order. The following amendments to the tentatively approved marketing agreement and the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

(1) Delete paragraph (j) of § 966.3 of the order and paragraph (j) of section 1 of the tentatively approved marketing agreement and substitute therefor the following:

(j) "Handle" means to buy, sell, consign, transport, ship (except as a common carrier of oranges owned by another person), or in any other way to place oranges in fresh form in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce. The term "handle" does not include (i) the sale of oranges on the tree, or (ii) the transportation of oranges to a packing house for the purpose of having such oranges prepared for market.

(2) Add to § 966.3 of the order and to section 1 of the tentatively approved marketing agreement the following:

(o) "Export" means shipments of oranges in fresh form to points outside the continental United States, Canada and Alaska.

(3) Delete paragraph (a) of § 966.4 of the order and paragraph (a) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(a) *Establishment and membership.* There is hereby established an Orange Administrative Committee consisting of eleven members, for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and who shall have the same qualifications as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers or employees of central marketing organizations. Four of the members and their respective alternates shall be handlers or employees of handlers or employees of central marketing organizations. One member of the committee and an alternate of such member shall be nominated as provided in (c) (6) of this section. The six members of the committee who shall be growers and who shall not be handlers or employees of handlers or employees of central marketing organizations are hereinafter referred to as "grower" members of the committee and the four members who shall be handlers or employees of handlers or employees of central marketing organizations are hereinafter referred to as "handler" members of the committee.

(4) Delete paragraph (b) of § 966.4 of the order and paragraph (b) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(b) *Term of office.* The term of office of committee members and alternate members shall be for a period of two years. The first regular term of office shall be for a period of two years. The first regular term of office shall begin on November 1, 1944, and subsequent terms shall begin on November 1 of each even numbered year thereafter: *Provided*, That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

(5) Delete paragraph (c) (2) or § 966.4 of the order and paragraph (c) (2) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(2) Any cooperative marketing organization, or the growers affiliated therewith, which marketed more than 50 percent of the total volume of oranges marketed in fresh fruit form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are submitted shall nominate not less than six growers

for three grower members; not less than six growers for three alternate members; not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for two handler members; and not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for two alternate members of the committee.

(6) Delete paragraph (c) (3) of § 966.4 of the order and paragraph (c) (3) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(3) All cooperative marketing organizations which market oranges and which are not qualified under (c) (2) of this section, or the growers affiliated therewith, shall nominate not less than two growers for one grower member; not less than two growers for one alternate member; not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one alternate member of the committee.

(7) Delete paragraph (c) (4) of § 966.4 of the order and paragraph (c) (4) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(4) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate not less than four growers for two grower members; not less than four growers for two alternate members; not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one alternate member of the committee.

(8) Delete paragraph (c) (6) of § 966.4 of the order and paragraph (c) (6) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(6) The members of the committees selected by the Secretary pursuant to paragraph (d) of this section shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization, or in any other way directly associated with the production or marketing of oranges. If committee members and alternate members for the term of office ending on October 31, 1950, have been selected prior to the effective date hereof and qualify within the time limit prescribed by paragraph (f) of this section, the provisions of paragraph (c) (6) and (d) hereof shall only be applicable to handler members and alternate members of the committee during such term of office.

(9) Delete paragraph (d) of § 966.4 of the order and paragraph (d) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(d) *Selection.* (1) From the nominations made pursuant to paragraph (c) (2) of this section the Secretary shall select three grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to paragraph (c) (3) of this section the Secretary shall select one grower member of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to paragraph (c) (4) of this section the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to paragraph (c) (6) of this section the Secretary shall select one member of the committee and an alternate to such member. If nominee lists of handler members and alternate members of the committee for the biennial term of office ending October 31, 1950, are not submitted to the Secretary by growers and cooperative marketing organizations on the representative bases provided in paragraphs (c) (2), (c) (3), and (c) (4) of this section, by the effective date hereof, the Secretary may make such selections on such representative bases without regard to nominee lists.

(2) In making his selections of members of the committee and their alternates the Secretary, insofar as practicable, shall select grower members and their respective alternates so as to give reasonable and adequate representation on the committee to the following geographical and growing areas: (i) Central and Northern California; (ii) Ventura and Santa Barbara Counties, California; (iii) Los Angeles County, California; (iv) San Bernardino and Riverside Counties, California; (v) Orange County, California; (vi) San Diego and Imperial Counties, California, and the State of Arizona; and so as to give reasonable and adequate representation to both Valencia orange growers and the growers of all other varieties of oranges.

(10) Delete paragraph (j) (9) of § 966.4 of the order and paragraph (j) (9) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(9) To provide an adequate system for determining the total quantity of each variety of oranges available for current shipment, and to make such determinations, including determinations by grade, size, and maturity conditions, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration hereof;

(11) Delete paragraph (k) (1) of § 966.4 of the order and paragraph (k) (1) of section 2 of the tentatively approved marketing agreement and substitute therefor the following:

(1) A majority of the committee shall constitute a quorum and any action of the committee shall require at least six concurring votes.

(12) Delete the caption from paragraph (b) of § 966.6 of the order and paragraph (b) of section 4 of the tentatively approved marketing agreement and substitute therefor the following: "(b) *Recommendations for volume regulation.*"

(13) Delete paragraph (b) (1) of § 966.6 of the order and substitute therefor the following:

(1) Each week during the marketing season for each variety of oranges the committee shall recommend to the Secretary the total quantity of each such variety of oranges which it deems advisable to be handled during the next succeeding week. The committee shall give due consideration to the maturity of oranges in making such recommendations. If prorate districts are established pursuant to § 966.7, the committee shall recommend to the Secretary the total quantity of each such variety of oranges grown in each such prorate district which it deems advisable to be handled during each such week, and such recommendation shall include the quantity of oranges to be handled during such week in each such prorate district whenever the committee determines that maturity conditions in such district make it advisable to so recommend. If, for any reason, the committee fails to recommend to the Secretary the total quantity of each variety of oranges which it deems advisable to be handled during each week, as required hereby, reports representing the respective views of the committee members with respect to its failure to act shall be submitted promptly to the Secretary.

(14) Delete paragraph (b) (1) of section 4 of the tentatively approved marketing agreement and substitute therefor the following:

(1) Each week during the marketing season for each variety of oranges the committee shall recommend to the Secretary the total quantity of each such variety of oranges which it deems advisable to be handled during the next succeeding week. The committee shall give due consideration to the maturity of oranges in making such recommendations. If prorate districts are established pursuant to section 5, the committee shall recommend to the Secretary the total quantity of each such variety of oranges grown in each such prorate district which it deems advisable to be handled during each such week, and such recommendation shall include the quantity of oranges to be handled during such week in each such prorate district whenever the committee determines that maturity conditions in such district make it advisable to so recommend. If, for any reason, the committee fails to recommend to the Secretary the total quantity of each variety of oranges which it deems advisable to be handled during each week, as required hereby, reports representing the respective views of the committee members with respect to its failure to act shall be submitted promptly to the Secretary.

(15) Delete the caption from paragraph (c) of § 966.6 of the order and from paragraph (c) of section 4 of the tentatively approved marketing agreement and substitute therefor the following: "(c) *Issuance of volume regulation.*"

(16) Delete paragraph (k) of § 966.6 of the order and substitute therefor the following:

(k) *Early maturity and short life allotments.* Notwithstanding the foregoing provisions of this section, the committee may withhold from the allotment of handlers for a variety of oranges, at a uniform rate for all handlers, an amount sufficient to permit handlers controlling oranges of such variety of early maturity of short life to handle during the normal marketing period of such early maturity or short life oranges as large a proportion of such variety as the average of such variety which will be handled by all handlers thereof. Handlers controlling oranges of early maturity or short life may apply for such withheld allotment, and such application shall be made on forms supplied by the committee and shall be accompanied by information necessary to permit the committee to determine the validity of such applicant's claim to such withheld allotment. The committee shall determine, on the basis of all available information, the extent to which a handler needs allotment under the provisions hereof and, pursuant to such determination, shall allocate such allotment to such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his controlled oranges of early maturity or short life. Such determination and allotment issued pursuant thereto shall not permit a handler to receive more allotment proportionately for any one variety of oranges than the average allotment to be issued to all handlers of such variety. After a handler of early maturity and short life oranges of a variety has received allotment therefor hereunder sufficient to make the total allotment issued to him equal proportionately to the average allotment issued to all handlers of such variety, allotment thereafter due such handler of early maturity and short life oranges in connection with such oranges, on the basis of his prorate base and control of such oranges, shall be allocated to handlers from whom allotment has been withheld hereunder. Allocation of allotment hereunder may only be effected in connection with oranges of early maturity or short life. The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions hereof. If prorate districts are established pursuant to section 5, allotments withheld, issued, and allocated, and averages computed hereunder shall be on a prorate district basis.

(17) Delete paragraph (k) of section 4 of the tentatively approved marketing agreement and substitute therefor the following:

(k) *Early maturity and short life allotments.* Notwithstanding the foregoing provisions of this section, the committee may withhold from the allotment of handlers for a variety of oranges, at a uniform rate for all handlers, an amount sufficient to permit handlers controlling oranges of such variety of early maturity or short life to handle during the normal marketing period of such early maturity or short life oranges as large a proportion of such variety as the average of such variety which will be handled by all handlers thereof. Handlers controlling oranges of early maturity or short life may apply for such withheld allotment, and such application shall be made on forms supplied by the committee and shall be accompanied by information necessary to permit the committee to determine the validity of such applicant's claim to such withheld allotment. The committee shall determine, on the basis of all available information, the extent to which a handler needs allotment under the provisions hereof and, pursuant to such determination, shall allocate such allotment to such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his controlled oranges of early maturity or short life. Such determination and allotment issued pursuant thereto shall not permit a handler to receive more allotment proportionately for any one variety of oranges than the average allotment to be issued to all handlers of such variety. After a handler of early maturity and short life oranges of a variety has received allotment therefor hereunder sufficient to make the total allotment issued to him equal proportionately to the average allotment issued to all handlers of such variety, allotment thereafter due such handler of early maturity and short life oranges in connection with such oranges, on the basis of his prorate base and control of such oranges, shall be allocated to handlers from whom allotment has been withheld hereunder. Allocation of allotment hereunder may only be effected in connection with oranges of early maturity or short life. The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions hereof. If prorate districts are established pursuant to section 5, allotments withheld, issued, and allocated, and averages computed hereunder shall be on a prorate district basis.

(18) Add to § 966.6 of the order and to section 4 of the tentatively approved marketing agreement the following:

(n) *Recommendations for size regulation.* (1) Whenever the committee finds that the supply and demand conditions for sizes of each variety of oranges make it advisable to regulate the handling of particular sizes of each such variety of oranges during any period, it shall recommend the particular sizes thereof deemed advisable to be handled during said period; and any such recommendation may include a proposal that the handling of oranges shipped to Canada shall be subject to size regulation different from the proposed size regulation applicable to the handling of other shipments of oranges. If prorate districts are established, the committee shall recommend to the Secretary the sizes of each such variety of oranges grown in each such prorate district which it deems advisable to be handled during any period. The committee shall promptly submit such findings and recommendations, together with supporting information, to the Secretary.

(2) In making its recommendations the committee shall give due consideration to the factors referred to in paragraph (b) (2) of this section.

(o) *Issuance of size regulations.* Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of each variety of oranges to particular sizes would tend to effectuate the declared policy of the act, he shall so limit the shipment of oranges during the specified period; and any such regulation may provide that the handling of oranges shipped to Canada shall be subject to size regulation different from the size regulation applicable to the handling of other shipments of oranges. If prorate districts are established, the Secretary, upon the basis of recommendations and information submitted to the committee, or from other available information, shall fix the sizes of each variety of oranges grown in each such prorate district which may be handled during any period. The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give adequate notice thereof to all handlers.

(19) Add to § 966.6 of the order the following:

(p) *Exemptions from size regulation.* In the event any variety of oranges is regulated pursuant to paragraph (o) of this section, the committee may issue one or more exemption certificates to any producer who furnishes adequate evidence to the said committe that he will be prevented by reason of such regulation from having as large a proportion of such variety of oranges handled as the average proportion of such variety which will be handled by all other producers. If prorate districts are established pursuant to § 966.7, such average proportions shall be computed on a prorate district basis. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers.

(20) Add to section 4 of the tentatively approved marketing agreement the following:

(p) *Exemptions from size regulation.* In the event any variety of oranges is regulated pursuant to paragraph (o) of this section, the committee

may issue one or more exemption certificates to any producer who furnishes adequate evidence to the said committee that he will be prevented by reason of such regulation from having as large a proportion of such variety of oranges handled as the average proportion of such variety which will be handled by all other producers. If prorate districts are established pursuant to section 5, such average proportions shall be computed on a prorate district basis. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers.

(21) Add to § 966.6 of the order and to section 4 of the tentatively approved marketing agreement the following:

(q) The Secretary, the committee, or both, may investigate compliance with respect to the regulation of the handling of oranges pursuant to this section.

(22) Delete § 966.8 of the order and substitute therefor the following:

§ 966.8 *Oranges not subject to regulation.* Nothing contained herein shall be construed to authorize any limitation of the right of any person to handle oranges (a) for consumption by charitable institutions or for distribution by relief agencies; (b) for conversion into by-products; (c) for export; (d) for shipment by parcel post or by railway express in less than carload lots; or (e) for distribution as a gratuity in units of five boxes or less. No assessment shall be levied pursuant to § 966.5 on oranges disposed of for the purposes specified in this section. The committee shall prescribe, with the approval of the Secretary, adequate safeguards to insure that the provisions of this order are not violated, intentionally or otherwise, by the entry into commercial fresh fruit channels of trade of oranges disposed of for the purposes designated in this section.

(23) Delete section 6 of the tentatively approved marketing agreement and substitute therefor the following:

SEC. 6. *Oranges not subject to regulation.* Nothing contained herein shall be construed to authorize any limitation of the right of any person to handle oranges (a) for consumption by charitable institutions or for distribution by relief agencies; (b) for conversion into by-products; (c) for exports; (d) for shipment by parcel post or by railway express in less than carload lots; or (e) for distribution as a gratuity in units of five boxes or less. No assessments shall be levied pursuant to section 3 on oranges disposed of for the purposes specified in this section. The committee shall prescribe, with the approval of the Secretary, adequate safeguards to insure that the provisions of this order are not violated, intentionally or otherwise, by the entry into commercial fresh fruit channels of trade of oranges disposed of for the purposes designated in this section.

(24) Delete paragraph (a) of § 966.9 of the order and paragraph (a) of section 7 of the tentatively approved marketing agreement and substitute therefor the following:

(a) *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to each variety of oranges disposed of by each such handler during the immediately preceding week: (1) The total quantity handled, showing the destination and quantity of each lot constituting said total quantity handled; (2) the total quantity disposed of for manufacture into by-products, showing the identity of each by-products processor involved and the quantity to each; (3) the total quantity disposed of for export, showing the destination and quantity of each such disposition; (4) the total quantity shipped for disposition to persons on relief, including quantity donated for charitable purposes, showing the destination and quantity of each such shipment; and (5) the total quantity disposed of otherwise, showing manner and quantity of each such disposition. As to each such handler, the total of all these five categories shall be the total of all oranges of each variety disposed of by said handler.

(25) Insert after paragraph (a) of § 966.9 of the order and after paragraph (a) of section 7 of the tentatively approved marketing agreement the following paragraph (b), and redesignate the present paragraph (b) thereof as paragraph (c):

(b) *Manifest report.* Each handler shall furnish to the committee information regarding the variety and size of oranges in each standard packed box or its equivalent handled by such handler and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

Filed at Washington, D. C., this 8th day of September 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-8200; Filed, Sept. 13, 1948; 8:47 a. m.]

DEPARTMENT OF LABOR

Public Contracts Division

[41 CFR, Part 202]

WOOLEN AND WORSTED INDUSTRY

NOTICE OF HEARING ON PREVAILING MINIMUM WAGE

The Textile Workers Union of America has petitioned the Secretary of Labor for the issuance of a determination pursuant to the provisions of the act of June 30, 1936, (49 Stat. 2036; U. S. C., title 41, secs. 35-45; otherwise known as the Walsh-Healey Public Contracts Act) establishing the prevailing minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the provisions of the Act for the manufacture or furnishing of the products of the Woolen and Worsted Industry at $1.05 an hour or $42 for a week of 40 hours, arrived at either upon a time or piecework basis.

The said Union has submitted lists of companies in the Industry which now have a minimum wage of $1.05 or more per hour and has proposed a definition of the Industry, which definition is identical with that adopted by the Administrator of the Wage and Hour Division in Administrative Order No. 126 dated September 5, 1941 as the definition of the Woolen Industry in a wage order issued under date of November 24, 1941 pursuant to section 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1064; 29 U. S. C. 208), and which definition (29 CFR, Cum. Supp. 612.4) is as follows:

(a) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk); and all processes preparatory thereto.

(b) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk).

(c) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, topcoatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk).

(d) The picking of rags and clips made entirely from wool or animal fiber (other than silk), and the garnetting of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto.

(e) The manufacturing of batting, wadding, or filling made entirely of wool or animal fiber (other than silk).

(f) The manufacturing or processing of all yarns (other than carpet yarns) spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except the manufacturing or processing on systems other than the woolen system of yarns containing not more than 45 per cent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber.

(g) The manufacturing, dyeing, or other finishing of the products enumerated in clauses (b), (c), (d), and (e) from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 percent by weight of wool or animal fiber (other than silk), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

Pursuant to Article 1102 of Regulations 504 (41 CFR, Cum. Supp., 201.1102) as amended (41 CFR, 1944 Supp., 201.1102), workers whose earning capacity is impaired by age or physical or mental deficiency or injury may, in accordance with the procedure set forth therein, be employed on all contracts subject to minimum wage determinations issued pursuant to the Public Contracts Act at wages lower than the prevailing minimum wage specified in such determinations.

Now, therefore, notice is hereby given: That a public hearing will be held on Thursday, October 14, 1948 at 10:00 a. m. in Conference Room "A," Interdepartmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and offer testimony: (1) Either for or against the proposal of the Textile Workers Union of America as hereinbefore set forth, (2) as to whether the determination should include provision for the employment of apprentices at rates lower than the minimum hereinbefore described provided their employment conforms with the standards of the Federal Committee on Apprenticeship, and (3) as to whether the determination should include provision for the employment of learners at a rate lower than the minimum hereinbefore described, and if so, in what occupations, at what subminimum rates, and with what limitations as to length of the learning period and the number or proportion of learners.

Any interested person may appear at the hearing to offer evidence, provided that not later than October 7, 1948, such person shall file with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., a notice of intention to appear containing the following information:

1. The name and address of the person appearing;

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing; and

3. The purpose for which he is appearing.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt.

Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement must be filed.

A limited number of copies of the lists prepared by the Textile Workers Union of America showing the companies now paying the proposed minimum wage or more will be available for distribution on or before the date of the hearing. Copies of these lists may be obtained by interested parties upon request addressed to the Administrator.

Signed at Washington, D. C., this 10th day of September 1948.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator.

[F. R. Doc. 48-8241; Filed, Sept. 13, 1948; 9:04 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 41, 42]

PROVISIONS FOR THE ISSUANCE OF AIR CARRIER OPERATING CERTIFICATES FOR ALASKAN AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 41 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received within 15 days after the date of this publication will be considered by the Board before taking further action on the proposed rule.

Considerable study has been given to the alleviation of the operational problems which confront the scheduled air carriers operating wholly within the Territory of Alaska. At one time it was believed that this problem could only be solved by the promulgation of a new part of the Civil Air Regulations for operations in Alaska. However, it now appears that substantially all of the major provisions which would have been included in such a new part are now included in the proposed revision of Part 42 of the Civil Air Regulations.

Many certificated air carrier operations conducted in Alaska are of an irregular nature, and the conditions under which these operations are carried on are such that the carriers cannot comply with the requirements of Part 41. It appears that some Alaskan air carrier operations could be governed by the operating rules of Part 42 without adversely affecting safety, since the general safety standards of the proposed revision of Part 42, especially with respect to the use of the larger aircraft, are comparable to those of Part 41.

It is proposed to amend § 41.000 of the Civil Air Regulations to read as follows:

§ 41.000 *Alaskan air carriers.* An Alaskan air carrier may be issued an air carrier operating certificate and may be required to conduct all or any part of its operations under the provisions of Part 42 of this chapter whenever, upon investigation, the Administrator finds that because of the nature of a particular operation or class of operations the air carrier is unable to comply with the requirements of this part and that such operation or class of operations can be conducted safely under the provisions of Part 42 of this chapter.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601-610, 52 Stat. 984, 1007-1012; 49 U. S. C. 425 (a), 551-560)

Dated: September 9, 1948.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 48-8213; Filed, Sept. 13, 1948; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 13]

[Docket No. 8481]

OPERATOR LICENSES FOR BROADCAST SERVICE

REPORT AND FINAL ORDER

In the matter of amendment of the Commission's rules and regulations to provide for three new classes of operator licenses for the broadcast service. (Formerly captioned: In the matter of amendments of §§ 13.2, 13.21, 13.22, and 13.61.

In the above entitled matter, a general public hearing before the Commission en banc was held in Washington, D. C. on May 10, 1948. Those appearing at the hearing were Byron Rea, Jr., on behalf of National Association of Broadcast Engineers and Technicians; L. Wimberly, on behalf of National Headquarters, International Brotherhood of Electrical Workers; S. L. Hicks, on behalf of Local No. 1229, International Brotherhood of Electrical Workers; Raymond A. Wood, on behalf of Local No. 1212, International Brotherhood of Electrical Workers; and Lester W. Spillane and George MacClain, on behalf of the Federal Communications Commission.

Since the end of the war, and in view of the development of new and advanced radio techniques, the Commission has been considering what revisions, if any, should be made in its operator license requirements for the operation of stations in the broadcast service. Particular attention has been given to the question of the desirability of establishing a graded system of operator licenses valid for specified operations in cases where under the present system only the first class radiotelephone operator license is valid. On August 1, 1947, a notice of proposed rule making was issued, proposing the establishment of a new lower class license valid for the limited operation of certain categories of broadcast stations of 1,000 watts or less authorized power. Written comments were received from many interested parties. On the basis of these comments and a series of informal conferences which were held, a further notice of proposed rule making was issued on March 25, 1948, incorporating some portions of the earlier notice but also proposing two additional classes of operator licenses for the broadcast service, and a general public hearing was scheduled on the matter of this proposed revision of operator requirements. The hearing was held on May 10, 1948, at which the above-named persons and organizations appeared and presented evidence.

On the basis of the entire record in this proceeding, the Commission has con-

cluded that no substantial need or justification exists for the proposed rules, or for any substantial change in the present structure of operator licenses for the broadcast service: *Provided*, That the qualifying examinations for the licenses are kept up to date in relation to developments in the broadcast radio art through appropriate periodic revisions in the qualifying examinations which underlie the license system.

Some time ago the Commission commenced the systematic revision of its operator license examinations. Work in this respect has recently been completed in regard to the examinations for the radiotelephone first and second class operator licenses and these revised examinations have been placed in effect.

In view of the foregoing, the Commission has concluded that it will be in the public interest to dismiss the proceedings herein, and they are, accordingly, hereby ordered dismissed.

Adopted: September 8, 1948.

Released: September 9, 1948.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8209; Filed, Sept. 13, 1948; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 48-44]

PROPOSED DISCONTINUANCE OF SHIP SHOAL RADIOBEACON

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that pursuant to 36 Stat. 538 (33 U. S. C. 720) and Public Law 786, 80th Congress, the United States Coast Guard is considering the discontinuance of the radiobeacon at Ship Shoal Light Station as hereinafter proposed.

The structure of Ship Shoal Light Station is about 90 years old; because of its condition it is considered unsafe for continued use as an attended aid to navigation. Further, repair of the structure is not feasible due to a general condition of corrosion throughout all structural members.

It is proposed, therefore, to convert the light to automatic operation at an intensity of 4,000 candlepower, and to discontinue the radiobeacon, relocating it at Point au Fer Reef Light Station if considered necessary.

Pursuant to 60 Stat. 238 (5 U. S. C. 1001 et. seq.) public hearings will be held on the following dates at the times and places indicated for the purpose of affording marine interests, and the public generally, an opportunity to present their views with respect to the above proposal.

Friday, 22 October, 1948 at 10:00 a. m.:
Room 300, Association of Commerce Building,
315 Camp Street,
New Orleans, Louisiana.

Tuesday, 26 October, 1948 at 10:00 a. m.:
Grand Jury Room, Room 517,
Post Office and Courthouse Building,
601 Rosenburg Avenue,
Galveston, Texas.

Thursday, 28 October, 1948 at 10:00 a. m.:
Assembly Room,
Port Arthur Chamber of Commerce Building,
Port Arthur, Texas.

All interested parties are invited to be present, or to be represented at the hearings. Oral statements will be heard, but for accuracy of record, all important facts and arguments should be submitted in writing (5 copies if practicable). Parties unable to appear or to be represented at the hearings may submit written statements prior to the hearings, and shall file them with the Commander, 8th Coast Guard District (oan), 327 Customhouse Building, P. O. Box 282, New Orleans 9, Louisiana, at least 5 days before the date of the first hearing.

Dated: September 8, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 48-8210; Filed, Sept. 13, 1948; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 2090671]

ALASKA

SHORE SPACE RESTORATION ORDER NO. 405

AUGUST 27, 1948.

Pursuant to the provisions of the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and in accordance with 43 CFR 4.275 (a) (56) (Departmental Order No. 2325 of May 24, 1947, 12 F. R. 3566), it is ordered as follows:

The lands hereinafter described are hereby restored from the 80-rod shore space reserve and the 160-rod shore space restriction created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371).

At 10:00 a. m. on October 29, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 29, 1948, to January 28, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 10, 1948, to October 28, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 29, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 29, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from January 9, 1949, to January 28, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 29, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Fairbanks, Alaska.

The lands affected by this order are described as follows:

FAIRBANKS MERIDIAN

T. 5 S., R. 4 E.,
Sec. 4, lots 5, 6, and 7, and SE¼SW¼;
Sec. 5, lot 1;
Sec. 8, lot 1;
Sec. 9, lot 1.

A tract of land on the left limit of the Kuskokwim River near to and west of the village of Aniak, Alaska, containing approximately 5 acres (headquarters site application of August Wilson, Fairbanks 05096).

The areas described aggregate approximately 214.77 acres.

The lands above described are not needed by the public for landing places or for harborage purposes. The surveyed lands are separated from the Tanana River by shallow, nonnavigable sloughs and in some places the main course of the river is more than a mile away from these lands. The lands in section 4 are embraced in the homestead entry Fairbanks 05714 of Brene S. Canaday who has occupied the lands for many years and placed valuable improvements thereon.

MARION CLAWSON,
Director.

[F. R. Doc. 48-8193; Filed, Sept. 13, 1948; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2004]

HOLYOKE WATER POWER CO.

NOTICE OF APPLICATION FOR LICENSE

SEPTEMBER 7, 1948.

Public notice is hereby given that Holyoke Water Power Company of Holyoke, Massachusetts, has filed application for license for certain existing project works consisting of a masonry dam and appurtenances, a canal system, and three hydroelectric plants, on the Connecticut River, at Holyoke, Massachusetts, in Hampden and Hampshire Counties, Massachusetts, and for the proposed construction of a new concrete power plant to be located at the end of the existing masonry dam on the Holyoke side of the river, with initial installation of 15,000 kilowatts and ultimate installation of 60,000 kilowatts. The proposed initial construction would include the headworks structure for the first and second 15,000-kilowatt units and a tailrace, to be excavated in the bed of the river, adequate for the two units. Sufficient space adjacent to the initially constructed plant would be reserved for the future third and fourth units.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before October 15, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8196; Filed, Sept. 13, 1948; 8:46 a. m.]

[Project No. 346]

MINNESOTA POWER & LIGHT CO.

NOTICE OF OPINION NO. 167 AND ORDER

SEPTEMBER 9, 1948.

Notice is hereby given that, on September 3, 1948, the Federal Power Commission issued its Opinion No. 167 and order entered September 2, 1948, determining actual legitimate original cost and prescribing accounting therefor in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8208; Filed, Sept. 13, 1948; 8:48 a. m.]

[Docket No. G-1113]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 9, 1948.

Notice is hereby given that on August 30, 1948, Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas transmission facilities described as follows:

(a) Approximately 6.9 miles of 8⅝-inch loop pipeline paralleling all of Applicant's present 8⅝-inch lateral line known as the Montgomery Lateral Line extending from Mile Post 116.919 on Applicant's Montgomery Branch Line to Applicant's city gate meter and regulator station serving the City of Montgomery, Alabama.

(b) Approximately 2.7 miles of 8⅝-inch loop pipeline paralleling part of Applicant's present 10¾-inch lateral line, known as the Columbus Lateral Line, which extends 3 miles from Applicant's regulator station at the end of Applicant's Montgomery Branch Line at Mile Post 197.233 (immediately south of Phenix City, Alabama) to Applicant's meter station in the City of Columbus, Georgia. Said new loop pipeline will extend from said regulator station to a point in Phenix City, Alabama, at the western end of the bridge over the Chattahoochee River which connects Phenix City, Alabama, with Columbus, Georgia.

The application recites that the proposed construction will increase the capacity of Applicant's Montgomery Lateral Line from 19,000 Mcf per day to 38,000 Mcf per day, and will increase the capacity of Applicant's Columbus Lateral Line from 20,430 Mcf per day to 29,800 Mcf per day. It is further stated that the proposed facilities will enable Applicant to supply the capacity to meet anticipated peak day and peak hour requirements of Applicant's customers during the winter of 1948-49 in the cities of Montgomery, Alabama, and Columbus, Georgia. On peak days during the winter of 1948-49, Applicant intends to supply propane-air gas to the extent of approximately 30% of the gas volumes for Columbus from its propane plant located close to and downstream from its regulator station at the end of its Montgomery branch line.

The estimated total over-all capital cost of the proposed facilities is $196,206, which will be financed out of Applicant's current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8203; Filed, Sept. 13, 1948; 8:48 a. m.]

[Docket No. G-1114]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 9, 1948.

Notice is hereby given that on August 30, 1948, Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas transmission facilities described as follows:

Approximately 2.2 miles of 4-inch lateral line extending east from Applicant's Calera Branch Line at a point approximately 28.8 miles south of the point of connection of said branch line with Applicant's main line, to the plant of Dixie Lime and Rock Wool Company in Shelby County, Alabama, including a branch approximately 50 feet in length to that portion of said plant to be operated by Southern Lime Company, and the construction and operation of facilities for the measurement of gas.

The application recites that the proposed lateral line will be owned by Dixie Lime and Rock Wool Company, but will be constructed by Applicant for the Dixie Lime and Rock Wool Company at that company's expense. The proposed lateral will, however, be operated by Applicant at Applicant's expense.

The application further recites that the proposed lateral pipeline will be used for the direct sale of gas to said lime companies pursuant to the contracts to be entered into between Applicant and said companies. It is stated

that the proposed contracts will provide, subject to the terms and conditions therein stated, for the sale by Applicant of natural gas to said lime companies on an interruptible basis for the gas requirements of their plants, estimated in the case of Southern Lime Company to be 275 Mcf per day on full load, and in the case of Dixie Lime and Rock Wool Company to be 88 Mcf per day on full load. The requirements of the latter company may, however, approximate 198 Mcf per day, if certain experiments in the direct firing of gas on a slag-melting cupola are successful.

The estimated total over-all capital cost of the proposed facilities to be owned by Applicant is $7,000, which will be financed out of its own funds. The construction of the proposed lateral line, estimated total over-all cost of which is $16,500 will be at the expense of Dixie Lime and Rock Wool Company, which company will retain title thereto.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of procedure (as amended on June 16, 1947) (18 CFR 1.8 and 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8204; Filed, Sept. 13, 1948; 8:48 a. m.]

[Docket No. G-1060]

COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 8, 1948.

Upon consideration of the application filed June 15, 1948, as supplemented on July 15, July 23, and August 27, 1948, by Colorado Interstate Gas Company (Applicant), a Delaware corporation having its principal place of business at Colorado Springs, Colorado, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as more fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 8, 1948 (13 F. R. 3797).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 6, 1948, at 9:30 a. m. (EST), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 9, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8205; Filed, Sept. 13, 1948; 8:48 a. m.]

[Docket No. G-1064]

NORTHERN NATURAL GAS COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 8, 1948.

Upon consideration of the application filed June 28, 1948, and the amendment thereto filed August 9, 1948, by Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as more fully described in such application and amendment on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application and the amendment thereto be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application and the amendment thereto, including publication in the FEDERAL REGISTER on July 20, 1948 (13 F. R. 4138-39) and August 21, 1948 (13 F. R. 4880) respectively.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on September 28, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as amended: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 9, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8206; Filed, Sept. 13, 1948; 8:48 a. m.]

[Docket No. G-1118]

INTERSTATE NATURAL GAS COMPANY, INC.

ORDER SUSPENDING RATE SCHEDULES

SEPTEMBER 7, 1948.

It appearing to the Commission that:

(a) Interstate Natural Gas Company, Inc., (Interstate Natural) on August 9, 1948, filed proposed supplemental rate schedules intended to increase rates and charges for natural gas sold to the purchasers listed below. The supplements are designated as follows:

Supplement	Rate schedule No.	Name of purchaser
No. 1 to Supplement No. 1.	FPC No. 4...	Mississippi River Fuel Corp.
No. 1 to Supplement No. 3.	FPC No. 25..	Texas Gas Transmission Corp.
No. 1 to Supplement No. 1.	FPC No. 26..	Southern Natural Gas Co.

(b) Interstate Natural has been and is now a natural-gas company, subject to the jurisdiction of the Commission under the Natural Gas Act, engaged in the transportation of natural gas in the States of Louisiana and Mississippi, and in the sale of natural gas in interstate commerce to various purchasers, including those named in paragraph (a) above, for resale for ultimate public consumption for domestic, commercial, industrial and other uses.

(c) Interstate Natural estimates that the proposed increases in rates and charges will approximate a total of $130,700 during the first 12 months or an increase of more than 10 percent.

(d) The rates, charges, classifications, rules, regulations and practices, as set forth in the said supplements filed on August 9, 1948, have not been shown to be justified by Interstate Natural's statement filed under § 154.3 (c) of the Commission's regulations under the Natural Gas Act, and may be unjust, unreasonable, unduly discriminatory and prejudicial.

The Commission finds that:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed rates, charges and classifications as set forth in the supplements referred to in paragraph (a) above, and said supplements should be suspended as hereinafter provided and use deferred pending hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held commencing on October 18, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges and classifications, subject to the jurisdiction of the Commission, set forth in the supplements referred to in paragraph (a) above filed by the Interstate Natural Gas Company, Inc.

(B) Pending such hearing and decision thereon, the supplements referred to in paragraph (a) above, in so far as such supplements provide for the sale of natural gas for resale other than for industrial use only, be and they hereby are suspended and the use of such supplements is deferred until February 8, 1949, and until such further time thereafter as said supplements shall be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 7, 1948.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8207; Filed, Sept. 13, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1918]

ENGINEERS PUBLIC SERVICE CO. (INC.)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 7th day of September A. D. 1948.

Engineers Public Service Company (Incorporated), a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 with respect to the transaction summarized below:

Declarant proposes to issue to Irving Trust Company a short-term promissory note in the principal amount of $900,000 and dated September 27, 1948. Said note will mature January 27, 1949 and will bear interest at the prime interest rate of said bank in effect at the issue date. The declaration includes a copy of a letter from Irving Trust Company which states that its prime rate, as at July 2, 1948, was 1¾% per annum. The declaration states that the proceeds of said note will be used to pay off a note in the same principal amount maturing September 27, 1948 and now held by Irving Trust Company. Declarant now owns 162,612 shares of the common stock of Virginia Electric and Power Company and indicates in the declaration that prior to the maturity date of the note proposed to be issued, it will consider the advisability of selling a sufficient number of shares of such common stock to retire all or a part of said note.

It is represented by the Declarant that the proposed transaction is not subject to the jurisdiction of any State Commission or Federal Commission other than this Commission and that the expenses, consisting of counsel fees, in connection with the proposed transaction will amount to $200.

Said declaration having been filed on August 4, 1948, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated under said act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant the request of Declarant that this order become effective upon issuance;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8194; Filed, Sept. 13, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839; Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11650]

EMMA MACKER

In re: Estate of Emma Macker, deceased. File No. D-28-2060; E. T. sec. 2439.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schaefer, Marie Fischer, Emma Peter, nee Koederitz, Otto Koederitz, Hilda Wolff, nee Koederitz, Max Koederitz, Marie Elsner, nee Koederitz, Alfred Koederitz, Irma Churt, nee Koederitz, ------ Berger, first name unknown, Herbert Berger, ------ Krebs, first name unknown, Karl Heinz Krebs, Dieter Krebs, Ingrid Krebs, Ida Wyrich, Ilse (Ilsa) Schiffner, Arthur Salut, and Martha Hess, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Emma Macker, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Cook County, Illinois, as Depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8214; Filed, Sept. 13, 1948; 8:50 a. m.]

[Vesting Order 11892]

BUTZON & BERCKER

In re: Debt owing to Butzon & Bercker, also known as Verlag Butzon & Bercker, G. m. b. H. F-28-26610-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Butzon & Bercker, also known as Verlag Butzon & Bercker, G. m. b. H., the last known address of which is Kevelaer (Rheinland), is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Butzon & Bercker, also known as Verlag Butzon & Bercker, G. m. b. H., by Miller, Mack & Fairchild, 735 North Water Street, Milwaukee, Wisconsin, in the amount of $219.00, as of August, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8215; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11893]

DRESDNER BANK

In re: Bank account owned by Dresdner Bank. F-28-176-E-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank, the last known address of which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Dresdner Bank, by The Commercial National Bank & Trust Company, 46 Wall Street, New York, New York, arising out of a checking account, entitled Dresdner Bank Free Dollar Account, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8216; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11894]

DRESDNER BANK

In re: Bank account owned by Dresdner Bank. F-28-176-E-7.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank, the last known address of which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Dresdner Bank, by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Dresdner Bank, and any and all rights to demand, enforce and collect the same;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8217; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11896]

LOUISE GROSS AND CHARLES GROSS

In re: Bank account owned by Louise Gross and Charles Gross. D-28-973-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Gross and Charles Gross, whose last known address is Stuttgart, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Louise Gross and Charles Gross, by Hamburg Savings Bank, 1451 Myrtle Avenue, Brooklyn, New York, arising out of a Joint Account, account number 100,735, entitled Charles Gross Louise Gross, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8218; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11898]

HEDWIG SCHINDEWOLF

In re: Bank account owned by Hedwig Schindewolf, also known as Hedwig Scheel. F-28-29133-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Schindewolf, also known as Hedwig Scheel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Mechanics National Bank, Burlington, New Jersey, arising out of a savings account, account number 5217, entitled Hedwig Schindewolf, Emilie Scheel, Trustee, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hedwig Schindewolf, also known as Hedwig Scheel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8219; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11900]

JOHN SOLLNER

In re: Claims owned by John Sollner. F-28-28831-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Sollner, whose last known address is Mailling-strasse 18/0, Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: The claim against the State of New York and the Comptroller of the State of New York, arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of the following: That sum of money previously on deposit in the Lincoln Savings Bank, 531 Broadway, New York 6, New York, in an account entitled John Sollner, and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany).

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8220; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11905]

ERNA ARNDT

In re: Rights of Erna Arndt under insurance contract. File No. F-28-24466-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erna Arndt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 17291R, issued by the Metropolitan Life Insurance Company, New York, New York, to Olga M. Schulz, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8221; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11906]

FRANCISCA BERGER

In re: Rights of Francisca Berger under Insurance Contract. File No. D-28-2110-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Francisca Berger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance issued by the Grand Circle of California United Ancient Order of Druids, San Francisco, California, to Mary Berger, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8222; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11908]

CHITOSE DOTE

In re: Rights of Chitose Dote under Insurance Contract. File No: F-39-4951-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chitose Dote, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-50866, issued by the California-Western States Life Insurance Company, Sacramento, California, to Kinsaburo Dote, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country, Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8223; Filed, Sept. 13, 1948; 8:51 a. m.]

[Vesting Order 11912]

ELISE HEYL

In re: Rights of Elise Heyl and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry W. Heyl, deceased, under Insurance Contracts. File Nos. F-28-119-H-1, and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elise Heyl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry W. Heyl, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by Policies No. 503191 and 534840, issued by The Guardian Life Insurance Company of America, New York, New York, to Henry W. Heyl, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Henry W. Heyl, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8224; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11913]

TOME HIGUCHI

In re: Rights of Tome Higuchi under Insurance Contract. File No. F-39-4889-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tome Higuchi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,544,449, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Shogoro Higuchi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8225; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11915]

OTOKICHE KONISHE

In re: Rights of Otokiche Konishe, also known as Otokichi Konishi, or Sentaro Konishi under Insurance Contract File No. F-39-73-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otokiche Konishe, also known as Otokichi Konishi, and Sentaro Konishi whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7964796, issued by the New York Life Insurance Company, New York, New York, to Otokiche Konishe, also known as Otokichi Konishi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or an account of, or owing to, or which is evidence of ownership or control by, Otokiche Konishe, also known as Otokichi Konishi, or Sentaro Konishi, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8226; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11926]

GERTRUD PRUMMER

In re: Rights of Gertrud Prummer under Insurance Contract. File No. D-28-3873-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Prummer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 552, issued by the Workmen's Benefit Fund, Brooklyn, New York, to Joseph Hubert Andermahr, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8227; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11899]

ANNIE HELLMANN-SCHROEDER

In re: Stock owned by, and debt owing to, Annie Hellmann-Schroeder, also known as Annie Schroeder. F-28-27962-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Annie Hellmann-Schroeder, also known as Annie Schroeder, whose last known address is Hasseldicksdammerweg 48, Kiel (Schleswig-Holstein), Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of no par value common capital stock of the Pittsburgh Screw & Bolt Corp., 2719 Preble Avenue, Pittsburgh, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered NY 44687, registered in the name of Bache & Co. and presently in the custody of Bache & Co., 36 Wall Street, New York 5, New York, in an account entitled Carl Hegele #2 account, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of Bache & Co., 36 Wall Street, New York 5, New York, arising out of a safekeeping account, entitled Carl Hegele #2 account, maintained by the aforesaid company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Annie Hellmann-Schroeder, also known as Annie Schroeder, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8227; Filed, Sept. 13, 1948; 8:52 a. m.]

REFERENCE SEP 17 '48

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8180; Filed, Sept. 10, 1948; 8:54 a. m.]

[Vesting Order 12019]

ANNA STRULLMEYER

In re: Estate of Anna Strullmeyer, deceased. File D-28-10727; E. T. sec. 14995.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gerda Hedwig Mehlbaum, Max Karl Mehlbaum, Franz Richard Mehlbaum, Elizabeth Pauline Mahlbaum Hoborn, Alfred Max Scholz, Alfred Herbert Scholz, Fritz Kurt Stahlke, Margarethe Anna Mehlbaum Schmeichler, Frieda Agnes Mehlbaum Fichtler, Gertruf (also known as Gertrud) Alwine Renate Mengert Wiersdorf, Karl Robert Herman Pötter, Friedrich Wilhelm Robert Pötter, also known as Robert Poetter, Erich Ewald Alfred Weissenbach, Herbert Erich Emil Weissenbach, Elli Frieda Elisabeth Weissenbach, Frieda Ida Weissenbach, Minna Hedwig Hoffmann Hinz, Margaretha Martha Hoffmann Brauer, Paul Alfred Hoffman, Erna Hedwig Hoffmann Fischer, Johanna Charlotte Elisabeth Humbolt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the unknown surviving wife and children of Herman Rudolf Ludwig Pötter, deceased, and the unknown surviving children of Richard Reinholdt Humboldt, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Anna Strullmeyer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by W. G. Sievers, as administrator, acting under the judicial supervision of the District Court of the State of Iowa, in and for Plymouth County, Iowa.

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the unknown surviving wife and children of Herman Rudolf Ludwig Potter, deceased and the unknown surviving children of Richard Reinholdt Humboldt, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8181; Filed, Sept. 10, 1948; 8:55 a. m.]

MANDUS DAMMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Mandus Dammann, Landis, Province of Saskatchewan, Canada; 7486; $228.75 in the Treasury of the United States.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8184; Filed, Sept. 10, 1948; 8:55 a. m.]

[Return Order 180]

MAX HOXTER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Max Hoxter, Buenos Aires, Argentina, Claim No. 7009; July 21, 1948 (13 F. R. 4171); All right, title, interest, and claim of any kind or character whatsoever of Simon Hoexter in and to the Trust Estate of Meier Katten, deceased. $4,261.70 in the Treasury of the United States.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8182; Filed, Sept. 10, 1948; 8:55 a. m.]

[Return Order 183]

EMIL A. KANN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Emil A. Kann, Flushing, Long Island, N. Y., Claim No. 5830; July 29, 1948 (13 F. R. 4373); $2,000 in the Treasury of the United States.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8183; Filed, Sept. 10, 1948; 8:55 a. m.]

REFERENCE

SEP 17 '48

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 13 NUMBER 180

Washington, Wednesday, September 15, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2812

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS our Nation would be materially strengthened and our democracy enriched if all citizens capable of performing any kind of useful labor were afforded opportunities for suitable employment; and

WHEREAS the millions of disabled persons in the United States, both military and civilian, should be encouraged to avail themselves of the facilities for rehabilitation and training, as well as the services for placement, provided by our Federal, State, and local governments; and

WHEREAS war-production records and recent industrial surveys show that handicapped workers, when selectively placed, perform their tasks as well as or better than those without handicaps; and

WHEREAS acceptance of the handicapped by employers will be the means of bringing opportunity for economic independence and full participation in our democratic life to citizens who, despite physical impairments, are willing and able to perform a wide variety of essential tasks; and

WHEREAS, in order to secure greater voluntary cooperation in employment of the handicapped on the part of the public generally, I have established the President's Committee on National Employ the Physically Handicapped Week, composed of leaders of organizations outside the Government; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week, during which time appropriate ceremonies are to be held throughout the Nation, and has requested the President to issue a suitable proclamation each year:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 3, 1948, as National Employ the Physically Handicapped Week. I also call upon the Governors of States, the mayors of cities, and other public officials, as well as leaders of industry and labor, of civic, veterans', farm, women's, and fraternal organizations, and of other groups representative of our national life, to lend full support to the observance of the week, in order to enlist public interest in effectuating full employment of the handicapped.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of September, in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8346; Filed, Sept. 14, 1948; 11:30 a. m.]

PROCLAMATION 2813

COLUMBUS DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS four hundred and fifty-six years ago Christopher Columbus broadened the world's horizons through his keen vision, his indomitable spirit, and his unflagging persistence; and

WHEREAS the old world which gave him birth and the new world which he discovered are now joined in closer relationship not only through modern miracles of speed but also through mutual need for the achievement of lasting peace and a higher civilization; and

WHEREAS it is fitting that the exploits of this gallant navigator, who has enriched the lives of all peoples by showing the way to a land of unparalleled opportunities, should be commemorated on the anniversary of his finding that land; and

(Continued on p. 5359)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directed to the Government Printing Office, Washington 25, D. C.

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WHEREAS the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), has authorized and requested the President to issue a proclamation designating October 12 of each year as Columbus Day:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate Tuesday, October 12, 1948, as Columbus Day, and I invite the people of the United States to observe the day with appropriate ceremonies in their homes, their schools, their churches, and in other suitable places. I also direct that the flag of the United States be displayed on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8347; Filed, Sept. 14, 1948; 11:30 a. m.]

EXECUTIVE ORDER 9998

RULES OF PRECEDENCE RELATING TO OFFICERS OF THE FOREIGN SERVICE AND OTHER OFFICERS OF THE UNITED STATES GOVERNMENT

By virtue of the authority vested in me by section 1752 of the Revised Statutes (22 U. S. C. 132), and as President of the United States, and in the interest of the orderly conduct abroad of the foreign-affairs functions of the United States, I hereby prescribe the following rules governing precedence among officers of the Foreign Service and officers or accredited representatives of other Government agencies:

1. In the country to which he is accredited, the chief of the diplomatic mission shall take precedence over all officers or accredited representatives of other Executive departments or establishments.

2. In the absence of the titular head of the mission, the chargé d'affaires ad interim shall take precedence over all officers or accredited representatives of other Executive departments or establishments.

3. At a diplomatic mission the officer who takes charge in the absence of the chief of mission shall always take precedence next in succession to the chief of mission: *Provided*, That unless the chief of mission is absent, such officer shall, consonant with the last sentence of section 109 (a) of the Foreign Assistance Act of 1948 (Public Law 472, 80th Congress), and during the continuance in force of such Act, take precedence after the chief of special mission.

4. Military, naval, and air attachés shall take precedence next in succession after the counselors of embassy or legation or, at a post where the Department of State has deemed it unnecessary to assign a counselor, after the senior secretary. Military, naval, and air attachés shall take precedence among themselves according to their respective grades and seniority therein.

5. Attachés who are not officers of the Foreign Service and who are not covered by section 4 shall take precedence with but after military, naval, and air attachés.

6. Officers of the Foreign Service below the rank of counselor shall take precedence among themselves as the Secretary of State may direct; but they shall take precedence after military, naval, and air attachés and attachés who are not officers of the Foreign Service, except when the provisions of section 11 hereof are applicable and such officers of the Foreign Service are also assigned as diplomatic officers.

7. Assistant military, naval, and air attachés shall take precedence next after the lowest ranking second secretary. At a post to which there is no second secretary assigned, assistant military, naval, and air attachés shall take precedence as a group among the officers of the Foreign Service of rank equivalent to second secretaries as the chief of mission may direct. Assistant military, naval, and air attachés shall take precedence among themselves according to their respective grades and seniority therein.

8. Assistant attachés who are not officers of the Foreign Service and who are not covered by section 7 shall take precedence with but after assistant military, naval, and air attachés.

9. Except as provided herein no extra precedence shall be conferred upon an Army, Naval, Marine, or Air Force officer because of his duties as attaché to a diplomatic mission.

10. At ceremonies and receptions where the members of the mission take individual position, and in the lists furnished foreign governments for inclusion in their diplomatic lists, precedence shall follow the ranking indicated in the preceding sections.

11. At ceremonies and receptions where the personnel of diplomatic missions are present as a body, the chief of mission, or chargé d'affaires ad interim,

accompanied by all officers of the Foreign Service included in the diplomatic list, shall be followed next by the military, naval, and air attachés and assistant attachés, and other attachés and assistant attachés who are not officers of the Foreign Service, formed as distinct groups in the order determined by their respective grades and seniority.

12. In international conferences at which the American delegates possess plenipotentiary powers, the senior counselor of embassy or legation attached to the delegation shall take precedence immediately after the delegates, unless otherwise instructed by the Secretary of State.

13. In the districts to which they are assigned, consuls general shall take precedence with but after brigadier generals in the Army, Air Force, and Marine Corps and commodores in the Navy; consuls shall take precedence with but after colonels in the Army, Air Force, and Marine Corps and captains in the Navy; officers of the Foreign Service commissioned as vice consuls shall take precedence with but after captains in the Army, Air Force, and Marine Corps and lieutenants in the Navy.

14. Officers of the Foreign Service with the title of consul general, consul, or vice consul shall take precedence with respect to medical officers of the Public Health Service assigned to duty in American consular offices as follows: consul general before medical director; consul with but after medical director; vice consul with but after senior assistant surgeon: *Provided*, That this regulation shall not operate to give precedence to any medical officer above that of the consular officer in charge.

15. This order supersedes Executive Orders No. 8356 of March 2, 1940, and No. 8377 of March 18, 1940 (3 CFR Cum. Supp. 624, 632).

HARRY S. TRUMAN

THE WHITE HOUSE,
September 14, 1948.

[F. R. Doc. 48-8336; Filed, Sept. 14, 1948; 10:43 a. m.]

EXECUTIVE ORDER 9999

SUSPENDING CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 2 of the Civil Functions Appropriation Act, 1949 (Public Law 782, 80th Congress), section 103 of the Department of the Navy Appropriation Act, 1949 (Public Law 753, 80th Congress), and section 4 of the Military Functions Appropriation Act, 1949 (Public Law 766, 80th Congress), relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective dates of the said Acts, compliance with the provisions of the said sections during the continuance of the present national emergency.

Finding such action necessary because of a shortage of housing, I hereby suspend for the fiscal year 1949 the application of those portions of the cited sections of the respective Acts which require the employment of citizens of the Republic of Panama or of the United States in skilled, technical, clerical, administrative, executive, or supervisory positions.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 14, 1948.

[F. R. Doc. 48-8343; Filed, Sept. 14, 1948; 11:14 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

REVISED REGULATIONS

Correction

In F. R. Document 48-8179, appearing in the issue for Saturday, September 11, 1948, at page 5300, change the *Unofficially drawn samples* in § 52.42 (b) (4) to read as follows:

Unofficially drawn samples

Minimum fee for 3 samples or less	$7.50
For each additional sample in excess of 3 samples	2.50

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 573]

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY QUARANTINE; ADMINISTRATIVE INSTRUCTIONS; LIFTING PERMIT AND STERILIZATION REQUIREMENTS

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.64-3 (a) and § 301.64-4 of the regulations supplemental to the Mexican fruitfly quarantine (7 CFR 1945 Supp., §§ 301.64-1 through 301.64-7), the following administrative instructions are hereby adopted:

§ 301.64-3h *Administrative instructions lifting permit and sterilization requirements for interstate movement of citrus fruits until further notice.* The Chief of the Bureau of Entomology and Plant Quarantine, having determined that natural conditions exist, with respect to the area regulated by Notice of Quarantine No. 64 on account of the Mexican fruitfly (7 CFR 1945 Supp., 301.64 to 301.64-7, incl.), which eliminate the risk of Mexican fruitfly infestations in regulated citrus fruits during the extended 1947-48 harvesting season as designated in B. E. P. Q. 568, supplement No. 2, effective July 31, 1948 (7 CFR § 301.64-5e, 13 F. R. 4567), and during the overlapping early part of the 1948-49 shipping season, hereby waives the permit requirements for interstate movement of such fruits from such regulated area, effective September 11, 1948, and until due notice of their resumption shall have been given. Further, administrative instructions contained in B. E. P. Q. 569 (7 CFR § 301.64-4f, 13 F. R. 2193), requiring that effective 12:01 a. m., April 24, 1948, and continuing throughout the 1947-48 harvesting season, all grapefruit, as a condition of certification for interstate movement from the Texas counties of Cameron, Hidalgo, and Willacy, shall be sterilized in accordance with the methods authorized in B. E. P. Q. 472, revised effective September 25, 1941, are hereby revoked, effective September 11, 1948.

These administrative instructions also cancel and supersede B. E. P. Q. 567, effective February 9, 1948 (7 CFR § 301.64-3f, 13 F. R. 611) and B. E. P. Q. 565, effective March 6, 1948 (7 CFR § 301.64-3g, 13 F. R. 1303). (Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161; 7 CFR 1945 Supp., 301.64-3 (a), 301.64-4)

The purpose of this action is to discontinue until further notice all permit and sterilization requirements now prescribed as a condition for the interstate movement of regulated citrus fruits from the area regulated on account of the Mexican fruitfly. A trapping survey conducted in the regulated area during the last several weeks indicates that the abovementioned counties have entered upon the period during which they are seasonally free from the Mexican fruitfly. It is therefore feasible to discontinue temporarily the precautions now in effect. Such action relieves citrus growers in the affected area of requirements that have been in effect during most of the present calendar year. In order to be of maximum benefit to the affected growers, the relief from these requirements must be effective as soon as possible. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found, upon good cause, that notice and public procedure on this order are unnecessary, impractical, and contrary to the public interest, and good cause is found for the issuance of this order effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 48-8243; Filed, Sept. 14, 1948; 9:04 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 939—REGULATING THE HANDLING OF THE BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

On July 20, 1948, a notice of rule making was published in the FEDERAL REGISTER (F. R. Doc. 48-6466; 13 F. R. 4128, 5214) with respect to the proposed approval by the Secretary of Agriculture of the rules and regulations, submitted by the Control Committee established under the marketing agreement and Order No. 39 (7 CFR, Cum. Supp., 939.1 et seq.), regulating the handling of the Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California. The following rules and regulations are hereby approved as the rules and regulations of such committee:

Sec.
939.100 Definitions.
939.101 Communications.
939.104 Limitation of shipments.
939.106 Pears for by-product, charitable, or gift purposes.
939.107 Reports.

AUTHORITY: §§ 939.100, 939.101, 939.104, 939.106, and 939.107 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 939.1 et seq.

§ 939.100 *Definitions.* (a) "Marketing agreement and order" means Marketing Agreement 89 and Order No. 39 (7 CFR, Cum. Supp., 939.1 et seq.), regulating the handling of Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California.

(b) Each term used in the marketing agreement and order shall, when used herein, have the same meaning applicable to such term in the marketing agreement and order.

§ 939.101 *Communications.* Unless otherwise prescribed herein or in the marketing agreement and order, or required by the Control Committee, all reports, applications, submittals, requests, inspection certificates, and communications in connection with the marketing agreement and order shall be forwarded as follows:

Winter Pear Control Committee, 519 Northwest Park Avenue, Portland 9, Oregon.

§ 939.104 *Limitation of shipments—*(a) *Exemption certificates; procedural rules.* Application for an exemption certificate authorizing the shipment during a particular marketing season of any variety of pears shall be filed with the secretary of the Control Committee not later than November 15 of such marketing season. Each such application duly mailed to and duly received by the secretary of the Control Committee shall be deemed to have been filed with the secretary as of the date of such mailing. Each application shall contain the following information on Form E-1 "Grower Application for Exemption Certificate":

(1) The name and address of the applicant;

(2) The location of the orchard (by district and distance from the nearest town) from which the fruit is to be shipped pursuant to the exemption certificate;

(3) The number and age of the trees producing the particular variety for which exemption is requested;

(4) The quantity of such variety which could be shipped by the applicant in the absence of the grade and size regulations in effect at the time the application is filed;

(5) The quantity of such variety which meets the requirements of the aforesaid effective grade and size regulations;

(6) The total crop of the particular variety of pears and the quantity shipped during the preceding marketing season;

(7) The names of the shippers who shipped all or any portion of the applicant's aforesaid crop during the preceding marketing season;

(8) The reasons why the quantity of the particular variety of pears, for which exemption is requested, does not meet the aforesaid effective grade and size regulations; and

(9) The name of the shipper or shippers who will ship the exempted pears if the exemption certificate is issued.

(b) *Exemption committee.* The members and alternate members of the Control Committee residing in the district in which the applicant grower's orchard is located shall act as an exemption committee for that district and shall make or cause to be made such investigation as may be necessary to determine whether and to what extent such applicant will be prevented, because of the aforesaid grade and size regulation in effect, from shipping as large a percentage of the particular variety of his pears as the percentage of all pears of that particular variety permitted to be shipped from his district as determined by the Control Committee. In the event any member or alternate member of the Control Committee shall himself apply for an exemption certificate he shall be disqualified to serve as a member of the exemption committee to act upon the application.

(c) *Issuance of exemption certificate.* In the event such exemption committee finds and determines from proof satisfactory to the committee that the applicant is entitled to an exemption certificate, such exemption certificate shall be issued so as to permit the applicant to ship or have shipped the requisite quantity of his pears. Each exemption certificate shall be signed by the secretary or assistant secretary of the Control Committee and one copy thereof shall be delivered to the grower, one copy shall be delivered to each shipper designated by the grower to receive a copy, and one copy shall be retained in the files of the Control Committee. In the event the secretary of the Control Committee has reason to believe that any such finding or determination by an exemption committee is improper or not in accordance with the facts, he may disapprove the same, and shall make or cause to be made such further investigation as he may determine to be necessary or advisable, and may request or obtain such information as he may deem necessary to enable him to determine whether or not and to what extent an applicant is entitled to an exemption certificate.

(d) *Appeal to Control Committee.* Any grower, whose application is denied in whole or in part by the appropriate exemption committee or by the secretary of the Control Committee, may file a written appeal with the Control Committee within fifteen (15) days after the date of the notice to such grower of the decision involved. Upon receipt of such appeal, the secretary of the Control Committee shall submit the same, together with all applicable information and data, including the report of the exemption committee on that grower's application to the members of the Control Committee, who thereafter shall review the same and shall determine whether and to what extent the applicant is entitled to an exemption certificate. Thereupon the secretary of the Control Committee shall issue to that grower such exemption certificate as the Control Committee shall determine to be proper.

(e) *Appeal to Secretary.* Any grower who is dissatisfied with the Control Committee's determination with respect to any appeal by that grower from a decision by an exemption committee or by the secretary of the Control Committee with respect to that grower's application for an exemption certificate, may appeal from such determination by the Control Committee to the Secretary of Agriculture. Any such appeal shall be made by filing with the secretary of the Control Committee a written notice of appeal within fifteen (15) days after notice to that grower of the Control Committee's action on that grower's application for an exemption certificate. Promptly upon receipt of notice of an appeal signed by the applicant, the secretary of the Control Committee shall forward to the Secretary of Agriculture, or to his designated representative, a true and correct copy of all information pertaining to that grower's application for an exemption certificate and the action taken thereon by the Control Committee, together with such written information and proof as was submitted to or obtained by the Control Committee with regard to said application, and a true copy of the appellant grower's notice of appeal.

§ 939.106 *Pears for by-product, charitable, or gift purposes.* (a) Pears which do not meet the requirements of any effective grade or size regulation shall not be shipped or handled for consumption by any charitable institution or for distribution by any relief agency or for conversion into any by-product, unless there first shall have been delivered to the manager of the Control Committee a certificate executed by the intended receiver and user of said pears, showing, to the manager's satisfaction, that said pears actually will be used for one or more of the aforesaid purposes.

(b) There are exempted from the provisions of the marketing agreement and order any and all pears which, in individual gift packages, are shipped directly to, or which are shipped for distribution without resale to, an individual person as the consumer thereof, and any and all pears which, in individual gift packages are shipped directly to, or are shipped for distribution without resale to, a purchaser who will use these pears solely for gift purposes and not for sale.

§ 939.107 *Reports.* (a) Each shipper handling pears covered by an exemption certificate shall keep an accurate record, in the manner provided on such certificate, of all shipments of such pears. Such shipper, after having shipped as many pears as authorized by

the particular exemption certificate, shall promptly mail to the secretary of the Control Committee, such handler's copy of the exemption certificate containing an accurate record of such shipments.

(b) Each handler shall furnish to the Control Committee as of the 1st day and the 15th day, respectively, of each calendar month a report containing the following information on Form 1 "Handler's Statement of Pear Shipments":

(1) The number of standard western pear boxes (two half boxes shall be counted as one box) of each variety of pears shipped by that handler during the preceding half month;

(2) The date of each shipment;

(3) The car numbers or truck license numbers, as the case may be, of all cars or trucks in which such shipments were made;

(4) The ultimate destination, by city and State; and

(5) The name and address of such handler.

(c) Each handler shall furnish to the Control Committee, as of October 15 of each season and as of the fifteenth and last days of each month thereafter, a report containing the following information on Form 4R, "Handlers' Packout Report":

(1) The total of the packout of each variety;

(2) The quantity of each variety loose in storage;

(3) The volume of each variety sold, unsold, stored East and West, and in transit; and

(4) The name and address of such handler.

(d) Each handler who has pears inspected and certificated in lots larger than carload lots and who wishes to rely on such lot inspections in lieu of inspection certificates for individual carlot shipments shall deliver to the manager within 10 days after shipment of any such pears a written report showing the quantity, variety, grade, and size of the pears so shipped and the date of shipment thereof, and said report shall identify such pears with the lot-inspection certificate covering the same, and shall further show what portion of that lot remains unshipped, and where located; such reports shall be in addition to, and not in lieu of, the semi-monthly handler's reports of shipments required under paragraphs (b) and (c) of this section.

(e) Each handler shall specify on each bill of lading covering each shipment the variety, and number of boxes thereof, of all pears included in that shipment.

The rules and regulations contained in §§ 939.100, 939.101, 939.104, 939.106, and 939.107 of this part shall become effective September 16, 1948. It is hereby found that it is impractical and contrary to the public interest to postpone the effective date of these rules and regulations until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the shipping season for the pears covered by the aforesaid marketing agreement and order will commence in early September, regulation of shipments of such pears will be effective on and after September 16, 1948, and it is essential that the aforesaid rules and regulations be in effect at that time in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

Done at Washington, D. C., this 10th day of September 1948.

[SEAL] I. W. DUGGAN,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8285; Filed, Sept. 14, 1948; 8:58 a. m.]

Chapter XIV—Production and Marketing Administration (School Lunch Program)

APPENDIX—APPORTIONMENT OF FOOD ASSISTANCE FUNDS

FOURTH APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1948

Pursuant to section 4 of the National School Lunch Act (60 Stat. 230), food assistance funds available for the fiscal year ending June 30, 1948, are reapportioned among the several States as follows:

State	Total	State agency	Private schools
Alabama	$2,272,413	$2,248,041	$24,372
Arizona	330,078	317,573	12,505
Arkansas	1,458,660	1,438,908	19,752
California	2,052,261	2,052,261	
Colorado	450,075	419,827	30,248
Connecticut	467,197	467,197	
Delaware	68,698	68,698	
District of Columbia	90,163	90,163	
Florida	917,684	890,355	27,329
Georgia	2,270,563	2,270,563	
Idaho	228,709	221,803	6,906
Illinois	2,211,181	2,211,181	
Indiana	1,205,957	1,205,957	
Iowa	848,517	770,210	78,307
Kansas	658,773	658,773	
Kentucky	1,924,096	1,924,096	
Louisiana	1,535,202	1,535,202	
Maine	286,939	271,584	15,355
Maryland	619,508	585,183	34,325
Massachusetts	1,108,626	988,682	119,944
Michigan	1,797,812	1,639,829	157,983
Minnesota	1,029,968	893,790	136,178
Mississippi	1,611,282	1,611,282	
Missouri	1,347,876	1,347,876	
Montana	179,009	165,856	14,053
Nebraska	411,424	368,579	42,845
Nevada	45,248	44,335	913
New Hampshire	174,502	174,502	
New Jersey	1,148,724	956,885	192,339
New Mexico	250,540	230,696	19,844
New York	2,969,764	2,969,764	
North Carolina	2,634,814	2,634,814	
North Dakota	193,055	173,488	19,567
Ohio	2,048,875	1,785,515	263,360
Oklahoma	1,180,309	1,180,309	
Oregon	393,363	393,363	
Pennsylvania	1,929,421	1,707,735	221,686
Rhode Island	192,210	192,210	
South Carolina	1,594,392	1,588,372	6,020
South Dakota	15,251		15,251
Tennessee	1,787,203	1,773,710	13,493
Texas	3,398,222	3,398,222	
Utah	314,185	310,308	3,877
Vermont	133,493	133,493	
Virginia	1,413,157	1,397,191	15,966
Washington	528,388	498,136	30,252
West Virginia	1,050,812	1,033,314	17,498
Wisconsin	1,089,105	811,709	185,469
Wyoming	104,173	104,173	
Alaska	12,226	12,226	
Hawaii	91,683	75,260	16,423
Puerto Rico	1,962,802	1,962,802	
Virgin Islands	33,229	33,229	
Total	54,000,000	52,255,749	1,744,251

(Sec. 4, 60 Stat. 230; 42 U. S. C. 1743)

Dated: September 9, 1948.

[SEAL] DILLARD B. LASSETER,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8244; Filed, Sept. 14, 1948; 9:04 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—CIVIL AIR NAVIGATION

MISCELLANEOUS AMENDMENTS

CROSS REFERENCE: For amendments to §§ 116.3, 116.4, 116.8, 116.11 and 116.13 see Title 19, Chapter I, Part 6, *infra*.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-335]

PART 178—BABY CHICK INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES AS AMENDED AND EXTENDED

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 10th day of September 1948.

Due proceedings having been had for amending and extending the rules for this industry under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules, in the amended and extended form, hereinafter set forth and appearing under Group I and Group II, be and the same are hereby approved and received, respectively; and that said rules, including all amendments and extensions, be promulgated as of September 15, 1948.

Statement by the Commission. Revised and extended trade practice rules for the Baby Chick Industry are promulgated by the Federal Trade Commission as hereinafter set forth.

Members of the industry are the persons, firms, corporations, and organizations engaged in the sale, offering for sale, or distribution of baby chicks as the term "baby chicks" is defined in the rules.

The rules are directed to the maintenance of free and fair competition in the industry and the elimination and prevention of unfair methods of competition, deceptive practices, and trade abuses. To this end various unfair and deceptive practices are defined and proscribed.

These rules constitute a revision and extension of those promulgated for the industry on December 31, 1938. Important new provisions which have been included are definitions of "crossbred", "inbred", "inbred line", "in-crossbred", and inhibitions respecting misuse of such terms. Also, provisions have been included prohibiting deceptive use of the word "hybrid", and requirements for the use of the word "farm" in corporate and trade names have been made more specific. Numerous other changes are embodied which further clarify applicable requirements of laws administered by the Commission.

Proceedings for revision and extension of the trade practice rules for the industry were instituted upon application made by industry members, and included the holding of an industry-wide trade practice conference under Commission auspices in St. Louis, Missouri, and public hearings on proposed rules at Cleveland, Ohio, and Washington, D. C. Thereafter and upon full consideration, final action was taken by the Commission whereby it has approved and received, respectively, the Group I and Group II rules as hereinafter set forth.

These revised and extended rules become operative thirty (30) days from date of promulgation, with the exception of §§ 178.19, 178.27 and 178.28 (Rules 19, 27, and 28), which become operative January 1, 1949. Upon becoming operative they supersede those promulgated for the industry December 31, 1938.

GROUP I

Sec.
178.0 General statement.
178.00 Definitions.
178.1 Misrepresentation of products.
178.2 Deceptive concealment of material facts.
178.3 Misuse of terminology of the National Poultry Improvement Plan or the National Turkey Improvement Plan, etc.
178.4 Guarantees, warranties, etc.
178.5 Misuse of words "guaranteed to live," and use of deceptive guarantees as to livability of baby chicks and percentage of live arrivals, or offers and contracts against mortality and disease, etc.
178.6 Deceptive testimonials.
178.7 Misrepresentation as to blood testing, pullorum testing, etc.
178.8 Misuse of terms "disease free," "pullorum free," etc.
178.9 Substitution of inferior chicks for those ordered.
178.10 Deceptive use of "leaders," etc.
178.11 Deceptive sale of baby chicks of poor grade or quality.
178.12 Fictitious prices.
178.13 Misrepresenting offer as "special," etc.
178.14 Misrepresenting chicks sold at auction, through shipment to fictitious consignees, or through agents, salesmen, or dealers, etc.
178.15 Misrepresenting chicks as from stock entered in egg-laying contests or poultry shows, etc.
178.16 Misue of terms "trapped," "trap nests," "trap-nested stock," "from trap-nested stock," etc.
178.17 Misrepresentation as to yields of eggs, as to chicks from hens with purported high egg-laying records, as to chicks from high egg-producing stock, etc.
178.18 Deception respecting male parentage in relation to egg production.
178.19 Misuse of words "hatchery," "chickery," "chick nursery," "farm," "poultry farm," "breeding farm," and related representations.
178.20 Deceptive depictions or illustrations.
178.21 Deception as to transportation or c. o. d. charges.
178.22 Misrepresenting offer as limited to time, etc.
178.23 Deceptive representations as to earnings, etc.
178.24 Misuse of the word "free," etc.
178.25 Deception by means of "bogus independents," "chick outlets," etc.
178.26 Misrepresentation respecting new breed of poultry.
178.27 Misuse of terms "crossbred," "inbred," "inbred line," "in-crossbred," etc.
178.28 Deceptive use of term "hybrid" prohibited.
178.29 False or misleading price quotations, etc.
178.30 Use of lottery schemes.
178.31 Defamation of competitors or disparagement of their products.
178.32 Use of "loss leaders."
178.33 Inducing breach of contract.
178.34 Enticing away employees of competitors.
178.35 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
178.36 Coercing purchase of one product as a prerequisite to the purchase of other products.
178.37 Consignment distribution.
178.38 Selling below cost.
178.39 Discrimination.
178.40 Aiding or abetting use of unfair trade practices.

GROUP II

178.100 General statement.
178.101 Shipping chicks to fictitious consignees, etc.
178.102 Failure to give notice of change in shipping schedule.
178.103 Failure to ship chicks as promptly as agreed upon.
178.104 Arbitration.
178.105 Repudiation of contracts.

AUTHORITY: §§ 178.0 to 178.105, inclusive, issued under 38 Stat. 717, as amended, 15 U. S. C. 41, et seq.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

§ 178.0 *General statement.* The unfair trade practices embraced in §§ 178.1 to 178.40, inclusive, are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 178.00 *Definitions*—(a) *Type of business affected and scope of "industry products."* The rules in §§ 178.0 to 178.40, inclusive, apply to the business of producing and selling, or marketing, of products of the industry which consist of baby chicks, turkey poults, goslings, ducklings, and other live poultry, to be raised or maintained for breeding purposes or for the production of eggs, broilers, fryers, or other poultry products. Hatching eggs are also included as industry products.

(b) *Definition of "baby chicks" (or "chicks") in application of §§ 178.0 to 178.40, inclusive.* The term "baby chicks" or "chicks" as used in §§ 178.0 to 178.40, inclusive, and except where otherwise clearly required, shall be understood to include not only baby chicks of all kinds and hatching eggs, but also all other products of the industry, namely, turkey poults, goslings, ducklings, and other live poultry, to be raised or maintained for breeding purposes or for the production of eggs, broilers, fryers, or other poultry products.

§ 178.1 *Misrepresentation of products.* It is an unfair trade practice to make or publish or cause to be made or published, directly or indirectly, any statement or representation which is false, misleading, or deceptive in any respect (whether it be in the form of advertisement, trade promotional literature, mark, stamp, brand, label, radio broadcast, oral or written communication, or other form of representation however disseminated or published):

(a) Concerning the grade, quantity, breed, strain, pedigree, type, sex, sexing, culling, quick maturity, uniform development, livability, health, testing (blood testing, pullorum testing, or other testing), strength, character, nature, origin, weight, color, size, or egg-producing or other qualities, of any baby chicks; or

(b) Concerning the production, sale, distribution, or delivery of any baby chicks; or

(c) Concerning the supervision, endorsement, or approval of any poultry breeding, hatching, or other operation by Federal, State, or other authority, or concerning any official connection with such Federal, State, or other authority; or

(d) Concerning any other matter relating to the baby chick business, its products, or any part thereof. [Rule 1]

§ 178.2 *Deceptive concealment of material facts.* In advertising, offering for sale, or selling baby chicks, it is an unfair trade practice for any member of the industry to conceal or fail or refuse to disclose any material facts with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, as for example:

(a) Filling baby chick orders with cockerels which have been obtained from sexed chicks or from other sources without having disclosed to the purchaser at the time of sale the fact that the baby chicks delivered are cockerels.

(b) Adding surplus cockerel chicks or surplus pullets to so-called "straight-run" chicks and offering for sale, selling, or delivering same to customers without informing the respective purchasers of the fact that such surplus or added cockerels or pullets have been included and without obtaining such purchasers' consent thereto.

(c) Advertising or offering chicks for sale as being "chicks of buyer's own choice," or making similar representations, whether under a so-called "free" offer or otherwise, without disclosing prior to delivery the fact that the chicks to be shipped will be cockerels of one sort or another or other undesirable types or breeds when such is the case, or will be of different breed or breeds of chicken than the circumstances would indicate, or that such chicks will be shipped upon dates later or different from those ordinarily to be expected.

(d) Representing that flocks contain certain types of males or females, but concealing the fact that only part of

such flocks contain such males or females; or representing that any flock contains certain types of males or females, but concealing the fact that such flock also contains other males or females.

(e) Claiming to own or operate a hatchery, poultry farm, or the like, but concealing the fact that the chicks distributed therefrom or advertised or offered for sale as being therefrom were not, either in whole or in part, produced by such hatchery, poultry farm, or the like.

NOTE: The above examples are but a few illustrations of the scope of this section. For other rules touching concealment and nondisclosure, see §§ 178.5 (c), 178.7 (d), 178.9–178.11, 178.14, 178.25; see also § 178.19 on "hatchery," "Poultry farm," etc.

[Rule 2]

§ 178.3 *Misuse of terminology of the National Poultry Improvement Plan or the National Turkey Improvement Plan, etc.* In connection with the offering for sale, sale, or distribution of baby chicks, it is an unfair trade practice to use, directly or indirectly, in advertising or trade promotional literature, on labels, or through any other medium, any terminology of the National Poultry Improvement Plan or the National Turkey Improvement Plan, or to make representations with respect thereto, when such terminology is not truthfully and fully applicable to such chicks or products, or to their production, origin, or sale, or when such terminology or representations are otherwise used under circumstances or in a manner having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(a) Under this section it is an unfair trade practice for any member of the industry to use said terminology or any other representations indicating, purporting, or implying that such member is a qualified participant in the National Poultry Improvement Plan or the National Turkey Improvement Plan, or that baby chicks advertised or offered for sale have been produced by participants in either plan as the case may be, when such is not the fact.

(b) It is likewise an unfair trade practice to mislead or deceive in any other manner or respect, or tend to cause confusion or deception of purchasers or prospective purchasers, in relation to the National Poultry Improvement Plan, the National Turkey Improvement Plan, or any other matter in respect thereto.

NOTE: In order to avoid deception or confusion of purchasers or prospective purchasers of industry products, all persons or concerns severing connection with the National Poultry Improvement Plan or the National Turkey Improvement Plan should immediately remove and discontinue the use of all signs, promotional literature, labels, and other representations or visible indications that they are still participating in the plan in question.

[Rule 3]

§ 178.4 *Guarantees, warranties, etc.* (a) In connection with the sale, offering for sale, or distribution of baby chicks, it is an unfair trade practice to use the word "guaranteed," or any other word, expression, or representation of similar import, without conjunctive disclosure of the conditions or limitations applicable to such guarantee, or to use, or cause to be used, any guarantee or purported guarantee which is false, misleading, or deceptive in any respect.

(b) Without in any way limiting the foregoing provision of this section, guarantees of the following type or character shall not be used:

(1) Guarantees issued or directly or indirectly caused to be used by any member of the industry under which the guarantor fails or refuses scrupulously to observe his obligation or fails or refuses to make good on claims coming reasonably within the terms of the guarantee; or

(2) Guarantees which are so used or are of such form, text, or character as to import, imply, or represent that the guarantee is broader than is in fact true, or will afford more protection to purchasers than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the words used are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions which are applicable to such guarantees and which materially lessen the value thereof as a guarantee to purchasers; or

(5) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any respect; or

(6) Guarantees which, either in themselves or in the manner of their use, are otherwise false, misleading, or deceptive.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 4]

NOTE: See also §§ 178.5 and 178.8.

§ 178.5 *Misuse of words "guaranteed to live," and use of deceptive guarantees as to livability of baby chicks and percentage of live arrivals, or offers and contracts against mortality and disease, etc.*—(a) *Misuse of words "guaranteed to live," etc.* It is an unfair trade practice to advertise, describe, or otherwise represent that baby chicks sold or offered for sale are "guaranteed to live," or to make similar statements or representations, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the erroneous belief that the said baby chicks possess extraordinary stamina or other qualities which prevent disease or death, or into any other erroneous belief.

(b) *Deceptive guarantees or representations as to percentage of chicks alive at buyer's destination.* It is an unfair trade practice to make guarantees, warranties, or other representations to the effect that all or a certain percentage of the chicks shipped will be alive at buyer's destination, and then fail to adjust losses pursuant to representations made, or otherwise fail fully to live up to all the provisions of such guarantees, warranties, or other representations.

(c) *Offers, promises, or contracts against mortality, sickness, disease, etc.* If any offer, promise, or contract is made against mortality, sickness, disease, ill health, or impairment of vitality, such shall specifically disclose what replacement, refund, credit, or other provision will be made in the event any such mortality, sickness, disease, ill health, or impairment of vitality arises, together with such other applicable terms and information as may be necessary in the circumstances, to the end that no confusion or deception of purchasers may ensue or tend to ensue.

(d) *Use of deceptive guarantees as to livability of baby chicks, etc.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any other false, misleading, or deceptive statement, guarantee, warranty, or other representation concerning the livability, health, stamina, or any quality or condition of baby chicks sold or offered for sale. [Rule 5]

NOTE: See §§ 178.4 and 178.8 as to further provisions regarding guarantees.

§ 178.6 *Deceptive testimonials.* It is an unfair trade practice to use, or cause to be used, any testimonial which is false, misleading, deceptive, or unfair in any respect.

Testimonials of the type prohibited by this section include the following:

(a) Testimonials regarding exceptional results alleged to have been obtained from the chicks of a particular seller, which testimonials are so worded as to have the capacity and tendency or effect of inducing purchasers or prospective purchasers to believe that all of such seller's chicks may be expected to produce similar results for all buyers when such is not the fact; or

(b) Testimonials regarding the chicks of a seller which, though true at the time given in the past, are misleading or deceptive to purchasers or prospective purchasers as currently used because out of date and no longer applicable to the facts, circumstances, or conditions described therein and such information has not been fully and nondeceptively disclosed; or

(c) Testimonials which purport to pertain to certain high-grade chicks being offered for sale, or to exceptional conditions or facilities for producing same, when such is not the fact; or

(d) Testimonials which are so worded or are used in such manner as to convey the impression they were given without solicitation or payment of any consideration when such is not true in fact; or

(e) Testimonials which for any reason, whether by their form or in the manner of their use or otherwise, have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any respect. [Rule 6]

§ 178.7 *Misrepresentation as to blood testing, pullorum testing, etc.* (a) *Birds or flocks.* It is an unfair trade practice to advertise, describe, or otherwise represent, directly or indirectly, that baby chicks sold or offered for sale have been, or come from flocks which have been, blood tested, pullorum tested, vaccinated, inoculated, or otherwise treated for any disease, when such is not the fact, or when only a portion of the birds or flocks supplying the eggs have been so treated or tested during the current season, or when such blood or pullorum testing, vaccination, inoculation, or treatment is inadequate or is not officially recognized as adequate to control the disease in question.

(b) *Eggs.* It is an unfair trade practice to advertise, describe, or otherwise represent, directly or indirectly, that hatching eggs sold or offered for sale are from birds or flocks that have been blood tested, pullorum tested, vaccinated, inoculated, or otherwise treated for any disease, when such is not the fact, or when only part of the hatching eggs so sold or offered for sale are from birds or flocks that have been so blood tested, pullorum tested, vaccinated, inoculated, or otherwise treated for any disease, or when such blood or pullorum testing, vaccination, inoculation, or treatment is inadequate or is not officially recognized as adequate to control the disease in question.

(c) *Deception respecting "approval" or "official approval" of test methods used, or respecting the qualifications or official status of person performing test.* It is an unfair trade practice to use any disease control term, such as "pullorum tested," "blood tested," or the like, in advertising or otherwise, in such manner as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers into the belief that officially-approved methods have been used in making these tests, or that such tests have been made by a duly-qualified person or persons, or under the auspices or supervision or with the endorsement of a Federal, State, or other agency or authority, when such is not the fact.

(d) *Deception resulting from failure to remove reactors from chicks represented as having been "tested."* It is an unfair trade practice deceptively to use the terms "tested," "100% tested," or similar expressions or representations, as descriptive of baby chicks or other poultry, when clearly and in immediate conjunction truthful disclosure is not made of the diseases or ailments for which such chicks or poultry have been tested, and when, even though tested, all reactors have not actually been removed from the premises upon the completion of the tests in question. [Rule 7]

NOTE: See § 178.8 relating to disease-free representations.

§ 178.8 *Misuse of terms "disease free," "pullorum free," etc.* (a) It is an unfair trade practice deceptively to advertise, guarantee, describe, or otherwise represent, directly or indirectly, that any baby chicks sold or offered for sale are free of disease.

(b) It is an unfair trade practice deceptively to advertise, guarantee, describe, or otherwise represent, directly or indirectly, that baby chicks or other poultry sold or offered for sale are "disease free," "pullorum free," "absolutely pullorum free," "100% pullorum free," "completely pullorum free," "entirely pullorum free," "fully pullorum free," "positively pullorum free," "utterly pullorum free," or "wholly pullorum free."

(c) Under this section terms of the type referred to are not to be used in respect of any disease for which full freedom cannot be definitely achieved. [Rule 8]

NOTE: See also §§ 178.4 and 178.5 on guarantees.

§ 178.9 *Substitution of inferior chicks for those ordered.* It is an unfair trade practice to advertise, describe, or otherwise represent that the flocks of a particular seller or producer possess certain good qualities, such as ability to resist disease, or to produce high yields of eggs, or the like, and then upon receipt of customers' orders for baby chicks from the flocks advertised, filling same from flocks of an inferior quality, without first informing and obtaining the consent of purchasers to such substitution. [Rule 9]

§ 178.10 *Deceptive use of "leaders," etc.* It is an unfair trade practice to offer for sale, advertise, or otherwise represent baby chicks as being of a certain high grade or quality:

(a) When an adequate supply of such chicks is not available at the prices offered and such fact is not fully and nondeceptively disclosed to purchasers and prospective purchasers; or

(b) When all chicks so offered for sale or sold under said representations are not of the said high grade or quality; or

(c) When such representations are otherwise false, misleading, or deceptive. [Rule 10]

NOTE: See also § 178.32.

§ 178.11 *Deceptive sale of baby chicks of poor grade or quality.* It is an unfair trade practice to sell or offer for sale baby chicks of poor grade or quality as being from a farm or hatchery advertised or bearing a reputation for high-grade production, without informing purchasers or prospective purchasers of the poor grade or quality of such chicks, and taking such other steps as may be necessary to prevent deception. [Rule 11]

§ 178.12 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 12]

§ 178.13 *Misrepresenting offer as "special," etc.* It is an unfair trade practice to represent an offer as "special" when it is in fact a regular offer, or otherwise to use the terms "special," "special offer," or terms or words of similar import, in a manner or under conditions which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 13]

§ 178.14 *Misrepresenting chicks sold at auction, through shipment to fictitious consignees, or through agents, salesmen, or dealers, etc.* It is an unfair trade practice to cause baby chicks to be sold under deceptive or misleading conditions, at auction sales, through shipment to fictitious consignees, or through agents, salesmen, dealers, or otherwise, regardless of whether such deceptive conditions are brought about by misstatements or by concealment of material fact or otherwise. [Rule 14]

§ 178.15 *Misrepresenting chicks as from stock entered in egg-laying contests or poultry shows, etc.* It is an unfair trade practice to advertise, describe, or otherwise represent that baby chicks sold or offered for sale are the progeny of, or are descended from, or have the strain of, or are closely related to, stock entered in egg-laying contests or poultry shows, prize-winning or championship or high-performance stock or poultry, or the like, when such is not the fact. [Rule 15]

§ 178.16 *Misuse of terms "trapped," "trap nest," "trap-nested stock," "from trap-nested stock," etc.* It is an unfair trade practice to represent, through advertising or otherwise, by the use of such words or expressions as "trapped," "trap nest," "trap-nested stock," "from trap-nested stock," or other words or expressions of similar import, that baby chicks sold or offered for sale have been produced by trap-nested stock, unless and until all of the eggs from which such chicks are hatched are produced by trap-nesting methods and the egg-laying records of the females producing such eggs have been definitely established by trap-nesting for a recognized adequate period of time. [Rule 16]

§ 178.17 *Misrepresentation as to yields of eggs, as to chicks from hens with purported high egg-laying records, as to chicks from high egg-producing stock, etc.*—(a) *Misrepresentation as to yields of eggs.* It is an unfair trade practice to represent, directly or indirectly, through advertising or otherwise, that high yields of eggs are received from all or any flocks of a particular seller or producer when such is not the fact, or when such is untrue in whole or in part.

(b) *Misrepresentation as to chicks from hens with purported high egg-laying records.* It is an unfair trade practice to represent, directly or indirectly, through advertising or otherwise, that chicks are produced by hens having certain purported high egg-laying records when the records of such hens have not been definitely established by trap-nesting for a recognized adequate period of time.

(c) *Misrepresenting baby chicks as from high egg-producing stock, etc.* It is an unfair trade practice to represent, directly or indirectly, through advertising or otherwise, that baby chicks offered for sale are of high egg-producing stock when such high egg-producing qualities have not been established, or when such

representation is otherwise false, misleading, or deceptive. [Rule 17]

§ 178.18 *Deception respecting male parentage in relation to egg production.* In the case of baby chicks produced from flocks with which a limited number of males having a record for transmitting high egg-production qualities are mated, while other males having no such record are also mated therewith, it is an unfair trade practice to offer baby chicks for sale from such flocks through advertising or representations which directly or by reason of concealment or nondisclosure of fact have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into possess the same high egg-production the erroneous belief that all of such chicks possess the same high egg-production qualities as the said males of high pedigree, or that such flocks have been mated exclusively with males having a record for transmitting high egg-production qualities, or into any other erroneous belief. [Rule 18]

§ 178.19 *Misuse of words "hatchery," "chickery," "chick nursery," "farm," "poultry farm," "breeding farm," and related representations.* In the sale, offering for sale, or distribution of baby chicks, it is an unfair trade practice for any member of the industry by trade or corporate name, through advertising, or otherwise:

(a) To hold himself out as owning or operating a hatchery, chickery, chick nursery, poultry breeding business, or as being the producer of baby chicks, or as operating incubators or producing chicks at a particular place or under claimed or specified conditions, when such is not the fact; or

(b) To use the terms "farm," "poultry farm," "breeding farm" or similar representations, in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that the baby chicks have been produced on a farm, poultry farm, or breeding farm, of said industry member, when such is not the fact; or

(c) To use the terms or representations specified in paragraphs (a) and (b) of this section, or other terms or representations of similar import, in any other false, misleading, or deceptive manner.

NOTE: Under this section, and in order to avoid misunderstanding, confusion, or deception of purchasers, the terms "farm," "poultry farm," "breeding farm," or other representations of similar import, should not be used in the sale, offering for sale, or distribution of baby chicks when the industry member making such representations does not own and actually operate, or does not occupy (or have possession of) and absolutely control the operation of, such a farm producing the baby chicks.

Where such representations are made and the industry member produces on a farm so owned and operated or occupied and controlled by him only a portion of the chicks, specific disclosure of the facts should be made to purchasers to the extent necessary to fully prevent their being misled or deceived into the erroneous belief, either that all the chicks so offered for sale or sold are produced on such farm of the industry member, or that none of the chicks so offered for sale or sold come from outside sources; that is, from sources or farms not so owned and operated or occupied and controlled by such industry member.

Nothing in this section, however, shall be construed as prohibiting an industry member who actually owns and operates a farm primarily devoted to the production of baby chicks from selling, offering for sale, or distributing, under a trade, corporate, or other name containing the word "farm," baby chicks produced from flocks of cooperating farms along with chicks produced on such member's own farm, if and when the industry member has had and exercised direct supervision and control over all operations and conditions material to the quality, health, and vigor of all said chicks, including selection of the breeding stock of which such baby chicks are the progeny, and all breeding and disease control practices.

[Rule 19]

§ 178.20 *Deceptive depictions or illustrations.* It is an unfair trade practice to use photographs, cuts, engravings, illustrations, or pictorial or other depictions or devices, in catalogues, sales literature or advertisements, or otherwise, in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the size, importance, or location of the premises occupied by a member of the industry, as to such member's equipment, as to his poultry or baby chicks, his breeding flocks or poultry products, or as to any other matter relating to his business or products. [Rule 20]

§ 178.21 *Deception as to transportation or c. o. d. charges.* (a) It is an unfair trade practice to sell or offer to sell baby chicks, through advertising or otherwise, in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that the prices quoted for such baby chicks are the prepaid or delivered prices when such is not the fact.

(b) It is an unfair trade practice, by failing correctly to inform customers or by other deception, to cause purchasers to believe that transportation costs will not be charged against them in c. o. d. charges or otherwise, when such is not true in fact. [Rule 21]

§ 178.22 *Misrepresenting offer as limited to time, etc.* It is an unfair trade practice to represent an offer of baby chicks to be limited as to time or otherwise when such is not the fact. [Rule 22]

§ 178.23 *Deceptive representations as to earnings, etc.* It is an unfair trade practice to make false, misleading, or deceptive statements or representations regarding opportunities for making money or actual or probable earnings of agents or dealers handling hatching eggs, baby chicks, or other poultry, or of purchasers raising baby chicks or other poultry. [Rule 23]

§ 178.24 *Misuse of the word "free," etc.* Use of the word "free," or words of similar import, in advertising to designate or describe any industry product which is not in truth and in fact a gift or gratuity, or is not given to the recipient thereof without cost or without requiring the purchase of other merchandise or requiring the performance of some service inuring directly or indirectly to the benefit of the industry member using such word, is an unfair trade practice. [Rule 24]

§ 178.25 *Deception by means of "bogus independents," "chick outlets," etc.* (a) It is an unfair trade practice for any member of the industry to represent in any manner, directly or by concealment or nondisclosure of the true facts, that a certain chick outlet or outlets are independent of, or in competition with, said member, when such is not the fact, or when said member owns or controls such outlet or outlets directly or through another person, firm, corporation, or group.

(b) It is an unfair trade practice to advertise, offer for sale, or sell baby chicks, under different trade, fictitious, or other names for what is in fact the same concern, whether or not such advertisement or offer for sale is made in the same or different papers, magazines, or other publications, when such advertising, offering for sale, or selling, has the capacity and tendency or effect of misleading or deceiving the public into the belief that such names represent different concerns, or when the practice has a deceptive or misleading capacity and tendency or effect in other respects.

(c) It is an unfair trade practice, by use of the word "hatchery" or other words, or by the display of incubators or the token or purported operation of incubators, or by signs, advertising matter, or through other means, to cause or tend to cause purchasers to believe that baby chicks sold at or shipped or delivered from a certain store, branch, or place of business have been or are actually hatched at such store, branch, or place of business, when such is not the fact. [Rule 25]

§ 178.26 *Misrepresentation respecting new breed of poultry.* It is an unfair trade practice to offer for sale, sell, or directly or by implication to advertise, describe, or represent, any baby chicks or other poultry as being a new breed or as being the progeny of a new breed, when such is not the fact.

This section shall not be construed as preventing baby chicks or other poultry from being described as a new breed if and when they meet the following definition or specification for a new breed as proposed by the industry, and no deception is practiced in relation to such designation or description:

New breed. A group of birds which are of similar size, shape, and skin color and differ from existing breeds in these characters or in the combination of these characters, and the varieties within the breed have similar plumage color and pattern, comb type, and other distinguishing physical characteristics, all of the characteristics of the breed and variety being demonstrated as having been reproduced with a high degree of uniformity.

[Rule 26]

§ 178.27 *Misuse of terms "crossbred," "inbred," "inbred line," "in-crossbred," etc.* In the sale, offering for sale, or distribution of baby chicks, it is an unfair trade practice to use the terms "crossbred," "inbred," "inbred line," "in-crossbred," or similar designations or representations as descriptive of baby chicks when such terms, designations, or representations are not fully and truthfully applicable to such baby chicks or are otherwise used in a false, misleading, or deceptive manner.

For the purpose of §§ 178.0 to 178.40, inclusive, and in their application, use of the terms mentioned in this section in accordance with the following definitions, respectively, is acceptable.

(a) *"Crossbred."* The first generation baby chicks produced:

(1) By crossing two different breeds or varieties; or

(2) By crossing first generation poultry resulting from the combination of two different breeds or varieties with another and different breed or variety; or

(3) By crossing the first generation poultry resulting from the combination of two different breeds or varieties with the first generation poultry resulting from the combination of two other different breeds or varieties.

(b) *"Inbred."* The first generation baby chicks produced by a mating of poultry of known relationship, related to the degree of first cousins or closer.

(c) *"Inbred line."* A group of inbred baby chicks resulting from at least four generations of inbreeding. The poultry constituting the line must be individually identified as to origin and so interrelated that the mating of any pair within the line would result in progeny with an amount of inbreeding exceeding that resulting from three successive generations of full brother-sister matings (coefficient of more than 50%).

(d) *"In-crossbred".* The first generation baby chicks produced:

(1) By crossing two inbred lines of different breeds or varieties; or

(2) By crossing first generation poultry resulting from the combination of two inbred lines of different breeds or varieties with another inbred line of different breed or variety; or

(3) By crossing the first generation poultry resulting from the combination of two inbred lines with the first generation poultry resulting from the combination of two other inbred lines when each line used is of different breed or variety than any other used. [Rule 27]

§ 178.28 *Deceptive use of term "hybrid" prohibited.* It is an unfair trade practice to use the word "hybrid," alone or in conjunction with other words or representations, as descriptive of baby chicks offered for sale, sold, or distributed, when such use of the term or the conditions under which it is applied are such as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers in any material respect as to the breeding, inbreeding, crossing, production, or generation of such chicks or in any other material respect.

NOTE: It appears there is a substantial and growing number of farmers and other buyers of baby chicks who understand that the term "hybrid," as applied to baby chicks, denotes and implies that such chicks have been produced by combining different breeds or varieties in which there has been a substantial amount of selective inbreeding.

Four generations of inbreeding in parental lines is accepted hereunder as being substantial; and this section is not to be construed as prohibiting the non-deceptive use of the term "hybrid" as descriptive of baby chicks resulting from the combination of inbred lines and conforming to the specifications for "in-crossbred" set forth in § 178.27.

The term "hybrid" should not be used as descriptive of chicks which are not "crossbred" (see definition in § 178.27); nor should such term "hybrid" be used as descriptive of chicks which (although "crossbred") do not qualify for the term "in-crossbred" when in immediate conjunction therewith, conspicuous disclosure of the facts as to the inbreeding or the absence of inbreeding in the production of the chicks is not made to the extent necessary to adequately prevent confusion, misunderstanding and deception of purchasers.

[Rule 28]

§ 178.29 *False or misleading price quotations, etc.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, or terms or conditions of sale, with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 29]

§ 178.30 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts, in connection with the sale of industry products, or as an inducement thereto, by any method which involves lottery or scheme of chance, is an unfair trade practice. [Rule 30]

§ 178.31 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the products of competitors in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 31]

§ 178.32 *Use of "loss leaders."* The practice of selling any product of the industry below the seller's cost as a "loss leader" to induce the purchase of any other product of the industry or other merchandise, the sale of the latter being used to recoup the loss sustained on the "loss leader" product so sold, with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 32]

NOTE: See also § 178.10.

§ 178.33 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 33]

§ 178.34 *Enticing away employees of competitors.* It is an unfair trade practice for any industry member to willfully entice away the employees of competitors with the intent and effect of unduly hampering, injuring, or prejudicing competitors in their business: *Provided*, That nothing in this rule shall be construed as prohibiting employees from seeking more favorable employment. [Rule 34]

§ 178.35 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of any employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 35]

§ 178.36 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products where the effect may be to substantially lessen competition, tend to create a monopoly, or to unreasonably restrain trade, is an unfair trade practice. [Rule 36]

§ 178.37 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or to unreasonably restrain trade. Nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of industry products in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected. [Rule 37]

§ 178.38 *Selling below cost.* The practice of selling or offering to sell industry products below the seller's cost with the intent and with the effect of injuring a competitor and where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably restrain trade is an unfair trade practice. All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs, however, which are referred to in this section, are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise.

This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the intent referred to and coupled with the effect of substantially lessening competition, tending to

create a monopoly, or unreasonably restraining trade. [Rule 38]

§ 178.39 *Discrimination*—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (i) the market for the goods concerned, or (ii) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by schools, colleges, universities, public libraries, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this section relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which act and the application thereunder of this section are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. (52 Stat. 446; United States Code, 1940 edition, Title 15, sec. 13c)

[Rule 39]

§ 178.40 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in §§ 178.0 to 178.40, inclusive. [Rule 40]

GROUP II

§ 178.100 *General statement.* Compliance with trade practice provisions embraced in §§ 178.101 to 178.105, inclusive, is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such sections does not per se constitute violation of law. Where, however, the practice of not complying with §§ 178.101 to 178.105, inclusive, is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 178.1 to 178.40, inclusive.

§ 178.101 *Shipping chicks to fictitious consignees, etc.* The industry condemns the practice of disposing of baby chicks by shipping them to fictitious consignees or without an order from, or consent of, the consignee, necessitating the sale of such undeliverable shipments at public auction by agents of the common carrier in order to secure payment for transportation costs. Such practice is deemed by the industry to be harmful to the chicks and to facilitate the spread of disease. Moreover, it should be noted that the use of such methods in a manner which is contrary to the provisions of § 178.14 is an unfair trade practice. [Rule A]

§ 178.102 *Failure to give notice of change in shipping schedule.* The industry condemns the practice of sellers of baby chicks failing to give proper notice to their customers of any change in shipping schedule thereby causing inconvenience and loss to purchasers. The practice of any deception in this respect is inhibited by the provisions of § 178.1. [Rule B]

§ 178.103 *Failure to ship chicks as promptly as agreed upon.* The industry condemns the practice of failing to ship baby chicks to customers as promptly as has been agreed upon, which practice frequently results in injury to the chicks and inconvenience and loss to customers. The practice of any deception in this respect is inhibited by the provisions of § 178.1. [Rule C]

§ 178.104 *Arbitration.* The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration. [Rule D]

§ 178.105 *Repudiation of contracts.* Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry. [Rule E]

A Committee on Trade Practices is hereby created by the industry to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the application of these rules.

Promulgated and issued by the Federal Trade Commission September 15, 1948.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8269; Filed, Sept. 14, 1948; 8:46 a. m.]

[1] As here used, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Section 6.3 *Landing requirements,* of Title 19, Code of Federal Regulations, also designated as § 116.3 of Title 8 and § 71.503 of Title 42, is amended by redesignating paragraph (d) as paragraph (f), and inserting two new paragraphs (d) and (e) reading as follows:

(d) *Monthly and annual requests for overtime services and licenses to unlade and lade.* A special license on customs Form 3851 running for any period up to 1 month and in multiples of months thereafter but not to exceed 1 year nor longer than the period of the supporting bond may be granted to a scheduled air line to unlade merchandise, passengers, or baggage, or to lade merchandise or baggage in the case of any or all of its planes at night or on a Sunday or holiday when customs supervision is required. The application for such a special license shall be on customs Form 3851 supplemented by a request on customs Form 3853 (modified) for overtime services of customs officers. Such request for overtime services must show the exact times when overtime services will be needed unless arrangements are made so that the proper customs officer will be notified during official hours in advance of the services requested as to the exact times that the services will be needed. The special license shall not be granted until the required bond on customs Form 3587, 7567, or 7569 shall have been filed.

(e) *Monthly and annual permits to unlade and lade.* The collector may also issue a permit running for any period up to 1 month, and in multiples of months thereafter but not to exceed 1 year, to unlade or lade during official hours any or all of the planes of a scheduled air line. Customs Form 3851 shall be used for such purpose.

2. Paragraph (a) of § 6.4, of Title 19, Code of Federal Regulations, such section being also designated as § 116.4 of Title 8 and § 71.504 of Title 42, is amended to read as follows:

§ 6.4 *Entry and clearance.* (a) Aircraft coming into any area from any place outside the United States shall be entered in such area if landing is made therein and if carrying passengers for hire or merchandise (see § 6.8). Aircraft coming into any area from another area shall be entered in such area if landing is made therein and if carrying residue cargo or passengers other than those departing from the mainland (see §6.9 (e)). Aircraft not required to enter under this paragraph are subject to other customs or applicable immigration and quarantine requirements (see § 6.3).

3. Section 6.8, *Documents for entry,* of Title 19 of the Code of Federal Regulations, such section being also designated as § 116.8 of Title 8 and § 71.508 of Title 42, is amended by redesignating subparagraphs (4) and (5) of paragraph (b) as subparagraphs (5) and (6), and inserting a new subparagraph (4) reading as follows:

(4) In the case of aircraft arriving in the United States on a trip which started in contiguous foreign territory, the total number of pieces of accompanied checked baggage on board shall be shown on the air cargo manifest, unless the number of pieces of baggage belonging to each passenger appears opposite the name of each passenger on any air passenger manifest required under these regulations. In the case of aircraft arriving in the United States on a trip which started in noncontiguous foreign territory, the number of pieces of accompanied checked baggage belonging to each passenger shall be shown opposite the name of the passenger on the air passenger manifest or, if an air passenger manifest is not required, on a separate baggage list. Such baggage lists shall contain, in addition to the information mentioned in the preceding sentence, information identifying the flight as specified in the heading of the form of air passenger manifest and that form, appropriately modified, may be used for this purpose. Unaccompanied baggage arriving in the United States under a check number from any foreign country by air shall be shown on the air cargo manifest under the following headings:

Check No.	Description of package	Where from	Destination

On the right of the foregoing information, two blank columns, one headed "Name of Examining Officer" and on the right thereof another column headed "Disposition" shall be provided on the air cargo manifest for use of customs officers. Unaccompanied unchecked baggage arriving as air express or air freight shall be manifested as other air express or freight.

4. The said § 6.8 of Title 19, Code of Federal Regulations, also designated as § 116.8 of Title 8 and § 71.508 of Title 42, is also amended by adding a new paragraph desginated (e) reading as follows:

(e) The provisions of section 446, Tariff Act of 1930 (19 U. S. C. 1446), relating to supplies and stores retained on board, shall be applicable to aircraft arriving in the United States from any foreign port or place.

5. The title and first sentence of paragraph (d) of § 6.10a *Residue cargo; customs,* of Title 19, Code of Federal Regulations, such section being also designated as § 116.11 of Title 8 and § 71.511 of Title 42, are amended to read as follows:

(d) *Cargo destined beyond port of first entry.* Aircraft arriving in the United States with cargo on board shown by the manifest to be destined to other ports in the same or in other areas of the United States or outside the United States may be permitted to proceed with such cargo from port to port in the United States or to a foreign country for the unlading thereof under the procedure prescribed in paragraph (e) of this section, upon the giving of a bond on customs Form 7567 or 7569.

6. Paragraph (e) of § 6.10a of Title 19, Code of Federal Regulations, such section being also designated as § 116.11 of Title 8 and § 71.511 of Title 42, is amended to read as follows:

(e) *Documents.* When applying for clearance from the airport or place of first entry in the United States the aircraft commander shall present to the collector an air commander's general declaration and air cargo manifests in duplicate covering all the foreign cargo retained on board for discharge at other domestic or foreign ports, together with one copy of the complete general declaration and air cargo manifest filed on entry at such port. If clearance is in order one of the duplicate general declarations shall bear a stamped, mimeographed, or printed certificate signed by the appropriate customs officer to show that permission is granted to the aircraft to proceed to another port of landing. This certificate shall be substantially in the form shown below:

PERMIT TO PROCEED FROM A PORT TO ANOTHER PORT

Permission is hereby given to aircraft described on the face hereof, having on board the articles described on manifest attached hereto, to proceed to ..... The aircraft above, having arrived from and being destined to the points indicated on the face hereof, is proceeding to discharge residue cargo as listed on attached manifest. Bond was taken at initial airport of entry for cargo retained on board. Items of cargo manifested for delivery at this port appear to have been landed. The following clearance has been performed for residue crew, passengers, cargo, and mail on board at:

1st arrival port:	2nd arrival port:	
.....	//////////////////	Crew members cleared only by Public Health.
.....	//////////////////	Passengers cleared only by Public Health.
.....	.....	Passengers not cleared by Immigration and Customs.
.....	.....	Pieces of cargo not cleared.
.....	.....	Pieces of mail not cleared.

Given under my hand at ..... This ..... day of ....., 19.....

.....
(Customs officer, 1st port of arrival) (Title)

Given under my hand at ..... this ..... day of ....., 19.....

.....
(Customs officer, 2d port of arrival) (Title)

192.92 (a), 192.94, 192.95, 192.96, 192.107, 192.111, 192.118, 192.125, 192.127, 192.129, 192.130, 192.146, 192.149, 192.150, 192.175, 192.184, 192.185, 192.187, 192.191, 192.195, 192.196, 192.201, 192.204, 192.207, 192.209, 192.224, 192.252, 192.259, 192.260, and 192.263 of Regulations 18 (26 CFR, Part 192), approved May 20, 1940, are hereby adopted.

3. These amendments are designed to simplify the procedure relating to the production, removal, bottling, storage, and exportation of fermented malt liquor.

§ 192.7 *Brewery buildings.* Brewery buildings must be securely constructed of substantial, solid materials. If there are buildings used in the conduct of another business (except as hereinbefore authorized) adjoining the building on the brewery premises, such other buildings must be entirely separated from the brewery buildings by substantial, solid, and unbroken walls from the ground to the roof in a direct vertical line. If beer is conveyed from the brewery to the bottling house by pipe line, the brewery premises must be adjacent or contiguous to the bottling house premises. If the brewery and the bottling house are adjoining, there shall be no interior communication between the two premises and such premises must be separated by solid and unbroken walls, except for authorized conduits, tunnels, and pipe lines. (Secs. 3157, 3176, I. R. C.)

§ 192.13 *Other pipe lines.* If it is necessary that pipe lines for refrigeration, for heating purposes, or hot water for washing tanks, bottles, etc., pass from the brewery to the bottling house, such pipes must be installed in such a manner that they cannot be used for conveying fermented malt liquor to the bottling house. (Secs. 3157, 3176, I. R. C.)

§ 192.16 *Tanks and vats.* Each stationary tank, vat, cask, or other container used, or intended for use, as a receptacle for wort or beer, in connection with the operation of the brewery, shall be located in the brewery building and be constructed of suitable materials. Each such tank, vat, cask, or other container shall be permanently marked to show its designated use, such as "Fermenting Tank," "Storage Tank," "Settling Tank," etc., and its serial number and capacity in barrels of 31 gallons. Tanks that are used for a dual purpose, such as fermenting and storage, will be designated to indicate both usages. All such tanks or other containers shall be equipped with a suitable measuring device so that the actual contents thereof may be determined, except that in lieu of equipping each tank or container with an individual measuring device, the brewer may use meters, portable gauge glasses, or other suitable measuring device, whereby the contents of the tank or other container may be correctly ascertained. (Secs. 2829, 3176, I. R. C.)

§ 192.22 *Location and installation.* The meters will be located on the brewery premises: *Provided*, That the district supervisor may approve the location of the bottling meters on the bottling house premises upon establishment by the brewer of a good and sufficient reason therefor and the supervisor is satisfied that the structural arrangement of the pipe lines and meter will permit an accurate measurement of the fermented malt liquor transferred for bottling. Each bottling meter must be installed in such manner that all beer transferred to the bottling house will pass through the meter. The beer line from the brewery to the bottling house must be brazed, sweated, or welded to a companion flange which shall be fitted to the inlet flange of the meter when the meter is located on the bottling house premises, and to the outlet flange of the meter when the meter is located on the brewery premises. These connecting flanges will be bolted and sealed with Government cap seals. Meters must be provided for racking and each meter installed as near as possible to the racker tank in such manner that all beer moving into the racking machine will pass through the meter. The beer line from the meter to the racker tank must be brazed, sweated, or welded to flanges which are fitted to the meter and also to the outlet side of the meter and the racker tank at the point of entrance. These connecting flanges at the meter and the racker tank will be bolted and sealed with Government cap seals. (Secs. 2829, 3157, 3176, I. R. C.)

§ 192.24 *Cap seals placed on meters.* Prior to approval of the installation of the meter, the inspector shall remove all manufacturer's seals and replace them with Government cap seals. The inspector shall enter on an appropriate record the serial number of each Government cap seal placed on the meter, together with the serial number of the meter to which attached. Each entry will be dated and initialed by the inspector. The record shall be retained in the Government cabinet. (Secs. 2829, 3176, I. R. C.)

§ 192.25 *Inspection of meter.* Upon notice from the brewer that the meter has been received, the supervisor shall assign an inspector, or inspectors, to supervise its installation. When the inspector is satisfied that the meter is properly installed and pipe connections made in accordance with the requirements of the regulations, he shall test the meter by the use of a master meter, and determine that it is operating within the tolerance prescribed by the "meter specifications." The inspector will report to the supervisor in writing, which shall be accompanied by the inspector's report of the master meter test. The meter must not be used until such test has been made. (Secs. 2829, 3176, I. R. C.)

§ 192.26 *Repairs and adjustment.* When necessary in the opinion of the supervisor, or upon request of the brewer, the supervisor will detail an inspector to supervise the dismantling and reassembling of the meter for the purpose of cleaning or repair. If the meter cannot be repaired or a replacement meter installed without delay, the inspector will, upon removal of the meter, cause the open beer line to be closed by locking the cut-off valve with a Slaight seal lock or affixing a Government cap seal. When the repairs are completed or a new meter installed, the inspector will test the repaired or newly installed meter with a master meter. Minor repairs to the counter mechanism such as cleaning to facilitate reading will not necessitate a master meter check. The officer will report on the record referred to in § 192.24, the removal and use of cap seals. The inspector will destroy all removed cap seals in a manner sufficient to prevent their further use. A report will be made in triplicate on Form 138 of any master meter check occasioned by repairs and adjustment. One copy will be given to the brewer, one filed in Government cabinet at the brewery and one copy forwarded to the district supervisor. The use of any meter must be discontinued whenever it appears that the revenue will be jeopardized by the continued use of such meter. (Secs. 2829, 3176, I. R. C.)

§ 192.27 *Facilities for meter test.* The brewer will provide adequate facilities for master meter tests of all regularly installed meters. The pipe lines to all meters will contain removable sections or other facilities, properly secured, to permit the installation of the master meter close to, and in series with, the brewer's meter. The pipe lines will also contain an arrangement of valves and by-pass lines for inserting the Government meter and making the test without interfering with pumping operations, unless the brewer elects to stop operations for the meter tests in lieu of making such installations. All such installations must conform with the requirements of § 192.22. (Secs. 2829, 3176, I. R. C.)

§ 192.31 *Description of premises.* The lot or tract of land on which the brewery is situated, and the lot or tract of land on which the brewery bottling house is situated, must be separately described on Form 27–C by courses, and distances, in feet and inches, with the particularity required in conveyances of real estate. The continuity of the brewery premises and the bottling house premises must be unbroken, except that the continuity will not be considered as broken where the premises are divided by a public street or highway, if the parts of the premises so divided abut on such street or highway opposite each other. The same is true where the premises are so divided by a railroad right of way, if the railroad is a common carrier. In such cases, each tract of land constituting the brewery and the bottling house premises shall be described separately on the form. Nothing in this section shall be construed to prevent the separation of the brewery bottling house into two or more parts or sections for bottling, or storage of beer bottled in the brewery bottling house, provided the bottling house premises conform with the requirements of § 192.7. (Secs. 3155 (a), 3176, I. R. C.)

§ 192.33 *Description of apparatus and equipment.* The brew kettles, mash tubs, fermenting tanks, storage tanks, and other major equipment used in the production of fermented malt liquor will be described separately as to use, serial number, and capacity, in barrels of 31 gallons, as specifically required by the Form 27–C and the instructions thereon. All tanks, bottling apparatus and other major equipment in the bottling house used for bottling fermented malt liquor, must be described in the notice, separately, as to use, serial number, and, in the case of tanks, capacity in barrels of 31 gallons. (Secs. 3155 (a), 3176, I. R. C.)

§ 192.41 *Trade name certificate.*

* * *

(a) *Bottling under trade name.* Where a brewer intends to bottle beer under a trade name, or names, other than the name under which the brewery or bottling house is qualified to operate, he must include such trade name in Form 27–C for that purpose, furnish the trade name certificate, or statement in lieu thereof required by this section, and obtain appropriate certificates of label approval or certificates of exemption from label approval in any case where Regulations No. 7, issued under the Federal Alcohol Administration Act, is applicable. (Secs. 3155 (a), 3176, I. R. C.)

§ 192.46 *Penal sum.* The penal sum of a brewer's bond to cover the manufacture of fermented malt liquors, must be equal to the amount of the tax as prescribed by law, which, in the opinion of the district supervisor of the district in which the brewery is located, the brewer will be liable to pay during any one month; that is to say, the maximum quantity of fermented liquors that, in his opinion, will actually be tax-paid at said brewery during any one month: *Provided*, That the penal sum of any such bond shall not exceed $100,000 nor be less than $1,000. (Secs. 3155 (b), 3176, I. R. C.)

§ 192.76 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification, and shall show the cardinal points of the compass. The minimum scale of any plat will be not less than 1/50 inch per foot. Each sheet of the plat and plans shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Sec. 3176, I. R. C.)

§ 192.77 *Description of brewery and bottling house premises.* Plats must show separately the outer boundaries of the brewery and bottling house premises by courses and distances, in feet and inches, and the point of beginning with respect to its distance and bearings from some near and well-known landmark, and must contain an accurate depiction of the building, or buildings, comprising the premises and any driveway, public highway, or railroad right-of-way adjacent thereto or connecting therewith. The brewery and bottling house premises must be shown in contrasting colors or by a legend such as cross hatching, a broken line, etc. If the premises are separated by a public highway, or a railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway, or right-of-way, opposite each other, the different tracts will be described separately by courses and distances, in feet and inches. If two or more buildings are used, the designated name of each will be indicated and all passage ways and other openings, if any, and all connecting pipe lines used for the conveyance of fermented malt liquor between the same depicted. All pipe lines and other connections between the brewery premises and other premises must be indicated on the plat and identified as to use. Where two or more buildings are used for the same purpose, the name of each building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor doors of each building on the premises will be shown on the plat. (Sec. 3176, I. R. C.)

§ 192.78 *Plans.* Plans will include a floor plan of each floor of each building actually used in connection with the manufacture, packaging and bottling of fermented malt liquor or other authorized activity, indicating the general dimensions of the rooms and floors. The location of doors, windows, and other openings will be shown. The approximate location and serial numbers of brew kettles, mash tubs, fermenting tanks, settling tanks, storage tanks, and other major apparatus and equipment used in the production of fermented malt liquor must be shown or indicated on the plan

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DECLARATION ON ARRIVAL AT SECOND PORT FROM FIRST PORT

Airport of arrival, ... Commander of the aircraft described on the face hereof, declare and guarantee that there were not, when I departed from the airport of ..... not have been since, nor now are, any more or other goods, wares or merchandise on board than are stated in the manifests attached hereto.

3. .....
(Aircraft commander)

These duplicate general declarations and air cargo manifests together with the copy of the complete general declaration and air cargo manifest shall be returned to the aircraft commander for deposit at the next port. The same procedure shall be followed at following ports for residue cargo to be retained on board for discharge at other ports or places, except that the complete general declaration and air cargo manifest certified at the first port of entry and returned to the aircraft commander for deposit at the next port shall continue to be used as the traveling manifest to accompany any remaining residue cargo to other domestic ports for discharge and shall be retained in the files of the collector of customs at the last domestic port where inward foreign cargo is discharged.

7. Paragraph (f) of § 6.10a of Title 19, Code of Federal Regulations, such section being also designated as § 116.11 of Title 8 and § 71.511 of Title 42, is amended by inserting the following as the first sentence: "The provisions of this section shall be applicable to aircraft arriving in the United States from either contiguous or noncontiguous foreign territory."

8. Paragraph (a) of § 6.10c, *Public health requirements*, of Title 19, Code of Federal Regulations, such section being also designated as § 116.13 of Title 8 and § 71.513 of Title 42, is amended by changing "6.3 (d)" to "6.3 (f)" in the parenthetical matter at the end of the paragraph.

Effective date. These amendments shall become effective 30 days after the date of their publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress) with respect to notice and public procedure thereon is found to be unnecessary because the amendments simplify existing procedures, and are clearly advantageous to all persons and agencies concerned.

(R. S. 161, 251, sec. 644, 46 Stat. 761, sec. 7, 44 Stat. 572, secs. 367, 602, 58 Stat. 706, 712, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166; 5 U. S. C. 22, 19 U. S. C. 66, 1644, 49 U. S. C. 177, 42 U. S. C. 201 note, 270, 8 U. S. C. 102, 222; sec. 1, Reorg. Plan No. V of 1940, 5 F. R. 2132, 2223, sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.
JOHN S. GRAHAM,
Acting Secretary of the Treasury.
W. P. DEARING,
Acting Surgeon General,
U. S. Public Health Service.
OSCAR R. EWING,
Federal Security Administrator.
PEYTON FORD,
Acting Attorney General.

SEPTEMBER 8, 1948.

[F. R. Doc. 48-8254; Filed, Sept. 14, 1948; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5654]

PART 192—FERMENTED MALT LIQUOR

MISCELLANEOUS AMENDMENTS

1. On June 10, 1948, notice of proposed rule-making regarding the production of fermented malt liquid was published in the FEDERAL REGISTER (13 F. R. 3121).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 192.7, 192.13, 192.16, 192.22, 192.24, 192.25, 192.26, 192.27, 192.31, 192.33, 192.41, 192.46, 192.76 to 192.81, inclusive, 192.87, 192.89,

by drawing or wording. For example, where a number of tanks are located in a room, the approximate location of each tank may be shown on the plan by circle or square, and the kind and serial number of the tank indicated within the circle or square, or elsewhere on the plan, or the fact that the tanks are located within the room may be indicated by wording, giving the kinds and serial numbers of the tanks. (Sec. 3176, I. R. C.)

§ 192.79 *Conduits or pipe lines.* The conduit or pipe line used for the transfer of fermented malt liquor from the brewery to the bottling house will be shown in red on the plat, and the details of construction, the manner of securing same, and the location of meters and Government locks will be shown. All other pipe lines connecting the brewery and bottling house will be shown on the plat and will be designated as to use. The direction of flow of fermented malt liquor through the pipe lines must be indicated by arrows on the plat. (Secs. 3157, 3176, I. R. C.)

§ 192.80 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the brewer, the draftsman and the district supervisor substantially in the following form:

(Name of brewer)

(Address)

Approved ---
(Date)

Accuracy certified by:

(District supervisor)

(Name and capacity—for the brewer)

(Draftsman)

---, 19---- Sheet No. ------
(Date)

(Sec. 3176, I. R. C.)

§ 192.81 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Sec. 3176, I. R. C.)

§ 192.87 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating a brewery does not constitute a change in the proprietorship of the brewery. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is any change in the officers or directors, the brewer must give notice thereof, in triplicate, to the district supervisor within 5 days of such change. Mere changes in stockholders of corporations not constituting a change in control need not be so reported. The district supervisor must, in the case of changes in officers or directors, be furnished extracts, in triplicate, of the minutes of the meetings showing the election of the new officers within 5 days after such election. (Sec. 3176, I. R. C.)

§ 192.89 *Special tax stamps.* Where there is a change in proprietorship of the brewery, the successor must procure the required special tax stamps: *Provided*, That where a change in proprietorship occurs by reason of the withdrawal of one or more members of a partnership, the special tax stamp, or stamps, may be validated if within 30 days after the withdrawal there is filed with the collector of internal revenue, an amended return on Form 11, showing the required information regarding the remaining partner or partners. The special tax stamp, or stamps, must also be forwarded to the collector for appropriate endorsement of the change in the partnership. (Secs. 3176, 3250, I. R. C.)

§ 192.92 *Change in location.* • • •

(a) *Special tax.* Where there has been a change in location, the brewer must, within 30 days after such change is made, file with the collector of internal revenue an amended return on Form 11 covering the new location of the premises; otherwise, new special tax stamps must be purchased. The special tax stamp, or stamps, must be forwarded to the collector for endorsement of the change in location. (Secs. 3176, 3250, 3278, 3280, I. R. C.)

§ 192.94 *Changes in construction and use.* Where a change is to be made in the construction or use of a room, or building, that will affect the accuracy of Form 27–C and plat or plans, the brewer shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon completion of the changes, the brewer will comply with the provisions of § 192.96. (Sec. 3176, I. R. C.)

§ 192.95 *Changes in equipment.* Where changes are to be made in brewery equipment that affect the accuracy of Form 27–C and plat or plans, the brewer shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided*, That emergency repairs coming under this category of changes may be made without prior approval of the district supervisor. Where such emergency repairs are made, the brewer will file immediately a report thereof, in triplicate, with the district supervisor. (Sec. 3176, I. R. C.)

§ 192.96 *Amended notice and plats or plans.* Where changes have occurred under §§ 192.94 or 192.95, amended notice and plat or plans will be filed on or before May 1 to reflect the changes made during the preceding calendar year. The district supervisor may require the immediate filing of such documents upon completion of changes that materially affect the accuracy of the existing Form 27–C and plat or plans. (Sec. 3176, I. R. C.)

§ 192.107 *Disposition of qualifying documents.* Where the bond or consent of surety is approved by the district supervisor, he will forward the original copy of the bond, and the original copy of the notice, plat, plan, and other qualifying documents, together with a copy of all inspection reports, to the Commissioner, one copy of the bond, notice, plat, plans, and other qualifying documents to the brewer and will retain one copy of such qualifying documents for the file of such brewer, and will authorize the brewer to commence operations. The documents returned to the brewer will be filed in proper order and made available for inspection during ordinary business hours. If the bond or consent of surety is disapproved by the district supervisor, all copies thereof shall be returned to the principal, and the surety or sureties shall be notified of such action. The district supervisor will promptly advise the Commissioner fully respecting the disapproval of any bond by him. If the bond or consent of surety has been disapproved, the district supervisor will return all copies of other qualifying documents to the applicant, or brewer. (Sec. 3176, I. R. C.)

§ 192.111 *Review of documents.* The Commissioner will review the qualifying documents, and determine that they are properly executed, and in conformity with the requirements of law and regulations concerning construction and establishment. If such documents are not in conformity with the above requirements, the Commissioner will return all copies to the district supervisor, with the necessary instructions for correction. (Sec. 3176, I. R. C.)

§ 192.118 *Special tax.* Brewers are required to pay, within the calendar month in which they commence operations, the special tax required by section 3250 (c), Internal Revenue Code. Special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax is reckoned for one year; and in the latter it is reckoned proportionately from the 1st day of the month in which the liability to special tax commenced to and including the 30th day of June following. (Secs. 3176, 3250 (c) (1), 3271 (b), I. R. C.)

§ 192.125 *Beer tax rate.* All beer, lager beer, ale, porter, and other similar fermented liquors, containing one-half of 1 per centum, or more, of alcohol by volume, brewed or manufactured and sold, or removed for consumption or sale, by whatever name such liquors may be called, are subject to the tax prescribed by section 3150 (a), Internal Revenue Code, for every barrel containing not more than 31 gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law, to be collected under the provisions of existing law. (Secs. 3150 (a), 3176, I. R. C.)

§ 192.127 *Method of tax payment.* The tax on fermented liquor is required by law to be paid by the owner, agent, or superintendent of the brewery or premises in which it is made, and must be paid by stamp and at the time and in the manner specified by the regulations in this part. (Secs. 3150 (b), 3176, I. R. C.)

§ 192.129 *More than one brewery owned by the same person.* Where two or more breweries are owned and operated by the same person, firm, or corporation, barrels or kegs with the name of the brewer and the location of one or more of such breweries branded or embossed thereon or indented therein may be used for the removal of tax-paid fermented malt liquor from the premises of all such breweries, provided, whenever a barrel or keg so branded is filled with tax-paid fermented malt liquor for removal, a label, showing the location (city and state) of the brewery at which the fermented malt liquor was produced, is securely affixed thereon. If more than one such brewery is located in the same city, such label shall show the location by street number, city, and state. (Secs. 3155 (f), 3176, I. R. C.)

§ 192.130 *Rebranded barrels.* No wooden barrel or keg which has been rebranded across the staves and no wooden barrel or keg which has the name of more than one manufacturer branded thereon may be used by a brewer as a container for fermented liquor: *Provided*, That the removal and replacement of one or more staves by the brewer whose name and address was originally so branded on a barrel or keg shall not be deemed to be a rebranding: *And provided further*, That where wooden barrels or kegs are sold by one brewer to another, or are sold under court order, the brands on such barrels or kegs may, upon application to, and approval of, the district supervisor, be scraped and the barrels or kegs rebranded by the purchasing brewer, and in the case of metal barrels or kegs the original marks may be covered by a metal plate so welded into the barrel as to become an integral part thereof. Where a brewer has discontinued business, the successor may comply with the provisions of this section by placing additional marks and brands on the barrels and kegs, in accordance with § 192.128, which indicate the successorship, without removing the marks and brands of the predecessor. (Secs. 3155 (f), 3176, I. R. C.)

§ 192.146 *Beer transferred to bottling house by pipe line.* Sufficient stamps to cover the taxpayment of all fermented malt liquor to be transferred to the bottling house each day must be on hand at the brewery. The brewer will make a daily report on Form 139, in triplicate, of all beer run through the meter for bottling. The daily report will be prepared before the close of the business day next succeeding the day on which the transactions occur. Report of meter readings will be made from the continuous counter. At the time of making his report on Form 139 the brewer will cancel the number of beer stamps corresponding to the quantity of beer metered for tax payment, in the manner prescribed for the cancellation of stamps for barrels or kegs of fermented malt liquor. The set-back counter may be used by the brewer for checking continuous counter readings, and upon completion of the day's run for bottling, it must be set at zero. The brewer will attach the canceled stamps to one copy of Form 139, to be delivered to the inspector who visits the brewery and takes the meter reading. One copy of each Form 139 will be attached to Form 103 by the brewer, and will be transmitted by him to the district supervisor. The third copy will be retained by the brewer as a part of his Government record, to be kept available for inspection by officers of this Bureau. The inspector, having satisfied himself by an inspection of the stamps that they are sufficient to cover the tax due on the beer passed through the meter for taxpayment as indicated by Form 139, and that they have been properly canceled by the brewer, will, in the presence of the brewer, further cancel and deface the stamps so delivered, by driving through them a die or punch, in such manner as to cut from the center of each stamp a piece thereof not less than one-half inch square, and will sign the receipt on the three copies of Form 139. The meter will be read, and Forms 139, with canceled stamps attached, will be collected from the brewer by any inspector visiting the brewery to make a master meter check, or any special inspection, or on monthly inspection. (Secs. 3157 (a), 3176, I. R. C.)

§ 192.149 *Containers and records.* Brewer's yeast, in liquid or solid form containing not less than 10 percent solids (as determined by the methods of analysis of the American Society of Brewing Chemists), may be removed from the brewery in barrels, tank wagons, or other suitable containers, or by pipe line. If removed in containers, the containers must bear labels giving the name and location of the brewery, and the words "Brewer's Yeast." If removed by pipe line, the pipe line will be indicated on the plat and described in the Form 27–C, and the premises receiving the product will be subject to inspection by Government officers during ordinary business hours. The brewer must keep records open for inspection by Government officers showing the quantity and date of removal, and the name and address of the consignee. Brewer's yeast may be removed for sale to other brewers for use in the manufacture of beer and to other concerns (including off-premise plants of brewers) for the preparation of stock foods and medicinal products or for any other legitimate purposes. (Secs. 3158, 3176, I. R. C.)

§ 192.150 *Malt sirup.* Records shall be kept by the brewer of all malt and malt sirup removed from the brewery. Such records must show the quantity of each lot removed, together with the name and address of the person to whom shipped or delivered. The records must be available for inspection by Government officers. (Secs. 3158, 3176, I. R. C.)

§ 192.175 *Temporary storage.* All undelivered beer returned to a brewery may be held in temporary storage. Returned beer held in temporary storage must be kept completely segregated from all other beer, identified as returned beer, and stored in such manner as to be immediately accessible to Government officers. The stamps on barrels of returned beer must remain intact while in temporary storage. Such beer must be removed from the brewery prior to the removal of other beer of the same kind or type, except that for the purpose of refrigeration the removal of such returned beer may be postponed for a period not exceeding 5 days, after the first delivery of beer of the same kind or type, such period to be exclusive of Sunday and holidays. Unless so removed, the beer will no longer be considered as being in temporary storage and must be returned to general brewery stock, in which event the stamps on the barrels must be destroyed and new stamps affixed when the beer is again removed from the brewery. Refund or credit for such stamps destroyed cannot be allowed. (Sec. 3176, I. R. C.)

§ 192.184 *Examination of beer.* The inspector will examine the beer to determine (a) its condition, (b) that it is unsalable, and (c) the apparent reason for its having become unsalable. He will verify the quantity to be destroyed or returned to the brewery. The inspector will take samples of the unsalable beer, selected at random from several of the lots accumulated and determine the per cent of alcohol by volume. Samples of beer similar to that which is being destroyed or returned to the brewery, will be selected from the brewery storage vats and the alcoholic content determined for comparison with the tests of samples of unsalable beer. Any other tests of the unsalable beer will be made by the inspector that will aid in verifying the statements in the brewer's affidavit. (Secs. 3153, 3176, I. R. C.)

§ 192.185 *Requirements for accumulation in tanks.* Brewers may accumulate in calibrated tanks provided especially for that purpose, any fermented malt liquor which has not been removed from the bottling house and which is unsalable by reason of its condition. A record will be kept of the quantity of fermented malt liquor deposited in the tanks each day, and a record of the bottling from which the unsalable beer was accumulated. The daily record will show the balling, alcoholic content by volume, and amount of each type bottled, and will be submitted in support of the affidavit made under § 192.181. The brewer will ascertain the balling and alcoholic content of the accumulated beer to be offered for inspection, and will make appropriate computations by comparison with the average balling and alcoholic content of the beer bottled daily during the collection period to determine the actual amount of unsalable beer collected, upon which refund may be claimed, and the amount of water that may have been incidentally introduced into the tank, for which refund is not allowable. The inspector will take appropriate samples of the fermented malt liquor for use in determining the balling and percent of alcohol and whether the beer is unsalable. He will also make such examination of the brewing and bottling records as may be necessary to verify the brewer's affidavit and supporting data. (Secs. 3154, 3176, I. R. C.)

§ 192.187 *Copy to Commissioner.* The original of the inspector's report, together with one copy of the brewer's affidavit, will be forwarded by the district supervisor to the Commissioner, accom-

panied by a statement setting forth the district supervisor's views as to the propriety of allowing the claim for refund of the tax paid on the unsalable beer. (Secs. 3154, 3176, I. R. C.)

§ 192.191 *Claims for refund.* Claims for refund of tax on fermented malt liquor destroyed in the bottling house or returned to the brewery because of the fermented malt liquor being unsalable, will be filed on Form 843, in duplicate. Claims must be filed with the district supervisor of the district where the brewery is located within 90 days after the close of the month within which such destruction of the fermented malt liquor, or the return thereof to the brewery for use as brewing material, occurred. A claim shall be deemed to have been "filed" when it is delivered to, and received by, the office of the proper district supervisor. The district supervisor will certify the claim as to the total amount of tax paid on the fermented malt liquor in question, and will forward the claim to the Commissioner with the papers referred to in § 192.187. (Secs. 3154, 3176, I. R. C.)

§ 192.195 *Record of beer bottled for export.* Before the close of business of the business day next succeeding the day on which beer is removed from the brewery to the bottling house and bottled for export, the brewer will enter the quantity so bottled in Form 139 at the line entitled "Less tax-free transfers." The brewer will write in this line the words "Bottled for export." (Secs. 3153 (b), 3176, I. R. C.)

§ 192.196 *Form 1626.* Record will be kept by the brewer on Form 1626 of all fermented malt liquor bottled for export. Entries must be made in this record before the close of business of the business day next succeeding the day on which the transactions occur. The brewer will attach one copy of Form 1626 to each copy of Form 103 rendered by him to the supervisor, and one copy to the Form 103 retained by him at the brewery. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.201 *Marks on containers.* Each keg, barrel, shipping case, crate or other package containing fermented malt liquor to be exported under these regulations in this part, without the payment of tax, must plainly and legibly show the brewer's name and address, and the words "Fermented Malt Liquor for Export—Lot No. ____" in letters and figures of not less than three-fourths of an inch in height. The lot number assigned must correspond with the brewer's serial number of the Form 1689. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.204 *Details on Form 1689.* Each application on Form 1689 will be given a serial number by the brewer, beginning with number 1. On July 1 of each year he shall begin a new series, commencing with number 1. The details required by the application must be filled in completely and legibly by the brewer. The name of the carrier—that is, vessel or vehicle on which shipment will be carried from the exterior limits of the United States—unless known to the brewer, will be filled in by the agent of the brewer at the port of exportation, who will sign the request for customs inspection as exporter. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.207 *Examination by inspector.* Upon receipt of Forms 1689 from the supervisor, the inspector will verify the quantity of fermented malt liquor to be exported. In verifying the contents of the containers of fermented malt liquor, the inspector will examine a representative number of such containers or will use any other method of inspection which will reasonably disclose that the contents of the containers are as represented by the Form 1689 and that the containers are properly marked and labeled. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.209 *Change of consignee.* Where, after inspection of an export shipment, but before removal, the brewer, for good and sufficient reasons, desires to change the name and address of the consignee, he will forward the two copies of Form 1689, left with him by the inspector, with a letter to the district supervisor, for correction, indorsement, and return. Where a change of consignee is desired after removal of the fermented malt liquor, the district supervisor may authorize such change and notify the appropriate collector of customs. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.224 *Shortage in foreign landing.* If a shortage is reported, the district supervisor shall enter credit for the actual quantity, if any, received at the foreign port as indicated by the evidence of landing and shall report promptly for assessment the amount of the tax due on the shortage. If shortages are disclosed in more than one export shipment of a brewer, all the shortages reported during a month may be included in a consolidated assessment to be reported at the close of the month. (Secs. 3153 (b), 3176, I. R. C.)

§ 192.252 *Labels.* Bottles or cans containing cereal beverages not taxable as fermented liquors are required to have a label setting forth the following information:

(a) Name of the brewer.

(b) The location of the brewery by city and state, or street number, city, and state, if the brewer operates more than one brewery in the same city.

(c) Distinctive name of the beverage, if any.

(d) "Non-taxable as Fermented Liquor Under Federal Law." The label may contain other statements desired by the brewer if they are not inconsistent with the requirements of this section. (Sec. 3176, I. R. C.)

§ 192.259 *Form 103.* Each brewer shall keep Form 103, "Monthly Record of Transactions at Brewery," or its equivalent in book form, reporting thereon the quantity of each kind of material received and used in the production of fermented malt liquor, the amount of fermented malt liquor produced therefrom, the amount of fermented malt liquor removed from the brewery premises and other information required by the regulations in this part, and by the lines and instructions on the form. The materials brewed each day and the fermented liquor produced therefrom, shall be reported on such record as of the calendar day during which the brews were started. There shall also be reported as a special debit in the "Summary of Fermented Malt Liquor" of Form 103, the quantity of water, if any, used in adjusting the balling or alcoholic content of the fermented malt liquor after removal from the settling tanks. The entries shall be made before the close of the business day next succeeding the day on which the transactions occur. Monthly returns of the operations of such plants on Form 103 shall be made not later than the 10th day of each month for the preceding month. Such returns shall be made in triplicate. Each copy shall be duly sworn to or affirmed. Two copies shall be forwarded to the supervisor, who shall forward one to the Commissioner in accordance with instructions on the form. The remaining copy will be retained by the brewer and filed as a permanent record, so as to be available for inspection at any time within the succeeding four years. (Secs. 3155 (c), 3171 (a), 3176, I. R. C.)

§ 192.260 *Daily sales record.* Each brewer must keep at the brewery, and available for inspection at all times, a daily sales record, showing in detail the number and kind of packages, such as hogsheads, barrels, half-barrels, cases, etc., of fermented malt liquor and cereal beverages sold or removed, the names and addresses of the purchasers, and the amounts sold to each such purchaser. The sales records will be held available for inspection for a period of four years. (Sec. 3176, I. R. C.)

§ 192.263 *Form 1689.* Application will be made on Form 1689 for the removal of fermented malt liquor from a brewery, or from the bottling house of a brewery, for use as supplies on vessels and aircraft. (Sec. 3176, I. R. C.; sec. 3, 55 Stat. 602 (19 U. S. C. Supp., 1309))

4. Sections 192.197, 192.205, 192.206, 192.208, 192.214 to 192.218, inclusive, 192.221 to 192.223, inclusive, and 192.258 (b) are amended by striking out "Form 550" wherever it appears therein, and substituting therefor "Form 1689."

5. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(53 Stat. 318, 365, as amended, 367, 368, 370, 371, 388, as amended, 394, 395, 396, sec. 3, 55 Stat. 602; 26 U. S. C. 2829, 3150, 3153, 3154, 3155, 3157, 3158, 3176, 3250, 3271, 3278, 3280; 19 U. S. C. 1309)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: September 8, 1948.

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8256; Filed, Sept. 14, 1948; 9:05 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

WITHHOLDING OF DELIVERY OF CHECKS OR WARRANTS

SEPTEMBER 7, 1948.

Section 211.3 (a), appearing also as § 211.3 (a) of Department Circular No. 655, dated March 19, 1941, is hereby amended to read as follows:

§ 211.3 *Withholding of delivery of checks or warrants.* (a) The Secretary of the Treasury hereby determines that postal, transportation, or banking facilities in general or local conditions in Albania, Germany and Japan are such that there is not a reasonable assurance that a payee in any of those countries will actually receive checks or warrants drawn against funds of the United States, or agencies or instrumentalities thereof, and be able to negotiate the same for full value.

Except to the extent they have been authorized by unrevoked licenses of Foreign Funds Control, remittances by United States Government agencies to blocked countries will continue to be restricted by Executive Order 8389, as amended, and rules and regulations issued pursuant thereto.

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8255; Filed, Sept. 14, 1948; 9:05 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Secretary of Defense

PUBLICATION OF TRANSFER ORDERS

CROSS REFERENCE: Transfer Orders issued by the Secretary of Defense will be published in the Notices section starting with the current issue.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 206—FISHING AND HUNTING REGULATIONS

CHESAPEAKE BAY, MD., AND VA., AND ITS TRIBUTARIES

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403), § 206.50 governing the placing and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries, is hereby superseded by the following:

§ 206.50 *Chesapeake Bay, Md. and Va., and its navigable tributaries; fishing structures*—(a) *Authority.* (1) Fishermen, oystermen, and crabbers who desire to operate in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries, are hereby authorized to construct and maintain fishing structures, to make oyster bottoms, and to place and mark crab pots, subject to the regulations in this section.

(2) This authority shall not be interpreted as setting aside exclusively for fisheries any area of navigable water. It does not give any property rights either in real estate or material, or any exclusive privileges, and does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized.

(3) If at any time it shall be made apparent to the Secretary of the Army that any fishing structure placed under this authority causes unreasonable obstruction to free navigation, the owner will be required, upon due notice from the Secretary of the Army, to remove or alter such structure so as to render navigation reasonably free, easy, and unobstructed.

(4) The United States shall in no case be liable for any damage or injury to fishing structures placed or work done under this authority which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

(b) *Supervision.* General supervision of the location, construction, and manner of maintenance of all fishing structures shall be exercised by the District Engineer, Corps of Engineers, having jurisdiction over the waters in which the structures are placed.

(c) *Fishing structures.* (1) The term "fishing structures" shall include lines of fish net, settings, stakes, leads, traps, pounds, gill or fyke nets, heads, hedging, oyster bottom and crab pot markers, and similar appurtenances. The types of structures permitted shall conform to the laws of the State within which the structures are placed.

(2) No single fishing structures shall have a length greater than that prescribed by the laws of the State within which it is placed. The distance between adjacent lines of fishing structures shall be that prescribed by the laws of the respective States of Maryland and Virginia. In localities not covered by the laws of these States, the distance between lines of fishing structures shall be a least 400 yards. Fishing structures shall be construed as being in the same line when the distance between adjacent structures, measured along a line generally perpendicular to the structures, is not more than 200 feet. When adjacent structures are judged to be in the same line, the distance between them, measured along a line generally parallel to the structures, shall be at least 200 feet. The required openings between adacent structures shall be maintained clear and unobstructed. A clear fairway at least 200 feet wide shall be maintained from navigable channels to established boat landings. All stakes shall project at least three feet above the surface of the water at all ordinary high stages of the tide. Fyke and other submerged fishing structures shall be marked by stakes set at intervals not greater than 50 feet. Marker stakes left in place between fishing seasons for subsequent reestablishment of the fishing structure shall project at least eight feet above the surface of the water at all ordinary high stages of the tide and be marked as provided in subparagraphs (3) and (4) of this paragraph. Stakes not in compliance with the above conditions shall be spliced or withdrawn.

(3) Both ends of each fishing structure shall be marked plainly by a bush or other suitable and readily discernible day mark.

(4) The name and address of the owner of each fishing structure shall be displayed in black letters not less than two inches in height, upon a white background, on a stake at the outer end of the structure, at such height and in such position that it may be easily read. The identification mark must be displayed from the setting of the first stake until removal of the last stake.

(5) Fishing structures, with the exception of markers on oyster bottom leaseholds and crab pots, shall be lighted between sunset and sunrise, by and at the expense of the owner, for the safety of navigation. A white light shall be displayed at the outer end of the structure. The light shall have a capacity to burn for at least eight days unattended and be visible in clear night weather at least one mile. The light shall be securely placed on piles or stakes at an elevation of at least eight feet above mean low water and be visible from all points of the compass and from the air. It shall be subject to inspection and approval of the District Engineer before use, and at any time during use, and the owner shall make provision, by watchman or otherwise, for its proper attendance, so that it shall be in effective condition and properly lighted at all times between sunset and sunrise. In case of removal of the fishing structure, the light prescribed above shall be maintained until the removal of the last pile or stake.

(6) There shall be installed and maintained on the structure by and at the expense of the owner, such additional lights and signals, if any, as may be prescribed by the United States Coast Guard.

(7) Fishing structures from which the nets have been temporarily removed will not be considered as abandoned if the structures are otherwise in a state of good repair and are provided with the necessary lights, name and address plates, and day markers.

(8) Crab pot stake markers shall be located shoreward of approved fish stake limit lines and where no limit lines are prescribed shall conform to the requirements of paragraph (d) of this section. The diameter of the stake shall not exceed two inches at the water surface, shall project at least six feet above the surface of the water at all ordinary high stages of the tide, and shall be marked with the name and address of the owner and a day marker consisting of a bush

or other suitable and readily discernible object.

(9) Markers on oyster ground leaseholds shall be of such size and type, and shall have such markings, as may be prescribed by the laws of the respective States of Maryland and Virginia. They may be placed channelward of approved fishing limits under such conditions as may be prescribed by the District Engineer in charge of the locality.

(10) The owner of a fishing structure shall be responsible for properly locating, constructing, and repairing such structure and for maintaining such lights and markers as are required by the regulations in this section. Structures shall be considered as abandoned at such time as any or all of these requirements are not fully complied with and the owner or owners shall promptly remove all stakes from an improperly located or abandoned structure or be subject to prosecution. Improperly located or abandoned fishing structures may be summarily removed, sold, or otherwise disposed of by the District Engineer charged with general supervision of the locality.

(d) *Limits.* (1) The approved limits of the areas within which fishing structures may be placed, described in paragraphs (e), (f), and (g) of this section, are shown on United States Coast and Geodetic Survey charts printed subsequent to the date of approval or revision of this section and which bear a note referring to such date or dates. Copies of these charts may be examined in the offices of the respective District Engineers. Regular aids to navigation are used where possible to mark the limits of the areas, and special fishing structure buoys have been established where additional markers are necessary. These special buoys are designated in paragraphs (e) (f), and (g) of this section as S "1B", S "1W", and S "1N" for the Baltimore, Washington, and Norfolk Districts, respectively.

(2) The approach to the mouth of any navigable tributary or to the mouth of any navigable branch of any tributary shall be left free and unobstructed by fishing structures. Where limit lines are not prescribed, the free and unobstructed approach shall lie along the channel usually followed by boats and shall have a width of not less than one-third of the width of the mouth of the tributary or branch.

(3) Within the navigable tributaries where limit lines are not prescribed a channel in deep water of at least one-third of the total width of the waterway at the locality shall be left free and unobstructed for the use of boats.

(4) No fishing structures shall be placed within 500 feet of any buoy or other aid to navigation (fishing structure buoys excepted) placed or maintained by the United States Coast Guard.

(5) No fishing structures shall be placed within 200 feet of the edges of dredged channels.

(6) Nothing in the regulations in this section shall supersede any danger zone regulations prescribed by the Secretary of the Army for Chesapeake Bay and its tributaries. (See Part 204 of this chapter. Copies of these regulations can be secured from the District Engineer in charge of the locality or from the commanding officer of the using agency.)

(7) In paragraphs (e), (f), and (g) of this section the geographic positions of a sufficient number of control points to describe the approved fishing limits accurately are given. Positions of intermediate fishing structure buoys and aids to navigation marking the approved fishing limits which are not given may be located by referring to the charts. The control points listed are connected by straight lines unless otherwise indicated. Aids to navigation used as control points may be renumbered or shifted by the United States Coast Guard. In such cases the fishing limits do not change and the location of the control point remains fixed at the geographic position given.

(e) *Baltimore District—(1) West side of Chesapeake Bay north from Cove Point to Middle River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked point	38 23 09.8	76 22 33.8
Following line of 30-foot depth.		
S "1B"	38 26 33.6	76 26 00.0
S "2B"		
S "3B"	38 31 07.8	76 28 58.8
S "4B"		
S "5B"	38 35 43.2	76 28 43.2
S "6B"	38 38 29.0	76 29 12.0
S "7B"	38 41 24.0	76 30 06.0
C 25	38 43 34.8	76 29 57.6
S "8B"	38 45 12.0	76 30 00.0
No limit line.		
S "9B"	38 46 09.0	76 30 00.0
S "10B"		
C 27	38 49 56.4	76 27 45.6
C 29	38 51 47.4	76 27 29.4
No limit line.		
S "11B"	38 52 51.0	76 26 33.0
C 31	38 53 39.0	76 25 58.4
Following line of 25-foot depth to point 1,700 yards northerly of Sandy Point Light. (No limit line for a distance of 200 feet on either side of approach channel to Severn River.)		
No limit line.		
Baltimore Light.		
Thence to and along line 260 feet westerly of and parallel to westerly edge of main channel to Baltimore Harbor between (Qk Fl W) "5C" and Bell (Qk Fl W) "31".		
No limit line.		
Point bearing 329°45′ true, 1,000 yards, from (Qk Fl R) "14K".		
	Latitude	Longitude
	° ′ ″	° ′ ″
S "19B"		
S "21B"	39 14 16.7	76 19 33.8
Thence northeasterly on line parallel to northwestern boundary of fishing area east of mouth of Patapsco River (described in subparagraph (e) (3)) to point on line ranging from S "2A" to (Fl W) "1".		
	Latitude	Longitude
	° ′ ″	° ′ ″
(Fl ") "1"	39 16 15.6	76 20 02.4

(2) *Fishing area southeast of mouth of Patapsco River.*

Point 200 feet east of easterly edge of main channel to Baltimore Harbor bearing 270° true from S "12B".
Thence to and along line 200 feet easterly of and parallel to easterly edge of main channel to Baltimore Harbor between N "8C" and N "12K."

	Latitude	Longitude
	° ′ ″	° ′ ″
Point 40 yards northeast of N "12K"	39 10 22.2	76 25 41.4
S "16B"		
S "13B"	39 08 48.0	76 21 36.0
S "14B"	39 08 12.0	76 21 00.0
S "13B"	39 05 24.0	76 21 24.0
S "12B"	39 04 39.0	76 22 24.0
Thence to point of beginning.		

(3) *Fishing area east of mouth of Patapsco River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
(Qk Fl R) "14K"	39 10 44.0	76 26 00.0
S "18B"		
S "20B"	39 13 30.0	76 23 00.0
S "2A"	39 14 45.0	76 17 49.2
S "22B"	39 16 12.0	76 14 30.0
S "24B"	39 14 48.0	76 14 54.0
S "26B"	39 12 45.0	76 15 48.0
C 5	39 10 40.8	76 18 35.4
S "17B"		
Thence to point of beginning.		

(4) *Upper Chesapeake Bay within Harford and Cecil Counties.* (i) Within Harford and Cecil Counties no fishing structures shall be placed more than 800 yards from shore or in water exceeding 18 feet in depth.

(ii) No fishing structures shall be placed within 1,000 yards of Pooles Island.

(iii) North of Rocky Point no fishing structures shall be placed within 200 feet of the buoyed channel to and in Northeast River.

(5) *East side of Chesapeake Bay south from Howell Point to lower end of Tangier Sound.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Howell Point Light	39 22 16.8	76 06 40.9
N "6F"	39 20 23.2	76 10 45.6
Bell (Fl R) "4W"	39 19 46.2	76 11 33.0
N "2F"	39 17 17.4	76 12 47.4
S "21B"	39 16 24.0	76 13 24.0
S "24B"	39 14 54.0	76 13 57.0
Following line of 25-foot depth.		
Bell (Fl R) "6"	39 11 00.0	76 16 47.4
Bell (Fl R) "4"	39 09 37.2	76 18 11.4
Bell "2"	39 07 37.2	76 18 37.8
S "27B"	39 05 00.0	76 16 18.0
No limit line.		
Point on line of 25-foot depth in vicinity of Bell "2" northeast of Love Point Light.		
Following line of 25-foot depth.		
	Latitude	Longitude
	° ′ ″	° ′ ″
N "20C"	38 56 07.6	76 22 54.0
Bloody Point Bar Light	38 50 00.7	76 21 31.2
No limit line.		
Point on line of 30-foot depth 4,500 yards northerly of N 20.		
Following line of 30-foot depth.		
	Latitude	Longitude
	° ′ ″	° ′ ″
N 20	38 45 27.0	76 25 07.8
S "28B"	38 41 36.0	76 24 12.0
Bell (Fl W) "5"	38 38 25.8	76 20 25.2
Following line of 21-foot depth.		
S 11	38 39 25.2	76 18 07.4
No limit line.		
Following line of 21-foot depth from Point "A" 1,750 yards northeast of S 11 to Point "B" 1,750 yards east of Point "A".		
No limit line.		
Following line of 21-foot depth from Point "C" 1,750 yards east of Point "B" to Point "D" southwest of Henoni Point.		
No limit line.		
Point on intersection of line ranging from S 11 to S 6 with line ranging from Bell (Fl R) "16" to Bell (Fl W) "7".		
	Latitude	Longitude
	° ′ ″	° ′ ″
S 6	38 36 35.4	76 20 13.8
S 1	38 33 55.2	76 20 28.8
No limit line.		

Point on line of 30-foot depths approximately 2,400 yards west of S 1.
Following line of 30-foot depth to its intersection with southerly Red Sector line approximately 4,000 yards west by south of Bell (Fl W) "1".
Following southerly Red Sector line to its intersection with line of 18-foot depth in vicinity of Bell (Fl W) "1".
Following line of 18-foot depth to point 5,300 yards east by north of Bell (Fl W) "1".
No limit line.
Point on line of 18-foot depth 800 yards southwest of N 2.
Following line of 18-foot depth to point immediately south of Holland Island Bar Light.
No limit line.
Point on intersection of line ranging from Holland Island Bar Light to N 12 with southerly Red Sector line approximately 3,100 yards south from Holland Island Bar Light.

	Latitude	Longitude
	° ′ ″	° ′ ″
N 2	37 47 03.6	76 05 42.0
S "31B"	37 44 24.0	76 02 42.0
Tangier Sound Light	37 47 16.6	75 58 26.7

(6) *Fishing area in vicinity of Sharps Island.*

Point on line of 30-foot depth due west of S 3.
Following line of 30-foot depth.

	Latitude	Longitude
	° ′ ″	° ′ ″
S "26B"	38 40 06.0	76 23 08.4
S	38 38 06.0	76 20 45.6
C 5	38 36 38.4	76 21 04.2
S 3	38 35 03.6	76 23 03.6
Thence due west to point of beginning.		

(7) *Pocomoke Sound.*

	Latitude	Longitude
	° ′ ″	° ′ ″
White S "C"	37 54 45.0	75 48 03.6
C 9	37 56 08.4	75 44 32.4
White S "E"	37 57 00.0	75 43 33.0
Pocomoke Channel Light "1"	37 57 22.4	75 42 48.6
Pocomoke Channel Day Marker "2"	37 57 20.0	75 42 46.9
North End Point Light	37 56 18.5	75 43 42.5
Startling Creek Light "1"	37 55 27.0	75 44 07.8
S "30B"	37 54 30.0	75 46 15.0
(Fl W) "6"	37 52 21.6	75 49 07.2

(f) *Washington District—(1) West side of Chesapeake Bay north from Wolf Trap Light to Smith Point Light.*

	Latitude	Longitude
	° ′ ″	° ′ ″
C 13	37 23 29.6	76 10 27.9
S "1BW"		
S "1AW"		
S "1W"		
S "2W"		
S "3W"	37 32 15.8	76 11 30.4
S "4W"	37 33 34.8	76 13 25.0
S "4AW"		
C 3	37 31 46.9	76 18 20.0
No limit line.		
Unmarked point	37 32 05.1	76 18 32.5
S "5W"		
S "5AW"		
S "6W"	37 33 54.9	76 13 31.5
S "6AW"		
Unmarked point	37 35 26.2	76 21 20.6
No limit line.		
N 2	37 36 06.8	76 21 20.6
S "7W"		
Unmarked point	37 34 49.6	76 14 31.1
Unmarked point	37 37 19.0	76 11 37.5
S "10AW"		
S "11W"	37 40 46.7	76 11 29.9
S "11AW"		
Unmarked point	37 40 23.3	76 13 56.6
C 3	37 39 19.7	76 18 00.6
Following line of 18-foot depth.		
Unmarked point	37 38 45.4	76 18 59.1
No limit line.		
Unmarked point	37 38 51.0	76 19 04.8
Following line of 18-foot depth.		
Unmarked point	37 39 13.9	76 19 04.5
No limit line.		

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked point	37 39 19.8	76 19 01.8
Following line of 18-foot depth.		
Unmarked point	37 40 07.2	76 18 16.0
No limit line.		
Unmarked point	37 40 16.6	76 18 06.8
Following line of 18-foot depth.		
Unmarked point	37 40 51.1	76 16 22.1
(Fl W) "1"	37 42 43.3	76 16 56.1
No limit line.		
Unmarked point	37 42 45.4	76 16 37.2
Unmarked point	37 40 52.4	76 16 02.6
S "12AW"		
S "12W"	37 41 16.5	76 11 28.7
S "12D W"		
S "12BW"	37 46 58.2	76 12 13.0
S 3	37 47 45.8	76 15 27.4
No limit line.		
Great Wicomico River Light	37 48 15.0	76 16 04.6
S "12CW"	37 48 24.7	76 12 03.0
S "13W"	37 50 51.3	76 11 06.2
Smith Point Light	37 52 47.1	76 11 02.8

(2) *Fishing area east of mouth of Rappahannock River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "8W"	37 34 45.7	76 14 30.1
S "8AW"		
S "10W"	37 36 58.3	76 11 38.7
S "9W"	37 34 12.8	76 11 44.9
Thence to S "8W".		

(3) *Rappahannock River in vicinity of Tappahannock.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked point	37 49 28.7	76 43 56.5
C 9	37 51 17.9	76 45 26.6
S "2CW"	37 51 56.8	76 46 05.3
Unmarked point	37 53 27.5	76 46 51.6
C 11	37 53 40.3	76 47 05.1
C 13	37 55 03.3	76 49 20.6
Unmarked point	37 55 50.3	76 51 08.9
Unmarked point	37 56 16.3	76 51 35.0
Unmarked point	37 57 46.9	76 51 42.0
Unmarked point	37 58 29.1	76 52 01.5
No limit line.		
Unmarked point	37 58 30.6	76 51 54.0
Unmarked point	37 57 46.1	76 51 33.8
Unmarked point	37 56 10.3	76 51 28.9
S "7FW"	37 55 52.8	76 50 57.2
S "7EW"	37 55 09.6	76 49 18.0
S "7DW"	37 53 37.9	76 46 48.4
S "7BW"	37 51 59.7	76 45 58.4
S "7AW"	37 51 24.3	76 45 22.8
Unmarked point	37 49 31.6	76 43 48.8

(4) *Potomac River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Smith Point Light	37 52 47.1	76 11 02.8
C 1	37 54 09.7	76 11 49.3
S "14W"		
S "14AW"		
S "15W"		
S "16W"		
S "16AW"		
S "17W"		
Unmarked point	38 01 35.6	76 24 51.2
Unmarked point	38 00 05.9	76 27 02.8
Unmarked point	37 59 33.5	76 26 51.5
No limit line.		
Beacon (Fl R)	37 59 37.0	76 27 11.3
Unmarked point	38 00 00.0	76 27 19.2
Unmarked point	38 00 16.8	76 27 18.7
Unmarked point	38 01 45.2	76 25 18.7
Unmarked point	38 03 04.8	76 27 27.8
Unmarked point	38 02 06.8	76 29 55.3
Beacon (Fl)	38 01 51.0	76 32 12.7
No limit line.		
Unmarked point	38 02 10.2	76 32 15.1
Beacon (Fl)	38 02 25.7	76 30 02.8
S "18W"	38 03 17.8	76 27 50.2
S "18AW"		
(Fl) "5A"	38 07 05.9	76 33 19.7
S "19W"	38 09 27.8	76 35 51.1
S "19AW"		
S "19BW"	38 11 05.9	76 44 33.5
No limit line.		
N "4A"	38 12 05.0	76 44 36.1
Unmarked point	38 12 12.3	76 43 40.0

	Latitude	Longitude
	° ′ ″	° ′ ″
C "1"	38 12 34.8	76 43 43.8
No limit line.		
Unmarked point	38 12 37.5	76 43 24.0
Unmarked point	38 12 14.8	76 43 20.6
Unmarked point	38 12 23.6	76 42 11.2
N	38 12 38.2	76 42 12.9
No limit line.		
Unmarked point	38 13 23.8	76 41 45.9
Unmarked point	38 12 20.5	76 41 35.2
S "19CW"	38 12 16.4	76 40 00.0
S "19DW"	38 11 26.9	76 35 49.0
S "19EW"		
Unmarked point	38 08 26.7	76 32 58.9
Unmarked point	38 06 32.4	76 30 18.6
Unmarked point	38 04 31.6	76 26 01.9
Unmarked point	38 06 03.2	76 26 32.5
Unmarked point	38 06 46.6	76 27 37.5
No limit line.		
Unmarked point	38 07 00.2	76 27 31.2
Unmarked point	38 06 33.0	76 26 41.8
Unmarked point	38 07 56.2	76 27 09.2
No limit line.		
Unmarked point	38 08 03.5	76 26 40.6
Unmarked point	38 04 45.1	76 25 25.0
Unmarked point	38 03 50.7	76 24 33.1
Unmarked point	38 05 27.2	76 24 43.0
No limit line.		
N "2GP"	38 05 27.1	76 24 21.0
Unmarked point	38 03 39.5	76 24 09.7
Bell "2"	38 01 25.9	76 19 23.4
S "20W"	38 02 19.7	76 17 26.2

(5) *West side of Chesapeake Bay north from Point Lookout to Cove Point.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "20W"	38 02 19.7	76 17 26.2
Point No Point Light	38 07 40.6	76 17 26.3
Unmarked point	38 17 49.4	76 22 00.0
Following line of 30-foot depth.		
Unmarked point	38 18 59.0	76 22 22.1
(Fl W) "3"	38 19 03.8	76 23 56.0
No limit line.		
Drum Point Light	38 19 09.2	76 25 16.3
S "21W"	38 20 48.7	76 21 51.1
Following line of 30-foot depth.		
Unmarked point	38 23 09.8	76 22 33.8

(6) *Fishing area at mouth of Patuxent River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked point	38 19 30.2	76 22 43.8
Following line of 30-foot depth.		
Unmarked point	38 19 48.2	76 23 18.7
Unmarked point	38 20 31.6	76 21 48.8
Following line of 30-foot depth.		
Unmarked point	38 19 56.9	76 21 47.4
Thence to point of beginning.		

(g) *Norfolk District—(1) South side of Chesapeake Bay between Cape Henry and Hampton Roads.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked point 10	36 55 31.8	76 02 44.8
S "39N"	36 55 49.9	76 03 06.2
S "38N"		
S "37N"	36 55 30.1	76 04 35.5
Unmarked Point 9	36 54 51.1	76 04 21.9
No limit line.		
Unmarked Point 8	36 54 51.1	76 06 46.7
S "36N"	36 55 52.9	76 06 07.9
S "35N"		
S "34N"	36 57 00.5	76 06 07.9
S "33N"		
S "32N"		
S "30N"	36 57 31.1	76 08 08.9
S "31N"		
Unmarked Point 7	36 55 30.4	76 08 41.5
No limit line.		
Unmarked Point 6	36 55 49.6	76 11 03.7
S "29N"	36 58 05.9	76 10 27.0
S "28N"		
S "27N"	36 59 09.4	76 14 39.8
S "26N"		
S "25N"	36 59 02.5	76 18 11.0
S "24N"	36 58 08.4	76 18 15.0
Willoughby Light	36 57 49.7	76 17 53.9

(2) *James River and Hampton Roads—(i) South side of river from Craney Island Light to Jamestown Island.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Craney Island Light	36 53 32.2	76 20 18.6
S "8N"	36 54 06.2	76 20 24.9
S "7N"		
S "6N"	36 55 08.4	76 23 20.3
S "5N"		
Nansemond River Light	36 54 32.3	76 26 40.2
No limit line.		
S "4N"	36 55 03.0	76 26 46.5
S "3N"	36 56 06.1	76 24 41.8
S "2N"		
C 1	36 57 53.5	76 26 42.0
C 3	36 59 06.9	76 27 56.1
Unmarked Point 1	36 59 30.0	76 28 58.0
Unmarked Point 20	36 59 49.0	76 29 22.5
Unmarked Point 22	37 00 36.6	76 31 02.9
Unmarked Point 23	37 00 44.7	76 32 36.3
Unmarked Point 25	37 00 40.3	76 33 52.0
No limit line.		
Unmarked Point 26	37 00 45.0	76 33 52.4
Unmarked Point 24	37 00 48.6	76 32 36.7
Unmarked Point 27	37 00 49.4	76 31 30.0
Unmarked Point 57	37 01 59.8	76 33 58.0
C 3	37 02 46.5	76 36 12.5
C 1	37 02 58.0	76 37 04.5
Unmarked Point 37	37 02 57.0	76 38 47.0
Unmarked Point 39	37 03 14.5	76 39 21.0
Unmarked Point 41	37 03 51.0	76 39 37.5
Unmarked Point 43	37 05 13.5	76 38 49.8
Unmarked Point 45	37 05 51.5	76 38 51.5
C 7	37 09 12.7	76 38 35.8
C 25	37 11 17.0	76 39 45.0
Unmarked Point 61	37 12 21.5	76 41 27.0
Unmarked Point 63	37 11 50.6	76 43 00.5
Unmarked Point 65	37 10 27.6	76 44 55.0

(ii) *North side of river from Jamestown Island to Newport News.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 69	37 11 14.0	76 45 25.0
Unmarked Point 68	37 10 54.4	76 44 30.6
Unmarked Point 66	37 11 56.6	76 43 05.2
Unmarked Point 60	37 12 55.9	76 40 51.7
Unmarked Point 58	37 12 48.2	76 39 39.6
Unmarked Point 56	37 12 30.6	76 39 11.1
Unmarked Point 54	37 12 00.0	76 38 32.5
Unmarked Point 52	37 11 32.2	76 38 05.2
Unmarked Point 50	37 10 31.6	76 37 45.2
Deep Water Shoals Light	37 08 55.4	76 38 13.7
Unmarked Point 48	37 07 12.2	76 38 14.1
Unmarked Point 36	37 03 21.8	76 35 30.5
N "12"	37 03 12.0	76 34 45.0
(FLR) "16"	37 03 15.0	76 33 25.5
N 8	37 01 44.0	76 31 12.5
Bell (FLR) "9"	37 01 13.5	76 30 17.0
Unmarked Point 4	37 00 19.5	76 27 57.7
Unmarked Point 5	36 59 34.5	76 26 54.5

(iii) *Fishing area northeast of Naseway Shoal.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "1N"	36 59 20.8	76 27 36.2
Unmarked Point 2	36 59 37.0	76 28 51.5
Unmarked Point 21	37 00 28.5	76 29 56.0
Unmarked Point 3	37 00 00.5	76 28 22.0
Thence to S "1N".		

(iv) *White Shoal fishing area.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 28	37 00 46.0	76 29 54.3
Unmarked Point 29	37 00 46.5	76 30 28.0
Unmarked Point 30	37 01 16.7	76 31 37.1
Unmarked Point 31	37 02 40.8	76 34 38.7
Unmarked Point 32	37 03 02.0	76 34 18.0
Unmarked Point 33	37 02 51.0	76 33 29.5
Unmarked Point 34	37 01 33.0	76 31 23.0
Thence to Unmarked Point 28.		

(v) *Point of Shoals fishing area.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 38	37 02 58.5	76 35 53.0
Unmarked Point 40	37 03 03.9	76 36 56.9
N 4	37 03 03.0	76 38 30.0
N 6	37 03 13.5	76 39 02.0
Unmarked Point 42	37 03 59.0	76 39 21.6
Unmarked Point 44	37 05 23.0	76 38 33.0
Unmarked Point 46	37 06 40.0	76 38 27.5
Unmarked Point 47	37 07 02.5	76 38 17.9
Unmarked Point 35	37 03 21.9	76 35 40.5
Thence to Unmarked Point 38.		

(vi) *Fishing area northeast of Hog Island.*

	Latitude	Longitude
	° ′ ″	° ′ ″
N	37 10 09.2	76 38 17.0
Bell "2"	37 11 26.0	76 39 34.0
Unmarked Point 62	37 11 57.5	76 40 13.0
Unmarked Point 64	37 12 18.0	76 40 56.5
Unmarked Point 59	37 12 44.5	76 40 19.8
Unmarked Point 57	37 12 40.7	76 39 43.9
Unmarked Point 55	37 12 24.5	76 39 17.8
Unmarked Point 53	37 11 54.4	76 38 39.6
Unmarked Point 51	37 11 27.9	76 38 13.1
Unmarked Point 49	37 10 55.9	76 38 02.3
Thence to N.		

(vii) *Approach channel to Chickahominy River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "165N"	37 13 21.9	76 48 30.9
S "167N"		
S "169N"	37 14 07.0	76 50 21.4
S "171N"	37 14 03.3	76 51 41.5
S "173N"	37 14 10.7	76 52 28.0
No limit line.		
S "174N"	37 14 15.0	76 52 17.0
S "172N"	37 14 09.3	76 51 41.0
S "170N"	37 14 13.0	76 50 20.0
S "168N"		
S "166N"	37 13 25.0	76 48 11.7

(viii) *Prohibited area in vicinity of Jordan Point.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 70	37 18 15.7	77 12 19.3
Unmarked Point 71	37 18 18.0	77 12 17.0
Unmarked Point 72	37 18 56.8	77 13 18.1
Following line of 25-foot depth.		
Unmarked Point 73	37 18 19.5	77 14 54.2
Unmarked Point 74	37 17 47.2	77 14 46.8

(ix) *Fishing area north of Craney Island Flats.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "10N"	36 55 15.6	76 21 45.6
S "9N"	36 56 09.6	76 23 03.4
S "12N"	36 56 17.3	76 22 08.9
S "11N"	36 55 41.6	76 21 17.6
Thence to S "10N".		

(x) *Middle Ground fishing area.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "14N"	36 56 27.5	76 23 25.8
S "13N"	36 56 59.1	76 24 08.0
S "16N"	36 57 02.1	76 24 03.9
S "15N"	36 56 42.4	76 23 03.1
Thence to S "14N".		

(xi) *Newport News to Old Point Comfort.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 11	36 58 07.0	76 24 29.9
Bell (F) 10 "2"	36 57 36.5	76 24 33.5
S "20N"	36 57 51.2	76 22 31.5
S "19N"		
S "18N"	37 00 11.5	76 20 31.4
Unmarked Point 12	37 00 47.4	76 20 31.0
No limit line.		
Unmarked Point 13	37 00 51.9	76 20 16.3
Hampton Creek Light	37 00 28.7	76 20 16.6
Unmarked Point 14	37 00 13.5	76 19 00.0

(xii) *Hampton Bar fishing area.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "22N"	36 58 07.6	76 22 02.5
S "21N"		
S "17N"	37 00 11.3	76 20 16.6
S "23N"	36 59 56.1	76 18 49.1
N 14	36 59 47.3	76 19 25.4
N 16	36 59 16.1	76 20 21.6
N 18	36 58 46.2	76 21 06.2
Thence to S "22N".		

(3) *West side of Chesapeake Bay north from Old Point Comfort to Wolf Trap Light.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Old Point Comfort Light	37 00 05.8	76 18 24.5
Unmarked Point 15	37 00 28.0	76 16 28.9
S "40N"		
S "41N"		
S "42N"		
S "43N"		
Gong (F) W) "1"	37 05 31.9	76 14 57.0
Unmarked Point 17	37 05 50.0	76 15 52.0
No limit line.		
Unmarked Point 18	37 06 14.3	76 15 48.7
S "54N"	37 05 58.2	76 14 53.6
S "55N"		
S "56N"		
S "57N"		
S "58N"		
S "59N"	37 12 24.0	76 17 29.9
S "60N"	37 13 24.8	76 19 17.5
S "61N"	37 12 20.2	76 20 37.7
S "62N"	37 10 56.1	76 22 16.1
No limit line.		
S "63N"	37 10 43.3	76 22 27.9
S "77N"	37 12 28.0	76 20 48.9
S "78N"	37 13 31.3	76 19 30.3
S "79N"	37 13 57.9	76 21 10.4
No limit line.		
S "81N"	37 14 50.2	76 22 39.7
S "80N"		
S "81N"	37 14 03.9	76 19 11.2
Bell (F) W) "2"	37 13 06.0	76 17 19.8
S "66N"	37 14 28.0	76 15 39.2
S "91N"		
S "92N"		
S "93N"		
S "94N"	37 17 49.9	76 19 12.6
S "95N"		
S "96N"	37 20 22.7	76 22 14.8
S "97N"	37 19 54.2	76 22 53.0
No limit line.		
S "98N"	37 19 55.9	76 23 17.9
S "99N"	37 20 29.4	76 22 33.0
S "100N"	37 21 22.5	76 24 56.4
No limit line.		
S "101N"	37 22 27.0	76 23 38.4
S "102N"	37 21 21.0	76 22 09.0
Piltz Bar Light (F)	37 21 12.7	76 21 48.5
No limit line.	37 22 13.2	76 20 41.4
Unmarked Point 19	37 22 05.8	76 20 21.3
N 2	37 21 32.5	76 20 40.3
Bell "6"	37 19 36.2	76 20 41.7
S "104N"		
S "104N"	37 18 06.3	76 18 49.9
S "105N"		
S "106N"		
S "107N"		
S "108N"	37 14 45.0	76 15 18.3
S "109N"		
S "110N"		
S "111N"		
C "9A"	37 17 50.2	76 11 30.7
S "112N"		
S "113N"		
C 11		
C 13	37 23 29.6	76 10 27.9

(4) *Fishing area northeast of Hampton Roads.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Unmarked Point 10	37 00 31.1	76 16 12.7
S "44N"		
S "45N"		
S "46N"		
S "47N"		
S "48N"	37 05 29.8	76 14 42.9
S "49N"		
S "50N"	37 04 40.0	76 11 33.3
S "51N"		
S "52N"	37 02 21.8	76 12 24.4
S "53N"		
Thimble Shoal Light	37 00 51.8	76 14 24.1
Thence to Unmarked Point 16.		

(5) *Fishing area east of mouth of Back River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "63N"	37 05 53.0	76 14 36.0
S "64N"		
S "67N"		
S "68N"		
S "69N"		
S "70N"	37 12 18.0	76 17 10.3
C	37 11 54.1	76 16 22.6
S "71N"		
S "72N"		
S "73N"		
S "74N"	37 07 48.8	76 12 05.7
S "75N"		
S "83N"	37 05 03.7	76 11 47.9
S "84N"		
Thence to S "65N".		

(6) *Fishing area southeast of mouth of York River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Bell (I Qk Fl W)	37 08 50.6	76 12 12.3
S "86N"		
S "87N"		
S "88N"	37 12 21.1	76 15 52.7
S "89N"	37 12 52.9	76 16 54.2
S "82N"	37 14 09.8	76 15 19.9
S "83N"		
S "84N"	37 11 28.0	76 12 29.3
S "85N"		
Thence to Bell (I Qk Fl W).		

(7) *Fishing area east of mouth of York River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "114N"	37 12 09.0	76 12 33.7
S "115N"		
S "116N"	37 14 26.8	76 14 59.0
S "117N"		
S "118N"		
S "119N"		
S "120N"	37 17 10.3	76 11 38.0
S "121N"		
S "122N"		
Thence to S "114N."		

(8) *East side of Chesapeake Bay south from Onancock Creek to Cape Charles.*

	Latitude	Longitude
	° ′ ″	° ′ ″
S "161N"	37 43 21.0	75 51 42.0
S "163N"		
S "162N"	37 43 40.8	75 54 57.0
S "161N"		
S "160N"		
S "159N"		
S "158N"	37 38 23.2	75 57 12.1
S "157N"	37 38 23.4	75 56 30.0
No limit line.		
S "156N"		
S "155N"	37 37 36.0	75 56 00.0
S "154N"	37 37 23.9	75 57 37.3
S "153N"		
S "152N"	37 32 55.2	75 59 31.2
S "151N"	37 32 55.2	75 58 05.1
No limit line.		
S "150N"	37 32 10.2	75 58 24.0
S "149N"	37 31 39.6	75 59 54.6
S "148N"		
S "147N"	37 28 30.7	76 00 40.6
S "146N"	37 28 15.0	75 59 06.0
No limit line.		
S "145N"	37 27 40.2	75 59 10.8
S "144N"	37 27 20.4	76 00 56.3
S "143N"		
S "142N"		
S "141N"	37 24 11.3	76 01 43.7
S "140N"	37 23 58.8	76 00 05.4
No limit line.		
S "139N"	37 23 07.2	76 00 21.6
S "138N"	37 23 05.5	76 01 59.7
S "137N"		
S "136N"		
S "135N"		
S "134N"		
S "133N"		
S "132N"	37 15 01.2	76 03 56.4
S "131N"	37 14 02.4	76 05 20.4
S "130N"	37 14 27.1	76 02 35.7
No limit line.		
S "129N"	37 14 07.4	76 02 06.0
S "128N"	37 13 35.1	76 03 04.6
S "127N"		
S "126N"		
S "125N"		
S "124N"		
S "123N"	37 07 03.6	75 59 17.4

[Regs. Aug. 19, 1948. CE 800.217 (Chesapeake Bay)—ENGWR] (30 Stat. 1151; 33 U. S. C. 403)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8251; Filed, Sept. 14, 1948; 9:03 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION; DISALLOWANCE AND AWARDS

APPLICATION FOR INCREASE BASED UPON CHANGED PHYSICAL CONDITION

1. In § 3.1216, paragraphs (b) and (c) are amended to read as follows:

§ 3.1216 *Application for increase based upon changed physical condition.* * * *

(b) *Statement by private physician.* A statement by a private physician showing increased disability submitted by or on behalf of a veteran for the purpose of obtaining increased benefits may be accepted as an informal claim and payments awarded from the date of receipt of the evidence, if otherwise in order: *Provided,* That the findings contained therein are subsequently verified by an official Veterans' Administration examination.

(c) *Physical examination reports, clinical records and transcripts of records received from State, county, municipal and recognized private institutions and contract hospitals.* Generally, physical examination reports, clinical records and transcripts of records from State, county, municipal and recognized private institutions and contract hospitals relative to veterans undergoing treatment or domiciled therein, whether by the Veterans' Administration or otherwise, will be accorded the same consideration for the purpose of rating claims for compensation or pension as though the records were received from a Veterans' Administration field station. These records, however, must present the essentials upon which ratings are to be founded, that is the disabling conditions must be adequately identified; sufficient findings must be reported to permit proper evaluation of the condition, and they must be certified by chief medical officers or their physician designates. As to private institutions, the hospitals listed in the hospital number of "The Journal" of The American Medical Association (usually published in April of each year) and followed by the symbol consisting of a shaded triangle are recognized. This symbol indicates that the hospital has been approved by The American College of Surgeons as meeting unconditionally its minimum requirements for general standardization. If the name of the private hospital at which the veteran was examined or treated does not appear on the approved list, the chief medical officer or his physician designate will be requested to advise whether the hospital meets the minimum requirements for the care and treatment of Veterans' Administration patients and for hospital facilities as prescribed in current directives of the Department of Medicine and Surgery. Depending upon the advice of the chief medical officer or his physician designate, the report will be accepted or corroborative examination by the Veterans' Administration requested. It is to be understood that such records, in those instances where maintenance is not at the expense of the Veterans' Administration, should not be accepted as claims for increase if they are routinely submitted, but only where there is an indication that they are being submitted for the purpose of claiming increased benefits.

(Sec. 4, 48 Stat. 9; 38 U. S. C. 704)

[SEAL] O. W. CLARK,
Executive Administrator of Veterans' Affairs.

[F. R. Doc. 48-8263; Filed, Sept. 14, 1948; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 71—FOREIGN QUARANTINE

MISCELLANEOUS AMENDMENTS

CROSS REFERENCE: For amendments to §§ 71.503, 71.504, 71.508, 71.511 and 71.513 see Title 19, Chapter I, Part 6, *supra.*

PART 72—INTERSTATE QUARANTINE

MISCELLANEOUS AMENDMENTS

1. The following paragraph is added to § 72.1:

§ 72.1 *General definitions.* * * *

(r) *Shellfish.* Any fresh, frozen, or incompletely cooked oysters, clams, or mussels, either shucked or in the shell,

and any fresh, frozen, or incompletely cooked edible products thereof.

2. The following section, § 72.24, is added to subpart C:

§ 72.24 *Shellfish.* A person shall not offer for transportation, or transport, in interstate traffic any shellfish handled or stored in such an insanitary manner, or grown in an area so contaminated, as to render such shellfish likely to become agents in, and their transportation likely to contribute to, the spread of communicable disease from one State or possession to another.

3. Paragraph (a) of § 72.164 is amended to read as follows:

§ 72.164 *Source of food and drink: identification and inspection.* (a) Operators of conveyances shall identify, when requested by the Surgeon General, the vendors, distributors, or dealers from whom they have acquired or are acquiring their food supply including milk, milk products, frozen desserts, bottled water, sandwiches, box lunches, and shellfish.

4. Paragraph (f) of § 72.165 is amended to read as follows:

§ 72.165 *Milk, milk products, and shellfish.* * * *

(f) Shellfish purchased for consumption on any conveyance shall originate from a dealer currently listed by the Public Health Service as holding an unexpired and unrevoked certificate issued by a State authority.[1]

(Sec. 361, 58 Stat. 703; 42 U. S. C. 264)

The foregoing amendments, further implementing the provisions of section 361 of the Public Health Service Act, 58 Stat. 703; 42 U. S. C. 264, are issued principally for the purpose of preventing the spread of communicable disease from one State or possession to another insofar as the danger of such spread arises from the sanitary conditions under which shellfish are grown, handled, or stored. Notice of proposed rule-making in connection with these amendments was published in the FEDERAL REGISTER on August 4, 1948 (13 F. R. 4483), and the hearing referred to therein was held at the announced time and place.

Effective date. The foregoing amendments shall become effective thirty days after their publication in the FEDERAL REGISTER.

LEONARD A. SCHEELE,
Surgeon General.

Approved: September 9, 1948.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 48-8252; Filed, Sept. 14, 1948; 8:48 a. m.]

[1] The Public Health Service issues a list of such dealers periodically for the information of State health authorities and all others concerned.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

KLAMATH IRRIGATION PROJECT, PARTS 1 AND 2, TULE LAKE DIVISION, OREGON AND CALIFORNIA

CROSS REFERENCE: For public notice announcing availability of water for public lands and opening of public lands to entry, see F. R. Document 48-8239 under Department of the Interior, Bureau of Reclamation, in the Notices section, *infra*.

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter II—Bureau of Community Facilities, Federal Works Agency

[Administrative Order 62]

PART 213—DELEGATIONS OF AUTHORITY

SUBPART B—SCHOOL ASSISTANCE PROGRAM, FISCAL YEAR 1949

SEPTEMBER 1, 1948.

Program authorized by Public Law 839, 80th Congress, for making contributions to certain classes of local school agencies during the fiscal year ending June 30, 1949, for operation and maintenance of school facilities.

Delegation by the Federal Works Administrator to the Commissioner of Community Facilities of responsibility for carrying out the provisions of Public Law 839, 80th Congress, approved June 29, 1948, authorizing the Federal Works Administrator to make, in the same manner as heretofore authorized, during the fiscal year ending June 30, 1949, contributions for the operation and maintenance of school facilities to local school agencies requiring assistance that (a) are still overburdened with school enrollments caused by war activities and the transition from war to peacetime conditions and have received during the fiscal year ending June 30, 1948, Federal contributions administered by the Federal Works Administrator for the operation and maintenance of their school facilities, or (b) have become overburdened with defense-incurred school enrollments as the result of the reactivation or expansion of any defense establishment or the operation of any new defense establishment.

By virtue of the authority vested in the Federal Works Administrator and pursuant to Public Law 839, 80th Congress, approved June 29, 1948, it is hereby ordered:

§ 213.11 *Delegation to Commissioner.* Except as otherwise expressly provided herein, all the functions of the Federal Works Administrator under Public Law 839, 80th Congress, approved June 29, 1948, including all responsibilities and authority vested in him thereunder, shall be administered, performed, and exercised by the Bureau of Community Facilities in conformity with said law, and the Commissioner of Community Facilities shall be responsible to the Federal Works Administrator for the performance of such functions. With the exception of such latter responsibility, the Commissioner of Community Facilities is authorized to assign, delegate, or redelegate any of the responsibilities, authority, or functions as hereinabove delegated to any officer or employee of the Bureau of Community Facilities, either in the departmental or in the field service.

(a) *Administrator's Books.* The Commissioner of Community Facilities shall from time to time submit to the Federal Works Administrator lists of projects, designated "Administrator's Books," describing generally the projects for which allotments for contributions for the operation and maintenance of school facilities have been requested under said law. Every Administrator's Book shall be accompanied by the recommendation of the Commissioner of Community Facilities and by appropriate supporting data. The approval by the Federal Works Administrator of any Administrator's Book, in whole or in part, shall constitute his approval under said law of the respective projects covered by such approval and his allotment of the amounts specified for such projects to the respective applicants.

(b) *Execution of agreements.* The Commissioner of Community Facilities is authorized to enter into agreements, including amendments and supplements thereto, with local school agencies for providing contributions for the operation and maintenance of their school facilities under said law, and is otherwise authorized to take all action necessary to effectuate the approval of and the allotments made by the Federal Works Administrator.

(c) *Issuance of operating procedures and instructions.* The Commissioner of Community Facilities is authorized to issue such operating procedures and instructions not in conflict with Federal law or this order as he may deem necessary to carry out his functions under this order.

(d) *Name of program.* This program shall be known as the "School Assistance Program, Fiscal Year 1949."

(e) *Delegation Additional to Existing Duties.* The authorities, duties, and responsibilities vested hereunder shall be in addition to those hereto vested in the Commissioner of Community Facilities.

(Pub. Law 839, 80th Cong.)

PHILIP B. FLEMING,
Federal Works Administrator.

[F. R. Doc. 48-8237; Filed, Sept. 14, 1948; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF GREEN SWEETPOTATOES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev. 13C]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF GREEN SWEETPOTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 502.508 *Shipments of green sweetpotatoes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971) or in Item 535 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074) any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of green sweetpotatoes originating at any point in the States of Iowa, Maryland, North Carolina, South Carolina or Virginia when such carload freight is loaded to a weight not less than the applicable tariff carload minimum weight.

This General Permit ODT 18A, Revised-13C shall become effective September 13, 1948, and shall expire November 30, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C. this 10th day of September 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 48-8257; Filed, Sept. 14, 1948; 9:05 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Child Labor Branch

[29 CFR, Part 422]

EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE IN OCCUPATIONS INVOLVED IN OPERATION OF POWER-DRIVEN COLD-METAL-WORKING MACHINES

NOTICE OF HEARING ON PROPOSED FINDING AND ORDER

Whereas, there is in effect a procedure governing determinations of what occupations are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being (29 CFR, Part 421), for the purposes of section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U. S. C. 203 (l)); and,

Whereas, pursuant to said procedure, an investigation has been conducted for the purpose of ascertaining what occupations involved in the operation of power-driven cold-metal-working machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being; and,

Whereas, a report of the investigation, entitled Occupational Hazards to Young Workers, Report No. 8, The Operation of Cold-Metal-Working Machines, copies of which will be sent upon request directed to the Child Labor Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., has been submitted to the Secretary of Labor showing that certain occupations involved in the operation of power-driven cold-metal-working machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being; and,

Whereas, the Secretary of Labor, pursuant to the authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938 and Reorganization Plan No. 2, effective July 16, 1946, adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613), proposes to issue a finding and order in the form set forth below;

Now, therefore, notice is hereby given of a public hearing to be held on Tuesday, November 9, 1948, commencing at 10 o'clock a. m. in Room 3428, United States Department of Labor Building, 14th Street and Constitution Avenue NW., Washington 25, D. C., before a presiding officer to be hereafter designated, at which hearing interested parties may appear and be heard with respect to said proposed finding and order. All parties desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for hearing. Any interested party who is unable to appear in person or by representative may submit a written comment or brief to the Secretary of Labor not later than the day prior to the date of hearing, in order that the same may be made a part of the record of the hearing.

Proposed finding and order. By virtue of the authority conferred upon me by section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, 1061; 29 U. S. C. 203 (l)) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613), and pursuant to the procedure governing determinations of hazardous occupations (29 CFR, Part 421); an investigation having been conducted with respect to what occupations in the operation of power-driven cold-metal-working machines are hazardous for minors between 16 and 18 years of age or detrimental to their health or well-being, and a report of said investigation having been submitted to me;

Now, therefore, I, Maurice J. Tobin, Secretary of Labor, after reviewing all the information and evidence with respect to the occupations involved, including the report of the investigation, do hereby find, declare, and order:

§ 422.8 *Occupations involving the operation of power-driven cold-metal-working machines*—(a) *Finding and declaration of fact.* The occupation of operator of or helper on the following power-driven cold-metal-working machines is particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being:

(1) Machine tools of the types following:

(i) Milling-function machines of these types:

(*a*) Planer types milling machines;
(*b*) Gear-cutting machines;
(*c*) Metal-cutting circular saws.

(ii) Planing-function machines of these types:

(*a*) Planers;
(*b*) Metal-cutting band saws.

(iii) Turning-function machines of these types:

(*a*) Turret lathes;
(*b*) Automatic and semi-automatic lathes;
(*c*) Automatic screw machines.

(iv) Boring-function machines of these types:

(*a*) Vertical boring machines;
(*b*) Radial drills;
(*c*) Gang drills.

(v) Grinding-function machines of these types:

(*a*) Abrasive wheels that require the material being ground to be held manually against the abrasive wheel or the abrasive wheel held manually against the material, such as swing frame grinders, snag grinders, floor stands, tool grinders, drill and tap grinders, and portable grinders;
(*b*) Abrasive belts;
(*c*) Abrasive disks.

(2) All forming, punching, and shearing machines including the following:

(i) All rolling function machines, such as bending, straightening, corrugating, flanging, or beading rolls; and cold rolling mills.

(ii) All pressing or punching-function machines, such as punch presses, except those provided with full automatic feed and ejection and with complete enclosure of the ram; power presses; and plate punches.

(iii) All bending-function machines, such as apron brakes and press brakes.

(iv) All hammering-function machines, such as drop hammers and power hammers.

(v) All shearing-function machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

(b) *Definitions.* As used in this section:

The term "operator" shall mean one who operates a cold-metal-working machine by performing such functions as setting up the machine, starting and stopping it, placing or fastening the work in the machines and removing the finished work from the machine, and performing other related functions in connection with its operations.

The term "helper" shall mean one who operates or assists in the operation of a cold-metal-working machine by helping place the work in or remove it from the machine.

The term "machine tools" shall mean power-driven complete metal-working machines, not portable by hand, having one or more tool or work-holding devices and used for progressively removing metal in the form of chips. Types of machine tools enumerated in this section are the machines to which the designation is by custom applied.

The term "forming, punching, and shearing machines" shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut cold metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

(c) *Exemption for apprentices.* Nothing in paragraph (a) (1) of this section shall be construed to apply to apprentice machinists or apprentice toolmakers, provided that (1) the apprentice is employed in accordance with standards established by the Bureau of Apprenticeship of the U. S. Department of Labor or the standards of a State apprenticeship agency recognized by the Bureau of Apprenticeship, or is employed under conditions which substantially conform to such standards as determined by such State or Federal apprenticeship agencies, and (2) not more than 25 percent of the apprentice's time in each succeeding six-month calendar period of his apprenticeship is spent operating machine tools herein declared particularly hazardous.

(d) *Higher standards.* This section shall not justify non-compliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

(e) *Effective date.* This proposed order, when issued, will be made effective 60 days after due publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 10th day of September 1948.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 48-8260; Filed, Sept. 14, 1948; 9:05 a. m.]

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR, Part 146]

[CGFR 48-46]

INSPECTION AND NAVIGATION REGULATIONS; MERCHANT MARINE COUNCIL REGULATIONS

NOTICE OF PROPOSED CHANGES IN REGULATIONS; PUBLIC HEARING

1. The Merchant Marine Council will hold a public hearing in Room 4120, Coast Guard Headquarters, 13th and E Streets, N. W., Washington, D. C. on September 28, 1948. The meeting will convene at 9:30 a. m. In addition to consideration of proposed amendments, notice of which was made in 13 F. R. 4638, August 11, 1948, the Council will upon petition of a manufacturer of burlap bags consider a proposal to amend 46 CFR, 146.21-11 in order that used burlap bags cleaned by a vacuum process may be carried on vessels in the same classes of stowage as is presently permitted for used burlap bags which have been cleaned by washing.

2. The authority for amendment of 46 CFR, 146.21-100 is contained in R. S. 4472, as amended, sec. 5 (e), 55 Stat. 244; 46 U. S. C. 170; and sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

3. Comments on the proposed change may be submitted in writing for receipt prior to September 28th, 1948 by the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., or presented orally or in writing at the hearing.

Dated: September 8, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 48-8253; Filed, Sept. 14, 1948; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 801]

GENERAL SUGAR REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Director, Sugar Branch, Production and Marketing Administration, pursuant to § 801.52 of General Sugar Regulations, Series 3, No. 2, as amended (13 F. R. 127, 1076, 2063, 4590), is considering the issuance of a determination that the direct-consumption portion of the 1948 sugar quota for Cuba, amounting to 375,000 short tons of sugar, raw value, has been filled to the extent that certification is required to maintain effective quota control.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed determination shall file the same in quadruplicate with the Director, Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than seven days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 9th day of September 1948.

[SEAL] LAWRENCE MYERS,
Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 48-8261; Filed, Sept. 14, 1948; 9:05 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice DA 140]

INTERIM OFFICE FOR GERMAN AFFAIRS

SCHEDULE OF FEES

SEPTEMBER 2, 1948.

Public Notice No. DA-121, effective August 10, 1948, established an Interim Office for German Affairs in the Division of Protective Services, Office of Controls, Department of State.

The Interim Office for German Affairs is authorized to prescribe from time to time such fees as may be deemed appropriate for any services rendered. The following schedule of fees is hereby established:

Nature of Service	
Travel Document Service	
Execution of application for travel document and military-entry permit	$2.00
Issuance of travel document	10.00
Amendment or verification of a travel document	2.00
Renewal of travel document	5.00
Execution of affidavit in regard to German birth in connection with application for travel document	1.00
Notarial and Other Miscellaneous Services	
Administering an oath and certificate thereof	$2.00
Acknowledgment of a deed or power of attorney, or similar service, including one or more signatures, with certificate thereof, for each copy	2.00
Certifying to official character of a notary or other official	2.00
Notarial and Other Miscellaneous Services—Continued	
For taking depositions, executing commissions or letters rogatory, where the record of testimony including caption and certificate does not exceed 500 words (excluding punctuation)	$2.00
For each additional 100 words or fraction thereof	.50
Certifying to the correctness of a copy of, or extract from, a document, official or private	2.00
Recording unofficial documents in Interim Office upon request (for every 100 words or fraction thereof)	1.00
Obtaining copy of German public document (exclusive of local charges of foreign officials and certification by United States Consul)	2.00

The fees received by the Interim Office for German Affairs shall be covered into the Treasury as miscellaneous receipts.

This notice shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: September 2, 1948.

For the Secretary of State.

[SEAL] JOHN F. PEURIFOY,
Assistant Secretary.

[F. R. Doc. 48-8258; Filed, Sept. 14, 1948; 9:05 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 21]

ORDER TRANSFERRING FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE FUNCTIONS RELATING TO PROCUREMENT, APPOINTMENT, ADMINISTRATION, AND TRAINING OF AVIATION CADETS AND AVIATION STUDENTS

Pursuant to the authority vested in me by the National Security Act of 1947 (Act of July 26, 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force, all functions, powers, and duties relating to procurement, appointment, administration, and training of aviation cadets and aviation students, insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property or personnel, which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the following laws, parts of laws, and Executive Orders, as limited by other laws, parts of laws, and Executive Orders, whether or not specifically set forth herein:

(a) Act of June 3, 1941, c. 165, sec. 1, 2, 3, 4 (55 Stat. 239, 240; 10 U. S. C. 297a, 296a, 299, 303, 304, 304b).

(b) Act of June 3, 1941, c. 167 (55 Stat. 241; 10 U. S. C. 298a-1).

(c) Act of April 3, 1939, c. 35, sec. 2 (53 Stat. 556), as amended by the act of July 3, 1941, c. 275 (55 Stat. 577; 10 U. S. C. 298a).

(d) Act of July 8, 1942, c. 493, sec. 5 (56 Stat. 649; 10 U. S. C. 299e).

(e) All other laws, parts of laws, including applicable provisions of Appropriations Acts, and Executive Orders which vested in the Secretary of the Army or the Department of the Army or any officer of that Department, functions, powers, and duties relating to procurement, appointment, administration, and training of aviation cadets and aviation students insofar as they pertain to the Department of the Air Force or the United States Air Force or their property or personnel.

2. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

3. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

4. Nothing contained in this order shall operate as a transfer of funds.

5. This order shall be effective at 12:00 noon, September 4, 1948.

JAMES FORRESTAL,
Secretary of Defense.

SEPTEMBER 4, 1948.

[F. R. Doc. 48-8238; Filed, Sept. 14, 1948; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice 47]

PARTS 1 AND 2, TULE LAKE DIVISION, KLAMATH IRRIGATION PROJECT, OREGON AND CALIFORNIA

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

AUGUST 27, 1948.

Public Notice No. 47 reads as follows:

LANDS COVERED

SECTION 1. *Lands for which water will be available.* Water will be available for the irrigation season of 1949 and thereafter for certain irrigable lands in Parts 1 and 2, Tule Lake Division, Klamath Project, as shown on approved farm unit plats on file in the office of the District Manager, Bureau of Reclamation, Klamath Falls, Oregon, and in the District Land Office at Sacramento, California.

Application may be made in accordance with this notice, beginning at 2:00 p. m., September 21, 1948, for a certificate of qualification which will entitle the holder to file an application for entry on the public lands shown on the plats.

The lands to which this notice pertains are described as follows:

PUBLIC LAND

PART 1. TULE LAKE DIVISION

MOUNT DIABLO MERIDIAN, CALIFORNIA

Section	Farm unit	Description	Total irrigable acres
		Township 48 North, Range 5 East	
17	N	Lots 2, 3, and 8 of Section 17; NE¼NW¼, N½N½NW¼, NE¼, N½NW¼NE¼NE¼, W½SW¼NE¼NE¼, E½SW¼NE¼, W½W½SW¼NE¼, SW¼NE¼NE¼, SW¼NE¼, W½SE¼NE¼, W½W½E½SE¼NE¼, SW¼NE¼, W½W½E½SE¼NE¼, N½NW¼SE¼, W½W½NE¼NE¼SE¼ of Section 20	135.7
20	P	S½N½NW¼NE¼, S½NW¼NE¼, S½NW¼NE¼, S½N½NW¼SW¼, W½SW¼NE¼NE¼, E½SW¼NE¼, W½W½SW¼NE¼, SW¼NE¼, SW¼NE¼, W½W½E½SE¼NE¼, SW¼NE¼, W½W½E½SE¼NE¼, N½NW¼SE¼, W½W½NE¼NE¼SE¼ of Section 20	132.6
20	Q	S½NW¼, N½N½SW¼	109.8
		Township 48 North, Range 5 East—Continued	
20	R	S½N½SW¼, S½SW¼	108.1
20	S	SW¼SE¼, S½NW¼SE¼, SW¼NE¼SE¼, SW¼SE¼, W½SE¼SE¼, W½W½E½SE¼SE¼, of Section 20; E½NW¼NE¼, W½NE¼NE¼, W½W½E½NE¼NE¼ of Section 29	127.4
21	J	E½NE¼, NE¼SE¼ of Section 21; Lot 12 of Section 16	122.2
21	K	W½NE¼, NW¼SE¼ of Section 21; Lot 11 of Section 16	115.6
21	L	NE¼SW¼, E½NW¼ of Section 21; Lot 14 of Section 16	126.3
21	T	W½NW¼, N½N½NE¼NW¼, SW¼ of Section 21; E½E½NE¼NE¼, E½W½E½NE¼NE¼, E½E½SE¼NE¼, E½W½E½SE¼NE¼, NE¼NW¼NE¼SE¼, N½NE¼NE¼SE¼ of Section 29; Lot 7 of Section 17; Lot 9 of Section 16	127.6
21	U	S½N½N½NW¼SW¼, S½N½NW¼SW¼, S½NW¼SW¼, SW¼SW¼ of Section 21; N½NW¼NW¼, N½S½NW¼NW¼, of Section 28; SE¼NW¼NE¼, NE¼SE¼NE¼, N½NE¼NE¼SE¼, E½W½SE¼NE¼SE¼, E½SE¼NE¼SE¼, E½W½E½SE¼SE¼, E½SE¼SE¼ of Section 20; E½W½E½NE¼NE¼, E½NE¼NE¼NE¼, E½NW½SE¼NE¼NE¼, NE¼SE¼NE¼NE¼, SW¼SE¼NE¼NE¼, N½SE¼NE¼NE¼ of Section 29	124.5
22	L	Lots 3, 12, 13, 16 and NE¼SW¼ of Section 22; Lot 9 of Section 15	114.2
22	M	W½NW¼, NW¼SW¼ of Section 22; Lot 8 of Section 15	130.0
22	N	Lots 11, 14, 15 and 16 of Section 22; Lot 11 of Section 23	112.6
26	K	Lots 1, 2, and 3	91.8
26	N	Lots 9, 5, and 6	120.4
27	M	E½NE¼ of Section 27; Lot 10 of Section 26	120.5
27	P	W½NE¼ of Section 27; Lot 17 of Section 22	111.6
27	Q	E½NW¼ of Section 27; SE¼SW¼ of Section 22	105.6
27	R	W½NW¼ of Section 27; SW¼SW¼ of section 22	109.2
28	M	E½NE¼ of Section 28; SE¼SE¼ of Section 21	105.6
28	N	W½NE¼ of Section 28; SW¼SE¼ of Section 21	103.9
28	P	E½NW¼ of Section 28; SE¼SW¼ of Section 21	112.3
29	L	SE¼SW¼, SE¼NE¼NE¼, S½SE¼SE¼NE¼NE¼, E½SW¼NE¼, SE¼NE¼ of Section 29; SW¼NW¼, S½S½S½NW¼NW¼ of Section 28	88.4

PART 2. TULE LAKE DIVISION

Section	Farm unit	Description	Total irrigable acres
		Township 46 North, Range 5 East	
2	G	W½SW¼ of Section 2; Lot 23 of Section 3	84.9
3	E	Lots 28 and 29 of Section 3; Lots 16 and 25 of Section 4; Lots 6 and 15 of Section 9; Lots 17 and 18 of Section 10	118.4
4	A	Lots 17, 24, and 26 of Section 4; Lots 7, 14, and 16 of Section 9	119.4
4	C	Lots 13, 14, 21 and 22	97.3
10	A	Lot 14 of Section 10; Lot 25 of Section 3	87.6
13	B	Lots 10 and 15	76.3
13	C	Lots 11 and 14	80.0
13	D	Lot 20	76.3
13	E	Lots 7, 8, and 23	82.0
13	F	Lots 6, 16, 17, and NW¼SE¼ of Section 13; Lot 8 of Sec. 18, T. 46 N., R. 6 E	91.7
14	A	Lots 12, 13, 15, and 22	93.5
14	D	Lot 24 of Section 14; Lot 24 of Section 15; Lot 14 of Section 22; Lot 30 of Section 23	80.5
14	G	Lots 22 and 24 of Section 13; Lots 16, 17, 19, and 20 of Section 14	85.1
14	H	Lots 21, 25, 26, and 27 of Section 14; Lot 25 of Section 13; Lots 27, 28, and 29 of Section 23	101.4

PART 2. TULE LAKE DIVISION—Continued

MOUNT DIABLO MERIDIAN, CALIFORNIA—continued

Section	Farm unit	Description	Total irrigable acres
		Township 46 North, Range 5 East—Continued	
14	K	Lots 11 and 18 of Section 14; Lot 10 of Section 12; Lot 21 of Section 13	84.2
15	B	Lots 17, 20, and 21 of Section 15; Lot 7 of Section 16	103.0
16	A	Lots 9 and 11	87.1
16	E	Lot 14 of Section 16; Lot 11 of Section 21	91.4
16	F	Lot 15 of Section 16; Lot 13 of Section 21	84.3
16	G	Lot 16 of Section 16; Lot 22 of Section 15; Lot 12 of Section 21; Lot 17 of Section 22	82.4 103.7
17	A	Lots 16, 18, 19, and 20	
17	B	Lots 21, 22, and 23 of Section 17; Lots 16 and 15 of Section 20	97.4
17	C	Lots 17, 15, and 14 of Section 17; Lot 12 of Section 16	90.0
17	D	Lot 24 of Section 17; Lot 13 of Section 16; Lot 14 of Section 20; Lot 15 of Section 21	88.5
20	H	Lots 17, 18, 19, and 20 of Section 20; Lot 16 of Section 21	103.8
20	J	Lot 21 of Section 20; Lot 25 of Section 21	87.3 85.0
21	A	Lots 19 and 20	100.4
21	B	Lots 17 and 18 of Section 21	85.1
21	L	Lot 24 and E½SW¼ of Section 21	88.1
21	M	W½SE¼ and Lot 23 of Section 21	
21	N	Lot 22 of Section 21; Lot 27 of Section 22	87.8
22	A	Lots 15 and 16 of Section 22; Lot 25 of Section 15	88.0 92.2
22	B	Lots 19, 20, 22, and 23	
22	C	Lot 18 of Section 22; Lot 21 of Section 21	83.1 89.9
22	E	Lots 25, 26, and 28	
22	F	Lots 12, 13, and 21 of Section 22; Lots 31 and 40 of Section 23	91.5 84.4
23	A	Lots 19, 24, 34, 35, 36, and 38	
23	C	Lots 18, 37, and SE¼NE¼ of Section 23	85.6 86.1
23	E	Lots 32, 33, and 39	85.3
24	A	Lots 10, 11, and 12	
24	B	Lots 7, 13 of Section 24; Lot 42 of Section 23; Lot 3 of Section 25, and Lot 4 of Section 26	91.9 86.2
27	B	Lots 12, 13, and 14	
28	A	Lots 15 and 16 of Section 28; Lot 15 of Section 27	85.8 86.6
28	B	Lots 13, 17, 18, and 24	88.0
28	C	Lots 19, 20, 25	
29	K	Lots 3 and 4 of Section 29; Lot 22 of Section 20; Lot 26 of Section 21; Lot 21 of Section 28	91.7
		Township 46 North, Range 6 East	
5	E	Lots 12 and 13 of Section 5; Lots 29 and 30 of Section 6	78.7 84.4
6	D	Lots 27, 28, 34, and 32 of Section 6	
6	F	Lots 33 and 34 of Section 6; Lot 14 of Section 5; Lots 5 and 14 of Section 7; Lot 2 of Section 8	83.4
6	H	Lots 14, 25, and 26 of Section 6; Lot 15 and E½SW¼SE¼ of Section 31, T. 47 N., R. 6 E	86.8
6	J	Lot 24 of Section 6; Lot 11 of Section 5; Lot 13 of Section 31, T. 47 N., R. 6 E; Lot 10 of Section 32, T. 47 N., R. 6 E	77.0
18	A	Lots 6, 7, 9, 10, and 11 of Section 18; Lot 9 of Section 13, T. 46 N., R. 5 E	90.7
		Township 47 North, Range 5 East	
33	B	Lots 23, 25 and 14 of Section 33; Lots 10 and 11 of Section 4, T. 46 N., R. 5 E	90.9
36	D	Lots 12 and 13 of Section 36; Lot 27 of Section 25	89.1
36	E	Lot 6 and W½NE¼ of Section 36; Lot 26 of Section 25	94.4
36	F	Lots 1, 2, and 7 of Section 36; Lots 23 and 24 of Section 25; Lot 17 of Section 35	88.7
		Township 47 North, Range 6 East	
31	A	Lots 2, 7, and SE¼NE¼ of Section 31; Lot 12 of Section 30; Lots 5 and 8 of Section 32	87.4
31	B	Lots 3, 6, and SW¼NE¼ of Section 31; Lot 13 of Section 30	100.4
31	C	Lots 4, 5, and SE¼NW¼ of Section 31; Lots 14 and 15 of Section 30	96.7
31	D	Lots 8, 9, and 10 of Section 31; Lot 16 of Section 30	86.7
31	E	W½SW¼SE¼, E½SW¼	84.1
31	F	Lot 14 and N½SE¼ of Section 31; Lot 9 of Section 32	84.9
31	G	Lots 11 and 12 of Section 31; Lot 14 of Section 36, T. 47 N., R. 5 E	71.9

SEC. 2. *Limit of acreage for which entry may be made or water secured.* The public lands covered by this notice have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land. The areas in the different units are fixed at the amounts shown upon the farm unit plats referred to in section 1 of this notice. The maximum acreage of land in private ownership for which application for delivery of water may be made is 160 acres of irrigable land for each landowner.

PREFERENCE RIGHTS OF VETERANS OF WORLD WAR II

SEC. 3. *Nature of preference.* The law provides that when public lands are opened to entry, preference shall be given to applications which are made by veterans of World War II (and in some cases by their wives or husbands or guardians of minor children) and which are filed within 90 days after the opening of the lands. The five classes of persons who are entitled to this veterans' preference are set forth in section 4 of this notice.

Therefore, applications for farm units on lands covered by this notice which are made by persons coming within one of the five classes listed in section 4 of this notice will be given first consideration if submitted before December 20, 1948.

In order to be eligible to receive farm units, all applicants, whether or not entitled to veterans' preference, must possess the necessary qualifications as to industry, experience, character, capital, and physical fitness (see section 8 of this notice) and (except for duly appointed guardians) must be qualified to make entry under the homestead laws.

SEC. 4. *Persons entitled to veterans' preference.* The classes of persons who are entitled to the veterans' preference described in section 3 of this notice are as follows:

(a) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard of the United States for a period of at least 90 days at any time on or after September 16, 1940, and prior to the termination of World War II, and have been honorably discharged.

(b) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps or Coast Guard during the period described in subsection (a) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the government on account of such wounds or disability.

(c) The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See section 11 of this notice regarding provision that a married woman must be head of a family.)

(d) The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(e) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in the Army, Navy, Marine Corps or Coast Guard during the period described in subsection (a) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

SEC. 5. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or a discharge under honorable conditions;

(b) Transfer with honorable service from such service to a reserve or retired status prior to the termination of the war; or

(c) Ending of the period of war service by reason of the termination of the war, even though the veteran remains in the military or naval service of the United States.

SEC. 6. *Submission of proof of veterans' status.* All applicants for farm units who claim veterans' preference must attach to their applications a photostatic, certified or authenticated complete copy (both sides) of an official document of the respective branch of the service which shows clearly an honorable discharge, as defined in section 5 of this notice, or constitutes evidence of other facts on which the claim for preference is based, and which clearly shows the period of service.

If the preference is claimed by a surviving spouse or on behalf of the minor child or children of a deceased veteran, proof of the relationship asserted and of the veteran's service and death must be attached to the application. If the preference is claimed by the spouse of a living veteran, proof of such relationship and of the veteran's service and written consent to the exercise of the preference right must be attached to the application.

QUALIFICATIONS REQUIRED BY THE RECLAMATION AND HOMESTEAD LAWS

SEC. 7. *Examining Board.* An examining board of five members, including the District Operations Superintendent of the Klamath District, Bureau of Reclamation, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the development and operation of a farm on the Klamath Project. The board will make careful investigations to verify the statements made by applicants. Any false statement may constitute grounds for rejection of an application, cancelation of award or cancelation of an entry.

SEC. 8. *Minimum qualifications.* This section sets forth the minimum qualifications which are necessary to give reasonable assurance of success of an entryman or entrywoman on a reclamation farm unit. Applicants must, in the judgment of the examining board, meet these qualifications in order to be considered for entry. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum.

The minimum qualifications are as follows:

(a) *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a non-irrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the examining board, will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

(c) *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable must attach to his or her application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(d) *Capital.* An applicant must possess at least $2,000, consisting of cash or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. If the applicant proposes to convert items into cash, total cash value should be shown with a full explanation.

An applicant shall furnish in section 10 of the farm application blank a financial statement listing all of his assets and all of his liabilities. Prior to the issuance of a certificate of qualification, and not later than at the time of the personal interview, the applicant will be required to corroborate his statement of net worth by the statement of an officer of a bank or other responsible and reputable credit agency or by other proof satisfactory to the board.

SEC. 9. *References.* (a) An applicant shall list in section 12 of the farm application blank the names, occupations, positions or titles and complete, current addresses of five persons who are qualified and willing to give their frank opinions as to the applicant's personal qualifications and farm experience. Persons named as references must be responsible citizens who are permanent residents in their communities.

At least one of these five persons must be an agricultural leader who now holds one or more of the following positions: County Agent; Farmers Home Administration County Supervisor; Production and Marketing Administration County Committeeman; Soil Conservationist; Vocational Agriculture Teacher; manager or agricultural representative of an agricultural marketing or processing association or institution; loan officer or agricultural representative of a credit agency or institution in an agricultural community, or an officer of any recognized farm organization.

The other four persons named as references may be successful farmers who own and operate their own farms and are well known in the community where the farm experience was acquired.

Persons in occupations other than those listed in this subsection and relatives of the applicant are not acceptable.

(b) The applicant shall also be responsible for furnishing to at least three of the five persons listed in section 12 of the farm application blank the reference forms provided with this notice and for the return by these persons to the board of three complete, signed statements. At least one of these three statements must be prepared and signed by one of the agricultural leaders listed in subsection (a) of this section.

SEC. 10. *Restriction on ownership of project lands.* Applicants for farm units must not hold or own, within any Federal reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

Prior to the issuance of a certificate of qualification and not later than the time of the personal interview, an applicant who owns lands in a Federal reclamation project must furnish satisfactory evidence that the total construction charges allocated against the land owned by the applicant have been paid in full.

SEC. 11. *Principal qualifications required by homestead laws.* All applicants (except guardians) must meet the requirements of the homestead laws. The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States;

(b) Must not have exhausted the right to make homestead entry on public lands;

(c) Must not own more than 160 acres of land in the United States;

(d) Must, if a married woman, or a person under 21 years of age who is not eligible for veterans' preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of the family. Any applicant who is required to be the head of a family must submit with the application evidence of such status which is satisfactory to the board. Complete information concerning qualifications for homesteading may be obtained from District Land Offices or from the Bureau of Land Management, Washington 25, D. C.

WHEN, WHERE AND HOW TO APPLY FOR A FARM UNIT

SEC. 12. *Application blanks.* Any person desiring to enter any of the public land farm units described in this notice must fill out the attached farm application blank. Additional application blanks may be obtained from the Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon; the Regional Director, Bureau of Reclamation, P. O. Box 2511, Sacramento, California, or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the farm application blank.

SEC. 13. *The filing of application and supporting evidence.* An application for a certificate of qualification for a farm unit listed in this notice must be filed with the District Manager, Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon, in person or by mail. No advantage will accrue to an applicant who presents an application in person. Every application must be accompanied by:

(a) Proof of veteran's status if veteran's preference is claimed (see section 6 of this notice).

(b) Statement of examining physician, in case of disability (see subsection 8 (c) of this notice).

(c) Evidence of citizenship or of declared intention if applicant is not native-born (see subsection 11 (a) of this notice).

(d) Evidence of status as head of a family if applicant is a married woman or a non-veteran under the age of 21 (see subsection 11 (d) of this notice).

The applicant also must see that three of his references submit complete signed statements of his qualifications (see subsection 9 (b) of this notice).

SEC. 14. *Applications become Department records.* Each application submitted, including corroborating evidence, will become a part of the permanent records of the Department of the Interior.

and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted. In case an applicant is awarded a farm his discharge papers will be attached to his certificate of eligibility (see section 22 of this notice) for submission to the Bureau of Land Management.

SEC. 15. *Importance of complete applications.* It shall be the sole responsibility of an applicant to submit a complete application, including the corroborating evidence required by this notice. Failure of an applicant to provide complete answers to all questions in the farm application blank within the periods specified in this notice, or failure to provide all other information required by this notice, will subject an application to rejection.

SELECTION OF QUALIFIED APPLICANTS

SEC. 16. *Priority of applications.* All applications will be classified for priority purposes and considered in the following order:

(a) *First priority group.* All complete applications filed prior to 2:00 p. m., December 20, 1948, which are accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans' preference. All such applications will be treated as simultaneously filed.

(b) *Second priority group.* All complete applications filed prior to 2:00 p. m., December 20, 1948, from applicants without veterans' preference or which are not accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans' preference. All such applications will be treated as simultaneously filed.

(c) *Final group.* All complete applications filed after 2:00 p. m., December 20, 1948, whether or not accompanied by proof of veterans' preference. Such applications will be considered in the order in which they are filed if any farm units are available for award to applicants within this group.

SEC. 17. *Preliminary examination to determine first priority group, right of appeal.* Each application will be examined for the purpose of ascertaining (a) that the application is complete; (b) that all of the corroborating evidence required by this notice to be submitted in advance of the drawing has been furnished; and (c) that the applicant's right to veteran's preference has been fully established. Any incomplete application or any application not accompanied by the required corroborating evidence will be rejected. Any applicant claiming veteran's preference but failing to establish proof of eligibility for such preference shall be placed in the second priority group.

In case of rejection or placement in the second priority group, the applicant shall be notified by the board by registered mail, with return receipt requested, of such rejection or placement; the reasons therefor, and of the right to appeal in writing to the Regional Director, Bureau of Reclamation. All appeals must be received in the office of the District Manager, Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon, within 15 days of the applicant's receipt of such notice, or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The District Manager will forward the appeals promptly to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board for inclusion in the drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of the application or placement in the second priority group. The Regional Director's decision on all appeals shall be final.

SEC. 18. *Public drawing.* After the expiration of the appeal periods fixed by the above-mentioned notices and after decisions on all appeals, the board will conduct a public drawing of the names of the applicants remaining in the First Priority Group as defined in subsection 16 (a) of this notice. Applicant need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than three times the number of farm units to be awarded) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be further examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this notice, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 19. *Final examination.* The board shall examine, in the order drawn, a sufficient number of applications to determine the applicants to whom the farm units will be awarded. This examination will determine the sufficiency, authenticity and reliability of the information and evidence submitted by the applicants. If such examination indicates that an applicant is qualified, such applicant shall be so notified and shall be required to submit the statement of a credit agency corroborating his statement relative to his net worth, described in subsection 8 (d) of this notice, and if an applicant owns land on a Federal reclamation project, satisfactory evidence that all construction charges against such land have been paid as required in section 10 of this notice.

The applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this notice, such applicant shall be notified, in person or by registered mail, that he is a successful applicant and shall be given an opportunity to select one of the farm units then available. If the board finds that an applicant's qualifications do not meet the requirements prescribed in this notice, or if he fails to supply the corroborating evidence, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director as prescribed in section 17 of this notice.

SELECTION OF FARM UNITS

SEC. 20. *Order of selection.* The applicants who have been notified of their qualification for the award of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a successful applicant to exercise his right of selection or failure to complete his entry filing with the Bureau of Land Management, it will be offered to the next qualified applicant in accordance with the priority established by the drawing. An applicant who is considered to be disqualified as a result of the personal interview, will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by successful applicants who have not exercised their right to select.

If any of the farm units listed in this notice remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 18 of this notice in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the successful applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Final Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this notice.

SEC. 21. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

SEC. 22. *Payment of charges and filing homestead applications.* After each successful applicant has advised the board of his selection of a farm unit he shall be notified by the board of the annual construction, water rental, or other charges, payment of which must be received at the office of the District Manager, Bureau of Reclamation, P. O. Box 312 (Building 61, Municipal Airport), Klamath Falls, Oregon, within 15 days of the receipt by the applicant of such notice. Upon receipt by the District Manager of such payment from the applicant before the expiration of said 15-day period, the board shall furnish each applicant, by registered mail or by delivery in person, a certificate of eligibility stating that the applicant's qualifications to enter public lands have been examined and approved by the board. Such certificate must be attached by the applicant to the homestead application, which application must be filed at the District Land Office, Bureau of Land Management, Sacramento, California. Such homestead application must be filed within 15 days from the date of the receipt by the applicant of such certificate. Failure to pay the annual construction, water rental or other charges required and to make application for homestead entry within the period specified herein will render the application subject to rejection.

GENERAL PROVISIONS

SEC. 23. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice.

SEC. 24. *Charges payable by all water users.* The Reclamation Law provides that except during a "development period" fixed by the Secretary of the Interior, water may not be delivered for the irrigation of lands until an organization, satisfactory in form and powers to the Secretary, has entered into a contract with the United States providing for the repayment of the project construction costs which are allocated to such irrigated lands. The lands described in section 1 of this public notice are hereby designated a development unit, and the maximum development period for the lands so designated is fixed at a period of four years from and including the first year in which water is delivered; *Provided*, That such period may be reduced by supplemental notice should the Secretary determine that the full four-year period is not reasonably necessary. Before the end of the development period, all lands described in section 1 must, therefore, be included within an organization of the type described and such organization must execute a joint-liability contract, satisfactory in form to the Secretary, covering the repayment of the construction costs allocated to such lands.

(a) *Charges payable before execution of the repayment contract.* The minimum water rental charge for the irrigation season of 1949 and thereafter until further notice shall be three dollars and fifty cents ($3.50) per acre for each irrigable acre of land in the farm unit, whether water is used or not, which will entitle the entryman to two and one half (2½) acre-feet of water per irrigable acre. Payment of this charge for the irrigation season of 1949 shall be made at the time of filing water rental applications.

Additional water will be furnished during the 1949 irrigation season and thereafter until further notice up to a limit of three and one half (3½) acre-feet per irrigable acre at the rate of one dollar ($1.00) per acre-foot and all further quantities at one dollar and twenty cents ($1.20) per acre-foot. Charges for the additional water are to be paid on or before December 1 of the year in which used. No water shall be delivered to the water user in subsequent years until all such charges have been paid in full.

In the event any applicant does not receive notice of the award of a farm unit until after June 15, 1949, payment shall be a minimum charge of three dollars and fifty cents ($3.50) per acre, which payment shall apply as a credit on the minimum charge for the following irrigation season.

The foregoing charges are subject to all provisions of the Federal Reclamation Law relative to collections and penalties for delinquencies. The charges will be paid at the office of the Bureau of Reclamation, Klamath Falls, Oregon. Future charges will be announced by future order or public notice.

(b) *Charges payable after execution of the repayment contract*—(1) *Part 1, Tule Lake Division.* Subsequent to the execution of the repayment contract, and in accordance with the terms thereof, water users will pay an annual charge per acre to meet operation and maintenance cost and to pay the government that portion of the construction cost allocated to Part 1, Tule Lake Division. The per acre construction charge to be included in said repayment contract shall be in an amount determined proper by the Secretary, but not to exceed a total per acre charge of $88.35, payable over a 40-year period.

(2) *Part 2, Tule Lake Division.* Subsequent to the execution of the repayment contract, and in accordance with the terms thereof, water users will pay an annual charge per acre to meet operation and maintenance costs and to repay to the government that portion of the construction costs allocated to Part 2, Tule Lake Division. On the date of issue of this public notice, it is impracticable to determine the total construction cost of Part 2, Tule Lake Division Distributary system, the allocation of costs to Part 2, Tule Lake Division of the Klamath Reclamation Project, and the ultimate water-service area of the Division. Accordingly, no exact statement as to the total and per acre construction charge be made against the lands opened in this public notice is practicable. When the total construction charge has been determined and allocated by the Secretary of the Interior, and a repayment contract negotiated with the irrigation district, a supplementary notice announcing the total and per acre charges will be issued.

SEC. 25. *Reservation of rights-of-way for public roads.* Rights-of-way are reserved for County, State, and Federal highways and access roads to the farm units shown on said plats along section lines and other lines shown in red on the farm plats.

SEC. 26. *Reservation of rights-of-way for publicly owned utilities.* Rights-of-way are reserved for government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants, as now constructed, and the Secretary of the Interior reserves the right to locate such other government-owned facilities over and across the farm units above described as hereafter, in his opinion, may be necessary for the proper construction, operation, and maintenance of the said project.

SEC. 27. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead applications will be rejected or the homestead entry or entries cancelled.

SEC. 28. *Effects of cancellation of entry by relinquishment.* In the event that any entry of public land made hereunder is cancelled by relinquishment at any time prior to full compliance with the homestead laws, the lands in the entry so relinquished shall become available to entry by the next numbered qualified applicant who will be treated as a standing applicant therefor under this notice. Such applicant shall be required to furnish such additional information as may be necessary to satisfy the board that he is still qualified under the terms of this notice.

SEC. 29. *Opportunity of leasing.* The farm units listed in section 1 of this notice under Part 1, Tule Lake Division, are less well developed than the other farm units listed. Accordingly, to afford the opportunity of a more adequate income during the development period of the farm unit, each entryman awarded one of the above-described farm units will be offered the right to lease, for one-year periods not to exceed a total of three years, a lease unit of approximately 75 acres in the Tule Lake reserve sump area known as lease area B–2.

SEC. 30. *Flood hazard.* The lands to be entered in Part 2 of the Tule Lake Division are reclaimed lands lying in the former bed of Tule Lake and may be subject to flooding and inundation during extremely wet years. The Bureau of Reclamation is now engaged in the construction of additional works which, when completed, will provide reasonable flood protection. Settlers are warned, however, that in case of extreme run-off resulting in the flooding of any of the lands, the government assumes no responsibility for damage to persons or property caused by such flooding.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 48-8229; Filed, Sept. 14, 1948; 8:47 a. m.]

BEAR RIVER PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

JULY 27, 1948.

In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following-described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the act of June 17, 1902 (32 Stat. 388), and that Departmental Order of April 8, 1935, establishing Utah Grazing District No. 1 be modified and made subject to the withdrawal effected by this order.

BEAR RIVER PROJECT

SALT LAKE MERIDIAN, UTAH

T. 13 N., R. 8 W.,
Sec. 20, NE¼, N½NW¼, SE¼NW¼, NE¼SE¼;
Sec. 30, Lot 4, SE¼SW¼, E½.
T. 12 N., R. 9 W.,
Sec. 1, all.

The above areas aggregate 1,356.92 acres.

G. E. TOMLINSON,
Acting Commissioner.

I concur: August 25, 1948.

MARION CLAWSON,
Director, Bureau of Land Management.

The foregoing recommendation is hereby approved, as recommended, and the Director of the Bureau of Land Management will cause the records of his office and the District Land Office to be noted accordingly.

Notice for filing objections. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Utah for use in connection with the Bear River project, Utah, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

AUGUST 31, 1948.

[F. R. Doc. 48-8240; Filed, Sept. 14, 1948; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-441, G-447, G-448]

NEW YORK STATE NATURAL GAS CORP. ET AL.

NOTICE OF ORDERS TERMINATING PROCEEDINGS

SEPTEMBER 10, 1948.

In the Matters of New York State Natural Gas Corporation, Docket No. G-441; Penn-York Natural Gas Company, Docket No. G-447; Home Gas Company, Docket No. G-448.

Notice is hereby given that, on September 9, 1948, the Federal Power Commission issued its orders entered September 8, 1948, terminating proceedings relative to applications for temporary certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8246; Filed, Sept. 14, 1948; 9:03 a. m.]

[Docket No. G-1062]

POTOMAC GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 10, 1948.

Notice is hereby given that, on September 9, 1948, the Federal Power Commission issued its findings and order entered September 8, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8247; Filed, Sept. 14, 1948; 9:03 a. m.]

[Project No. 1853]

FIRST IOWA HYDRO-ELECTRIC COOPERATIVE

NOTICE OF ORDER MODIFYING DECEMBER 19, 1947 ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

SEPTEMBER 10, 1948.

Notice is hereby given that, on September 9, 1948, the Federal Power Commission issued its order entered September 8, 1948, modifying the order of December 19, 1947, authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8248; Filed, Sept. 14, 1948; 9:03 a. m.]

[Docket No. G-287-A]

EL PASO GAS TRANSPORTATION CORP.

ORDER FIXING DATE OF HEARING

SEPTEMBER 8, 1948.

Upon consideration of the application filed March 12, 1943, Docket No. G-287-A, by El Paso Gas Transportation Corporation (Applicant), a Delaware corporation with its principal place of business in El Paso, Texas, seeking authorization, pursuant to section 7 of the Natural Gas Act, to continue the sale of natural gas to El Paso Natural Gas Company for resale by that company to the Lea County Gas Company, El Paso Electric Company,[1] American Smelting and Refining Company, Southwestern Portland Cement Company, and El Paso Brick Company;

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Provisional rules of practice and regulations (effective July 11, 1938), a hearing be held on the 19th day of October, 1948, at 9:45 a. m. (E. S. T.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters of fact and law asserted in the application filed in the above-entitled proceedings; provided, however, that if no request to be heard or protest or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed prior to the date hereinbefore set for hearing, the Commission may, after a non-contested hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the proceeding, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate in accordance with § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act, effective July 11, 1938.

Date of issuance: September 9, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8249; Filed, Sept. 14, 1948; 9:03 a. m.]

[Docket No. E-6162]

NEW YORK STATE ELECTRIC AND GAS CORP.

ORDER SUSPENDING RATE SCHEDULE AND FIXING DATE OF HEARING

SEPTEMBER 8, 1948.

It appears to the Commission that:

(a) New York State Electric and Gas Corporation (New York Company) submitted for filing on August 12, 1948[2] a supplemental agreement dated June 21, 1948, proposed to become effective May 24, 1948, with its affiliate, Pennsylvania Electric Company (Pennsylvania Electric). The supplemental agreement has been tentatively designated as Supplement No. 3 to New York Company's Rate Schedule FPC No. 10.

(b) New York Company's proposed Supplement No. 3 to Rate Schedule FPC No. 10 provides for a substantial increase in rates or charges for power and energy delivered by New York Company to Pennsylvania Electric's Bradford District.

(c) Unless suspended by order of the Commission, the rate schedule of New York Company with the tentative designation referred to in paragraph (a), above, would become effective as of September 12, 1948, pursuant to the provisions of the Federal Power Act and the general rules and regulations promulgated thereunder.

(d) The change in rates or charges provided by the New York Company's tentatively designated Supplement No. 3 to Rate Schedule FPC No. 10, may result in excessive rates or charges to Pennsylvania Electric; may place an undue burden upon ultimate consumers of such electric energy; may be discriminatory; and may result in increased rates or charges which have not been shown to be justified.

(e) By letter dated August 27, 1948, the Chairman of the Pennsylvania Public Utility Commission has requested "that operation of the supplemental agreement * * * be suspended until the staff of this Commission has had an opportunity to review the matter in conference with members of the Federal Power Commission Staff."

The Commission finds that: It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed rates or charges and that said proposed rates or charges be suspended pending such hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held commencing November 15, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges provided for in New York Company's proposed rate schedule identified in paragraph (a) above.

(B) Pending such hearing and decision thereon, the supplemental rate schedule referred to in paragraph (a) above be and the same hereby is suspended and the use of such rates or charges deferred until February 12, 1949, and thereafter such rate schedule shall go into effect in the manner prescribed by the Commission in accordance with the Federal Power Act.

(C) During the period of suspension the rates or charges heretofore in effect under the rate schedule on file with the Commission for service to Pennsylvania Electric by New York Company shall remain and continue in effect.

(D) At such hearing, the burden of proof to show that the proposed rates or charges are just and reasonable shall be upon New York Company.

(E) Interested State commissions may participate as provided by Rules 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Date of issuance: September 9, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8250; Filed, Sept. 14, 1948; 9:03 a. m.]

[1] El Paso Natural Gas Company was authorized to make the sales herein referred to by the Commission's order adopted April 11, 1944, "In the Matters of El Paso Natural Gas Company", Docket Nos. G-474 and G-475.

[2] New York Company had originally filed the supplement on July 12, 1948. The filing date subsequently became August 12, 1948, upon the receipt of the company's reply to the staff's request for additional information.

CIVIL AERONAUTICS BOARD

[Docket No. 2737 et al.]

INTERNATIONAL AIR TRANSPORT ASSN.; FREE AND REDUCED-RATE TRANSPORTATION CASE

NOTICE OF HEARING

In the matter of the investigation of certain tariff rules filed by or on behalf of air carriers and foreign air carriers and of certain agreements among air carriers, foreign air carriers and other carriers as members of the International Air Transport Association providing for free or reduced-rate transportation for various classes of persons.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 412 and 1002 of said Act, that a hearing in the above-entitled proceeding is assigned to be held on October 4, 1948 at 10:00 a. m. (eastern standard time) in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the orders of investigation herein, particular attention will be directed to the following matters and questions:

(1) Whether the provisions contained in the tariff rules under investigation are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or unduly prejudicial.

(2) Whether, and to what extent, the Board shall take further action with respect to the provisions of such tariff rules.

(3) Whether such agreements between air carriers, foreign air carriers and other carriers as members of International Air Transport Association are adverse to the public interest or in violation of the Civil Aeronautics Act because of unjustly discriminatory provisions contained therein or for any other reason.

Notice is further given that any person, other than parties of record as of August 19, 1948, desiring to be heard in this proceeding must file with the Board on or before October 4, 1948 a statement setting forth the issues of fact or law raised by this proceeding on which he desires to be heard.

For further details with respect to the investigation and the issues therein, interested parties are referred to the pertinent orders of the Civil Aeronautics Board on file in the docket.

Dated at Washington, D. C., September 9, 1948.

By the Civil Aeronautics Board.

M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8262; Filed, Sept. 14, 1948; 8:45 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 2 (E)]

U. S. DISTILLERS TARIFF COMMITTEE

APPLICATION FOR RELIEF FROM ALLEGED INJURY DUE TO INCREASED IMPORTS

SEPTEMBER 9, 1948.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of Part I, Executive Order 9832 of February 25, 1947.

Name of article	Purpose of request	Date received	Name and address of applicant
Whiskies and spirits.....	Relief from alleged injury due to increased imports resulting from the concessions granted in the General Agreement on Tariffs and Trade.	Sept. 7, 1948	U. S. Distillers Tariff Committee, Room 425, Union Trust Bldg., Washington, D. C. (application filed on behalf of 28 distilling companies).

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., where it may be read and copied by persons interested.

[SEAL] SIDNEY MORGAN,
Secretary.

[F. R. Doc. 48-8236; Filed, Sept. 14, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11642]

IDA BLOCK

In re: Estate of Ida Block, deceased. File D-28-10178; E. T. sec. 14492.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, pursuant to law, after investigation, it is hereby found:

1. That Olga Richter, Mrs. Alma Drecksler, Mrs. Wanda Gutjahr, Mrs. Margaretha Oelschlager, Mrs. Lydia Behrmann, Adolph Richter, Mrs. Hulda Apelt (Appelt), Albert Schulz, Martha Schulz and Elfrieda Klein, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $13,669.94 was paid to the Attorney General of the United

States by Arthur Richter, Administrator with the will annexed of the Estate of Ida Block, deceased;

3. That the said sum of $18,669.94 was accepted by the Attorney General of the United States on March 16, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $18,669.94 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8270; Filed, Sept. 14, 1948; 8:46 a. m.]

[Vesting Order 11909]

EDMUND ECKART AND NEW ROCHELLE TRUST CO.

In re: Deed of trust dated January 16, 1925, between Edmund Eckart, grantor, and the New Rochelle Trust Company, trustee. File D-28-10496-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Babbette Sill and Oscar Emil Henry Sill, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated January 16, 1925, by and between Edmund Eckart, grantor, and the New Rochelle Trust Company, trustee, presently being administered by the New Rochelle Trust Company, Trustee, 542 Main Street, New Rochelle, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8272; Filed, Sept. 14, 1948; 8:46 a. m.]

[Vesting Order 11914]

ANTON KNITTEL

In re: Estate of Anton Knittel, deceased. File No. D-17-360; E. T. sec. 7966.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herbert Pohl and Edgar Pohl, also known as Hans Edgar Franz Pohl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Friestel Pohl, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof and each of them, in and to the Estate of Anton Knittel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the San Diego Trust & Savings Bank, a Corporation, as executor, acting under the judicial supervision of the Superior Court, State of California, in and for the County of San Diego, California;

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8271; Filed, Sept. 14, 1948; 8:46 a. m.]

[Vesting Order 11930]

WILLIAM S. SCHULZ

In re: Estate of William S. Schulz, deceased. File No. D-28-12398; E. T. sec. 16620.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Schulz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of William S. Schulz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Charlotte Schulz Eder, 562 West First North St., Provo, Utah, as Administratrix, acting under the judicial supervision of the District Court of the Fifth Judicial District of the State of Utah in and for Washington County;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8273; Filed, Sept. 14, 1948; 8:46 a. m.]

[Vesting Order 11928]

JOSEPH REISS

In re: Rights of Joseph Reiss under Insurance Contract. File No. F-28-22714-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Reiss, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 12806401, issued by the New York Life Insurance Company, New York, New York, to Willibald E. Reiss, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8228; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order CE 457]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN ARIZONA, NEW JERSEY, AND OHIO COURTS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property which said persons obtain or are determined to have as a result of said actions or proceedings in amounts equal to the sums stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on September 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceedings	Column 4 Sum vested
		Item 1	
Victoria Gregorescu Staicu	Rumania	Estate of Paul Gregorescu, deceased. Probate Court, Cuyahoga County, State of Ohio, No. 357165.	$76.00
		Item 2	
Karl Brandt	Poland	Estate of Rudolph Luis Balke, deceased. Superior Court, State of Arizona in and for County of Maricopa No. 7236.	28.00
		Item 3	
Marie Gutekunst	do	Same	12.00
		Item 4	
Martha Zaft	do	Same	12.00
		Item 5	
Ferdinando Varacalli	Italy	Estate of Maria Varacalli Nobile, deceased. Probate Court, Mahoning County, State of Ohio.	25.00
		Item 6	
Giuseppe Varacalli	do	Same	25.00
		Item 7	
Alexander Kingsland	do	Trust under the will of Marie Binney Earl, deceased. Orphans' Court, Burlington County, Mount Holly, N. J.	86.00
		Item 8	
Anna Biccadilli di Bologna also known as Princess Anna di Castelcicala or her children.	do	Same	43.00

[F. R. Doc. 48-8274; Filed, Sept. 14, 1948; 8:46 a. m.]

[Vesting Order 11932]

MARIA SPORK

In re: Rights of Maria Spork under Insurance Contract. File No. D-28-12162-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. Maria Spork, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. BF 50981, issued

by the Bankers National Insurance Company, Phoenix, Arizona, to Rev. Leo Oelmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8230; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11931]

TOMISABURO SHIMIZU

In re: Rights of Tomisaburo Shimizu under Insurance Contract. File No. D-39-15372-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tomisaburo Shimizu, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8266444, issued by the New York Life Insurance Company, New York, New York, to Tomisaburo Shimizu, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8229; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11933]

JOJI G. TSUTAKAWA

In re: Rights of Joji G. Tsutakawa under Insurance Contracts File Nos. D-39-710-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joji G. Tsutakawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 1024250 and 1067333, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Joji G. Tsutakawa, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8231; Filed, Sept. 13, 1948; 8:52 a. m.]

[Vesting Order 11934]

SHIHO UYEMA

In re: Rights of Shiho Uyema under Insurance Contract. File No. D-39-18647-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shiho Uyema, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7878330, issued by the New York Life Insurance Company, New York, New York, to Shiho Uyema, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8232; Filed, Sept. 13, 1948; 8:53 a. m.]

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 13 NUMBER 181

Washington, Thursday, September 16, 1948

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL SECURITY AGENCY

Under authority of § 6.1 (a) of Executive Order No. 9830, and at the request of the Federal Security Agency, the Commission has determined that the position of hospital administration interne, Public Health Service, should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (19) is amended by the addition of a subdivision as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(19) *Federal Security Agency.* • • •

(xviii) Public Health Service: NC/PD. The position of hospital administration interne when filled by students at accredited colleges or universities: *Provided,* That such students receive academic credits toward a degree for the work performed for the Public Health Service, the total employment in any one case not to exceed one year, such employment to be continued under this provision only so long as these conditions are met.

(Sec. 6.1 (a), E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-8289; Filed, Sept. 15, 1948; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. ER-132]

PART 202—ACCOUNTS, RECORDS, AND REPORTS

FORMS OF REPORTS OF FINANCIAL AND OPERATING STATISTICS; AIR FREIGHT FORWARDERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 8th day of September 1948.

The requirements of § 202.1 are not at present applicable to air freight forwarders since that section does not expressly so provide. The proposed section would expressly require reports of certain specified data and statistics, and information on insurance by air freight forwarders.

The purpose of this amendment is to specify the details of these reporting requirements for air freight forwarders.

The amendment of § 202.1 (d) of the Economic Regulations as set forth below, requires the submission of a statistical report containing both financial data and data concerning property shipments and a statement on the amount of insurance in effect with respect to an air freight forwarder's operations.

These requirements are designed to secure information which will enable the Board to evaluate the service rendered by these carriers and thus aid in the administration of the act. Insofar as reports on insurance are concerned they will assist in the enforcement of the act.

Interested persons have been afforded an opportunity to participate in the making of this amendment, in connection with the Board's Draft Release No. 22 dated October 15, 1947, and full consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends § 202.1 of the Economic Regulations effective October 15, 1948, as follows:

1. By adding a paragraph § 202.1 (d) to read as follows:

§ 202.1 *Reports of financial and operating statistics.* • • •

(d) *Air freight forwarders.* (1) Air freight forwarders operating during any portion of the quarter ending December 31, 1948 and subsequent to the filing of applications for letters of registration shall file a statistical report on or before January 31, 1949 in the form and manner herein prescribed. Thereafter, air freight forwarders holding letters of registration, whether or not actually engaged in air freight forwarder operations, shall file statistical reports for each succeeding calendar quarter. Such reports shall be filed within 30 days after the termination of each calendar quarter and shall be certified to be correct by a responsible officer of the reporting air freight forwarder. Such statistical report shall contain the following data:

(i) Balance Sheet, prepared in accordance with accepted practices.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directed to the Government Printing Office, Washington 25, D. C.

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(ii) Profit and loss statement, with a separation of expense items so as to indicate payments to direct air carriers.

(iii) Statistical data:

(*a*) Number of shipments received from shippers for carriage by air.

(*b*) Number of consignments to carriers by air.

(*c*) Number of tons consigned for shipment by: Certificated air carriers, noncertificated cargo carriers, irregular carriers, surface carriers (rail, motor other than pickup and delivery or water).

(iv) Station data (list by individual stations):

(*a*) Number of personnel engaged in: Selling, operating, administrative and other.

(*b*) Total number of tons received from shippers for carriage by air.

(2) With each statistical report each air freight forwarder shall submit a statement of all outstanding cargo and public liability insurance in effect or surety bonds with regard to its operations pursuant to § 292.6 of the Economic Regulations. Such statement shall identify the companies issuing the policies or bonds, the amounts thereof and a brief statement as to their coverage.

(Secs. 205 (a), 407 (a); 52 Stat. 984, 1000; 49 U. S. C. 425, 674)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-8291; Filed, Sept. 15, 1948; 8:46 a. m.]

[Regs., Serial No. ER-133]

PART 202—ACCOUNTS, RECORDS, AND REPORTS

PRESERVATION OF ACCOUNTS, RECORDS AND MEMORANDA; AIR FREIGHT FORWARDERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of September 1948.

Section 202.3 does not contain any provision for the preservation of records by air freight forwarders who are being authorized to operate for the first time by virtue of the adoption of § 292.6 of Economic Regulations concurrently herewith.

It is the purpose of this amendment to require the retention and preservation of certain basic documents evidencing air freight forwarding operations in order to assist the Board in the enforcement of the new regulation.

Interested persons have been afforded an opportunity to participate in the making of this amendment, in connection with the Board's Draft Release No. 22 dated October 15, 1947, and full consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends § 202.3 of the Economic Regulations effective October 15, 1948, as follows:

1. By adding a paragraph § 202.3 (e) to read as follows:

§ 202.3 *Preservation of accounts, records, and memoranda.* • • •

(e) *Preservation of records by air freight forwarders*—(1) *Records to be preserved for one year.* All air freight forwarders as defined in § 292.6 of the Economic Regulations shall retain and preserve the following records and documents for a period of one year, unless otherwise ordered by the Board:

(i) Shipping documents: Airway bills, bills of lading, cargo manifests, receipts, exchange orders, invoices and similar evidences of shipping transactions;

(ii) Information to agents and representatives: Bulletins, circulars and all instructions to traffic soliciting personnel;

(iii) Information to the public: Press releases, paid advertisements, pamphlets, brochures, circulars, and bulletins;

(iv) Agreements: Agreements, contracts, documents and memoranda evidencing any arrangement with agents and representatives, with direct air carriers, with other freight forwarders, or with agents and representatives thereof;

(v) Correspondence: All correspondence relating to any of the foregoing.

(2) *Administrative and financial records.* All air freight forwarders shall retain their administrative and financial records and insurance and claim records as specified and referred to in paragraph (d) of this section for the periods indicated therein.

(Secs. 205 (a), 407, 52 Stat. 984, 1000; 49 U. S. C. 425, 674)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-8292; Filed, Sept. 15, 1948; 8:46 a. m.]

[Regs., Serial No. ER-131]

PART 292—CLASSIFICATIONS AND EXEMPTIONS

AIR FREIGHT FORWARDERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of September 1948.

At the present time indirect air carriers of property only (sometimes hereinafter referred to as "air freight forwarders") are prohibited from engaging in any air transportation, direct or indirect, unless there is in force a certificate issued by the Board authorizing such carriers to engage in such transportation.

The purpose of this regulation is to establish a classification of indirect air carriers to be designated "Air Freight Forwarders", and, subject to the conditions hereinafter set forth, to relieve such air carriers from the prohibition above referred to and from certain other provisions of the act.

Based upon the findings set forth in the Board's opinion in the Air Freight Forwarder case (Docket No. 681) issued concurrently herewith, to which reference is hereby made and such opinion incorporated herein as though set forth in full, the Board finds that it is in the public interest to relieve such air carriers from the provisions of the act to the extent and for the periods hereinafter set out.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and full consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 292 of the Economic Regulations by adding thereto a new § 292.6 effective October 15, 1948, reading as follows:

§ 292.6 *Air freight forwarders*—(a) *Classification.* There is hereby established a classification of air carriers who are not directly engaged in the operation of aircraft in air transportation (herein referred to as "indirect air carriers") to be designated as "air freight forwarders." An air freight forwarder shall be defined to mean any person engaging indirectly in air transportation of property only, and who, in the ordinary and usual course of his undertaking (1) assembles and consolidates or provides for assembling and consolidating of such property and performs or provides for the performance of break-bulk and distributing operations with respect to such consolidated shipments, (2) assumes responsibility for the transportation of such property from the point of receipt to point of destination, and (3) utilizes for the whole or any part of the transportation of such shipments, the services of a direct air carrier subject to the act.

(b) *Exemption.* Subject to the other provisions of this section, air freight forwarders are hereby relieved from the provisions of Title VI of the act and from all provisions of Title IV of the act, other than the following:

(1) Subsection 401 (1) (Compliance with labor legislation);

(2) Section 403 (Tariffs);

(3) Subsection 404 (a) (Carrier's duty to provide service, etc.), insofar as said subsection requires air carriers to provide safe service, equipment, and facilities in connection with air transportation, and to establish, observe, and endorse just and reasonable individual rates, fares and charges, and just and reasonable classifications, rules, regulations and practices relating to air transportation;

(4) Subsection 404 (b) (Discrimination);

(5) Subsection 407 (a) (Filing of reports): *Provided,* That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407 (a) shall be applicable to air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(6) Subsection 407 (b) (Disclosure of stock ownership);

(7) Subsection 407 (c) (Disclosure of stock ownership by officers or directors);

(8) Subsection 407 (d) (Form of accounts): *Provided,* That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407 (d) shall be applicable to air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(9) Subsection 407 (e) (Inspection of accounts and property);

(10) Section 408 (Consolidation, merger, and acquisition of control);

(11) Section 409 (Prohibited interests);

(12) Section 410 (Loans and financial aid);

(13) Section 411 (Methods of competition);

(14) Section 412 (Pooling and other agreements);

(15) Section 413 (Form of control);

(16) Section 414 (Legal restraints);

(17) Section 415 ((Inquiry into air carrier management); and

(18) Section 416 (Classification and exemption of carriers).

(c) *Duration.* The temporary authority provided by this section shall continue in effect until such time as the Board shall find that the exemption accorded herein is no longer in the public interest, but in no event longer than five years from the effective date of this regulation.

(d) *Limitations*—(1) *Use of aircraft.* In respect to operations conducted pursuant to the authority provided in this section no air freight forwarder shall ship property by air except upon aircraft operated in common carriage (i) by Small Irregular Carriers (as defined in § 292.1 of the Economic Regulations) or (ii) by air carriers whose tariffs for the transportation services thus utilized have been filed with the Board.

(2) *Prohibition.* No freight forwarder shall ship property as an air carrier in air transportation except between places in the continental United States.

(e) *Letters of registration*—(1) *Necessity for letter of registration.* No person shall engage in air transportation pursuant to the exemption granted by this section unless there is in force with respect to such person a letter of registration issued by the Board.

(2) *Application for letter of registration.* Any person other than those specified in paragraph (h) of this section desiring to engage in operations as an air freight forwarder may apply to the Board for a letter of registration authorizing the conduct of such operations. Such application shall be submitted in duplicate in letter form, shall be certified to by a responsible official of such carrier as being correct, and shall contain the following information: (i) date; (ii) name; (iii) mailing address; (iv) location of principal office; (v) if a corporation, the place of incorporation, the name and citizenship of officers and directors, and a statement that at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or one of its possessions; (vi) the names of the largest stockholders, not exceeding 20, who hold, individually, 1 percent or more of the voting capital stock of the applicant; (vii) if an individual or partnership, the name and citizenship of the owner or partners, and a statement of the respective interests of each; (viii) a financial statement showing assets and liabilities as of the date of the application, and a statement showing the types and the amount of insurance, if any, which is in force for the protection of the forwarder's customers, employees, and the public and the name or names of the insurer; (ix) whether or not any of the persons required to be listed under subdivisions (v), (vi), and (vii) of this subparagraph has at any time been issued, either in his own name or some other name, any letter of registration or other license or operating authority by the Board, either as an irregular air carrier or air freight forwarder or otherwise, or is, or has been, affiliated as owner, partner, officer, director or stockholder holding a controlling interest, with any other air carrier or carriers, either certificated or noncertificated, direct or indirect, together with the names of such other air carrier or carriers; (x) a statement that the reports describing the shares of stock or other interests held by each officer and each director in any air carrier, in any person engaged in any phase of aeronautics, or in any common carrier, and in any person whose principal business, in purpose or fact, is the holding of stock in, or control of, air carriers, other persons engaged in any form of aeronautics, or common carriers, have been filed as required by § 280.1 of the Economic Regulations; and (xi) such other additional information pertinent to applicant's activities as may be requested by the Board with respect to any individual application.

(3) *Issuance of letter of registration.* (i) If, after the filing of an application for a letter of registration, it appears that the conduct of air freight forwarder operations by the applicant will not be inconsistent with the public interest the applicant will be notified and advised that upon the filing of a valid tariff a letter of registration will be issued to such applicant. Subject to the restrictions provided herein and upon the receipt by the Board of such a valid tariff a letter of registration shall forthwith be issued to the applicant. If it appears that the granting of such letter may not be consistent with the public interest, the Board shall notify the applicant of its findings in this respect and will inform the applicant by letter that the Board does not believe that the applicant has made a proper showing of public interest. Thereupon, applicant may file with the Board a petition for leave to withdraw the application, or may request that the application be assigned for hearing, or may submit, within such reasonable time as may be established by the Board, such additional information as applicant believes will result in a showing of public interest.

(ii) In the event additional information is submitted, the Board on its own initiative, may assign the application for hearing or without notice or hearing enter an order of approval or an order of disapproval in accordance with its determination of the public interest.

(4) *Effective period.* Each letter of registration shall become effective only upon the date specified therein and shall continue in effect until suspended or revoked, or during such period as the authority provided by this section shall remain in effect.

(5) *Restrictions on issuance of letter of registration.* No letter of registration will be issued to any freight forwarder which has, or proposes to have, as owner, partner, officer, director, or stockholder holding a controlling interest, any person who is or has been connected in any such capacity with any other air freight forwarder, irregular air carrier, or noncertificated cargo carrier, if such forwarder or carrier was subject to suspension action by the Board at the time of such connection, unless the Board finds that the public interest and applicant's intention and ability to conform to the provisions of the act and requirements thereunder are not adversely affected by such relationship or former relationship. A forwarder or carrier shall be considered to be subject to suspension action within the meaning of this provision if it conducts unauthorized operations which subsequently form the basis for Board action looking toward the revocation or suspension of its letter of registration.

(6) *Conditions of a letter of registration.* No air freight forwarder shall have and retain as an owner, partner, officer, director or stockholder holding a controlling interest, any person who was, or is, affiliated in any of said capacities with any other air freight forwarder, irregular air carrier or noncertificated cargo carrier under the circumstances set forth in subparagraph (5) of this paragraph unless it has been shown to the Board by such air freight forwarder, irregular air carrier or noncertificated cargo carrier, and the Board finds, that the public interest and the carrier's intention and ability to conform to the provisions of the act and requirements thereunder will not be adversely affected thereby.

(7) *Nontransferability of letter of registration.* A letter of registration shall be nontransferable and shall be effective only with respect to the person named therein.

(8) *Suspension of letter of registration.* Letters of registration shall be subject to immediate suspension when, in the opinion of the Board, such action is required in the public interest. Letters of registration shall be further subject to suspension upon complaint, or upon motion of any person showing an interest therein, or upon the Board's own initiative, after not less than 10 days' notice to the air freight forwarder, but without hearing or further proceedings, for failure to comply with the provisions of the act or with any order, rule or regulation issued thereunder, or with any term, condition or limitation of any authority issued thereunder. Such suspension shall continue until the Board finds that such suspended air freight forwarder has complied with the provisions of the act, or with such rules, regulations, orders, terms, conditions or limitations. Failure to seek reinstatement of a letter of registration suspended pursuant to the provisions of this paragraph within a period of 60 days after the effective date of such suspension shall automatically terminate all rights under such letter of registration.

(9) *Revocation of letter of registration.* (i) Letters of registration shall be subject to revocation, after notice and hearing, for knowing and willful violation of any provision of the act or of any order, rule, or regulation issued under any such provision or of any term, condition, or limitation of any authority issued under said act or regulations.

(ii) A letter of registration shall be revoked without prejudice upon the filing by an air freight forwarder of a written notice with the Board indicating the discontinuance of common carrier activities, together with a tender of the letter of registration for cancellation; *Provided,* That the Board may refuse to accept such notice or to cancel the letter if any proceeding or action is pending in which an air freight forwarder's authority may be subject to suspension or revocation action. The failure of any air freight forwarder, for two successive periods, to file the periodic reports required by the Economic Regulations, may, for the purpose of this section, be deemed by the Board to constitute the filing of such written notice indicating the discontinuance of the common carrier activities, and in such case the tender of the letter of registration shall not be necessary.

(f) *Insurance*—(1) *Cargo.* No air freight forwarder shall engage in air transportation pursuant to this section unless the risks of loss of or damage to the property so transported by it are covered in the amounts prescribed in subparagraph (3) (i) of this paragraph by insurance, a self-insurance fund or reserve, or surety bond.

(2) *Public liability and property damage.* No air freight forwarder shall engage in the performance of transfer, collection, or delivery services under the provisions of this section unless risks of bodily injury or death to persons or of damage to property (other than property covered by subparagraph (1) of this paragraph), resulting from the negligent operation, maintenance, or use of motor vehicles operated by it or under its direction and control, or resulting from other acts of its agents, employees and representatives in the performance of such transfer, collection, or delivery services are covered to the extent that legal liability may ensue, in the amounts prescribed in subparagraphs (3) (ii) and (iii) of this paragraph by insurance, a self-insurance fund or reserve, or surety bond.

(3) *Liability limits*—(i) *Cargo insurance.* For loss of or damage to property while carried on or resting in any one conveyance: $2,000.

(ii) *Public liability; property.* For loss or damage to property occurring at any one time or place: $2,000.

(iii) *Public liability; personal injury.* Claims for bodily injury or death: $10,000, for one person subject to that limit per person and for all persons in any one accident: $20,000.

(g) *Payment of transportation charges.* Freight bills from direct air carriers for all transportation charges shall be paid by every air freight forwarder within a reasonable period after the rendering of the transportation services. A reasonable maximum period for the payment of such charges shall be 7 days after being billed therefor.

(h) *Nonapplicability.* This section shall not apply (1) to any air carrier authorized by a certificate of public convenience and necessity to engage in air transportation, nor (2) to any noncertificated air carrier engaged in air transportation pursuant to any special or individual exemption order granted by the Board, nor (3) to any noncertificated air carrier engaged in air transportation pursuant to any general exemption granted by any other section of the Economic Regulations.

(i) *Separability.* If any provision of this section or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, the remainder of the section and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

(Secs. 1 (2), 205 (a), 416 (a), 52 Stat. 977, 984, 1004; 49 U. S. C. 401 (2), 425, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8290; Filed, Sept. 15, 1948; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS FOR THE 1949 AND SUCCEEDING CROP YEARS

Correction

In Federal Register Document 48-8136, appearing at page 5261 in the issue for Friday, September 10, 1948, in the second line of § 419.8 (e), "(a)" should read "(c)".

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

FLAG OF UNITED STATES FOR BURIAL PURPOSES

1. A new section, § 1.10, is added to Part 1 to read as follows:

§ 1.10 *Eligibility for and disposition of the United States flag for burial purposes*—(a) *Eligibility for burial flags*—(1) *Persons eligible.* (i) A veteran of any war discharged under conditions other than dishonorable.

(ii) A person discharged from the Army, Navy, Marine Corps or Coast Guard under conditions other than dishonorable after serving at least one enlistment or discharged for disability incurred in line of duty.

(iii) Any person who has died while in the military or naval service of the United States after May 27, 1941, and prior to the end of the wars in which the United States is now engaged. This phrase authorizes and requires the furnishing of a flag only in those cases where the Department of the Army or Navy, as the case may be, does not furnish a flag immediately. The only cases wherein a flag is not supplied immediately are those of persons dying while serving in the Army and whose remains are interred outside the continental limits of the United States.

(b) *Disposition of burial flags.* (1) When a flag is actually used to drape the casket of a deceased veteran, it must be delivered to the next of kin following interment or inurnment.

(2) The phrase "next of kin" for the purpose of disposing of the flag used for burnal purposes is defined as follows, with preference to entitlement in the order listed:

(i) Widow or widower.

(ii) Children, according to age, the sons having preference over the daughters (minor child may be issued a flag on application signed by guardian).

(iii) Father, including adopted, stepfather, and foster father.

(iv) Mother, including adopted, stepmother, and foster mother.

(v) Brothers or sisters, including brothers or sisters of the half blood.

(vi) Uncles or aunts.

(vii) Nephews or nieces.

(viii) Others — cousins, grandparents, etc. (but not in-laws).

(3) The flag used for burial purposes will not be presented to friends for their retention.

(53 Stat. 999, 57 Stat. 590, 591, 58 Stat. 301; 36 U. S. C. 183, 184, 38 U. S. C. 697c, Ch. 12 note)

[SEAL] O. W. CLARK,
Executive Assistant Administrator of Veterans' Affairs.

[F. R. Doc. 48-8267; Filed, Sept. 15, 1948; 8:49 a. m.]

PART 2—ADJUDICATION: VETERANS' CLAIMS (APPENDIX)

PROCUREMENT OF AUTOMOBILES AND OTHER CONVEYANCES FOR DISABLED VETERANS

The following changes are made in Veterans' Administration document, "Procurement of Automobiles and Other Conveyances for Disabled Veterans" (38 CFR, 1946 Supp., Appendix).

APPLICATION

1. The new paragraph (g), which was added by 38 CFR, 1947 Supp., Appendix, is hereby amended to read as follows:

(g) *Revision of forms.* On the VA Form 4502 Aug. or Oct. 1946, page 1, section II, item 2, "The veteran's claim must be completed by June 30, 1947", the date "June 30, 1947" will be overprinted and the date "June 30, 1949" inserted by typewriter or rubber stamp. A similar overprint and insertion (June 30, 1949) will be made on VA Form 4502 Aug. 1946, page 2; and on VA Form 4502 Oct. 1946, page 3, under Information 3.a.

PROCESSING OF APPLICATION BY REGIONAL OFFICE

2. Subparagraphs (j) (1) and (4) are amended to read as follows:

(j) *Finance Division*—(1) *Obligation.* Upon receipt of the duplicate copy of VA Form 4502, the Finance Division will take the necessary steps to obligate the sum of $1,600 for the veteran's conveyance and place Form 4502 in a temporary file. If, after obligation of the appropriation and before delivery of the automobile or other conveyance, the veteran dies, the appropriation obligation will be cancelled. Additionally, if, after obligation of the appropriation and before delivery of the automobile or other conveyance, the veteran's claim folder is permanently transferred to another office, the appropriation obligation will be cancelled and the suspense copy of application Form 4502 will be forwarded to the Finance Officer of such other office with a notation to the effect that the appropriation obligation has been cancelled.

* * * * *

(4) *Receipt and invoice.* VA Form 4502 contains instructions which require that the veteran and the seller complete Section V, "Receipt", upon the delivery of the conveyance and also instructions to the dealer to execute an invoice in duplicate and submit both copies to the Finance Office. The veteran will also execute a "Receipt", identical to the one in Section V of VA Form 4502, on both copies of the seller's invoice. As soon as the original of VA Form 4502 with Section V completed, the completed invoice in duplicate, and a copy of the Sales Agreement are received, the Finance Officer will withdraw the copy of the sales agreement from the temporary file and, after satisfying himself by comparison that VA Form 4502, the sales agreement, and the invoices are in order, he will note this fact on both copies of VA Form 4502. The duplicate copy of

VA Form 4502 will then be returned to the Administrative Division where it will be placed in the "C" file. The Regional Office Finance Officer will attach the invoice to VA Form 1009 (Public Voucher for Purchases and Services Other than Personal Benefits to Veterans) and process the voucher thus supported for payment from the appropriation 367/90139, Automobiles and other Conveyances for Disabled Veterans, VA, 1947, by the appropriate disbursing officer, in accordance with prescribed procedure. Finance will transcribe on the duplicate VA Form 4502 the information appearing in Section IVa and IVb and V and attach original of VA Form 4502 to memorandum copy of the voucher.

(Pub. Laws 785, 904, 80th Cong.)

[SEAL] O. W. CLARK,
Executive Assistant
Administrator of Veterans' Affairs.

[F. R. Doc. 48-8265; Filed, Sept. 15, 1948; 8:48 a. m.]

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

WORLD WAR I; ESTABLISHMENT OF SERVICE-CONNECTED DISABILITY OF LESS THAN 10 PER CENTUM

In Part 5, paragraph (b) (2) (iii) and paragraph (b) (4) of § 5.2676 are amended to read as follows:

§ 5.2676 *World War I; establishment of service-connected disability of less than 10 per centum (Public No. 484, 73d Congress, act of June 28, 1934, as amended, Public No. 198, 76th Congress, act of July 19, 1939).* * * *

(b) *Definition of term "disability" as used herein.* * * *

(2) * * *

(iii) A disease included in §§ 2.1086 and 2.1088. Not included are the tropical diseases listed in section 1, Public Law 748, 80th Congress, except leprosy. (Pub. Law 748, 80th Cong.)

* * * * *

(4) When a compensable evaluation of disability from malaria is not in effect at death or all available evidence is considered insufficient under current criteria to warrant a compensable evaluation at that time, a disability at death may nevertheless be considered as existing for the purposes of Public Law 312, 78th Congress, as amended, in the event there is medical evidence of the existence of malaria within two years prior to death and in addition there is acceptable lay evidence of a relapse within the 12 months' period preceding death.

(Pub. Law 748, 80th Cong.)

[SEAL] O. W. CLARK,
Executive Assistant
Administrator of Veterans' Affairs.

[F. R. Doc. 48-8266; Filed, Sept. 15, 1948; 8:48 a. m.]

PART 10—INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 10, §§ 10.3105, 10.3110, 10.3115, 10.3426, 10.3427, 10.3429, 10.3430, and 10.3436 are amended to read as follows:

EXTENDED TERM INSURANCE

§ 10.3105 *Provision for extended term insurance.* (a) After the expiration of the first policy year and upon default in the payment of a premium within the grace period, if a United States Government life insurance policy on any plan other than 5-year level premium term has not been surrendered for cash or for paid-up insurance, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the extended term insurance becomes effective. The extended term insurance shall be with right to dividends, payable in cash only, and with right to total permanent disability benefits. The number of monthly installments payable upon due proof of total permanent disability or death of the insured under such extended term insurance will be the same as would then be payable under the policy. The extended term insurance shall not have a loan value, but shall have a cash value.

(b) Upon default in payment of a premium within the grace period and after the effective date of this paragraph, on any plan of United States Government life insurance other than 5-year level premium term, if the policy has been in force by payment or waiver of the premiums for not less than three months nor more than 11 months, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the reserve of the policy less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of months from that date to the date extended term insurance becomes effective. The extended term insurance shall be with right to total permanent disability benefits. The number of monthly installments payable upon due proof of total permanent disability or death of the insured under such extended term insurance will be the same as would then be payable under the policy. Extended term insurance under this provision shall not have a cash or loan value. This paragraph shall be effective from and after August 2, 1948. (Secs. 5, 300, 301, 43 Stat. 608, 624, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512, 707)

PAID-UP INSURANCE

§ 10.3110 *Provision for paid-up insurance.* If a United States Government life insurance policy has not been surrendered for cash, upon default in the payment of any premium due after the expiration of the first policy year, and upon written request of the insured and complete surrender of the policy with all claims thereunder within three calendar months after the due date of the premium, the United States will issue paid-up insurance for such amount as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the paid-up insurance becomes effective. The paid-up insurance shall be with right to dividends and with right to total permanent disability benefits. The number of monthly installments payable upon due proof of total permanent disability or death of the insured under such paid-up insurance will be the same as would then be payable under the policy. The insured may at any time surrender the paid-up policy for its cash value or obtain a loan on such paid-up insurance. (Secs. 5, 300, 301, 43 Stat. 608, 624, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512, 707)

CASH VALUE

§ 10.3115 *Cash value, other than 5-year level premium term policy.* Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 10.3105 (b), shall become effective at the completion of the first policy year on any plan of United States Government life insurance other than the 5-year level premium term plan; all values, reserves, and net single premiums being based on the American Experience Table of Mortality, with interest at the rate of 3½ percent per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full or waived, shall be the reserve together with any dividend accumulations. For each month after the first policy year, for which month a premium has been paid or waived, the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the policy with all claims thereunder, made by the insured while the policy is in force, but not later than three calendar months from the due date of the premium in default, the United States will pay to the insured the cash value of the policy less any indebtedness: *Provided,* The policy has been in force by payment or waiver of the premiums for at least one year. (Secs. 5, 300, 301, 43 Stat. 608, 624, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512, 707)

DIVIDENDS

§ 10.3426 *Dividends.* A National Service Life Insurance policy shall participate in and receive such dividends from gains and savings as may be determined by the Administrator of Veterans' Affairs. Any such dividends shall be paid in cash except that at the written request of the insured they may be left to accumulate on deposit provided the policy is in force on a basis other than extended term insurance or level premium term insurance. Payment of dividends shall be without interest except when left to accumulate on deposit in accordance with the insured's written request. Interest on dividend accumulations will be credited annually at such rate as the Administrator may determine. Dividend accumulations and unpaid dividends shall not be available for the payment of insurance premiums except at the written request of the insured made before default in payment of a premium. Any unpaid dividend on a lapsed policy will be paid in cash to the insured, if living, otherwise to his estate. Dividend accumulations will be used in addition to the reserve on the policy for the purpose of computing the period of extended term insurance or the amount of paid-up insurance as provided in § 10.3429 (a) and § 10.3430, respectively. Upon maturity of the policy, any dividend accumulations not previously withdrawn and any unpaid dividends will be payable in cash to the person currently entitled to receive payments under the policy. (Sec. 2, Pub. Law 5, 80th Cong.) (Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

CASH VALUE AND POLICY LOAN

§ 10.3427 *Cash value; other than 5-year level premium term policy.* Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 10.3429 (b), shall become effective at the completion of the first policy year on any plan of National Service Life Insurance other than the 5-year level premium term plan; all values, reserves, and net single premiums being based on the American Experience Table of Mortality, with interest at the rate of 3 per centum per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve together with any dividend accumulations. For each month after the first policy year, for which month a premium has been paid or waived, the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the policy with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness: *Provided,* The policy has been in force by payment or waiver of the premiums for at least one year. (Sec. 2, Pub. Law 5, 80th Cong.) (Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

EXTENDED TERM AND PAID-UP INSURANCE

§ 10.3429 *Provision for extended term insurance; other than 5-year level premium term policies.* (a) After the expiration of the first policy year and upon default in the payment of a premium within the grace period, if a National Service Life Insurance policy on any plan other than 5-year level premium term has not been surrendered for cash or for paid-up insurance, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the extended term insurance becomes effective. The extended term insurance shall not have a loan value, but shall have a cash value.

(b) Upon default in payment of a premium within the grace period and after the effective date of this paragraph, on any plan of National Service Life Insurance other than 5-year level premium term, if the policy has been in force by payment or waiver of the premiums for not less than three months nor more than 11 months, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the reserve of the policy less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of months from that date to the date extended term insurance becomes effective. Extended term insurance under this provision shall not have a cash or loan value. This paragraph shall be effective from and after August 2, 1948. (Sec. 2, Pub. Law 5, 80th Cong.) (Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

§ 10.3430 *Provision for paid-up insurance; other than five-year level premium term policies.* If a National Service Life Insurance policy on any plan other than five-year level premium term has not been surrendered for cash, upon written request of the insured and complete surrender of the policy with all claims thereunder, after the expiration of the first policy year and while the policy is in force under premium-paying conditions, the United States will issue paid-up insurance for such amount as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the paid-up insurance becomes effective. Such paid-up insurance will be effective as of the expiration of the period for which premiums have been paid and earned; and, any premiums paid in advance for months subsequent to that in which the application for paid-up insurance is made shall be refunded to the insured. The paid-up insurance shall be with right to dividends. The insured may at any time surrender the paid-up policy for its cash value or obtain a loan on such paid-up insurance. (Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

CHANGE IN PLAN

§ 10.3436 *Exchange to a policy bearing the same effective date and having a lower reserve value.* National Service Life Insurance may be exchanged within five years from the effective date for insurance of the same amount, bearing the same date, and based on the same age, on any plan of insurance issued by the Veterans Administration having a lower reserve value except to the 5-year level premium term plan: *Provided,* The applicant is in good health at the time of application and furnishes evidence thereof satisfactory to the Administrator upon such forms as the Administrator shall prescribe, or otherwise as he shall require. The old policy must be in force under premium-paying conditions and must be surrendered with all rights and claims thereunder. The difference between the reserve on the old policy and the reserve on the new policy, less any indebtedness, may be used to cover payment of future premiums or withdrawn in cash at the option of the insured. If the old policy has been in force for less than twelve months, the difference in reserve may be used only for the purpose of paying future premiums on the insurance and such premiums shall not be subject to withdrawal by the insured prior to the expiration of the first policy year. (Sec. 2, Pub. Law 5, 80th Cong.) (Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

2. Section 10.3437 *Automatic conversion at the expiration of term period* is canceled.

3. Section 10.3484 is amended to read as follows:

AUTOMATIC EXTENSION OF FIVE-YEAR LEVEL PREMIUM TERM INSURANCE

§ 10.3484 *5-year level premium term insurance as extended by Public Law 118, 79th Congress.* National Service Life Insurance on the 5-year level premium term plan issued on or before December 31, 1945, and not exchanged or converted to another plan may be continued for an additional 3-year period dating from the expiration of the original 5-year term, and the premiums the insured is required to pay for term insurance during such additional period shall be the same as were required during the original 5-year term; insurance will be deemed to have been issued on or before December 31, 1945, if such insurance was applied for and made effective on or before that date: *Provided,* That such term insurance may be exchanged or converted effective as of the date any premium becomes or has become due dur-

ing the 5-year term period as extended by Public Law 118, 79th Congress, but in all other respects conversion will be effected in accordance with the requirements of §§ 10.3433, or 10.3434, whichever may be applicable: *Provided further*, That any such term insurance which has lapsed or may hereafter lapse may be reinstated at any time prior to the expiration of the 5-year term period as extended, but in all other respects reinstatement will be effected in accordance with the requirements of §§ 10.3422, 10.3423, and 10.3424: *And provided further*, That if any such policy be not exchanged or converted to a permanent plan prior to the expiration of the 5-year term period as extended, or renewed as provided in § 10.3485, all protection thereunder shall cease. (59 Stat. 315, 38 U. S. C. 802 note, Pub. Law 838, 80th Cong.) (Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

4. A new section, § 10.3485, is added to Part 10 to read as follows:

RENEWAL OF 5-YEAR LEVEL PREMIUM TERM INSURANCE

§ 10.3485 *Renewal of National Service Life Insurance on the 5-year level premium term plan.* Pursuant to the provisions of an amendment approved June 29, 1948, amending subsection 602 (f) of the National Service Life Insurance Act of 1940, as amended (Public Law 838, 80th Congress, approved June 29, 1948), all or any part of National Service Life Insurance on the 5-year level premium term plan, in any multiple of $500 and not less than $1,000, issued before January 1, 1948, may be renewed without medical examination for an additional 5-year period, upon application therefor and payment of the premium at the 5-year level premium term rate required at the attained age of the insured, before the expiration of the first term period: *Provided further*, That in any case in which the insured is shown by evidence satisfactory to the Administrator to be totally disabled at the expiration of the level premium term period of his insurance under conditions which would entitle him to continued insurance protection but for such expiration, such insurance, if subject to renewal under this section, shall be automatically renewed for an additional period of five years at the premium rate for the then attained age. The renewal of insurance for an additional 5-year period will become effective as of the day following the expiration of the preceding term period, and the premium for such renewal will be at the 5-year level premium term rate for the attained age of the applicant on that day: *Provided*, That no insurance may be renewed by any person who has exercised his optional right to change to another plan of insurance. (Pub. Law 838, 80th Cong.) (Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

[SEAL] O. W. CLARK,
Executive Assistant
Administrator of Veterans' Affairs.

[F. R. Doc. 48-8264; Filed, Sept. 15, 1948; 8:48 a. m.]

PART 4—ADJUDICATION: VETERANS' CLAIMS, CENTRAL OFFICE SECTION (APPENDIX)

PART 17—FINANCE (APPENDIX)

PROCUREMENT OF AUTOMOBILES AND OTHER CONVEYANCES FOR DISABLED VETERANS

CROSS REFERENCE: For amendments to the Veterans' Administration document, "Procurement of Automobiles and Other Conveyances for Disabled Veterans," see Part 2, Appendix, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 941]

CHICAGO, ILL., MILK MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AS AMENDED, AND ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Hotel LaSalle, Chicago, Illinois, beginning at 10:00 a. m., c. d. t., September 21, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, milk marketing area (11 F. R. 9606, 12 F. R. 5834, 7248), which would incorporate in the agreement and order provisions to assure that milk subject to the order will be made available to the market when required by the market for Class I and II purposes.

The following amendments have been proposed as the detailed means of accomplishing such purpose. These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed by the Associated Milk Dealers, Inc.:

1. Delete § 941.1 (e) and substitute therefor:

(e) "Approved plant" means any plant, except such plant as has been suspended as a pool plant pursuant to § 941.6 (e), which is approved by any health authority for the receiving of milk which may be disposed of as Class I milk as defined in § 941.4, in the marketing area.

2. Amend § 941.6 by adding paragraph (e) as follows:

(e) *Pool plants.* An approved plant receiving milk from producers which meets either of the requirements of subparagraph (1) of this paragraph, shall be designated as a pool plant.

(1) *Requirements.* During each of the delivery periods of August, September, October and November (i) a plant must be engaged in the processing and packaging of Class I or Class II milk, part or all of which is disposed of in the marketing area, or (ii) a plant must utilize as Class I or Class II milk on its own premises, or dispose of to a plant engaged in the processing, packaging and distribution of such milk in the marketing area as herein defined, or in the marketing area as defined in U. S. D. A. Order No. 69, as amended, not less than 75 percent, or such other percentage as the Market Administrator may from time to time determine, of its total receipts of butterfat from producers as fluid milk or fluid cream. For the purpose of meeting the requirements of this subdivision a handler operating more than one plant or having contracts with other handlers' plants for the entire output of such plants may consider such plants as one.

(2) *Suspension.* Any plant which fails to meet either of the requirements of subparagraph (1) of this paragraph shall be suspended as a pool plant during the delivery periods of February through July, inclusive, next following. Such suspension shall be effected by notice from the Market Administrator to the handler operating the plant whenever the Market Administrator finds on the basis of available information that the plant did not meet either of the requirements of subparagraph (1) of this paragraph. Sections 941.1 through 941.14 shall not apply to any handler with respect to such of his milk which is received at a plant which is suspended as a pool plant during the period of the suspension.

(3) *Publication of violations.* The Market Administrator shall publicly announce (i) the ownership and location of any plant suspended pursuant to subparagraph (2) of this paragraph, and (ii) the ownership and location of the purchasing or receiving plant described in subparagraph (1) (ii) of this paragraph if such plant disposes of the fluid milk or fluid cream in bulk outside the surplus milk manufacturing area.

(4) *Pool Plant Committee.* A committee of six members consisting of three persons selected by the Associated Milk Dealers, Inc., of Chicago, two persons selected by the Pure Milk Association of Chicago, and one person selected by the Central Dairy Sales Cooperative of Appleton, Wisconsin, shall be designated as the Pool Plant Committee. This committee shall investigate the conditions of milk supply available for the Chicago marketing area, together with the demand conditions prevailing, and shall, at such times as it deems appropriate, based upon a majority vote of the committee, recommend to the Market Administrator changes in the percentage established in subparagraph (1) (ii) of this paragraph, or suspension of all or part of the requirements described in subparagraph (1) of this paragraph for the succeeding delivery periods.

3. Amend § 941.6 (b) by deleting the period at the end thereof, substituting a comma in lieu thereof, and adding the words: "and that such milk was not obtained from a plant that has been suspended as a pool plant pursuant to paragraph (e) (2) of this section."

4. Make such other changes as may be necessary or helpful to effectuate the foregoing proposals.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the Market Administrator, 135 South LaSalle Street, Chicago, Illinois, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1844, South Building, Washington, D. C., or may be there inspected.

Dated: September 14, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-8377; Filed, Sept. 15, 1948; 8:53 a. m.]

[7 CFR, Part 966]

HANDLING OF ORANGES GROWN IN CALIFORNIA OR ARIZONA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER AND TENTATIVELY APPROVED MARKETING AGREEMENT

Correction

In Federal Register Document 48-8200, appearing at page 5338, in the issue for Tuesday, September 14, 1948, the following corrections should be made:

1. In the third column of page 5343, paragraph (b), the second sentence reading "The first regular term of office shall be for a period of two years." should be deleted; in the first line of paragraph (5) "or" should be changed to "of".

2. In the first column of page 5345, in the ninth line of paragraph (k), the first word "of" should read "or".

3. In the first column of page 5346, in the eighth line of Sec. 6 the word "exports" should read "export".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 9113]

BROADCASTING OF LOTTERY INFORMATION

ORDER SCHEDULING ORAL ARGUMENT

At a session of the Federal Communications Commission held at its office in Washington, D. C. on the 8th day of September, 1948:

The Commission having before it a petition for extension of time within which to file statement filed by the American Broadcasting Company, Inc., on September 3, 1948 in the matter of Promulgation of Rules Governing the Broadcasting of Lottery Information; and

It appearing, in the light of the widespread interest in the above entitled matter, that oral argument should be held on the proposed rules and any statements submitted;

It is ordered, That the petition be granted and that the date for filing statements in the above entitled matter by all interested persons be extended to September 24, 1948.

It is further ordered, That oral argument be held on the above entitled matter at 10:00 a. m. on the 19th day of October 1948 before the Commission en banc in Room 6121, New Post Office Building, 12th and Pennsylvania Avenue, Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8293; Filed, Sept. 15, 1948; 8:46 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Department of the Army

ORGANIZATION AND PROCEDURE OF CIVIL AFFAIRS DIVISION

LEGISLATION FOR MONETARY REFORM, UNITED STATES ZONE IN GERMANY

Sections 3.104a, 3.104b, 3.104c, 3.104d, 3.104e, 3.109a, 3.109b and 3.109c, containing additional regulations for monetary reform in the U. S. Zone of Germany are hereby added to the material published in 13 F. R. 4965, August 26, 1948, as follows:

Sec.
3.104a Regulation No. 4 under Military Government Law No. 61.
3.104b Regulation No. 5 under Military Government Law No. 61.
3.104c Regulation No. 6 under Military Government Law No. 61.
3.104d Regulation No. 7 under Military Government Law No. 61.
3.104e Regulation No. 8 under Military Government Law No. 61.
3.109a Regulation No. 4 (Regulation concerning the cancellation of contracts for delivery) under the Third Law for Monetary Reform (Conversion Law).
3.109b Regulation No. 5 under Military Government Law No. 63.
3.109c Regulation No. 6 under Military Government Law No. 63.

SEC. 3.104a. *Regulation No. 4 under Military Government Law No. 61; Special permission for Reichsmark transactions to correct illegal payments.* In exercise of the powers conferred by section 3.101 (f) (7) (Article XXIV of the First Law for Monetary Reform (Currency Law)), the Allied Bank Commission hereby orders as follows:

(a) As an exceptional transaction as provided in section 3.101 (c) (1) (Article VIII of the First Law for Monetary Reform) and subject to final decision by Military Government, for a period of two weeks after the effective date of this section, governmental units shall be permitted to reverse illegal transactions in Reichsmarks made by them on or after June 21, 1948, as well as such other transactions in Reichsmarks which were made prior to June 21, 1948 for the purpose of anticipating expected provisions of the First and Third Laws for Financial Reform. Such reversal shall take the form of repayment of Reichsmarks by cashless transfer to the account of the governmental unit which made the illegal or anticipatory transaction.

(b) As an exceptional transaction as provided in section 3.101 (c) (1) (Article VIII of the First Law for Monetary Reform), charitable associations and all other persons shall, for a period of two weeks, have the right to voluntarily declare to the Liquidation Bank that part of their old currency credit balances which was received illegally in Reichsmarks on or after June 21, 1948. The Liquidation Bank shall annul such Reichsmark balances.

(c) Tax offices shall audit the accounts of charitable organizations and such other persons as they may consider necessary in order to determine whether old currency has been illegally accepted after June 21, 1948.

(d) For the period of two weeks provided for in paragraphs (a) and (b) above the penal provisions of section 3.101 (f) (3) (Article XX of the First Law for the Reform of the Currency) shall not be invoked in the case of Reichsmark transactions illegal under section 3.101 (c) (1) against persons who are given the opportunity under this section to rectify such transactions.

(e) Thereafter, these penal provisions shall apply in full. Government officials shall be responsible for their acts of office to the extent provided by German law.

(f) The German text of this regulation is the official text.

(g) This regulation comes into effect on June 28, 1948. By order of the Allied Bank Commission.

SEC. 3.104b. *Regulation No. 5 under Military Government Law No. 61.* In exercise of the power conferred by section 3.101 (f) (7) (Article XXIV of the First Law for Monetary Reform (Currency Law)), the Allied Bank Commission hereby orders as follows:

(a) For the purpose of section 3.101 (f) (1) (i) the Gemeinsame Aussenhandelskasse shall be considered to be financial institution.

(b) The German text of this regulation shall be the official text.

(c) This regulation shall become effective on July 16, 1948. By order of the Allied Bank Commission.

SEC. 3.104c. *Regulation No. 6 under Military Government Law No. 61; Regulation concerning Rail Tickets.* Pursuant to section 3.101 (f) (7) (Article XXIV of the First Law for Monetary Reform (Currency Law)) it is hereby ordered as follows:

(a) *Article I.* Rail tickets booked prior to June 21, 1948 and provisionally kept valid according to section 3.102 (c) (Article III of Regulation No. 1 under the Currency Law) within the framework of the prevailing regulations shall lose their validity on expiry of July 31, 1948.

(b) *Article II.* (1) The German text of this regulation shall be the official text.

(2) This regulation shall become effective on July 31, 1948. By order of Allied Bank Commission.

SEC. 3.104d. *Regulation No. 7 under Military Government Law No. 61; Regulation concerning old currency stocks of the financial institutions.* Pursuant to section 3.101 (f) (7) (Article XXIV of the First Law for Monetary Reform (Currency Law)) it is hereby ordered as follows:

(a) *Article I.* (1) The financial institutions with the exception of the Land Central Banks and the Bank deutscher Laender shall surrender not later than August 31, 1948, and against receipt, their stocks in own and surrendered old currency notes (section 3.101 (c) (2) (i) (*a*)) to the Land Central Banks.

(2) The Land Central Banks and the Bank deutscher Laender shall destroy their stocks in own and surrendered old currency notes by drawing up proceedings of destruction.

(b) *Article II.* (1) The German text of this regulation shall be the official text.

(2) This regulation shall become effective on July 31, 1948. By order of Allied Bank Commission.

SEC. 3.104e. *Regulation No. 8 under Military Government Law No. 61; Regulation concerning the payment of the second installment of the quota-per-capita.* Pursuant to section 3.101 (f) (7) (Article XXIV of the First Law for Monetary Reform (Currency Law)), it is hereby ordered as follows:

(a) *General Provisions*—(1) *Article 1.* Only such persons having paid in more than 40 Reichsmarks to the exchange agency when receiving the first installment of the quota-per-capita, shall have a legal claim to the second installment of the quota-per-capita (remaining balance) provided for under section 3.101 (b) (1) (Article VI of the Currency Law). The claim may be bequeathed, but not ceded.

(2) *Article 2.* In all cases where the full amount of 60 Reichsmarks has been paid in when receiving the first installment of the quota-per-capita, the remaining balance shall amount to 20 Deutsche Marks, otherwise to 1 Deutsche Mark for each Reichsmark delivered in excess of the amount of 40 Reichsmarks, up to the limit of 20 Deutsche Marks.

(b) *Treatment of persons having surrendered old currency by use of Form "A" or having reported accounts*—(1) *Article 3.* Where the holder of a Reichsmark liquidation account (section 3.101 (d) (1) (Article XIII of the Currency Law)) or a member of his family has surrendered old currency or reported an account in accordance with the provisions of the Currency Law by use of Form "A", the liquidation bank shall credit a free account with 20 Deutsche Marks for him and each member of his family listed on Form "A" (paragraph (c) (5) (iii) of this section). The Liquidation Bank is not bound to verify whether the conditions of paragraph (a) (1) of this section are complied with.

(c) *Treatment of persons not having delivered Form "A"*—(1) *Article 4.* Where neither the claimant (paragraph (a) (1) of this section) nor a member of his family (subparagraph (5) (iii) of this paragraph) has surrendered old currency or reported an account by use of Form "A", he shall be paid the remaining balance by the food ration card office as prescribed in subparagraphs (2) through (7) of this paragraph.

(2) *Article 5.* (i) In principle that food ration card office shall be competent for paying the remaining balance, with which the claimant is registered for food supply on ration cards during the period of payment (subparagraph (3) of this paragraph); this applies also in those cases where the claimant is temporarily absent on the ground of a travel certificate (Reiseabmeldebestaetigung) or a G-certificate (Abmeldebescheinigung "G").

(ii) The special provisions under subparagraph (8) of this paragraph shall apply to persons who possess a certificate of departure or who are issued their food ration cards against a personal travel card or a seaman's identity card Lebensmittelstammausweis fuer Binnenschiffer).

(3) *Article 6.* The payment of the remaining balance shall be made by the food ration card agencies during the period comprised between August 20, and September 11, 1948. If possible it shall be completed within one day. The land food offices have to appoint and advertise the days and hours of payment uniform by for their respective areas; besides, care is to be taken that the other tasks of the ration card agencies, in particular when preparing and carrying out the issue of food ration cards for September will be prejudiced as little as possible.

(4) *Article 7.* The ration card agencies have to verify at first whether the person for whom the payment of the remaining balance is claimed has paid in the required Reichsmark-amount under paragraph (a) (1) and (2) of this section. This can be ascertained:

(i) As a rule from the documentation of the ration card agency.

(ii) In cases of persons who were registered as temporarily absent at the moment when the first installment of the quota-per-capita was paid out, from the travel certificates or the G-certificate which have either been returned in the meantime or shall be produced.

(iii) In the case referred to by subparagraph (8) of this paragraph from the documents mentioned thereunder.

(iv) In cases of persons having been registered to normal food supply on ration cards after June 20, 1948 by the ration card agency, from travel certificates or certificates of departure or G-certificates issued by the ration card agency hitherto competent; in case these documents have been issued after June 20, 1948 the ration card agency has to obtain an official information from the hitherto competent ration card agency as to the amount of Reichsmarks which the applicant has paid in on receipt of the first installment of the quota-per-capita amount.

(5) *Article 8.* (i) Moreover, proof must be given to the ration card office in compliance with the provisions hereinafter that the remaining quota-per-capita amount will not be credited under paragraph (b) (1) of this section on a free account with a Liquidation Bank, i. e. that neither the claimant nor a member of his family (subdivision (iii) below) had surrendered or reported old currency by use of Form "A".

(a) For this purpose the claimant shall produce his identity card (in case of residents of the British Zone the blue personal card) as well as the identity cards (blue personal cards) of all members of his family (subdivision (iii) below) who are liable to carry identity cards and to whom the food ration cards are issued together by this very ration card office. The ration card office will examine whether the right top corner of the front page of one of these identity cards (blue personal cards) has been punched. In such case cash payment of the remaining balance cannot be claimed.

(b) Spouses and minor persons, who had not completed their 18th year of age on June 21, 1948, are entitled to claim the remaining balance with the ration card agency competent for them, in case it does not provide also the husband or the father (the mother) with food ration cards, only under condition they furnish proof that the husband or father and mother resp. is in captivity or missing or for other reasons (e. g. because his residence is situated outside the currency area) is not being provided with food ration cards by a ration card agency in the currency area. If this cannot be proved, the ration card office shall, when appropriate, issue to these persons a certificate setting forth names and addresses of the claimants and the remaining balance to be claimed by them and stating that, under the observations of the ration card office no reason exists for the assumption that the remaining balance due to them is credited on a free account. Based on this certificate the husband or father or mother in resp. may raise the remaining balance stated therein with his ration card office as far as he proves to the ration card office that neither he nor a member of his family supplied together with him by the same ration card office has surrendered or reported old currency on Form "A".

(c) Before payment of the remaining balance to persons aged more than 18 years, the ration card office shall have to verify whether the applicant is married or has children below the age of 18 years and whether these persons are also supplied with food ration cards by the ration card agency competent for him. For this purpose the applicant shall produce his wage tax card, his labor card or other official documents stating his family standing. If the ration card agency ascertains by checking these documents with its card index records that one or several members of the applicant's family are not supplied with food ration cards by it, the applicant shall have a claim on payment of the remaining installment due to him by the ration card office only:

(*1*) If he proves that the other members of his family are not supplied with food ration cards by another ration card office in the specified currency area; or

(2) If he produces for the other members of his family the certificate mentioned above under (*b*) of the ration card office competent for these persons.

(ii) Where persons are recorded in the ration card office as temporarily absent during the period of payment they shall also produce the travel certificate or the first copy of the G-certificate in addition to the documents mentioned under subdivision (i) (c) (*1*) above.

(iii) Family members within the meaning of this section are the wife (and the husband respectively) and those children of the claimant who on June 21, have not completed their 18th year, furthermore the parents and brothers and sisters of a claimant in the case when on June 21, 1948 he has not completed his 18th year.

(6) *Article 9.* Where the claimant, without his fault, fails to raise the remaining balance at the day of payment fixed by the food office or to produce one of the documents the submission of which is the prerequisite to the payment of the quota-per-capita amount under subparagraphs (4) and (5) of this paragraph, the remaining balance may also be paid to him later; the claim on payment of the remaining balance will lapse, however, if the documents required are not produced until 30 September 1948.

(7) *Article 10.* (i) The remaining balance will be paid by the ration card office, taxed on an order of payment which the official charged with the investigation of the card index records of the ration card office will issue after having entered a corresponding notice on the index card; the order of payment shall be receipted by the beneficiary. The official charged with the payment shall enter the amounts paid into lists to be closed daily and enumerated currently adding the orders of payments to them.

(ii) The head of the ration card office shall certify the lists to conform with the notices on the index cards, sign them and, by the strength of the lists, close with the food office into the amounts of money which he has received for payment of the remaining balances.

(8) *Article 11.* (i) All persons possessing a notice of departure, a personal travel card or a seaman's identity card (Lebensmittelstammausweis fuer Binnenschiffer), may draw the remaining balance from the food ration card office of such locality, in which they reside during the period of payment (subparagraph (3) of this paragraph).

(ii) To seamen, who are supplied with food against food purchase books (Lebensmitteleinkaufsbuch) the remaining balance will be paid by the food office (or ration card agency authorized by it) which—in the moment when the payment takes place—is competent for the food supply of the ship, to the crew of which the seaman belongs.

(iii) In such cases as set forth under subdivisions (i) and (ii) above, the food ration card office shall endorse the amount of the remaining balance paid out on the notice of departure, the personal travel card, the seaman's identity card or the food purchase book. These payments have to be entered on a special list, in which mention has to be made of the beneficiary's name and address, of the authority having issued the notice of departure, the personal travel card or the seaman's identity card, of the date of issue and registration number of these documents as well as of the amount paid out. The orders for payment receipted by the payees have to be attached to this list, which shall serve, in the same way as the lists referred to under subparagraph (7) of this paragraph, as a documentation for the accounting of the food ration card office to the food office.

(d) *Provision of funds necessary for payment of the remaining balances*—(1) *Article 12.* The Land Central Bank shall credit the giro account of the Liquidation Banks for account of the Bank deutscher Laender with the equivalent of the remaining balances, with which the Liquidation Banks have credited the free accounts of their customers according to paragraph (b) (1) of this section. The Liquidation Banks have to account to the Bank deutscher Laender, over the Land Central Banks, for the remaining balances credited by them.

(2) *Article 13.* The food offices have to provide the food ration card offices with the funds necessary for the payment of the remaining balances. They shall procure such funds from the Land Central Bank for the account of the Bank deutscher Laendar. For the amounts received and issued, they have to account to the Land Central Banks, by means of the lists referred to under subparagraphs (7) (i) and (8) (iii) of paragraph (c) of this section.

(3) *Article 14.* (i) The Bank deutscher Laender shall credit the giro accounts of the Land Central Banks with the amounts with which the latter have:

(*a*) Credited the Liquidation Banks as per subparagraph (1) of this paragraph,

(*b*) Provided the food offices as per subparagraph (2) of this paragraph, and

(c) Credited the free account of their customers as per paragraph (b) (1) of this section.

(ii) The Bank deutscher Laender shall enter the liabilities incurred pursuant to subdivision (i), above, and the remaining balances, with which it has credited the salary accounts maintained with it, according to paragraph (b) (1) of this section, on the left side of the conversion statement which it has to establish according to section 3.108 (c) (4).

(e) *Final provisions*—(1) *Article 15.* The German text of this regulation shall be the official text.

(2) *Article 16.* This regulation shall become effective on August 20, 1948. By order of Allied Bank Commission.

* * * * * *

SEC. 3.109a. *Regulation No. 4 (regulation concerning the cancellation of contracts for delivery) under the Third Law for Monetary Reform (Conversion Law).* The Allied Bank Commission, in exercise of the powers conferred on it by section 3.106 (hh) (4) (Third Law for Monetary Reform (Conversion Law)) hereby orders as follows:

(a) *Article 1.* (1) Whereas a debtor having incurred Reichmark liabilities referred to under section 3.106 (r) (1) (ii) of this part and resulting from a contract of sale or a contract of work, has cancelled such a contract according to section 3.106 (t), the right of the creditor to cancel contracts entered into with a view to fulfilling his engagements incumbent on him with third parties (preliminary suppliers), may be exercised subsequent to July 10, 1948, if the prerequisites under section 3.106 (t) (1) exist. The right to cancel contracts in respect of preliminary suppliers even subsequent to July 10, 1948, shall also be granted to the one whose debtor, in pursuance with the provisions of the foregoing sentence, has cancelled a contract with him subsequent to July 10, 1948.

(2) The right to cancel a contract shall be exercised immediately after this order has become effective in all cases referring to the first sentence of subparagraph (1) above, and immediately after receipt of the advice of cancellation made by the debtor of the party entitled, in those referring to the second sentence of subparagraph (1) above.

(b) *Article 2.* The German text of this law shall be the official text.

(c) *Article 3.* This regulation shall become effective on July 20, 1948. By order of Allied Bank Commission.

SEC. 3.109b. *Regulation No. 5 under Military Government Law No. 63; conversion of Pfennig amounts.* Pursuant to section 3.106 (hh) (Art. 24 of the Third Law for Monetary Reform (Conversion Law)) it is hereby ordered as follows:

(a) *Article 1.* For the conversion of old currency credit balances into new currency credit balances only full Reichsmark amounts shall be considered. This method shall also be followed by the Liquidation Bank when computing the credit balances of various accounts, and by the financial institutions concerned and the Liquidation Bank when issuing

information about the balance of accounts. As far as Pfennig amounts have been considered up to now the present regulations shall not apply.

(b) *Article 2.* (1) The German text of this regulation shall be the official text.

(2) This regulation shall come into force effective July 8, 1948. By order of Allied Bank Commission.

SEC. 3.109c. *Regulation No. 6 under Military Government Law No. 63; regulation concerning the valuation of provisional net worth.* Pursuant to section 3.106 (hh) (Article 34 of the Third Law for Monetary Reform (Conversion)) it is hereby ordered as follows:

(a) *Article 1.* The provisions of section 3.108 (e) (1) (Article V, par. (1) of Regulation No. 2 (Bank Regulation) under Law No. 63, Third Law for Monetary Reform (Conversion Law)) shall, with respect to a financial institution created subsequent to December 31, 1947, be applied to the net worth of such financial institution as shown on its Reichsmark Closing Balance Sheet (section 3.108 (e) (1)).

(b) *Article 2.* (1) The German text of this law shall be the official text.

(2) This regulation shall become effective on August 1, 1948. By order of the Allied Bank Commission.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8287; Filed, Sept. 15, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3183]

CHALLENGER AIRLINES CO.

NOTICE OF HEARING

In the matter of the application of Challenger Airlines Company for amendment of its certificate of public convenience and necessity for route No. 74 to provide service to Vernal, Utah, and Casper, Wyoming, as intermediate points.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above-entitled proceeding is assigned for hearing on September 29, 1948, at 10:00 a. m. (mountain standard time) in Jury Room 214, Court House, Casper, Wyoming, before Examiner Herbert K. Bryan.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

(1) Whether the proposed service is required by the public convenience and necessity.

(2) Whether Challenger Airlines Company is fit, willing, and able to perform the proposed service and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding shall file with the Board on or before September 29, 1948, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., September 10, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8286; Filed, Sept. 15, 1948; 8:46 a. m.]

[Docket No. 3369]

CHALLENGER AIRLINES CO.

NOTICE OF HEARING

In the matter of extending the effectiveness of the temporary certificates of public convenience and necessity of Challenger Airlines Co. for route No. 74.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above-entitled proceeding is assigned for hearing on September 23, 1948, at 10:00 a. m. (eastern daylight saving time) in Room 2049, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

(1) Whether the public convenience and necessity require the extension of the effectiveness of the temporary certificate of Challenger Airlines Co. for route No. 74.

(2) Whether Challenger Airlines Company is fit, willing, and able to perform the service which may be authorized under the amended certificate and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding shall file with the Board on or before September 23, 1948, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., September 10, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8288; Filed, Sept. 15, 1948; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8459, 9059]

SURETY BROADCASTING CO. AND TAR HEEL BROADCASTING SYSTEM, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Surety Broadcasting Company, Charlotte, North Carolina, Docket No. 8459, File No. BP-6088; Tar Heel Broadcasting System, Inc., Washington, North Carolina, Docket No. 9059, File No. BP-6750; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of September 1948;

The Commission having under consideration the above-entitled applications of Surety Broadcasting Company for a construction permit for a new standard broadcast station to operate on 930 kc, 1 kw, 5 kw-LS, unlimited time, using a directive antenna at night, at Charlotte, North Carolina, and Tar Heel Broadcasting System, Inc., to change the hours of operation of station WRRF, Washington, North Carolina, from daytime to unlimited time, increase power from 5 kw day to 5 kw day and 1 kw night, and install a directive antenna for night use;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of Surety Broadcasting Company, its officers, directors and stockholders to construct and operate the proposed station, and the technical, financial, and other qualifications of Tar Heel Broadcasting System, Incorporated, its officers, directors and stockholders, to construct and operate station WRRF as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference, as defined in the North American Regional Broadcasting Agreement, with Cuban station CMKN, Santiago, or any other existing foreign broadcast station, and the nature and extent of such interference.

6. To determine whether the proposed operations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the proposed installations and operations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the proposed transmitter sites, and to the population residing between the normally protected and interference-free contours.

8. To determine the overlap, if any, that will exist between the service areas of the proposed station at Charlotte, North Carolina, and of station WIS at Columbia, South Carolina, the nature and extent thereof and whether such overlap if any, is in contravention of § 3.35 of the Commission's rules.

9. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8299; Filed, Sept. 15, 1948; 8:47 a. m.]

[Docket No. 8500]

ARI-NE-MEX BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Ari-Ne-Mex Broadcasting Company, Escondido, California, Docket No. 8500, File No. BP-8519; for construction permit.

The Commission having under consideration a petition filed September 3, 1948, by Ari-Ne-Mex Broadcasting Company, Escondido, California, requesting a continuance of the hearing presently scheduled for September 10, 1948, at Washington, D. C., upon the above-entitled application for construction permit;

It is ordered, This 7th day of September 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Friday, October 15, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8296; Filed, Sept. 15, 1948; 8:47 a. m.]

[Docket No. 8502]

ARI-NE-MEX BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Ari-Ne-Mex Broadcasting Company, Clayton, New Mexico, Docket No. 8502, File No. BP-5879; for construction permit.

The Commission having under consideration a petition filed September 3, 1948, by Ari-Ne-Mex Broadcasting Company, Clayton, New Mexico, requesting a continuance of the hearing presently scheduled for September 9, 1948, at Washington, D. C., upon its above-entitled application for construction permit;

It is ordered, This 7th day of September 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Thursday, October 14, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8297; Filed, Sept. 15, 1948; 8:47 a. m.]

[Docket No. 8642]

DIAMOND H. RANCH BROADCASTERS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Charles E. Halstead, tr/as Diamond H. Ranch Broadcasters, Auburn, California, Docket No. 8642, File No. BP-6171; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of September 1948;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on the frequency 1490 kc, with 250 w power, unlimited time, at Auburn, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application (File No. BP-5753; Docket No. 8764) of Pacific States Radio Engineering or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8300; Filed, Sept. 15, 1948; 8:47 a. m.]

[Docket Nos. 8954, 8955, 8957, 9015]

WISCONSIN BROADCASTING SYSTEM, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Wisconsin Broadcasting System, Inc., Milwaukee, Wisconsin, Docket No. 8954, File No. BPCT-377; Hearst Radio, Inc., Milwaukee, Wisconsin, Docket No. 8955, File No. BPCT-383; WEXT, Inc., Milwaukee, Wisconsin, Docket No. 8957, File No. BPCT-406; Milwaukee Broadcasting Company, Milwaukee, Wisconsin, Docket No. 9015, File No. BPCT-472; for construction permits.

The Commission having under consideration a joint petition filed September 2, 1948 by Milwaukee Broadcasting Company, Hearst Radio, Inc., and Wisconsin Broadcasting System, Inc., all of Milwaukee, Wisconsin, requesting an indefinite continuance in the hearing presently scheduled for September 8, 1948 upon the above-entitled applications:

It is ordered, This 3d day of September 1948, that the petition be, and it is hereby, granted; and the hearing upon the above-entitled applications, presently scheduled for September 8, 1948, be, and it is hereby continued indefinitely without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8295; Filed, Sept. 15, 1948; 8:47 a. m.]

[Docket No 9060]

PONTIAC BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Pontiac Broadcasting Corporation, Pontiac, Illinois, Docket No. 9060; File No. BP-6772; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of September 1948;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station in Pontiac, Illinois to operate on the frequency 1430 kc, with 500 w power, daytime only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WIL's operation as authorized by its construction permit (BP–5606; Docket No. 8056) granted on June 23, 1948, and station WIRE or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Missouri Broadcasting Corporation and Indianapolis Broadcasting, Inc., licensees respectively of Stations WIL and WIRE, be, and they are hereby, made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–8298; Filed, Sept. 15, 1948; 8:47 a. m.]

[Docket Nos. 9104, 9105]

DUNKIRK BROADCASTING CORP. AND AIRWAVES, INC. (WJOC)

ORDER ENLARGING ISSUE

In re applications of Dunkirk Broadcasting Corporation, Dunkirk, New York, Docket No. 9104, File No. BP–6241; Airwaves, Incorporated (WJOC), Jamestown, New York, Docket No. 9105, File No. BP–6822; for construction permits.

The Commission having under consideration a petition filed August 19, 1948, by Great Trails Broadcasting Corporation (WING), Dayton, Ohio, requesting leave to intervene in the hearing upon the above-entitled applications; and requesting enlargement of the issues in the above-entitled proceeding so that Issue No. 4 will read as follows:

4. To determine whether the operation of the proposed station and of Station WJOC as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, the type and character of the program service which would be lost to such areas and populations, and the availability of other broadcast service thereto.

It is ordered, This 27th day of August 1948, that the petition be, and it is hereby, granted; and Issue No. 4 in the above-entitled proceeding be, and it is hereby, enlarged to read as follows:

4. To determine whether the operation of the proposed station and of Station WJOC as proposed would involve objectionable interference with any existing broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, the type and character of the program service which would be lost to such areas and populations, and the availability of other broadcast service thereto.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–8294; Filed, Sept. 15, 1948; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6163]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF APPLICATION

SEPTEMBER 10, 1948.

Notice is hereby given that on September 9, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Northwestern Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of South Dakota and Nebraska, with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of $1,300,000 in aggregate principal amount of Sinking Fund Debentures, 4½% series due 1958, under a trust agreement of applicant to The Northern Trust Company, Chicago, to be dated September 1, 1948, to mature September 1, 1958. Applicant proposes to issue and sell the Debentures to A. C. Allyn and Company, Inc., at a price of 98% of the principal amount thereof and accrued interest to the date of delivery and payment, and to use the proceeds to refund its short-term notes presently outstanding in the amount of $1,300,000; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 29th day of September 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–8275; Filed, Sept. 15, 1948; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30–137]

MINNEAPOLIS GAS CO.

NOTICE OF FILING OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of September A. D. 1948.

Notice is hereby given that an application has been filed with this Commission, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act"), by Minneapolis Gas Company ("Minneapolis"), formerly known as American Gas and Power Company, a registered holding company, for an order under said act, declaring that the company has ceased to be a holding company.

Notice is further given that any interested person may, not later than September 20, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

All interested persons are referred to said application which is on file in the offices of this Commission for a complete statement relating to the requested finding and order, which is summarized as follows:

The application states that Minneapolis does not directly or indirectly own, control or hold with power to vote 10% or more of the outstanding voting securities of any public utility company, as defined in section 2 of the act, or of any company which is a holding company by virtue of section 2 (a) (7) of the act. Accordingly, it requests the entry of an order by the Commission, pursuant to section 5 (d) of the act, finding and declaring that Minneapolis has ceased to be a holding company.

The application further states that the Plan of Integration and Simplification filed by Community Gas and Power Company and American Gas and Power Company, both registered holding companies, pursuant to section 11 (e) of the act, which provided, among other things, for the dissolution of Community Gas and Power Company and the merger of Minneapolis Gas Light Company with its parent, American Gas and Power Company, and a change of the corporate name of the surviving company to Minneapolis Gas Company, was consummated on July 30, 1948, with the single exception that the fees and expenses in connection therewith have not been approved by the Commission. Said fees and expenses are subject to a reservation of jurisdiction to determine the reasonableness and appropriate allocation thereof. (See Holding Company Act Release Nos. 6541 and 7131.)

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48–8283; Filed, Sept. 15, 1948; 8:46 a. m.]

[File No. 70–1680]

COMMONWEALTH & SOUTHERN CORP. (DEL.) ET AL.

ORDER GRANTING APPLICATIONS-DECLARATIONS AND PERMITTING THEM TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 9th day of September 1948.

In the matter of the Commonwealth & Southern Corporation (Delaware), The Southern Company, Alabama Power Company, Georgia Power Company, File No. 70–1680.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, The Southern Company ("Southern"), also a registered holding company and a subsidiary of Commonwealth, Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), both direct public utility subsidiaries of Southern, having filed, as an amendment to the original application in the above matter, joint applications-declarations and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 (the "act") regarding the following proposed transactions:

Commonwealth proposes to invest $10,000,000 in the common stock of Southern by the purchase of one million additional shares of Southern $5 par value common stock. Southern in turn proposes to use the proceeds of the sale of its common stock to purchase 30,000 shares of no par value common stock of Alabama for $3,000,000 and to purchase 250,000 shares of no par value common stock of Georgia for $4,000,000.

Southern proposes to restate its investment in securities of subsidiaries from "fair value" to "underlying book value" as of January 1, 1948, and also proposes the discontinuance and reversal since September 1, 1947, of the appropriation from consolidated net income to consolidated general reserve for investments, including that part thereof made in the corporate accounts of Southern.

Commonwealth proposes to issue and sell its 2¼% promissory notes in principal amount of up to but not exceeding $10,000,000 pursuant to the terms of a loan agreement dated as of July 21, 1948, for the purpose of paying the purchase price of Southern common stock.

The proposed issuance and sale of the securities by Alabama and Georgia having been expressly authorized by the Alabama Public Service Commission and the Georgia Public Service Commission, the State commissions of the States in which Alabama and Georgia, respectively, are organized and doing business.

A public hearing having been held after appropriate notice, oral argument having been heard, and the Commission having considered the record and having entered its findings and opinion herein, and deeming it appropriate in the public interest and the interest of investors and consumers to grant said amended joint applications and permit said amended joint declarations to become effective;

It is ordered, That said applications-declarations, as amended, be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be and the same hereby is reserved over all fees and expenses and other remuneration incurred and to be incurred in connection with the transactions proposed herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48–8281; Filed, Sept. 15, 1948; 8:46 a. m.]

[File No. 70–1902]

COMMONWEALTH & SOUTHERN CORP. (DEL.) ET AL.

ORDER EXEMPTING PROPOSED SALE FROM COMPETITIVE BIDDING AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of September A. D. 1948.

In the matter of the Commonwealth & Southern Corporation (Delaware), Southern Indiana Gas and Electric Company, the Commonwealth & Southern Corporation (New York). File No. 70–1902.

The Commonwealth & Southern Corporation (of Delaware), referred to hereinafter as "Commonwealth", a registered holding company, The Commonwealth & Southern Corporation (of New York), a mutual service company subsidiary of Commonwealth, hereinafter referred to as the "Service Company", and Southern Indiana Gas and Electric Company ("Southern Indiana"), a direct public utility subsidiary of Commonwealth, having filed joint applications-declarations, with amendments thereto, regarding, among other things,

(a) The investment by Commonwealth in Southern Indiana of approximately $1,500,000, but not more than $1,750,000, by the purchase of shares of common stock of Southern Indiana in such amounts and on such terms as may be authorized by the Public Service Commission of Indiana,

(b) The issuance and sale by Commonwealth of its 2¼% promissory notes in principal amount of up to but not exceeding $1,750,000 pursuant to the terms of a loan agreement dated as of July 21, 1948 for the purpose of obtaining funds with which to make the proposed purchase of the common stock of Southern Indiana,

(c) The proposed sale by Commonwealth of the 400,000 shares of the common stock of Southern Indiana now owned by Commonwealth and of any additional shares of common stock of Southern Indiana to be issued as proposed herein, and

(d) The transfer by Southern Indiana to the Service Company of all of Southern Indiana's holdings of the capital stock of the Service Company at a price of $100 per share; and

Commonwealth having requested that the proposed sale by it of the common stock of Southern Indiana which it owns be exempted from the competitive bidding requirements of Rule U-50; and

Service Company having requested permission to continue to perform services to Southern Indiana following the consummation of the proposed sale; and

A public hearing having been held after appropriate notice, oral argument having been heard, and the Commission having considered the record and having entered its findings and opinion herein:

It is ordered, That the proposed sale by Commonwealth of all of its holdings of the common stock of Southern Indiana be, and the same hereby is, exempted from the competitive bidding requirements of Rule U–50, subject to the terms and conditions prescribed by Rule U-24, and that this order shall become effective forthwith.

It is further ordered, That the declaration of Commonwealth with respect to proposed issuance and sale by Commonwealth of its 2¼% promissory notes in the principal amount of up to and not exceeding $1,750,000 be, and the same hereby is, permitted to become effective forthwith, subject however to the terms and conditions prescribed by Rule U-24.

It is further ordered, That jurisdiction be, and it hereby is, reserved to pass upon all other aspects of the proposed transactions, including all fees and expenses incurred and to be incurred in connection therewith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48–8280; Filed, Sept. 15, 1948; 8:46 a. m.]

[File No. 70–1905]

COMMONWEALTH & SOUTHERN CORP. (DEL.) ET AL.

ORDER GRANTING JOINT APPLICATIONS-DECLARATIONS AND PERMITTING THEM TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of September A. D. 1948.

In the matter of the Commonwealth & Southern Corporation (Delaware), Ohio Edison Company, Pennsylvania Power Company. File No. 70–1905.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, Ohio Edison Company ("Ohio"), a public utility subsidiary of Commonwealth and also a registered holding company, and Pennsylvania Power Company ("Pennsylvania"), a direct public utility subsidiary of Ohio, having filed joint applications-declarations, with amendments thereto, pursu-

ant to the provisions of the Public Utility Holding Company Act of 1935 (the "act") regarding, among other things.

(a) The issuance and sale by Ohio in accordance with the competitive bidding requirements of Rule U-50, of $12,000,000 principal amount of its First Mortgage Bonds of a series bearing interest at a rate not to exceed 3½% per annum and maturing in 30 years;

(b) The issuance and sale by Ohio of 285,713 shares of its authorized but unissued $8 par value common stock at a price of $27.50 per share by means of the issuance of transferable subscription warrants to its common stock holders;

(c) The acquisition by Commonwealth of 256,549 shares of common stock of Ohio to which Commonwealth will be entitled to subscribe by reason of its being the holder of 1,795,847 shares of the issued and outstanding common stock of Ohio;

(d) The issuance and sale by Commonwealth of its 2¼% promissory notes pursuant to the terms of a loan agreement dated as of July 21, 1948, in the principal amount of up to but not exceeding $7,055,097.50 for the purpose of paying the purchase price of Ohio common stock, and

(e) The issuance to Ohio by Pennsylvania of 50,000 shares of its $30 par value common stock and in connection therewith the payment by Ohio to Pennsylvania of $900,000 and the transfer by Pennsylvania of $600,000 from its earned surplus account to its common stock capital account; and

A public hearing having been held after appropriate notice, oral argument having been heard and the Commission having considered the record, and having entered its findings and opinion herein, and deeming it appropriate in the public interest and the interest of investors and consumers to grant said amended joint applications, and permit said amended joint declarations to become effective;

It is ordered, That said joint applications-declarations as amended be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject to the following additional conditions:

(1) That the proposed sale of bonds of Ohio shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That so long as any of the new bonds or any of the bonds of the 3% series of 1944 due 1974 or any of the 2¾% series of 1945, due 1975, or any of the 4.40% preferred stock shall remain outstanding, Ohio will not declare or pay any dividends on its common stock (other than dividends payable in common stock) or make any distribution of assets to holders of common stock by purchase of shares or otherwise, in an amount which, when added to the aggregate of all such dividends and distributions subsequent to September 30, 1944 (that is the last day of the month in which the bonds of the 3% series of 1944 due 1974 and the 4.40% preferred stock were issued), would exceed 75% of the consolidated net income of Ohio and subsidiary companies earned subsequent to September 30, 1944, if, after the payment of any such dividend or the making of any such distribution, the aggregate of the par value of, or stated capital represented by, the outstanding shares of common stock of Ohio and of the consolidated surplus of Ohio and subsidiary companies would be less than an amount equal to 25% of the total consolidated capitalization and consolidated surplus of Ohio and subsidiary companies as defined in the registration statement in respect of the First Mortgage Bonds 2¾% series of 1945, due 1975, filed by Ohio under the Securities Act of 1933, as amended.

(3) That jurisdiction be reserved with respect to all fees and expenses of counsel to be paid in connection with the transactions proposed herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8279; Filed, Sept. 15, 1948; 8:45 a. m.]

[File No. 70-1914]

COMMONWEALTH & SOUTHERN CORP. (DEL.) AND CONSUMERS POWER CO.

ORDER GRANTING JOINT APPLICATIONS-DECLARATIONS AND PERMITTING THEM TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of September A. D. 1948.

The Commonwealth and Southern Corporation ("Commonwealth"), a registered holding company, and one of its public utility subsidiaries, Consumers Power Company, ("Consumers"), having filed a joint application-declaration and amendments thereto regarding, among other things,

(a) The issuance and sale by Consumers of up to but not exceeding 458,158 additional shares of its authorized but unissued no par value common stock at the price of $33 per share by means of transferable subscription warrants proposed to be issued to its common stock holders; and

(b) The investment by Commonwealth in Consumers of approximately $13,285,899 by the subscription for and purchase of 402,603 shares of common stock of Consumers to which it would be entitled by reason of its present holding of 3,623,432 shares of issued and outstanding common stock of Consumers, and to exercise its right to over-subscribe to the extent of 9,456 additional shares thereof by an investment of $312,048; and

(c) The proposed issuance and sale by Commonwealth of its 2¼% promissory notes in principal amount of up to but not exceeding $13,600,000 pursuant to the terms of a loan agreement dated as of July 21, 1948 for the purpose of obtaining funds with which to make the proposed investments in the common stock of Consumers; and

A public hearing having been held after appropriate notice, oral argument having been heard, and the Commission having considered the record and having entered its findings and opinion herein, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said amended joint applications and permit said amended joint declarations to become effective:

It is ordered, That said joint amended applications-declarations be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24.

It is further ordered, That jurisdiction be, and it hereby is, reserved over the fees and expenses of counsel incurred and to be incurred in connection with the transactions proposed herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8278; Filed, Sept. 15, 1948; 8:45 a. m.]

[File No. 70-1942]

BROCKTON EDISON CO. AND EASTERN UTILITIES ASSOCIATES

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of September A. D. 1948.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Brockton Edison Company ("Brockton"), a public utility subsidiary company of Eastern Utilities Associates ("EUA"), a registered holding company, and by said EUA. Applicants-declarants have designated the first sentence of section 6 (b) and section 12 of the act and Rules U-42 (b) (2), U-44 and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 22, 1948 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 22, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for the statement of the transactions therein proposed, which are summarized as follows:

Brockton proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $4,000,000 principal amount of First Mortgage and Collateral Trust Bonds, ------% Series due 1978, the interest rate (which shall be a multiple of ⅛th of 1%) and the price (which shall be not less than 100% or more than 102¾% of the principal amount thereof, together with accrued interest from September 1, 1948 to the date of payment and delivery) to be determined by such competitive bidding. The net proceeds from such issue and sale are to be used to retire $2,625,000 principal amount of promissory notes of Brockton presently outstanding and to obtain funds for that company's construction purposes. Said bonds are to be secured by an Indenture of First Mortgage and Deed of Trust to State Street Trust Company, as Trustee, mortgaging and pledging all the assets of Brockton (with certain specified exceptions), including its investment in the securities of Montaup Electric Company, a subsidiary company of Brockton and EUA. The application-declaration states that such issue and sale is subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts, the State Commission of the State in which Brockton is organized and doing business.

Applicants-declarants request that the Commission's order become effective forthwith upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8276; Filed, Sept. 15, 1948; 8:45 a. m.]

[File Nos. 70-1925, 70-1926]

WISCONSIN POWER AND LIGHT CO. AND MIDDLE WEST CORP.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of September A. D. 1948.

Wisconsin Power and Light Company ("Wisconsin") and The Middle West Corporation ("Middle West"), a registered holding company and parent of Wisconsin, having filed applications-declarations and amendments thereto pursuant to sections 6 (b), 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and the Rules and Regulations promulgated thereunder regarding the issuance and sale by Wisconsin of $5,000,000 principal amount, First Mortgage Bonds, Series C, --% due September 1, 1978, pursuant to the competitive bidding requirements of Rule U-50, and the issuance and sale of 320,232 shares of common stock (par value $10 per share) at $13.50 per share and the acquisition by Middle West of its pro rata share of the common stock proposed to be issued and sold by Wisconsin, and

The Commission having ordered the aforementioned applications-declarations, as amended, consolidated for purposes of hearing and the Commission having considered the record and having made and filed its findings and opinion herein:

It is hereby ordered, That applications-declarations, as amended, be, and hereby are, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24, and subject to the further conditions that the proposed issuance and sale of bonds shall not be consumated until a further order of the Public Service Commission of Wisconsin expressly authorizing the issuance and sale of said bonds be filed herein and until the results of competitive bidding with respect to said bonds pursuant to Rule U-50 shall have been made a matter of record in these proceedings, and a further order shall have been entered in the light of the record so completed which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purposes.

It is further ordered, That, in accordance with the request of Wisconsin Power and Light Company, the ten day period for inviting bids as provided in Rule U-50 be, and hereby is, shortened to a period of not less than six days.

It is further ordered, That jurisdiction be, and hereby is, reserved to make such further orders as may appear appropriate with respect to the issuance and sale of the common stock ($10 par value) of Wisconsin Power and Light Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8284; Filed, Sept. 15, 1948; 8:46 a. m.]

[File No. 70-1927]

MILWAUKEE SOLVAY COKE CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of September A. D. 1948.

Milwaukee Solvay Coke Company ("Solvay"), a non-utility indirect subsidiary of American Light & Traction Company ("American Light"), a registered holding company, having filed an application pursuant to the provisions of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

Solvay proposes, during October and November 1948, to borrow from two Milwaukee banks $825,000 and to issue to the banks 120-day notes bearing interest at the rate of not more than 2% per annum. The application states that the proceeds of the loan, together with $175,000 to be borrowed during September 1948, pursuant to the exemption available under section 6 (b) of the act, are to be used to finance coal purchases and maintain working capital necessary to carry the company's operations through the first quarter of 1949.

It is stated that no regulatory agency other than this Commission has jurisdiction over the proposed transactions.

Such application having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that it is not necessary to impose any terms or conditions, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted and deeming it appropriate to grant the request of applicant that the order become effective forthwith upon issuance:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the application be, and the same hereby is, granted and become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8282; Filed, Sept. 15, 1948; 8:46 a. m.]

[File No. 812-565]

BANKERS SECURITIES CORP. AND ALBERT M. GREENFIELD & CO., INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of September A. D. 1948.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), located at No. 1315 Walnut Street, Philadelphia 7, Pennsylvania, a registered investment company, and Albert M. Greenfield & Co., Inc. ("Greenfield Company, Inc.") a real estate brokerage company located at No. 521 Fifth Avenue, New York, New York, have jointly filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (e) (1) of the act, the receipt by Greenfield Company, Inc., of a real estate commission in connection with the sale by Asset Holding Company ("Holding Company"), a controlled company of Bankers, located at No. 972 Broad Street, Newark, New Jersey, to Roosevelt Gardens, Inc., New York, New York, of certain real estate located at No. 1155 East Jersey Street, Elizabeth, New Jersey, known as the Elizabeth Carteret Hotel.

Bankers is a closed-end, non-diversified, management investment company and is registered under the Investment Company Act of 1940. Bankers owns more than 43% of the issued and outstanding voting securities of Bankers Bond & Mortgage Guaranty Company of America, located at No. 972 Broad Street, Newark, New Jersey which, in turn owns all of the issued and outstanding voting stock of Holding Company.

Greenfield Company, Inc., a New York corporation, is a duly licensed real estate broker under the laws of New York and is a wholly-owned subsidiary of Albert M. Greenfield & Co., a Delaware corporation, Greenfield Company, Inc., is an affiliated person of Albert M. Greenfield, who, in turn, is an affiliated person of Bankers.

On July 30, 1948, Greenfield Company, Inc., negotiated an agreement for the sale by Holding Company of the real estate referred to above for the sum of $550,000 payable $150,000 in cash and the balance of $400,000 represented by a ten-year purchase money mortgage with constant payments of 9% per annum on the face amount of the mortgage, of which 4½% represents interest. On the same date the purchaser and Greenfield Company Inc. agreed that Greenfield Company, Inc., shall manage the hotel property for an initial three-year period beginning September 1, 1948, at a fee of $275 per month.

Holding Company has agreed to pay Greenfield Company, Inc. for services in negotiating the sale of the said real estate a real estate commission of $27,500 being 5% of the sale price. Of such commission, Greenfield Company, Inc. has agreed to pay the sum of $4,000 to Mr. Elias Nathanson of New York, New York, for his services in helping to negotiate the sale.

The receipt by Greenfield Company, Inc. of such a real estate commission is prohibited by section 17 (e) (1) of the act unless an exemption therefrom is granted by the Commission pursuant to section 6 (c) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after September 22, 1948 unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act.

Any interested person may, not later than September 20, 1948, at 5:30 p. m., eastern daylight saving time, submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8277; Filed, Sept. 15, 1948; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11659]

WILLIAM STUEDEMANN

In re: Estate of William Stuedemann, deceased. File No. D-28-11222; E. T. sec. 15595.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Becker, Ludwig Murr and William Murr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $1,325.72 was paid to the Attorney General of the United States by Otto C. Rentner, Executor of the estate of William Stuedemann deceased;

3. That the said sum of $1,325.72 was accepted by the Attorney General of the United States in April 26, 1948 pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $1,325.72 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8302; Filed, Sept. 15, 1948; 8:48 a. m.]

[Vesting Order 11663]

JOHN WEBER

In re: Estate of John Weber, deceased. File No. D-69-295; E. T. sec. 12252.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Riesz (Riess), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $354.13 was paid to the Alien Property Custodian by Jacob Haller, administrator of the estate of John Weber, deceased;

3. That the sum of $354.13 was accepted by the Alien Property Custodian on October 8, 1946, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of $354.13 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8301; Filed, Sept. 15, 1948; 8:48 a. m.]

[Vesting Order 11904]

EMIL APPENZELLER

In re: Estate of Emil Appenzeller, deceased. File No. D-66-1631; E. T. sec. 10094.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Barbara Stoll, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Emil Appenzeller, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Public Administrator of New York County, 31 Chambers Street, New York, New York, as Administrator, acting under the judicial supervision of the Surrogate Court, New York County, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON, *Acting Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8303; Filed, Sept. 15, 1948; 8:48 a. m.]

[Vesting Order 11907]

EBERHARD BOY

In re: Trust Agreement, dated October 30, 1938, between Eberhard Boy, by Eberhard Faber acting as Agent and Attorney in Fact for Eberhard Boy, Grantor, and R. D. W. Clapp, Trustee, and amendment thereto, dated July 8, 1940. File F-28-9343 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eberhard Boy, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated October 30, 1938, between Eberhard Boy, by Eberhard Faber acting as Agent and Attorney in Fact for Eberhard Boy, Grantor, and R. D. W. Clapp, Trustee, and amendment thereto, dated July 8, 1940, presently being administered by R. D. W. Clapp, Trustee, 1700 North Cascade Avenue, Colorado Springs, Colorado,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON, *Acting Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8304; Filed, Sept. 15, 1948; 8:48 a. m.]

[Vesting Order 11917]

CHARLES KRAUTIN

In re: Estate of Charles Krautin, a/k/a Carl F. Krautien, deceased. File No. D-28-8356; E. T. sec. 9652.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick (Friedrich) Krautin, Gerhard Kreutien, Albert Krautin, Helene Alberts nee Krautien, and Auguste Elizabeth Bieber nee Krautien, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Frederick (Friedrich) Krautin, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Albert Krautin, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Charles Krautin, also known as Carl F. Krautien, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Augusta Krautin, as administratrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York City, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Frederick (Friedrich) Krautin, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Albert Krautin, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON, *Acting Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8305; Filed, Sept. 15, 1948; 8:48 a. m.]

[Vesting Order 11919]

WILHELMINA HOPPE

In re: Estate of Wilhelmina Hoppe, deceased. File No. D-28-12384.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Hoppe, Carl Hoppe, Clara Hoppe and Olga Hoppe, whose last

known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Wilhelmina Hoppe, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Director of Finance of Monroe County, as Depositary, acting under the judicial supervision of the Surrogate's Court of Monroe County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8306; Filed, Sept. 15, 1948; 8:48 a. m.]

[Vesting Order 11920]

SEIBEI MATSUDA

In re: Estate of Seibei Matsuda, deceased. D-39-19169. E. T. Sec. 16586.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Toyono Matsuda, Matsuji Matsuda and Tadayoshi Matsuda, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Seibei Matsuda, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Japan);

3. That such property is in the process of administration by Kenichi Umemoto, as administrator, acting under the judicial supervision of the Circuit Court, Fifth Circuit, Territory of Hawaii, Lihue, Kauai County, Territory of Hawaii;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8307; Filed, Sept. 15, 1948; 8:48 a. m.]

[Vesting Order 11941]

MAGDALENA DISCHNER

In re: Rights of Magdalena Dischner under Insurance Contract. File No. D-28-12103-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magadalena Dischner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 25458, issued by the Woman's Benefit Association, Port Huron, Michigan, to Mary Meyer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8308; Filed, Sept. 15, 1948; 8:48 a. m.]

[Vesting Order 11944]

MARTHA OLGA HUPFER

In re: Rights of Martha Olga Hupfer under Insurance Contract. File No. F-28-3667-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Olga Hupfer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 2598 041, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Martha Olga Hupfer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8309; Filed, Sept. 15, 1948; 8:48 a. m.]

[Vesting Order 11945]

EIJI IKEDA

In re: Rights of Eiji Ikeda under insurance contract. File No. F-39-4976-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eiji Ikeda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9 414 476, issued by the New York Life Insurance Company, New York, New York, to Eiji Ikeda, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8310; Filed, Sept. 15, 1948; 8:48 a. m.]

[Vesting Order 11946]

MRS. SHIGE IWATA

In re: Rights of Mrs. Shige Iwata under Insurance Contract. File No. F-39-6263-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Shige Iwata, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1031215, issued by The Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Shige Iwata, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8311; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11947]

EMILIE LUDWIG KLEIN

In re: Rights of Mrs. Emilie Ludwig Klein under Insurance Contract. File Nos. F-28-24812-H-1 and F-28-24812-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Emilie Ludwig Klein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 5402826 and 5832194, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Miss Emilie Ludwig (now Mrs. Emily Klein), together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8312; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11948]

EMMA MILLER

In re: Rights of Emma Miller under Insurance Contract. File No. F-28-23336-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Miller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 94900739, issued by the Metropolitan Life Insurance Company, New York, New York, to Emma Miller, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8313; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11952]

(MRS.) CHIKANO SAKATA

In re: Rights of (Mrs.) Chikano Sakata under Insurance Contract. File No. D-39-10529-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That (Mrs.) Chikano Sakata, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,059,670, issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Chikano Sakata, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8315; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11955]

ANNE L. DORNER

In re: Bank account owned by Anne L. Dorner. F-28-18697-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anne L. Dorner, whose last known address is Hindenburgstrasse 25, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anne L. Dorner by The Detroit Bank, 46 State Street, Detroit, Michigan, arising out of a savings account, Account Number 234512, entitled Anne L. Dorner, maintained at the main office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8316; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11953]

MARIA SPORK

In re: Rights of Maria Spork under Insurance Contract. File No. D-28-12162-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Spork, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7761020, issued by the New York Life Insurance Company, New York, New York, to Reverend Leo Oelmann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8317; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11957]

DRESDNER BANK

In re: Debts owing to Dresdner Bank. F-28-176-E-11.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank, the last known address of which is Berlin, Germany, is a

corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Dresdner Bank, by Superintendent of Banks of the State of New York in Trust for Depositors and Creditors of The Bank of United States, in Liquidation, 80 Spring Street, New York, New York, including particularly but not limited to the sum of money on deposit with Superintendent of Banks of the State of New York in Trust for Depositors and Creditors of The Bank of United States, in Liquidation, 80 Spring Street, New York, New York, in unclaimed liquidating dividend accounts, entitled Dresdner Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8318; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11958]

FRANZ HOFFELNER

In re: Bank account owned by Franz Hoffelner. F-28-22930-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Hoffelner, whose last known address is 42 Ruebezahlstrasse, Munich 56, Waldperlach, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Dade Federal Savings and Loan Association of Miami, 45 N. E. 1st Avenue, Miami, Florida, arising out of a savings account, account number 8548, entitled August Czurda in Trust for Franz Hoffelner, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Franz Hoffelner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8316; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11961]

ALBERT KIEPER ET AL.

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Albert Kieper, deceased. F-55-915-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Albert Kieper, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the United States Savings Bank, 772-774 Broad Street, Newark 2, New Jersey, arising out of a savings account, account number 111599, entitled Albert Kieper, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Albert Kieper, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kind, legatees and distributees of Albert Kieper, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8319; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11965]

NOBUYOSHI TAMAI AND SATAKO TAMAI

In re: Bank accounts owned by Nobuyoshi Tamai, also known as N. Tamai, and Satako Tamai, also known as S. Tamai. D-39-12317-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nobuyoshi Tamai, also known as N. Tamai, and Satako Tamai, also known as S. Tamai, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligations owing to Nobuyoshi Tamai, also known as N. Tamai, and Satako Tamai, also known as S. Tamai, by California Bank, 625 South Spring Street, Los Angeles, California, arising out of a savings account, Account Number 5547, entitled N. Tamai or S. Tamai, maintained at the branch office of the aforesaid bank located at 21530 Sherman Way, Conoga Park, California, and any and all rights to demand, enforce and collect the same,

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is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation owing to Satako Tamai, also known as S. Tamai, by California Bank, 625 South Spring Street, Los Angeles, California, arising out of a checking account entitled (Mrs.) S. Tamai, maintained at the branch office of the aforesaid bank located at 21530 Sherman Way, Conoga Park, California, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Satako Tamai, also known as S. Tamai, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8321; Filed, Sept. 15, 1948; 8:49 a. m.]

[Return Order 175]

ETIENNE AUGUSTIN HENRI HONORE

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number, Notice of Intention to Return Published, and Property

Etienne Augustin Henri Honore, Bethune, France, 35524; July 23, 1948 (13 F. R. 4246); Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to the United States Letters Patent No. 2,148,267. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 10, 1948.

For the Attorney General:

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8326; Filed Sept. 15, 1948; 8:50 a. m.]

[Return Order 178]

RAOUL BLANCHARD

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Raoul Blanchard, 5 Grande Rue, La Tronche (Isere) France, 4442; July 21, 1948 (13 F. R. 4171); Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944) relating to the literary work "Geography of Europe" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $2,624.45.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 13, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8327; Filed, Sept. 15, 1948; 8:50 a. m.]

[Return Order 184]

LOUISE MARY HARDY

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Louise Mary Hardy, a/k/a Louise Hardy, New York, N. Y., 5588; July 29, 1948 (13 F. R. 4373); $4527.24 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Louise Hardy in and to a trust created under the will of Katherine E. Carter, deceased; Trustee, Fidelity-Philadelphia Trust Company, Philadelphia, Pennsylvania.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 10, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8329; Filed, Sept. 15, 1948; 8:51 a. m.]

[Return Order 182]

WALERY RUDNICKI

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Walery Rudnicki, Proprietor. d/b/a "Jastrzab" & "WJR", Chmielna Street 25 m. 15, Warsaw, Poland, 5738; July 30, 1948 (13 F. R. 4409); Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 4033 (9 F. R. 13269, November 8, 1944) relating to certain copyrights identified by assignments in the United States Copyright Office (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $921.08.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 10, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8328; Filed, Sept. 15, 1948; 8:50 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 13 NUMBER 182

Washington, Friday, September 17, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Corn Bulletin 1]

PART 248—CORN LOANS AND PURCHASE AGREEMENTS

1948 CORN PRICE SUPPORT BULLETIN

This bulletin states the requirements with respect to the 1948 Corn Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available on corn produced in 1948 in accordance with this bulletin.

Sec.
248.201 Administration.
248.202 Availability of loans and purchase agreements.
248.203 Approved lending agencies.
248.204 Eligible producer.
248.205 Eligible corn.
248.206 Eligible storage.
248.207 Approved forms.
248.208 Determination of quantity.
248.209 Determination of dockage.
248.210 Liens.
248.211 Service fees.
248.212 Set-offs.
248.213 Interest rate.
248.214 Transfer of producer's equity.
248.215 Safeguarding of the corn.
248.216 Insurance.
248.217 Loss or damage to the corn.
248.218 Personal liability.
248.219 Maturity and satisfaction.
248.220 Removal of the corn under loan.
248.221 Release of the corn under loan.
248.222 Purchase of notes.
248.223 CCC field offices.

AUTHORITY: §§ 248.201 to 248.223, inclusive, issued under sec. 8, 56 Stat. 767; sec. 5 (a), Pub. Law 806, 80th Cong.; 50 U. S. C. App. 968.

§ 248.201 *Administratoin.* The program will be administered in the field by PMA through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees), and CCC field offices. The program will be under the general supervision and direction of the Manager of CCC.

Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of the corn, the amount of the loan or purchase and the value of the corn delivered under the program. All purchase and loan documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursement on loan documents or with the address of the CCC field office to which loan documents may be forwarded for disbursement.

§ 248.202 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans shall be available on eligible ear and shelled corn stored on farms in the States and counties for which loan rates will be established in Supplement 1 to this bulletin. Loans will not be available on warehouse-stored corn.

(2) Purchase agreements shall be available on eligible corn in all areas where loans are available and in other States or counties for which rates may be established for the purchase agreement program only.

(b) *Time*—(1) *Loans.* Loans shall be available from time of harvest through June 30, 1949, except in areas designated by State PMA committees as angoumois moth infestation areas where loans will be available only through March 31, 1949. The applicable loan documents must be signed by the producer and delivered or mailed to the county committee not later than such dates.

(2) *Purchase agreements.* Purchase agreements shall be available to producers from time of harvest through June 30, 1949, and must be signed by the producer and delivered or mailed to the county committee not later than such date.

(c) *Source.* Loans shall be made to producers direct by CCC field offices and by approved lending agencies. Purchase agreements shall be made through the offices of county agricultural conservation committees.

§ 248.203 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association,

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

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corporation, partnership, individual, or other legal entity with which the CCC has entered into a Lending Agency Agreement (Form PMA-97) or other form prescribed by CCC.

§ 248.204 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing corn in 1948, as landowner, landlord, tenant, or sharecropper.

§ 248.205 *Eligible corn.* Eligible corn shall be ear or shelled field corn which was produced in the Continental United States in 1948 and which meets the following requirements.

(a) The beneficial interest in such corn must be in the producer tendering the corn for a loan or purchase and must always have been in him or in him and a former producer whom he succeeded before the corn was harvested; or, such corn must have been purchased by an eligible producer who will operate a different farm in 1949 from that operated in 1948 and the number of bushels being placed under loan or purchased is not in excess of the total number of bushels produced by the producer on the farm operated by him in 1948.

(b) The grade of corn being placed under loan must, except for moisture content, be No. 3 or better, or No. 4 solely on the factor of test weight but otherwise grading No. 3 or better, as defined in the Official Grain Standards of the United States for Corn. The moisture content of the corn being placed under loan shall not exceed the following:

	Percent
Ear corn if tendered for a loan from time of harvest to March 31, 1949, both inclusive	20.5
Ear corn if tendered for a loan from April 1, 1949, to April 30, 1949, both inclusive	17.5
Ear corn if tendered for a loan from May 1, 1949, to June 30, 1949, both inclusive	15.5
Shelled corn if tendered for a loan from time of harvest to June 30, 1949, both inclusive	13.5

(c) The grade of corn delivered under a purchase agreement must be No. 3 or better, or No. 4 solely on the factor of test weight but otherwise grading No. 3 or better, as defined in the Official Grain Standards of the United States for Corn.

(d) Corn must be shelled before delivery is made under the loan or purchase program.

§ 248.206 *Eligible storage.* Under the loan program, eligible farm storage shall consist of farm bins or cribs which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the corn and afford protection against rodents, other animals, thieves, and weather.

The most important factor to be considered in the safe storage of corn is the crib width. Cribs having a width greater than the recommended width for the county will not be considered as safe for storage of corn offered for a loan unless the moisture content of the corn is less than the applicable permissible moisture content by at least 1 percent for each foot or fraction thereof in excess of the recommended width. In the case of round cribs with center ventilator the distance from the ventilator to the outside wall shall be used as the width, and for round cribs without center ventilator two-thirds of the diameter shall be used as the width. Maximum crib widths for the safe storage of corn are as follows:

ILLINOIS
6-foot area—Lake and McHenry Counties.
7-foot area—Boone, Carroll, Cook, De Kalb, Du Page, Jo Daviess, Kane, Kankakee, Kendall, Lee, Ogle, Stephenson, Whiteside, Will, and Winnebago.
8-foot area—All other counties.

INDIANA
6-foot area—Allen, Elkhart, De Kalb, Kosciusko, La Porte, Lagrange, Marshall, Noble, Starke, Steuben, Saint Joseph, and Whitley.
7-foot area—Adams, Blackford, Carroll, Cass, Clinton, Delaware, Fayette, Franklin, Fulton, Grant, Hamilton, Hancock, Henry, Howard, Huntington, Jasper, Jay, Lake, Madison, Miami, Newton, Porter, Pulaski, Randolph, Rush, Tippecanoe, Tipton, Union, Wabash, Wayne, Wells, and White.
8-foot area—All other counties.

IOWA
6-foot area—Allamakee, Clayton, Howard, and Winneshiek.
7-foot area—Buchanan, Black Hawk, Bremer, Butler, Cerro Gordo, Chickasaw, Clinton, Delaware, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Hancock, Jackson, Jones, Kossuth, Mitchell, Osceola, Winnebago, and Worth.
8-foot area—All counties not listed in other three areas.
9-foot area—Adams, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, Shelby, and Taylor.

MICHIGAN
6-foot area—All counties.

MINNESOTA
6-foot area—All counties not in 7-foot area.
7-foot area—Brown, Blue Earth, Cottonwood, Faribault, Jackson, Lac Qui Parle, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Rock, Watonwan, Redwood, and Yellow Medicine.

MISSOURI
8-foot area—All counties except those in the 9-foot area.
9-foot area—Andrew, Atchison, Bates, Barton, Buchanan, Cass, Clay, Clinton, De Kalb, Gentry, Holt, Jackson, Jasper, McDonald, Newton, Nodaway, Platte, Vernon, and Worth.

NEBRASKA
8-foot area—Cedar, Dakota, Dixon, Thurston, and Wayne.
9-foot area—All counties not listed in the other two areas.
10-foot area—Adams, Buffalo, Clay, Chase, Custer, Dawson, Dundy, Fillmore, Franklin, Frontier, Furnas, Gosper, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Kearney, Keith, Lincoln, Merrick, Nuckolls, Phelps, Perkins, Redwillow, Saline, Sherman, Thayer, and Webster.

OHIO
6-foot area—Allen, Ashland, Ashtabula, Carrol, Columbinana, Coshocton, Cuyahoga, Crawford, Defiance, Erie, Fulton, Geauga, Hancock, Hardin, Harrison, Henry, Holmes, Huron, Jefferson, Knox, Lake, Lorain, Lucas, Marion, Mahoning, Medina, Morrow, Paulding, Putnam, Portage, Ottawa, Richland, Sandusky, Stark, Seneca, Summit, Trumbull, Tuscarawas, Van Wert, Wayne, Williams, Wood and Wyandot.
7-foot area—All other counties.

SOUTH DAKOTA
7-foot area—Brookings, Deuel, Grant, Minnehaha, Moody, and Roberts.
8-foot area—Bon Homme, Charles Mix, Clark, Clay, Codington, Davison, Day, Douglas, Hamlin, Hanson, Hutchinson, Kingsbury, Lake, Lincoln, McCook, Marshall, Miner, Turner, Union, and Yankton.
9-foot area—All other counties.

WISCONSIN

6-foot area—All counties.

ALL OTHER AREAS

The maximum crib width acceptable as safe storage for corn in all other areas where loans are available shall be the widths as recommended by the county committee of the respective county.

§ 248.207 *Approved forms.* The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin, govern the rights and responsibilities of the producer. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement or in executing any of the loan or purchase documents will render him subject to criminal prosecution.

Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase documents executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of the producer's note on CCC Commodity Form A, secured by a chattel mortgage on CCC Commodity Form AA.

(b) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase 1) and Purchase Agreement Settlement (Commodity Purchase 4) signed by the producer and approved by the county committee, and such other forms as may be prescribed by CCC.

(c) *Warehouse receipts.* Corn stored in eligible warehouse storage tendered under a purchase agreement must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Each warehouse receipt must set forth in its written terms that the corn is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured".

(3) The warehouse receipt and the corn represented thereby may be subject to warehouse charges only from the date of the warehouse receipt or the maturity date of CCC corn loans, whichever is later.

(4) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight and grade, test weight, and all special grading factors.

(5) In the case of warehouse receipts issued for corn delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the corn covered thereby in lieu of the information required by subparagraph (4) of this paragraph. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

§ 248.208 *Determination of quantity.* A bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule:

Moisture content (percent)	*Adjustment factor (percent)*
15.6 to 16.5 both inclusive	98
16.6 to 17.5 both inclusive	96
17.6 to 18.5 both inclusive	94
18.6 to 19.5 both inclusive	92
19.6 to 20.5 both inclusive	90
Above 20.5	No loan

A bushel of shelled corn shall be 1.25 cubic feet of shelled corn testing not more than 13.5 percent in moisture content.

§ 248.209 *Determination of dockage.* Since dockage is not a grade factor in the case of corn, the quantity of corn will be determined without reference to dockage.

§ 248.210 *Liens.* The corn must be free and clear of all liens and encumbrances, except for warehouse charges as provided in § 248.207 (c) (3), or, if liens or encumbrances exist on the corn, proper waivers must be obtained.

§ 248.211 *Service fees*—(a) *Loans.* The producer shall pay a service fee of one cent per bushel on the number of bushels placed under loan, or $3.00, whichever is greater. If the quantity of corn delivered in satisfaction of a loan exceeds the quantity of corn placed under loan, a service fee of one cent per bushel shall be charged the producer on the excess quantity delivered.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of one-half cent per bushel on the number of bushels specified on Commodity Purchase 1 as the maximum quantity he may deliver, or $1.50, whichever is greater.

(c) *No refund of service fees.* No refund of service fees will be made under the loan or purchase program.

§ 248.212 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

§ 248.213 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 248.214 *Transfer of producer's equity*—(a) *Loans.* The right of the producer to transfer either his right to redeem the corn under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his purchase agreement.

§ 248.215 *Safeguarding of the corn.* The producer obtaining a farm-storage loan is obligated to maintain the farm storage structures in good repair, and to keep the corn in good condition.

§ 248.216 *Insurance.* CCC will not require the producer to insure the corn placed under loan; however, if the producer does insure such corn such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the corn involved in the loss.

§ 248.217 *Loss or damage to the corn.* The producer is responsible for any loss in quantity or quality of the corn placed under loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer, resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC: *Provided*, The producer has given the county committee immediate notice in writing of such loss or damage: *And provided*, There has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 248.218 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the corn by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 248.219 *Maturity and satisfaction*—(a) *Loans.* Loans mature on demand but not later than September 1, 1949. The producer is required to pay off his loan on or before maturity, or to deliver the mortgaged corn in accordance with the instructions of the county committee. Credit will be given for the total quantity so delivered, provided it was stored in the bin or crib in which the corn under loan was stored, at the settlement value, according to grade and/or quality as set forth in supplement 1. If the settlement value of the corn delivered exceeds the amount of the principal due on the loan, the amount of the excess shall be paid to the producer by sight draft drawn on CCC by the State PMA office. If the settlement value of the corn is less than the amount of the principal due on the loan, the amount of the deficiency, plus interest thereon, shall be paid by the producer to CCC or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the corn may be delivered before the maturity date of the loan upon prior approval by the county committee.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase 1) shall not be obligated to deliver any corn to CCC. He may deliver any amount up to but not in excess of the number of bushels shown on Commodity Purchase 1. If the producer desires to deliver corn to CCC he shall, within 30 days from September 1, 1949, the maturity date of CCC corn loans, or such earlier date as demand for payment of corn loans may be made, submit warehouse receipts representing eligible corn stored in eligible warehouse storage to the county committee for the quantity of such corn he elects to sell to CCC, but not in excess of the number of bushels on Commodity Purchase 1, or, in the case of corn stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee, determines more time is needed for delivery. Corn stored in other than eligible warehouse storage will be purchased on delivery at points designated by CCC. When delivery is completed payment shall be made by a sight draft drawn on CCC by the State PMA office on the basis of approved Commodity Purchase 4. The producer shall direct on Commodity Purchase 4 to whom payment of the purchase price shall be made.

Eligible corn will be purchased on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and accompanying documents, or, if such corn is delivered to a CCC bin site, on the basis of the weight, grade and quality determinations made by the county committee (in accordance with instructions for the determination of such factors under the loan program) and approved by the producer at the time of delivery.

(c) *Track-loaded corn.* Under the loan and purchase agreement program a loading payment of two cents per bushel will be made to the producer on corn delivered on track at a country point.

§ 248.220 *Removal of the corn under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the corn and sell it either by separate contract or after pooling it with other lots of corn similarly held. The producer has no right of redemption after the corn is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled corn as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of corn, even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the corn or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 248.221 *Release of the corn under loan.* A producer may at any time obtain release of the corn under loan by paying to the holder of the note the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the corn prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan and accrued interest represented by the quantity of the corn to be released.

§ 248.222 *Purchase of notes.* CCC will purchase from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on CCC Commodity Form F, or such other form as CCC may prescribe, of all payments received on producers' notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the CCC field offices serving the area.

§ 248.223 *CCC field offices.* The CCC field offices and the areas served by them, are shown below:

ADDRESS AND AREA
449 West Peachtree Street NE., Atlanta, 3, Ga.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.
623 South Wabash Avenue, Chicago 5, Ill.: Illinois, Indiana, Iowa, Michigan, Ohio.
1114 Commerce Street, Dallas 2, Tex.: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
417 East Thirteenth Street, Kansas City 6, Mo.: Colorado, Kansas, Missouri, Nebraska, Wyoming.
328 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.
67 Broad Street, Room 1304, New York 4, N. Y.: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.
515 Southwest Tenth Avenue, Portland 5, Oreg.; Idaho, Oregon, Washington.
20 Van Ness Avenue, San Francisco 2, Calif.: Arizona, California, Nevada, Utah.

Date program announced: July 20, 1948.

Issued this 14th day of September 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 14, 1948.

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 48-8376; Filed, Sept. 16, 1948; 8:51 a.m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATES OF ASSESSMENT FOR 1948–49 SEASON

Notice was published in the FEDERAL REGISTER (13 F. R. 4395), dated July 30, 1948, that consideration was being given to proposals regarding the budget of expenses and the fixing of the rates of assessment for the 1948–49 season under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 936.202 *Budget of expenses and rates of assessment for the 1948–49 season*—(a) *Rate of assessment for general overhead expenses.* The general overhead expenses necessary to be incurred by the Control Committee and the commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of the said committees for the season beginning April 1, 1948, and ending March 31, 1949, both dates inclusive, will amount to $43,960.00, and the rate of assessment to be paid by each handler who handles fruit shall be fourteen mills ($0.014) per hundred pounds of fruit handled by such handler during said season; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

(b) *Rate of assessment for additional expenses.* The additional expenses nec-

essary to be incurred, during the aforesaid season, by the respective commodity committees in administering the regulation of shipments of fruit pursuant to sections 3 to 5, both inclusive, of the amended marketing agreement and §§ 936.3 to 936.5, both inclusive, of the amended order, will be as follows:

(1) To be incurred by the Bartlett Pear Commodity Committee: $7,005.00;

(2) To be incurred by the Plum Commodity Committee: $21,020.00;

(3) To be incurred by the Elberta Peach Commodity Committee: $630.00; and

the rate of assessment for such additional expenses to be paid, in accordance with the aforesaid amended marketing agreement and order, by each handler who handles fruit with respect to which regulations are made effective during said season shall be six mills ($0.006) per hundred pounds of Bartlett pears, sixteen mills ($0.016) per hundred pounds of plums, and one mill ($0.001) per hundred pounds of Elberta peaches so handled; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

(c) *Effective date.* It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date of this determination until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, plums, and Elberta peaches shipped during the aforesaid season; (2) shipments of each of these fruits have already commenced; and (3) in order for the aforesaid necessary assessments to be collected, it is essential that the specification of the assessment rates be issued immediately so as to enable the said Control Committee and commodity committees to perform their duties and functions under said amended marketing agreement and order.

As used in this section, the terms "handler," "handle," "fruit," "shipped," and "shipments" shall have the same meaning as is given to each such terms in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 936.8)

Done at Washington, D. C., this 13th day of September 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8348; Filed, Sept. 16, 1948; 8:48 a. m.]

TITLE 10—ARMY

Chapter I—Aid of Civil Authorities and Public Relations

TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For revised regulations formerly contained in this chapter, see Title 34, Chapter V, Parts 501 to 516, *infra*.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

[Docket No. FDC-29 (c)]

PART 19—DEFINITIONS AND STANDARDS OF IDENTITY FOR CHEESE AND CHEESE PRODUCTS

FINAL ORDER WITH RESPECT TO CREAM CHEESE, NEUFCHATEL CHEESE, AND COTTAGE CHEESE; TENTATIVE ORDER WITH RESPECT TO CREAMED COTTAGE CHEESE

In the matter of amending the definitions and standards of identity for cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) and upon the basis of substantial evidence received at the hearing held pursuant to notice published in the FEDERAL REGISTER of July 3, 1948 (13 F. R. 3749), and upon consideration of proposed findings of fact filed by interested parties which are adopted in part and rejected in part as is apparent from the detailed findings made below, the following order is made:

Findings of fact.[1] 1. The quantity of milk produced in the United States varies from season to season. The highest production occurs in the spring and lowest in the late fall and winter months. During the period of high production there is sufficient milk for all purposes. During the period of low production the demand for fluid milk absorbs such a large proportion of the supply that there is not enough for the manufacture of certain milk products, particularly those utilizing skim milk. (R. 11-21, 24-26, 57, 77, 93, 131, 140-142, 168, 176, 177, 188, 193, 228)

2. The shortage of fluid skim milk has become progressively more acute for the past several years and at times has caused manufacturers of certain foods to discontinue or limit their production. Many manufacturers of cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese have attempted to store their necessary raw materials in periods of high milk production for later use, or to utilize milk products shipped from areas of higher milk production. (R. 20, 57-58, 79, 93-94, 144, 160-161, 169-170, 177, 194, 243)

3. Cream with a high milk-fat content can be frozen and shipped or stored satisfactorily. Small amounts of cream have been dried but the dried creams have not been used in cheese making. Milk and skim milk can be concentrated or dried. Concentrated milk and concentrated skim milk are perishable and must be refrigerated, but they can be shipped and stored more economically than fluid milk or skim milk. Dried milk and nonfat dry milk solids are produced in large quantities and are available at all times. It is impracticable to store fluid milk or skim milk for long periods or to ship them for great distances. (R. 21, 58, 59, 84, 172, 177-178, 194, 208-209, 215)

4. The experience of several manufacturers has shown that it is possible to prepare satisfactory cream cheese and neufchatel cheese where nonfat dry milk solids, concentrated skim milk, or concentrated milk (each with sufficient water to reconstitute) has been used in whole or in part to replace the fluid milk and skim milk prescribed by the present definitions and standards of identity for these cheeses. It will be possible to produce cream cheese and neufchatel cheese to satisfy the demand throughout the year if the definitions and standards of identity for these cheeses are amended to permit the use of nonfat dry milk solids, concentrated skim milk, and concentrated milk, reconstituted with water when necessary. (R. 26, 27-28, 29, 96, 106-127, 188-191)

5. Cream which conforms to the definition and standard of identity for "Cream class of food" (21 CFR., Cum. Supp. 18.500) is not rendered a different food by reason of having been frozen and later thawed. No change in the present definitions and standards of identity for cream cheese and neufchatel cheese is necessary to permit the use of the so-called plastic cream and frozen cream. The evidence with respect to dried cream and dried milk was not sufficient to warrant findings that these products as now made can be used to replace cream and milk in the manufacture of cream cheese and neufchatel cheese. (R. 48, 83, 89, 127-128, 172, 184-185, 208-209, 211-213, 255-260)

6. The experience of many manufacturers of cottage cheese has shown that satisfactory cottage cheese can be prepared where nonfat dry milk solids or concentrated skim milk (reconstituted with water) has been used to replace skim milk in whole or in part. It will be possible to produce cottage cheese to satisfy the demand throughout the year if the definition and standard of identity for cottage cheese is amended to provide for the use of these ingredients. (R. 26, 28-29, 43-45, 52-54, 58, 62-63, 95, 98, 108-127, 132-134, 145-150, 153-154, 179-180, 203-208, 233-237)

7. Some witnesses suggested that the definition and standard of identity for creamed cottage cheese be amended to permit using concentrated and dried forms of milk and skim milk (reconstituted with water) in making up the "creaming" fluid used in preparing creamed cottage cheese. Witnesses so testifying either had had only limited experience with actual use of such "reconstituted cream" in preparing creamed cottage cheese or had had no such experience but saw no reason for not so reconstituting "cream" for this purpose. This testimony was not sufficiently substantial evidence to serve as the basis for an order to amend the definition and standard of identity for creamed cottage cheese. Moreover, consumers expect the fluid on creamed cottage cheese to be cream or cream with fluid milk or skim milk, and a "creaming" fluid reconstituted with concentrated or dried milk or skim milk and water would not conform to the identity expected by consumers. (R. 35-36, 45, 48-51, 53, 60, 64, 85-86, 99-102, 116, 121-122, 124-126, 136-138, 150, 157, 160, 179-182, 186, 195-196, 253, 256-259)

Conclusion. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for cream cheese, neufchatel cheese, and cottage cheese so that after amendment they are as given below, but that it would not promote honesty and fair dealing in the interest of consumers to amend the definition and standard of identity for creamed cottage cheese.

§ 19.515 *Cream cheese; identity; label statement of optional ingredients.* (a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cream cheese contains not less than 33 percent of milk fat and not more than 55 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Sixth Edition, 1945, at pages 337 and 336.)

(b) (1) Cream or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph is pasteurized and may be homogenized. To such cream or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added, and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese when the milk or skim milk was concentrated or dried.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed.

(4) For the purposes of this section, the term "milk" means sweet milk of cows, "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in cream cheese, the label shall bear the statement "---------- Added" or "With Added ----------," the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Cream Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.520 *Neufchatel cheese; identity; label statement of optional ingredients.* (a) Neufchatel cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished neufchatel cheese contains not less than 20 percent but less than 33 percent of milk fat and not more than 65 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Sixth Edition, 1945, at pages 337 and 336.)

(b) (1) Milk or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or a mixture of concentrated milk with milk or with water not in excess of that removed when the milk was concentrated is pasteurized and may be homogenized. To such milk or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of neufchatel cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section the term "milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in neufchatel cheese, the label shall bear the statement "---------- Added" or "With Added ----------", the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Neufchatel Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.525 *Cottage cheese; identity.* (a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (This method appears in the Sixth Edition, 1945, at page 336.)

(b) (1) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) The dairy ingredients referred to in subparagraph (1) of this paragraph are sweet skim milk, concentrated skim milk, and nonfat dry milk solids. If concentrated skim milk or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

(3) For the purposes of this section the term "skim milk" means the milk of cows from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

The effects of curtailed production of fluid milk will be felt by October 1, 1948, and will constitute an emergency condition insofar as the production of cream cheese, neufchatel cheese, cottage cheese, and creamed cottage cheese is concerned. In order to exercise the function of amending definitions and standards of identity for these foods in a due and

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing, which are the basis for these findings.

timely manner, it is necessary that the order amending such standards be issued promptly. After examination of the record of hearing it is found that no controversy exists between the persons who appeared at the hearing relative to the proposals to amend the definitions and standards of identity for cream cheese, neufchatel cheese, and cottage cheese, and it will promote the purposes of the act to issue a final order without publication of a tentative order. Because of the urgent need of amending the definitions and standards of identity for such cheeses, as appears by the record, it is found that due and timely functions of the Agency, namely, promoting honesty and fair dealing in the interest of consumers, imperatively and unavoidably require the omission of the publication of a tentative order with respect to cream cheese, neufchatel cheese, and cottage cheese.

There was a controversy at the hearing with respect to the use of concentrated milk, dried milk, concentrated skim milk, or nonfat dry milk solids, with water, to be mixed with cream for use in creaming cottage cheese (finding 7). It is found that there is no urgent need for such amendment, and the publication of a tentative order on this subject is in the interest of all concerned.

Wherefore, it is ordered, That the foregoing amendments to the definitions and standards of identity for cream cheese, neufchatel cheese, and cottage cheese become effective on the fifteenth day following publication of this order in the FEDERAL REGISTER; and

It is further ordered, That the proposal to amend the definition and standard of identity for creamed cottage cheese be denied. Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this order in the FEDERAL REGISTER, file with the Hearing Clerk, Federal Security Agency, Office of the General Counsel, Room 3346, Federal Security Building, Fourth Street and Independence Avenue, SW., Washington, D. C., written exceptions to finding 7, or any part thereof, and to the order refusing to amend the definition and standard of identity for creamed cottage cheese. Exceptions shall point out with particularity the alleged errors in finding 7, and in the refusal to amend the definition and standard of identity for creamed cottage cheese, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs should be submitted in quintuplicate.

(Secs. 401, 701, 52 Stat. 1046; 21 U. S. C. 341, 371)

Dated: September 13, 1948.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 48-8353; Filed, Sept. 16, 1948; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-49]

PART 102—PERSONNEL ADMINISTRATION

POSITIONS COMPARABLE IN IMPORTANCE TO THAT OF CHIEF OF MISSION

SEPTEMBER 8, 1948.

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 502 (a) of the Foreign Service Act of 1946 (60 Stat. 1007), Title 22 of the Code of Federal Regulations, Part 102, § 102.207 is amended to read as follows:

§ 102.207 *Positions comparable in importance to that of chief of mission.* The following positions shall be considered comparable in importance to that of chief of mission within the meaning of section 502 (a) of the Foreign Service Act of 1946:

1. Political Adviser on German Affairs.
2. Political Adviser to Supreme Commander, Tokyo.
3. Political Adviser to Commanding General, Seoul.
4. Consul General, Shanghai.
5. Consul General, Jerusalem.
6. Consul General, Batavia.
7. Deputy Chief of Mission, London.
8. Deputy Chief of Mission, Paris.
9. Deputy Chief of Mission, Moscow.
10. Deputy Chief of Mission, Ottawa.
11. Deputy Chief of Mission, Rome.
12. Deputy Chief of Mission, Rio de Janeiro.
13. Deputy Chief of Mission, Mexico City.
14. Deputy Chief of Mission, Buenos Aires.
15. Deputy Chief of Mission, Nanking.
16. Deputy Chief of Mission, New Delhi.
17. Deputy Chief of Mission, Athens.
18. Chief Inspector for Europe.
19. Chief Inspector for Asia and Africa.
20. Chief Inspector for Western Hemisphere.
21. Counselor of the Department.
22. Director General.
23. Chief of the Inspection Corps.

(R. S. 161, sec. 502, 60 Stat. 1007; 5 U. S. C. 22, 22 U. S. C. 906)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: September 8, 1948.

For the Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

[F. R. Doc. 48-8356; Filed, Sept. 16, 1948; 8:49 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter D—Explosives (Including Sheathed Explosives) and Blasting Devices; Tests for Permissibility and Suitability; Fees

[Schedule IF]

PART 15—EXPLOSIVES (INCLUDING SHEATHED EXPLOSIVES) AND BLASTING DEVICES

CONDITIONS UNDER WHICH APPROVAL OF EXPLOSIVES IS GRANTED

Section 15.9 (b) (2), footnote 4 (a) permits certain practices until June 30, 1948, under the conditions there stated. It is now necessary and desirable that the time within which these practices are permitted should be forthwith extended retroactively and the conditions stated more explicitly. For these reasons the notice and procedures prescribed by section 4 of the Administrative Procedures Act (60 Stat. 237, 5 U. S. C. 1003) are impracticable, unnecessary and contrary to the public interest; and this amendment shall become effective as of the date of its approval by the Secretary of the Interior and retroactively to June 30, 1948.

Section 15.9 (b) (2), footnote 4 (a) is amended to read:

[4a] For firing charges singly or in multiple permissible blasting units shall be used. Pending the availability of permissible multiple-shot blasting units, a blasting unit of Type II, Class A, covered by Federal Specification WB411, December 31, 1941 (with or without Amendment 2, June 16, 1945) may be used, provided a bona fide order for a multiple-shot permissible unit can be shown and pending the development of a multiple-shot permissible blasting unit possessing a higher capacity than present 10-shot permissible blasting units, a blasting unit of Type II, Class A, covered by Federal Specification WB411, December 31, 1941 (with or without Amendment 2, June 16, 1945) may be used for multiple firing of more than 10 shots until June 30, 1949; provided, should a permissible multiple-shot blasting unit of higher capacity than 10 shots become available prior to that date, this interim approval may be terminated.

(37 Stat. 681, as amended, sec. 311, 47 Stat. 410; 30 U. S. C. 3, 5, 7; E. O. No. 6611, Feb. 22, 1934)

W. E. RICE,
Acting Director.

Approved: September 3, 1948.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 48-8354; Filed, Sept. 16, 1948; 8:49 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

TRANSFER AND REVISION OF REGULATIONS

The material contained in Chapter I of Subtitle B, Title 10, is hereby revised and transferred to Chapter V, Title 34, and is redesignated Subchapter A, Parts 501 through 516, as follows:

Part
501 Employment of troops in aid of civil authorities.
502 Relief assistance.
503 Arrest and confinement of persons not subject to military law.
504 Relations with agencies of public contact.
505 Safeguarding technical information.
506 Use of military telegraph lines.
507 Manufacture of decorations.
508 Competition with civilian bands.
509 Secrecy surrounding troop movements.
510 Chaplains.
511 Assistance to relatives and others in connection with deceased personnel.
512 Prisoners.
513 Assistance of creditor by Department of the Army.

Sec.
514 Range regulations for firing ammunition for training and target practice.
515 Regulations for correspondents, technical observers and service specialists accompanying U. S. Army forces in the field.
516 Flags.

PART 501—EMPLOYMENT OF TROOPS IN AID OF CIVIL AUTHORITIES

Sec.
501.1 In general.
501.2 Emergency.
501.3 Command.

AUTHORITY: §§ 501.1 to 501.3, inclusive, issued under R. S. 5297-5299; 50 U. S. C. 201-203.

SOURCE: AR 500-50, 17 Aug. 1948.

§ 501.1 *In general.* (a) The protection of life and property and the maintenance of law and order within the territorial jurisdiction of any State are the primary responsibility of State and local authorities. Intervention with Federal troops pursuant to the provisions of this part will take place only:

(1) After State and local authorities have utilized all of their own forces and are unable to control the situation, or

(2) When the situation is beyond the capabilities of State or local authorities, or

(3) When State and local authorities will not take appropriate action, or

(4) Under the provisions of certain statutes.

(b) Except in cases of imminent necessity falling within the provisions of § 501.2, intervention with Federal troops will take place only when the Department of the Army has generally or specifically so ordered.

(c) The normal channel between the field and the Department of the Army on matters relating to intervention with Federal troops is through the Director of Plans and Operations, General Staff, United States Army, whose office will be open at all times for this purpose. The Director of Plans and Operations will be kept fully informed on all matters relating to such intervention or the possibility thereof.

§ 501.2 *Emergency.* In case of sudden and unexpected invasion, insurrection, or riot, endangering the public property of the United States, or of attempted or threatened robbery or interruption of the United States mails, or of earthquake, fire, or flood, or other public calamity disrupting the normal processes of Government, or other equivalent emergency, so imminent as to render it dangerous to await instructions from the Department of the Army requested through the speediest means of communication available, an officer of the Army in command of troops may take such action, before the receipt of instructions, as the circumstances of the case reasonably justify. Such action, without prior authorization, of necessity may be prompt and vigorous, but should be designed for the preservation of order and the protection of life and property until such time as instructions from higher authority have been received, rather than as an assumption of functions normally performed by the civilian authorities. In any event, the officer taking such action immediately will report his action and the circumstances requiring it to the Department of the Army, through the Director of Plans and Operations, General Staff, United States Army, by the speediest means of communication available, in order that appropriate instructions can be issued at the earliest possible moment.

§ 501.3 *Command.* (a) In the enforcement of the laws, troops are employed as a part of the military power of the United States and act under the orders of the President as Commander in Chief. When intervention with Federal troops has taken place, the duly designated military commander will act to the extent necessary to accomplish his mission. In the accomplishment of his mission, reasonable necessity is the measure of his authority.

(b) Federal troops used for intervention in aid of the civil authorities will be under the command of and directly responsible to their military superiors. They will not be placed under the command of an officer of the State Guard or of the National Guard not in the Federal service, or of any State, local, or Federal civil official; any unlawful or unauthorized act on the part of such troops would not be excusable on the ground that it was the result of an order or request received from any such officer or official.

(c) State Guard or National Guard troops not in the Federal service cannot be commanded by a United States Army officer except with the consent of the State. The commanding general of the army concerned or of the Military District of Washington is responsible to secure, whenever possible, prior undertakings or agreements by State authorities to insure full cooperation of the State Guard or National Guard troops not in the Federal service with the military commander in the affected area in the event of intervention with Federal troops. The employment by the State of its own forces must not interfere with or impede Federal functions or activities.

PART 502—RELIEF ASSISTANCE

Sec.
502.1 Authority for undertaking relief work.
502.2 Personnel, material, and supplies available for relief work.
502.3 Supplies.
502.4 Camps and cantonments.
502.10 Rules and regulations governing parcel post shipments of individual relief packages to Japan, Korea, and the Ryukyus.

AUTHORITY: §§ 502.1 to 502.10, inclusive, issued under R. S. 161; 5 U. S. C. 22 except as noted following section affected.

SOURCE: AR 500-60, 1 Dec. 1939, except as noted following section affected.

§ 502.1 *Authority for undertaking relief work.* Disaster relief will not be undertaken by the Department of the Army without specific authority of Congress unless:

(a) Overruling demands of humanity compel immediate action to prevent starvation and extreme suffering, in which event army area commanders will use personnel and supplies, as placed under their control within their discretion, and will advise The Adjutant General of action taken.

(b) Local resources are clearly inadequate to cope with the situation, in which event the relief measures to be undertaken will be such as the army area commander may deem necessary, subject to the further provisions of the regulations in this part. Local resources as here used comprise all resources available to the respective State and municipal authorities augmented by those available to the Red Cross in the affected areas.

§ 502.2 *Personnel, material, and supplies available for relief work.* (a) For the purposes of emergency relief, all military personnel and military supplies and equipment in the affected army area, with the exception of the National Guard and military supplies and equipment under the control of the governor of any State or Territory, and of general depots of the Department of the Army, will during the continuance of the relief work, and without the issue of formal orders to that effect, pass under the direct control of the army area commander. When a deficiency exists, request for additional personnel, supplies, and material will be submitted to The Adjutant General setting forth in detail the requirements.

(b) With a view to the fullest conservation of military supplies, it is directed that:

(1) The use of troops and the issue of supplies under the conditions set forth herein are authorized during the actual existence of the emergency. The regulations in this part are not to be construed as authorizing assistance during the period of rehabilitation which necessarily follows such catastrophes. Troops will be withdrawn and the issue of supplies stopped at the earliest practicable moment.

(2) Under the circumstances of § 502.1 (b), issue of supplies will be made normally only after the need has been confirmed by the Red Cross under the procedure set forth in the 1938 agreement with the Red Cross approved by the Secretary of the Army and the Chairman of the American National Red Cross.

§ 502.3 *Supplies*—(a) *Not issued to employers.* In no case will relief supplies of any description be issued to employers for their employees.

(b) *Relief limited to those entitled to it.* Care should be taken to see that aid is extended solely to those actually in need of relief, and it must be ascertained not only that the need really exists but that the needy condition is due to the flood, fire, or other catastrophe which made Government aid necessary.

(c) *Reimbursement for losses not authorized.* In no case will Government supplies or funds be used to reimburse sufferers for losses sustained. The Army's mission in the territory affected is to save life and prevent suffering, and not to replace losses.

(d) *Sale.* If the catastrophe is of such a character that no supplies are available except those in possession of the military authorities, such supplies may be sold, in the discretion of the army area commander, at cost to those who are able to pay for same, but such sales must be made under the restrictions heretofore laid

down that the supplies are needed to prevent suffering directly resulting from the catastrophe. The funds received from this source will be deposited with the Treasurer of the United States in accordance with regulations. These sales are here authorized in order to meet unforeseen contingencies but should rarely be necessary.

§ 502.4 *Camps and cantonments.* Whenever conditions permit, sufferers will be assembled in camps, cantonments, or large buildings where proper supervision can be given to the distribution and use of supplies, sanitation, general welfare conditions, and the safeguarding of nonexpendable Government property. If a tent camp is established, it should be arranged and operated substantially as an ordinary military camp with the following modifications.

(a) Tents assigned to families with certain streets reserved for unmarried men and other streets for unmarried women, not assigned to family tents. Ordinarily four persons to a tent.

(b) Sufficient military personnel to operate the camp and enforce police, property, and sanitary regulations.

(c) Cooking arrangements preferably handled by one of the relief organizations, furnishing them, if necessary, with Government stoves and utensils.

(d) Necessary steps will be taken, by the posting of sentries around the camp or by other practicable available means, to prevent the theft of property and to enforce regulations regarding entrance or egress.

§ 502.10 *Rules and regulations governing parcel post shipments of individual relief packages to Japan, Korea, and the Ryukyus*—(a) *Scope of section.* Provided herein are rules under which the Department of the Army will pay ocean freight charges from United States ports to certain foreign ports of entry of relief packages originating in the United States (including its territories and insular possessions) and consigned by an individual by parcel post to an individual residing in Japan, Korea, or the Ryukyus Islands.

(b) *Definition of relief package.* A "relief package" is defined as a gift parcel, containing articles permitted by paragraph (d) of this section to be sent by an individual free of cost to the person receiving it for the personal use of himself or his immediate family.

(c) *Manner of payment of ocean freight charges.* The Department of the Army will reimburse the Post Office Department for the ocean freight charges on relief packages sent by parcel post by an individual on or after August 2, 1948, to the countries listed above, to the extent that the international parcel post rate paid by the sender has been reduced pursuant to regulations of the Post Office Department.

(d) *Limitations of contents of relief packages.* (1) The items which may be included in relief packages are those approved by the Department of the Army and published from time to time in Post Office Bulletins. These items include nonperishable food; clothing and clothes-making materials; shoes and shoe-making materials; mailable medical and health supplies; and household supplies and utensils, if permitted under existing postal regulations.

(2) The combined total domestic retail value of all soap, butter, and other edible fats and oils included in each relief package must not exceed $5.00; and the combined total domestic retail value of all streptomycin, quinine sulfate, and quinine hydrochloride included in each relief package must not exceed $5.00.

(e) *Weight and size limitations.* The maximum weight and dimensions of each relief package sent by parcel post must conform to the limitations established by the Post Office Department for the particular country of destination.

(f) *Identification.* When a relief package is presented for mailing under this section, the words "U. S. A. Gift Parcel" shall be endorsed on the addressee side of the package and also entered on the customs declaration. The use of the words "U. S. A. Gift Parcel" is a certification by the individual mailing the relief package that the provisions of this section have been met.

(g) *Postal regulations.* Information concerning the Post Office regulations should be obtained from the local offices of the Post Office Department with respect to size and weight limitations, customs declaration (Form 2966), dispatch note (Form 2972), and the postage rate applicable for such shipments.

(h) *Import regulations.* Senders of relief packages are reminded that each receiving country has import and customs regulations and that certain items may be subject to import restrictions or duties. Information regarding such import and customs regulations may be ascertained either from the proposed recipient, from the Office of International Trade, Department of Commerce, Washington, D. C., or any of the district offices of the Department of Commerce.

(i) *Saving clause.* The Secretary of the Army and the Postmaster General may waive, withdraw, or amend at any time or from time to time any or all of the regulations contained in this section. [Regs. Aug. 2, 1948, SAOSA] (Pub. Law 793, 80th Cong.)

PART 503—ARREST AND CONFINEMENT OF PERSONS NOT SUBJECT TO MILITARY LAW

§ 503.1 *Persons not subject to military law.* Persons not subject to military law may be placed in arrest or confinement by members of the Military Establishment, as follows:

(a) *General.* All members of the Military Establishment have the ordinary right and duty of civilians to assist in the maintenance of the peace. Where, therefore, a felony or a misdemeanor amounting to a breach of the peace is being committed, it is the right and duty of every member of the military service, as of every civilian, to arrest the perpetrator no matter what his status.

(b) *By members of the guard or of military police.* Members of the guard or of military police may place persons not subject to military law in arrest or confinement when apprehended while in the act of committing a felony or a misdemeanor amounting to a breach of the peace within the limits of military jurisdiction.

(c) *Restraint.* The restraint imposed under the provisions of paragraph (a) or (b) of this section will not exceed that reasonably necessary, nor extend beyond such time as may be required to dispose of the case by orderly transfer of custody to civil authority or otherwise, under the law.

(d) *Ejection.* Persons not subject to military law who are found within the limits of military jurisdiction in the act of committing a breach of regulations, not amounting to a felony or a breach of the peace, may be removed therefrom upon orders from the commanding officer and ordered by him not to reenter. For penalty imposed upon reentrance after ejection see section 45, act of March 4, 1909, as amended by act of March 28, 1940 (35 Stat. 1097, 54 Stat. 80; 18 U. S. C. 97). [AR 600–355, 1 Apr. 1948] (R. S. 161; 5 U. S. C. 22)

PART 504—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

Sec.
504.1 General.
504.2 Definition.
504.3 Responsibility for public relations.
504.4 Public relations operations in the field.
504.5 Department of the Army Public Information Division.
504.6 Public activities by military personnel.

AUTHORITY: §§ 504.1 to 504.6, inclusive, issued under R. S. 161; 5 U. S. C. 22.
SOURCE: AR 600–700, 16 Aug. 1946.

§ 504.1 *General.* (a) Because of the importance of the Military Establishment in the defense and welfare of the Nation and its traditional role of a public servant, it is the responsibility of the Army to insure that the American public is fully and accurately informed concerning the purpose and activities of the Army as well as its place in the American community.

(b) The broad mission of public relations is to maintain close and friendly understanding between the Army and the public through the dissemination of information, the attainment of public recognition, and the maintenance of public confidence in the Military Establishment, to insure efficient and adequate military security for the United States.

§ 504.2 *Definition.* Public relations is defined as any planned program or procedure which will elicit public understanding and good will. It includes continuous dissemination of information to the public, participation in community life, and a line of conduct by uniformed personnel which will contribute to public understanding and appreciation of the military service.

§ 504.3 *Responsibility for public relations.* (a) The fostering of proper public relations is a responsibility of command, extending through all echelons and ranks. All members of the Army are representatives of the service before the public and share that responsibility in their conduct.

(b) Commanders of all echelons, units and military installations are charged

with the conduct of public relations within their jurisdiction.

(c) The Signal Corps and the Department of the Air Force will maintain the official pictorial files of their departments appropriate to their respective activities.

(d) The Department of the Army Public Information Division is the agency designated to deal with the public on matters of concern to the Army as a whole. The United States Air Force is authorized to deal with the public in purely air matters in accordance with the broad over-all policies established by the Department of the Air Force. Subject to established policies and regulations governing the security of military information as promulgated by the Director of Intelligence, United States Army General Staff, the Public Information Division initiates policies which, upon approval, will guide the conduct of public relations with lower echelons and in the field.

§ 504.4 *Public relations operations in the field.* (a) A public relations officer will be appointed to the staff of each post, camp, or station and to the staffs of regiments, air force groups, and equivalent units or higher commands. Public relations officers of posts, camps, stations, and units larger than regiments will have the status of special staff officers. Wherever conditions permit this should be their principal duty. Appointments will be made by unit and installation commanders.

(b) Subject to the supervision of the commanding officer, and in consonance with approved security policy, the duties of a public relations officer include the following:

(1) Advice to the commanding officer on public relations matters, particularly on relations between the command and the nearby communities, but excluding functions of representatives of the Civil Affairs Division and other military Government agencies.

(2) Liaison with civilian groups, including the dissemination of information pertaining to the command to local information media.

(3) Review, under established policies, of material for dissemination to the public and of material for publication in unit and post newspapers.

(4) Reception of all representatives of local and national information media and assistance to them in obtaining desired material relating to the command.

(c) On posts where two or more military units or activities are situated, public relations responsibility will rest with the senior permanent commander stationed there. All public relations activities under his jurisdiction will be coordinated as he may direct.

(d) Direct communication between public relations offices regardless of command channels is authorized to expedite the exchange of information. Such communication, for the purpose of coordination and mutual assistance, in no way infringes upon the responsibility and authority of commanders.

§ 504.5 *Department of the Army Public Information Division.* (a) The Department of the Army Public Information Division will initiate policies to govern the conduct of public relations within lower echelons and in the field. All agencies dealing with public relations and related activities will operate under the policies laid down by the Department of the Army.

(b) The Public Information Division, consisting of the Chief, Public Information Division, and assigned personnel, will function under the supervision of the Chief of Information, Department of the Army. Policies initiated by the division will be approved by the Chief of Information prior to publication as Department of the Army policies.

(c) Material of general interest to the public emanating from the Department of the Army will be released through the Public Information Division unless other provision is made by the division.

(d) To accomplish its mission the Public Information Division must have timely knowledge of Department of the Army plans and actions. To this end each staff division, service, and major command will, as a general rule, make available all information desired by the Chief, Public Information Division. When, in the opinion of the head of the division, chief of service, or major commander, information should be withheld in the national interest, decision by higher authority will be obtained. Release of information obtained from any Department of the Army agency upon request will be released only after coordination with originating agency.

(e) Direct communication is authorized between the Public Information Division and commanders of posts, camps, stations, installations, field and oversea commands on matters pertaining to public relations.

§ 504.6 *Public activities by military personnel.* (a) Members of the Army of the United States usually appear before the public in an official or semiofficial capacity and so contribute to the impression formed by the public. Consequently, care will be taken to differentiate between personal ideas and opinions, and official plans and purposes. Furthermore, their military status limits the extent to which members of the Army may, with propriety, make public pronouncements on political, diplomatic, legislative, administrative measures, and on matters the treatment of which tends to prejudice discipline, to involve superior officers in controversy, to interpret official publications, or to define military procedure.

(b) Within the bounds of security and propriety the writing of articles, books, and other related material intended for publication, and the engaging in public and private discussions on appropriate occasions, by officers and enlisted men, on topics of military, professional, or general interest concerning the Army, or in the interest of the national defense, are authorized and desirable.

(c) Literary activities of military personnel not covered by paragraphs (a) and (b) of this section are limited only by the dictates of propriety and good taste. For additional references dealing with public activities of military personnel see § 513.1 of this chapter.

PART 505—SAFEGUARDING TECHNICAL INFORMATION

Sec.
505.1 Definitions.
505.2 Right to possess classified military information.
505.3 Loss or subjection to compromise.
505.4 Photographs or other reproductions of classified matter.
505.5 Requests for military information.
505.6 Dissemination of classified military information.
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505.8 Classification of information from commercial firms.
505.9 Dissemination of classified technical information.
505.10 Invitations for bids and contracts.
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505.14 Public display of classified matériel.
505.15 Release of information or sale of matériel.
505.16 Classification of visitors.
505.17 Authority for admission of visitors.
505.18 Responsibility of commanding officer, Army representative, or inspector regarding admission of visitors.
505.19 Responsibility of Government contractors regarding admission of persons and visitors.
505.20 Restricted areas.
505.21 Reserved areas; establishment.

AUTHORITY: §§ 505.1 to 505.21, inclusive, issued under R. S. 161; 5 U. S. C. 22.
SOURCE: AR 380–5, 15 Aug. 1946.

§ 505.1 *Definitions* — (a) *Classified military information.* Classified military information is military information which requires grading to indicate the degree of precaution necessary for its safeguarding.

(b) *Documents.* Any form of recorded information. The term "document" includes printed, mimeographed, typed, photostated, and written matter of all kinds; charts, maps, relief maps, photomaps, and aerial photographs and mosaics; drawings, sketches, notes, and blueprints, or photostatic copies thereof; photographs and photographic negatives; recorded engineering data; correspondence and plans relating to research and development projects; and all other similar matter.

(c) *Engineering data.* The term "engineering data" comprises drawings, blueprints, photostats, photographs, mathematical calculations, formulas, processes, and all similar items that can be reduced to documentary form.

(d) *Foreign government.* The term "foreign government" includes any recognized or nonrecognized government and any faction or body of insurgents within a country with which the United States is at peace.

(e) *Matériel.* Any article, substance, or apparatus. The term "matériel" comprises military arms, armament, equipment, and supplies of all classes, both complete and in process of development and construction, models that show features in whole or in part, design, mockups, jigs, fixtures, and dies, and all other components or accessories of military equipment.

(f) *Photomap.* A reproduction of a photograph or mosaic upon which grid

lines, marginal data, and place names may be added.

(g) *Technical information.* "Technical information" shall be deemed to include information on weapons and equipment, including instructions on maintenance and operation and any descriptive matter or components. It further includes means of manufacture, techniques, and processes of weapons and equipment, together with information pertaining to the various sciences relating to weapons and equipment and to direct and indirect measures which may be employed in warfare. Information of a strategic or tactical nature is specifically excluded from the meaning of this term as are "user" aspects such as functioning and general instructions for tactical use and employment.

(h) *Troop movements.* The term "troop movements" applies to the moving of units.

(i) *Visitor.* As used in this part a visitor is any person admitted to a Government or civilian establishment or area in which classified work or project is being conducted for the Department of the Army except:

(1) A person employed on the work or project, or

(2) A person directly and officially concerned with the work or project.

§ 505.2 *Right to possess classified military information*—(a) *Dissemination of classified matter.* No person is entitled solely by virtue of his grade or position to knowledge or possession of classified matter. Such matter is entrusted only to those individuals whose official duties require such knowledge or possession.

(b) *Responsibility.* The safeguarding of classified military information is the responsibility of all military personnel, civilian employees of the Department of the Army, and of the management and employees of all commercial firms engaged in classified work or projects for the Department of the Army. Classified military information will be disclosed only to military or civilian personnel having a legitimate interest therein.

§ 505.3 *Loss or subjection to compromise.* Any person in the military service or in its employ who may have knowledge of the loss or subjection to compromise of top secret, secret, confidential, or registered documents, or articles of matériel, or restricted codes or ciphers will promptly report that fact to the custodian of the document or matériel who, in turn, will notify the proper commanding officer. The proper commanding officer will notify the office responsible for its issue by the fastest means available of the loss or subjection to compromise of all top secret, secret, or registered items, or confidential plans, weapons, or equipment of vital importance to current or future operations, and will then make a thorough investigation of the circumstances, fix the responsibility, and send to The Adjutant General through military channels a report with his recommendations in the case.

§ 505.4 *Photographs or other reproductions of classified matter.* Photographs or other reproductions of classified features of military equipment or of other classified items will be made by members of the military service, by civilian employees of the Department of the Army or by civilians specifically authorized by proper authority to photograph or reproduce such classified matter, only when necessary in the conduct of their official duties. Agencies of the Department of the Army may have such materials developed, printed, processed, or otherwise reproduced in commercial facilities if adequate government facilities are not available, but in such event are responsible to insure that the material is safeguarded at such facilities in accordance with the provisions of this part.

§ 505.5 *Requests for military information.* (a) All requests from private individuals, firms, or corporations and Federal or State agencies or departments for classified military information (except those requests defined under paragraphs (b) and (c) of this section) are subject to policies established by the Director of Intelligence, General Staff, United States Army.

(b) (1) Exchanges of classified or unclassified military information, other than technical information, with foreign nationals will be made only through or with the express permission of the Director of Intelligence, General Staff, United States Army.

(2) Exchanges of classified or unclassified technical information with foreign nationals will be made in accordance with existing Department of the Army and Air Force instructions issued on this subject.

(c) Applications for information or records compiled and furnished at the request of the Department of the Army for its use in the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to wartime needs will be referred to the Under Secretary of the Army, for necessary action. The service of any process or subpoena for the production of any such record will be reported immediately by the person on whom it is served to the United States attorney for the district in which the service is made and, at the same time, direct to the Under Secretary of the Army.

§ 505.6 *Dissemination of classified military information.* When classified military information is disseminated under the provisions of this part to persons not subject to military law, they will be informed that it affects the national defense of the United States within the meaning of the Espionage Act and that its transmission to an unauthorized person is prohibited.

§ 505.7 *Responsibility for safeguarding technical information.* (a) Chiefs of technical services engaged in the preparation of plans, research, and development work, or new design, test, production, procurement, storage, or use of classified matériel are responsible for the promulgation of such additional instructions as may be required for the safeguarding of information in the offices, establishments, laboratories, shops, or Army posts under their jurisdiction.

(b) All top secret, confidential, or restricted models, exhibits, dies, machines, and other similar items which are to be loaned, leased, or given to a commercial organization will be properly marked to indicate classification when practicable. If such marking is impracticable, the commercial organization will be specifically notified in writing of the classification of such items and of the pertinent provisions of the Espionage Act.

§ 505.8 *Classification of information from commercial firms.* Information obtained from civilian manufacturers concerning proprietary processes will be classified as confidential unless otherwise authorized by the firm concerned.

§ 505.9 *Dissemination of classified technical information.* Classified information concerning technical projects or developments may be imparted only to those individuals whose official duties require such knowledge or possession, and to accredited representatives of foreign nations in accordance with the provisions of § 505.5 (b).

§ 505.10 *Invitations for bids and contracts.* Prior to furnishing a prospective bidder, subbidder, contractor, or subcontractor with drawings, specifications, or other pertinent information concerning any project or projects of a top secret, secret, confidential, or restricted nature and annually thereafter so long as such documents, etc., are in his custody, clearance will be obtained in accordance with separate letter instructions and a general secrecy agreement will be signed by the individual or by a responsible officer on behalf of the firm or corporation concerned.

§ 505.11 *Consultation with responsible manufacturers.* The commanding officers of arsenals and depots and other officers engaged in work on Government contracts are authorized to consult with all interested manufacturers or their representatives, inventors, and other persons concerning technical matters in which they have a legitimate interest. They will, however, inform all such persons of the classification of the projects, works, and developments.

§ 505.12 *Responsibility of Army representatives or inspectors.* (a) The Army representatives or inspectors of the technical service are the local representatives of the Department of the Army and will take the necessary measures to insure the safeguarding of classified information or projects in the hands of the contractors or subcontractors or in process of manufacture in their plants.

(b) Army representatives or inspectors will advise contractors or subcontractors as to their responsibilities and the practical measures to be taken to safeguard top secret, secret, confidential, or restricted matters, and will act favorably, if practicable, on any suggestion or request of the company tending to preserve secrecy. If at any time conditions at any plant, or any action of a company or its employees, jeopardize the security of classified matter pertaining to the Department of the Army or violate the provisions of the Espionage Act, the Army representative or inspector will request the contractor or subcontractor to take prompt remedial action. If adequate precautionary measures are not taken immediately, he will report promptly to the chief of the technical service concerned and, if the situation requires, to the commanding general of the service command in which the item is in process of manufacture.

(c) When Army and Navy inspectors are on duty at the same plant, the Army inspector will coordinate all security measures with the Navy inspector in order to avoid conflicting demands upon contractors.

§ 505.13 *Responsibility of Government contractors.* (a) A private individual, firm, or corporation which enters into a contract to engage in technical work for the Department of the Army becomes responsible in matters within his or its control for the safeguarding of all top secret, secret, confidential, or restricted matters that may be disclosed or that may be developed in connection therewith. A clause to this effect will be included in such a contract, but its omission will not release the contractor from his responsibility under the Espionage Act and other pertinent laws.

(b) Contractors are responsible that all classified projects allotted to subcontractors or agents are fully protected by a similar agreement.

(c) Whenever for any reason a contract agreement or subcontract has been made which does not include a security clause but later is found to involve top secret, secret, confidential, or restricted matter, the technical service concerned will take the necessary steps to insure that the project or work is properly classified and that the contractor, agent, or subcontractor is informed of the classification and of his responsibility in the matter.

§ 505.14 *Public display of classified matériel.* (a) Commanding officers are responsible that all classified parts, components, or features of matériel are properly safeguarded during maneuvers, drills, parades, ceremonies, assemblages, demonstrations, or exhibitions, or exhibitions open to the general public.

(b) (1) Photographs of equipment while in process of development or those revealing processes of manufacture are prohibited unless authorized by the chief of technical service concerned. After an article of equipment has been issued to combat units, release of photographs is permissible unless specifically prohibited by the instructions issued therewith.

(2) Requests for permission to take photographs of classified matériel, projects, or processes of manufacture will be referred to the Department of the Army through the proper chief of technical service. If authority is granted, it will be with the understanding that the resulting photographs will be submitted to the Department of the Army for review prior to release.

§ 505.15 *Release of information or sale of matériel.* Domestic sale, divulging information in connection with negotiations for foreign sale, and foreign manufacture of items of Army and Navy matériel and equipment are not permitted unless the Army and Navy Departments are agreed that military secrecy is not compromised thereby.

§ 505.16 *Classification of visitors*—(a) *Foreign nationals.* For the purpose of §§ 505.1 to 505.21, inclusive, the term "foreign nationals" includes all persons not citizens of the United States, and citizens of the United States while a representative, official, or employee of a foreign government, firm, corporation, or individual.

(b) *United States citizens.* All citizens of the United States not included in paragraph (a) of this section.

§ 505.17 *Authority for admission of visitors*—(a) *General.* Correspondence and communications relating to visits will be routed direct between the various offices concerned.

(b) *Foreign nationals.* (See § 505.16 (a).)

(1) Subject to the approval of the facility concerned, foreign nationals may be authorized by local authority to visit commercial facilities provided no classified work or project is shown or discussed.

(2) Foreign nationals may be admitted to military installations for social purposes, for activities open to the general public, and in connection with emergency landings, by authority of the commanding officer provided no classified features are shown or discussed.

(3) Foreign nationals may be admitted to Government facilities; military installations except as provided in subparagraph (2) of this paragraph; and commercial facilities where classified work, projects or features will be shown or discussed, only on written authority of the Director of Intelligence, General Staff, United States Army.

(4) Application for visits which require Department of the Army authorization will be made through the appropriate diplomatic representatives, except in the case of foreign nationals employed by citizens of the United States or by firms or corporations owned or controlled by citizens of the United States for whom applications will be submitted by their employers, approved by the commanding officer or management of the facility to be visited, and forwarded with the recommendation of the chief of the technical service or appropriate commanding general of the army concerned to the Director of Intelligence, General Staff, United States Army, who will secure the recommendation of the Navy Department. Applications submitted through either of the channels described above will include the following information:

(i) Name in full.

(ii) Official title or position.

(iii) Name of plant or plants, posts, camps, or airfields to which admission is desired.

(iv) Date of visit or dates between which visits are desired.

(v) Purpose of visit.

For foreign nationals employed by citizens of the United States or by firms or corporations owned or controlled by citizens of the United States the following additional information will be required:

(vi) Nationality.

(vii) Length of service with present employer.

(5) Prior to authorizing a visit to a Department of the Army installation or to a commercial facility where classified work, projects, or features will be shown or discussed, the Director of Intelligence, General Staff, United States Army, will secure the recommendations of the Navy Department and the chief of the technical service concerned.

(c) *United States citizens.* Subject to the approval of the commanding officer or the contractor, United States citizens, except those representing a foreign government, firm, or corporation, may be admitted to Department of the Army or commercial manufacturing establishments engaged on classified work or projects under the following conditions:

(1) Casual visitors may be admitted provided no classified work or project is shown or discussed.

(2) Representatives of other United States agencies, manufacturers, or their representatives, engineers, and inventors cooperating in Department of the Army work and having a legitimate interest therein may be shown such works or projects as are considered necessary and desirable by the responsible chief of technical service. Authority for admission will be in writing.

(3) Accredited reporters, photographers, and other representatives of publicity agencies may be admitted to Department of the Army installations or manufacturing establishments engaged on work for the Department of the Army, provided classified matter, projects, or processes of manufacture are not shown or discussed with them.

§ 505.18 *Responsibility of commanding officer, Army representative, or inspector regarding admission of visitors.* The commanding officer of a military establishment or the Army representative or inspector at a commercial establishment is the local representative of the Department of the Army in all matters regarding the admission of visitors. If, in his opinion, the situation at the time makes the admission of a visitor inadvisable, he is empowered to postpone the visit and request instructions from the office which authorized it.

§ 505.19 *Responsibility of Government contractors regarding admission of persons and visitors.* (a) Contractors or subcontractors engaged in work for the Department of the Army must place such restrictions on the movements of persons employed or entering their plants or offices as will give adequate security to top secret, secret, confidential, or restricted matters in their possession. In view of the wide differences in organization, arrangement, and physical makeup of individual plants, no specific rules are practicable. Therefore, local conditions at the plant and the classification of the project will determine the security measures to be adopted.

(b) The following general procedure in regard to visitors at establishments of plants engaged in classified projects

for the Department of the Army is prescribed:

(1) Visitors will be accompanied during their stay at the plant by the inspector or Army representative, a member of his office, or some responsible person who is specifically informed as to the necessary limitations or restrictions, the scope of the visit, and the information which may be furnished.

(2) Unless specifically authorized by the authorities mentioned in § 505.17, visitors will not be allowed in any shop, laboratory, drafting room, section of a plant where top secret, secret, confidential, or restricted matériel is located or where classified work is in progress, nor will they be permitted to take photographs.

(c) Department of the Army contractors will submit to the commanding general of the army or chief of technical service, whichever is appropriate, immediately upon completion of the visit, a report of all visitors, except United States citizens, who have gained information concerning the classified work or projects. The reports will include the following information:

(1) Name, official position, and nationality.

(2) Authority for visit.

(3) Matters in which the visitors showed the greatest interest.

(4) General nature of questions asked.

(5) Expressed object of the visit.

(6) Estimate of the real object of the visit.

(7) General estimate of ability, intelligence, and technical knowledge of the visitor and his proficiency in the English language.

(8) A brief list of what was shown and explained.

§ 505.20 *Restricted areas*—(a) *Designation.* The commanding officer of a military reservation, post, camp, station, or installation is responsible for the designation and proper safeguarding of restricted areas in his military reservation, post, camp, station, or installation. If local conditions dictate, he will mark all ordinary entrances or approaches to such areas with a sign reading as follows:

WARNING

RESTRICTED AREA

It is unlawful to enter within this ------ ---------- without written
(Area, building, etc.)
permission of ----------
(Authority)

(b) *Procedure in case of violation.* (1) The commanding officer of a military reservation, post, camp, station, or installation will cause any person not subject to military law who enters a restricted area or building to be detained, warned of his rights, and interrogated by proper authority. If it is a first offense and there is no evidence of deliberate intent, the offender may be warned against repetition and released upon the surrender of any unlawful photograph, sketch, picture, drawing, map, or graphic representation in his possession. Otherwise the offender will be delivered without unnecessary delay to the nearest United States marshal with a written statement of the facts, the names and addresses of the witnesses, and such pertinent exhibits as may be available.

(2) When an investigation reveals that a person not subject to military law has entered such a restricted area or building, custody of the individual not having been effected, the commanding officer will promptly forward in writing to the nearest United States district attorney a report of all the facts, including the names and addresses of the witnesses.

(3) A report will be made through military channels to the commanding general of the service command of each case brought to the attention of civil authority and will include a brief of all the facts and copies of all pertinent communications.

§ 505.21 *Reserved areas; establishment.* Areas reserved for military or national defense purposes, admittance to which is either restricted or prohibited, are set apart by Executive order of the President of the United States or by order of the Secretary of the Interior.

PART 506—USE OF MILITARY TELEGRAPH LINES

Sec.
506.1 False or forged messages.
506.2 Using or appropriating information by agents, operators, or employees.
506.3 Fraudulent attempts to obtain information by persons not connected with any telegraph company.
506.4 Bribing agents, operators, or employees.

AUTHORITY: §§ 506.1 to 506.4, inclusive, issued under R. S. 161; 5 U. S. C. 22.
SOURCE: AR 105-40, 17 July 1942.

§ 506.1 *False or forged messages.* No agent, operator, or employee in any telegraph office, or other person, shall, knowingly and willfully, send by telegraph to any person or persons any false or forged message purporting to be from such telegraph office, or from any other person, or shall willfully deliver or cause to be delivered to any person any such message, falsely purporting to have been received by telegraph, nor shall any person or persons furnish or conspire to furnish, or cause to be furnished, to any such agent, operator, or employee, to be sent by telegraph or to be so delivered, any such message, knowing the same to be false or forged, with the intention to deceive, injure, or defraud any individual, partnership, or corporation, or the public.

§ 506.2 *Using or appropriating information by agents, operators, or employees.* No agent, operator, or employee in any telegraph office shall, in any way, use or appropriate any information derived by him from any private message or messages passing through his hands and addressed to any other person or persons, or in any other manner acquired by him by reason of his trust as such agent, operator, or employee, or shall trade or speculate upon any such information so obtained, or in any manner turn or attempt to turn the same to his account, profit, or advantage.

§ 506.3 *Fraudulent attempts to obtain information by persons not connected with any telegraph company.* No person not connected with any telegraph company shall, by means of any machine, instrument, or contrivance, or in any other manner, willfully and fraudulently read or attempt to read any message or learn the contents thereof while the same is being sent over any telegraph line, or shall willfully and fraudulently or clandestinely learn or attempt to learn the contents or meaning of any message while the same is in any telegraph office, or is being received thereat, or is sent therefrom, or shall use or attempt to use, or communicate to others, any information so obtained by any person.

§ 506.4 *Bribing agents, operators, or employees.* No person shall, by the payment or promise of any bribe, inducement, or reward, procure or attempt to procure any telegraph agent, operator, or employee to disclose any private message, or the contents, purport, substance, or meaning thereof, or shall offer to any such agent, operator, or employee any bribe, compensation, or reward for the disclosure of any private information received by him by reason of his trust as such agent, operator, or employee, or shall use or attempt to use any such information so obtained.

PART 507—MANUFACTURE OF DECORATIONS

Sec.
507.1 Statutory authority.
507.2 Authority to sell.
507.3 Authority to manufacture.
507.4 Articles authorized for manufacture and sale.
507.5 Violations and penalties.
507.6 Government contracts and agreements.
507.7 Possession and wearing.
507.8 Reproductions.

AUTHORITY: §§ 507.1 to 507.8, inclusive, issued under 42 Stat. 1286, as amended, secs. 1, 2, 47 Stat. 342, as amended; 10 U. S. C. 1425, 18 U. S. C. 76a, 76b.
SOURCE: AR 600-90, 3 July 1946.

§ 507.1 *Statutory authority.* (a) That hereafter the wearing, manufacturing, or sale of the congressional medal of honor, distinguished-service cross, distinguished-service medal, distinguished-flying cross, soldier's medal, or any other decoration or medal which has been, or may be, authorized by Congress for the military forces of the United States, or any of the service medals or badges which have been, or may hereafter be, awarded by the Department of the Army, or the ribbon, button, or rosette of any of the said medals, badges, or decorations, of the form as is or may hereafter be prescribed by the Secretary of the Army, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of the Army may prescribe.

Any person who knowingly offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or by both such fine and imprisonment. (42 Stat. 1286, as amended; 10 U. S. C. 1425)

(b) That hereafter the manufacture, sale, or possession of any badge, identification card, or other insignia, of the design prescribed by the head of any department or independent office of the United States for use by any officer or subordinate thereof, or of any colorable imitation thereof, or the photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or of any colorable imitation thereof, is prohibited, except when and as authorized under such regulations as may be prescribed by the head of the department or independent office of which such insignia indicates the wearer is an officer or subordinate.

Any person who offends against the provisions of this act shall, upon conviction, be punished by a fine not exceeding $250 or by imprisonment for not exceeding six months, or by both such fine and imprisonment.

§ 507.2 *Authority to sell.* No certificate of authority is required to sell articles listed in § 507.4 (a).

§ 507.3 *Authority to manufacture.* A certificate of authority to manufacture articles listed in § 507.4 (a) will be granted upon application to The Quartermaster General, Washington 25, D. C., only upon agreement in writing by the applicant to abide by the following provisions:

(a) So far as the applicant manufactures articles pertaining to Department of the Army decorations, service medals, badges, service ribbons, insignia, lapel buttons, and similar items authorized by the Department of the Army, such articles will meet the specifications prescribed or authorized by the Secretary of the Army.

(b) The certificate of authority will be valid for 3 years from date of issuance. Application for a renewal must be filed with the Quartermaster General, Washington 25, D. C., at least 60 days prior to expiration date of the existing certificate.

(c) The certificate of authority will be posted conspicuously at all times in the place of business.

(d) The certificate is valid only for the individual, firm, or corporation indicated and at the address stated thereon. Any change in name or address will require issuance of a new certificate; and such change will be reported immediately to The Quartermaster General.

§ 507.4 *Articles authorized for manufacture and sale.* (a) A certificate of authority will grant permission to manufacture:

(1) Service ribbons pertaining to Department of the Army decorations and service medals.

(2) Miniature replicas of decorations and service medals including miniature service ribbons.

(3) Replicas of decorations and service medals for grave markers only (to be at least twice the size as prescribed for decorations and service medals).

(4) Oak-leaf clusters, service stars, arrowheads, V-devices, and clasps, both regulation and miniature sizes.

(5) Rosette for Medal of Honor and lapel buttons pertaining to decorations and service medals.

(6) Lapel buttons indicating military service.

(7) Badges and bars, both miniature (where authorized) and regulation sizes.

(8) Distinguished unit badge, fourragère, and orange lanyard.

(9) General Staff, United States Army, identification.

(10) All authorized insignia.

(b) Variations from the prescribed specifications, forms, and sizes of articles enumerated in paragraph (a) of this section are not permitted without prior approval in writing by the Secretary of the Army. The manufacturer must obtain the standard specifications from the Commanding General, Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

(c) Manufacture and/or sale of regulation size decorations and service medals is prohibited.

(d) Designs or likenesses of decorations, service medals, badges, and service ribbons will not be incorporated in articles manufactured for public sale.

(e) Designs or likenesses of insignia only may be incorporated in articles manufactured for public sale provided that such designs have been approved in writing by the Secretary of the Army. In the case of the Honorable Service Lapel Button, a general exception is made to permit the incorporation of that design in articles manufactured for public sale: *Provided*, That such articles are not suitable for wear as lapel buttons or pins.

§ 507.5 *Violations and penalties.* A certificate of authority to manufacture will be revoked by The Quartermaster General upon proof of intentional violation by the holder thereof of any of the provisions of this part. Issuance of a certificate of authority to manufacture will be refused upon proof of a violation of the regulations in §§ 507.1 to 507.8 by the applicant. Such violations are subject also to the penalties prescribed in the acts of Congress (see § 507.1). A repetition or continuation of a violation after official notice thereof will be deemed prima facie evidence of intentional violation.

§ 507.6 *Government contracts and agreements.* The provisions of this part do not affect contracts for manufacture and sale to the United States Government.

§ 507.7 *Possession and wearing.* (a) The wearing of any decoration, service medal, badge, service ribbon, lapel button, or insignia prescribed or authorized by the Department of the Army by any person not properly authorized to wear such device or their use to misrepresent the identification or status of the person by whom worn is prohibited. Any person who offends against this provision is subject to punishment as prescribed in § 507.1.

(b) Mere possession by a person of any of the articles prescribed in § 507.1 (except identification cards) is authorized provided such possession is not used to defraud or misrepresent the identification or status of the individual concerned.

(c) Articles specified in § 507.1 or any distinctive parts (including suspension ribbons and service ribbons) or colorable imitations thereof will not be used by any organization, society, or other group of persons without prior approval in writing of the Secretary of the Army.

§ 507.8 *Reproductions.* (a) The photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any decoration, service medal, badge, service ribbon, lapel button, insignia, or other device or the colorable imitation thereof of a design prescribed by the Secretary of the Army for use by members of the Army is authorized provided such reproduction does not bring discredit upon the military service, and further, is not used to defraud or to misrepresent the identification or status of an individual, organization, society, or other group of persons.

(b) The use for advertising purposes of any engraving, photograph, print, or impression of the likeness of any Department of the Army decoration, service medal, badge, service ribbon, lapel button, insignia, or other device (except the honorable service lapel button) is prohibited without prior approval in writing of the Secretary of the Army except when used to illustrate a particular article which is offered for sale.

(c) The reproduction in any manner of the likeness of any identification card prescribed by the Department of the Army is prohibited without prior approval in writing of the Secretary of the Army.

PART 508—COMPETITION WITH CIVILIAN BANDS

Sec.
508.1 Use of bands off military reservations.
508.2 Responsibility for enforcement of instructions.
508.3 Policy.

AUTHORITY: §§ 508.1 to 508.3, inclusive, issued under sec. 35, 39 Stat. 188; 10 U. S. C. 609.
SOURCE: AR 250-5, 19 Nov. 1947.

§ 508.1 *Use of bands off military reservations*—(a) *Authority.* Section 35, act June 3, 1916 (39 Stat. 188; 10 U. S. C. Army * * * whether a non-commissioned officer, musician, or private, 609), provides that no enlisted man in the active service of the United States shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

(b) *Competition with civilians.* This law is intended to prevent the competition of military personnel with civilians. The authority to determine whether the use of an Army band at a public gathering is prohibited by the act of June 3, 1916, is delegated to the commanders of the major forces and major commands. Attention is directed to § 502.18 (d) of this subtitle, and opinion of The Judge Advocate General of the Army: JAG 322.16, May 8, 1924; Dig. Op. JAG 1912–40, sec. 320 (3), and 10 U. S. C. 905, Right of Army Musicians to Furnish Music in Competition with Civilian Musicians.

(c) *Instructions governing use.* The following instructions pertaining to the use of bands which conform to the law quoted above will govern:

(1) Bands may be furnished on the following occasions:

(i) All military uses and occasions, that is, whenever and wherever an Army band functions as part of the Nation's military forces. The music may be broadcast or telecast with the other features of the official program for the occasion.

(ii) All uses upon military and naval reservations, military and naval vessels, and other places or circumstances where a band is on duty with military forces.

(iii) When music is an appropriate part of official occasions attended by the superior officers of the Government and of the Departments of Army, Navy, and Air Force in their official capacities and in the performance of official duties. The music may be broadcast or telecast with the other features of the official program for the occasion. Such occasions do not include social occasions and entertainments, such as dinners, luncheons, etc., given by civilians or civic associations with such officers as guests.

(iv) Broadcasts and telecasts from a military reservation of concerts by Army bands and music furnished by an Army band as part of an entertainment when such conforms to subdivision (ii) of this subparagraph.

(v) Broadcasts and telecasts from a military reservation by Army bands or any part thereof for purely recruiting drives or, for the specific official purpose of presenting to the public certain matters considered by the Department of the Army to be of sufficient importance to require dissemination by means of the radio and television systems and networks of the United States and which are not connected in any way with a commercial enterprise.

(vi) Musical programs at any United States Government hospital for the entertainment of its patients.

(vii) Concerts in the Capitol Grounds, Capitol buildings, and public parks of the city of Washington, District of Columbia.

(viii) At free social and entertainment activitfes conducted exclusively for the benefit of enlisted personnel and their guests in service clubs and social centers maintained for the use of enlisted personnel.

(ix) At official occasions and free social and entertainment activities held on or off military reservations: *Provided*, That such free social and entertainment activities are conducted exclusively for the benefit of personnel of the armed forces and their guests. The furnishing of bands or musicians on such occasions is discretionary with the commanding officer having jurisdiction in the matter.

(x) For parades and ceremonies incident to gathering of personnel of the armed forces, veterans, and patriotic organizations.

(xi) At public rallies and parades to stimulate national interest when directed by the Department of the Army.

(xii) Fund drives for the Army Relief, the Army Emergency Relief, the Air Force Aid Society, and the National Red Cross, when the entire proceeds are donated to these agencies.

(xiii) Football, baseball, basketball, track meets, and other athletic contests in which one or more armed forces teams are participating.

(xiv) In connection with recruiting activities for the armed forces.

(2) Bands will not be furnished on the following occasions:

(i) For civic parades, ceremonies, expositions, regattas, contests, festivals, local baseball or football games, activities, or celebrations, etc., except as provided in subparagraph (1) of this paragraph.

(ii) For the furtherance, directly or indirectly, of any public or private enterprise, board of trade and commercial clubs or associations, except as provided in subpargraph (1) of this paragraph.

(iii) For any occasion that pertains primarily to a party or sect in character or purpose.

(iv) For civilian clubs, societies, civic or fraternal organizations.

(v) For so-called charitable purpose of a local party, group, or sect or any so-called charity that is not of a national character.

(vi) For broadcasts or telecasts off a military reservation, except as stated in subparagraph (1) (v) of this paragraph.

(vii) For any occasion in violation of paragraph (a) of this section unless specifically authorized by the provisions of subpargraph (1) of this paragraph.

§ 508.2 *Responsibility for enforcement of instructions.* The enforcement of the instructions governing the use of bands is a command function and the responsibility therefore rests with appropriate commanders.

§ 508.3 *Policy.* It is not the policy of the Department of the Army for officials of the Army to make arrangements with musicians' unions which would nullify the provisions of §§ 508.1 and 508.2.

PART 509—SECRECY SURROUNDING TROOP MOVEMENTS

Sec.
509.1 General.
509.2 Rail and motor movements.
509.3 Embarkation.
509.4 Periods of peace or following termination of hostilities.

AUTHORITY: §§ 509.1 to 509.4, inclusive, issued under R. S. 161; 5 U. S. C. 22.
SOURCE: AR 380–5, 15 Aug. 1946.

§ 509.1 *General*—(a) *Application.* The provisions of paragraphs (b), (c), and (d) of this section and §§ 509.2–509.3, inclusive, will apply during periods of hostilities. The provisions of § 509.4 will apply during periods of peace or following the termination of hostilities and before peace is formally declared.

(b) *Responsibility of commanding officers.* Commanding officers of units, replacements, or individuals affected by the provisions of this part are responsible that such personnel are instructed in these provisions, advised of their applicability, and warned of the danger involved in the disclosure to unauthorized persons of classified information concerning troop movements or movements of supplies.

(c) *Classification requirements.* Information of movements of personnel or supplies will be classified, when appropriate, as secret, confidential, or restricted by, or by authority of, any officer authorized to make or authorize secret classifications.

(d) *Dissemination of information.* (1) All persons connected with the military service who receive information concerning movements of personnel or supplies classified in accordance with Army Regulations are forbidden to make public or to inform unauthorized persons concerning the classified elements of such movements.

(2) When it is necessary to advise relatives or other persons of approaching departure, individuals connected with the military service will not disclose any classified information.

(3) Arrival in a theater of operations does not diminish the necessity of safeguarding classified elements of information concerning the movement. After such arrival, no information will be given to unauthorized persons concerning names, destinations, or organizations, names of vessels, data concerning convoys, routes pursued, measures taken to avoid attack, date of arrival, debarkation or departure, or number of troops, or kind of cargoes carried.

§ 509.2 *Rail and motor movements.* (a) Reports concerning arrivals and departure of rail or motor movements within the United States which for any reason are classified, may be transmitted to persons authorized to receive such reports, unclassified, provided unit designations are not included therein.

(b) When rail or motor movements or travel of personnel are made preliminary to movement to a theater of operations, cars, baggage, and impedimenta will not be marked in the clear to show oversea destination, date of departure, name of ship, or other classified elements of information.

§ 509.3 *Embarkation.* (a) Troop movements will be made so far as practicable without attracting undue attention.

(b) All persons not on official business will be excluded from the piers at all times.

(c) Members of families, relatives, or friends of personnel under oversea movement or travel orders will not be allowed in the vicinity of piers on the day of sailing.

§ 509.4 *Periods of peace or following termination of hostilities*—(a) *Application.* The provisions of this section will apply only during periods other than those of hostilities.

(b) *Normal security requirements.* Information or documents concerning movements of personnel or supplies will normally be unclassified.

(c) *Classification requirements.* Elements of information (such as destination, mission, and other elements which should be safeguarded) concerning movements of personnel or supplies, other than movements within oversea areas in which United States Army forces are stationed, will be classified secret, confidential, or restricted only when such classification is authorized by the Department of the Army.

PART 510—CHAPLAINS

§ 510.1 *Ceremonial.* Chaplains will conduct appropriate burial services at the interment of members of the military service, active and retired, and for members of the families of these when requested. They are authorized to perform the marriage rite, upon proper legal authorization in each case, and will administer Christian baptism and perform such other religious rites for members of the military personnel and civilians residing upon or employed in the military reservation as may be required, according to their respective creeds or conscientious practice in each case. On Memorial Day the chaplain who is on duty at a post on which a military cemetery is located will, under the direction of the commanding officer, supervise the decoration of the graves therein and will arrange for such public memorial exercises as the place and occasion may warrant. [AR 60–5, 12 Dec. 1946] (R. S. 1125; 10 U. S. C. 238)

PART 511—ASSISTANCE TO RELATIVES AND OTHERS IN CONNECTION WITH DECEASED PERSONNEL

Sec.
511.1 Notification to nearest relative or other person designated to be notified in case of emergency.
511.2 Letter of sympathy to nearest relative or other person designated to be notified in case of emergency.
511.3 Advice to supposed beneficiary: furnishing vouchers.
511.4 Effects.
511.5 Ownership of personal effects of deceased.

AUTHORITY: §§ 511.1 to 511.5, inclusive, issued under R. S. 161; 5 U. S. C. 22.
SOURCE: AR 600–550, 23 June 1947.

§ 511.1 *Notification to nearest relative or other person designated to be notified in case of emergency.* (a) In case of death occurring at a decedent's regular post, camp, station, or other command within the continental United States, excluding Alaska, the commanding officer of that post, camp, station, or other command will, if possible, send notification of death by commercial telegraph to the nearest relative or other person designated to be notified in case of emergency. In case of death beyond the jurisdiction of the decedent's regular post, camp, station, or other command, the commanding officer of the post, camp, station, or other command nearest the place of death, who is responsible for preparation of remains under the provisions of Army regulations, will send the notification of death to the nearest relative or other person designated to be notified in case of emergency. Such notification will include the fact, date, place and cause of death, and will, when early shipment of the remains is practicable, request the person notified to reply by telegraph whether it is desired to have the remains shipped home, and if such shipment is desired, to designate the name and address of the funeral director to whom the remains will be consigned and the name and address of the person who will incur and be responsible for interment expenses. Under no circumstances will the notification include a statement relative to line of duty or misconduct. In view of the importance and urgency of telegraphic reports of death, a definite address, including street number when known, will be given in all cases in order that prompt and correct delivery may be made.

(b) Effective 1 July 1946, in cases of deaths occurring outside the continental limits of the United States, including Alaska, upon receipt of the report required by Army Regulations, The Adjutant General will, except as provided in paragraph (c) of this section, notify the nearest relative, or other person designated to be notified in case of emergency, of the fact of death, requesting the next of kin to advise The Quartermaster General by wire disposition and shipping instructions, except in cases of natives of countries concerned when Army Regulations will govern.

(c) When the person to be notified resides within the geographical limits of the theater, command, or department in which death occurs the notification of the fact of death to such person will be made in the name of the Secretary of the Army by the appropriate commander. The Adjutant General will be advised that the notification has been made.

§ 511.2 *Letter of sympathy to nearest relative or other person designated to be notified in case of emergency.* (a) When death occurs on a transport, the letter of sympathy will be prepared by:

(1) The commanding officer of the unit of which the deceased was a member;

(2) If there is no unit commander, the commanding officer of troops on board the transport;

(3) If there is no unit commander or commanding officer of troops, the master of the vessel;

and will be turned over to the transportation agent to be mailed to the nearest relative or other person designated to be notified in case of emergency.

(b) In cases of death in oversea commands, except where the nearest relative or other person designated to be notified in case of an emergency resides locally, the letter of sympathy will be prepared by The Adjutant General upon receipt of the report of death. When the nearest relative or other person designated to be notified in case of an emergency resides in the country in which the death occurs the local commander will prepare the letter of sympathy. In every case of death overseas, the emergency addressee or the next of kin will be advised by air mail letter direct of the circumstances surrounding death, including specific cause and place, the grave location, information about the burial service, and all other information of a personal or sentimental nature which may be of comfort to the family.

§ 511.3 *Advice to supposed beneficiary: furnishing vouchers.* (a) Inquiries from a supposed beneficiary will be answered to the effect that gratuities (see §§ 533.1 to 533.3 of this title) are paid by the proper disbursing officer as soon as eligibility therefor can be determined by the Finance Officer, U. S. Army, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri, or the finance officers in oversea commands; that if found eligible, information relative to payment may be expected from the disbursing officer as early as practicable; and that no action on his or her part to secure payment is necessary.

(b) Vouchers will not be furnished to a supposed beneficiary by anyone other than the Finance Officer, U. S. Army, St. Louis, except that in oversea commands such vouchers may be furnished by the disbursing officer authorized to make payment of the gratuity.

§ 511.4 *Effects*—(a) *Disposition of effects.* Action will be taken in accordance with instructions contained in TM 10–285, as defined by 112th Article of War upon the death of any person subject to military law, as shown in the second article of war, who dies within the continental limits of the United States, excluding Alaska.

(1) Upon the death of any persons, subject to military law as defined by the 2d Article of War, who die or are reported as "missing persons" outside the continental limits of the United States, including Alaska, subsequent to January 1, 1948, disposition of their effects will be direct to the legal next of kin and not through the Army Effects Bureau.

(b) *When death occurs on board a transport.* (1) The effects of persons who die aboard a transport will be secured and listed and each lot will be securely boxed and crated. Three copies of the list will be prepared. One copy of the list will be inclosed with the effects in the container and one securely pasted on the outside of the container. The effects will then be turned over to the transportation agent for safekeeping and for delivery to the port transportation officer at a port in the United States for disposition in the manner prescribed in the 112th Article of War.

(2) When part of the effects are stored in the hold of the transport, or when it is impracticable for any reason to secure all the effects, the effects accessible will be secured and listed and turned over to the transportation agent, who will, upon the arrival of the transport at a port of embarkation or debarkation, secure and list all the effects, prepare the list in triplicate, and take the action indicated in subparagraph (1) of this paragraph. The receipts for the effects will be obtained by the transportation agent from the port transportation officer and filed with the record of the transport.

(3) The transportation officer in the United States will dispose of the effects in the manner provided in the 112th Article of War, prepare the inventory in triplicate, and forward the original and first carbon thereof with the final report direct to The Adjutant General.

(c) *Clothing, Government property, not part of deceased's effects.* Issue clothing of deceased personnel, except authorized purchases, and other than necessary for burial, will be collected and turned in to the unit or other supply office with the individual equipment.

(d) *Care against loss of effects.* The greatest care will be exercised at all times against the loss of personal effects. Each package, box, or crate will be plainly marked "Effects deceased person" and

will bear the full name, grade, serial number, and organization of the person to whom the effects belonged.

(e) *Effects of deceased civilian employees not subject to military law.* (1) Within continental limits of United States, excluding Alaska: The foregoing provisions of this section do not apply in the case of deceased civilian employees with the Army when they are not subject to military law. In such cases the officer under whom the decedent was serving or such representative of the service in which the decedent has been employed as said officer may designate, will secure the decedent's effects and deliver them to the legal heirs or their representatives. If the effects are not claimed within a reasonable period of time, said officer, or the person designated by him, will deliver the effects, with all available useful information concerning the decedent, to the person designated by the judicial officer of the local civil government having jurisdiction over the estates of deceased persons. In all cases receipts will be obtained and forwarded through chiefs of arms and services to The Adjutant General with complete report of action taken.

(2) Outside continental limits of United States, including Alaska: Outside the continental limits of the United States, including Alaska, local pertinent laws will be complied with.

(f) *Stocks, bonds, bank accounts, and other commercial paper not to be converted into cash.* (1) The disposal of the effects and cash belonging to the estates of persons dying while subject to military laws will be governed by the procedure set forth in the 112th Article of War.

(2) When delivery of the effects cannot be made to any of the persons named in that article of war and the effects are to be converted into cash, the summary court will not include in the sale of effects any stocks, bonds, bank accounts, or other forms of purely commercial paper, but will forward the same to The Adjutant General for transmission to the Soldiers' Home under the provisions of the act of Congress approved February 21, 1931 (46 Stat. 1203; 10 U. S. C. 1584a).

§ 511.5 *Ownership of personal effects of deceased.* Communication to the legal next of kin advising of the shipment of personal effects will, at all times, convey the information that shipment of the property does not in any way vest title in the recipient, but that the property is forwarded in order that distribution may be made in accordance with the laws of the State of the decedent's legal residence.

PART 512—PRISONERS

Sec.
512.1 Clemency.
512.2 Visits to prisoners.
512.3 Mail.

AUTHORITY: §§ 512.1 to 512.3, inclusive, issued under 38 Stat. 1074, 1075, 1085, 45 Stat. 988; 10 U. S. C. 1453, 1455, 1457, 1457a, 1457b.

SOURCE: AR 600-375, 6 Jan. 1948.

§ 512.1 *Clemency*—(a) *Applications.* Applications for clemency may be made by or in behalf of a general prisoner. Such an application will be in writing, will set forth the grounds upon which the appeal is based, and will be forwarded through channels, with appropriate recommendations, to the proper authorities designated in paragraphs (b), (c), and (d) of this section. Good conduct cannot form a basis for clemency, but will aid in obtaining it. After the first application, applications by prisoners will be limited to one each year, unless new and material matter is presented which justifies immediate consideration.

(b) *Prisoners confined in United States disciplinary barracks or Federal institutions.* The case of each general prisoner who is serving sentence in a United States disciplinary barracks or in a Federal institution will be considered in the Department of the Army for clemency at some time within the first 6 months of the period of confinement and annually thereafter. For prisoners serving sentences in a United States disciplinary barracks, including those carried as absent sick in hospital, the commandant will make appropriate recommendation to The Adjutant General. In the event recommendation is not submitted within the first 6 months and annually thereafter a report will be submitted in each instance stating the reason for such noncompliance. For those prisoners serving sentences in Federal institutions, request will be made by The Adjutant General upon the warden for report when needed.

(c) *Prisoners confined at military posts and rehabilitation centers.* The case of each general prisoner serving sentence of confinement of 6 months or more at a military post or rehabilitation center will be considered for clemency by the commanding officer holding general court-martial jurisdiction over the prisoner at some time within the first 6 months of the period of confinement and annually thereafter. A report will be submitted to The Adjutant General after each such consideration. In the event a prisoner is not considered for clemency within the first 6 months and annually thereafter, a report will be submitted in each instance stating the reason for such nonconsideration.

(d) *Prisoners confined in general, regional, or station hospitals.* The case of each general prisoner serving sentence of confinement of 6 months or more who is confined in a general, regional, or station hospital, and whose designated place of confinement is other than a disciplinary barracks, will be considered for clemency by the army commander in whose area the hospital is located at some time within the first 6 months of the period of confinement and annually thereafter. A report will be submitted to The Adjutant General after each such consideration. In the event a prisoner is not considered for clemency within the first 6 months and anually thereafter, a report will be submitted in each instance stating the reason for such nonconsideration.

§ 512.2 *Visits to prisoners.* Prisoners will be permitted to see relatives or friends under such restrictions as the commanding officer may impose.

§ 512.3 *Mail*—(a) *Outgoing.* Each prisoner confined in an Army confinement facility, except those in isolation or solitary confinement, will be permitted to write authorized persons a minimum of one letter each week, all letters to be submitted unsealed for inspection.

(b) *Incoming.* Incoming mail will, with the prisoner's consent, be opened and inspected by the prison officer. Unless the prisoner consents to inspection, incoming mail may be retained unopened until the prisoner's release, or until disposed of by judicial process. Retained mail will be marked and entered in the personal property book.

PART 513—ASSISTANCE OF CREDITOR BY DEPARTMENT OF THE ARMY

§ 513.1 *Sales on credit to enlisted men.* A person, firm, or corporation desiring to sell merchandise on credit to an enlisted man should, prior to doing so, obtain from the commanding officer of the organization to which the enlisted man belongs approval of the transaction and of the arrangements in connection therewith. The incurring by enlisted men of financial obligations which it will be difficult for them to meet is not regarded with favor, except under most exceptional circumstances. The Department of the Army will not concern itself with the business of persons, firms, or corporations selling merchandise to enlisted men on credit, and all communications with respect to such sales, and all arrangements looking to the establishment of such business relations must be had with the commanding officers of the organizations to which the enlisted men belong. The Department of the Army will decline to assist, by answering inquiries or otherwise, in securing the payment of obligations of this character that are incurred without the previous knowledge and consent of the commanding officers of the organizations to which the debtors belong. [AR 600-10, 8 July 1944] (R. S. 161; 5 U. S. C. 22)

PART 514—RANGE REGULATIONS FOR FIRING AMMUNITION FOR TRAINING AND TARGET PRACTICE

§ 514.1 *Safety precautions* — (a) *Safety limits.* Safety limits based upon prescribed danger areas will be determined prior to firing or bombing.

(b) *Trespassing on land ranges.* Before firing or bombing, the danger areas of land ranges will be examined and all persons will be excluded. Livestock will also be excluded unless an agreement has been reached with the owner or owners thereof. Local newspapers will be requested in the interest of safety to publish warnings against trespassing on the range.

(c) *Range guards.* Range guards properly instructed as to their duties will be posted so as to cover all normal approaches to the danger area.

(d) *Warning signals and signs.* (1) Scarlet danger flags and, when necessary, warning signs will be displayed at appropriate points to warn persons approaching a firing or bombing area which is being used.

(2) The scarlet streamer will be displayed from a prominent point on all ranges and at all times during firing or bombing. No firing or bombing will take place unless the scarlet streamer is displayed, and will cease at once in case the streamer is hauled down during firing.

(3) At night red lights may be used in lieu of danger flags, and to supplement the scarlet streamer.

(4) Signs warning persons of the danger from bullets, shells, bombs, and duds will be posted in the vicinity of the firing or bombing area at all times.

(e) *Water ranges.* Prior to firing or bombing over water areas or planting or firing submarine mines in water areas which are used by shipping of any kind, the harbor defense, post, regimental, or similar commander of the firing unit will warn local naval officials and, subject to current instructions regarding secrecy, inform the public of the contemplated firings or submarine mine plantings through one or more of the following agencies: Public press, public radio, Coast Guards or interested public officials. (R. S. 161; 5 U. S. C. 22)

PART 515—REGULATIONS FOR CORRESPONDENTS, TECHNICAL OBSERVERS AND SERVICE SPECIALISTS ACCOMPANYING U. S. ARMY FORCES IN THE FIELD

CORRESPONDENTS

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TECHNICAL OBSERVERS AND SERVICE SPECIALISTS

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AUTHORITY: §§ 515.1 to 515.44, inclusive, issued under 41 Stat. 787, 56 Stat. 281; 10 U. S. C. 1473, 1714.

CORRESPONDENTS

SOURCE: FM 30-26, 21 Jan. 1942.

§ 515.1 *General.* The Army recognizes that correspondents perform an undoubted public function in the dissemination of news concerning the operations of the Army in time of war. Correspondents accompanying troops in the field occupy a dual and delicate position, being under the necessity of truthfully disclosing to the people the facts concerning the operations of the Army, and at the same time of refraining from disclosing those things which, though true, would be disastrous to us if known to the enemy. It is apparent that this important function can only be properly performed under reasonable rules and regulations.

§ 515.2 *Definition.* The term "correspondent" as used in this manual includes journalists, feature writers, radio commentators, motion pitcure photographers, and still picture photographers accredited by the Department of the Army to a theater of operations or a base command within or without the territorial limits of the United States in time of war. Correspondents are classed as "accredited" and "visiting." This manual pertains principally to the former. (See § 515.18 for instructions concerning visiting correspondents.) Correspondents have the status of noncombatants.

§ 515.3 *Status of correspondents.* (a) Correspondents in time of war accompanying the armies of the United States, both within and without the territorial jurisdiction of the United States, although not in the military service, are subject to military law (par. (d), 2d Article of War) and are under the control of the commander of the Army force which they accompany.

(b) They are not entitled to the benefits provided by laws enacted exclusively for persons in the military service and they are subject to the provisions of the Selective Training and Service Act of 1940, and regulations prescribed thereunder.

(c) In the event of capture by enemy forces they are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the armed forces which they are accompanying. (Geneva Conference, July 27, 1929, Title VII, Art. 81)

(d) Correspondents will not exercise command, be placed in a position of authority over military personnel, nor will they be armed. They are under the same restrictions as other military personnel as regards the settlement of accounts, compliance with standing orders, and the conducting of themselves with dignity and decorum.

(e) A correspondent becomes subject to military law from the time at which he commences to accompany troops or personnel who are on active service. This will generally be upon his arrival at the field force to which he is accredited, but may commence earlier if he travels to the field force via Government transportation.

§ 515.4 *Privileges.* (a) Correspondents will be given the same privileges as commissioned officers in the matter of accommodations, transportation, and messing facilities. All courtesies extended them in such matters must be without expense to the Government.

(b) Every reasonable facility and all possible assistance will be given correspondents to permit them to perform efficiently and intelligently their work of keeping the public informed of the activities of our forces within the limits dictated by military necessities.

(c) So far as the exigencies of the service permit, correspondents will receive, without charge, the same medical treatment as that accorded officers.

(d) Correspondents are free to converse with troops whenever they wish to do so, subject to the approval of the officer present with the troops in question. They are requested and expected, however, to refrain from conversing with troops at work or on guard, or from discussing subjects or soliciting answers to matters which are clearly secret.

§ 515.5 *Application.* (a) Application to accompany U. S. Army forces in the field will be submitted by the individual or by the agency concerned to the Chief, Public Information Division, Special Staff, U. S. Army, Washington, D. C.

(b) The application will state the name and address of the individual; qualifications and past experience in his field of work, including names of former agencies for which he worked; citizenship and place and date of birth; general health condition; the particular force it is desired he accompany; and any other pertinent information which will assist in the consideration of his application.

§ 515.6 *Limit on number.* (a) The number of correspondents which will be accredited to a particular field force will be within the quota set by the Department of the Army and based upon the recommendation of the force commander as determined by the size of the force, the distance from the usual media of news dissemination, and the availability of accommodations within the command or adjacent communities.

(b) Representation with any one field force will be limited to one correspondent each from press associations, publications, radio, news, and picture syndicates; sole exception to this ruling will be the accrediting of a two man crew in the case of news reels. The Department of the Army objective being the widest possible distribution of information to the American people, preferences in the consideration of applications will be given to agencies representing the largest possible news or picture dissemination.

(c) In view of the importance of the work of correspondents in the field, and the necessary limitations as to the numbers or correspondents accredited to the field forces in any one theater of operations, the Department of the Army will accredit only experienced newspaper men; all other conditions being equal, preference will be given to newspaper men with past military experience or past experience in the coverage of large maneuvers.

(d) No officer, enlisted man, or civilian employee of the military forces serving in the theater of operations will be permitted to be a correspondent for any publication without the written permission of the theater or base commander. Correspondents will not use military titles in signing dispatches.

§ 515.7 *Agreement*—(a) *Accredited correspondents.* Before final acceptance

an accredited correspondent will be required to sign an agreement, in triplicate, as follows:

DEPARTMENT OF THE ARMY
PUBLIC INFORMATION DIVISION
Washington

(Date)

Agreement

In connection with authority granted by the Department of the Army to me, the undersigned, to accompany ---
(Name of field force)
for the purpose of securing news or story material, still or motion pictures, or to engage in radio broadcasting, I subscribe to the following conditions:

1. That, as a civilian accredited to the Army of the United States within or without the territorial limits of the United States, I am subject to the Articles of War and all regulations for the Government of the Army issued pursuant to law.

2. That, I will govern my movements and actions in accordance with the instructions of the Department of the Army and the commanding officer of the Army unit to which I am accredited, which includes the submitting for the purposes of censorship all statements, written material, and all photography intended for publication or release either while with the Army or after my return, if the interviews, written matter, or photography are based on my observations made during the period or pertain to the places visited under this authority. I further agree that I will submit for purposes of censorship all such material even though written after my return, if the interviews, written material, or statements are based on my observations made during the period or pertain to the places visited under this authority. This includes all lectures, public talks, "off the record" speeches, and all photography intended for publication or release, either while with the armed forces or after my return if they are based upon my observations during this period or pertain to the places visited.

3. That, I waive all claims against the United States for losses, damages, or injuries which may be suffered as a result of this authority.

4. That, this authority is for the period --- to --- and subject to revocation at any time.

5. That at the termination of my assignment, I will surrender my credentials without delay to the Public Information Division, Department of the Army.

Signed: ---
Representing: ---
(Company, syndicate, or agency)
Witnessing officer: ---
(Name)

(Grade and organization)

This form will be executed in triplicate.

(b) *Visiting correspondents.* Visiting correspondents will sign the following form:

DEPARTMENT OF THE ARMY
PUBLIC INFORMATION DIVISION
Washington

(Date)

Agreement (Visiting)

In connection with recognition as a war correspondent outside the continental limits of the United States, granted by the Department of the Army to me, the undersigned, for purpose of securing news or story material, still or motion pictures, or to engage in radio broadcasting I subscribe to the following conditions with reference to United States military and naval activities:

1. That as a civilian recognized as a war correspondent outside the continental limits of the United States, I am subject to the Articles of War and all regulations for the government of the Army issued pursuant to law, when with such forces.

2. That, I will govern my movements and actions in accordance with the instructions of the Department of the Army and the commanding officer of the Army unit to which I am accredited, which includes submitting, for purposes of censorship, all statements or written material, lectures, public talks, "off the record" speeches, and all photography intended for publication or release either while with the Army or after my return, if the interviews, written matter, lectures, public talks, or "off the record" speeches are based on my observations made during the period or pertain to the places visited under this authority.

It is further understood and agreed that undeveloped film which cannot be processed and passed by the unit intelligence officer will be forwarded by him to the Department of the Army.

3. That I waive all claims against the United States for losses, damages, or injuries which may be suffered as a result of this authority.

4. That this authority is subject to revocation at any time.

5. That at the termination of my assignment I will surrender my credentials without delay to the Public Information Division, Department of the Army.

Signed: ---
Representing: ---
(Company, syndicate, or agency)
Witnessing officer: ---
(Name)

(Grade and organization)

This form will be executed in triplicate.

§ 515.8 *Credentials.* (a) When an application for appointment as a correspondent is approved, the applicant will be furnished credentials and a Correspondent's Identification Card by the Chief, Public Information Division, Special Staff, U. S. Army. The card identifies him as an accredited correspondent.

(b) Correspondents will produce their identification cards whenever called for by any officer, warrant officer, or enlisted man in the execution of his duty. Failure to do so will subject the correspondent to arrest or detention.

(c) In addition to the Department of the Army credentials, the particular field force commander may issue a pass or credentials with regulations governing their use.

§ 515.9 *Uniform.* (a) The proper uniform for accredited correspondents is that of an officer, but less all insignia of grade or arm or service, and without black and gold piping on field caps, officers' hat cords, or officers' insignia on the garrison cap if worn.

(b) The uniform includes the official brassard worn on the left sleeve. This is a green cloth band, 4 inches wide, with a 2-inch white block letter "C" or "P", indicating the function of the correspondent. Journalists, feature writers, and radio commentators will wear "C" brassards. Photographers operating still or motion equipment will wear "P" brassards.

(c) Articles of special clothing and equipment which are issued to officers and enlisted men in cold climates may be issued to correspondents. These articles must be turned in prior to departure from the theater of operations or base command.

(d) Accredited correspondents will not wear civilian clothing while serving with the field force.

§ 515.10 *Transportation.* (a) Government transportation may be given accredited correspondents with the accommodations of an officer whenever such transportation—water, troop train, air, or automobile—is available and essential military personnel is not displaced or inconvenienced.

(b) The baggage of correspondents will be moved with that of the headquarters to which attached. Its weight will be within the limits prescribed by the commander concerned.

§ 515.11 *Reporting upon arrival.* (a) Upon arrival in the theater of operations or base command to which accredited, correspondents will report to the intelligence officer of the command, presenting their credentials. It is the intelligence officer, or his assistant in charge of public relations, who will exercise control of correspondents in the name of the field force commander, and it is to him correspondents should turn for assistance and guidance, or to register complaints if believed justified.

(b) All correspondents are officially attached to the headquarters of the field force commander. They may, however, at their own request be placed on duty with a subordinate headquarters nearer to the scene of action. All changes of their base of operations will be done only upon the approval of the field force commander and contingent upon the availability of accommodations at the unit they wish to accompany.

§ 515.12 *Filing of material.* (a) All dispatches will be delivered, in duplicate, to the intelligence officer, or his assistant, for censorship prior to filing or mailing. In the process of censorship no changes will be made by the censor in dispatches except through deletion. Correspondents, unless the occasion is unusual, will be permitted to see their dispatches after being censored in the event they desire to make a revision, or to note the objectionable portions for future avoidance, or to recheck on wordage for cable charges.

(b) Copy must be submitted for censorship on all broadcast interviews or news broadcasts.

§ 515.13 *Censorship of articles for publication*—(a) *General.* In general, articles may be released for publication to the public, *Provided:*

(1) They are accurate in statement and implication.

(2) They do not supply military information to the enemy.

(3) They will not injure the morale of our forces, the people at home, or our allies.

(4) They will not embarrass the United States, its allies, or neutral countries.

(b) *Time element.* Intelligence officers charged with the censorship of articles for publication will take into consideration the time interval between the occurrence of events reported and the publication of the article concerning these events. If events are reported by cable, telegraph, or radio very shortly after their occurrence, the closest supervision will be necessary. If, on the other hand, the articles are forwarded by mail for printing in magazines or books, the time interval may be such as to render the information contained in the articles of little value to the enemy. Censorship regulations will be applied after consideration of this time element.

(c) *Specific rules governing censorship of articles for publication.* (1) The identity of organizations in the combat zone and in the communications zone will be announced only in official communiqués. When announced, they will never be associated with the name of a place.

(2) The name of an individual may be used whenever an article is materially helped by its use.

(3) Officers will not be quoted directly or indirectly nor anonymously on military matters except as specifically authorized by the theater commander.

(4) Within the combat zone no sector will be said to have any American troops in it until the enemy has established this as a fact.

(5) No town or village in the combat zone will be identified as holding American or allied forces except as an essential part of a story of an engagement and after the fact.

(6) No base port or communication center or other point of a line of communication will be mentioned by name or description as having anything to do with the activities of our forces.

(7) Ship or rail movements, real or possible, will not be discussed, except as authorized by official communiqués.

(8) Plans of the Army, real or possible, will not be discussed.

(9) Numbers of troops as a total or as classes will not be discussed except as authorized by official communiqués.

(10) The effect of enemy fire or bombardment will not be discussed except as authorized in official communiqués.

(11) Articles for publication in the theater of operations or in allied countries or in neutral countries contiguous to the theater will be scrutinized carefully to make sure they do not hold possibilities of danger which the same stories printed in the United States would not hold. This applies not only to military information, which would thus be in the hands of the enemy within the day of writing, but also to an emphasis on small exploits which it may be extremely desirable to print in the United States but quite undesirable in the theater.

(12) Exaggerations of our activities accomplished or contemplated are prohibited.

(13) References to numbers of our own casualties will be based on the statements in official communiqués. Individual dead or wounded may be mentioned by name only when it is reasonably certain that the facts are correct and that some definite good end, such as offering examples of heroism, will be served by printing them. Mention by name will be allowed not earlier than 24 hours after the official cablegram announcement of such individual casualties has been sent to the Department of the Army.

§ 515.14 *Photographic censorship*—(a) *Still pictures.* (1) All photographic negatives taken by official or accredited civilian photographers may be processed in the Signal Crops field laboratory or in such other laboratory installations as the theater commander may designate. Photographs will then be censored by a representative of G–2.

(2) No negatives or prints will be released except by authority of the theater commander. Such released prints or negatives will bear the censorship stamp and will be accompanied by suitable captions. A record of all such releases will be kept.

(3) Negatives and prints of accredited commercial correspondents not released by the censor will become the property of the United States Government, and will be forwarded through channels to the Intelligence Division, General Staff, U. S. Army, Washington, D. C., accompanied by full information sheet as to captions and the agency which took the photographs.

(4) Films or prints which cannot be processed locally, such as color film, will be delivered to a representative of G–2 marked, "Undeveloped film. Do not open." This will be forwarded by the fastest practicable means to the Intelligence Division, General Staff, U. S. Army, Washington, D. C.

(5) Regardless of the number of accredited correspondents any one agency has in the field, photographs from theaters of operation by newspaper photographers will be "rotoed." Photographs from theaters of operation of weekly magazine photographers will be rotoed.

(b) *Motion pictures.* (1) All exposed and undeveloped negative together with the dope sheets of accredited cameramen will be turned over to a representative of G–2 marked, "Unexposed film. Do not open."

(2) G–2 will forward this negative by the fastest practicable means to the Intelligence Division, General Staff, U. S. Army, Washington, D. C.

(3) In certain tropical climates where motion picture film deteriorates rapidly, it may be processed under the supervision of G–2 and the developed negative forwarded as directed in (2) above.

(4) By agreement between the Department of the Army and the newsreel companies, all newsreel film from the theaters of operation will be rotoed by the Public Information Division Special Staff, U. S. Army, Washington, D. C.

(c) Writers accredited as correspondents will not be permitted to take photographs. Photographers accredited as correspondents will not be permitted to file stories.

(d) For the privileges of "exclusive" photographs, see § 515.18.

§ 515.15 *Signal and mail service.* (a) The signal system will be open to correspondents' dispatches, after censoring, when such use does not interfere with military needs. Dispatches will be sent in the order of filing. The intelligence officer under whom the correspondent serves is authorized to limit the number of words or otherwise to make an equitable adjustment of the use of the signal system among the correspondents when the system is inadequate to carry the complete text of all dispatches submitted. If commercial cable or telegraph facilities are available, credit cards may be useful.

(b) All mail, including personal letters, will be through the established censorship system. The use of "blue envelopes" for the censoring of personal mail by the base censor is authorized, but these may not be used to mail photographs or dispatches for publication to avoid censoring by the immediate headquarters under which the correspondent serves.

§ 515.16 *Relief from appointment.* (a) An accredited correspondent will not leave the theater of operations or base command without the written permission of the commander.

(b) If serving with troops beyond the territorial limits of the United States, relief does not become effective until arrival in the United States, if the journey is made by Government transportation.

(c) Upon termination of appointment as a correspondent, either on the application of the individual or his employer, by the request of the commander concerned, or by the expiration of the period of the appointment, the individual will surrender his credentials to the Public Information Division, Special Staff, U. S. Army, and will cease wearing the official uniform of a correspondent.

§ 515.17 *Discipline.* (a) A correspondent will be suspended from all privileges for the distortion of his dispatches in the office of the publication which he represents, and also for the use of words or expressions conveying a hidden meaning which would tend to mislead or deceive the censor and cause the approval by him of otherwise objectionable dispatches.

(b) In the presence of the enemy he will conform to the actions of the troops, and will not jeopardize the safety of the command or compromise the scheme of maneuver in progress.

(c) He may be subject to disciplinary action because of an intentional violation of these and other regulations, either in letter or in spirit, and in extreme cases of offense, where investigation proves the circumstances warrant, the correspondent may be placed in arrest to await deportation or trial by a court martial.

§ 515.18 *Visiting correspondent.* (a) A visiting correspondent, as differentiated from an accredited correspondent, is one who has permission from the Commander in Chief or the Secretary of the Army to visit the field force for the purpose of securing information or photographic material for publication after return from the visit.

(b) Visiting correspondents will be limited to a specific itinerary as outlined in their letter of authorization, and will be accompanied ordinarily by a conduct-

ing officer. When not so accompanied, they will carry a letter from the intelligence officer of the field force. They are treated more in the nature of visitors than correspondents. They will comply with the regulations governing accredited correspondents, with the following modifications:

(1) They will not be required to wear the prescribed uniform but will wear the proper brassard.

(2) As a measure of protection to the accredited correspondents serving with the field forces, visiting correspondents will not be permitted to mail or file dispatches or photographs intended for publication or release during the period of their visit. So-called "spot" news will be reserved for the accredited correspondents.

(3) Visiting photographers will have exclusive right to their photographs and may not be required to "roto."

TECHNICAL OBSERVERS AND SERVICE SPECIALISTS

SOURCE: FM 30-27, 31 Aug. 1944.

§ 515.31 *General.* Sections 515.31 to 515.44, inclusive, will guide the following types of civilian personnel:

(a) Civilian personnel employed by firms engaged in manufacturing munitions and equipments of war who may be assigned by the Department of the Army to field forces of the Army as technical observers.

(b) Civilian operations analysts and scientific consultants assigned to duty with operations analysis sections or operational research sections of various headquarters of the field forces and commands within and without the territorial limits of the United States. Their function is to make such studies of the operations of the army as may be directed by the headquarters to which attached, and to make reports and recommendations to the commanding general thereof, for the purpose of improving equipment and techniques of the command. Central administration of such personnel is provided by the Department of the Army.

(c) Sections 515.31 to 515.44, inclusive, do not apply in any respect to civilian observers authorized to attend maneuvers under the control of the Army Field Forces or the U. S. Air Force. In regard to these observers, commanders of Army Field Forces units will be guided by maneuver instructions published by the Chief, Army Field Forces. Commanders of Air Force units will be guided by maneuver instructions published by the U. S. Air Force.

§ 515.32 *Definition.* (a) The term "technical observer" as used in §§ 515.31 to 515.44, inclusive, includes any person (employed by a civilian firm) officially accredited as such by the Department of the Army to a theater of operations or a base command for the purpose of observing and reporting upon the operation of equipment and armament under field conditions and/or assisting in the maintenance and repair of such equipment with a view of overcoming difficulties encountered both in the field and at the factories. Technical observers may also assist in the instruction of military personnel in the operation and maintenance of such equipment.

(b) The terms "operations analyst" and "scientific consultant" as used in §§ 515.31 to 515.44, inclusive, include any person officially accredited as such by the Department of the Army to a theater of operations or a command within or without the territorial limits of the United States.

§ 515.33 *Number.* The Department of the Army will determine the number of operations analysts, scientific consultants, and technical observers which are to be accredited to a field force.

§ 515.34 *Application*—(a) *Technical observers.* (1) Applications for authority to accompany United States Army forces in the field will be submitted by the firm employing the technical observer to The Adjutant General, Washington 25, D. C.

(2) The application will state the name and address of the individual; citizenship; place and date of birth; general health conditions; the particular force it is desired he accompany; and any other pertinent information which will assist in the consideration of his application.

(3) When technical observers are requested of a civilian organization by the Department of the Army the civilian organization will furnish data as indicated in subparagraph (2) of this paragraph.

(b) Operations analysts and scientific consultants will furnish the Department of the Army such personal data as may be requested.

§ 515.35 *Status*—(a) *Assimilated rank and grade.* Operations analysts, scientific consultants, and technical observers are assigned assimilated rank as provided by Article 81 of the Geneva Convention on Prisoners of War, for use only in the event of capture by the enemy.

(b) *Capture.* (1) In the event of capture by the enemy operations analysts, scientific consultants, and technical observers are entitled to be treated as prisoners of war.

(2) Operations analysts, scientific consultants, and technical observers, when held by the enemy as prisoners of war, are entitled to the same treatment and the same privileges as commissioned personnel of the Army of the United States of the same grade as their assimilated rank, provided they are in possession of a Noncombatant's Certificate of Identity, properly authenticated by an authorized agency of the Department of the Army (Geneva Convention on Prisoners of War, Articles 21, 22, 23, and 81). They will be cautioned that by the international rules of warfare they are required to give only their name, official position, and assimilated rank, and that they will under no circumstances furnish the enemy with information of military value.

(c) Operations analysts, scientific consultants, and technical observers accompanying the armies of the United States in time of war, although not in the military service, are subject to military law and are under the control of the commander of the Army forces which they accompany.

(d) Operations analysts, scientific consultants, and technical observers are not entitled to the benefits provided by laws exclusively for persons in the military service. They are subject to the provisions of the Selective Training and Service Act of 1940, as amended, and regulations prescribed thereunder.

(e) Operations analysts, scientific consultants, and technical observers will not exercise command, be placed in the position of authority over military personnel, nor will they be armed. They are under the same restrictions as military personnel regarding the settlement of accounts, compliance with standing orders, and the conducting of themselves with dignity and decorum.

(f) Operations analysts, scientific consultants, and technical observers become subject to military law from the time at which they commence to accompany troops or personnel who are on active service. This will generally be upon their arrival at the field force to which they are accredited or ordered for duty but may commence earlier if they travel to the field force via Government transportation.

§ 515.36 *Privileges.* (a) In the matter of accommodations, transportation, and messing facilities, operations analysts, scientific consultants, and technical observers will be given the same privileges as commissioned officers of their assimilated rank. All courtesies extended to operations analysts, scientific consultants, and technical observers in such matters must be without expense to the Government and accounted for in accordance with existing Department of the Army regulations.

(b) So far as the exigencies of the service permit, operations analysts, scientific consultants, and technical observers will receive without charge the same medical and dental treatment as that afforded commissioned officers. In the event of death occurring in a theater of operation outside the continental limits of the United States, burial should be as prescribed for military personnel and without cost to the individual.

(c) Every reasonable facility and all possible assistance will be given operations analysts, scientific consultants, and technical observers to permit them to perform their duties efficiently and intelligently, within the limits dictated by military necessities.

(d) Operations analysts, scientific consultants, and technical observers are free to converse with troops and examine equipment in connection with their duties subject to the approval of the officer present with the troops in question. They will be required, however, to refrain from conversing with troops on guard, or from discussing subjects or soliciting answers to matters which are clearly secret and not connected with their particular duties.

(e) Under no circumstances will operations analysts, scientific consultants, or technical observers assist a war correspondent.

§ 515.37 *Discipline.* Operations analysts, scientific consultants, and technical observers will conform to all rules and regulations promulgated in the interest of good order and military discipline. In the presence of the enemy, they will conform with the actions of the troops and will not jeopardize the safety of the command or compromise the scheme of maneuver in progress. When necessary they may be placed in arrest to await deportation or trial by court martial.

§ 515.38 *Credentials.* (a) (1) Before final acceptance, such individuals will be required to sign an agreement in triplicate as follows:

DEPARTMENT OF THE ARMY

THE ADJUTANT GENERAL'S OFFICE

Washington

(Date)

Agreement

In connection with authority granted by the Department of the Army to me, the undersigned, to accompany the United States Army forces in the field as a ---

(Insert)

I subscribe to the following conditions:

1. That, as a civilian accredited to the Army of the United States within or without the territorial limits of the United States, I am subject to the Articles of War, all regulations for the government of the Army issued pursuant to law, and all security regulations of the Army.

2. That I will govern my movements and actions in accordance with the instructions of the Department of the Army and the commanding officer of the field force to which I am accredited. I understand that official reports are to be transmitted through such commanding officer, and that my personal and official correspondence is subject to the general censorship rules prevailing within the command.

3. That this authority is subject to revocation at any time.

4. That, upon termination or revocation of this authority, I will surrender my credentials to the appropriate military authority who will issue to me a suitable letter and/or a permit which will allow sufficient time for me to return to my home or place of employment to resume civilian clothing, at which time I will immediately cease wearing the prescribed uniform.

Signed: ---

Representing: ---

(Firm)

(Address)

Witnessing officer: ---

This form will be executed in triplicate.

(2) When an application for appointment as an operations analyst, scientific consultant, or a technical observer is approved, the applicant will be furnished credentials and identification card by The Adjutant General's Office. The card contains the individual's photograph, signature, fingerprints, and description. It identifies him as an accredited operations analyst, scientific consultant, or technical observer and must be carried on his person at all times. He will also be furnished with identification tags similar to that provided commissioned officers.

(b) Operations analysts, scientific consultants, and technical observers will produce their identification cards whenever called for by an officer, warrant officer, or enlisted man in the execution of his duty. Failure to do so will subject operations analysts, scientific consultants, or technical observers to detention or arrest.

(c) In addition to Department of the Army credentials, the particular field force commander may issue a pass or credentials with regulations covering their use by operations analysts, scientific consultants, or technical observers.

§ 515.39 *Uniform.* (a) The proper uniform for accredited operations analysts, scientific consultants, and technical observers is that prescribed in Army Regulations and will be worn in accordance therewith.

(b) Articles of special clothing and personal equipment, except arms, which are issued to commissioned officers may be issued to operations analysts, scientific consultants, and technical observers. These articles must be turned in prior to departure from the theater of operations or base command.

(c) Operations analysts, scientific consultants, and technical observers may purchase articles of clothing at Army exchanges, commissaries, and other outlets used by commissioned officers.

(d) Operations analysts, scientific consultants, and technical observers will *not* wear civilian clothing while serving with the United States Army in a theater of operations.

§ 515.40 *Indoctrination.* Prior to departure on a mission operations analysts, scientific consultants, and technical observers will report to the agency concerned with their assignment for indoctrination in the special features pertinent to their assignment.

§ 515.41 *Transportation.* Government transportation, water, air, troop train or vehicular, may be furnished operations analysts, scientific consultants, and technical observers without cost to the individual whenever such transportation is available, if the travel is essential to the accomplishment of their mission and the military situation permits. Weight of baggage will be within the limits prescribed by the commander concerned.

§ 515.42 *Reporting upon arrival.* Upon arrival in the theater of operations or command to which assigned or accredited, operations analysts, scientific consultants, and technical observers will report to the commanding officer or his representative, presenting their credentials. All operations analysts, scientific consultants, and technical observers are officially attached to the headquarters of the field force commander who may arrange for their assignment to posts of duty within the command from which they may best accomplish their mission.

§ 515.43 *Reports, correspondence, and censorship*—(a) *Reports.* Reports of technical observers will be prepared as military letters or as inclosures to military letters. All copies of the report will be transmitted through the commander of the field force to which the technical observer is accredited to The Adjutant General, Washington 25, D. C., attention appropriate Department of the Army agency concerned. The report will show on the last page of the letter the ultimate distribution to be made. Copies of reports will be supplied in quantities sufficient for accomplishing the distribution noted on the report. The distribution will include two copies for the chief of the technical service concerned and copies for the firm represented.

(b) *Correspondence and censorship.* Both reports and personal correspondence of operations analysts, scientific consultants, and technical observers will be subject to the general censorship rules prevailing within the command. The use of "blue envelopes" for the censoring of personal mail by the base censor is authorized but these may not be used to mail reports for publication to avoid censorship by the immediate headquarters under which they operate.

§ 515.44 *Relief from appointment.* (a) An accredited operations analyst, scientific consultant, or technical observer will not leave the theater of operations or base command without the written permission of the commander.

(b) If serving with troops beyond the territorial limits of the United States, relief does not become effective until termination of appointment in the United States.

(c) Upon termination of appointment, the individual will surrender all credentials to The Adjutant General or his designated representative, who will issue him a suitable termination letter which will allow sufficient time for the individual to resume civilian clothing, at which time he will immediately cease wearing the official uniform.

PART 516—FLAGS

§ 516.1 *Service flag*—(a) *Definition.* The term "service flag" refers to any symbol for private or public display to represent that a person (or persons) is serving or has served in the armed forces of the United States during World War II.

(b) *Design of service flag.* The design of the service flag is as follows:

(1) *Flag for immediate family.* On a white rectangular field a blue star or stars within a red border.

(i) The number of blue stars will correspond to the number of individuals from the "immediate family" who are still members of the armed forces.

(ii) The flag horizontally displayed will have the stars arranged in a horizontal line or lines with one point of each star up.

(iii) The flag vertically displayed will have the stars arranged in a vertical line or lines with one point of each star up.

(iv) If an individual is killed or dies while serving, from causes other than dishonorable, the star representing that individual will have superimposed thereon a gold star of smaller size so that the blue forms a border.

(v) For each individual who has been honorably discharged from the armed forces, the design of the lapel button in gold, outlined in blue, will be placed on the flag in lieu of the blue star.

(2) *Flag for organizations.* The flag for organizations will correspond to that described in subparagraph (1) above. However, instead of using a separate star

or design of the lapel button for service for each member, one star or design will be used with the number of the members indicated by Arabic numerals, which will appear below the star or design. If any members are deceased as determined under the circumstances cited in subparagraph (1) (iv) above, a gold star will be placed nearest the staff or to the dexter of the blue star in the case of a flag having horizontal display, or will be placed above the blue star in the case of a flag used in a vertical display. Below this star will be the Arabic numerals. The gold stars in both cases will be smaller than the blue stars so that the blue will form a border. The numerals in all cases will be in blue.

(3) *Size and relative proportions.* The size of the service flag will correspond to that used in the flag of the United States, if the display is made with the flag of the United States. In all other instances the service flag will be made in the size dictated by the circumstances necessitating the display.

(c) *Colors of service flag.* The shades of red, white, and blue used in the service flag will correspond to those prescribed for the colors of the flag of the United States as defined by Federal Specification No. TT-C-591. However, bleached white may be used in lieu of the white prescribed above.

(d) *Immediate family defined.* The "immediate family" includes father, mother, wife, son, daughter, brother, sister, husband.

(e) *Organizations defined.* The word "organization" refers to those group organizations, such as places of business, churches, schools, colleges, fraternities, sororities, and societies, with which the individual was associated.

(f) *Manufacture and sale*—(1) *Certificate of authority.* See §§ 507.1 to 507.8, inclusive.

(2) *Issue.* There is no authority of law whereby the Government may manufacture, issue, or sell service flags. [AR 260-10, 25 Oct. 1944] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8383; Filed, Sept. 16, 1948; 10:24 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS' CLAIMS

INFORMAL CLAIMS

Section 2.1027 of Part 2 is amended to read as follows:

§ 2.1027 *Informal claims.* Any communication from or action by a claimant or his duly authorized representative, or some person acting as next friend of a claimant who is not sui juris, which clearly indicates an intent to apply for disability or death compensation or pension may be considered an informal claim. To constitute an informal claim the communication must specifically refer to and identify the particular benefit sought. When an informal claim is received and a formal application is forwarded for execution by the claimant, such application shall be considered as evidence necessary to complete the initial application, and unless a formal application is received within one year from the date it was transmitted for execution by the claimant no award shall be made by virtue of such informal claim. If received within one year in such instances, it will be considered filed as of the date of receipt of the informal claim by the Veterans' Administration. However, a communication received from a service organization, pension attorney, or pension agent may not be accepted as an informal claim, if a power of attorney was not executed at the time the communication was written. In cases not covered by this rule, where the probability of an informal claim appears to be indicated, but the facts are too obscure or complicated for determination, the file will be referred to the director, claims service, in branch office cases, or the director of the service concerned in central office cases, for decision upon the facts in the particular case. When benefits are being resumed under § 3.1299 of this chapter, and an informal claim has been filed for a disability incurred or aggravated in the second period of service, the requirements of the third and fourth sentences of this section are not for application. Under Executive Order No. 6017, February 7, 1933, appearing in Title 22, page 161, Code of Federal Regulations of the United States of America, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration and therefore an informal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative. (Sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

[SEAL] O. W. CLARK,
Executive Assistant
Administrator of Veterans' Affairs.

[F. R. Doc. 48-8268; Filed, Sept. 16, 1948; 8:50 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

PROCEDURE FOR STIPULATION OF CONDITIONS IN GOVERNMENT PURCHASE CONTRACTS; UNINTENTIONAL EMPLOYMENT OF UNDERAGE MINORS, RECORDS OF EMPLOYMENT

By virtue of the authority vested in me by section 4 of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. 35-45), this part [1] is revised as follows:

1. By adding a new section, numbered § 201.105, to read as follows:

§ 201.105 *Protection against unintentional employment of underage minors.* An employer shall not be deemed to have knowingly employed an underage minor in the performance of contracts subject to the act if, during the period of the employment of such minor, the employer has on file an unexpired certificate of age issued and held pursuant to regulations issued by the Secretary of Labor under section 3 (l) of the Fair Labor Standards Act of 1938, 29 CFR, Part 401), showing that such minor is at least 16 years of age, if a male, or at least 18 years of age, if a female.

2. By amending paragraph (b) of § 201.501 to read as follows:

§ 201.501 *Records of employment.*

* * *

(b) Date of birth of each employee under 19 years of age; and if the employer has obtained a certificate of age as provided in § 201.105, there shall also be recorded the title and address of the office issuing such certificate, the number of the certificate, if any, the date of its issuance, and the name, address and date of birth of the minor, as the same appears on the certificate of age.

(49 Stat. 2036; 41 U. S. C. 35-45)

These amendments shall become effective and be applicable to contracts awarded as a result of invitations or negotiations commenced after the publication hereof in the FEDERAL REGISTER.

Dated at Washington, D. C., this 2d day of September 1948.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 48-8355; Filed, Sept. 16, 1948; 8:49 a. m.]

[1] The regulations appearing in this part were issued as Regulations No. 504 of the Secretary of Labor.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 521]

WISCONSIN

REVOKING EXECUTIVE ORDER NO. 2759 OF NOVEMBER 22, 1917, WITHDRAWING TWO SMALL ISLANDS KNOWN AS SISTER ISLANDS, SITUATED IN GREEN BAY, WISCONSIN, FOR LIGHTHOUSE PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 2759 of November 22, 1917, withdrawing two unsurveyed islands containing about two and one-half acres, known as Sister Islands, situated in Green Bay in Section 30, Township 32 North, Range 28 East, 4th P. M., Wisconsin for lighthouse purposes is hereby revoked.

This order shall not otherwise become effective to chance the status of such lands until 10:00 a. m. on November 12, 1948.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

SEPTEMBER 9, 1948.

[F. R. Doc. 48-8330; Filed, Sept. 16, 1948; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[No. MC-C-329]

PART 170—COMMERCIAL ZONES

DAVENPORT, IOWA-ROCK ISLAND AND MOLINE, ILL., COMMERCIAL ZONE

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 3d day of September A. D. 1948.

Section 203 (b) (8) of the Interstate Commerce Act (49 U. S. C. 303 (b) (8)) and the transportation of passengers and property by motor vehicle, in interstate or foreign commerce, wholly within a municipality, or between contiguous municipalities, or within a zone adjacent to and commercially a part of any such municipality being under consideration, and good cause appearing therefor: *It is ordered,* That the delimitation of the Davenport, Iowa-Rock Island and Moline, Ill., Commercial Zone in the Commission's order of January 1, 1943 (41 M. C. C. 557, 49 CFR, Cum. Supp., 170.10), is hereby amended to read as follows:

§ 170.10 *Davenport, Iowa, Rock Island and Moline, Ill.* For the purpose of administration and enforcement of Part II of the Interstate Commerce Act, the zones adjacent to and commercially a part of Davenport, Iowa, Rock Island, and Moline, Ill., in which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such municipalities or zones, will be partially exempt from regulation under section 203 (b) (8) of the act are hereby determined to be coextensive and, to include and to be comprised of the following:

The municipalities of:
Carbon Cliff, Ill.
East Moline, Ill.
Milan, Ill.
Moline, Ill.
Rock Island, Ill.
Silvis, Ill.
Davenport, Iowa.
Bettendorf, Iowa.

That part of Iowa lying west of the municipal limits of Davenport, south of U. S. Highway 61, north of the Mississippi River, and east of the western boundary of the properties of the Dewey Portland Cement Co., at Linwood.

That part of Iowa lying east of the municipal limits of Bettendorf, south of U. S. Highway 67, west of a private road running from U. S. Highway 67 to the Riverside Power Plant of the Iowa-Illinois Gas & Electric Company, and north of the Mississippi River.

That part of Iowa north of Davenport in Davenport Township and within that portion of Sheridan Township north of Davenport Township within a line as follows: beginning at the point somewhat south and east of Mt. Joy Airport where an unnumbered highway extending northwesterly to the site of Mt. Joy Airport crosses the northern boundary of Davenport Township and extending northwesterly along such highway to the southeastern corner of such airport, thence along the eastern, northern, and western boundaries of said airport to the southwestern corner thereof, and thence south in a straight line to the northern boundary of Davenport Township.

That part of Illinois lying south or east of the municipalities of Carbon Cliff, Silvis, East Moline, Moline, Rock Island, and Milan, within a line as follows: beginning at a point where Illinois Highway 2 crosses the southern municipal limits of Carbon Cliff and extending southerly along such highway to its junction with Colona Road, thence westerly along Colona Road to eastern boundary of South Moline Township, thence along the eastern and southern boundaries of South Moline Township to U. S. Highway 150, thence southerly along U. S. Highway 150 to the southern boundary of the Moline Airport, thence along the southern and western boundaries of the Moline Airport to Illinois Highway 92, and thence westerly along Illinois Highway 92 to the corporate limits of Milan.

That part of Illinois within ½ mile on each side of Rock Island County State Aid Route No. 9 extending southwesterly from the corporate limits of Milan for a distance of one mile, including points on such highway.

(49 Stat. 546; 49 U. S. C. 303 (b) (8))

It is further ordered, That this order shall become effective October 20, 1948, and shall continue in effect until further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8345; Filed, Sept. 16, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

FEDERAL POWER COMMISSION

[18 CFR, Parts 153, 154, 155, 250]

[Docket No. R-107]

ORDER FIXING DATE FOR ORAL ARGUMENT

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 10, 1948.

In the matter of amendment of regulations and approved forms under the Natural Gas Act, to prescribe revised rules governing form, composition, filing and posting of rate schedules and tariffs for the transportation or sale of natural gas subject to the jurisdiction of the Commission.

It appearing to the Commission that:

(a) Under date of June 15, 1948, the Commission gave notice that a public hearing would be held in this matter commencing September 20, 1948, and such notice was published in the FEDERAL REGISTER on June 22, 1948 (13 F. R. 3343-3344).

(b) A number of parties have availed themselves of the opportunity afforded to participate in such proposed hearing, and have filed notice of their intention to appear as required by said notice of June 15, 1948, as modified by a further notice issued under date of July 2, 1948, and published in the FEDERAL REGISTER on July 9, 1948 (13 F. R. 3820).

(c) A large number of those parties who filed such notice of intention to appear have since filed with the Commission their several motions requesting that the Commission hear oral argument on September 20, 1948, with respect to certain legal issues specified in the motions. It is further requested in such motions that the hearing for the presentation of evidence in this matter be postponed for a period of at least thirty days beyond September 20, 1948.

The Commission orders that:

(A) In lieu of the presentation of evidence heretofore set for September 20, 1948, those parties who have filed notice of intention to appear, as required by the notices referred to in paragraphs (a) and (b) above, will be heard in oral argument on all issues involved in this matter commencing at 10:00 a. m. (e. d. s. t.) on September 20, 1948, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) This will conclude the proceedings incident to this rule making unless otherwise determined by the Commission at the conclusion of such oral argument.

Date of issuance: September 13, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8332; Filed, Sept. 16, 1948; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 315]

[Ex Parte 146]

OIL FIELD EQUIPMENT, MARSHLANDS, LOUISIANA AND TEXAS

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 8, 1948.

By order of August 26, 1941, as subsequently modified, the Commission, Division 4, exempted from the requirements of Part III of the Interstate Commerce Act, until further order, contract carriers by water engaged in the leasing or chartering of vessels for the purpose of transporting machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of, facilities for, the discovery, development and production of, natural gas and petroleum, to and

from points in the marshland oil fields of Louisiana and Texas.

The American Waterways Operators, Inc., in petition filed April 20, 1948, asks the Commission to extend the territorial scope of the exemption to include points in the marshland oil fields of Alabama, Florida, and Mississippi. It is stated that the situation with respect to transportation in the exploration and production of oil in the new territory is substantially the same as that obtaining in the marshland oil fields of Louisiana and Texas. Letters in support of the petition have been received from nine water carriers and six oil companies.

Any interested persons may file with the Commission on or before October 15, 1948, memoranda or briefs containing their views as to the matter of extending the territorial scope of the exemption granted in this proceeding.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-8344; Filed, Sept. 16, 1948; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 31057]

NEVADA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM THE NEWLANDS PROJECT

SEPTEMBER 10, 1948.

An order of the Bureau of Reclamation dated July 13, 1948, concurred in by the Director, Bureau of Land Management, August 5, 1948, revoked the Departmental Orders of July 2, and August 26, 1902, and July 9, 1904, so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described land in connection with the Newlands Project, Nevada, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

MOUNT DIABLO MERIDIAN

T. 19 N., R. 21 E.,
Sec. 2, W½ of lot 1 of NE¼, lot 2 of NE¼, lots 1 and 2 of NW¼, W½SW¼, and N½NE¼SW¼.

The lands are rough and hilly cut by ravines draining into the Truckee River.

At 10:00 a. m. on November 12, 1948, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from November 12, 1948, to February 11, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from October 23, 1948, to November 11, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on November 12, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on February 13, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from January 24, 1949, to February 12, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on February 13, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Carson City, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Carson City, Nevada.

MARION CLAWSON, *Director.*

[F. R. Doc. 48-8331; Filed, Sept. 16, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2390 et al.]

TRANS-PACIFIC AIRLINES, LTD., AND TRANS-AIR HAWAII, LTD.; INTRA-TERRITORIAL SERVICE IN HAWAII

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Trans-Pacific Airlines, Ltd., and Trans-Air Hawaii, Ltd., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new air transportation services of persons, property, and mail within the Territory of Hawaii.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be heard October 4, 1948, at 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated at Washington, D. C., September 10, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-8349; Filed, Sept. 16, 1948; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1051, G-1079]

EL PASO NATURAL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 13, 1948.

In the matters of El Paso Natural Gas Company, Docket No. G-1051; Southern California Gas Company, and Southern Counties Gas Company of California, Docket No. G-1079.

Notice is hereby given that, on September 10, 1948, the Federal Power Commission issued its findings and order entered September 10, 1948, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8333; Filed, Sept. 16, 1948; 8:46 a. m.]

[Docket No. ID-504]

CHARLES E. KOHLHEPP

NOTICE OF AUTHORIZATION

SEPTEMBER 13, 1948.

Notice is hereby given that, on September 9, 1948, the Federal Power Commission issued its order entered September 8, 1948, in the above-designated matter, authorizing applicant to hold certain positions in the Wisconsin Public Service Company, et al., pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8334; Filed, Sept. 16, 1948; 8:46 a. m.]

[Docket No. ID-1105]

F. WAYNE SHARP

NOTICE OF AUTHORIZATION

SEPTEMBER 13, 1948.

Notice is hereby given that, on September 10, 1948, the Federal Power Commission issued its order entered September 8, 1948, in the above-designated matter, authorizing Applicant to hold certain positions in the Iowa Power and Light Company, et al., pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8335; Filed, Sept. 16, 1948; 8:47 a. m.]

[Project No. 1999]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

SEPTEMBER 13, 1948.

Public notice is hereby given that Wisconsin Public Service Corporation of 1029 North Marshall Street, Milwaukee 1, Wisconsin, has made application pursuant to the provisions of the Federal Power Act for license for constructed major Project No. 1999 known as the Wausau project located on the Wisconsin River consisting of two dams, one on the east and the other on the west side of Clarks Island in the city of Wausau; two power plants; a reservoir with normal elevation of 1,187.54 feet (W. P. S. datum 1922) and area of approximately 304 acres; guard locks consisting of three Tainter gates and stone and concrete dam sections about 1,000 feet upstream from the East Dam; and appurtenant facilities. The West Dam consists of powerhouse, Tainter gate, needle, and flashboard sections, with retaining walls at each end. The Wausau West power plant contains three generating units with total capacity of 7,987 horsepower and a switchboard and distribution equipment. The East Dam consists of needle, Tainter gate, rollway, and powerhouse sections. The Wausau East power plant contains one main generating unit with capacity of 1,700 horsepower.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before October 22, 1948, to the Federal Power Commission at Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8352; Filed, Sept. 16, 1948; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5565]

FLEX-O-GLASS MFG. CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 10th day of September A. D. 1948.

In the matter of Harold Warp, an individual doing business as Flex-O-Glass Manufacturing Company and also as Warp Brothers; Presba, Fellers and Presba, Inc., a corporation and Will B. Presba, Marquis M. Smith, Bert S. Presba and Vesta N. Rinnman, individuals.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, September 29, 1948, at ten o'clock in the forenoon of that day (central standard time), in Room 1103, New Post Office Building, Chicago, Illinois.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8350; Filed, Sept. 16, 1948; 8:48 a. m.]

[Docket No. 5500]

UNITED ARTISTS CORP. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 10th day of September A. D. 1948.

In the matter of United Artists Corporation, a corporation; Edward C. Raftery, individually and as President of said corporation; Mary Rogers, better known as Mary Pickford, Charles Chaplin and David O. Selznick, individually and as controlling stockholders in said corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, October 5, 1948, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8351; Filed, Sept. 16, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1928]

TOLEDO EDISON CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of September A. D. 1948.

The Toledo Edison Company ("Toledo"), a public utility subsidiary of Cities Service Company, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of

1935, particularly 6 (a) thereof and Rule U-50 thereunder with respect to the following transaction:

Toledo proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $5,000,000 principal amount of First Mortgage Bonds, ----% Series, due 1978, to be issued under and secured by the company's presently existing Mortgage and Deed of Trust dated as of April 1, 1947, as supplemented by a Supplemental Indenture to be dated as of September 1, 1948. Toledo will add the net proceeds from the sale of the bonds to its general funds for the purpose of providing part of the new capital required for its construction program.

Toledo has requested that the bidding period provided by Rule U-50 be shortened to nine days and that the order with respect to said application become effective forthwith.

The application having been filed on August 19, 1948, and the last amendment thereto having been filed on September 10, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the application, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Public Utilities Commission of Ohio having authorized Toledo to issue a public invitation for bids for the purchase of said bonds and having required a report of the company with respect to the results of competitive bidding and a supplemental application of Toledo to the State Commission for consent and authority to issue and sell said bonds; and

The Commission finding with respect to said amended application that the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the said amended application, subject to the terms and conditions hereinafter stated, and further deeming it appropriate to grant the request of Toledo to shorten the bidding period provided by Rule U-50 to nine days and that the order herein become effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the additional conditions that the issue and sale of the proposed bonds shall not be consummated (a) until a further order of the Public Utilities Commission of Ohio expressly authorizing the issue and sale of said bonds be filed herein and (b) until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose.

It is further ordered, That, in accordance with the request of the applicant, the ten-day period for inviting bids as provided in Rule U-50, be, and hereby is, shortened to a period of not less than nine days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8339; Filed, Sept. 16, 1948; 8:47 a. m.]

WILLIAM MONROE LAYTON

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of September 1948.

The Commission having by order of August 4, 1948, instituted proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether to revoke or suspend the broker-dealer registration of William Monroe Layton, P. O. Box 493, Centralia, Illinois, and the commencement of the hearing in the said proceedings being now scheduled for September 10, 1948 at 2:00 p. m.; and

Counsel for the Division of Trading and Exchanges of the Commission having requested that the date for the commencement of the hearing be postponed to October 7, 1948; and

The Commission having duly considered the matter and having been fully advised in the premises;

It is ordered, That the date for commencing the hearing be and the same is hereby postponed to October 7, 1948, at 2:00 p. m.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8337; Filed, Sept. 16, 1948; 8:47 a. m.]

[File No. 70-1938]

BUFFALO NIAGARA ELECTRIC CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of September 1948.

Notice is hereby given that Buffalo Niagara Electric Corporation ("Buffalo Niagara"), a subsidiary of Niagara Hudson Power Corporation, which in turn is a subsidiary of the United Corporation, has filed an application pursuant to the Public Utility Holding Company Act of 1935. The application designates the third sentence of section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 20, 1948, at 5:30 p. m., e, d, s. t., request in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application which he desires to controvert, or may request in writing that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 20, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the proposed transaction which may be summarized as follows:

Buffalo Niagara proposes to issue its promissory notes from time to time during the calendar year 1948 in a principal amount not to exceed $5,000,000, pursuant to the provisions of an amendment dated August 17, 1948, to a loan agreement dated December 19, 1947, between Buffalo Niagara and certain banks, said promissory notes to bear interest at the rate of 2½% per annum and to be due December 31, 1950: *Provided, however*, That Buffalo Niagara may prepay at any time any part or all of such indebtedness.

The $5,000,000 of proceeds to be derived by Buffalo Niagara from said promissory notes are to be applied to the cost of the construction, completion, extension, and improvement of its plant, property, and facilities. The application states that the issue and sale of the $5,000,000 principal amount of promissory notes are subject to the jurisdiction of the Public Service Commission of the State of New York, and that a copy of such Commission's order to be entered with respect thereto will be supplied by amendment.

Applicant requests the Commission's order be issued as soon as practicable and become effective immediately upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8338; Filed, Sept. 16, 1948; 8:47 a. m.]

[File No. 70-1940]

CENTRAL NEW YORK POWER CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of September 1948.

Notice is hereby given that Central New York Power Corporation ("Central New York"), a subsidiary of Niagara Hudson Power Corporation, which in turn is a subsidiary of the United Corporation, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935. The application designates the third sentence of section 6 (b) of the

Act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 20, 1948, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application which he desires to controvert, or may request in writing that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 20, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the proposed transactions which may be summarized as follows:

Central New York proposes to issue its promissory notes from time to time during the calendar year 1948 in the principal amount of not to exceed $5,000,000, pursuant to the provisions of an amendment dated August 17, 1948, to a loan agreement dated December 19, 1947, between Central New York and certain banks. Said promissory notes are to bear interest at the rate of 2½% per annum and are to be due December 31, 1950, subject to the right of Central New York to prepay at any time any part or all of such indebtedness. Pursuant to the provisions of the original loan agreement dated December 19, 1947, under which Central New York was permitted to borrow an aggregate amount of $10,000,000, it has issued $5,000,000 of notes and proposes the issuance of the remaining $5,000,000 by September 15, 1948.

As with the $10,000,000 covered by the original loan agreement, the $5,000,000 of proceeds to be derived by Central New York from the proposed issuance and sale of the notes are to be used to apply to the cost of construction, completion, extension, and improvement of its plant, property and facilities. The application states that the issue and sale of the $5,000,000 principal amount of promissory notes is subject to the jurisdiction of the Public Service Commission of the State of New York, and that a copy of such Commission's order to be entered with respect thereto will be supplied by amendment.

Applicant requests the Commission's order be issued as soon as practicable and become effective immediately upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8341; Filed, Sept. 16, 1948; 8:47 a. m.]

[File No. 70-1941]

MIDDLE WEST CORP. AND KENTUCKY UTILITIES CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of September A. D. 1948.

Notice is hereby given that The Middle West Corporation ("Middle West"), a registered holding company, and its subsidiary, Kentucky Utilities Company ("Kentucky"), a public utility company, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). The applicants-declarants have designated sections 6 (a), 6 (b), 9, 10, and 11 (b) (2) of the act and Rule U-43 of the general rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any person may, not later than September 23, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 23, 1948, said application-declaration may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Kentucky proposes to issue and sell 125,000 shares of its common stock of the par value of $10 to Middle West for a consideration of $1,250,000 payable in cash. It is stated that the net proceeds of the sale of such common stock will be used by Kentucky for additions and extensions to its electric utility plant and system.

The filing states that Middle West, whose stockholders have adopted a resolution to liquidate and dissolve the company, intends to distribute to its own stockholders its holdings of the common stock of Kentucky and that the acquisition of the additional 125,000 shares of the Kentucky common stock will facilitate this distribution by making possible a distribution on the basis of one share of Kentucky common stock for each two shares of Middle West common stock.

The proposed issue and sale have been submitted for approval to the Public Service Commission of Kentucky, the only State commission having jurisdiction over the proposed transaction.

The applicants-declarants request that the Commission's order granting the application and permitting the declaration to become effective be issued not later than October 1, 1948, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8342; Filed, Sept. 16, 1948; 8:48 a. m.]

[File No. 7-1036]

ST. LAWRENCE CORP. LTD.

FINDINGS AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1948.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the First Cumulative Convertible Redeemable Preferred Shares, Par Value $49.00, and the Second Cumulative Redeemable Preferred Shares, Par Value $1.00, of St. Lawrence Corporation Limited, a Canadian corporation undergoing reorganization, are substantially equivalent to the Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00, of that company, which have been outstanding and have been admitted to unlisted trading privileges on the applicant exchange since May 16, 1930.

Section 12 (f) of the Securities Exchange Act of 1934 provides that a national securities exchange, upon application to and approval of such application by the Commission, * * * (1) may continue unlisted trading privileges to which a security had been admitted on such exchange prior to March 1, 1934; or (2) may extend unlisted trading privileges to any security duly listed and registered on any other national securities exchange * * *; or (3) may extend unlisted trading privileges to any security in respect of which there is available from a registration statement and periodic reports or other data filed * * * under the Securities Exchange Act of 1934, or the Securities Act of 1933, information substantially equivalent to that available in respect of a security duly listed and registered on a national securities exchange.

Since the St. Lawrence Corporation Limited has no securities listed or registered on any national securities exchange, and has never filed with the Commission a registration statement pursuant to the Securities Act of 1933, the New York Curb Exchange may not have unlisted trading privileges in the First Cumulative Convertible Redeemable Preferred Shares, Par Value $49.00, or in the Second Cumulative Redeemable Preferred Shares, Par Value $1.00, of St. Lawrence Corporation Limited, except in the event that these be deemed securities admitted to unlisted trading privileges on this exchange prior to March 1, 1934. Under section 12 (f) of the act the Commission has adopted Rule X-12F-2 which provides for an application by an exchange to the Commission for a determination whether a security admitted

to unlisted trading privileges that has been changed by an issuer is thereafter substantially equivalent to the security theretofore admitted to unlisted trading privileges.[1] If the Commission determines that the security after such change is substantially equivalent to the security theretofore admitted to unlisted trading privileges, the rule provides that the security as changed shall be deemed to be the security theretofore admitted to unlisted trading privileges.

The St. Lawrence Corporation Limited has been in the process of reorganization effected by means of a "Proposal of Compromise or Arrangement dated May 17, 1948" between the issuer and the holders of its two classes of stock heretofore outstanding, the Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00, and the Common Stock, without par value. This proposal was approved by the holders of each class of stock on July 7, 1948.

As of June 30, 1948, the arrearages in dividends on the preferred stock amounted to $22.00 per share. In the proxy solicitation of June 8, 1948, from St. Lawrence Corporation Limited to its preferred and common stockholders, the statement of shareholders' concessions and benefits involved in the reorganization includes "paving of the way for dividends on the new common shares depending upon the future earning power and financial condition of the corporation." Under the terms of reorganization, the preexisting Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00, are extinguished, together with all rights pertaining thereto, including the right to $22.00 accumulated arrearages in dividends (except for $2.00 presently to be disbursed in cash); and two new classes of preferred stock are created. Of the single class of preferred stock previously outstanding, there have been 264,401 shares outstanding. Upon surrender and cancellation of the certificates representing these shares, each shareholder is entitled for each share to receive

(1) Two Dollars ($2.00) in cash by way of dividend;

(2) One (1) share of new First Cumulative Convertible Redeemable Preferred Shares of the par value of $49.00, carrying a dividend of $2.00 per annum cumulative from July 1, 1948 and redeemable at $55.00 per share except upon any liquidation; and

(3) One (1) share of new Second Cumulative Redeemable Preferred Shares of the par value of $1.00, carrying a dividend of $0.75 per annum cumulative from July 1, 1948, and entitling the holder to the payment of $20.00 in the event either of redemption or of liquidation.

The former single issue of preferred stock was convertible, each share being convertible into two (2) shares of common stock. The new first preferred stock is likewise convertible upon the same terms, each share being convertible into two (2) shares of common stock. Both the old and the new first preferred stock have been entitled to one vote per share at shareholders' meetings. However, upon default in the payment of dividends on the new first preferred, its holders have the right to elect one-third of the members of the board of directors, a right which the holders of the old preferred stock did not have.

The new second preferred stock is not convertible and does not have a vote except upon default in its dividends, at which time it has the right to elect one-third of the members of the board of directors. In addition, the new second preferred stock is entitled to have set up out of net earnings a sinking fund of $125,000 quarterly, plus one-half of any remaining net earnings, to be applied to the regular redemption of outstanding second preferred shares by call. The second preferred stock enjoys the usual attributes of second preferred stock in that it is subordinate to the first preferred stock both with respect to right to receive dividends and with respect to participation in assets upon liquidation; however, its right to dividends, and to participate in distribution of assets upon liquidation, is prior to that of the common stock. Inasmuch as the Second Cumulative Redeemable Preferred Shares have a par value of $1.00 per share and there will be 264,401 shares outstanding, the proposed capitalization of the new company after the reorganization will show these shares at a total value of $264,401. However, since each share entitles the holder to the payment of $20.00 either in the event of redemption or of liquidation, these shares of second preferred stock represent a priority over the common stock in the amount of $5,288,020 instead of $264,401. There are 582,593 shares of common stock outstanding, which under the terms of reorganization will be changed from no par value to $1.00 par value, and in the capitalization of the company will represent the same figure as before of $582,593.

The "Proposal of Compromise or Arrangement dated the 17th day of May, 1948" provides that there will be inserted in the Letters Patent and Supplementary Letters Patent (the Canadian equivalent of a corporate charter) of St. Lawrence Corporation Limited the following provisions:

(a) No holder of any shares of this company shall be entitled as of right to purchase or subscribe for any part of any unissued or unallotted shares of the company or any additional shares of any class to be issued, or allotted, or any bonds, debentures, or other certificates convertible into shares.

(b) Any unissued or unallotted shares of the company, or securities convertible into shares, may be issued and allotted by the directors to such persons, firms, corporations or associations at such times, in such manner, for such consideration, and upon such terms and conditions as the directors in their discretion may determine, without offering any thereof to the shareholders then of record or to any class of shareholders on the same terms or on any terms.

(c) The company may grant rights or options to subscribe for, purchase, or otherwise acquire shares of any class of its authorized share capital or its bonds, debentures or other obligations, and may issue warrants or other instruments in bearer or registered form to evidence such rights or options. Such rights or options shall be exercisable upon such terms and conditions as the directors may determine, provided that nothing in this provision shall be deemed to authorize the issuance of shares of any class having a par value for less than their par value.

(d) The company may pay a commission to any person in consideration of his subscribing or procuring subscriptions, whether absolute or conditional, for any shares of the company, provided that such commission shall not exceed fifteen per cent (15%) of the amount realized by the company upon the sale of such shares.

(e) The directors may (other than in connection with dividends on preferred shares or other shares issued with special dividend conditions) from time to time capitalize any amounts which they might lawfully distribute by way of dividends in money, and in respect of the amount so capitalized they may declare stock dividends and issue therefor shares of the share capital of the company as fully paid or partially paid, or may credit the amount of such dividends on shares already issued but not fully paid, and the liability of the holders of such shares shall be reduced by the amount of such dividends.

The description that has been given of the issue of First Cumulative Convertible Redeemable Preferred Shares, Par Value $49.00, emanating from the reorganization shows that its rights in many respects are similar to the rights that were attached to the Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00. To compensate for the right that has been severed from the old preferred stock to receive $22.00 arrearages in accumulated dividends before any dividends may be paid on common stock, the shareholder is given two dollars in cash and a share of a new series of preferred stock, carrying a dividend of $0.75 per annum, and entitling the holder to the payment of $20.00 in the event either of redemption or of liquidation. Shares of this new series of preferred stock would appear to be very different from shares of the preexisting single issue of preferred stock. Besides the other numerous differences that have been noted, the major difference is that this new series is subordinate both in respect to right to receive dividends and right to participate in the distribution of assets upon liquidation, to another issue of preferred stock. For these reasons, it appears that the new second preferred stock of St. Lawrence Corporation Limited is not substantially equivalent to the preferred stock of this company that has been admitted to unlisted trading privileges on applicant exchange since May 16, 1930.

Accordingly it is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the First Cumulative Convertible Redeemable Preferred Shares, Par Value $49.00, of St. Lawrence Corporation Limited are hereby determined to be substantially equivalent to the Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

It is further ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Second Cumulative Redeemable Preferred Shares, Par Value $1.00, of St. Lawrence Corporation Limited are hereby determined not to be substantially equivalent to the Class A 4% Cumulative Convertible Preferred Shares, Par Value $50.00, of that company heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8340; Filed, Sept. 16, 1948; 8:47 a. m.]

[1] The full text of Rule X-12F-2, entitled "Changes in Securities Admitted to Unlisted Trading Privileges", is as follows:

(a) Any security admitted to unlisted trading privileges on a national securities exchange although changed in one or more of the following respects:

(1) Title of such security or the name of the issuer;

(2) The maturity, interest rate, and/or outstanding aggregate principal amount of an issue of bonds, debentures or notes;

(3) The par value, dividend rate, number of shares authorized and/or the outstanding number of shares of a stock;

shall, nevertheless, be deemed to be the security theretofore admitted to unlisted trading privileges on such exchange. Such exchange shall notify the Commission in writing of any such change promptly after learning thereof.

(b) Any security admitted to unlisted trading privileges on a national securities exchange in respect of which there is effected any change other than those specified in paragraph (a) of this rule shall, nevertheless, be deemed to be the security theretofore admitted to unlisted trading privileges on such exchange, provided the Commission shall have determined, upon application by such exchange, that the security after such change is substantially equivalent to the security theretofore admitted to unlisted trading privileges.

Such application shall be filed in triplicate, shall be in the form prescribed for registration statements by Rule X-2 and shall contain the following information:

(1) Title of security.

(2) Name of issuer.

(3) A brief but comprehensive description of each change proposed to be effected in such security, together with a copy of all written matter submitted to security holders relating to each such change.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11581]

HERMAN G. PERSKE

In re: Estate of Herman G. Perske, deceased. File No. D-28-4181; E. T. sec. 7250.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eleanor Schulze, also known as Eleanor Perske Schulze, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Herman G. Perske, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Gottlieb Buechler, as executor, acting under the judicial supervision of the County Court in and for the County of Sheridan, McClusky, North Dakota;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8357; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11590]

GERD WALLMAN

In re: Estate of Gerd Wallman, deceased. File No. D-28-12360; E. T. sec. 16593.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jurgen Wallman and Gerhard Wallman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Gerd Wallman, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John Wallman, as administrator, acting under the judicial supervision of the County Court of Kearney County, Nebraska;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8358; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11591]

LOUIS WALLMAN ET AL.

In re: Louis Wallman et ux vs. Johanna Wallman, et al. File No. D-28-12360; E. T. sec. 16593.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jurgen Wallman and Gerhard Wallman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in sub-paragraph 1 hereof in and to the proceeds of real property sold in a partition proceeding entitled Louis Wallman et ux vs. Johanna Wallman, et al, in the District Court of Kearney County, Nebraska, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Fred S. Martin, as referee, acting under the judicial supervision of the District Court of Kearney County, Nebraska;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are

not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8359; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11765]

REINHOLD BERNDT

In re: Estate of Reinhold Berndt, deceased. File No. D-28-9906; E. T. sec. 14018.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theodor(e) Berndt, Marie Berndt, Antonie Hase, Ernst Bieck, Anna Brezinski, Paul Hohense(e), George Hohense(e), and Minna Ditschkowski, whose last known address was, on May 18, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Theodor Berndt, who, on May 18, 1948, there was reasonable cause to believe were residents of Germany, were on such date nationals of a designated enemy country (Germany);

3. That the sum of $14.39 was paid to the Attorney General of the United States by the First National Bank of Minneapolis, executor of the Estate of Reinhold Berndt, deceased;

4. That the said sum of $14.39 was accepted by the Attorney General of the United States on May 18, 1948, pursuant to the Trading With the Enemy Act, as amended;

5. That the said sum of $14.39 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown, of Theodor Berndt were not within a designated enemy country on May 18, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8360; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11793]

EMELIE HAUFFE

In re: Estate of Emelie Hauffe, deceased. File No. D-28-12025; E. T. sec. 16213.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Frankenstien, Ida Kutschke, Rudolph Pioch, Ottillia Reddel, and Emma Krischke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $394.53 was paid to the Attorney General of the United States by Emma Schneider, Executrix of the Estate of Emelie Hauffe, deceased;

3. That the said sum of $394.53 was accepted by the Attorney General of the United States on June 18, 1948, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of $394.53 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8361; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11846]

LOUISE UTRECHT ET AL.

In re: Louise Utrecht et al. v. Christian Raissle et al. File No. D-28-9980; E. T. sec. 14166.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christian Raissle (Raisle), Gottlob Raissle, a/k/a Gottlieb Raisle, Rosine Raissle (Raisle) Gartner, Katharine Raissle (Raisle) Fix, Gottlieb Kubler, Marie (Mary) Kubler, Kathrine Kubler, Christine Kubler Haist, and Johann (Johannes) Kubler, whose last known address was, on May 6, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $2,882.85 was paid to the Attorney General of the United States by the Clerk of the District Court of Franklin County, Kansas;

3. That the said sum of $2,882.85 was accepted by the Attorney General of the United States on May 6, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $2,882.85 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on May 6, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8362; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11939]

CLARA BACHER

In re: Estate of Clara Bacher, deceased. File No. D-28-12105; E. T. sec. 16316.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Liebert, Mrs. Frida Reinhold and Mrs. Johanna Reich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Robert Liebert, deceased, and of Emma Liebert, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

5. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Clara Bacher, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John J. King, administrator d. b. n. c. t. a., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Robert Liebert, deceased, and of Emma Liebert, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8363; Filed, Sept. 16, 1948; 8:49 a. m.]

[Vesting Order 11956]

HERMANN I. A. DORNER

In re: Stock owned by Hermann I. A. Dorner, also known as Herman I. A. Dorner and as Herman Dorner. D-28-7854-D-11.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann I. A. Dorner, also known as Herman I. A. Dorner and as Herman Dorner, whose last known address is Hindenburgstrasse 25, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) shares of no par value common capital stock of L. A. Young Spring & Wire Corporation, 9200 Russell Street, Detroit 11, Michigan, a corporation organized under the laws of the State of Michigan evidenced by Certificate Number D01073 registered in the name of Herman I. A. Dorner, together with all declared and unpaid dividends thereon and together with all sums heretofore paid to the Attorney General of the United States by L. A. Young Spring & Wire Corporation as dividends on the above-described shares of stock, said sums being presently in the possession of the Attorney General of the United States in Account Number 28-15587,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8323; Filed, Sept. 15, 1948; 8:50 a. m.]

[Vesting Order 11962]

HAJIME NAGAMATSU

In re: Stock owned by Hajime Nagamatsu, also known as H. Nagamatsu. F-39-6112-D-1.

Under the authority of the Trading With the Enemy Act as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hajime Nagamatsu, also known as H. Nagamatsu, whose last known address is Kumamoto-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Fifteen (15) shares of $5 par value common capital stock of Honolulu Soda Water Co., Ltd., 844 Mokauea Street, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by certificates numbered 408 for five (5) shares and 794 for ten (10) shares, registered in the name of Hajime Nagamatsu, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States re-

quires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8320; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11994]

ISAMI ISERI

In re: Cattle owned by Isami Iseri.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isami Iseri, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Eleven (11) head of cattle, located on certain real property known as the Iseri farm, near Dabob, County of Jefferson, State of Washington, which real property was heretofore vested by Vesting Order 11307, dated June 1, 1948,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herta Luise Ammann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $701.55, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8322; Filed, Sept. 15, 1948; 8:49 a. m.]

[Vesting Order 11995]

HERTA LUISE AMMANN

In re: Cash owned by Herta Luise Ammann. F-28-28965.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herta Luise Ammann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $701.55, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8364; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 11996]

HUGO GUSTAV BARTIG

In re: Hugo Gustav Bartig, also known as Hugo Bartig. F-28-4403-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Gustav Bartig, also known as Hugo Bartig, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $725.95, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8365; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12000]

I. MARUI

In re: Bank account owned by I. Marui, also known as I. Inoue. D-39-6601-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That I. Marui, also known as I. Inoue, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to I. Marui, also known as I. Inoue, by Pajaro Valley Savings Bank, Watsonville, California, arising out of a savings account, Account Number 2283, entitled I. Marui, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8366; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12001]

LILLY ALEXA RYCKEN

In re: Debt owing to Lilly Alexa Rycken. F-28-26150-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lilly Alexa Rycken, whose last known address is Bismarck Strasse 67 Charlottenburg, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Lilly Alexa Rycken, by Anheuser-Busch, Inc., 721 Pestoluzzi St., St. Louis 18, Missouri, in the amount of $165.00, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8367; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12004]

HANS J. BAR

In re: Bank account owned by Hans J. Bar. F-28-9181-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans J. Bar, whose last known address is Lauberheimers Platz 3, P. O. Box 63, Berlin Wilmersdorf 1, British Sector, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hans J. Bar, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Checking Account entitled Hans J. Bar, maintained at the branch office of the foresaid bank located at 17 East 42nd Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8368; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12006]

KARIN MATHISSON

In re: Debt owing to Karin Mathisson.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karin Mathisson, whose last known address is Frankfurt/Main, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York in the amount of $250 as of May 26, 1948, presently on deposit with the aforesaid bank in a blocked account entitled Union Bank of Switzerland, Zurich, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Karin Mathisson, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

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erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8369; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12011]

RUDOLF REDMANN

In re: Bank account owned by Rudolf Redmann. F-28-9090-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Redmann, whose last known address is Muehlheim-Ruhr, Styrum, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Rudolf Redmann, by The First National Bank of Chicago, Chicago, Illinois, arising out of a savings account, account number 1,364,355, entitled Rudolf Redmann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8370; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12018]

JULIUS L. GILLARDON

In re: Estate of Julius L. Gillardon, deceased. File No. D-28-12354; E. T. Sec. 16571.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frederick Karl Gillardon, Emma Helen Ammann, Wilhelm August Gillardon, Amalle Maria Gut and Herman Karl Gillardon, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Herman Karl Gillardon, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Julius L. Gillardon, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Ben H. Brown, 524 North Spring Street, Los Angeles 12, California, as Administrator, acting under the judicial supervision of the Superior Court of California, County of Los Angeles, Los Angeles, California;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Herman Karl Gillardon are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, is being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8324; Filed, Sept. 15, 1948; 8:50 a. m.]

[Vesting Order 12020]

WILLIAM RIEDEL

In re: Estate of William Riedel, deceased. File No. D-28-12412; E. T. sec. 16624.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Opitz and Minna Lydia Richter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of William Riedel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, Public Administrator of Los Angeles County, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8325; Filed, Sept. 15, 1948; 8:50 a. m.]

SEP 21 '48

FEDERAL REGISTER

VOLUME 13 NUMBER 183

Washington, Saturday, September 18, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10000

REGULATIONS GOVERNING ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT SERVING OUTSIDE THE UNITED STATES

By virtue of the authority vested in me by section 207 of the Independent Offices Appropriation Act, 1949, approved April 20, 1948 (Public Law 491, 80th Congress), as amended by section 104 of the Supplemental Independent Offices Appropriation Act, 1949, approved June 30, 1948 (Public Law 862, 80th Congress), and by sections 303, 443, and 853 of the Foreign Service Act of 1946 (60 Stat. 1002, 1006, 1024), and as President of the United States, I hereby prescribe the following regulations (1) governing the payment of additional compensation to personnel of the United States employed outside the continental United States or in Alaska, under the provisions of the said section 207, as amended, (2) governing the payment of salary differentials to Foreign Service staff officers and employees serving at certain posts, pursuant to the said section 443, and (3) relating to unhealthful foreign posts, pursuant to the said section 853:

PART I—ADDITIONAL COMPENSATION IN FOREIGN AREAS

SECTION 101. *Definitions.* As used in this Part, (a) the words "foreign areas" mean all areas exclusive of (1) the forty-eight states of the United States, (2) the District of Columbia, and (3) Territories as defined in section 201 of this order, and (b) the words "section 207 of the Act" mean section 207 of the Independent Offices Appropriation Act, 1949, approved April 20, 1948, Public Law 491, 80th Congress, as amended by section 104 of the Supplemental Independent Offices Appropriation Act, 1949, approved June 30, 1948, Public Law 862, 80th Congress.

SEC. 102. *Additional Compensation by reason of environment.* The Secretary of State shall from time to time, subject to applicable law, (a) designate places in foreign areas having conditions of environment which differ substantially from conditions of environment in the United States and warrant additional compensation as a recruitment incentive, (b) fix for each such place the additional rate or rates of compensation to be paid by reason of such environment pursuant to section 207 of the Act, after giving due consideration to the degree of environmental difference, and (c) prescribe such further regulations, governing such compensation, as may be necessary. Additional compensation so fixed is hereafter in this Part referred to as "foreign post differential."

SEC. 103. *Basis for foreign post differential.* The Secretary of State may establish a foreign post differential for any place when, and only when, the place involves any one or more of the following: (a) extraordinarily difficult living conditions, (b) excessive physical hardship, or (c) notably unhealthful conditions.

SEC. 104. *Agencies covered.* Subject to the provisions of section 207 of the Act and of this Part, every executive department, independent establishment, and wholly owned Government corporation shall pay a foreign post differential fixed under section 102 hereof to each of its employees whose basic compensation is fixed by statute and who is located at the post for which that differential has been fixed.

SEC. 105. *Persons eligible to receive foreign post differential.* (a) In order that an employee be eligible to receive a foreign post differential under this Part, (1) he shall be a citizen or national of the United States, (2) his residence in the place to which the foreign post differential applies, at the time of receipt thereof, shall be fairly attributable to his employment by the United States, and (3) his residence at such place over an appropriate prior period of time must not be fairly attributable to reasons other than employment by the United States or by United States firms, interests, or organizations.

(b) Subject to the provisions of section 105 (a) hereof, the classes of persons eligible to receive the foreign post differentials fixed pursuant to section 102 hereof shall include:

(1) Persons recruited or transferred from the United States.

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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(2) Persons employed locally but (a) who were originally recruited from the United States and have been in substantially continuous employment by other Federal agencies, United States firms, interests, or organizations, international organizations in which the United States Government participates, or foreign governments, and whose conditions of employment provide for their return transportation to the United States, or (b) who were at the time of employment temporarily absent from the United States for purposes of travel or formal study and maintained residence in the United States during such temporary absence. When used in a geographical sense in section 105 (b) hereof, "United States" includes the areas included within the definition of Territories as set forth in section 201 hereof.

(3) Persons who are not normally residents of the area concerned and who are discharged from the military service of the United States in such area to accept employment therein with an agency of the Federal Government.

SEC. 106. *Payment of foreign post differentials.* (a) The following shall govern the payment of foreign post differentials under this Part:

(1) Payments shall begin as of the date of arrival at the post on assignment, transfer, or detail and shall stop as of departure from the post for separation, transfer, or detail, except that in case of local recruitment such payments shall begin and stop as of the beginning and end of employment.

(2) Payments to persons serving on a part-time basis shall be prorated to cover only those periods of time for which such persons receive basic compensation.

(3) Payment shall be made for all periods of sick leave and annual leave taken during the period covered under item (1) above and for transit time authorized for purposes of leave so taken.

(4) Payment shall not be made for any time for which an employee does not receive basic compensation.

(b) Foreign post differentials paid under this Part shall not be included in the base used in computing overtime pay, night differential, holiday pay, and retirement or cost-of-living allowances.

SEC. 107. *Persons serving under contract.* Any other provision of this Part notwithstanding, any person who would otherwise be eligible to receive a foreign post differential under this Part shall, if he is serving under contract, be compensated according to the terms of such contract for the period thereof and shall, during such period, be ineligible to receive a foreign post differential.

SEC. 108. *Periodic review.* The Secretary of State shall periodically, but at least annually, review the places designated, the rates fixed, and the regulations prescribed pursuant to section 102 hereof, with a view to making such changes therein as will insure that the payment of additional compensation under the provisions of this Part shall continue only during the continuance of conditions justifying such payment and shall not in any instance exceed the amount justified.

SEC. 109. *Additional living cost compensation.* No executive department, independent establishment, or wholly owned Government corporation shall pay, pursuant to section 207 of the Act, additional compensation to any employee located in any foreign area by reason of living costs which are substantially higher than those in the District of Columbia: *Provided*, That this section shall not be construed to prevent any payment under section 204 of said Independent Offices Appropriation Act, 1949, or under other appropriate authority.

PART II—ADDITIONAL COMPENSATION IN TERRITORIES

SEC. 201. *Definition.* As used in this Part, (a) the word "Territories" means Alaska, Hawaii, the possessions of the United States, the Trust Territory of the Pacific Islands, and such additional areas located outside the continental United States as the Secretary of State shall designate as being within the scope of the provisions of this Part, and (b) the words "section 207 of the Act" have the meaning set forth in section 101 hereof.

SEC. 202. *Additional compensation by reason of environment.* The United States Civil Service Commission shall from time to time, subject to applicable law, (a) designate places in Territories having conditions of environment which differ substantially from conditions of environment in the United States and warrant additional compensation as a recruitment incentive, (b) fix for each such place the additional rate or rates of compensation to be paid by reason of such environment pursuant to section 207 of the Act, after giving due consideration to the degree of environmental difference, and (c) prescribe such further regulations, governing such compensation, as may be necessary. Additional compensation so fixed is hereafter in this Part referred to as "Territorial post differential."

SEC. 203. *Basis for Territorial post differential.* The Civil Service Commission may establish a Territorial post differential for any place in the Territories when, and only when, the place involves any one or more of the following: (a) extraordinarily difficult living conditions, (b) excessive physical hardship, or (c) notably unhealthful conditions.

SEC. 204. *Persons eligible to receive Territorial post differential.* (a) In order that an employee be eligible to receive a Territorial post differential under this Part, (1) he shall be a citizen or national of the United States, (2) his residence in the place to which the Territorial post differential applies, at the time of receipt thereof, shall be fairly attributable to his employment by the United States, and (3) his residence at such place over an appropriate prior period of time must not be fairly attributable to reasons other than employment by the United States or by United States firms, interests, or organizations.

(b) Subject to the provisions of section 204 (a) hereof, the classes of persons eligible to receive the Territorial post differentials fixed pursuant to section 202 hereof shall include:

(1) Persons recruited or transferred from outside the area concerned.

(2) Persons employed in the area concerned but (a) who were originally recruited from outside such area and have been in substantially continuous employment by other Federal agencies, contractors of Federal agencies, or international organizations in which the U. S. Government participates, and whose conditions of employment provide for their return transportation to places outside the area concerned, or (b) who were at the time of employment temporarily present in the area concerned for purposes of travel or formal study and maintained residence outside such area during the period so present.

(3) Persons who are not normally residents of the area concerned and who are discharged from the military service of the United States in such area to accept employment therein with an agency of the Federal Government.

SEC. 205. *Additional living cost compensation.* (a) The United States Civil Service Commission shall from time to time, subject to applicable law, (1) designate places in the Territories where it determines that living costs are substantially higher than in the District of Columbia, (2) fix for each place so designated an additional rate or rates of compensation to be paid by reason of such higher living costs pursuant to section 207 of the Act, and (c) prescribe such further regulations, governing such compensation, as may be necessary. Additional compensation so fixed is hereafter in this Part referred to as "Territorial cost-of-living allowance."

(b) The Civil Service Commission shall, (1) in designating places under section 205 (a) hereof, consider the relative consumer price levels in the area and in the District of Columbia, and give due consideration to the differences in goods and services available and to the manner of living of persons employed in the areas concerned in positions comparable to those of United States employees in the areas, and (2) in fixing the Territorial cost-of-living allowance pursuant to such subsection, make appropriate deductions when quarters or subsistence, commissary or other purchasing privileges are furnished at a cost substantially lower than the prevailing local cost.

SEC. 206. *Coordination.* The Civil Service Commission shall define the extent to which and the conditions under which an employee serving within the Territories may receive both a Territorial post differential and a Territorial cost-of-living allowance, pursuant to section 207 of the Act. In carrying out its functions under this Part the Commission may take due notice of any special allowances, other than under section 207 of the act, granted to personnel employed by the United States in Territories.

SEC. 207. *Agencies covered.* Subject to the provisions of section 207 of the Act and of this Part, every Executive department, independent establishment, and wholly owned Government corporation shall pay (a) a Territorial post differential fixed under section 202 hereof to each of its employees whose basic compensation is fixed by statute and who is located at the post for which that differential has been fixed, and (b) a Territorial cost-of-living allowance fixed under section 205 hereof to each of its employees whose basic compensation is fixed by statute and who is located at the post for which that allowance has been fixed.

SEC. 208. *Payment of Territorial post differentials and cost-of-living allowances.* (a) The following shall govern the payment of Territorial post differentials and Territorial cost-of-living allowances under this Part:

(1) Payments shall begin as of the date of arrival at the post on assignment,

transfer, or detail and shall stop as of departure from the post for separation, transfer, or detail, except that in the case of local recruitment such payments shall begin and stop as of the beginning and end of employment.

(2) Payments to persons serving on a part-time basis shall be prorated to cover only those periods of time for which such persons receive basic compensation.

(3) Payment shall be made for all periods of sick leave and annual leave taken during the period covered by item (1) above and for transit time authorized for purposes of leave so taken.

(4) Payment shall not be made for any time for which an employee does not receive basic compensation.

(b) Territorial post differentials paid shall not be included in the base used in computing overtime pay, night differential, holiday pay, and retirement deduction.

SEC. 209. *Persons serving under contract.* Any other provision of this Part notwithstanding, any person who would otherwise be eligible to receive a Territorial post differential or a Territorial cost-of-living allowance under this Part shall, if he is serving under a contract, be compensated according to the terms of such contract for the period thereof and shall, during such period, be ineligible to receive said differential and allowance.

SEC. 210. *Periodic review.* The Civil Service Commission shall periodically, but at least annually, review the places designated, the rates fixed, and the regulations prescribed pursuant to this Part, with a view to making such changes therein as will insure that payment of additional compensation under the provisions of this Part shall continue only during the continuance of conditions justifying such payment and shall not in any instance exceed the amount justified.

PART III—INTERIM ARRANGEMENTS

SEC. 301. *Temporary regulations.* During the period commencing with the date of this order or the effective date of section 207 of the Act (as defined in section 101 hereof), whichever shall occur earlier, and ending on a date or dates fixed by the Secretary of State and the Civil Service Commission, respectively, as the effective dates of the designation of places and of the fixing of additional rates of compensation, under Parts I and II of this order, but in no event later than January 1, 1949, and notwithstanding the provisions of Parts I and II of this order, the payment of salaries and compensation (including the payment of additional compensation) of persons subject to the provisions of said section 207 shall be governed by the regulations and practices in effect in the respective Executive departments, independent establishments, and wholly owned government corporations immediately prior to April 20, 1948. Executive Order No. 9962 of May 24, 1948 is hereby revoked.

PART IV—FOREIGN SERVICE SALARY DIFFERENTIALS

SEC. 401. *Foreign Service differential posts.* Pursuant to section 443 of the Foreign Service Act of 1946, the rates of salary provided for positions of Foreign Service staff officers and employees are hereby found and declared to be inadequate at certain posts at which extraordinarily difficult living conditions or excessive physical hardship prevail or at which notably unhealthful living conditions exist, and which have been or may be included on the list of differential posts prepared and maintained for the purposes of said section 443 by the Secretary of State, which posts shall be known as "Foreign Service Differential Posts".

SEC. 402. *Salary differentials.* Foreign Service staff officers and employees at the posts referred to in section 401, above, shall, while such posts remain Foreign Service differential posts, be paid additional compensation in the form of salary differentials at 5 percent, 10 percent, 12½ percent, 15 percent, 20 percent, and 25 percent of the basic salary rates of the staff corps pay schedule, in accordance with such regulations as the Secretary of State may prescribe.

SEC. 403. *Effective date.* The salary differentials provided for in this Part shall be applicable to each officer and employee upon the beginning of his first pay period commencing after the date of this order.

SEC. 404. *Termination of this Part.* Unless hereafter extended, the provisions of this Part shall terminate June 30, 1951.

PART V—UNHEALTHFUL POSTS

SEC. 501. *Additional unhealthful posts.* Pursuant to section 853 of the Foreign Service Act of 1946, the following places at which diplomatic or consular offices were formerly or are now maintained are hereby added as of January 1, 1942, to the list of unhealthful posts established by Executive Order No. 5644 of June 8, 1931, as amended by the second paragraph of Executive Order No. 6942 of January 8, 1935, and by Executive Order No. 7062 of June 5, 1935:

Accra, Gold Coast, West Africa
Addis Ababa, Ethiopia
Basra, Iraq
Beira, Mozambique, Africa
Bogota, Colombia
Brazzaville, French Equatorial Africa
Camaguey, Cuba
Caripito, Venezuela
Cayenne, French Guiana
Chengtu, China
Corumba, Brazil
Ciudad Bolivar, Venezuela
Coatzacoalcos, Mexico
Cucuta, Colombia
Dhahran, Saudi Arabia
Florianopolis, Brazil
Fortaleza, Brazil
Godthaab, Greenland
Gundeloupe, French West Indies
Iquique, Chile
Iquitos, Peru
Iskenderun, Turkey
Jidda, Saudi Arabia
Kabul, Afghanistan
Kunming, China
Kweilin, China
Lanchow, China
La Paz, Baja California, Mexico
Manila, P. I.
Manta, Ecuador
Natal, Brazil
New Delhi, India
Noumea, New Caledonia
Paramaribo, Surinam
Port au Prince, Haiti
Puerto Cabezas, Nicaragua
Puerto la Cruz, Venezuela
Puntarenas, Costa Rica
Quito, Ecuador
Rio Hacha, Colombia
Samsun, Turkey
Sao Vicente, Cape Verde Islands
Sian, China
Suez, Egypt
Suva, Fiji Islands
Tabriz, Iran
Tapachula, Mexico
Tegucigalpa, Honduras
Tehran, Iran
Tihwa, China
Victoria, Brazil
Vladivostok, U. S. S. R.

SEC. 502. (a) *Unhealthful posts discontinued.* The following places at which diplomatic or consular offices are now maintained are hereby removed from the list of unhealthful posts referred to in section 501 above:

Acapulco, Mexico
Alvaro Obregon (Frontera)
Amoy, China
Bluefields, Nicaragua
Calbarien, Cuba
Cienfuegos, Cuba
Corinto, Nicaragua
Foochow, China
Habana, Cuba
Lourence Marques, Mozambique
Manaos, Brazil
Manzanillo, Mexico
Matanzas, Cuba
Medan, Sumatra
Muscat (Maskat), Oman
Nuevitas, Cuba
Penang, Straits Settlements
Port Limon, Costa Rica
Progreso, Mexico
Puerto Barrios, Guatemala
Puerto Cabello, Venezuela
Puerto Castilla, Honduras
Puerto Plata, Dominican Republic
Roma, Belgian Congo
Salina Cruz, Mexico
Sandakan, British North Borneo
Santa Marta, Colombia
Santa Rosalia, Mexico
Surabaya, Java
Swatow, China

(b) The cancellation of the designation of the above thirty posts as unhealthful shall not affect any credit which has accrued for service at these posts prior to the date of this order.

SEC. 503. *Termination of designation.* Unless hereafter extended, all designations of unhealthful posts under this Part and under any Executive order referred to in this Part shall terminate on June 30, 1951.

PART VI—GENERAL PROVISIONS

SEC. 601. *Publication.* This order, and the places designated, the rates fixed, and the regulations prescribed by the Secretary of State and the Civil Service Commission pursuant to Parts I and II of this order, shall be published in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 16, 1948.

[F. R. Doc. 48-8466; Filed, Sept. 17, 1948; 11:17 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 281—DRIED FRUIT

STATEMENT OF POLICY

The Commodity Credit Corporation (hereinafter referred to as CCC) will purchase dried fruit during the period September 1, 1948 through June 30, 1949, up to a maximum quantity which may approximate 200,000 tons. The quantity of dried apples, apricots, figs (in whole, sliced or paste form), peaches, pears, prunes and raisins which may be purchased, will depend on the total available supply of each fruit and the extent of demand for it in commercial trade channels.

Purchases from processors will be made upon a bid and acceptance basis. Processors of certain dried fruits may be required to pay producers or industry organizations administering pools, not less than specified minimum prices for natural condition dried fruit used in processing the quantity of packed fruit delivered to CCC. Should CCC purchase natural condition fruit from producers or such pools, an announced price basis will be used.

All fruit purchased will be U. S. Grade C or better as specified in the U. S. Standards for Grades of the various processed dried fruits, except that if CCC should purchase fig paste, processed peach slabs or fruit in natural condition form, the minimum grades of these items will be determined by the Manager, CCC. The dried fruit purchased will be used as assistance to and for relief feeding in foreign countries, and for school lunch and institutional feeding in this country.

Additional program details may be obtained from the Western Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, P. O. Box 773, Berkeley 1, California, or from the Dried Fruit Division, Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

(Sec. 4 (b), 55 Stat. 498, as amended, Pub. Law 806, 80th Cong., secs. 1 (d), 2, Pub. Law 897, 80th Cong.; 15 U. S. C. 713 a-8 (b))

Issued this 15th day of September 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 15, 1948.

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 48-8421; Filed, Sept. 17, 1948; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Reg. 100]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.397 *Grapefruit Regulation 100*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 20, 1948, and ending at 12:01 a. m., e. s. t., October 4, 1948, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any pink seeded grapefruit grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit of any variety, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of September 1948.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8463; Filed, Sept. 17, 1948; 8:57 a. m.]

[Orange Reg. 149]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.398 *Orange Regulation 149*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 20, 1948, and ending at 12:01 a. m., e. s. t., October 4, 1948, no handler shall ship any oranges, except Temple oranges, grown in the State of Florida which grade U. S. No. 2 Russet or lower than U. S. No. 2 Russet.

(2) During the period beginning at 12:01 a. m., e. s. t., September 20, 1948, and ending at 12:01 a. m. e. s. t., September 27, 1948, no handler shall ship any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 176 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) During the period beginning at 12:01 a. m., e. s. t., September 27, 1948, and ending at 12:01 a. m., e. s. t., October 4, 1948, no handler shall ship any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 216 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(4) As used herein, the terms "handler" and "ship" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of September 1948.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8470; Filed, Sept. 17, 1948; 11:46 a. m.]

[Lemon Reg. 291, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supps., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in subparagraph (b) (1) of § 953.398 (Lemon Regulation 291, 13 F. R. 5307), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 12, 1948, and ending at 12:01 a. m., P. s. t., September 19, 1948 is hereby fixed as follows:

(i) District 1: 375 carloads.

(ii) District 2: Unlimited movement.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 16th day of September 1948.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch Production and Marketing Administration.

[F. R. Doc. 48-8461; Filed, Sept. 17, 1948; 8:57 a. m.]

[Lemon Reg. 292]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.399 *Lemon Regulation 292*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 19, 1948 and ending at 12:01 a. m., P. s. t., September 26, 1948 is hereby fixed as follows:

(i) District 1: 325 carloads;

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 291 (13 F. R. 5307) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 16th day of September 1948.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8462; Filed, Sept. 17, 1948; 8:57 a. m.]

[Orange Reg. 248]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.394 *Orange Regulation 248*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 19, 1948 and ending at 12:01 a. m., P. s. t., September 26, 1948 is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: no movement; (*b*) Prorate District No. 2: 1,600 carloads; (*c*) Prorate District No. 3: no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: no movement; (*b*) Prorate District No. 2: no movement; (*c*) Prorate District No. 3: no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 19, 1948 to 12:01 a. m. Sept. 26, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0767
A. F. G. Corona	.1168
A. F. G. Fullerton	.7456
A. F. G. Orange	.4972
A. F. G. Riverside	.1141
A. F. G. San Juan Capistrano	.8364
A. F. G. Santa Paula	.6301
Hazeltine Packing Co	.4317
Placentia Pioneer Valencia Growers' Association	.6409
Signal Fruit Association	.1381
Azusa Citrus Association	.3998
Covina Valley Orange Co	.1039
Damerel-Allison Co	.8627
Glendora Mutual Orange Association	.3890
Irwindale Citrus Association	.3961
Puente Mutual Citrus Association	.2169
Valencia Heights Orchard Association	.4884
Covina Citrus Association	1.1306
Covina Orange Growers Association	.5973
Glendora Citrus Association	.3829
Glendora Heights Orange and Lemon Growers Association	.0595
Gold Buckle Association	.5694
La Verne Orange Association	.6886
Anaheim Citrus Fruit Association	1.1959
Anaheim Valencia Orange Association	.8086
Eadington Fruit Co., Inc	2.5966
Fullerton Mutual Orange Association	1.2907
La Habra Citrus Association	1.2800
Orange County Valencia Association	.6628
Orangethorpe Citrus Association	.8822
Placentia Coop. Orange Association	.6363
Yorba Linda Citrus Association	.6615
Citrus Fruit Growers	.7469
Cucamonga Citrus Association	.2264
Etiwanda Citrus Fruit Association	.0560
Mountain View Fruit Association	.0192
Old Baldy Citrus Association	.1343
Rialto Heights Orange Growers	.0626
Upland Citrus Association	.4004
Upland Heights Orange Association	.1290
Consolidated Orange Growers	1.9464
Frances Citrus Association	1.5712
Garden Grove Citrus Association	1.4145
Goldenwest Citrus Association, The	1.6503
Irvine Valencia Growers	2.8413
Olive Heights Citrus Association	2.0132
Santa Ana-Tustin Mutual Citrus Association	1.2990
Santiago Orange Growers Association	4.2955
Tustin Hills Citrus Association	2.3761
Villa Park Orchards Association, The	1.6585
Bradford Bros., Inc	.7307
Placentia Mutual Orange Association	1.6285
Placentia Orange Growers Association	1.8911
Yorba Orange Growers Association	.6193
Call Ranch	.0759
Corona Citrus Association	.5607
Jameson Co	.0487
Orange Heights Orange Association	.3081
Crafton Orange Growers Association	.4361
East Highlands Citrus Association	.6823
Fontana Citrus Association	.1214
Highland Fruit Growers Association	.0000
Redlands Heights Groves	.3200
Redlands Orangedale Association	.3406
Break & Sons, Allen	.0644
Bryn Mawr Fruit Growers Association	.2703
Krinard Packing Co	.3066
Mission Citrus Association	.1663
Redlands Coop. Fruit Association	.3743
Redlands Orange Growers Association	.2590
Redlands Select Groves	.3215
Rialto Citrus Association	.2088
Rialto Orange Co	.1599
Southern Citrus Association	.2003
United Citrus Growers	.0917
Zilen Citrus Co	.0741
Arlington Heights Citrus Co	.1324
Brown Estate, L. V. W	.1124
Gavilan Citrus Association	.1621
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0667
McDermont Fruit Co	.1917
Monte Vista Citrus Association	.1955
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0635
Sierra Vista Packing Association	.0599
Victoria Avenue Citrus Association	.1898
Claremont Citrus Association	.1842
College Heights Orange and Lemon Association	.2847
El Camino Citrus Association	.0878
Indian Hill Citrus Association	.2046
Pomona Fruit Growers Exchange	.4227
Walnut Fruit Growers Association	.4347
West Ontario Citrus Association	.4135
El Cajon Valley Citrus Association	.2955
Escondido Orange Association	2.6217
San Dimas Orange Growers Association	.4984
Andrews Bros. of Calif	.1907
Ball & Tweedy Association	.6033
Canoga Citrus Association	1.1716
North Whittier Heights Citrus Association	.9947
San Fernando Fruit Growers Association	.4856
San Fernando Heights Orange Association	1.0222
Sierra Madre-Lamanda Citrus Association	.2959
Camarillo Citrus Association	1.8770
Fillmore Citrus Association	3.7354
Mupu Citrus Association	3.1952
Ojai Orange Association	1.0762
Piru Citrus Association	1.5934
Santa Paula Orange Association	1.2146
Tapo Citrus Association	1.2662
Ventura County Citrus Association	.0373
Limoneira Co	0.7090
East Whittier Citrus Association	.3987
El Ranchito Citrus Association	1.0533
Murphy Ranch Co	.4720
Rivera Citrus Association	.4406
Whittier Citrus Association	.7058
Whittier Select Citrus Association	.4103
Anaheim Coop. Orange Association	1.1386
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.1372
Escondido Coop. Citrus Association	.4222
Euclid Avenue Orange Association	.5068
Foothill Citrus Union, Inc	.0359
Fullerton Coop. Orange Association	.3917
Garden Grove Orange Coop., Inc	.6836
Golden Orange Groves, Inc	.2746
Highland Mutual Groves	.0098
Index Mutual Association	.2442
La Verne Cooperative Citrus Association	1.3577
Mentone Heights Association	.0726
Olive Hillside Groves	.5980
Orange Cooperative Citrus Association	1.0146
Redlands Foothill Groves	.6360
Redlands Mutual Orange Association	.1929
Riverside Citrus Association	.0564
Ventura County Orange and Lemon Association	1.0030
Whittier Mutual Orange and Lemon Association	.1347
Babijuice Corp. of Calif	.3463
Banks Fruit Co	.0000
Banks, L. M	.2019
Borden Fruit Co	1.0456
California Associated Growers	.2481
California Fruit Distributors	.0458
Cherokee Citrus Co., Inc	.1413
Chess Co., Meyer, W	.3588
Escondido Avocado Growers	.0207
Evans Bros. Packing Co	.1113
Furr, N. C	.0188
Gold Banner Association	.2954
Granada Hills Packing Co	.0402
Granada Packing House	1.5302
Hill, Fred A	.0803
Inland Fruit Dealers, Inc	.0704
Morris Brothers Fruit Co	.0115
Orange Belt Fruit Distributors	1.8651
Panno Fruit Co., Carlo	.0129
Paramount Citrus Association	.3729
Placentia Orchard Co	.3736
San Antonio Orchard Co	.3948
Snyder & Sons Co., W. A	.4714
Stephens, T. F	.2314
Torn Ranch	.0000
Wall, E. T	.1256
Webb Packing Co	.0000
Western Fruit Growers, Inc., Reds	.6657

[F. R. Doc. 48-8469; Filed, Sept. 17, 1948; 11:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Economic Cooperation Administration

[ECA Reg. 4, Amdt. 1]

PART 1114—GUARANTIES UNDER THE ECONOMIC COOPERATION ACT OF 1948

DESIGNATION OF EXPORT-IMPORT BANK OF WASHINGTON AS AGENT FOR THE ADMINISTRATOR

Preamble. In furtherance of the purposes of the Economic Cooperation Act of 1948, the following section is supplementary to ECA Regulation 4. The sec-

tion number in the saving clause designated as § 1114.3 is hereby deleted and said saving clause shall remain as an undesignated paragraph and the following new § 1114.3 is hereby added to read as follows:

§ 1114.3 *Designation of Export-Import Bank of Washington as agent for the Administrator.* By virtue of the powers vested in me under the Economic Cooperation Act of 1948, and with the consent of the Board of Directors of Export-Import Bank of Washington, I hereby designate Export-Import Bank of Washington, as agent for the Administrator, to issue in its name and administer the guaranties made under section 111 (b) (3) of the Economic Cooperation Act of 1948, as authorized and upon the terms specified by the Administrator. No amendment other than above expressly stated is hereby made in ECA Regulation 4. Accordingly applications for guaranties should continue to be made in writing to the Administrator for Economic Cooperation, Washington 25, D. C.

By regulations duly promulgated, the Administrator may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this section. (Sec. 111 (b) (3), Pub. Law 472, 80th Cong.)

HOWARD BRUCE,
Acting Administrator for Economic Cooperation.

[F. R. Doc. 48-8381; Filed, Sept. 17, 1948; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 37]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respect:

1. Schedule A, item 115 b, is amended to read as follows: "(115 b) [Revoked and decontrolled]."

This amendment shall become effective September 18, 1948.

Issued this 18th day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement To Accompany Amendment 37 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the Council Grove Defense-Rental Area, situated in the State of Kansas, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-8385; Filed, Sept. 17, 1948; 8:45 a. m.]

[1] 12 F. R. 4302, 5040, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 295, 321, 442, 476, 497, 523, 828, 861, 1119, 1627, 1793, 1873, 1929, 3116, 3117, 3339, 3651, 3673, 4895, 5001, 5118, 5156.

[Controlled Housing Rent Reg.,[1] Amdt. 37]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule A, item 115 b, is amended to read as follows: "(115 b) [Revoked and decontrolled]."

This amendment shall become effective September 18, 1948.

Issued this 18th day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement to Accompany Amendment 37 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the Council Grove Defense-Rental Area, situated in the State of Kansas, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-8384; Filed, Sept. 17, 1948; 8:45 a. m.]

[1] 12 F. R. 4331, 5040, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294, 322, 441, 475, 476, 498, 523, 827, 861, 1118, 1628, 1793, 1861, 1927, 1929, 3116, 3339, 3628, 3673, 4894, 5001, 5117, 5157.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

AFGHANISTAN AND PAKISTAN; RATES AND CONDITIONS APPLICABLE TO ARTICLES IN THE REGULAR (POSTAL UNION) MAILS AND TO PARCEL POST PACKAGES

1. In § 127.202 *Afghanistan* (13 F. R. 931), as amended (13 F. R. 2312), amend paragraph (b) (1) to read as follows:

(1) *Table of rates.*

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.73	7	$1.63
2	.87	8	1.81
3	1.07	9	1.95
4	1.21	10	2.09
5	1.35	11	2.23
6	1.49		

Weight limit: 11 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: limited to 3 parcels.
(See § 127.77.)
Registration: No.
Insurance: No.
C. o. d.: No.
Exchange office: New York.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

2. In § 127.320a *Pakistan* (13 F. R. 2354), amend paragraph (b) (1) to read as follows:

(1) *Table of rates.*

WESTERN PAKISTAN

[Rates include surcharges]

Pounds:	Rate	Pounds:	Rate
1	$0.39	12	$2.17
2	.53	13	2.31
3	.73	14	2.45
4	.87	15	2.59
5	1.01	16	2.73
6	1.15	17	2.87
7	1.29	18	3.01
8	1.37	19	3.15
9	1.51	20	3.29
10	1.65	21	3.43
11	1.79	22	3.57

EASTERN PAKISTAN

[Rates include surcharges and transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.71	12	$2.66
2	.85	13	2.80
3	1.07	14	2.94
4	1.21	15	3.08
5	1.35	16	3.22
6	1.49	17	3.36
7	1.63	18	3.50
8	1.72	19	3.64
9	1.86	20	3.78
10	2.00	21	3.92
11	2.14	22	4.06

Weight limit: 22 pounds.
Customs declaration: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.
Exchange office: New York.

(R. S. 161, 396, 398, 4027, 4028, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372, 39 U. S. C. 711, 712)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-8378; Filed, Sept. 17, 1948; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8978]

PART 3—RADIO BROADCAST SERVICES

STANDARD AND FM BROADCAST STATION PERFORMANCE MEASUREMENTS POSTPONED FOR A YEAR

In the matter of amendment of §§ 3.46 and 3.254 of the Commission's rules and regulations.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of September 1948.

The Commission having under consideration amendments to §§ 3.46 and 3.254 of its rules and regulations, and

Whereas, on June 16, 1948, the Commission adopted an amendment to said § 3.46 of its rules by adding paragraph (e) thereto providing for the licensee of each standard broadcast station to make equipment performance measurements at yearly intervals, one of which had to be made during the four-month period preceding the date of filing application for renewal of station license; and

Whereas, in said order of June 16, 1948, provision was made that said amendment should be made effective August 1, 1948; and

Whereas, said tests require a frequency run on equipment to determine the fidelity characteristics and measurements of distortion and noise level; and

Whereas, such tests would involve the use of equipment not now required as part of each standard broadcast installation; and

Whereas, it appears to be doubtful whether stations could secure the equipment necessary for such measurements; and

Whereas, on June 16, 1948, the Commission also adopted an amendment to § 3.254 of its rules to become effective on August 1, 1948, providing for the licensee of each FM broadcast statoin to make equipment performance measurements at similar intervals; and

Whereas, many of the above considerations are applicable in the case of FM broadcast stations; and

It appearing, that it would be desirable to extend the effective date of said amendments from August 1, 1948 to August 1, 1949; and

It further appearing, that in view of the foregoing, it would not be in the public interest for notice of proposed rule making, in accordance with section 4 (a) of the Administrative Procedure Act, to be published;

It is ordered, that § 3.46 (e) of the Commission's rules and regulations be amended by adding the following footnote:

[1] In view of the fact that it is doubtful whether equipment necessary for certain of the measurements prescribed by this paragraph can be timely obtained, the effective date of this paragraph is extended from August 1, 1948 to August 1, 1949.

It is further ordered, that § 3.254 of the Commission's rules and regulations be amended by adding the following footnote:

[1] In view of the fact that is is doubtful whether equipment necessary for certain of the measurements prescribed by this paragraph can be timely obtained, the effective date of the requirement that the equipment performance measurements be made at yearly intervals is extended from August 1, 1948 to August 1, 1949.

(Secs. 303 (e), (j), 308 (b), 48 Stat. 1082, 1084, sec. 6 (b), 50 Stat. 191; 47 U. S. C. 303 (e), (j), (r), 308 (b))

It is further ordered, that this amendment shall be effective immediately.

Released: September 10, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8386; Filed, Sept. 17, 1948; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR STEAM ROADS

MISCELLANEOUS AMENDMENTS

SEPTEMBER 9, 1948.

By order dated July 22, 1948, the "Uniform System of Accounts for Steam Railroads, Issue of 1943," was modified to provide in the property accounts for the cost of unapplied equipment construction material, such modification to become effective January 1, 1949, unless otherwise ordered. Any interested party was permitted to file a written statement of reasons why the modifications should not become effective as ordered, provided such action was taken on or before September 1, 1948.

No objections having been received before the specified date and requirements of the Administrative Procedure Act having been complied with by publication of the order on August 4, 1948, in the FEDERAL REGISTER (13 F. R. 4482), the modifications which were attached to and made a part of the said order of July 22, 1948, will become effective as therein ordered.

(24 Stat. 386, 54 Stat. 917; 49 U. S. C. 20 (3))

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8379; Filed, Sept. 17, 1948; 8:53 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9106]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS TO DELETE CHANNEL NO. 268 FROM SALISBURY, MD., AND TO ADD CHANNEL NO. 268 TO GEORGETOWN, DEL.

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tenative Allocation Plan for Class B FM Broadcast Stations to the extent that Channel No. 268 will be deleted from allocation to Salisbury, Maryland and allocated to Georgetown, Delaware for the purpose of providing for a more equitable and efficient utilization of FM frequencies.

3. Authority for the adoption of the proposed amendment is contained in sections 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission, on or before October 18, 1948, a written statement or brief setting forth his comments. The Commission will consider all comments that are received before taking final action in the matter, and if any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs of comments filed shall be furnished the Commission.

Adopted: September 8, 1948.

Released: September 13, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8390; Filed, Sept. 17, 1948; 8:45 a. m.]

[Docket No. 9150]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS TO DELETE CHANNEL NO. 293 FROM HARRISBURG, PA., AND TO ADD CHANNEL NO. 293 TO BLOOMSBURG, PA.

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations to the extent that Channel No. 293 will be deleted from allocation to Harrisburg, Pennsylvania and allocated to Bloomsburg, Pennsylvania for the purpose of providing for a more equitable and efficient utilization of FM frequencies.

3. Authority for the adoption of the proposed amendment is contained in sections 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein,

may file with the Commission, on or before October 18, 1948, a written statement or brief setting forth his comments. The Commission will consider all comments that are received before taking final action in the matter, and if any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: September 8, 1948.

Released: September 14, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8389; Filed, Sept. 17, 1948; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 951]

HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 48-8175, appearing at page 5314 of the issue for Saturday, September 11, 1948, the word "material" in the sixth line of paragraph (b) of § 951.5 should read "maturity".

PROPOSED RULE MAKING

[7 CFR, Part 951]

TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948-49 SEASON

Correction

In Federal Register Document 48-8178, appearing on page 5317 of the issue for Saturday, September 11, 1948, the word "handled" in the last paragraph should read "handler".

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[50 CFR, Part 8]

PROTECTION OF MIGRATORY BIRDS

NOTICE OF INTENTION TO ADOPT REGULATION DESIGNATING CERTAIN TIDAL WATERS IN VICINITY OF PARKER RIVER NATIONAL WILDLIFE REFUGE, MASSACHUSETTS, AS A CLOSED AREA

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice is hereby given that the secretary of the Interior intends to take the following action:

Adopt a regulation establishing a closed area, in which the pursuing, hunting, taking, capture or killing of migratory birds or attempting to take, capture or kill migratory birds will not be permitted, embracing all tidal waters within the Mud Creek, Pine Island, and Plum Island Divisions of the Parker River National Wildlife Refuge, situate in the Towns of Ipswich, Newbury and Rowley, Essex County, Massachusetts, said waters being generally described as follows:

All that part of Plum Island Sound lying north of a line drawn from the pier on the west end of Stage Island near the south end of Plum Island to Middle Ground Island, and from Middle Ground Island to Hog Island Point, including its tributaries—Carolton Creek (also known as Carleton Creek), Cedar Point Creek, Grape Island Creek, Great Creek (also known as Mud Creek), Hate Cove, Long Point Creek, Nelson Island Creek, Pine Creek, Sawyer Creek (also known as Sawyers Island Creek), Stage Island Creek, and all unnamed tributaries thereto; all of the southerly two and one-half mile reaches of Plum Island River from a point approximately three-fourths mile south of the Plum Island Turnpike bridge, including its tributaries—Causeway Creek, Combers Creek, Jerico Creek, Pine Island Creek (also known as Great Pine Island Creek), and all unnamed tributaries thereto; and all of the lower one-mile reaches of Parker River from a point approximately five-eighths mile downstream from and east of the High Road Bridge in State Highway No. 1A, including its tributary Easons Creek, and all all unnamed tributaries to said river.

The season for hunting of migratory waterfowl in Massachusetts opens on October 29, 1948. To provide the necessary protection for the migratory waterfowl frequenting the above-described area, the afore-mentioned regulation must become effective not later than October 29, 1948. However, in order to allow a reasonable time for such presentation, all persons are hereby given an opportunity to participate in formulating the proposed regulation by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C., on or before October 2, 1948, and the normal 30-day period between the publication of such regulation and its effective date will be shortened to permit consideration of said submissions.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

SEPTEMBER 16, 1948.

[F. R. Doc. 48-8483; Filed, Sept. 17, 1948; 10:45 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-1094]

CANADIAN RIVER GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 14, 1948.

Upon consideration of the application filed August 2, 1948, by Canadian River Gas Company (Applicant), a Delaware corporation having its principal place of business at Amarillo, Texas, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as more fully described in such application on file with the Commission and open to public inspection:

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 24, 1948 (13 F. R. 4907).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 7, 1948, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 14, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8380; Filed, Sept. 17, 1948; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9083]

CLASS B FM BROADCAST STATIONS TO ADD CHANNEL NO. 227 TO FOREST CITY, N. C.

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held in its offices in Washington, D. C. on the 8th day of September 1948;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations by adding Channel No. 227 to Forest City, North Carolina; and

It appearing, that notice of proposed rule-making setting forth the above amendment was issued by the Commission on July 9, 1948 and was duly published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before August 16, 1948; and

It further appearing, that no comments or briefs with respect to the said amendment have been received; and

It further appearing, that the adoption of the said amendment would make possible a more equitable and efficient utilization of FM frequencies in the vicinity of Forest City, North Carolina.

It is ordered, That, effective October 15, 1948, the Revised Tentative Allocation Plan for Class B FM broadcast stations is amended so that Channel No. 227 is allocated to Forest City, North Carolina.

Released: September 13, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8388; Filed, Sept. 17, 1948; 8:45 a. m.]

[Docket No. 9149]

TELEVISION STATION WTVJ, MIAMI, FLA.

ORDER DESIGNATING APPLICATION FOR HEARING REGARDING REVOCATION OF CONSTRUCTION PERMIT

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of September 1948;

The Commission having under consideration the written application filed, pursuant to section 312 (a) of the Communications Act of 1934, as amended, by Southern Radio and Television Equipment Company, permittee of television station WTVJ, Miami, Florida, requesting hearing in the above entitled matter;

It is ordered, that, pursuant to section 312 (a) of the Communications Act of 1934, as amended, the above entitled matter be, and it is hereby designated for hearing on all matters pertinent to the Commission's order of revocation, dated July 29, 1948, said hearing to commence at a time and place to be designated by subsequent order of the Commission.

Released: September 10, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8391; Filed, Sept. 17, 1948; 8:45 a. m.]

[Mexican Change List 101]

NORTH AMERICAN REGIONAL BROADCASTING AGREEMENT

NOTIFICATION UNDER THE PROVISIONS OF PART III, SECTION 2

AUGUST 3, 1948.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying appendix containing assignments of Mexican broadcast stations (Mimeograph #47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement engineering meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
XEON	Tuxtla Gutierrez, Chiapas	770 kilocycles (delete—see Assignment on 1360 kc).			
New	Nogales, Sonora	1240 kilocycles (delete)			
New	Ciudad Guzman, Jalisco	1270 kilocycles (delete)			
New	Zamora, Michoacan	250w	U	IV	Jan. 10, 1949.
XEPO	San Luis Potosi, San Luis Potosi	1310 Kilocycles (delete—see Assignment on 1400 kc).			
XEON	Tuxtla Gutierrez, Chiapas	1360 kilocycles, 500w	U	III-B	Immediately
XEPO	San Luis Potosi, San Luis Potosi	1400 kilocycles, 100w	U	IV	
XENJ	Navojoa, Sonora	1430 kilocycles (delete)			

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8392; Filed, Sept. 17, 1948; 8:46 a. m.]

KEVT

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF PERMIT [1]

The Commission hereby gives notice that on July 28, 1948, there was filed with it an application (BAP-94) for its consent under section 319 (b) of the Communications Act to the proposed assignment of permit for station KEVT, Kerrville, Texas, from Leonard B. Brown to Kerr County Broadcasting Company. The proposal to assign the permit arises out of an agreement pursuant to which all station assets and properties, including land, buildings, equipment, furniture, etc., will be assigned to Kerr County Broadcasting Company for a cash consideration equal to the actual costs incurred by Leonard B. Brown in obtaining the permit, purchasing equipment, etc., which costs are estimated to be $65,000. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on September 7, 1948, that starting on September 3, 1948, notice of the filing of the application would be inserted in San Antonio Express, a newspaper of general circulation at San Antonio, Texas, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from September 3, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8393; Filed, Sept. 17, 1948; 8:46 a. m.]

KGER AND KOMB

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE AND PERMIT [1]

The Commission hereby gives notice that on August 12, 1948, there was filed with it an application (BAL-764, BAPH-92) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license for AM station KGER and permit for FM station KOMB, both in Long Beach, California, from Consolidated Broadcasting Corporation, Ltd., to John Brown Schools of California, Inc. The proposal to assign arises out of a contract of April 30, 1948,

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

pursuant to which Dana Latham, holder of 100% of the capital stock of the licensee as executor under the Will and Codicil of C. Merwin Dobyns, proposes to assign the license, permit, and certain tangible and intangible assets of the licensee to John Brown Schools of California, Inc. for a total price of $300,000, of which $5,000 has been deposited in escrow, $70,000 is payable upon the closing date, and the balance of $225,000 is payable at the rate of $3,500 per month, all unpaid balances to bear 4% interest. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 30, 1948, that starting on August 16, 1948, notice of the filing of the application would be inserted in the Long Beach Independent, a newspaper of general circulation at Long Beach, California, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from August 16, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8394; Filed, Sept. 17, 1948; 8:46 a. m.]

STANDARD AND FM BROADCAST STATION PERFORMANCE MEASUREMENTS

POSTPONEMENT FOR ONE YEAR

SEPTEMBER 10, 1948.

The Federal Communications Commission announced today[1] that it has postponed for one year (from August 1, 1948 to August 1, 1949) the effective date of amendments to §§ 3.46 and 3.254 of its rules which require all Standard and FM broadcast stations to make certain performance measurements at least once a year.

It appears that many Standard and FM broadcast stations are not equipped to make such measurements at this time. Although FM broadcast stations are required to submit such measurements upon making application for license, except where temporarily waived, the amendment imposes a continuing requirement on these stations; it is also a new requirement for Standard broadcast stations which heretofore have not been required to check their performance except in special cases.

By postponing the effective date of the rule for one year, licensees will be afforded ample time within which to purchase the equipment necessary for the tests and for their own engineering personnel to become familiar with the necessary measuring techniques. Although the Commission rules require only one complete set of measurements per year, it should be pointed out that the measurements will probably have to be made much more frequently and that the over-all fidelity requirements of Commission rules can be met only when the numerous individual component parts meet the requirements. Where over-all requirements are not met, checks on and adjustments to the individual components will be necessary.

The Commission wishes to emphasize that there has been no change in performance requirements for either FM or Standard broadcast stations. However, licensees are expected to cooperate in corrective action where necessary and in a manner consistent with the particular circumstances involved. Where extensive modification of equipment appears necessary in order to effect compliance, licensees will be permitted a reasonable time in which to take such corrective action.

The Commission expects that by August 1, 1949, through information obtained at the recent informal engineering conference and through future discussions with the industry, it will have established quantitative standards with respect to permissible values of radio frequency harmonics and other spurious emissions.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8387; Filed, Sept. 17, 1948; 8:45 a. m.]

[Docket No. 8976]

UTILIZATION OF FREQUENCIES IN THE BAND 475 TO 890 MEGACYCLES FOR TELEVISION BROADCASTING

ORDER OF TESTIMONY

The hearing in the above-entitled matter will commence on September 20, 1948, at 10 a. m. in the U. S. Department of Commerce Auditorium, Fourteenth Street between E Street and Constitution Avenue NW., Washington, D. C. Evidence offered by interested parties will be heard by the Commission in the following order. Parties who have filed appearances and whose names are not set forth below should communicate immediately to Commission Counsel their desire to be heard.

Party	*Witness*
Bureau of Standards	Kenneth Norton.
Joint Technical Advisory Committee	Philip Siling.
	Donald Fink.
George Lippitt	Personal appearance.
Television California	George P. Adair.
Television Broadcasters Association	J. R. Poppele (others).
Allen B. DuMont Laboratories, Inc.	Thomas T. Goldsmith.
Philco Television Broadcasting Corp. and Philco Corp.	David B. Smith.
Radio Corp. of America and National Broadcasting Co., Inc.	C. B. Jolliffe (others).
Westinghouse Electric Corp. and Westinghouse Radio Stations, Inc.	Walter Evans.
	D. R. Shoults.
	C. E. Nobles.
	Andrew D. Ring.
	Ralph Harmon.
	H. W. Schaefer.
	Gilbert Larson.
Columbia Broadcasting System, Inc.	William B. Lodge.
Cowles Broadcasting Co.	T. A. M. Craven.
Eitel-McCullough, Inc.	Harold E. Sorg.
WJR, The Goodwill Station, Inc., The WGAR Broadcasting Co., KMPC, The Station of Stars, Inc.	R. Morris Pierce (others).
Zenith Radio Corp.	J. E. Brown.
Paramount Television Productions, Inc.	Paul Raiburn.
	Richard Hodgson.
Sarkes Tarzian	Sarkes Tarzian.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8441; Filed, Sept. 17, 1948; 8:57 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5556]

GREENGLASS SALES CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of September A. D. 1948.

In the matter of Hyman Greenglass, an individual, trading as Greenglass Sales Co., Profit Manufacturing Co., and Zeno Game Co.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, that W. W. Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony and the receipt of evidence begin on Tuesday, September 21, 1948, at ten o'clock in the forenoon of that day (daylight saving time), in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8395; Filed, Sept. 17, 1948; 8:46 a. m.]

[Docket No. 5525]

BORK MFG. CO., INC., AND ALVIN BORKIN

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 9th day of September A. D. 1948.

In the matter of Bork Manufacturing Co., Inc., a corporation, and Alvin Borkin, an individual and president of Bork Manufacturing Co., Inc.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, that W. W. Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony and the receipt of evidence begin on Thursday, September 23, 1948, at ten o'clock in the forenoon of that day (daylight saving time), in room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8396; Filed, Sept. 17, 1948; 8:47 a. m.]

[Docket No. 5574]

V. M. PRODUCTS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 9th day of September A. D. 1948.

In the matter of Jerry W. Rothschild, an individual, trading as V. M. Products.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, that Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony and the receipt of evidence begin on Monday, September 27, 1948, at ten o'clock in the forenoon of that day (central standard time), in Room 1103, New Post Office Building, Chicago, Illinois.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8397; Filed, Sept. 17, 1948; 8:47 a. m.]

[Docket No. 5558]

A. N. S. SALES, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 9th day of September A. D. 1948.

In the matter of A. N. S. Sales, Inc., a corporation, and Robert E. Passmore, Albert Wertheimer, and Paul Davis, individuals and officers of A. N. S. Sales, Inc., and Murray R. Hitter, an individual.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, that W. W. Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, that the taking of testimony and the receipt of evidence begin on Wednesday, September 29, 1948, at ten o'clock in the forenoon of that day (eastern standard time), in Room 229, Post Office Building, Elmira, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents: The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8398; Filed, Sept. 17, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11579]

CLARA NOVAK

In re: Estate of Clara Novak, deceased. File D-28-11776; E. T. sec. 15979.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Boerner, Elsa Boerner, and Elfrieda Boerner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $6,602.94 was paid to the Attorney General of the United States by Margaret Reimann, Executrix of the Estate of Clara Novak, deceased;

[1] See F. R. Doc. 48-8386, under Title 47, Chapter I, *supra*.

3. That the said sum of $6,602.94 was accepted by the Attorney General of the United States on March 15, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $6,602.94 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8399; Filed, Sept. 17, 1948; 8:48 a. m.]

[Vesting Order 11712]

AUGUSTA HOLLAND

In re: Estate of Augusta Holland, deceased. File D-28-4180; E. T. sec. 7249.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Ernst, Wilhelm Ernst, Theodore Ernst, Emilie Schuster and Emil Behr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in sub-paragraph 1 hereof in and to the Estate of Augusta Holland, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of the Circuit Court of Starke County, Indiana, as Depositary, acting under the judicial supervision of the Circuit Court of Starke County, Knox, Indiana;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8400; Filed, Sept. 17, 1948; 8:48 a. m.]

[Vesting Order 11714]

ANNA HUSSMANN

In re: Estate of Anna Hussmann, deceased. File D-66-1878; E. T. sec. 10940.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Becker, Anna Wehrmeyer, Marie Schwarzwald, Marie Riepe, also known as Maria Riepe, and Friedrich Landwehr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in sub-paragraph 1 hereof, in and to the Estate of Anna Hussmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William F. J. Landwehr, as executor, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8401; Filed, Sept. 17, 1948; 8:48 a. m.]

[Vesting Order 11766]

GEORGE BRAUN

In re: Estate of George Braun, deceased. File No. D-28-12365; E. T. Sec. 16591.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Therese Polt and Katharina Wund, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of George Braun, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Thomas P. Mulligan, as Administrator, acting under the judicial supervision of the Probate Court of Cuyahoga County, Ohio;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8402; Filed, Sept. 17, 1948; 8:48 a. m.]

[Return Order 190]

KOICHI TANIGUCHI ET AL.

Having considered the claims set forth below and having issued a Determination allowing the claims which are incorporated by reference herein and filed herewith and Notice of Intention to Return having been published on August 5, 1948 (13 F. R. 4528).

It is ordered, That the claimed property, described below and in the Determination, be returned subject to any increase or decrease resulting from the administration thereof prior to return, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Koichi Taniguchi, P. O. Box 188, Hilo, T. H., 16170, $931.83.

Chitose Tanio or Shojiro Tanio, P. O. Box 72, Papaaloa, T. H., 16171, $1,368.01.

Mrs. Ura Ukishima, 931-B Birch Street, Honolulu 46, T. H., 16173, $85.15.

Shinsuke Uku, 9 Miles New Camp, Olaa, T. H., 16174, $601.88.

Shigeyo Urata or Katsuno Tomibe, Wainaku, Hilo, T. H., 16175, $501.25.

Jira Uza, Kilauea, Kauai, T. H., 16176, $570.74.

Yasuji Yamaguchi, 3421 Pakui Street, Honolulu, T. H., 16177, $11.16.

Yasuji Yamaguchi or Ayako Yamaguchi, 3421 Pakui Street, Honolulu, T. H., 16178, $82.86.

Kakuyo Yamamoto, guardian of Hiromu Yamamoto, 2975-A Loali Road, Honolulu, T. H. 16179, $874.00.

Hirokichi Yamashita or Yoshiko Yamashita, P. O. Box 363, Kahului, Maui, T. H., 16180, $869.93.

Hisako Yamato, P. O. Box O, Honodaa, T. H., 16181, $437.95.

Masuyo Yamato, P. O. Box O, Honokaa, T. H., 16184, $5,019.75.

Shizuka Yamato, P. O. Box O, Honokaa, T. H., 16185, $1,609.24.

Kanematsu Yoshimoto or Masaru Yoshimoto, P. O. Box 37, Kekaha, Kauai, T. H., 16186, $1,440.76.

Aki Yamane, P. O. Box, Kakuilu, Maui, T. H., 16187, $505.60.

Michiko Nishida, P. O. Box 38, Hilo, T. H., 24700, $18.12.

Fuji Nishida, guardian of Yoshihiro Nishida, P. O. Box 38, Hilo, T. H., 24701, $21.37.

Fuji Nishida, guardian of Teruka Nishida, P. O. Box. 38, Hilo, T. H., 24702, $11.40.

Fuji Nishida, guardian of Chikave Nishida, P. O. Box 38, Hilo, T. H., 24703, $14.56.

Fuji Nishida, guardian of Hiroko Nishida, P. O. Box 38, Hilo, T. H., 24704, $14.56.

George I. Abe, guardian of Kenneth S. Abe, 834 Mokauea Street, Honolulu, T. H., 29185, $14.71.

George I. Abe, guardian of Paul H. Abe, 834 Mokauea Street, Honolulu, T. H., 29186, $13.94.

Mrs. Yoneko Henmi, 766-A Willwill Street, Honolulu, T. H., 29189, $65.90.

Kaoru Inukai, 1208 Nuuanu Street, Honolulu, T. H., 29191, $323.37.

Seii Itomura, 1178 Maunakea Street, Honolulu, T. H., 29192, $153.66.

Seiyo Kubokawa, guardian of Waichi Kubokawa, deceased, 2010 Algaroba Street, Honolulu, T. H., 29194, $21.66.

Tomayo Masatani, 526-F Koule Street, Honolulu, T. H., 29196, $5.40.

Hinae Matsuse, (now Mrs. Hinae Okinaka), Pahala, Kau, T. H., 29197, $508.36.

Tamiju Murakami,[1] Paia, Maui, T. H., 29198, $1,826.72.

Toyokichi Oi, 2469 South King Street, Honolulu, T. H., 29200, $3.34.

Toshiaki Oi, guardian of Toshiko Oi, 2469 South King Street, Honolulu, T. H., 29201, $17.27.

Toshiaki Oi, trustee for Shoichi Oi, 2469 South King Street, Honolulu, T. H., 29202, $3.73.

Toshiaki Oi, trustee for Harue Oi, 2469 South King Street, Honolulu, T. H., 29203, $8.60.

Mrs. Hisami Ohira, P. O. Box 163, Makaweli, Kauai, T. H., 29204, $102.32.

Yutaka Suekuni, 1210 Desha Lane, Honolulu, T. H., 29205, $77.32.

Sue Shigeno, 2724-E Waiaka Road, Honolulu, T. H., 29206, $10.04.

B. Tokioka, 1660 Kalakana Avenue, Honolulu 19, T. H., 29207, $18.00.

Ryutaro Tamaki or Suino Tamaki, 1471-A Huuanu Avenue, Honolulu, T. H., 29208, $1,049.09.

Kameyo Tanaka, 3611 McCorriston Street, Honolulu 40, T. H., 29209, $45.35.

Kameyo Tanaka, trustee for Toshiyuki Tanaka, 3611 McCorriston Street, Honolulu 40, T. H., 29210, $32.29.

Ryutaro Tamaki, 1471-A Nuuanu Avenue, Honolulu, T. H., 29211, $11.93.

Hiromi Takata, Waimea Hotel, Kamuela, Hawaii, T. H., 29212, $26.60.

Hikoichi Yamamoto or Mina Yamamoto, P. O. Box 185, Pearl City, Oahu, T. H., 29214, $24.41.

Sumio Aoyama, guardian of Aiko Aoyama, 1367 Frank Street, Honolulu 36, T. H., 29849, $104.93.

Yoshimichi Arakawa, 941 Fifth Avenue, Honolulu, T. H., 29850, $351.51.

Mrs. Sadako Ikehara or Ginyei Ikehara, 3161 Woodlawn Drive, Honolulu, T. H., 29852, $179.09.

Keiji Ikezaki, 24 South Kukui Street, Honolulu, T. H., 29853, $103.86.

Kane Kaneda, 1262 Fort Street, Honolulu, T. H., 29854, $13.67.

Masao Koide, guardian of Masaji Koide, 2135 Waiola Street, Honolulu 27, T. H., 29856, $805.90.

Tsutomu Kuniyuki, P. O. Box 116, Kilauea, Kauai, T. H., 29857, $406.69.

Moichi Matsumoto, 523 Ahui Street, Honolulu 13, T. H., 29858, $643.20.

Riichi Miyahara, 1907 Algaroba Street, Honolulu, T. H., 29859, $306.09.

Minato Miyazaki, 408 North School Street, Honolulu, T. H., 29860, $43.44.

Hide Morimoto or Kiyoko Morimoto, 641 McNeill Street, Honolulu 35, T. H., 29861, $7.38.

Tsuruye Nakayama, 1830 Palolo Avenue, Honolulu, T. H., 29863, $55.23.

Tsuruye Nakayama, 1830 Palolo Avenue, Honolulu, T. H., 29864, $41.31.

Ito Nerio,[2] 1216 Lilo Place, Honolulu, T. H., 29865, $639.21.

Giichi Ochiai or Shigeyo N. Ochiai, P. O. Box 227, Waialua, Oahu, T. H., 29866, $10.24.

Toyokazu Okamura or Tsuya Okamura, 2801 East Manoa Road, Honolulu 15, T. H., 29867, $170.41.

Junokichi Senda, P. O. Box 1191, Lihue, Kauai, T. H., 29869, $58.76.

Sae Tachikawa, guardian of Meikyo Tachikawa and Jikyo Tachikawa, P. O. Box 2856, Wailuku, Maui, T. H., 29870, $261.95.

Yasutaro Takemoto or Misao Takemoto, 506 Kamani Street, Honolulu, T. H., 29871, $120.45.

Suino Tamaki, 1471-A Nuuanu Avenue, Honolulu, T. H., 29872, $578.43.

Mitsuko Tanaka, Punaluu, Oahu, T. H., 29873, $44.25.

Yoshishiro Uda, 915 20th Avenue, Honolulu 14, T. H., 29874, $526.61.

Denzo Uyeno, 3505 Manoa Road, Honolulu 54, T. H., 29875, $24.92.

Waihona C. E. Teritore, 1232 Palamea Lane, Honolulu, T. H., 29876, $185.47.

Isao Yamamoto or Kuniko Yamamoto, 1710 C-1 Lilika Street, Honolulu, T. H., 29877, $45.44.

May F. Yamashita, 1273 North King Street, Honolulu 51, T. H., 29878, $8.83.

Shigejiro Yasuda, trustee for Yoshito Yasuda, 1018 Kikeke Avenue, Honolulu 41, T. H., 29879, $100.29.

Shigejiro Yasuda, trustee for Tanio Yasuda, 1018 Kikeke Avenue, Honolulu 41, T. H., 29880, $12.77.

Kikue Nakamura (formerly Kikue Miura), 3316 Monsarrat Avenue, Honolulu, T. H., 29381, $83.33.

[1] Or Jujiro Murakami, deceased.

[2] Or Benzaburo Nerio, deceased.

Executed at Washington, D. C., on September 13, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8420; Filed, Sept. 17, 1948; 8:49 a. m.]

[Vesting Order 11767]

JOHN LEO EBERT

In re: Estate of John Leo Ebert, deceased. File No. D-28-12331; E. T. sec. 16546.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christina Seitz (Seits), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Christina Seitz (Seits), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John Leo Ebert, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer of Macon County, Illinois, acting under the judicial supervision of the County Court of Macon County, Illinois;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Christina Seitz (Seits) are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8403; Filed, Sept. 17, 1948; 8:48 a. m.]

[Vesting Order 11768]

JOHN LEO EBERT

In re: Estate of John Leo Ebert, deceased. File No. D-28-12331; E. T. sec. 16546.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Ebert Lutz, Esibeth Elizabeth Ebert, and Heinrich Ebert, whose last known address was, on June 3, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $750.00 was paid to the Attorney General of the United States by The Millikin Trust Company, Executor of the last will of Bertha Ebert, deceased executrix of the last will of John Leo Ebert, deceased;

3. That the said sum of $750.00 was accepted by the Attorney General of the United States on June 3, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $750.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on June 3, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8404; Filed, Sept. 17, 1948; 8:48 a. m.]

[Vesting Order 11918]

ELIZABETH KUHN

In re: Estate of Elizabeth Kuhn, deceased. File No. D-28-12273; E. T. sec. 16502.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Barbara Greulach, Frau Margaretha Dercum, Nicolaus Inglen, Frau Anna Tapprich, Jackob Inglen, Frau Maria Peters, Fraulein Henrietta Inglen, Schwester M. Richlinde, Willie Inglen, Frau Anni Bernard, and Frau Karl Herrmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees of Kasper Inglen, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Elizabeth Kuhn, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Arthur W. Chambers, as Administrator, d. b. n., c. t. a., acting under the judicial supervision of the Probate Court for the District of New Haven, Connecticut;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees of Kasper Inglen, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8405; Filed, Sept. 17, 1948; 8:48 a. m.]

[Vesting Order 11921]

MARIE MEIER

In re: Estate of Marie Meier, deceased. File No. D-28-12393, E. T. Sec. 16615.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theresa Meier, Anna Ehret, and Theresa Hansberger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Marie Meier, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Elizabeth Szarnyasi, as Executrix, acting under the judicial supervision of the Bergen County Orphan's Court, Hackensack, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8406; Filed, Sept. 17, 1948; 8:48 a. m.]

[Vesting Order 1503, as Amended, Amdt.]

MARTA HAUSER

In re: Real properties, personal property and bank account all owned by Martha Hauser.

Vesting Order 1503, dated May 21, 1943, as amended, is hereby further amended as follows and not otherwise:

By deleting subparagraph 3-b of said Vesting Order 1503, as amended, and substituting therefor the following:

b. All right, title and interest, both legal and equitable, of Marta Hauser in and to household furniture and personal effects, consisting of draperies, floor coverings, kitchen equipment, bedding, curtains and articles of furniture located in the dwellings known as 438 First Street and 202 "M" Street, Eureka, California, owned by Marta Hauser,

All other provisions of said Vesting Order 1503, as amended, and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8416; Filed, Sept. 17, 1948; 8:49 a. m.]

[Vesting Order 11922]

GUS MOMSEN

In re: Estate of Gus Momsen, deceased. File No. D-28-11179; E. T. Sec. 15568.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacob Martens, whose last known address is Germany, is a resident of Germany and a national of a designated enemy county (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Gus Momsen, deceased, presently being administered by Reuben F. Momsen, Gus Momsen, Jr. and Leo J. Momsen, independent executors, 610 Bassett Tower, El Paso, Texas,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8407; Filed, Sept. 17, 1948; 8:49 a. m.]

[Vesting Order 11943]

JOHN FUHRER AND CHEMICAL BANK AND TRUST CO.

In re: Trust Indenture dated January 18, 1930 between John Fuhrer, settlor, and Chemical Bank & Trust Company, trustee. File No. F-28-5378.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isabella Nafziger, Helmuth Nafziger, Elsa Just, Hanyorg Just, Helga Just, and Gertraub Just, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of the trust created by Trust Indenture dated January 18, 1930, made by John Fuhrer, and presently administered by Chemical Bank & Trust Company, 165 Broadway, New York, New York, as Trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8408; Filed, Sept. 17, 1948; 8:49 a. m.]

[Vesting Order 11949]

ISABELLA NAFZIGER

In re: Mortgage Participation Certificate No. 9319, Series F-1, issued to Isabella Nafziger by New York Title and Mortgage Company, New York, New York. File No. F-28-5378.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isabella Nafziger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all rights and interests evidenced by Mortgage Participation Certificate No. 9319, Series F-1, issued to Isabella Nafziger by New York Title and Mortgage Company, New York, New York, and the right to the transfer and possession of any and all instruments evidencing such rights and interests, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by James L. Clare, Adrian F. Burke, and Aaron Rabinowitz, as trustees, acting under the judicial supervision of the Supreme Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8409; Filed, Sept. 17, 1948; 8:49 a. m.]

[Vesting Order 11997]

DRESDNER BANK FILIALE KAIRO

In re: Stock, bond, detached bond coupons and fractional certificates owned by Dresdner Bank Filiale Kairo. F-28-176-A-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, anr pursuant to law, after investigation, it is hereby found:

1. That Dresdner Bank, the last known address of which is Berlin, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Dresdner Bank Filiale Kairo, the last known address of which is 106 Emod el Din B. P. 874, Cairo, Egypt, is a corporation, partnership, association or other business organization, organized under the laws of Egypt, and which is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by the aforesaid Dresdner Bank and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. One hundred (100) shares of no par value common capital stock of American & Foreign Power Company, Inc., a corporation organized under the laws of the State of Maine, evidenced by certificate number 95092, registered in the name of Tucker & Co., and presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, together with all declared and unpaid dividends thereon,

b. Four (4) detached coupons from a City of Frankfort on Main 6½% bond, number 2752, due May 1, 1953, of $32.50 face value each, bearing the dates May 1, 1937, November 1, 1937, May 1, 1938, and November 1, 1938, registered in the name of bearer, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, together with any and all rights thereunder and thereto,

c. One (1) Conversion Office for German Foreign Debts 3% Dollar Bond, due January 1, 1946, of $100.00 face value, bearing the number 79869, registered in the name of bearer, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, together with any and all rights thereunder and thereto, and

d. Four (4) Fractional Certificates of $62.50 face value, bearing the numbers 55790, 55791 and 55792 for $20.00 each and 5651 for $2.50, registered in the name of bearer, presently in the custody of J. Henry Schroder Banking Corporation, 46 William Street, New York 5, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dresdner Bank Filiale Kairo, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That Dresdner Bank Filiale Kairo is controlled by or acting for or on behalf of a designated enemy country (Germany) or a person within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8410; Filed, Sept. 17, 1948; 8:49 a. m.]

[Vesting Order 12012]

CHRISTIANA K. SCHAEFER AND W. F. GALL

In re: Debts owing to Christiana K. Schaefer also known as Karoline Schafer and as Karoline Gall Schafer, and W. F. Gall also known as William F. Gall and as Wilhelm Gall. F-28-29090-C-1, F-28-17865-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christiana K. Schaefer also known as Karoline Schafer, and as Karoline Gall Schafer, whose last known address is Ludwigsburg, Germany, and W. F. Gall also known as William F. Gall and as Wilhelm Gall, whose last known address is Stuttgart, Besiegheimstr 19, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Christiana K. Schaefer also known as Karoline Schafer, and as Karoline Gall Schafer, by Mowitz & Kohlhas, Attorneys at Law, Suite 615-17, 1420 Walnut Street, Philadelphia, Pennsylvania, in the amount of $93.65, as of December 31, 1945, presently on deposit in an account maintained in the name of "Mowitz & Kohlhas, Attorney Account" with the Philadelphia National Bank, 1416 Chestnut Street, Philadelphia, Pennsylvania, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christiana K. Schaefer also known as Karoline Schafer, and as Karoline Gall Schafer, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to W. F. Gall also known as William F. Gall and as Wilhelm Gall, by Mowitz & Kohlhas, Attorneys at Law, Suite 615-17, 1420 Walnut Street, Philadelphia, Pennsylvania, in the amount of $93.65, as of December 31, 1945, presently on deposit in an account maintained in the name of "Mowitz & Kohlhas, Attorney Account" with the Philadelphia National Bank, 1416 Chestnut Street, Philadelphia, Pennsylvania, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, W. F. Gall also known as William F. Gall and as Wilhelm Gall, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8371; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12017]

OSCAR VON WEDEKIND AND JULIA VON KNORR

In re: Stock and bank accounts owned by Oscar von Wedekind and Julia von Knorr. F-63-9302-E-1, F-63-9127-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oscar von Wedekind, whose last known address is Horst, Kreis Neustadt, am Ruebenberge, Germany, and Julia von Knorr, whose last known address is Roltach/Egern am Tegernsee, Bavaria, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto, and by reference made a part hereof, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York in an account in the name of Siegfried Hallauer, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, arising out of an account entitled Siegfried Hallauer, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York arising out of a blocked current account entitled Alfred Wyss, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Oscar von Wedekind and Julia von Knorr, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Number of shares
General Foods Corp., 250 Park Ave., New York, N. Y.	Delaware	No par value common stock.	100
National Biscuit Co., 449 West 14th St., New York, N. Y.	New Jersey	$10 par value common stock.	100
National Dairy Products Corp., 230 Park Ave., New York, N. Y.	Delaware	No par value common stock.	100
Wisconsin Electric Power Co., Public Service Bldg., Milwaukee, Wis.	Wisconsin	$10 par value common stock.	6

[F. R. Doc. 48-8375; Filed, Sept. 16, 1948; 8:51 a. m.]

[Vesting Order 12013]

SABINE SCHMAH

In re: Bank account owned by Sabine Schmah. F-28-12069-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sabine Schmah, whose last known address is 317 Zollenreuterstrasse, Aulendorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Sabine Schmah, by The San Francisco Bank, 526 California Street, San Francisco 4, California, arising out of a savings account, account number 763090, entitled Sabine Schmah, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8372; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12014]

FRANZISKA SCHMID

In re: Bank account owned by Franziska Schmid. F-28-12077-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franziska Schmid, whose last known address is Steinhausen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Franziska Schmid, by The San Francisco Bank, 526 California Street, San Francisco 4, California, arising out of a savings account, account number 763089, entitled Franziska Schmid, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8373; Filed, Sept. 16, 1948; 8:50 a. m.]

[Vesting Order 12015]

ANNA SCHRAMM

In re: Bank account owned by Anna Schramm. F-28-12143-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Schramm, whose last known address is Buchau, Federsec, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anna Schramm, by The San Francisco Bank, 526 California Street, San Francisco 4, California, arising out of a savings account, account number 763093, entitled Anna Schramm, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8374; Filed, Sept. 16, 1948; 8:51 a. m.]

[Return Order 168]

GEORGES VALENSI

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned afted adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Georges Valensi, Paris, France, 3513, 12200, and 12299; July 29, 1948 (13 F. R. 4371); Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial Nos. 251,004 (now United States Letters Patent No. 2,375,966); 304,884 (now United States Letters Patent No. 2,313,209); 381,226; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,664,798; 1,798,963 and 1,865,064. This return shall not be deemed to include the rights of any licensees under the above patents.

Appropriate documents and papers effecuating this order will issue.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8417; Filed, Sept. 17, 1948; 8:49 a. m.]

[Return Order 169]

ARTHUR BEHREND

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Arthur Behrend, Rockford, Ill., 11306; July 29, 1948 (13 F. R. 4371); $481.16 in the Treasury of the United States. Two United States Savings Bonds Series "F" Nos. M557921, and M557923F for the face amount of $1,000.00 each, due September 1, 1955, presently in the custody of the Safekeeping Department, Federal Reserve Bank of New York.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 13, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8418; Filed, Sept. 17, 1948; 8:49 a. m.]

[Return Order 170]

IRMA EK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Irma Ek, Helsinki, Finland, 5809; July 27, 1948 (13 F. R. 4309); $529.07 in the Treasury of the United States. Passbook No. 52951, Lakeview State Bank of Chicago, in the names of Carl Roslund and Anna Roslund.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 13, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8419; Filed, Sept. 17, 1948; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 13 NUMBER 184

Washington, Tuesday, September 21, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10001

PRESCRIBING OR AMENDING PORTIONS OF THE SELECTIVE SERVICE REGULATIONS AND DIRECTING THE SELECTION OF PERSONS FOR INDUCTION INTO THE ARMED FORCES AND THEIR INDUCTION

By virtue of the authority vested in me by Title I of the Selective Service Act of 1948, approved June 24, 1948 (62 Stat. 604), it is ordered as follows:

1. I hereby prescribe the following portions of the regulations governing the administration of Title I of the said Act, which shall constitute portions of Parts 628, 629, 631, 632, 641, and 642 of Chapter VI of Title 32 of the Code of Federal Regulations, such regulations to be known as the Selective Service Regulations:

PART 628—PHYSICAL EXAMINATION

MEDICAL INTERVIEW BY LOCAL BOARD

Sec.
628.1 Purpose of medical interview.
628.2 Registrants to be given medical interview.
628.3 Duties of medical advisor to local board.
628.4 Duties of local board.
628.5 Transfer for medical interview.

ARMED FORCES PHYSICAL EXAMINATION

628.10 Who will be examined.
628.11 Order to report for armed forces physical examination.
628.12 Postponement of armed forces physical examination.
628.13 Preparing records for a group ordered to report for armed forces physical examination.
628.14 Transfer of registrants for physical examination.
628.15 Transfer for armed forces physical examination directed by Director of Selective Service.
628.16 Duty of registrant to report for and submit to armed forces physical examination.
628.17 Forwarding registrants for armed forces physical examination.

ACTION TAKEN AFTER ARMED FORCES PHYSICAL EXAMINATION

628.25 Disposition of records.
628.26 Action when registrant's status not determined.

MEDICAL INTERVIEW BY LOCAL BOARD

§ 628.1 *Purpose of medical interview.* A medical interview of certain registrants by the medical advisor to the local board shall be accomplished for the purpose of screening at the local board those registrants who may have certain specified physical or mental conditions which disqualify them for service in the armed forces.

§ 628.2 *Registrants to be given medical interview.* (a) When the local board is of the opinion that a registrant who is in a class available for service has one or more of the obvious defects or manifest conditions listed in Part 629 of this chapter it shall order the registrant to present himself for medical interview at a specified time and place by mailing to such registrant a Notice to Registrant to Appear for Medical Interview (SSS Form No. 220).

(b) When a registrant who is in a class available for service claims that he has one or more of the obvious defects or manifest conditions listed in Part 629 of this chapter the local board shall order him to present himself for interview with the medical advisor to the local board at the time and place specified by the local board by mailing to such registrant a Notice to Registrant to Appear for Medical Interview (SSS Form No. 220).

(c) When, because of a physical or mental condition, a registrant is unable to personally present himself for medical interview, a reputable physician may file an affidavit, or an authorized representative of a Federal or State agency may file an official statement with the local board, stating (1) the character of the condition or defect, (2) that the physician has personal professional knowledge thereof, or that the representative has official knowledge thereof, and (3) that the registrant is unable to personally present himself for medical interview due to the character of the defect or condition. The local board shall refer such affidavit or official statement which it receives to the medical advisor to the local board for review.

§ 628.3 *Duties of medical advisor to local board.* (a) When the registrant is referred to the medical advisor to the local board for medical interview, the medical advisor shall make only such examination as he deems is necessary to determine whether the registrant has one or more of the disqualifying defects or conditions listed in Part 629 of this chapter. No laboratory or X-ray work shall be authorized but reports of labora-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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tory or X-ray work performed previously and presented by the registrant may be given consideration by the medical advisor. It shall be the duty of the registrant to present himself to the medical advisor to the local board at the time and place designated and to submit to examination.

(b) The medical advisor to the local board shall (1) give each registrant who presents himself for medical interview such examination as he deems necessary, or (2) review each affidavit of a reputable physician or official statement of a representative of a Federal or State agency referred to him by the local board. From such examination or review, the medical advisor to the local board shall determine whether the registrant has one or more of the defects or conditions listed in Part 629 of this chapter and shall record his findings in item 20 of Section II of the Record of Induction (NME Form No. 47).

§ 628.4 *Duties of local board.* (a) When no medical advisor to the local board is available, the local board, to the extent that it is capable of doing so, shall make the examination, review, and finding provided for in § 628.3.

(b) When a registrant is ordered to appear for medical interview the local board shall:

(1) Prepare an original and two copies of the Record of Induction (NME Form No. 47), completing Section I and item 19 of Section II thereof, and send the original and both copies to the medical advisor to the local board for completion of item 20 of Section II after the medical interview; and

(2) Enter under "Minutes of Actions by Local Board and Appeal Board" on the Classification Questionnaire (SSS Form No. 100) the date the Notice to Registrant to Appear for Medical Interview (SSS Form No. 220) was mailed to the registrant and the date upon which he is ordered to appear.

(c) After completion of the medical interview the local board shall determine, after considering the findings and recommendations of the medical advisor to the local board, whether or not to order the registrant to report for armed forces physical examination. The local board shall enter the date of the medical interview in column 7 of the Classification Record (SSS Form No. 102).

(d) If the local board determines that the registrant has a physical or mental condition listed in Part 629 of this chapter which disqualifies him for service in the armed forces, the following action shall be taken:

(1) The local board shall file the original of the Record of Induction (NME Form No. 47) in the registrant's Cover Sheet (SSS Form No. 101) and forward the two copies of the Record of Induction (NME Form No. 47) to the State Director of Selective Service who shall forward one copy to the Surgeon General, Department of the Army, Washington, D. C., and retain one copy.

(2) The local board shall review the classification of the registrant and if it finds under the provisions of Part 622 of this chapter that he should be placed in some other class, reopen his classification and classify him anew and mail him a Notice of Classification (SSS Form No. 110).

(3) The local board shall cancel any Order to Report for Armed Forces Physical Examination (SSS Form No. 223) which it has mailed to the registrant and advise him in writing of such cancellation.

(4) The local board shall note in column 4 of the Physical Examination List (SSS Form No. 225), if the registrant's name appears thereon, the fact that he has been found disqualified for service in the armed forces and also the classification in which he has been retained or placed.

(e) If the local board determines that the registrant does not have a physical or mental condition listed in Part 629 of this chapter which disqualifies him for service in the armed forces, or if the local board has any doubt concerning the existence of any such condition, the local board shall order the registrant to report for armed forces physical examination as provided in § 628.11.

§ 628.5 *Transfer for medical interview.* (a) Any registrant who has received a Notice to Registrant to Appear for Medical Interview (SSS Form No. 220) and who is so far from his own local board that presenting himself to the medical advisor to his local board would be a hardship may file a written request with the local board having jurisdiction of the area in which he is at that time located for his transfer for medical interview to that local board. The local board with which the request for transfer for medical interview is filed shall forward the request to the registrant's own local board.

(b) Upon receiving such request for transfer for medical interview the registrant's own local board shall forward the original and two copies of the Record of Induction (NME Form No. 47), after completing Section I and item 19 of Section II thereof, to the local board of transfer and shall enter under "Minutes of Actions by Local Board and Appeal Board" on the Classification Questionnaire (SSS Form No. 100) the date such forms were forwarded and the designation of the local board of transfer.

(c) The local board of transfer shall arrange for the medical interview of the registrant and on completion shall return the original and both copies of the Record of Induction (NME Form No. 47) to the registrant's own local board which shall take the further action required by paragraphs (c), (d), and (e) of § 628.4.

ARMED FORCES PHYSICAL EXAMINATION

§ 628.10 *Who will be examined.* Every registrant, before he is ordered to report for induction, shall be given an armed forces physical examination under the provisions of this part unless he is a delinquent.

§ 628.11 *Order to report for armed forces physical examination.* (a) In accordance with instructions of the Director of Selective Service, the State Director of Selective Service shall periodically issue to each local board in his State a directive specifying the number of registrants to be delivered for armed forces physical examination and the time and place fixed for such delivery.

(b) In complying with such directive, the local board shall mail an Order to Report for Armed Forces Physical Examination (SSS Form No. 223) to registrants who have been classified in Class I–A and Class I–A–O without regard to whether the registrants have requested or will request a personal appearance before the local board and without regard to whether an appeal has been or will be taken. The local board in complying with such directive shall, so far as is practicable, select and order to report for armed forces physical examination such registrants in the order of their liability for service.

(c) The local board may also mail an Order to Report for Armed Forces Physical Examination (SSS Form No. 223) to any registrant (1) who is classified in a class other than Class I–A or Class I–A–O if it determines that his induction may shortly occur, or (2) when directed to do so by the Director of Selective Service or the State Director of Selective Service.

(d) At the time the local board prepares the original Order to Report for Armed Forces Physical Examination (SSS Form No. 223), it shall make a copy of such form and shall file the copy in the registrant's Cover Sheet (SSS Form No. 101).

§ 628.12 *Postponement of armed forces physical examination.* The issuance of an Order to Report for Armed Forces Physical Examination (SSS Form No. 223) may be delayed or the forwarding of a registrant under such an order may be postponed to the same extent and in the same manner as provided in § 632.2 of this chapter with reference to an Order to Report for Induction (SSS Form No. 252); *Provided,* that any such delay or postponement under the provisions of this section shall terminate whenever the local board determines that the induction of the registrant is imminent, in which event the local board shall order the registrant to report for armed forces physical examination.

§ 628.13 *Preparing records for a group ordered to report for armed forces physical examination.* (a) As soon as the local board has mailed orders to report for armed forces physical examination to all registrants who are to appear for such examination at a particular time and place it shall:

(1) Prepare in quintuplicate a Physical Examination List (SSS Form No. 225), completing thereon the entries in columns (1), (2), and (3) for each such registrant.

(2) Prepare in triplicate the Record of Induction (NME Form No. 47) by completing Section I and item 19 of Section II thereof for each such registrant for whom such form has not previously been completed.

(3) Assemble and attach to the registrant's Record of Induction (NME Form No. 47) any information in the possession of the local board which should be considered by the armed forces in determining the acceptability of the registrant for military service.

(b) Whenever a registrant referred to in paragraph (a) of this section is transferred to another local board for armed forces physical examination, a notation of such transfer shall be made in column 5 of the Physical Examination List (SSS Form No. 225) and all of the other records of such registrant prepared in the manner provided in paragraph (a) of this section shall be transmitted to the local board to which such registrant is transferred for armed forces physical examination in the manner and at the time provided in § 628.14.

§ 628.14 *Transfer of registrants for physical examination.* (a) Any registrant who has received an Order to Report for Armed Forces Physical Examination (SSS Form No. 223) and who is so far from his own local board that reporting to his own local board would be a hardship may, subject to the provisions of this section, be transferred for armed forces physical examination to the local board having jurisdiction of the area in which he is at that time located, present his Order to Report for Armed Forces Physical Examination (SSS Form No. 223), and complete, in quadruplicate, the request portion of Transfer for Armed Forces Physical Examination (SSS Form No. 222).

(c) The local board with which such registrant files such request shall investigate the circumstances of the registrant's absence from his own local board area. If it finds that he does not have a good reason for his absence, it shall endorse its disapproval upon his request, mail the original thereof to the registrant's own local board, mail a copy to the registrant, and file the remaining copies. Such registrant shall then be required to report in accordance with the Order to Report for Armed Forces Physical Examination (SSS Form No. 223) which he received from his own local board.

(d) If the local board with which the registrant files such request finds that he has a good reason for his absence from his own local board area and that he is so far from his own local board area that it would be a hardship for him to return to his own local board area for his armed forces physical examination, it shall endorse its approval upon his request, mail the original and one copy by air mail (unless ordinary mail is as expeditious) to the registrant's own local board, mail a copy to the registrant, and file the remaining copy.

(e) Immediately upon receiving the approved Transfer for Armed Forces Physical Examination (SSS Form No. 222), the registrant's own local board shall complete on the original thereof the order transferring the registrant for armed forces physical examination. It shall then mail the original of the Transfer for Armed Forces Physical Examination (SSS Form No. 222) to the local board to which the registrant is being transferred and shall file the copy in the registrant's Cover Sheet (SSS Form No. 101). It shall also mail to the local board to which the registrant is being transferred for armed forces physical examination, the original and two copies of the Report of Induction (NME Form No. 47), any information in the possession of the local board which should be considered by the armed forces in determining the acceptability of the registrant for military service, and any other records designated by the Director of Selective Service.

(f) The local board to which such registrant is transferred for armed forces physical examination, when it receives the papers from the registrant's own local board as provided in paragraph (e) of this section, shall prepare and mail to the registrant a new Order to Report for Armed Forces Physical Examination (SSS Form No. 223) and shall add the name of the registrant to its Physical Examination List (SSS Form No. 225) indicating in the "Remarks" column thereof that the registrant is a transfer from another local board.

(g) When the transferred registrant's examination has been completed or if he fails to report for such examination, the local board to which such registrant was transferred for armed forces physical examination shall forward all the papers with reference to such registrant to his own local board.

§ 628.15 *Transfer for armed forces physical examination directed by Director of Selective Service.* (a) The Director of Selective Service may direct that a particular registrant or a registrant who comes within a described group of registrants be transferred for armed forces physical examination to such local board or local boards as he shall designate.

(b) A registrant selected for armed forces physical examination shall be transferred for such examination to the local board having jurisdiction of the area in which he is at that time located whenever, from information in his file, it appears that the registrant is located in one and the registrant's own local board is located in another of the following: the continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands.

(c) To accomplish the transfer for armed forces physical examination, under paragraphs (a) or (b) of this section, the registrant's own local board shall complete the Transfer for Armed Forces Physical Examination (SSS Form No. 222) in duplicate by inserting the date, name, and present address of the registrant and the words "By direction of the Director of Selective Service" on the front of such form and by completing the second endorsement on the back of such form. The copy of the Transfer for Armed Forces Physical Examination (SSS Form No. 222) shall be filed in the registrant's Cover Sheet (SSS Form No. 101). The local board shall then forward the original of the Transfer for Armed Forces Physical Examination (SSS Form No. 222), the original and both copies of the Report of Induction (NME Form No. 47), any information in the possession of the local board which should be considered by the armed forces in determining the acceptability of the registrant for military service, and any other records designated by the Director of Selective Service, to the State Director of Selective Service of the State in which the registrant is located. The State Director of Selective Service of the State in which the registrant is located shall check such documents and insert thereon the name and address of the local board in his State to which the registrant is transferred for armed forces physical examination and forward the documents to such local board. The local board to which the registrant is transferred shall cause the registrant to be given an armed forces physical examination and shall take the actions provided for in paragraphs (f) and (g) of § 628.14.

§ 628.16 *Duty of registrant to report for and submit to armed forces physical examination.* (a) When the local board mails to a registrant an Order to Report for Armed Forces Physical Examination (SSS Form No. 223), it shall be the duty of the registrant to report for such examination at the time and place fixed in such order unless, after the date the Order to Report for Armed Forces Physical Examination (SSS Form No. 223) is mailed and prior to the time fixed therein for the registrant to report for his armed forces physical examination, the local board cancels such Order to Report for Armed Forces Physical Examination (SSS Form No. 223) or postpones the time when such registrant shall so report and advises the registrant in writing of such cancellation or postponement.

(b) If the time when the registrant is ordered to report for armed forces physical examination is postponed, it shall be the duty of the registrant to report for armed forces physical examination upon the termination of such postponement and he shall report for armed forces physical examination at such time and place as may be fixed by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for armed forces physical examination when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for armed forces physical examination to his local board and to each local board whose area he enters or in whose area he remains.

(c) Upon reporting for armed forces physical examination, it shall be the duty of the registrant (1) to follow the instructions of a member or clerk of the local board as to the manner in which he will be transported to the location where his armed forces physical examination will take place, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for armed forces physical examination, (3) to appear for and submit to such examination as the commanding officer of the induction station shall direct, and (4) to follow the instructions of a member or clerk of the local board as to the manner in which he will be transported on his return trip from the place where his armed forces physical examination takes place.

§ 628.17 *Forwarding registrants for armed forces physical examination.* When the registrants who are to be forwarded for armed forces physical examination have assembled, the local board shall proceed as follows:

(a) The roll shall be called, using the previously prepared Physical Examination List (SSS Form No. 225), and any absence shall be recorded in the "Remarks" column.

(b) As each registrant's name is called he shall be observed by a member or clerk of the local board. If the member or clerk of the local board knows or sees a registrant who he believes may be disqualified for military service because of an obvious defect or manifest condition listed in Part 629 of this chapter, the registrant shall not be forwarded for armed forces physical examination on that day but shall be given a local board medical interview as provided in § 628.2 and if after such medical interview it is determined that the registrant is not disqualified he shall then be forwarded for an armed forces physical examination.

(c) A leader and assistant leaders shall be appointed and furnished with proper credentials.

(d) The leader shall be given the following in a sealed packet:

(1) The original and two copies of the Physical Examination List (SSS Form No. 225).

(2) For each registrant being forwarded, the original and two copies of the Record of Induction (NME Form No. 47), any information in the possession of the local board which should be considered by the armed forces in determining the acceptability of the registrant for military service, and any other records designated by the Director of Selective Service.

(e) When it is necessary, travel tickets or transportation requests, and meal and lodging requests for the group, both for the trip to the joint examining and induction station and for the return trip, shall be issued. The leader shall be instructed to deliver the sealed packet containing the original and two copies of the Physical Examination List (SSS Form No. 225), the originals and copies of the Record of Induction (NME Form No. 47), and other information to the commanding officer of the joint examining and induction station or his representative. He shall be instructed to return any unused portions of the transportation requests or any unused meal and lodging requests to the local board.

(f) The local board shall instruct all registrants in the group that it is their duty to obey the instructions of the leader and assistant leaders during the time they are going to and returning from the joint examining and induction station, that they will be met by proper representatives of the armed forces, that while they are at the joint examining and induction station, they will be subject to and must obey the orders of the representatives of the armed forces, that they must present themselves for and submit to such examination as the commanding officer of the joint examining and induction station shall direct, and that they will be returned to the local board when the examination is completed.

(g) The local board shall mail one copy of the Physical Examination List (SSS Form No. 225) to the State Director of Selective Service and shall file one copy.

ACTION TAKEN AFTER ARMED FORCES PHYSICAL EXAMINATION

§ 628.25 *Disposition of records.* (a) The commanding officer of the joint examining and induction station will forward to the local board the following documents concerning registrants forwarded for armed forces physical examination:

(1) For all registrants whether found acceptable or not acceptable for service in the armed forces, the original Physical Examination List (SSS Form No. 225) indicating in column 4 the disposition of each registrant forwarded for armed forces physical examination, and the original and one copy of Certificate of Acceptability (NME Form No. 62).

(2) For each registrant found acceptable for service in the armed forces, the original and both copies of the Record of Induction (NME Form No. 47), the original and both copies of the Report of Medical Examination (Standard Form 88) together with any X-ray films and the original and both copies of Report of Medical History (Standard Form 89).

(3) For each registrant found not acceptable for service in the armed forces, the original and one copy of the Record of Induction (NME Form No. 47), the original and one copy of the Report of Medical Examination (Standard Form 88) together with any X-ray films, and the original and one copy of the Report of Medical History (Standard Form 89).

(4) All other records forwarded by the local board.

(b) The commanding officer of the joint examining and induction station will retain one copy of the Physical Examination List (SSS Form No. 225) and send one copy of the Physical Examination List (SSS Form No. 225) to the State Director of Selective Service.

(c) For registrants found not acceptable for service in the armed forces, the commanding officer of the joint examining and induction station will retain one copy of the Record of Induction (NME Form No. 47), one copy of the Report of Medical Examination (Standard Form 88), and one copy of the Report of Medical History (Standard Form 89) for each such registrant.

(d) Upon receipt of the documents described in paragraph (a) of this section, the local board shall take the following actions:

(1) File the original Physical Examination List (SSS Form No. 225).

(2) When a Certificate of Acceptability (NME Form No. 62) indicates that a registrant has been found acceptable for military service or that a registrant has been found not acceptable for military service, the local board shall immediately mail the original of such certificate together with any attachments thereto to the registrant and shall record the date of mailing of such Certificate of Acceptability (NME Form No. 62) under "Minutes of Action by Local Board and Appeal Board" on the registrant's Classification Questionnaire (SSS Form No. 100).

(3) For each registrant found acceptable for military service, file the original and both copies of the Record of Induction (NME Form No. 47), the original and both copies of the Report of Medical Examination (Standard Form 88) together with any X-ray films, and the original and both copies of the Report of Medical History (Standard Form 89) in the registrant's Cover Sheet (SSS Form No. 101).

(4) For each registrant rejected, file the original of the Record of Induction (NME Form No. 47), the original of the Report of Medical Examination (Standard Form 88) together with any X-ray films, and the original of the Report of Medical History (Standard Form 89) in the registrant's Cover Sheet (SSS Form No. 101) and forward to the State Director of Selective Service one copy of each of the above forms which shall be retained by him.

§ 628.26 *Action when registrant's status not determined.* The joint examing and induction station will return the records of a registrant without determining his status when his records are in-

complete and will indicate on the Certificate of Acceptability (NME Form No. 62) of such registrant that his status has not been determined because his records were incomplete. In each such case the local board shall take the following action:

(a) If the Report of Medical Examination (Standard Form 88) and the Report of Medical History (Standard Form 89) have been completed, the local board shall secure and complete all the required records and send them, together with all records returned by the joint examining and induction station, to such station for final determination of the acceptability of the registrant.

(b) If the Report of Medical Examination (Standard Form 88) and the Report of Medical History (Standard Form 89) have not been completed the local board shall secure and complete all the required records and shall, on the next delivery date, return the registrant to the joint examining and induction station for further processing, together with all such completed records and all records which were previously returned by the joint examining and induction station.

PART 629—DISQUALIFYING OBVIOUS DEFECTS AND MANIFEST CONDITIONS

§ 629.1 *Alphabetical list of obvious defects and manifest conditions which disqualify for service in the armed forces.* The existence of one or more of the obvious defects or manifest conditions contained in the following alphabetical list shall disqualify a registrant for service in the armed forces if the functional ability of the registrant is impaired to the extent that he cannot perform military duties in a satisfactory manner:

Abdominal wall, sinuses of.
Acromegaly.
Acute disease, other than venereal (Reconsider after recovery).
Addiction, drug, confirmed, to such a degree as to interfere with following a useful vocation in civil life.
Addison's disease.
Alcoholism, chronic, to such a degree as to interfere with following a useful vocation in civil life.
Amputation of arm or leg, or complete or partial loss of hand or foot.
Anemia, aplastic; pernicious.
Aneurysm, of any vessel.
Angina pectoris, true.
Aphonia.
Aplastic anemia.
Arch, obliteration of transverse, associated with permanent flexion of toes (claw toes).
Asthma, severe, obvious to medical advisor.
Auditory canal, atresia of, or tumors of.
Bladder, tumor of.
Blindness, complete, both eyes.
Bone, disease of any, or joint, healed with such resulting deformity or rigidity that function is impaired to a marked degree.
Bone disease (suppurative periostitis, osteomyelitis, caries, or necrosis) of chest, including ribs, sternum, clavicles, scapulae, or vertebrae.
Bone, tuberculosis of.
Brain, hernia of.
Brain, tumor of.
Bronchus, tumor of, benign or malignant.
Carcinoma, or other malignant tumor or disease of any organ or part of the body.
Chest wall, unhealed sinuses of, following operation for empyema.
Circulatory failure, evidenced by definite symptoms such as breathlessness, pain, and signs of congestive failure (engorged neck veins, enlarged liver, edema, as well as dyspnea).
Clubfoot, of marked degree.
Commitment, for insanity, or authentic history of medical treatment for insanity without commitment.
Cornea, ulcer of, chronic.
Coronary thrombosis and/or myocardial infarction, authenticated by electrocardiogram.
Cyst, pilonidal, if evidenced by the presence of a tumor mass or discharging sinus.
Deafness, complete, both ears.
Deformities of marked degree which seriously interfere with function and weight-bearing power.
Deformities of mouth, throat, and nose which interfere with mastication of ordinary food, with speech, or with breathing.
Deformities of the skull in the nature of depressions, exostoses, severe.
Deformities of skull of any degree associated with evidence of disease of the brain, spinal cord, or peripheral nerves.
Dermatitis, herpetiformis, of long duration.
Diabetes mellitus, confirmed.
Disease, Addison's.
Disease, Hodgkin's.
Dislocations, old, unreduced, with rigidity, deformity, or dysfunction to a marked degree.
Drug addiction, confirmed, to such a degree as to interfere with following a useful vocation in civil life.
Elephantiasis, severe.
Empyema, residual accumulation or unhealed sinuses of chest wall following operation for empyema.
Endocarditis, confirmed.
Epilepsy, positive certification of.
Epispadias, when urine cannot be voided in such manner as to avoid soiling of clothing or surroundings, or when accompanied by evidence of chronic infection of the genito-urinary tract.
Esophagus, stricture of, or other organic disease.
Eye, loss of one (surgical or congenital).
Eyelid or eyelids, deformity of, such as inversion or eversion of a degree that forcible closure fails to cover the eyeball or in which there is a resultant conjunctival inflammation, corneal irritation, or a restriction of rotation of the eyeball.
Feet, flat, when accompanied by marked symptoms and deformity.
Fever, rheumatic, acute, or verified history of single or recurrent attacks within previous two years.
Fistula, abdominal wall, anal, osseous, post-operative, or urinary.
Flat feet, when accompanied by marked symptoms and deformity.
Fractures, healed, of vertebrae or pelvic bones with associated symptoms which have prevented the individual from following a useful vocation in civil life.
Fracture, old, ununited.
Fungoides, mycosis.
Gigantism.
Glaucoma.
Goitre, simple, if enlargement is of such a degree as to interfere with the wearing of ordinary clothing.
Goitre, toxic.
Hallux valgus, if severe and associated with marked exostosis or bunion.
Heart block (determined by electrocardiogram).
Hemophilia.
Hermaphroditism.
Hernia, inguinal, which has descended into the scrotum; recurrent; post-operative; or ventral.
Hernia of the brain.
Hodgkin's Disease.
Hypospadias, when urine cannot be voided in such a manner as to avoid soiling of clothing or surroundings, or when accompanied by evidence of chronic infection of the genito-urinary tract.
Idiocy.
Imbecility.
Incontinence, urinary.
Insanity, with commitment, or with authentic medical history of treatment for insanity without commitment.
Jaws, diseases of, and associated structures which are irremediable or not easily remedied, or which incapacitate the individual in civil life. Extensive loss of oral tissue in an amount that would prevent replacement of missing teeth by a satisfactory denture.
Joint, disease of, healed, with such resulting deformity or rigidity that function is impaired to a marked degree.
Kidney, absence of one.
Kidney, tumor of.
Laryngeal paralysis, due to any cause.
Larynx, destructive lesions of.
Leprosy.
Leukemia.
Lobectomy.
Lungs, tumor of, benign or malignant.
Lupus vulgaris.
Lymph node, enlargement of, associated with leukemia or Hodgkin's Disease.
Lymphosarcoma.
Malignant disease or neoplasm of any organ or part of body.
Mastoiditis, chronic.
Mediastinum, tumor of, benign or malignant.
Metallic poisoning, except argyria.
Multiple sclerosis.
Muscle, paralysis of, or contracture which disturbs function to such a degree as to interfere with following a useful vocation in civil life.
Mutism.
Myocardial infarction, authenticated by electrocardiogram.
Neck, tumor of the thyroid, including enlarged lymph nodes and benign tumors, if the enlargement is of such a degree as to interfere with wearing of ordinary clothing.
Orbit, tumor of.
Osteomyelitis, active, of any bone or a substantiated history of osteomyelitis of any of the long bones of the extremities at any time.
Otitis media, chronic, suppurative.
Paralysis, laryngeal, due to any cause.
Paralysis, muscular, or contracture which disturbs function to such a degree as to interfere with following a useful vocation in civil life.
Paraplegia.
Parkinson's syndrome, marked.
Pemphigus, chronic.
Penis, amputation of, if the resulting stump is insufficient to permit normal function of micturition.
Peptic ulcer, active, if diagnosis is confirmed by X-ray or on surgical operation for same.
Pernicious anemia.
Perversion, sexual.
Pilonidal cyst, if evidenced by the presence of a tumor mass or discharging sinus.
Plantar warts, on weight-bearing areas.
Pleura, tumor of, benign or malignant.
Pleurisy, with effusion, which is to be considered of tuberculous origin if no other cause can be proved.
Pleurisy, tuberculous, with effusion.
Pleuritis, chronic, adhesive, of such extent as to interfere with respiratory function.
Pneumonectomy.
Pulmonary tuberculosis, active within five years.
Purpura, thrombocytopenic.
Rheumatic fever, acute, or verified history of single or recurrent attacks within the previous two years.
Scars, extensive, deep, or adherent, that interfere with muscular movement or that show a tendency to break down and ulcerate.
Sclerosis, multiple.
Sex perversion.
Sinuses of the abdominal wall.
Skull, deformities of, in the nature of depressions or exostoses, severe.
Skull, deformities, of any degree associated with evidence of disease of the brain, spinal cord, or peripheral nerves.
Splenic enlargement associated with leukemia, Hodgkin's Disease, splenic anemia, or other disqualifying disease.
Stammering or stuttering, to such a degree as to prevent following of a useful vocation in civil life.
Strabismus, permanent and severe.
Stricture of urethra, severe.
Syphilis, cerebrospinal, cardiovascular, or visceral.
Testicle, tumor of.
Thumbs, loss of one or both.
Thrombocytopenic purpura.
Tracheostomy.
Trachoma.
Tuberculosis, active, of any part of the body.
Tuberculosis, pulmonary, active within five years.
Tumors of bladder, kidney, or testicle.
Tumor of brain.
Tumor, benign, of breast or of chest wall, of such size and location as to interfere with wearing ordinary clothing.
Tumor, benign or malignant, of trachea, bronchi, lungs, pleura, or mediastinum.
Tumor, malignant, of breast or chest wall.
Tumor of orbit.
Tumor of thyroid or other structures of neck, including enlarged lymph nodes and benign tumors of the neck, if the enlargement is of such degree as to interfere with the wearing of ordinary clothing.
Ulcer of cornea, chronic.
Ulcer, peptic, active, if diagnosis is confirmed by X-ray or on surgical operation for same.
Ulcers, of skin, chronic.
Urethra, stricture of, severe.
Warts, plantar, on weight-bearing areas.

PART 631—QUOTAS AND CALLS

Sec.
631.1 Quotas and credits.
631.2 Determination of quotas, credits, and debits.
631.3 Determination of local board quotas, credits, and debits.
631.4 Calls by the Secretary of Defense.
631.5 Calls by the Director of Selective Service.
631.6 Calls by State Director of Selective Service.
631.7 Action by local board upon receipt of notice of call.

§ 631.1 *Quotas and credits.* Quotas of men to be inducted for training and service in the armed forces shall be determined for each State, Territory, possession, and the District of Columbia, and for subdivisions thereof, on the basis of the actual number of registrants classified in Class I–A and Class I–A–O who have been found acceptable for service in the armed forces. In fixing such quotas, credits shall be given for residents of such subdivisions who are serving on active duty in the armed forces on the date fixed for determining the quotas. After the quotas are fixed, credits shall be given in filling such quotas for residents of such subdivisions who subsequently enter upon active duty in the armed forces. Until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates, and subsequent adjustments therein shall be made when such actual numbers are known.

§ 631.2 *Determination of quotas, credits, and debits.* (a) The Director of Selective Service shall determine the quotas, credits, and debits for the nation and for each State. Each State Director of Selective Service shall be required periodically to report the total number of registrants in the State and the number of registrants in the State who have been placed in Class I–A and Class I–A–O and have been found acceptable for service in the armed forces. Each State Director of Selective Service shall also periodically report the number of registrants inducted from his State on State Monthly Report of Deliveries, Inductions and Examinations (SSS Form No. 262).

(b) The armed forces will furnish to each State Director of Selective Service a Report of Home Address at Time of Last Entry into Service (NME Form No. 53) for each person who is on active duty and who reports his or her permanent residence as being located in that State. Each State Director of Selective Service will similarly receive a home address report for each person, whether a registrant or not, who is a resident of his State and who subsequently enters upon active duty in the armed forces other than by induction through a local board.

(c) When a person on active duty in the armed forces is separated from active duty status or is reported as being a deserter, the appropriate State Director of Selective Service will receive a report of separation from the armed forces for each such person.

(d) Each State Director of Selective Service shall report periodically to the Director of Selective Service on State Monthly Report of Deliveries, Inductions and Examinations (SSS Form No. 262) the number of Reports of Home Address at Time of Last Entry into Service (NME Form No. 53) and the number of reports of separation from the armed forces properly forwarded to him for crediting and debiting purposes in his State. Each State Director of Selective Service shall also compute and allocate the debits and credits for each local board in his State.

§ 631.3 *Determination of local board quotas, credits, and debits.* The State Director of Selective Service for each State shall determine the quotas, credits, and debits for each local board in his State. He shall from time to time call upon each local board to report the number of registrants in the local board, the number classified, and the number it has placed in Class I–A and Class I–A–O who have been found acceptable for service in the armed forces.

§ 631.4 *Calls by the Secretary of Defense.* The Secretary of Defense shall from time to time place with the Director of Selective Service a call or requisition for a specified number of men to be inducted into the armed forces. The Secretary of Defense shall present such calls or requisitions to the Director of Selective Service not less than 60 days prior to the period during which the delivery and induction of such men are to be accomplished.

§ 631.5 *Calls by the Director of Selective Service.* The Director of Selective Service shall, upon receipt of a call or requisition from the Secretary of Defense, allocate such call or requisition among the several States. The Director of Selective Service shall issue to the State Director of Selective Service of each State concerned a Notice of Call on State (SSS Form No. 200) for the number of men found acceptable for service in the armed forces allocated to each State. The Director of Selective Service shall send two copies of each such Notice of Call on State (SSS Form No. 200) to the Secretary of Defense.

§ 631.6 *Calls by State Director of Selective Service.* The State Director of Selective Service, upon receiving a Notice of Call on State (SSS Form No. 200) from the Director of Selective Service shall (a) allocate to the local boards concerned within his State the number of men which his State is called upon to furnish for service in the armed forces and (b) issue to each local board concerned a Notice of Call on Local Board (SSS Form No. 201) directing the local board to select and deliver for induction the number of men who have been found to be acceptable for service in the armed forces fixed in such Notice of Call on Local Board (SSS Form No. 201). The State Director of Selective Service shall send a copy of each Notice of Call on Local Board (SSS Form No. 201) to the Commanding General of the Army Area in which his State is located and a copy to the commanding officer of the joint examining and induction station to which the selected men are directed to report for induction.

§ 631.7 *Action by local board upon receipt of notice of call.* Each local board, upon receiving a Notice of Call on Local Board (SSS Form No. 201) from the State Director of Selective Service for a specified number of men shall select and order to report for induction the number of men required to fill the call from among its registrants who have been classified in Class I–A and Class I–A–O and who have been found acceptable for service in the armed forces, except that a registrant classified in Class I–A or Class I–A–O who is a delinquent may be selected and ordered to report for induction notwithstanding the fact that he has not been found acceptable for service in the armed forces. Such registrants shall be selected and ordered to report for induction in the order of their dates of birth with the oldest being selected first; *Provided*, that any such registrant who is a delinquent shall, regardless of his age, be selected and ordered to report for induction before any other registrant. When two or more such registrants have the same date of birth they shall, as among themselves, be selected in alphabetical order. The men so selected and ordered to report for induction shall be men to whom the local board has mailed a Certificate of Acceptability (NME Form No. 62) at least 21 days before the date fixed for induction; *Provided*, that a registrant classified in Class I–A or Class I–A–O who is a delinquent may be selected and ordered to report for induction to fill an

induction call notwithstanding the fact that he has not been mailed a Certificate of Acceptability (NME Form No. 62). Whenever the number of postponements of induction materially reduces the number of men the local board actually can deliver in response to a call, the local board shall issue orders to report for induction to such numbers of additional men as may be necessary to meet the call, taking into account the number of men to be delivered following the expiration of postponements previously granted.

PART 632—DELIVERY AND INDUCTION

GENERAL

Sec.
632.1 Order to report for induction.
632.2 Postponement of induction; general.
632.3 Postponement of induction; high school students.
632.4 Postponement of induction; college students.
632.5 Preparing records for a group ordered to report for induction.

TRANSFER FOR INDUCTION

632.9 Certain registrants may request transfer for induction.
632.10 Transfer for induction directed by Director of Selective Service.

INDUCTION

632.14 Duty of registrant to report for and submit to induction.
632.15 Forwarding registrants for induction.
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DISPOSITION OF RECORDS

632.20 Records returned to local board.
632.21 Disposition of other records by the armed forces.

RECLASSIFICATION

632.30 Classification of registrants inducted or rejected.
632.31 Registrants enlisted in the armed forces.

GENERAL

§ 632.1 *Order to report for induction.* Immediately upon determining which men are to report for induction, the local board shall prepare for each man an Order to Report for Induction (SSS Form No. 252) in duplicate. The date specified for reporting for induction shall be at least 10 days after the date on which the Order to Report for Induction (SSS Form No. 252) is mailed. The local board shall mail the original of the Order to Report for Induction (SSS Form No. 252) to the registrant and shall file the copy in his Cover Sheet (SSS Form No. 101).

§ 632.2 *Postponement of induction; general.* (a) In case of death of a member of the registrant's immediate family, extreme emergency involving a member of the registrant's immediate family, serious illness of the registrant, or other extreme emergency beyond the registrant's control, the local board may, after the Order to Report for Induction (SSS Form No. 252) has been issued, postpone the time when such registrant shall so report for a period not to exceed 60 days from the date of such postponement, subject, however, in cases of imperative necessity, to one further postponement for a period not to exceed 60 days; *And provided also*, That the Director of Selective Service or any State Director of Selective Service (as to registrants registered within his State) may, for a good cause, at any time prior to the issuance of an Order to Report for Induction (SSS Form No. 252), postpone the issuance of such order until such time as he may deem advisable, or the Director of Selective Service or any State Director of Selective Service (as to registrants registered within his State) may, for good cause, at any time after the issuance of an Order to Report for Induction (SSS Form No. 252), postpone the induction of a registrant until such time as he may deem advisable, and no registrant whose induction has been thus postponed shall be inducted into the armed forces during the period of any such postponement.

(b) The local board shall issue to each registrant whose induction is postponed a Postponement of Induction (SSS Form No. 264), shall mail a copy of such form to the State Director of Selective Service, and shall note the date of the granting of the postponement and the date of its expiration in the "Remarks" column of the Classification Record (SSS Form No. 102).

(c) Any period of postponement authorized in paragraph (a) of this section may be terminated before the date of its expiration when the issuing authority so directs and the registrant shall then report for induction at such time and place as may be fixed by the local board.

(d) A postponement of induction shall not render invalid the Order to Report for Induction (SSS Form No. 252) which has been issued to the registrant but shall operate only to postpone the reporting date and the registrant shall report on the new date without having issued to him a new Order to Report for Induction (SSS Form No. 252).

§ 632.3 *Postponement of induction; high school students.* (a) Any person who, while satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning, is ordered to report for induction prior to his graduation from such school or institution, shall, upon the facts being presented to the local board, have his induction postponed (1) until the time of his graduation therefrom, or (2) until he attains the twentieth anniversary of his birth, or (3) until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest.

(b) The date of issuance and the date of expiration of any period of postponement authorized in paragraph (a) of this section shall be noted in the "Remarks" column of the Classification Record (SSS Form No. 102), the registrant shall be issued a Postponement of Induction (SSS Form No. 264), and a copy of such Postponement of Induction (SSS Form No. 264) shall be mailed to the State Director of Selective Service.

§ 632.4 *Postponement of induction; college students.* (a) Any person who, while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, is ordered to report for induction after the beginning and prior to the end of an academic year shall, upon the facts being presented to the local board, have his induction postponed (1) until the end of such academic year, or (2) until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier.

(b) The date of issuance and the date of expiration of any period of postponement authorized in paragraph (a) of this section shall be noted in the "Remarks" column of the Classification Record (SSS Form No. 102), the registrant shall be issued a Postponement of Induction (SSS Form No. 264), and a copy of such Postponement of Induction (SSS Form No. 264) shall be mailed to the State Director of Selective Service.

§ 632.5 *Preparing records for a group ordered to report for induction.* (a) As soon as the local board has mailed an Order to Report for Induction (SSS Form No. 252) to all registrants who are directed to report for induction at a particular time and place, it shall:

(1) Prepare in quintuplicate a Delivery List (SSS Form No. 261) completing thereon the entries in columns (1), (2), and (3) for each such registrant.

(2) Assemble and attach to each registrant's Record of Induction (NME Form No. 47) the Report of Medical Examination (Standard Form 88), the Report of Medical History (Standard Form 89), any X-ray films made at the time of the armed forces physical examination, any waiver of disqualification, any order terminating civil custody, and all other information bearing on the acceptability of the registrant for service in the armed forces.

(b) Whenever a registrant referred to in paragraph (a) of this section is transferred to another local board for induction, a notation of such transfer and the identity of the local board to which he is transferred shall be made in the "Remarks" column of the Delivery List (SSS Form No. 261). All of the records of such registrant prepared in the manner provided in subparagraph (2) of paragraph (a) of this section shall be transmitted to the local board to which such registrant is transferred for induction in the manner and at the time provided in § 632.9.

TRANSFER FOR INDUCTION

§ 632.9 *Certain registrants may request transfer for induction.* (a) Any registrant who is so far from his own local board that reporting to his own local board for induction would be a hardship may, subject to the provisions of this section, be transferred for induction to the local board having jurisdiction of the area in which he is at that time located. Application for such transfer may be made by the registrant at the time he receives his Order to Report for Induction (SSS Form No. 252).

(b) Any such registrant desiring to be so transferred shall immediately report to the local board having jurisdiction of the area in which he is at that time located, present his Order to Report for Induction (SSS Form No. 252), and complete, in quintuplicate, the request portion of Request for Transfer for Delivery (SSS Form No. 260).

(c) The local board with which such registrant files such request shall investigate the circumstances of the registrant's absence from his own local board area. If it finds that he does not have a good reason for his absence, it shall endorse its disapproval upon his request, mail the original thereof to the registrant's own local board, mail a copy to the registrant, and file one of the remaining copies. Such registrant shall then be required to report in accordance with the Order to Report for Induction (SSS Form No. 252) of his own local board.

(d) If the local board with which the registrant files such request finds that he has a good reason for his absence from his own local board area and that he is so far from his own local board area that it would be a hardship for him to return to his own local board area for induction, it shall endorse its approval upon his request, mail the origina. and two copies by air mail (unless ordinary mail is as expeditious) to the registrant's own local board, mail a copy to the registrant, and file the remaining copy. When necessary for the accomplishment of the early induction of the registrant, the local board with which the registrant files his request may telegraph the registrant's own local board notifying it of the approval of the registrant's application for such transfer and requesting that the necessary records of the registrant be immediately forwarded to the local board of transfer. In such instances, the local board of transfer shall confirm the telegram by immediately mailing the original and two copies of the Request for Transfer for Delivery (SSS Form No. 260), with the endorsement of approval thereon, to the registrant's own local board.

(e) When the registrant's own local board receives the approved Request for Transfer for Delivery (SSS Form No. 260), or receives a telegraphic approval of a request for transfer as provided in paragraph (d) of this section, it shall:

(1) Immediately complete on the original of the Request for Transfer for Delivery (SSS Form No. 260) the order transferring the registrant for induction.

(2) Prepare in triplicate the Transfer for Delivery (SSS Form No. 263) and the Report of Delivery of Transferred Registrant (SSS Form No. 263–A).

(3) Mail one copy of the Request for Transfer for Delivery (SSS Form No. 260) together with one copy of the Transfer for Delivery (SSS Form No. 263) and one copy of the Report of Delivery of Transferred Registrant (SSS Form No. 263–A) to its State Director of Selective Service for his further action as provided in paragraph (i) of this section, and file the remaining copy of the Request for Transfer for Delivery (SSS Form No. 260), one copy of Transfer for Delivery (SSS Form No. 263), and one copy of Report of Delivery of Transferred Registrant (SSS Form No. 263–A) in the registrant's Cover Sheet (SSS Form No. 101).

(4) Mail the original of the Request for Transfer for Delivery (SSS Form No. 260), the original of the Transfer for Delivery (SSS Form No. 263), and the original of the Report of Delivery of Transferred Registrant (SSS Form No. 263–A) to the local board to which the registrant is being transferred for induction. In the event that the papers of the registrant have not already been forwarded to the local board of transfer, the forms referred to above shall be accompanied by the original and two copies of the Record of Induction (NME Form No. 47), all the records referred to in subparagraph (2) of paragraph (a) of § 632.5, and any other records designated by the Director of Selective Service.

(f) When the local board to which such registrant is transferred for induction receives the papers from the registrant's own local board, as provided in paragraph (e) of this section, it shall proceed to deliver him for induction as soon as practicable after the date fixed for him to report for induction in the Order to Report for Induction (SSS Form No. 252) issued by his own local board. If possible, the transferred registrant shall be delivered for induction with the next call on the local board to which he has been transferred, but if there is to be no such call at an early date, it shall deliver such transferred registrant specially whenever the joint examining and induction station is receiving men. When the local board of transfer determines to deliver such transferred registrant specially, it shall notify its State Director of Selective Service and request that the necessary arrangements be made for the time and place at which such transferred registrant may be delivered specially. The local board to which such registrant has been transferred for induction shall prepare an Order for Transferred Man to Report for Induction (SSS Form No. 253), in duplicate, mail the original to the transferred registrant, and file the copy. The local board to which such registrant has been transferred for induction shall add the name of the registrant to its Delivery List (SSS Form No. 261) and shall make a notation of such transfer and the identity of the local board from which he is transferred in the "Remarks" column of the Delivery List (SSS Form No. 261).

(g) The local board to which such registrant has been transferred for induction shall not substitute the transferred registrant for one of its selected men, but shall deliver the transferred registrant in addition to any deliveries it otherwise would make to fill its own call.

(h) When the transferred registrant has been inducted or rejected or if he fails to report for induction, the local board to which such registrant was transferred for induction shall complete the Report of Delivery of Transferred Registrant (SSS Form No. 263–A), detach and forward it to the State Director of Selective Service for the State in which the local board of origin is located, and forward all papers with reference to such registrant, with the exception of the Delivery List (SSS Form No. 261), to his own local board.

(i) The State Director of Selective Service for the State in which the local board of origin is located shall, upon receipt from the local board of transfer of the completed Report of Delivery of Transferred Registrant (SSS Form No. 263–A), record the disposition of the transferred registrant upon his copy of Report of Delivery of Transferred Registrant (SSS Form No. 263–A) and forward the original of the Report of Delivery of Transferred Registrant (SSS Form No. 263–A) to the local board of origin.

(j) The transferred registrant, if inducted, shall not be credited to the local board to which he was transferred for delivery, but shall be credited to his own local board.

§ 632.10 *Transfer for induction directed by Director of Selective Service.* (a) The Director of Selective Service may direct that a particular registrant or a registrant who comes within a described group of registrants be transferred for induction to such local board or local boards as he shall designate.

(b) A registrant selected for induction shall be transferred for induction to the local board having jurisdiction of the area in which he is at that time located whenever, from information in his file, it appears that the registrant is located in one and the registrant's own local board is located in another of the following: The continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands of the United States.

(c) To accomplish the transfer for induction under paragraph (a) or (b) of this section, the registrant's own local board shall:

(1) Prepare in triplicate the Transfer for Delivery (SSS Form No. 263) and the Report of Delivery of Transferred Registrant (SSS Form No. 263–A).

(2) Complete in duplicate the Request for Transfer for Delivery (SSS Form No. 260) by inserting the name and present address of the registrant and the words "By direction of the Director of Selective Service" and by completing the second endorsement on such form.

(3) Mail one copy of the Request for Transfer for Delivery (SSS Form No. 260) together with one copy of the Transfer for Delivery (SSS Form No. 263) and one copy of the Report of Delivery of Transferred Registrant (SSS Form No. 263–A) to its State Director of Selective Service and file one copy of the Request for Transfer for Delivery (SSS Form No. 260), one copy of the Transfer for Delivery (SSS Form No. 263), and one copy of the Report of Delivery of Transferred Registrant (SSS Form No. 263–A) in the registrant's Cover Sheet (SSS Form No. 101).

(4) Mail the original of the Request for Transfer for Delivery (SSS Form No. 260), the original of the Transfer for Delivery (SSS Form No. 263), the original of the Report of Delivery of Transferred Registrant (SSS Form No. 263–A) together with the original and two copies of the Record of Induction (NME Form No. 47), the original and two copies of the Report of Medical Examination (Standard Form 88) together with X-ray film, and the original and two copies of the Report of Medical History (Standard Form 89) if the registrant has received an armed forces physical examination, all other documents referred to in paragraph (e) of § 632.9, and any other records designated by the Director of Selective Service to the State Director of Selective Service of the State in which the registrant is located.

(5) Place a notation of the transfer of the registrant in the "Remarks" col-

umn of the Classification Record (SSS Form No. 102).

(d) The State Director of Selective Service of the State in which the registrant is located shall check the documents received from the registrant's own local board and, if not already accomplished, insert thereon the name and address of the local board in his State to which the registrant is transferred for induction and forward the documents to such local board. Unless the transfer of the registrant for induction is cancelled under paragraph (e) of this section, the local board to which the registrant is transferred shall cause the registrant to be delivered for induction and shall take the other actions provided for in paragraphs (f), (g), and (h) of § 632.9, and the State Director of Selective Service for the State in which the registrant's own local board is located shall take the action provided for in paragraph (i) of § 632.9.

(e) A registrant transferred for induction under this section may within five days after the date on which the local board to which he has been so transferred has mailed to him an Order for Transferred Man to Report for Induction (SSS Form No. 253), file with such local board a written request to cancel his transfer for induction. Upon such a request being filed, such local board shall determine whether grave and unusual hardship will result to the registrant if he is not permitted to report to his own local board for induction and, if it so determines, shall cancel his transfer for induction. The local board shall record such determination on the Request for Transfer for Delivery (SSS Form No. 260) and the Transfer for Delivery (SSS Form No. 263) and shall notify the registrant of its determination by letter. If the local board determines to cancel the transfer for induction, it shall (1) cancel the Order for Transferred Man to Report for Induction (SSS Form No. 253) which it mailed to the registrant, and (2) return the Request for Transfer for Delivery (SSS Form No. 260) and all other documents concerning such registrant to his local board through the State Director of Selective Service for the State in which the registrant's local board is located. Upon receipt of such documents, the registrant's own local board shall order the registrant to report to it for induction in the usual manner.

INDUCTION

§ 632.14 *Duty of registrant to report for and submit to induction.* (a) When the local board mails to a registrant an Order to Report for Induction (SSS Form No. 252), it shall be the duty of the registrant to report for induction at the time and place fixed in such order. If the time when the registrant is ordered to report for induction is postponed, it shall be the continuing duty of the registrant to report for induction upon the termination of such postponement and he shall report for induction at such time and place as may be fixed by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for induction when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for induction to his local board and to each local board whose area he enters or in whose area he remains.

(b) Upon reporting for induction, it shall be the duty of the registrant (1) to follow the instructions of a member or clerk of the local board as to the manner in which he shall be transported to the location where his induction will be accomplished, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for induction, (3) to appear at the place where his induction will be accomplished, (4) to obey the orders of the representatives of the armed forces while at the place where his induction will be accomplished, (5) to submit to induction, and (6) if he is not accepted by the armed forces, to follow the instructions of the representatives of the armed forces as to the manner in which he will be transported on his return trip to the local board.

§ 632.15 *Forwarding registrants for induction.* When the registrants who are to be forwarded for induction have assembled, the local board shall proceed as follows:

(a) The roll shall be called, using the previously prepared Delivery List (SSS Form No. 261) and noting any absences thereon in the "Remarks" column. If any registrant fails to report for delivery, fails to report at the place of induction, is transferred to another local board for delivery, or is rejected, the local board shall not furnish a replacement for such registrant.

(b) A leader and assistant leaders shall be appointed and each given a completed Appointment of Leader or Assistant Leader (SSS Form No. 340). Leaders and assistant leaders shall have such authority as is necessary to deliver the group to the place of induction.

(c) The leader shall be given the following in a sealed packet:

(1) The original and two copies of the Delivery List (SSS Form No. 261).

(2) For each registrant being forwarded, the original and two copies of the Record of Induction (NME Form No. 47), all other records referred to in subparagraph (2) of paragraph (a) of § 632.5, and any other records designated by the Director of Selective Service.

(d) When it is necessary, travel tickets or transportation requests, and meal and lodging requests for the group, covering their trip to the place of induction, shall be issued. The leader shall be instructed to deliver the sealed packet containing the original and two copies of the Delivery List (SSS Form No. 261), the originals and copies of the Record of Induction (NME Form No. 47), and all other information concerning the registrants in the group to the commanding officer of the induction station or to his representative.

(e) The local board shall inform all registrants in the group that it is their duty to obey the instructions of the leader or assistant leaders during the time they are going to the place of induction; that they will be met by proper representatives of the armed forces at the place of induction; that while they are at the place of induction they will be subject to and must obey the orders of the representatives of the armed forces; that they must present themselves for and submit to induction; that, if they are rejected, the representatives of the armed forces will, to the extent prescribed by the regulations of the armed forces, provide transportation and subsistence for their return trip.

(f) The local board shall mail one copy of the Delivery List (SSS Form No. 261) to State Director of Selective Service and shall file one copy.

§ 632.16 *Induction.* At the induction station, the selected men who have been forwarded for induction and found acceptable will be inducted into the armed forces.

DISPOSITION OF RECORDS

§ 632.20 *Records returned to local board.* (a) The commanding officer of the induction station will return to the local board the following documents concerning registrants forwarded for induction:

(1) The original Delivery List (SSS Form No. 261), indicating under column 4 the disposition of each registrant forwarded for induction.

(2) For each registrant inducted, a copy of Record of Induction (NME Form No. 47), a copy of Report of Medical Examination (Standard Form 88), a copy of Report of Medical History (Standard Form 89), and any previous records of induction and reports of medical examination submitted.

(3) For registrants not inducted, the original Record of Induction (NME Form No. 47), the original Report of Medical Examination (Standard Form 88) together with any X-ray film, and the original Report of Medical History (Standard Form 89).

(b) Upon receipt of the documents described in paragraph (a) of this section, the local board shall take the following action:

(1) File the original Delivery List (SSS Form No. 261).

(2) File the copy of Record of Induction (NME Form No. 47), the copy of Report of Medical Examination (Standard Form 88), and the copy of Report of Medical History (Standard Form 89) in the Cover Sheet (SSS Form No. 101) for each registrant inducted.

(3) File the original of the Record of Induction (NME Form No. 47), the original of Report of Medical Examination (Standard Form 88) together with any X-ray film, and the original of the Report of Medical History (Standard Form 89) in the Cover Sheet (SSS Form No. 101) for each registrant rejected.

§ 632.21 *Disposition of other records by the armed forces.* The commanding officer of the induction station will dispose of the documents described below concerning registrants forwarded for induction as follows:

(a) For registrants inducted, retain the original and one copy of the Record of Induction (NME Form No. 47), the original and one copy of the Report of Medical Examination (Standard Form 88) together with any X-ray film, and

the original and one copy of the Report of Medical History (Standard Form 89).

(b) For registrants rejected, retain one copy of the Record of Induction (NME Form No. 47), one copy of the Report of Medical Examination (Standard Form 88), and one copy of the Record of Medical History (Standard Form 89).

(c) For registrants rejected, forward one copy of the Record of Induction (NME Form No. 47), one copy of the Report of Medical Examination (Standard Form 88), and one copy of the Report of Medical History (Standard Form 89) to the State Director of Selective Service.

(d) Retain one copy of the Delivery List (SSS Form No. 261).

(e) Forward one copy of the Delivery List (SSS Form No. 261) to the State Director of Selective Service.

RECLASSIFICATION

§ 632.30 *Classification of registrants inducted or rejected.* Upon receiving notice from the induction station that a selected man who has been forwarded for induction has been inducted or rejected, the local board shall reopen his classification and classify him anew.

§ 632.31 *Registrants enlisted in the armed forces.* When the local board receives official information showing that a registrant has enlisted in the armed forces, it shall reopen his classification and classify him anew.

PART 641—NOTICE

Sec.
641.1 Notice of requirements of selective service law.
641.2 Failure to take notice.
641.3 Communication by mail.
641.5 Classification Record (SSS Form No. 102).
641.6 Computation of time.

§ 641.1 *Notice of requirements of selective service law.* Every person shall be deemed to have notice of the requirements of Title I of the Selective Service Act of 1948 upon publication by the President of a proclamation or other public notice fixing a time for any registration. This provision shall apply not only to registrants but to all other persons.

§ 641.2 *Failure to take notice.* (a) If a registrant or a person required to present himself for and submit to registration fails to perform any duty prescribed by the selective service law, or directions given pursuant thereto, within the required time, he shall be liable to fine and imprisonment under section 12 of the Selective Service Act of 1948.

(b) If a registrant or any other person concerned fails to claim and exercise any right or privilege within the required time, he shall be deemed to have waived the right or privilege.

§ 641.3 *Communication by mail.* It shall be the duty of each registrant to keep his local board advised at all times of the address where mail will reach him. The mailing of any order, notice, or blank form by the local board to a registrant at the address last reported by him to the local board shall constitute notice to him of the contents of the communication, whether he actually receives it or not.

§ 641.5 *Classification Record (SSS Form No. 102).* The Classification Record (SSS Form No. 102) shall be open to the public at the local board office. It shall be the duty of each registrant to keep himself informed of his status, and any entry concerning him on the Classification Record (SSS Form No. 102) shall constitute due legal notice thereof to him and to all other interested persons.

§ 641.6 *Computation of time.* The period of days allowed a registrant or other person to perform any act or duty required of him shall be counted as beginning on the day following that on which the notice to him is posted or mailed.

PART 642—DELINQUENTS

GENERAL

Sec.
642.1 Regulations governing delinquents.
642.2 Continuing duty.
642.3 Compliance with procedures of this part not condition precedent to prosecution.

CLASSIFICATION AND INDUCTION OF DELINQUENTS

642.11 Registration and classification of unregistered delinquent.
642.12 Classification of registrant delinquent.
642.13 Certain delinquents to be ordered to report for induction.
642.14 Personal appearance, reopening, and appeal.
642.15 Continuous duty of certain registrants to report for induction.

DELIVERY OF DELINQUENT REGISTRANTS

642.21 Procedure.

MEN IN CUSTODY

642.31 Completing records of man liable for training and service.
642.32 Obligation of man in custody, confinement, or imprisonment.
642.33 Obligation of man after release from custody, confinement, or imprisonment.

RECORDS AND REPORTS OF DELINQUENTS

642.41 Report of delinquent to United States Attorney.
642.42 Local board action subsequent to reporting a delinquent to United States Attorney.
642.43 United States Attorney to advise final disposition.
642.44 Local board record of delinquents.
642.45 Confirmation of record of delinquents.
642.46 State record of delinquents.

GENERAL

§ 642.1 *Regulations governing delinquents.* Delinquents, as defined in § 602.4 of this chapter shall be governed by the provisions of this part and such other provisions of the Selective Service Regulations as are not in conflict therewith.

§ 642.2 *Continuing duty.* When it becomes the duty of a registrant or other person to perform an act or furnish information to a local board or other office or agency of the Selective Service System, the duty or obligation shall be a continuing duty or obligation from day to day and the failure to properly perform the act or the supplying of incorrect or false information shall in no way operate as a waiver of that continuing duty.

§ 642.3 *Compliance with procedures of this part not condition precedent to prosecution.* Compliance by a local board or any other agency of the Selective Service System with any or all of the procedures prescribed by the regulations in this part is not a condition precedent to the prosecution of any person under the provisions of section 12 of the Selective Service Act of 1948.

CLASSIFICATION AND INDUCTION OF DELINQUENTS

§ 642.11 *Registration and classification of unregistered delinquent.* When a delinquent who has not registered reports or is brought before a local board, he shall be registered and the local board at which he registers shall enter on line 2 of his Registration Card (SSS Form No. 1) an address within the jurisdiction of such local board. As soon as possible after his registration, the local board shall classify him as provided in § 642.12.

§ 642.12 *Classification of registrant delinquent.* Any delinquent registrant between the ages of 19 and 26 may be classified in or reclassified into Class I–A or Class I–A–O, whichever is applicable, regardless of other circumstances: *Provided*, that a delinquent registrant in Class I–C who, after completion of any period of active service in the armed forces of the United States under the provisions of the Selective Service Act of 1948, has been separated from the armed forces or transferred to a reserve component thereof may not be classified in or reclassified into Class I–A or Class I–A–O under this section unless his classification out of Class I–C is specifically authorized by the Director of Selective Service.

§ 642.13 *Certain delinquents to be ordered to report for induction.* (a) The local board shall order each delinquent registrant between the ages of 19 and 26 who is classified in or reclassified into Class I–A or Class I–A–O to report for induction in the manner provided in § 631.7 of this chapter unless (1) it has already done so, or (2) pursuant to a written request of the United States Attorney, the local board determines not to order such registrant to report for induction.

§ 642.14 *Personal appearance, reopening, and appeal.* (a) When a delinquent registrant is classified in or reclassified into Class I–A or Class I–A–O under the provisions of this part, a personal appearance may be requested and shall be granted under the same circumstances as in any other case.

(b) The classification of a delinquent registrant who is classified in or reclassified into Class I–A or Class I–A–O under the provisions of this part may be reopened at any time before induction in the discretion of the local board without regard to the restrictions against reopening prescribed in § 625.2 of this chapter.

(c) When a delinquent registrant is classified in or reclassified into Class I–A or Class I–A–O under the provisions of this part, an appeal may be taken under

the same circumstances and by the same persons as in any other case.

§ 642.15 *Continuous duty of certain registrants to report for induction.* Regardless of the time when or the circumstances under which a registrant fails or has failed to reprt for induction pursuant to an Order to Report for Induction (SSS Form No. 252) or pursuant to an Order for Transferred Man to Report for Induction (SSS Form No. 253) it shall thereafter be his continuing duty from day to day to report for induction to his own local board, and to each local board whose area he enters or in whose area he remains.

DELIVERY OF DELINQUENT REGISTRANTS

§ 642.21 *Procedure.* (a) If a delinquent registrant reports to or is brought before a local board other than his own local board, the local board to which he reports or before which he is brought shall advise his own local board by telegram or other expeditious means that the delinquent has reported to or has been brought before such local board and that he will be inducted if it is satisfactory to his own local board. The registrant's own local board shall reply by telegram or other expeditious means.

(b) If the registrant's own local board advises or if it is ascertained from the United States Department of Justice that the registrant is delinquent because he has failed to respond to an Order to Report for Induction (SSS Form No. 252) or an Order for Transferred Man to Report for Induction (SSS Form No. 253), the delinquent shall be delivered for induction and the local board to which the registrant has reported or before which he has been brought shall prepare such papers as may be necessary in order to effect such induction and forward copies thereof to the registrant's own local board. The induction of such a registrant shall be reported to the registrant's own local board in the same manner as if the registrant had been transferred for delivery to the local board from which such registrant was inducted.

(c) If the registrant's own local board advises that no Order to Report for Induction (SSS Form No. 252) or Order for Transferred Man to Report for Induction (SSS Form No. 253) has been issued to such registrant or that the registrant is no longer a delinquent, it shall advise the local board before which the registrant has appeared or has been brought of the action to be taken with reference to such registrant.

MEN IN CUSTODY

§ 642.31 *Completing records of man liable for training and service.* (a) Provided they are required and have not already been accomplished, the following steps shall be taken in connection with every man who has registered or who is required to register under the provisions of Title I of the Selective Service Act of 1948 immediately upon his reporting to or being brought before a local board or immediately upon his being taken into custody or his being placed in confinement:

(1) He shall be registered; *Provided,* that any law enforcement official or any other authorized person may act as registrar.

(2) He shall complete his Classification Questionnaire (SSS Form No. 100).

(3) He shall complete his Special Form for Conscientious Objector (SSS Form No. 150), when applicable.

(4) He shall complete all other necessary forms.

(5) He may be physically examined.

(b) If such a man is unable or refuses to fill out any form in the manner required by paragraph (a) of this section, such form shall be filled out by a member or clerk of a local board or the superintendent, warden, or other law enforcement official from information gained by interviewing the delinquent and from other sources.

(c) If the signature of such man is required upon any form after it is filled out and he is unable or refuses to sign his name or make his mark upon any such form, a member or clerk of a local board or the superintendent, warden, or other law enforcement official shall sign such man's name and indicate that he has done so by signing his own name beneath the name of such man. The act of a member or clerk of a local board, or of the superintendent, warden, or other law enforcement official in so doing shall have the same force and effect as if such man had signed his name to such form.

§ 642.32 *Obligation of man in custody, confinement, or imprisonment.* No man is relieved from complying with the selective service law during the time he is in custody, confinement, or imprisonment. He shall perform the duties and shall be accorded the rights and privileges of all registrants.

§ 642.33 *Obligation of man after release from custody, confinement or imprisonment.* When a man is released from custody, confinement, or imprisonment, he shall immediately advise his local board of that fact and shall perform the duties and be accorded the rights and privileges of all registrants. This applies equally to a man taken into custody, confined, or imprisoned for a violation of the selective service law and to a man taken into custody, confined, or imprisoned for any other cause.

RECORDS AND REPORTS OF DELINQUENTS

§ 642.41 *Report of delinquent to United States Attorney.* (a) Every registrant who fails to comply with an Order to Report for Induction (SSS Form No. 252) or an Order for Transferred Man to Report for Induction (SSS Form No. 253) shall be reported promptly to the United States Attorney on Delinquent Registrant Report (SSS Form No. 301); provided, that if the local board believes by reasonable effort it may be able to locate the registrant and secure his compliance, it may delay the mailing of such Delinquent Registrant Report (SSS Form No. 301) for a period not in excess of 30 days. A copy of such Delinquent Registrant Report (SSS Form No. 301) shall be placed in the delinquent's Cover Sheet (SSS Form No. 101).

(b) In endeavoring to locate and to secure the compliance of a delinquent prior to reporting him to the United States Attorney, the local board should contact the delinquent and the "employer" or "person who will always know" the delinquent's address, as shown on the Registration Card (SSS Form No. 1), or any other person likely to know his whereabouts. The local board may enlist the aid of local and State police officials or any other public or private agencies it deems advisable. In no event shall the local board order or participate in the arrest of a delinquent.

(c) Whenever the local board suspects a person, other than one of its own registrants, of being a delinquent, it shall, upon its own motion or upon request of the United States Attorney, advise such person by letter that he is suspected of being a delinquent and directing him to submit to the local board evidence concerning his selective service status. It shall be the duty of the person to whom such a letter is mailed to present such evidence to the local board and, if directed to do so, to appear personally before the local board. Unless the local board is convinced that such person is not delinquent, it shall report the facts to the United States Attorney by letter.

§ 642.42 *Local Board action subsequent to reporting a delinquent to United States Attorney.* (a) After a delinquent has been reported to the United States Attorney, it is the responsibility of the United States Attorney to determine, subject to the supervision and direction of the Attorney General, whether the delinquent shall be prosecuted. Before permitting such a delinquent to be inducted, the local board should obtain the views of the United States Attorney concerning such action.

(b) After a delinquent has been reported to the United States Attorney, the local board shall promptly advise the United States Attorney by letter when:

(1) The local board receives any additional information which (i) may be of assistance in locating the delinquent, (ii) has been requested by the United States Attorney, or (iii) may assist the United States Attorney in determining whether prosecution is warranted; or

(2) The local board has taken any action with reference to the classification or status of the registrant.

§ 642.43 *United States Attorney to advise final disposition.* The State Director of Selective Service shall request the United States Attorney to advise the local board concerned promptly by letter when he finally disposes of a case which has been reported to him on Delinquent Registrant Report (SSS Form No. 301).

§ 642.44 *Local Board record of delinquents.* (a) The local board shall open and maintain a Record of Delinquents (SSS Form No. 302), listing thereon all currently delinquent registrants between the ages of 19 and 26. A person suspected of being an unregistered delinquent shall not be entered upon such report unless and until his registration has been accomplished. On the last day of each month the local board shall forward two copies of the Record of Delinquents (SSS Form No. 302) to the State Director of Selective Service and two copies to the United States Attorney having jurisdiction over the area in which such local board is located.

(b) On the last day of each month the local board shall post a copy of the current Record of Delinquents (SSS Form No. 302) on its bulletin board. The aid of the press and radio should be solicited to give the widest possible publicity to delinquencies.

§ 642.45 *Confirmation of record of delinquents.* The State Director of Selective Service shall request the United States Attorney to prepare, as of the 10th day of each month, a letter, in duplicate, either confirming the Record of Delinquents (SSS Form No. 302) which was forwarded to him by the local board on the last day of the previous month or specifically setting forth discrepancies therein and to forward the original thereof to the local board concerned and a copy to the State Director of Selective Service.

§ 642.46 *State record of delinquents.* The State Director of Selective Service shall prepare a Summary of Delinquencies (SSS Form No. 303) on or before the 15th day of each month and forward one copy to the Director of Selective Service, Washington, D. C.

2. I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Order No. 9988 of August 20, 1948, and constituting portions of Chapter VI of Title 32 of the Code of Federal Regulations:

(a) Section 622.3 of Part 622, *Classification Rules and Principles,* is amended to read as follows:

"§ 622.3 *Subclasses.* The five main classes are further divided into subclasses as follows:

CLASS I

Class I–A: Available for military service.
Class I–A–O: Conscientious objector available for noncombatant service only.
Class I–C: Member of the armed forces of the United States, the Coast Guard, the Coast and Geodetic Survey or the Public Health Service, and certain registrants separated therefrom.
Class I–D: Member of reserve component or student taking military training.

CLASS II

Class II–A: Deferred because of civilian employment (except agriculture).
Class II–C: Deferred because of employment in agriculture.

CLASS III

Class III–A: Deferred because of dependents.

CLASS IV

Class IV–A: Registrant who has completed service; sole surviving son.
Class IV–B: Official deferred by law.
Class IV–C: Aliens.
Class IV–D: Minister of religion or divinity student.
Class IV–E: Conscientious objector opposed to both combatant and noncombatant military service.
Class IV–F: Physically, mentally or morally unfit.

CLASS V

Class V–A: Registrant over the age of liability for military service."

(b) Section 624.3 of Part 624, *Appearance Before Local Board,* is amended to read as follows:

"§ 624.3 *Induction postponed.* A registrant shall not be inducted during the period afforded him to appear in person before a member or members of the local board, and if the registrant requests a personal appearance he shall not be inducted until 10 days after the Notice of Classification (SSS Form No. 110) is mailed to him by the local board, as provided in paragraph (d) of § 642.2."

3. At such time or times as he deems expedient, the Secretary of Defense shall make or cause to be made timely requisition upon the Director of Selective Service for such number of persons selected under Title I of the Selective Service Act of 1948 and the regulations issued pursuant thereto as may be required to provide and maintain the personnel strengths (other than one-year enlistee personnel strengths) of the respective armed forces within the limits authorized by section 2 of Title I of the said Act, and shall induct such persons into the armed forces of the United States.

4. In the manner provided by Title I of the Selective Service Act of 1948 and the regulations issued pursuant thereto, the Director of Selective Service shall direct and supervise the selection of such numbers of persons as in his judgment are likely to be required from time to time to meet the requisitions made pursuant to paragraph 3 hereof, and shall make or cause to be made available for induction into the armed forces of the United States a sufficient number of men so selected to fill such requistions.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 17, 1948.

[F. R. Doc. 48–8473; Filed, Sept. 17, 1948; 12:55 p. m.]

EXECUTIVE ORDER 10002

EXEMPTION OF LAWRENCE M. LAWSON FROM COMPULSORY RETIREMENT FOR AGE

NOTE: Executive Order 10002, which exempts Lawrence M. Lawson, United States Commissioner on the International Boundary and Water Commission (formerly International Boundary Commission), United States and Mexico, from compulsory retirement for age, was filed with the Division of the Federal Register, on Sept. 17, 1948, at 12:55 p. m. as F. R. Doc. 48–8474.

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

REDESIGNATION OF SECTIONS

EDITORIAL NOTE: In order to adjust the numbering of Part 802 to the system which will be followed in the Code of Federal Regulations, 1949 Edition, certain sections are redesignated as follows:

Old section designation	New section designation	Determination
802.14n	802.13	Determination of Fair and Reasonable Wage Rates for Persons Employed in the Production, Cultivation, or Harvesting of the 1948 Crop of Sugar Beets in California.
802.15e	802.15	Determination of Normal Yields of Commercially Recoverable Sugar Per Acre for Sugar Beets (Revised).
802.16a	802.16	Determination of Eligibility for Payment with Respect to Abandonment and Crop Deficiency for Farms in the Domestic Beet Sugar Area, Pursuant to Section 303 of the Sugar Act of 1937.
802.24dd	802.23	Determination of Fair and Reasonable Sugarcane Wage Rates in Florida During the Period July 1, 1948, to June 30, 1949.
802.45a	802.28	Determination of Normal Yields of Commercially Recoverable Sugar Per Acre and Eligibility for Payment with Respect to Abandonment and Crop Deficiency for Sugarcane Farms in Florida for 1947 and Subsequent Crop Years.
802.41g	802.41	Determination of Sugar Commercially Recoverable from Sugarcane in Puerto Rico.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tokay Grape Order 2]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

LIMITATION OF DAILY SHIPMENTS

§ 951.303 *Tokay Grape Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of daily shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., California d. s. t., September 22, 1948, and ending at 12:01 a. m., California d. s. t., October 10, 1948:

(i) The daily shipments of grapes shall be limited in accordance with the provisions of section 5 of said amended marketing agreement and § 951.5 of said amended order; and

(ii) The total quantity of grapes advisable to be shipped each day shall be 149,175 standard packages or the equivalent quantity thereof.

(2) As used in this section, the terms "shipped," "shipments," "grapes," and "advisable" shall have the same meaning as when used in said amended marketing agreement and said amended order, and the term "standard packages" shall have the same meaning as set forth in § 951.101 of the rules and regulations (11 F. R. 11267) of the said Industry Committee. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.1 et seq.)

Done at Washington, D. C., this 17th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8488; Filed, Sept. 20, 1948; 9:17 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. Serial No. SR-327]

RENUMBERING AND RESCISSION OF PARTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 14th day of September 1948.

Presently the Civil Air Regulations are numbered in accordance with a decimal system established by Part 99. In order to conform with Part 2 of the Federal Register Regulations, the Board is renumbering the Civil Air Regulations. This amendment therefore rescinds Part 99, and redesignates Parts 01, 02, 03, 04a, 04b, 06, and 09 as 1, 2, 3, 4a, 4b, 6, and 9. New or revised parts of the Civil Air Regulations will, when promulgated, use the numbering system established in Part 2 of the Federal Register Regulations (See §§ 2.31–2.44 (11 F. R. 9837–38)).

Since parts of the Civil Air Regulations as now drafted set forth applicable definitions, Part 98, which is a generally applicable definition regulation, is no longer of any useful purpose, and it is hereby rescinded.

Since this regulation is procedural in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and this regulation may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective September 14, 1948:

1. Parts 01, 02, 03, 04a, 04b, 06, and 09 (14 CFR Parts 01, 02, 03, 04a, 04b, 06, and 09) are hereby redesignated Parts 1, 2, 3, 4a, 4b, 6, and 9, respectively.

2. Parts 98 and 99 (14 CFR, Parts 98, 99) are hereby recinded.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a))

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8431; Filed, Sept. 20, 1948; 8:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. OR19]

PART I—FUNCTIONS AND ORGANIZATIONS

MISCELLANEOUS AMENDMENTS

AUGUST 26, 1948.

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238), Title 22, Part 1, of the Code of Federal Regulations is amended as follows:

1. Section 1.110 is revised as follows:

§ 1.110 *Under Secretary of State*—(a) *Purpose.* To advise and assist the Secretary in the formulation, determination, and execution of United States foreign policy.

(b) *Major functions.* The Under Secretary:

(1) Serves as principal adviser to the Secretary and as Acting Secretary of State during his absence.

(2) Assists in providing policy direction to the American delegations to the United Nations and its affiliated agencies.

(3) Assists in directing the execution of policy-determinations affecting international conferences, congresses, and committees, in their consideration of methods whereby groups of nations may carry on activities cooperatively.

(4) Assists in directing Department relations with Congress in obtaining support of our foreign policy.

(5) Through a Coordinator of Foreign Aid and Assistance, directs the coordination of departmental planning and operations on foreign aid and assistance programs administered by the Economic Cooperation Administration or the Department of State.

(6) Through a Special Assistant, directs Departments operations relating to fisheries and wildlife.

(c) *Organization.* The Under Secretary is assisted by the Policy Planning Staff.

2. The introductory paragraph of paragraph (b), (b) (6) and (d) (1) of § 1.200 are amended to read as follows:

§ 1.200 *Assistant Secretary; occupied areas.* • • •

(b) *Major functions.* The office of the Assistant Secretary performs the following functions:

• • • • • •

(6) Coordinates the development of policy with respect to the politico-military problems of the State, Army, Navy, and Air Force Departments.

• • • • • •

(d) *Relations with other agencies.* The Assistant Secretary:

(1) Maintains close relations with the Departments of the Army, Navy, and Air Force.

3. Section 1.310 is revised to read as follows:

§ 1.310 *Office of Intelligence Research*—(a) *Purpose.* Under the general direction of the Special Assistant for Research and Intelligence, to plan, develop, and implement an integrated intelligence-research program for the Department, and to coordinate it with those of other Federal agencies so that the Department will be provided with the intelligence concerning foreign countries necessary for the formulation and execution of United States foreign policy and so that the Security Council and Central Intelligence Agency will be provided with studies pertinent to the national security.

(b) *Major functions.* The Office performs the following functions:

(1) Plans and implements a Departmental intelligence-research program, including:

(i) Planning and coordinating regional and functional-research program, and organizing task groups as required for research projects.

(ii) Establishing priorities for individual research projects, and compiling and circulating periodic reports on the current status of Department intelligence projects.

(iii) Reviewing all intelligence-research reports and disseminating finished reports.

(iv Promoting continuous, close, and informal relationships between its constituent divisions and the officials of the geographic, functional, and other offices of the Department, to encourage the exchange of information and to provide them with immediate and timely intelligence required for their operations.

(2) Provides positive intelligence research in regional and functional fields of study, and prepares or participates in the preparation of intelligence studies and spot intelligence for authorized recipients in the Department, the Central Intelligence Agency, and other Federal agencies.

(3) With the cooperation and consent of other offices engaged in research of any character, develops a joint program for the exchange of information, acceptance of common standards, sharing of facilities, issuance of joint progress reports, and coordination of research work throughout the Department.

(4) Through the Special Adviser on Geography, provides consultation and advice to the Department and other Federal agencies on geography and related matters.

(5) Arranges for the utilization of pertinent research facilities of other Federal agencies and non-Federal organizations.

(c) *Organization.* The Office consists of the office of Executive Officer; the Intelligence-Coordination Staff, which performs the functions of planning and reviewing; the office of the Special Adviser on Geography; and the Division of Research for American Republics, Division of Research for Europe, Division of Research for Far East, Division of Research for Near East and Africa, and Division of International and Functional Intelligence.

(d) *Relations with other agencies.* The Office has relations:

(1) With the Departments of the Army, Navy, and Air Force, the Central Intelligence Agency, and other Federal agencies as may be required.

(2) With non-Federal organizations and individuals.

4. Paragraph (d) of § 1.510 is revised as follows:

§ 1.510 *Office of International Trade Policy.* • • •

(d) *Relations with other agencies.* The Office has relations:

(1) With the Department of Commerce, Agriculture, Treasury, Justice, and Labor; the National Military Establishment; the Federal Security Agency, and the Reconstruction Finance Corporation.

5. In § 1.1010 paragraph (b) (8) is amended and paragraph (b) (12) is added, as follows:

§ 1.1010 *Office of American Republic Affairs.* • • •

(b) *Major functions.* • • •

(8) Maintains close relationship with appropriate foreign diplomatic missions in the United States and at international conferences.

• • • • • •

(12) Directs the administration of the Office and its division, including management, fiscal, personnel, and administrative services.

6. Paragraphs (b) (14), introductory paragraph (c), (c) (3), (c) (4), and (d) of § 1.1110 are amended to read as follows:

§ 1.1110 *Office of European Affairs.* • • •

(b) *Major functions.* • • •

(14) Directs the administration of the Office and its divisions, including management, fiscal, personnel, and administrative services.

(c) *Organization.* The Office consists of the Special Assistants for Economic Affairs; Special Assistant for United Nations Affairs; Special Political-Relations Section; Policy-Information Section: Office of the Executive Officer; and the following: the Division of British Commonwealth Affairs, Division of Eastern European Affairs, Division of Central European Affairs, Division of Southern European Affairs; Division of Northern European Affairs, and Division of Western European Affairs.

• • • • • •

(3) Special Political-Relations Section:

(i) Advises on highly confidential matters in the field of political movements and their international implications.

(ii) Prepares comprehensive studies and analyses of the political developments in foreign countries for submission to appropriate officials in the Department and abroad.

(4) Policy-Information Section:

(i) Evaluates and disseminates policy developments both in the area and throughout the world for transmission to appropriate officers of the Department and to Foreign Service establishments.

(ii) Advises the Office of International Information and the Office of Educational Exchange on informational policy aspects of their operations and keeps the Office informed on public information problems.

(iii) Keeps the Office of the Special Assistant to the Secretary for Press Relations and the Office of Public Affairs currently informed on developments.

(iv) Correlates the preparation of appropriate policy statements.

(v) Represents the Office on the Policy Information Committee.

(d) *Relations with other agencies.* The Office has relations:

(1) With the Departments of the Army, Navy, and Air Force, by participation on subcommittees of the State-Army-Navy-Air Force Coordinating Committee on policy matters concerning Europe and by direct contact with the Civil Affairs Division and the Plans and Operations Division of the Department of the Army.

(2) With other Federal agencies, concerning political aspects of their respective programs.

7. Paragraph (b) (13) is added to § 1.1130 and paragraph (d) is amended as follows:

§ 1.1130 *Office of Far Eastern Affairs.* • • •

(b) *Major functions.* • • •

(13) Directs the administration of the Office and its divisions, including management, fiscal, personnel, administrative services.

• • • • • •

(d) *Relations with other agencies.* The Office has relations:

(1) With the Departments of the Army, Navy, and Air Force, by participation on subcommittees of the State-Army-Navy-Air Force Coordinating Committee on policy concerning the Far East and by direct contact with the Civil Affairs Division and the Plans and Operations Division of the Department of the Army.

(2) With other Federal agencies, concerning political aspects of their respective programs.

8. Paragraphs (b) (1) through (b) (9) of § 1.1800 are amended as follows:

§ 1.1800 *Assistant Secretary; Administration.* • • •

(b) *Major functions.* • • •

(1) Supervision and control over the organization pattern of the Department, the Foreign Service, and special programs, and their component Offices, divisions, and other units.

(2) Exercise of the authority vested in the Secretary of State or the Department of State, by statute, Executive order, or otherwise, to allocate funds made available to the Secretary or the Department.

(3) Preparation of annual budget estimates; and supervision over the use of appropriated funds, in accordance with Congressional limitations, administrative objectives, and policies of the President and the Secretary.

(4) Administration of United States participation in international organizations and international conferences.

(5) Direction of personnel-management of the Department, the Foreign Service, and the special programs.

(6) Operation of the procurement, communication, and transportation services.

(7) Provision, maintenance, and operation of the physical establishments in the United States and abroad.

(8) Provision of security within the Department, the Foreign Service and the special programs.

(9) Protection of American interests through administration of passport, visa, and munition-control laws and programs, and other pertinent laws.

9. Paragraph (c) of § 1.1810 is amended to read as follows:

§ 1.1810 *Office of Controls.* • • •

(c) *Organization.* The Office is composed of the Passport Division, Visa Division, Division of Protective Services, Division of Security, and Munitions Division.

10. Section 1.1840 is revised to read as follows:

§ 1.1840 *Office of Budget and Planning*—(a) *Purpose.* To direct, with respect to major management policies, the budgetary, fiscal, and organization programs of the Department, the Foreign Service, and international commissions, boards, and other bodies affiliated with the Department.

(b) *Major functions.* The Office performs the following functions:

(1) Consults with and advises appropriate officials of the organizations listed above with respect to the major budgetary, fiscal, and management-policy aspects of plans and programs, and directs the budgetary, fiscal, and management phases of their effectuation.

(2) Presents and justifies the budget estimates of these organizations to the Bureau of the Budget and the Congress, and maintains relationships with the Committees of the Congress concerned with appropriations and expenditures.

(c) *Organization.* The Office consists of the Division of Organization and Budget and the Division of Finance.

(d) *Budget Officer.* The Director of the Office is the Budget Officer of the Department, and the Deputy Director is Deputy Budget Officer of the Department.

11. Paragraph (b) of § 1.1850 is amended to read as follows:

§ 1.1850 *Office of Departmental Administration.* • • •

(b) *Major functions.* The Office performs the following functions:

(1) Provides adequate administrative services and facilities for Departmental activities.

(2) Develops and implements personnel-management policies of the Department and makes available, within budgetary and organizational limitations, the necessary personnel.

(3) Provides in Washington for the distribution of incoming and the dispatch of outgoing communications of the Department and for the transmission of other communications by diplomatic pouch or telegraph; maintains the official files of the Department; and provides the messenger service.

(4) Provides for the security of messages during telegraphic transmission by means of cryptographic systems.

(5) Provides for organization, administration, and general management of United States participation in international conferences, commissions, expositions, and other organized international cooperative enterprises other than the United Nations.

(6) Provides translating and interpreting services for the Department and the White House.

(7) Provides the centralized administrative services essential to Department activities in the New York area.

This regulation will be effective on the date of publication in the FEDERAL REGISTER.

Approved: August 26, 1948.

For the Secretary of State.

STANLEY T. OREAR,
Chief, Division of Organization and Budget.

[F. R. Doc. 48-8437; Filed, Sept. 20, 1948; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 622—CLASSIFICATION RULES AND PRINCIPLES

PART 624—APPEARANCE BEFORE LOCAL BOARD

PART 628—PHYSICAL EXAMINATION

PART 629—DISQUALIFYING OBVIOUS DEFECTS AND MANIFEST CONDITIONS

PART 631—QUOTAS AND CALLS

PART 632—DELIVERY AND INDUCTION

PART 641—NOTICE

PART 642—DELINQUENTS

CROSS REFERENCE: For regulations constituting portions of Parts 628, 629, 631, 632, 641 and 642 and for amendments of Parts 622 and 624, see Executive Order 10001, *supra*.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 6—SECURITY OF PORTS AND THE CONTROL OF VESSELS IN THE NAVIGABLE WATERS OF THE UNITED STATES

REVOCATION OF CERTAIN REGULATIONS

CROSS REFERENCE: For revocation of certain sections in Subpart A of this part, see Part 202 of Chapter II, *infra*.

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917, chapter XIX of the Army Appropriation Act of July 9, 1918, and section 7 of the River and Harbor Act of March 4, 1915 (38 U. S. C. 1, 3, and 471), the following regulations contained in Part 6, Chapter I, Title 33, CFR (Subparts A, B, and C of which were adopted and continued in full force and effect by the Secretary of the Army by an order published in the FEDERAL REGISTER June 5, 1947, 12 F. R. 3664), are hereby revoked:

In Subpart A—General Regulations, the following sections are revoked:

Sec.
6.6 Boarding and searching.
6.7 Possession and control of foreign or domestic vessels.
6.8 Existing rules and regulations affirmed.
6.9 Supervision of vessel's movement.
6.17 Suitable anchorage for vessel on fire.
6.19 Condition of vessel a danger to waterfront facility.
6.20 Movement of vessel in dangerous condition.
6.21 Danger resulting from abandonment, disuse, etc., of vessel.

All of Subpart B—Special Regulations for Certain Localities (§§ 6.003–1 to 6.003–7, inclusive) is revoked.

In Subpart C—Anchorage and Restricted Areas, the following sections are revoked:

FIRST NAVAL DISTRICT

6.1–144 Nantucket Sound, Massachusetts, Chappiquiddick Island, Cape Poge.

THIRD NAVAL DISTRICT

6.3–5 to 6.3–72, inclusive.

SIXTH NAVAL DISTRICT

6.6–100 Waters of New River, North Carolina; firing sectors.

TENTH NAVAL DISTRICT

6.10–1 San Juan, Puerto Rico.
6.10–100 San Juan Harbor, Puerto Rico; restricted seaplane operating area.

THIRTEENTH NAVAL DISTRICT

6.13–225 Puget Sound; Mukilteo.

2. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.25, establishing anchorage grounds for vessels in the Port of New York and containing rules and regulations in relation thereto, is hereby amended to read as follows:

§ 202.25 *The Port of New York (All bearings in the following descriptions are referred to true meridian)*—(a) *Long Island Sound*—(1) *Anchorage No. 1.* Southwest of a line between Neptune Island and Glen Island ranging from Aunt Phebe Rock Light and tangent to the north edge of Glen Island; southwest of a line tangent to the northeast edge of Glen Island and Goose Island breakwater; southwest of a line bearing southeasterly from the southwest end of Goose Island breakwater and on range with the south gable of the Casino on the northeast end of Glen Island; west of a line ranging from the east edge of Goose Island breakwater to the west edge of the north end of Hart Island; west of Hart Island; and northwest of a line extending from Hart Island Light to Locust Point.

(i) Boats shall not anchor in this area in buoyed channels.

(ii) Boats shall be so anchored as to leave at all times an open, usable channel, at least 50 feet wide, west and south of Glen Island.

NOTE: Special anchorage areas in Anchorage No. 1 are described in § 202.1.

(2) *Anchorage No. 1–A.* Southwest of a line ranging from Duck Point, Echo Bay, through Bailey Rock Lighted Buoy 3 BR; northwest of a line ranging from Hicks Ledge Buoy 2H to Old Tom Head Rocks Buoy 4; and north of a line ranging from Old Tom Head Rocks Buoy 4 to the southernmost point of Davenport Neck.

(3) *Anchorage No. 1–B.* West of a line ranging from the point on the southwest side of the entrance to Horseshoe Harbor, Larchmont, to Hicks Ledge Buoy 2H; north of a line ranging from Hicks Ledge Buoy 2H to Duck Point; and in Echo Bay north and west of the channel.

(4) *Anchorage No. 2.* West of a line from Locust Point tangent to the northeasterly sea wall at Throgs Neck.

NOTE: A special anchorage area in Anchorage No. 2 is described in § 202.1.

(5) *Anchorage No. 3.* Northwest of a line from the south side of Barker Point to Gangway Rock Bell Buoy 27; southeast of a line from Gangway Rock Bell Buoy 27 to Sands Point Reef Lighted Buoy 25; and southwest of a line from Sands Point Reef Lighted Buoy 25 through Sands Point Light to Sands Point.

(6) *Anchorage No. 4.* In Manhasset Bay, and northeast of a line ranging from Stepping Stones Buoy 31 through Elm Point Buoy 2 to Elm Point; southeast of a line ranging from Stepping Stones Buoy 31 to Gangway Rock Bell Buoy 27; and southwest of Anchorage No. 3.

NOTE: Special anchorage areas in Anchorage No. 4 are described in § 202.1.

(7) *Anchorage No. 5.* In Little Neck Bay; and east of a line ranging from Fort Totten flagpole to Hart Island Light; and south of Anchorage No. 4.

NOTE: A special anchorage area in Anchorage No. 5 is described in § 202.1.

(b) *East River*—(1) *Anchorage No. 6.* On Hammond Flats north of a line bearing 260° from the head of the pier on Throgs Neck at the foot of Pennyfield Avenue to the north tower of Bronx-Whitestone Bridge at Old Ferry Point.

(2) *Anchorage No. 7.* South of a line from Whitestone Point to the outer end of Willets Point Wharf.

(3) *Anchorage No. 8.* North of a line between the north tower of Bronx-Whitestone Bridge at Old Ferry and East River Lighted Buoy 4.

(4) *Anchorage No. 9.* East of a line from College Point Reef Light tangent to the west side of College Point; and south of a line from College Point Reef Light to Whitestone Point.

(5) *Anchorage No. 10.* In Flushing Bay southeast of a line ranging through Rikers Island Channel Lighted Buoy 3 and Rikers Island Channel Lighted Bell Buoy 1A and tangent to the northwest corner of College Point; and in Bowery Bay southwest of a line ranging from the LaGuardia Aviation Beacon on the Administration Building of LaGuardia Field to the easterly corner (latitude 40°47′06.2″, longitude 73°53′46″) of the Consolidated Edison Company of New York, Inc., bulkhead on the north side of the entrance to Steinway Creek, east of the entrance to Steinway Creek, and west of the Bowery Bay Sewage Treatment Works pier.

NOTE: Special anchorage areas in Anchorage No. 10 are described in § 202.1.

(6) *Anchorage No. 11.* East of Rikers Island and south of a line from the northeast corner of the T-shaped north pier of Rikers Island to Rikers Island Channel Entrance Lighted Bell Buoy, west of a line from Rikers Island Channel Entrance Lighted Bell Buoy to Rikers Island Channel Lighted Buoy 2, north of a line from Rikers Island Channel Lighted Buoy 2, to Rikers Island Channel Lighted Buoy 4, and north of a line from Rikers Island Channel Lighted Buoy 4 to Rikers Island Channel Lighted Buoy 6.

(7) *Anchorage No. 12.* West of Rikers Island and northeast of a line from Rikers Island Channel Lighted Buoy 6 to South Brother Island Ledge Light, east of a line from South Brother Island Ledge Light to the west side of South Brother Island, and south of a line through South Brother Island Light to the northwest corner of the T-shaped north pier of Rikers Island.

(8) *Anchorage No. 14.* In Mallets Cove, east of a line from a point on shore 100 feet west of the southerly prolongation of 2nd Street, Astoria, to Gibbs Point.

(c) *Hudson River*—(1) *Anchorage No. 16.* North of a line on a range with the north side of the north pier of the Union Dry Dock and Repair Company Shipyard, Edgewater, New Jersey; west of a line ranging 25° from a point 120 yards east of the east end of said pier to a point (500 yards from the shore and 915 yards from the Fort Lee flagpole) on a line bearing 100° and ranging between the Fort Lee flagpole and the square chimney on the Medical Center Building at 168th Street, Manhattan; and south of said line ranging between the Fort Lee flagpole and the square chimney on the Medical Center Building.

(i) Subject to the provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(2) *Anchorage No. 17.* North of a line bearing 66° and ranging between the south face of the building known as Bill Miller's Riviera, Inc., north of George Washington Bridge at Fort Lee, New Jersey, and the Bell Tower of The Cloisters at Fort Tryon Park, Manhattan; west of lines bearing 29° from latitude 40°51′34″, longitude 73°56′54″, to latitude 40°52′27″, longitude 73°56′16″, thence 20° to latitude 40°54′17″, longitude 73°55′23″, thence 15° to latitude 40°56′20″, longitude 73°54′39″; and south of a line bearing 104° on a range with the latter point and the stack of the Yonkers Sewage Disposal Plant.

(i) Subject to the provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(3) *Anchorage No. 18–A.* East of lines bearing 8° from the northwest corner of the crib icebreaker north of the New York Central Railroad Company drawbridge across Spuyten Duyvil Creek (Harlem River) to a point 250 yards offshore and on line with the New York Central Railroad signal bridge at the foot of West 231st Street, extended, at Spuyten Duyvil, Bronx, New York; thence bearing 19° to the channelward face of the Mount St. Vincent Dock at the foot of West 261st Street, Riverdale, Bronx, New York.

(i) Subject to the provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(4) *Anchorage No. 18–B.* North of the south side of West 181st Street, prolonged; east of a line ranging 28° from Jeffreys Book Light on Fort Washington Point and tangent to the east shore of the river at Inwood Hill Park; and south of the prolongation of the south side of Dyckman Street, Manhattan, New York.

(i) Subject to the provisions for Anchorage No. 19 (for naval vessels), the Captain of the Port may shift the position, or clear the area, of any vessel so moored as to obstruct the use of this area for the additional anchorage of naval vessels when found necessary.

(5) *Anchorage No. 19 (for naval vessels).* North of a line bearing 298° and ranging from the south side of 70th Street, New York, to the south side of Pier 11–A, Weehawken; east of the east channel line of the federally improved Weehawken-Edgewater Channel, said east channel line being extended to a point opposite West 156th Street; thence east of a line bearing 17° ranging between the end of the pier at the foot of West 134th Street and a point on the George Washington Bridge 250 yards westward of the air beacon on the east bridge tower; and south of said bridge.

(i) In order to give free passage for ferry boats, no vessel shall anchor within 300 yards of the line of the West 125th Street, Manhattan, to Edgewater, New Jersey, ferry.

(ii) In the discretion of the Captain of the Port, small commercial or pleasure vessels may anchor in this area shoreward of a line extending from the channelward end of the New York Central Railroad pier at the foot of West 70th Street to the channelward end of the pier at the foot of West 129th Street and shoreward of the United States pierhead line between West 134th Street and a prolongation of the bridge over the New York Central Railroad tracks located 1,000 feet south of the George Washington Bridge.

(iii) The Captain of the Port may grant permission for one stake boat to occupy an area in the westerly 200-yard portion of the naval anchorage.

(iv) The Captain of the Port may permit limited temporary anchorage, not to exceed 24 hours, of commercial vessels awaiting berths in the westerly portion of the naval anchorage south of West 135th Street when use of the anchorage by naval vessels will permit.

(v) The established anchorages for naval vessels having been found inadequate at times when large numbers of such vessels are in the harbor, a numbered series of anchorages is defined and established as shown on Key Charts Nos. 1 to 4, inclusive (not published in this section) in order that when a necessity for additional anchorages arises, permission may be given naval vessels to anchor at designated points serially numbered from 2 to 40 for capital ships, from 100 to 129 for intermediate ships, from 213 to 399 for destroyers and small craft, and from 508 to 611 for the anchorage of destroyers and small craft on the east side of the river, when the space is not required for capital or intermediate ships. Berths 16 to 18, 546, 547, and 551 to 555, are for use only on occasions when the other numbered berths available are not sufficient for the accommodation of the naval ships present. The Captain of the Port, on request from the proper naval authorities, may grant permission to occupy the numbered anchorages outside or extending outside of Anchorage No. 19, provided those specified in the request can be made available, commercial conditions at the time being given proper consideration. If, in his opinion, there are reasons why the anchorage or anchorages asked for should not be assigned, he will confer with the naval officers making the request, and if other numbers can be agreed upon will authorize their use; otherwise he will communicate the request to the Secretary of the Army with a statement of the circumstances and his recommendation.

(vi) Whenever this area is required for the anchoring of naval vessels, it shall be immediately cleared of commercial vessels by the Captain of the Port upon request of the appropriate naval authority.

NOTE: Special anchorage areas in Hudson River are described in § 202.1.

(d) *Upper Bay*—(1) *Anchorage No. 20.* Northeast of Ellis Island; southeast of a line bearing 51° and ranging from the northwest corner of Ellis Island to the end of Central Railroad of New Jersey Pier No. 7; south of a line bearing 96° and ranging from the southeast corner of Central Railroad of New Jersey Pier No. 11 to the outer end of the Staten Island Ferry rack on the Manhattan shore; west of a line bearing 183° and ranging from the southeast corner of Lehigh Valley Railroad Pier "A" to latitude 40°41′54.3″, longitude 74°01′59″; and north of a line bearing 85° and ranging from the southeast corner of the northerly half of Ellis Island to the outer end of the Staten Island Ferry rack on the Manhattan shore.

(i) No vessel shall cast anchor within this area south of the northerly limit of the cable area shown on United States Coast and Geodetic Survey Chart No. 745, between Ellis Island and the Manhattan shore.

(2) *Anchorage No. 20–A.* South of a line bearing 102° and ranging between the southeast corner of the southerly half of Ellis Island and Governors Island

Light; west of lines bearing 194°30′ from latitude 40°41′42″, longitude 74°02′02″, thence 206° to latitude 40°40′05″, longitude 74°02′55″; and north of a line extended and ranging 313° through Claremont Terminal Channel Buoy 2 and the northeast corner of Caven Point Pier.

(i) The portion of Anchorage No. 20–A which is easterly of a line ranging 204°30′ from the east end of the east landing pier on Bedloes Island to Bayonne Terminal Lighted Bell Buoy 2 and Robbins Reef Lighted Gong Buoy 27 and the northerly prolongation of that line is set aside as a temporary anchorage for vessels arriving in and leaving port. No vessel shall occupy this anchorage for a longer period than 72 hours, unless a permit is obtained from the Captain of the Port for that purpose.

NOTE: Anchorage No. 49–B in this area is reserved for vessels carrying explosives (see paragraph (m) (1) of this section) and is excluded from use as a general anchorage.

(3) *Anchorage No. 20–B.* South of a line bearing 127° from the southeast corner of Pennsylvania Railroad pier "B", Greenville Terminal, to the center of the south pier of the Bethlehem Steel Company Drydock, Brooklyn; west of a line bearing 206° from latitude 40°39′50″, longitude 74°03′05″, to latitude 40°39′31.5″, longitude 74°03′17″; north of a line bearing 121° and ranging from New Jersey Pierhead Channel North Entrance Buoy 15 to the northwest corner of Pier 3, Brooklyn; west of a line bearing 204°30′ and ranging from Bayonne Terminal Lighted Buoy 1 through Robbins Reef Lighted Gong Buoy 27 and Coast Guard Depot North Dock Light, St. George, Staten Island; north of a line ranging 262° from Robbins Reef Lighted Gong Buoy 27; and northeast of the channel approach to the north side of Constable Point.

(i) No vessel shall anchor between Ellis Island and the piers of the Central Railroad of New Jersey, or in the dredged channel approaches to this space or the piers and wharves of the railroad, or in the dredged channel approaches to the National Docks at Black Tom Island, to Bedloes Island, to the Greenville and Claremont Terminals, or in the New Jersey Pierhead Channel or near the entrances to said channels so as to obstruct the approaches or interfere in any way with the free navigation thereof.

(ii) The portion of Anchorage No. 20–B which is easterly of a line ranging 204°30′ from the east end of the east landing pier on Bedloes Island to Bayonne Terminal Lighted Bell Buoy 2 and Robbins Reef Lighted Gong Buoy 27 is set aside as a naval anchorage. The Captain of the Port may permit commercial vessels to anchor temporarily in this area, ordinarily for not more than 24 hours, when the anchorage will not be needed for naval vessels. Commercial vessels so anchored shall be moved at their own expense whenever the anchorage is needed for naval vessels.

(4) *Anchorage No. 21.* South of a line passing through Claremont Terminal Lighted Buoy 1, Bay Ridge Channel Lighted Bell Buoy 7A, and the middle point of the west front of the New York Dock Company Pier #41, Brooklyn Standard Bag Corporation; east of a line bearing 208° and ranging from Governors Island Extension Light through Gowanus Flats Lighted Bell Buoy 30, Gowanus Flats Lighted Bell Buoy 28, Gowanus Flats Lighted Bell Buoy 26, to Gowanus Flats Lighted Bell Buoy 24, thence 173° to Bay Ridge Channel Junction Lighted Gong Buoy; west of a line bearing 18° from Bay Ridge Channel Junction Lighted Gong Buoy to latitude 40°38′41.7″, longitude 74°02′32.5″; thence west of the dredged Bay Ridge and Red Hook Channels as marked by channel and anchorage buoys.

(i) A fairway 600 feet wide, crossing Anchorage No. 21, marked by buoys at each entrance, shall be excluded from the anchorage area. Its northerly side is on range with Claremont Terminal Lighted Buoy 1, at the entrance to Claremont Terminal Channel, and the center of the head of the north pier of the Long Island Railroad Terminal at the foot of 64th Street, Bay Ridge, Brooklyn.

(ii) Anchorage No. 21 is divided into Anchorages Nos. 21–A and 21–B as described in subparagraphs (d) (5) and (6) of this section.

(5) *Anchorage No. 21–A (for barges).* That portion of Anchorage No. 21 northward and eastward of Anchorage No. 21–B and northward of the fairway crossing Anchorage No. 21 (described in subparagraph (4) (i) of this paragraph.) Deep-draft vessels are required to use the western half of the anchorage, light-draft vessels are required to use the eastern half, and barges drawing 12 feet or less are required to use that portion of this area southward of a line ranging from the end of the 39th Street Ferry rack (northeast rack) to Gowanus Flats Lighted Bell Buoy 28.

(6) *Anchorage No. 21–B (for steamers).* That portion of Anchorage No. 21 northward of the fairway described in subparagraph (4) (i) of this paragraph, southward of a line ranging from the end of the 39th Street Ferry rack (northeast rack), Brooklyn, to Gowanus Flats Lighted Bell Buoy 28, and westward of a line ranging from the westerly point of Red Hook to the north corner of Pier 21 of the Pouch Terminal at Clifton, Staten Island; and the entire portion of Anchorage No. 21 southward of the fairway described in subparagraph (4) (i) of this paragraph.

(i) Vessels of the various types required to use Anchorage Nos. 21–A and 21–B may be anchored in other of these areas than those set aside for them for a limited time after first obtaining a permit from the Captain of the Port, when and to the extent that they are not needed for vessels of the types assigned to them.

(ii) No vessel shall occupy these anchorages for a period longer than 30 days, unless a permit is obtained from the Captain of the Port for that purpose.

(7) *Anchorage No. 23 (temporary general anchorage).* South of a line bearing 88° from the Turret Tower (Curtis High School), St. George, to its intersection at latitude 40°38′44″, longitude 74°03′55″, with a line bearing 146°30′ from the westerly tank of Bayonne Naval Depot, west of lines bearing 146°30′ from the westerly tank of Bayonne Naval Depot to latitude 40°38′25″, longitude 74°03′38.5″, thence 167° ranging from Robbins Reef Light to latitude 40°37′26.5″, longitude 74°03′21″; and north of a line bearing 84° on a range with the latter point, the northeast corner of Pier 19, Staten Island, and the tower of the Marine Hospital, Stapleton, Staten Island.

(i) No vessel shall occupy this anchorage for a period longer than 48 hours, unless a permit is obtained from the Captain of the Port for that purpose.

(ii) The entire area is designated a "temporary general anchorage," but vessels arriving at quarantine may anchor within that portion of this anchorage south of a line bearing 262° which is in prolongation of the north side of Pier 10, Staten Island, whenever Quarantine Anchorage No. 24 is congested and fully utilized.

(8) *Anchorage No. 24 (quarantine anchorage).* South of a line bearing 84° from the tower of the Marine Hospital, Stapleton, Staten Island, through the northeast corner of Pier 19, Staten Island, to latitude 40°37′26.5″, longitude 74°03′21″; west of a line bearing 167° ranging from Robbins Reef Light to latitude 40°36′32″, longitude 74°03′04″; and north of a line bearing 270° on range with the latter point and the northerly corner of Fort Lafayette.

(i) Vessels arriving at quarantine and awaiting inspection shall anchor to the south of a line bearing 262° and ranging from the southeast corner of Pier 25, Staten Island, to the south chimney of the Wrigley Plant, and shall clear said area immediately after being granted pratique. Whenever the area south of Pier 25, Staten Island, is congested, vessels arriving at quarantine and awaiting inspection may anchor in the northern section of the quarantine anchorage. Such vessels must clear the anchorage within 24 hours after being granted pratique. Vessels arriving for quarantine may anchor in that portion of Anchorage No. 23 south of a line bearing 262° which is in prolongation of the north side of Pier 10, Staten Island, whenever the quarantine anchorage is congested and fully utilized. No vessel shall occupy this section of the anchorage for a period longer than 48 hours, unless a permit is obtained from the Captain of the Port for that purpose.

(ii) Whenever the quarantine anchorage and the southerly part of Anchorage No. 23 are fully utilized, vessels shall anchor as directed by the Captain of the Port.

NOTE: The establishment of quarantine anchorages and the issuance of rules and regulations governing quarantine and their enforcement are under the jurisdiction of the administrator, Federal Security Agency, and the foregoing quarantine anchorage has been established under his authority.

(e) *Gravesend Bay; Anchorage No. 25.* North of a line ranging 271°30′ between Coney Island Light on Norton Point and the south point of Hoffman Island; east of a line bearing 342° from latitude 40°34′36″, longitude 74°01′42″, to latitude 40°35′59″, longitude 74°02′17″, and ranging through a point 250 yards due west of Fort Lafayette and a point 300 yards due east of Robbins Reef Light; and south of a line bearing 70° from latitude 40°35′59″, longitude 74°02′17″, through Fort Hamilton Southwest Buoy 20.

NOTE: Anchorage No. 49–C in this area is reserved for vessels carrying explosives (see paragraph (m) (2) of this section) and is excluded from use as a general anchorage.

(f) *Lower Bay*—(1) *Anchorage No. 26.* In Sandy Hook Bay south of a line extending from Point Comfort to Sandy Hook Point Light.

NOTE: Anchorages Nos. 49–F and 49–G in this area are reserved for vessels carrying explosives (see paragraphs (m) (4) and (5) of this section) and are excluded from use as general anchorages.

(i) Pleasure or commercial craft may not navigate or moor within 750 yards of the Naval Ammunition Depot Pier at Leonardo, New Jersey, nor anchor in the approach channel or the turning basin adjacent thereto.

(ii) When immediate action is required and representatives of the Coast Guard are not present in sufficient force to exercise effective control of shipping, the Commanding Officer of the Naval Ammunition Depot at Earle, New Jersey, may control the anchorage or movement of any vessel, foreign or domestic, to the extent he deems necessary to insure the safety and security of his command.

(2) *Anchorage No. 27.* In Lower New York Bay on Romer Shoal and Flynn Knoll and in the Atlantic Ocean south of Gedney Channel, west of a line ranging due north and south through Scotland Lightship, and north of a line ranging due east from Navesink Light.

(3) *Anchorage No. 28.* West of lines bearing 154°30′ from Fort Wadsworth Light to Craven Shoal Lighted Bell Buoy 19A, thence in succession to the buoys marking the east side of West Bank and the buoys on the west side of Chapel Hill Channel to Southwest Spit Junction Lighted Gong Buoy, thence 182° to a line extending from Sandy Hook Point Light to Point Comfort; north of the latter line and the New Jersey shore; and east of a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4, to the Staten Island Shore.

(g) *Kill Van Kull; Anchorage No. 29.* West of the westerly rack of the Bergen Point Ferry at Bayonne, New Jersey; north of a line ranging from the north end of Frank McWilliams, Inc., Pier 2, West New Brighton, Staten Island, to the southwest corner of the pier, foot of Humphreys Avenue, Bayonne; north of a line ranging 258° from the inshore end of the Bergen Point Ferry at Bayonne; thence north of a line ranging 90° from Bergen Point Light; thence southeast of a line running 55° to the shore at Bergen Point.

(h) *Newark Bay*—(1) *Anchorage No. 34.* South of the bridge of the Central Railroad of New Jersey; west of lines from a point on the bridge 100 yards west of the west pier of the west lift span to Newark Bay Channel Buoy 5, thence to the east end of the dike north of Shooters Island; and north of the dike and a line ranging from the west end of the dike through Kill Van Kull Light 18 and Kill Van Kull Buoy 20.

(2) *Anchorage No. 35.* North of Anchorage No. 29; east of lines ranging from the center of Bergen Point Light to the west pier of the west lift span of the Central Railroad of New Jersey bridge, extending to a point off the north side of the pier of the Texas Company, and thence to a point 100 yards east of the east pier of the east lift span of the railroad bridge; and south of the bridge.

(3) *Anchorage No. 36.* South of Port Newark Terminal Channel; west of a line ranging from a point 200 yards west of Newark Bay Light 3 to a point 100 yards west of the west pier of the west lift span of the Central Railroad of New Jersey Bridge; and north of said bridge.

(4) *Anchorage No. 37.* North of the Central Railroad of New Jersey bridge; east of a line ranging from a point 200 yards east of the east pier of the east lift span of the bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of the latter bridge.

(5) *Anchorage No. 38.* North of the Pennsylvania-Lehigh Valley Railroad bridge; east of the dredged channel in Newark Bay and the Hackensack River as marked by red channel buoys; and south of the Central Railroad of New Jersey bridge on the east side of the Hackensack River.

(6) *Anchorage No. 39.* Between the entrance channels of the Hackensack and Passaic Rivers, northwest of lines from the abutment of the Central Railroad of New Jersey bridge on the west side of the Hackensack River to Hackensack River Light 1, and thence to Newark Bay Light 5, and east of a line from said light ranging toward the southeast corner of the Texas Company wharf, and of a line ranging from the southeast corner of Gross Wharf to the abutment and end of fill of the Central Railroad of New Jersey bridge on the east side of the Passaic River.

(i) *Arthur Kill*—(1) *Anchorage No. 41.* The passage between Pralls Island and Staten Island included between a line running 29° from the extreme northwest point of Pralls Island to a point on Staten Island and a line from the southern point of Pralls Island to the north side of the mouth of Neck Creek at Travis, Staten Island.

(2) *Anchorage No. 42.* East of lines ranging from the head of the Tottenville Shipyard Company pier at Tottenville, Staten Island, to the first pier of the Outerbridge Crossing west from the Staten Island shore, thence to Arthur Kill Light 10, thence to Arthur Kill Light 14, and thence to Arthur Kill Lighted Buoy 16; and south of a line from thence to Smoking Point.

(j) *Raritan Bay*—(1) *Anchorage No. 44.* West of the Raritan Bay Channel leading into Arthur Kill; northeast of a line ranging from Raritan Bay Channel Lighted Buoy 15 through Anchorage Buoy A; east of a line bearing 331°31′ and ranging through Great Beds Light, Cutoff Channel Light 1, and St. Peter's Church spire at Perth Amboy, New Jersey; and southeast of the Cutoff Channel between Raritan River and Arthur Kill.

(2) *Anchorage No. 45.* West of the Raritan Bay Channel leading into Arthur Kill; north of the Raritan River Channel leading into Raritan River; and east of the Cutoff Channel between Raritan River and Arthur Kill, except that part of the said area occupied by Anchorage No. 44.

(3) *Anchorage No. 45–A.* West of the Cutoff Channel between Raritan River and Arthur Kill; north of the Raritan River Channel; east of the New York and Long Branch Railroad bridge; and north of the Raritan River Channel to the prolongation of Market Street, Perth Amboy, New Jersey, in Arthur Kill.

(4) *Anchorage No. 46.* West of the west limit of Anchorage No. 28, as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort, through Great Kills Flat Buoy 4 to the Staten Island shore; north of Raritan Bay Channel as defined by the buoys and lights marking the north side of the channel, including Princess Bay; northeast of Raritan Bay Channel leading into Arthur Kill; and south of a line bearing 243° from the gable of a house at Ward Point, Staten Island.

(5) *Anchorage No. 47.* South of the Raritan River Channel from opposite the Sun Oil Company pier at South Amboy to Raritan River Buoy 3; thence south of a line in the direction of Boundary Daybeacon to a point south of Raritan Bay Light 38; thence south of lines through Raritan Bay Buoy "EX" to Raritan Bay Light 7B, to Raritan Bay Light 3A, and the buoys marking the south side of Raritan Bay Channel off Seguine Point to the west limit of Anchorage No. 28 as defined by a line bearing 353° from the head of the Keansburg Steamboat Pier at Point Comfort through Great Kills Flat Buoy 4 to the Staten Island shore; and west of the latter line.

(i) Vessels shall not anchor in the channel to Keyport Harbor west of lines ranging from Keyport Channel Buoy 1 to Keyport Channel Buoy 9, thence through Keyport Channel Buoys 11 and 13 to the northeast corner of the easterly steamboat wharf; and east of a line extending from a point 400 yards west of Keyport Channel Buoy 1 tangent to the west shore at the mouth of Matawan Creek.

NOTE: Anchorage No. 49–D in this area is reserved for vessels carrying explosives (see paragraph (m) (3) of this section) and is excluded from use as a general anchorage.

(k) *Sheepshead Bay*—(1) *Anchorage No. 48–A.* South of a line 25 feet south of and parallel to the bulkhead wall along the south side of Emmons Avenue; east of a line 200 feet east of and parallel to the prolonged west line of East 15th Street; north of a line 75 feet north of and parallel to the bulkhead wall along the north side of Shore Boulevard between Amherst Street and Dover Street and as prolonged to a point 315 feet south of the bulkhead wall along the south side of Emmons Avenue and 25 feet west of the prolonged west side of Ocean Avenue; and west of a line parallel to and 25 feet west of the prolonged west line of Ocean Avenue.

(2) *Anchorage No. 48–B.* South of the established United States Pierhead Line on the north side of the bay; west of the prolonged west line of Coyle

Street; north of a line ranging from a point 90 feet south of said pierhead line in said prolonged west line of Coyle Street to the intersection of the south line of Shore Boulevard and the west line of Kensington Street; north of a line parallel to and 325 feet north of the bulkhead wall along the north side of Shore Boulevard; northeast of a line ranging from the point of intersection of the last-mentioned line with the prolonged east line of East 28th Street, toward a point, on the prolonged east line of East 27th Street and 245 feet south of the established United States Pierhead Line on the north side of the bay; and east of the prolonged east side of East 27th Street.

(3) *Anchorage No. 48–C.* South of a line extending from a point 175 feet northerly of the bulkhead wall along the north side of Shore Boulevard (perpendicular distance) and in the prolonged west side of Hastings Street to a point on the prolonged east side of Mackenzie Street 125 feet north of the bulkhead wall on the north side of Shore Boulevard; thence south of a line parallel to and 125 feet northerly of the bulkhead wall along the north side of Shore Boulevard from the last-mentioned point to the prolonged west line of Coyle Street; west of the prolonged west line of Coyle Street; north of a line parallel to and 25 feet north of the bulkhead wall along the north side of Shore Boulevard; and east of the prolonged west side of Hastings Street.

(l) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in the navigable waters of the Port of New York outside of the anchorage areas established in this section, nor cast anchor within a cable or pipe line area shown on a Government chart, nor be moored, anchored, or tied up to any pier, wharf, or vessel in such manner as to obstruct or endanger the passage of any vessel in transit by, or to or from, adjacent wharves, piers, or slips.

(2) No vessel shall occupy for a longer period than 30 days, unless a permit is obtained from the Captain of the Port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in this section. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(3) Whenever, in the opinion of the Captain of the Port, such action may be necessary, that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall be anchored with two anchors, with mooring swivel put on before the crew shall be reduced or released, unless the Captain of the Port shall waive the requirement of a mooring swivel.

(5) Anchorage of all vessels must be placed well within the anchorage areas, so that no portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(6) Any vessel anchoring under circumstances of great emergency outside of the anchorage areas must be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(7) When applied for, a berth in an anchorage, if available, shall be assigned to any vessel by the Captain of the Port. He may grant revocable permits for habitually maintaining and using the same mooring space in an anchorage area, but no vessel shall occupy continuously a berth in an anchorage area when a vessel in regular traffic requires the berth or when navigation would be menaced or inconvenienced thereby. The Captain of the Port is authorized to issue permits for maintaining mooring buoys. The method of anchoring these buoys shall be as prescribed by the Captain of the Port. No vessel shall moor in any anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy. In case of emergencies the Captain of the Port is hereby authorized to shift the position of any unattended vessel moored in or near any anchorage. No vessel shall be navigated within the limits of an anchorage at a speed exceeding six knots when in the vicinity of a moored vessel.

(8) Barge dispensing stations and stake boats may be anchored in such places as the Captain of the Port may designate, subject to the approval of the District Engineer, Corps of Engineers.

(9) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property, or in laying or repairing pipe lines or cables legally established, or plant engaged in dredging operations, to anchor within channels of the Port of New York. Permit issued by the Captain of the Port is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Captain of the Port in advance of all such proposed work.

(10) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored within the anchorage areas, of any vessel anchored outside the anchorage areas, of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel or obstruct or interfere with range lights and of any vessel which, lying at the exterior end of a pier or alongside an open bulkhead, obstructs or endangers the passage of vessels in transit by, or to or from, adjacent wharf property or impedes the movements of vessels entering or leaving adjacent slips.

(11) A vessel upon being notified to move into the anchorage limits or to shift its position on anchorage grounds, shall get under way at once or signal for a tug, and shall change position as directed, with reasonable promptness.

(12) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law.

(m) *Anchorages for vessels carrying explosives.*—(1) *Anchorage No. 49–B.* On the New Jersey Flats, south of a line parallel to and 500 yards south of the National Docks (Black Tom) dredged channel; west of a line bearing 208° from the Torch, State of Liberty, and ranging through National Docks Channel Buoy 1 and New Jersey Pierhead Channel North Entrance Buoy 4; north of a line ranging through the latter buoy and New Jersey Pierhead Channel North Entrance Lighted Buoy 6; northeast of a line bearing 313° being parallel to and 500 yards north of Caven Point Pier; and east of a line bearing 40° from the twin chimneys on Constable Hook, New Jersey, through the brick pump house on the inshore end of the trestle to Caven Point Pier.

(i) Vessels shall not anchor within 800 yards of Bedloes Island, within 500 yards of any pier, or within 100 yards of the New Jersey Pierhead Channel.

(ii) No vessel using this anchorage shall carry more than 20 tons of high explosives.

(iii) No vessel carrying explosives of any kind shall anchor in this anchorage within 500 feet of any other vessel carrying high explosives; except that the Captain of the Port may authorize the placing of moorings not less than 500 feet apart within this area and the making fast thereto of not to exceed three barges at each mooring, provided the combined load of the barges at a mooring is not more than 20 tons of high exposives.

(iv) Insofar as practicable, in the use of this anchorage preference shall be given to vessels storing explosives for current consumption.

(v) In cases of great emergency and when weather conditions are such that it is impossible for barges, scows, or lighters loaded with more than 20 tons of high explosives to proceed to Gravesend Bay or Raritan Bay, or lie at anchor there, such vessels may anchor temporarily in the Jersey Flats anchorage, but in each case the Captain of the Port must be immediately notified, and such vessel will not remain so anchored without his special permission.

(vi) This area shall not be used by vessels which do not carry explosives except in cases of great emergency.

(2) *Anchorage No. 49–C (naval and military anchorage).* In Gravesend Bay, north of a line bearing 260°30′ from latitude 40°34′58″, longitude 74°01′20″, to latitude 40°34′54″, longitude 74°01′49″, and ranging through the stack on Hoffman Island; east of a line bearing 342° from the last-mentioned point to latitude 40°35′59″, longitude 74°02′17″, and ranging 250 yards due west of Fort Lafayette; south of a line bearing 96° from the last-mentioned point to latitude 40°35′56″, longitude 74°01′45″; and west of a line bearing 343° from the last-mentioned point to latitude 40°34′58″, longitude 74°01′20″, and passing through Fort Hamilton Southwest Buoy 20.

(i) The Captain of the Port may permit the anchorage of commercial vessels in the southerly part of the area south of a line bearing 252° from the flagpole in the vicinity of Bay Parkway, Brooklyn, when use of the anchorage by naval or military vessels will permit. Any commercial vessels so moored as to obstruct the use of the area for the anchorage of naval or military vessels may be required by the Captain of the Port to shift its position or clear the area when found necessary, at its own expense.

(ii) Fishing and navigation by pleasure and commercial craft are prohibited within the area at all times when vessels which are moored in the area for the purpose of loading or unloading explosives display a red flag by day or a red light by night, unless special permission is granted by the Captain of the Port.

(iii) Vessels carrying high explosives in this anchorage shall not anchor closer than 400 yards to one another, but the number of vessels which may anchor in the area at any one time shall be at the discretion of the Captain of the Port. This provision is not intended to prohibit barges or lighters from tying up alongside ships for the transfer of cargoes.

(iv) Vessels carrying high explosives shall not occupy this anchorage for a period of time longer than is necessary to receive or discharge such cargoes, or between sunset and sunrise except by special permit from the Captain of the Port in cases of great emergency.

(v) Barges and lighters loaded with explosives may anchor in the easterly portion of this area provided such barges and lighters are anchored so as not to approach one another closer than 300 feet. The Captain of the Port may authorize the placing of moorings in the easterly portion of the area and the making fast thereto of not to exceed three barges or lighters at each mooring, provided these moorings are so spaced that the vessels at one mooring shall at all times be not less than 300 feet from the vessels at an adjacent mooring.

(3) *Anchorage No. 49–D.* In Raritan Bay, south of a line bearing 70° and ranging from Raritan Bay Buoy "EX" to West Bank Light; west of a line bearing 137° and ranging from the tower of former Princess Bay Light to the tower of former Waackaack Light; north of a line bearing 250° and ranging from Old Orchard Shoal Light to Boundary Daybeacon; and east of a line bearing 306° and ranging from Boundary Daybeacon to Raritan Bay Buoy "EX".

(i) This area shall not be used by vessels which do not carry explosives except in cases of great emergency.

(4) *Anchorage No. 49–F (emergency naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 170°, 3,800 yards, from a point bearing 281°30′ 2,050 yards, from Sandy Hook Light; thence 260°, 500 yards; thence 350°, 3,800 yards; thence 80°, 500 yards, to the point of beginning.

(i) This anchorage is to be used for the anchorage of naval vessels during emergencies only.

(ii) No pleasure or commercial craft shall navigate or moor within this area at any time when naval vessels which are moored in the area display a red flag by day or a red light by night.

(5) *Anchorage No. 49–G (naval anchorage).* That portion of Sandy Hook Bay bounded by a line bearing 208° 1,350 yards, from a point bearing 292°30′, 3,600 yards, from Sandy Hook Light; thence 298°, 620 yards; thence 2°, 1,250 yards; thence 107°, 1,150 yards, to the point of beginning.

(i) No pleasure or commercial craft shall navigate or moor within this area at any time when vessels which are moored in the area display a red flag by day or a red light by night.

(n) *Regulations for explosives anchorages.* (1) Anchorages Nos. 49–B, 49–C, 49–D, 49–F, and 49–G are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored, except as provided in subparagraph (6) of this paragraph.

(2) A written permit shall be obtained from the Captain of the Port before vessels carrying explosives, or on which explosives are to be loaded, may proceed to the anchorages provided for them; and no vessel shall occupy a berth in such anchorage except by authority of such permit, which permit may be revoked at any time.

(3) Vessels used in connection with loading or unloading explosives on vessels in anchorage areas, including tugs and stevedore boats, shall carry a written permit from the Captain of the Port. Such permit shall be shown whenever required by him or by his properly authorized agents.

(4) Whenever any vessel not fitted with mechanical power anchors in the explosives anchorages while carrying explosives, the Captain of the Port may require the attendance of a tug upon such vessel when in his judgment such action is necessary.

(5) Vessels carrying explosives shall comply with the general regulations in paragraph (l) of this section when applicable.

(6) The District Engineer, Corps of Engineers, may authorize, in writing, a vessel carrying explosives for use on river and harbor works or on other work under federal permit issued by the District Engineer to anchor in or near the vicinity of such work without a permit from the Captain of the Port. The District Engineer will prescribe the quantities of such explosives allowed on such vessel and the conditions under which they are to be stored and handled, and will furnish the Captain of the Port with a copy of such safety instructions together with a copy of his written authorization.

[Regs. Aug. 26, 1948, (CE 800.212)–ENGWR] (38 Stat. 1053; 33 U. S. C. 471)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48–8438; Filed, Sept. 20, 1948; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2471]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATION TO DIRECTOR IN SPECIFIED MATTERS

Subparagraphs (25) and (37) of paragraph (a) of § 4.275, are amended to read as follows:

§ 4.275 *Functions with respect to various statutes.* (a) • • •

(25) Approval of all bonds required in public land matters and determinations with respect to the liability of the principals and sureties under such bonds.

• • • • • •

(37) The approval of exchanges, as follows:

(i) Under Parts 146, 147, and 149 to 152 of this title, and

(ii) under Title III of the Bankhead-Jones Farm Tenant Act approved July 22, 1937 (7 U. S. C. sec. 1011), and the related provisions of Title IV thereof, so far as the exchanges involve public lands subject to the provisions of Executive Order No. 7908 of June 9, 1938, after the exchanges have been approved by an authorized officer of the Department of Agriculture.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

J. A. KRUG,
Secretary of the Interior.

SEPTEMBER 11, 1948.

[F. R. Doc. 48–8422; Filed, Sept. 20, 1948; 8:45 a. m.]

[Order 2472]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

The following subparagraph is added to paragraph (a) of § 4.275:

§ 4.275 *Functions with respect to various statutes.* (a) • • •

(83) Determine the liability for trespass on the public land, in accordance with the rules set forth in Part 288 of this title and the applicable court and departmental decisions, and demand and accept payment of the amount determined to be due by reason of such trespass.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

J. A. KRUG,
Secretary of the Interior.

SEPTEMBER 13, 1948.

[F. R. Doc. 48–8423; Filed, Sept. 20, 1948; 8:45 a. m.]

[Order 2474]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF RECLAMATION; SALE AND LEASE OF CERTAIN HOUSES, APARTMENTS, AND LANDS IN BOULDER CITY, NEV.

The following section is added to Subpart E:

§ 4.414 *Sale and lease of certain houses, apartments, and lands in Boulder City, Nevada.* The Commissioner of Reclamation may exercise the powers vested in the Secretary of the Interior by the act of May 25, 1948 (Public Law 553, 80th Congress), in connection with the sale and lease of certain houses, apartments, and land in Boulder City, Nevada, and may redelegate such powers to the officer in charge of any office, division, district or project, subject to such regulations, consistent with the above act, as the Commissioner of Reclamation deems proper. (R. S. 161; 5 U. S. C. 22)

Dated: September 14, 1948.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 48-8424; Filed, Sept. 20, 1948; 8:45 a. m.]

Chapter II—Bureau of Reclamation, Department of the Interior

PART 406—REDELEGATIONS OF AUTHORITY BY COMMISSIONER OF RECLAMATION

REGIONAL DIRECTORS; WATER RIGHTS

Paragraph (b) of § 406.10 and paragraph (c) of § 406.20 authorizing Regional Directors of the Bureau of Reclamation to acquire and maintain water rights in regard to Federal water conservation and utilization projects and Federal reclamation projects (12 F. R. 8896; 43 CFR 1947 Supp.) are hereby revised to read as follows:

Initiate, prosecute, acquire, and perfect water rights in the name of the United States, pursuant to the provisions of State law and in conformity with applicable interstate agreements; and file applications, notices, petitions, and all other documents and to take any other steps which are useful and proper to protect, secure, and maintain such water rights in good standing.

(44 Stat. 657, 55 Stat. 842; 43 U. S. C. 373a, 16 U. S. C. 590-z-11)

Dated: September 13, 1948.

KENNETH MARKWELL,
Acting Commissioner of Reclamation.

[F. R. Doc. 48-8425; Filed, Sept. 20, 1948; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

REVISION OF FORMS

In the matter of revision of F. C. C. Forms 401, 401-A, 401-C, 402, 403, 404, 405, 501, 501-A, 501-B, 502, 503, 701, 702, 703 and 820.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 8th day of September 1948;

The Commission having under consideration a proposal to revise the wording of the above-described forms to indicate more clearly the requirements for subscription and verification as set forth in § 1.303 of the Commission's rules and regulations;

It appearing that the proposed revisions are procedural in nature and do not in any way change the requirements of any of the Commission's rules and regulations with respect to subscription and verification; and

It further appearing that the nature of the proposed changes is such as to render unnecessary the notice and procedure provided for in section 4 of the Administrative Procedure Act;

It is ordered, that F. C. C. Forms 401, 401-A, 401-C, 402, 403, 404, 405, 501, 501-A, 501-B, 502, 503, 701, 702, 703 and 820 be amended by substituting for the present signature lines the following:

Applicant
(must correspond with Item 1)
By ---

Designate by checkmark below appropriate classification:

☐ Individual applicant.
☐ Member of applicant partnership.
☐ Officer of applicant corporation or association.

It is further ordered, that Form 401-C be further amended by deleting Instruction 11.

It is further ordered, that Form 401-B be amended by deleting the last sentence of Instruction 11.

It is further ordered, that the foregoing amendments of the Commission's forms are effective immediately.

The above-described amendments are issued pursuant to sections 4(i), 303(r), 308(b) and 319(a) of the Communications Act of 1934, as amended.

(Secs. 4 (i), 308 (b), 319 (a), 48 Stat. 1066, 1084, 1089, sec. 4 (b), 50 Stat. 191; 47 U. S. C. 4 (i), 308 (b), 319 (a), 404 (r))

Released: September 14, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8442; Filed Sept. 20, 1948; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 815-A]

PART 95—CAR SERVICE

FREE TIME REDUCED ON COAL AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of September A. D. 1948.

Upon further consideration of Service Order No. 815 (13 F. R. 3608), and good cause appearing therefor: It is ordered, that:

Service Order No. 815 *Free time reduced on coal at Great Lakes Ports*, is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., September 18, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8436; Filed, Sept. 20, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 125]

QUALIFICATIONS NECESSARY FOR SCHOOLS, COLLEGES, ACADEMIES, SEMINARIES, OR UNIVERSITIES TO BE APPROVED AS INSTITUTIONS OF LEARNING FOR IMMIGRANT STUDENTS

NOTICE OF PROPOSED RULE MAKING

SEPTEMBER 3, 1948.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, of the following amendment of the rule prescribing the qualifications necessary for schools, colleges, academies, seminaries, or universities to be approved as institutions of learning for immigrant students. In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 2-1218, Temporary Federal Office Building X, 19th and East Capitol Streets NE., Washington 25, D. C., written data, views, or arguments relative to this proposed action. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

Section 125.16, *Schools; petition for approval*, Chapter I, Title 8 of the Code of Federal Regulations, is amended by deleting the last sentence and inserting in its stead the following two sentences: "If the Attorney General is satisfied that such school, college, academy, seminary, or university has been established for at least two years immediately preceding the filing of the petition herein required; that it is a bona fide institution of learning; that it possesses the necessary facilities and is otherwise qualified for the instruction of immigrant students in recognized courses in the field of secondary education and qualifies graduates for acceptance to accredited colleges or institutions; and in the field of higher education that it possesses the necessary facilities and is otherwise qualified for the instruction of immigrant students and confers upon graduates recognized bachelor, master, doctor, or professional and divinity degrees, he may approve such school, college, academy, seminary, or university as a school for immigrant students. Approval previously granted to a school, college, academy, seminary, or university that does not fulfill the foregoing conditions may be revoked by the Attorney General upon notice in writing to such school that the revocation will be effective not less than 30 days following delivery of the notice."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1, 12 F. R. 4781)

JOHN P. BOYD,
Acting Commissioner of Immigration and Naturalization.

Approved: September 15, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-8439; Filed, Sept. 20, 1948; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 29]

TOBACCO AUCTION MARKET OF WEST JEFFERSON, N. C.

ANNOUNCEMENT OF REFERENDUM IN CONNECTION WITH PROPOSED DESIGNATION UNDER TOBACCO INSPECTION ACT

Pursuant to the authority vested in the Secretary of Agriculture by the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 1946 ed. 511 et seq.), and in accordance with the applicable regulations issued thereunder by the Secretary, notice is given that a referendum of tobacco growers will be conducted from October 5 through October 7, 1948, to determine whether the tobacco auction market at West Jefferson, North Carolina, shall be designated by the Secretary under said act for the mandatory inspection of tobacco sold thereat.

Growers who sold tobacco at auction on the West Jefferson, North Carolina, market during the 1947 marketing season shall be eligible to vote in said referendum. Ballots for use in said referendum will be mailed to all eligible voters insofar as their names and addresses are known to the Secretary. Eligible voters who do not receive ballots by mail may obtain them from their local county agent or from the local office of the County Agricultural Conservation Association. All completed ballots shall be mailed to the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 480, Louisville, Kentucky, and in order to be counted in said referendum, must be postmarked not later than midnight, October 7, 1948.

Issued this 16th day of September 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8464; Filed, Sept. 20, 1948; 8:49 a. m.]

[7 CFR, Part 29]

TOBACCO AUCTION MARKET OF LONDON, KY.

ANNOUNCEMENT OF REFERENDUM IN CONNECTION WITH PROPOSED DESIGNATION UNDER TOBACCO INSPECTION ACT

Pursuant to the authority vested in the Secretary of Agriculture by the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 1946 ed. 511 et seq.), and in accordance with the applicable regulations issued thereunder by the Secretary, notice is given that a referendum of tobacco growers will be conducted from October 5 through October 7, 1948, to determine whether the tobacco auction market at London, Kentucky, shall be designated by the Secretary under said act for the mandatory inspection of tobacco sold thereat.

Growers who sold tobacco at auction on the London, Kentucky, market during the 1947 marketing season shall be eligible to vote in said referendum. Ballots for use in said referendum will be mailed to all eligible voters insofar as their names and addresses are known to the Secretary. Eligible voters who do not receive ballots by mail may obtain them from their local county agent or from the local office of the County Agricultural Conservation Association. All completed ballots shall be mailed to the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 480, Louisville, Kentucky, and in order to be counted in said referendum, must be postmarked not later than midnight, October 7, 1948.

Issued this 16th day of September 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8465; Filed, Sept. 20, 1948; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-404]

RAYON, NYLON AND SILK CONVERTING INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS TO PROPOSED TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 15th day of September 1948.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, or other parties or groups (including consumers), affected by or having an interest in the proposed trade practice rules for the Rayon, Nylon and Silk Converting Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than October 7, 1948. Opportunity to be heard orally will be afforded at the hearing beginning at 10:00 a. m., (e. s. t.), October 7, 1948, at the Hotel Astor, Broadway at 44th Street, New York, N. Y., to any such persons, parties, groups, or consumers who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8382; Filed, Sept. 20, 1948; 8:58 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Circular 1695]

TOWNSITES OF BALLANTINE AND HUNTLEY, MONT.

REGULATIONS FOR SALE OF TOWN LOTS OR TRACTS

1. *Statutory authority.* Certain additional lots and tracts in the Ballantine and Huntley Townsite, will be disposed of under the acts of April 16 and June 27, 1906 (34 Stat. 116 and 519) and March 2, 1929 (45 Stat. 1522) (43 U. S. C. 561 and 571).

2. *Area and price.* The area and minimum price of the lots and tracts which are to be sold are shown by the attached schedule.

3. *Public sale.* On Wednesday, September 22, 1948, beginning at 10: 00 a. m., a sale at public auction to the highest bidder at not less than the appraised price will be held at the office of the Huntley project Irrigation District, Ballantine, Montana. W. N. McCormack, Regional Land Officer, Bureau of Reclamation, has been designated as superintendent of the sale, and Wayne W. Whitcanack, Assistant Regional Land Officer, Bureau of Reclamation, as auctioneer.

4. *Terms of sale.* Full payment for the lots and tracts must be made in cash on the date of the sale. The superintendent of the sale will forward the money received to the District Land Office at Billings, Montana.

5. *Authority of the Superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any lot or tract and to suspend, adjourn, or postpone the sale of any lot or tract to such time and place as he may deem proper. After all the lots and tracts have been offered, the superintendent will close the sale. Any lot or tract remaining unsold will be subject to private sale at the District Land Office at Billings, Montana.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot or tract from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code, 1946 ed., U. S. C. Title 18, section 113.

MARION CLAWSON,
Director.

Approved: September 14, 1948.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

HUNTLEY PROJECT, MONTANA

BALLANTINE TOWNSITE

Township 2 North, Range 29 East, M. P. M.

		Square feet
Section 5, Lot 9, Block 1	$160.00	7,000
Section 5, Lot 10, Block 1	125.00	7,000
Section 5, Lots 3, 4, 5, Block 9	250.00	22,309

HUNTLEY TOWNSITE

Township 2 North, Range 27 East, M. P. M.

		Acres
Section 25, Tract 117	$125.00	1.65
Section 25, Tract 118	450.00	2.98
Section 25, Tract 119	100.00	.29
Section 25, Tract 120	100.00	.40
Section 25, Tract 121	125.00	.71

[F. R. Doc. 48-8482; Filed, Sept. 20, 1948; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2837]

NORTHWEST AIRLINES, INC.; REDESIGNATION OF ST. PAUL AND MINNEAPOLIS, MINN.

NOTICE OF HEARING

In the matter of the application of Northwest Airlines, Inc., for an amendment of its certificate of public convenience and necessity, for route No. 3, so that the intermediate points St. Paul, Minn., will be redesignated Minneapolis-St. Paul, Minn., under section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001, and section 5 (a) of the Administrative Procedure Act that a hearing in the above-entitled proceeding is assigned to be held on September 22, 1948, at 10:00 a. m., (eastern daylight saving time), in Room 2049, Temporary Building No. 4, 17th and Constitution Avenue, N. W., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., September 16, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8440; Filed, Sept. 20, 1948; 8:47 a. m.]

[Docket No. 3271 et al.]

CONTINENTAL AIR LINES, INC., PIONEER AIR LINES, INC., AND ARIZONA AIRWAYS, INC.; SERVICE TO SOCORRO, HOT SPRINGS, AND LAS CRUCES, N. MEX.

NOTICE OF HEARING

In the matter of the investigation to determine the need for service to Socorro, Hot Springs, and Las Cruces, N. Mex.; the applications of Continental Air Lines, Inc., Docket No. 3315, for an amendment of its certificate for route No. 29, to serve Socorro, Hot Springs, and Las Cruces, N. Mex.; and authority to serve Raton, N. Mex.; the application of Pioneer Air Lines, Inc., Docket No. 3338, requesting authority to serve Socorro, Hot Springs, and Las Cruces, N. Mex.; and Docket No. 3390, for service to Artesia, N. Mex.; and the application of Arizona Airways, Inc., Docket No. 3361, for authority to operate between Douglas and Lordsburg, N. Mex.

For further details in this proceeding interested parties are referred to the applications, and other papers filed with respect thereto, which are on file with the Civil Aeronautics Board.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the above investigation proceeding and applications are assigned for hearing on October 12, 1948, at 10:00 a. m. (mountain standard time), at the Hotel Hilton, Albuquerque, N. Mex., before Examiner Walter W. Bryan.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the proposed amendments of certificates are required in whole or in part by the public convenience and necessity.

2. Whether the applicants are fit, willing, and able to perform the proposed new transportation properly and to conform to the provisions of the act and the rules and regulations, and requirements of the Board thereunder.

Notice is further given that any person, other than the parties of record, desiring to be heard in this proceeding shall file with the Board on or before October 12, 1948, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., September 15, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8432; Filed, Sept. 20, 1948; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-256]

NEW ORLEANS PUBLIC SERVICE, INC.

NOTICE OF ORDER DISMISSING APPLICATION

SEPTEMBER 16, 1948.

Notice is hereby given that, on September 15, 1948, the Federal Power Commission issued its order entered September 14, 1948, dismissing application for a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8433; Filed, Sept. 20, 1948; 8:47 a. m.]

[Docket No. G-1118]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF ORDER SUPPLEMENTING ORDER SUSPENDING RATE SCHEDULES

SEPTEMBER 16, 1948.

Notice is hereby given that, on September 15, 1948, the Federal Power Commission issued its order entered September 14, 1948, in the above-designated matter, supplementing order of September 7, 1948, suspending rate schedules of Interstate Natural Gas Company, Inc.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8434; Filed, Sept. 20, 1948; 8:47 a. m.]

NORTHERN STATES POWER CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ACCOUNT 100.5, ELECTRIC PLANT ACQUISITION ADJUSTMENTS, AND ACCOUNT 107, ELECTRIC PLANT ADJUSTMENTS

SEPTEMBER 16, 1948.

Notice is hereby given that, on September 15, 1948, the Federal Power Commission issued its order entered September 14, 1948, in the above-designated matter, approving and directing disposition of amounts classified in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8435; Filed, Sept. 20, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1878]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September 1948.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Cumberland and Allegheny Gas Company ("Cumberland"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9, 10 and 12 thereof and Rule U-43 promulgated thereunder, with respect to the issue and sale by Cumberland to Columbia of $400,000 principal amount of 3¼% Installment Promissory Notes due in equal annual installments on August 15 of each of the years from 1950 to 1974, inclusive; the proceeds from such sale to be utilized by Cumberland in connection with its construction program; and

The Public Service Commission of West Virginia, by order dated August 16, 1948, having approved the proposed issue and sale of notes by Cumberland; and

Said joint application-declaration having been filed on June 21, 1948, and the last amendment thereto having been filed on September 3, 1948, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint application-declaration be granted and permitted to become effective;

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8429; Filed, Sept. 20, 1948; 8:45 a. m.]

[File No. 70-1917]

UTAH POWER & LIGHT CO. AND THE WESTERN COLORADO POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of September A. D. 1948.

Utah Power & Light Company ("Utah"), a registered holding company, and its wholly owned subsidiary, the Western Colorado Power Company ("Western Colorado"), having filed a joint application - declaration pursuant to sections 6 (b), 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transactions:

Western Colorado proposes to declare as a stock dividend, 10,000 shares of its common stock, $20 par value, payable to Utah, its only stockholder, and to charge such dividend, aggregating $200,000, to its earned surplus, which as of June 30, 1948 amounted to $493,749. The declaration of such stock dividend will increase the amount of Western Colorado's outstanding common stock from 100,000 to 110,000 shares. The only other security which Western Colorado has outstanding is a 15 year, 4% note in the principal amount of $2,500,000 which is also owned by Utah.

The proposed transaction has been approved by the Public Utilities Commission of Colorado, the Commission of the State in which Western Colorado is organized and doing business.

Such application-declaration having been filed on August 16, 1948 and notice of said filing having been given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the applicable sections of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest that said application be granted and permitted to become effective; and further deeming it appropriate to grant the request that this order become effective upon issuance:

It is ordered, pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8426; Filed, Sept. 20, 1948; 8:45 a. m.]

[File No. 70-1932]

UNITED PUBLIC SERVICE CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

The United Public Service Corporation ("United"), a registered holding company and a subsidiary of The Middle West Corporation, ("Middle West") a registered holding company, having filed an application-declaration pursuant to sections 11 and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-46 promulgated thereunder with respect to the following transactions:

United proposes to make two cash distributions to the holders of its capital stock as part of the process of its complete liquidation from funds to be received from cash liquidating dividends to be paid by United Public Utilities Corporation ("UPU"). The Commission has approved proposals by UPU providing, among other things, for cash distributions of $5 and $4 per share to the holders of the common stock of UPU. When the $5 per share distribution by UPU is consummated, United, the holder of 148,055 shares (39.98%) of the common stock of UPU, will receive cash in the amount of $740,275. Thereupon, United proposes to distribute in cash $2.42 per share or an aggregate of $740,501 to the holders of its outstanding capital stock. When the $4 per share distribution by UPU is made, United will receive cash in the amount of $592,220. Upon receipt of such cash, United proposes to make an additional cash distribution of $1.93 per share or an aggregate of $590,564 to the holders of its outstanding capital stock.

The application-declaration states that the proposed distributions have been approved by resolution of the stockholders of United authorizing the dissolution of the corporation. The application-declaration further states that the only remaining asset of United, other than cash, is its investment in the common stock of UPU and that the amounts received by United as cash dividends on its holdings of the common stock of UPU are not required for the conduct of United's business.

Said application-declaration having been filed on August 23, 1948, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of the investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

It is ordered, pursuant to Rule U-23 and the applicable provisions of the said act and subject to the terms and conditions of Rule U-24, that the application-declaration be, and hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8429; Filed, Sept. 20, 1948; 8:45 a. m.]

[File No. 70–1933]

MADISON GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of September A. D. 1948

Madison Gas and Electric Company ("Madison"), a public utility subsidiary of American Light & Traction Company ("American Light"), a registered holding company, having filed an application pursuant to the provisions of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

Madison proposes to enter into a Credit Agreement, which will expire eighteen months from date of execution, with Harris Trust and Savings Bank, Chicago, Illinois, and First Wisconsin National Bank of Milwaukee, Wisconsin ("the Banks"). The Credit Agreement will commit the Banks to advance to Madison a maximum of $2,000,000 at an interest rate of 2¼% per annum. All notes issued by Madison will mature eighteen months from the date of execution of the Credit Agreement. The Credit Agreement provides that a quarterly commitment fee of one-half of one per cent per annum, based upon the average daily unused balance of the commitment computed for the preceding quarter period, will be paid to the Banks. Madison will have the right to reduce the commitment of the Banks at any time with a proportionate reduction of the commitment fee, and may prepay the notes at any time without penalty.

The application states that Madison requires funds to finance the construction of additional facilities urgently needed in the operation of its business. It is also stated that the $2,000,000 to be borrowed under the proposed Credit Agreement should enable Madison to finance its construction program until the fall of 1949. In the interim Madison expects to conclude a permanent financing program which will involve the repayment of its bank borrowings and the raising of such additional funds as may be appropriate to complete its construction program through 1950.

Madison states that the Credit Agreement and the proposed issuance and sale of notes thereunder has been approved by the Public Service Commission of Wisconsin, the state commission of the state in which Madison is organized and doing business.

Such application having been duly filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that it is not necessary to impose any terms or conditions, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted and deeming it appropriate to grant the request of applicant that the order become effective forthwith upon issuance:

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the application be, and the same hereby is, granted and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–8427; Filed, Sept. 20, 1948; 8:45 a. m.]

[File No. 70–1946]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

Notice is hereby given that a declaration has been filed pursuant to the Public Utility Holding Company Act of 1935 ("act"), and the general rules and regulations promulgated thereunder, by Standard Gas and Electric Company ("Standard Gas"), a registered holding company. The declarant has designated sections 11 (b) and 12 (d) of the act and Rule U-44 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 23, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 23, 1948, such declaration, as filed or as amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Standard Gas, which presently owns 750,000 shares (or 84.26%) of the outstanding Common Stock, $20 par value, of Oklahoma Gas and Electric Company ("Oklahoma"), proposes to sell to underwriters 400,000 shares of its holdings of Common Stock of Oklahoma and to apply the net proceeds toward the payment of interest and principal on its outstanding notes payable to banks, due April 10, 1949, and aggregating $20,694,384.95 as of June 30, 1948.

With the stated purpose of facilitating the proposed sale, Standard Gas proposes to stabilize the market price of Oklahoma Common Stock by purchases of such stock, if at that time deemed necessary or desirable, during the period between the effective date of this declaration and the time of the execution of its agreement with underwriters. It is proposed that the underwriters shall purchase any shares which Standard Gas may have publicly purchased pursuant to such program to stabilize, at the same price to be paid by the underwriters for the 400,000 shares of Oklahoma Common Stock.

Standard Gas requests that the Commission make the appropriate findings and tax recitals required by sections 371 (b), 371 (f), and 1808 (f) of the Internal Revenue Code.

Standard Gas also requests that the proposed sale be exempted from the competitive biding provisions of Rule U-50 under the act.

Standard Gas further requests that the declaration be permitted to become effective as soon as practicable, following which, it will report by amendment the negotiations undertaken and the terms of the contract proposed to be entered into with the underwriters, and request the entry of a final order by the Commission authorizing the proposed sale.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–8430; Filed, Sept. 20, 1948; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11643]

EMMY DIERICHS

In re: Estate of Emmy Dierichs, deceased. File D–28–11945; E. T. sec. 16120.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Eduard Dierichs, Cesar Eduard Dierichs and Eifrieda Schaefer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $277.65 was paid to the Attorney General of the United States by Ronald James Fairfield, Administrator of the Estate of Emmy Dierichs, deceased;

3. That the said sum of $277.65 was accepted by the Attorney General of the United States on April 29, 1948, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of $277.65 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48–8443; Filed, Sept. 20, 1948; 8:48 a. m.]

[Vesting Order 11656]

EDWARD SCHLACHTER

In re: Estate of Edward Schlachter, deceased. File D–28–10093; E. T. sec. 14356.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berthold Schlachter, Emil Otto Bitoch, and Erna (Bitoch) Opper, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the grandchildren, names unknown, of Joseph Schlachter, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $9,183.98 was paid to the Attorney General of the United States by The Old Second National Bank, Aurora, Illinois, Executor of the estate of Edward Schlachter, deceased;

4. That the said sum of $9,183.98 was accepted by the Attorney General of the United States on July 3, 1947, pursuant to the Trading With the Enemy Act, as amended;

5. That the said sum of $9,183.98 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the grandchildren, names unknown, of Joseph Schlachter, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48–8444; Filed, Sept. 20, 1948; 8:48 a. m.]

[Vesting Order 11710]

JOSEPH HAIMERL AND PAUL A. F. WARNHOLTZ

In re: Trust agreement dated September 13, 1938 between Joseph Haimerl, settlor and Paul A. F. Warnholtz, trustee, and known as Trust No. 4099–1525. Files D–28–2080–G–1–2–3 and D–28–2080).

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Lebegern, Georg (George) Lebegern, Joseph Haimerl, also known as Joseph Lebegern, Delaphania Haimerl, also known as Delaphania Lebegren, Anna Haimerl Steiner, Ottilla Haimerl Stoeber, Therese Haimerl Finsterer, Josef Haimerl, and Siegfried Haimerl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Maria Kirschner, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to, and arising out of or under that certain trust agreement dated September 13, 1938 by and between Joseph Haimerl, settlor and Paul A. F. Warnholtz, trustee, and known as Trust No. 4099–1525, presently being administered by Paul A. F. Warnholtz, trustee, 111 W. Washington Street, Chicago, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Maria Kirschner are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48–8445; Filed, Sept. 20, 1948; 8:48 a. m.]

[Vesting Order 11725]

JOHN GEORGE WINDISCH

In re: Estate of John George Windisch, deceased. File 017–24290.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lena Bechen and Babetta Messingschlager, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of John George Windisch, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of John George Windisch, deceased, is property payable

or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Richard T. Carroll, Ancillary Administrator, acting under the judicial supervision of the Probate Court of Hamilton County, Ohio,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of John George Windisch, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8446; Filed, Sept. 20, 1948; 8:48 a. m.]

[Vesting Order 11770]

JOSEPH HITSCHMANN

In re: Estate of Joseph Hitschmann, deceased. File No. D-17-172; E. T. sec. 2155.

Under the authority of the Trading With the Enemy Act as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolfi Langer and Aurelia Hitschmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Joseph Hitchmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Barton County, Kansas, acting under the judicial supervision of the Probate Court of Barton County, Kansas;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8447; Filed, Sept. 20, 1948; 8:48 a. m.]

[Vesting Order 11967]

JOHN BAUER

In re: Estate of John Bauer, deceased. File No. D-28-10650; E. T. sec. 15003.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Barbara Zobel, Johann Jakob, Theresia Jakob, Mathilda Jakob, Wilhelm Jakob, Anna Jakob, Joseph Beil, Marie Bauer, Stephen Beil, Konrad Beil and Josephine Bayer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of John Bauer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by L. W. Hout, as executor, acting under the judicial supervision of the Probate Court of Johnson County, Warrensburg, Missouri;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8448; Filed, Sept. 20, 1948; 8:48 a. m.]

[Vesting Order 11979]

IRMGARD J. LOSKANT

In re: Rights of Irmgard J. Loskant under insurance contract. File No. F-28-507-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irmgard J. Loskant, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Group Life 145-GC, 8111-G—Serial 1490 Life Insurance & Monthly Retirement Annuity, issued by the Metropolitan Life Insurance Company, New York, New York, to Franz A. Rodewig, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8449; Filed, Sept. 20, 1948; 8:48 a. m.]

[Vesting Order 11980]

ANNA C. LOTTERHOFER

In re: Estate of Anna C. Lotterhofer, deceased. File No. D-28-12391; E. T. sec. 16614.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Windhager, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Anna C. Lotterhofer, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Albert S. Herskowitz, as Administrator, acting under the judicial supervision of the Orphans' Court, County of Philadelphia, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8450; Filed, Sept. 20, 1948; 8:48 a. m.]

[Vesting Order 11982]

KIYO NAKAMURA

In re: Rights of Kiyo Nakamura under insurance contract. File No. F-39-4858-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyo Nakamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. M5354168, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Mataemon Nakamura, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8451; Filed, Sept. 20, 1948; 8:48 a. m.]

[Vesting Order 11983]

FRITZ (SIEGFRIED) NEULAND

In re: Rights of Fritz (Siegfried) Neuland under insurance contract. File No. D-28-10990-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz (Siegfried) Neuland, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8849249, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Sigmund Lehman, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8452; Filed, Sept. 20, 1948; 8:48 a. m.]

[Vesting Order 11988]

LINA SITZBERGER

In re: Rights of Lina Sitzberger under insurance contract. File No. D-28-12334-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Sitzberger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 60350, issued by the Workmen's Benefit Fund, Brooklyn, New York, to Stephan Kern, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8452; Filed, Sept. 20, 1948; 8:48 a. m.]

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8454; Filed, Sept. 20, 1948; 8:49 a. m.]

[Vesting Order 11986]

HERMAN SCHMIDT

In re: Estate of Herman Schmidt, deceased. File D-17-374, E. T. sec. 8164.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karolina Muck nee Siegel, Leopold Gottwald and Robert Gottwald, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Herman Schmidt, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by George B. Johnson, as Administrator, acting under the judicial supervision of the Probate Court for the County of Huron (Bad Axe), Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8453; Filed, Sept. 20, 1948; 8:48 a. m.]

[Vesting Order 11998]

CARL HARTL

In re: Stock owned by Carl Hartl. F-28-13668-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Hartl, whose last known address is Ziegetsdorf 54, Regensburg 2 Land, Bayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of $25.00 par value Convertible Class A Preferred Optional Dividend Series—$3.00 Cumulative Stock of American Cities Power and Light Corporation, 60 Broadway, New York 4, New York, a corporation organized under the laws of the State of Virginia, evidenced by certificate number 5336 for 5 shares, registered in the name of Carl Hartl, together with all declared and unpaid dividends thereon, and

b. Six (6) shares of $1.00 par value Class B Common Stock of American Cities Power and Light Corporation, 60 Broadway, New York 4, New York, a corporation organized under the laws of the State of Virginia, evidenced by certificates numbered TNYBO 5588 for 5 shares and NB/O 94470 for 1 share, registered in the name of Carl Hartl, together with all declared and unpaid dividends thereon,

is payable within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owning to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8411; Filed, Sept. 17, 1948; 8:49 a. m.]

[Vesting Order 11991]

SHOTARO TODA

In re: Rights of Shotaro Toda under insurance contract. File No. F-39-959-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shotaro Toda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9,289,475, issued by the New York Life Insurance Company, New York, New York, to Shotaro Toda, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8457; Filed, Sept. 20, 1948; 8:49 a. m.]

[Vesting Order 11999]

OTTO HUNING AND IDA NIEMEYER

In re: Bonds owned by Otto Huning and Ida Niemeyer.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Huning and Ida Niemeyer whose last known address is Melle, Province Hanover, Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Five United States Savings Bonds, Series D, of $1,000 face value each, bearing the numbers M1161721–M1161725, registered in the name of Otto Huning, Melle, Province Hanover, Germany, presently in the custody of The First National Bank in Albuquerque, Albuquerque, New Mexico, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Otto Huning, the aforesaid national of a designated enemy country (Germany); and

3. That the property described as follows: Five United States Savings Bonds, Series D, of $1,000 face value each, bearing the numbers M1161726–M1161729 and M1722594, registered in the name of Mrs. Ida Niemeyer, Melle, Province Hanover, Germany, presently in the custody of The First National Bank in Albuquerque, Albuquerque, New Mexico, together with any and all rights thereunder and thereto.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ida Niemeyer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8459; Filed, Sept. 20, 1948; 8:49 a. m.]

[Vesting Order 12003]

FRANK ZIEGLER ET AL.

In re: Bank accounts and stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Frank Ziegler, deceased. F-28-22787-A-1; F-28-22787-E-1; F-28-22787-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Frank Ziegler, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Central Savings Bank in the City of New York, 2100 Broadway, New York, New York, arising out of a Savings Account, Account No. 68641, entitled Frank Ziegler, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

b. That certain debt or other obligation of the Manufacturers Trust Company, 55 Broad Street, New York, New York, arising out of a Special Interest Account, Account No. 23838, entitled Frank Ziegler, maintained at the branch office of the aforesaid bank located at 1819 Broadway, New York City, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

c. Nine (9) shares of $5.00 par value common capital stock of the Atlas Corporation, 33 Pine Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C080469, registered in the name of Wiley & Co. and presently in the custody of the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, in Account No. 877070, entitled Frank Ziegler, together with all declared and unpaid dividends thereon,

d. Twenty (20) shares of $5.00 par value common capital stock of Bing & Bing, Inc., 119 West 40th Street, New York, New York, evidenced by a certificate numbered 0794, registered in the name of Wiley & Co. and presently in the custody of the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, in Account No. 877070, entitled Frank Ziegler, together with all declared and unpaid dividends thereon,

e. Forty (40) shares of $1.00 par value common capital stock of Journal of Commerce Corp., 63 Park Row, New York, New York, evidenced by a certificate numbered C071, registered in the name of Wiley & Co. and presently in the custody of the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, in Account No. 877070, entitled Frank Ziegler, together with all declared and unpaid dividends thereon,

f. One hundred (100) shares of $20.00 par value common capital stock of the Manufacturers Trust Company, 45 Beaver Street, New York 15, New York, evidenced by a certificate numbered C5131, registered in the name of Wiley & Co., and presently in the custody of the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, in Account No. 877070, entitled Frank Ziegler, together with all declared and unpaid dividends thereon,

g. Ten (10) shares of no par value $6.50 cumulative convertible preferred stock of the Minneapolis-Moline Power Implement Co., 2854 Minnehaha Ave., Minneapolis, Minnesota, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NP08399, registered in the name of Wiley & Co., and presently in the custody of the Manufacturers Trust Company, 55 Broad Street, New York 15, New York, in Account No. 877070, entitled Frank Ziegler, together with all declared and unpaid dividends thereon, and

h. Sixteen (16) shares of $1.00 par value common capital stock of Stern Brothers, 41 West 42nd Street, New York, New York, evidenced by a certificate numbered C01165, registered in the name of Wiley & Co., and presently in the custody of the Manufacturers Trust Company, 55 Broad Street New York 15, New York, in Account No. 877070, entitled Frank Ziegler, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Frank Ziegler, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal represenatives, heirs, next of kin, legatees and distributees of Frank Ziegler, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

REFERENCE SEP 24 '48

For the Attorney General.

[SEAL] *MALCOLM S. MASON,*
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8412; Filed, Sept. 17, 1948; 8:49 a. m.]

[Vesting Order 12010]

MAGDA PETERSON

In re: Stock owned by Magda Peterson. F-28-25638-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magda Peterson, whose last known address is c/o Frau O. Capelle, 15 Mittelwegm, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of no par value $6.50 preferred stock of Federal Water Service Corporation, a corporation organized under the laws of the State of Delaware, evidenced by a certificate, numbered 04147, registered in the name of Mrs. Magda Peterson, together with all declared and unpaid dividends thereon, and all rights of exchange under provisions of a recapitalization and merger dated October 21, 1941;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8413; Filed, Sept. 17, 1948; 8:49 a. m.]

NOTICES

[Vesting Order 12016]

VRONI WERNER AND WILHELM WERNER

In re: Claim owned by Vroni Werner and Wilhelm Werner. F-28-29092-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vroni Werner and Wilhelm Werner, whose last known address is Adalbert Str. 20, 16 Eulda-Hessen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Liquidating Trustees of the First National Bank of McKees Rocks, Pennsylvania, 327 Chartiers Avenue, McKees Rocks, Pennsylvania, evidenced by a Participation Certificate bearing number 5526, issued by the Liquidating Trustees of said Bank, and registered in the names of Vroni or Wilhelm Werner, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under the aforesaid certificate, including particularly the right to receive any future payments thereunder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8414; Filed, Sept. 17, 1948; 8:49 a. m.]

[Vesting Order 12021]

WILLIAM BRUNO KOHLER

In re: Voting trust certificate and bond owned by William Bruno Kohler. F-28-23177-D-1; F-28-23177-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Bruno Kohler, whose last known address is Palmstr. 16, Chemnitz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. All rights in and under one (1) voting trust certificate for 25 shares of $1.00 par value Common Capital Stock of the Arden Farms Corporation, 1900 West Slauson Avenue, Los Angeles 44, California, a corporation organized under the laws of Delaware, said voting trust certificate bearing the number TVO-3394, registered in the name of William Bruno Kohler,

b. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) Oregon Paramount Corporation, 4% Cumulative First Mortgage Leasehold Bond, dated September 27, 1937 of $250.00 face value, bearing the number A601 registered in the name of William Bruno Kohler, and all rights to demand, enforce and collect the same, together with any and all rights in, to and under said bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8415; Filed, Sept. 17, 1948; 8:49 a. m.]

REFERENCE

SEP 24 '48

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

1934

VOLUME 13 NUMBER 185

Washington, Wednesday, September 22, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2814

GENERAL PULASKI'S MEMORIAL DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS October 11, 1948, is the one hundred and sixty-ninth anniversary of the death of Count Casimir Pulaski, son of a foreign nation, who gave his life for the cause of American freedom; and

WHEREAS his death from a wound received while leading the celebrated Pulaski Legion at the siege of Savannah, in 1779, brought to a heroic end, at the youthful age of 31 years, a life which had given promise of further glorious achievements on behalf of humankind; and

WHEREAS this distinguished Pole who achieved the rank of Brigadier General in the American Revolutionary Army bequeathed to all liberty-loving people a tradition of fidelity to principle which remains an inspiration to our own generation:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate Monday, October 11, 1948, as General Pulaski's Memorial Day. I call upon the officials of the Government to display the flag on Government buildings on that day, and I invite the people of the United States to participate in the observance of the day with appropriate ceremonies in schools, churches, or other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of September in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-8559; Filed, Sept. 21, 1948; 11:48 a. m.]

EXECUTIVE ORDER 9997

AMENDMENT OF EXECUTIVE ORDER NO. 9805, PRESCRIBING REGULATIONS GOVERNING PAYMENT OF CERTAIN TRAVEL AND TRANSPORTATION EXPENSES

Correction

In Executive Order 9997, appearing as F. R. Doc. 48-8174, on page 5251 of the issue for Friday, September 10, 1948, the carry-over headnote of the second column of Schedule A, now reading "1,850 pounds to 3,799 pounds", should read "1,850 pounds to 3,849 pounds".

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 38]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respects:

1. Schedule A, item 54a, is amended to read as follows: "(54a) [Revoked and decontrolled]."

2. Schedule A, item 290b, is amended to read as follows: "(290b) [Revoked and decontrolled]."

This amendment shall become effective September 22, 1948.

Issued this 17th day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement to Accompany Amendment 38 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the DeFuniak Springs Defense-Rental Area, State of Florida,

[1] 12 F. R., 4331, 5040, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294, 322, 441, 475, 476, 498, 523, 827, 861, 1118, 1628, 1793, 1861, 1927, 1929, 3116, 3339, 3628, 3673, 4894, 5001, 5117, 5157.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 38]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respects:

1. Schedule A, item 54a, is amended to read as follows: "(54a) [Revoked and decontrolled]."

2. Schedule A, item 290b, is amended to read as follows: "(290b) [Revoked and decontrolled]."

This amendment shall become effective September 22d, 1948.

Issued this 17th day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement to Accompany Amendment 38 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the DeFuniak Springs Defense-Rental Area, State of Florida, and in the Fayetteville Defense-Rental Area, State of Tennessee, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said Defense-Rental Areas in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-8486; Filed, Sept. 21, 1948; 8:46 a. m.]

TITLE 29—LABOR

Subtitle A—Regulations of the Secretary of Labor

PART 7—PROCEDURE; DIVISION OF UNION REGISTRATION, BUREAU OF LABOR STANDARDS

FORM FOR FILING REPORTS

Pursuant to the authority vested in the Secretary of Labor by sections 9 (f) and (g) of the Labor-Management Relations Act, 1947 (Public 101, Ch. 120, 80th Cong., 1st sess.), Part 7 of this subtitle is amended as follows:

§ 7.1 *Form to be used in filing reports.* The form, entitled "Labor Organization Registration Form,"[2] is hereby prescribed as the form for filing of organizational and financial reports by labor organizations with the Bureau of Labor Standards, United States Department of Labor, Washington 25, D. C., under sections 9 (f) and (g) of the Labor-Management Relations Act, 1947 (Secs. 9 (f), 9 (g), Pub. Law 101, 80th Cong.).

Signed at Washington, D. C., this 15th day of September 1948.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 48-8481; Filed, Sept. 21, 1948; 8:47 a. m.]

[1] 12 F. R. 4302, 5040, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 295, 321, 442, 476, 497, 523, 828, 861, 1119, 1627, 1793, 1873, 1929, 3116, 3117, 3339, 3651, 3673, 4895, 5001, 5118, 5156.

[2] Filed with the original document. Copies may be obtained on request to the Bureau of Labor Standards, Department of Labor, Washington 25, D. C.

and in the Fayetteville Defense-Rental Area, State of Tennessee, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said Defense-Rental Areas in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-8487; Filed, Sept. 21, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Corrected S. O. 815-A]

PART 95—CAR SERVICE

FREE TIME REDUCED ON COAL, COKE AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of September A. D. 1948.

Upon further consideration of Revised Service Order No. 815 (13 F. R. 3608), and good cause appearing therefor: *It is ordered*, That:

Revised Service Order No. 815, *Free time reduced on coal at Great Lakes Ports*, is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., September 18, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8471; Filed, Sept. 21, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 190]

RECTIFICATION OF SPIRITS AND WINES

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto, which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2801 (e), 2810, 2812, 2819, 2829, 2832, 2834, 2835, 3170, and 3176, Internal Revenue Code (26 U. S. C. 2801 (e), 2810, 2812, 2819, 2829, 2832, 2834, 2835, 3170, and 3176).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Sections 190.13, 190.14, 190.17, 190.19, 190.31, 190.49, 190.94, 190.95, 190.98, 190.99, 190.105, 190.106, 190.115, 190.118 (c), 190.119, 190.132, 190.138, 190.177, 190.262, 190.263, and 190.392 of Regulations 15 (26 CFR, Part 190), are amended; §§ 190.15, 190.16, 190.110 (a) (2), and 190.137 of such regulations are revoked; and §§ 190.41a and 190.471a are added to such regulations.

2. These amendments are designed to simplify certain requirements relating to construction, and the preparation, filing, and approval of documents in connection with the establishment and operation of rectifying plants.

§ 190.13 *Within 600 feet of distillery.* The district supervisor may permit the carrying on of the business of rectifying spirits or wines at a distance of less than 600 feet in a direct line from a distillery, when he is of the opinion that the revenue will not be endangered thereby. (Secs. 2819, 2832, 3170, 3176, I. R. C.)

§ 190.14 *Special application.* A person desiring to establish a rectifying plant within 600 feet of a distillery shall file a special application, in triplicate, for such privilege with the district supervisor. The application shall state the location of the rectifying plant and the distillery, the distance between the premises, the name of the distiller, a description of any connecting pipe lines, the reason for locating the rectifying plant within 600 feet of the distillery, and any additional information which the district supervisor may require. The district supervisor will take action on such special application in accordance with the procedure prescribed in § 190.119. (Secs. 2819, 2832, 3170, 3176, I. R. C.)

§ 190.17 *Changes requiring approval.* Where there is to be a change in the distance between a rectifying plant and a distillery located within 600 feet of each other, as a result of the extension or curtailment of either premises, a new special application, in triplicate, must be filed with the district supervisor by the proprietor of the premises which are to be extended or curtailed. Where a change occurs in the proprietorship of a rectifying plant or distillery located within 600 feet of each other, the new proprietor shall file with the district supervisor a new special application, in triplicate. Unless the rectifying plant premises are extended or curtailed as the result of such change, the change may be reflected in the next amended notice, Form 27-B, and plat filed by the rectifier. Such new special application shall be considered and disposed of in accordance with § 190.119. (Secs. 2819, 2832, 3170, 3176, I. R. C.)

§ 190.19 *Building or rooms.* The rectifying plant must be so constructed and equipped as to be suitable for the rectification of spirits by the process, or processes, of rectification which the rectifier proposes to use. The room or building must be securely constructed of brick, stone, wood, concrete or other substantial material, and must be completely separated from contiguous buildings or rooms by solid, unbroken partitions, or floors of substantial construction, except as hereinafter provided. Such partitions shall extend from the ground to the roof, or from the floor to the ceiling if a room is used, and if the rectifying plant is under the same roof or in the same building in which is located an internal revenue bonded warehouse or a tax-paid bottling house, the two premises must not have means of communication with each other within the building, except by approved pipe lines as herein authorized: *Provided*, that where a rectifying plant has heretofore been established under the same roof, or in the same building, with an internal revenue bonded warehouse or a tax-paid bottling house with interior communication between the two premises, it may continue to operate in such location if the revenue will not be jeopardized thereby. Where distilled water or tax-paid spirits are to be transferred by pipe line to, or from, the rectifying plant in accordance with these regulations, necessary openings for the passage of the required pipe lines may be permitted in the walls or partitions, and necessary openings for passage of approved water, steam, sewer, or similar lines may likewise be permitted in the walls or partitions. Where contiguous wholesale liquor dealer premises are used in lieu of a finished product room, the necessary doors or openings may be permitted in the walls or petitions for the transfer of filled cases. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.31 *Weighing tanks.* Where weighing tanks are used for gauging spirits, such tanks shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom, and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. If the weighing tanks are to be used for gauging rectified spirits for determining the amount of tax, or gauging tax-exempt products prior to transfer of the spirits to a bottling tank, such weighing tanks must also conform to the requirements of § 190.39. The gauging of spirits in a weighing tank connected

with a bottling tank shall be deemed to meet the requirements of these regulations for gauging the spirits in a bottling tank mounted on scales: *Provided*, That after gauging, the spirits may be transferred to the bottling tank for immediate taxpayment if subject to the rectification tax. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words, "Weighing Tank," followed by its serial number and capacity in wine gallons. The beams or dials of the scales must indicate weight in 5 pound graduations for scales up to and including 25 tons capacity, in 10 pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity, and in 20 pound graduations for scales having a capacity of more than 60 tons. (Secs. 2801 (e), 2829, 3176, I. R. C.)

§ 190.41a *Accumulation tanks.* Where the rectifier removes distilled spirits from the bottling line which contain sediment or foreign matter, or which otherwise require refiltering or rebottling, he may install suitable accumulation tanks in the bottling room for the accumulation of such spirits. Each such tank shall have plainly and legibly painted thereon the words, "Accumulation Tank," followed by its serial number and capacity in wine gallons. If the spirits accumulated in each tank are of the same class and type, they may be returned to the bottling tank system for refiltering and bottling with the same batch of spirits. The return of the spirits to the bottling tank system must be under the supervision of the storekeeper-gauger. Unless the spirits are refiltered and bottled with the same lot of spirits from which they were originally bottled, they must be returned for rectification under an approved formula, or, in the case of spirits not subjected to taxable rectification, returned to the dumping and reducing tank for commingling with spirits without rectification within the limitation of § 190.351. In such case, appropriate notation will be made on the Form 230 or Form 237 relative to the return of the spirits. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.49 *Distance from distillery or vinegar plant.* If the rectifying plant premises are situated more than 600 feet in a direct line from any premises authorized to be used for distilling spirits, or from a vinegar factory using the vaporizing process, such fact shall be stated on Form 27–B. If the distance between the rectifying plant premises and the premises of a distillery is less than 600 feet in a direct line, there must be stated in the notice, Form 27–B, the name of the proprietor of the distillery, the exact distance in feet and inches between the rectifying plant and distillery, and whether the location of the rectifying plant within such distance of the distillery has been approved by the district supervisor. If such location of the rectifying plant has been approved by the district supervisor, the date of such approval shall be given. If the distance between the rectifying plant premises and a vinegar factory using the vaporizing process is less than 600 feet in a direct line, such fact shall be stated on the form, and also whether or not the vinegar factory was established and operated as such prior to March 1, 1879. (Secs. 2801 (e), 2812, 2819, 2834, 2835, 3170, 3176, I. R. C.)

§ 190.94 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.95 *Depiction of rectifying plant premises.* Plats must show the outer boundaries of the rectifying plant premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building, or buildings, comprising the premises, and any driveway, public highway, or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27–B. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way, opposite each other, the different tracts will be depicted separately, in feet and inches. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor doors of each building on the premises will be shown on the plat. If the rectifying plant consists of a room or a floor of a building, an entire outline of the building, the precise location and dimensions of the room or floor, and the means of ingress and egress to a public street or yard shall be shown. Except as provided in § 190.104, all pipe lines leading to or from the premises, the purpose for which used, and the points of origin and termination will be indicated on the plat. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.98 *Floor plans.* The plans shall include a floor plan of each building, showing the general dimensions of the rooms and floors, and the location of all doors, windows, and other openings, and how such openings are protected. If a portion of a building is used, such as a room or floor, the floor plans will include only that portion, and shall also show the means of ingress and egress to the street. All apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans and their designated use indicated. In the case of stills, tanks, and similar equipment, the serial number and capacity shall also be shown. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.99 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises until the cased spirits are removed from the bottling room. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence and elevation by floors, with all connecting pipe lines, valves, flanges, measuring devices, and attachments for Government locks. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major equipment, such as dump tanks, processing tanks, bottling tanks, filters, etc., must be identified on the plans as to number and use. The elevation flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 190.104, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.105 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet, signed by the rectifier, the draftsman, and the district supervisor, substantially in the following form:

(Name of proprietor)

(Address)

Approved ---
(Date)

Accuracy certified by:

(District supervisor)

(Name and capacity—for the proprietor)

(Draftsman)

Rectifying Plant No. ---

--- 19---
(Date)

No. ---

(Secs. 2801 (e), 3176, I. R. C.)

§ 190.106 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.115 *Changes in premises.* Where the rectifying plant premises are to be extended or curtailed, the rectifier must file with the district supervisor an amended notice, Form 27–B, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment, they must also be amended. If the rectifying plant is within 600 feet of a distillery, the rectifier must also file a special application in accordance with §§ 190.14 or 190.17, if the changes are of such nature or extent as to require a special application. The additional premises covered by an extension may not be used for rectifying purposes, and the portion of the premises to be excluded by a curtailment may not be used for other than rectifying purposes, prior to approval of the notice, Form 27–B. (Secs. 2801 (e), 3170, 3176, I. R. C.)

§ 190.118 *Qualification.* * * *

(c) *Registry of stills.* Register the stills on Form 26, in triplicate, in accordance with § 190.471a, if not previously registered.

* * * * *

§ 190.119 *Special application.* Where a special application for permission to operate a rectifying plant within 600 feet of a distillery is submitted by the rectifier, and such special application conforms to the requirements of these regulations, the district supervisor will cause an inspection to be made to determine whether the proposed operation of the rectifying plant within 600 feet of the distillery may be permitted without jeopardy to the revenue. The inspector will ascertain whether the application accurately describes the relative location of the two premises and all pipe lines and other connections, if any, between such premises. The inspector will also observe the surroundings, including all streets, roads, and driveways connecting the two premises, and any condition which might endanger the revenue, and will describe the same in his report. If the district supervisor finds, upon consideration of the inspection report, that the rectifying plant may be operated at the designated location without danger to the revenue, he will note his approval on all copies of the special application. He will then return one copy of the approved application to the applicant, retain the original for his files, and forward the remaining copy, together with a copy of the inspection report, to the Commissioner. Approval of the special application pertains to the location of the rectifying plant only, and does not authorize the operation thereof. The rectifying plant may not be operated until the rectifier's bond, and other qualifying documents required by law and these regulations, have been filed and approved by the Commissioner. If the special application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant, with advice as to the reasons for disapproval. (Secs. 2819, 2832, 3170, 3176, I. R. C.)

§ 190.132 *Disposition of qualifying documents.* Where the rectifier's bond, Form 34, and notice, Form 27–B, are approved by the Commissioner, the district supervisor will, upon receipt of the approved copies of such documents from the Commissioner, as provided in § 190.138, forward one copy of the bond, notice, plat, plans, and other qualifying documents to the rectifier, and will retain one copy of such documents for the file. If the rectifier's bond is disapproved, the district supervisor will, upon receipt from the Commissioner of the disapproved copies of such bond and other qualifying documents submitted therewith, return all copies of the qualifying documents to the proprietor, with advice as to the reasons for such disapproval. (Secs. 2800 (e) (1), 3176, I. R. C.)

§ 190.138 *Qualifying documents.* The Commissioner will review the notice, plat, plans, rectifier's bond, Form 34, and other qualifying documents, upon their receipt from the district supervisor. If the Commissioner approves the rectifying plant construction and equipment, and the plat, plans, bond, and notice, and other qualifying documents, he will assign a registry number to the rectifying plant in accordance with § 190.139, note his approval on all copies of the bond and notice, retain one copy of the bond and notice, and all copies of the other qualifying documents, and will return two copies of the approved bond and notice to the district supervisor, with advice as to his action on the qualifying documents. If the Commissioner disapproves the bond, he will note his disapproval thereon and will return all copies thereof to the district supervisor, accompanied by the other qualifying documents submitted therewith, and a statement of the reasons for disapproval of the bond. (Secs. 2815 (c) (d), 3176, I. R. C.)

§ 190.177 *Application, Form 122.* When the rectifier desires to dump spirits for rectification, he will carefully gauge each package and prepare Form 122, in duplicate, giving a complete description of the packages and making application for permission to dump the same, except that where spirits are transferred to the rectifying plant, directly upon taxpayment, from a contiguous distillery or internal revenue bonded warehouse and dumped for rectification within ten days after receipt, the withdrawal gauge will be considered as satisfying the requirement that the spirits shall be gauged when dumped for rectification. Where the spirits are so dumped on the withdrawal gauge, the details of such gauge will be copied on Form 122, and, in addition thereto, if the rectifying plant is equipped with processing tanks mounted on scales, the spirits may be dumped and gauged by weight in such processing tanks. In such case, the composite proof and proof gallons determined by such gauge shall also be reported on Form 122. The difference in proof gallons between the withdrawal (taxpayment regauge) and such gauge shall also be reported on Form 122. If the spirits are to be drawn from a storage tank, the rectifier will likewise execute Form 122, giving all the information applicable. Each Form 122 will be given a serial number beginning with "1" for the 1st day of January of each year and running consecutively thereafter to December 31, inclusive. (Secs. 2801 (e) (1), 2813, 3176, I. R. C.)

§ 190.262 *Application required for extension.* Where the rectifier desires to employ a process of rectification which will extend over more than 10 days, thus necessitating the holding of the spirits in the rectifying room for such longer period, application in quadruplicate for approval of such extended process must be incorporated in the Form 27–B Supplemental, and filed with the district supervisor as provided in § 190.152. The rectifier must set forth fully on such form following the statement of process, the reason why the period of time specified for completion of the process is necessary. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.263 *Inquiry by district supervisor.* Upon receipt of a Form 27–B Supplemental requesting approval of a process requiring more than 10 days for completion, the district supervisor will make such inquiry as he may deem proper to determine the necessity for the extended period, and whether approval thereof will jeopardize the revenue. He will then forward all copies of the Form 27–B Supplemental to the Commissioner along with his findings and recommendation. The Form 27–B Supplemental will be disposed of in the manner prescribed by § 190.156. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.392 *Shipment of stamps.* Where the stamps are to be shipped, the collector will forward the stamps to the Government officer by registered mail or express. The expense of forwarding the stamps by registered mail or express will be borne by the proprietor. The collector may furnish the stamps directly to the proprietor for immediate delivery to the Government officer in accordance with § 190.391. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.471a *Registry on Form 26.* Every person having in his possession or custody or under his control any still or distilling apparatus that is set up, must register the same on Form 26, in triplicate, with the district supervisor for the district in which it is set up. Stills to be used for the rectification of any type of distilled spirits may be registered for "Rectification of distilled spirits," and the specific type need not be shown. Thereafter, when another type of distilled spirits is to be rectified, the still need not be reregistered. The temporary suspension of a rectifying plant will not necessitate reregistration of the stills. Furthermore, the operation of a rectifying plant by alternating proprietors, where no actual change in ownership occurs, will not require reregistration of the stills by the proprietors. Where there is a change in location or use, or an actual change in ownership of a still, the still must be registered to reflect the change. The district supervisor will, upon approving the registration of a still on Form 26, retain one copy of the form, forward one copy to the Commissioner, and return the remaining copy to the rectifier. (Secs. 2801 (e), 2810, 3170, 3176, I. R. C.)

3. This Treasury decision shall be effective on the 31st day after its publication in the FEDERAL REGISTER.

[F. R. Doc. 48-8484; Filed, Sept. 21, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 240]

REGULATIONS OR LEGISLATION REGARDING THE STABILIZATION OF MARKET PRICES BY PERSONS OFFERING SECURITIES TO THE PUBLIC

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission is proposing to consider the adoption or amendment of rules and regulations or the recommendation of legislation relating to the stabilization of market prices by persons who are offering securities to the public. This notice is given pursuant to the Commission's order of March 23, 1948, instituting a public investigation in the matter of offering of common stock of Kaiser-Frazer Corporation. That order specified that it was one purpose of the investigation to aid the Commission in its functions under the Securities Exchange Act of 1934 of prescribing rules and regulations and securing information to serve as a basis for recommending further legislation.

Stazilization is that process whereby the market price of a security is pegged or fixed for the limited purpose of preventing or retarding a decline in contemplation of or during a public offering of securities. Section 9 of the Securities Exchange Act of 1934 deals generally with various manipulative practices. Section 9 (a) (2) makes it unlawful in general terms for any person, by use of the mails or any instrumentality of interstate commerce or any facility of a national security exchange,

> To effect, alone or with one or more other persons, a series of transactions in any security registered on a national securities exchange creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

This general anti-manipulative provision, however, is limited by section 9 (a) (6), which outlaws stabilization only if effected in contravention of Commission rules. Section 9 (a) (6) makes it unlawful

> To effect either alone or with one or more other persons any series of transactions for the purchase and/or sale of any security registered on a national securities exchange for the purpose of pegging, fixing, or stabilizing the price of such security in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

The Commission has in effect certain disclosure rules concerning stabilization. These rules were adopted under provisions other than section 9 (a) (6). One rule requires the filing of reports by persons effecting stabilizing transactions.[1] Another rule requires that in the case of an issue of securities registered under the Securities Act of 1933 a statement of intention to stabilize appear prominently on the first or second page of the prospectus whenever the issuer or any of the underwriters knows or has reasonable grounds to believe that it is intended to stabilize.[2] However, the only substantive regulation of stabilizing thus far adopted, and the only regulation under section 9 (a) (6), is Regulation X-9A6-1, which is limited to offerings made "at the market" instead of at a fixed price. In connection with the adoption of this regulation the Commission issued a statement, together with a separate statement by the late Commissioner Healy, discussing both the technical problems involved in the regulation of stabilizing and the fundamental questions of policy.[3] While the Commission agreed unanimously that stabilizing was manipulation, the majority considered the alternatives of prohibition, inaction and regulation, and concluded in favor of attacking the problem step-by-step through the Commission's rule-making authority. Commissioner Healy in his dissenting opinion observed that the differences between "manipulation" and "stabilization" were often difficult of perception, and he disagreed with the view that section 9 (a) (6) left the Commission with no authority to outlaw stabilization.

In the absence of any applicable rule except with respect to "market offerings" (which in recent years have been very rare) the question whether a particular course of conduct is unlawful manipulation or lawful stabilization rests at present on interpretation of section 9 (a) (2), which must of course be construed in the light of section 9 (a) (6). Sections 9 (a) (2) and 9 (a) (6) are by their terms limited to securities registered on a national securities exchange. However, the Commission has repeatedly held[4] that conduct which violates section 9 (a) (2) when it concerns a registered security violates the general anti-fraud provisions[5] when it concerns a security not registered on an exchange. Consequently, the line between fraud or manipulation and lawful stabilization with respect to unregistered securities rests similarly at present on interpretation of these general anti-fraud provisions, which like section 9 (a) (2) must be construed in the light of the fact that the Congress when it dealt specifically with stabilization determined not to outlaw the practice by statute.

There are no judicial precedents defining the difference between stabilization and other forms of manipulation. The Commission's administrative interpretation was publicly expressed on July 15, 1948, in connection with the present investigation. In ruling on a motion presented by one of the witnesses the presiding officer made the following statement on the Commission's behalf:

> It has for many years been the Commission's position, expressed both orally and by letter to any member of the public making proper inquiry, that stabilization for the sole purpose of preventing or retarding a decline, whether the stabilization is effected by an underwriter or by an issuer, does not of itself violate section 9 (a) (2) or any other section of the Securities Exchange Act of 1934 so long as the stabilizing purchases are effected at whichever is the lower of two figures—(1) a bona fide independent market price for the security being stabilized or (2) the public offering price of the issue once the offering is made—and that within these restrictions there is no limit under existing statute and rules on the amount of securities which may be purchased in the stabilizing process.

The record of the present investigation indicates that Kaiser-Frazer Corporation on February 3, 1948, undertook for its own account to stabilize the market for its common stock on the New York Curb Exchange and other exchanges in advance of the proposed public offering of the stock, and during the course of the stabilization that day purchased a total of 186,200 shares. The total offering was 1,500,000 shares, 900,000 "firm" and 600,000 on a "best efforts" basis, and the registration statement under the Securities Act of 1933 became effective as of 5:30 p. m. on February 3.

In the Commission's experience it is not unusual for a utility company soliciting competitive bids in connection with a proposed offering of securities to reserve the right to stabilize for a short period preceeding the opening of the bids, but it has not been customary for the issuer to stabilize in connection with negotiated underwritings. So far as the amount of stock purchased by way of stabilization is concerned, the Commission has imposed no restrictions. Frequently however the agreement among underwriters reserves to the managers the right to repurchase a fixed percentage of the amount of securities being offered, the amount not infrequently running as high as 15 percent.

The Commission desires to receive the benefit of any suggestions which issuers, underwriters or others interested in the distribution of securities as sellers or purchasers may have for changes in the present treatment of stabilization, whether through changes in existing rules or regulations or through additional legislation. If the Commission determines after receiving these suggestions that changes are necessary, a further opportunity will be afforded to comment on specific proposals prior to any substantial alteration in the Commission's rules.

Without limiting the scope of its invitation for comment, the Commission is particularly interested in the following questions:

1. Whether the Commission, by rule, should prohibit all stabilizing to facilitate offerings of securities, or whether it should prohibit specific types or aspects of stabilizing: for example, (a) stabilizing in advance of a public offering, (b) stabilizing by an issuer, (c) stabilizing of any class of securities of an issuer other than the class being offered, or (d) overallotment of the offered security.

2. Whether the Commission should impose limitations on the nature or extent of stabilizing and related activities: for example, (a) by limiting the amount of securities which may be purchased for the purpose of stabilizing to some percentage of the amount being offered to the public or some percentage of the amount of the security traded on the stock exchange (where the security is traded on an exchange), or (b) by applying to all stabilizing operations some formula for the dropping of bids comparable to that contained in the Commission's Regulation X-9A6-1, or (c) by prohibiting a stabilizer from raising his stabilizing bid under any circumstances (or, alternatively, by permitting such an increase in the bid only where an independent market has existed at a higher level for a given period of time), or (d) by prohibiting certain classes of persons having an interest in an offering of securities from effecting any purchases whatever of securities of the offered class for a period prior to and during the offering, except properly limited stabilizing purchases and purchases from the person making the offering or from other participants in the distribution.

3. Whether the right to stabilize should be conditioned on the assumption by the stabilizer of any affirmative obligations: for example, (a) an obligation to "sponsor" the market for a period after the distribution is completed, or (b) an obligation for a limited time to repurchase on demand securities sold while the market was being stabilized, or (c) an obligation to prevent or retard any rise in the market price prior to the completion of the distribution if the stabilizer has previously purchased securities to prevent or retard a decline in the market.

4. Whether there should be any added requirements for the disclosure of stabilizing either generally or in each transaction or quotation: for example, disclosure (a) on the stock-exchange ticker tape or (b) in reports of transactions or quotations in newspapers or quotation services or (c) in confirmations given to customers.

5. Whether, in order to avoid violations of law, members of stabilizing syndicates should receive from the syndicate manager more information than they do under current practices regarding the status of the distribution and the commencement and termination of stabilizing.

6. Whether it would be desirable and feasible for the Commission to prohibit attempts to profit from the price disparities which are sometimes incident to distributions of securities: for example, (a) whether the public should be prohibited from selling securities against a stabilizing bid with the intention of replacing the securities from the offered issue at a lower price, or (b) whether distributing firms should be required to make a bona fide offering at the public offering price before selling their allotments at higher prices.

7. Whether any action should be taken regarding problems arising under special circumstances: for example, where an underwriter who has a commitment to purchase stock not subscribed through warrants or rights desires to purchase warrants in the market in order to cover current sales of stock and thereby to reduce the size of his commitment.

8. Whether any other changes are appropriate in the Commission's present rules and interpretations regarding stabilizing: for example, Rule 426 under the Securities Act of 1933, Regulation X-9A6-1 under the Securities Exchange Act of 1934, Rules X-15C1-8 and X-17A-2 and Form X-17A-1 under the latter statute, and the opinions regarding stabilizing in Securities Exchange Act Releases Nos. 3505 and 3506, 11 F. R. 10986 and 10987, §§ 241.3505 and 241.3506 (1943).

All interested persons may submit views and comments in writing to the Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C., on or before November 1, 1948. To the extent practicable, such comments should refer by number and letter to the problems outlined above.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 15, 1948.

[F. R. Doc. 48-8475; Filed, Sept. 21, 1948; 8:48 a. m.]

[1] Rule X-17A-2, adopted under section 17 (a) of the Securities Exchange Act of 1934.

[2] Rule 426, adopted under the Securities Act of 1933.

[3] Securities Exchange Act Release No. 2446, 11 F. R. 10971, § 241.2446 (1940).

[4] See, for example, Barrett & Co., 9 SEC 319 (1941).

[5] Section 17 (a) of the Securities Act of 1933 and sections 10 (b) and 15 (c) (1) of the Securities Exchange Act of 1934. In addition to the general rules under sections 10 (b) and 15 (c) (1)—Rules X-10B-5 and X-15C1-2 respectively—there is a more specific rule under the latter section, Rule X-15C1-8, which in effect prohibits any broker or dealer participating or otherwise financially interested in the distribution of an over-the-counter security from representing to a customer that the security is being offered "at the market" or at a price related to the market price, unless the broker or dealer knows or has reasonable grounds to believe that a market for the security exists other than that made, created or controlled by him or any person for whom he is acting or with whom he is in a control relationship.

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service: Bureau of the Public Debt

[1948 Dept. Circ. 835]

1¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES G-1949

OFFERING OF CERTIFICATES

SEPTEMBER 20, 1948.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated 1¼ percent Treasury Certificates of Indebtedness of Series G–1949, in exchange for Treasury Certificates of Indebtedness of Series J–1948 or Series K–1948, or Treasury Notes of Series B–1948, all maturing October 1, 1948.

II. *Description of certificates.* 1. The certificates will be dated October 1, 1948, and will bear interest from that date at the rate of 1¼ percent per annum, payable with the principal at maturity on October 1, 1949. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before October 1, 1948, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series J–1948 or Series K–1948, or Treasury Notes of Series B–1948, all maturing October 1, 1948, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the securities surrendered will be paid to the subscriber following acceptance of the securities.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allot-

ments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 48-8485; Filed, Sept. 21, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3478]

PHILIPPINE AIR LINES, INC.

NOTICE OF HEARING

In the matter of the application of Philippine Air Lines, Inc., under section 402 of the Civil Aeronautics Act of 1938, as amended, for amendment of its foreign air carrier permit to include Guam as an intermediate point on the route between Manila, Philippine Islands, and San Francisco, California, via Honolulu, T. H.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on September 27, 1948 at 10:00 a. m. (eastern standard time) in Room 1011, Temporary Building No. 5, 16th Street and Constitution Ave., N. W., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Republic of the Philippines.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before September 27, 1948, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., September 16, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8472; Filed, Sept. 21, 1948; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1123]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 16, 1948.

Notice is hereby given that on September 13, 1948, an application was filed with the Federal Power Commission by Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal places of business at Memphis, Tennessee, and Owensboro, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of two 12¾-inch O. D. submarine pipe lines across the Mississippi River near Greenville, Mississippi, and to increase in length and size to 11,000 feet of 26-inch O. D. pipe, the 9,000 feet of 18-inch O. D. pipe extension to the main line header stations of Applicant's 14-inch river crossing, which 9,000 feet extension was authorized by the Federal Power Commission on August 18, 1948, by order issued in Docket No. G-1033.

Applicant states that it presently has in service three 10-inch submarine pipe lines across the Mississippi River to serve its two parallel 18-inch land lines, and also has one 14-inch submarine Mississippi River crossing which was broken early in 1948 and which Applicant now is repairing and relaying. It is stated that due to the changing course of the Mississippi River at the site of Applicant's three 10-inch crossings there is grave danger of one or more of these lines being lost which loss would severely peril the supply of gas to Applicant's customers, and that with all of the three 10-inch lines and one 14-inch line in service there still remains inadequate river crossing pipeline capacity at Greenville for Applicant's two 18-inch land lines.

Applicant states it is imperative that it install additional Mississippi River pipeline crossings to insure against the peril of failure during the coming winter of one or more of the 10-inch lines and also to eliminate to the greatest possible degree the pipeline pressure drop at the Mississippi River which has resulted from inadequate river crossing pipeline capacity.

Applicant requests emergency authorization for the immediate installation of the proposed facilities and as reasons therefor states:

Applicant at this time has at the river crossing site approximately 8,000 feet of 12-inch O. D. pipe which is adequate to install two submarine crossings. There also is at the site a large contracted marine fleet which Applicant brought to Greenville from St. Louis and Cape Girardeau, Missouri, and Memphis, Tennessee, to repair and relay its 14-inch submarine crossing. In addition to this fleet a pipeline contractor's crew and heavy equipment are at the site repairing and replacing the 14-inch crossing. The major cost of the marine fleet consists of the cost of moving to and from the job site, which takes several days, and Applicant therefore will save a very large amount of installation costs if the two 12-inch submarine crossing lines can be installed while the fleet and contractor's equipment are at the river crossing site. In Docket No. G-1033 a certificate of public convenience and necessity was issued to Applicant authorizing the installation of 9,000 feet of 18-inch pipe to extend its 14-inch submarine river crossing to the main line header stations. Applicant has been unable to obtain the 18-inch pipe but in lieu thereof has obtained and has at the river crossing site an adequate supply of 26-inch pipe for such extension. Also, Applicant has found it necessary to relay a substantial portion of its 14-inch river crossing, which will require a slight change in the location of the line and necessitate an extension of 11,000 feet instead of 9,000 feet to the main line header stations. A substantial saving in installation costs can be made by constructing this extension while the contractors equipment is located at the job site.

Applicant states that the service to be rendered upon completion of the proposed facilities will not be different from that now rendered, but that its customers on its Memphis Division will be insured during the coming winter against extended failure of gas supply which may occur should the changing course of the Mississippi River result in a loss of one or more of Applicant's existing 10-inch river crossing lines.

Total estimated cost of construction of the proposed facilities is $360,400 and no additional financing will be required by Applicant in order to complete such construction.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Texas Gas Transmission Corporation is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8467; Filed, Sept. 21, 1948; 8:48 a. m.]

[Docket No. G-1123]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

SEPTEMBER 16, 1948.

Upon consideration of the application filed September 13, 1948, by Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal places of business at Owensboro, Kentucky, and Memphis, Tennessee, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission as fully described in such application on file with the Commission and open to public inspection, public notice of said application being published in the FEDERAL REGISTER concurrently with this order;

The Commission orders that:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on the 27th day of September, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by the application, as amended, in this proceeding.

(B) Interested State commissions may participate as provided by sections 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 17, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8468; Filed, Sept. 21, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1934]

ATLANTIC CITY ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

Atlantic City Electric Company ("Atlantic City"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Pursuant to a credit agreement approved by the Commission on July 11, 1947 (Holding Company Act Release No. 7563), which provided that Irving Trust Company and Guaranty Trust Company of New York would make certain loans to Atlantic City from time to time aggregating $3,600,000, and in accordance with which the sum of $2,000,000 has already been borrowed, Atlantic City proposes to borrow from such banks an additional $750,000. The proposed loans will be evidenced by promissory notes maturing December 31, 1950, and will bear interest at the rate of 1½% per annum until July 11, 1949, and thereafter at the rate of 1¾% per annum until maturity. The notes may be prepaid in whole or in part upon 10 days notice without premium unless such prepayment is made with money borrowed at a lower rate of interest, in which event a premium of ¼ of 1% per annum of the amount being prepaid shall be payable.

The proceeds of such loan will be applied in part to the payment of 60 day notes, due October 15, 1948, in the aggregate amount of $500,000 issued in anticipation of the present proposed borrowing to reimburse the company for expenditures theretofore made for property additions. The balance of the proceeds will be added to the general treasury funds of the company.

Atlantic City states that the proposed transaction is subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, in which State the company was organized and is doing business, and that a copy of such Commission's order approving the proposed loan will be supplied by amendment.

The application having been filed on August 24, 1948 and notice of said filing having been given in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest to grant said application; and also deeming it appropriate to grant applicant's request that the order herein become effective forthwith upon the issuance thereof;

It is ordered, pursuant to Rule U-23 and the applicable provisions of the act that said application be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the further condition that the proposed borrowing shall not be consummated until the same has been approved by the Board of Public Utility Commissioners of the State of New Jersey.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8476; Filed, Sept. 21, 1948; 8:48 a. m.]

[File No. 70-1898]

UNION PRODUCING CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

Union Producing Company ("Union"), a wholly owned non-utility subsidiary of United Gas Corporation which in turn is a subsidiary of Electric Power & Light Corporation, a registered holding company, having filed an application pursuant to sections 9 (a) (1) and 10 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Union proposes to acquire for a cash consideration of $100 one share of common stock, par value $100, of Drilling Research, Inc., a new corporation to be organized under the laws of the State of Delaware.

The proposed new corporation will have an authorized capital stock of 100 shares of common stock, $100 par value, and upon the formation thereof each of the thirty-nine oil companies presently listed as participating in the organization of the new corporation will subscribe to one share of common stock. Each subscriber will be entitled to elect one director.

The stated purpose for forming the new corporation is to formulate and carry out a drilling research program for the discovery and development of new methods and apparatus useful in the drilling of natural gas and oil wells, and other forms of petroleum hydrocarbons. The net expense of such research program, estimated at $750,000 for a period commencing July 1, 1948 and ending December 31, 1951, will be underwritten by the stockholders of the new company. Such underwriting will be done on the basis of a formula predicated on the number of wells drilled by each stockholder for the past three years. Under such formula Union's share of the expense is estimated at $5,700 for the period.

Said application having been filed on July 23, 1948 and notice of such filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest that said application be granted; and further deeming it appropriate to grant the request of applicant that the order herein become effective upon issuance;

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said application be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8477; Filed, Sept. 21, 1948; 8:47 a. m.]

[File Nos. 70–1852, 70–1890]

INDIANA SERVICE CORP. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTIONS AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

In the matter of Indiana Service Corporation, Indiana & Michigan Electric Company, American Gas and Electric Company, File No. 70–1852; Indiana & Michigan Electric Company, File No. 70–1890.

The Commission by order dated June 30, 1948 having granted the joint application of American Gas and Electric Company, a registered holding company, and its subsidiaries, Indiana Service Corporation ("Indiana Service"), and Indiana & Michigan Electric Company ("Indiana & Michigan") relating, among other things, to the merger of Indiana Service into Indiana & Michigan (File No. 70–1852, Holding Company Act Release No. 8325) and having reserved jurisdiction to consider the fees and expenses incurred in connection with said merger in conjunction with the fees and expenses to be incurred in connection with the proposed financing of the merged company; and

The Commission having, by order dated August 26, 1948, granted the application of Indiana & Michigan, the merged company, regarding the proposed issue and sale of $25,000,000 principal amount of First Mortgage Bonds, ------% Series, due 1978, pursuant to the competitive bidding requirements of Rule U-50, (File No. 70–1890. Holding Company Act Release No. 8471); the granting of said application being subject, however, to the condition, among others, that the proposed issue and sale of bonds should not be consummated until the results of the competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order had been issued by this Commission in the light of the record so completed; and

The Commission having reserved jurisdiction over the fees and expenses to be paid in connection with the proposed issue and sale of bonds; and

A further amendment having been filed on September 15, 1948, setting forth the action taken by Indiana & Michigan to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids, the following bids for the bonds have been received:

Bidding group headed by—	Coupon rate	Price to company (percent of principal amount)	Annual cost of money (percent)
The First Boston Corp.	3	100.419	2.97878
Halsey Stuart & Co., Inc.	3	100.1599	2.99188
Harriman Ripley & Co.	3⅛	102.31	3.00757
Dillon Read & Co., Inc.	3⅛	102.1599	3.0151

Said amendment having further set forth that Indiana & Michigan has accepted the bid of the First Boston Corporation, as set out above and that such bonds will be offered for sale to the public at a price of 100.79% of the principal amount thereof plus accrued interest from September 1, 1948 to the date of delivery, resulting in an underwriter's spread of 0.371% of the principal amount of said bonds; and

Said amendment having also set forth the nature and extent of the legal services rendered in connection with the merger and bond financing and the fees requested in connection therewith and estimated expenses of counsel for which reimbursement is requested; and

It appearing to the Commission that such legal fees and expenses of counsel as set forth below are not unreasonable and that jurisdiction over such matters should be released:

	Merger and bond financing fees	Estimated expenses
Simpson, Thacher & Bartlett, counsel for applicants	$30,000	$950
Seebrit, Oare & Deahl, Indiana counsel for applicants	8,500	675
Other Indiana counsel for applicants	4,000	------
Burns & Hadsell, Michigan counsel for applicants	6,500	625
Winthrop, Stimson, Putnam & Roberts, counsel for successful bidders	12,000	------

The Commission having examined such amendment and having considered the record therein and finding no basis for imposing terms and conditions with respect to such matters:

It is ordered, that the jurisdiction heretofore reserved with respect to the matters to be determined as a result of the competitive bidding under Rule U-50 and with respect to the fees and expenses in connection with the merger of Indiana Service into Indiana & Michigan and in connection with the issue and sale of bonds by Indiana & Michigan be, and hereby is released, and that the said applications, as amended, be, and the same hereby are, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8478; Filed, Sept. 21, 1948; 8:47 a. m.]

[File No. 70–1930]

NIAGARA HUDSON POWER CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September 1948.

Notice is hereby given that an application-declaration his been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company. Niagara Hudson has designated sections 9, 10, and 12 of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 24, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 2d Street, NW., Washigton 25, D. C. At any time after September 24, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Niagara Hudson holds, as collateral security for certain promissory notes of A. Augustus Low in the amount of $684,498, all of the outstanding capital stock, consisting of 6,300 shares, of Old Forge Electric Corporation ("Old Forge"). The notes are collectible only through recourse to the collateral.

Niagara Hudson proposes to acquire all of the outstanding capital stock of Old Forge in consideration for the cancellation of the promissory notes. The notes are carried by Niagara Hudson at $368,443, the book value of the stock of Old Forge at February 1, 1937. Subsequent to its acquisition of the Old Forge stock, Niagara Hudson proposes to forgive a demand note of Old Forge due to Niagara Hudson in the amount of $133,904, and interest receivable in the amount of $197,596, the total of such indebtedness being $331,500. Old Forge will eventually be merged into Niagara Hudson's subsidiary, Central New York Power Corporation, although such merger is not a proposal under the present filing.

The Public Service Commission of the State of New York, by order dated July 27, 1948, approved the acquisition of the stock of Old Forge by Niagara Hudson.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8479; Filed, Sept. 21, 1948; 8:47 a. m.]

[File Nos. 59–11, 59–17, 54–25]

UNITED LIGHT & RAILWAYS CO. ET AL.

ORDER GRANTING APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

In the matter of the United Light and Railways Company, American Light & Traction Company, et al.; File Nos. 59–11, 59–17, 54–25.

American Light & Traction Company ("American Light"), a registered holding company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder with respect to a proposal to sell at competitive bidding, pursuant to Rule U-50, 190,000 shares of the common stock of The Detroit Edison Company ("Detroit Edison") and to invest the proceeds in the common stock of its subsidiary Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin") or to use such proceeds to reimburse American Light's treasury on account of funds heretofore invested in Michigan-Wisconsin;

Said application-declaration having been filed as a step in the consummation of a plan filed pursuant to section 11 (e) of the act by American Light and the United Light and Railways Company, which plan was approved by order of the Commission dated December 30, 1947, and which provided, among other things, for (1) the divestment by American of its holdings of 1,418,125 shares of Detroit Edison common stock and the investment of not to exceed $25,000,000 of the proceeds of such sale in the common stock of Michigan-Wisconsin, a company organized in 1945 for the purpose of constructing and operating a natural gas pipe line; (2) the offer by American Light to purchase at $33 per share its outstanding 6% $25 par value non-callable stock; (3) the disposition by Railways of its non-retainable interest in American and the latter's disposition of its non-retainable interest in Madison Gas and Electric Company ("Madison"); and (4) consummation of the plan prior to December 31, 1948, except as it relates to the completion of the construction of the Michigan-Wisconsin pipe line;

The Commission, after hearings upon appropriate notice, having by orders dated August 5, 1948, and August 11, 1948, granted and permitted to become effective the aforesaid application-declaration as it relates to the sale by American Light of the 190,000 shares of the common stock of Detroit Edison, and having in said orders reserved jurisdiction with respect to the issues presented by the proposed use of the proceeds of said sale;

The Commission having heard argument with respect to the issues presented by the proposed use of the proceeds of said sale and in the course of said argument Allied Chemical & Dye Corporation, a preferred stockholder of American Light, having urged that the Commission require that American Light go forward immediately with those provisions of the aforesaid section 11 (e) plan relating to the purchase of American Light's outstanding preferred stock;

The Commission having considered the issues and contentions presented and being of the view, for the reasons to be stated in Findings and Opinion hereafter to be released, that retirement of the preferred stock of American Light is practicable at the present time under the terms of the section 11 (e) plan and should be carried out by American Light forthwith; but, in view of the representations of American Light that the said proceeds are urgently needed to meet the construction requirements of Michigan-Wisconsin, the Commission deeming it appropriate to release jurisdiction with respect to the aforesaid proceeds;

It is ordered, that the aforesaid application-declaration as it relates to the proposed investment of the proceeds of the sale by American Light of 190,000 shares of the common stock of Detroit Edison be and hereby is granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act, and that the jurisdiction heretofore reserved in the orders of the Commission of August 5, 1948, and August 11, 1948, with respect to the issues presented by the proposed use of such proceeds be and the same hereby is released, but that, for the reasons to be set forth in the findings an opinion to be issued, the Commission reserves jurisdiction, if steps are not promptly taken to retire the preferred stock of American Light, to take such action as may be appropriate to ensure expeditious compliance with that and the other remaining provisions of the section 11 (e) plan.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8480; Filed, Sept. 21, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11717]

MARIE MUELLER

In re: Estate of Marie Mueller, deceased. File D–28–7468; E. T. sec. 7987.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julia Lindner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $6,271.75 deposited with the County Treasurer of Cook County, Illinois, to the credit of the aforesaid national, pursuant to an order of the Probate Court of Cook County, Illinois, in the matter of the Estate of Marie Mueller, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Cook County, Illinois, as Depositary, acting under the judicial supervision of the Probate Court of Cook County, Chicago, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8489; Filed, Sept. 21, 1948; 9:17 a. m.]

[Vesting Order 11942]

MARGARETHE EBERHARDT ET AL.

In re: Trust Indenture dated June 28, 1930, for the benefit of Margarethe Eberhardt et al. File F–28–4070; E. T. sec. 434.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarethe Eberhardt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Margarethe Eberhardt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of that certain trust indenture dated June 28, 1930, by and between Margarethe Eberhardt et al. and The Plainfield Trust Company, trustee, being presently administered by The Plainfield Trust Company, 202 Park Avenue, Plainfield, New Jersey, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof and the domiciliary personal representatives,

heirs, next of kin, legatees and distributees of Margarethe Eberhardt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8490; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11968]

CLARA BRUCHNER AND ERIKA BRUCHNER

In re: Rights of Clara Bruchner and Erika Bruchner under Insurance Contract. File No. D-28-2212-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Bruchner and Erika Bruchner whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 951275-C, issued by the Metropolitan Life Insurance Company, San Francisco, California, to Albertine Hedwig Hecht, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Clara Bruchner or Erika Bruchner, nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8491; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11969]

EIBE BRUNS

In re: Estate of Eibe Bruns, deceased. File D-28-7820; E. T. sec. 8403.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tadeus Hinderk Krull, Eibe Weerts, Franke Coordes, Metta Netzel, Hinderk Krull, Johann Weerts, Katharina Guertler, Metje Krull, Trientje Krull, Thedina Krull and Garl Johann Heinrich Bothmer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Eibe Bruns, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Fred R. Iseli, Administrator, c. t. a., acting under the judicial supervision of the Probate Court of Brown County, State of Minnesota,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8492; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11970]

EMIL CLAUER

In re: Rights of Emil Clauer under Insurance Contract. File No. F-28-28801-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Clauer, whost last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1030996, issued by The Mutual Life Insurance Company of New York, New York, New York, to William Clauer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8493; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11977]

HANS GERHARD CARL KREUGER ET AL.

In re: Rights of Hans Gerhard Carl Kreuger, Elisabeth Coing Kreuger, Marga Kalm Kreuger, Olga Kreuger and of the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Auguste Enslin, Assignee under Insurance Contracts, Files Nos. D-28-10464-H-1 and D-28-10464-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Gerhard Carl Kreuger, Elisabeth Coing Kreuger, Marga Kalm Kreuger and Olga Kreuger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Auguste Enslin, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 241009 and 249988, issued by the Mutual Life Insurance Company of New York, New York, New York, to Edward A. Meysenburg, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Auguste Enslin, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8494; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11978]

CLARA KRUSE

In re: Rights of Clara Kruse under Insurance Contract. File No. D-28-10924-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Kruse, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 42982103, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Fred Kruse, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8495; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11981]

DOROTHY MILLER

In re: Estate of Dorothy Miller, deceased. File No. D-28-10668; E. T. sec. 15022.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Müller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Dorothy Miller, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by James W. Brown, Public Administrator of Bronx County, as Administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8496; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11985]

MARTHA REISS

In re: Estate of Martha Reiss, deceased. File No. D-28-12394; E. T. sec. 16618.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Kringer, Johanna Giessmann, also known as Johanna Gripsman, and Eckart Winter, also known as Echardt Winter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Martha Reiss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Arthur Reiss and Gustav Lehmann, as Executors, acting under the judicial supervision of the

Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8497; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11987]

BERTHA DOROTHEE SCHULZE

In re: Estate of Bertha Dorothee Schulze, deceased. File No. D-28-12388; E. T. sec. 16612.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Mayer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Bertha Dorothee Schulze, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by William Schulze, as Administrator, acting under the judicial supervision of the Surrogate's Court, Westchester County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8498; Filed, Sept. 21, 1948; 9:17 a. m.]

[Vesting Order 11989]

LINA STEINBRENNER

In re: Rights of Lina Steinbrenner under insurance contract. File No. F-28-28015-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Steinbrenner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5387546, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Lina Steinbrenner, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8455; Filed, Sept. 20, 1948; 8:49 a. m.]

[Vesting Order 11990]

HEIGO TESHIROGI

In re: Rights of Heigo Teshirogi under insurance contract. File No. D-39-1347-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heigo Teshirogi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8081224, issued by the New York Life Insurance Company, New York, New York, to Heigo Teshirogi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8456; Filed, Sept. 20, 1948; 8:49 a. m.]

[Vesting Order 11992]

EMELINE G. A. VOELLER

In re: Estate of Emeline G. A. Voeller, deceased. File No. D-28-12366; E. T. sec. 16589.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elise Schuster, Thekla Gretsel, Martha Hoffmann, Helene Beyer, and William Hicksch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Emeline G. A. Voeller, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Robert G. Wiencke, as substituted administrator, acting under the judicial supervision of the Atlantic County Orphans' Court, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8458; Filed, Sept. 20, 1948; 8:49 a. m.]

[Vesting Order 12002]

LOUIS WAGNER

In re: Stock, debentures and bank accounts owned by Louis Wagner. F-28-12836-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louis Wagner, whose last known address is Huppert, Near Bad Schwalbach, Taunus, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) One (1) Realty Mortgage Insurance Corp. 6% Certificate of $1000, face value, bearing the number M 1114, presently in the custody of John B. Ehlen, attorney at law, 969 Monadnock Building, San Francisco 5, California, together with any and all rights thereunder and thereto,

(b) One (1) Realty Mortgage Insurance Corp. 6% Certificate of $5000. face value, bearing the number 2393, presently in the custody of John B. Ehlen, attorney at law, 969 Monadnock Building, San Francisco 5, California, together with any and all rights thereunder and thereto,

(c) One hundred twenty (120) shares of 7% preferred capital stock of the Master Holding Co., evidenced by a certificate numbered 353, and presently in the custody of John B. Ehlen, attorney at law, 969 Monadnock Building, San Francisco 5, California, together with all declared and unpaid dividends thereon,

(d) One hundred twenty (120) shares of common capital stock of the Master Holding Co., evidenced by a certificate numbered 353, and presently in the custody of John B. Ehlen, attorney at law, 969 Monadnock Building, San Francisco 5, California, together with all declared and unpaid dividends thereon,

(e) Thirty (30) shares of capital stock of The Elks Hall Association of Modesto (California), evidenced by certificates numbered 340 and 472, for 20 and 10 shares, respectively, and presently in the custody of John B. Ehlen, attorney at law, 969 Monadnock Building, San Francisco 5, California, together with all declared and unpaid dividends thereon,

(f) That certain debt or other obligation of the Home Mutual Deposit-Loan Company, 160 Sutter Street, San Francisco, California, arising out of a blocked account; account number 3085, entitled John B. Ehlen, maintained at the aforesaid deposit-loan company, and any and all rights to demand, enforce and collect the same, and

(g) That certain debt or other obligation of the Bank of America National Trust & Savings Assn., 300 Montgomery Street, San Francisco 20, California, arising out of a blocked account, account number 64, entitled John B. Ehlen and E. A. Lackmann, Trustees for Louis Wagner, an enemy alien, maintained at Branch Office No. 30 of the aforesaid bank located at Modesto, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Louis Wagner, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8460; Filed, Sept. 20, 1948; 8:49 a. m.]

CHARLES WILLIAM BERTHIEZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Charles William Berthiez, Paris, France; 31751; Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial No. 415,230 (now United States Letters Patent No. 2,382,392).

Executed at Washington, D. C., on September 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8500; Filed, Sept. 21, 1948; 9:17 a. m.]

SOCIETE ANONYME DE MERBES-SPRIMONT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Societe Anonyme de Merbes-Sprimont, 2, rue de Suisse, St. Gilles (Brussels), Belgium; 6259; $13,762.02 in the United States Treasury.

Executed at Washington, D. C., on September 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8501; Filed, Sept. 21, 1948; 9:17 a. m.]

REFERENCE SEP 25 '48

[Vesting Order 12022]

EDWARD WOYDT

In re: Stock and checks owned by, and debts owing to, Edward Woydt. F-28-29107-A-1; F-28-29107-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edward Woydt, whose last known address is Wagenburgstra 5, 14A Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Two and four tenths (2.4) shares of $10.00 par value common capital stock of Cities Service Company, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 173813, 696394, 37176, and 384969, registered in the name of Edward Woydt, and presently in the custody of Harold H. McLean, 466 Lexington Avenue, New York 17, New York, together with all declared and unpaid dividends thereon;

b. That certain debt or other obligation owing to Edward Woydt, by Harold H. McLean, 466 Lexington Avenue, New York 17, New York, in the amount of $197.95, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same; and

c. Those certain debts or other obligations, evidenced by two dividend checks numbered C 239487 and A 127992, in the face amount of $3.60 and $1.20, dated December 19, 1947 and June 21, 1948 respectively, payable to Edward Woydt, said dividend checks representing dividends on the shares of stock described in subparagraph 2 (a) hereof and presently in the custody of Harold H. McLean, 466 Lexington Avenue, New York 17, New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and all rights in, to and under the aforesaid checks, including particularly the right to possession and to present for payment,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8499; Filed, Sept. 21, 1948; 9:17 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. Under authority of § 6.1 (a) of Executive Order No. 9830, and at the request of the Department of Commerce, the Commission has determined that all civilian positions on vessels operated by the Coast and Geodetic Survey should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (11) (v) is amended to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(11) *Department of Commerce.* • • •

(v) NC/PD. All civilian positions on vessels operated by the Coast and Geodetic Survey.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

2. Section 24.93 is hereby added to Part 24 as follows:

§ 24.93 *Agricultural Statistician, P-1580-1*—(a) *Educational requirement.* (1) A full four-year course in an accredited college or university leading to a bachelor's degree with 24 semester hours in agricultural economics, or general agriculture, and 6 semester hours in statistics; or

(2) Completion of 30 semester hours of college work in an accredited college or university including or supplemented by 6 semester hours in statistics and 24 semester hours in agricultural economics or scientific agriculture; plus additional statistical experience or appropriate agricultural experience which, when combined with the specialized course work, will total 4 years of education and experience and will give the applicant technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Agricultural Statisticians assist in collecting, analyzing, summarizing, and interpreting statistical data relating to agriculture and food; crops and livestock products; marketing of agricultural products; agricultural costs, prices, and income; farm labor; farm finance, insurance and taxation; the value of farm crops and livestock products.

(c) *Knowledge and training requisite for performance of duties.* These duties require a knowledge of agricultural products and marketing, and statistical techniques.

The only method by which persons may obtain the knowledge required to perform adequately the duties is through the successful completion of the subjects shown above. The student receives in such training competent instruction in the technical and theoretical subjects that he will have to apply and works in well-equipped laboratories. The scientific information thus obtained cannot be acquired by individual study because the necessary facilities for laboratory experimentation are not available. The requisite studies represent information from a variety of fields, and the student cannot cover the material except through a careful correlation of such material through directed classroom study and reading. (Sec. 5, 58 Stat. 388; 5 U. S. C. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-8523; Filed, Sept. 22, 1948; 8:51 a. m.]

PART 35—RESTORATION OF FEDERAL EMPLOYEES PURSUANT TO THE SELECTIVE SERVICE ACT OF 1948

The following regulations pertaining to the restoration of Federal employees pursuant to the Selective Service Act of 1948, are hereby issued as Part 35, effective June 24, 1948:

Sec.
35.1 Coverage.
35.2 Military furlough or separations.
35.3 Job classification and job identity requirements.
35.4 Promotions.

(Continued on p. 5523)

REFERENCE

SEP 25 '48

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 13 NUMBER 186

Washington, Thursday, September 23, 1948

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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AUTHORITY: §§ 35.1 to 35.10 issued under sec. 9 (e) (1), Pub. Law 759, 80th Cong.

§ 35.1 *Coverage.* The following regulations will apply to any person who leaves or has left a position other than a temporary position in the Executive Branch of the Federal or the District of Columbia Government subsequent to June 24, 1948, the effective date of the Selective Service Act of 1948, to enter on active duty with the armed forces of the United States.

§ 35.2 *Military furlough or separations.* Each such employee entering the armed forces shall be either furloughed or separated for military service at the option of the agency. In either case, the employee shall be considered as having been on military furlough at the time he returns to duty. Either of these actions shall not be construed as taking away any of the benefits provided by law or the regulations in this part. Agencies will be required to keep adequate records to carry out the spirit and intent of the act as provided herein.

§ 35.3 *Job classification and job identity requirements*—(a) *All positions subject to the provisions of the Classification Act of 1923, as amended (Departmental and Field).* It shall be the responsibility of the head of the agency concerned, or his designee, to determine whether the job classification sheet for the position which the employee leaves is current and actually reflects the duties performed by him. In the event the job classification sheet does not accurately reflect the duties and responsibilities of the employee entering on military duty, the agency shall rewrite the job classification sheet to conform therewith and have the position allocated to its proper service, class and grade, and an official personnel action shall be taken to place the employee in that position, effective not later than the date of his separation. Each employee entering on military duty shall be given a job description showing his current duties and responsibilities and the service, class, and grade to which his position has been allocated. Evidence to this effect shall be recorded in the employee's Official Personnel Folder.

If the position of an employee while absent on military duty is reallocated, an official personnel action shall be taken placing him in the position that has been reallocated, unless it is clearly shown that he is not qualified for the position.

(b) *All positions not subject to the provisions of the Classification Act of 1923, as amended.* It shall be the responsibility of the head of the agency concerned or his designee to identify positively the position which an employee leaves by title, grade, salary, organizational location, and, if necessary, for positive identification by position description. Each employee entering on military duty shall be given a statement positively identifying the position which he is leaving. A copy of this statement shall be placed in the employee's Official Personnel Folder.

§ 35.4 *Promotions.* Any employee absent on military duty shall be considered for any and all promotions or other personnel actions for which he would normally have been considered had he not been absent on military duty. Agencies will be held responsible for maintaining adequate records to assure such consideration during the time he is absent. Any such promotion shall be effected as of the date it would have been made notwithstanding the absence for military duty.

§ 35.5 *Reorganization.* In event of any reorganization within an agency which affects the position of any employee absent on military duty, the head of the agency or his designee is responsible for determining the position of comparable grade to which the employee shall be assigned and for recording the same on official records.

§ 35.6 *Abolition of the agency or transfer of functions.* If any functions of any agency are transferred to another agency or to a continuing or successor agency, the employee absent on military duty may be reassigned to another position of comparable grade in the agency. If this is not done, the head of the receiving agency or his designee shall be responsible for taking official action transferring the employee to said agency. In event the agency is abolished and the functions are not transferred to any other agency, it shall be the responsibility of the head of the agency which is being abolished or his designee to furnish to the Civil Service Commission a list of all employees absent in the armed forces and to note the Official Personnel Folders accordingly. This list shall contain, in addition to the names of the employees, the date of birth, position, grade, and salary, and the organizational unit, of the agency in which they were employed.

§ 35.7 *Restoration after service in the armed forces.* (a) Any person who leaves a position other than a temporary position in the employ of the United States Government, its territories, or possessions, or political subdivisions thereof, or the District of Columbia, for induction into the armed forces of the United States subsequent to June 24, 1948, and (1) receives a certificate of satisfactory completion of training and service, and (2) makes application for reemployment within 90 days after he is relieved from duty in the armed forces or from hospitalization continuing after discharge for not more than one year, shall (i) if still qualified to perform the duties of such position be restored to that position if it exists, or, if it does not exist, to a position of like seniority, status, and pay; or (ii) if not qualified to perform the duties of such position because of disability sustained during service in the armed forces, but is qualified to perform the duties of any other position in the agency, be restored to such other position in such a way as to provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(b) Any person who, subsequent to June 24, 1948, leaves a position other than a temporary position to enlist in the armed forces of the United States or the Coast Guard (other than in a reserve component) for not more than three years shall, if such enlistment is his first enlistment after June 24, 1948, be entitled upon the expiration of his enlistment or honorable discharge prior thereto (including any extension thereof by law, but not including any voluntary extension) to all the reemployment rights and benefits as in the case of inductees.

(c) Any person who subsequent to June 24, 1948, is ordered or called to active duty in the armed forces of the United States, the Coast Guard, or the Public Health Service shall, if relieved from active duty not later than three years after the date of entrance thereon or as soon thereafter as he is able to obtain his release, be entitled to all the reemployment rights and benefits as in the case of inductees.

(d) Any person so restored shall be restored to the position to which he was promoted or would have been promoted had he remained continuously in his civilian employment.

(e) Where a person has been promoted to another position or assigned to another position because of reorganization within an agency, the reemployment rights and benefits shall extend to the position to which promoted or assigned.

(f) If upon appeal of any person, the Civil Service Commission finds that (1) his agency is no longer in existence and its functions have not been transferred; or (2) for any reason it is not feasible for the person to be restored by his employing agency or by the District of Columbia, the Commission shall determine whether there is a position in any other agency in the executive branch of

the Government or in the Government of the District of Columbia for which he is qualified and which is vacant or held by a temporary employee. When it is so determined, he shall be restored to such position as directed by the Commission.

(g) In case two or more persons are entitled to be restored to the same position, the person who left such position first shall have the prior right to be restored thereto. The second person shall be assigned to a comparable position of like seniority, status, and pay for which he is qualified, provided there is such a position not occupied by an employee with equal or greater retention preference. If such an assignment is impossible, the second veteran should be offered restoration to the next best available position.

§ 35.8 *Restoration of legislative branch employees.* In any case in which it is not possible for an employee of the legislative branch of the Government to be restored in that branch and he is eligible to acquire a status for transfer to the classified civil service under the act of November 26, 1940, the Civil Service Commission shall, upon his appeal, determine whether there is a position in the executive branch for which he is qualified and is either vacant or held by a person having a temporary appointment. In any case in which it is so determined, such person shall be restored by the agency in which such position exists.

§ 35.9 *Time of restoration.* Restoration shall be made as soon as possible, and in no event later than 30 days after the veteran's application is received in the agency.

§ 35.10 *Appeal to the Civil Service Commission.* In case any agency in the executive branch of the Government or the Government of the District of Columbia fails or refuses to restore a veteran in accordance with his rights, the veteran shall be notified thereof in writing and of his right to appeal to the Civil Service Commission. A copy of the notice shall be sent to the Commission. The veteran shall have a right of appeal to the Civil Service Commission within 10 days from the date of receipt of notice of failure or refusal to comply with the provisions of the law. Appeals filed after the lapse of 10 days may be considered when the veteran shows good reason for not filing the appeal within that time. Upon finding that the veteran is entitled to restoration, the Commission shall issue an order specifically requiring such agency or the Government of the District of Columbia to restore the veteran in accordance with his rights and to compensate him for any loss of salary suffered by reason of such refusal or failure to comply with such provisions. Such compensation shall be less any amounts received by him through other employment, unemployment compensation, or readjustment allowances. An affidavit of the employee, subject to verification of any amounts claimed to have been received, shall be required for the employing agency to determine the compensation due. The same requirements as to restoration and compensation shall apply when the Commission determines that a person shall be restored in an agency different than the one he left to enter the armed forces.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-8524; Filed, Sept. 22, 1948; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Wheat Bulletin 1, Supp. 1, Amdt. 2]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1948 WHEAT PRICE SUPPORT PROGRAM

The schedule of rates under § 251.226 *Rates at which loans will be made*, of the regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 3272, 3989, 3992, 4587, 4911, governing the making of loans on wheat produced in 1948, is hereby further amended as follows:

1. The following terminal market and rate are added:

Market:	*Rate per bushel*
Buffalo, New York	$2.34

Issued this 17th day of September 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 17, 1948.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-8547; Filed, Sept. 22, 1948; 8:55 a. m.]

[1948 C. C. C. Wheat Bulletin 1, Supp. 2, Amdt. 2]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1948 WHEAT PRICE SUPPORT PROGRAM

The schedule of rates under § 251.227 *County rates, discounts, and premiums*, of the regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 3272, 3989, 3992, 4587, 4911, governing the making of loans on wheat produced in 1948, is hereby further amended as follows:

1. To the schedule of county rates for Arkansas, add the following:

County:	*Rate*
Logan	$1.93

2. To the schedule of county rates for California, add the following:

County:	*Rate*
Alameda	$2.18
Santa Clara	2.17

Issued this 17th day of September 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 17, 1948.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-8549; Filed, Sept. 22, 1948; 8:59 a. m.]

[1948 C. C. C. Grain Sorghums Bulletin 1, Amdt. 2]

PART 263—GRAIN SORGHUMS LOANS AND PURCHASE AGREEMENTS

1948 GRAIN SORGHUMS PRICE SUPPORT PROGRAM

The schedule of rates under paragraph (c), *County loan rates*, § 263.224 *Loan rates* of the regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 3880, 4659, governing the making of loans on grain sorghums produced in 1948, is hereby further amended as follows:

1. To the schedule of county rates for Texas, add the following:

TEXAS

County:	*Rate*	County:	*Rate*
Bell	$2.40	Lampasas	$2.37
Bosque	2.37	Lee	2.47
Burleson	2.51	Lynn	2.28
Burnet	2.38	Martin	2.26
Caldwell	2.42	McCulloch	2.28
Collin	2.34	Medina	2.34
Concho	2.28	Menard	2.28
Cooke	2.28	Midland	2.25
Dallas	2.35	Milam	2.45
Denton	2.32	Mills	2.35
Ellis	2.38	Montague	2.28
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Issued this 17th day of September 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 17, 1948.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-8551; Filed, Sept. 22, 1948; 8:59 a. m.]

[1948 C. C. C. Barley Bulletin 1, Amdt. 2]

PART 264—BARLEY LOANS AND PURCHASE AGREEMENTS

1948 BARLEY PRICE SUPPORT PROGRAM

The schedule of loans rates under paragraph (c) *County loan rates*, § 264.224 *Loan rates*, of the regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 13 F. R. 3998, 4913, governing the making of loans on barley produced in 1948, is hereby further amended as follows:

1. The county of Johnson, Wyoming, and the rate therefor are deleted.

Issued this 17th day of September 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 17, 1948.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-8550; Filed, Sept. 22, 1948; 8:59 a. m.]

[1948 C. C. C. Rye Bulletin 1, Amdt. 1]

PART 266—RYE LOANS AND PURCHASE AGREEMENTS

1948 RYE PRICE SUPPORT PROGRAM

The schedule of rates under paragraph (d) *County rates*, § 266.224 *Rates at which loans and purchases will be made*, of the regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 4989, governing the making of loans and purchase agreements on rye produced in 1948, is amended as follows:

1. To the schedule of county rates for California, add the following:

County:	*Rate*
Merced	$1.39

2. To the schedule of county rates for Kansas, add the following:

County:	*Rate*	County:	*Rate*
Anderson	$1.30	Lane	$1.24
Atchison	1.32	Lyon	1.29
Chase	1.28	Meade	1.23
Chautauqua	1.28	Morton	1.20
Cherokee	1.29	Ness	1.24
Clark	1.22	Norton	1.25
Crawford	1.30	Osage	1.30
Doniphan	1.30	Rawlins	1.23
Elk	1.28	Rush	1.25
Ellis	1.25	Scott	1.23
Franklin	1.32	Seward	1.22
Gove	1.24	Sheridan	1.24
Graham	1.25	Stanton	1.21
Greeley	1.22	Stevens	1.21
Haskell	1.23	Trego	1.25
Jackson	1.30	Wichita	1.22
Kearny	1.22		

3. The county of Johnson, Wyoming, and the rate therefor are deleted.

Issued this 17th day of September 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 17, 1948.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-8548; Filed, Sept. 22, 1948; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[ACP-1949-1]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1949; MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under secs. 7-17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1949 National Agricultural Conservation Program Bulletin, issued July 7, 1948 (13 F. R. 3829), is hereby amended as follows:

1. Sections 701.1001 through 701.1013 are hereby redesignated as §§ 701.1 through 701.13, respectively, and all references to section numbers are changed accordingly.

2. Section 701.1 (a) is amended to read as follows:

§ 701.1 *Distribution and control of funds*—(a) *State funds.* Funds available for conservation practices will be distributed among States on the basis of their conservation needs, but the proportion allocated to any State shall not be reduced more than 15 percent from its proportionate 1946 distribution. The allocation of funds among the States is as follows:

Alabama	$6,685,000
Alaska	30,000
Arizona	1,282,000
Arkansas	4,850,000
California	4,938,000
Colorado	3,529,000
Connecticut	406,000
Delaware	352,000
Florida	2,001,000
Georgia	6,790,000
Hawaii	164,000
Idaho	1,763,000
Illinois	8,310,000
Indiana	4,441,000
Iowa	8,371,000
Kansas	7,366,000
Kentucky	5,503,000
Louisiana	4,333,000
Maine	797,000
Maryland	1,372,000
Massachusetts	532,000
Michigan	4,402,000
Minnesota	5,644,000
Mississippi	6,710,000
Missouri	7,706,000
Montana	3,579,000
Nebraska	5,797,000
Nevada	223,000
New Hampshire	394,000
New Jersey	764,000
New Mexico	1,881,000
New York	4,564,000
North Carolina	6,550,000
North Dakota	4,790,000
Ohio	5,408,000
Oklahoma	7,517,000
Oregon	2,100,000
Pennsylvania	5,399,000
Puerto Rico	963,000
Rhode Island	83,000
South Carolina	3,493,000
South Dakota	4,990,000
Tennessee	5,890,000
Texas	18,475,000
Utah	1,174,000
Vermont	1,131,000
Virginia	3,878,000
Virgin Islands	13,000
Washington	2,383,000
West Virginia	$1,634,000
Wisconsin	5,749,000
Wyoming	1,561,000

The apportionment shown above does not include the amount set aside for administrative expenses, the amount required for size of payment adjustments in §§ 701.5 and 701.6, and the amount set aside for the Naval Stores Conservation Program.

3. The introductory paragraph of § 701.3 is amended to read as follows:

§ 701.3 *Conservation practices and maximum rates of assistance.* Paragraphs (a) to (g) of this section contain a general description of the conservation practices of the 1949 program and the maximum rates of assistance for the practices. The 1949 program year, during which practices must be carried out to be eligible for payment, is the period included in the State handbook beginning on or after September 1, 1948, and ending not later than December 31, 1949, as determined for each State by the State committee with the approval of the Director. Information with respect to the several practices for which assistance will be given when carried out on a particular farm and the exact specifications and rates of assistance for such practices may be obtained from the county committee for the county in which the farm is located, or from the State committee (11 F. R. 177A-285).

(Secs. 7-17, 49 Stat. 1148-1151, as amended, 62 Stat. 507, 1247; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 20th day of September 1948. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8539; Filed, Sept. 22, 1948; 8:53 a. m.]

[ACP-1948-5]

PART 701—AGRICULTURAL CONSERVATION PROGRAM BULLETIN

DISTRIBUTION AND CONTROL OF STATE FUNDS; SUBPART—1948

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1948 Agricultural Conservation Program Bulletin, issued October 6, 1947 (12 F. R. 6679), as amended, is further amended as follows:

Section 701.901 (a) is amended to read as follows:

§ 701.901 *Distribution and control of funds*—(a) *State funds.* Funds available for conservation practices will be distributed among States on the basis of their conservation needs, but the proportion allocated to any State shall not be reduced more than 15 percent from its proportionate 1946 distribution. The allocation of funds among the States is as follows:

Alabama	$3,602,000
Alaska	16,000
Arizona	652,000
Arkansas	2,561,000

California	$2,658,000
Colorado	1,621,000
Connecticut	217,000
Delaware	189,000
Florida	1,174,000
Georgia	3,417,000
Hawaii	79,000
Idaho	912,000
Illinois	4,329,000
Indiana	2,633,000
Iowa	3,913,000
Kansas	4,131,000
Kentucky	3,010,000
Louisiana	2,335,000
Maine	416,000
Maryland	738,000
Massachusetts	286,000
Michigan	2,375,000
Minnesota	3,038,000
Mississippi	3,415,000
Missouri	3,838,000
Montana	1,926,000
Nebraska	3,120,000
Nevada	119,000
New Hampshire	179,000
New Jersey	463,000
New Mexico	1,012,000
New York	2,826,000
North Carolina	3,302,000
North Dakota	2,578,000
Ohio	2,840,000
Oklahoma	4,044,000
Oregon	1,130,000
Pennsylvania	2,900,000
Puerto Rico and Virgin Islands	634,000
Rhode Island	43,000
South Carolina	1,852,000
South Dakota	2,686,000
Tennessee	3,171,000
Texas	11,130,000
Utah	486,000
Vermont	582,000
Virginia	2,233,000
Washington	1,283,000
West Virginia	912,000
Wisconsin	3,162,000
Wyoming	832,000

The apportionment shown above does not include the amount set aside for administrative expenses, the amount required for size of payment adjustments in §§ 701.905 and 701.906, and the amount set aside for the Naval Stores Conservation Program.

(Secs. 7–17, 49 Stat. 1148–1151, as amended, 60 Stat. 663, 61 Stat. 493, 523; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 20th day of September 1948. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8540; Filed, Sept. 22, 1948; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 978—MILK IN NASHVILLE, TENN., MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

Findings and determinations. The findings and determinations hereinafter set forth are supplementary to and in addition to the previous findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held on June 15, 1948, upon proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tennessee, milk marketing area. The recommended decision (13 F. R. 4324) was made by the Assistant Administrator of the Production and Marketing Administration on July 23, 1948, and the decision (13 F. R. 5281) was made by the Secretary on September 3, 1948. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* (1) It is hereby found that a pro rata assessment on handlers at a rate not to exceed 4 cents per hundredweight with respect to all receipts by the handler, during each delivery period, of (i) milk from producers (including such handler's own production) and (ii) other source milk received at a fluid milk plant, upon which payment is required pursuant to § 978.9 of this order, will provide the funds necessary for the maintenance and functioning of the market administrator in the administration of this order and such assessment is approved.

(2) It is necessary, in the public interest, to make the amendments hereafter set forth effective by not later than October 1, 1948, so as to reflect current marketing conditions. Any delay beyond October 1, 1948, in the effective date of such amendments to the order, will disrupt orderly marketing. The changes effected by this order amending the order do not require substantial or extensive preparation by persons affected prior to the effective date. The time intervening between the date of issuance of this order and its effective date affords persons affected a reasonable time to prepare for its effective date. In view of the foregoing, it is impractical, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (sec. 4 (c), Administrative Procedures Act, Pub. Law 404, 79th Cong. 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as hereby amended) of more than 50 percent of the volume of milk covered by this order, as hereby amended, which is marketed within the Nashville, Tennessee, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of the approval of this order amending the order, and who during the determined representative period (June 1948) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that, on and after the effective date hereof, the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended; and the aforesaid order is hereby amended as follows:

1. Delete § 978.1 (m) and substitute therefor the following:

(m) "Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a source other than producers or other handlers, except any nonfluid milk product which is received and disposed of in the same form.

2. Delete the semicolon (;) at the end of § 978.4 (f) (1) (ii) and add the following: ": *Provided*, That, if the receipts of skim milk from producers and from other handlers are less than 105 percent of the amount of Class I and Class II skim milk disposed of by such handler to any person other than by transfer or diversion pursuant to paragraph (d) of this section, the pounds of skim milk in other source milk shall be subtracted from the remaining pounds of skim milk in Class III milk, and the pounds of skim milk in other source milk which are in excess of the remaining pounds of skim milk in Class III milk shall be subtracted pro rata from the pounds of skim milk in Class I and Class II milk;"

3. Delete the period (.) at the end of § 978.4 (f) (2) and add the following: ", except that the proviso in subparagraph (1) (ii) of this paragraph shall not apply."

4. Delete § 978.7 (b) (3) and (5) and substitute therefor the following:

§ 978.7 *Determination of uniform prices.* • • •

(b) *Computation of the uniform price.* • • •

(3) (i) Add an amount equivalent to the cash balance on hand in the producer-settlement fund established by the provisions of subparagraph (5) (i) of this paragraph, less the total amount of contingent obligations to handlers pursuant to § 978.8 (d):

(ii) For each of the delivery periods of September, October, and November, beginning September 1949, add an amount equivalent to one-third of the total of the three amounts representing the cash balance established, during the delivery periods of April, May, and June immediately preceding, as a fall season production incentive pursuant to subparagraph (5) (ii) of this paragraph.

• • • • •

(5) (i) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payment by handlers;

(ii) For each of the delivery periods of April, May, and June, beginning April 1949, subtract 45 cents, for the purpose of establishing in the producer-settlement fund a cash balance for distribution pursuant to subparagraph (3) (ii) of this paragraph. This result shall be known as the "uniform price" per hundredweight for such delivery period for producer milk containing 4.0 percent butterfat, f. o. b. fluid milk plant.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C., 601 et seq.; sec. 102 Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued in Washington, D. C., this 20th day of September 1948, to be effective on and after the 1st day of October 1948.

[SEAL] CLAUDE R. WICKARD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8542; Filed, Sept. 22, 1948; 8:54 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER INSTALMENT CREDIT

AUTOMOBILE APPRAISAL GUIDES

§ 222.101 *Automobile Appraisal Guides.* Part 222 as issued effective September 20, 1948 (13 F. R. 4865), provides in § 222.9 (d) that the credit value of any automobile shall be based on the lower of either (1) the cash price or (2) the estimated average retail value stated in one of the designated automobile appraisal guides.

The Board of Governors of the Federal Reserve System has now designated the appraisal guides that are to be used initially for this purpose. The guides designated and the territories in which they are to be used are listed below.

A dealer is not required to use any particular automobile appraisal guide, but may use quotations from the current edition of any of the publications that are designated for use in his territory.

The automobile models for which designations will initially apply are limited to used cars of model years 1938 to 1948, inclusive. In the case of these cars, the maximum credit value on and after September 20, 1948, will be the specified percentage (now 66⅔ percent) of whichever is the lower of (1) the cash purchase price or (2) the "appraisal guide value" (as determined from any designated guide). For those automobiles which do not have an "appraisal guide value" (new automobiles, used 1949 models, and used cars of 1937 and older models) the maximum credit value will be the specified percentage of the cash purchase price.

The "appraisal guide value" to be used for the purposes of Part 222 does not include any added value for cars equipped with a radio or heater, but it may include the added value specified in the appraisal guide for cars having an overdrive or automatic transmission as extra equipment.

AUTOMOBILE APPRAISAL GUIDES DESIGNATED BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR PURPOSES OF SECTION 222.9 (D)

Name of Guide and Publisher and Territory for Which Guide Is Designated

American Auto Appraisal, published by American Auto Appraisal, 194 Grove Avenue, Detroit, Mich.: Region A.[1]

Blue Book, executives edition, published by National Used Car Market Report, Inc., 900 South Wabash Avenue, Chicago 5, Ill.: Regions A, B, and C.[1]

Kelley Blue Book Official Guide, published by Kelley Blue Book, 1221 South Figueroa Street, Los Angeles, Calif.: Region C.[1]

Market Analysis Report, published by Used Car Statistical Bureau, Inc., 93 Massachusetts Avenue, Boston, Mass.: Region A.[1]

N. A. D. A. Official Used Car Guide, published by National Automobile Dealers Used Car Guide Co., 1026 Seventeenth Street NW., Washington, D. C.: Regions A, B, and C.[1]

Northwest Used Car Values, published by Northwest Publishing Co., 90 University St., Seattle 1, Wash.: Idaho, Oregon, Washington.

Official Automobile Guide, price edition, published by Recording and Statistical Corp., 222 West Adams Street, Chicago 6, Ill.: Regions A, B, and C[1] (effective October 1, 1948).

Official Automobile Guide, price edition, published by National Used Car Dealers Association, Inc., 1043 Penobscot Building, Detroit 26, Mich.: Regions A, B, and C[1] (effective October 1, 1948).

Official Automobile Price Guide, price edition, published by The National Research Bureau, Inc., 415 North Dearborn Street, Chicago 10, Ill.: Regions A, B, and C[1] (effective October 1, 1948).

Official Wisconsin Automobile Valuation Guide, published by Wisconsin Automotive Trades Association, 119 Monona Avenue, Madison 3, Wis.: Wisconsin.

Red Book National Used Car Market Report, published by National Used Car Market Report, Inc., 900 South Wabash Avenue, Chicago 5, Ill.: Regions A, B, and C[1].

(Sec. 5 (b), 40 Stat. 415, as amended, Pub. Law 905, 80th Cong.; 12 U. S. C. 95 (a), 50 U. S. C. App. 616, 617; E. O. 8843, Aug. 9, 1941, 3 CFR, Cum. Supp., Chapter II; Proc. 2695, July 4, 1946; 11 F. R. 7517)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 48-8517; Filed, Sept. 22, 1948; 8:49 a. m.]

[1] The regions for which publication is designated comprise the following States:

Region A: Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois—except Madison, St. Clair and Rock Island Counties, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin—except Douglas County.

Region B: Arkansas, Colorado, Illinois—Madison, St. Clair and Rock Island Counties, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin—Douglas County, and Wyoming.

Region C: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

TITLE 18—CONSERVATION OF POWER

Chapter IV—Southwestern Power Administration, Department of the Interior

[Gen. Order SPA 27]

PART 501—DELEGATIONS OF AUTHORITY

CONSTRUCTION CONTRACTS; DELEGATING AUTHORITY TO ENTER INTO

Section 501.10 is amended to read as follows:

§ 501.10 *Construction contracts.* Pursuant to 43 CFR, 4.100, Floyd E. Conway, Chief, Division of Engineering, and Philroy C. Gale, Chief, Division of Operations, are each hereby authorized separately to enter into construction contracts in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. The authority granted by this section does not, however, with respect to any such contract, include authority to issue change orders and extra work orders pursuant to the contract, or to enter into modifications of the contract or to terminate the contract. (Sec. 3, 60 Stat. 238; 5 U. S. C., 1946 ed. 1002)

DOUGLAS G. WRIGHT,
Administrator,
Southwestern Power Administration.

SEPTEMBER 14, 1948.

[F. R. Doc. 48-8516; Filed, Sept. 22, 1948; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[1948 Dept. Circ. 836]

PART 226—SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

TERMINATION OF AUTHORITY OF FIREMAN'S FUND INSURANCE CO., SAN FRANCISCO, CALIF., TO QUALIFY AS SURETY ON FEDERAL BONDS AND ISSUANCE OF CERTIFICATE OF AUTHORITY TO COMPANY TO QUALIFY AS A REINSURING COMPANY ONLY

SEPTEMBER 17, 1948.

Notice is hereby given that the certificate of authority issued by the Secretary of the Treasury to the Fireman's Fund Insurance Company, San Francisco, California, under the provisions of the act of Congress approved August 13, 1894 (28 Stat. 279–80), as amended by the act of March 23, 1910 (36 Stat. 241) (U. S. Code Title 6, sections 6–13), to qualify as sole surety on recognizances, stipulations, bonds and all other undertakings permitted or required by the laws of the United States to be given with one or more sureties, terminates on this date.

The Fireman's Fund Insurance Company received its initial authority from the Secretary of the Treasury to do business with the United States on April 21, 1948, and remained continuously so qualified until this date, and the company has requested permission from the Treasury to voluntarily retire from the execution of any business in favor of the United States.

The company has stated that it has not executed any bonds in favor of the United States since receiving the certificate of authority issued by the Secretary of the Treasury, but that it desires to be qualified as a reinsuring company only on bonds and other obligations executed in favor of the United States, and a new certificate of authority has this date been issued to the Fireman's Fund Insurance Company, San Francisco, California to qualify as a reinsuring company only on bonds and other obligations written in favor of the United States.

The underwriting limitation of $2,060,000.00 established for the Fireman's Fund Insurance Company, San Francisco, California on Treasury Form No. 356, dated April 27, 1948, effective April 21, 1948, under the company's certificate of authority to act as an acceptable surety on Federal bonds will continue in force with respect to the Fireman's Fund Insurance Company as a reinsuring company only, until otherwise advised.

Section 226.1 *Surety companies acceptable on Federal bonds; acceptable reinsurance companies* is hereby amended by deleting from the list set forth therein "Fireman's Fund Insurance Company, San Francisco, California" appearing under the sub-heading *California* and adding in lieu thereof under the sub-heading *Companies Authorized to do a Reinsurance Business Only* "Fireman's Fund Insurance Company, San Francisco, California."

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8538; Filed, Sept. 22, 1948; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIV—Department of State, Disposal of Surplus Property

[Dept. Reg. 108.74; FLC Reg. 8, Order 6]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES

SEPTEMBER 20, 1948.

Foreign Liquidation Commissioner Regulation 8, Order 6, of July 17, 1948 (Department Regulation 108.72, 13 F. R. 4101) is hereby revised and amended to read as herein set forth.

The President has requested the Secretary of State to act, with regard to permitting the importation of surplus property, upon determinations as made by the Secretary of Commerce. The Secretary of Commerce has informed the Secretary of State that certain materials which have been or may be declared to the Foreign Liquidation Commissioner as surplus property located in foreign areas are in critically short supply and urgently needed in the domestic economy and are qualified for importation into the United States during the periods hereinafter specified.

It is hereby ordered, (a) That § 8508.15 of FLC Regulation 8 shall not apply to prevent the importation of surplus property specified in paragraphs numbered (1) through (12) of Schedule A attached hereto if such property is in transit to a point in the United States on or before December 31, 1948, (b) That § 8508.15 shall not apply to prevent the importation of surplus property specified in paragraphs numbered (13) and (14) of Schedule A attached hereto, except as to such items as may be deleted therefrom by subsequent amendment of this order, if such property is in transit to a point in the United States on or before December 31, 1948. Any amendment which may be issued for the purpose of deleting items from paragraphs numbered (13) and (14) of Schedule A shall not be effective until thirty (30) days after publication. For the purpose of this order "in transit to a point in the United States" shall mean the property involved has been delivered to or accepted by a carrier which has issued a through bill of lading thereon to a point in the United States.

(58 Stat. 765, 59 Stat. 533, 60 Stat. 168, 754; 50 U. S. C. App. and Supp. App. 1611–46)

This order shall become effective when published in the FEDERAL REGISTER.

Approved: September 20, 1948.

ROBERT A. LOVETT,
Acting Secretary of State.

SCHEDULE A

(1) Graders: road: motorized: all sizes.
(2) Tractors: crawler types: all classes and sizes, with or without bulldozer, angledozer, front and loader and power control units or winches (not more than one piece of mounted equipment per tractor).
(3) Power excavators: Whether crawler (tracklaying) or walker mounted: of 1½ cubic yards or greater bucket or dipper capacity; equipped with either shovel, dragline, or crane front-end attachments (not more than one extra front-end attachment with each excavator).
(4) Repair or service parts for graders: road: motorized: all sizes.
(5) Repair or service parts for tractors: crawler types: all classes and sizes.
(6) Spare parts for power excavators of 1½ cubic yards or greater capacity.
(7) Truck chassis: 6 x 6, all wheel drive, 4 tons and up: with or without front mounted winch: all body types, including wrecking equipment, not more than one boom per truck.
(8) Steel mill products: carbon steel.
(9) Containers: steel, shipping barrels, drums, and pails.
(10) Cylinders: compressed gas.
(11) Telephone and telegraph equipment, including but not limited to lead covered cable; line, messenger and drop wire; pole line hardware; outside plant communication equipment; central office equipment, including switchboard positions; and miscellaneous telephone apparatus.
(12) Burlap bags and strips.
(13) Transfer cases and propeller shaft assemblies for 6 x 6 all-wheel drive truck chasses, 4 tons and over.
(14) All items of machinery, equipment, and parts therefor in *Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, Part II,* Nos. 700005 through 789998 inclusive with the exception of No. 721500 (concrete mixers), 722600 (scrapers, self-loading) and 740500 through 748412 (machine tools and other metal working machinery) and 770400 through 770600 (air compressors).[1]

[F. R. Doc. 48-8567; Filed, Sept. 22, 1948; 10:17 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

AUTHORITY DELEGATED TO SECRETARY UPON SECURING APPROVAL OF LAW AND ENGINEERING DEPARTMENTS

In the matter of § 1.144 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of September 1948;

The Commission having under consideration an amendment of § 1.144 of its rules which delegates authority to the Secretary, upon securing approval of the Law and Engineering Departments, to act in certain named instances; and

[1] Copies of *Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, Part II,* January 1, 1945, Edition, are available for sale by the Superintendent of Documents, Washington 25, D. C.

It appearing, that §§ 3.30 (a) and 3.205 (a) of the Commission's rules and regulations provide, respectively, that each standard or FM broadcast station shall be considered located in the State and city where the main studio is located; and

It further appearing, that in these cases where approval has been given to the location of such a station's main studio outside the corporate limits or the borders of the city or borough which the station is designed to serve (i. e. at the transmitter site) it has been necessary in order to permit identification of such stations as a station located in such borough or city for request for a waiver of said §§ 3.30 (a) or 3.205 (a) to be made to and granted by the Commission; and

It further appearing, that it would be in the interest of good administration that said § 1.144 of the Commission's rules and regulations be amended to permit the Secretary, upon receiving the approval of the Law and Engineering Departments, to take action upon such requestsg for waiver of §§ 3.30 (a) or 3.205 (a) of the Commission's rules and regulations; and

It further appearing, that the amendment herein is procedural and that publication of general notice of proposed rule making pursuant to the provisions of section 4 (a) of the Administrative Procedure Act is not required;

It is ordered, That § 1.144 of the Commission's rules and regulations be amended to add the following section:

§ 1.144 *Authority delegated to Secretary upon securing approval of Law and Engineering Departments.* * * *

(j) Applications and requests for waiver of §§ 3.30 (a) and 3.205 (a) of the Commission's rules and regulations to permit identification of a broadcast station as a station located in a borough or city which the station is designed to serve where the location of the main studio has been approved at a transmitter site which is situated at a point outside the borders or corporate limits of such borough or city.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i))

It is further ordered, That the foregoing amendment is effective immediately.

Released: September 15, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 48-8525; Filed, Sept. 22, 1948; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 457]

MARKET AGENCIES OPERATING AT SALT LAKE UNION STOCK YARDS, NORTH SALT LAKE, UTAH

NOTICE OF PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture on August 29, 1935 issued an order prescribing reasonable rates and charges for stockyard services rendered by the respondents.

By petition filed with the Hearing Clerk on September 9, 1948, the respondents have requested authority to modify the definition of cattle and calves in their tariff and to file a new schedule of rates and charges, as follows:

DEFINITIONS

Calves are animals of the bovine species, weighed in drafts, the average weight of the animals in which is less than 400 pounds.

Cattle are animals of the bovine species, weighed in drafts, the average weight of the animals in which is 400 pounds or over.

SELLING AND BUYING COMMISSIONS

Cattle, regardless of mode of arrival:	
1 head and 1 head only	$1.50
2 head or more (each)	1.00
Calves, regardless of mode of arrival:	
1 head and 1 head only	.75
2 head or more (each)	.50
Hogs, truck-ins:	
1 head and 1 head only	.75
2 head or more (each)	.40
Commission charges on hogs arriving by truck shall not exceed car load rate on any one consignment.	
Hogs, rail arrivals:	
Single deck car	30.00
Double deck car	35.00
Sheep, truck-ins (per head)	.25
Commission charges on sheep arriving by truck shall not exceed car load rate on any one consignment.	

SELLING AND BUYING COMMISSIONS—Con.

Sheep, rail arrivals:	
Single deck car	$30.00
Double deck car	35.00
125 lambs make one deck in a car; 100 ewes make one deck in a car.	

The corresponding definitions and rates and charges now set forth in respondents' tariff on file with the Secretary are as follows:

DEFINITIONS

Calves are animals of the bovine species, weighed in drafts, the average weight of the animals in which is 450 pounds or under.

Light weight cattle are animals of the bovine species, weighed in drafts, the average weight of the animals in which is over 450 pounds and not over 800 pounds.

Cattle are animals of the bovine species, weighed in drafts, the average weight of the animals in which is over 800 pounds.

SELLING AND BUYING COMMISSIONS

STRAIGHT CAR—SINGLE OWNERSHIP

Cattle and calves:	
Single deck	$15.00
Double deck	20.00
Swine:	
Single deck	14.00
Double deck	20.00
Sheep:	
Single deck	12.00
Double deck	17.00

OTHER MODES OF ARRIVAL

Cattle and calves:	
Calves:	
Consignments of 1 head	.50
Consignments of more than 1 head:	
1 to 20 head, inclusive (per head)	.35
Each head over 20 (per head)	.25
Light weight cattle:	
Consignments of 1 head	.75
Consignments of more than 1 head:	
1 to 20 head, inclusive (per head)	.50
Each head over 20 (per head)	.40

SELLING AND BUYING COMMISSIONS—Con.

OTHER MODES OF ARRIVAL—continued

Cattle and calves—Continued	
Cattle:	
Consignments of 1 head	$1.00
Consignments of more than 1 head:	
1 to 40 head, inclusive (per head)	.75
Each head over 40 (per head)	.65
Swine:	
Pigs:	
Consignments of 1 head	.30
Consignments of more than 1 head:	
1 to 40 head, inclusive (per head)	.20
Each head over 40 (per head)	.05
Hogs:	
Consignments of 1 head	.40
Consignments of more than 1 head:	
1 to 40 head, inclusive (per head)	.25
Each head over 40 (per head)	.15
Sheep:	
Consignments of 1 head	.35
Consignments of more than 1 head:	
For the first 10 head in each 300 head (per head)	.25
For the next 50 head in each 300 head (per head)	.15
For the next 60 head in each 300 head (per head)	.06
For the next 130 head in each 300 head (per head)	.03
For the next 50 head in each 300 head (per head)	.01

NOTE: The commissions charged for selling a consignment of animals arriving in a straight car of single ownership shall not exceed what they would have been had the animals arrived in any other manner.

The proposed modification, if granted, is calculated to result in additional revenue to the respondents and, therefore, public notice should be given of the filing of such petition in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of such petition for modification. All interested persons who desire

to be heard upon the matter requested in said petition for modification shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 17th day of September 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-8518; Filed, Sept. 22, 1948; 8:49 a. m.]

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED FIELD PEAS AND CANNED BLACK-EYE PEAS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948), that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of United States Standards for Grades of Canned Field Peas and Canned Black-Eye Peas. These standards, if made effective, will be the first issue by the Department for these products.

The industry has requested that before the standards are made effective they have a full opportunity to try out the proposed standards during the present season in order to submit such views, arguments, and data as may be beneficial to the establishment or modification of the proposed grades.

In view of the foregoing, therefore, all persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same in quadruplicate with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than April 1, 1949.

The proposed standards are as follows:

§ 52.538 (a) *Canned field peas and canned black-eye peas.* (1) "Canned field peas" means canned field peas as defined in the definitions and standards of identity for canned vegetables (21 CFR, Cum. Supp. 52.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) "Canned black-eye peas" means canned black-eye peas as defined in the definitions and standards of identity for canned vegetables (21 CFR, Cum. Supp., 52.990), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(3) "Canned peas" means canned field peas or canned black-eye peas.

(4) "Snaps" means pieces of immature unshelled pods.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) *Styles of canned peas.* (1) "Canned peas without snaps" means canned peas which do not contain immature unshelled pods or pieces thereof.

(2) "Canned peas with snaps" means canned peas which do not contain whole immature unshelled pods and contain not less than 5 percent by weight of pieces of immature unshelled pods.

(3) "Unit" means an individual field pea or black-eye pea or pieces of unshelled immature pod of either.

(c) *Grades of canned peas.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned peas that possess similar varietal characteristics; possess a normal flavor and odor, are fairly young and tender, practically free from defects, possess at least a typical color and score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned peas that possess similar varietal characteristics; possess a normal flavor and odor; possess a typical color, are nearly mature and fairly tender, are fairly free from defects and score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of canned peas that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned peas be filled with field peas or black-eye peas as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(e) *Ascertaining the grade.* (1) The grade of canned peas may be ascertained by considering, in addition to the foregoing requirements of the respective grade, the following factors: color, absence of defects, and maturity. The relative importance of each factor is expressed numerically, on the scale of 100. The maximum number of points that may be given each factor is:

	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Maturity	40
Total score	100

(2) "Normal flavor and normal odor" means that the canned peas are free from objectionable flavors and objectionable odors of any kind.

(f) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "15 to 20 points" means 15, 16, 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned peas that possess a good typical color may be given a score of 15 to 20 points. "Good typical color" means that the canned peas possess a color that is typical of fairly young and tender field peas or black-eye peas of similar varietal characteristics and that there may be present not more than 5 percent, by weight, of field peas or black-eye peas which are of markedly different varietal colors.

(ii) Canned peas that possess a typical color may be given a score of 10 to 14 points. "Typical color" means that the canned peas possess a color that is typical of nearly mature and fairly tender field peas or black-eye peas of similar varietal characteristics or that is variable due to the presence of fairly young and tender field peas or black-eye peas and that there may be present not more than 5 percent by weight of field peas or black-eye peas which are of markedly different varietal colors.

(iii) Canned peas that are definitely off-color for any reason or fail to meet the requirements of subparagraph (1) (ii) of this paragraph may be given a score of 0 to 9 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, unstemmed units, mashed and broken units, and units blemished by pathological injury, insect injury, or other means.

(a) "Extraneous vegetable matter" has the following meanings with respect to the different styles of canned peas:

Canned peas without snaps. "Extraneous vegetable matter" means hulls or pieces of hulls, unshelled pods or pieces of unshelled pods, leaves, detached stems, and other similar vegetable matter.

Canned peas with snaps. "Extraneous vegetable matter" means hulls or pieces of hulls, leaves, detached stems, and other similar vegetable matter.

(b) "Mashed and broken" means seriously crushed or broken to the extent that the appearance of the unit is seriously affected.

(c) "Blemished" means discolored or spotted to such an extent that the appearance or eating quality of the unit is seriously affected.

(ii) Canned peas that are practically free from defects may be given a score of 35 to 40 points. "Practically free from defects" means that for each 12 ounces drained weight of units there may be present not more than 2 pieces of extraneous vegetable matter and not more than 1 unstemmed pod or unstemmed piece of pod, and the combined weight of all loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, and mashed or broken units does not exceed 5 percent, and the weight of blemished units does not exceed 2 percent of the drained weight of the canned peas.

(iii) If the canned peas are fairly free from defects, a score of 30 to 34 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that for each 12 ounces drained weight of units there may be present not more than 4 pieces of extraneous vegetable matter and not more than 2 unstemmed pods or unstemmed pieces of pods, and the combined weight of all loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, and mashed and broken units does not exceed 10 percent, and the weight of blemished units does not exceed 6 percent of the drained weight of the canned peas.

(iv) Canned peas that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 29 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Maturity.* (i) This factor refers to the degree of development and maturity of the field peas or black-eye peas and the tenderness of the units.

(a) "Tough strings" means strings or pieces of strings at least ½ inch in length which will support a ½-pound weight for not less than 5 seconds.

(b) "Broken skin" means that the skin is so broken that its edges are separated to a width of not less than $\frac{1}{16}$ inch.

(ii) Canned peas that are fairly young and tender may be given a score of 35 to 40 points. "Fairly young and tender" means that the field peas or black-eye peas are in fairly early stages of maturity, are tender, and not more than 20 percent, by weight, have broken skins, and in canned peas with snaps, the pieces of pods are full-fleshed and not fibrous, and not more than 6 percent, by count, possess tough strings.

(iii) If the field peas or black-eye peas are nearly mature and fairly tender, a score of 30 to 34 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly mature and fairly tender" means that the field peas or black-eye peas may be firm and nearly but not hard and not more than 35 percent, by weight, have broken skins, and in canned peas with snaps, the pieces of pods may have lost, to a considerable extent, their fleshy structure, and not more than 12 percent, by count, possess tough strings or may be noticeably fibrous.

(iv) Canned peas that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 29 points, and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned peas without snaps or canned peas with snaps, the grade for such lot will be determined by averaging the total scores of all containers if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total score, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned field peas and canned black-eye peas.* The following score sheet may be used to summarize the factors determining the various grades:

Container size	
Container code or marking	
Label	
Net weight (in ounces)	
Vacuum (in inches)	
Drained weight (in ounces)	
Style	

Factors	Score points	
I. Color	20	(A) 15–20 (C) 10–14 (D) [1] 0–9
II. Absence of defects	40	(A) 35–40 (C) [1] 30–34 (D) [1] 0–29
III. Maturity	40	(A) 35–40 (C) [1] 30–34 (D) [1] 0–29
Total score	100	

Grade	
Normal flavor and odor	

[1] Indicates limiting rule within classification.

Issued this 17th day of September 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-8546; Filed, Sept. 22, 1948; 8:55 a. m.]

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPEFRUIT JUICE; CANNED ORANGE JUICE; CANNED BLENDED GRAPEFRUIT JUICE AND ORANGE JUICE; AND CANNED TANGERINE JUICE

NOTICE OF NON-ISSUANCE OF PROPOSED REVISED STANDARDS

Notices of proposed rule making were published in the FEDERAL REGISTER issues of July 21 and July 22, 1948, concerning the issuance of revised United States Standards for Grades of (a) Canned Grapefruit Juice (13 F. R. 4192), (b) Canned Orange Juice (13 F. R. 4154), (c) Canned Blended Grapefruit Juice and Orange Juice (13 F. R. 4151) and (d) Canned Tangerine Juice (13 F. R. 4196).

Each of these notices provided a period of 30 days within which interested persons could file with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., written data, views, or arguments for consideration in connection with the proposed revision of these standards.

On the basis of all such written data, views, and arguments, filed with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, and all relevant matters presented pursuant to such notices, it has been concluded not to issue the proposed revisions of the aforesaid standards at this time.

It is determined, therefore, pursuant to the authority contained in the Agricultural Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948) that the revisions of the aforesaid United States Standards, as proposed in the aforementioned notices, will not be made effective at this time.

Done this 17th day of September 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-8545; Filed, Sept. 22, 1948; 8:54 a. m.]

[7 CFR, Part 979]

IRISH POTATOES IN EASTERN SOUTH DAKOTA PRODUCTION AREA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948–1949 FISCAL YEAR

Consideration is being given to the following proposals submitted by the South Dakota Potato Committee, established under Marketing Agreement No. 103 and Order No. 79 (13 F. R. 1994), regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.; 61 Stat. 208, 707), as the agency to administer the terms and provisions of such marketing agreement and order:

(a) That the Secretary of Agriculture find that expenses not to exceed $2,000 will be necessarily incurred during the fiscal year ending June 30, 1949, for the maintenance and functioning of the said South Dakota Potato Committee established under the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles potatoes shall pay in accordance with the aforesaid marketing agreement and order during the aforesaid fiscal year, the following rate of assessment with respect to all potatoes handled by him as the first handler thereof during such period:

(1) With respect to each carload, or portion thereof, of such potatoes, the rate of assessment shall be $2.00;

(2) With respect to each truckload of not less than 201 100-pound bags of such potatoes, or the weight equivalent thereof, the rate of assessment shall be $1.50; and

(3) With respect to each truckload of less than 201 100-pound bags of such

potatoes, or the weight equivalent thereof, the rate of assessment shall be $1.00.

Consideration will be given to all data, views, and arguments which are submitted in connection with the aforesaid proposals and are forwarded, in triplicate, to the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, Washington 25, D. C., so as to be received by him not later than 15 days after the publication of this notice in the FEDERAL REGISTER.

As used herein, "handler," "potatoes," "production area," "fiscal year," and "handled," shall have the same meaning as is given to each such term when used in said marketing agreement and order.

Done at Washington, D. C., this 20th day of September 1948.

[SEAL] CLAUDE R. WICKARD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8541; Filed, Sept. 22, 1948; 8:54 a. m.]

[7 CFR, Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED SALABLE, SURPLUS AND WITHHOLDING PERCENTAGES.

Notice is hereby given, pursuant to the provisions of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Congress, 60 Stat. 237), approved June 11, 1946, that the administrative rule herein set forth is proposed by the Secretary of Agriculture in accordance with the authority vested in him by § 984.4 of the marketing agreement and order (13 F. R. 4344) regulating the handling of walnuts grown in California, Oregon, and Washington, which marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

Prior to the final issuance of such administrative rule, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington, D. C., and which are received at the office of said Hearing Clerk not later than 5:30 p. m., e. s. t., on the 12th day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said 12th day after publication should fall on a holiday or Sunday, such submission may be received at the office of the Hearing Clerk not later than 5:30 p. m., e. s. t., on the next following work day.

The aforementioned authorization for the issuance of such an administrative rule by the Secretary of Agriculture provides that, in taking such action, he shall give consideration to the ratio of the estimated trade demand to the sum of the estimated production of merchantable walnuts and the handler carryover (with appropriate adjustment for such handler carryover as may have theretofore contributed to surplus), the recommendation submitted to him by the Walnut Control Board (the administrative agency for operations under this regulatory program), and such other pertinent data as he deems appropriate.

The Walnut Control Board, at its meeting in Los Angeles on August 25, 1948, was of the opinion that the walnut crop was in good condition. The majority view of the Board was that the merchantable walnut pack will exceed the quantity which would result from applying the historical percentage of the crop which has been packed as merchantable walnuts (72 percent), to the August 1, official forecast of production of 1,430,000 bags of 100 pounds. The Board estimated the merchantable production at 1,087,000 bags.

Carryover stocks of merchantable walnuts by packers, as of August 1, 1948, were reported by the Board at 26,071 bags of which 7,905 bags had not been certified for shipment under the preceding marketing order program.

In considering the trade demand for the marketing year beginning August 1, 1948, the Board decided to include in its estimates shipments to Cuba along with those to the Continental United States, Alaska, Hawaii, Puerto Rico and the Canal Zone, but to exclude shipments to Canada. Shipments by packers to these outlets in the 1947 crop year totaled approximately 746,000 bags. Evidence presented at the Board meeting was to the effect that the 1948 walnut crop will be considerably later than average in maturing. It was stated that early season consumer demand up until the latter part of October cannot be fully satisfied because of the lateness of the crop and that outlets for a considerable volume of shipments will thus be lost. Competition, especially from pecans after early November, is expected to be strong.

It is anticipated that consumer purchasing power will continue at a high level. Stocks of walnuts held by the trade are very small, whereas at the beginning of the marketing season last year stocks were burdensome and tended to restrict demand. The Board estimated the trade demand at 810,000 bags. Opinion was expressed by some Board members that trade demand will considerably exceed this quantity.

The Board recommended that the Secretary fix the salable percentage of merchantable walnuts at 75 percent, and the surplus percentage at 25 percent. These percentages, under the formula laid down in the order, result in a withholding percentage of 33 percent. The Board computed that with these percentages, and its estimates of merchantable production, carryover on August 1, 1948, and trade demand, there will be a carryover by packers on August 1, 1949 of 30,970 bags which it considered normal. In its computations the Board estimated that Oregon intra-state shipments, not subject to surplus control, will total 6,500 bags. A summary of the Board's computation based on its estimates and recommendations follows:

	100 pound bags
Merchantable production estimate	1,087,000
Carryover, subject to surplus	7,905
Subtotal	1,094,905
Less: Oregon intra-state estimate	6,500
Total subject to surplus	1,088,405
25 percent surplus (272,101 bags)	816,304
75 percent salable	18,166
Carryover not subject to surplus	6,500
Oregon intra-state not subject to surplus	
Total available to trade	840,970
Less: Trade demand estimate	810,000
Computed handler carryover, Aug. 1, 1949	30,970

Consideration has been given to the Board's estimates and recommendation and to other pertinent data, and it is proposed to accept such estimates and recommendations.

Therefore, such proposed administrative rule is as follows:

§ 984.200 *Salable, surplus and withholding percentages for merchantable walnuts during the marketing year beginning August 1, 1948.* For merchantable walnuts, during the marketing year beginning August 1, 1948, the salable percentage shall be 75 percent, the surplus percentage shall be 25 percent, and the withholding percentage shall be 33 percent.

Issued at Washington, D. C. this 20th day of September 1948.

[SEAL] CLAUDE R. WICKARD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8543; Filed, Sept. 22, 1948; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Part 186]

[Ex Parte No. MC-44]

TARIFFS AND SCHEDULES

NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 7th day of September A. D. 1948.

It appearing, that there is a need for revision of the posting regulations contained in Rule 6 of Tariff Circular MP No. 3 (49 CFR 186.6) which were prescribed under sections 217 and 218 of the Interstate Commerce Act, and good cause appearing:

It is ordered, That the respondents herein and other interested parties may file, on or before October 31, 1948, with this Commission, written statements containing data, views or arguments concerning the proposed revised posting regulations set forth below.

It is further ordered, That any written statements filed as provided in the next preceding paragraph shall conform to the specifications provided in Rule 15 of this Commission's general rules of practice (49 CFR 1.15 Com. Supp.) and that an original signed copy and 5 additional copies shall be furnished for the use of the Commission.

It is further ordered, That no oral hearing be held with respect to the proposed posting regulations, but that, if deemed necessary or advisable, the matter may be assigned for informal conferences at which those interested may discuss the proposed revised rules with designated officials of this Commission.

It is further ordered, That all carriers of passengers by motor vehicle subject to sections 217 or 218 of the Interstate Commerce Act, be, and they are hereby, made respondents to this proceeding.

And it is further ordered, That a copy of this order be served upon each of the respondents, and that notice to the general public be given by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

Rules Proposed for Consideration, Governing the Posting of Tariffs and Schedules and Supplements Thereto by Motor Carriers of Passengers and Express

§ 186.6 *Posting regulations*—(a) *Posting tariffs and supplements.* Each carrier of passengers or express by motor vehicle subject to the provisions of section 217 of Part II of the Interstate Commerce Act, as amended, shall (except as provided in paragraph (b) of this section) post and keep posted, at every station, office or agency at which passengers or express, respectively, are received for transportation, and at which an agent or other representative is stationed for the sale of tickets or for the receipt of express shipments, all of the tariffs, including supplements thereto and revised pages thereof, which contain rates, fares or charges, including rules or other provisions affecting such rates, fares or charges for such transportation, which are applicable from, or at, such place of receipt, including tariffs issued by it and by its authorized agent and those issued by other carriers in which it concurs. Each such carrier shall also, in like manner and to a like extent, post all tariff publications containing proposed changes in, cancellations of, additions to, or reissues of the tariff publications described in the next preceding sentence hereof, such posting to be made, and maintained for a period of, not less than 30 days prior to the effective date of such tariff publications unless the filing of such tariff publications on shorter notice has been authorized by the Commission.

(b) *Discontinuance.* Any such carrier may discontinue the posting at any station, office or agency of any tariff (except the lists of tariffs required by paragraph (g) of this section) posted under the requirements of paragraph (a) of this section when investigation shows that such tariff has not been used at that station, office or agency, subject, however, to the requirements of paragraph (c) of this section.

(c) *Reposting after discontinuance.* Any such carrier within 10 days after receipt of a request for the reposting of a tariff, the posting of which has been discontinued under the authority of paragraph (b) of this section, shall post, and, except as may be otherwise authorized by paragraph (b) of this section, keep posted, said tariff under and in accordance with the requirements of paragraph (a) of this section, and shall notify the Commission that said tariff has been posted at that station or office in compliance with request of _____ Date made by _____.

(d) *Tariff file to be maintained at carrier's principal office.* Each such carrier shall provide, and maintain at its principal or general office a complete file of all tariffs for such transportation issued by it and its agents and by other carriers in which it concurs, applying from, or at any of its stations, offices or agencies.

(e) *Stamping date of receipt by agent on title page.* Each such carrier shall require its agent or other representative at each station, office or agency at which tariffs are required to be posted, upon receipt of a tariff, supplement or revised page thereto, for posting thereat immediately to indicate by stamping or writing on the title page thereof the date upon which such tariff, supplement or revised page thereto was received.

(f) *Tariff file at stations, offices or agencies to be accessible to the public.* (1) Each file of tariffs shall be kept and maintained in a complete and accessible form, shall be in charge of an agent or other representative of the carrier and shall be kept available upon request to the public during ordinary business hours on business days. Each carrier shall require and instruct such agent or other representative to afford inquirers opportunity to examine any of such tariffs without requiring the inquirer to assign any reason therefor, and upon request to lend assistance to seekers of information therefrom, with all promptness possible and consistent with proper performance of their other duties.

(2) Each such carrier of passengers shall also cause to be posted and maintained continuously in a conspicuous public place in each station, office or agency at which passengers are received for transportation, and at which an agent or representative is stationed for the sale of tickets, a notice printed in large, black type, and reading as follows:

NOTICE

A complete file of this company's tariffs is located at _____, in the city of _____. The tariffs naming rates, fares, rules and other provisions applying from or at this station are on file in this office, except as authorized by regulation of the Interstate Commerce Commission, and may be examined by any person upon request and without assigning any reason therefor. The agent or other representative on duty in the office will lend assistance, if requested, in securing information from such tariffs.

Written request may be made to the agent or other representative at this station or office and copy thereof mailed to the Interstate Commerce Commission, Washington, D. C., for the posting of any tariff naming rates, fares, rules or other provisions applying from or at this station or office which, under authority of the Posting Regulations of the Interstate Commerce Commission, is not posted at this place. Within 10 days of the receipt of request for the posting of any such tariff, that tariff will be posted and, except as may be otherwise authorized by such regulations, will be kept posted.

(g) *Tariff list to be filed with Commission.* Each such carrier shall also provide in a separate publication which must be kept up to date and filed with the Commission, a list of tariffs that are to be found in the files at each of its several stations, offices or agencies. Such publications must be kept on file and accessible upon request to the public at each of such several stations, offices or agencies as hereinbefore provided. They must be arranged according to a system of station, office or agency numbers and alphabetical list of stations, offices or agencies and comply with sections 1, 2 and 3 of this tariff circular to the extent that such sections are applicable.

(h) *Posting of tariffs containing proposed increased local fares.* Each such carrier of passengers which files tariffs, including supplements or revised pages thereto, which contain proposed increased fares for local one-way, or round-trip tickets for distances of 50 miles or less, or for multiple-ride tickets shall also post in a conspicuous public place in each station, or office, or agency where the tariffs containing the fares proposed to be increased are posted, and in a conspicuous place in all passenger vehicles in which tickets are honored at the fares proposed to be increased, a notice or poster printed in bold-face type, reading substantially as follows:

NOTICE OF INCREASED FARES

This carrier has filed with the Interstate Commerce Commission tariffs proposing increases in fares, effective _____ (Date)
for _____
(Here state briefly and generally kind of tickets and points or localities affected [1])

Information as to the proposed increases may be obtained at any place where tickets for such transportation are sold (other than on buses) or at this carrier's general office at _____
(Here give post office address and telephone number)

[1] Examples of how the application may be stated: One way and round trip Trenton to New York City. Multiple-trip tickets between Baltimore and Washington.

Such posting shall be made, and maintained for a period of not less than 30 days prior to the effective date of such tariff publications, unless the filing thereof on shorter notice has been authorized by the Commission.

[F. R. Doc. 48-8520; Filed, Sept. 22, 1948; 8:49 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 3416]

GOLDEN NORTH AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the non-certificated operations of Golden North Airways, Inc.

This proceeding was instituted by an order of the Board dated July 12, 1948, (Orders Serial No. E-1782) directing Golden North Airways, Inc., to show cause why it should not be ordered to cease and desist from engaging in scheduled air transportation in violation of section 401 (a) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (a), 1001, 1002 (b) and 1002 (c) thereof, hearing in the above-entitled proceeding is assigned to be held on September 27, 1948, at 10:00 a. m. (eastern standard time) in Room 2065, Temporary Building No. 4, Seventeenth Street and Constitution Ave., NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by this proceeding particular attention will be directed to the following matters and questions:

1. Is Respondent an "air carrier" engaged in "air transportation" within the meaning of the Civil Aeronautics Act of 1938, as amended, and accordingly subject to the provisions of such act and in particular section 401 (a) thereof?

2. If Respondent is an "air carrier" engaged in "air transportation" do its past and present operations in air transportation fall within those noncertificated operations authorized by § 292.1 of the Board's Economic Regulations?

3. Whether the Board should issue an order that Respondent cease and desist from engaging in scheduled air transportation in violation of section 401 (a) of the Civil Aeronautics Act of 1938, as amended?

Dated at Washington, D. C., September 17, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8521; Filed, Sept. 22, 1948; 8:49 a. m.]

[Docket No. SA-155]

ACCIDENT OCCURRING AT ANNETTE ISLAND, ALASKA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-88920 which occurred at Annette Island, Alaska, on October 26, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that a reconvening of the hearing is hereby assigned to be held on Wednesday, September 29, 1948, at 9:30 a. m. (local time) in Room 117, Federal Office Building, Seattle, Washington.

Dated at Washington, D. C., September 16, 1948.

[SEAL] RUSSELL A. POTTER,
Presiding Officer.

[F. R. Doc. 48-8536; Filed, Sept. 22, 1948; 8:53 a. m.]

[Docket No. SA-159]

ACCIDENT OCCURRING AT SEATTLE, WASH.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-91009 which occurred at Seattle, Washington, on November 30, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that a reconvening of the hearing is hereby assigned to be held on Friday, October 1, 1948, at 9:30 a. m. (local time) in Room 117, Federal Office Building, 1st and Marion Streets, Seattle, Washington.

Dated at Washington, D. C., September 16, 1948.

[SEAL] RUSSELL A. POTTER,
Presiding Officer.

[F. R. Doc. 48-8537; Filed, Sept. 22, 1948; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9147]

WHEELING BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Erlin Leroy Freeman, Glen Austin Forney and Kenneth Henry Forney, a partnership d/b as Wheeling Broadcasting Company, Wheeling, West Virginia, Docket No. 9147, File No. BP-6775; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of September 1948;

The Commission having under consideration the above-entitled application for permit to construct a new standard broadcast station to operate on the frequency 1600 kc, with 250 w power, daytime only, in Wheeling, West Virginia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the assignment of a Class IV station to a regional channel.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8526; Filed, Sept. 22, 1948; 8:51 a. m.]

[Docket No. 9121]

GULF COAST BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Charles L. Cain and Merl Saxon a partnership d/b as Gulf Coast Broadcasting Company, Galveston, Texas, Docket No. 9121, File No. BP-6469; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of September 1948;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on the frequency 1490 kc, with 250 w power, unlimited time, in Galveston, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station KSAM, Huntsville, Texas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the areas and populations which may be expected to receive satisfactory service.

It is further ordered, That J. G. Long licensee of Station KSAM, Huntsville, Texas be, and he is hereby, made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8527; Filed, Sept. 22, 1948; 8:51 a. m.]

[File No. 9148]

HARDING COLLEGE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Harding College, Searcy, Arkansas, Docket No. 9148, File No. BP-6740; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of September 1948;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station in Searcy, Arkansas to operate unlimited time on the frequency 1490 kc. with 100 w power.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant, its officers, trustees and members to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with KOTN, Pine Bluff, Arkansas or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Universal Broadcasting Corporation, licensee of Station KOTN be, and it is hereby, made a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8528; Filed, Sept. 22, 1948; 8:52 a. m.]

[Docket No. 9101]

CLASS B FM BROADCAST STATIONS TO CHANGE ALLOCATIONS TO TOCCOA, GA., GRIFFIN, GA., CHATTANOOGA, TENN., MUSCLE SHOALS, ALA., ALBANY, GA., AND ASHEVILLE, N. C.

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 15th day of September 1948.

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations so as to make changes in the allocations to the above-named cities; and

It appearing, that a notice of proposed rule making setting forth the proposed amendment was issued by the Commission on July 30, 1948, and was duly published in the FEDERAL REGISTER (13 F. R. 4551) which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before August 27, 1948; and

It further appearing, that no comments or briefs with respect to said amendment have been received; and

It further appearing, that the adoption of the said amendment would make possible a more equitable and efficient utilization of FM frequencies in the vicinity of the cities involved;

It is ordered, That effective October 25, 1948, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended to the following extent:

Channel No. 291 is deleted from allocation to Griffin, Georgia, and Channel No. 271 is substituted therefor; Channel No. 271 is deleted from allocation to Chattanooga, Tennessee and Channel No. 275 is substituted therefor; Channel No. 275 is deleted from allocation to Muscle Shoals, Alabama and Channel No. 300 is substituted therefor; Channel No. 271 is deleted from allocation to Albany, Georgia and Channel No. 262 is substituted therefor; Channel No. 291 is deleted from allocation to Asheville, North Carolina and Channel No. 251 is substituted therefor; and Channel No. 275 is deleted from allocation to Toccoa, Georgia and Channel No. 291 is substituted therefor.

Released: September 15, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8529; Filed, Sept. 22, 1948; 8:52 a. m.]

KCOM BROADCASTING CO.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on September 13, 1948, there was filed with it an application (BTC-677) for its consent under section 310(b) of the Communications Act to the proposed transfer of control of KCOM Broadcasting Co., (formerly Commercial Associates Inc.) permittee of station KCOM, Sioux City, Iowa, from the existing stockholders of the permittee to Dietrich Dirks. The proposal to transfer control arises out of a contract of August 11, 1948, pursuant to which the transferee will acquire 608 shares of treasury stock from the permittee and 42 additional shares of permittee's stock from C. M. Corbett, currently a stockholder in the permittee, for a total price of $65,000 in cash, which is the par value of the stock. Consummation of the transfer will result in ownership by the transferee of 66⅔% of the voting stock of the permittee. It is also agreed between the parties that the transferee will become General Manager of the permittee upon consummation of the stock transfer. Further information as to the arrangements may be found

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on September 13, 1948 that starting on September 14, 1948, notice of the filing of the application would be inserted in the Sioux City Journal-Tribune, a newspaper of general circulation at Sioux City, Iowa, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from September 14, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310(b), 48 Stat. 1086; 47 U. S. C. 310(b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8530; Filed, Sept. 22, 1948; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. ID-1094]

FRED J. YOUNG

NOTICE OF ORDER CANCELLING HEARING AND TERMINATING PROCEEDING

SEPTEMBER 20, 1948.

Notice is hereby given that, on September 17, 1948, the Federal Power Commission issued its order entered September 17, 1948, cancelling hearing and terminating proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8519; Filed, Sept. 22, 1948; 8:49 a. m.]

[Docket No. G-1066]

WEST TEXAS GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 25, 1948, by West Texas Gas Company (Applicant), a Delaware corporation with its principal place of business at Lubbock, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the removal of, and construction and operation of certain natural-gas facilities as fully described in such application on file with the Commission and open to public inspection; and

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 16, 1948 (13 F. R. 4047)

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 7, 1948, at 9:45 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: September 17, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8502; Filed, Sept. 22, 1948; 8:46 a. m.]

[Docket No. G-1095]

CONSUMERS GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed August 2, 1948, by Consumers Gas Company (Applicant), a Pennsylvania corporation with its principal office at Reading, Pennsylvania, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and continued operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure and Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 24, 1948 (13 F. R. 4908).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure a hearing be held on October 6, 1948, at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 17, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8503; Filed, Sept. 22, 1948; 8:46 a. m.]

[Docket No. E-6164]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION

SEPTEMBER 17, 1948.

Notice is hereby given that on September 15, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Otter Tail Power Company, a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of 141,490 shares of Common Stock, par value of $5 each, to be sold publicly for cash; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 12th day of October, 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8504; Filed, Sept. 22, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1082]

CLEVELAND ELECTRIC ILLUMINATING CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of September A. D. 1948.

The Boston Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Cleveland Electric Illuminating Company, Cleveland, Ohio.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Cleveland Stock Exchange and the New York Stock Exchange; that the area deemed to constitute the vicinity of the Boston Stock Exchange is the New England States exclusive of Fairfield County, Connecticut; that out of a total of 2,324,564 shares outstanding, 462,087 shares of this security are owned by 5,815 shareholders in the vicinity of the Boston Stock Exchange; and that in the vicinity of the Boston Stock Exchange there were 1,752 transactions in this security involving 121,325 shares from July 1, 1947 to June 30, 1948;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Boston Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, No Par Value, of Cleveland Electric Illuminating Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8510; Filed, Sept. 22, 1948; 8:47 a. m.]

[File No. 7-1081]

TRI-CONTINENTAL CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities Exchange Commision, held at its office in the city of Washington, D. C., on the 17th day of September A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the $1.00 par value common stock of Tri-Continental Corporation, 65 Broadway, New York, New York.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange is the States of California and Arizona; that out of a total of 2,429,318 shares outstanding, 86,139 shares of this security are owned by 533 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 610 transactions in this security involving 106,622 shares during the period from June 1, 1947 until May 31, 1948;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the $1.00 par value common stock of Tri-Continental Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8511; Filed, Sept. 22, 1948; 8:47 a. m.]

[File No. 7-1078]

ILLINOIS CENTRAL RAILROAD CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of September A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the $100.00 par value common stock of Illinois Central Railroad Company, Chicago, Illinois.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Chicago Stock Exchange and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange is the States of California and Arizona; that out of a total of 1,357,995 shares outstanding, 24,768 shares are owned by 377 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 1,043 transactions in this security involving 90,137 shares during the period from June 1, 1947 until May 31, 1948;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the $100.00 par value common stock of Illinois Central Railroad Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8512; Filed, Sept. 22, 1948; 8:48 a. m.]

[File No. 7-1079]

AMERICAN WOOLEN CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of September A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the no par common stock of American Woolen Company, 225 Fourth Avenue, New York, New York.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Boston Stock Exchange and the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange with respect to this security which is admitted to unlisted trading privileges on the San Francisco Stock Exchange is southern California and Arizona; that out of a total of 918,670 shares outstanding, 27,585 shares of this security are owned by 551 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 1,256 transactions in this security involving 116,748 shares during the period from June 1, 1947, until May 31, 1948;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the no par common stock of American Woolen Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8513; Filed, Sept. 22, 1948; 8:48 a. m.]

[File No. 7-1080]

AMERICAN POWER AND LIGHT CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of September A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the no par common stock of American Power and Light Company, 2 Rector Street, New York, New York.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange with respect to this security which is admitted to unlisted trading privileges on the San Francisco Stock Exchange is southern California and Arizona; that out of a total of 3,008,512 shares outstanding, 41,200 shares are owned by 335 shareholders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 630 transactions in this security involving 80,892 shares during the period from June 1, 1947 until May 31, 1948;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the no par common stock of American Power and Light Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8514; Filed, Sept. 22, 1948; 8:48 a. m.]

[File Nos. 54-63 and 59-47]

REPUBLIC SERVICE CORP. ET AL.

MEMORANDUM OPINION AND ORDER APPROVING AN AMENDED JOINT PLAN OF REORGANIZATION

In the matter of Republic Service Corporation and its subsidiaries.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 16th day of September A. D. 1948.

On April 9, 1948, the Commission issued its findings, opinion and order approving an amended joint plan of reorganization ("the plan") filed by Republic Service Corporation ("Republic"), a registered holding company, and by Irving H. Isaac, a preferred stockholder of Republic. On May 28, 1948, upon application filed by the Commission at the request of Republic, the United States District Court for the District of Delaware entered an order enforcing the plan. On August 20, 1948, the Court, upon petition of Republic, entered an order which, among other things, granted leave to Republic and Isaac to file with the Commission an amendment to the plan. On August 23, 1948, such amendment was filed.

On August 24, 1948, the Commission issued a notice of filing with respect to said amendment stating that any interested person might, not later than September 7, 1948, request the Commission in writing that a hearing be held on the amendment. No requests were received within the period specified. Having considered the amendment the Commission finds and orders as follows:

Under the plan of Republic previously approved by the Commission and the Court it was proposed, among other things, to organize a new corporation in the State of Pennsylvania with an authorized capital of 100,000 shares of $10 par value common stock. It was further proposed that the new corporation borrow $950,000 and that 70,324 shares of its common stock be distributed to the preferred stockholders of Republic in the ratio of 4 shares for each share of preferred stock held. The Collateral Trust Bonds of Republic were to be retired at their face amount plus accrued interest and Republic was to be dissolved.

Under the amendment to the plan, Republic proposes temporarily to defer activation of the new corporation in order that the stockholders of Republic may retain the benefit of certain capital loss carry-overs, under section 117 (e) of the Internal Revenue Code. Instead of setting up a new corporation now, it is proposed that Republic will amend its Certificate of Incorporation under section 77-A of the General Corporation Law of Delaware authorizing, among other things, the issuance of 100,000 shares of new common stock (to be known as "New Series Common Stock") par value of $10.00 per share. Republic will borrow $950,000 at an interest rate of not to exceed 3% per annum, and it will distribute 70,324 shares of New Series Common Stock to its preferred stockholders in the ratio of 4 shares for each share of preferred stock held. These transactions proposed to be effected by Republic are the same, in substance, as those previously proposed in the plan to be undertaken by the new corporation. Republic will have the same corporate structure as heretofore approved for the new corporation, and the new securities will be distributed on the same basis as heretofore approved. In all other respects, including the retirement of the Collateral Trust Bonds of Republic at their face amount plus accrued interest, as heretofore approved by the Commission and the United States District Court for the District of Delaware, the plan remains unchanged.

The amendment provides that prior to January 1, 1953, or after full use has been made of Republic's capital loss carry-over under section 117 (e) of the Internal Revenue Code Republic will organize the new corporation as previously proposed and Republic will thereupon either be merged with, or will transfer all its assets to, such new corporation. It is also contemplated that following the issuance of $950,000 principal amount of promissory notes, certain of Republic's subsidiaries will merge and the merged company will issue and sell first mortgage bonds, the proceeds of which will be used in part to retire Republic's notes. Since these transactions are not proposed to be effected at this time and details with respect thereto have not been submitted to us, jurisdiction as to such transactions will be reserved.

It appears that the proposed amendment will effect no material changes in the amended joint plan which we have previously approved and that the modifications will have no adverse effect on Republic's security holders. We, therefore, find pursuant to section 11 (e) and subject to the reservations of jurisdiction discussed below, that the amended joint plan, as amended, is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected.

It is therefore ordered, Pursuant to section 11 (e) and other applicable provisions of the act, that the amended joint plan, as amended, be, and hereby is, approved and that the applications and declarations filed in connection therewith be, and hereby are, granted and permitted to become effective, subject to the conditions contained in Rule U-24 and subject further to the reservation of jurisdiction with respect to the following matters: (1) The organization of the new corporation and its merger with Republic, (2) the merger of Republic's subsidiaries and the issuance and sale of first mortgage bonds by the merged company, (3) the reasonableness of all fees and expenses in connection with the amended joint plan and the fees and expenses in respect of which jurisdiction has previously been reserved, and (4) such further proceedings, supplemental findings and further action as may be necessary in connection with the amended joint plan, as amended, the transactions incident thereto, and the consummation thereof.

It is further ordered, That this order shall not be operative to authorize the consummation of any of the transactions proposed in the instant amendment until the United States District Court for the District of Delaware, upon application thereto, enters an order enforcing the amended joint plan, as amended.

It is further ordered and recited, In view of the requirements of sections 371 (f), 1808 (f), and Supplement R of the Internal Revenue Code, as amended, that the following described transactions, proposed in said amended joint plan, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are necessary or appropriate to effectuate the integration or simplification of the holding company system of which Republic is a member:

(1) Elimination from the authorized capital and cancellation of the outstanding $54{,}468\frac{13}{20}$ shares of common stock of Republic.

(2) Authorization of 100,000 and issuance of 70,324 shares of new stock of $10.00 par value per share, with full cumulative voting rights and preemptive rights to purchase or subscribe for additional stock of any class.

(3) Elimination of the 17,581 shares of Preferred Stock of Republic subject to the right of the holders thereof to exchange each share of Preferred Stock for four shares of new stock.

(4) Cancellation by Republic of $291,700 principal amount of First Lien Collateral Trust Twenty-five year 5% Bonds, Series A.

(5) Issuance and sale by Republic of one or more five year notes, not exceeding an aggregate principal amount of $950,000, at an interest rate not to exceed three per centum (3%) per annum.

(6) Payment and retirement by Republic of $1,763,800 principal amount of its First Lien Collateral Trust Twenty-five year 5% Bonds, Series A, due 1951 at unpaid principal amount, together with accrued unpaid interest to the payment date, and without premium.

(7) Distribution and transfer by Republic of 70,324 shares of new stock to the holders of the 17,581 shares of Preferred Stock of Republic on the basis of four shares of new stock for each share of Preferred Stock.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8506; Filed, Sept. 22, 1948; 8:46 a. m.]

[File No. 70-1900]

SOUTHERN NATIONAL GAS CO. ET AL.

NOTICE OF FILING OF AMENDMENT AND ORDER RECONVENING HEARING

In the matter of Southern Natural Gas Company, Birmingham Gas Company, and Alabama Gas Company,

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

On July 28, 1948, Southern Natural Gas Company ("Southern"), a registered holding company, and its two direct subsidiaries, Birmingham Gas Company ("Birmingham") and Alabama Gas Company ("Alabama"), filed a joint application-declaration with the Commission, pursuant to the Public Utility Holding Company Act of 1935, relating to a proposed merger of Alabama into Birmingham.

Southern owns all the common stock of Alabama. As of April 30, 1948, Southern owned 253,642 shares, or approximately 93%, of the common stock of Birmingham and the public owned 19,410.52 shares, or approximately 7%, of such stock. As originally filed, the application for merger proposed that the present common stock of Birmingham remain outstanding and that 448,371 shares of new stock of Birmingham be issued to Southern in exchange for its holdings of common stock of Alabama. Upon completion of the merger, as proposed, Southern would own 702,017.48, or approximately 97.3%, and the public would continue to own 19,410.52, or 2.7% of the total of 721,428 shares of Birmingham proposed to be outstanding.

After appropriate notice a public hearing was held with respect to the proposed merger and, by agreement of counsel, adjourned subject to further order of the Commission.

Notice is hereby given that an amendment to the instant filing was made on September 10, 1948, whereby, among other things, Southern is proposing the following additional transactions:

Southern proposes to offer to each public holder of common stock of Birmingham one share of common stock of Southern in exchange for each two shares of common stock of Birmingham delivered by such stockholder to Southern. This offer is at the option of the public holders of Birmingham's common stock and public holders who elect not to avail themselves of such exchange offer will retain, in accordance with the provisions of the merger plan as originally filed, their security interests in Birmingham. It is proposed that this offer of exchange will remain open for a period of six months from the date first made, subject to the right of Southern to extend it for such further period as it may elect until December 31, 1949. On September 3, 1948, the holders of the minority interest in common stock of Birmingham held a total of 18,838.52 shares; accordingly, the maximum number of shares of stock of Southern to be issued in connection with this offer will be 9,419 shares. Southern now has outstanding 1,409,212 shares of common stock out of a total of 1,500,000 shares thereof authorized. If the offer is accepted in full Southern will have outstanding 1,418,631 shares of common stock and Birmingham's common stock will be entirely owned by Southern.

It is ordered, That the hearing in this matter heretofore adjourned be reconvened before Harold B. Teegarden, the Hearing Officer presiding at the previous hearing, at 10 a. m., e. d. s. t., on September 24, 1948, in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings should file with the Secretary of the Commission on or before September 20, 1948, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the amendment and that upon the basis of the entire filing the following matters and questions, in addition to those heretofore raised in this proceeding and without prejudice as to the presentation of additional matters and questions upon further examination, are presented for consideration by the Commission:

1. Whether the interest in the resulting company which will be retained by the present public holders of Birmingham's common and preferred stocks represents fair and reasonable consideration for the interests in Birmingham presently held by the public;

2. Whether the offer by Southern to the public security holders of Birmingham is in all respects fair and reasonable and not detrimental to the interest of investors and consumers; and

3. Whether and, if so, in what manner the proposed transactions should be modified, either by amendment or by a condition of the Commission imposed in connection with the consummation thereof, with respect to persons now owning shares of Birmingham's common stock who do not exchange their holdings for stock of Southern.

It is further ordered, That notice of said reconvened hearing is hereby given to Southern, Birmingham, Alabama, and all interested persons, said notice to be given to Southern, Birmingham, and Alabama by registered mail and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of the Commission distributed to the press and mailed to the persons on the mailing list of the Commission for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8507; Filed, Sept. 22, 1948; 8:47 a. m.]

[File No. 70-1919]

NATIONAL POWER & LIGHT CO. AND MEMPHIS GENERATING CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of September A. D. 1948.

National Power & Light Company ("National"), a registered holding company, and its wholly owned subsidiary, Memphis Generating Company ("Memphis"), having filed a joint declaration pursuant to sections 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43, U-44 and U-46 of the rules and regulations promulgated thereunder regarding the following transactions:

National, which owns all of the outstanding capital stock of Memphis consisting of 44,000 shares of common stock having a par value of $100 per share, proposes to sell to Memphis 5,000 shares of such common stock for a cash consideration of $500,000. Memphis proposes to retire such 5,000 shares of stock and effect a reduction of its capital in the amount of $500,000.

National proposes to use the proceeds of the proposed sale, together with other funds, for the payment of a liquidating dividend of 25¢ per share on its outstanding 5,456,100 shares of common stock.

Said declaration having been filed on August 4, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest that said declaration be permitted to become effective forthwith; and further deeming it appropriate to grant the declarant's request that the order herein become effective upon the issuance thereof; and

Declarants having requested that the order of the Commission contain the findings and recitals required by the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof and the Commission deeming it appropriate to grant such request:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said declaration be, and the same hereby is, permitted to become effective forthwith.

It is further ordered and recited, That (1) the sale and transfer by National and the acquisition for cancellation by Memphis in exchange for $500,000 in cash of 5,000 shares of the common stock of Memphis and (2) the payment by National to its common stockholders of a dividend of $0.25 per share in partial liquidation of its capital stock liability are necessary or appropriate to the integration or simplification of the holding company system of which Memphis and National are members and are necessary or appropriate to effectuate the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8515; Filed, Sept. 22, 1948; 8:46 a. m.]

[File No. 70-1931]

CONSOLIDATED ELECTRIC AND GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, having filed a declaration with four amendents thereto, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations thereunder, regarding the following transactions:

The issuance and sale by Consolidated, at par, of one year promissory notes in the aggregate face amount of $5,000,000, bearing interest at the rate of 3½% per annum, these notes to be sold to Central Hanover Bank and Trust Company, New York, New York and Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois, in the amount of $2,500,000 to each bank; Consolidated also proposing to pledge, as security for said notes, certain portfolio securities owned by it and its direct and wholly owned subsidiary, The Islands Gas and Electric Company ("Islands"); the proceeds from the sale of these notes to be used, together with other corporate funds, to retire bank notes of Consolidated now outstanding in the total aggregate amount of $5,200,000, maturing September 19, 1948;

The Commission having ordered a hearing with respect to said filing, which hearing was duly held with no person or representative of any group appearing in opposition to the transactions; Consolidated, prior to the date of the scheduled hearing, having filed an amendment to its declaration specifying in detail the future transactions to be undertaken by it for the payment and satisfaction of these new notes and the effect thereof upon the development and expeditious prosecution of a program to complete the conformance by Consolidated and its associate companies with the requirements of section 11 of the act; this amendment representing that Consolidated contemplates the following undertakings: (a) During the month of September 1948, the filing with this Commission of a declaration concerned with the sale of all of the common stock of Upper Peninsula Power Company now owned by Consolidated (it being estimated by representatives of Consolidated that the proceeds of this sale, together with funds expected to be received from the Federal Government as a refund of federal income and excess profits tax for the year 1943, will approximate $1,800,000 to $2,000,000); (b) the application of the net proceeds from the above-described sale of Upper Peninsula Power Company and the anticipated federal income and excess profits tax rebate to the reduction of the new notes; (c) the sale by Compania Electrica de Santo Domingo, C. par. A., one of the subsidiaries of Consolidated, of all the water properties of that company and the use of the proceeds to discharge its publicly held obligations; and (d) the recapitalization of certain subsidiaries of Consolidated and the sale of securities to the public by Consolidated to provide additional funds which are to be applied to the notes; additionally, the filing indicating that representatives of Consolidated have under consideration the merger or consolidation of Consolidated and Islands and the subsequent merger of Consolidated into Central Public Utility Corporation ("Central Public"), the parent of Consolidated, as soon as the tax problems attendant upon such mergers or consolidations can be satisfactorily settled;

The Commission finding, on the basis of the representations made in said filing including those with respect to the intention of Consolidated to take major steps looking toward the liquidation of the new notes which steps will be considered by the Commission on their merits when approval thereof is sought, that there is no reason for making any adverse findings with respect to the instant declaration and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective, and further deeming it appropriate that this order become effective upon issuance;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that this declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8509; Filed, Sept. 22, 1948; 8:47 a. m.]

[File No. 70-1936]

REPUBLIC SERVICE CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

Republic Service Corporation ("Republic"), a registered holding company, having filed an application pursuant to the provisions of section 6 (b) of the Public Utility Holding Company Act of 1935 for an exemption from the provisions of sections 6 (a) and 7 thereof with respect to the issue and sale of securities as follows:

Republic proposes to borrow, on or about October 1, 1948, the sum of $150,000 (including the renewal of $50,000 of present indebtedness) from Provident Trust Company of Philadelphia and to issue therefor its nine month promissory note bearing interest at the rate of 4% per annum. The stated purpose of the loan is to reimburse Republic's treasury for construction advances made to subsidiaries.

The note proposed to be issued will be subordinated in certain respects to $950,000 principal amount of five year secured notes proposed to be issued by Republic under its plan of reorganization (see Holding Company Act Release No. 8170). The $150,000 note will constitute approximately 9.1% of the principal amount of par value of the securities of Republic to be outstanding upon consummation of the reorganization. The company requests authorization, pursuant to the first sentence of section 6 (b) of the act, to issue such note;

Said application having been filed on August 25, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon;

The Commission finding with respect to said application that it is appropriate in the public interest and for the protection of investors and consumers that said application be granted and deeming it appropriate to grant the request that this order become effective forthwith upon issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said application, as amended, be, and the same hereby is, granted, such order to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8508; Filed, Sept. 22, 1948; 8:47 a. m.]

[File No. 70-1943]

NEW YORK STATE ELECTRIC & GAS CORP. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of September 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, New York State Electric & Gas Corporation ("New York State"). Applicants-declarants have designated sections 9, 10 and 12 of the act and Rule U-43 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may not later than September 29, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said joint application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 29, 1948, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the office of the Commission for a statement of the transaction therein proposed which is summarized as follows:

GPU proposes to purchase from New York State 2,725 shares of the noncumulative no par value (voting) preferred stock of Staten Island Edison Corporation, a subsidiary of New York State, for a net cash price of $272,500. The 2,725 shares of preferred stock of Staten Island Edison Corporation constitute all the outstanding shares of such stock. GPU owns all of the outstanding (non-voting) common stock of Staten Island Edison Corporation.

Applicants-declarants state that the Public Service Commission of the State of New York has jurisdiction over the proposed acquisition by GPU of the preferred stock of Staten Island Edison Corporation. A copy of the order of that Commission permitting GPU to acquire the preferred stock of Staten Island Edison Corporation has been filed as an exhibit to the joint application-declaration.

Applicants-declarants request that the Commission find, in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) thereof, that the sale, transfer, and delivery by New York State to GPU of the 2,725 shares of the preferred stock of Staten Island Edison Corporation are necessary or appropriate to the simplification of the GPU holding company system and are necessary and appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8505; Filed, Sept. 22, 1948; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 117]

ALMONDS

NOTICE OF INVESTIGATION

The United States Tariff Commission on this 17th day of September 1948, under and by virtue of section 336 of Title III of the Tariff Act of 1930 and pursuant to the rules and regulations of the Commission, hereby gives notice of an investigation, for the purposes of said section 336, of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the following articles described in paragraph 756 of Title I of said tariff act, namely,

Almonds, shelled, and almonds, blanched, roasted, or otherwise prepared or preserved.

being wholly or in part the growth or product of competing foreign countries, and of and with respect to like or similar articles wholly or in part the growth or product of the United States.

All parties interested shall be given opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the Commission in Washington, D. C., or at such other place or places as the Commission may designate, on a date hereafter to be fixed and publicly announced.

I certify that this investigation was ordered by the United States Tariff Commission on the 16th day of September 1948.

SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 48-8522; Filed, Sept. 22, 1948; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11916]

CHARLES KORZ

In re: Trusts under the Will of Charles Korz, deceased. File No. D-28-12310; E. T. sec. 16517.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Korz, Andreas Wahrheit, Hans Wahrheit, Karl Wahrheit, Elizabeth Wahrheit, (known as Sister Deodata O. S. F.), and Karl Herman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trusts created under the Will of Charles Korz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Alwina Korz and George F. Dietz, as surviving executors and trustees, acting under the judicial supervision of the Morris County Orphans' Court, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8531; Filed, Sept. 22, 1948; 8:52 a. m.]

[Vesting Order 11971]

JULIUS DRANZ

In re: Estate of Julius Dranz, deceased. File D-28-2122; E. T. sec. 2679.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ottilie Schroeter, Hedwig Auguste Louise Kaulfuss, Walter Hamann, Helene Bittner, Gustav Dranz, Robert Dranz, Frieda Fablenke, nee Dranz and Richard Otto Dranz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Julius Dranz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Thomas R. Madden, as Administrator, acting under the judicial supervision of the Probate Court, City of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8532; Filed, Sept. 22, 1948; 8:52 a. m.]

[Vesting Order 11976]

HENRIETTA HOPF

In re: Estate of Henrietta Hopf, also known as Henriette Hopf, deceased. File No. D-28-12372; E. T. sec. 16611.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Hopf, August Hopf, Anna Seufert, Konrad Hopf, Johann Hopf, Kathe Burkhardt, Anni Michels, Anna Stadler, Babette Hirschmann, Margarethe Uhlherr, Jette Kohl, Jobtst Hopf, Konrad Hopf, Margaretha Kohl and Jette Friedrich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Henrietta Hopf, also known as Henriette Hopf, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Lisette Flohry, as Executrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8533; Filed, Sept. 22, 1948; 8:52 a. m.]

[Vesting Order 12027]

HEINRICH DAEHNHARDT

In re: Stock owned by Heinrich Daehnhardt. F-28-22974-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Daehnhardt, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: Three (3) shares of No Par Value $6 Cumulative Convertible Preferred Capital Stock of General Shareholdings Corporation, 65 Broadway, New York, N. Y., a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 3787, registered in the name of Heinrich Daehnhardt, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8534; Filed, Sept. 22, 1948; 8:52 a. m.]

[Vesting Order 12030]

CURT HERMANN EYL

In re: Cash owned by Curt Hermann Eyl, also known as Rudolf-Curt Hermann Eyl. F-28-1458-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Curt Hermann Eyl, also known as Rudolf-Curt Hermann Eyl, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $940.00, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8535; Filed, Sept. 22, 1948; 8:53 a. m.]

REFERENCE

FEDERAL REGISTER

VOLUME 13 NUMBER 187

Washington, Friday, September 24, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 CCC Soybean Bulletin 1]

PART 257—SOYBEAN LOANS AND PURCHASES

SUBPART 1948

This bulletin states the requirements with respect to the 1948 Soybean Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available in accordance with this bulletin on eligible soybeans produced in 1948.

Sec.

257.201 Administration.
257.202 Availability of loans and purchase agreements.
257.203 Approved lending agencies.
257.204 Eligible producer.
257.205 Eligible soybeans.
257.206 Eligible storage.
257.207 Approved forms.
257.208 Determination of quantity.
257.209 Determination of foreign material and dockage.
257.210 Liens.
257.211 Service fees.
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257.213 Loan rates and purchase price.
257.214 Interest rate.
257.215 Transfer of producer's equity.
257.216 Safeguarding of the soybeans.
257.217 Insurance.
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257.221 Removal of the soybeans under loan.
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257.223 Purchase of notes.
257.224 Storage allowance.
257.225 PMA Commodity offices.

AUTHORITY: §§ 257.201 to 257.225 issued under sec. 4 (a), 55 Stat. 498, as amended, sec. 5 (a), Pub. Law 806 80th Cong.; sec. 1 (b), Pub. Law 897 80th Cong.; 15 U. S. C. 713 a—8 (a).

§ 257.201 *Administration.* The program will be administered in the field by PMA through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and PMA Commodity offices. The program will be under the general supervision and direction of the Manager of CCC. Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of the soybeans, the amount of the loan or purchase, and the value of the soybeans delivered under the program. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursement on loan documents or with the address of the PMA Commodity office to which loan documents may be forwarded for disbursement.

§ 257.202 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans shall be available on eligible soybeans in eligible storage in any area; except that loans on farm-stored soybeans will not be made in any State if the State PMA Committee determines that, due to insect infestation or damage due to other reasons, farm storage of soybeans is not feasible.

(2) Purchase agreements shall be available on eligible soybeans in all areas.

(b) *Time.* Loans and purchase agreements shall be available through December 31, 1948. Notes and chattel mortgages, note and loan agreements, and purchase agreements, must be signed by the producer and delivered or mailed to the county committee prior to January 1, 1949.

(c) *Source.* Loans shall be made available to producers direct by PMA Commodity offices and by lending agencies under lending agency agreements with CCC. Purchase agreements shall be available through the offices of the county committees.

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directed to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

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§ 257.203 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which the CCC has entered into a Lending Agency Agreement (Form PMA–97) or other form prescribed by the CCC.

§ 257.204 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing the soybeans in 1948, as landowner, landlord, tenant, or sharecropper.

§ 257.205 *Eligible soybeans.* Eligible soybeans shall be soybeans which meet the following requirements:

(a) The soybeans must be produced in the continental United States in 1948 by an eligible producer.

(b) The beneficial interest in the soybeans must be in the producer tendering the soybeans for a loan or purchase and must always have been in him, or must have been in him and a former producer whom he succeeded before the soybeans were harvested.

(c) The soybeans must grade No. 4 or better with respect to factors other than moisture and have a moisture content not in excess of 14 percent. The soybeans must not grade weevily, musty, sour, heating, hot, or have any commercially objectionable odor, or otherwise be of low quality.

(d) To be eligible for a farm storage loan, soybeans must have been stored in the granary or bin at least 30 days prior to its inspection for measurement, sampling, and sealing unless otherwise approved by the State PMA Committee.

§ 257.206 *Eligible storage.* Eligible storage for soybeans shall meet the following requirements:

(a) Eligible farm storage shall consist of farm bins and granaries which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the soybeans for a period of two years, permit effective fumigation for the destruction of insects and afford protection against thieves, rodents, other animals, and weather.

(b) Eligible warehouse storage shall consist of (1) public grain warehouse for which a Uniform Grain Storage Agreement (CCC Form H Revised) for the 1948 crop has been executed, or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission. A list of approved warehouses will be furnished State offices and county committees.

§ 257.207 *Approved forms.* The approved forms consist of the loan and purchase documents which, together with the provisions of this bulletin govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement or in executing any of the loan or purchase documents will render him subject to criminal prosecution. Loan and purchase documents must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of the producer's note on CCC Commodity Form A, secured by a chattel mortgage on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreements on CCC Commodity Form B, secured by negotiable warehouse receipts representing the soybeans stored in eligible warehouses. All soybeans pledged as security for a loan on a single CCC Commodity Form B must be stored in the same warehouse.

(c) *Purchase agreements.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase 1) and Purchase Agreement Settlement (Commodity Purchase 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Soybeans in eligible warehouse storage must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Each warehouse receipt must set forth in its written terms that the soybeans are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) The warehouse receipt, and the soybeans represented thereby, must be free of all liens for warehouse charges prior to July 15, 1948 or the date of the warehouse receipt, whichever is later.

(4) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross and net weight or bushels, class, subclass, test weight, and such other information as is required to determine the premiums and discounts specified in § 257.213 and by the Uniform Warehouse Receipts Act.

§ 257.208 *Determination of quantity.* A bushel will be 60 pounds of soybeans free of dockage and foreign material in excess of 2 percent, when determined by weight, or 1.25 cubic feet of soybeans testing 60 pounds per bushel when determined by measurement. A deduction of ¾ pound for each sack will be made in determining the net quantity of the soybeans when stored as sacked grain. In determining the quantity of soybeans in farm storage by measurement, fractional pounds of the test weight per bushel will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 60-pound soybeans:

For soybean testing	*Percent*
60 pounds or over	100
59 pounds or over, but less than 60	98
58 pounds or over, but less than 59	97
57 pounds or over, but less than 58	95
56 pounds or over, but less than 57	93
55 pounds or over, but less than 56	92
54 pounds or over, but less than 55	90
53 pounds or over, but less than 54	88
52 pounds or over, but less than 53	87
51 pounds or over, but less than 52	85
50 pounds or over, but less than 51	83
49 pounds or over, but less than 50	82

§ 257.209 *Determination of foreign material and dockage.* Dockage and foreign material other than dockage, which, singly or in combination total 2 percent or less shall not be deducted from the gross weight of the soybeans. If the total weight of foreign material and dockage combined is in excess of 2 percent, the excess shall be deducted from the total weight of soybeans in the determination of the net number of bushels of soybeans. For purposes of this determination, dockage shall be computed in whole percentages. Less than 1.0% actual dockage shall be disregarded, and fractional percentages in excess of 1% shall be rounded to the next lower whole percent-

age. Foreign material percentages shall be stated in tenths.

§ 257.210 *Liens.* The soybeans must be free and clear of all liens and encumbrances except liens for warehouse charges from July 15, 1948, or the date of the warehouse receipt, whichever is later, or if other liens or encumbrances exist on the soy beans, proper waivers must be obtained.

§ 257.211 *Service fees*—(a) *Loans.* Where the soybeans under loan are farm stored, the producer shall pay a service fee of 1 cent per bushel on the number of bushels placed under loan or $3.00, whichever is greater; if the quantity of soybeans delivered in satisfaction of the loan exceeds the quantity of soybeans placed under loan, a service fee of 1 cent per bushel shall be charged the producer on the excess quantity delivered. Where the soybeans under loan are warehouse stored, the producer shall pay a service fee of ½ cent per bushel on the number of bushels placed under loan or $1.50, whichever is greater.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of ½ cent per bushel on the number of bushels specified on Commodity Purchase 1 as the maximum quantity he may deliver, or $1.50, whichever is greater.

(c) *Service fees not to be refunded.* No refund of service fees will be made.

§ 257.212 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after amounts due prior lienholders. Indebtedness owing to the CCC shall be given first consideration after claims of prior lienholders.

§ 257.213 *Loan rates and purchase price*—(a) *Basic loan and purchase rate and specifications.* The basic loan and purchase rate per net bushel of eligible Class I (Yellow) and Class II (Green) soybeans, containing 14% moisture and grading No. 2 or better in accordance with U. S. Grain Standards, stored in eligible storage or delivered under a purchase agreement shall be $2.18 per bushel.

The basic rate of Class III (Brown), Class IV (Black), and Class V (Mixed) eligible soybeans shall be 20 cents per bushel less than the basic rate for Class I and Class II soybeans.

Mixtures of Classes I and II eligible soybeans which contain 5% (actual) or less of Classes III and IV soybeans and bi-colored soybeans, either singly or in combination, shall take the applicable rate for Classes I and II soybeans. If more than 5% of Classes III and IV and bi-colored soybeans, either singly or in combination, are contained in a mixture of eligible soybeans which otherwise would take the rate from Classes I and II soybeans, the mixture shall take the applicable rate for Classes III, IV, and V soybeans. Mixture of green soybeans in Class I and Yellow soybeans in Class II shall be disregarded for purposes of determining applicable loan and purchase rates.

(b) *Premiums and discounts.* Premiums and discounts from the basic loan and purchase rate shall be in accordance with the following schedule:

SCHEDULE OF PREMIUMS AND DISCOUNTS FROM BASIC LOAN AND PURCHASE PRICE FOR 1948 CROP SOYBEANS

Test weight [1]—Discounts		Moisture [2]—Premiums	
Pounds	Cents	Percent	Cents
53.0	½	Below 11.3	6
52.0	1	11.3–11.7 both incl.	5
51.0	1½	11.8–12.0 both incl.	4
50.0	2	12.3–12.7 both incl.	3
49.0	2½	12.8–13.2 both incl.	2
		13.3–13.7 both incl.	1
		13.8–14.0 both incl.	0
Not eligible if below 49 pounds.		Not eligible if above 14 percent.	

Splits—Discounts		Damage [3]—Discounts	
Percent	Cents	Percent	Cents
15.1–20.0 both incl.	¼	4.0	½
20.1–25.0 both incl.	½	5.0	1
25.1–30.0 both incl.	¾	6.0	1½
		7.0	2
		8.0	2½
Not eligible if above 30 percent.		Not eligible if above 8.5 percent.	

[1] Round down to nearest pound (drop fractions)
[2] Round to nearest ½ percent.
[3] Round to nearest whole percentage (drop fractions of 0.5)

§ 257.214 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum and interest shall accrue from the date of disbursement on the loan, notwithstanding the printed provisions of the note.

§ 257.215 *Transfer of producer's equity*—(a) *Loans.* The right of the producer to transfer either his right to redeem the soybeans under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his purchase agreement.

§ 257.216 *Safeguarding of the soybeans.* The producer obtaining a farm storage loan is obligated to maintain the farm storage structures in good repair and to keep the soybeans in good condition.

§ 257.217 *Insurance.* CCC will not require the producer to insure the soybeans placed under farm storage loan; however, if the producer does insure such soybeans, such insurance shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the soybeans involved in the loss.

§ 257.218 *Loss or damage to the soybeans.* The producer is responsible for any loss in quantity or quality of the soybeans placed under farm storage loan except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer, and resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 257.219 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the soybeans by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 257.220 *Maturity and satisfaction*—(a) *Loans.* Loans mature on demand but not later than April 30, 1949. In the case of farm storage loans, the producer is required to pay off his loan on or before maturity, or to deliver the mortgaged soybeans in accordance with instructions of the county committee. Credit will be given for the total quantity so delivered, provided it was stored in the bin(s) in which the soybeans under loan were stored, at the applicable loan rate, according to grade and/or quality. If the settlement value of the soybeans delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the soybeans is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the soybeans may be delivered before the maturity date of the loan upon prior approval by the county committee. In the case of warehouse storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the soybeans in accordance with the provisions of the note and loan agreement and § 257.221.

(b) *Purchase agreement.* The producer who signs a purchase agreement (Commodity Purchase 1) shall not be obligated to deliver any soybeans to CCC. He may deliver any amount up to but not in excess of the number of bushels shown on Commodity Purchase 1. If the producer desires to deliver soybeans to CCC, he shall, within 30 days following April 30, 1949, the maturity date for soybean loans, or such earlier date as demand for payment of soybeans loans may be made, submit warehouse receipts representing eligible soybeans stored in eligible warehouse storage to the county committee for the quantity of such soybeans he elects to sell to CCC. In the case of soybeans stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Soybeans in other than eligible storage will be purchased on delivery at points designated by CCC. When delivery is completed payment shall be made by a sight draft drawn on CCC by the State PMA office on the basis of approved Commodity Purchase 4. The producer shall direct on such form to whom payment of the purchase price shall be made.

Eligible soybeans will be purchased on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and accompanying documents, or, if such soybeans are delivered to a CCC bin site, on the basis of the weight, grade, and other quality factors determined by the county committee (in accordance with instructions for the determination of such factors under the loan program) and approved by the producer at the time of delivery.

(c) *Track-loaded soybeans.* A loading payment of 2 cents per bushel will be made to the producer on soybeans delivered on track at a country point.

§ 257.221 *Removal of the soybeans under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the soybeans and sell them either by separate contract or after pooling them with other lots of soybeans similarly held. The producer has no right of redemption after the soybeans are pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled soybeans as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of soybeans even though part or all of such pooled commodity is disposed of at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the soybeans or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 257.222 *Release of the soybeans under loan.* A producer may at any time obtain release of the soybeans remaining under loan by paying to the holder of the note or note and loan agreement the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon repayment of a farm storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the soybeans prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the soybeans to be released. In case of warehouse storage loans, each partial release must cover all the soybeans under one warehouse receipt number.

§ 257.223 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on USDA—PMA CCC Form 500, Repayment Record, or such other form as CCC may prescribe, of all payments received on producer's notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the CCC field office serving the area.

§ 257.224 *Storage allowance*—(a) *Warehouse storage loans.* Under the loan program CCC will assume accrued warehouse charges on soybeans which are not redeemed.

(b) *Farm storage loans.* A farm storage payment of 7 cents per bushel will be paid to the producer (1) on soybeans delivered to CCC on or after the maturity date, or (2) on soybeans delivered to CCC prior to the maturity date pursuant to demand by CCC for repayment of the loan. If delivery is made prior to April 30, 1949, upon request by the producer and with the approval of CCC, the storage payment will be as follows:

6 cents per bushel if delivered in month of April 1949.
5 cents per bushel if delivered in month of March 1949.
4 cents per bushel if delivered in month of February 1949.
3 cents per bushel if delivered in month of January 1949.
2 cents per bushel if delivered in month of December 1948.

Earned storage shall be computed after delivery has been completed.

No storage payment will be made on soybeans delivered to CCC prior to April 30, 1949, pursuant to demand by CCC for the repayment of a loan if such demand for repayment was due to any fraudulent representation on the part of the producer or the fact that the soybeans were damaged, threatened with damage, abandoned, or otherwise impaired.

In the case of losses assumed by CCC under the loan program, CCC will pay the producer, with respect to the quantity lost, a storage payment of 7 cents per bushel, less 1 cent per bushel for each full month for the time between the date of the loss and the maturity of the loans.

(c) *Purchase agreements.* CCC will assume accrued warehouse charges on soybeans in eligible warehouse storage, provided that CCC will not assume any charges in excess of those provided under the Uniform Grain Storage Agreement, CCC Form H, revised, for the 1948 crop; or make a payment of 7 cents per bushel to the producer on soybeans in eligible warehouse storage if it is shown that all warehouse charges other than receiving charges have been paid by the producer up to the time he submits the warehouse receipt to the county committee. A payment of 7 cents per bushel will be made to the producer on soybeans delivered from other than eligible warehouse storage pursuant to delivery instructions issued by the county committee.

§ 257.225 *PMA Commodity offices.* The PMA Commodity offices and the areas served by them are shown below:

Address and Area
449 West Peachtree Street NE., Atlanta 3, Ga.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.
623 South Wabash Avenue, Chicago 5, Ill.: Illinois, Indiana, Iowa, Michigan, Ohio.
1114 Commerce Street, Dallas 2, Tex.: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
417 East Thirteenth Street, Kansas City 6, Mo.: Colorado, Kansas, Missouri, Nebraska, Wyoming.
328 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.
67 Broad Street, Room 1304, New York 4, N. Y.: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.
515 Southwest Tenth Avenue, Portland 5, Oreg.: Idaho, Oregon, Washington.
30 Van Ness Avenue, San Francisco 2, Calif.: Arizona, California, Nevada, Utah.

Issued this 21st day of September 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 21, 1948.

FRANK K. WOOLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 48–8600; Filed, Sept. 23, 1948; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 987—IRISH POTATOES IN MAINE

It is hereby ordered, That such handling of Irish potatoes grown in the State of Maine as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity shall, from and after the effective time hereof, be in conformity to and compliance with the terms and conditions of this order regulating the handling of Irish potatoes grown in the State of Maine.

Sec.
987.0 Findings and determinations.
987.1 Definitions.
987.2 Administrative committee.
987.3 Expenses and assessments.

Sec.
987.4 Regulation.
987.5 Regulation of surplus.
987.6 Shipments for specified purposes.
987.7 Reports.
987.8 Compliance.
987.9 Right of the Secretary.
987.10 Effective time and termination.
987.11 Effect of termination or amendment.
987.12 Duration of immunities.
987.13 Agents.
987.14 Derogation.
987.15 Personal liability.
987.16 Separability.
987.17 Amendments.

AUTHORITY: §§ 987.0 to 987.17 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 248; 61 Stat. 202, 707; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947; 12 F. R. 4534.

§ 987.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), a public hearing was held at Presque Isle, Maine, on April 26–29, 1948, upon a proposed marketing agreement and a proposed order regulating the handling of Irish potatoes grown in the State of Maine. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(2) This order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act; and

(3) This order and all of the terms and conditions of this order will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period, August 1919–July 1929, and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish, an (iii) by authorizing the establishment and maintenance of such minimum standards of quality, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest.

(b) *Additional findings.* It is necessary, in the public interest, to make the effective date not later than September 1948. Any delay beyond such effective date of this order will seriously jeopardize the possibility of attaining orderly marketing of the 1948 crop of Irish potatoes grown in the State of Maine, the marketing season for which starts in early September. Shipments of such potatoes normally become heavy in October and continue in volume through the following May. It is necessary to make this order effective by the aforesaid date so that the State of Maine Potato Committee, the administrative agency provided for in the order, can be organized and start functioning as soon as possible. In this manner, it will be possible for regulations to be formulated and issued before inception of volume shipments of the 1948 Maine potato crop. Growers and shippers will then be in a position to obtain the benefits of this program during the current marketing season. Compliance with this order will not require any preparation on the part of handlers and adequate notice will be given by the committee so that handlers will have sufficient time to make any necessary preparations for compliance with rules and regulations which may be issued thereafter. The nature and provisions of the order are well known to handlers of Irish potatoes grown in the State of Maine since the public hearing was held in April 1948, and the recommended decision and final decision were published in the FEDERAL REGISTER on August 5, 1948 and August 26, 1948, respectively. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making this order effective September 27, 1948, and that it would be contrary to the public interest to delay the effective date of the order for 30 days after its publication (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that: (1) A marketing agreement regulating the handling of Irish potatoes grown in the State of Maine production area, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the Irish potatoes covered by this order) who handled not less than 50 percent of the volume of such Irish potatoes covered by this order;

(2) This order regulates the handling of such Irish potatoes in the same manner as, and is made applicable only to persons in the respective classes of industrial and commercial activity specified in, the aforesaid marketing agreement;

(3) The issuance of this order is favored or approved (i) by at least two-thirds of the producers who participated in a referendum conducted by the Secretary of Agriculture and who, during the representative period (July 1, 1947–June 30, 1948) determined by the Secretary of Agriculture, were engaged, within the production area specified herein, in the production of Irish potatoes for market, and (ii) by producers, who participated in the aforesaid referendum, who, during the aforesaid representative period, produced for market, within the production area specified in this order, at least two-thirds of the volume of Irish potatoes produced by all producers who participated in the said referendum.

§ 987.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.; 61 Stat. 202, 707).

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit.

(d) "Production area" means all territory included within the boundaries of the State of Maine.

(e) "Potatoes" means all varieties of Irish Potatoes grown within the State of Maine.

(f) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes in fresh form.

(g) "Ship" or "handle" means to transport, sell, or any other way to ship or place potatoes in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect any such commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on July 1 of each year and ending June 30 of the following year.

(j) "Committee" means the administrative committee, called the State of Maine Potato Committee, established pursuant to § 987.2.

(k) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(l) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of Maine.

(m) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

(n) "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

(o) "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

(p) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the Department of Agriculture on September 10, 1941, effective June 1, 1942 (12 F. R. 3651), or amendments thereto, or modifications thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture on November 3, 1947, effective December 8, 1947 (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(3) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture on November 26, 1935, or amendments thereto, or modifications thereof, or variations based thereon.

(q) "Export" means shipment of potatoes beyond the boundaries of continental United States.

(r) "District" means each one of the geographical divisions of the production area hereby established as follows:

District No. 1. Township 11, Range 8, Townships 11, 12, 13, and 14, Range 7, Township 14, Range 6, Townships 14, 15, 16, Range 5, Townships 16, 17, Range 4, Township 17, Range 3, the towns of Van Buren, Cyr, Connor, Caswell, Hamlin, and all towns and townships north and west thereof in Aroostook County.

District No. 2. All the towns and townships in Aroostook County not included in Districts No. 1 and 3 hereof;

District No. 3. Mount Chase Plantation, Stacyville Plantation, the town of Patten and Township 2, Range 6, in Penobscot County, and Township 8, Range 5, Township 8, Range 4, Township 8, Range 3, Township C, Range 2, the town of Monticello, and all the towns and townships south thereof in Aroostook County;

District No. 4. All the remaining counties, towns, and townships in the State of Maine not included in Districts 1, 2, and 3 of this section.

§ 987.2 *Administrative committee*—(a) *Establishment and membership.* (1) The State of Maine Potato Committee consisting of 8 members, of whom five shall be producers and three shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) (i) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(ii) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the State of Maine, or officers or employees of a corporate handler in the aforesaid State, and such persons shall be residents of the State of Maine.

(b) *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of July and continuing until the end of the then current fiscal year, and until their successors are selected and have qualified. Committee members and alternates shall serve during the fiscal year for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the fiscal year and continuing until the end thereof, and until their successors are selected and have qualified.

(c) *Selection.* The Secretary shall select two producer members of the committee, with their respective alternates, from district number 2 and one producer member, with his respective alternate, from each of the other districts, as defined in § 987.1 (r), which members and alternates shall represent the respective district from which they are selected. The Secretary shall also select three handler members of the committee, with their respective alternates, from the production area at large.

(d) *Nomination.* The Secretary may select the members of the State of Maine Potato Committee and their respective alternates from nominations which may be made in the following manner:

(1) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(2) In order to provide nominations for succeeding committee members and alternates:

(i) The State of Maine Potato Committee shall hold or cause to be held prior to May 1 of each year, after the effective date hereof, a meeting or meetings of producers in each of the districts designated in § 987.1 (r) and a meeting or meetings of handlers in the production area;

(ii) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(iii) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee;

(iv) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(v) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(vi) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(vii) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(e) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (d) (2) of this section, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for herein.

(f) *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (d) (2) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(h) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(i) *Procedure.* (1) Six members of the committee shall be necessary to constitute a quorum and six concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(j) *Expenses and compensation.* Committee members or their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be de-

termined by the committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending meetings of the committee.

(k) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(l) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(4) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(5) To furnish to the Secretary such available information as he may request;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(9) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

§ 987.3 *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to perform its functions hereunder during each fiscal year and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who first ships potatoes shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal year, and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. Such handler's pro rata share of such expense shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(2) If, after reasonable effort by the committee, it is found impossible to return excess funds to handlers, such funds shall, with the approval of the Secretary, be turned over to an appropriate agency serving potato producers in the production area.

(3) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds.* All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(2) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 987.4 *Regulation*—(a) *Marketing policy.* At the beginning of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

(b) *Recommendation for regulations.* (1) It shall be the duty of the committee to investigate supply and demand conditions for grade, size, and quality of potatoes of all varieties. In such investigations, the committee shall give due consideration to the following factors:

(i) Market prices of potatoes, including prices by grade, size and quality in wholesale or in consumer packs, or any other shipping unit;

(ii) Potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets;

(iii) Supply of potatoes, by grade, size and quality, in the State of Maine and other production areas;

(iv) The trend and level of consumer income; and

(v) Other relevant factors.

(2) The committee shall recommend regulation to the Secretary, in accordance herewith, whenever it finds, on the basis of the foregoing investigation, that such conditions make it advisable:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of tablestock or seed potatoes, or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs (or any other shipping unit), for tablestock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality.

(c) *Issuance of regulation.* (1) The Secretary shall limit the shipment of potatoes as hereinafter set forth, whenever he finds from the recommendations and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of tablestock or seed potatoes, or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for tablestock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grade, sizes, or both, minimum standards of quality.

(2) The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Inspection and certification.* During any period in which the Secretary regulates the shipment of potatoes pursuant to the provisions of this section, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate.

(e) *Exemptions.* (1) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

(2) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (i) That by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (ii) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of sale.

(3) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee; (i) that by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, and (ii) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of sale.

(4) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

(5) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(6) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(7) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

§ 987.5 *Regulation of surplus*—(a) *Recommendation.* It shall be the duty of the committee to investigate supply and demand conditions of potatoes. Whenever the committee finds that a surplus of potatoes exists, it shall determine the extent of such surplus of potatoes of any grade, size, or quality thereof. If it is deemed advisable, the committee shall recommend the control and disposition of surplus potatoes and plans for equalizing the burden of surplus elimination or control among the producers and handlers thereof under uniform rules established by the committee and approved by the Secretary.

(b) *Issuance of regulations.* (1) Whenever the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination or control among producers and handlers thereof.

(2) At any time during which the Secretary provides for the control and disposition of surplus potatoes, the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of surplus potatoes.

§ 987.6 *Shipments for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to § 987.3 or § 987.4, or both, in order to facilitate shipments of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act; adequate safeguards may be established, pursuant to paragraph (c) of this section, to prevent such shipments from entering channels of trade for other than the specified purpose:

(1) Shipments of potatoes for the purpose of having such potatoes graded, stored, or loaded;

(2) Shipments of potatoes for export;

(3) Shipments of potatoes for distribution by the Federal government, for distribution by relief agencies, or for consumption by charitable institutions;

(4) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products;

(5) Shipments of potatoes for livestock feed or for other specified purposes.

(b) Whenever the shipments of seed potatoes are not subject to the same regulations as shipments of table stock potatoes, issued pursuant to § 987.3 or § 987.4, or both, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 987.4 (d) and pay the pro rata share of expenses provided by § 987.3, in connection with potato shipments effected under the provisions of this section: *Provided,* That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of this section. The committee with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make a weekly report to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any shipper if evidence is obtained that potatoes shipped by him for the purposes stated above have entered the current of interstate or foreign commerce, or have directly burdened, obstructed, or affected such commerce contrary to the provisions hereof.

(d) The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 987.3 and 987.4.

(e) (1) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section,

or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

§ 987.7 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 987.8 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

§ 987.9 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 987.10 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes; *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 987.11 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 987.12 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§987.13 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 987.14 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 987.15 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 987.16 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 987.17 *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

Issued at Washington, D. C. this 20th day of September 1948, to be effective on and after 12:01 a. m., e. s. t., September 27, 1948.

[SEAL] CLAUDE R. WICKARD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8602; Filed, Sept. 23, 1948; 8:51 a. m.]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 959.301 *Regulation No. 1*—(a) *Findings.* (1) Pursuant to Order No. 59 (7 F. R. 365) regulating the handling of potatoes grown in the Counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Administrative Committee established under said marketing order, and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed., 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, (ii) shipments of potatoes from the production area have already begun, (iii) compliance

with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date hereof, and (iv) a reasonable time is permitted, under the circumstances, for preparation for such date.

(b) *Order.* (1) Effective on and after September 27, 1948, and until suspended or modified pursuant to § 959.4 of Order No. 59, no handler shall ship any potatoes unless such potatoes meet the requirements of the U. S. No. 2 grade or better grade, as such grades are defined in the U. S. Standards for Potatoes, except that a mixture of varieties may be shipped: *Provided*, That no potatoes of the U. S. No. 2 grade or better grades, as defined in said U. S. Standards for Potatoes, which are less than 1½ inches in diameter, may be shipped in addition to the tolerance by weight for undersize as specified for the respective grade in said U. S. Standards for Potatoes.

(2) As used in this section, the terms "handler", "ship", "area", and "potatoes", shall have the same meaning as when used in said marketing order; and the term "U. S. No. 2 grade" shall have the same meaning as when used in the U. S. Standards for Potatoes (12 F. R. 3651). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 22d day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8628; Filed, Sept. 23, 1948; 9:02 a. m.]

Chapter XXI—Organization, Functions and Procedures

Subchapter C—Production and Marketing Administration

ESTABLISHMENT AND REVISION OF PARTS

Pursuant to Memorandum No. 1226 of the Secretary of Agriculture, dated August 30, 1948, the organization of Production and Marketing Administration is as outlined below. A statement of the organization, functions and procedures of the branches will be published at a later date.

Part numbers are assigned and Parts 2300 and 2301 of Title 7 issued September 11, 1946 (7 CFR, 1946 Supp., Parts 2300 and 2301, 11 F. R. 177A-258) as amended, are revised as indicated below:

Part
2300 Production and Marketing Administration.
2301 Office of the Administrator.
2302 Cotton Branch.
2303 Dairy Branch.
2304 Fats and Oils Branch.
2305 Fruit and Vegetable Branch.
2306 Grain Branch.
2307 Livestock Branch.
2308 Poultry Branch.
2309 Price Support and Foreign Supply Branch.
2310 Sugar Branch.
2311 Tobacco Branch.
2320 Audit Branch.
2321 Budget and Management Branch.
2322 Compliance and Investigation Branch.
2323 Information Branch.
2324 Agricultural Conservation Program Branch.
2325 Fiscal Branch.
2326 Food Distribution Programs Branch.
2328 Marketing Facilities Branch.
2329 Marketing Research Branch.
2330 Shipping and Storage Branch.

PART 2300—PRODUCTION AND MARKETING ADMINISTRATION

SUBPART A—ORGANIZATION

Sec.
2300.1 Central organization.
2300.2. Branches.
2300.3 Field offices.
2300.4 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2300.11 General functions.
2300.12 Commodity branch responsibilities, symbols and assignments.
2300.13 Functional branch responsibilities.
2300.14 Field offices.
2300.15 Procedures.

AUTHORITY: §§ 2300.1 to 2300.15 issued under R. S. 161; 5 U. S. C. 22; E. O. 9577, June 29, 1945, 10 F. R. 8087; 3 CFR 1945 Supp.

SUBPART A—ORGANIZATION

§ 2300.1 *Central organization*—(a) *General.* The principal office of the Production and Marketing Administration is at Washington, D. C., in the Administration Building, United States Department of Agriculture.

(b) *Organization.* The Production and Marketing Administration is headed by an Administrator who is also President of Commodity Credit Corporation. Production programs and marketing and distribution programs assigned to the Production and Marketing Administration and functional and staff services relating to these programs are under the direction of and are coordinated by Assistant Administrators. Price support and supply programs and functional and staff services relating to these programs are under the direction of and coordinated by the Administrator. Administrative and other staff services incident to administering the preceding groups of programs are also under the direction of and coordinated by the Administrator. Reporting directly to the Administrator and each Assistant Administrator are one or more branches responsible for conducting the programs under the direction of the Administrator and Assistant Administrators. Commodity, administrative and other staff branches report to the Administrator who is assisted by the Deputy Administrator and the Assistant Administrators in directing and coordinating programs and activities of the branches in their respective program jurisdictions.

§ 2300.2 *Branches.* Responsibility for providing technical guidance and assistance in the formulation and administration of programs, policies and procedures, assigned to the Administration is vested in the following branches in Washington, and descriptions of their organization are set forth in Parts 2302 to 2330 of this chapter.

(1) Cotton Branch.
(2) Dairy Branch.
(3) Fats and Oils Branch.
(4) Fruit and Vegetable Branch.
(5) Grain Branch.
(6) Livestock Branch.
(7) Poultry Branch.
(8) Sugar Branch.
(9) Tobacco Branch.
(10) Agricultural Conservation Programs Branch.
(11) Audit Branch.
(12) Budget and Management Branch.
(13) Compliance and Investigation Branch.
(14) Fiscal Branch.
(15) Food Distribution Programs Branch.
(16) Information Branch.
(17) Marketing Facilities Branch.
(18) Marketing Research Branch.
(19) Price Support and Foreign Supply Branch.
(20) Shipping and Storage Branch.

§ 2300.3 *Field offices*—(a) *State Offices and State Committees.* The State Offices of Production and Marketing Administration are located in each of the 48 states with area representatives for the Insular activities of PMA in Alaska, Hawaii, Puerto Rico and the Virgin Islands. In each state there is a PMA State Committee consisting of from three to five farmer members, who are appointed by the Secretary, pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1149, as amended; 16 U. S. C. 590h). The State Director of the Agriculture Extension Service is ex-officio a member of the State Committee. The addresses of the State and Insular PMA offices are as follows:

Alabama: Alabama Polytechnic Institute, Auburn.
Arizona: Union Investment Company Building, 415 South First Street, Phoenix.
Arkansas: P. O. Box 2781, 108½ West Third Street, Little Rock.
California: P. O. Box 247, 2288 Fulton Street, Berkeley 1.
Colorado: P. O. Box 579, 225 West Oak Street, Fort Collins.
Connecticut: 95 Washington Street, Hartford 6.
Delaware: Courtney and Academy Streets, Newark.
Florida: Seagle Building, Gainesville.
Georgia: Old Post Office Building, Athens.
Idaho: Yates Building, P. O. Box 1539, 103 South Ninth Street, Boise.
Illinois: Standard Office Building, 124-132 South Water Street, Decatur 12.
Indiana: Big Four Building, 105 South Meridian Street, Indianapolis 9.
Iowa: 1101 Walnut Street, Des Moines 7.
Kansas: Wareham Building, 417-419 Humboldt Street, Manhattan.
Kentucky: Mill and Maxwell Street, Lexington 29.
Louisiana: P. O. Box 8597, University Station, Baton Rouge.
Maine: University of Maine, Orono.
Maryland: University of Maryland, College Park.
Massachusetts: University of Massachusetts, Amherst.
Michigan: Cahill Building, 200 North Capitol Avenue, Lansing 4.
Minnesota: 210 Main Post Office Building, St. Paul 1.
Mississippi: Masonic Building, 1130 West Capitol Street, Jackson 111.
Missouri: I. O. O. F. Building, Tenth and Walnut Streets, Columbia.
Montana: Armory Building, 24 West Mendenhall Street, Bozeman.
Nebraska: First Floor, Trust Building, Lincoln 1.
Nevada: University of Nevada, Reno.
New Hampshire: 29 Main Street, Durham.
New Jersey: College Farm, New Brunswick.

New Mexico: State College.
New York: Byrne Building, 236 West Genesee Street, Syracuse 2.
North Carolina: State College Station, Raleigh.
North Dakota: 400 de Lendrecie Building, P. O. Box 2017, Fargo.
Ohio: 202 Old Federal Building, Columbus 15.
Oklahoma: Etherton Building, Sixth and Maine Streets, Stillwater.
Oregon: 515 Southwest Tenth Street, Portland 5.
Pennsylvania: 928 North Third Street, Harrisburg.
Rhode Island: 511 Westminster Street, Providence 3.
South Carolina: P. O. Box 660, 1615 Hampton Street, Columbia 33.
South Dakota: 56 Third Street SE., Huron.
Tennessee: 152 Fourth Avenue, North, Nashville 3.
Texas: AAA Building, College Station.
Utah: Old Terminal Building, 222 Southwest Temple Street, Salt Lake City 1.
Vermont: 102 Adams Street, Burlington 14.
Virginia: 609 East Main Street, Richmond 19.
Washington: Hutton Building, P. O. Box 1491, Second and Washington Streets, Spokane 8.
West Virginia: 480 Spruce Street, Morgantown.
Wisconsin: Oxford Building, 14 East Dayton Street, Madison 3.
Wyoming: Tip Top Building, P. O. Box 1211, 345 East Second, Casper.
Alaska: University of Alaska College, Alaska.
Hawaii: 416 Dillingham Building, Hawaiian Area Office, Honolulu 16, T. H.
Puerto Rico and Virgin Islands: Caribbean Area Office, PMA, USDA, La Colectiva Building, P. O. Box 4340, San Juan 21, Puerto Rico.

(b) *County Offices and County Committees.* Local administration of production programs and other Production and Marketing Administration programs, requiring direct dealing with farmers, is carried out through the county Agricultural Conservation Association offices. A county committee, elected annually by farmers in accordance with Articles of Association issued by the Secretary, is in charge of the county ACA office. The committee selects a Secretary, who may be the County Agent. If not selected as Secretary, the County Agent is ex-officio a member of the committee without vote. Copies of the Articles of Association may be obtained at any county ACA office. There is a county ACA office and county committee serving each agricultural county in the United States.

Because of their size and number of farms, the following counties are served by two county ACA offices and county committees:

Iowa: Pottawattamie.
Minnesota: Otter Tail, Polk, St. Louis.

Groups of counties where one county ACA office serves more than one county are as follows:

Georgia: Camden and Charlton.
Illinois: Alexander and Pulaski, Hardin and Pope, Marshall and Putnam.
Michigan: Crawford and Otsego, Houghton and Keweenaw, Missaukee and Roscommon.
Nebraska: Arthur, Logan, and McPherson; Blaine, Grant, Hooker, and Thomas; Brown, Keya Paha, and Rock; Garfield, Loup, and Wheeler.
South Dakota: Brule and Buffalo, Hughes and Stanley, Jackson and Washabaugh, Ziebach and Armstrong.
Virginia: Arlington and Fairfax.

Most county ACA offices are located at the county seat; however, the exact address of any office may be obtained from the State PMA office for the State in which the county is located.

(c) *PMA Commodity Offices.* The Commodity Offices of the Production and Marketing Administration have general responsibility for the administration of the field aspects of price support and supply and related programs other than those involving direct dealings with the farmers and assigned to the State and county committees for administration. The locations of these offices are as follows:

Atlanta: 449 West Peachtree Street NE., Atlanta 3, Ga.
Chicago: 623 South Wabash Avenue, Chicago 5, Ill.
Dallas: 1114 Commerce Street, Dallas 2, Tex.
Kansas City: 300 Interstate Building, Kansas City 6, Mo.
Minneapolis: 328 McKnight Building, Minneapolis 1, Minn.
New Orleans: Masonic Temple Building, New Orleans 12, La.
New York: 67 Broad Street, New York 4, N. Y.
Portland: Tenth and Washington Streets, Portland 5, Oreg.
San Francisco: 30 Van Ness Avenue, San Francisco 2, Calif.

(d) *Branch field offices.* The locations of field offices of each of the following branches which maintain such offices in various locations throughout the continental U. S. A., territorial possessions, and certain foreign countries, are set forth in the description of the organization, functions and procedures of the branches of the Administration (Parts 2302 to 2330 of this chapter). These offices report directly to the appropriate branches.

Audit.	Fruit and Vegetable.
Budget and management.	Grain.
	Information.
Compliance and Investigation.	Livestock.
	Marketing Facilities.
Cotton.	Poultry.
Dairy.	Sugar.
Fats and Oils.	Tobacco.
Food Distribution Program.	

§ 2300.4 *Availability of information and records.* The places where information regarding the activities of the Administration may be obtained are indicated in the description of the organization of the central office and each branch (Parts 2301 to 2330 of this chapter). The records of the Administration are available for examination in accordance with the rules and the designation of records issued by the Secretary (Part 2100 of this chapter).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2300.11 *General functions.* The Production and Marketing Administration administers the Department of Agriculture's production, marketing and distribution, and price support and supply programs. These include production goals, conservation payments, marketing quotas; marketing service, regulatory and research activities, standards, grades, inspection and market news; school lunch; foreign government needs and supply; domestic price support, loan and other programs conducted for the Commodity Credit Corporation; export, diversion, new use, marketing agreements and orders, and other distribution programs.

§ 2300.12 *Commodity branch responsibilities, symbols and assignments*—(a) *Functions.* For commodities assigned, each commodity branch:

(1) Acts for the Administrator in formulating long-range and current policies and programs and in administering programs relating to domestic price support, production adjustment, international and other supply programs, domestic control and agricultural marketing agreement and order programs, assigned activities in connection with research and service programs authorized by the Research and Marketing Act of 1946 (60 Stat. 1082–1091), and marketing service, regulatory and research programs conducted under other authorities. Coordinates branch policy and program recommendations from Production and Marketing Administration State offices, other units of PMA, other bureaus within the Department of Agriculture, and other Government and industry organizations. Presents policies and programs of the branch to the Administrator and the Commodity Credit Corporation Board of Directors, and represents PMA and the Department with U. S. interagency and Federal-State groups or agencies, international agencies and other organizations.

(2) Provides technical direction and coordination in the execution of approved policies and programs carried out by PMA State offices and field Commodity Offices and directs and coordinates programs carried out by field offices of the branch. Reviews and evaluates program operations in the field for the purpose of appraising effectiveness of policies and programs and to determine possible program deficiencies.

(3) Represents the Production and Marketing Administration in maintaining and developing relationships with producer, trade and related groups for the purpose of furnishing technical information, obtaining policy and program recommendations and promoting harmonious relations and cooperation with these groups.

(4) Maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch. Provides or arranges for branch management services.

(b) *Branch symbols.* Branch symbols precede each commodity listed in paragraph (c) of this section. The key to these branch symbols is as follows:

CN—Cotton.
DA—Dairy.
FO—Fats and Oils.
FV—Fruit and Vegetable.
GR—Grain.
LS—Livestock.
MF—Marketing Facilities.
PY—Poultry.
SU—Sugar.
TB—Tobacco.

(c) *Commodity assignments to branches.* Programs, other than inspection programs, involving the following commodities are assigned to the various branches as indicated below:

CN Abaca.
FV Acetic acid.
GR Alfalfa meal.
GR Alimentary paste.
LS Animal fats, edible or inedible, raw or unrendered, rendered, or otherwise prepared (while in packing plant).
FO Animal fats, edible or inedible, raw or unrendered, rendered, or otherwise prepared (outside packing plant).
LS Animal food containing meat (dried, mixed, dehydrated and canned).
FV Baby food, canned fruit and vegetable and soup (other than milk and meat formulas).
GR Bakery products.
GR Baking soda and powder.
GR Barley, including Pearl, rolled and roasted barley.
GR Beans, dry, edible, including canned dry beans and edible soybeans.
FV Bees and beeswax.
FV Berries (fresh, frozen, canned and dehydrated).
GR Beverages, alcoholic and non-alcoholic.
GR Bird seed.
GR Biscuits (Army type).
GR Bone meal.
GR Bran.
GR Bread, including hard bread.
GR Breakfast foods.
GR Brewer products.
GR Broom corn.
GR Buckwheat, including flour and cereal.
DA Butter, butter oil, and butter products.
DA Buttermilk (fluid, dry).
FV Butters, fruit.
GR Cake, pressed.
SU Cane syrup.
DA Casein.
LS Casings (natural and artificial).
FV Catsup and Chili Sauce.
LS Cattle and calves.
GR Cereals and cereal preparations.
GR Cerelose.
DA Cheese and cheese foods.
FV Chicory root.
GR Chicory seed.
FV Chocolate and chocolate products.
FV Chow Chow.
FV Cider.
TB Cigars.
TB Cigarettes.
FV Citric acid.
FV Citrus fruit, juices and products (fresh, canned, frozen and concentrates).
FV Cocoa, cocoa beans and cocoa products.
FO Coconut oil.
FV Coffee.
DA Condensed milk.
FV Confectionery products.
FO Copra.
GR Copra meal.
GR Corn, cracked corn, grits, corn meal, cornstarch, corn sugar and syrup.
CN Cotton (raw, lint, mill waste).
CN Cotton linters (grading, standardization and market news).
FO Cotton linters (except grading, standardization and market news).
CN Cottonseed (grading, standardization, inspection and market news).
FO Cottonseed and cottonseed oil (except for grading, standardization, inspection and market news).
GR Cottonseed meal, cakes, pellets.
GR Crackers and cracker meal.
DA Cream (fluid and dry).
DA Custard (frozen, powder).
GR Dextrin.
GR Dextrose.
GR Distiller's dried grains.
GR Dog food (other than meat) including dog biscuits.
PY Eggs (frozen, shell, dried).
FV Essential oils.
FO Fatty acids, sulphonated fats and oils.
FO Fatty alcohols.
GR Feed and grain products.
FO Feeding oil.
GR Feeds (prepared, animal, milk).
CN Fibers, vegetable.
FO Fish and fish products.
GR Fish meal.
FO Fish and marine animal oils.
FO Fish oils, including the vitamin products.
SU Flavorings and fountain syrups.
FV Flavoring extracts and other flavorings.
CN Flax.
FO Flaxseed and oil (except grading, standardization, inspection and market news).
GR Flaxseed and oil (grading, standardization, inspection and market news).
GR Flour (including rye and graham flour), except potato flour.
FV Fruit and fruit products and juices (fresh, pickled, dried, crushed, canned, frozen, dehydrated and processed).
FV Fruits (dried).
FV Fruit extracts and nectar.
FV Fruit jams, jellies and preserves.
LS Fungicides.
GR Garbanzos (chick peas).
FV Garlic.
GR Glucose.
FO Glycerine (crude, refined).
DA Goat's milk.
LS Goats, Angora and other types kept primarily for mohair production.
GR Grain sorghums.
FO Grease, oils, and stearine.
GR Grits, granite grits, and meal.
GR Hay and straw.
CN Hemp.
FO Hempseed and oil.
CN Henequen.
LS Herbicides.
LS Hides, skins, pelts and hair from domesticated farm animals.
LS Hogs, including pigs.
GR Hominy, including grits.
FV Honey.
FV Hops.
LS Horses and mules.
LS Horsemeat.
FV Horseradish.
MF[1] Ice.
DA Ice cream and mix (liquid, dry), ices, sherbets, frappes.
LS Insecticides.
CN Jute.
CN Kapok.
FO Lanolin.
LS Lard and rendered pork fat (except allocations).
FO Lard and rendered pork fat (allocations only).
GR Laundry starch.
GR Lentils.
FO Linseed, linseed oil.
GR Lupines, seed and hay.
GR Macaroni and macaroni products.
GR Malt and malt syrup.
SU Maple sugar and syrup.
FO Margarine.
GR Matzoth (bread).
FO Mayonnaise and salad dressing.
GR Meal, liver, glandular.
LS Meat and meat products, including sausage (fresh, chilled, frozen, pickled, cured, smoked, canned, dried, and dehydrated).
LS Meat extracts.
DA Milk formulas, baby.
DA Milk sugar.
DA Milk (cultured, fluid, dry, condensed, evaporated, malted).
LS Mohair.
SU Molasses, black strap and high test (invert), except for feed.
GR Molasses, for feed.
SU Molasses and syrups, edible except from grain.
GR Mung beans.
FV Mushrooms.
FV Mustard seed and products.
TB Naval stores, gum.
FO Neats foot oil, stock stearine.
TB Nicotine (alkaloid, sulphate, bentonite).
DA Non-fat dry milk solids.
GR Noodles.
FV Nursery stock, citrus.
FV Nuts, tree.
GR Oats, rolled oats and oat cereal.
FO Oilseeds and oil-bearing materials.
FO Oils, cooking.
GR Oilseed cakes, meals, and pellets (except for phases performed by Fats and Oils Branch upon request).
FO Oils, vegetable, nut and vegetable seed oil.
FO Oleo oil (outside packing plant).
LS Oleo oil (while in packing plant).
FO Oleomargarine.
FV Olives.
FO Olive oil.
GR Oyster shells (flour, grits, ground).
GR Pea meal.
GR Peanut cake, meal, and flour.
FO Peanuts, peanut butter and peanut oil.
GR Peas, dried and split peas, dry.
FV Pickles.
GR Popcorn.
GR Pork and beans, canned.
FV Potatoes (fresh, canned, dehydrated).
FV Potato chips.
FV Potato starch.
FV Potato flour.
GR Potatoes—Products used for feed.
PY Poultry, live and dressed, including chickens, turkeys, ducks, geese, guineas, squabs (fresh and frozen).
PY Poultry, eviscerated, including chickens, turkeys, ducks, geese, guineas, squabs, and rabbits (fresh, frozen, canned).
GR Protein feeds, concentrates.
GR Pulp, beet, citrus, etc., used for animal feed.
PY Rabbits, dressed, domestic.
CN Ramie.
GR Ravioli.
FV Relishes.
DA Rennet (tablets, powdered, liquid).
GR Rice, rice flour, meal.
FV Rhubarb.
LS Rodenticides.
GR Rye.
SU Saccharine sorghum.
FO Salad oil.
DA Sandwich spreads (dairy products base).
FV Sauerkraut.
LS Scrapple, chile con carne, and other food products produced in meat packing plants and containing a substantial proportion of meat or animal fat.
GR Seeds, agricultural and vegetable.
FO Seed oil.
GR Semolina.
LS Sheep and Lambs.
FO Shortenings.
CN Sisal.
TB Snuff.
FO Soaps and soap stock (foots).
FV Soups (canned, dehydrated and frozen).
GR Soups, dry powder, grain.
FO Soybeans and oil (except grading, standardization, inspection and market news).
GR Soybeans and oil (grading, standardization, inspection and market news).
GR Soy flour, and grits.
GR Spaghetti.
FV Spices.
GR Starch, from grain.
GR Sugar, corn.
SU Sugar, cane and beet.
GR Syrups, from grain.
FO Tallow, edible and inedible (outside packing plant), tallow oil and stearines.
LS Tallow, edible (while in packing plant).
LS Tankage, meat.
FV Tartaric acid.
FV Tea.
TB Tobacco and tobacco products.
FV Tomato products.
FO Tung oil (China wood oil), nuts.
FV Vegetables and vegetable products and juices (fresh, canned, dehydrated, frozen, pickled and processed).
GR Vermicelli.
FV Vinegar.
GR Wheat, wheat cereal (including bran), wheat flakes, wheat flour (white, graham), wheat meal (farina), cracked wheat.
DA Whey (liquid, dry).
FV Wine and brandy.
LS Wool.
FO Wool grease.
FV Worchestershire sauce.
GR Yeast.

(d) *Branch commodity listings for inspection purposes.* Commodities are assigned for inspection purposes to the various branches as indicated below:

FV Acetic acid.
FV Acids, citric, tartaric, phosphoric.
GR Alfalfa meal.
GR Alimentary pastes.
LS Animal fats, edible or inedible, raw or unrendered, rendered or otherwise prepared.
LS Animal food containing meat (dried, mixed, dehydrated and canned).
FV Anchovy paste.
FV Anise.
FV Asparagus plumosis.
FV Baby food (other than milk and meat formulas).
GR Bakery products.
FV Baking soda and baking powder.
GR Barley, including pearl, rolled, and roasted barley.
FV Beans (canned).
GR Beans, dry edible.
GR Beet pulp.
FV Berries (dehydrated, fresh, frozen, and canned).
FV Beverages, alcoholic and non-alcoholic.
GR Bird seed.
GR Biscuits, all kinds.
GR Bone meal.
GR Bran.
GR Bread, including hard bread.
GR Breakfast foods.
GR Brewer products.
GR Broom corn.
GR Buckwheat, including flour and cereal.
DA Butter, butter oil and butter products.
DA Buttermilk (fluid, dry).
GR Candies.
FV Candied fruit and fruit peel.
FV Candy.
DA Casein.
LS Casings (natural and artificial).
GR Cassava.
LS Cattle and calves.
GR Cereals and cereal preparations.
DA Cheese and cheese foods.
FV Chewing gum.
FV Chicle.
GR Chicory seed.
FV Chili pepper or powder.
FV Christmas trees.
FV Chocolate and chocolate products.
FV Citrus fruit, juice and citrus products (canned, fresh, frozen, dehydrated and otherwise processed).
GR Citrus pulp feed.
FV Cocoa and cocoa products.
FV Coconut products (except copra and coconut oil).
GR Coconut oil.
GR Cod liver oil.
FV Coffee, coffee concentrates, flavorings, syrups, and substitutes.
FV Concentrated food drinks (Ovaltine and postum).
FV Confectionery.
GR Cooking oils and compounds.
GR Copra.
GR Copra meal.

[1] Assigned on a functional basis.

GR Corn.
GR Corn grits and corn meal.
GR Corn oil.
GR Cornstarch.
GR Corn sugar.
GR Corn syrup.
CN Cotton.
CN Cotton linters.
CN Cottonseed.
GR Cottonseed meal, cakes, pellets.
GR Cottonseed oil.
GR Cowpeas.
GR Cracked corn.
GR Cracked wheat.
GR Crackers and cracker meal.
DA Cream (fluid and dry).
DA Custard (frozen, powder).
FV Dates and date products.
FV Dessert powder (custard powder and other dessert powder).
GR Dextrose.
GR Diacetone—gulosonic acid.
GR Distillers dried grains.
GR Dog biscuits.
FV Drink powders (not containing milk).
GR Edible starch, from grain.
DA Eggs (frozen, shell, dried).
FV Enzymes (diastic, pectinal).
FV Essential fruit and spice oils.
FV Extracts, flavoring.
GR Farina.
GR Fatty acids, sulphonated fats and oils.
GR Fatty alcohols.
GR Feed and grain products.
GR Feeding oil.
GR Feeds, prepared.
FV Fish, shell fish and other marine products (canned, frozen, pickled, smoked, salted or otherwise processed).
FV Fish roe and caviar (canned, frozen).
GR Fish and marine animal oils.
GR Fish liver oil and concentrate.
GR Fish meal.
FV Flavorings, fruit and vegetable.
GR Flaxseed.
GR Flour, all kinds.
FV Fruit and fruit products, fruit juices (fresh canned, dried, dehydrated, frozen, pickled or otherwise processed).
FV Fruit butters.
FV Fruit nectar.
FV Fruit extracts.
FV Fruit jams, jellies, preserves.
LS Fumigides.
GR Garbanzos (chick peas).
FV Gelatin.
GR Glucose.
GR Glycerine, crude, refined.
LS Goats, Angora and other types kept primarily for mehair production.
DA Goats milk.
GR Graham flour.
GR Grain sorghums.
GR Granite grits and meal.
GR Grease oils and stearines.
GR Grits.
GR Hard bread.
GR Hay and straw.
GR Hempseed and oil.
LS Herbicides.
FV Herbs, seasoning.
LS Hides, skins, pelts and hair from domesticated farm animals.
LS Hogs, including pigs.
FV Hominy (canned and dehydrated).
GR Hominy grits.
FV Honey.
GR Hops.
FV Horseradish (fresh and processed).
LS Horsemeat.
LS Horses and mules.
DA Ice cream and mix (liquid, dry), ices, sherbets, frappes.
LS Insecticides.
GR Kola nuts.
GR Lanolin.
LS Lard and rendered pork fat (except allocations).
GR Laundry starch.
GR Lentils.
GR Linseed, linseed oil.
GR Linseed meal and oil-cake.
GR Liver and glandular meal.
FV Lozenges.
GR Lupines, seed and hay.
GR Macaroni and macaroni products.
GR Malt, malt syrup, malt diastase, baker's malt.
GR Marine animal oils.
FV Marmalade.
FV Maté.
GR Matzoth (bread).
LS Meat and meat products, including sausage (fresh, chilled, frozen, pickled, cured, smoked, canned, dried, and dehydrated).
LS Meat extracts.
DA Milk (cultured, fluid, dry, condensed, evaporated, malted).
GR Milk feeds (prepared, for animals).
DA Milk formulas, baby.
DA Milk sugar.
LS Mohair.
FV Molasses except for stock feed.
GR Molasses for feed.
FV Mushrooms (fresh, canned or otherwise processed).
GR Mustard seed.
FV Mustard seed products (except oil).
TB Naval Stores.
GR Neats foot oil, stock stearine.
DA Non-fat dry milk solids.
GR Noodles.
FV Nuts (fresh and processed).
GR Oats, rolled oats and oat cereal.
GR Oil-bearing materials.
GR Oilseeds.
GR Oilseed cakes, meals and pellets.
GR Oils, cooking.
GR Oils, vegetable and nut.
LS Oleo oil.
FV Olives (fresh and processed).
FV Olive oil.
GR Oyster shells (flour, grits, ground).
FV Parsley.
GR Pea meal.
FV Peanuts (except on farmers' stock) and peanut butter.
FO Peanuts, farmers' stock.
GR Peanut cake, meal, and flour.
GR Peanut oil.
GR Pearl barley.
GR Peas, dry.
FV Pectin, apple, citrus.
FV Peonies.
FV Pickles and pickle products.
TB Pine dipentene.
TB Pine oil.
TB Pine pitch.
TB Pine tar.
FV Pomace, apple and citrus.
GR Popcorn, for seed or popping.
FV Pork and beans, canned.
FV Potato chips.
FV Potato flour.
DA Poultry, live and dressed, including chickens, turkeys, ducks, geese, guineas, squabs (fresh and frozen).
DA Poultry, eviscerated, including chickens, turkeys, ducks, geese, guineas, squabs, and rabbits (fresh, frozen, canned).
GR Prepared feeds.
GR Protein feeds—concentrates.
GR Pulp, beet, etc., used for animal feed.
FV Pulp, fruit (except dried citrus pulp for stock feed).
DA Rabbits, dressed, domestic.
GR Rations, K.
GR Ravioli.
FV Relishes.
DA Rennet (tablets, powdered, liquid).
FV Rhubarb.
GR Rice, rice flour, meal.
LS Rodenticides.
GR Rolled barley and oats.
TB Rosin.
GR Rye.
GR Rye flour.
FV Saccharine.
FV Salad dressing.
GR Salad oil.
DA Sandwich spreads (dairy products base).
FV Sauces, meat, vegetable.
LS Scrapple, chile con carne and other food products produced in meat packing plants and containing a substantial proportion of meat or animal fat.
GR Seed oil.
GR Seeds, agricultural and vegetable.
GR Semolina.
LS Sheep and Lambs.
GR Shortenings.
GR Soaps.
GR Soap stock (foots).
FV Soft drinks.
FV Soups (canned, dry mix, dehydrated mix and frozen except poultry soups).
GR Soybeans.
GR Soybean cake and meal.
GR Soybean oil.
GR Soyflour and grits.
GR Spaghetti.
FV Spices.
GR Split-peas, dry.
FV Starch, except from grain.
GR Starch, from grain.
GR Stearic acid.
FV Sugar, cane, beet, and maple.
GR Sugar, from grain.
GR Sulphonated fats, oils, and fatty acids.
GR Sunflower seed.
GR Sunflower seed oil.
FV Syrups, blended.
FV Syrups, except from grain.
FV Syrups, fountain, bottlers' syrups and flavoring.
GR Syrups, from grain.
TB Tall oil and pinene.
GR Tallow, inedible.
LS Tallow, edible.
LS Tankage, meat.
FV Tapioca.
FV Tea.
TB Tobacco in unmanufactured form.
FV Tomato plants.
TB Turpentine.
FV Vanilla beans.
FV Vanillin.
FV Vegetables and vegetable products and juices (fresh, canned, frozen, dehydrated, and otherwise processed).
GR Vegetable seeds.
GR Vermicelli.
FV Vinegars.
GR Vitamin A and D oil.
GR Vitamins and vitamin products.
GR Wheat.
GR Wheat cereal, including bran.
GR Wheat flakes.
GR Wheat flour—white, whole wheat (graham).
GR Wheat meal (farina).
DA Whey (liquid, dry).
LS Wool.
GR Yeast, active, inactive.

(e) *Assignments of regulatory and marketing service acts.* Regulatory and marketing service Acts are assigned for administration among the following branches, as indicated below:

Cotton Branch. United States Cotton Futures Act (26 U. S. C. 1920–1935), the United States Cotton Standards Act (7 U. S. C. 51–65), the Cotton Grade and Staple Statistics Act (7 U. S. C. 471–473c, 474–476), and the Cotton Fiber Testing Act (7 U. S. C. 473d).

Fruit and Vegetable Branch. Export Apple and Pear Act (7 U. S. C. 581–589), the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a–499r), the Produce Agency Act (7 U. S. C. 491–497), and the Standard Container Acts of 1916 (15 U. S. C. 251–256) and 1928 (15 U. S. C. 257, 257a–257i).

Grain Branch. Federal Seed Act (7 U. S. C. 1551–1610) and the United States Grain Standards Act (7 U. S. C. 71–87).

Livestock Branch. Insecticide Act of 1910 (7 U. S. C. 121–134), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. Supp. 135–135k), the Packers and Stockyards Act (7 U. S. C. 181–229, 231) and the Wool Standards Act of May 17, 1928 and section 401 (a) of the Organic Act of 1944 (7 U. S. C. 415 b, c, d, e).

Sugar Branch. Sugar Act of 1948 (Pub. Law 388, 80th Cong.).

Tobacco Branch. The Naval Stores Act (7 U. S. C. 91–99), the Tobacco Seed and Plant Exportation Act (7 U. S. C. 516–517), the Tobacco Inspection Act (7 U. S. C. 511, 511a–511q), the Tobacco Compact Act (7 U. S. C. 515a–515k), and the Tobacco Stocks and Standards Act (7 U. S. C. 501–508).

§ 2300.13 *Functional branch responsibilities.* The programs and activities listed below are specially assigned on a functional basis:

(a) *Production programs and activities.* (1) The Agricultural Conservation Programs Branch (i) acts for the Administrator and collaborates with other Production and Marketing Administration officials in formulating policies, programs, and procedures for agricultural conservation and production adjustment programs, coordinates branch policy and program recommendations with recommendations from PMA State offices; (ii) provides technical direction and coordination in the execution of approved policies and programs carried out by PMA State offices; and (iii) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(b) *Price support and supply programs and program finance activities.* (1) The Price Support and Foreign Supply Branch (i) provides specialized advice and economic assistance on Production and Marketing Administration and Commodity Credit Corporation policies and programs and develops recommendations for PMA economic policy; (ii) coordinates the development, operation and

review of purchase, loan, diversion, and disposition programs, policies, procedures and instructions for the Administrator; (iii) establishes and maintains liaison with other agencies and with claimants on supply program matters, and collaborates with other PMA branches and claimants to insure fulfillment of contractual and fiscal arrangements; (iv) coordinates requirements, and reviews, clears or approves allocations relating to international food programs; provides PMA representation on European recovery or other foreign supply programs, the Branch Director serving as Chief Liaison Officer on European Recovery for the Department of Agriculture; (v) determines domestic requirements and export policies in regard to non-food agricultural supplies, materials and equipment and carries out the Production and Marketing Administration responsibilities under the provisions of section 17 of the Surplus Property Act, (50 U. S. C. App. 1626) and (vi) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(2) The Shipping and Storage Branch (i) acts for the Administrator and collaborates with other Production and Marketing Administration officials in formulating policies, programs, and procedures relating to shipping and storage programs; (ii) directs the shipping and storage activities of PMA in Washington and the field; (iii) represents PMA in maintaining and developing relationships with transportation, warehousing and steamship officials for the purpose of furnishing technical information in connection with shipping and storage operations of the Production and Marketing Administration, and promoting harmonious relations with these groups; and (iv) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(3) The Fiscal Branch (i) formulates policies and procedures with respect to the fiscal and related activities of Production and Marketing Administration, Commodity Credit Corporation, its agents, and others, incident to programs financed with CCC or other funds; (ii) maintains control accounts and records and prepares fiscal reports on financial operations of PMA, CCC, its agents and others; (iii) maintains detailed accounts and records of administrative and program operations of PMA and CCC as assigned; (iv) has responsibility for real and personal property interests of the United States in facilities acquired by the Department of Agriculture under the Act of March 11, 1941 (22 U. S. C. 411–419), known as the Lease-Lend Act, accepts rentals and purchase monies in connection with these facilities, inspects and takes any necessary proprietary action relating to such property; and (v) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(c) *Marketing and distribution programs and activities.* (1) The Food Distribution Programs Branch (i) acts for the Administrator in formulating policies relating to school lunch, direct distribution, food preservation, food trade, and nutrition programs; (ii) directs programs of the branch in Washington and the field; (iii) represents Production and Marketing Administration in developing and maintaining relationships with Federal, state and local governmental agencies, and the food trade for the purpose of furnishing technical information and promoting harmonious relations and cooperation with these agencies and groups; and (iv) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(2) The Marketing Facilities Branch (i) acts for the Administrator in formulating policies and programs relating to the administration of section 201 of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1291) and section 203 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622) involving adjustments in freight rates and services for farm products, the United States Warehouse Act (7 U. S. C. 241–273), inspection of facilities for storing PMA owned commodities, investigations for more efficient use of transportation equipment, improvements in marketing facilities and other marketing research projects and marketing services; (ii) directs programs of the branch in Washington and the field; (iii) represents PMA in developing and maintaining relationships with Federal, State, and local Governmental agencies and with warehousing and other industry groups for the purpose of furnishing technical information and promoting harmonious relationships and cooperation with these agencies and groups; and (iv) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(3) The Marketing Research Branch (i) conducts research which cuts across commodity lines including research on transportation methods, and development of new techniques and equipment; packing, packaging and processing; and wholesale and retail market and distribution practices; and (ii) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(d) *Administrative and other staff service activities.* (1) The Audit Branch (i) acts for the Administrator and collaborates with other Production and Marketing Administration officials in formulating audit policies, programs, and procedures of PMA and Commodity Credit Corporation; (ii) directs the audit and examination activities of PMA, CCC, and others, incident to programs financed with Commodity Credit Corporation or other funds, coordinates audit work among field and Washington offices of PMA, General Accounting Office and other Government agencies; (iii) conducts commercial type audits and examination of PMA and of individuals or organizations contracting with CCC or the Department of Agriculture under programs administered by PMA, including the preparation of reports and recommendations for the Administrator; (iv) conducts cost analyses of commercial organizations or individuals contracting with CCC or the Department of Agriculture under programs administered by PMA to provide financial data to enable PMA officials to re-negotiate or terminate contracts; and (v) maintains liaison with other staff branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to functions assigned to the branch, and provides or arranges for branch management services.

(2) The Budget and Management Branch (i) acts for the Administrator and collaborates with other Production and Marketing Administration officials in formulating plans and policies relating to administrative management policies and programs; (ii) provides the organizational units of PMA in Washington and the field with necessary administrative management assistance, including budget, personnel, administrative services, and organization and management analysis; (iii) administratively interprets policies and collaborates in the use of powers of Commodity Credit Corporation; and (iv) maintains liaison with other staff branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to functions assigned to the branch, and provides or arranges for branch management services.

(3) The Compliance and Investigation Branch (i) acts for the Administrator and collaborates with other Production and Marketing Administration officials in formulating policies, programs, and procedures for preventing and detecting fraud, violations and irregularities in PMA programs and operations; (ii) directs the compliance and investigation

activities of PMA in Washington and the field; (iii) investigates, prepares reports and makes recommendations respecting violations and irregularities in connection with PMA programs, collaborates in prosecution of court cases and in disposition of cases requiring administrative action; (iv) conducts investigation involving accounting operations, methods and services accounting systems incident to marketing agreement programs and others; and (v) maintains liaison with other staff branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to functions assigned to the branch, and provides or arranges for branch management services.

§ 2300.14 *Field offices*—(a) *State offices and State Committees.* The Production and Marketing Administration State Offices (1) formulate State Committee recommendations with respect to current or proposed PMA policies and programs and within program limitations, interpret and adapt policies and programs to State and local requirements; (2) are responsible for the administration within the States of the agricultural conservation program, production adjustment programs, price support programs, Sugar Act payments and other programs as assigned; (3) direct and supervise the activities of County Agricultural Conservation Committees; and (4) work with State and local officials, farmers, and others in regard to assigned PMA programs.

(b) *County Offices and County Committees.* The County Offices (1) inform State Production and Marketing Administration Committees of local conditions to be considered in developing programs and make recommendations with respect to current and proposed programs; and (2) are responsible for the formulation and administration within the county of the agricultural conservation program, production adjustment programs, price support programs, Sugar Act payments and other programs and functions as assigned.

(c) *PMA Commodity Offices.* The Commodity Offices of the Production and Marketing Administration within assigned geographic areas, (1) execute loan, price support, subsidy, foreign supply and other CCC programs, including the purchase, sale, storage, transportation, preservation and disposition of commodities; (2) coordinate the work of the Commodity office with the complementary work of the PMA State and County Committees and the field offices of PMA's branches; establish and maintain working liaison with banks, warehousemen, vendors, carriers, related associations and other groups and individuals participating in CCC programs; and (3) render fiscal and accounting services for the field offices of PMA branches.

(d) *Branch field offices.* The branch field offices (1) recommend policy and plans for programs assigned to the branches and obtain suggestions and recommendations from State Production and Marketing Administration offices and other organizations and groups in the field, (2) carry out at field level, commodity programs of the commodity branches such as marketing research, inspection; market news, regulatory, and marketing agreement and order work, and administer the school lunch and direct distribution programs and other food distribution programs; (3) issue program information; provide personnel and administrative management services; conduct audits and examinations of records of PMA, develop means to facilitate the prevention and detection of fraud and irregularities in PMA programs and conduct investigations to ascertain compliance; and (4) are responsible for field contacts with individuals and organizations of producers, food industries, educational, civic and other organizations having an interest in production, marketing and consumption of agricultural commodities, and (5) maintain contacts with PMA State offices and other agencies of the Department of Agriculture and agencies of other departments—Federal, State and local.

§ 2300.15 *Procedures*—(a) *General.* The nature and requirement of all procedures, except those described in the succeeding paragraphs of this section and Part 2301 of this chapter, and the places for obtaining forms and instructions in connection with the administration of the programs assigned to the Production and Marketing Administration are contained in the statements of functions and procedures of each branch (Parts 2302 to 2330 of this chapter) and the Commodity Credit Corporation (6 CFR Part 200). Regulations, rules of practice and other procedures relating to certain programs of Production and Marketing Administration and Commodity Credit Corporation are published in the Code of Federal Regulations under titles, chapters, and parts, as follows:

TITLE 6—AGRICULTURAL CREDIT

Subtitle B—Regulations Relating to Agricultural Credit

Chapter II—Production and Marketing Administration (Commodity Credit)

Chapter V—Production and Marketing Administration (Diversion Programs)

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

Part 6—War Contract Settlement

Part 8—Compensatory Ware Adjustment Subsidy for Slaughterers

Part 9—Price Support of Agricultural Commodities

Subtitle B—Regulations of the Department of Agriculture

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

Chapter VIII—Production and Marketing Administration (Sugar Branch)

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

Chapter XII—Production and Marketing Administration (Fats and Oils Branch)

Chapter XIII—Production and Marketing Administration (Surplus Property)

Chapter XIV—Production and Marketing Administration (School Lunch Program)

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Production and Marketing Administration (Livestock Branch)

(b) *Surplus property.* The disposal of surplus agricultural commodities and surplus foods processed therefrom, under sections 21 (a) and 10 (c) of the Surplus Property Act of 1944, as amended (50 U. S. C. App. 1630 (a), 1619 (c)), is governed by the statement of policies issued by the Secretary of Agriculture (Part 1700 of this chapter).

(c) *Contract settlement.* Terminations of war contracts and settlements of claims under the provisions of the Contract Settlement Act of 1944 are subject to the rules and regulations of the Office of Contract Settlement (32 CFR Part 8000 et seq.) and regulations of the Department of Agriculture (Part 6 of this title). Each Branch Director, Associate Branch Director and Assistant Branch Director is a "terminating officer," and, with respect to contracts within the jurisdiction of the branch, is authorized to terminate contracts, order the cessation or suspension of work, and to negotiate settlement agreements under terminated contracts. All claims under section 17 of the Contract Settlement Act of 1944 should be filed directly with the Administrator of PMA, who will take final action with respect to the claims.

PART 2301—OFFICE OF THE ADMINISTRATOR

SUBPART A—ORGANIZATION

Sec.
2301.1 Central office.
2301.2 Delegations of authority.
2301.3 Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURE

2301.11 Functions and responsibilities.
2301.12 Procedures.
2301.13 Aerial photographs.

AUTHORITY: §§ 2301.1 to 2301.13 issued under R. S. 161; 5 U. S. C. 22; E. O. 9577, June 29, 1945, 10 F. R. 8087, 3 CFR 1945 Supp.

SUBPART A—ORGANIZATION

§ 2301.1 *Central office*—(a) *Office of the Administrator.* The office of the Administrator is headed by an Administrator who is also President of the Commodity Credit Corporation. He is assisted by: a Deputy Administrator and two Assistant Administrators—for production, and for marketing—and a Labor Camp Disposal Officer.

§ 2301.2 *Delegations of authority*—(a) *Administrator.* The Administrator may, at his discretion, and consistent with applicable laws, rules, and regulations, delegate his authority, and provide for the redelegation thereof, to appropriate officers and employees of the Administration and may issue such orders supplementary thereto as he finds necessary. Authority has been delegated to the Deputy Administrator to act for and on behalf of the Administrator in his absence or inability to act. In the absence or inability to act of both the Administrator and the Deputy Administrator, one of the Assistant Administrators may act for and on behalf of the Administrator.

(b) *Deputy Administrator and Assistant Administrators.* Subject to the general control of the Administrator and except with respect to authorities which are restricted from redelegation, authority has been delegated to the Deputy Administrator and the Assistant Administrators to act with respect to activities for which they are responsible. Any or all of the authority so delegated may be redelegated except authority which is restricted from redelegation.

(c) *Labor Camp Disposal Officer.* Authority has been delegated to the Labor Camp Disposal Officer to act for the Administrator in the disposition of labor centers, homes, camps and facilities. The exercise of authority delegated to the Labor Camp Disposal Officer is subject to the limitations and requirements prescribed by the Administrator and of regulations of the Department of Agriculture, except insofar as they have been modified in their applicability to the Farmers Home Administration. In his discretion, the Labor Camp Disposal Officer may redelegate, upon such terms and conditions as he may prescribe, the powers and authority conferred upon him.

(d) *Branch Directors.* Delegations of final authority to and by Branch Directors are set forth in the description of the organization of each branch (Parts 2302 to 2330 of this chapter.)

§ 2301.3 *Availability of information and records.* Public information may be obtained from, and submittals and requests may be made to the Administrator, Production and Marketing Administration, United States Department of Agriculture, Administration Building, Washington 25, D. C., except as otherwise provided under § 2301.12. The records of the Office of the Administrator are available for examination in accordance with the rules and the designation of records issued by the Secretary (Part 2100 of this chapter).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2301.11 *Functions and responsibilities*—(a) *Administrator.* Under the general direction and supervision of the Secretary of Agriculture, in accordance with applicable laws, rules, and regulations, the Administrator establishes policies governing the administration of production, marketing and Commodity Credit Corporation programs assigned to the Production and Marketing Administration and acts for the Secretary in the formulation of long-range and current agricultural policies and programs including the coordination of state and county recommendations with recommendations from Washington Branches, other agencies of the Department of Agriculture and representatives of producer and trade groups, directs the administration of programs assigned to the Production and Marketing Administration and coordinates broad phases of policy and program execution, as carried out by Washington and the field offices of the Administration, directs the activities of the commodity branches, the PMA Commodity Offices, the Fiscal, Price Support and Foreign Supply, Shipping and Storage, Audit, Information, Compliance and Investigation, and the Budget and Management Branches, acts as President of the Commodity Credit Corporation, and directs the administrative policies essential to the operation of the PMA.

(b) *Deputy Administrator.* Under the general direction of the Administrator, the Deputy Administrator is assigned general responsibility for all activities of the Administration.

(c) *Assistant Administrators.* (1) An Assistant Administrator for Marketing is responsible for PMA marketing programs and for carrying out provisions of the Research and Marketing Act of 1946 (60 Stat. 1082–1091) as they relate to these programs; is responsible for administering the Government-owned alcohol plants pursuant to Public Law No. 890, 80th Congress, and the plants constructed under the Lend-Lease Plant Expansion Program (Public Law No. 11, 77th Congress); is responsible for programs designed to expand through trade channels the distribution of agricultural commodities that might otherwise become surplus; is responsible for providing in PMA a coordinating point for current market information and other services of assistance to producers and other groups in packaging, transportation, handling and merchandising problems in international trade; is responsible for review and coordination of co-operative arrangements; directs the activities of the Marketing Facilities, the Marketing Research and the Food Distribution Programs Branches; coordinates those activities of the commodity branches which relate to the above program assignments; maintains necessary contacts with Federal and State agencies and groups and with industry; and in collaboration with the appropriate staff branch directs the execution of administrative management policies and procedures essential to operation of the branches under the immediate supervision of the Assistant Administrator.

(2) An Assistant Administrator for Production is responsible for the production programs of PMA including agricultural conservation and adjustment, marketing quotas and other programs which deal directly with the farmers; directs the activities of the Agricultural Conservation Programs Branch and the Aerial Photographic Laboratory; coordinates and resolves problems of policy and procedure in the administration of State PMA offices; arranges for information to PMA branches on production and other programs carried out through PMA State and County Agricultural Conservation Committees and coordinates all performance work of the Administration including the development of uniform policies and procedures for checking performance of PMA programs administered by State and County Offices; is responsible for farming activities with respect to United States requirements, production, and distribution; and in collaboration with the appropriate staff branch directs the execution of administrative management policies and procedures essential to operation of the branch and PMA State and County Association Offices, under the immediate supervision of the Assistant Administrator.

(d) *Labor Camp Disposal Officer.* A labor camp disposal officer (1) exercises all the authorities, powers, functions and duties vested in the Administrator, Production and Marketing Administration by the Secretary of Agriculture (Part 1 of this title) to dispose of as provided in the Farmers' Home Administration Act of 1946, as amended (60 Stat. 1062; Pub. Law No. 40, 80th Cong., 1st Sess., approved Apr. 28, 1947) and in Pub. Law 298, 80th Cong., approved July 31, 1947, all labor supply centers, labor homes, labor camps and facilities formerly under the supervision or administration of the Farm Security Administration and transferred or made available to the War Food Administrator for use in the farm labor supply program pursuant to Pub. Law No. 45, 78th Cong., 1st Sess., approved Apr. 29, 1943 (57 Stat. 70), and in the custody or under the control of the Production and Marketing Administration on August 12, 1947, all similar centers, homes, camps, and facilities constructed or acquired by the War Food Administrator or the Department of Agriculture pursuant to subsequent similar laws or otherwise and used in the farm labor supply program, and any equipment pertaining thereto or used in the farm labor supply program: *Provided*, The labor camp disposal officer shall not dispose of any real estate without the prior approval of the Administrator, Production and Marketing Administration.

§ 2301.12 *Procedures.* The procedures of the Office of the Administrator relate to the internal management of the Administration, except as otherwise provided in this subpart.

§ 2301.13 *Aerial Photographs*—(a) *General.* The aerial photographic lab-

oratories, under the direction of the Assistant Administrator for Production, are responsible for formulation, coordination and direction of the aerial photographic and engineering programs and services of the Production and Marketing Administration, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1387). The laboratories derive ratio factors, compile mosaics, and furnish reproductions of aerial or other photographs, mosaics, and maps, as have been obtained in connection with its authorized work at the estimated cost of furnishing the reproduction.

(b) *To whom furnished.* Reproductions may be furnished to agencies of the Federal Government; State, county, municipal, or other non-Federal governmental agencies; farmers; corporations; or other persons.

(c) *Conditions.* Photographs will not be furnished to (1) purchasers outside the United States; (2) purchasers that intend to use them in suits against the United States Government, unless approval is obtained from the Solicitor of the Department of Agriculture; (3) purchasers other than Federal Agencies if the photographs cover classified areas and approval of the War or Navy Departments is not secured; and (4) purchasers who intend to use the photographs for advertising, or otherwise to indicate directly or by implication that the Department endorses any commercial product. Photographs made from materials of other Federal agencies will not be furnished without their approval.

(d) *Terms of sale.* Standard Form 1080 is used in securing collections from Federal agencies. Collections in advance will not be required from non-Federal agencies where legislative requirements prohibit advance payment by the ordering agencies. All other collections are made prior to delivery of the materials.

(e) *Obtaining aerial photographic reproductions.* Prices and other information regarding aerial photographs will be furnished upon request by county Agricultural Conservation Association or State PMA offices. Orders for photographs of any areas in the following States should be addressed to: Western Aerial Photographic Laboratory, Production and Marketing Administration, U. S. Department of Agriculture, 145 Motor Avenue, Salt Lake City, Utah; Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota and Kansas. Orders for photographs of any areas in the remaining states should be addressed to: Eastern Aerial Photographic Laboratory, Office of the Chief, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

Dated: September 20, 1948.

[SEAL] CLAUDE R. WICKARD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8566; Filed, Sept. 23, 1948; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

REVOCATION OF DESIGNATION OF ROOSEVELT FLYING SERVICE BASE (CURRIE COMMON PARK), WEST PALM BEACH, FLA., AS AN AIRPORT OF ENTRY FOR ALIENS

Section 110.3, *Airports of entry*, Chapter I, Title 8, Code of Federal Regulations, is amended by deleting "West Palm Beach, Fla., Roosevelt Flying Service Base (Currie Common Park)" from the list in paragraph (a) of permanent airports of entry for aliens.

Notice of the proposed revocation of the designation of the Roosevelt Flying Service Base (Currie Common Park), West Palm Beach, Florida, as an airport of entry for aliens was published in the FEDERAL REGISTER dated August 14, 1948 (13 F. R. 4712), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003).

The revocation of the designation of this airport is made because the base is no longer available for the use of aircraft.

The revocation made hereby shall be effective as of the close of business on August 31, 1948. The delayed effective date requirements of section 4 (c) of the Administrative Procedure Act are dispensed with because the revocation of the designation of this base as an airport of entry for customs purposes has been made effective on that date (13 F. R. 4443).

(Sec. 7 (d), 44 Stat. 572, sec. 1, 54 Stat. 1238; 49 U. S. C. 177 (d))

[SEAL] TOM C. CLARK,
Attorney General.

Recommended: September 13, 1948.

JOHN P. BOYD,
Acting Commissioner of Immigration and Naturalization

[F. R. Doc. 48-8557; Filed, Sept. 23, 1948; 8:47 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[Distribution Order D-1]

PART 338—MATERIALS ORDERS

DISTRIBUTION OF ARMY ANHYDROUS AMMONIA

Section 338.60, Distribution Order D-1, is amended to read as follows:

§ 338.60 *Distribution Order D-1*—(a) *Purpose.* This section explains how the Department of Commerce, acting through the Office of Domestic Commerce, will direct the distribution of Army anhydrous ammonia for the balance of the fertilizer year, October 1, 1948 to June 30, 1949. "Army anhydrous ammonia" means anhydrous ammonia made available by the Department of the Army for the commercial production of nitrogenous fertilizer materials for domestic use, pursuant to the following provision in section 205 of Title II of Public Law 793, 80th Congress (Foreign Aid Appropriation Act, 1949), approved June 28, 1948:

• • • In addition, the Department of the Army shall make available, for the commercial production of nitrogenous fertilizer materials for domestic use, 10 per centum of the total anhydrous ammonia produced in for the Department of the Army, said anhydrous ammonia to be distributed as directed by the Department of Commerce, which shall give preference, in distributing said anhydrous ammonia, to producers of ammonium sulphate who were producing ammonium sulphate during the six months preceding the enactment of this Act or who shall have ceased to produce, or shall be faced with an imminent shutdown in the production of, ammonium sulphate for want of anhydrous ammonia, to the extent necessary to permit such producers to operate • • •

This section does not deal with anhydrous ammonia made available by the Department of the Army for production of nitrogenous fertilizer materials for export, under Public Law 606, 80th Congress. Such distribution is handled under the provisions of Direction 4A to Allocations Regulation 2.

DISTRIBUTION POLICIES

(b) *ODC distribution policies.* While the expected quantity of Army anhydrous ammonia is substantial, it represents only a small part of the total domestic supply and will meet only a small part of the total demand for use in fertilizer production. ODC distribution of this limited quantity of Army anhydrous ammonia will be based upon the requirements of Public Law 793, as quoted above.

Distribution will be made on a quarterly basis, beginning with the fourth calendar quarter of 1948.

(c) *Statutory preference distribution to certain producers of ammonium sulphate.* For the purposes of this section, the term "producer of ammonium sulphate" means a person regularly engaged in the business of producing and selling a commercial fertilizer product composed chiefly of ammonium sulphate and containing not less than 20.5% of nitrogen; and the term "selling" ("or sale") does not include transactions with plants affiliated with a producer.

(1) As required by Public Law 793 preference in distribution will be given to the following classes of producers of ammonium sulphate, who will be authorized by ODC to purchase Army anhydrous ammonia to the extent necessary to permit such producers to operate:

(i) Those who were producing ammonium sulphate during the six-month period December 28, 1947–June 28, 1948;

(ii) Those who were producing ammonium sulphate on or prior to June 28, 1948 and ceased commercial production for want of anhydrous ammonia or are faced with an imminent shutdown in the production of ammonium sulphate for want of anhydrous ammonia.

This statutory preference distribution will be made upon the basis of applications submitted as explained in paragraph (g) of this section and subject to the conditions set out in paragraph (e) of this section.

(2) An application from a producer of ammonium sulphate eligible under subparagraph (1) of this paragraph will be approved only for the minimum quantity of anhydrous ammonia needed to continue or return the particular plant to the production and sale of ammonium sulphate.

(i) Ordinarily, approval will be limited to the quantity which the ODC estimates will, together with other available supplies of anhydrous ammonia, provide for production during the calendar quarter of 75% of the largest quantity of ammonium sulphate produced in the plant during any consecutive two months in the year July 1, 1947–June 30, 1948.

(ii) However, if the applicant conclusively demonstrates to the ODC that the quantity of anhydrous ammonia provided for in subdivision (i) of this subparagraph will not permit him to continue or return to commercial production and sale of ammonium sulphate without serious financial loss, the ODC may make available an additional quantity sufficient to permit operation without such loss.

(iii) In the event that, subsequent to an allocation to it of Army anhydrous ammonia under sub-paragraphs (2) (i) or (ii) of this paragraph, a plant obtains anhydrous ammonia for export purposes under Direction 4A to Allocations Regulation 2, the unshipped balance of the Army anhydrous ammonia previously allocated will be correspondingly reduced.

(d) *Distribution of balance.* Any balance of the Army anhydrous ammonia not required for the statutory preference distribution under paragraph (c) of this section will be distributed, to the extent available, to the commercial producers of primary nitrogen who are supplying nitrogen for the civilian export program of 1948–49 either as anhydrous ammonia or in the form of other nitrogenous fertilizer materials.

(1) The following classes of nitrogen producers who are participating in the 1948–49 export program will be eligible for a distribution:

(i) Primary producers of anhydrous ammonia who manufacture solid nitrogenous fertilizer materials or who regularly sell anhydrous ammonia.

(ii) Primary producers of by-product sulphate who will use anhydrous ammonia for increasing their output of ammonium sulphate.

(2) The distribution of Army anhydrous ammonia for the balance of the current fertilizer year (July 1, 1948 to June 30, 1949) will be made to the above classes of nitrogen producers in quantities proportionate to the amounts of nitrogen which they are to supply for the export program during the current fertilizer year under Direction 4A to Allocations Regulation 2.

CONDITIONS

(e) *Conditions.* Every distribution made under this section is made subject to the condition that the applicant agrees:

(1) To comply with the sales terms for Army anhydrous ammonia established by the Department of the Army as to price, payment, point of delivery, etc.

(2) To unload, promptly after arrival, the tank car(s) used to ship the Army anhydrous ammonia to the applicant's plant.

(3) In the case of producers of ammonium sulphate receiving preference distribution under paragraph (c) of this section, to use the Army anhydrous ammonia only at the plant covered by the application and only for the production and sale of ammonium sulphate for domestic fertilizer use.

(4) In the case of producers of primary nitrogen, receiving distribution under paragraph (d) of this section, to use or sell the tonnage of Army anhydrous ammonia or an equivalent quantity for the production of a corresponding additional quantity of solid nitrogenous fertilizer materials suitable for direct application to domestic crops.

(5) To comply with any further conditions established by the ODC, in approving the application, in order to further the objectives of section 205 of Public Law 793.

APPLICATION PROCEDURE

(f) *How to apply for distribution.* Distribution of Army anhydrous ammonia under this section will be made on a calendar quarterly basis starting with the fourth calendar quarter of 1948. Applications are to be made by letter, in duplicate, and must be received by ODC not later than the 10th day of October for the fourth quarter of 1948. For subsequent quarters applications must be received not later than 30 days prior to the first day of the quarter.

(g) *How producers of ammonium sulphate make application for preference distribution.* A producer of ammonium sulphate who is eligible for statutory preference distribution as explained in paragraph (c) of this section, and who agrees to comply with the conditions of paragraph (e) of this section, may submit an application to the ODC on a plant basis. In his application he must supply the following information:

(1) The total tonnage of ammonium sulphate produced at that plant during (i) the period July 1, 1947, to June 30, 1948, and (ii) the highest consecutive two months in the period.

(2) The total tonnage of ammonium sulphate sold as such from that plant during the period July 1, 1947, to June 30, 1948, excluding sales to affiliated plants.

(3) The types and total tonnages of other fertilizers and fertilizers materials, if any, produced at the plant during the period July 1, 1947, to June 30, 1948.

(4) The names and locations of other domestic commercial fertilizer or fertilizer materials plants, if any, currently owned or operated by the applicant or affiliated companies or being constructed by either.

(5) The total tonnages, and names of suppliers, of anhydrous ammonia, used by the applicant (including any used under toll agreement) during the period July 1, 1947 to June 30, 1948 (i) at the plant for which application is being made and (ii) at all other domestic commercial fertilizer or fertilizer materials plants, if any, owned or operated by the applicant or affiliated companies.

(6) The quantities of anhydrous ammonia covered by contracts, commitments, position or other arrangements of any kind he has or expects to have with commercial suppliers of anhydrous ammonia for the quarterly period covered by his application for all domestic commercial fertilizer or fertilizer materials plants owned or operated by the applicant or affiliated companies; the names of such suppliers; the minimum and maximum tonnages of anhydrous ammonia expected to be received during the quarterly period (state months) for the applicant plant; the quantities of anhydrous ammonia on hand at the first day of the quarterly period at the applicant plant.

(7) In addition, persons applying under paragraph (c) (2) (ii) of this section should specify the minimum quantity of ammonium sulphate production needed to avoid operation at a serious financial loss during the quarterly period and should support this with appropriate data as to costs, income and operating rates.

(8) Certify his application in substantially the following form:

The undersigned applicant certifies, subject to the penalties of section 35A of the United States Criminal Code, that the applicant is familiar with the provisions of Distribution Order D-1, as amended September 21, 1948; that the applicant is a producer of ammonium sulphate as defined in that order; that the applicant agrees to comply with the conditions of paragraph (e) of that order and will use any Army anhydrous ammonia made available to him only for the purposes for which it is made available; and that all information supplied in or in connection with this application is true and correct to the best of his knowledge and belief.

(h) *How a producer of primary nitrogen makes application.* Any producer of primary nitrogen who is participating in the 1948–49 export program may make an application for Army anhydrous ammonia under paragraph (d) of this section. In his application he must:

(1) State that he wishes to participate in the distribution of the balance of Army anhydrous ammonia, and

(2) Certify his application in substantially the following form:

The undersigned applicant certifies, subject to the penalties of section 35A of the United States Criminal Code, that the applicant is familiar with the provisions of Distribution Order D-1 as amended September 21, 1948; that the applicant is a producer of primary nitrogen; that the applicant agrees to comply with the applicable conditions of paragraph (e) of that order and will use any Army anhydrous ammonia made available to him only for the purpose for which it is made available; and that all information

supplied in or in connection with this application is true and correct, to the best of his knowledge and belief.

(i) *ODC action on application.* The ODC will notify each applicant, in writing, as to whether his application has been approved or denied. In approved cases, the ODC will notify the applicant how to place his orders with the Department of the Army and will issue appropriate directives to the Department of the Army.

COMMUNICATIONS

(j) *Communications.* All communications regarding this section, and all applications filed under this section, should be addressed to: Chemicals Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: D–1.

NOTE: The reporting requirements of this section have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(Pub. Law 793, 80th Cong.; Materials Control Regulation 1–A, 13 F. R. 3861)

Issued this 21st day of September 1948.

[SEAL] OFFICE OF DOMESTIC COMMERCE,
RAYMOND HOOVER,
Issuance Officer.

[F. R. Doc. 48–8560; Filed, Sept. 23, 1948; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5258]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EVERETT FOOT CUSHION LABORATORIES, ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Laboratory:* § 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.72 (c) *Offering unfair, improper and deceptive inducements to purchase or deal—Earnings:* § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties:* § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory, status of dealer or seller.* In connection with the offering for sale, sale and distribution in commerce, of respondent's device formerly designated "Arch Aidant" and now designated "Re-Zil-Arch," or any device of substantially similar construction, (1) representing that respondent's device stops foot trouble; relieves foot pains caused by fallen arches, callouses or other foot ailments; is scientifically constructed or designed; conforms to the shape or needs of the arch; exercises or massages the foot; strengthens the foot structure; relieves fallen arches, callouses, corns, cramped toes, tender heels, perspiration, leg pains, backache, poor circulation or metatarsal trouble; (2) using the term "Arch-Aidant" or any other term of similar import to designate or describe said device, or otherwise representing that said device is of general aid to the arch of the foot; (3) using the word "Laboratories" or any other word or term of similar import in respondent's trade name, or otherwise representing that he owns or operates a laboratory; or, (4) representing as earnings or profits of respondent's sales agents any amount which is not a true representation of the average net earnings consistently made by such agents in the ordinary course of business under normal conditions and circumstances; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Everett Foot Cushion Laboratories, etc., Docket 5258, August 11, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 11th day of August A. D. 1948.

In the matter of George N. Bouthillette, an individual doing business under the trade names of Everett Foot Cushion Laboratories, and Everett Foot Cushion Company.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, and brief in support of the complaint (no brief having been filed on behalf of respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, George N. Bouthillette, individually and trading under his own or any other name or designation, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's device formerly designated "Arch-Aidant" and now designated "Re-Zil-Arch", or any device of substantially similar construction, do forthwith cease and desist from directly or indirectly:

1. Representing that respondent's device stops foot trouble; relieves foot pains caused by fallen arches, callouses or other foot ailments; is scientifically constructed or designed; conforms to the shape or needs of the arch; exercises or massages the foot; strengthens the foot structure; relieves fallen arches, callouses, corns, cramped toes, tender heels, perspiration, leg pains, backache, poor circulation or metatarsal trouble.

2. Using the term "Arch-Aidant" or any other term of similar import to designate or describe said device, or otherwise representing that said device is of general aid to the arch of the foot.

3. Using the word "Laboratories" or any other word or term of similar import in respondent's trade name, or otherwise representing that he owns or operates a laboratory.

4. Representing as earnings or profits of respondent's sales agents any amount which is not a true representation of the average net earnings consistently made by such agents in the ordinary course of business under normal conditions and circumstances.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48–8553; Filed, Sept. 23, 1948; 8:46 a. m.]

[Docket 4602]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CROWN MANUFACTURERS ASSOCIATION OF AMERICA ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (a 5) *Combining or conspiring—To discriminate through, or use, basing point and delivered price systems:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (d 3) *Combining or conspiring—To fix prices through patent licensing agreements:* § 3.85 (a) *Selling and quoting on systematic price matching basis—Basing points and delivered price systems:* § 3.995 (a 3) *Using patents, rights or privileges unlawfully—Fixing prices through licensing agreements exceeding legitimate patent monopoly.* I. In or in connection with the offering for sale, sale, or distribution in commerce, of crown bottle caps or cork discs used in the manufacture thereof, and on the part of respondent Arco Crown Cork and Cap Co., Inc., and twelve other corporations, and their respective officers, etc., and on the part of respondent individuals McAuliffe, Costa, Feagley, and Cohn (directors or former directors of respondent association), and their respective agents, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties, to (1) fix, establish, or maintain prices, terms, or conditions of sale for crown bottle caps or cork discs used in the manufacture of crown bottle caps, or adhere, or promise to adhere, to any prices, terms, or conditions of sale so fixed, established, or maintained; (2) hold or participate in any meeting, discussion, or exchange of information among themselves or under the auspices of respondent Crown Manufacturers Association of America, or any other medium or agency, concerning proposed or future prices, terms, or conditions for sale of crown bottle caps; (3) accept or maintain uniform standards governing the color, decoration, or appearance of crown bottle caps for the purpose or with the effect of establishing or maintaining, or assisting in the establishing or maintaining, of uniform prices for crown bottle caps; (4) exchange or distribute among the corporate respondents, or any of them, price lists or schedules or other information showing current or future prices, terms, or conditions of sale, for the purpose, or which have the tendency or effect, of fixing or maintaining uniform prices or terms of sale for crown bottle caps; (5) quote or sell crown bottle caps at prices calculated or determined pursuant to or in accordance with any freight-equalization plan, system, or formula which results in uniform delivered prices at any given destination, or which deprives purchasers of an opportunity to obtain some advantage in price or more favorable terms or conditions from one of the corporate respondents than from another; or (6) use or maintain respondent Crown Manufacturers Association of America, or any other central agency, as an instrument or medium for promoting, aiding, or rendering more effective any cooperative or concerted efforts to suppress or eliminate competition by or through any of the means or methods set forth in the immediately preceding prohibitions numbered one to five, inclusive; and, II, knowingly advising, assisting, participating or cooperating with the aforesaid respondents, or any of them, in doing any of the things forbidden in the aforesaid prohibitions numbered one to five, inclusive, on the part of respondent Crown Manufacturers Association of America and its officers, etc.; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Crown Manufacturers Association of America et al., Docket 4602, August 4, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 4th day of August A. D. 1948.

In the matter of Crown Manufacturers Association of America, an unincorporated association; L. C. McAuliffe, D. W. Hutchinson, E. J. Costa, and Louis B. Monfort, all individually and as officers and directors of the Crown Manufacturers Association of America; Joseph C. Feagley, and Benno Cohn, both individually and as directors of the Crown Manufacturers Association of America; and Arco Crown Cork & Cap Co., Inc.; the Armstrong Cork Company, a corporation; Bond Manufacturing Corporation, Inc.; Crown Cork & Seal Company, Inc.; Carvin Bottle Cap Corporation; Consolidated Cork Corporation; Ferdinand Gutmann & Company, a corporation; Hoosier Crown Corporation; W. H. Hutchinson & Son, Inc.; Benjamin Kraus, an individual trading under the name and style of Bamberger, Kraus & Co.; Mitchell & Smith, Inc.; Mundet Cork Corporation; and Western Stopper Company, Inc., all individually and as members of the Crown Manufacturers Association of America; and Chicago Crown Company, a corporation.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers thereto filed by the respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, the recommended decision of the trial examiner and exceptions thereto filed by counsel supporting the complaint, and oral arguments of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondents Arco Crown Cork & Cap Co., Inc., Armstrong Cork Company, Bond Crown & Cork Company (formerly Bond Manufacturing corporation, Inc.), Crown Cork & Seal Company, Inc., Penn Cork & Closures, Inc. (formerly Carvin Bottle Cap Corporation), Consolidated Cork Corporation, Ferdinand Gutmann & Company, Hoosier Crown Corporation, W. H. Hutchinson & Son, Inc., Mitchell & Smith, Inc., Mundet Cork Corporation, and Western Crown Cork & Seal Corporation (formerly Western Stopper Company, Inc.), their respective officers, agents, representatives, and employees, and the individual respondents L. C. McAuliffe, E. J. Costa, Joseph C. Feagley, and Benno Cohn, and their respective agents, representatives, and employees, in or in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of crown bottle caps or cork discs used in the manufacture of crown bottle caps, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

1. Fixing, establishing, or maintaining prices, terms, or conditions of sale for crown bottle caps or cork discs used in the manufacture of crown bottle caps, or adhering, or promising to adhere, to any prices, terms, or conditions of sale so fixed, established, or maintained.

2. Holding or participating in any meeting, discussion, or exchange of information among themselves or under the auspices of respondent Crown Manufacturers Association of America, or any other medium or agency, concerning proposed or future prices, terms, or conditions for sale of crown bottle caps.

3. Adopting or maintaining uniform standards governing the color, decoration, or appearance of crown bottle caps for the purpose or with the effect of establishing or maintaining, or assisting in the establishing or maintaining, of uniform prices for crown bottle caps.

4. Exchanging or distributing among the corporate respondents, or any of them, price lists or schedules or other information showing current or future prices, terms, or conditions of sale, for the purpose, or which have the tendency or effect, of fixing or maintaining uniform prices or terms of sale for crown bottle caps.

5. Quoting or selling crown bottle caps at prices calculated or determined pursuant to or in accordance with any freight-equalization plan, system, or formula which results in uniform delivered prices at any given destination, or which deprives purchasers of an opportunity to obtain some advantage in price or more favorable terms or conditions from one of the corporate respondents than from another.

6. Using or maintaining respondent Crown Manufacturers Association of America, or any other central agency, as an instrument or medium for promoting, aiding, or rendering more effective any cooperative or concerted efforts to suppress or eliminate competition by or through any of the means or methods set forth in the immediately preceding paragraphs numbered 1 to 5, inclusive, of this order.

It is further ordered, That respondent Crown Manufacturers Association of America, an unincorporated trade association, and its officers, agents, representatives, and employees, do forthwith cease and desist from knowingly advising, assisting, participating or cooperating with the aforesaid respondents, or any of them, in doing any of the things forbidden in the paragraphs numbered 1 to 5, inclusive, of this order.

It is further ordered, For reasons appearing in the findings as to the facts in this proceeding, that the complaint herein be, and it hereby is, dismissed as to the respondents D. W. Hutchinson, Louis B. Monfort, Benjamin Kraus, formerly trading under the name and style of Bamberger, Kraus & Co., and Chicago Crown Company.

It is further ordered, That the respondents against which this order is directed shall, within sixty (60) days after service of the same upon them, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission, Commissioner Mason not participating because of absence.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48–8555; Filed, Sept. 23, 1948; 8:46 a. m.]

[Docket No. 5446]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JACQUES KREISLER MANUFACTURING CORPORATION ET AL.

§ 3.45 (c) *Discriminating in price—Indirect discrimination—Cumulative discounts.* In connection with the sale and distribution of jewelry products in commerce, discriminating directly or indirectly in price by charging, accepting, or receiving from different purchasers of jewelry products of like grade and quality net prices which differ as much as, or more than, two and one-half percent of the highest of such net prices; prohibited, subject to the provision, however, that the foregoing shall not be construed to prevent respondents from defending

any alleged violation of the order by showing that different prices make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which the products were sold or delivered. (Sec. 2 (a), 49 Stat. 1526; 15 U. S. C., sec. 13 (a)) [Cease and desist order, Jacques Kreisler Manufacturing Corporation et al., Docket 5446, August 11, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 11th day of August A. D. 1948.

In the matter of Jacques Kreisler Manufacturing Corporation, a corporation; Jacques Kreisler, President, and Tobias Stern, Secretary and Treasurer, of Jacques Kreisler Manufacturing Corporation.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, a stipulation as to the facts, and a supplemental stipulation as to the facts, both entered into by counsel for respondents and the Chief Trial Counsel for the Commission, which stipulations provide, among other things, that without further evidence or other intervening procedure the Commission may proceed upon the complaint and said stipulations to make its report, stating its findings as to the facts and its conclusion based thereon, and enter its order disposing of this proceeding; and the Commission having made its findings as to the facts and conclusion that respondents have violated subsection (a) of section 2 of "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by Act approved June 19, 1936 (the Robinson-Patman Act):

It is ordered, That respondents, Jacques Kreisler Manufacturing Corporation, a corporation, and Jacques Kreisler and Tobias Stern as officers of the corporate respondent, their representatives, agents, and employees, directly or through any corporate or other device, in or in connection with the sale and distribution of jewelry products in commerce, as "commerce" is defined in the aforesaid Clayton Act as amended, do forthwith cease and desist from:

Directly or indirectly discriminating in price by charging, accepting, or receiving from different purchasers of jewelry products of like grade and quality net prices which differ as much as, or more than, 2½ per cent of the highest of such net prices; provided, however, that the foregoing shall not be construed to prevent respondents from defending any alleged violation of this order by showing that different prices make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which the products were sold or delivered.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8554; Filed, Sept. 23, 1948; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215, 4023) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231, 4023, 8152; 13 F. R. 439) are amended as indicated below:

1. Section 141.21 *Crystalline penicillin tablets*, is amended by deleting paragraphs (c) and (d) and substituting therefor the following new paragraph:

(c) *Moisture.* Proceed as directed in § 141.5 (a).

2. Part 141 is amended by adding the following new sections:

§ 141.30 *Ephedrine penicillin*—(a) *Potency.* Proceed as directed in § 141.1.
(b) *Sterility.* Proceed as directed in § 141.2.
(c) *Pyrogens.* Proceed as directed in § 141.3.
(d) *Toxicity.* Proceed as directed in § 141.4.
(e) *Moisture.* Proceed as directed in § 141.5 (a).
(f) *pH.* Proceed as directed in § 141.5 (b).
(g) *Clarity.* Proceed as directed in § 141.5 (c).
(h) *Microscopical tests for crystallinity.* Proceed as directed in § 141.5 (d).
(i) *Penicillin G content.* Proceed as directed in § 141.5 (f) using an accurately weighed sample of approximately 80 milligrams and the following formula for calculating the percent of ephedrine penicillin G:

$$\text{Percent of ephedrine penicillin G} = \frac{\text{Milligrams N-ethyl piperidine penicillin precipitate} \times 223.2}{\text{Weight of sample in milligrams}}$$

(j) *Penicillin K content.* Proceed as directed in § 141.5 (g).

§ 141.31 *Ephedrine penicillin tablets*—(a) *Potency.* Proceed as directed in § 141.21 (a).
(b) *Moisture.* Proceed as directed in § 141.5 (a).
(c) *Microorganism count.* Proceed as directed in § 141.21 (b).

3. In § 146.25 *Penicillin in oil and wax*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "$8.00" and substituting therefor "$4.00."

4. In § 146.26 *Penicillin ointment*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "$8.00" and substituting therefor "$4.00."

5. In § 146.36 *Penicillin vaginal suppositories*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "$2.00" and substituting therefor "$1.00."

6. a. In § 146.39 *Crystalline penicillin tablets*, paragraph (a) *Standards of identity, strength, quality, and purity*, third sentence, is amended to read: "The potency of each tablet is not less than 50,000 units; its moisture content is not more than 1.0 percent; its content of viable microorganisms is not more than 50 per gram. The penicillin used conforms to the requirements of § 146.24 (a) for crystalline penicillin, except subparagraphs (2), (4), and (7) of § 146.24 (a)."

b. In § 146.39 paragraph (c) *Labeling* is amended to read as follows:

(c) *Labeling.* Each package of crystalline penicillin tablets shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) The statement "Warning—Not for injection"; and

(iv) The statement "Expiration date _____", the blank being filled in with the date which is 36 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Caution: To be dispensed only by or on the prescription of a _____", the blank being filled in with the word "physician" or "dentist" or both, as the case may be; and

(ii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such tablets; or a reference to a brochure, or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

c. In § 146.39, subparagraph (2) of paragraph (d) *Request for certification; samples*, is amended to read:

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; average potency per tablet, average moisture, microorganism count.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity and heat stability, and the penicillin G content, if it is crystalline penicillin G.

d. In § 146.39, subparagraph (3) of paragraph (d) *Requests for certification; samples*, is amended to read:

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The crystalline penicillin used in making the batch; 10 packages, containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 145.24 (b).

e. In § 146.39, paragraph (d) is further amended by adding the following new subparagraph after § 146.39 (d) (3):

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

f. In § 146.39, paragraph (e) is amended to read:

(e) *Fees.* The fee for the services rendered with respect to each batch of tablets crystalline penicillin under the regulations in this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

7. In § 146.41 *Crystalline penicillin and epinephrine in oil*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "$8.00" and substituting therefor "$4.00."

8. In § 146.45 *Procaine penicillin in oil*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "$8.00" and substituting therefor "$4.00."

9. In § 146.46 *Crystalline penicillin for inhalation therapy*, subparagraph (2) of paragraph (d) *Request for certification; samples*, is amended to read:

(2) Such person shall submit in connection with his request accurately representative samples of the batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 40 immediate containers or more than 100 immediate containers, except if the immediate container is packaged to contain more than 50,000 units, in which case not less than 20 immediate containers nor more than 50 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

10. Part 146 is amended by adding the following new sections:

§ 146.48 *Ephedrine penicillin (penicillin ephedrine salt), ephedrine penicillin G (penicillin G ephedrine salt)*—(a) *Standards of identity, strength, quality, and purity.* Ephedrine penicillin is the crystalline ephedrine salt of a kind of penicillin, or a mixture of two or more such salts prepared from ephedrine U. S. P. and penicillin, but the quantity of any salt of penicillin K therein is not more than 30 percent; ephedrine penicillin G is ephedrine penicillin which contains not less than 85 percent by weight of the ephedrine salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 1,000 units per milligram;
(2) It is sterile;
(3) It is nontoxic;
(4) It is nonpyrogenic;
(5) Its moisture content is not more than 1.5 percent;
(6) Its pH in aqueous solution of 5,000 to 10,000 units per milliliter is not less than 5 and not more than 7.5; and
(7) Its solution in water for injection U. S. P., dextrose injection 5 percent U. S. P., or physiological salt solution U. S. P., prepared by adding 5,000 to 10,000 units per milliliter, is of such clarity that it is substantially free of any turbidity or undissolved material.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of ephedrine penicillin shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(1) The batch mark;
(2) The weight of the drug and the number of units in the immediate containers;
(3) The statement "Expiration date _____", the blank being filled in with the date which is 12 months after the month during which the batch was certified; and
(4) The statement "For manufacturing use only".

(d) *Requests for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of ephedrine penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, clarity, crystallinity, penicillin K content (unless it is ephedrine penicillin G), and the penicillin G content if it is ephedrine penicillin G.

(2) Such person shall submit with his request a sample containing 10 approximately equal portions of at least 300 milligrams each taken from different parts of such batch. Each such portion shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(3) In connection with the contemplated requests for certification of batches of another drug in the manufacture of which ephedrine penicillin is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to each manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) and (3) of this section; and

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed under subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.49 *Ephedrine penicillin tablets*—(a) *Standards of identity, strength, quality, and purity.* Ephedrine penicillin tablets are tablets composed of ephedrine penicillin and one or more buffer substances, with or without one or more suitable and harmless diluents, binders, and lubricants. The potency of each tablet is not less than 30,000 units. Its moisture content is not more than 1.5 percent, and its content of viable microorganisms is not more than 50 per gram. When a tablet is dissolved as directed the potency of such solution is not less than 4,000 units per milliliter after it has been

kept for one day at a temperature of 15° C. (59° F.). Such solution is isotonic, and has a pH of 6.0, ±0.2. The ephedrine penicillin used conforms to the requirements of § 146.48 (a) for ephedrine penicillin except subparagraphs (2), (4), and (7) of § 146.48 (a). Each buffer substance and preservative used, if their names are recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each tablet is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of tablets ephedrine penicillin shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) The statement "Expiration date ---------", the blank being filled in with the date which is 12 months after the month during which the batch was certified;

(iv) A statement giving the method of dissolving the tablets, and a statement that distilled water U. S. P. should be used;

(v) The potency per milliliter after the tablet has been dissolved therein;

(vi) The statement "Warning—Not for injection or oral use", and unless it is intended solely for veterinary use and is conspicuously so labeled, a statement "To be administered only by a ---------", the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(vii) The conditions under which the solution should be stored including a reference to its instability when stored under other conditions, and a statement "Prepare a fresh solution each 24 hours".

(2) On the outside wrapper or container, unless it is intended solely for veterinary use and is conspicuously so labeled:

(i) The statement "Caution: To be dispensed only by or on the prescription of a ----------", the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of the tablets; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) If intended solely for veterinary use, directions and precautions adequate for the use of such tablets, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying to the requirements of § 146.2, a person who requests certification of a batch of ephedrine penicillin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the ephedrine penicillin used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising the batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this action.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch, average potency per tablet, average moisture, microorganism count; and

(ii) The ephedrine penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is ephedrine penicillin G), crystallinity, and the penicillin G content if it is ephedrine penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal;

(ii) The ephedrine penicillin used in making the batch; six packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146.48 (b); and

(iii) In case of an initial request for certification, each buffer substance, diluent, binder, and lubricant used in making the batch; one package of each, each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for services rendered with respect to each bath of ephedrine penicillin tablets under the regulations in this part shall be:

(1) $1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section, $4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

11. In § 146.101 *Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "$15.00" and substituting therefor "$10.00."

That part of this order which provides for the marketing of two new penicillin products, ephedrine penicillin and ephedrine penicillin tablets, shall become effective upon publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this part of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of two new penicillin products, ephedrine penicillin and ephedrine penicillin tablets.

That part of this order which provides for reducing the cost (fees) for certification of streptomycin- and the following penicillin-containing drugs: Penicillin in oil and wax, penicillin ointment, penicillin vaginal suppositories, crystalline penicillin and epinephrine in oil, procaine penicillin in oil, and crystalline penicillin for inhalation therapy; for modification of the specification for crystalline penicillin tablets and a decrease in the number of tablets required for tests and assays and certification, shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this part of this order and would be contrary to the public interest, and I so find.

(52 Stat. 1040, as amended; 21 U. S. C. and Sup. 357)

Dated: September 17, 1948.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 48-8556; Filed, Sept. 23, 1948; 8:46 a. m.]

[Docket No. FDC-29 (c)]

PART 19—DEFINITIONS AND STANDARDS OF IDENTITY FOR CHEESE AND CHEESE PRODUCTS

FINAL ORDER WITH RESPECT TO CREAM CHEESE, NEUFCHATEL CHEESE, AND COTTAGE CHEESE; TENTATIVE ORDER WITH RESPECT TO CREAMED COTTAGE CHEESE

Correction

In Part 19 of Title 21, appearing as Federal Register Document 48-8353 in the issue for Friday, September 17, 1948, at page 5422, the original document has been corrected as follows:

On page 5423, column 1, under § 19.515, paragraph (b) (2), line 10, the paragraph should end with the words "cream cheese"—the words "when the milk or skim milk was concentrated or dried" should be stricken.

On page 5423, column 1, under § 19.515, paragraph (b) (3), the period at the end of the paragraph should be deleted and the words "when the milk or skim milk was concentrated or dried" should be added.

As corrected, subparagraphs (2) and (3) of § 19.515 (b) read as follows:

§ 19.515 *Cream cheese; identity; label statement of optional ingredients.*
• • •

(b) • • •

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Reg.[1], Amdt. 39]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respects:

1. Schedule B is amended by incorporating item 31 as follows:

31. Provisions relating to the City of Petersburg, Virginia, a portion of the Petersburg, Defense-Rental Area.

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents are hereby increased, effective September 24, 1948, in the amount of 15 percent for all housing accommodations in the City of Petersburg, Virginia, a part of the Petersburg Defense-Rental Area, for which the maximum rents are determined under sections 4 (a) and 4 (b) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or section 5 of this regulation in cases in which section 5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date; *Provided, however*, That no increase is hereby authorized of maximum rents which have been adjusted under section 5 (a) (16) of this regulation or which have been adjusted on or after August 22, 1947 under section 5 (a) (12) of this regulation. All provisions of this regulation insofar as they are applicable to the Petersburg Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective September 24, 1948.

Issued this 24th day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement To Accompany Amendment 39 to the Controlled Housing Rent Regulation and Amendment 39 to Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for the Petersburg Defense-Rental Area, State of Virginia, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase in the general rent level in the City of Petersburg, Virginia, a portion of the Petersburg Defense-Rental Area, on freeze date rents and on those rents adjusted by orders on the basis of the rents generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 15 percent, and is, therefore, issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-8571; Filed, Sept. 23, 1948; 8:52 a. m.]

[1] 12 F. R. 4331, 5040, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294, 322, 441, 475, 476 498, 523, 827, 861, 1118, 1628, 1793, 1861, 1927, 1929, 3116, 3339, 3628, 3673, 4894, 5001 5117, 5157, 5460.

[Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 39]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATIONS FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respects:

1. Schedule B is amended by incorporating item 32 as follows:

32. Provisions relating to the City of Petersburg, Virginia, a portion of the Petersburg Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents are hereby increased, effective September 24, 1948, in the amount of 15 percent for all housing accommodations in the City of Petersburg, Virginia, a part of the Petersburg Defense-Rental Area, for which the maximum rents are determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or section 5 of this regulation in cases in which section 5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided, however*, That no increase is hereby authorized of maximum rents which have been adjusted on or after August 22, 1947 under section 5 (a) (9) of this regulation. All provisions of this regulation insofar as they are applicable to the Petersburg Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective September 24, 1948.

Issued this 24th day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 48-8570; Filed, Sept. 23, 1948; 8:52 a. m.]

[1] 12 F. R. 4302, 5040, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 295, 321, 442, 476, 497, 523, 828, 861, 1119, 1627, 1793, 1873, 1929, 3116, 3117, 3339, 3651, 3673, 4895, 5001, 5118, 5156, 5460.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5655]

PART 176—DRAWBACK ON DISTILLED SPIRITS AND WINES

FIBERBOARD CASES

SEPTEMBER 17, 1948.

1. On June 10, 1948, notice of proposed rule-making, regarding construction of fiberboard cases for use in packing distilled spirits bottled especially for export, was published in the FEDERAL REGISTER (13 F. R. 3120).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendment of § 176.27 of Regulations 28 (26 CFR, Part 176), approved August 29, 1940, is hereby adopted.

3. The purpose of this amendment is to enumerate the federal specifications which shall be applicable to the construction of fiberboard cases suitable for packing distilled spirits bottled especially for export; to eliminate provisions which may be inconsistent therewith; and to restate requirements for liners and partitions, and the sealing of cases for shipment. Copies of Federal Specifications LLL–B–631 and LLL–B–636 may be procured from the Superintendent of Documents, Washington 25, D. C., for the sum of five cents each.

§ 176.27 *Fiberboard cases*—(a) *Requirements.* Spirits bottled especially for export may be placed in cases (boxes) constructed of solid fiberboard, single and double wall corrugated fiberboard, one-piece style, meeting the applicable requirements of rule 41, Consolidated Freight Classification; rule 18, Official Express Classification; Federal Specifications LLL–B–631 for corrugated sheets except that B-flute corrugated sheets specified therein may not be used; and Federal Specifications LLL–B–636 for solid fiber boxes: *Provided*, That the cases need not be subjected to the drop test requirements of such federal specifications. In addition, the requirements of paragraphs (b) and (c) of this section shall apply.

(b) *Liners and partitions.* The top, bottom, and sides of the cases shall be lined with double-faced corrugated board conforming to the requirements of paragraph (a) of this section. Except as otherwise provided herein, the cases shall also contain partitions separating each bottle. Such partitions shall be tightly fitting, touching the top, bottom, and all sides of the case, and made of the same board as the liners for the top, bottom, and sides. The interior packing of pads, liners, or partitions is not required where the bottles are placed in individual double-faced corrugated cartons meeting the requirements of paragraph (a) of this section. Exclusive of liners, interior packing other than the type specified herein may be used where equal protection to the spirits will be afforded.

(c) *Securing cases for shipment.* The top and bottom of the case shall be secured by gluing the entire inner surface of the inner flaps to the top and bottom liners, and the entire inner surface of the outer flaps to the inner flaps with silicate of soda, or an equally efficient adhesive: *Provided*, That containers sealed with automatic sealing machines are not required to have the inner flaps glued to the top and bottom pads or liners. In lieu of gluing, the top and bottom of the case may be secured with metal fastenings or staples, or stitching wire made of steel, treated to resist rust, and not less than ½ of an inch long. The staples or stitches shall be spaced not more than 2 inches apart, shall pass through all the pieces to be fastened, and shall be clinched on the inside. (Sec. 3179 (b), I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended, (19 U. S. C. Supp. V, 1309 (a), (b), (c), (d)))

4. This Treasury decision shall be effective on the 31st day after the date of publication in the FEDERAL REGISTER.

(53 Stat. 375, sec. 309, 46 Stat. 690, as amended, 26 U. S. C. 3179 (b), 19 U. S. C. 1309)

GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.
THOMAS J. LYNCH,
Acting Secretary of the Treasury.

Approved: September 17, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48–8569; Filed, Sept. 23, 1948; 8:52 a. m.]

[T. D. 5656]

PART 188—BOTTLING OF DISTILLED SPIRITS (OTHER THAN ALCOHOL) IN BOND

FIBERBOARD CASES

SEPTEMBER 17, 1948.

1. On June 10, 1948, notice of proposed rule-making, regarding construction of fiberboard cases for use in packing bottled-in-bond distilled spirits, was published in the FEDERAL REGISTER (13 F. R. 3121).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendment of § 188.89 of Regulation 6 (26 CFR, Part 188), approved September 19, 1940, is hereby adopted.

3. The purpose of this amendment is to enumerate the federal specifications which shall be applicable to the construction of fiberboard cases suitable for packing distilled spirits bottled in bond; to eliminate requirements which may be inconsistent therewith; and to restate requirements for liners and partitions, and the sealing of cases for shipment. Copies of Federal Specifications LLL–B–631 and LLL–B–636 may be procured from the Superintendent of Documents, Washington 25, D. C., for the sum of five cents each.

§ 188.89 *Fiberboard cases*—(a) *Requirements.* Spirits bottled in bond may be placed in cases (boxes) constructed of solid fiberboard, single and double wall corrugated fiberboard, one-piece style, meeting the applicable requirements of rule 41, consolidated Freight Classification; rule 18, Official Express Classification; Federal Specifications LLL–B–631 for corrugated boxes, except that B-flute corrugated sheets specified therein may not be used; and Federal Specifications LLL–B–636 for solid fiber boxes: *Provided*, That the cases need not be subjected to the drop test requirements of such Federal specifications. In addition, the requirements of paragraphs (b) and (c) of this section shall apply.

(b) *Liners and partitions.* The top, bottom, and sides of the cases shall be lined with double-faced corrugated board conforming to the requirements of paragraph (a) of this section. Except as otherwise provided in this section, the cases shall also contain partitions separating each bottle. Such partitions shall be tightly fitting, touching the top, bottom, and all sides of the case, and made of the same board as the liners for the top, bottom, and sides. The interior packing of pads, liners, or partitions is not required where the bottles are placed in individual double-faced corrugated cartons meeting the requirements of paragraph (a) of this section. Exclusive of liners, interior packing other than the type specified herein may be used where equal protection to the spirits will be afforded.

(c) *Securing cases for shipment.* The top and bottom of the case shall be secured by gluing the entire inner surface of the inner flaps to the top and bottom liners, and the entire inner surface of the outer flaps to the inner flaps with silicate of soda, or an equally efficient adhesive: *Provided*, That containers sealed with automatic sealing machines are not required to have the inner flaps glued to the top and bottom pads or liners. In lieu of gluing, the top and bottom of the case may be secured with metal fastenings or staples, or stitching wire made of steel, treated to resist rust, and not less than ½ of an inch long. The staples or stitches shall be spaced not more than 2 inches apart, shall pass through all the pieces to be fastened, and shall be clinched on the inside. (Secs. 2905, 3176, I. R. C. (26 U. S. C. 2905, 3176))

4. This Treasury decision shall be effective on the 31st day after the date of publication in the FEDERAL REGISTER.

(53 Stat. 344, 375; 26 U. S. C. 2905, 3176)

GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: September 17, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48–8568; Filed, Sept. 23, 1948; 8:52 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

MISCELLANEOUS AMENDMENTS

The Secretary of the Army having determined that the use of the Clearwater Reservoir, Black River, Missouri, and the Bluestone Reservoir, New River, West Virginia and Virginia, by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations pursuant to the provisions of section 4 of the act of Congress approved December 22, 1944 (58 Stat. 889; 16 U. S. C. 460d) as amended by the Flood Control Act of 1946 (60 Stat. 641), for the public use of the Clearwater Reservoir Area, Missouri, and the Bluestone Reservoir Area, West Virginia and Virginia, by amending Title 36, Chapter III, Part 311 of the Code of Federal Regulations as follows:

1. Add paragraphs (l) and (m) to § 311.1 as follows:

§ 311.1 *Areas covered.* • • •

(l) Clearwater Reservoir Area, Black River, Missouri.

(m) Bluestone Reservoir Area, New River, West Virginia and Virginia.

2. Amend paragraph (b) of § 311.6 to read as follows:

§ 311.6 *Hunting and fishing.* • • •

(b) Hunting shall be with shotgun only in any reservoir area listed in § 311.1 except for the following reservoir areas on which hunting of deer with rifles is also permitted.

(1) Wappapello Reservoir Area, St. Francis River, Missouri.

(2) Clearwater Reservoir Area, Black River, Missouri.

[Regs. 3 and 8 Sept. 1948, ENGWF] (58 Stat. 889, 60 Stat. 641; 16 U. S. C. 460d)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48–8544; Filed, Sept. 23, 1948; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 14—DELIVERY SERVICE

NEWSPAPER RECEPTACLES ON RURAL MAIL BOX POSTS OR SUPPORTS

In § 14.51 *Erection of boxes*, (39 CFR 14.51), make the following change: Amend paragraph (c) to read as follows:

(c) A receptacle may be placed, by the patron, below the rural mail box and on the post or support of the rural mail box, for the receipt of newspapers. The receptacle should be placed in such a manner that it will not interfere with the delivery of mail or create a hazard for the rural carrier. The receptacle must not be restricted to any particular newspaper and should not contain any advertising matter.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48–8552; Filed, Sept. 23, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 135, Amdt. 7]

PART 95—CAR SERVICE

DEMURRAGE CHARGES AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of September A. D. 1948.

Upon further consideration of the provisons of Service Order No. 135 (8 F. R. 9569), as amended (8 F. R. 10941; 11 F. R. 8451, 11077; 12 F. R. 840, 4001, 8680), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 135, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) of § 95.502 *Demurrage charges at Mexican border points.*

(e) This section, as amended, shall expire at 7:00 a. m., April 1, 1949, unless otherwise modfied, changed, suspended or annulled by order of this Commission.

It is further ordered, This amendment shall become effective at 12:01 a. m., September 30, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48–8562; Filed, Sept. 23, 1948; 8:49 a. m.]

[Rev. S. O. 776, Amdt. 4]

PART 95—CAR SERVICE

CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of September A. D. 1948.

Upon further consideration of Revised Service Order No. 776 (13 F. R. 2380), as amended (13 F. R. 2570, 2679, 3763), and good cause appearing therefor: *It is ordered*, That:

Section 95.776 *Car demurrage on State Belt Railroad of California* of Revised Service Order 776, as amended be further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1948, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 7:00 a. m., September 30, 1948, and a copy be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48–8563; Filed, Sept. 23, 1948; 8:49 a. m.]

[S. O. 775, Amdt. 5]

PART 95—CAR SERVICE

DEMURRAGE ON RAILROAD FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of September A. D. 1948.

Upon further consideration of Revised Service Order No. 775 (13 F. R. 2379) as amended (13 F. R. 2679, 3763, 5238), and good cause appearing therefor: *It is ordered*, That:

Section 95.775 *Demurrage on railroad freight cars* of Revised Service Order 775, as amended be further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 7:00 a. m. December 31, 1948, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 7:00 a. m., September 30, 1948, and a copy be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48–8564; Filed, Sept. 23, 1948; 8:49 a. m.]

[No. 10122]

PART 139—STANDARD TIME ZONE BOUNDARIES

STANDARD TIME ZONE INVESTIGATION

At a session of the Interstate Commerce Commission, Division 2, held at its

office in Washington, D. C., on the 17th day of September A. D. 1948.

It appearing, that by report and order dated October 24, 1918, (51 I. C. C. 273; 49 CFR 139), the Commission defined the limits of the various time zones throughout the United States created by the act of Congress entitled "An Act to Save Daylight and to Provide Standard Time," approved March 19, 1918 (40 Stat. 450; 15 U. S. C. 261–265), and that said limits were restated and redefined in the sixteenth supplemental report and order in this investigation, dated May 19, 1928, (142 I. C. C. 279; 49 CFR Part 139), and were modified by the twenty-first supplemental report and order in this proceeding, dated August 14, 1936, (218 I. C. C. 221; 49 CFR Part 139);

It further appearing, that upon request of the representatives of certain organizations of employees of the Wabash Railroad Company for a modification of the orders entered herein, the proceeding was reopened for reconsideration;

And it further appearing, that a full investigation of the matters and things involved has been made, and that the said division, on the date hereof, has made and filed its twenty-ninth supplemental report in the above-entitled proceeding, containing its findings of fact and conclusions thereon, which said twenty-ninth supplemental report is hereby referred to and made a part hereof:

It is ordered, That the said order of October 24, 1918, as subsequently amended, as restated in the said order of May 19, 1928, and further amended by the said order of August 14, 1936, and corresponding sections of the Code of Federal Regulations (49 CFR Part 139), are hereby amended as follows:

Section 139.3 *Boundary line between eastern and central zones*—(g) *Operating exceptions*—(1) *Lines east of boundary excepted from eastern zone*, is amended by changing the following operating exception:

Name of railroad	From—	To—
Wabash	Ohio-Indiana State line (west of Blakesley, Ohio).	Detroit, Mich.
so as to read: Wabash	Ohio-Indiana State line (west of Blakesley, Ohio).	Oakwood Junction, Mich.

It is further ordered, That the changes and additions required hereby shall become effective at 2 o'clock ante meridian September 26, 1948;

And it is further ordered, That notice to the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-8565; Filed, Sept. 23, 1948; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED PACK SPECIFICATIONS AND MINIMUM STANDARDS; AND INFORMATION TO BE CONTAINED IN CERTIFICATES

Notice is hereby given, pursuant to the provisions of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) approved June 11, 1946, that the administrative rules herein set forth are proposed by the Walnut Control Board (the administrative agency for operations under this regulatory program) in accordance with the authority vested in it by § 984.3 of the marketing agreement and order (13 F. R. 4344) regulating the handling of walnuts grown in California, Oregon, and Washington, which marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

Prior to the final issuance of such administrative rules, consideration will be given to any data, views, or arguments pertaining thereto which are submitted, in writing and in duplicate, to the Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles 21, California, and which are received by it not later than 1:00 p. m., P. s. t., on the 10th day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if such 10th day should fall on a holiday or a Sunday, such submission may be received not later than 1:00 p. m., P. s. t., on the next following working day.

Such proposed administrative rules are as follows:

§ 984.101 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of quality and maturity*—(a) *Size grade specifications.* (1) Mammoth Size: Walnuts of which not over 12 percent by count pass through a round opening 9/64 inches in diameter;

(2) Jumbo Size: Walnuts of which not over 12 percent by count pass through a round opening 8 2/64 inches in diameter;

(3) Large Size: Walnuts of which not over 12 percent by count pass through a round opening 7/64 inches in diameter;

(4) Medium Size: Walnuts of which at least 88 percent by count pass through a round opening 7/64 inches in diameter and of which not over 12 percent by count pass through a round opening 7/64 inches in diameter;

(5) Number 1 Size: Walnuts of which not over 12 percent by count pass through a round opening 7/64 inches in diameter. This size is customarily obtained when lots of walnuts are graded for removal of "Baby Size";

(6) Baby Size: Walnuts of which at least 88 percent by count pass through a round opening 7/64 inches in diameter and of which not over 10 percent by count pass through a round opening 6/64 inch in diameter.

(b) *External appearance and condition*—(1) *Specifications and tolerances.* Merchantable walnuts must be free of excessively dirty nuts, nuts affected by adhering hulls, dark spots, and nuts having perforated or broken or split shells, except that the following tolerances (by count) shall be permitted within the packs specified:

(i) First Quality Grade: 10 percent for splits and an additional 5 percent for defects other than splits;

(ii) Second and Third Quality Grades: 10 percent for splits and an additional 10 percent for defects other than splits;

(iii) External defects: In determining the percentage of externally defective walnuts in a lot, all walnuts affected as follows shall be considered as not free from defects:

(a) Excessively dirty nuts: Walnuts with shells coated or caked with adhering dirt or other foreign matter so as to seriously damage the appearance. Walnuts with slightly chalky deposits on the shells shall not be considered excessively dirty;

(b) Adhering hull: Walnuts the shells of which have adhering to them any portion of the hull;

(c) Dark spots: Discoloration or stains contrasting with the color of the remainder of the shell which results in unclean or unsightly appearance or render a given pack of walnuts unattractive;

(d) Perforated shells: Walnuts with improperly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall, if an area of surface aggregating more than three-eighths of an inch in diameter is affected;

(e) Broken shells: Walnuts with any material portion of the shell missing or with the halves completely broken apart or separated;

(f) Split shells or splits: Walnuts with the shell halves completely separated but held together by the kernel.

(c) *Internal or kernel quality*—(1) *Quality grade specifications and tolerances.* The quality grade of any lot of walnuts, within the limits of tolerances specified for external appearance and condition, shall be the highest quality grade to which such lot is eligible under the following specifications: Within a 5 percent tolerance, no quality grade shall be given any lot of walnuts unless the kernels are well dried (firm and crisp). A kernel, as referred to herein, means all of the non-fibrous content of one individual walnut, i. e., two halves, four quarters, etc.

The color chart referred to in these specifications as the WCB color chart is the chart adopted June 15, 1944 by the then Program Committee, War Food Order 82, and is available for inspection at the office of the Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles 21, California.

(i) *First Quality Grade Walnuts.* First Quality Grade Walnuts shall contain not less than 90 percent (by count) of nuts the kernels of which are free from defects, except that not less than 95 percent (by count) shall be free from insect damage. At least 50 percent of the kernels in any lot shall be light in color in accordance with the WCB color chart; only sound kernels shall be scored "light". In determining the percentage of sound kernels in a lot of walnuts for qualification as of "First Quality Grade," all walnuts the kernels of which show the following defects shall not be considered as sound:

(a) Insect damage: Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects;

(b) Moldy kernels: Kernels showing on their surface mold readily discernible to the eye, except that kernels bearing a few loose filaments of white or light gray mold which are easily blown off shall not be considered moldy;

(c) Shriveled kernels: Kernels which are noticeably shrunken, leathery or tough as distinguished from kernels which are fully developed. A kernel with one-eighth or more of its surface affected by shriveling shall be considered as noticeably shrunken and scored as unsound. Kernels which are thin in cross section but which otherwise are normally developed shall not be considered shriveled: *Provided*, That with respect to walnuts produced in the States of Oregon and Washington, kernels shriveled one-eighth or more but less than one-half shall be scored one-half sound. However, in any 100 nuts not more than 10 such nuts may be combined to make 5 percent sound; each additional such nut shall count as 1 percent defective;

(d) Blanks: Walnuts with kernels so shrunken or improperly matured as to be inedible or worthless;

(e) Rancid kernels: Kernels which have a decomposed appearance or a rancid taste;

(f) Black kernels: Kernels as dark or darker in color than those illustrated in row "E" of the WCB color chart.

(ii) *Second Quality Grade Walnuts.* Second Quality Grade Walnuts shall contain not less than 86 percent (by count) of kernels practically free from defects, except that 90 percent of the kernels shall meet the minimum specifications established herein for "Third Quality Grade." At least 30 percent of the kernels in any lot shall be light in color in accordance with the WCB color chart; only sound kernels shall be scored "light".

In determining the percentage of sound kernels in a lot of walnuts for qualification as of "Second Quality Grade," all walnuts showing the defects described under "First Quality Grade," shall not be considered as sound, except that:

(a) Partially moldy kernels: Kernels affected by a slight covering of white or gray mold which does not affect more than one-fourth of the surface of the kernel shall be classed as sound;

(b) Shriveled kernels: The provisions under "First Quality Grade" for scoring shriveled kernels in walnuts produced in the States of Oregon and Washington shall apply to California walnuts in scoring for shriveling under "Second Quality Grade";

(iii) *Third Quality Grade Walnuts.* Third Quality Grade Walnuts shall contain not less than 90 percent (by count) of passable kernels. In determining the percentage of passable kernels in a lot of walnuts, all walnuts, the kernels of which show the following defects, shall not be considered passable;

(a) Insect damage: Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects;

(b) Moldy kernels: Kernels on which there is fruiting mold of any description, or mold mycelia affecting more than one-fourth of the surface of the kernel;

(c) Shriveled kernels: Kernels which are edible but so shriveled as to be one-half or less than half the normal size. Each shriveled kernel shall be classed as half sound, that is, two such kernels shall be counted as one sound and one defective kernel;

(d) Blanks: Walnuts with kernels so shrunken or improperly matured as to be inedible or worthless;

(e) Rancid: Kernels which have a decomposed appearance or a rancid taste.

(d) *Minimum standards.* The specifications for (1) Baby Size, (2) Third Quality Grade with respect to internal or kernel quality, and (3) External Appearance and Condition, applicable to Second and Third Quality Grades, as herein prescribed including respective tolerances, shall be the minimum standards of quality and maturity prescribed pursuant to § 984.3 of the marketing agreement and order (13 F. R. 4344).

§ 984.102 *Certification of merchantable walnuts*—(a) *Information to be contained in certificates for shipment:* Every certificate issued for each lot of merchantable walnuts handled or to be handled for shipment, shall contain, in addition to the information required by § 984.3 (b) of Order No. 84, regulating the handling of walnuts grown in California, Oregon and Washington, the following information: Crop year of production of each lot; if shipment is made by rail the car number; if shipment is made by truck the name of the transportation company; and on all copies except those submitted to the Walnut Control Board, the shipping mark or consignee's name.

(b) *Information to be contained in certificates for surplus.* Every certificate issued for each lot of surplus walnuts shall contain in addition to the information required by § 984.3 (b) of Order No. 84 regulating the handling of walnuts grown in California, Oregon and Washington, the following information: Handler's lot number; brand, if any; crop year of production; and the location where the surplus walnuts are withheld and stored.

Issued at Washington, D. C., this 20th day of September 1948.

[SEAL] CLAUDE R. WICKARD, *Acting Secretary of Agriculture.*

[F. R. Doc. 48-8601; Filed, Sept. 23, 1948; 8:50 a. m.]

[7 CFR, Part 966]

[Docket No. AO 164-A 1]

HANDLING OF ORANGES GROWN IN CALIFORNIA OR ARIZONA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER AND TENTATIVELY APPROVED MARKETING AGREEMENT

Correction

In Federal Register Document 48-8200, appearing at page 5338 of the issue for Tuesday, September 14, 1948, the word "committees" in the first line of paragraph (6) on page 5344, first column, should read "committee".

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 3088]

EASTERN AIR LINES, INC.; REMOVAL OF WINSTON-SALEM-GREENSBORO RESTRICTION

NOTICE OF HEARING

In the matter of the application of Eastern Air Lines, Inc., for amendment of its certificates for routes Nos. 5 and 6 so as to remove restrictions preventing service to Greensboro/High Point and Winston-Salem on the same flight.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the above application is assigned for hearing on October 11, 1948, at 10:00 a. m. (eastern standard time) in Room 2015, Temporary Building No. 5, 16th Street and Constitution Avenue, NW, Washington, D. C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters;

1. Whether the proposed amendments of certificates are required, in whole or in part, by the public convenience and necessity.

2. Whether the applicant is a citizen of the United States and is fit, willing, and able to perform the proposed new transportation properly and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person, other than the parties of record, desiring to be heard in this proceeding shall file with the Board on or before October 11, 1948, a statement setting forth the issues of fact and law raised in this proceeding which he desires to controvert.

Dated at Washington, D. C., September 20, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8558; Filed, Sept. 23, 1948; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2005]

OAKDALE IRRIGATION DISTRICT AND SOUTH SAN JOAQUIN IRRIGATION DISTRICT

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

SEPTEMBER 17, 1948.

Public notice is hereby given that Oakdale Irrigation District and South San Joaquin Irrigation District with principal offices in Oakdale and Manteca, California, respectively, have made application pursuant to the provisions of the Federal Power Act for license for major Project No. 2005 (Beardsley Project) to be located on the Middle Fork of Stanislaus River and lands of the United States within the Stanislaus National Forest in Tuolumne County, California, and to consist of a dam located in sec. 14, T. 4 N., R. 17 E., Mount Diablo meridian, with maximum height of 275 feet and crest length of 1,150 feet including rockfill and spillway sections; a reservoir with surface area of 720 acres and gross capacity of 97,500 acre-feet at maximum storage level (elevation 3,397 feet above sea level); a conduit consisting principally of tunnel and penstock; a structural steel and reinforced concrete powerhouse immediately downstream from the dam containing a 13,500-horsepower turbine and an 8,800-kv. generator; a switchyard; and appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before October 29, 1948, to the Federal Power Commission at Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8573; Filed, Sept. 23, 1948; 8:53 a. m.]

[Docket No. G-1122]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION

SEPTEMBER 20, 1948.

Notice is hereby given that on September 9, 1948, an application was filed with the Federal Power Commission by Atlantic Seaboard Corporation (Applicant), a Delaware corporation having its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a 1600 H. P. compressor station, consisting of two 800 H. P. gas engine compressing units, complete with appurtenant auxiliary equipment, structures, land and improvements, to be known as the Huff Creek Compressor Station and located near Hanover, West Virginia, at a point approximately 46 miles east of Boldman, Kentucky, on Applicant's present 20-inch pipeline.

Applicant states that the installation of the proposed facilities will permit the delivery of approximately 8,000 Mcf per day additional natural gas at Rockville, Maryland, through Applicant's present 20-inch pipeline north from Boldman, Kentucky. Applicant's deliveries at Rockville, Maryland, are to Washington Gas Light Company, among others, for distributing in the City of Washington, D. C., whose estimated peak day demand for the winter 1948-49 is in excess of Applicant's installed capacity.

The estimated total over-all capital cost of construction of the proposed facilities is $480,000, to be financed from cash on hand, and a loan of $120,000 from Applicant's parent company, the Columbia Gas System, Inc.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reason for such request.

The application of Atlantic Seaboard Corporation is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8572; Filed, Sept. 23, 1948; 8:53 a. m.]

[Docket No. G-1104]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 20, 1948.

Notice is hereby given that on August 19, 1948, an application was filed with the Federal Power Commission by Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal office at Owensboro, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities, which are more particularly described in the application on file with the Commission and open to public inspection:

Approximately 4½ miles of 6⅝-inch O. D. natural-gas transmission pipeline starting at a point of connection with the local distribution system of Western Kentucky Gas Company, and extending in a general southwesterly direction to a connection with Applicant's main 10-inch natural-gas transmission pipeline which connection is approximately 7 miles northwest of Applicant's connection with the Tennessee Gas Transmission natural-gas pipeline system at Portland, Tennessee.

The application states that the proposed described connection is needed in order to supply the increasing domestic and commercial demands of the area of Franklin, Kentucky, which is served by the Western Kentucky Gas Company distribution system. The Applicant states that it is the only source of natural gas supply for that distribution system and that Applicant's predecessor company rendered this service for many years. Applicant further states that it has been advised that Western Kentucky Gas Company now serves 956 customers in Franklin, classified as 817 domestic and 139 commercial and that no industrial customers are served and none is expected to be served. Of the said domestic customers, 400 use gas for house-heating.

The application states that the peak day sales in 1947 by Applicant to Western Kentucky Gas Company for Franklin totaled 1,047 Mcf and that it is estimated that 1948 peak day sales will total 1,370 Mcf, increasing thereafter to an estimated peak day sale of 2,000 Mcf in 1952. Applicant estimates that actual peak day sales for Franklin on the 1947 peak day were 203 Mcf less than the actual requirements. Applicant states that the expected increase in the supply of natural gas delivered by Tennessee Gas Transmission Corporation to Applicant will provide sufficient quantities of gas for service in the Franklin area, and that the proposed described construction is needed in order to provide sufficient operating gas pressures for the distribution system in Franklin. Applicant states that during 8 days of the 1947 winter season pressures were reduced from 45 pounds to 6 pounds at the Franklin town border and as a consequence 25% of the consumers therein were wholly without gas.

The estimated total over-all capital cost of the construction of the proposed facilities is $63,087, which will be financed by Applicant from funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such a request.

The application of Texas Gas Transmission Corporation is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8574; Filed, Sept. 23, 1948; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 825]

UNLOADING OF LUMBER AT DODSON, MO., ON K. C. P. S. Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of September A. D. 1948.

It appearing, that one car of lumber at Dodson, Mo., on Kansas City Public Service Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Lumber at Dodson, Mo., be unloaded.* The Kansas City Public Service Company, its agents or employees, shall unload immediately ATSF 149167 containing lumber, now on hand rejected at Dodson, Mo., consigned to R. L. Sweet Lumber Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., September 22, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8561; Filed, Sept. 23, 1948; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11644]

ANNA M. EICHINGER

In re: Estate of Anna M. Eichinger, also known as Anna Eichinger, also known as Anna M. G. Eichinger, and Anna Mary Eichinger, deceased. File No. D-28-3480; E. T. Sec. 5490.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Eichinger, Paul Lindemann, Wilhelm Lindemann, Anna Lindemann, Joseph Lindemann, Margaretha Stang, Petronela Schmitt, Theresia Geisler Hofman, Anna Schindle, Hans Eichenger, also known as Joseph Eichenger, and Catherine Eichenger Kuhne, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Anna M. Eichinger, also known as Anna Eichinger, also known as Anna M. G. Eichinger, and Anna Mary Eichinger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8575; Filed, Sept. 23, 1948; 8:53 a. m.]

[Vesting Order 11688]

JOHN FRED SOELCH

In re: Trust u/will of John Fred Soelch, deceased. File No. D-28-6490; E. T. sec. 4127.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Kiesling, Christina Kiesling Furbringer, Hans Kiesling, Babetta Kohler, Yetta Kohler, Agnes Kohler, Martha Wohn Lochner, Fritz Menzel, Fritz Hautman and Margeretta Thuring, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue of Margeretta Thuring, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Trust under will of John Fred Soelch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the American Exchange Bank and Martha Soelch, Co-Trustees, acting under the judicial supervision of the County Court of Dane County, Wisconsin;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue of Margeretta Thuring, names un-

known, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 22, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8576; Filed, Sept. 23, 1948; 8:53 a. m.]

[Vesting Order 11835]

AUGUST F. JANA

In re: Estate of August F. Jana, deceased. File D-28-9102; E. T. sec. 11714.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the heirs, names unknown, of August F. Jana, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the Estate of August F. Jana, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter A. Glick, as administrator, acting under the judicial supervision of the Probate Court of the State of Ohio in and for the County of Lorain;

and it is hereby determined:

4. That to the extent that the heirs, names unknown, of August F. Jana, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8577; Filed, Sept. 23, 1948; 8:53 a. m.]

[Vesting Order 12026]

F. K. ANTELMANN AND KARLA ANTELMANN

In re: Stock owned by F. K. Antelmann and Karla Antelmann and debt owing to F. K. Antelmann. F-28-23658-A-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That F. K. Antelmann and Karla Antelmann, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) One-hundred thirty-six (136) shares of no par value common capital stock of International Harvester Company, 180 North Michigan Avenue, Chicago, Illinois, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 13559 for thirty-six (36) shares and 13412, 20064, 21526 and 24250 for twenty-five (25) shares each, registered in the names of F. K. Antelmann and Karla Antelmann, together with all declared and unpaid dividends thereon, and any and all rights of exchange under a plan effective May 14, 1948, of the aforesaid company,

(b) Seventeen (17) shares of $100.00 par value 7% cumulative preferred capital stock of International Harvester Company, 180 North Michigan Avenue, Chicago, Illinois, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 36018 for thirteen (13) shares, 36102 for three (3) shares and 33601 for (1) share, registered in the names of F. K. Antelmann and Karla Antelmann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows:

(a) That certain debt or other obligation of Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, arising out of an account entitled F. K. Antelmann (Harvester Foreign Employees' Bank Account), maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, F. K. Antelmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8578; Filed, Sept. 23, 1948; 8:53 a. m.]

[Vesting Order 12028]

HERMANN I. A. DORNER

In re: Bank account owned by Hermann I. A. Dorner, also known as Herman I. A. Dorner and as Herman Dorner. D-28-7854-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann I. A. Dorner, also known as Herman I. A. Dorner and as Herman Dorner, whose last known address is Hindenburgstrasse 25, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hermann I. A. Dorner, also known as Herman I. A. Dorner and as Herman Dorner, by The Detroit Bank, 46 State Street, Detroit, Michigan, arising out of a savings account, Account Number 273327, entitled Herman Dorner, maintained at the main office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Michael Eckert, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8579; Filed, Sept. 23, 1948; 8:53 a. m.]

[Vesting Order 12029]

MICHAEL ECKERT

In re: Bank account owned by, and debt owing to, Michael Eckert. F-28-14513-C-1; F-28-14513-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Michael Eckert, whose last known address is 201 Hauptstrasse, Schaidt, Palatinate, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Michael Eckert by Detjen & Detjen, Attorneys at Law, 511 Locust Street, St. Louis 1, Missouri, representing a portion of the sum of money on deposit with the Mississippi Valley Trust Company, Broadway and Olive Street, St. Louis, Missouri, in a blocked account entitled "Detjen & Detjen, Blocked Account, Attorneys 102 nationals of Germany, Treasury License SL-518, dated 8/5/41 and Attorneys for heirs of Henry Koelling, dec'd., SL-670, 8/18/41.", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the First National Bank in Wichita, Wichita, Kansas, arising out of an account entitled Michael Eckert Trust, maintained in the Trust Department of the aforesaid bank and any and

all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Michael Eckert, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8580; Filed, Sept. 23, 1948; 8:54 a. m.]

SERVO-FREIN DEWANDRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Servo-Frein Dewandre, Societe Anonyme, Liege, Belgium; 6171; Property described in Vesting Orders No. 292 (7 F. R. 9836, November 26, 1942), relating to Patent Applications Ser. Nos. 247961 (now United States Letters Patent No. 2,316,320) and 167311 (now United States Letters Patent No. 2,342,727), in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943) relating to United States Letters Patent Nos. Re 16,724; 1,603,750; 1,606,361; 1,608,203; 1,675,023; 1,839,954; 1,846,317; 1,856,342; 1,857,053; 1,869,956; 1,875,226; 1,906,222; 1,912,261; 1,968,336; 2,042,392 and 2,237,930; and in Vesting Order No. 2500 (8 F. R. 16341, December 4, 1943), relating to United States Letters Patent Nos. 1,830,530; 1,878,822; 1,879,892 and 1,928,248; all interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Servo-Frein Dewandre, Societe Anonyme, formerly also known as Societe Anonyme du Servo-Frein Dewandre, by virtue of an agreement dated August 23, 1929, (including all modifications thereof and supplements thereto, if any) by and between Societe Anonyme du Servo-Frein Dewandre and Bendix Brake Company, which agreement relates, among other things, to Patent No. 1,608,203.

Executed at Washington, D. C., on September 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8599; Filed, Sept. 23, 1948; 8:56 a. m.]

[Vesting Orer 12031]

RUDOLF FRONING ET AL.

In re: Stock owned by Rudolph Froning, Charles Louis Klingelhofer, G. Kasaku Kusumi, Joseph A. Lemboeck, Mrs. Alma B. Lemboeck, Eugene Lilienthal, Professor Rudolf Froning and Miss Katherine Stadtmiller. D-66-2359-D-1; F-28-25826-D-1; F-28-25827-D-2; F-28-25828-D-1; F-39-2749-D-1; F-28-25829-D-1; F-28-22368-D-2; F-28-23455-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That each person, whose name and address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany);

2. That G. Kasaku Kusumi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: One thousand ten (1010) shares of no par value common capital stock of The Commonwealth & Southern Corporation, Room 901, 902 Market Street, Wilmington 28, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by the certificates numbered as set forth in the aforesaid Exhibit A, registered in the names of the persons and in the amounts appearing opposite each certificate number, together with all declared and unpaid dividends thereon,

is property within the United States owner or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons whose names are set forth in Exhibit A, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: One hundred (100) shares of no par value common capital stock of The Commonwealth & Southern Corporation, Room 901, 902 Market Street, Wilmington 28, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Number

C197812, registered in the name of G. Kasaku Kusumi, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, G. Kasaku Kusumi, the aforesaid national of a designated enemy country (Japan).

and it is hereby determined:

5. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

6. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Registered owner	Address	Certificate Nos.	Number of Shares
Rudolf Froning	Staedtische Sparkasse, Coesfeld in Westfalen, Germany.	C228073/4	1 100
		C246051	100
Professor Rudolf Froning	Kirchstrasse 5, Bonn on Rhine, Germany	C49274/5	1 100
		X10388089	100
Charles Louis Klingelhofer	Wilhelminen St. 1, Wiesbaden, Germany	C26023	100
		25643 2	20
Joseph A. Lemboeck and Mrs. Alma B. Lemboeck.	c/o American Express Co., Munich, Germany.	C51857 4	100
		C52097 6	100
Eugene Liljenthal	Konigstrasse 9, Pt. R., Konigsberg, Pr. Germany.	361430	20
		431158	30
Miss Katherine Stadtmiller	Michelbach, Unterfranken, Bavaria, Germany.	X28551	10
		X36272	10
		X45666	10
		X50460	10

1 Each.

[F. R. Doc. 48-8581; Filed, Sept. 23, 1948; 8:54 a. m.]

[Vesting Order 12032]

KAKICHI FUJII

In re: Debt owing to Kakichi Fujii, also known as Fred K. Fujii. D-39-3076-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kakichi Fujii, also known as Fred K. Fujii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $3,342.97, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8582; Filed, Sept. 23, 1948; 8:54 a. m.]

[Vesting Order 12034]

ARNOLD HERTZ

In re: Debt owing to Arnold Hertz. F-28-25780-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arnold Hertz, whose last known address is Harfestehuderweg 6, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Dominick & Dominick, 14 Wall Street, New York 5, New York, in the amount of $270.00, as of December 31, 1945, representing the proceeds of coupons collected April 9, 1942, and maintained in an account for the Union de Banques Suisses, Zurich, Switzerland, Special G. R. No. 6 Account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Arnold Hertz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8583; Filed, Sept. 23, 1948; 8:54 a. m.]

[Vesting Order 12035]

CECILIA KEMMER

In re: Bank account owned by Cecilia Kemmer. F-28-13753-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and

Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Cecilia Kemmer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owning to Cecilia Kemmer, by Staten Island Savings Bank, Stapleton, Staten Island, New York, arising out of a savings account, account number 133105, entitled Cecilia Kemmer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8584; Filed, Sept. 23, 1948; 8:54 a. m.]

[Vesting Order 12037]

IDA KOHLER

In re: Debt Owing to Ida Kohler. F-28-18134-A-1; F-28-18134-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Kohler, whose last known address is Heidingsfeld, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ida Kohler by The Title Insurance and Mortgage Company, 433 Main Street, Stamford, Connecticut, in the amount of $20,352.77 as of September 1, 1947, presently on deposit in The First National Bank and Trust Company of Stamford, Connecticut, in a Special Account, and representing payments of principal and interest on seven (7) Mortgage Participation Certificates of the aforesaid The Title Insurance and Mortgage Company, said certificates numbered 2C1827, 2C1828, 2C1829, 2C-1830, 2C1831, 2C1832 and 2C1833, and in the possession of The First National Bank and Trust Company of New Canaan, 82 Main Street, New Canaan, Connecticut, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid certificates,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8585; Filed, Sept. 23, 1948; 8:54 a. m.]

[Vesting Order 12038]

EMMA JOSEPHINE KUCKING

In re: Debt owing to Emma Josephine Kucking also known as Emma Josephine Kuecking. F-28-26257-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Josephine Kucking also known as Emma Josephine Kuecking, whose last known address is Nesselroeden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Emma Josephine Kucking also known as Emma Josephine Kuecking, by Walter C. Cox, 208 La Salle St., Suite 1802–06, Chicago 4, Illinois, in the amount of $216.02, as of December 31, 1945, presently on deposit with the City National Bank and Trust Company of Chicago in an account entitled "W. C. Cox & Company, Special Account, 208 S. La Salle St., Suite 1802, Chicago, Ill. S. A.", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8586; Filed, Sept. 23, 1948; 8:54 a. m.]

[Return Order 172]

WILLIAM W. FREUND AND ALOISIA FREUND

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

William W. Freund and Aloisia Freund, 8438 126th Street, Kew Gardens, Long Island, N. Y.; Claim No. 3887; July 23, 1948 (13 F. R. 4243); $1,619.29 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

REFERENCE OCT 27 '48

Executed at Washington, D. C., on September 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8595; Filed, Sept. 23, 1948; 8:55 a. m.]

[Vesting Order 12042]

PELTZER GEBRUEDER A. G.

In re: Debt owing to Peltzer Gebrueder A. G. F-28-9005-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peltzer Gebrueder A. G., the last known address of which is Krefeld, Germany, is a corporation, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Peltzer Gebrueder A. G., by William Iselin & Co. Inc., 357 4th Ave., New York, N. Y., in the amount of $440.20, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8588; Filed, Sept. 23, 1948; 8:55 a. m.]

[Return Order 171]

DANISH AUTOMATIC SUPPLY CO.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Axel Jorgensen and Axel Alsted Nielsen, d/b/a Danish Automatic Supply Co., Aalborg, Denmark; 5267; July 29, 1948 (13 F. R. 4373); Property described in Vesting Order No. 290 (7 F. R. 9833, November 26, 1942) relating to United States Patent Application Serial No. 309,917 (now United States Letters Patent No. 2,371,260). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8594; Filed, Sept. 23, 1948; 8:55 a. m.]

[Return Order 167]

DR. ING. BERTOLD BUXBAUM

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Dr. ing. Bertold Buxbaum, Berlin, Germany; 8540; July 29, 1948 (13 F. R. 4371); Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,151,585. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8593; Filed, Sept. 23, 1948; 8:55 a. m.]

[Return Order 174]

VICTOR J. SCHNEIDER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Victor J. Schneider, 18229 Northlawn Avenue, Detroit 21, Mich.; 4228; July 23, 1948 (13 F. R. 4243); $20,781.76 in the Treasury of the United States; 620 shares of the capital stock of The Charles E. Bresler Estate Land Company, a Michigan corporation. All right, title, interest, and claim of any kind or character whatsoever of Annie B. Schneider in and to the estate of Victor Bresler, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8596; Filed, Sept. 23, 1948; 8:55 a. m.]

[Return Order 188]

FRANCOIS PAGIS AND PAUL BERCHE

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Francois Pagis, 69 Rue de Rennes, Paris, France, 6931; Paul Berche, 69 Rue de Rennes, Paris, France, 6932; August 7, 1948 (13 F. R. 4581); Property to the extent owned by claimants immediately prior to the vesting thereof, described in Vesting Order No. 500A-1 (9 F. R. 7871 July 14, 1944) relating to the literary work "Manuale Theologiae Dogmaticae" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $3,739.70.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8597; Filed, Sept. 23, 1948; 8:56 a. m.]

REFERENCE

SEP 27 '48

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 13 1934 NUMBER 188

Washington, Saturday, September 25, 1948

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS, AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

REVISION OF UNITED STATES STANDARDS FOR GRADES OF CANNED GREEN BEANS AND CANNED WAX BEANS [1]

On July 9, 1948, a notice of rule making was published in the FEDERAL REGISTER (13 F. R. 3816) regarding a proposed revision of the United States Standards for Grades of Canned Green Beans and Canned Wax Beans (7 CFR, 1947 Supp., 52.165). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Green Beans and Canned Wax Beans are hereby promulgated under the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948):

§ 52.165 *Canned green beans and canned wax beans*—(a) *Identity.* (1) "Canned green beans" means canned green beans as defined in the definitions and standard of identity for canned green beans (21 CFR, Cun. Supp., 51.10; 13 F. R. 3725), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(2) "Canned wax beans" means canned wax beans as defined in the definitions and standard of identity for canned wax beans (21 CFR, Cum. Supp., 51.15; 13 F. R. 3725), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(3) "Canned beans" means canned green beans or canned wax beans.

(4) "Whole green beans" or "whole wax beans" means canned beans consisting of whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length.

(5) "Unit" means an individual green bean or wax bean, or portion of either, in canned beans.

(b) *Styles of canned beans.* (1) "Whole" means canned beans that are not arranged in any definite position in the container.

(2) "Whole vertical pack" means canned beans that are packed parallel to the sides of the container.

(3) "Whole asparagus style" means canned beans consisting of pods that are cut at both ends, are of substantially equal lengths, and are packed parallel to the sides of the container.

(4) "Sliced lengthwise" or "French style" means canned beans consisting of pods that are sliced lengthwise.

(5) "Cut" or "cuts" means canned beans consisting of pods that are cut transversely into pieces less than 2¾ inches, but not less than ¾ inch, in length, and may contain shorter end pieces which result from cutting.

(6) "Short cut" or "short cuts" means canned beans consisting of pieces of pods of which not less than 75 percent are less than ¾ inch in length and not more than 1 percent are more than 1¼ inches in length.

(7) "Mixed" or "mixture" means a mixture of two or more of the following forms of canned beans: "whole;" "sliced lengthwise;" "cuts;" or "short cuts."

(c) *Grades of canned beans.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not materially affected in appearance by sloughing of the epidermis; are very young and tender; and are of such quality with respect to clearness of liquor, uniformity of color, and absence of defects as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not materially affected in appearance by sloughing of the epidermis; possess a reasonably uniform typical color; are young and reasonably tender; are reasonably free from defects; and are of such quality with respect to clearness of liquor as to

(Continued on p. 5583)

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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score not less than 75 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not seriously affected in appearance by sloughing of the epidermis; possess a fairly uniform typical color; are nearly mature and fairly tender; possess a fairly good liquor; are fairly free from defects; and score not less than 60 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of canned beans that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(5) "U. S. Grade D—Below standard in quality, good food—not high grade" or "Substandard—Below standard in quality, good food—not high grade" or "U. S. Grade D—Below standard in quality, excessive number very short pieces" or "Substandard—Below standard in quality, excessive number very short pieces" or "U. S. Grade D—Below standard in quality, excessive number blemished units" or "Substandard—Below standard in quality, excessive number blemished units" or "U. S. Grade D—Below standard in quality, excessive number unstemmed units" or "Substandard—Below standard in quality, excessive number unstemmed units" or "U. S. Grade D—Below standard in quality, excessive foreign material" or "Substandard—Below standard in quality, excessive foreign material," is the quality of canned beans that fall below the standard of quality of canned green beans (21 CFR Cum. Supp., 51.11; 13 F. R. 3726) or the standard of quality of canned wax beans (21 CFR Cum. Supp., 51.16; 13 F. R. 3728), as the case may be.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned beans be filled with green beans or wax beans, as the case may be, as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

(e) *Recommended drained weight.* The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of green beans or wax beans, as the case may be, is determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can.

TABLE NO. I—RECOMMENDED DRAINED WEIGHTS, IN OUNCES, OF GREEN BEANS AND WAX BEANS

Container size or designation	Styles of canned beans			
	Whole	Whole vertical pack or whole asparagus style	Short cuts and cuts less than 1½ inches	French style and cuts 1½ inches and longer
No. 1 E	6⅛		6⅜	
No. 1 tall	9⅜		9¾	
No. 200	8⅛		8⅜	
No. 303	9⅛		9⅝	
No. 2	11½	12½	12	11½
No. 2½	16¾	18	17½	16¾
No. 10	61		65	63

(f) *Types of canned beans.* The type of canned beans is not incorporated in the grades of the finished product, since the type of canned beans is not a factor of quality for the purpose of these grades. The type of canned beans is dependent upon the type of beans packed in the container and is described as round type or flat type.

(1) "Round type canned green beans" are canned beans consisting of round type green beans having a width not greater than 1½ times the thickness of the bean. "Round type canned wax beans" are canned beans consisting of round type wax beans having a width not greater than 1½ times the thickness of the bean.

(2) "Flat type canned green beans" are canned beans consisting of flat type green beans having a width greater than 1½ times the thickness of the bean. "Flat type canned wax beans" are canned beans consisting of flat type wax beans having a width greater than 1½ times the thickness of the bean.

(g) *Sizes of green beans or wax beans in canned beans.* The size of green beans or wax beans is not a factor of quality of canned beans for the purpose of these grades. The size of a green bean or wax bean is determined by measuring the shorter diameter of the bean transversely to the long axis at the thickest portion of the pod. The designations of the various sizes of round type and flat type green beans or wax beans packed as canned beans are shown in Table No. II of this section.

TABLE NO. II—SIZES OF GREEN BEANS AND WAX BEANS IN CANNED BEANS

Size of beans (inches in thickness)	Round type beans in various styles of canned beans			Flat type beans in whole, cut, or short cut beans	
	Number designation	Whole beans—word designation	Cut or short cut beans—word designation	Number designation	Word designation
Less than 14/64 inch in thickness	Size 1	Tiny	Small	Size 2	Small.
14/64 inch to, but not including, 18/64 inch in thickness	Size 2	Small	do	Size 3	Medium.
18/64 inch to, but not including, 21/64 inch in thickness	Size 3	Medium	do	Size 4	Medium large.
21/64 inch to, but not including, 24/64 inch in thickness	Size 4	Medium large	Medium	Size 5	Large.
24/64 inch to, but not including, 27/64 inch in thickness	Size 5	Large	Large	Size 6	Extra large.
27/64 inch or more in thickness	Size 6	Extra large	Extra large	Size 6	Extra large.

(h) *Ascertaining the grade.* (1) The grade of canned beans may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Clearness of liquor, color, absence of defects, and maturity. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

	Points
(i) Clearness of liquor	10
(ii) Color	15
(iii) Absence of defects	35
(iv) Maturity	40
Total score	100

(2) "Normal flavor and normal odor" means that the canned beans are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "32 to 35 points" means 32, 33, 34, or 35 points).

(1) *Clearness of liquor.* (i) Canned beans that possess a practically clear liquor may be given a score of 9 to 10 points. "Practically clear liquor" means that the liquor may possess a slight tint of yellow-green to green color and that not more than a trace of suspended material and sediment is present.

(ii) If the canned beans possess a reasonably clear liquor, a score of 7 to 8 points may be given. "Reasonably clear liquor" means that the liquor may be cloudy and contain a small quantity of sediment.

(iii) If the canned beans possess a fairly good liquor, a score of 5 to 6 points may be given. "Fairly good liquor" means that the liquor may be dull in color, but not off-color; may be cloudy; or may possess a noticeable accumulation of sediment.

(iv) Canned beans that possess a liquor that is definitely off-color for any reason, is excessively cloudy, or contains a seriously objectionable quantity of

sediment may be given a score of 0 to 4 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Color.* (i) Canned beans that possess a practically uniform bright typical color may be given a score of 14 to 15 points. "Practically uniform bright typical color" means that the canned beans possess a color that is bright and typical of very young and tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 5 percent, by count, which vary markedly from this color.

(ii) If the canned beans possess a reasonably uniform typical color, a score of 12 to 13 points may be given. "Reasonably uniform typical color" means that the canned beans possess a color that is typical of young and reasonably tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 10 percent, by count, which vary markedly from this color.

(iii) Canned beans that possess a fairly uniform typical color may be given a score of 10 to 11 points. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform typical color" means that the canned beans possess a color that is typical of nearly mature and fairly tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 15 percent, by count, which vary markedly from this color.

(iv) Canned beans that are definitely off-color or fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 9 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, loose seed and pieces of seed, unstemmed units, ragged-cut units, split units, small pieces of pods, units damaged by mechanical injury, and units blemished by scars, pathological injury, insect injury, or blemished by other means.

(*a*) "Blemished unit" means any unit in which the aggregate area affected exceeds the area of a circle ⅛ inch in diameter.

(*b*) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(*c*) "Extraneous vegetable matter" means leaves, detached stems, and other similar vegetable matter.

(*d*) "Ragged-cut unit" means a section of a pod that has a very ragged edge, or a section of a pod that is partially cut.

(*e*) "Practically intact" means that not more than 5 percent, by weight, of the units in a container are split into two parts.

(*f*) "Small pieces of pods" means pieces of pods less than ½ inch in length.

(*g*) "Damaged by mechanical injury" means broken or damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(ii) Canned beans that are practically free from defects may be given a score of 32 to 35 points. "Practically free from defects" has the following meanings with respect to the following styles of packs of canned green beans or canned wax beans:

(*a*) *Whole or cut.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury; and

Not more than 40 small pieces of pods in cut style, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(*b*) *Sliced lengthwise.* "Practically free from defects" means that the pods are well sliced; the combined weight of all defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems; and

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished.

(*c*) *Short cuts.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury; and

Not more than 40 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(*d*) *Mixed when not containing pods that are sliced lengthwise.* "Practically free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury; and

Not more than 40 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(*e*) *Mixed when containing pods that are sliced lengthwise.* "Practically free from defects" means that the pods that are sliced lengthwise are well sliced and that all other units are practically intact; and with respect to each mixture that the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 1 piece of extraneous vegetable matter exclusive of detached stems;

Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished; and

Not more than 40 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(iii) If the canned beans are reasonably free from defects, a score of 27 to 31 points may be given. "Reasonably free from defects" has the following meanings with respect to the following styles of canned beans:

(*a*) *Whole or cut.* "Reasonably free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury; and

Not more than 60 small pieces of pods in cut style, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(*b*) *Sliced lengthwise.* "Reasonably free from defects" means that the pods are reasonably well sliced; and the combined weight of all defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems; and

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished.

(*c*) *Short cuts.* "Reasonably free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury; and

Not more than 60 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(*d*) *Mixed when not containing pods that are sliced lengthwise.* "Reasonably free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished.

(*e*) *Mixed when containing pods that are sliced lengthwise.* "Reasonably free from defects" means that the pods that are sliced lengthwise are reasonably well sliced and that all other units are practically intact; and with respect to each mixture that the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;

Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury; and

Not more than 60 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(iv) If the canned beans are fairly free from defects, a score of 22 to 26 points may be given. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles of canned beans:

(*a*) *Whole or cut.* "Fairly free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[1] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished; and

There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long in cut style, provided that where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(*b*) *Sliced lengthwise or French style.* "Fairly free from defects" means that the pods are fairly well sliced and the combined weight of all other defects and defective units does not exceed 20 percent, drained weight, of the units and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units;[2] and

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished.

(*c*) *Short cuts.* "Fairly free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[1] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2] and

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished.

(*d*) *Mixed when not containing pods that are sliced lengthwise.* "Fairly free from defects" means that the units are practically intact; the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[1] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

[2] Determined as outlined in the standards of quality of canned green beans (21 CFR, Cum. Supp., 51.11; 13 F. R. 3726) and canned wax beans (21 CFR, Cum. Supp., 51.16; 13 F. R. 3728) promulgated under the Federal Food, Drug, and Cosmetic Act.

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units; [2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units; [2]

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished; and

There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long: *Provided*, That where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(c) *Mixed when containing pods that are sliced lengthwise.* "Fairly free from defects" means that the pods that are sliced lengthwise are fairly well sliced and that all other units are practically intact; and with respect to each mixture that the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units; [2]

There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;

There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished; and

There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long: *Provided*, That where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(v) Canned beans that fail to meet the requirements of subdivision (3) (iv) of this paragraph may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR, Cum. Supp., 51.11; 13 F. R. 3726) or the standard of quality of canned wax beans (21 CFR, Cum. Supp., 5116; 13 F. R. 3728), as the case may be, shall not be graded above U. S. Grade D—Below standard in quality, good food—not high grade, or Substandard—Below standard in quality, good food—not high grade, or U. S. Grade D—Below standard in quality, excessive number very short pieces, or Substandard—Below standard in quality, excessive number very short pieces, or U. S. Grade D—Below standard in quality, excessive number blemished units, or Substandard—Below standard in quality, excessive number blemished units, or U. S. Grade D—Below standard in quality, excessive number unstemmed units, or Substandard—Below standard in quality, excessive number unstemmed units, or U. S. Grade D—Below standard in quality, excessive foreign material, or Substandard—Below standard in quality, excessive foreign material, as the case may be, regardless of the total score for the product (this is a limiting rule).

(4) *Maturity.* (i) The factor of maturity refers to the degree of development of pods and seeds and the tenderness of the pods.

(a) "Trimmed pod" means any pod from which there has been trimmed off as far as the end of the space formerly occupied by seed, any portion of the pod from which seed have become separated.

(b) "Tough strings" means strings or pieces of string at least ½ inch in length which will support a ½ pound weight for not less than 5 seconds.

(c) "Fibrous material" means the properly prepared, dried cellulose material obtained from deseeded pods, including strings broken or unbroken.

(ii) Canned beans that are very young and tender may be given a score of 35 to 40 points. "Very young and tender" means that the units are full-fleshed for the variety, tender and not fibrous; the seeds are in the early stages of maturity; and not more than 2 percent, by count, of the units possess tough strings.

(iii) If the canned beans are young and reasonably tender, a score of 29 to 34 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Young and reasonably tender" means that the units may, to some extent, have lost their fleshy structure; the seeds may have passed the early stages of maturity and have not reached the late stages of maturity; are not fibrous; and not more than 5 percent, by count, of the units may possess tough strings.

(iv) If the canned beans are nearly mature and fairly tender, a score of 23 to 28 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly mature and fairly tender" means that the units may have lost, to a considerable extent, their fleshy structure, and that:

The trimmed pods contain not more than 25 percent by weight, of seed and pieces of seed; [2]

The deseeded pods contain not more than 0.15 percent, by weight, of fibrous material;[2] and

Not more than 10 percent, by count, of the units may possess tough strings except that in case there are present units at least $\frac{25}{64}$ inch or more in diameter, there are not more than 12 strings or pieces of strings in 12 ounces, drained weight, which will support a ½ pound weight for not less than 5 seconds.[2]

(v) Canned beans that fail to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 22 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(vi) Canned beans that fall below the standard of quality of canned green beans (21 CFR Cum. Supp., 51.11; 13 F. R. 3726) or the standard of quality of canned wax beans (21 CFR Cum. Supp., 51.16; 13 F. R. 3728), as the case may be, shall not be graded above U. S. Grade D—Below standard in quality, good food—not high grade, or Substandard—Below standard in quality, good food—not high grade, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerance for certification of officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of canned green beans or canned wax beans, the grade for such lot will be determined by averaging the total score of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for canned green beans or canned wax beans.* The following score sheet may be used to summarize the factors determining the various grades:

Container size	
Container code or marking	
Label	
Net weight (in ounces)	
Vacuum (in inches)	
Drained weight	
Type (Round or Flat)	
Variety (Green or Wax)	
Style	
Size of green beans or wax beans	

Factors	Score points	
I. Clearness of liquor	10	(A) 9–10 (B) 7–8 (C) 5–6 (D) 1 0–4
II. Color	15	(A) 14–15 (B) 12–13 (C) 1 10–11 (D) 1 0–9
III. Absence of defects	35	(A) 32–35 (B) 27–31 (C) 1 22–26 (D) 1 0–21
IV. Maturity	40	(A) 37–40 (B) 1 29–34 (C) 1 23–28 (D) 1 0–22
Total score	100	
Grade		
Normal flavor and odor		

[1] Indicates limiting rule within classification.

(l) *Effective time and supersedure.* It is hereby found and determined that it is essential that these revised United States Standards for Grades of Canned Green Beans and Canned Wax Beans (which are the fourth issue) become effective on October 2, 1948, in order that such effective date shall coincide with the effective date of the mandatory order (13 F. R. 3724) issued by the Federal Security Administrator, pursuant to the Federal Food, Drug, and Cosmetic Act (Secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), prescribing definitions and standards of identity and quality of canned green beans and canned wax beans which are incorporated by references in these revised United States Standards. It is hereby further found, in view of the foregoing, that it is impracticable and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.); and a reasonable time is permitted, under the circumstances, for preparation for such effective date. (Fub. Law 712, 80th Cong.)

Issued at Washington, D. C., this 21st day of September 1948, to become effective on and after 12:01 a. m., e. s. t., October 2, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-8616; Filed, Sept. 24, 1948; 8:48 a. m.]

[2] See footnote on p. 5585.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 293]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENT

§ 953.400 *Lemon Regulation 293*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 26, 1948, and ending at 12:01 a. m., P. s. t., October 3, 1948, is hereby fixed as follows:

(i) District 1: 300 carloads;

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 23d day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage Date: September 19, 1948

[12:01 a. m. Sept. 26, 1948, to 12:01 a. m. Oct. 10, 1948]

DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.134
American Fruit Growers, Inc., Fullerton	.165
American Fruit Growers, Inc., Upland	.115
Hazeltine Packing Co	.130
Ventura Coastal Lemon Co	3.261
Ventura Pacific Co	1.657
Total A. F. G	5.662
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.314
La Verne Lemon Association	.340
La Habra Citrus Association, The	.937
Yorba Linda Citrus Association, The	.757
Alta Loma Hts. Citrus Association	.422
Etiwanda Citrus Fruit Association	.195
Mountain View Fruit Association	.365
Old Baldy Citrus Association	.753
Upland Lemon Growers Association	4.425
Central Lemon Association	.524
Irvine Citrus Association, The	.681
Placentia Mutual Orange Association	.276
Corona Citrus Association	.092
Corona Foothill Lemon Co	2.026
Jameson Company	.681
Arlington Heights Citrus Co	.304
College Heights Orange & Lemon Association	2.690
Chula Vista Citrus Association	1.401
El Cajon Valley Citrus Association	.044
Escondido Lemon Association	1.633
Fallbrook Citrus Association	.879
Lemon Grove Citrus Association	.394
San Dimas Lemon Association	1.073
Carpinteria Lemon Association	3.463
Carpinteria Mutual Citrus Association	8.940
Goleta Lemon Association	5.738
Johnston Fruit Co	9.222
North Whittier Heights Citrus Association	.324

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
San Fernando Heights Lemon Association	0.285
San Fernando Lemon Association	.115
Sierra Madre-Lamanda Citrus Association	1.008
Tulare County Lemon and Grapefruit Association	.000
Briggs Lemon Association	2.913
Culbertson Investment Company	.931
Culbertson Lemon Association	1.613
Fillmore Lemon Association	1.202
Oxnard Citrus Association No. 1	7.249
Oxnard Citrus Association No. 2	1.717
Rancho Sespe	.701
Santa Paula Citrus Fruit Association	3.675
Saticoy Lemon Association	6.973
Seaboard Lemon Association	5.035
Somis Lemon Association	3.756
Ventura Citrus Association	2.108
Limoneira Co	2.233
Teague-McKevett Association	.817
East Whittier Citrus Association	.410
Leffingwell Rancho Lemon Association	.440
Murphy Ranch Company	.839
Whittier Citrus Association	.150
Whittier Select Citrus Association	.184
Total C. F. G. E	89.247
Chula Vista Mutual Lemon Association	.751
Escondido Co-op. Citrus Association	.147
Highland Mutual Groves	.000
Index Mutual Association	.170
La Verne Co-op. Citrus Association	1.205
Orange Co-op. Citrus Association	.038
Ventura County Orange and Lemon Association	2.348
Whittier Mutual Orange and Lemon Association	.123
Total M. O. C	4.782
California Citrus Groves, Inc., Ltd	.000
Dewars, Pieter	.000
Evans Brothers Packing Co	.000
Flint, Arthur E	.000
Furr, N. C	.000
Harding & Leggett	.000
Isely, W. J	.000
Johnson, Fred	.013
Levinson, Sam	.000
Lorbeer, Carroll W. C	.024
Manos, Gus & William	.000
Orange Belt Fruit Distributors	.236
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.036
Segal, Joseph	.000
Torn Ranch	.000
Walshe, Jack M	.000
Zaninovich Bros., Inc	.000
Total Independents	.309

[F. R. Doc. 48-8675; Filed, Sept. 24, 1948; 10:00 a. m.]

[Grapefruit Reg. 58]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.319 *Grapefruit Regulation 58*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County,

California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., September 26, 1948, and ending at 12:01 a. m., P. s. t., November 14, 1948, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, which grade U. S. Combination or lower than U. S. Combination (as such grades are defined in the revised United States Standards for Grapefruit (California and Arizona), 12 F. R. 1975): *Provided*, That any such grapefruit which grade U. S. Combination grade may be shipped if all such grapefruit are fairly well colored; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States or in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{11}{16}$ inches in diameter ("diameter" to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided*, That in determining the percentage of grapefruit in any lot are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{2}{16}$ inches in diameter and smaller.

(2) As used in this section "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 955.1)

Done at Washington, D. C., this 23d day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8674; Filed, Sept. 24, 1948; 10:00 a. m.]

[Orange Reg. 249]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.395 *Orange Regulation 249*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., September 26, 1948 and ending at 12:01 a. m., P. s. t., October 3, 1948 is hereby fixed as follows:

(i) *Valencia oranges* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2;

(c) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: No movement;

(c) Prorate District No. 3: no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Sept. 26, 1948, to 12:01 a. m. Oct. 3, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0884
A. F. G. Corona	.1211
A. F. G. Fullerton	.7734
A. F. G. Orange	.3225
A. F. G. Riverside	.1183
A. F. G. San Juan Capistrano	.8152
A. F. G. Santa Paula	.6536
Hazeltine Packing Company	.4476
Placentia Pioneer Valley Growers Association	.0648
Signal Fruit Association	.1433
Azusa Citrus Association	.4147
Covina Valley Orange Co	.1077
Damerel-Allison Co	.8948
Glendora Mutual Orange Association	.4139
Irwindale Citrus Association	.4136
Puente Mutual Citrus Association	.2250
Valencia Heights Orchard Association	.5066
Covina Citrus Association	1.1726
Covina Orange Growers Association	.6195
Glendora Citrus Association	.3972
Glendora Heights Orange & Lemon Growers Association	.0618
Gold Buckle Association	.5905
La Verne Orange Association	.7142
Anaheim Citrus Fruit Association	1.2405
Anaheim Valencia Orange Association	.8386
Eadington Fruit Co., Inc.	2.6695
Fullerton Mutual Orange Association	1.3388
La Habra Citrus Association	1.2885
Orange County Valencia Association	.6551
Orangethorpe Citrus Association	.9149
Placentia Coop. Orange Association	.5072
Yorba Linda Citrus Association	.5826
Citrus Fruit Growers	.1523
Cucamonga Citrus Association	.2349
Etiwanda Citrus Fruit Association	.0581
Mountain View Fruit Association	.0085
Old Baldy Citrus Association	.1393
Rialto Heights Orange Growers	.0649
Upland Citrus Association	.2095
Upland Heights Orange Association	.1639
Consolidated Orange Growers	2.0188
Frances Citrus Association	1.6297
Garden Grove Citrus Association	1.4671
Goldenwest Citrus Association, The	1.7117
Irvine Valencia Growers	2.9470
Olive Heights Citrus Association	1.7932
Santa Ana-Tustin Mutual Citizens Association	1.1668
Santiago Orange Growers Association	3.2911
Tustin Hills Citrus Association	2.4645
Villa Park Orchards Association, The	1.7203
Bradford Bros., Inc.	.7366
Placentia Mutual Orange Association	1.6389

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Placentia Orange Growers Association	2.1205
Yorba Orange Growers Association	.6295
Call Ranch	.0788
Corona Citrus Association	.5815
Jameson Co	.0506
Orange Heights Orange Association	.3223
Crafton Orange Growers Association	.4524
East Highlands Citrus Association	.0853
Fontana Citrus Association	.1259
Highland Fruit Growers Association	.0000
Redlands Heights Groves	.3319
Redlands Orangedale Association	.3533
Break & Sons, Allen	.0668
Bryn Mawr Fruit Growers Association	.2803
Krinard Packing Co	.2139
Mission Citrus Association	.1725
Redlands Coop. Fruit Association	.3863
Redlands Orange Growers Association	.2686
Redlands Select Groves	.3334
Rialto Citrus Association	.2193
Rialto Orange Co	.1697
Southern Citrus Association	.2079
United Citrus Growers	.1203
Zilen Citrus Co	.0768
Arlington Heights Citrus Co	.1373
Brown Estate, L. V. W	.1065
Gavilan Citrus Association	.1480
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0692
McDermont Fruit Co	.1988
Monte Vista Citrus Association	.2028
National Orange Co	.0000
Riverside Heights Orange Growers' Association	.0658
Sierra Vista Packing Association	.0621
Victoria Avenue Citrus Association	.2005
Claremont Citrus Association	.1910
College Heights Orange and Lemon Association	.2953
El Camino Citrus Association	.0696
Indian Hill Citrus Association	.2122
Pomona Fruit Growers Exchange	.4384
Walnut Fruit Growers Association	.4851
West Ontario Citrus Association	.4289
El Cajon Valley Citrus Association	.3065
Escondido Orange Association	2.7192
San Dimas Orange Growers' Association	.5170
Andrews Bros. of Calif	.1900
Ball & Tweedy Association	.6258
Canoga Citrus Association	1.2152
North Whittier Heights Citrus Association	1.0317
San Fernando Fruit Growers' Association	.5037
San Fernando Heights Orange Association	1.0801
Sierra Madre-Lamanda Citrus Association	.3069
Camarillo Citrus Association	1.9468
Fillmore Citrus Association	3.8744
Mupu Citrus Association	3.3141
Ojai Orange Association	1.1162
Piru Citrus Association	2.0219
Santa Paula Orange Association	1.2599
Tapo Citrus Association	1.3132
Ventura County Citrus Association	.0388
Limoneira Co	.7354
East Whittier Citrus Association	.4134
El Ranchito Citrus Association	.9135
Murphy Ranch Co	.4156
Rivera Citrus Association	.4570
Whittier Citrus Association	.7321
Whittier Select Citrus Association	.4255
Anaheim Coop. Orange Association	.9879
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Escondido Coop. Citrus Association	0.0000
Euclid Avenue Orange Association	.3607
Foothill Citrus Union, Inc	.0373
Fullerton Coop. Orange Association	.3529
Garden Grove Orange Cop., Inc	.5890
Golden Orange Groves, Inc	.0000
Highland Mutual Groves	.0102
Index Mutual Association	.2533
La Verne Coop. Citrus Association	1.4082
Mentone Heights Association	.0473
Olive Hillside Groves	.6248
Orange Coop. Citrus Association	1.0523
Redlands Foothill Groves	.6654
Redlands Mutual Orange Association	.1861
Riverside Citrus Association	.0595
Ventura County Orange and Lemon Association	1.0403
Whittier Mutual Orange and Lemon Association	.1397
Babijuice Corp. of Calif	.4218
Banks Fruit Co	.0000
Banks, L. M	.3894
Borden Fruit Co	1.0845
California Associated Growers	.0864
California Fruit Distributors	.0476
Cherokee Citrus Co., Inc	.1465
Chess Co., Meyer W	.3722
Escondido Avocado Growers	.0214
Evans Brothers Packing Co	.1375
Furr, N. C	.0195
Gold Banner Association	.3064
Granada Hills Packing Co	.0417
Granada Packing House	1.4662
Hill, Fred A	.0833
Inland Fruit Dealers, Inc	.0730
Morris Brothers Fruit Co	.0119
Orange Belt Fruit Distributors	1.9408
Panno Fruit Co., Carlo	.0192
Paramount Citrus Association	.5060
Placentia Orchard Co	.3875
San Antonio Orchard Co	.4095
Snyder & Sons Co., W. A	.4002
Stephens, T. F	.2400
Torn Ranch	.0000
Wall, E. T	.1303
Webb Packing Co	.0000
Western Fruit Growers, Inc., Redlands	.6940

[F. R. Doc. 48-8685; Filed, Sept. 24, 1948; 11:17 a. m.]

TITLE 10—ARMY

Subtitle A—Organization, Functions, and Procedures of the Department of the Army

PART 2—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

QUARTERMASTER GENERAL; RESPONSIBILITY AND ORGANIZATION OF OFFICE

1. Subpart E, Army Air Forces, which includes § 2.171, is rescinded.

2. Sections 2.163 and 2.164 of Subpart D, are rescinded and the following substituted therefor:

§ 2.163 *Responsibility.* The Quartermaster General is the senior quartermaster staff officer of the Department of the Army and commands all troops or activities assigned to his control. The Quartermaster General will be responsible for:

(a) Providing administrative and technical advice and recommendations relating to quartermaster matters for the use of the Secretary of the Army, the Assistant Secretary of the Army, and the Chief of Staff, United States Army.

(b) Preparing fiscal estimates for and administering quartermaster funds.

(c) Developing, designing, procuring, storing, disposing, maintaining, and supplying those items of equipment and supplies assigned to the Quartermaster Corps.

(d) Commanding quartermaster class II installations and activities.

(e) Formulating plans, policies, and programs for industrial mobilization with reference to quartermaster matériel, supplies, resources, and facilities to support Department of the Army plans for industrial mobilization.

(f) Supervising matters preliminary to Department of the Army approval of standardization of quartermaster matériel and equipment.

(g) Making assignment of quartermaster personnel contained in bulk allotments assigned to The Quartermaster General.

(h) Formulating and establishing, in coordination with the other Army agencies, quartermaster procedures and standards.

(i) Effecting mobilization assignments and training quartermaster units assigned to his control and technically training quartermaster personnel, and establishing and operating schools and facilities for the technical training of quartermaster personnel, in accordance with established policies.

(j) Administering the Food Service Program.

(k) Providing for the proper disposition of the remains of deceased personnel of the Departments of the Army and the Air Force.

(l) Providing for the proper disposition of the remains of oversea American deceased personnel of World War II.

(m) The administration of general and general distribution depots as assigned by higher authority.

(n) Providing facilities and services for the Departments of the Air Force and Navy and other governmental agencies as directed by higher authority.

§ 2.164 *Organization.* The major subdivisions of the Office of The Quartermaster General and their functions are as follows:

(a) *Executive.* Renders decisions as to action to be taken or makes recommendations to The Quartermaster General; prepares and issues instructions; supervises the offices of Management, General Counsel, and Technical Information; establishes staff doctrine governing the operation of the Office of The Quartermaster General and issues instructions; coordinates the activities of the Office of The Quartermaster General; and keeps The Quartermaster General informed as to the progress, adequacy, and effectiveness of operations.

(1) *Office of Management.* Provides a management consulting service to the Office of The Quartermaster General and to quartermaster field installations; develops management programs, office procedures, and reporting procedures; exercises technical supervision over management offices at field installations; and

collects, interprets, and disseminates statistical information which will assist in the over-all efficiency of the Quartermaster Corps.

(2) *Office of Technical Information.* Prepares official releases of activities of the Quartermaster Corps (press, periodicals, motion pictures, and radio); answers inquiries on public information matters; arranges display of photographic illustrations of quartermaster activities; appraises public reaction in the press, periodicals, and radio; coordinates activities of public information personnel at field establishments; and maintains liaison with the Public Information Division, Special Staff, United States Army, for clearance and policy on Office of The Quartermaster General articles and speeches.

(3) *Office of the General Counsel.* Directs and coordinates legal activities for the Quartermaster Corps and exercises technical supervision over quartermaster legal staffs at all quartermaster field installations.

(b) *Administrative Division.* Provides general office services, reviews, edits, authorizes, and correlates all forms and printed matter; conducts the records aministration program for the Quartermaster Corps; and compiles historical data.

(1) *General Service Branch.* Provides general office service; coordinates reports of survey; collects and evaluates historical data; and prepares the annual report for the Office of The Quartermaster General and prepares special historical reports for higher authority.

(2) *Publications Branch.* Reviews, edits, and authorizes reproduction of all Office of The Quartermaster General forms and publications; administers and directs the procurement of printed matter for the Office of The Quartermaster General, and the operations of quartermaster field printing plants and reproduction units; and distributes regulations, circulars, and other published Department of the Army material within the Office of The Quartermaster General.

(3) *Mail and Records Branch.* Receives, distributes, collects, and dispatches communications for the Office of the Quartermaster General; maintains correspondence files (except top secret); and conducts the records administration for the Quartermaster Corps.

(c) *Personnel and Training Division.* Selects, trains, authorizes, and maintains plans and policies for the use of military and civilian personnel in the Quartermaster Corps.

(1) *Personnel Authorization Branch.* Initiates and conducts personnel utilization surveys; analyses and interprets and recommends action for the economical use of personnel; and exercises budgetary control over funds for personal services.

(2) *Training Branch.* Develops training doctrine, materials, methods, programs, and courses of study for all phases of quartermaster training and devices, applies, and evaluates results of tests for selection of military and civilian personnel for specialized needs.

(3) *Military Personnel Branch.* Obtains, assigns, and transfers officer personnel and obtains, selects, and issues orders for the assignment of enlisted personnel.

(4) *Civilian Personnel Branch.* Recommends allocation of positions; evaluates effectiveness of civilian personnel programs; recruits, appoints, assigns, transfers, processes promotions, separates, and provides staff assistance on employee utilization and pay roll for civilian employees; and administers civilian employee suggestion and efficiency rating programs.

(d) *Fiscal Division.* Secures, maintains, supervises, authorizes, and controls the use of funds available to the Quartermaster Corps.

(1) *Accounts Branch.* Supervises the distribution and administration of appropriated fund authorizations; coordinates budgetary control operations with other subdivisions of the Office of the Quartermaster General, and authorizes funds for field installations.

(2) *Estimates and Legislation Branch.* Compiles estimates for appropriations to finance Quartermaster Corps activities and prepares justification for Quartermaster Corps appropriations to higher echelons.

(3) *Control Branch.* Prepares and issues implementing instructions relating to fiscal, costs, and property accounting policies and procedures; gathers, analyzes, and evaluates efficiency and progress of fiscal and cost accounting operations; analyzes fiscal and cost accounts in the field; and edits, consolidates, and prepares recurring and special reports.

(e) *Military Planning Division.* Plans, directs, and conducts the quartermaster research and development program; prepares plans, and coordinates quartermaster staff activities in connection with the mobilization of industrial and supply facilities; and coordinates, supervises and controls intelligence activities for the Quartermaster Corps.

(1) *Planning Branch.* Prepares and disseminates quartermaster information and documents for war planning and operations; coordinates and prepares basic plans on logistics and proper utilization of equipment; coordinates and supervises intelligence activities of the Quartermaster Corps; and prepares and maintains tables of organization and tables of allowances.

(2) *Research and Development Branch.* Plans, organizes, directs, and conducts research and development of new and improved items of supply and equipment, including laboratory and field tests; operates the food and container institute; improves, develops, and prepares specifications for the packing and packaging, supplies and equipment; maintains staff of observers to investigate and report on the performance of all quartermaster items; and studies and analyzes climatic and environmental conditions as they relate to supply and service.

(3) *Industrial Mobilization Branch.* Advises on and coordinates the quartermaster aspects of the Department of the Army plan for mobilization of industrial and supply facilities; and provides security measures for and disseminates basic plans.

(4) *Heraldic Branch.* Designs and approves coats of arms, distinctive insignia, medals, badges, flags, and decorations for the National Military Establishment.

(f) *Field Service Division.* Supervises the administration and operation of depots under the control of The Quartermaster General; formulates policy, procedures, and controls for repair, maintenance and conservation of all quartermaster items; prescribes methods, standard regulations for laundry operation; and procures and issues horses, mules, and dogs for military purposes.

(1) *Depot Operations Branch.* Supervises the administration and operation of assigned as well as quartermaster depots; checks for operational efficiency; exercises technical controls and supervision of civilian housing and troop billeting; allocates and determines proper utilization of motor pools; plans and supervises the disposition of personnel effects; supervises and directs safety programs; and supervises internal security program at class II quartermaster field installations.

(2) *Maintenance Branch.* Formulates policy, procedures, and controls for the repair, maintenance, and conservation of all quartermaster items; determines productive capacity; develops production schedules and phasing of deliveries for classification and repair centers; and inspects and recommends corrective action for more effective operations in field installations.

(3) *Laundry Branch.* Prescribes methods, standards, regulations, and allowances for operation of laundry and dry cleaning plants; prepares specifications and determines types of equipment for each installation; and reviews and approves contracts for commercial laundries and dry cleaning service.

(4) *Remount Branch.* Directs procurement and issue of horses, mules, and dogs for military purposes; and prepares regulations, bulletins, etc. pertaining to animal and forage supply.

(g) *Memorial Division.* Provides for the recovery, identification, and disposition of remains of all deceased personnel for the Departments of the Army and the Air Force and of all World War II oversea American deceased personnel including Naval, Marine Corps, Coast Guard, and civilian personnel, and directs the establishment of and prescribes policies for the operation and maintenance of American military cemeteries overseas, national, post, and prisoner of war cemeteries, soldiers' and confederate burial plots, and monuments and parks under the jurisdiction of the Departments of the Army and the Air Force.

(1) *Operations Branch.* Plans and directs the disposition of remains; establishes time schedule of evacuation and return; supervises the American Graves Registration Service; provides technical mortuary advice; and coordinates with Federal, State, and local agencies affecting official handling of military and civilian personnel victims of disaster.

(2) *Identification Branch.* Plans and directs location and identification of unknowns throughout the world and prepares and submits case histories on identification.

(3) *Repatriation Records Branch.* Processes and maintains record of burials for remains interred in temporary oversea cemeteries; maintains control of registration operations; and maintains records of members of armed forces who die under dishonorable circumstances.

(4) *Family Correspondence Branch.* Conducts correspondence with next of kin of army and civilian World War II deceased.

(5) *Cemeterial Branch.* Establishes requirements for national cemeteries; supervises layouts, specifications, operation, repair, and maintenance of national cemeteries, soldiers' plots, monuments, and parks; receives, examines, verifies, processes headstone and marker applications; and maintains records of interments.

(h) *Food Service Division.* Supervises the operation of the Army-wide Food Service Program.

(1) *Inspection Branch.* Inspects facilities and activities to determine adherence to regulations, policies, and directives.

(2) *Administrative Branch.* Provides general office service to the division and prepares budgets and maintains records.

(3) *Statistical, Analysis, and Planning Branch.* Analyzes, interprets, and consolidates field reports of progress of food service activities and draft directives, circulars, and training material.

(4) *Technical Branch.* Prepares layout plans, for food service equipment; assists Army field commanders in establishing requirements and arrangements of equipment for food service facilities; and drafts policies, procedures, standards, and methods for operations of pastry bakeries, meat cutting, and fat rendering plants.

(5) *Menu Planning Branch.* Plans and prepares basic menus and ration scales for the Army.

(i) *Supply Division.* Directs the procurement, inspection, merchandising, distribution, and supply of quartermaster items.

(1) *Administrative Branch.* Performs office service functions and issues orders, regulations, and instructions for the division.

(2) *Stock Control Branch.* Supervises, evaluates, and coordinates stock control activities in the Quartermaster Corps; develops, evaluates, and disseminates supply planning data; initiates and issues directives implementing established stock control policies; supervises and coordinates the establishment of depot stock levels; determines, establishes, and disseminates stock control policies and procedures on disposition of excess stock; and develops and coordinates over-all plans, policies, and procedures for the supply of civilian components of the Army and Air Force.

(3) *Clothing and Equipage Branch.* Directs the procurement and distribution of clothing and equipage for the Army, Air Force, and civilian components.

(4) *General Supplies Branch.* Directs the procurement and distribution of general supplies for the Army, Air Force, and civilian components.

(5) *Logistics Compilation Branch.* Reviews, inspects, analyzes, and approves clerical procedures connected with supply functions; compiles, prepares, and distributes reports of supply functions; compiles, prepares, and distributes reports of supply operations; and supervises and directs the quartermaster cataloging activities.

(6) *Purchase Control Branch.* Coordinates purchasing activities for the Quartermaster Corps; supervises the inspection service; conducts contract renegotiations; develops and coordinates pricing policies; and supervises contract termination activities.

(7) *Fuels and Lubricants Branch.* Directs the procurement, inspection, and storage of petroleum products and containers and the procurement and maintenance of petroleum handling equipment for the Army and Air Force except aviation gasoline.

(8) *Subsistence Branch.* Directs the procurement and distribution of subsistence stores for the Army and Air Force.

(9) *Requirements Policy Branch.* Develops and coordinates over-all plans and policies for supply requirements and supply control and budgetary estimates.

(10) *Foreign Aid Branch.* Directs the procurement of supplies for foreign aid programs for which The Quartermaster General is responsible.

[Memo. 30–5–4, Aug. 30, 1948] (R. S. 161, 39 Stat. 170, 41 Stat. 766; 5 U. S. C. 22, 10 U. S. C. 71, 72)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48–8622; Filed, Sept. 24, 1948; 9:00 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52033]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

LIQUIDATED DAMAGES AND PENALTIES

Correction

In Part 23 of Title 19, appearing as Federal Register Document 48–8088 in the issue for Thursday, September 9, 1948 on page 5234, the original document has been corrected by changing the amendatory language in the last paragraph of the second column to read as follows: "Paragraph (c), redesignated (d) by T. D. 51983 (13 F. R. 4351), is redesignated (e) and a new paragraph (d) is inserted reading as follows:" and by changing paragraph (c) in § 23.25 in the third column to (d).

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.75]

PART 47—TELEGRAPH RATES

RESCISSION OF PART

SEPTEMBER 22, 1948.

Under authority contained in R. S. 161 (5 U. S. C. 22), Part 47 of Title 22 of the Code of Federal Regulations is hereby rescinded.

This regulation is effective immediately.

Approved: September 22, 1948.

For the Secretary of State.

[SEAL] STANLEY T. OREAR,
Chief,
Division of Organization and Budget.

[F. R. Doc. 48–8623; Filed, Sept. 24, 1948; 9:01 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 610—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: PROCEDURES

REQUIREMENTS FOR URBAN LOW-RENT HOUSING AND SLUM CLEARANCE; PERSONNEL POLICY

Section 610.411[1] is hereby amended, effective October 1, 1948 to read as follows:

§ 610.411 *Personnel policy.* To effect efficient administration, the local housing authority shall establish, adopt, and file with the PHA, a statement of personnel policy consistent with pertinent local public practices. This shall include the job titles and classifications, wage rates, weekly hours of work, working conditions, training program, method of hiring, qualification standards, leave regulations, separation policy, statement as to eligibility of employees for participation in a retirement plan (if any), and policy concerning payment of employees in travel status. Leave regulations shall be consistent with pertinent local public practice. However, local public practice to the contrary notwithstanding, maximum allowances to employees for annual leave shall not exceed 26 days for each year of service or for sick leave 15 days for each year of service, and such leave as is not used shall not accumulate to an amount in excess of 60 days annual leave or 90 days sick leave: *Provided, further,* That cash payments in lieu of accumulated annual leave that is not actually taken shall not be allowed, except that upon termination or furlough without prejudice, the employee may be paid for any accumulated annual leave standing to his credit. The local housing authority shall maintain complete records with respect to employees' leave and shall make such records available upon request of authorized representatives of the government. (50 Stat. 888, 42 U. S. C. 1401–1430)

Approved: September 17, 1948.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 48–8608; Filed, Sept. 24, 1948; 8:45 a. m.]

[1] Part 610, formerly Part 601, appeared in 10 F. R. 7321.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

The following is a reprinting of the Uniform System of Accounts for Class C Telephone Companies for the purpose of reinstating Part 33 in the Code of Federal Regulations. This compilation includes all outstanding amendments of Part 33 up to and including the Commission's order adopted May 12, 1948.

APPLICABILITY

Sec.
33.1 Telephone companies subject to the regulations in this part.

DEFINITIONS

33.5 Restrictive use of certain terms.

INSTRUCTIONS—GENERAL

33.11 Classification of companies.
33.12 Records.
33.13 Interpretation of item lists.
33.14 Submission of questions.
33.15 Book cost of securities owned.

INSTRUCTIONS—BALANCE-SHEET ACCOUNTS

33.21 Capital stock.
33.22 Long-term debt.

INSTRUCTIONS—TELEPHONE PLANT ACCOUNTS

33.31 Purpose of telephone plant accounts.
33.32 Telephone plant acquired.
33.33 Cost of construction.
33.34 Expenditures on property leased for telephone use.
33.35 Telephone plant retired.

INSTRUCTIONS—OPERATING-REVENUE ACCOUNTS

33.41 Purpose of operating-revenue accounts.

INSTRUCTIONS—OPERATING-EXPENSE ACCOUNTS

33.51 Maintenance expenses.
33.52 Prepaid expenses.
33.53 Accrued expenses.

INSTRUCTIONS—CLEARING ACCOUNTS

33.61 Clearing accounts.

INSTRUCTIONS—DEPRECIATION ACCOUNTING

33.65 Depreciation accounting.

INSTRUCTIONS—WORK-ORDER SYSTEM

33.71 Work-order system recommended.

PRESCRIBED ACCOUNTS

33.75 Accounts prescribed to be kept.

BALANCE-SHEET ACCOUNTS

ASSET SIDE

Investments

33.1000 Telephone plant.
33.1100 Telephone plant under construction.
33.1200 Plant adjustments.
33.1300 Investments in securities.
33.1400 Miscellaneous physical property.
33.1500 Fund accounts.

Current Assets

33.1600 Cash.
33.1620 Temporary investments.
33.1640 Notes receivable.
33.1650 Due from customers and agents.
33.1660 Accounts receivable.
33.1670 Interest and dividends receivable.
33.1680 Material and supplies.
33.1690 Other current assets.

Other Assets

33.1700 Subscriptions to capital stock.

Prepayments and Deferred Charges

Sec.
33.1800 Prepayments.
33.1850 Discount on capital stock.
33.1860 Capital-stock expense.
33.1880 Unamortized debt discount and expense.
33.1890 Other deferred charges.

Reacquired Securities

33.1900 Reacquired securities.

LIABILITY SIDE

Noncorporate Proprietorship

33.2010 Proprietary capital.
33.2020 Undistributed profits.

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33.2100 Capital stock.
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33.2150 Premium on capital stock.
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Long-term Debt

33.2200 Funded debt.
33.2230 Receivers' certificates.
33.2250 Advances from affiliated companies.
33.2290 Other long-term debt.

Current and Accrued Liabilities

33.2300 Notes payable.
33.2320 Accounts payable.
33.2340 Customers' deposits.
33.2350 Matured long-term debt.
33.2360 Advance billing and payments.
33.2390 Other current liabilities.
33.2400 Accrued liabilities.

Deferred Credits

33.2500 Unamortized premium on long-term debt.
33.2590 Other deferred credits.

Reserves

33.2600 Depreciation reserve.
33.2700 Amortization reserve.
33.2790 Other reserves.

Contributions of Telephone Plant

33.2800 Contributions of telephone plant.

Surplus

33.2900 Surplus.

TELEPHONE PLANT ACCOUNTS

33.1001 Organization.
33.1002 Franchises.
33.1005 Miscellaneous intangible property.
33.1007 Right of way.
33.1011 Land.
33.1012 Buildings.
33.1021 Central office equipment.
33.1031 Station equipment.
33.1032 Station wiring.
33.1045 Poles, conduit, cable, and wire.
33.1050 Other radiotelephone plant.
33.1061 Furniture and office equipment.
33.1064 Vehicles and other work equipment.
33.1076 Telephone plant acquired.
33.1077 Telephone plant sold.

INCOME ACCOUNTS

TELEPHONE OPERATING INCOME

33.3000 Operating revenues.
33.4000 Maintenance and operation expenses.
33.5000 Depreciation expense.
33.5100 Amortization of intangible property.
33.5200 Amortization of plant adjustments.
33.5300 Rent for lease of telephone plant.
33.5400 Operating taxes.
33.5500 Income taxes.
33.5600 Rent from lease of telephone plant.

OTHER INCOME

33.6000 Interest and dividend income.
33.6100 Income from miscellaneous physical property.
33.6900 Other income—Miscellaneous.

MISCELLANEOUS DEDUCTIONS FROM INCOME

Sec.
33.7000 Miscellaneous taxes.
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FIXED CHARGES

33.7200 Interest on long-term debt.
33.7300 Other interest charges.
33.7400 Amortization of debt discount and expense.
33.7500 Amortization of premium on long-term debt—Cr.
33.7600 Interest charged to construction—Cr.
33.7900 Other fixed charges.

DISPOSITION OF NET INCOME

33.8000 Reservations of income.

OPERATING-REVENUE ACCOUNTS

33.3010 Local service revenues.
33.3030 Toll service revenues.
33.3060 Miscellaneous operating revenues.
33.3090 Uncollectible operating revenues—Dr.

OPERATING-EXPENSE ACCOUNTS

MAINTENANCE

33.4010 Maintenance labor.
33.4020 Maintenance materials and supplies.
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33.4090 Other maintenance expenses.

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33.4110 Operators' wages.
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33.4150 Office salaries.
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CLEARING ACCOUNTS

33.9000 Vehicle and other work equipment expense—Clearing.
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LIST OF UNITS OF PROPERTY

33.81 Units of property.

RECOMMENDATIONS FOR CLASS D TELEPHONE COMPANIES

33.91 Definition.
33.92 Accounts recommended.
33.93 Questions.
33.94 List of accounts.

CONTEMPLATED FORM OF FINANCIAL STATEMENTS

33.101 Contemplated form of balance sheet.
33.102 Contemplated form of income statement.

AUTHORITY: §§ 33.1 to 33.102, inclusive, issued under sec. 220, 48 Stat. 1078; 47 U. S. C. 220.

APPLICABILITY

§ 33.1 *Telephone companies subject to the regulations in this part.* (a) This Uniform System of Accounts for Class C Telephone Companies is prescribed for the use of telephone companies (including radiotelephone companies) having average annual operating revenues exceeding $25,000 but not exceeding $50,000, subject to the provisions of the Communications Act of 1934, in the keeping and recording of their accounts; and each and every such carrier or each and every receiver or operating trustee of any such carrier is required to keep all accounts in conformity therewith.

(b) Telephone companies or their receivers or operating trustees having average annual operating revenues not exceeding $25,000 shall keep all the accounts of this system of accounts until a statement is filed, under oath, showing to the satisfaction of the Commission that their average annual operating revenues for the 3 years immediately preceding the filing of the statement did not exceed $25,000: *Provided, however,* That such carriers shall keep the accounts of this system of accounts if after filing the statement their average annual operating revenues exceed $25,000.

(c) Nothing herein contained shall be construed as prohibiting or excusing any such carrier or receiver or operating trustee of any such carrier from subdividing the accounts hereby prescribed in the manner ordered by any State commission having jurisdiction or to the extent necessary to secure the information required in the prescribed reports to such commission.

(d) The said Uniform System of Accounts for Class C Telephone Companies hereby prescribed shall become effective on the first day of January, 1939.

(e) Class C companies shall keep all of the accounts prescribed in this system of accounts that are applicable to their affairs. Companies that desire more detailed accounting may adopt the accounts prescribed for class A or class B telephone companies contained in the Uniform System of Accounts for Telephone Companies, Issue of June 19, 1935, as amended or as hereafter amended. Companies that exercise this option shall promptly notify the Commission of such action.

(f) No uniform system of accounts is prescribed by the Commission for class D companies. However, it is recommended that such companies keep all the accounts prescribed in this system of accounts or the accounts recommended for class D companies as listed in § 33.94.

NOTE: In order that frequent changes may be avoided, companies operating established telephone plants shall adopt the scheme of accounts indicated by the average of their annual operating revenues for the 3 years immediately preceding the effective date of this system of accounts. If at the close of any calendar year the average of their annual operating revenues for the latest 3 years exceeds $50,000, the system of accounts for class B or class A telephone companies, as appropriate, shall be adopted. New companies shall estimate the amount of their annual operating revenues and shall adopt the scheme of accounts appropriate for the amount of such estimated revenues.

DEFINITIONS

§ 33.5 *Restrictive use of certain terms.* When used in this system of accounts, unless otherwise indicated:

(a) "Accounts" or "these accounts" means the accounts prescribed in this system of accounts.

(b) "Affiliated companies" means companies that directly, or indirectly through one or more intermediaries, control, are controlled by, or are under common control with, the accounting company.

(c) "Amortization" means the gradual extinguishment of an amount in an account by prorating such amount over a fixed period, over the life of the asset or liability to which it applies, or over the period during which it is anticipated the benefit will be realized.

(d) "Book amount", as applied to securities issued or assumed by the company, means (1) the amount duly authorized for inclusion in account 2100, "Capital stock," for stock having no par value and (2) the face amount of all other securities.

(e) "Book cost" means the amount at which property is recorded in an account without the deduction of amounts in related reserves or other accounts.

(f) "Commission" means the Federal Communications Commission.

(g) "Company" or "the company" means the accounting company.

(h) "Cost" means the amount of money actually paid (or the then current money value of any consideration other than money given) for property or services.

(i) "Cost of removal" means the cost of demolishing, dismantling, tearing down, or otherwise removing telephone plant, including the cost of transportation and handling incidental thereto.

(j) "Debt expense" means all expenses incurred in connection with the issuance and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other commercial paper; fees to trustees; specific costs of obtaining governmental authority; fees for legal services; fees and commissions to underwriters, brokers, and salesmen; fees and expenses of listing on exchanges; and other like costs.

(k) "Depreciation," as applied to depreciable telephone plant, means the loss in service value not restored by current maintenance, incurred in connection with the consumption or prospective retirement of telephone plant in the course of service from causes known to be in current operation, against which the company is not protected by insurance, and the effect of which can be forecast with a reasonable approach to accuracy. Among the causes to be given consideration are wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand, and the requirements of public authorities.

(l) "Face amount," as applied to securities issued or assumed by the company, means the amount of principal set forth in the documents themselves.

(m) "Investment advances" means advances, represented by notes or by book accounts only, with respect to which it is mutually agreed or intended between the creditor and the debtor that they shall be settled by the issuance of capital stock or funded debt or shall not be subject to current cash settlement.

(n) "Net book cost," as applied to telephone plant, means the book cost less amounts in related depreciation and amortization reserves. As applied to other property, it means the book cost less amounts in related reserves for loss in value.

(o) "Net salvage value" means the salvage value of property retired after deducting the cost of removal.

(p) "Retired," as applied to plant, means removed, sold, abandoned, destroyed, or otherwise withdrawn from telephone service.

(q) "Salvage value" means the amount received for property retired, if sold, or, if retained for reuse, the amount at which the material recovered is chargeable to account 1680, "Material and supplies."

(r) "Service life" means the period between the date when telephone plant is placed into service and the date of its retirement.

(s) "Service value" means (1) the difference between the book cost and the salvage value of station apparatus or station wiring and (2) the difference between the book cost and the net salvage value of other telephone plant.

(t) "Stock expense," as applied to capital stock, means all expenses incurred in connection with the issuance, sale, or resale of capital stock, such as fees and commissions (including the cash value of securities) paid to promoters, underwriters, brokers, and salesmen; fees for legal services; cost of soliciting subscriptions for capital stock, including fees, commissions, and advertising; cost of obtaining governmental authority and filing notices thereunder; fees and taxes for issuance of capital stock and listing on exchanges; and cost of preparing, engraving, printing, issuing, and distributing prospectuses and stock certificates in connection with both original and additonal capital stock issues.

INSTRUCTIONS—GENERAL

§ 33.11 *Classification of companies.* For the purpose of this system of accounts, telephone companies having average annual operating revenues not exceeding $50,000 shall be divided into two classes as follows:

Class C. Companies having average annual operating revenues exceeding $25,000 but not exceeding $50,000.

Class D. Companies having average annual operating revenues not exceeding $25,000.

§ 33.12 *Records.* (a) The accounts prescribed herein shall be kept by the double-entry method. The company's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries in these accounts. When the full information is not recorded in the general books, the entries therein shall be supported by other records, in which the full details shall be shown, and the general book entries shall contain sufficient reference to the detail records to permit ready identification. The detail records shall be filed in such manner as to be readily accessible for examination by representatives of the Commission.

(b) Attention is directed to the following extracts from section 220 of the Communications Act of 1934:

(d) In case of failure or refusal on the part of any such carrier to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, memoranda, documents, papers, and correspondence as are kept to the inspection of the Commission or any of its authorized agents, such carrier shall forfeit to the United States the sum of $500 for each day of the continuance of each such offense.

(e) Any person who shall willfully make any false entry in the accounts of any book

of accounts or in any record or memoranda kept by any such carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than $1,000 nor more than $5,000 or imprisonment for a term of not less than one year nor more than three years, or both such fine and imprisonment: *Provided*, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, or documents which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved.

(c) The Interstate Commerce Commission's order of November 3, 1919, as amended, prescribing "Regulations to Govern the Destruction of Records of Telephone, Telegraph, and Cable Companies (Including Wireless Companies)," shall remain in effect until further amended or revised. (This paragraph has been superseded since the issuance of this system of accounts by Part 42 (Preservation of Records) of the Rules and Regulations of the Commission.)

(d) Companies may subdivide any accounts prescribed herein provided such subdivisions do not impair the integrity of the prescribed accounts; and companies may keep clearing, temporary, or experimental accounts if they wish, in addition to the prescribed accounts.

(e) Each company shall keep its books of account on a monthly or other appropriate uniform basis so that for each accounting period all transactions applicable thereto, as nearly as can be ascertained, will be entered in the books. Each company shall close its books of account at the end of each calendar year, unless otherwise authorized by the Commission.

(f) All charges to the accounts prescribed in this system of accounts for telephone plant, operating revenues, operation and maintenance expenses, and other operating-revenue deductions shall be just and reasonable, and any payments by the company in excess of such just and reasonable charges shall be included in account 7100, "Other miscellaneous deductions from income."

§ 33.13 *Interpretation of item lists.* Lists of items following the texts of the several accounts are for the purpose of indicating the application of the prescribed accounting in specific cases. The lists are not to be considered as comprising all the items includible in the several accounts but merely as representative of them. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account warrants its inclusion, inasmuch as the same item frequently appears in more than one list. The proper entry in each instance must be determined by the texts of the accounts.

§ 33.14 *Submission of questions.* Responsible officials of the company shall submit all questions involving interpretation of the prescribed accounting to the Commission for consideration and decision. There shall also be submitted to the Commission for consideration and decision questions with respect to spreading over a number of years relatively large revenue, expense, or income items which if included in the accounts for a single year would seriously distort those accounts; also questions with respect to the disposition of relatively large items that relate to transactions that occurred prior to the current calendar year but were not recorded in the books of account in a prior year. Ordinary delayed items should be charged or credited to the same accounts to which they would have been charged or credited had they not been delayed.

§ 33.15 *Book cost of securities owned.* (a) Securities of others acquired by the company shall be initially recorded in these accounts at cost.

(b) The book cost of such securities shall be reduced to a nominal value if there is no reasonable prospect of a substantial value, but fluctuations in market value shall not be recorded in the accounts. Amounts by which such securities are (or may be) thus reduced shall be charged to account 7100, "Other miscellaneous deductions from income." The company shall maintain a complete record of the facts on which it bases such adjustments.

INSTRUCTIONS—BALANCE-SHEET ACCOUNTS

§ 33.21 *Capital stock.* (a) All transactions relating to capital stock of the accounting company shall be recorded by class of stock. Stocks are of the same class only when they are issued under identical terms as to all of the following: Par value, stated value, preferences in distribution of dividends and assets, voting rights, and conditions under which they may be retired. If the stocks of a company are of two or more classes, the records of the company shall be so kept as to distinguish the amounts applicable to each class in each of the following accounts:

Account	
1700	Subscriptions to capital stock.
1850	Discount on capital stock.
1860	Capital-stock expense.
1900	Reacquired securities.
2100	Capital stock.
2130	Obligations for stock conversion.
2150	Premium on capital stock.
2180	Capital-stock subscriptions and installments.

(b) When, by compliance with the laws of the State under which it is incorporated, a company is authorized to issue shares of capital stock, a memorandum entry in account 2100, "Capital stock," shall be made showing the number of shares, the par or the stated value of each share, and the total authorized capitalization.

(c) When stock having a par value is sold for cash, the recording entry shall be as follows:

(1) When sold at par:	Debit	Credit
Account 1600, "Cash"	$....	
Account 2100, "Capital stock"		$....
For the sale of ..... shares of ..... stock at its par value of ..... per share.		
(2) When sold at less than par:	Debit	Credit
Account 1600, "Cash"	$....	
Account 1850, "Discount on capital stock"	$....	
Account 2100, "Capital stock"		$....
For the sale of ..... shares of ..... stock having a par value of ..... per share at ..... per share.		
(3) When sold at more than par:	Debit	Credit
Account 1600, "Cash"	$....	
Account 2100, "Capital stock"		$....
Account 2150, "Premium on capital stock"		$....
For the sale of ..... shares of ..... stock having a par value of ..... per share at ..... per share.		

(d) When stock having a par value is sold through a legally enforceable subscription, the recording entries shall be as follows:

(1) When sold at par:	Debit	Credit
Account 1700, "Subscriptions to capital stock"	$....	
Account 2180, "Capital-stock subscriptions and installments"		$....
For subscriptions to .....shares of.....stock at its par value of.....per share.		

NOTE: When the subscription price is less than par or more than par, the entries shall follow those outlined under subparagraphs (2) and (3) of paragraph (c) of this section, with appropriate substitution of account 1700, "Subscriptions to capital stock," for account 1600, "Cash," and of account 2180, "Capital-stock subscriptions and installments," for account 2100, "Capital stock."

(2) When cash is received on account of a subscription to capital stock, the recording entry shall be as follows:	Debit	Credit
Account 1600, "Cash"	$....	
Account 1700, "Subscriptions to capital stock"		$....
For receipt of cash on subscription of.....		
(3) When a subscription has been fully paid the recording entry shall be:	Debit	Credit
Account 2180, "Capital-stock subscriptions and installments"	$....	
Account 2100, "Capital stock"		$....
For the issuance of ..... shares of ..... stock on fully paid subscription of		

(e) When stock is sold on a partial or installment payment plan to subscribers with whom there is no legally enforceable subscription contract, and who are entitled to be reimbursed for the principal amount of their payment, with or without interest, in the event they fail to complete payments for the stock and receive certificates therefor, the entries shall be as follows:

(1) When cash is received:	Debit	Credit
Account 1600, "Cash"	$....	
Account 2180, "Capital-stock subscriptions and installments"		$....
For receipt against subscription of....shares of.... stock at....per share.		

(2) When the installment payments are completed and the stock is issued, the recording entry shall be as indicated in subparagraphs (1), (2), or (3) of paragraph (c) of this section, with appropriate substitution of account 2180, "Capital-stock subscriptions and installments," for account 1600, "Cash."

(f) Before recording journal entries which it is proposed to enter in the company's books to record the issuance or assumption by the company of no-par capital stock or appropriations of surplus for transfer to no-par capital-stock accounts, the plan of accounting shall be presented to the Commission for consideration and approval. Such plan shall be accompanied by a statement giving complete information with respect to the basis upon which the amounts to be recorded have been determined and by a copy of the authorization issued by the regulatory body approving the issuance of no-par stock.

(g) All stock expense shall be charged to account 1860, "Capital-stock expense."

(h) When par-value capital stock that has been issued by the accounting company is reacquired, the par value of the amount reacquired shall be recorded in account 1900, "Reacquired securities," until such time as the stock is retired or canceled. The difference between (1) the amount paid therefor plus the expenses incurred in connection with their reacquisition and (2) the par value plus the premium or less the discount and less

the expense originally entered in respect thereto and not charged off shall be charged or credited, as appropriate, to account 2900, "Surplus."

(i) When no-par capital stock that has been issued by the accounting company is reacquired, the accounting shall be the same as for capital stock having a par value, except that the proportionate amount at which the particular class of no-par capital stock is included in account 2100, "Capital stock," shall be used in lieu of the par value in all entries.

§ 33.22 *Long-term debt.* (a) All transactions relating to long-term debt of the accounting company shall be recorded by class of debt. Long-term debt issues are of the same class only when issued under identical terms as to all the following: Principal amount, interest dates payable and rate of interest, maturity date, redemption price, priority of underlying security, and conditions set forth in the evidence of indebtedness issued in respect thereof.

(b) If the long-term debt is of two or more classes, the records of the company shall be so kept as to distinguish between the amounts applicable to each class in each of the following accounts:

Account	
1850	Unamortized debt discount and expense.
1900	Reacquired securities.
2200	Funded debt.
2230	Receivers' certificates.
2290	Other long-term debt.
2300	Unamortized premium on long-term debt.

(c) When long-term debt is issued, if the amount of money (or the then current value of any consideration other than money) received therefor is greater than the principal amount of such long-term debt plus the interest accrued and plus the debt expense incurred in connection with the issuance and sale, the excess shall be included in account 2500, "Unamortized premium on long-term debt."

(d) When long-term debt is issued, if the amount of money (or the then current value of any consideration other than money) received therefor is less than the principal amount of such long-term debt plus the interest accrued and plus the debt expense incurred in connection with the issuance and sale, the difference shall be included in account 1880, "Unamortized debt discount and expense."

(e) When long-term debt that has been issued by the accounting company is reacquired, the principal amount thereof shall be included in account 1900, "Reacquired securities," until such long-term debt is resold, or is retired and canceled. Any difference between (1) the amount paid to reacquire the securities, plus the expenses incurred in connection with the reacquisition, and (2) the face value of the securities, plus the accrued interest thereon, shall be included in account 2900, "Surplus." Concurrently, the proportionate amount which is included in account 2500, "Unamortized premium on long-term debt," or in account 1880, "Unamortized debt discount and expense," applicable to the class of securities which was reacquired, shall be written out of such accounts and shall be included in account 2900, "Surplus."

INSTRUCTIONS—TELEPHONE PLANT ACCOUNTS

§ 33.31 *Purpose of telephone plant accounts.* (a) The telephone plant accounts are the accounts in which is recorded the cost of property (both tangible and intangible) used in telephone operations and physical property held for imminent use in telephone service under a definite plan for such use. The cost of plant shall be recorded in accounts 1001 to 1077, inclusive, in accordance with the texts of those accounts.

(b) Telephone plant contributed to the company shall be included in the telephone plant accounts at its original cost of construction less the amounts of estimated depreciation and amortization applicable to such plant. Amounts so included in the plant accounts shall be credited to account 2800, "Contributions of telephone plant."

(c) Telephone plant constructed or acquired through the expenditure of money or its equivalent contributed to the company shall be included in the telephone plant accounts at the cost of construction or acquisition, and the amount of money or its equivalent contributed shall be credited to account 2800.

(d) The cost of individual items of work equipment, such as hand and other portable tools that are likely to be lost or stolen or that have relatively small value ($10.00 or less) or short life, shall be included in the telephone plant accounts only when the investment in such property is relatively large and the correctness of the accounting therefor is verified by current inventory. When not so verified the cost of such items shall be charged to the operation and maintenance expense (or clearing) account appropriate for the use of such items.

§ 33.32 *Telephone plant acquired.* (a) When property that comprises a substantially complete operating unit or system is acquired, the amount paid for the property (together with the preliminary expenses incurred in connection with the acquisition) shall be charged to account 1076, "Telephone plant acquired."

(b) The amount paid for the property plus the preliminary expenses shall then be credited to account 1076 and distributed to the telephone plant and other appropriate accounts in such manner as the Commission may approve or direct. Copies of journal entries recording the distribution of amounts in account 1076 shall be submitted to the Commission within 60 days from the date of acquisition.

NOTE: In connection with the acquisition of substantially complete operating units or systems the company shall procure from the grantor (and the grantor shall deliver) all existing records, or certified copies thereof, relating to the property acquired.

§ 33.33 *Cost of construction.* (a) The cost of construction of property chargeable to the telephone plant accounts shall include the cost of labor, material and supplies, transportation, contract work, relief and pensions, protection, injuries and damages, privileges and permits, taxes, special machine service, interest during construction, insurance, construction services, and other analogous elements in connection with such work.

(b) The following is a description of the major items referred to in the foregoing paragraph:

(1) "Cost of labor" includes the pay and expenses of employees directly engaged in or being trained for construction work, of foremen in direct charge thereof, and an equitable portion of the cost of local plant administration, general plant supervision and engineering, and of the pay and the office and other expenses of general officers and general office employees devoting part of their time to supervisory, administrative, or clerical functions in connection with construction work.

(2) "Cost of materials and supplies" includes the purchase price at the point of free delivery plus the costs of inspection, loading and transportation, and an equitable proportion of supply expense. In determining the cost of material used, proper allowance shall be made for unused material, for material recovered from temporary structures used in performing the work involved, and for discounts allowed and realized in the purchase of material.

(3) "Cost of transportation" includes the cost of transporting employees, material and supplies, tools, and other work equipment. It includes amounts paid therefor to other companies or individuals and the cost of the company's own motor vehicle service or other transportation service.

(4) "Cost of contract work" includes amounts paid for work performed under contract by other companies, firms, or individuals, engineering and supervision applicable to such work, costs incident to the award of contracts, and the inspection of such work. The cost of construction work performed by affiliated companies and other details relating thereto shall be available from the work in progress or other supporting records.

(5) "Cost of protection" includes the cost of protecting the company's property from fire or other casualties and the cost of preventing damages to others or the property of others.

(6) "Cost of injuries and damages" includes expenditures or losses on account of injuries to persons and damages to the property of others.

(7) "Cost of privileges and permits" includes payments for and expenses incurred in securing privileges, permits, or rights in connection with construction work, such as for the use of private property, streets, or highways. The cost of such privileges and permits shall be included in the cost of the work for which the privileges or permits are secured, except for cost includible in account 1002, "Franchises," and account 1007, "Right of way."

(8) "Taxes" includes taxes on physical property during construction and before the facilities are completed ready for service, assessed separately from taxes on operating property or under conditions that permit separate identification or allocation of the amount chargeable

to construction. It includes the portion, applicable to construction costs, of taxes imposed under the Social Security Act and similar State statutes.

(9) "Special machine service" includes the cost of labor expended, materials and supplies consumed, and other expenses incurred in the maintenance, operation, and use of special machines (other than transportation equipment), such as trenching machines, earth-boring machines, etc., and other labor-saving machines; also expenditures for rental, maintenance, and operation of such machines owned by others. When a construction job requires the purchase of special machines, the cost thereof, less the appraised or salvage value at the time of their release from the job, shall be included in the cost of the project.

(10) "Interest during construction" includes the amount of interest applicable to the construction period upon all moneys, including the company's own funds, used in the acquisition or construction of telephone plant and shall be charged to the accounts appropriate for the cost of the property acquired or constructed and credited to account 7600, "Interest charged to construction—Cr."

(11) "Insurance" includes premiums paid or amounts credited to account 2790, "Other reserves," for the protection against loss and damages (in connection with the construction of telephone plant) due to fire or other casualty, injury to or death of employees or others, damages to property of others, defalcations of employees and agents, and the nonperformance of contractual obligations of others.

(12) "Construction services" includes the cost of telephone, water, light, power, office space, equipment, and analogous items allocated to the construction project and similar items furnished by the company through its regular operating facilities.

§ 33.34 *Expenditures on property leased for telephone use.* (a) Except as provided in paragraph (d) of this section, the cost of initial repairs and rearrangements to adapt property leased from others to telephone use shall be charged to the prepaid rents subdivision of account 1800, "Prepayments," and shall be amortized over the life of the lease or the life of the property, whichever is the shorter, through credits to that account and concurrent debits to the rent subdivision of account 4190, "Other operation expenses."

(b) Except as provided in paragraph (d) of this section, the cost of additions and betterments to property leased from others shall be charged to separate subdivisions of the telephone plant accounts appropriate for the class of property leased. When such cost is included in the telephone plant accounts, depreciation charges therefor shall include the amortization of such improvements, computed on the basis of the expected service life to the lessee.

(c) If, in the case of the lease of a substantially complete operating unit or system, replacements of units of property installed by the lessor become necessary, the company shall make application to the Commission for instructions regarding the accounting procedure to be followed, and shall submit full particulars of the nature and extent of the replacements.

(d) When expenditures on property leased from others for use in telephone operations are of relatively minor cost or relatively short life, or if the period of the lease is less than 1 year, the cost shall be charged to the account chargeable with the cost of repairs of such plant.

§ 33.35 *Telephone plant retired.*—(a) *Depreciable telephone plant.* For the purpose of avoiding undue refinement, the accounting for retirements and replacements of depreciable telephone plant shall be as follows:

(1) *Units of property.* This group includes major items of property, a list of which is shown in § 33.81. The book cost of any such item retired shall be credited to the appropriate plant account and charged to account 2600, "Depreciation reserve," whether or not it is replaced. Account 2600 shall also be charged with the cost of removing such plant (except station apparatus and station wiring) and shall be credited with the amount received for any materials recovered and sold, or the cost (estimated if not known) of the materials if returned to stores. The cost of property installed in place of the property retired shall be charged to the appropriate telephone plant account.

(2) *Minor items.* This group includes any part or element that is not designated as a unit of property. The accounting for such items shall be as follows:

(i) When a minor item of property that does not replace a similar item is added to telephone plant, the cost thereof shall be charged to the appropriate plant account except that, if the items are of minor cost or few in number, the cost may be charged to the maintenance accounts.

(ii) When a minor item is retired and replaced independently of the unit of property of which it is a part, the cost of replacement shall be charged to the appropriate maintenance account and no entry shall be made in the telephone plant or depreciation reserve accounts. The removal and replacement of poles shall be handled as additions and retirements of property and not as maintenance.

(iii) When a minor item is retired and not replaced the book cost shall be credited to the appropriate telephone plant account and charged to account 2600, "Depreciation reserve" (see particularly paragraph (b) of the text of that account), except that, if the book cost of a minor item of property is accounted for through the retirement of a unit of property, no separate credit to the telephone plant account shall be made when such an item is retired.

NOTE: For example, a pole is a unit and, if the cost of attachments such as pole steps, guys, etc., is included in the cost of poles, either by spreading the cost on an average basis over all the poles or as a part of the cost of the pole to which they are attached, no separate credit to the plant account need be made when such an attachment is retired, even though not replaced. Any labor in connection with the removal of such attachments should be charged to the appropriate maintenance account, and any salvage for material recovered should be credited to the appropriate maintenance account.

(b) *Station wiring.* When stations are removed from customers' premises, the book cost of station installations and inside, drop, and block wires (whether such wires are removed or not) thereby retired from service shall be charged to account 2600, "Depreciation reserve," and credited to account 1032, "Station wiring." When stations are reinstalled on premises where station installations and existing inside, drop, and block wires had been previously retired in accordance with the provisions of this section, charge account 1032 and credit account 2600 with the actual or average amount at which the station installations and inside, drop, and block wires had previously been charged to account 2600. The cost of removing station apparatus and inside, drop, and block wires shall be charged to account 4030, "Station removals and changes." The cost of reinstalling station apparatus and inside, drop, and block wires shall likewise be charged to account 4030.

(c) *Land.* The book cost of land retired shall be credited to account 1011, "Land." If the land is sold, the difference between the book cost and the sale price (less commissions and other expenses of making the sale) of the land shall be credited or debited, as appropriate, to account 2900, "Surplus." If the land is retained by the company and held for sale, its cost shall be charged to account 1400, "Miscellaneous physical property." The accounting for leaseholds retired shall be as provided for in the texts of account 2700, "Amortization reserve," and account 5100, "Amortization of intangible property."

(d) *Book cost of retirements.* The book cost of telephone plant retired shall be the amount at which such property is included in the telephone plant accounts when such amount can be determined from the company's records. Ordinarily, such records shall be used in the retirement of land, buildings, complete central offices, furniture, and other items of plant for which individual cost records are maintained. When the actual book cost cannot be determined from the records, it shall be estimated. When it is impracticable to determine the book cost of each item due to the relatively large number or small cost of such items, an average book cost of the items may be used in determining the book cost of the items retired with proper allowance for items of different size and character. This method of average book cost may be applied in retirement of such items as telephones, bell boxes, station installations, poles, crossarms, wire, cable, cable terminals, conduit, and nonmultiple private-branch-exchange switchboards.

(e) The accounting for the retirement of property recorded in the accounts for organization, franchises, patent rights, and other intangible property shall be as provided for in the texts of account 2700, "Amortization reserve," and account 5100, "Amortization of intangible property."

(f) When telephone plant is sold together with the telephone traffic associated therewith, the book cost of the plant shall be credited to the appropriate plant accounts, and the estimated amounts carried with respect thereto in the depreciation and amortization reserve accounts shall be charged to such reserve accounts. The difference, if any, between (1) the net amount of such debit and credit items and (2) the consideration received (less commissions and other expenses of making the sale) for the property shall be debited or credited, as appropriate, to account 2900, "Surplus."

NOTE: In connection with the sale of a substantially complete operating unit or system the company shall deliver to the purchaser all existing records, or certified copies thereof, relating to the property sold.

INSTRUCTIONS—OPERATING-REVENUE ACCOUNTS

§ 33.41 *Purpose of operating-revenue accounts.* (a) The operating-revenue accounts (3010 to 3090, inclusive) are designed to show the amounts of money which the company becomes lawfully entitled to receive, less uncollectible revenues, from the furnishing of telephone service (including operations incidental thereto). Credits to the various revenue accounts shall be based upon the actual amounts chargeable for services rendered by the company. It is not required that undetermined amounts of revenue at pay stations lost through fire, theft, or collection of slugs or coins having no legal tender value shall be included in the operating-revenue accounts.

(b) In addition to monthly service charges, the operating-revenue accounts appropriate for the class of service involved shall be credited with:

(1) Amounts charged for connection, restoration, and termination of service, and for inside moves, outside moves, instrument changes, and similar service requirements.

(2) Amounts of initial nonrecurring charges for special or auxiliary plant or equipment furnished in rendering service to a customer, except that charges for the cost of providing plant or equipment the ownership of which rests with or will revert to the customer shall be credited to the accounts charged with the cost of such plant or equipment.

(3) Amounts of service charges for supplemental or auxiliary equipment furnished in rendering service to a customer—for example, extension stations, auxiliary receivers, auxiliary signals, code calling and conference equipment, etc.

(c) The classification of operating revenues provides separate accounts for local revenue and for toll revenue. In case it is necessary to apportion the revenue between these accounts, the company shall be prepared when so required by the Commission to furnish the basis used in making such apportionment.

(d) Discounts allowed customers for prompt payment, corrections of overcharges, authorized refunds of overcollections theretofore credited, authorized refunds and adjustments on account of failures in service, and other corrections, shall be charged to the revenue account previously credited with the amounts involved.

INSTRUCTIONS—OPERATING-EXPENSE ACCOUNTS

§ 33.51 *Maintenance expenses.* Maintenance expenses include the cost of the labor (including the wages or salaries of foremen and others in direct charge) and material used, and the amount of other expenses incurred, in the work of repairs and similar activities, such as the following:

(a) Testing for, locating, and clearing crosses, breaks, grounds, and other line troubles, including routine work intended to prevent such troubles, as, for example, pulling up slack, tightening guys, resetting guy stubs, trimming trees, straightening poles and crossarms, and cleaning and adjusting apparatus.

(b) Replacing minor or short-lived parts of structures, equipment, or facilities such as:

Dry batteries.
Bolts.
Nuts.
Crossarm braces.
Pole steps.
Generator brushes.
Cross-connecting wires.

(c) Replacing minor parts of exchange or toll lines when made necessary by faulty adjustments, excessive strains, mechanical injuries, or other minor casualties.

(d) Rearranging and changing location of plant, including rearranging circuits, reassociation of party lines, rearranging grouping of trunks and calling circuits, rerunning jumper wires and connecting on distributing frames, underlining switchboard jacks, removing and reinstalling station apparatus and station wiring, etc.

(e) Repairing material for reuse. (See also paragraph (c) of account 1680, "Material and supplies.")

(f) Restoring the condition of property damaged by storms, flood, fire, or other casualties (see note below), and inspecting and testing after repairs have been made.

NOTE: The replacement of major items of property shall be accounted for as provided in paragraph (a) of § 33.35; extensive losses may be accounted for as provided in paragraph (d) of § 33.65.

§ 33.52 *Prepaid expenses.* When payment of an expense is made in advance of the period to which it applies, it is necessary that a means be provided for charging in each month or period the proper portion of the expense. For example, if an insurance premium amounting to $240 is paid on a policy running 2 years into the future, the payment should be recorded as follows:

	Debit	Credit
Account 1800, "Prepayments"	$240	
Account 1600, "Cash"		$240

Each month an entry should be made as follows:

	Debit	Credit
Account 4190, "Other operation expenses"	$10	
Account 1800, "Prepayments"		$10

At the end of 2 years the entire amount charged to account 1800, "Prepayments," will have been charged to operating expenses.

§ 33.53 *Accrued expenses.* Certain expenses, such as taxes, are paid in a single amount at a specified date although the expense is applicable to more than one accounting period. In order to account properly for such expenses it is necessary that the amount shall be so recorded as to include in the statements for the month or other accounting period all amounts properly applicable thereto. This is accomplished by charging the proper portion of the item to expenses each month and crediting a corresponding amount to the appropriate liability account. When payment for the expense item is made, the liability account will be charged with such payment. For example, assuming that income taxes for the year are estimated at $1,200, an entry should be made each month as follows:

	Debit	Credit
Account 5500, "Income taxes"	$100	
Account 2400, "Accrued liabilities"		$100

Any differences between the estimated and the actual tax liability should be adjusted through account 5500 in the current accounts. Assuming that the actual tax liability is determined to be $1,250, instead of $1,200 as estimated, the adjusting entry would be:

	Debit	Credit
Account 5500, "Income taxes"	$50	
Account 2400, "Accrued liabilities"		$50

When the tax is paid, the amount of the payment should be charged to accrued taxes as follows:

	Debit	Credit
Account 2400, "Accrued liabilities"	$1,250	
Account 1600, "Cash"		$1,250

If the actual tax liability is determined to be less than that estimated, the adjusting entry would credit account 5500 and charge account 2400 with the excess of the estimate over the actual tax liability.

INSTRUCTIONS—CLEARING ACCOUNTS

§ 33.61 *Clearing accounts.* (a) Clearing accounts are authorized for use as a medium for distributing certain items that affect more than one primary account and that cannot be appropriately allocated as they are incurred. Examples are items of transportation expenses that are incurred by the use of automobiles for both construction and operating purposes.

(b) The balances in the clearing accounts shall be distributed to the appropriate accounts as at the close of the calendar year unless amounts included therein appropriately affect the accounting for future periods. Undistributed balances shall be included in the balance sheet under account 1890, "Other deferred charges," or account 2590, "Other deferred credits," as appropriate.

(c) The company's records shall be so maintained that an analysis of undistributed items in clearing accounts at the close of the calendar year may be shown in the reports to the Commission.

INSTRUCTIONS—DEPRECIATION ACCOUNTING

§ 33.65 *Depreciation accounting.* (a) All telephone plant shall be considered depreciable and subject to charges for depreciation expense except plant the cost of which is included in accounts

1001, "Organization," 1002, "Franchises," 1005, "Miscellaneous intangible property," and 1011, "Land."

(b) Depreciation charges shall be computed and accounted for on the straight-line method, that is, on a plan under which the service value of property is charged to account 5000, "Depreciation expense," and to clearing accounts (if kept) and credited to the depreciation reserve account uniformly throughout its service life.

(c) Except as provided in paragraph (f) of § 33.35, when a unit of depreciable plant is retired from service, the book cost of the plant retired shall be credited to the appropriate telephone plant accounts and charged to account 2600, "Depreciation reserve." The cost of removal shall likewise be charged to account 2600 (except the cost of removal of station apparatus and station wiring) and the salvage value of the plant retired credited thereto.

(d) Extraordinary charges to account 2600 under the provisions of paragraph (c) of this section for retirement of plant destroyed by storms, floods, etc., or for other causes, when such charges cause undue depletion of the depreciation reserve, may, when so authorized by the Commission, be credited to account 2600 and charged to account 1890, "Other deferred charges."

(e) For illustration of the application of the straight-line method, assume that depreciable telephone plant costing $100,000 has an estimated service life of 30 years, and an estimated net salvage value of 10 percent, or $10,000, and a service value of 90 percent, or $90,000. The annual depreciation rate would be 3 percent computed by dividing 90 percent by the service life of 30 years. The annual depreciation charge would be $3,000, or 3 percent of $100,000. The monthly charge for depreciation expense would be one-twelfth of the annual charge, or $250.

The journal entries to record the monthly depreciation charge as computed above would be as follows:

	Debit	Credit
Account 5000, "Depreciation expense"	$250	
Account 2600, "Depreciation reserve"		$250

(f) The procedure for recording the retirement of plant is illustrated by the following example. The accounting here described and illustrated shall be performed regardless of whether the unit retired has been in service more or less than the average number of years of the group to which it belongs.

The entries to record the retirement of a switchboard that cost $800 for materials and $200 for labor of installation (a total of $1,000), and cost $20 for removal, are as follows:

	Debit	Credit
Account 2600, "Depreciation reserve"	$1,000	
Account 1021, "Central office equipment". Book cost of switchboard removed from plant.		$1,000
Account 2600, "Depreciation reserve"	20	
Account 1600, "Cash" (or accounts payable)		20
Wages paid for removing switchboard.		

If the switchboard is sold upon retirement, say for $100, the following entry is necessary:

	Debit	Credit
Account 1600, "Cash"	$100	
Account 2600, "Depreciation reserve"		$100

If the switchboard is held for later sale, the following entry is necessary:

	Debit	Credit
Account 1680, "Material and supplies"	$100	
Account 2600, "Depreciation reserve"		$100
Estimated salvage value of switchboard retired and held for sale.		

If the switchboard is reusable and is held for reuse in telephone service, the following entry is necessary:

	Debit	Credit
Account 1680, "Material and supplies"	$800	
Account 2600, "Depreciation reserve"		$800
Material cost of switchboard retired and held for reuse, as provided in subparagraph (1) of paragraph (c) of account 1680.		

INSTRUCTIONS—WORK-ORDER SYSTEM

§ 33.71 *Work-order system recommended.* (a) It is recommended that each telephone company record all changes such as installations, additions, retirements, or replacements of telephone plant by means of a work-order or job-order system. Projects of less than $200 may be covered by standing work orders.

(b) The work order proper should include the following particulars:

(1) A work-order number.

(2) The description and the location of the work to be done (or the purchase to be made), the dates between which such work (or purchase) is to be accomplished, the date the work is begun and the date it is finished, together with maps, plans or diagrams, specifications, etc., applicable to the project.

(3) The accumulated charges applicable to each particular job or project and the total cost of the completed project; also the cost of removal. (When any project involves charges to more than one account, the work order should be kept so as to show the amount chargeable to each account. Every charge or credit on work orders should refer to the voucher, journal, or other source from which the entry therein was made.)

(c) The cost of completed projects should be promptly transferred to the telephone plant accounts to which they are chargeable.

PRESCRIBED ACCOUNTS

§ 33.75 *Accounts prescribed to be kept.*

BALANCE-SHEET ACCOUNTS

ASSET SIDE

Investments

§ 33.1000 *Telephone plant.* This account shall include the cost of telephone plant used in telephone service and physical property held for imminent use in telephone service under a definite plan for such use at the date of the balance sheet as classified under accounts 1001 to 1077, inclusive.

§ 33.1100 *Telephone plant under construction.* (a) This account shall include the cost of construction of telephone plant not ready for service at the date of the balance sheet.

(b) When any telephone plant, the cost of which is included in this account, is completed and ready for service, the cost thereof shall be credited to this account and charged to the telephone plant accounts.

NOTE: It is not required that this account shall include the cost of construction work which will be completed and ready for service within a short period, such as the installation of station apparatus, and other work to be completed within a period of 1 or 2 months.

§ 33.1200 *Plant adjustments.* (a) This account shall include the difference between the cost and the book cost of telephone plant at the effective date of this system of accounts other than differences attributable to contributions of plant includible in account 2800, "Contributions of telephone plant."

(b) This account shall include also such amounts as may be approved or directed by the Commission for inclusion herein with respect to acquisitions of telephone plant.

(c) The amounts recorded in this account with respect to each property acquisition shall be disposed of, written off, or provision shall be made for the amortization thereof, as follows:

(1) Debit amounts may be charged to surplus in whole or in part, or amortized over a reasonable period through charges to account 7100, "Other miscellaneous deductions from income," without further direction or approval by this Commission. Should a carrier desire the disposition of debit amounts in any manner other than as herein provided, it shall request that the Commission (i) approve recommended disposition or (ii) direct appropriate disposition according to the circumstances involved in each transaction.

(2) Credit amounts shall be disposed of in such manner as this Commission may approve or direct.

NOTE A: Disposition as herein provided is for accounting purposes only and shall not be construed as determining or controlling the amount or disposition of the items in a rate or other proceeding nor shall anything contained in paragraph (c) of this section be construed as precluding the Commission from subsequently requiring disposition of such amounts through charges to surplus or from altering a previously determined amortization period.

NOTE B: When these matters involve a carrier subject to both Federal and State regulation, the cooperative procedure heretofore agreed to between Federal and State Commissions shall be invoked. (See FCC Rules and Regulations, Part 1, Appendix No. 2.)

§ 33.1300 *Investments in securities.* (a) This account shall include the book cost (see sec. 33.15) of securities issued or assumed by other companies, other than securities held in fund accounts or as temporary investments, and of investment advances to other companies.

(b) The records supporting the entries in this account shall be so maintained as to show separately the book cost of each security owned by the company.

(c) This account shall be so maintained that in the annual reports to the Commission the securities pledged as collateral security for any of the company's debt, or as security for the performance of contracts, may be shown separately from the securities unpledged.

(d) This account shall be subdivided as follows:

Investments in securities of affiliated companies.
Investments in securities of others.
Investment advances to affiliated companies.
Investment advances to others.

§ 33.1400 *Miscellaneous physical property.* This account shall include the amount of the company's investment in physical property other than property the investment in which is includible in accounts 1000, "Telephone plant," 1100, "Telephone plant under construction," and 1200, "Plant adjustments." It shall include the amount of all assessments for the construction of public improvements levied against miscellaneous physical property.

§ 33.1500 *Fund accounts.* (a) This account shall include the amount of cash, the book cost (see § 33.15) of securities issued by other companies, the par or stated value of securities issued or assumed by the company, and other assets that are held by trustees or by the company's treasurer in a distinct fund for the purpose of redeeming outstanding obligations or for other specific purposes not provided for elsewhere.

(b) A separate subaccount, with a title what will designate the obligation in support of which the fund was created, shall be maintained for each fund.

NOTE: Securities actually issued or asumed by the company that have been reacquired by it shall be either retired or carried in account 1900, "Reacquired securities," unless it is required by provision of a mortgage, or by the decision of a trustee not subject to control by the accounting company, that they be retained alive in sinking or other funds. When so retained they shall be considered as actually outstanding, but not otherwise.

Current Assets

§ 33.1600 *Cash.* This account shall include the amount of cash and other current funds on hand or on deposit in banks. It shall include, also, the amounts of cash on special deposit, other than in fund accounts, to pay dividends and interest, and for other purposes; and amounts advanced to officers, employees, and others as working funds or petty cash funds from which certain expenditures are to be made.

§ 33.1620 *Temporary investments.* (a) This account shall include the book cost (see § 33.15) of securities acquired for the purpose of temporarily investing cash, such as time drafts receivable and time loans, bankers' acceptances, United States Treasury certificates, and other similar investments of a temporary character.

(b) This account shall be subdivided as follows:

Securities of affiliated companies.
Securities of others.

§ 33.1640 *Notes receivable.* (a) This account shall include the book cost (see § 33.15) of demand or time notes, bills, and drafts receivable, or other similar evidences (except interest coupons) of money receivable on demand or within 1 year from date of issue.

(b) This account shall be subdivided as follows:

Notes receivable from affiliated companies.
Notes receivable from officers and employees.
Notes receivable from others.

§ 33.1650 *Due from customers and agents.* This account shall include amounts owed to the company by customers for services rendered or billed and amounts due from agents and others authorized to collect operating revenues. The amount of notes held as security for customers' accounts may be carried in this account pending collection.

NOTE: If the company elects to reserve amounts for uncollectible revenues, the amount of such reservations shall be credited to a subaccount hereunder designated account 1650–B, "Reserve for uncollectible revenues—Cr."

§ 33.1660 *Accounts receivable.* (a) This account shall include amounts currently due from others not provided for in account 1650, "Due from customers and agents," or account 1670, "Interest and dividends receivable," such as those for traffic settlements, and other items not covering telephone service to customers.

(b) This account shall be subdivided as follows:

Accounts receivable from affiliated companies.
Accounts receivable from officers and employees.
Accounts receivable from others.

§ 33.1670 *Interest and dividends receivable.* This account shall include the amount of interest receivable accrued to the date of the balance sheet on bonds, notes, and other commercial paper owned and on loans made, and the amount of declared dividends receivable on stocks owned.

§ 33.1680 *Material and supplies.* (a) This account shall include the cost of material and supplies on hand, including plant supplies, tools, fuel, stationery, directory paper stock, and other supplies. So far as practicable, transportation charges shall be included as part of the cost of the particular material to which they relate.

(b) So far as practicable, cash and other discounts on materials shall be deducted in determining the cost of the particular material to which they relate or credited to the account in which the material is charged.

(c) Material recovered in connection with construction, maintenance, or retirement of property shall be accounted for in this account as follows:

(1) Reusable material, at cost, estimated if not known. (The cost of repairing such material shall be charged to account 4010, "Maintenance labor," and account 4020, "Maintenance materials and supplies," as appropriate.)

(2) Scrap and nonusable material, at the estimated sale price.

(d) Inventories of materials and supplies shall be taken at least annually and the necessary adjustments shall be made to bring this account into harmony with the actual inventories. In effecting the adjustments, differences shall be equitably apportioned among the accounts to which material costs have been charged since the preceding inventory or shall be included in account 4190, "Other operation expenses," unless account 9100, "Supply expense—Clearing," is used, in which case the differences shall be included in account 9100.

NOTE: When material and supplies are purchased for immediate use, their cost may be charged directly to such telephone plant or other account as is appropriate.

§ 33.1690 *Other current assets.* (a) This account shall include the book cost (see § 33.15) of all current assets that are not includible in accounts 1600 to 1680, inclusive.

(b) The records supporting the entries in this account shall be so maintained that, in the annual reports to the Commission, a complete analysis of the entries, including a description of each class of assets, may be shown.

Other Assets

§ 33.1700 *Subscriptions to capital stock.* (a) This account shall include the amount of any balance owing from subscribers upon legally enforceable subscriptions to capital stock.

(b) The records supporting the entries in this account shall be so maintained that the company can furnish the name and address of each subscriber, the amount and kind of capital stock subscribed for, the date of subscription, the date that each payment is due and the date that each is paid, the nature of each payment (whether cash or other consideration), and any other information that is necessary to make the history of the subscription complete.

Prepayments and Deferred Charges

§ 33.1800 *Prepayments.* (a) This account shall include the amount of rents, taxes, insurance, directory expenses, and like expenses paid for in advance of the period to which they apply. As the periods covered by such prepayments expire, this account shall be credited and the proper operating-expense or other accounts shall be charged with the amount applicable to the period. (See sec. 33.52.)

(b) This account shall be subdivided as follows:

Prepaid rents.
Prepaid taxes.
Prepaid insurance.
Prepaid directory expenses.
Other prepayments.

§ 33.1850 *Discount on capital stock.* (a) This account shall include the excess of (1) the book amount of capital stock of the company sold or resold plus dividends accrued over (2) the amount of money (or the then current money value of any consideration other than money) received from the stock.

(b) Amounts included herein may, if the company desires to write them off, be credited to this account and charged to account 2900, "Surplus."

(c) When capital stock is reacquired, any amounts included herein applicable to the reacquired stock shall be credited to this account and charged to account 2900. Any difference between (1) the amount paid to reacquire the stock and (2) its book amount shall be charged or credited, as appropriate, to account 2900.

(d) A separate subaccount with appropriate title shall be maintained for the discount applicable to each class and series of capital stock.

NOTE: No amounts shall be included in this account to represent discount on no-par capital stock unless the articles of incorporation or other controlling document prescribes a stated value for such stock.

§ 33.1860 *Capital-stock expense.* (a) This account shall include the amount

of stock expenses that have not been written off in accordance with paragraphs (b) and (c) of this section.

(b) Amounts included herein may, if the company desires to write them off, be credited to this account and charged to account 2900, "Surplus."

(c) When capital stock is reacquired, any amounts included herein applicable to the reacquired stock shall be credited to this account and charged to account 2900, "Surplus."

(d) A separate subaccount with appropriate title shall be maintained for the stock expenses applicable to each class and series of capital stock. (See § 33.21.)

§ 33.1880 *Unamortized debt discount and expense.* (a) This account shall include the excess of (1) the amount of principal of bonds and other forms of long-term debt of the company sold or resold plus interest accrued and plus debt expenses incurred in connection with the issuance and sale or resale, over (2) the amount of money (or the then current money value of any consideration other than money) received for the bonds or other forms of long-term debt.

(b) Amounts included in this account shall be amortized under such a plan as will equitably distribute the amounts over the life of the securities to which the amounts apply. The amortization shall be on a uniform basis, and the amounts thereof shall be charged to account 7400, "Amortization of debt discount and expense."

(c) Amounts included herein may, if the company desires to write them off, be credited to this account and charged to account 2900, "Surplus."

(d) When any bonds or other forms of long-term debt are reacquired, any amounts included herein applicable to the reacquired securities shall be credited to this account and charged to account 2900. Any difference between (1) the amount paid to reacquire the securities plus expenses incurred in connection with the reacquisition and (2) the amount of principal of the securities shall be charged or credited, as appropriate, to account 2900.

(e) A separate subaccount with appropriate title shall be maintained for the discount and expense applicable to each class and series of long-term debt.

§ 33.1890 *Other deferred charges.* (a) This account shall include the amount of all deferred charges not provided for elsewhere, including uncleared balances in clearing accounts.

(b) This account shall include also amounts representing extraordinary losses due to destruction of plant by storms, floods, etc., transferred from account 2600, "Depreciation reserve," under the provisions of paragraph (d) of section 33.65; and the cost of extensive retirements of station apparatus and inside, drop, and block wires.

(c) Charges provided for in paragraph (b) of this section shall be included in this account only after the permission of the Commission has been obtained, and the amounts shall be distributed over such a period as the Commission may approve or direct. The application to the Commission for such permission and approval or direction shall give full particulars concerning the plant abandoned or retired or the extensive retirements of apparatus or wires, the amounts chargeable to operating expenses, and the period over which in the judgment of the company the amount of such charges should be distributed.

(d) The records supporting the entries in this account shall be so maintained that, in the annual reports to the Commission, a complete analysis of the entries, including a description of each class of deferred charges, may be shown.

Reacquired Securities

§ 33.1900 *Reacquired securities.* (a) This account shall include the book amount of capital stock and the amount of principal of bonds and other forms of long-term debt issued or assumed by the company that have been reacquired by it and are held under conditions that do not permit the company to treat them as retired or canceled but do permit their resale. It shall not include the cost of securities that are held by trustees or those that are includible in account 1500, "Fund accounts."

(b) Any difference between the amounts includible herein and the amounts paid for such securities (including expenses incurred in connection with their purchase) shall be included in account 2900, "Surplus." (See also accounts 1850, 1860, 1880, 2150, and 2500 for the accounting for the discount, expense, and premium applicable to such securities.)

(c) The records supporting the entries in this account shall be so maintained as to show the amount herein applicable to each class and series of capital stock and long-term debt reacquired, and to indicate whether such reacquirements were predicated on refinancing, retiring, or reselling the issues.

LIABILITY SIDE

Noncorporate Proprietorship

§ 33.2010 *Proprietary capital.* (a) This account should be restricted to the amount considered by the noncorporate holder of the proprietary interest to be the permanent investment in the business, subject to change only by additional investment or by the withdrawal of portions of such amount not representing net income. When so maintained, account 2020, "Undistributed profits," shall also be maintained and the entries therein shall be made in accordance with the text of that account.

(b) When account 2020, "Undistributed profits," is not maintained, this account shall be charged with the withdrawals from the business by any holder of proprietary interest and shall be charged or credited, as appropriate, with all items that are includible in account 2900, "Surplus," when a company is incorporated.

(c) When the company is owned by a partnership, a separate subaccount shall be maintained hereunder with respect to each partner.

NOTE: Amounts received by any noncorporate holder of proprietary interest as just and reasonable compensation for services performed shall be excluded from this account and charged to the appropriate operating-expense account or other accounts.

§ 33.2020 *Undistributed profits.* (a) This account shall include the amount of undistributed profits of a noncorporate proprietorship when account 2010 is restricted to the amount of the permanent investment in the business.

(b) This account shall be charged or credited with all items that are includible in account 2900, "Surplus," for an incorporated company.

Stock

§ 33.2100 *Capital stock.* (a) This account shall include the total book amount of capital stock issued by the company.

(b) A separate subaccount with appropriate title shall be maintained for each class and series of capital stock.

§ 33.2130 *Obligations for stock conversion.* This account shall include the amount of the company's liability under agreements to exchange its capital stock for the outstanding securities of other companies that have not been surrendered for exchange.

NOTE: If prior to their actual conversion the securities outstanding have been given all the rights and privileges of the capital stock of the company's own issue, such securities shall be included in account 2100, "Capital stock."

§ 33.2150 *Premium on capital stock.* (a) This account shall include the excess of (1) the amount of money (or the then current money value of any consideration other than money) received for capital stock of the company sold or resold over (2) the book amount of the stock plus dividends accrued. It shall include also assessments against stockholders representing payments required in excess of the book amount.

(b) When capital stock is reacquired, any amounts included herein applicable to the reacquired stock shall be charged to this account and credited to account 2900, "Surplus."

(c) A separate subaccount with appropriate title shall be maintained for the premium applicable to each class and series of capital stock.

NOTE: Amounts received in excess of the stated value of no-par capital stock, or assessments upon such stock, shall be included in account 2100, "Capital stock," unless the articles of incorporation or other controlling document prescribes a stated value for such stock, in which case the amounts received in excess of such stated value shall be included in this account.

§ 33.2180 *Capital-stock subscriptions and installments.* (a) This account shall include the book amount of capital stock for which legally enforceable subscriptions have been received but for which at the date of the balance sheet stock certificates have not been issued.

(b) This account shall include also the amounts received on subscriptions to capital stock of the company sold on a partial or installment-payment plan to subscribers with whom there is no legally enforceable subscription contract, and who are entitled to be reimbursed for the principal amount of their payment in the event they fail to complete payments for the stock and receive certificates therefor.

(c) This account shall be charged and account 2100, "Capital stock," shall be credited when the subscriber has paid his subscription in full and stock certificates are issued representing the shares subscribed.

(d) In the event that the subscriptions or installment payments are applicable to stock that has been previously sold and reacquired by the company, this account shall be charged and account 1500, "Reacquired securities," shall be credited with the book amount of the stock.

(e) The records supporting the entries in this account shall be so maintained that the company can furnish the name and address of each subscriber, the amount and kind of capital stock subscribed, the date of subscription, the date that each payment is due and the date that each is paid, the nature of each payment (whether cash or other consideration), and any other information that is necessary to make the history of the subscription complete.

NOTE A: Accrued dividends on the stock certificates issued to subscribers shall be accounted for through the account appropriate for dividends.

NOTE B: Any discount or premium shall be included in the discount account or the premium account, as appropriate.

Long-Term Debt

§ 33.2200 *Funded debt.* (a) This account shall include the total amount of principal of unmatured funded debt maturing more than one year from date of issue, issued or assumed by the company and not retired or canceled.

(b) A separate subaccount with appropriate title shall be maintained for each class and series of funded debt.

§ 33.2230 *Receivers' certificates.* This account shall include the amount of principal of unmatured certificates of indebtedness issued by receivers in possession of property and acting under the orders of a court.

§ 33.2250 *Advances from affiliated companies.* (a) This account shall include the amount of principal of notes owed to affiliated companies and the amount of open book accounts representing advances from affiliated companies, not subject to current cash settlement. Interest payable accrued on such notes and open accounts shall be included in this account when such interest is not subject to current cash settlement.

(b) The records supporting the entries in this account shall be so maintained that the company can furnish information as to the kind and amounts of advances received from each affiliated company, the purpose of each advance, the length of time for which each advance is made, and how and when it is expected to be repaid.

§ 33.2290 *Other long-term debt.* (a) This account shall include the amount of all long-term debt not provided for elsewhere, such as real-estate mortgages executed or assumed (other than as security for bonds), assessments for public improvements, notes and certificates of indebtedness not owned by affiliated companies, and other obligations maturing more than 1 year from date of issuance or assumption.

(b) The records supporting the entries in this account shall be so maintained that, in the annual reports to the Commission, a complete analysis of the entries, including a description of each class of long-term debt, may be shown.

Current and Accrued Liabilities

§ 33.2300 *Notes payable.* (a) This account shall include the amount of principal of notes, drafts, acceptances, and other evidences of indebtedness (except interest coupons), issued or assumed by the company, that are payable on demand or by their terms are payable within a time not exceeding 1 year from the date of issuance.

(b) The records supporting the entries in this account shall be so maintained that the company can furnish complete details as to each note, such as the date issued, the consideration received, and the date payable.

(c) This account shall be subdivided as follows:

Notes payable to affiliated companies.
Notes payable to others.

§ 33.2320 *Accounts payable.* (a) This account shall include the amounts currently owed to others not provided for in other accounts, such as those for wages, traffic settlements, material and supplies, repairs to telephone plant, and matured rents.

(b) This account shall be subdivided as follows:

Accounts payable to affiliated companies.
Accounts payable to others.

§ 33.2340 *Customers' deposits.* This account shall include the amount of cash deposited with the company by customers as security for the payment for telephone service. Deposits refunded shall be debited to this account, and amounts applied to uncollectible bills shall be credited to the account of the customer and debited to this account.

§ 33.2350 *Matured long-term debt.* This account shall include the amount of long-term debt and receivers' certificates, including any obligation for premiums, matured and unpaid without specific agreement for extension of maturity. It shall include bonds drawn or called for redemption but not presented.

§ 33.2360 *Advance billing and payments.* This account shall include the amount of advance billing creditable to revenue accounts in future months; also advance payments made by prospective customers prior to the establishment of service. Amounts included in this account shall be credited to the appropriate revenue accounts in the months in which the service is rendered, or cleared from this account as refunds are made.

§ 33.2390 *Other current liabilities.* This account shall include the amount of all current liabilities not provided for elsewhere, including matured interest and declared dividends.

§ 33.2400 *Accrued liabilities.* This account shall include the amount of interest on indebtedness of the company and on receivers' certificates (other than interest includible in account 2250, "Advances from affiliated companies"), rents, taxes, and other liabilities accrued to the date of the balance sheet but not due until after that date. (See also § 33.53.)

Deferred Credits

§ 33.2500 *Unamortized premium on long-term debt.* (a) This account shall include the excess of (1) the amount of money (or the then current money value of any consideration other than money) received for bonds or other forms of long-term debt of the company sold or resold over (2) the face amount of the bonds or other forms of long-term debt plus interest accrued and plus debt expenses incurred in connection with the issuance and sale or resale.

(b) Amounts included in this account shall be amortized under such a plan as will equitably distribute the amounts over the life of the securities to which the amounts apply. The amortization shall be on a uniform basis, and the amounts thereof shall be credited to account 7500, "Amortization of premium on long-term debt—Cr."

(c) When any bonds or other forms of long-term debt are reacquired, any amounts included herein applicable to the reacquired securities shall be charged to this account and credited to account 2900, "Surplus." Any difference between (1) the amount paid to reacquire the securities plus expenses incurred in connection with the reacquisition and (2) the face amount of the securities shall be charged or credited, as appropriate, to account 2900.

(d) A separate subaccount with appropriate title shall be maintained for the unamortized premium applicable to each class and series of long-term debt.

§ 33.2550 *Other deferred credits.* (a) This account shall include the amounts of all deferred credits, not provided for elsewhere, that cannot be entirely cleared or disposed of until additional information has been received or that are being held for credit to other accounts in the future.

(b) The records supporting the entries in this account shall be so maintained that, in the annual reports to the Commission, a complete analysis of the entries, including a description of each class of deferred credits, may be shown.

Reserves

§ 33.2600 *Depreciation reserve.* (a) This account shall be credited with the amounts charged to account 5000, "Depreciation expense," and to clearing accounts for currently accruing depreciation of telephone plant. (See also § 33.65.) It shall be credited also with amounts transferred from surplus to provide for past deficiencies in the reserve.

(b) At the time of retirement of depreciable telephone plant, this account shall be charged with the book cost of the property retired plus the cost of removal (except the cost of removal of station apparatus and station wiring) and shall be credited with the salvage value and insurance recovered, if any. It shall be credited with amounts representing extraordinary losses due to de-

struction of plant by storms, floods, etc., transferred to account 1890, "Other deferred charges," when so authorized by the Commission.

§ 33.2700 *Amortization reserve.* (a) This account shall be credited with the amounts charged to account 5100, "Amortization of intangible property," for the amortization of organization, leaseholds, franchises, patent rights, and similar intangible property. It shall be credited or charged, as appropriate, with such amounts as may be approved or directed by the Commission for inclusion in account 5200, "Amortization of plant adjustments," or account 2900, "Surplus," under a plan to amortize amounts in account 1200, "Plant adjustments."

(b) When any leasehold included in account 1011, "Land," or any franchise, patent, or similar intangible expires, is relinquished, or is otherwise retired from service, this account shall be charged with the amount included herein with respect to the property going out of service. The difference between (1) the book cost of the property so retired and (2) the sum of (i) the amount chargeable to this account and (ii) the proceeds realized at retirement shall be charged or credited, as appropriate, to account 2900, "Surplus."

§ 33.2790 *Other reserves.* This account shall include the amounts of reserves not provided for elsewhere, such as those for depreciation of miscellaneous physical property and for pensions, accident and death benefits, savings, relief, hospital, or other purposes.

Contributions of Telephone Plant

§ 33.2800 *Contributions of telephone plant.* (a) This account shall include the amounts of money or its equivalent contributed directly or indirectly for or in connection with the construction or acquisition of telephone plant. The records shall be so kept that the amount and description of each contribution and the name of each contributor will be readily available. (See also § 33.31.)

(b) The credits to this account shall not be transferred to any other account without the approval of the Commission.

(c) The records supporting the entries to this account shall be so kept that the company can furnish information as to the purpose of each donation, the conditions, if any, upon which it was made and the amounts of donations from (1) states, (2) municipalities, (3) customers, and (4) others.

Surplus

§ 33.2900 *Surplus.* (a) This account shall include the balance in the surplus account of the company. (See also accounts 2010, "Proprietary capital," and 2020, "Undistributed profits.")

(b) It shall be credited with the credit balance of income for the year, credits from the reacquisition of the company's securities, profit on plant sold together with the traffic associated therewith, unclaimed dividends, and other gains realized not properly includible in current income.

(c) It shall be charged with the debit balance of income for the year, dividends declared, amortization of intangible property not provided for elsewhere, amounts appropriated to cover past accrued depreciation or amortization not provided for, decline in the value of investments, debits on the reacquisition of the company's securities, unamortized capital-stock and debt discount and expense written off, loss on plant sold together with the traffic associated therewith, reversal of amounts previously credited to surplus, penalties and fines paid on account of violations of statutes pertaining to regulation, and other losses realized not properly deductible from current income.

(d) The records supporting the entries in this account shall be so maintained that, in the annual reports to the Commission, a complete analysis of the entries may be shown.

TELEPHONE PLANT ACCOUNTS

§ 33.1001 *Organization.* This account shall include the cost of organizing and incorporating the company.

ITEMS

(See § 33.13)

1. Amounts paid for legal services.
2. Amounts paid for privileges of incorporation.
3. Office expenses incident to organizing the company.
4. Stock and minute books and corporate seal.

NOTE A: This account shall not include any discounts on securities issued, nor shall it include costs incident to negotiating loans or selling bonds or other evidences of debt or expenses in connection with the authorization, issuance, sale, or resale of capital stock. (See also accounts 1850, 1860, 1880, 2150, and 2500.)

NOTE B: This account shall not include any organization costs of companies retiring as a result of merger, consolidation, or reorganization.

§ 33.1002 *Franchises.* (a) This account shall include amounts paid for governmental franchises, consents, certificates, and similar rights running for more than 1 year that are necessary in the conduct of the company's telephone operations. It shall include amounts paid in cash and the cost of plant, material, supplies, and equipment given as the initial consideration for such franchises, the cost of advertising, the governmental election costs assumed by the company, and similar expenses incurred in procuring such franchises. (See also paragraph (b) (7) of § 33.33.)

(b) If a franchise, consent, or certificate is acquired by assignment, the charge to this account with respect thereto shall be (1) the amount paid therefor by the company to the assignor or (2) the amount paid by the original grantee plus the expense of acquisition to such grantee, whichever is the lower amount. Any excess of (1) over (2) shall be charged to account 2900, "Surplus."

(c) When any franchise, consent, or certificate expires or is sold, relinquished, or otherwise retired from service, the amount included in this account with respect to the property going out of service shall be credited hereto and the accounting shall be completed as provided in account 2700, "Amortization reserve."

NOTE: Franchise taxes payable annually or more frequently shall be charged to account 5400, "Operating taxes."

§ 33.1005 *Miscellaneous intangible property.* (a) This account shall include the cost of patent rights and other intangible property, not provided for elsewhere, devoted to telephone service and having a life of more than 1 year from the date placed into service.

(b) The records supporting the entries in this account shall be so maintained that, in the annual reports to the Commission, a complete analysis of the entries, including a description of each class of intangible property, may be shown.

NOTE: The cost of intangible property having a life of 1 year or less from the date placed into service shall be charged to account 4190, "Other operation expenses."

§ 33.1007 *Right of way.* This account shall include amounts paid for land and for leaseholds, easements, and similar rights in land having a term of more than 1 year acquired for the location of poles, cable, wire, and conduit plant; also permits to erect poles and to place conduit when the expected period of occupancy exceeds the estimated life of the initial plant installed. It shall include the related portion of the pay and expenses of right-of-way agents and other costs of acquiring such land, rights, and permits. (See also paragraph (b) (7) of § 33.33.)

NOTE: The cost of intangible property having a life of 1 year or less from the date placed into service shall be charged to account 4190, "Other operation expenses."

NOTE B: Payments to municipalities or other governmental agencies (exclusive of franchise taxes) as consideration for a franchise or right to conduct the company's telephone operations, whether or not the right to occupy city property, streets, and highways is obtained thereunder, shall be accounted for as franchise payments. (See also account 1002.)

§ 33.1011 *Land.* (a) This account shall include the cost of land and of leaseholds, easements, and similar rights in land having a term of more than 1 year used for general and central office buildings, garages, shops, and for storage and other telephone purposes other than right of way. It shall also include special assessments upon land for the construction of public improvements.

(b) When land, together with the buildings thereon, is acquired, the cost shall be fairly apportioned between the land and the buildings and accounted for accordingly. If the plan of acquisition contemplates the removal of the buildings, the total cost of the land and buildings shall be accounted for as the cost of the land, and the salvage value of the buildings when disposed of shall be deducted from the cost of the land so determined.

ITEMS

(See § 33.13)

1. Assessments for the construction of public improvements.
2. Clearing or defending title against claims relating to period prior to purchase.
3. Commissions and fees to brokers, agents, and others.
4. Condemnation proceedings, including court costs and special counsel fees.
5. Conveyancer and notarial fees.
6. Examination and registration of titles.
7. Grading of land not in connection with buildings.
8. Relocating property of others in acquisition of land.
9. Sidewalks on public streets abutting company's property.
10. Taxes assumed, accrued prior to date of acquisition.
11. Taxes on land during period of construction.
12. Voiding leases to secure possession of land acquired.

NOTE: Annual or more frequent payments for the use of land shall be charged to the account appropriate for rent.

§ 33.1012 *Buildings.* This account shall include the cost in place of buildings and all permanent fixtures, machinery, appurtenances, and appliances installed as a part thereof. It shall include costs incident to the construction or purchase of a building and to securing possession and title. (See also paragraph (b) of account 1011, "Land.")

ITEMS

(See § 33.13)

1. Awnings.
2. Boilers, furnaces, and fixtures, and machinery for heating, lighting, ventilating, and plumbing.
3. Commissions and fees to brokers, agents, architects, and others.
4. Drainage and sewerage systems.
5. Electric wiring.
6. Fences and hedges.
7. Fire-extinguisher systems.
8. Garages, shops, and stables.
9. General, and central office buildings.
10. Grading, excavating, and preparing grounds for buildings, including the laying out of grounds after construction.
11. Linoleum and similar floor covering, excluding carpets and rugs.
12. Additions and betterments to leased buildings. (See also § 33.34.)
13. Partitions, movable and other.
14. Platforms, storage and loading.
15. Refrigeration systems.
16. Retaining walls.
17. Screens, door and window.
18. Sheds.
19. Sidewalks, pavements, and driveways on building grounds.
20. Sprinkling systems.
21. Storm doors and windows.
22. Voiding leases to secure possession of buildings acquired.
23. Water, steam, and gas pipes.
24. Window shades and ventilators.

NOTE: This account shall not include the cost of any telephone equipment or wiring or apparatus for generating or controlling electricity for operation of the telephone system.

§ 33.1021 *Central office equipment.* This account shall include the cost installed of local and toll switchboards and appurtenances, main and intermediate frames, relay and coil racks, interior wires and cables, power apparatus, and other apparatus used in the operating and terminal rooms.

ITEMS

(See § 33.13)

1. Banks—connector, selector.
2. Batteries.
3. Battery cabinets.
4. Building alterations, minor, such as opening and closing holes in ceilings, partitions, walls, and floors to permit the installation of equipment, power conduit, and wiring.
5. Cables.
6. Calculagraphs.
7. Covers for transmission-power apparatus.
8. Desks and tables when equipped with central office telephone equipment.
9. Frames—distributing and other.
10. Fuse boards.
11. Fuse panels.
12. Jumper wires.
13. Loading coils.
14. Loudspeaker equipment.
15. Meters.
16. Operators' breastplate transmitters.
17. Operators' chairs.
18. Operators' headsets.
19. Platforms (not part of buildings).
20. Pole changers.
21. Power circuits for emergency use, including payment for the installation by others of circuits not owned.
22. Power panels.
23. Protectors.
24. Pulse machines and tone machines.
25. Radio transmitting and receiving equipment.
26. Rectifiers.
27. Relay racks and coil racks.
28. Relays.
29. Register cabinets.
30. Rheostats.
31. Ringing machines, including special foundations not a part of buildings.
32. Switchboards—subscribers', toll, dial-system.
33. Switches.
34. Tarpaulins.
35. Test boards.
36. Testing and routining central office equipment prior to assignment to service.
37. Testing equipment and tools, central office.
38. Ticket holders.
39. Water stills for battery service.

§ 33.1031 *Station equipment.* (a) This account shall include the cost of equipment and apparatus such as telephone sets, private branch exchanges, booths and special fittings, and other apparatus not includible in account 1021, "Central office equipment."

(b) The following subdivision of this account is recommended:

Station apparatus.
Private branch exchanges.
Booths and special fittings.

ITEMS

(See § 33.13)

Station apparatus

1. Batteries, station.
2. Battery boxes.
3. Bell boxes.
4. Coin collectors.
5. Cord, special.
6. Desk sets, hand sets, and wall sets, including those used at main, extension, private-branch-exchange, and private-line stations, etc.
7. Dials.
8. Extension bells.
9. Messenger and similar signaling devices.
10. Public pay station operators' chairs.
11. Public pay station operators' headsets and breastplate transmitters.
12. Station switching and signaling devices, including apparatus cabinets, keys, key cabinets, and devices used with intercommunicating systems.
13. Telegraph equipment.
14. Teletypewriter equipment.

Private branch exchanges

15. Switchboards—manual and dial, with associated wiring and equipment other than that listed above under station apparatus.
16. PBX operators' chairs.
17. PBX operators' headsets and breastplate transmitters.

Booths and special fittings

18. Booths and booth fittings, excluding station apparatus.
19. Public-telephone signs.

§ 33.1032 *Station wiring.* This account shall include the cost of installing station apparatus (together with the cost of materials used in the installation) and the cost installed of inside, drop, and block wires. (See also paragraph (b) of § 33.35.)

ITEMS

(See § 33.13)

Station installations and inside wires

1. Cost of installing apparatus and the cost installed of—
(a) The wires (or small cables) from the station apparatus to the point near the entrance to the building where the drop or block wire or cable terminates, or to the junction boxes where the house cable or other cable terminates.
(b) The wires (or small cables) used to connect station apparatus in the same building, such as main stations with extension stations, and stations of intercommunicating systems.
(c) The wires (or small cables) used to connect private-branch-exchange switchboards or their distributing frames with terminal stations located in the same building.
(d) Clamps, cleats, connecting blocks, ground wires, ground rods, nails, station protectors, screws, and other material used in the installation of station apparatus and inside wires.

Drop and block wires

2. Brackets.
3. Bridle rings.
4. Bridle wire.
5. Insulators.
6. Knobs.
7. Screws.
8. Sleeves.
9. Span clamps.
10. Tie wires.
11. Tubes.
12. Wire.

NOTE: A drop or block wire consists of that portion of a customer's circuit (whether aerial or underground) extending from the inside wire (usually at the station protector or connecting block), or from the station equipment when no inside wire is involved, to the point of connection with the general overhead or underground system. This includes such circuit, carried by means of wire or small cables, extending to the cable terminal in cases where connection is made with a general cable system, or to the point of connection with the aerial wire plant in cases where connection is made with a general wire system.

§ 33.1045 *Poles, conduit, cable, and wire.* (a) This account shall include the cost installed of poles, crossarms, guys, underground conduit, manholes, wire (except inside, drop, and block wires), cable, and other material used in the construction of such plant.

(b) The following subdivision of this account is recommended:

Poles and fixtures. Cable.
Conduit. Wire.

(c) The records supporting the entries in this account shall be so maintained as to show the number of poles wholly owned and the number jointly owned and the extent of the company's interest in the jointly owned poles.

ITEMS

(See § 33.13)

Poles and fixtures

1. Anchors.
2. A and H fixtures.
3. Braces, pole and back.
4. Bridge fixtures.
5. Cable arms.
6. Clearing routes and tree trimming, except maintenance of previous clearings.
7. Crossarms with hardware.
8. Extension arms.
9. Guard arms.
10. Guy wire or strand.
11. Painting, treating, gaining, roofing, shaving, and stenciling poles.
12. Permits and privileges for construction.
13. Pins.
14. Pole brackets, wooden.
15. Poles.
16. Pole steps.
17. Pole stubs.
18. River-crossing and long-span fixtures.
19. Strain insulators and thimbles.
20. Towers.

Underground conduit

21. Cable racks.
22. Conduit.
23. Excavation.
24. Handholes.
25. Manholes.
26. Paving.
27. Permits and privileges for construction.
28. Pipe.
29. Riser pipe.
30. Service boxes.
31. Tile.

Cable

32. Bonds and grounds.
33. Cable—block, feeder, main, subsidiary.
34. Cable—house, including riser and distributing cables extending to floor-terminal boxes, cross-connection boxes at wall outlets, etc., where connection is made with inside wires.
35. Cable clamps and hangers.
36. Cable rings.
37. Cable terminals or boxes.
38. Cross-connection wires and fuses installed in the first equipment for service of cable terminals or boxes.
39. Floor-terminal boxes and cross-connection boxes at wall outlets.
40. Fuse boxes.
41. Loading coils and cases therefor.
42. Main-frame-terminating cable extending to outside cable.
43. Negative returns.
44. Permits and privileges for construction.
45. Pole seats and balconies.
46. Protective covering for buried cable.
47. Protectors and arresters.
48. Safety straps.
49. Sleeves.
50. Strand, suspension.
51. Tree guards.
52. Trolley guards.

Aerial wire

53. Bridle rings.
54. Bridle wire.
55. Ground wire, clamps, and rods.
56. Insulators and thimbles.
57. Loading coils and cases therefor.
58. Permits and privileges for construction.
59. Protectors and arresters.
60. Repeating coils.
61. Tie wires.
62. Transposition brackets.
63. Transposition of the circuits in initial construction work and any additions or betterments resulting from transposing or retransposing existing circuits.
64. Wire.

§ 33.1050 *Other radiotelephone plant.* This account shall include the cost of radiotelephone plant not provided for elsewhere.

NOTE: This account shall not include the cost of any wire telephone plant or the cost of any radiotelephone plant that can be included in accounts 1001 to 1045, inclusive.

§ 33.1061 *Furniture and office equipment.* This account shall include the cost of general furniture and equipment in offices, storerooms, shops, and other quarters.

ITEMS

(See § 33.13)

1. Beds, cots, and couches.
2. Bins, counters, and shelves.
3. Bookcases.
4. Cabinets and filing cases.
5. Cages, cashiers'.
6. Chairs, carpets, and rugs.
7. Clocks.
8. Desks.
9. Fans, electric, portable.
10. Fire-extinguisher equipment, portable.
11. Gas and electric fixtures, portable.
12. Lockers and wardrobes, portable.
13. Mirrors, portable.
14. Office devices, including addressing, billing, blueprinting, computing, dating, duplicating, mailing, photostat, and recording machines, cash registers, check writers, postage-meter machines, typewriters, etc.
15. Racks, clothing.
16. Safes.
17. Stoves.
18. Tables.
19. Vending machines.
20. Water-coolers.

§ 33.1064 *Vehicles and other work equipment.* This account shall include the cost of vehicles, tools, garage and shop machinery and equipment, and miscellaneous work equipment not provided for in other accounts.

ITEMS

(See § 33.13)

1. Automobiles, motor trucks, and tractors, including those equipped with earth-boring machines, pumps, winches, etc.
2. Carts, cable splicers'.
3. Concrete mixers.
4. Derricks.
5. Forges
6. Gasoline and oil pumps, portable.
7. Hand tools.
8. Hand trucks.
9. Lathes.
10. Motors and generators.
11. Planers.
12. Pole-treating apparatus.
13. Pumps.
14. Torches.
15. Trailers.
16. Wagons.
17. Winches, power.

NOTE A: The cost of chairs, desks, tables, etc., in garages and shops shall be charged to account 1061, "Furniture and office equipment."

NOTE B: The cost of testing equipment and tools regularly used in central offices shall be carried to account 1021, "Central office equipment."

§ 33.1076 *Telephone plant acquired.* This account shall be charged temporarily with the cost of acquisition (i. e., the amount of money actually paid or the then current money value of any consideration other than money exchanged for telephone plant, together with the preliminary expenses incurred in connection with the acquisition) of telephone plant pending determination of the amounts to be charged to the appropriate telephone plant accounts and to other accounts. (See also § 33.32.)

§ 33.1077 *Telephone plant sold.* This account shall be credited temporarily with the selling price of substantially complete operating units or systems pending determination of the amounts to be credited to the appropriate telephone plant accounts and to other accounts. (See also paragraph (f) of § 33.35.)

INCOME ACCOUNTS

TELEPHONE OPERATING INCOME

§ 33.3000 *Operating revenues.* This account shall include the total revenues for the accounting period that are provided for in the operating-revenue accounts, 3010 to 3090, inclusive.

§ 33.4000 *Maintenance and operation expenses.* This account shall include the total expenses for the accounting period that are provided for in the operating-expense accounts, 4010 to 4190, inclusive.

§ 33.5000 *Depreciation expense.* This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable telephone plant, except amounts charged to clearing accounts (if kept). The depreciation charges shall be computed in accordance with § 33.65.

NOTE: Depreciation on miscellaneous physical property shall be charged to account 6100, "Income from miscellaneous physical property," and credited to account 2790, "Other reserves."

§ 33.5100 *Amortization of intangible property.* This account shall be charged each month with the amount necessary to cover the cost applicable to organization and to such portions of the lives of limited-term franchises, patents, leaseholds, and similar intangible property included in the telephone plant accounts, as have expired during the month. Amounts so charged shall be credited to account 2700, "Amortization reserve."

§ 33.5200 *Amortization of plant adjustments.* This account shall be charged or credited, as the case may be, with such amounts as the Commission may approve or direct to be included herein under a plan to amortize amounts in account 1200, "Plant adjustments." Such amounts shall be credited or charged, as appropriate, to account 2700, "Amortization reserve."

§ 33.5300 *Rent for lease of telephone plant.* This account shall include rents paid for the lease from others of telephone plant comprising substantially complete operating units or systems.

§ 33.5400 *Operating taxes.* (a) This account shall include all Federal, State, county, municipal, and other taxing-district taxes, including franchise taxes payable annually or more frequently, other than taxes includible in account

5500, "Income taxes," relating to telephone plant, operations, and privileges. Taxes accrued through this account prior to their payment shall be credited to account 2400, "Accrued liabilities."

(b) Amounts for which the company is liable on its own behalf for taxes imposed under the Social Security Act and similar State statutes shall be equitably apportioned among this account, the telephone plant accounts, and account 7000, "Miscellaneous taxes."

NOTE A: Special assessments for street and other improvements and special benefit taxes, such as water taxes and the like, shall be included in the operating-expense accounts or the investment accounts, as appropriate.

NOTE B: Discounts allowed for the prompt payment of taxes shall be credited to the account to which the taxes are charged.

NOTE C: Interest on tax assessments that are not paid when due shall be included in account 7300, "Other interest charges."

§ 33.5500 *Income taxes.* This account shall include the amount of Federal, State, and local government taxes on net income applicable to telephone operations, including additional assessments of such taxes. Taxes accrued through this account prior to their payment shall be credited to account 2400, "Accrued liabilities."

NOTE: Income taxes that are not applicable to telephone operations shall be included in account 7000, "Miscellaneous taxes."

§ 33.5600 *Rent from lease of telephone plant.* This account shall include rents received from the lease to others of telephone plant comprising substantially complete operating units or systems.

OTHER INCOME

§ 33.6000 *Interest and dividend income.* This account shall include all interest and dividend income, such as dividends from stock owned by the company, interest on securities, notes, and other evidences of indebtedness owned by the company, interest on bank balances, certificates of deposit, open accounts, and other analogous items, including such income from sinking and other funds.

§ 33.6100 *Income from miscellaneous physical property.* This account shall include all revenues from and expenses (including depreciation and insurance) of physical property the cost of which is includible in account 1400, "Miscellaneous physical property."

§ 33.6900 *Other income — Miscellaneous.* This account shall include all items not provided for elsewhere that are properly creditable to income. It shall include all expenses incurred in connection with such items.

MISCELLANEOUS DEDUCTIONS FROM INCOME

§ 33.7000 *Miscellaneous taxes.* This account shall include all taxes not provided for elsewhere, such as taxes on miscellaneous physical property and on nontelephone operations and income.

§ 33.7100 *Other miscellaneous deductions from income.* This account shall include all items not applicable to telephone operations and not provided for elsewhere, such as contributions for charitable or social- or community-welfare purposes, and uncollectible amounts previously credited to accounts 6000, 6100, and 6900.

FIXED CHARGES

§ 33.7200 *Interest on long-term debt.* This account shall include the current accruals of interest on all classes of long-term debt. The records shall be so kept that the interest on each class of long-term debt may be shown separately in the reports to the Commission.

NOTE: This account shall not include charges for interest on long-term debt issued or assumed by the company and held by or for it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other funds.

§ 33.7300 *Other interest charges.* (a) This account shall include all interest charges not provided for elsewhere. It shall include the amount of discount, premium, and expense on notes maturing 1 year or less from date of issue.

(b) A list of representative items of indebtedness follows, the interest on which is chargeable to this account (see § 33.13):

1. Assessments for public improvements, past due.
2. Bond coupons, matured and unpaid.
3. Capital-stock and funded-debt subscriptions, receipts for installments on.
4. Claims and judgments.
5. Customers' deposits.
6. Funded debt matured, with respect to which a definite agreement as to extension has not been made.
7. Notes payable on demand or maturing 1 year or less from date of issue.
8. Open accounts.
9. Tax assessments, past due.

NOTE: Interest payable on notes or other evidences of indebtedness maturing serially shall be charged to account 7200, "Interest on long-term debt," if any portion of the obligation matures more than 1 year from date of issue.

§ 33.7400 *Amortization of debt discount and expense.* (a) This account shall include the portion of the unamortized debt discount and expense on outstanding long-term debt that is applicable to the accounting period, determined in accordance with the text of account 1880, "Unamortized debt discount and expense."

(b) Amounts charged to this account shall be credited to account 1880.

§ 33.7500 *Amortization of premium on long-term debt—Cr.* (a) This account shall include the portion of the unamortized premium on outstanding long-term debt that is applicable to the accounting period, determined in accordance with the text of account 2500, "Unamortized premium on long-term debt."

(b) Amounts credited to this account shall be charged to account 2500.

§ 33.7600 *Interest charged to construction—Cr.* This account shall be credited with such amounts as are charged to the telephone plant accounts for interest on funds expended for construction purposes, as provided in paragraph (b) (10) of § 33.33.

§ 33.7900 *Other fixed charges.* This account shall include all items of fixed charges not provided for elsewhere that are properly chargeable to income, such as taxes paid by the company under tax-free covenants on indebtedness.

DISPOSITION OF NET INCOME

§ 33.8000 *Reservations of income.* This account shall include all reservations of income. Amounts charged to this account shall be credited to the appropriate reserve accounts.

OPERATING-REVENUE ACCOUNTS

§ 33.3010 *Local service revenues.* This account shall include all revenues from the furnishing of telephone service within the local service area. (See § 33.41.)

ITEMS

(See § 33.13)

1. Revenues from customers for local and rural service.
2. Revenues from private-branch-exchange service.
3. Charges for extension stations and extension bells.
4. Charges for extra mileage in circuits to customers' stations.
5. Charges for extra directory insertions.
6. Installation and cancellation charges when billed against customers.
7. Charges for local messages from public telephones.
8. Charges for switching calls for farmer lines.
9. Amounts charged customers for moves and changes.
10. Charges for toll terminals and local loops (including those furnished for use in connection with lines of other companies) and charges for instruments and equipment when furnished in connection with such lines and loops.
11. Other revenues accruing from local service operations.

§ 33.3030 *Toll service revenues.* (a) This account shall include toll service revenues from the transmission of messages, including such revenues from messages transmitted entirely over the company's own lines and amounts representing divisions of toll service revenues received (1) from messages transmitted partly over the company's lines and partly over the lines of other companies, (2) as compensation for originating or terminating toll messages of other companies, and (3) as compensation for switching toll messages between lines of other companies.

(b) This account shall include toll service revenues from private line services and facilities furnished between different local service areas under contracts providing exclusive service either continuously or during stated periods, including (1) revenues from services involving only the use of the company's own lines and (2) amounts representing divisions of toll private line service revenues when such service involves the use of lines of other companies. It shall include toll private line service revenues from lines furnished for telephone, telegraph, teletypewriters, public address, radio-program transmission, and remote control.

(c) This account shall include revenues from guarantees at toll stations and from messenger service in notifying persons of toll calls.

ITEMS

(See § 33.13)

1. Revenues from messages transmitted wholly over the company's lines between points in different local service areas, whether from subscribers or from public telephones.
2. Company's proportion of revenues on messages transmitted partly over the company's lines and partly over lines of other companies (sometimes termed mileage).
3. Compensation allowed the company by others for switching or handling toll messages or for originating or terminating such messages.
4. Revenues from toll lines leased to telegraph companies or others.
5. Messenger service in connection with toll calls.
6. Other revenues from toll line operations.

§ 33.3060 *Miscellaneous operating revenues.* This account shall include all operating revenues not provided for in accounts 3010 and 3030.

ITEMS

(See § 33.13)

1. Revenues from messenger service not includible in account 3030.
2. Revenues from advertisements in directories.
3. Commissions from telegraph companies for making collections and for other services (not transmission charges).
4. Rents from property used in part in the company's telephone operations, such as rent of offices, storerooms, instruments, equipment and lines furnished apart from telephone service rendered by the company, pole-line space for attachments, space in conduits, etc. (Rent received for lease of a substantially complete operating unit or system is includible in account 5600, "Rent from lease of telephone plant.")
5. Profits realized from custom work performed for others incident to the telephone company's operations.
6. Revenues from the sale of new directories of the company's own issue and of directories purchased from others.
7. Unclaimed refunds or overcharges on telephone service.
8. Other miscellaneous operating revenues.

§ 33.3090 *Uncollectible operating revenues—Dr.* (a) This account shall include amounts credited to the operating-revenue accounts which have proved impracticable of collection.

(b) This account may include charges based on estimates, to provide a reserve for uncollectible accounts due from customers and agents. Amounts thus charged shall be credited to account 1650–B, "Reserve for uncollectible revenues—Cr.," which is a subaccount of account 1650, "Due from customers and agents." When the reserve method is followed, uncollectible revenues shall be written off against the reserve.

(c) When revenue that has been written off through this account is later collected, the amount of the collection shall be credited to this account, or to the reserve if one has been established.

(d) This account shall include, in a separate subdivision thereof, credits arising from charges to accounts 2340, "Customers' deposits," and 2360, "Advance billings and payments," that may lawfully be written off as unrefundable because of failure to locate the rightful owner or for some similar reason.

OPERATING-EXPENSE ACCOUNTS

MAINTENANCE

§ 33.4010 *Maintenance labor.* This account shall include the cost of all labor employed in repairing or maintaining all classes of telephone plant, including plant-supervision expense distributed on basis of labor. (See also § 33.51.)

§ 33.4020 *Maintenance materials and supplies.* This account shall include the cost of all materials and supplies used in repairing or maintaining all classes of telephone plant, including replacement of dry batteries and supply expense distributed on basis of material used. (See also § 33.51.)

§ 33.4030 *Station removals and changes.* (a) This account shall include the cost of removing or changing the location of stations and inside, drop, and block wires, and the cost of station disconnections, reconnections, and reinstallations.

(b) In cases where stations are reinstalled at premises from which they were previously removed, this account shall include the cost of all labor, materials, and expense necessary in connection with the reuse of the existing inside, drop, and block wires. (See also paragraph (b) of § 33.35.)

NOTE: Amounts charged to subscribers for moves and changes shall be credited to account 3010, "Local service revenues."

§ 33.4090 *Other maintenance expenses.* This account shall include all items of maintenance expense not provided for elsewhere, such as transportation expense and contract work that cannot be segregated as to labor and supplies. This account shall also include the cost of permits and privileges for maintenance work when not includible in other accounts.

NOTE: Transportation expense in connection with construction should be included as a part of construction costs.

OPERATION

§ 33.4110 *Operators' wages.* This account shall include the wages of chief operators, supervisors, local and toll switchboard operators, information operators, and all other operators employed in central offices; also the pay of operators employed at public telephone stations.

§ 33.4120 *Other traffic expenses.* This account shall include the cost of power purchased, the cost of labor and supplies used in operating the power plant, the cost of charging batteries, the pay and expenses of messengers, and other expenses in connection with the operation of central offices and public telephones.

§ 33.4150 *Office salaries.* This account shall include the salaries of the general officers of the company and the salaries of other employees that are not chargeable to any of the preceding expense accounts.

§ 33.4160 *General services and licenses.* This account shall include all amounts paid for services received under a license agreement, or a general service contract or arrangement providing for the furnishing of general managerial, accounting, engineering, financial, legal, or other general services.

§ 33.4190 *Other operation expenses.* (a) This account shall include all expenses of operation not properly chargeable to other accounts.

(b) This account shall be so maintained that in the annual reports to the Commission an analysis of the items included herein may be shown.

ITEMS

(See § 33.13)

1. Accidents and damages.
2. Advertising.
3. Appraisals of telephone plant.
4. Directors' fees.
5. Directory expense.
6. House service.
7. Insurance.
8. Law expense.
9. Office supplies and expense.
10. Other general expenses.
11. Outside auditing expense (not includible in account 4160).
12. Public telephone commissions.
13. Postage.
14. Regulatory commission expense.
15. Relief and pensions.
16. Rents for general offices, central offices, pole attachments, etc. (Rent paid for lease of a substantially complete operating unit or system is chargeable to account 5300, "Rent for lease of telephone plant.")
17. Stationery and printing.
18. Travel and incidental expenses of general officers.

CLEARING ACCOUNTS

NOTE A: Clearing accounts are used as a medium for distributing certain items that affect more than one primary account and that cannot be appropriately allocated as they are incurred. Examples are items of transportation expenses or other work equipment expenses that are incurred by the use of automobiles and other equipment for construction and for operating purposes. The use of these clearing accounts and of any additional clearing accounts is optional with the company. Companies that do not keep clearing accounts shall take such measures and establish such procedures as will insure proper allocation or distribution of charges to the appropriate account. Any additional clearing accounts used shall be assigned a title descriptive of the charges thereto and shall be cleared so as to distribute the charges equitably.

NOTE B: If these clearing accounts are not kept, the items provided for therein that are chargeable to operating expenses shall be included in the following accounts:

(a) Depreciation of equipment, in account 5000, "Depreciation expense."

(b) Repairs to equipment, in the appropriate maintenance account.

(c) Other items, in the appropriate maintenance or operation-expense account.

§ 33.9000 *Vehicle and other work equipment expense—Clearing.* (a) This account, when used, shall include the expense of operating and maintaining automobiles, trucks, and other work equipment (except storeroom equipment), including the expense of garages, shops, small tools, tool rooms, and stables, and the amount of depreciation charges applicable to the accounting period for plant in account 1064, "Vehicles and other work equipment."

(b) This account shall be cleared by adding to the cost of work performed such amounts as will distribute the total expense equitably.

ITEMS

(See § 33.13)

1. Depreciation of transportation and garage equipment.
2. Insurance.
3. License fees for vehicles and drivers.
4. Rents for equipment, garages, or stables.
5. Repairs of equipment.
6. Supplies, such as gas, oil, tires, tubes, tire chains, grease, etc.

§ 33.9100 *Supply expense—Clearing.* (a) This account, when used, shall include the expenses incurred in connection with the purchase, storage, handling, and distribution of material and supplies that are not allocated to other accounts as they are incurred; and the amount of depreciation expense applicable to the accounting period for the equipment of storerooms.

(b) This account shall be cleared by adding to the cost of material and supplies a loading charge that will distribute the total expense equitably.

ITEMS

(See § 33.13)

1. Depreciation of equipment of storerooms.
2. Discounts on material, cash and other, when impracticable to be deducted from the cost of the particular material to which they relate.
3. Overages and shortages in material and supplies that cannot be assigned to specific accounts.
4. Insurance.
5. Losses in material and supplies due to depreciation, breakage, leakage, evaporation, and fire and other casualties.
6. Pay and expenses of purchasing agents, superintendents and supervisors of supplies, managers of stores, storekeepers, clerks, and laborers.
7. Rents for storerooms and storage yards.
8. Repairs of equipment.
9. Transportation charges that cannot be added to the cost of the particular material.

LIST OF UNITS OF PROPERTY

§ 33.81 *Units of property.* The following list of units of property shall be used in connection with the accounting provided in § 33.35. Additions to or revisions of this list will be issued, when necessary, by the Commission, to which any applications for such additions or revisions shall be presented by the company.

Buildings (Account 1012)

A complete building.
An entire roof with or without supporting members.

NOTE A: A building of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of buildings to which lateral extensions have been made, even though having but one roof level, that part of the roof covering an entire section built at one time shall be considered an entire roof.

A complete fire escape.
A complete metal window (i. e., box, frame, and sash).
A boiler, furnace, hot-water heater, or automatic stoker.
A coal- or ash-conveying system.
An elevator complete with operating mechanism.
A gas-burner system.
A house-lighting or power board.
An oil-burner system.
An oil tank.
The floor covering for one room.
A motor, generator, engine, turbine, pump, compressor, ventilating fan, air washer, elevator drum, or similar item of equipment, with or without associated wiring, control equipment, etc.

NOTE B: In addition to the above-listed units of property, material (i. e., portions of buildings, equipment, fixtures, etc.) installed and retired, and the labor and incidental costs involved in connection with work of the following character, shall be handled through the telephone plant and depreciation reserve accounts:

(1) Changes in the type of operation of elevator systems, e. g., a change from manual to signal control of cars, from manual to power operation of doors, from low speed to high speed, from direct to alternating current, from hydraulic to electric operation, from one type of signaling or dispatching system to another.

(2) Relocations of toilet rooms, battery rooms, kitchens, terminal rooms, machine rooms, transformer vaults, etc.

(3) Structural changes such as: (a) Reinforcements of floors, roofs, bearing walls, footings, and foundations; (b) additions or relocations of elevator shafts, stairways, fire exits, and vaults, but excluding switchboard cable holes and slots; and (c) building alterations required for fire protection and other safety measures.

(4) Changes in the type of electric current supply, or of ventilating, air conditioning, or similar systems.

(5) Building enlargements.

(6) Replacements of the following character:

(a) Replacements of plumbing or heating pipes (with or without associated valves) except when necessitated by minor repairs or minor relocations of fixtures.

(b) Replacements of all or substantially all of the lighting fixtures (with or without associated wiring and conduit) in one operating or equipment room or, in the case of office space, on one floor of a building.

(c) General replacements (throughout a building or throughout an entire portion erected at one time) of items such as supply, return, or air valves in heating systems; hot or cold water valves or faucets; and plumbing, heating, or drainage traps.

Central office equipment (Account 1021)

Switchboards, desks, and testboards:
Switchboards (i. e., local, toll, dial system "A," cordless "B," call distributing "B," observing, teletypewriter, etc.)—A complete section or lower unit.
Desks (i. e., operating, observing, testing, etc.)—A complete section.
Test boards, or test and control boards (board type)—A complete section.
Testboards, or test and control boards (rack type):
All the equipment in one bay.
A complete upper unit.
A complete lower unit.
A complete installation of rack framework for one board.
Test panels—A complete panel.
Test cabinets—A cabinet complete with equipment.
Distributing frames:
Main distributing frames (including wall type)—A complete installation for one central office (in multiunit offices, for one operating unit).
Intermediate distributing frames—A complete installation for one central office (in multiunit offices, for one operating unit),
Mezzanine balconies—A complete installation for one frame.
Racks:
Relay rack equipment:
A panel or unit complete with equipment.
All the equipment in one bay, exclusive of any panels or units.
Coil rack equipment—All the equipment on one shelf.
Message and traffic register rack equipment—All the equipment in one bay.
Iron framework—A complete line of rack with or without enclosing cabinet or case.
Cable:
All of the cables in one run used for the same purpose, such as between:
(1) Main frame and intermediate frame for subscribers' lines.
(2) Main frame and intermediate frame for outgoing trunk multiple.
(3) Intermediate frame and connector frame or final frame for subscribers' lines.
(4) Intermediate frame and answering jacks.
(5) Intermediate frame and switchboard for outgoing trunk multiple jacks.
(6) Intermediate frame and switchboard for subscribers' multiple jacks.
Iron framework—A complete installation of rack for one cable run.
Power equipment:
Frame or rack mounted equipment:
A panel or shelf complete with equipment, such as fuses, meters, control equipment, etc.
Iron framework—A complete line of frame or rack for one fuse board, one power switchboard, etc.
A generator, motor, motor generator set, gas engine, rectifier, ringing machine, harmonic converter, pole changer, interrupter, power filter, or choke coil.
Storage batteries:
A complete battery with or without rack, cabinet, or counter electric motive force cells.
All positive or all negative plates in an entire battery (i. e., in all cells of a 24-volt battery, in all cells of a Morse battery, etc.).
All tanks or all jars of an entire battery.
A complete battery rack or cabinet, storage or dry.
A complete group of bus bars, cable, or wiring (with or without conduit) such as between:
Battery and fuse panel.
Power switchboard and machines.
Telephone repeater equipment (including testing equipment):
A complete floor mounted rack type set.
Relay rack mounted equipment:
A panel or unit complete with equipment.
All the equipment in one bay, exclusive of any panels or units.
Coil rack mounted equipment—All the equipment on one shelf.
Iron framework—A complete line of rack.
Carrier equipment (telephone, telegraph, repeater, and testing equipment):
A complete floor mounted rack type set.
Relay rack mounted equipment:
A panel or unit complete with equipment.
All the equipment in one bay, exclusive of any panels or units.
A line filter.
A complete test table.
Iron framework—A complete line of rack.
Telegraph equipment (printer and manual):
Telegraph testboards—A complete section or bay.
Duplex, single-line telegraph, and polar repeaters—A table or bay complete with equipment.
Metallic telegraph repeaters:
A complete floor mounted rack type set.
A panel or unit complete with equipment.
Voice frequency carrier equipment—A panel or unit complete with equipment.
Voice frequency carrier battery supply apparatus:

A complete bay of equipment.
A complete test table.
Iron framework—A complete line of rack.
Telephotograph equipment:
Table-mounted sending or receiving equipment:
A table complete with equipment.
A complete optical system.
A complete mechanical system.
A complete fork box.
A complete amplifier-modulator box.
Rack-mounted sending or receiving equipment:
A panel complete with equipment.
All the equipment in one bay.
Iron framework—A complete line of rack.
Power equipment:
A complete power board.
A complete storage battery.
Photographic equipment:
A copying camera or a copying, enlarging, and reducing camera, each with or without associated stands, illuminators, and copy boards.
A print machine.
A drying cabinet.
A developing, fixing, and washing tank.
Radio equipment:
A complete transmitter.
A complete receiving set.
Miscellaneous equipment:
A calculagraph, a master clock, or a secondary clock.
Electrically driven calculagraph and clock systems—A complete installation.
Mechanical or pneumatic tube ticket distributing system—A complete installation.
Each complete tool or portable test set the original cost of which was charged to the telephone plant account, such as a plug remover and attacher, cam aligning fixture, multiple bank resetting gage, or shaft-straightening tool, a relay adjusting set, line finder set, or wagon type set.
Each complete item of furniture or other miscellaneous equipment the original cost of which was charged to the telephone plant account, such as a desk or table equipped with central office equipment, an operator's chair, a complete switchboard platform, an operator's telephone set cabinet, a rotary file or directory cabinet, a ticket cabinet or rack, a tarpaulin with or without cabinet, a portable service-observing cabinet, or a holding-time recorder.
Loud speaker equipment—A complete installation.
Aisle-lighting equipment—A complete installation on one floor.
Rolling ladders—A complete installation, for one side of one frame or rack.
Message and traffic register cabinets—A cabinet complete with equipment.
Teletypewriter sets—Units specified under the caption "Station equipment. (Account 1031.)"
Panel dial system equipment:
A complete equipment frame such as line-finder frame, line-switch frame, selector frame, link frame, routine test frame, decoder frame, sender frame, or floor alarm board.
Pulse-machine equipment—A complete pulse machine.
Pulse-machine control apparatus—A complete installation controlling a set of pulse machines.
Step-by-step dial system equipment:
A complete equipment frame, such as a line-finder frame, line-switch frame, selector frame, connector frame, or repeater frame.
Key-indicator equipment or key-pulsing equipment—A complete equipment frame, such as a link or sender frame.

NOTE: When work of the following character is performed as a special job in a central office or at a multiple or dial private branch exchange for the purpose of improving or changing the type of the equipment, the material installed and retired and the labor and incidental costs involved shall be handled through the telephone plant and depreciation reserve accounts:

(1) Conversions of one or more switchboard positions, or dial-system frames, from one type to another, such as from subscribers' to toll, subscribers' to rural, inward toll to combined line and recording, manual B to call indicator B, or from panel B switchboard incoming frame to interoffice incoming frame.

(2) Conversions of circuits from one type to another, such as conversions of cord circuits from two-party ringing to four-party selective ringing, semiselective ringing to selective ringing, or from manual recall to flashing recall, and conversions of panel-sender circuits from noncoin to coin and from two digit to three digit.

(3) Replacements of items of one type with items of a different type for such reasons as improving signaling or transmission characteristics, changing operating methods or increasing capacity of the office, e. g.:

(a) Replacements of all the relays or repeating coils of one type in a central office with relays or coils of an improved type for the purpose of improving the signaling or transmission characteristics.

(b) Replacements of items of equipment in dial offices because of a change in the method of operation to multiple registration.

(c) Replacements of items of power equipment because of a change in power purchased from direct current to alternating current.

(d) Modifications of the trunk and cord circuits of multiple manual private-branch-exchange boards necessitated by a cutover of a central office district to dial operation.

(e) Replacements of protectors of one size with protectors of a smaller size on a main distributing frame so that more protectors may be installed in the same space.

(f) Replacements of 20 pair terminal strips on a main distributing frame with 50 pair strips to increase the capacity of the frame.

(g) Replacement of jack strips having 10 jacks per strip with strips having 20 jacks per strip to increase the capacity of a switchboard.

(h) Replacement of keys of one type with keys of a different type to permit more keys to be placed in the same position.

Station equipment (Account 1031)

Station apparatus:
A complete station.
A desk stand, with or without transmitter, receiver, or dial.
A hand set (i. e., transmitter, receiver, and handle).
A hand set mounting, with or without dial.
A wall set, with or without transmitter, receiver, or dial.
A bell box or other subscriber set, such as extension bell, signal horn, etc.
A coin collector, with or without transmitter, receiver, or dial.
A complete apparatus cabinet.
A complete key cabinet or key box.
An intercommunicating system key.

NOTE: The original cost less salvage of the following items of station apparatus not designated units of property shall be charged to the depreciation reserve account when lost, destroyed, junked, or otherwise disposed of:

A hand-set handle.
A transmitter.
A receiver.
A dial.
A dial mounting.
A switching key (individually mounted type).
Teletypewriter equipment:
A complete station.
A printer or teletypewriter.
A printer or teletypewriter table or stand.
A base (printer or reperforator).
A cover (printer or reperforator).
A printer unit or typing unit.
A keyboard unit.
A distributor unit.
A transmitter unit.
A perforator unit.
A reperforator unit.
A relay box with equipment.
A motor or motor unit (excluding the motor of a motor generator set).
A motor generator set.
A rectifier unit.
A loop switchboard.
A station signaling set.
Manual telegraph equipment:
A complete station.
A loop switchboard.
Program-supply and public-address equipment:
A microphone transmitter.
A microphone transmitter mounting.
An amplifier.
A loud-speaking receiver.
A horn.
An observer's telephone set.
A complete dynamotor, motor generator, rectifier, or storage battery.
A complete control cabinet, resistor cabinet, or junction box.
A battery cabinet.
Rack mounted equipment:
All the equipment in one bay.
A panel complete with equipment.
Iron framework—A complete line of rack.
Portable equipment—A complete item of portable equipment, with or without the carrying case (e. g., an amplifier, a transmitter mixing panel, an oscillator, or an equalizer).
Radio receiving sets and equipment associated therewith—A complete installation.
Private branch exchanges:
A complete cordless or nonmultiple switchboard, with or without local storage batteries or cables classified as PBX equipment.
An apparatus cabinet as used with certain nonmultiple boards.
A complete section of an order-receiving table.
An order turret (not including the turrets forming part of an order-receiving table).
An attendant's cabinet complete with equipment.
A code sending set or code call unit.
A complete teletype switchboard.
An operator's chair.
Multiple private-branch-exchange equipment and private dial-system equipment (except as provided below)—Units specified under the caption "Central office equipment (Account 1021)"
An equipment cabinet complete with batteries and switching equipment mounted therein, as generally used with a dial-system installation of small capacity.
Local storage battery plants of the type used to serve several nonmultiple boards or of the type used with certain small multiple PBX installations—an entire battery with or without cabinet or control apparatus.
Local automatic power plants of the type used to serve a small dial or a small multiple PBX:
A control cabinet, with or without charging or ringing equipment.
An entire battery, with or without cabinet or counter E. M. F. cells.
Booths and special fittings:
A booth compartment, with or without special fittings or associated furniture and fixtures such as chairs, directory racks, directory tables, and counters.
An attendant's desk including equipment or a switchboard.

Station wiring (Account 1032)

(See paragraph (b) of sec. 33.35.)

Poles, conduit, cable, and wire (Account 1045)

Poles:
A pole (i. e., line pole, brace pole, guy stub, or pole forming part of A or H fixture), a pole stub, or a pole butt, with or without associated anchors, guys, steps, etc.
A crossarm (i. e., wooden crossarm, guard arm, or cable crossarm, including extension arms), with or without associated braces and other hardware.
A special fixure (i. e., a bridge fixture, a tower or other special river-crossing or long-span fixture), with or without associated anchors, guys, etc.
Underground conduit:
A section of conduit:
(1) Between two manholes, handholes, or service boxes.
(2) Between a manhole, handhole, or service box and a pole or building.
(3) Between a central office cable vault and an office manhole.
(4) Underground dips—between two poles; between a pole and a building; between two buildings; or units (1) and (2) above.
A manhole, handhole, or service box.

NOTE: When a manhole is reconstructed, i. e., enlarged or changed in design, the investment representing portions of the manhole removed, whether or not replaced, should be written off to the depreciation reserve account.

Cable:
A span of cable, with or without associated suspension strand, clamps, rings, etc. (The term "a span" shall include a length of cable from a "Y" splice not located at a pole to a pole or building.)
A section or run of cable, with or without associated elements and parts, as follows:
(1) Between a manhole, handhole, or service box and a pole, building, fence, wall, or the junction with house cable.
(2) Between manholes, handholes, or service boxes; or between an office cable vault and an office manhole.
(3) Between a cable vault or an office manhole and the junction with the main-frame-terminating cables.
(4) A section of buried cable 300 feet or more in length, or a section of buried cable between manholes, splicing boxes, or pedestals.
(5) All of a continuous run of one size of house cable. ("All of a continuous run of one size" means a section between splices other than straight splices.)
(6) All of a continuous run of one size of block cable, i. e., cable attached to buildings, walls, or fences. ("All of a continuous run of one size" means a section between splices other than straight splices.)
(7) All of a submarine cable for one crossing; or a section of submarine cable 300 feet or more in length.
(8) A section of underground dip cable between poles and/or buildings, or the appropriate units listed above.
Any length of cable which is a continuation of a unit of cable and is replaced with such unit.
Any length of cable connected with but not a part of a terminal, or a case of equipment such as loading coils when replaced with the terminal or case of equipment.
Main-frame-terminating cables (generally silk and cotton insulated).—All the cables including forms used for terminating one outside cable.
A complete cable terminal, protected or unprotected, with or without associated balcony, pole seat, pedestal, etc.
A pressure contactor-terminal, with or without contactor.
A house cable terminating frame.
A submarine cable hut or house.
A submarine cable anchorage.
A submarine cable terminating frame.
A fuse pot.
A case of equipment such as loading coils, building-out condensers, carrier-line filters, or auto-transformers.
Aerial wire:
Two continuous spans or more of one wire, with or without associated insulators, transposition brackets, etc.
A case of equipment such as loading coils, building-out condensers, carrier-line filters, or auto-transformers.
An antenna, complete with or without supports.

Other radiotelephone plant (Account 1050)

Units appropriate to the nature and character of the radiotelephone plant involved shall be prepared and submitted to the Commission together with sufficient descriptive and other data to support an application for the addition of such units to this list of units.

Furniture and office equipment (Account 1061)

Each complete item of furniture or equipment, the original cost of which was charged to the telephone plant account, such as:
A desk, chair, table, piano, davenport, typewriter, computing machine; a section of bookcase, filing cabinet, shelving, bins, or counter; a rug, a carpet, or other floor covering for one room.

Vehicles and other work equipment (Account 1064)

Each complete item of equipment, the original cost of which was charged to the telephone plant account, such as:
A passenger automobile or truck with or without body; a tractor; a pole jack, splicer's tent or extension ladder; a pole derrick, power winch, earth-boring machine, or trailer; a portable test set; a wire-measuring machine.

RECOMMENDATIONS FOR CLASS D TELEPHONE COMPANIES

§ 33.91 *Definition.* Class D telephone companies are defined in § 33.11 as "Companies having average annual operating revenues not exceeding $25,000." "Operating revenues" as there used consist of revenues includible in accounts 3010 to 3090, inclusive. In computing the average annual operating revenues to determine the class to which a company belongs, the average of the operating revenues for the 3 years immediately preceding the current calendar year shall be used.

§ 33.92 *Accounts recommended.* The Commission is not prescribing a system of accounts for class D telephone companies; however, for convenience and to encourage uniformity in accounting by small telephone companies, there is given in § 33.94 a list of accounts recommended for class D companies. The accounts recommended consist of an abridgment of the accounts prescribed for class C companies and are cross-referenced to the corresponding accounts of the class C system, to which reference should be made for instructions relative to the accounts.

§ 33.93 *Questions.* The Commission will be glad to answer any questions presented to it by the proper officer regarding the accounts recommended.

§ 33.94 *List of accounts.*

Recommended accounts for Class D telephone companies		Corresponding Class C account numbers
	BALANCE-SHEET ACCOUNTS	
	ASSET SIDE	
Account No.	Title	
1000	Telephone plant	1000, 1100, 1200
1300	Miscellaneous investments and funds.	1300, 1400, 1500
1600	Cash	1600, 1620
1640	Notes receivable	1640
1650	Due from customers and agents	1650
1660	Accounts receivable	1660
1680	Material and supplies	1680
1690	Other assets	1670, 1690, 1700
1800	Prepayments and deferred charges.	1800, 1850, 1860, 1890
1880	Unamortized debt discount and expense.	1880
1900	Reacquired securities	1900
	LIABILITY SIDE	
2010	Noncorporate proprietorship	2010, 2020
2100	Capital stock	2100, 2130
2150	Premium on capital stock	2150
2180	Capital-stock subscriptions and installments.	2180
2200	Long-term debt	2200, 2230, 2250, 2290
2300	Notes payable	2300
2320	Accounts payable	2320
2340	Customers' deposits	2340
2350	Matured long-term debt	2350
2390	Other current and accrued liabilities.	2360, 2380, 2400
2500	Unamortized premium on long-term debt.	2500
2590	Other deferred credits	2590
2600	Depreciation reserve	2600
2790	Other reserves	2700, 2790
2800	Contributions of telephone plant	2800
2900	Surplus	2900
	TELEPHONE PLANT ACCOUNTS	
1001	Organization	1001
1005	Miscellaneous intangible property.	1002, 1005
1007	Right of way	1007
1011	Land	1011
1012	Buildings	1012
1021	Central office equipment	1021
1031	Station equipment	1031
1032	Station wiring	1032
1045	Poles, conduit, cable, and wire	1045
1050	Other radiotelephone plant	1050
1061	Furniture and office equipment	1061
1064	Vehicles and other work equipment.	1064
1076	Telephone plant acquired	1076
1077	Telephone plant sold	1077

NOTE: The subdivisions of any of the above-listed telephone plant accounts recommended for class C companies are not recommended for class D companies.

	INCOME ACCOUNTS	
	TELEPHONE OPERATING INCOME	
3000	Operating revenues	3000
4000	Maintenance and operation expenses.	4000
5000	Depreciation expense	5000
5100	Amortization charges	5100, 5200
5300	Rent for lease of telephone plant	5300
5400	Operating taxes	5400, 5500
5600	Rent from lease of telephone plant	5600
	MISCELLANEOUS INCOME AND DEDUCTIONS	
6900	Miscellaneous income	6000, 6100, 6900
7100	Miscellaneous deductions from income.	7000, 7100
	FIXED CHARGES	
7200	Interest charges	7200, 7300
7500	Other fixed charges	7400, 7500, 7600, 7900
	DISPOSITION OF NET INCOME	
8000	Reservations of income	8000
	OPERATING-REVENUE ACCOUNTS	
3010	Local service revenues	3010
3030	Toll service revenues	3030
3060	Miscellaneous operating revenues	3060
3090	Uncollectible operating revenues—Dr.	3090

Recommended accounts for Class D telephone companies		*Corresponding Class C account numbers*
	OPERATING-EXPENSE ACCOUNTS	
	MAINTENANCE	
Account No.	*Title*	
4010	Maintenance labor	4010
4020	Maintenance materials and supplies	4020
4030	Station removals and changes	4030
4090	Other maintenance expenses	4090
	OPERATION	
4110	Operators' wages	4110
4120	Other traffic expenses	4120
4150	Office salaries	4150
4190	Other operation expenses	4160, 4190

CONTEMPLATED FORM OF FINANCIAL STATEMENTS

§ 33.101 *Contemplated form of balance sheet.*

BALANCE SHEET

ASSET SIDE

Account No.	*Particulars*		
	Investments		
1000	Telephone plant		$----
1100	Telephone plant under construction		----
1200	Plant adjustments		----
	Total telephone plant investments		----
1300	Investments in securities:		
	A. Securities of affiliated companies	$----	
	B. Securities of others	----	
	C. Advances to affiliated companies	----	
	D. Advances to others	----	----
1400	Miscellaneous physical property		----
1500	Fund accounts		----
	Total investments		----
	Current Assets		
1600	Cash		$----
1620	Temporary investments:		
	A. Securities of affiliated companies	$----	
	B. Securities of others	----	----
1640	Notes receivable:		
	A. Notes receivable from affiliated companies	----	
	B. Notes receivable from officers and employees	----	
	C. Notes receivable from others	----	----
1650	Due from customers and agents		----
1650–B	Less—Reserve for uncollectible revenues—Cr.		---- ----
1660	Accounts receivable:		
	A. Accounts receivable from affiliated companies	----	
	B. Accounts receivable from officers and employees	----	
	C. Accounts receivable from others	----	----
1670	Interest and dividends receivable		----
1680	Material and supplies		----
1690	Other current assets		----
	Total current assets		----
	Other Assets		
1700	Subscriptions to capital stock		$----
	Prepayments and Deferred Charges		
1800	Prepayments:		
	A. Prepaid rents	$----	
	B. Prepaid taxes	----	
	C. Prepaid insurance	----	
	D. Prepaid directory expenses	----	
	E. Other prepayments	----	$----
1850	Discount on capital stock		----
1860	Capital-stock expense		----
1880	Unamortized debt discount and expense		----
1890	Other deferred charges		----
	Total prepayments and deferred charges		----
	Reacquired Securities		
1900	Reacquired securities		$----
	Total—asset side		$----

BALANCE SHEET—Continued

LIABILITY SIDE

Noncorporate Proprietorship

Account No.	*Particulars*		
2010	Proprietary capital		$----
2020	Undistributed profits		----
	Total noncorporate proprietorship		----
	Stock		
2100	Capital stock	$----	
2130	Obligations for stock conversion	----	
2150	Premium on capital stock	----	
2180	Capital-stock subscriptions and installments	----	
	Total stock		----
	Long-Term Debt		
2200	Funded debt	$----	
2230	Receivers' certificates	----	
2250	Advances from affiliated companies	----	
2290	Other long-term debt	----	
	Total long-term debt		----
	Current and Accrued Liabilities		
2300	Notes payable:		
	A. Notes payable to affiliated companies	$----	
	B. Notes payable to others	----	$----
2320	Accounts payable:		
	A. Accounts payable to affiliated companies	----	
	B. Accounts payable to others	----	----
2340	Customers' deposits		$----
2350	Matured long-term debt		----
2390	Advance billing and payments		----
2390	Other current liabilities		----
2400	Accrued liabilities		----
	Total current and accrued liabilities		----
	Deferred Credits		
2500	Unamortized premium on long-term debt		$----
2590	Other deferred credits		----
	Total deferred credits		----
	Reserves		
2600	Depreciation reserve		$----
2700	Amortization reserve		----
2790	Other reserves		----
	Total reserves		----
	Contributions of Telephone Plant		
2800	Contributions of telephone plant		$----
	Surplus		
2900	Surplus		$----
	Total—liability side		$----

§ 33.102 *Contemplated form of income statement.*

INCOME STATEMENT

TELEPHONE OPERATING INCOME

Item	*Account No.*	*Particulars*		
1	3000	Operating revenues		$----
		Operating-revenue deductions:		
2	4000	Maintenance and operation expenses	$----	
3	5000	Depreciation expense	----	
4	5100	Amortization of intangible property	----	
5	5200	Amortization of plant adjustments	----	
6	5300	Rent for lease of telephone plant	----	
7	5400	Operating taxes	----	
8	5500	Income taxes	----	
9		Total operating-revenue deductions (the sum of items 2 to 8, inclusive)		----
10		Net operating revenue (item 1 minus item 9)		----
11	5600	Rent from lease of telephone plant		----
12		Operating income (item 10 plus item 11)		----
		OTHER INCOME		
13	6000	Interest and dividend income	$----	
14	6100	Income from miscellaneous physical property	----	

INCOME STATEMENT—Continued

OTHER INCOME—continued

Item	*Account No.*	*Particulars*		
15	6900	Other income—Miscellaneous	$----	
16		Total nonoperating income (the sum of items 13, 14, and 15)		$----
17		Gross income (item 12 plus item 16)		----
		MISCELLANEOUS DEDUCTIONS FROM INCOME		
18	7000	Miscellaneous taxes	$----	
19	7100	Other miscellaneous deductions from income	----	
20		Total miscellaneous deductions (item 18 plus item 19)		----
21		Income available for fixed charges (item 17 minus item 20)		----
		FIXED CHARGES		
22	7200	Interest on long-term debt	$----	
23	7300	Other interest charges	----	
24	7400	Amortization of debt discount and expense	----	
25	7500	Amortization of premium on long-term debt—Cr. (red)	----	
26	7600	Interest charged to construction—Cr. (red)	----	
27	7900	Other fixed charges	----	
28		Total fixed charges (the sum of items 22, 23, 24, and 27 minus items 25 and 26)		----
29		Income after fixed charges (item 21 minus item 28)		----
		DISPOSITION OF NET INCOME		
30	8000	Reservations of income		$----
31		Balance of income to surplus (item 29 minus item 30)		$----

APPENDIX A

TELEPHONE ACCOUNTING BULLETIN NO. 1; INTERPRETATIONS OF THE ACCOUNTING REQUIREMENTS CONTAINED IN THE UNIFORM SYSTEMS OF ACCOUNTS FOR TELEPHONE COMPANIES (CLASSES A, B, AND C) PRESCRIBED BY THE FEDERAL COMMUNICATIONS COMMISSION, SEPTEMBER 8, 1942 (REVISED TO MAY 12, 1948)

NOTE: The date appearing herein following the number of each case is the date of issuance of the Telephone Accounting Circular in which the case originally appeared.

Case 1

DECEMBER 11, 1935.

Question: What will be the status, after December 31, 1935, of the accounting regulations relating to the break-down of the depreciation reserve account into component parts corresponding to the primary telephone plant accounts?

Answer: All provisions of the uniform system of accounts for telephone companies promulgated under Telephone Division Order No. 7–C, of June 19, 1935, including those relating to the break-down of the depreciation account, will become effective on January 1, 1936.[1] Particular attention is directed to the pertinent provisions of paragraph (c) of account 171, "Depreciation reserve."

Carriers shall break down the balance of their respective depreciation reserves (account 171, "Depreciation reserve") in such manner as to show the amounts embraced therein in accordance with the historical development of such reserves with respect to each depreciable plant account, and shall report such break-down in the appropriate schedules of the annual reports to the Commission.

Case 2

OCTOBER 14, 1936.

Question: What is the appropriate accounting with respect to taxes imposed under the Social Security Act and similar State statutes?

[1] But see Telephone Division Order No. 7–D, of January 6, 1937; extending the effective date to January 1, 1937.

Answer: Amounts of such taxes, or accruals prior to payment, may represent taxes for which the company is liable on its own behalf as an employer or amounts for which it is liable on behalf of its employees.

The amounts of accruals for which the company is liable on its own behalf should be charged to account 805, "Operating taxes,"[2] to the telephone plant accounts (§ 31.2–22 (b) (8)),[3] and to account 322, "Miscellaneous taxes,"[4] as appropriate, so as to apportion the total tax equitably among the costs of rendering public utility service, of construction of telephone plant, and of other operations of the company. The amounts charged to the foregoing accounts should be credited to account 166, "Taxes accrued."[5] The amounts of payments to the United States Treasury or other governmental agency should be charged to account 166.[5]

The amounts deducted from the pay of employees for which the company is liable on behalf of its employees should be segregated in appropriate accounts classified under account 159:2, "Other accounts payable."[6] The amounts of payments to the United States Treasury or other governmental agency should be charged to account 159:2.[6]

Nothing contained in this accounting ruling shall be construed as committal of the future action or policy of the Commission with respect to accounting or other treatment of accruals, payments, and funds under voluntary or private plans for provident relief or pensions.

Case 3

MARCH 13, 1939.

Question: "Straight-line method" of accounting for depreciation, as defined in the uniform system of accounts for class C telephone companies (§ 33.65 (b)) differs from the definition in the uniform system of accounts for class A and class B telephone companies (§ 31.01–3 (ff)) in that the expression "as nearly as may be" is omitted from the former. Shall the instruction for class C companies be more strictly construed because the expression "as nearly as may be" is not included in the instruction?

Answer: No. § 33.65 (b) shall be construed as having the same meaning as § 31.01–3 (ff).

The use of the expression "as nearly as may be" indicates cognizance of the impossibility of making perfect estimates of service lives and net salvage values. It is not intended that the periodic accounting by telephone companies for depreciation shall vary arbitrarily or by reason of fluctuations in gross or net operating revenues or the economic fortunes of the business.

Case 4

MARCH 13, 1939.

Question: What account shall be credited with amounts of interest which have accrued on advances from affiliated companies when such advances are classified as long-term debt?

Answer: Amounts of such interest are includible in account 167, "Unmatured interest, dividends, and rents accrued,"[7] until the interest becomes payable, at which time such amounts are includible in account 159:1, "Accounts payable to affiliated companies,"[8] except that the amount of such interest payable as is not subject to current settlement shall be included in account 156, "Advances from affiliated companies."[9]

Case 5

MARCH 13, 1939.

Question: How shall class C telephone companies account for the cost of installation of the various classes of items of which the "material" cost is includible in account 1031, "Station equipment"?

Answer: The cost of installing items of "station apparatus" shall be included in account 1032, "Station wiring." The installation cost of "private branch exchanges, booths, and special fittings, and other apparatus not includible in account 1021, 'Central office equipment'," shall be included in account 1031.

Case 6–R–1 (Cancels Case 6)

JULY 13, 1939.

Question: What is the correct interpretation of § 31.2–21 and its related regulations in Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's Rules and Regulations concerning the acquisition of "a substantially complete telephone system, exchange, or toll line"?

Answer:[10] Paragraphs (a) and (b) as used in § 31.2–21, of the effective system of accounts for telephone companies, the former of which paragraphs includes the expression, "a substantially complete telephone system, exchange, or toll line" shall be interpreted to mean that all telephone plant acquired from predecessors shall be accounted for in accordance with the provisions of those paragraphs of the instruction unless the property acquired (a) comprised only a few poles or relatively unimportant units of property not to be used in the assemblage of which they were formerly a part, (b) was not substantial in quantity, and (c) was acquired at small cost. In the event that the acquisition involved only a few poles or relatively unimportant items of property acquired separately and at a small cost, the accounting therefor shall be as provided in paragraph (c) of that section except that if the property was acquired with the telephone traffic associated therewith, the accounting therefor shall be in accordance with paragraphs (a) and (b) of § 31.2–21.

Such acquisitions as the following (subject to the exceptions noted in the paragraph next above) shall be accounted for as "a substantially complete telephone system, exchange, or toll line":

(a) A line of poles, with or without crossarms or other attachments and without wire, cable, or any other class of associated plant.

(b) A line of conduit, without cable or any other class of associated plant.

(c) A run of cable, without conduits, poles, or any other class of associated plant.

(d) A run of one or more open wires, without poles, crossarms, or any other class of associated plant.

(e) An extensive section of right-of-way, without poles, conduit, wire, cable, or any other class of associated plant.

(f) A general office building, other principal buildings, or group of such buildings, without other classes of associated plant.

(g) Extensive parcels of unimproved land or land upon which buildings such as indicated in paragraph (f) above are situated.

(h) All the central office equipment, station apparatus, station installations, drop and block wires, private branch exchanges, booths and special fittings, furniture and office equipment, or vehicles and other work equipment situated in or utilized in a single exchange area, central office area, or other extensive area, without additional classes of associated plant.

(i) All that portion of any of the foregoing items which constitutes toll facilities as distinguished from exchange facilities, or vice versa, or which constitutes long-lines toll facilities as distinguished from more localized toll facilities or vice versa.

NOTE: It is recognized, however, that even under the foregoing rules of guidance it is sometimes difficult to make all the minor segregations contemplated. Accordingly, an acquisition without traffic from a nonaffiliate is not required to be accounted for as an acquisition of a substantially complete telephone system, exchange, or toll line if the cost of acquisition is less than $5,000 in the case of a class A company or less than $1,000 in the case of a class B company. (This note was adopted by the Commission June 20, 1944, to become effective immediately.)

Case 7

JULY 13, 1939.

Question: Shall the acquisition of (*a*) an undivided or other type of interest in, or (*b*) an entire interest in a portion of, any part of a telephone plant be accounted for as "a substantially complete telephone system, exchange, or toll line" when such part, if entirely owned or acquired by the accounting company, would be so considered?

Answer:[10] Yes.

Case 8

JULY 13, 1939.

The Commission on April 24, 1945, deleted case 8, effective January 1, 1946.

Case 9–R–1

FEBRUARY 1, 1940.

Question: The use, especially in rural sections, of two or more conductor rubber insulated wire buried in the ground with or without conduit or other protection instead of overhead wires and also its use for underground dips under railroads, etc., either with or without conduit pipes, raises a question as to the appropriate accounting therefor to conform with provisions of the effective uniform system of accounts for telephone companies. It is necessary when this rubber covered wire is buried in the ground that a separate ground wire be buried with it or that the rubber insulated wire itself be covered with a metallic braid to serve the purpose of the ground wire, To what account should the cost of such plant be charged?

Answer: With respect to both the basic structure and the conductor serving as a ground (except when, constituting underground dips, which may be viewed as a virtual part of the adjoining conductor structure), the cost shall be included in account 242:3, "Buried cable,"[11] unless protected by a structure reusable in place for other cable, in which event the cost of these wires shall be included in account 242:2, "Underground cable,"[11] and the cost of the protective structure shall be included in account 244, "Underground conduit"[11] (see account 244, note A). (The foregoing does not apply to drop wires, even if buried, extending from the point of connection with the general overhead or underground system to the sub-

[2] For class C companies: Account 5400, "Operating taxes."

[3] For class C companies: § 33.32 (b) (8).

[4] For class C companies: Account 7000, "Miscellaneous taxes."

[5] For class C companies: Account 2400, "Accrued liabilities."

[6] For class C companies: Account 2320, "Accounts payable." (Second subdivision prescribed by paragraph (b).)

[7] For class C companies: Account 2400, "Accrued liabilities."

[8] For class C companies: Account 2320, "Accounts payable." (First subdivision prescribed by paragraph (b).)

[9] For class C companies: Account 2250, "Advances from affiliated companies."

[10] For class C companies: This answer is deemed pertinent to the expression "a substantially complete operating unit or system," appearing in § 33.32, "Telephone plant acquired."

[11] For class C companies: Not applicable to class C companies as one account includes the cost of all of the types of property involved.

scribers' premises—see account 233, "Drop and block wires." [13]

Case 10

AUGUST 16, 1939.

STATEMENT OF FACTS

Amounts included in account 100:4, "Telephone plant acquisition adjustment" [13] subdivided as provided in the text of the account, may include the following:

(a) Debit amounts with respect to one or more transactions which in the opinion of the carrier should be charged to surplus.

(b) Credit amounts with respect to other transactions than those reflected in the debit amounts mentioned in the preceding subparagraph, or of a different character, which have not been submitted to the Commission for its consideration.

Question: May all or any of such credit amounts be netted with all or any of such debit amounts and the resulting debit amount charged to surplus or amortized, without further direction or approval, as provided in subparagraph (1) of paragraph (c) in account 100:4? [13]

Answer: No. Only amounts mentioned in subparagraph (a), aforementioned, may be treated as provided in subparagraph (1) of § 31.100:4 (c). Amounts of the character referred to in subparagraph (b) of the "statement of facts" shall be submitted to the Commission as required by subparagraph (2) of § 31.100:4 (c).[13]

Case 11

AUGUST 16, 1939.

STATEMENT OF FACTS

The A Company has under consideration (in 1939) the taking over of the physical properties of the B Company and the C Company (wholly owned subsidiaries), and operating them directly as a part of its own property. The A Company in 1933 acquired substantially all of the outstanding common capital stock of the B Company, which company then held more than 99 percent of the common stock of the C Company. In 1936 the B Company's holdings of the C Company's common stock were sold to the A Company for the amount this stock cost the B Company. Both subsidiaries for some time have been operated as a part of the A group, having common officers. Their accounts have also been under close supervision of the A Company.

Although the A Company acquired only the B Company's capital stock in 1933, and in 1936 acquired only the C Company's capital stock, the year 1933 is, for accounting purposes, taken as the date when the B Company, as well as the C Company, became part of the A group of properties.

Based upon these facts, and if the accounting company be held responsible for the verity of all amounts used, is the accounting procedure hereinafter outlined satisfactory?

Question (a): May the cost to the merging company (A), at the time of the merger, of the total net assets taken over be determined by adding to the amount which the A Company paid for the B and C Companies' common stocks the amount of the now outstanding investment advances made by it to these subsidiaries, and deducting from this total the decrease in surplus suffered by Companies B and C since 1933?

Answer (a): Yes, for B Company. C Company's surplus should be adjusted to reflect its surplus at date of acquisition of C Company by B Company.

Question (b): Should the decrease in surplus of the two subsidiary companies since the respective dates of acquisition be charged directly against the surplus account of the A Company?

Answer (b): Yes.

Question (c): May the cost of telephone plant acquired from the subsidiaries be determined by deducting from the adjusted cost (computed as indicated in question (a)) of the total net assets of the subsidiaries the amounts representing the cost of net assets acquired other than telephone plant or by adding to such adjusted cost the amount representing the net liabilities assumed, exclusive of telephone plant, as appropriate?

Answer (c): Yes, provided that full explanation is furnished together with complete details concerning any estimates or allocations of amounts representing cost of net assets acquired or amount of net liabilities assumed.

Question (d): May the cost of telephone plant taken over, determined in conformity with the procedure outlined in question (c), be charged to account 276, "Telephone plant acquired"? [14]

Answer (d): Yes.

Question (e): May the amounts carried in the depreciation reserve accounts of the B and C Companies be considered for the purpose of these mergers as the "reserve requirements" referred to in § 31.2-21 (b) (2) [15] of the effective system of accounts, and charged and credited, respectively, to account 276 [16] and account 171, "Depreciation reserve," [16] of A Company?

Answer (e): Yes, subject to the proviso that responsibility for the accuracy of the amounts rests with the accounting company, and that if subsequently by further investigation and analysis, or otherwise, different amounts are determined as the correct "reserve requirement" applicable to the plant acquired, appropriate adjustment shall be made.

Question (f): Should the "original cost" [17] of the telephone plant be credited to account 276 [14] and charged to the appropriate plant accounts (100:1, "Telephone plant in service," [18] 100:2, "Telephone plant under construction," [19] and 100:3, "Property held for future telephone use"),[18] and the amount then remaining in account 276 cleared to account 100:4, "Telephone plant acquisition adjustment," [20] of the A Company?

Answer (f): Yes.

Case 12

FEBRUARY 10, 1941.

STATEMENT OF FACTS

A company formerly had outstanding 3,700 shares of 7 percent cumulative preferred stock (par value, $50 per share), which was callable at a premium of $2.50 per share. The company issued 3,700 shares of 6 percent cumulative preferred stock (par value, $50 per share), callable at a premium of $2.50 per share.

The greater portion of the new stock was issued in exchange for the old stock on a share-for-share basis. The remainder of the new stock was sold for cash at $52.50 per share, and the cash proceeds were devoted to reacquisition of the remainder of the old stock at $52.50 per share.

Question (a): Should the new stock which was issued in exchange for the old stock on a share-for-share basis be accounted for as though there had been no premium paid on the old stock and no premium received from the sale of the new stock, or should premiums in both instances be accounted for?

Answer (a): To the extent that the new stock was exchanged on a share-for-share basis for the old stock the appropriate amount included in one subaccount of account 150, "Capital stock" [21] (7 percent preferred), should be transferred to another subaccount of account 150, "Capital stock" (6 percent preferred), for the reason that no call premium was paid on the shares of 7 percent preferred stock exchanged and no premium was received on the shares of 6 percent preferred stock issued in exchange therefor.

Question (b): Would it be proper, under the existing circumstances, to offset the premium paid on the old stock reacquired for cash against the premium received on the new stock sold for cash?

Answer (b): No. The premium of $2.50 per share received on the new stock sold for cash should be credited to account 152, "Premium on capital stock." [22] The call premium paid on those shares of 7 percent preferred stock that were redeemed should be accounted for as provided in § 31.1-14 (e).[23]

Case 13

FEBRUARY 10, 1941.

Question: Several companies which have refunded bond issues have had substantial tax savings in the year in which the refunding ocurred, because the unamortized debt discount and expense and the call premium associated with the refunded securities are permitted as income tax deductions during the year in which the securities are redeemed. Instead of showing in the tax account only the actual taxes paid or accrued, the companies in question have also included therein the amount of the tax savings due to the refunding operation, with an offsetting credit, usually to account 135, "Discount on long-term debt." [24] Is this permissible?

Answer: No. Account 305, "Operating taxes," [25] should include provision for actual taxes only, and the account should not be increased by the amount which would have been paid had the refunding transaction not occurred. In other words, there was an actual saving in taxes, and this saving should be reflected in the income statement because it is a fact.

Case 14

FEBRUARY 10, 1941.

Question: What should be the accounting by a telephone company to record the transactions under an agreement whereby an electric utility conveys to the telephone company title to a pole line, agrees thereafter to pay one-half of the cost of any poles installed therein as replacements, and receives as consideration the right to use the poles in this line?

Answer: The telephone company should debit to account 241, "Pole lines," [26] the original cost (estimated if not known) of the poles acquired from the electric utility, with concurrent credits to account 171, "Depreciation reserve," [27] for the accrued depreciation, and to account 174, "Other deferred credits," [28] for the difference. The latter credit should be spread over the estimated remaining service life of the pole line by debits to account 174 and concurrent credits to account 524, "Rent revenues." [29]

Subsequent amounts received from the electric utility in part payment for the poles installed in replacement should be credited to account 524 as received.

Case 15

FEBRUARY 10, 1941.

Question: What is the proper accounting for the pay of employees of telephone companies that is continued while the employees are in the military service or in other governmental service originating through the national emergency?

Answer: The pay of employees of telephone companies that is continued while the employees are in the military service or in other governmental service originating through the national emergency shall be charged to a separate subaccount under account 672, "Relief and pensions." [30]

Case 16

JULY 22, 1942.

The Commission on April 24, 1945, deleted Case 16, effective January 1, 1946.

Case 17

JANUARY 2, 1943.

Question: What is the proper accounting under the Uniform System of Accounts for golf club dues, social club dues, service club dues (Rotary, Kiwanis, etc.), "house charges," entertainment of employees and of members of employees' families and others, and items of a similar nature?

Answer: Such expenditures are chargeable to account 323, "Miscellaneous income charges." [31] They are not to be charged to operating expenses of the company. This interpretation applies whether the expenditures are made directly by the operating company, indirectly through payments to an associated company, or are in the form of reimbursements to officers or other employees, or by any other direct or indirect means.

NOTE A: Membership fees and dues in bona fide trade, technical, and professional associations are chargeable to the account appropriate for expenses incurred for the direct benefit of a particular department, or to account 675, "Other expenses," [32] if the benefit is of a general character.

NOTE B: Only the reasonable expenses of bona fide educational and recreational activities conducted for the benefit of employees of the company are chargeable to the accounts appropriate for expenses incurred for the direct benefit of the several departments of the company, or to account 675 if of a general character.

Case 18

JUNE 21, 1944.

Question: Under arrangements with other parties the company agrees to the construction, changes in the location of or removal of telephone plant to meet the desires of others. As a consideration the company receives reimbursement for all or a portion of its cost of the work or receives title to certain plant which the other party furnishes in connection with the work. What should be the accounting for the reimbursement or plant received under such arrangements?

Answer: The cost of plant retired in connection with such transactions should be accounted for in accordance with the rules applicable thereto. The cost of new plant should be included in the appropriate plant accounts at actual cost of construction. The amount of any reimbursement recovered by the company shall, unless the arrangement provides otherwise, be applied in the following order: first, against any maintenance expenses incurred in the work, second, against any net charges made against the depreciation reserve for plant retired in excess of the depreciation provided and, third, against the plant accounts charged with the cost of construction.

Case 19

JULY 14, 1944.

Question: What accounts should be charged with duplicate interest in refunding transactions?

Answer: Duplicate interest should be charged to the appropriate interest account as a deduction from current income unless permission to defer the amount is obtained from the Commission.

Case 20

AUGUST 16, 1944.

Question: Company A owns a section of outside plant for which it has no further use (e. g., because of rerouting the line or because of substitution of underground construction) and which becomes available for use of Company B. Company B has use for only a portion of the full capacity of the line or in case of jointly owned plant for only a portion of the full capacity of Company A's interest. Company B agrees to purchase the portion of A's interest for which it has use. Any of the remaining portion of the plant not removed by Company A is abandoned and the title thereto goes to Company B without cost. What should be the accounting by Company B?

Answer: Company B shall record the total units so acquired in its continuing property record and account for the proportionate interest actually purchased on the basis of the original cost of that interest and reserve requirements applicable thereto in accordance with section 31.2-21 of the system of accounts.

Case 21

JULY 17, 1946.

Question: When capital stock is sold at a premium, is it permissible to credit account 152, "Premium on capital stock," [33] with the net premium, that is, the premium realized from purchasers of the stock minus expenses otherwise includible in account 134:2, "Capital stock expense"? [34]

Answer: Account 152, "Premium on capital stock," [33] account 134:1, "Discount on capital stock," [35] and the respective capital stock accounts are intended to include the amounts received from purchasers of capital stock, but not expenses of issuing and selling the stock. For each class and series of capital stock there should be recorded separately in the prescribed accounts the par or stated value of the stock, discount or premium, and the expenses incurred in connection with the issuance and sale of the stock. Should a carrier desire to write off or amortize amounts recorded in account 134:2, "Capital stock expense," [37] the charge is required to be made to account 413, "Miscellaneous debits to earned surplus." [36]

Case 22

JULY 17, 1946.

Question: What is the proper account to be charged with non-promotional advertising of the type sometimes referred to as institutional advertising or as goodwill advertising, the purpose of which is to foster and maintain public goodwill rather than for any immediate and direct promotion of sales of service to subscribers?

Answer: Such advertising should be charged to account 642, "Advertising"; [27] however, account 323, "Miscellaneous income charges," [28] should be charged with the cost of any advertising for the purpose of influencing public opinion as to the election of public officers, referenda, proposed legislation, proposed ordinances, repeal of existing laws or ordinances, approval or revocation of franchises; for the purpose of influencing decisions of public officers; or having any direct or indirect relationship to political matters.

Case 23

JULY 17, 1946.

STATEMENT OF FACTS

In probably all jurisdictions, upon the organization of a corporation, specified fees must be paid. These fees are measured in different ways, the method pertinent to the present inquiry being the amount of authorized stock. In this particular jurisdiction, if several corporations merge or consolidate, then the amount of the fees payable by the resulting corporation is the difference between that calculated on the entire authorized stock of the resulting corporation after the merger and that which was paid previously by the parties to the merger or consolidation. If additional stock is authorized at any subsequent date, a fee must be paid thereon. In the state in question, the minimum authorized capital stock is $5,000.

An additional characteristic of the fees is that they relate to the total stock authorized and not to respective classes of stock. Thus, no additional fee would be payable if one class of preferred stock is retired and replaced by another class, provided there is no increase in the amount authorized to be issued, or if preferred stock is replaced by common stock with no increase in the authorized amount. In the case of no par stock, the aggregate stated value of the shares authorized is the basis for the fees. Where no par stock has no stated value, the basis for the fees is the capital paid in attributable to such shares.

The charter or bonus fees herein considered are not to be confused with fees paid by a carrier to a public service commission or other authority for registration and permission to issue and sell an authorized amount of capital stock. This latter type of fee is chargeable to account 134:2, "Capital stock expense." [29]

Question (a): What is the proper account to be charged with charter or bonus fees similar to those described above?

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[12] For class C companies: Account 1032, "Station wiring."

[13] For class C companies: Account 1200, "Plant adjustments."

[14] For class C companies: Account 1076, "Telephone plant acquired."

[15] For class C companies: "No section exactly comparable but see § 33.32 (b), • • • distributed to the telephone plant and other appropriate accounts • • •"

[16] For class C companies: Account 2600, "Depreciation reserve."

[17] For class C companies: See § 33.32 (a), "• • • amount paid for the property, • • •."

[18] For class C companies: Account 1000, "Telephone plant."

[19] For class C companies: Account 1100, "Telephone plant under construction."

[20] For class C companies: Account 1200, "Plant adjustments."

[21] For class C companies: Account 2100, "Capital stock."

[22] For class C companies: Account 2150, "Premium on capital stock."

[23] For class C companies: § 33.21 (h) of this chapter.

[24] For class C companies: Account 1880, "Unamortized debt discount and expense."

[25] For class C companies: Account 5400, "Operating taxes."

[26] For class C companies: Account 1045, "Poles, conduit, cable, and wire."

[27] For class C companies: Account 2600, "Depreciation reserve."

[28] For class C companies: Account 2590, "Other deferred credits."

[29] For class C companies: Account 3060, "Miscellaneous operating revenues."

[30] For class C companies: Account 4190, "Other operation expenses," item 15, appropriately subdivided.

[31] For class C companies: Account 7100, "Other miscellaneous deductions from income."

[32] For class C companies: Account 4190, "Other operation expenses."

[33] For class C companies: Account 2150, "Premium on capital stock."

[34] For class C companies: Account 1860, "Capital-stock expense."

[35] For class C companies: Account 1850, "Discount on capital stock."

[36] For class C companies: Account 2900, "Surplus."

[37] For class C companies: Account 4190, "Other operation expenses."

[38] For class C companies: Account 7100, "Other miscellaneous deductions from income."

[39] For class C companies: Account 1860, "Capital-stock expense."

Answer (a): Such charter or bonus fees should be charged to account 201, "Organization."[40] Attention is directed, however, to the above comments concerning fees paid by a carrier for registration and permission to issue and sell an authorized amount of capital stock, to which this interpretation does not apply.

Question (b): On the merger or consolidation of two or more companies where charter or bonus fees previously paid by the merged companies are permitted to be offset against the fees otherwise payable on the authorized capital stock of the continuing corporation, is it permissible to carry forward to the organization account of the continuing corporation the charter or bonus fees included in the merged corporations' organization accounts?

Answer (b): Under the circumstances described in the question it is permissible for a continuing corporation of a merger or consolidation to record in account 201, "Organization," so much of the charter or bonus fees previously paid by the merged corporations as is available for credit against the fees otherwise payable on the authorized capital stock of the continuing corporation or creditable against fees for future increases in the authorized capital stock.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8665; Filed, Sept. 24, 1948; 9:01 a. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

PART 1—AUTHORITY, GENERAL ORGANIZATION AND FUNCTIONS OF THE NAVAL ESTABLISHMENT

BUREAU OF MEDICINE AND SURGERY

Amend §§ 1.7 (b) and (c) to read as follows:

§ 1.7 *Bureau of Medicine and Surgery.* * * *

(b) The Bureau performs the following functions:

(1) It safeguards the health of the Navy and the Marine Corps; and provides medical care and treatment for sick and injured naval personnel, and, as authorized by law, for naval dependents, civilian employees who suffer occupational injury or illness, and certain other specific categories of persons.

(2) It provides for the organization and administration of the naval medical and dental installations, including naval hospitals, naval medical centers, dispensaries, medical supply depots, medical laboratories, and technical schools for Medical Department personnel.

(3) It establishes professional standards for clinical methods and procedures in medical, dental, and nursing care and treatment.

(4) It studies, plans, and directs the dental practices in the Naval Establishment.

(5) It determines, in collaboration with other Bureaus concerned, standards of environmental sanitation, industrial hygiene, and other measures for the prevention of disease or injury within the Naval Establishment; and provides for the inspection of the sanitary condition of the naval service.

(6) It initiates and directs research in the fields of general medicine and dentistry, including prevention medical procedures, the medical aspects of atomic defense, medicinal and dental substances, remedies, materials, and devices; in the physical and mental characteristics and the endurance capabilities of the human being; and in the physiological problems pertinent to the naval service; and adopts for use such devices or procedures developed in the sciences of medicine, dentistry, and surgery as will increase military efficiency.

(7) It develops the physical standards and provides for the physical examination of persons for entrance into the naval service, and for retention therein.

(8) It maintains and services medical records for naval and ex-naval personnel.

(9) It plans, coordinates, and recommends concerning professional qualifications, complements, assignments, and duties of Medical Department personnel.

(10) It provides for the professional education and training of personnel of the Medical, Dental, Medical Service, Nurse, and Hospital Corps.

(11) It administers civilian personnel employed at those commands and organizations established as separate activities over which the Bureau exercises control.

(12) It conducts studies and initiates action or recommendations on the design, construction, and alteration of medical and dental installations, including hospital ships.

(13) It controls the preparation of specifications for medical and dental materials used in the Naval Establishment, and the procurement, receipt, inspection, storage, distribution, care, custody and issue of, and accounting for, such materials.

(14) It compiles and analyzes detailed statistical data on sickness, disease and injuries.

(c) To perform the functions for which the Chief of the Bureau is responsible, the Bureau is organized as follows:

Chief of Bureau of Medicine and Surgery (Surgeon General of the Navy).
Deputy and Assistant Chief of Bureau.
Legal Assistant to the Surgeon General.
Public Relations Officer.
Red Cross Liaison officer.
Administration Division.
Finance Division.
Medical Statistics Division.
Publications Division.
General Inspector, Medical Department.
General Inspector, Dental Service.
Assistant Chief of Bureau for Personnel and Professional Operations.
Personnel Division.
Professional Division.
Physical Qualifications and Medical Records Division.
Assistant Chief of Bureau for Planning and Logistics.
Planning Division.
Matériel Division.
Naval Medical Matériel Board.
Assistant Chief of Bureau for Research and Medical Military Specialties.
Research Division.
Preventive Medicine Division.
Atomic Defense Division.
Special Weapons Medicine Division.
Assistant Chief of Bureau for Aviation and Operational Medicine.
Aviation Medicine Division.
Submarine Medicine Division.
Amphibious and Marine Corps Field Medicine Division.
Dispensary Medicine Division.
Assistant Chief of Bureau for Dentistry.
Dental Division.

W. JOHN KENNEY,
Acting Secretary of the Navy.

[F. R. Doc. 48-8615; Filed, Sept. 24, 1948; 8:59 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—ADJUDICATION: VETERANS CLAIMS, CENTRAL OFFICE SECTION

MISCELLANEOUS AMENDMENTS

1. Sections 4.2108, 4.2109, 4.2110, and 4.2112 of Part 4 are amended to read as follows:

§ 4.2108 *Rates of pension: Spanish-American War, Philippine Insurrection and/or Boxer Rebellion.* (a) Service pension is payable at rates as follows:

Item	Act of June 5, 1920, 90 days service (1)	Act May 1, 1926, 90 days service or disability discharge (3)	Act June 2, 1930, 90 days service or disability discharge (3)	Act June 2, 1930, 70 days service	Act May 24, 1938, 90 days service or disability discharge (4)	Act. Mar. 1, 1944, 90 days service or disability discharge
Disability:						
1/10	[1] $12.00	$20.00	$20.00	$12.00		
	[2] 14.40	24.00	24.00	14.40		
	[3] 15.00	25.00	25.00	15.00		
¼	[1] 17.28	28.80	28.80	17.28		
	[2] 18.00	30.00	30.00	18.00		
	[3] 21.60	36.00	36.00	21.60		
⅓	[1] 18.00	30.00	35.00	18.00		
	[2] 21.60	36.00	42.00	21.60		
	[3] 25.92	43.20	50.40	25.92		
½	[1] 24.00	40.00	50.00	24.00		
	[2] 28.80	48.00	60.00	28.80		
	[3] 34.56	57.60	72.00	34.56		
⅔	[1] 30.00	50.00	60.00	30.00		(3) $75.00
	[2] 36.00	60.00		36.00		
	[3] 43.20	72.00		43.20		(3) 90.00
Total			[1] 72.00	50.00	(4) $100.00	
Aid and attendance			[2] 86.40	65.00		
			[3] 103.68	78.00	(4) 120.00	

See footnotes at end of table.

Item	Act of June 5, 1920, 90 days service (1)	Act May 1, 1926, 90 days service or disability discharge (3)	Act June 2, 1930, 90 days service or disability discharge (3)	Act June 2, 1930, 70 days service	Act May 24, 1938, 90 days service or disability discharge (4)	Act. Mar. 1, 1944, 90 days service or disability discharge
Age:						
62	[1] $12.00	$20.00	$30.00	$12.00		
	[2] 14.40	24.00	36.00	14.40		
	[3] 17.28	28.80	43.20	17.28		
65	(1)				(4) $60.00	(4) $75.00
	(2)			50.00		
	(3)			60.00		(4) 90.00
68	[1] 18.00	30.00	(4) 40.00	18.00		
	[2] 21.60	36.00	(4) 48.00	50.00		
	[3] 25.92	43.20	(4) 57.60	60.00		
72	[1] 24.00	40.00	(4) 50.00	24.00		
	[2] 28.80	48.00	(4) 60.00	50.00		
	[3] 34.56	57.60	(4) 72.00	60.00		
75	[1] 30.00	50.00	(5) 60.00	30.00		(3) 75.00
	[2] 36.00	60.00		50.00		
	[3] 43.20	72.00		60.00		(3) 90.00

[1] Rates prior to Sept. 1, 1946.
[2] Rates from Sept. 1, 1946; Public Law 611, 79th Cong.
[3] Rates from Sept. 1, 1947; Public Law 270, 80th Cong.

NOTE: The foregoing rates are subject to the provisions of § 3.1255 of this chapter. Where a veteran is furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is furnished with nursing or attendant's service, the award of pension will be the amount authorized by the rating decision or the attainment of beneficial age, exclusive of any additional amount on account of the need of regular aid and attendance. This rate of pension in such instances will be effective as of the beginning of the maintenance of the disabled veteran by the Veterans' Administration.

(1) While there was provision in the act of May 1, 1926, for increase to the rates provided in that act of persons being paid under the earlier act there are certain claims based upon fragmentary periods of service in two or more of the activities, namely, Spanish-American War, Philippine Insurrection, and (not or) the China Relief Expedition, the total of which is 90 days or more. Such service is treated as though it comprised a single campaign. These cases which do not meet the service requirements of the later acts are pensionable at the rates provided by the act of June 5, 1920, as amended.

(2) Increases from the rates provided by the act of May 1, 1926, to those provided by the act of June 2, 1930, are effective from the date of application. If a claim is encountered where the rates provided by the act of May 1, 1926, as amended, are in effect, the veteran will be notified of his right to file a claim for increase under the currently applicable law.

(3) The $60 rate for total disability and for age 75 years based upon 90 days service under the act of June 2, 1930, was increased to $75 monthly effective from April 1, 1944, by Public Law 242, 78th Congress. The $75 rate was not increased by Public Law 611, 79th Congress, but was increased by Public Law 270, 80th Congress.

(4) For effective date of increases under the act of May 24, 1938, see § 4.2107 (b). Veterans whose pension is based upon 90 days' service in the Moro Province between July 5, 1902, and July 15, 1903, are not entitled to the rates for age 65 or aid and attendance as provided by the act of May 24, 1938, as amended but the rates for 90 days' service as provided by the act of June 2, 1930, as amended, are applicable. (41 Stat. 982, 44 Stat. 382, 46 Stat. 492, 52 Stat. 440, 58 Stat. 107, secs. 1, 2, 3, 60 Stat. 863, sec. 1, Pub. Law 270, 80th Cong.; 38 U. S. C. 362, 364, 365, 365b, 365c, 370, 370e)

§ 4.2109 *Indian wars.* Pension or increased pension pursuant to the act of March 3, 1927, as amended by Public Law 245, 78th Congress, shall commence from the date of claim therefor or the date of entitlement, whichever is the later. The rate for regular aid and attendance as to persons applying for pension after March 3, 1944, is payable from the date of inception of the requisite condition as shown by the evidence, but not earlier than the date of the original application for pension under Public Law 245, 78th Congress. Public Law 398, 80th Congress, provides for a twenty percent increase in rates effective from March 1, 1948, but does not effect the foregoing provisions as to basic entitlement. (Sec. 1, 44 Stat. 1361, sec. 1, 58 Stat. 108, Pub. Law 398, 80th Cong.; 38 U. S. C. 381)

§ 4.2110 *Rates of pension: Indian wars.* Pension is payable at rates as follows:

Item	Rates on and after Sept. 1, 1937		Rates from date of claim filed on or after Mar. 3, 1944	
	To Feb. 29, 1948	From Mar. 1, 1948	To Feb. 29, 1948	From Mar. 1, 1948
Degree of Disability:				
1/10	$20.00	$24.00	$20.00	$24.00
¼	25.00	30.00	25.00	30.00
⅓	35.00	42.00	35.00	42.00
½	45.00	54.00	50.00	60.00
⅔	55.00	66.00	60.00	72.00
Regular aid and attendance	72.00	86.40	100.00	120.00
Age:				
62	25.00	30.00	30.00	36.00
65			60.00	72.00
68	35.00	42.00		
72	45.00	54.00		
75	55.00	66.00		

NOTE: The foregoing rates are subject to the provision that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration and to the provisions of § 3.1255 of this chapter.

(Sec. 1, 44 Stat. 1361, sec. 1, 58 Stat. 108, Pub. Law 398, 80th Cong.; 38 U. S. C. 381)

§ 4.2112 *Rates of pension: Civil War.* (a) Pension is payable at rates as follows:

Minimum rate	Helpless or blind or so nearly helpless or blind as to require the regular aid and attendance of another person
$75.00 [1]	$100.00
$90.00 [2]	120.00

[1] Rates prior to Sept. 1, 1947.
[2] Rates from Sept. 1, 1947; Public Law 270, 80th Cong.

NOTE: The foregoing rates are subject to the provision that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration and to the provisions of § 3.1255 of this chapter.

(b) The rate for Army nurses, under the act of August 5, 1892, as amended by the act of July 3, 1926, is $50.00 monthly, to September 1, 1947, and $60.00 monthly from September 1, 1947. (Secs. 1, 2, 46 Stat. 529, sec. 2, Pub. Law 270, 80th Cong.; 38 U. S. C. 274, 275)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-8621; Filed, Sept. 24, 1948; 8:59 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Order No. 337]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS TO REGIONAL ADMINISTRATORS AND MANAGERS; FUNCTIONS WITH RESPECT TO VARIOUS STATUTES

SEPTEMBER 21, 1948.

1. New subparagraphs are added to paragraph (a) of § 50.451, as follows:

§ 50.451[1] *Functions with respect to various statutes.* (a) * * *

(21) Applications for coal licenses under section 8 of the act of February 25, 1920 (41 Stat. 440; 30 U. S. C. 208) and the issuance and cancellation of such licenses.

(36) Sales of isolated or rough and mountainous tracts under section 2455 of the Revised Statutes, as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171), in accordance with existing policies.

(42) Approval of any sale or contract for the sale of timber for exportation from Alaska, involving the disposal of an estimated stumpage volume of not to exceed 15,000,000 feet, board measure, and the readjustment of stumpage rates under such contract, under the act of April 12, 1926 (44 Stat. 242; 16 U. S. C. 616), and the renewal of any such contract.

(43) Approval of any sale or contract for the sale of dead, down or damaged timber involving the disposal of an estimated stumpage volume of not to exceed

[1] The numbers of the subparagraphs in this section correspond with the numbers of the related subparagraphs in 43 CFR 4.275 (a) and 4.275 (b).

15,000,000 feet, board measure, under the act of March 4, 1913 (37 Stat. 1015), as amended by the act of July 3, 1926 (44 Stat. 890; 16 U. S. C. 614, 615).

(46) Applications for the lease or sale of lands in the Matanuska Valley, Alaska, under the act of October 17, 1940 (54 Stat. 1191; 48 U. S. C. 353 note), including the approval of such applications, and the issuance, assignment, modification or cancellation of such leases.

Paragraph (b) of § 50.451 authorizing land classification, is amended by adding thereto a new paragraph, as follows:

(2) As an isolated or rough and mountainous tract under section 2455 of the Revised Statutes as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171).

2. New subparagraphs are added to paragraph (a) of § 50.501, as follows:

§ 50.501[1] *Functions with respect to various statutes.* (a) • • •

(21) Applications for coal licenses under section 8 of the act of February 25, 1920 (41 Stat. 440; 30 U. S. C. 208) and the issuance and cancellation of such licenses.

(36) Sales of isolated or rough and mountainous tracts under section 2455 of the Revised Statutes, as amended (48 Stat. 1269, 1274; 43 U. S. C. 1171), in accordance with existing policies.

(42) Approval of any sale or contract for the sale of timber for exportation from Alaska, involving the disposal of an estimated stumpage volume of not to exceed 15,000,000 feet, board measure, and the readjustment of stumpage rates under such contract, under the act of April 12, 1926 (44 Stat. 242; 16 U. S. C. 616), and the renewal of any such contract.

(43) Approval of any sale or contract for the sale of dead, down or damaged timber involving the disposal of an estimated stumpage volume of not to exceed 15,000,000 feet, board measure, under the act of March 4, 1913 (37 Stat. 1015), as amended by the act of July 3, 1926 (44 Stat. 890; 16 U. S. C. 614, 615).

(46) Applications for the lease or sale of lands in the Matanuska Valley, Alaska, under the act of October 17, 1940 (54 Stat. 1191; 48 U. S. C. 353 note), including the approval of such applications, and the issuance, assignment, modification or cancellation of such leases.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201; 43 CFR 4.275)

ROSCOE E. BELL,
Assistant Director.

[F. R. Doc. 48-8605; Filed, Sept. 24, 1948; 8:45 a. m.]

[1] The numbers of the subparagraphs in this section correspond with the numbers of the related subparagraphs in 43 CFR 4.275 (a) and 4.275 (b).

[Order No. 335]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS TO REGIONAL ADMINISTRATOR; FUNCTIONS WITH RESPECT TO VARIOUS STATUTES

SEPTEMBER 20, 1948.

The following subparagraph is added to paragraph (a) of § 50.451:

§ 50.451[1] *Functions with respect to various statutes.* (a) • • •

(83) Determine the liability for trespass on the public lands in their respective regions, in accordance with the rules set forth in Part 288, of this chapter, and the applicable court and Departmental decisions, and demand and accept payment of the amount determined to be due by reason of such trespass. This authority will become effective in the different regions on the dates shown below:

Region III	Sept. 17, 1948
Region IV	Oct. 4, 1948
Region V	Sept. 17, 1948
Region VII	Oct. 1, 1948

[1] The numbers of the subparagraphs in this section correspond with the numbers of the related subparagraphs in 43 CFR 4.275 (a).

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201; 43 CFR 4.275)

MARION CLAWSON,
Director.

[F. R. Doc. 48-8604; Filed, Sept. 24, 1948; 8:45 a. m.]

[Order No. 336]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS TO REGIONAL ADMINISTRATORS; AUTHORITY TO DESIGNATE EMPLOYEES TO PERFORM FUNCTIONS OF ACTING MANAGERS

SEPTEMBER 20, 1948.

The following section is added:

§ 50.452 *Authority to designate employees to perform the functions of acting managers.* The regional administrator of any region may authorize any qualified employee of the Bureau of Land Management in his region to perform the functions of the manager of a district land and survey office in his region in case of the death, resignation, absence, or sickness of the manager. However, such employee shall not decide or dispose of a contest or protest. He may not perform the functions of a manager until he has filed a bond in such penal sum as the regional administrator may fix and the bond has been accepted by the regional administrator. Each employee authorized to act under this section shall sign all documents and other papers under his pay roll title and act as manager.

Each such employee shall, by memoranda, advise his regional administrator of the beginning and of the termination of a period during which he performs the functions of manager. Copies of such memoranda shall be sent to the Director. (R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201; Reorg. Plan 3 of 1946, 11 F. R. 7875; 43 CFR 4.275)

MARION CLAWSON,
Director.

[F. R. Doc. 48-8603; Filed, Sept. 24, 1948; 8:45 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 2, 3, 4a, 4b, 6, 13, 14, 15]

IDENTIFICATION DATA NAME PLATE AND FUEL CAPACITY PLACARD

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of Parts 2, 3, 4a, 4b, 6, 13, 14, and 15 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received within 30 days after the date of this publication will be considered by the Board before taking further action on the proposed rules.

The presently effective rules require that each aircraft bear a name plate containing the information essential for its identification. Under the present requirements the name plate has sometimes been located on the floor of the pilot compartment or in some other place where the identification data have been obliterated in the normal use of the airplane.

The primary purpose of the proposed amendments is to require that the name plate be located on a part of the structure considered to be the least likely to be defaced in the normal use of the aircraft or destroyed or lost in the event of an accident, such as the fuselage structure in the vicinity of the tail of the conventional airplane.

The proposed amendments in clarifying the location of name plate also make the required identification data consistent in all the pertinent parts of the regulations.

An additional proposed amendment of Part 4a specifies that the fuel capacity placard, now required by § 4a.4631 to be located on the manufacturer's identification plate or on or adjacent to the fuel tank shut-off valves, shall be located more appropriately on or adjacent to the fuel tank selector valve controls, and transfers this requirement to a more suitable section of this part.

It is proposed to amend Parts 2, 3, 4a, 4b, 6, 13, 14, and 15 as follows:

1. By amending § 2.36 to read as follows:

§ 2.36 *Identification.* Each article manufactured under the terms of a type or production certificate shall display permanently such data as may be required to show its identity. The data shall include such of the following items as the Administrator finds appropriate:

(a) Manufacturer's name,
(b) Model designation,
(c) Manufacturer's serial number (if article is numbered serially), otherwise date of manufacture, except that articles subject to deterioration as a result of aging (parachutes, parachute flares, etc.) shall bear the date of manufacture in addition to the serial number, if any,
(d) Type certificate number,
(e) Production certificate number,
(f) Capacity or rating.

2. By amending §§ 3.70 and 4b.70 and adding a new § 4a.468 to read as follows:

Identification plate. A fireproof identification plate shall be securely attached to the fuselage or other tail-supporting structure in an accessible location no farther forward than the leading edge of the stabilizer. The identification plate shall contain the identification data required by § 2.36 of this chapter.

3. By rescinding § 4a.4631.

4. By adding the following sentence to § 4a.651: "The fuel capacity and the identity of each tank shall be inscribed on or adjacent to the fuel tank selector valve controls in the pilot compartment."

5. By amending § 6.61 to read as follows:

§ 6.61 *Identification plate.* A fireproof identification plate shall be securely attached to the fuselage or other structure in an accessible location where there exists the least possibility that the identification plate will be destroyed in the event of an accident involving fire. The identification plate shall contain the identification data required by § 2.36 of this chapter.

6. By amending § 13.22 to read as follows:

§ 13.22 *Identification plate.* A fireproof identification plate shall be securely attached to the engine in a location which will be readily accessible when the engine is installed in an aircraft. The identification plate shall contain the identification data required by § 2.36 of this chapter.

7. By amending § 14.06 to read as follows:

§ 14.06 *Identification data.* A certificated propeller, propeller blade, or propeller hub, shall have displayed upon it conspicuously the identification data required by § 2.36 of this chapter. The identification data shall be permanently attached upon a noncritical surface of the propeller, blade, or hub by means of a plate, stamping, engraving, etching, or other approved method. When such data are not visible when the propeller is assembled or installed on an aircraft, they shall also be painted or printed on the propeller, blade, or hub.

8. By amending §§ 15.04 through 15.043 to read as follows:

§ 15.04 *Identification data.* Each unit certificated or approved shall be marked with the identification data required by § 2.36 of this chapter, unless otherwise specifically provided for in this part of the regulations. The identification data shall be displayed in a conspicuous place on the unit in a manner such that it cannot be easily erased, disfigured, or obscured.

9. By amending § 15.1047 to read as follows:

§ 15.1047 *Identification data.* (See § 15.04.)

10. By amending § 15.107 to read as follows:

§ 15.107 Each unit of a certificated model of main landing gear wheel shall bear the identification data as prescribed in § 15.04.

11. By amending in §§ 15.111, 15.123, 15.215, and 15.3151 the reference "§ 15.042 (e)" to read "§ 15.04."

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205, 601–610, 52 Stat. 984, 1007–1012; 49 U. S. C. 405 (a), 551–560)

Dated: September 17, 1948 at Washington, D. C.

By the Bureau of Safety Regulations.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 48-8620; Filed, Sept. 24, 1948; 8:49 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 2811 et al.]

LATIN AMERICAN ROUTE AMENDMENT CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications for amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, with respect to air transportation between the United States and various points in Latin America.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be heard October 25, 1948, at 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 21, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8619; Filed, Sept. 24, 1948; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6161]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

SEPTEMBER 22, 1948.

Notice is hereby given that, on September 21, 1948, the Federal Power Commission issued its order entered September 21, 1948, authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8617; Filed, Sept. 24, 1948; 8:49 a. m.]

[Docket No. E-6165]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF APPLICATION

SEPTEMBER 20, 1948.

Notice is hereby given that on September 17, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Black Hills Power and Light Company, a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota and Wyoming with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of: 5,000 shares of --% Cumulative Preferred Stock of the par value of $100 per share, at a dividend rate to be fixed at a later date, which will be not less than 5% nor more than 6% per annum, 33,370 shares Common Stock of the par value of $1 per share, and a change in the voting privileges and redemption of the 4.20% Cumulative Preferred Stock; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 10th day of October 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8618; Filed, Sept. 24, 1948; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5524]

MORRIS PAINT & VARNISH CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 21st day of September A. D. 1948.

In the matter of Morris Paint & Varnish Company, a Missouri corporation, and Leo Sophir and Jack Jay Sophir, individually, and as officers of the above-named corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, October 18, 1948, at ten o'clock in the forenoon of that day (central standard time), in Court Room 313, United States Court House and Custom House, St. Louis, Missouri.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8624; Filed, Sept. 24, 1948; 9:01 a. m.]

[Docket No. 5569]

DOUBLEDAY & CO., INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 20th day of September A. D. 1948.

In the matter of Doubleday & Company, Inc., a corporation; Literary Guild of America, Inc., a corporation; Nelson Doubleday, Inc., a corporation trading as Book League of America, Doubleday One Dollar Book Club, and Home Book Club.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Tuesday, September 28, 1948, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8625; Filed, Sept. 24, 1948; 9:01 a. m.]

[Docket No. 5572]

BOOK-OF-THE-MONTH CLUB, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 20th day of September A. D. 1948.

In the matter of Book-of-the-Month Club, Inc., a corporation; Harry Scherman and Meredith Wood, individually and as officers of Book-of-the-Month Club, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, September 27, 1948, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8626; Filed, Sept. 24, 1948; 9:01 a. m.]

[Docket No. 5316]

WANDER CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 20th day of September A. D. 1948.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, October 4, 1948, at ten o'clock in the forenoon of that day (eastern standard time), in Room 505, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceedings.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8627; Filed, Sept. 24, 1948; 9:02 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1089]

DAYTON RUBBER CO.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of September A. D. 1948.

The Dayton Rubber Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Class "A" $2.00 preferential stock, par value $35.00, and its common stock, par value 50¢, from registration and listing on the Chicago Stock Exchange.

The reasons for withdrawing these securities from registration and listing on the Chicago Stock Exchange that are stated in the application are (1) the Class "A" $2.00 preferential stock, par value $35.00, is registered and listed on the New York Curb Exchange; (2) the common stock, par value 50¢, is registered and listed on the New York Stock Exchange; (3) there have been no transactions in either security on the Chicago Stock Exchange from January 1946 through May 1948; (4) the Executive Committee of the Chicago Stock Exchange on September 30, 1947, granted the request of The Dayton Rubber Company for a waiver of the requirement of the rule of the Chicago Stock Exchange that a delisting application be approved by two-thirds of the outstanding shares and that less than 10% of the outstanding shares dissent to the application.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on October 20, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8611; Filed, Sept. 24, 1948; 8:47 a. m.]

[File No. 7-1085]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of September A. D. 1948.

The Washington Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the common stock, $10 par value, of Virginia Electric and Power Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 7, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8608; Filed, Sept. 24, 1948; 8:46 a. m.]

[File No. 7-1086]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of September A. D. 1948.

The Washington Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the $5.00 dividend preferred stock, $100 par value, of Virginia Electric and Power Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to October 7, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8607; Filed, Sept. 24, 1948; 8:46 a. m.]

[File No. 70-1817]

UNION ELECTRIC CO. OF MISSOURI AND UNION ELECTRIC POWER CO.

ORDER AMENDING PRIOR ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of September 1948.

The Commission having, by orders dated May 18, 1948 and May 26, 1948, granted and permitted to become effective the joint application-declaration, as amended, of Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility subsidiary of The North American Company, also a registered holding company, and of Union Electric Power Company ("Union Power"), Union's wholly-owned electric utility subsidiary, relating to the issuance and sale by Union of $25,000,000 principal amount of 3% Debentures due 1968 and the issue and sale by Union Power, and the acquisition thereof by Union, of up to $18,000,000 aggregate par value of additional shares of preferred stock of Union Power, all as more fully described in Holding Company Act Release No. 8189; and

The Commission having in said orders reserved jurisdiction over the payment of all legal fees and expenses incurred in connection with the debenture and preferred stock financing; and

Union having supplemented the record with statements setting forth the amounts, nature and extent of legal services rendered by various counsel for Union and the underwriters in connection with the issuance and sale of said debentures for which requests for payment had been made and the Commission by order dated September 3, 1948, having released jurisdiction heretofore reserved over the payment of legal fees; and

Union having notified the Commission that through inadvertence Union omitted a request for the payment by Union Power of a legal fee in the amount of $1,500 to the firm of Pope and Driemeyer for services in connection with the preferred stock financing; and Union having further supplemented the record with a statement setting forth the nature and extent of the legal services rendered by said firm; and

The Commission having considered the record as supplemented and it appearing to the Commission that the requested legal fee is not unreasonable and that the previous order of September 3, 1948, releasing jurisdiction over legal fees and expenses, should be amended so as to include the fee requested by Pope and Driemeyer:

It is ordered. That the Commission's order of September 3, 1948, releasing jurisdiction over legal fees and expenses herein be, and the same hereby is, amended so as to include, as if specifically set forth therein, the fee in the amount of $1,500 requested by Pope and Driemeyer and to be paid by Union Power.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8614; Filed, Sept. 24, 1948; 8:47 a. m.]

[File No. 70-1875]

COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS CO. OF WEST VIRGINIA

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of September 1948.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Natural Gas Company of West Virginia ("Natural Gas"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9, 10 and 12 thereof and Rule U-43 promulgated thereunder, with respect to the issue and sale by Natural Gas to Columbia of $600,000 principal amount of 3¼% Installment Promissory Notes due in equal annual installments on August 15 of each of the years from 1950 to 1974, inclusive; the proceeds from such sale to be utilized by Natural Gas in connection with its construction program; and

The Public Service Commission of West Virginia, by order dated August 16, 1948, having approved the proposed issue and sale of notes by Natural Gas; and

Said joint application-declaration having been filed on June 21, 1948, and the last amendment thereto having been filed on September 3, 1948, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that said joint application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8612; Filed, Sept. 24, 1948; 8:47 a. m.]

[File No. 70-1937]

STATEN ISLAND EDISON CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of September 1948.

Staten Island Edison Corporation ("Staten Island"), an indirect subsidiary of General Public Utilities Corporation, a registered holding company, having filed a declaration, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transaction:

Staten Island proposes to issue and sell to three commercial banks an aggregate of $1,750,000 principal amount of notes, each such note to bear interest at a rate not in excess of 2% per annum and to be of a maturity not in excess of six months. The proceeds of the new notes will be used to meet the maturity of $1,750,000 principal amount of presently outstanding notes.

Such declaration having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that no adverse findings are necessary with respect to the declaration, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective, and deeming it appropriate to grant the request of declarant that the order become effective at the earliest date possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Act and subject to the terms and conditions prescribed in Rule U-24, that the declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8613; Filed, Sept. 24, 1948; 8:47 a. m.]

[File No. 70-1944]

NORTHERN STATES POWER CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of September A. D. 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by Northern States Power Company ("Northern States"), a Minnesota corporation. Northern States is a registered holding company, a public utility operating company, and a subsidiary of Northern States Power Company, a Delaware corporation, also a registered holding company. Northern States designates sections 9 (a) and 10 of the act as applicable to the proposed transaction.

All interested persons are referred to said application on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Northern States proposes to acquire from the City of Grand Forks, North Dakota, for a cash consideration of $18,000 the existing municipally owned overhead street lighting system now serving the residential district of said city. Northern States supplies electric service within the city and has heretofore supplied to the city electric energy for the operation of said overhead street lighting system. Upon acquisition, the company proposes to integrate said system with its existing distribution facilities and to proceed forthwith to enlarge and modernize same in accordance with contractual arrangements heretofore agreed upon with the city.

The application states that the estimated original cost of the properties, including materials and supplies, is $38,297, and that the estimated depreciation on a straight line basis is $20,158. The company proposes to use these figures in recording the acquisition on its books, and to credit the small electric plant acquisition adjustment of $139 to its reserve for depreciation of electric plant.

It is also stated that no State commission and no other Federal commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 28, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after September 28, 1948, said application may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8609; Filed, Sept. 24, 1948; 8:46 a. m.]

[File No. 70-1948]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 20th day of September A. D. 1948.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant has designated the third sentence of section 6 (b) of the act and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 8, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 8, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file with this Commission for a statement of the transactions therein proposed, which are summarized as follows:

New Hampshire proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $7,000,000 principal amount of First Mortgage Bonds, Series D, --% due 1978, to be issued under and secured by a First Mortgage to Old Colony Trust Company, as Trustee, dated as of January 1, 1943, as supplemented by various supplemental indentures, including a proposed Fourth Supplemental Indenture to be dated as of October 1, 1948. The interest rate and the price to the company for the bonds will be determined by competitive bidding except that the invitation for bids will specify that the interest rate shall be a multiple of ⅛ of 1% and that the price to the company shall be not less than 100% nor more than 102.75% of the principal amount thereof plus accrued interest. New Hampshire requests that the ten day notice period for inviting bids as provided by subdivision (b) of Rule U-50 be shortened to not less than six days so as to permit the opening of bids on October 18, 1948.

The application states that the company will use $3,600,000 of the proceeds from the sale of the bonds to repay the company's short-term bank borrowings. The balance of the proceeds in the amount of $3,400,000 will be deposited initially with the Trustee under the indenture and will be withdrawn from time to time upon certification to the Trustee of additional property. It is anticipated by the company that the $3,400,000 deposited initially with the Trustee will be withdrawn by January 31, 1949, and will be similarly applied to repay short-term bank borrowings or will be used for other corporate purposes.

It is represented by applicant that the proposed transactions are subject to the jurisdiction of the New Hampshire Public Service Commission and the Vermont Public Service Commission, and that applications have been filed with said Commissions for their approval.

New Hampshire requests that the Commission's order granting the application be issued on October 11, 1948, and that such order become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8610; Filed, Sept. 24, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11661]

STEVE TREMMEL

In re: Estate of Steve Tremmel, deceased. File D-34-784; E. T. sec. 11911.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferenc Tremmel, Catherine Tremmel, Michael Tremmel and John Tremmel, whose last known address was, on September 3, 1946, Hungary, were on such date residents of Hungary and nationals of a designated enemy country (Hungary);

2. That the property described as follows:

a. The sum of $576.63, and

b. Claim No. 4147 filed August 31, 1932 against the North Avenue State Bank, Chicago, Illinois, in receivership

was paid, conveyed, transferred, assigned and delivered to the Alien Property Custodian by J. Wayne Fearneau, Administrator of the Estate of Steve Tremmel, deceased;

3. That the property described in subparagraph 2 hereof was accepted by the Alien Property Custodian on September 3, 1940, pursuant to the Trading With the Enemy Act, as amended;

4. That the property described in subparagraph 2 hereof is presently in the possession of the Attorney General of the United States and was property in the process of administration by the aforesaid J. Wayne Fearneau, Administrator, acting under the judicial supervision of the Probate Court of Cook County, Illinois, which was payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on September 3, 1946, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Hungary) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8629; Filed, Sept. 24, 1948; 9:02 a. m.]

[Vesting Order 11678]

EMMA HECHT

In re: Trust under the will of Emma Hecht, deceased. File No. D-28-10803-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Magdalena Niewerth, nee Winger, also known as Emma Marie Magdalene Niewerth, nee Winger, Anton Alker, Franz Alker, Joseph Alker, Max Alker, Anna Alker, Klara Spinczyk, Maria (Marie) Hoffmann Hedwig Pohl, and Anna Taube, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs, devisees and legatees, names unknown, of Joseph Alker, deceased, the heirs, devisees and legatees, names unknown, of August Alker, deceased, the heirs, devisees and legatees, names unknown, of Mary Kasparek, deceased, and the heirs, devisees and legatees, names unknown, of Johanna Koch, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $2,244.89 was paid to the Attorney General of the United States by Edward C. Hoyer, Successor Trustee of the Trust under the will of Emma Hecht, deceased;

4. That the said sum of $2,244.89 was accepted by the Attorney General of the

United States on March 16, 1948, pursuant to the Trading With the Enemy Act, as amended;

5. That the said sum of $2,244.89 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons identified in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 22, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8630; Filed, Sept. 24, 1948; 9:02 a. m.]

[Vesting Order 11723]

WEBER-MARTIN TRUST

In re: Weber-Martin Trust. File No. 017-11948.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Carl Dubbert, whose last known address was, on November 9, 1944, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl Dubbert, who, on November 9, 1944, there was reasonable cause to believe were residents of Germany, were on such date nationals of a designated enemy country (Germany);

3. That the sum of $853.71 was paid to the Alien Property Custodian by Harry Lynn Iliff, trustee of Weber-Martin Trust;

4. That the sum of $853.71 was accepted by the Alien Property Custodian on November 9, 1944, pursuant to the Trading With the Enemy Act, as amended;

5. That the said sum of $853.71 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Carl Dubbert were not within a designated enemy country on November 9, 1944, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8631; Filed, Sept. 24, 1948; 9:02 a. m.]

[Vesting Order 11838]

FRED KUHNE

In re: Estate of Fred Kuhne, also known as Robert Blume, deceased. File No. D-28-12210; E. T. sec. 16421.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Kuhne, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Fred Kuhne, also known as Robert Blume, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John C. Glenn, as Administrator, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States required that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8632; Filed, Sept. 24, 1948; 9:02 a. m.]

[Vesting Order 11923]

ALFRED NISSEN

In re: Estate of Alfred Nissen, deceased. D-28-12359; E. T. sec. 16581.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irene Matthiesen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Alfred Nissen, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by D. B. Purvis, as administratrix d. b. n., acting under the judicial supervision of the Superior Court of California, Yolo County, California;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8633; Filed, Sept. 24, 1948; 9:02 a. m.]

[Vesting Order 11924]

OTTO W. PAPE

In re: Estate of Otto W. Pape, deceased. File No. D-28-9821; E. T. sec. 13843.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Pape (sister of Otto Pape, deceased), August Pape, Reinhard Pape, Ernest Kaufman, "John" Pape (the name John, being fictitious, but the person intended is a son of Carl Pape, deceased brother of decedent), Ernest Pape, Anna Pape (niece of Otto Pape, deceased), and Anna Prokott whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them in and to the estate of Otto W. Pape, deceased, is property payable or deliverable to; or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Mary F. Pape, as Executrix, acting under the judicial supervision of the Surrogate's Court, Richmond County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8634; Filed, Sept. 24, 1948; 9:03 a. m.]

[Vesting Order 11935]

HERMAN OSCAR VON SCHUCKMANN

In re: Trust under the will of Herman Oscar von Schuckmann, deceased. File No. D-66-1058; E. T. sec. 7142.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the von Schuckmann Family Fund in Germany, the last known address of which is Germany, is a corporation, partnership, association or other organization, organized under the laws of Germany, which has or, on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the person or persons, names unknown, who are the beneficiaries of said von Schuckmann Family Fund in Germany, who, if individuals, there is reasonable cause to believe are residents of Germany, and, if corporations, partnerships, associations or other organizations, there is reasonable cause to believe are organized under the laws of and maintain their principal places of business in Germany, are nationals of a designated enemy country (Germany);

3. That the person or persons, names unknown, having the management of said von Schuckmann Family Fund in Germany, who, if individuals, there is reasonable cause to believe are residents of Germany, and, if corporations, partnerships, associations or other organizations, there is reasonable cause to believe are organized under the laws of and maintain their principal places of business in Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof, in and to and arising out of or under the trust created under the Will of Herman Oscar von Schuckmann, deceased, presently being administered by The New England Trust Company, 135 Devonshire Street, Boston, Massachusetts, Surviving Trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person identified in subparagraph 1 hereof, the persons or persons, names unknown, who are the beneficiaries of the von Schuckmann Family Fund in Germany, Germany, and the person or persons, names unknown, having the management of the von Schuckmann Family Fund in Germany, Germany, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8635; Filed, Sept. 24, 1948; 9:03 a. m.]

[Vesting Order 11972]

JOSEPH DURNAY

In re: Estate of Joseph Durnay, also known as Joseph Duernay, deceased. File No. D-66-940; E. T. sec. 6025.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Durnay, Ottilie Durnay and Luise Marie Kunz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Joseph Durnay, also known as Joseph Duernay, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is on deposit with the Treasury of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8636; Filed, Sept. 24, 1948; 9:03 a. m.]

[Vesting Order 11973]

ELISABETH EDELMANN

In re: Estate of Elisabeth Edelmann, deceased. File D-28-11434; E. T. sec. 15669.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Edelmann, also known as Johann Edelmann, and Elisabeth Edelmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Elisabeth Edelmann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is on deposit with the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8638; Filed, Sept. 24, 1948; 9:03 a. m.]

[Vesting Order 11974]

MARIE FANNING

In re: Estate of Marie Fanning deceased. File No. D-28-12223, E. T. sec. 16441.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herrmann Dort, Ernest Wagenbach, and Frieda Wagenbach, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Marie Fanning, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Carl Dort, as Executor, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8639; Filed, Sept. 24, 1948; 9:03 a. m.]

[Vesting Order 11963]

A. OSHITA

In re: Debt owing to A. Oshita, also known as T. Oshita. F-39-6362-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. Oshita, also known as T. Oshita, whose last known address is Mita Mura, Takata Gun, Hiroshima Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

[Vesting Order 11975]

MARGARETA FRANZEN

In re: Estate of and trust under the will of Margareta Franzen, deceased. File No. D-28-12193; E. T. sec. 16406.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josef Bell, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of and the trust created under the will of Margareta Franzen, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Eleanor M. Takis and George D. Franzen, as Executors and Trustees, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8640; Filed, Sept. 24, 1948; 9:03 a. m.]

2. That the property described as follows: That certain debt or other obligation owing to A. Oshita, also known as T. Oshita, by The Yokohama Specie Bank, Ltd., San Francisco Office and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, % State Banking Department, 111 Sutter Street, San Francisco, California arising out of fixed deposit account number 90369, entitled T. Oshita, maintained at the aforesaid San Francisco Office, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8641; Filed, Sept. 24, 1948; 9:03 a. m.]

[Vesting Order 12023]

KATHERINE BUETTNER

In re: Estate of Katherine Buettner, deceased. File No. D-28-11496; E. T. sec. No. 15713.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Schrader, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Katherine Buettner, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Lambert A. Pfeiffer, as administrator, acting under the judicial supervision of the Probate Court for the County of Wayne, Detroit, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8587; Filed, Sept. 23, 1948; 8:54 a. m.]

[Vesting Order 12039]

MASCHINENFABRIK GEBR. BRIEM KREFELD ET AL.

In re: Debt owing to Maschinenfabrik Gebr. Briem Krefeld and others. F-28-26279-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maschinenfabrik Gebr. Briem Krefeld, the last known address of which is Alderstrasse 45, Krefeld, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Krefeld, Germany and is a national of a designated enemy country (Germany);

2. That Walter Casaretto and Bruno Cassaretto whose last known address is Alderstrasse 45, Krefeld, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of J. J. Krehbiel Company, Inc., 381 Fourth Avenue, New York 16, N. Y., in the amount of $352.60, as of December 31, 1945, representing the unpaid balance on invoice #294, October 31, 1938, of Maschinenfabrik Gebr. Briem Krefeld, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maschinenfabrik Gebr. Briem Krefeld, Walter Casaretto and Bruno Cassaretto, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8598; Filed, Sept. 23, 1948; 8:56 a. m.]

[Return Order 189]

FRANTISEK KOZIK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Frantisek Kozik, Praha XII, Stalinova 12, Czechoslovakia; 11324; August 7, 1948 (13 F. R. 4582); Property to the extent owned by claimant immediately prior to the vesting thereof described in Vesting Order No. 4034 (9 F. R. 13781, November 17, 1944) relating to the literary work "The Great Debureau" (listed in Exhibit A of said vesting order) including royalties pertaining thereto in the amount of $155.60.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8598; Filed, Sept. 23, 1948; 8:56 a. m.]

[Vesting Order 12043]

ANTHONY RUPRECHT AND FRIDA RUPRECHT

In re: Bank account owned by Anthony Ruprecht also known as Anton Ruprecht and Frida Ruprecht also known as Freda Ruprecht. F-28-26185-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anthony Ruprecht also known as Anton Ruprecht and Frida Ruprecht also known as Freda Ruprecht, whose last known address is Mahlspurren in Tal, Stockach Land, Baden, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anthony Ruprecht also known as Anton Ruprecht and Frida Ruprecht also known as Freda Ruprecht, by the First National Bank at Pittsburgh, 5th Ave. and Wood Street, Pittsburgh, Pennsylvania, arising out of a savings account, account number 20136, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8589; Filed, Sept. 23, 1948; 8:55 a. m.]

[Vesting Order 12044]

ELISE SCHNALL

In re: Debt owing to Elise Schnall also known as Elise Klara Schnall and as Elsie Pietrock. F-28-25968-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elise Schnall also known as Elise Klara Schnall and as Elsie Pietrock, whose last known address is c/o Pietrock, Gustav St. 221 Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Elise Schnall also known as Elise Klara Schnall and as Elsie Pietrock by The Chase National Bank of the City of New York, 18 Pine Street, New York, N. Y., in the amount of $500.00, as of December 31, 1945, representing an "Accounts Payable," together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8590; Filed, Sept. 23, 1948; 8:55 a. m.]

[Vesting Order 12045]

MRS. MINNIE SIEGERT

In re: Bank account owned by Mrs. Minnie Siegert. B-66-243-C-1; B-66-243-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Minnie Siegert, whose last known address is Berlin, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Mechanics Savings Bank, 80 Pearl Street, Hartford, Connecticut, arising out of a Savings Account, account number 153920, entitled William F. Grieb, attorney for Minnie Siegert, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Minnie Siegert, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8591; Filed, Sept. 23, 1948; 8:55 a. m.]

[Supp. Vesting Order 12058]

FREDERICK TROGER

In re: Estate of Frederick Troger, deceased. File No. D-28-3593; E. T. sec. 5837.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ursula Wubbeling, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Frederick Troger, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by W. Frederick Troger, as Executor of the estate of Frederick Troger, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON.
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8592; Filed, Sept. 23, 1948; 8:55 a. m.]

[Vesting Order 12040]

HEINRICH MOELLER

In re: Debt owing to Heinrich Moeller also known as Heinrich Moller.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Moeller also known as Heinrich Moller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Heinrich Moeller also known as Heinrich Moller, by State Bank of Cold Spring, Cold Spring, Minnesota, in the principal sum of $100, arising out of an outstanding certified check, issued November 17, 1939, by the aforesaid bank and payable to Heinrich Moeller, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under the aforesaid certified check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8642; Filed, Sept. 24, 1948; 9:03 a. m.]

[Vesting Order 12041]

S. H. NISHIMOTO

In re: Stock owned by S. H. Nishimoto and others. D-39-19183-D-1, F-39-4551-D-1; F-39-2943-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. H. Nishimoto, Tasaluro Morishige and Ichiro Aoki, also known as I. Aoki, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: One (1) share of $100 par value common capital stock of Southern California Edison Company Ltd., now known as Southern California Edison Company, 601 West Fifth Street, Los Angeles, California, a corporation organized under the laws of the State of California, evidenced by certificate number C 2895, registered in the name of S. H. Nishimoto, together with all declared and unpaid dividends thereon, and together with all rights of exchange thereof for shares of $25 par value common capital stock of the aforesaid corporation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by S. H. Nishimoto, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: Nine (9) shares of $25 par value Series "B" 6% preferred capital stock of Southern California Edison Company Ltd., now known as Southern California Edison Company, 601 West Fifth Street, Los Angeles, California, a corporation organized under the laws of the State of California, evidenced by the certificates whose numbers are listed below, registered in the names of the persons listed below, in the amounts appearing opposite said names as follows:

Certificate No.	Name in which registered	Number of shares
AO 30674	Tasaluro Morishige	1
LDO 32036	I. Aoki	8

together with all declared and unpaid dividends thereon, and together with all rights to the proceeds of redemption thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tasaluro Morishige and Ichiro Aoki, also known as I. Aoki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8643; Filed, Sept. 24, 1948; 9:04 a. m.]

[Vesting Order 12048]

GUSTAV ADOLF BAUER

In re: Cash owned by Gustav Adolf Bauer also known as Adolf Bauer. D-28-3963-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Adolf Bauer, also known as Adolf Bauer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $902.00, presently in the possession of the Treasury

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Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General;
Director, Office of Alien Property.

[F. R. Doc. 48-8644; Filed, Sept. 24, 1948; 9:04 a. m.]

[Vesting Order 500A-237]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

EXHIBIT A—500A-237

Column 1 Copyright numbers	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Dr. H. G. Bronn's Klassen und Ordnungen des Tierreichs, Vierter Band 2. Abteilung, 2. Buch: "Acanthocephala" (including I. Lieferung: "Askhelminthen" and 2 Lieferung: "Schlusslieferung") 1933.	Dr. H. G. Bronn (nationality not established) and Dr. A. Meyer, editor, Berlin-Dahlem, Germany (nationality, German).	Akademische Verlagsgesellschaft m. b. H., Leipzig, Germany (nationality, German).	Owner and Dr. A. Meyer editor.
Do	Chronologisch-thematisches Verzeichnis sämtlicher Tonwerke (von Wolfgang Amadeus Mozart) von Dr. Ludwig Ritter van Köchel. 3. Aufl. bearbeitet von Alfred Einstein. 1937.	Alfred Einstein (nationality not established).	Breitkopf and Härtel, Leipzig, Germany (nationality German).	Owner.
Do	Vorlesungen über Differentialgeometrie und Geometrische Grundlagen von Einsteins Relativitatstheorie vol. 2 1923.	Wilhelm Blaschke (nationality not established).	Julius Springer, Berlin, Germany (nationality, German).	Do.
Do	Atlas der deskriptiven Anatomie des Menschen, being Band III (Abteilung II, "Die Eingeweide des Menschen einschliesslich des Herzens," 1922) and Band IV (Abteilung III, "Das Nerven-und Gefässystem und die Sinnesorgane des Menschen nebst einem Anhang: Das Lymphgefässystem des Menschen," 1920) of "Lehmanns Medizinische Atlanten". Dritte Auflage. 1920, 1922.	J. Sobotta (nationality not established).	J. F. Lehmanns Verlag, München, Germany (nationality, German).	Do.

[F. R. Doc. 48-8645; Filed, Sept. 24, 1948; 9:04 a. m.]

REFERENCE

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FEDERAL REGISTER

VOLUME 13 NUMBER 189

Washington, Tuesday, September 28, 1948

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER INSTALMENT CREDIT

CALCULATION OF $70 MONTHLY PAYMENTS

The following interpretation under this part relating to consumer instalment credit has been issued by the Board of Governors of the Federal Reserve System:

§ 222.103 *Calculation of $70 monthly payments.* The Board has been asked about the application of Part 2 of § 222.9 which specifies a maximum maturity of 15 months for extensions of credit of $1,000 or less and a maximum maturity of 18 months for extensions of credit of more than $1,000 with the exception that for credits of more than $1,000 the instalment payments shall not be less than $70 per month. The particular question is whether the $70 figure applies to the total monthly payment or only to the amount of that payment applicable to the principal of the obligation not including interest or finance charge.

The instalment payment referred to in the $70 clause is the total monthly payment. An example of its use in connection with the purchase of an automobile is as follows:

Purchase price	$1,500.00
Down payment	500.00
Balance of purchase price	1,000.00
Insurance (15-18 months)	90.00
Unpaid balance (principal amount)	1,090.00
Finance charge at 6% for 18 months	98.10
Amount of total obligation	1,188.10
Monthly payment at 18 months	66.01

As this amount of monthly payment is less than $70, the number of months over which the contract is payable must be reduced. The longest term available for this transaction with equal monthly payments would be 16 months as shown by the following calculation:

Unpaid balance as above	$1,090.00
Finance charge at 6% for 16 months	87.20
Amount of total obligation	1,177.20
Monthly payment at 16 months	73.58

In the usual case, the registrant will not need to go through these calculations in detail as he will have an appropriate payment chart which will give him the necessary figures directly.

The Board has also been asked about the application of Part 2 of § 222.9 in cases where the insurance and finance charge are not separated and it is not possible to determine the exact "principal amount." These are usually cases in which the obligation is purchased from a dealer by a financial institution which furnishes the dealer with charts showing the payments necessary for various balances (purchase price less down payment), the cost of insurance and the finance charge being included in the payments. The balances which can be financed at various maturities can be determined from the charts by following the principle that a balance can be financed at 18 months, at 17 months, or at 16 months if the payments specified in the chart applicable to the transaction for the particluar maturity desired are at least $70 per month.

This principle is illustrated by the following procedure. The registrant can ascertain from the chart the smallest balance which requires monthly payments of $70 or more with an 18-months' maturity. That balance and all larger balances may be written with an 18-months' maturity. If the chart shows payments for a 17-months' maturity, the Registrant can ascertain the smallest balance which requires monthly payments of $70 or more with a 17-months' maturity. That balance and all larger balances may be written with a 17-months' maturity. A similar procedure can be followed if the chart shows payments for a 16-months' maturity. The charts will in many instances be set up by the financial institutions to show these breaking points and it is of course optional with the financial institution whether or not it will take contracts with 16-months' or 17-months' maturities. For ease in handling, the financial institution may prefer to omit the 16-months' and 17-months' maturities, in which case no balance smaller than the balance which requires monthly payments of $70 or more with an 18-months' maturity could be written with a maturity of more than 15 months. (Sec. 5 (b), 40 Stat. 415, as amended, Pub. Law 905, 80th Cong.; 12 U. S. C. and Sup. 95 (a),

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-8647; Filed, Sept. 27, 1948; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52051]

PART 16—LIQUIDATION OF DUTIES

CONVERSION OF CURRENCY; CANADIAN AND NEWFOUNDLAND DOLLAR

Instructions for the conversion of the Canadian dollar and the Newfoundland dollar for the purpose of the assessment of duty on merchandise imported into the United States. Section 16.4 (c), Customs Regulations of 1943, amended.

Reference is made to the certification by the Federal Reserve Bank of New York, pursuant to section 522 (c) of the Tariff Act of 1930 (31 U. S. C. 372 (c)), of dual rates of exchange, designated "Official" and "Free", for the Canadian dollar and the Newfoundland dollar since March 22, 1940. Reference is also made to the instructions contained in T. D. 50134, April 15, 1940 (5 F. R. 1447), regarding the conversion of these currencies into currency of the United States for the assessment and collection of duties upon imported merchandise. The Federal Reserve Bank of New York still certifies both the "Official" rate and the "Free" rate for the Canadian dollar and the Newfoundland dollar. The "Official" rate is the higher rate (i. e., shows the higher amount of United States money as the equivalent of the Canadian or Newfoundland dollar).

It is understood from available information that all exchange transactions in Canada take place through official channels and at the "Official" rate; that the market for the Canadian dollar at the "Free" rate is located entirely outside Canada; that Canadian dollars purchased at the "Free" rate are useable in making capital investments in Canada and, when brought in by tourists, for tourist expenses and purchases; that, with the exception of purchases by tourists and some other limited cases for which the Canadian exchange control authorities permit the use of the "Free" rate, the "Official" rate only is used in payment for exports from Canada. The Department has no information that the "Free" rate is used uniformly and legally in payment for any type of commodity.

It is understood that the use of the "Official" and "Free' rates for the Newfoundland dollar is substantially the same as the use of the "Official" and "Free" rates for the Canadian dollar.

In the case of any importation of merchandise exported from Canada or Newfoundland on or after March 22, 1940, the appraiser and collector shall proceed, respectively, with the appraisement and liquidation according to the following procedure:

1. No rate of exchange shall be used for customs purposes under these instructions except a rate certified by the Federal Reserve Bank of New York for the date of exportation of the merchandise, unless there is a proclaimed value for the Canadian or Newfoundland currency which varies by less than 5 per cent from the certified rate determined to be applicable to that merchandise in accordance with the numbered paragraphs below, in which case that proclaimed value shall be used as to that merchandise.

2. Where the appraisement is made in Canadian or Newfoundland currency the appraiser shall designate in his report to the collector the class of currency in which appraisement is made by using the term "Official" dollars or "Free" dollars, as the case may be, to identify the two types of currency for which the Federal Reserve Bank has certified rates.

3. For all purposes of appraisement and assessment of duties, the amount of any value established in Canadian or Newfoundland dollars shall be considered to be in the class of dollars designated in the certifications of the Federal Reserve Bank of New York as "Official" and the "Official" rate shall be used, except that if the appraiser or collector has credible information that the "Free" rate of exchange, or any rate other than the "Official" rate, was used uniformly during any period in connection with the payment for the particular merchandise on which duty is being assessed and all other merchandise of the same type, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved exported to the United States during the period involved, and a detailed report shall be transmitted immediately to the Bureau of Customs.

In all cases of importations from Canada or Newfoundland where the conversion of Canadian or Newfoundland currency is involved, estimated duties shall be calculated with the use of the "Official" rate.

Following the issuance of these instructions both the "Official" and the "Free" rates for the Canadian dollar and the Newfoundland dollar, as certified by the Federal Reserve Bank, will be published in the Treasury Decisions.

Section 16.4 (c) Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.4 (c)), is hereby amended by adding "Canadian dollars" and "Newfoundland dollars" to the list of foreign currencies for which instructions have been issued under section 522 (c) of the Tariff Act of 1930 (31 U. S. C. 372 (c)) and by placing opposite each such addition the number and date of this Treasury decision and the FEDERAL REGISTER citation thereof.

(R. S. 251, secs. 505, 624, 46 Stat. 732, 759, sec. 522, 46 Stat. 739; 19 U. S. C. 66, 1505, 1624, 31 U. S. C. 372)

Notice of the proposed issuance of the foregoing instructions was published in the FEDERAL REGISTER on July 28, 1948 (13 F. R. 4321), pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). The basis of the instructions is section 522 of the Tariff Act of 1930 (31 U. S. C. 372) as construed by the courts, and their purpose is to provide instructions for applying multiple rates of exchange certified by the Federal Reserve Bank of New York for currency conversion for the assessment and collection of customs duties. These instructions shall be effective on the date of publication in the FEDERAL REGISTER, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because the instructions relate to action to be taken by customs officers and, although affecting rights of interested persons, do not require any action to be taken by such persons.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: September 22, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8664; Filed, Sept. 27, 1948; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS FOR THE 1949 AND SUCCEEDING CROP YEARS

Correction

In Part 415 of Title 7, appearing as Federal Register Document 48-7897 in the issue for Friday, September 3, 1948, at page 5142, the original document has been corrected by changing in § 415.16, the item numbered "33" to "32", making the line involved read, "32. *Maturity date.* For each year of the".

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 801—GENERAL SUGAR REGULATIONS

ENTRY OF SUGAR INTO CONTINENTAL U. S.

Pursuant to the authority contained in § 801.52 of General Sugar Regulations, Series 3, No. 2, as amended (13 F. R. 127, 1076, 2063, 4590) it is hereby determined that the direct-consumption portion of the 1948 sugar quota for Cuba, amounting to 375,000 short tons of sugar, raw value, has been filled to the extent that certification is required to maintain effective quota control. Accordingly, for the remainder of the calendar year 1948, collectors of customs shall not permit the entry into the continental United States from Cuba of any direct-consumption sugar unless and until the certification described in § 801.52 (a) of General Sugar Regulations is issued.

Statement of bases and considerations. Section 801.52 of General Sugar Regulations, Series 3, No. 2, as amended, states that certification to the collector of customs by the Secretary that the sugar or liquid sugar to be entered is within the applicable quota or allotment established by the Secretary for the area in which such sugar was produced, except as otherwise specified therein, shall not be required as to any quota or portion thereof until the Director of the Sugar Branch determines that such quota or portion thereof is filled to the extent that certification is required to maintain effective quota control. That section also provides that upon publication of such determination in the FEDERAL REGISTER certification by the Secretary shall be required for the remainder of the applicable calendar year.

The Sugar Act of 1948 provides that not more than 375,000 short tons, raw value, of the quota for Cuba for any calendar year may be filled by direct-consumption sugar. To date, approximately 300,000 tons, raw value, of direct-consumption sugar have entered the continental United States from Cuba, hence only 75,000 tons, raw value, may be entered during the remainder of the calendar year 1948. In order to prevent the disorderly flow of sugar in foreign commerce and to maintain an effective quota system, it is necessary that the certification prescribed by the regulations be required for direct-consumption sugar hereafter brought in from Cuba. In view of the foregoing, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act is impracticable and contrary to the public interest and consequently this determination shall become effective when published in the FEDERAL REGISTER, in accordance with § 801.52.

Notice was given (13 F. R. 5382) that the Director was considering the issuance of this determination and no written expression of views was received.

(Pub. Law 388, 80th Cong.; 61 Stat. 922; 7 U. S. C., Sup., 1100)

Issued this 23d day of September 1948.

[SEAL] LAWRENCE MYERS,
Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 48-8676; Filed, Sept. 27, 1948; 8:51 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

REVOCATION OF PART

1. Section 801.6 of Chapter VIII of the Code of Federal Regulations is hereby revoked.

The revocation of this section shall not be construed to affect or impair any con-

tract, right or obligation which has accrued or any action heretofore taken while this section was in effect.

Issued this 23d day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 48-8653; Filed, Sept. 27, 1948; 8:47 a. m.]

PART 801—VETERANS' PREFERENCE REGULATIONS UNDER HOUSING AND RENT ACT OF 1947

REDESIGNATION OF PART

CROSS REFERENCE: For redesignation of Part 813 of this chapter as Part 801, see F. R. Doc. 48-8650, *infra*.

PART 802—DELEGATIONS OF FINAL AUTHORITY

REVOCATION OF PART

1. Sections 802.1-802.3, 802.6, 802.8, 802.10, 802.12 and 802.18 of Chapter VIII of the Code of Federal Regulations are hereby revoked.

The revocation of these sections shall not be construed to affect or impair any contract, right or obligation which has accrued or any action heretofore taken while these sections were in effect.

Issued this 23d day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 48-8649; Filed, Sept. 27, 1948; 8:46 a. m.]

PART 804—DIRECTIVES

REVOCATION OF PART

1. Section 804.1 is hereby revoked.

The revocation of this section shall not be construed to affect or impair any contract, right or obligation which has accrued or any action heretofore taken while this section was in effect.

Issued this 23d day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 48-8648; Filed, Sept. 27, 1948; 8:46 a. m.]

PART 813—VETERANS' PREFERENCE REGULATIONS UNDER HOUSING AND RENT ACT OF 1947

REDESIGNATION OF PART

1. Part 813 of the Code of Federal Regulations is hereby redesignated Part 801.

2. Section 813.1 is hereby redesignated § 801.1.

Issued this 23d day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 48-8650; Filed, Sept. 27, 1948; 8:46 a. m.]

PART 820—RENT CONTROL ORDERS UNDER THE EMERGENCY PRICE CONTROL ACT OF 1942, AS AMENDED

DISCONTINUANCE OF CODIFICATION

1. The codification of § 820.1 is hereby discontinued.

2. Sections 820.2 and 820.3 are hereby revoked.

The revocation of these sections shall not be construed to affect or impair any contract, right or obligation which has accrued or any action heretofore taken while these sections were in effect.

Issued this 23d day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 48-8651; Filed, Sept. 27, 1948; 8:47 a. m.]

PART 851—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

DISCONTINUANCE OF CODIFICATION

1. The codification of Part 851 of Chapter VIII of the Code of Federal Regulations is hereby discontinued. All future actions relating to organization and delegations of final authority of the Office of the Housing Expediter will appear in the Notices Section of the FEDERAL REGISTER.

Issued this 23d day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 48-8652; Filed, Sept. 27, 1948; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 125—RAILROAD ACCIDENTS: REPORTS AND CLASSIFICATIONS

FORM T (TRAIN AND TRAIN-SERVICE ACCIDENTS)

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 22d day of July A. D. 1948.

The matter of monthly reports of railway accidents being under consideration, it is ordered, that

§ 125.27 *Form T (train and train-service accidents).* (a) Effective January 1, 1949, Form T heretofore provided for the reporting of train and train-service accidents pursuant to the provision of section 17 of the rules governing monthly reports of railway accidents (1922 Revision) be, and is hereby modified by eliminating therefrom the provision requiring (1) the names and addresses of persons killed or injured and (2) all information relating to the place of accident except the name of State in which the accident occurred, notwithstanding the provisions of sections 24 and 31, of the aforesaid rules (§§ 125.34 and 125.43, and explanatory note following § 125.45). A copy of Form T–1948 Revision is attached hereto[1] and made a part of this order.

(b) Each and every steam railway company subject to the provisions of the Accident Reports Act, approved May 6, 1910, is hereby required to keep a record of the name and address of each person killed or injured in a railway accident and of the precise location at which the accident occurred and such information shall at all times be accessible to this Commission.

It is further ordered, that a copy of this order shall be served upon every steam railway subject to the Accident Reports Act approved May 6, 1910, and upon every trustee, receiver, executor, administrator, or assignee of any such steam railway, and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

NOTE: The reporting requirement of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8661; Filed, Sept. 27, 1948; 8:48 a. m.]

[1] Filed as a part of the original document. Copies may be obtained on request to the Interstate Commerce Commission, Washington, D. C.

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 81]

[Docket No. 9122]

SHIP SERVICE

CORRECTED NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 8.195 (h) of the Commission's rules governing ship service.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The purpose of the proposed rule change, as contained in the appendix attached hereto, is to set forth a more specific requirement for the frequency tolerance of ship radar stations than that now contained in the rules, both as a guide to interested equipment manufacturers and users, and as an aid to the Commission in the administration of the Service.

3. The proposed rule change is issued under authority contained in sections 303 (e), (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed rule change should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before October 25, 1948, a written statement or brief setting forth his comments. At the same time, persons favoring the rule as proposed may file statements in support thereof. The Commission will consider all such comments that are presented before taking final action in the matter, and if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules relating to organization and practice and procedure, all persons filing statements or briefs must furnish the Commission with an original and 14 copies of each statement or brief filed.

Adopted: September 15, 1948.

Released: September 17, 1948 (corrected).

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary.*

Section 8.195 (h) of the Commission's rules governing ship service is amended to read as follows:

§ 8.195 *Requirements for ship radar installations.* • • •

(h) *Frequency tolerance.* The frequency at which maximum emission occurs shall be within the assigned frequency band and shall not be closer than 1.5/T megacycles per second to the upper and lower limits of the assigned frequency band, where T is the pulse duration in microseconds.

[F. R. Doc. 48-8660; Filed, Sept. 27, 1948; 8:48 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

SPECIAL CERTIFICATES FOR EMPLOYMENT OF LEARNERS

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Name and Address of Firm, Industry, Learner Occupations, Number of Learners, Learning Period, Learner Wage, Effective and Expiration Date

Forest Lake Academy, Maitland, Florida: Print Shop; 11 learners in the occupations of compositor, pressman, office worker and related operations for a learning period of 1000 hours at 30 cents per hour for the first 500 hours and 35 cents per hour for the remaining 500 hours; effective September 1, 1948, expiring August 31, 1949.

Maplewood Academy, Hutchinson, Minnesota: Bindery; 18 learners, bindery worker and related occupations, for a learning period of 700 hours at 30 cents per hour for the first 400 hours and 35 cents per hour for the remaining 300 hours;

Craftshop; 8 learners, sawing, sanding, glueing, assembling and related operations, for a learning period of 480 hours at 30 cents per hour for the first 300 hours and 35 cents per hour for the remaining 180 hours;

Printshop; 6 learners, compositor, pressman and related operations, for a learning period of 1000 hours at 30 cents per hour for the first 500 hours and 35 cents per hour for the remaining 500 hours;

Broomshop; 8 learners, winding, stitching, sorting, and related operations, for a learning period of 350 hours at 30 cents per hour for the first 200 hours and 35 cents per hour for the remaining 150 hours;

Effective September 17, 1948, expiring September 16, 1949.

Signed at Washington, D. C., this twentieth day of September 1948.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 48-8663; Filed, Sept. 27, 1948; 8:48 a. m.]

SPECIAL CERTIFICATES FOR EMPLOYMENT OF LEARNERS

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Regulations, Part 522—Regulations Applicable to the Employment of Learners (supra).

Rico Television Corporation, Hato Rey, Puerto Rico; 400 learners in the occupation of assembling radios, television, and phonograph sets at not less than 25 cents an hour for the first four months, not less than 30 cents an hour for the second four months, and not less than 35 cents an hour for the third four months. This certificate is effective September 10, 1948, and expires September 9, 1949.

Caribe Flower Company, Cayey, Puerto Rico; to employ 100 learners in the artificial flower manufacturing industry to manufacture by hand artificial flowers for a leaning period not exceeding 200 hours at rates not less than 75 percent of the applicable minimum rate of pay. This certificate is effective September 3, 1948, and expires February 2, 1949.

South Puerto Rico Sugar Company, Ensenada, Puerto Rico; to employ 19 learners, as follows: 2 learners in the occupation of foundryman; 2 learners in the occupation of general mechanic; 5 learners in the occupation of combination welder and pipe fitter; 2 learners in the occupation of auto mechanic; 2 learners in the occupation of electrician; 2 learners in the occupation of plumber; 2 learners in the occupation of mill maintenance mechanic and 2 learners in the occupation of building maintenance man at not less than 15 cents an hour for the first 690 hours, not less than 17 cents an hour for the second 690 hours, not less than 22 cents an hour for the third 690 hours, not less than 29 cents an hour for the fourth 690 hours, and not less than 36 cents an hour for the fifth 690 hours. This certificate is effective August 27, 1948 and expires August 26, 1950.

Puerto Rico Ilustrado, Inc., San Juan, Puerto, Rico; to employ 4 learners as pressmen in the printing industry, as follows: Not less than 21 cents an hour for the first 460 hours; not less than 27 cents an hour for the second 460 hours; not less

than 33 cents an hour for the third 460 hours; and for every hour thereafter, not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period. The certificate is effective August 12, 1948, and expires August 11, 1949.

El Mundo, Inc., San Juan, Puerto Rico; to employ 8 learners in the newspaper printing industry, as follows: 5 learners as linotypists and three learners as typesetters-binders at not less than 21 cents an hour for the first 690 hours; not less than 27 cents an hour for the second 690 hours; and not less than 33 cents an hour for the third 690 hours; and for every hour thereafter, not less than the minimum established by any applicable wage order that may be in effect at the termination of the learning period. This certificate is effective August 12, 1948 and expires August 11, 1949.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C. this twentieth day of September 1948.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 48-8662; Filed, Sept. 27, 1948; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6900, 6916, 6917, 7371, 7554, 7604, 8009, 8037, 8053, 8255, 8489, 8490]

SCRIPPS-HOWARD RADIO, INC., ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10 o'clock a. m. on Monday, October 18, 1948, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

ARGUMENT NO. 1

Docket No.	Title of case	Facilities requested
6916 B2-P-4118	Scripps-Howard Radio, Inc., Cleveland, Ohio.	1300 kc, 5 kw, unlimited DA—night and day.
6917 B2-P-4068	Cleveland Broadcasting, Inc., Cleveland, Ohio.	1300 kc, 5 kw, unlimited DA—night and day.

ARGUMENT NO. 2

Docket No.	Title of case	Facilities requested
7554 B1-P-4025	Tri-State Broadcasting Co., Cumberland, Md.	1230 kc, 250 w, unlimited.
8037 B1-P-5534	Richard Aubrey Reese, Cumberland, Md.	1230 kc, 250 w, unlimited.

ARGUMENT NO. 3

7371 B1-P-4318	Capital Broadcasting Co., Annapolis, Md.	1439 kc, 500 w, unlimited—DA—night.
8255 B1-P-5946	John F. Kramer, Cambridge, Md.	1439 kc, 1 kw, daytime

ARGUMENT NO. 4

8489 B3-PH-1146	Independent Broadcasting Corp., Knoxville, Tenn. (WIBK).	To be determined by F. C. C. Effec. radiated 11.7 kw, day and night un. limited.
8490 BL-2550 BZ-2571	Independent Broadcasting Corp., Knoxville, Tenn. (WIBK).	For license to cover CP (B3-P-5000) etc.

ARGUMENT NO. 5

6900 B2-P-3773	Times Publishing Co., Erie, Pa.	1400 kc, 250 w, unlimited.
8009 B2-P-5469	Erie Broadcasting Co., Erie, Pa.	1400 kc, 250 w, unlimited.
8053 B2-P-5562	Community Broadcasting Co., Erie, Pa.	1400 kc, 250 w, unlimited.

ARGUMENT NO. 6

7604 B3-P-4039	Bee Broadcasting Co., Beeville, Tex.	1490 kc, 250 w, unlimited.

Dated at Washington, D. C., September 16, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8659; Filed, Sept. 27, 1948; 8:48 a. m.]

[Docket Nos. 7965, 8104]

SEASIDE BROADCASTING CO. AND PIONEER BROADCASTERS, INC.

ORDER FOR FURTHER HEARING

In re applications of Seaside Broadcasting Company, Atlantic City, New Jersey, Docket No. 7965, File No. BP-5384; Pioneer Broadcasters, Inc., Pleasantville, New Jersey, Docket No. 8104, File No. BP-5694; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of September 1948;

The Commission having under consideration the record in the above-entitled proceeding and the charges made by Reverend Percy B. Crawford in his letter of September 23, 1948, against A. Harry Zoog, executive vice-president, director and stockholder in Pioneer Broadcasters, Inc., Pleasantville, New Jersey; and

It appearing, that these charges related to alleged discrepancies in the handling of funds under an agency contract between Reverend Percy B. Crawford and A. Harry Zoog; and that in view of these charges, a further hearing in this proceeding should be held;

It is ordered, That the record in the above-entitled proceeding be, and it is hereby, reopened for further hearing to be held at Atlantic City, N. J. on the 11th day of October 1948 beginning at 10:00 a. m., upon the following issues:

1. To determine the legal and other qualifications of A. Harry Zoog to be a stockholder or an officer or director in a licensee of this Commission, particularly with respect to the charges made against A. Harry Zoog by Reverend Percy B. Crawford.

2. To determine on a comparative basis, from the record made at the further hearing and the record heretofore compiled in this proceeding, which, if either, of the applications should be granted.

Released: September 17, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8658; Filed, Sept. 27, 1948; 8:48 a. m.]

[Docket No. 8559]

NORTHERN VIRGINIA BROADCASTERS, INC. (WARL)

NOTICE OF ORAL ARGUMENT

In the matter of Northern Virginia Broadcasters, Inc. (WARL), Arlington, Virginia. Order to show cause.

The Commission will hear oral argument in the above-captioned proceeding in Room 6121, New Post Office Building on Tuesday, October 19, 1948. Argument in this case will immediately follow the oral argument now scheduled in the rules proceeding with respect to lotteries in Docket No. 9113.

Dated at Washington, D. C., September 16, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8657; Filed, Sept. 27, 1948; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1107, G-1041, G-1046, G-1049, G-1050, G-1101, G-1108]

COUNCIL BLUFFS GAS CO., ET AL.

ORDER DESIGNATING PLACE OF HEARING

SEPTEMBER 21, 1948.

Council Bluffs Gas Company, Docket No. G-1107; Central Electric & Gas Company, Docket No. G-1041; Minnesota Valley Natural Gas Company, Docket No. G-1046; Minneapolis Gas Light Company, Docket No. G-1049; Hastings Gas Company, Docket No. G-1050; Iowa-Illinois Gas and Electric Company v. Northern Natural Gas Company, Docket No. G-1101; in the matter of Northern Natural Gas Company, Docket No. G-1108.

By order issued August 31, 1948, the Commission directed that a public hearing be held in the above-docketed proceedings commencing on September 28, 1948, at 10:00 a. m. in Omaha, Nebraska, "at a place to be hereafter designated by further order of the Commission."

The Commission orders that:

The public hearing referred to above be held in the North Court Room, Third Floor, of the Post Office and Court House Building, Omaha, Nebraska.

Date of issuance: September 22, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8646; Filed, Sept. 27, 1948; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5502]

CORN PRODUCTS REFINING CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 20th day of September A. D. 1948.

In the matter of Corn Products Refining Company, a corporation; Corn Products Sales Company, a corporation; Corn Products Sales Company, a Massachusetts trust; A. E. Staley Manufacturing Company, a corporation; Staley Sales Corporation, a corporation; Clinton Industries, Inc., a corporation; Clinton Sales Company, a corporation; Bliss Syrup and Preserving Company, a corporation; D. B. Scully Syrup Company, Inc., a corporation; Penick and Ford, Ltd., Inc., a corporation; American Maize-Products Company, a corporation; Anheuser-Busch, Inc., a corporation; A. A. Busch and Company, Inc., a corporation; A. A. Busch and Company of Massachusetts, a corporation; Southern Syrup Company, Inc., a corporation; the Hubinger Company, a corporation; National Starch Products, Inc., a corporation; Union Starch & Refining Company, a corporation; and Union Sales Corporation, a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That William L. Pack, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Monday, November 8, 1948, at ten o'clock in the forenoon of that day (e. s. t.), in Room 332, Federal Trade Commission Building, Washington, D. C.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8656; Filed, Sept. 27, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1928]

TOLEDO EDISON CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of September A. D. 1948.

The Toledo Edison Company ("Toledo"), a public utility subsidiary of Cities Service Company, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the issue and sale, at competitive bidding pursuant to Rule U-50, of $5,000,000 principal amount of First Mortgage Bonds, ------% Series, due 1978; and

The Commission having, by order dated September 10, 1948, effective forthwith, granted said application subject to the condition, among others, that the proposed issuance and sale of bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record in the proceeding and a further order has been entered by the Commission in the light of the record so completed, jurisdiction being reserved for such purpose; and

Toledo having filed a further amendment to its application setting forth the action taken to comply with the Commission's order of September 10, 1948 and the requirements of Rule U-50, said amendment stating that pursuant to the invitation for competitive bids, the following bids for the bonds were received:

Bidder or representative	Interest rate	Price to company (percent of principal amount exclusive of accrued interest	Annual cost of money (percent)
	Percent		
Union Securities Corp.	3¼	102.052	3.02051
Equitable Securities Corp.	3⅛	101.96	3.02514
Kidder, Peabody & Co.	3⅛	101.96	3.02514
Lehman Bros Bear Stearns & Co.	3⅛	101.8099	3.03270
Halsey, Stuart & Co., Inc.	3¼	101.7799	3.03421
The First Boston Corp.	3⅛	101.66	3.04026
Harriman, Ripley & Co., Inc.	3⅛	101.2399	3.06153

Said amendment further stating that the bid of the underwriting group headed by Union Securities Corporation, as set out above, has been accepted and that the bonds will be offered to the public at a price of 102.460% of the principal amount thereof, resulting in an underwriting spread of 0.408% of the principal amount of said bonds; and

The Commission having examined said amendment, and having considered the entire record, and finding no basis for imposing terms and conditions with respect to the issue and sale of said bonds:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said bonds under Rule U-50 be, and the same hereby is released, that the application, as amended be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8655; Filed, Sept. 27, 1948; 8:47 a. m.]

[File No. 70-1950]

NORTH AMERICAN CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of September 1948.

Notice is hereby given that an application has been filed pursuant to the Public Utility Holding Company Act of 1935 ("act"), and the General Rules and Regulations promulgated thereunder, by The North American Company ("North American"), a registered holding company. The applicant has designated sections 9 and 10, of the act and Rule U-23 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 4, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 4, 1948, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

This Commission on April 14, 1942, entered an order directing North Ameri-

REFERENCE OCT 1 '48

cans, among other things, to sever its relationship with Pacific Gas and Electric Company. In partial compliance with such order North American proposes to sell at competitive bidding 75,000 shares which it owns of the Common Stock, par value $25 per share, of Pacific Gas and Electric Company. With the stated purpose of facilitating the proposed sale, North American proposes to stabilize the market price of Pacific Gas and Electric Company Common Stock, by purchases of such stock on the day fixed for the opening of bids, on the New York Stock Exchange, the San Francisco Stock Exchange and the Los Angeles Stock Exchange. North American states that it intends to sell on the New York Stock Exchange as soon as practicable after the consummation of the sale of the 75,000 shares proposed herein, any shares purchased as a result of stabilization.

North American requests that the Commission make the appropriate findings and tax recitals required by sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code.

North American requests that the Commission's order herein be issued by October 5, 1948 and that it become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8654; Filed Sept. 27, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11925]

AUGUSTA PLUSKAT

In re: Estate of Augusta Pluskat, deceased. File No. D-28-11803; E. T. sec. 16004.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Pluskat, Mrs. Luise Ehmer, Franz Pluskat and Edward Pluskat, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Augusta Pluskat, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by C. E. Martenson, as administrator, acting under the judicial supervision of the County Court of Burke County, North Dakota, Bowbells, North Dakota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1943.

For the Attorney General.

[SEAL] MALCOLM S. MASON, *Acting Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8666; Filed, Sept. 27, 1948; 8:50 a. m.]

[Vesting Order 11927]

JULIUS REINERT

In re: Estate of Julius Reinert, deceased. File No. D-28-12400; E. T. sec. 16623.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berta Lydia Muller, also known as Bertha Lydia Muller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Julius Reinert, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Florence Boyes, 311 East Main Street, Stockton, California, as Administratrix, acting under the judicial supervision of the Superior Court, County of San Joaquin, State of California;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON, *Acting Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8667; Filed, Sept. 27, 1948, 8:50 a. m.]

[Vesting Order 9891, Amdt.]

ALBERT SCHMID

In re: Bond owned by Albert Schmid.

Vesting Order 9891, dated September 24, 1947, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 of said Vesting Order 9891 and substituting therefor the following:

2. That the property described as follows: One (1) Chanin Coney Island Improvement Corporation 6% First Mortgage Leasehold Bond, in bearer form, bearing the number 420, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany).

All other provisions of said Vesting Order 9891 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-8673; Filed, Sept. 27, 1948; 8:51 a. m.]

REFERENCE

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

OCT 1 '48

FEDERAL REGISTER

VOLUME 13 NUMBER 190

Washington, Wednesday, September 29, 1948

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 36—INTERIM PROCEDURES GOVERNING FAIR EMPLOYMENT PRACTICES UNDER EXECUTIVE ORDER 9980

Pursuant to Executive Order 9980 the Commission, pending the establishment of the Fair Employment Board authorized therein, hereby prescribes the following interim procedures governing fair employment practices within the executive branch of the Government:

Sec.
36.1 Coverage.
36.2 Fair Employment Officer.
36.3 General procedures for handling complaints and appeals.
36.4 Discrimination alleged in connection with other types of appeals.

AUTHORITY: §§ 36.1 to 36.4, issued under section 8 of Executive Order 9980, 13 F. R. 4311.

§ 36.1 *Coverage.* The regulations in this part shall apply to all departments and agencies in the executive branch of the Government and to all personnel actions with respect to positions therein.

§ 36.2 *Fair Employment Officer.* (a) The head of each department or agency shall designate an official thereof as Fair Employment Officer, and shall assign to him the duties and responsibilities which will further the effective administrative operation of the department or agency and encourage the carrying out of Executive Order 9980.

(b) The Fair Employment Officer may represent the head of the department or agency in matters pertaining to Executive Order 9980, subject to his instructions.

(c) The head of each department or agency shall provide, on a temporary or permanent basis, either a Fair Employment Officer, or a Fair Employment Board, for each regional or other appropriate field office or local establishment in accordance with the needs and problems of the agency in each field area. Such Fair Employment Officer or Fair Employment Board shall be appointed from among the officers and employees of the department or agency.

(d) The head of each department or agency shall instruct the officers of his department or agency with regard to the meaning, spirit, and application of Executive Order 9980. He shall give notice to all officers and employees of the designation of the Fair Employment Officer, and to the employees of the regional or other appropriate field office of the designation of the Fair Employment Officer or Board for that office.

§ 36.3 *General procedures for handling complaints and appeals.* (a) Complaints concerning personnel actions taken in any department or agency on grounds of alleged discrimination because of race, color, religion, or national origin shall be made not later than 30 calendar days after the complainant learns of the alleged acts of discrimination.

(b) Any person having a complaint concerning a personnel action taken in the department or agency on grounds of alleged discrimination shall first make a formal or informal complaint either to the head of the organizational unit in the local office where the alleged acts of discrimination occurred, or to the head of such local office, in order to obtain proper understanding and adjustment, if possible, through such means at this level of the department or agency.

(c) Hearings on complaints or appeals concerning personnel actions which it is alleged were taken by the department or agency on grounds of discrimination shall be conducted in the first instance within the regional office or other appropriate field office or local establishment.

(d) The complainant shall have a further right of appeal, if desired, through successively higher appropriate agency channels, including appeal to the head of the agency. Complaints which are appealed beyond the head of the local office involved shall be in writing, and shall include a description of the specific action which is alleged to constitute the discrimination, together with evidence to support the allegation.

(e) Complaints shall be investigated as well as heard in such manner as appears fair and appropriate to the head of the department or agency, in consulta-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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tion with the Fair Employment Officer. The complainant and the officers or employees against whom complaint is made shall present their side of the case to the investigator, who may require the complainant to further substantiate his complaint by bringing in witnesses or indicating further sources of information. He may also require the officers or employees concerned to submit additional information.

(f) Whenever the Fair Employment Officer or Fair Employment Board finds that discrimination because of race, color, religion, or national origin is established in connection with any personnel action he shall advise the head of the regional office or other appropriate office of the department or agency.

(g) The head of the department or agency shall provide a suitable method for taking corrective administrative action in cases where complaints appear, after investigation, to be justified.

(h) Where appeal is made to the head of the department or agency, the complainant and other officers or employees of the department or agency involved in the complaint shall be afforded an opportunity to appear personally before the head of such agency, or a person designated by such head. The complainant, if he so desires, may have a representative of his own choosing.

(i) An appeal from an unfavorable decision by the head of the department or agency may be filed with the Fair Employment Board in the Civil Service Commission.

§ 36.4 *Discrimination alleged in connection with other types of appeals.* (a) Where an appeal involving section 14 of the Veterans' Preference Act of 1944, or reduction in force, or efficiency rating, includes also complaint of alleged discrimination on grounds of race, color, religion, or national origin, such appeal shall first be adjudicated in accordance with the Commission's regulations that are regularly applicable in these types of appeals. The question of discrimination shall then be referred to the department or agency concerned for such further action as may be necessary under Executive Order 9980.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-8695; Filed, Sept. 28, 1948; 8:54 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Regulation W]

PART 222—CONSUMER INSTALLMENT CREDIT

SUMMARY OF INTERPRETATIONS

§ 222.102 *Summary of interpretations of former Part 222 which are applicable under present Part 222.* In view of the fact that Part 222 which became effective September 20, 1948, is similar in very many respects to Part 222 which was in effect before November 2, 1947, a number of the interpretations which were issued by the Board of Governors before November 2, 1947, will be applicable under the new Part 222.

All of these interpretations are summarized below except three which were published in the FEDERAL REGISTER at 12 F. R. 827, 947 and 949. The summaries are arranged in approximately the same order as the provisions of Part 222 to which they relate.

Isolated transaction. Although an automobile salesman may sell his demonstrator as an isolated transaction on terms which do not comply with Part 222, the dealer-employer, if a Registrant, may not purchase the resulting obligation unless it complies with the requirements of Part 222. Of course, if the relation of the salesman and the dealer is such that the automobile is in effect the property of the dealer rather than of the salesman, the sale would be subject to Part 222.

An electric company which purchases substantial numbers of automobiles for cash and sells them to its salesmen on a monthly payment plan is "engaged

in the business" described in § 222.2 (a) and the sales must comply with the down payment and other requirements.

Excess down payment. A purchaser who has made a down payment in excess of the amount required by Part 222 may not later have the excess applied as part of the down payment on another listed article.

Installments in decreasing amounts. Sections 222.3 (b) (1) and 222.4 (c) (1) are worded in the alternative. Consequently, a first installment of $65, for example, may be followed by 14 installments of $23.

Balloon note. A note which calls for 11 equal monthly payments followed by one larger payment meets the requirements of Part 222 if there is an express agreement that when the twelfth payment falls due, only a portion of it will be paid on that date and the rest will be refinanced into three monthly payments in such a manner that the net result will be 15 substantially equal monthly payments.

Small deficiencies. Deficiencies in down payments, even in small amounts, are not permissible, except as permitted by § 222.6 (f).

Transfer of equity. Where the original installment purchaser of a listed article transfers his equity to another purchaser by transferring the article subject to the original debt and lien, the transfer being arranged directly between the parties and not by or through any Registrant, the transfer may be made without restriction under Part 222 provided the original purchaser (who is not a Registrant) remains liable on the contract and there is no change in the contract except the addition of the signature of the new purchaser. However, if the original purchaser is released, or the terms of the contract are altered, the same requirement would apply as if the Registrant were making an ordinary installment sale of the listed article.

Statement of borrower. Where there are several parties to a note, some of whom are accommodation makers, the Statement of the Borrower required by § 222.4 (d) need be obtained only from the party who receives the proceeds of the loan.

Advance by insurance company to agent. An advance made by an insurance company to one of its agents which is repayable in installments is subject to Part 222 to the same extent as any other installment loan. It would not be subject to Part 222 if it is an isolated loan made by a company not "engaged in the business" of making installment loans; or if it is exempt under § 222.7 (a) "Business or Agricultural Loans" as, for example, a loan to a general agent to pay office rent or salaries of his employees; or if the circumstances are such as to indicate that the advance is not a loan, as where the agent is under no personal obligation, express or implied, to repay and no interest is charged, the company having only the right to make deductions from commissions earned.

Add-on sale over $5,000. An add-on sale of a listed article having a cash price of $900 which is consolidated with an existing obligation of $4,200 resulting in a total credit of more than $5,000, is not subject to Part 222, and therefore no down payment is required in connection with the add-on sale. However, if the total credit is less than $5,000, the down payment is required.

Loan over $5,000. A loan over $5,000 is not subject to Part 222 even if a part of it is to be used to pay off an indebtedness which was subject to Part 222. The renewal or revision of a loan which was originally more than $5,000 is not subject to Part 222 even though the balance at the time of renewal or revision is less than $5,000. If instead of renewing or revising such an obligation, the lender makes one installment loan of less than $5,000, part of the proceeds of which are to be used to pay off the old obligation, only the part of the loan representing new money is subject to Part 222. In such cases however, it would ordinarily be better practice for the lending institution to keep the two credits separate.

Defaulted obligations. Section 222.5 (c) (1) permits a Registrant to renew or revise an obligation on such terms as he deems necessary in good faith, where the obligation is in default and the subject of bona fide collection effort by him and the action is for his own protection. Only the Registrant holding the obligation is permitted to make such renewals or revisions. Another Registrant, however, may discount and receive payments upon an obligation which prior to discount has been renewed or revised as permitted by this section. The section also permits a Registrant who has purchased a delinquent installment obligation and who has exercised a bona fide collection effort, to revise the obligation on terms not initially permissible. Any renewal or revision pursuant to this section must be the last resort (except, of course, litigation) and a measure to be taken only after other means of collection have been exhausted.

Delay in delivery. If in an installment sale subject to Part 222 the article sold is not going to be delivered until a date subsequent to the date of the contract, the maximum maturity may be calculated from the date of delivery and the first installment may fall due one month after the date of delivery with, of course, the usual option under § 222.6 (b) of making the 15-day adjustment permitted by that section with respect both to the maximum maturity and the date of the first installment.

Record of installment sale. The "Record of Installment Sale" described in § 222.6 (c) need not be on a single sheet of paper and need not use the terminology used in that section. The cash price may be shown as a total without itemizing taxes and accessories, but the accessories must be identified.

Agreement to convert charge account. The sale of a listed article in a charge account with an agreement or understanding that the credit will later be converted into an installment contract violates §§ 222.3 (a) and 222.6 (i).

Side loan to make down payment. The words " any other extension of credit" in § 222.6 (j) include but are not confined to other extensions of installment credit.

Section 222.6 (j) refers to the down payment required by this part. Accordingly, if a seller asks for a larger down payment than is required by this part, paragraph (j) would not prevent the lender from lending the difference between the down payment required by this part and the down payment required by the seller.

Veterans' loans. Section 222.7 (d) (5) includes loans guaranteed or insured under Chapter 23B of Title 38 of the New Jersey Statutes.

Investment securities. Savings passbooks are not "investment securities" under § 222.7 (f).

Loans to carry securities. The word "carrying" in § 222.7 (f) means the refinancing of any indebtedness originally incurred for the purpose of purchasing investment securities.

Section 222.7 (f) would not exempt a loan made by a credit union secured by its shares to enable the borrower to purchase such shares if there were an agreement that the borrower would be permitted to withdraw any portion of the share account at any time if the credit union felt that the loan was otherwise adequately secured, because such a loan would have a dual purpose and not the single purpose mentioned in § 222.7 (f).

Single payment or installment credit. An extension of credit, which upon its face is repayable in only one scheduled payment, is an extension of installment credit if at the time it is made the lender and the borrower have an understanding that the borrower will be required to make only a partial payment at maturity and that the balance will be renewed. However, if a Registrant makes a sale on credit under an agreement which does not expressly provide for installment payments by the customer, the transaction need not be treated as an "installment sale" even though the customer has previously made partial, divided, or serial payments in his account, or, regardless of previous practice, indicates an intention to do so in this instance: *Provided*, There is no bilateral understanding between the customer and the seller that the customer is required to make payments in such manner. Likewise, an ordinary bank loan evidenced by a promissory note payable in full at maturity is not an "installment" loan subject to Part 222 even though the bank may anticipate that at the maturity of the note it may accept partial payment and a renewal note; *Provided*, The bank makes no commitment to do so and the transaction is entered into in good faith and not as a means of evading Part 222.

Lease with option to purchase. A lease with an option to purchase is an "extension of credit" within the meaning of Part 222, and the lessor should obtain the down payment and periodic payments which would be required in the event of a sale. If the lessee decides not to exercise his option to purchase, the Registrant may return to him the difference between these payments and the amount of rental agreed upon. Of course, Part 222 does not apply to a bona fide rental without an option to purchase.

Obligation payable to seller or financial institution. If the seller of a listed article takes an installment note in payment, the transaction is a sale subject to Part 222, whether the note is payable to

the seller or to a bank or finance company. If the seller of an unlisted article takes a note payable to himself, the transaction is exempt from Part 222 because Part 222 does not apply to the sale of an unlisted article. However, if the seller of an unlisted article takes an installment note payable to a bank or finance company, the transaction (if for $5,000 or less) is subject to Part 222 as an installment loan.

Notes payable to insurance agents for premiums are not subject to Part 222, because insurance is not a listed article. However, an installment loan by a bank for the purpose of paying such premiums is subject to Part 222, except as provided in § 222.7 (e).

Consumer-violator. A consumer who knowingly violates or induces violations of this Part may subject himself to criminal penalties.

Listed article installed in house. Section 222.7 (g) (1) exempts a loan to purchase a house even if the house is one in which certain listed articles have previously been incorporated. However, this section does not exempt a mortgage loan to be used to purchase a listed article.

In view of § 222.6 (d), an extension of credit which combines an exempt credit such as one to repair a house as referred to in § 222.7 (g) (2) and a credit subject to Part 222 such as one to finance a listed article cannot exceed in amount the cost of the repairs plus the cost of the listed article minus the down payment required thereon by Part 222, and the installments in which the credit is payable must be sufficiently large to repay the balance of the cost of the listed article within the maturity specified for the listed article in § 222.9, part 2.

Bank discounting obligation. A bank which purchases or discounts an obligation is not required to ascertain whether the seller is licensed under this part.

If a bank lends to a finance company on the security of installment obligations arising from sales of listed articles, there could be no violation of Part 222 in making such a loan or receiving payments on the loan from the finance company so long as the payments do not arise directly from the underlying obligations held as collateral. However, if and when the bank wishes to resort to the collateral and to obtain payments directly out of the underlying obligations, it may not do so unless the requirements of § 222.8 (e) (2) were met.

Accessories sold with automobile. Where a new automobile is sold equipped with accessories, such as radio and heater, the cost of the accessories is part of the "cash price" of the automobile under § 222.8 (h) (7), and the maximum loan value is limited to two-thirds of the total cash price.

Listed articles. The classification "automobiles" includes station wagons and the "Jeep Station Wagon" (trade name). It does not include trailers, ambulances, hearses or jeeps.

The classification "Cooking stoves and ranges" does not include cooking and baking equipment designed for commercial use in restaurants and hotels, or a deep-fat fryer designed for such use.

The classification "Ironers designed for household use" does not include hand irons.

The classification "Refrigerators, Mechanical" does not include cabinets to hold or display ice cream or other products for sale; nor coin-operated machines for dispensing beverages; nor water coolers; nor milk coolers designed for household use. The classification "Refrigerators, Mechanical" includes a system consisting of one or more cabinets, each of which has less than 12 cubic feet capacity, with a separate mechanical refrigeration unit serving these cabinets, even though the total capacity of the system is more than 12 cubic feet. The classification "Refrigerators" does not include a locker in a locker plant.

The classification "Air conditioners" includes portable units of one horsepower or less.

The classification "phonographs or combinations" does not include coin-operated phonographs.

Repairs and replacement parts for automobiles, refrigerators and other listed articles are not themselves listed articles.

The classification "Furniture" does not include an ice refrigerator of 12 cubic feet or more rated capacity; nor does it include a prefabricated decorative fireplace not suitable for heating purposes. The classification "Furniture" includes mirrors, unpainted furniture, kitchen or breakfast room sets, and swings. It does not include pictures, chinaware, cooking utensils or silver-plated flatware. A piece of furnitutre, such as a table, lamp or a bed having a radio built into it, is to be classified in accordance with the relative value of the component parts so that if the value of the radio is greater than the value of the lamp as a separate piece of furniture, the article should be classified as a radio. Furniture of the type used in households is subject to Part 222 even though the particular piece may be sold for use in an office, hospital, store or other commercial building.

Calculating down payment on automobiles. Taxes and fees payable as a prerequisite to obtaining license plates may be included in the "cash price" of the automobile.

The equity in a used car may be used as a down payment on another car, and for this purpose the dealer may accept the first car and pay off the contract on it. However, if the owner obtains a loan to pay off the contract on his old car, and in addition uses the car as a trade-in, the loan would violate § 222.6 (j).

Where a fictitious amount is added to the price of an automobile and is later eliminated from the price actually paid by the purchaser (either by an increase in trade-in allowance or by way of discount or otherwise) the "cash price" of the automobile under § 222.8 (h) (7) and § 222.9, part 4, does not include the fictitious amount thus added.

Calculating down payment on other articles. When an article is traded in on a listed article other than an automobile, part 5 of § 222.9 requires that the value of the article traded in (or the value of the purchaser's equity in it) be deducted in order to ascertain the net price to be used in calculating the down payment or loan value of the article being purchased. However, part 5 of § 222.9 does not prohibit the seller from taking back an article which is unsatisfactory to the purchaser if the seller allows the full purchase price as a credit against the price of the new article. Of course, if the price of the new article in such a case is inflated in order to offset depreciation in the original article, the transaction would violate part 5 and § 222.6 (i).

Any inquiries relating to these interpretations or to Part 222 should be addressed to the Federal Reserve Bank or Federal Reserve Branch Bank of the District in which the inquiry arises.

(Sec. 5 (b), 40 Stat. 415, as amended, Pub. Law 905, 80th Cong.; 12 U. S. C. and Sup. 95 (a), 50 U. S. C. 616, 617; E. O. 8843, Aug. 9, 1941, 3 CFR Cum. Supp., Chapter II)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-8684; Filed, Sept. 28, 1948; 8:49 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter VII—Department of the Air Force

Subchapter H—Procurement

PART 890—INTERIM STATEMENT

Sec.
890.1 General.
890.2 Basic policies.
890.3 Responsibilities.
890.4 Delegation of final authority.
890.5 Purchases.
890.6 Public information.
890.7 Functions performed by the Army for the Air Force.
890.8 Qualified products.

AUTHORITY: §§ 890.1 to 890.8 issued under Pub. Law 413, 80th Cong., 62 Stat. 21.

§ 890.1 *General.* Pursuant to authority granted by the National Security Act (61 Stat. 499; 5 U. S. C. Sup. 1, 626), the Secretary of Defense by Transfer Order 6 (13 F. R. 218) transferred certain functions with respect to procurement and related matters from the Department of the Army to the Department of the Air Force effective January 15, 1948. The exercise of these functions by the Department of the Air Force is now accomplished under the provisions of the Armed Services Procurement Act of 1947, (Pub. Law 413, 80th Cong., 62 Stat. 21) and the Armed Services Procurement Regulation now in the process of publication, the first six parts of which were published in 13 F. R. 3074 and 13 F. R. 4914. This part contains the broad basic policies of the Departments of the Air Force, Army and Navy. The detailed procurement policies and procedures of the Department of the Air Force are contained in Joint Procurement Regulations of the Departments of the Army and Air Force heretofore published under Chapter VIII, Title 10, Department of the Army.

§ 890.2 *Basic policies.* It is the objective of the Department of the Air Force to use that method of procurement which will be most advantageous to the Government—price, quality and other factors considered. The two principal methods of procurement are by means of formal advertising and by negotiation. The policy of the Department of the Air Force is that procurement will generally be made by formal advertising for bids and thereafter awarding a contract to the lowest responsible bidder. Procurement may be effected by negotiation, however, when authorized by section 2 (c) of the Armed Services Procurement Act 1947 and provisions of the Armed Services Procurement Regulation and the Joint Army-Air Force Procurement Regulations to the extent they have not been superseded by the Armed Services Procurement Regulation. Irrespective of whether procurement of services or supplies from sources outside the Government is to be effected by formal advertising or negotiation, bids or quotations are solicited from all such qualified sources as are deemed necessary by the Contracting Officer to assure such full and free competition as is consistent with the procurement of types of supplies and services necessary to meet the requirements of the Department. It is also the policy of the Department to place with small business concerns (for this purpose considered to be any concern which employs fewer than 500 persons) a fair proportion of the total procurement of supplies and services for the Department.

§ 890.3 *Responsibilities.* The Under Secretary of the Air Force is responsible for the procurement policies and activities of the Department of the Air Force. Under the direction of the Under Secretary, and the Chief of Staff, the Deputy Chief of Staff, Matériel is responsible for the formulation of procurement policies of the Department of the Air Force. Deviations from the requirements of procurement regulations may be made only by and with the approval of the Deputy Chief of Staff, Matériel or higher authority.

§ 890.4 *Delegation of final authority.* The Commanding General, Air Materiel Command as the head of a procuring activity, has been delegated authority to take final action with respect to procurement and related matters as set forth in the Armed Services Procurement Regulation and the Joint Procurement Regulations. This delegation includes responsibility for staff supervision of procurement activities accomplished by all other activities of the United States Air Force, with the exception of oversea commands.

§ 890.5 *Purchases.* All major purchases for the United States Air Force are made by the Air Materiel Command, Wright-Patterson Air Force Base, Dayton, Ohio. Local purchases are made by individual United States Air Force activities and stations.

§ 890.6 *Public information—(a) Bids and forms.* Information regarding submission of bids, contract forms, lists of bidders etc. may be secured by writing to the Commanding General, Air Materiel Command, Wright-Patterson Air Force Base, Dayton, Ohio or, with respect to local purchases, to the contracting officers of the Air Force activity concerned.

(b) *Bid invitations.* A copy of each invitation for bid (formal advertising) issued by United States Air Force activities and a copy of each abstract of bids indicating award or other action taken is on file in the Purchase Information Section, Logistics Division, General Staff, United States Army, Room 5-B 725, The Pentagon, Washington, D. C., and is available for public inspection during business hours. This office is maintained for this purpose for both the Departments of the Air Force and the Army.

§ 890.7 *Functions performed by the Army for the Air Force.* The Secretary of the Army and the Department of the Army will continue to perform for the Secretary of the Air Force and the Department of the Air Force, to the same extent as they did prior to the transfer of procurement functions to the Department of the Air Force, the functions enumerated below:

(a) Matters falling under the Contract Settlement Act of 1944 (58 Stat. 649; 41 U. S. C. 101-125), except as to fraud matters arising out of such contracts or the settlement thereof.

(b) Renegotiation cases involving contracts of the Army Air Forces under the Renegotiation Act of 1942 as amended (56 Stat. 245 as amended; 50 U. S. C. App. 1191).

(c) Approval of all bonds furnished by contractors of the Department of the Air Force in connection with contracts hereafter made by the Department of the Air Force.

(d) Matters now or hereafter authorized to be considered and disposed of by Army Advisory Board on Government Furnished Property.

(e) Matters now or hereafter authorized to be considered and disposed of by Army Board of Contract Appeals.

(f) Appeals in relation to requisitioning personal property heretofore requisitioned.

(g) Contract insurance matters.

(h) Administration of outstanding and unsettled guaranteed loans.

(i) Claims under the act of August 7, 1946 (60 Stat. 902; 41 U. S. C. 106 note).

§ 890.8 *Qualified products.* In those instances where it has been shown to be necessary in the light of existing performance requirements to obtain products of requisite quality, the Department of the Air Force may subject certain products and materials to qualification test, and may approve them for use. This authority has been delegated to the Commanding General, Air Matériel Command, Wright-Patterson Air Force Base, Dayton, Ohio. Upon determination that a product is to be covered by a Qualified Products List, opportunity will be given, and manufacturers urged, to submit for qualification tests any products of the general type required. Publicity will be given to the intention to place a product on a Qualified Products List and to the fact that, in making future awards, consideration may be given only to such products as have been accepted for inclusion in a Qualified Products List. The manner, extent, and cost of testing will be in accordance with instructions issued by the Commanding General, Air Matériel Command. Qualified Products Lists will be compiled, prepared, maintained and administered in accordance with instructions issued by the Commanding General, Air Matériel Command.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 48-8650; Filed, Sept. 28, 1948; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1696]

PART 191—GENERAL REGULATIONS APPLICABLE TO PERMITS, LEASES AND LICENSES (PARTS 192 TO 200)

MISCELLANEOUS AMENDMENTS

1. Section 191.9 is amended to read as follows:

§ 191.9 *Survey of lands for leasing.* Unsurveyed lands containing oil shale, and unsurveyed lands embraced in applications for lease based upon discovery of valuable deposits of potassium, sodium or sulphur under a prospecting permit, must be surveyed by the Government at the expense of the applicant prior to the issuance of a lease of the lands. To secure such a survey, the applicant must obtain from the appropriate regional cadastral engineer an estimate of the cost of the survey and deposit with him the estimated amount. After the survey has been accepted and the plat filed in the district land office the application will be adjusted to the resulting subdivisions and the cost of the survey will be ascertained by prorating the total cost of surveying the township to the area to be leased. The amount thus ascertained will be credited to the appropriation for surveying the public lands and the balance of the deposit, if any, returned to the depositor or his authorized representative. The survey of unsurveyed lands for any coal lease, or for a competitive lease for phosphate, potassium, sodium, oil, or gas, or sulphur will be made at the expense of the Government prior to the issuance of a lease of the lands.

2. Section 191.11 is amended by adding the word "noncompetitive" before the word "leases."

3. Section 191.12 is amended by deleting from the second sentence the word "leases" and by substituting in lieu of the words "an affidavit" in the same sentence the words "a statement."[1]

4. Section 191.25 is amended to read as follows:

§ 191.25 *Waiver, suspension, or reduction of rental or minimum royalty or reduction of royalty on mineral leases.* In order to encourage the greatest ultimate recovery of coal, phosphate, potassium,

[1] 18 U. S. C. section 30 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

sodium, oil shale, oil, or gas and sulphur, and in the interest of conservation, the Secretary of the Interior whenever he determines it necessary to promote development or finds that the leases cannot be successfully operated under the terms provided therein may waive, suspend, or reduce the rental or minimum royalty or reduce the royalty on an entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes.

An application for any of the above benefits shall be filed in triplicate in the office of the oil and gas supervisor for oil and gas leases or the office of the mining supervisor for coal, phosphate, potassium, sodium, oil shale and sulphur leases. It must contain the serial number of the leases, the land district, the name of the record title holder and operator or sublessee and the description of the lands by legal subdivision.

Each application involving oil or gas shall show the number, location, and status of each well that has been drilled, a tabulated statement for each month covering a period of not less than six months prior to the date of filing the application of the aggregate amount of oil or gas subject to royalty computed in accordance with the oil and gas operating regulations, the number of wells counted as producing each month, and the average production per well per day.

Each application involving coal, phosphate, potassium, sodium, oil shale and sulphur shall show the number and location of each mine, a map showing the extent of the mining operations, a tabulated statement of the minerals mined and subject to royalty for each month covering a period of not less than 12 months next prior to the date of filing of the application, and the average production per day mined for each month and complete information as to why the minimum production was not attained.

Every application must contain a detailed statement of expenses and costs of operating the entire lease, the income from the sale of any leased products, and all facts tending to show whether the wells or mines can be successfully operated upon the royalty or rental fixed in the lease. Where the application is for a reduction in royalty full information shall be furnished as to whether royalties or payments out of production are paid to others than the United States, the amounts so paid and efforts made to reduce them. The applicant must also file agreements of the holders of the lease and of the royalty holders to a permanent reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

5. The last paragraph of § 191.26 is amended to read as follows:

§ 191.26 *Suspension of operations and production and suspension of rental payments.* * * *

The minimum annual production requirements of a lease issued under the act for coal, phosphate, potassium, sodium, oil shale or sulphur shall be proportionately reduced for that portion of a lease year for which suspension of operations and production is directed or granted by the Secretary of the Interior in the interest of conservation.

(41 Stat. 450, Pub. Law 576, 80th Cong.; 30 U. S. C. 189)

MARION CLAWSON,
Director.

Approved: September 17, 1948.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

[F. R. Doc. 48-8679; Filed, Sept. 28, 1948; 8:48 a. m.]

Appendix—Public Land Orders

[Public Land Order 522]

ARKANSAS

REVOCATION OF PUBLIC LAND ORDER NO. 120 OF MAY 11, 1943

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 120 of May 11, 1943, withdrawing the following-described public lands within the Ouachita National Forest, Arkansas, and reserving the minerals in such lands under the jurisdiction of the Secretary of the Interior, for use in connection with the prosecution of the war, is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 1 S., R. 21 W.,
Sec. 1, SW¼SW¼;
Sec. 11, NW¼NW¼, NE¼SE¼SE¼, S½S½SE¼, S½N½SW¼SE¼, E½NW¼SE¼SE¼, SW¼NW¼SE¼SE¼;
Sec. 12, SE¼NE¼, S½NW¼, N½SE¼, N½SE¼SE¼, SW¼SE¼, E½SW¼, SW¼SW¼.
T. 3 S., R. 24 W.,
Sec. 9, N½NE¼, NW¼, N½SE¼, SW¼:
Sec. 10, N½NE¼, NW¼NW¼, SE¼, N½SW¼.

The areas described aggregate 1367.50 acres.

This order shall not become effective to change the status of such lands until 10:00 a. m. on November 20, 1948.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

SEPTEMBER 18, 1948.

[F. R. Doc. 48-8678; Filed, Sept. 28, 1948; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. SA-176]

ACCIDENT OCCURRING AT TAMPA, FLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 33682 which occurred at Tampa, Florida, on September 8, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, September 30, 1948, at 9:30 a. m. (local time) in Room 309, 3rd Floor, Post Office Building, Tampa, Florida.

Dated at Washington, D. C., September 23, 1948.

[SEAL] FRANCIS H. McADAMS,
Presiding Officer.

[F. R. Doc. 48-8694; Filed, Sept. 28, 1948; 8:54 a. m.]

[Docket No. 2377 et al.]

RESORT AIRLINES, INC. AND AMERICAN AIR EXPORT AND IMPORT CO.; "SKYCRUISE" CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the operation of all-expense tours or vacation cruises within the United States and between the United States and foreign countries.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on October 18, 1948, at 10:00 a. m., eastern standard time, in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., September 23, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8687; Filed, Sept. 28, 1948; 8:53 a. m.]

[Docket No. 3119]

DELTA AIR LINES, INC.; MAIL RATE PROCEEDING

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Delta Air Lines, Inc., over its entire system, and the Board's Order to Show Cause, Serial No. E-1959, dated September 7, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 30, 1948, at 10:00 a. m. (eastern standard time) in Room 1011, Temporary Building No. 5, 16th Street and Constitution Avenue, NW, Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., September 23, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8688; Filed, Sept. 28, 1948; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CONTINUED OPERATION OF INTERNATIONAL BROADCAST STATIONS

ORDER EXTENDING LICENSE TERM

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of September 1948;

The Commission having under consideration its order of March 31, 1948, and the provisions of that order under which the licenses of international broadcasting stations would expire September 30, 1948,

It is ordered, That the license term for every international broadcasting station presently licensed shall end at the earlier of the following dates: (a) March 31, 1949, or (b) the first day on which its operations are not controlled, by agreement or otherwise, by the Department of State, Office of International Information and Cultural Affairs, or other governmental agency supervising the operation of international broadcasting: *Provided*, That this shall be without prejudice to the consideration of appropriate application filed by the licensee of any such station for authority to operate otherwise.[1]

By direction of the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8689; Filed, Sept. 28, 1948; 8:53 a. m.]

[Docket Nos. 6824, 7357, 7621]

WOOP, INC., ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of WOOP, Inc., Dayton, Ohio, Docket No. 6824, File No. BP-3987; Northwestern Ohio Broadcasting Corporation, Lima, Ohio, Docket No. 7357, File No. BP-4447; Sky Way Broadcasting Corporation, Columbus, Ohio, Docket No. 7621, File No. BP-4824; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of September 1948:

The Commission having under consideration: (1) A petition for rehearing (filed April 1, 1948) as well as a brief and supplemental brief in support thereof by Sky Way Broadcasting Corporation, Columbus, Ohio, directed against the Decision of the Commission of March 15, 1948, granting the above-entitled application of Northwestern Ohio Broadcasting Corporation, Lima, Ohio, and denying petitioner's above-entitled conflicting application and the application of WOOP, Inc., Dayton, Ohio; (2) replies and oppositions filed by Northwestern Ohio Broadcasting Corporation, Lima, Ohio, to the petition for rehearing and supplemental brief; (3) an answer to such replies (filed August 9, 1948) by the petitioner; and (4) an application by Northwestern Ohio Broadcasting Corporation for modification of construction permit (File No. BMP-3714) filed March 15, 1948, to specify a different site and to change directional system; and

It appearing, that the Commission's decision of March 15, 1948, includes a finding-of-fact which is erroneous; that the Commission's decision was based in part upon said erroneous finding; that a quorum of the Commissioners who heard oral argument are not available; that revised findings must be made by a quorum of Commissioners to whom the parties have not had an opportunity to address oral argument; that, accordingly, said decision must be vacated and the parties given an opportunity for such argument; that the issuance of a revised proposed decision based upon reconsideration of the record and corrected findings-of-fact upon which the parties may file exceptions, and make oral argument on the date herein specified, is required for the most expeditious determination of this proceeding, consistent with the legal rights of the parties;

It further appearing, that the application by Northwestern Ohio Broadcasting Corporation for modification of construction permit should be placed in the Commission's pending files in view of the action herein and of the provisions of section 405 of the Communications Act of 1934, as amended; and

It further appearing, that WOOP, Inc., Dayton, Ohio, filed no exceptions to the proposed decision, and has filed no petition for rehearing with respect to the Commission's decision of March 15, 1948, and, therefore, the decision of March 15, 1948, remains in full force and effect with respect to the application of WOOP, Inc.

It is, therefore, ordered, That the petition for rehearing of Sky Way Broadcasting Corporation, insofar as a request is made that the decision of March 15, 1948, be set aside, be, and it is hereby, granted; and

It is further ordered, That the decision of March 15, 1948, to the extent that it affects the applications of Northwestern Ohio Broadcasting Corporation and Sky Way Broadcasting Corporation be, and it is hereby, set aside; and

It is further ordered, That oral argument upon any exceptions that may be filed by the parties pursuant to § 1.854 of the Commission's rules be, and it is hereby, scheduled for October 15th, 1948, at 10 a. m. and

It is further ordered, That Northwestern Ohio Broadcasting Corporation's application for modification of construction permit (File No. BMP-3714) be, and it is hereby, referred to the Commission's files pending the adoption of a final decision in this proceeding.

Released: September 21, 1948.

Federal Communications Commission, Commissioners Walker and Jones not participating; Commissioner Hyde dissenting.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8692; Filed, Sept. 28, 1948; 8:53 a. m.]

[Docket No. 8230]

COMMUNICATIONS SERVICE BETWEEN U. S. AND OVERSEAS AND FOREIGN POINTS

ORDER CONTINUING HEARING

In the matter of charges for communications service between the United States and overseas and foreign points, Docket No. 8230; further hearing re: multiple address press service.

It appearing that a further hearing in the above matter is now scheduled to commence on October 12, 1948 and that a hearing on this date will conflict with oral arguments scheduled to be held before the Commission en banc;

It is ordered, This 14th day of September 1948, that the hearing in this proceeding now scheduled for October 12, 1948, is continued upon the Commission's own motion until 10:00 a. m. November 15, 1948, at the same place as heretofore designated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8690; Filed, Sept. 28, 1948; 8:53 a. m.]

[Change List No. 2]

DOMINICAN REPUBLIC BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

Notification under provisions of Part III, section 2 of the North American Regional Broadcasting Agreement. List of changes, proposed changes, and corrections in assignments of Dominican Republic broadcast stations modifying appendix containing assignments of Dominican Republic broadcast stations (Mimeograph 47214-2) attached to the recommendations of the North American Regional Broadcasting Agreement engineering meeting, January 30, 1941.

[1] Licensees of international broadcasting stations may also be authorized to engage in certain limited independent operation of their facilities. Such independent operation will not be regarded, for purposes of this order, as being inconsistent with continued operation of such station until September 30, 1948, as provided in (a) above.

DOMINICAN REPUBLIC

August 24, 1948.

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
H12R	San Cristobal	250w	630 kilocycles (U)	IV	January 1949.
H1G	Ciudad Trujillo	150w	900 kilocycles (Delete—see assignment on 930 kc.) [1]		
H1G	do	250w	930 kilocycles (U)	IV	Do.
H3T	do	10kw	1040 kilocycles (U)	I-B	In operation.
H1N	do	150w	1090 kilocycles (Delete—see assignment on 1220 kc.)		
H19T	Puerto Plata	250w	1150 kilocycles (U)	IV	January 1949.
H13T	Ciudad Trujillo		1170 kilocycles (Delete—see assignment on 1040 kc.) [2]		
H1N	do	750w	1220 kilocycles (U)	II	Do.
H1L	do	500w	1450 kilocycles (U)	III-B	Do.

[1] The Commission has no previous record of assignment of H1G on 900 kc.
[2] Entry from Commission records; see Dominican Republic Change List No. 1.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8691; Filed, Sept. 28, 1948; 8:53 a. m.]

DELAWARE BROADCASTING CO.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on September 15, 1948, there was filed with it an application (BTC-683) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Delaware Broadcasting Company licensee of WILM and permittee of WILM-FM from Alfred G. Hill, et al. to Hawkins Broadcasting Co., Inc. The proposal to transfer control arises out of a contract of August 31, 1948, pursuant to which the transferors propose to sell 606 shares of the common stock and 102 shares of the preferred stock, representing 100% of the issued stock, of Delaware Broadcasting Company to Hawkins Broadcasting Co., Inc., for a total consideration of $205,000 of which $2,500 has been paid. The remainder is to be paid in the following manner: (a) $18,700.00 on September 15, 1948; (b) $111,800 on the closing date; (c) $36,000 on or before the 12th calendar month subsequent to the closing date; (d) $36,000 on or before the 24th calendar month subsequent to the closing date. The agreement further provides that the purchaser will give its notes to sellers and that such notes will be secured by the pledge of the stock being sold until the principal and interest thereon have been paid. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant that starting on September 16, 1948, notice of the filing of the application would be inserted in the Wilmington Morning News a newspaper of general circulation at Wilmington, Delaware, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from September 16, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8693; Filed, Sept. 28, 1948; 8:54 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Docket No. E-6167]

IOWA ELECTRIC CO.

NOTICE OF APPLICATION

SEPTEMBER 23, 1948.

Notice is hereby given that on September 22, 1948, an application was filed with the Federal Power Commission, pursuant to sections 201 and 204 of the Federal Power Act, by Iowa Electric Company, a corporation organized under the laws of the State of Iowa, and with its principal business office at Cedar Rapids, Iowa, seeking a declaratory order that the Applicant is not subject to the jurisdiction of the Commission, or in the alternative, an order authorizing the issuance of $300,000 in promissory notes, bearing interest at the rate of 3½% per annum, to be issued as soon as possible after approval, to mature $25,000 six months after date of issuance and $25,000 at the expiration of each six months thereafter for four additional successive installments, and $175,000 three years after the date of issuance. The notes will be issued to The Merchants National Bank, Cedar Rapids, Iowa, as evidence of borrowing from such bank; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 11th day of October, 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8686; Filed, Sept. 28, 1948; 8:53 a. m.]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

In pursuance of the requirement contained in the Railroad Unemployment Insurance Act as amended by section 5 (a) of Public Law 744, 80th Congress (June 23, 1948), the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the Railroad Unemployment Insurance Account in the Treasury of the United States as of the close of business on September 30, 1947 was $883,901,036.90.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 17th day of September 1948.

By the Railroad Retirement Board.

MARY B. LINKINS,
Secretary of the Board.
W. J. KENNEDY,
Chairman.
F. C. SQUIRE,
Member.
J. G. LUHRSEN,
Member.

[F. R. Doc. 48-8677; Filed, Sept. 28, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-137]

MINNEAPOLIS GAS CO.

ORDER DECLARING MINNEAPOLIS HAS CEASED TO BE A HOLDING COMPANY

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of September A. D. 1948

Minneapolis Gas Company ("Minneapolis"), formerly known as American Gas and Power Company, a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act") for an order under said act declaring that Minneapolis has ceased to be a holding company, which application recites, among other things, that Minneapolis does not directly or indirectly own, control, or hold with power to vote 10% or more of the outstanding voting securities of any public utility company as defined in section 2 of the act, or of any company which is a holding company by virtue of section 2 (a) (7) of the act; and

The application having further stated that the plan of integration and simplification filed by Community Gas and Power Company and American Gas and Power Company, both registered holding companies, pursuant to section 11 (e) of the act which provided, among other things, for the dissolution of Community Gas and Power Company, the merger of Minneapolis Gas Light Company with its parent, American Gas and Power Company, and a change of the corporate name of the surviving company to Minneapolis Gas Company, and which was approved by the Commission by Orders entered on April 10, 1946, and January 14, 1947, was consummated on July 30, 1948, with the single exception that the fees and expenses in connection with the plan have not been approved by the Commission; and it appearing that jurisdiction has been reserved in said orders approving the plan to determine the reasonableness and appropriate allocation of such fees and expenses; and

The Commission having issued a Notice of Filing on September 10, 1948, with respect to said application, said notice having stated that any interested person might, not later than September 20, 1948, request the Commission in writing that a hearing be held on such matter, and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Minneapolis has ceased to be a holding company, that it is necessary for the protection of investors that the Commission retain jurisdiction over Minneapolis in respect of any further proceedings to determine the reasonableness and the appropriate allocation of all fees, expenses and other remuneration incurred by Community Gas and Power Company and American Gas and Power Company and their subsidiary companies in connection with said Plan of Integration and Simplification and the transactions incident thereto, in the same manner and to the same extent as though Minneapolis were still in all respects a registered holding company; and that except for such retained jurisdiction the registration of Minneapolis as a holding company should cease to be in effect;

It is ordered, Pursuant to the provisions of section 5 (d) of the Public Utility Holding Company Act of 1935, that Minneapolis Gas Company has ceased to be a holding company and that, subject to the condition prescribed below, the registration of Minneapolis Gas Company as a holding company shall cease to be in effect: *Provided, however*, That this order shall be subject to the condition, which is prescribed as necessary for the protection of investors, that the Commission shall retain jurisdiction over Minneapolis Gas Company in respect of any further proceedings, investigations, and/or orders which the Commission may deem necessary or appropriate pursuant to the reservation of jurisdiction, contained in the Commission's orders of April 10, 1946, and January 14, 1947, approving a Plan of Integration and Simplification filed pursuant to section 11 (e) of the act by Community Gas and Power Company and American Gas and Power Company, to determine the reasonableness and appropriate allocation of all fees, expenses, and other remuneration incurred and to be incurred by Community Gas and Power Company, American Gas and Power Company and their subsidiary companies in connection with said plan and the transactions incident thereto, in the same manner and to the same extent as though Minneapolis Gas Company were still in all respects a registered holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8682; Filed, Sept. 28, 1948; 8:48 a. m.]

[File No. 70-1905]

COMMONWEALTH & SOUTHERN CORP. (DEL) ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH REGARD TO ISSUANCE AND SALE OF BONDS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of September A. D. 1948.

In the matter of the Commonwealth & Southern Corporation (Delaware), Ohio Edison Company, Pennsylvania Power Company, File No. 70-1905.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, Ohio Edison Company ("Ohio"), a public utility subsidiary of Commonwealth and also a registered holding company, and Pennsylvania Power Company, a direct public utility subsidiary of Ohio, having filed joint applications-declarations and amendments thereto pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("the act") concerning among other things, the proposed issuance and sale by Ohio, pursuant to the competitive bidding requirements of Rule U-50, of $12,000,000 principal amount of its First Mortgage Bonds of a series bearing interest at a rate not to exceed 3½% per annum and maturing in 30 years; and

The Commission having by order dated September 9, 1948 permitted the declaration of Ohio, as amended, with respect to the issuance and sale of said bonds to become effective, subject, however, to the condition, among others, that the proposed issuance and sale of bonds should not be consummated until the results of the competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order had been issued by this Commission in the light of the record so completed; and

Ohio having filed a further amendment herein setting forth the action taken by Ohio to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, the following bids for the bonds have been received:

Bidding group headed by—	Coupon rate (percent)	Price to company (percent of principal amount)	Annual cost of money (percent)
Equitable Securities Corp	3¼	102.183	3.0139
Halsey, Stuart & Co., Inc.	3¼	102.179991	3.0141
Glore, Forgan & Co.	3¼	102.152	3.0165
The First Boston Corp.	3¼	102.09	3.018993
Lehman Bros.	3¼	102.089	3.018998
Morgan Stanley & Co.	3¼	102.05	3.0206

Said amendment having further stated that Ohio has accepted the bid of Equitable Securities Corporation, as set out above, and that such bonds will be offered for sale to the public at a price of 102.457% of the principal amount thereof plus accrued interest from September 1, 1948 to the date of delivery, resulting in an underwriter's spread of 0.274% of the principal amount of said bonds;

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds, the coupon rate and the proposed underwriter's spread in connection therewith:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as the result of competitive bidding in connection with the said bonds under Rule U-50 be, and the same hereby is, released, and that said declaration of Ohio, as amended, with respect to the issuance and sale of said bonds be, and the same hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the continuance of jurisdiction heretofore reserved with respect to all fees and expenses of all counsel to be paid in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8681; Filed, Sept. 28, 1948; 8:48 a. m.]

[File Nos. 70-1925, 70-1926]

WISCONSIN POWER AND LIGHT CO. AND MIDDLE WEST CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH REGARD TO ISSUANCE AND SALE OF BONDS AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of September A. D. 1948

Wisconsin Power and Light Company ("Wisconsin"), a public utility subsidiary of the Middle West Corporation, a registered holding company, having filed an application-declaration and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder with respect to, among other things, the issue and sale by Wisconsin of $5,000,000 principal amount of First Mortgage Bonds, Series C, ------%, due September 1, 1978; and

The Commission having by Order dated September 9, 1948, granted and permitted to become effective said application-declaration, as amended, subject to the condition that the proposed issuance and sale of bonds shall not be consummated until a further order of the Public Service Commission of Wisconsin expressly authorizing the issue and sale of said bonds be filed herein and the results of competitive bidding with respect to said bonds pursuant to Rule U-50 shall have been made a matter of record, and a further order shall have been entered by this Commission in the light of the record so completed; and

Wisconsin having on September 22, 1948, filed a further amendment to said application-declaration containing an order of the Public Service Commission of Wisconsin expressly authorizing the issue and sale of said bonds and further stating that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Name of bidder	Price to company (percent of principal amount)[1]	Interest rate	Cost to company
			Percent
The First Boston Corp.	102.13999	3¼%	3.0062
Halsey, Stuart & Co., Inc.	102.13	3¼%	3.0167
Glore, Forgan & Co.; Harriman, Ripley & Co., Inc.; Equitable Securities Corp.	102.1069	3¼%	3.0177
Salomon Bros. & Hutzler	102.101	3¼%	3.0181
Lehman Brothers; Bear, Stearns & Co.; White, Weld & Co.; Kidder, Peabody & Co.	101.8999	3¼%	3.0328
	101.591	3½%	3.0139

[1] Plus accrued interest from Sept. 1, 1948.

The amendment further stating that Wisconsin has accepted the bid of the First Boston Corporation for the First Mortgage Bonds as set forth above, and that the said bonds will be offered for sale to the public at a price of 102.46000% of principal amount thereof plus accrued interest, resulting in an underwriting spread of 0.32001% of the principal amount of the bonds; and

The Commission having examined said amendment and having considered the record herein and finding that the applicable standards of the act and the rules and regulations thereunder have been complied with, and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds, or the underwriter's spread and the allocation thereof;

It is hereby ordered, That jurisdiction heretofore reserved with respect to the issue and sale of said First Mortgage Bonds be, and the same hereby is, released, and the said application-declaration, as further amended be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8683; Filed, Sept. 28, 1948; 8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11840]

ERNST H. G. MEYER

In re: Estate of and trust under will of Ernst H. G. Meyer, deceased. File D-28-3474.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Kuno Meyer, Rev. Erich Meyer, Mrs. Martha (Claus) Bauer, Paul Vahle, Magdalena Vahle, Frieda Reincke Oertal, Elsa Gladow, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Ernst H. G. Meyer, deceased, and trust under will of Ernst H. G. Meyer, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Otto L. Fricke, 830 Williamson Building, Cleveland, Ohio, trustee, acting under the judicial supervision of the Probate Court of Cuyahoga County, State of Ohio,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-8696; Filed, Sept. 28, 1948; 8:59 a. m.]

[Vesting Order 11845]

GERTRUDE SCHWADE

In re: Estate of Gertrude Schwade, deceased. File No. D-28-11885; E. T. sec. 16072.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Schlink Funk, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Gertrude Schwade, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Herman Schwade, as executor, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-8697; Filed, Sept. 28, 1948; 8:59 a. m.]

[Vesting Order 11959]

MINISTRY OF COMMUNICATIONS OF JAPAN

In re: Debt owing to Japan. F-39-3040-C-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: That certain debt or other obligation owing to the Ministry of Communications of the Empire of Japan by Mutual Telephone Company, 1128 Alakea Street, Honolulu, T. H., in the amount of $369.97 as of December 31, 1941, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director, Office of Alien Property.

[F. R. Doc. 48-8698; Filed, Sept. 28, 1948; 8:59 a. m.]

[Vesting Order 11964]

KIKUTARO TAKABAYASHI

In re: Debt owing to Kikutaro Takabayashi. F-39-1716-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kikutaro Takabayashi, whose last known address is Yamaguchiken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kikutaro Takabayashi by State Savings and Loan Association, 239 Merchant Street, Honolulu, T. H., arising out of a savings account, Account Number 4430, entitled Mr. Kikutaro Takabayashi, maintained with said association, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director, Office of Alien Property.

[F. R. Doc. 48-8699; Filed, Sept. 28, 1948; 8:59 a. m.]

[Vesting Order 11966]

SHIHO UYEMA

In re: Bank account owned by Shiho Uyema. D-39-18647-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shiho Uyema, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shiho Uyema by Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 208015, maintained in said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director, Office of Alien Property.

[F. R. Doc. 48-8700; Filed, Sept. 28, 1948; 8:59 a. m.]

[Vesting Order 12024]

MATILDA GUCKERT

In re: Estate of Matilda Guckert, deceased. File No. D-28-12351; E. T. sec. 16574.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Hull, Carl Hull, Leonard S. Hull, Elizabeth Schembs, Joseph Guckert and George Guckert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Matilda Guckert, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by W. E. Shappell and Elizabeth M. Janson, as executors, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-8701; Filed, Sept. 28, 1948; 8:59 a. m.]

[Vesting Order 12025]

PAUL ZERULL

In re: Estate of Paul Zerull, deceased. File D-28-11721; E. T. sec. 15934.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Magnus and Werner Zerull, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Estate of Paul Zerull, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Bertha Hartenstein, as Administratrix, acting under the judicial supervision of the Probate Court of Wayne County, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8702; Filed, Sept. 28, 1948; 8:59 a. m.]

[Vesting Order 12047]

CHARLES F. VORBECK

In re: Stock owned by Charles F. Vorbeck. F-28-13820-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles F. Vorbeck, whose last known address is Zollindland Str. 35-37, Wesermunde-Lehe, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of $20 par value common capital stock of Lansing National Bank, Lansing, Michigan, evidenced by a certificate numbered 935, registered in the name of Charles F. Vorbeck, together with all declared and unpaid dividends thereon, and all rights of exchange for $10 par value capital stock of Michigan National Bank; and

b. Eighteen and two-thirds (18⅔) shares of $10 par value capital stock of Michigan National Bank, Lansing, Michigan, evidenced by certificates numbered 7334 for six (6) shares, 11805 for six (6) shares, 15695 for six (6) shares, and 7335 for two-thirds (⅔) shares, registered in the name of Charles F. Vorbeck, and presently in the custody of the Michigan National Bank, Lansing, Michigan, together with any and all declared and unpaid dividends thereon, and all checks representing the cash value of option warrants derived from ownership of the aforesaid stock together with any and all rights in, to and under, including particularly the right to possession and to present for payment, the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8703; Filed, Sept. 28, 1948; 9:00 a. m.]

[Vesting Order 12056]

MARGARET ELISE RIEDEMAN AND BANK OF ITALY NATIONAL TRUST AND SAVINGS ASSN.

In re: Trust agreement dated June 13, 1930 between Margaret Elise Riedeman also known as Margaret E. Riedeman also known as Margarete E. Riedeman, trustor and Bank of Italy National Trust and Savings Association, trustee. File D-28-7636-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Elise Riedeman also known as Margaret E. Riedeman also known as Margarete E. Riedeman, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Margaret Elise Riedeman also known as Margaret E. Riedeman also known as Margarete E. Riedeman, who there is reasonable cause to believe are residents of Germany; are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, in and to and arising out of or under that certain trust agreement dated June 13, 1930, by and between Margaret Elise Riedeman also known as Margarete E. Riedeman also known as Margarete E. Riedeman, trustor and Bank of Italy National Trust and Savings Association, trustee, presently being administered by the Bank of America National Trust and Savings Association, trustee, 300 Montgomery Street, San Francisco, California, including, but not limited to the right of trustor to amend or revoke the trust,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Margaret Elise Riedeman also known as Margaret E. Riedeman also known as Margarete E. Riedeman are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8704; Filed, Sept. 28, 1948; 9:00 a. m.]

[Vesting Order 11700, Amdt.]

TADAKI ARAKI ET AL.

In re: Stock in Maui Shinbun Co., Ltd., owned by Tadaki Araki and others.

Vesting Order 11700, dated July 22, 1948, is hereby amended as follows and not otherwise:

By inserting after the words "Maui Shinbun Co., Ltd.," in the title and in subparagraphs 3-a, 3-b and 4, the following: "now known as Valley Isle Publishing Company, Limited,"

All other provisions of said Vesting Order 11700 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8705; Filed, Sept. 28, 1948; 9:00 a. m.]

ARNOLD SCHOENBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Arnold Schoenberg, 116 North Rockingham Avenue, Los Angeles 24, Calif.; 5758; $2,700 in the Treasury of the United States.

Executed at Washington, D. C., on September 23, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8706; Filed, Sept. 28, 1948; 9:00 a. m.]

[Vesting Order 12046]

DR. JOHANNES SCHUTZE

In re: Certificates of deposit owned by Dr. Johannes Schutze. F-28-23856-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Johannes Schutze, whose last known address is Brimzreginton Strasse 23, Berlin Wilmersdorf, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights in and under two (2) certificates of deposit for Kreuger and Toll Company 5% Secured Sinking Fund Gold Debentures, said certificates of deposit of $500 face value each, numbered D1813 and D1814 and registered in the name of Dr. Johannes Schutze, including particularly any unclaimed distributions on the aforesaid certificates of deposit,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8668; Filed, Sept. 27, 1948; 8:50 a. m.]

[Vesting Order 11692]

EMILIE WOLFF

In re: Estate of Emilie Wolff, deceased. File No. D-28-12074; E. T. sec. 16277.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Arnholdt, Helene Lange, Leonhard Buchner, Leischen Kulemann, and Ernst Buchner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $180.00 was paid to the Attorney General of the United States by Sophie Schneider, Executrix of the estate of Emilie Wolff, deceased;

3. That the said sum of $180.00 was accepted by the Attorney General of the United States on May 7, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $180.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 22, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8669; Filed, Sept. 27, 1948; 8:51 a. m.]

[Vesting Order 11795]

LUDWIG NICKEL

In re: Estate of Ludwig Nickel, deceased. File No. D-28-9285; E. T. sec. 12199.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie (Mary) Nickel, Wilhelm Weigel, Administrator of the estate of Katrina Nickel Reichert, deceased, Kathrina Fenchel Mohr, Ludwig Fenchel, Margaretha Fenchel, Frederick (Friedrich) Schildger, Emma Schildger Appel, Wilhelm Schildger, Maria Schildger Fuchs, Minna Schildger, Louise Schildger, Karl Schildger, Philip Schildger, Ernst Schildger, and Anna Schildger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the heirs-at-law, next of kin, legatees and distributees, names un-

known, of Katrina Nickel Reichert, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the estate of Ludwig Nickel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer of La Salle County, Illinois, as Depositary, acting under the judicial supervision of the Probate Court of La Salle County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs-at-law, next of kin, legatees and distributees, names unknown, of Katrina Nickel Reichert, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8670; Filed, Sept. 27, 1948; 8:51 a. m.]

[Vesting Order 11695]

GERMAN GOVERNMENT

In re: Bank accounts owned by German Government. D-28-3197-E-1; D-28-776-E-2/3/4/5/6/7/8/10.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

a. That certain debt or other obligation of the Riggs National Bank of Washington, D. C., 1503 Pennsylvania Avenue, N. W., Washington, D. C., arising out of a Checking Account, entitled German Embassy, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of the Marine Midland Trust Company of New York, 17 Battery Place, New York 4, New York, arising out of a Checking Account, entitled German Consulate General, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of First National Bank in St. Louis, 323 N. Broadway, St. Louis 2, Missouri, arising out of a Checking Account, entitled German Consulate, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of Whitney National Bank of New Orleans, New Orleans, Louisiana, arising out of a Checking Account, entitled German Consulate, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation of the First National Bank of Boston, 67 Milk Street, Boston, Massachusetts, arising out of a Checking Account, entitled German Consulate, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation of Bank of America, N. T. & S. A., 660 South Spring Street, Los Angeles 14, California, arising out of a Commercial Account, entitled German Consulate, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

g. That certain debt or other obligation of Crocker First National Bank of San Francisco, One Montgomery Street, San Francisco 20, California, arising out of a Commercial Account, entitled German Consulate General, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

h. That certain debt or other obligation of the Cleveland Trust Company, Cleveland, Ohio, arising out of a Commercial Account, entitled German Consulate, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

i. That certain debt or other obligation of Central-Penn National Bank, Philadelphia, Pennsylvania, arising out of a Checking Account, entitled German Consulate—Philadelphia, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8671; Filed, Sept. 27, 1948; 8:51 a. m.]

[Vesting Order 12005]

OTTO FISCHER

In re: Stock owned by Otto Fischer.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Fischer, whose last known address is Rosshaustrasse 14, Stuttgart-Degerloch, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred (100) shares of no par value common capital stock of Packard Motor Car Company, 1580 East Grand Blvd., Detroit, Michigan, a corporation organized under the laws of the State of Michigan, presently in the custody of Irving Trust Company, One Wall Street, New York, New York, and constituting a portion of the securities held by said Irving Trust Company for the account of Union Bank of Switzerland, Zurich, Switzerland, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Otto Fischer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8672; Filed, Sept. 27, 1948; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 13 NUMBER 191

Washington, Thursday, September 30, 1948

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL SERVICE COMMISSION

Under authority of § 6.1 (a) of Executive Order No. 9830, the Commission has determined that the positions listed below should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (42) is amended by the addition of a subdivision as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(42) *Civil Service Commission.* * * *

(iii) Positions of members of the Fair Employment Board of the Commission's Central Office and of members of such Regional Fair Employment Boards as may be established.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-8733; Filed, Sept. 29, 1948; 8:52 a. m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

PHARMACOLOGIST, P-476-0, ALL GRADES

Section 24.94 is hereby added, as follows:

§ 24.94 *Pharmacologist, P-476-0, all grades*—(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course leading to a bachelor's degree in an accredited college or university. This study must have included courses consisting of lectures, recitations, and practical laboratory work in organic chemistry, biochemistry, pharmacology, toxicology, or physiology and prerequisites to these subjects which total at least 30 semester hours; or

(2) Courses acceptable for credit toward a bachelor's degree in an accredited college or university consisting of lectures, recitations, and practical laboratory work in organic chemistry, biochemistry, pharmacology, toxicology, or physiology and prerequisites to these subjects which will total at least 30 semester hours; plus additional education or experience in the fields of organic chemistry, biochemistry, physiology, pharmacology, or toxicology, which, when combined with the above 30 semester hours, will total 4 years of education and experience and give the applicant a technical and professional knowledge comparable to that which would have been acquired through completion of the 4-year college course.

(b) *Duties.* Pharmacologists plan, direct, or conduct investigational and research work in pharmacology, including studies in acute and chronic toxicity, therapeutic action, site and mode of action, storage, excretion, metabolism, and the biochemical, physiological, and anatomical effects of drugs or chemical agents either (1) in basic pharmacology or (2) in connection with substances suspected of being adulterants or toxicants in foods, drugs, and cosmetics or suspected of causing hazards in industrial use.

(c) *Knowledge and training requisite for the performance of duties.* The duties of a pharmacologist cannot be performed successfully without a sound knowledge of the basic principles and theories of chemistry and biology and specific scientific training in at least one of the following specialized areas: namely, organic chemistry, biochemistry, pharmacology, toxicology, or physiology. Appointees must have aptitude and training in the methods of original research, the ability to discover and interpret new relationships in pharmacology and related fields, and an intimate knowledge of the latest equipment and laboratory techniques used in the field of pharmacology. This knowledge and training can be gained only through a directed course of study in an accredited college or university with well-equipped laboratories and thoroughly trained instructors, where progress is competently evaluated. (Sec. 5, 58 Stat. 388; 5 U.S.C. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-8732; Filed, Sept. 29, 1948; 8:52 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

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Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR Supps., 900.1 et. seq.; 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to prevent disruption of orderly marketing. The changes made by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. The time intervening between the date of issuance of this order and its effective date affords persons affected a reasonable time to prepare for its effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Cleveland, Ohio, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area which was heretofore approved (13 F. R. 5279) by the Secretary of Agriculture; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of the order, and who during February 1948 (determined to be a representative period), were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling

It is therefore ordered, that on and after the first day of October 1948, the handling of milk in the Cleveland, Ohio, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 975.3 (a) (2) (ii) and substitute therefor the following:

(ii) A plant which either was a pool plant on August 31, 1948, or has become a pool plant pursuant to subparagraph (3) of this paragraph.

2. Delete § 975.3 (a) (3) and substitute therefor the following:

(3) A plant having approval of the appropriate health authority in the marketing area to do so which has, within the delivery period of January, February, or March and within each of the five consecutive preceding delivery periods, furnished milk to a pool plant described in subparagraph (1) of this paragraph in an amount equal to 50 percent or more of its entire receipts of milk from dairy farmers during each such delivery period.

3. Delete § 975.3 (c) and substitute therefor the following:

(c) *Disqualification.* A plant shall be disqualified as a pool plant under either of the following circumstances:

(1) Upon prior written request for disqualification made by the plant operator; such disqualification to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in paragraph (a) (1) of this section; or

(2) If such plant furnished to a pool plant described in paragraph (a) (1) of this section less than 10 percent of its dairy farm supply of milk in any month except April, May, June, or July and less than 50 percent of such supply during more than one of the months of October, November, December, and January: *Provided*, That upon receipt by the market administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this subparagraph: *And provided further*, That this subparagraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

4. Delete § 975.5 (b) (1) (ii) and substitute therefor the following:

(ii) Transferred as any item included in subdivision (i) of this subparagraph from a pool plant to the plant of a producer-handler, or transferred as any such item, except cream, to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the Market Administrator;

5. Delete § 975.5 (g) (2) and substitute therefor the following:

(2) For the delivery periods of October, November, December, and January, subtract from the pounds of butterfat in Class I milk, the smaller of the following:

(i) The pounds, if any, by which the butterfat in milk received from producers and pool plants is less than 110 percent of the pounds of butterfat in such handler's milk, skim milk, buttermilk, flavored milk and flavored milk drink classified as Class I milk (exclusive of any reconstituted skim milk) pursuant to paragraph (b) (1) (i) of this section, not including such Class I milk transferred to pool plants or to nonpool plants; or

(ii) The pounds of butterfat in other source milk received.

6. Delete § 975.6 (b) (2) and substitute therefor the following:

(2) The price of butterfat shall be the amount obtained in subparagraph (1) of this paragraph, multiplied by 20: *Provided*, That in no event shall (i) the price of butterfat pursuant to this subparagraph for sweet or sour cream, or of any mixture of cream and milk (or skim milk), be less than the price computed pursuant to paragraph (c) (2) of this section, or (ii) the price of butterfat for the remaining items of Class I milk be less than the price of butterfat computed pursuant to paragraph (c) (2) of this section plus $3.00.

7. Delete § 975.6 (c) (3) and substitute therefor the following:

(3) The price of skim milk shall be that computed pursuant to the first proviso in paragraph (d) (2) of this section.

8. Delete subparagraphs (2) and (3) of § 975.6 (d) and substitute therefor the following:

(2) The price of skim milk (calculated to the nearest full cent) shall be the average carlot price per pound of nonfat dry milk solids for human consumption, roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, less 5.5 cents and then multiplied by 8.5: *Provided*, That the price of skim milk used to produce bulk condensed skim milk or whole milk (sweetened or unsweetened), cottage cheese, and powdered malted milk shall be such price, plus 25 cents: *And provided also*, That the price of skim milk used to produce evaporated or condensed milk (or skim milk) in hermetically sealed cans shall be the price resulting from the following computations:

(i) Multiply by 0.035 the price of butterfat computed pursuant to subparagraph (1) of this paragraph prior to the proviso therein;

(ii) Subtract such amount from the price computed for the next succeeding delivery period pursuant to paragraph (a) (1) of this section minus 8 cents;

(iii) Divide this result by 0.965, and round off to the nearest full cent.

9. At the end of § 975.7 (a) replace the period (.) with a colon (:) and add the following proviso: "*And provided also*, That such handler shall be credited at the difference between the applicable Class I prices for skim milk and butterfat and the highest of the Class III prices for skim milk and butterfat, respectively, with respect to any item specified in § 975.5 (b) (1) (i) disposed of during April, May, June or July to a manufacturer of soup, candy, or bakery products for use in such manufacturing operations."

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 707; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued at Washington, D. C., this 28th day of September, 1948, to be effective on and after October 1, 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8755; Filed, Sept. 29, 1948; 9:00 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 500—ORGANIZATION OF OFFICE OF ALIEN PROPERTY AND DELEGATIONS OF FINAL AUTHORITY

CENTRAL AND FIELD ORGANIZATION; DIRECTION

Part 500 is hereby amended by amendment of the first sentence of § 500.1 (a), as set out below:

§ 500.1 *Central and Field Organization*—(a) *Direction.* The President, pursuant to the Trading with the Enemy Act, as amended, has conferred upon the Attorney General the functions formerly vested in the Alien Property Custodian and the Office of Alien Property Custodian, and has transferred to the Attorney General jurisdiction over certain blocked assets. • • •

(40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 145 Supp.; E. O. 9788, Oct. 14, 1946, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891)

Executed at Washington, D. C., this 24th day of September 1948.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

Approved:

PHILIP B. PERLMAN,
Acting Attorney General.

[F. R. Doc. 48-8743; Filed, Sept. 29, 1948; 8:55 a. m.]

PART 500—ORGANIZATION OF OFFICE OF ALIEN PROPERTY AND DELEGATIONS OF FINAL AUTHORITY

PART 501—GENERAL RULES OF PROCEDURE

PART 503—SUBSTANTIVE RULES

MISCELLANEOUS AMENDMENTS

1. Part 500 is hereby amended by amendment of § 500.20 (c) and (d), by addition of a sentence to § 500.1 (d), and by addition of §§ 500.1 (b) (4) (xi), 500.1 (b) (10), 500.20 (e) and (f), and 500.26, all as set out below:

§ 500.1 *Central and Field Organization.* • • •

(b) *Organization.* The Office is composed of the following branches, sections and officers with functions as indicated:

• • • • • •

(4) *Operations Branch.* • • •

(xi) *Foreign Funds Section.* Administers controls with respect to property, over which jurisdiction has been transferred by Executive Order No. 9989, and with respect to transactions relating to such property. It is represented in the field by the Federal Reserve Bank of New York.

• • • • •

(10) *Overseas Branch.* The Chief, Overseas Branch, has responsibility for the European operations of the Office.

• • • • •

(d) *Requests and inquiries.* • • • Requests and inquiries regarding controls with respect to property, over which jurisdiction has been transferred by Executive Order No. 9989, and with respect to transactions relating to such property, may be addressed to Foreign Funds Control Department, Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York.

• • • • •

§ 500.20 *Delegation to Office of Alien Property.* • • •

(c) Reference is made to Executive Order No. 8389 of April 10, 1940 (5 F. R. 1400), as amended by Executive Order No. 8785 of June 14, 1941 (6 F. R. 2897), Executive Order No. 8832 of July 26, 1941 (6 F. R. 3715), Executive Order No. 8963 of December 9, 1941 (6 F. R. 6348), and Executive Order No. 8998 of December 26, 1941 (6 F. R. 6785), blocking certain property.

(d) Jurisdiction with regard to certain blocked assets was transferred to the Attorney General by Executive Order No. 9989 of August 20, 1948 (13 F. R. 4891).

(e) Reference is made to 28 CFR, 51.81, as amended, *infra*, providing for the establishment of the Office of Alien Property in the Department of Justice. David L. Bazelon, Assistant Attorney General, has been designated as Director.

(f) Reference is made to Executive Order No. 9818 of January 7, 1947 (12 F. R. 133), establishing the Philippine Alien Property Administration and defining its functions.

• • • • •

§ 500.26 *Delegation to Chief, Foreign Funds Section, and others, concerning blocked assets.* The Chief, Foreign Funds Section, the Assistant Chief, Foreign Funds Section, and the Federal Reserve Bank of New York are severally authorized to take action with respect to specific licensing matters, by granting or denying applications for specific licenses, and by amending, modifying, renewing, or revoking existing specific licenses, with respect to property over which jurisdiction has been transferred by Executive Order No. 9989.

2. Part 501 is hereby amended by addition of §§ 501.1 and 501.2, both as set out below:

§ 501.1 *Licensing.* (a) Licenses with respect to transactions, transfers, or other dealings prohibited under Executive Order No. 8389, as amended, or under the regulations of the Office of Alien Property, are issued by the Director or any agency, instrumentality, agent, delegate, assistant or other personnel, appointed or designated by him.

(b) Transactions with respect to property over which jurisdiction has been transferred by Executive Order No. 9989, not authorized by general licenses or other public documents, may be effected only under specific licenses. Specific licensing activities are performed by the Foreign Funds Section of the Operations Branch and by the Federal Reserve Bank of New York. Applications for specific licenses may be filed on Treasury Department form TFE–1 or on such other forms as may from time to time be designated. Application forms may be obtained from the Federal Reserve Bank of New York or the Office of Alien Property, Washington, D. C. Applications for specific licenses shall be filed in duplicate with the Federal Reserve Bank of New York.

(c) Applications for licenses and authorizations, other than those pursuant to paragraph (b) of this section, are to be filed with the Office of Alien Property. No particular forms are prescribed therefor.

(d) In cases where the allowance of a claim under section 32 or section 34 of the Trading with the Enemy Act requires the granting of a license, the Notice of Claim shall be deemed to include an application for such license, and no separate application for such license need be filed.

§ 501.2 *Reporting.* All reports, forms, and other communications concerning property over which jurisdiction has been transferred by Executive Order No. 9989, which have been required to be made or filed with the Treasury Department, are on and after October 1, 1948, required to be made or filed with the Office of Alien Property. Reports, forms, and other communications that on or before September 30, 1948, have been required to be made or filed with the Federal Reserve Bank of New York, shall continue to be made or filed with that Bank.

3. Part 503 is hereby amended by deletion of § 503.5, and by addition of § 503.100, as set out below:

§ 503.100 *Prohibition of transactions; applicability of regulations and licenses, etc.* (a) The following transactions, transfers, or other dealings are prohibited, except to the extent that they are authorized by paragraph (b) of this section or are or shall be authorized by the Attorney General, or any agency, instrumentality, agent, delegate, assistant or other personnel, appointed or designated by him:

(1) Transactions, transfers, or other dealings in or relating to any property or interest that has been vested, or as to which an outstanding supervisory order has been issued, by the Attorney General or the Alien Property Custodian or the Office of Alien Property Custodian;

(2) Transactions, transfers, or other dealings by, or with, or on behalf of, or pursuant to the direction of, or the exercise of any right, powers, or privilege with respect to, any business enterprise regarding which the Attorney General or the Alien Property Custodian or the Office of Alien Property Custodian has issued an outstanding supervisory order, or which has been vested, or assets of or interests in which have been vested, or involving any property in which such business enterprise has any interest, where control of such property or business enterprise was released by the Secretary of the Treasury, subject to the power and authority conferred upon the Attorney General or the Alien Property Custodian or the Office of Alien Property Custodian, on or prior to September 30, 1948, or where jurisdiction over such property or business enterprise has been transferred by Executive Order No. 9989;

(3) Transactions, transfers, or other dealings, prohibited on September 30, 1948, under or pursuant to the Trading With the Enemy Act, as amended, or Executive Order No. 8389, as amended, or Executive Order No. 9095, as amended, regarding property, over which jurisdiction has been transferred by Executive Order No. 9989.

(b) All orders, regulations, rulings, instructions, or licenses of any nature whatsoever, issued by the Secretary of the Treasury under the authority of Executive Order No. 8389, as amended, and Executive Order No. 9095, as amended, concerning property over which jurisdiction has been transferred by Executive Order No. 9989, shall continue in full force and effect in accordance with their terms, subject to the authority of the Attorney General, or any agency, instrumentality, agent, delegate, assistant of other personnel, appointed or designated by him, to amend, modify or revoke, in whole or in part, such orders, regulations, rulings, instructions and licenses: *Provided*, That, wherever in such orders, regulations, rulings, instructions or licenses, or in regulations of the Office of Alien Property, the Treasury Department, Foreign Funds Control, the Secretary of the Treasury or other officers of the Department of the Treasury are referred to, the reference shall be deemed to be made to the Office of Alien Property and the appropriate officers thereof.

(c) Additional prohibitions provided for in General Order No. 11, § 503.11, as amended, General Order No. 13, § 503.13, as amended, and General Order No. 20, § 503.7, as amended, and licenses and other authorizations, issued thereunder, shall remain unaffected by this section. Section 503.5 (General Order No. 31, as amended), since it concerns merely the transfer of authority from the Treasury Department to the Office of Alien Property and its predecessor in specific cases, is no longer necessary and is hereby revoked as of September 30, 1948, midnight, without affecting the validity of its prohibitions and of licenses and other authorizations issued thereunder prior to that date.

(d) Powers of attorney given for the purpose of filing claims under the Trading With the Enemy Act, as amended, and transactions that may be necessary to facilitate the filing and proving of such claims are hereby exempted from the prohibitions of this section: *Provided, however*, That nothing herein shall affect the prohibitions of R. S. 3477; 31 U. S. C. 203.

(40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891)

Executed at Washington, D. C. this 24th day of September 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8744; Filed, Sept. 29, 1948; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 8]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas at such points; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (4) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600, as follows:

Designation and Redesignation of Civil Airways: Amber Civil Airway No. 5; Red Civil Airways Nos. 14 and 17; Blue Civil Airways Nos. 3, 6, 30, 35 and 58

1. Section 600.4 (b) (5) is amended to read:

(5) *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).* From the Grand Isle, La., nondirectional radio marker beacon via Latitude 29°14'00", Longitude 90°09'00"; New Orleans, La., radio range station; Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Memphis, Tenn., radio range station; Advance, Mo., radio range station; St. Louis, Mo., radio range station; the intersection of the north course of the St. Louis, Mo., radio range and the southwest course of the Springfield, Ill., radio range; Springfield, Ill., radio range station; Joliet, Ill., radio range station; the intersection of the northeast course of the Joliet, Ill., radio range and the south course of the Milwaukee, Wis., radio range to the Milwaukee, Wis., radio range station.

2. Section 600.4 (c) (14) is amended to read:

(14) *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* From the Lone Rock, Wis., radio range station via the Rockford, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Chicago, Ill., radio range station; Indianapolis, Ind., radio range station to the intersection of the south course of the Indianapolis, Ind., radio range and the west course of the Louisville, Ky., radio range.

3. Section 600.4 (c) (17) is amended to read:

(17) *Red civil airway No. 17 (Fort Wayne, Ind., to Baltimore, Md.).* From the Fort Wayne, Ind., radio range station via the Findlay, Ohio, non-directional radio marker station and the Mansfield, Ohio, non-directional radio marker station to the Pittsburgh, Pa., radio range station. From the Martinsburg, W. Va., radio range station to the Baltimore, Md., radio range station.

4. Section 600.4 (d) (3) is amended to read:

(3) *Blue civil airway No. 3 (Mobile, Ala., to Lafayette, Ind.).* From the intersection of the northeast course of the Mobile, Ala., radio range and the north course of the Pensacola, Fla., radio range via the Pensacola, Fla., radio range station to the intersection of the northeast course of the Pensacola, Fla., radio range and the west course of the Crestview, Fla., radio range, excluding that portion which lies more than two miles southeast of the northeast course of the Pensacola, Fla., radio range. From the intersection of the northwest course of the Tallahassee, radio range and the southeast course of the Dothan, Ala., radio range via the Dothan, Ala., radio range station; Gunter Field, Montgomery, Ala.; the intersection of the west course of the Maxwell Field, Ala., radio range and the south course of the Birmingham, Ala., radio range to the Birmingham, Ala., radio range station. From the Muscle Shoals, Ala., radio range station to the intersection of the northeast course of the Muscle Shoals, Ala., radio range and the southwest course of the Nashville, Tenn., radio range. From the Nashville, Tenn., radio range station via the intersection of the northwest course of the Nashville, Tenn., radio range and the south course of the Evansville, Ind., radio range; the Evansville, Ind., radio range station; Terre Haute, Ind., radio range station; the intersection of the north course of the Terre Haute, Ind., radio range and the southwest course of the Lafayette, Ind., radio range; Lafayette, Ind., radio range station to the intersection of the northeast course of the Lafayette, Ind., radio range and the north course of the Indianapolis, Ind., radio range.

5. Section 600.4 (d) (6) is amended to read:

(6) *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* From the Abilene, Tex., radio range station via the Wichita Falls, Tex., radio range station to the intersection of the northeast course of the Wichita Falls, Tex., radio range and the south course of the Oklahoma City, Okla., radio range. From the Springfield, Ill., radio range station via the Peoria, Ill., radio range station to the intersection of the north course of the Peoria, Ill., radio range and the northeast course of the Burlington, Iowa, radio range. From the intersection of the west course of the Goshen, Ind., radio range and the south course of the South Bend, Ind., radio range via the South Bend, Ind., radio range station to the intersection of the north course of the South Bend, Ind., radio range and the northeast course of the Chicago, Ill., radio range. From the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Muskegon, Mich., radio range station.

6. Section 600.4 (d) (30) is amended to read:

(30) *Blue civil airway No. 30 (Brownsville, Tex., to Amarillo, Tex.).* From the intersection of the southeast course of the Alice, Tex., radio range and the southwest course of the Corpus Christi, Tex., radio range via the Corpus Christi, Tex., radio range station, excluding that portion which lies more than 2 miles southeast of the southwest course of the Corpus Christi, Tex., radio range; San Antonio, Tex. (Kelly), radio range station; the intersection of the northwest course of the San Antonio, Tex. (Kelly), radio range and the southeast course of the Big Spring, Tex., radio range; Big Spring, Tex., radio range station; the intersection of the northwest course of the Big Spring, Tex., radio range and the south course of the Lubbock, Tex., radio range; Lubbock, Tex., radio range station; the intersection of the north course of the Lubbock, Tex., radio range and the south course of the Amarillo, Tex., radio range to the Amarillo, Tex., radio range station.

7. Section 600.4 (d) (35) is amended to read:

(35) *Blue civil airway No. 35 (Topeka, Kans., to Des Moines, Iowa).* From the intersection of the southwest course of the Topeka, Kans. (AFB), radio range and a point 20 miles southwest of the Topeka, Kans. (AFB), radio range station via the Topeka, Kans. (AFB), radio range station to the intersection of the northeast course of the Topeka, Kans. (AFB), radio range and the northwest course of the Kansas City, Mo., radio range. From the St. Joseph, Mo., radio range station to the intersection of the east course of the St. Joseph, Mo., radio range and the northeast course of the Kansas City, Mo., radio range. From the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to the intersection of the northwest course of the Kirksville, Mo., radio range and the south course of the Des Moines, Iowa, radio range.

8. Section 600.4 (d) (58) is added to read:

(58) *Blue civil airway No. 58 (Sioux Falls, S. Dak., to Watertown, S. Dak.).* From the Sioux Falls, S. Dak., radio range station to the Watertown, S. Dak., radio range station.

This amendment shall become effective 0001 e. s. t. September 30, 1948.

(Sec. 205, 301, 302, 307, and 308, 52 Stat. 984, 985, 986, 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong., 49 U. S. C. 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8714; Filed, Sept. 29, 1948; 8:47 a. m.]

[Amdt. 12]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas, including control zones and reporting points at such locations; (2) the immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; (3) the establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (4) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

Designation and Redesignation of Control Areas: Green Civil Airway No. 8; Amber Civil Airways Nos. 1 and 5; Red Civil Airways Nos. 6 and 27; Blue Civil Airways Nos. 25, 45 and 58. Designation and Redesignation of Control Zones. Designation and Redesignation of Reporting Points: Green Civil Airways Nos. 3, 7 and 8; Amber Civil Airway No. 27; Blue Civil Airways Nos. 26 and 58

1. Section 601.4 (a) (8) is amended to read:

(8) *Green civil airway No. 8 control areas (Attu, Alaska, to Northway, Alaska).* From a line extended at right angles across such airway through a point 25 miles southwest of Port Heiden, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles northeast of Anchorage, Alaska, radio range station. From a line extended at right angles across such airway through a point 50 miles southwest of the Northway, Alaska, radio range station to the Northway, Alaska, radio range station.

2. Section 601.4 (b) (1) is amended to read:

(1) *Amber civil airway No. 1 control areas (United States-Mexican Border to Nome, Alaska).* Those portions of Amber civil airway No. 1 within the limits of the continental United States, and from a line extended at right angles across such airway through a point 50 miles southeast of the Cordova, Alaska, radio range station to a line extended at right angles across such airway through a point 25 miles northwest of the Skwentna, Alaska, radio range station.

3. Section 601.4 (b) (5) is amended to read:

(5) *Amber civil airway No. 5 control areas (Grand Isle, La., to Milwaukee, Wis.).* All of Amber civil airway No. 5.

4. Section 601.4 (c) (6) is amended to read:

(6) *Red civil airway No. 6 control areas (Las Vegas, Nev., to Omaha, Nebr.).* All of Red civil airway No. 6.

5. Section 601.4 (c) (27) is amended to read:

(27) *Red civil airway No. 27 control areas (Knoxville, Tenn., to Detroit, Mich.).* All of Red civil airway No. 27 from the Knoxville, Tenn., radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the Knoxville, Tenn., radio range station and from a line extended at right angles across such airway through a point 25 miles southeast of the Lexington, Ky., VHF radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Romulus, Mich., radio range.

6. Section 601.4 (d) (25) is amended to read:

(25) *Blue civil airway No. 25 control areas (Cordova, Alaska, to Big Delta, Alaska).* From the Cordova, Alaska, radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the Cordova, Alaska, radio range station, and from a line extended at right angles across such airway through a point 50 miles south of the Big Delta, Alaska, radio range station to the Big Delta, Alaska, radio range station.

7. Section 601.4 (d) (45) is amended to read:

(45) *Blue civil airway No. 45 control areas (Lake Charles, La., to Baton Rouge, La.).* All of Blue civil airway No. 45.

8. Section 601.4 (d) (53) is added to read:

(58) *Blue civil airway No. 58 control areas (Sioux Falls, S. Dak., to Watertown, S. Dak.).* All of Blue civil airway No. 58.

9. Section 601.4 (e) (39) is amended to read:

(39) *Control area extension (Portland, Oreg.).* From the Portland, Oreg., ILS localizer extending 5 miles either side of the northwest course of the localizer course to a point 20 miles northwest of the ILS localizer.

10. Section 601.4 (e) (42) is amended to read:

(42) *Control area extension (Cincinnati, Ohio).* From the Cincinnati, Ohio, radio range station extending 5 miles either side of the northeast course of the Cincinnati, Ohio, radio range to the 84th Meridian of west longitude.

11. Section 601.4 (e) (106) *Control area extension (Springfield, Ill.)* is revoked.

12. Section 601.4 (e) (106) is added to read:

(106) *Control area extension (Whidbey Island, Wash.).* From the intersection of the northwest course of the Everett, Wash., radio range and the southeast course of the Whidbey Island, Wash., radio range extending 5 miles either side of the southeast and northwest courses of the Whidbey Island radio range to a point 20 miles northwest of the radio range station, and extending 5 miles either side of the southwest course of the Whidbey Island radio range to the intersection of the southwest course of the Whidbey Island radio range and the southeast course of the Patricia Bay, B. C., radio range, excluding those portions which lie over danger areas.

13. Section 601.4 (e) (133) is added to read:

(133) *Control area extension (Idlewild, N. Y.).* From the eastern edge of Green civil airway No. 5 at latitude 40°33'45" longitude 73°32'20", thence southeast to latitude 40°32'10" longitude 73°26'50", thence southwest to latitude 40°17'00" longitude 73°38'55", thence northwest to latitude 40°19'45" longitude 73°43'30" (point of intersection with eastern edge of Green civil airway No. 5), thence northeast following the eastern boundary of Green civil airway No. 5 to point of beginning.

14. Section 601.4 (e) (134) is added to read:

(134) *Control area extension (Miami, Fla.).* From the Miami International Airport ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles northwest of the ILS localizer.

15. Section 601.4 (e) (135) is added to read:

(135) *Control area extension (Atlanta, Ga.).* All that area 5 miles north and parallel to the east and west courses of the Atlanta, Ga. (NAS), radio range extending from Amber civil airway No. 6 to Green civil airway No. 6 including the area south of the east and west courses of the Atlanta (NAS) radio range between Amber civil airway No. 6 and Green civil airway No. 6, and extending 5 miles either side of the north course of the Atlanta, Ga. (NAS), radio range to a point 20 miles north of the radio range station.

16. Section 601.8 (b) is amended by adding the following airport:

Atlanta, Ga.: Naval Air Station.

17. Section 601.8 (c) (86) is amended to read:

(86) *Chicago, Ill., control zone.* Within a 6 mile radius of the Chicago Municipal Airport extending 2 miles either side of the northwest course of the Chicago radio range to the intersection of the northwest course of the Chicago radio range and the northeast course of the Joliet, Ill., radio range, and within 2 miles either side of the southeast course of the Chicago radio range extending to the intersection of the southeast course of the Chicago radio range and the east course of the Harvey, Ill., radio range, excluding that portion that overlaps the Orchard Airport control zone.

18. Section 601.8 (c) (124) Springfield, Ill., control zone is revoked.

19. Section 601.8 (c) (124) is added to read:

(124) *Roswell, N. Mex., control zone.* Within a 30 mile radius of the Walker Air Force Base, Roswell, N. Mex.

20. Section 601.8 (c) (156) is amended to read:

(156) *Miami, Fla., control zone.* Within a 5 mile radius of the Miami International Airport and within 2 miles either side of the east and west courses of the Miami radio range extending west to the Krome Fan Marker.

21. Section 601.8 (c) (237) is added to read:

(237) *New York, N. Y., control zone.* Within a 5 mile radius of the Floyd Bennett Naval Air Station extending 2 miles either side of the southeast course of the Floyd Bennett NAS radio range to the intersection of the southeast course of the Floyd Bennett radio range and the southwest course of the Mitchel Field radio range, excluding that portion which lies northeast of a straight line connecting the points of convergence with the New York International (Idlewild) control zone.

22. Section 601.8 (c) (238) is added to read:

(238) *New York, N. Y., control zone.* Within a 5 mile radius of the New York International Airport (Idlewild), excluding that portion which lies southwest of a straight line connecting the points of convergence with the Floyd Bennett control zone.

23. Section 601.8 (c) (239) is added to read:

(239) *Cordova, Alaska, control zone.* Within a 5 mile radius of the Cordova, Alaska (Mile 13) Airport extending 2 miles either side of the southeast course of the Cordova, Alaska (localizer) radio range to Amber civil airway No. 1 and extending 2 miles either side of the southwest course of the Cordova, Alaska (localizer) radio range to Amber civil airway No. 1.

24. Section 601.9 (a) (3) is amended to read:

(3) *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Bay Point, Calif., fan type radio marker station or the intersection of the northeast course of the Oakland, Calif., radio range and the south course of the Williams, Calif., radio range; Sacramento, Calif., radio range station; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Elko, Nev., radio range station; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo, radio range station; Cheyenne, Wyo., radio range station; the intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range; the intersection of the southeast course of the Scottsbluff, Nebr., radio range and the west course of the North Platte, Nebr., radio range; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; the intersection of the southeast course of the Romulus, Mich., radio range and the west course of the Cleveland, Ohio, radio range; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; Philipsburg, Pa., radio range station; the intersection of the east course of the Philipsburg, Pa., radio range and the south course of the Williamsport, Pa., radio range; Allentown, Pa., radio range station; the intersection of the southwest course of the New York, N. Y. (LaGuardia), radio range and the northwest course of the Floyd Bennett, N. Y. (Navy), radio range; New York, N. Y. (LaGuardia), radio range station.

25. Section 601.9 (a) (7) is amended to read:

(7) *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* Nome, Alaska, radio range station; Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range; Galena, Alaska, radio range station; intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range; intersection of the west course of the Fairbanks, Alaska, radio range and the southeast course of the Tanana, Alaska, radio range; intersection of the west course of the Fairbanks, Alaska, radio range and the northwest course of the Nenana, Alaska, radio range; Fairbanks, Alaska, radio range station.

26. Section 601.9 (a) (8) is amended to read:

(8) *Green civil airway No. 8 (Attu, Alaska, to Northway, Alaska).* Attu, Alaska, radio range station; Shemya, Alaska, radio range station; Adak, Alaska, radio range station; the intersection of the west course of the Atka, Alaska, radio range and the northeast course of the Adak, Alaska, radio range; Atka, Alaska, radio range station; Umnak (North Shore), Alaska, radio range station; the intersection of the northeast course of the Umnak (North Shore), Alaska, radio range and the west course of the Cold Bay (Randall), Alaska, radio range; Cold Bay (Randall), Alaska, radio range station; Heiden, Alaska, radio range station; Naknek, Alaska, radio range station; the intersection of the northeast course of the Naknek, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range; the intersection of the southeast course of the Iliamna, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the west course of Homer, Alaska, and the southwest course of the Kenal, Alaska, radio range; Homer, Alaska, radio range station; the intersection of the east course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Gulkana, Alaska, radio range station; Northway, Alaska, radio range station.

27. Section 601.9 (b) (5) caption is amended to read:

(5) *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).*

28. Section 601.9 (b) (6) is amended to read:

(6) *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* Jacksonville, Fla., radio range station; Alma, Ga., radio range station; Macon, Ga., radio range station; Chattanooga, Tenn., radio range station; Bowling Green, Ky., radio range station; Louisville, Ky., radio range station.

29. Section 601.9 (c) (27) is amended to read:

(27) *Red civil airway No. 27 (Knoxville, Tenn., to Detroit, Mich.).* Dayton, Ohio, radio range station.

30. Section 601.9 (d) (26) is amended to read:

(26) *Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).* The intersection of the north course of the Anchorage, Alaska (Merrill) localizer radio range and the southeast course of the Skwentna, Alaska, radio range; Talkeetna, Alaska, non-directional radio marker station; Summit, Alaska, radio range station; the intersection of the northeast course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range.

31. Section 601.9 (d) (58) is added to read:

(58) *Blue civil airway No. 58 (Sioux Falls, S. Dak., to Watertown, S. Dak.).* No reporting point designation.

This amendment shall become effective 0001 e. s. t., September 30, 1948.

(Sec. 205, 301, 302, 307, and 308, 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong., 49 U. S. C. 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8715; Filed, Sept. 29, 1948; 8:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

STABILIZATION OF MARKET PRICES BY PERSONS OFFERING SECURITIES TO PUBLIC

§ 241.4163 *Statement of the Commission in connection with notice of opportunity to submit proposals for regulations or legislation regarding the stabilization of market prices by persons offering securities to the public.* Stabilization is that process whereby the market price of a security is pegged or fixed for the limited purpose of preventing or retarding a decline in contemplation of or during a public offering of securities. Section 9 of the Securities Exchange Act of 1934 deals generally with various manipulative practices. Section 9 (a) (2) makes it unlawful in general terms for any person, by use of the mails or any instrumentality of interstate commerce or any facility of a national securities exchange,

To effect, alone or with one or more other persons, a series of transactions in any security registered on a national securities exchange creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

This general anti-manipulative provision, however, is limited by section 9 (a) (6), which outlaws stabilization only if effected in contravention of Commission rules. Section 9 (a) (6) makes it unlawful

To effect either alone or with one or more other persons any series of transactions for the purchase and/or sale of any security registered on a national securities exchange for the purpose of pegging, fixing, or stabilizing the price of such security in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

The Commission has in effect certain disclosure rules concerning stabilization. These rules were adopted under provisions other than section 9 (a) (6). One rule requires the filing of reports by persons effecting stabilizing transactions.[1] Another rule requires that in the case of an issue of securities registered under the Securities Act of 1933 a statement of intention to stabilize appear prominently on the first or second page of the prospectus whenever the issuer or any of the underwriters knows or has reasonable ground to believe that it is intended to stabilize.[2] However, the only substantive regulation of stabilizing thus far adopted, and the only regulation under section 9 (a) (6), is § 241.9-a6-1 (Regulation X-9A6-1), which is limited to offerings made "at the market" instead of at a fixed price. In connection with the adoption of this regulation the Commission issued a statement, together with a separate statement by the late Commissioner Healy, discussing both the technical problems involved in the regulation of stabilizing and the fundamental questions of policy.[3] While the Commission agreed unanimously that stabilizing was manipulation, the majority considered the alternatives of prohibition, inaction and regulation, and concluded in favor of attacking the problem step-by-step through the Commission's rule-making authority. Commissioner Healy in his dissenting opinion observed that the differences between "manipulation" and "stabilization" were often difficult of perception, and he disagreed with the view that section 9 (a) (6) left the Commission with no authority to outlaw stabilization.

In the absence of any applicable rule except with respect to "market offerings" (which in recent years have been very rare) the question whether a particular course of conduct is unlawful manipulation or lawful stabilization rests at present on interpretation of section 9 (a) (2), which must of course be construed in the light of section 9 (a) (6). Sections 9 (a) (2) and 9 (a) (6) are by their terms limited to securities registered on a national securities exchange. However, the Commission has repeatedly held[4] that conduct which violates section 9 (a) (2) when it concerns a registered security violates the general anti-fraud provisions[5] when it concerns a security not registered on an exchange. Consequently, the line between fraud or manipulation and lawful stabilization with respect to unregistered securities rests similarly at present on interpretation of these general anti-fraud provisions, which like section 9 (a) (2) must be construed in the light of the fact that the Congress when it dealt specifically with stabilization determined not to outlaw the practice by statute.

There are no judicial precedents defining the difference between stabilization and other forms of manipulation. The Commission's administrative interpretation was publicly expressed on July 15, 1948, in connection with the present investigation. In ruling on a motion presented by one of the witnesses the presiding officer made the following statement on the Commission's behalf:

It has for many years been the Commission's position, expressed both orally and by letter to any member of the public making proper inquiry, that stabilization for the sole purpose of preventing or retarding a decline, whether the stabilization is effected by an underwriter or by an issuer, does not of itself violate section 9 (a) (2) or any other section of the Securities Exchange Act of 1934 so long as the stabilizing purchases are effected at whichever is the lower of two figures—(1) a bona fide independent market price for the security being stabilized or (2) the public offering price of the issue once the offering is made—and that within these restrictions there is no limit under existing statute and rules on the amount of securities which may be purchased in the stabilizing process.

The record of the present investigation (In the matter of offering of common stock of Kaiser-Frazer Corporation) indicates that Kaiser-Frazer Corporation on February 3, 1948, undertook for its own account to stabilize the market for its common stock on the New York Curb Exchange and other exchanges in advance of the proposed public offering of the stock, and during the course of the stabilization that day purchased a total of 186,200 shares. The total offering was 1,500,000 shares, 900,000 "firm" and 600,000 on a "best efforts" basis, and the registration statement under the Securities Act of 1933 became effective as of 5:30 p. m. on February 3.

In the Commission's experience it is not unusual for a utility company soliciting competitive bids in connection with a proposed offering of securities to reserve the right to stabilize for a short period preceding the opening of the bids, but it has not been customary for the issuer to stabilize in connection with negotiated underwritings. So far as the amount of stock purchased by way of stabilization is concerned, the Commission has imposed no restrictions. Frequently however the agreement among underwriters reserves to the managers the right to repurchase a fixed percentage of the amount of securities being offered, the amount not infrequently running as high as 15 percent. (Securities Exchange Act Release No. 4163, dated September 16, 1948.)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 24, 1948.

[F. R. Doc. 48-8721; Filed, Sept. 29, 1948; 8:48 a. m.]

[1] Section 241.17a-2 (Rule X-17A-2), adopted under section 17 (a) of the Securities Exchange Act of 1934.

[2] Rule 426, adopted under the Securities Act of 1933.

[3] Securities Exchange Act Release No. 2446, 11 F. R. 10971, § 241.2446 (1940).

[4] See, for example, Barrett & Co., 9 Sec. 319 (1941).

[5] Section 17 (a) of the Securities Act of 1933 and sections 10 (b) and 15 (c) (1) of the Securities Exchange Act of 1934. In addition to the general rules under sections 10 (b) and 15 (c) (1)—§§ 241.10b-5 and 241.15c1-2 (Rules X-10B-5 and X-15C1-2 respectively)—there is a more specific rule under the latter section, § 241.15C1-8 (Rule X-15C1-8), which in effect prohibits any broker or dealer participating or otherwise financially interested in the distribution of an over-the-counter security from representing to a customer that the security is being offered "at the market" or at price related to the market price, unless the broker or dealer knows or has reasonable grounds to believe that a market for the security exists other than that made, created or controlled by him or any person for whom he is acting or with whom he is in a control relationship.

TITLE 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 6—TRAFFIC IN CONTRABAND ARTICLES IN FEDERAL PENAL AND CORRECTIONAL INSTITUTIONS

SEPTEMBER 24, 1948.

The following part is hereby added to Chapter I, Title 28, Code of Federal Regulations:

§ 6.1 *Consent of warden or superintendent required.* The introduction or attempt to introduce into or upon the grounds of any Federal penal or correctional institution or the taking or attempt to take or send therefrom anything whatsoever without the knowledge and consent of the warden or superintendent of such Federal penal or correctional institution is prohibited. (Sec. 1, Pub. Law 772, 80th Cong.; 18 U. S. C. 1791)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Section 1791 of Title 18 of the United States Code, which became effective on September 1, 1948, provides that whoever, contrary to any rule or regulation promulgated by the Attorney General, introduces or attempts to introduce into, or to take or send from, any Federal penal or correctional institution anything whatsoever, shall be imprisoned not more than ten years. Compliance with the provisions of section 4 of the Administrative Procedure Act with respect to notice and delayed effective date is contrary to the public interest in this instance, since the provisions of the said section 1791 cannot become operative until implemented by regulation of the Attorney General and in the meantime there exists no legal deterrent to the trafficking in contraband articles within Federal penal and correctional institutions.

[SEAL] PHILIP B. PERLMAN,
Acting Attorney General.

[F. R. Doc. 48-8730; Filed, Sept. 29, 1948; 8:50 a. m.]

PART 51—ORGANIZATION AND FUNCTIONS

ESTABLISHMENT OF OFFICE OF ALIEN PROPERTY

SEPTEMBER 24, 1948.

Effective October 1, 1948, § 51.81, Chapter I, Title 28, Code of Federal Regulations, is amended to read as follows:

§ 51.81 *Establishment of the Office of Alien Property.* In order to effectuate the provisions of Executive Order No. 9788 of October 14, 1946 (11 F. R. 11981), terminating the Office of Alien Property Custodian and transferring its functions to the Attorney General, and of Executive Order No. 9989 of August 20, 1948 (13 F. R. 4891), transferring jurisdiction over certain blocked assets to the Attorney General, *It is hereby ordered as follows:*

(a) There is created in the Department of Justice the Office of Alien Property. All the authority, rights, privileges, powers, duties, and functions vested in or transferred or delegated to the Attorney General by the said Executive orders are hereby placed in the Office of Alien Property.

(b) The Director of the Office of Alien Property shall supervise and direct all the activities of the Office of Alien Property. (R. S. 161, 5 U. S. C. 22; E. O. 9788, Oct. 14, 1946, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891)

[SEAL] PHILIP B. PERLMAN,
Acting Attorney General.

[F. R. Doc. 48-8729; Filed, Sept. 29, 1948; 8:51 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 130—TRANSACTIONS IN FOREIGN EXCHANGE AND FOREIGN-OWNED PROPERTY, THE REPORTING OF ALL FOREIGN-OWNED PROPERTY AND RELATED MATTERS

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PART 142—GENERAL LICENSES ISSUED BY THE UNITED STATES TREASURY REPRESENTATIVE IN THE PHILIPPINE OFFICE, FOREIGN FUNDS CONTROL, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

TRANSFER OF JURISDICTION

CROSS REFERENCE: For order reflecting the transfer by Executive Order 9989 of jurisdiction over certain blocked assets formerly vested in the Treasury Department of officers of the Treasury Department to the Office of Alien Property, see amendments of Parts 500, 501 and 503 of Title 8, *supra.*

PART 138—ORGANIZATION OF FOREIGN FUNDS CONTROL

REVOCATION OF PART

SEPTEMBER 30, 1948.

Part 138 is hereby revoked, effective midnight September 30, 1948.

(R. S. 161, sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; sec. 3 (a) (1) Pub. Law 404, 79th Cong.; 60 Stat. 238; 5 U. S. C. 22, 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 48-8759; Filed, Sept. 29, 1948; 9:42 a. m.]

PART 139—PROCEDURES OF FOREIGN FUNDS CONTROL

REVOCATION OF PART

SEPTEMBER 30, 1948.

Part 139 is hereby revoked, effective midnight September 30, 1948.

(R. S. 161, Sec. 3 (a), 40 Stat. 412, sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839, sec. 3 (a) (3) Pub. Law 404, 79th Cong.; 60 Stat. 238; 5 U. S. C. 22, 50 U. S. C. App. 3 (a), 12 U. S. C. 95a, 50 U. S. C. App. Sup. 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR, Cum. Supp., 10 F. R. 6917; Regulations, April 10, 1940, as amended June 14, 1941, Feb. 19, 1946, June 28, 1946, and Jan. 1, 1947; 31 CFR, Cum. Supp., 130.1–7, 11 F. R. 1769, 7184)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 48-8760; Filed, Sept. 29, 1948; 9:42 a. m.]

PART 141—REGULATIONS RELATING TO PROPERTY VESTED IN THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 5 (b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED

REVOCATION OF PART

SEPTEMBER 30, 1948.

Part 141 is hereby revoked, effective midnight September 30, 1948.

(Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended by E. O. 8785, June 14, 1941, E. O. 8832, July 26, 1941, E. O. 8963, Dec. 9, 1941, and E. O. 8998, Dec. 26, 1941, E. O. 9193, July 6, 1942, as amended by E. O. 9567, June 8, 1945; 3 CFR Cum. Supp., 10 F. R. 6917)

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 48-8760; Filed, Sept. 29, 1948; 9:42 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 5—CLASSIFICATION AND RATES OF POSTAGE

AIR PARCEL POST SERVICE—DOMESTIC

Part 5, Title 39, Code of Federal Regulations, is amended as follows:

1. Amend § 5.12 (a) (1), as amended (39 CFR, 1946 Supp.) to read as follows:

§ 5.12 *Mail carried by airplane.* (a) (1) The rate of postage on domestic air mail weighing eight ounces or less shall be 5 cents for each ounce or fraction thereof: *Provided,* That the rate of postage on air mail of the first class weighing in excess of eight ounces shall be the rate provided for air parcels but in no case shall be less than 3 cents an ounce or fraction thereof.

(Sec. 3, Pub. Law 819, 80th Cong.)

2. Amend § 5.12 (a) (3) to read as follows:

(3) The act of October 14, 1940, referred to in section 2 of the act of August 14, 1946, and in subparagraph (2) of this paragraph relates to mail carried by aircraft to, from, or within Alaska and authorizes the Postmaster General to fix the postage rate thereon. Accordingly the rate of 5 cents for each ounce or fraction thereof on air mail weighing eight ounces or less, and the zone rate for air mail exceeding eight ounces in weight (see § 5.12a), shall be applicable to all classes of mail carried to, from, or within that territory which the sender designates for transportation by air, except that postage at the eighth zone rate of 80 cents for the first pound or fraction thereof in excess of eight ounces and 80 cents for each additional pound or fraction thereof shall be chargeable on parcels transported by air between points within Alaska and points outside of that Territory to which the domestic rates and conditions are applicable (see § 5.74). Mail of any class on which postage at the regular rates only is prepaid and which is not designated by the sender for transmission by air when carried to, from, or within Alaska shall continue to be handled as heretofore, that is, transported by surface means except where otherwise specifically directed.

3. Amend § 5.12 (b) (2) to read as follows:

(2) Any mailable matter, except that liable to damage from freezing, may be sent by air mail at the applicable rates of postage including sealed parcels not exceeding 70 pounds in weight and not exceeding 100 inches in length and girth combined. This includes harmless live animals, queen bees and cut flowers. Day-old chicks, day-old ducks, etc., and honey bees are prohibited.

4. Add new § 5.12a to read as follows:

§ 5.12a *Air parcel post service.* (a) In connection with Public Law 819, 80th Congress, approved June 29, 1946, establishing an Air Parcel Post Service, effective September 1, 1948, the following information is given for the guidance of postmasters and all others concerned.

(b) The zone rates prescribed for parcels carried by air (including other transportation to and from air-mail routes) shall apply to mailable matter of any class weighing over 8 ounces but not more than 70 pounds nor exceeding 100 inches in length and girth combined, including written and other matter of the first class, whether sealed or unsealed, except that in the case of mail of the first class the rate shall not be less than 3 cents an ounce or fraction thereof.

(c) The rate of 5 cents an ounce or fraction of an ounce will continue to apply (until otherwise instructed) to all domestic air mail weighing up to and including 8 ounces, regardless of distance or zone; the zone rates prescribed by Public Law 819, and referred to herein, will apply to such mail weighing over 8 ounces, fractions of a pound being charged as a full pound (provided that on air mail of the first class the rate shall not be less than 3 cents an ounce or fraction thereof).

(d) The air-zone rates provided by this law shall be based on the eight postal zones applicable to fourth-class (parcel post) mail, such zones being described in § 5.70 (b).

(e) The zone rates for parcels carried by air are shown in the following tables:

AIR PARCEL-POST ZONE RATES

Zone	First pound over 8 ounces	Additional pounds
	Cents	*Cents*
1 and 2	55	4
3	60	8
4	65	14
5	70	24
6	75	33
7	75	45
8	80	65

Weight	Zones 1 and 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
Over 8 ounces to—							
1 pound	$0.55	$0.60	$0.65	$0.70	$0.75	$0.75	$0.80
2 pounds	.59	.68	.79	.94	1.08	1.20	1.45
3 pounds	.63	.76	.93	1.18	1.41	1.65	2.10
4 pounds	.67	.81	1.07	1.42	1.74	2.10	2.75
5 pounds	.71	.92	1.21	1.66	2.07	2.55	3.40
6 pounds	.75	1.00	1.35	1.90	2.40	3.00	4.05
7 pounds	.79	1.08	1.49	2.14	2.73	3.45	4.70
8 pounds	.83	1.16	1.63	2.38	3.06	3.90	5.35
9 pounds	.87	1.24	1.77	2.62	3.39	4.35	6.00
10 pounds	.91	1.32	1.91	2.86	3.72	4.80	6.65
11 pounds	.95	1.40	2.05	3.10	4.05	5.25	7.30
12 pounds	.99	1.48	2.19	3.34	4.38	5.70	7.95
13 pounds	1.03	1.56	2.33	3.58	4.71	6.15	8.60
14 pounds	1.07	1.64	2.47	3.82	5.04	6.60	9.25
15 pounds	1.11	1.72	2.61	4.06	5.37	7.05	9.90
16 pounds	1.15	1.80	2.75	4.30	5.70	7.50	10.55
17 pounds	1.19	1.88	2.89	4.54	6.03	7.95	11.20
18 pounds	1.23	1.96	3.03	4.78	6.36	8.40	11.85
19 pounds	1.27	2.04	3.17	5.02	6.69	8.85	12.50
20 pounds	1.31	2.12	3.31	5.26	7.02	9.30	13.15
21 pounds	1.35	2.20	3.45	5.50	7.35	9.75	13.80
22 pounds	1.39	2.28	3.59	5.74	7.68	10.20	14.45
23 pounds	1.43	2.36	3.73	5.98	8.01	10.65	15.10
24 pounds	1.47	2.44	3.87	6.22	8.34	11.10	15.75
25 pounds	1.51	2.52	4.01	6.46	8.67	11.55	16.40
26 pounds	1.55	2.60	4.15	6.70	9.00	12.00	17.05
27 pounds	1.59	2.68	4.29	6.94	9.33	12.45	17.70
28 pounds	1.63	2.76	4.43	7.18	9.66	12.90	18.35
29 pounds	1.67	2.84	4.57	7.42	9.99	13.35	19.00
30 pounds	1.71	2.92	4.71	7.66	10.32	13.80	19.65
31 pounds	1.75	3.00	4.85	7.90	10.65	14.25	20.30
32 pounds	1.79	3.08	4.99	8.14	10.98	14.70	20.95
33 pounds	1.83	3.16	5.13	8.38	11.31	15.15	21.60
34 pounds	1.87	3.24	5.27	8.62	11.64	15.60	22.25
35 pounds	1.91	3.32	5.41	8.86	11.97	16.05	22.90
Over 8 ounces to—							
36 pounds	$1.95	$3.40	$5.55	$9.10	$12.30	$16.50	$23.55
37 pounds	1.99	3.48	5.69	9.34	12.63	16.95	24.20
38 pounds	2.03	3.56	5.83	9.58	12.96	17.40	24.85
39 pounds	2.07	3.64	5.97	9.82	13.29	17.85	25.50
40 pounds	2.11	3.72	6.11	10.06	13.62	18.30	26.15
41 pounds	2.15	3.80	6.25	10.30	13.95	18.75	26.80
42 pounds	2.19	3.88	6.39	10.54	14.28	19.20	27.45
43 pounds	2.23	3.96	6.53	10.78	14.61	19.65	28.10
44 pounds	2.27	4.04	6.67	11.02	14.94	20.10	28.75
45 pounds	2.31	4.12	6.81	11.26	15.27	20.55	29.40
46 pounds	2.35	4.20	6.95	11.50	15.60	21.00	30.05
47 pounds	2.39	4.28	7.09	11.74	15.93	21.45	30.70
48 pounds	2.43	4.36	7.23	11.98	16.26	21.90	31.35
49 pounds	2.47	4.44	7.37	12.22	16.59	22.35	32.00
50 pounds	2.51	4.52	7.51	12.46	16.92	22.80	32.65
51 pounds	2.55	4.60	7.65	12.70	17.25	23.25	33.30
52 pounds	2.59	4.68	7.79	12.94	17.58	23.70	33.95
53 pounds	2.63	4.76	7.93	13.18	17.91	24.15	34.60
54 pounds	2.67	4.84	8.07	13.42	18.24	24.60	35.25
55 pounds	2.71	4.92	8.21	13.66	18.57	25.05	35.90
56 pounds	2.75	5.00	8.35	13.90	18.90	25.50	36.55
57 pounds	2.79	5.08	8.49	14.14	19.23	25.95	37.20
58 pounds	2.83	5.16	8.63	14.38	19.56	26.40	37.85
59 pounds	2.87	5.24	8.77	14.62	19.89	26.85	38.50
60 pounds	2.91	5.32	8.91	14.86	20.22	27.30	39.15
61 pounds	2.95	5.40	9.05	15.10	20.55	27.75	39.80
62 pounds	2.99	5.48	9.19	15.34	20.88	28.20	40.45
63 pounds	3.03	5.56	9.33	15.58	21.21	28.65	41.10
64 pounds	3.07	5.64	9.47	15.82	21.54	29.10	41.75
65 pounds	3.11	5.72	9.61	16.06	21.87	29.55	42.40
66 pounds	3.15	5.80	9.75	16.30	22.20	30.00	43.05
67 pounds	3.19	5.88	9.89	16.54	22.53	30.45	43.70
68 pounds	3.23	5.96	10.03	16.78	22.86	30.90	44.35
69 pounds	3.27	6.04	10.17	17.02	23.19	31.35	45.00
70 pounds	3.31	6.12	10.31	17.26	23.52	31.80	45.65

EXCEPTIONS

The rate of 80 cents for first pound (over 8 ounces to 1 pound) and 80 cents for each additional pound or fraction thereof shall be charged on parcels transported by air as follows:

(a) Between any point in continental United States and any point in its Territories and possessions falling in the eighth delivery zone, namely, Hawaii, Alaska, Guam, etc.

(b) Between or within Territories and possessions of the United States where the eighth zone is applicable.

(c) Between continental United States or its Territories and possessions and the Canal Zone.

(d) Between United States or its Territories and possessions and overseas A. P. O.'s and Fleet Post Offices.

(e) Between United States or its Territories and possessions and United States naval vessels stationed in foreign waters if foreign port is used as part of address.

In the case of first-class matter weighing 8 ounces transported by air, the rate of 8 cents an ounce or fraction is applicable to parcels of the weights and in the zones indicated below:

Zones 1 and 2: All parcels weighing over 1 pound 3 ounces.

Zone 3: All parcels weighing over 1 pound 6 ounces.

Zone 4: All parcels weighing over 1 pound 10 ounces.

Zone 5: Parcels weighing over 1 pound 15 ounces, but not more than 2 pounds. All parcels weighing over 2 pounds 7 ounces.

Zone 6: Parcels weighing over 2 pounds 15 ounces, but not over 3 pounds. Parcels weighing over 3 pounds 10 ounces, but not over 4 pounds. All parcels weighing over 4 pounds 5 ounces.

Zone 7: Parcels weighing over 10 pounds 15 ounces, but not over 11 pounds. Parcels weighing over 11 pounds 14 ounces, but not over 12 pounds. Parcels weighing over 12 pounds 13 ounces, but not over 13 pounds. Parcels weighing over 13 pounds 12 ounces, but not over 14 pounds. Parcels weighing over 14 pounds 11 ounces, but not over 15 pounds. Parcels weighing over 15 pounds 10 ounces, but not over 16 pounds. Parcels weighing over 16 pounds 9 ounces, but not over 17 pounds. Parcels weighing over 17 pounds 8 ounces, but not over 18 pounds. Parcels weighing over 18 pounds 7 ounces, but not over 19 pounds. Parcels weighing over 19 pounds 6 ounces, but not over 20 pounds. Parcels weighing over 20 pounds 5 ounces, but not over 21 pounds. Parcels weighing over 21 pounds 4 ounces, but not over 22 pounds. Parcels weighing over 22 pounds 3 ounces, but not over 23 pounds. Parcels weighing over 23 pounds 2 ounces, but not over 24 pounds. All parcels weighing over 24 pounds 1 ounce.

Parcels weighing less than 10 pounds but exceeding 84 inches in length and girth combined shall be subject to the 10-pound rate.

(f) Parcels on which postage is prepaid at the rates prescribed by Public Law 819 are entitled to the most expeditious handling, transportation (by surface or air), and delivery practicable, but not special delivery. If special delivery at the office of address is desired the regular special delivery fees according to the class of matter are applicable. The rate of postage or fees otherwise chargeable on air parcels will not be affected by the inclusion of such written, printed or other matter as lawfully may be enclosed in mail of the second, third or fourth class sent by surface transportation.

(g) All parcels sent via Air Parcel Post should be prominently endorsed "Via Air Mail," not only on the address side but on each end and side. When available, printed labels bearing these words should be affixed to parcels. All parcels must bear the name and address of the sender.

(h) Air parcels which are undeliverable as addressed, when forwarded to the addressee at another post office or returned to the sender, will be subject to postage anew at the air zone rate applicable between the office from which forwarded or returned to the one to which forwarded or returned.

(i) Domestic registered, insured, and c. o. d. mail may be sent by air parcel post upon payment of the prescribed fees, which are in addition to the air zone postage, and surcharges when required on registered mail. All domestic registered mail sent by air parcel post must be securely sealed and postage must be prepaid thereon at the zone rates but in no case less than 3 cents an ounce or fraction thereof. First-class matter sent c. o. d. by air parcel post must also be sealed and be prepaid at the zone rates but not less than 3 cents an ounce or fraction thereof. Indemnity for insured mail sent at the air zone rates will be payable only for fourth-class matter. All domestic registered, insured, and c. o. d. mail prepaid at the air parcel post rates will be accepted with the understanding that the senders guarantee any return or forwarding postage which may be necessary.

(62 Stat. 1097)

V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 48-8717; Filed, Sept. 29, 1948; 8:47 a. m.]

PART 5—CLASSIFICATION AND RATES OF POSTAGE

RATES AND CONDITIONS APPLICABLE TO ALASKA, HAWAIIAN ISLANDS, CANAL ZONE

In § 5.74 *Rates and conditions applicable to Alaska, Hawaiian Islands, Canal Zone* (39 CFR 5.74, 39 CFR, 1946, Supp., 5.74), as amended (13 F. R. 4710), make the following changes:

1. Amend paragraph (a) to read as follows:

(a) The eighth-zone rate of postage shall be charged for fourth-class matter intended for surface transportation, and the eighth-zone rate of 80 cents for the first pound or fraction thereof in excess of 8 ounces and 80 cents for each additional pound or fraction thereof shall be charged for air parcel post, when mailed between any point in the United States or its possessions and any point in the Hawaiian Islands; between any point in the United States or its possessions and any point in Alaska; and between any point in the United States or its possessions and the Canal Zone. The regular zone rate, according to distance or zone on fourth-class matter, and air mail weighing in excess of 8 ounces, shall be charged on such matter mailed from one post office to another within Alaska. (See §§ 5.12a and 5.72.)

(Sec. 8, 37 Stat. 557, as amended, 62 Stat. 1097; 39 U. S. C. 293)

V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 48-8716; Filed, Sept. 29, 1948; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2477]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

SEPTEMBER 23, 1948.

1. A new section is added to Part 4, as follows:

§ 4.278 *Issuance of patents.* All patents for grants of land under authority of the Government shall be issued in the name of the United States by the Director, Bureau of Land Management. The patents may be signed for the Director by the Chief of the Patents Section of the Bureau, and, in his absence, by the Acting Chief of the Section.

2. Subparagraph (65) of paragraph (a) of § 4.275, added by Order 2442 of July 8, 1948, relating to the issuance of patents is revoked.

(R. S. 161, 453, 2478; Pub. Law 667, 80th Cong. 5 U. S. C. 22, 43 U. S. C. 2, 1201)

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

[F. R. Doc. 48-8712; Filed, Sept. 29, 1948; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 8978]

PART 3—RADIO BROADCAST SERVICES

BROADCAST APPLICATION FORMS

In the matter of changes in F. C. C. Forms 301, Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station, 302, Application for New Broadcast Station License, 303, Application for Renewal of Broadcast Station License, 313, Application for Authorization in the Auxiliary Radio Broadcast Services, 314, Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License, 315, Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License, 321, Application for Construction Permit to Replace Expired Permit, and 701, Application for Additional Time to Construct Radio Station, and Extension of the Required Date of Use of the Broadcast Application Forms as Revised on June 16, 1948.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of September 1948;

The Commission having under consideration the required date of use of broadcast application forms F. C. C. Forms 301, 302, 303, 313, 314, 315, 321, and 701 as revised on June 16, 1948; and

It appearing, that supplies of the above described forms cannot be distributed to the public in time to begin their use by the prescribed date of October 1, 1948;

It is ordered, That pursuant to section 303 (r) of the Communications Act of 1934 the required date of use of F. C. C. Forms 301, 302, 303, 313, 314, 315, 321, and 701 as revised on June 16, 1948 be extended to December 1, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8734; Filed, Sept. 29, 1948; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 966]

[Docket No. AO164-A1]

ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER AND TENTATIVELY APPROVED MARKETING AGREEMENT REGULATING HANDLING; EXTENSION OF TIME FOR FILING EXCEPTIONS

The time within which interested parties may file exceptions to the recommended decision (13 F. R. 5338, 5401) of the Assistant Administrator, Production and Marketing Administration, with respect to proposed amendments to the order and tentatively approved marketing agreement regulating the handling of oranges grown in the State of California or in the State of Arizona is hereby extended to not later than the close of business on October 19, 1948.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR Supps. 900.1 et seq.)

Done at Washington, D. C., this 24th day of September 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-8728; Filed, Sept. 29, 1948; 8:50 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 29]

TAXATION OF AMOUNTS RECEIVED AS AN ANNUITY UNDER AN ANNUITY OR ENDOWMENT CONTRACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued on the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Regulations 111 (26 CFR, Part 29) are amended as follows:

Section 29.22 (b) (2)-2 is amended by striking the first sentence and by inserting in lieu thereof the following: "As used in section 22 (b) (2) (A), 'amounts received as an annuity under an annuity or endowment contract' means amounts (based on a computation with reference to life expectancy and mortality tables and payable over a period longer than one year) received in periodical installments, whether annually, semiannually, quarterly, monthly, or otherwise. Where payments received under an endowment contract were reported, for taxable years ending prior to but not on December 31, 1948, as amounts received as an annuity under an annuity or endowment contract, that portion of such payments on which tax was paid, and not refunded, will not again be included in taxable income."

[F. R. Doc. 48-8718; Filed, Sept. 29, 1948; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 31]

[Docket No. 6747]

ORIGINATION POINT OF PROGRAMS BY STANDARD AND FM BROADCAST STATIONS

ORDER SCHEDULING ORAL ARGUMENT

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 24th day of September 1948.

It appearing, that oral argument in this matter has been scheduled for October 11, 1948 and it appearing necessary to change the time of this argument.

It is ordered, That the Commission will hear said oral argument on October 15, 1948 at 3:00 p. m. in Room 6121, New Post Office Building, 12th and Pennsylvania Avenue, Washington, D. C.

Released: September 24, 1948.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8737; Filed, Sept. 29, 1948; 8:53 a. m.]

[47 CFR, Part 13]

[Docket No. 8481]

THREE NEW CLASSES OF OPERATOR LICENSES FOR BROADCAST SERVICE

CORRECTED REPORT AND FINAL ORDER

In the matter of amendment of the Commission's rules and regulations to provide for three new classes of operator licenses for the broadcast service.

Formerly captioned: In the matter of amendment of § 13.2, amendment of § 13.21, amendment of § 13.22, amendment of § 13.61.

In the above entitled matter, a general public hearing before the Commission en banc was held in Washington, D. C., on May 10, 1948. Those appearing at the hearing were Bryce Rea, Jr., on behalf of National Association of Broadcasters; Thomas X. Dunn, on behalf of National Association of Broadcast Engineers and Technicians; L. Wimberly, on behalf of National Headquarters, International Brotherhood of Electrical Workers; S. L. Hicks, on behalf of Local No. 1229, International Brotherhood of Electrical Workers; Raymond A. Wood, on behalf of Local No. 1212 International Brotherhood of Electrical Workers; and Lester W. Spillane and George MacClain on behalf of the Federal Communications Commission.

Since the end of the war, and in view of the development of new and advanced radio techniques, the Commission has been considering what revisions, if any, should be made in its operator license requirements for the operation of stations in the broadcast service. Particular attention has been given to the question of the desirability of establishing a graded system of operator licenses valid for specified operations in cases where under the present system only the first class radiotelephone operator license is valid. On August 1, 1947 a notice of proposed rule making was issued, proposing the establishment of a new lower class license valid for the limited operation of certain categories of broadcast stations of 1,000 watts or less authorized power. Written comments were received from many interested parties. On the basis of these comments and a series of informal conferences which were held, a further notice of proposed rule making was issued on March 25, 1948, incorporating some portions of the earlier notice but also proposing two additional classes of operator licenses for the broadcast service, and a general public hearing was scheduled on the matter of this proposed revision of operator requirements. The hearing was held on May 10, 1948, at which the above-named persons and organizations appeared and presented evidence.

On the basis of the entire record in this proceeding, the Commission has concluded that no substantial need or justification exists for the proposed rules, or for any substantial change in the present structure of operator licenses for the broadcast service: *Provided*, That the qualifying examinations for the licenses are kept up to date in relation to developments in the broadcast radio art through appropriate periodic revisions in the qualifying examinations which underlie the license system.

Some time ago the Commission commenced the systematic revision of its operator license examinations. Work in this respect has recently been completed in regard to the examinations for the radiotelephone first and second class operator licenses and these revised examinations have been placed in effect.

In view of the foregoing, the Commission has concluded that it will be in the public interest to dismiss the pro-

ceedings herein, and they are, accordingly, hereby ordered dismissed.

Adopted: September 8, 1948.

Released: September 9, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8738; Filed, Sept. 29, 1948; 8:53 a. m.]

[47 CFR, Parts 2, 6, 10, 11, 16]

[Docket Nos. 8658, 8965, 8972-8974, 9001, 9018, 9046, 9047]

GENERAL MOBILE RADIO SERVICE, ETC.

SCHEDULE OF ORAL ARGUMENT

In the matter of general mobile radio service, Docket No. 8658; allocation of frequencies between 25 and 30 Mc., Docket No. 8965; allocation of frequencies 44 and 50 Mc. and between 152 and 162 Mc., Docket No. 8972; allocation of frequencies between 72 and 76 Mc., Docket No. 8973; allocation of frequencies in the Band 450-460 Mc., Docket No. 8974; revision of Part 10, "Rules and Regulations Governing Emergency Radio Service" to change the name of this part to "Rules and Regulations Governing Public Safety Radio Services", and to make other changes and amendments, Docket No. 9001; promulgation of new Part 11 of the Commission's rules, "Rules Governing Industrial Radio Services", Docket No. 9018; proposed rules and regulations governing domestic public mobile radiotelephone services, Docket No. 9046; promulgation of new Part 16, "Rules Governing the Land Transportation Radio Services", Docket No. 9047.

The oral argument in the above entitled proceedings will commence at 10:00 a. m. Wednesday, October 6, 1948 and will continue through October 7, 8, 9, 11, 12, 13 and 14. There is listed below a schedule of parties in the order in which they will be heard together with the time estimated for the presentation of their argument based on time estimates filed by the parties. By referring to the schedule, interested parties may determine the approximate time when they can expect to be heard. The argument will begin in Conference Room B, Departmental Auditorium, on Constitution Avenue, between 12th and 14th Streets NW., Washington, D. C.

DOCKETS 8965, 8973, 8974

[To commence Oct. 6, 1948, at 10 a. m.]

Parties	Time estimated (minutes)
Associated Police Communications Officers	10
California State Communications Advisory Board	15
International Association Chiefs of Police	10
National Police Radio Committee	10
National Committee for Utilities Radio	10
National Association of Broadcasters	10
National Broadcasting Co	10
RCA and RMCA	10
Telanserphone, Inc	20
American Telephone & Telegraph Co	30
Dumont Laboratories, Inc	15
Television Broadcasters Association	15
Link Radio	10
Motorola, Inc	60
Jeffrys-McElroth Manufacturing Co	10

DOCKETS 8658, 8972, 9001, 9018, 9046, 9047

[To commence Oct. 6, 1948, at 3 p. m.]

Parties	Time estimated (minutes)
Association of American Railroads	120
American Short Line Railroad Association	20
Atchison, Topeka & Santa Fe Ry. System	10
Baltimore & Ohio R. R.	20
Chesapeake & Ohio Ry. Co	30
Chicago & Eastern R. R.	10
Chicago & Northwestern R. R.	30
Chicago & Rock Island R. R.	30
Delaware, Lackawanna & Western R. R.	10
Denver & Rio Grande Western R. R. Co	30
Erie Railroad Co	30
Grand Trunk Railway System	30
Missouri, Kansas & Texas Lines	30
New York Central System	30
Nickel Plate Road	10
Seaboard Air Line R. R. Co	15
Union Pacific R. R.	25
Armstrong Cork Co	10
Bendix Radio	10
Farnsworth Television & Radio Corp	30
General Railway Signal Co	30
Railway Radio Telephone, Inc	20
RTPB, Panel 13, Committee 1	15
Associated Police Communications Officers, Inc	120
International Association of Chiefs of Police	180
National Police Committee	40
Eastern States Police Radio League	10
California Police Radio Association	10
California State Communications Advisory Board	60
City of Boston	5
City of Detroit	20
City of Denver	10
City of Indianapolis	25
Massachusetts Chiefs of Police Association	10
Forestry Conservation Communications Association	10
Florida Board of Forestry	10
State of Florida	10
American Association of State Highway Officials	80
International Municipal Signal Association	30
Interstate Land & Improvement Co	10

DOCKETS 8658, 8972, 9001, 9018, 9046, 9047—Continued

[To commence Oct. 6, 1948, at 3 p. m.]

Parties	Time estimated (minutes)
National Committee for Utilities Radio	190
National Rural Electric Cooperative Association	15
Rural Electrification Administration	5
Idaho Power Co	10
San Diego Gas & Electric Co	5
Southern California Edison Co	5
American Petroleum Institute	30
National Forest Industries	30
American Newspaper Publishers Association	30
Boston Herald Traveler	10
New York Daily Mirror	90
American Automobile Association	30
Motion Pictures Research Council	30
20th Century Fox Film Corp	30
Association of Federal Communications Consulting Engineers	30
Cooperative Grange League	10
KPOJ, Inc	10
Rural Radio Network, Inc	30
Albuquerque Gravel Products	10
Atlantic Coast Tow Boat Association	15
Boston Tow Boat Co	15
Lake Carriers Association	30
National Federation of American Shipping	15
Western Union	30
National Association of Broadcasters	45
American Broadcasting Co	20
Columbia Broadcasting System	15
Mutual Broadcasting System	30
National Broadcasting Co	15
American Taxicab Association	60
National Association of Taxicab Owners	20
Boston Cab Co	15
Yellow Cab of Philadelphia	10
American Transit Association	15
Capital Transit Co	5
National Bus Communications	15
American Telephone & Telegraph Co	120
Cincinnati & Suburban Bell Telephone Co	30
Illinois Bell Telephone Co	45
New Jersey Bell Telephone Co	30
New York Telephone Co	45
Pacific Telephone & Telegraph Co	30
U. S. Independent Tel. Association	45
General Telephone Corp	30
Aeronautical Radio, Inc	10
Julius Cohen	15
J. J. Freke-Hayes, et al	60
Louis J. Orefice	15
Ward C. Rogers	10
Solomon Schiller	30
Richmond Radio Dispatch	10
Twin City Radio Dispatch	5
Newton Z. Wolpert	10
U-Dryvit Auto Rental	30

Adopted: September 24, 1948.

Released: September 24, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8735; Filed, Sept. 29, 1948; 8:52 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 22]

FUNCTIONS RELATING TO SECURITY CONTROL OF CONTRACTORS' FACILITIES AND PERSONNEL

ORDER TRANSFERRING FROM DEPARTMENT OF ARMY TO DEPARTMENT OF AIR FORCE

Pursuant to the authority vested in me by the National Security Act of 1947 (Act of July 26, 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, *It is hereby ordered as follows:*

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force all functions, powers and duties relating to security control of contractors' facilities and personnel insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property or personnel, which are vested in the Secretary of the Army or any officer of that Department by the following laws, parts of laws and Executive orders, as limited by other laws, parts of laws and Executive orders, whether or not specifically set forth herein:

a. Act of July 2, 1926, c. 721, sec. 10 (j) (44 Stat. 784; 10 U. S. C. 310 (j)).

b. Executive Order No. 8972, Dec. 12, 1941 (6 F. R. 6420).

c. All other laws, parts of laws, including applicable provisions of appropriations acts, and Executive orders which vest in the Secretary of the Army or the Department of the Army or any officer of that Department functions, powers and duties relating to security control of contractors' facilities and personnel insofar as they pertain to the Department of the Air Force or the United States Air Force or their property and personnel.

2. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

3. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

4. Nothing contained in this order shall operate as a transfer of funds.

5. This order shall be effective as of 12:00 noon, September 1, 1948.

JAMES FORRESTAL,
Secretary of Defense.

SEPTEMBER 21, 1948.

[F. R. Doc. 48-8713; Filed, Sept. 29, 1948; 8:46 a. m.]

Department of the Army

ORGANIZATION AND PROCEDURES OF THE CIVIL AFFAIRS DIVISION

TRIPARTITE ANNOUNCEMENT REGARDING FOREIGN EXCHANGE CONTROL

Section 3.40b is added to the regulations which were formerly published as Part 3, Subtitle A, Title 10, Code of Federal Regulations, as follows:

SEC. 3.40b. *Tripartite announcement in regard to Allied Control Council Law No. 5 and U. S. Military Government Law No. 53.* (a) Pursuant to an agreement between the U. S., U. K., and French Military Governments, all persons (natural and juristic persons) not subject to Allied Control Council Law Number 5 who own non-German currencies or who own securities expressed in other than Germany currency, which are presently held by the military governments pursuant to Military Government Law Number 53 (see section 3.40), are invited to submit applications for the recognition of their title to such currencies, or securities. All German financial institutions carrying accounts of such securities for such persons are requested to notify the accounts owners accordingly.

(b) Persons desiring recognition of title to currencies and securities are invited to submit evidence to demonstrate their ownership of the currencies and securities involved and that no party subject to Control Council Law Number 5 has an interest therein and the property is not subject to external or internal restitution claims. Such inquiries must be filed by December 31, 1948, and should be addressed for property located; in the U. S. Zone of Occupation to: Office of the Finance Adviser, OMGUS, APO 742, U. S. Army. In the British Zone of Occupation to: Headquarters, Investigation Branch, Finance Division, Headquarters R/B, Duesseldorf, 318 Headquarters, CCG (BE), BAOR 4. In the French Zone of Occupation to: Bureau Des Titres Estrangers, Landau, Palatinate.

(c) It is pointed out that, among others, there are subject to Control Council Law Number 5 all German nationals in Germany and all those German nationals now outside of Germany who have been residents of Germany or any other territory since September 1, 1939, which at the time of their residence was under the control of the German Reich and who enjoyed full rights of German citizenship at any time since September 1, 1939.

(d) External restitution claims are those filed by governments eligible for restitution to recover property removed from such countries during their occupation by Germany. Exemption from external restitution may be shown by submission of proof that the property has been owned exclusively since September 1, 1939 and was not removed from a country occupied by the Germans during the German occupation. Internal restitution claims are those filed by persons for recovery of property taken from them under duress in Germany for racial, religious and political reasons at any time after January 30, 1933. Exemption from internal restitution may be shown by submission of proof that the currencies or securities have been owned exclusively since January 30, 1933.

(e) The three military governments have further agreed to permit removal from Germany of currencies or securities, title to which has been recognized, when the recognized owner is not a resident of Germany.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8731; Filed, Sept. 29, 1948; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE ARMED FORCES

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and of the Armed Forces, and after expression of the views of industry, labor and the public generally at an open public hearing held on August 3, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395.

1. *What this plan does.* This plan sets up the procedure under which steel producers agree voluntarily to make steel products available either directly to the Army, Navy or Air Force (hereinafter referred to collectively as the Armed Forces) or to persons who need such products to fill contracts for the Armed Forces.

2. *Agreement by steel producers.* The steel producers participating in this plan will, while the plan remains in effect, make steel products available, out of their own production or that of their subsidiaries or affiliates, directly to the Armed Forces or to persons who need such products to fill requirements under contracts for the Armed Forces, and who comply with the provisions of this plan.

The maximum total monthly quantity of steel products to be made available under this plan will be 102,505 net tons, of which not more than 87,065 net tons will be carbon steel and not more than 15,440 net tons will be alloy steel.

3. *Determination of quantities to be furnished by respective producers.* The quantities of each steel product to be made available by each steel producer participating in this plan, as its commitment hereunder, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office

of Industry Cooperation of the Department Commerce, determines to be fair and equitable. Participating steel producers will take credit against such commitments only for deliveries certified in accordance with paragraph 8 below.

4. *Contractual arrangements.* The participating steel producers, or their subsidiaries or affiliates, will make contractual arrangements directly with the Armed Forces procurement agencies or persons requiring steel products under this plan. This plan does not authorize nor approve any fixing of prices, and participation in this plan does not affect the prices or terms and conditions on which any steel product is actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* Each participating steel producer need make available under this plan only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products under this plan, and the quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each participating steel producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that Office periodic reports of the total quantities, by types, of steel products shipped under this plan.

7. *Steel consumers entitled to benefit under this plan.* This plan is available to all Armed Forces procurement agencies and to all individuals, firms, associations, companies, corporations, or organized manufacturing industries which have contracts for delivery of products or materials to the Armed Forces, either directly on prime contracts or indirectly on subcontracts, and which need steel, in the form of steel products sold by steel producers, in order to fill such contracts: *Provided*, The prime contracts have been designated by the Armed Forces as entitled to the benefits of this plan. Responsible authorities within the Armed Forces will determine which particular contracts are entitled to the benefits of the plan and, in such cases, will so notify the prime contractors in writing. In the case of contractors or subcontractors, the plan applies only to steel products which are needed as production material for physical incorporation in the end products or in part of the end product to be delivered to the Armed Forces. It does not apply to steel products for plant construction or equipment unless the plant or equipment is to be owned by the Armed Forces.

8. *Procedure by which steel consumers may secure steel products under this plan.* A steel consumer placing an order with a steel producer for steel products, all or some of which are being purchased under this plan, must (a) separately identify the quantities being ordered under this plan, (b) place on the order a certificate in the following form, and (c) specify, in the certificate, the official Armed Forces contract number or numbers involved:

The undersigned certifies, subject to the penalties of Section 35 (A) of the United States Criminal Code, to the seller and to the Department of Commerce that the items and quantities identified in this order as being for Armed Forces contract(s), designated below, are not more than the needed minimum quantities to fill the requirements of the undersigned under Armed Forces Contract(s) No. ---------- (insert name of Armed Forces department and number of Armed Forces contract(s)); that all the steel products so identified in this order will be used solely to fill the undersigned's requirements under such contract(s); that the deliveries specified will not result in receipts of steel products at a rate in excess of the minimum requirements necessary to provide the deliveries of end products called for by such contract(s); that the undersigned knows, or is reliably informed, that the Armed Forces department involved has specifically designated such contract(s) as entitled to the benefits of the Voluntary Plan of the Department of Commerce for Allocation of Steel Products for Requirements of the Armed Forces; and that this order is placed in accordance with the terms of that Plan, with which the undersigned is familiar.

By ----------
Title of duly authorized officer

Date

9. *Reports from consumers.* The Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) may require any consumer obtaining steel products under this plan to furnish reports with respect to steel products on hand and under arrangements, or any other information pertinent to any orders placed under this plan.

10. *Applicability of anti-trust laws.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers by the Secretary of Commerce, any such steel producer may become a participant in this plan by advising the Secretary of Commerce of its acceptance of the request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act as provided in section 2 (c) of Public Law 395, 80th Congress, only with respect to such steel producers as notify the Secretary of Commerce, in writing, that they will comply with such request.

11. *Effective date and duration.* This plan shall become effective on the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram or publication in the FEDERAL REGISTER.

12. *Withdrawal from plan.* Any steel producer may withdraw from this plan by giving not less than 60 days' written notice to the Secretary of Commerce.

Approved: August 25, 1948.

CHARLES SAWYER,
Secretary of Commerce.

Approved: August 24, 1948.

PEYTON FORD,
Acting Attorney General.

AUGUST 26, 1948.

GENTLEMEN:

Under date of July 1, 1948, President Truman wrote to me stating that he did not consider it appropriate at this time to invoke the mandatory authority contained in the Selective Service Act of 1948, for the procurement of steel for armed forces, contractors, and sub-contractors. He therefore asked me to proceed immediately to develop a voluntary allocation program.

Accordingly, a Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Requirements of the Armed Forces, has been developed. This Plan has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

In accordance with the provisions of Paragraph 3 of the Plan, an initial determination has been made by me with respect to the quantities of each type of steel product which should be made available by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395, and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me, with the advice of the Industry Task Committee, in accordance with Paragraph 3 of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above request for compliance with Department of Commerce Voluntary Plan for Allocation of Steel Products for Requirements of the Armed Forces was sent to steel companies listed on an attachment filed with the original document.

[F. R. Doc. 48-8724; Filed, Sept. 29, 1948; 8:49 a. m.]

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR TANK AND OIL FIELD PRODUCTION EQUIPMENT

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and manufacturers of tank and oil field production equipment, and after expression of the views of industry, labor and the public generally at an open public hearing held on August 4, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. In furtherance of the program for the oil and gas industry, the steel producers participating herein will, during the period this plan shall remain in effect, make available or cause to be made available, out of the production of their own mills or the mills of their subsidiaries or affiliates, a total of 16,530 net tons of steel products per month, to manufacturers of tank and oil field production equipment who comply with the provisions of this plan (hereinafter called Manufacturers), for use solely in the manufacture of oil and gas separators, heaters, emulsion treaters, bolted storage tanks, welded production tanks, gas dehydrating units, chemical feeders, bands for wood tanks, and equipment appurtenant thereto, necessary for the production of oil and gas at the well head, in accordance with and subject to the terms and conditions hereinafter set forth.

2. (a) The quantities and types of such steel products so to be made available by each steel producer shall, except as may be otherwise specified in such steel producer's acceptance hereof, be such as the Secretary of Commerce, after consultation with the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable in order to accomplish, as nearly as may be, the supply of such steel products, on an average monthly basis, in the approximate quantities specified in the following schedule:

Type	Total net tons per month
Sheets 16 gauge and heavier (85% are 10 and 12 gauge 60" wide)	8,300
Plates 3/16" to 3/8"	4,930
Plates over 3/8"	940
Structural shapes	1,820
Pipe 1/8" to 24"	540
Total	16,530

Each steel producer participating herein will, however, upon request of the Secretary of Commerce, give consideration to making such steel products available under this plan in amounts additional to the amounts provided for in its acceptance hereof.

(b) Such steel products will be made available under such contractual arrangements as may be made by the respective steel producers, or their subsidiaries and affiliates, with the respective Manufacturers, and no request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers or to the delivery of steel products or to the allocation of business among such Manufacturers, nor will any request or authorization be made to such steel producers for any limitation or restriction on the production or marketing of any such steel products. Nothing herein contained shall be construed as authorizing or approving any fixing of prices, and the participation herein of any steel producer shall not affect the prices or terms and conditions on which any such steel products as are made available, are actually sold and delivered.

(c) Each steel producer participating herein will make available, or cause to be made available, only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products. The quantities of such steel products which it will make available, or cause to be made available in any month, may be reduced, or at its option the delivery thereof may be postponed, in direct proportion to any production losses which it or its subsidiary or affiliate shall sustain during any such month, due to causes beyond its or their control.

(d) Each steel producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) report to the Office of Industry Cooperation the total quantities of the several types of such steel products shipped, pursuant to purchase orders hereunder, in any monthly period or periods during the operation of this plan.

3. (a) Each individual Manufacturer participating herein will submit to the Secretary of Commerce monthly schedules and reports (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) on forms furnished by the Secretary of Commerce, showing by plants (1) the quantities and types of such equipment scheduled for production during the succeeding month hereunder; (2) the net tonnage of each size and kind of such steel products required for each item scheduled in (1) hereof during the succeeding month; (3) the total quantities and kinds of such steel products received from all sources during the next preceding month; (4) the quantities of each type of such equipment manufactured during the preceding month; and (5) other relevant information. After receiving such schedules and reports, the Secretary of Commerce will relate such estimated requirements to the over-all program and determine the quantities of steel products to be made available herein to each individual participating Manufacturer.

(b) By participation herein, the several Manufacturers shall be obligated to use all steel products made available hereunder solely for and in the manufacture of the types of tank and oil field production equipment listed in paragraph 1 hereof; not to resell or transfer any of such steel products in the form received by such Manufacturers, except to such subsidiary, affiliate, subcontractor or fabricator as may be designated for the manufacture or fabrication of any of such equipment; nor build up any inventories of steel or end products beyond current needs for the purposes hereof. Each purchase order placed with a steel producer for any such steel products to be made available hereunder shall bear the following certification of the Manufacturer placing such purchase order:

The undersigned certifies to the seller and to the Department of Commerce that the steel products specified in this order will be used solely for and in the manufacture and production of ----------, and that this order is placed under, and in strict compliance with, Section 3 (b) of Department of Commerce Voluntary Plan, under Public Law 395, 80th Congress, for Allocation of Steel Products for Tank and Oil Field Production Equipment, with which the undersigned is familiar.

4. After approval hereof by the Attorney General and by the Secretary of Commerce, and after requests for compliance herewith shall have been made of steel producers and Manufacturers by the Secretary of Commerce, any such steel producer or Manufacturer may become a participant herein by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such steel producers and Manufacturers as notify the Secretary of Commerce in writing that they will comply with such requests.

5. This plan shall become effective upon the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon notice, by letter, telegram or by publication in the FEDERAL REGISTER, not less than sixty days prior to such earlier date.

6. Any such steel producer or Manufacturer may withdraw from this plan by giving not less than sixty days written notice of its intention so to do to the Secretary of Commerce.

Approved: August 25, 1948.

CHARLES SAWYER,
Secretary of Commerce.

Approved: August 24, 1948.

PEYTON FORD,
Acting Attorney General.

AUGUST 26, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Tank and Oil Field Production Equipment, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

In accordance with the provision of Paragraph 2 of the Plan, an initial determination has been made by me with respect to the monthly quantities of each type of steel product which should be made available by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me with the advice of the Industry Task Committee, in accordance with Paragraph 2

of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

AUGUST 27, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Tank and Oil Field Production Equipment, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience, I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan.

Requests of like tenor are being directed to all other known manufacturers proposed to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you agree in writing to comply with the Plan.

In accordance with paragraph 3 (a) of the Plan, the Secretary of Commerce will determine your allocation of steel products under the Plan.

It is essential, in carrying out the proposed Plan, that I know as promptly as possible how many manufacturers desire to participate in the Plan. I trust, therefore, that I may receive your favorable response on or before September 7, 1948. If I do not receive your acceptance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above requests for compliance with Department of Commerce Voluntary Plan for Allocation of Steel Products for Tank and Oil Field Production Equipment was sent to steel producers and equipment manufacturers on attachments filed with the original document.

[F. R. Doc. 48-8725; Filed, Sept. 29, 1948; 8:49 a. m.]

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS TO THE ANTHRACITE INDUSTRY

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and of operators of anthracite mines, and after expression of the views of industry, labor and the public generally at an open public hearing held on August 6, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. In furtherance of the proposed program for (a) the mining and preparation of anthracite at an annual rate of approximately 58,000,000 net tons, and (b) the essential maintenance and repair of existing mining and preparation facilities, the steel producers participating herein will, during the period this Plan shall remain in effect, make available, or cause to be made available, out of the production of their own mills or the mills of their subsidiaries or affiliates, a total of 2,570 net tons of steel products per month, in not less than carload lots, to operators of anthracite mines who comply with the provisions of this Plan (hereinafter called Operators), in accordance with and subject to the terms and conditions hereinafter set forth.

2. (a) The quantities of each type of such steel products so to be made available by each of the steel producers shall, except as may be otherwise specified in any such steel producer's acceptance hereof, be such as the Secretary of Commerce (after consultation with the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce) determines to be fair and equitable, in order to accomplish, as nearly as may be, the supply of steel products, on an average monthly basis, in the approximate quantities specified in the following suchedule:

Types of products:	*Net tons per month*
Plates	550
Sheet and strip	750
Pipe	410
Rails	860
Total	2,570

Each steel producer participating herein will, however, upon request of the Secretary of Commerce, give consideration to making such steel products available for the purposes of this plan in amounts additional to the amounts provided for in its acceptance of this plan.

(b) Such steel products will be made available under such contractual arrangements as may be made by the respective steel producers or their subsidiaries and affiliates with the respective Operators, and no request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers or to the delivery of steel products or to the allocation of business among such Operators nor will any request or authorization be made to such steel producers for any limitation or restriction on the production or marketing of any such steel products. Nothing herein contained shall be construed as authorizing or approving any fixing of prices, and the participation herein of any steel producer shall not affect the prices or terms and conditions on which any such steel products as are made available are actually sold and delivered.

(c) Each steel producer participating herein will make available or cause to be made available only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products and the quantities of steel products which it will make available or cause to be made available in any month during said period may be reduced, or at its option the delivery thereof may be postponed in direct proportion to any production losses which it or its subsidiary or affiliate shall sustain during any such month due to causes beyond its or their control.

(d) Each such steel producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) report to the Office of Industry Cooperation the total quantities of the several types of steel products shipped pursuant to such purchase orders, in any monthly period or periods during the operation of this plan.

3. (a) Each Operator becoming a participant herein will forthwith submit to the Office of Industry Cooperation of the Department of Commerce (unless previously submitted) a shedule showing the quantity of anthracite scheduled for production by it, monthly, during the period this plan shall remain in effect, and estimates of the quantities of steel products required therefor. Such schedules and estimates shall be similarly furnished from time to time thereafter upon request of the Office of Industry Cooperation. The quantities and types of steel products to be made available monthly hereunder to the several participating Operators, within the schedule set forth in paragraph 2 (a) hereof, shall be initially determined by the Secretary of Commerce after consultation with the Anthracite Industry Task Committee, subject to such revision, if any, from time to time, as may be deemed necessary by the Secretary of Commerce after consultation with such Committee. For the purposes of such determination, consideration will be given to past production records and other relevant factors.

(b) By participation herein, the several Operators shall be obligated to use all steel products made available hereunder solely in the mining and preparation of anthracite; not to resell or transfer any thereof (except to such subsidiary, affiliate or subcontractor as may be designated by any such Operator for the mining of anthracite) in the form received by such Operators; and not to build up inventory of such steel products beyond current needs for the purposes hereof. Each purchase order placed with a steel producer for steel products to be made available hereunder shall bear the following certification of the Operator placing such purchase order:

The undersigned certifies to the seller and to the Department of Commerce that the steel products specified in this order will be used solely for and in the mining and preparation of anthracite by the undersigned, or in the essential maintenance and repair of the undersigned's anthracite mining and preparation facilities, and that this order is placed under, and in strict compliance with, Department of Commerce Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products to the Anthracite Industry, with which the undersigned is familiar.

(c) Each Operator participating herein shall furnish such reports (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) on forms furnished by the Secretary of Commerce, from time to time, as the Secretary of Commerce may deem desirable or necessary, showing the total quantities and types of steel products received from all sources and the quantities of anthracite produced, and other relevant information.

4. After approval hereof by the Attorney General and by the Secretary of Commerce, and after requests for compliance herewith shall have been made of steel producers and Operators by the Secretary of Commerce, any such steel producer or any such Operator may become a participant herein by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such steel producers and such Operators as notify the Secretary of Commerce in writing that they will comply with such requests.

5. This plan shall become effective upon the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon notice, by letter, telegram, or publication in the FEDERAL REGISTER, not less than sixty days prior to such earlier date.

6. Any such steel producer or Operator may withdraw from this plan by giving not less than sixty days written notice of its intention so to do to the Secretary of Commerce.

Approved: August 25, 1948.

CHARLES SAWYER,
Secretary of Commerce.

Approved: August 24, 1948.

FEYTON FORD,
Acting Attorney General.

AUGUST 26, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for the Anthracite Industry, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

In accordance with Paragraph 2 of the Plan, an initial determination has been made by me with respect to the monthly quantities of each type of steel product which should be made available by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me, with the advice of the Industry Task Committee, in accordance with Paragraph 2 of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

AUGUST 27, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products to the Anthracite Industry for the essential maintenance and repair of existing mining and preparation facilities, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395, and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan.

Requests of like tenor are being directed to all other steel consumers proposed to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you agree in writing to comply with the Plan.

In accordance with the provisions of Paragraph 1 of the Plan, steel products will be made available, in not less than carload lots, to operators participating in the Plan. The task committee of the Anthracite Industry Advisory Committee is presently engaged in developing a formula under which consumers of less than carload lots may receive their allocations under the Plan.

Since it is essential to carrying out the Proposed Plan that I be informed without delay of the net amount of steel allocations to be executed under the Plan, I must know as promptly as possible how many consumers desire to participate. I trust, therefore, that I may have your favorable response on or before September 10, 1948. If I do not receive your acceptance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above requests for compliance with Department of Commerce Voluntary Plan for Allocation of Steel Products to the Anthracite Industry was sent to the steel producers and consumers listed on an attachment filed with the original document.

[F. R. Doc. 48-8726; Filed, Sept. 29, 1948; 8:49 a. m.]

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, CONVERSION AND REPAIR OF DOMESTIC FREIGHT-CARRYING BARGES AND TOWING VESSELS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and of builders of domestic barges and towing vessels, and after expression of the views of industry, labor and the public generally at an open public hearing held on August 5, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. In furtherance of the proposed program of the Office of Defense Transportation for (a) the construction of new domestic freight-carrying barges and towing vessels of 3,000 gross tons or less for inland waterway or harbor use (hereinafter referred to as domestic barges and towing vessels), and (b) the repair and conversion of such type of equipment, the steel producers participating herein will, beginning October 1, 1948, and continuing during the period this plan shall remain in effect, make available, or cause to be made available (out of the production of their own mills or the mills of their subsidiaries or affiliates), a total of 20,000 net tons of steel products per month to builders and repairers of domestic barges and towing vessels who comply with the provisions of this plan (hereinafter called Builders), in accordance with and subject to the terms and conditions hereinafter set forth.

2. (a) The quantities and types of such steel products so to be made available by each of the steel producers shall be (except as may be otherwise specified in any such steel producer's acceptance hereof) such as the Director of the Office of Defense Transportation (after consultation with the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce) determines to be fair and equitable, in order to accomplish, as nearly as may be, the supply of such steel products, on an average monthly basis, necessary to fulfill the purposes of this plan in the approximate quantities specified in the following table:

Types of products:	*Net tons per month*
Structural shapes	5,700
Plates	13,700
Sheet and strip	100
Pipe	300
Hot rolled bars	200
Total	20,000

Each steel producer participating herein will, however, upon request of the Office of Defense Transportation, give consideration to making such steel products available for the purposes of this plan in amounts additional to the amounts provided for in its acceptance of this plan.

(b) Such steel products will be made available under such contractual arrangements as may be made by the respective steel producers or their subsidiaries and affiliates with the respective Builders, and no request or authorization will be made by the Office of Defense Transportation relating to the allocation of orders or customers or to the allocation of steel products or to the allocation of business among such Builders nor will any request or authorization be made to

such steel producers for any limitation or restriction on the production or marketing of any such steel products. Nothing herein contained shall be construed as authorizing or approving any fixing of prices, and the participation herein of any steel producer shall not affect the prices or terms and conditions on which any such steel products as are made available are actually sold and delivered.

(c) Each steel producer participating herein will make available or cause to be made available only those steel products which are within the type and size limitations of the mill or mills which it may select for the production of such products, and the quantities of steel products which it will make available or cause to be made available in any month during said period may be reduced, or at its option the delivery thereof may be postponed, in direct proportion to any production losses which it or such subsidiary or affiliate shall sustain during any such month due to causes beyond its control.

(d) Each such steel producer will, if requested by the Office of Defense Transportation (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) report to the Office of Defense Transportation the total quantities of the several types of steel products shipped pursuant to purchase orders certified as provided in section 3 (b) hereof, in any monthly period or periods during the operation of this plan.

3. (a) Each Builder becoming a participant herein will forthwith submit to the Office of Defense Transportation (unless previously submitted) a schedule showing by plants, the numbers, and types of domestic barges and towing vessels scheduled for production by it, monthly, and estimates of the quantities of steel products required therefor and for the conversion and repair of this type of equipment. The quantities and types of steel products to be made available monthly hereunder to the several participating Builders shall be initially determined by the Director of the Office of Defense Transportation after consultation with the Barge and Towing Vessel Industry Advisory Committee of the Office of Defense Transportation, subject to such revision, if any, from time to time, as may be deemed necessary by the Director of the Office of Defense Transportation after consultation with such Committee. For the purposes of such determination, consideration will be given to past production, conversion and repair records, plant capacity, orders for new domestic barges and towing vessels on hand and anticipated, and inventories of finished products on hand.

(b) By participation herein, the several Builders shall be obligated to use all steel products made available hereunder solely for the production of new domestic barges and towing vessels or for the repair or conversion of such type of equipment; not to resell or transfer any thereof (except to such subsidiary, affiliate or subcontractor as may be designated by any such Builder for the fabrication of such end products) in the form received by such Builders; and not to build up inventory of such steel products beyond current needs for the purposes hereof. Each purchase order placed with a steel producer for steel products to be made available hereunder shall bear the following certification of the Builder placing such purchase order:

The undersigned certifies to the seller and to the Department of Commerce that the steel products specified in this order will be used solely for and in the (construction) (conversion) (repair) of _____; and that this order is placed under, and in strict compliance with, Department of Commerce Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Construction, Conversion and Repair of Domestic Freight-Carrying Barges and Towing Vessels, with which the undersigned is familiar.

(c) Each Builder participating herein shall furnish such reports (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) on forms furnished by the Office of Defense Transportation, from time to time, as the Director of the Office of Defense Transportation may deem desirable or necessary, showing the total quantities and types of steel products received from all sources and the quantities and types of domestic barges and towing vessels produced, repaired, or converted and other relevant information.

4. After approval hereof by the Attorney General and by the Secretary of Commerce, and after requests for compliance herewith shall have been made of steel producers and Builders by the Secretary of Commerce, any such steel producer or any such Builder may become a participant herein by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers and such Builders as notify the Secretary of Commerce, in writing, that they will comply with such requests.

5. This plan shall become effective upon the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon notice, by letter, telegram or publication in the FEDERAL REGISTER, not less than 60 days prior to such earlier date.

6. Any such steel producer or Builder may withdraw from this plan by giving not less than 60 days written notice of his intention so to do to the Director of the Office of Defense Transportation and to the Secretary of Commerce.

Approved: August 25, 1948.

CHARLES SAWYER,
Secretary of Commerce.

Approved: August 24, 1948.

PEYTON FORD,
Acting Attorney General.

AUGUST 26, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for Allocation of Steel Products for Construction, Conversion and Repair of Domestic Freight-Carrying Barges and Towing Vessels, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395. A copy of the Plan is enclosed.

In accordance with the provisions of Paragraph 2 of the Plan, an initial determination has been made by the Director of the Office of Defense Transportation with respect to the quantities of each type of steel product which shall be made available monthly by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me with the advice of the Industry Task Committee, in accordance with Paragraph 2 of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

AUGUST 26, 1948.

GENTLEMEN:

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for the Construction, Conversion, and Repair of Domestic Freight-Carrying Barges and Towing Vessels, of 3,000 gross tons or less, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919 I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan.

Requests of like tenor are being directed to all other known builders proposed to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you agree in writing to comply with the Plan.

In accordance with paragraph 3 (a) of the Plan, the Director of the Office of Defense Transportation will determine, after consultation with the Barge and Towing Vessel Industry Advisory Committee, your allocation of steel beginning October 1, 1948, and during the remainder of the period this Plan shall remain in effect.

It is essential, in carrying out the proposed Plan, that I know as promptly as possible how many builders desire to participate in the Plan. I trust, therefore, that I may receive your favorable response on or before September 7, 1948. If I do not receive your acceptance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above requests for compliance with Department of Commerce Voluntary Allocation Plan for Construction, Conversion, and Repair of Domestic Freight-Carrying Barges and Towing Vessels was sent to steel producers and barge and towing vessel builders on an attachment filed with the original document.

[F. R. Doc. 48-8727; Filed, Sept. 29, 1948; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7357, 7621]

NORTHWESTERN OHIO BROADCASTING CORP. AND SKY WAY BROADCASTING CORP.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Northwestern Ohio Broadcasting Corporation, Lima, Ohio, Docket No. 7357, File No. BP-4447; Sky Way Broadcasting Corporation, Columbus, Ohio, Docket No. 7621, File No. BP-4824; for construction permits.

At a session of the Federal Communications Commission held at its offices on 24th day of September 1948:

The Commission having under consideration its order of September 16, 1948, released September 21, 1948, vacating its final decision of March 15, 1948, and scheduling oral argument upon the exceptions that may be filed to the Commission's revised proposed decision, for October 15, 1948, at 10:00 a. m.; and

It appearing that the orderly dispatch of the Commission's business requires the oral orgument to be scheduled for 2:00 p. m. rather than 10:00 a. m. on October 15, 1948;

It is therefore ordered, That oral argument upon any exceptions that may be filed by the parties pursuant to § 1.854 of the Commission's rules, be, and it is hereby, scheduled at 2:00 p. m., on October 15, 1948.

Released: September 24, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8736; Filed, Sept. 29, 1948; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1121]

KENTUCKY WEST VIRGINIA GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 24, 1948.

Notice is hereby given that on September 9, 1948, Kentucky West Virginia Gas Company (Applicant) a West Virginia Corporation (formerly the Pittsburgh and West Virginia Pipe Line Company) having its principal place of business at Ashland, Kentucky, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, described as follows:

Approximately 3 miles of 10-inch transmission pipe line to parallel a 3-mile segment of Applicant's existing 8-inch and 10-inch transmission pipe line which originates at the Applicant's Dwale Compressor Station located in Floyd County, Kentucky, and terminates at the 12-inch transmission line of the Louisville Gas and Electric Company near the community of Sitka, Johnson County, Kentucky. Said proposed 3 miles of 10-inch transmission pipe line will be located in Floyd County, Kentucky, near the City of Prestonsburg, Kentucky.

The application recites that the construction and operation of the proposed 3 miles of transmission pipe line is a part of an overall plan ultimately to parallel a 9.71-mile segment of Applicant's existing 8-inch pipe line between its Dwale Compressor Station in Floyd County, Kentucky, and its Paintsville Compressor Station in Johnson County, Kentucky.

The application further recites that the proposed facilities will increase the capacity of Applicant's 8-inch and 10-inch transmission pipe line from a present daily capacity of between 18,000 and 18,500 Mcf to 20,000 Mcf per day, and will be used to offset the decline in its system deliveries resulting from a decreased delivery ability of Applicant's Tomahawk Compressor Station which compresses gas produced in the Martin County field and which is isolated from the remainder of Applicant's system.

Applicant states that delivery requirements from its system to Louisville Gas and Electric Company during the winter months of 1948-49 will be in the maximum daily scheduled amount of 22,000 Mcf, and that demands for gas by the Cities of Prestonsburg, Kentucky and Paintsville, Kentucky, to which it supplies gas at wholesale, have increased to over 2,223 Mcf daily during the past year. At the same time, Applicant says, despite new well drilling in the Martin County field, the delivery ability of that field has undergone a severe reduction and deliveries from that source probably will not exceed 3,000 to 3,500 Mcf per day during the coming winter as compared with deliveries up to 3,975 Mcf per day during the past winter. Consequently, the application recites, it will be necessary for Applicant to put itself in a position before the winter of 1948-49 to make up the anticipated deficiency in deliveries by transporting additional gas through its 8-inch and 10-inch transmission line to Sitka, Kentucky.

It is stated in the application that experience in the past has shown that little increase in total deliveries has resulted from the use of additional compressor units due to the inadequate size of Applicant's transmission pipe line.

It is further stated in the application that the completion of the proposed transmission facilities will not increase the overall delivery ability of Applicant's transmission system, but will increase the capacity of that portion of its system to which it is added and, for all practical purposes, merely offset the decline being experienced in the delivery ability from Applicant's Tomahawk Compressor Station.

The total volume of gas reserves available for delivery by Applicant are estimated in the application to amount to 762,438,900 Mcf, which, at the 1947 rate of production, are expected to give Applicant's Gas Production System a life of at least 25 years.

Applicant states that no additional revenue or reserves accruing by reason of the installation of the proposed facilities are anticipated, and that the rates to be charged for the natural gas to be delivered through the proposed line will be unchanged.

Applicant proposes to construct the facilities with its own working forces, and estimates the total overall capital cost thereof at $57,000, to be financed from Applicant's present available cash arising from Surplus and Depreciation and Depletion Reserves. Construction is proposed to commence by October 1, 1948 and to be completed by January 1, 1949.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Kentucky West Virginia Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8707; Filed, Sept. 29, 1948; 8:45 a. m.]

[Docket No. G-299]

LOUISIANA POWER & LIGHT CO.

NOTICE OF ORDER DISMISSING APPLICATION

SEPTEMBER 24, 1948.

Notice is hereby given that, on September 23, 1948, the Federal Power Commission issued its order entered September 21, 1948, dismissing application for a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8708; Filed, Sept. 29, 1948; 8:45 a. m.]

[Docket No. G-594]

REYNOSA PIPE LINE CO.

NOTICE OF ORDER TERMINATING PROCEEDING

SEPTEMBER 24, 1948.

Notice is hereby given that, on September 23, 1948, the Federal Power Commission issued its order entered September 21, 1948, terminating proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8709; Filed, Sept. 29, 1948; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-15]

NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of September A. D. 1948.

Notice is hereby given that New England Public Service Company ("NEPSCO"), a registered holding company, has filed an application with this Commission requesting a one-year extension to October 9, 1949, of the time in which NEPSCO must sell sufficient of its holdings of utility stocks to repay in full its bank loans presently outstanding in the aggregate amount of $12,300,000, as provided by the amended plan of NEPSCO for the retirement of its Prior Lien Preferred stock approved, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, by orders of the Commission dated June 27, 1947, and September 12, 1947.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the reasons for such request, which are summarized as follows:

The Commission, by orders dated June 27, 1947, and September 12, 1947, approved an amended plan of NEPSCO for the retirement of its Prior Lien Preferred stock which plan provided, among other things, for the borrowing of an amount not in excess of $16,000,000 for the period of one year from the First National Bank of Boston and four other banks and trust companies, and for the sale within one year after the date of the loan sufficient of NEPSCO's holdings of utility stock to repay the loan unless the Commission granted an extension. On October 9, 1947, NEPSCO, in the consummation of its plan, borrowed an aggregate amount of $13,500,000 for the period of one year with the right to two successive renewals, provided the Commission approves such renewals, at an interest rate of 2¼%. Under the loan agreement, NEPSCO is obligated to make quarterly payments, commencing January 1, 1948, of $400,000 on account of principal. The notes have now been reduced to $12,300,000 and will be further reduced to $11,900,000 on October 1, 1948. NEPSCO is now proposing to renew said notes for the period of one year from October 9, 1948. In connection with the issue and sale of common stock by Central Vermont Public Service Corporation, NEPSCO also borrowed an additional $500,000 from banks, so that as of October 1, 1948, its outstanding total indebtedness will amount to $12,400,000.

NEPSCO states that it intended to sell common stock of its subsidiary, Public Service Company of New Hampshire ("New Hampshire"), in order to pay off its bank loan made in connection with the consummation of said plan; that, however, shortly after the consummation of NEPSCO's plan, New Hampshire filed an application with this Commission for the issue and sale of 139,739 additional shares of common stock for its own account which sale was not fully consummated until May 4, 1948.

NEPSCO further states that in July 1948 it became apparent, due to lack of adequate precipitation and because of New Hampshire's low storage capacity for its hydro-electric plants, that the company's earnings would be seriously affected, and that this dry period has persisted through August, resulting in unsatisfactory earnings for New Hampshire during that month. It is represented that NEPSCO will sell, during the fall of 1948, 200,000 shares of its holdings of the common stock of New Hampshire. In connection therewith, NEPSCO has filed concurrently herewith a declaration for such sale at competitive bidding under Rule U-50, which declaration will be subject of a separate notice.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application should not be granted except pursuant to further order of this Commission;

It is ordered, That pursuant to the applicable provisions of the act and the rules and regulations thereunder, a hearing with respect to said application be held on October 5, 1948, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before October 4, 1948 his request or application therefor as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether New England Public Service Company has been unable in the exercise of due diligence to comply with the provisions of its amended plan providing for the sale of sufficient of its utility stocks to repay its bank loan made in connection therewith.

2. Whether the proposed renewal of the bank notes meets the requirement of section 7 of the act and whether such renewal will be detrimental to the carrying out of section 11.

3. Generally, whether the proposed transactions comply with all the requirements of the applicable provisions of the act and the rules promulgated thereunder, and whether any terms and conditions with respect to such transactions should be prescribed in the public interest or for the protection of investors or consumers.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on New England Public Service Company, the Federal Power Commission and on all persons heretofore granted participation in this proceeding, and that notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8719; Filed, Sept. 29, 1948; 8:47 a. m.]

[File No. 70-1945]

COLUMBIA GAS SYSTEM, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of September 1948.

Notice is hereby given that a declaration, and amendments thereto, have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the Columbia Gas System, Inc. ("Columbia"), a registered holding company. Declarant has designated sections 6, 7 and 12 of the act and Rule U-42 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 1, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed, Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 1, 1948, said declaration, as filed or as further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Columbia has presently outstanding 12,229,874 shares of common stock, without par value. Columbia proposes to offer to its common stockholders an additional 1,223,000 shares of common stock. Rights to Subscribe will be issued to the common stockholders on the basis of one share of new common stock for each ten shares of common stock held by them. The price at which such new common stock will be offered will be supplied by amendment to the present declaration. The proceeds from the sale of the new common stock will be used by Columbia to finance in part its 1949 construction program.

Common stockholders will also have the privilege of subscribing to such of the new common stock not subscribed for through the exercise of rights to subscribe, subject to pro rata allotment. The Rights to Subscribe together with the additional subscription privilege will be evidenced by transferable warrants.

The declaration states that no fractional shares of common stock will be issued, but rights in excess of those necessary to subscribe for a full share may be sold or additional rights may be purchased to entitle the holder of the warrant to subscribe to one or more full shares of common stock.

The declaration further states that while the offer to the stockholders will not be underwritten, Columbia proposes to arrange for the payment of fees to members of the National Association of Security Dealers for subscriptions for new common stock solicited.

Columbia proposes to stabilize the price of its common stock and/or the rights to subscribe to the additional common stock for the purpose of facilitating the distribution and offering of the additional common stock. In connection therewith, Columbia may, after the making of its subscription offer and prior to the expiration thereof, purchase shares of common stock and rights to subscribe on the New York Stock Exchange and/or the Pittsburgh Stock Exchange through brokers with the payment of the regular stock exchange commission. Any rights which are purchased by Columbia may be retained, or may be sold by it on the exchanges at the current price and with payment of the regular stock exchange commission, or may be sold on the over-the-counter markets at prices not to exceed the current price of rights as quoted on the New York Stock Exchange and with payment of commissions not in excess of the regular New York Stock Exchange Commission on such transactions.

Columbia states that it will at no time acquire a net long position of shares of common stock (including for this purpose the equivalent shares represented by rights acquired) in excess of 10% of the additional common stock to be offered.

Prior to selling shares of common stock purchased in connection with the stabilization program, Columbia will file a post-effective amendment to its declaration, setting forth the terms and conditions upon which it will sell or dispose of such shares.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8720; Filed, Sept. 29, 1948; 8:48 a. m.]

[File No. 70-1946]

STANDARD GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 24th day of September 1948.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, has filed an application-declaration, and an amendment thereto, pursuant to sections 9, 10, 11 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 thereunder relating to the transactions summarized below:

Standard Gas proposes to sell to underwriters 400,000 shares of its holdings of Common Stock $20 par value, of Oklahoma Gas and Electric Company ("Oklahoma"), and to apply the net proceeds toward the payment of interest and principal on its outstanding notes payable to banks, due April 10, 1949, aggregating $20,694,384.95 as of June 30, 1948. Standard Gas proposes to make purchases of Oklahoma Common Stock, if such purchases at the time are deemed necessary or desirable for the purpose of stabilizing the market price of such stock. Such purchases will be made from the date of this order until the time of the execution of an agreement between Standard Gas and the underwriters but in no event for a period in excess of 12 days. It is also proposed that any shares which Standard Gas may purchase pursuant to its stabilization program will be acquired subject to the requirements of the Commission's order, dated August 8, 1941, in File No. 59-9, wherein Standard Gas was directed, among other things, to sever its relationship with Oklahoma. In the event that Standard Gas acquires in excess of 1,000 shares of Oklahoma Common Stock as a result of its stabilization program, it is proposed that the underwriters shall purchase all of the shares so acquired, at the same price to be paid by the underwriters for the 400,000 shares of Common Stock. If Standard Gas acquires 1,000 or less shares of Oklahoma Common Stock, as the result of stabilization, such shares may or may not be sold to the underwriters, as aforesaid, and in the event they are not so sold such shares will be retained subject, however, to the provisions of the above-mentioned order dated August 8, 1941.

Standard Gas has requested an exemption from the competitive bidding requirements of Rule U-50 with respect to the proposed sale, and has further requested that the Commission enter an order finding that the sale of the aforesaid shares of Oklahoma Common Stock is necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and that the Commission's order herein shall contain appropriate recitals for purposes of sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code.

Standard Gas states that it will report by amendment the terms of the contract to be entered into with the underwriters and at that time request the entry of a final order by the Commission authorizing the proposed sale.

The application-declaration having been filed on September 13, 1948, and an amendment thereto having been filed on September 23, 1948, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon except as hereinafter specified; and

The Commission finding, with respect to the proposal to acquire shares of Oklahoma Common Stock for the purpose of stabilizing the market price of such stock, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that it is not necessary to impose any terms and conditions other than those set forth below and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the said application, as amended, with respect to said proposed acquisition of Oklahoma Common Stock be granted, and that the declaration, as amended, with respect to the sale of the Oklahoma Common Stock shall not be permitted to become effective and that the application for exemption of such sale from the provisions of Rule U-50 shall not be granted except pursuant to further order of the Commission; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the declaration, as amended, regarding the proposed sale, and with respect to the application for exemption from the competitive bidding requirements of Rule U-50:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application, as amended, with respect to said proposal to acquire Oklahoma Common Stock be, and the same hereby is, granted, effective

forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the Commission's Order of August 8, 1941, requiring, among other things, that Standard Gas and Electric Company sever its relationship with Oklahoma Gas and Electric Company by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the Act or the Rules and Regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled, or operated by Oklahoma Gas and Electric Company, shall be deemed to require the disposition of any shares of Common Stock of Oklahoma Gas and Electric Company acquired as a result of stabilizing the market price of such Common Stock as authorized herein with the same force and effect as if said shares had been held by Standard Gas and Electric Company as at the date of the said order.

It is further ordered, That a hearing on the said declaration, as amended, with respect to the proposed sale, and the application for exemption from the provisions of Rule U-50, under the applicable provisions of the act and the rules and regulations thereunder be held on September 29, 1948, at 10:00 a. m., e. s. t., at the office of the Commission, 425 Second Street NW., Washington, D. C., in such room as may be designated on that day by the hearing-room clerk in Room 101.

It is further ordered, That James G. Ewell, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary study of said declaration, as amended, with respect to the proposed sale and said application for exemption from the provisions of Rule U-50 and that upon the basis thereof the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(a) Whether compliance with the provisions of paragraphs (b) and (c) of Rule U-50 with respect to the proposed sale of the Oklahoma Common Stock is necessary or appropriate in the public interest or for the protection of investors or consumers to assure the maintenance of competitive conditions, the receipt of adequate consideration or the reasonableness of any fees or commissions to be paid.

(b) Whether, in the event that an exemption from the provisions of Rule U-50 is granted, the terms and conditions of the proposed sale of the Oklahoma Common Stock meet the standards of section 12 (d) of the act.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matter and questions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8722; Filed, Sept. 29, 1948; 8:48 a. m.]

[File No. 812-566]

BANKERS SECURITIES CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of September A. D. 1948.

In the matter of Bankers Securities Corp., Girard Life Insurance Company, and Lit Brothers; File No. 812-566.

Notice is hereby given that Bankers Securities Corporation, 1315 Walnut Street, Philadelphia 7, Pennsylvania ("Bankers"), a registered investment company, Girard Life Insurance Company, 529 Chestnut Street, Philadelphia, Pennsylvania ("Girard Life"), a life insurance company, and Lit Brothers, Seventh and Market Streets, Philadelphia, Pennsylvania engaged in the business of operating a department store, all being corporations organized under the laws of the Commonwealth of Pennsylvania, have jointly filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act a proposed sale by Lit Brothers to Girard Life of certain first mortgage loans hereinafter more fully described, aggregating $49,850 in principal amount at a price of 101% of par plus accrued interest. Such mortgages are to be serviced by Bankers Bond & Mortgage Company ("Bankers Bond"), 1315 Walnut Street, Philadelphia, Pennsylvania, at a servicing charge of ½ of 1% per annum as compensation for its services in supervision of such mortgages, collecting and remitting interest and payments on account of principal, overseeing the payment of taxes and other public charges and the maintenance of insurance held as collateral with the mortgages.

Bankers is a closed-end, non-diversified management investment company and is registered under the Investment Company Act of 1940. Bankers owns a majority of the voting stock of City Stores Company, ("City Stores"), a department store holding company which in turn owns 68.6% of the outstanding voting securities of Lit Brothers. In addition, Bankers itself, owns approximately 2.7% of the outstanding voting securities of Lit Brothers. Bankers also owns more than 69% of the outstanding voting securities of Girard Life and 43% of the outstanding voting securities of Bankers Bond & Mortgage Guaranty Company of America, which owns all of the outstanding voting securities of Bankers Bond.

Lit Brothers owns the following first mortgages and accompanying bonds, all of which are in good standing:

(1) Mortgage loan dated February 6, 1932 in the principal amount of $15,000 now reduced to $7,750 secured by premises at No. 1913 North 54th Street, Philadelphia, Pennsylvania;

(2) Mortgage loan dated June 1, 1942, in the principal amount of $35,000 now reduced to $28,700, secured by premises at No. 302 Day Avenue, Fairview, Bergen County, New Jersey; and

(3) Mortgage loan dated January 29, 1943, in the principal amount of $55,000 reduced to $13,400 secured by premises at the southeast corner of Washington Avenue and 20th Streets, Philadelphia, Pennsylvania.

The proposed transactions involve the sale of securities by an affiliated person (Lit Brothers) of an affiliated person (City Stores) of a registered investment company (Bankers) to a company (Girard Life) controlled by such registered investment company (Bankers). Said transaction also involves the purchase by an affiliated person (Girard Life) of a registered investment company (Bankers) of securities from a company (Lit Brothers) controlled by such registered investment company (Bankers). Such puchase and sale, therefore, are prohibited by sections 17 (a) (1) and 17 (a) (2) respectively of the act unless an exemption therefrom is granted by the Commission pursuant to the provisions of section 17 (b) of the act.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted..

Notice is further given than an order granting the application may be issued by the Commission at any time after October 7, 1948, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 5, 1948, at 5:30 p. m., eastern standard time submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8723; Filed, Sept. 29, 1948; 8:48 a. m.]

VOL 13

OCT

FEDERAL REGISTER

Volume 13 | INDEX, OCTOBER 1948 | Nos. 192–213

IMPORTANT NOTICE

The regular subject index covering the entire calendar year will not be published for 1948. Because of the number of documents reflecting editorial changes incident to the publication of the 1949 Edition of the Code of Federal Regulations, the last quarter of calendar 1948 will be separately indexed. Such separate treatment is considered advantageous to users primarily interested in substantive changes. The regular annual codification guide will be distributed with this quarterly subject index.

Subscribers are requested to retain the quarterly subject indexes for calendar 1948 for use in lieu of an annual index.

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U. S. GOVERNMENT PRINTING OFFICE 1948

REFERENCE

OCT 4 '48

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 13 NUMBER 192

Washington, Friday, October 1, 1948

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

On August 19, 1948, notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 48-7456; 13 F. R. 4795) regarding rules and regulations to be made effective under Marketing Order No. 59 (7 CFR, Cum. Supp., 959.2 et seq.), regulating the handling of Irish potatoes grown in the Counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1946 ed. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Administrative Committee (established pursuant to said order), such rules and regulations are hereby approved.

Sec.
959.100 General.
959.101 Definitions.
959.102 Exemption certificates.

AUTHORITY: §§ 959.100 to 959.102 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 202, 707; 7 U. S. C. 601 et seq.

§ 959.100 *General.* Unless otherwise provided in the order or by specific direction of the Administrative Committee, all reports, applications, submittals, requests and communications in connection with the order shall be addressed to the Administrative Committee at its principal office.

§ 959.101 *Definitions.* Order means Order No. 59 (7 F. R. 365) regulating the handling of Irish Potatoes grown in the Counties of Crook, Deschutes and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California. Terms defined in the order shall, when used herein, have the same meaning as set forth in the order.

§ 959.102 *Exemption certificates*—(a) *Application.* Any producer applying for exemption from grade or size regulation issued under Marketing Order No. 59 shall make application for such exemption on forms to be furnished by the Administrative Committee. Such application shall state:

(1) The location of his farm or ranch;

(2) The number of acres of Irish potatoes on said ranch; and location thereon of such potato field or fields or storage;

(3) The total estimated production of potatoes by such applicant for the current season, stated in terms of varieties, hundredweights, grades, and sizes, not including culls;

(4) An estimate of the percentage of such producer's crop which cannot be shipped because of grade, size and quality regulation then in effect, stated in terms of varieties, hundredweights, grades, and sizes not including culls;

(5) A statement of the amount, if any, of Irish potatoes (not including culls) which have already been sold from said ranch, or by said applicant, during the current marketing season;

(6) Certification that the statement is true and correct;

(7) Signature and address of producer.

(b) *Federal-State inspector's report.* Each request filed by a producer with the Administrative Committee shall be accompanied by a report of a Federal-State inspector, which shall contain the following:

(1) A statement by the inspector that he personally visited the field or fields or storage with respect to which exemption is requested, and that a representative sample of the potato crop in such field or fields or storage was taken by him.

(2) A statement of the percentage of such crop which meets the required grade, size and quality regulation then in effect.

(3) A statement of the defects or damage causing such crop to fail to meet such grade, size and quality requirements.

In determining percentages, the Federal-State inspector shall not include culls. In the event that more than one variety of potatoes are involved in the regulation, the inspector shall determine the above percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The Administrative Committee or the manager thereof, or any specifically authorized representa-

(Continued on p. 5677)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

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tives thereof, may make such investigations as is deemed necessary to determine whether the exemption requested should be granted.

(c) *Issuance of certificate.* Whenever the Administrative Committee finds and determines from proof satisfactory to the Committee that the applicant is entitled to an exemption certificate, the Committee shall issue or authorize the issuance of an exemption certificate which shall permit the applicant to ship, or cause to be shipped, that quantity of the regulated grades, sizes and qualities, or combinations thereof, of Irish potatoes as will enable him to ship, or cause to be shipped as large a percentage of his Irish potatoes as the average percentage for all producers as determined by the Committee.

The Manager of the Administrative Committee may issue exemption certificates for and on behalf of the Committee, if the proof submitted by the applicant is satisfactory: *Provided*, That the Administrative Committee shall have first determined the grades, sizes, qualities, or combinations thereof, of potatoes grown in such area which would be available for shipment in the absence of any regulation, and shall have determined the percentage that the quantity of a particular variety or varieties of potatoes grown in such area, permitted to be shipped pursuant to regulation, is of the quantity which would have been shipped in the absence of regulation.

If the Committee or the Manager determines that the applicant is not entitled to an exemption certificate, he shall be so advised in writing and given the reasons therefor.

Each certificate of exemption issued as provided herein shall contain the producer's name and address; the location of his farm or ranch; the location of the field or storage with respect to which the exemption is granted; the particular grade, size and quality regulations from which exempted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer to ship Irish potatoes which do not meet the requirements of the particular grade, size and quality regulations. Each certificate of exemption shall be transferable, in whole or in part, with the Irish potatoes in accordance with the amount of the Irish potatoes transferred.

(d) *Reports and records.* For the purpose of enabling the Administrative Committee to perform its functions, pursuant to the provisions of Order No. 59, each handler shall report shipments under exemption certificates to the Committee, in such from and at such times and substantiated in such manner as shall be prescribed by the Committee. All forms, reports, correspondence and documents used, pursuant to these rules and regulations, shall be kept on file by the Administrative Committee and records thereof shall be maintained by the manager of the Committee. A record of all exemption certificates issued (if any) shall be furnished weekly by the manager to the representative of the Secretary of Agriculture.

Done at Washington, D. C., this 27th day of September 1948, to become effective on and after 12:01 a. m., P. s. t., 1st day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8767; Filed, Sept. 30, 1948; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4770]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WILLIAM R. WARNER AND COMPANY, INC.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with the offering for sale, sale or distribution of respondent's medicinal preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that said preparation contains agar-agar; or (b) that said preparation contains any derivative of agar-agar in sufficient quantity to produce an independent laxative action; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, William R. Warner and Company, Inc., Docket 4770, August 25, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1948.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's answer thereto, and a stipulation as to the facts entered into by and between Daniel J. Murphy, Assistant Chief Trial Counsel for the Commission, and the respondent, by William L. Hanaway, its counsel, which stipulation provides, among other things, that subject to the approval of the Commission the statement of facts contained therein may be taken as the facts in this proceeding in lieu of testimony in support of the complaint or in opposition thereto, and that the Commission may proceed upon said complaint, respondent's answer, and said statement of facts to make its report, stating its findings as to the facts, including inferences which it may draw from the stipulated facts, and its conclusion based thereon, and enter its order disposing of the proceeding, without the presentation of argument or the filing of briefs; and the Commission, having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, William R. Warner & Company, Inc., a corporation, and its officers, agents, representatives and employees, in connection with the offering for sale, sale or distribution of its medicinal preparation designated "Agarol", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That said preparation contains agar-agar.

(b) That said preparation contains any derivative of agar-agar in sufficient quantity to produce an independent laxative action.

2. Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the respondent's preparation, which advertisement contains any representation prohibited in paragraph 1 hereof.

3. Using the term "agarol" as a brand or trade name for said preparation.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 48-8757; Filed, Sept. 30, 1948; 8:49 a. m.]

[Docket No. 5469]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ADVANCE REALTY CORP. (FORMERLY CALIFORNIA SEAFOOD CO., INC.) ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In or in connection with the sale of seafood products and other merchandise in commerce, and on the part of respondent corporations, and their officers, etc., and on the part of eight individuals, in their individual and other capacities as partners, controlling stockholders, etc., as in the order set out, and said respondents' agents, etc., paying or

granting, directly or indirectly, upon or in connection with any transaction involving the sale of seafood products or other merchandise, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof (a) to any buyer in any such transaction; (b) to any agent, representative or other intermediary acting for or in behalf of any party to any such transaction other than the respondents; or (c) to any agent, representative or other intermediary subject to the direct or indirect control of any party to any such transaction other than the respondents; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U. S. C., sec. 13 (c)) [Cease and desist order, Advance Realty Corporation (formerly California Seafood Company, Inc.) et al., Docket 5469, August 11, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 11th day of August A. D. 1948.

In the matter of Advance Realty Corporation, formerly California Sea Food Co., Inc., a corporation, and its officers and directors; California Sea Food Corporation, a corporation, and its officers and directors; Hunt Foods, Inc., formerly Hunt Brothers Packing Company, a corporation, and its officers and directors; and Norton Simon, Lucille Ellis Simon, Myer Simon, Lucille Evelyn Simon, Frederick R. Weisman, Marcia Simon Weisman, Harold C. Brooks, Evelyn Simon Brooks, Norton Simon, as guardian of the estate of Robert Ellis Simon, minor, Norton Simon, as guardian of the estate of Donald Ellis Simon, minor, Harold C. Brooks, as guardian of the estate of Donald Ellis Simon, minor, Frederick R. Weisman and Marcia Simon Weisman, as guardians of the estate of Richard Lee Weisman, minor, Harold C. Brooks and Evelyn Simon Brooks, as guardians of the estate of Linda Joyce Brooks, minor, individually and as their interests appear, as partners trading and doing business under the fictitious firm name Val Vita Food Products, as former officers, directors and controlling stockholders of Val Vita Food Products, Inc., a corporation now dissolved, as partners formerly trading and doing business under the fictitious firm name California Sea Food Company, and as controlling stockholders of Advance Realty Corporation, formerly California Sea Food Co., Inc., California Sea Food Corporation, and Hunt Foods, Inc., formerly Hunt Brothers Packing Company.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the substitute answers of the respondents, a stipulation of facts executed by counsel for respondents Hunt Foods, Inc., its officers and directors, and counsel supporting the complaint, briefs in support of and in opposition to the allegations of the complaint, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of subsection (c) of section 2 of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act) (15 U. S. C. sec. 13):

It is ordered, That the respondents Advance Realty Corporation, a corporation, and its officers and directors, California Sea Food Corporation, a corporation, and its officers and directors, Hunt Foods, Inc., a corporation, and its officers and directors, and Norton Simon, Lucille Ellis Simon, Myer Simon, Lucille Evelyn Simon, Frederick R. Weisman, Marcia Simon Weisman, Harold C. Brooks, Norton Simon, as guardian of the estate of Robert Ellis Simon, a minor, Harold C. Brooks, as guardian of the estate of Donald Ellis Simon, a minor, Frederick R. Weisman and Marcia Simon Weisman, as guardians of the estate of Richard Lee Weisman, a minor, Harold C. Brooks and Evelyn Simon Brooks, as guardians of the estate of Linda Joyce Brooks, a minor, individually and as partners trading and doing business under the fictitious firm name Val Vita Food Products, and as controlling stockholders of Advance Realty Corporation, California Sea Food Corporation, and Hunt Foods, Inc., and said respondents' agents, representatives and employees, directly or through any corporate or other device, in or in connection with the sale of sea food products or other merchandise in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Paying or granting, directly or indirectly, upon or in connection with any transaction involving the sale of sea food products or other merchandise, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof

(a) To any buyer in any such transaction;

(b) To any agent, representative or other intermediary acting for or in behalf of any party to any such transaction other than the respondents; or

(c) To any agent, representative or other intermediary subject to the direct or indirect control of any party to any such transaction other than the respondents.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8758; Filed, Sept. 30, 1948; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52052]

PART 16—LIQUIDATION OF DUTIES

CONVERSION OF CURRENCY; CHILEAN PESO

Instructions for the conversion of the Chilean peso for the purpose of the assessment of duty on merchandise imported into the United States, § 16.4 (c), Customs Regulation of 1943, amended.

Reference is made to cases in which appraisement has been withheld or liquidation has been suspended pending the determination of the proper rate or rates for the Chilean peso for customs purposes.

The Federal Reserve Bank certified two rates for the Chilean peso, one designated the "Official" rate and the other the "Export" rate, for the period from November 30, 1937, to May 20, 1941, inclusive, after which latter date the certification of rates for the Chilean peso was temporarily suspended. It is understood from available information that Chilean law and regulations required that fixed percentages varying from 1 percent to 20 percent of the foreign exchange derived from the sale of various kinds of goods exported from Chile be sold or surrendered to the Central Bank of Chile at the "Official" rate of exchange while the remaining percentages varying from 80 percent to 99 percent could with the consent of the Exchange Control Commission or its successor, the National Foreign Trade Council, be sold at the "Export" rate. In the case of exports of certain other kinds of goods (which during varying periods probably included nitrates, iodine, copper, iron ore, and molybdenite) only a portion of the exchange which represented not less than the cost of production in Chile of the particular product was required to be returned to Chile. It is understood that these cost-of-production dollars were sold or surrendered at the "Official" rate, with the possible exception of those obtained for exports of nitrates and iodine, as to which commodities it appears that the exporters were sometimes permitted to liquidate a portion of their cost-of-production dollars at a rate more favorable to them than the "Official" rate.

By letter dated December 26, 1945, the Federal Reserve Bank advised the Treasury Department that it had decided to certify three rates for the Chilean peso for dates since May 20, 1941, one designated as "Official" from May 21, 1941, to July 21, 1942, inclusive, and as "Special" thereafter; a second designated as the "Export" rate; and a third designated as "D. P." The first of the three certified rates will be designated in these instructions as "Special" but shall be deemed to mean the "Official" rate for dates prior to July 22, 1942.

The third rate certified by the Federal Reserve Bank corresponds to a third legal rate of exchange established in Chile called "Disponibilidades Propias". From time to time the Chilean Government by decree or regulation permitted various percentages of the foreign exchange (U. S. dollars) derived from the sale of certain commodities for export, after compliance with the requirement that fixed percentages varying from 1 percent to 20 percent of the foreign exchange be sold or surrendered at the "Special" rate, to be sold or surrendered at this "D. P." rate rather than at the "Export" rate. The kinds of commodities for which the remaining percentages of the exchange were convertible at the "D. P." rate rather than at the "Export" rate varied at different times and for different periods. At one time, it appears that exporters of "nationally manufactured products" were exempted from turning over any part of the exchange at the "Special" rate and could liquidate their entire proceeds at the "D. P." rate.

It is understood that during the period of dual- and multiple-rate certification the Chilean Government by various decrees and regulations has modified the percentages of exchange required to be sold or surrendered to the Central Bank of Chile in the case of various kinds of products, particularly agricultural products and ores, so that the percentages of exchange as well as the rates applicable (i. e., "Special" and "Export", or "Special" and "D. P."), varied from time to time for these commodities, and after the surrender of the required percentages at the "Special" rate, the balance of the exchange may have been surrendered at the "Export" rate during certain periods of time and at the "D. P." rate during other periods. In at least one case it appears that no part of the exchange had to be surrendered at the "Special" rate and in some few cases it is possible that proportionate use of all three rates was provided for.

It is understood that under the various regulations and decrees which changed the percentages of exchange required to be surrendered in the case of certain exports at the "Special" rate or which changed the applicability of the "Export" or "D. P." rate, as the case might be, exceptional treatment may have been allowed so that disposition could be made of the exchange proceeds of exports on the basis of their former status prior to the decree or regulation although actual shipment did not occur until after the date of the change in status. It is possible that such exceptional treatment may have been allowed because of contract or sale commitments made prior to the change of status. Furthermore, it is not possible to compile complete data on the rates applicable and the changes made as to various commodities because of the fact that such changes have been frequently, if not usually, made without public notification. In many instances products were known to have been removed from one category to another but there is no official evidence of the date the change was effected.

The regulations, decrees, or provisions thereof which allowed exceptional treatment are not sufficiently well-known, nor understood to be of sufficiently uniform application to classes of commodities, to warrant disposition different from the disposition authorized by the general instructions set forth below.

The Treasury Department is informed that changes have been made in the Chilean currency measures since the Federal Reserve Bank, in its above-mentioned letter of December 26, 1945, advised the Department of its decision to certify the three rates therein mentioned. It is understood that the question of what rates under the present system are to be certified and how such rates are applicable is under consideration. The Treasury Department does not have definite information as to the nature of the changes that have been made or when they became effective. The last date for which rates for the peso have been certified by the Bank is June 2, 1947.

In the case of any importation of merchandise exported from Chile between November 30, 1937, and June 2, 1947, both inclusive, the appraiser and collector shall proceed, respectively, with the appraisement and liquidation according to the following procedure, subject to the requirements and conditions outlined below:

1. No rate of exchange shall be used for customs purposes under these instructions except a rate or rates certified by the Federal Reserve Bank of New York for the date of exportation of the merchandise, unless there is a proclaimed value for Chilean currency which varies by less than 5 percent from any certified rate otherwise applicable. If there is a proclaimed value, it shall be used in lieu of any certified rate otherwise applicable from which such proclaimed value varies by less than 5 percent.

2. Where the appraisement is to be made in Chilean currency the appraiser shall designate in his report to the collector the class or classes of currency in which appraisement is made by using the terms applied to the currency of Chile by the Federal Reserve Bank of New York, namely, "Special" pesos, "Export" pesos or "D. P." pesos. If two or more classes of currency are used on a percentage basis, the percentages of each class shall be indicated clearly, as, for example, 10 percent "Special" pesos, 40 percent "Export" pesos, 50 percent "D. P." pesos.

3. For all purposes of appraisement and assessment of duties, the amount of any value established in pesos shall be considered to consist of "Special" pesos for the percentage of the foreign exchange which the appraiser or collector is satisfied, from information in his own files, information obtained and presented to him by the importer, or information obtained by him from other sources, represents the percentage of exchange required to be sold or surrendered to the Central Bank of Chile at the "Special" rate under the decrees or regulations pertinent to the particular class of commodity on the date of exportation, and shall be considered to consist of "Export" pesos, or "D. P." pesos for the remaining percentage where it is established to the satisfaction of the appraiser or collector that one or the other of such rates was permissible for the remaining percentage, or in appropriate percentages of "Export" and "D. P." pesos where an additional percentage of the exchange was required to be sold or surrendered at the "Export" rate and the balance at the "D. P." rate, or shall be considered to consist of pesos at the applicable single rate where it is apparent that the exchange was exempted from being turned over in any part at the "Special" rate; and the rate or rates certified by the Federal Reserve Bank for the class or classes of currency in which such value has been established shall be used; except that if the appraiser or collector has credible information that the percentages of rates which would otherwise be applicable under this paragraph were not used uniformly during any period in connection with the payment for the particular merchandise on which duty is being assessed and for all other merchandise of the same type, appraisement shall be withheld and liquidation shall be suspended as to all merchandise of the type involved exported to the United States during the period involved. Whenever appraisement is withheld or liquidation suspended a detailed report shall be transmitted immediately to the Bureau of Customs.

When information regarding any of the Chilean currency conversion practices necessary to comply with the instructions contained herein is not available at a port other than New York, the appraiser or collector shall request the Customs Information Exchange, 201 Varick Street, New York 14, New York, to furnish such pertinent information as may be available.

It is realized that many cases may arise in which there is not available locally or through the Customs Information Exchange sufficient information from which to determine definitely what combination of rates was applicable under the Chilean laws and regulations to the importation involved. The appraiser or collector shall determine in each such case whether the facts warrant appraisement and liquidation in accordance with the instructions herein or whether action shall be suspended and a report submitted to the Bureau of Customs.

For the period from November 30, 1937, to May 20, 1941, inclusive, the "Official" rate was published in the Treasury Decisions. The "Export" rate for dates during that period will be published in a Customs Information Exchange circular in the near future. Rates have been certified for dates of exportation since May 21, 1941, only upon request made through the Customs Information Exchange, and such rates will be circularized by the Customs Information Exchange.

Where, at the time of making entry or upon the acceptance of an amended entry, information is presented to the collector or is in his possession, which establishes to his satisfaction the percentages of rates for the particular importation in accordance with the pertinent requirements of these instructions, deposit of estimated duties or of supplemental estimated duties calculated in accordance with that information shall be accepted.

Section 16.4 (c), Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.4 (c)), is hereby amended by adding "Chilean pesos" to the list of foreign currencies for which instructions have been issued under section 522 (c) of the Tariff Act of 1930 (31 U. S. C. 372 (c)) and by placing opposite such addition the number and date of this Treasury decision and the Federal Register citation thereof.

(R. S. 251, secs. 505, 624, 46 Stat. 732, 759, sec. 522, 46 Stat. 739; 19 U. S. C. 66, 1505, 1624, 31 U. S. C. 372)

Notice of the proposed issuance of the foregoing instructions was published in

the FEDERAL REGISTER on August 19, 1948 (13 F. R. 4793), pursuant to section 4 of the Administrative Procedure Act (Public Law 404, 79th Congress). The basis of the instructions is section 522 of the Tariff Act of 1930 (31 U. S. C. 372) as construed by the courts, and their purpose is to provide instructions for applying multiple rates of exchange certified by the Federal Reserve Bank of New York for currency conversion for the assessment and collection of customs duties. These instructions shall be effective on the date of publication in the FEDERAL REGISTER, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because the instructions relate to action to be taken by customs officers and, although affecting rights of interested persons, do not require any action to be taken by such persons.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: September 27, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8762; Filed, Sept. 30, 1948; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2478]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

Subparagraph 14 of paragraph (a) of § 4.275 is amended to read as follows:

§ 4.275 *Functions with respect to various statutes.* (a) * * *

(14) All functions and powers formerly exercised by the Chief Cadastral Engineer and the United States Supervisor of Surveys, including the appointment of Mineral Surveyors and the approval and acceptance of their bonds, pursuant to section 2334 of the Revised Statutes (30 U. S. C. 39) and § 185.50 of this title; and the authorization of all classes of survey and resurvey of the public lands pursuant to section 453 of the Revised Statutes (43 U. S. C. 2), and under the general authorization of the Interior Department Appropriation Acts (e. g., act of July 25, 1947, 61 Stat., 460, 463; act of July 1, 1946, 60 Stat., 348, 352); the act of March 3, 1909 (35 Stat. 845), as amended by Joint Resolution of June 25, 1910 (36 Stat. 884; 43 U. S. C. 772); and the act of September 21, 1918 (40 Stat. 965; 43 U. S. C. 773).

Section 4.252, relating to the functions of the Chief Cadastral Engineer, is revoked.

(R. S. 161, 2478; 5 U. S. C. 22; 43 U. S. C. 1201; sec. 403, Reorg. Plan No. 3 of 1946)

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

SEPTEMBER 24, 1948.

[F. R. Doc. 48-8752; Filed, Sept. 30, 1948; 8:47 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

[Order No. 340]

PART 50—ORGANIZATION AND PROCEDURE

FUNCTIONS OF CHIEF AND ACTING CHIEF OF PATENTS SECTION, BRANCH OF LAND DISPOSAL, WITH RESPECT TO FURNISHING COPIES OF RECORDS

SEPTEMBER 24, 1948.

Section 50.355 of Subpart C, added by Order 316 of July 8, 1948, is amended to read as follows:

§ 50.355 *Functions of the Chief and Acting Chief of the Patents Section, Branch of Land Disposal, with respect to the furnishing of copies of records.* The Chief of the Patents Section, Branch of Land Disposal, and in his absence, the Acting Chief of the Section, are authorized to make and furnish copies and exemplifications of patents, plats and other records of the Bureau. (R. S. 459, 43 U. S. C. 6; Order 2430, May 18, 1948, 13 F. R. 2825)

MARION CLAWSON,
Director.

[F. R. Doc. 48-8751; Filed, Sept. 30, 1948; 8:47 a. m.]

Subchapter A—Alaska

[Circ. No. 1697]

PART 75—SALES AND LEASES

SALE OR LEASE OF CERTAIN LANDS IN MATANUSKA VALLEY OF ALASKA

The regulations governing sales and leases of lands in the Matanuska Valley, Alaska, authorized by §§ 75.1 to 75.14 (Circ. No. 1563, August 23, 1943), are amended as follows:

1. In §§ 75.2 and 75.6 the words "Regional Administrator" are substituted for "General Land Office," wherever the latter words occur.

2. In § 75.5 the words "Regional Administrator" are substituted for "Secretary of the Interior."

3. Amend §§ 75.9, 75.10, 75.11, 75.12, and 75.14 to read as follows:

§ 75.9 *Action by the District Land Office.* The Manager will assign a current serial number to each case and make appropriate notations on the records of his office. In the absence of any objection as shown by his records, he will, if the application is for a patent, and is accompanied by the purchase price, issue a cash certificate on Form 4–189, to the person named in the application, as a basis for the issuance of patent. If the application is for a lease and the Regional Administrator has authorized the issuance of a lease, the Manager, upon the receipt of the first annual rental payment, will cause a lease to be issued.

§ 75.10 *Action by the Bureau of Land Management.* Upon receipt by the Bureau of Land Management of an application to purchase, together with the cash certificate, the Director, if all be found regular, will cause a patent to be issued to the applicant.

§ 75.11 *Causes for cancellation.* A lease shall be subject to cancellation by the Manager for failure of the lessee to comply with any of the terms, covenants, and stipulations of the lease, or of any of the regulations contained in §§ 75.1 to 75.14.

§ 75.12 *Payment of annual rental on lease.* The annual rental on a lease must be paid to the Manager, District Land Office, Anchorage, Alaska, on or before each anniversary date of the lease.

§ 75.14 *Appeals.* Any party aggrieved by any action of the Manager may appeal to the Director and the Secretary of the Interior, pursuant to the rules of practice (Part 221 of this chapter).

(54 Stat. 1191; 48 U. S. C. 353 note)

MARION CLAWSON,
Director.

Approved: September 24, 1948.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

[F. R. Doc. 48-8750; Filed, Sept. 30, 1948; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter III—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF BERMUDA OR SPANISH TYPE ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra.*

[Gen. Permit ODT 18A, Rev. 28D]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF BERMUDA OR SPANISH TYPE ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.528 *Shipments of Bermuda or Spanish type onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971) or in Item 400 of Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of Bermuda or Spanish type onions when the origin point is in the States of California, Colorado, Idaho, Nevada, Oregon, Utah or Washington, and such carload freight is loaded to a weight not less than 30,000 pounds.

This General Permit ODT 18A, Revised–28D shall become effective September 30, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 27th day of September 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 48-8754; Filed, Sept. 30, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 194]

WHOLESALE AND RETAIL DEALERS IN LIQUORS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 3254 and 3791 of the Internal Revenue Code (26 U. S. C., secs. 3254 and 3791).

[SEAL] STEWART BERKSHIRE,
Acting Commissioner of Internal Revenue.

1. Regulations 20 (26 CFR, Part 194), as amended, are hereby amended by changing § 194.12 (b) and §§ 194.26, 194.51 and 194.53.

2. These amendments are designed to reflect changes in procedure and interpretations of the regulations.

§ 194.12 *Lawful sales by retail dealer in liquors.* * * *

(b) *Wholesale sales.* Where a retail dealer in liquors accepts an order for 5 wine gallons or more of distilled spirits or wines, a transaction has been made in a wholesale quantity, notwithstanding the order is filled and delivery is made in parcels of less than 5 wine gallons and on different dates. Except as provided in § 194.62, liability to special tax as a wholesale liquor dealer is incurred where two or more orders for 5 wine gallons or more are accepted under such conditions during a fiscal year, or where circumstances surrounding acceptance of a single order show the person is engaged in business as a wholesale liquor dealer. Similarly, liability to special tax as a wholesale dealer in malt liquors is incurred by a retail dealer in liquors when he accepts orders for 5 wine gallons or more of malt liquors.

(Secs. 3254 and 3791, I. R. C.)

§ 194.26 *Sales at National Military Establishments*—(a) *Exempt from special tax.* Post exchanges, ship's stores, ship's service stores and commissaries operated on premises of a department of the National Military Establishment and conducted as integral parts and under regulations of such department, are not subject to special tax for the sale of liquors, provided sales are not made to the general public but are restricted to members of the military establishment and their guests.

(b) *Subject to special tax.* Special tax must be paid for the sale of liquors at canteens, clubs, messes and similar places whether or not located on premises of the National Military Establishment. (Secs. 3254 and 3791, I. R. C.)

§ 194.51 *Missing stamps*—(a) *Lost or destroyed.* If a special tax stamp has been lost or destroyed, the taxpayer should immediately notify the collector of internal revenue. A "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will be issued to the taxpayer who submits an affidavit showing to the satisfaction of the collector that the stamp was lost or destroyed. The certificate must be posted in place of the stamp; otherwise, liability for failure to post the stamp will be incurred.

(b) *Seized by State authorities.* Where a stamp designated "Retail Dealer in Liquors" is seized by State authorities because it does not conform to the dealer's local license or permit (wine, or wine and beer), the collector will, upon request, issue a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" to show that the dealer has paid special tax as a "Retail Dealer in Wine" or "Retail Dealer in Wines and Malt Liquors," as the case may require. However, where a special tax stamp has been seized by State authorities because the dealer has operated in violation of local law, a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will not be issued by the collector. (Sec. 3791, I. R. C.)

§ 194.53 *Corrections of errors on special tax stamps discovered on inspection.* When an inspector ascertains that an error appears on the special tax stamp as to the name, ownership, address, etc., he will require the taxpayer to prepare a new Form 11, designated "Amended Return," showing the proper name, address, or other correction. Where a special tax stamp is issued in the name of an individual and the business is owned and conducted by a partnership from the beginning of the period of liability covered by the stamp, the names and addresses of all partners will be shown on the amended Form 11. The body of the amended Form 11 must show the reasons for requesting the correction of the special tax stamp. The inspector should also obtain the special tax stamp from the taxpayer, giving him a receipt therefor on Form 1670 (which receipt shall be kept on the dealer's premises), and forward the amended Form 11, the special tax stamp, the duplicate copy of the Form 1670, and the inspection report to the district supervisor. Upon receipt of the amended Form 11, the special tax stamp, etc., the district supervisor will examine the amended Form 11 to determine whether correction of the stamp is in order and all necessary data appear on the amended Form 11. If the district supervisor is satisfied that the papers are in order, he will write or stamp the word "approved" followed by his signature, in any available space on the face of the amended Form 11 and on the inspection report and forward the amended form with the special tax stamp to the proper collector of internal revenue. Upon receipt of these documents, the collector will make the proper correction on the special tax stamp, amend his Record 10 accordingly, attach the amended Form 11 to the original Form 11, and return the special tax stamp to the taxpayer. (Sec. 3791, I. R. C.)

3. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[F. R. Doc. 48-8764; Filed, Sept. 30, 1948; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 726]

FIRE-CURED AND DARK AIR-CURED TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS FOR 1949–50 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agri-

cultural Adjustment Act of 1938, as amended (7 U. S. C. 1311, 1312, and 1313), the Secretary of Agriculture is preparing to determine whether marketing quotas for fire-cured and dark air-cured tobacco are required to be proclaimed for the 1949–50 marketing year, and, if so, the amounts of the national marketing quotas and the apportionment of the quotas among the several States.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 (b), 1312 (a)), provides that whenever the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The act provides further that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level.

The act (7 U. S. C. 1312 (b)) provides further that within 30 days after a national marketing quota is proclaimed, the Secretary shall conduct a referendum of farmers who were engaged in the production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the quota shall not be effective thereafter. The Secretary is also required to submit to such farmers the question of whether they favor marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary is required to proclaim marketing quotas for such period.

The act (7 U. S. C. 1313 (a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 313 (small farms and "new" farms), among the several States on the basis of the total production of tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

A public hearing will be held in the Elks Building, Hopkinsville, Kentucky, Thursday, October 14, 1948, at 10:00 a. m., c. s. t., for the purpose of considering whether national marketing quotas should be proclaimed for fire-cured tobacco and for dark air-cured tobacco for the 1949-50 marketing year, and, if so, the amounts of such quotas and the apportionment of the quotas among the several States.

In making the determinations as to whether marketing quotas are required to be proclaimed on fire-cured and dark air-cured tobacco for the 1949–50 marketing year, the amounts of the national marketing quotas, and the apportionment of the quotas among the several States, consideration will be given to any data, views, and recommendations pertaining thereto which are presented at the hearing or which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than October 16, 1948.

Issued at Washington, D. C., this 28th day of September 1948.

[SEAL] RALPH S. TRIGG, *Administrator.*

[F. R. Doc. 48-8765; Filed, Sept. 30, 1948; 8:51 a. m.]

[7 CFR, Ch. IX]

HANDLING OF MILK IN CERTAIN MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVELY APPROVED MARKETING AGREEMENTS, MARKETING AGREEMENTS, AND ORDERS, AS AMENDED

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the marketing agreements, the marketing agreements, as amended, the orders, and the orders, as amended (hereinafter referred to as the "marketing agreements and orders") regulating the handling of milk in the following marketing areas:

St. Louis, Missouri.
Greater Boston, Massachusetts.
Dubuque, Iowa.
Greater Kansas City.
South Bend-La Porte County, Indiana.
New York Metropolitan.
Toledo, Ohio.
Fort Wayne, Indiana.
Lowell-Lawrence, Massachusetts.
Omaha-Council Bluffs.
Chicago, Illinois.
New Orleans, Louisiana.
Quad Cities.
Louisville, Kentucky.
Fall River, Massachusetts.
Sioux City, Iowa.
Duluth-Superior.
Philadelphia, Pennsylvania.
Cincinnati, Ohio.
Wichita, Kansas.
Suburban Chicago.
Clinton, Iowa.
Dayton-Springfield, Ohio.
Tri-State.
Minneapolis-St. Paul.
Columbus, Ohio.
Cleveland, Ohio.

These proposed amendments to the marketing agreements and orders are to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq), hereinafter referred to as the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the twentieth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quintuplicate.

Preliminary statement. The hearing on the record of which the proposed amendments to the marketing agreements and orders were formulated, was held at Washington, D. C., on July 30, 1947, pursuant to a notice issued on July 18, 1947, and published in the FEDERAL REGISTER on July 23, 1947 (12 F. R. 4888).

The issues developed at the hearing are with respect to whether each of the aforesaid marketing agreements and marketing orders should provide:

1. A termination of any obligation for the payment of money after the expiration of a specified period of time; and

2. A specified period of time for the retention of books and records required to be made available to the market administrator.

Findings and conclusions. On the basis of the evidence presented at such hearing, it is hereby found and concluded:

1. *Termination of obligation.* Each of the aforesaid marketing agreements and orders should contain provisions terminating any obligation thereunder for the payment of money after the expiration of a specified period of time, with certain exceptions hereinafter indicated.

Marketing agreements and orders contain provisions classifying milk in accordance with the form in which or the purpose for which it is used, and fixing, or providing a method for fixing, minimum prices for each such use classification, which all handlers are required to pay, and the time when payments shall be made, for milk purchased from producers or associations of producers. Such prices are uniform as to all handlers, subject to adjustments for volume, market, and production differentials, grade or quality of the milk purchased, or the locations at which the milk is delivered. Some orders provide for the payment to all producers and associations of producers delivering milk to the same handler of uniform prices for all milk delivered by them. This method of paying producers is commonly called the "individual-handler pool." Other orders provide for the payment to all producers and associations of producers delivering milk to all handlers in the respective marketing area of uniform prices for all milk so delivered, irrespective of uses made of such milk by the individual handler to whom it is delivered. This is the so-called "market-wide pool" method of paying producers.

Under the "individual-handler pool," handlers pay the total use value of their milk to their producers directly. Under the "market-wide pool," handlers pay their producers the market-wide uniform or blend price. In order to equalize payments among handlers where orders provide for the market-wide pool, a producer settlement fund is established and maintained by the market administrator. Each handler pays into the fund the amount by which the value of his milk at the class prices is greater than the aggregate amount he pays his producers at the blend price, and, conversely, each handler receives from the fund the amount by which the value of his milk at the class prices is less than the aggregate amount he pays his producers at the blend price.

In addition to the foregoing payments, each handler is required to pay the market administrator his pro rata share of the expense of administering the respective orders. Most orders also require each handler to make deductions from his payments to producers and to pay such deductions to the market administrator or to a cooperative association of producers, as the case may be, for marketing services, i. e., marketing information and the verification of weights, sampling, and testing of milk.

Each month handlers are required to report to the market administrators information relating to the quantities of milk received and their sources, the utilization of such receipts, and payments to producers. Handlers are required to make available to market administrators such books and records as will enable the market administrators to verify reports or to ascertain correct information. Whenever an audit by a market administrator discloses errors resulting in money due (a) the market administrator from a handler, or a handler from the market administrator, or (b) any producer or association of producers from a handler, the payment of the amount due is required to be made.

Although all of the marketing agreements and orders provide with particularity when the various payments are to be made, none of them specifies the time within which an error in payment must be discovered or provides for the termination of an obligation because of the expiration of time. When milk marketing programs were first promulgated, this omission was not serious. However, now that milk orders have been in effect over a considerable length of time—six orders have been in effect more than ten years and one-half of all orders were in effect prior to 1941—the failure to provide in the orders for a termination of the obligations thereunder for the payment of money creates uncertainties among producers and handlers which may endanger the stability of the markets and lead to serious inequities.

Without a termination of obligations, handlers may file claims which, because the period involved extends back over many years, are in substantial amounts. Funds for the payment of such claims are obtained only from payments to producers supplying the market with milk during the period when the claims are paid. This results in a reduction in the payments to these producers. Since, over extended periods of time, there is a considerable turnover in the producers supplying a market, a reduction in their payments results in inequities as to those producers who were not in the market during the period out of which the handlers' claims arise. This result, therefore, tends to cause producers to leave the market, and is a potential cause of milk shortage. If, on the other hand, the minimum prices for milk are increased to compensate producers for deductions made to pay old claims, such prices probably would not be in the public interest. Thus, in the absence of a termination of obligations, the stability of milk markets is endangered by the ever present threat of the necessity for making substantial payments arising from the accrual of liabilities over extended periods of time.

The marketing agreements and orders should provide that any obligation to pay a handler any money which such handler claims to be due him under the terms of an order, shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or within two years after payment was made if a refund is claimed, unless such handler, within such period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

There was general agreement at the hearing that the two year period was reasonable. This will allow a handler ample time to decide whether he should contest an obligation imposed upon him pursuant to an order.

Currently, Order No. 27 regulating the handling of milk in the New York metropolitan marketing area, provides specially for the reclassification, under certain conditions, of milk the butterfat from which is classified as storage cream, i. e., as Class II–B. Under these provisions, the classification of Class II–B milk is not finally determined until the cream is removed from storage. The final classification of such milk is effected, upon the removal of the cream from storage, by payments to handlers from the producer-settlement fund of specified amounts of money. Since the cream is in storage an average of several months, and in some cases more than one year, final settlement of the storage cream accounts cannot be made on the same schedule as would apply to other classifications. To provide for this situation, Order No. 27 should contain special provisions to terminate obligations arising out of storage cream payments at the expiration of two years after the end of the calendar month during which such cream was removed from storage.

Handlers also need the protection of provisions terminating their obligations to make payments. Delays have occurred in the notification to handlers that they owe money under the orders. The results of litigation, the disclosure of additional facts, or other circumstances have required a change in the application of a section of an order. When this happens, a market administrator, in the absence of a provision to terminate obligations, has been required to reaudit and rebill all handlers to whom the corrected application applied, even though it meant going back, in the case of some orders, more than ten years. Since handlers cannot be forewarned as to contingent liabilities of this nature, it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or taking other precautionary measures.

As milk marketing programs are in effect over longer and longer periods, the problem of adjustments has become more acute. Obviously, if a market administrator is required to reaudit and rebill a handler for milk handled for periods of from five to ten years, the amounts involved may be large enough to render the handler insolvent or otherwise cause him irreparable damage. Provisions for the termination of obligations will reduce the uncertainty arising from the potential liabilities of handlers and are necessary to promote the orderly marketing of milk.

For the reasons hereinafter more fully discussed, it is concluded that handlers should not be required to retain books and records after the expiration of a specified period of time because the accumulated volume of such records becomes burdensome and their value diminishes with the passage of time. A limitation of time for the retention of records would, however, be of doubtful benefit to handlers if a concomitant termination of handlers' obligations were not likewise provided for. A handler must account for the receipt and utilization of, and payment for milk by the books and records he maintains in the regular operation of his business. Without termination of obligation provisions, a handler could dispose of his records only at considerable risk, even though the order did not expressly require the retention of records beyond a specified period of time. Termination of obligation provisions are, therefore, necessary to effectuate the other provisions of the marketing agreements and orders, including any provisions that may be made prescribing the length of time for which records are to be retained.

It was proposed at the hearing that all audits or reaudits of a handler's books and records and all revisions of obligations and adjustments be completed and mailed to a handler within two years after the date upon which a handler files a report covering the milk involved in such audits, reaudits, and adjusted billings. Inasmuch as it is concluded to terminate an obligation unless the notice thereof is mailed to a handler within a two year period, the failure to mail such notice within the time prescribed would terminate the obligation, and any audits or re-audits in connecton therewith made after the expiration of the prescribed time would have no practical effect. The effect of a limitation on the period for making audits is, therefore, adequately covered by the termination of obligation provisions. Hence, such limitation is not necessary.

The obligation of any handler to pay money should, except as hereinafter indicated, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless

within such two year period the market administrator notifies the handler in writing that such money is due and payable. In general, it appears that a period of two years is a reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order.

The notification in writing by the market administrator, before the expiration of the two year period, will prevent the obligation covered by such notification from terminating. The purpose of the termination of obligation provisions is to reduce the uncertainties arising out of potential liabilities for unknown amounts for extended periods in the past. The notice should, therefore, inform the handler of the amount of the obligation, the months or periods during which the milk involved was received or handled, and the person or persons to whom the obligation is payable. If the obligation is payable to the market administrator, the account for which it is to be paid should be indicated. The service of the notice should be complete upon mailing to the last known address of the handler. This method of service conforms to the accepted business practice of mailing statements and billings to handlers under the various marketing orders.

Proposals were made at the hearing for the termination of a handler's obligation unless, within a prescribed period of time, court action is instituted to enforce the payment of the obligation. The procedure provided for in the act contemplates that handlers will comply with the obligations imposed upon them under an order. If they deem such obligations are not in accordance with law, they may file petitions pursuant to section 8c (15) (A) of the act, for corrective action. Moreover, the record contains no evidence to indicate that there has been, or will be, any delay in the institution of enforcement proceedings should a handler fail to comply with the provisions of an order. The proposals in this regard, therefore, should not be adopted.

If a handler refuses or fails to make available to the market administrator any books and records required by the order to be made available, the market administrator should notify such handler in writing of such failure or refusal within two years after the end of the month during which the handler submits his reports with respect to the milk in question. If the market administrator so notifies the handler, the two year period should not begin to run until the first day of the calendar month following the month during which the books and records are made available to the market administrator.

Such a provision is necessary to provide adequate opportunity for the proper and complete audit of books and records of handlers before obligations involved in such audits are terminated. Moreover, if the two year period is extended by virtue of this provision, the responsibility therefor will be that of the handler who failed or refused to make his records available.

A handler's obligation to pay money should not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed. Certain handlers objected to the inclusion of an exception to cover fraud or the willful concealment of a material fact. Aside from the fact that a handler should not be permitted to benefit from his own misconduct, the failure to include such an exception would place a premium on fraud and encourage the practice of concealing records.

The provisions for the termination of obligations should apply to any obligation irrespective of when such obligation arose, except an obligation involved in an administrative proceeding under section 8c (15) of the act or a court action, instituted before July 1, 1949.

The application of these provisions to all past, as well as future, obligations is necessary to effectuate fully the purposes of such provisions. Orderly marketing requires that all persons subject to an order be relieved of the constant threat of liability for "stale" claims arising out of transactions which everyone has reason to believe have been settled. Moreover, without the termination of obligations relating to past transactions, handlers would be required, for their own protection, to retain indefinitely all the records relating to such transactions. Thus, the salutary effects of allowing handlers to dispose of old records would be largely defeated.

The termination of obligation provisions should not, of course, apply to obligations involved in pending administrative proceedings or court actions. Such provisions likewise should not apply to obligations as to which administrative proceedings or court actions are instituted before July 1, 1949. This will allow all interested parties at least six months to determine if there are any outstanding obligations which would otherwise be terminated by the adoption of the proposed amendments and, if there are such obligations, to take appropriate measures to protect their interests in such obligations. All persons who testified with respect to this matter at the hearing stated that the period of six months is a reasonably adequate time for this purpose.

The terms and conditions of the proposed amendments hereinafter set forth are necessary to effectuate the other provisions of the marketing agreements and orders regulating the handling of milk in the aforesaid respective milk marketing areas.

2. *Retention of records.* Because there has been no time limitation within which obligations for the payment of money are terminated, and because the orders have not provided a definite period of time for the retention of records required to be made available under the orders for the verification of reports by market administrators, handlers have generally followed the practice of retaining from the beginning of a regulatory program all of the records which pertained to order transactions. Handlers must keep detailed records relating to their daily purchases of milk from individual producers, the butterfat tests of milk received from individual producers, and the daily utilization and disposal of milk at individual milk plants. Detailed records of this kind soon assume tremendous physical proportions. It has been necessary for handlers to rent warehouse space in which to store these records. This, in itself, has been a considerable financial burden.

Because the records are of such a detailed nature and because they relate to very complicated situations, an accurate interpretation of the records is ordinarily possible only by a person familiar with them. As time passes, the memories of employees are dulled and they cannot interpret old records with a reasonable degree of certainty or accuracy. Moreover, employees leave their positions with handlers and are replaced by other employees. It frequently is impossible for a new employee, not acquainted with records prepared by a predecessor, to make an accurate interpretation of them. The value of records in terms of proving or disproving claims, therefore, diminishes as times goes on.

Consequently, it is necessary that a definite time period be provided in each of the orders within which handlers must maintain their records and after which they will be definitely relieved of the requirement of doing so. More particularly, the orders should be amended to provide that handlers retain records for three years after the end of the delivery period to which such records relate. In terms of the volume of records which would be retained, the retention of records for three years appears to be a reasonable requirement.

A three year period for retaining records is about a year more than is to be provided for under the termination of obligation provisions. This difference in time is necessary, however. In the first place, the two year period relating to the termination of obligations begins at the end of the calender month during which the report of a handler is received by the market administrator. Utilization reports are normally received by the market administrator during the month following that within which the milk reported is received and utilized. Under some circumstances, however, the report might not be received until several months after the receipt and utilization of the milk reported. The time requirement for the retention of records, on the other hand, begins on the last day of the calendar month to which such records relate. Moreover, the notice that money is due and payable might not be rendered until near the end of the two year period and further action might be necessary in connection with a final settlement of the obligation. During the pendency of the settlement, the records upon which the obligation is based should be retained. These circumstances indicate that records should be retained for a somewhat longer period than is provided with respect to the termination of obligations. The three year period for the retention of records is, therefore, reasonable.

Records and accounts are frequently involved in litigation under the orders. Such litigation sometimes requires a longer period of time than normally would be feasible for the routine maintenance of records. It is necessary, therefore, to provide, where specific records are necessary in connection with a proceeding under section 8c (15) of the act or a court action, that handlers be required to retain such records for a longer period than is otherwise required. Consequently, handlers should be required to retain such records when they are notified to do so by the market administrator, and to continue to retain them until further notification from the market administrator.

The terms and conditions of the proposed amendments hereinafter set forth are necessary to effectuate the other provisions the marketing agreements and orders regulating the handling of milk in the aforesaid respective milk marketing areas.

3. *General.* (a) The marketing agreements and orders, as hereby proposed to be amended, and all the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) Each of the marketing agreements and orders, as hereby proposed to be amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, marketing agreements upon which hearings have been held.

(c) The prices calculated to give milk produced for sale in each of the aforesaid marketing areas a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8c of the act are not reasonable in view of the price of feed, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in each of the marketing agreements and orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of a number of associations of producers and handlers who would be subject to the proposed marketing agreements and orders. Every point covered in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Proposed amendments to the marketing agreements and orders. The following amendments to the orders and the orders, as amended, are proposed as the detailed and appropriate methods by which the foregoing conclusions may be carried out. The proposed amendments to the marketing agreements and marketing agreements, as amended, are not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the orders and the orders, as amended.

1. Amend each of the orders specified in this paragraph by incorporating therein, in the manner indicated, the following provisions:

Retention of records. All books and records required under this order to be made available to the market administrator shall be retained and made available by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three year period, the market administrator notifies a handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator.

Part 903, Milk in the St. Louis, Missouri, marketing area as § 903.5 (c).

Part 912, Milk in the Dubuque, Iowa, marketing area as § 912.7 (f).

Part 913, Milk in the Greater Kansas City marketing area as § 913.3 (e).

Part 927, Milk in the New York metropolitan marketing area as § 927.6 (f).

Part 930, Milk in the Toledo, Ohio, marketing area as § 930.3 (d).

Part 932, Milk in the Fort Wayne, Indiana, marketing area as § 932.3 (d).

Part 935, Milk in the Omaha-Council Bluffs marketing area as § 935.3 (c).

Part 941, Milk in the Chicago, Illinois, marketing area as § 941.3 (c).

Part 942, Milk in the New Orleans, Louisiana, marketing area as § 942.3 (e).

Part 944, Milk in the Quad Cities marketing area as § 944.3 (d).

Part 946, Milk in the Louisville, Kentucky, marketing area as § 946.5 (f).

Part 947, Milk in the Fall River, Massachusetts, marketing area as § 947.3 (c).

Part 948, Milk in the Sioux City, Iowa, marketing area as § 948.3 (c).

Part 954, Milk in the Duluth-Superior marketing area as § 954.3 (c).

Part 961, Milk in the Philadelphia, Pennsylvania, marketing area as § 961.5 (g).

Part 965, Milk in the Cincinnati, Ohio, marketing area as § 965.4 (d).

Part 967, Milk in the South Bend-La Porte, Indiana, marketing area as § 967.3 (d).

Part 968, Milk in the Wichita, Kansas, marketing area as § 968.5 (e).

Part 969, Milk in the Suburban Chicago marketing area as §969.3 (c).

Part 970, Milk in the Clinton, Iowa, marketing area as § 970.5 (f).

Part 971, Milk in the Dayton-Springfield, Ohio, marketing area as § 971.3 (d).

Part 972, Milk in the Tri-State marketing area as § 972.3 (d).

Part 973, Milk in the Minneapolis-St. Paul marketing area as § 973.3 (e).

Part 974, Milk in the Columbus, Ohio, marketing area as § 974.3 (d).

Part 975, Milk in the Cleveland, Ohio, marketing area as § 975.4 (d).

2. Amend Part 904, Milk in the Greater Boston, Massachusetts, marketing area, and Part 934, Milk in the Lowell-Lawrence, Massachusetts, marketing area, as follows:

Delete the period (.) at the end of § 904.6 (f) and § 934.7 (e), respectively, and add thereto the following: "and such records shall be retained and made available by the handler for a period of three years to begin at the end of the calendar month to which such records pertain: *Provided*, That if, within such three year period, the market administrator notifies a handler in writing that the retention of such records is necessary in connection with a proceeding under section 8c (15) of the act or a court action specified in such notice, the handler shall retain such records until further written notification from the market administrator."

3. Amend each of the orders specified in this paragraph by adding thereto, in the manner indicated, the following provisions:

Termination of obligation. The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before July 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives any books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period shall not begin to run until the first day of the calendar month following the month during which such books and records are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a

fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or within two years after payment was made by the handler if a refund on such payment is claimed, unless such handler, within said periods of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Part 903, Milk in the St. Louis, Missouri, marketing area as § 903.16.

Part 904, Milk in the Greater Boston, Massachusetts, marketing area as § 904.14.

Part 912, Milk in the Dubuque, Iowa, marketing area as § 912.16.

Part 913, Milk in the Greater Kansas City marketing area as § 913.13.

Part 930, Milk in the Toledo, Ohio, marketing area as § 930.16.

Part 932, Milk in the Fort Wayne, Indiana, marketing area as § 932.16.

Part 934, Milk in the Lowell-Lawrence, Massachusetts, marketing area as § 934.15.

Part 935, Milk in the Omaha-Council Bluffs marketing area as § 935.12.

Part 941, Milk in the Chicago, Illinois, marketing area as § 941.15.

Part 942, Milk in the New Orleans, Louisiana, marketing area as § 942.14.

Part 944, Milk in the Quad Cities marketing area as § 944.15.

Part 946, Milk in the Louisville, Kentucky, marketing area as § 946.13.

Part 947, Milk in the Fall River, Massachusetts, marketing area as § 947.15.

Part 948, Milk in the Sioux City, Iowa, marketing area, as § 948.11.

Part 954, Milk in the Duluth-Superior marketing area as § 954.15.

Part 961, Milk in the Philadelphia, Pennsylvania, marketing area as § 961.12.

Part 965, Milk in the Cincinnati, Ohio, marketing area as § 965.16.

Part 967, Milk in the South Bend-LaPorte, Indiana, marketing area as § 967.16.

Part 968, Milk in the Wichita, Kansas, marketing area as § 968.14.

Part 969, Milk in the Suburban Chicago marketing area as § 969.14.

Part 970, Milk in the Clinton, Iowa, marketing area as § 970.13.

Part 971, Milk in the Dayton-Springfield, Ohio, marketing area as § 971.15.

Part 972, Milk in the Tri-State marketing area as § 972.15.

Part 973, Milk in the Minneapolis-St. Paul marketing area as § 973.13.

Part 974, Milk in the Columbus, Ohio, marketing area as § 974.14.

Part 975, Milk in the Cleveland, Ohio, marketing area as § 975.17.

4. Amend Part 927. Milk in the New York metropolitan marketing area, as follows:

a. Renumber §§ 927.11, 927.12, and 927.13, respectively, as §§ 927.12, 927.13, and 927.14.

b. Add a new § 927.11 as follows:

§ 927.11 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before July 1, 1949, under section 8c (15 (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives any books or records required by this order to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period shall not begin to run until the first day of the calendar month following the month during which such books and records are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received (or with respect to storage cream payments made pursuant to § 927.9 (g), within two years after the end of the calendar month during which such cream is removed from storage) if an underpayment is claimed, or within two years after payment was made by the handler if a refund on such payment is claimed, unless such handler, within said periods of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Filed at Washington, D. C., this 27th day of September 1948.

F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 48-8769; Filed, Sept. 30, 1948; 8:53 a. m.]

[7 CFR, Part 979]

IRISH POTATOES GROWN IN EASTERN SOUTH DAKOTA PRODUCTION AREA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), that the Secretary of Agriculture is considering the approval of the rules hereinafter set forth which were recommended by the South Dakota Potato Committee, established under Marketing Agreement No. 103 and Order No. 79 (13 F. R. 1994) regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 61 Stat. 202, 707).

Consideration will be given to any data, views, or arguments pertaining thereto and mailed in triplicate, to the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., so as to be received by him not later than 15 days after the publication of this notice in the FEDERAL REGISTER.

The proposed rules are as follows:

§ 979.101 *Exemption certificates*—(a) *Application.* Any producer applying for exemption from grade or size regulation issued hereunder shall make application for such exemption on forms to be furnished by the Administrative Committee. Such application shall state:

(1) The location of his farm;

(2) The number of Irish potatoes on said farm; and location thereon of such potato field or fields or storage;

(3) The total estimated production of potatoes for the current season, stated in terms of varieties, hundredweights, grades, and sizes, not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes;

(4) An estimate of the percentage of such producers' crop which cannot be shipped because of grade, size and quality regulation then in effect, stated in terms of varieties, hundredweights, grades and sizes, not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes;

(5) A statement of the amount, if any, of Irish potatoes (not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes) which have already been sold from said farm, or by said applicant, during the current marketing season;

(6) Certification that the statement is true and correct;

(7) Signature and address of producer.

(b) *Federal-State Inspector's report.* Each request filed by a producer with the Administrative Committee shall be accompanied by a report of a Federal-State Inspector, which shall contain the following:

(1) A statement by the inspector that he personally visited the field or fields or storage with respect to which exemption is requested, and that a representative sample of the potato crop in such field or fields or storage was taken by him.

(2) A statement of the percentage of such crop which meets the required grade, size and quality regulation then in effect.

(3) A statement of the defects or damage causing such crop to fail to meet such grade, size, and quality requirements.

In determining percentages, the Federal-State Inspector shall not include culls. In the event that more than one variety of potatoes are involved in the regulation, the inspector shall determine the above percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The Administrative Committee, or the manager thereof, or any specifically authorized representative thereof, may make such investigations as is deemed necessary to determine whether the exemption requested should be granted.

(c) *Issuance of certificate.* Whenever the Administrative Committee finds and determines from proof satisfactory to the Committee that the applicant is entitled to an exemption certificate, the Committee shall issue or authorize the issuance of an exemption certificate which shall permit the applicant to ship, or cause to be shipped, that quantity of the regulated grades, sizes, and qualities, or combinations thereof, of Irish potatoes as will enable him to ship, or cause to be shipped, as large a percentage of his Irish potatoes as the average percentage for all producers or, if regulation is by variety, the average percentage for all producers of the particular variety involved, as determined by the Committee.

The Administrative Committee, or its duly authorized representative, may issue exemption certificates if the proof submitted by the applicant is satisfactory: *Provided*, That the Administrative Committee, or its duly authorized representative, shall have first determined the grades, sizes, qualities, or combinations thereof, of potatoes grown in such area which would be available for shipment in the absence of any regulation, and shall have determined the percentage that the quantity of a particular variety or varieties of potatoes grown in such area, permitted to be shipped pursuant to regulation, is of the quantity which would have been shipped in the absence of regulation.

If the Committee, or its duly authorized representative, determines that the applicant is not entitled to an exemption certificate he shall be so advised in writing and given the reasons therefor.

Each certificate of exemption issued as provided herein shall contain the producer's name and address; the location of his farm; the location of the field or storage with respect to which the exemption is granted; the particular grade, size, and quality regulations from which exempted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer to ship Irish potatoes which do not meet the requirements of the particular grade, size, and quality regulations.

Each certificate of exemption shall be transferable, in whole or in part, with the Irish potatoes in accordance with the amount of the Irish potatoes transferred.

(d) *Reports and records.* For the purpose of enabling the Administrative Committee to perfom its functions, pursuant to the provisions hereof, each handler shall report shipments under exemption certificates to the Committee, in such form and at such times and substantiated in such manner as shall be prescribed by the Committee. All forms, reports, correspondence and documents used, pursuant to these rules and regulations, shall be kept on file by the Administrative Committee and records thereof shall be maintained by the manager of the Committee.

A record of all applications for exemption received, exemption certificates issued, applications denied, and shipments made under exemption shall be kept by the committee and a record of all such transactions, if any, shall be reported weekly by the South Dakota Potato Committee to the Secretary.

(e) *Appeal procedure.* If any producer is dissatisfied with the determination of the South Dakota Potato Committee regarding any application for exemption certificate, or any duly issued exemption certificate, an appeal by said producer may be filed with the committee. Such appeal must be taken promptly after the issuance of the exemption certificate or the denial from which the appeal is taken. Any producer filing an appeal may furnish information with his appeal additional to that submitted with his original application. The committee may request such additional information as it deems necessary for a determination on the appeal. The committee shall act promptly upon any producer's appeal and it shall notify the appellant promptly of its determination. A copy of each appeal and a statement of consideration involved in making the final determination with respect thereto shall be furnished in each instance to the Secretary.

Done at Washington, D. C., this 27th day of September 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8768; Filed, Sept. 30, 1948; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

PRODUCERS LIVESTOCK COMMISSION CO., INC., AND RANCHERS AND FARMERS LIVESTOCK SALES CO.

NOTICE RELATIVE TO POSTED STOCKYARDS

Notice is hereby given that after inquiry and after consideration of all relevant matter presented pursuant to the notice of proposed posting and rule making published in the FEDERAL REGISTER on September 11, 1948 (13 F. R. 5314), it has been ascertained by me, pursuant to section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), that the stockyards known as the Producers Livestock Commission Company, Inc., at Abilene, Texas, and the Ranchers and Farmers Livestock Sales Co., at Clovis, New Mexico, are stockyards within the definition of that term contained in section 302 of said act and are, therefore, subject to the provisions of said act.

The attention of the stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U. S. C. 203 and 207) and other pertinent provisions of said act, and the rules and regulations issued thereunder by the Secretary of Agriculture.

The Packers and Stockyards Act provides for a specified time after the posting of notice at the stockyards, for market agencies, dealers, and stockyard owners to register and qualify for the operation of their businesses under that act. There appears to be no good reason to defer the effective date of the foregoing notice in view of that fact. Therefore, it is determined that good cause exists to make this notice, and it shall be, effective immediately, subject to the provisions of the Packers and Stockyards Act.

Done at Washington, D. C., this 28th day of September 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-8766; Filed, Sept. 30, 1948; 8:51 a. m.]

FEDERAL POWER COMMISSION

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 24, 1948.

In the matters of Texas Gas Transmission Corporation, Docket No. G-859;

Texas Eastern Transmission Corporation, Docket No. G–1089; The Philadelphia Gas Works Company, Docket No. G–1120.

Upon consideration of the application filed September 7, 1948, by The Philadelphia Gas Works Company, a Pennsylvania corporation with its principal office at Philadelphia, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to establish physical connection of its natural gas transportation facilities with the distribution mains of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant, and for an order directing Texas Gas Transmission Corporation to so modify its arrangements with Texas Eastern and others as to facilitate such sale and delivery of natural gas to the Applicant by Texas Eastern, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G–1120 with consolidated proceedings in Docket Nos. G–859 and G–1089 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. e. s. t. on September 27, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of The Philadelphia Gas Works Company;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket Nos. G–859 and G–1089;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 24, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8745; Filed, Sept. 30, 1948; 8:46 a. m.]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 24, 1948.

In the matters of Texas Gas Transmission Corporation, Docket No. G–859; Texas Eastern Transmission Corporation, Docket No. G–1089; Consumers Gas Company, Docket No. G–1124.

Upon consideration of the application filed September 13, 1948, by Consumers Gas Company, a Pennsylvania corporation with its principal office at Reading, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to establish physical connection of its natural gas transportation facilities with the distribution mains of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant, and for an order directing Texas Eastern Transmission Corporation to so modify its arrangements with Texas Eastern and others as to facilitate such sale and delivery of natural gas to the Applicant by Texas Eastern, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G–1124 with consolidated proceedings in Docket Nos. G–859 and G–1089 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on September 27, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of Consumers Gas Company;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket Nos. G–859 and G–1089;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 24, 1948.

By the Commission. Commissioner Buchanan dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8746; Filed, Sept. 30, 1948; 8:46 a. m.]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 24, 1948.

In the matters of Texas Gas Transmission Corporation, Docket No. G–859; Texas Eastern Transmission Corporation, Docket No. G–1089; Allentown-Bethlehem Gas Company, Docket No. G–1125.

Upon consideration of the application filed September 13, 1948, by Allentown-Bethlehem Gas Company, a Pennsylvania corporation with its principal office at Allentown, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to establish physical connection of its natural gas transportation facilities with the distribution mains of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant, and for an order directing Texas Gas Transmission Corporation to so modify its arrangements with Texas Eastern and others as to facilitate such sale and delivery of natural gas to the Applicant by Texas Eastern, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G–1125 with consolidated proceedings in Docket Nos. G–859 and G–1089 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on September 27, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of Allentown-Bethlehem Gas Company;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket Nos. G–859 and G–1089;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 24, 1948.

By the Commission. Commissioner Buchanan dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8747; Filed, Sept. 30, 1948; 8:46 a. m.]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 24, 1948.

In the matters of Texas Gas Transmission Corporation, Docket No. G–859; Texas Eastern Transmission Corporation, Docket No. G–1089; The Harrisburg Gas Company, Docket No. G–1126.

Upon consideration of the application filed September 13, 1948, by The Harrisburg Gas Company, a Pennsylvania corporation with its principal office at Harrisburg, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to establish physical connection of its natural gas transportation facilities with the distribution mains of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant, and for an order directing Texas Gas Transmission Corporation to so modify its arrangements with Texas Eastern and others as to facilitate such sale and delivery of natural gas to the Applicant by Texas Eastern, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G–1126 with consolidated proceedings in Docket Nos. G–859 and G–1089 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on September 27, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pensylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of The Harrisburg Gas Company;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket Nos. G–859 and G–1089;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: September 24, 1948.

By the Commission. Commissioner Buchanan dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8748; Filed, Sept. 30, 1948; 8:46 a. m.]

MANUFACTURERS LIGHT AND HEAT CO. ET AL.

NOTICE OF APPLICATION

SEPTEMBER 27, 1948.

In the matter of The Manufacturers Light and Heat Company, Home Gas Company, and Natural Gas Company of West Virginia, Docket No. G–1117.

Notice is hereby given that on September 3, 1948, The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, Home Gas Company (Home), a New York corporation, and Natural Gas Company of West Virginia (Natural Gas Company), a West Virginia corporation, all of which companies are subsidiaries of The Columbia Gas System, Inc., and have their principal place of business at Pittsburgh, Pennsylvania, filed an application (a) for a certificate of public convenience and necessity authorizing the construction, acquisition and operation of certain natural-gas facilities hereinafter described, and (b) for approval of abandonment, removal and sale of a certain portion of said applicant companies' facilities, also hereinafter described, both pursuant to section 7 of the Natural Gas Act, as amended.

Manufacturers seeks authorization:

(1) To construct and operate 10.5 miles of 12-inch natural-gas transmission pipe line extending from a point on an existing 20-inch line of Manufacturers near Canonsburg, Washington County, Pennsylvania, to a point south of Pittsburgh, Pennsylvania.

(2) To construct and operate 5 miles of 6-inch natural-gas transmission pipe line extending from a point on an existing 10-inch line of Manufacturers near Steubenville, Ohio, to Wintersville, Ohio.

(3) To install and operate two (2) 500 pound (psig) compressor cylinders in place of existing 100 pound (psig) cylinders at the Waynesburg Compressor Station, Franklin Township, Greene County, Pennsylvania.

(4) To construct and operate a 334 horsepower compressor station near Cameron, Marshall County, West Virginia.

(5) To abandon and remove three (3) 125 horsepower rotary type compressors at Waynesburg Compressor Station, Franklin Township, Greene County, Pennsylvania.

(6) To abandon and remove the Turkey Hollow Compressor Station, located in Rostraver Township, Westmoreland County, Pennsylvania.

(7) To abandon and remove the Monessen Compressor Station, located in Rostraver Township, Westmoreland County, Pennsylvania.

(8) To abandon and remove 17 miles of 8-inch natural-gas transmission line between Hundred Compressor Station, Church District, Wetzel County, West Virginia, and a point known as the Wiley Farm, Richhill Township, Greene County, Pennsylvania.

(9) To abandon, remove and sell to Peoples Natural Gas Company 5,339 feet of 8-inch natural-gas transmission line known as No. 7004, located in Rostraver Township, Westmoreland County, Pennsylvania.

Home seeks authorization:

(10) To purchase, acquire and operate the existing Dundee Compressor Station and Storage Field, located in Yates and Schuyler Counties, New York, from The Keystone Gas Company, Inc.

(11) To construct and operate a 300 horsepower compressor station in Greenwood Township, Steuben County, New York.

Natural Gas Company seeks authorization:

(12) To construct and operate 4.83 miles of 8-inch natural-gas loop pipe line from the Brinker Compressor Station to a point southeast of Salem, Ohio.

The application recites that with respect to the proposed new construction the applicant companies propose to improve and increase the deliverability of their transmission systems in the interest of flexibility of operations, continuity of delivery, and adequacy of facilities in order to provide as nearly as possible, and in the most feasible and economical manner, continuous service to existing customers and, for a reasonable period in the future, to provide for the normal growth of the companies and their associated companies within the Pittsburgh Group of companies owned by The Columbia Gas System, Inc., only within the territory presently served by such companies.

The application further recites that with respect to the proposed abandonment and removal of facilities by Manufacturers, said facilities are no longer used or useful in the public service and Manufacturers proposes to eliminate maintenance expense in connection therewith. It is proposed to sell for salvage the equipment from the compressor stations. The pipe proposed to be removed will be salvaged and will be used for maintenance and replacement of existing pipe lines.

The application further recites that purchase of the Dundee Compressor Station and Storage Field by Home Gas Company from the Keystone Gas Company, Inc., an affiliate, will facilitate the enlargement and development of those properties by Home and will eliminate bookkeeping in view of the fact that all of the gas stored in said storage field and passing through said compressor station is owned by Home.

The estimated total over-all capital cost of construction, acquisition and removal after abandonment of the proposed facilities is approximately $888,924, derived as follows:

	Construction and acquisition	Salvage	Cost of removal	Net cost
The Manufacturers Light & Heat Co.	$553,496	($125,983)	$51,044	$478,527
Home Gas Co.	333,103			333,103
Natural Gas Co.	77,294			77,294
Total	963,863	(125,983)	51,044	888,924

Manufacturers will finance its construction and removal costs out of funds on hand. Home and Natural Gas Company contemplate borrowing their construction and acquisition costs from their parent corporation, The Columbia Gas System, Inc.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of The Manufacturers Light and Heat Company, Home Gas Company, and Natural Gas Company of West Virginia is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 and 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8749; Filed, Sept. 30, 1948; 8:46 a. m.]

[Docket No. G-1088]

UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 24, 1948.

Notice is hereby given that, on September 22, 1948, the Federal Power Commission issued its findings and order entered September 21, 1948, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8710; Filed, Sept. 29, 1948; 8:45 a. m.]

[Project No. 1964]

EMERSON M. GROVE AND EVA LEE CALHOUN

NOTICE OF ORDER AUTHORIZING ISSUANCE OF LICENSE (MINOR)

SEPTEMBER 24, 1948.

In the matter of Emerson M. Grove and Eva Lee Calhoun, Administratrix of the Estate of Emerson M. Grove, Project No. 1964.

Notice is hereby given that, on September 23, 1948, the Federal Power Commission issued its order entered September 21, 1948, authorizing issuance of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8711; Filed, Sept. 29, 1948; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5523]

MORRIS PAINT & VARNISH CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 22d day of September A. D. 1948.

In the matter of Morris Paint & Varnish Company, a Nebraska corporation, and Alfred Sophir, Audrey Sophir, and Leo Sophir, individually, and as officers of the above-named corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, October 20, 1948, at ten o'clock in the forenoon of that day (central standard time), in Court Room Number One, Douglas County Court House, Omaha, Nebraska.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8756; Filed, Sept. 30, 1948; 8:49 a. m.]

NATIONAL HOUSING AGENCY

Federal Housing Administration

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF FOURTH CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

SEPTEMBER 22, 1948.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., Title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1949, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination	*Serial number (all numbers inclusive)*
$50	689 to 3018
$100	2713 to 8049
$500	782 to 4015
$1,000	3662 to 9073
$5,000	179 to 1006
$10,000	2930 to 5060

The debentures first issued as determined by the serial numbers were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on and after October 1, 1948. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1948, and provision will be made for the payment of final interest due on January 1, 1949, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from October 1, 1948 to December 31, 1948, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1949, or for purchase prior to that date will be given by the Secretary of the Treasury.

FRANKLIN D. RICHARDS,
Commissioner.

Approved: September 29, 1948.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8785; Filed, Sept. 30, 1948; 9:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1952]

PUBLIC SERVICE CO. OF INDIANA, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 24th day of September A. D. 1948.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Public Service Company of Indiana, Inc., ("Public Service"), a public utility subsidiary of The Middle West Corporation, a registered holding company. Declarant designates section 12 (c) of the act and Rule U-42 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 4, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of fact and law raised by said declaration which he desires to controvert; or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 4, 1948, said declaration as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

Public Service proposes to call for redemption $2,000,000 principal amount of its Convertible Debentures of which $8,991,400 principal amount was outstanding as at September 1, 1948. The company expects to publish the initial notice of said call on October 5, 1948, provided market conditions are considered by the company to be satisfactory. The call will be made by lot pursuant to the terms of the Indenture which provides for the redemption thirty days after the initial notice at a price of 103% of principal amount.

Pursuant to the Indenture, Convertible Debentures which have been called may be converted into five shares of common stock for each $200 principal amount of Debentures at any time up to thirty days after the initial notice.

Public Service further proposes to pay to each holder of its Convertible Debentures (both those included in the call and those not so included) who surrender their certificates for conversion into Common Stock of the company during the portion of the call period expiring prior to the close of business on October 31, 1948, an amount equal to the full amount of interest that would be payable for the six month period ending October 31, 1948.

The declarant requests that the Commission's order be issued not later than October 5, 1948, and that such order be effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8753; Filed, Sept. 30, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11903]

WILLIAM ALBRECHT

In re: Trust under the will of William Albrecht, deceased. File No. D-28-4304, D-28-4304-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Albrecht and Mrs. Anna Remer, nee Kubbernuss, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children and descendants, names unknown, of Paul Albrecht, and of Anna Remer, nee Kubbernuss, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of William Albrecht, deceased, presently being administered by Harry C. Beneke, Trustee, 2025 West Roosevelt Road, Chicago, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children and descendants, names unknown, of Paul Albrecht and of Anna Remer, nee Kubbernuss, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8770; Filed, Sept. 30, 1948; 8:53 a. m.]

[Vesting Order 11910]

HENRY F. GOLDMAN

In re: Estate of Henry F. Goldman, deceased. File D-66-1038; E. T. sec. 6876.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Andreas Burchard, Herman Johannes Franz Burchard, Karl Johannes Kopp, Franz Edward Kopp, Juliane Minnia Kopp Wucherpfenning, Andreas Hagemann, Emma Regina Hagemann Busch, Anna Regina Hagemann Friederich, Franz Wilhelm Ferdinand Hagemann, Alwine Elizabeth Trümper, Johannes Heinrich Trümper, Johannes Franz Trümper, Helene Elizabeth Kopp Wucherpfenning, Wilhelm Ferdinand Kopp, Emma Christine Kopp Stollberg, Ferdinand Andreas Goldmann, Friedrich Goldmann, Katherine Cacilia Goldmann Ludolph, Magdalena Agnes Goldmann Weskamp, Ferdinand Andreas Kracht, Veronika Luise Kracht Windel, Maria Anna Kracht Kellner, Karl Johannes Kracht, Maria Anna Regina Goldmann Boettcher, Johann Franz Joseph Goldmann, Johannes Franz Goldmann, Adolf Goldmann, Anna Maria Goldmann Nachtwey, Johann Georg Friedrich Goldmann, Anna Maria Regina Goldmann, Anna Christina Goldmann Schmalsteig, Susanne Plathe, Fritz Plathe, Julia Marie Dorothea Heyer Laushka, Caroline Friederika Heyer Eggelmann, Karl Heinrich Wilhelm Heyer, August Georg Heinrich Heyer, Sofia Ida Wilhelmina Heyer Klinze, Heinrich Wilhelm Friedrich Heyer, Heinrich Friedrich Karl Heyer, August Georg Heyer, Karl Wilhelm Friedrich Adolph Wolter, Karl Friedrich Otto Theodor Wolter, Maria Luise Uetzmann Nuckel, Gottfried Wilhelm Karl Uetzmann, Robert Julius Karl Uetzmann, Emma Maria Elisabeth Uetzmann Heyer, Luise Emma Auguste Uetzmann Luessmann, Adolf Heinrich Friedrich Uetzmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Henry F. Goldman, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by L. Earl Bach, Administrator, acting under the judicial supervision of the Probate Court, County of McLean, Illinois,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8771; Filed, Sept. 30, 1948; 8:53 a. m.]

[Vesting Order 12036]

KNOLL A. G., CHEMISCHE FABRIKEN AND KNOLL & CO. A. G., CHEMISCHE FABRIK

In re: Certain contract interests of and debts owing to Knoll A. G., Chemische Fabriken and Knoll & Co. A. G., Chemische Fabrik.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Knoll A. G., Chemische Fabriken is a corporation organized under the laws of Germany, whose principal place of business is located at Ludwigshafen am Rhine, Germany, and is a national of a designated enemy country (Germany);

2. That Knoll & Co. A. G., Chemische Fabrik (Knoll & Cie., Ltd.) is a corporation organized under the laws of Switzer-

land, whose principal place of business is located at Liestal, Switzerland, and is or since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting directly or indirectly for the benefit or on behalf of a national or nationals of Germany and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights, and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Knoll A. G., Chemische Fabriken, Ludwigshafen, Germany, by virtue of an agreement by and between Merck & Co., Inc., Rahway, New Jersey, and E. Bilhuber, Inc., Orange, New Jersey, for the benefit of said Knoll A. G., Chemische Fabriken, evidenced by an exchange of letters dated on or about July 25, 1924 by and between Merck & Co., Inc., and E. Bilhuber, Inc., and a letter dated July 25, 1924 from E. Bilhuber, Inc. to said Knoll A. G., Chemische Fabriken (including all modifications thereof and supplements thereto, if any) which agreement relates to the product sold by Merck & Co., Inc. under the trademark "Digitan", and

b. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Knoll A. G., Chemische Fabriken, Ludwigshafen, Germany, and Knoll & Co., A. G. Chemische Fabrik, Switzerland, or either of them by virtue of any and all agreements, written or oral, or commercial practices with respect to a product sold under the trademark "Digitan" (including all modifications thereof and supplements thereto, if any) by and between E. Bilhuber, Inc., Merck & Co., Inc., Knoll A. G. Chemische Fabriken, Ludwigshafen, Germany, and Knoll & Co. A. G., Chemische Fabrik, Liestal, Switzerland,

c. That certain debt or other obligation of Merck & Co., Inc. arising out of a "Digitan" royalty account, maintained in the books and records of Merck & Co., Inc. as an account payable to E. Bilhuber, Inc. for Knoll A. G., Chemische Fabriken, Ludwigshafen, Germany, in the amount of $1,564.01 as of December 31, 1947, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same

d. That certain debt or other obligation of E. Bilhuber, Inc., arising out of a "Digitan" royalty account maintained by E. Bilhuber, Inc., for the account of Knoll & Co. A. G., Chemische Fabrik, Liestal, Switzerland, sometimes referred to as Knoll & Cie, Ltd., in the amount of $432.50, as of December 31, 1946, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control, by, the persons named in subparagraphs 1 and 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the person named in subparagraph 2 hereof is controlled by or acting for or on behalf of a designated enemy country (Germany) or a person or persons within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8772; Filed, Sept. 30, 1948; 8:53 a. m.]

[Vesting Order 12051]

WILLIAM JACOB

In re: Estate of William Jacob, deceased. File No. D-28-9383; E. T. sec. 12459.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsie Hartwig, whose last known address was, on September 2, 1948, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $512.59 was paid to the Attorney General of the United States by Marie Leibfried, Executrix of the Estate of William Jacob, deceased;

3. That the said sum of $512.59 was accepted by the Attorney General of the United States on September 2, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $512.59 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on September 2, 1948, the national interest of the United States required that such person be treated as a national of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8773; Filed, Sept. 30, 1948; 8:53 a. m.]

[Vesting Order 12059]

ELISE SCHMITTMANN

In re: Estate of Elise Schmittmann, deceased. File D-28-8164; E. T. sec. 9133.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Orthmann, Ernst Orthmann, Eduard Orthmann, Emmy Benn and Mrs. Julie Schindler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and each of them, in and to the estate of Elise Schmittman, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in process of administration by Charles Litow, Administrator de Bonis non with the will Annexed, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8742; Filed, Sept. 29, 1948; 8:54 a. m.]

[Vesting Order 12062]

ROSANNA HAHN

In re: Debt owing to Rosanna Hahn. F-28-9986-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosanna Hahn, whose last known address is Mudan Ant-Buchen, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Rosanna Hahn by City Bank Farmers Trust Company, 22 William Street, New York 15, New York, including particularly but not limited to the sum of money on deposit with City Bank Farmers Trust Company, 22 William Street, New York 15, New York, in a Secretary's Checks account, evidenced by outstanding Secretary's Checks, drawn to the order of Rosanna Hahn, numbered dated and in the amounts as set forth below:

No. T-253389; Dec. 13, 1939	$45.00
No. T-253142; Jan. 13, 1940	45.00
No. T-259568; Feb. 13, 1940	45.00
No. T-262683; Mar. 13, 1940	45.00
No. T-266685; Apr. 13, 1940	45.00
No. T-281530; Sept. 15, 1940	45.00
No. T-283493; Oct. 14, 1940	45.00
No. T-6121; Nov. 13, 1940	45.00
No. T-7662; Dec. 13, 1940	45.00
No. T-12108; Jan. 13, 1941	45.00
No. T-15769; Feb. 13, 1941	45.00
No. T-19764; Mar. 13, 1941	45.00
No. T-23766; Apr. 14, 1941	45.00
Total	585.00

and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights to, in and under the said checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8739; Filed, Sept. 29, 1948; 8:53 a. m.]

[Vesting Order 12063]

OTOSHIRO HAMADA

In re: Cash owned by Otoshiro Hamada. F-39-6268.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otoshiro Hamada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $537.55, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otoshiro Hamada, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8740; Filed, Sept. 29, 1948; 8:53 a. m.]

[Vesting Order 12068]

JOSEPH SCHARRER

In re: Bank account and Bond owned by Joseph Scharrer. F-28-28490-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Scharrer, whose last known address is 12 Linden St., Straubing, Niebayern, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Montana Bank and Trust Company, Great Falls, Montana, arising out of an account entitled Louis Scharrer, "Special Account A", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same, and

b. One United States War Savings Bond of $1,000.00 maturity value, bearing the number 3849425E, and presently in the custody of Louis Scharrer, 523 Sixth Street North, Great Falls, Montana, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph Scharrer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8741; Filed, Sept. 29, 1948; 8:53 a. m.]

EFERENCE OCT 4

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8774; Filed, Sept. 30, 1948; 8:53 a. m.]

[Vesting Order 12070]

EUGENE H. SCHREIBER

In re: Stock owned by Eugene H. Schreiber, also known as Eugene H. Schrieber. F-28-26840-D-1; D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eugene H. Schreiber, also known as Eugene H. Schrieber, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Six (6) shares of no par value common capital stock of General Foods Corporation, 230 Park Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 0108654, registered in the name of Eugene H. Schreiber, together with all declared and unpaid dividends thereon, and all rights in, to and under any dividend checks, and

b. Two (2) shares of no par value common capital stock of General Electric Company, 1 River Road, Schenectady 5, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered NYD-402128, registered in the name of Eugene H. Schrieber, together with all declared and unpaid dividends thereon, and all rights in, to and under any dividend checks.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8741; Filed, Sept. 29, 1948; 8:53 a. m.]

[Vesting Order 12073]

MRS. MADELEINE RUOFF

In re: Property of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, is a citizen of Germany, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, was domiciled and resident in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All property in the United States of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, of any nature whatsoever, including all interests in trusts, estates, realty, tangible and intangible personalty and, particularly, the property described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 23, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

1. All right, title and interest in, to and under those certain shares of preferred and common stock of domestic corporations, bonds of domestic corporations, and State, Municipal, and other local obligations, held by Security Trust Company, 6th and Market Streets, Wilmington, Delaware, for Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

2. All right, title and interest in and to all those certain debts or other obligations owing by Security Trust Company, 6th and Market Streets, Wilmington, Delaware, to Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

3. All right, title, interest and estate, both legal and equitable, of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to that certain tract or parcel of land situated in Montgomery County, Pennsylvania, more particularly described as follows:

All that certain lot or piece of ground with the messuage or tenement thereon erected, situate in Penn Wynne, Lower Merion Township, Montgomery County, Pennsylvania, on the northeast side of Harrogate Road at the distance of one hundred twenty-eight feet southeastward from a point or corner formed by the northeast side of Harrogate Road (if extended) with the southeast side of Hampstead Road (if extended) containing in front or breadth on the said Harrogate Road twenty-eight feet and extending of that width in length or depth northwestward between parallel lines at right angles to the said Harrogate Road one hundred feet, including on the rear twelve feet of a certain nineteen feet wide driveway which extends southeastward from Hampstead Road and communicates at its southeasternmost end with a certain other driveway fifteen feet wide which extends northwestward from Harrogate Road and southwestward from Henley Road. Being the same premises which Martin McWilliams, widower, by Indenture bearing date the twenty-ninth day of January A. D. 1929 and recorded at Norristown, in the office for the recording of Deeds in and for the County of Montgomery in deed book No. 1070 page 554 &c., granted and conveyed unto Effie C. Wilson, in fee.

4. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated April 16, 1937, by and between Security Trust Company; Madeleine duPont Ruoff, Bessie duPont Huidekoper, Victorine duPont Dent and Alfred V. duPont; Jessie Ball duPont, Reginald S. Huidekoper and Edward Ball, as executors under the Last Will and Testament and Codicils of Alfred I. duPont, deceased; and Jessie Ball duPont, Reginald S. Huidekoper, Edward Ball and the Florida National Bank of Jacksonville, trustees under the Last Will and Testament and Codicils of Alfred I. duPont, deceased, presently being administered by Security Trust Company, trustee, Wilmington, Delaware.

5. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated January 18, 1927, between Madeleine duPont Hiebler, grantor, and Security Trust and Safe Deposit Company, trustees, presently being administered by the Security Trust Company, successor trustee, Wilmington, Delaware.

6. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated September 26, 1905, by and between Alfred I. duPont, grantor; Bessie G. duPont; and Pierre S. duPont and George Quintard Horwitz, co-trustees, presently being administered by Security Trust Company, successor trustee, Wilmington, Delaware.

[F. R. Doc. 48-8792; Filed, Sept. 29, 1948; 8:45 p. m.]

REFERENCE OCT 4 '48

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 13 1934 NUMBER 193

Washington, Saturday, October 2, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 CCC Alfalfa Seed Bulletin 1]

PART 274—ALFALFA SEED LOANS AND PURCHASE AGREEMENTS

1948 ALFALFA SEED PRICE SUPPORT PROGRAM BULLETIN

This bulletin states the requirements with respect to the 1948 Alfalfa Seed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available on eligible alfalfa seed produced in 1948 in accordance with this bulletin.

Sec.
274.201 Administration.
274.202 Availability of loans and purchase agreements.
274.203 Approved lending agencies.
274.204 Eligible producer.
274.205 Eligible alfalfa seed.
274.206 Eligible storage.
274.207 Approved forms.
274.208 Determination of quantity.
274.209 Determination of quality.
274.210 Liens.
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274.212 Set-offs.
274.213 Interest rate.
274.214 Transfer of producer's equity.
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274.219 Maturity and satisfaction.
274.220 Removal of the alfalfa seed under loan.
274.221 Release of the alfalfa seed under loan.
274.222 Purchase of notes.
274.223 PMA commodity offices.
274.224 Rates at which loans and purchases will be made.

AUTHORITY: §§ 274.201 to 274.224 issued under sec. 302 (a), 52 Stat. 43, sec. 4 (b), 55 Stat. 498; sec. 1 (d), Pub. Law 897, 80th Cong.; sec. 5 (a), Pub. Law 806, 80th Cong.; 7 U. S. C. 1302 (a), 15 U. S. C. 713 (a)-8 (b).

§ 274.201 *Administration.* The program will be administered in the field by PMA through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees), and PMA commodity offices. The program will be under the general supervision and direction of the Manager, CCC.

Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of the alfalfa seed, the amount of the loan, and the value of the alfalfa seed delivered under the program. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursements on loan documents or with the address of the PMA commodity office to which loan documents may be forwarded for disbursement.

§ 274.202 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans shall be available on eligible alfalfa seed in eligible farm storage in areas recommended by State PMA committees and approved by the Manager, CCC. Information concerning the availability of farm storage loans may be obtained from the office of the county committee.

(2) Loans shall be available on eligible alfalfa seed stored in eligible warehouses in all areas.

(3) Purchase agreements shall be available on eligible alfalfa seed in all areas.

(b) *Time.* Loans and purchase agreements shall be available through December 31, 1948, and the applicable documents must be signed by the producer and delivered or mailed to the county committee not later than such date.

(c) *Source.* Loans shall be made to producers direct by PMA commodity offices and by approved lending agencies. Purchase agreements shall be made through the offices of county committees.

§ 274.203 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

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Agreement (Form PMA-97) or other form prescribed by CCC.

§ 274.204 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing eligible alfalfa seed in 1948 as landowner, landlord, tenant, or sharecropper.

§ 274.205 *Eligible alfalfa seed.* Eligible alfalfa seed shall be cleaned, bagged alfalfa seed produced in the Continental United States which was harvested in 1948, the beneficial interest in which is in the producer and always has been in him or in him and a former producer whom he succeeded before the alfalfa seed was harvested, and which meets the following requirements:

(a) *Specifications.* The seed must, on the basis of official purity and germination tests, be equal to or better in every respect than the minimum specifications for the particular kind of seed as shown in schedule of rates and specifications, § 274.224.

(b) *Noxious weeds.* The seed must not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law and rules and regulations pursuant thereto of the State in which the seed is produced or of the State where the seed is stored.

(c) *Packaging.* The seed shall be packaged in new bags of approved quality as described below, of 100 pounds net or 150 pounds net. If new bags are not available, No. 1 used bags as heavy as, or heavier than, those described below, thoroughly cleaned before being filled, free of holes, patches, or other defects may be used:

Type	*Net capacity (pounds)*
(i) Try-Sax (double seam):	
36-inch 7.5-ounce or heavier	100
40-inch 8.25-ounce or heavier	100
(ii) Osnaburg (seamless or double seam): 30-inch 7-ounce or heavier	100
(iii) Seamless cotton: 16-ounce	150

§ 274.206 *Eligible storage.* Eligible storage for alfalfa seed shall meet the following requirements:

(a) Under the loan program eligible farm storage shall consist of farm bins and granaries which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage for alfalfa seed for a period of two years, permit effective fumigation for destruction of insects and afford protection against rodents, other animals, thieves, and weather.

(b) Under the loan and purchase agreement program, eligible warehouse storage shall consist of storage made available by warehousemen, seed dealers, cooperative associations, and others having adequate facilities for handling and storing seed for which a Seed Cleaning and Storage Agreement has been entered into with CCC (warehousemen, seed dealers, cooperative associations, and others desiring approval for their facilities should secure recommendation for approval from the county committee who will submit the recommendation to the State committee for transmittal to the PMA commodity office serving the area in which the warehouse is located). A list of approved warehouses will be furnished State PMA offices and county committees and information relating to such warehouses may be obtained from such offices.

§ 274.207 *Approved forms.* The approved forms consist of the loan and purchase documents which, together with the provisions of this bulletin, govern the rights and responsibilities of the producer. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement or in executing any of the loan or purchase documents, will render him subject to criminal prosecution. Notes and chattel mortgages, and note and loan agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of the producer's note on CCC Commodity Form A, secured by a chattel mortgage on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of the note and loan agreement on CCC Commodity Form B, secured by negotiable warehouse receipts representing the alfalfa seed stored in approved warehouses. All alfalfa seed pledged as security for a loan on a single CCC Commodity Form B must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase 1) and Purchase Agreement Settlement (Commodity Purchase 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Alfalfa seed in eligible warehouse storage under the loan program and delivered under the purchase agreement program must be represented by warehouse receipts which satisfy the following requirements.

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Warehouse receipts shall carry an endorsement in substantially the following form:

> Warehouse charges (except receiving charges) through April 30, 1949, on the Alfalfa seed represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt.

(3) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the net weight and represent a particular lot of seed, the quality of which is evidenced by attached official purity and germination test certificates.

Separate warehouse receipts for each lot of seed must set forth in the written or printed terms the kind or variety of seed, the lot identity or number, the number of bags, the gross and net weight, and such other information as is required to determine the quantity of seed.

§ 274.208 *Determination of quantity.* All determinations of the quantity of alfalfa seed under this program shall be made on the basis of the net weight of eligible seed.

§ 274.209 *Determination of quality.* The county committee will determine the quality of the seed on the basis of official purity and germination tests of a representative sample. An "official test" shall be an analysis made by a Federal or State Seed Testing Laboratory where such facilities are available, or, in the absence of such facilities, a seed testing laboratory approved by the State committee. Not more than five (5) calendar months shall have elapsed since the last day of the month in which the germination test was completed. A representative sample for determination of quality shall be a sample taken by a licensed State inspector, or where such services are not provided, the county agricultural conservation committee shall arrange for the securing of a representative sample which shall consist of equal portions taken from evenly distributed parts of the lot of bagged seed to be sampled. In quantities of 5 bags or less, each bag shall be sampled; in quantities of more than 5 bags, at least every fifth bag but not less than 5 bags shall be sampled. A probe or trier shall be used in drawing samples.

§ 274.210 *Liens.* The alfalfa seed must be free and clear of all liens and encumbrances or if lien or encumbrances exist on the alfalfa seed, proper waivers must be obtained.

§ 274.211 *Service fees*—(a) *Loans.* Where the alfalfa seed under loan is farm stored, the producer shall pay a service fee of 2 cents per 100 pounds or $3.00, whichever is greater. Where the alfalfa seed under loan is warehouse stored, the producer shall pay a service fee of 1 cent per 100 pounds or $1.50, whichever is greater.

If the quantity of alfalfa seed delivered in satisfaction of a loan exceeds the quantity of alfalfa seed placed under loan a service fee of 2 cents per 100 pounds shall be charged the producer on the excess quantity delivered.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of 1 cent per 100 pounds on the quantity specified on Commodity Purchase 1 as the maximum quantity he may deliver, or $1.50, whichever is greater.

(c) *No refunds.* No refund of service fees will be made under loan or purchase agreement programs.

§ 274.212 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lienholders. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

§ 274.213 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 274.214 *Transfer of producer's equity*—(a) *Loans.* The right of the producer to transfer either his right to redeem the alfalfa seed under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign the purchase agreement.

§ 274.215 *Safeguarding of the alfalfa seed.* The producer obtaining a farm-storage loan is obligated to maintain the farm storage structures in good repair and to keep the alfalfa seed in good condition.

§ 274.216 *Insurance.* CCC will not require the producer to insure the alfalfa seed placed under farm-storage loan; however, if the producer does insure such alfalfa seed, such insurance shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the alfalfa seed involved in the loss.

§ 274.217 *Loss or damage to the alfalfa seed.* The producer is responsible for any loss in quantity or quality of the alfalfa seed placed under farm storage loan except that uninsured physical loss or damage occuring without fault, negligence, or conversion on the part of the producer, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county

committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 274.218 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the alfalfa seed by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 274.219 *Maturity and satisfaction*—(a) *Loans.* Loans mature on demand but not later than April 30, 1949. In the case of farm storage loans, the producer is required to pay off his loan on or before maturity date, or to deliver the mortgaged alfalfa seed in accordance with instructions of the county committee. Credit will be given for the total quantity so delivered, provided it was stored in the bin(s) in which the alfalfa seed under loan was stored, at the applicable settlement value, according to the grade and quality. If the settlement value of the alfalfa seed delivered exceeds the amount due on the principal of the loan, the amount of the excess shall be paid to the producer. If the settlement value of the alfalfa seed is less than the amount of principal due on the loan, the amount of the deficiency, plus interest thereon, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change in tenancy, the alfalfa seed may be delivered before the maturity date of the loan upon prior approval by the county committee. In the case of warehouse storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the alfalfa seed in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 274.220.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase 1) will not be obligated to deliver any alfalfa seed to CCC. He may deliver any amount up to but not in excess of the quantity shown on Commodity Purchase 1. If the producer desires to deliver alfalfa seed to CCC, he shall, within 30 days following April 30, 1949, the maturity date for alfalfa seed loans, or such earlier date as demand for payment of alfalfa seed loans may be made, submit warehouse receipts representing eligible alfalfa seed stored in eligible warehouse storage to the county committee for the quantity of such alfalfa seed he elects to sell to CCC, but not in excess of the quantity shown on Commodity Purchase 1, or, in the case of alfalfa seed stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Alfalfa seed stored in other than eligible warehouse storage will be purchased on delivery at points designated by CCC. When delivery is completed, payment shall be made by a sight draft drawn on CCC by the State PMA office on the basis of an approved Commodity Purchase 4. The producer shall direct on such form to whom payment of the purchase price shall be made.

Eligible alfalfa seed will be purchased on the basis of the net weight of such seed and in accordance with the schedule of rates and specifications shown in § 274.224.

(c) *Storage and handling charges.* Commodity Credit Corporation will not pay or assume any of the costs of cleaning, bags and bagging, sampling, testing and analysis reports, tagging, or other handling or processing expenses which are necessary to prepare the seed to meet eligibility requirements, or storage charges accruing prior to May 1, 1949, or the date of the warehouse receipt, whichever is later, except that CCC will assume the warehouse receiving charge of the warehouse where the seed is delivered.

§ 274.220 *Removal of the alfalfa seed under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the alfalfa seed and sell it, either by separate contract or after pooling it with other lots of alfalfa seed similarly held. The producer has no right of redemption after the alfalfa seed is pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled alfalfa seed as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the alfalfa seed even though part or all of such pooled alfalfa seed is disposed of under such policies at prices less than the current domestic price for such alfalfa seed. Any sum due the producer as a result of the sale of the alfalfa seed or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 274.221 *Release of the alfalfa seed under loan.* A producer may at any time obtain release of the alfalfa seed remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the alfalfa seed prior to the maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan plus charges and accrued interest, represented by the quantity of the alfalfa seed to be released. In the case of warehouse storage loans, each partial release must cover all of the commodity under one warehouse receipt number.

§ 274.222 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to the PMA commodity office and to the county committees on Form 500 (Repayment Record), or such other form as CCC may prescribe, of all payments received on producer's notes held by them, and are required to remit an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the PMA commodity office serving the area.

§ 274.223 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

ADDRESS AND AREA

Atlanta 3 Ga., 449 West Peachtree Street NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex., 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., 417 East Thirteenth Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 1, Minn., 328 McKnight Building: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 30 Van Ness Avenue: Arizona, California, Nevada, Utah.

§ 274.224 *Rates at which loans and purchases will be made.* The rates at which loans and purchases will be made shall be computed in accordance with the schedule of rates and specifications shown below:

Kind of seed	Basic specifications		Rate per pound	Maximum weed seed	Maximum other crop seed	Minimum pure seed	Minimum germination [1]	Percentage discount in price for specified percentage below basic specifications			
								Pure seed		Germination [1]	
	Pure seed	Germination [1]						Percentage below	Percentage discount	Percentage or fraction thereof below	Percentage of the base price
Alfalfa	*Percent*	*Percent*	*Cents*	*Percent*	*Percent*	*Percent*	*Percent*				
Northern [2]	98	90	25	1	[3] 3	97	85	1	3	5	7
Central [4] [5]	98	90	20	1	[3] 3	97	85	1	3	5	7
Southern [6]	98	90	17	1	[3] 3	97	85	1	3	5	7

[1] Percentage of germination includes hard seed.
[2] The Northern Region includes all producing areas north of the southern boundaries of Oregon, Idaho, Wyoming, Nebraska, and eastward in counties which are north of, intersected by, the 40th degree of latitude.
[3] Not more than 2 percent sweetclover.
[4] Including Oklahoma approved seed.
[5] The Central Region includes all the producing areas south of the Northern Region and north of the 37th degree of latitude (excluding California north of the 37th degree of latitude except the counties of Tehama, Plumas, and those counties north of the 40th degree of latitude, but including all counties south of the 37th degree of latitude in Nevada, Missouri, Kentucky, and Virginia). Approved origin alfalfa seed in Oklahoma tagged and sealed with the official tags and seals of the Oklahoma Crop Improvement Association will be at the rates specified for the Central Region.
[6] The Southern Region includes all the producing areas south of the Central Region.

Issued this 28th day of September 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: September 28, 1948.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-8780; Filed, Oct. 1, 1948; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 722—COTTON

PROCLAMATION WITH RESPECT TO THE NATIONAL ALLOTMENT AND MARKETING QUOTAS FOR THE 1949–50 MARKETING YEAR

Sec.
722.1 Basis and purpose.
722.2 Findings with respect to American cotton supplies, consumption, and exports.
722.3 Determination with respect to marketing quotas for cotton.

AUTHORITY: §§ 722.1 to 722.3 issued under 52 Stat. 38, 43, 56, 58; 7 U. S. C. 1301, 1342, 1343, and 1345.

§ 722.1 *Basis and purpose.* This proclamation is issued under sections 301, 342, 343, and 345, of the Agricultural Adjustment Act of 1938, as amended. Its purpose is to announce findings made by the Secretary of Agriculture with respect to the total supply, the normal supply, and the carry-over of American cotton on August 1, 1948; the probable domestic consumption of American cotton during the marketing year commencing August 1, 1948; the probable exports of American cotton during the marketing year commencing August 1, 1948; and the estimated carry-over of American cotton as of August 1, 1949; and to proclaim whether, upon the basis of such findings, marketing quotas and a national allotment for cotton for the 1949–50 marketing year are required under the act. Prior to making the findings, notice was given (13 F. R. 4953) that the Secretary was preparing to examine the supply situation to determine if quotas were required under the act and that any interested person might express his views in writing with respect thereto. All written expressions received postmarked not later than September 10, 1948, the closing date therefor mentioned in the notice aforesaid, have been considered.

§ 722.2 *Findings with respect to American cotton supplies, consumption, and exports.* The findings stated herein are based upon the latest available statistics of the Federal Government and the baleage figures are expressed in running bales:

(a) The "total supply" of American cotton for the marketing year beginning August 1, 1948, was 19,164,000 bales.

(b) The "normal supply" of American cotton for the marketing year beginning August 1, 1948, was 18,200,000 bales.

(c) The "carry-over" of American cotton for the marketing year beginning August 1, 1948, was 4,306,000 bales.

(d) The "probable domestic consumption of American cotton" during the marketing year commencing August 1, 1948, will be 9,000,000 bales.

(e) The "probable exports of American cotton" during the marketing year commencing August 1, 1948, will be 4,000,000 bales.

(f) The "estimated carry-over" of American cotton as of August 1, 1949, is 6,164,000 bales.

§ 722.3 *Determination with respect to marketing quotas for cotton.* The total supply of American cotton, as that term is defined in the statute above referred to, for the current marketing year does not exceed by more than seven per centum the normal supply, as so defined, of American cotton for such marketing year; therefore, no national allotment of cotton shall be established for the calendar year 1949 and marketing quotas for cotton shall not be in effect for the 1949–50 marketing year.

Done at Washington, D. C., this 28th day of September 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8803; Filed, Oct. 1, 1948; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Grapefruit Reg. 101]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.399 *Grapefruit Regulation 101*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 4, 1948, and ending at 12:01 a. m., e. s. t., October 18, 1948, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any pink seeded grapefruit grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit of any variety, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amendment marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R.

4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8816; Filed, Oct. 1, 1948; 9:00 a. m.]

[Orange Reg. 150]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.400 *Orange Regulation 150*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 4, 1948, and ending at 12:01 a. m., e. s. t., October 18, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which grade U. S. No. 2 Russet or lower than U. S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 216 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler" and "ship" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8817; Filed, Oct. 1, 1948; 9:01 a. m.]

[Lemon Reg. 294]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.401 *Lemon Regulation 294*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 3, 1948, and ending at 12:01 a. m., P. s. t., October 10, 1948, is hereby fixed as follows:

(i) District 1: 300 carloads.

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 293 (13 F. R. 5587), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 30th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8832; Filed, Oct. 1, 1948; 9:46 a. m.]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

DETERMINATION RELATIVE TO THE BUDGET OF EXPENSES AND THE FIXING OF THE RATE OF ASSESSMENT FOR THE 1948-49 FISCAL PERIOD

Notice was published in the FEDERAL REGISTER (13 F. R. 4836), dated August 20, 1948, that consideration was being given to proposals regarding the budget of expenses and the fixing of the rate of assessment for the 1948-49 fiscal period under the marketing agreement and Order No. 39 (7 CFR, Cum. Supp., 939.1 et seq.), regulating the handling of the Beurre d'Anjou, Beurre, Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 939.201 *Budget of expenses and rate of assessment for the 1948-49 fiscal period.* (a) The expenses necessary to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, for the maintenance and functioning of such committee during the fiscal period beginning July 1, 1948, and ending June 30, 1949, both dates inclusive, will amount to $15,515.00; and the rate of assessment to be paid, in accordance with the marketing agreement and order, by each handler who first handles pears shall be as hereinafter set forth and with respect to all such pears shipped by him as the first handler thereof; and such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses:

(1) With respect to pears shipped in standard western pear boxes, the rate of assessment shall be four mills ($0.004) per standard western pear box of pears; and

(2) With respect to pears shipped in bulk or in any container other than said standard western pear box, such rate of assessment shall be four mills ($0.004) per 48 pounds of pears.

(b) *Effective date.* It is hereby further found and determined that it is impracticable and contrary to the public interest to postpone the effective date of this determination until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), in that (1) shipments of pears covered by the aforesaid marketing agreement and order have already commenced; (2) the aforesaid rate of assessment is applicable to all pears shipped during the aforesaid fiscal period; (3) the regulation of such pear shipments by grades and sizes is currently effective; (4) the mandatory inspection requirements of said marketing agreement and order are in effect; (5) in order for the aforesaid necessary assessments to be collected it is essential that the specification of the assessment rate be issued immediately so as to enable the said Control Committee to perform its duties and functions under said marketing agreement and order; and (6) a reasonable time is permitted, under the circumstances, for preparation for such effective date.

As used in this section, the terms "handler," "handles," "handled," "shipped," "pears," "standard western pear box," and "fiscal period" shall have the same meaning as when used in the said marketing agreement and order. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 939.1 et seq.)

Done at Washington, D. C., this 28th day of September 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8779; Filed, Oct. 1, 1948; 8:46 a. m.]

[Orange Reg. 249]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Correction

In Federal Register Document 48-8685, appearing at page 5588 of the issue for Saturday, September 25, 1948, paragraph (b) (1) (i) (b) should read as follows: "(b) Prorate District No. 2; 1500 carloads;"

[Orange Reg. 250]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.396 *Orange Regulation 250*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 3, 1948, and ending at 12:01 a. m., P. s. t., October 10, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: no movement; (b) Prorate District No. 2: 1400 carloads; (c) Prorate District No. 3: no movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: no movement; (b) Prorate District No. 2: no movement; (c) Prorate District No. 3: no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 1st day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

(Orange Regulation Period No. 250)

[12:01 a. m. Oct. 3, 1948 to 12:01 a. m. Oct. 10, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0931
A. F. G. Corona	.1423
A. F. G. Fullerton	.8148
A. F. G. Orange	.8397
A. F. G. R'verside	.1246
A. F. G. San Juan Capistrano	.7370
A. F. G. Santa Paula	.6885
Hazeltine Packing Co	.4586
Placentia Pioneer Valley Growers Association	.7003

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Signal Fruit Association	0.1510
Azusa Citrus Association	.4368
Covina Valley Orange Co	.0968
Damerel-Allison Co	.9427
Glendora Mutual Orange Association	.4359
Irwindale Citrus Association	.4431
Puente Mutual Citrus Association	.2370
Valencia Heights Orchard Association	.6201
Covina Citrus Association	1.2354
Covina Orange Growers Association	.6526
Glendora Citrus Association	.4185
Glendora Heights Orange and Lemon Growers Association	.0650
Gold Buckle Association	.6221
La Verne Orange Association	.7524
Anaheim Citrus Fruit Association	1.3102
Anaheim Valencia Orange Association	.9431
Eadington Fruit Co., Inc	2.4875
Fullerton Mutual Orange Association	1.2246
La Habra Citrus Association	1.2632
Orange County Valencia Association	.6902
Orangethorpe Citrus Association	.6409
Placentia Cooperative Orange Association	.5648
Yorba Linda Citrus Association	.6137
Citrus Fruit Growers	.1605
Cucamonga Citrus Association	.2474
Etiwanda Citrus Fruit Association	.0546
Mountain View Fruit Association	.0090
Old Baldy Citrus Association	.1467
Rialto Heights Orange Growers	.0684
Upland Citrus Association	.2207
Upland Heights Orange Association	.1685
Consolidated Orange Growers	1.7848
Frances Citrus Association	1.6065
Garden Grove Citrus Association	1.2736
Goldenwest Citrus Association, The	1.8034
Irvine Valencia Growers	2.8784
Olive Heights Citrus Association	1.9077
Santa Ana-Tustin Mutual Citrus Association	1.2405
Sanitago Orange Growers Association	3.4673
Tustin Hills Citrus Association	2.5964
Villa Park Orchards Association, The	1.8122
Bradford Brothers, Inc	.7292
Placentia Mutual Orange Association	1.7103
Placentia Orange Growers Association	2.2238
Yorba Orange Growers Association	.6343
Call Ranch	.0857
Corona Citrus Association	.6127
Jameson Company	.0532
Orange Heights Orange Association	.3695
Crafton Orange Growers Association	.4766
East Highlands Citrus Association	.0899
Fontana Citrus Association	.1326
Highland Fruit Growers Association	.0000
Redlands Heights Groves	.3497
Redlands Orangedale Association	.3722
Brenk & Sons, Allen	.0704
Bryn Mawr Fruit Growers Association	.2953
Krinard Packing Co	.2310
Mission Citrus Association	.1817
Redlands Cooperative Fruit Association	.4091
Redlands Orange Growers Association	.2830
Redlands Select Groves	.3513
Rialto Citrus Association	.2309
Rialto Orange Co	.1739

PRORATE BASE SCHEDULE—Continued
VALENCIA ORANGES—continued
Prorate District No. 2—Continued

Handler	Prorate base (percent)
Southern Citrus Association	0.2189
United Citrus Growers	.1599
Zilen Citrus Co	.0869
Arlington Heights Citrus Co	.1376
Brown Estate, L. V. W	.0000
Gavilan Citrus Association	.1559
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0730
McDermont Fruit Co	.2094
Monte Vista Citrus Association	.2136
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0694
Sierra Vista Packing Association	.0000
Victoria Avenue Citrus Association	.2111
Claremont Citrus Association	.2012
College Heights Orange and Lemon Association	.2470
El Camino Citrus Association	.0733
Indian Hill Citrus Association	.2235
Pomona Fruit Growers Exchange	.4619
Walnut Fruit Growers Association	.5878
West Ontario Citrus Association	.4518
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	2.8647
San Dimas Orange Growers Association	.5497
Andrews Brothers of California	.1994
Ball & Tweedy Association	.6592
Canoga Citrus Association	1.2210
North Whittier Heights Citrus Association	1.0869
San Fernando Fruit Growers Association	.5770
San Fernando Heights Orange Association	1.1420
Sierra Madre-Lamanda Citrus Association	.0000
Camarillo Citrus Association	1.9755
Fillmore Citrus Association	2.9883
Mupu Citrus Association	3.4914
Ojai Orange Association	1.1760
Piru Citrus Association	2.1067
Santa Paula Orange Association	1.3272
Tapo Citrus Association	1.3836
Ventura County Citrus Association	.0000
Limoneira Co	.7746
East Whittier Citrus Association	.2599
El Ranchito Citrus Association	.9623
Murphy Ranch Co	.4379
Rivera Citrus Association	.4815
Whittier Citrus Association	.7712
Whittier Select Citrus Association	.4483
Anaheim Cooperative Orange Association	1.0407
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.0000
Euclid Avenue Orange Association	.2801
Foothill Citrus Union, Inc	.0392
Fullerton Cooperative Orange Association	.5719
Garden Grove Orange Cooperative, Inc	.4262
Golden Orange Growers, Inc	.0000
Highland Mutual Growers	.0000
Jones Mutual Association	.0000
La Verne Cooperative Citrus Association	.7469
Mentone Heights Association	.0000
Paris, Jerome Groves	.0000
Placentia Cooperative Fruit Exchange	.0000
Redlands Mutual Orange Association	.0000
Redlands Orange Growers Association	.0000
Redlands Select Orange Growers Association	.0000
Rialto Heights Orange Association	.0000
Riverside Citrus Association	.0000
Rubidoux Mutual Association	.0000
San Antonio Heights Fruit Growers Association	.0000
Upland Citrus Association	.0000
Upland Heights Fruit Growers Association	.0000
Valencia Heights Orange Association	.0000
Victoria Citrus Association	.0000
Yucaipa Valley Citrus Association	.0000
Yucaipa Valley Fruit Growers Association	.0000
Alessandro Citrus Association	.0000
Arlington Citrus Association	.0000
Bandini Citrus Association	.0000
Corona Citrus Association	.0000
Corona Foothill Lemon Co	.0000
Corona Heights Orange Co	.0000
Corona Select Fruit Association	.0000
Corona Valley Fruit Association	.0000
Cucamonga Citrus Association	.0000
Cucamonga Fruit Growers Association	.0000
Etiwanda Citrus Association	.0000
Etiwanda Fruit Association	.0000
Fontana Citrus Association	.0000
Fontana Foothill Citrus Association	.0000
Fontana Fruit Growers Association	.0000
Foothill Heights Citrus Association	.0000
Foothill Orange Growers Association	.0000
Glen Avon Heights Orange Association	.0000
Highland Fruit Growers Association	.0000
Highland Heights Orange Association	.0000
Highland Select Citrus Association	.0000
Mentone Citrus Association	.0000
Mentone Fruit Growers Association	.0000
Mentone Select Citrus Association	.0000
Mentone Valley Citrus Association	.0000
Mentone Valley Fruit Growers Association	.0000
Redlands Foothill Groves	.0000
Redlands Heights Orange Association	.0000
Redlands Orchard Tract Association	.0000
Redlands Valley Fruit Growers Association	.0000
Rialto Citrus Association	.0000
Rialto Fruit Growers Association	.0000
San Bernardino Citrus Growers Association	.0000
San Bernardino Foothill Association	.0000
San Bernardino Heights Citrus Association	.0000
San Bernardino Orange Growers Association	.0000
San Bernardino Valley Citrus Association	.0000
San Bernardino Valley Fruit Growers Association	.0000
Santa Ana Heights Orange Association	.0000
Santa Ana Orange Association	.0000
Santa Ana Valley Orange Association	.0000
Santa Fe Citrus Association	.0000
Santa Fe Fruit Growers Association	.0000
Santa Fe Orange Association	.0000
Santa Fe Valley Citrus Association	.0000
Santa Fe Valley Fruit Growers Association	.0000
Semi-Tropic Citrus Association	.0000
Semi-Tropic Fruit Growers Association	.0000
Semi-Tropic Orange Association	.0000
Semi-Tropic Valley Citrus Association	.0000
Semi-Tropic Valley Fruit Growers Association	.0000
Valley Citrus Association	.0000
Valley Fruit Growers Association	.0000
Valley Orange Association	.0000
Babijuice Corp. of California	0.4310
Banks Fruit Co	.0000
Banks, L. M	.2945
Borden Fruit Co	.6166
California Associated Growers	.0911
California Fruit Distributors	.0500
Cherokee Citrus Co., Inc	.1544
Chess Co., Meyer W	.2277
Escondido Avocado Growers	.0226
Evans Brothers Packing Co	.2566
Furr, N. C	.0205
Gold Banner Association	.3227
Granada Hills Packing Co	.0440
Granada Packing House	1.2364
Hill, Fred A	.0877
Inland Fruit Dealers, Inc	.0769
Morris Brothers Fruit Co	.0126
Orange Belt Fruit Distributors	2.0530
Panno Fruit Co., Carlo	.0202
Paramount Citrus Association	.5014
Placentia Orchard Co	.4551
San Antonio Orchard Co	.2821
Snyder & Sons Co., W. A	.4308
Stephens, T. F	.1099
Torn Ranch	.0000
Wall, E. T	0.1374
Webb Packing Co	.0000
Western Fruit Growers, Inc., Redlands	.7394

[F. R. Doc. 48-8849; Filed, Oct. 1, 1948; 11:44 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[3d General Revision of Export Regs., Amdt. P. L. 5]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodity is added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
699900	Bolts, iron and steel (except railroad), over 3 feet in length	Pound	STEE	100

This part of the amendment shall become effective as of August 9, 1948.

2. The following commodity is deleted from the Positive List:

Dept. of Comm. Sched. B No.	Commodity
706500	Electrical machinery and apparatus: Duplex receptacles; flush toggle and flush tumbler switches, single-pole and three-way, 10 amperes and under at 125 volts.

This part of the amendment shall become effective as of August 9, 1948.

3. The dollar value limits in the column headed "GLV dollar value limits" set forth opposite each of the commodities listed below are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
533200	Closet bowls and water-closet sets (include tanks)	Panel	STEE	100
709415	Rigid metal conduit, iron or steel	Pound	STEE	100
709418	Rigid metal conduit, other than iron or steel	Pound	STEE	100
709490	Other metal conduit, outlet and switch boxes	Pound	STEE	100

This part of the amendment shall become effective as of August 9, 1948, except that shipments of any of the commodities classified under Schedule B No. 533200 listed in this part of the amendment which were on dock, on lighter, laden aboard an exporting carrier or in transit to a port of exit pursuant to an actual order for export prior to August 9, 1948, may be exported under the previous general license provisions.

4. The following commodity is added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
713400	Steam jet ejectors, 4 stages and over, accessories and parts (report steam jet ejectors under 4 stages, accessories and parts in 713500)	Unit	CTEQ	None

This part of the amendment shall become effective as of September 9, 1948.

(Secs. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: September 28, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-8798; Filed, Oct. 1, 1948; 8:50 a. m.]

[3d General Revision of Export Regs., Amdt. P. L. 6]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Com. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
120110	Vegetables and preparations, edible: Beans, dry, ripe.	Unit	CTEQ	None
120150	Seed beans, field varieties only.	Unit	CTEQ	None
120219	Peas, dry, ripe, except lentils (report cowpeas and chickpeas in 120213 and 120215, respectively).	Unit	CTEQ	None
412200	Sawmill products (lumber): Boards, planks and scantlings, less than 5" in least dimension: Hardwoods: Beech and pecan flooring.	M bd. ft.	LUMB	None

2. The following commodity is added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
713400	Steam jet ejectors, 4 stages and over, accessories and parts (report steam jet ejectors under 4 stages, accessories and parts in 713500).	Unit	CTEQ	None

(Secs. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: September 28, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-8798; Filed, Oct. 1, 1948; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5300]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MID-WEST PRODUCTS (FORMERLY MID-WEST RESEARCH LABORATORY)

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Laboratory:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Laboratory:* In connection with the offering for sale, sale or distribution of serums and medicinal preparations in commerce, (1) using the words "Research Laboratory" or the word "Labo-

4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8816; Filed, Oct. 1, 1948; 9:00 a. m.]

[Orange Reg. 150]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.400 *Orange Regulation 150*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 4, 1948, and ending at 12:01 a. m., e. s. t., October 18, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which grade U. S. No. 2 Russet or lower than U. S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 216 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler" and "ship" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 29th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8817; Filed, Oct. 1, 1948; 9:01 a. m.]

[Lemon Reg. 294]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.401 *Lemon Regulation 294*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 3, 1948, and ending at 12:01 a. m., P. s. t., October 10, 1948, is hereby fixed as follows:

(i) District 1: 300 carloads.

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 293 (13 F. R. 5587), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 30th day of September 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8832; Filed, Oct. 1, 1948; 9:46 a. m.]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

DETERMINATION RELATIVE TO THE BUDGET OF EXPENSES AND THE FIXING OF THE RATE OF ASSESSMENT FOR THE 1948–49 FISCAL PERIOD

Notice was published in the FEDERAL REGISTER (13 F. R. 4836), dated August 20, 1948, that consideration was being given to proposals regarding the budget of expenses and the fixing of the rate of assessment for the 1948–49 fiscal period under the marketing agreement and Order No. 39 (7 CFR, Cum. Supp., 939.1 et seq.), regulating the handling of the Beurre d'Anjou, Beurre, Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 939.201 *Budget of expenses and rate of assessment for the 1948–49 fiscal period.* (a) The expenses necessary to be incurred by the Control Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, for the maintenance and functioning of such committee during the fiscal period beginning July 1, 1948, and ending June 30, 1949, both dates inclusive, will amount to $15,515.00; and the rate of assessment to be paid, in accordance with the marketing agreement and order, by each handler who first handles pears shall be as hereinafter set forth and with respect to all such pears shipped by him as the first handler thereof; and such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses:

(1) With respect to pears shipped in standard western pear boxes, the rate of assessment shall be four mills ($0.004) per standard western pear box of pears; and

(2) With respect to pears shipped in bulk or in any container other than said standard western pear box, such rate of assessment shall be four mills ($0.004) per 48 pounds of pears.

(b) *Effective date.* It is hereby further found and determined that it is impracticable and contrary to the public interest to postpone the effective date of this determination until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), in that (1) shipments of pears covered by the aforesaid marketing agreement and order have already commenced; (2) the aforesaid rate of assessment is applicable to all pears shipped during the aforesaid fiscal period; (3) the regulation of such pear shipments by grades and sizes is currently effective; (4) the mandatory inspection requirements of said marketing agreement and order are in effect; (5) in order for the aforesaid necessary assessments to be collected it is essential that the specification of the assessment rate be issued immediately so as to enable the said Control Committee to perform its duties and functions under said marketing agreement and order; and (6) a reasonable time is permitted, under the circumstances, for preparation for such effective date.

As used in this section, the terms "handler," "handles," "handled," "shipped," "pears," "standard western pear box," and "fiscal period" shall have the same meaning as when used in the said marketing agreement and order. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 939.1 et seq.)

Done at Washington, D. C., this 28th day of September 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8779; Filed, Oct. 1, 1948; 8:46 a. m.]

[Orange Reg. 249]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Correction

In Federal Register Document 48-8685, appearing at page 5588 of the issue for Saturday, September 25, 1948, paragraph (b) (1) (i) (b) should read as follows: "(b) Prorate District No. 2; 1500 carloads;"

[Orange Reg. 250]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.396 *Orange Regulation 250*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 3, 1948, and ending at 12:01 a. m., P. s. t., October 10, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: no movement; (b) Prorate District No. 2: 1400 carloads; (c) Prorate District No. 3: no movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: no movement; (b) Prorate District No. 2: no movement; (c) Prorate District No. 3: no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 1st day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

(Orange Regulation Period No. 250)

[12:01 a. m. Oct. 3, 1948 to 12:01 a. m. Oct. 10, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.0931
A. F. G. Corona	.1423
A. F. G. Fullerton	.8148
A. F. G. Orange	.3397
A. F. G. Riverside	.1246
A. F. G. San Juan Capistrano	.7370
A. F. G. Santa Paula	.6885
Hazeltine Packing Co	.4586
Placentia Pioneer Valley Growers Association	.7003

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Signal Fruit Association	0.1510
Azusa Citrus Association	.4368
Covina Valley Orange Co	.0968
Damerel-Allison Co	.9427
Glendora Mutual Orange Association	.4359
Irwindale Citrus Association	.4431
Puente Mutual Citrus Association	.2370
Valencia Heights Orchard Association	.6201
Covina Citrus Association	1.2354
Covina Orange Growers Association	.6526
Glendora Citrus Association	.4185
Glendora Heights Orange and Lemon Growers Association	.0650
Gold Buckle Association	.6221
La Verne Orange Association	.7524
Anaheim Citrus Fruit Association	1.3102
Anaheim Valencia Orange Association	.9431
Eadington Fruit Co., Inc	2.4875
Fullerton Mutual Orange Association	1.2246
La Habra Citrus Association	1.2632
Orange County Valencia Association	.6902
Orangethorpe Citrus Association	.6409
Placentia Cooperative Orange Association	.5648
Yorba Linda Citrus Association	.6137
Citrus Fruit Growers	.1605
Cucamonga Citrus Association	.2474
Etiwanda Citrus Fruit Association	.0546
Mountain View Fruit Association	.0090
Old Baldy Citrus Association	.1467
Rialto Heights Orange Growers	.0684
Upland Citrus Association	.2207
Upland Heights Orange Association	.1685
Consolidated Orange Growers	1.7848
Frances Citrus Association	1.6065
Garden Grove Citrus Association	1.2736
Goldenwest Citrus Association, The	1.8034
Irvine Valencia Growers	2.8784
Olive Heights Citrus Association	1.9077
Santa Ana-Tustin Mutual Citrus Association	1.2405
Sanitago Orange Growers Association	3.4673
Tustin Hills Citrus Association	2.5964
Villa Park Orchards Association, The	1.8122
Bradford Brothers, Inc	.7292
Placentia Mutual Orange Association	1.7103
Placentia Orange Growers Association	2.2238
Yorba Orange Growers Association	.6343
Call Ranch	.0857
Corona Citrus Association	.6127
Jameson Company	.0532
Orange Heights Orange Association	.3695
Crafton Orange Growers Association	.4766
East Highlands Citrus Association	.0899
Fontana Citrus Association	.1326
Highland Fruit Growers Association	.0000
Redlands Heights Groves	.3497
Redlands Orangedale Association	.3722
Break & Sons, Allen	.0704
Bryn Mawr Fruit Growers Association	.2953
Krinard Packing Co	.2310
Mission Citrus Association	.1817
Redlands Cooperative Fruit Association	.4091
Redlands Orange Growers Association	.2830
Redlands Select Groves	.3513
Rialto Citrus Association	.2309
Rialto Orange Co	.1789

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Southern Citrus Association	0.2189
United Citrus Growers	.1599
Zilen Citrus Co	.0809
Arlington Heights Citrus Co	.1376
Brown Estate, L. V. W	.0000
Gavilan Citrus Association	.1559
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0730
McDermont Fruit Co	.2094
Monte Vista Citrus Association	.2136
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0694
Sierra Vista Packing Association	.0000
Victoria Avenue Citrus Association	.2111
Claremont Citrus Association	.2012
College Heights Orange and Lemon Association	.2470
El Camino Citrus Association	.0733
Indian Hill Citrus Association	.2235
Pomona Fruit Growers Exchange	.4619
Walnut Fruit Growers Association	.5878
West Ontario Citrus Association	.4518
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	2.8647
San Dimas Orange Growers Association	.5497
Andrews Brothers of California	.1994
Ball & Tweedy Association	.6592
Canoga Citrus Association	1.2210
North Whittier Heights Citrus Association	1.0869
San Fernando Fruit Growers Association	.5770
San Fernando Heights Orange Association	1.1420
Sierra Madre-Lamanda Citrus Association	.0000
Camarillo Citrus Association	1.9755
Fillmore Citrus Association	2.9883
Mupu Citrus Association	3.4914
Ojai Orange Association	1.1760
Piru Citrus Association	2.1067
Santa Paula Orange Association	1.3272
Tapo Citrus Association	1.3836
Ventura County Citrus Association	.0000
Limoneira Co	.7746
East Whittier Citrus Association	.2599
El Ranchito Citrus Association	.9623
Murphy Ranch Co	.4379
Rivera Citrus Association	.4815
Whittier Citrus Association	.7712
Whittier Select Citrus Association	.4483
Anaheim Cooperative Orange Association	1.0407
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.0000
Euclid Avenue Orange Association	.3801
Foothill Citrus Union, Inc	.0392
Fullerton Cooperative Orange Association	.3718
Garden Grove Orange Cooperative, Inc	.6205
Golden Orange Groves, Inc	.0000
Highland Mutual Groves	.0107
Index Mutual Association	.2669
La Verne Cooperative Citrus Association	1.4835
Mentone Heights Association	.0498
Olive Hillside Groves	.6583
Orange Cooperative Citrus Association	1.1086
Redlands Foothill Groves	.7011
Redlands Mutual Orange Association	.1635
Riverside Citrus Association	.0627
Ventura County Orange and Lemon Association	1.0959
Whittier Mutual Orange and Lemon Association	.1472

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Babijuice Corp. of California	0.4310
Banks Fruit Co	.0000
Banks, L. M	.2945
Borden Fruit Co	.6166
California Associated Growers	.0911
California Fruit Distributors	.0500
Cherokee Citrus Co., Inc	.1544
Chess Co., Meyer W	.2277
Escondido Avocado Growers	.0226
Evans Brothers Packing Co	.2566
Furr, N. C	.0205
Gold Banner Association	.3227
Granada Hills Packing Co	.0440
Granada Packing House	1.2364
Hill, Fred A	.0877
Inland Fruit Dealers, Inc	.0769
Morris Brothers Fruit Co	.0126
Orange Belt Fruit Distributors	2.0530
Panno Fruit Co., Carlo	.0202
Paramount Citrus Association	.5014
Placentia Orchard Co	.4551
San Antonio Orchard Co	.2821
Snyder & Sons Co., W. A	.4308
Stephens, T. F	.1099
Torn Ranch	.0000

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Wall, E. T	0.1374
Webb Packing Co	.0000
Western Fruit Growers, Inc., Redlands	.7394

[F. R. Doc. 48-8849; Filed, Oct. 1, 1948; 11:44 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[3d General Revision of Export Regs., Amdt. P. L. 5]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodity is added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
609900	Bolts, iron and steel (except railroad), over 3 feet in length	Pound	STEE	100

This part of the amendment shall become effective as of August 9, 1948.

2. The following commodity is deleted from the Positive List:

Dept. of Comm. Sched. B No.	Commodity
709500	Electrical machinery and apparatus: Duplex receptacles; flush toggle and flush tumbler switches, single-pole and three-way, 10 amperes and under at 125 volts.

This part of the amendment shall become effective as of August 9, 1948.

3. The dollar value limits in the column headed "GLV dollar value limits" set forth opposite each of the commodities listed below are amended to read as follows:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
630301	Aluminum, aluminum alloys (duralumin included): Sheets, plates, and strips (0.006 inch in thickness and over)	Pound	NONF	25

This part of the amendment shall become effective as of August 25, 1948, except that shipments of the commodity listed in this part of the amendment which were on dock, on lighter, laden aboard an exporting carrier or in transit to a port of exit pursuant to an actual order for export prior to August 25, 1948, may be exported under the previous general license provisions. On and after August 25, 1948, other shipments of the above commodity to any destination may not be cleared for export or exported except pursuant to an outstanding validated license issued on or after February 1, 1948.

4. The Positive List is amended by substituting the following listings in place of Schedule B No. 604700, the description of the commodities classified thereunder and the other related entries.

Dept. of Comm. Sched. B No.	Commodity	GLV dollar value limits
604750	Structural iron and steel: Forms, rods (include only sections of penstock fabricated from rolled steel plates used for conducting water in hydroelectric power installations).	None
604700	Plates, fabricated, punched, or shaped, n. e. s.	None

This part of the amendment shall become effective as of September 9, 1948.

6. The following commodities are added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
	Other nonmetallic minerals (precious included):			
540905	Diamond grinding wheels	Pound	TOOL	None
540910	Diamond dies for powder	Carat	CDGS	None
541200	Retinoid diamond abrasive wheels	Pound	TOOL	None
599005	Diamonds suitable only for industrial use	Carat	CDGS	None
599008	Diamond bearings		CDGS	None
599009	Diamond bushings, except other than industrial			
	Iron and steel manufactures:			
615005	Diamond saws, except circular	Unit	TOOL	None
617501	Tools incorporating industrial diamond, n. e. s	Unit	CDGS	None
731100	Mining, well, and pumping machinery	No	CONS	None
733500	Rock, coal drill bits and other mining and quarrying machinery, and parts containing diamonds		CONS	None
	Metalworking machinery:			
742805	Diamond dies for power-driven metalworking machinery	Unit	TOOL	None
745812	Metal lathes and parts containing diamonds	No	TOOL	None
	Other industrial machinery:			
774020	Diamond penetrators		GIEQ	None
775098	Diamond penetrator parts		GIEQ	None
	Scientific and professional instruments, apparatus and supplies:			
915000	Diamond dusk points and other dental instruments containing diamonds		8ATE	None

This part of the amendment shall become effective as of September 29, 1948, except that shipments of any of the commodities listed in this part of the amendment which were on dock, on lighter, laden aboard an exporting carrier or in transit to a port of exit pursuant to an actual order for export prior to September 29, 1948, may be exported under the previous general license provisions.

Section 399.2 *Appendix B—Interpretations: Positive List of Commodities* is amended by adding a new paragraph (c) to read as follows:

(c) *Interpretation 3; export of steel bale ties, straps and strapping.* (1) The following Schedule B numbers cover and include, among other things, steel bale ties, straps and strapping, as described below:

Dept. of Comm. Sched. B No.	Commodity
609101	Bale ties, wire (the wires are cut to length and fabricated to form a means of fastening the two ends together).
603711	Straps or strapping of strip steel, cut to length or not cut to length (including cotton bale ties and other bale ties of strip steel, not fitted with buckles): Cold-rolled.
603811	Hot-rolled.
620998	Straps or strapping, strip steel (including cotton bale ties and other bale ties of strip steel) cut to length and fitted with buckles or accompanied by equal number of buckles.
620998	Buckles or connectors for fastening bale ties, not bundled with bale ties or straps.

[3d General Revision of Export Regs., Amdt. P. L. 6]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Com. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
	Vegetables and preparations, edible:			
120110	Beans, dry, ripe	Unit	OFEQ	None
120150	Seed beans, field varieties only			
120219	Peas, dry, ripe, except lentils (report cowpeas and chickpeas in 120213 and 120215, respectively)			
	Sawmill products (lumber): Boards, planks and scantlings, less than 5" in least dimension; Hardwoods:			
413200	Beech and pecan flooring			

2. The following commodity is added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
713400	Steam jet ejectors, 4 stages and over, accessories and parts (report steam jet ejectors under 4 stages, accessories and parts in 713300)	Unit	OFEQ	None

(Secs. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: September 28, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-8788; Filed, Oct. 1, 1948; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5300]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MID-WEST PRODUCTS (FORMERLY MID-WEST RESEARCH LABORATORY)

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Laboratory:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* In connection with the offering for sale, sale or distribution of serums and medicinal preparations in commerce, (1) using the words "Research Laboratory" or the word "Labo-

(Secs. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: September 28, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-8789; Filed, Oct. 1, 1948; 8:50 a. m.]

ratory", or any other word or term of similar import or meaning, in its corporate or trade name, or in any manner, to describe its business status, unless and until it owns and operates an appropriately equipped laboratory for the compounding and testing of the preparations it offers for sale and where research work is conducted by trained technicians as a part of its business; or, (2) representing, through the use of any other word or term of similar import or meaning, that the respondent is the manufacturer of any products sold by it which are not made in a plant or factory actually owned and operated or directly and absolutely controlled by the respondent; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Mid-West Products (formerly Mid-West Research Laboratory), Docket 5300, August 17, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 17th day of August A. D. 1948.

In the matter of Mid-West Products (formerly Mid-West Research Laboratory), a corporation.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision, and brief of counsel in support of the complaint (no brief having been filed on behalf of respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Mid-West Products (formerly Mid-West Research Laboratory), a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of serums and medicinal preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Research Laboratory" or the word "Laboratory", or any other word or term of similar import or meaning, in its corporate or trade name, or in any manner, to describe its business status, unless and until it owns and operates an appropriately equipped laboratory for the compounding and testing of the preparations it offers for sale and where research work is conducted by trained technicians as a part of its business.

2. Representing, through the use of the word "Manufacturer" or through the use of any other word or term of similar import or meaning, that the respondent is the manufacturer of any products sold by it which are not made in a plant or factory actually owned and operated or directly and absolutely controlled by the respondent.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8784; Filed, Oct. 1, 1948; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter F—Marine Engineering

[CGFR 48-5]

MARINE ENGINEERING AND MATERIAL SPECIFICATIONS FOR MERCHANT VESSELS

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4427, 4429, 4430, 4431, 4432, 4433, 4434, 4453, 4491, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended (46 U. S. C. 363, 366, 367, 375, 391a, 392, 404, 405, 407, 408, 409, 410, 411, 412, 435, 1333, 50 U. S. C. 1275), and sec. 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), the following corrections shall be made and the following omissions shall be inserted in Coast Guard Document CGFR 48-5, Federal Register Document 48-2817, filed March 30, 1948, and published in the FEDERAL REGISTER dated March 31, 1948, 13 F. R. 1668, et seq.:

PART 52—CONSTRUCTION

SUBPART 52.20—HEADS

Section 52.50-15 *Detail requirements* is corrected in paragraph (b) (5) (13 F. R. 1711) by inserting after the reference "52.20-10" the phrase "but only 60 percent of".

SUBPART 52.25—OPENINGS AND REINFORCEMENTS

Section 52.25-10 *Materials and workmanship* is corrected in paragraph (g) (13 F. R. 1714) by inserting after the reference "52.20-15" a parenthesis.

SUBPART 52.30—SURFACES REQUIRED TO BE STAYED OR REINFORCED

Section 52.30-10 *Computations* is corrected in paragraph (a) (13 F. R. 1715) by removing the radical sign from formula (3).

SUBPART 52.55—BOILER AND SUPERHEATER TUBES

Section 52.55-10 *Computations* is corrected in paragraph (a) (1) (13 F. R. 1723) by changing the numbering of inferior subdivisions from (1) and (2) to (i) and (ii), respectively, and by inserting an inferior subdivision "(iii) All tubes:" immediately above formula (3).

SUBPART 52.70—BOILER MOUNTINGS AND ATTACHMENTS

Section 52.70-25 *Feed valves* is corrected in paragraph (e) (13 F. R. 1727) by changing in the third sentence the first phrase "stop check valves" to "stop and check valves" and the phrase "regular stop check valves" to "regular stop and check valves".

PART 55—PIPING SYSTEMS

SUBPART 55.07—DETAIL REQUIREMENTS

1. The number for Table 55.07 (a) (13 F. R. 1732) is changed to "Table 55.07-5 (a)."

2. The first formula is paragraph (c) of § 55.07-20 *Bolting* (13 F. R. 1737) is designated "(1)".

Dated: September 27, 1948.

[SEAL] J. F. FARLEY, *Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 48-8791; Filed, Oct. 1, 1948; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[No. 1043]

PART 402—LOANS AND PROPERTIES

MISCELLANEOUS AMENDMENTS

SEPTEMBER 8, 1948.

Amending Part 402, Chapter IV, Title 24 of the Code of Federal Regulations. Sections 402.15-3, 402.15-4, 402.15-5, 402.15-6 and the first paragraph of § 402.15-14 are amended and § 402.15-36a is added, as follows:

§ 402.15-3 *Insurance required by the Corporation.* Fire and extended coverage insurance is required on properties owned by the Corporation in the full amount of the depreciated replacement value on all insurable improvements, as shown by appraisals of the property, except where a percentage of the insurance on the main or principal building covers other miscellaneous insurable improvements, such as smaller buildings, etc., in an amount sufficient for the protection of the Corporation.

When the Corporation is holding insurance on properties securing liens or sold by the Corporation on Sales Contract, whether such insurance has been furnished by or for the home owner, or ordered by the Corporation, the Corporation in its best interest requires the renewal or replacement of insurance in amounts and kinds of coverage equal to that which is held by the Corporation, except that in all States and Territories but Florida, Texas and Puerto Rico, extended coverage is required in an amount equal to the fire requirement: *And provided*, That the General Manager may increase or decrease the amounts and kinds of coverage when the amounts and kinds of insurance coverage held by the Corporation for the account of the home owner:

(a) Are in excess of the amounts which the Corporation requires under the specific terms of a mortgage or lien instrument or sales contract;

(b) Are, in the opinion of the General Manager, in excess of the depreciated replacement value of the permanent insurable improvements;

(c) Cover hazards other than those hazards included in fire and extended coverage insurance;

(d) Cover items other than buildings and permanent insurable improvements on the property securing the Corporation loan or sold by the Corporation on contract;

(e) Are less than the amount or kinds of coverage requested by the home owner and such increase is not inconsistent with other provisions of this section;

(f) Are in excess of the amounts or kinds of coverage requested by the home owner and such decrease or termination does not result in less insurance coverage than the minimum amount and kinds of coverage acceptable to the Corporation;

(g) Are less than the minimum amount and kinds of coverage acceptable to the Corporation; and

(h) Are not necessary for the protection of the Corporation's investment and the General Manager has waived the amount or kinds of insurance coverage which are acceptable to the Corporation on any specific property in whole or in part.

§ 402.15-4 *Acceptable insurance.* Notwithstanding the provisions of § 402.15-3 the General Manager may accept insurance policies furnished by home owners on properties securing indebtedness to the Corporation or sold by the Corporation on Sales Contract when the following provisions are complied with:

(a) The insurance is written by an insurance company, association, or organization licensed to do business in a particular State or Territory, or specifically authorized by State law to transact business within the State or Territory where the property is located, and whose policy contract and forms are acceptable to the General Manager.

(b) The amount of fire insurance furnished for the account of the home owner is at least equal to the following:

(1) If the amount of the present indebtedness is more than the depreciated replacement value, full insurance to the depreciated replacement value shall be maintained on all buildings valued at $200 or over.

(2) If the amount of the present indebtedness is more than the depreciated replacement value of the main dwelling but less than the depreciated replacement value of all insurable improvements, insurance in the amount of 100% shall be maintained on the main dwelling and, in addition, sufficient insurance shall be maintained on the remaining buildings in an amount necessary to bring the total amount of insurance to the present indebtedness.

(3) If the amount of the present indebtedness is equal to or less than the depreciated replacement value of the main dwelling, insurance shall be maintained on the main dwelling in an amount equal to the present indebtedness. If the other buildings or improvements are essential economically as a means of liquidating the loan or sales account and produce a reasonable portion or all of the home owners' income, either as a rental property or commercial interest of the home owner, then, upon the recommendation of the Insurance Section, the General Manager, in his discretion, also may require on the said other buildings such amounts of insurance as circumstances warrant.

(c) The amount of windstorm or other insurance is not less than that specified in § 402.15-5 as acceptable for the locality in which the insured property is located.

(d) Co-insurance or similar clauses, when applicable, are complied with and the amount of insurance necessary to avoid penalty is furnished.

(e) If extended coverage is submitted by the home owner, all insurance coverage is made concurrent.

§ 402.15-5 *Windstorm and other insurance.* Windstorm or other necessary coverage is acceptable in certain states and territories as follows:

(a) *Group I.* On the main buildings and on other buildings and improvements in an amount equal to the fire insurance required to be carried on such buildings by the provision of the Manual in the following States:

8—Arkansas.
11—Illinois (exception: Cook County Solid Masonry Construction—50% of fire requirement).
12—Indiana.
13—Iowa.
23—Missouri.
25—Nebraska.
32—North Dakota.
39—South Dakota.

(b) *Group II.* Up to one-half the depreciated replacement value of the main dwelling and, if fire insurance has been required on other buildings and improvements, then windstorm insurance shall likewise be furnished on these same other buildings and improvements in an amount equal to one-half of their respective depreciated replacement values:

1—Alabama.	31—North Carolina.
7—Delaware.	38—South Carolina.
8—Florida.	40—Tennessee.
9—Georgia.	41—Texas.
15—Kentucky.	46—West Virginia.
16—Louisiana.	49—District of Columbia.
21—Minnesota.	
22—Mississippi.	51—Puerto Rico.

In States where the windstorm insurance to be carried on any one building is to be "at least one-half the amount of the replacement value", the insurance submitted is acceptable if the amount is at least equal to the loan, even though it is not equal to one-half the amount of the replacement value; but if windstorm insurance is written with a co-insurance or a similar clause applicable, the necessary amount of insurance to meet this requirement shall be carried so that there will be no penalty in event of loss.

(c) *Group III.* Up to one-third of the depreciated replacement value of the main dwelling and, if fire insurance has been required on other buildings and improvements, then windstorm insurance shall likewise be furnished in an amount equal to one-third the depreciated replacement value of all such other buildings and improvements having an individual value of $600 or over.

20—Michigan (in the following counties):

Allegan.	Kent.
Barry.	Livingston.
Berrien.	Lapeer.
Branch.	Lenawee.
Calhoun.	McComb.
Cass.	Monroe.
Clinton.	Muskegon.
Eaton.	Oakland.
Genessee.	Ottawa.
Hillsdale.	St. Clair.
Ingham.	St. Joseph.
Ionia.	Shiawassee.
Jackson.	Van Buren.
Kalamazoo.	Washtenaw.

(d) *Group IV.* On the main building in an amount equal to one-half of the current loan balance or to the value of the main building, whichever is the smaller, in the following States:

33—Ohio. 47—Wisconsin.

(e) *Group V.* Windstorm insurance is acceptable but need not be furnished on improvements in the following States and Territories:

2—Arizona.	29—New Mexico.
4—California.	30—New York.
5—Colorado.	35—Oregon.
6—Connecticut.	36—Pennsylvania.
10—Idaho.	37—Rhode Island.
17—Maine.	42—Utah.
18—Maryland.	43—Vermont.
19—Massachusetts.	44—Virginia.
26—Nevada.	45—Washington.
27—New Hampshire.	48—Wyoming.
28—New Jersey.	52—Alaska.

(f) *Group VI. Waiver of Fallen Building Clause.* The Waiver of Fallen Building Clause shall be included in all policies on dwellings in the following States:

4—California.	26—Nevada.
10—Idaho.	42—Utah.

(g) *Group VII. Extended coverage insurance.* "Extended coverage" shall be furnished on the main buildings and on other buildings and improvements in an amount equal to the fire insurance carried on such buildings by the provision of this chapter in the following States:

14—Kansas. 34—Oklahoma.
24—Montana.

§ 402.15-6 *Extended coverage.* Windstorm insurance need not be furnished if extended coverage is included under the fire policy and such coverage complies with the apportionment clause. Extended coverage may be ordered when requested by the home owner and may be accepted when furnished by or for the home owner.

§ 402.15-14 *Insurance ordered by Corporation on security properties.* All insurance contracts protecting the loan or property sold by the Corporation on Sales Contract shall be reviewed, immediately upon a cancellation, demand for payment of premium due to the insured's failure to make such payment, notification of lapse or voidance of any insurance policies, and/or fifteen days after the expiration date. If replacement or renewal insurance has not been fur-

nished by or for the home owner or where the home owner has furnished less insurance than is acceptable to the Corporation, insurance shall be ordered from the carrier under contract in the kinds and amounts required by the Corporation, unless otherwise directed by the General Manager. Such insurance shall be ordered upon the special forms furnished by the Corporation's insurer under contract and shall be effective as of the termination of the insurance to be replaced.

§ 402.15–36a *Losses occurring after expiration and prior to audit.* In the event there is a loss subsequent to expiration of insurance held by the Corporation but prior to the receipt of the new insurance from the home owner or the placement of an order through the insurer under contract, the basis of adjustment of any loss where the insurer under contract is liable will be in accordance with the amount and kind of insurance expired but not renewed.

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, 643, 647; 12 U. S. C. and Sup. 1463, Reorg. Plan No. 3 of 1947, 12 F. R. 4981; Administrative Procedure Act, 60 Stat. 237)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 48–8787; Filed, Oct. 1, 1948; 8:49 a. m.]

Chapter VIII—Office of Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

In accordance with Executive Order 9930 which authorizes and directs the publication of the 1949 edition of the Code of Federal Regulations, the rent regulations of the Office of the Housing Expediter are hereby republished in codified form. This republication of the regulations contains no substantive revisions and is merely to conform to Federal Register requirements that all regulations which will be in effect on December 31, 1948, shall be codified in accordance with Federal Register rules.

This republication includes all amendments to the Rent Regulations which became effective after July 1, 1947, and prior to September 25, 1948.

Sections 1–12 of the Controlled Housing Rent Regulation have been redesignated §§ 825.1 to 825.12.

Sections 1–12 of the Controlled Housing Rent Regulation for New York City Defense-Rental Area have been redesignated §§ 825.21 to 825.32.

Sections 1–12 of the Controlled Housing Rent Regulation for Miami Defense-Rental Area have been redesignated §§ 825.41 to 825.52.

Sections 1–12 of the Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area have been redesignated §§ 825.61 to 825.72.

Sections 1–12 of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments have been redesignated §§ 825.81 to 825.92.

Sections 1–12 of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in the New York City Defense-Rental Area have been redesignated §§ 825.101 to 825.112.

Sections 1–12 of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in the Miami Defense-Rental Area have been redesignated §§ 825.121 to 825.132.

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CONTROLLED HOUSING RENT REGULATION

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RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN MIAMI DEFENSE-RENTAL AREA

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Appendix—Interpretations.

AUTHORITY: §§ 825.1 to 825.132 issued under Pub. Laws 129, 422 and 464, 80th Cong.

SUBPART A—CONTROLLED HOUSING

CONTROLLED HOUSING RENT REGULATION

§ 825.1 *Definitions and scope of §§ 825.1 to 825.12.* "Act" means the Housing and Rent Act of 1947, as amended.

"Expediter" means the Housing Expediter or the Rent Director or such other person or persons as the Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Local Advisory Board" means a board created in a defense-rental area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

"Area rent office" means the office of the Rent Director in the defense-rental area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Controlled housing accommodations" means any housing accommodation in any defense-rental area which is not specifically exempted from control or decontrolled under §§ 825.1 to 825.12, inclusive.

"Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, and removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

"Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

"Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes.

"Maximum rent date" means the maximum rent date applicable in any particular defense-rental area as established under the authority of the Emergency Price Control Act of 1942, as amended, as set forth in Schedule A.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular housing accommodation in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder, or under § 825.4 (b), (c), or (e), whichever is applicable.

"Effective date of regulation" means the effective date of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, for each defense-rental area, or portion thereof, as indicated in Schedule A, except where the context indicates clearly to the contrary.

(a) *Housing and defense-rental areas to which §§ 825.1 to 825.12, inclusive, apply.* Sections 825.1 to 825.12, inclusive, (except the provisions contained in Schedule B) apply to all housing accommodations within each of the defense-rental areas and each of the portions of a defense-rental area (each of which is referred to hereinafter in §§ 825.1 to 825.12, inclusive, as the "defense-rental area"), which are listed in Schedule A except as provided in paragraph (b) of this section.

In Schedule A, the "maximum rent date" and the "effective date of regulation," as established under the rent regulation, issued pursuant to the Emergency Price Control Act of 1942, as amended, is given for each defense-rental area listed. More than one effective date is given for different portions of a defense-rental area where the same effective date is not applicable to the entire defense-rental area.

In Schedule B are set forth provisions which modify or supplement §§ 825.1 to 825.12, inclusive, insofar as they are applicable to certain individual defense-rental areas, or portions thereof.

(b) *Decontrolled and exempted housing to which §§ 825.1 to 825.12, inclusive, do not apply*—(1) *Exempted housing.* Sections 825.1 to 825.12, inclusive, do not apply to the following:

(i) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.* Rooms or other housing accommodations subject to the provisions of Subpart B.

(iv) *Structures subject to underlying leases.* (a) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, except as provided in (c) of this subdivision (iv).

(b) Entire structures or premises where 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises: *Provided,* That all of the housing accommodations in such structures or premises are exempt or decontrolled under the provisions of this section and are not subject to the provisions of Subpart B.

(c) Sections 825.1 to 825.12, inclusive, do apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt or decontrolled under the provisions of this section and are not subject to the provisions of Subpart B.

(v) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That §§ 825.1 to 825.12, inclusive, do apply to a sublease or other subrenting of such accommodations or any part thereof.

(vi) *Resort housing*—(a) *Summer resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1 to September 30, inclusive, and shall not apply to housing accommodations in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

(b) *Winter resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of regulation in the area, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to housing accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1 to May 31.

(2) *Decontrolled housing to which §§ 825.1 to 825.12, inclusive, do not apply.* Sections 825.1 to 825.12 do not apply to the following:

(i) *Accommodations in hotels, motor courts, trailers and trailer spaces, and tourist homes.* (a) Housing accommodations in a hotel (see definition of hotel in this section) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep

of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (b) housing accommodations in establishments which were motor courts on June 30, 1947; (c) housing accommodations located in trailers and ground space rented for trailers; and (d) housing accommodations in any tourist home serving transient guests exclusively on June 30, 1947.

Reporting requirements. Every landlord of housing accommodations referred to in (a) and (d) of this subdivision (i) who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948, file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Accommodations created by new construction or conversion.* (a) Housing accommodations the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (1) occupied such housing accommodations, or (2) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (b) housing accommodations the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this subdivision (ii) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (1) a change in a structure from a nonhousing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations, or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Accommodations not rented for two-year period.* Housing accommodations which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as housing accommodations,

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in this section.)

(v) *Leased accommodations.* (a) Except as hereinafter provided in this subdivision (v), housing accommodations concerning which a landlord and a tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(b) Except as hereinafter provided in this subdivision (v), housing accommodations concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with (a) of this subdivision (v) and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus or minus the amount of any adjustment under § 825.5, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) of this subdivision (v). All housing accommodations referred to in (a) of this subdivision (v) shall be subject to §§ 825.1 to 825.12, inclusive, unless the lease provided for the same living space, services, furniture, furnishings and equipment with the housing accommodations as were required to be provided by §§ 825.1 to 825.12, inclusive, prior to the effective date of the lease.

All housing accommodations referred to in (b) of this subdivision (v) shall be subject to §§ 825.1 to 825.12, inclusive, unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the housing accommodations which in the absence of a lease would be required to be provided by §§ 825.1 to 825.12, inclusive, on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

All housing accommodations referred to in (a) and (b) of this subdivision (v) shall be subject to §§ 825.1 to 825.12, inclusive, if the lease is terminated or expires on or after April 1, 1948 and before March 31, 1949, unless a subsequent lease entered into under the provisions of (b) of this subdivision (v) is in force.

Reporting requirements. A landlord shall file Form D–92—Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in (b) of this subdivision (v).

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter, of any termination of a lease referred to in (a) or (b) of this subdivision (v) prior to the expiration date of the lease. Such report shall be filed within fifteen days after such termination or fifteen days after April 1, 1948, whichever is later.

(c) *Effect of §§ 825.1 to 825.12, inclusive, on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with §§ 825.1 to 825.12, inclusive.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of §§ 825.1 to 825.12, inclusive, is void. A tenant shall not be entitled by reason of §§ 825.1 to 825.12, inclusive, to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of §§ 825.1 to 825.12, inclusive.

§ 825.2 *Prohibition against higher than maximum rents*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall offer, demand or receive any rent for or in connection with the use or occupancy on and after the effective date of §§ 825.1 to 825.12, inclusive, of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by §§ 825.1 to 825.12, inclusive; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. A reduction in the services, furniture, furnishings, or equipment required under § 825.3 shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by §§ 825.1 to 825.12, inclusive, may be demanded or received.

(b) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to the effective date of regulation (or prior to October 20, 1942, where the effective date of regulation is prior to that date) and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of §§ 825.1 to 825.12, inclusive, may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Expediter if he finds that such payments

in excess of the maximum rent will not be inconsistent with the purposes of the Act or §§ 825.1 to 825.12, inclusive, and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain and the tenant shall be authorized to offer payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of §§ 825.1 to 825.12, inclusive,. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of §§ 825.1 to 825.12, inclusive. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive or the tenant to offer payments in excess of the maximum rent in the absence of an order of the Expediter as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of regulation (or on or after October 20, 1942, where the effective date of regulation is prior to that date), and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive nor shall the tenant offer payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payment on or for the option to buy.

(c) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing accommodations within the Defense-Rental Area except as provided in this paragraph (c). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) or (b) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under said section 4 (a) or (b).

(3) *Maximum rent established under section 4 (c) or (d) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodation is or initially was established under said section 4 (c) or (d), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter entered. Where such lease or other rental agreement provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(4) *Maximum rent established under section 4 (e) or 4 (j) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section (4) (e) or 4 (j), no security deposit shall be demanded or received.

(5) *Maximum rent established under section 4 (f) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (f), no security deposit shall be demanded, received, or retained.

(6) *Maximum rent established under section 4 (g) or 4 (h) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (g) or 4 (h), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations were or are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(7) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

(8) *Deposits on certain leased furnished accommodations.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is, or was, rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease, or where such newly constructed housing accommodation was rented and occupied for the first time on or prior to March 25, 1947, fully furnished, under a written lease, and was constructed with a priority rating or under specific authorization by the United States or any agency thereof for which the rent was approved by the United States or any agency thereof and the entire project covered by the single priority application of which the housing accommodation was a part was not completed until after March 25, 1947.

(9) *Deposits based on prior rental practices.* Notwithstanding the preceding provisions of this paragraph (c) any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular housing accommodations involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

§ 825.3 *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in § 825.4 (e) or § 825.5 (b) or as otherwise provided in this section, every landlord, shall, as a minimum, provide with housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.1 to 825.12, inclusive, on March 31, 1948.

Where the maximum rent is determined under § 825.4 (b) (1), the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.1 to 825.12, inclusive, prior to the effective date of the lease.

Where the maximum rent is determined under § 825.4 (b) (2), the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he would be required to provide by §§ 825.1 to 825.12, inclusive, in the absence of a lease on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

§ 825.4 *Maximum rents*—(a) *Maximum rents in effect on June 30, 1947.* The maximum rent for any housing accommodation under §§ 825.1 to 825.12, inclusive, (unless and until changed by the Expediter as provided in § 825.5) shall be the maximum rent which was in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

landlord) as housing accommodations.

(b) *Maximum rent on termination of lease.* (1) For housing accommodations concerning which a lease as described in § 825.1 (b) (2) (v) (a) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For housing accommodations concerning which a lease as described in § 825.1 (b) (2) (v) (b) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

(c) *First rent after June 30, 1947 (see also paragraph (e) of this section).* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations. Within 30 days after so renting, the landlord shall register the accommodations as provided in § 825.7. The Expediter may order a decrease in the maximum rent as provided in §§ 825.5 (c) (1) and (6).

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting shall be received, subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.5 (c) (1) or (6). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under § 825.5 (c) may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under § 825.5 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(d) *Housing subject to rent schedule of War or Navy Department.* Where housing accommodations on June 30, 1947 are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such housing accommodations cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or shall be established under paragraph (e) of this section.

(e) *Increase or decrease in space on or after April 1, 1948.* Where housing accommodations are changed on or after April 1, 1948, by a substantial increase or decrease in dwelling space, the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change: *Provided, however,* That the Expediter at any time may order a decrease in the maximum rent as provided in §§ 825.5 (c) (1) and (6): *And provided further,* That the rent received for any rental period commencing on or after the date of the first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.5 (c) (1) or (6). Such amount shall be refunded within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). The order entered by the Expediter shall fix the maximum rent retroactively to the date of first renting after such change. The landlord shall, within 30 days after renting said accommodations, file a proper registration statement in the area office in accordance with the provisions of § 825.7. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

§ 825.5 *Adjustments and other determinations.* This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (12), (13), (14), (15), (c) (6) and (8) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided further,* That in cases under paragraphs (a) (3), (c) (1) and (3) of this section involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher: *And provided, further,* That in cases under paragraph (i) of this section the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), (14), and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

In cases under paragraph (a) (3) of this section appropriate allowance shall be made for general increases in costs of services, furniture, furnishings, or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship.

In cases under paragraph (c) (8) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on inter-related matters.

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

In cases under paragraph (a) (16) of this section, the adjustment shall be in the amount necessary to relieve the controlled rental units of their share of the operating loss.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the grounds that:

(1) *Major capital improvement after effective date.* There has been on or after the effective date of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement, and maintenance.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the housing accommodations by a major capital improvement, as distinguished from ordinary repair, replacement, and maintenance or a substantial increase in the services, furniture, furnishings, or equipment, and the rent on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings, or equipment provided with the housing accommodations since the date or order determining its maximum rent or a substantial increase in the living space since June 30, 1947 but before April 1, 1948. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in living space, services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in living space, services, furniture, furnishings or equipment, if the Expediter finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) [Revoked.]

(5) [Revoked.]

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal rents.* The rent on the date determining the maximum rent was substantially lower than at other times of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Substantial increase in occupancy.* (i) There has been, since the date determining the maximum rent a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant.

(ii) There has been, since the date determining the maximum rent a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on the maximum rent date.

(iii) There has been, since the date determining the maximum rent an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(9) [Revoked.]

(10) *Priority rating granted on September 1941 application form of Office of Production Management.* The maximum rent for the housing accommodations was originally established under section 4 (f) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, the application for priority rating for the construction of the housing accommodations was filed on the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941, the landlord did not make, prior to the maximum rent date, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and the maximum rent for the accommodation is substantially lower than the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, giving due consideration to general increases in cost of construction, if any, in the defense-rental area since the maximum rent date.

This paragraph (a) (10) shall apply only to housing accommodations which were first rented prior to March 29, 1944.

(11) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(12) *Substantial hardship from increase in operating expenses.* The landlord is suffering a substantial hardship because his present net income for the property is less than his average annual net income for a prior base period due to an unavoidable increase in operating expenses. A petition for adjustment under this section must be filed on Form D–58 or D–58A, whichever is appropriate, provided by the Expediter, in accordance with instructions contained therein.

In proper cases increase in payroll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (12), the term:

(i) "Property" includes one or more structures operated as a single unit or enterprise.

(ii) "Present net income" means the amount determined by subtracting the operating expenses for the current year from the present annual income.

(iii) "Operating expenses" means all property taxes and other operating costs, including depreciation, but excluding interest, necessary to the operation and maintenance of the property properly chargeable and allocated to the current year, or base period, as the case may be.

(iv) "Current year" means: (a) the most recent calendar or fiscal year used by the landlord; or (b) any 12 consecutive months ending not more than 90 days prior to the date of the filing of the petition; *Provided, however,* That if an allowance is requested for increase in payroll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(v) "Present annual income" means the legal monthly rent for all units in the premises, both residential and commercial, on the date the petition is filed, multiplied by 12, together with any other income earned from the operation of the property during the current year. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free on such date, the full rental value shall be considered the legal rent. In any case where a unit was rented on a seasonal or varying rental basis during the year ending on the date the petition was filed, the average monthly rental during such year shall be considered the legal rent.

(vi) "Net income for the base period" means the amount determined by subtracting operating expenses for the base period from total income for the base period.

(vii) "Base period" means any period of two consecutive years prior to the current year but not beginning before January 1, 1939, which the Expediter finds to be representative of the property's normal operations: *Provided, however,* That where a representative period of two consecutive years is not available, the Expediter in his discretion may, for the purpose of this section, accept a representative period of not less than one year: *And provided further,* That where a previous adjustment was granted under this paragraph (a) (12) the base period shall be the current year used in obtaining that adjustment, except that the total income shall be appropriately adjusted in accordance with the previous adjustment.

(viii) "Total income for the base period" means total rental and other income earned from the property and the full rental value of any accommodations in the property occupied in whole or in part rent free.

In making adjustments under this paragraph (a) (12), the Expediter shall take into consideration any adjustments in maximum rents ordered after the date the petition is filed, as well as any leases which are in effect under section 204 (b) of the Housing and Rent Act of 1947, as amended.

No adjustment shall be granted under this paragraph (a) (12) with respect to

housing accommodations regularly rented to employees of the landlord (so-called company housing).

In any case where a petition for adjustment under this paragraph (a) (12) was pending on June 30, 1948, the landlord may elect to have the petition processed under this section as it read prior to its amendment on July 10, 1948.

(13) *Rented to an employee of landlord.* The housing accommodations were rented to an employee of the landlord both on the date determining the maximum rent and at the time the order under this paragraph (a) (13) is issued; and after the date determining the maximum rent but prior to the effective date of regulation the landlord and tenant agreed, as the result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

(14) *Changes from year round to seasonal renting.* The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, are vacant and the establishment of seasonal variations in the rent would not, in the opinion of the area rent director, be inconsistent with the purposes of the act.

(15) *Approval of higher rents for priority constructed housing.* The maximum rent was established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

(16) *Landlord operating at a loss.* The landlord is operating at a loss. A landlord shall be considered to be operating at a loss if his operating expenses for the premises for the current year exceed his total annual income for such premises. A petition for adjustment under this section must be filed on form D–99, provided by the Expediter, and in accordance with instructions contained therein.

For the purposes of this paragraph (a) (16), the term:

(i) "Operating expenses" includes all property taxes and other operating costs, including depreciation (but excluding interest) necessary to the operation and maintenance of the premises properly chargeable and allocated to the "current year."

(ii) "Total annual income" means "present annual scheduled rental income" plus any other income earned from the operation of the premises during the current year.

(iii) "Present annual scheduled rental income" means the legal monthly rent for all units in the premises, both residential and commercial, on the date the petition is filed, multiplied by 12. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free on such date, the full rental value shall be considered the legal rent, and in any case where a unit was rented on a seasonal or varying rental basis during the year, ending on the date the petition was filed, the average monthly rent during such year shall be considered the legal rent.

(iv) "Current year" means any 12 consecutive months ending not more than 90 days prior to the date of the filing of the petition: *Provided, however,* That such current year must extend at least 6 months beyond the last date of the "current year" used in a previous petition on which an adjustment was granted due to operating loss.

(v) "Depreciation" means any one of the following:

The amount shown on the landlord's income-tax return to the United States Bureau of Internal Revenue for the year including the maximum rent date; or,

Two and one-half percent of the value at which the building was assessed for tax purposes on the maximum rent date; or if it was not in existence on the maximum rent date, two and one-half percent of the first assessed value of the building; or,

The amount derived by multiplying the present annual scheduled rental income by the appropriate percentage as follows:

	Percent
For one or two-unit structures	21
For three or four-unit structures	16
For five or more unit structures	11

In making adjustments under this section the Expediter shall take into consideration any adjustments in maximum rents after the date the petition is filed, as well as any leases which are in effect under section 204 (b) of the Housing and Rent Act of 1947, as amended.

No adjustment shall be granted under this section with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing).

(b) *Decreases in minimum services, furniture, furnishings, equipment, and space.*

(1) *Requirements for Petition and Order, or Report.* The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment as required under § 825.3, unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases on or after April 1, 1948.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of paragraph (c) (3) of this section.

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or April 1, 1948, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(3) *Adjustment in maximum rent for decreases prior to April 1, 1948.* Where a landlord decreased living space, services, furniture, furnishings, or equipment before April 1, 1948, while the accommodations were occupied, or decreased the living space, services, furniture, furnishings, or equipment during such period while the accommodations were vacant, and failed or fails to file a petition or a written report as was required by the provisions of this paragraph (b) prior to April 1, 1948, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is later shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in living space, services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to comply with the provisions of this paragraph (b) in effect prior to April 1, 1948, the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable only on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraph (c), (d), (e), (g), or (j) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under § 825.4 (c) or (e) is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraph (c), (d), (e), or (j) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1947 shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decreases in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 825.3 since the date or order determining the maximum rent or a substantial decrease in the living space since June 30, 1947 but before April 1, 1948.

(4) *Special relationship between landlord and tenant or peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and tenant, or by peculiar circumstances and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a lower rent at other periods during the term of such lease or agreement.

(6) *Seasonal rent.* The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(7) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (8) of this section or section 5 (a) (8) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.

(8) *Modification or elimination of necessity for increase under paragraph (a) (12) of this section, or section 5 (a) (12) of the Rent Regulation for Housing.* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section or section 5 (a) (12) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947 or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Expediter for leave to exercise any right he would have except for §§ 825.1 to 825.12, inclusive, to sell his underlying lease or other rental agreement. The Expediter may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result in the circumvention or evasion of the act or §§ 825.1 to 825.12, inclusive. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Expediter may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on the maximum rent date.

(h) *Public housing.* Where the maximum rent for any housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such accommodations may with the consent of the Expediter increase the maximum rent to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

(i) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947, was established by an order issued under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

§ 825.6 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Housing Expediter as he may, from time to time, require.

§ 825.7 *Registration*—(a) *Registration statement.* Every landlord of controlled housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such registration statement shall be filed on or before July 10, 1947. For housing accommodations first rented on or after June 1, 1947, such registration statement shall be filed on or before July 30, 1947, or within 30 days after first renting, whichever is later. The statement shall identify each dwelling unit and specify the maximum rent provided

case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free on such date, the full rental

If the landlord fails to file the report required by this paragraph (b) within

section 5 (a) (12) of the Rent Regulation

established under paragraph (c), (d), (e), or (j) of section 4 of the Rent Regu-

modations, granted the tenant an option

and specify the maximum rent provided

by §§ 825.1 to 825.12, inclusive, for such dwelling unit and shall contain such other information as the Expediter shall require. The original shall remain on file with the Expediter and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the tenant's signature and the date thereof, on the back of such statement.

When the maximum rent is changed by order of the Expediter, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

Where, since the filing of the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity within 15 days after the change or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph (a).

Any notice, order or other process or paper directed to the person named on the regislation statement as the landlord at the address given thereon, or, where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Revised Rent Procedural Regulation 1 (Part 840 of this chapter) constitute notice to the person who is then the landlord.

The provisions of this section shall be applicable to any housing accommodation whose maximum rent was determined under section 4 (g) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in subsection (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a State of the United States or any of its political subdivisions, or any agency of the foregoing, paragraph (c) of this section shall continue to be applicable.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements*—(1) *Housing owned and constructed by governmental agencies.* The provisions of this section shall not apply to housing accommodations whose maximum rent was originally determined under section 4 (g) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Expediter shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(d) *Housing in Puerto Rico Defense-Rental Area.* The provisions of paragraph (d) of this section shall be substituted for the provisions of paragraph (a) of this section for housing accommodations in the Puerto Rico defense-rental area.

Every landlord of housing accommodations rented or offered for rent shall file in the area rent office a form provided by the area rent office for this purpose, unless a form was heretofore filed in accordance with the provisions of section 7 (d) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such form shall be filed on or before July 10, 1947. For housing accommodations first rented on or after June 1, 1947, such form shall be filed on or before July 30, 1947, or within 30 days after first renting, whichever is later. The form shall identify each dwelling unit and shall specify the maximum rent provided by §§ 825.1 to 825.12, inclusive, for such dwelling unit and shall contain such other information as the Expediter shall require.

(1) *Notice of maximum rent.* The landlord shall prepare the form known as "Notice of Maximum Rent", if the maximum rent for the dwelling unit was originally determined under paragraph (a) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The landlord shall prepare the notice in duplicate and shall send one copy to the tenant and one copy to the area rent office.

(2) *Registration statement.* The landlord shall prepare the form known as "Registration Statement" if the maximum rent for the dwelling unit originally was, or is, determined otherwise than indicated in subparagraph (1) of this paragraph. The landlord shall prepare the registration statement in triplicate and shall send the three copies to the area rent office. The Expediter shall retain one copy on file and he shall cause one copy to be delivered to the tenant and one copy stamped to indicate that it is a correct copy of the original, to be returned to the landlord.

(3) *Change of landlord.* Where, since the filing of the notice of maximum rent or the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity, within fifteen days after the change or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him, a true copy of said original, which may be used to satisfy all the requirements of this paragraph.

Any notice, order or other process or paper directed to the person named on the registration statement or on the notice of maximum rent as the landlord at the address given thereon, or, where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Revised Rent Procedural Regulation 1 (Part 840 of this chapter), constitute notice to the person who is then the landlord.

§ 825.8 *Evasion*—(a) *General.* The maximum rents and other requirements provided in §§ 825.1 to 825.12, inclusive, shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Expediter is obtained.

§ 825.9 *Enforcement.* Persons violating any provision of §§ 825.1 to 825.12, inclusive, are subject to civil enforcement actions and suits for treble damages as provided by the act.

§ 825.10 *Procedure.* All registration statements, reports and notices provided for by §§ 825.1 to 825.12, inclusive, shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Rent Procedural Regulation 1 (Part 840 of this chapter).

§ 825.12 *Adoption of orders.* All orders issued pursuant to section 2 (c), 2 (d) (3) and 2 (d) (7) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, which were in effect on June 30, 1947, shall be deemed to continue in effect under §§ 825.1 to 825.12, inclusive, unless and until revoked or modified by the Expediter.

SCHEDULE A—DEFENSE-RENTAL AREAS

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for controlled housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(1) [Revoked]					
(1a) [Revoked]					
(1b) Anniston	Alabama	Calhoun and Cleburne	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(2) Birmingham	Alabama	Jefferson	Apr. 1, 1941	June 1, 1942	July 15, 1942
(2a) Talladega	Alabama	St. Clair, Shelby, and Talladega	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(3) Dothan-Ozark	Alabama	Dale and Houston	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Alabama	Coffee	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(4) Gadsden	Alabama	Etowah	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(5) [Revoked]					
(6) Lanett	Alabama	Chambers	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(7) Mobile	Alabama	Mobile	Apr. 1, 1941	June 1, 1942	July 15, 1942
(8) Montgomery	Alabama	Elmore and Montgomery	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Alabama	Macon	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(9) Muscle Shoals-Huntsville	Alabama	Colbert, Lauderdale, Limestone, Madison and Morgan	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(9a) Opelika	Alabama	Lee	Mar. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(10) Selma	Alabama	Dallas	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(10a) Troy, Ala	Alabama	Pike	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(10b) Tuscaloosa	Alabama	Tuscaloosa	Nov. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(11) [Revoked]					
(12) [Revoked]					
(13) Ft. Huachuca	Arizona	Cochise and in Santa Cruz County the portion within the corporate limits of the city of Nogales.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(14) Phoenix-Salt River Valley	Arizona	In Gila County, the portion bounded on the north, west, and south by Crook National Forest, and on the east by San Carlos Indian Reservation; and Maricopa County, except the portion lying west of the west line of Range 2 West, Gila and Salt River Meridian; lying north of the north line of Township 3, North, Gila and Salt River Base Line; and lying south of the south line of Township2, South, Gila and Salt River Base Line.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(15) Prescott-Flagstaff	Arizona	Coconino and in Yavapai County, Townships 13 and 14 North, Range 2 West, Gila and Salt River Base and Meridian, including the city of Prescott.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Arizona	That portion of the County of Mohave south of the Colorado River.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(16) Tucson	Arizona	In Pima County, the portion lying east of the Papago Indian Reservation.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(17) Yuma	Arizona	In Yuma County, the portion lying west of the west line of Range 21 West, Gila and Salt River Meridian.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(18) [Revoked]					
(18a) Winslow	Arizona	In Navajo County Supervisorial Districts 1 and 2, except those portions lying within the Navajo Indian Reservation and the Sitgreaves National Forest.	July 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(19) Blytheville	Arkansas	Mississippi	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(19a) [Revoked and decontrolled]					
(19b) Camden, Ark	Arkansas	Calhoun and Ouachita	Sept. 1, 1944	Nov. 1, 1944	Dec. 15, 1944
	Arkansas	Dallas and Nevada	Sept. 1, 1944	May 1, 1945	June 15, 1945
(20) El Dorado	Arkansas	Union	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(20a) Fayetteville, Ark	Arkansas	Benton	Mar. 1, 1945	Sept. 1, 1946	Oct. 15, 1946
	Arkansas	Washington	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(21) Fort Smith [1]	Arkansas	Sebastian	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(22) [Revoked]					
(22a) Hot Springs	Arkansas	Garland	Mar. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(23) Little Rock [1]	Arkansas	Lonoke and Pulaski	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Arkansas	Saline	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Arkansas	Hot Spring	Mar. 1, 1942	Jan. 1, 1945	Feb. 15, 1945
(23a) Malvern, Ark	Arkansas	Craighead, Independence, Jackson, and Lawrence	Mar. 1, 1945	Nov. 1, 1946	Dec. 16, 1946
(24) Newport-Walnut Ridge	Arkansas	Randolph	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
	Arkansas	Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(25) Pine Bluff	Arkansas	Northern District of Arkansas County, consisting of the Townships of Gum Pond, Henton, Keaton, McFall, Mill Bayou, and Morris; and the Southern District of Prairie County, consisting of the Townships of Belcher, Center, Hazen, Lower Surrounded Hill, Roc Roe, Tyler, and Watensaw.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(26) [Revoked]					
(26a) Alameda County	California	Alameda	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(27) [Revoked]					
(27a) Fresno	California	Fresno	Jan. 1, 1944	June 1, 1944	July 15, 1944
(27b) [Revoked]					
(27c) Kern	California	Kern	Dec. 1, 1943	May 1, 1945	June 15, 1945
(28) Lassen County	California	In Lassen County, the portion consisting of Township 29 North Range 12 East, Township 29 North, Range 11 East, Township 30 North Range 12 East, Township 30 North Range 11 East, Mt. Diablo Base and Meridian.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(29) [Revoked]					
(30) Los Angeles	California	Orange County and Los Angeles County except Catalina Township.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(31) Marysville-Chico [1]	California	Sutter and Yuba except that portion of Yuba described as follows: All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North, Range six (6) East MDB&M and running thence west along said Township line to the southwest corner of said Township; then north along the west line of Townships seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	California	Butte except that portion described as follows: All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T 18 N, R 5 E and T 18 N, R 6 E, thence north in Butte County along the east lines of T 18 N, R 5 E, T 19 N, R 5 E and T 20 N, R 5 E to N E Corner of T 20 N, R 5 E; thence west along north line of T 20 N, R 5 E to S E corner of T 21 N, R 4 E; thence north along east lines of T 21 N, R 4 E, T 22 N, R 4 E and T 23 N, R 4 E to the N E corner of T 23 N, R 4 E; thence west along the north lines of T 23 N, R 4 E, T 23 N, R 3 E and T 23 N, R 2 E to the boundary line between Butte and Tehama Counties, California.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(32) [Revoked]					
(33) Modesto-Merced	California	Merced and Stanislaus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for controlled housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(33a) Monterey Bay	California	Monterey County and in Santa Cruz County the Township of Watsonville.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(33b) Placer-Nevada	California	In Nevada County, the Townships of Bloomfield, Bridgeport, Grass Valley, Little York, Nevada, and Rough and Ready, and in Placer County, Townships 1, 8, 9, 10, 13, and 14.	Jan. 1, 1944	Oct. 1, 1945	Nov. 15, 1945
(34) Richmond-Vallejo	California	Contra Costa, Napa, and Solano	Jan. 1, 1941 / Mar 1, 1942	Aug. 1, 1942 / Nov. 1, 1942	Sept. 15, 1942 / Dec. 16, 1942
(35) Riverside	California	In Riverside County, that portion lying west of Range 12 East, San Bernardino Base Line and Meridian.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(35a) Sacramento	California	Sacramento, San Joaquin, and Yolo	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(35b) San Benito	California	San Benito	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(36) San Bernardino	California	San Bernardino	Jan. 1, 1941	June 1, 1942	Jul- 15, 1942
(37) San Diego	California	In San Diego County, the portion lying west of San Bernardino Meridian.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(38) San Francisco Bay	California	Marin, San Francisco, San Mateo, and Sonoma, except the Judicial Townships of Redwood and Sonoma (including the City of Sonoma).	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(39) San Luis Obispo	California	San Luis Obispo	Jan. 1, 1944	Oct. 1, 1944	Nov. 15, 1944
(39a) Santa Cruz	California	Santa Cruz County except the Township of Watsonville	Sept. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(39b) Santa Barbara	California	In the County of Santa Barbara the Judicial Townships 1, 2, and 3.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(39c) San Jose	California	Santa Clara	July 1, 1941	Dec. 1, 1942	Jan. 15, 1943
(40) Santa Maria	California	In the County of Santa Barbara Judicial Townships Nos. 4, 5, 6, 7, 9, and 10.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(40a) Ventura	California	Ventura	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(41) Tulare-Kings	California	Kings and Tulare	June 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(41a) Boulder	Colorado	Boulder	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(41b) Canon City	Colorado	Fremont	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(42) Colorado Springs	Colorado	El Paso	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(42a) Craig	Colorado	Moffat	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(43) Denver	Colorado	Adams, Arapahoe, Denver, and Jefferson	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(43a) Glenwood Springs	Colorado	Garfield	Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(43b) Fort Collins	Colorado	Larimer County, part consisting of Townships 4, 5, 6, 7, 8, 9, 10, 11, and 12 North, east of the range line between ranges 71 and 72 West.	July 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(44) [Revoked]					
(44a) Grand Junction	Colorado	Mesa	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(44b) Greeley	Colorado	Weld			
(45) [Revoked]					
(46) Pueblo	Colorado	Otero and Pueblo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(47) Bridgeport	Connecticut	In the County of Fairfield the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport.	Apr. 1, 1941	June 1, 1942	July 15, 1942
	Connecticut	County of Fairfield other than the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(48) Hartford-New Britain	Connecticut	In the County of Hartford the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks; in the County of Middlesex the Towns of Cromwell, Middlefield, Middletown, and Portland; in the County of New Haven the Towns of Meriden and Wallingford and in the County of Tolland the Town of Vernon.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Connecticut	County of Hartford other than the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks, County of Middlesex other than the Towns of Cromwell, Middlefield, Middletown, and Portland; and the County of Tolland other than the Town of Vernon.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(49) New Haven	Connecticut	In the County of New Haven the Towns of Ansonia, Branford, Derby, East Haven, Guilford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour, West Haven, and Woodbridge.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(50) New London	Connecticut	New London and Windham	Apr. 1, 1941	June 1, 1942	July 15, 1942
(51) Waterbury	Connecticut	In the County of Litchfield the Towns of Plymouth, Thomaston, and Watertown; and in the County of New Haven the Towns of Beacon Falls, Cheshire, Middlebury, Naugatuck, Prospect, Waterbury, and Wolcott.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Connecticut	County of Litchfield other than the Towns of Plymouth, Thomaston, and Watertown; and in the County of New Haven the Towns of Bethany, Oxford, and Southbury.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(52) [Revoked]					
(53) Delaware	Delaware	New Castle	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Delaware	Kent and Sussex			
(54) [Revoked]					
(54a) [Revoked and decontrolled]					
(55) Banana River	Florida	Brevard	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(55a) Fort Pierce	Florida	St. Lucie	Mar. 1, 1943	Dec. 1, 1943	Jan. 1, 1944
(55b) [Revoked and decontrolled]					
(55c) Fort Lauderdale	Florida	Broward County except the City of Hollywood and the Town of Hallandale.	Aug. 1, 1944	Oct. 1, 1944	Nov. 30, 1944
(56) Gainesville	Florida	Alachua	Jan. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(57) Jacksonville	Florida	Duval	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(58) Key West	Florida	Monroe	Oct. 1, 1941	Oct. 1, 1942	Nov. 15, 1942
(59) Lake City	Florida	Columbia	Mar. 1, 1942	May 1, 1943	June 15, 1943
(60) Marianna	Florida	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(61) Orlando	Florida	Orange	Oct. 1, 1941	Nov. 1, 1942	Dec. 16, 1942
(61a) [Revoked and decontrolled]					
(61b) Palm Beach County	Florida	In Palm Beach County, Precincts, 20, 21, 22, 23, 24, 25, 26, 28, and 30, including the Cities of Delray Beach and Lake Worth, and the Towns of Boca Raton, Boynton, Gulf Stream, Lantana, Manalapan, and Ocean Ridge.	Aug. 1, 1944	Oct. 1, 1944	Nov. 30, 1944
	Florida	The remainder of Palm Beach County	Aug. 1, 1944 / Mar. 1, 1942	May 1, 1945 / Sept. 1, 1942	June 15, 1945 / Oct. 16, 1942
(62) Panama City	Florida	Bay County, except the portion bounded on the north by the line beginning at the western boundary of Bay County at the Northwest corner of Section 31, Township 2 South, Range 17 West, and running thence east along section lines to the water's edge of West Bay, bounded on the east and northeast by West Bay and Saint Andrews Bay, bounded on the south by the Gulf of Mexico, and bounded on the west by Walton County.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Florida	Gulf			
(62a) [Revoked and decontrolled]					
(62b) Polk County	Florida	Polk	Mar. 1, 1942	Sept. 1, 1946	Oct. 15, 1946

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for controlled housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(63) Pensacola	Florida	Escambia	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Okaloosa	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Florida	Santa Rosa	Mar. 1, 1942	May 1, 1943	June 15, 1943
(63a) St. Augustine	Florida	St. Johns	Mar. 1, 1943	June 1, 1944	July 15, 1944
(63b) [Revoked and decontrolled]					
(63c) [Revoked and decontrolled]					
(64) [Revoked]					
(64a) Sanford	Florida	Seminole	July 1, 1943	May 1, 1945	June 15, 1945
(64b) Starke	Florida	Bradford and Clay	Jan. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(64c) St. Petersburg	Florida	Pinellas County, except the Islands lying immediately off the mainland which are known as the Gulf Beaches extending from Pass-A-Grille Beach northward to and including Clearwater Beach.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(65) Tallahassee	Florida	Leon	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(66) Tampa	Florida	Hillsborough	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(66a) Daytona Beach	Florida	Volusia	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(66b) Vero Beach	Florida	Indian River	Jan. 1, 1944	May 1, 1945	June 15, 1945
(67) [Revoked]					
(67a) Americus	Georgia	Sumter	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(68) Albany, Ga	Georgia	Dougherty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(69) Athens	Georgia	Clarke	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(70) Atlanta	Georgia	Clayton, Cobb, De Kalb, and Fulton	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(71) Augusta, Ga	Georgia	Richmond	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(72) Bainbridge-Cairo, Ga	Georgia	Decatur and Grady	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(73) [Revoked]					
(74) Columbus, Ga	Georgia	Muscogee	Jan. 1, 1941	June 1, 1942	July 15, 1942
	Alabama	In the County of Russell Election Precinct One, including the City of Phenix City.	Jan. 1, 1941	June 1, 1942	July 15, 1942
(74a) Dublin	Georgia	Laurens	July 1, 1943	June 1, 1944	July 15, 1944
(74b) Gainesville	Georgia	Hall	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(74c) Dalton	Georgia	Whitfield	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(75) [Revoked and decontrolled]					
(75a) [Revoked and decontrolled]					
(75b) Griffin	Georgia	Spalding	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(76) Macon	Georgia	Bibb, Houston, and Peach	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(77) Moultrie	Georgia	Colquitt	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(77a) Rome	Georgia	Floyd	Mar. 1, 1944	May 1, 1945	June 15, 1945
(78) Savannah	Georgia	County of Chatham other than Tybee Island	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(78a) Thomasville	Georgia	Thomas County and those portions of the towns of Pavo and Barwick in Brooks County and that portion of the town of Meigs in Mitchell County.	Mar. 1, 1943	June 1, 1944	July 15, 1944
(78b) Tifton	Georgia	Tift	Mar. 1, 1945	May 1, 1946	June 15, 1946
(79) [Revoked]					
(79a) [Revoked and decontrolled]					
(80) [Revoked]					
(80a) Boise	Idaho	Ada and Elmore	Jan. 1, 1943	Jan. 1, 1944	Feb. 15, 1944
(80b) Blackfoot	Idaho	Bingham	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(81) [Revoked]					
(81a) Idaho Falls	Idaho	Bonneville	Mar. 1, 1944	Apr. 1, 1945	May 15, 1945
(81b) Nampa-Caldwell	Idaho	Canyon	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(82) Pocatello	Idaho	Bannock	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
82a [Revoked]					
(82b) Bloomington	Illinois	McLean	Jan. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
(82c) Centralia	Illinois	Marion County, and in Clinton County those parts of Centralia City and Wamac Village located therein, and in Washington County that part of Wamac Village located therein.	Oct. 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(82d) Carmi	Illinois	White and that portion of Grayville City in Edwards County	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(83) Chicago	Illinois	Cook, Du Page, Kane, and Lake	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(83a) Clinton, Ill	Illinois	De Witt	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(83b) Crab Orchard	Illinois	Jackson and Williamson	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(84) [Revoked]					
(85) Dixon	Illinois	Lee	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(85a) Freeport	Illinois	Stephenson	Mar. 1, 1944	June 1, 1945	July 15, 1945
(85b) Jacksonville, Ill	Illinois	Morgan	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(86) Joliet	Illinois	Will	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(87) Kankakee	Illinois	Kankakee	Mar. 1, 1942	May 1, 1943	June 15, 1943
(87a) Kewanee	Illinois	Henry	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(88) La Salle County	Illinois	La Salle	Mar. 1, 1942	May 1, 1943	June 15, 1943
(88a) Macomb-Canton	Illinois	Fulton, McDonough, and Mason	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(88b) Peoria	Illinois	Peoria and Tazewell	Mar. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(88c) Mattoon	Illinois	Coles	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(88d) Mount Vernon, Ill	Illinois	Jefferson	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(89) Quad Cities	Iowa	Rock Island	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	Scott	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(90) Quincy	Illinois	Adams	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Missouri	Marion	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(91) Champaign-Vermilion	Illinois	Champaign and Vermillion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(91a) Galesburg	Illinois	Knox	July 1, 1943	May 1, 1944	June 15, 1944
(91b) Paxton	Illinois	Ford	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(92) Rockford	Illinois	Boone and Winnebago	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Illinois	De Kalb	Mar. 1, 1942	Sept. 1, 1943	Oct. 15, 1943
(93) Savanna-Clinton	Illinois	Carroll	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Clinton	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(94) Springfield-Decatur	Illinois	Christian, Logan, Macon, and Sangamon	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(94a) Woodstock	Illinois	McHenry	Oct. 1, 1943	Nov. 1, 1944	Dec. 15, 1944
(94b) Bloomington, Ind	Indiana	Monroe	Sept. 1, 1943	Jan. 1, 1945	Feb. 15, 1945
(95) [Revoked]					
(95a) Auburn	Indiana	De Kalb and that part of Ashley Town located in Steuben County.	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(96) [Revoked]					
(96a) Crawfordsville	Indiana	Montgomery	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(97) Columbus, Ind	Indiana	Bartholomew, Johnson, Morgan, and Shelby	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(97a) Mt. Vernon, Ind	Indiana	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(97b) Princeton, Ind	Indiana	Posey	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(98) Richmond-Connersville	Indiana	Gibson	Jan. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
	Indiana	Fayette	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(98a) Valparaiso	Indiana	Wayne	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(99) [Revoked]	Indiana	Porter	July 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(100) Evansville-Henderson	Indiana	Vanderburgh	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Henderson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(101) Fort Wayne	Indiana	Allen	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Adams	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(101a) Frankfort, Ind	Indiana	Clinton	July 1, 1945	Nov. 1, 1946	Dec 15, 1946

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for controlled housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(102) Gary-Hammond	Indiana	Lake	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(103) Indianapolis	Indiana	Marion	July 1, 1941	July 1, 1942	Aug. 15, 1942
(104) La Fayette [1]	Indiana	Tippecanoe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(104a) Logansport	Indiana	Cass	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(105) La Porte-Michigan City	Indiana	La Porte and Starke	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(105a) New Castle	Indiana	Henry	Oct. 1, 1943	Apr. 1, 1945	May 15, 1945
(106) Anderson [1]	Indiana	Huntington and Wabash	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Delaware, Grant, Howard, and Madison	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(107) [Revoked]					
(108) South Bend	Indiana	St. Joseph and Elkhart	Apr. 1, 1941	June 1, 1942	July 15, 1942
(109) Terre Haute	Indiana	Parke and Vermillion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	Edgar	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Vigo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(110) Vincennes	Indiana	Daviess and Knox	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Illinois	Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Martin	May 1, 1945	Apr. 1, 1946	May 15, 1946
(110a) Dubuque	Iowa	Dubuque County, and in Delaware County, that part of Dyersville City located therein; in Jones County, that part of Cascade Town located therein; in Jackson County, that part of Zwingle Town located therein.			
	Illinois	The City of East Dubuque in Jo Daviess County	May 1, 1945	Apr. 1, 1946	May 15, 1946
(110b) Ames-Marshalltown	Iowa	Marshall and Story	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(111) [Revoked]					
(111a) Iowa City	Iowa	Johnson	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(112) Burlington [1]	Iowa	In the County of Des Moines the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union; in the County of Henry the Townships of Baltimore, Center, Mount Pleasant, and New London; and in the County of Lee the Townships of Denmark, Green Bay, Madison, and Washington.	Jan. 1, 1941	June 1, 1942	July 15, 1942
	Iowa	County of Des Moines other than the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union; County of Henry other than the Townships of Baltimore, Center, Mount Pleasant, and New London; County of Lee other than the Townships of Denmark, Green Bay, Madison, and Washington.	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(112a) Charles City	Iowa	Floyd	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(113) Cedar Rapids	Iowa	Linn	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(113a) Mason City	Iowa	Cerro Gordo	Oct. 1, 1945	May 1, 1946	June 15, 1946
(113b) Fort Dodge	Iowa	Webster	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(113c) Muscatine	Iowa	Muscatine	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(114) Des Moines	Iowa	Polk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Jasper	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(114a) Ottumwa	Iowa	Wapello	Mar. 1, 1942	Sept. 1, 1943	Oct. 15, 1943
(114b) Sioux City	Iowa	Woodbury	July 1, 1943	June 1, 1944	July 15, 1944
	Nebraska	Dakota	July 1, 1943	June 1, 1944	July 15, 1944
(114c) Fairfield	Iowa	Jefferson	Jan. 1, 1944	Nov. 1, 1944	Dec. 15, 1944
(114d) Waterloo	Iowa	Black Hawk	May 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(114e) Butler-Cowley	Kansas	Butler, Cowley, and that portion of Geuda Springs located in Sumner County.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(115) Baxter Springs	Kansas	Cherokee and Crawford	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Oklahoma	Ottawa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(115a) [Revoked and decontrolled]					
(115b) [Revoked and decontrolled]					
(115c) Emporia	Kansas	Lyon	Mar. 1, 1945	May 1, 1946	June 15, 1946
(115d) Chanute	Kansas	Neosho and Wilson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(116) Dodge City	Kansas	Finney, Ford and Gray	Mar. 1, 1942	May 1, 1943	June 15, 1943
(116a) Great Bend	Kansas	Barton	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
	Kansas	Ellis and Russell	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
	Kansas	Pawnee	Mar. 1, 1943	Nov. 1, 1944	Dec. 15, 1944
	Kansas	Reno	Mar. 1, 1942	May 1, 1943	June 15, 1943
(117) Hutchinson	Kansas	Geary and Riley	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(118) Junction City-Manhattan	Kansas	Seward	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(119) Liberal	Kansas	Labette	July 1, 1941	July 1, 1942	Aug. 15, 1942
(120) Parsons [1]	Kansas	Montgomery	July 1, 1941	Sept. 1, 1942	Oct. 16, 1942
	Kansas	Pratt	Mar. 1, 1943	June 1, 1944	July 15, 1944
(120a) Pratt	Kansas	Dickinson, McPherson, and Saline	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(121) Salina	Kansas	Stafford	Jan. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(121a) Stafford County	Kansas	Douglas, Franklin and Shawnee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(122) Topeka-Lawrence	Kansas	Sedgwick	July 1, 1941	June 1, 1942	July 15, 1942
(123) Wichita	Kansas	Boyle	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(123a) Danville, Ky	Kentucky	Warren	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(123b) Bowling Green	Kentucky	Mercer	Oct. 1, 1944	Mar. 1, 1946	Apr. 15, 1946
(123c) Harrodsburg	Kentucky	Franklin, Scott, Woodford	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(123d) Frankfort, Ky	Kentucky	Hardin and that portion of Meade County known as Garnettsville Precinct, adjacent to Fort Knox, Ky.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(124) Fort Knox [1]	Kentucky	Clark and Fayette	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
	Kentucky	Jefferson	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(124a) Lexington	Kentucky	Clark and Floyd	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(125) Louisville	Indiana	Graves	May 1, 1943	Mar. 1, 1945	Apr. 15, 1945
	Kentucky	Hopkins	Aug. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(125a) Mayfield	Kentucky	Daviess	Mar. 1, 1943	June 1, 1944	July 15, 1944
(125b) Madisonville	Kentucky	McCracken	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(126) [Revoked]	Kentucky	Madison	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(126a) Owensboro	Kentucky	Pulaski	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(127) Paducah	Kentucky	Parishes of Beauregard and Rapides	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(128) Richmond, Ky	Louisiana	Parishes of East Baton Rouge and West Baton Rouge	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(128a) Somerset	Louisiana	Lafayette Parish	Mar. 1, 1944	Mar. 1, 1946	Apr. 15, 1946
(129) Alexandria-Leesville	Louisiana	Concordia Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(130) Baton Rouge	Louisiana	Tangipahoa Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(130a) Lafayette	Louisiana	Jefferson Davis Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(130b) Ferriday	Louisiana	Parish of Calcasieu	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
(130c) Hammond	Louisiana	Parish of Webster	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(130d) Jennings	Louisiana	Parishes of Morehouse, Ouachita, and Union	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(131) Lake Charles	Louisiana	Parishes of Iberia and Vermillion	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(132) Minden	Louisiana	Parishes of Jefferson, Orleans and St. Bernard	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(133) Monroe-Bastrop, La	Louisiana	Parishes of Bossier and Caddo	July 1, 1943	Sept. 1, 1944	Oct. 15, 1944
(133a) New Iberia	Louisiana	Lincoln Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(134) New Orleans	Louisiana	Kennebec	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(134a) Shreveport	Louisiana	Penobscot	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(134b) Ruston	Maine	Lincoln and Sagadahoc	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(134c) Augusta	Maine	In the County of Washington, the City of Eastport and the Towns of Lubec, Perry, Pembroke, and Robbinston.	Mar. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(135) Bangor	Maine				
(136) Bath	Maine				
(136a) Eastport	Maine				

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for controlled housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(137) Portland	Maine	Androscoggin and Cumberland	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1943
	Maine	York	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1942
(138) Presque Isle	Maine	Aroostook	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(138a) Rockland	Maine	Knox	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(138b) Rumford	Maine	Oxford	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(139) Baltimore	Maryland	City of Baltimore and the Counties of Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard.	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(139a) Frederick	Maryland	Frederick	July 1, 1943	June 1, 1944	July 15, 1944
(139b) Cumberland	Maryland	Allegany	Mar. 1, 1944	Apr. 1, 1945	May 15, 1945
(139c) [Revoked]					
(140) Hagerstown	Maryland	Washington	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(141) Indian Head-Patuxent River	Maryland	Charles	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Maryland	St. Marys and Calvert	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(142) Montgomery-Prince Georges	Maryland	Montgomery and Prince Georges	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(143) Eastern Massachusetts	Massachusetts	Barnstable, Bristol, Middlesex, Norfolk, Plymouth, and Suffolk	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(144) Essex County, Mass	Massachusetts	Essex	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(144a) Greenfield	Massachusetts	Franklin	Jan. 1, 1945	May 1, 1946	June 15, 1946
(145) Pittsfield	Massachusetts	Berkshire	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(146) Springfield, Mass	Massachusetts	Hampden and Hampshire	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(147) Worcester	Massachusetts	Worcester	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(148) [Revoked]					
(149) Detroit	Michigan	Macomb, Oakland, and Wayne	Apr. 1, 1941	June 1, 1942	July 15, 1942
	Michigan	Washtenaw	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(149a) Escanaba-Marquette	Michigan	Dickinson and Marquette	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(150) Grand Rapids-Muskegon	Michigan	Muskegon	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Michigan	Kent	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(150a) [Revoked]					
(150b) [Revoked]					
(150c) Ironwood	Michigan	Gogebic	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(151) Jackson, Michigan	Michigan	Jackson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Michigan	Lenawee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(152) Kalamazoo-Battle Creek	Michigan	Calhoun	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Michigan	Kalamazoo	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(153) Lansing	Michigan	Clinton, Eaton, and Ingham	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(154) [Revoked]					
(154a) Monroe, Michigan	Michigan	Monroe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(155) Niles	Michigan	Berrien	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(155a) Owosso	Michigan	Shiawassee	Mar. 1, 1943	June 1, 1944	July 15, 1944
(156) Port Huron	Michigan	St. Clair	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(156a) [Revoked]					
(157) Saginaw-Bay City	Michigan	Bay, Midland, and Saginaw	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(157a) [Revoked]					
(158) [Revoked]					
(158a) Brainerd	Minnesota	Crow Wing	Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(158b) Austin	Minnesota	Mower	May 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(158c) Albert Lea-Faribault	Minnesota	Freeborn, Rice, Steele, Waseca, and that portion of Dennison Village in Goodhue County.	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(158d) Fergus Falls	Minnesota	Otter Tail and in Wilkin County the Village of Rothsay	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(159) Duluth-Superior	Minnesota	Carlton and St. Louis	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Wisconsin	Douglas	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(159a) Mankato	Minnesota	Blue Earth County, and in Nicollet County, the City of North Mankato.	Mar. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(159b) International Falls	Minnesota	In Koochiching County, all of Township 71, Range 23, including Ranier; all of Township 70, Range 24, including South International Falls; all of Township 71, Range 24, including International Falls.	July 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(159c) New Ulm	Minnesota	Brown	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(160) Minneapolis-St. Paul	Minnesota	Anoka, Dakota, Hennepin, Ramsey, and Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(160a) Rochester	Minnesota	Olmsted	Mar. 1, 1944	Aug. 1, 1944	Sept. 15, 1944
(160b) St. Cloud	Minnesota	In Benton County the portions of St. Cloud City and Sartell Village located therein, and Sauk Rapids Village; in Sherburne County the portion of St. Cloud City located therein; in Stearns County the portions of St. Cloud City and Sartell Village located therein, and Waite Park Village.	Jan. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
(160c) Winona	Minnesota	Winona	July 1, 1945	Apr. 1, 1946	May 15, 1946
(161) [Revoked]					
(162) Biloxi-Pascagoula	Mississippi	Harrison and Jackson	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(162a) Brookhaven	Mississippi	Lincoln	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(163) Centreville [1]	Mississippi	Adams, Amite, Pike, and Wilkinson	Mar. 1, 1942	May 1, 1943	June 15, 1943
(163a) Columbia, Miss	Mississippi	Marion	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(164) Columbus, Miss	Mississippi	Clay and Lee	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Mississippi	Lowndes	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(165) Grenada	Mississippi	Grenada and Leflore	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(165a) Greenville, Miss	Mississippi	Washington	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(166) Hattiesburg	Mississippi	Forrest	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(167) Jackson, Miss	Mississippi	Hinds, Madison, and Rankin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(167a) Laurel	Mississippi	Jones	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(167b) [Revoked]					
(168) Meridian	Mississippi	Lauderdale	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(168a) Vicksburg, Miss	Mississippi	Warren	Dec. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(168b) Columbia	Missouri	Audrain and Boone	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(168c) Franklin County	Missouri	Franklin	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(168d) Cape Girardeau	Missouri	Cape Girardeau	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(168e) Chillicothe, Mo	Missouri	Livingston and Grundy	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(169) Joplin-Neosho	Missouri	Jasper and Newton	July 1, 1941	July 1, 1942	Aug. 15, 1942
(169a) Jefferson City	Missouri	Cole	July 1, 1945	May 1, 1946	June 15, 1946
(170) Kansas City	Missouri	Clay, Jackson, and Platte	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kansas	Johnson, Leavenworth, and Wyandotte	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(170a) Kirksville	Missouri	Adair	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(170b) Monette-Aurora	Missouri	Barry and Lawrence	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(171) [Revoked]					
(172) Rolla-Waynesville	Missouri	Laclede, Phelps, and Pulaski	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(173) Sedalia	Missouri	Johnson and Pettis	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(173a) Springfield, Mo	Missouri	Greene	July 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(173b) St. Joseph	Missouri	Buchanan	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(174) St. Louis	Missouri	City of St. Louis and the Counties of Jefferson, St. Charles, and St. Louis.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Illinois	Madison, Monroe, and St. Clair	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(175) Great Falls	Montana	Cascade	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(175a) Billings	Montana	Yellowstone	July 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(175b) Bozeman	Montana	Gallatin	July 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(175c) Missoula	Montana	Missoula	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(175d) [Revoked]					
(175e) Havre	Montana	Hill	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(175f) Helena	Montana	Lewis and Clark	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946

See footnotes at end of table.

			Mar.	1,1942	Sept.	1,1942	Nov.	15,1942
			Mar.	1,1942	Sept.	1,1942	Dec.	15,1942
(122a) Dell Rapids		Dunn, Lyon, Minnehaha, Moody, Pennington, Union, and Yankton	May	1,1941	Apr.	1,1942	May	15,1942
		Dubuque County, south by Delaware County, that part of Dubuque County lying north of the north line of Jackson County, that part of Jackson County lying north of the north line of Clayton County, that part of Clayton County lying north of the north line of Fayette County, and that part of Fayette County lying north of the north line of Dubuque County						
		The City of East Dubuque in Jo Daviess County	May	1,1941	Apr.	1,1942	May	15,1942
(123) Arco, Minidoka County		Minidoka and Power	July	1,1941	Sept.	1,1942	Oct.	15,1942
		Johnson	Jan.	1,1941	Dec.	1,1941	Jan.	15,1942
		Jones	Jan.	1,1941	Dec.	1,1941	July	15,1942
		Allen, Anderson, Bourbon, Butler, Chase, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Montgomery, Neosho, Osage, Shawnee, Wabaunsee, Woodson, and Wyandotte						
		Clay, Ford, Iroquois, Kankakee, Livingston, Vermilion, and Will	Mar.	1,1942	Sept.	1,1942	Oct.	15,1942
		Clark, Edgar, Crawford, Cumberland, Douglas, Edgar, Lake, Porter, and Vermilion	Mar.	1,1942	Sept.	1,1942	Oct.	15,1942
(123a) Revoked and Uncontrolled								
(123b) [Revoked and Uncontrolled]								
(123c) Ferriday								
(123d) Quincy								
(123e) Dodge City								
(123f) Great Bend								
(123g) Hutchinson								
(123h) Junction City-Manhattan								
(123i) Liberal								
(123j) Parsons								
(123k) Pratt								
(123l) Salina								
(123m) Stafford County								
(123n) Topeka-Lawrence								
(123o) Wichita								
(123p) Danville, Ky								
(123q) Bowling Green								
(123r) Harrodsburg								
(123s) Frankfort, Ky								
(124) Fort Knox	Kentucky	Hardin and that portion of Meade County known as Garnettsville Precinct, adjacent to Fort Knox, Ky.	Mar.	1,1942	Nov.	1,1942	Dec.	16,1942
(124a) Lexington	Kentucky	Clark and Fayette	Jan.	1,1944	Dec.	1,1944	Jan.	15,1945
(125) Louisville	Kentucky	Jefferson	July	1,1941	Aug.	1,1942	Sept.	15,1942
	Indiana	Clark and Floyd	July	1,1941	Aug.	1,1942	Sept.	15,1942
(125a) Mayfield	Kentucky	Graves	May	1,1943	Mar.	1,1945	Apr.	15,1945
(125b) Madisonville	Kentucky	Hopkins	Aug.	1,1944	Jan.	1,1946	Feb.	15,1946
(126) [Revoked]								
(126a) Owensboro	Kentucky	Daviess	Mar.	1,1943	June	1,1944	July	15,1944
(127) Paducah	Kentucky	McCracken	Mar.	1,1942	Nov.	1,1942	Dec.	16,1942
(128) Richmond, Ky	Kentucky	Madison	Mar.	1,1942	Nov.	1,1942	Dec.	16,1942
(128a) Somerset	Kentucky	Pulaski	July	1,1945	Nov.	1,1946	Dec.	15,1946
(129) Alexandria-Leesville	Louisiana	Parishes of Beauregard and Rapides	Jan.	1,1941	July	1,1942	Aug.	15,1942
(130) Bat on Rouge	Louisiana	Parishes of East Baton Rouge and West Baton Rouge	Mar.	1,1942	Nov.	1,1942	Dec.	16,1942
(130a) Lafayette	Louisiana	Lafayette Parish	Oct.	1,1944	Mar.	1,1946	Apr.	15,1946
(130b) Ferriday	Louisiana	Concordia Parish	Jan.	1,1946	Nov.	1,1946	Dec.	15,1946
(130c) Hammond	Louisiana	Tangipahoa Parish	Jan.	1,1946	Nov.	1,1946	Dec.	15,1946
(130d) Jennings	Louisiana	Jefferson Davis Parish	Jan.	1,1946	Nov.	1,1946	Dec.	15,1946
(131) Lake Charles	Louisiana	Parish of Calcasieu	Mar.	1,1942	Apr.	15,1943	May	30,1944
(132) Minden	Louisiana	Parish of Webster	July	1,1941	July	1,1942	Aug.	15,1942
(133) Monroe-Bastrop, La	Louisiana	Parishes of Morehouse, Ouachita, and Union	Mar.	1,1942	Nov.	1,1942	Dec.	16,1942
(133a) New Iberia	Louisiana	Parishes of Iberia and Vermilion	Jan.	1,1946	Oct.	1,1946	Nov.	15,1946
(134) New Orleans	Louisiana	Parishes of Jefferson, Orleans and St. Bernard	Mar.	1,1942	Sept.	1,1942	Oct.	16,1942
(134a) Shreveport	Louisiana	Parishes of Bossier and Caddo	July	1,1943	Sept.	1,1944	Oct.	15,1944
(134b) Ruston	Louisiana	Lincoln Parish	Jan.	1,1946	Nov.	1,1946	Dec.	15,1946
(134c) Augusta	Maine	Kennebec	Jan.	1,1946	Nov.	1,1946	Dec.	15,1946
(135) Bangor	Maine	Penobscot	Mar.	1,1942	Dec.	1,1942	Jan.	15,1943
(136) Bath	Maine	Lincoln and Sagadahoc	Apr.	1,1941	July	1,1942	Aug.	31,1942
(136a) Eastport	Maine	In the County of Washington, the City of Eastport and the Towns of Lubec, Perry, Pembroke, and Robbinston.	Mar.	1,1941	Dec.	1,1944	Jan.	15,1945

See footnotes at end of table.

(141) Greenfield	Massachusetts	Franklin	May	1,1942	Sept.	1,1942	Dec.	15,1942
(142) Littleton	Massachusetts	Berkshire	May	1,1942	Sept.	1,1942	Dec.	15,1942
(143) Springfield, Mass	Massachusetts	Hampden and Hamp	May	1,1942	Sept.	1,1942	Oct.	15,1942
(144) Worcester	Massachusetts	Worcester	May	1,1942	Sept.	1,1942	Oct.	15,1942
(145) [Revoked]								
(146) Detroit	Michigan	Macomb, Oakland, and Wayne	Apr.	1,1941	July	1,1942	July	15,1942
	Michigan	Wayne	Apr.	1,1941	July	1,1942	Aug.	15,1942
(147) Escanaba-Marquette	Michigan	Delta and Marquette	May	1,1942	Oct.	1,1942	Nov.	15,1942
(148) Grand Rapids-Muskegon	Michigan	Kent	May	1,1942	Oct.	1,1942	Nov.	15,1942
(149) [Revoked]								
(150) [Revoked]								
(151) Brainerd	Minnesota	Crow Wing	Jan.	1,1946	Nov.	1,1946	Dec.	15,1946
(152) Jackson	Minnesota	Jackson	May	1,1942	Sept.	1,1942	Oct.	15,1942
	Minnesota	Lyon	May	1,1942	Sept.	1,1942	Oct.	15,1942
	Minnesota	Nicollet						
	Minnesota	Nobles						
	Minnesota	Pipestone						
	Minnesota	Redwood						
	Minnesota	Rock						
	Minnesota	Big Stone						
	Minnesota	Chippewa						
	Minnesota	Kandiyohi						
	Minnesota	Lac qui Parle						
	Minnesota	Meeker						
	Minnesota	Renville						
	Minnesota	Swift						
	Minnesota	Yellow Medicine						
	Minnesota	Douglas						
	Minnesota	Grant						
	Minnesota	Pope						
	Minnesota	Stevens						
	Minnesota	Traverse						
	Minnesota	Wilkin						
	Minnesota	Becker						
	Minnesota	Clay						
	Minnesota	Mahnomen						
	Minnesota	Norman						
	Minnesota	Otter Tail						
	Minnesota	Polk						
	Minnesota	Red Lake						
	Minnesota	Wilkin						
	Minnesota	Aitkin, Carlton, Cass, Crow Wing, Itasca, Kanabec, Mille Lacs, Morrison, Pine, Sherburne, Todd, Wadena, and Wright						
	Minnesota	Anoka, Benton, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Stearns, Washington, and Wright						
	Minnesota	Blue Earth County the portion of Faribault County lying south of the north line of Township 103 North, the portion of Martin County lying south of the north line of Township 103 North, Waseca County, the portion of Le Sueur County lying south of the north line of Township 110 North, and Watonwan County						
	Minnesota	Le Sueur County the portion of Nicollet County lying south of the north line of Township 110 North, Nicollet County the portion of Sibley County lying south of the north line of Township 110 North, and Sibley County the portion lying south of the north line of Township 110 North						
(153) New Ulm	Minnesota	Brown						
(154) Minneapolis-St. Paul	Minnesota	Anoka, Dakota, Hennepin, Ramsey, Washington, and Wright						
(155) Rochester	Minnesota	Dodge, Fillmore, Olmsted, Wabasha, and Winona						
(156) St. Cloud	Minnesota	Benton, Sherburne, Stearns, and Wright						
		Adams, Benton, Carroll, Coahoma, Grenada, Holmes, Lafayette, Leflore, Panola, Quitman, Sunflower, Tallahatchie, Tate, Tunica, Washington, Yalobusha, and Yazoo Counties, the portion of Calhoun County located in Election Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 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376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000							
(156a) Winona	Minnesota	Winona	July	1,1947	Apr.	1,1946	May	15,1946
(161) Revoked								
(162) Biloxi-Pascagoula	Mississippi	Harrison and Jackson	Apr.	1,1941	July	1,1942	Aug.	15,1942
(162a) Brookhaven	Mississippi	Lincoln	July	1,1947	Nov.	1,1946	Dec.	15,1946
(163) Centreville	Mississippi	Adams, Amite, Pike, and Wilkinson	Mar.	1,1942	May	1,1943	June	15,1943
(163a) Columbia, Miss	Mississippi	Marion	July	1,1947	Nov.	1,1946	Dec.	15,1946
(164) Columbus, Miss	Mississippi	Clay and Lee	Mar.	1,1942	Oct.	1,1942	Nov.	15,1942
	Mississippi	Lowndes	Mar.	1,1942	Nov.	1,1942	Dec.	16,1942
(165) Grenada	Mississippi	Grenada and Leflore	Mar.	1,1942	Oct.	1,1942	Nov.	15,1942
(165a) Greenville, Miss	Mississippi	Washington	July	1,1947	Feb.	1,1945	Mar.	15,1947
(166) Hattiesburg	Mississippi	Forrest	Apr.	1,1941	July	1,1942	Aug.	15,1942
(167) Jackson, Miss	Mississippi	Hinds, Madison, and Rankin	Mar.	1,1942	Dec.	1,1942	Jan.	15,1943
(167a) Laurel	Mississippi	Jones	Mar.	1,1942	Nov.	1,1943	Dec.	15,1943
(167b) [Revoked]								
(168) Meridian	Mississippi	Lauderdale	Mar.	1,1942	Oct.	1,1942	Nov.	15,1942
(168a) Vicksburg, Miss	Mississippi	Warren	Dec.	1,1943	Mar.	1,1945	Apr.	15,1945
(168b) Columbia	Missouri	Audrain and Boone	July	1,1947	Sept.	1,1946	Oct.	15,1946
(168c) Franklin County	Missouri	Franklin	Jan.	1,1946	Oct.	1,1946	Nov.	15,1946
(168d) Cape Girardeau	Missouri	Cape Girardeau	Jan.	1,1946	Nov.	1,1946	Dec.	15,1946
(168e) Chillicothe, Mo	Missouri	Livingston and Grundy	Jan.	1,1946	Nov.	1,1946	Dec.	15,1946
(169) Joplin-Neosho	Missouri	Jasper and Newton	July	1,1941	July	1,1942	Aug.	15,1942
(169a) Jefferson City	Missouri	Cole	July	1,1947	May	1,1946	June	15,1946
(170) Kansas City	Missouri	Clay, Jackson, and Platte	Mar.	1,1942	Sept.	1,1942	Oct.	16,1942
	Kansas	Johnson, Leavenworth, and Wyandotte	Mar.	1,1942	Sept.	1,1942	Oct.	16,1942
(170a) Kirksville	Missouri	Adair	Jan.	1,1946	Nov.	1,1946	Dec.	15,1946
(171) Monette-Aurora	Missouri	Barry and Lawrence	July	1,1947	Nov.	1,1946	Dec.	15,1946
(171a) [Revoked]								
(172) Rolla-Waynesville	Missouri	Laclede, Phelps, and Pulaski	Apr.	1,1941	July	1,1942	Aug.	15,1942
(173) Sedalia	Missouri	Johnson and Pettis	Mar.	1,1942	Dec.	1,1942	Jan.	15,1943
(173a) Springfield, Mo	Missouri	Greene	July	1,1943	Aug.	1,1943	Sept.	15,1944
(173b) St. Joseph	Missouri	Buchanan	Jan.	1,1944	Feb.	1,1945	Mar.	15,1945
(174) St. Louis	Missouri	City of St. Louis and the Counties of Jefferson, St. Charles, and St. Louis	Mar.	1,1942	July	1,1942	Aug.	15,1942
	Illinois	Madison, Monroe, and St. Clair	Mar.	1,1942	July	1,1942	Aug.	15,1942
(175) Great Falls	Montana	Cascade	Mar.	1,1942	Nov.	1,1942	Dec.	16,1942
(175a) Billings	Montana	Yellowstone	July	1,1944	Mar.	1,1945	Apr.	15,1945
(175b) Bozeman	Montana	Gallatin	July	1,1945	Mar.	1,1946	Apr.	15,1946
(175c) Missoula	Montana	Missoula	July	1,1945	Aug.	1,1946	Aug.	15,1946
(175d) [Revoked]								
(175e) Havre	Montana	Hill	Jan.	1,1946	Nov.	1,1946	Dec.	15,1946
(175f) Helena	Montana	Lewis and Clark	Jan.	1,1946	Nov.	1,1946	Dec.	15,1946

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for controlled housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(175g) Kalispell	Montana	Flathead	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(175h) [Revoked]					
(175i) Livingston	Montana	Park	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(175j) Miles City	Montana	Custer	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(176) Alliance	Nebraska	Box Butte	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(176a) [Revoked and decontrolled]					
(176b) [Revoked]					
(176c) [Revoked]					
(177) Grand Island	Nebraska	Hall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(178) Hastings	Nebraska	Adams and Clay	Mar. 1, 1942	Dec. 12, 1942	Jan. 26, 1943
(178a) [Revoked and decontrolled]					
(179) Kearney	Nebraska	Buffalo	Mar. 1, 1942	May 1, 1943	June 15, 1943
(180) Lincoln	Nebraska	Lancaster	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(180a) McCook	Nebraska	Redwillow	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(180b) North Platte	Nebraska	Lincoln	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(180c) Norfolk, Nebr	Nebraska	Madison, and that portion of Tilden City in Antelope County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(181) Omaha [1]	Nebraska	Dodge	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Nebraska	Douglas and Sarpy	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Nebraska	Pottowattamie	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Iowa	Scotts Bluff	Mar. 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(181a) Scottsbluff	Nebraska	Cheyenne	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(182) Sidney, Nebr	Nebraska				
(182a) [Revoked]					
(183) [Revoked]					
(183a) [Revoked and decontrolled]					
(183b) [Revoked]					
(183c) Elko	Nevada	Township 5 in Elko County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(184) Las Vegas [1]	Nevada	That portion of Clark described as that part of Township 20, South encompassed by Ranges 60, 61, 62 East; that part of Township 21, South encompassed by Ranges 60, 61, 62 East; that part of Township 22, South encompassed by Ranges 61, 62, 63 East, and that part of Township 23, South encompassed by Ranges 63 and 64 East.	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(185) Reno	Nevada	Washoe	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(185a) Keene	New Hampshire	Cheshire	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(185b) Concord	New Hampshire	Merrimack and Belknap	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(185c) Coos County	New Hampshire	Coos	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(185) Manchester	New Hampshire	Sullivan	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Hampshire	Hillsborough	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(187) Portsmouth	New Hampshire	Rockingham and Strafford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(187a) [Revoked]					
(188) [Revoked]					
(188a) Southern New Jersey	New Jersey	Burlington, Camden, and Gloucester	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	New Jersey	Salem	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	New Jersey	Cumberland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(189) [Revoked]					
(190) Northeastern New Jersey	New Jersey	Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
			Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	New Jersey	Sussex	Feb. 1, 1944	Apr. 1, 1945	May 15, 1945
(190a) Ocean County	New Jersey	Ocean	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(191) Trenton	New Jersey	Warren	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	New Jersey	Hunterdon and Mercer			
(192) [Revoked]					
(193) Albuquerque	New Mexico	Bernalillo	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(193a) Belen	New Mexico	That portion of Valencia County lying east of Rio Puerco River	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(193b) Carlsbad	New Mexico	Eddy	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Mexico	Lea	Mar. 1, 1942	Nov. 1, 1942	Dec. 15, 1942
(194) Clovis	New Mexico	Curry and Roosevelt	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(195) [Revoked]					
(196) [Revoked]					
(196a) Las Cruces	New Mexico	Dona Ana	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(197) Roswell	New Mexico	Chaves	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Mexico	Otero	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(197a) [Revoked and decontrolled]					
(197b) Santa Fe	New Mexico	Santa Fe County	July 1, 1944	Oct. 1, 1945	Nov. 15, 1945
	New Mexico	Precinct No. 28 (Espanola) in Rio Arriba County	July 1, 1944	Sept. 1, 1946	Oct. 15, 1946
(198) [Revoked and decontrolled]					
(198a) Tucumcari	New Mexico	Quay	Oct. 1, 1944	May 1, 1945	June 15, 1945
(199) Albany-Troy, N. Y	New York	Albany and Rensselaer	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(200) Binghamton	New York	Broome and Tioga	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(201) Buffalo	New York	Erie and Niagara	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(201a) Cortland	New York	Cortland	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(202) Elmira	New York	Chemung and Stenben	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(202a) Glens Falls	New York	Warren and Washington	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(202b) Ithaca	New York	Tompkins	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(202c) Gloversville	New York	Fulton	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(202d) Hudson	New York	Columbia	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(203) Jamestown	New York	Chautauqua County except the Chautauqua Institution	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(203a) Olean	New York	Cattaraugus	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(203b) Plattsburg	New York	Clinton and that portion of Keesville Village in Essex County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(204) Poughkeepsie	New York	Dutchess, Ulster, and Orange, except that portion of Orange County which is within the West Point Military Reservation.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(205) Rochester	New York	Genesee, Monroe, and Orleans	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(205a) Rockland County	New York	Rockland	Mar. 1, 1945	June 1, 1946	July 15, 1946
(206) [Revoked]					
(207) Schenectady	New York	County of Schenectady and in the County of Saratoga, the Towns of Ballston, Charlton, and Clifton Park.	Apr. 1, 1941	June 1, 1942	July 15, 1942
	New York	County of Montgomery and the County of Saratoga other than the Towns of Ballston, Charlton, and Clifton Park.	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(208) Seneca	New York	Ontario, Seneca, and Yates	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(209) Sidney, N. Y	New York	Chenango, Delaware, and Otsego	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(210) Syracuse	New York	Wayne	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	New York	Cayuga, Onondaga, and Oswego	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(211) Utica-Rome	New York	Herkimer, Madison, and Oneida	Aug. 1, 1944	Nov. 1, 1944	Dec. 15, 1944
(211a) Westchester County	New York	Westchester	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(212) Watertown	New York	Jefferson and St. Lawrence	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(212a) Burlington, N. C	North Carolina	Alamance	Mar. 1, 1945	Feb. 1, 1944	Mar. 15, 1944
(212b) Asheville	North Carolina	Buncombe	July 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(212c) Charlotte	North Carolina	Mecklenburg	Mar. 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(212d) Chapel Hill	North Carolina	Orange	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(213) Durham	North Carolina	Durham	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(214) Elizabeth City, North Carolina	North Carolina	Pasquotank	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	North Carolina	Chowan and Perquimans	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(215) Fayetteville, N. C	North Carolina	Cumberland and Hoke	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(215a) Gastonia	North Carolina	Gaston	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(216) Goldsboro	North Carolina	Lenoir, Wayne, and Wilson			

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for controlled housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(216a) Greensboro [1]	North Carolina	County of Guilford other than High Point Township	July 1, 1943	June 1, 1944	July 15, 1944
(216b) Greenville	North Carolina	Beaufort and Pitt	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(217) Henderson	North Carolina	Vance	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(217a) High Point	North Carolina	In the County of Guilford, the Township of High Point, including the City of High Point.	July 1, 1944	Feb. 1, 1946	Mar. 15, 1946
(217b) Hickory	North Carolina	Catawba	Mar. 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(217c) Hendersonville	North Carolina	Henderson	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(218) Jacksonville, N. C	North Carolina	Onslow	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(219) Laurinburg	North Carolina	Richmond, Robeson, and Scotland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	South Carolina	Marlboro	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(220) [Revoked and decontrolled]					
(220a) Oxford	North Carolina	Granville	Nov. 1, 1943	May 1, 1945	June 15, 1945
(221) New Bern	North Carolina	Carteret and Craven	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(221a) Rocky Mount	North Carolina	Edgecombe and Nash	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(221b) Pender County	North Carolina	Pender	Jan. 1, 1943	May 1, 1944	June 15, 1944
(221c) Plymouth	North Carolina	Washington	Jan. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(221d) Raleigh	North Carolina	Wake	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(221e) Salisbury	North Carolina	Davidson, Iredell, and Rowan	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(222) Southern Pines	North Carolina	Moore	Mar. 1, 1942	May 1, 1943	June 15, 1943
(223) Wilmington, N. C	North Carolina	New Hanover County, except the portion consisting of Wrightsville Beach and Harbor Island, which are situated approximately one mile east of the U. S. Inland Waterway; Carolina Beach, Kure Beach, Wilmington Beach, and Ft. Fisher Beach, which are within the territory bounded on the North by the U. S. Inland Waterway, on the East by the Atlantic Ocean, on the West by the Cape Fear River, and on the South by old Ft. Fisher remains.	Apr. 1, 1941	June 1, 1942	July 15, 1942
(223a) Winston-Salem	North Carolina	Forsyth	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(223b) Minot	North Dakota	Ward	June 1, 1944	Apr. 1, 1945	May 15, 1945
(223c) Fargo-Moorhead	North Dakota	Cass	July 1, 1944	June 1, 1945	July 15, 1945
	Minnesota	Clay	July 1, 1944	June 1, 1945	July 15, 1945
(223d) Grand Forks	North Dakota	Grand Forks	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
	Minnesota	City of East Grand Forks in Polk County	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(223e) Bismarck-Mandan	North Dakota	Burleigh and Morton Counties and that part of Wilton City in McLean County.	Mar. 1, 1945	May 1, 1946	June 15, 1946
(223f) Jamestown, N. Dak	North Dakota	Stutsman	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(224) Akron	Ohio	County of Summit and in the County of Medina the Township of Wadsworth.	Apr. 1, 1941	June 1, 1942	July 15, 1942
	Ohio	County of Medina other than the Township of Wadsworth	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(225) Ashtabula	Ohio	Ashtabula	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(225a) Athens	Ohio	Athens	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(226) Canton	Ohio	Stark	Apr. 1, 1941	June 1, 1942	July 15, 1942
	Ohio	Tuscarawas	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(226a) Cambridge, Ohio	Ohio	Guernsey	Mar. 1, 1944	June 1, 1945	July 15, 1945
(226b) Chillicothe, Ohio	Ohio	Ross	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(227) Cincinnati	Ohio	Butler, Clermont, Hamilton, and Warren	Mar. 1, 1942	Nov. 1, 1942	(3)
	Kentucky	Campbell and Kenton	Mar. 1, 1942	Nov. 1, 1942	(3)
(228) Cleveland	Ohio	County of Cuyahoga and in the County of Lake the Township of Willoughby and those parts of the Township of Kirtland Included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	June 1, 1942	July 15, 1942
	Ohio	County of Lake other than the Township of Willoughby and those parts of the Township of Kirtland Included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 15, 1942
(229) Columbus	Ohio	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Licking	Mar. 1, 1942	May 1, 1943	June 15, 1943
(230) Dayton	Ohio	Champaign, Clark, Darke, Greene, Miami, Montgomery, and Preble.	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(230a) Delaware County	Ohio	Delaware	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(231) [Revoked]					
(231a) Lancaster	Ohio	Fairfield	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(232) Lima	Ohio	Allen	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(233) Lorain-Elyria	Ohio	Lorain	July 1, 1941	July 1, 1942	Aug. 15, 1942
(234) Mansfield	Ohio	Ashland, Crawford, and Richland	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Knox	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(235) Marion	Ohio	Marion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(236) [Revoked]					
(236a) Portsmouth, Ohio	Ohio	Scioto	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(237) Ravenna	Ohio	Portage	Apr. 1, 1941	June 1, 1942	July 15, 1942
(238) Sandusky-Port Clinton	Ohio	Erie, Huron, Ottawa, and Sandusky	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(239) Sidney, Ohio	Ohio	Shelby	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(240) Toledo	Ohio	Lucas and Wood	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Hancock and Seneca	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(240a) Wilmington, Ohio	Ohio	Clinton	July 1, 1943	Apr. 1, 1945	May 15, 1945
(241) Youngstown-Warren	Ohio	Mahoning and Trumbull	Apr. 1, 1941	June 1, 1942	July 15, 1942
(241a) Washington Court House, Ohio	Ohio	Fayette	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(241b) Zanesville	Ohio	Muskingum County and that part of Roseville Village located in Perry County.	Mar. 1, 1945	May 1, 1946	June 15, 1946
(241c) Wooster	Ohio	Wayne	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(242) [Revoked]					
(242a) [Revoked and decontrolled]					
(242b) Ardmore	Oklahoma	Carter	July 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(242c) Ada	Oklahoma	Garvin, Pontotoc, and Seminole	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(242d) Bartlesville	Oklahoma	Washington	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(243) Choteau	Oklahoma	Craig, Mayes, Rogers, and Wagoner	Oct. 1, 1941	Oct. 1, 1942	Nov. 15, 1942
(244) [Revoked]					
(244a) Duncan	Oklahoma	Stephens	Oct. 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(244b) Frederick	Oklahoma	All of Tillman County south of the base line between Townships 1 South and 2 South.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(245) Enid	Oklahoma	Garfield	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(245a) Guymon	Oklahoma	Texas	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(245b) Guthrie	Oklahoma	Logan	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(246) Lawton	Oklahoma	Comanche	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(247) McAlester	Oklahoma	Atoka, Haskell, Hughes, Latimer, McIntosh, and Pittsburg	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(248) Muskogee	Oklahoma	Muskogee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(249) [Revoked]					
(249a) Ponca City	Oklahoma	Kay	Mar. 1, 1945	June 1, 1946	July 15, 1946
(249b) Okmulgee	Oklahoma	Okmulgee	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(250) Oklahoma City	Oklahoma	Cleveland, McClain, and Oklahoma	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oklahoma	Caddo and Grady	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(250a) Shawnee	Oklahoma	Canadian	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(250b) Stillwater	Oklahoma	Pottawatomie	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(251) Tulsa	Oklahoma	Payne	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(252) [Revoked]		Creek, Osage and Tulsa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(252a) [Revoked]					

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for controlled housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(253) Corvallis	Oregon	Benton and Linn	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(253a) Klamath Falls	Oregon	Klamath	Oct. 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(253b) Lane County	Oregon	Lane	Jan. 1, 1944	Jan. 1, 1945	Mar. 31, 1945
(253c) Douglas	Oregon	Douglas	Jan. 1, 1944	May 1, 1945	June 15, 1945
(254) Medford	Oregon	Jackson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(255) Pendleton	Oregon	Umatilla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(256) Portland-Vancouver	Oregon	Clackamas, Multnomah, and Washington	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
	Washington	Clark	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oregon	Clatsop	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
	Oregon	Tillamook	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(256a) Salem	Oregon	Marion, and in Polk County, the City of West Salem	July 1, 1945	Oct. 1, 1946	Oct. 16, 1946
(257) Allentown-Bethlehem	Pennsylvania	Lehigh and Northampton	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(258) Altoona-Johnstown	Pennsylvania	Blair, Cambria, and Somerset	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(258a) Bradford County	Pennsylvania	Bradford	Jan. 1, 1944	May 1, 1945	June 15, 1945
(259) [Revoked]					
(260) [Revoked]					
(261) Erie	Pennsylvania	Erie	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(262) Harrisburg	Pennsylvania	Cumberland, Dauphin, Lebanon, and Perry	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Franklin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(262a) Indiana County	Pennsylvania	Indiana	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(263) Lancaster-York-Reading	Pennsylvania	Berks, Lancaster and York	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(263a) Lewistown	Pennsylvania	Mifflin	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(264) Meadville-Titusville	Pennsylvania	Crawford and Venango	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(265) [Revoked]					
(266) Philadelphia	Pennsylvania	Bucks, Chester, Delaware, Montgomery, and Philadelphia	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(267) Pittsburgh	Pennsylvania	Allegheny, Armstrong, Beaver, Butler, Fayette, Lawrence, Washington, Westmoreland, and Greene, except the townships of Aleppo, Center, Freeport, Gilmore, Gray, Jackson, Morris, Perry, Richhill, Springhill and Wayne.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(268) [Revoked]					
(269) [Revoked]					
(269a) Scranton-Wilkes-Barre	Pennsylvania	Carbon, Lackawanna, and Schuylkill Counties in their entireties, and Luzerne County except Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1946	June 1, 1946	July 15, 1946
(269b) State College	Pennsylvania	Centre	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(270) Sharon-Farrell	Pennsylvania	Mercer	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(270a) Warren	Pennsylvania	Warren	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(271) [Revoked]					
(272) Williamsport	Pennsylvania	Lycoming	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Cameron, Columbia, Montour, Northumberland, Snyder, and Union.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	County of Elk and in the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Pennsylvania	Clinton	Mar. 1, 1942	Feb. 1, 1944	Mar. 15, 1944
(273) Newport	Rhode Island	Newport	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(274) Providence	Rhode Island	Bristol, Kent, and Providence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(275) Washington County	Rhode Island	Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(276) [Revoked]					
(277) Charleston, S. C	South Carolina	Charleston and Dorchester	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	South Carolina	Beaufort and Colleton	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
(278) Columbia, S. C	South Carolina	Lexington and Richland	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
	South Carolina	Sumter	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	South Carolina	Florence	Mar. 1, 1942	May 1, 1943	June 15, 1943
(278a) Darlington	South Carolina	Darlington	Jan. 1, 1944	July 1, 1945	Aug. 15, 1945
(279) [Revoked]					
(279a) Georgetown	South Carolina	Georgetown	July 1, 1944	July 1, 1945	Aug. 15, 1945
(280) Greenville, S. C	South Carolina	Greenville	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
(280a) [Revoked and decontrolled]					
(280b) [Revoked and decontrolled]					
(280c) Marion	South Carolina	Marion	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(281) Spartanburg	South Carolina	Cherokee, Spartanburg and Union	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
(281a) Aberdeen	South Dakota	Brown	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(281b) Brookings [1]	South Dakota	That portion of Brookings County which constitutes the City of Brookings.	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(281c) Huron	South Dakota	Beadle and those portions of Wessington City in Hand County and Iroquois City in Kingsbury County.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(282) [Revoked]					
(282a) Mitchell	South Dakota	Davison	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(283) [Revoked and decontrolled]					
(283a) Provo-Hot Springs, S. Dak	South Dakota	Fall River	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(284) Rapid City-Sturgis [1]	South Dakota	Meade, Pennington, and that portion of Lawrence described as Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, Township 6 North.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	South Dakota	Lincoln, Minnehaha, and Turner	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(285) Sioux Falls	Iowa	Lyon	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Minnesota	Rock			
(285a) [Revoked]					
(285b) Vermillion	South Dakota	Clay and that portion of Irene Town in Yankton County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(286) Bristol-Kingsport	Tennessee	Greene, Hawkins, Sullivan, Unicoi, and Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Virginia	Independent City of Bristol and the Counties of Scott and Washington.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(287) Chattanooga	Tennessee	Bradley, Hamilton, and Marion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Georgia	Catoosa, Dade, and Walker	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(288) Clarksville	Tennessee	Montgomery and Stewart	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Christian, Todd, and Trigg	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(288a) Columbia, Tenn	Tennessee	Maury	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(288b) Cookeville	Tennessee	Putnam	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(289) Copperhill-McCaysville	Tennessee	Polk	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Georgia	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(290) Dyersburg	Tennessee	Crockett, Dyer, and Lauderdale	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(290a) Elizabethton	Tennessee	Carter			
(290b) [Revoked and decontrolled]					
(291) Jackson-Milan-Humboldt	Tennessee	Carroll, Gibson, and Madison	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(292) Knoxville	Tennessee	Blount and Knox	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Tennessee	Anderson and Roane, except the portion consisting of the Clinton Engineering Works.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(292a) Lenoir City	Tennessee	Loudon	Mar. 1, 1943	June 1, 1944	July 15, 1944
(293) Memphis	Tennessee	Shelby	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Arkansas	Crittenden	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(294) [Revoked]					
(295) Nashville	Tennessee	Davidson and Rutherford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(295a) [Revoked and decontrolled]					
(295b) Paris, Tenn	Tennessee	Henry	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(296) [Revoked]					
(296a) Springfield, Tenn	Tennessee	Robertson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(297) [Revoked and decontrolled]					

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for controlled housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(298) [Revoked and decontrolled]					
(298a) Alice	Texas	Jim Wells	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(299) Amarillo	Texas	Potter and Randall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(300) Austin	Texas	Hays, Travis, and Williamson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(301) [Revoked]					
(302) Beaumont-Port Arthur	Texas	Jefferson and Orange	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(303) Big Spring	Texas	Howard	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(304) [Revoked]					
(305) Borger	Texas	Carson, Gray, and Hutchinson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(305a) [Revoked and decontrolled]					
(306) [Revoked]					
(307) Bryan	Texas	Brazos	Mar. 1, 1942	May 1, 1943	June 15, 1943
(308) [Revoked and decontrolled]					
(308a) Corsicana	Texas	Ellis, Kaufman, and Navarro	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(309) Corpus Christi	Texas	San Patricio and Nueces, except the town of Port Aransas	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Texas	Bee and Kleberg	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(309a) [Revoked]					
(310) [Revoked]					
(311) Dallas	Texas	Dallas	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(312) [Revoked and decontrolled]					
(312a) [Revoked and decontrolled]					
(313) [Revoked]					
(314) [Revoked]					
(315) El Paso	Texas	El Paso	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(316) Fort Worth	Texas	Tarrant	Mar. 1, 1942	{Oct. 15, 1942 [2] / Nov. 1, 1942 [2]}	Dec. 16, 1942
	Texas	Denton	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(317) [Decontrolled]					
(318) Greenville, Tex	Texas	Hunt	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(319) Galveston	Texas	Galveston and Brazoria	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(319a) Houston	Texas	Chambers, Harris, and Liberty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(319b) Kerrville	Texas	Kerr	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(319c) [Revoked and decontrolled]					
(319d) Huntsville	Texas	Walker	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(320) Killeen-Temple	Texas	Bell	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Lampasas	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(321) Laredo	Texas	Webb	Mar. 1, 1942	Feb. 1, 1943	Mar. 15, 1943
(321a) Lockhart	Texas	Justices' Precincts 1, 6, and 7 in Caldwell County	Jan. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(321b) Longview	Texas	Gregg	July 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(322) Lower Rio Grande Valley	Texas	Cameron, Hidalgo, and Willacy	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(322a) Lubbock	Texas	Lubbock	Mar. 1, 1942	Mar. 1, 1944	Apr. 15, 1944
(322b) Eater	Texas	Angelina, Nacogdoches, Panola, and Rusk	Oct. 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(323) [Revoked and decontrolled]					
	Texas	Brewster	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
(324) Marshall	Texas	Harrison, Marion, and Upshur	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Texas	Camp, Morris, and Titus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(324a) Matagorda Bay	Texas	Calhoun, Jackson, and Matagorda	Oct. 1, 1943	Jan. 1, 1944	June 1, 1944
(324b) McKinney	Texas	Collin	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(324c) Midland-Odessa	Texas	Ector and Midland	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(324d) [Revoked and decontrolled]					
(325) [Revoked]					
(325a) Palestine	Texas	Anderson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(326) [Revoked]					
(327) [Revoked and decontrolled]					
(328) San Antonio	Texas	Atascosa, Bandera, Bexar, Comal, Guadalupe, Kendall, Medina, and Wilson.	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(329) Sherman-Denison	Texas	Grayson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(329a) Sweetwater	Texas	Nolan	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(330) Texarkana	Texas	Bowie	July 1, 1941	July 1, 1942	Aug. 15, 1942
	Arkansas	Miller	July 1, 1941	July 1, 1942	Aug. 15, 1942
(330a) Tyler	Texas	Smith	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(330b) [Revoked and decontrolled]					
(331) Victoria	Texas	Victoria	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(332) Waco	Texas	McLennan	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(333) Wichita Falls	Texas	Wichita	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(333a) Mineola	Texas	Wood County and that portion of the City of Winnsboro in Franklin County.	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(333b) [Revoked]					
(333c) Logan, Utah	Utah	Cache	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(334) [Revoked]					
(334a) Ogden	Utah	Box Elder except the portion lying north of the north boundary of Township 12 North, and west of the west boundary of Range 3 West, Salt Lake Base and Meridian.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Utah	Davis and Weber	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(334b) Price	Utah	Carbon	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(335) Provo, Utah	Utah	Utah	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(336) Salt Lake City	Utah	Salt Lake	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Utah	Tooele	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(336a) Vernal	Utah	Duchesne	Oct. 1, 1944	Apr. 1, 1946	May 15, 1946
		Uintah	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(337) [Revoked]					
(337a) Burlington, Vermont	Vermont	Chittenden	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(337b) Brattleboro	Vermont	Windham	Jan. 1, 1945	May 1, 1946	June 15, 1946
(337c) Montpelier	Vermont	Caledonia and Washington	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(337d) Rutland	Vermont	Rutland and Bennington	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(338) Springfield-Windsor	Vermont	Windsor	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(338a) St. Albans	Vermont	Franklin	Jan. 1, 1945	May 1, 1946	June 15, 1946
(339) Alexandria-Arlington	Virginia	Independent City of Alexandria and the Counties of Arlington and Fairfax.	Jan. 1, 1941	July 1, 1942	Aug. 15, 1942
(340) Blackstone	Virginia	Nottoway	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(340a) Covington	Virginia	Alleghany	Jan. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
	Virginia	The Independent City of Clifton Forge	Jan. 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(340b) Charlottesville	Virginia	Independent City of Charlottesville and the County of Albemarle.	Oct. 1, 1944	Feb. 1, 1946	Mar. 15, 1946
(341) Cape Charles	Virginia	Northampton	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(341a) Front Royal	Virginia	Warren	Oct. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(341b) Danville, Va	Virginia	The Independent City of Danville, and in Pittsylvania County the Magisterial Districts of Tunstall and Dan River.	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(341c) Fredericksburg	Virginia	The Counties of Spotsylvania and Stafford, and the Independent City of Fredericksburg.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for controlled housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(342) Hampton Roads	Virginia	Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk; the County of Elizabeth City, in the County of Norfolk the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; in the County of Warwick, the Magisterial District of Newport, and in the County of Princess Anne, the Magisterial Districts of Kempsville and Lynnhaven except the Town of Virginia Beach and the following parts of Lynnhaven Magisterial District of Princess Anne County: that part of Lynnhaven Magisterial District bound on the East by the Atlantic Ocean; on the North and West by Fort Story, Seashore State Park, Linkhorn Bay and Great Neck Creek; and on the South by Laskin Road, also known as 31st Street; and that part of Lynnhaven Magisterial District of Princess Anne County bound on the East by the Atlantic Ocean; on the North by the Town of Virginia Beach; and on the West and South by Lake Rudee and the Military Reservation formerly known as Camp Pendleton.	Apr. 1, 1941	June 1, 1942	July 15, 1942
	Virginia	Independent City of Suffolk; the County of Nansemond; the County of Norfolk other than the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; the County of Princess Anne other than the Magisterial Districts of Kempsville and Lynnhaven.	Apr. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(342a) Lexington, Virginia	Virginia	In the County of Rockbridge, the Magisterial District of Lexington.	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(343b) Lynchburg	Virginia	Independent City of Lynchburg, and the Counties of Amherst, Bedford, and Campbell.	July 1, 1945	May 1, 1946	June 15, 1946
(343) Petersburg	Virginia	Independent Cities of Hopewell and Petersburg; the Counties of Dinwiddie and Prince George; and in the County of Chesterfield the Magisterial District of Matoaca.	Apr. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(343a) Quantico [1]	Virginia	In the County of Prince William, the Magisterial District of Dumfries.	Mar. 1, 1942	Dec. 1, 1943	Jan. 15, 1944
(344) Radford-Pulaski	Virginia	Independent City of Radford, and the Counties of Montgomery and Pulaski.	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(345) Richmond, Va	Virginia	Independent City of Richmond; the County of Henrico; and in the County of Chesterfield the Magisterial Districts of Bermuda, Clover Hill, Dale, Manchester, and Midlothian.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(345a) Roanoke	Virginia	Roanoke County and the Independent City of Roanoke	Jan. 1, 1944	May 1, 1945	June 15, 1945
(345b) Winchester	Virginia	Independent City of Winchester, and the Counties of Frederick and Shenandoah.	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(345c) Staunton	Virginia	The County of Augusta and the Independent City of Staunton; the County of Rockingham and the Independent City of Harrisonburg.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(345d) Wise County	Virginia	Wise	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(346) Yorktown	Virginia	Independent City of Williamsburg; the Counties of James City and York; and in the County of Warwick the Magisterial Districts of Denbigh and Stanley.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(347) Bellingham	Washington	Whatcom	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	Skagit	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(347a) Ephrata	Washington	Portion of Grant County lying between the south line of Township 23 North and the north line of Township 16 North.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(347b) Ellensburg	Washington	Kittitas	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(348) Everett	Washington	Snohomish	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Island	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(349) [Revoked]					
(349a) [Revoked]					
(349b) Longview-Kelso	Washington	Cowlitz	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(350) [Revoked]					
(350a) Olympia	Washington	Thurston	May 1, 1943	May 1, 1945	June 15, 1945
(351) Port Angeles-Port Townsend	Washington	Clallam	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(351a) Pullman-Moscow	Washington	Whitman	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
	Idaho	Latah	Apr. 1, 1941	June 1, 1942	July 15, 1942
(352) Puget Sound	Washington	Those parts of the Counties of King and Pierce lying west of the Snoqualmie National Forest.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(352a) [Revoked]					
(353) Spokane	Washington	Spokane	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(353a) Wenatchee	Washington	Chelan	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(354) Walla Walla	Washington	Walla Walla	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	Franklin	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(354a) Yakima	Washington	In the County of Benton the precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland.	Mar. 1, 1943	Apr. 1, 1944	May 15, 1944
		In the County of Benton, the precincts of Benton City, Carley, Columbia, East Prosser, Expansion, Hanford, Highlands, Horn Rapids, Hover, Kiona, North Prosser, Paterson, Prosser, Rattlesnake, Riverside, Walnut Grove, Wellington, West Prosser, and White Bluffs, and the County of Yakima.	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(354b) Bluefield	West Virginia	Mercer	Jan. 1, 1945	May 1, 1946	June 15, 1946
	West Virginia	McDowell, Mingo, Raleigh, and Wyoming	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(355) Charleston, West Virginia	Virginia	Bluefield Town in Tazewell County	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	West Virginia	Kanawha	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(355a) Clarksburg	West Virginia	In Putnam County the Magisterial District of Pocatalico	June 1, 1944	June 1, 1945	July 15, 1945
(356) Huntington	West Virginia	Harrison	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	West Virginia	Cabell and Wayne	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(356a) Martinsburg	Kentucky	Boyd and Greenup	Mar. 1, 1943	Apr. 1, 1944	May 15, 1944
(356b) Logan	West Virginia	Berkeley	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(356c) Mineral County	West Virginia	Logan	Oct. 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(357) Morgantown	West Virginia	Mineral	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(357a) Parkersburg	West Virginia	Marion and Monongalia	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
	West Virginia	Wood	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(358) Point Pleasant-Gallipolis	Ohio	Washington	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	West Virginia	Jackson and Mason	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(359) Wheeling-Steubenville	Ohio	Gallia and Meigs	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	West Virginia	Brooke, Hancock, Marshall, Ohio, and Wetzel	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(359a) Appleton	Ohio	Belmont, Columbiana, and Jefferson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Wisconsin	Outagamie County, and that part of New London located in Waupaca County.	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(359b) Ashland	Wisconsin	Ashland	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(360) Beloit-Janesville	Wisconsin	Rock	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(360a) Green Bay	Wisconsin	Brown	Mar. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
(360b) Kenosha-Racine	Wisconsin	Kenosha and Racine	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(361) Eau Claire	Wisconsin	Chippewa, Dunn, and Eau Claire	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for controlled housing	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(361a) La Crosse	Wisconsin	La Crosse	Mar. 1, 1942	Dec. 1, 1943	Jan. 15, 1944
(362) Madison, Wisconsin	Wisconsin	Columbia, Dane, and Sauk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(363) Manitowoc	Wisconsin	Manitowoc	Mar. 1, 1942	Apr. 1, 1944	May 15, 1944
	Wisconsin	That portion of the City of Kiel in the County of Calumet	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(363a) Marinette	Wisconsin	Marinette	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(364) Milwaukee	Wisconsin	Milwaukee and Waukesha	Mar. 1, 1944	June 1, 1945	July 15, 1945
(364a) Mondovi-Durand	Wisconsin	Buffalo and Pepin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(365) Oshkosh-Fond du Lac	Wisconsin	Fond du Lac and Winnebago	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
	Wisconsin	That portion of the City of Waupun in the County of Dodge	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(365a) Sheboygan	Wisconsin	Sheboygan	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(366) Sparta	Wisconsin	Monroe	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(367) Sturgeon Bay	Wisconsin	Door	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(367a) Watertown, Wis	Wisconsin	Dodge County, except the City of Waupun, and Jefferson County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(367b) Wausau	Wisconsin	Marathon and Portage and that portion of Abbotsford Village, Colby City and Unity Village in Clark County.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(368) Casper	Wyoming	Natrona	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(368a) Cody-Lovell	Wyoming	That portion of Big Horn County lying outside of the Big Horn National Forest and that portion of Park County lying outside of the Shoshone National Forest.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(369) Cheyenne	Wyoming	That part of Laramie County, consisting of Townships 13 and 14 in Ranges 66 and 67 west of the 6th Principal Meridian including the City of Cheyenne.	Mar. 1, 1943	May 1, 1944	June 15, 1944
(369a) Douglas	Wyoming	Converse	Mar. 1, 1944	May 1, 1945	June 15, 1945
(369b) Thermopolis	Wyoming	Hot Springs	Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(369c) Laramie	Wyoming	Albany			
(369d) [Revoked]					
(369e) Sheridan	Wyoming	Sheridan	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(370) Alaska	Alaska	Territory of Alaska	Mar. 1, 1942	Nov. 1, 1942	Mar. 15, 1943
(371) Puerto Rico	Puerto Rico	Puerto Rico	Oct. 1, 1942	Feb. 1, 1944	Mar. 31, 1944

[1] This regulation is applicable only to that portion of the defense-rental area set forth in the third column of this Schedule A.

[2] For the portion of the County of San Diego, other than the Judicial Townships of Encinitas, National, and San Diego in their entireties, and that part of the Judicial Township of El Cajon lying west of the Cleveland National Forest, and which remains under control after March 1, 1947, the effective date is July 1, 1942.

[3] Sections 4, 6, 13.

[4] Remaining sections.

[5] May 31, 1943, except registrations required by Amendment 87 which must be filed by July 15, 1946.

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

1. Provisions relating to Lawrence County, South Dakota, in the Rapid City-Sturgis Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective October 9, 1947, the application of the Controlled Housing Rent Regulation is terminated in Lawrence County with the exception of Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, Township 6—North.

2. Provisions relating to Jefferson County, Kentucky, in the Louisville Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective October 9, 1947 the maximum rents for all housing accommodations in Jefferson County, Kentucky, in the Louisville Defense-Rental Area shall be increased 5 per cent, except in cases in which the maximum rent has been established under § 825.4 (b) prior to October 9, 1947. All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the Louisville Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

3. Provisions relating to Ottawa County, Kansas, in the Salina Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective October 23, 1947, the application of the Controlled Housing Rent Regulation is terminated in Ottawa County.

4. Provisions relating to Klamath Falls Defense-Rental Area, State of Oregon.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective October 23, 1947, the maximum rents for all housing accommodations in the Klamath Falls Defense-Rental Area shall be increased 10 per cent, except in cases in which the maximum rent has been established under § 825.4 (b) prior to October 23, 1947. All provisions of the regulation insofar as they are applicable to the Klamath Falls Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

5. Provisions relating to the Alexandria-Leesville Defense-Rental Area, State of Louisiana.

Decontrol based upon the Recommendation of the Local Advisory Board. Effective October 31, 1947, the application of the Controlled Housing Rent Regulation is terminated in the Alexandria-Leesville Defense-Rental Area in respect to furnished rooms, not constituting an apartment, located within the residence occupied by the landlord or his immediate family. All provisions of the regulation, insofar as they are applicable to the Alexandria-Leesville Defense-Rental Area, are hereby amended to the extent necessary to carry this provision into effect.

6. Provisions relating to San Angelo Defense-Rental Area, State of Texas.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Controlled Housing Rent Regulation is terminated in the San Angelo Defense-Rental Area, effective November 15, 1947.

7. Provisions relating to Saunders County, Nebraska, in the Omaha Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective October 31, 1947, the application of the Controlled Housing Rent Regulation is terminated in Saunders County, Nebraska.

8. Provisions relating to Concordia Defense-Rental Area, State of Kansas.

Decontrol based upon the recommendation of the Local Advisory Board. Effective November 14, 1947, the application of the Controlled Housing Rent Regulation is terminated in the Concordia Defense-Rental Area.

9. Provisions relating to Burlington Defense-Rental Area, States of Illinois and Iowa.

Decontrol based upon the recommendation of the Local Advisory Board. Effective November 19, 1947, the application of the Controlled Housing Rent Regulation is terminated in the County of Henderson, Illinois.

10. Provisions relating to Clark County, Nevada, in the Las Vegas Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective November 28, 1947, the application of the Controlled Housing Rent Regulation is terminated in Clark County with the exception of that part of Township 20, South encompassed by Ranges 60, 61, 62 East; that part of Township 21, South encompassed by Ranges 60, 61, 62 East; that part of Township 22, South encompassed by Ranges 61, 62, 63 East; and that part of Township 23, South encompassed by Ranges 63 and 64 East.

11. Provisions relating to Miami County, Indiana, in the Anderson Defense-Rental Area.

Decontrol based upon the recommendations of the Local Advisory Board. Effective November 28, 1947, the application of the Controlled Housing Rent Regulation is terminated in Miami County.

12. Provisions relating to Yuba County and Butte County, California, in the Marysville-Chico Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective November 28, 1947, the application of the Controlled Housing Rent Regulation is terminated in that portion of Butte County described as follows:

All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T 18 N, R 5 E and T 18 N, R 6 E, thence north in Butte County, along the east lines of T 18 N, R 5 E, T 19 N, R 5 E and T 20 N, R 5 E to NE corner of T 20 N, R 5 E; thence west along north line of T 20 N, R 5 E to SE corner of T 21 N, R 4 E; thence north along east lines of T 21 N, R 4 E, T 22 N, R 4 E and T 23 N, R 4 E to the NE corner of T 23 N, R 4 E; thence, west along the north lines of T 23 N, R 4 E, T 23 N, R 3 E and T 23 N, R 2 E to the boundary line between Butte and Tehama Counties, California.

Effective November 28, 1947, the application of the Controlled Housing Rent Regulation is terminated in that portion of Yuba County described as follows:

All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North, Range six (6) East MDB&M and running thence West along said Township line to the southwest corner of said

Township; then north along the west line of Townships seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.

13. Provisions relating to Uvalde County, Texas, in the San Antonio Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective December 16, 1947, the application of the Controlled Housing Rent Regulation is terminated in the County of Uvalde, Texas.

14. Provisions relating to Holdrege Defense-Rental Area, State of Nebraska.

Decontrol based upon the recommendation of the Local Advisory Board. Effective December 31, 1947, the application of the Controlled Housing Rent Regulation is terminated in the Holdrege Defense-Rental Area.

15. Provisions relating to Vernon Defense-Rental Area, State of Texas.

Decontrol based upon the recommendation of the Local Advisory Board. Effective December 31, 1947, the application of the Controlled Housing Rent Regulation is terminated in the Vernon Defense-Rental Area.

16. Provisions relating to Sarasota Defense-Rental Area, State of Florida.

Decontrol based upon the recommendation of the Local Advisory Board. Effective January 15, 1948, the application of the Controlled Housing Rent Regulation is terminated in the Sarasota Defense-Rental Area.

17. Provisions relating to Brookings County, South Dakota, in the Brookings Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective January 20, 1948, the application of the Controlled Housing Rent Regulation is terminated in Brookings County except for that portion of Brookings County which constitutes the City of Brookings.

18. Provisions relating to Peoria Defense-Rental Area, State of Illinois.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective January 20, 1948, the maximum rents for all housing accommodations in the Peoria Defense-Rental Area shall be increased 4 percent, except in cases in which the maximum rent has been established under § 825.4 (b). All provisions of the regulation insofar as they are applicable to the Peoria Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

19. Provisions relating to Jacksonville Defense-Rental Area, State of Florida.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective January 20, 1948, the maximum rents are increased in the amount of 10 percent for all housing accommodations in Jacksonville Defense-Rental Area for which the maximum rents were determined under sections 4 (a) and (b) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.5 in cases in which section 5 or § 825.5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has been established under § 825.4 (b) and in those cases in which the maximum rent has been adjusted on or after August 22, 1947, under § 825.5 (a) (12). All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the Jacksonville Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

20. Provisions relating to Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective January 22, 1948, the maximum rents for all housing accommodations in Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area shall be increased 5 percent except in cases in which the maximum rent has been established under § 825.4 (b). All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the Kalamazoo-Battle Creek Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

21. Provisions relating to Waycross Defense-Rental Area, State of Georgia.

Decontrol based upon the recommendation of the Local Advisory Board. Effective February 2, 1948, the application of the Controlled Housing Rent Regulation is terminated in the Waycross Defense-Rental Area.

22. Provisions relating to Tampa Defense-Rental Area, State of Florida.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 2, 1948, the maximum rents are increased in the amount of 15 percent for all housing accommodations in Tampa Defense-Rental Area for which the maximum rents were determined under sections 4 (a) and 4 (b) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.5 in cases in which section 5 or § 825.5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has been established under § 825.4 (b) and in those cases in which the maximum rent has been adjusted on or after August 22, 1947, under § 825.5 (a) (12). All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the Tampa Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

23. Provisions relating to Dallas Defense-Rental Area, State of Texas.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 3, 1948, the maximum rents are increased in the amount of 4 percent for all housing accommodations in Dallas Defense-Rental Area for which the maximum rents were determined under sections 4 (a) and 4 (b) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.5 in cases in which section 5 or § 825.5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has been established under § 825.4 (b) and in those cases in which the maximum rent has been adjusted on or after August 22, 1947, under § 825.5 (a) (12). All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the Dallas Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

24. Provisions relating to Cedar Rapids Defense-Rental Area, State of Iowa.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 4, 1948, the maximum rents are increased in the amount of 7 percent for all housing accommodations in the Cedar Rapids Defense-Rental Area, Iowa, for which the maximum rents were determined under section 4 (a) and 4 (b) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.5 in cases in which section 5 or § 825.5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has been established under § 825.4 (b) and in those cases in which the maximum rent has been adjusted on or after August 22, 1947, under § 825.5 (a) (12). All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the Cedar Rapids Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

25. Provisions relating to Solano County, a part of the Richmond-Vallejo Defense-Rental Area, State of California.

Effective February 4, 1948, the application of the Controlled Housing Rent Regulation is terminated in Solano County, a part of the Richmond-Vallejo Defense-Rental Area, in respect to furnished rooms, not constituting an apartment, located within the residence occupied by the landlord or his immediate family. All provisions of the regulation, insofar as they are applicable to Solano County, a part of the Richmond-Vallejo Defense-Rental Area, are hereby amended to the extent necessary to carry this provision into effect.

26. Provisions relating to La Grosse Defense-Rental Area, State of Wisconsin.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 24, 1948, the maximum rents are increased in the amount of 8 percent for all housing accommodations in the La Crosse Defense-Rental Area, Wisconsin, for which the maximum rents were determined under sections 4 (a) and 4 (b) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.5 in cases in which section 5 or § 825.5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has been established under § 825.4 (b) and in those cases in which the maximum rent has been adjusted on or after August 22, 1947, under § 825.5 (a) (12). All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the La Crosse Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

27. Provisions relating to the Burnett and Gilroy Judicial Townships of Santa Clara County, California, a portion of the San Jose Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 25, 1948, the maximum rents for all housing accommodations in the Burnett and Gilroy Judicial Townships of Santa Clara County, California, a part of the San Jose Defense-Rental Area, shall be increased 4 percent except in cases in which the maximum rent has been established under § 825.4 (b). All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the San Jose Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

28. Provisions relating to Orange County, California, a portion of the Los Angeles Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective March 26, 1948, the maximum rents for all housing accommodations in Orange County, California, a part of the Los Angeles Defense-Rental Area, shall be increased 7 percent except in cases in which the maximum rent has been established under § 825.4 (b). All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the Los Angeles Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

29. Provisions relating to Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective March 31, 1948, the maximum rents for all housing accommodations in Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area shall be increased 3 per cent except in cases in which the maximum rent has been established under § 825.4 (b). All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the Kalamazoo-Battle Creek Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

30. Provisions relating to the Galesburg Defense-Rental Area, State of Illinois.

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents for all housing accommodations in the Galesburg Defense-Rental Area shall be increased 18 percent, effective September 1, 1948, except in cases in which the maximum rents have been adjusted under § 825.5 (a) (12) prior to September 1, 1948. All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the Galesburg Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

31. Provisions relating to the City of Petersburg, Virginia, a portion of the Petersburg Defense-Rental Area.

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents are hereby increased, effective September 24, 1948, in the amount of 15 percent for all housing accommodations in the City of Petersburg, Virginia, a part of the Petersburg Defense-Rental Area, for which the maximum rents are determined under sections 4 (a) and 4 (b) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or § 825.5 in cases in which section 5 or § 825.5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided, however,* That no increase is hereby authorized of maximum rents which have been adjusted under § 825.5 (a) (16) or which have been adjusted on or after August 22, 1947, under § 825.5 (a) (12). All provisions of §§ 825.1 to 825.12, inclusive, insofar as they are applicable to the Petersburg Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

Effective date. This Controlled Housing Rent Regulation shall become effective July 1, 1947. [Originally issued June 30, 1947.]

CONTROLLED HOUSING RENT REGULATION FOR NEW YORK CITY DEFENSE-RENTAL AREA

§ 825.21 *Definitions and scope of §§ 825.21 to 825.32, inclusive.* "Act" means the Housing and Rent Act of 1947, as amended.

"Expediter" means the Housing Expediter or the Rent Director or such other person or persons as the Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Local Advisory Board" means a board created in a defense-rental area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

"Area rent office" means the office of the Rent Director in the defense-rental area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use of or occupancy of such property.

"Controlled housing accommodations" means any housing accommodation in any defense-rental area which is not specifically exempted from control or decontrolled under §§ 825.21 to 825.32, inclusive.

"Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodation, or an agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

"Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

"Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes.

"Maximum rent date" means March 1, 1943, the maximum rent date for the New York City Defense-Rental Area as established under the Emergency Price Control Act of 1942, as amended.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular housing accommodation in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder, or under § 825.24 (b), (c), or (e), whichever is applicable.

"Effective date of regulation" means November 1, 1943, the effective date of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, for the New York City Defense-Rental Area. The term "Rent Regulation for Housing," as used in §§ 825.21 to 825.32, inclusive, means the Rent Regulation for Housing for the New York City Defense-Rental Area.

(a) *Housing and defense-rental area to which §§ 825.21 to 825.32, inclusive, apply.* Sections 825.21 to 825.32, inclusive, apply to all housing accommodations in the New York City Defense-Rental Area, consisting of the City of New York (including the boroughs of Bronx, Brooklyn, Manhattan, Queens, and Richmond) and the counties of Nassau and Suffolk in the State of New York, except as provided in paragraph (b) of this section. The New York City Defense-Rental Area is referred to hereinafter in §§ 825.21 to 825.32, inclusive, as the "defense-rental area."

(b) *Decontrolled and exempted housing to which §§ 825.21 to 825.32, inclusive, do not apply*—(1) *Exempted housing.* Sections 825.21 to 825.32, inclusive, do not apply to the following:

(i) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Accommodations subject to the Rent Regulation for Controlled Rooms*

in Rooming Houses and other Establishments. Rooms or other housing accommodations subject to §§ 825.101 to 825.112, inclusive.

(iv) *Structures subject to underlying leases.* (*a*) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, except as provided in (*c*) of this subdivision (iv).

(*b*) Entire structures or premises where 25 or less rooms are rented or offered for rent by a lessee, sublessee, or other tenant of such entire structures or premises: *Provided,* That all of the housing accommodations in such structures or premises are exempt or decontrolled under the provisions of this section and are not subject to §§ 825.101 to 825.112, inclusive.

(*c*) Sections 825.21 to 825.32, inclusive, do apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt or decontrolled under the provisions of this section and are not subject to §§ 825.101 to 825.112, inclusive.

(v) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That §§ 825.21 to 825.32, inclusive, do apply to a sublease or other subrenting of such accommodations or any part thereof.

(vi) *Resort housing; summer resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1 to September 30, inclusive.

(2) *Decontrolled housing.* Sections 825.21 to 825.32, inclusive, do not apply to the following:

(i) *Accommodations in hotels, motor courts, trailers and trailer spaces, and tourist homes.* (*a*) Housing accommodations in a hotel (see definition of hotel in this section) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) housing accommodations in establishments which were motor courts on June 30, 1947; (*c*) housing accommodations located in trailers and ground space rented for trailers; and (*d*) housing accommodations in any tourist home serving transient guests exclusively on June 30, 1947.

Reporting requirements. Every landlord of housing accommodations referred to in (*a*) and (*d*) of this subdivision (i), who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948 file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Accommodations created by new construction or conversion.* (*a*) Housing accommodations the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veteran's Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (*1*) occupied such housing accommodations, or (*2*) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (*b*) housing accommodations the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this subdivision (ii) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (*1*) a change in a structure from a nonhousing to a housing use or (*2*) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Accommodations not rented for two-year period.* Housing accommodations which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as housing accommodations.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in this section.)

(v) *Leased accommodations.* (*a*) Except as hereinafter provided in this subdivision (v), housing accommodations concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(*b*) Except as hereinafter provided in this subdivision (v), housing accommodations concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with (*a*) of this subdivision (v) and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus or minus the amount of any adjustment under § 825.25, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) of this subdivision (v). All housing accommodations referred to in (*a*) of this subdivision (v) shall be subject to §§ 825.21 to 825.32, inclusive, unless the lease provided for the same living space, services, furniture, furnishings and equipment with the housing accommodations as were required to be provided by §§ 825.21 to 825.32, inclusive, prior to the effective date of the lease.

All housing accommodations referred to in (*b*) of this subdivision (v) shall be subject to §§ 825.21 to 825.32, inclusive, unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the housing accommodations which in the absence of a lease would be required to be provided by §§ 825.21 to 825.32, inclusive, on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

All housing accommodations referred to in (*a*) and (*b*) of this subdivision (v) shall be subject to §§ 825.21 to 825.32, inclusive, if the lease is terminated or expires on or after April 1, 1948, and before March 31, 1949, unless a subsequent lease entered into under the provisions of (*b*) of this subdivision (v) is in force.

Reporting requirements. A landlord shall file form D–92–Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in (*b*) of this subdivision (v).

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter of any termination of a lease referred to in (*a*) or (*b*) of this subdivision (v) prior to the expiration date of the lease. Such report shall be filed within fifteen days after such termination or fifteen days after April 1, 1948, whichever is later.

(*c*) *Effect of §§ 825.21 to 825.32, inclusive, on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with §§ 825.21 to 825.32, inclusive.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of §§ 825.21 to 825.32, inclusive, is void. A tenant shall not be entitled by reason of §§ 825.21 to 825.32, inclusive, to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of §§ 825.21 to 825.32, inclusive.

§ 825.22 *Prohibition against higher than maximum rents.*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall offer, demand or receive any rent for or in connection with the use or occupancy on and after the effective date of §§ 825.21 to 825.32, inclusive, of any housing accommodations within the defense-rental area higher than the maximum rents provided by §§ 825.21 to 825.32, inclusive; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. A reduction in the services, furniture, furnishings or equipment required under § 825.23 shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by §§ 825.21 to 825.32, inclusive, may be demanded or received.

(b) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to November 1, 1943, and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of §§ 825.21 to 825.32, inclusive, may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Expediter if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the act or §§ 825.21 to 825.32, inclusive, and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain, and the tenant shall be authorized to offer, payments provided by the lease in excess of the maximum rent for periods commencing on or after November 1, 1943. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of §§ 825.21 to 825.32, inclusive. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive, or the tenant to offer, payments in excess of the maximum rent in the absence of an order of the Expediter as herein provided. Where a lease of housing accommodations has been entered into on or after November 1, 1943, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive, nor shall the tenant offer, payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

(c) *Security deposits.*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing accommodations within the defense-rental area except as provided in this paragraph (c). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) or (b) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under said section 4 (a) or (b).

(3) *Maximum rent established under section 4 (c) or (d) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (c) or (d), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter entered. Where such lease or other rental agreement provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(4) *Maximum rent established under section 4 (e) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (e), no security deposit shall be demanded or received.

(5) *Maximum rent established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (f), no security deposit shall be demanded, received, or retained.

(6) *Maximum rent established under section 4 (g) or (h) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (g) or (h), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations were or are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(7) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

(8) *Deposits on certain leased furnished accommodations.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain as a security deposit the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is, or was, rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease, or where such newly constructed housing accommodation was rented and occupied for the first time on or prior to March 25, 1947, fully furnished, under a written lease, and was constructed with a priority rating or under specific authorization by the United States or any agency thereof for which the rent was approved by the United States or any agency thereof and the entire project covered by the single priority application of which the housing accommodation was a part was not completed until after March 25, 1947.

(9) *Deposits based on prior rental practices.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collec-

tion of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular housing accommodations involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

§ 825.23 *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in § 825.24 (c) or § 825.25 (b) or as otherwise provided in this section, every landlord shall, as a minimum, provide with housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.21 to 825.32, inclusive, on March 31, 1948.

Where the maximum rent is determined under § 825.24 (b) (1), the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.21 to 825.32, inclusive, prior to the effective date of the lease.

Where the maximum rent is determined under § 825.24 (b) (2), the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he would be required to provide by §§ 825.21 to 825.32, inclusive, in the absence of a lease on March 30, 1948, plus or minus such living space, services, furniture, furnishings, and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

§ 825.24 *Maximum rents*—(a) *Maximum rents in effect on June 30, 1947.* The maximum rent for any housing accommodation under §§ 825.21 to 825.32, inclusive, (unless and until changed by the Expediter as provided in § 825.25), shall be the maximum rent which was in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rent on termination of lease.* (1) For housing accommodations concerning which a lease as described in § 825.21 (b) (2) (v) (*a*) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For housing accommodations concerning which a lease as described in § 825.21 (b) (2) (v) (*b*) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

(c) *First rent after June 30, 1947 (see also paragraph (e) of this section.* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations. Within 30 days after so renting, the landlord shall register the accommodations as provided in § 825.27. The Expediter may order a decrease in the maximum rent as provided in § 825.25 (c) (1) and (6).

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting shall be received, subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.25 (c) (1) or (6). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under § 825.25 (c) may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under § 825.25 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(d) *Housing subject to rent schedule of War or Navy Department.* Where housing accommodations on June 30, 1947, are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such housing accommodations cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or shall be established under paragraph (c) of this section.

(e) *Increase or decrease in space on or after April 1, 1948.* Where housing accommodations are changed on or after April 1, 1948, by a substantial increase or decrease in dwelling space, the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change: *Provided, however,* That the Expediter at any time may order a decrease in the maximum rent as provided in § 825.25 (c) (1) and (6): *And provided further,* That the rent received for any rental period commencing on or after the date of the first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.25 (c) (1) or (6). Such amount shall be refunded within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). The order entered by the Expediter shall fix the maximum rent retroactively to the date of first renting after such change. The landlord shall, within 30 days after renting said accommodations, file a proper registration statement in the area office in accordance with the provisions of § 825.27. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

§ 825.25 *Adjustments and other determinations.* This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (12), (13), (14), (15), (c) (6), (8) and (9) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided further,* That in cases under paragraphs (a) (3), (c) (1) and (3) of this section involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher: *And provided further,* That in cases under paragraph (i) of this section the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), (14), and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on September 30, 1943.

In cases under paragraph (a) (3) of this section appropriate allowance shall be made for general increases in costs of services, furniture, furnishings or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (c) (8) of this section the adjustment shall be on the basis of the average rent during the period of occupancy of the lease or other rental agreement in effect on the date determining the maximum rent.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship.

In cases under paragraph (c) (9) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

In cases under paragraph (a) (16) of this section, the adjustment shall be in the amount necessary to relieve the controlled rental units of their share of the operating loss.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the grounds that:

(1) *Major capital improvement after effective date.* There has been on or after the effective date of the rent regulation for housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the housing accommodations by a major capital improvement, as distinguished from ordinary repair, replacement, and maintenance or a substantial increase in the services, furniture, furnishings, or equipment, and the rent on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent or a substantial increase in the living space since June 30, 1947. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in living space, services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in living space, services, furniture, furnishings or equipment, if the Expediter finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) [Revoked.]

(5) [Revoked.]

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal rents.* The rent on the date determining the maximum rent was substantially lower than at other time of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Substantial increase in occupancy.* (i) There has been, since the date determining the maximum rent a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant.

(ii) There has been, since the date determining the maximum rent a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on the maximum rent date.

(iii) There has been, since the date determining the maximum rent an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(9) [Revoked.]

(10) *Priority rating granted on September 1941 application form of Office of Production Management.* The maximum rent for the housing accommodations was originally established under section 4 (f) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, the application for priority rating for the construction of the housing accommodations was filed on the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941, the landlord did not make, prior to the maximum rent date, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and the maximum rent for the accommodations is substantially lower than the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, giving due consideration to general increases in costs of construction, if any, in the defense-rental area since the maximum rent date.

This paragraph (a) (10) shall apply only to housing accommodations which were first rented prior to March 29, 1944.

(11) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(12) *Substantial hardship from increase in operating expenses.* The landlord is suffering a substantial hardship because his present net income for the property is less than his average annual net income for a prior base period due to an unavoidable increase in operating expenses. A petition for adjustment under this section must be filed on Form D–58 or D–58A, whichever is appropriate, provided by the Expediter, in accordance with instructions contained therein.

In proper cases increase in payroll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (12), the terms:

(i) "Property" includes one or more structures operated as a single unit or enterprise.

(ii) "Present net income" means the amount determined by subtracting the operating expenses for the current year from the present annual income.

(iii) "Operating expenses" means all property taxes and other operating costs, including depreciation, but excluding interest, necessary to the operation and maintenance of the property properly chargeable and allocated to the current year, or base period, as the case may be.

(iv) "Current year" means: (*a*) the most recent calendar or fiscal year used by the landlord; or (*b*) any 12 consecutive months ending not more than 90 days prior to the date of the filing of the petition; *Provided, however,* That if an allowance is requested for increase in payroll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(v) "Present annual income" means the legal monthly rent for all units in the premises, both residential and commercial, on the date the petition is filed, multiplied by 12, together with any other income earned from the operation of the property during the current year. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free on such date, the full rental value shall be considered the legal rent. In any case where a unit was rented on a seasonal or varying rental basis during the year ending on the date the petition was filed, the average monthly rental during such year shall be considered the legal rent.

(vi) "Net income for the base period" means the amount determined by subtracting operating expenses for the base period from total income for the base period.

(vii) "Base period" means any period of two consecutive years prior to the current year but not beginning before January 1, 1939, which the Expediter finds to be representative of the property's normal operations: *Provided, however,* That where a representative period of two consecutive years is not available, the Expediter in his discretion may, for the purpose of this section, accept a representative period of not less than one year: *And provided further,* That where a previous adjustment was granted under this paragraph (a) (12) the base period shall be the current year used in obtaining that adjustment, except that the total income shall be appropriately adjusted in accordance with the previous adjustment.

(viii) "Total income for the base period" means total rental and other income earned from the property and the full rental value of any accommodations in the property occupied in whole or in part rent free.

In making adjustments under this paragraph (a) (12), the Expediter shall take into consideration any adjustments in maximum rents ordered after the date the petition is filed, as well as any leases which are in effect under section 204 (b) of the Housing and Rent Act of 1947, as amended.

No adjustment shall be granted under this paragraph (a) (12) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing).

In any case where a petition for adjustment under this paragraph (a) (12) was pending on June 30, 1948, the landlord may elect to have the petition processed under this section as it read prior to its amendment on July 10, 1948.

(13) *Rented to an employee of landlord.* The housing accommodations were rented to an employee of the landlord both on the date determining the maximum rent and at the time the order under this paragraph (a) (13) is issued, and after the date determining the maximum rent but prior to the effective date of regulation the landlord and tenant agreed, as the result of a continucus process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

(14) *Changes from year-round to seasonal renting.* The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, are vacant and the establishment of seasonal variations in the rent would not, in the opinion of the area rent director, be inconsistent with the purposes of the act.

(15) *Approval of higher rents for priority constructed housing.* The maximum rent was established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

(16) *Landlord operating at a loss.* The landlord is operating at a loss. A landlord shall be considered to be operating at a loss if his operating expenses for the premises for the current year exceed his total annual income for such premises. A petition for adjustment under this section must be filed on form D–99, provided by the Expediter, and in accordance with instructions contained therein.

For the purposes of this paragraph (a) (16), the term:

(i) "Operating expenses" includes all property taxes and other operating costs, including depreciation (but excluding interest) necessary to the operation and maintenance of the premises properly chargeable and allocated to the "current year."

(ii) "Total annual income" means "present annual scheduled rental income" plus any other income earned from the operation of the premises during the current year.

(iii) "Present annual scheduled rental income" means the legal monthly rent for all units in the premises, both residential and commercial, on the date the petition is filed, multiplied by 12. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free on such date, the full rental value shall be considered the legal rent, and in any case where a unit was rented on a seasonal or varying rental basis during the year, ending on the date the petition was filed, the average monthly rent during such year shall be considered the legal rent.

(iv) "Current year" means any 12 consecutive months ending not more than 90 days prior to the date of the filing of the petition: *Provided, however,* that such current year must extend at least 6 months beyond the last date of the "current year" used in a previous petition on which an adjustment was granted due to operating loss.

(v) "Depreciation" means any one of the following:

The amount shown on the landlord's income tax return to the United States Bureau of Internal Revenue for the year including the maximum rent date; or,

Two and one-half percent of the value at which the building was assessed for tax purposes on the maximum rent date; or if it was not in existence on the maximum rent date, two and one-half percent of the first assessed value of the building; or,

The amount derived by multiplying the present annual scheduled rental income by the appropriate percentage as follows:

	Percent
For one or two-unit structures	21
For three or four-unit structures	16
For five or more unit structures	11

In making adjustments under this section the Expediter shall take into consideration any adjustments in maximum rents after the date the petition is filed, as well as any leases which are in effect under section 204 (b) of the Housing and Rent Act of 1947, as amended.

No adjustment shall be granted under this section with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing).

(b) *Decreases in minimum services, furniture, furnishings, equipment, and space.* (1) *Requirements for petition and order, or report.* The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings and equipment as required under § 825.23, unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases on and after April 1, 1948.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of paragraph (c) (3) of this section.

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or April 1, 1948, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(3) *Adjustment in maximum rent for decreases prior to April 1, 1948.* Where a landlord decreased living space, services, furniture, furnishings, or equipment before April 1, 1948, while the accommodations were occupied, or decreased the living space, services, furniture, furnishings, or equipment during such period while the accommodations were vacant, and failed or fails to file a petition or a written report as was required by the provisions of this paragraph (b) prior to April 1, 1948, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in living space, services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to comply with the provisions of this paragraph (b) in effect prior to April 1, 1948, the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable only on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraph (c), (d), (e), or (g), of section 4 of the Rent Regulation for Housing for the New York City Defense-Rental Area, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under § 825.24 (c) or (e) is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraph (c), (d), or (e), of section 4 of the Rent Regulation for Housing for the New York City Defense-Rental Area, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1947 shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 825.23 since the date or order determining the maximum rent or a substantial decrease in the living space since June 30, 1947, but before April 1, 1948.

(4) *Special relationship between landlord and tenant or peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and tenant, or by peculiar circumstances and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a lower rent at other periods during the term of such lease or agreement: *Provided,* That this subparagraph shall not apply to cases covered by paragraph (c) (8) of this section.

(6) *Seasonal rent.* The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(7) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (8) of this section or section 5 (a) (8) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.

(8) *Rent concession.* The rent on the date determining the maximum rent was established by a lease or other rental agreement for a period of occupancy of one or more years, which provided for a rent concession during such period of occupancy in the form of either a rent-free period or an abatement of rent.

(9) *Modification or elimination of necessity for increase under paragraph (a) (12) of this section or section 5 (a) (12) of the Rent Regulation for Housing.* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section or section 5 (a) (12) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings or equipment required to be provided with the accommodations is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings, and equipment required to be provided with the accommodations, which order shall be effective to establish the maximum rent from July 1, 1947, or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant the tenant may petition the Expediter for leave to exercise any right he would have except for §§ 825.21 to 825.32, inclusive, to sell his underlying lease or other rental agreement. The Expediter may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result in the circumvention or evasion of the act or §§ 825.21 to 825.32, inclusive. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Expediter may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on the maximum rent date.

(h) *Public housing.* Where the maximum rent for any housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such accommodations may with the consent of the Expediter increase the maximum rents to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

(i) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947 was established by an order issued under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

§ 825.26 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Expediter as he may, from time to time, require.

§ 825.27 *Registration*—(a) *Registration statement.* Every landlord of controlled housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such registration statement shall be filed on or before July 10, 1947. For housing accommodations first rented on or after June 1, 1947, such registration statement shall be filed on or before July 30, 1947, or within 30 days after first renting, whichever is later. The statement shall identify each dwelling unit and specify the maximum rent provided by §§ 825.21 to 825.32, inclusive, for such dwelling unit and shall contain such other information as the Expediter shall require. The original shall remain on file with the Expediter and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the tenant's signature and the date thereof on the back of such statement.

When the maximum rent is changed by order of the Expediter, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

Where, since the filing of the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity within 15 days after the change, or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph (a).

Any notice, order or other process or paper directed to the person named on the registration as the landlord at the address given thereon, or, where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Revised Rent Procedural Regulation 1 (Part 840 of this chapter) constitute notice to the person who is then the landlord.

The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (g) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in paragraph (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a State of the United States or any of its political subdivisions, or any agency of the foregoing, paragraph (c) of this section shall continue to be applicable.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements*—(1) *Housing owned and constructed by governmental agencies.* The provisions of this section shall not apply to housing accommodations whose maximum rent was originally determined under section 4 (g) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Expediter shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 825.28 *Evasion*—(a) *General.* The maximum rents and other requirements provided in §§ 825.21 to 825.32, inclusive, shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Expediter is obtained.

§ 825.29 *Enforcement.* Persons violating any provision of §§ 825.21 to 825.32, inclusive, are subject to civil enforcement actions and suits for treble damages as provided by the act.

§ 825.30 *Procedure.* All registration statements, reports and notices provided for by §§ 825.21 to 825.32, inclusive, shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Rent Procedural Regulation 1 (Part 840 of this chapter).

§ 825.32 *Adoption of orders.* All orders issued pursuant to section 2 (c), (d) (3) and (7) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, which were in effect on June 30, 1947, shall be deemed to continue in effect under §§ 825.21 to 825.32, inclusive, unless and until revoked or modified by the Expediter.

Effective date. This Controlled Housing Rent Regulation for the New York City Defense-Rental Area shall become effective July 1, 1947. [Originally issued June 30, 1947.]

CONTROLLED HOUSING RENT REGULATION FOR MIAMI DEFENSE-RENTAL AREA

§ 825.41 *Definitions and scope of §§ 825.41 to 825.52, inclusive.* "Act" means the Housing and Rent Act of 1947, as amended.

"Expediter" means the Housing Expediter or the Rent Director or such other person or persons as the Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Local Advisory Board" means a board created in a Defense-Rental Area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

"Area Rent Office" means the office of the Rent Director in the Defense-Rental Area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the aforegoing.

"Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Controlled housing accommodations" means any housing accommodation in the Defense-Rental Area which is not specifically exempted from control or decontrolled under §§ 825.41 to 825.52, inclusive.

"Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, and removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

"Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

"Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishment; and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes.

"Maximum rent date" means September 1, 1943, the maximum rent date for the Miami County Defense-Rental Area as established under the Emergency Price Control Act of 1942, as amended.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular housing accommodation in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder, or under § 825.44 (b), (c), or (e), whichever is applicable.

"Effective date of regulation" means November 1, 1943, the effective date of all provisions of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, except as to section 7 of that regulation which became effective October 1, 1943 in the County of Dade and October 15, 1943 in the City of Hollywood and the Town of Hallandale in the County of Broward, in the State of Florida.

The term "Rent Regulation for Housing" as used in §§ 825.41 to 825.52, inclusive, means the Rent Regulation for Housing for the Miami Defense-Rental Area.

(a) *Housing and defense-rental area to which §§ 825.41 to 825.52, inclusive, apply.* Sections 825.41 to 825.52, inclusive, apply to all housing accommodations in the Miami Defense-Rental Area, consisting of the County of Dade and the City of Hollywood and the Town of Hallandale in the County of Broward in the State of Florida, except as provided in paragraph (b) of this section. The Miami Defense-Rental Area is referred to hereinafter in §§ 825.41 to 825.52, inclusive, as the "Defense-Rental Area."

(b) *Decontrolled and exempted housing to which §§ 825.41 to 825.52, inclusive, do not apply*—(1) *Exempted housing.* Sections 825.41 to 825.52, inclusive, do not apply to the following:

(i) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.* Rooms or other housing accommodations subject to §§ 825.121 to 825.132, inclusive.

(iv) *Structures subject to underlying leases.* (a) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, except as provided in (c) of subdivision (iv).

(b) Entire structures or premises where 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises: *Provided,* That all of the housing accommodations in such structures or premises are exempt or decontrolled under the provisions of this section and are not subject to §§ 825.121 to 825.132, inclusive.

(c) Sections 825.41 to 825.52, inclusive, do apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt or decontrolled under the provisions of this section and are not subject to §§ 825.121 to 825.132, inclusive.

(v) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That §§ 825.41 to 825.52, inclusive, do apply to a sublease or other subrenting of such accommodations or any part thereof.

(vi) *Winter resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to November 1, 1943, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to housing accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1 to May 31.

(vii) *Tourist tenants.* Housing accommodations located in a resort community which, during at least six months of the year ending May 31, 1947, were either rented to tourist tenants or vacant, or both, and which were rented to a tourist tenant or not rented on May 31,

1947. This exemption shall apply to such accommodations only while rented to tourist tenants. For the purpose of this section, the term "tourist tenant" shall mean a tenant having his domicile outside of the resort community who is, or was, temporarily residing within such community: *Provided, however,* That the term shall not include a tenant who has continuously resided in the resort community for a period of more than nine months immediately prior to May 31, 1947, or more than nine months immediately prior to the date of renting the accommodations, whichever is the later.

(2) *Decontrolled housing.* Sections 825.41 to 825.52, inclusive, do not apply to the following:

(i) *Accommodations in hotels, motor courts, trailers and trailer spaces, and tourist homes.* (*a*) Housing accommodations in a hotel (see definition of hotel in this section) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) housing accommodations in establishments which were motor courts on June 30, 1947; (*c*) housing accommodations located in trailers and ground space rented for trailers; and (*d*) housing accommodations in any tourist home serving transient guests exclusively on June 30, 1947.

Reporting requirements. Every landlord of housing accommodations referred to in (*a*) and (*b*) of this subdivision (i), who has not filed an application for decontrol prior to April 1, 1948, shall, on or before June 1, 1948, file in the Area Rent Office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Accommodations created by new construction or conversion.* (*a*) Housing accommodations the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (*1*) occupied such housing accommodations, or (*2*) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (*b*) housing accommodations the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this subdivision (ii) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (*1*) a change in a structure from a nonhousing to a housing use or (*2*) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Accommodations not rented for two-year period.* Housing accommodations which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as housing accommodations.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in this section.)

(v) *Leased accommodations.* (*a*) Except as hereinafter provided in this subdivision (v), housing accommodations concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(*b*) Except as hereinafter provided in this subdivision (v), housing accommodations concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with (*a*) of this subdivision (v) and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus or minus the amount of any adjustment under § 825.45, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) of this subdivision (v). All housing accommodations referred to in (*a*) of this subdivision (v) shall be subject to §§ 825.41 to 825.52, inclusive, unless the lease provided for the same living space, services, furniture, furnishings and equipment with the housing accommodations as were required to be provided by §§ 825.41 to 825.52, inclusive, prior to the effective date of the lease.

All housing accommodations referred to in (*b*) of this subdivision (v) shall be subject to §§ 825.41 to 825.52, inclusive, unless the lease provides for the same living space, services, furniture, furnishings and equipment with the housing accommodations which in the absence of a lease would be required to be provided by §§ 825.41 to 825.52, inclusive, on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

All housing accommodations referred to in (*a*) and (*b*) of this subdivision (v) shall be subject to §§ 825.41 to 825.52, inclusive, if the lease is terminated or expires on or after April 1, 1948, and before March 31, 1949, unless a subsequent lease entered into under the provisions of (*b*) of this subdivision (v) is in force.

Reporting requirements. A landlord shall file Form D–92—Registration of Lease—in triplicate— with the true and duly executed copy of the lease required to be filed in (*b*) of this subdivision (v).

A landlord shall file a report in the area rent office, on a form provided by the Expediter, of any termination of a lease referred to in (*a*) or (*b*) of this subdivision (v) prior to the expiration date of the lease. Such report shall be filed within fifteen days after such termination or fifteen days after April 1, 1948, whichever is later.

(c) *Effect of §§ 825.41 to 825.52, inclusive, on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with §§ 825.41 to 825.52, inclusive.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of §§ 825.41 to 825.52, inclusive, is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of §§ 825.41 to 825.52, inclusive.

§ 825.42 *Prohibition against higher than maximum rents.*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall offer, demand or receive any rent for or in connection with the use or occupancy on and after the effective date of §§ 825.41 to 825.52, inclusive, of any housing accommodations within the Defense-Rental Area higher than the maximum rents provided by §§ 825.41 to 825.52, inclusive; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. A reduction in the services, furniture, furnishings or equipment required under § 825.43 shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by §§ 825.41 to 825.52, inclusive, may be demanded or received.

(b) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to the effective date of regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of §§ 825.41 to 825.52, inclusive, may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the Area Rent Office and shall be granted by order of the Expediter if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the act or §§ 825.41 to 825.52, inclusive, and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain and the tenant shall be authorized to offer payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of §§ 825.41 to 825.52, inclusive. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of §§ 825.41 to 825.52, inclusive. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive or the tenant to offer payments in excess of the maximum rent in the absence of an order of the Expediter as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive nor shall the tenant offer payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

(c) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing accommodations within the defense-rental area except as provided in this paragraph (c). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under said section 4 (a).

(3) *Maximum rent established under section 4 (b) or (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (b) or (f), no security deposit shall be demanded or received.

(4) *Maximum rent established under section 4 (c) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (c), no security deposit shall be demanded, received, or retained.

(5) *Maximum rent established under section 4 (d) or (e) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (d) or (e), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations were or are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(6) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

(7) *Deposits on certain furnished leased accommodations.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is, or was, rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease, or where such newly constructed housing accommodation was rented and occupied for the first time on or prior to March 25, 1947, fully furnished, under a written lease, and was constructed with a priority rating or under specific authorization by the United States or any agency thereof for which the rent was approved by the United States or any agency thereof and the entire project covered by the single priority application of which the housing accommodation was a part was not completed until after March 25, 1947.

(8) *Deposits based on prior rental practices.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular housing accommodations involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

§ 825.43 *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in § 825.44 (e) or 825.45 (b) or as otherwise provided in this section, every landlord, shall, as a minimum, provide with housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.41 to 825.52, inclusive, on March 31, 1948.

Where the maximum rent is determined under § 825.44 (b) (1), the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.41 to 825.52, inclusive, prior to the effective date of the lease.

Where the maximum rent is determined under § 825.44 (b) (2), the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he would be required to provide by §§ 825.41 to 825.52, inclusive, in the absence of a lease, on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

§ 825.44 (a) *Maximum rents in effect on June 30, 1947.* The maximum rent for any housing accommodation under §§ 825.41 to 825.52, inclusive (unless and until changed by the Expediter as provided in § 825.45), shall be the maximum rent which was in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the

applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rent on termination of lease.* (1) For housing accommodations concerning which a lease as described in § 825.41 (b) (2) (v) (a) was in effect, but is terminating on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease, or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For housing accommodations concerning which a lease as described in § 825.41 (b) (2) (v) (b) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

(c) *First rent after June 30, 1947 (see also paragraph (e) of this section).* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations or one-twelfth of the total rent for the year ending on August 31, 1943, whichever is the higher. Within 30 days after so renting, the landlord shall register the accommodations as provided in § 825.47. The Expediter may order a decrease in the maximum rent as provided in § 825.45 (c) (1).

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting shall be received, subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.45 (c) (1). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under § 825.45 (c) may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under § 825.45 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(d) *Housing subject to schedule of War or Navy Department.* Where housing accommodations on June 30, 1947 are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such housing accommodations cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or shall be established under paragraph (c) of this section.

(e) *Increase or decrease in space on or after April 1, 1948.* Where housing accommodations are changed on or after April 1, 1948, by a substantial increase or decrease in dwelling space, the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change: *Provided, however,* That the Expediter at any time may order a decrease in the maximum rent as provided in § 825.45 (c) (1) and (6): *And provided further,* That the rent received for any rental period commencing on or after the date of the first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.45 (c) (1) or (6). Such amount shall be refunded within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). The order entered by the Expediter shall fix the maximum rent retroactively to the date of first renting after such change. The landlord shall, within 30 days after renting said accommodations, file a proper registration statement in the area office in accordance with the provisions of § 825.47. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

§ 825.45 *Adjustments and other determinations.* Section 825.45 sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In cases under paragraphs (a) (2), (8), (9), (11), (c) (1), (3), and (5), the adjustment of the maximum rent shall be on the basis of the maximum rent which the Expediter finds is generally prevailing in the defense-rental area for comparable housing accommodations.

In cases under paragraphs (a) (1), (3), (6), (c) (2), (4) and (6), the adjustment of the maximum rent shall be the amount the Expediter finds would have been, on September 1, 1943, or during the year ending on August 31, 1943, the difference in the rental value of the housing accommodations by reason of the change upon which the adjustment is based: *Provided,* That in cases under paragraphs (a) (3), (c) (1) and (4) of this section involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher.

In cases under paragraph (h), the adjustment of the maximum rent shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations during the corresponding month of the year ending on August 31, 1943.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In the cases involving a major capital improvement, an increase or decrease in the services, furniture, furnishings or equipment, an increase or decrease in the number of subtenants or other occupants, or a deterioration, no adjustment shall be ordered to the extent that a rent used in establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In cases under paragraph (a) (10) of this section the maximum rent shall be adjusted to an amount to be ascertained by adding to the total rent for the year ending on August 31, 1943, an amount equal to the rent for the housing accommodations during the month or months of that year most nearly comparable to the month or months during which the accommodations were not rented, and dividing by twelve.

In cases under paragraph (a) (3) of this section appropriate allowance shall be made for general increases in costs of services, furniture, furnishings or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship.

In cases under paragraph (c) (7) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

In cases under paragraph (a) (14) of this section, the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

In cases under paragraph (j) of this section the adjustment shall be in the amount necessary to correct the error.

In cases under paragraph (a) (15) of this section, the adjustment shall be in the amount necessary to relieve the controlled rental units of their share of the operating loss.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the grounds that:

(1) *Major capital improvement after September 1, 1943.* There has been, since September 1, 1943, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Major capital improvement or change to furnished prior to September 1, 1943.* There was during the year ending on August 31, 1943, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, or a change from unfurnished to fully furnished, and as a result the maximum rent for the housing accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.* There has been, since September 1, 1943, a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations or a substantial increase in the living space since June 30, 1947, but before April 1, 1948. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in living space, services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in living space, services, furniture, furnishings or equipment, if the Expediter finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) [Revoked.]

(5) [Revoked.]

(6) *Substantial increase in occupancy.* (i) There has been, since the date determining the maximum rent a substantial increase in the number of subtenants or other persons occupying the accomodations or a part thereof under a rental agreement with the tenant.

(ii) There has been, since the date determining the maximum rent a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on the maximum rent date.

(iii) There has been, since the date determining the maximum rent an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(7) [Revoked.]

(8) *Not rented during twelve weeks of year ending August 31, 1943.* The housing accommodations were not rented during at least twelve weeks of the year ending on August 31, 1943, and the maximum rent established under section 4 for such accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(9) *Priority rating granted on September 1941 application form of Office of Production Management.* The maximum rent for the housing accommodations was originally established under section 4 (c) of the Rent Regulation for Housing issued pursuant to Emergency Price Control Act of 1942, as amended, the application for priority rating for the construction of the housing accommodations was filed on the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941, the landlord did not make, prior to the maximum rent date, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and the maximum rent for the accommodations is substantially lower than the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, giving due consideration to general increases in costs of construction, if any, in the defense-rental area since the maximum rent date.

This paragraph (a) (9) shall apply only to housing accommodations which were first rented prior to March 29, 1944.

(10) *Not rented for one or two full months during the year ending on August 31, 1943.* The housing accommodations were not rented for one or two full months but less than twelve weeks during the year ending on August 31, 1943 and the maximum rent established under § 825.44 for such accommodations is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations. The term "full month" means a period of consecutive days constituting a month.

(11) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(12) *Substantial hardship from increase in operating expenses.* The landlord is suffering a substantial hardship because his present net income for the property is less than his average annual net income for a prior base period due to an unavoidable increase in operating expenses. A petition for adjustment under this section must be filed on Form D–58 or D–58A, whichever is appropriate, provided by the Expediter, in accordance with instructions contained therein.

In proper cases increase in payroll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (12), the term:

(i) "Property" includes one or more structures operated as a single unit or enterprise.

(ii) "Present net income" means the amount determined by subtracting the operating expenses for the current year from the present annual income.

(iii) "Operating expenses" means all property taxes and other operating costs, including depreciation, but excluding interest, necessary to the operation and maintenance of the property properly chargeable and allocated to the current year, or base period, as the case may be.

(iv) "Current year" means: (a) the most recent calendar or fiscal year used by the landlord; or (b) any 12 consecutive months ending not more than 90 days prior to the date of the filing of the petition; *Provided, however,* That if an allowance is requested for increase in payroll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(v) "Present annual income" means the legal monthly rent for all units in the premises, both residential and commercial, on the date the petition is filed, multiplied by 12, together with any other income earned from the operation of the property during the current year. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free on such date, the full rental value shall be considered the legal rent. In any case where a unit was rented on a seasonal or varying rental basis during the year ending on the date the petition was filed, the average monthly rental during such year shall be considered the legal rent.

(vi) "Net income for the base period" means the amount determined by subtracting operating expenses for the base period from total income for the base period.

(vii) "Base period" means any period of two consecutive years prior to the current year but not beginning before January 1, 1939, which the Expediter finds to be representative of the property's normal operations: *Provided, however,* That where a representative period of two consecutive years is not available, the Expediter in his discretion may, for the purpose of this section, accept a representative period of not less than one year: *And provided further,* That where a previous adjustment was granted under this paragraph (a) (12) the base

period shall be the current year used in obtaining that adjustment, except that the total income shall be appropriately adjusted in accordance with the previous adjustment.

(viii) "Total income for the base period" means total rental and other income earned from the property and the full rental value of any accommodations in the property occupied in whole or in part rent free.

In making adjustments under this paragraph (a) (12), the Expediter shall take into consideration any adjustments in maximum rents ordered after the date the petition is filed, as well as any leases which are in effect under section 204 (b) of the Housing and Rent Act of 1947, as amended.

No adjustment shall be granted under this paragraph (a) (12) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing).

In any case where a petition for adjustment under this paragraph (a) (12) was pending on June 30, 1948, the landlord may elect to have the petition processed under this section as it read prior to its amendment on July 10, 1948.

(13) *Rented to an employee of landlord.* The housing accommodations were rented to an employee of the landlord both on the date determining the maximum rent and at the time the order under this paragraph (a) (13) is issued, and after the date determining the maximum rent but prior to the effective date of regulation the landlord and tenant agreed, as the result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

(14) *Approval of higher rents for priority constructed housing.* The maximum rent was established under section 4 (c) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

(15) *Landlord operating at a loss.* The landlord is operating at a loss. A landlord shall be considered to be operating at a loss if his operating expenses for the premises for the current year exceed his total annual income for such premises. A petition for adjustment under this section must be filed on form D–99, provided by the Expediter, and in accordance with instructions contained therein.

For the purposes of this paragraph (a) (15), the term:

(i) "Operating expenses" includes all property taxes and other operating costs, including depreciation (but excluding interest) necessary to the operation and maintenance of the premises properly chargeable and allocated to the "current year."

(ii) "Total annual income" means "present annual scheduled rental income" plus any other income earned from the operation of the premises during the current year.

(iii) "Present annual scheduled rental income" means the legal monthly rent for all units in the premises, both residential and commercial, on the date the petition is filed, multiplied by 12. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free on such date, the full rental value shall be considered the legal rent, and in any case where a unit was rented on a seasonal or varying rental basis during the year ending on the date the petition was filed, the average monthly rent during such year shall be considered the legal rent.

(iv) "Current year" means any 12 consecutive months ending not more than 90 days prior to the date of the filing of the petition: *Provided, however,* That such current year must extend at least 6 months beyond the last date of the "current year" used in a previous petition on which an adjustment was granted due to operating loss.

(v) "Depreciation" means any one of the following:

The amount shown on the landlord's income tax return to the United States Bureau of Internal Revenue for the year including the maximum rent date; or,

Two and one-half percent of the value at which the building was assessed for tax purposes on the maximum rent date; or if it was not in existence on the maximum rent date, two and one-half percent of the first assessed value of the building; or,

The amount derived by multiplying the present annual scheduled rental income by the appropriate percentage as follows:

	Percent
For one or two-unit structures	21
For three or four-unit structures	16
For five or more unit structures	11

In making adjustments under this section the Expediter shall take into consideration any adjustments in maximum rents after the date the petition is filed, as well as any leases which are in effect under section 204 (b) of the Housing and Rent Act of 1947, as amended.

No adjustment shall be granted under this section with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing).

(b) *Decreases in minimum services, furniture, furnishings, equipment, and space*—(1) *Requirements for petition and order, or report.* The landlord shall until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment as required under § 825.43, unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases on and after April 1, 1948.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of paragraph (c) (4) of this section.

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or April 1, 1948, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. (Part 840 of this chapter.) If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(3) *Adjustment in maximum rent for decreases prior to April 1, 1948.* Where a landlord decreased living space, services, furniture, furnishings, or equipment before April 1, 1948, while the accommodations were occupied, or decreased the living space, services, furniture, furnishings, or equipment during such period while the accommodations were vacant, and failed or fails to file a petition or a written report as was required by the provisions of this paragraph (b) prior to April 1, 1948, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in living space, services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. (Part 840 of this chapter.) If the Expediter finds that the landlord was not at fault in failing to comply with the provisions of this paragraph (b) in effect prior to April 1, 1948, the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable only on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraphs (b), (d), or (f), of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under § 825.44 (c) or (e) is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraphs (b), (d), or (f) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1947, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1. (Part 840 of this chapter.) The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since September 1, 1943.

(3) *Substantial deterioration or change to unfurnished prior to September 1, 1943.* There was a substantial deterioration of the housing accommodations or a change from fully furnished to unfurnished during the year ending on August 31, 1943, and as a result the maximum rent for such accommodations is substantially higher than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(4) *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 825.43 since September 1, 1943, or a substantial decrease in the living space since June 30, 1947, but before April 1, 1948.

(5) *Special relationship between landlord and tenant or peculiar circumstances.* The rent during some portion of the year ending on August 31, 1943, or on the date subsequent thereto determining the maximum rent, was materially affected by the blood, personal, or other special relationship between the landlord and the tenant, or by peculiar circumstances, and as a result the maximum rent for the housing accommodations is substantially higher than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(6) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (6) of this section or section 5 (a) (6), of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.

(7) *Modification or elimination of necessity for increase under paragraph (a) (12) of this section or section 5 (a) (12) of the Rent Regulation for the Housing.* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section or section 5 (a) (12) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings, or equipment required to be provided with the accommodations is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947, or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the living space, services, furniture, furnishings, and equipment included in such rent.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other person occupying under a rental agreement with the tenant the tenant may petition the Expediter for leave to exercise any right he would have except for §§ 825.41 to 825.52, inclusive, to sell his underlying lease or other rental agreement. The Expediter may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result in the circumvention or evasion of the act or §§ 825.41 to 825.52, inclusive. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are subject to the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Expediter may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rent which the Expediter finds is generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on the maximum rent date.

(h) *Election by landlord of seasonal maximum rents*—(1) *Landlord's election.* Where the total rent for housing accommodations for the eight months September 1942 through December 1942 and May 1943 through August 1943 was less than one-half of the total rent for the four months January 1943 through April 1943, the landlord may elect to have seasonal maximum rents applicable to the accommodations. A landlord so elects when he files a registration statement as provided in § 825.47 and expresses such election on the registration statement. After the landlord has elected seasonal maximum rents, the maximum rents provided by this paragraph shall apply to the housing accommodations until, on petition of the landlord, the Expediter consents to the landlord's request to revoke the election. Upon the granting of such request the maximum rents provided by § 825.44 shall apply to the accommodations.

(2) *Maximum rents for particular months.* Upon the landlord's election as provided in subparagraph (1) of this paragraph, the maximum rent for the housing accommodations for a particular month, beginning with the first rental period after the landlord's election, shall be the rent for the accommodations for the corresponding month of the year ending on August 31, 1943: *Provided, however,* That, where the accommodations were not rented or were rented for less than 21 days during such corresponding month of the year ending on August 31, 1943, the maximum rent for the particular month shall be the rent on September 1, 1943, or, if the accommodations were not rented on that date, the first rent after that date.

(3) *Adjustments of maximum rents.* If the maximum rent for a particular month is established under subparagraph (2) of this paragraph by either the rent on September 1, 1943 or the first

rent after that date, and is lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations for the corresponding month of the year ending on August 31, 1943, the Expediter on petition of the landlord, may order an increase in the maximum rent. If such maximum rent is higher than the rent generally pravailing in the defense-rental area for comparable housing accommodations for the corresponding month of the year ending August 31, 1943, the Expediter on his own initiative or on application of the tenant, may order a decrease in the maximum rent.

(4) *Reporting first rent.* Where the housing accommodations were not rented on September 1, 1943 and the maximum rent for a particular month is established under subparagraph (2) of this paragraph by the first rent after that date, the landlord, if he has previously filed a registration statement for the accommodations, shall report the first rent after September 1, 1943, within 30 days after the accommodations are first rented after that date, on the form provided therefor. If the landlord has not previously filed a registration statement for the accommodations, he shall file such registration statement within 30 days after first renting, as provided in § 825.47. If the landlord fails to file the report or registration statement within the time specified, the rent received from the time of first renting on November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amounts in excess of the maximum rents which may later be fixed by an order under subparagraph (3) of this paragraph decreasing maximum rents. In such case, the order under subparagraph (3) of this paragraph shall be effective to decrease the maximum rents from the time of such first renting or November 1, 1943, whichever is the later.

(j) *Public housing.* Where the maximum rent for any housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such accommodations may with the consent of the Expediter increase the maximum rents to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

(j) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947 was established by an order issued under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

§ 825.46 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Expediter as he may, from time to time, require.

§ 825.47 *Registration*—(a) *Registration statement.* Every landlord of controlled housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such registration statement shall be filed on or before July 10, 1947. For housing accommodations first rented on or after June 1, 1947, such registration statement shall be filed on or before July 30, 1947 or within 30 days after first renting, whichever is later. The statement shall identify each dwelling unit and specify the maximum rent provided by §§ 825.41 to 825.52, inclusive, for such dwelling unit and shall contain such other information as the Expediter shall require. The original shall remain on file with the Expediter and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the tenant's signature and the date thereof, on the back of such statement.

When the maximum rent is changed by order of the Expediter, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

Where, since the filing of the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity within 15 days after the change or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change in identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him a true copy of said original, which may be used to satisfy all requirements of this paragraph (a).

Any notice, order or other process or paper directed to the person named on the registration statement as the landlord at the address given thereon, or when a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Revised Rent Procedural Regulation 1 (Part 840 of this chapter) constitute notice to the person who is then the landlord.

The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (d) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in paragraph (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a state of the United States or any of its political subdivisions, or any agency of the foregoing, paragraph (c) of this section shall continue to be applicable.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements*—(1) *Housing owned and constructed by governmental agencies.* The provisions of this section shall not apply to housing accommodations whose maximum rent was originally determined under section 4 (d) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Expediter shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

§ 825.48 *Evasion*—(a) *General.* The maximum rents and other requirements provided in §§ 825.41 to 825.52, inclusive, shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Expediter is obtained.

§ 825.49 *Enforcement.* Persons violating any provision of §§ 825.41 to 825.52, inclusive, are subject to civil enforcement actions and suits for treble damages as provided by the act.

§ 825.50 *Procedure.* All registration statements, reports and notices provided for by §§ 825.41 to 825.52, inclusive, shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Rent Procedural Regulation 1 (Part 840 of this chapter).

§ 825.52 *Adoption of orders.* All orders issued pursuant to section 2 (c) and (d) (6) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, which were in effect on June 30, 1947, shall be deemed to continue in effect under §§ 825.41 to 825.52, inclusive, unless and until revoked or modified by the Expediter.

Effective date. This Controlled Housing Rent Regulation for the Miami Defense-Rental Area shall become effective July 1, 1947. [Originally issued June 30, 1947.]

CONTROLLED HOUSING RENT REGULATION FOR ATLANTIC COUNTY DEFENSE-RENTAL AREA

§ 825.61 *Definitions and scope of §§ 825.61 to 825.72, inclusive.* "Act" means the Housing and Rent Act of 1947, as amended.

"Expediter" means the Housing Expediter or the Rent Director or such other person or persons as the Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Local Advisory Board" means a board created in a defense-rental area, or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor, or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

"Area rent office" means the office of the Rent Director in the Defense-Rental Area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Controlled housing accommodations" means any housing accommodation in the Defense-Rental Area which is not specifically exempted from control or decontrolled under §§ 825.61 to 825.72, inclusive.

"Services" includes repairs, decorating and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, and removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

"Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for or in connection with the use or occupancy of housing accommodations or the transfer of a lease of such accommodations.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located, and which provides customary hotel services.

"Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes.

"Maximum rent date" means September 1, 1943, the maximum rent date for the Atlantic County Defense-Rental Area, as established under the Emergency Price Control Act of 1942, as amended.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular housing accommodation in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder, or under § 825.64 (b), (c), or (e), whichever is applicable.

"Effective date of regulation" means June 1, 1944. The term Rent Regulation for Housing, as hereinafter used, means the Rent Regulation for Housing in Atlantic County Defense-Rental Area issued pursuant to the Emergency Price Control Act of 1942, as amended.

(a) *Housing and defense-rental area to which §§ 825.61 to 825.72, inclusive, apply.* Sections 825.61 to 825.72, inclusive, apply to all housing accommodations in the Atlantic County Defense-Rental Area, consisting of the County of Atlantic, New Jersey, except as provided in paragraph (b) of this section. The Atlantic County Defense-Rental Area is referred to hereinafter in §§ 825.61 to 825.72, inclusive, as the "defense-rental area."

(b) *Decontrolled and exempted housing to which §§ 825.61 to 825.72, inclusive, do not apply*—(1) *Exempted housing.* Sections 825.61 to 825.72, inclusive, do not apply to the following:

(i) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments.* Rooms or other housing accommodations subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments (Subpart B).

(iv) *Structures subject to underlying leases.* (a) Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, except as provided in (c) of subdivision (iv).

(b) Entire structures or premises where 25 or less rooms are rented or offered for rent by any lessee, sublessee, or other tenant of such entire structures or premises: *Provided,* That all of the housing accommodations in such structures or premises are exempt or decontrolled under the provisions of this section and are not subject to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments (Subpart B).

(c) Sections 825.61 to 825.72, inclusive, do apply to an underlying lease of any entire structure or premises which was entered into after the maximum rent date and prior to the effective date of the regulation while such lease remains in force with no power in the tenant to cancel or otherwise terminate the lease, unless all of the housing accommodations in such structure are exempt or decontrolled under the provisions of this section and are not subpect to the Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments (Subpart B).

(v) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That §§ 825.61 to 825.72, inclusive, do apply to a sublease or other subrenting of such accommodations or any part thereof.

(vi) *Resort housing; summer resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were

not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1 to September 30, inclusive.

(vii) *Subletting.* The subletting or other subrenting of housing accommodations for a term beginning on or after June 1, 1948 and ending on or before September 30, 1948 by a tenant who remained in occupancy and used the accommodations as his home from January 1, 1948 to the date of subletting or other subrenting.

(2) *Decontrolled housing.* Sections 825.61 to 825.72, inclusive, do not apply to the following:

(i) *Accommodations in hotels, motor courts, trailers and trailer spaces, and tourist homes.* (*a*) Housing accommodations in a hotel (see definition of hotel in this section) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) housing accommodations in establishments which were motor courts on June 30, 1947; (*c*) housing accommodations located in trailers and ground space rented for trailers; and (*d*) housing accommodations in any tourist home serving transient guests exclusively on June 30, 1947.

Reporting requirements. Every landlord of housing accommodations referred to in (*a*) and (*d*) of this subdivision (i), who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948 file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Accommodations created by new construction or conversion.* (*a*) Housing accommodations the construction of which was completed on or after February 1, 1947, or which are additional housing accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (*1*) occupied such housing accommodations, or (*2*) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (*b*) housing accommodations the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this subdivision (ii) the time at which construction of housing accommodations shall be deemed to be "completed" shall be the date on which the dwelling is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (*1*) a change in a structure from a nonhousing use or (*2*) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Accommodations not rented for two-year period.* Housing accommodations which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as housing accommodations.

(iv) *Nonhousekeeping furnished accommodations.* Nonhousekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in this section.)

(v) *Leased accommodations.* (*a*) Except as hereinafter provided in this subdivision (v), housing accommodations concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(*b*) Except as hereinafter provided in this subdivision (v), housing accommodations concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with (*a*) of this subdivision (v) and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus or minus the amount of any adjustment under § 825.65, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) of this subdivision (v). All housing accommodations referred to in (*a*) of this subdivision (v) shall be subject to §§ 825.61 to 825.72, inclusive, unless the lease provided for the same living space, services, furniture, furnishings and equipment with the housing accommodations as were required to be provided by §§ 825.61 to 825.72, inclusive, prior to the effective date of the lease.

All housing accommodations referred to in (*b*) of this subdivision (v) shall be subject to §§ 825.61 to 825.72, inclusive, unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the housing accommodations which in the absence of a lease would be required to be provided by §§ 825.61 to 825.72, inclusive, on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

All housing accommodations referred to in (*a*) and (*b*) of this subdivision (v) shall be subject to §§ 825.61 to 825.72, inclusive, if the lease is terminated or expires on or after April 1, 1948, and before March 31, 1949, unless a subsequent lease entered into under the provisions of (*b*) of this subdivision (v) is in force.

Reporting requirements. A landlord shall file Form D–92—Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in (*b*) of this subdivision (v).

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter, of any termination of a lease referred to in (*a*) or (*b*) of this subdivision (v) prior to the expiration date of the lease. Such report shall be filed within fifteen days after such termination or fifteen days after April 1, 1948, whichever is later.

(c) *Effect of §§ 825.61 to 825.72, inclusive, on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with §§ 825.61 to 825.72, inclusive.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of §§ 825.61 to 825.72, inclusive, is void. A tenant shall not be entitled by reason of §§ 825.61 to 825.72, inclusive, to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of §§ 825.61 to 825.72, inclusive.

§ 825.62 *Prohibition against higher than maximum rents.*—(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall offer, demand or receive any rent for or in connection with the use or occupancy on and after the effective date of §§ 825.61 to 825.72, inclusive, of any housing accommodations within the defense-rental area higher than the maximum rents provided by §§ 825.61 to 825.72, inclusive; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. A reduction in the services, furniture, furnishings or equipment required under § 825.63 shall constitute an acceptance of rent higher than

the maximum rent. Lower rents than those provided by §§ 825.61 to 825.72, inclusive, may be demanded or received.

(b) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to the effective date of regulation and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of §§ 825.61 to 825.72, inclusive, may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Expediter if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the act or §§ 825.61 to 825.72, inclusive, and would not be likely to result in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain, and the tenant shall be authorized to offer payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of §§ 825.61 to 825.72, inclusive. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of §§ 825.61 to 825.72, inclusive. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive, or the tenant to offer payments in excess of the maximum rent in the absence of an order of the Expediter as herein provided. Where a lease of housing accommodations has been entered into on or after the effective date of regulation, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive, nor shall the tenant offer payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

(c) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand, receive or retain a security deposit for or in connection with the use or occupancy of housing accommodations within the defense-rental area except as provided in this paragraph (c). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) or (b) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a) or (b), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent established under said section 4 (a) or (b).

(3) *Maximum rent established under section 4 (c) or (d) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (c) or (d), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter entered. Where such lease or other rental agreement provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(4) *Maximum rent established under section 4 (e) or (i) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (e) or (i), no security deposit shall be demanded or received.

(5) *Maximum rent established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (f), no security deposit shall be demanded, received, or retained.

(6) *Maximum rent established under section 4 (g) or (h) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (g) or (h), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations were or are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(7) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

(8) *Deposits on certain leased furnished accommodations.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain as a security deposit, the rent for the last rental period of the term, not exceeding one month, where a newly constructed housing accommodation is, or was, rented and occupied for the first time after March 25, 1947, fully furnished, under a written lease, or where such newly constructed housing accommodation was rented and occupied for the first time on or prior to March 25, 1947, fully furnished, under a written lease, and was constructed with a priority rating or under specific authorization by the United States or any agency thereof for which the rent was approved by the United States or any agency thereof and the entire project covered by the single priority application of which the housing accommodation was a part was not completed until after March 25, 1947.

(9) *Deposits based on prior rental practices.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular housing accommodations involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

§ 825.63 *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in §§ 825.64 (e) or 825.65 (b) or as otherwise provided in this section, every landlord shall, as a minimum, provide with housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.61 to 825.72, inclusive, on March 31, 1948.

Where the maximum rent is determined under § 825.64 (b) (1), the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.61 to 825.72, inclusive, prior to the effective date of the lease.

Where the maximum rent is determined under § 825.64 (b) (2), the landlord shall, as a minimum, provide with the housing accommodations the same living space, services, furniture, furnishings, and equipment as he would be required to provide by §§ 825.61 to 825.72, inclusive, in the absence of a lease on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

§ 825.64 *Maximum rents*—(a) *Maximum rents in effect on June 30, 1947.* The maximum rent for any housing accommodation under §§ 825.61 to 825.72, inclusive (unless and until changed by the Expediter as provided in § 825.65), shall be the maximum rent which was in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rent on termination of lease.* (1) For housing accommodations concerning which a lease as described in § 825.61 (b) (2) (v) (*a*) was in effect, but is terminated on or after April 1, 1948 but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For housing accommodations concerning which a lease as described in § 825.61 (b) (2) (v) (*b*) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

(c) *First rent after June 30, 1947 (see also paragraph (e) of this section.* For controlled housing accommodations first rented on or after July 1, 1947, the maximum rent shall be the first rent for such accommodations. Within 30 days after so renting, the landlord shall register the accommodations as provided in § 825.67. The Expediter may order a decrease in the maximum rent as provided in § 825.65 (c) (1) and (6).

If the landlord fails to file a proper registration statement within the time specified, the rent received for any rental period commencing on or after the date of the first renting shall be received, subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.65 (c) (1) and (6). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to file a proper registration statement within the time specified, the order under § 825.65 (c) may relieve the landlord of the duty to refund. The landlord shall have the duty to refund only if the order under § 825.65 (c) is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(d) *Housing subject to schedule of War or Navy Department.* Where housing accommodations on June 30, 1947 are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such housing accommodations cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or shall be established under paragraph (c) of this section.

(e) *Increase or decrease in space on or after April 1, 1948.* Where housing accommodations are changed on or after April 1, 1948, by a substantial increase or decrease in dwelling space, the maximum rent for the housing accommodations resulting from such change shall be the first rent charged after such change: *Provided, however,* That the Expediter at any time may order a decrease in the maximum rent as provided in § 825.65 (c) (1) and (6): *And provided further,* That the rent received for any rental period commencing on or after the date of the first renting shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under § 825.65 (c) (1) or (6). Such amount shall be refunded within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). The order entered by the Expediter shall fix the maximum rent retroactively to the date of first renting after such change. The landlord shall, within 30 days after renting said accommodations, file a proper registration statement in the area office in accordance with the provisions of § 825.67 herein. The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

§ 825.65 *Adjustments and other determinations.* Section 825.65 sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services, an increase or decrease in the number of subtenants or other occupants, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date, the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (12), (13), (14), (15), (c) (6), and (8) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraphs (a) (6) and (c) (5) of this section, the adjustment may be on the basis of the rental agreement in force on the date determining the maximum rent: *Provided, further,* That in cases under paragraphs (a) (3) (c) (1) and (3) of this section involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date, whichever is higher: *And provided, further,* That in cases under paragraph (1) of this section the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), (14), and (c) (6) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations during the year ending on the maximum rent date.

In cases under paragraph (a) (3) of this section appropriate allowance shall be made for general increases in costs of services, furniture, furnishings, or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship.

In cases under paragraph (c) (8) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (12) of this section.

In cases under paragraph (a) (13) of this section the adjustment shall be in the amount of the difference between the rent on the date determining the maximum rent and the rent agreed upon by the landlord and tenant as a result of a continuous process of bargaining on interrelated matters.

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

In cases under paragraph (a) (16) of this section, the adjustment shall be in the amount necessary to relieve the controlled rental units of their share of the operating loss.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the grounds that:

(1) *Major capital improvement after effective date.* There has been on or after the effective date of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the housing accommodations by a major capital improvement, as distinguished from ordinary repair, replacement, and maintenance or a substantial increase in the services, furniture, furnishings, or equipment, and the rent on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in living space services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations since the date or order determining its maximum rent or a substantial increase in the living space since June 30, 1947, but before April 1, 1948. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in living space, services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided,* That an adjustment may be ordered, although the tenant refuses to consent to the increase in living space, services, furniture, furnishings or equipment, if the Expediter finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) [Revoked.]

(5) [Revoked.]

(6) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal rents.* The rent on the date determining the maximum rent was substantially lower than at other time of year by reason of seasonal demand, or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems it advisable provide for different maximum rent for different periods of the calendar year.

(8) *Substantial increase in occupancy.* (i) There has been, since the date determining the maximum rent a substantial increase in the number of subtenants or other persons occupying the accommodations or a part thereof under a rental agreement with the tenant.

(ii) There has been, since the date determining the maximum rent a substantial increase in the number of occupants in excess of normal occupancy for that class of accommodations on the maximum rent date.

(iii) There has been, since the date determining the maximum rent an increase in the number of occupants over the number contemplated by the rental agreement on the date determining the maximum rent, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(9) [Revoked.]

(10) *Priority rating granted on September 1941 application form of Office of Production Management.* The maximum rent for the housing accommodations was originally established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, the application for priority rating for the construction of the housing accommodations was filed on the September 1941 form in use by the Office of Production Management prior to the revision of this form on December 15, 1941, the landlord did not make, prior to the maximum rent date, or, if the accommodations were not rented on that date, prior to the first renting of the accommodations after that date, a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and the maximum rent for the accommodations is substantially lower than the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, giving due consideration to general increases in costs of construction, if any, in the defense-rental area since the maximum rent date.

This paragraph (a) (10) shall apply only to housing accommodations which were first rented prior to March 29, 1944.

(11) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(12) *Substantial hardship from increase in operating expenses.* The landlord is suffering a substantial hardship because his present net income for the property is less than his average annual net income for a prior base period due to an unavoidable increase in operating expenses. A petition for adjustment under this section must be filed on Form D–58 or D–58A, whichever is appropriate, provided by the Expediter, in accordance with instructions contained therein.

In proper cases increase in pay-roll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (12), the term:

(i) "Property" includes one or more structures operated as a single unit or enterprise.

(ii) "Present net income" means the amount determined by subtracting the operating expenses for the current year from the present annual income.

(iii) "Operating expenses" means all property taxes and other operating costs, including depreciation, but excluding interest, necessary to the operation and maintenance of the property properly chargeable and allocated to the current year, or base period, as the case may be.

(iv) "Current year" means: (*a*) the most recent calendar or fiscal year used by the landlord; or (*b*) any 12 consecutive months ending not more than 90 days prior to the date of the filing of the petition; *Provided, however,* That if an allowance is requested for increase in pay-roll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(v) "Present annual income" means the legal monthly rent for all units in the premises, both residential and commercial, on the date the petition is filed, multiplied by 12, together with any other income earned from the operation of the property during the current year. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free on such date, the full rental value shall be considered the legal rent. In any case where a unit was rented on a seasonal or varying rental basis during the year ending on the date the petition was filed, the average monthly rental during such year shall be considered the legal rent.

(vi) "Net income for the base period" means the amount determined by subtracting operating expenses for the base period from total income for the base period.

(vii) "Base period" means any period of two consecutive years prior to the current year but not beginning before Janu-

ary 1, 1939, which the Expediter finds to be representative of the property's normal operations: *Provided, however,* That where a representative period of two consecutive years is not available, the Expediter in his discretion may, for the purpose of this section, accept a representative period of not less than one year: *And provided further,* That where a previous adjustment was granted under this paragraph (a) (12) the base period shall be the current year used in obtaining that adjustment, except that the total income shall be appropriately adjusted in accordance with the previous adjustment.

(viii) "Total income for the base period" means total rental and other income earned from the property and the full rental value of any accommodations in the property occupied in whole or in part rent free.

In making adjustments under this paragraph (a) (12), the Expediter shall take into consideration any adjustments in maximum rents ordered after the date the petition is filed, as well as any leases which are in effect under section 204 (b) of the Housing and Rent Act of 1947, as amended.

No adjustment shall be granted under this paragraph (a) (12) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing).

In any case where a petition for adjustment under this paragraph (a) (12) was pending on June 30, 1948, the landlord may elect to have the petition processed under this section as it read prior to its amendment on July 10, 1948.

(13) *Rented to an employee of landlord.* The housing accommodations were rented to an employee of the landlord both on the date determining the maximum rent and at the time the order under this paragraph (a) (13) is issued, and after the date determining the maximum rent but prior to the effective date of regulation the landlord and tenant agreed, as the result of a continuous process of bargaining on interrelated matters, upon a wage increase and a rent increase, and the wage increase agreed upon has been put into effect.

(14) *Changes from year-round to seasonal renting.* The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, are vacant and the establishment of seasonal variations in the rent would not, in the opinion of the area rent director, be inconsistent with the purposes of the act.

(15) *Approval of higher rents for priority constructed housing.* The maximum rent was established under section 4 (f) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

(16) *Landlord operating at a loss.* The landlord is operating at a loss. A landlord shall be considered to be operating at a loss if his operating expenses for the premises for the current year exceed his total annual income for such premises. A petition for adjustment under this section must be filed on form D–99, provided by the Expediter, and in accordance with instructions contained therein.

For the purposes of this paragraph (a) (16), the terms:

(i) "Operating expenses" includes all property taxes and other operating costs, including depreciation (but excluding interest) necessary to the operation and maintenance of the premises properly chargeable and allocated to the "current year."

(ii) "Total annual income" means "present annual scheduled rental income" plus any other income earned from the operation of the premises during the current year.

(iii) "Present annual scheduled rental income" means the legal monthly rent for all units in the premises, both residential and commercial, on the date the petition is filed, multiplied by 12. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free on such date, the full rental value shall be considered the legal rent, and in any case where a unit was rented on a seasonal or varying rental basis during the year ending on the date the petition was filed, the average monthly rent during such year shall be considered the legal rent.

(iv) "Current year" means any 12 consecutive months ending not more than 90 days prior to the date of the filing of the petition: *Provided, however,* That such current year must extend at least 6 months beyond the last date of the "current year" used in a previous petition on which an adjustment was granted due to operating loss.

(v) "Depreciation" means any one of the following:

The amount shown on the landlord's income tax return to the United States Bureau of Internal Revenue for the year including the maximum rent date; or,

Two and one-half percent of the value at which the building was assessed for tax purposes on the maximum rent date; or if it was not in existence on the maximum rent date, two and one-half percent of the first assessed value of the building; or,

The amount derived by multiplying the present annual scheduled rental income by the appropriate percentage as follows:

	Percent
For one or two-unit structures	21
For three or four-unit structures	16
For five or more unit structures	11

In making adjustments under this section the Expediter shall take into consideration any adjustments in maximum rents after the date the petition is filed, as well as any leases which are in effect under section 204 (b) of the Housing and Rent Act of 1947, as amended.

No adjustment shall be granted under this section with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing).

(b) *Decreases in minimum services, furniture, furnishings, equipment and space—(1) Requirements for petition and order, or report.* The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment as required under § 825.63, unless and until he has filed a petition to decrease the services, furniture, furnishings, or equipment and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, or equipment below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases on and after April 1, 1948.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of paragraph (c) (3) of this section.

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or April 1, 1948, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(3) *Adjustments in maximum rent for decreases prior to April 1, 1948.* Where a landlord decreased living space, services, furniture, furnishings, or equipment before April 1, 1948, while the accommodations were occupied, or decreased the living space, services, furniture, furnishings, or equipment during such period while the accommodations were vacant, and failed or fails to file a petition or a written report as was required by the provisions of this paragraph (b) prior to April 1, 1948, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in living space, services, furniture, furnishings, or equipment. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to comply with the provisions of this paragraph (b) in effect prior to April 1, 1948, the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable only on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations established under paragraph (c), (d), (e), (g), or (j) of Section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under § 825.64 (c) or (e) is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said housing accommodations was originally established under paragraph (c), (d), (e), or (j) of section 4 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1947 shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 825.63 since the date or order determining the maximum rent, or a substantial decrease in the living space since June 30, 1947, but before April 1, 1948.

(4) *Special relationship between landlord and tenant or peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by the blood, personal, or other special relationship between the landlord and tenant, or by peculiar circumstances and as a result was substantially higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(5) *Varying rents.* The rent on the date determining the maximum rent was established by a lease or other rental agreement which provided for a lower rent at other periods during the term of such lease or agreement.

(6) *Seasonal rent.* The rent on the date determining the maximum rent was substantially higher than at other times of year by reason of seasonal demand or seasonal variations in the rent, for such housing accommodations. In such cases the Expediter's order may if he deems advisable provide for different maximum rents for different periods of the calendar year.

(7) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (8) of this section, or section 5 (a) (8) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended.

(8) *Modification or elimination of necessity for increase under paragraph (a) (12) of this section or section 5 (a) (12) of the Rent Regulation for Housing.* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (12) of this section or section 5 (a) (12) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings or equipment required to be provided with the accommodations is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947 or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant the tenant may petition the Expediter for leave to exercise any right he would have except for §§ 825.61 to 825.72, inclusive, to sell his underlying lease or other rental agreement. The Expediter may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result in the circumvention or evasion of the Act or §§ 825.61 to 825.72, inclusive. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease. Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Expediter may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy on the maximum rent date.

(h) *Public housing.* Where the maximum rent for any housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such accommodations may with the consent of the Expediter increase the maximum rents to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

(i) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947 was established by an order issued under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

§ 825.66 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Expediter as he may, from time to time, require.

§ 825.67 *Registration*—(a) *Registration statement.* Every landlord of controlled housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. For housing accommodations rented prior to June 1, 1947, such registration statement shall be filed on or before July 10, 1947. For housing accommodations first rented on or after June 1, 1947, such registration statement shall be filed on or before July 30, 1947, or within 30 days after first renting, whichever is later. The statement shall identify each dwelling unit and specify the maximum rent provided by §§ 825.61 to 825.72, inclusive, for such dwelling unit and shall contain such other information as the Expediter shall require. The original shall remain on file with the Expediter and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement and shall obtain the tenant's signature and the date thereof, on the back of such statement.

When the maximum rent is changed by order of the Expediter, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

Where, since the filing of the registration statement for any controlled housing accommodations, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity within 15 days after the change or July 1, 1947, whichever is later. If the new landlord indicates on the notice of change of identity that he has not obtained the landlord's copy of the original registration statement, the Expediter shall cause to be prepared and delivered to him a true copy of the original, which may be used to satisfy all requirements of this paragraph (a).

Any notice, order or other process or paper directed to the person named on the registration statement as the landlord at the address given thereon, or, where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances, prescribed in Revised Rent Procedural Regulation 1 (Part 840 of this chapter) constitute notice to the person who is then the landlord.

The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (g) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, on its sale by the owning agency, and within thirty days after the sale of such accommodations the new landlord shall file a registration statement as provided in paragraph (a) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a state of the United States or any of its political subdivisions, or any agency of the foregoing, paragraph (c) of this section shall continue to be applicable.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements*—(1) *Housing owned and constructed by governmental agencies.* The provisions of this section shall not apply to housing accommodations whose maximum rent was originally determined under section 4 (g) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended. The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Expediter shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of Army or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the Army and Navy Departments, for which the rent is fixed by the national rent schedule of the Army or Navy Department.

§ 825.68 *Evasion*—(a) *General.* The maximum rents and other requirements provided in §§ 825.61 to 825.72, inclusive, shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchased money or other form of mortgage, or sale with option to repurchase or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting housing accommodations unless the prior written consent of the Expediter is obtained.

§ 825.69 *Enforcement.* Persons violating any provision of §§ 825.61 to 825.72, inclusive, are subject to civil enforcement actions and suits for treble damages as provided by the act.

§ 825.70 *Procedure.* All registration statements, reports and notices provided for by §§ 825.61 to 825.72, inclusive, shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Rent Procedural Regulation 1 (Part 840 of this chapter).

§ 825.72 *Adoption of orders.* All orders issued pursuant to section 2 (c), (d) (3) and (7) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, which were in effect on June 30, 1947, shall be deemed to continue in effect under §§ 825.61 to 825.72, inclusive, unless and until revoked or modified by the Expediter.

Effective date. This Controlled Housing Rent Regulation for the Atlantic County Defense-Rental Area shall become effective July 1, 1947. [Originally issued June 30, 1947.]

SUBPART B—CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

GENERAL REGULATIONS

§ 825.81 *Definitions and scope of §§ 825.81 to 825.92, inclusive.* "Act" means the Housing and Rent Act of 1947, as amended.

"Expediter" means the Housing Expediter, or the Rent Director or such other person or persons as the Housing Expediter may appoint or designate to carry out any of the duties delegated to him by the Act.

"Rent Director" means the person designated by the Expediter as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

"Area rent office" means the Office of the Rent Director in the defense-rental area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Room" means a room or group of rooms, not constituting an apartment, rented or offered for rent as a housing accommodations unit in a rooming house, hotel, or other establishment. The term includes ground rented as trailer space.

"Services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or any agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

"Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for or in connection with the use or occupancy of a room or for the transfer of a lease of such room.

"Term of occupancy" means occupancy on a daily, weekly, or monthly basis.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services

"Motor court" means an establishment renting rooms, cottages or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments, and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Apartment" means a room or rooms providing facilities commonly regarded in the community as necessary for a self-contained dwelling unit, and of a class of accommodations customarily rented without variations in rent dependent on terms of occupancy and number of occupants: *Provided, however,* That a self-contained dwelling unit containing a kitchen and bath shall be deemed an apartment.

"Other establishments" means multiple unit establishments, other than hotels or rooming houses, containing more than two rooms (see definition of room) rented or offered for rent on a short time basis of daily, weekly or monthly occupancy.

"Maximum rent date" means the date established as the maximum rent date in any particular defense-rental area under the authority of the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder and set forth in Schedule A, and there designated "maximum rent date."

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular room in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder, or under § 825.84 (c) or (d) whichever is applicable.

"The 30-day period determining the maximum rent" means the period provided in the "Hotel Regulation" for determining, under section 4 (a) or (b) of that regulation, the maximum rent for any room.

"Effective date of regulation" means the effective date of the "Hotel Regulation", for each defense-rental area, or portion thereof, as indicated in Schedule A, except where the context indicates clearly to the contrary.

"Hotel Regulation" means the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses, and Motor Courts in effect on June 30, 1947, issued under authority of and pursuant to the Emergency Price Control Act of 1942, as amended.

(a) *Rooms in rooming houses, hotels and other establishments and defense-rental areas to which §§ 825.81 to 825.92, inclusive, apply.* Sections 825.81 to 825.92, inclusive, (except the provisions contained in Schedule B) apply to all rooms in hotels, rooming houses, and other establishments and to all accommodations brought under §§ 825.81 to 825.92, inclusive, by consent of the Area Rent Director pursuant to paragraph (e) of this section and to all accommodations brought under the "Hotel Regulation" by consent of the Area Rent Director pursuant to section 1 (e) of that regulation, within each of the defense-rental areas and each of the portions of a defense-rental area (each of which is referred to hereinafter in §§ 825.81 to 825.92, inclusive, as the "defense-rental area"), which are listed in Schedule A, except as provided in paragraph (b) of this section.

In Schedule A of §§ 825.81 to 825.92, inclusive, the "maximum rent date" and the "effective date of regulation" as established under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, is given for each defense-rental area listed. More than one effective date is given for different portions of a defense-rental area where the same effective date is not applicable to the entire defense-rental area.

In Schedule B are set forth provisions which modify or supplement §§ 825.81 to 825.92, inclusive, insofar as it is applicable to certain individual defense-rental areas or portions thereof.

(b) *Decontrolled and exempted housing to which §§ 825.81 to 825.92, inclusive, do not apply*—(1) *Exempted housing.* Sections 825.81 to 825.92, inclusive, do not apply to the following:

(i) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(iv) *Entire structures.* Entire structures or premises, as distinguished from the rooms within such entire structures or premises.

(v) *Nonprofit clubs.* Rooms in a bona fide club certified by the Expediter as exempt. The Expediter shall so certify if on written request of the landlord he finds that the club (*a*) is a nonprofit organization and is recognized as such by written statement of the Bureau of Internal Revenue, (*b*) rents rooms only to members, bona fide guests of members, and members of bona fide clubs with which the club has reciprocal arrangements for the exchange of privileges, and (c) is otherwise operated as a bona fide club.

(vi) *College fraternity or sorority houses.* Rooms in a bona fide college fraternity or sorority house certified by the Expediter as exempt. The Expediter shall so certify if, on written request of the landlord, he finds that the fraternity or sorority is a bona fide organization operated for the benefit of students and not for profit as a commercial or business enterprise. This exemption shall not apply when the rooms are rented to persons who are not members of the fraternity or sorority.

(vii) *Resort housing*—(*a*) *Summer resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1 to September 30, inclusive, and shall not apply to controlled rooms in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

(*b*) *Winter resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of regulation in the area, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to controlled rooms otherwise qualified which were rented or offered for rent for

a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1 to May 31.

(2) *Decontrolled housing to which §§ 825.81 to 825.92, inclusive, do not apply.* Sections 825.81 to 825.92, inclusive, do not apply to the following:

(i) *Rooms in hotels, motor courts, trailers and trailer spaces, tourist homes, and other establishments.* (a) Rooms in a hotel (see definition of hotel in this section) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (b) rooms in establishments which were motor courts on June 30, 1947; (c) trailers and ground space rented for trailers; (d) rooms in any tourist home serving transient guests exclusively on June 30, 1947; and (e) rooms in other establishments (see definition of other establishments in this section) which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services.

Reporting requirements. Every landlord of rooms referred to in (a), (d), and (e) of this subdivision (i), who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948, file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Newly constructed rooms or converted rooms.* (a) Rooms the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (1) occupied such housing accommodations, or (2) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (b) rooms the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this subdivision (ii) the time at which construction of a room shall be deemed to be "completed" shall be the date on which the room is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (1) a change from nonhousing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Rooms not rented for two-year period.* Rooms which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as individual rooms or as a part of a larger housing accommodation.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in this section.)

(v) *Leased accommodations.* (a) Except as hereinafter provided in this subdivision (v), controlled rooms concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(b) Except as hereinafter provided in this subdivision (v), controlled rooms concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with (a) of this subdivision (v) and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus or minus the amount of any adjustment under § 825.85, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) of this subdivision (v). All controlled rooms referred to in (a) of this subdivision (v) shall be subject to §§ 825.81 to 825.92, inclusive, unless the lease provided for the same living space, services, furniture, furnishings and equipment with the controlled rooms as were required to be provided by §§ 825.81 to 825.92, inclusive, prior to the effective date of the lease.

All controlled rooms referred to in (b) of this subdivision (v) shall be subject to §§ 825.81 to 825.92, inclusive, unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the controlled rooms which in the absence of a lease would be required to be provided by §§ 825.81 to 825.92, inclusive, on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

All controlled rooms referred to in (a) and (b) of this subdivision (v) shall be subject to §§ 825.81 to 825.92, inclusive, if the lease is terminated or expires on or after April 1, 1948, and before March 31, 1949, unless a subsequent lease entered into under the provisions of (b) of this subdivision (v) is in force.

Reporting requirements. A landlord shall file Form D–92—Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in (b) of this subdivision (v).

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter, of any termination of a lease referred to in (a) or (b) of this subdivision (v) prior to the expiration date of the lease. Such report shall be filed within 15 days after such termination or 15 days after April 1, 1948, whichever is later.

(c) *Effect of §§ 825.81 to 825.92, inclusive, on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with §§ 825.81 to 825.92, inclusive.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of §§ 825.81 to 825.92, inclusive, is void. A tenant shall not be entitled by reason of §§ 825.81 to 825.92, inclusive, to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of §§ 825.81 to 825.92, inclusive.

(e) *Election by landlords to bring housing under §§ 825.81 to 825.92, inclusive.* Where a building or establishment contains one or more furnished rooms or other furnished housing accommodations whose maximum rents are determined under the Controlled Housing Rent Regulation, the landlord may with the consent of the Expediter, elect to bring all housing accommodations within such building or establishment under the control of §§ 825.81 to 825.92, inclusive. A landlord who so elects shall file the registration statements required by § 825.87 for all such housing accommodations, accompanied by a written request to the Expediter to consent to such election.

If the Expediter finds that the provisions of §§ 825.81 to 825.92, inclusive, establishing maximum rents are better adapted to the rental practices of such building or establishment than the provisions of the Controlled Housing Rent Regulation, he shall consent to the landlord's election by order. Accommodations so brought under §§ 825.81 to 825.92, inclusive, shall be considered "rooms" for the purposes of the regulation.

The landlord may at any time, with the consent of the Expediter, revoke his election made under paragraph 1 (e) or under section 1 (e) of the "Hotel Regulation," and thereby bring under the control of the Controlled Housing Rent Regulation all housing accommodations previously brought under §§ 825.81 to 825.92, inclusive, by such election. He shall make such revocation by filing a registration statement or statements under the Controlled Housing Rent Regulation, including in such registration statement or statements all housing accommodations brought under §§ 825.81 to 825.92, inclusive, by such election. Such registration statement or statements shall be accompanied by a written request to the Expediter to consent to such revocation. The Expediter may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Expediter finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Controlled Housing Rent Regulation.

§ 825.82 *Prohibition*—(a) *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall offer, demand, or receive any rent for or in connection with the use or occupancy on and after July 1, 1947, of any room subject to §§ 825.81 to 825.92, inclusive, within the defense-rental area, higher than the maximum rents provided by §§ 825.81 to 825.92, inclusive; and no person shall solicit, attempt, or agree to do any of the foregoing. A reduction in the services, furniture, furnishings or equipment required under § 825.83 shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by §§ 825.81 to 825.92, inclusive, may be demanded or received.

(b) *Terms of occupancy*—(1) *Tenant not required to change term of occupancy.* No tenant shall be required to change his term of occupancy.

(2) *Term of occupancy during June 1942.* Where, during June 1942, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during June 1942. However, if during the year ending on June 30, 1942, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Expediter to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Expediter may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the Act or §§ 825.81 to 825.92, inclusive, or are likely to result in the circumvention or evasion thereof.

(3) *Request by tenant to change term of occupancy.* Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2) of this paragraph, if the room occupied by such tenant was not rented or offered for rent for such term during June 1942, the landlord may transfer the tenant to a room, as similar as possible, which was so rented or offered for rent.

(4) *Defense-Rental Areas with maximum rent date later than March 1, 1942*—(i) *Maximum rent date later than March 1, 1942, but prior to July 1, 1943.* In defense-rental areas with a maximum rent date later than March 1, 1942, but prior to July 1, 1943, in § 825.82 (b) (2), the words "June 1943" shall be substituted for the words "June 1942", and the words "June 30, 1943" shall be substituted for the words "June 30, 1942"; in § 825.82 (b) (3) the words "June 1943" shall be substituted for the words "June 1942."

(ii) *Maximum rent date of July 1, 1943, or later.* In defense-rental areas with a maximum rent date of July 1, 1943, or later, in § 825.82 (b) (2) the words "the thirty days ending on the maximum rent date" shall be substituted for the words "June 1942" and the words "the maximum rent date" shall be substituted for the words "June 30, 1942"; in § 825.82 (b) (3) the words "the thirty days ending on the maximum rent date" shall be substituted for the words "June 1942."

(5) *Orders where facts are in dispute, in doubt, or not known.* If the landlord's duty under subparagraph (2) of this paragraph with reference to a room is in dispute, or in doubt, or not known, the Expediter, at any time on his own initiative may issue an order determining the necessary facts and establishing such duty; or, if the Expediter is unable to ascertain the necessary facts, he may issue an order pursuant to subparagraph (6) of this paragraph.

(6) *Orders determining terms of occupancy on basis of rental practices in comparable accommodations in the area.* Where subparagraph (2) of this paragraph does not require the offering of a room on a weekly or monthly basis, or where the Expediter is unable to ascertain the facts necessary to establish the landlord's duty under that paragraph, he may at any time on his own initiative issue an order requiring the room to be offered for rent for a weekly or monthly term of occupancy, or both. The Expediter may issue such orders if he finds that, during a reasonable period prior to the time the proceeding hereunder is commenced, the room has been rented under circumstances which make appropriate the application of weekly or monthly rents. In determining whether the landlord shall be required to offer the room on a weekly basis, or on a monthly basis, or both, the Expediter will consider the practices which prevailed in the defense-rental area for similar accommodations during a reasonable period prior to the effective date of regulation.

Upon issuance of such an order, the room shall be offered for rent on a weekly or monthly basis, or both, as the order may require, for each number of occupants for which it is offered by the landlord for any other term of occupancy. A tenant of the room on a daily or weekly basis shall on request be permitted by the landlord to change to any term of occupancy which the landlord is required to offer pursuant to the order.

(c) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive or retain a security deposit for or in connection with the use or occupancy of any room subject to §§ 825.81 to 825.92, inclusive, within the defense-rental area, except as provided in this paragraph (c). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) of the "Hotel Regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) *Maximum rent established under section 4 (b) or (c) of the "Hotel Regulation"*—(i) *Renting prior to "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (b) or (c) by a renting prior to the effective date of regulation, no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions for or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(ii) *Renting on or after "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) of the "Hotel Regulation"

by a renting on or after the effective date of regulation, no security deposit shall be demanded or received.

(4) *Maximum rent established under section 4 (d) or (f) of the "Hotel Regulation."* Where the maximum rent of the housing accommodations is or initially was established under section 4 (d) or (f), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(5) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars to secure the return of the movable articles specified in the order.

(6) *Deposits based on prior rental practices.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular controlled rooms involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

§ 825.83 *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in § 825.85 (b) or as otherwise provided in this section, every landlord, shall, as a minimum, provide with controlled rooms the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.81 to 825.92, inclusive, on March 31, 1948.

Where the maximum rent is determined under § 825.84 (b) (1), the landlord shall, as a minimum, provide with the controlled rooms the same living space, services, furniture, furnishings, and equipment as he would be required to provide by §§ 825.81 to 825.92, inclusive, in the absence of a lease on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

§ 825.84 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a rooming house and for controlled rooms in hotels and other establishments (unless and until changed by the Expediter as provided in § 825.85) shall be:

(a) *Maximum rents in effect on June 30, 1947.* The maximum rents for any room under §§ 825.81 to 825.92, inclusive, (unless and until changed by the Expediter as provided in § 825.85) shall be the maximum rents which were in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rent on termination of lease.* (1) For controlled rooms concerning which a lease as described in § 825.81 (b) (2) (v) (*a*) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For controlled rooms concerning which a lease as described in § 825.81 (b) (2) (v) (*b*) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

(c) *Maximum rents established on or after July 1, 1947.* For a room subject to §§ 825.81 to 825.82, inclusive, first rented or offered for rent on or after July 1, 1947, the rent for each term or number of occupants for which it is first offered for rent; if such room is thereafter offered for rent for other terms or numbers of occupants for rents for which it is first offered for such other term and numbers of occupants. The landlord shall file a registration statement within ten days after any maximum rent is established under this section as provided in § 825.87. The Expediter may order a decrease in the maximum rent as provided in § 825.85 (c).

(d) *First rents for terms and number of occupants not covered by paragraph (a) of this section.* For a room having a maximum rent in effect on June 30, 1947, rented for a particular term or number of occupants for which no maximum rent is established under paragraph (a) of this section, the first rent for the room on or after July 1, 1947, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same establishment. The Expediter may order a decrease in the maximum rent as provided in § 825.85 (c).

(e) *Meals with room.* For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Expediter at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two.

In defense-rental areas with a maximum rent date of March 1, 1942, or earlier, no landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942. In defense-rental areas with a maximum rent date later than March 1, 1942, no landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on the maximum rent date.

(f) *Rooms subject to rent schedule of War and Navy Departments.* Where rooms on June 30, 1947, are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such rooms cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the "Hotel Regulation", or shall be established under § 825.84 (c).

(g) *Rent fixed by order of Expediter.* For a room for a particular term or number of occupants for which no maximum rent has been established under any other provision of §§ 825.81 to 825.92, inclusive, the rent fixed by order of the Expediter as provided in this paragraph (g).

The Expediter at any time on his own initiative or on petition of the landlord may enter an order fixing the maximum rent and specifying the minimum services for a room for a particular term or number of occupants for which no maximum rent has been established prior to issuance of the order under any other provision of §§ 825.81 to 825.92, inclusive. Such maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(h) *Decontrolled maximum daily rents for controlled rooms.* Controlled rooms in establishments classified as hotels or tourist homes under section 7 of the "Hotel Regulation" permitted under and pursuant to section 4 (k) of said regulation to be rented on June 30, 1947, for daily terms of occupancy free of the limitations imposed by said Regulation, by reason of the landlord of such establishment having complied with the requirements of said section 4 (k) prior to June 30, 1947, including the proper filing of Form DH–DC, may continue to be rented for daily terms of occupancy free of the limitations imposed by §§ 825.81 to 825.92, inclusive.

§ 825.85 *Adjustments and other determinations.* This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the "Hotel Regulation" issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date or during the thirty-day period establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (9), (10), (c) (4) and (5) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraph (a) (6) of this section, the adjustment may be on the basis of the rental agreement in force during the thirty-day period determining the maximum rent or the date establishing the maximum rent: *Provided, further,* That in cases under paragraphs (a) (3) and (c) (3) of this section involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the controlled rooms by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable controlled rooms on the maximum rent date, whichever is higher: *And provided, further,* That in cases under section 5 (g) the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), (10), and (c) (4) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable accommodations during the year ending on the maximum rent date.

In cases under paragraph (a) (3) of this section appropriate allowance shall be made for general increases in the costs of services, furniture, furnishings, or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship, which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

In cases under paragraph (c) (5) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

(a) *Grounds for increase of maximum rents.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the ground that:

(1) *Major capital improvement since maximum rent period.* There has been, since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room, under either the "Hotel Regulation" or §§ 825.81 to 825.92, inclusive, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement, and maintenance or a substantial increase in services, furniture, furnishings or equipment, and the rent during the thirty-day period ending on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room under either the "Hotel Regulation" or §§ 825.81 to 825.92, inclusive, or a substantial increase in the living space since June 30, 1947.

(4) [Revoked.]

(5) [Revoked.]

(6) *Varying rents.* The maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal demand.* The maximum rent for the room is substantially lower than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

In proper cases increases in pay roll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (9) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated including depreciation but excluding interest.

(iii) "Property" includes one or more structures operating as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means (*a*) the most recent full calendar or fiscal year used by the landlord, or (*b*) any twelve-month period ending not more than 90 days prior to the filing of the petition: *Provided, however,* That the current year in all cases shall begin on or after the maximum rent date: *And provided further,* That if allowance is requested for increases in payroll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning

of the month in which the petition is filed.

(vi) "Prior representative period" means any period of two consecutive years prior to the "current year" but not beginning before January 1, 1939, which the Expediter finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Expediter in his discretion may for the purposes of this section accept a representative period of not less than one year.

(10) *Change from year-round to seasonal renting.* The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, and the establishment of seasonal variations in the rent would not, in the opinion of the area rent director, be inconsistent with the purposes of the Act.

(b) *Decrease in space, minimum services, furniture, furnishings or equipment.* (1) *Requirements for petition and order, or report.* The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, equipment and living space as required under § 825.83, unless and until he has filed a petition to decrease the services, furniture, furnishings, equipment or living space and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, equipment or living space below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of § 825.85 (c) (3).

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, equipment or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment or living space. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said room was originally established under paragraph (b) or (c) of section 4 of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or where the maximum rent is established under § 825.84 (c) or (d), and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1948, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this paragraph (c). Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order establishing its maximum rent.

(3) *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 825.83 since the date or order establishing the maximum rent or a substantial decrease in the living space since June 30, 1947.

(4) *Seasonal demand.* The maximum rent for the room is substantially higher than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(5) *Modification or elimination of necessity for increase under paragraph (a) (9) of this section or section 5 (a) (9) of the Hotel Regulation.* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under section 5 (a) (9) of the "Hotel Regulation" or under paragraph (a) (9) of this section, since the order, issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947, or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the services, furniture, furnishings, and equipment included in such rent.

(e) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(f) *Government housing.* Where the maximum rent for any room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such room may with the consent of the Expediter increase the maximum rent to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

(g) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947, was established by an order issued under the rent regulations promulgated pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

§ 825.86 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Expediter as he may from time to time require.

§ 825.87 *Registration and records.* (a) *Registration statements.* (1) *Registration.* Every landlord of a room, subject to §§ 825.81 to 825.92, inclusive, rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Expediter shall require, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the "Hotel Regulation," for rooms rented on or before June 30, 1947, such registration statement shall be filed on or before July 10, 1947. Any maximum rent established after the "effective date of regulation" under paragraph (b) or (c) of section 4 of the "Hotel Regulation" which has not been reported on the first registration statement shall be reported on or before July 10, 1947, either by amending a registration statement previously filed, or by filing a new registration statement. Any maximum rent established on or after July 1, 1947, which has not been reported on the first registration statement shall be reported within ten days after such rent is established either by amending a registration statement previously filed or by filing a new registration statement.

(2) *Notice of change in identity of landlord.* Where, since the filing of a registration statement, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity, within fifteen days after the change or July 1, 1947, whichever is later.

(3) *Notice to landlord.* Any notice, order or other process or paper directed to the person named on the registration statement as landlord at the address given thereon, or where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Revised Rent Procedural Regulation 1 (Part 840 of this chapter), constitute notice to the person who is then the landlord.

(4) *Registration where maximum rent formerly determined under section 4 (d) of the "Hotel Regulation."* The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (d) of the "Hotel Regulation" on its sale by the owning agency, and on or before July 10, 1947, or within ten days after the sale of such accommodations, whichever is the later, the new landlord shall file registration statements as provided in paragraph (a) (1) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a State of the United States or any of its political subdivisions, or any agency of the foregoing, the provision in the second paragraph of (b) of this section shall continue to be applicable.

(b) *Posting maximum rents.* On or before July 10, 1947, or within ten days after a maximum rent is established under § 825.84 (b), (c), (d), or (g), whichever is the later, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Expediter, the landlord within ten days after the effective date of the order shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms whose maximum rents were established under section 4 (d) of the "Hotel Regulation." The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) *Rooms subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) *Records.* (1) *Existing records.* Every landlord of a room subject to §§ 825.81 to 825.92, inclusive, rented or offered for rent shall preserve, and make available for examination by the Expediter, all his existing records showing or relating to (i) the rent for each term and number of occupants for such room rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c) of the "Hotel Regulation", (iii) rooms rented and offered for rent on a weekly and monthly basis during June 1942, in defense-rental areas with a maximum rent date of March 1, 1942, or earlier, (iv) rooms rented or offered for rent on a weekly or monthly basis during June 1943, in defense-rental areas with a maximum rent date later than March 1, 1942, but prior to July 1, 1943, (v) rooms rented and offered for rent on a weekly and monthly basis during the thirty days ending on the maximum rent date, in defense-rental areas with a maximum rent date of July 1, 1943, or later.

(2) *Record keeping.* Every landlord of an establishment containing more than 20 rooms subject to §§ 825.81 to 825.92, inclusive, rented or offered for rent, shall keep, preserve, and make available for examination by the Expediter, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Expediter, records of the same kind as he has customarily kept relating to the rents received for rooms.

§ 825.88 *Evasion.* (a) *General.* The maximum rents and other requirements provided in §§ 825.81 to 825.92, inclusive, shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting rooms unless the prior written consent of the Expediter is obtained.

§ 825.89 *Enforcement.* Persons violating any provisions of §§ 825.81 to 825.92, inclusive, are subject to civil enforcement actions, and suits for treble damages as provided for by the act.

§ 825.90 *Procedure.* All registration statements, reports, and notices provided for by §§ 825.81 to 825.92, inclusive, shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Rent Procedural Regulation 1 (Part 840 of this chapter).

§ 825.92 *Adoption of orders.* All certificates and orders issued pursuant to sections 1 (b) (5), 1 (b) (6), 2 (b) (2), 2 (c) (3), and (5) of the "Hotel Regulation" which were in effect on June 30, 1947, shall be deemed to continue in effect under §§ 825.81 to 825.92, inclusive, unless and until revoked or modified by the Expediter.

SCHEDULE A—DEFENSE-RENTAL AREAS

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(1) [Revoked]					
(1a) [Decontrolled]					
(1b) Anniston	Alabama	Calhoun and Cleburne	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(2) Birmingham	Alabama	Jefferson	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(2a) Talladega	Alabama	St. Clair, Shelby, and Talladega	May 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(3) Dothan-Ozark	Alabama	Dale and Houston	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
	Alabama	Coffee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(4) Gadsden	Alabama	Etowah			
(5) [Revoked]					
(6) Lanett	Alabama	Chambers	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(7) Mobile	Alabama	Mobile	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(8) Montgomery	Alabama	Elmore and Montgomery	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Alabama	Macon	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(9) Muscle Shoals-Huntsville	Alabama	Colbert, Lauderdale, Limestone, Madison, and Morgan	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(9a) Opelika	Alabama	Lee	Mar. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(10) Selma	Alabama	Dallas	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(10a) Troy, Ala	Alabama	Pike	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(10b) Tuscaloosa	Alabama	Tuscaloosa	Nov. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(11) [Revoked]					
(12) [Revoked]					
(13) Ft. Huachuca [1]	Arizona	Cochise and Santa Cruz	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(14) Phoenix-Salt River Valley	Arizona	In Gila County, the portion bounded on the north, west, and south by Crook National Forest, and on the east by San Carlos Indian Reservation; and Maricopa County, except the portion lying west of the west line of Range 2 West, Gila and Salt River Meridian; lying north of the north line of Township 3, North, Gila and Salt River Base Line; and line south of the south line of Township 2, South, Gila and Salt River Base Line.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(15) Prescott-Flagstaff	Arizona	Coconino and in Yavapai County, Townships 13 and 14 North, Range 2 West, Gila and Salt River Base, and Meridian, including the city of Prescott.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
		That portion of the County of Mohave south of the Colorado River.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(16) Tucson	Arizona	In Pima County, the portion lying east of the Papago Indian Reservation.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(17) Yuma	Arizona	In Yuma County, the portion lying west of the west line of Range 21 West, Gila and Salt River Meridian.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(18) [Revoked]					
(18a) Winslow	Arizona	In Navajo County Supervisorial Districts 1 and 2, except those portions lying within the Navajo Indian Reservation and the Sitgreaves National Forest.	July 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(19) Blytheville	Arkansas	Mississippi	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(19a) [Revoked and decontrolled]					
(19b) Camden, Arkansas	Arkansas	Calhoun, and Ouachita	Sept. 1, 1944	Nov. 1, 1944	Dec. 15, 1944
	Arkansas	Dallas, and Nevada	Sept. 1, 1944	May 1, 1945	June 15, 1945
(20) El Dorado	Arkansas	Union	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(20a) Fayetteville, Ark	Arkansas	Benton	Mar. 1, 1943	Sept. 1, 1946	Oct. 15, 1946
	Arkansas	Washington	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(21) Fort Smith	Arkansas	Sebastian	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(22) [Revoked]					
(22a) Hot Springs	Arkansas	Garland	Mar. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
		(Lonoke, Pulaski	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(23) Little Rock	Arkansas	(Saline	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
		Hot Springs	Mar. 1, 1942	Jan. 1, 1945	Feb. 15, 1945
(23a) Malvern	Arkansas	Craighead, Independence, Jackson, and Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(24) Newport-Walnut Ridge	Arkansas	Randolph	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1943
	Arkansas	Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(25) Pine Bluff	Arkansas	Northern District of Arkansas County, consisting of the Townships of Gum Pond, Benton, Kenton, McFall, Mill Bayou, and Morris; and the Southern District of Prairie County, consisting of the Townships of Belcher, Center, Hazen, Lower Surrounded Hill, Roc Roe, Tyler, and Watensaw.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(26) [Revoked]					
(26a) Alameda County	California	Alameda	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(27) [Revoked]					
(27a) Fresno	California	Fresno	Jan. 1, 1944	June 1, 1944	July 15, 1944
(27b) [Decontrolled]					
(27c) Kern	California	Kern	Dec. 1, 1943	May 1, 1945	June 15, 1945
(28) Lassen County	California	In Lassen County, the portion consisting of Township 29 North Range 12 East, Township 29 North Range 11 East, Township 30 North Range 12 East, and Township 30 North Range 11 East, Mt. Diable Base and Meridian.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(29) [Revoked]					
(30) Los Angeles	California	Orange County and Los Angeles County except Catalina township.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(31) Marysville-Chico [1]	California	Sutter and Yuba except that portion of Yuba described as follows:	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
		All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North, Range six (6) East MDB & M and running thence West along said Township line to the southwest corner of said Township; then north along the west line of Townships seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.			
		California—Butte except that portion described as follows:	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
		All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T 18 N, R 5 E and T 18 N, R 6 E, thence north in Butte County along the east lines of T 18 N, R 5 E, T 19 N, R 5 E and T 20 N, R 5 E to N E Corner of T 20 N, R 5 E; thence, west along north line of T 20 N, R 5 E to S E corner of T 21 N, R 4 E; thence north along east lines of T 21 N, R 4 E, T 22 N, R 4 E and T 23 N, R 4 E to the N E corner of T 23 N, R 4 E; thence, west along the north lines of T 23 N, R 4 E, T 23 N, R 3 E and T 23 N, R 2 E to the boundary line between Butte and Tehama Counties, California.			
(32) [Revoked]					
(33) Modesto-Merced	California	Merced and Stanislaus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(33a) Monterey Bay	California	Monterey County and in Santa Cruz County the Township of Watsonville.	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(33b) Placer-Nevada	California	In Nevada County, the Townships of Bloomfield, Bridgeport, Grass Valley, Little York, Nevada, and Rough and Ready, and in Placer County, Townships 1, 3, 9, 10, 13, and 14.	Jan. 1, 1944	Oct. 1, 1945	Nov. 15, 1945
(34) Richmond-Vallejo	California	Contra Costa, Napa, and Solano	Jan. 1, 1941	Aug. 1, 1942	Oct. 15, 1942
(35) Riverside	California	In Riverside County, that portion lying west of Range 12 East, San Bernardino Base Line and Meridian.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(35a) Sacramento	California	Sacramento, San Joaquin and Yolo	Mar. 1, 1942	July 1, 1942	Sept. 15, 1942
(35b) San Benito	California	San Benito	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(36) San Bernardino	California	San Bernardino	Mar. 1, 1942	Sept. 1, 1942	Nov. 15, 1942
(37) San Diego	California	In San Diego County, the portion lying west of the San Bernardino Meridian.	Jan. 1, 1941	June 1, 1942	July 15, 1942
(38) San Francisco Bay	California	Marin, San Francisco, San Mateo, and Sonoma, except the judicial Townships of Redwood and Sonoma (including the City of Sonoma).	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(39) San Luis Obispo	California	San Luis Obispo	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(39a) Santa Cruz	California	Santa Cruz County except the Township of Watsonville	Jan. 1, 1944	Oct. 1, 1944	Nov. 15, 1944
(39b) Santa Barbara	California	In the County of Santa Barbara the Judicial Townships 1, 2, and 3.	Sept. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(39c) San Jose	California	Santa Clara	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(40) Santa Maria	California	In the County of Santa Barbara Judicial Townships Nos. 4, 5, 6, 7, 9, and 10.	July 1, 1941	Dec. 1, 1942	Jan. 15, 1943
(40a) Ventura	California	Ventura	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(41) Tulare-Kings	California	Kings and Tulare	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(41a) Boulder	Colorado	Boulder	June 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(41b) Canon City	Colorado	Fremont	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(42) Colorado Springs	Colorado	El Paso	Mar. 1, 1941	Oct. 1, 1942	Nov. 15, 1942
(42a) Craig	Colorado	Moffat	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(43) Denver	Colorado	Adams, Arapahoe, Denver and Jefferson	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(43a) Glenwood Springs	Colorado	Garfield	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(43b) Fort Collins	Colorado	Larimer County, part consisting of Townships 4, 5, 6, 7, 8, 9, 10, 11, and 12 North east of the range line between ranges 71 and 72 West.	Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(44) [Revoked]					
(44a) Grand Junction	Colorado	Mesa	July 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(44b) Greeley	Colorado	Weld	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(45) [Revoked]					
(46) Pueblo	Colorado	Otero and Pueblo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(47) Bridgeport	Connecticut	In the County of Fairfield the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Connecticut	County of Fairfield other than the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(48) Hartford-New Britain	Connecticut	In the County of Hartford the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks; in the County of Middlesex the Towns of Cromwell, Middlefield, Middletown, and Portland; in the County of New Haven the Towns of Meriden and Wallingford; and in the County of Tolland the Town of Vernon.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Connecticut	County of Hartford other than the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks; County of Middlesex, other than the Towns of Cromwell, Middlefield, Middletown and Portland; and the County of Tolland other than the Town of Vernon.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(49) New Haven	Connecticut	In the County of New Haven the Towns of Ansonia, Branford, Derby, East Haven, Guilford, Hamden, Madison, Milford, New Haven, North Branford, North Haven, Orange, Seymour, West Haven and Woodbridge.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(50) New London	Connecticut	New London and Windham	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(51) Waterbury	Connecticut	In the County of Litchfield the Towns of Plymouth, Thomaston, and Watertown; and in the County of New Haven the Towns of Beacon Falls, Cheshire, Waterbury, Middlebury, Naugatuck, Prospect, and Wolcott.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Connecticut	County of Litchfield other than the Towns of Plymouth, Thomaston, and Watertown; and in the County of New Haven and the Towns of Bethany, Oxford, and Southbury.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(52) [Revoked]					
(53) Delaware	Delaware	New Castle	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Delaware	Kent and Sussex	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(54) [Revoked]					
(54a) [Revoked and decontrolled]					
(55) Banana River	Florida	Brevard	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(55a) Fort Pierce	Florida	St. Lucie	Mar. 1, 1943	Dec. 1, 1943	Jan. 1, 1944
(55b) [Revoked and decontrolled]					
(55c) Fort Lauderdale	Florida	Broward County except the City of Hollywood and the Town of Hallandale.	Aug. 1, 1944	Oct. 1, 1944	Nov. 30, 1944
(56) Gainesville, Fla	Florida	Alachua	Jan. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(57) Jacksonville, Fla	Florida	Duval	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(58) Key West	Florida	Monroe	Oct. 1, 1941	Oct. 1, 1942	Nov. 15, 1942
(59) Lake City	Florida	Columbia	Mar. 1, 1942	May 1, 1943	June 15, 1943
(60) Marianna	Florida	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(61) Orlando	Florida	Orange	Oct. 1, 1941	Nov. 1, 1942	Dec. 16, 1942
(61a) [Revoked and decontrolled]					
(61b) Palm Beach County	Florida	In Palm Beach County, Precincts, 20, 21, 22, 23, 24, 25, 26, 28, and 30, including the Cities of Delray Beach and Lake Worth, and the Towns of Boca Raton, Boynton, Gulf Stream, Lantana, Manalapan, and Ocean Ridge.	Aug. 1, 1944	Oct. 1, 1944	Nov. 30, 1944
	Florida	The remainder of Palm Beach County	Aug. 1, 1944	May 1, 1945	June 15, 1945
(62) Panama City	Florida	Bay County, except the portion bounded on the north by the line beginning at the western boundary of Bay County at the Northwest corner of Section 31, Township 2 South, Range 17 west, and running thence East along section lines to the water's edge of West Bay, bounded on the east and northeast by West Bay and Saint Andrews Bay, bounded on the south by the Gulf of Mexico, and bounded on the west by Walton County.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(62a) [Revoked and decontrolled]	Florida	Gulf	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(62b) Polk County	Florida	Polk	Mar. 1, 1942	Sept. 1, 1946	Oct. 15, 1946

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(63) Pensacola	Florida	Escambia	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Florida	Okaloosa	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Florida	Santa Rosa	Mar. 1, 1942	May 1, 1943	June 15, 1943
(63a) St. Augustine	Florida	St. Johns County, except that portion of Ponte Vedra Beach located in Precinct 1.	Mar. 1, 1943	June 1, 1944	July 15, 1944
(63b) [Revoked and decontrolled]					
(63c) [Revoked and decontrolled]					
(64) [Revoked]					
(64a) Sanford	Florida	Seminole	July 1, 1943	May 1, 1945	June 15, 1945
(64b) Starke	Florida	Bradford and Clay	Jan. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(64c) St. Petersburg	Florida	Pinellas County, except the Islands lying immediately off the mainland which are known as the Gulf Beaches extending from Pass-A-Grille Beach northward to and including Clearwater Beach.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(65) Tallahassee	Florida	Leon	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(66) Tampa	Florida	Hillsborough	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(66a) Daytona Beach	Florida	Volusia	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(66b) Vero Beach	Florida	Indian River	Jan. 1, 1944	May 1, 1945	June 15, 1945
(67) [Revoked]					
(67a) Americus	Georgia	Sumter	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(68) Albany, Ga	Georgia	Dougherty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(69) Athens	Georgia	Clarke	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(70) Atlanta	Georgia	Clayton, Cobb, DeKalb, and Fulton	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(71) Augusta, Ga	Georgia	Richmond	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(72) Bainbridge-Cairo	Georgia	Decatur and Grady	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(73) [Revoked]					
(74) Columbus, Ga	Georgia	Muscogee	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
	Alabama	In the County of Russell, Election Precinct One, including the City of Phenix City.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(74a) Dublin	Georgia	Laurens	July 1, 1943	June 1, 1944	July 15, 1944
(74b) Gainesville	Georgia	Hall	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(74c) Dalton	Georgia	Whitfield	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(75) [Revoked and decontrolled]					
(75a) [Revoked and decontrolled]					
(75b) Griffin	Georgia	Spalding	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(76) Macon	Georgia	Bibb, Houston, and Peach	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(77) Moultrie	Georgia	Colquitt	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(77a) Rome	Georgia	Floyd	Mar. 1, 1944	May 1, 1945	June 15, 1945
(78) Savannah	Georgia	County of Chatham except Tybee and Wilmington Islands	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(78a) Thomasville	Georgia	Thomas County and those portions of the towns of Pavo and Barwick in Brooks County and that portion of the town of Meigs in Mitchell County.	Mar. 1, 1943	June 1, 1944	July 15, 1944
(78b) Tifton	Georgia	Tift	Mar. 1, 1945	May 1, 1946	June 15, 1946
(79) [Decontrolled]					
(79a) [Revoked and decontrolled]					
(80) [Decontrolled]					
(80a) Boise	Idaho	Ada and Elmore	Jan. 1, 1943	Jan. 1, 1944	Feb. 15, 1944
(80b) Blackfoot	Idaho	Bingham	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(81) [Decontrolled]					
(81a) Idaho Falls	Idaho	Bonneville	Mar. 1, 1944	Apr. 1, 1945	May 15, 1945
(81b) Nampa-Caldwell	Idaho	Canyon	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(82) Pocatello	Idaho	Bannock	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(82a) [Decontrolled]					
(82b) Bloomington	Illinois	McLean	Jan. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
(82c) Centralia	Illinois	Marion County, and in Clinton County those parts of Centralia City and Wamac Village located therein, and in Washington County that part of Wamac Village located therein.	Oct. 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(82d) Carmi	Illinois	White and that portion of Grayville City in Edwards County	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(83) Chicago	Illinois	Cook, Du Page, Kane, and Lake	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(83a) Clinton	Illinois	De Witt	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(83b) Crab Orchard	Illinois	Jackson and Williamson	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(84) [Revoked]					
(85) Dixon	Illinois	Lee	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(85a) Freeport	Illinois	Stephenson	Mar. 1, 1944	June 1, 1945	July 15, 1945
(85b) Jacksonville	Illinois	Morgan	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(86) Joliet	Illinois	Will	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(87) Kankakee	Illinois	Kankakee	Mar. 1, 1942	May 1, 1943	June 15, 1943
(87a) Kewanee	Illinois	Henry	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(88) La Salle County	Illinois	La Salle	Mar. 1, 1942	May 1, 1943	June 15, 1943
(88a) Macomb-Canton	Illinois	Fulton, McDonough, and Mason	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(88b) Peoria	Illinois	Peoria and Tazewell	Mar. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(88c) Mattoon	Illinois	Coles	Mar. 1, 1942	Apr. 1, 1943	May 15, 1943
(88d) Mount Vernon, Ill	Illinois	Jefferson	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(89) Quad Cities	Illinois	Rock Island	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Scott	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(90) Quincy	Illinois	Adams	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Missouri	Marion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(91) Champaign-Vermilion	Illinois	Champaign and Vermilion	Mar. 1, 1943	May 1, 1944	June 15, 1944
(91a) Galesburg	Illinois	Knox	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(91b) Paxton	Illinois	Ford	Mar. 1, 1942	July 1, 1942	Aug. 15, 1942
(92) Rockford	Illinois	Boone and Winnebago	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	De Kalb	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(93) Savanna-Clinton	Illinois	Carroll	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Clinton	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(94) Springfield-Decatur	Illinois	Christian, Logan, Macon, and Sangamon	Oct. 1, 1943	Nov. 1, 1944	Dec. 15, 1944
(94a) Woodstock	Illinois	McHenry	Sept. 1, 1913	Jan. 1, 1945	Feb. 15, 1945
(94b) Bloomington, Ind	Indiana	Monroe			
(95) [Revoked]					
(95a) Auburn	Indiana	De Kalb and that part of Ashley Town located in Steuben County.	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(96) [Revoked]					
(96a) Crawfordsville	Indiana	Montgomery	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(97) Columbus, Indiana	Indiana	Bartholomew, Johnson, Morgan, and Shelby	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Jackson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(97a) Mt. Vernon, Ind	Indiana	Posey	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(97b) Princeton, Ind	Indiana	Gibson	Jan. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(98) Richmond-Connersville	Indiana	Wayne	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Indiana	Fayette	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(98a) Valparaiso	Indiana	Porter	July 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(99) [Revoked]					
(100) Evansville-Henderson	Indiana	Vanderburgh	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Kentucky	Henderson	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(101) Fort Wayne	Indiana	Allen	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Adams	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(101a) Frankfort, Ind	Indiana	Clinton	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(102) Gary-Hammond	Indiana	Lake	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(103) Indianapolis	Indiana	Marion	July 1, 1941	July 1, 1942	Aug. 31, 1942
(104) La Fayette [1]	Indiana	Tippecanoe	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(104a) Logansport	Indiana	Cass	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(105) La Porte-Michigan City	Indiana	La Porte and Starke	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(105a) New Castle	Indiana	Henry	Oct. 1, 1943	Apr. 1, 1945	May 15, 1945
(106) Anderson [1]	Indiana	Huntington, and Wabash	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Delaware, Grant, Howard, and Madison	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(107) [Revoked]					
(108) South Bend	Indiana	St. Joseph and Elkhart	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(109) Terre Haute	Indiana	Parke and Vermillion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Illinois	Edgar	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Indiana	Vigo	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(110) Vincennes	Indiana	Daviess and Knox	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Illinois	Lawrence	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Indiana	Martin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(110a) Dubuque	Iowa	Dubuque County, and in Delaware County, that part of Dyersville City located therein; in Jones County, that part of Cascade Town located therein in Jackson County, that part of Zwingle Town located therein.	May 1, 1945	Apr. 1, 1946	May 15, 1946
	Illinois	The City of East Dubuque in Jo Daviess County	May 1, 1945	Apr. 1, 1946	May 15, 1946
(110b) Ames-Marshalltown	Iowa	Marshall and Story	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(111) [Revoked]					
(111a) Iowa City	Iowa	Johnson	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(112) Burlington [1]	Iowa	In the County of Des Moines the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union; in the County of Henry the Townships of Baltimore, Center, Mount Pleasant, and New London; and in the County of Lee the Townships of Denmark, Green Bay, Madison, and Washington.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
	Iowa	County of Des Moines other than the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union; County of Henry other than the Townships of Baltimore, Center, Mount Pleasant, and New London; County of Lee other than the Townships of Denmark, Green Bay, Madison, and Washington.	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(112a) Charles City	Iowa	Floyd	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(113) Cedar Rapids	Iowa	Linn	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(113a) Mason City	Iowa	Cerro Gordo	Oct. 1, 1945	May 1, 1946	June 15, 1946
(113b) Fort Dodge	Iowa	Webster	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(113c) Muscatine	Iowa	Muscatine	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(114) Des Moines	Iowa	Polk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Iowa	Jasper	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(114a) Ottumwa	Iowa	Wapello	Mar. 1, 1942	Sept. 1, 1943	Oct. 15, 1943
(114b) Sioux City	Iowa	Woodbury	July 1, 1943	June 1, 1944	July 15, 1944
	Nebraska	Dakota	July 1, 1943	June 1, 1944	July 15, 1944
(114c) Fairfield	Iowa	Jefferson	Jan. 1, 1944	Nov. 1, 1944	Dec. 15, 1944
(114d) Waterloo	Iowa	Black Hawk	May 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(114e) Butler-Cowley	Kansas	Butler, Cowley, and that portion of Geuda Springs located in Sumner County.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(115) Baxter Springs	Kansas	Cherokee and Crawford	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Oklahoma	Ottawa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(115a) [Revoked and decontrolled]					
(115b) [Revoked and decontrolled]					
(115c) Emporia	Kansas	Lyon	Mar. 1, 1945	May 1, 1946	June 15, 1946
(115d) Chanute	Kansas	Neosho and Wilson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(116) Dodge City	Kansas	Finney, Ford, and Gray	Mar. 1, 1942	May 1, 1943	June 15, 1943
(116a) Great Bend	Kansas	Barton	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
	Kansas	Ellis and Russell	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
	Kansas	Pawnee	Mar. 1, 1943	Nov. 1, 1944	Dec. 15, 1944
(117) Hutchinson	Kansas	Reno	Mar. 1, 1942	May 1, 1943	June 15, 1943
(118) Junction City-Manhattan	Kansas	Geary and Riley	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(119) Liberal	Kansas	Seward	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(120) Parsons [2]	Kansas	Labette	July 1, 1941	July 1, 1942	Aug. 31, 1942
	Kansas	Montgomery	July 1, 1941	Sept. 1, 1942	Oct. 15, 1942
(120a) Pratt	Kansas	Pratt	Mar. 1, 1943	June 1, 1944	July 15, 1944
(121) Salina [2]	Kansas	Dickinson, McPherson, and Saline	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(121a) Stafford County	Kansas	Stafford	Jan. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(122) Topeka-Lawrence	Kansas	Douglas, Franklin, and Shawnee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(123) Wichita	Kansas	Sedgwick	July 1, 1941	July 1, 1942	Aug. 31, 1942
(123a) Danville, Ky	Kentucky	Boyle	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(123b) Bowling Green	Kentucky	Warren	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(123c) Harrodsburg	Kentucky	Mercer	Oct. 1, 1944	Mar. 1, 1946	Apr. 15, 1946
(123d) Frankfort, Ky	Kentucky	Franklin, Scott, Woodford	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(124) Fort Knox [3]	Kentucky	Hardin and that portion of Meade County known as Garnettsville Precinct, adjacent to Fort Knox, Kentucky.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(124a) Lexington	Kentucky	Clark and Fayette	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(125) Louisville	Kentucky	Jefferson	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
	Indiana	Clark and Floyd	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(125a) Mayfield	Kentucky	Graves	May 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(125b) Madisonville	Kentucky	Hopkins	Aug. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(126) [Revoked].					
(127) Owensboro	Kentucky	Daviess	Mar. 1, 1943	June 1, 1944	July 15, 1944
(127a) Paducah	Kentucky	McCracken	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(128) Richmond, Ky	Kentucky	Madison	Mar. 1, 1942	Nov. 1, 1943	Dec. 16, 1942
(128a) Somerset	Kentucky	Pulaski	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(129) [Revoked and decontrolled]					
(129) Baton Rouge	Louisiana	Parishes of East Baton Rouge and West Baton Rouge	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(130a) Lafayette	Louisiana	Lafayette Parish	Oct. 1, 1944	Mar. 1, 1946	Apr. 15, 1946
(130b) Ferriday	Louisiana	Concordia Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(130c) Hammond	Louisiana	Tangipahoa Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(130d) Jennings	Louisiana	Jefferson Davis Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(131) Lake Charles	Louisiana	Parish of Calcasieu	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
(132) Minden	Louisiana	Parish of Webster	July 1, 1941	July 1, 1942	Aug. 15, 1942
(133) Monroe-Bastrop	Louisiana	Parishes of Morehouse, Ouachita, and Union	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(133a) New Iberia	Louisiana	Iberia and Vermillion	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(134) New Orleans	Louisiana	Parishes of Jefferson, Orleans, and St. Bernard	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(134a) Shreveport	Louisiana	Parishes of Bossier and Caddo	July 1, 1943	Sept. 1, 1944	Oct. 15, 1944
(134b) Ruston	Louisiana	Lincoln Parish	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(134c) Augusta	Maine	Kennebec	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(135) Bangor	Maine	Penobscot	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(136) Bath	Maine	Lincoln and Sagadahoc	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(136a) Eastport	Maine	In the County of Washington, in the City of Eastport and the Towns of Lubec, Perry, Pembroke, and Robbinston.	Mar. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(137) Portland	Maine	Androscoggin and Cumberland	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Maine	York	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Maine	Aroostook	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(138) Presque Isle	Maine	Knox	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(138a) Rockland	Maine	Oxford	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(138b) Rumford	Maryland	City of Baltimore and the Counties of Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard.	July 1, 1943	June 1, 1944	July 15, 1944
(139) Baltimore			Mar. 1, 1944	Apr. 1, 1945	May 15, 1945
	Maryland	Frederick			
(139a) Frederick	Maryland	Allegany			
(139b) Cumberland			Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(139c) [Decontrolled]			Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(140) Hagerstown	Maryland	Washington	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(141) Indian Head-Patuxent River	Maryland	Charles	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
	Maryland	St. Marys and Calvert	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(142) Montgomery-Prince Georges	Massachusetts	Montgomery and Prince Georges			
(143) Eastern Massachusetts		Barnstable, Bristol, Middlesex, Norfolk, Plymouth, and Suffolk.	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(144) Essex County, Mass	Massachusetts	Essex	Jan. 1, 1945	May 1, 1946	June 15, 1946
(144a) Greenfield	Massachusetts	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(145) Pittsfield	Massachusetts	Berkshire	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(146) Springfield, Mass	Massachusetts	Hampden and Hampshire	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(147) Worcester	Massachusetts	Worcester			
(148) [Revoked]			Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(149) Detroit	Michigan	Macomb, Oakland, and Wayne	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Michigan	Washtenaw	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(149a) Escanaba-Marquette	Michigan	Dickinson and Marquette	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(150) Grand Rapids-Muskegon	Michigan	Muskegon	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Michigan	Kent			
(150a) [Decontrolled]					
(150b) [Decontrolled]			Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(150c) Ironwood	Michigan	Gogebic	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(151) Jackson, Michigan	Michigan	Jackson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Michigan	Lenawee	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(152) Kalamazoo-Battle Creek	Michigan	Calhoun	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Michigan	Kalamazoo	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(153) Lansing	Michigan	Clinton, Eaton, and Ingham			
(154) [Decontrolled]			Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(154a) Monroe, Mich	Michigan	Monroe	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(155) Niles	Michigan	Berrien	Mar. 1, 1943	June 1, 1944	July 15, 1944
(155a) Owosso	Michigan	Shiawassee	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(156) Port Huron	Michigan	St. Clair			
(156a) [Decontrolled]			Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(157) Saginaw-Bay City	Michigan	Bay, Midland, and Saginaw			
(157a) [Decontrolled]					
(158) [Revoked]			Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(158a) Brainerd	Minnesota	Crow Wing	May 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(158b) Austin	Minnesota	Mower	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(158c) Albert Lea-Faribault	Minnesota	Freeborn, Rice, Steele, Waseca, and that portion of Dennison Village in Goodhue County.	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
	Minnesota	Otter Tail, and in Wilkin County the Village of Rothsay	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(158d) Fergus Falls	Minnesota	Carlton and St. Louis	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(159) Duluth-Superior	Wisconsin	Douglas	Mar. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
	Minnesota	Blue Earth County, and in Nicollet County, the City of North Mankato.	July 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(159a) Mankato	Minnesota	In Koochiching County, all of Township 71, Range 23, including Ranier; all of Township 70, Range 24, including South International Falls; all of Township 71, Range 24, including International Falls.			
(159b) International Falls			Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
	Minnesota	Brown	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(159c) New Ulm	Minnesota	Anoka, Dakota, Hennepin, Ramsey, and Washington	Mar. 1, 1944	Aug. 1, 1944	Sept. 15, 1944
(160) Minneapolis-St. Paul	Minnesota	Olmstead	Jan. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
(160a) Rochester	Minnesota	In Benton County the portions of St. Cloud City and Sartell Village located therein, and Sauk Rapids Village; in Sherburne County the portion of St. Cloud City located therein; in Stearns County the portions of St. Cloud City and Sartell Village located therein, and White Park Village.			
(160b) St. Cloud			July 1, 1945	Apr. 1, 1946	May 15, 1946
	Minnesota	Winona			
(160c) Winona			Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(161) [Revoked]	Mississippi	Harrison and Jackson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(162) Biloxi-Pascagoula [4]	Mississippi	Lincoln	Mar. 1, 1942	May 1, 1943	June 15, 1944
(162a) Brookhaven	Mississippi	Adams, Amite, Pike, and Wilkinson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(163) Centreville [4]	Mississippi	Marion	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(163a) Columbia, Miss	Mississippi	Clay and Lee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(164) Columbus, Miss	Mississippi	Lowndes	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Mississippi	Grenada and Leflore	July 1, 1943	Feb. 1, 1945	Mar. 15, 1944
(165) Grenada [4]	Mississippi	Washington	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(165a) Greenville, Miss	Mississippi	Forrest	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(166) Hattiesburg	Mississippi	Hinds, Madison and Rankin	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(167) Jackson, Miss	Mississippi	Jones			
(167a) Laurel			Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(167b) [Revoked]	Mississippi	Lauderdale	Dec. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(168) Meridian	Mississippi	Warren	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(168a) Vicksburg, Miss	Missouri	Audrain and Boone	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(168b) Columbia	Missouri	Franklin	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(168c) Franklin County	Missouri	Cape Girardeau	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(168d) Cape Girardeau	Missouri	Livingston and Grundy	July 1, 1941	July 1, 1942	Aug. 31, 1942
(168e) Chillicothe, Mo	Missouri	Jasper and Newton	July 1, 1945	May 1, 1946	June 15, 1946
(169) Joplin-Neosho	Missouri	Cole	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(169a) Jefferson City	Missouri	Clay, Jackson, and Platte	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(170) Kansas City	Missouri	Johnson, Leavenworth, and Wyandotte	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
	Kansas	Adair	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(170a) Kirksville	Missouri	Barry and Lawrence			
(170b) Monette-Aurora			Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(171) [Revoked]	Missouri	Laclede, Phelps, and Pulaski	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(172) Rolla-Waynesville	Missouri	Johnson and Pettis	July 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(173) Sedalia	Missouri	Greene	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(173a) Springfield, Mo	Missouri	Buchanan	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(174) St. Joseph	Missouri	City of St. Louis and the Counties of Jefferson, St. Charles, and St. Louis.			
(174) St. Louis			Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Illinois	Madison, Monroe, and St. Clair			

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(175) Great Falls	Montana	Cascade	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(175a) Billings	Montana	Yellowstone	July 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(175b) Bozeman	Montana	Gallatin	July 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(175c) Missoula	Montana	Missoula	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(175d) [Decontrolled]					
(175e) Havre	Montana	Hill	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(175f) Helena	Montana	Lewis and Clark	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(175g) Kalispell	Montana	Flathead	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(175h) [Revoked]					
(175i) Livingston	Montana	Park	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(175j) Miles City	Montana	Custer	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(176) Alliance	Nebraska	Box Butte	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(176a) [Revoked and decontrolled]					
(176b) [Decontrolled]					
(176c) [Decontrolled]					
(177) Grand Island	Nebraska	Hall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(178) Hastings	Nebraska	Adams and Clay	Mar. 1, 1942	Dec. 12, 1942	Jan. 26, 1943
(178a) [Revoked and decontrolled]					
(179) Kearney	Nebraska	Buffalo	Mar. 1, 1942	May 1, 1943	June 15, 1943
(180) Lincoln	Nebraska	Lancaster	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(180a) McCook	Nebraska	Redwillow	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(180b) North Platte	Nebraska	Lincoln	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(180c) Norfolk, Nebr	Nebraska	Madison and that portion of Tilden City in Antelope County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(181) Omaha [4]	Nebraska	Dodge	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Nebraska	Douglas and Sarpy	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Iowa	Pottawattamie	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(181a) Scottsbluff	Nebraska	Scotts Bluff	Mar. 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(182) Sidney, Nebr	Nebraska	Cheyenne	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(182a) [Decontrolled]					
(183) [Revoked]					
(183a) [Revoked and decontrolled]					
(183b) [Decontrolled]					
(183c) Elko	Nevada	Township 5 in Elko County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(184) Las Vegas [4]	Nevada	That portion of Clark described as that part of Township 20, South encompassed by Ranges 60, 61, 62 East; that part of Township 21, South encompassed by Ranges 60, 61, 62 East; that part of Township 22, South encompassed by Ranges 61, 62, 63 East; and that part of Township 23, South encompassed by Ranges 63 and 64 East.	July 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(185) Reno	Nevada	Washoe	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(185a) Keene	New Hampshire	Cheshire	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(185b) Concord	New Hampshire	Merrimack and Belknap	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(185c) Coos County	New Hampshire	Coos	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(186) Manchester	New Hampshire	Sullivan	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	New Hampshire	Hillsborough	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(187) Portsmouth	New Hampshire	Rockingham and Strafford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(187a) Atlantic County	New Jersey	Atlantic	Sept. 1, 1943	June 1, 1944	July 15, 1944
(188) [Revoked]					
(188a) Southern New Jersey	New Jersey	Burlington, Camden, and Gloucester	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	New Jersey	Salem	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	New Jersey	Cumberland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(189) [Revoked]					
(190) Northeastern New Jersey	New Jersey	Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	New Jersey	Sussex	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(190a) [Revoked and decontrolled]					
(191) Trenton	New Jersey	Warren	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	New Jersey	Hunderdon and Mercer	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(192) [Revoked]					
(193) Albuquerque	New Mexico	Bernalillo	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(193a) Belen	New Mexico	That portion of Valencia County lying east of Rio Puerco River.	Oct. 1, 1943	Dec. 1, 1943	Jan. 15, 1945
(193b) Carlsbad	New Mexico	Eddy	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(194) Clovis	New Mexico	Lea	Mar. 1, 1942	Nov. 1, 1942	Dec. 15, 1942
(195) [Revoked]		Curry and Roosevelt	Mar. 1, 1942	Feb. 1, 1943	Mar. 15, 1943
(196) [Revoked]					
(196a) Las Cruces	New Mexico	Dona Ana	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(197) Roswell	New Mexico	Chaves	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
		Otero	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(197a) [Revoked and decontrolled]					
(197b) Santa Fe	New Mexico	Santa Fe County and Precinct No. 28 (Espanola) in Rio Arriba County.	July 1, 1944	Oct. 1, 1945	Nov. 15, 1945
			July 1, 1944	Sept. 1, 1946	Oct. 15, 1946
(198) [Revoked and decontrolled]					
(198a) Tucumcari	New Mexico	Quay	Oct. 1, 1944	May 1, 1945	June 15, 1945
(199) Albany-Troy, N. Y	New York	Albany and Rensselaer	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(200) Binghamton	New York	Broome and Tioga	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(201) Buffalo	New York	Erie and Niagara	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(201a) Cortland	New York	Cortland	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(202) Elmira	New York	Chemung and Steuben	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(202a) Glens Falls	New York	Warren and Washington	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(202b) Ithaca	New York	Tompkins	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
(202c) Gloversville	New York	Fulton	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(202d) Hudson	New York	Columbia	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(203) Jamestown	New York	Chautauqua County except the Chautauqua Institution	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(203a) Olean	New York	Cattaraugus	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(203b) Plattsburg	New York	Clinton and that portion of Keeseville Village in Essex County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(204) Poughkeepsie	New York	Duchess, Ulster and Orange, except that portion of Orange County which is within the West Point Military Reservation.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(205) Rochester	New York	Genesee, Monroe, and Orleans	Mar. 1, 1942	Oct. 1, 1944	Nov. 15, 1942
(205a) Rockland County	New York	Rockland	Mar. 1, 1945	June 1, 1946	July 15, 1946
(206) [Revoked]					
(207) Schenectady	New York	County of Schenectady and in the County of Saratoga the towns of Ballston, Charlton, and Clifton Park.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	New York	County of Montgomery and the County of Saratoga other than the towns of Ballston, Charlton, and Clinton Park.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(208) Seneca	New York	Ontario, Seneca, and Yates	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(209) Sidney, N. Y	New York	Chenango, Delaware, and Otsego	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(210) Syracuse	New York	Wayne	Mar. 1, 1942	Oct. 1, 1944	Nov. 15, 1942
	New York	Cayuga, Onondaga, and Oswego	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(211) Utica-Rome	New York	Herkimer, Madison, and Oneida	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(211a) Westchester County	New York	Westchester	Aug. 1, 1944	Nov. 1, 1944	Dec. 15, 1944
(212) Watertown	New York	Jefferson and St. Lawrence	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(212a) Burlington, N. C	North Carolina	Alamance	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(212b) Asheville	North Carolina	Buncombe	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(212c) Charlotte	North Carolina	Mecklenburg	July 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(212d) Chapel Hill	North Carolina	Orange	Mar. 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(213) Durham	North Carolina	Durham	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(214) Elizabeth City, N. C.	North Carolina	Pasquotank	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	North Carolina	Chowan and Perquimans	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(215) Fayetteville, N. C.	North Carolina	Cumberland and Hoke	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(215a) Gastonia	North Carolina	Gaston	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(216) Goldsboro	North Carolina	Lenoir, Wayne and Wilson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(216a) Greensboro[2]	North Carolina	County of Guilford other than High Point Township	July 1, 1943	June 1, 1944	July 15, 1944
(216b) Greenville	North Carolina	Beaufort and Pitt	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(217) Henderson	North Carolina	Vance	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(217a) High Point	North Carolina	In the County of Guilford, the Township of High Point, including the City of High Point.	July 1, 1944	Feb. 1, 1946	Mar. 15, 1946
(217b) Hickory	North Carolina	Catawba	Mar. 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(217c) Hendersonville	North Carolina	Henderson	Jan. 1, 1916	Nov. 1, 1946	Dec. 15, 1946
(218) Jacksonville, N. C.	North Carolina	Onslow	Mar. 1, 1942	Nov. 1, 1942	Dec. 15, 1942
(219) Laurinburg	North Carolina	Richmond, Robeson, and Scotland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	South Carolina	Marlboro			
(220) [Revoked and decontrolled]					
(220a) Oxford	North Carolina	Granville	Nov. 1, 1943	May 1, 1945	June 15, 1945
(221) New Bern	North Carolina	Carteret and Craven	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(221a) Rocky Mount	North Carolina	Edgecomb and Nash	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(221b) Pender County	North Carolina	Pender	Jan. 1, 1944	May 1, 1944	June 15, 1944
(221c) Plymouth	North Carolina	Washington	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(221d) Raleigh	North Carolina	Wake	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(221e) Salisbury	North Carolina	Davidson, Iredel, and Rowan			
(222) [Revoked and decontrolled]					
(223) Wilmington, N. C.	North Carolina	New Hanover County, except the portion consisting of Wrightsville Beach and Harbor Island, which are situated approximately one mile East of the U. S. Inland Waterway; Carolina Beach, Kure Beach, Wilmington Beach and Ft. Fisher Beach, which are within the territory bounded on the North by the U. S. Inland Waterway, on the East by the Atlantic Ocean, on the West by the Cape Fear River, and on the South by old Ft. Fisher remains.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(223a) Winston-Salem	North Carolina	Forsyth	Mar. 1, 1944	Mar. 1, 1945	Apr. 15, 1945
(223b) Minot	North Dakota	Ward	June 1, 1944	Apr. 1, 1945	May 15, 1945
(223c) Fargo-Moorhead	North Dakota	Cass	July 1, 1944	June 1, 1945	July 15, 1945
	Minnesota	Clay	July 1, 1945	June 1, 1945	July 15, 1945
(223d) Grand Forks	North Dakota	Grand Forks	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
	Minnesota	City of East Grand Forks in Polk County	Mar. 1, 1945	May 1, 1946	June 15, 1946
(223e) Bismarck-Mandan	North Dakota	Burleigh and Morton Counties and that part of Wilton City in McLean County.	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(223f) Jamestown, N. D.	North Dakota	Stutsman	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(224) Akron	Ohio	County of Summit and in the County of Medina the Township of Wadsworth.	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Ohio	County of Medina other than the Township of Wadsworth	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(225) Ashtabula	Ohio	Ashtabula	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(225a) Athens	Ohio	Athens	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(226) Canton	Ohio	Stark	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Ohio	Tuscarawas	Mar. 1, 1944	June 1, 1945	July 15, 1945
(226a) Cambridge, Ohio	Ohio	Guernsey	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(226b) Chillicothe, Ohio	Ohio	Ross	Mar. 1, 1942	Nov. 1, 1942	May 31, 1943
(227) Cincinnati	Ohio	Butler, Clermont, Hamilton, and Warren	Mar. 1, 1942	Nov. 1, 1942	May 31, 1943
	Kentucky	Campbell and Kenton	July 1, 1941	July 1, 1942	Aug. 31, 1942
(228) Cleveland	Ohio	County of Cuyahoga and in the County of Lake the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 31, 1942
	Ohio	County of Geauga, and the County of Lake other than the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(229) Columbus, Ohio	Ohio	Franklin	Mar. 1, 1942	May 1, 1943	June 15, 1943
	Ohio	Licking	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(230) Dayton	Ohio	Champaign, Clark, Darke, Greene, Miami, Montgomery, and Preble.	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(230a) Delaware County	Ohio	Delaware	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(231) [Revoked]					
(231a) Lancaster	Ohio	Fairfield	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(232) Lima	Ohio	Allen	July 1, 1941	July 1, 1942	Aug. 15, 1942
(233) Lorain-Elyria	Ohio	Lorain	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(234) Mansfield	Ohio	Ashland, Crawford, and Richland	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Ohio	Knox	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(235) Marion	Ohio	Marion			
(236) [Revoked]					
(236a) Portsmouth, Ohio	Ohio	Scioto	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(237) Ravenna	Ohio	Portage	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(238) Sandusky-Port Clinton	Ohio	Erie, Huron, Ottawa, and Sandusky	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(239) Sidney, Ohio	Ohio	Shelby	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(240) Toledo	Ohio	Lucas and Wood	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Ohio	Hancock and Seneca	July 1, 1943	Apr. 1, 1945	May 15, 1945
(240a) Wilmington, Ohio	Ohio	Clinton	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(241) Youngstown-Warren	Ohio	Mahoning and Trumbull	Oct. 1, 1943	Dec. 1, 1944	Jan. 15, 1945
(241a) Washington Court House, Ohio	Ohio	Fayette	Mar. 1, 1945	May 1, 1946	June 15, 1946
(241b) Zanesville	Ohio	Muskingum County and that part of Roseville Village located in Perry County.	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(241c) Wooster	Ohio	Wayne			
(242) [Revoked]					
(242a) [Revoked and decontrolled]					
(242b) Ardmore	Oklahoma	Carter	July 1, 1943	Oct. 1, 1943	Nov. 15, 1943
(242c) Ada	Oklahoma	Garvin, Pontotoc, and Seminole	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(242d) Bartlesville	Oklahoma	Washington	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(243) Chouteau	Oklahoma	Craig, Mayes, Rogers, and Wagoner	Oct. 1, 1941	Oct. 1, 1942	Nov. 15, 1942
(244) [Decontrolled]					
(244a) Duncan	Oklahoma	Stephens	Oct. 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(244b) Frederick	Oklahoma	All of Tillman County south of the base line between Townships 1 South and 2 South.	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(245) Enid	Oklahoma	Garfield	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(245a) Guymon	Oklahoma	Texas	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(245b) Guthrie	Oklahoma	Logan	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(246) Lawton	Oklahoma	Comanche	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(247) McAlester	Oklahoma	Atoka, Haskell, Hughes, Latimer, McIntosh, and Pittsburg	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive
(248) Muskogee	Oklahoma	Muskogee	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(249) [Revoked]					
(249a) Ponca City	Oklahoma	Kay	Mar. 1, 1945	June 1, 1946	July 15, 1946
(249b) Okmulgee	Oklahoma	Okmulgee	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(250) Oklahoma City	Oklahoma	Cleveland, McClain, and Oklahoma	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oklahoma	Caddo and Grady	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Oklahoma	Canadian	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(250a) Shawnee	Oklahoma	Pottawatomie	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(250b) Stillwater	Oklahoma	Payne	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
(251) Tulsa	Oklahoma	Creek, Osage, and Tulsa	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(252) [Revoked]					
(252a) [Revoked]					
(253) Corvallis	Oregon	Benton and Linn	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(253a) Klamath Falls	Oregon	Klamath	Oct. 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(253b) Lane County	Oregon	Lane	Jan. 1, 1944	Jan. 1, 1945	Mar. 31, 1945
(253c) Douglas	Oregon	Douglas	Jan. 1, 1944	May 1, 1945	June 15, 1945
(254) Medford	Oregon	Jackson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(255) Pendleton	Oregon	Umatilla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(256) Portland-Vancouver	Oregon	Clackamas, Multnomah, and Washington	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Washington	Clark	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
	Oregon	Clatsop	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Oregon	Tillamook	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(256a) Salem	Oregon	Marion, and in Polk County the City of West Salem	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(257) Allentown-Bethlehem	Pennsylvania	Lehigh and Northampton	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(258) Altoona-Johnstown	Pennsylvania	Blair, Cambria, and Somerset	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(258a) Bradford County	Pennsylvania	Bradford	Jan. 1, 1944	May 1, 1945	June 15, 1945
(259) [Revoked]					
(260) [Revoked]					
(261) Erie	Pennsylvania	Erie	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(262) Harrisburg	Pennsylvania	Cumberland, Dauphin, Lebanon, and Perry	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Franklin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(262a) Indiana County	Pennsylvania	Indiana	July 1, 1945	Oct. 1, 1946	Nov. 15, 1946
(263) Lancaster-York-Reading	Pennsylvania	Berks, Lancaster and York	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(263a) Lewistown	Pennsylvania	Mifflin	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(264) Meadville-Titusville	Pennsylvania	Crawford and Venango	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(265) [Revoked]					
(266) Philadelphia	Pennsylvania	Bucks, Chester, Delaware, Montgomery, and Philadelphia	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(267) Pittsburgh	Pennsylvania	Allegheny, Armstrong, Beaver, Butler, Fayette, Lawrence, Washington, Westmoreland, and Greene, except the townships of Aleppo, Centre, Freeport, Gilmore, Gray, Jackson, Morris, Perry, Richhill, Springhill and Wayne.	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(268) [Revoked]					
(269) [Revoked]					
(269a) Scranton-Wilkes-Barre	Pennsylvania	Carbon, Lackawanna, and Schuylkill Counties in their entireties, and Luzerne County except Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1946	June 1, 1946	July 15, 1946
(269b) State College	Pennsylvania	Centre	Jan. 1, 1946	Sept. 1, 1946	Oct. 15, 1946
(270) Sharon-Farrell	Pennsylvania	Mercer	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(270a) Warren	Pennsylvania	Warren	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(271) [Revoked]					
(272) Williamsport	Pennsylvania	Lycoming	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Pennsylvania	Cameron, Columbia, Montour, Northumberland, Snyder, and Union.	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Pennsylvania	County of Elk and in the County of Luzerne, Nescopeck Borough, Nescopeck Township, and Salem Township.	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
	Pennsylvania	Clinton	Mar. 1, 1942	Feb. 1, 1944	Mar. 15, 1944
(273) Newport	Rhode Island	Newport	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(274) Providence	Rhode Island	Bristol, Kent, and Providence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(275) Washington County	Rhode Island	Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(276) [Revoked]					
(277) Charleston, S. C.	South Carolina	Charleston and Dorchester	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	South Carolina	Beaufort	Mar. 1, 1942	Apr. 15, 1943	May 30, 1943
(278) Columbia, S. C.	South Carolina	Lexington and Richland	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
		Sumter	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
		Florence	Mar. 1, 1942	May 1, 1943	June 15, 1943
(278a) Darlington	South Carolina	Darlington	Jan. 1, 1944	July 1, 1945	Aug. 15, 1945
(279) [Revoked]					
(279a) Georgetown	South Carolina	Georgetown	July 1, 1944	July 1, 1945	Aug. 15, 1945
(280) Greenville, S. C.	South Carolina	Greenville	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
(280a) [Revoked and decontrolled]					
(280b) [Revoked and decontrolled]					
(280c) Marion	South Carolina	Marion	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(281) Spartanburg	South Carolina	Cherokee, Spartanburg, and Union	Mar. 1, 1942	Nov. 1, 1942	Jan. 14, 1943
(281a) Aberdeen	South Dakota	Brown	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(281b) Brookings[1]	South Dakota	That portion of Brookings County which constitutes the City of Brookings.	Jan. 1, 1946	Nov. 1, 1946	Dec. 20, 1946
(281c) Huron	South Dakota	Beadle and those portions of Wessington City in Hand County and Iroquois City in Kingsbury County.	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(282) [Revoked]					
(282a) Mitchell	South Dakota	Davison	July 1, 1945	Aug. 1, 1946	Aug. 15, 1946
(283) [Revoked and decontrolled]					
(283a) Provo-Hot Springs, S. Dak.	South Dakota	Fall River	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(284) Rapid City-Sturgis[2]	South Dakota	Mead, Pennington and that portion of Lawrence described as Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 21 22, 23, Township 6—North.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(285) Sioux Falls	South Dakota	Lincoln, Minnehaha, and Turner	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Iowa	Lyon	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Minnesota	Rock	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(285a) [Decontrolled]					
(285b) Vermillion	South Dakota	Clay and that portion of Irene Town in Yankton County	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(286) Bristol-Kingsport	Tennessee	Greene, Hawkins, Sullivan, Unicoi, and Washington	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Virginia	Independent City of Bristol and the Counties of Scott and Washington.	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(287) Chattanooga	Tennessee	Bradley, Hamilton, and Marion	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Georgia	Catoosa, Dade, and Walker	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(288) Cleveland	Ohio	County of Cuyahoga and in the County of Lake the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 31, 1942
	Ohio	County of Lake other than the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.	July 1, 1941	July 1, 1942	Aug. 31, 1942
(288a) Columbia, Tenn	Tennessee	Maury	Jan. 1, 1944	Apr. 1, 1945	May 15, 1945
(288b) Cookeville	Tennessee	Putnam	July 1, 1945	Sept. 1, 1946	Oct. 15, 1946

See footnotes at end of table.

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(289) Copperhill-McCaysville	Tennessee	Polk	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	Georgia	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(290) Dyersburg	Tennessee	Crockett, Dyer, and Lauderdale	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(290a) Elizabethton	Tennessee	Carter	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(290b) [Revoked and decontrolled]					
(291) Jackson-Milan-Humboldt	Tennessee	Carroll, Gibson, and Madison	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(292) Knoxville	Tennessee	Blount and Knox	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Tennessee	Anderson and Roane, except the portion consisting of the Clinton Engineering Works	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(292a) Lenoir City	Tennessee	Loudon	Mar. 1, 1943	June 1, 1944	July 15, 1944
(293) Memphis	Tennessee	Shelby	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Arkansas	Crittenden	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(294) [Revoked]					
(295) Nashville	Tennessee	Davidson and Rutherford	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(295a) [Revoked and decontrolled]					
(295b) Paris, Tenn	Tennessee	Henry	Mar. 1, 1942	Nov. 1, 1946	Dec. 15, 1946
(296) [Revoked]					
(296a) Springfield, Tenn	Tennessee	Robertson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(297) [Revoked and decontrolled]					
(298) [Revoked and decontrolled]					
(298a) Alice	Texas	Jim Wells	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(299) Amarilla	Texas	Potter and Randall	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(300) Austin	Texas	Hays, Travis, and Williamson	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(301) [Revoked]					
(302) Beaumont-Port Arthur	Texas	Jefferson and Orange	Apr. 1, 1941	July 1, 1942	Aug. 15, 1942
(303) Big Spring	Texas	Howard	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(304) [Revoked]					
(305) Borger	Texas	Carson, Gray, and Hutchinson	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(305a) [Revoked and decontrolled]					
(306) [Decontrolled]					
(307) Bryan	Texas	Brazos	Mar. 1, 1942	May 1, 1943	June 15, 1943
(308) [Revoked and decontrolled]					
(308a) Corsicana	Texas	Ellis, Kaufman, and Navarro	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(309) Corpus Christi	Texas	San Patricio and Nueces, except the Town of Fort Aransas	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
	Texas	Bee and Kleberg	Mar. 1, 1942	Nov. 1, 1942	Dec. 15, 1942
(309a) [Decontrolled]					
(310) [Revoked]					
(311) Dallas	Texas	Dallas	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(312) [Revoked and decontrolled]					
(312a) [Revoked and decontrolled]					
(313) [Revoked]					
(314) [Revoked]					
(315) El Paso	Texas	El Paso	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(316) Fort Worth	Texas	Tarrant	Mar. 1, 1942	Oct. 15, 1942[2]	Dec. 16, 1942
				Nov. 1, 1942[2]	Dec. 15, 1943
	Texas	Denton	Mar. 1, 1942	Nov. 1, 1943	
(317) [Revoked]					
(318) Greenville, Tex	Texas	Hunt	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(319) Galveston	Texas	Galveston and Brazoria	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(319a) Houston	Texas	Chambers, Harris, and Liberty	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(319b) Kerrville	Texas	Kerr	Jan. 1, 1944	Feb. 1, 1945	Mar. 15, 1945
(319c) [Revoked and decontrolled]					
(319d) Huntsville	Texas	Walker	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(320) Killeen-Temple	Texas	Bell	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Lampasas	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(321) Laredo	Texas	Webb	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1942
(321a) Lockhart	Texas	Justices' Precincts 1, 6, and 7 in Caldwell County	Jan. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(321b) Longview	Texas	Gregg	July 1, 1943	Oct. 1, 1944	Nov. 15, 1944
(322) Lower Rio Grande Valley	Texas	Cameron, Hidalgo, and Willacy	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(322a) Lubbock	Texas	Lubbock	Mar. 1, 1942	Mar. 1, 1944	Apr. 15, 1944
(322b) Eatex	Texas	Angelina, Nacogdoches, Panola and Rusk	Oct. 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(323) [Revoked and decontrolled]					
(324) Marshall	Texas	Brewster	Mar. 1, 1942	Feb. 1, 1943	Mar. 18, 1942
	Texas	Harrison, Marion, and Upshur	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(324a) Matagorda Bay	Texas	Camp, Morris, and Titus	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(324b) McKinney	Texas	Calhoun, Jackson, and Matagorda	Jan. 1, 1943	June 1, 1944	July 15, 1944
(324c) Midland-Odessa	Texas	Collin	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(324d) [Revoked and decontrolled]	Texas	Ector and Midland	Mar. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(325) [Decontrolled]					
(325a) Palestine	Texas	Anderson	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(326) [Decontrolled]					
(327) [Revoked and decontrolled]					
(328) San Antonio	Texas	Atascosa, Bandera, Bexar, Comal, Guadalupe, Kendall, Medina, and Wilson	Mar. 1, 1942	July 1, 1942	Aug. 31, 1942
(329) Sherman Denison	Texas	Grayson	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Texas	Fannin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(329a) Sweetwater	Texas	Nolan	Mar. 1, 1943	Feb. 1, 1944	Mar. 15, 1944
(330) Texarkana	Texas	Howle	July 1, 1941	July 1, 1942	Aug. 31, 1942
	Arkansas	Miller	July 1, 1941	July 1, 1942	Aug. 15, 1942
	Texas	Smith	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(330a) Tyler	Texas	Victoria	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(330b) [Revoked and decontrolled]	Texas	McLennan	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(331) Victoria	Texas	Wichita	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(332) Waco	Texas	Wood County and that portion of the City of Winnsboro in Franklin County.	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(333) Wichita Falls	Texas		July 1, 1945	Sept. 1, 1946	Oct. 15, 1946
(333a) Mineola	Utah	Cache	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(333b) [Decontrolled]					
(333c) Logan, Utah	Utah	Box Elder except the portion lying north of the north boundary of Township 12 North and west of the west boundary of Range 3, West, Salt Lake Base and Meridian.	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(334) [Revoked]					
(334a) Ogden	Utah	Davis and Weber	Mar. 1, 1942	Sept. 1, 1946	Oct. 15, 1946
	Utah	Carbon	July 1, 1945	Aug. 1, 1942	Sept. 15, 1942
(334b) Price	Utah	Utah	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1942
(335) Provo, Utah	Utah	Salt Lake	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(336) Salt Lake City	Utah	Tooele	Mar. 1, 1942		

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(336a) Vernal	Utah	Duchesne	Oct. 1, 1944	Apr. 1, 1946	May 15, 1946
		Uintah	Oct. 1, 1944	Jan. 1, 1946	Feb. 15, 1946
(337) [Revoked]					
(337a) Burlington, Vermont	Vermont	Chittenden	Mar. 1, 1943	Nov. 1, 1943	Dec. 15, 1943
(337b) Brattleboro	Vermont	Windham	Jan. 1, 1945	May 1, 1946	June 15, 1946
(337c) Montpelier	Vermont	Caledonia and Washington	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(337d) Rutland	Vermont	Rutland and Bennington	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(338) Springfield-Windsor	Vermont	Windsor	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(338a) St. Albans	Vermont	Franklin	Jan. 1, 1945	May 1, 1946	June 15, 1946
(339) Alexandria-Arlington	Virginia	Independent City of Alexandria and the Counties of Arlington and Fairfax	Jan. 1, 1941	July 1, 1942	Aug. 31, 1942
(340) Blackstone	Virginia	Nottoway	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(340a) Covington	Virginia	Alleghany	Jan. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
	Virginia	The Independent City of Clifton Forge	Jan. 1, 1945	Mar. 1, 1946	Apr. 15, 1946
(340b) Charlottesville	Virginia	Independent City of Charlottesville, and the County of Albemarle	Oct. 1, 1944	Feb. 1, 1946	Mar. 15, 1946
(341) Cape Charles	Virginia	Northampton	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(341a) Front Royal	Virginia	Warren	Oct. 1, 1943	Aug. 1, 1944	Sept. 15, 1944
(341b) Danville, Va	Virginia	The Independent City of Danville, and in Pittsylvania County the Magisterial Districts of Tunstall and Dan River	July 1, 1943	Feb. 1, 1945	Mar. 15, 1945
(341c) Fredericksburg	Virginia	The Counties of Spotsylvania and Stafford, and the Independent City of Fredericksburg	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(342) Hampton Roads	Virginia	Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk; the County of Elizabeth City, in the County of Norfolk; the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; in the County of Warwick, the Magisterial District of Newport, and in the County of Princess Anne, the Magisterial Districts of Kempsville and Lynnhaven except the Town of Virginia Beach and the following parts of Lynnhaven Magisterial District of Princess Anne County; that part of Lynnhaven Magisterial District bound on the East by the Atlantic Ocean; on the North and West by Fort Story, Seashore State Park, Linkhorn Bay and Great Neck Creek; and on the South by Laskin Road, also known as 31st Street; and that part of Lynnhaven Magisterial District of Princess Anne County bound on the East by the Atlantic Ocean; on the North by the Town of Virginia Beach; and on the West and South by Lake Rudee and the Military Reservation formerly known as Camp Pendleton	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
	Virginia	Independent City of Suffolk; the County of Nansemond; the County of Norfolk other than the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; the County of Princess Anne other than the Magisterial Districts of Kempsville and Lynnhaven	Apr. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(342a) Lexington	Virginia	In the County of Rockbridge, the Magisterial District of Lexington	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(342b) Lynchburg	Virginia	Independent City of Lynchburg, and the Counties of Amherst, Bedford and Campbell	July 1, 1945	May 1, 1946	June 15, 1946
(343) Petersburg	Virginia	Independent Cities of Hopewell and Petersburg, the Counties of Dinwiddie and Prince George; and in the County of Chesterfield the Magisterial District of Matoaca	Apr. 1, 1941	Aug. 1, 1942	Sept. 15, 1942
(343a) Quantico	Virginia	In the County of Prince William, the Magisterial District of Dumfries	Mar. 1, 1942	Dec. 1, 1943	Jan. 15, 1944
(344) Radford-Pulaski	Virginia	Independent City of Radford and the Counties of Montgomery and Pulaski	Apr. 1, 1941	July 1, 1942	Aug. 31, 1942
(345) [Revoked and decontrolled]					
(345a) Roanoke	Virginia	Roanoke County and the Independent City of Roanoke	Jan. 1, 1944	May 1, 1945	June 15, 1945
(345b) Winchester	Virginia	Independent City of Winchester and the Counties of Frederick and Shenandoah	Mar. 1, 1944	July 1, 1945	Aug. 15, 1945
(345c) Staunton	Virginia	The County of Augusta and the Independent City of Staunton; the County of Rockingham and the Independent City of Harrisonburg	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(345d) Wise County	Virginia	Wise	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(346) Yorktown	Virginia	Independent City of Williamsburg; the Counties of James City and York; and in the County of Warwick the Magisterial Districts of Denbigh and Stanley	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(347) Bellingham	Washington	Whatcom	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	Skagit	Mar. 1, 1942	Nov. 1, 1943	Dec. 16, 1943
(347a) Ephrata	Washington	Portion of Grant County lying between the south line of Township 23 North and the north line of Township 16 North	Mar. 1, 1942	Nov. 1, 1943	Dec. 15, 1943
(347b) Ellensburg	Washington	Kittitas	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(348) Everett	Washington	Snohomish	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Island	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(349) [Revoked]					
(349a) [Decontrolled]					
(349b) Longview-Kelso	Washington	Cowlitz	July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(350) [Revoked]					
(350a) Olympia	Washington	Thurston	May 1, 1943	May 1, 1945	June 15, 1945
(351) Port Angeles-Port Townsend	Washington	Clallam	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(351a) Pullman-Moscow	Washington	Whitman	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
	Idaho	Latah	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(352) Puget Sound	Washington	Those parts of the Counties of King and Pierce lying west of the Snoqualmie National Forest	Apr. 1, 1941	July 1, 1942	Sept. 21, 1942
(352a) [Decontrolled]					
(353) Spokane	Washington	Spokane	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(353a) Wenatchee	Washington	Chelan	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(354) Walla Walla	Washington	Walla Walla	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
	Washington	Franklin	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Washington	In the County of Benton the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
(354a) Yakima	Washington	In the County of Benton, the Precincts of Benton City, Carley, Columbia, East Prosser, Expansion, Hanford, Highlands, Horn Rapids, Hover, Kiona, North Prosser, Paterson, Prosser, Rattlesnake, Riverside, Walnut Grove, Wellington, West Prosser, and White Bluffs, and the County of Yakima	Mar. 1, 1943	Apr. 1, 1944	May 15, 1944
(354b) Bluefield	West Virginia	Mercer County	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946
		McDowell, Mingo, Raleigh, and Wyoming	Jan. 1, 1945	May 1, 1946	June 15, 1946
	Virginia	Bluefield Town in Tazewell County	Jan. 1, 1945	Apr. 1, 1946	May 15, 1946

SCHEDULE A—DEFENSE-RENTAL AREAS—Continued

Name of defense-rental area	State	County or counties in defense-rental areas under rent regulation for hotels and rooming houses	Maximum rent date	Effective date of regulation	Date by which registration statement to be filed (inclusive)
(355) Charleston, West Virginia	West Virginia	Kanawha	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
	West Virginia	In Putnam County the Magisterial District of Pocatelico	Mar. 1, 1942	Aug. 1, 1943	Sept. 15, 1943
(355a) Clarksburg	West Virginia	Harrison	June 1, 1944	June 1, 1945	July 15, 1945
(356) Huntington	West Virginia	Cabell and Wayne	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Lawrence	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Kentucky	Boyd and Greenup	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(356a) Martinsburg	West Virginia	Berkeley	Mar. 1, 1943	Apr. 1, 1944	May 15, 1944
(356b) Logan	West Virginia	Logan	Oct. 1, 1943	Mar. 1, 1945	Apr. 15, 1945
(356c) Mineral County	West Virginia	Mineral	Apr. 1, 1941	Mar. 1, 1946	Apr. 15, 1946
(357) Morgantown	West Virginia	Marion and Monongalia	Mar. 1, 1945	July 1, 1942	Aug. 31, 1942
(357a) Parkersburg	West Virginia	Wood	Mar. 1, 1945	Apr. 1, 1946	May 15, 1946
	Ohio	Washington	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(358) Point Pleasant-Gallipolis	West Virginia	Jackson and Mason	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
	Ohio	Gallia and Meigs	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(359) Wheeling-Steubenville	West Virginia	Brooke, Hancock, Marshall, Ohio, and Wetzel	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
	Ohio	Belmont, Columbiana, and Jefferson	Mar. 1, 1945	Apr. 1, 1945	May 15, 1945
(359a) Appleton	Wisconsin	Outagamie County and that part of New London located in Waupaca County.	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(359b) Ashland	Wisconsin	Ashland	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(360) Beloit-Janesville	Wisconsin	Rock	Mar. 1, 1945	Jan. 1, 1946	Feb. 15, 1946
(360a) Green Bay	Wisconsin	Brown	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1946
(360b) Kenosha-Racine	Wisconsin	Kenosha and Racine	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(361) Eau Claire	Wisconsin	Chippewa, Dunn, and Eau Claire	Mar. 1, 1942	Dec. 1, 1943	Jan. 15, 1944
(361a) La Crosse	Wisconsin	La Crosse	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(362) Madison, Wis	Wisconsin	Columbia, Dane, and Sauk	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(363) Manitowoc	Wisconsin	Manitowoc	Mar. 1, 1942	Apr. 1, 1944	May 15, 1944
	Wisconsin	That portion of the City of Kiel in the County of Calumet	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(363a) Marinette	Wisconsin	Marinette	Mar. 1, 1942	Aug. 1, 1942	Sept. 15, 1946
(364) Milwaukee	Wisconsin	Milwaukee and Waukesha	Mar. 1, 1944	June 1, 1945	July 15, 1945
(364a) Mondovi-Durand	Wisconsin	Buffalo and Pepin	Mar. 1, 1942	Dec. 1, 1942	Jan. 15, 1943
(365) Oshkosh-Fond du Lac	Wisconsin	Fond du Lac and Winnebago	Mar. 1, 1942	Jan. 1, 1943	Feb. 15, 1943
	Wisconsin	That portion of the City of Waupun in the County of Dodge	Jan. 1, 1946	Oct. 1, 1946	Nov. 15, 1946
(365a) Sheboygan	Wisconsin	Sheboygan	Mar. 1, 1942	Nov. 1, 1942	Dec. 16, 1942
(366) Sparta	Wisconsin	Monroe	Mar. 1, 1942	Sept. 1, 1942	Oct. 16, 1942
(367) Sturgeon Bay	Wisconsin	Wisconsin	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(367a) Watertown, Wis	Wisconsin	Dodge County, except the City of Waupun, and Jefferson County.	Jan. 1, 1946	Nov. 1, 1946	Dec. 15, 1946
(367b) Wausau	Wisconsin	Marathon and Portage and that portion of Abbotsford Village, Colby City and Unity Village in Clark County.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(368) Casper	Wyoming	Natrona	Jan. 1, 1944	Dec. 1, 1944	Jan. 15, 1945
(368a) Cody-Lovell	Wyoming	That portion of Big Horn County lying outside of the Big Horn National Forest and that portion of Park County lying outside of the Shoshone National Forest.	Mar. 1, 1942	Oct. 1, 1942	Nov. 15, 1942
(369) Cheyenne	Wyoming	That part of Laramie County, consisting of Townships 13 and 14 in Ranges 66 and 67 west of the 6th Principal Meridian, including the City of Cheyenne.	Mar. 1, 1943	May 1, 1944	June 15, 1944
	Wyoming	Converse	Mar. 1, 1944	May 1, 1945	June 15, 1945
(369a) Douglas	Wyoming	Hot Springs	Jan. 1, 1945	Feb. 1, 1946	Mar. 15, 1946
(369b) Thermopolis	Wyoming	Albany			
(369c) Laramie	Wyoming		July 1, 1945	Nov. 1, 1946	Dec. 15, 1946
(369d) [Decontrolled].		Sheridan	Mar. 1, 1942	Nov. 1, 1942	Mar. 15, 1943
(369e) Sheridan	Wyoming	Territory of Alaska	Oct. 1, 1942	Feb. 1, 1944	Mar. 31, 1944
(370) Alaska	Alaska	Puerto Rico			
(371) Puerto Rico	Puerto Rico				

[1] For the portion of the County of San Diego, other than the Judicial Townships of Encinitas, National, and San Diego in their entireties, and that part of the Judicial Township of El Cajon lying west of the Cleveland National Forest, and which remains under control after March 1, 1947, the effective date is July 1, 1942.

[2] This regulation is applicable only to that portion of the defense rental area set forth in the third column of this Schedule A.

[3] Sections 1, 6, 13.

[4] Remaining sections.

[5] Decontrolled as to accommodations in transient hotels and rooms in motor courts.

[6] Decontrolled as to accommodations in transient hotels.

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

1. Provisions relating to Lawrence County, South Dakota, in the Rapid City-Sturgis Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective October 9, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Lawrence County with the exception of Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, Township 6—North.

2. Provisions relating to Jefferson County, Kentucky, in the Louisville Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective October 9, 1947, the maximum rents for all housing accommodations in Jefferson County, Kentucky, in the Louisville Defense-Rental Area shall be increased 5%, except in cases in which the maximum rent has been established under § 825.84 (b) prior to October 9, 1947. All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the Louisville Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

3. Provisions relating to Ottawa County, Kansas, in the Salina Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective October 23, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Ottawa County.

4. Provisions relating to Klamath Falls Defense-Rental Area, State of Oregon.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective October 23, 1947, the maximum rents for all housing accommodations in the Klamath Falls Defense-Rental Area shall be increased 10 percent, except in cases in which the maximum rent has been established under § 825.84 (b) prior to the effective date of this amendment. All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the Klamath Falls Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

5. Provisions relating to the Alexandria-Leesville Defense-Rental Area, State of Louisiana.

Decontrol based upon the recommendation of the Local Advisory Board. Effective October 31, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Alexandria-Leesville Defense-Rental Area.

6. Provisions relating to San Angelo Defense-Rental Area, State of Texas.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the San Angelo Defense-Rental Area, effective November 15, 1947.

7. Provisions relating to Saunders County, Nebraska, in the Omaha Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective October 31, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Saunders County, Nebraska.

8. Provisions relating to Concordia Defense-Rental Area, State of Kansas.

Decontrol based upon the recommendation of the Local Advisory Board. Effective November 14, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the Concordia Defense-Rental Area.

9. Provisions relating to Burlington Defense-Rental Area, States of Illinois and Iowa.

Decontrol based upon the recommendation of the Local Advisory Board. Effective November 19, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the County of Henderson, Illinois.

10. Provisions relating to Clark County, Nevada, in the Las Vegas Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective November 28, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Clark County with the exception of that part of Township 20, South encompassed by Ranges 60, 61, 62 East; that part of Township 21, South encompassed by Ranges 60, 61, 62 East; that part of Township 22, South encompassed by Ranges 61, 62, 63 East; and that part of Township 23, South encompassed by Ranges 63 and 64 East.

11. Provisions relating to Miami County, Indiana, in the Anderson Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective November 28, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Miami County.

12. Provisions relating to Yuba Country and Butte County, California, in the Marysville-Chico Defense-Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective November 28, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in that portion of Butte County described as follows:

All North and East of a line beginning at a point in the boundary line between Yuba and Butte Counties, California, between T 18 N, R 5 E and T 18 N, R 6 E, thence north in Butte County along the east lines of T 18 N, R 5 E, T 19 N, R 5 E and T 20 N, R 5 E to N E corner of T 20 N, R 5 E; thence, west along north line of T 20 N, R 5 E to S E corner of T 21 N, R 4 E; thence north along east lines of T 21 N, R 4 E, T 22 N, R 4 E and T 23 N, R 4 E to the N E corner of T 23 N, R 4 E; thence, west along the north lines of T 23 N, R 4 E, T 23 N, R 3 E and T 23 N, R 2 E to the boundary line between Butte and Tehama Counties, California.

Effective November 28, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in that portion of Yuba County described as follows:

All North and East of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of Township seventeen (17) North, Range six (6) East MDB&M and running thence West along said Township line to the southwest corner of said Township; then north along the west line of Townships seventeen (17) and eighteen (18) North, Range six (6) East to the point where said line intersects the line between Butte County and Yuba County.

13. Provisions relating to Uvalde County, Texas, in the San Antonio Defense Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective December 16, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the County of Uvalde, Texas.

14. Provisions relating to Holdrege Defense-Rental Area, State of Nebraska.

Decontrol based upon the recommendation of the Local Advisory Board. Effective December 31, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the Holdrege Defense-Rental Area.

15. Provisions relating to Vernon Defense-Rental Area, State of Texas.

Decontrol based upon the recommendation of the Local Advisory Board. Effective December 31, 1947, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the Vernon Defense-Rental Area.

16. Provisions relating to Sarasota Defense-Rental Area, State of Florida.

Decontrol based upon the recommendation of the Local Advisory Board. Effective January 15, 1948, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the Sarasota Defense-Rental Area.

17. Provisions relating to Brookings County, South Dakota, in the Brookings Defense Rental Area.

Decontrol based upon the recommendation of the Local Advisory Board. Effective January 20, 1948, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Brookings County except for that portion of Brookings County which constitutes the City of Brookings.

18. Provisions relating to Peoria Defense-Rental Area, State of Illinois.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective January 20, 1948, the maximum rents for all housing accommodations in the Peoria Defense-Rental Area shall be increased 4 per cent, except in cases in which the maximum rent has been established under § 825.84 (b). All provisions of the regulation insofar as they are applicable to the Peoria Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

19. Provisions relating to Jacksonville Defense-Rental Area, State of Florida.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective January 20, 1948, the maximum rents are increased in the amount of 10 per cent for all housing accommodations in Jacksonville Defense-Rental Area for which the maximum rents were determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.85 in cases in which section 5 or § 825.85 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has been established under § 825.84 (b) and in those cases in which the maximum rent has been adjusted on or after August 22, 1947 under § 825.85 (a) (9). All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the Jacksonville Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

20. Provisions relating to Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area.

Increases in maximum rents, based upon the recommendations of the Local Advisory Board. Effective January 22, 1948, the maximum rents for all housing accommodations in Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area shall be increased 5 per cent except in cases in which the maximum rent has been established under § 825.84 (b). All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the Kalamazoo-Battle Creek Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

21. Provisions relating to Waycross Defense-Rental Area, State of Georgia.

Decontrol based upon the recommendation of the Local Advisory Board. Effective February 2, 1948, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the Waycross Defense-Rental Area.

22. Provisions relating to Tampa Defense-Rental Area, State of Florida.

Increases in maximum rents based upon the recommendations of the Local Advisory Board. Effective February 2, 1948, the maximum rents are increased in the amount of 15 per cent for all housing accommodations in Tampa Defense-Rental Area for which the maximum rents were determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.85 in cases in which section 5 or § 825.85 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has been established under § 825.84 (b) and in those cases in which the maximum rent has been adjusted on or after August 22, 1947 under § 825.85 (a) (9). All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the Tampa Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

23. Provisions relating to Dallas Defense-Rental Area, State of Texas.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 3, 1948, the maximum rents are increased in the amount of 4 percent for all housing accommodations in Dallas Defense-Rental Area for which the maximum rents were determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.85 in cases in which section 5 or § 825.85 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has been established under § 825.84 (b) and in those cases in which the maximum rent has been adjusted on or after August 22, 1947 under § 825.85 (a) (9). All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the Dallas Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

24. Provisions relating to Cedar Rapids Defense-Rental Area, State of Iowa.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 4, 1948, the maximum rents are increased in the amount of 7 percent for all housing accommodations in the Cedar Rapids Defense-Rental Area, Iowa, for which the maximum rents were determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.85 in cases in which section 5 or § 825.85 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has

been established under § 825.84 (b) and in those cases in which the maximum rent has been adjusted on or after August 22, 1947 under § 825.85 (a) (9). All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the Cedar Rapids Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

25. Provisions relating to Solano County, a part of the Richmond-Vallejo Defense-Rental Area, State of California.

Effective February 4, 1948, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in Solano County, a part of the Richmond-Vallejo Defense-Rental Area. All provisions of the regulation, insofar as they are applicable to Solano County, a part of the Richmond-Vallejo Defense-Rental Area, are hereby amended to the extent necessary to carry this provision into effect.

26. Provisions relating to the Richmond Defense-Rental Area, State of Virginia.

Decontrol based upon the recommendation of the Local Advisory Board. Effective February 4, 1948, the application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in the Richmond Defense-Rental Area.

27. Provisions relating to La Crosse Defense-Rental Area, State of Wisconsin.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 24, 1948, the maximum rents are increased in the amount of 8 percent for all housing accommodations in the La Crosse Defense-Rental Area, Wisconsin, for which the maximum rents were determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.85 in cases in which section 5 or § 825.85 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, except in cases in which the maximum rent has been established under § 825.84 and in those cases in which the maximum rent has been adjusted on or after August 22, 1947, under § 825.85 (a) (9). All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the La Crosse Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

28. Provisions relating to the Burnett and Gilroy Judicial Townships of Santa Clara County, California, a portion of the San Jose Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective February 25, 1948, the maximum rents for all housing accommodations in the Burnett and Gilroy Judicial Townships of Santa Clara County, California, a part of the San Jose Defense-Rental Area, shall be increased 4 per cent except in cases in which the maximum rent has been established under § 825.84 (b). All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the San Jose Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

29. Provisions relating to Orange County, California, a portion of the Los Angeles Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective March 26, 1948, the maximum rents for all housing accommodations in Orange County, California, a part of the Los Angeles Defense-Rental Area, shall be increased 7 percent except in cases in which the maximum rent has been established under § 825.84 (b). All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the Los Angeles Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

30. Provisions relating to Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Effective March 31, 1948, the maximum rents for all housing accommodations in Kalamazoo County, Michigan, in the Kalamazoo-Battle Creek Defense-Rental Area shall be increased 3 percent except in cases in which the maximum rent has been established under § 825.84 (b). All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the Kalamazoo-Battle Creek Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

31. Provisions relating to the Galesburg Defense-Rental Area, State of Illinois.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents for all housing accommodations in the Galesburg Defense-Rental Area shall be increased 18 per cent, effective September 1, 1948, except in cases in which the maximum rents have been adjusted under § 825.85 (a) (9) prior to September 1, 1948. All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the Galesburg Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

32. Provisions relating to the City of Petersburg, Virginia, a portion of the Petersburg Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents are hereby increased, effective September 24, 1948, in the amount of 15 percent for all housing accommodations in the City of Petersburg, Virginia, a part of the Petersburg Defense-Rental Area, for which the maximum rents are determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or § 825.85 in cases in which section 5 or § 825.85 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided, however,* That no increase is hereby authorized of maximum rents which have been adjusted on or after August 22, 1947 under § 825.85 (a) (9). All provisions of §§ 825.81 to 825.92, inclusive, insofar as they are applicable to the Petersburg Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

Effective date. This Rent Regulation for Controlled Rooms in Rooming Houses and other Establishments shall become effective July 1, 1947. [Originally issued June 30, 1947.]

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN THE NEW YORK CITY DEFENSE-RENTAL AREA

§ 825.101 *Definitions and scope of §§ 825.101 to 825.112, inclusive.* "Act" means the Housing and Rent Act of 1947, as amended.

"Expediter" means the Housing Expediter, or the Rent Director or such other person or persons as the Housing Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947.

"Area Rent Office" means the Office of the Rent Director in the defense-rental area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Room" means a room or group of rooms, not constituting an apartment, rented or offered for rent as a housing accommodations unit in a rooming house, hotel, or other establishment. The term includes ground rented as trailer space.

"Services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or any agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

"Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for or in connection with the use or occupancy of a room or for the transfer of a lease of such room.

"Term of occupancy" means occupancy on a daily, weekly, or monthly basis.

"Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

"Motor court" means an establishment renting rooms, cottages or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments, and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Apartment" means a room or rooms providing facilities commonly regarded in the community as necessary for a self-contained dwelling unit, and of a class of accommodations customarily rented without variations in rent dependent on terms of occupancy and number of occupants: *Provided, however,* That a self-contained dwelling unit containing a kitchen and bath shall be deemed an apartment.

"Other establishments" means multiple unit establishments, other than hotels or rooming houses, containing more than two rooms (see definition of room) rented or offered for rent on a short time basis of daily, weekly or monthly occupancy.

"Maximum rent date" means March 1, 1943, the date established as the maximum rent date in the New York City defense-rental area under the authority of the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular room in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder, or under § 825.104 (b), (c), or (d) whichever is applicable.

"The 30-day period determining the maximum rent" means the period provided in the "Hotel Regulation" for determining, under section 4 (a) or (b) of that regulation, the maximum rent for any room.

"Effective date of regulation" means November 1, 1943, the effective date of the "Hotel Regulation", for the New York City defense-rental area, except where the context indicates clearly to the contrary.

"Hotel Regulation" means the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses, and Motor Courts for the New York City defense-rental area in effect on June 30, 1947, issued under authority of and pursuant to the Emergency Price Control Act of 1942, as amended.

(a) *Rooms in rooming houses, hotels, and other establishments and defense-rental area to which §§ 825.101 to 825.112, inclusive, apply.* Sections 825.101 to 825.112, inclusive, apply to all rooms in hotels, rooming houses, and other establishments and to all accommodations brought under §§ 825.101 to 825.112, inclusive, by consent of the Area Rent Director pursuant to § 825.101 (e), and to all accommodations brought under the "Hotel Regulation" by consent of the Area Rent Director pursuant to section 1 (e) of that regulation, within the New York City defense-rental area, consisting of the City of New York (including the Boroughs of Bronx, Brooklyn, Manhattan, Queens, and Richmond) and the Counties of Nassau and Suffolk in the State of New York, except as provided in paragraph (b) of this section. The New York City defense-rental area is referred to hereinafter in §§ 825.101 to 825.112, inclusive, as the "defense-rental area."

(b) *Decontrolled and exempted housing to which §§ 825.101 to 825.112, inclusive, do not apply*—(1) *Exempted housing.* Sections 825.101 to 825.112, inclusive, do not apply to the following:

(i) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(iv) *Entire structures.* Entire structures or premises, as distinguished from the rooms within such entire structures or premises.

(v) *Non-profit clubs.* Rooms in a bona fide club certified by the Expediter as exempt. The Expediter shall so certify if on written request of the landlord he finds that the club (*a*) is a non-profit organization and is recognized as such by written statement of the Bureau of Internal Revenue, (*b*) rents rooms only to members, bona fide guests of members, and members of bona fide clubs with which the club has reciprocal arrangements for the exchange of privileges, and (*c*) is otherwise operated as a bona fide club.

(vi) *College fraternity or sorority houses.* Rooms in a bona fide college fraternity or sorority house certified by the Expediter as exempt. The Expediter shall so certify if, on written request of the landlord, he finds that the fraternity or sorority is a bona fide organization operated for the benefit of students and not for profit as a commercial or business enterprise. This exemption shall not apply when the rooms are rented to persons who are not members of the fraternity or sorority.

(vii) *Summer resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1945, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1 to September 30, inclusive.

(2) *Decontrolled housing.* Sections 825.101 to 825.112, inclusive, do not apply to the following:

(i) *Rooms in hotels, motor courts, trailers and trailer spaces, tourist homes, and other establishments.* (*a*) Rooms in a hotel (see definition of hotel in this section) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) rooms in establishments which were motor courts on June 30, 1947; (*c*) trailers and ground space rented for trailers; (*d*) rooms in any tourist home serving transient guests exclusively on June 30, 1947; and (*e*) rooms in other establishments (see definition of other establishments in this section) which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and bellboy services.

Reporting requirements. Every landlord of rooms referred to in (*a*), (*d*), and (*e*) of this subdivision (i), who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948, file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Newly constructed rooms or converted rooms.* (*a*) Rooms the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (*1*) occupied such housing accommodations, or (*2*) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (*b*) rooms the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this subdivision (ii) the time at which construction of a room shall be deemed to be "completed" shall be the date on which the room is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the cus-

tom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (1) a change from non-housing to a housing use or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Rooms not rented for two-year period.* Rooms which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as individual rooms or as a part of a larger housing accommodation.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in this section.)

(v) *Leased accommodations.* (*a*) Except as hereinafter provided in this subdivision (v), controlled rooms concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(*b*) Except as hereinafter provided in this subdivision (v), housing accommodations concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with (*a*) of this subdivision (v) and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with respect thereto on March 30, 1948, plus or minus the amount of any adjustment under § 825.105, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) of this subdivision (v). All controlled rooms referred to in (*a*) of this subdivision (v) shall be subject to §§ 825.101 to 825.112, inclusive, unless the lease provided for the same living space, services, furniture, furnishings and equipment with the controlled rooms as were required to be provided by §§ 825.101 to 825.112, inclusive, prior to the effective date of the lease.

All controlled rooms referred to in (*b*) of this subdivision (v) shall be subject to §§ 825.101 to 825.112, inclusive, unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the controlled rooms which in the absence of a lease would be required to be provided by §§ 825.101 to 825.112, inclusive, on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

All controlled rooms referred to in (*a*) and (*b*) of this subdivision (v) shall be subject to §§ 825.101 to 825.112, inclusive, if the lease is terminated or expires on or after April 1, 1948, and before March 31, 1949, unless a subsequent lease entered into under the provisions of (*b*) of this subdivision (v) is in force.

Reporting requirements. A landlord shall file Form D–92—Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in (*b*) of this subdivision (v).

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter, of any termination of a lease referred to in (*a*) or (*b*) of this subdivision (v) prior to the expiration date of the lease. Such report shall be filed within 15 days after such termination or 15 days after April 1, 1948, whichever is later.

(c) *Effect of §§ 825.101 to 825.112, inclusive, on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with §§ 825.101 to 825.112, inclusive.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of §§ 825.101 to 825.112, inclusive, is void. A tenant shall not be entitled by reason of §§ 825.101 to 825.112, inclusive, to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of §§ 825.101 to 825.112, inclusive.

(e) *Election by landlords to bring housing under §§ 825.101 to 825.112, inclusive.* Where a building or establishment contains one or more furnished rooms or other furnished housing accommodations whose maximum rents are determined under the Controlled Housing Rent Regulation, the landlord may with the consent of the Expediter, elect to bring all housing accommodations within such building or establishment under the control of §§ 825.101 to 825.112, inclusive. A landlord who so elects shall file the registration statements required by § 825.107 for all such housing accommodations, accompanied by a written request to the Expediter to consent to such election.

If the Expediter finds that the provisions of §§ 825.101 to 825.112, inclusive, establishing maximum rents are better adapted to the rental practices of such building or establishment than the provisions of the Controlled Housing Rent Regulation, he shall consent to the landlord's election by order. Accommodations so brought under §§ 825.101 to 825.112, inclusive, shall be considered "rooms" for the purposes of the regulation.

The landlord may at any time, with the consent of the Expediter, revoke his election made under this § 825.101 (e) or under section 1 (e) of the "Hotel Regulation", and thereby bring under the control of the Controlled Housing Rent Regulation all housing accommodations previously brought under §§ 825.101 to 825.112, inclusive, by such election. He shall make such revocation by filing a registration statement or statements under the Controlled Housing Rent Regulation, including in such registration statement or statements all housing accommodations brought under §§ 825.101 to 825.112, inclusive, by such election. Such registration statement or statements shall be accompanied by a written request to the Expediter to consent to such revocation. The Expediter may defer action on such request if he has taken or is about to take action to decrease the maximum rents of any housing accommodations within such building or establishment. If the Expediter finds that the revocation so requested will not result in substantial increases in the maximum rents of housing accommodations affected by such revocation, he shall give such consent. Upon such consent, all housing accommodations affected by such revocation shall become subject to the provisions of the Controlled Housing Rent Regulation.

§ 825.102 *Prohibition.*—(a) *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall offer, demand, or receive any rent for or in connection with the use or occupancy on and after July 1, 1947, of any room subject to §§ 825.101 to 825.112, inclusive, within the defense-rental area, higher than the maximum rents provided by §§ 825.101 to 825.112, inclusive, and no person shall solicit, attempt, or agree to do any of the foregoing. A reduction in the services, furniture, furnishings or equipment required under § 825.103 shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by §§ 825.101 to 825.112, inclusive, may be demanded or received.

(b) *Terms of occupancy.*—(1) *Tenant not required to change term of occupancy.* No tenant shall be required to change his term of occupancy.

(2) *Term of occupancy during June 1943.* Where, during June 1943, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during June 1943. However, if during the year ending on June 30, 1943, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Expediter to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Expediter may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the act or §§ 825.101 to 825.112, inclusive, or are likely to result in the circumvention or evasion thereof.

(3) *Request by tenant to change term of occupancy.* Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2) of this paragraph. If the room occupied by such tenant was not rented or offered for rent for such term during June 1943, the landlord may transfer the tenant to a room, as similar as possible, which was so rented or offered for rent.

(4) *Orders where facts are in dispute, in doubt, or not known.* If the landlord's duty under subparagraph (2) of this paragraph, with reference to a room is in dispute, or in doubt, or not known, the Expediter, at any time on his own initiative may issue an order determining the necessary facts and establishing such duty; or, if the Expediter is unable to ascertain the necessary facts, he may issue an order pursuant to subparagraph (5) of this paragraph.

(5) *Orders determining terms of occupancy on basis of rental practices in comparable accommodations in the area.* Where subparagraph (2) of this paragraph does not require the offering of a room on a weekly or monthly basis, or where the Expediter is unable to ascertain the facts necessary to establish the landlord's duty under that paragraph, he may at any time on his own initiative issue an order requiring the room to be offered for rent for a weekly or monthly term of occupancy, or both. The Expediter may issue such orders if he finds that, during a reasonable period prior to the time the proceeding hereunder is commenced, the room has been rented under circumstances which make appropriate the application of weekly or monthly rents. In determining whether the landlord shall be required to offer the room on a weekly basis, or on a monthly basis, or both, the Expediter will consider the practices which prevailed in the defense-rental area for similar accommodations during a reasonable period prior to the effective date of regulation.

Upon issuance of such an order, the room shall be offered for rent on a weekly or monthly basis, or both, as the order may require, for each number of occupants for which it is offered by the landlord for any other term of occupancy. A tenant of the room on a daily or weekly basis shall on request be permitted by the landlord to change to any term of occupancy which the landlord is required to offer pursuant to the order.

(c) *Security deposits.*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive or retain a security deposit for or in connection with the use or occupancy of any room subject to §§ 825.101 to 825.112, inclusive within the defense-rental area, except as provided in this paragraph (c). The term "security deposit," in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) of the "Hotel Regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) *Maximum rent established under section 4 (b) or (c) of the "Hotel Regulations".*—(i) *Renting prior to "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (b) or (c) by a renting prior to the effective date of regulation, no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit. Where such lease or other rental agreement provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(ii) *Renting on or after "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) of the "Hotel Regulation" by a renting on or after the effective date of regulation, no security deposit shall be demanded or received.

(4) *Maximum rent established under section 4 (d) or (f) of the "Hotel Regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (d) or (f), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(5) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars to secure the return of the movable articles specified in the order.

(6) *Deposits based on prior rental practices.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular controlled rooms involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

§ 825.103 *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in § 825.105 (b) or as otherwise provided in this section, every landlord, shall, as a minimum, provide with controlled rooms the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.101 to 825.112, inclusive, on March 31, 1948.

Where the maximum rent is determined under § 825.104 (b) (1), the landlord shall, as a minimum, provide with the controlled rooms the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.101 to 825.112, inclusive, prior to the effective date of the lease.

Where the maximum rent is determined under § 825.104 (b) (2) the landlord shall, as a minimum, provide with the controlled rooms the same living space, services, furniture, furnishings, and equipment as he would be required to provide by §§ 825.101 to 825.112, inclusive, in the absence of a lease on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

§ 825.104 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a rooming house and for controlled rooms in hotels and other establishments (unless and until changed by the Expediter as provided in § 825.105) shall be:

(a) *Maximum rents in effect on June 30, 1947.* The maximum rents for any rooms under §§ 825.101 to 825.112, inclusive, (unless and until changed by the Expediter as provided in § 825.105 shall be the maximum rents which were in effect on June 30, 1947, as established

under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rent on termination of lease.* (1) For controlled rooms concerning which a lease as described in § 825.101 (b) (2) (v) (a) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For controlled rooms concerning which a lease as described in § 825.101 (b) (2) (v) (b) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

(c) *Maximum rents established on or after July 1, 1947.* For a room subject to §§ 825.101 to 825.112, inclusive, first rented or offered for rent on or after July 1, 1947, the rent for each term or number of occupants for which it is first offered for rent; if such room is thereafter offered for rent for other terms or numbers of occupants, the rents for which it is first offered for such other term and numbers of occupants. The landlord shall file a registration statement within ten days after any maximum rent is established under this section as provided in § 825.107. The Expediter may order a decrease in the maximum rent as provided in § 825.105 (c).

(d) *First rents for terms and number of occupants not covered by paragraph (a) of this section.* For a room having a maximum rent in effect on June 30, 1947, rented for a particular term or number of occupants for which no maximum rent is established under paragraph (a) of this section, the first rent for the room on or after July 1, 1947, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same establishment. The Expediter may order a decrease in the maximum rent as provided in § 825.105 (c).

(e) *Meals with room.* For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Expediter at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on the maximum rent date.

(f) *Public housing.* Where rooms on June 30, 1947, are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such rooms cease to be governed by the national rent schedule of the War or Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the "Hotel Regulation", or shall be established under § 825.104 (c).

(g) *Rent fixed by order of Expediter.* For a room for a particular term or number of occupants for which no maximum rent has been established under any other provision of §§ 825.101 to 825.112, inclusive, the rent fixed by order of the Expediter as provided in this paragraph (g).

The Expediter at any time on his own initiative or on petition of the landlord may enter an order fixing the maximum rent and specifying the minimum services for a room for a particular term or number of occupants for which no maximum rent has been established prior to issuance of the order under any other provision of §§ 825.101 to 825.112, inclusive. Such maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(h) *Decontrolled maximum daily rents for controlled rooms.* Controlled rooms in establishments classified as hotels or tourist homes under section 7 of the "Hotel Regulation" permitted under and pursuant to section 4 (h) of said regulation to be rented on June 30, 1947, for daily terms of occupancy free of the limitations imposed by said regulation, by reason of the landlord of such establishment having complied with the requirements of said section 4 (h) prior to June 30, 1947, including the proper filing of Form DH-DC, may continue to be rented for daily terms of occupancy free of the limitations imposed by §§ 825.101 to 825.112, inclusive.

§ 825.105 *Adjustments and other determinations.* This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the "Hotel Regulation" issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date or during the thirty-day period establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases except those under paragraphs (a) (7), (9), (10), (c) (4), (5), and (6) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraph (a) (6) of this section, the adjustment may be on the basis of the rental agreement in force during the thirty-day period determining the maximum rent or the date establishing the maximum rent: *Providing, further,* That in cases under paragraphs (a) (3), and (c) (3) of this section, involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the controlled rooms by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable controlled rooms on the maximum rent date, whichever is higher: *And provided, further,* That in cases under paragraph (g) of this section the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), (10), and (c) (4) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable accommodations during the year ending on the maximum rent date.

In cases under paragraph (a) (3) of this section appropriate allowance shall be made for general increases in the costs of services, furniture, furnishings, or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (c) (5) of this section the adjustment shall be on the basis of the average rent during the period of occupancy of the lease or other rental agreement in effect on the date determining the maximum rent.

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship.

In cases under paragraph (c) (6) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

(a) *Grounds for increase of maximum rents.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the ground that:

(1) *Major capital improvement since maximum rent period.* There has been, since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room, under either the "Hotel Regulation" or §§ 825.101 to 825.112, inclusive, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in services, furniture, furnishings or equipment, and the rent during the thirty-day period ending on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room under either the "Hotel Regulation" or §§ 825.101 to 825.112, inclusive, or a substantial increase in the living space since June 30, 1947.

(4) [Revoked.]

(5) [Revoked.]

(6) *Varying rents.* The maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal demand.* The maximum rent for the room is substantially lower than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

In proper cases increases in pay roll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (9) the term:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means (a) the most recent full calendar or fiscal year used by the landlord, or (b) any twelve-month period ending not more than 90 days prior to the filing of the petition: *Provided, however,* That the current year in all cases shall begin on or after the maximum rent date: *And provided, further,* That if allowance is requested for increases in pay-roll or property taxes not fully reflected in the "current year" as defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(vi) "Prior representative period" means any period of two consecutive years prior to the "current year" but not beginning before January 1, 1939 which the Expediter finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Expediter in his discretion may for the purposes of this section accept a representative period of not less than one year.

(10) *Change from year-round to seasonal renting.* The accommodations are located in a resort community, are primarily adapted to occupancy on a seasonal basis, and the establishment of seasonal variations in the rent would not, in the opinion of the area rent director, be inconsistent with the purposes of the act.

(b) *Decrease in space, minimum services, furniture, furnishings or equipment.* (1) *Requirements for petition and order, or report.* The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, equipment and living space as required under § 825.103, unless and until he has filed a petition to decrease the services, furniture, furnishings, equipment or living space and an order permitting a decrease has been entered thereon. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, equipment or living space below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of paragraph (c) (3) of this section.

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, equipment or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment or living space. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said room was originally established under paragraph (b) or (c) of section 4 of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or where the maximum rent is established under § 825.104 (c) or (d) and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1948, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order issued under paragraph (c) of this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). The landlord shall have the

duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order establishing its maximum rent.

(3) *Decrease in space, services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 825.103 since the date or order establishing the maximum rent or a substantial decrease in the living space since June 30, 1947.

(4) *Seasonal demand.* The maximum rent for the room is substantially higher than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(5) *Rent concession.* The rent on the date determining the maximum rent was established by a lease or other rental agreement for a period of occupancy of one or more years, which provided for a rent concession during such period of occupancy in the form of either a rent-free period or an abatement of rent.

(6) *Modification or elimination of necessity for increase under section 5 (a) (9) of the Hotel Regulation or paragraph (a) (9) of this section.* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under section 5 (a) (9) of the "Hotel Regulation" or under paragraph (a) (9) of this section, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947, or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

(e) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(f) *Government housing.* Where the maximum rent for any room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such room may with the consent of the Expediter increase the maximum rent to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

(g) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947, was established by an order issued under the rent regulations promulgated pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

§ 825.106 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Expediter as he may from time to time require.

§ 825.107 *Registration and records*—(a) *Registration statements*—(1) *Registration.* Every landlord of a room, subject to §§ 825.101 to 825.112, inclusive, rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Expediter shall require, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the "Hotel Regulation." For rooms rented on or before June 30, 1947, such registration statement shall be filed on or before July 10, 1947. Any maximum rent established after the "effective date of regulation" under paragraphs (b) or (c) of section 4 of the "Hotel Regulation" which has not been reported on the first registration statement shall be reported on or before July 10, 1947, either by amending a registration statement previously filed, or by filing a new registration statement. Any maximum rent established on or after July 1, 1947, which has not been reported on the first registration statement shall be reported within ten days after such rent is established either by amending a registration statement previously filed or by filing a new registration statement.

(2) *Notice of change in identity of landlord.* Where, since the filing of a registration statement, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity, within fifteen days after the change or July 1, 1947, whichever is the later.

(3) *Notice to landlord.* Any notice, order or other process or paper directed to the person named on the registration statement as landlord at the address given thereon, or where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Revised Rent Procedural Regulation 1 (Part 840 of this chapter), constitute notice to the person who is then the landlord.

(4) *Registration where maximum rent formerly determined under section 4 (d) of the "Hotel Regulation."* The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (d) of the "Hotel Regulation" on its sale by the owning agency; and on or before July 10, 1947, or within ten days after the sale of such accommodations, whichever is the later, the new landlord shall file registration statements as provided in paragraph (a) (1) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a State of the United States or any of its political subdivisions, or any agency of the foregoing, the provision in the second paragraph of (b) of this section shall continue to be applicable.

(b) *Posting maximum rents.* On or before July 10, 1947, or within ten days after a maximum rent is established under § 825.104 (b), (c), (d), or (g), whichever is the later, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Expediter, the landlord within ten days after the effective date of the order shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms whose maximum rents were established under section 4 (d) of the "Hotel Regulation." The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) *Rooms subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) *Records*—(1) *Existing records.* Every landlord of a room subject to §§ 825.101 to 825.112, inclusive, rented or offered for rent shall preserve, and make available for examination by the Expediter, all his existing records showing or relating to (i) the rent for each term and number of occupants for such room rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c) of the "Hotel Regulation", (iii) rooms rented and offered for rent on a weekly and monthly basis during June 1943.

(2) *Record keeping.* Every landlord of an establishment containing more than 20 rooms subject to §§ 825.101 to 825.112, inclusive, rented or offered for rent, shall keep, preserve, and make available for examination by the Expediter, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Expediter, records of the same kind as he has customarily kept relating to the rents received for rooms.

§ 825.108 *Evasion*—(a) *General.* The maximum rents and other requirements provided in §§ 825.101 to 825.112, inclusive, shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting rooms unless the prior written consent of the Expediter is obtained.

§ 825.109 *Enforcement.* Persons violating any provisions of §§ 825.101 to 825.112, inclusive, are subject to civil enforcement actions, and suits for treble damages as provided for by the Act.

§ 825.110 *Procedure.* All registration statements, reports and notices provided for by §§ 825.101 to 825.112, inclusive, shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Rent Procedural Regulation 1 (Part 840 of this chapter).

§ 825.112 *Adoption of orders.* All certificates and orders issued pursuant to sections 1 (b) (5), 1 (b) (6), 2 (b) (2), 2 (c) (3) and 2 (c) (5) of the "Hotel Regulation" which were in effect on June 30, 1947, shall be deemed to continue in effect under §§ 825.101 to 825.112, inclusive, unless and until revoked or modified by the Expediter.

Effective date. This Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments for the New York City defense-rental area shall become effective July 1, 1947. [Originally issued June 30, 1947.]

CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN MIAMI DEFENSE-RENTAL AREA

§ 825.121 *Definitions and scope of §§ 825.121 to 825.132, inclusive.* "Act" means the Housing and Rent Act of 1947, as amended.

"Expediter" means the Housing Expediter, or the Rent Director or such other person or persons as the Housing Expediter may appoint or designate to carry out any of the duties delegated to him by the act.

"Rent Director" means the person designated by the Expediter as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Expediter.

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor or as otherwise required by section 204 (e) of the Housing and Rent Act of 1947, as amended.

"Area Rent Office" means the Office of the Rent Director in the Defense-Rental Area.

"Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

"Housing accommodations" means any building structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

"Room" means a room or group of rooms, not constituting an apartment, rented or offered for rent as a housing accommodations unit in a rooming house, hotel, or other establishment. The term includes ground rented as trailer space.

"Services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

"Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or any agent of any of the foregoing.

"Tenant" includes a subtenant, lessee, sublessee, assignee or other person entitled to the repossession or to the use or occupancy of any room.

"Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for or in connection with the use or occupancy of a room or for the transfer of a lease of such room.

"Term of occupancy" means occupancy on a daily, weekly, or monthly basis.

"Rooming house" means, in addition to its customary usage, a building, or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers not a part of a motor court, residence clubs and all other establishments of a similar nature, including tourist homes.

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

"Motor court" means an establishment renting rooms, cottages, or cabins, supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments, and commonly known as a motor, auto or tourist court in the community.

"Tourist home" means a rooming house which caters primarily to transient guests and is known as a tourist home in the community.

"Apartment" means a room or rooms providing facilities commonly regarded in the community as necessary for a self-contained dwelling unit, and of a class of accommodations customarily rented without variations in rent dependent on terms of occupancy and number of occupants: *Provided, however,* That a self-contained dwelling unit containing a kitchen and bath shall be deemed an apartment.

"Other establishments" means multiple unit establishments, other than hotels or rooming houses, containing more than two rooms (see definition of room) rented or offered for rent on a short time basis of daily, weekly or monthly occupancy.

"Maximum rent date" means September 1, 1943, the date established as the maximum rent date in the Miami Defense-Rental Area under the authority of the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder.

"Date determining maximum rent" means the date as of which a maximum rent was determined for any particular room in accordance with the Emergency Price Control Act of 1942, as amended, and the regulations issued thereunder, or under § 825.124 (b), (c), or (d) whichever is applicable.

"The 30-day period determining the maximum rent" means the period provided in the "Hotel Regulation" for determining, under section 4 (a) or (b) of that regulation, the maximum rent for any room.

"Effective date of regulation" means October 15, 1943, the effective date of the "Hotel Regulation," for the Miami Defense-Rental Area, except where the context indicates clearly to the contrary.

"Hotel Regulation" means the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses, and Motor Courts for the Miami Defense-Rental Area in effect on June 30, 1947, issued under authority of and pursuant to the Emergency Price Control Act of 1942, as amended.

(a) *Rooms in rooming houses, hotels, and other establishments and Defense-Rental Area to which §§ 825.121 to 825.132, inclusive, apply.* Sections 825.121 to 825.132, inclusive, apply to all rooms in hotels, rooming houses, and other establishments in the Miami Defense-Rental Area, consisting of the County of Dade and the City of Hollywood and the Town of Hallandale in the County of Broward in the State of Florida, except as provided in paragraph (b) of this section. The Miami Defense-Rental Area is referred to hereinafter in §§ 825.121 to 825.132, inclusive, as the "Defense-Rental Area."

(b) *Decontrolled and exempted housing to which §§ 825.121 to 825.132, inclusive, do not apply*—(1) *Exempted housing.* Sections 825.121 to 825.132, inclusive do not apply to the following:

(i) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(ii) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part or all of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(iii) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(iv) *Entire structures.* Entire structures or premises, as distinguished from the rooms within such entire structures or premises.

(v) *Non-profit clubs.* Rooms in a bona fide club certified by the Expediter as exempt. The Expediter shall so certify if on written request of the landlord he finds that the club (*a*) is a non-profit organization and is recognized as such by written statement of the Bureau of Internal Revenue, (*b*) rents rooms only to members, bona fide guests of members, and members of bona fide clubs with which the club has reciprocal arrangements for the exchange of privileges, and (*c*) is otherwise operated as a bona fide club.

(vi) *College fraternity or sorority houses.* Rooms in a bona fide college fraternity or sorority house certified by the Expediter as exempt. The Expediter shall so certify if, on written request of the landlord, he finds that the fraternity or sorority is a bona fide organization operated for the benefit of students and not for profit as a commercial or business enterprise. This exemption shall not apply when the rooms are rented to persons who are not members of the fraternity or sorority.

(vii) *Winter resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 15, 1943, the effective date of the "Hotel Regulation," which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to controlled rooms otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1 to May 31.

(2) *Decontrolled housing.* Sections 825.121 to 825.132, inclusive, do not apply to the following:

(i) *Rooms in hotels, motor courts, trailers and trailer spaces, tourist homes, and other establishments.* (*a*) Rooms in a hotel (see definition of hotel in this section) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located); (*b*) rooms in establishments which were motor courts on June 30, 1947; (*c*) trailers and ground space rented for trailers; (*d*) rooms in any tourist home serving transient guests exclusively on June 30, 1947; and (*e*) rooms in other establishments (see definition of other establishments in this section) which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services.

Reporting requirements. Every landlord of rooms referred to in (*a*), (*d*), and (*e*) of this subdivision (i), who has not filed an application for decontrol prior to April 1, 1948, shall on or before June 1, 1948, file in the area rent office a report of decontrol of such accommodations on a form provided by the Expediter.

(ii) *Newly constructed rooms or converted rooms.* (*a*) Rooms the construction of which was completed on or after February 1, 1947, or which are additional accommodations created by conversion on or after February 1, 1947: *Provided, however,* That maximum rents established under the Veterans' Emergency Housing Act for priority constructed housing accommodations completed on or after February 1, 1947, shall continue in full force and effect if such accommodations are being rented to veterans of World War II or their immediate families who, on June 30, 1947, either (*1*) occupied such housing accommodations, or (*2*) had a right to occupy such housing accommodations at any time on or after July 1, 1947, under any agreement whether written or oral; (*b*) rooms the construction of which was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations.

For the purposes of this subdivision (ii) the time at which construction of a room shall be deemed to be "completed" shall be the date on which the room is first suitable for occupancy and all utility and service connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by, or to the choice of, the purchaser or the tenant; and the word "conversion" means (*1*) a change from non-housing to a housing use or (*2*) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

(iii) *Rooms not rented for two-year period.* Rooms which for any successive 24-month period during the period February 1, 1945, to March 30, 1948, both dates inclusive, were not rented (other than to members of the immediate family of the landlord) as individual rooms or as a part of a larger housing accommodation.

(iv) *Non-housekeeping furnished accommodations.* Non-housekeeping, furnished housing accommodations, located within a single dwelling unit not used as a rooming or boarding house, but only if no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit, and the remaining portion of such dwelling unit is occupied by the landlord or his immediate family. (See definition of rooming house in this section.)

(v) *Leased accommodations.* (*a*) Except as hereinafter provided in this subdivision (v), controlled rooms concerning which a landlord and tenant on or before December 31, 1947, voluntarily entered into a valid written lease in good faith and such lease took effect on or after July 2, 1947, but before January 1, 1948, and such lease by its terms expires on or after December 31, 1948, and provided for a rent not in excess of 15 percent above the maximum rent in effect prior to the effective date of such lease and a true and duly executed copy of such lease was filed with the Housing Expediter within 15 days after the date of execution thereof.

(*b*) Except as hereinafter provided in this subdivision (v), housing accommodations concerning which a landlord and tenant (including landlords and tenants who have executed leases in accordance with (*a*) of this subdivision (v) above and including any new tenant) on or before December 31, 1948, voluntarily enter into a valid written lease in good faith for a rent not in excess of 15 percent over the maximum rent which in the absence of a lease would be in effect with

respect thereto on March 30, 1948, plus or minus the amount of any adjustment under § 825.105, and such lease takes effect on or after April 1, 1948, and expires on or after December 31, 1949, and a true and duly executed copy of such lease is filed with the Expediter within 15 days after the date of execution of such lease.

Exceptions to (a) and (b) of this subdivision (v). All controlled rooms referred to in (*a*) of this subdivision (v) shall be subject to §§ 825.121 to 825.132, inclusive, unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the controlled rooms as were required to be provided by §§ 825.121 to 825.132, inclusive, prior to the effective date of the lease.

All controlled rooms referred to in (*b*) of this subdivision (v) shall be subject to this regulation unless the lease provides for the same living space, services, furniture, furnishings, and equipment with the controlled rooms which in the absence of a lease would be required to be provided by §§ 825.121 to 825.132, inclusive, on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

All controlled rooms referred to in (*a*) and (*b*) of this subdivision (v) shall be subject to §§ 825.121 to 825.132, inclusive, if the lease is terminated or expires on or after April 1, 1948, and before March 31, 1949, unless a subsequent lease entered into under the provisions of (*b*) of this subdivision (v) is in force.

Reporting requirements. A landlord shall file Form D-92—Registration of Lease—in triplicate with the true and duly executed copy of the lease required to be filed in (*b*) of this subdivision (v).

A landlord shall file a report in the Area Rent Office on a form provided by the Expediter, of any termination of a lease referred to in (*a*) or (*b*) of this subdivision (v) prior to the expiration date of the lease. Such report shall be filed within 15 days after such termination or 15 days after April 1, 1948, whichever is later.

(c) *Effect of §§ 825.121 to 825.132, inclusive, on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with §§ 825.121 to 825.132, inclusive.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of §§ 825.121 to 825.132, inclusive, is void. A tenant shall not be entitled by reason of §§ 825.121 to 825.132, inclusive, to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to the effective date of §§ 825.121 to 825.132, inclusive.

§ 825.122 *Prohibition*—(a) *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall offer, demand, or receive any rent for or in connection with the use or occupancy on and after July 1, 1947, of any room subject to §§ 825.121 to 825.132, inclusive, within the defense-rental area, higher than the maximum rents provided by §§ 825.121 to 825.132, inclusive; and no person shall solicit, attempt, or agree to do any of the foregoing. A reduction in the services, furniture, furnishings or equipment required under § 825.123 shall constitute an acceptance of rent higher than the maximum rent. Lower rents than those provided by §§ 825.121 to 825.132, inclusive, may be demanded or received.

(b) *Terms of occupancy.* (1) *Tenant not required to change term of occupancy.* No tenant shall be required to change his term of occupancy.

(2) *Term of occupancy during September 1943.* Where, during September 1943, a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during September 1943. However, if during the year ending on September 30, 1943, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Expediter to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Expediter may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the act or §§ 825.121 to 825.132, inclusive, or are likely to result in the circumvention or evasion thereof.

(3) *Request by tenant to change term of occupancy.* Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2) of this paragraph. If the room occupied by such tenant was not rented or offered for rent for such term during September 1943, the landlord may transfer the tenant to a room, as similar as possible, which was so rented or offered for rent.

(4) *Orders where facts are in dispute, in doubt, or not known.* If the landlord's duty under subparagraph (2) of this paragraph, with reference to a room is in dispute, or in doubt, or not known, the Expediter, at any time on his own initiative may issue an order determining the necessary facts and establishing such duty; or, if the Expediter is unable to ascertain the necessary facts, he may issue an order pursuant to subparagraph (5) of this paragraph.

(5) *Orders determining terms of occupancy on basis of rental practices in comparable accommodations in the area.* Where subparagraph (2) of this paragraph does not require the offering of a room on a weekly or monthly basis, or where the Expediter is unable to ascertain the facts necessary to establish the landlord's duty under that paragraph, he may at any time on his own initiative issue an order requiring the room to be offered for rent for a weekly or monthly term of occupancy, or both. The Expediter may issue such orders if he finds that, during a reasonable period prior to the time the proceeding hereunder is commenced, the room has been rented under circumstances which make appropriate the application of weekly or monthly rents. In determining whether the landlord shall be required to offer the room on a weekly basis, or on a monthly basis, or both, the Expediter will consider the practices which prevailed in the defense-rental area for similar accommodations during a reasonable period prior to the effective date of regulation.

Upon issuance of such an order, the room shall be offered for rent on a weekly or monthly basis, or both, as the order may require, for each number of occupants for which it is offered by the landlord for any other term of occupancy. A tenant of the room on a daily or weekly basis shall on request be permitted by the landlord to change to any term of occupancy which the landlord is required to offer pursuant to the order.

(c) *Security deposits*—(1) *General prohibition.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive or retain a security deposit for or in connection with the use or occupancy of any room subject to §§ 825.121 to 825.132, inclusive, within the defense-rental area, except as provided in this paragraph (c). The term "security deposit", in addition to its customary meaning, includes any prepayment of rent except payment in advance of the next periodic installment of rent for a period no longer than one month but shall not include rent voluntarily prepaid subsequent to possession by a tenant under a written lease for his own convenience.

(2) *Maximum rent established under section 4 (a) of the "Hotel Regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (a), no security deposit shall be demanded, received, or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement in effect on the date determining the maximum rent.

(3) *Maximum rent established under section 4 (b) or (c) of the "Hotel Regulation"*—(i) *Renting prior to "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under said section 4 (b) or (c) by a renting prior to the effective date of regulation, no security deposit shall be demanded, received or retained except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) provided for in the lease or other rental agreement under which the accommodations were first rented or in any order heretofore or hereafter issued with reference to such security deposit.

Where such lease or other rental agreements provided for a security deposit, the Expediter at any time, on his own initiative or on application of the tenant, may order a decrease in the amount of such deposit or may order its elimination.

(ii) *Renting on or after "effective date of regulation."* Where the maximum rent of the housing accommodations is or initially was established under section 4 (b) or (c) of the "Hotel Regulation" by a renting on or after the effective date of regulation, no security deposit shall be demanded or received.

(4) *Maximum rent established under section 4 (d) or (f) of the "Hotel Regulation."* Where the maximum rent of the housing accommodation is or initially was established under said section 4 (d) or (f), no security deposit shall be demanded or received, except in the amount (or any lesser amount) and on the same terms and conditions (or on terms and conditions less burdensome to the tenant) as provided in the lease or other rental agreement in effect on September 1, 1944. Where such accommodations are first rented after September 1, 1944, no security deposit shall be demanded, received, or retained.

(5) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Expediter may enter an order authorizing a security deposit, not in excess of ten dollars to secure the return of the movable articles specified in the order.

(6) *Deposits based on prior rental practices.* Notwithstanding the preceding provisions of this paragraph (c), any landlord may demand, receive, and retain, in the case of any rental agreement entered into on or after April 1, 1948, a security deposit, if said deposit does not exceed the rent for one month in addition to the otherwise authorized collection of rent in advance, if the demand, collection or retention of such a security deposit was an accepted rental practice, prior to January 30, 1942, in the area in which the premises are located, or was customarily required before that date by the same landlord in the renting of the particular controlled rooms involved, and if the tenant is allowed, under the terms of the rental agreement, to occupy the premises for the period covered by the security deposit without further payment of rent. Each area rent director shall determine the rental practice or practices, prior to January 30, 1942, with reference to such security deposits in the particular area or any portion thereof.

§ 825.123 *Minimum space, services, furniture, furnishings, and equipment.* Except as set forth in § 825.125 (b) or as otherwise provided in this section, every landlord, shall, as a minimum, provide with controlled rooms the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.121 to 825.132, inclusive, on March 31, 1948.

Where the maximum rent is determined under § 825.124 (b) (1), the landlord shall, as a minimum, provide with the controlled rooms the same living space, services, furniture, furnishings, and equipment as he was required to provide by §§ 825.121 to 825.132, inclusive, prior to the effective date of the lease.

Where the maximum rent is determined under § 825.124 (b), (2), the landlord shall, as a minimum, provide with the controlled rooms the same living space, services, furniture, furnishings, and equipment as he would be required to provide by §§ 825.121 to 825.132, inclusive, in the absence of a lease on March 30, 1948, plus or minus such living space, services, furniture, furnishings and equipment as have thereafter been added or removed and for which increase or decrease an order adjusting the maximum rent has been issued by the Expediter.

§ 825.124 *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a rooming house and for controlled rooms in hotels and other establishments (unless and until changed by the Expediter as provided in § 825.125) shall be:

(a) *Maximum rents in effect on June 30, 1947.* The maximum rents for any rooms under §§ 825.121 to 825.132, inclusive (unless and until changed by the Expediter as provided in § 825.125) shall be the maximum rents which were in effect on June 30, 1947, as established under the Emergency Price Control Act of 1942, as amended, and the applicable rent regulation issued thereunder, except as otherwise provided in this section.

(b) *Maximum rent on termination of lease.* (1) For controlled rooms concerning which a lease as described in § 825.121 (b) (2) (v) (*a*) was in effect, but is terminated on or after April 1, 1948, but before March 31, 1949, the maximum rent shall be the rent provided by the lease or the maximum rent which would have been in effect for said accommodations on March 30, 1948, in the absence of such lease, whichever is higher.

(2) For controlled rooms concerning which a lease as described in § 825.121 (b) (2) (v) (*b*) was in effect and is terminated before March 31, 1949, the maximum rent shall be the rent provided by the lease.

(c) *Maximum rents established on or after July 1, 1947.* For a room subject to §§ 825.121 to 825.132, inclusive, first rented or offered for rent on or after July 1, 1947, the rent for each term or number of occupants for which it is first offered for rent; if such room is thereafter offered for rent for other terms or number of occupants, the rents for which it is first offered for such other term and number of occupants. The landlord shall file a registration statement within ten days after any maximum rent is established under this section as provided in § 825.127. The Expediter may order a decrease in the maximum rent as provided in § 825.125 (c).

(d) *First rents for terms and number of occupants not covered by paragraph (a) of this section.* For a room having a maximum rent in effect on June 30, 1947, rented for a particular term or number of occupants for which no maximum rent is established under paragraph (a) of this section, the first rent for the room on or after July 1, 1947, for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same establishment. The Expediter may order a decrease in the maximum rent as provided in § 825.125 (c).

(e) *Meals with room.* For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Expediter at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two. No landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on the maximum rent date.

(f) *Rooms subject to rent schedule of War or Navy Department.* Where rooms on June 30, 1947, are rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War and Navy Departments, and on or after July 1, 1947, the rents on such rooms cease to be governed by the national rent schedule of the War and Navy Departments, the maximum rents shall be those which would have been applicable under the appropriate subsection of section 4 of the "Hotel Regulation," or shall be established under § 825.124 (c).

(g) *Rent fixed by order of Expediter.* For a room for a particular term or number of occupants for which no maximum rent has been established under any other provision of §§ 825.121 to 825.132, inclusive, the rent fixed by order of the Expediter as provided in this paragraph (g).

The Expediter at any time on his own initiative or on petition of the landlord may enter an order fixing the maximum rent and specifying the minimum services for a room for a particular term or number of occupants for which no maximum rent has been established prior to issuance of the order under any other provision of §§ 825.121 to 825.132, inclusive. Such maximum rent shall be fixed on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(h) *Decontrolled maximum daily rents for controlled rooms.* Controlled rooms in establishments classified as hotels or tourist homes under section 7 of the "Hotel Regulation" permitted under and pursuant to section 4 (h) of said regulation to be rented on June 30, 1947, for daily terms of occupancy free of the limitations imposed by said regulation, by reason of the landlord of such establishment having complied with the requirements of said section 4 (h) prior to June 30, 1947, including the proper filing of Form DH–DC, may continue to be rented for daily terms of occupancy free of the limitations imposed by §§ 825.121 to 825.132, inclusive.

§ 825.125 *Adjustments and other determinations.* This section sets forth specific standards for the adjustment of maximum rents. In applying these standards and entering orders increasing or decreasing maximum rents, the Expediter shall give full consideration to the correction of inequities in maximum rents and the purposes and provisions of the Housing and Rent Act of 1947, as amended.

In the circumstances enumerated in this section, the Expediter may issue an order changing the maximum rents otherwise allowable or the minimum space, services, furniture, furnishings or equipment required, except in cases where an order increasing or decreasing the maximum rent on the same facts and grounds was entered under the "Hotel Regulation" issued pursuant to the Emergency Price Control Act of 1942, as amended.

In making adjustments under this section, recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendations cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

In those cases involving a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, the adjustment in the maximum rent shall be the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the housing accommodations by reason of such change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date or during the thirty-day period establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

In all other cases, except those under paragraphs (a) (7), (9), (c) (4), and (5) of this section, the adjustment shall be on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided,* That in cases under paragraph (a) (6) of this section the adjustment may be on the basis of the rental agreement in force during the thirty-day period determining the maximum rent, or the date establishing the maximum rent: *Provided, further,* That in cases under paragraphs (a) (3) and (c) (3) of this section involving an increase or decrease in living space, the adjustment shall be either the amount the Expediter finds would have been on the maximum rent date the difference in the rental value of the controlled rooms by reason of such change or on the basis of the rent which the Expediter finds was generally prevailing in the defense-rental area for comparable controlled rooms on the maximum rent date, whichever is higher: *And provided, further,* That in cases under paragraph (g) of this section the adjustment shall be in the amount necessary to correct the error.

In cases involving construction, appropriate allowance shall be made for general increases in costs of construction in the defense-rental area since 1939.

In cases under paragraphs (a) (7), and (c) (4) of this section, the adjustment shall be on the basis of the rents which the Expediter finds were generally prevailing in the defense-rental area for comparable accommodations during the year ending on the maximum rent date.

In cases under paragraph (a) (3) of this section appropriate allowance shall be made for general increases in the costs of services, furniture, furnishings, or equipment in the defense-rental area since the maximum rent date.

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship, which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

In cases under paragraph (c) (5) of this section, the adjustment in the maximum rent shall be in the amount the Expediter finds warranted by the modification or elimination of the necessity for the increase in the maximum rent granted under paragraph (a) (9) of this section: *Provided,* That no decrease shall be ordered in an amount greater than the adjustment ordered under paragraph (a) (9) of this section.

In all cases under paragraph (a) of this section the adjustment in the maximum rent shall be effective as of the date of the filing of the landlord's petition.

(a) *Grounds for increase of maximum rents.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable only on the ground that:

(1) *Major capital improvement since maximum rent period.* There has been, since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room, under either the "Hotel Regulation" or §§ 825.121 to 825.132, inclusive, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Change prior to maximum rent date.* There was, on or prior to the maximum rent date, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement and maintenance or a substantial increase in services, furniture, furnishings or equipment, and the rent during the thirty-day period ending on the maximum rent date was fixed by a lease or other rental agreement which was in force at the time of such change or increase.

(3) *Substantial increase in space, services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the period determining the maximum rent for the room under the "Hotel Regulation" or the date or order determining the maximum rent for the room under either the "Hotel Regulation" or §§ 825.121 to 825.132, inclusive, or a substantial increase in the living space since June 30, 1947.

(4) [Revoked.]

(5) [Revoked.]

(6) *Varying rents.* The maximum rent was established by a lease or other rental agreement which provided for a higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal demand.* The maximum rent for the room is substantially lower than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(8) *Inequitable rents.* The rent on the date determining the maximum rent was substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

(9) *Substantial hardship from increase in property taxes or operating costs.* Substantial hardship has resulted from a decrease in the net income (before interest) of the property for the current year as compared with a prior representative period, due to an unavoidable increase in property taxes or operating costs.

In proper cases increases in payroll and property taxes in effect on the date of the filing of the petition may be considered by the Expediter in determining whether substantial hardship exists.

For the purposes of this paragraph (a) (9) the terms:

(i) "Net income (before interest)" means the amount determined by subtracting unavoidable property taxes and operating costs actually paid or accrued from total income earned.

(ii) "Property taxes and operating costs" includes all expenses necessary to the operation and maintenance of the property actually paid or accrued and properly allocated including depreciation but excluding interest.

(iii) "Property" includes one or more structures operated as a single unit or enterprise.

(iv) "Total income earned" includes rental and other income earned from the property and the rental value of housing accommodations in the property occupied without the full payment of rent.

(v) "Current year" means (*a*) the most recent full calendar or fiscal year used by the landlord, or (*b*) any twelve-month period ending not more than 90 days prior to the filing of the petition: *Provided, however,* That the current year in all cases shall begin on or after the maximum rent date: *Provided, further,* That if allowance is requested for increases in pay roll or property taxes not fully reflected in the "current year" as

defined above, at least one calendar month must have passed between the end of the current year and the beginning of the month in which the petition is filed.

(vi) "Prior representative period" means any period of two consecutive years prior to the "current year" but not beginning before January 1, 1939, which the Expediter finds to be representative of the property's normal operation: *Provided, however,* That where a representative period of two consecutive years is not available the Expediter in his discretion may for the purposes of this section accept a representative period of not less than one year.

(b) *Decrease in space, minimum services, furniture, furnishings or equipment.* (1) *Requirements for Petition and Order, or Report.* The landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, equipment and living space as required under § 825.123, unless and until he has filed a petition to decrease the services, furniture, furnishings, equipment or living space and an order permitting a decrease has been entered therein. When the accommodations become vacant, the landlord may on renting to a new tenant decrease the services, furniture, furnishings, equipment or living space below the minimum; within 10 days after so renting the landlord shall file a written report with the area rent director showing such decrease.

(2) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph (b) may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph (b) may be decreased in accordance with the provisions of paragraph (c) (3) of this section.

If the landlord fails to file the report required by this paragraph (b) within the time specified, or decreases the services, furniture, furnishings, equipment or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment or living space. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). If the Expediter finds that the landlord was not at fault in failing to comply with this paragraph (b), the order may relieve the landlord of the duty to refund.

(c) *Grounds for decrease of maximum rent.* The Expediter at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

Where the maximum rent for said room was originally established under paragraph (b) or (c) of section 4 of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or where the maximum rent is established under § 825.124 (c) or (d), and the landlord failed, due to his fault, to file a timely proper registration statement, the rent received for any rental period commencing on or after July 1, 1948, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order issued under paragraph (c) of this section. Such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order, unless the refund is stayed in accordance with the provisions of Revised Rent Procedural Regulation 1 (Part 840 of this chapter). The landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Expediter within 3 months after the date of filing of such registration statement.

(2) *Substantial deterioration.* There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order establishing its maximum rent.

(3) *Decrease in space, services, furniture, furnishings, or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by § 825.123 since the date or order establishing the maximum rent or a substantial decrease in the living space since June 30, 1947.

(4) *Seasonal demand.* The maximum rent for the room is substantially higher than the rent at other times of year by reason of seasonal demand for such room. In such cases the Expediter's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(5) *Modification or elimination of necessity for increase under section 5 (a) (9) of the Hotel Regulation or paragraph (a) (9) of this section.* There has been a modification or elimination of the necessity for the increase in the maximum rent granted under section 5 (a) (9) of the "Hotel Regulation" or under paragraph (a) (9) of this section, since the order issued under either of said paragraphs.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the maximum rent, or any other fact necessary to the determination of the maximum rent, or the living space, services, furniture, furnishings or equipment required to be provided with the accommodations, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Expediter at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact, or determining the living space, services, furniture, furnishings, and equipment required to be provided with the accommodations which order shall be effective to establish the maximum rent from July 1, 1947, or the date of first renting after July 1, 1947, whichever is applicable. If the Expediter is unable to ascertain such fact, or facts, he shall enter the order on the basis of the rent which he finds was generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date and, where appropriate, may determine the living space, services, furniture, furnishings and equipment included in such rent.

(e) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, or a proceeding is initiated by the Expediter under paragraph (d), the Expediter may enter an interim order increasing or fixing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order in such proceeding. The receipt by the landlord of any rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

(f) *Public housing.* Where the maximum rent for any room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State, or any of its political subdivisions, and owned by any of the foregoing, is below the rent generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date, the owner of such room may with the consent of the Expediter increase the maximum rent to such generally prevailing rent by re-registering such accommodations at such generally prevailing rent.

For the purpose of this section, any corporation formed under the laws of a State shall not be considered an agency of the United States.

(g) *Adjustment to correct determinations of maximum rent.* The Expediter at any time on petition of the landlord or on his own initiative may enter an order adjusting the maximum rent where the maximum rent in effect on June 30, 1947 was established by an order issued under the rent regulations promulgated pursuant to the Emergency Price Control Act of 1942, as amended, and such order was based upon an erroneous determination of fact or law.

§ 825.126 *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Expediter as he may from time to time require.

§ 825.127 *Registration and records*—(a) *Registration statements*—(1) *Registration.* Every landlord of a room, subject to §§ 825.121 to 825.132, inclusive, rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Expediter shall require, to be known as a registration statement, unless a registration statement was heretofore filed in accordance with the provisions of section 7 of the "Hotel Regulation." For rooms rented on or before June 30, 1947, such registration statement shall be filed on or before July 10, 1947. Any maximum rent established after the "effective date of regulation" under paragraphs (b) or (c) of section 4 of the "Hotel Regulation" which has not been reported on the first registration statement shall be reported on or before July 10, 1947, either by amending a registration statement previously filed, or by filing a new registration statement. Any maximum rent established on or after July 1, 1947, which has not been reported on the first registration statement shall be reported within ten days after such rent is established either by amending a registration statement previously filed or by filing a new registration statement.

(2) *Notice of change in identity of landlord.* Where, since the filing of a registration statement, there has been a change in the identity of the landlord, by transfer of title or otherwise, the new landlord shall file a notice of such change on a form provided for that purpose, to be known as a notice of change in identity, within fifteen days after the change or July 1, 1947, whichever is the later.

(3) *Notice to landlord.* Any notice, order or other process or paper directed to the person named on the registration statement as landlord at the address given thereon, or where a notice of change in identity has been filed, to the person named as landlord and at the address given in the most recent such notice, shall, under the circumstances prescribed in Revised Rent Procedural Regulation 1 (Part 840 of this chapter) constitute notice to the person who is then the landlord.

(4) *Registration where maximum rent formerly determined under section 4 (d) of the "Hotel Regulation."* The provisions of this section shall be applicable to any housing accommodations whose maximum rent was determined under section 4 (d) of the "Hotel Regulation" on its sale by the owning agency; and on or before July 10, 1947, or within ten days after the sale of such accommodations, whichever is the later, the new landlord shall file registration statements as provided in paragraph (a) (1) of this section: *Provided, however,* That if the housing accommodations are sold to the United States or a State of the United States or any of its political subdivisions, or any agency of the foregoing, the provision in the second paragraph of paragraph (b) of this section shall continue to be applicable.

(b) *Posting maximum rents.* On or before July 10, 1947, or within ten days after a maximum rent is established under § 825.124 (b), (c), (d) or (g), whichever is the later, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Where the taking of meals by the tenant or prospective tenant is a condition of renting such room, the card or sign shall so state. Should the maximum rent or rents for the room be changed by order of the Expediter, the landlord within ten days after the effective date of the order shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms whose maximum rents were established under section 4 (d) of the "Hotel Regulation." The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) *Rooms subject to rent schedule of Army or Navy Department.* The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the Army and Navy Departments for which the rent is fixed by the national rent schedule of the Army or Navy Department.

(e) *Records*—(1) *Existing records.* Every landlord of a room subject to §§ 825.121 to 825.132, inclusive, rented or offered for rent shall preserve, and make available for examination by the Expediter, all his existing records showing or relating to (i) the rent for each term and number of occupants for such room rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c) of the "Hotel Regulation", (iii) rooms rented and offered for rent on a weekly and monthly basis during September 1943.

(2) *Record keeping.* Every landlord of an establishment containing more than 20 rooms subject to §§ 825.121 to 825.132, inclusive, rented or offered for rent, shall keep, preserve, and make available for examination by the Expediter, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Expediter, records of the same kind as he has customarily kept relating to the rents received for rooms.

§ 825.128 *Evasion*—(a) *General.* The maximum rents and other requirements provided in §§ 825.121 to 825.132, inclusive, shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or by tying agreement, or otherwise.

(b) *Purchase of property as condition of renting.* Specifically, but without limitation on the foregoing, no person shall require a tenant or prospective tenant to purchase or agree to purchase furniture or any other property as a condition of renting rooms unless the prior written consent of the Expediter is obtained.

§ 825.129 *Enforcement.* Persons violating any provisions of §§ 825.121 to 825.132, inclusive, are subject to civil enforcement actions, and suits for treble damages as provided for by the act.

§ 825.130 *Procedure.* All registration statements, reports and notices provided for by §§ 825.121 to 825.132, inclusive, shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Rent Procedural Regulation 1 (Part 840 of this chapter).

§ 825.132 *Adoption of orders.* All certificates and orders issued pursuant to sections 1 (b) (5), 1 (b) (6), 2 (b) (2), 2 (c) (3), and 2 (c) (5) of the "Hotel Regulation" which were in effect on June 30, 1947, shall be deemed to continue in effect under §§ 825.121 to 825.132, inclusive, unless and until revoked or modified by the Expediter.

Effective date. This Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in the Miami Defense-Rental Area shall become effective July 1, 1947. [Originally issued June 30, 1947.]

APPENDIX—INTERPRETATIONS

LEASES MADE UNDER SECTION 204 (b) OF THE HOUSING AND RENT ACT OF 1947, AS AMENDED

The following is an interpretation of §§ 825.4 (b), 825.24 (b), 825.44 (b), and 825.64 (b) of the Controlled Housing Rent Regulations, as amended (Subpart A of this part); §§825.84 (b), 825.104 (b) and 825.124 (b) of the Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments, as amended (Subpart B of this part), and section 204 (b) of the Housing and Rent Act of 1947, as amended:

The Housing and Rent Act of 1947, as amended, provides in section 204 (b) that where a 1947 or 1948 lease is entered into in accordance with the provisions of that section, the housing accommodations covered by such lease shall not be subject, unless such lease is terminated on or after April 1, 1948, to any maximum rent established, or maintained, under the provisions of the act. This is a limited form of decontrol and means that while such lease continues in effect the rental agreement between the lessor and lessee is decontrolled as to the particular housing accommodations covered by the lease. Therefore, a subletting of a part or all of the leased premises by the tenant named in the lease is subject to the rent regulations, unless the subletting is in the form of a lease conforming to the requirements of section 204 (b) of the act.

For example: L leased an unfurnished house to T in accordance with section 204 (b) of the act on September 1, 1947, for the maximum rent of $50 per month, plus 15 percent of such maximum rent, the lease

to expire on December 31, 1948. T, on December 1, 1947 sublet to S the entire unfurnished housing accommodations on a month-to-month basis. Although the renting from L to T remains free from control unless and until the lease is terminated on or after April 1, 1948, the subrenting between T and S remains subject to the rent regulations because that rental does not comply with the requirements of section 204 (b). The maximum rent between T and S is $57.50 per month for the unfurnished housing accommodations. If T and S entered into a lease under section 204 (b) of the act the rent in such lease could be no more than $57.50. If T added furniture to the accommodations, and no 204 (b) lease has been entered into with S, he could obtain an adjustment for the difference in rental value of the furniture under § 825.5 (a) (3) of the rent regulation.

Where a 1947 lease was terminated prior to April 1, 1948, the housing accommodations covered by the lease are decontrolled, but, also, in a limited sense only. The Housing Expediter may not establish a maximum rent for the particular accommodation covered by the lease. A rental of any part of the leased accommodations for which a maximum rent was in effect at the time of the execution of the lease continues subject to the rent regulations.

Example 1: L leased a house to T on August 1, 1947 in accordance with section 204 (b) of the act, which lease expires on December 31, 1948. On January 15, 1948, the lease was terminated by mutual agreement and since no maximum rent had been established for any portion of the accommodation, the house is decontrolled, and L or any subsequent owner could rent the whole or any part of the house free from control.

Example 2: L leased a two-family house to T on August 1, 1947 in accordance with section 204 (b) of the act, which lease expires on December 31, 1948. At the time of the execution of the lease, the maximum rent for the entire structure was $100 a month and the maximum rent for each apartment was $55 a month. On January 15, 1948, the lease between L and T was terminated. A rental of the entire structure would thereafter be free from control, whereas the rental of either apartment would remain subject to control.

Where a 1947 or a 1948 lease is terminated on or after April 1, 1948, the renting of the housing accommodation covered by the lease is subject to the regulations.

The termination of a lease under the Housing and Rent Act of 1947, as amended, includes a modification of the lease, even though the modification may not effect a termination of the lease at local law. That is to say that so far as the federal law is concerned the premises are no longer subject to a Federal Statutory Lease, although the modified lease may remain in effect under State law.

For example: L entered into a lease on December 1, 1947, for the maximum rent of $50 per month, plus an increase of 15 percent of such maximum rent, with an expiration date of December 31, 1948, and filed said lease with the area rent office within 15 days of the date of its execution, and on May 1, 1948, L and T modified the lease by a mutual agreement under which L installed an electric refrigerator to replace the ice-box for an additional rental of $5 per month. The lease would be deemed terminated under the Housing and Rent Act of 1947, as amended, because of this modification, although the modified lease might remain in effect under State law. The housing accommodations would, therefore, be recontrolled and the maximum rent would be $57.50.[1] The landlord may petition for an increase in the maximum rent because of the installation of the refrigerator.

Assume the modification to have been prior to April 1, 1948. The housing accommodation leased in the above example would not be recontrolled on or after April 1, 1948. The entire housing accommodation would remain free from control and L, or any subsequent owner, would be permitted to rent the whole accommodation, or any part of the accommodation for which there was no controlled rent, free from control. If on May 1, 1948, the individual rooms in the house are rented for the first time, the rental of such rooms is not controlled. [Issued June 21, 1948.]

DECONTROL OF ACCOMMODATIONS IN HOTELS

The following is an interpretation of section 202 (c) (1) of the Housing and Rent Act of 1947, as amended, and of paragraph (b) (2) (i) (*a*) of §§ 825.81, 825.101 and 825.121 of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments, as amended (Subpart B of this part), and paragraph (b) (2) (i) (*a*) of §§ 825.1, 825.21, 825.41, and 825.61 of the Controlled Housing Rent Regulation (Subpart A of this part).

Section 202 (c) (1) of the Housing and Rent Act of 1947, as amended, reads as follows:

SEC. 202. As used in this title:

(c) The term "controlled housing accommodations" means housing accommodations in any defense-rental area, except that it does not include:

(1) Those housing accommodations, in any establishment which is commonly known as a hotel in the community in which it is located, which are occupied by persons who are provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services.

§ 825.81 (b) (2) (i) (*a*) of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments, as amended, reads as follows:

(2) *Decontrolled housing to which §§ 825.81 to 825.92, inclusive, do not apply.* Sections 825.81 to 825.92, inclusive, do not apply to the following:

(i) *Rooms in hotels, motor courts, trailers and trailer spaces, tourist homes, and other establishments.* (*a*) Rooms in a hotel (see definition of hotel in § 825.81) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases, as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located).

(The provisions of § 825.81 (b) (2) (i) (*a*) are also contained in paragraph (b) (2) (i) (*a*) of §§ 825.101 and 825.121).

[1] By regulation, upon termination of a 1947 lease on or after April 1, 1948, the maximum rent is the rent provided in the lease or the maximum rent which would have been in effect on March 30, 1948 in the absence of a lease, whichever is higher.

Section 825.1 (b) (2) (i) (*a*) of the Controlled Housing Rent Regulations, as amended, reads as follows:

(2) *Decontrolled housing to which §§ 825.1 to 825.12, inclusive, do not apply.* Sections 825.1 to 825.12, inclusive, do not apply to the following:

(i) Accommodations in hotels, motor courts, trailers and trailer spaces, and tourist homes. (*a*) Housing accommodations in a hotel (see definition of hotel in § 825.1) which on June 30, 1947, were occupied by persons to whom were provided customary hotel services such as maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services (not necessarily all the types of services named need be provided in all cases as long as enough are provided to constitute customary hotel services usually supplied in establishments commonly known as hotels in the community where they are located).

(The provisions of § 825.1 are also contained in paragraph (b) (2) (i) (*a*) of §§825.21, 825.41, and 825.61).

The term "hotel" is defined in the first section of the Rent Regulations as follows:

"Hotel" means any establishment which is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

This interpretation is not intended to apply to the decontrol status of housing accommodations in hotels under the Housing and Rent Act of 1947 prior to its amendment by the Housing and Rent Act of 1948, which latter act became effective April 1, 1948.

1. *Meaning of the word "hotel."* Based upon the intent of Congress as expressed in the legislative history of the Housing and Rent Act of 1948, the word "hotel" as used in the act and the regulations is interpreted to mean those establishments which on June 30, 1947, the effective date of the Housing and Rent Act of 1947, were commonly known as hotels in the community in which they were located, and which provided occupants of housing accommodations therein with customary hotel services. The word "hotel" is interpreted to include all types of hotels, such as transient hotels, residential hotels, apartment hotels, or family hotels.

From the same legislative history it is clear that Congress did not intend to exempt from control housing accommodations in establishments which on June 30, 1947 were not commonly known as hotels in the community in which they were located, but were known as apartment houses, apartments, rooming houses, and boarding houses.

There is no all-embracing definition of the words "commonly known" as used in the act and regulations to describe an establishment in which housing accommodations may be exempt from control under section 202 (c) (1). Each decision must be based upon the test as to whether the particular establishment on June 30, 1947 was commonly known as a hotel in the community in which it is located. This is to be determined not only by the estimate, or general regard of the establishment as such by inhabitants of the community, but also by the presence or absence on that date of customary hotel services, particularly the three basic services hereinafter referred to.

2. *Accommodations to which the act applies.* The decontrol provisions of section 202 (c) (1) of the act apply to housing accommodations in a hotel rather than to the entire establishment in which they are located. These accommodations include any living units within a hotel, such as rooms, suites of rooms, or apartments.

3. *Test date for decontrol determination.* The test date for determining decontrol is June 30, 1947, the effective date of the Housing and Rent Act of 1947, and the exemption provided by the act and regulation is effective only for those housing accommodations meeting the requirements for decontrol on that date. If a housing accommodation meets the test as of June 30, 1947, it will not be subject to control by reason of any decrease in services after such date. If a housing accommodation does not meet the test as of June 30, 1947, it is not decontrolled even though some of the customary services which were not provided on that date were subsequently provided.

4. *Meaning of "customary hotel services".* An establishment is not considered a hotel under the regulations unless on June 30, 1947 it provided its occupants with the customary hotel services, or such services were available to them. An individual accommodation in a hotel is not decontrolled under the act and regulations unless on that date the occupant was provided with customary hotel services, or such services were available to the occupant.

The question as to what constitutes customary hotel services depends upon the size and type of hotel under consideration and the custom in the community as to that size and type of hotel.

In large hotels, for example, of both transient and other types, customary hotel services usually include all of the five services mentioned in the act, whereas customary hotel services for smaller hotels may be limited to the three basic services hereinafter referred to. Also, it is usually customary for large hotels of the transient type to provide separate bellboy service 24 hours daily. On the other hand, in some smaller transient hotels it may be customary to provide bellboy service for less than 24 hours, or it may be customary for the same person to serve as registration clerk and bellboy, or for bellboy service to be supplied by the elevator operator. Furthermore, in large transient hotels it is usually customary to provide daily maid and linen service. On the other hand, in some types of residential, apartment, or family hotels it may be customary to provide these services less frequently.

In general, however, it may be said that an establishment will not be commonly known as a hotel in the community unless it provided or made available to the occupants of its accommodations on June 30, 1947 the three basic services; namely, maid service, furnishing and laundering of linen, and use and upkeep of furniture and fixtures, and that generally an individual accommodation in a hotel is not decontrolled unless the occupant thereof on June 30, 1947 was provided with these three basic services, or such services were made available to him on that date. In only rare instances would an accommodation be decontrolled if any of the three basic services were not provided on June 30, 1947.

5. *Meaning of the word "provided" as used in the act and regulations.* The legislative history of the act also makes it clear that Congress did not intend that the customary services be actually received by the occupant on June 30, 1947 in order to make such units eligible for decontrol. An accommodation is eligible for decontrol if on such date the customary services were made available to the occupant with, or without, extra charge.

To have been available on June 30, 1947, the services must have been actually present or maintained by the hotel for the immediate use of the occupant or, in other words, "available" means on hand for use at tenants' option.

For example: Assume that on June 30, 1947, an establishment commonly known as a hotel in the community contained one hundred living units to which furniture service, telephone, secretarial or desk service and bellboy service were provided. On such date the hotel charged $5.00 a week for daily maid service and $3.00 a week for daily change of linen, but the use of both maid service and linen service was optional. Occupants of fifteen units elected to receive linen service but not maid service, and in ten units the occupants did not use either maid or linen service. In such case the entire one hundred units would be decontrolled, as furniture service was provided to all units on June 30, 1947, and on the same date the remaining customary services were available to all occupants. Maid service and linen service would be considered available when an occupant could have obtained such services from the hotel management with or without extra charge above the rent in effect on such date.

In most instances, any accommodation which was rented unfurnished on June 30, 1947, would remain under control even though located in an establishment commonly known as a hotel in the community. The exception to the rule would be the case where furniture was available for an accommodation on that date, with or without extra charge, but the occupant preferred to supply his own furniture.

If, for example, on June 30, 1947, an establishment commonly known as a hotel in the community contained two hundred accommodations which provided all the customary hotel services except that one hundred of such units were rented furnished and the other hundred unfurnished, and on that date sufficient furniture was in possession of the hotel to furnish 20 of the unfurnished accommodations, a maximum of 120 units would be decontrolled, and a minimum of 80 unfurnished units would continue under control. The one hundred furnished units would be decontrolled and those of the 100 unfurnished units for which furniture was available on June 30, 1947, would also be decontrolled. [Issued July 1, 1948.]

DECONTROL OF CERTAIN CLASSES OF HOUSING ACCOMMODATIONS

The following is an interpretation of those provisions of the Rent Regulations and of the Housing and Rent Act of 1947, as amended, which provide for decontrol of the classes of housing accommodations listed below. The rent regulation provisions interpreted herein are contained in paragraph (b) (2) of §§ 825.1, 825.21, 825.41 and 825.61 of the Controlled Housing Rent Regulations, as amended (Subpart A) and paragraph (b) (2) of §§ 825.81, 825.101, and 825.121 of the Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments, as amended (Subpart B). The provisions of the Housing and Rent Act of 1947, as amended, which are interpreted herein are sections 202 (c) (2), 202 (c) (3) and 202 (c) (4). The classes of housing accommodations covered by this interpretation are the following:

I. Tourist homes.
II. Motor courts.
III. Trailers and ground space rented for trailers.
IV. Newly constructed housing accommodations completed on or after February 1, 1947.
V. Additional housing accommodations created by conversion on or after February 1, 1947.
VI. Housing accommodations not rented for any successive 24-month period between February 1, 1945, and March 30, 1948.
VII. Newly constructed housing accommodations completed between February 1, 1945, and January 31, 1947, and not rented until after June 30, 1947.
VIII. Non-housekeeping furnished accommodations located in a single dwelling unit.

I. *Tourist homes*—1. *Provision of regulations.* Paragraph (b) (2) of §§ 825.1, 825.21, 825.41, 825.61, 825.81, 825.101 and 825.121 of the regulations provides for decontrol of housing accommodations in any tourist home serving transient guests exclusively on June 30, 1947. A decontrol provision on tourist homes has been included in the regulations since July 1, 1947, based upon section 202 (c) (2) of the Housing and Rent Act of 1947 which became effective on that date. The act as amended April 1, 1948, made no change in this provision.

2. *Test date for decontrol; June 30, 1947.* The test date for decontrol of housing accommodations in tourist homes is and has been June 30, 1947. If on June 30, 1947, an establishment was a tourist home and served transient guests exclusively, all housing accommodations in that establishment are decontrolled, and this decontrol continues regardless of any change in facts or rental practices since June 30, 1947. Likewise, if on June 30, 1947, an establishment failed to meet the definition of a tourist home, or was a tourist home which did not rent to transient guests exclusively, then the housing accommodations in that establishment are not decontrolled under the "tourist home" decontrol provision, and no subsequent change in facts or rental practices would cause them to become decontrolled by virtue of that provision.

3. *Partial decontrol.* There is no partial decontrol in the case of tourist homes. In order for any of the housing accommodations in a tourist home to be decontrolled, all the housing accommodations in the tourist home which were available for rent on June 30, 1947, must have been rented or offered for rent to transient guests on that date. For example, if only one of all the rooms was

rented to a permanent guest on June 30, 1947, all the rooms in that tourist home are controlled housing accommodations.

This does not necessarily mean that there can be no decontrol where a tourist home was operated in only part of an entire structure. For example, where there was a two-family house, of which one dwelling unit was rented on a permanent basis and the other was operated as a tourist home, the latter unit comprised the tourist home. In such case, if all the accommodations in the tourist home unit which were available for rent on June 30, 1947, were rented or offered for rent to transient guests on that date, all such accommodations are decontrolled.

4. *Exemption of daily rates under old hotel regulation.* Paragraph (h) of §§ 825.84, 825.104, and 825.124 of the Rooming House Regulations continues in effect all exemptions of daily rates in tourist homes which were established under section 4 (k) of the "hotel regulation" issued pursuant to the Emergency Price Control Act of 1942, as amended.

II. *Motor courts*—1. *Provision of regulations.* Paragraph (b) (2) of §§ 825.1, 825.21, 825.41, 825.61, 825.81, 825.101, and 825.121 of the Regulations provides for decontrol of housing accommodations in establishments which were motor courts on June 30, 1947. A decontrol provision on motor courts has been included in the regulations since July 1, 1947, based upon section 202 (c) (2) of the Housing and Rent Act of 1947 which became effective on that date. The act as amended April 1, 1948, made no change in this provision.

2. *Test date for decontrol; June 30, 1947.* The test date for decontrol of housing accommodations in motor courts is and has been June 30, 1947. If on June 30, 1947, an establishment was a motor court, all the accommodations in the establishment are decontrolled, and this decontrol continues regardless of any change in facts or rental practices since June 30, 1947. Likewise, if on June 30, 1947, an establishment failed to meet the definition of a motor court, then the housing accommodations in that establishment are not decontrolled under the "motor court" decontrol provision and no subsequent change in facts or rental practices would cause them to become decontrolled by virtue of that provision.

3. *Partial decontrol.* There is no partial decontrol in the case of motor courts. If an establishment was a motor court on June 30, 1947, all the housing accommodations in that establishment are decontrolled, including trailers and trailer spaces which were attached to and operated as part of the motor court.

III. *Trailers and ground space rented for trailers*—1. *Provision of regulations.* Paragraph (b) (2) of §§ 825.1, 825.21, 825.41, 825.61, 825.81, 825.101, and 825.121 of the regulations provides for decontrol of housing accommodations located in trailers and ground space rented for trailers.

This decontrol provision first became effective on January 5, 1948, when it was added by amendment of the regulations. The Housing and Rent Act of 1947 did not provide for decontrol of trailers and trailer spaces. However, the act as amended April 1, 1948, changed section 202 (c) (2) of the act to provide for decontrol of any trailer or trailer space, thus confirming the action previously taken by amendment of the regulations on January 5, 1948.

2. *Trailers operated as part of motor court.* Even prior to January 5, 1948, when trailers and trailer spaces as such were still under control, it had been held by interpretation that trailers and trailer spaces were decontrolled if they were attached to and operated as part of a motor court.

IV. *Newly constructed housing accommodations completed on or after February 1, 1947*—1. *Provision of regulations.* Paragraph (b) (2) of §§ 825.1, 825.21, 825.41, 825.61, 825.81, 825.101, and 825.121 of the regulations provides for decontrol of housing accommodations, the construction of which was completed on or after February 1, 1947. This decontrol provision, however, does not apply to maximum rents established under the Veterans' Emergency Housing Act of 1946 for priority constructed housing accommodations if, and only during such time as, they are being rented to veterans of World War II or their immediate families who either:

a. Occupied such housing accommodations on June 30, 1947, or

b. Had a right on June 30, 1947, under a written or oral agreement, to occupy such housing accommodations at any time on or after July 1, 1947.

Such a decontrol provision has been included in the Regulations since July 1, 1947, based upon section 202 (c) (3) of the Housing and Rent Act of 1947 which became effective on that date. The act as amended April 1, 1948, made no change in this provision.

2. *Definition of when construction is "completed".* The regulations provide that for purposes of this provision, construction is deemed to be "completed" when the dwelling is first suitable for occupancy and all services and utility connections have been made, except for the installation of such items and the completion of such decoration work as, in accordance with the custom of the community, are left for installation by or to the choice of the purchaser or tenant.

3. *Repair or rehabilitation of damaged structures.* Where a structure which has been damaged by fire or otherwise is repaired or rehabilitated on or after February 1, 1947, a question of fact is presented as to whether new housing accommodations have been created by construction (in which event they would be decontrolled), or whether the previously existing housing accommodations have merely been repaired or rehabilitated (in which event they would not be decontrolled). Of course there may be cases in which some units in a structure are newly constructed, while other units in the same structure are merely repaired or rehabilitated. In such cases, the newly constructed units are decontrolled, while the other units remain under control.

The mere fact that the damage was so extensive as to render housing accommodations uninhabitable, forcing tenants to vacate, does not necessarily establish that the units, after completion of the repair or rehabilitation work, are eligible for decontrol.

V. *Additional housing accommodations created by conversion on or after February 1, 1947*—1. *Provision of regulations.* Paragraph (b) (2) of §§ 825.1, 825.21, 825.41, 825.61, 825.81, 825.101, and 825.121 of the regulations provides for decontrol of additional housing accommodations created by conversion on or after February 1, 1947. This decontrol provision, however, does not apply to maximum rents for priority constructed housing under the conditions stated in IV, 1 above.

Such a decontrol provision has been included in the Regulations since July 1, 1947, based upon section 202 (c) (3) of the Housing and Rent Act of 1947 which became effective on that date. The act as amended April 1, 1948, made no change in this provision.

2. *Definition of "Conversion".* The regulations provide that for purposes of this provision the "word "conversion" means (1) a change in a structure from a non-housing to a housing use, or (2) a structural change in a residential unit or units involving substantial alterations or remodeling and resulting in the creation of additional housing accommodations.

3. "Completion" of construction not an element in conversion cases. It should be noted that, whereas newly constructed housing accommodations are decontrolled if construction was "completed" on or after February 1, 1947, decontrol in the case of a conversion occurs only if additional housing accommodations were created by the conversion on or after that date. There is a substantial difference between these two concepts. For example, where the conversion resulted in additional housing accommodations which were occupied prior to February 1, 1947, they would not be decontrolled even though additional work was done on or after that date. The test is not whether the additional housing accommodations were "completed" prior to February 1, 1947, but whether they were created prior to that date.

4. *Requirement of structural change involving substantial work.* In order for decontrol to occur by reason of conversion of previously existing housing accommodations, there must be a structural change involving substantial alterations or remodeling. For example, if a single family residence is divided into two units merely by a locking of doors and renting to two separate tenants, decontrol does not result.

5. *Requirement that additional housing accommodations result from the alterations or remodeling.* Where there has been a structural change involving substantial alteration or remodeling, decontrol occurs only if additional housing accommodations result from this work. This determination is made with respect to the dwelling unit or dwelling units which are necessarily involved in the creation of additional housing accommodations.

Examples: A vacant structure contains two 6-room apartments, each containing a kitchen and a bathroom. Subsequent to February 1, 1947, the landlord made structural changes in one apartment involving substantial alterations and remodeling. He converts the apartment into two apartments by adding a kitchen and a bath to two of the rooms and separating this apartment from the remaining four rooms (including kitchen) and bath. The other 6-room apartment was not involved in the conversion. The 4- and 3-room apartments are considered additional housing accommodations created by conversion and decontrolled, while the 6-room apartment remains under control.

6. *Basis for determining whether additional housing accommodations have been created.* In determining whether additional housing accommodations have been created, the primary test is not whether there are more tenants in occupancy than before the conversion, nor whether there is more floor space. The determination is made by comparing the number of dwelling units before and after the conversion. For example: There was a 12-room vacant house which was structurally designed for single family occupancy, but which was occupied by the owner and six roomers. Subsequent to February 1, 1947, this house was converted into four individual apartments, each with its own kitchen and bath facilities. All four apartments are decontrolled.

NOTE: In the cases cited in paragraphs 5 and 6 above, the conversion took place when the accommodations were vacant. Different considerations are involved in cases where the conversion takes place while a tenant remains in occupancy. Such exceptional cases require individual treatment and are not discussed in this interpretation.

VI. *Housing accommodations not rented for any successive twenty-four month period between February 1, 1945, and March 30, 1948*—1. *Provision of regulations.* Paragraph (b) (2) (iii) of §§ 825.1, 825.21, 825.41, 825.61, 825.81, 825.101, and 825.121 of the regulations provides for decontrol of housing accommodations which were not rented as such for any successive 24-month period between February 1, 1945, and March 30, 1948 (both dates inclusive), other than to members of the landlord's immediate family.

The Housing and Rent Act of 1947, effective July 1, 1947, contained a decontrol provision which was the same as the present one, except that it covered only housing accommodations which were not rented at any time between February 1, 1945, and January 31, 1947, other than to members of the immediate family of the occupant. The act as amended to April 1, 1948, extended this decontrol provision to cover housing accommodations which were not rented during any successive 24-month period between February 1, 1945, and March 30, 1948, other than to members of the landlord's immediate family.

2. *Removal of house to new location.* If housing accommodations were rented during the two-year period, and were physically moved to a new location after expiration of the two-year period, they are not decontrolled. The removal of a house to a new location does not change the fact that the particular house had been rented during the two-year period. Of course, a new maximum rent should be established under paragraph (c) of §§ 825.4, 825.24, 825.44, 825.64, 825.84, 825.104, and 825.124 of the regulations, by reason of the new location, which would be subject to reduction on the basis of comparability.

3. *Rental of only part of house during two-year period.* Where only part of a house was rented during the two-year period and the portion that was rented constituted less than a predominant part of the entire house (predominance being determined on a space basis), the portion that was rented is not decontrolled. However, if the entire house is subsequently rented, as one unit, it is decontrolled and likewise the rental of any portion of the house which was not rented during the two-year period is also decontrolled.

Where only a part of a house was rented during the two-year period, and the portion that was rented constituted the predominant part of the entire house, there is no decontrol of either the entire house or of any portion that was rented during the two-year period.

4. *Rental of entire house or structure as such during two-year period.* Where, during the two-year period, an entire house was rented to a tenant as a residence, there is no decontrol either on a rental of the entire house or on a separate renting of any portion of the house. This is because the entire house, including every portion thereof, was rented during the two-year period.

Where, during the two-year period, an apartment structure was rented as such to a master tenant who occupied one of the apartments himself and sublet the other apartments to tenants, the apartment occupied by the master tenant as well as the other apartments, are not decontrolled. This is because the apartment occupied by the master tenant was rented during the two-year period as part of the underlying lease of the entire structure. The other apartments, of course, were rented both as part of the underlying lease and separately by the master tenant.

5. *Occupancy by landlord as condition for decontrol.* Under the Housing and Rent Act of 1947 and the regulations in effect prior to April 1, 1948, where entire housing accommodations were rented during the two-year period to members of the landlord's immediate family, there was no decontrol. This is because the landlord was not an "occupant" of the housing accommodations in question, and the 1947 act and regulations provided for decontrol in such cases only if the renting was to members of the immediate family of the "occupant." This does not apply on and after April 1, 1948, because the act and regulations as amended April 1, 1948, provide for decontrol in such cases if the housing accommodations were rented to members of the immediate family of the "landlord." Occupancy by the landlord of part of the housing accommodations is no longer required as a condition of decontrol.

6. *Occupancy by tenants in common during two-year period.* In any case where during the two-year period housing accommodations were owned by two or more individuals as tenants in common, and were occupied during that period by one or more of those individuals by virtue of their status as tenants in common, the housing accommodations are decontrolled. In other words, the relationship between tenants in common is not a landlord-tenant relationship, so that in such cases the housing accommodations have not been "rented".

7. *Occupancy by seller as part of purchase contract during two-year period.* Where a purchaser of housing accommodations, as part of a purchase contract, permits the seller to remain in possession for a limited period of time, this constitutes a "renting." Where, however, the local courts have ruled that this type of occupancy does not involve a landlord-tenant relationship, and the parties acted in reliance upon the decision of the court, the question of decontrol of the particular housing accommodations is left for decision by the local courts.

8. *Occupancy during two-year period by sole stockholder of corporation.* Where during the two-year period there was occupancy by the sole stockholder of a corporation which was the owner of the house, a question is presented as to whether there was a landlord-tenant relationship between the corporation and the sole stockholder. Ordinarily, since a corporation is a legal entity separate from its stockholders, occupancy by the sole stockholder would be on the basis of a landlord-tenant relationship, so that the housing accommodations would not be decontrolled.

9. *Housing accommodations which were exempt from rent control during two-year period.* Where during the two-year period housing accommodations were rented under circumstances which caused the renting to be exempt from the rent regulations, the mere fact that such an exemption existed does not result in decontrol. For example, where housing accommodations were occupied during the two-year period by a janitor as part of the compensation he received for his services as janitor, the housing accommodations, so long as this situation existed, were exempt from the rent regulations. If, however, after expiration of the two-year period, the housing accommodations are no longer occupied by a janitor under such an arrangement, but are rented to a tenant under an ordinary rental agreement, the exemption ceases to apply, and the question arises whether they are decontrolled on the basis that they had not been "rented" during the two-year period. Such housing accommodations are not decontrolled on that basis because, even though they were exempt during the two-year period, they were rented during that period to a person who was not a member of the landlord's immediate family.

Another example of the same principle is the following: A college dormitory was occupied by students during the two-year period under circumstances which made rooms exempt from rent control. After the two-year period, the college proposes to rent the rooms in the structure to professors or other persons on an ordinary landlord-tenant basis. Such a renting would be subject to rent control because, although the rooms in the dormitory were exempt during the two-

year period, they were in fact rented to persons other than members of the landlord's immediate family.

VII. *New housing accommodations completed between February 1, 1945, and January 31, 1947, and not rented until after June 30, 1947*—1. *Provision of regulations.* Paragraph (b) (2) of §§ 825.1, 825.21, 825.41, 825.61, 825.81, 825.101, and 825.121 of the regulations provides for the decontrol of housing accommodations, construction of which was completed between February 1, 1945, and January 31, 1947 (both dates inclusive), and which were not rented at any time as housing accommodations from the date of completion until after June 30, 1947, other than to members of the landlord's immediate family. This is based on a new provision in section 202 (c) (3) of the Housing and Rent Act, as amended in 1948, and therefore became effective on April 1, 1948.

The Housing and Rent Act of 1947 which became effective July 1, 1947, had provided for the decontrol of housing accommodations which were not rented as housing accommodations at any time between February 1, 1945, and January 31, 1947, other than to members of the occupant's immediate family. This provision did not result in the decontrol of housing accommodations which first came into existence by reason of new construction after February 1, 1945, even though the housing accommodations were not rented at any time between the date of completion and January 31, 1947. The act as amended April 1, 1948, provides specifically for the decontrol of housing accommodations, construction of which was completed during this two-year period, if they were not rented as housing accommodations at any time between the date of completion and June 30, 1947, other than to members of the landlord's immediate family.

2. *Definition of when construction is "completed".* For purposes of this provision, the definition of when construction of housing accommodations has been completed is the same as set forth under "IV, 2" above.

3. *Other interpretations.* The interpretations as to when there has been a "renting" of housing accommodations and the effect of such renting, which are given under "VI" above, are equally applicable to cases under this heading "VII."

VIII. *Non-housekeeping furnished accommodations located in a single dwelling unit*—1. *Provision of regulations.* Paragraph (b) (2) of §§ 825.1, 825.21, 825.41, 825.61, 825.81, 825.101, and 825.121 of the regulations provides for decontrol under certain conditions of non-housekeeping furnished accommodations which are located in a single dwelling unit. All the following conditions must exist in order for such accommodations to be decontrolled:

a. The accommodations in question must be non-housekeeping furnished accommodations.

b. They must be located in a single dwelling unit which is not used as a rooming house or boarding house.

c. There must be no more than two paying tenants in the dwelling unit other than members of the landlord's immediate family.

d. The remaining portion of the dwelling unit (i. e., the portion not occupied by paying tenants who are not members of the landlord's immediate family) must be occupied by the landlord or his immediate family.

This decontrol provision became effective April 1, 1948, based on a new provision in the Housing and Rent Act of 1947, as amended, effective April 1, 1948.

2. *Meaning of "non-housekeeping" accommodations.* A non-housekeeping room or unit is one which does not contain cooking and other house-keeping facilities. For example, where a room does not contain any cooking facilities, the mere fact that the tenant of the room has the privilege of using the kitchen in the house does not destroy the "non-housekeeping" status of the room. Likewise, the fact that the tenant of such a room is given the privilege of sharing other parts of the house, such as living-room, dining-room, etc., does not destroy the status of the room as a "non-housekeeping" accommodation. Such a situation is to be distinguished from the case where the tenant rents an entire house with the exception of a room which was reserved by the landlord for his own occupancy. In such a case there would be no decontrol.

3. *Requirement that there be no more than two paying tenants in the dwelling unit.* A master tenant rented three rooms in a house and then sublet each room to two sub-tenants who became actual occupants. The six sub-tenants paid their rent to the master tenant, and the master tenant was the only person who paid rent to the landlord. In such a case there are more than two paying tenants in the dwelling unit, so that none of the rooms are decontrolled.

[Issued 8-25-48.]

NOTE: All reporting and record-keeping requirements of §§ 825.1 to 825.132, inclusive, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 48-8859; Filed, Oct. 1, 1948; 12:01 p. m.]

[Controlled Housing Rent Reg.,[1] Amdt. 40]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

1. Schedule B is amended by incorporating Item 32 as follows:

32. Provisions relating to Cass County, a portion of the Fargo-Moorhead Defense-Rental Area, State of North Dakota:

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Effective October 5, 1948, an increase of 10 percent is hereby authorized in the maximum rents for all housing accommodations in Cass County, a portion of the Fargo-Moorhead Defense-Rental Area, State of North Dakota, except (i) all maximum rents established under § 825.4 (b) of this regulation and (ii) all maximum rents which have heretofore been adjusted under §§ 825.5 (a) (12) or 825.5 (a) (16) of this regulation. All provisions of this regulation insofar as they are applicable to the Fargo-Moorhead Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect. (Sec. 204 (e), 61 Stat. 197, Public Law 129, 80th Congress; as amended by 62 Stat. 37, Public Law 422, 80th Congres; and as amended by 62 Stat. 94, Public Law 464, 80th Congress; 50 U. S. C. App. 1894 (e))

This amendment shall become effective October 5, 1948.

Issued this 1st day of October 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement To Accompany Amendment 40 to the Controlled Housing Rent Regulation

The Local Advisory Board for Cass County, a portion of the Fargo-Moorhead Defense-Rental Area, State of North Dakota, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase in the general rent level in Cass County, North Dakota, a part of the Fargo-Moorhead Defense-Rental Area, except as to maximum rents established under § 825.4 (b) of this regulation and maximum rents which have heretofore been adjusted under §§ 825.5 (a) (12) or 825.5 (a) (16) of this regulation.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 10 percent, and is, therefore, issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-8855; Filed, Oct. 1, 1948; 11:59 a. m.]

[Controlled Housing Rent Reg.,[1] Amdt. 41]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

1. Schedule B is amended by incorporating Item 33 as follows:

33. Provisions relating to the Cedar Rapids Defense-Rental Area, State of Iowa:

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, an increase of 7 percent, effective October 5, 1948, is hereby authorized in the maximum rents for those housing accommodations in the Cedar Rapids Defense-Rental Area which were not covered by Schedule B, Item 24, of this regulation except (i) housing accommodations which were first rented on or after February 4, 1948, and (ii) housing accommodations for which the maximum rent has been adjusted on or after August 22, 1947 under § 825.5 (a) (12) or § 825.5 (a) (16) of this regulation: *Provided, however,* That if the 7 percent increase hereby authorized is applied to housing accommodations for which the maximum rent has been adjusted on or after February 4, 1948, under § 825.5 (a) (11) of this regulation, the amount of such adjustment under § 825.5 (a) (11) shall be excluded in determining the increased maximum rent. All provisions of this regulation insofar as they are applicable to the Cedar Rapids Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect. (Sec. 204 (e), 61 Stat. 197, Public Law 129, 80th Congress; as amended by 62 Stat. 37, Public Law 422, 80th Congress; and as amended by 62 Stat. 94, Public Law 464, 80th Congress; 50 U. S. C. App. 1894 (e))

This amendment shall become effective October 5, 1948.

Issued this 1st day of October 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement To Accompany Amendment 41 to the Controlled Housing Rent Regulation

Effective February 4, 1948, based upon a recommendation of the Local Advisory Board for the Cedar Rapids Defense-Rental Area, State of Iowa, an amendment was issued granting an increase of 7 percent in the general rent level in the Cedar Rapids, Iowa, Defense-Rental Area on freeze date rents and on those rents adjusted by orders on the basis of the rents generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date. Excluded from this general rent increase were the maximum rents for housing accommodations first rented between the freeze date and February 4, 1948 which had not been adjusted to freeze date comparability.

At a later date, the same Local Advisory Board has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended that, subject to certain exceptions, an increase of 7 percent shall be made in the maximum rents for housing accommodations first rented between the freeze date and February 4, 1948 which had not been adjusted to freeze date comparability. The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations, and is, therefore, issuing this amendment to effectuate the recommendation.

[F. R. Doc. 48-8858; Filed, Oct. 1, 1948; 12:00 m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 40]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respect:

1. Schedule B is amended by incorporating Item 33 as follows:

33. Provisions relating to Cass County, a portion of the Fargo-Moorhead Defense-Rental Area, State of North Dakota:

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Effective October 5, 1948, an increase of 10 percent is hereby authorized in the maximum rents for all housing accommodations in Cass County, a portion of the Fargo-Moorhead Defense-Rental Area, State of North Dakota, except (i) all maximum rents established under § 825.84 (b) of this regulation and (ii) all maximum rents which have heretofore been adjusted under § 825.85 (a) (9) of this regulation. All provisions of this regulation insofar as they are applicable to the Fargo-Moorhead Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect. (Sec. 204 (e), 61 Stat. 197, Public Law 129, 80th Congress; as amended by 62 Stat. 37, Public Law 422, 80th Congress; and as amended by 62 Stat. 94, Public Law 464, 80th Congress; 50 U. S. C. App. 1894 (e))

This amendment shall become effective October 5, 1948.

Issued this 1st day of October 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement To Accompany Amendment 40 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for Cass County, a portion of the Fargo-Moorhead Defense-Rental Area, State of North Dakota, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase in the general rent level in Cass County, North Dakota a part of the Fargo-Moorhead Defense-Rental Area, except as to maximum rents established under § 825.84 (b) of this regulation and maximum rents which have heretofore been adjusted under § 825.85 (a) (9) of this regulation.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 10 percent, and is, therefore, issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-8856; Filed, Oct. 1, 1948; 11:59 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 41]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respect:

1. Schedule B is amended by incorporating Item 34 as follows:

34. Provisions relating to the Cedar Rapids Defense-Rental Area, State of Iowa:

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, an increase of 7 percent, effective October 5, 1948, is hereby authorized in the maximum rents for those housing accommodations in the Cedar Rapids Defense-Rental Area which were not covered by Schedule B, Item 24, of this regulation except (i) housing accommodations which were first rented on or after February 4, 1948 and (ii) housing accommodations for which the maximum rent has been adjusted on or after August 22, 1947 under § 825.85 (a) (9) of this regulation: *Provided, however,* That if the 7 percent increase hereby authorized is applied to housing accommodations for which the maximum rent has been adjusted on or after February 4, 1948 under § 825.85 (a) (8) of this regulation, the amount of such adjustment under § 825.85 (a) (8) shall be excluded in determining the increased maximum rent. All provisions of this regulation insofar as they are applicable to the Cedar Rapids Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect. (Sec. 204 (e), 61 Stat. 197, Public Law 129, 80th Congress; as amended by 62 Stat. 37, Public Law 422, 80th Congress; and as amended by 62 Stat. 94, Public Law 464, 80th Congress; 50 U. S. C. App. 1804 (e))

This amendment shall become effective October 5, 1948.

Issued this 1st day of October 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement To Accompany Amendment 41 to the Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments

Effective February 4, 1948, based upon a recommendation of the Local Advisory Board for the Cedar Rapids Defense-Rental Area, State of Iowa, an amendment was issued granting an increase of 7 percent in the general rent level in the Cedar Rapids, Iowa, Defense-Rental Area on freeze date rents and on those rents adjusted by orders on the basis of the rents generally prevailing in the defense-rental area for comparable accommodations on the maximum rent date. Excluded from this general rent increase were the maximum rents for housing accommodations first rented between the freeze date and February 4, 1948 which had not been adjusted to freeze date comparability.

At a later date, the same Local Advisory Board has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended that, subject to certain exceptions, an increase of 7 percent shall be made in the maximum rents for housing accommodations first rented between the freeze date and February 4, 1948 which had not been adjusted to freeze date comparability. The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations, and is, therefore, issuing this amendment to effectuate the recommendation.

[F. R. Doc. 48-8857; Filed, Oct. 1, 1948; 11:59 a. m.]

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[1] *Supra.*

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

SUBPART E—INTERNATIONAL AIR PARCEL POST; POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

In § 127.390 *International air parcel post* (13 F. R. 1341), as amended (13 F. R. 2168, 2625, 2953, 3119), make the following changes:

1. Amend paragraph (a) to read as follows:

(a) Parcels may be sent by International Air Parcel Post to the following countries:

Argentina.
Australia.
Austria.
Azores.
Bahamas.
Belgian Congo.
Belgium.
Bermuda.
Bolivia.
British Guiana.
Chile.
China.
Colombia.
Cuba.
Curacao.
Czechoslovakia.
Denmark.
Dominican Republic.
Ecuador.
Egypt.
Eire.
Fiji Islands.
Finland.
French Guiana.
Germany.
Gold Coast Colony.
Great Britain and Northern Ireland.
Greece.
Guatemala.
Haiti.
Honduras (Republic of).
Hong Kong.
Iceland.
India.
Italy.
Luxemburg.
Netherlands.
Newfoundland.
New Zealand.
Nicaragua.
Norway.
Philippines (Republic of).
Portugal.
Salvador (El).
Siam.
Surinam.
Sweden.
Switzerland.
Syria.
Trinidad and Tobago.
Tunisia.
Turkey.
Union of South Africa.
Uruguay.
Venezuela.

2. Amend paragraph (b) to read:

(b) Air parcels will be subject to the same limitations as to size and other conditions as are applicable to international surface parcel post. Air parcels may be registered, insured, or sent collect-on-delivery to countries where such service is now in operation.

3. Amend paragraph (d) to read:

(d) Air parcels will be dispatched in regular domestic air mail channels from the office of mailing to the appropriate international exchange office of dispatch.

4. Amend paragraph (e) to read:

(e) The parcels will be forwarded from this country by international air mail service to the countries of destination. After arrival in the countries of destination the parcels will be handled by surface transportation, except in the case of parcels for Curacao and Venezuela, which will be given air transportation within those countries if delivery can be expedited by so doing.

5. Amend paragraph (f) to read:

(f) The office of mailing shall observe whether air parcels are sufficiently prepaid. If insufficiently prepaid and the return address is at the office of mailing the parcels shall be promptly returned to the senders for the necessary additional postage. When parcels returned for additional postage are again presented for mailing the postage stamps originally affixed shall be accepted to the amount of their face value. If the parcel bears a return address other than at the office of mailing it shall not be returned to the sender but shall be forwarded by air to the United States dispatching exchange office.

NOTE: The weight of customs declarations and other postal forms will not be included with that of the parcel in determining the amount of postage required.

6. Amend paragraph (i) by adding the following to the list of countries and rates therein contained:

AIR PARCEL POST RATES

Weight	Argentina	Bolivia [1]	Colombia	Curacao	Dominican Republic	Ecuador	Guatemala	Haiti	Honduras (Republic of) [2]	Nicaragua	Salvador (El)	Surinam	Uruguay	Venezuela	Bahamas	British Guiana	Chile	Cuba [3]	Trinidad and Tobago	French Guiana
Lbs. Oz.																				
0 4	$1.51	$1.08	$1.08	$0.72	$0.86	$1.24	$1.09	$0.72	$0.78	$0.80	$1.02	$0.92	$1.26	$1.27	$0.83	$1.67	$1.31	$0.80	$1.03	$0.75
0 8	2.27	1.48	1.35	1.08	1.08	1.57	1.25	.93	1.05	1.09	1.28	1.33	2.02	1.63	.97	1.46	1.87	.95	1.38	1.24
0 12	3.03	1.88	1.62	1.44	1.30	1.90	1.51	1.14	1.31	1.38	1.54	1.74	2.78	1.99	1.11	1.85	2.43	1.10	1.73	1.67
1 0	3.79	2.28	1.89	1.80	1.52	2.23	1.76	1.35	1.62	1.67	1.80	2.15	3.51	2.35	1.25	2.24	2.99	1.25	2.08	2.11
1 4	4.55	2.68	2.16	2.16	1.74	2.56	2.01	1.55	1.80	1.96	2.05	2.56	4.37	2.71	1.39	2.63	3.55	1.40	2.43	2.55
1 8	5.31	3.08	2.43	2.52	1.96	2.89	2.26	1.77	2.18	2.25	2.32	2.97	5.06	3.07	1.53	3.02	4.11	1.55	2.78	2.99
1 12	6.07	3.48	2.70	2.88	2.18	3.22	2.51	1.98	2.46	2.54	2.83	3.38	5.82	3.43	1.67	3.41	4.67	1.70	3.13	3.43
2 0	6.83	3.88	2.97	3.24	2.40	3.55	2.76	2.19	2.74	2.83	3.79	6.58	3.79	1.81	3.80	5.21	1.85	3.13	3.87	4.31
2 4	7.59	4.28	3.24	3.60	2.62	3.88	3.01	2.40	3.02	3.12	3.10	4.21	7.34	4.15	1.95	4.19	5.79	2.00	3.83	4.79
2 8	8.35	4.68	3.51	3.96	2.84	4.21	3.26	2.61	3.30	3.41	3.56	4.61	8.10	4.54	2.09	4.58	6.35	2.15	4.18	4.75
2 12	9.11	5.08	3.78	4.32	3.06	4.54	3.51	2.82	3.58	3.70	3.62	5.02	8.86	4.87	2.24	4.97	6.91	2.30	4.53	5.19
3 0	9.87	5.48	4.05	4.68	3.08	4.87	3.76	3.03	3.85	3.99	3.88	5.43	9.62	5.21	2.37	5.36	7.47	2.45	4.88	5.64
3 4	10.63	5.88	4.32	5.04	3.50	5.20	4.01	3.24	4.14	4.28	4.14	5.84	10.38	5.59	2.51	5.75	8.03	2.60	5.23	6.08
3 8	11.39	6.28	4.59	5.40	3.72	5.53	4.26	3.45	4.42	4.57	4.40	6.25	11.14	5.95	2.65	6.14	8.59	2.75	5.58	6.51
3 12	12.15	6.68	4.86	5.76	3.94	5.86	4.51	3.66	4.70	4.85	4.66	6.66	11.90	6.31	2.79	6.53	9.15	2.90	5.93	6.95
4 0	12.91	7.08	5.13	6.12	4.16	6.19	4.76	3.87	4.98	5.15	4.92	7.07	12.66	6.67	2.93	6.92	9.71	3.05	6.28	7.39
4 4	13.67	7.48	5.40	6.48	4.38	6.52	5.01	4.08	5.26	5.44	5.18	7.48	13.42	7.03	3.07	7.31	10.27	3.20	6.63	7.83
4 8	14.43	7.88	5.67	6.84	4.60	6.85	5.26	4.29	5.54	5.73	5.41	7.89	14.18	7.39	3.21	7.70	10.83	3.35	6.98	8.27
4 12	15.19	8.28	5.94	7.20	4.82	7.18	5.51	4.50	5.82	6.02	5.70	8.30	14.94	7.75	3.35	8.09	11.39	3.65	7.68	9.15
5 0	15.95	8.68	6.21	7.56	5.04	7.51	5.76	4.71	6.10	6.31	5.98	8.71	15.70	8.11	3.49	8.48	11.95	3.65	7.93	9.59
5 4	16.71	9.08	6.48	7.92	5.26	7.84	6.01	4.92	6.38	6.60	6.22	9.12	16.46	8.47	3.63	8.87	12.51	3.95	8.33	10.03
5 8	17.47	9.48	6.75	8.28	5.48	8.17	6.26	5.13	6.65	6.89	6.48	9.53	17.22	8.83	3.77	9.26	13.07	3.95	8.73	10.47
5 12	18.23	9.88	7.02	8.64	5.70	8.50	6.51	5.34	6.94	7.18	6.74	9.94	17.98	9.19	3.91	9.65	13.63	4.10	9.08	10.91
6 0	18.99	10.28	7.29	9.00	5.92	8.83	6.76	5.55	7.22	7.47	7.00	10.35	18.74	9.55	4.05	10.04	14.19	4.25	9.43	11.35
6 4	19.75	10.68	7.56	9.36	6.14	9.16	7.01	5.77	7.50	7.76	7.25	10.75	19.50	9.91	4.19	10.43	14.75	4.40	9.78	11.79
6 8	20.51	11.08	7.83	9.72	6.36	9.49	7.26	5.97	7.78	8.05	7.51	11.17	20.26	10.27	4.33	10.82	15.31	4.55	10.13	12.23
6 12	21.27	11.48	8.10	10.08	6.58	9.82	7.51	6.18	8.06	8.34	7.78	11.58	21.02	10.63	4.47	11.21	15.87	4.70	10.48	12.67
7 0	22.03	11.88	8.37	10.44	6.80	10.15	7.76	6.39	8.34	8.63	8.04	11.99	21.78	11.03	4.61	11.60	16.43	4.85	10.83	13.11
7 4	22.79	12.28	8.64	10.80	7.02	10.48	8.01	6.60	8.62	8.92	8.30	12.40	22.54	11.35	4.75	11.99	16.99	5.00	11.18	13.55
7 8	23.55	12.68	8.91	11.16	7.24	10.81	8.26	6.81	8.90	9.21	8.56	12.81	23.30	11.71	4.89	12.38	17.55	5.15	11.53	13.99
7 12	24.31	13.08	9.18	11.52	7.46	11.14	8.51	7.02	9.18	9.50	8.82	13.22	24.06	12.07	5.03	12.77	18.11	5.30	11.53	14.43
8 0	25.07	13.48	9.45	11.88	7.68	11.47	8.76	7.23	9.45	9.79	9.08	13.63	24.82	12.43	5.17	13.16	18.67	5.45	12.23	14.87
8 4	25.83	13.88	9.72	12.24	7.90	11.80	9.01	7.44	9.74	10.08	9.34	14.04	25.58	12.79	5.31	13.55	19.23	5.60	12.63	15.31
8 8	26.59	14.28	9.99	12.60	8.12	12.13	9.26	7.65	10.02	10.37	9.60	14.45	26.34	13.15	5.45	13.94	19.79	5.75	12.98	15.75
8 12	27.35	14.68	10.26	12.96	8.34	12.46	9.51	7.86	10.30	10.66	9.86	14.86	27.10	13.51	5.59	14.33	20.35	5.90	12.93	16.19
9 0	28.11	15.08	10.53	13.32	8.56	12.79	9.76	8.07	10.58	10.95	10.12	15.27	27.86	13.87	5.73	14.72	20.91	6.05	13.28	16.63
9 4	28.87	15.48	10.80	13.68	8.78	13.12	10.01	8.28	10.86	11.24	10.38	15.68	28.62	14.23	5.87	15.11	21.47	6.20	13.63	17.07
9 8	29.63	15.88	11.07	14.04	9.00	13.45	10.26	8.49	11.14	11.53	10.64	16.09	29.38	14.59	6.01	15.50	22.03	6.35	13.98	17.51
9 12	30.39	16.28	11.34	14.40	9.22	13.78	10.51	8.70	11.42	11.82	10.90	16.50	30.14	14.95	6.15	15.89	22.59	6.50	14.33	17.95
10 0	31.15	16.68	11.61	14.76	9.44	14.11	10.76	8.91	11.70	12.11	11.16	16.91	30.90	15.31	6.29	16.28	23.15	6.65	14.68	18.39
10 4	31.91	17.08	11.88	15.12	9.66	14.44	11.01	9.12	11.98	12.40	11.42	17.32	31.65	15.67	6.43	16.67	23.71	6.80	15.03	18.83
10 8	32.67	17.48	12.15	15.48	9.88	14.77	11.26	9.33	12.26	12.69	11.68	17.73	32.42	16.03	6.57	17.06	24.27	6.95	15.38	19.27
10 12	33.43	17.88	12.42	15.84	10.10	15.10	11.51	9.54	12.54	12.98	11.94	18.14	33.18	16.39	6.71	17.45	24.83	7.10	15.73	19.75
11 0	34.19	18.28	12.69	16.20	10.32	15.43	11.76	9.75	12.82	13.27	12.20	18.55	33.94	16.75	6.85	17.84	25.39	7.25	16.08	20.23
11 4	34.95	18.68	12.96	16.56	10.54	15.76	12.01	9.96	13.10	13.56	12.46	18.96	34.70	17.11	6.99	18.23	25.95	7.40	16.43	
11 8	35.71	19.08	13.23	16.92	10.76	16.09	12.26	10.17	13.38	13.85	12.72	19.37	35.46	17.47	7.13	18.62	26.51	7.55	16.78	
11 12	36.47	19.48	13.50	17.28	10.98	16.42	12.51	10.38	13.66	14.14	12.98	19.78	36.22	17.83	7.27	19.01	27.07	7.70	17.13	
12 0	37.23	19.88	13.77	17.64	11.20	16.75	12.76	10.59	13.94	14.43	13.24	20.19	36.98	18.19	7.41	19.40	27.63	7.85	17.48	
12 4	37.99	20.28	14.04	18.00	11.42	17.08	13.01	10.80	14.22	14.72	13.50	20.60	37.74	18.55	7.55	19.79	28.19	8.00	17.83	
12 8	38.75	20.68	14.31	18.36	11.64	17.41	13.26	11.01	14.50	15.01	13.76	21.01	38.50	18.91	7.69	20.18	28.75	8.15	18.18	

[1] Parcels for Bolivia exceeding 11 or 22 pounds in weight accepted for certain offices only. (See § 127.218 (13 F. R. 949).)

[2] Parcels for Honduras (Republic of) exceeding 22 pounds in weight accepted for certain offices only. (See § 127.274 (13 F. R. 959).)

[3] Parcels for Cuba weighing 8 ounces or less should not have customs declarations or parcel post stickers attached.

AIR PARCEL POST RATES—Continued

Weight	Argentina	Bolivia [1]	Columbia	Curacao	Dominican Republic	Ecuador	Guatemala	Haiti	Honduras (Republic of) [2]	Nicaragua	Salvador (El)	Surinam	Uruguay	Venezuela	Bahamas	British Guiana	Chile	Cuba [3]	Trinidad and Tobago	French Guiana
Lbs. Oz.																				
12 12	$39.51	$21.08	$14.58	$18.72	$11.86	$17.74	$13.51	$11.22	$14.78	$15.30	$14.02	$21.42	$39.26	$19.27	$7.83	$20.57	$29.31	$8.30	$18.53	------
13 0	40.27	21.48	14.85	19.08	12.08	18.07	13.76	11.43	15.06	15.59	14.28	21.83	40.02	19.63	7.97	20.96	29.87	8.45	18.88	------
13 4	41.03	21.88	15.12	19.44	12.30	18.40	14.01	11.64	15.34	15.88	14.54	22.24	40.78	19.99	8.11	21.35	30.43	8.60	19.23	------
13 8	41.79	22.28	15.39	19.80	12.52	18.73	14.26	11.85	15.62	16.17	14.80	22.65	41.54	20.35	8.25	21.74	30.99	8.75	19.58	------
13 12	42.55	22.68	15.66	20.16	12.74	19.06	14.51	12.06	15.90	16.46	15.06	23.06	42.30	20.71	8.39	22.13	31.55	8.90	19.93	------
14 0	43.31	21.08	15.93	20.52	12.96	19.39	14.76	12.27	16.18	16.75	15.32	23.47	43.06	21.07	8.53	22.52	32.11	9.05	20.28	------
14 4	44.07	23.48	16.20	20.88	13.18	19.72	15.01	12.48	16.46	17.04	15.58	23.88	43.82	21.43	8.67	22.91	32.67	9.20	20.63	------
14 8	44.83	23.88	16.47	21.24	13.40	20.05	15.26	12.69	16.74	17.33	15.84	24.29	44.58	21.79	8.81	23.30	33.23	9.35	20.98	------
14 12	45.59	24.28	16.74	21.60	13.62	20.38	15.51	12.90	17.02	17.62	16.10	24.70	45.34	22.15	8.95	23.69	33.79	9.50	21.33	------
15 0	46.35	24.68	17.01	21.96	13.84	20.71	15.76	13.11	17.30	17.91	16.36	25.11	46.10	22.51	9.09	24.08	34.35	9.65	21.68	------
15 4	47.11	25.08	17.28	22.32	14.06	21.04	16.01	13.32	17.58	18.20	16.62	25.52	46.86	22.87	9.23	24.47	34.91	9.80	22.03	------
15 8	47.87	25.48	17.55	22.68	14.28	21.37	16.26	13.53	17.86	18.49	16.88	25.93	47.62	23.23	9.37	24.86	35.47	9.95	22.38	------
15 12	48.63	25.88	17.82	23.04	14.50	21.70	16.51	13.74	18.14	18.78	17.14	26.34	48.38	23.59	9.51	25.25	36.03	10.10	22.73	------
16 0	49.39	26.28	18.09	23.40	14.72	22.03	16.76	13.95	18.42	19.07	17.40	26.75	49.14	23.95	9.65	25.64	36.59	10.25	23.08	------
16 4	50.15	26.68	18.36	23.76	14.94	22.36	17.01	14.16	18.70	19.36	17.66	27.16	49.90	24.31	9.79	26.03	37.15	10.40	23.43	------
16 8	50.91	27.08	18.63	24.12	15.16	22.69	17.26	14.37	18.98	19.65	17.92	27.57	50.66	24.67	9.93	26.42	37.71	10.55	23.78	------
16 12	51.67	27.48	18.90	24.48	15.38	23.02	17.51	14.58	19.26	19.94	18.18	27.98	51.42	25.03	10.07	26.81	38.27	10.70	24.13	------
17 0	52.43	27.88	19.17	24.84	15.60	23.35	17.76	14.79	19.54	20.23	18.44	28.39	52.18	25.39	10.21	27.20	38.83	10.85	24.48	------
17 4	53.19	28.28	19.44	25.20	15.82	23.68	18.01	15.00	19.82	20.52	18.70	28.80	52.94	25.75	10.35	27.59	39.39	11.00	24.83	------
17 8	53.95	28.68	19.71	25.56	16.04	24.01	18.26	15.21	20.10	20.81	18.96	29.21	53.70	26.11	10.49	27.98	39.95	11.15	25.18	------
17 12	54.71	29.08	19.98	25.92	16.26	24.34	18.51	15.42	20.38	21.10	19.22	29.62	54.46	26.47	10.63	28.37	40.51	11.30	25.53	------
18 0	55.47	29.48	20.25	26.28	16.48	24.67	18.76	15.63	20.66	21.39	19.48	30.03	55.22	26.83	10.77	28.76	41.07	11.45	25.88	------
18 4	56.23	29.88	20.52	26.64	16.70	25.00	19.01	15.84	20.94	21.68	19.74	30.44	55.98	27.19	10.91	29.15	41.63	11.60	26.23	------
18 8	56.99	30.28	20.79	27.00	16.92	25.33	19.26	16.05	21.22	21.97	20.00	30.85	56.74	27.55	11.05	29.54	42.19	11.75	26.58	------
18 12	57.75	30.68	21.06	27.36	17.14	25.66	19.51	16.26	21.50	22.26	20.26	31.26	57.50	27.91	11.19	29.93	42.75	11.90	26.93	------
19 0	58.51	31.08	21.33	27.72	17.36	25.99	19.76	16.47	21.78	22.55	20.52	31.67	58.26	28.27	11.33	30.32	43.31	12.05	27.28	------
19 4	59.27	31.48	21.60	28.08	17.58	26.32	20.01	16.68	22.06	22.84	20.78	32.08	59.02	28.63	11.47	30.71	43.87	12.20	27.63	------
19 8	60.03	31.88	21.87	28.44	17.80	26.65	20.26	16.89	22.34	23.13	21.04	32.49	59.78	28.99	11.61	31.10	44.43	12.35	27.98	------
19 12	60.79	32.28	22.14	28.80	18.02	26.98	20.51	17.10	22.62	23.42	21.30	32.90	60.54	29.35	11.75	31.49	44.99	12.50	28.33	------
20 0	61.55	32.68	22.41	29.16	18.24	27.31	20.76	17.31	22.90	23.71	21.56	33.31	61.30	29.71	11.89	31.88	45.55	12.65	28.68	------
20 4	62.31	33.08	22.68	29.52	18.46	27.64	21.01	17.52	23.18	24.00	21.82	33.72	62.06	30.07	12.03	32.27	46.11	12.80	29.03	------
20 8	63.07	33.48	22.95	29.88	18.68	27.97	21.26	17.73	23.46	24.29	22.08	34.13	62.82	30.43	12.17	32.66	46.67	12.95	29.38	------
20 12	63.83	33.88	23.22	30.24	18.90	28.30	21.51	17.94	23.74	24.58	22.34	34.54	63.58	30.79	12.31	33.05	47.23	13.10	29.73	------
21 0	64.59	34.28	23.49	30.60	19.12	28.63	21.76	18.15	24.02	24.87	22.60	34.95	64.34	31.15	12.45	33.44	47.79	13.25	30.08	------
21 4	65.35	34.68	27.76	30.96	19.34	28.96	22.01	18.36	24.30	25.16	22.86	35.36	65.10	31.51	12.59	33.83	48.35	13.40	30.43	------
21 8	66.11	35.08	24.03	31.32	19.56	29.29	22.26	18.57	24.58	25.45	23.12	35.77	65.86	31.87	12.73	34.22	48.91	13.55	30.78	------
21 12	66.87	35.48	24.30	31.68	19.78	29.62	22.51	18.78	24.86	25.74	23.38	36.18	66.62	32.23	12.87	34.61	49.47	13.70	31.18	------
22 0	67.63	35.88	24.57	32.04	20.00	29.95	22.76	18.99	25.14	26.03	23.64	36.59	67.38	32.59	13.01	35.00	50.03	13.85	31.48	------
22 4	68.39	36.28	24.84	32.40	20.22	30.28	23.01	19.20	25.42	26.32	23.90	37.00	68.14	32.95	------	------	------	------	------	------
22 8	69.15	36.68	25.11	32.76	20.44	30.61	23.26	19.41	25.70	26.61	24.16	37.41	68.90	33.31	------	------	------	------	------	------
22 12	69.91	37.08	25.38	33.12	20.66	30.84	23.51	19.62	25.98	26.90	24.42	37.82	69.66	33.67	------	------	------	------	------	------
23 0	70.67	37.48	25.65	33.48	20.88	31.27	23.76	19.83	26.24	27.19	24.68	38.23	70.42	34.03	------	------	------	------	------	------
23 4	71.43	37.88	25.92	33.84	21.10	31.60	24.01	20.04	26.54	27.48	24.94	38.64	71.18	34.39	------	------	------	------	------	------
23 8	72.19	38.28	26.19	34.20	21.32	31.93	24.26	20.25	26.82	27.77	25.20	39.05	71.94	34.75	------	------	------	------	------	------
23 12	72.95	38.68	26.46	34.56	21.54	32.26	24.51	20.46	27.10	28.06	25.46	39.46	72.70	35.11	------	------	------	------	------	------
24 0	73.71	39.08	26.73	34.92	21.76	32.69	24.76	20.67	27.38	28.35	25.72	39.87	73.46	35.47	------	------	------	------	------	------
24 4	74.47	39.48	27.00	35.28	21.98	32.92	25.01	20.88	27.66	28.64	25.98	40.28	74.22	35.83	------	------	------	------	------	------
24 8	75.23	39.88	27.27	35.64	22.20	33.25	25.26	21.09	27.94	28.93	26.24	40.69	74.98	36.19	------	------	------	------	------	------
24 12	75.99	40.28	27.54	36.00	22.42	33.58	25.51	21.30	28.22	29.22	26.50	41.10	75.74	36.55	------	------	------	------	------	------
25 0	76.75	40.68	27.81	36.36	22.64	33.91	25.76	21.51	28.50	29.51	26.76	41.51	76.50	36.91	------	------	------	------	------	------
25 4	77.51	41.08	28.08	36.72	22.86	34.24	26.01	21.72	28.78	29.80	27.02	41.92	77.26	37.27	------	------	------	------	------	------
25 8	78.27	41.48	28.35	37.08	23.08	34.57	26.26	21.93	29.06	30.09	27.28	42.33	78.02	37.63	------	------	------	------	------	------
25 12	79.03	41.88	28.62	37.44	23.30	34.90	26.51	22.14	29.34	30.38	27.54	42.74	78.78	37.99	------	------	------	------	------	------
26 0	79.79	42.28	28.89	37.80	23.52	35.23	26.76	22.35	29.62	30.67	27.80	43.15	79.54	38.35	------	------	------	------	------	------
26 4	80.55	42.68	29.16	38.16	23.74	35.56	27.01	22.56	29.90	30.96	28.06	43.56	80.30	38.71	------	------	------	------	------	------
26 8	81.31	43.08	29.43	38.52	23.96	35.89	27.26	22.77	30.18	31.25	28.32	43.97	81.06	39.07	------	------	------	------	------	------
26 12	82.07	43.48	29.70	38.88	24.18	36.22	27.51	22.98	30.46	31.54	28.58	44.38	81.82	39.43	------	------	------	------	------	------
27 0	82.83	43.88	29.97	39.24	24.40	36.55	27.76	23.19	30.74	31.83	28.84	44.79	82.58	39.79	------	------	------	------	------	------
27 4	83.59	44.28	30.24	39.60	24.62	36.88	28.01	23.40	31.02	32.12	29.10	45.20	83.34	40.15	------	------	------	------	------	------
27 8	84.35	44.68	30.51	39.96	24.84	37.21	28.26	23.61	31.30	32.41	29.36	45.61	84.10	40.51	------	------	------	------	------	------
27 12	85.11	45.08	30.78	40.32	25.06	37.54	28.51	23.82	31.58	32.70	29.62	46.02	84.86	40.87	------	------	------	------	------	------
28 0	85.87	45.48	31.05	40.68	25.28	37.87	28.76	24.03	31.86	32.99	29.88	46.43	85.62	41.23	------	------	------	------	------	------
28 4	86.63	45.88	31.32	41.04	25.50	38.20	29.01	24.24	32.14	33.28	30.14	46.84	86.38	41.59	------	------	------	------	------	------
28 8	87.39	46.28	31.

AIR PARCEL POST RATES—Continued

Weight	Argentina	Bolivia [1]	Columbia	Curacao	Dominican Republic	Ecuador	Guatemala	Haiti	Honduras (Republic of) [1]	Nicaragua	Salvador (El)	Surinam	Uruguay	Venezuela	Bahamas	British Guiana	Chile	Cuba [1]	Trinidad and Tobago	French Guiana
Lbs. Oz.																				
38 0	$116.27	$61.48	$41.85	$55.08	$34.08	$61.07	$38.76	$32.43	$43.06	$44.59	$40.28	$62.83	$116.02	$55.63						
38 4	117.03	61.88	42.12	55.44	34.30	51.40	39.01	32.64	43.34	44.88	40.54	63.24	116.78	55.99						
38 8	117.79	62.28	42.39	55.80	34.52	51.73	39.26	32.85	43.62	45.17	40.80	63.65	117.54	56.35						
38 12	118.55	62.68	42.66	56.16	34.74	52.06	39.51	33.06	43.90	45.46	41.06	64.06	118.30	56.71						
39 0	119.31	63.08	42.93	56.52	34.96	52.39	39.76	33.27	44.18	45.75	41.32	64.47	119.06	57.07						
39 4	120.07	63.48	43.20	56.88	35.18	52.72	40.01	33.48	44.46	46.04	41.58	64.88	119.82	57.43						
39 8	120.83	63.88	43.47	57.24	35.40	53.05	40.26	33.69	44.74	46.33	41.84	65.29	120.58	57.79						
39 12	121.59	64.28	43.74	57.60	35.62	53.38	40.51	33.90	45.02	46.62	42.10	65.70	121.34	58.15						
40 0	122.35	64.68	44.01	57.96	35.84	53.71	40.76	34.11	45.30	46.91	42.36	66.11	122.10	58.51						
40 4	123.11	65.08	44.28	58.32	36.06	54.04	41.01	34.32	45.58	47.20	42.62	66.52	122.86	58.87						
40 8	123.87	65.48	44.55	58.68	36.28	54.37	41.26	34.53	45.86	47.49	42.88	66.93	123.62	59.23						
40 12	124.63	65.88	44.82	59.04	36.50	54.70	41.51	34.74	46.14	47.78	43.14	67.34	124.38	59.59						
41 0	125.39	66.28	45.09	59.40	36.72	55.03	41.76	34.95	46.42	48.07	43.40	67.75	125.14	59.95						
41 4	126.15	66.68	45.36	59.76	36.94	55.36	42.01	35.16	46.70	48.36	43.66	68.16	125.90	60.31						
41 8	126.91	67.08	45.63	60.12	37.16	55.69	42.26	35.37	46.98	48.65	43.92	68.57	126.66	60.67						
41 12	127.67	67.48	45.90	60.48	37.38	56.02	42.51	35.58	47.26	48.94	44.18	68.98	127.42	61.03						
42 0	128.43	67.88	46.17	60.84	37.60	56.35	42.76	35.79	47.54	49.23	44.44	69.39	128.18	61.39						
42 4	129.19	68.28	46.44	61.20	37.82	56.68	43.01	36.00	47.82	49.52	44.70	69.80	128.94	61.75						
42 8	129.95	68.68	46.71	61.56	38.04	57.01	43.26	36.21	48.10	49.81	44.95	70.21	129.70	62.11						
42 12	130.71	69.08	46.98	61.92	38.26	57.34	43.51	36.42	48.38	50.10	45.22	70.62	130.46	62.47						
43 0	131.47	69.48	47.25	62.28	38.48	57.67	43.76	36.63	48.66	50.39	45.48	71.03	131.22	62.83						
43 4	132.23	69.88	47.52	62.64	38.70	58.00	44.01	36.84	48.94	50.68	45.74	71.44	131.98	63.19						
43 8	132.99	70.28	47.79	63.00	38.92	58.33	44.26	37.05	49.22	50.97	46.00	71.85	132.74	63.55						
43 12	133.75	70.68	48.06	63.36	39.14	58.66	44.51	37.26	49.50	51.26	46.26	72.26	133.50	63.91						
44 0	134.51	71.08	48.33	63.72	39.36	58.99	44.76	37.47	49.78	51.55	46.52	72.67	134.26	64.27						

Weight	China [4]	Philippines [5]	Fiji	Hong Kong	Siam	Australia	New Zealand	Belgium	Luxemburg
Lbs. Oz.									
0 4	$1.43	$1.81	$1.67	$1.74	$2.29	$1.02	$1.82	$0.98	$0.98
0 8	2.51	3.07	2.67	3.13	3.79	2.89	2.99	1.41	1.41
0 12	3.59	4.33	3.67	4.52	5.29	4.16	4.16	1.84	1.84
1 0	4.67	5.59	4.67	5.91	6.79	5.43	5.33	2.27	2.27
1 4	5.75	6.85	5.67	7.30	8.29	6.70	6.50	2.70	2.70
1 8	6.83	8.11	6.67	8.69	9.79	7.97	7.67	3.13	3.13
1 12	7.91	9.37	7.67	10.08	11.29	9.24	8.84	3.56	3.56
2 0	8.99	10.63	8.67	11.47	12.79	10.51	10.01	3.99	3.99
2 4	10.07	11.89	9.67	12.86	14.29	11.78	11.18	4.42	4.42
2 8	11.15	13.15	10.67	14.25	15.79	13.05	12.35	4.85	4.85
2 12	12.23	14.41	11.67	15.64	17.29	14.32	13.52	5.28	5.28
3 0	13.31	15.67	12.67	17.03	18.79	15.59	14.69	5.71	5.71
3 4	14.39	16.93	13.67	18.42	20.29	16.86	15.86	6.14	6.14
3 8	15.47	18.19	14.67	19.81	21.79	18.13	17.03	6.57	6.57
3 12	16.55	19.45	15.67	21.20	23.29	19.40	18.20	7.00	7.00
4 0	17.63	20.71	16.67	22.59	24.79	20.67	19.37	7.43	7.43
4 4	18.71	21.97	17.67	23.98	26.29	21.94	20.54	7.86	7.86
4 8	19.79	23.23	18.67	25.37	27.79	23.21	21.71	8.29	8.29
4 12	20.87	24.49	19.67	26.76	29.29	24.48	22.88	8.72	8.72
5 0	21.95	25.75	20.67	28.15	30.79	25.75	24.05	9.15	9.15
5 4	23.03	27.01	21.67	29.54	32.29	27.02	25.22	9.58	9.58
5 8	24.11	28.27	22.67	30.93	33.79	28.29	26.39	10.01	10.01
5 12	25.19	29.53	23.67	32.32	35.29	29.56	27.56	10.44	10.44
6 0	26.27	30.79	24.67	33.71	36.79	30.83	28.73	10.87	10.87
6 4	27.35	32.05	25.67	35.10	38.29	32.10	29.90	11.30	11.30
6 8	28.43	33.31	26.67	36.49	39.79	33.37	31.07	11.73	11.73
6 12	29.51	34.57	27.67	37.88	41.29	34.64	32.24	12.16	12.16
7 0	30.59	35.83	28.67	39.27	42.79	35.91	33.41	12.59	12.59
7 4	31.67	37.09	29.67	40.66	44.29	37.18	34.58	13.02	13.02
7 8	32.75	38.35	30.67	42.05	45.79	38.45	35.75	13.45	13.45
7 12	33.83	39.61	31.67	43.44	47.29	39.72	36.92	13.88	13.88
8 0	34.91	40.87	32.67	44.83	48.79	40.99	38.09	14.31	14.31
8 4	35.99	42.13	33.67	46.22	50.29	42.26	39.26	14.74	14.74
8 8	37.07	43.39	34.67	47.61	51.79	43.53	40.43	15.17	15.17
8 12	38.15	44.65	35.67	49.00	53.29	44.80	41.60	15.60	15.60
9 0	39.23	45.91	36.67	50.39	54.79	46.07	42.77	16.03	16.03
9 4	40.31	47.17	37.67	51.78	56.29	47.34	43.94	16.46	16.46
9 8	41.39	48.43	38.67	53.17	57.79	48.61	45.11	16.89	16.89
9 12	42.47	49.69	39.67	54.56	59.29	49.88	46.28	17.32	17.32
10 0	43.55	50.95	40.67	55.95	60.79	51.15	47.45	17.75	17.75
10 4	44.63	52.21	41.67	57.34	62.29	52.42	48.62	18.18	18.18
10 8	45.71	53.47	42.67	58.73	63.79	53.69	49.79	18.61	18.61
10 12	46.79	54.73	43.67	60.12	65.29	54.96	50.96	19.04	19.04
11 0	47.87	55.99	44.67	61.51	66.79	56.23	52.13	19.47	19.47
11 4	48.95	57.25	45.67	62.90	68.29			19.90	19.90
11 8	50.03	58.51	46.67	64.29	69.79			20.33	20.33
11 12	51.11	59.77	47.67	65.68	71.29			20.76	20.76
12 0	52.19	61.03	48.67	67.07	72.79			21.19	21.19
12 4	53.27	62.29	49.67	68.46	74.29			21.62	21.62
12 8	54.35	63.55	50.67	69.85	75.79			22.05	22.05
12 12	55.43	64.81	51.67	71.24	77.29			22.48	22.48
13 0	56.51	66.07	52.67	72.63	78.79			22.91	22.91
13 4	57.59	67.33	53.67	74.02	80.29			23.34	23.34
13 8	58.67	68.59	54.67	75.41	81.79			23.77	23.77
13 12	59.75	69.85	55.67	76.80	83.29			24.20	24.20
14 0	60.83	71.11	56.67	78.19	84.79			24.63	24.63
14 4	61.91	72.37	57.67	79.58	86.29			25.06	25.06
14 8	62.99	73.63	58.67	80.97	87.79			25.49	25.49
14 12	64.07	74.89	59.67	82.36	89.29			25.92	25.92
15 0	65.15	76.15	60.67	83.75	90.79			26.35	26.35
15 4	66.23	77.41	61.67	85.14	92.29			26.78	26.78
15 8	67.31	78.67	62.67	86.53	93.79			27.21	27.21
15 12	68.39	79.93	63.67	87.92	95.29			27.64	27.64

Weight	China [4]	Philippines [5]	Fiji	Hong Kong	Siam	Australia	New Zealand	Belgium	Luxemburg
Lbs. Oz.									
16 0	$69.47	$81.19	$64.67	$89.31	$96.79			$28.07	$28.07
16 4	70.55	82.45	65.67	90.70	98.29			28.50	28.50
16 8	71.63	83.71	66.67	92.09	99.79			28.93	28.93
16 12	72.71	84.97	67.67	93.48	101.29			29.36	29.36
17 0	73.79	86.23	68.67	94.87	102.79			29.79	29.79
17 4	74.87	87.49	69.67	96.26	104.29			30.22	30.22
17 8	75.95	88.75	70.67	97.65	105.79			30.65	30.65
17 12	77.03	90.01	71.67	99.04	107.29			31.08	31.08
18 0	78.11	91.27	72.67	100.43	108.79			31.51	31.51
18 4	79.19	92.53	73.67	101.82	110.29			31.94	31.94
18 8	80.27	93.79	74.67	103.21	111.79			32.37	32.37
18 12	81.35	95.05	75.67	104.60	113.29			32.80	32.80
19 0	82.43	96.31	76.67	105.99	114.79			33.23	33.23
19 4	83.51	97.57	77.67	107.38	116.29			33.66	33.66
19 8	84.59	98.83	78.67	108.77	117.79			34.09	34.09
19 12	85.67	100.09	79.67	110.16	119.29			34.52	34.52
20 0	86.75	101.35	80.67	111.55	120.79			34.95	34.95
20 4	87.83	102.61	81.67	112.94	122.29			35.38	35.38
20 8	88.91	103.87	82.67	114.33	123.79			35.81	35.81
20 12	89.99	105.13	83.67	115.72	125.29			36.24	36.24
21 0	91.07	106.39	84.67	117.11	126.79			36.67	36.67
21 4	92.15	107.65	85.67	118.50	128.29			37.10	37.10
21 8	93.23	108.91	86.67	119.89	129.79			37.53	37.53
21 12	94.31	110.17	87.67	121.28	131.29			37.96	37.96
22 0	95.39	111.43	88.67	122.67	132.79			38.39	38.39
22 4	96.47	112.69						38.82	38.82
22 8	97.55	113.95						39.25	39.25
22 12	98.63	115.21						39.68	39.68
23 0	99.71	116.47						40.11	40.11
23 4	100.79	117.73						40.54	40.54
23 8	101.87	118.99						40.97	40.97
23 12	102.95	120.25						41.40	41.40
24 0	104.03	121.51						41.83	41.83
24 4	105.11	122.77						42.26	42.26
24 8	106.19	124.03						42.69	42.69
24 12	107.27	125.29						43.12	43.12
25 0	108.35	126.55						43.55	43.55
25 4	109.43	127.81						43.98	43.98
25 8	110.51	129.07						44.41	44.41
25 12	111.59	130.33						44.84	44.84
26 0	112.67	131.59						45.27	45.27
26 4	113.75	132.85						45.70	45.70
26 8	114.83	134.11						46.13	46.13
26 12	115.91	135.37						46.56	46.56
27 0	116.99	136.63						46.99	46.99
27 4	118.07	137.89						47.42	47.42
27 8	119.15	139.15						47.85	47.85
27 12	120.23	140.41						48.28	48.28
28 0	121.31	141.67						48.71	48.71
28 4	122.39	142.93						49.14	49.14
28 8	123.47	144.19						49.57	49.57
28 12	124.55	145.45						50.00	50.00
29 0	125.63	146.71						50.43	50.43
29 4	126.71	147.97						50.86	50.86
29 8	127.79	149.23						51.29	51.29
29 12	128.87	150.49						51.72	51.72
30 0	129.95	151.75						52.15	52.15
30 4	131.03	153.01						52.58	52.58
30 8	132.11	154.27						53.01	53.01
30 12	133.19	155.53						53.44	53.44
31 0	134.27	156.79						53.87	53.87
31 4	135.35	158.05						54.30	54.30
31 8	136.43	159.31						54.73	54.73

[1] Parcels exceeding 22 pounds accepted for the cities of Canton (Kwangtung), Peiping (Hopeh), Shanghai (Kiangsu), Swatow (Kwangtung), and Tientsin (Hopeh) only.
[5] Parcels for the cities of Manila, Baguio, Iloilo, Cebu, Zamboanga, and Davao, and the municipality of Tacloban in the Province of Leyte may weigh up to 44 pounds.

The weight limit for other places is 11 pounds, except that parcels containing only legal, educational, medical, or scientific books may weigh up to 22 pounds when addressed for delivery in cities in the Philippines.

AIR PARCEL POST RATES—Continued

Weight	China [4]	Philippines [5]	Fiji	Hong Kong	Siam	Australia	New Zealand	Belgium	Luxemburg
Lbs. Oz.									
31 12	$137.51	$160.57						$55.16	$55.16
32 0	138.59	161.83						55.59	55.59
32 4	139.67	163.09						56.02	56.02
32 8	140.75	164.35						56.45	56.45
32 12	141.83	165.61						56.88	56.88
33 0	142.91	166.87						57.31	57.31
33 4	143.99	168.13						57.74	57.74
33 8	145.07	169.39						58.17	58.17
33 12	146.15	170.65						58.60	58.60
34 0	147.23	171.91						59.03	59.03
34 4	148.31	173.17						59.46	59.46
34 8	149.39	174.43						59.89	59.89
34 12	150.47	175.69						60.32	60.32
35 0	151.55	176.95						60.75	60.75
35 4	152.63	178.21						61.18	61.18
35 8	153.71	179.47						61.61	61.61
35 12	154.79	180.73						62.04	62.04
36 0	155.87	181.99						62.47	62.47
36 4	156.95	183.25						62.90	62.90
36 8	158.03	184.51						63.33	63.33
36 12	159.11	185.77						63.76	63.76
37 0	160.19	187.03						64.19	64.19
37 4	161.27	188.29						64.62	64.62
37 8	162.35	189.55						65.05	65.05
37 12	163.43	190.81						65.47	65.48
38 0	164.51	192.07						65.91	65.91
38 4	165.59	193.33						66.34	66.34
38 8	166.67	194.59						66.77	66.77
38 12	167.75	195.85						67.20	67.20
39 0	168.83	197.11						67.63	67.63
39 4	169.91	198.37						68.06	68.06
39 8	170.99	199.63						68.49	68.49
39 12	172.07	200.89						68.92	68.92
40 0	173.15	202.15						69.35	69.35
40 4	174.23	203.41						69.78	69.78
40 8	175.31	204.67						70.21	70.21
40 12	176.39	205.93						70.64	70.64

Weight	China [4]	Philippines [5]	Fiji	Hong Kong	Siam	Australia	New Zealand	Belgium	Luxemburg
Lbs. Oz.									
41 0	$177.47	$207.19						$71.07	$71.07
41 4	178.55	208.45						71.50	71.50
41 8	179.63	209.71						71.93	71.93
41 12	180.71	210.97						72.36	72.36
42 0	181.79	212.23						72.79	72.79
42 4	182.87	213.49						73.22	73.22
42 8	183.95	214.75						73.65	73.65
42 12	185.03	216.01						74.08	74.08
43 0	186.11	217.27						74.51	74.51
43 4	187.19	218.53						74.94	74.94
43 8	188.27	219.79						75.37	75.37
43 12	189.35	221.05						75.80	75.80
44 0	190.43	222.31						76.23	76.23
44 4	191.51								
44 8	192.59								
44 12	193.67								
45 0	194.75								
45 4	195.83								
45 8	196.91								
45 12	197.99								
46 0	199.07								
46 4	200.15								
46 8	201.23								
46 12	202.31								
47 0	203.39								
47 4	204.47								
47 8	205.55								
47 12	206.63								
48 0	207.71								
48 4	208.79								
48 8	209.87								
48 12	210.95								
49 0	212.03								
49 4	213.11								
49 8	214.19								
49 12	215.27								
50 0	216.35								

See footnotes on p. 5792.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943, 5 U. S. C. 22, 369, 372)

WALTER MYERS,
Acting Postmaster General.

[F. R. Doc. 48-8824; Filed, Oct. 1, 1948; 9:01 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2479]

PART 4—DELEGATIONS OF AUTHORITY

SUBPART E—BUREAU OF RECLAMATION

1. Subparagraph (a) (12) of § 4.412, authorizing the Commissioner of Reclamation to execute contracts involving the sale of electric power and energy, etc. (Order 2034; 10 F. R. 3142; 43 CFR, 1946 Supp., 4.412), is hereby revised to read as follows:

§ 4.412 *Delegation of authority with respect to investigation, construction and operation of Federal Reclamation Projects.* (a) • • •

(12) To enter into, modify, or supplement, contracts with persons or organizations other than Federal agencies or privately-owned public utilities (i) for the sale of firm electric power and energy, or (ii) for the sale of secondary or dump energy. The provisions of contracts for the sale of firm power and energy should in substance be consistent with those provisions which the Secretary has approved as standard articles for this type of contract, although minor variations in form are permissible. The rates provided for in such contracts shall be those approved by the Secretary. The provisions of contracts for the sale of secondary and dump energy shall be consistent with principles and procedures approved by the Secretary. Copies of all contracts executed pursuant to the authority granted in this subparagraph shall be furnished to the Division of Power. Any provisions of contracts for the sale of firm power and energy which vary from the standard articles shall be called to the attention of the Director of the Division of Power.

2. Order No. 2034, dated March 13, 1945, is hereby superseded.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

SEPTEMBER 27, 1948.

[F. R. Doc. 48-8763; Filed, Oct. 1, 1948; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 48-47]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me, as Commandant, United States Coast Guard, by R. S. 4405, 4491, as amended; 46 U. S. C. 375, 489; and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), as well as the additional authorities cited with specific items below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

CLEANING PROCESSES FOR LIFE PRESERVERS

NOTE: Where buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/15/0, Waterfront cleaning process for kapok life preservers with permanently installed buoyant inserts, as outlined in letter of August 28, 1948, from the Waterfront Service Co., 1490 Francisco Street, San Francisco, Calif.

(R. S. 4417a, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 481, 490,

526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.006-4)

BUOYANT CUSHIONS, STANDARD

NOTE: Cushions are for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/74/0, Standard kapok buoyant cushion, U. S. C. G. Specification 160.007, manufactured by the Distin Boat Co., Inc., Saranac Lake, N. Y.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8)

GAS MASKS AND OTHER BREATHING APPARATUS

Approval No. 160.011/6/1, Bullard Supplied Fresh Air Hose Mask No. 1903, Bureau of Mines Approval No. BM-1903 consisting of face piece BM-1903, blower BM-1903 (both centrifugal type and positive pressure type), harness BM-1903, and hose BM-1903 or BM-1903A, maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, manufactured by E. D. Bullard Co., 275 Eighth Street, San Francisco 3, Calif. (This approval supersedes previous approval No. 160.011/6/0 published in the FEDERAL REGISTER of July 31, 1947.)

(R. S. 4417a, 4426, 49 Stat. 1544, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 50 U. S. C. 1275; 46 CFR 35.4-5, 61.18, 77.18, 95.17, 114.18)

DAVITS, LIFEBOAT

Approval No. 160.032/44/1, Mechanical davit, crescent sheath screw Type C59A (Formerly Type CA), approved for maximum working load of 11,700 pounds per set (5850 pounds per arm) using not less than three part falls, identified by General Arrangement Dwg. No. 3071-2 dated February 8, 1946, and revised August 13, 1948, manufactured by Welin Davit & Boat Division of the American Steel & Copper Industries, Inc., Perth Amboy, N. J. (This approval supersedes previous approval No. 160.032/44/0 published in the FEDERAL REGISTER of July 31, 1947.)

(R. S. 4417a, 4426, 4481, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 474, 481, 1333, 50 U. S. C. 1275; 46 CFR 37.1-4, 59.3, 60.21, 76.15, 94.14, 113.23)

AUTOMATIC FLOATING ELECTRIC WATER LIGHTS

Approval No. 161.001/1/0, Light (water), electric, floating, automatic (with bracket for mounting), Dwg. No. 1000, Alt. 1, dated July 16, 1948, submitted by Paul J. Ambrose, 9408 Warren Street, Silver Spring, Md.

(R. S. 4417a, 4426, 4488, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 1333, 50 U. S. C. 1275; 46 CFR 33.3-6, 33.3-8, 33.7-1, 37.9-1, 59.52, 59.54b, 59.56, 60.45, 60.47b, 60.49, 76.48, 76.48a, 76.48b, 76.53, 94.53, 113.46)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-TETRACHLORIDE TYPE

Approval No. 162.004/23/1, Quick Aid, Model 85, 1-qt. carbon tetrachloride hand portable fire extinguisher (formerly S. O. S. Fire Guard), Assembly Dwg. No. BF-100, dated November 8, 1943, Name Plate Dwg. No. BPT-185-1, rev. April 30, 1947, manufactured by the General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif. (This approval supersedes previous approval No. 162.004/23/0 published in the FEDERAL REGISTER of July 31, 1947.)

(R. S. 4417a, 4426, 4479, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 34.5-1, 61.13, 77.13, 95.13, 114.15)

PRESSURE VACUUM RELIEF VALVES

Approval No. 162.017/23/1, Shand & Jurs Figure ST-4000 pressure vacuum relief valve, weight loaded enclosed pattern, bronze body and pallet valves, fitted with pressure pallet lifting wheel, flanged ends, Dwg. No. ST-4000, revised July 27, 1948, approved for 4" and 6" sizes, for use with combustible or inflammable liquids of Grade A or lower in closed vent header system, manufactured by Shand & Jurs Co., Berkeley, Calif. (This approval supersedes previous approval No. 162.017/23/0 published in the FEDERAL REGISTER of July 31, 1947.)

(R. S. 4417a, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR 32.7-4)

LIQUEFIED PETROLEUM GAS VALVES, FITTINGS, AND GAUGES

Approval No. 162.018/17/1, Model No. 62B Metal Goods manufacturing liquefied petroleum gas tank gauge, slip tube type, Dwg. No. L107, sheets 1 to 23, inclusive, manufactured by Metal Goods Manufacturing Co., 106-110 South Park Avenue, Bartlesville, Okla. (This approval supersedes previous approval No. 162.018/17/0 published in the FEDERAL REGISTER of July 31, 1947.)

Approval No. 162.018/23/0, Model No. 62D Metal Goods manufacturing liquefied petroleum gas tank gauge, slip tube type, stainless steel parts, Dwg. No. L106, sheets 1 to 15, inclusive, dated January 21, 1948, manufactured by Metal Goods Manufacturing Co., 106-110 South Park Avenue, Bartlesville, Okla.

(R. S. 4417a, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 391a, 50 U. S. C. 1275; 46 CFR Part 38)

BULKHEAD PANELS

Approval No. 164.008/24/0, "Kaylo", inorganic composition board type bulkhead panel with wood or steel veneer on both sides identical to that described in National Bureau of Standards Test Report No. TG 10230-7; FP2635, dated July 22, 1948, approved as meeting Class B-15 requirements in a 7/8 inch thickness, exclusive of the veneer, manufactured by United States Plywood Corp., 55 West Forty-fourth Street, New York 18, N. Y.

(R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR Part 144)

Dated: September 27, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 48-8790; Filed, Oct. 1, 1948; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3368]

MONARCH AIR LINES, INC.

NOTICE OF HEARING

In the matter of extending the effectiveness of the temporary certificate of public convenience and necessity of Monarch Air Lines, Inc., for route No. 73, pursuant to Board Order Serial No. E-1628, dated May 18, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 4, 1948, at 10:00 a. m. (mountain standard time) in Room 100, Brown Palace Hotel, 17th and Tremont Place, Denver, Colorado, before Examiner Herbert K. Bryan.

Dated at Washington, D. C., September 28, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8782; Filed, Oct. 1, 1948; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9114-9117]

C. MERVIN DOBYNS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of C. Mervin Dobyns, San Bernardino, California, Docket No. 9114, File No. BP-4698; Gomer Cool, A. L. Nunamaker and Blain O. Bender, a partnership d/b as Angelus Broadcasting Company, Temple City, California, Docket No. 9115, File No. BP-5697; Albert M. Carmona, Frank J. Fontine and John R. Parsons, a partnership d/b as Montebello Broadcasting Company, Montebello, California, Docket No. 9116, File No. BP-6072; Jess Oppenheimer, Devery Freeman, Mort Werner, Herb Land and Jim Strain, a partnership d/b as Southland Broadcasting Company, Long Beach, California, Docket No. 9117, File No. BP-6297; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 8th day of September 1948;

The Commission having under consideration the above-entitled applications of (1) C. Mervin Dobyns, requesting 750 kw, with 1 kw power, daytime only at San Bernardino, California; (2) Gomer Cool, A. L. Nunamaker, and Blain O. Bender, a partnership d/b as Angelus Broadcasting Company, requesting 760 kc, with 250 w power, daytime only at Temple City, California; (3) Albert M. Carmona, Frank J. Fontine and John R. Parsons, a partnership d/b as Montebello Broadcasting Company, requesting 750 kc, with 250 w power, daytime only at Montebello, California; and (4) Jess Oppenheimer, Devery Freeman, Mort Werner, Herb Land and Jim Strain, a partnership d/b as Southland Broadcasting Company, requesting 740 kc, with 1 kw power, daytime only at Long Beach, California;

It appearing, that the applications of C. Mervin Dobyns, Angelus Broadcasting Company and Montebello Broadcasting Company seek authorization to operate daytime only on clear channel frequencies; that, pursuant to the Commission's policy with respect to such requests, the applications have been placed in the pending file to await a decision in the clear channel hearing; that these applications involve prohibitive interference with the Southland Broadcasting Company proposal; and that it is the policy (established August 9, 1946) of the Commission to remove applications, placed in the pending file for the aforestated reason, for the purpose of designating same for hearing in a consolidated proceeding with conflicting applications for adjacent channel.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications of C. Mervin Dobyns, Angelus Broadcasting Company, Montebello Broadcasting Company and Southland Broadcasting Company be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be determined by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant, C. Mervin Dobyns, and of the applicant partnerships and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed Long Beach, California, station and of station KVEN at Ventura, California, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That if, as a result of the consolidated hearing, it appears that, were it not for the issues pending in the hearing regarding daytime skywave transmissions (Docket No. 8333) and the Commission's policy pertaining thereto as announced in the Public Notice of May 8, 1947, the public interest would be best served by a grant of one of the above-entitled applications other than that of Southland Broadcasting Company then such application will be returned to the pending file until after the conclusion of the said hearing regarding daytime skywave transmissions.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8801; Filed, Oct. 1, 1948; 8:52 a. m.]

SAN FERNANDO VALLEY BROADCASTING CO.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on September 13, 1948, there was filed with it an application (BTC-684) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of San Fernando Valley Broadcasting Company, licensee of station KGIL, San Fernando, California, from Helen Ruth Allen, executrix of the estate of C. P. M. Allen, to Fayette J. Smalley, Jr. The proposal to transfer control arises out of an agreement pursuant to which Helen Ruth Allen, as executrix of the estate of C. P. M. Allen, proposes to transfer to F. J. Smalley, Jr. 1,325 shares (53%) of licensee's Class B (voting) stock and 600 shares of licensee's Class A (non-voting) stock at a price of $10 per share or a total price of $19,250. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on September 22, 1948, that starting on September 15, 1948 notice of the filing of the application would be inserted in the Valley Times, a newspaper of general circulation at Los Angeles, California, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from September 15, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8802; Filed, Oct. 1, 1948; 8:52 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

FEDERAL POWER COMMISSION

[Docket No. G-1128]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 28, 1948.

Notice is hereby given that on September 17, 1948, Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas transmission facilities described as follows:

(1) Approximately 0.25 miles of 2⅜-inch O. D. branch pipe line, together with appurtenances thereto, extending from a point of interconnection with Applicant's 16-inch main pipe line in the Southeast Quarter (SE¼) of Section 11, Township 101 North, Range 22 West, Freeborn County, Minnesota, in an Easterly direction to the proposed Alden, Minnesota, town border station.

(2) A measuring and regulating station to be located in the Southwest Quarter (SW¼) of Section 12, Township 101 North, Range 22 West, Freeborn County, Minnesota.

The application recites that the service proposed to be rendered by means of the proposed facilities is the delivery and sale of the natural gas requirements of Peoples Natural Gas Company, a wholly-owned subsidiary of Applicant, for resale to the Twin Lakes Power Plant of the Dairyland Power Cooperative on an interruptible basis, and that the proposed facilities are for an additional delivery point for Alden, Minnesota.

The application further states that the estimated maximum daily demands of the Dairyland Power Cooperative Twin Lakes Power Plant is 1,000 Mcf and that such volume will be classified under Step 3 of paragraph (9) of Applicant's F. P. C. Gas Schedules, Volume No. 2, and will be served within Peoples Natural Gas Company's Authorized Summer Demand, as defined in paragraph (10) of said Gas Schedules.

The estimated total over-all capital cost of the proposed facilities is $6,500, which will be financed out of the general funds of the Applicant.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the coopera-

tive provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Northern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 and 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8776; Filed, Oct. 1, 1948; 8:45 a. m.]

[Docket No. G-1129]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 28, 1948.

Notice is hereby given that on September 20, 1948, Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas transmission facilities described as follows:

(1) Approximately 3.56 miles of 4½-inch O. D. branch pipe line, together with appurtenances thereto, extending from a point of interconnection with Applicant's 20-inch main pipeline in the Northwest Quarter (NW¼) of Section 31, Township 85 North, Range 27 West, Boone County, Iowa, in an Easterly direction to the proposed Pilot Mound, Iowa, town border station.

(2) A measuring and regulating station to be located in Southeast Quarter (SE¼) of Section 34, Township 85 North, Range 27 West, Boone County, Iowa.

The application recites that the service proposed to be rendered by means of the proposed facilities is the delivery and sale of the natural gas requirements of Peoples Natural Gas Company, a wholly-owned subsidiary of Applicant, for resale to the Fort Dodge, Des Moines and Southern Railway Power Plant on an interruptible basis, and that the proposed facilities are for an additional delivery point for Pilot Mound, Iowa.

The application further states that the estimated maximum daily demand of the Fort Dodge, Des Moines and Southern Railway Power Plant is 3,000 Mcf of which 100 Mcf will be classified under Step 3 and all remaining volumes will be classified under Step 1 of paragraph (9) of Applicant's F. P. C. Gas Schedules, Volume No. 2. The 100 Mcf of Step 3 gas will be served within Peoples Natural Gas Company's Authorized Summer Demand, as defined in paragraph (10) of said Gas Schedules.

The estimated total over-all capital cost of the proposed facilities is $29,900. Peoples Natural Gas Company will make a contribution in aid of construction of $24,700. Peoples Natural Gas Company will, in turn, receive a contribution in aid of construction of a like amount from the Fort Dodge, Des Moines and Southern Railway Company. The remaining amount of $5,200 will be financed by Applicant out of its general funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Northern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 and 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8777; Filed, Oct. 1, 1948; 8:45 a. m.]

[Docket No. G-1081]

IROQUOIS GAS CORP.

ORDER FIXING DATE OF HEARING

SEPTEMBER 28, 1948.

Upon consideration of the application filed July 13, 1948, and supplementary data filed on August 18, and August 20, 1948, by Iroquois Gas Corporation (Applicant) a New York corporation with its principal office at Buffalo, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appearing to the Commission that:

(1) Temporary authorization to construct and operate the requested facilities was granted by the Commission on September 3, 1948; and

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protests or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 28, 1948 (13 F. R. 4328).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 21, 1948, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of said rules of practice and procedure.

Date of issuance: September 29, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8781; Filed, Oct. 1, 1948; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5575]

GAMBLE-SKOGMO, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 24th day of September A. D. 1946.

In the matter of Gamble-Skogmo, Inc., a corporation, Bert C. Gamble, Philip W. Skogmo, M. O. Wieby, H. R. Baker, Samuel Mills, and R. C. Teuscher.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, October 13, 1948, at ten o'clock in the forenoon of that day (c. s. t.), Chamber of Commerce Headquarters, North American Life and Casualty Building, Hennepin Avenue at Groveland Terrace, Minneapolis, Minnesota.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-8783; Filed, Oct. 1, 1948; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 826]

UNLOADING OF COAL AT ASHTABULA, OHIO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of September A. D. 1948.

It appearing, that 6 cars of coal at Ashtabula Harbor, Ohio, on The New York Central Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Coal at Ashtabula Harbor, Ohio, be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately

Rdg 67392	Rdg 80860
Rdg 71117	Rdg 67348
NYC 917303	Rdg 61943

containing coal, now on hand at Ashtabula Harbor, Ohio, consigned for account of Pittsburgh Coal Company, consignment call.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., September 30, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-8786; Filed, Oct. 1, 1948; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1077]

BRUCK MILLS LIMITED

FINDINGS AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of September A. D. 1948.

In the matter of Bruck Mills Limited. Class "A" Shares, Without Par Value. Class "B" Shares, Without Par Value. File No. 7-1077.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the Class "A" Shares, without par value, and the Class "B" Shares, without par value, of Bruck Mills Limited, a Canadian corporation, are substantially equivalent to the previously outstanding Common Shares, without par value, of this company, which have been admitted to unlisted trading privileges on the New York Curb Exchange since June 5, 1929.

Section 12 (f) of the Securities Exchange Act of 1934 provides that a national securities exchange, upon application to and approval of such application by the Commission, • • • (1) may continue unlisted trading privileges to which a security had been admitted on such exchange prior to March 1, 1934; or (2) may extend unlisted trading privileges to any security duly listed and registered on any other national securities exchange • • •; or (3) may extend unlisted trading privileges to any security in respect of which there is available from a registration statement and periodic reports or other data filed • • • under the Securities Exchange Act of 1934, or the Securities Act of 1933, information substantially equivalent to that available in respect of a security duly listed and registered on a national securities exchange.

Since Bruck Mills Limited has no securities listed or registered on any national securities exchange, and has never filed with the Commission a registration statement pursuant to the Securities Act of 1933, the New York Curb Exchange may not have unlisted trading privileges in the Class "A" Shares without par value, or the Class "B" Shares, without par value, of this company except in the event that these be deemed securities admitted to unlisted trading privileges on this exchange prior to March 1, 1934. Under section 12 (f) of the act the Commission has adopted Rule X-12F-2 which provides for an application by an exchange to the Commission for a determination whether a security admitted to unlisted trading privileges that has been changed by an issuer is thereafter substantially equivalent to the security theretofore admitted to unlisted trading privileges.[1] If the Commission determines that the security after such change is substantially equivalent to the security theretofore admitted to unlisted trading privileges, the rule provides that the security as changed shall be deemed to be the security theretofore admitted to unlisted trading privileges.

Bruck Mills Limited has had an authorized capitalization of 150,000 shares of common stock without nominal or par value, of which 125,000 shares have been issued and fully paid for. No shares of preferred stock previously were outstanding. This company is now undergoing a reorganization, which has been approved by the shareholders, whereby the previously outstanding shares of common stock are to be changed and converted in the following manner. Each share of the previously outstanding common stock shall be exchanged for one share of new Class "A" Shares without nominal or par value, and two shares of new Class "B" Shares without nominal or par value.

The Class "A" Shares will have no voting rights except in the event of ar-

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[1] The full text of Rule-12F-2, entitled "Changes in Securities Admitted to Unlisted Trading Privileges", is as follows:

"(a) Any security admitted to unlisted trading privileges on a national securities exchange although changed in one or more of the following respects—

"(1) Title of such security or the name of the issuer;

"(2) The maturity, interest rate, and/or outstanding aggregate principal amount of an issue of bonds, debentures or notes;

"(3) The par value, dividend rate, number of shares authorized and/or the outstanding number of shares of a stock;

shall, nevertheless, be deemed to be the security theretofore admitted to unlisted trading privileges on such exchange. Such exchange shall notify the Commission in writing of any such change promptly after learning thereof.

"(b) Any security admitted to unlisted trading privileges on a national securities exchange in respect of which there is effected any change other than those specified in paragraph (a) of this rule, shall, nevertheless, be deemed to be the security theretofore admitted to unlisted trading privileges on such exchange, provided the Commission shall have determined, upon application by such exchange, that the security after such change is substantially equivalent to the security theretofore admitted to unlisted trading privileges.

"Such application shall be filed in triplicate, shall be in the form prescribed for registration statements by Rule X-2 and shall contain the following information:

"(1) Title of security.

"(2) Name of issuer.

"(3) A brief but comprehensive description of each change proposed to be effected in such security, together with a copy of all written matter submitted to security holders relating to each such change."

rearages in dividends, as all other voting rights at shareholders' meetings are vested in the Class "B" Shares. The holders of the Class "A" Shares shall be entitled to cumulative preferential dividends at the rate of $1.20 per share per annum before any dividend may be paid upon the Class "B" Shares. Thereafter the Class "B" Shares shall be entitled to dividends of 60¢ per share per annum. With respect to any remaining income available for distribution as dividends after the payment of $1.20 on each Class "A" Share and 60¢ on each Class "B" Share, the remaining amount shall be declared and paid equally on all Class "A" and Class "B" Shares, share and share alike, without any preference or priority of one class of shareholder over another. In the event of either voluntary or involuntary liquidation of the company, the holders of the Class "A" Shares shall first be entitled to receive from the assets to be distributed an amount equivalent to all arrearages in dividends, and thereafter the holders of the Class "A" Shares and the holders of the Class "B" Shares shall rank equal, share for share, in all distribution of the assets of the company. The holders of Class "A" Shares are not to be entitled to any pre-emptive rights to subscribe for or purchase any part of any issue of shares or bonds or other securities hereafter to be issued or authorized by the company.

By this reorganization Bruck Mills Limited is changing its single class of presently outstanding common stock into two new issues of securities, one of which is more nearly a preferred stock because it has the most important aspect of a preferred stock, namely, the right to the payment of dividends before dividends are paid on another class of stock. Likewise, the Class "B" stock would appear more nearly to be a common stock because its right to receipt of dividends, to the extent of 60¢ per share, is junior to the right of another class of stock. Also, the fact that it has all the voting power of the corporation, except in the event of arrearages in dividends on the senior security, is a usual attribute of common stock.

It is true that there are certain deviations from the normal attributes of preferred and of common stock in that the Class "A" and Class "B" Shares will share equally in amounts distributed as dividends after the payment of $1.20 on each Class "A" share and 60¢ on each Class "B" share. Also, each class will share equally, share for share, in distribution of the assets of the corporation after the Class "A" shares have first participated in the distribution of assets to the extent necessary to satisfy any arrearages in the cumulative preferred dividends. It should be noted that since there will be twice as many Class "B" Shares outstanding as Class "A", the holders of Class "B" Shares as a class will have a two-thirds interest in any residual dividends that may be declared, and in the distribution of assets upon liquidation, as opposed to the Class "A" shareholders' one-third interest.

Future purchasers of the Class "A" Shares who do not own Class "B" Shares will have rights very different from the rights of the holders of the previously outstanding shares of common stock of this company. Likewise, future owners of Class "B" Shares who do not at the same time own Class "A" Shares will have rights considerably different from the rights of the holders of the common shares that were previously outstanding. It seems difficult to consider two new issues of securities, one more nearly possessing the attributes of a preferred stock and one more nearly possessing the attributes of a common stock, as being substantially equivalent to one previously outstanding single class of security. However, of the two new issues of securities, it would appear that the Class "B" Shares in the rights they entitle the holders to, are closer to the previously outstanding common stock than are the new Class "A" Shares. The closest similarity is in voting power. Except when there are arrearages in dividends on the Class "A" stock, the new Class "B" stock possesses all the voting power of the corporation which was formerly held by the holders of the single class of common stock outstanding. For these reasons it would appear that the Class "B" Shares may be deemed substantially equivalent to the previously outstanding common shares, and that the Class "A" Shares are not substantially equivalent to the previously outstanding common shares.

Accordingly it is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Class "B" Shares, without par value, of Bruck Mills Limited are hereby determined to be substantially equivalent to the previously outstanding common shares, without par value, of Bruck Mills Limited.

It is further ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Class "A" Shares, without par value, of Bruck Mills Limited, are hereby determined not to be substantially equivalent to the previously outstanding common shares, without par value, of Bruck Mills Limited.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-8778; Filed, Oct. 1, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11911]

MARIE HARTMAN

In re: Estate of Marie Hartman, deceased. File D-28-12348; E. T. sec. 16559.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Steuernagel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $462.50 deposited with John H. Bouse, Register of Wills of Baltimore City, Baltimore, Maryland, to the credit of the aforesaid national, pursunt to an order of the Orphans Court of Baltimore City, Baltimore, Maryland, in the matter of the Estate of Marie Hartman, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John H. Bouse, Register of Wills for Baltimore City, Baltimore, Maryland, acting under the judicial supervision of the Orphans Court of Baltimore City, Baltimore, Maryland;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director, Office of Alien Property.

[F. R. Doc. 48-8793; Filed, Oct. 1, 1948; 8:51 a. m.]

[Vesting Order 12061]

G. H. GREBE

In re: Bank account owned by G. H. Grebe. F-28-8126-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That G. H. Grebe, whose last known address is Auf Der Seelworth, Barisinghausen, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to G. H. Grebe, by Frost National Bank, Main Plaza, San Antonio, Texas, arising out of a checking account, entitled G. H. Grebe, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-8795; Filed, Oct. 1, 1948; 8:51 a. m.]

[Vesting Order 12066]

ERNST MAYER

In re: Bank account owned by Ernst Mayer. F-28-19415-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Mayer whose last known address is Mainwangen Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ernst Mayer, by Kaspar American State Bank, 1900 Blue Island Avenue, Chicago 8, Illinois, arising out of a Savings Account, account number 5551, entitled Ernst Mayer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-8795; Filed, Oct. 1, 1948; 8:51 a. m.]

[Vesting Order 12067]

YATSUKA MIYAKODA

In re: Bank account owned by Yatsuka Miyakoda, also known as Y. Miyakoda. D-39-8289-E-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yatsuka Miyakoda, also known as Y. Miyakoda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yatsuka Miyakoda, also known as Y. Miyakoda, by Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of a savings account, account number 2963, entitled Y. Miyakoda, maintained at the branch office of the aforesaid bank located at 1401 Wilshire Boulevard, Santa Monica, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-8796; Filed, Oct. 1, 1948; 8:51 a. m.]

[Vesting Order 12069]

JOHANN SCHOCH

In re: Bank account owned by Johann Schoch. F-28-8663-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Schoch whose last known address is 30 Lessing Strasse, Singen am Hoh, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Citizens Savings Bank of Baltimore City, Baltimore and Eutaw Streets, Baltimore 1, Maryland, arising out of a Savings Account, Account No. 75524, entitled Johann Schoch in trust for himself and Karolina Schoch, joint owners, subject to the order of either; balance at the death of either to belong to the survivor, maintained at the aforesaid bank together with any and all rights to demand, enforce or collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Johann Schoch, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8797; Filed, Oct. 1, 1948; 8:51 a. m.]

[Vesting Order 12071]

MARIA MUEGGE SCHULT

In re: Bank accounts owed by Maria Muegge Schult and others. F-28-29065-E-1, F-28-29138-E-1, F-28-29139-E-1, F-28-29137-E-1, F-28-29140-E-1, F-28-29065-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses are set forth below:

Name and Address

Maria Muegge Schult, Jenischstr. 36, Hamburg, Germany.
Henry Muegge, Hopfenstr. 15 1, Hamburg 4, Germany.
Hinrich Muegge, Post Estorf, Krs. Stade 1, Hanover, Brobergen, Germany.
Margot Muegge Alpers, Behrumenfehen, Kr. Norden 1, Ostrfriesland, Germany.
Martha Bosau Francke, Arndtstr. 12 1, Hamburg 4, Uhlenhorst, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Maria Muegge Schult by Marine National Exchange Bank, Milwaukee 1, Wisconsin, arising out of a checking account, entitled Maria Muegge Schult, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Maria Muegge Schult, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to Henry Muegge by Marine National Exchange Bank, Milwaukee 1, Wisconsin, arising out of a checking account, entitled Henry Muegge, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Henry Muegge, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation owing to Hinrich Muegge by Marine National Exchange Bank, Milwaukee 1, Wisconsin, arising out of a checking account, entitled Hinrich Muegge, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hinrich Muegge, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation owing to Margot Muegge Alpers by Marine National Exchange Bank, Milwaukee 1, Wisconsin, arising out of a checking account, entitled Margot Muegge Alpers, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Margot Muegge Alpers, the aforesaid national of a designated enemy country (Germany);

6. That the property described as follows: That certain debt or other obligation owing to Martha Bosau Francke by Marine National Exchange Bank, Milwaukee 1, Wisconsin, arising out of a checking account, entitled Martha Bosau Francke, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha Bosau Francke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

7. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8798; Filed, Oct. 1, 1948; 8:51 a. m.]

[Vesting Order 12072]

ERIKA STEINMAN

In re: Bank account owned by Erika Steinman. F-28-19396-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erika Steinman, whose last known address is Karlsruhe Park, Str. 15, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Erika Steinman, by Kaspar American State Bank, 1900 Blue Island Avenue, Chicago 8, Illinois, arising out of a Savings Account account number 5552, entitled Erika Steinman, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8799; Filed, Oct. 1, 1948; 8:51 a. m.]

NILS ERIK LENANDER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Nils Erik Lenander, Stockholm, Sweden; 1598; all interests and rights created in Nils Erik Lenander (to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 2030, 8 F. R. 13268, September 29, 1943) by virtue of an agreement dated July 16, 1930 executed by Patentaktiebolaget Grondal-Ramen, Orkla Grube Aktiebolag, Nils Erik Lenander and Texas Gulf Sulphur Company (including all modifications thereof and supplements thereto) which agreement, as modified and supplemented, relates among other things to United States Letters Patent Nos. 1,850,557, 1,860,585, 1,862,899, 1,904,481, 1,904,482, 1,904,483 and 1,969,021, including royalties accrued thereunder in the amount of $75,000.00.

Executed at Washington, D. C., on September 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8775; Filed, Sept. 30, 1948; 8:54 a. m.]

[Vesting Order 12079]

HENRY BAMBERG

In re: Stock owned by Henry Bamberg, also known as Hugo Bamberg. D-28-10795-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Bamberg, also known as Hugo Bamberg, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) shares of $25.00 par value common capital stock of the Corn Products Refining Company, 17 Battery Place, New York 4, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered D148065, registered in the name of Henry Bamberg, and presently in the custody of Ella Bamberg, 3219 North Whipple Street, Chicago, Illinois, together with all declared and unpaid dividends thereon, and

b. Ten (10) shares of $25.00 par value common capital stock of the Corn Products Refining Company, 17 Battery Place, New York 4, New York, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered D210222, registered in the name of Henry Bamberg, and presently in the custody of the Industrial National Bank, 81 West Monroe Street, Chicago 3, Illinois, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8800; Filed, Oct. 1, 1948; 8:52 a. m.]

REFERENCE

OCT 7 '48

REFERENCE

OCT 7 '48

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 13 — 1934 — NUMBER 194

Washington, Tuesday, October 5, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

DISCONTINUANCE OF CODIFICATION OF CERTAIN PARTS AND SECTIONS RELATING TO ORGANIZATION AND FUNCTIONS

The codification of the following parts and sections of this chapter is hereby discontinued:

Part 1—Executive Orders.
Part 2—Organization, Functions, and Procedures of the Farm Credit Administration, Washington, D. C.
Part 3—Functions of Administrative Officers.
Part 4—Sections 4.5, General Information, and 4.6, Submittals and requests.
Part 5—Sections 5.201–01, 5.201–02, 5.201–03, 5.201–04, 5.201–05, 5.202–01, 5.203–01, Functional Organization, Surplus Property Disposal.
Part 8—Farm Credit Districts.
Part 10—Sections 10.1 and 10.2, Federal Land Banks generally, Organization and Functions.
Part 11—Sections 11.1 and 11.2 National Farm Loan Associations, Organization and Functions.
Part 12—Federal Farm Mortgage Corporation, Organization and Functions.
Part 40—Sections 40.1 and 40.2, Federal Intermediate Credit Banks, General, Organization and Functions.
Part 48—Production Credit Corporations, Organization and Functions.
Part 49—Production Credit Associations, Organization and Functions.
Part 69—Banks for Cooperatives, Organization and Functions.
Part 90—Regional Agricultural Credit Corporations, Organization and Functions.

Future amendments to descriptions of organization and functions will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] I. W. DUGGAN, *Governor.*

SEPTEMBER 29, 1948.

[F. R. Doc. 48-8819; Filed, Oct. 4, 1948; 8:49 a. m.]

REARRANGEMENT OF TEXT AND RENUMBERING OF SECTIONS

For the purpose of effecting a more logical arrangement of subject matter and a more consistent system of numbering, Title 6, Chapter I, of the Code of Federal Regulations is renumbered as follows:

Subchapter A—Administrative Provisions

PART 4—PUBLIC INFORMATION

Old section No.	*New section No.*
4.1	4.1
4.2	4.2
4.3	4.3
4.4	4.4
4.7	4.5

PART 5—SURPLUS PROPERTY DISPOSAL

DEFINITIONS AND DELEGATIONS OF AUTHORITY

Old section No.	*New section No.*
5.103–01	5.1
5.103–02	5.2
5.103–03	5.3
5.105–01	5.4
5.105–02	5.5

PURCHASE OF SURPLUS PROPERTY BY OFFICERS, EMPLOYEES, OR AGENTS

Old section No.	*New section No.*
5.109–01	5.10

PREPARATORY STEPS

Old section No.	*New section No.*
5.301–01	5.20
5.302–01	5.21
5.302–02	5.22
5.303–01	5.23
5.303–02	5.24
5.303–03	5.25
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5.307–01	5.31
5.307–02	5.32
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5.307–04	5.34
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5.307–06	5.36
5.307–07	5.37
5.307–08	5.38
5.307–09	5.39
5.307–10	5.40
5.308–01	5.41

APPRAISALS

Old section No.	*New section No.*
5.401–01	5.50
5.401–02	5.51
5.401–03	5.52
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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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Now Available

UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

722 pages—$1.00 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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In future amendments to Title 6, Chapter 1, published in the daily issue of the FEDERAL REGISTER, and in the Code of Federal Regulations, 1949 edition, the source of particular sections (such as manuals, rules and regulations, etc.) will be shown in parentheses at the end of the section.

[SEAL] I. W. DUGGAN,
Governor.

SEPTEMBER 29, 1948.

[F. R. Doc. 48-8818; Filed, Oct. 4, 1948; 8:49 a. m.]

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 246—SWEETPOTATOES

STATEMENT OF POLICY

The United States Department of Agriculture will support the price of the 1948 crop of sweetpotatoes from September 1, 1948, to April 30, 1949. If price support operations become necessary in order to reflect a price to producers of not less than 90 percent of parity through December 31, 1948, and of not less than 60 percent and not more than 90 percent of parity from January 1 through April 30, 1949, such support will be accomplished through purchases. (For procedures with respect to purchase programs, see 7 CFR (1946 Sup.) 2305.14, 2305.16). During the period of November 16 through November 30, 1948, purchases will be made only of sweetpotatoes which have been in storage not less than 15 days and for which immediate disposal is necessary because excessive deterioration is occurring. After November 30, 1948, the Department may limit the rate of deliveries by time periods. The Manager of the Commodity Credit Corporation may authorize purchases in advance of September 1, 1948, at prices announced for the period of September 1, 1948, to November 15, 1948.

Purchases will be made from growers, their authorized agents, and dealers who are certified as having agreed to pay growers not less than the applicable support prices or their equivalent for all sweetpotatoes purchased and who are licensed under the Perishable Agricultural Commodities Act. Support prices are for U. S. Extra No. 1 and U. S. No. 1 grades, washed, packed in specified new containers, loaded f. o. b. carrier at shipping point in carload or truckload lots. If need for support for U. S. No. 2's develops in any area, support prices, terms, and conditions for them will be announced at that time. In any area where quarantine is imposed, price support will cease ten days prior to the date the quarantine is to become effective.

SCHEDULE OF SUPPORT PRICES FOR SWEETPOTATOES PRODUCED IN 1948 WASHED [1] AND PACKED IN NEW CONTAINERS FOR THE PERIOD SEPT. 1, 1938, THROUGH APR. 30, 1949

Variety grade	Price per bushel		
	Sept. 1 Nov. 15 [2]	Nov. 16 Dec. 31 [2]	Jan. 1 Apr. 30 [2]
Porto Rican U. S. Extra No. 1	$1.90	$2.40	$2.40
Nancy Hall [3] U. S. No. 1	1.65	2.15	2.15
Golden Jersey U. S. Extra No. 1	1.80	2.30	2.30
Triumph [3] U. S. No. 1	1.55	2.05	2.05
Other Varieties U. S. No. 1	1.30	1.75	1.75

[1] Unwashed sweetpotatoes 5 cents per bushel less.
[2] Sweetpotatoes must be packed in standard crates, bushel hampers, solid or built-up bottom bushel baskets, f. o. b. cars or trucks in carlots or trucklots. They shall be packed in accordance with the usual good commercial practices for the area. At the option of the Department, deliveries of sweetpotatoes may be made in bulk or some other stage of preparation, in which case the purchase price will be less than the prices specified above by the value of the marketing services not performed, as determined by the Manager, Commodity Credit Corporation.
[3] Including other varieties of similar varietal characteristics.

(Sec. 4 (a), 55 Stat. 498, as amended, secs. 1 (b) and 2, Pub. Law 897, 80th Cong.; Pub. Law 806, 80th Cong.; 15 U. S. C. and Sup. 713a–8; 9 F. R. 4837)

Dated this 30th day of September 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: September 30, 1948.

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 48-8831; Filed, Oct. 4, 1948; 8:53 a. m.]

[1948 C. C. C. Grain Sorghums Bulletin 1, Amdt. 3]

PART 263—GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENTS

1948 GRAIN SORGHUMS PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 3880, 4659, governing the making of loans on grain sorghums produced in 1948, is hereby further amended as follows:

1. Paragraph (b), *Time,* § 263.202 *Availability of loans,* is amended to read as follows:

(b) *Time.* Loans shall be available from time of harvest through February 28, 1949. The applicable loan documents must be signed by the producer and delivered or mailed to the county committee not later than such date.

2. The first sentence of the second paragraph under § 263.207 *Approved forms,* is amended to read as follows: "Notes and chattel mortgages, and note and loan agreements, must have State and documentary revenue stamps affixed thereto where required by law."

3. To the schedule of rates under paragraph (c), *County loan rates,* § 263.224 *Loan rates,* add the following:

ARIZONA

County	Rate
Cochise	$2.26

TEXAS

County	Rate
Kendall	$2.34

Issued this 30th day of September 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved September 30, 1948.

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 48-8830; Filed Oct. 4, 1948; 8:53 a. m.]

[1948 C. C. C. Grain Sorghums Bulletin 1, Supp. 1, Amdt. 1]

PART 263—GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENTS

1948 GRAIN SORGHUMS PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 4784, containing the requirements of the purchase agreement program on grain sorghums produced in 1948, is amended as follows:

1. Paragraph (b), *Time,* § 263.226 *Availability of purchase agreements,* is amended to read as follows:

(b) *Time.* Purchase agreements shall be available from time of harvest through February 28, 1949, and must be signed by the producer and delivered or mailed to the county committee not later than such date.

Issued this 30th day of September 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

F. K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 48-8829; Filed, Oct. 4, 1948; 8:53 a. m.]

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PART 202—ASSISTANCE TO CIVIL AIRCRAFT AT CONTINENTAL UNITED STATES BASES

PART 203—ASSISTANCE TO AIRCRAFT OF FOREIGN REGISTRY AT CONTINENTAL UNITED STATES BASES

TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For revised regulations formerly contained in Parts 202 and 203 of this chapter, see Title 34, Chapter VII, Parts 822 and 823, *infra*.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 3]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

REPORTS; CAA SPECIFICATIONS

§ 41.510 *Reports.* • • •

CAA SPECIFICATIONS

Specifications by the Administrator which require periodic mechanical hazard and difficulty reports and which apply to § 41.510 (b) are published under § 61.90.

§ 41.511 *Irregularity report.* • • •

CAA SPECIFICATIONS

Specifications by the Administrator which require periodic mechanical hazard and difficulty reports and which apply to § 41.511 are published under § 61.90.

(Sec. 601, 52 Stat. 1007; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 551)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8828; Filed, Oct. 4, 1948; 8:53 a. m.]

[Supp. 6]

PART 61—SCHEDULED AIR CARRIER RULES

GENERAL; CAA SPECIFICATIONS

Under section 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety in air commerce. Under § 61.90 of the Civil Air Regulations, the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to require reports from scheduled air carriers.

The Administrator of Civil Aeronautics has found that a daily report of all mechanical hazards and a monthly summary of all mechanical difficulties by air carriers are necessary in order to investigate and determine properly the necessity for, and urgency of, corrective action by the manufacturer, air carrier, or Civil Aeronautics Administration.

Acting pursuant to the foregoing statute and regulation, the following specifications are hereby adopted. They are made effective on the date indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required.

§ 61.90 *General.* • • •

CAA SPECIFICATIONS

1. *Daily report of mechanical hazards.* (a) Whenever a failure, malfunctioning, or other defect is detected in flight or on the ground in an aircraft or aircraft component which may reasonably be expected by the air carrier to cause a serious hazard in the operation of any aircraft, notice thereof shall be transmitted through the air carrier's principal maintenance base to the Civil Aeronautics Administration maintenance agent-in-charge assigned to the air carrier.

NOTE: Failures, malfunctionings, or other defects required to be reported under these specifications comprise generally the following basic items:

(1) Fire hazards.
(2) Structural hazards.
(3) Serious system or component malfunctioning or failure,
(4) Unsafe procedures or conditions, and
(5) Defects in design or quality of parts and materials found installed on aircraft or intended for such installation.

(b) Such daily reports shall be required only where mechanical hazards have been detected; shall cover the 24-hour period from midnight to midnight of each day; and shall be transmitted to the assigned maintenance agent of the Civil Aeronautics Administration before noon of the following working day, except that reports for Fridays, Saturdays, and Sundays may be submitted not later than noon of the following Mondays.

(c) Such reports may be transferred in a manner and on a form convenient to the air carrier's system of communications and procedures.

NOTE: Whenever practicable, the following guide for each aircraft type should be used by the air carrier in the preparation of the daily reports:

(1) Type, NC identification of aircraft, airline and trip number.
(2) Emergency procedure effected (unscheduled landing, dumped fuel, etc.).
(3) Nature of condition (fibre, structural failure, etc.).
(4) Identification of part and system involved.
(5) Apparent cause of trouble (wear, cracks, design, personnel error, etc.).
(6) Disposition (repaired, replaced, aircraft grounded, etc.).
(7) Brief narrative summary to supply any other pertinent data required for more complete identification, determination of seriousness, etc.

(d) The daily reports should not be withheld pending presentation of all specific details pertaining to such items of information. As soon as the additional information is obtained it may be submitted as a supplement to the report.

(e) The specifications requiring daily reports of mechanical hazards will become effective upon publication in the FEDERAL REGISTER.

2. *Monthly report of mechanical difficulties.* (a) As soon as practicable after the expiration of each calendar month, each air carrier shall submit in triplicate on a form prescribed by, or other form acceptable to, the Administrator, such information with respect to the mechanical defects, malfunctionings, and failures which occured to the aircraft and components operated by the air carrier during the preceding calendar month, as may be necessary to determine the mechanical reliability of such aircraft and components. The detailed information upon which such reports are based shall be made available for review by the assigned maintenance agent of the Civil Aeronautics Administration, or an authorized representative of the Civil Aeronautics Board.

NOTE: Sample guides for this form may be obtained from authorized representatives of the Administrator.

(b) The foregoing monthly reporting procedure shall become effective beginning with the calendar month of October, 1948.

The reports required by these specifications replace those heretofore submitted on Form ACA 478, and have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 601, 52 Stat. 1007; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 551)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-8827; Filed, Oct. 4, 1948; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5564]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BRODIE'S, INC., ET AL.

§ 3.99 (a) *Using or selling lottery devices—Devices for lottery selling.* Selling or distributing in commerce, punch boards, push cards or other lottery devices which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Brodie's Inc. et al., Docket 5564. August 25, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 25th day of August A. D. 1948.

In the Matter of Brodie's, Inc., a Corporation, and John L. Stratton and Thor C. Anderson, Individuals and Officers of Brodie's, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer the respondents admitted all of the material allegations of fact set forth in said complaint and stated that they waived all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Brodie's, Inc., a corporation, and its officers, and John L. Stratton and Thor C. Anderson, individuals, and said respondents' agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punch boards, or other lottery devices, which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 48-8822; Filed, Oct. 4, 1948; 8:50 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Regs. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

PROVISIONS WITH RESPECT TO ADDITIONAL DEDUCTIONS AND WAIVER OF ADJUSTMENT OR RECOVERY OF OVERPAYMENTS

Correction

In Federal Register Document 48-4242 appearing at page 2566 in the issue for Wednesday, May 12, 1948, § 403.602 (b) (1) should be corrected so that the parenthetical reference in the third sentence will read, "(see paragraph (c) of this section)".

[Regs. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

WAGES, WAGE RECORDS, HEARINGS, AND ALLIED PROVISIONS

Correction

In Federal Register Document 48-2189 appearing at page 1315 in the issue for Friday, March 12, 1948, the following corrections should be made on page 1318:

1. In column 1, item 9, subparagraph (1), the word "of" following the word "decision" in the fourth line, should be "or".

2. In column 2 the word "proclaimed" in the first line should be "precluded".

3. In column 2, item 12, paragraph (b), the second parenthetical reference should have a closing parenthesis mark following "(k)" so that it will read, "(see § 403.709 (k))."

TITLE 22—FOREIGN RELATIONS

Chapter III—Economic Cooperation Administration

[ECA Reg. 3, as Amended Oct. 5, 1948]

PART 1115—COMMERCIAL FREIGHT SHIPMENTS OF SUPPLIES BY VOLUNTARY NONPROFIT RELIEF AGENCIES

Preamble: The provisions of this part have been approved by the Advisory Committee on Voluntary Foreign Aid. ECA Reg. 3 is amended in its entirety to read as follows:

Sec.
1115.1 Definition of terms.
1115.2 Scope of regulations.
1115.3 Agencies within scope of regulations.
1115.4 Manner of payment of charges.
1115.5 Refund by agencies.

AUTHORITY: §§ 1115.1 to 1115.5 issued under sec. 117 (c), Pub. Law 472, 80th Cong.

§ 1115.1 *Definition of terms.* For the purposes of this part:

(a) "The Administrator" shall mean the Administrator for Economic Cooperation.

(b) "The Committee" shall mean the Advisory Committee on Voluntary Foreign Aid.

§ 1115.2 *Scope of regulations.* This part provides the rules under which the Administrator, in order to further the efficient use of United States voluntary contributions for relief in the countries or zones hereinafter designated, will pay ocean freight charges from United States ports to designated foreign ports of entry on supplies donated to or purchased by United States voluntary nonprofit relief agencies registered with and recommended by the Committee, for distribution in Austria, Belgium, China, France, the United Kingdom, Greece, Italy, Luxembourg, the Netherlands, or the zones of Germany and Trieste occupied by the United States, the United Kingdom, or France.

§ 1115.3 *Agencies within scope of regulations.* Any United States voluntary nonprofit relief agency may make application to the Administrator (800 Connecticut Avenue NW., Washington 25, D. C.) for reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within the foreign countries and zones listed in § 1115.2, *Provided:*

(a) The agency is registered with and recommended by the Committee to the Administrator;

(b) The supplies are within the general program and projects of the agency as previously submitted to and approved by the Committee, and are essential in support of such programs and projects;

(c) The agency's representatives to whom the supplies are consigned for distribution abroad are acceptable to the Committee;

(d) The Committee has notified the Administrator that;

(1) The agency is not engaged in commercial or political activities;

(2) Contributions to the agency are eligible for tax exemption under income tax laws;

(3) The agency is directed by an active and responsible board of American citizens who serve without compensation;

(4) The accounts of the agency are regularly audited by a certified public accountant;

(5) The agency currently reports its activities and operations to the Committee including its budget and reports of income and expenditures, its transfer of funds, and its exports of commodities and such other information as the Committee may deem necessary, and such reports are open for public inspection;

(6) The general program and projects by countries of operation of the agency have been approved by the Committee to permit the coordination of private agency programs with each other and with the programs of the ECA;

(7) The Government of the country in which the supplies are distributed affords appropriate facilities for the necessary and economic operation of the agency's general program and projects;

(8) The supplies are free of customs duties, other duties, tolls and taxes;

(9) The agency has assumed responsibility for noncommercial distribution of the supplies free of cost to the person or persons ultimately receiving them and distribution of the supplies is supervised by United States citizens, and such operations are appropriately identified as to their American character.

§ 1115.4 *Manner of payment of ocean freight charges.* The Administrator will reimburse agencies qualified hereunder, to the extent of ocean freight charges paid by them for shipments made in conformity with the regulations in this part: *Provided*, That, application for such reimbursement must be submitted to the Administrator, on shipments made during the period July 1, 1948 through September 30, 1948, by October 31, 1948, and on shipments made after September 30, 1948, within thirty days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement or unit basis, and free of any other charges.

§ 1115.5 *Refund by agencies.* Any agency reimbursed hereunder will refund promptly to the Administrator upon demand the entire amount reimbursed (or such lesser amount as the Administrator may demand) whenever the Administrator determines that the reimbursement was improper as being in violation of any of the provisions of the Foreign Assistance Act of 1948, any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the Economic Cooperation Administration.

PAUL G. HOFFMAN,
Administrator for Economic Cooperation.

[F. R. Doc. 48-8848; Filed, Oct. 4, 1948; 9:01 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter VII—Department of the Air Force

Subchapter B—Aircraft

TRANSFER AND REVISION OF REGULATIONS

The material contained in Parts 202 and 203, Chapter II of Subtitle B, Title 10, is hereby revised and transferred to Chapter VII, Title 34 and is redesignated Subchapter B, Parts 822 and 823 as follows:

PART 822—ASSISTANCE TO CIVIL AIRCRAFT AT CONTINENTAL UNITED STATES BASES

Sec.
822.1 Use of Air Force airfields by civil aircraft.
822.2 Competition with private enterprise.
822.3 Emergency sales.
822.4 Prohibited sales.
822.5 Emergency storage and overhauling.
822.6 Prices to be charged.

AUTHORITY: §§ 822.1 to 822.6 issued under sec. 5, 44 Stat. 570, as amended; secs. 207 (f), 208 (e), Pub. Law 253, 80th Cong., 61 Stat. 502, 503; 49 U. S. C. 175, 5 U. S. C. Sup. 626, 626c; Transfer Order 14, May 27, 1948, 13 F. R. 3094.

§ 822.1 *Use of Air Force airfields by civil aircraft.* (a) Commanding officers are authorized to permit the landing at airfields under their jurisdiction of itinerant civil aircraft being operated at the time in connection with Government contracts, other Government interest, or the official business of the installation and to furnish assistance to operators of such aircraft as provided in paragraphs (b) and (c) of this section.

(b) Owners of civil aircraft not engaged in connection with Government work will not be permitted to use any active Government-owned military airfields as a base. However, the use of the landing area of such airfields by operators of civil aircraft may be permitted in the discretion of the commanding officer of the installation, upon conditions that the aircraft is not operated for profit, that it is not housed on the military reservation, and that assistance will not be required from the military installation as to maintenance, repairs, and operation.

(c) In the case of Government-owned military airfields declared from time to time as being on an inactive status, operators of civil aircraft may be permitted, when airfield facilities are available, to use such facilities, subject in each case to the approval of the Chief of Staff, United States Air Force, and under such regulations as are now or may hereafter be prescribed by the Chief of Staff, United States Air Force.

(d) With regard to airfields leased by the Government for use in common with others, owners of private and commercial aircraft may obtain permission to use the facilities in accordance with the particular lease. Use by commercial aircraft of airfields occupied by the United States Air Force under lease providing for exclusive use by the Government will require the approval of the Chief of Staff of United States Air Force, and the issuance of an Air Force permit. Owners of civil aircraft may obtain permits to use airfields, occupied by the United States Air Force under concurrent use leases, from the Department of the Air Force or the lessor in accordance with the terms of the particular lease.

(e) Operators of aircraft who use military facilities at any Air Force airfield will be required to conform to the rules and regulations in force at the installation.

(f) Nothing in this section shall be construed to prohibit or restrain any aircraft in distress from making emergency landing at any airfield.

§ 822.2 *Competition with private enterprise.* Under no conditions will Department of the Air Force airfield services and facilities be made available for the use of civil aircraft in competition with private enterprise.

§ 822.3 *Emergency sales.* Commanding officers of Air Force Bases are authorized to make emergency sales of aircraft fuel, oil, equipment, and supplies, and to furnish mechanical service, temporary shelter, and other assistance for cash in emergencies where such supplies or assistance is required in order that aircraft may continue on its course to the nearest airport operated by private enterprise. The extent and amounts of aircraft fuel, oil, equipment, supplies, mechanical services and shelter furnished to operators of aircraft referred to in § 822.1 (a), will be as determined by the commanding officer of the station concerned. This determination will be based on the nature of the mission or flight the aircraft is engaged in and will be subject to provisions of §§ 822.4, 822.5 and 822.6.

§ 822.4 *Prohibited sales.* Complete engines, airplane wings, and other major items of equipment will not be sold.

§ 822.5 *Emergency storage and overhauling.* (a) Civil aircraft damaged to such an extent that major repairs are required may be given emergency storage at the request of the pilot, provided necessary facilities are available, at the rates for shelter shown in § 822.6, but a major or minor overhauling of civil aircraft will not be made at Air Force Bases by Air Force personnel.

(b) Damaged aircraft may, when facilities are available, be stored in its original damaged condition, but the Government will not assume any responsibility for its safekeeping and the owner will be required to take charge of it and remove it from Government storage at the earliest practical date.

§ 822.6 *Prices to be charged.* (a) *General.* All articles will be sold and assistance furnished at the fair market value prevailing locally, but in no case will aviation supplies be sold for less than cost price plus 15 percent for transportation, handling, etc.

(b) *In case of nonavailability of supplies in nearby localities.* In cases where similar supplies are not available in nearby localities the price charged will be cost price plus 15 percent.

(c) *Aviation supplies, except gasoline and oil.* On all aviation supplies, except gasoline and oil, the price listed in Air Force stock lists will be considered as the cost price.

(d) *Gasoline and oil.* Cost prices on aviation gasoline and oil will be published semiannually based on the prevailing contract price.

(e) *Mechanical services.* (1) Mechanical services funished will be charged for on the same basis as the local rate for similar work if such rates can be determined by Air Force base commanders.

(2) The Chief of Staff, United States Air Force, will publish hourly rates for mechanical service which will be used in all cases where a fair local value for such services cannot be determined.

(f) *Shelter.* (1) Charges for shelter of civil aircraft will be on the same basis as the local rate for similar shelter charges.

(2) The Chief of Staff, United States Air Force, will publish rates to be used as shelter charges for single-engine and dual or multiple engine aircraft where no local price for shelter has been established.

PART 823—ASSISTANCE TO AIRCRAFT OF FOREIGN REGISTRY AT CONTINENTAL UNITED STATES BASES

Sec.
823.1 Authority.
823.2 Competition with private enterprise.
823.3 Rules to be observed.
823.4 Emergency sales.
823.5 Responsibility of the Department of the Air Force.

AUTHORITY: §§ 823.1 to 823.5 issued under 44 Stat. 570, 48 Stat. 1115, 52 Stat. 1028, 1029, 53 Stat. 795, 54 Stat. 1235; secs. 207 (f), 208 (e), Pub. Law 253, 80th Cong., 61 Stat. 502, 503; 22 U. S. C. 259, 49 U. S. C. 175; 5 U. S. C. Supp. 626c; Transfer Order 14, May 27, 1948, 13 F. R. 3094.

§ 823.1 *Authority—(a) Civil aircraft of foreign registry.* Air base and air navigation facilities owned or operated by the Department of the Air Force may be made available for the use of operators of civil aircraft of foreign registry in case of necessary and unforeseen landing to insure the continuance of such aircraft on its course to the nearest commercial airport, or when specifically authorized by the Department of the Air Force.

(b) *Government-owned aircraft of foreign registry.* Air base and air navigation facilities owned or operated by the Department of the Air Force may be made available for the use of operators of Government-owned aircraft of foreign registry upon request by the aircraft commander to the Chief of Staff, United States Air Force, or such officer as he may designate, or commanding officers of Air Force bases.

(c) *Notification to customs and immigration authorities of arrival of aircraft of foreign registry.* (1) Whenever an aircraft of foreign registry makes its first landing in the United States or its territorial possessions at an airdrome under jurisdiction of the Department of the Air Force, the commanding officer of the base will notify immediately the nearest United States Customs and Immigration authorities and will detain such aircraft, its crew, and passengers until released under instructions of those authorities.

(2) Whenever the commanding officer of an airdrome under jurisdiction of the Department of the Air Force has advance

notice of the arrival of a foreign aircraft under the conditions set forth in subparagraph (1) of this paragraph, he will notify immediately the nearest United States Customs and Immigration authorities.

§ 823.2 *Competition with private enterprise.* Air base or navigation facilities owned or operated by the Department of the Air Force will not be made available for the use of operators of civil aircraft of foreign registry in competition with private domestic enterprise.

§ 823.3 *Rules to be observed.* (a) Operators of aircraft of foreign registry utilizing the air navigation facilities owned or operated by the Department of the Air Force will be required to comply with the air and ground rules and regulations promulgated by the Department of the Air Force, The Chief of Staff, United States Air Force, or the commanding officer of the establishment to which the facilities being employed pertain.

§ 823.4 *Emergency sales.* The provisions of §§ 823.4 to 823.6, apply to all aircraft of foreign registry except as follows:

(a) Commanding officers of Air Force bases are authorized to make emergency sales of aircraft fuel, oil, equipment, and supplies, and to furnish mechanical service, temporary shelter, and other assistance to operators of civil aircraft of foreign registry for cash in emergency, when such supplies or assistance are required in order that the aircraft may continue to the nearest commercial airport, subject to the provisions of §§ 823.1 (c) and 823.5.

(b) Commanding officers of Air Force bases are authorized to make sales of aircraft fuel, oil, equipment, and supplies, and to furnish mechanical service, temporary shelter, and other assistance to operators of Government-owned aircraft of foreign registry under such regulations as may be promulgated by the Chief of Staff, United States Air Force.

(c) Commanding officers of Air Force bases are authorized to furnish shelter without charge, and to furnish mechanical service and other assistance at cost and to sell at cost fuel, oil, equipment, and supplies for any aircraft operated by any foreign military or air attache accredited to the United States, subject to § 823.5.

§ 823.5 *Responsibility of the Department of the Air Force.* (a) The Department of the Air Force will accept no responsibility for the quality or condition of the fuel, oil, or supplies sold, or the competence or skill of the mechanical service furnished to operators of aircraft of foreign registry.

(b) Requests for fuel, oil, supplies, or services in connection with aircraft of foreign registry will be made in writing by the aircraft commander, who will specify in detail the kind of fuel, oil, or supplies desired or the precise services to be furnished.

(c) The operator of the aircraft of foreign registry or a subordinate designated by him requesting mechanical service at the Air Force bases will personally supervise the performance of any services rendered and upon completion of the work will release the United States from all responsibility by written certificate stating that the supplies furnished and work performed have been satisfactory, and, if the aircraft is to be flown from that station, that it is airworthy.

(d) Aircraft of foreign registry will not be cleared nor permitted to take off from Air Force bases until such certificates of airworthiness has been made by the aircraft operator.

[SEAL] L. L. JUDGE,
Colonel, United States Air Force,
Air Adjutant General.

[F. R. Doc. 48-8807; Filed, Oct. 4, 1948; 8:52 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

BELGIUM; USED CLOTHING IN GIFT PARCELS

In § 127.216 *Belgium*, make the following changes:

Amend paragraph (b) (4) "Observations" by addition of a new paragraph reading as follows:

(b) *Parcel post.* • • •

(4) *Observations.* • • •

Used clothing, even when sent as a gift, is subject to customs duties in Belgium. Since the Belgian regulations do not permit cancelation of the duties, parcels containing used clothing cannot be returned to origin or abandoned if they should be unclaimed or refused by the addressees. Parcels containing used clothing should, therefore, not be accepted for mailing to Belgium unless the sender indicates an alternate addressee in that country to whom the parcel can be tendered for delivery in case it cannot be delivered as originally addressed. (R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943, 5 U. S. C. 22, 369, 372)

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-8810; Filed, Oct. 4, 1948; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

ISRAEL, STATE OF; LIMITED MAIL SERVICE INITIATED

In § 127.280a *Israel (State of)* (13 F. R. 4320), amend paragraph (a) (3) to read as follows:

(3) *Observations.* Mail service to the State of Israel is available to the following localities in that country:

Abu Kishok.
Abu Shuasha.
Abu Shusha.
Abu Zureiq.
Afikim.
Afula.
'Akbara.
'Alma.
Alonim.
Amiad.
Amir.
Ammuqa.
A'qir.
'Arab el Fuqara.
'Arab el Ghawarina.
'Arab en Nufei'at.
Arab Zubeid.
Ashdot Yaacov.
Ataroth.
Atlit.
Avihayil.
Avuka.
Ayanoth (Ramath David).
Ayanoth School.
Ayelethashahar.
Balad esh Sheikh.
Balfouriya.
Batshlomo.
Batyam.
Batzra.
Beerganim.
Beeri.
Beeroth Yitzhak.
Beertuviya.
Berryaakov.
Behadraga.
Belsan.
Beit.
Beitalpha.
Beitania.
Beit Dajan.
Beiteishel.
Beitgan.
Beithaarava.
Beithalevi.
Beithanan.
Beithashita.
Beithilel.
Beit Jan.
Beit Keshet.
Beit Oren.
Beit Oved.
Beit Shearim.
Beit Yanai.
Beit Yehoshua.
Beit Yitzhak.
Beit Yosef.
Beit Zera.
Benei Berit.
Beneibrak.
Beneigeulim (Talmon).
Beneir Deror.
Benshemen (Kfar Hanoar).
Benshemen (Moshav).
Binyamina.
Biriya.
Birkat Ramadan.
Bir Salim.
Bitzaron.
Biyar'Adas.
Bnaya.
Bneiakiva.
Dafna.
Dalhamiya.
Dalia.
Daliya.
Daliyat el Karmil.
Daliyat erruha.
Dan.
Dardara.
Deganiya "A".
Deganiya "B".
Deishum.
Dellata.
Doroth.
Dovrat.
Dror.
Ed Dumeira.
Ellon.
Eincanim.
Ein Eiron.
Ein ex Zeitun.
Einger.
'Ein Ghazal.
Einhaemek.
Einhahoresh.
Einhamifratz.
Einhanatziv.
Einhaoved.
Einharod.
Einhashofet.
'Ein Haud.
Einshemer.
Einvered.
Einzeitim.
Ekron.
El Bira.
El Hamma.
El Haram.
El Kafrin.
El Khalisa.
El Kheiriya.
El Manara.
El Mansi.
El Mansura.
El Mas'udiya.
El Mazar.
El Mughar.
El Mussura.
El Nabi Rubin.
El Qubeiba.
El Quderiya.
Elrol.
El 'Ubeidiya.
El 'Ulmaniya.
Elyashiv.
El Yehudiya.
En Nabi Yusha'.
En Na'ima.
Er Rihaniya.
Esh Shajara.
Esh Sheikh Muwannis.
Esh Shuna.
Es Safa.
Es Safiriya.
Es Salihiya.
Es Samakiya.
Es Samara.
Es Sanbariya.
Es Sarafand.
Es Sawalima.
Es Sindiyana.
Et Tabigha.
Et Tira.
Et Tira (nr. Haifa).
Evenyehuda.
Evron.
Ez Zawiya.
Ez Zuq at Tahtani.
Fajja.
Farradiya.
Fir'im.
Fureidis.
Galon.
Ganeam.
Ganhashomron.
Ganhayim.
Ganhepher.
Ganshlomo (Shiller).
Ganshmuel.
Ganyavne.
Gat.
Gatrimon.
Gedera.
Gesher.
Geva.
Gevat.
Gezer.
Ghuweir Abu Shusha.
Gibton.
Ginegar.
Ginosar.
Givaatayim.
Givaatbrener.
Givaathashlosha.
Givaathayim.
Givaathen.
Givaathshapira.
Givatada.
Givotzeid.
Giliyam.
Gvaram.
Hadar.
Hadatha.
Hadera.
Haifa.
Hamaapil.
Hanita.
Hartouv.
Hasharon (Ramatdavid).
Hatzerim.
Havatzelethasharon.

Hazorea.
Hazorim.
Hefetzhayim.
Heftsibah.
Hermonim.
Heruth.
Hertseliya.
Hibath Zion.
Hittin.
Hogla.
Holon.
Hukok.
Hula.
Hulata.
Hulda.
Ijzim.
Ilaniya (Sejera).
'Isfiya.
Jaba.
Jaffa.
Jalil El Qibliya.
Jalil Esh Shamaliya.
Jammasin El Gharbi.
Jammasin Esh Sharqi.
Jarisha.
Jatt.
Jerusalem.[1]
Jeuna.
Jisr'el Majami'.
Jubb Uusuf.
Kabara.
Kadima.
Kafr Lam.
Kafr Qari.
Karkur.
Kaukab el Hawa.
Kedma.
Kesarya (Sdotyam).
Kfaraharon.
Kfar Ana.
Kfarata.
Kfaravrajam.
Kfarazar.
Kfarbaruhch.
Kfarbialik.
Kfarbilu.
Kfarblum.
Kfarbrandeis.
Kfardarom.
Kfarfelixwarburg.
Kfarganim.
Kfargideon.
Kfargileadi.
Kfarglikson.
Kfarhahoresh.
Kfarhamaccabi.
Kfarharoe.
Kfarhassidim.
Kfarhayim.
Kfarhess.
Kfarhittim.
Kfar Kama.
Kfarkisch.
Kfarmalal.
Kfarmarmorek.
Kfarmassaryk.
Kfarmenahem.
Kfar Monash.
Kfarnatan Laski.
Kfarneter.
Kfarpines.
Kfarrupin.
Kfarsaba.
Kfarshemaryahu.
Kfarsirkin.
Kfarszold.
Kfartabor.
Kfartzyon.
Kfaruriya.
Kfarvitkin.
Kfaryabetz.
Kfaryeheskel.
Kfaryehoshua.
Kfaryehuda.
Kfaryeladim.
Kfaryona.
Khirbat 'beit lid.
Khirbat ed Damun.
Khirbat el Burj.
Khidbat Manshiya.
Khisas.
Khiyam el Walid.
Khubbeiza.
Khulda.
Kinneret Kibuutz.
Kinneret Moshava.
Kirad el Baqqara.
Kirad el Ghannama.
Kiryatamal.
Kiryatanavim.
Kiryatbialik.
Kiryatbinyamin.
Kiryatharoshet.
Kiryathayim.
Kiryatmotykin.
Kiryatnahum.
Kiryatshaul.
Kiryatschmuel.
Kiryatyam.
Lehavothhabashan.
Lubiya.
Maabarot.
Maale Hahamisha.
Maaplilim.
Maayanzvi.
Magdiel.
Mahanayim.
Mahaneyehuda.
Mahaneyisrael.
Malkiya.
Mallaha.
Mansurat el Kheit.
Maozhayim.
Marus.
Massada.
Massoutyitzhak.
Matzuva.
Meirum.
Menahemiya.
Merhaviya Kibbutz.
Merhaviya Moshav.
Mesilot.
Metula.
Migdal.
Mikhomerct.
Mikveisrael.
Misgav—Am.
Mishamarhanegev.
Mishmarhaomek.
Mishmarhasharon.
Mishmarhashlosha.
Mishmarhayam.
Mishmar Hayarden.
Mishmaroth.
Miska.
Mitzpa.
Mizra.
Moledeth (Bnei Brith).
Motza.
Motzaillit.
Mount Tabor.
Naan.
Na'ana.
Naghar.
Nahalal.
Naharayim.
Nahariya.
Nahlatyehuda.
Nahlatyitzhak.
Narbata.
Nasr ed Din.
Negba.
Nehalim.
Nesher.
Nestsiona.
Netaim.
Nethanya.
Nevatim.
Neveeitan.
Nevellan.
Neveyaakov.
Nimrin.
Nira.
Niram.
Nirdavid.
Nirim.
Nitzanim.
Nurls.
Nuseirat.
Pardesshanna.
Petahtikva.
Qabba'a.
Qalansuwar.
Qannir.
Qaqun.
Qastina.
Qatra.
Quniya.
Rannana.
Rabath Ashlag.
Ramataylm.
Ramatgan.
Ramathadar.
Ramathnkovesh.
Ramathasharon.
Ramathashofet.
Ramatrachel.
Ramattiomkin.
Ramatyishai.
Ramatyitzhak.
Ramatyohanan.
Ramin.
Ramothashavim.
Rantiya.
Regba.
Rehovot.
Revivim.
Rihaniya.
Rishonletsiyon.
Rishpon.
Roshpina.
Ruhama.
Sabbarin.
Safad.
Salama.
Saliha.
Saqiya.
Sarafand El 'Amar.
Sarafand el kharab.
Sarid.
Sdeeliyahu.
Sdenahum.
Sdenehemya.
Sdewarburg.
Sdeyaahov.
Semakh.
Serid.
Sha'ara.
Shaarhaamakin.
Shaarhagolan.
Shadmotdevora.
Shafa Amr.
Shamir.
Sharona.
Shaveizion.
Shcaryeshuv.
Shefer.
Shfayim.
Shfeya (Kfar Hanoar).
Shkunatbeilinson.
Shkunatono.
Shorashim.
Shoval.
Tamra.
Tantura.
Teitaba.
Teladashim.
Tel Aviv.
Tellitwinsky.
Telmond.
Telyitzhak.
Telyosef.
Teizur.
Tiberias.
Tira.
Tiratshalom.
Tiratzvi.
Tkuma.
Tuba.
Tubas.
Tuleil.
Tulkarm.
Um ez Zinat.
Umm esh Shauf.
Umm Khalid.
Urim.
Usha.
Wadi Ara.
Wadi el Hawarith North.
Wadi el Hawarith South.
Waldheim.
Weizlya.
Wilhelma.
Yaarothakarmel.
Yadmordcai.
Yafa.
Yagur.
Yajur.
Yaquq.
Yarkona.
Yasur.
Yavne.
Yavneel.
Yazur.
Yedudya.
Yesodhamaala.
Yibna.
Yokneam.
Zanghariya.
Zarnuga.
Zikhronyaakov.
Zofit.
Zralm.
Zuq el Faqani.
Zurmoshe.

[1] Although Jerusalem is not considered a part of the State of Israel, mail for that city is accepted and sent via Israel. Articles may be addressed to "Jerusalem, via Israel."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

The above regulation is effective at once.

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-8809; Filed, Oct. 4, 1948; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

INTERNATIONAL AIR PARCEL POST; COLOMBIA

CROSS REFERENCE: For order suspending international air parcel post service to Colombia, a service provided for under § 127.390, see F. R. Doc. 48-8811 under Post Office Department in the Notices section, *infra*.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES AND CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev. 39B, Amdt. 2]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF NEW FRESH HARVESTED IRISH POTATOES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, *It is hereby ordered*, That General Permit ODT 18A, Revised-39B, as amended (13 F. R. 3278), 4190), shall remain in full force and effect until October 24, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386, 13 F. R. 3971)

Issued at Washington, D. C., this 30th day of September 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 48-8825; Filed, Oct. 4, 1948; 8:52 a. m.]

[Special Direction ODT 18A-2A, Amdt. 14]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to § 500.73 of General Order ODT 18A Revised, as amended, Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074), is hereby further amended by canceling Item 32 thereof and by changing Items 31, 33, 35 and 55 thereof so as to read as follows: (Item 55 relates to the loading of lard, lard substitutes, and vegetable oil shortening.)

31. *Oleomargarine.* Fresh, in bulk, in tubs; in boxes; in containers, fibreboard; or in prints, shall be loaded to a weight not less than 30,000 pounds.

33. *Butter and oleomargarine.* Mixed carloads, fresh, in bulk, in tubs; in boxes; in containers, fibreboard; or in prints, shall be loaded to a weight not less than 30,000 pounds.

35. *Cheese.* In bulk, or in any type of container, shall be loaded to a weight not less than 30,000 pounds.

* * * * * *

55. (a) Fresh, in bulk, in containers, fibreboard, or in tubs, shall be loaded to a weight not less than 40,000 pounds.

This Amendment 14 to Special Direction ODT 18A-2A shall become effective October 4, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 3971)

Issued at Washington, D. C., this 30th day of September 1948.

C. R. MEGEE,
Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 48-8826; Filed, Oct. 4, 1948; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 22—MOUNTAIN REGION NATIONAL WILDLIFE REFUGES

DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO; HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service it has been determined that there is a surplus of pheasants on the Deer Flat National Wildlife Refuge that is causing depredation on adjacent agricultural lands, which surplus can best be removed by public hunting.

1. Section 22.221a (7 F. R. 6273) is herewith redesignated as § 22.220a *Deer Flat National Wildlife Refuge, Idaho; waterfowl hunting.*

2. The following is added:

§ 22.220b *Deer Flat National Wildlife Refuge; pheasant hunting.* Pheasants may be taken during the period November 25 to December 1, 1948, inclusive, on all lands except the W½ Section 36, T. 3 N., R. 3 W. of the Deer Flat National Wildlife Refuge, Idaho, in accordance with the following provisions:

(a) *Entry.* Entry on and use of the Refuge for any purpose is covered by the regulations for the administration of National Wildlife Refuges dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting. In addition, each hunter must comply with State hunting laws and regulations and must have on his person and exhibit at the request of any authorized Federal or State officer whatever license or licenses may be required by such laws and regulations, which license shall serve as a Federal permit for hunting pheasants on the Refuge.

(b) *Bag limits.* During the period November 25 to November 30, inclusive, the daily bag and possession limit shall be three cock pheasants, and on December 1, the bag and possession limit shall be three hen pheasants.

(Sec. 10, 45 Stat. 1222, sec. 84, 35 Stat. 1088, 43 Stat. 98; 16 U. S. C. 715i, 18 U. S. C. 145; Reorg. Plan No. II of 1939, 3 CFR, 1939 Supp., Chapter IV; Regulation, Fish and Wildlife Service, 5 F. R. 5284, 10 F. R. 4267)

Dated: September 29, 1948.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 48-8804; Filed, Oct. 4, 1948; 8:45 a. m.]

PART 24—WEST CENTRAL REGION NATIONAL WILDLIFE REFUGES

TAMARAC NATIONAL WILDLIFE REFUGE, MINNESOTA; FISHING

Basis and purposes. On the basis of observations and reports of field representatives of the Fish and Wildlife Service it has been determined that it is impractical for the Service to maintain as closed to fishing spawning ground portions of lakes as required by the existing regulations. Experience has shown that greater flexibility in the management of fishing on the Refuge can be had by eliminating this requirement. Experience has also shown that the demand for fishing on the Refuge is rather limited because of excellent fishing conditions outside of the Refuge and that ample protection can be provided by the following regulation:

Section 24.891 is revised to read:

§ 24.891 *Tamarac National Wildlife Refuge, Minnesota; noncommercial fishing.* Noncommercial fishing in accordance with the State Laws of Minnesota is permitted during the daylight hours on all waters within the Tamarac National Wildlife Refuge in accordance with the following provisions:

(a) *Entry.* Entry on and use of this refuge for any purpose are governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. All fishermen must comply with all State fishing laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for fishing in the waters of the refuge.

(b) *Boats.* The use of rowboats, canoes, and other similar floating devices is permitted on all the waters of the refuge. The use of motorboats, either inboard or outboard, is prohibited on all the waters of the refuge except for official purposes.

(c) *Live bait.* No seine, trap, or net shall be employed to take minnows, frogs, crawfish, or other aquatic animals for bait, nor shall live minnows be used for bait in any of the waters of the refuge.

(d) *Temporary restrictions.* During periods of waterfowl and other wildlife concentrations on the refuge, fishing will not be permitted in such suitably posted areas of the refuge as, in the judgment of the officer in charge, should be closed to fishing in order to provide adequate protection for such waterfowl concentrations. (Sec. 10, 45 Stat. 1222; 16 U. S. C. 715 (a); Reorg. Plan No. II of 1939, 3 CFR, 1939 Supp., Chapter IV; Regulations, Fish and Wildlife Service, 5 F. R. 5284, 10 F. R. 4267)

Dated: September 28, 1948.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 48-8806; Filed, Oct. 4, 1948; 8:45 a. m.]

PART 25—SOUTHERN REGION NATIONAL WILDLIFE REFUGES

WHEELER NATIONAL WILDLIFE REFUGE, ALABAMA; HUNTING

Basis and purposes. On the basis of observation and reports of field representatives of the Fish and Wildlife Service, it has been determined that there is an overabundant population of raccoons, opossums, and foxes which must be removed from the refuge as expediently as possible. Because of the low value of the pelts of these animals, it has been difficult to interest individuals in the trapping of the animals. It has been determined, therefore, to carry on experimental methods for the removal of the surplus population.

Section 25.964 is revised to read:

§ 25.964 *Wheeler National Wildlife Refuge, Alabama; hunting.* Until further notice, squirrels, rabbits, quail, opossum, foxes, and raccoon may be taken on the lands of the Wheeler National Wildlife Refuge, Alabama, in accordance with the State laws and regulations and in accordance with the following provisions:

(a) *Entry.* Entry on and use of the refuge for any purpose is covered by the regulations for the administration of National Wildlife Refuges dated December 19, 1940 (5 F. R. 5284; 50 CFR, Cum. Supp., Part 12), as amended, and strict compliance therewith is required. All hunters must comply with State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses may be required by such laws and regulations, which license shall serve as a Federal permit.

(b) *Dogs.* Each person hunting for quail on the public hunting ground will be permitted to take his dogs, not to exceed two in number, upon the refuge, but such dogs will not be permitted to run at large on the public shooting

ground or elsewhere on the refuge. Each person hunting raccoons, opossum and/or foxes on the public hunting ground will be permitted to take his hunting dogs upon such areas, provided he shall first have secured a permit from the Refuge Manager specifying the number of dogs that will be used, the area in which hunting may be conducted, and the period during which such dogs shall be allowed on the refuge. Dogs used for raccoon, opossum and/or fox hunting on the refuge shall at all times be under the general control of their owner or handler and shall not be permitted to run at large on the public hunting ground or elsewhere on the refuge.

(c) *Cooperative administration.* The ccoperation of the Alabama Conservation Department and of the Tennessee Valley Authority may be enlisted in the regulation, management, and operation of the public hunting areas, and each agency may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting. (Sec. 10, 45 Stat. 1222, sec. 84, 35 Stat. 1088, 43 Stat. 98; 16 U. S. C. 715i, 18 U. S. C. 145; Reorg. Plan No. II of 1939, 3 CFR, 1939 Supp., Chapter IV; Regulations, Fish and Wildlife Service, 5 F. R. 5284, 10 F. R. 4267)

Dated: September 27, 1948.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 48-8805; Filed, Oct. 4, 1948; 8:45 a. m.]

NOTICES

POST OFFICE DEPARTMENT

COLOMBIA

SUSPENSION OF INTERNATIONAL AIR PARCEL POST

The Postal Administration of Colombia has advised this Department that, effective at once, and until further notice, all Air Parcel Post service to that country has been suspended.

Effective at once, the International Air Parcel Post Service to Colombia is temporarily suspended.

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-8811; Filed, Oct. 4, 1948; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Lutheran Inner Mission Society of Pittsburgh, Inc., 79 South Twenty Third Street, Pittsburgh, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective October 1, 1948 and expires September 30, 1949.

The Chicago Lighthouse for the Blind, 3323 West Cermak Road, Chicago 23, Illinois; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective October 1, 1948 and expires September 30, 1949.

Goodwill Industries, 1500 Monroe Street, Chicago 7, Illinois; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 5 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective September 23, 1948 and expires September 22, 1949.

Northwest Missouri Association for the Blind, 307 South Fourth Street, St. Joseph, Missouri; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective October 1, 1948 and expires September 30, 1948.

The employment of handicapped clients in the above mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 27th day of September 1948.

JACOB I. BELLOW,
Assistant Director,
Field Operations Branch.

[F. R. Doc. 48-8812; Filed, Oct. 4, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2680]

BRANIFF AIRWAYS, INC.; MAIL RATE PROCEEDING

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Braniff Airways, Inc., over its entire domestic system, and the Board's Order to Show Cause, Serial No. E-1931, dated September 2, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 8, 1948, at 10:00 a. m. (eastern standard time) in Room 1049, Temporary Building No. 4, 17th Street and Constitution Ave. NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., September 29, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8815; Filed, Oct. 4, 1948; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-854, G-962]

ATLANTIC SEABOARD CORP. ET AL.

ORDER REOPENING PROCEEDINGS FOR THE PURPOSE OF TAKING ADDITIONAL EVIDENCE

SEPTEMBER 29, 1948.

In the matters of Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation, Docket No. G-854, and Tennessee Gas Transmission Company, Docket No. G-962.

These proceedings concern the joint application filed in Docket No. G-854 by Atlantic Seaboard Corporation (Atlantic) and Virginia Gas Transmission Corporation (Virginia Gas) on January 27, 1947, as amended January 2, 1948 and supplemented January 30, 1948, and the application filed in Docket No. G-962 by Tennessee Gas Transmission Company (Tennessee Company) on October 20, 1947 as amended April 19, July 2, and September 2, 1948, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas pipe line facilities subject to the jurisdiction of the Commission.

Pursuant to due notice, public hearings were held in Washington, D. C., on June 1 through 17, 1948 and August 10 through September 2, 1948, and oral argument was had before the Commission on September 16 and 17, 1948, concerning the matters involved and the issues presented by the two amended applications. Parties were afforded an opportunity for filing briefs, and proposed findings and conclusions, with supporting reasons.

Upon consideration of the aforesaid applications as amended and supplemented, the record thereon, and the briefs and oral argument in these proceedings, it is our opinion that the Applicant Tennessee Company in Docket No. G-962 has failed to meet the minimum requirements that an applicant must meet to entitle it to a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended.

The application as originally filed in Docket No. G-962 on October 20, 1947, by the Tennessee Company sought a certificate authorizing the construction and operation of additional pipe line facilities designed to increase the Company's system daily delivery capacity from 600,000 to 1,055,000 Mcf. Subsequently, in Docket No. G-989, the Tennessee Company applied for and was issued on April 7, 1948, a certificate authorizing facilities for an increase in daily delivery capacity from 600,000 to 660,000 Mcf. Thereafter on April 19, July 2, and September 2, 1948, the Tennessee Company amended its application in Docket No. G-962 to request a certificate authorizing facilities for an increase in daily delivery capacity from 660,000 to 1,000,000 Mcf. (at pressure base of 15.025 psia).

The amended application of the Tennessee Company in Docket No. G-962 involves principally the proposed construction of about 909 miles of 24, 26, 30 and 31-inch second and third main pipe line loops, along the Company's existing pipe line system in the states of Texas, Louisiana, Arkansas, Mississippi, Tennessee, Kentucky, and West Virginia, approximately 395 miles of 26-inch main pipe line from northeastern Kentucky to the vicinity of Buffalo, New York, additional compressor units aggregating 86,200 horsepower to be installed in existing compressor stations, a new compressor station with 5,000 horsepower installed, about 115 miles of 16-inch lateral transmission pipe lines, and other appurtenant facilities. Cost of the facilities has been estimated at $122,905,000.

The record clearly supports the conclusion that there is a public need, demand and market for the increased volume of 340,000 Mcf per day of natural gas proposed to be supplied by the Tennessee Company. The Applicant presented, among other agreements, contracts providing for the delivery of an additional 150,000 Mcf per day to Columbia Gas System companies, 85,000 Mcf per day to Consolidated Natural Gas System companies, 50,000 Mcf per day to companies of the National Fuel Gas system, and 30,000 Mcf per day to the Equitable Gas Company, an aggregate of 315,000 Mcf per day to the mentioned systems and companies in the Appalachian area. The estimated requirements for other customers and prospective customers along the Tennessee Company's pipe line system raise the total to a figure in excess of the estimated delivery capacity of the proposed enlarged system. The Company has contractually committed itself to additional deliveries over a long period of years, generally for the term of 20 years.

The Commission in its opinion dealing with the Kansas Pipe Line & Gas Company case (2 FPC 29) referred to certain minimum requirements that an applicant must meet to entitle it to a certificate of public convenience and necessity under section 7. In that opinion, among other requirements to be met by certificate applicants, it was stated that "We are of the opinion that applicants who contend that 'public convenience and necessity' require or will require the construction of facilities for the transportation of natural gas must show that they possess a supply of natural gas adequate to meet those demands which it is reasonable to assume will be made upon them. It is obvious that the public convenience and necessity would not be served by certificating an applicant who had an insufficient supply of the product which it proposes to make available to the public." (2 PFC 29, at page 40)

The Tennessee Company in Docket No. G-962 presented evidence of its gas purchase agreements and of estimated reserves available under its agreements which it contends shows that the Tennessee Company has a gas supply of 20.5 years on the basis of the Company's estimated average annual load factor of 85.7 percent, namely, daily requirements of approximately 840,900 Mcf per day at a 16.7 psia pressure base. In other words, the Company claims it has a gas supply under contract for approximately the number of years for which the Company has made delivery commitments to its customers.

The intervening coal and railroad interests, however, introduced expert testimony which put these estimates in grave question, pointing out that the vital question involved is the daily availability of gas under contracts in force in the years following the completion of the project proposed by the Tennessee Company.

The estimated life of reserves is based on the assumption that the Company will be able to purchase the maximum volumes of gas available under each of its gas purchase agreements, estimated as of the time of the hearings to aggregate 1,178,000 Mcf daily at a 16.7 pressure base. The terms of its various purchase agreements, however, vary greatly, the unexpired terms thereof ranging from less than 5 years to over 20 years. Adopting the Company's estimated daily requirements of 840,900 Mcf, it is obvious the volume of gas that the Company will be able to purchase during the term of its purchase contracts will be considerably less than if it were to purchase the maximum daily volumes, currently estimated at 1,178,000 Mcf per day. The estimate of 20.5 years supply fails to take into account the fact that most of the Company's gas purchase contracts expire in less than 20 years.

Analysis of the gas supply presentation made by the Tennessee Company reveals that a large number of its gas purchase agreements expire within the next few years. The reserves covered by a number of agreements, if the rate of take be only at the minimum daily availability volumes estimated by the Company, would be exhausted before the expiration of the contract terms. Giving effect to the decline in supply available to the Company under the aforementioned agreements, on a daily availability basis, it appears the Tennessee Company has not demonstrated that it has an adequate firmly committed natural gas supply sufficient to meet its daily requirements, including service already authorized and that proposed to be rendered by the facilities for which a certificate is sought here, for more than a very few years following 1951, the date estimated by the Company for completing the G-962 facilities.

The Company estimated its daily requirements on the basis of an average annual load factor of approximately 85.7 per cent. The record, however, discloses evidence, particularly if effect is given to the estimates by the Tennessee Company's customers of the volumes of gas they expect to buy from the Company, that in actual operation the assumed load factor will be exceeded and that, as a result, the average daily requirements are likely to approximate 964,000 Mcf. The high load factor at which the Tennessee Company's system has actually operated continuously since its construction, would tend to support the reasonableness of the latter figure.

On the assumption that Tennessee Company's requirements will approximate 964,000 Mcf per day, using the Company's own estimates of maximum daily availability under its gas purchase contracts, it appears that the Company has committed to it a natural gas supply sufficient to meet its full daily requirements

for only two to three years following 1951. The daily availability under contract then falls to approximately 74 per cent by the tenth year and to approximately 54 percent by the 16th year. There follows a rapid decline thereafter to about 10 percent of its requirements in the 19th year.

Even if we accept the optimistic picture, based on the Company's own assumptions as to future load factors, it appears that the supplies committed to it would meet its full requirements for not more than eight years' operation of the enlarged system or until about 1960. The availability of gas on this assumption would fall to about 85 per cent in the tenth year, and to approximately 62 per cent in the 16th year, with a rapid decline thereafter, to approximately 12 per cent of requirements in the 19th year after completion of the enlarged system.

From circumstances presented by this record we could not issue an unconditional certificate of public convenience and necessity, for Applicant Tennessee Company has not shown that it possesses a supply of natural gas reasonably adequate to meet its contracted obligations to its customers and the demands which it is reasonable to assume will be made upon it. The facilities proposed by the Tennessee Company involve estimated capital expenditures exceeding $100,000,000, which are to be financed principally by the sale of securities to the public. In reliance upon the proposed service to be undertaken by the Tennessee Company, substantial capital expenditures are planned to be made by its utility customer companies, not to mention the expenditures by thousands of gas consumers for appliances in expectation of gas service, in all, millions upon millions of dollars of investment by the public.

Consumers, investors and the public generally expect to and do rely upon this Commission, in issuing certificates of public convenience and necessity to natural gas companies, to issue certificates only to companies clearly showing ability to perform the services proposed. Section 7 of the Natural Gas Act requires such finding by this Commission in certificate proceedings as a condition precedent to the issuance of a certificate.

The importance of requiring an adequate showing of ability to meet requirements is emphasized when consideration is given to the evidence submitted by Tennessee Company's larger customers in support of the application. This evidence shows anticipated increases in peak day demands during the next four years for residential and commercial service alone, of approximately 637 million cubic feet for the Columbia system, 516 million cubic feet for the Consolidated system, 62 million cubic feet for the National Fuel system, and 105 million cubic feet for the Equitable Gas Company. This is equivalent to a four-year addition of more than ½ million new house heating customers in the area, with a large part of the requirements dependent upon the Tennessee Company's ability to deliver dependable quantities of gas from the Southwest for summer storage.

All together, by 1952, the peak day requirements of these four systems from all sources will total nearly 5 billion cubic feet and their annual requirements nearly 1 trillion cubic feet. Assurance of contracted supplies from all pipelines for the life of the gas supply contracts will be essential if serious interruption of industry and hardships for homes are to be avoided. This places a tremendous and growing responsibility on both the Applicant Tennessee Company and the Commission, to make sure that the necessary supplies in the producing areas are firmly committed before permitting such an expansion in the use of gas as is here proposed to go forward. It also means that gas production interests desiring the emoluments of a pipe-line market cannot escape their share of this responsibility. Furthermore, where we are dealing with an exhaustible resource we cannot take for granted that the pipe-line company will be able to meet its prospective requirements at some future time by negotiating new gas purchase contracts or extensions of existing short-term commitments.[1]

It is our opinion that the Tennessee Company in Docket No. G–962 has not met the requirement of showing an adequate gas supply for rendering the service proposed. This deficiency in supply showing is attributable in part to a number of short-term purchase contracts. On the record here it appears the Company has been unable to enter into agreements for more than five years with certain gas producers, in some instances where producers have reserves in the acreage covered by the agreements greatly exceeding the volumes contracted for delivery to the Tennessee Company. Except in instances where the reserves available warrant only short-term agreements, it should be obvious to natural gas companies, to the natural gas industry generally, including producers and owners of natural gas reserves selling gas to interstate pipe lines such as the Tennessee Company's system, that natural gas pipe line facilities of the character proposed in this proceeding cannot be authorized, constructed and operated feasibly on short-term commitments by the producers supplying gas. If natural gas is to be marketed through pipe line systems authorized and constructed to serve the public, a part of the responsibility for the adequacy of supply must reasonably be assumed by the natural gas producers selling to the pipe lines, to enter into sufficiently long-term agreements to make such operations feasible and compatible with the public interest.

From circumstances presented in this record, it is our belief that, rather than an outright denial of the application, the Tennessee Company should be afforded further opportunity to submit, at further hearings in these proceedings, evidence of additional firm commitments for an additional supply of natural gas sufficient to warrant the issuance of a certificate for the proposed facilities.

Closely associated with the question of the adequacy of the supplies of gas contracted for is the evidence relating to three contracts which the Tennessee Company has entered into with the Columbia Gas system. The first two contracts relate to agreements under date of March 1, 1948 by the Tennessee Company to deliver an additional 150,000 Mcf per day to subsidiary companies of the Columbia Gas System, namely 100,000 Mcf to United Fuel Gas Company and 50,000 Mcf to the Manufacturers Light and Heat Company. The third relates to a conditional assignment under date of March 1, 1948 by the Manufacturers Company to the Tennessee Company of the so-called January 1, 1944 Chicago-Manufacturers contract, under which the Chicago Corporation agreed to supply from gas acreage in Texas up to 100,000 Mcf per day to the Manufacturers Company of the Columbia System. This contract runs until January 1, 1974 unless terminated prior thereto by Manufacturers. Facilities for the delivery of this gas to the Columbia System are not presently available.

The three agreements, identified as Exhibits 20, 21 and 33, including the conditional assignment, represent in effect an arrangement, to the extent the 100,000 Mcf per day under the Chicago-Manufacturers contract is involved, for the Tennessee Company to transport from the Southwest to the Appalachian area the natural gas for which the Columbia System had contracted and is entitled under the January 1, 1944 Chicago - Manufacturers agreement. But the proposed arrangement does not provide for a simple transportation charge. Instead, it sets up a complex deal involving assignment of reserves with a possible inside profit to the Manufacturers Company and corresponding higher costs to consumers.

Further hearings in these proceedings would provide the Tennessee Company and the Columbia System an opportunity to present for our consideration satisfactory arrangements for the transportation of the Chicago-Manufacturers contract gas to the Appalachian area which are compatible with the public interest.

After carefully considering the record herein, we are of the opinion that the Applicant Tennessee Company in Docket No. G–962 should be afforded further opportunity to submit, at further hearings in these proceedings, additional evidence with respect to gas supply, transportation to the Columbia System of the Chicago-Manufacturers contract gas, and such other evidence as will meet the minimum requirements which the Commission has held an applicant must meet to entitle it to a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended. At such further hearings the Applicants and all interested parties of record in these proceedings will be further heard concerning these requirements.

[1] In the Texas Eastern Transmission Corporation case, in our order and accompanying Opinion No. 157, issued October 11, 1947, in Docket No. G–880, we were dealing with a pipe line which showed firm contracts for nearly 100 percent of its requirements in the 15th year of operation and over 90 percent of its requirements in the 20th year of operation as contrasted with the present applicant's showing of purchase contracts for only about 72 to 83 percent of its requirements in the 15th year, falling rapidly to about 10 to 12 percent in the 19th year.

If the further showing by the Tennessee Company on the matters herein required is satisfactory to this Commission, it is then our intention to issue forthwith a certificate of public convenience and necessity to the Company to authorize the construction and operation of the facilities subject of the pending amended application in Docket No. G–962.

Wherefore, It is ordered that:

(A) Further hearings in the above-entitled consolidated proceedings be held commencing on January 5, 1949, at 10:00 a. m. (est) in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C., for the specific purpose of receiving additional evidence:

(i) Showing that Applicant Tennessee Company has commitments for a supply of natural gas reasonably adequate to meet its contractual obligations to its customers and the demands that it is reasonable to assume will be made upon it upon completion of the proposed enlarged system;

(ii) Showing satisfactory arrangements for the transportation of the Chicago-Manufacturers contract gas to the Appalachian area compatible with the public interest; and

(iii) With respect to any other matters pertinent to the issues presented in these proceedings.

(B) If prior to the hearing date fixed by paragraph (A) hereof, the Tennessee Company desires to go forward with the presentation of further evidence upon the pertinent issues, upon 10 days' notice thereof the date for hearing may be advanced by the Commission.

(C) Interested State commissions and interveners of record may continue participation in this proceeding, as provided by the Commission's rules of practice and procedure and in accordance with leave heretofore granted by the Commission.

(D) Upon completion of the receipt of such supplemental additional evidence, the record thereof shall be closed and forthwith certified to the Commission and supplemental briefs may be filed within ten (10) days thereafter for Commission consideration unless otherwise ordered.

Date of issuance: September 29, 1948.

By the Commission. Chairman Smith and Commissioner Wimberly dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8820; Filed, Oct. 4, 1948; 8:49 a. m.]

[Docket No. G–1096]

TEXAS EASTERN TRANSMISSION CORP.

ORDER POSTPONING HEARING

SEPTEMBER 29, 1948.

Upon consideration of the motion filed September 28, 1948, by Texas Eastern Transmission Corporation for a postponement of the hearing herein now set to commence on October 11, 1948;

It appearing to the Commission that:

(1) Texas Eastern has agreed that if such postponement is granted, and, by reason of its being so granted, the Commission is unable to make a determination of the issues involved in this proceeding within the period of suspension heretofore ordered, Texas Eastern will not move to put the proposed supplemental rate schedules into effect pursuant to section 4 (e) of the Natural Gas Act prior to a final determination by the Commission herein.

(2) Good cause exists for postponing the date of hearing as hereinafter provided.

The Commission orders that:

The public hearing herein now set to commence on October 11, 1948, be and the same hereby is postponed to December 13, 1948, commencing at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: September 30, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8821; Filed, Oct. 4, 1948; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 827]

UNLOADING OF COAL AT SANDUSKY, OHIO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of September A. D. 1948.

It appearing, that 8 cars of coal at Sandusky Dock, Ohio, are on hand on the Pennsylvania Railroad Company, for an unreasonable length of time and that this delay in unloading such cars impedes their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

Coal at Sandusky, Ohio, be unloaded. (a) The Pennsylvania Railroad Company, its agents or employees, shall unload immediately the following cars now on hand at Sandusky, Ohio, in account of Hanna, consignment Young:

C&O 59164	C&O 131551
C&O 47831	C&O 55564
C&O 112510	C&O 176566
C&O 62670	C&O 121899

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., October 1, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48–8823; Filed, Oct. 4, 1948; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1699]

COLUMBIA GAS SYSTEM, INC., AND HOME GAS CO.

NOTICE REGARDING FILING OF AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September 1948.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Home Gas Company ("Home"), having filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9, 10 and 12 thereof and Rule U-43 promulgated thereunder, with respect to the issue and sale by Home to Columbia of $1,500,000 principal amount of 3¼% notes, due in equal annual installments on August 15 of each of the years 1950 to 1974, inclusive, the proceeds of such notes to be used by Home for the purpose of financing its construction program; and the Commission, by Order dated July 23, 1948, having granted and permitted said joint application-declaration to become effective with respect to $800,000 principal amount of said notes, and said joint application-declaration having been continued pending with respect to $700,000 principal amount of said notes:

Notice is hereby given that a further amendment to said joint application-declaration has been filed with this Commission by Columbia and Home.

Notice is further given that any interested person may, not later than October 6, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said amended application-declaration proposed to be con-

troverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 6, 1948, said amended application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said amended application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Home proposes to issue and sell to Columbia 3¼% installment promissory notes in the aggregate principal amount of $3,000,000, the proceeds of the sale of such notes to be used by Home to finance its construction program.

By order dated August 11, 1948, the Public Service Commission of New York authorized Home to issue and sell to Columbia $1,600,000 of 3¼% notes, making a total of $2,400,000 of such notes authorized by the Public Service Commission of New York.

Columbia and Home have requested that this Commission issue its order with respect to $1,600,000 of such notes and that the proceedings be continued with respect to the issue and sale of the balance of $600,000 of such notes, pending further action by the Public Service Commission of New York.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8814; Filed, Oct. 4, 1948; 8:47 a. m.]

[File No. 70-1837]

NORTH AMERICAN CO. AND UNION ELECTRIC CO., OF MISSOURI

ORDER POSTPONING HEARINGS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of September 1948.

The North American Company ("North American"), a registered holding company, and its subsidiary, Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility company, having filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding the proposed issue and sale by Union of 105,000 additional shares of its common stock to North American, all as summarized in Holding Company Act Release No. 8228; and

The Commission, on May 27, 1948, having issued its notice of filing and order for hearing with respect to said joint application and declaration directing that a hearing be held on July 12, 1948; and

On July 12, 1948, said hearing having been adjourned, at the request of applicants-declarants, until September 14, 1948; and

Said adjourned hearing having been postponed from September 14, 1948, to October 13, 1948, at the request of applicants-declarants; and

Applicants-declarants having on September 24, 1948, requested that said adjourned hearing be again postponed for a further period of sixty days from October 13, 1948; and

It appearing appropriate to the Commission that such request for postponement should be granted and that the adjourned hearing heretofore scheduled for October 13, 1948, should be postponed until December 14, 1948:

It is ordered, That the adjourned hearing in this matter heretofore scheduled for October 13, 1948, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., be, and the same hereby is, postponed to December 14, 1948, at 10:00 a. m., e. s. t., at the same place and before the same hearing officer previously designated. On such day the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8813; Filed, Oct. 4, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12080]

MARIA BUSCH

In re: Debt owing to Maria Busch. F-28-26019-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Busch, whose last known address is c/o Leonilla Determan, Paulinenstrasse 4, Wiesbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of City Bank Farmers Trust Company, as Liquidating Agent of Knickerbocker Equitable Securities Corporation, in dissolution, 22 William Street, New York, N. Y., in the amount of $640.32, as of December 31, 1945, arising out of a liquidating dividend on 48 shares of $10 preferred stock of the aforesaid Knickerbocker Equitable Securities Corporation, in dissolution, said stock evidenced by a certificate numbered 238 and registered in the name of Mrs. Maria Busch, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-8833; Filed, Oct. 4, 1948; 8:53 a. m.]

INGEBRET TORGERSEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Ingebret Torgersen, Salvesvold, Holt, Pr., Tvedestrand, Norway, 7832: $540.69 in the Treasury of the United States.

Karen Stiansen, Songe, Pr., Tvedestrand, Norway, $180.23 in the Treasury of the United States.

Anders Stiansen, Songe, Pr., Tvedestrand, Norway, $180.23 in the Treasury of the United States.

Torje Stiansen, Songe, Pr., Tvedestrand, Norway, $180.23 in the Treasury of the United States.

Executed at Washington, D. C., on September 28, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General. Director, Office of Alien Property.*

[F. R. Doc. 48-8837; Filed, Oct. 4, 1948; 8:55 a. m.]

FEDERAL REGISTER

VOLUME 13 NUMBER 195

Washington, Wednesday, October 6, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10003

PROVIDING FOR THE INVESTIGATION OF AND REPORT ON DISPLACED PERSONS SEEKING ADMISSION INTO THE UNITED STATES

By virtue of the authority vested in me by section 10 of the Displaced Persons Act of 1948, approved June 25, 1948, and as President of the United States, it is ordered as follows:

1. The Displaced Persons Commission is hereby designated as the agency which shall, subject to the provisions of paragraph 2 hereof, make or prepare the investigations and written reports required by section 10 of the Displaced Persons Act of 1948 regarding the character, history, and eligibility under the said Act of displaced persons seeking admission into the United States.

2. The Department of State, the Department of the Army, and such other agencies of the Government as the Displaced Persons Commission may request, shall, in accordance with arrangements agreed upon between the Commission and any such department or agency, furnish the Commission such assistance as it may need in carrying out its responsibilities under paragraph 1 of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 4, 1948.

[F. R. Doc. 48-8926; Filed, Oct. 5, 1948; 10:35 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

DEFINITIONS

Notice is hereby given of the approval by the Secretary of Agriculture of the amendment, as hereinafter set forth, to the rules and regulations (7 CFR, 1946 Supp., 951.100 et seq.) of the Industry Committee, established under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended. The said amendment to the aforesaid rules and regulations changes some of the railroad assembly points previously designated by the Industry Committee and approved by the Secretary of Agriculture (7 CFR, 1946 Supp., 951.101 (c)). The Industry Committee adopted the said amendment to its rules and regulations upon recommendation of the railroad carriers, operating within or from the State of California, that the changes in railroad assembly points, as set forth in the amendment, would facilitate the handling, by the railroads, of shipments of Tokay grapes regulated pursuant to section 5 of the amended marketing agreement and § 951.5 of the amended order.

On September 27, 1948, the proposed amendment, reflecting the action of the Industry Committee, was submitted to the Department of Agriculture for consideration and approval by the Secretary. Although the said amendment reduces the number of designated railroad assembly points, their respective locations are such as to assure more equitable treatment to all shippers of Tokay grapes by providing the same departure time from the State of California and the same scheduled arrival time at the principal receiving markets for all shipments of Tokay grapes billed on a particular date. Since regulation, pursuant to section 5 of the amended marketing agreement and § 951.5 of the amended order, of daily shipments of Tokay grapes is currently effective (13 F. R. 5485), the amendment should be made effective on the date hereinafter provided in order to maximize the efficiency of operations under the marketing agreement and order program during such period of regulation. Furthermore, the said amendment will not impose any additional restrictions on shippers of Tokay grapes and, consequently, no time is required by such shippers to prepare for the effective date of this amendment.

In view of the foregoing, it is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after the publication thereof in the FEDERAL REGISTER.

The amendment of the aforesaid rules and regulations is as follows:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

722 pages—$1.00 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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Delete the provisions in paragraph (c) of § 951.101 *Definitions* (7 CFR, 1946 Supp., 951.101 (c)), and insert, in lieu thereof, the following:

§ 951.101 *Definitions.* • • •

(c) "Railroad assembly points" means the railroad assembly points designated as follows:

Southern Pacific Railroad

(1) Colton.
(2) Gerber.
(3) Colfax.

Western Pacific Railroad

(1) Stockton.
(2) Portola.

Santa Fe Railroad

Bakersfield.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER: *Provided,* That with respect to all Tokay grapes that are held, on the effective date hereof, at previously designated railroad assembly points, such grapes shall be released for continued shipment pursuant to the provisions in section 5 of the amended marketing agreement and § 951.5 of the amended order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.1 et seq.)

Done at Washington, D. C., this 1st day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8896; Filed, Oct. 5, 1948; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter IV—Displaced Persons Commission

PART 700—ADMISSION INTO THE UNITED STATES OF DISPLACED PERSONS

This part contains preliminary regulations issued under Chapter IV, Title 8, Code of Federal Regulations.

Sec.
700.1 Definitions.
700.2 Assurance of employment, housing, proper care, and against becoming public charges.
700.3 Family of eligible displaced person previously engaged in agricultural pursuits.
700.4 Preferences and priorities in issuance of visas.
700.5 Eligibility; proof.
700.6 Selection of applicants.
700.7 Investigation of applicants.
700.8 Report upon applicants.
700.9 Procedure in connection with visa applications.
700.10 Reception and transportation.
700.11 Determination of admissibility by immigration authorities prior to embarkation.
700.12 Examination and other procedure at port of arrival.
700.13 Distribution and settlement throughout the United States.
700.14 Reports by certain eligible displaced persons.
700.15 Reports on rejected applications.

AUTHORITY: §§ 700.1 to 700.15 issued under sec. 8, Pub. Law 774, 80th Cong.; E. O. 10003.

CROSS REFERENCES: For consular regulations pertaining to general consular procedure with respect to immigrants, see Title 22, Code of Federal Regulations, Chapter I, Part 61.

For general immigration regulations, see Title 8, Code of Federal Regulations, Chapter I, Subchapter B.

§ 700.1 *Definitions.* Words importing the masculine gender shall include the feminine gender, and words importing the plural number shall include the singular and words importing the singular shall extend and be applied to the plural. The terms "Commission," "Displaced person," "Eligible displaced person," and "Eligible displaced orphan" as used in this chapter shall have the meaning ascribed in section 2 of the Displaced Persons Act of 1948. When used in that act or in this chapter the following terms shall have the following meaning:

(a) "Act" means the Displaced Persons Act of 1948.

(b) "Applicant" means an alien who seeks to enter the United States, or one for whom assurances have been given, under the provisions of the act.

(c) "Agricultural pursuits" means activities or services performed in one's own behalf or in the employ of any person, trust, estate, partnership, corporation, or public agency in connection with farming in all its branches and, among other things, includes the cultivation and tillage of the soil, dairying, the raising, production, cultivation, growing, harvesting, and processing of any agricultural or horticultural commodities (including (1) crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: gum spirits of turpentine and gum rosin, (2) maple syrup or maple sugar, and (3) mushrooms), the ginning of cotton, the raising, shearing, feeding, caring for, training, management, and slaughtering of livestock, bees, poultry, fur-bearing animals, and wildlife on a farm, the hatching of poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to, or in conjunction with such farming operations, including planting, handling, drying, packing, freezing, grading, processing (if such service is performed as an incident to ordinary farming operations, or in the case of fruits and vegetables as an incident to the preparation of such fruits and vegetables for market), storing, the preparation for market, delivery to storage or to market or to carriers for transportation to market, and the operation, management, conservation, improvement, or maintenance of the farm and the tools and equipment used in connection therewith, and including further the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes: *Provided, however,* That the foregoing shall not include services performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(d) "Child" includes a stepchild and a legally adopted child; also a child legitimated under the law of the father's domicile or under the law of the child's residence or domicile.

(e) "Entered Germany, Austria or Italy" and "having resided in Germany or Austria" shall, under this act, include areas in Europe which on January 1, 1938, constituted parts of the countries of Germany, Austria, or Italy. The foregoing cannot and shall not be understood or interpreted as implying any recognition on behalf of the Government of the United States of the territorial status in Europe.

(f) "Farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(g) "Immigration laws" means the laws, conventions and treaties of the United States relating to immigration, exclusion and expulsion of aliens from the United States.

(h) "Misrepresentation for the purpose of gaining admission into the United States" refers to a wilful misrepresentation, oral or written, to any person while he is charged with the enforcement or administration of any part of the act, of any matter material to an alien's eligibility for any of the benefits of the act.

(i) "Principal applicant" means an applicant who is the head of his family accompanying him and who propose to live with him.

(j) "Under the age of sixteen years" refers to age prior to reaching the sixteenth birthday and relates to the effective date of the act.

(k) "Unmarried" means not married at the time the applicant embarks for the United States under the act, whether or not previously married.

(l) Vienna — "American sector, the British sector or the French sector of • • • Vienna" shall include the international zone of Vienna.

(m) "Within the third degree of consanguinity computed according to the rules of the common law" includes lineal and collateral consanguinity. Lineal consanguinity is the direct line of descent and those within the third degree of such consanguinity include the child, grandchild, great grandchild, parent, grandparent and great grandparent. Collateral consanguinity is the relationship of persons descended from the same common ancestor and those within the third degree of such consanguinity include the brother, sister, nephew, niece, uncle, aunt, first cousin, second cousin, grandnephew, grandniece, great uncle, great aunt, child of great uncle or great aunt, and child of first cousin.

§ 700.2 *Assurance of employment, housing, proper care, and against becoming public charges.* (a) The assurances required under subsections (c), (d) and (e) of section 2 of the act shall be made in writing. Such assurances shall be by affidavit except where provided by a public agency or by a voluntary agency providing services in connection with the

migration, settlement, or welfare of aliens, recognized by the Commission for this purpose. The assurances shall be forwarded to the offices of the Commission, Washington 25, D. C., in triplicate, in such form as may be approved or required by the Commission and shall be accompanied by such documentary evidence as may be required by the Commission.

(b) The assurances that an applicant will be suitably employed without displacing some other person from employment shall provide such information as may be required by the Commission in order to establish to its satisfaction (1) that suitable activities for salary or gain are to be made available to the applicant by, through, or on behalf of the individual or agency furnishing the assurances, and (2) that no person will be removed from employment because of the activities to be performed by the applicant, or that if he would be so removed, such removal would take place in any event through the termination of the services of the incumbent because of his incompetency, inefficiency, or dishonesty, or because of other inadequacy in meeting his employer's needs, or for like reasons.

(c) Assurances that an applicant will, as his principal activity, attend regular sessions at a school in the United States and that he will undertake studies appropriate to his age and prior scholastic attainment shall, for the purposes of the act, be deemed to be assurances that the applicant will be suitably employed without displacing some other person from employment.

(d) The assurances that the principal applicant and the members of his family who will accompany him and who propose to live with him will have safe and sanitary housing without displacing some other person from such housing shall provide such information as may be required by the Commission in order to establish to its satisfaction (1) that there will be available to the applicants, upon their arrival, safe and sanitary housing, and (2) that no person occupying such housing will be required to vacate it in order that it may be made available to the applicants, or that if he will be so required to vacate therefrom such action would have been taken in any event for nonpayment of rent or because the occupant is an unsatisfactory person to continue to remain therein, or for like reasons: *Provided, however,* That action looking toward the removal of an occupant from such housing will be in accordance with all applicable laws and regulations.

(e) Assurances of suitable employment and safe and sanitary housing provided by a public agency or a voluntary agency recognized by the Commission for this purpose need not be assurances of a specifically identified job or housing accommodation.

(f) The assurances that the principal applicant and the members of his family who will accompany him and who propose to live with him shall not become public charges shall provide such information as may be required by the Commission in order to establish to its satisfaction that the applicants will not require aid at public expense for essential food, clothing, or shelter, or for medical treatment for causes existing prior to entry into the United States under the act: *Provided, however,* That an applicant admitted under the act shall not be deemed to have become a public charge under the act by reason of receiving public services (other than financial assistance) available to persons in the community in which he resides.

(g) The assurances that an eligible displaced orphan will be cared for properly may be submitted by (1) organizations recognized by the Commission for this purpose, in which event the assurances shall provide such information as may be required by the Commission in order to establish to its satisfaction that proper care will be provided the eligible displaced orphan through undertakings that the reception, placement and care of the child will be in conformity with standards established by the Federal Security Agency, through the Children's Bureau, and (2) individuals seeking the entry into the United States of specified children related to them, in which event the assurances shall provide such information as may be required by the Commission to establish to its satisfaction that proper care will be provided the eligible displaced orphan.

(h) Assurances required under subsections (c), (d), and (e) of section 2 of the act shall include such undertakings as may be satisfactory to the Commission that adequate arrangements have been made for the applicants covered thereby upon their arrival at ports of entry.

(i) Where the Commission is not satisfied with any assurances furnished pursuant to the act and the regulations in this part or desires further information in connection with any assurances it may require the furnishing of such additional information and undertakings as would assure it of compliance with the act and the regulations in this part. Such additional information and undertakings may include, but shall not be limited to, matters relating to the nature of housing and rentals therefor, the nature of schooling to be undertaken by applicants and the payment of any fees therefor, and the nature of employment and the rate of salary or gain therefrom.

§ 700.3 *Family of eligible displaced person previously engaged in agricultural pursuits.* The wife and married dependent child or children under twenty-one years of age, of an eligible displaced person who has been previously engaged in agricultural pursuits and who will be employed in the United States in agricultural pursuits shall themselves be deemed to be of that class of persons who have been previously engaged in agricultural pursuits and who will be employed in the United States in agricultural pursuits, and shall be accorded the same preference and priority as may be accorded to their husband or parent under the act.

§ 700.4 *Preferences and priorities in issuance of visas.* (a) No preferences in the issuance of visas to eligible displaced persons as such shall be granted except as provided in the act.

(b) Except as otherwise provided in the act or the regulations in this part, there shall be no priority in time of issuance of visas as between the preferences provided for in the act.

(c) First priority in the issuance of visas within the preferences specified in section 6 of the act shall be given to eligible displaced persons who establish to the satisfaction of the Commission that during World War II they bore arms against the enemies of the United States either as members of regular armed forces or in organized movements directed against the enemies of the United States, and that they are unable or unwilling to return to the country of which they are nationals because of persecution or fear of persecution on account of race, religion, or political opinions. Such inability or unwillingness shall be shown by such evidence as may be satisfactory to the Commission. If it is shown to the satisfaction of the Commission that the eligible displaced person is unable legally to return to the country of which he is a national, the requirement that such eligible displaced person is unable to return to the country of which he is a national because of persecution or fear of persecution shall be presumed to have been established.

(d) Second priority in the issuance of visas within the preferences specified in section 6 of the act shall be given to eligible displaced persons who establish, to the satisfaction of the Commission, that on January 1, 1948, they were located in a displaced persons camp or center, except that a showing satisfactory to the Commission of any of the following circumstances, which are hereby deemed to be special circumstances, shall make the case an exceptional one qualifying an eligible displaced person not located in a displaced persons camp or center on January 1, 1948, to the second priority within the preferences.

(1) That the eligible displaced person left such camp or center prior to January 1, 1948, in compliance with compulsory labor service laws or orders applicable to him;

(2) That the eligible displaced person left such camp or center prior to January 1, 1948, because of his health or to accompany his spouse or a child or children who left such camp or center because of their health;

(3) That the eligible displaced person left such camp or center prior to January 1, 1948, in reliance upon promises or assurances made directly to him, or directly to his spouse or to any of his children and relied upon by him, by officials of the United States Government, military or civil, that he could return to the camp or center or that none of the rights or privileges which might thereafter accrue to him as occupant of such camp or center in connection with migration to the United States for permanent residence would be prejudiced by departure from the camp or center: *Provided,* That if such individual had been firmly resettled in some other place, the circumstances stated herein shall not be deemed to be special circumstances under section 7 of the act;

(4) That absence from the camp or center on January 1, 1948, was temporary only and of such a character as clearly to show intent to return at the termination of such temporary period;

(5) That the eligible displaced person was located outside of a displaced persons camp or center on January 1, 1948, by reason of employment by the Government of the United States, by the occupying authorities of the United States, Great Britain or France, by the International Refugee Organization, or by a voluntary agency approved by the Commission for this purpose;

(6) That the eligible displaced person absent from the camp or center on January 1, 1948, is the spouse or minor child of an eligible displaced person emigrating to the United States under the act, but only if the second priority will facilitate the simultaneous emigration of the family as a unit; and

(7) Any eligible displaced person who is not within one or more of the classes defined in paragraph (d) (1) to (d) (6) of this section, but in whose case circumstances of a similar character are found to exist by the Commission.

(e) An eligible displaced person located outside of a displaced persons camp or center on January 1, 1948, shall not be prejudiced in his rights under the act by reason of not qualifying for a second priority under section 7 of the act.

§ 700.5 *Eligibility; proof.* (a) Certifications by the International Refugee Organization, local police records, Central Tracing Bureau records, military or other official records and documents, and other auxiliary official records shall be accepted as establishing, prima facie, the existence of the matters stated therein, for the purpose of establishing eligibility under the provisions of the act: *Provided,* That in the determination of eligibility under the act consideration shall also be given to other documentation, including personal records, to the statements and affidavits of applicants and of other persons in behalf of applicants, and to any other pertinent evidence.

(b) An applicant's eligibility under the act shall not be affected:

(1) By absence from the geographical areas listed in section 2 (c) of the act after December 22, 1945, or before January 1, 1948, or on or after January 2, 1948, unless such absence was for the purpose of a firm resettlement, or

(2) By absence from the geographical areas listed in section 2 (d) of the act after June 25, 1948, unless such absence was for the purpose of a firm resettlement, or

(3) By absence from the geographical areas listed in section 2 (e) of the act after having been present there on or before June 25, 1948, unless such absence was for the purpose of a firm resettlement.

§ 700.6 *Selection of applicants.* (a) Selection of applicants under section 2 (c) and (d) of the act for processing for admission into the United States shall be made by duly authorized representatives of the Commission on the basis of (1) the assurances submitted by agencies or individuals in accordance with § 700.2 in behalf of specified persons, and (2) assurances submitted by or in behalf of prospective employers in accordance with § 700.2 requesting persons with specified skills or aptitudes or for specified employment.

(b) Selection of applicants under section 2 (e) of the act for such processing shall be made by duly authorized representatives of the Commission on the basis of assurances submitted by organizations or individuals in accordance with § 700.2 (g).

(c) Duly authorized representatives of the Commission shall make a preliminary determination of the eligibility for admission to the United States under the specific provisions of the act (apart from other applicable immigration laws) of applicants selected for processing in accordance with the procedures set forth in paragraphs (a) and (b) of this section.

§ 700.7 *Investigation of applicants.* (a) Upon the completion of selection and preliminary determination of eligibility under the act in accordance with § 700.6, the Commission shall conduct a thorough investigation of the character, history and eligibility of persons so selected.

(b) In order to facilitate the conduct of such investigation by the Commission, and to enable the Commission to determine admissibility under the act, and whether the admission of persons so selected would be inimical to the welfare or security of the United States, the Commission will arrange with the Department of the Army to provide the necessary investigative and administrative assistance, and to submit in writing to a duly authorized representative of the Commission a statement of the evidence found by it relative to (1) his character and history, and (2) whether he is or has been a member of, or participated in, any movement which is or has been hostile to the United States or the form of government of the United States.

(c) In areas where the Department of the Army is unable to assist the Commission in the manner provided in paragraph (b) of this section, the Commission may obtain such assistance as it deems practicable from the Department of State in order to conduct properly and expeditiously the investigations provided for in this section.

§ 700.8 *Report upon applicants.* (a) Upon the basis of the entire record, including the investigation and written statements provided for in § 700.7, the Commission shall make and prepare a written report, as required by section 10 of the act and by Executive Order 10003,[1] regarding the character, history and eligibility under this act of each eligible displaced person selected for processing and preliminarily determined to be eligible for admission under § 700.6 (c). The report shall be deemed to establish, prima facie, the applicant's character, history, and eligibility under the act, and shall be deemed to establish, as conclusive, the existence of all factors relating to eligibility to enter the United States except the existence of those factors required in applicable immigration laws other than the act.

[1] *Supra.*

(b) The report provided for in paragraph (a) of this section shall contain a certification of the preference and priority, if any, appropriate to the applicant under the provisions of the act and the regulations in this part.

(c) The original and true copy of such report, if favorable to the applicant's admissibility to the United States, shall be transmitted by the Commission to the appropriate consular officers for consideration in connection with an application for an immigration visa.

(d) Upon transmittal of such report in accordance with paragraph (c) of this section, duly authorized representatives of the Commission shall notify the applicant concerned, either directly, through the International Refugee Organization, or through an agency which has submitted an applicable assurance, that he may apply to a consular officer for an immigration visa.

§ 700.9 *Procedure in connection with visa applications.* (a) The Commission shall assist in every way practicable in the expeditious and efficient processing of applications for immigration visas, and to that end shall make appropriate arrangements with the Department of the Army, the Foreign Service of the Department of State, the Public Health Service of the Federal Security Agency, the International Refugee Organization, and other agencies concerned.

(b) Medical examinations by the Public Health Service of the Federal Security Agency shall be conducted concurrently, so far as practicable, with any other processing of applications for immigration visas.

(c) The original of the report provided for in § 700.8 (a) shall be attached to the immigration visa by the officer issuing such visa. This report shall remain with the visa and shall thereby be available to the officers of the Immigration and Naturalization Service of the Department of Justice in order to assist in the conduct of the examinations under the applicable immigration laws.

§ 700.10 *Reception and transportation.* (a) Upon the issuance of an immigration visa, a duly authorized representative of the Commission shall immediately notify the International Refugee Organization or other responsible authorities in order that adequate provisions may be made for transporting the applicant to a port of embarkation and thereafter to the United States.

(b) At the earliest time practicable the Commission shall arrange for notifying interested individuals or agencies of the granting of the visa and the expected dates of embarkation and of arrival in the United States, in order that appropriate arrangements for reception and transportation in the United States may be made in behalf of the applicant.

§ 700.11 *Determination of admissibility by immigration authorities prior to embarkation.* After an immigration visa has been issued to an applicant he shall be examined by an immigrant inspector, as closely proximate to the time the applicant embarks for the United States under the act as is practicable. An applicant who may not appear to that ex-

amining inspector to be clearly and beyond a doubt entitled to land shall be referred for examination in relation thereto by a board of special inquiry. The case of any applicant who has been referred to a board of special inquiry shall thereafter, insofar as the determination abroad of his right to enter the United States is concerned, proceed in the same manner as the cases of aliens referred to boards of special inquiry at ports of arrival following their applications for admission to the United States under the provisions of the immigration laws other than this act. Upon a determination preliminarily that an applicant is entitled to land in the United States, a notation of such determination shall be made in a manner sufficient to inform officers of the Immigration and Naturalization Service thereof at the port of the applicant's arrival.

§ 700.12 *Examination and other procedure at port of arrival.* Upon the arrival of any applicant at a port of entry in the United States he shall be given a medical examination by medical officers or surgeons under the jurisdiction of the Public Health Service of the Federal Security Agency and an examination by an immigrant inspector in order that it may be determined, in accordance with the requirements of the applicable laws, whether the applicant is admissible to the United States for permanent residence. If, on the basis of such examination by the immigrant inspector and consideration by him of the report of the medical examination, the inspector is satisfied clearly and beyond a doubt that the applicant meets all the requirements of the applicable laws for entry into the United States for permanent residence, the inspector shall admit the applicant to the United States in the same manner as all other admissible immigrants. If the immigrant inspector is not so satisfied, the applicant shall be detained for examination in relation to his qualifications for admission by a board of special inquiry. After being so detained his case shall proceed in the same manner as the cases of all immigrants seeking admission to the United States under the provisions of the immigration laws other than the act.

§ 700.13 *Distribution and settlement throughout the United States.* The most general distribution and settlement of persons admitted under the act shall be accomplished through consideration of the assurances required by the act and by the location of such persons throughout the United States and its Territories and possessions in accordance with the availability of conditions which shall promote their most effective resettlement.

§ 700.14 *Reports by certain eligible displaced persons.* Every eligible displaced person, except an eligible displaced person who shall have derived his status because of being the spouse or an unmarried dependent child under twenty-one years of age of an eligible displaced person, who shall be admitted to the United States shall report in such form as may be approved or required by the Commission, on the first day of January and on the first day of July of each year until he shall have made four reports to the Commission furnishing such information as may be required by the Commission. If the term of the Commission expires before the four reports have been submitted, the remaining number of the required reports shall be submitted to the Attorney General. If an eligible displaced person who is required to submit such report enters the United States within 60 days prior to either the first day of January or the first day of July, the first report need not be made until the next date on which a report is required to be made.

§ 700.15 *Reports on rejected applications.* (a) Where an application under the act is rejected by a consular officer, or where the applicant is found inadmissible by the immigration authorities, such officer or authorities shall submit a report in writing to the Commission containing a statement of the reason for such rejection and of the evidence upon which it was based.

(b) Where an applicant for whom the necessary assurances have been provided is not preliminarily determined eligible under § 700.6, the duly authorized representative of the Commission making such determination shall prepare a report in writing of the reasons therefor.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making is found to be contrary to the public interest because Public Law 774, 80th Congress (62 Stat. 1009) which is implemented by these rules, became effective on June 25, 1948, and the execution of functions of the Displaced Persons Commission under that statute would be unduly impeded by such notice. For the same reason it is found that the provisions of section 4 (c) of the Administrative Procedure Act providing for delayed effective date are inapplicable.

HARRY N. ROSENFIELD,
Acting Chairman,
Displaced Persons Commission.

[F. R. Doc. 48-8864; Filed, Oct. 5, 1948; 10:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 48-8556, appearing at page 5566 in the issue for Friday, September 24, 1948, § 146.49 should be corrected in the following respects:

1. The last line of paragraph (d) (1) should read, "therefor, if any, by this section."

2. Paragraph (d) (2) (i) should read as follows:

(i) The batch; average potency per tablet, average moisture, microorganism count; and

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 200—ORGANIZATION AND PROCEDURE

REDELEGATIONS OF AUTHORITY

Section 200.65 *Contracts*, of Chapter II, Part 200 (13 F. R. 2043), is hereby amended to read as follows:

§ 200.65 *Construction, supply, and service contracts.* (a) Effective October 1, 1948, authority to enter into contracts for construction, supplies, or services in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations, and with respect to any such contract, to issue change orders and extra work orders pursuant to the contract, to enter into modifications of the contract which are legally permissible, and to terminate the contract if such action is legally authorized, is hereby delegated as follows:

(1) Irrespective of the amount involved, to the Acting Director, the Assistant Director, and the Executive Officer.

(2) With respect to contracts not exceeding $5,000 in amount, to the Chiefs and Acting Chiefs of the Geologic Branch, the Topographic Branch, the Water Resources Branch, and the Conservation Branch, the Purchasing Agent of the Geological Survey, and to persons designated as Agent Cashiers while on duty in Alaska and elsewhere outside the continental limits of the United States.

(3) With respect to contracts not exceeding $500 in amount, to Regional Geologists and Project Chiefs in the Geologic Branch, Division Engineers and Area and Subarea Chiefs in the Topographic Branch, District Chemists, District Engineers, District Geologists, and other heads of field offices in the Water Resources Branch, Regional Supervisors and Deputy Supervisors, District Engineers of the Water and Power Division, and Regional Geologists in the Conservation Branch, and persons officially designated as Acting in the absence of any of the officers mentioned in this subparagraph.

(20 Stat. 394, 43 U. S. C. 31; 43 CFR 4.100, 12 F. R. 4115, 13 F. R. 2043)

JULIAN D. SEARS,
Acting Director.

OCTOBER 1, 1948.

[F. R. Doc. 48-8866; Filed, Oct. 5, 1948; 8:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIV—Department of State, Disposal of Surplus Property

[Department Reg. 108.76; FLC Reg. 8, Amdt. 3]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

DESIGNATION OF DISPOSAL AGENCY

OCTOBER 1, 1948.

Section 8508.3 of FLC Regulation 8 (Departmental Regulation 108.30; 11 F. R. 13423), is hereby amended by substituting a colon for the final period and

by adding the following immediately thereafter:

§ 8508.3 *Designation of disposal agency.* * * * *Provided, further,* That when the Office of the Foreign Liquidation Commissioner determines that disposition by it of surplus property located in a certain area would be costly and uneconomical, such property (with the exception of that property which has been declared surplus to or committed for sale by the Office of the Foreign Liquidation Commissioner) may be disposed of by the owning agency in accordance with regulations to be issued by the owning agency and approved by the Office of the Foreign Liquidation Commissioner, at the best price obtainable under the circumstances, rather than declared surplus. Where the total acquisition cost of all such property to be disposed of by an owning agency at any depot, base, or similar place at any one time exceeds $50,000 (exclusive of the value of any property being disposed of under the authority of section 14 (b) of the Surplus Property Act of 1944 as amended), the proposed disposition shall be referred to the Office of the Foreign Liquidation Commissioner for review and discussion as to the most practical method of disposal in accordance with the conditions and determinations noted above. However, whenever, in the opinion of the owning agency, reference to the Office of the Foreign Liquidation Commissioner is deemed desirable because of exceptional circumstances, the proposed disposal may be referred to the Office of the Foreign Liquidation Commissioner for review and discussion, regardless of the acquisition cost of the property involved. All dispositions of property made under this proviso by the owning agencies will be subject to the import restrictions of § 8508.15 and orders issued pursuant to this part.

This amendment shall become effective when published in the FEDERAL REGISTER.

(58 Stat. 765, 59 Stat. 533, 60 Stat. 168, 754; 50 U. S. C. App. 1611-46)

Approved: October 1, 1948.

[SEAL] ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-8865; Filed, Oct. 5, 1948; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 402—ANNUAL WATER CHARGES

ORLAND IRRIGATION PROJECT, CALIFORNIA, AND W. C. AUSTIN IRRIGATION PROJECT, OKLAHOMA

CROSS REFERENCE: For additions to the tabulation contained in § 402.2, see Federal Register Documents 48-8838, 48-8839 and 48-8840, under Department of the Interior, Bureau of Reclamation, in the Notices section, *infra*.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE, AND PROCEDURE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of §§ 1.142 and 1.144 of the Commission's rules relating to organization and practice and procedure.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1948;

The Commission having before it a proposal to amend §§ 1.142 and 1.144 of its rules relating to organization and practice and procedure so that in the case of applications for construction permits to construct experimental TV stations to be operated in conjunction with the operation of commercial TV broadcast stations, the Secretary with the approval of the Commission's Engineering and Law Bureaus shall have authority to act thereon; and

It appearing, that under the present Commission rules, the Commission would be required to take individual action upon each of said applications; and

It further appearing, that the processing of said applications will be greatly expedited by appropriate delegation of the Commission's authority to act thereon to members of the Commission Staff; and

It further appearing, that it is desirable to amend the delegation to the Secretary as provided for in § 1.142 (a) (6) of the Commission's rules and regulations so as to require approval of both the Law and Engineering Bureaus; and

It further appearing, that the proposed amendment is procedural and compliance with the provisions of section 4 of the Administrative Procedure Act is not required; and

It further appearing, that authority for the proposed amendment is contained in sections 5 (b) and 303 (r) of the Communications Act of 1934, as amended.

It is ordered, That, effective immediately, § 1.142 (a) (6) of Part 1 of the Commission's rules relating to organization and practice and procedure be, and it is hereby deleted: and

It is further ordered, That, effective immediately, § 1.144 of Part 1 of the Commision's rules relating to organization and practice and procedure be, and it is hereby, amended to include § 1.144 (k) which paragraph shall read as follows:

§ 1.144 *Authority delegated to Secretary upon securing approval of the Law and Engineering Departments.* * * *

(k) Applications for remote pick-up, ST, and experimental TV relay broadcast stations.

(Sec. 5 (b), 48 Stat. 1068, sec. 6 (b), 50 Stat. 191; 47 U. S. C. 5 (b), 303 (r))

Released: September 29, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8868; Filed, Oct. 5, 1948; 8:59 a. m.]

PART 3—RADIO BROADCAST SERVICES

CHANGES IN BROADCAST APPLICATION FORMS

In the matter of changes in F. C. C. Forms 301, Application For Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station, 302, Application for New Broadcast Station License, 303, Application for Renewal of Broadcast Station License, and 313, Application For Authorization in the Auxiliary Radio Broadcast Services.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1948;

The Commission having under consideration the adoption of changes in the broadcast application forms F. C. C. Forms 301, 302, 303, and 313;

It appearing, that the proposed revisions are editorial in nature and do not in any substantial manner change the kind or extent of information required; and

It further appearing, that the nature of the proposed changes is such as to render unnecessary the notice and procedure provided for in section 4 of the Administrative Procedure Act; and

It further appearing, that the authority for the proposed changes is contained in sections 303 (e), 303 (j), 303 (r), and 303 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately F. C. C. Forms 301, 302, 303 and 313 are amended as set forth below.

(Sec. 303 (e), (j), 308 (b), 48 Stat. 1082, 1084, sec. 6 (b), 50 Stat. 191; 47 U. S. C., 303 (e), (j), (r), 308 (b))

Released: September 29, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Form 301:

Section I, Paragraph C of Instructions, delete the last sentence and substitute the following: "Show date of preparation of each exhibit, antenna pattern, and map, and show date when each photograph was taken."

Section V-A, Paragraph 3, delete the present language of subparagraph beginning with the words "Height of vertical lead * * *" and substitute the following: "Height in feet of complete radiator above base insulator, or above base if grounded." In the subparagraph

beginning with the words "Give method of exciting antenna • • •" change the "Give" to "Describe". In the subparagraph beginning with the words "If the antenna system • • •" in the third line insert the word "on" between the words "as" and "the".

Paragraph 7d, fourth line, change the semicolon to a period and delete the words "except that".

Paragraph 8, delete the complete paragraph and substitute the following: "Attach as Exhibit No. -- a sufficient number of aerial photographs taken in clear weather at appropriate altitudes and angles to permit identification of all structures in the vicinity. The photographs must be marked so as to show compass directions, exact boundary lines of the proposed site, and locations of the proposed 250 and 500 mv/m contours for both day and night operation. Photographs taken in eight different directions from an elevated position on the ground will be acceptable in lieu of the aerial photographs if the data referred to can be clearly shown."

Section V–G, Paragraph 2, fourth line, insert the words "It is" before the word "Not".

Signature box, eliminate the word "Occupation" and the line directly above.

Form 302:

Section I, Paragraph 1, delete the complete subparagraph beginning with the words "Construction permits of any Remote Pickup, ST, or other • • •".

Section II–A, Paragraph 3, add the following within the parentheses directly under the title box "Height figures should not include obstruction lighting.)" Delete the language of subparagraph beginning with the words "Height above insulators • • •" and substitute the following "Height in feet of complete radiator above base insulator, or above base if grounded. Delete the language of subparagraph beginning with the words "Overall height above ground • • •" and substitute the following "Overall height in feet above ground." Delete the language of the subparagraph beginning with the words "If top loading is used • • •" and substitute the following "If antenna is either top loaded or sectionalized, describe fully as Exhibit No. --."

Paragraph 4, in the subparagraph beginning with the words "Class of operation of last radio frequency amplifier • • •" delete the first two words "Class of".

Paragraph 5, insert the word "Meters" before the word "currents" in the first line. Delete the subparagraph "Phase monitor: Manufacturer and Type" and substitute the following "Manufacturer and type of phase monitor used in taking above readings."

Form 303:

Section II, Paragraph 3, add the following to the title "and control equipment".

Paragraph 7, eliminate the complete paragraph and substitute the following:

7. Directional antenna operating values (Standard Broadcast only).

Tower	Phase reading in degrees		Antenna base current		Remote indication of antenna current	
	Night	Day	Night	Day	Night	Day
No. 1						
No. 2						
No. 3						
No. 4						
No. 5						
No. 6						

Manufacturer and type of phase monitor used in taking above readings.

Describe equipment used for remote indication of antenna currents (phase monitor or other method.)

Form 313:

Instruction A, in the first and second lines change the words "ST" to "STL".

Paragraph 3, add a new subparagraph b to read as follows: "b. Receiving point, State ---------- County ---------- City ---------- Street and number (or other description of location --------)". Renumber the present subparagraph b to c.

Paragraph 4, to the subparagraph which reads "Direction of main lobe in degrees referred to true north" add the following "(if more than one antenna is used, give direction for each)."

[F. R. Doc. 48-8867; Filed, Oct. 5, 1948; 8:59 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 70]

PART 95—CAR SERVICE

FRESH FRUIT AND VEGETABLE RECONSIGNMENTS RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of September A. D. 1948.

Upon further consideration of the provisions of Service Order No. 70 (8 F. R. 8515), as amended, and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 70, *Fresh fruit and vegetable reconsignments restricted*, restricting number and times perishables may be reconsigned, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Service Order No. 70, and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order.

It is further ordered, That this order shall become effective at 7:00 a. m., October 1, 1948; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-8861; Filed, Oct. 5, 1948; 8:51 a. m.]

[Rev. S. O. 396]

PART 95—CAR SERVICE

PERISHABLES; RESTRICTIONS ON RECONSIGNING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of September A. D. 1948.

Upon further consideration of the provisions of Revised Service Order No. 396 (13 F. R. 3738), and good cause appearing therefor: *It is ordered*, That:

(a) Revised Service Order No. 396 *Perishables; restriction on reconsigning*, restricting time perishables may be held for diversion or reconsignment, be, and it is hereby, vacated and set aside.

(b) *Announcement required.* Each of the railroads affected by this order shall within fifteen (15) days from the effective date of this order, publish, file, and post a supplement to each of its tariffs affected announcing the vacation by this order on the effective date hereof, of Revised Service Order No. 396 and stating that the provisions in said tariffs which were suspended by such order will be restored on the effective date of this order.

It is further ordered, That this order shall become effective at 7:00 a. m., October 1, 1948; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-8860; Filed, Oct. 5, 1948; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 405]

WITHOLDING EXEMPTIONS AND REDUCTION IN WITHHOLDING OF TAX AT SOURCE OF WAGES; REGULATIONS AMENDED TO CONFORM TO THE REVENUE ACT OF 1948

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791).

[SEAL] GEO. J. SCHOENEMAN, *Commissioner of Internal Revenue.*

Regulations 116 amended to conform to sections 202 (b), 203, 501, 502, and 503 of the Revenue Act of 1948, relating to withholding exemptions and reduction in withholding of tax at source on wages.

In order to conform Regulations 116 (26 CFR Part 405) to sections 202 (b), 203, 501, 502, and 503 of the Revenue Act of 1948 (Public Law 471, 80th Congress), enacted April 2, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 405.201 the following:

TITLE V—REDUCTION IN WITHHOLDING OF TAX AT SOURCE ON WAGES (Revenue Act of 1948)

SEC. 501. PERCENTAGE METHOD.

Section 1622 (a) and section 1622 (b) (1) of the Internal Revenue Code (relating to percentage method of withholding) are hereby amended to read as follows:

(a) *Requirement of withholding.* Every employer making payment of wages shall deduct and withhold upon such wages a tax equal to 15 per centum of the amount by which the wages exceed the number of withholding exemptions claimed multiplied by the amount of one such exemption as shown in subsection (b) (1).

(b) (1) The table referred to in subsection (a) is as follows:

PERCENTAGE METHOD WITHHOLDING TABLE

Pay-roll period	Amount of one withholding exemption
Weekly	$13.00
Biweekly	26.00
Semimonthly	28.00
Monthly	56.00
Quarterly	167.00
Semiannual	333.00
Annual	667.00
Daily or miscellaneous (per day of such period)	1.80

SEC. 502 WAGE BRACKET WITHHOLDING.

The tables contained in section 1622 (c) (1) of the Internal Revenue Code (relating to wage bracket withholding) are hereby amended to read as follows:

If the pay-roll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$13	15% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$13	$14	$2.00	.10	0	0	0	0	0	0	0	0	0
$14	$15	2.20	.30	0	0	0	0	0	0	0	0	0
$15	$16	2.30	.40	0	0	0	0	0	0	0	0	0
$16	$17	2.50	.50	0	0	0	0	0	0	0	0	0
$17	$18	2.60	.70	0	0	0	0	0	0	0	0	0
$18	$19	2.80	.80	0	0	0	0	0	0	0	0	0
$19	$20	2.90	1.00	0	0	0	0	0	0	0	0	0
$20	$21	3.10	1.10	0	0	0	0	0	0	0	0	0
$21	$22	3.20	1.30	0	0	0	0	0	0	0	0	0
$22	$23	3.40	1.40	0	0	0	0	0	0	0	0	0
$23	$24	3.50	1.60	0	0	0	0	0	0	0	0	0
$24	$25	3.70	1.70	0	0	0	0	0	0	0	0	0
$25	$26	3.80	1.90	0	0	0	0	0	0	0	0	0
$26	$27	4.00	2.00	.10	0	0	0	0	0	0	0	0
$27	$28	4.10	2.20	.30	0	0	0	0	0	0	0	0
$28	$29	4.30	2.30	.40	0	0	0	0	0	0	0	0
$29	$30	4.40	2.50	.60	0	0	0	0	0	0	0	0
$30	$31	4.60	2.60	.70	0	0	0	0	0	0	0	0
$31	$32	4.70	2.80	.90	0	0	0	0	0	0	0	0
$32	$33	4.90	2.90	1.00	0	0	0	0	0	0	0	0
$33	$34	5.00	3.10	1.20	0	0	0	0	0	0	0	0
$34	$35	5.20	3.20	1.30	0	0	0	0	0	0	0	0
$35	$36	5.30	3.40	1.50	0	0	0	0	0	0	0	0
$36	$37	5.50	3.50	1.60	0	0	0	0	0	0	0	0
$37	$38	5.60	3.70	1.80	0	0	0	0	0	0	0	0
$38	$39	5.80	3.80	1.90	0	0	0	0	0	0	0	0
$39	$40	5.90	4.00	2.10	.20	0	0	0	0	0	0	0
$40	$41	6.10	4.10	2.20	.30	0	0	0	0	0	0	0
$41	$42	6.20	4.30	2.40	.50	0	0	0	0	0	0	0
$42	$43	6.30	4.40	2.50	.60	0	0	0	0	0	0	0
$43	$44	6.50	4.60	2.70	.80	0	0	0	0	0	0	0
$44	$45	6.60	4.70	2.80	.90	0	0	0	0	0	0	0
$45	$46	6.80	4.90	3.00	1.10	0	0	0	0	0	0	0
$46	$47	6.90	5.00	3.10	1.20	0	0	0	0	0	0	0
$47	$48	7.10	5.20	3.30	1.40	0	0	0	0	0	0	0
$48	$49	7.20	5.30	3.40	1.50	0	0	0	0	0	0	0
$49	$50	7.40	5.50	3.60	1.60	0	0	0	0	0	0	0
$50	$51	7.50	5.60	3.70	1.80	0	0	0	0	0	0	0
$51	$52	7.70	5.80	3.90	1.90	0	0	0	0	0	0	0
$52	$53	7.80	5.90	4.00	2.10	.20	0	0	0	0	0	0
$53	$54	8.00	6.10	4.20	2.20	.30	0	0	0	0	0	0
$54	$55	8.10	6.20	4.30	2.40	.50	0	0	0	0	0	0
$55	$56	8.30	6.40	4.50	2.50	.60	0	0	0	0	0	0
$56	$57	8.40	6.50	4.60	2.70	.80	0	0	0	0	0	0
$57	$58	8.60	6.70	4.80	2.80	.90	0	0	0	0	0	0
$58	$59	8.70	6.80	4.90	3.00	1.10	0	0	0	0	0	0
$59	$60	8.90	7.00	5.10	3.10	1.20	0	0	0	0	0	0
$60	$62	9.10	7.20	5.30	3.40	1.50	0	0	0	0	0	0
$62	$64	9.40	7.50	5.60	3.70	1.80	0	0	0	0	0	0
$64	$66	9.70	7.80	5.90	4.00	2.00	.10	0	0	0	0	0
$66	$68	10.00	8.10	6.20	4.30	2.30	.40	0	0	0	0	0
$68	$70	10.30	8.40	6.50	4.60	2.60	.70	0	0	0	0	0
$70	$72	10.60	8.70	6.80	4.90	2.90	1.00	0	0	0	0	0

If the pay-roll period with respect to an employee is weekly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$72	$74	$10.90	$9.00	$7.10	$5.20	$3.20	$1.30	$0	$0	$0	$0	$0
$74	$76	11.20	9.30	7.40	5.50	3.50	1.60	0	0	0	0	0
$76	$78	11.50	9.60	7.70	5.80	3.80	1.90	0	0	0	0	0
$78	$80	11.80	9.90	8.00	6.10	4.10	2.20	.30	0	0	0	0
$80	$82	12.10	10.20	8.30	6.40	4.40	2.50	.60	0	0	0	0
$82	$84	12.40	10.50	8.60	6.70	4.70	2.80	.90	0	0	0	0
$84	$86	12.70	10.80	8.90	7.00	5.00	3.10	1.20	0	0	0	0
$86	$88	13.00	11.10	9.20	7.30	5.30	3.40	1.50	0	0	0	0
$88	$90	13.30	11.40	9.50	7.60	5.60	3.70	1.80	0	0	0	0
$90	$92	13.60	11.70	9.80	7.80	5.90	4.00	2.10	.20	0	0	0
$92	$94	13.90	12.00	10.10	8.10	6.20	4.30	2.40	.50	0	0	0
$94	$96	14.20	12.30	10.40	8.40	6.50	4.60	2.70	.80	0	0	0
$96	$98	14.50	12.60	10.70	8.70	6.80	4.90	3.00	1.10	0	0	0
$98	$100	14.80	12.90	11.00	9.00	7.10	5.20	3.30	1.40	0	0	0
$100	$105	15.30	13.40	11.50	9.60	7.70	5.70	3.80	1.90	0	0	0
$105	$110	16.10	14.10	12.20	10.30	8.40	6.50	4.60	2.70	.70	0	0
$110	$115	16.80	14.90	13.00	11.10	9.10	7.20	5.30	3.40	1.50	0	0
$115	$120	17.60	15.60	13.70	11.80	9.90	8.00	6.10	4.10	2.20	.30	0
$120	$125	18.30	16.40	14.50	12.60	10.60	8.70	6.80	4.90	3.00	1.10	0
$125	$130	19.00	17.10	15.20	13.30	11.40	9.50	7.60	5.60	3.70	1.80	0
$130	$135	19.80	17.90	16.00	14.00	12.10	10.20	8.30	6.40	4.50	2.60	.60
$135	$140	20.50	18.60	16.70	14.80	12.90	11.00	9.10	7.10	5.20	3.30	1.40
$140	$145	21.30	19.40	17.50	15.50	13.60	11.70	9.80	7.90	6.00	4.10	2.10
$145	$150	22.00	20.10	18.20	16.30	14.40	12.50	10.50	8.60	6.70	4.80	2.90
$150	$160	23.20	21.20	19.30	17.40	15.50	13.60	11.70	9.70	7.80	5.90	4.00
$160	$170	24.70	22.70	20.80	18.90	17.00	15.10	13.20	11.20	9.30	7.40	5.50
$170	$180	26.10	24.20	22.30	20.40	18.50	16.60	14.70	12.70	10.80	8.90	7.00
$180	$190	27.60	25.70	23.80	21.90	20.00	18.10	16.10	14.20	12.30	10.40	8.50
$190	$200	29.10	27.20	25.30	23.40	21.50	19.60	17.60	15.70	13.80	11.90	10.00
		15 percent of the excess over $200 plus—										
$200 and over		$29.90	$28.00	$26.00	$24.10	$22.20	$20.30	$18.40	$16.50	$14.60	$12.60	$10.70

If the pay-roll period with respect to an employee is biweekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$26	15% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$26	$28	$4.00	.20	0	0	0	0	0	0	0	0	0
$28	$30	4.30	.50	0	0	0	0	0	0	0	0	0
$30	$32	4.60	.80	0	0	0	0	0	0	0	0	0
$32	$34	4.90	1.10	0	0	0	0	0	0	0	0	0
$34	$36	5.20	1.40	0	0	0	0	0	0	0	0	0
$36	$38	5.50	1.70	0	0	0	0	0	0	0	0	0
$38	$40	5.80	2.00	0	0	0	0	0	0	0	0	0
$40	$42	6.10	2.30	0	0	0	0	0	0	0	0	0
$42	$44	6.40	2.60	0	0	0	0	0	0	0	0	0
$44	$46	6.70	2.90	0	0	0	0	0	0	0	0	0
$46	$48	7.00	3.20	0	0	0	0	0	0	0	0	0
$48	$50	7.20	3.50	0	0	0	0	0	0	0	0	0
$50	$52	7.60	3.80	0	0	0	0	0	0	0	0	0
$52	$54	7.90	4.10	.30	0	0	0	0	0	0	0	0
$54	$56	8.20	4.40	.60	0	0	0	0	0	0	0	0
$56	$58	8.50	4.70	.90	0	0	0	0	0	0	0	0
$58	$60	8.80	5.00	1.20	0	0	0	0	0	0	0	0
$60	$62	9.10	5.30	1.50	0	0	0	0	0	0	0	0
$62	$64	9.40	5.60	1.80	0	0	0	0	0	0	0	0
$64	$66	9.70	5.90	2.00	0	0	0	0	0	0	0	0
$66	$68	10.00	6.20	2.30	0	0	0	0	0	0	0	0
$68	$70	10.30	6.50	2.60	0	0	0	0	0	0	0	0
$70	$72	10.60	6.80	2.90	0	0	0	0	0	0	0	0
$72	$74	10.90	7.10	3.20	0	0	0	0	0	0	0	0
$74	$76	11.20	7.40	3.50	0	0	0	0	0	0	0	0
$76	$78	11.50	7.70	3.80	0	0	0	0	0	0	0	0
$78	$80	11.80	8.00	4.10	.30	0	0	0	0	0	0	0
$80	$82	12.10	8.30	4.40	.60	0	0	0	0	0	0	0
$82	$84	12.40	8.60	4.70	.90	0	0	0	0	0	0	0
$84	$86	12.70	8.90	5.00	1.20	0	0	0	0	0	0	0
$86	$88	13.00	9.20	5.30	1.50	0	0	0	0	0	0	0
$88	$90	13.30	9.50	5.60	1.80	0	0	0	0	0	0	0
$90	$92	13.60	9.80	5.90	2.10	0	0	0	0	0	0	0
$92	$94	13.90	10.10	6.20	2.40	0	0	0	0	0	0	0
$94	$96	14.20	10.40	6.50	2.70	0	0	0	0	0	0	0
$96	$98	14.50	10.70	6.80	3.00	0	0	0	0	0	0	0
$98	$100	14.80	11.00	7.10	3.30	0	0	0	0	0	0	0
$100	$102	15.10	11.30	7.40	3.60	0	0	0	0	0	0	0
$102	$104	15.40	11.60	7.70	3.90	.10	0	0	0	0	0	0
$104	$105	15.70	11.90	8.00	4.20	.40	0	0	0	0	0	0
$105	$108	16.00	12.20	8.30	4.50	.70	0	0	0	0	0	0
$108	$110	16.30	12.50	8.60	4.80	1.00	0	0	0	0	0	0
$110	$112	16.60	12.80	8.90	5.10	1.30	0	0	0	0	0	0
$112	$114	16.90	13.10	9.20	5.40	1.60	0	0	0	0	0	0
$114	$116	17.20	13.40	9.50	5.70	1.90	0	0	0	0	0	0
$116	$118	17.50	13.60	9.80	6.00	2.20	0	0	0	0	0	0
$118	$120	17.80	13.90	10.10	6.30	2.50	0	0	0	0	0	0
$120	$124	18.20	14.40	10.60	6.70	2.90	0	0	0	0	0	0
$124	$128	18.80	15.00	11.20	7.30	3.50	0	0	0	0	0	0
$128	$132	19.40	15.60	11.80	7.90	4.10	.30	0	0	0	0	0

If the pay-roll period with respect to an employee is biweekly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$132	$136	$20.00	$16.20	$12.40	$8.50	$4.70	$0.90	$0	$0	$0	$0	$0
$136	$140	20.60	16.80	13.00	9.10	5.30	1.50	0	0	0	0	0
$140	$144	21.20	17.40	13.60	9.70	5.90	2.10	0	0	0	0	0
$144	$148	21.80	18.00	14.20	10.30	6.50	2.70	0	0	0	0	0
$148	$152	22.40	18.60	14.70	10.90	7.10	3.30	0	0	0	0	0
$152	$156	23.00	19.20	15.30	11.50	7.70	3.90	0	0	0	0	0
$156	$160	23.60	19.80	15.90	12.10	8.30	4.50	.60	0	0	0	0
$160	$164	24.20	20.40	16.50	12.70	8.90	5.00	1.20	0	0	0	0
$164	$168	24.80	21.00	17.10	13.30	9.70	5.60	1.80	0	0	0	0
$168	$172	25.40	21.60	17.70	13.90	10.30	6.20	2.40	0	0	0	0
$172	$176	26.00	22.20	18.30	14.50	10.70	6.80	3.00	0	0	0	0
$176	$180	26.60	22.80	18.90	15.10	11.30	7.40	3.60	0	0	0	0
$180	$184	27.20	23.40	19.50	15.70	11.90	8.00	4.20	.40	0	0	0
$184	$188	27.80	24.00	20.10	16.30	12.50	8.60	4.80	1.00	0	0	0
$188	$192	28.40	24.60	20.70	16.90	13.10	9.20	5.40	1.60	0	0	0
$192	$196	29.00	25.20	21.30	17.50	13.70	9.80	6.00	2.20	0	0	0
$196	$200	29.60	25.80	21.90	18.10	14.30	10.40	6.60	2.80	0	0	0
$200	$210	30.60	26.80	23.00	19.10	15.30	11.50	7.60	3.80	0	0	0
$210	$220	32.10	28.30	24.50	20.60	16.80	13.00	9.10	5.30	1.50	0	0
$220	$230	33.60	29.80	26.00	22.10	18.30	14.50	10.60	6.80	3.00	0	0
$230	$240	35.10	31.30	27.40	23.60	19.80	16.00	12.10	8.30	4.50	.60	0
$240	$250	36.60	32.80	28.50	25.10	21.30	17.40	13.60	9.80	6.00	2.10	0
$250	$260	38.10	34.30	30.40	26.60	22.80	18.90	15.10	11.30	7.50	3.60	0
$260	$270	39.60	35.80	31.90	28.10	24.30	20.40	16.60	12.80	8.90	5.10	1.30
$270	$280	41.10	37.30	33.40	29.60	25.80	21.90	18.10	14.30	10.40	6.60	2.80
$280	$290	42.60	38.70	34.90	31.10	27.30	23.40	19.60	15.80	11.90	8.10	4.30
$290	$300	44.10	40.20	36.40	32.60	28.70	24.90	21.10	17.30	13.40	9.60	5.80
$300	$320	46.30	42.50	38.70	34.80	31.00	27.20	23.30	19.50	15.70	11.80	8.00
$320	$340	49.30	45.50	41.60	37.80	34.00	30.10	26.30	22.50	18.70	14.90	11.00
$340	$360	52.30	48.50	44.60	40.80	37.00	33.10	29.30	25.50	21.60	17.80	14.00
$360	$380	55.30	51.40	47.60	43.80	40.00	36.10	32.30	28.50	24.60	20.80	17.00
$380	$400	58.30	54.40	50.60	46.80	42.90	39.10	35.30	31.50	27.60	23.80	20.00
		15 percent of the excess over $400 plus—										
$400 and over		$59.80	$55.90	$52.10	$48.30	$44.40	$40.60	$36.80	$32.90	$29.10	$25.30	$21.50

If the pay-roll period with respect to an employee is semimonthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$28	15% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$28	$30	$4.30	.20	0	0	0	0	0	0	0	0	0
$30	$32	4.60	.50	0	0	0	0	0	0	0	0	0
$32	$34	4.90	.80	0	0	0	0	0	0	0	0	0
$34	$36	5.20	1.10	0	0	0	0	0	0	0	0	0
$36	$38	5.50	1.40	0	0	0	0	0	0	0	0	0
$38	$40	5.80	1.70	0	0	0	0	0	0	0	0	0
$40	$42	6.10	2.00	0	0	0	0	0	0	0	0	0
$42	$44	6.40	2.30	0	0	0	0	0	0	0	0	0
$44	$46	6.70	2.60	0	0	0	0	0	0	0	0	0
$46	$48	7.00	2.90	0	0	0	0	0	0	0	0	0
$48	$50	7.30	3.20	0	0	0	0	0	0	0	0	0
$50	$52	7.60	3.50	0	0	0	0	0	0	0	0	0
$52	$54	7.90	3.80	0	0	0	0	0	0	0	0	0
$54	$56	8.20	4.10	0	0	0	0	0	0	0	0	0
$56	$58	8.50	4.40	.20	0	0	0	0	0	0	0	0
$58	$60	8.80	4.70	.50	0	0	0	0	0	0	0	0
$60	$62	9.10	5.00	.80	0	0	0	0	0	0	0	0
$62	$64	9.40	5.30	1.10	0	0	0	0	0	0	0	0
$64	$66	9.70	5.60	1.40	0	0	0	0	0	0	0	0
$66	$68	10.00	5.90	1.70	0	0	0	0	0	0	0	0
$68	$70	10.30	6.20	2.00	0	0	0	0	0	0	0	0
$70	$72	10.60	6.50	2.30	0	0	0	0	0	0	0	0
$72	$74	10.90	6.80	2.60	0	0	0	0	0	0	0	0
$74	$76	11.20	7.10	2.90	0	0	0	0	0	0	0	0
$76	$78	11.50	7.40	3.20	0	0	0	0	0	0	0	0
$78	$80	11.80	7.70	3.50	0	0	0	0	0	0	0	0
$80	$82	12.10	8.00	3.80	0	0	0	0	0	0	0	0
$82	$84	12.40	8.30	4.10	0	0	0	0	0	0	0	0
$84	$86	12.70	8.50	4.40	.20	0	0	0	0	0	0	0
$86	$88	13.00	8.80	4.70	.50	0	0	0	0	0	0	0
$88	$90	13.30	9.10	5.00	.80	0	0	0	0	0	0	0
$90	$92	13.60	9.40	5.30	1.10	0	0	0	0	0	0	0
$92	$94	13.90	9.70	5.60	1.40	0	0	0	0	0	0	0
$94	$96	14.20	10.00	5.90	1.70	0	0	0	0	0	0	0
$96	$98	14.50	10.30	6.20	2.00	0	0	0	0	0	0	0
$98	$100	14.80	10.60	6.50	2.30	0	0	0	0	0	0	0
$100	$102	15.10	10.90	6.80	2.60	0	0	0	0	0	0	0
$102	$104	15.40	11.20	7.10	2.90	0	0	0	0	0	0	0
$104	$106	15.70	11.50	7.40	3.20	0	0	0	0	0	0	0
$106	$108	16.00	11.80	7.70	3.50	0	0	0	0	0	0	0
$108	$110	16.30	12.10	8.00	3.80	0	0	0	0	0	0	0
$110	$112	16.60	12.40	8.30	4.10	0	0	0	0	0	0	0
$112	$114	16.90	12.70	8.60	4.40	.30	0	0	0	0	0	0
$114	$116	17.20	13.00	8.90	4.70	.60	0	0	0	0	0	0
$116	$118	17.50	13.30	9.20	5.00	.90	0	0	0	0	0	0
$118	$120	17.80	13.60	9.50	5.30	1.20	0	0	0	0	0	0
$120	$124	18.20	14.10	9.90	5.80	1.60	0	0	0	0	0	0

If the pay-roll period with respect to an employee is semimonthly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$124	$128	$18.80	$14.70	$10.50	$6.40	$2.20	$0	$0	$0	$0	$0	$0
$128	$132	19.40	15.30	11.10	7.00	2.80	0	0	0	0	0	0
$132	$136	20.00	15.90	11.70	7.60	3.40	0	0	0	0	0	0
$136	$140	20.60	16.50	12.30	8.20	4.00	0	0	0	0	0	0
$140	$144	21.20	17.10	12.90	8.80	4.60	.50	0	0	0	0	0
$144	$148	21.80	17.70	13.50	9.40	5.20	1.10	0	0	0	0	0
$148	$152	22.40	18.30	14.10	10.00	5.80	1.70	0	0	0	0	0
$152	$156	23.00	18.90	14.70	10.60	6.40	2.30	0	0	0	0	0
$156	$160	23.60	19.50	15.30	11.20	7.00	2.90	0	0	0	0	0
$160	$164	24.20	20.10	15.90	11.80	7.60	3.50	0	0	0	0	0
$164	$168	24.80	20.70	16.50	12.40	8.20	4.10	0	0	0	0	0
$168	$172	25.40	21.20	17.10	12.90	8.80	4.60	.50	0	0	0	0
$172	$176	26.00	21.80	17.70	13.50	9.40	5.20	1.10	0	0	0	0
$176	$180	26.60	22.40	18.30	14.10	10.00	5.80	1.70	0	0	0	0
$180	$184	27.20	23.00	18.90	14.70	10.60	6.40	2.30	0	0	0	0
$184	$188	27.80	23.60	19.50	15.30	11.20	7.00	2.90	0	0	0	0
$188	$192	28.40	24.20	20.10	15.90	11.80	7.60	3.50	0	0	0	0
$192	$196	29.00	24.80	20.70	16.50	12.40	8.20	4.10	0	0	0	0
$196	$200	29.60	25.40	21.30	17.10	13.00	8.80	4.70	.50	0	0	0
$200	$210	30.60	26.50	22.30	18.20	14.00	9.90	5.70	1.60	0	0	0
$210	$220	32.10	28.00	23.80	19.70	15.50	11.40	7.20	3.10	0	0	0
$220	$230	33.60	29.50	25.30	21.20	17.00	12.90	8.70	4.60	.40	0	0
$230	$240	35.10	31.00	26.80	22.70	18.50	14.40	10.20	6.10	1.90	0	0
$240	$250	36.60	32.50	28.30	24.20	20.00	15.90	11.70	7.60	3.40	0	0
$250	$260	38.10	33.90	29.80	25.60	21.50	17.30	13.20	9.00	4.90	.70	0
$260	$270	39.60	35.40	31.30	27.10	23.00	18.80	14.70	10.50	6.40	2.20	0
$270	$280	41.10	36.90	32.80	28.60	24.50	20.30	16.20	12.00	7.90	3.70	0
$280	$290	42.60	38.40	34.30	30.10	26.00	21.80	17.70	13.50	9.40	5.20	1.10
$290	$300	44.10	39.90	35.80	31.60	27.50	23.30	19.20	15.00	10.90	6.70	2.60
$300	$320	46.30	42.20	38.00	33.90	29.70	25.60	21.40	17.30	13.10	9.00	4.80
$320	$340	49.30	45.20	41.00	36.90	32.70	28.60	24.40	20.30	16.10	12.00	7.80
$340	$360	52.30	48.10	44.00	39.80	35.70	31.50	27.40	23.20	19.10	14.90	10.80
$360	$380	55.30	51.10	47.00	42.80	38.70	34.50	30.40	26.20	22.10	17.90	13.80
$380	$400	58.30	54.10	50.00	45.80	41.70	37.50	33.40	29.20	25.10	20.90	16.80
$400	$420	61.30	57.10	53.00	48.80	44.70	40.50	36.40	32.20	28.10	23.90	19.80
$420	$440	64.20	60.10	55.90	51.80	47.60	43.50	39.30	35.20	31.00	26.80	22.70
$440	$460	67.20	63.10	58.90	54.80	50.60	46.50	42.30	38.20	34.00	29.80	25.70
$460	$480	70.20	66.10	61.90	57.80	53.60	49.50	45.30	41.20	37.00	32.90	28.70
$480	$500	73.20	69.10	64.90	60.80	56.60	52.50	48.30	44.20	40.00	35.90	31.70
		15 percent of the excess over $500 plus—										
$500 and over		$74.70	$70.60	$66.40	$62.30	$58.10	$54.00	$49.80	$45.70	$41.50	$37.40	$33.20

If the pay-roll period with respect to an employee is monthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$56	15% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$56	$60	$8.70	.40	0	0	0	0	0	0	0	0	0
$60	$64	9.30	1.00	0	0	0	0	0	0	0	0	0
$64	$68	9.90	1.60	0	0	0	0	0	0	0	0	0
$68	$72	10.50	2.20	0	0	0	0	0	0	0	0	0
$72	$76	11.10	2.80	0	0	0	0	0	0	0	0	0
$76	$80	11.70	3.40	0	0	0	0	0	0	0	0	0
$80	$84	12.30	4.00	0	0	0	0	0	0	0	0	0
$84	$88	12.80	4.50	0	0	0	0	0	0	0	0	0
$88	$92	13.40	5.10	0	0	0	0	0	0	0	0	0
$92	$96	14.00	5.70	0	0	0	0	0	0	0	0	0
$96	$100	14.60	6.30	0	0	0	0	0	0	0	0	0
$100	$104	15.20	6.90	0	0	0	0	0	0	0	0	0
$104	$108	15.80	7.50	0	0	0	0	0	0	0	0	0
$108	$112	16.40	8.10	0	0	0	0	0	0	0	0	0
$112	$116	17.00	8.70	.40	0	0	0	0	0	0	0	0
$116	$120	17.60	9.30	1.00	0	0	0	0	0	0	0	0
$120	$124	18.20	9.90	1.60	0	0	0	0	0	0	0	0
$124	$128	18.80	10.50	2.20	0	0	0	0	0	0	0	0
$128	$132	19.40	11.10	2.80	0	0	0	0	0	0	0	0
$132	$136	20.00	11.70	3.40	0	0	0	0	0	0	0	0
$136	$140	20.60	12.30	4.00	0	0	0	0	0	0	0	0
$140	$144	21.20	12.90	4.60	0	0	0	0	0	0	0	0
$144	$148	21.80	13.50	5.20	0	0	0	0	0	0	0	0
$148	$152	22.40	14.10	5.80	0	0	0	0	0	0	0	0
$152	$156	23.00	14.70	6.40	0	0	0	0	0	0	0	0
$156	$160	23.60	15.30	7.00	0	0	0	0	0	0	0	0
$160	$164	24.20	15.90	7.60	0	0	0	0	0	0	0	0
$164	$168	24.80	16.50	8.20	0	0	0	0	0	0	0	0
$168	$172	25.40	17.10	8.80	.50	0	0	0	0	0	0	0
$172	$176	26.00	17.70	9.40	1.10	0	0	0	0	0	0	0
$176	$180	26.60	18.30	10.00	1.70	0	0	0	0	0	0	0
$180	$184	27.20	18.90	10.60	2.30	0	0	0	0	0	0	0
$184	$188	27.80	19.50	11.20	2.90	0	0	0	0	0	0	0
$188	$192	28.40	20.10	11.80	3.50	0	0	0	0	0	0	0
$192	$196	29.00	20.70	12.40	4.10	0	0	0	0	0	0	0
$196	$200	29.60	21.30	13.00	4.70	0	0	0	0	0	0	0
$200	$204	30.20	21.90	13.60	5.30	0	0	0	0	0	0	0
$204	$208	30.80	22.50	14.20	5.90	0	0	0	0	0	0	0
$208	$212	31.40	23.10	14.80	6.50	0	0	0	0	0	0	0
$212	$216	32.00	23.70	15.40	7.10	0	0	0	0	0	0	0

If the pay-roll period with respect to an employee is monthly—Continued

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$216	$220	$32.60	$24.30	$16.00	$7.70	$0	$0	$0	$0	$0	$0	$0
$220	$224	33.20	24.90	16.60	8.30	0	0	0	0	0	0	0
$224	$228	33.80	25.50	17.20	8.90	.60	0	0	0	0	0	0
$228	$232	34.40	26.10	17.80	9.50	1.20	0	0	0	0	0	0
$232	$236	35.00	26.70	18.40	10.10	1.80	0	0	0	0	0	0
$236	$240	35.60	27.30	19.00	10.70	2.40	0	0	0	0	0	0
$240	$248	36.50	28.20	19.90	11.60	3.30	0	0	0	0	0	0
$248	$256	37.60	29.30	21.00	12.70	4.40	0	0	0	0	0	0
$256	$264	38.80	30.50	22.20	13.90	5.60	0	0	0	0	0	0
$264	$272	40.00	31.70	23.40	15.10	6.80	0	0	0	0	0	0
$272	$280	41.20	32.90	24.60	16.30	8.00	0	0	0	0	0	0
$280	$288	42.40	34.10	25.80	17.50	9.20	.90	0	0	0	0	0
$288	$296	43.60	35.30	27.00	18.70	10.40	2.10	0	0	0	0	0
$296	$304	44.80	36.50	28.20	19.90	11.60	3.30	0	0	0	0	0
$304	$312	46.00	37.70	29.40	21.10	12.80	4.50	0	0	0	0	0
$312	$320	47.20	38.90	30.60	22.30	14.00	5.70	0	0	0	0	0
$320	$328	48.40	40.10	31.80	23.50	15.20	6.90	0	0	0	0	0
$328	$336	49.60	41.30	33.00	24.70	16.40	8.10	0	0	0	0	0
$336	$344	50.80	42.50	34.20	25.90	17.60	9.30	1.00	0	0	0	0
$344	$352	52.00	43.70	35.40	27.10	18.80	10.50	2.20	0	0	0	0
$352	$360	53.20	44.90	36.60	28.30	20.00	11.70	3.40	0	0	0	0
$360	$368	54.40	46.10	37.80	29.50	21.20	12.90	4.60	0	0	0	0
$368	$376	55.60	47.30	39.00	30.70	22.40	14.10	5.80	0	0	0	0
$376	$384	56.80	48.50	40.20	31.90	23.60	15.30	7.00	0	0	0	0
$384	$392	58.00	49.70	41.40	33.10	24.80	16.50	8.20	0	0	0	0
$392	$400	59.20	50.90	42.60	34.30	26.00	17.70	9.40	1.10	0	0	0
$400	$420	61.30	53.00	44.70	36.40	28.10	19.80	11.50	3.20	0	0	0
$420	$440	64.20	55.90	47.60	39.30	31.00	22.70	14.40	6.10	0	0	0
$440	$460	67.20	58.90	50.60	42.30	34.00	25.70	17.40	9.10	.80	0	0
$460	$480	70.20	61.90	53.60	45.30	37.00	28.70	20.40	12.10	3.80	0	0
$480	$500	73.20	64.90	56.60	48.30	40.00	31.70	23.40	15.10	6.80	0	0
$500	$520	76.20	67.90	59.60	51.30	43.00	34.70	26.40	18.10	9.80	1.50	0
$520	$540	79.20	70.90	62.60	54.30	46.00	37.70	29.40	21.10	12.80	4.50	0
$540	$560	82.20	73.90	65.60	57.30	49.00	40.70	32.40	24.10	15.80	7.50	0
$560	$580	85.20	76.90	68.60	60.30	52.00	43.70	35.40	27.10	18.80	10.50	2.20
$580	$600	88.10	79.80	71.50	63.20	54.90	46.60	38.30	30.00	21.70	13.40	5.10
$600	$620	92.60	84.30	76.00	67.70	59.40	51.10	42.80	34.50	26.20	17.90	9.60
$620	$640	98.60	90.30	82.00	73.70	65.40	57.10	48.80	40.50	32.20	23.90	15.60
$640	$660	104.60	96.30	88.00	79.70	71.40	63.10	54.80	46.50	38.20	29.90	21.60
$660	$680	110.60	102.30	94.00	85.70	77.40	69.10	60.80	52.50	44.20	35.90	27.60
$680	$700	116.50	108.20	99.90	91.60	83.30	75.00	66.70	58.40	50.10	41.80	33.50
$700	$720	122.50	114.20	105.90	97.60	89.30	81.00	72.70	64.40	56.10	47.80	39.50
$720	$740	128.50	120.20	111.90	103.60	95.30	87.00	78.70	70.40	62.10	53.80	45.50
$740	$760	134.50	126.20	117.90	109.60	101.30	93.00	84.70	76.40	68.10	59.80	51.50
$760	$780	140.40	132.10	123.80	115.50	107.20	98.90	90.60	82.30	74.00	65.70	57.40
$780	$800	146.40	138.10	129.80	121.50	113.20	104.90	96.60	88.30	80.00	71.70	63.40
		15 percent of the excess over $1,000 plus—										
$1,000 and over		$149.40	$141.10	$132.80	$124.50	$116.20	$107.90	$99.60	$91.30	$83.00	$74.70	$66.40

If the pay-roll period with respect to an employee is a daily pay-roll period or a miscellaneous pay-roll period—

And the wages divided by the number of days in such periods are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—										
$0	$2.00	15% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$2.00	$2.25	$0.30	.05	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.35	.10	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.40	.10	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.45	.15	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.45	.20	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.50	.25	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.55	.25	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.60	.30	.05	0	0	0	0	0	0	0	0
$4.00	$4.25	.60	.35	.05	0	0	0	0	0	0	0	0
$4.25	$4.50	.65	.40	.10	0	0	0	0	0	0	0	0
$4.50	$4.75	.70	.40	.15	0	0	0	0	0	0	0	0
$4.75	$5.00	.75	.45	.20	0	0	0	0	0	0	0	0
$5.00	$5.25	.75	.50	.20	0	0	0	0	0	0	0	0
$5.25	$5.50	.80	.55	.25	0	0	0	0	0	0	0	0
$5.50	$5.75	.85	.55	.30	0	0	0	0	0	0	0	0
$5.75	$6.00	.90	.60	.35	.05	0	0	0	0	0	0	0
$6.00	$6.25	.90	.65	.35	.10	0	0	0	0	0	0	0
$6.25	$6.50	.95	.70	.40	.15	0	0	0	0	0	0	0
$6.50	$6.75	1.00	.70	.45	.15	0	0	0	0	0	0	0
$6.75	$7.00	1.05	.75	.50	.20	0	0	0	0	0	0	0
$7.00	$7.25	1.05	.80	.50	.25	0	0	0	0	0	0	0
$7.25	$7.50	1.10	.85	.55	.30	0	0	0	0	0	0	0
$7.50	$7.75	1.15	.85	.60	.30	.05	0	0	0	0	0	0
$7.75	$8.00	1.20	.90	.65	.35	.10	0	0	0	0	0	0
$8.00	$8.25	1.20	.95	.65	.40	.10	0	0	0	0	0	0
$8.25	$8.50	1.25	1.00	.70	.45	.15	0	0	0	0	0	0
$8.50	$8.75	1.30	1.00	.75	.45	.20	0	0	0	0	0	0
$8.75	$9.00	1.35	1.05	.80	.50	.25	0	0	0	0	0	0
$9.00	$9.25	1.35	1.10	.80	.55	.25	0	0	0	0	0	0
$9.25	$9.50	1.40	1.15	.85	.60	.30	.05	0	0	0	0	0
$9.50	$9.75	1.45	1.15	.90	.60	.35	.05	0	0	0	0	0

If the pay-roll period with respect to an employee is a daily pay-roll period or a miscellaneous pay-roll period—Continued

And the wages divided by the number of days in such periods are—		And the number of withholding exemptions claimed is—									
		0	1	2	3	4	5	6	7	8	10 or more
At least—	But less than—	The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—									
$9.75	$10.00	$1.50	$1.20	$0.95	$0.65	$0.40	$0.10	$0	$0	$0	$0
$10.00	$10.50	1.55	1.25	1.00	.70	.45	.15	0	0	0	0
$10.50	$11.00	1.60	1.35	1.05	.80	.50	.25	0	0	0	0
$11.00	$11.50	1.70	1.40	1.15	.85	.60	.30	.05	0	0	0
$11.50	$12.00	1.75	1.50	1.20	.95	.65	.40	.10	0	0	0
$12.00	$12.50	1.85	1.55	1.30	1.00	.75	.45	.20	0	0	0
$12.50	$13.00	1.90	1.65	1.35	1.10	.80	.55	.25	0	0	0
$13.00	$13.50	2.00	1.70	1.45	1.15	.90	.60	.35	.05	0	0
$13.50	$14.00	2.05	1.80	1.50	1.25	.95	.70	.40	.15	0	0
$14.00	$14.50	2.15	1.85	1.60	1.30	1.05	.75	.50	.20	0	0
$14.50	$15.00	2.20	1.95	1.65	1.40	1.10	.85	.55	.30	0	0
$15.00	$15.50	2.30	2.00	1.75	1.45	1.20	.90	.65	.35	.10	0
$15.50	$16.00	2.35	2.10	1.80	1.55	1.25	1.00	.70	.45	.15	0
$16.00	$16.50	2.45	2.15	1.90	1.60	1.35	1.05	.80	.50	.25	0
$16.50	$17.00	2.50	2.25	1.95	1.70	1.40	1.15	.85	.60	.30	.05
$17.00	$17.50	2.60	2.30	2.05	1.75	1.50	1.20	.95	.65	.40	.10
$17.50	$18.00	2.65	2.40	2.10	1.85	1.55	1.30	1.00	.75	.45	.20
$18.00	$18.50	2.75	2.45	2.20	1.90	1.65	1.35	1.10	.80	.55	.25
$18.50	$19.00	2.80	2.55	2.25	2.00	1.70	1.45	1.15	.90	.60	.35
$19.00	$19.50	2.90	2.60	2.35	2.05	1.80	1.50	1.25	.95	.70	.40
$19.50	$20.00	2.95	2.70	2.40	2.15	1.85	1.60	1.30	1.05	.75	.50
$20.00	$21.00	3.05	2.80	2.50	2.25	1.95	1.70	1.45	1.15	.90	.60
$21.00	$22.00	3.20	2.95	2.65	2.40	2.10	1.85	1.55	1.30	1.05	.75
$22.00	$23.00	3.35	3.10	2.80	2.55	2.25	2.00	1.70	1.45	1.20	.90
$23.00	$24.00	3.50	3.25	2.95	2.70	2.40	2.15	1.85	1.60	1.35	1.05
$24.00	$25.00	3.65	3.40	3.10	2.85	2.55	2.30	2.00	1.75	1.50	1.20
$25.00	$26.00	3.80	3.55	3.25	3.00	2.70	2.45	2.15	1.90	1.65	1.35
$26.00	$27.00	3.95	3.70	3.40	3.15	2.85	2.60	2.30	2.05	1.80	1.50
$27.00	$28.00	4.10	3.85	3.55	3.30	3.00	2.75	2.45	2.20	1.95	1.65
$28.00	$29.00	4.25	4.00	3.70	3.45	3.15	2.90	2.60	2.35	2.05	1.80
$29.00	$30.00	4.40	4.15	3.85	3.60	3.30	3.05	2.75	2.50	2.20	1.95
		15 percent of the excess over $30 plus—									
$30.00 and over		$1.50	$1.20	$3.95	$3.65	$3.40	$3.10	$2.85	$2.55	$2.30	$2.05	$1.75

SEC. 503. EFFECTIVE DATE.

The amendments made by this title shall be applicable only with respect to wages paid on or after May 1, 1948.

PAR. 2. Section 405.201, as amended by Treasury Decision 5492, approved January 30, 1946 (26 CFR 405.201), is further amended as follows:

(A) By inserting in the paragraph beginning with the words "In using the percentage method with respect to wages paid on or after January 1, 1946," immediately after the expression "January 1, 1946," which occurs twice in such paragraph, the expression "and before May 1, 1948,".

(B) By inserting immediately preceding the paragraph beginning with the words "Where the withholding" the following:

In using the percentage method with respect to wages paid on or after May 1, 1948, reference must be made to the percentage method withholding table in section 1622 (b) (1) as amended by the Revenue Act of 1948. The steps in computing the tax under such method with respect to wages paid on or after May 1, 1948, are summarized as follows:

Step 1: Multiply the amount of one withholding exemption by the number of exemptions claimed by the employee.

Step 2: Subtract the amount determined in step 1 from the employee's wages.

Step 3: Multiply the difference by 0.15.

The result is the amount of tax to be withheld.

Example. After April 30, 1948, an employee has a weekly payroll period, for which he is paid $75, and has in effect a withholding certificate claiming three exemptions. His employer, using the percentage method, computes the tax to be withheld as follows:

Step 1:	
Amount of one withholding exemption	$13.00
Multiplied by number of exemptions claimed on Form W-4	×3
Total withholding exemptions	39.00
Step 2:	
Total wage payment	75.00
Less amount determined in step 1	39.00
Balance subject to tax	36.00
Step 3:	
Tax to be withheld (balance multiplied by 0.15)	5.40

PAR. 3. Section 405.202, as amended by Treasury Decision 5492 (26 CFR 405.202), is further amended as follows:

(A) By inserting immediately after Example 4 in (a) the following:

Example 5. After April 30, 1948, Employee E is paid wages and has a weekly payroll period. The number of withholding exemptions claimed by E is two. E's wages are determined at the rate of $1.20 per hour. During a certain payroll period he works 40 hours and earns $48. In computing the tax, the amount of two withholding exemptions, or $26, is allowable, and the balance of $22 is subject to tax.

Example 6. After April 30, 1948, Employee F is paid wages and has a weekly payroll period. The number of withholding exemptions claimed by F is zero. F's wages are determined at the rate of $10 per day. During a certain week F worked only two days and resigned. The tax is computed on the entire amount of $20.

(B) By striking from the next to the last sentence of the example in (b) the words "or a subsequent year" and inserting in lieu thereof ", 1947, or before May 1 in 1948".

(C) By inserting immediately after the last sentence of such example in (b) the following: "If, however, the wages were paid on or after May 1, 1948, the amount of the withholding exemption allowable for the 12-day period in computing the tax at the 15 percent rate is $43.20 (12×(2×$1.80))."

(D) By inserting after Example 2 in (c) the following:

Example 3. On April 1, 1948, C was employed by the Z Real Estate Co. to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. The number of withholding exemptions is one. On May 20, 1948, C received a commission of $300. Again on June 15, 1948, C received a commission of $400. The amount of the withholding exemption in respect of the commission paid on May 20 is $90.00 ($1.80×50). In respect of the commission paid on June 15 the amount of the withholding exemption is $46.80 ($1.80×26).

(E) By inserting immediately after Example 4 in (d) the following:

Example 5. After May 1, 1948, an employee having a daily payroll period is paid wages of $12 per day. The number of withholding exemptions claimed by such employee is one. The amount of each such daily wage payment subject to withholding is $10.20 ($12.00−$1.80).

Example 6. An employee works for a certain employer for 4 days and after April 30, 1948, he is paid $36.00. The number of withholding exemptions claimed by the employee is two. The amount of the withholding exemption allowable is $14.40 (4×$3.60).

(F) By inserting immediately after "January 1, 1946," in the next to the last sentence of the paragraph in (d) which begins with the words "To illustrate", the words "and before May 1, 1948,".

(G) By inserting at the end of such paragraph in (d) beginning with the words "To illustrate" the following: "Under the same set of facts, if the wages are paid on or after May 1, 1948, the amount of the withholding exemption is $26 (2×$13).

PAR. 4. Section 405.203, as amended by Treasury Decision 5492 (26 CFR 405.203), is further amended as follows:

(A) By inserting immediately after "January 1, 1946," in the last sentence of (a) the words "and before May 1, 1948,".

(B) By inserting at the end of (a) the following: "With respect to wages paid on or after May 1, 1948, the wage bracket tables contained in section 1622 (c) as amended by the Revenue Act of 1948 are to be used."

(C) By striking "or a subsequent year" from the last sentence of the example in (c) and inserting in lieu thereof ", 1947, or before May 1 in 1948".

(D) By inserting immediately after such last sentence in (c) the following: "If, however, the wages were paid on or after May 1, 1948, the tax required to be withheld under the table applicable to a miscellaneous period would be $0.60 multiplied by the number of days in such period or $7.20 for the 12-day period."

(E) By inserting immediately after Example 2 in (d) the following:

Example 3. On April 1, 1948, C is hired by the Z Real Estate Co. to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. The number of withholding exemptions claimed by C is one. On May 20, 1948, C received a commission of $300. Again on June 15, 1948, C received a commission of $400. Under the wage bracket method, the amount of tax to be deducted and withheld in respect of the commission paid on May 20 is $32.50, which amount is obtained by multiplying $0.65 (tax under wage bracket table for a daily or a miscellaneous pay-roll period where wages are ns least $6.00 but less than $6.25 a day) by 50 (number of days elapsed); and the amount of tax to be withheld with respect to the commission paid on June 15 is $52, which amount is obtained by multiplying $2.00 (tax under wage bracket table for a daily or a miscellaneous pay-roll period where wages are at least $15.00 but less than $15.50 a day) by 26 (number of days elapsed).

(F) By inserting immediately after Example 4 in (c) the following:

Example 5. After April 30, 1948, an employee having a daily payroll period is paid wages of $7.00 per day. The number of withholding exemptions claimed by the employee is one. Under the table applicable to a daily payroll period, the amount of tax to be deducted and withheld from each such payment of wages is $0.80.

Example 6. During 1948 an individual is hired for four days and on or after May 1, 1948, he is paid wages of $36. The number of withholding exemptions claimed by him is two. The amount of tax to be deducted and withheld under the wage bracket method is $3.20 (4×$0.80).

(G) By striking out the last sentence of (f) and inserting in lieu thereof the following: "Thus, with respect to wages paid on or after May 1, 1948, if the pay-roll period of an employee is weekly and the wage payment of such employee is $255.25 the employer may compute the 15 percent of the excess over $200 as if the excess were $55 instead of $55.25."

PAR. 5. There is inserted immediately preceding § 405.205 the following:

SEC. 202. TECHNICAL AMENDMENTS. (Revenue Act of 1948, Title II.)

• • • • • •

(b) *Withholding exemptions*—(1) *In general.* Section 1622 (b) (1) of the Internal Revenue Code is hereby amended to read as follows:

(1) *In general.* An employee receiving wages shall on any day be entitled to the following withholding exemptions:

(A) An exemption for himself.

(B) One additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 25 (b) (1) (B) (i) (relating to old age) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit.

(C) One additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 25 (b) (1) (C) (i) (relating to the blind) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit.

(D) If the employee is married, any exemption to which his spouse is entitled, or would be entitled if such spouse were an employee receiving wages, under subparagraph (A), (B), or (C), but only if such spouse does not have in effect a withholding exemption certificate claiming such exemption.

(E) An exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 25 (b) (1) (D) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit.

(2) *Status determination date.* In the case of an individual entitled to an additional withholding exemption under section 1622 (h) (1) of the Internal Revenue Code by reason of the amendment made thereto by paragraph (1) of this subsection, the term "status determination date" as used in section 1622 (h) (3) (B) of such Code includes also the ninetieth day after the date of the enactment of this Act.

• • • • • •

SEC. 201. ADDITIONAL CREDITS AGAINST NET INCOME FOR NORMAL TAX AND SURTAX. (Revenue Act of 1948, Title II.)

Paragraphs (1) and (2) of section 25 (b) of the Internal Revenue Code are hereby amended to read as follows:

(1) *Credits.* There shall be allowed for the purposes of both the normal tax and the surtax, the following credits against net income:

(A) An exemption of $600 for the taxpayer; and an additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(B) (i) An additional exemption of $600 for the taxpayer if he has attained the age of 65 before the close of his taxable year; and

(ii) An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(C) (i) An additional exemption of $500 for the taxpayer if he is blind at the close of his taxable year; and

(ii) An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For the purposes of this clause the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death;

(iii) For the purposes of this subparagraph an individual is blind only if either: his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

(D) An exemption of $600 for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $500, except that the exemption shall not be allowed in respect of a dependent who has made a joint return with his spouse under section 51 for the taxable year beginning in such calendar year.

(2) *Determination of status.* For the purposes of this subsection—

(A) the determination of whether an individual is married shall be made as of the close of his taxable year, unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and

(B) an individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 6. Section 405.205, as amended by Treasury Decision 5492 (26 CFR 405.205), is further amended as follows:

(A) By inserting immediately after the paragraph beginning with the words "The number of exemptions" the following: "With respect to wages paid on or after May 1, 1948, the number of exemptions to which an employee is entitled on any day depends also on his status as to old age and blindness."

(B) By inserting after the paragraph beginning with the words "A single person" the following: "With respect to wages paid on or after May 1, 1948, a single person may also be entitled to withholding exemptions for old age and blindness, as explained below."

(C) By inserting immediately after the paragraph beginning with the words "A married person" the following: "With respect to wages paid on or after May 1, 1948, a married person may also be entitled to withholding exemptions for himself and for his spouse because of old age or blindness, as explained below."

(D) By striking "For" from the first sentence of the paragraph beginning with the words "For the purpose of determining" and inserting in lieu thereof "With respect to wages paid before May 1, 1948, for".

(E) By inserting immediately preceding the paragraph beginning with the words "Subject to" the following paragraph:

With respect to wages paid on or after May 1, 1948, for the purpose of determining the number of withholding exemptions to which an employee is entitled for himself and his spouse on any day, the employee's status as a single person or a married person and, if married, whether a withholding exemption is claimed by his spouse shall be determined as of such day, but, in the case of a married person, the withholding exemption for his spouse may be claimed by him for that portion of the taxable year which occurs after the spouse's death. For example, a married employee on a calendar year basis having no dependents has in effect a withholding exemption certificate claiming one exemption for himself and one for his wife. On May 3, 1948, his wife dies. On May 4, 1948, the employee may continue to claim his wife's withholding exemption. Accordingly, he is not required to file a new withholding exemption certificate until December 1, 1948.

(F) By inserting at the end thereof the following:

If an employee will have attained 65 years before the end of the taxable year he may claim an additional withholding exemption on account of age with respect to wages paid on or after May 1, 1948. If the employee's spouse will have attained 65 years before the end of such employee's taxable year and such spouse has no withholding exemption certificate in effect claiming such exemption, the employee may also claim an additional withholding exemption on account of age with respect to wages paid on or after May 1, 1948.

If the employee is blind, he may claim an additional withholding exemption for blindness with respect to wages paid on or after May 1, 1948. If the employee's spouse is blind and has no withholding exemption certificate in effect claiming such exemption, the employee may also claim an additional withholding exemption for blindness with respect to wages paid on or after May 1, 1948. If both husband and wife are employees receiving wages subject to withholding and the wife is over the age of 65 and has in effect a withholding exemption certificate claiming only one exemption, then her husband may claim one exemption for her on his certificate.

For the purpose of claiming a withholding exemption for blindness, an individual shall be considered blind only if either his central visual acuity does not exceed 20/200 in the better eye with correcting lenses or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

PAR. 7. Section 405.206, as amended by Treasury Decision 5492 (26 CFR 405.206), is further amended by inserting immediately after "dies" in (a) "before January 1, 1948".

PAR. 8. Section 405.207 (26 CFR 405.207) is amended by inserting immediately after the sentence beginning with the words "For the purposes" the following: "The additional status determination date provided by the Revenue Act of 1948 for employees claiming the exemption for age or blindness coincides with a regular determination date, namely, July 1, 1948."

PAR. 9. Section 405.209, as amended by Treasury Decision 5492 (26 CFR 405.209), is further amended as follows:

(A) By inserting in the second sentence thereof immediately after "paid" the expression "before May 1, 1948".

(B) By inserting immediately after Example 4 in (a) the following:

With respect to wages paid on or after May 1, 1948, the rules for supplemental wages set forth above are also applicable, but if tax has been withheld from the employee's regular wages, an alternative method may be used. Under this method, the employer may determine the tax to be withheld from supplemental wages by using a flat rate of 15 percent without allowance for exemption and without reference to any regular payment of wages.

[F. R. Doc. 48-8892; Filed, Oct. 5, 1948; 9:02 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN PINEAPPLE[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., approved June 19, 1948), that the United States Department of Agriculture is considering the issuance, as herein proposed, of the United States Standards for grades of frozen pineapple. These standards, if made effective, will be the first issue by the Department for grades of frozen pineapple.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.568 *Frozen pineapple.* (a) Frozen pineapple is prepared from the properly ripened fruit of the pineapple plant (Ananas sativus or Ananas comosus); is peeled, cored, trimmed, and washed; may be packed with or without packing media; and is frozen and stored at temperatures necessary for the preservation of the product.

(b) *Styles of frozen pineapple*—(1) *Whole slices.* Frozen whole slices of pineapple consist of whole, practically unbroken slices of pineapple that have been cut, at a right angle to the longitudinal axis, into approximately equal units.

(2) *Half slices.* Frozen half slices of pineapple are such portions of whole slices of pineapple that are so matched in size and thickness that two portions are approximately equivalent to a slice.

(3) *Broken slices.* Frozen broken slices of pineapple consist of portions of slices of pineapple, if such portions are approximately of the same thickness and diameter.

(4) *Crushed* Frozen crushed pineapple is pineapple that has been cut, shredded, or crushed into fine pieces.

(5) *Tidbits.* Frozen tidbits of pineapple are small, wedge-shaped sections cut from slices or portions of slices of pineapple.

(6) *Chunks.* Frozen chunks of pineapple are pieces of pineapple which do not conform to any of the foregoing styles and which do not exceed 1½ inches in any dimension.

(c) *Grades of frozen pineapple.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of whole slices, crushed, tidbits, or chunks that possess a practically uniform, bright, characteristic yellow color in the applicable style; are practically uniform in size and symmetry in the applicable style; are practically free from defects in the applicable style; possess a good character in the applicable style; possess a normal flavor and odor; and score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of whole slices, crushed tidbits, or chunks that possess a reasonably uniform, good, characteristic yellow color in the applicable style; are reasonably uniform in size and symmetry in the applicable style; are reasonably free from defects in the applicable style; possess a reasonably uniform, reasonably good character in the applicable style; possess a normal flavor and odor; and score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of half slices and broken slices that are fairly uniform in size and symmetry; possess a fairly uniform, fairly good, characteristic yellow color; are fairly free from defects; possess a fairly good character; possess a normal flavor and odor; and score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is (i) the quality of whole slices, crushed, tidbits, or chunks that fail to meet the requirements of "U. S. Grade B" or "U. S. Choice" grade; or (ii) the quality of half slices or broken slices that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(d) *Ascertaining the grade.* (1) The grade of frozen pineapple is determined immediately after thawing to the extent that the mass or units may be easily separated. The grade of frozen pineapple may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Color, uniformity of size and symmetry, absence of defects, and character.

(2) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

	Points
(i) Color	20
(ii) Uniformity of size and symmetry	20
(iii) Absence of defects	30
(iv) Character	30
Total score	100

(3) "Normal flavor and odor" means that the pineapple is free from objectionable flavors, off flavors, and objectionable odors of any kind.

(e) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Color.* (i) Whole slices, crushed, tidbits, or chunks that possess a practically uniform, bright, characteristic yellow color, may be given a score of 18 to 20 points. "Practically uniform, bright, characteristic yellow color" means that the frozen pineapple has a yellow color typical of frozen pineapple and that there may be some variation of such color in the mass or of the units.

(ii) Whole slices, crushed, tidbits, or chunks that possess a reasonably uniform, good, characteristic yellow color, may be given a score of 16 or 17 points. Frozen pineapple that falls in this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably uniform, good, characteristic yellow color" means that the frozen pineapple may have considerable variation of such color in the mass or of the units.

(iii) Half slices or broken slices that possess a fairly uniform, fairly good, characteristic yellow color may be given a score of 14 or 15 points. Frozen pineapple that falls in this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule). "Fairly uniform, fairly good, characteristic yellow color," means that the individual units of the frozen pineapple may vary markedly from a uniform, typical yellow color and may be slightly dull in color.

(iv) Frozen pineapple that possesses a greyish cast or is definitely dull or off-color for any reason, or that fails to meet the requirements of subdivisions (i), (ii), or (iii) of this subparagraph for the applicable style may be given a score of 0 to 13 points and shall not be graded above "U. S. Grade D" or "Substandard," regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of sizes and symmetry.* The factor of uniformity of size and symmetry shall not be scored when grading frozen crushed pineapple or frozen chunks of pineapple. The other three factors shall be scored and the total shall be multiplied by 100 and divided by 80, dropping any fractions, to determine the total score.

(i) If the frozen pineapple units are practically uniform in size and symmetry, a score of 18 to 20 points may be given. "Practically uniform in size and symmetry" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices and tidbits. All of the units within each style are the same apparent thickness, size, and shape, with not more than a slight deviation in actual dimensions.

(ii) If the frozen pineapple units are reasonably uniform in size and symmetry, a score of 16 or 17 points may be given. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and symmetry" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices and tidbits. The units within each style may vary in thickness, size, and shape with more than a slight deviation in actual dimensions.

(iii) If the frozen pineapple units consist of half slices or broken slices, a score of 14 or 15 points may be given. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from blemished units; from excessively trimmed units; from broken units; and from crushed units. (See Table No. I of this section.)

(i) "Blemished units" are units of frozen pineapple with any fruit eye more than 1/32 inch in diameter, deep fruit eyes regardless of area, brown spots, peel, bruise, or other injury.

(ii) "Excessively trimmed units" means that the units have been so trimmed that they do not retain their apparent original conformation.

(iii) "Broken units" means that whole slices are definitely severed from core hole to perimeter.

(iv) "Crushed units," except for crushed style, means that the units have been crushed to the extent that they are not of normal shape.

(v) Frozen pineapple that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices. No units are crushed; no units are excessively trimmed; not more than 5 percent, by count, may be blemished; and not more than 10 percent, by count, may be broken in one place only. One blemished unit and one broken unit are permitted if one unit exceeds the respective allowance of 5 percent and 10 percent by count.

Tidbits and chunks. Not more than 5 percent, by count, may be crushed and not more than 5 percent, by count, may be blemished.

Crushed. Not more than ½ percent, by weight, may be blemished units. In determining the weight of blemished material, the weight of the entire blemished piece is included and the percentage is based on the drained weight of the pineapple.

(vi) Frozen pineapple that is reasonably free from defects may be given a score of 24 to 26 points. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices. Not more than 3 percent, by count, may be excessively trimmed; not more than 5 percent, by count, may be crushed; not more than 12½ percent, by count, may be blemished; and not more than 25 percent, by count, may be broken in one place only.

Tidbits and chunks. Not more than 5 percent, by count, may be crushed; and not more than 12½ percent, by count, may be blemished.

Crushed. Not more than 1 percent, by weight, may be blemished units. In determining the weight of blemished material, the weight of the entire piece is included and the percentage based on the drained weight of the frozen pineapple.

(vii) Frozen pineapple that is fairly free from defects may be given a score of 21 to 23 points. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product. "Fairly free from defects" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Half slices and broken slices. Not more than 5 percent, by count, may be crushed; and not more than 12½ percent, by count, may be blemished. Since half slices and broken slices of frozen pineapple are whole slices broken in more than one place, these styles are scored in this classification and shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule).

(viii) Whole slices, crushed, tidbits, and chunks of pineapple that fail to meet subdivision (vi) of this subparagraph; half slices or broken slices of frozen pineapple that fail to meet the requirements of subdivision (vii) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above "U. S. Grade D" or "Substandard," regardless of the total score for the product (this is a limiting rule).

(ix) The evaluation of the score for the factor of absence of defects may be determined from Table No. I of this section which indicates the maximum allowances for each type of defect for the score indicated.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TABLE NO. I—ALLOWANCES FOR DEFECTS IN FROZEN PINEAPPLE

Grade	Score points	Whole slices				Blemished units	Half slices and broken slices		Tidbits and chunks	
		Crushed units	Excessively trimmed	Blemished units	Broken units	Crushed, units	Crushed units	Blemished units	Crushed units	Blemished units
		Maximum (percent)								
		By count				By weight	By count			
U. S. Grade A or U. S. Fancy.	30	None	None	2	4	1/4			2	2
	29	None	None	3	6	1/4			3	3
	28	None	None	4	8	1/2			4	4
	27	None	None	5	10	1/2			5	5
U. S. Grade B or U. S. Choice.	26	1	1	6	15	3/4			6	6
	25	3	2	9	20	3/4			3	9
	24	5	3	12½	25	1			5	12½
U. S. Grade C or U. S. Standard.	23						1	6		
	22						3	9		
	21						5	12½		
U. S. Grade D or Substandard.	20 or less	More than allowances permitted for 21 points					More than allowances permitted for 21 points		More than allowances permitted for 24 points	

(4) *Character.* The factor of character refers to the degree of ripeness and texture of the fruit.

(i) Frozen pineapple that possesses a good character may be given a score of 27 to 30 points. "Good character" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices, tidbits, and crushed. The fruit is uniformly ripe and there may be present not more than 2½ percent by weight, of core material or fibrous stock; and, in the case of whole slices and tidbits, the fruit is reasonably firm and the fruitlets appear as a compact structure, reasonably free from porosity.

Chunks. The fruit is of practically uniform ripeness and normally has had more of the fibrous portions around the core hole removed than is the case with other styles of pack; the fruit is reasonably firm and the fruitlets appear as a compact structure, reasonably free from porosity.

(ii) Frozen pineapple that possesses a reasonably good character may be given a score of 24 to 26 points. Frozen pineapple which falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice;" regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Whole slices, tidbits, and crushed. The fruit is of reasonably uniform ripeness and there may be present not more than 5 percent, by weight, of core material or fibrous stock; and, in the case of whole slices and tidbits, the fruitlets are reasonably compact in structure, fairly free from porosity.

Chunks. The fruit is of reasonably uniform ripeness and normally has had more of the fibrous portions around the core hole removed than is the case with other styles of pack; and the fruitlets are reasonably compact in structure, fairly free from porosity.

(iii) If the frozen pineapple possesses a fairly good character, a score of 21 to 23 points may be given. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

Half slices and broken slices. The texture may be variable and there may be present not more than 5 percent, by weight, of core material or fibrous stock and the fruitlets may be flaccid and loosely constructed.

(iv) Whole slices, crushed, tidbits, and chunks of pineapple that fail to meet subdivision (ii) of this subparagraph; and half slices and broken slices that fail to meet the requirements of subdivision (iii) of this subparagraph, may be given a score of 0 to 20 points and shall not be graded above "U. S. Grade D" or "Substandard" regardless of the total score for the product (this is a limiting rule).

(f) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen pineapple, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) *Score sheet for frozen pineapple.*

Size and kind of container			
Container mark or identification			
Label (Style of pack; Ratio of fruit to sugar, etc., if shown)			
Net weight			
Style			
Factors	Score points		
I. Color	20	(A) 18-20	
		(B) 16-17	
		(C) 14-15	
		(D) 0-13	
II. Uniformity of size and symmetry	20	(A) 18-20	
		(B) 16-17	
		(C) 14-15	
III. Absence of defects	30	(A) 27-30	
		(B) 24-26	
		(C) 21-23	
		(D) 0-20	
IV. Character	30	(A) 27-30	
		(B) 24-26	
		(C) 21-23	
		(D) 0-20	
Total score	100		
Normal flavor and odor			
Grade			

1 Indicates limiting rule.

Issued this 30th day of September 1948.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-8850; Filed, Oct. 5, 1948; 8:50 a. m.]

[7 CFR, Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of Agriculture is considering the approval, pursuant to section 2 (s) (11) of the amended marketing agreement and § 936.2 (s) (11) of Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), of the resolution adopted by the Control Committee (established under the amended marketing agreement and order as the agency to administer the terms and provisions thereof) changing the representation of certain districts on the Bartlett Pear Commodity Committee, also established under said amended marketing agreement and order. These changes in representation would become effective pursuant to the applicable provisions of the aforesaid amended marketing agreement and order regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Upon approval by the Secretary of the foregoing resolution of the Control Committee, the following changes in the representation or membership on the Bartlett Pear Commodity Committee will become effective on the date specified by the Secretary; and such changes will become a part of the rules and regulations

(7 CFR, 1947 Supp., 936.100 et seq.) currently in effect and be reflected by the addition of a new paragraph (d) to § 936.102 *Administrative bodies* of such rules and regulations:

(d) *Changes in the representation of certain districts on Bartlett Pear Commodity Committee.* The representation or membership on the Bartlett Pear Commodity Committee is changed to provide for:

(1) Three (3) members to represent the North Sacramento Valley District, Central Sacramento Valley District, Sacramento River District, and Stockton District;

(2) Two (2) members to represent the Placer District;

(3) One (1) member to represent the Solano District;

(4) One (1) member to represent the Contra Costa District, and Santa Clara District;

(5) One (1) member to represent the Lake District;

(6) One (1) member to represent the North Coast District and North Bay District;

(7) One (1) member to represent the Colfax District; and

(8) Two (2) members to represent the Eldorado District and all of the area not included in the North Sacramento Valley Dstrict, Central Sacramento Valley District, Colfax District, Placer District, Sacramento River District, Stockton District, Solano District, Contra Costa District, Santa Clara District, Lake District, North Coast District, and North Bay District.

All persons who desire to submit written data, views, or arguments for consideration in connection with the approval by the Secretary of the aforesaid proposals shall file the same in quadruplicate with the Director, Fruit and Vegetable Branch, Producton and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than fifteen days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8899; Filed, Oct. 5, 1948; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 536]

AREA OF PRODUCTION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp., 1001), that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend the regulations contained in this part in the manner hereinafter set forth.

The proposed amendments establish a uniform definition of the "area of production" with respect to leaf tobacco both in Puerto Rico and elsewhere in the United States. They are intended, among other things, to make it clear that in Puerto Rico, as elsewhere, bulking of leaf tobacco, which characteristically involves processing operations not mentioned in section 13 (a) (10) of the Fair Labor Standards Act, will not provide a basis for exemption under that section. Operations performed within the "area of production" as defined in this part will be regarded as operations to which the "area of production" exemptions provided by section 7 (c) or section 13 (a) (10) refer only if they are operations specifically described in the exempting language of the statute.

Prior to the final adoption of such amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from publication of this notice in the FEDERAL REGISTER. Four copies of all written material should be submitted. The proposed amendments are to be issued under the authority contained in sections 7 (c) and 13 (a) (10) of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U. S. C. 201). They are as follows:

1. Amend § 536.1 (a) and § 536.2 (a) (1) (iv) by deleting therefrom the parenthetical phrase "(other than Puerto Rican leaf tobacco)."

2. Amend § 536.2 further by deleting the word "or" at the end of paragraph (a) (1) (iv), changing the semicolon immediately preceding it to a period, and deleting paragraph (a) (2) and paragraph (c).

Signed at Washington, D. C., this 28th day of September 1948.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 48-8808; Filed, Oct. 5, 1948; 8:46 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 23]

ORDER TRANSFERRING FUNCTIONS RELATING TO CORRECTION OF MILITARY RECORDS FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE

Pursuant to the authority vested in me by the National Security Act of 1947 (Act of July 26, 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force all functions, powers and duties relating to the correction of military records insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property or personnel, which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the act of August 2, 1946, c. 753, Title II, Part I, Sec. 207 (60 Stat. 837; 5 U. S. C. 191a, 275, 456a).

2. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this Order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

3. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

4. This order shall be effective as of 12:00 Noon, September 27, 1948.

JAMES FORRESTAL,
Secretary of Defense.

SEPTEMBER 27, 1948.

[F. R. Doc. 48-8841; Filed, Oct. 5, 1948; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 36]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL OPERATION AND MAINTENANCE CHARGES

SEPTEMBER 16, 1948.

1. *Operation and maintenance charges.* The minimum annual operation and maintenance charge for the irrigation season of 1949 and thereafter until further notice for all lands of the Orland Project, California, under public notice shall be $4.10 per irrigable acre, whether water is used or not, which charge will permit the delivery of not to exceed 3 acre-feet of water per irrigable acre per annum. Additional water, up to the amount of the surplus natural flow water, or operational spill from Stony Gorge Dam, used prior to the time it becomes necessary to draw upon the storage supply, will be furnished at the rate of $0.10 per acre-foot. Further additional water, if available, will be fur-

nished during the irrigation season at the following rates:

First acre-foot per acre, $1.00 per acre-foot.
Second acre-foot per acre, $1.25 per acre-foot.
Third and additional acre-feet per acre, $1.50 per acre-foot.

2. *Time of payment.* The minimum charge for the next irrigation season, together with charges for additional water used during the previous irrigation season, shall be payable on or before December 31 of each year.

3. *Penalties.* If payment of the charges, or any part thereof, is not made on or before the due date, there shall be added on the following day a penalty of one-half of one per cent of the amount unpaid, and a like penalty of one-half of one per cent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue. No water shall be delivered until all charges and penalties have been paid in full.

4. *Place of payment.* All payments should be made to the Bureau of Reclamation, Orland, California.

(Act of June 17, 1902, 32 Stat., 388, as amended or supplemented)

PHIL DICKINSON,
Acting Regional Director.

[F. R. Doc. 48-8838; Filed, Oct. 5, 1948; 8:48 a. m.]

[No. 37]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES

SEPTEMBER 16, 1948.

1. Announcement is hereby made that, pending the cancellation of water rights on lands now delinquent in the payment of charges due the United States and the transfer of said water rights to other lands in private ownership that can be served from the constructed canal system, or minor extensions, on the Orland Project, California, water will be furnished during the irrigation season of 1949 and thereafter until further notice, upon approved applications for temporary water service for the irrigation of such other lands, upon a water rental basis, at the following rates and terms.

2. *Charges and terms of payment.* The minimum water rental charge for the lands to be irrigated under the provisions of this public notice shall be $4.10 per irrigable acre, which charge will permit the delivery of not to exceed 3 acre-feet of water per irrigable acre per annum. Additional water, if available, will be furnished at the following rates:

First acre-foot per acre, $1.00 per acre-foot.
Second acre-foot per acre, $1.25 per acre-foot.
Third and additional acre-feet per acre, $1.50 per acre-foot.

The minimum charge will be payable at the time that application for temporary water service is executed and no water will be delivered until the minimum charge has been paid in full. Charge for additional water at the rates above specified must be paid in advance of the delivery of additional water and no advance payments shall be accepted in sums of less than $10.00.

3. *Application for, and payment of service.* Applications for water service and the payments required by this notice will be received at the office of the Bureau of Reclamation, Orland, California.

(Act of June 17, 1902, 32 Stat., 388, as amended or supplemented)

PHIL DICKINSON,
Acting Regional Director.

[F. R. Doc. 48-8839; Filed, Oct. 5, 1948; 8:48 a. m.]

[No. 4]

W. C. AUSTIN IRRIGATION PROJECT, OKLAHOMA

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

JULY 27, 1948.

1. I have determined that it is not possible, because construction work is not sufficiently advanced, to promulgate during the year 1949 any of the notices of construction charges contemplated in article 7 of the contract between the United States and Lugert-Altus Irrigation District dated January 12, 1942.

2. *Water rental.* Pursuant to article 9 of the contract of January 12, 1942, irrigation water will be furnished, when available, upon a rental basis under approved applications for temporary water service, during the irrigation season of 1949 where the progress of construction will permit, to the irrigable lands in the Lugert-Altus Irrigation District described below:

(a) *Water to be furnished beginning on January 1, 1949.* Generally described as the area served from the Altus Canal, Altus Laterals 3.2 to 11.1, inclusive, City Pipeline, City Laterals, West Canal, West Laterals, Blair Lateral and Sublaterals, comprising such lands as are irrigable within the tracts of land described as follows:

INDIAN MERIDIAN

T. 2 N., R 20 W.,
Sec. 5, SW¼; NW¼, part of;
Secs. 6 and 7;
Sec. 8, NW¼; NW¼SW¼; NE¼, part of;
T. 2 N., R. 21 W.,
Secs. 1 and 2;
Sec. 12, E½; NW¼;
Sec. 13, S½; NE¼;
Sec. 14, NW¼; SE¼;
Sec. 23, E½;
Sec. 24;
Sec. 25, lying west of S. L.-S. F. Ry.;
Sec. 26;
Sec. 35, NE¼; lying west of S. L.-S. F. Ry.
T. 3 N., R. 20 W.,
Secs. 5 and 6;
Sec. 7, N½;
Sec. 8, N½;
Sec. 19, S½;
Sec. 30, W½; NE¼;
Sec. 31, E½; N½NW¼.
T. 3 N., R. 21 W.,
Secs. 1 and 2;
Sec. 3, N½; SE¼;
Sec. 10, N½NE¼;
Secs. 11, 12, 13 and 14;
Sec. 15, SW¼; S½NW¼; NW¼NW¼;
Sec. 16, E½;
Sec. 21, E½;
Sec. 22, W½; S½NE¼; NW¼NE¼; S½SE¼;
Sec. 23, N½; East of RR; S½;
Sec. 24, S½;
Sec. 25, N½;
Sec. 26, E½; NW¼, part of;
Sec. 27, NW¼;
Sec. 28, E½ NE¼;
Sec. 35, E½; SW¼, part of;
Sec. 36.
T. 4 N, R. 20 W.,
Sec. 8, SW¼;
Sec. 17, W½;
Sec. 18, NE¼; SW¼;
Sec. 19;
Sec. 20, W½;
Sec. 29;
Sec. 31, West of RR and town of Blair;
Sec. 32, except town of Blair.
T. 4 N., R. 21 W.,
Sec. 11, part of;
Sec. 15, SW¼;
Sec. 16, SE¼;
Sec. 17, NW¼;
Sec. 18, E½; E½NW¼;
Secs. 20, 21 and 22;
Sec. 24, SE¼; S½NE¼;
Sec. 25, S½ SE¼;
Sec. 27, W½; SE¼;
Sec. 28, SE¼; NW¼, part of;
Sec. 29, N½, part of;
Sec. 33, E½;
Secs. 34, 35 and 36.

Charges and terms of payment. Owners of irrigable lands in the above tracts, as designated on the attached list of irrigable acreages, shall pay a minimum water rental charge of $2.50 per irrigable acre, whether water is used or not, which will entitle said owner to one-half acre foot of water per irrigable acre. Additional water, if available, will be furnished during the irrigation season at the rate of $3.00 for each acre foot. Minimum charges shall be payable by the District to the United States on collection from the irrigable landowner as assessments against the irrigable lands of such landowner in pursuance of the laws of the State of Oklahoma governing the levy of assessments by Irrigation Districts contracting with the United States. In no event shall payment in full of all charges by the District to the United States extend beyond July 1, 1949. Charges for additional water shall be payable by the District to the United States in advance of the delivery of such water.

(b) *Water to be furnished beginning on or about January 1, 1949.* Generally described as the area served from the Ozark Canal, Ozark Canal Lateral, Ozark Canal Laterals 1.5 to 15.2, inclusive, and Altus Canal Laterals 13.2 to 21.7, inclusive, comprising such lands as are irrigable within the tracts of land described as follows:

INDIAN MERIDIAN

T. 1 N., R. 19 W.,
Secs. 4, 5, 6, 7, 8, 9, 16 and 17;
Sec. 18, N½; SE¼;
Sec. 20, NW¼; E½;
Sec. 21, N½; SW¼; NW¼SE¼.
T. 1 N., R. 20 W.,
Sec. 1, S½; NE¼; E½NW¼;
Secs. 6, 7, and 12;
Sec. 13, N½;
Sec. 18, S½; NE¼;
Sec. 19, NW¼;
Sec. 20, S½; NE¼;
Sec. 21, W½;
Sec. 23, S½;
Sec. 24, E½; S½SW¼;
Sec. 25, N½; SW¼;
Sec. 27, N½; SE¼;
Sec. 28, S½; NW¼;
Sec. 29;
Sec. 30, S½; NE¼;
Sec. 31, NW¼NW¼;
Sec. 32, E½; NE¼NW¼;
Sec. 33;
Sec. 34, SW¼.
T. 1 N., R. 21 W.,
Sec. 1;
Sec. 2, E½; SW¼, part of;
Secs. 11, 12 and 13;
Sec. 14, E½; NW¼; N½SW¼;
Sec. 23;
Sec. 24, S½; NE¼;
Sec. 25, SW¼;
Sec. 26, NE¼; NE¼NW¼;
Sec. 36, W½; N½NE¼; SW¼NE¼.
T. 2 N., R. 19 W.,
Sec. 19, S½;
Sec. 20, W½SW¼;
Sec. 27, SW¼;
Secs. 28, 29, 30, 31, 32 and 33.
T. 2 N., R. 20 W.,
Sec. 3, N½; SW¼;
Sec. 4;
Sec. 5, SE¼; NE¼; NW¼, part of;
Sec. 8, NE¼, part of;
Sec. 9;
Sec. 13, S½;
Secs. 14, 15 and 16;
Sec. 21, S½; NW¼;
Sec. 22;
Sec. 23, N½; SE¼;
Secs. 24, 25, 27 and 28;
Sec. 29, S½;
Secs. 30, 31 and 32;
Sec. 33, N½N½;
Sec. 34, N½N½;
Sec. 35, N½N½;
Sec. 36, E½; NW¼.
T. 2 N., R. 21 W.,
Sec. 25, lying east of S. L.-S. F. Ry.;
Sec. 35, E½, lying east of S. L.-S. F. Ry.;
Sec. 36.
T. 3 N., R. 20 W.,
Sec. 32, E½;
Sec. 33, W½;
T. 4 N., R. 20 W.,
Sec. 30.

Charges and terms of payment. The water rental charge shall be $4.00 per acre foot for each acre foot of water requested. No application for the initial delivery of less than five acre feet of water for each ownership will be received by the District. All charges shall be payable by the District to the United States in advance of the delivery of water.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or are held under contract of purchase by persons duly qualified to receive water under the terms of the Reclamation Act of June 17, 1902 (32 Stat. 388), and acts of Congress supplementary thereto or amendatory thereof, and who have duly complied with the requirements of the contract of January 12, 1942, between the United States and the District, including:

(a) The Execution and delivery of the valid recordable contract, in the case of ownership of excess land, as provided for in articles 27 and 29 (b) of said contract.

5. Individual applications for water service and the payments required by this announcement will be received at the office of the Secretary, Lugert-Altus Irrigation District, Altus, Oklahoma. Requests by the District for water for such lands as are entitled to receive water and payment by the District to the United States will be received at the office of the Bureau of Reclamation, Altus, Oklahoma.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

JAMES A. BUCHANAN,
Acting Regional Director.

[F. R. Doc. 48-8840; Filed, Oct. 5, 1948; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-177]

ACCIDENT OCCURRING AT BURLINGTON, VT.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry NC-17335 which occurred at Burlington, Vermont, on September 20, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Friday, October 8, 1948, at 9:30 a. m. (e. s. t.) in Jury Room, First Floor, Chittenden County Courthouse, Burlington, Vermont.

Dated at Washington, D. C., September 28, 1948.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 48-8854; Filed, Oct. 5, 1948; 8:50 a. m.]

DISPLACED PERSONS COMMISSION

GENERAL ORGANIZATION

DELEGATION OF AUTHORITY AND AVAILABILITY OF RECORDS

1. *Commission; subordinates; utilization of services of, and participation with others.* (a) The Commission, which consists of the chairman member and the two other members appointed by the President under section 8 of the act, shall have headquarters in Washington, D. C. Official communications should be addressed to the Displaced Persons Commission, Washington 25, D. C.

(b) The Commission shall act by a majority vote of all its members. In the Chairman's absence or inability to act the duties of the Chairman shall be performed by such other member of the Commission as he may designate as Acting Chairman.

(c) Duly authorized officers and employees of the Commission shall, under the general direction of the Commission, be responsible for the selection, investigation, and processing of the applicants under the act, subject to such powers as are specifically provided by law within the jurisdiction of the Foreign Service of the Department of State, the Immigration and Naturalization Service of the Department of Justice, and other departments and agencies of the Government, and shall exercise such authority as may legally be conferred upon them from time to time by the Commission.

(d) Officers and employees of the Commission designated by it as analysts or to act in that capacity, shall have authority to prepare the written report required by the provisions of section 10 of the act and by Executive Order 10003, *supra*.

(e) The Commission shall utilize, to the extent it deems practicable, any aid and assistance which it may be able to obtain from other officers and employees of the Government.

(f) The Commission may establish such advisory groups and may establish such working relationships with interested organizations, agencies or individuals, public or private, as it deems necessary in order more efficiently to accomplish the purposes of the act and the regulations contained in Title 8, CFR, Chapter IV, Part 700, *supra*.

2. *Files, documents, records and information of Commission regarded as confidential.* All official files, documents, records, and information in the offices of the Commission or in the custody or control of any officer or employee of the Commission shall be regarded as confidential. No such officer or employee may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Commission. Such official files, documents, records, and information shall not be published, opened to public inspection, or made available to the public in any other way, except where the Commission permits disclosure, either by the exercise of discretion in particular cases or, generally, through specific provisions of these regulations.

HARRY N. ROSENFIELD,
Acting Chairman,
Displaced Persons Commission.

[F. R. Doc. 48-8863; Filed, Oct. 5, 1948; 10:49 a. m.]

FEDERAL POWER COMMISSION

TRUNKLINE GAS SUPPLY CO.

[Docket No. G-882]

ORDER POSTPONING DATE OF RECONVENING HEARING

SEPTEMBER 30, 1948.

It appears to the Commission that:

(a) A public hearing was held on the application herein, as amended, on September 8 through September 16, 1948, at which time the direct presentation of the Applicant in support of its application, as amended, was concluded; the hearing was thereupon recessed to October 4, 1948.

(b) At the close of such direct presentation a motion to strike testimony offered by Applicant purporting to show the existence of a market for the natural gas proposed to be transported by the proposed facilities involved herein was sustained by the Presiding Examiner

and the exhibits offered in connection therewith were not admitted in evidence, as such testimony and exhibits were deemed irrelevant and immaterial. Applicant has appealed to the Commission on this ruling.

(c) At the conclusion of the hearing referred to in paragraph (a) above a motion to dismiss the amended application was made by the National Coal Association and Railway Labor Executives Association, interveners herein, whereupon September 23, 1948, was fixed by the Presiding Examiner as the date for filing of briefs in support of or in opposition to such motion to dismiss; September 29, 1948, was the date fixed for replies thereto.

The Applicant on September 29, 1948, filed a motion to postpone date of reconvening hearing until October 18, 1948, alleging that there are continuing negotiations concerning matters affecting the sale of gas to various potential customers; that Applicant is taking further action with regard thereto and with regard to related items; that Applicant intends to present additional testimony and evidence bearing thereon; and that a more efficient and expeditious presentation of such additional testimony will be accomplished if such postponement is granted.

The Commission, having considered the application, as amended, the record thereon with respect to the matters involved and the issues presented, the motion to dismiss, including briefs thereon, and the motion to postpone date of reconvening hearing, finds that: It is appropriate in the public interest to withhold decision with respect to the Presiding Examiner's ruling on the abovementioned motion to strike and the motion to dismiss pending the presentation of additional evidence in support of the application, as amended, and to postpone the date of reconvening hearing, as hereinafter ordered.

The Commission, therefore, orders that:

(A) The reconvening of this hearing now set for October 4, 1948, be and the same is hereby postponed to October 18, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving additional evidence to be presented in support of the amended application, and the record herein is remanded to the Presiding Examiner for such purposes.

(B) Upon the conclusion of the presentation of such evidence the record shall be forthwith certified to the Commission for the purpose of disposing of the motion to strike and the motion to dismiss and the hearing shall be recessed pending such disposition.

Date of issuance: October 1, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8851; Filed, Oct. 5, 1948; 8:50 a. m.]

[Docket No. G-1099]

LONE STAR GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 1, 1948.

Notice is hereby given that, on September 29, 1948, the Federal Power Commission issued its findings and order entered September 28, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8852; Filed, Oct. 5, 1948; 8:50 a. m.]

[Docket No. ID-1104]

SILAS C. McMEEKIN

NOTICE OF ATHORIZATION PURSUANT TO SECTION 305 (B) OF THE FEDERAL POWER ACT

OCTOBER 1, 1948.

Notice is hereby given that, on September 29, 1948, the Federal Power Commission issued its order entered September 28, 1948, in the above-designated matter, authorizing applicant to hold certain positions in South Carolina Electric & Gas Company et al. pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8853; Filed, Oct. 5, 1948; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 826-A]

COAL AT ASHTABULA ON NEW YORK CENTRAL RAILWAY BE UNLOADED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of September A. D. 1948.

Upon further consideration of Service Order No. 826 (13 F. R. 5797), and good cause appearing therefor: *It is ordered*, That:

(a) Service Order No. 826, *Coal at Ashtabula on New York Central Railway, be unloaded*, be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 11:59 p. m., October 1, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-8862; Filed, Oct. 5, 1948; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-567]

AMERICAN GENERAL CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its offices in the city of Washington, D. C., on the 30th day of September A. D. 1948.

In the matter of American General Corporation, Morris Plan Corporation of America, Industrial Bank of Commerce of Albany, and Harry F. Burch, File No. 812-567.

Notice is hereby given that the Morris Plan Corporation of America (Morris Plan), 103 Park Avenue, New York, New York, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of the act the proposed purchase from Morris Plan by Harry F. Burch, of 50 shares of the capital stock of the Industrial Bank of Commerce of Albany (Bank), 50 State Street, Albany, New York, for the sum of $1,028.50 in cash. Harry F. Burch is a director of the Bank.

Section 17 (a) (2) of the act makes it unlawful for an affiliated person of an affiliated person of a registered investment company, acting as principal, knowingly to purchase from any company controlled by such registered investment company, any security or other property, except securities of which the seller is the issuer.

American General Corporation, 420 Lexington Avenue, New York, New York, is a closed-end, non-diversified management investment company registered under the act. American General Corporation owns approximately 61% of the common stock of Morris Plan, the only class of stock of Morris Plan entitled to vote. Morris Plan owns 19,382⅓ shares of the $10 par value capital stock of the bank out of 20,000 shares of such stock outstanding. Since Harry F. Burch is a director of the bank, the proposed purchase by him from Morris Plan of capital stock of the bank involves the purchase by an affiliated person of an affiliated person of a registered investment company, from a company controlled by such registered investment company, of a security of which the seller is not the issuer. The application therefore requests an order exempting the proposed transaction from the provisions of section 17 (a) (2) of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after October 22, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than October 20, 1948, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8847; Filed, Oct. 5, 1948; 8:50 a. m.]

[File No. 7-1083]

BESSEMER AND LAKE ERIE RAILROAD CO.

FINDINGS AND ORDER DETERMINING CUMULATIVE PREFERRED STOCK NOT EQUIVALENT TO COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of September A. D. 1948.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the $1.50 Cumulative Preferred Stock, Par Value $50.00, of Bessemer and Lake Erie Railroad Company, a Pennsylvania corporation, is substantially equivalent to the $50.00 par value common stock of Pittsburg, Bessemer and Lake Erie Railroad Company, a corporation organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania and of the State of Ohio. The common stock, par value $50.00 of the Pittsburg, Bessemer and Lake Erie Railroad Company has been admitted to unlisted trading privileges on the New York Curb Exchange since January 22, 1926.

Section 12 (f) of the Securities Exchange Act of 1934 provides that a national securities exchange, upon application to and approval of such application by the Commission, * * * (1) may continue unlisted trading privileges to which a security had been admitted on such exchange prior to March 1, 1934; or (2) may extend unlisted trading privileges to any security duly listed and registered on any other national securities exchange * * *; or (3) may extend unlisted trading privileges to any security in respect of which there is available from a registration statement and periodic reports or other data filed * * * under the Securities Exchange Act of 1934, or the Securities Act of 1933, information substantially equivalent to that available in respect of a security duly listed and registered on a national securities exchange.

Since the Bessemer and Lake Erie Railroad Company has no securities listed or registered on any national securities exchange, and has never filed with the Commission a registration statement pursuant to the Securities Act of 1933, the New York Curb Exchange may not have unlisted trading privileges in the $1.50 Cumulative Preferred Stock, Par Value $50.00, of this company except in the event that this be deemed a security admitted to unlisted trading privileges on this exchange prior to March 1, 1934. Under section 12 (f) of the act the Commission has adopted Rule X-12F-2 which provides for an application by an exchange to the Commission for a determination whether a security admitted to unlisted trading privileges that has been changed by an issuer is thereafter substantially equivalent to the security theretofore admitted to unlisted trading privileges.[1] If the Commission determines that the security after such change is substantially equivalent to the security theretofore admitted to unlisted trading privileges, the rule provides that the security as changed shall be deemed to be the security theretofore admitted to unlisted trading privileges. This would permit the New York Curb Exchange to engage in unlisted trading in the $1.50 Cumulative Preferred Stock, Par Value $50.00, of Bessemer and Lake Erie Railroad Company.

A merger is being effected whereby the Pittsburg, Bessemer and Lake Erie Railroad Company, together with another corporation named Meadville, Conneaut Lake and Linesville Rail Road Company, is being merged into Bessemer and Lake Erie Railroad Company, which will be the surviving corporation. The properties of the two other corporations being merged into the Bessemer and Lake Erie Railroad Company have been operated by the latter company under long term leases. Prior to the merger becoming effective, the Pittsburg, Bessemer and Lake Erie Railroad Company had outstanding 40,000 shares of 6% Cumulative Preferred stock of a par value of $50.00 per share and 200,000 shares of common stock of a par value of $50.00 per share, in addition to $11,873,000 principal amount of First Mortgage 2¾% Bonds, Series A, due December 1, 1996. Prior to the effective date of the merger the capitalization of the Bessemer and Lake Erie Railroad Company consisted of 10,000 shares of common stock, par value $50.00, outstanding; and it had no issues of preferred stock outstanding. Under the terms of the reorganization and merger, the surviving corporation will issue one share of its own new $3.00 Cumulative Preferred Stock, Par Value $50.00, for each of the 40,000 shares of 6% Cumulative Preferred Stock, Par Value $50.00, of Pittsburg, Bessemer and Lake Erie Railroad Company, and will issue one share of its new $1.50 Cumulative Preferred Stock, Par Value $50.00, for each of the outstanding 200,000 shares of Common Stock, Par Value $50.00, of Pittsburg, Bessemer and Lake Erie Railroad Company.

There are sufficient differences between the $1.50 Cumulative Preferred Stock, Par Value $50.00, of Bessemer and Lake Erie Railroad Company and the Common Stock, Par Value $50.00, of Pittsburg, Bessemer and Lake Erie Railroad Company as to make it appear that these securities are not substantially equivalent to one another. Rule X-12F-2 (b) refers to "any change" effected in a security admitted to unlisted trading on a national securities exchange. In the instant case what is to be effected by the reorganization is more far-reaching than a change in a security admitted to unlisted trading privileges on the New York Curb Exchange prior to March 1, 1934. Not only is the successor security that of a different corporation from the corporation issuing the security that has been traded on the New York Curb Exchange since January 22, 1926, but it is an entirely new issue of preferred stock by a corporation which prior to the reorganization did not have preferred stock outstanding, but only common stock, and certain equipment trust certificates. Furthermore, the differences between common stock and preferred stock are not inconsiderable. The plan of reorganization expressly provides that the new $1.50 Cumulative Preferred Stock of the surviving corporation "shall have no voting powers or rights" and that the holders of the common stock of the corporation shall exclusively possess all voting powers for the election of directors and for all other purposes. Moreover, the plan of reorganization provides that the holders of the $1.50 Cumulative Preferred Stock shall be entitled to no more than $1.50 cumulative cash dividends per

[1] The full text of Rule X-12F-2, entitled "Changes in Securities Admitted to Unlisted Trading Privileges", is as follows:

(a) Any security admitted to unlisted trading privileges on a national securities exchange although changed in one or more of the following respects—

(1) Title of such security or the name of the issuer;

(2) The maturity, interest rate, and/or outstanding aggregate principal amount of an issue of bonds, debentures or notes;

(3) The par value, dividend rate, number of shares authorized and/or the outstanding number of shares of a stock;

shall, nevertheless, be deemed to be the security theretofore admitted to unlisted trading privileges on such exchange. Such exchange shall notify the Commission in writing of any such change promptly after learning thereof.

(b) Any security admitted to unlisted trading privileges on a national securities exchange in respect of which there is effected any change other than those specified in paragraph (a) of this rule, shall, nevertheless, be deemed to be the security theretofore admitted to unlisted trading privileges on such exchange, provided the Commission shall have determined, upon application by such exchange, that the security after such change is substantially equivalent to the security theretofore admitted to unlisted trading privileges.

Such application shall be filed in triplicate, shall be in the form prescribed for registration statements by Rule X-2 and shall contain the following information:

(1) Title of security.

(2) Name of issuer.

(3) A brief but comprehensive description of each change proposed to be effected in such security, together with a copy of all written matter submitted to security holders relating to each such change.

share per annum; whereas the common stock of the predecessor corporation would normally have been entitled to share in any net earnings available for distribution as dividends after the dividends on the 6% Cumulative Preferred Stock, Par Value $50.00, had been paid Also, in the event of liquidation of the Bessemer and Lake Erie Railroad Company, the new $1.50 Cumulative Preferred Stock, Par Value $50.00, will only be entitled to receive $50.00 per share; and the assets remaining after the payment of indebtedness and of the amounts to which the two new classes of preferred stock are entitled, will belong to the common stockholders. This is in contrast with the rights of the holders of the common stock of Pittsburg, Bessemer and Lake Erie Railroad Company who in the event of dissolution, liquidation or winding up of that corporation, would have been entitled to all the assets remaining after payment of indebtedness and payment of the value upon liquidation of the shares of 6% Cumulative Preferred Stock. In addition, the plan of reorganization expressly provides that the holders of the $1.50 Cumulative Preferred Stock to be issued by the surviving corporation shall have no pre-emptive rights to subscribe for or to purchase any part of any new or additional issue of any class of stock; and the plan of reorganization further expressly provides that the holders of the common stock of the surviving organization shall be entitled, as a matter of right, to subscribe for and to purchase all or any part of any new or additional issue of any class of stock of the corporation.

Accordingly it is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the $1.50 Cumulative Preferred Stock, Par Value $50.00, of Bessemer and Lake Erie Railroad Company is hereby determined not to be substantially equivalent to the Common Stock, Par Value $50.00, of Pittsburg, Bessemer and Lake Erie Railroad Company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8844; Filed, Oct. 5, 1948; 8:49 a. m.]

[File Nos. 70-1893; 70-1913]

PUBLIC SERVICE CO. OF INDIANA, INC., AND MIDDLE WEST CORP.

MEMORANDUM FINDINGS AND ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of September A. D. 1948.

In the matter of Public Service Company of Indiana, Inc., File No. 70-1893; Middle West Corporation, File No. 70-1913.

The Middle West Corporation, ("Middle West"), a registered holding company and its subsidiary, Public Service Company of Indiana, Inc., ("Public Service"), have filed separate applications-declarations and amendments thereto pursuant to sections 6 (a) (2), 6 (b), 7 (e), 9, 10, 12 (e) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43, U-62 and U-65 with respect to the following transactions:

Public Service proposes to issue additional shares of common stock, without par value, to the holders of its 1,118,687 shares of outstanding common stock as at June 30, 1948, on the basis of one additional share for each share held. In conection with such issuance Public Service proposes to amend its Articles of Consolidation, as amended, ("Charter") so as, among other things, to increase the number of shares of common stock authorized from 2,000,000 shares to 5,000,000 shares and to increase the number of shares reserved for conversion of the Fifteen Year 2¾% Convertible Debentures due May 1, 1962 from 266,035 shares to 532,070 shares as at June 30, 1948.

In connection with the above program, Public Service proposes to solicit proxies to be voted in favor of the adoption of the proposed Charter amendments from the holders of its presently outstanding common stock and 3½% Cumulative Preferred Stock. The company states that it may be necessary to employ solicitors to assist the management in the solicitation of proxies.

Middle West, the owner of 224,586 shares representing approximately 20% of the outstanding common stock of Public Service, proposes to acquire the additional 224,586 shares to which it will be entitled if and when such shares are issued.

A public hearing having been held after appropriate notice, and having examined the record we make the following findings:

The record indicates that Public Service proposes to hold a meeting of stockholders on October 29, 1948 for the purpose of authorizing the additional shares of common stock and the issuance of one share for each share now outstanding. If the requisite vote of the stockholders is obtained, it is the intention of the company to file the Charter amendments on November 1, 1948 which date automatically becomes the record date for the purpose of issuing the additional shares of common stock.

The proposed issuance of common stock by the company has been expressly authorized by the Public Service Commission of Indiana, the State commission of the state in which Public Service is organized and doing business.

The company indicates that it will be necessary to issue and sell, from time to time, additional shares of common stock to provide a portion of the capital for necessary construction purposes, and that the proposal to have outstanding a larger number of shares with a lower market price will facilitate the raising of common stock capital.

The increase in the number of outstanding common shares, having one vote per share, has the effect of altering the voting rights of the holders of 3½% Cumulative Preferred Stock, which will continue to have one vote per share. Any such alteration under the Charter requires the affirmative vote of two-thirds of the outstanding preferred stock as well as a majority vote of the common stock and, for this purpose, Public Service proposes to solicit both classes of stock.

We have examined the solicitation material proposed to be sent out to the stockholders in connection with the proposed transactions, which material sets forth the matters to be considered and voted on at the stockholders meeting. Depending on the response to its solicitations of proxies, Public Service may employ a firm of solicitors to aid in securing the requisite number of proxies. Inasmuch as Public Service can determine whether to employ solicitors only after the results of its own efforts have been determined, the company cannot now estimate the amount of any expenditures it may incur in this connection. We will, therefore, reserve jurisdiction over any such expenses.

The record indicates that other expenses to be incurred by Public Service in connection with the proposed transactions are estimated to be $80,000, including approximately $62,000 payable to the State of Indiana and approximately $12,000 payable to the stock transfer agent. We find that the expenses, as estimated, are not unreasonable.

The proposed acquisition of the additional shares by Middle West is subject to the requirements of section 10 of the act. We take notice of statements made in the public record in another proceeding involving Middle West to the effect that Middle West will distribute, among other things, its holdings of the common stock of Public Service in November 1948.[1]

In conclusion, we find that the issuance of the additional shares of common stock by Public Service is entitled to an exemption from the provisions of section 6 (a) of the act pursuant to the third sentence of section 6 (b) thereof, that the proposal to increase the authorized common stock by Public Service meets the requirements of sections 7 (e) and 7 (g) of the act, that the acquisition by Middle West of its share of the additional stock complies with the standards of Section 10 of the Act, and that it is not necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions in respect of the proposed transactions.

It is hereby ordered, Subject to the terms and conditions prescribed in Rule U-24, that the said applications-declarations, as amended, be, and the same hereby are, granted and permitted to become effective forthwith.

It is further ordered, Pursuant to Rule U-65, that jurisdiction be, and the same hereby is, reserved to consider the reasonableness of expenditures other than ordinary expenditures as defined in said rule with respect to employment of solicitors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8843; Filed, Oct. 5, 1948; 8:49 a. m.]

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[1] Wisconsin Power and Light Company et al., File No. 70-1925 and 70-1926.

[File Nos. 70-1910, 70-1920, 68-106]

METROPOLITAN EDISON CO. AND GENERAL PUBLIC UTILITIES CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of September 1948.

Metropolitan Edison Company ("Met Ed"), a subsidiary of General Public Utilities Corporation, a registered holding company, having filed an application, and amendments thereto, pursuant to the provisions of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder wherein Met Ed proposed to issue and sell $3,500,000 principal amount of first mortgage bonds due 1978 and 40,000 shares of $100 par value cumulative preferred stock; and

The Commission having, by order dated September 3, 1948, approved said application, as amended, subject to the condition, among other things, that the proposed issue and sale of said bonds and preferred stock shall not be consummated until the results of the competitive bidding have been made a matter of record in this proceeding, and a further order shall have been entered by this Commission in the light of the record so completed, and the Commission having also reserved jurisdiction over the payment of fees and expenses of all counsel; and

Met Ed having on September 29, 1948, filed a further amendment to said application in which it is stated that it has offered such first mortgage bonds and cumulative preferred stock for sale pursuant to competitive bidding requirements of Rule U-50 and has received the following bids:

FOR THE BONDS

Bidder	Price to company	Interest rate or dividend rate	Cost to company
		Percent	*Percent*
Harriman Ripley & Co., Inc.	$101.193	3	2.9099
Halsey, Stuart & Co., Inc.	101.1099	3	2.944
Kidder, Peabody & Co	101.071	3	2.946
Salomon Bros. & Hutzler	100.966	3	2.9512
Union Securities Corp	100.833	3	2.9579
The First Boston Corp	100.7699	3	2.9611
Equitable Securities Corp	100.6975	3	2.9647

FOR THE PREFERRED STOCK

Smith, Barney & Co. and Goldman, Sachs & Co.	$100.18	4.35	4.3422
Kidder, Peabody & Co	100.7391	4.45	4.4165
Salomon Bros. & Hutzler	100.5491	4.5	4.4754
Drexel & Co	100.2771	4.5	4.4876

Said amendment stating that Met Ed has accepted the bid of Harriman Ripley & Co., Incorporated, for the first mortgage bonds and the bid of Smith, Barney & Co. and Goldman, Sachs & Co. for the cumulative preferred stock, as set out above, and that the first mortgage bonds will be offered for sale to the public at a price of 100.99% of the principal amount, resulting in a negative underwriters' spread of 0.203% of the principal amount, or an aggregate negative spread of $7105.00, and that the cumulative preferred stock will be offered to the public at a price of $102.25 per share, resulting in an underwriters' spread of $2.07 per share; and

The amendment further stating that the legal fees to be incurred in connection with the proposed transaction are as follows:

Harold J. Ryan, counsel for the Company	$10,000
Beekman & Bogue, counsel for Prospective Underwriters	7,500
Total	17,500

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the issue and sale of said first mortgage bonds and cumulative preferred stock, and the underwriters' spreads and their allocations; and

It appearing that the proposed fees and expenses of Harold J. Ryan and Beekman & Bogue are for necessary services and are not unreasonable:

It is hereby ordered, That the jurisdiction heretofore reserved in connection with the issue and sale of said first mortgage bonds and cumulative preferred stock be, and the same hereby is, released and the said application, as further amended, be, and the same hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over the payment of the fees and expenses of all counsel be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8846; Filed, Oct. 5, 1948; 8:49 a. m.]

[File No. 70-1930]

NIAGARA HUDSON POWER CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of September, 1948.

Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, having filed an application-declaration pursuant to Sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder with respect to the transactions summarized below:

Niagara Hudson holds, as collateral security for the certain promissory notes of A. Augustus Low in the amount of $684,498, all of the outstanding capital stock, consisting of 6,300 shares of Old Forge Electric Corporation ("Old Forge"). The notes are collectible only through recourse to the collateral. Niagara Hudson proposes to acquire all of the outstanding capital stock of Old Forge in consideration for the cancellation of the promissory notes. The notes are carried by Niagara Hudson at $368,443, the book value of the stock of Old Forge at February 1, 1937. Subsequent to its acquisition of the Old Forge stock, Niagara Hudson proposes to forgive a demand note of Old Forge due to Niagara Hudson in the amount of $133,904, and interest receivable in the amount of $197,596, the total of such indebtedness being $331,500. Old Forge, which has been operated for some years as a unit of the Niagara Hudson system, will eventually be merged into Niagara Hudson's subsidiary, Central New York Power Corporation, although such merger is not a proposal under the present filing. The Public Service Commission of the State of New York, by order dated July 27, 1948, approved the acquisition of the stock of Old Forge by Niagara Hudson.

Said application-declaration having been filed on August 20, 1948, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interests of investors and consumers that said application-declaration be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application-declaration be, and the same hereby is, granted and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8845; Filed, Oct. 5, 1948; 8:49 a. m.]

[File No. 70-1941]

MIDDLE WEST CORP. AND KENTUCKY UTILITIES CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of September A. D. 1948.

The Middle West Corporation ("Middle West"), a registered holding company, and its subsidiary, Kentucky Utilities Company ("Kentucky"), a public utility company, having filed a joint application-declaration and an amendment thereto, pursuant to sections 6 (a), 6 (b), 9, 10 and 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 of the general rules and regulations promulgated thereunder regarding the following transactions:

Kentucky proposes to issue and sell 125,000 shares of its common stock of the par value of $10 per share to Middle West

for a consideration of $1,250,000 payable in cash. It is stated that the net proceeds of the sale of such common stock will be used by Kentucky for additions and extensions to its electric utility plant and system. The Public Service Commission of the State of Kentucky, the State in which Kentucky is organized and doing business, has expressly authorized the issuance and sale of the said common stock, by order dated September 22, 1948.

Middle West, owner of all the presently outstanding common stock of Kentucky, proposes to acquire the shares of common stock which Kentucky proposes to issue and sell. Middle West has stated that it intends to distribute such shares, together with the shares now owned, to its own stockholders pursuant to a resolution of stockholders to liquidate and dissolve the company, although such distribution is not a part of the instant filing.

The joint application-declaration having been filed on September 1, 1948 and an amendment thereto having been filed on September 23, 1948, and a notice of said filings having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration, as amended, be granted and permitted to become effective:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8842; Filed, Oct. 5, 1948; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12074]

GERTRUD GOERING

In re: Rights of Gertrud Goering and the domicilitry personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gertrud Goering under Supplementary Contract of Insurance. File No. F-28-937-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Goering, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gertrud Goering, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract evidenced by Supplementary Contract No. 1366 under policy No. 275597, issued by the Equitable Life Insurance Company of Des Moines, Iowa, to Gertrud Goering, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Gertrud Goering, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-8869; Filed, Oct. 5, 1948; 8:59 a. m.]

[Vesting Order 12078]

FRIEDRICH ALBUS

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Albus, deceased. F-28-29150-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Albus, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a Savings Account, account number 721,609, entitled Friedrich Albus, deceased, maintained at the branch office of the aforesaid bank located at Fourth Avenue at 14th Street, New York 3, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Albus, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Albus, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-8870; Filed, Oct. 5, 1948; 9:00 a. m.]

[Vesting Order 12082]

ELISABETH GROSCH

In re: Bank accounts owned by Elisabeth Grosch and others. F-28-29141-E-1; F-28-29142-E-1; F-28-29143-E-1; F-28-29144-E-1; F-28-29145-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Grosch and Christian Mohr, whose last known address is Mainz, Germany, and Fritz Orb, Herbert Orb and Walter Orb, whose last known address is Westhofen Bei Worms, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Marine National Exchange Bank, 625 North Water Street, Milwaukee 1, Wisconsin, arising out of a checking account, entitled Ernst von Briesen or Ernst J. von Briesen as Attorney-in-fact for Elisabeth Grosch of Mainz, Germany, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elisabeth Grosch, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of the Marine National Exchange Bank, 625 North Water Street, Milwaukee 1, Wisconsin, arising out of a checking account, entitled Ernst von Briesen or Ernst J. von Briesen as Atty-in-fact for Christian Mohr of Mainz, Germany, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christian Mohr, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation of the Marine National Exchange Bank, 625 North Water Street, Milwaukee 1, Wisconsin, arising out of a checking account, entitled Ernst von Briesen or Ernst J. von Briesen as Atty-in-fact for Fritz Orb of Westhofen bei Worms, Germany, maintained at the aforesaid bank, and any and all right to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Orb, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation of the Marine National Exchange Bank, 625 North Water Street, Milwaukee 1, Wisconsin, arising out of a checking account, entitled Ernst von Briesen or Ernst J. von Briesen as Atty-in-fact for Herbert Orb of Westhofen bei Worms, Germany, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Herbert Orb, the aforesaid national of a designated enemy country (Germany);

6. That the property described as follows: That certain debt or other obligation of the Marine National Exchange Bank, 625 North Water Street, Milwaukee 1, Wisconsin, arising out of a checking account, entitled Ernst von Briesen or Ernst J. von Briesen as Atty-in-fact for Walter Orb of Westhofen bei Worms, Germany, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Walter Orb, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

7. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-8871; Filed, Oct. 5, 1948; 9:00 a. m.]

[Vesting Order 12085]

MARTHA KREYNSCHMIDT

In re: Bank account owned by Martha Kreynschmidt. F-28-26271-C-1; F-28-26271-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Kreynschmidt, whose last known address is Oldenburg 1/ Oldenburg, Lerchenstr 14, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Martha Kreynschmidt, by The Howard Savings Institution, 768 Broad Street, Newark, New Jersey, arising out of a savings account, account number A.12517, entitled Martha Kreynschmidt, maintained at the aforesaid savings institution, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-8872; Filed, Oct. 5, 1948; 9:00 a. m.]

[Vesting Order 12088]

FRIEDRICH EDUARD MUELLER

In re: Debt owing to Friedrich Eduard Mueller, also known as Fred Mueller. F-28-4030-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Eduard Mueller, also known as Fred Mueller, whose last known address is Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Friedrich Eduard Mueller, also known as Fred Mueller, by Goodbody & Co., 115 Broadway, New York, New York, in the amount of $2,419.92 as of December 31, 1945, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8873; Filed, Oct. 5, 1948; 9:00 a. m.]

[Vesting Order 12090]

MARIA REIF

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Maria Reif, deceased. F-28-23945-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Maria Reif, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Bank of California, N. A., 400 California Street, San Francisco 20, California, arising out of a Savings Account, Account No. 19746, entitled Mr. Ernest J. Sultan or Mr. Arnold Arnstein Agents for Maria Reif, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Maria Reif, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Maria Reif, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8874; Filed, Oct. 5, 1948; 9:00 a. m.]

[Vesting Order 12091]

MRS. MARIE RIGL-HOBELIK

In re: Bank account owned by Mrs. Marie Rigl-Hobelik. F-28-27506-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Marie Rigl-Hobelik, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Marie Rigl-Hobelik, by Security-First National Bank of Los Angeles, Sixth and Spring Streets, Los Angeles, California, arising out of a checking account entitled Mrs. Marie Rigl-Hobelik, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8875; Filed, Oct. 5, 1948; 9:00 a. m.]

[Vesting Order 12092]

IDA SCHWARZ

In re: Debt owing to Ida Schwarz. F-28-14196-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Schwarz, whose last known address is Roebel-Mueritz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ida Schwarz by The Pennsylvania Company For Banking and Trusts, S. E. corner of 15th and Chestnut Streets, Philadelphia, Pennsylvania, in the amount of $15,116.88, as of August 19, 1948, representing a cash balance of uninvested principal in an account numbered A 14431, entitled "Agent Under Power For Liquidation by Ida Schwarz, Liquidating Account" and maintained in the Trust Department of the aforesaid Pennsylvania Company For Banking and Trusts, together with any and all rights to demand, enforce and collect the same, and any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8876; Filed, Oct. 5, 1948; 9:00 a. m.]

[Vesting Order 12093]

FRED SCHWIEBERT

In re: Debt owing to Fred Schwiebert. F-28-26101-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Schwiebert, whose last known address is Geest-Hultum, Bez, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Fred Schwiebert, by The First National Bank of Chicago, 30 South Dearborn Street, Chicago, Illinois, in the amount of $204.00, as of December 31, 1945, arising out of unclaimed trust fund, presently on deposit with the aforesaid bank, representing liquidation of two (2) "1345 Jarvis Building First Mortgage" 4% bonds, numbered 119 and 120, registered in the name of Fred Schwiebert, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8877; Filed, Oct. 5, 1948; 9:00 a. m.]

[Vesting Order 12095]

HERMANN WILKENS

In re: Debt owing to Hermann Wilkens. F-28-28306-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Wilkens, whose last known address is Saselbekweg, Hamburg-Sasel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hermann Wilkens, by William Prym, Inc., Dayville, Connecticut, in the amount of $113.65, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8878; Filed, Oct. 5, 1948; 9:01 a. m.]

MART FRYBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Mart Fryberg, 149 West 85th Street, Borough of Manhattan, New York, New York, 26451, $675.10 in the Treasury of the United States. A 20% interest in all future royalties accruing from the exploitation of a composition entitled "Die Dorfmusik".

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8879; Filed, Oct. 5, 1948; 9:01 a. m.]

THEODORE W. HERBST AND MALVINE KLAUSNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property

Theodore W. Herbst, Bernardsville, New Jersey, A-456, ninety percent of an undivided one-third part of the whole right, title and interest in and to property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 1,811,322.

Malvine Klausner, Los Angeles, California, 4363, ten percent of an undivided one-third part of the whole right, title and interest in and to property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 1,811,322.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8880; Filed, Oct. 5, 1948; 9:01 a. m.]

[Return Order 193]

ELIAS FELDMANN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Elias Feldmann, Liseleje, Denmark; 9363; August 25, 1948 (13 F. R. 4938); An undivided three-fourths part of the whole right, title and interest in and to property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent No. 2,126,865.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8881; Filed, Oct. 5, 1948; 9:01 a. m.]

[Vesting Order 12084]

RUDOLF THEODORE KESSEMEIER AND ELSE KESSEMEIER

In re: Bank account and stock owned by Rudolf Theodore Kessemeier, also known as Rudolph T. Kessemeier and as R. T. Kessemeier, and Else Kessemeier, also known as E. Kessemeier. F-28-8901-A-1, F-28-8901-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Theodore Kessemeier, also known as Rudolf T. Kessemeier and as R. T. Kessemeier, and Else Kessemeier, also known as E. Kessemeier, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The First National Bank of Philadelphia, 15th & Walnut Streets, Philadelphia, Pennsylvania, arising out of a checking account entitled R. T. and/or E. Kessemeier, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Rudolf T. Kessemeier and presently in the custody of Gertrude M. Willard, 1339 Ellsworth Street, Philadelphia 47, Pennsylvania, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Rudolf Theodore Kessemeier, also known as Rudolf T. Kessemeier and as R. T. Kessemeier, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Certificate number	Number of shares
Metropolitan Acceptance Corp., 912 North Broad St., Philadelphia, Pa.	.....	Common	4	10
		Preferred	3	10
American Encaustic Tiling Co., Inc., Lansdale, Pa.	New York	$1 par value common	C7666	100
Missouri-Kansas-Texas Railroad Co., Railway Exchange Bldg., St. Louis, Mo.	Missouri	$100 par value cumulative preferred	P58220	20
Shawnee Pottery Co., Zanesville, Ohio	Delaware	$1 par value common	Cp391	50

[F. R. Doc. 48-8834; Filed, Oct. 4, 1948; 8:54 a. m.]

[Vesting Order 12087]

SHIZUKO MINAMI AND SUMIO MAEHARA

In re: Debts owing to Shizuko Minami and Sumio Maehara. D-39-19200-E-1, D-39-19203-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shizuko Minami and Sumio Maehara, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Yokohama Specie Bank, Ltd., Los Angeles Office, and/or Superintendent of Banks of the State of California and Liquidator of the Yokohama Specie Bank, Ltd., Los Angeles Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of fixed deposit account number 67697, maintained at the aforesaid Los Angeles Office, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Shizuko Minami, the aforesaid national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation of The Sumitomo Bank of California and/or Superintendent of Banks of the State of California and Liquidator of The Sumitomo Bank of California, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a savings account entitled Sumio Maehara, maintained at aforesaid The Sumitomo Bank of California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or an account of or owing to, or which is evidence of ownership or control by Sumio Maehara, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8835; Filed, Oct. 4, 1948; 8:54 a. m.]

[Return Order 198]

TAKAKO HASEGAWA ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims which are incorporated by reference herein and filed herewith and notice of intention to return having been published on August 14, 1948 (13 F. R. 4723),

It is ordered, that the claimed property, described below and in the determination, be returned subject to any increase or decrease resulting from the administration thereof prior to return, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Takako Hasegawa, 1735 South King St., Honolulu, T. H., 30331; $501.29.

Yotchi Hata, 121 Kaihenui St., Hilo, T. H., 30332; $653.59.

Takeo Hirano, P. O. Box 182, Kahului, Maui, T. H., 30333; $6.03.

Koyota Ibaraki, Yoshio Hironaka, and Toru Kawamoto, trustees of Home Run Bakery, Ltd., in dissolution, 1246 Center St., Honolulu 32, T. H., 30334; $150.00.

Shizuo Ide, guardian of Takako Ide, 1928 Hau St., Honolulu 12, T. H., 30335; $23.40.

Mitsu Ito, 962 Robello Lane, Honolulu, T. H., 30337; $469.06.

Hatsue Kaneshiro or Kinsuke Kaneshiro, 1105 Hoolai St., Honolulu, T. H., 30338; $12.36.

Toku Kaneshiro or Shinei Kaneshiro, 828 Dillingham Blvd., Honolulu 35, T. H., 30340; $32.90.

Kazuyuki Kawano, P. O. Box 389, Waipahu, Oahu, T. H., 30341; $60.43.

Y. Kimoto, 463-A John Ena Rd., Honolulu, T. H., 30342; $343.40.

Yasaburo Kimoto, trustee for Chizuko Kimoto, 463 John Ena Rd., Honolulu, T. H., 30343; $10.00.

Yasaburo Kimoto, guardian of Masao Kimoto, 463-A John Ena Rd., Honolulu, T. H., 30344; $97.19.

Yasaburo Kimoto, trustee for Sayoko Kimoto, 463 John Ena Rd., Honolulu, T. H., 30345; $10.00.

Katsuyoshi Muraoka, P. O. Box 128, Waialua, Oahu, T. H., 30347; $177.33.

Shigeo Nakama, 1685 Kino St., Honolulu, T. H., 30348; $650.00.

Asami Nogawa, 57 Holt Lane, Honolulu, T. H., 30349; $5.32.

Kaoru Ota, guardian of Kimiko Ota, 868 North King St., Honolulu, T. H., 30350; $6.16.

Kaoru Ota, guardian of Keichi Ota, 868 North King St., Honolulu, T. H., 30351; $25.79.

Kaoru Ota, guardian of Yaeko Ota, 868 North King St., Honolulu, T. H., 30352; $4.84.

Kazumi Otsuki, a/k/a Alma Kazumi Otsuki, 1321-A 10th Ave., Honolulu, T. H., 30353; $71.82.

Kazuo Otsuki, guardian of Mitsuko Otsuki a/k/a Lois Mitsuko Otsuki, 1321-A 10th Ave., Honolulu, T. H., 30354; $78.67.

Kazuo Otsuki, guardian of Shoji Otsuki, a/k/a Thomas Shoji Otsuki, 1321-A 10th Ave., Honolulu, T. H., 30355; $57.24.

Kazuo Otsuki, guardian of Teruko Otsuki, a/k/a Patsy Teruko Otsuki, 1321-A, 10th Ave., Honolulu, T. H., 30356; $47.02.

Kiyoharu Shoda, P. O. Box 403, Paia, Maui, T. H., 30357; $12.03.

Isamu Suetomi, 1207-A Palama St., Room No. 2, Palama, Honolulu, T. H., 30358; $16.17.

Umecha Club, c/o Hilda Nakashima, 2409 Wilder Ave., Honolulu 24, T. H., 30360; $19.51.

Shizue Ueda, 1925-A Citron St., Honolulu, T. H., 30361; $21.14.

Tokusuke Yamaguchi, P. O. Box 176, Kaunakakai, Malokai, T. H., 30363; $297.70.

Matsu Daima, Pomoho Camp, Wahiawa, Oahu, T. H., 32328; $20.50.

Kimiko Fujii or Mine Fujii, 582 North King St., Honolulu, T. H., 32329; $5,008.12.

Kura Honda, 3124 Winam Ave., Honolulu, T. H., 32335; $160.05.

Mrs. Kiyo Horita, a/k/a Mrs. Kiyo Hotta, 711 Olil Rd., Honolulu, T. H., 30336; $397.87.

Tokunosuke Kanno, c/o Mr. Gmiya, 1444 Nuuanu Ave., Honolulu, T. H., 32337; $19.73.

Noboru Kikuta, 2663 California St., Apartment No. 9, San Francisco, Calif., 32338; $77.92.

Sakae Nakayama or Mrs. Nellie Nakayama, 1147 Elm St., Honolulu, T. H., 32339; $9.39.

Sakae Nakayama or Totaro Nakayama, Lale, Oahu, T. H., 32340; $274.10.

Totaro Nakayama, Lae, Oahu T. H., 32341; $69.46.

Nihonjin Byoin Kangofu Ichido, (Kuakini General Hospital Staff Nurses Association), c/o Kuakini Hospital, Honolulu, T. H., 32342; $1,474.72.

Tomoyo Hirabayashi, executrix of the estate of Chikao Hirabayashi, a k/a Chikao Niki, deceased, 32343; $22.01.

Sode Noguchi, trustee for Torao Noguchi and Masami Noguchi, 1328-A Kapakahi Rd., Honolulu, T. H., 32344; $801.20.

Mitsuo Sagawa, 815-B Kanoa St., Honolulu, T. H., 32345; $452.50.

Fusata Sekiya or Taki Sekiya, 416 North King St., Honolulu 18, T. H., 32346; $12.52.

Kameju Shimabukuro or Kamata Shimabukuro, 1008 Laa Lane, Honolulu 7, T. H., 32347; $657.33.

Shigeo Sekiya, 416 North King St., Honolulu 18, T. H., 32348; $63.30.

Hyokichi Shimamura, 1104 Palama St., Honolulu 7, T. H., 32350; $36.17.

H. Shimamura, d/b/a Shimamura Shoten, 1104 Palama St., Honolulu 7, T. H., 32351; $110.39.

Yae Shimamura, 1104 Palama St., Honolulu 7, T. H., 32352; $49.05.

Mrs. Mune Yamashita, 1246 Kinau St., Honolulu 46, T. H., 32356; $44.02.

Hikoji Kojima, P. O. Box 523, Paia, Maui, T. H., 32357; $5.28.

Yoji Sayegusa, 3730 Manini Way, Honolulu, T. H., 32358; $4.71.

Hanako Yanagi, 478 Pau Lane, Honolulu, T. H. 32359; $65.65.

Julian Louis, 1920-A Huina St., Honolulu, T. H., 32360, $25.01.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 29, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8836; Filed, Oct. 4, 1948; 8:55 a. m.]

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FEDERAL REGISTER

VOLUME 13 NUMBER 196

Washington, Thursday, October 7, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2815

NAVY DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it is the purpose of the United States Navy to maintain sufficient strength on the sea and in the air to enable it, in conjunction with our other armed forces, to uphold our national policies and interests, to protect our commerce, to support our international obligations, and to guard our country and its overseas possessions and dependencies; and

WHEREAS, the Navy League and other patriotic organizations in 1922 selected October 27 for annual observance of Navy Day in commemoration of the founding of the United States Navy in October 1775, and of the birth on October 27, 1858, of Theodore Roosevelt, who as Assistant Secretary of the Navy and as President of the United States contributed markedly to the development of the United States Navy; and

WHEREAS it has become customary for our citizens to join hands across the Nation on October 27 of each year in rendering grateful tribute to our Navy and in according honor and recognition to the achievements of the men and women who compose its ranks:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe October 27, 1948, as Navy Day by displaying the flag of the United States at their homes or other suitable places, and I direct that the flag be displayed that day on all Government buildings. As Commander in Chief of the Armed Forces of the United States, I direct that all ships of the United States Navy dress ship and that all ships and stations of the United States Navy, where practicable, be open to visits of the public on Navy Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 5th day of October in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-8944; Filed, Oct. 5, 1948; 3:45 p. m.]

EXECUTIVE ORDER 10004

PRESCRIBING PROCEDURES FOR THE ADMINISTRATION OF THE RECIPROCAL TRADE-AGREEMENTS PROGRAM

By virtue of the authority vested in me by the Constitution and statutes, including section 332 of the Tariff Act of 1930 (46 Stat. 698), the Trade Agreements Act approved June 12, 1934, as amended (48 Stat. 943; 57 Stat. 125; 59 Stat. 410), and the Trade Agreements Extension Act of 1948 (Pub. Law 792, 80th Cong.), and in the interest of the foreign-affairs functions of the United States and in order that the interests of the various branches of American economy shall be effectively promoted and safeguarded through the administration of the trade-agreements program, it is hereby ordered as follows:

PART I—ORGANIZATION

1. There is hereby established the Interdepartmental Committee on Trade Agreements (hereinafter referred to as the Trade Agreements Committee), which shall act as the agency through which the President shall, in accordance with section 4 of the said Trade Agreements Act, as amended, seek information and advice before concluding a trade agreement. With a view to the conduct of the trade-agreements program in the general public interest through a coordination of the interests of American industry (including agriculture), of American commerce and labor, and of American military, financial, and foreign policy, the Trade Agreements Committee

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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shall consist of persons designated from their respective agencies by the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Administrator for Economic Cooperation. The representative from the Department of State shall be the Chairman of the Trade Agreements Committee.

2. There is hereby established the Committee for Reciprocity Information, which shall act as the agency to which, in accordance with section 4 of the Trade Agreements Act, as amended, the views of interested persons with regard to any proposed trade agreement to be concluded under the said Act shall be presented. The Committee for Reciprocity Information shall consist of the same persons as the Trade Agreements Committee. The representative from the Department of Commerce shall be the Chairman of the Committee for Reciprocity Information.

3. The Trade Agreements Committee and the Committee for Reciprocity Information may invite the participation in their activities of other government agencies in any manner consistent with relevant legislation and this order. Each of the said committees may from time to time designate such subcomittees, and prescribe such procedures and rules and regulations, as it may deem necessary for the conduct of its functions.

PART II—CONCLUSION OF AGREEMENTS

4. Before entering into negotiations concerning any proposed trade agreement under the Trade Agreements Act, as amended, the Trade Agreements Committee shall submit to the President for his approval a list of all articles imported into the United States which it is proposed should be considered in such negotiations for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment. As soon as possible after the approval by the President of such list, as originally submitted or in amended form, and transmission thereof to the United States Tariff Commission, the Trade Agreements Committee shall cause notice of intention to negotiate such agreement, together with the said list of articles, to be published in the *Federal Register*. Such notice and list shall also be issued to the press, and sufficient copies thereof shall be supplied to the Tariff Commission and the Committee for Reciprocity Information for use in connection with such hearings as the Commission and the Committee may hold with respect thereto. Such notice, together with the list or a statement as to its availability, shall also be published in the *Department of State Bulletin*, the *Treasury Decisions*, and the *Foreign Commerce Weekly*.

5. Upon receipt by the Tariff Commission of the list specified in paragraph 4 hereof, the Commission shall make an investigation and as soon as possible, and not later than one hundred twenty days after such receipt, shall report to the President its findings as to each article specified in the list in accordance with the said Trade Agreements Extension Act of 1948. A copy of such report to the President shall at the same time be transmitted to the Trade Agreements Committee. Such report shall be kept confidential by the Tariff Commission and the Trade Agreements Committee except, in the case of a report a copy of which has been submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate pursuant to section 5 (b) of the Trade Agreements Extension Act of 1948, any portions thereof which have been made public by one or both such Committees. The procedure and rules and regulations for the investigations by the Tariff Commission, and for the hearings to be held in connection therewith, shall from time to time be prescribed by the Commission.

6. Any interested person desiring to present his views with respect to articles in the list specified in paragraph 4 hereof, or with respect to any other aspect of a proposed trade agreement, may present them to the Committee for Reciprocity Information, which shall accord reasonable opportunity for the presentation of such views.

7. The Tariff Commission shall furnish facts, statistics, and other information at its command in accordance with the provisions of this order or of the Trade Agreements Extension Act of 1948. With respect to each article imported into the United States which is considered by the Trade Agreements Committee for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in a trade agreement, the Tariff Commission shall make an analysis of the facts relative to the production, trade, and consumption of the article involved, to the probable effect of granting a concession thereon, and to the competitive factors involved. Such analysis shall be submitted in digest form to the Trade Agreements Committee.

8. With respect to each article exported from the United States which is considered by the Trade Agreements Committee for possible inclusion in a trade agreement, the Department of Commerce shall make an analysis of the facts relative to the production, trade, and consumption of the article involved, to the probable effect of obtaining a concession thereon, and to the competitive factors involved. Such analysis shall be submitted in digest form to the Trade Agreements Committee.

9. After analysis and consideration of (a) the report by the Tariff Commission referred to in paragraph 5 hereof, (b) the studies and other information made available by the Tariff Commission under paragraph 7 hereof, (c) the studies of the Department of Commerce provided for in paragraph 8 hereof, (d) the views of interested persons presented to the Committee for Reciprocity Information pursuant to paragraph 6 hereof, and (e) any other information available to the Trade Agreements Committee, that Committee shall make such recommendations to the President relative to the conclusion of the trade agreement under consideration, and to the provisions to be included therein, as are considered appropriate to carry out the purposes set forth in the Trade Agreements Act, as amended. Should the report by the Tariff Commission referred to in paragraph 5 hereof not be received by the President within one hundred twenty days after the receipt by the Commission of the list referred to in paragraph 4 hereof, the Trade Agreements Committee may make such recommendations to the President notwithstanding the absence of such report. If such recommendations to the President with respect to the duties, import restrictions, or customs or excise treatment of any article imported into the United States fail to comply with any of the limits or minimum requirements set forth in the report of the Tariff Commission referred to in paragraph 5 hereof, the Trade Agreements Committee shall identify the article or articles with respect to which it recommends that such limits or minimum requirements shall not be complied with and shall state the reasons for its recommendations with respect to such article or articles. If there is dissent from any recommendation to the President with respect to a concession in any trade agreement, the

President shall be furnished a full report by the dissenting member or members of the Trade Agreements Committee, giving the reasons for his or their dissent.

10. There shall be applicable to each concession with respect to an article imported into the United States which is granted by the United States in any trade agreement hereafter entered into a clause providing in effect that if, as a result of unforeseen developments and of such concession, such article is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or similar articles, the United States shall be free to withdraw the concession, in whole or in part, or to modify it, to the extent and for such time as may be necessary to prevent such injury.

11. There shall be obtained from every government or instrumentality thereof with which any trade agreement is hereafter entered into a most-favored-nation commitment securing for the exports of the United States the benefits of all tariff concessions and other tariff advantages accorded by the other party or parties to the agreement to any third country. This provision shall be subject to the minimum of necessary exceptions and shall be designed to obtain the greatest possible benefits for exports from the United States.

PART III—ADMINISTRATION OF AGREEMENTS

12. The Trade Agreements Committee shall at all times keep informed of the operation and effect of all trade agreements which are in force. It shall recommend to the President or to one or more of the agencies represented on the Committee such action as is considered required or appropriate to carry out any such trade agreement and any rectifications and amendments thereof not requiring compliance with the procedures set forth in paragraphs 4, 5, and 6 hereof. The Trade Agreements Committee shall, in particular, keep informed of discriminations by any country against the trade of the United States which cannot be removed by normal diplomatic representations, and, if it considers that the public interest will be served thereby, shall recommend to the President the withholding from such country of the benefit of concessions granted under the Trade Agreements Act, as amended.

13. The Tariff Commission, upon the request of the President, upon its own motion, or upon application of any interested party when in the judgment of the Tariff Commission there is good and sufficient reason therefor, shall make an investigation to determine whether, as a result of unforeseen developments and of the concession granted by the United States on any article to which a clause similar to that provided for in paragraph 10 hereof is applicable, such article is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or similar articles. Should the Tariff Commission find, as a result of its investigation, that such injury is being caused or threatened, it shall recommend to the President, for his consideration in the light of the public interest, the withdrawal of the concession, in whole or in part, or the modification of the concession, to the extent and for such time as the Tariff Commission finds necessary to prevent such injury. In the course of any investigation under this paragraph, the Tariff Commission shall hold public hearings, giving reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings. The procedure and rules and regulations for such investigations and hearings shall from time to time be prescribed by the Tariff Commission.

14. The Tariff Commission shall at all times keep informed concerning the operation and effect of provisions relating to duties or other import restrictions of the United States contained in trade agreements heretofore or hereafter entered into by the President under the authority of the Trade Agreements Act, as amended. The Tariff Commission, at least once a year, shall submit to the President and to the Congress a factual report on the operation of the trade-agreements program.

15. The Committee for Reciprocity Information shall accord reasonable opportunity to interested persons to present their views with respect to the operation and effect of trade agreements which are in force or to any aspect thereof.

PART IV—REVOCATIONS

16. Executive Order No. 6750 of June 27, 1934, prescribing regulations relating to the giving of public notice and the presentation of views in connection with foreign trade agreements, as amended by Executive Order No. 9647 of October 25, 1945, and Executive Order No. 9832 of February 25, 1947, prescribing procedures for the administration of the reciprocal trade-agreements program, are hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 5, 1948.

[F. R. Doc. 48-8967; Filed, Oct. 6, 1948; 10:59 a. m.]

EXECUTIVE ORDER 10005

ESTABLISHING THE PRESIDENT'S ADVISORY COMMISSION ON THE RELATION OF FEDERAL LAWS TO PUERTO RICO

WHEREAS section 9 of the Organic Act of Puerto Rico, 39 Stat. 954 (48 U. S. C. 734), provides that "the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Puerto Rico as in the United States"; and

WHEREAS section 49b (3) of the said Act, which was added by section 6 of the act of August 5, 1947, 61 Stat. 772 (48 U. S. C. 793b), provides that "the President of the United States may, from time to time, after hearing, promulgate Executive orders expressly excepting Puerto Rico from the application of any Federal law, not expressly declared by Congress to be applicable to Puerto Rico, which as contemplated by section 9 of this act is inapplicable by reason of local conditions":

NOW, THEREFORE, by virtue of the authority vested in me by the said Organic Act of Puerto Rico, and as President of the United States, it is ordered as follows:

1. There is hereby created a commission to be known as the President's Advisory Commission on the Relation of Federal Laws to Puerto Rico, which shall be composed of nine members to be designated by the President and to serve without compensation.

2. The Commission shall from time to time make recommendations to the President concerning the exercise of his power under section 49b (3) of the Organic Act of Puerto Rico to exempt Puerto Rico from the application of Federal laws. To that end, the Commission is authorized to examine into, and to hold hearings on, the inapplicability of Federal laws to Puerto Rico by reason of local conditions.

3. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Commission in its work and to furnish the Commission such information as the Commission may require in the performance of its duties.

4. The Commission shall continue to exist until the President terminates its existence by Executive order.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 5, 1948.

[F. R. Doc. 48-8968; Filed, Oct. 6, 1948; 10:59 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE IN MAINLAND CANE SUGAR AREA (REVISED)

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1948, the following determination is hereby issued:

§ 802.21 *Sugar commercially recoverable from sugarcane in the Mainland cane sugar area.* The amount of sugar commercially recoverable from the sugarcane grown on a farm in the Mainland cane sugar area and marketed (or processed by the producer) for the extraction of sugar shall be obtained by multiplying the number of short tons (net weight) of such sugarcane by the hundredweight of sugar, raw value, specified for the average percentage of sucrose in the normal juice of such sugarcane (computed to the nearest one-tenth of one percent) as follows:

(a) *For farms in Louisiana:*

Percentage of sucrose in normal juice:	*Hundredweight of sugar* [1]
5.0	0.451
6.0	.582
7.0	.735
8.0	.896
9.0	1.062
10.0	1.258
11.0	1.434
12.0	1.589
13.0	1.747
14.0	1.908
15.0	2.071
16.0	2.237
17.0	2.404
18.0	2.574
19.0	2.745
20.0	2.918

[1] Sugar recoverable for the intervening tenths of 1 percent shall be calculated by straight interpolation.

(b) *For farms in Florida:*

Percentage of sucrose in normal juice:	*Hundredweight of sugar* [1]
5.0	0.502
6.0	.645
7.0	.810
8.0	.984
9.0	1.161
10.0	1.376
11.0	1.566
12.0	1.735
13.0	1.907
14.0	2.081
15.0	2.259
16.0	2.438
17.0	2.620
18.0	2.804
19.0	2.989
20.0	3.177

[1] Sugar recoverable for the intervening tenths of 1 percent shall be calculated by straight interpolation.

This determination supersedes, with respect to the 1948 and subsequent crops, the "Determination of Sugar Commercially Recoverable from Sugarcane in the Mainland Cane Sugar Area," issued January 31, 1939 (4 F. R. 483).

STATEMENT OF BASES AND CONSIDERATIONS

Sugar Act requirements. Determinations of sugar commercially recoverable from sugar beets and sugarcane are required under section 302 (a) of the Sugar Act of 1948 for the purpose of calculating amounts of sugar upon which payment may be made.

Historical background. Under the former determination for this area the amount of sugar commercially recoverable from sugarcane in Louisiana was based on the average actual recovery of sugar for the 1935 and 1936 crop seasons, adjusted for the lower recovery obtained from the 1937 crop. In Florida, recoverability was based on the actual recovery data of the U. S. Sugar Corporation (representing 95 percent of the total crop) for the same crop seasons, with a similar adjustment for the 1937 recovery. The customary basis of settlements between growers and processors for sugarcane was recognized by basing recoverability in Louisiana on the percentage of sucrose in the normal juice of the sugarcane and in Florida on the percentage of sucrose in the crusher juice.

Recovery trends. The following table shows the annual recoveries in pounds of sugar per ton (gross weight) of sugarcane in Louisiana and Florida for the crop years 1935 through 1947:

Crop	Pounds of sugar per ton of cane		Crop	Pounds of sugar per ton of cane	
	Louisiana	Florida		Louisiana	Florida
1935	169	173	1942	171	185
1936	161	182	1943	164	182
1937	154	179	1944	153	174
1938	169	209	1945	151	190
1939	173	195	1946	156	180
1940	162	208	1947	149	172
1941	165	203			

The average recovery for the base years 1935 and 1936 was 165 pounds in Louisiana and 178 pounds in Florida. The average recovery for the prewar period of 1937–41 was 165 pounds in Louisiana and 199 pounds in Florida. Thus, the average recovery in Louisiana during this period remained the same as during the base period, whereas in Florida the average recovery increased from 178 pounds to 199 pounds. The increase in Florida was due primarily to the development of higher yielding varieties of sugarcane and favorable growing and harvesting conditions. The 1942–47 average recovery was 157 pounds in Louisiana and 180 pounds in Florida. The significant decline in Louisiana from the base period was caused largely by the increased amount of trash delivered with the cane on account of mechanical cutting and loading. It is apparent, therefore, that the recovery rates established for Louisiana under the former determination are not indicative of current recoveries.

Normal Juice vs. Crusher Juice Basis. The following figures for Florida mills for the period 1942–47 show the relationship between actual recoveries, the recoveries based on crusher juice sucrose as computed under the former determination, and the recoveries when computed on normal juice sucrose.

Crop	Pounds of sugar recovered per ton of cane		
	Actual	Computed on basis of—	
		Crusher juice	Normal juice
1942	185	197	184
1943	182	194	182
1944	174	187	175
1945	190	198	187
1946	180	193	181
1947	172	188	175
Average	180	193	181

These data show that sugar recovery based on normal juice sucrose is almost identical to the actual recovery, whereas there is a wide variation between actual recovery and recovery based on crusher juice. Therefore, the foregoing determination provides for the use of the normal juice basis in Florida as well as in Louisiana.

Recovery rates in foregoing determination. The recovery rates at the various sucrose levels for both Louisiana and Florida are based on the average recovery during the crop years 1942–46 in each State. The average amount of sugar recovered per ton of cane during these crop years is deemed to be representative of the recovery which can be expected under present conditions. The 1947 crop is not included because subnormal rates of recovery were obtained in both States on this crop, which was grown and harvested under unfavorable weather conditions and in Louisiana was milled with abnormally high trash and moisture content. Since the actual yields of sugar per ton of cane in Louisiana are calculated by the processors on a gross weight basis, while both processor and Sugar Act payments are calculated on net weights (gross weight less weight of trash in excess of three percent), the recovery rates for Louisiana were adjusted to a net weight basis. No adjustment in the rates for Florida is necessary since Florida does not have a similar trash problem, primarily because of hand-cutting of cane.

The average actual yields of sugar for the 1942–46 period were 159.1 pounds per ton of cane (gross weight) in Louisiana and 182.5 pounds in Florida. The amounts recoverable for this period according to the former determination were 164.4 pounds in Louisiana and 193.7 pounds in Florida. If recoverability for this period is calculated under the foregoing determination, the differences between actual and calculated recoveries are largely eliminated.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the purposes of section 302 (a) of the Sugar Act of 1948.

(Secs. 302, 403, Pub. Law 388, 80th Cong.)

Issued this 1st day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary.

[F. R. Doc. 48-8894; Filed, Oct. 6, 1948; 8:49 a. m.]

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE PRICES FOR 1948 CROP OF LOUISIANA SUGARCANE

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on July 22, 1948, the following determination is hereby issued:

§ 802.22 *Fair and reasonable prices for the 1948 crop of Louisiana sugarcane*—(a) *Basic price.* When the price of 96° raw sugar, duty paid basis, is 3.50 cents per pound, the basic price for the 1948 crop of Louisiana sugarcane shall be not less than $1.00 per ton of standard sugarcane for each 1 cent of the average price per pound of raw sugar determined in accordance with whichever of the following options is agreed upon: (1) The average of the weekly quotations of 96° raw sugar, duty paid basis, on the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange for the week in which such sugarcane is delivered; or (2) the simple average of the weekly quotations of 96° raw sugar, duty paid

basis, on the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange for the weeks from Friday, October 8, 1948 (or the Friday within the first marketing week of actual trading), to January 31, 1949; except that if the Director of the Sugar Branch determines that for any week or weeks such weekly averages do not reflect the true market value of sugar, because of inadequate volume or other factors, the Director may designate the weekly and seasonal prices to be effective under this determination:

Provided however, (i) That for each decline of ¼ cent in the price of 1 pound of 96° raw sugar, duty paid basis, below 3.50 cents per pound, the price of standard sugarcane shall be reduced by not more than 3 percent, with intervening prices in proportion, unless the price of sugar falls below 2.75 cents per pound, in which case no further reduction shall be made; and

(ii) That for an advance of ¼ cent in the price of 1 pound of 96° raw sugar, duty paid basis, above 3.50 cents per pound, the price of standard sugarcane shall be increased by not less than 3 percent, with intervening prices in proportion, unless the price of raw sugar exceeds 3.75 cents per pound, in which case settlement shall be made on the basis of $1.03 for each 1 cent of the price.

(b) *Standard sugarcane.* Standard sugarcane shall be sugarcane containing no more sucrose in the normal juice than was defined as standard sugarcane by the processor in his sugarcane purchase contract or contracts, verbal or written, used for the 1947 crop:

Provided however, (i) That the net weight of a ton of sugarcane of the 1948 crop shall be not less than the gross weight thereof less the trash content of such sugarcane in excess of 3 percent;

(ii) That the premiums applicable to sugarcane of the 1948 crop containing more sucrose in the normal juice than standard sugarcane shall be not less than those applied to the 1947 crop; and

(iii) That the discounts applicable to sugarcane of the 1948 crop containing less sucrose in the normal juice than standard sugarcane shall be not greater than those applied to the 1947 crop.

(c) *Molasses bonus.* On each ton of Louisiana sugarcane there shall be paid a molasses bonus, such bonus to be computed by taking ½ of the excess, if any, of the average price per gallon of blackstrap molasses (as quoted by the Exchanges set out above for the period there specified except that if the Director of the Sugar Branch finds that for any such period the prices quoted by the Exchanges do not reflect the true market value of molasses because of inadequate volume or other factors, the Director may designate the price to be effective under this determination) over 8 cents, and multiplying the product by 6½ (the number of gallons of blackstrap molasses produced per ton of sugarcane as an average for the three-year period, 1938–1940).

(d) *General.* (1) Deductions based upon decreased boiling house efficiency may be made for frozen sugarcane accepted by the processor (it being understood that cane shall not be considered as frozen even after being subjected to freezing temperature unless and until there is evidence of damage having taken place because of the freeze) at a rate not in excess of 3.775 percent of the payment, computed without regard to the molasses bonus, for each 0.25 cc. of acidity above 2.25 cc. but not in excess of 4.50 cc. (analyzed in accordance with the established methods of the area, with intervening fractions computed to the nearest multiple of 0.05 cc.).

(2) Costs of hoisting and weighing sugarcane, which were absorbed by the processor in 1947, shall be absorbed by the processor in 1948; but nothing in this subparagraph shall be construed as prohibiting negotiations with respect to the level of such costs, subject to review by the Director of the Sugar Branch, upon appeal, in the event of changes alleged to be unfair to either the producer or the processor.

(3) Where the only available practicable means of transportation are rail facilities and the distance to the nearest factory is in excess of 50 miles, the cost of transportation may be shared by the processor and the producer, by mutual consent, subject to review by the Director of the Sugar Branch, upon appeal.

(4) The processor shall not reduce the returns from the 1948 crop of Louisiana sugarcane to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the level of prices which must be paid for 1948 crop sugarcane purchased by producer-processors (i. e., producers who are also, directly or indirectly, processors of sugarcane) as one of the conditions for payment under the Sugar Act of 1948. In this statement the foregoing determination, as well as determinations for prior years, will be referred to as "price determination" identified by the crop year for which effective.

(b) *Requirements of the Sugar Act.* The Sugar Act requires that in determining fair and reasonable prices public hearings be held and investigations made. Accordingly, on July 22, 1948, a public hearing was held in Thibodaux, Louisiana, at which time interested parties presented testimony with respect to fair and reasonable prices for sugarcane of the 1948 crop. In determining fair and reasonable prices, consideration has been given to testimony presented at the public hearing and to data resulting from investigations of pertinent economic factors.

(c) *Background.* Determinations of fair and reasonable prices for sugarcane in Louisiana have been issued for each crop beginning with the 1937 crop. The 1937 price determination approved the basic pricing structure contained in sugarcane purchase contracts agreed upon between producers and processors. Since that time, price determinations have continued in effect without major modification such basic pricing structure because of joint producer-processor recommendations each year and because the pertinent economic factors considered at the time the basic pricing structure was approved have remained relatively stable in most of the years. During the war years, the producers' share of total proceeds was influenced by Commodity Credit Corporation incentive payments, resulting in higher returns to producers than they would have received had the market price of sugar determined their returns.

Sugarcane prices per ton have been related directly to the price of 96° raw sugar and have been calculated at a rate of $1.00 per ton of standard sugarcane for each 1 cent of the average price per pound of raw sugar when such price was 3½ cents per pound. Such prices were subject to upward adjustments to a maximum rate of $1.03 per 1 cent of price at and above 3¾ cents per pound and downward adjustments to a minimum of $0.91 per 1 cent of price at and below 2¾ cents (intervening rates in proportion).

In the 1941 price determination provision was made for producer participation in the proceeds from molasses. This action was taken after the price of molasses had risen to a point where it became a significant factor in the total income of the industry. Subsequent price determinations have continued the molasses sharing provision.

(d) *1948 price determination.* The only major change in the 1948 price determination from the 1947 price determination is that the definition of standard sugarcane has been revised to provide for weight deductions for trash in excess of 3 percent. This action formalizes the administrative authorizations which have been in effect since 1943; it provides a basis for uniform treatment of trash deductions throughout the industry; and it conforms to recommendations made by the industry at the fair price hearing.

At the public hearing the Grower-Processor Committee recommended that the historical pricing structure be retained. However, this Committee recommended that the basic price paid producers be reduced 1.75 percent in view of the abnormally low recoveries of sugar obtained in recent years at the various levels of sucrose content. Apparently the grower representatives of the Committee, after reviewing the facts as to costs, incomes and sugar recoveries, became concerned over the possible consequences of the general reduction in recoveries of sugar and the inordinately low recoveries obtained by some mills. The Committee recommendation for a reduction of 1.75 percent in payments to growers resulted from a compromise between a greater reduction urged by processor representatives and a smaller reduction urged by grower representatives. Although the Department recognizes the seriousness of large losses in sugar recoveries, it is also impressed by the fact that available information indicates that processors as a group have received a higher percentage of the total returns from sugar than the percentage of total costs borne by them. Under the adverse growing and harvesting conditions in 1947, growers as a group suffered losses, whereas processors as a group made moderate profits. In view of these facts the Department is unable to accept the recommendations of the Grower-Processor Committee for a downward adjustment in payments to growers. Accordingly, the historical pricing formula is continued for the 1948 crop at the same levels that prevailed for the 1947 and recent previous crops.

Accordingly, I find and conclude that the foregoing price determination for the 1948 crop of Louisiana sugarcane is fair and reasonable and that compliance therewith will effectuate the price provisions of the Sugar Act of 1948. (Secs. 301, 403, Pub. Law 388, 80th Cong.)

Issued this 1st day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8895; Filed, Oct. 6, 1948; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948–49 FISCAL PERIOD

The Administrative Committee, established under Marketing Order No. 59 (7 CFR Cum. Supp. 959.2 et seq., 7 F. R. 365) regulating the handling of Irish Potatoes grown in the counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California, is the agency authorized to administer the terms thereof, among which the provisions of § 959.11 authorize said Committee to incur such expenses and collect such assessments as the Secretary finds may be necessary. Said Administrative Committee has presented a proposed budget of expenses and a proposed rate of assessment for the current fiscal period ending June 30, 1949. After considering all relevant matters, including the proposed budget of expenses and the proposed rate of assessment submitted by said committee, it is hereby found and determined that:

§ 959.201 *Budget of expenses and rate of assessment*—(a) *Budget.* The expenses necessary to be incurred by the Administrative Committee, established pursuant to the aforesaid marketing order, to enable such committee to perform its functions pursuant to provisions of the aforesaid marketing order and regulations duly issued thereunder during the fiscal period ending June 30, 1949, will amount to $10,050, and the budget providing therefor is hereby approved.

(b) *Assessment rate.* The rate of assessment to be paid by each handler who first handles potatoes shall be $1.00 per carload or truckload of potatoes weighing more than 20,000 pounds, and 50 cents per carload or truckload of potatoes weighing at least 2,000 pounds and not more than 20,000 pounds, of potatoes shipped by him as the first handler thereof during such fiscal period, except for shipments specifically exempt therefrom by § 959.11 of Order No. 59, and such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

It is hereby found that it is impracticable and contrary to the public interest to issue notice of rule making, engage in public rule making proceedings and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C., 1001 et seq.) because:

(a) Harvesting and shipping of potatoes grown in the production area covered by Order No. 59 has already begun;

(b) Regulations limiting shipments from the production area have been recommended by the Administrative Committee;

(c) Itinerant truckers handle potatoes grown in the production area included under Marketing Order No. 59;

(d) In order for assessments to be collected, especially from those handlers, such as itinerant truckers, who do not have a definite or an established place of business within the production area, it is essential that the assessment rate be fixed immediately so as to enable the Administrative Committee to perform its duties and functions under said marketing order;

(e) Pursuant to the requirements of the aforesaid marketing order, the assessment rate is applicable to all potatoes handled by first handlers during the aforesaid fiscal period; and

(f) Compliance with the requirements of this section will not require any special preparation on the part of handlers.

Terms used in this section shall have the same meaning as is given to such terms in §§ 959.3 to 959.20, inclusive, in Order No. 59.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 202, 707; 7 U. S. C. 601 et seq.; 7 CFR Cum. Supp. 959.0 et seq.; 7 F. R. 365)

Done at Washington, D. C., this 1st day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8893; Filed, Oct. 6, 1948; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 503—SUBSTANTIVE RULES

LIMITATIONS ON REPRESENTATIVE ACTIVITIES BY FORMER EMPLOYEES

Part 503 is hereby amended by amendment of § 503.51, as set out below:

§ 503.51 *Limitations on representative activities by former employees.* (a) No person shall appear in a representative capacity before the Office of Alien Property in a particular matter if such person, or one associated with him in the particular matter, personally considered it or gained personal knowledge of the facts thereof while connected with the Office of Alien Property Custodian, or the Office of Alien Property, or with foreign funds control functions of the Treasury Department or any Federal Reserve Bank.

(b) No former officer, clerk, or employee of the Office of Alien Property, nor any former officer, clerk, or employee of the Treasury Department or any Federal Reserve Bank who performed duties in connection with Foreign Funds Control, may appear in a representative capacity before the Office of Alien Property within two years after the termination of his incumbency of such position unless he obtains the prior approval of the Director of the Office of Alien Property in each matter. To obtain such approval he must file an affidavit stating:

(1) His former connection with the Office of Alien Property, or with the Treasury Department, or with any Federal Reserve Bank;

(2) That while he was connected with the Office of Alien Property, or with the Treasury Department, or with any Federal Reserve Bank, the matter was not pending therein, or if it was so pending:

(i) That he gave no personal consideration to it and gained no personal knowledge of the facts thereof while so connected, and

(ii) That he is not, and will not be, associated in the particular matter with any person who has personally considered it or gained personal knowledge of the facts thereof while connected with the Office of Alien Property, or with the Treasury Department, or with any Federal Reserve Bank.

(3) That his employment in the matter is not prohibited by Rev. Stat. sec. 190 (5 U. S. C. 99), or by section 19 (e) of the Contract Settlement Act of 1944 (41 U. S. C. 119). (40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9195, July 6, 1942, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 3 CFR, 1946 Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891)

Executed at Washington, D. C., this 1st day of October 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8915; Filed, Oct. 6, 1948; 8:55 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

[BAI Order 380, Amdt. 1]

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

PREVENTION OF SPREAD OF SPLENETIC OR TICK FEVER IN CATTLE

On September 11, 1948, there was published in the FEDERAL REGISTER (13 F. R. 5314) a notice of intention to amend the regulations for the prevention of the spread of splenetic or tick fever in cattle so as to release the State of Florida from the Federal quarantine established on account of such disease. After considera-

tion of all relevant material presented pursuant to the notice, including the proposals stated therein, it is hereby ordered under the authority of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 1946 ed. 123 and 125) and section 6 of the act of May 29, 1884, as amended (21 U. S. C. 115) that the regulations in 9 CFR and 1946 Supp. Part 72 are amended as follows:

1. Section 72.2 is amended to read as follows:

§ 72.2 *Splenetic or tick fever in cattle in described territory in Texas and Puerto Rico; prohibitions on movement of cattle.* Notice is hereby given that the contagious and infectious disease known as splenetic or tick fever still exists in cattle in portions of the State of Texas and in the Territory of Puerto Rico. Therefore, in the portions of the State of Texas and in the Territory of Puerto Rico described in §§ 72.4 and 72.5, the quarantine heretofore established is continued, and the movement of cattle therefrom to any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter.

2. Section 72.3 is revoked.

(Sec. 3, 23 Stat. 32, as amended, sec. 1, 3, 33 Stat. 1264, 1265, as amended; 21 U. S. C. 114, 123, 125)

Effective date. The foregoing amendment shall become effective on October 1, 1948. Inasmuch as the amendment relieves restrictions, it comes within the exception of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may therefore be made effective less than 30 days after its publication.

Done at Washington, D. C., this 4th day of October 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8900; Filed, Oct. 6, 1948; 8:50 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER INSTALMENT CREDIT

TRANSACTION INITIATED BEFORE EFFECTIVE DATE

The following interpretation under this part relating to consumer instalment credit has been issued by the Board of Governors of the Federal Reserve System:

§ 222.104 *Transaction initiated before effective date.* The Board has been asked about the application of this part to extensions of credit where arrangements of some kind for the instalment sale of an article subject to this part were made prior to September 20, 1948, the effective date of this part, but where the transaction was not actually completed in all respects until after that date.

This part by its terms applies to extensions of credit made on or after September 20. Accordingly, its applicability depends upon the date the extension of credit is made, not the date arrangements for the credit are made.

There are many circumstances in which the question can arise and the determination of the date of extension of credit would depend on the circumstances of the case. The most frequent inquiry has been in connection with instances in which all details of an instalment sale of an article subject to this part have been completed before September 20 except delivery of the article. In such a case where delivery is the only uncompleted detail, the credit would have been extended prior to September 20 if the seller, prior to that date had physical or constructive possession of the particular automobile, refrigerator, or other item, and had set it aside, or identified it on inventory records or otherwise, as the article involved in the deal in question. The postponement of delivery may have occurred for any of a number of reasons such as the customer's desire to have the article delivered later to a home which he did not then occupy or the time necessary for the seller to deliver the article from the warehouse on his regular delivery schedule.

Another type of inquiry related to instances in which a particular article in the seller's possession has been identified or set aside as the one involved in the transaction and all other details have been completed before September 20 except the down payment which the seller required under his own credit terms before he would go ahead with the deal and make delivery. In this case, the extension of credit would not have been made before September 20 and it would be subject to this part. (Sec. 5 (b), 40 Stat. 415, as amended, 12 U. S. C. 95 (a), 50 U. S. C. App. 616, 617; E. O. 8843, Aug. 9, 1941, 3 CFR Cum. Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-8891; Filed, Oct. 6, 1948; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 3]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

REPORTS; CAA RULES

Correction

In Federal Register Document 48-8828 appearing at page 5808 in the issue for Tuesday, October 5, 1948, the word "specifications" should be changed to "rules" wherever it appears.

[Supp. 6]

PART 61—SCHEDULED AIR CARRIER RULES

GENERAL; CAA RULES

Correction

In Federal Register Document 48-8827 appearing at page 5808 in the issue for Tuesday, October 5, 1948, the following corrections should be made:

1. The word "specifications" should be changed to "rules" wherever it appears.

2. In paragraph (3) of the second note in § 61.90, the word "fibre" should read "fire".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5321]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GERALD A. RICE

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government connection:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Personnel or staff:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Government connection:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.96 (b) *Using misleading name — Vendor — Government connection.* In connection with the offering for sale, sale or distribution in commerce, of courses of study and instruction intended to prepare students thereof for examinations for Civil Service positions in the United States Government, or any similar courses of study, and among other things, as in order set forth, (1) representing, directly or by implication through the use of the terms "Public Service Institute," "Civil Extension Service," "Office of Civil Preparation," or any other term of similar import or meaning, as a trade name or as a part thereof, that the respondent has any connection with the United States Government or any branch or agency thereof; (2) representing, directly or by implication, through the use of the terms "Director," "Assistant Director," "Chief Special Agent," or any other term of similar import or meaning, to designate or describe the respondent or any of his representatives or salesmen, that the respondent or any of his employees have any connection with the United States Government or any branch or agency thereof; (3) representing, through the use of emblems or other picturizations resembling or simulating official United States Government seals or insignia that the respondent or his business is connected with the United States Government or any branch thereof; or, (4) representing in any manner, either directly or by implication, that the respondent or his business has any connection with the Government of the United States or any branch or agency thereof, including the United States Civil Service Commission; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Gerald A. Rice doing business as Office of Civil Preparation, Docket 5321, August 27, 1948]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government connection:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Unique or special status or advantages:* § 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.18 *Claiming or using indorsements or testimonials falsely or misleadingly:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Government indorsement, sanction or sponsorship:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Unique status or advantages:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Jobs and employment:* § 3.72 (g) *Offering unfair, improper and deceptive inducements to purchase or deal—Job guarantee and employment:* § 3.72 (i 5) *Offering unfair, improper and deceptive inducements to purchase or deal—Opportunities in product or service.* In connection with the offering for sale, sale or distribution in commerce, of courses of study and instruction intended to prepare students thereof for examinations for Civil Service positions in the United States Government, or any similar courses of study, and among other things, as in order set forth, (1) representing, directly or by implication, that the respondent is authorized by the United States Civil Service Commission to qualify applicants for Government positions, or that positions in the United States Civil Service may or can be obtained through the respondent or by completing any of the respondent's courses of study; or (2) misrepresenting in any manner the positions and opportunities for employment in United States Civil Service positions of students completing the respondent's courses of study; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Gerald A. Rice doing business as Office of Civil Preparation, Docket 5321, August 27, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C. on the 27th day of August A. D. 1948.

In the Matter of Gerald A. Rice, Individually and Doing Business Under the Name and Style of Office of Civil Preparation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, the recommended decision of the trial examiner and a brief of counsel in support of the complaint (no brief having been filed by the respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Gerald A. Rice, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction intended for preparing students thereof for examinations for Civil Service positions in the United States Government, or any similar courses of study, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms "Public Service Institute", "Civil Extension Service", "Office of Civil Preparation", or any other term of similar import or meaning, as a trade name or as a part thereof, that the respondent has any connection with the United States Government or any branch or agency thereof.

2. Representing, directly or by implication, through the use of the terms "Director", "Assistant Director", "Chief Special Agent", or any other term of similar import or meaning, to designate or describe the respondent or any of his representatives or salesmen, that the respondent or any of his employees have any connection with the United States Government or any branch or agency thereof.

3. Representing, through the use of emblems or other picturizations resembling or simulating official United States Government seals or insignia that the respondent or his business is connected with the United States Government or any branch thereof.

4. Representing in any manner, either directly or by implication, that the respondent or his business has any connection with the Government of the United States or any branch or agency thereof, including the United States Civil Service Commission.

5. Representing, directly or by implication, that the respondent is authorized by the United States Civil Service Commission to qualify applicants for Government positions, or that positions in the United States Civil Service may or can be obtained through the respondent or by completing any of the respondent's courses of study.

6. Misrepresenting in any manner the positions and opportunities for employment in United States Civil Service positions of students completing the respondent's courses of study.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 48-8902; Filed, Oct. 6, 1948; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

ORANGE RIVER, FLORIDA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.241 (f) is hereby amended by the addition thereto of a subparagraph relating to the State Road Department of Florida bridge over Orange River near Fort Myers, Florida, as follows:

§ 203.241 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

• • • • • •

Orange River, Fla.; State Road Department of Florida bridge one mile above mouth, near Fort Myers. At least 24 hours' advance notice required, except during a hurricane alert issued by the United States Weather Bureau affecting the area of the Caloosahatchee and Orange Rivers when a draw tender shall be constantly on duty and the bridge opened at any time for the passage of vessels giving the usual signal.

• • • • •

[Regs. 21 Sept. 1948, CE 823 (Orange River—Fort Myers, Fla.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
Adjutant General.

[F. R. Doc. 48-8906; Filed, Oct. 6, 1948; 8:53 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

FAYETTE NATIONAL FOREST; SAN JUAN NATIONAL FOREST

CROSS REFERENCE: For order which affects the tabulation contained in § 201.1 by reducing and revoking certain withdrawals of lands for forest administrative sites in the Fayette National Forest and San Juan National Forest, see F. R. Doc. 48-8966, Department of the Interior, Bureau of Land Management, in the Notices section, *infra.*

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

MISCELLANEOUS AMENDMENTS

The Secretary of the Army having determined that the use of the Wister Reservoir, Poteau River, Oklahoma, the Dewey Reservoir, Johns Creek, Kentucky, the Kanopolis Reservoir, Smoky Hill River, Kansas, and the Center Hill Reservoir, Caney Fork River, Tennessee, by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of these reservoirs for their primary purposes, hereby prescribes rules and regulations pursuant to the provisions of section 4 of the act of Congress approved December 22, 1944 (58 Stat. 889; 16 U. S. C. 460d) as amended by the Flood Control Act of 1946 (60 Stat. 641), for the public use of these areas, by amending Chapter III, Part 311, as follows:

1. Add new paragraphs (n), (o), (p), and (q) to § 311.1 as follows:

§ 311.1 *Areas covered.* • • •

(n) Wister Reservoir Area, Poteau River, Oklahoma

(o) Dewey Reservoir Area, Johns Creek, Kentucky

(p) Kanopolis Reservoir Area, Smoky Hill River, Kansas

(q) Center Hill Reservoir Area, Caney Fork River, Tennessee

2. Amend paragraph (a) of § 311.4 by adding subparagraphs (4) and (5) as follows:

§ 311.4 *Houseboats.* (a) A permit shall be obtained from the District Engineer for placing any houseboats on the water of any reservoir area listed in § 311.1, except for the following reservoir areas on which houseboats are prohibited.

• • • • •

(4) Wister Reservoir Area, Poteau River, Oklahoma.

(5) Kanopolis Reservoir Area, Smoky Hill River, Kansas.

[Regs. Sept. 21, 1948, ENGWR] (58 Stat. 889, 60 Stat. 641; 16 U. S. C. 460d)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8905; Filed, Oct. 6, 1948; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 29—MAIL SERVICE FOR MEMBERS OF ARMED FORCES OVERSEAS

MISCELLANEOUS AMENDMENTS

In § 29.3 *Greeting cards* (12 F. R. 6462), make the following changes:

1. In the first line, delete the words "War Department," and substitute therefor the phrase "Department of the Army".

2. In the second line, delete the word "soldiers", and substitute therefor the word "personnel".

In § 29.4 *Addresses* (12 F. R. 6462), make the following changes:

1. In paragraph (b), the second line, after the word "Army", insert the words "and Air Force".

2. In paragraph (b), fifth line, delete the word "Army".

In § 29.5 *Postage* (12 F. R. 6463), make the following changes:

1. In line fifteen after the word "Army", insert the words "and Air Force".

2. Add after the last sentence, the following: "Air parcel post is available to members of the Armed Forces overseas. The rate of 80 cents for first pound (over 8 ounces to 1 pound) and 80 cents for each additional pound or fraction thereof applies."

In § 29.12 *Prohibited articles* (12 F. R. 6463), make the following changes:

1. Amend the second paragraph to read as follows:

Cigarettes and other tobacco products are prohibited transmission for delivery through A. P. O.'s in Germany, France, Austria, Trieste, and Italy, and also Navy numbers 913 and 963 in Germany. The transmission of parcels addressed to overseas A. P. O.'s containing penicillin and streptomycin, except to A. P. O.'s c/o Postmaster, New York, N. Y., is prohibited. Customs declarations are required on parcels addressed to A. P. O. 58, c/o Postmaster, New York, N. Y. Consult postmaster for list of prohibited articles.

(R. S. 161, 396, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-8886; Filed, Oct. 6, 1948; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

GOODING DIVISION, MINIDOKA IRRIGATION PROJECT, IDAHO

CROSS REFERENCE: For public notice of opening public lands to entry and announcing availability of water in the Gooding Division, Minidoka Irrigation Project, Idaho, see Federal Register Document 48-8882 under Department of the Interior, Bureau of Reclamation, in the Notices section, *infra.*

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 8975, 8736]

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

ACCEPTANCE OF APPLICATION

In the matter of amendment of § 1.371 of the Commission's rules and regulations.

During the hearing held by the Commission in the proceeding to consider proposed revisions of the Commission's table of television channel allocations (In the matter of amendment of § 3.606 of the Commission's rules and regulations), evidence was presented concerning (1) tropospheric interference to existing and proposed television stations, (2) the use of directional antennas, (3) the use of increased power, and (4) conflicting proposals for closer spacing and wider spacing between television stations than is presently provided for by the Commission.

In order to assure that the Commission's national television allocation plan should be based on the soundest engineering foundation, an Industry-Commission Conference was held on September 13 and 14, 1948. The issues for decision at the Conference were:

1. Whether the Commission should initiate proceedings to revise the television allocation rules and standards prior to final decision in Dockets 8975 and 8736.

2. If the standards are to be revised, what policy should be adopted with respect to applications now pending before the Commission.

3. What procedures should be adopted in order that the revised standards can be based on the best available engineering information.

At the conclusion of that Conference it was announced that the Commission would call an engineering conference to consider questions regarding revision of the Commission's rules, regulations and standards with respect to the technical phases of television allocations. The date, place, and agenda for that conference will be announced shortly. This report and order deals with the second issue before the Commission.

A national television allocation plan must be based on the Commission's rules, regulations and standards which, in turn, must reflect the best available engineering information. One of the purposes of the coming Conference is to obtain such information. It is evident to the Commission that until the discussions at the proposed engineering conference are studied, and appropriate conclusions reached, the promulgation or revision of an allocation table and assignments thereunder might constitute an unwarranted disregard of important factors which may seriously affect such table. Moreover, it is apparent that assignments cannot continue to be made under the present allocation table since the evidence presented at the hearing and conference raises the same serious questions concerning the validity of the bases upon which such table was constructed as in the case of the proposed table. Furthermore, additional assignments at the present time will make more difficult any revisions in the table which might be necessary as a result of any changes in the Standards which might result from the proceedings.

In view of the foregoing, the Commission has concluded that, pending further consideration of the issues in Dockets Nos. 8975 and 8736, requests for television authorizations on channels 2 through 13 will be considered in accordance with the following interim procedure:

1. Applications pending before the Commission and those hereafter filed for permits to construct television stations on channels 2 through 13 will not be acted upon by the Commission but will be placed in the pending files.

2. Applications pending before the Commission and those hereafter filed for modification of existing permits or licenses will be considered on a case-to-case basis and Commission action thereon will depend on the extent to which they are affected by the issues to be resolved in the proceedings bearing Docket Nos. 8975 and 8736.

3. No hearing dates will be scheduled with respect to applications for construction permits which have been designated for hearing, and in cases in which hearings have been commenced or completed but decisions have not been issued, no further action will be taken.

4. This procedure does not apply to construction permits or other television authorizations heretofore issued by the Commission.

The interim procedure set forth above relates to practice and procedure before the Commission and, therefore, proposed rule making in accordance with the provisions of section 4 of the Administrative Procedure Act is not required.

Accordingly, it is ordered, This 29th day of September 1948, that, effective immediately, § 1.371 of the Commission's rules and regulations is amended by adding footnote 8a to the heading thereto, reading as follows:

[8a] Pending further consideration of the issues in Dockets Nos. 8975 and 8736, requests for television authorizations on channels 2 through 13 will be considered in accordance with the following procedure:

(a) Applications pending before the Commission and those hereafter filed for permits to construct television stations on channels 2 through 13 will not be acted upon by the Commission but will be placed in the pending files.

(b) Applications pending before the Commission and those hereafter filed for modification of existing permits or licenses will be considered on a case-to-case basis and Commission action thereon will depend on the extent to which they are affected by the issues to be resolved in the proceedings bearing Dockets Nos. 8975 and 8736.

(c) No hearing dates will be scheduled with respect to applications for construction permits which have been designated for hearing, and in cases in which hearings have been commenced or completed but decisions have not been issued, no further action will be taken.

(d) This procedure does not apply to construction permits or other television authorizations heretofore issued by the Commission.

(Sec. 4 (i), 48 Stat. 1066, sec. 6 (b), 50 Stat. 191; 47 U. S. C. 154 (i), 303 (v))

Released: September 30, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8907; Filed, Oct. 6, 1948; 9:01 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter D—Freight Forwarders

[No. 29493]

PART 400—AGREEMENTS, FORWARDER-MOTOR COMMON CARRIERS

FREIGHT FORWARDERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 24th day of September A. D. 1948.

It appearing, that by order dated March 5, 1946, the Commission entered upon an investigation for the purpose of determining the just, reasonable, and equitable terms and conditions, including the terms and conditions governing the determination and fixing of the compensation to be paid or observed, under which freight forwarders subject to part IV of the Interstate Commerce Act may utilize the services and instrumentalities of common carriers by motor vehicle subject to part II of the act, under agreements between such forwarders and motor carriers:

It further appearing, that a full investigation of the matters and things involved has been made, and that the Commission on the date hereof has made its report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof: [1] It is ordered, that:

Sec.
400.1 Terms and conditions, and compensation to be paid by freight forwarders to motor common carriers for services.
400.2 Expiration date prescribed for section 409 of the Interstate Commerce Act.

§ 400.1 *Terms and conditions, and compensation to be paid by freight forwarders to motor common carriers for services.* The just, reasonable, and equitable terms and conditions in accordance with the directions in amended section 409 of the Interstate Commerce Act (49 U. S. C. 1009), including those governing the determination and fixing of the compensation to be paid or observed, for the utilization of the services and instrumentalities of common carriers by motor vehicle subject to part II of the act by freight forwarders subject to part IV of said act, under agreements between such freight forwarders and common carriers, shall be those set forth in the following paragraphs: *Provided,* That the said terms and conditions relating to compensation shall not apply to compensation to motor common carriers for handling terminal-to-terminal traffic which is lower than would be received under rates or charges established under part II of the act.

(a) Where an agreement has been entered into by a freight forwarder and a motor common carrier for the performance by the latter for the former of transportation service subject to part II of the act, the forwarder shall file with this Commission a schedule (which may be called a Schedule of Compensation Arrangements), which shall describe adequately and clearly the services to be performed by each motor carrier and the compensation to be paid therefor. Any change in the compensation to be paid or the services to be rendered shall be shown by a supplement to or reissue of the schedule, which shall also be filed with this Commission by the forwarder. Such schedule, supplements thereto and reissues thereof shall be signed by the forwarder and the motor carrier, or a separate concurring agreement, signed by the parties and signifying their concurrence in the schedule, supplements thereto and reissues thereof, shall be filed with this Commission by the forwarder.

(b) The schedule, supplements thereto and reissues thereof, shall show the date on which they are to become effective.

(c) Three copies of the documents described in paragraphs (a) and (b) of this section, including the signed originals, shall be filed with this Comission prior to the effective date of the schedule, supplement thereto or reissue thereof, as to those which are to become effective on the effective date of this part, and at least 10 days prior to the effective date with respect to those which are to become effective after the effective date of this part. One copy shall be available for public inspection in the offices of this Commission.

(d) The compensation stated in the effective schedule, supplements thereto or reissues thereof, on file with this Commission shall continue to be the lawful compensation to be paid by the forwarder to the motor common carrier for the services performed by the motor common carrier until that carrier or the forwarder revokes its participation therein, or until this Commission has modified or changed the compensation in an appropriate proceeding.

(e) Any party desiring to revoke its participation in the above-described arrangements shall file with this Commission three copies of a notice of revocation at least 30 days before the revocation is to become effective and at the same time shall forward by registered mail a copy to the other party to the arrangements. The notice of revocation shall show the date on which the revocation is to become effective and make reference to the schedule on file with this Commission, the participation in which is revoked.

(f) Except as otherwise specified in paragraphs (a) to (e) of this section, the regulations governing the construction and form of motor common carrier freight publications as contained in Tariff Circular MF No. 3, as amended, (§§ 187.21 to 187.47 of this chapter) shall generally be observed to the extent they are adaptable with respect to the above-described schedules, supplements thereto and reissues thereof, the concurring agreements, and revocation notices, unless special permission is granted to depart therefrom.

(g) The Commission reserves the right to add to, change or modify the above terms and conditions for good cause and it may, at any time, upon complaint or

[1] Filed as part of the original document.

upon its own initiative, consider the reasonableness of the compensation and other provisions contained in the above-described schedule and prescribe the just, reasonable, and equitable compensation, provisions and terms and conditions to be observed as a condition to the departure from the established tariffs of the motor carrier.

§ 400.2 *Expiration date prescribed for section 409 of the Interstate Commerce Act.* This part shall become effective on January 22, 1949, and on and after that date, subsection (b) of section 409 of the Interstate Commerce Act shall be effective no longer.

(60 Stat. 21; 49 U. S. C. 1009 (a) (2))

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-8901; Filed, Oct. 6, 1948; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 24—WEST CENTRAL REGION NATIONAL WILDLIFE REFUGES

BOW AND ARROW DEER HUNTING IN MUD LAKE NATIONAL WILDLIFE REFUGE, MINNESOTA

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of the Minnesota Conservation Department it has been determined that there is a surplus of deer on and in the vicinity of the Mud Lake National Wildlife Refuge, which surplus can best be removed by public hunting with bow and arrow on a part of the Refuge.

The following is added:

§ 24.666 *Mud Lake National Wildlife Refuge, Minnesota; bow and arrow deer hunting.* Deer may be taken with bow and arrow only on the following described lands within the Mud Lake National Wildlife Refuge during the 1948 open season only, subject to the following provisions, conditions, restrictions, and requirements:

(a) *Areas open to hunting.* All of the lands of the United States within the following described subdivisions on the Mud Lake National Wildlife Refuge, Minnesota, shall be open to bow and arrow deer hunting:

FIFTH PRINCIPAL MERIDIAN

T. 156 N., R. 40 W.,
Secs. 4 to 9 incl., all;
Sec. 18, all.
T. 157 N., R. 40 W.,
Secs. 19, 30, and 31, all.
T. 156 N., R. 41 W.,
Secs. 1, 12, and 13 all;
Sec. 22, all south of secondary trail;
Secs. 23 to 27 incl., all;
Sec. 30, all south of County Road "E";
Secs. 31 to 36 incl., all.
T. 157 N., R. 41 W.,
Secs. 24, 25, and 36, all.
T. 155 N., R. 42 W.,
Secs. 1 to 3 incl., all.
T. 156 N., R. 42 W.,
Sec. 32, all south of County Road "E";
Sec. 33, all south of County Road "E";
Sec. 34, all south of County Road "E";
Sec. 36, all south of County Road "E".

(b) *Entry.* Entry on and use of the Refuge is governed by the regulations of the Secretary dated December 19, 1940, (5 F. R. 5284), as amended, and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer.

(d) *Cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting. (Sec. 10, 45 Stat. 1222, sec. 84, 35 Stat. 1088, 43 Stat. 98; 16 U. S. C. 715i, 18 U. S. C. 145; Reorg. Plan No. II of 1939, 3 CFR Cum. Supp., 4 F. R. 2731; Regulations, Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284; 50 CFR Cum. Supp., Part 12, as amended)

Dated: October 1, 1948.

O. H. JOHNSON, *Acting Director.*

[F. R. Doc. 48-8295; Filed, Oct. 6, 1948; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 933]

ORANGES, GRAPEFRUIT AND TANGERINES GROWN IN FLORIDA

GENERAL NOTICE WITH RESPECT TO APPROVAL OF BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948–1949 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR and Supps., 933.1 et seq.), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $108,000 will be necessarily incurred during the fiscal period August 1, 1948 to July 31, 1949, for the maintenance and functioning of the committees established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as each handler's share of such expenses, the rate of assessment, which each handler shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, at $0.003 per standard packed box of fruit shipped by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Hearing Clerk, Room 1846, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handler," "shipped," "fruit," "fiscal period," and "standard packed box" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR and Supps., 933.1 et seq.)

Issued this 1st day of October 1948.

[SEAL] A. J. LOVELAND, *Acting Secretary of Agriculture.*

[F. R. Doc. 48-8897; Filed, Oct. 6, 1948; 8:50 a. m.]

[7 CFR, Part 947]

HANDLING OF MILK IN FALL RIVER, MASS., MILK MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND TO A PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held at Fall River, Massachusetts, June 21, 1948, pursuant to a notice published in the FEDERAL REGISTER (13 F. R. 3257) on June 16, 1948, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

A recommended decision, based on the record of such hearing, was issued by the Assistant Administrator, Production and Marketing Administration, on July 6, 1948. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 10, 1948 (13 F. R. 3871). The time for filing exceptions has expired, and no exceptions were filed.

The only issue on the record of the hearing was the question of whether the Class I price for the Fall River market for the months of July through December 1948 should be increased by 22 cents per hundredweight over the prices which witnesses indicated would probably be established by the Class I formula pricing provisions of the order.

Findings and conclusions. The record indicates that during recent years receipts of milk from regular producers have been less than fluid milk sales in this market during all seasons of the year. Since Fall River is surrounded by other milk markets competing for the supply of milk in the same area, expansion of the Fall River milkshed in the nearby area could be accomplished only by securing new producers who are now supplying these other competing markets. In order to obtain a sufficient supply of milk for Class I use, Fall River handlers have been using large volumes of milk from other areas, and in recent months this supplementary milk has come principally from plants in Northern New England regulated under the Federal order for the Boston market. Since other milk markets near to Fall River also do not receive enough milk from their regular producers for fluid milk requirements, these markets seek other sources of milk supply, and a principal source of such supplementary supplies for these other markets similarly has been Northern New England plants operated under the Boston order.

The cost of supplementary milk supplies to other competing markets in this area is approximately the same as for Fall River handlers. If the price received by Fall River producers is less than the prices handlers in neighboring markets are paying for milk either from their own producers or from Northern New England sources, handlers in these other markets would find it to their advantage to offer Fall River producers a price higher than these producers receive in the Fall River market. In order to maintain the present supply of local milk for the Fall River market, it is therefore necessary under these conditions that prices received by Fall River producers be at a level comparable with prices paid in nearby markets for local supplies and for milk brought in from Northern New England plants.

The evidence in the record indicates that an increase of 22 cents per hundredweight in Fall River Class I milk prices over the prices indicated for July milk at the time of the hearing would raise Fall River prices to the level of those in competing markets.

Contrary to the results anticipated by witnesses who testified at the hearing, the normal operation of the Class I formula brought about an increase on August 1 of 22 cents over July prices. Thus, the Class I price for the months of September through December will also be at least 22 cents over the July prices inasmuch as the order prescribes that the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding delivery period. In view of such development, the evidence in the hearing record does not support a further price increase.

It is therefore decided that the amendment proposed in the recommended decision of July 6, 1948 is unwarranted, and that no amendment shall be issued on the basis of the record of said hearing.

Issued at Washington, D. C., this 1st day of October 1948.

[SEAL] A. J. LOVELAND, *Acting Secretary.*

[F. R. Doc. 48-8898; Filed, Oct. 6, 1948; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 19]

[Docket No. 9159]

PROPOSED CITIZENS RADIO SERVICE

ADOPTION OF PROPOSED FORM

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On August 12, 1948 the Commission adopted proposed rules with respect to the Citizens Radio Service. In order to implement this proposed service, it is proposed to adopt an application form, a copy of which is attached.[1] Additional copies of the proposed form will be available at the Commission's Office of Information, Room #7230, New Post Office Building, Washington 25, D. C.

3. This notice is issued pursuant to authority contained in sections 303 (r) and 308 (b) of the Communications Act, as amended.

4. Any interested person who is of the opinion that the proposed form should or should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before October 25, 1948 a written statement or brief setting forth his comments. The Commission will consider these written comments and if comments are submitted which appear to warrant the Commission's holding an oral argument, notice of time and place of such oral argument will be given.

5. An original and 4 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: September 29, 1948.

Released: September 30, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-8908; Filed, Oct. 6, 1948; 9:08 a. m.]

[1] Filed with original document.

NOTICES

POST OFFICE DEPARTMENT

MAIL SERVICE FOR MEMBERS OF ARMED FORCES OVERSEAS

CHRISTMAS MAIL TO BE MAILED BETWEEN OCTOBER 15 AND NOVEMBER 15

Arrangements have been made by the Post Office Department in cooperation with the Department of the National Military Establishment for the acceptance of Christmas parcels for members of our armed forces serving outside the continental United States.

While requests for parcels from members of our armed forces are not required, many persons in this country will undoubtedly wish to send special Christmas parcels to their loved ones overseas, and these instructions are, therefore, issued with the view of assuring their delivery on time and in good condition. Patrons should indorse each such gift parcel "Christmas Parcel" and special effort will be made to effect delivery of all Christmas parcels mailed during the period stated below in time for Christmas.

Time of mailing. Christmas parcels for overseas personnel should be mailed during the period beginning October 15, 1948, and ending November 15, 1948, the earlier the better. Parcels destined for delivery in Japan, Korea, and the Islands in the Pacific should be mailed as early as possible during the period stated, preferably not later than November 1, in view of the distances involved.

It is suggested, however, that parcels for Navy and Marine Corps personnel serving in the most remote areas be mailed not later than October 15. Parcels for such personnel known to be in an area which would permit mailing subsequent to October 15, may be deposited for mailing at a date selected by the sender.

Christmas cards for Army and Air Force personnel overseas may be mailed at any time but patrons should mail such cards prior to November 15, 1948, if they are to have a reasonable expectation of delivery prior to Christmas.

The various services have pointed out that members of the armed forces are amply provided with food and clothing and the public is urged not to include such matter in gift parcels. The public can ascertain what articles their relatives and friends overseas can secure locally by correspondence with such person and should limit their gifts to articles not readily obtainable by the recipient.

The regulations in Part 29 Mail Service for members of armed forces overseas of Title 39 CFR are applicable to Christmas mail for such persons.

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-8887; Filed, Oct. 6, 1948; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO AND IDAHO

REDUCING AND REVOKING CERTAIN WITHDRAWALS FOR FOREST ADMINISTRATIVE SITES

The orders of this Department dated November 21 and December 13, 1906, October 5, 1907, May 16, September 4, October 19 and November 14, 1908, withdrawing certain lands for the use of the Forest Service, Department of Agriculture as forest administrative sites are hereby revoked so for as they affect the following-described lands.

COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

T. 39 N., R. 9 W.,
Sec. 24, E½SE¼SE¼SW¼;
Sec. 25, E½E½NE¼NW¼.

The area described contains 15 acres in the San Juan National Forest withdrawn as part of the Hamor's Lake Ranger Station.

IDAHO

BOISE MERIDIAN

T. 15 N., R. 1 E.,
Sec. 1, SE¼SE¼;
Sec. 12, NE¼NE¼ and N½SE¼NE¼.

The area described contains 100 acres in the Payette National Forest withdrawn as the Middle Fork Administrative Site.

Sec. 22, SE¼SW¼ and SW¼SE¼;
Sec. 27, NE¼NW¼.

The area described contains 120 acres in the Payette National Forest withdrawn as the Fall Creek Administrative Site.

T. 17 N., R. 1 E.,
Sec. 32, W½SE¼.

The area described contains 80 acres in the Payette National Forest withdrawn as the Council Valley Administrative Site.

T. 20 N., R. 1 E.,
Sec. 29, SE¼SW¼;
Sec. 32, NE¼NW¼.

The area described contains 80 acres in the Payette National Forest withdrawn as Ranger Station 1. (Mud Creek)

T. 21 N., R. 1 E.,
Sec. 21, SE¼NW¼ and NE¼SW¼.

The area described contains 80 acres in the Payette National Forest withdrawn as Ranger Station 2. (Round Valley)

T. 17 N., R. 2 E.,
Sec. 31, SE¼NE¼ and NE¼NE¼SE¼;
Sec. 32, SW¼NW¼ and NW¼NW¼SW¼.

The area described contains 100 acres in the Payette National Forest withdrawn as the Squaw Flat Administrative Site.

T. 20 N., R. 5 E.,
Sec. 13, NW¼.

The area described contains 160 acres in the Payette National Forest withdrawn as the Lick Creek Ranger Station.

This order shall become effective at 10:00 a. m. on November 29, 1948.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

SEPTEMBER 27, 1948.

[F. R. Doc. 48-8966; Filed, Oct. 6, 1948; 10:42 a. m.]

Bureau of Reclamation

[Public Notice 43]

GOODING DIVISION, MINIDOKA IRRIGATION PROJECT, IDAHO

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

Lands Covered

SEPTEMBER 14, 1948.

SECTION 1. *Lands for which water will be available.* Water will be available for the irrigation season of 1949 and thereafter for certain irrigable lands on the Gooding Division of the Minidoka Irrigation Project, as shown on approved farm unit plats on file in the office of the Superintendent, Minidoka Project, Burley, Idaho; Bureau of Reclamation, Hunt, Idaho; Bureau of Reclamation, Boise, Idaho, and in the District Land Office at Boise, Idaho.

Application may be made in accordance with this notice, beginning at 2:00 p. m., October 1, 1948, for a certificate of qualification which will entitle the holder to file an application for entry on the public lands shown on the plats.

The lands to which this notice pertains are described as follows:

PUBLIC LAND

BOISE MERIDIAN, IDAHO

Section	Farm unit	Description	Total irrigable acres
		Township 8 South, Range 19 East	
13	A	Tract A (Sec. 18, T. 8 S., R. 20 E.) Tract A.	60.3
	B	Tract B	63.3
	C	Tract C	63.1
	D	Tract D	70.2
14	A	Tract A	69.5
	B	Tract B	72.4
	C	Tract C	70.7
	D	Tract D	73.2
23	E	Tract E	61.7
32	A	Tract G	87.1
	B	Tract H	76.5
	C	Tract C	77.8
33	C	Tract C	64.1
	D	Tract D	70.0
	E	Tract E	66.6
	F	Tract F	65.4
34	F	Tract G (Sec. 3, T. 9 S., R. 19 E.) Tract G.	79.7
		Township 9 South, Range 19 East	
3	D	Tract C	78.6
	E	Tract D	84.9

PUBLIC LAND—Continued

BOISE MERIDIAN, IDAHO—continued

Section	Farm unit	Description	Total irrigable acres
		Township 8 South, Range 20 East	
31	A	Tract B	92.2
		Township 9 South, Range 20 East	
6	G	Tract A (Sec. 31, T. 8 S., R. 20 E.) Tract A.	82.1
4	A	Tract A	73.2
9	B	Tract B	92.8
	C	Tract C	84.2
	D	Tract D	113.6
	E	Tract F	85.6
11	A	Tract A	91.1
14	B	Tract B	75.5
	C	Tract C	65.5
	D	Tract D	72.1
	E	Tract E	84.9
15	A	Tract A	81.7
	B	Tract B	88.3
	C	Tract C	84.9
	D	Tract D	61.5
	E	Tract E	65.8
22	A	Tract A	67.9
	F	Tract F	108.5
23	A	Tract G	72.5
	B	Tract A	73.7
	F	Tract F	73.9
24	A	Tract A	62.5
		Township 9 South, Range 21 East	
31	A	Tract A	95.5
	B	Tract B	91.3
	C	Tract C	72.3
32	A	Tract A	101.7

PRIVATE LAND

BOISE MERIDIAN, IDAHO

Location	Description	Total irrigable acres
	Township 8 South, Range 19 East	
Sec. 36	NW¼NE¼	12.7
	SW¼NE¼	27.2
	SE¼NE¼	26.8
	NE¼NW¼	35.2
	NW¼NW¼	0.4
	SW¼NW¼	18.5
	SE¼NW¼	38.1
	NE¼SE¼	23.1
	NW¼SE¼	28.1
	SW¼SE¼	35.8
	SE¼SE¼	28.9
	Township 9 South, Range 20 East	
Sec. 16	NE¼NE¼	36.6
	NW¼NE¼	15.2
	SW¼NE¼	24.3
	SE¼NE¼	26.5
	NE¼SE¼	32.7
	NW¼SE¼	22.4
	SW¼SE¼	38.2
	SE¼SE¼	27.9
Sec. 36	NE¼NE¼	14.1
	SE¼NE¼	22.2
	NE¼SE¼	22.5
	NW¼SE¼	30.3

SEC. 2. *Limit of acreage for which entry may be made or water secured.* The public lands covered by this notice have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Secretary of the Interior, may reasonably be required for the support of a family upon such land. The areas in the different units are fixed at the amounts shown upon the farm unit plats referred to in section 1 of this notice. The maximum acreage of land in private ownership for which application for delivery of water may be made is 160 acres of irrigable land for each landowner.

Preference Rights of Veterans of World War II

SEC. 3. *Nature of preference.* The law provides that when public lands are opened to entry, preference shall be given to applications which are made by veterans of World War II (and in some cases by their wives or husbands or guardians of minor children) and which are filed within 90 days after the opening of the lands. The five classes of persons who are entitled to this veterans' preference are set forth in section 4 of this notice.

Therefore, applications for farm units on lands covered by this notice which are made by persons coming within one of the five classes listed in section 4 of this notice will be given first consideration if submitted before December 30, 1948.

In order to be eligible to receive farm units, all applicants, whether or not entitled to veterans' preference, must possess the necessary qualifications as to industry, experience, character, capital and physical fitness (see section 8 of this notice) and (except for duly appointed guardians) must be qualified to make entry under the homestead laws.

SEC. 4. *Persons entitled to veterans' preference.* The classes of persons who are entitled to the veterans' preference described in section 3 of this notice are as follows:

(a) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, or Coast Guard of the United States for a period of at least 90 days at any time on or after September 16, 1940, and prior to the termination of World War II, and have been honorably discharged.

(b) Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps or Coast Guard during the period described in subsection (a) of this section, regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or, subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the government on account of such wounds or disability.

(c) The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See section 11 of this notice regarding provision that a married woman must be head of a family.)

(d) The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

(e) The surviving spouse of any person whose death has resulted from wounds received or disability incurred in line of duty while serving in the Army, Navy, Marine Corps or Coast Guard during the period described in subsection (a) of this section, or in the case of the death or marriage of such spouse, the minor child or children of such person, by a guardian duly appointed and officially accredited at the Department of the Interior.

SEC. 5. *Definition of honorable discharge.* An honorable discharge means:

(a) Separation from the service by means of an honorable discharge or a discharge under honorable conditions;

(b) Transfer with honorable service from such service to a reserve or retired status prior to the termination of the war; or

(c) Ending of the period of war service by reason of the termination of the war, even though the veteran remains in the military or naval service of the United States.

SEC. 6. *Submission of proof of veterans' status.* All applicants for farm units who claim veterans' preference must attach to their applications a photostatic, certified or authenticated complete copy (both sides) of an official document of the respective branch of the service which shows clearly an honorable discharge, as defined in section 5 of this notice, or constitutes evidence of other facts on which the claim for preference is based, and which clearly shows the period of service.

If the preference is claimed by a surviving spouse or on behalf of the minor child or children of a deceased veteran, proof of the relationship asserted and of the veteran's service and death must be attached to the application. If the preference is claimed by the spouse of a living veteran, proof of such relationship and of the veteran's service and written consent to the exercise of the preference right must be attached to the application.

QUALIFICATIONS REQUIRED BY THE RECLAMATION AND HOMESTEAD LAWS

SEC. 7. *Examining Board.* An examining board of four members, including the Superintendent of the Minidoka Project, who will act as secretary of the board, has been approved by the Commissioner of Reclamation to determine the qualifications and fitness of applicants to undertake the development and operation of a farm on the Minidoka Project. The board will make careful investigations to verify the statements made by applicants. Any false statement may constitute grounds for rejection of an application, cancelation of award or cancelation of an entry.

SEC. 8. *Minimum qualifications.* This section sets forth the minimum qualifications which are necessary to give reasonable assurance of success of an entryman or entrywoman on a reclamation farm unit. Applicants must, in the judgment of the examining board, meet these qualifications in order to be considered for entry. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

(a) *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

(b) *Farm experience.* Except, as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board, will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a non-irrigated farm, but all applicants must have had farm experience of such a nature as, in the judgment of the examining board, will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

(c) *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor. Any person who is physically handicapped or afflicted with any condition which makes such ability questionable must attach to his or her application the detailed statement of an examining physician which defines the limitation upon such ability and its causes.

(d) *Capital.* An applicant must possess at least $3,000, consisting of cash or assets readily convertible into cash, or assets such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. If the applicant proposes to convert items into cash, total cash value should be shown with a full explanation.

An applicant shall furnish in section 10 of the farm application blank a financial statement listing all of his assets and all of his liabilities. Prior to the issuance of a certificate of qualification, and not later than at the time of the personal interview, the applicant will be required to corroborate his statement of net worth by the statement of an officer of a bank or other responsible and reputable credit agency or by other proof satisfactory to the examining board.

SEC. 9. *References.* (a) An applicant shall list in section 12 of the farm application blank the names, occupations, positions or titles and complete, current addresses of five persons who are qualified and willing to give their frank opinions as to the applicant's personal qualifications and farm experience. Persons named as references must be responsible citizens who are permanent residents in their communities.

At least one of these five persons must be an agricultural leader who now holds one or more of the following positions: County Agent; Farmers Home Administration County Supervisor; Production and Marketing Administration County Committeeman; Soil Conservationist; Vocational Agriculture Teacher; manager or agricultural representative of an agricultural marketing or processing association or institution; loan officer or agricultural representative of a credit agency or institution in an agricultural community, or an officer of any recognized farm organization.

The other four persons named as references may be successful farmers who own and operate their own farms and are well known in the community where the farm experience was acquired.

Persons in occupations other than those listed in this subsection and relatives of the applicant are not acceptable.

(b) The applicant shall also be responsible for furnishing to at least three of the five persons listed in section 12 of the farm application blank the reference forms provided with this notice and for the return by these persons to the board of three complete, signed statements. At least one of these three statements must be prepared and signed by one of the agricultural leaders listed in subsection (a) of this section.

SEC. 10. *Restriction on ownership of project lands.* Applicants for farm units must not hold or own, within any Federal reclamation project, irrigable land for which construction charges payable to the United States have not been fully paid, except that this restriction does not apply to small tracts used exclusively for residential purposes.

Prior to the issuance of a certificate of qualification and not later than the time of the personal interview, an applicant who owns lands in a Federal reclamation project must furnish satisfactory evidence that the total construction charges allocated against the land owned by the applicant have been paid in full.

SEC. 11. *Principal qualifications required by homestead laws.* All applicants (except guardians) must meet the requirements of the homestead laws. The homestead laws require that an entryman or entrywoman:

(a) Must be a citizen of the United States or have declared an intention to become a citizen of the United States;

(b) Must not have exhausted the right to make homestead entry on public land;

(c) Must not own more than 160 acres of land in the United States;

(d) Must, if a married woman, or a person under 21 years of age who is not eligible for veterans' preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of the family. Any applicant who is required to be the head of a family must submit with the application evidence of such status which is satisfactory to the board. Complete information concerning qualifications for homesteading may be obtained from District Land Offices or from the Bureau of Land Management, Washington 25, D. C.

When, Where and How to Apply for a Farm Unit

SEC. 12. *Application blanks.* Any person desiring to enter any of the public land farm units described in this notice must fill out the attached farm application blank. Additional application blanks may be obtained from the Bureau of Reclamation, Burley, Idaho; the Regional Director, Bureau of Reclamation, Post Office Box 937, Boise, Idaho, or the Commissioner of Reclamation, Department of the Interior, Washington 25, D. C. Full and frank answers must be made to each question on the farm application blank.

SEC. 13. *The filing of application and supporting evidence.* An application for a certificate of qualification for a farm unit listed in this notice must be filed with the Project Land Use Specialist, Bureau of Reclamation, Route 3, Jerome, Idaho, in person or by mail. No advantage will accrue to an applicant who presents an application in person. Every application must be accompanied by:

(a) Proof of veteran's status if veteran's preference is claimed (see section 6 of this notice);

(b) Statement of examining physician, in case of disability (see subsection 8 (c) of this notice);

(c) Evidence of citizenship or of declared intention if applicant is not native-born (see subsection 11 (a) of this notice);

(d) Evidence of status as head of a family if applicant is a married woman or a non-veteran under the age of 21 (see subsection 11 (d) of this notice).

The applicant must also see that three of his references submit complete signed statements of his qualifications (see subsection 9 (b) of this notice).

SEC. 14. *Applications become Department records.* Each application submitted, including corroborating evidence, will become a part of the permanent records of the Department of the Interior and cannot be returned to the applicant. For this reason, original discharge or citizenship papers should not be submitted. In case an applicant is awarded a farm his discharge papers will be attached to his certificate of eligibility (see section 22 of this notice) for submission to the Bureau of Land Management.

SEC. 15. *Importance of complete applications.* It shall be the sole responsibility of an applicant to submit a complete application, including the corroborating evidence required by this notice. Failure of an applicant to provide complete answers to all questions in the farm application blank within the periods specified in this notice, or failure to provide all other information required by this notice, will subject an application to rejection.

Selection of Qualified Applicants

SEC. 16. *Priority of applications.* All applications will be classified for priority purposes and considered in the following order:

(a) *First priority group.* All complete applications filed prior to 2:00 p. m., December 30, 1948, which are accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans' preference. All such applications will be treated as simultaneously filed.

(b) *Second priority group.* All complete applications filed prior to 2:00 p. m. December 30, 1948, from applicants without veterans' preference or which are not accompanied by proof sufficient, in the opinion of the examining board, to establish eligibility for veterans' preference. All such applications will be treated as simultaneously filed.

(c) *Final group.* All complete applications filed after 2:00 p. m., December 30, 1948, whether or not accompanied by proof of veterans' preference. Such applications will be considered in the order in which they are filed if any farm units are available for award to applicants within this group.

SEC. 17. *Preliminary examination to determine first priority group, right of appeal.* Each application will be examined for the purpose of ascertaining (a) that the application is complete; (b) that all of the corroborating evidence required by this notice to be submitted in advance of the drawing has been furnished; and (c) that the applicant's right to veteran's preference has been fully established. Any incomplete application or any application not accompanied by the required corroborating evidence will be rejected. Any applicant claiming veteran's preference but failing to establish proof of eligibility for such preference shall be placed in the second priority group.

In case of rejection or placement in the second priority group, the applicant shall be notified by the board by registered mail, with return receipt requested, of such rejection or placement; the reasons therefor, and of the right to appeal in writing to the Regional Director, Bureau of Reclamation. All appeals must be received in the office of the Superintendent of the Minidoka Project, Burley, Idaho, within 15 days of the applicant's receipt of such notice, or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Superintendent will forward the appeals promptly to the Regional Director. If an appeal is decided by the Regional Director in favor of the applicant, the application will be referred to the board for inclusion in the drawing. All decisions on appeals will be based exclusively on information obtained prior to rejection of the application or placement in the second priority group. The Regional Director's decision on all appeals shall be final.

SEC. 18. *Public drawing.* After the expiration of the appeal periods fixed by the above-mentioned notices and after decision on all appeals, the board will conduct a public drawing of the names of the applicants remaining in the First Priority Group as defined in subsection 16 (a) of this notice. Applicants need not be present at the drawing in order to participate therein. The names of a sufficient number of applicants (not less than three times the number of farm units to be awarded) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be further examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this notice, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 19. *Final examination.* The board shall examine, in the order drawn, a sufficient number of applications to determine the applicants to whom the farm units will be awarded. This examination will determine the sufficiency, authenticity and reliability of the information and evidence submitted by the applicants. If such examination indicates that an applicant is qualified, such applicant shall be so notified and shall be required to submit the statement of a credit agency corroborating his statement relative to his net worth, described in subsection 8 (d) of this notice, and if an applicant owns land on a Federal reclamation project, satisfactory evidence that all construction charges against such land have been paid as required in section 10 of this notice.

The applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this notice, such applicant shall be notified, in person or by registered mail, that he is a successful applicant and shall be given an opportunity to select one of the farm units then available. If the board finds that an applicant's qualifications do not meet the requirements prescribed in this notice, or if he fails to supply the corroborating evidence, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director as prescribed in section 17 of this notice.

Selection of Farm Units

SEC. 20. *Order of selection.* The applicants who have been notified of their qualification for the award of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a successful applicant to exercise his right of selection or failure to complete his entry filing with the Bureau of Land Management, it will be offered to the next qualified applicant in accordance with the priority established by the drawing. An applicant who is considered to be disqualified as a result of the personal interview, will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by successful applicants who have not exercised their right to select.

If any of the farm units listed in this notice remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 18 of this notice in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the successful applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Final Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this notice.

SEC. 21. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

SEC. 22. *Payment of charges and filing homestead applications.* After each successful applicant has advised the board of his selection of a farm unit he shall be notified by the board of the annual construction, water rental, or other charges, payment of which must be received at the office of the Project Superintendent, Bureau of Reclamation, Burley, Idaho, within 15 days of the receipt by the applicant of such notice. Upon receipt by the Project Superintendent of such payment from the applicant before the expiration of said 15-day period, the board shall furnish each applicant, by registered mail or by delivery in person, a certificate of eligibility stating that the applicant's qualifications to enter public lands have been examined and approved by the board. Such certificate must be attached by the applicant to the homestead application, which application must be filed at the District Land Office, Bureau of Land Management, Boise, Idaho. Such homestead application must be filed within 15 days from the date of the receipt by the applicant of such certificate. Failure to pay the annual construction, water rental or other charges required and to make application for homestead entry within the period specified herein will render the application subject to rejection.

General Provisions

SEC. 23. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice.

SEC. 24. *Charges payable by all water users; Incremental value contracts*—(a) *Charges against project lands.* The lands covered by this notice are included in American Falls Reservoir District No. 2 which has assumed, in the contract between said district and the United States, dated September 21, 1927, as amended, an obligation to pay to the United States the costs of constructing the project and of the operation and maintenance of certain irrigation works on the project referred to as reserved works. In said contract, as amended, the district has assumed the obligation of operating and maintaining the canal and lateral system which serves the lands described in this notice. A copy of the contract of September 21, 1927, and of the amendments and supplements are available for inspection in the project office of the Bureau of Reclamation at Hunt, Idaho. Further information regarding the district's assessment procedures and estimates of the amounts of the annual charges to be assessed by the district against the lands described in this notice may be obtained from the officers of the American Falls Reservoir District No. 2. The district office is located at Gooding, Idaho.

(b) *Individual contracts required.* Pursuant to the provision of Article 41 of the contract of September 21, 1927, applicants for entry of public land, and the owners of land held in private ownership for which water will be furnished pursuant to this notice, will be required to execute and deliver a recordable contract which is designed to prevent land speculation based upon increased value of the land resulting from irrigation. Such contract will provide that in case of the sale of the land a portion of the sale price which exceeds the appraised value of the land shall be applied upon the construction charges against the land. The owners of land held in private ownership for which water will be furnished pursuant to this notice will also be required to execute the recordable contract required under Article 40 of the

contract of September 21, 1927, which requires the sale of land in excess of 160 acres.

(c) *Water right charges*—(1) *Construction costs.* Pursuant to the provisions of Article 64 of the contract of September 21, 1927, as amended, between the United States and American Falls Reservoir District No. 2, the construction charges payable on the above-described farm units and the lands in private ownership will be due in forty (40) annual installments and will be based on the cost of the works and rights to be provided by the United States under said contract. In accordance with the provisions of the contract of September 21, 1927, the first five of such annual construction installments are hereby established as one dollar ($1.00) per irrigable acre, for the irrigable acreage as shown on the above list of lands. In the case of public lands, the first of said annual construction installments shall be paid for the year 1949 by the selected homestead applicants to the Project Superintendent before the issuance of the certificate of eligibility by the Project Superintendent. Subsequent installments of $1.00 per irrigable acre shall be due and payable to the district on December 31 of each of the four succeeding years, beginning with 1950. The amounts of further installments will be governed by the determination of the Secretary of the Interior of the actual cost of the works and rights to be furnished to the district under the said contract of September 21, 1927, and by the announcement of the amount of said installments. In the event that an applicant fails to complete his or her homestead entry, any money paid to the United States on account of construction charges as herein specified will be refunded to such applicant. The owners of private land to which water will be delivered under this notice will be required to make the same construction payments as entrymen on public lands. The initial payment of $1.00 per irrigable acre shall be paid by such landowners to American Falls Reservoir District No. 2 before the commencement of water deliveries in the irrigation season of 1949. All payments of construction charges, except the initial payment of $1.00 per irrigable acre as specified herein, shall be due and payable to the district in accordance with the provisions of the said contract of September 21, 1927. The current estimate of construction costs for new lands of the Gooding Division of the Minidoka Project is about $115.00 per irrigable acre. Earlier estimates of construction costs for new lands of the Gooding Division of the Minidoka Project were about $90 per irrigable acre. Changes in the plans for the Gooding Division have reduced the estimated total construction costs for the entire division somewhat, but the decision to limit the total area of new lands to 20,300 acres instead of the original estimate of 36,000 acres, has resulted in an increase in the estimated per irrigable acre construction cost.

(2) *Operation and maintenance charges.* Under the contract of September 21, 1927, as amended, American Falls Reservoir District No. 2 is obligated to pay the costs of the operation and maintenance of the reserved works and of the distribution of stored water therefrom by the United States, and the operation and maintenance of the canal and lateral system which serves the lands described in this notice. The district assessments against the lands described in this notice will eventually include all of these operation and maintenance costs, but for a period ending with the year 1952 these lands will be relieved of a part of this obligation. It is anticipated that the contract of September 21, 1927, will be amended further. If it is so amended, Article 47 of the contract, as amended, will require the United States to maintain the canal and lateral system which serves the lands described in this notice until such time as complete responsibility for operation and maintenance shall be transferred to American Falls Reservoir District No. 2. Pending such transfer and thereafter the district will make water deliveries. Operation and maintenance levies or charges against the lands described in this notice will be made by the district while the United States continues to maintain the canal and lateral system, whether water is used or not, and will be in the same amount that is charged to other district lands. Beginning with the year when the lateral system is turned over to the District for operation and maintenance and continuing through the year 1952, the district will be entitled under said contract, as amended, to collect an operation and maintenance charge not to exceed one dollar ($1.00) per irrigable acre whether water is used or not. Beginning with the irrigation season of 1953, these charges will be increased to the amount paid by other lands in the district which have a full water right from the Snake River. If the contract is not amended as anticipated, notice will be given of the operation and maintenance charges which must be paid.

SEC. 25. *Reservation of rights-of-way for public roads.* Rights-of-way are reserved for County, State, and Federal highways and access roads to the farm units shown on said plats along section lines and other lines shown in red on the farm plats.

SEC. 26. *Reservation of rights-of-way for publicly-owned utilities.* Rights-of-way are reserved for government-owned telephone, electric transmission, water and sewer lines, and water treating and pumping plants, as now constructed, and the Secretary of the Interior reserves the right to locate such other government-owned facilities over and across the farm units above described as hereafter, in his opinion, may be necessary for the proper construction, operation, and maintenance of the said project.

SEC. 27. *Reservation of rights to buildings and other property and their use and disposal.* All right, title and interest in certain buildings, wells and related equipment, sewer systems, power lines, roadways, and other property of the United States, located on certain farm units described in this notice as farm units A and C of Section 32; D, E, and F of Section 33, and F of Section 34, all in Township 8 South, Range 19 East, Boise Meridian; farm unit D of Section 3 in Township 9 South, Range 19 East, Boise Meridian, are reserved to the United States, together with the right to hold, use, dismantle or remove the same and rights of ingress and egress to accomplish these purposes, for a period of nine months from the date on which the public drawing is held.

SEC. 28. *Waiver of mineral rights.* All homestead entries for the above-described farm units will be subject to the laws of the United States governing mineral land, and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead applications will be rejected or the homestead entry or entries cancelled.

SEC. 29. *Effect of cancellation of entry by relinquishment.* In the event that any entry of public land made hereunder is cancelled by relinquishment at any time prior to full compliance with the homestead laws, the lands in the entry so relinquished shall become available to entry by the next numbered qualified applicant who will be treated as a standing applicant therefor under this notice. Such applicant shall be required to furnish such additional information as may be necessary to satisfy the board that he is still qualified under the terms of this notice.

SEC. 30. *Federal assistance in land development.* The Bureau of Reclamation, as an incident to the completion of the project, will assist entrymen, in appropriate cases and on a reimbursable basis, in the development of farm units, which assistance will include clearing and rough leveling the land, roughing in of farm irrigation and surface drainage systems beyond the farm turnouts.

MARTIN G. WHITE,
Acting Assistant Secretary of the Interior.

[F. R. Doc. 48-8882; Filed, Oct. 6, 1948; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR OIL TANKERS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and of the Department of the Interior, the U. S. Maritime Commission, and the National Military Establishment, and after expression of the views of industry, labor and the public generally at an open public hearing held on August 31, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. *What this plan does.* This plan is in furtherance of a proposed program for the construction and repair of tankers for oil transportation. It sets up the procedure under which steel producers (hereinafter called producers) agree voluntarily to make steel products available to builders and repairers of tankers who comply with the provisions of this plan (hereinafter called participating builders), for use in the construction or repair of tankers for the transportation of crude or refined petroleum products (hereinafter called oil tankers). This does not include provision for construction or repair of related yard, way, or dock facilities.

2. *Agreement by steel producers.* Beginning with the month of October 1948 and continuing during the period this plan remains in effect, producers will make available, out of their own production or that of their producing subsidiaries or affiliates, to participating builders a total of 40,380 net tons of steel products per month, distributed by types approximately as follows:

Type:	Net tons per month
Plates over ¾"	29,235
Plates ⅜" and less	3,340
Shapes	6,000
Hot rolled bars	400
Sheets	165
Pipe	1,190
Total net tons per month	40,380

3. *Determination of quantities to be furnished by respective producers.* Unless otherwise specified in its acceptance of this plan, the quantities to be made available by each producer, as its commitment under this plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. Each producer will, from time to time, however, upon request of the Secretary of Commerce, give consideration to making additional quantities available. Producers will take credit against their commitments under this plan only for quantities delivered to participating builders on orders certified in accordance with paragraph 9 below.

4. *Contractual arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective producers, or their producing subsidiaries and affiliates, with the respective participating builders. No request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers, the delivery of products, the allocation of business among participating builders, or any limitation or restriction on the production or marketing of any products. This plan does not authorize nor approve any fixing of prices, and participation in this plan does not affect the prices or terms and conditions on which any product is actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* A producer need make available under this plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that Office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under the plan.

7. *Reports from participating builders.* Each participating builder will submit to the Secretary of Commerce monthly schedules and reports (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) on forms furnished by the Secretary of Commerce, showing the following, by plants: (1) The quantities and types of oil tankers for which construction or repair work is scheduled for the coming month; (2) the quantities of each type on which construction or repair work was performed during the month preceding the report; (3) the net tonnage of each size and kind of steel products this plan will require for construction and repair work scheduled for the coming month; (4) the total quantities and kinds of such products received from all sources during the month preceding the report; and (5) other relevant information. After receiving such schedules and reports, the Secretary of Commerce will relate the estimated requirements to the over-all program and determine the quantities of products to be made available under this plan to each individual participating builder.

8. *Obligations of participating builders.* By participation in this plan, each participating builder shall be obligated as follows: to use all products obtained under this plan solely for and in the construction or repair of oil tankers; not to resell or transfer any products so obtained under this plan in the form received by the participating builder, except to such subsidiary, affiliate, subcontractor or fabricator as may be designated for the manufacture or fabrication of any products needed for such construction or repair; and not to build up, beyond current needs, any inventories of products obtained, or end products manufactured, under this plan. If a participating builder becomes unable to use, for the purposes of this plan, any products obtained under the plan, he shall be further obligated to hold them subject to such other use or disposition (including re-allocation to other consumers or return to the producer from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

9. *Procedure for placing orders under this plan.* Purchase orders under this plan are to be placed with participating producers, or their producing subsidiaries or affiliates. Each such purchase order shall bear the following certification by the participating builder:

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely for and in the construction or repair of oil tankers, and that this order is placed under, and in strict compliance with, Department of Commerce Voluntary Plan, under Public Law 395, 80th Congress, for Allocation of Steel Products for Oil Tankers, with which the undersigned is familiar and in which the undersigned is a participant.

10. *Procedure for, and effect of, becoming a participant.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers and builders and repairers of oil tankers by the Secretary of Commerce, any such producer, builder or repairer may become a participant in this plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers, builders and repairers as notify the Secretary of Commerce in writing that they will comply with such requests.

11. *Effective date and duration.* This plan shall become effective upon the date of its final approval by the Secretary of Commerce and, shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram, or publication in the FEDERAL REGISTER.

12. *Withdrawal from plan.* Any producer or participating builder may withdraw from this plan by giving not less than 60 days written notice to the Secretary of Commerce.

13. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this plan shall be binding upon all participants notified of such interpretation.

Approved: September 21, 1948.

CHARLES SAWYER,
Secretary of Commerce.

Approved: September 17, 1948.

TOM C. CLARK,
Attorney General.

SEPTEMBER 21, 1948.

GENTLEMEN: A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Oil Tankers, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

In accordance with the provision of paragraph 2 of the Plan, an initial determination has been made by me with respect to the monthly quantities of each type of steel product which should be made available by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your

convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me with the advice of the Industry Task Committee, in accordance with paragraph 2 of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

SEPTEMBER 21, 1948.

A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Oil Tanker Builders and Repairers has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience, I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan.

Similar requests are being sent to other members of your industry.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, 80th Congress, unless you agree in writing to comply with the Plan.

In accordance with paragraph 3 (a) of the Plan, the Secretary of Commerce will determine your allocation of steel products under the Plan.

It is essential, in carrying out the proposed Plan, that I know as promptly as possible how many oil tanker builders and repairers desire to participate in the Plan. I trust, therefore, that I may receive your favorable response on or before September 25, 1948. If I do not receive your acceptance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above requests for compliance with Department of Commerce Voluntary Plan for Allocation of Steel Products for Oil Tankers was sent to steel companies and oil tanker builders and repairers listed on attachments filed with the original document.

[F. R. Doc. 48-8903; Filed, Oct. 6, 1948; 8:53 a. m.]

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and of the National Advisory Committee for Aeronautics, a statutory governmental aeronautical research agency, and after giving opportunity for the expression of the views of industry, labor and the public generally at an open public hearing held on August 31, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. *What this plan does.* This plan sets up the procedure under which steel producers participating in this plan (hereinafter called Producers) agree voluntarily to make steel products available for the construction, repair, maintenance, and operation of aeronautical research facilities of the National Advisory Committee for Aeronautics (hereinafter called the NACA), such products to be made available either directly to the NACA or to persons who need them to fill contracts for the NACA and who comply with the provisions of this plan. Such persons (hereinafter collectively called participating NACA Contractors) include prime contractors for the NACA, their subcontractors, and steel fabricators supplying, or under contract to supply, steel products to such prime contractors or their subcontractors.

2. *Agreement by steel producers.* Beginning with the month of October 1948 and continuing during the period this plan remains in effect, producers will, out of their own production or that of their producing subsidiaries or affiliates, make available to the NACA and to participating NACA Contractors a total of 1,926 net tons of steel products per month, distributed by types approximately as follows:

Type:	Net tons per month
Hot rolled bars	10
Reinforcing bars	530
Structural shapes	600
Plates	575
Sheets	88
Rails	11
Seamless pipe and tubing	80
Rigid conduit	34
Total net tons per month	1,926

3. *Determination of quantities to be furnished by respective producers.* Unless otherwise specified in its acceptance of this plan, the quantities to be made available by each producer, as its commitment under this plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. Each producer will from time to time, however, upon request of the Secretary of Commerce, give consideration to making additional quantities available. Producers will take credit against their commitments under this plan only for deliveries to the NACA and to participating NACA Contractors on orders certified in accordance with paragraph 9 below.

4. *Contractual arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective producers, or their producing subsidiaries and affiliates, with the NACA and the respective participating NACA Contractors. No request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers, the delivery of products, the allocation of business among participating NACA Contractors, or any limitation or restriction on the production or marketing of any products. This plan does not authorize nor approve any fixing of prices, and participation in this plan does not affect the prices or terms and conditions on which any product is actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* A producer need make available under this plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that Office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under this plan.

7. *Reports from participating NACA contractors.* The Office of Industry Cooperation of the Department of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942) may require any participating NACA Contractor to furnish reports with respect to steel products on hand and under arrangements, or any other information pertinent to any orders placed under this plan.

8. *Obligations of participating NACA contractors.* By participation in this plan, each participating NACA contractor shall be obligated as follows: to use all products obtained under this plan solely for filling contracts with or for the NACA; not to resell or transfer any such products in the form received by the participating NACA contractor, except to such subsidiary, affiliate, subcontractor or fabricator as may be designated for the manufacture or fabrication of products needed for delivery to the NACA or for incorporation into products for delivery to the NACA; and not to build up, beyond current needs, any inventories of products obtained or end products manufactured, under this plan. If a participating NACA contractor becomes unable to use, for the purposes of this plan, any products obtained under the plan, he shall be further obligated to hold them subject to such other use or disposition (including re-allocation to other consumers or return to the producer from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

9. *Procedure for placing orders under this plan.* Purchase orders placed under this plan for steel products are to be placed with participating producers or their producing subsidiaries or affiliates. Each purchase order or contract placed by the NACA, with producers or with participating NACA Contractors, under this plan will be specifically identified as being so placed. Each purchase order placed by a participating NACA Contractor under this plan shall be placed in accordance with instructions issued by the NACA, after consultation with the Office of Industry Cooperation of the Department of Commerce, and shall bear the following certification by the participating NACA Contractor:

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely to fill the undersigned's requirements under NACA Contract No. -------- [insert number of contract], which has been designated by the NACA as having been placed under Department of Commerce Voluntary Plan under Public Law 395, 80th Congress, for Allocation of Steel Products for Requirements of the NACA, with which Plan the undersigned is familiar.

By ---
(Signature and title of duly authorized officer)

Date

10. *Procedure for, and effect of, becoming a participant.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers by the Secretary of Commerce, any such steel producer may become a participant in this plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers as notify the Secretary of Commerce in writing that they will comply with such requests.

11. *Effective date and duration.* This plan shall become effective upon the date of its final approval by the Secretary of Commerce and shall cease to be effective at the close of business on February 28, 1949, or on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram, or publication in the FEDERAL REGISTER.

12. *Withdrawal from plan.* Any producer may withdraw from this plan by giving not less than 60 days written notice to the Secretary of Commerce.

13. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this plan, shall be binding upon all participants notified of such interpretation.

Approved: September 17, 1948.

CHARLES SAWYER,
Secretary of Commerce.

Approved: September 17, 1948.

TOM C. CLARK,
Attorney General.

SEPTEMBER 23, 1948.

Dr. JEROME C. HUNSAKER, *Chairman,*
National Advisory Committee for Aeronautics,
1724 F Street NW., Washington, D. C.

DEAR MR. HUNSAKER: Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Requirements of the National Advisory Committee for Aeronautics, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

I have requested the principal steel producers to comply with the Plan and expect to receive their acceptances in due course.

I am confident that, with the cooperation of the steel producers in carrying out their part of the Plan together with the cooperation of your Committee in carrying out its part of the program, the Plan will be of substantial benefit in meeting the requirements of your Committee.

If at any time you should have any suggestions as to ways in which the Plan or operations under it could be improved, please let me know.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

SEPTEMBER 21, 1948.

GENTLEMEN: A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for the requirements of the National Advisory Committee for Aeronautics, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

In accordance with the provision of paragraph 2 of the Plan, an initial determination had been made by me with respect to the monthly quantities of each type of steel product which should be made available by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me with the advice of the Industry Task Committee, in accordance with paragraph 2 of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above request for compliance with Department of Commerce Voluntary Plan for Allocation of Steel Products for requirements of the National Advisory Committee for Aeronautics was sent to steel companies listed in an attachment filed with the original document.

[F. R. Doc. 48-8904; Filed, Oct. 6, 1948; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1102]

COLORADO-WYOMING GAS CO.

ORDER FIXING DATE OF HEARING

SEPTEMBER 30, 1948.

Upon consideration of the application filed August 16, 1948, and supplementary data filed September 7, 1948, by Colorado-Wyoming Gas Company (Applicant), a Delaware corporation with its principal office in Denver, Colorado, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 8, 1948 (13 F. R. 5219).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 12, 1948, at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 1, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8885; Filed, Oct. 6, 1948; 8:47 a. m.]

[Docket Nos. G-859, G-1130]

TEXAS GAS TRANSMISSION CORP. AND KENTUCKY UTILITIES CO.

ORDER CONSOLIDATING PROCEEDING AND FIXING DATE OF HEARING

OCTOBER 1, 1948.

In the matters of Texas Gas Transmission Corporation, Docket No. G-859;

and Kentucky Utilities Company, Docket No. G–1130.

Upon consideration of the application filed September 22, 1948, by Kentucky Utilities Company, a Kentucky corporation with its principal office at 159 W. Main Street, Lexington, Kentucky, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Gas Transmission Corporation to establish physical connection of its natural gas transportation facilities with distribution mains of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant, and for an order directing Texas Gas to so modify its arrangements with other purchasers of natural gas as to facilitate such sale and delivery of natural gas to Applicant by Texas Gas, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G–1130 with proceedings in Docket No. G–859 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on October 1, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented by the application of Kentucky Utilities Company;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket No. G–859;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) of the Commission's rules of practice and procedure.

Date of issuance: October 4, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8884; Filed, Oct. 6, 1948; 8:47 a. m.]

[Docket No. G–1131]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

OCTOBER 1, 1948.

Notice is hereby given that on September 24, 1948, Northern Natural Gas Company (Applicant), a Delaware corporation having its principal office at Omaha, Nebraska, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas facilities subject to the jurisdiction of the Commission, described as follows:

A measuring and regulating station, together with appurtenances thereto, to be located in the Southwest Quarter (SW¼) of Section 26, Township 28 North, Range 22 West, Dakota County, City of South Saint Paul, Minnesota, to serve Soil Builders, Inc., as a direct main line customer of Applicant.

Applicant states the service proposed is a direct main line industrial sale of natural gas for use at the sewage-sludge dehydration plant of Soil Builders, Inc., of South Saint Paul, Minnesota, on an interruptible basis, with an estimated maximum daily demand of 180 Mcf, of which for curtailment purposes 50 Mcf will be classified under Step 6, and remaining volumes will be classified under Step 1 of Paragraph (9) of Applicant's FPC Gas Schedules, Volume No. 2; that the 50 Mcf of Step 6 gas will be served within Applicant's authorized summer demand as defined in Paragraph (10) of Applicant's FPC Gas Schedules, Volume No. 2. Annual Sales are estimated at 17,900 Mcf.

The estimated over-all capital cost of the proposed facilities will be $1,300.00, which will be financed out of Applicant's general funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request. The application of Northern Natural Gas Company is on file with the Commission and is open to public inspection.

Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 and 1.10, whichever is applicable, of the Commission's rules of practice and procedure (as amended on June 16, 1947)

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–8883; Filed, Oct. 6, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–54, 59–50, 70–559]

NORTHERN STATES POWER CO. (DEL.) ET AL.

SECOND SUPPLEMENTAL OPINION AND ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of September A. D. 1948.

In the matter of Northern States Power Company (Delaware), File No. 54–54; Northern States Power Company (Minnesota), File No. 70–559; Northern States Power Company (Delaware) and each of its subsidiaries, File No. 59–50.

On January 30, 1948, we issued our supplemental findings, opinion and order in which we granted and permitted to become effective the application-declaration of Northern States Power Company, a Minnesota corporation ("The Minnesota Company") in the above styled matter. Said application-declaration was filed for the purpose of obtaining our approval of certain steps required to be taken by the Minnesota Company in connection with the liquidation and dissolution of its parent company, Northern States Power Company, a Delaware corporation ("The Delaware Company") pursuant to a section 11 (e) plan, which was approved by us in these consolidated proceedings: Among such steps so approved were the increase in the number of authorized common shares, without par value, of the Minnesota Company to 12,500,000 shares, the reclassification of the outstanding common stock of the Minnesota Company to increase the number of shares outstanding from 3,518,889 to 9,527,623 shares, and the allocation of such reclassified shares among the stockholders of the Delaware Company; also the increase in the voting power of the Minnesota Company's Cumulative Preferred Stock, $3.60 Series from one to three votes per share, to avoid any dilution of its present voting rights by reason of the increase in the number of common shares.

Since the issuance of our order aforesaid and prior to the effectuation of the approved plan for the liquidation and dissolution of the Delaware Company, the Minnesota Company has issued a new series of preferred stock, known as its Cumulative Preferred Stock, $4.80 Series, pursuant to our order of August 11, 1948, *In the Matter of Northern States Power Company (Minnesota)*, File No. 70–1860.

The Minnesota Company subsequently, on September 22, 1948, filed its Amendment No. 9 to its application-declaration, wherein it submitted the text of the formal amendments to its Articles of Incorporation for the purpose of effectuating the amendments proposed in its application-declaration which was granted and permitted to become effective by our order of January 30, 1948, including the increase of the authorized number of shares of its common stock, without par value, to 12,500,000 shares, the change and reclassification of its outstanding common shares from 3,518,889 shares to 9,527,623 shares, and provision for limited preemptive rights to the holders of its common stock and cumulative voting rights for all of its shareholders. Said Amendment No. 9 further proposes to increase the voting rights of its Cumulative Preferred Stock, $4.80 Series, issued in August, 1948 from one vote per share to three votes per share. Said increase in the voting power of Cumulative Preferred Stock, $4.80 Series, which was issued subsequent to our approval of the section 11 (e) plan of the Delaware Company, but prior to the adoption of the amendments to the Articles of Incorporation set forth in Amendment No. 9, was contemplated at the time of its issuance.

It therefore appears to the Commission that it is appropriate in the public interest and in the interest of investors and consumers to permit the aforesaid Amendment No. 9 to become effective. It should be understood, however, that we are not here passing upon or approving the voting or other provisions of any future series of preferred stock.

It is ordered, That Amendment No. 9 to said application-declaration, subject to the terms and conditions prescribed by Rule U-24, and subject to the various reservations of jurisdiction (to the extent now applicable) contained in the Commission's order of January 30, 1948, be and the same hereby is granted and permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–8890; Filed, Oct. 6, 1948; 8:48 a. m.]

[File No. 70–1921]

INTERSTATE POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 30th day of September A. D. 1948.

Interstate Power Company ("Interstate"), a registered holding company, having filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transactions:

The issuance and sale by Interstate, pursuant to the competitive bidding requirements of Rule U-50, of $5,000,000 principal amount of First Mortgage Bonds due 1978; the use of the proceeds from the sale of said bonds for: (a) The repayment of presently outstanding indebtedness in the amount of $2,400,000; (b) the deposit of $376,000 with the trustee under the indenture securing Interstate's bonds, which cash is to be available for withdrawal by Interstate on the basis of property additions; and (c) the reimbursement of the treasury of Interstate for working capital, to discharge obligations for construction, and to pay balances due on property leased with an option to purchase;

Notice of the filing of this declaration having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to the Act, and the Commission not having received a request for a hearing with respect thereto and not having ordered a hearing thereon;

The Commission finding with respect to this declaration that there is no basis for any adverse findings, deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23, and the applicable provisions of the act, that this declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

1. That the proposed issuance and sale of the $5,000,000 aggregate amount of First Mortgage Bonds by Interstate shall not be consummated until the results of the competitive bidding held with respect thereto have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof in connection with the proposed transactions; and

2. That jurisdiction be reserved with respect to the payment of any and all fees and expenses incurred, or to be incurred, in connection with the consummation of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–8888; Filed, Oct. 6, 1948; 8:48 a. m.]

[File No. 70–1944]

NORTHERN STATES POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of September 1948.

Northern States Power Company ("Northern States"), a Minnesota corporation, a registered holding company and an operating utility company and a subsidiary of Northern States Power Company, a Delaware corporation, also a registered holding company, having filed an application pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935, with respect to the following transaction:

Northern States proposes to acquire from the City of Grand Forks, North Dakota, for a cash consideration $18,000 the existing municipally owned overhead street lighting system of said city. Northern States supplies electric service within the city and has heretofore supplied to the city electric energy for the operation of said street lighting system. Upon acquisition, the company proposes to integrate said system with its existing distribution facilities and to enlarge and modernize said street lighting system in accordance with contractual agreements heretofore agreed upon with the city.

The application states that the estimated original cost of the properties, including materials and supplies, is $38,297, and that the estimated depreciation on a straight line basis is $20,158. The company proposes to use these figures in recording the acquisition on its books, and to credit the small electric plant acquisition adjustment of $139 to its reserve for depreciation of electric plant. No fees or commissions will be paid in connection with the transaction, and it is estimated that miscellaneous expenses will not exceed $500.

Such application having been duly filed, and notice of its filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that there is no state commission having jurisdiction over the proposed transaction, and that it is appropriate in the public interest and in the interests of investors and consumers to grant applicant's request to consummate without delay the proposed transaction;

It is therefore ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the application be and the same hereby is granted, and that the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–8889; Filed, Oct. 6, 1948; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11984]

W. P. NEWTON ET AL.

In re: W. P. Newton, plaintiff, vs. Mrs. Elizabeth Leidner et al., defendants. File No. D–28–8283; E. T. sec. 9504.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the heirs of Marie Weber, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the sum of $3024.56, deposited with the Clerk of Courts, Cuyahoga County, Ohio, to the credit of the heirs of Marie Weber, names unknown, pursuant to an order of the Court of Common Pleas, Cuyahoga County, Ohio, made March 19, 1948, in a partition proceeding entitled W. P. Newton, plaintiff, vs. Mrs. Elizabeth Leidner, et al., defendants, and representing one-half of the proceeds of certain real property sold therein, including increments thereon and subject to the lawful fees and disbursements of the Clerk of Courts, Cuyahoga County, Ohio, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of Courts, Cuyahoga County, Ohio, as depositary, acting under the judicial supervision of

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the Court of Common Pleas of Cuyahoga County, Ohio;

and it is hereby determined:

4. That to the extent that the heirs of Marie Weber, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8909; Filed, Oct. 6, 1948; 8:53 a. m.]

[Vesting Order 12052]

KARL KROEBIG

In re: Estate of Karl Kroebig, deceased. D-28-12423; E. T. sec. 16646.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Steiner, Huldreich Kroebig and Heny Eidam, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in sub-paragraph 1 hereof in and to the estate of Karl Kroebig, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frances Pittner, as executrix, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8910; Filed, Oct. 6, 1948; 8:53 a. m.]

[Vesting Order 12081]

KAORU FUJINAMI

In re: Cash owned by Kaoru Fujinami. F-39-6266.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kaoru Fujinami, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $579.27, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8913; Filed, Oct. 6, 1948; 8:54 a. m.]

[Vesting Order 12083]

BUNZO HASHIMOTO

In re: Cash owing to Bunzo Hashimoto. F-39-6273.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bunzo Hashimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $1,459.00, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bunzo Hashimoto, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8912; Filed, Oct. 6, 1948; 8:54 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 13 NUMBER 197

Washington, Friday, October 8, 1948

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 69]

PART 30—FOREIGN TRADE STATISTICS

PRO FORMA DECLARATIONS REINSTATED FOR DELAYED FILING OF EXPORT DECLARATIONS FOR SHIPMENTS BY RAIL TO CANADA

Pursuant to section 4 of the Administrative Procedure Act, approved June 11, 1946 (Public Law 404, 79th Cong., 2d Sess.), the Foreign Commerce Statistical Decision indicated below is of such a nature that preliminary notice and hearing are deemed unnecessary. This decision is therefore made effective immediately:

1. Section 30.33a (b) is amended to read as follows:

§ 30.33a *Declarations for exports by railways, ferryboats, and vehicles.* * * *

(b) The collector shall not permit any car or other vehicle laden with merchandise intended for exportation to any foreign country to depart from the United States until a declaration specifying the kinds, quantities, and values of the merchandise has been delivered to him by the shipper or his agent. However, if declarations for rail shipments to Canada are not delivered to the Collector of Customs prior to departure of such shipments from the United States, immediate exportation may be permitted upon the filing of pro forma declaration therefor and the execution of a bond on Customs Form 7303 to produce the missing declarations not later than 15 calendar days after the date of exportation.

2. Section 30.38 (b) is amended to read as follows:

§ 30.38 *Car manifests; Shipper's Export Declarations.* * * *

(b) Under provisions of the act of March 3, 1893, no railway car containing commodities for export will be permitted to leave the United States until the car manifest and Shipper's Export Declarations have been delivered to the Collector of Customs; but if any declarations are missing for rail shipments to Canada, immediate exportation may be permitted upon the filing of pro forma declarations therefor and the execution of a bond on Customs Form 7303 to produce the missing declarations no later than 15 calendar days after the date of exportation.

3. Section 30.40 is amended to read as follows:

§ 30.40 *Penalty for failure to file Shipper's Export Declarations for exports by rail.* The agent or employee of any railway or transportation company who shall transport any commodities into a foreign country by rail before delivering to the Collectors of Customs the Shipper's Export Declarations covering the commodities transported as required by law shall be liable to a penalty of $50 for each offense. Such liability shall not apply in those cases where pro forma declarations have been filed and a bond executed on Customs Form 7303 to produce the missing declarations not later than the 15th calendar day after the date of exportation.

(R. S. 161, 335, 336, 337, sec. 1, 18 Stat. 352, sec. 1, 27 Stat. 197, 32 Stat. 172, sec. 4, 5, 32 Stat. 826, 827, sec. 7, 44 Stat. 572, sec. 1, 52 Stat. 8; 5 U. S. C. 22, 601, 15 U. S. C. 173, 174, 175, 176, 176a, 177, 178, 46 U. S. C. 95, 49 U. S. C. 177 (c))

This decision is effective immediately.

[SEAL] J. C. CAPT,
Director,
Bureau of the Census.

Approved: October 4, 1948.

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-8921; Filed, Oct. 7, 1948; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 42]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other

[1] 13 F. R. 5750, 5789.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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Establishments (§§ 825.81 to 825.92) is amended in the following respects:

1. Schedule A, item 80a, is amended to describe the counties in the Defense-Rental Area as follows: "Ada County, and in Elmore County the Cities of Mountain Home and Glenns Ferry."

2. Schedule A, item 367, is amended to describe the counties in the Defense-Rental Area as follows: "In Door County the City of Sturgeon Bay."

(Sec. 204 (c), Pub. Law 129, 80th Cong., as amended by Pub. Laws 422, 464, 80th Cong.; 50 U. S. C. App. Sup. 1894 (c))

This amendment shall become effective October 8, 1948.

Issued this 5th day of October 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement of Reasons for Amendment 42 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Elmore County, State of Idaho, Boise Defense-Rental Area, which is outside the Cities of Mountain Home and Glenns Ferry, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

It is likewise the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Door County, State of Wisconsin, Sturgeon Bay Defense-Rental Area, which is outside the City of Sturgeon Bay, no longer exists due to the fact that the demand for rental housing has been reasonably met.

This amendment is therefore being issued to decontrol said portions of said counties in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-8938; Filed, Oct. 7, 1948; 8:50 a. m.]

[Controlled Housing Rent Reg.,[1] Amdt. 42]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, Item 80a, is amended to describe the counties in the Defense-Rental Area as follows: "Ada County, and in Elmore County the Cities of Mountain Home and Glenns Ferry."

2. Schedule A, Item 367, is amended to describe the counties in the Defense-Rental Area as follows: "In Door County the City of Sturgeon Bay."

(Sec. 204 (c), Pub. Law 129 as amended by Pub. Laws 422, 464, 80th Cong.; 50 U. S. C. App. Sup. 1894 (c))

This amendment shall become effective October 8, 1948.

Issued this 5th day of October 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement To Accompany Amendment 42 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Elmore County, State of Idaho, Boise Defense-Rental Area, which is outside the Cities of Mountain Home and Glenns Ferry, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

It is likewise the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Door County, State of Wisconsin, Sturgeon Bay Defense-Rental Area, which is outside the City of Sturgeon Bay, no longer exists due to the fact that the demand for rental housing has been reasonably met.

This amendment is therefore being issued to decontrol said portions of said counties in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-8937; Filed, Oct. 7, 1948; 8:49 a. m.]

[1] 13 F. R. 5706, 5788.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 6]

PART 61—SCHEDULED AIR CARRIER RULES

GENERAL; CAA SPECIFICATIONS

Correction

In F. R. Document 48-8827, appearing in the issue for Tuesday, October 5, 1948, on page 5808 make the following change in paragraph (c) in the second column, under "CAA Specifications." The word "transferred" in the first line should read "transmitted."

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5657]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE; TAXABLE YEARS ENDING DECEMBER 31, 1941

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TIME FOR CLAIMING REFUND WITH RESPECT TO WAR LOSSES

In order to conform Regulations 103 (26 CFR, Part 19) and Regulations 111 (26 CFR, Part 29) to Public Law 828, 80th Congress, approved June 29, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.322–1, Regulations 103, and immediately preceding § 29.322–1, Regulations 111, the following:

PUBLIC LAW 828 (80TH CONGRESS), APPROVED JUNE 29, 1948

EXTENSION OF TIME FOR CLAIMING CREDIT OR REFUND WITH RESPECT TO WAR LOSSES

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That if a claim for credit or refund under the internal-revenue laws relates to an overpayment on account of the deductibility by the taxpayer of a loss in respect of property considered destroyed or seized under section 127 (a) of the Internal Revenue Code, relating to war losses, for a taxable year beginning in 1941 or 1942, the three-year period of limitation prescribed in section 322 (b) (1) of the Internal Revenue Code shall in no event expire prior to December 31, 1949. In the case of such a claim filed on or before December 31, 1949, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in section 322 (b) (2) or (3) of the Internal Revenue Code, whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of the loss described in this section.

PAR. 2. Section 19.322–7, Regulations 103, as amended by Treasury Decision 5645, approved July 20, 1948, and § 29.322–7, Regulations 111, as amended by said Treasury Decision 5645, are further amended by striking out in the last sentence of paragraph (a) of each such section the following: "Public Law 356 (80th Congress), approved August 4, 1947, extending to December 31, 1948," and by inserting in lieu thereof the following: "Public Law 828 (80th Congress), approved June 29, 1948, extending to December 31, 1949,".

(53 Stat. 32; 26 U. S. C. 62)

Because the amendments made by this Treasury decision merely change the date, from that specified by prior law to that now specified by Public Law 828 (80th Congress), approved June 29, 1948, on which the extension of time for filing certain claims for credit or refund with respect to war losses expires, it is hereby found that it is unnecessary to issue this Treasury decision with notice of public procedure thereon under section 4 (a) of the Administrative Procedure Act, ap-

proved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: October 1, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8961; Filed, Oct. 7, 1948; 8:56 a. m.]

Subchapter B—Estate and Gift Taxes

[T. D. 5658]

PART 81—REGULATIONS RELATING TO ESTATE TAX

POWERS OF APPOINTMENT

In order to conform Regulations 105 (26 CFR, Part 81) to sections 1 and 2 of Public Law 635 (80th Congress, 2d Sess.), approved June 12, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately following Public Law 112 (80th Congress, 1st Sess.), which was inserted in such regulations by Treasury Decision 5577, approved September 30, 1947, and before section 302 (f) of the Revenue Act of 1926 (as originally enacted) as set forth preceding § 81.24, the following:

PUBLIC LAW 635 (80TH CONGRESS, 2D SESSION), APPROVED JUNE 12, 1948

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 (d) (3) of the Revenue Act of 1942 (relating to the release of certain powers of appointment) is hereby amended by striking out "July 1, 1948" wherever it appears and inserting in lieu thereof "July 1, 1949" • • •.

SEC. 2. For the purposes of sections 403 • • • of the Revenue Act of 1942, a power to appoint created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942.

PAR. 2. Section 81.24 (b), added by Treasury Decision 5239, approved March 10, 1943, as amended by Treasury Decision 5577, approved September 30, 1947, is further amended as follows:

(A) By striking out "June 30, 1948", wherever it appears and inserting thereof "June 30, 1949".

(B) By striking from the first sentence of subparagraph (3) "(as amended by Public Law 112 (80th Congress), approved June 25, 1947)" and inserting in lieu thereof the following: "(as amended by Public Law 635 (80th Congress), approved June 12, 1948)".

(C) By striking out "July 1, 1948" wherever it appears and inserting in lieu thereof "July 1, 1949".

(D) By inserting in paragraph (b) (3) immediately preceding the second paragraph beginning with the words "In the case of a power created on or before October 21, 1942" the following:

Section 2 of Public Law 635, approved June 12, 1948, provides that for the purpose of section 403 of the Revenue Act of 1942, a power to appoint created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942. This provision applies as if made effective by section 403 of the Revenue Act of 1942, and the application of the tax with respect to a power to appoint so created is therefore subject to the exceptions stated in section 403 (d) of such act.

Because the purpose of this Treasury decision is merely to conform the regulations to the provisions of sections 1 and 2 of Public Law 635 (80th Congress, 2d Session), which afford relief to persons possessed of powers of appointment created on or before October 21, 1942 (including powers created by a will executed on or before such date and not republished thereafter), it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 467, secs. 1, 2, Pub. Law 635, 80th Cong.; 26 U. S. C. 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: October 1, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8960; Filed, Oct. 7, 1948; 8:56 a. m.]

[T. D. 5659]

PART 86—GIFT TAX UNDER CHAPTER 4 OF THE INTERNAL REVENUE CODE, AS AMENDED

POWERS OF APPOINTMENT

In order to conform Regulations 108 (26 CFR, Part 86) to sections 1 and 2 of Public Law 635 (80th Congress, 2d Sess.), approved June 12, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately following Public Law 112 (80th Congress, 1st Sess.), which was inserted by Treasury Decision 5606, approved March 4, 1948, and immediately preceding § 86.1, the following:

PUBLIC LAW 635 (80TH CONGRESS, 2D SESSION), APPROVED JUNE 12, 1948

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That • • • section 452 (c) of the Revenue Act of 1942 is hereby amended to read as follows:

"(c) *Release before July 1, 1949.* (1) A release of a power to appoint before July 1, 1949, shall not be deemed a transfer of property by the individual possessing such power.

"(2) This subsection shall apply to all calendar years prior to 1949 and to that part of the calendar year 1949 prior to July 1, 1949."

SEC. 2. For the purposes of sections • • • 452 of the Revenue Act of 1942, a power to appoint created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942.

PAR. 2. Section 86.1, as amended by Treasury Decision 5606, approved March 4, 1948, is further amended by striking from the second sentence "July 1, 1948" and inserting in lieu thereof "July 1, 1949".

Par. 3. Section 86.2 (b), as amended by Treasury Decision 5606, is further amended as follows:

(A) By striking out "July 1, 1948" wherever it appears and inserting in lieu thereof "July 1, 1949".

(B) By striking out "as amended by Public Law 112 (80th Congress), approved June 25, 1947" wherever it appears and inserting in lieu thereof the following: "as amended by Public Law 635 (80th Congress), approved June 12, 1948".

(C) By inserting immediately following the second sentence of the first paragraph thereof the following: "Section 2 of Public Law 635, approved June 12, 1948, provides that for the purpose of section 452 of the Revenue Act of 1942, a power to appoint created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942. This provision applies as if made effective by section 452 of the Revenue Act of 1942, and the application of the tax with respect to a power to appoint so created is therefore subject to the exceptions stated in section 452 (b) and (c) of such act."

Because the purpose of this Treasury decision is merely to conform the regulations to the provisions of sections 1 and 2 of Public Law 635 (80th Congress, 2d Sess.), which afford relief to persons possessed of powers of appointment created on or before October 21, 1942 (including powers created by a will executed on or before such date and not republished thereafter), it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 157, 467, secs. 1, 2, Pub. Law 635, 80th Cong.; 26 U. S. C. 1029, 3791)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: October 1, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8959; Filed, Oct. 7, 1948; 8:55 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1948 Dept. Circ. No. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING OCT. 1, 1948

§ 129.11 *Calendar year 1948.* • • •

(d) *Quarter beginning October 1, 1948.* Pursuant to section 522, Title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1948, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, Title IV, of the Tariff Act of 1930.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.

Country	Monetary unit	Value in terms of U. S. money	Remarks
Canada and Newfoundland	Dollar	$1.0031	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5714	Present gold content of 0.56424 grams of gold 9/10 fine established by law of Nov. 19, 1938, effective Nov. 30, 1938. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By Monetary Law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 16, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	Act of Mar. 16, 1935; agreement between U. S. and Philippines concerning trade and related matters based on Philippine Trade Act of 1946.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics	Ruble	.1981	On basis of 5.6867 rubles per gram of fine gold.
Uruguay	Peso	.6583	Present gold content of 0.585618 grams fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Se[illegible], 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

OCTOBER 1, 1948.

[F. R. Doc. 48-8958; Filed, Oct. 7, 1948; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIV—Department of State, Disposal of Surplus Property

[Department Reg. 108.76; FLC Reg. 8, Amdt. 3]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

DESIGNATION OF DISPOSAL AGENCY

Correction

In F. R. Document 48-8865, appearing in the issue for Wednesday, October 6, 1948, on page 5824, change the last sentence in § 8508.3 to read "All dispositions of property made under this proviso by the owning agencies will be subject to the import restrictions of § 8508.15 and orders issued pursuant to § 8508.15."

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MUD SLOUGH, CALIFORNIA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.712 is hereby amended by rescinding paragraph (a) and substituting the following in lieu thereof:

§ 203.712 *Tributaries of San Francisco Bay and San Pablo Bay, Calif.*—(a) *Mud Slough; Southern Pacific Company railroad bridge near Alviso.* At least 24 hours' advance notice required.

• • • • •

[Regs. 21 Sept. 1948, 823 (Coyote Creek—Alviso, Calif.—Mile 4) ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8943; Filed, Oct. 7, 1948; 8:51 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Subtitle A—Secretary of Defense

PART 70 — STANDARDS FOR DISCHARGE UNDER THE SELECTIVE SERVICE ACT OF 1948

SUBPART A—PHYSICAL AND MENTAL

Sec.
70.1 Physical profile serial determining for discharge.
70.2 Policy governing discharge for medical reasons.

SUBPART B—OTHER THAN PHYSICAL AND MENTAL

TYPES OF DISCHARGE

70.3 Honorable.
70.4 General.
70.5 Undesirable.
70.6 Bad conduct.
70.7 Dishonorable.

REASONS FOR HONORABLE OR GENERAL DISCHARGE

70.8 Expiration of enlistment or required service.
70.9 Convenience of the Government.
70.10 Dependency, hardship.
70.11 Minority.
70.12 Disability.

ADDITIONAL REASONS FOR GENERAL DISCHARGE

70.13 Unsuitability.
70.14 Inaptitude.
70.15 Discharge for unsuitability or inaptitude not to be recommended in lieu of punishment.

REASONS FOR UNDESIRABLE DISCHARGE

70.16 Unfitness.
70.17 Discharge for unfitness act to be recommended in lieu of punishment.
70.18 Misconduct.

AUTHORITY: §§ 70.1 to 70.18 issued under sec. 4 (b), Pub. Law 759, 80th Cong.

SUBPART A—PHYSICAL AND MENTAL

§ 70.1 *Physical profile serial determining for discharge.* No person, whether enlisted or inducted, will be discharged for medical reasons by any military department, during the life of the Selective Service Act, if his reclassified physical profile serial is at the minimum or higher than the minimum profile serial acceptable for induction under Army Regulations 40-115—"Physical standards and physical profiling for enlistment and induction". No list of specific injuries, diseases or other medical conditions will be established "as cause of discharge for physical disability" and the medical evaluation (physical profile serial) of the person's physical capacity will be determining for discharge in the same manner as for induction.

§ 70.2 *Policy governing discharge for medical reasons.* The following joint statement of policy will govern: to wit, an individual shall be discharged from

the Armed Services for medical reasons only:

(a) When in the judgment and opinion of competent medical personnel he has become functionally incapable of performing useful duty during the remainder of his services with due consideration given to whether his scaled-down physical profile serial is consistent with any assignment wherein he could perform useful work within the military department in which he is serving.

(b) Or when he has a medical condition of such nature that, in the opinion of competent medical personnel, to retain him for further active duty would aggravate such condition to the detriment of his future health and well-being.

(c) Or when his retention would, in the opinion of competent medical personnel, jeopardize the health or safety of his service associates.

SUBPART B—OTHER THAN PHYSICAL AND MENTAL

TYPES OF DISCHARGE

§ 70.3 *Honorable.* (a) An enlisted or an inducted person discharged for any one of the following reasons may be entitled to an Honorable Discharge:

(1) Expiration of enlistment,
(2) Convenience of the government,
(3) Dependency-hardship,
(4) Minority,
(5) Disability, provided he has rendered excellent service and further fulfills certain other conditions herein stated. Excellent service is defined as proficient in rating or grade, industrious and possessing a good conduct record.

(b) In determining excellent service the following criteria will be used:

(1) Army and Air Force—all character ratings as a soldier of at least "very good" and all efficiency ratings as a soldier of at least "excellent";

(2) Navy—a minimum final average of 2.75 in proficiency and 3.25 in conduct;

(3) Marine Corps—a minimum final average of 3.44 in proficiency and 4.0 in conduct;

(4) Coast Guard—same as Navy.

(c) In addition to the foregoing requirement, ordinarily, an Honorable Discharge will not be issued an individual, by any of the Armed Services, if the person concerned has been convicted of an offense by General Court-Martial or has been convicted by more than one Summary Court-Martial (Navy, Marine Corps and Coast Guard) or Special Court Martial (Army and Air Force) in his current enlistment, period of induction or any extensions thereof. However, regardless of an individual's previous record a man who has received a decoration or award of a Commendation ribbon or higher, including a life-saving medal, is entitled to an Honorable Discharge provided his record, subsequent to the act for which he was decorated, awarded, or commended would so entitle him. Also, an individual discharged as a result of a disability incurred in line of duty and resulting from action against an enemy, shall normally be given an Honorable Discharge regardless of his previous record.

§ 70.4 *General.* This type of discharge is a separation from the Service "under honorable conditions." It is given for the same reasons as an Honorable Discharge and is issued to an individual whose conduct and performance of duty have been satisfactory but not sufficiently deserving or meritorious to warrant an Honorable Discharge. It is also given for the additional reasons of inaptitude and unsuitability.

§ 70.5 *Undesirable.* This type of discharge is a separation from the Service under conditions other than honorable. It is given for the following reasons: (a) Unfitness, (b) misconduct.

§ 70.6 *Bad conduct.* This type of discharge is a separation from the Service under conditions other than honorable. Bad Conduct Discharges may be given only by approved sentences of General Courts-Martial or Summary Courts-Martial (Navy, Marine Corps and Coast Guard), or Special Courts-Martial (Army and Air Force) and are appropriate for offenses that warrant separation as included punishment but are not of a sufficiently grave nature to warrant dishonorable separation.

NOTE: For Army and Air Forces the issuance of the Bad Conduct Discharge will not become effective until February 1, 1949. (See Title II, sec. 244 of Public Law 759.)

§ 70.7 *Dishonorable.* This type of discharge by its own connotation denotes that it is a separation from the Service under dishonorable conditions. Dishonorable discharges may be given only by approved sentences of General Courts-Martial and are appropriate for serious offenses warranting dishonorable separation as included punishment.

REASONS FOR HONORABLE OR GENERAL DISCHARGE

§ 70.8 *Expiration of enlistment or required service.* Service must be excellent for Honorable Discharge or satisfactory for General Discharge. (See §§ 70.3 and 70.4 for general requirements.)

§ 70.9 *Convenience of the Government.* Service must be excellent for Honorable Discharge or satisfactory for General Discharge. (See §§ 70.3 and 70.4.)

(a) *Purposes.* (1) General demobilization or reduction in authorized strength;

(2) To accept a commission or appointment in any branch of the armed services—for active duty only;

(3) To accept appointment and entrance in either the Military, Naval or Coast Guard Academy;

(4) National health, safety or interest only when recommended by a Government agency authorized to make such recommendation and determination;

(5) Immediate reenlistment in the regular branch of the service in which serving, provided reenlistment is for a term of service more than required to serve under his existing obligation;

(6) Erroneous induction when so stated by the Office of the Director of the Selective Service System;

(7) Other good and sufficient reason when determined by the Secretary of the service concerned.

§ 70.10 *Dependency, hardship.* Service must be excellent for Honorable Discharge or satisfactory for General Discharge. Discharge may be directed when it is considered that undue and genuine dependency or hardship exists, that the hardship or dependency is not of a temporary nature, and that the conditions have arisen or been aggravated to an excessive degree since entry into the Service and the man has made every reasonable effort by means of application for Family Allowance and voluntary contributions which have proven inadequate; that the discharge of the individual will result in the elimination of, or will materially alleviate the condition and that there are no means of alleviation readily available other than by such discharge.

§ 70.11 *Minority.* Service must be excellent for Honorable Discharge or satisfactory for General Discharge.

(a) *Enlistee.* Persons between the ages of eighteen and nineteen years of age accepted for one year enlistment or persons between the ages of nineteen and twenty-six enlisted in the regular Army (sec. 4 (c), Pub. Law 759—80th Cong.).

(1) If under seventeen years of age when verified—discharge.

(2) If having passed his seventeenth birthday but not his eighteenth birthday when verified—discharge—upon application of parent or legal guardian.

(3) If he has passed his eighteenth birthday when verified—retain if otherwise qualified.

(b) *Inductees.* (1) If under seventeen years of age when verified—discharge.

(2) If having passed his seventeenth birthday but not his eighteenth birthday when verified—discharge—upon application of parent or legal guardian.

(3) If he has passed his eighteenth birthday when verified—retain if otherwise qualified.

(4) If over twenty-six years of age when inducted, and the Selective Service Agency does not report the induction as erroneous—retain if otherwise qualified for service until so reported by the Selective Service Agency.

(5) If Selective Service reports an induction as erroneous the individual concerned shall be discharged for the convenience of the government.

§ 70.12 *Disability.* Service must be excellent for Honorable Discharge or satisfactory for General Discharge. (See §§ 70.3 and 70.4.) Standards for discharge because of disability are being studied by a sub-committee of the Munitions Board.

ADDITIONAL REASONS FOR GENERAL DISCHARGE

§ 70.13 *Unsuitability.* Service must be satisfactory. Discharge for this reason will be effected to rid the services of persons considered unsuitable because of:

(a) Psychiatric or neurological handicaps, enuresis, personality defects and disorders subject to the physical and mental standards established by the Munitions Board and approved by the Secretary of Defense;

(b) Other good and sufficient reason when determined by administrative process.

§ 70.14 *Inaptitude.* Service must be satisfactory. Discharge for this reason will be effected when it it determined the person does not possess the required degree of adaptability to service life after reasonable attempts have been made to reclassify and reassign him in keeping with his abilities and qualifications. This category includes persons whose inaptness may be due to lack of general fitness, want of readiness or skill or unhandiness.

§ 70.15 *Discharge for unsuitability or inaptitude not to be recommended in lieu of punishment.* Individuals shall not be recommended for discharge for unsuitability or inaptitude in lieu of punishment. If doubt exists as to the existence of a mental or physical disability as a cause of unsuitability or inaptitude the man shall be brought before a Board of Medical Examiners. Before making or recommending a discharge for unsuitability or inaptitude, the commanding officer shall investigate the case after giving the man concerned an opportunity to make any statement in his own behalf that he may desire.

REASONS FOR UNDESIRABLE DISCHARGE

§ 70.16 *Unfitness.* A person may be discharged for unfitness only after he has already demonstrated that he is totally unfit for further retention. In this category are persons who:

(a) Given evidence of habits or traits of character manifested by anti-social or amoral trends, chronic alcoholism, criminalism, drug addiction, pathological lying, sexual perversion, homosexuality, or misconduct;

(b) Are of unclean habits, including repeated venereal infections;

(c) Repeatedly commit petty offenses not necessitating trial by court-martial;

(d) Are habitual shirkers;

(e) Who are recommended for discharge by a Board of Medical Examiners, not because of a physical or mental disability but rather because they possess personality disorders or defects or are classified as having "no disease" by the Board and their records of service reveal that they have been frequently in a disciplinary status because of infractions of regulations and commission of offenses, and/or it is clearly evident their complaints are unfounded and are made with the intent of avoiding service.

§ 70.17 *Discharge for unfitness not to be recommended in lieu of punishment.* A man shall not be discharged for unfitness in lieu of punishment. Before recommending such a discharge each case shall be thoroughly investigated. The man concerned shall be informed of the contemplated actions and the reasons therefor, and shall be given an opportunity to appear and present any fact or make any statement in his own behalf he may desire. If any doubt exists as to the existence of a mental or physical disability as the cause of unfitness, the man shall be brought before a Board of Medical Examiners.

§ 70.18 *Misconduct.* (a) A person may be discharged for misconduct for any of the following reasons:

(1) An individual who has deserted or has been AWOL and where trial is barred by the Statute of Limitations;

(2) An individual who has deserted or been AWOL and whose trial is not barred by the Statute of Limitations, but who upon examination is found not physically or mentally competent to stand trial where evidence indicates competence at time of desertion;

(3) An individual convicted by civil authorities of a criminal offense where the offense which he has been convicted may be punished by death, or by imprisonment for a term exceeding one year;

(4) An individual who has perpetrated a fraudulent enlistment; this includes persons who conceal (i) prior police records, (ii) previous service in any branch of the Armed Services and separation therefrom was under other than honorable conditions. In cases of persons who have been inducted and such records would not have precluded their induction had they been known by Selective Service, at the time of induction, they may be retained if otherwise qualified; (iii) physical defect, if it is established or evident that such concealment was the purpose of defrauding the government, that is, obtaining certain veterans' preferences or hospitalization or position to which he would not otherwise be entitled.

(b) The enlistment of a minor with false representations as to age, or without consent, will not alone be considered a fraudulent enlistment.

JAMES FORRESTAL,
Secretary of Defense.

[F. R. Doc. 48-8924; Filed, Oct. 7, 1948; 8:47 a. m.]

PART 71—ORGANIZED UNIT AND SATISFACTORY PARTICIPATION THEREIN-DEFINED

Sec.
71.1 Organized unit.
71.2 Satisfactory participation in an organized unit.

§ 71.1 *Organized unit.* For purposes of the definition of an "organized unit" of a reserve component under section 16 (h) of the Selective Service Act of 1948, thirty-five (35) scheduled drills, or training periods, or days of active Federal service, or any combination thereof, per year, are hereby prescribed as a minimum requirement. (Secs. 6 (c) (1), 16 (h), Pub. Law 759, 80th Cong.)

§ 71.2 *Satisfactory participation in an organized unit.* The Secretary of the Department concerned shall determine for the respective reserve components of that Department what constitutes satisfactory participation in such organized units in accordance with existing law: *Provided however,* That for purposes of satisfactory attendance in an organized unit within the meaning of section 6 (c) (1) of the Selective Service Act of 1948, not more than ten (10) percent absence per year from scheduled drills or training periods, or periods of equivalent instruction, shall be permitted by any Department. (Secs. 6 (c) (1), 16 (h), Pub. Law 759, 80th Cong.)

JAMES FORRESTAL,
Secretary of Defense.

JULY 7, 1948.

[F. R. Doc. 48-8923; Filed, Oct. 7, 1948; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular 1699]

PART 64—HOMESITES OR HEADQUARTERS

PURCHASE OF TRACTS NOT EXCEEDING 5 ACRES, ON SHOWING AS TO EMPLOYMENT OR BUSINESS

1. The second paragraph of § 64.4 and the section headnote of that section are amended and a footnote is added to the section as follows:

§ 64.4 *Form and contents of application.*[1] * * *

An application need not be under oath but must be signed by the applicant and corroborated by the statements of two persons and must show the following facts: Purchase of tracts not exceeding 5 acres without showing as to employment or business.

2. The second sentence of the first paragraph of § 64.7 is amended and made the second paragraph of the section, and a footnote is added to the section as follows:

§ 64.7 *Form and contents of application.*[1] * * *

An application need not be under oath but must be signed by the applicant and corroborated by the statements of two persons and must show the following facts:

3. A new section is added, as follows:

§ 64.7a *Applications by veterans of World War II.* Upon the restoration or opening of surveyed public lands in Alaska with a preference right of application to veterans of World War II pursuant to section 4 of the act of September 27, 1944 (58 Stat. 748; 43 U. S. C. 282), as amended, such veterans may file applications for home or headquarter sites on such lands under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461). Preference right applications filed by such veterans must describe the land desired in terms of the public land surveys and must give all of the information required by § 64.7, except as to the erection of a habitable house on the land and compliance with the law in the matter of residence. No payment will be required until proof of compliance with the residence requirements has been made. Such an applicant will be required to establish residence upon the land in a

[1] Section 35 (A) of the Criminal Code (18 U. S. C. 80) makes it a crime for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

habitable house within six months from the date of the notice of the allowance of his application. An extension of time to establish residence may be granted under the conditions under which it may be granted to a homestead entryman. During the first year after establishing residence the claimant will be required to reside upon the land for a period of at least 5 months. He may claim credit on the period of residence required by the act of May 26, 1934, for military or naval service in like manner as is provided in the case of homestead entries.

(44 Stat. 1364, 48 Stat. 809; 48 U. S. C. 461)

MARION CLAWSON,
Director.

Approved: October 4, 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 48-8946; Filed, Oct. 7, 1948; 8:53 a. m.]

Subchapter X—Trespass

[Circular 1698]

PART 288—GENERAL TRESPASS REGULATIONS

The last sentence of § 288.7, relating to the mining of coal by a permittee, is amended to read as follows: "However, where a permittee applies, prior to the expiration of his permit, for a lease, the mining of coal by him from the date of the filing of the lease application to the date of the issuance of the lease, or, if the lease application is rejected, to the date of notice to him of the final rejection of his application does not constitute a trespass."

(R. S. 453, 2478; 43 U. S. C. 2, 1201)

MARION CLAWSON,
Director.

Approved: September 30, 1948.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

[F. R. Doc. 48-8945; Filed, Oct. 7, 1948; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 208—KODIAK AREA FISHERIES

HERRING CATCH LIMITATIONS; EXCEPTIONS

Basis and purpose. Continued investigations by field biologists of the Fish and Wildlife Service reveals that the herring population of the Kodiak Island region is sufficiently abundant to warrant the further withdrawal of an additional 30,000 barrels. Accordingly, to increase the herring catch quota in the Kodiak region, § 208.25 is amended as follows:

Section 208.25 *Herring catch limitation; exceptions,* is hereby amended by deleting therefrom "360,000 barrels" and substituting in lieu thereof "390,000 barrels".

The present quota of 360,000 barrels has already been reached. Therefore to avoid further delay to the industry this amendment to the regulations shall become effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 1, 44 Stat. 752, as amended; 48 U. S. C. 221; sec. 4 (e), Reorg. Plan No. II of 1939, 4 F. R. 2731; 3 CFR Cum. Supp.)

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

OCTOBER 4, 1948.

[F. R. Doc. 48-8922; Filed, Oct. 7, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 35]

EXTENSION OF TIME FOR ASSESSMENT OF DEFERRED EXCESS PROFITS TAX

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C., 62), as made applicable by section 729 (a) of the Internal Revenue Code (54 Stat. 989; 26 U. S. C., 729 (a)).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

In order to conform Regulations 112 (26 CFR, Part 35) to section 3 of Public Law 635 (80th Congress), approved June 12, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately before § 35.710-1 the following:

SEC. 3. EXTENSION OF TIME FOR ASSESSMENT OF DEFERRED EXCESS PROFITS TAX. (Public Law 635 (80th Congress), approved June 12, 1948.)

(a) Section 710 (a) (5) of the Internal Revenue Code is hereby amended by adding at the end thereof the following: "Notwithstanding any other provision of law or rule of law, to the extent that any amount of tax remaining unpaid pursuant to this paragraph is in excess of the reduction in tax finally determined under section 722, such excess may be assessed at any time before the expiration of one year after such final determination."

(b) The amendment made by this section shall be effective as if made by section 222 (b) of the Revenue Act of 1942.

SEC. 201. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1942, Title II—applicable to section 222 (b); Revenue Act of 1942.)

Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1941.

PAR. 2. Section 35.710-5, as amended by Treasury Decision 5490, approved January 24, 1946, is further amended by adding at the end thereof the following new paragraph:

If the taxpayer defers under section 710 (a) (5) payment of an amount in excess of the reduction in tax finally determined under section 722, such excess may be assessed at any time before the expiration of one year after such final determination. Such assessment may be made regardless of whether the assessment of a deficiency for such taxable year is otherwise barred by the running of any period of limitations, by the decision of any court, including The Tax Court, or by any other provision (such as section 272 (f)) or rule of law. The reduction in tax under section 722 is finally determined, in cases in which the Commissioner's action is subject to review by The Tax Court under section 732, upon the expiration of the period for filing petition for review with The Tax Court or, if such petition is filed, upon the decision of The Tax Court becoming final, and in all other cases upon the Commissioner's sending notice by registered mail to the taxpayer of his final action on the application for relief under section 722. If the Commissioner should, at the request of the taxpayer, agree because of unusual circumstances to reconsider his action on an application, the immediately preceding sentence shall be applied with respect to the Commissioner's second determination.

PAR. 3. Section 35.729-2 is amended by adding at the end thereof the following new sentence: "For special rules with respect to cases in which the payment of excess profits tax is deferred under section 710 (a) (5), see § 35.710-5."

[F. R. Doc. 48-8957; Filed, Oct. 7, 1948; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket No. 9154]

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. On the basis of studies that have been made, it is proposed to revise that portion of the Standards of Good Engineering Practice concerning Standard Broadcast Stations which deals with the method of computing groundwave field intensity contours where the radiated signal from a transmitter traverses a path having more than one ground conductivity. It is proposed to change the title of Annex 1 to "Groundwave Signals" and to delete paragraph 4 of Annex 1 of the Standards of Good Engineering Practice concerning Standard Broadcast Stations (Page 8), and to substitute the text set out in paragraph 4 below.

3. It is believed that the use of the method described below in making groundwave field intensity calculations gives results more in keeping with the facts as determined by actual field measurements than either the so called "two-thirds rule" or the "decibel" method described in the present Standards, and in addition, it is sufficiently simple for practical application. This method (commonly referred to as the Kirke Method) was described in an unpublished report by H. L. Kirke of the British Broadcasting Corporation in 1943. The report, based on measurement and observation, sets forth in detail the manner of calculation. The Kirke method is presently used by the B. B. C. in predicting groundwave propagation.

4. The proposed text would read as follows:

Where a signal traverses a path over which different conductivities are shown to exist or are given by the map, the distance to a particular groundwave field intensity contour shall be determined by the use of the Kirke method.[14] According to this method a wave is considered to be propagated across a given conductivity according to the curve for a homogeneous earth of that conductivity. When the wave crosses from a region of one conductivity into a region of a second conductivity the equivalent distance of the receiving point from the transmitter changes abruptly but the field intensity does not. From a point just inside the second region the transmitter appears to be at that distance where on the curve for a homogeneous earth of the second conductivity the field intensity equals the value that occurred just across the boundary in the first region. Thus the equivalent distance from the receiving point to the transmitter may be either greater or less than the actual distance. An imaginary transmitter is considered to exist at that equivalent distance.

As an example of the use of the Kirke [14] method suppose on a frequency of 1000 kc an unattenuated field of 100 mv/m at one mile is radiated and that over a path having a conductivity of 10×10^{-14} e. m. u. for a distance 15 miles, 5×10^{-14} e. m. u. for the next 20 miles and 15×10^{-14} e. m. u. thereafter, it is desired to determine the distance to the 0.5 mv/m and 0.025 mv/m contours. By the use of the appropriate curves in Figure 4 it is seen that at a distance of 15 miles on the curve labeled 10×10^{-14} e. m. u. the field is 3.45 mv/m. The equivalent distance to this field intensity for a conductivity of 5×10^{-14} e. m. u. is 11 miles. Continuing on the propagation curve for the second conductivity the 0.5 mv/m contour is encountered at a distance of 27.9 miles from the imaginary transmitter. Since the imaginary transmitter was 4 miles nearer (15—11 miles) to the 0.5 mv/m contour, the distance from the contour to the actual transmitter is 31.9 miles (27.9+4 miles. The distance to the 0.025 mv/m contour is determined by continuing on the propagation curve for the second conductivity to a distance of 31 miles (11+20 miles) at which point the field is read to be 0.39 mv/m. At this point the conductivity changes to 15×10^{-14} e. m. u. and from this curve the equivalent distance is determined to be 58 miles which is 27 miles more distant than would obtain had a conductivity of 5×10^{-14} e. m. u. prevailed. Using now the curve representing the conductivity of 15×10^{-14} e. m. u. the 0.025 mv/m contour is determined to be at an equivalent distance of 172 miles. Since the imaginary transmitter was considered to be 4 miles closer at the first boundary and 27 miles farther at the second boundary the net effect is to consider the imaginary transmitter 23 miles (27—4 miles) more distant than the actual transmitter so that the actual distance to the 0.025 mv/m contour is determined to be 149 miles (172—23 miles).

5. The proposed amendment to the Standards of Good Engineering Practice is issued under the authority of 303 (b), (c), (e), (f), (g), and (r) of the Commissions Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the manner set forth herein, may file with the Commission on or before November 10, 1948 a statement or brief setting forth his comments. At the same time persons favoring the rules as proposed may file statements in support thereof. The Commission will consider all such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: September 30, 1948.

Released: October 1, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8916; Filed, Oct. 7, 1948; 8:46 a. m.]

[14] After H. L. Kirke of the British Broadcasting Corporation.

HOME LOAN BANK BOARD

Federal Savings and Loan System

[24 CFR, Part 203]

[No. 1093]

OPERATION

LOANS AND INVESTMENTS

OCTOBER 4, 1948.

Resolved that, pursuant to paragraph (c) of § 201.2 of the rules and regulations for the Federal Savings and Loan System (25 CFR, 201.2 (c)), notice is hereby given of a proposed amendment of Part 203 of said regulations (24 CFR, Part 203) by deleting therefrom the provisions of §§ 203.4, 203.10, 203.11, 203.12, 203.13 (b), 203.20, and 203.21 (24 CFR, 203.10, 203.11, 203.12, 203.13 (b), 203.20, 203.21) and inserting therein the following:

§ 203.10 *Real estate loans*—(a) *Definitions.* As used in this section:

(1) The term "loans on the security of first liens" on improved real estate means loans on the security of any instrument (whether a mortgage, deed of trust, or land contract) which makes the interest in the real estate described therein (whether in fee or in a leasehold extending or renewable automatically for a period of at least 50 years) specific security for the payment of the obligation secured by such instrument: *Provided,* The instrument is of such nature that, in the event of default, the real estate described in such instrument could be subjugated to the satisfaction of such obligation with the same priority as a first mortgage or a first deed of trust in the jurisdiction where the real estate is located.

(2) The term "home" means real estate upon which there is located a dwelling or dwellings for not more than four families.

(3) The term "combination of home and business property" means real property which is used in part for business purposes and in part for residence purposes for not more than four families, provided the use as a residence is of a bona fide character.

(4) The term "other improved real estate" means real estate other than a home or combination home and business property which, because of its state of improvement, produces sufficient income to maintain the property and retire the loan in accordance with the terms thereof.

(5) The term "improved real estate" means real estate which is, or which from the proceeds of the loan will become, a home, combination of home and business property, or other improved real estate.

(6) The term "installment loan" means any loan repayable in regular periodic payments, equal or unequal, sufficient to retire the debt, interest and principal, within the contract period: *Provided, however,* That the loan contract shall not require any subsequent periodic payment to be greater than any previous periodic payment.

(7) The term "insured loan" means a loan that is insured, or as to which the mortgagee is insured, or as to which a commitment for any such insurance has been made under the provisions of either the National Housing Act or the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

(8) The term "guaranteed loan" means a loan that is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

(b) *Lending powers under sections 13 and 14 of Chapter K.* Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of this Section are hereby approved by the Board:

(1) *Homes or combination of homes and business property*—(i) *Monthly installment loans.* Installment loans may be made on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, repayable monthly within 20 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided*, That, when the members of such an association have authorized loans to be made for an amount exceeding 75 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(*a*) 80 percent of the value, if the loan is not an insured or guaranteed loan;

(*b*) The maximum percentage of the value acceptable to the insuring agency, if an insured loan;

(*c*) 80 percent of the value, plus the amount guaranteed if a guaranteed loan.

(ii) *Other installment loans.* Loans of any type that such an association may make on a monthly installment basis may also be made with interest payable at least semi-annually and with regular periodic principal installments payable at least annually in an amount sufficient to retire the debt, interest and principal, within 5 years, or, subject to the limitations of paragraph (h) of this section (for which purpose all such loans as are not fully repayable within 5 years shall be deemed "Non-installment Loans"), within 15 years: *Provided*, That insured or guaranteed loans may be repayable upon such terms as are acceptable to the insuring or guaranteeing agency.

(iii) *Loans without full amortization.* Loans of any type that such an association may make on a monthly installment basis may also be made without full amortization of principal: *Provided*, That, except for insured or guaranteed loans, interest shall be payable at least semi-annually and any such loan may be made for an amount not in excess of 50 percent of the value and for a term of not more than 5 years: *And provided further*, That, if the members have authorized loans to be made without full amortization up to such higher percentage, such loans may be made for an amount not in excess of 60 percent of the value and for a term of not more than 3 years.

(2) *Other improved real estate*—(i) *Monthly installment loans.* Installment loans may be made on other improved real estate for an amount not in excess of 50 percent of the value thereof, repayable monthly within 20 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided*, That, when the members of such an association have authorized loans to be made upon such security for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(*a*) The maximum percentage acceptable to the insuring agency, if an insured loan;

(*b*) 75 percent of the value of five-family or six-family residential property;

(*c*) 60 percent of the value of residential property for more than six families but for not more than twelve families;

(*d*) 66⅔ percent of the value of property used primarily for residential purposes: *Provided*, That the loan is an installment loan repayable monthly within a period of 15 years;

(*e*) 60 percent of the value of real estate which is improved by an income-producing structure thereon: *Provided*, That the loan is an installment loan repayable monthly within a period of 15 years;

(*f*) The percentage of value that such an association may otherwise lend under this subparagraph plus the amount guaranteed, if a guaranteed loan: *Provided*, That any percentage of value may be loaned if at least 20 percent of the loan is guaranteed.

(ii) *Other loans.* Loans of any type that such an association may make on a monthly installment basis may also be made upon any other plan of repayment: *Provided*, That, except for insured or guaranteed loans, interest shall be payable at least semi-annually and any such loan may be made for an amount not in excess of 50 percent of the value and for a term of not more than 5 years: *And provided further*, That, if the members have authorized loans to be made without full amortization up to such higher percentage of the value of other improved real estate used primarily for residential purposes, such loans may be made for an amount not in excess of 60 percent of the value thereof and for a term of not more than 3 years.

(c) *Lending powers under sections 11 and 12 of Charter E.* Any Federal association which has Charter E may, under sections 11 and 12 thereof, make monthly installment loans, repayable in not less than 5 nor more than 20 years, on the security of first liens on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, and on other improved real estate for an amount not in excess of 50 percent of the value thereof.

(d) *Lending powers under other charter provisions.* Any Federal association that has amended Charter K by the addition thereto of § 14.1 of this title, as set out in these rules and regulations and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon authorization by its board of directors and without further action by its members, make the following types of loans and the use by any such association of the applicable loan plans, practices, procedures, and maximum lending percentages is hereby approved by the Board:

(1) Any loan that a Federal association which has Charter K may make under paragraph (b) of this section;

(2) Any guaranteed loan on the security of a lien, other than a first lien, on real estate: *Provided*, At least 20 percent of the loan is guaranteed.

(e) *Participation loans.* Any Federal association may participate with other lenders in making loans of any type that such an association may otherwise make: *Provided*, That:

(1) The real estate security is located within such association's regular lending area;

(2) Each of the lenders is either an instrumentality of the United States Government or is insured by the Federal Savings and Loan Insurance Corporation or by the Federal Deposit Insurance Corporation.

(f) *Purchase of loans.* Any Federal association may purchase loans of any type that it may make: *Provided*, That no loan may be purchased from an affiliated institution without the prior approval of the Board, or from a director, officer, or employee of such association, or from any person or firm regularly serving such association in the capacity of attorney-at-law; *And provided further*, That if such an association increases its share accounts as a part of any such purchase it shall obtain such approval as is required by § 301.17 of the rules and regulations for insurance of accounts.

(g) *Lending area.* The regular lending area of a Federal association consists of the area within a radius of fifty miles from such association's home office and, in the case of a Federal association which is converted from a State-chartered institution, that territory beyond fifty miles from its home office in which such association made loans while operating under State charter. Any Federal association may make loans in its regular lending area and, within the 15-percent-of-assets limitation as defined in paragraph (h) of this section, in other territory: *Provided*, That such association shall comply with § 301.11 of the rules and regulations for insurance of accounts. Each converted association that desires to continue to make loans beyond fifty miles from its home office in territory in which it made loans while operating under State charter shall file with the Board a map showing the territory within which such association made loans while operating under State charter. For the purpose of this paragraph a county is the unit of "territory" in which a converted association made loans beyond a radius of fifty miles from its home office while operating under State charter.

(h) *Real estate loans and investments subject to 15-percent-of assets limitation.* Any Federal association may make loans of the types enumerated in subparagraphs (1) through (4) of this paragraph on the security of first liens on improved real estate only when the resulting aggregate amount of the following investments does not exceed 15 percent of the association's assets:

(1) Loans in excess of $20,000, after deducting each part of any such loan, if secured by a blanket mortgage, which is apportionable in an amount not exceeding $20,000 to each home or combination of home and business property which is a part of the security.

(2) Loans on other improved real estate.

(3) Loans on improved real estate located beyond the association's regular lending area.

(4) Non-installment loans.

(5) Real estate owned, except:

(i) Property owned and occupied by the association as its office;

(ii) Homes or combination of homes and business property which are located within the regular lending area and which have a book value of not more than $20,000 each;

Provided, That any guaranteed loan, at least 20 percent of which is guaranteed, made by any Federal association that has amended Charter K by the addition thereto of § 14.1 of this title, as set out in these rules and regulations or any Federal association which has a charter in any other form not inconsistent with the provisions of this section, is exempt from the limitations of this paragraph.

(i) *Loans to directors, officers, or employees.* A Federal association may not make any real estate loans to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except loans on the security of a first lien on the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney or firm.

(j) *Appraisals.* No loan shall be made by any Federal association until at least two qualified persons designated by its board of directors shall have submitted a signed appraisal of the real estate security; or, if an insured or guaranteed loan, until two qualified persons designated by the board of directors (one of whom may be the appraiser accepted by the insuring or guaranteeing agency) shall have concurred in or approved, in writing, the valuation assigned to the real estate security by the appraiser accepted by the insuring or guaranteeing agency; *Provided*, That any Federal association which has amended its Charter by the addition thereto of § 14.1 of this title, as set out in these rules and regulations and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, when authorized by its board of directors, make any insured or guaranteed loan on the basis of an appraisal of the real estate security made by the appraiser accepted by the insuring or guaranteeing agency.

(k) *Initial loan charges.* No director, officer, or employee of a Federal association, and no person or firm regularly serving such association in the capacity of attorney-at-law, may receive from the association or from any other source any fee or other compensation of any kind in connection with the procuring of any particular loan from or by such association. Borrowers may be required to pay the necessary initial charges in connection with the making of a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, closing of the loan, and other necessary incidental services and costs in such reasonable amounts as may be fixed by the board of directors; such necessary initial charges may be collected by the association from the borrower and paid to any person, including any such director, officer, employee, attorney or firm rendering such services. Upon the closing of the loan, the association shall furnish the borrower a loan settlement statement showing in detail the charges or fees the borrower has paid or obligated himself to pay to the association or to any other person in connection with such loan; and a copy of such loan settlement statement shall be retained in the records of the association.

(l) *Loan contract.* Each loan shall be evidenced by note, bond, or other instrument and shall be secured by such security instrument as is in keeping with sound lending practices in the locality. The loan contract shall provide for full protection to the Federal association and shall be recorded; it shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs, and it may provide for an assignment of rents and for such other protection as may be lawful or appropriate. Such Federal association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans; all such payments may, when lawful, be added to the unpaid balance of the loan. A Federal association may require life insurance to be assigned to it by its borrowers as additional collateral for loans on the security of real estate; such association may advance premiums on any such life insurance and, when lawful, may add the premium so advanced to the unpaid balance of the loan. A Federal association may require that the equivalent of one-twelfth of the estimated annual taxes, assessments, insurance premiums, and other charges on real estate security, or any of them, be paid in advance to such association in addition to interest and principal payments on its loans, to enable the association to pay such charges as they become due from the funds so received. A Federal association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which such association has loans or which is owned by it. All loan instruments shall comply with applicable provisions of law, governmental regulations, and the Federal association's charter.

(m) *Loan payments.* Payments on the principal indebtedness of all loans on real estate security shall be applied direct to the reduction of such indebtedness. Payments on all monthly installment loans, other than construction loans, insured loans, and guaranteed loans, shall begin not later than sixty days after the advance of the loan; insured loans and guaranteed loans may be repayable upon terms acceptable to the insuring or guaranteeing agency and the Board hereby approves for use by any Federal association a loan plan wherein payments on any construction loans that such association may otherwise make under this section shall begin not later than 6 months after the date of the first advance. The Board hereby approves for use by any Federal association (except Federal associations that have Charter E) a loan plan wherein the association may require the payment of not more than six months' advance interest on the amount of any prepayment on a loan when the aggregate amount of such prepayments in any one year equals or exceeds twenty percent of the original principal amount of the loan: *Provided*, That the loan contract makes express provision therefor.

(n) *Reserve for uncollected interest.* A "reserve for uncollected interest" shall be maintained equivalent to all interest in default more than 90 days.

§ 203.11 *Loans on savings accounts.* Any Federal association may make loans on the security of its savings accounts, whether or not the borrower is the owner of such account; *Provided*, That the association obtains a lien upon, or a pledge of, such savings account as security therefor. No such loan may exceed the withdrawal amount of the savings account securing the loan or the maximum percentage thereof which the association is authorized by its charter to lend upon such security, whichever is less, and no such loan may be made when the association has any application for withdrawal which has been on file more than 30 days and not reached for payment.

§ 203.12 *Unsecured loans.* Any Federal association that has amended Charter K by the addition thereto of § 14.1 of this title, as set out in these rules and regulations and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon adoption of such a loan plan by its board of directors, make or purchase:

(a) Any unsecured loan at least 20 percent of which is guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended;

(b) Simple-interest, discount, or gross-charge loans for property alteration, repair, or improvement (except business loans provided by section 503 of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, and not secured by lien on real estate) without the security of a lien upon such property: *Provided*, That:

(1) The net proceeds of any such loan do not exceed $1,500;

(2) The property is located in such association's regular lending area as defined in § 203.10 (g);

(3) Each such loan is evidenced by one or more negotiable notes, bonds, or other written evidences of debt;

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 15 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 5 years;

And provided further, That any such loan for property alterations, repair, or improvement that is accepted for insurance under the provisions of the National Housing Act, as now or hereafter amended, or for insurance or guarantee under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, may be repayable upon such terms and within such period as are acceptable to the insuring or guaranteeing agency and in an amount not exceeding $2,500: *Provided,* That no Federal association may make any unsecured loan to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except for the alteration, repair, or improvement of the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney or firm.

(Sec. 5 (a), (c), 48 Stat. 132, 133; 12 U. S. C. 1464 (a), (c); Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 48-8956; Filed, Oct. 7, 1948; 8:54 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 3088]

EASTERN AIR LINES, INC.; REMOVAL OF WINSTON-SALEM-GREENSBORO RESTRICTION

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Eastern Air Lines, Inc., for amendment of its certificates for routes Nos. 5 and 6 so as to remove restrictions preventing service to Greensboro/High Point and Winston-Salem on the same flight.

Notice is hereby given that hearing in the above-entitled proceeding, now assigned to be held on October 11, 1948, at 10:00 a. m. (eastern standard time) in Room 2015, Temporary Building No. 5, 16th Street and Constitution Avenue N. W., Washington, D. C., is postponed to a time and place to be designated in the future.

Dated at Washington, D. C., October 4, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-8936; Filed, Oct. 7, 1948; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 26]

DESIGNATION OF MOTIONS COMMISSIONER FOR OCTOBER, 1948

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1948:

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that Paul A. Walker Commissioner, be and he is hereby, designated as Motions Commissioner for the month of October 1948.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-8947; Filed, Oct. 7, 1948; 8:53 a. m.]

[Docket No. 8990]

RCA COMMUNICATIONS, INC.

ORDER DESIGNATING APPLICATIONS FOR HEARING

In the matter of RCA Communications, Inc., applications for modification of licenses to add Tel Aviv, Israel, as a point of communication; Docket No. 8990.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of September 1948;

The Commission, having under consideration its order of May 12, 1948, designating the above applications for hearing;

It is ordered, That the hearings herein shall be held at the offices of the Commission at Washington, D. C., beginning at 10:00 a. m. on the 13th day of December 1948;

It is further ordered, That Commissioner Paul A. Walker is assigned to preside at the hearings in the above-entitled matter, and that an initial decision, in lieu of the Commission's proposed decision, be prepared by the presiding officer in accordance with the provisions of § 1.851 (b) and (c) of the rules and regulations of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-8948; Filed, Oct. 7, 1948; 8:53 a. m.]

[Docket No. 9152]

IDAHO BROADCASTING AND TELEVISION CO. (KGEM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Idaho Broadcasting and Television Company (KGEM), Boise, Idaho, for modification of construction permit; Docket No. 9152, File No. BMP-3543.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of September 1948;

The Commission having under consideration the above-entitled application of Idaho Broadcasting and Television Company requesting that its construction permit to operate on 1140 kc, with 10 kw power, DA-N, U at Boise, Idaho, be modified so as to effect a change in directional antenna day and night, directional antenna pattern and for approval of transmitter site.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the technical and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate station KGEM as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station KGEM as proposed and the character of other broadcast service available to those areas and populations.

3. To determine whether the operation of station KGEM as proposed would involve objectionable interference with stations WRVA, Richmond, Virginia and KGDM, Stockton, California or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the operation of station KGEM as proposed would involve interference with stations XENT, Neuvo, Laredo, Mexico and CJCJ, Calgary, Alberta as defined in the North American Regional Broadcasting Agreement and, if so, the nature and extent thereof.

5. To determine whether the operation of station KGEM as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station KGEM as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with reference to the population situated within the blanket area.

It is further ordered, That, Larus and Bro. Company, Incorporated, licensee of station WRVA, Richmond, Virginia and E. F. Peffer, licensee of station KGDM, Stockton, California be, and they are hereby, made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-8950; Filed, Oct. 7, 1948; 8:53 a. m.]

[Docket No. 9153]

CAROLINA TELEPHONE AND TELEGRAPH CO. AND COLUMBUS TELEPHONE CO.

ORDER DESIGNATING APPLICATION FOR HEARING

In the matter of the joint application of Carolina Telephone and Telegraph Company and H. R. Cook, trading and doing business under the name of Columbus Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended; Docket No. 9153, File No. P-C-1956.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of September 1948;

The Commission, having under consideration the joint application filed by the Carolina Telephone and Telegraph Company and H. R. Cook, trading and doing business under the name of Columbus Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by the Carolina Telephone and Telegraph Company of certain telephone plant and property of H. R. Cook, located in Columbus County, North Carolina, will be of advantage to persons to whom service is to be rendered and in the public interest;

It is ordered, That pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon the said application be held at the offices of the Commission in Washington, D. C. beginning at 10:00 a. m. on the 9th day of November 1948, and that a copy of this order shall be served on the Carolina Telephone and Telegraph Company, H. R. Cook, and also on the Governor of North Carolina, the Public Utilities Commission of North Carolina, the Postmasters and the cities of Whiteville, Chadbourn, Tabor City and Hallsboro, North Carolina;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicants herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Columbus County, North Carolina, and shall furnish proof of such publication at the hearing herein.

Notice is hereby given that § 1.857 of the Commission's rules and regulations shall not be applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-8949; Filed, Oct. 7, 1948; 8:53 a. m.]

[Docket Nos. 8940, 8942, 8943, 8944, 8971, 9062]

HUDSON VALLEY BROADCASTING CO., INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Hudson Valley Broadcasting Company, Inc., Albany, New York, Docket No. 8940, File No. BPCT-389; Patroon Broadcasting Company, Inc., Albany, New York, Docket No. 8942, File No. BPCT-405; Van Curler Broadcasting Corporation, Albany, New York, Docket No. 8943, File No. BPCT-408; Troy Broadcasting Company, Inc., Troy, New York, Docket No. 8944, File No. BPCT-412; Meredith Champlain Television Corporation, Albany, New York, Docket No. 8971, File No. BPCT-421; Troy Record Company, Troy, New York, Docket No. 9062, File No. BPCT-487; for construction permits.

Whereas, the above-entitled applications are presently scheduled to be heard in a consolidated proceeding on September 27, 1948, at Albany, New York; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 21st day of September 1948, that the hearing on the above-entitled applications be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-8917; Filed, Oct. 7, 1948; 8:46 a. m.]

[Docket No. 9151]

GLENN WEST

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Glenn West, Portland, Indiana, Docket No. 9151, File No. BP-6785; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of September 1948;

The Commission having under consideration the above-entitled application of Glenn West for a construction permit for a new standard broadcast station to operate on 1440 kc, 250 w power, daytime only, at Portland, Indiana.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with stations WIRE, Indianapolis, Indiana, WANE, Fort Wayne, Indiana, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and particularly with respect to the assignment of a Class IV station on a regional channel.

It is further ordered, That Indianapolis Broadcasting, Inc., licensee of station WIRE and Radio Fort Wayne, Inc., licensee of station WANE, be, and they are hereby, made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-8918; Filed, Oct. 7, 1948; 8:46 a. m.]

[Docket No. 8135]

SPARTANBURG RADIO CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Robert L. Easley, tr/as Spartanburg Radio Company,

Spartanburg, South Carolina, Docket No. 8135, File No. BP-5763; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of September 1948;

The Commission having under consideration the above-entitled application of Robert L. Easley tr/as Spartanburg Radio Company for a construction permit for a new standard broadcast station to operate on 1220 kc, with 1 kw power, daytime only at Spartanburg, South Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant and stockholders to construct and operate the proposed station.

2. To obtain full information concerning the conduct of Robert L. Easley as general manager of Station WRNO, Orangeburg, South Carolina, and to ascertain the circumstances surrounding the termination of his association with that station, with particular reference to the complaint filed against the said Easley in the Court of Common Pleas for the County of Orangeburg, State of South Carolina, by WRNO, Inc.

3. To obtain full information concerning the termination of the employment of Robert L. Easley as radio engineer with the State Highway Department of South Carolina.

4. To determine the areas and population which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

5. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

6. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8919; Filed, Oct. 7, 1948; 8:46 a. m.]

[Docket No. 9155]

WILMINGTON TRI-STATE BROADCASTING CO. (WAMS)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Wilmington Tri-State Broadcasting Co. (WAMS), Wilmington, Delaware, Docket No. 9155, File No. BML-1308; for modification of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 30th day of September 1948;

The Commission having under consideration the above-entitled application of Wilmington Tri-State Broadcasting Co., Wilmington, Delaware, for a modification of the license of Station WAMS, presently operating on 1380 kc, 1 kw, DA-1, sharing time with Station WAWZ, Zarephath, New Jersey, so as to operate simultaneously with Station WAWZ daytime and continue to share time at night;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WAMS as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of station WAMS as proposed would involve objectionable interference with station WAWZ, Zarephath, New Jersey, or with any other existing broadcast stations or any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of Station WAMS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8920; Filed, Oct. 7, 1948; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6165]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF APPLICATION

Correction

OCTOBER 5, 1948.

A typographical error appearing in the above notice published September 25, 1948 (13 F. R. 5617), should be corrected by changing the figure "33,370" shares of common stock appearing in the 17th line of said notice, to read "33,730" shares of common stock.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8939; Filed, Oct. 7, 1948; 8:50 a. m.]

[Docket No. G-704]

TRANS-CONTINENTAL GAS PIPE LINE CO., INC.

ORDER FIXING DATE OF HEARING ON PETITION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 4, 1948.

It appearing to the Commission that:

(a) On September 23, 1948, Trans-Continental Gas Pipe Line Company, Inc. (Trans-Continental) filed a petition to amend the Commission's order of May 29, 1948, issuing a certificate of public convenience and necessity to the aforementioned company;

(b) In such petition to amend, Trans-Continental stated that:

(i) It proposed to substitute 1,210 miles of 30-inch pipe in lieu of the 26-inch pipe and to make certain changes in compressor stations and compressor horsepower as heretofore authorized;

(ii) It has recently entered into contracts for the purchase and delivery of sufficient steel and steel pipe to meet its entire steel requirements with respect to its proposed project;

(iii) The cost of the project as now proposed is estimated to be $189,810,154 and it has been assured that the project can be financed;

(iv) The price of gas to the market customers will remain approximately thirty-one cents per Mcf;

(v) The project as now proposed is economically feasible.

The Commission, upon consideration of the petition to amend its order of May 29, 1948, in this matter, finds that: It is in the public interest to hold hearings on the petition to amend said prior order of May 29, 1948, issuing certificate of public convenience and necessity for the purpose of receiving additional evidence on the matters set forth in paragraph (b) above, and such other evidence as may bear upon the matters set forth in the petition to amend, filed September 23, 1948. The Commission, therefore, orders that:

(A) The public hearing in the above-entitled matter to be resumed at 10:00 a. m. (e. s. t.) on October 15, 1948, in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., limited to the receipt of evidence with respect to Trans-Continental's petition filed September 23, 1948, to amend the Commission's order of May 29, 1948, issuing a certificate of public convenience and necessity to that company.

(B) Nothing contained in this order shall be construed as in any manner changing, affecting, or staying the Commission's order adopted May 29, 1948, issuing a certificate of public convenience and necessity to Trans-Continental Gas Pipe Line Company, Inc.

(C) All interveners in this proceeding may participate in such further hearing in accordance with leave heretofore granted by the Commission.

(D) Interested State Commissions May participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 4, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R Doc. 48-8940; Filed, Oct. 7, 1948; 8:50 a. m.]

[Docket Nos. G-1089, G-1127]

TEXAS EASTERN TRANSMISSION CORP. AND VILLAGE OF NORRIS CITY

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

OCTOBER 4, 1948.

In the matter of Texas Eastern Transmission Corp., Docket No. G-1089; Village of Norris City, Docket No. G-1127.

Upon consideration of the application filed September 4, 1948, by Village of Norris City, Illinois, a municipality organized under the laws of the State of Illinois with its principal place of business at Norris City, Illinois, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation to furnish natural gas service at wholesale to the Village of Norris City, Illinois, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G-1127 with the proceedings now in progress in Docket No. G-1089 for the purpose of hearing;

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on October 4, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of the Village of Norris City;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket No. G-1089;

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: October 4, 1948.

By the Commission. Commissioner Buchanan dissenting.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8941; Filed, Oct. 7, 1948; 8:51 a. m.]

[Docket No. G-1119]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF APPLICATION

OCTOBER 4, 1948.

Notice is hereby given that on September 8, 1948, Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation having its principal place of business at Charleston, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a 1760 hp. compressor station consisting of two (2) 880 hp. gas engine driven compressing units, complete with auxiliary equipment and piping, and compressor building, auxiliary building, dwelling and warehouse. Such station will be located on Applicant's natural-gas transmission pipe line designated as Line E running from North Means, Kentucky, to Foster, Kentucky, at a point approximately three miles north of the connection of said Line E with the 26-inch pipe line of Tennessee Gas Transmission Company at North Means, Kentucky.

Applicant proposes, by the installation of the proposed facilities, to increase the capacity of its said Line E from 79,300 Mcf to 100,500 Mcf daily so that Applicant will be able to utilize effectively full deliveries of 109,000 Mcf of natural gas per day available to Applicant from Tennessee Gas Transmission Company at Applicant's North Means delivery point.

It is stated in the application that construction of the proposed facilities is necessary in order for Applicant to maintain and provide adequate service to its present markets and to permit withdrawal of storage gas during winter periods. Applicant states that it does not intend to serve additional markets through the proposed facilities.

The estimated total overall capital cost of the proposed facilities stated in the application is $484,000, to be financed from funds to be provided by the issuance of 3¼% notes to Applicant's parent company, the Columbia Gas System, Inc. Applicant states that it has received authorization from the Securities and Exchange Commission to issue said notes.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Central Kentucky Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8942; Filed, Oct. 7, 1948; 8:51 a. m.]

[Docket No. IT-6097]

MARIAS RIVER ELECTRIC COOPERATIVE, INC. AND MONTANA POWER CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND RESCINDING PREVIOUS AUTHORIZATION

OCTOBER 4, 1948.

Notice is hereby given that, on September 30, 1948, the Federal Power Commission issued its order entered September 28, 1948, in the above-designated matter authorizing transmission of electric energy to Canada, rescinding previous authorization, and releasing Presidential Permit to applicant.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8927; Filed, Oct. 7, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

MEMORANDUM FINDINGS, OPINION AND ORDER OF COMMISSION

In the matter of The Middle West Corporation, Central and South West Utilities Company and American Public Service Company; File No. 54-81.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 1st day of October A. D. 1948.

The Commission, by Order dated April 30, 1946, approved a plan filed pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") relating to the merger and reorganization of American Public Service Company ("American") and Central and South West Utilities Company ("South West"), both registered holding company subsidiaries of The Middle West Corporation ("Middle West"), also a registered holding company, the surviving corporation being known as Central and South West Corporation ("Central"), also a registered holding company.[1]

The Commission, in its order approving the plan, reserved jurisdiction with respect to the reasonableness and appropriate allocation of all fees and expenses and other remunerations incurred and to be incurred in connection with the plan and the transactions incident thereto. Applications have been filed requesting allowances of fees and expenses

[1] See "The Middle West Corporation et al.," — S. E. C. — (1946), Holding Company Act Release No. 6606; "The Middle West Corporation et al.," — S. E. C. — (1947), Holding Company Act Release No. 7161.

and setting forth the nature and extent of the services for which compensation was requested, and public hearings were held with respect to such applications. Subsequent to the close of the hearings certain of the parties claiming fees and expenses reduced the amounts originally requested.

The fees and expenses now requested are as follows: [1]

To be paid by Central	Fees	Disbursements	Total
Counsel for Central			
Winthrop, Stimson, Putnam & Roberts [2]	$50,000	$5,305.76	$55,305.76
Richards, Layton & Finger	2,500	15.62	2,515.62
Swiren, Heineman & Antonow	1,500	.....	1,500.00
Total counsel for Central	54,000	5,321.38	59,321.38
Common stockholders committee [3]			
McLaughlin & Stern, counsel	45,000	.....	45,000.00
John D. Butt, committeeman	1,500	.....	1,500.00
Lester J. Dickinson, committeeman	1,500	374.15	1,874.15
M. L. Sindeband, financial adviser	4,000	.....	4,000.00
Owen Ely, financial adviser	500	.....	500.00
Michael Pesentello, financial adviser	300	.....	300.00
Disbursements of committee	.....	3,700.00	3,700.00
Total, committee	52,800	4,074.15	56,874.15
Other counsel for security holders			
Benjamin Mahler	35,000	.....	35,000.00
Jesse J. Holland [4]	2,500	600.46	3,100.46
Total other counsel	37,500	600.46	38,100.46
Total to be paid by Central [5]	.....	.....	154,295.99
Counsel fees to be paid by Middle West			
Winthrop, Stimson, Putnam & Roberts [2]	25,000	.....	25,000.00
Swiren, Heineman & Antonow	8,500	1,443.28	9,943.28
Total to be paid by Middle West	.....	.....	34,943.28

[1] In addition to the applications listed in the table, an application for an allowance was filed by Albert S. Turner, and for the reasons hereinafter set forth, this request has been disallowed.

[2] The application of this firm originally requested an allowance of fees in the amount of $125,000, of which $11,000 was allocated to Middle West and the balance to Central, covering services performed in connection with the section 11 (b) (2) proceedings involving Central and Middle West and for services rendered in the Section 11 (e) proceedings.

[3] The Common Stockholders Committee originally requested fees and expenses as follows: McLaughlin & Stern, Counsel, $175,000; John D. Butt, $7,500; and Lester J. Dickinson, $5,000 plus $374.15 expenses, and expenses in the amount of $11,541.60 which included charges for the three financial advisers in the aggregate amount of $7,899.

[4] Holland originally requested an allowance of $5,000 and reimbursement for expenses amounting to $660.46.

[5] The Commission, by order dated November 12, 1947, released jurisdiction as to expenses incurred with respect to solicitation of exchanges of stock. These expenses were as follows: Lehman Bros., Managers, $10,714.58, and Isham, Lincoln & Beale, Attorneys for the Managers, $8,000 for and $1,333.85 expenses. See "The Middle West Corporation, et al.", Holding Company Act Release No. 7838.

Central and Middle West have indicated that they have no objection to the allocation and payment of certain of the fees and expenses. We turn now to consider whether the requests for allowances are reasonable, appropriately allocated, and compensable out of the estate.

In determining the reasonableness of fees and expenses in section 11 (e) cases the Commission has held that compensation may be paid out of the estate only for such services as have contributed to the formulation of a plan finally adopted or the defeat of a plan found to be unsatisfactory, or which have otherwise been beneficial to the estate.[2]

The plan was designed to effectuate compliance with the requirements of section 11 (b) of the act and with our order of June 4, 1942, issued thereunder, which directed the termination of the corporate existence of either South West or American and required that the capitalization of the surviving company be limited to a single class of stock, namely, common stock.[3] Briefly, the plan provided for the merger of American into Central, the latter being recapitalized so as to have outstanding 6,600,000 shares of new common stock, and for the sale at competitive bidding of a sufficient amount of the new common stock to retire the preference stocks of American and South West at their call prices, subject to the right of the holders of such preference stocks to elect to exchange their shares at the public offering price for the common stock of the new company. It was further provided that the remainder of such common stock was to be issued in exchange for the common stocks of South West and American. Under this provision public holders of the outstanding common stock of South West and American received approximately 39% of such remaining shares. In addition, the public common stockholders received, by way of settlement of all of the claims against Middle West, approximately 285,000 shares of the common stock of the new company. For its holdings of preference and common stocks, Middle West received approximately 51% of the new common stock of Central.

Central and Middle West have filed applications for release of jurisdiction with respect to proposed payments of legal fees and expenses, as indicated in the table above, in the amount of $59,321.38 and $34,943.28, respectively. Winthrop, Stimson, Putnam & Roberts, who appeared as counsel for Central, originally filed a request for an allowance of fees in the amount of $125,000 covering services rendered by the firm in connection with these proceedings on the plan and for services in connection with the section 11 (b) (2) proceedings instituted by the Commission, which preceded the submission of the plan. Of the allowance originally requested, $11,000 was allocated to Middle West and the balance to Central. Subsequently, this firm amended its request for an allowance to cover only its services in connection with the section 11 (e) proceedings [4] and reduced the amount of the requested allowance to $75,000, allocating $50,000 and $25,000 to Central and Middle West, respectively. It is clear from the record that the services of this firm benefited Middle West as well as Central and recognizing the difficulty of precisely determining a proper allocation of the fee, we find no basis for disagreement with the proposal. In the light of the complexities of the problems and the work involved, the size of the estate and the benefits conferred, we find that the requested allowance for fees in the amount of $75,000 and the reimbursement for expenses in the amount of $5,305.76 is reasonably commensurate with the benefits conferred and we shall authorize the payment thereof.

As indicated above, Central has requested authority to pay $2,500 as a fee for services to the firm of Richards, Layton and Finger. The record indicates that this firm was retained by South West on matters of Delaware law arising in connection with the merger and also in connection with certain appellate proceedings on the plan. Middle West has also requested authority to pay Swiren, Heineman and Antonow $8,500 as a fee for services and $1,443.28 as reimbursement for expenses. This firm was retained by Middle West in connection with appellate proceedings on the plan and the firm acted on behalf of Middle West in the enforcement proceedings in the United States District Court for the District of Delaware. This firm also represented Central in the hearings on the various fee applications, and Central has requested authority to pay $1,500 for these services. We find that these proposed payments are for necessary services and reasonable in amount, and we shall authorize their payment.

A Common Stockholders Committee represented by McLaughlin & Stern, as Counsel, entered an appearance during the course of these proceedings and actively participated on behalf of the public common stockholders of South West. The record indicates that McLaughlin & Stern originally appeared as counsel for certain of the common stockholders of South West in September 1945 at an oral argument before the Commission and opposed the approval of a then pending plan, and were instrumental in having the hearings on that plan reconvened for the purpose of taking additional evidence. In the interval required for further hearings on this plan, improvements in general market levels made feasible the modification of this plan with the result that a greater participation was accorded to the public common stockholders of South West. Counsel for the Committee participated

[2] See "Laclede Gas Light Company et al.," — S. E. C. — (1947), Holding Company Act Release No. 7260. "Columbia Gas & Electric Corporation" et al., — S. E. C. — (1944), Holding Company Act Release No. 5460.

[3] The Middle West Corporation et al., 11 S. E. C. 533 (1942).

[4] Cf. "The United Gas Improvement Co. et al.", — S. E. C. — (1945), Holding Company Act Release No. 5570. We are informed that an agreement has been reached between Central, Middle West and Winthrop, Stimson, Putnam & Roberts for the payment by Central of $35,000 and by Middle West of $15,000 for the services of the firm in connection with the section 11 (b) (2) proceedings.

in negotiations resulting in these changes. Under the plan, as approved and consummated, the public common stockholders of South West received approximately 0.81 share of new common stock for each share of South West common stock as compared with the proposed allocation of one-half share under the earlier plan. Moreover, the participation by the Committee and its counsel in the compromise of the complex claims asserted for the subordination of the interest of Middle West provided independent representation of the publicly held common stock. In the light of the services of the Committee and its counsel in connection with the abandonment of the earlier plan and the formulation of the plan finally approved, we find that the participation by the Committee and its counsel were of benefit to the estate and that an allowance for fees in the amount of $52,800 and expenses in the amount of $4,074.15, as indicated above, is reasonably commensurate with the benefits conferred. It should be pointed out that while the application by the Committee does not include a request for an allowance for William J. McEnery, Chairman of the Committee, McEnery has filed a declaration of intention to request an allowance for his services in the reorganization. In order to conclude these matters, our order will provide a time limit for the prosecution of this asserted claim.

Benjamin Mahler appeared for himself and his wife as the holders of the junior preferred stock of South West and has requested an allowance of $35,000. He participated in the proceedings relating to the reorganization from the commencement of the action in 1940 by the Commission pursuant to section 11 (b) (2) of the act through the conclusion of the matter under section 11 (e) of the act, and until relatively late in the proceedings was the only representative of publicly-held securities participating in the proceedings. Early in the proceedings Mahler urged that the interests of Middle West be subordinated to those of the public stockholders of American and South West, and opposed the approval of the plan as originally filed, which gave no recognition to the asserted claims for subordination. As heretofore indicated, the plan, in the form approved, incorporated a compromise of these asserted claims. While Mahler's participation extended over the full course of these extended proceedings and assured that the claims of the preferred stockholders were persistently reiterated, the nature of his services was not extensive in either the detailed presentation of evidence or the presentation of novel contentions. On the other hand, he was the only advocate of the preferred stockholders' position in this regard and while his services can not be characterized as having influenced the precise terms of the plan or to have contributed substantially to the record upon which the special equities of the preferred stockholders were asserted, they did contribute to the general development of the plan. Under all the circumstances, we find that an allowance of $10,000 is reasonably commensurate with the services rendered and we shall approve the payment thereof.

Jesse J. Holland appeared as counsel for certain common stockholders of Central and Middle West and urged that the Board of Directors of Central be increased and be made more representative. He also urged the cancellation of the long-standing contract between Central and Middle West Service Corporation for management and supervisory services. Largely as the result of his efforts the Board of Directors was increased from seven to eleven members and the additional directorships were filled by persons who, at the time of their election, were not affiliated with Central or the Middle West system. The service contract was also canceled and the Board undertook an independent study of the question of whether the operating companies in the Central System require specialized services from Middle West Service Corporation. While Holland did not appear in the proceedings until after the plan had been approved by the Commission and enforced by the United States District Court for the District of Delaware, his services were of benefit to the estate. We find that an allowance of $2,500 plus expenses in the amount of $600.46 is reasonably commensurate with the benefits his services conferred upon the estate and we shall approve the payment thereof.

Albert S. Turner filed a request for an allowance of $3,700 for services to the prior lien stockholders of South West and certain preferred stockholders of American. This request for allowance was later increased to $20,609. Turner is in the brokerage business and employed by the brokerage firm of Auchincloss, Parker & Redpath in Philadelphia, Pennsylvania, and stated that he appeared on behalf of certain customers of the firm and others. We regard Turner's position as one who sold securities as a phase of his employment and who sought as an incidence of such employment to protect those securities in reorganization of the issuer as a part of the process of the retention of the good will of his employer's customers. Under such circumstances, he cannot look to the estate for compensation.[5] Apart from the foregoing, we are unable to find any rendition of service which on the merits would entitle Turner to compensation from the estate. He was, as stated in the record, "outraged at the fact that we were going to get common stock" and therefore opposed the plan which so provided. The fact that the plan, as finally approved, did embody a provision permitting cash retirements of preferred stock at the option of the holder was not something to which Turner can point as a contribution. It was only possible because of the general market rise which made possible the sale of common stock in an amount sufficient to generate cash required to retire preferred shares where the holders had so elected. The circumstance of market rise was entirely fortuitous and not to have taken it into account would have been to ignore the realities of the situation and, in this connection, Turner's contentions did not in any way influence the formulation of the final plan or aid us in approving it. After carefully considering the record made by Turner at the hearings on the plan and at the hearing in connection with his application for fees, we are of the opinion that Turner performed no services which may be compensated for out of the estate. Accordingly, his request for an allowance of fees in the amount of $20,609 is denied, and our order will so provide.

It is therefore ordered, That Central and South West Corporation and The Middle West Corporation pay the fees and expenses of counsel retained by each, as itemized herein, in the amounts of $59,321.38 and $34,943.28, respectively.

It is further ordered, That Central and South West Corporation pay the fees and disbursements of the Common Stockholders' Committee and its Counsel, as itemized herein, in the aggregate amount of $56,874.15; the fees and expenses of Benjamin Mahler in the amount of $10,000; and the fees and expenses of Jesse J. Holland in the amount of $3,100.46.

It is further ordered, That the jurisdiction heretofore reserved in our Order dated April 30, 1946, with respect to the reasonableness and appropriate allocation of all other fees and expenses and other remunerations in connection with the plan and the transactions incident thereto be, and the same is, hereby released, except for the limited purpose of determining whether any allowance shall be made to William J. McEnery, Chairman of Common Stockholders' Committee, who has heretofore filed a notice of intention to file an application requesting compensation for his services.

It is further ordered, That any application for fees and allowances by William J. McEnery be filed not later than October 29, 1948.

It is further ordered, That the request of Albert S. Turner for an allowance be, and the same hereby is, denied.

By the Commission (Commissioners McConnaughey, McEntire, McDonald, and Rowen), Chairman Hanrahan being absent and not participating.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8934; Filed, Oct. 7, 1948; 8:49 a. m.]

[5] See "Laclede Gas Light Company et al.," — S. E. C. — (1947), Holding Company Act Release No. 7260.

[File No. 70-1916]

LANCASTER COUNTY GAS CO. AND UNITED GAS IMPROVEMENT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October 1948.

Notice is hereby given that The United Gas Improvement Company ("UGI"), a registered holding company, and its subsidiary, Lancaster County Gas Company ("Lancaster"), have filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act").

Applicants-declarants have designated sections 6 (b), 9, 10, and 12 of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

UGI has entered into an agreement with Pennsylvania Power & Light Company ("Pennsylvania"), a non-affiliated company, providing for the sale by the latter and the purchase by Lancaster (a corporation organized and financed by UGI) of all the properties of Pennsylvania relating to the business of the manufacture, transmission, distribution, and sale of gas in Lancaster County, Pennsylvania, for a base purchase price of $1,450,000 in cash, plus the cost of (a) all gross capital additions to the gas properties made between January 1, 1948, and the date of closing, and (b) certain materials and supplies.

In order to provide Lancaster with sufficient funds to finance the acquisition of such properties and to provide Lancaster with necessary working capital, UGI proposes to purchase 50,000 shares of the $50 par value capital stock to be issued and sold by Lancaster for the sum of $2,500,000 in cash.

Applicants-declarants state that the acquisition by Lancaster of the gas properties to be acquired and the issue and sale by Lancaster of the 50,000 shares of its capital stock are subject to the jurisdiction of the Pennsylvania Public Utility Commission.

Notice is further given that any interested person may, not later than October 25, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 25, 1948, said joint application-declaration, as filed or as further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8933; Filed, Oct. 7, 1948; 8:48 a. m.]

[File No. 70-1951]

NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October A. D. 1948.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Public Service Company ("NEPSCO"), a registered holding company. Declarant designates section 12 (d) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the offices of the Commission for statement of the transactions therein proposed, which are summarized as follows:

NEPSCO owns 493,856.8 shares of the common stock, $10 par value, of Public Service Company of New Hampshire ("New Hampshire"), representing 58.9% of the presently outstanding common stock. NEPSCO now proposes to sell, at competitive bidding under Rule U-50, 200,000 shares of its holdings of the common stock of New Hampshire. The price which NEPSCO will receive for the common stock, the price at which it will be offered to the public, the names of the purchaser or purchasers and the number of shares subscribed for respectively, will be supplied by amendment. All of said shares of common stock of New Hampshire owned by NEPSCO have been pledged by it under a Bank Loan Agreement between NEPSCO and certain banks and trust companies, dated as of July 24, 1947, securing promissory notes of NEPSCO dated October 9, 1947, the balance of which is presently outstanding in the aggregate amount of $12,300,000. The net proceeds from the sale of New Hampshire's common stock will be applied toward the reduction of said promissory notes, the issuance of which were approved by orders of the Commission dated June 27, 1947, and September 12, 1947, as a part of the amended plan of NEPSCO for the retirement of its Prior Lien Preferred stock. This plan provided, inter alia, for a one year bank loan by NEPSCO from the First National Bank of Boston and four other banks and trust companies in an amount not in excess of $16,000,000. It further provided that, in the event of the loan, NEPSCO would, within one year after the date of the loan, sell, at competitive bidding pursuant to Rule U-50, or in such manner as the Commission may approve, sufficient of its holdings to repay the loan in full unless the Commission granted one or more extensions. On October 9, 1947, NEPSCO borrowed an aggregate amount of $13,500,000 to effect the retirement of its Prior Lien Preferred stock, which amount has now been reduced to $12,300,000. Under the Bank Loan Agreement, NEPSCO has the right to two successive renewals of one year each, provided the Commission approves such renewals. NEPSCO has now filed an application with the Commission proposing to renew its said bank notes for the period of one year from October 9, 1948, and requesting a one year extension to October 9, 1949 of the time within which NEPSCO must sell sufficient of its holdings of utility stocks to repay in full its said bank loan. The Commission has ordered a hearing with respect to said application on October 5, 1948.

Declarant states that no State Commission has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration and that said declaration should not be permitted to become effective except pursuant to further order of this Commission;

It is hereby ordered, Pursuant to the applicable provisions of the act and the rules and regulations thereunder, that a hearing with respect to said declaration be held on October 19, 1948, at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before October 18, 1948, his request or application therefor as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing and is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed sale by New England Public Service Company of the common stock of Public Service Company of New Hampshire meets the requirements of section 12 (d) of the act and the rules and regulations promulgated thereunder.

2. Whether the fees or other remuneration to be paid in connection with the proposed transactions are reasonable.

3. Whether the accounting entries proposed to be made by New England Public Service Company in connection with the proposed transactions are consistent with sound accounting principles and conform to the standards of the act and the rules promulgated thereunder.

4. Whether the proposed transactions as submitted, or as may be hereinafter modified, are consistent with the provisions of the amended plan of New England Public Service Company for the retirement of its Prior Lien Preferred stock, approved by orders of the Commission, dated June 27, 1947 and September 12, 1947.

5. Generally, whether the proposed transactions comply with all the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder, and whether, it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions in connection with the proposed transactions.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of this Commission shall serve a copy of this order by registered mail on New England Public Service Company, Public Service Company of New Hampshire, the Federal Power Commission, and on all other persons heretofore granted participation in the proceeding with respect to the retirement of Prior Lien Preferred stock of New England Public Service Company (File No. 59-15); and that notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8929; Filed, Oct. 7, 1948; 8:47 a. m.]

[File No. 70-1955]

NEW ORLEANS PUBLIC SERVICE, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of October A. D. 1948.

Notice is hereby given that New Orleans Public Service, Inc. ("New Orleans"), a utility subsidiary of Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (b) and 7 of the act and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

New Orleans proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50 $10,000,000 principal amount of its First Mortgage Bonds, ----------% Series, due 1978, to be issued under and secured by the Company's presently existing mortgage and deed of trust, dated as of July 1, 1944, as supplemented by a first supplemental indenture to be dated as of October 1, 1948. The application states that the proceeds from the sale of bonds will be used to carry forward the company's construction program and for other corporate purposes.

The application states that the proposed transaction has been expressly authorized by the City Council of the City of New Orleans, the State Commission of the State in which the company is organized and doing business.

Applicant requests that the Commission's order herein be issued as promptly as may be practicable and that it become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may not later than October 13, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 13, 1948, said application as filed or as amended may be granted as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file with this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8923; Filed, Oct. 7, 1948; 8:47 a. m.]

[File No. 70-1958]

CENTRAL AND SOUTH WEST CORP. AND PUBLIC SERVICE COMPANY OF OKLAHOMA

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of October A. D. 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") by Central and South West Corporation ("Central"), a registered holding company and its subsidiary, Public Service Company of Oklahoma, ("Public Service"). Applicants-declarants have designated sections 6, 7, 9 (a), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 18, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said joint application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 18, 1948, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

The authorized capital stock of Public Service consists of 203,500 shares of $100 par value 4% preferred stock, of which 98,500 shares are issued and outstanding, and 140,000 shares of $100 par value common stock, of which all of the issued and outstanding shares (111,167) are owned by Central.

Public Service proposes to amend its Articles of Incorporation so as to provide for the issuance of shares of $10 par value common stock to the holder of its 111,167 shares of outstanding $100 par value common stock, on the basis of ten shares of new common stock for each share of $100 par value common stock held, without otherwise changing the relative rights, preferences or privileges thereof. The proposed amendment will also provide for an increase in the total authorized number of shares of common stock to 2,000,000 shares of $10 par value and, in order to maintain the relative voting rights of the preferred and common stock, will provide for an increase from one vote per share to ten votes per share of preferred stock, in all cases where said stock is entitled to vote.

Public Service proposes to issue and Central proposes to acquire 1,111,670 shares of the new $10 par value common stock upon the surrender and cancellation by Central of its holdings of the outstanding 111,167 shares of the $100 par value common stock.

Public Service further proposes to issue as a common stock dividend, and Central proposes to acquire, 538,330 additional shares of the new $10 par value common stock of Public Service and in connection therewith Public Service proposes to transfer $5,383,300 from its Earned Surplus Account to its Common Stock Capital Account.

The Corporation Commission of the State of Oklahoma has issued an order authorizing the transactions proposed by Public Service.

Applicants-Declarants request that the Commission's order herein be issued as soon as practicable and that it become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8935; Filed, Oct. 7, 1948; 8:49 a. m.]

[File No. 70-1961]

DELAWARE COACH CO. AND SOUTHERN PENNSYLVANIA BUS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October 1948.

Notice is hereby given that a joint declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Delaware Coach Company ("Coach Company"), a wholly owned subsidiary of the United Gas Improvement Company, a registered holding company, and Coach Company's wholly owned subsidiary, Southern Pennsylvania Bus Company ("Bus Company"): Declarants designate section 12 of the act and Rule U-45 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than October 28, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 28, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Delaware Coach Company, on or before December 31, 1948, will advance to Bus Company on open book account without interest an aggregate of $400,000 in cash. The proceeds of the advance will be used by Bus Company, together with other cash, to defray, in part, the cost of rebuilding a garage recently destroyed by fire as well as for the purchase of 12 new buses.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8932; Filed, Oct. 7, 1948; 8:48 a. m.]

[File No. 70-1966]

UNITED CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October 1948.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The United Corporation ("United"), a registered holding company. Applicant-declarant has designated sections 10 (a) (1) and 12 (d) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than October 11, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 11, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

The Columbia Gas System, Inc. ("Columbia"), a subsidiary of United, has pending before the Commission a declaration with respect to the issue and sale to the holders of its common stock of 1,223,000 additional shares of such stock (File No. 70-1945, Holding Company Act Release No. 8533). Columbia proposes to offer such shares of common stock by distribution to its common stockholders in accordance with their preemptive rights, of transferable warrants evidencing rights to subscribe for one full share of such stock for each ten shares held and the privilege (referred to as the Additional Subscription Privilege in the declaration filed by Columbia) of subscribing for such of the additional shares of common stock as have not been subscribed for pursuant to such rights to subscribe, the offering price per share of such stock to be set by Columbia at a later date.

United, as the owner of 1,919 856 shares of the common stock of Columbia, proposes to subscribe for up to 191,985 shares of common stock of Columbia in accordance with its rights to subscribe, and up to 50,000 additional shares of such stock in accordance with the Additional Subscription Privilege, or to sell up to 1,919,856 rights to subscribe.

It is requested that the Commission's action upon this application-declaration be accelerated so as to insure that the corporation will have ample opportunity either to subscribe for the additional shares in question or to sell up to 1,919,856 rights to subscribe in an orderly manner in advance of the expiration date of the subscription offer.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8931; Filed, Oct. 7, 1948; 8:48 a. m.]

[File No. 70-1967]

MICHIGAN-WISCONSIN PIPE LINE CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of October A. D. 1948.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin"), a non-utility subsidiary of American Light & Traction Company ("American Light"), a registered holding company. Applicant designates section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Michigan-Wisconsin proposes to issue and sell $66,000,000 principal amount of 3⅝%, First Mortgage Bonds, due 1968, of which $59,400,000 would be sold to Metropolitan Life Insurance Company ("Metropolitan") and $6,600,000 principal amount would be sold to the Mutual Life Insurance Company of New York ("Mutual"). The bonds are to be issued under and secured by a Mortgage and Deed of Trust in favor of City Bank Farmers Trust Company, as corporate trustee. The bonds will be subject to a sinking fund which will retire the entire issue by the maturity date and provisions are made whereby the sinking fund may be accelerated under certain circumstances. Applicant proposes to issue and sell an aggregate of $12,000,000 principal amount of the bonds as promptly as possible during the year 1948 of which $10,800,000 principal amount will be sold to Metropolitan and $1,200,000 principal amount to Mutual. The balance of $54,000,000 principal amount of said bonds will be sold in the same proportion to Metropolitan and to Mutual during the year 1949, from time to time, as funds are needed, in not more than four lots of which no lot shall be less than $10,000,000 principal amount. A commitment fee computed at the rate of 1% per annum from October 1, 1948, will be paid on the $54,000,000 principal amount of bonds to be sold in the year 1949.

Applicant states that the net proceeds to be derived from the issuance and sale of the said bonds will be used to provide a portion of the funds required for the construction of the initial portion of a natural gas pipeline which will extend from the Hugoton Gas Field in the States of Texas and Oklahoma to the State of Wisconsin and to Austin Field (an underground storage field) in west central Michigan. It is stated that said initial portion of the pipeline will be capable of delivering approximately 75,000,000,000 cu. ft. of gas annually and will consist of approximately 800 miles of 24-inch line from the Hugoton Gas Field to a point near Joliet, Illinois, known as Wisconsin Junction together with a 22-inch line from Wisconsin Junction into the State of Wisconsin, a 22-inch line from Wisconsin Junction to Austin Field and an installed compressor capacity of approximately 48,000 horse power. It is also stated that the present estimated cost of such construction, including a reasonable allowance for working capital, will be approximately $88,000,000 of which $22,000,000 has already been made available through the issuance and sale to American Light of a like par amount of common stock.

Applicant requests an exemption from the requirements of section 6 (a) and 7 of the act pursuant to the last clause of the third sentence of section 6 (b) thereof. Applicant also requests an exemption from the competitive bidding requirements of Rule U-50.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that the application shall not be granted except pursuant to further order of the Commission.

It is ordered, That a hearing, with respect to said application, pursuant to applicable provisions of the act and the rules and regulations promulgated thereunder, be held on October 12, 1948 at 10:00 a. m., e. s. t., at the office of the Commission, 425 Second Street NW., Washington 25, D. C., in such room as the hearing room clerk in Room 101 shall on such date designate.

Any persons desiring to be heard or otherwise wishing to participate in the proceeding shall file with the Secretary of this Commission on or before October 11, 1948, a written request to be heard or otherwise participate as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson, or an officer or officers of this Commission designated by it for that purpose, shall preside at such hearing and that the hearing officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to this Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to the specification of additional matters or questions upon further examination:

(1) Whether the terms and conditions of the issue and sale of the bonds are appropriate in the public interest and in the interest of investors and consumers.

(2) Whether the Indenture securing the proposed bonds contains adequate protective provisions.

(3) Whether it is appropriate in the public interest and in the interest of investors and consumers to grant the request for an exemption from the provisions of Rule U-50.

(4) Whether the fees, commissions, and other remunerations to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

(5) Whether the accounting entries to record the proposed transactions on the books of the company are proper and conform with sound accounting principles and meet the requirements of the act.

(6) What terms or conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on the applicant, the Federal Power Commission, the Michigan Public Service Commission, and the Wisconsin Public Service Commission, and that further notice of said hearing shall be given to all other persons by publication of this notice and order in the FEDERAL REGISTER and that a general release of this notice and order shall be distributed to the press.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8930; Filed, Oct. 7, 1948; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11841]

MARGARETHA J. MIEKLEY

In re: Estate of Margaretha J. Miekley, deceased. File D-28-8787; E. T. sec. 10783.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaretha Hain, Hans Biesel, Charlotte Henning, Hans Perret, Gustav Perret, Alfred Perret, Richard Perret, and Kaethe Reibel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Margaretha Hain, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Margaretha J. Miekley, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Emile W. Eggmann, Executor, and Charlotte Margaretha Schuette, Executrix, acting under the judicial supervision of the Probate Court, St. Clair County, Illinois,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Margaretha Hain, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-8951; Filed, Oct. 7, 1948; 8:54 a. m.]

[Vesting Order 11950]

THEKLA OPASKA

In re: Estate of Thekla Opaska, deceased. File No. D-28-12249; E. T. sec. 16467.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alexandra Opaska, Alexandra Anastasia Opaska, and Lucy Opaska, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Thekla Opaska, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John T. Dempsey, Public Administrator, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8952; Filed, Oct. 7, 1948; 8:54 a. m.]

[Vesting Order 12077]

ANNA K. MUSELIUS

In re: Estate of Anna K. Muselius, deceased and trust under the will of Anna K. Muselius, deceased. File No. D-28-2334; E. T. sec. 3112.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Emile Simmross, nee Rovakamp, Carl Westermann, Anna Westermann, Addi Zygmanowski, Mietze (Betty) Weingardt and Mrs. Haltermann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the descendants, names unknown, of Mrs. Emile Simmross, nee Rovakamp, of Anna Rovakamp and of Betty Rovakamp, and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown of Meta Muselius, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the estate of Anna K. Muselius, deceased, and in and to the Trust established under the Will of Anna K. Muselius, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Passaic National Bank & Trust Company and Katherine E. Schmahl, as co-executors and trustees, acting under the judicial supervision of the Orphans Court, County of Passaic, Paterson, New Jersey;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the descendants, names unknown, of Mrs. Emile Simmross, nee Rovakamp, of Anna Rovakamp and of Betty Rovakamp and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown of Meta Muselius, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8953; Filed, Oct. 7, 1948; 8:54 a. m.]

[Vesting Order 12089]

GERTRUDE VON METZCH REICHENBACH

In re: Stock owned by Gertrude Von Metzch Reichenbach. F-28-28799-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Von Metzch Reichenbach, whose last known address is Hauptmanns Rente, 128 B Stuttgart, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of $100.00 par value preferred capital stock of International Agricultural Corporation, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 010347, registered in the name of Gertrude Von Metzch Reichenbach, together with all declared and unpaid dividends thereon, and all rights of exchange thereof, for shares of common capital stock of International Minerals & Chemical Corporation, 20 North Wacker Drive, Chicago, Illinois, and any and all declared and unpaid dividends and cash due thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8954; Filed, Oct. 7, 1948; 8:54 a. m.]

[Vesting Order 12097]

FUKUJIRO KUBO ET AL.

In re: Interests in real property, property insurance policies and a claim owned by Fukujiro Kubo and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fukujiro Kubo, and "Mary" Kubo and "Jane" Kubo, whose true given names are unknown, and whose last known addresses are Yaguchi, Kuchita-Mura, Asa-Gun, Hiroshima, Japan are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. An undivided one-quarter (1/4) interest in and to real property situated on the Island and County of Maui, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title and interest of Fukujiro Kubo, and "Mary" Kubo and "Jane" Kubo, whose true given names are unknown, in and to the following insurance policies:

Fire Insurance Policy No. B15076, issued by Home Insurance Company of Hawaii, Ltd., 129 South King Street, Honolulu, Territory of Hawaii, in the amount of $900.00, which policy expired August 27, 1948, and insures the property described as Parcel No. 1 of Exhibit A hereof, together with any and all extensions and renewals thereof,

Fire Insurance Policy No. 407677, issued by Columbia Insurance Company of New York, 55 Fifth Avenue, New York, New York, in the amount of $500.00, which policy expired January 15, 1948 and insures a portion of the property described as Parcel No. 2 of Exhibit A hereof, together with any and all extensions and renewals thereof,

Fire Insurance Policy No. 407678, issued by Columbia Insurance Company of New York, 55 Fifth Avenue, New York, New York, in the amount of $500.00, which policy expires January 15, 1950 and insures a portion of the property described as Parcel No. 2 of Exhibit A hereof, and

Fire Insurance Policy No. B15234, issued by Home Insurance Company of Hawaii, Ltd., 129 South King Street, Honolulu, Territory of Hawaii, in the amount of $1,100.00, which policy expires December 31, 1948 and insures the property described as Parcel No. 5 of Exhibit A hereof, and

c. That certain debt or other obligation owing to Fukujiro Kubo, and "Mary" Kubo and "Jane" Kubo, whose true given names are unknown, by Haruko Kubo Omura, Puukelii, Lahaina, Maui, Territory of Hawaii, arising out of their share of the rentals collected from the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel No. 1. All of that parcel of land situate in Polaiki, Lahaina, Island and County of Maui, Territory of Hawaii, containing an area of 10,630 square feet, and more particularly described by metes and bounds as follows:

Beginning at a pipe on the mauka side of Main Street, marking the northwest corner of this parcel, the coordinates of which referred to "Laina" Triangulation Station are 11392.1 feet south and 1508.9 feet west, and running by true azimuths:

1. 321°51' 85.00 feet along Main Street to a pipe;

2. 231°10' 125.6 feet to a pipe;
3. 141°24' 84.6 feet to a pipe;
4. 51°24' 125.0 feet along land of Mrs. Fitzgerald to the point of beginning, being a portion of Apana 4 of the land mentioned or

described in Land Commission Award 364 to John White, of Apana 4 of the land mentioned or described in Land Commission Award 6858 to Napapala, and of Apana 3 Award 7680 to Ulumuhelhel.

Parcel No. 2. All that certain piece or parcel of land on Main Street, at Aki, Lahaina, Maui, comprising R. P. 1737, L. C. A. 798 to Kanlau no Kalei; portion R. P. 594, L. C. A. 325 to M. Nowlein and portion R. P. 1735, L. C. A. 351 to Kaenaena, more particularly described as follows:

Beginning at an iron pipe at the north corner of this lot and on the makai side of Main Street and also marking the south corner of L. C. A. 3424 B; Ap. 1 to Kaleleiki; the coordinates of said iron pipe referred to Gov't. Survey Trig. Station "Laina" being 7110.3 feet south and 4360.4 feet west, and running by true azimuths:

1. 322°22' 165.3 feet along west side of Main St. to pipe
2. 59°00' 59.0 feet along Maui Trading Co. and sea to sea wall
3. 144°06' 155.5 feet along sea wall along sea
4. 229°04' 54.0 feet along wall and fence respectively along L. C. A. 3424-B; Ap. 1 to Kaleleiki to point of beginning and containing an area of 9025 square feet.

Parcel No. 3. Apana 2 of R. P. 4591 L. C. A. 3930 to Nauwele, situate in Honokowai, District of Kaanapali, Island and County of Maui.

Parcel No. 4. That certain parcel of land containing an area of 1.59 acres lying between the Kuleana of Kaukau and the boundary of Honokowai, beginning at an iron pipe at the S. W. corner of the lot on the E. side of the road, on the boundary of Honokowai, and 26.8 ft. 103°13' Az. from the pipe which marks the boundary of the Nauwele kuleana, and running—

281°42' Az. 103.8 ft. along Honokowai.
281°12' Az. 239.9 ft. along Nauwele kuleana to the pipe which marks the corner.
1°42' Az. 2.3 ft. along pipe.
281°42' Az. 313.6 ft. along Honokowai to an iron pipe.
189°14' Az. 112.1 ft. along fence of cane fields.
100°46' Az. 649.2 ft. along Kaukau kuleana to a redwood.
13°40' Az. 101.5 ft. along Gov. Road to I. P.

Parcel No. 5. All that certain piece or parcel of land situate in Kaanapali, County of Maui, Territory of Hawaii, being Apana 5 of those premises described in R. P. 4564 Grant No. 4260 to Kalualuka, and being the same premises conveyed to me by G. G. Seong in deed dated the 17th day of June A. D. 1924, recorded in the Office of the Registrar of Conveyances at Honolulu in Book 740 on Pages 463-464, containing an area of 38/100 of an acre.

[F. R. Doc. 48-8955; Filed, Oct. 7, 1948; 8:54 a. m.]

[Vesting Order 12075]

FRIDA WEBER HODGKINSON, ET AL.

In re: Frida Weber Hodgkinson, as trustee under the trust agreement dated December 30, 1944, and known as the "Weber Special Trust", plaintiff, vs. Marie Wieland, et al., defendants. File No. F-28-24244; E. T. sec. 16256.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Wieland, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $7,261.53 was paid to the Attorney General of the United States by Herbert C. Paschen, Master in Chancery, in the matter of Frida Weber Hodgkinson, as trustee under the Trust Agreement dated December 30, 1944, and known as the "Weber Special Trust", Plaintiff, vs. Marie Wieland, et al., defendants;

3. That the said sum of $7,261.53 was accepted by the Attorney General of the United States on July 2, 1948, pursuant to the Trading with the Enemy Act, as amended;

4. That the said sum of $7,261.53 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193 as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8911; Filed, Oct. 6, 1948; 8:53 a. m.]

[Vesting Order 12073, Amdt.]

MADELEINE RUOFF

Vesting Order 12073, dated September 23, 1948, is hereby amended nunc pro tunc to read as follows:

In re: Property of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

REFERENCE OCT 12 '48

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, is a citizen of Germany, who, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, was domiciled and resident in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: All property in the United States of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, of any nature whatsoever, including all interests in trusts, estates, realty, tangible and intangible personalty and, particularly, the property described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in Exhibit A, attached hereto and by reference made a part hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

The direction, management, supervision and control of the property described in subparagraph 2 hereof, is hereby undertaken to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of, or terminate, such direction, management, supervision or control.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 1, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

1. All right, title and interest in, to and under those certain shares of preferred and common stock of corporations, bonds of corporations, and State, Municipal and other local obligations, held by Security Trust Company, 6th and Market Streets, Wilmington, Delaware, and Topken & Farley, 250 Park Avenue, New York 17, New York, for Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

2. All right, title and interest in and to all those certain debts or other obligations owing by Security Trust Company, 6th and Market Streets, Wilmington, Delaware, and Topken & Farley, 250 Park Avenue, New York 17, New York, to Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff.

3. All right, title, interest and estate, both legal and equitable, of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to that certain tract or parcel of land situated in Montgomery County, Pennsylvania, more particularly described as follows:

All that certain lot or piece of ground with the messuage or tenement thereon erected, situate in Penn Wynne, Lower Merion Township, Montgomery County, Pennsylvania, on the northeast side of Harrogate Road at the distance of one hundred twenty-eight feet southeastward from a point or corner formed by the northeast side of Harrogate Road (if extended) with the southeast side of Hampstead Road (if extended) containing in front or breadth on the said Harrogate Road twenty-eight feet and extending of that width in length or depth northeastward between parallel lines at right angles to the said Harrogate Road one hundred feet, including on the rear twelve feet of a certain nineteen feet wide driveway which extends southeastward from Hampstead Road and communicates at its southeasternmost end with a certain other driveway fifteen feet wide which extends northeastward from Harrogate Road and southwestward from Henley Road. Being the same premises which Martin McWilliams, widower, by Indenture bearing date the twenty-ninth day of January A. D. 1929 and recorded at Norristown, in the office for the recording of Deeds in and for the County of Montgomery in deed book No. 1070 page 554 &c., granted and conveyed unto Effie C. Wilson, in fee.

4. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated April 16, 1937, by and between Security Trust Company; Madeleine duPont Ruoff, Bessie duPont Huidekoper, Victorine duPont Dent and Alfred V. duPont; Jessie Ball duPont, Reginald S. Huidekoper and Edward Ball, as executors under the Last Will and Testament and Codicils of Alfred I. duPont, deceased; and Jessie Ball duPont, Reginald S. Huidekoper, Edward Ball and the Florida National Bank of Jacksonville, trustees under the Last Will and Testament and Codicils of Alfred I. duPont, deceased, presently being administered by Security Trust Company, trustee, Wilmington, Delaware.

5. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated January 18, 1927, between Madeleine duPont Hiebler, grantor, and Security Trust and Safe Deposit Company, trustee, presently being administered by the Security Trust Company, successor trustee, Wilmington, Delaware.

6. All right, title, interest and claim of any kind or character whatsoever of Mrs. Madeleine Ruoff, also known as Mrs. Madeleine duPont Ruoff, in and to and arising out of or under that certain trust agreement dated September 26, 1905, by and between Alfred I. duPont, grantor; Bessie G. duPont; and Pierre S. duPont and George Quintard Horwitz, co-trustees, presently being administered by Security Trust Company, successor trustee, Wilmington, Delaware.

[F. R. Doc. 48-8914; Filed, Oct. 6, 1948; 8:54 a. m.]

REFERENCE

OCT 12 '48

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 13 1934 NUMBER 198

Washington, Saturday, October 9, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Corn Bulletin 1, Amdt. 1]

PART 248—CORN LOANS AND PURCHASE AGREEMENTS

1948 CORN PRICE SUPPORT BULLETIN

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 5417, governing the making of loans and containing the requirements of the purchase agreement program on corn produced in 1948, is amended as follows:

1. Section 248.202, *Availability of loans and purchase agreements*, paragraph (b), *Time*, subparagraph (2), *Purchase agreements*, is amended to read as follows:

(2) *Purchase agreements.* Purchase agreements will be available to producers from time of harvest through June 30, 1949, in all States and counties where loans are available, except in areas determined to be angoumois moth infestation areas, by State PMA committees. In angoumois moth infestation loan areas and in other States and counties for which rates are established by the Manager, CCC, for the purchase agreement program only, purchase agreements will be available from time of harvest through March 31, 1949. Purchase agreements must be signed by the producer and delivered or mailed to the county committee not later than such dates.

2. The first paragraph under § 248.219, *Maturity and satisfaction*, paragraph (b), *Purchase agreements*, is amended to read as follows:

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase 1) will not be obligated to deliver any corn to CCC. However, the number of bushels he specifies in the purchase agreement will be the maximum quantity he may deliver to CCC. A producer who signs a purchase agreement will have a 30-day period during which he may exercise his option to sell corn to CCC. In areas where loans are available this period will extend for 30 days from September 1, 1949, the maturity date for corn loans, or from such earlier date as demand may be made by CCC for payment of corn loans. In areas where loans are not available and where rates have been established for the purchase agreement program only this period will extend for 30 days from June 1, 1949, or from such earlier date as may be determined by the Manager, CCC. Within the 30-day period allowed the producer for exercising his option to sell corn to CCC, he shall submit warehouse receipts representing eligible corn stored in eligible warehouse storage to the county committee for the quantity of corn he elects to sell to CCC, but not in excess of the number of bushels shown on Commodity Purchase 1, or, in the case of corn stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines more time is needed for delivery. Corn stored in other than eligible warehouse storage will be purchased on delivery at points designated by CCC. When delivery is completed payment shall be made by a sight draft drawn on CCC by the State PMA office on the basis of approved Commodity Purchase 4. The producer shall direct on such form to whom payment of the purchase price shall be made.

(Sec. 8, 56 Stat. 767, sec. 5 (a), Pub. Law 806, 80th Cong.; 50 U. S. C. App. 968)

Issued this 6th day of October 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: October 6, 1948.

RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 48-8993; Filed, Oct. 8, 1948; 8:51 a. m.]

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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PART 364—REGULATIONS

GENERAL REGULATIONS

Section 364.1, *General regulations*, in Title 6, Code of Federal Regulations (6 CFR, 1947 Supp., 364.1), is amended to read as follows:

§ 364.1 *General regulations*—(a) *General.* (1) The word "farm" as used in procedure relating to Farm Ownership loans includes the land, buildings, fences, water appurtenances, and other improvement items generally considered a part of the real estate. Funds for such items, as needed, should be provided in Farm Ownership loans. In some States, certain improvement items or appurtenances which ordinarily would be considered a part of the real estate may, by agreement between the owner of the land and the person furnishing or using such appurtenances, remain personal property. Such an agreement would be binding on a Farm Ownership borrower who purchases the land. In all cases where funds are included in a Farm Ownership loan to purchase such improvements or appurtenances, the County Supervisor, with the advice of the representative of the Office of the Solicitor, will ascertain that such appurtenances are free from any liens or encumbrances and are covered adequately by the first mortgage (deed of trust) to be taken on the real property.

(2) When a Farm Ownership applicant has funds of his own to apply toward the purchase, enlargement, or development of a farm, such funds will be deposited in a supervised bank account as soon as possible but not later than the time the Farm Ownership loan funds are deposited. Such funds will not be held back for making additional and unapproved expenditures.

(3) Any existing liens on a farm which is to be enlarged or developed will be paid off with the proceeds of a Farm Enlargement or Farm Development loan, so that there will be no liens on the farm other than the first mortgage (deed of trust) securing the loan.

(4) Except as otherwise authorized by the Administrator, arrangements will not be made with sellers to construct new or repair old buildings in order to comply with the anticipated needs of Farm Ownership applicants. Construction work will be financed with the proceeds of Farm Ownership loans and will be subject to established Farm Ownership regulations.

(5) Each Farm Ownership applicant will be advised that, if at any time it shall appear that he is able to refinance his loan with a responsible cooperative or private credit source at a rate of interest not in excess of five percent (5%) per annum, and on terms for loans for similar periods of time and purposes prevailing in the area in which the loan is to be made, he must, upon request of the Government, apply for and accept such refinancing.

(6) There may be included in each Farm Ownership loan a service fee in an amount sufficient to pay for (i) recordation of the deed and mortgage (deed of trust), (ii) any portion of the expense of title examination and title insurance chargeable to the borrower, (iii) bank charges for handling deposits in connection with the loan, (iv) an appraisal fee of twenty dollars ($20) for an insured loan borrower, and (v) other expenses necessary in connection with the acquisition of the land and the closing of the loan. A sum of five dollars ($5) will be added to the sum of these charges to cover possible underestimates.

(7) Promptly after completion of the planned expenditures, any remaining balance of a Farm Ownership loan will be applied on the borrower's Farm Ownership loan account as a refund.

(8) No Farm Ownership loan will be made unless it has been determined, after representation by the applicant on Form FHA–5, "Loan Voucher," for a direct loan, or on Form FHA–359, "Borrower-Insurer-Lender Triple Agreement," for an insured loan, and certification to such effect by the County Committee on Form FHA–491, "County Committee Certification," that credit sufficient in amount to finance the actual needs of the applicant is not available to him, at a rate of interest not exceeding five percent (5%) per annum and on terms prevailing in the community, in or near which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source.

(b) *Restrictions on loans.* Farm Ownership loans will not be made to:

(1) Any corporation, partnership, or cooperative association.

(2) Carry on any operations in collective farming or cooperative farming.

(3) Carry on any Government land-purchase or land-leasing program, or to organize, promote, or manage homestead associations, land-purchasing associations, or cooperative land-purchasing for colonies of rehabilitants and tenant purchasers.

(4) Purchase or refinance indebtedness against machinery, tools, equipment, livestock, and similar items legally not considered real property. A Production and Subsistence loan will not be made to pay the principal or interest or a mortgage insurance charge on a Farm Ownership loan.

(5) Finance any farm development not located on the property covered by the mortgage (deed of trust).

(6) Pay real property insurance premiums.

(7) Pay mortgage insurance charges on insured loans.

(8) Purchase a building located on an outside tract to be moved to a Farm Ownership farm, unless an exception is made in a particular case by the State Director. Such an exception will be granted by the State Director only upon condition that the building purchased is, in the opinion of the representative of the Office of the Solicitor, released properly from any liens or mortgages outstanding against the property on which it is located, and the further condition that it definitely is more advantageous to the borrower to purchase and move a building to a Farm Ownership farm than it is to construct or repair a building on the Farm Ownership farm.

(c) *Disabled veterans.* No Farm Ownership loan will be made to a disabled veteran with a pensionable disability to enable him to acquire, enlarge, or improve a farm which is less than an efficient family-type farm unless the unit as acquired, enlarged, or improved is of sufficient size and character to meet the farming capabilities of such a veteran and will afford him an income which, together with his pension, will enable him to meet his living and operating expenses and repay the loan.

(d) *Additional limitations for farm enlargement and farm development loans.* (1) No farm enlargement or farm development loan will be made if the indebtedness to be refinanced plus the costs incident to such refinancing exceeds the determination by the County Committee of the value less planned improvements of the applicant's unit.

(2) With the exception of Farm Development loans to disabled veterans as provided in paragraph (c) of this section, no Farm Development loan will be made except for improving a farm of such size that it can be developed into an efficient family-type farm and for refinancing such indebtedness as is necessary against such a farm.

(e) *Terms of loans*—(1) *Amortization period.* Farm Ownership loans will be amortized over a period not to exceed forty years.

(2) *Interest rates.* (i) For direct Farm Ownership loans, the interest rates per annum on the unpaid principal are as follows:

(*a*) Three percent (3%) on loans approved prior to November 1, 1946.

(*b*) Three and one-half percent (3½%) on loans approved subsequent to October 31, 1946, and prior to June 19, 1948.

(*c*) Four percent (4%) on loans approved subsequent to June 18, 1948.

(ii) For insured Farm Ownership loans, the interest rates per annum on the unpaid principal are as follows:

(*a*) Two and one-half percent (2½%) on loans approved prior to June 19, 1948.

(*b*) Three percent (3%) on loans approved subsequent to June 18, 1948.

(3) *Mortgage insurance charge.* Each insured loan borrower must pay a mortgage insurance charge in addition to

principal and interest payments on his loan.

(i) Each insured loan borrower whose loan was approved subsequent to June 18, 1948, must pay on the date of loan closing an initial mortgage insurance charge, computed at the rate of one percent (1%) of the principal obligation of the mortgage, covering the period from the date of loan closing to the next March 31.

(ii) Each insured loan borrower whose loan was approved subsequent to June 18, 1948, or who executed Form FHA–362, "Supplementary Agreement," (for loans approved prior to June 19, 1948), must pay an annual mortgage insurance charge of one percent (1%) of the actual principal obligation remaining unpaid as of March 31 each year. The first annual mortgage insurance charge will be computed on the basis of the principal obligation remaining unpaid as of the March 31 on which the first installment on the note is due, and must be paid on or before the following March 31. Each succeeding annual mortgage insurance charge will be computed on the basis of the principal obligation remaining unpaid as of March 31 each year thereafter, and must be paid on or before the following March 31. Annual mortgage insurance charges shall continue until the mortgage is paid in full or the mortgaged property is acquired by the Government, or until the contract of insurance is otherwise terminated.

(iii) Prior to the first April 1 following the date of loan closing, each insured loan borrower whose loan was approved prior to June 19, 1948, and who has not executed Form FHA–362, must pay a mortgage insurance charge covering the period from the first anniversary date of his note to the date on which the second installment on his note becomes due. The charge for this proportionate part of a year will be computed on the basis of one percent (1%) of the entire principal obligation less any amount of principal required to be paid on or before the first installment date.

(iv) Prior to each April 1 thereafter during the life of the loan, each insured loan borrower whose loan was approved prior to June 19, 1948, and who has not executed Form FHA–362, must pay a mortgage insurance charge covering the succeeding twelve (12) month period. This annual charge will be equal to one percent (1%) of the principal obligation of his mortgage that would remain unpaid on the next installment date if the borrower should pay exactly in accordance with the installment payments specified in his note.

(4) *Security instrument.* Farm Ownership loans will be secured by a first mortgage (deed of trust) on the farm. The mortgage (deed of trust) securing the debt will specify the terms and conditions under which the funds were advanced to the borrower. In addition to the repayment period and the interest rate, as indicated in subparagraphs (1) and (2) of this paragraph, such instruments will provide, among other conditions, that:

(i) The borrower will repay the unpaid balance of the loan, with interest, in installments based upon prescribed amortization schedules.

(ii) The borrower will keep the property insured against loss by fire or other casualty, and will pay taxes, assessments, and other charges against the farm to the proper taxing authorities.

(iii) The borrower personally and continuously will use the property as a farm and for no other purpose.

(iv) The farm will be maintained in good condition; waste and exhaustion of the property will be prevented; required repairs will be made; and farming conservation practices as prescribed by the Secretary of Agriculture will be carried out.

(v) Final payment on the loan will not be accepted in less than five (5) years, without written consent of the Farmers Home Administration. If an insured loan is paid in full in less than five (5) years, the borrower may be required to pay an additional charge equal to the annual mortgage insurance charge for the year in which the loan is repaid in full.

(vi) The entire amount due on the loan, for violation of certain agreements, may be declared immediately due and payable. The Secretary of Agriculture may require assignment to the Government of the insured mortgage of a borrower who violates certain agreements.

(vii) The borrower will apply for and accept a refinancing loan from a responsible cooperative or private credit source, if at any time it shall appear to the Secretary of Agriculture that the borrower is able to obtain such a loan at a rate of interest not in excess of five percent (5%) per annum and on terms for loans for similar periods of time and purposes prevailing in the area in which the loan is made.

(viii) Each insured loan borrower will pay to the Farmers Home Administration, as collection agent for the Mortgagee, amounts payable to the Mortgagee under the mortgage.

(ix) The holder of an insured mortgage will accept the benefits of the insurance furnished by the Government in lieu of any right of foreclosure which the Mortgagee may have against the mortgaged property and any right to a deficiency judgment against the Mortgagee on account of the mortgage.

(5) *Sale of nondelinquent insured mortgages to the Government.* Any holder of an insured mortgage approved subsequent to June 18, 1948, and any previously approved mortgage for which Form FHA–362 has been executed, may, at his option, within a period of one year beginning after the expiration of seven (7) years from the date of the mortgage, have the mortgage purchased by the Government even though the mortgage is not then in default. If the holder exercises such option, the Government will purchase the mortgage and pay the holder in cash an amount equal to the value of the mortgage. For such purpose, the value of the mortgage will be determined by adding to the then outstanding unpaid principal, the amount of any unpaid interest and the unpaid amount of any advances made by a holder for property insurance premiums, taxes, assessments, water charges, and other payments in discharge of liens which are prior to the mortgage. If the holder of the mortgage does not exercise the above-mentioned option, he may accept any new agreement which may be offered by the Government to purchase the mortgage, or the holder may retain the mortgage until it is paid in full, refinanced, or assigned to another lender.

(60 Stat. 1062; Pub. Law 249, 80th Cong., 61 Stat. 493; Pub. Law 720, 80th Cong., 62 Stat. 534; Order, Sec. Agric., Oct. 14, 1946, 11 F. R. 12520, 7 CFR, 1946 Supp., p. 524; Order, Acting Sec. Agric., Oct. 30, 1947, 12 F. R. 7137, 7 CFR, 1947 Supp., p. 879)

Dated: September 23, 1948.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: October 5, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8094; Filed, Oct. 8, 1948; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Bulletin NSCP-1201, Supp. 3]

PART 706—NAVAL STORES CONSERVATION PROGRAM

CONSERVATION PRACTICES AND RATES OF PAYMENT

Paragraph (b), *Continuation of faces on trees of proper size,* § 706.902, as amended, is hereby further amended as follows:

Amend the "Performance" provision of this paragraph (b) to read as follows:

Performance: With the exception of back faces on trees having a worked-out face, the only faces that may be continued as working faces are those on trees which are at least 9 inches d. b. h., and not more than one face may be continued on any tree which is less than 14 inches d. b. h.: *Provided, however,* That faces installed during or after the 1945 season which do not meet the above requirements, but were approved for payment under a previous program, will be accepted under this practice if such faces are still being worked in 1948. If faces have been installed contrary to the requirements, the cups and tins on such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service. The first streak of any new faces installed on round trees shall not exceed a height of 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(49 Stat. 1148, 52 Stat. 746, 16 U. S. C. and Sup. 590g to 590q)

Issued at Washington, D. C., this 6th day of October 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 48-8079; Filed, Oct. 8, 1948; 8:47 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[General Sugar Regs., Series 3, No. 2, Amdt. 4]

PART 801—GENERAL SUGAR REGULATIONS

ADMINISTRATION OF SUGAR QUOTAS AND HEARING PROCEDURE

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922; 7 U. S. C. 1100) and the Administrative Procedure Act (60 Stat. 237), General Sugar Regulations, Series 3, No. 2, as amended (13 F. R. 127, 1076, 2063, 4590) are hereby amended as hereinafter set forth.

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 and establishes the practice and procedure applicable to the holding of public hearings in connection with the determination of fair prices and fair wages and in connection with recommendations issued under section 409 of the act.

General Sugar Regulations, Series 3, No. 2, as amended are hereby further amended to add a new Subpart G as follows:

SUBPART G—PRACTICE AND PROCEDURE APPLICABLE TO PRICE AND WAGE PROCEEDINGS AND TO PROCEEDINGS UNDER SECTION 409 OF THE SUGAR ACT OF 1948

Sec.
801.101 Definitions.
801.102 When hearing held.
801.103 Notice of hearing.
801.104 Docket number.
801.105 Conduct of hearing.
801.106 Preparation and issuance of determination.
801.107 Revision or amendment of determination.
801.108 Procedure governing proceedings under section 409.
801.109 Preparation and issuance of recommendations under section 409.

AUTHORITY: §§ 801.101 to 801.109 issued under Pub. Law 388, 80th Cong.; 61 Stat. 922.

§ 801.101 *Definitions.* (a) The term "act" means the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Supp. 1, 1100–1160);

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary delegates authority to act in his stead;

(d) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and the acts supplementary thereto and amendatory thereof;

(e) The term "price and wage proceeding" means a proceeding arising under section 301 of the act;

(f) The term "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D. C.; and

(g) The term "presiding officer" means any employee of the Department designated by the Secretary to conduct hearings under sections 301 and 409 of the act.

§ 801.102 *When hearing held.* The Secretary shall annually hold or cause to be held, pursuant to section 301 of the act, one or more hearings for the purpose of receiving evidence which may be of assistance to him in determining (a) fair and reasonable prices for sugar beets and sugarcane, and (b) fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets or sugarcane. Due notice and opportunity for hearing shall be given to persons employed in the production, cultivation, or harvesting of sugar beets or sugarcane, and to the producers and processors of sugar beets and sugarcane.

§ 801.103 *Notice of hearing*—(a) *Filing and giving notice.* (1) Upon his decision to hold a hearing for the purpose stated in § 801.102, the Secretary shall issue a notice of hearing, which shall be filed with the Hearing Clerk, who promptly shall mail a true copy thereof to grower and labor groups or organizations known to be interested in the proceeding. The Hearing Clerk shall give or cause to be given further notice of the hearing in the following manner:

(i) By publication of such notice in the FEDERAL REGISTER; and

(ii) By issuing a press release containing the complete text or a summary of the contents of such notice.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided in subparagraph (1) (i) of this paragraph, and failure to give notice in the manner otherwise provided in subparagraph (1) of this paragraph shall not affect the legality of this notice.

(b) *Proof of mailing or of giving notice.* Proof of the mailing of the notice of the hearing and of other means of giving notice shall be by affidavit or certificate of the person making or giving the same. Such affidavits or certificates shall be filed with the Hearing Clerk and the filing thereof shall be noted on the docket of the proceeding.

(c) *Contents.* The notice of hearing shall contain a statement of the purpose of the hearing, including the complete text, or a summary thereof, of any determination that is to be proposed by the Department at the hearing, and a statement of the time and place for the hearing. The time of the hearing shall not be less than 10 days after the date of publication of the notice in the FEDERAL REGISTER, unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances.

§ 801.104 *Docket number.* Each proceeding, immediately following the filing of the notice of hearing, shall be assigned a docket number by the Hearing Clerk, and thereafter the proceeding shall be referred to by such number.

§ 801.105 *Conduct of hearing*—(a) *Presiding officer.* Each such hearing shall be presided over by such employee or employees of the Department as the Secretary may designate for the purpose. The hearing shall be conducted in such a way as to afford to interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record.

(b) *Continuance of hearing.* Each such hearing shall be held at the time and place set forth in the notice of hearing, but may at such time and place be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement thereof at the hearing.

(c) *Order of procedure.* At the commencement of the hearing, the presiding officer shall file as an exhibit for the record a copy of the FEDERAL REGISTER containing the notice of the hearing, and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(d) *Submission of evidence.* All interested persons appearing at the hearing shall be given reasonable opportunity to offer evidence with respect to the matters specified in the notice of hearing. Every witness shall, before proceeding to testify, be sworn, after which he shall state his name, address, and whom he represents at the hearing, and shall give such other information respecting his appearance as the presiding officer may request. The presiding officer shall confine the evidence to the questions before the hearing but shall not apply the technical rules of evidence. Affidavits as to relevant facts may be admitted in evidence at the hearing. Every witness shall be subject to questioning by the presiding officer or by any other representative of the Department, but cross-examination by other persons shall not be allowed, except in the discretion of the presiding officer.

(e) *Transcript of the evidence.* Testimony given at the hearing shall be reported verbatim. All supporting written statements, charts, tabulations, or similar data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be numbered as exhibits and received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, four copies of the exhibits shall be submitted and in typewritten, printed, or mimeographed form. If sufficient copies are not available, the presiding officer may have any exhibit read in evidence or may require additional copies to be furnished within a specified time.

(f) *Written arguments.* The presiding officer shall announce at the hearing a reasonable period within which interested persons may file with the hearing clerk written arguments based on the evidence received at the hearing. Written arguments will not be accepted unless an original and three copies are filed. The period for filing written arguments may be extended by the presiding officer for good cause.

(g) *Copies of the transcript.* Any person desiring a copy of the transcript of testimony shall be entitled thereto

upon written application filed with the reporter, and upon payment of fees at the rate provided in the contract between the reporter and the Secretary.

§ 801.106 *Preparation and issuance of determination*—(a) *Preparation of proposed determination.* Within a reasonable time after the expiration of the period allowed for the filing of written arguments, the presiding officer, or such employees of the Department as may be assigned for the purpose, shall prepare such proposed determination as is appropriate and practicable.

(b) *Submission of proposed determination to the Secretary.* Immediately upon completion of its preparation, the proposed determination shall be submitted to the Secretary for approval and issuance. The proposed determination shall contain a statement of the bases and considerations upon which such determination was made and shall be accompanied by a memorandum containing a summary of the evidence contained in the record and of any other factual data to which consideration shall have been given in the formulation of the proposed determination.

(c) *Publication of the determination.* Whenever any determination of the Secretary in any price and wage proceeding is issued, a duplicate thereof shall be filed with the Hearing Clerk for public inspection, and the full text of such determination shall be promptly published in the FEDERAL REGISTER. Upon application to the Hearing Clerk, any person shall be entitled to a copy of such determination.

§ 801.107 *Revision or amendment of determination.* Any determination issued in a price and wage proceeding may be revised or amended without the holding of a new hearing.

§ 801.108 *Procedure governing proceedings under section 409.* Whenever, upon request of persons constituting or representing a substantial proportion of the persons affected in any one of the domestic sugar-producing areas, the Secretary shall determine to hold a public hearing under the authority of section 409 of the act, the procedure governing such hearing shall be that provided by §§ 801.103 to 801.105.

§ 801.109 *Preparation and issuance of recommendations under section 409.* The provisions of § 801.106 shall be applicable to any recommendations made by the Secretary with respect to (a) the terms and conditions of contracts between producers and processors of sugar beets and sugarcane, and (b) the terms and conditions of contracts between laborers and producers of sugar beets and sugarcane.

Rescission of prior regulations. Sections 801.101 to 801.109 shall supersede the rules of practice issued October 1, 1946 (7 CFR Cum. Supp. 801.101–801.111).

Issued this 5th day of October 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 48-8965; Filed, Oct. 8, 1948; 8:46 a. m.]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1948 CROP OF SUGAR BEETS

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at the several public hearings held during October 1947 (for California), and January 1948 (for States other than California), the following determination is hereby issued:

§ 802.12 *Fair and reasonable prices for the 1948 crop of sugar beets.* A producer-processor of sugar beets who, as a producer, applies for a payment under the Sugar Act of 1948, shall be deemed to have complied with the provisions of section 301 (c) (2) of said act with respect to the 1948 crop of sugar beets if such producer-processor shall have paid or contracted to pay prices not less than those provided for in the 1948 crop purchase contract for sugar beets purchased from a producer and processed by said producer-processor.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the level of prices which must be paid for the 1948 crop of sugar beets purchased by producer-processors (i. e., producers who also are, directly or indirectly, processors of sugar beets) as one of the conditions for payment under the Sugar Act of 1948. In this Statement the foregoing determination, as well as determinations for prior years, will be referred to as "price determination," identified by the crop year for which effective.

(b) *Requirements of the Sugar Act and Standards employed.* In determining fair and reasonable prices, the Sugar Act requires that public hearings be held and investigations made. Accordingly, the following public hearings were held: Berkeley, California, October 29, 1947; Detroit, Michigan, January 5, 1948; St. Paul, Minnesota, January 7, 1948; Billings, Montana, January 9, 1948; Salt Lake City, Utah, January 12, 1948; and Denver, Colorado, January 14, 1948. At these hearings interested parties presented testimony with respect to fair and reasonable prices for sugar beets of the 1948 crop. In determining fair and reasonable prices to be paid for sugar beets, consideration has been given to testimony presented at the public hearings and to information resulting from investigations of the general economic structure of the industry. However, data presented at the hearings by producers and processors, together with data otherwise available, have not been sufficient to make an exhaustive study of the 1948 beet purchase contracts. At present further study is being given this matter and it is expected that the results of such study will be available for consideration in connection with fair price matters in subsequent years.

(c) *Background.* Contracts covering the terms and conditions of growing and purchase of the sugar beet crop have been in use for many years. These contracts have been developed through negotiations between representatives of the producers and producer-processors. Many changes have been effected in the contracts throughout the years as a result of changes in conditions.

Contracts used in the beet area are of two types, generally known as (1) percentage sharing contracts and (2) scale type contracts. The former, used largely in the Great Lakes area and in a few other factory districts, provides, with some variations, that producers and processors shall share equally in the net proceeds derived from the sale of sugar, beet pulp and molasses actually recovered from the beets. The second and more widely used type of contract provides a scale under which the effective price for sugar beets is determined from (1) the net proceeds derived from the sale of the sugar produced and (2) the percentage of sugar in the sugar beets. Under the scale type contracts, prices for sugar beets are customarily expressed in terms of fixed prices per ton and are calculated on the basis of assumed recoveries of sugar from sugar beets. The actual recovery of sugar is not used as a basis for payment. The producer's share ranges from about 50 to 60 percent of total net sugar proceeds per ton of beets delivered, depending upon the level of net return.

Determinations of fair and reasonable prices for sugar beets have been issued each year since 1937. Except for the 1940 and 1941 crops in areas using scale type contracts, the prices payable in purchase contracts agreed upon between the producer-processor and the producer have been determined to be fair and reasonable in the price determinations in each of these years. The 1940 and 1941 price determinations established specific prices per ton of sugar beets at various levels of net returns and percentages of sugar in the beets, eliminated the clause contained in some contracts under which provision was made for an accelerating rate of reduction in payments to producers when net proceeds from sugar fell below $3.25 per hundredweight; and eliminated the method of calculating average net returns for purposes of settlement with growers on the basis of net proceeds realized from the sale of sugar by other producer-processors. In recent years price determinations have approved purchase contracts which reflected prices payable as provided in price support agreements between Commodity Credit Corporation and producer-processors.

During the years 1943 to 1947, the 1942 contract price scale was used as the basis for the support price under the Commodity Credit Corporation price support programs. The result of these support programs was to increase the producers' returns over what they would have been had the actual net proceeds determined their returns.

(d) *General discussion of 1948 crop contract.* The 1948 crop purchase contracts contain a number of significant changes in the prices for sugar beets. In the scale type contracts, the prices for sugar beets are generally more favorable to producers at levels of net returns from sugar of 6 cents or more per pound than those in previous contracts, except for the special pricing features designed to carry out the price support programs of Commodity Credit Corporation during the war years. Conversely, the prices for sugar beets are generally less favorable at levels of net returns below 6 cents. At decreasing levels of net returns under 6 cents the rate of decline in prices for sugar beets is greater than in previous contracts, while at increasing levels of net returns of 6 cents or more the rate of increase in the price of sugar beets is greater. In the percentage sharing contracts used in the Great Lakes area, producers will receive 15 percent more than their customary share at levels of net returns from sugar between 6.7 and 9 cents per pound. Adjustments in favor of producers were also made in other percentage sharing contracts.

At the present level of sugar prices (7.75 cents per pound, seaboard basis for refined cane sugar), producers will receive under most of the 1948 scale type contracts a higher price for sugar beets than they would have received at such level of sugar prices under previous contracts. Under the 1948 percentage type contracts, producers will receive as much or slightly more at present sugar prices than they would have received at such sugar prices in previous years.

There appears to be general grower satisfaction with the provisions of the 1948 crop contracts applicable to net returns of 6 cents per pound and above. Objections have been expressed by certain growers, however, concerning prices for sugar beets at lower levels of net returns. Cost information now being collected will show the relative profitability of growing and processing sugar beets and this may indicate which part of the industry would be better prepared to absorb price reductions, if any occur. These studies have not yet proceeded far enough to enable the Department to draw specific conclusions as to the fairness of the contracts in the lower price ranges. Moreover, major declines in prices are usually accompanied by cost reductions in at least some of the growing or processing operations. The nature and degree of such cost reductions cannot be anticipated fully at this time. Therefore, it would be without purpose to undertake to evaluate the terms of the contracts applicable to materially lower prices than now exist. Accordingly, this determination does not constitute an evaluation of those provisions of the contracts applicable to materially lower prices of sugar.

(e) *1948 price determination.* The 1948 price determination provides that a producer-processor shall be deemed to have complied with section 301 (c) (2) of the Sugar Act if he pays or contracts to pay prices provided for in the purchase contract between such producer-processor and the producer from whom beets are purchased.

In view of the foregoing, I hereby find and conclude that the determination made herein for the 1948 crop of sugar beets is fair and reasonable and that compliance therewith will effectuate the purposes of section 301 (c) (2) of the Sugar Act of 1948.

(Secs. 301, 403, Pub. Law 388, 80th Cong.)

Issued this 5th day of October 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8963; Filed, Oct. 8, 1948; 8:46 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 941—MILK IN THE CHICAGO, ILL., MARKETING AREA

PART 967—MILK IN THE SOUTH BEND-LA PORTE, IND., MARKETING AREA

PART 969—MILK IN THE SUBURBAN CHICAGO, ILL., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to notice published in the FEDERAL REGISTER (13 F. R. 4836), and actual notice given to interested parties, consideration has been given to the suspension of:

1. The proviso ": *Provided*, That the basic formula price effective for July shall not be less than that effective for June, and that the basic formula price effective for December shall not be higher than that effective for November", appearing in § 941.5 (a) of order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, milk marketing area;

2. The proviso ": *Provided*, That the basic formula price effective for July shall not be less than that effective for the preceding month, and that such price effective for December shall not be higher than for the preceding month", appearing in § 969.5 (a) of order No. 69, as amended, regulating the handling of milk in the Suburban Chicago, Illinois, milk marketing area; and

3. The proviso ": *Provided*, That such price effective for July shall not be less than that effective for the previous month, and such price effective for January shall not be more than that effective for the previous month", appearing in § 967.5 (a) (5) of order No. 67, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, milk marketing area.

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C., 601 et seq.), hereinafter referred to as the "act" and to the aforesaid orders, and after having considered all relevant information including the written data, views, and arguments, which were filed with the Hearing Clerk pursuant to the notice above referred to, it is hereby found and determined that each of the above quoted provisions of the aforesaid orders does not tend to effectuate the declared policy of the act. *It is therefore ordered*, That:

1. The proviso ": *Provided*, That the basic formula price effective for July shall not be less than that effective for June, and that the basic formula price effective for December shall not be higher than that effective for November", appearing in § 941.5 (a) of order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, milk marketing area be and hereby is suspended for an indefinite period with respect to all milk subject to the provisions of the order after the effective date hereof;

2. The proviso ": *Provided*, That the basic formula price effective for July shall not be less than that effective for the preceding month, and that such price effective for December shall not be higher than that for the preceding month", appearing in § 969.5 (a) of order No. 69, as amended, regulating the handling of milk in the Suburban Chicago, Illinois, milk marketing area be and hereby is suspended for an indefinite period with respect to all milk subject to the provisions of the order after the effective date hereof; and

3. The proviso: "*Provided*, That such price effective for July shall not be less than that effective for the previous month, and such price effective for January shall not be more than that effective for the previous month", appearing in § 967.5 (a) (5) of order No. 67, as amended, regulating the handling of milk in the South Bend-LaPorte, Indiana, milk marketing area be and hereby is suspended for an indefinite period with respect to all milk subject to the provisions of the order after the effective date hereof.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 6th day of October, 1948, to be effective on and after November 15, 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-8969; Filed, Oct. 8, 1948; 8:46 a. m.]

[Tokay Grape Order 2, Amdt. 1]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

LIMITATION OF DAILY SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of daily shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) In the instance of deciduous fruits, determination as to the need for, and the extent of, regulation must be deferred awaiting the development of the particular crop. Recommendation for this reg-

ulation was made at a meeting of the said Industry Committee on September 30, 1948, after consideration of all available information relative to supply and demand conditions for Tokay grapes, and the recommendations of the Shippers' Advisory Committee, established under said amended marketing agreement and order. It is hereby further found, therefore, that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this regulation is based and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

Order, as amended. Tokay Grape Order 2 (§ 951.303; 13 F. R. 5485) is hereby amended by deleting from § 951.303 (b) (1) the date "October 10, 1948" and inserting, in lieu thereof, the date "October 26, 1948."

(48 Stat. 31, as amended, 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 951.1 et seq.)

Done at Washington, D. C., this 6th day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-8994; Filed, Oct. 8, 1948; 8:52 a. m.]

[Lemon Reg. 295]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.402 *Lemon Regulation 295*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 10, 1948, and ending at 12:01 a. m., P. s. t., October 17, 1948, is hereby fixed as follows:

(i) District 1: 250 carloads;

(ii) District 2: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 7th day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage Date: October 3, 1948

DISTRICT NO. 1

[12:01 a. m., Oct. 10, 1948, to 12:01 a. m., Oct. 24, 1948]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.168
American Fruit Growers, Inc., Fullerton	.114
American Fruit Growers, Inc., Upland	.085
Hazeltine Packing Co	.131
Ventura Coastal Lemon Co	3.502
Ventura Pacific Co	1.993
Total A. F. G	5.993
Klink Citrus Association	.000
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.615
La Verne Lemon Association	.345
La Habra Citrus Association, The	1.030
Yorba Linda Citrus Association, The	.710
Alta Loma Heights Citrus Association	.422
Etiwanda Citrus Fruit Association	.209
Mountain View Fruit Association	.359
Old Baldy Citrus Association	.802
Upland Lemon Growers Association	4.687
Central Lemon Association	.581
Irvine Citrus Association, The	.504
Placentia Mutual Orange Association	.358
Corona Citrus Association	.070

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Corona Foothill Lemon Co	1.894
Jameson Co	.629
Arlington Heights Citrus Co	.232
College Heights Orange & Lemon Association	2.835
Chula Vista Citrus Association	1.366
El Cajon Valley Citrus Association	.031
Escondido Lemon Association	1.354
Fallbrook Citrus Association	.867
Lemon Grove Citrus Association	.276
San Dimas Lemon Association	1.409
Carpinteria Lemon Association	3.603
Carpinteria Mutual Citrus Association	3.905
Goleta Lemon Association	5.716
Johnston Fruit Co	8.604
North Whittier Citrus Association	.405
San Fernando Heights Lemon Association	.429
San Fernando Lemon Association	.136
Sierra Madre-Lamanda Citrus Association	1.048
Tulare County Lemon & Grapefruit Association	.000
Briggs Lemon Association	3.083
Culbertson Investment Co	1.068
Culbertson Lemon Association	1.493
Fillmore Lemon Association	1.091
Oxnard Citrus Association No. 1	8.299
Oxnard Citrus Association No. 2	1.300
Rancho Sespe	.752
Santa Paula Citrus Fruit Association	3.494
Saticoy Lemon Association	6.831
Seaboard Lemon Association	4.593
Somis Lemon Association	3.779
Ventura Citrus Association	2.090
Limoneira Co	2.208
Teague-McKevett Association	.805
East Whittier Citrus Association	.381
Leffingwell Rancho Lemon Association	.416
Murphy Ranch Co	.732
Whittier Citrus Association	.138
Whittier Select Citrus Association	.259
Total C. F. G. E	89.161
Chula Vista Mutual Lemon Association	.783
Escondido Co-operative Citrus Association	.155
Highland Mutual Groves	.000
Index Mutual Association	.117
La Verne Co-operative Citrus Association	1.181
Orange Co-operative Citrus Association	.015
Ventura County Orange and Lemon Association	2.130
Whittier Mutual Orange and Lemon Association	.125
Total M. O. D	4.506
California Citrus Groves, Inc., Ltd	.000
Dewars, Pieter	.000
Evans Brothers Packing Co	.001
Flint, Arthur E	.000
Furr, N. C	.000
Harding & Leggett	.000
Isely, W. J	.000
Johnson, Fred	.012
Levinson, Sam	.000
Lorbeer, Carroll W. C	.027
Manos, Gus & William	.000
Orange Belt Fruit Distributors	.258
Rooke, B. G., Packing Co	.000
San Antonio Orchard Co	.012
Segal, Joseph	.000
Torn Ranch	.000
Walshe, Jack M	.000
Zanlnovich Brothers, Inc	.039
Total independents	.340

[F. R. Doc. 48-9031; Filed, Oct. 8, 1948; 10:29 a. m.]

[Orange Reg. 251]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.397 *Orange Regulation 251*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 10, 1948, and ending at 12:01 a. m., P. s. t., October 17, 1948, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: no movement;

(*b*) Prorate District No. 2: 1000 carloads;

(*c*) Prorate District No. 3: no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: no movement; (*b*) Prorate District No. 2: no movement; (*c*) Prorate District No. 3: no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 8th day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. October 10, 1948 to 12:01 a. m. October 17, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0992
A. F. G. Corona	.1727
A. F. G. Fullerton	.0000
A. F. G. Orange	.3622
A. F. G. Riverside	.1328
A. F. G. San Juan Capistrano	.7855
A. F. G. Santa Paula	.7339
Hazeltine Packing Co	.4888
Placentia Pioneer Valencia Growers Association	.7465
Signal Fruit Association	.1609
Azusa Citrus Association	.4656
Covina Valley Orange Co	.1031
Damerel-Allison Co	1.0049
Glendora Mutual Orange Association	.4647
Irwindale Citrus Association	.0000
Puente Mutual Citrus Association	.2526
Valencia Heights Orchard Association	.6610
Covina Citrus Association	1.3168
Covina Orange Growers Association	.6956
Glendora Citrus Association	.4461
Glendora Heights Orange and Lemon Growers Association	.0670
Gold Buckle Association	.0000
La Verne Orange Association	.8019
Anaheim Citrus Fruit Association	1.3966
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc	2.6514
Fullerton Mutual Orange Association	1.3053
La Habra Citrus Association	1.3499
Orange County Valencia Association	.7356
Orangethorpe Citrus Association	.6832
Placentia Cooperative Orange Association	.6452
Yorba Linda Citrus Association	.6542
Citrus Fruit Growers	.1711
Cucamonga Citrus Association	.2637
Etiwanda Citrus Fruit Association	.0487
Mountain View Fruit Association	.0096
Old Baldy Citrus Association	.1564
Rialto Heights Orange Growers	.0729
Upland Citrus Association	.2352
Upland Heights Orange Association	.1797
Consolidated Orange Growers	1.9024
Frances Citrus Association	1.5548
Garden Grove Citrus Association	1.3576
Goldenwest Citrus Association, The	1.9222
Irvine Valencia Growers	8.0681
Olive Heights Citrus Association	2.0334
Santa Ana-Tustin Mutual Citrus Association	1.3223
Santiago Orange Growers Association	3.6957
Tustin Hills Citrus Association	2.7675
Villa Park Orchards Association, The	1.9317
Bradford Brothers, Inc	.7772
Placentia Mutual Orange Association	1.8230
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.6761
Call Ranch	.0914
Corona Citrus Association	.6530
Jameson Co	0.0000
Orange Heights Orange Association	.4966
Crafton Orange Growers Association	.5080
East Highlands Citrus Association	.0958
Fontana Citrus Association	.1414
Highland Fruit Growers Association	.0000
Redlands Heights Groves	.3757
Redlands Orangedale Association	.3968
Break & Sons, Allen	.0750
Bryn Mawr Fruit Growers Association	.3148
Krinard Packing Co	.2472
Mission Citrus Association	.1937
Redlands Cooperative Fruit Association	.4360
Redlands Orange Growers Association	.3017
Redlands Select Groves	.5744
Rialto Citrus Association	.0000
Rialto Orange Co	.1907
Southern Citrus Association	.2333
United Citrus Growers	.0000
Zilen Citrus Co	.0682
Arlington Heights Citrus Co	.1266
Brown Estate, L. V. W	.0000
Gavilan Citrus Association	.1661
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0778
McDermont Fruit Co	.2232
Monte Vista Citrus Association	.2277
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0739
Sierra Vista Packing Association	.0000
Victoria Avenue Citrus Association	.2250
Claremont Citrus Association	.2145
College Heights Orange and Lemon Association	.2633
El Camino Citrus Association	.0781
Indian Hill Citrus Association	.2383
Pomona Fruit Growers Exchange	.4923
Walnut Fruit Growers Association	.6321
West Ontario Citrus Association	.4816
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	3.0535
San Dimas Orange Growers Association	.5932
Andrews Brothers of California	.2058
Ball & Tweedy Association	.7027
Canoga Citrus Association	1.2169
North Whittier Heights Citrus Association	1.1586
San Fernando Fruit Growers Association	.7163
San Fernando Heights Orange Association	1.2530
Sierra Madre-Lamanda Citrus Association	.0000
Camarillo Citrus Association	1.9982
Fillmore Citrus Association	3.1852
Mupu Citrus Association	3.7214
Ojai Orange Association	1.2735
Piru Citrus Association	2.2455
Santa Paula Orange Association	1.4147
Tapo Citrus Association	1.4747
Ventura County Citrus Association	.0000
Limoneira Company	.8258
East Whittier Citrus Association	.2769
El Ranchito Citrus Association	.9857
Murphy Ranch Co	.4668
Rivera Citrus Association	.5132
Whittier Citrus Association	.8220
Whittier Select Citrus Association	.4779
Anaheim Cooperative Orange Association	1.1092
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.0000

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Euclid Avenue Orange Association	0.4052
Foothill Citrus Union, Inc	.0418
Fullerton Cooperative Orange Association	.3963
Garden Grove Orange Cooperative, Inc	.6614
Golden Orange Groves, Inc	.0000
Highland Mutual Groves	.0000
Index Mutual Association	.2844
La Verne Cooperative Citrus Association	1.5813
Mentone Heights Association	.0000
Olive Hillside Groves	.7017
Orange Cooperative Citrus Association	1.1817
Redlands Foothill Groves	.7472
Redlands Mutual Orange Association	.1743
Riverside Citrus Association	.0668
Ventura County Orange and Lemon Association	1.1682
Whittier Mutual Orange and Lemon Association	.1568
Babijuice Corp. of California	.4593
Banks Fruit Co	.0000
Banks, L. M	.3138
Borden Fruit Co	.0000
California Associated Growers	.0971
California Fruit Distributors	.0442
Cherokee Citrus Co., Inc	.1645
Chess Co., Meyer W	.2428
Escondido Avocado Growers	.0240
Evans Brothers Packing Co	.2798
Furr, N. C	.0219
Gold Banner Association	.3440
Granada Hills Packing Co	.0469
Granada Packing House	1.3813
Hill, Fred A	.0335
Inland Fruit Dealers, Inc	.0821
Morris Brothers Fruit Co	.0133
Orange Belt Fruit Distributors	2.1883
Panno Fruit Co., Carlo	.0282
Paramount Citrus Association	.5669
Placentia Orchard Co	.5518
San Antonio Orchard Co	.3007
Snyder & Sons Co., W. A	.4592
Stephens, T. F	.1172
Torn Ranch	.0000
Wall, E. T	.1195
Webb Packing Co	.0000
Western Fruit Growers, Inc., Redlands	.7882

[F. R. Doc. 48-9039; Filed, Oct. 8, 1948; 11:27 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-328]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

TEMPORARY AUTHORITY TO CONDUCT SCHEDULED AIR TRANSPORTATION BETWEEN ALASKAN POINTS AND SEATTLE, WASH.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of October 1948.

In Orders Serial Numbers E-2012 and E-2013, the Board has temporarily exempted certain air carriers from the requirements of Title IV of the Civil Aeronautics Act of 1938, as amended, and certain regulations issued thereunder so far as such requirements would restrict the air carriers from engaging in air transportation of persons and property between Seattle, Washington and points in Alaska.

Operations between such points conducted on other than an irregular basis, are subject to the provisions of Part 41 of the Civil Air Regulations which require an air carrier to meet certain airport, route, and other qualifications which, if now required, would greatly delay the inauguration of the service authorized by the orders above referred to. Since the Secretary of the Interior and the Governor of Alaska have informed the Board that this service is essential for the public welfare, the Board finds that it is necessary to relieve the air carriers from the requirements of Part 41. The Board believes that the necessary service can be rendered at an adequate level of safety under the provisions of Part 42 of the Civil Air Regulations.

For the reasons stated above, the Board finds that notice and public procedures hereon, are impractical and contrary to the public interest, and that good cause exists for making this regulation effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective immediately:

An air carrier authorized to conduct air transportation between Seattle, Washington and points in Alaska under the provisions of Orders Serial Numbers E-2012 or E-2013, may conduct such transportation under the provisions of Part 42 of the Civil Air Regulations, as heretofore or hereafter amended.[1]

This regulation shall terminate when both Orders Serial Numbers E-2012 and E-2013 terminate, unless sooner amended or revoked.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010, 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-9003; Filed, Oct. 8, 1948; 8:53 a. m.]

[Civil Air Regs., Amdt. 41-1]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of October 1948.

On April 14, 1948, the Board, after public notice of rule-making and public hearing thereon, adopted Civil Air Regulations Amendment 41-19 and Civil Air Regulations Amendment 61-17, both effective May 19, 1948. Sections 41.320 and 61.56 of the Civil Air Regulations as thus amended required in substance, among other things, that after December 1, 1948, an airman holding a flight engineer certificate should be required on all aircraft certificated for more than 80,000 pounds maximum take-off weight when such aircraft were used in scheduled air transportation.

Subsequently, there was published a notice of proposed rule-making dated June 9th, 1948 (13 F. R. 3097), proposing, among other things, to modify §§ 41.320 and 61.56 to make the requirement regarding an airman holding a flight engineer's certificate applicable only to four-engine aircraft within the weight class rather than to all aircraft, and to clarify certain questions concerning the performance of multiple functions by an airman. Such notice provided for the submission of written comments thereon within thirty days after its date.

On July 15, 1948, American Airlines, Inc. filed a petition for relief from the aforementioned provisions in the Board's regulations relating to flight engineers, particularly with respect to the applicability of such provisions to the DC-6 aircraft. American's petition for relief stated that it was a petition for reconsideration of amendments 41-19 and 61-17 insofar as they amended §§ 41.320 and 61.56 of the Civil Air Regulations, a petition under section 4 (d) of the Administrative Procedure Act for amendment and repeal of the aforesaid §§ 41.320 and 61.56, and a petition in connection with the proposed amendment to these sections. American sought to have the Board conduct scientific studies alleged to be essential to the solution of the problem of requiring flight engineers on large aircraft and then hold a hearing affording an opportunity to comment on such studies, meanwhile revoking or suspending §§ 41.320 and 61.56 as to the DC-6 aircraft.

A number of other petitions requesting similar relief and generally supporting the petition of American Airlines were also filed by the Air Transport Association, National Airlines, Inc., Braniff Airways, Inc. and Delta Airlines, Inc. (the latter as to Amendment 61-17 only). In addition to the foregoing, comments were received from Eastern Airlines, Inc., Colonial Airlines, Inc., Pan American-Grace Airways, Inc., and Chicago and Southern Airlines, Inc., which generally supported American's petition although not formally petitioning for similar relief. This is in response to all said petitions and comments to the extent that they sought relief from requirements of § 41.320 either as originally enacted or as proposed to be amended. (Simultaneously herewith, like action is being taken with respect to § 61.56 by Civil Air Regulations Amendment 61-3.)

The Board has given the most careful consideration to the data and views presented in the aforementioned petitions and comments. It has also reviewed all of the information and data available to it through the medium of the public hearing held in relation to this matter, written comments received prior and subsequent to the promulgation of §§ 41.320 and 61.56 and proposed amendments thereto, and relevant material available in its files. On the basis thereof, and taking into consideration the duty resting upon air carriers to perform their services with the highest possible degree of safety in the public interest, the Board has concluded that the crew of all four-engine aircraft now being produced which are certificated for a maximum take-off weight of more than 80,000 pounds should include an airman holding a flight engineer certificate when such aircraft are used in scheduled air transportation. The Board finds that this requirement is necessary to provide adequately for and assure safety in air transportation and constitutes a necessary and reasonable minimum safety standard for the operation of air carriers.

The Board's reasons and grounds for its conclusion are as set forth hereafter. There are only three aircraft types now being produced, or expected to be produced in the foreseeable future, which are in the class of four-engine aircraft certificated for maximum take-off weight in excess of 80,000 pounds. These are the Lockheed Constellation, the Douglas DC-6, and the Boeing 377. Despite the automatic devices which are available and installed in such aircraft, they have so many items calling for the pilots' attention and are so complex in operation that the pilots' ability to accomplish all duties imposed upon them may at times be exceeded, if provision is not made for a flight engineer. The flight engineer will contribute substantially to reduction of pilot fatigue and resultant accident-provoking sequences. In particular, the flight engineer can relieve the pilots of burdensome mechanical duties, if required to be performed when the aircraft is being flown on instruments, when there are difficult navigational problems, when radio communications are erratic, or when the pilots are attempting to follow complicated traffic control procedures, and accomplish instrument approaches, would be exceptionally onerous. The flight engineer is able to perform important duties and add to safety of flight, even when riding in the jump seat of a plane in which no flight engineer station has been provided.

In addition to the foregoing, the flight engineer with a specialized engineer training will be useful in case of fire or other malfunctioning, both in overcoming the difficulty and restoring normal functioning, and in relieving the pilots of various mechanical duties, particularly those which would require one of them to leave his pilot's station, while they concentrate on flying the aircraft during any period of emergency. The flight engineer will also contribute to the level of safety by assuming responsibility for proper completion of ground maintenance for the correction of any malfunctioning which has been discovered in flight.

The duties which the flight engineer can assume and efficiently perform are numerous but the Board does not believe it is desirable to specify in regulations the exact duties to be performed by any airman any more than it believes it desirable to dictate other air carrier operating procedures which may vary from company to company without any adverse effect on safety.

The Board believes that the introduction of a flight engineer into the crew complement does not create a serious crew coordination problem, and that the benefits to be derived by the inclusion of a flight engineer clearly outweigh any difficulties of coordination that may be presented.

On the basis of experience to date, all four-engine aircraft in excess of 80,000 pounds maximum take-off weight are, and in the foreseeable future will be, of such complexity as to require the utilization of a flight engineer in the interest of achieving the necessary level of safety. If, at any time, there should hereafter be such advances as would enable the production of an aircraft in this class of such simplified design that it does not present the operational problems of today's aircraft in this class, the Board will then modify its regulations accordingly.

The Board at this time is modifying § 41.320 as originally adopted for the purpose of making it applicable only to four-engine aircraft, whereas heretofore it has been applicable to all aircraft within the weight class. The Board is also amending §§ 41.320, 41.310, 41.330, and 41.309 to indicate more clearly that the Board in requiring a crew member for the performance of a specified function intended to limit such a crew member to that function for the period of time during which it is required, but that the Board did not intend to restrict the crew member from performing other duties at other times. It is intended, for example, that a flight engineer, when required, shall not be assigned other duties at the same time for which an airman certificate is necessary. On the other hand an individual could relieve a pilot for a part of a trip, and at a subsequent time relieve the flight engineer provided he held the appropriate certificates. There is also included, for greater clarity and uniformity in administration, a definition of "route segment."

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment is merely interpretative in nature and imposes no additional burden on any person, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations effective immediately as follows:

1. By amending § 41.309 to read as follows:

§ 41.309 *Composition of flight crew.* (a) No air carrier shall operate an aircraft with less than the minimum flight crew required for the type of operation and the make and model aircraft as determined by the Administrator in accordance with the standards hereinafter prescribed and specified in the air carrier operating certificate for each route or route segment.

(b) Where the provisions of this part require for a particular route, route segment or aircraft the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman over such route or route segment.

2. By amending § 41.310 to read as follows:

§ 41.310 *Flight radio operator; when required.* An airman holding a flight radio operator certificate shall be required for flight over any area, route, or route segment over which the Administrator has determined that radiotelegraphy is necessary for communication with ground stations during flight.

3. By amending § 41.320 to read as follows:

§ 41.320 *Flight engineer; when required.* After December 1, 1948, an airman holding a flight engineer certificate shall be required on all four-engine aircraft certificated for more than 80,000 pounds maximum take-off weight, and on all other four-engine aircraft certificated for more than 30,000 pounds maximum take-off weight where the Administrator finds that the design of the aircraft used or the type of operation is such as to require a flight engineer for the safe operation of the aircraft.

4. By amending § 41.330 to read as follows:

§ 41.330 *Flight navigator; when required.* An airman holding a flight navigator certificate shall be required for flight over any area, route, or route segment when the Administrator has determined either that celestial navigation is necessary or that other specialized means of navigation necessary for the safe conduct of flight cannot be adequately accomplished from the pilot station.

5. By adding a new paragraph (q) to § 41.99 to read as follows:

§ 41.99 *Definitions.* • • •

(q) *Route segment.* A route segment is a portion of a route, the boundaries of which are identified by:

(1) A continental or insular geographic location;

(2) A point at which some specialized aid to air navigation is located; or

(3) A point at which a definite radio fix is located.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a) 551, 554)

By the Civil Aeronautics Board. Lee, member, dissented.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-9004; Filed, Oct. 8, 1948; 8:53 a. m.]

[Civil Air Regs., Amdt. 61-3]

PART 61—SCHEDULED AIR CARRIER RULES

ADDITIONAL CREW COMPLEMENT REQUIREMENTS; FLIGHT ENGINEER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of October 1948.

The Board hereby incorporates by reference the statement preceding Civil Air Regulations Amendment 41-1, adopted this day, which denied petitions for relief from § 41.320, and for the same rea-

[1] Orders Serial Numbers E-2012 or E-2013 terminate November 1, 1948, unless revoked or extended by the Board prior to that date.

sons, the Board hereby denies such petitions insofar as they request relief from the provisions of § 61.56.

The Board, at this time, is modifying § 61.56 as originally adopted for the purpose of making it applicable only to four-engine aircraft, whereas heretofore, it has been applicable to all aircraft within the weight class.

The Board is also adding a new paragraph to § 61.56 to indicate more clearly that the Board, in requiring the performance of the flight engineer function, did not intend to permit the performance of this function by an individual performing other airman functions at the same time.

Since this amendment is interpretative in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 61 of the Civil Air Regulations effective immediately as follows:

By amending § 61.56 to read as follows:

§ 61.56 *Flight engineer; when required.* (a) After December 1, 1948, an airman holding a flight engineer certificate shall be required on all four-engine aircraft certificated for more than 80,000 pounds maximum take-off weight, and on all other four-engine aircraft certificated for more than 30,000 pounds maximum take-off weight where the Administrator finds that the design of the aircraft used or the type of operation is such as to require a flight engineer for the safe operation of the aircraft.

(b) The requirement of paragraph (a) of this section shall not be satisfied by the performance of multiple functions at the same time by any airman. (Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board. Lee, member, dissented.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9005; Filed, Oct. 8, 1948; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4779]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GOLD-TONE STUDIOS, INC., ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Manufacturing nature:* § 3.6 (m 7) *Advertising falsely or misleadingly—Limited offers or supply:* § 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.:* § 3.6 (dd) *Advertising falsely or misleadingly—Special or limited offers:* § 3.6 (gg) *Advertising falsely or misleadingly—Value:* § 3.72 (g 10) *Offering unfair, improper and deceptive inducements to purchase or deal—Limited offers or supply:* § 3.72 (n) *Offering unfair, improper and deceptive inducements to purchase or deal—Special offers, savings and discounts:* § 3.96 (b) *Using misleading name—Vendor—Manufacturing nature:* § 3.96 (b) *Using misleading name — Vendor — Products.* In connection with the offering for sale, sale and distribution in commerce, of pictures or photographs, (1) using the words "oil painted portrait," "oil painted," or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a designation for, as descriptive of, or in connection with a tinted or colored photograph or picture made from a photographic base; (2) using the words "oil colored portrait," "colored in oils", or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a designation for, as descriptive of, or in connection with a tinted photograph or picture made from a photographic base; (3) using the words "Gold-Tone" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, to designate, describe, or refer to a photographic reproduction which is not a product resulting from a finishing process involving the use of a toning or developing bath employing salts or chloride of gold; (4) using the words "Gold-Tone" or any other word or words of similar import or meaning, either alone or in combination with other word or words, as a corporate or trade name or otherwise, to designate, describe, or refer to a photographic business not substantially engaged in finishing photographic reproductions by a process involving the use of a toning or developing bath employing salts or chloride of gold; or, (5) representing that the customary or usual price for any kind or type of photograph or picture is a special advertising offer or other special offer; that an offer of said photographs or pictures is limited in point of time when such offer is not in fact so limited; or that said photographs or pictures offered are of a value in excess of the usual or customary price; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Gold-Tone Studios, Inc. et al., Docket 4779, September 2, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 2d day of September A. D. 1948.

In the matter of Gold-Tone Studios, Inc., a corporation, also trading as Camera Art Company; Irving A. Stern, individually and as President and a Director of Gold-Tone Studios, Inc., and a copartner in the firm trading as Camera Art Company; Paul A. McGuire, individually and as Vice President and a Director of Gold-Tone Studios, Inc., and a copartner in the firm trading as Camera Art Company; Berthold Eidlin, individually and as Secretary-Treasurer of Gold-Tone Studios, Inc., and a copartner in the firm trading as Camera Art Company; and Marion Stern, Doris McGuire, Emanuel Eidlin, and Ephraim Eidlin, individuals and members of the firm trading as Camera Art Company.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner, and briefs and oral argument in support of and in opposition to the complaint; and the Commission having made its findings as to the facts and conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Gold-Tone Studios, Inc., a corporation, also trading as Camera Art Company, its officers, representatives, agents, and employees, and respondents Irving A. Stern, Paul A. McGuire, Berthold Eidlin, Marion Stern, Doris McGuire, Emanuel Eidlin, and Ephraim Eidlin, individually or as copartners trading as Camera Art Company or under any other name or names, their agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of pictures or photographs, do forthwith cease and desist from directly or indirectly:

1. Using the words "oil painted portrait," "oil painted," or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a designation for, as descriptive of, or in connection with a tinted or colored photograph or picture made from a photographic base.

2. Using the words "oil colored portrait," "colored in oils," or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a designation for, as descriptive of, or in connection with a tinted photograph or picture made from a photographic base.

3. Using the words "Gold-Tone" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, to designate, describe, or refer to a photographic reproduction which is not a product resulting from a finishing process involving the use of a toning or developing bath employing salts or chloride of gold.

4. Using the words "Gold-Tone" or any other word or words of similar import or meaning, either alone or in combination with any other word or words, as a corporate or trade name or otherwise, to designate, describe, or refer to a photographic business not substantially engaged in finishing photographic reproductions by a process involving the use of a toning or developing bath employing salts or chloride of gold.

5. Representing that the customary or usual price for any kind or type of photograph or picture is a special advertising offer or other special offer; that an offer of said photographs or pictures is limited in point of time when such offer is not in fact so limited; or that said photographs or pictures offered are of a value in excess of the usual or customary price.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with it.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary

[F. R. Doc. 48-8989; Filed, Oct. 8, 1948; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52058]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

SUBSTITUTION OF A WAREHOUSE ENTRY FOR A CONSUMPTION ENTRY

Section 8.30, Customs Regulations of 1943 (19 CFR, Cum. Supp., 8.30), as amended by T. D. 51869 (13 F. R. 1663), is further amended by adding the following sentence to paragraph (e) thereof:

§ 8.30 *Form and contents; articles entitled to entry.* • • •

(e) • • • All copies of the warehouse entry shall bear the following notation:

This entry is in substitution of consumption entry No. ------, dated ----------, 19----.

(Sec. 557, 46 Stat. 744, secs. 2, 22, 23, 52 Stat. 1077, 1087, 1088, sec. 624, 46 Stat. 759; 19 U. S. C. 1557, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: October 4, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8988; Filed, Oct. 8, 1948; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

NANTUCKET SOUND, MASSACHUSETTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.6 is hereby prescribed to govern the use and navigation of waters of Nantucket Sound in the vicinity of Horseshoe Shoal, about seven miles south of Osterville, Massachusetts, comprising a bombing target area of the Naval Air Bases, First Naval District, Quonset Point, Rhode Island, as follows:

§ 204.6 *Nantucket Sound in vicinity of Horseshoe Shoal; Naval bombing target area—*(a) *The danger zone.* (1) An area one mile square located on Horseshoe Shoal, bounded on the north by latitude 41°31'12", on the east by longitude 70°21'38", on the south by latitude 41°-30'12", and on the west by longitude 70°22'58". The center of the area, at latitude 41°30'42", longitude 70°22'18", bears approximately 176° true, 11,900 yards, from West Bay Entrance Light at Osterville, Massachusetts.

(2) Vessels used as targets within this area, whether anchored or grounded, will be properly secured and marked.

(b) *The regulations.* (1) During the period November 1 to June 1, inclusive, no vessel shall enter or remain in the danger zone unless authorized to do so by the enforcing agency.

(2) This section shall be enforced by the Commander, Naval Air Bases, First Naval District, Quonset Point, Rhode Island, and such agencies as he may designate.

[Regs. Sept. 21, 1948, CE 800.2121 (Nantucket Sound, Mass.) — ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8980; Filed, Oct. 8, 1948; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 5.2502, the introductory paragraph and paragraphs (b) (1) and (c) (2) are amended to read as follows:

DEFINITIONS OF RELATIONSHIP

§ 5.2502 *General law.* For the purposes of the general law the following definitions of relationship shall govern in the adjudication of claims for death compensation.

• • • • • • •

(b) *Child.* (1) The term "child" shall mean a legitimate child under the age of sixteen. Children born before the marriage of their parents, if acknowledged by the father before or after the marriage, shall be deemed legitimate (section 4704 R. S.). State laws as to legitimacy are not applicable. The payment of compensation may be further continued after the age of 16 to or for a child who was insane, idiotic or otherwise physically or mentally helpless at the date of attaining the age of 16 years and the helpless condition exists at the date of filing claim. Payments of compensation continue during the period of helplessness. Marriage is not a bar to the payment of compensation to a child under the age of 16 years, or to a helpless child under an award approved prior to April 1, 1944. As to awards approved on or after April 1, 1944, compensation may not be paid to a helpless child who has married (Pub. Law 280, 78th Cong.) (See § 5.2584.)

(2) No change.

(c) *Mother—Father.* • • •

(2) For the purposes of the general law as reenacted by Public No. 269, 74th Congress, the term "mother" or "father" shall mean the same as in subparagraph (1) of this paragraph, including a mother or father as defined in § 5.2514 (d): *Provided*, That payment of compensation to or for a parent entitled solely as a result of the definition contained in § 5.2514 (d) may not be made for any period prior to July 13, 1943 (Pub. Law 144, 78th Cong.).

2. A new section, § 5.2503, is added to Part 5 to read as follows:

§ 5.2503 *Peacetime service subsequent to April 20, 1898.* For the purposes of adjudicating claims for death compensation under Public No. 2, 73d Congress (act of March 20, 1933), as amended, the following definitions of relationship shall govern:

(a) *Widow.* The term "widow" shall mean a person who was married to the veteran prior to the expiration of ten years subsequent to his discharge from the enlistment during which the injury or disease, on account of which claim is being filed, was incurred (Veterans' Regulation No. 10 (b), par. 1, (38 U. S. C. Ch. 12)), and, as to awards approved on or after October 1, 1948, who lived continuously with him from the date of marriage to the date of his death, as provided in § 5.2516.

(b) *Child.* The term "child" shall mean the same as defined in § 5.2514 (c). (Pub. Law 144, 78th Cong.)

(c) *Parent; father; mother.* The term "parent", "father" and "mother" shall mean the same as defined in § 5.2514 (d). (Pub. Law 144, 78th Cong.) (Sec. 4, 43 Stat. 9, secs. 1, 7, 8, 57 Stat. 554, 555, 556, secs. 2, 4, 58 Stat. 107, 797; 38 U. S. C. 364a, 364h, 704, 727, Ch. 12 note, Pub. Law 762, 80th Cong.)

3. In § 5.2504, paragraphs (a) (1) and (2) (iii) are amended to read as follows:

§ 5.2504 *Indian wars.* • • •

(a) *Widow.* (1) The term "widow" shall mean a person who was married to the veteran prior to March 4, 1917. However, the $60 rate provided for in the act of March 3, 1944, as amended, is payable only when the unremarried widow was the wife of the veteran during his Indian war service (Public Law 245, 78th Congress and Public Law 398, 80th Congress). (See § 5.2580.) Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899. (30 Stat. 1380.) (See § 5.2516.) (Pub. Law 398, 80th Cong.)

• • • • • •

(2) • • •

(iii) Is 60 years of age or over;

• • • • • •

4. In § 5.2506, paragraphs (a) (1) and (b) (1) and (2) are amended, (b) (3) is canceled, and (b) (4) is renumbered (b) (3).

§ 5.2506 *Civil War.* • • •

(a) *Widow.* (1) The term "widow" shall mean a person who was married

to the veteran prior to June 27, 1905. However, the $60 rate provided for in the act of July 3, 1926, as amended by the act of July 30, 1947, is payable only when the widow was the wife of the veteran during his Civil War service. Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899. (30 Stat. 1380.) (See § 5.2516.)

• • • • •

(b) *Remarried widow.* (1) For the purposes of the act of May 1, 1920 (Public No. 190, 66th Congress), as amended, the term "remarried widow" shall mean a person who married the veteran prior to June 27, 1905, and who otherwise meets the requirements of paragraph (a) (1), of this section, and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce on any ground except adultery on her part. (Pub. No. 323, 71st Cong., act of June 9, 1930.)

(2) For the purposes of the act of July 3, 1926 (Public No. 454, 69th Congress), the term "remarried widow" shall mean a person who was the wife of the veteran during the period of his service in the Civil War and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce.

(3) A remarried widow has no title under the provisions of Public Law 471, 78th Congress (Act of December 8, 1944). (Pub. Law 270, 80th Cong.)

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5. In § 5.2508, the introductory paragraph is amended, paragraph (a) is amended in its entirety, and there is no change in paragraphs (b) and (c).

§ 5.2508 *Spanish - American War, Boxer Rebellion and Philippine Insurrection; Public No. 2, 73d Congress, as amended.* For the purposes of Public No. 2, 73d Congress (act of March 20, 1933), as amended, the following definitions of relationship shall govern in the adjudication of claims for death compensation or pension:

(a) *Widow.* The term "widow" of a veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, shall mean a person who was married to the veteran prior to September 1, 1922, provided that as to awards approved on or after March 1, 1944, continuous cohabitation as described in § 5.2516 must be established (Veterans Regulation No. 10 (b), par. 1, (38 U. S. C. Ch. 12), and Public Law 242, 78th Congress, act of March 1, 1944). (Pub. Law 270, 80th Cong.)

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6. In § 5.2512 the introductory paragraph and paragraphs (a) and (b) are amended to read as follows:

§ 5.2512 *Spanish - American War, Boxer Rebellion and Philippine Insurrection; service acts as reenacted by Public No. 269, 74th Congress, and as amended.* For the purposes of Public No. 166, 69th Congress (act of May 1, 1926) as reenacted by Public No. 269, 74th Congress (act of August 13, 1935), and amended by Public Law 144, 78th Congress (act of July 13, 1943), Public Law 242, 78th Congress (act of March 1, 1944), and Public Law 762, 80th Congress (act of June 24, 1948), the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow.* (1) The term "widow" of a veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, shall mean a person who was married to the veteran prior to January 1, 1938. As to awards approved on or after March 1, 1944, and increases in pension under section 3, Public Law 242, 78th Congress, continuous cohabitation as described in § 5.2516 must be established: *Provided*, That where the widow is entitled solely by virtue of the provisions of section 2, Public Law 242, 78th Congress, pension shall not be paid for any period prior to April 1, 1944. However, the $60 rate is payable only when the widow was the wife of the veteran during his war service as defined in §§ 4.2000 (b), 4.2001 (b), or 4.2002 (b), of this chapter. (Pub. Law 242, 78th Cong., act of March 1, 1944.) (See § 5.2617.)

(2) As to claims under Public Law 762, 80th Congress which precludes payments for any period prior to June 24, 1948, the term "widow" shall mean a person who:

(i) Was married to the veteran ten or more years prior to the date of his death;

(ii) Lived with the veteran continuously from the date of marriage to the date of his death, as provided in § 5.2516;

(iii) Is 60 years of age or over;

(iv) Has not remarried;

(v) Is in dependent circumstances. In determining dependency, the criteria outlined in § 2.1057, of this chapter, for determining the dependency of a parent shall be applied. (Pub. Law 762, 80th Cong.)

(b) *Remarried widow.* The term "remarried widow" of a veteran of the Spanish-American War, Boxer Rebellion or Philippine Insurrection shall mean a person who married the veteran prior to January 1, 1938 (Pub. Law 24., 78th Cong., act of March 1, 1944), and who otherwise meets the requirements of paragraph (a) (1), of this section, and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce on any ground except adultery on the part of the wife. (Pub. Law 166, 69th Cong., act of May 1, 1926). A remarried widow has no title under the provisions of Public Law 762, 80th Congress (act of June 24, 1948). (Pub. Law 762, 80th Cong.)

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7. In § 5.2514 paragraphs (a), (b), (c) and (d) are amended to read as follows:

§ 5.2514 *World War I.* • • •

(a) *Widow.* • • •

(2) Must have lived continuously with the person who served from the date of marriage to the date of his death (this requirement was originally contained in section 4, Pub. Law 304, 75th Cong.), as provided in § 5.2516, and

(3) Must not have remarried since the death of the person who served. (Sec. 3, Pub. Law 514, 75th Cong.)

(b) *Widow.* For periods on or after December 14, 1944, the term "widow" of a World War I veteran shall mean a woman who was married to the person who served:

• • • • •

(5) *Provided*, That where the widow has been legally married to the veteran more than once, the date of original marriage will be used in determining whether the statutory requirement as to date of marriage, as outlined in subparagraphs (1) and (2) of this paragraph, has been met. (Sec. 3, Pub. Law 483, 78th Cong.)

(c) *Child.* For the purposes of Public No. 2, 73d Congress, section 28, Public No. 141, 73d Congress, Public No. 484, 73d Congress, and amendments thereto, the term "child" shall mean a person unmarried and under the age of eighteen years, unless prior to reaching the age of eighteen the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child, a child legally adopted, a stepchild if a member of the man's household at the time of his death, an illegitimate child, but as to the father, only (1) if acknowledged in writing signed by him or (2) if he has been judicially ordered or decreed to contribute to such child's support, or (3) if he has been prior to date of death of the veteran, judicially decreed to be the putative father of such child, or (4) if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of such child; as to mother proof of birth is all that is required: *Provided*, That the payment of pension or compensation shall be continued after the age of eighteen years and until completion of education or training (but not after such child reaches the age of twenty-one years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn. (Secs. 1 and 7, Pub. Law 144, 78th Cong.)

(d) *Parent; father; mother.* For the purposes of Public No. 2, 73d Congress, and Public No. 141, 73d Congress, as amended, the terms "parent," "father," and "mother" include a father, mother, father through adoption, mother through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than one year: *Provided*, That in claims based upon foster relationship, such relationship must have commenced prior to the veterans' majority: *Provided further*, That not more than one father and one mother, as defined, shall be recognized in any case, and preference shall be given to such father or mother who actually exercised parental relationship

at the time of or most nearly prior to the date of entry into active service by the person who served. (Sections 1 and 8, Pub. Law 144, 78th Cong.) If the person who last occupied the relationship of parent does not establish entitlement, a person who had previously occupied such relationship is not thereby made eligible to pension or compensation benefits. Public Law 144, 78th Congress, does not affect awards to persons who were on the rolls July 13, 1943. (Pub. Law 762, 80th Cong.)

8. In § 5.2515 the introductory paragraph and paragraph (a) are amended to read as follows:

§ 5.2515 *World War II.* For the purpose of adjudicating claims for death compensation or pension predicated on service rendered during World War II in an enlistment entered into prior to or on December 31, 1946, the following definitions of relationship shall govern:

• • • • •

(a) (1) Prior to or on December 31, 1956; and

(2) Must have lived continuously with the person who served from the date of marriage to the date of his death as provided in § 5.2516 (this requirement is applicable to awards approved on or after February 1, 1945), and (Pub. Law 762, 80th Cong.)

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9. Sections 5.2547 and 5.2577 are amended to read as follows:

§ 5.2547 *Act of May 1, 1926 (Public No. 166, 69th Cong.) as amended by the act of June 11, 1940 (Public No. 594, 76th Cong.); act of March 1, 1944 (Pub. Law 242, 78th Cong.); act of June 24, 1948 (Pub. Law 762, 80th Cong.).* For the purposes of these acts, the widow, remarried widow, child, or children of a veteran who served 90 days or more during the Spanish-American War, Boxer Rebellion or Philippine Insurrection, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, including all leaves of absence and furloughs under General Orders numbered 130, August 29, 1898, War Department; or, regardless of the length of service, if the veteran was discharged for or died in service of a disability incurred in the service in line of duty shall be entitled to receive pension at the monthly rates specified in § 5.2634, when § 4.2007 of this chapter as to persons included, § 4.2018 of this chapter as to service, and § 4.2040 of this chapter as to character of discharge, are met.

(a) When a pension has been granted under the act of May 1, 1926, as amended by the acts of June 11, 1940, and March 1, 1944, to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, a widow or remarried widow shall not be entitled to a pension until the pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her; and, upon the granting of pension to such widow or remarried widow, payment of pension to such child or children shall cease: *Provided*, That where an unremarried widow becomes entitled to pension by reason of section 2, Public Law 242, 78th Congress (act of March 1, 1944), the pension payable to such widow and child or children not in her care and custody may be apportioned as prescribed in § 5.2591 effective from the date of commencement of the award to the widow.

(b) If pension has been granted to a child or children of the veteran, the widow shall not be entitled to the pension authorized by section 1, Public Law 762, 80th Congress, until the pension to the child or children terminates, unless such child or children be a member or members of her family and cared for by her; and when these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children shall cease; except that in the event the amount being paid by such child or children is less than the amount authorized to the widow, then the difference between said amounts shall be paid to the widow. (Sec. 2, 44 Stat. 382, 54 Stat. 301, secs. 2, 3, 4, 58 Stat. 107; 38 U. S. C. 351a, 364a, 364g, 364h, Pub. Law 762, 80th Cong.)

§ 5.2577 *Death pension or compensation payable solely by virtue of certain amendatory laws—(a) Public Law 144, 78th Congress.* The date of commencement of original awards of death pension or compensation, payable solely as a result of the provisions of Public Law 144, 78th Congress, shall be the day following the date of death of the veteran or July 13, 1943, whichever is the later, if application is filed within one year from date of death; otherwise from date of filing application. In no event, however, shall the rates of pension or compensation authorized by section 14 of the act be payable for any period prior to August 1, 1943.

(b) *Public Law 242, 78th Congress.* The date of commencement of original awards of death pension payable solely as a result of the provisions of Public Law 242, 78th Congress, shall be the day following the date of death of the veteran or April 1, 1944, whichever is the later, if application is filed within one year from date of death; otherwise from date of filing application, but in no event prior to April 1, 1944. A claim pending on March 1, 1944, shall be considered a claim under this law.

(c) *Death pension payable solely by virtue of Public Law 762, 80th Congress.* The date of commencement of original awards of death pension payable solely as a result of the provisions of Public Law 762, 80th Congress, shall be the day following the date of death of the veteran or June 24, 1948, whichever is the later, if application is filed within one year from date of death; otherwise from date of filing application, but in no event prior to June 24, 1948. A claim pending on June 24, 1948 shall be considered a claim under this law. (Sec. 16, 57 Stat. 559, 58 Stat. 107, 38 U. S. C. 364a, 364g, 364h, 365, 370, 731 note)

10. In § 5.2584 the opening paragraph and paragraph (a) are amended to read as follows:

§ 5.2584 *General law and service acts.* Awards of compensation or pension shall be reduced or discontinued as follows under:

General law (sections 4702 and 4707, Revised Statutes, as amended);

Service acts, relating to the Civil War, act of May 1, 1920 (41 Stat. 585); act of July 3, 1926 (44 Stat. 806); act of June 9, 1930 (46 Stat. 529); and act of December 8, 1944 (Pub. Law 471, 78th Cong.);

Indian wars, act of March 3, 1927 (44 Stat. 1361); and act of March 3, 1944 (Pub. Law 245, 78th Cong.);

War with Spain, Boxer Rebellion, and Philippine Insurrection, act of May 1, 1926 (44 Stat. 382), as reenacted by Public No. 269, 74th Congress (act of August 13, 1935); Public Law 242, 78th Congress (act of March 1, 1944); Public Law 762, 80th Congress (act of June 24, 1948);

Act of July 13, 1943, Public Law 144, 78th Congress; and

Act of April 1, 1944, Public Law 280, 78th Congress.

(a) *Termination by limitation—(1) Widows and remarried widows.* (i) Death compensation or pension payable to a widow or remarried widow shall terminate the day of death or the day preceding remarriage. If the widow is receiving additional compensation or pension for a child or children based on service rendered prior to April 21, 1898, the date of termination of such additional compensation or pension shall be the date of death of the child or the day preceding the child's sixteenth birthday. If the widow is receiving additional compensation or pension for a child or children based on service rendered on and after April 21, 1898, the date of termination of such additional compensation or pension shall be the date of death, or the day preceding the child's eighteenth birthday, or the day preceding marriage in those cases in which the additional compensation or pension is payable solely by reason of the definition of the term "child" contained in section 7, Public Law 144, 78th Congress: *Provided*, That the discontinuance of additional compensation or pension for a child or children because of school attendance shall be effective as provided in § 5.2598 (g). Additional death compensation or pension being paid on behalf of any child by reason of permanent incapacity for self-support shall be discontinued effective the date of last payment when a determination has been made that such condition no longer exists. Additional compensation or pension for a helpless child who marries shall be discontinued as of the date preceding the marriage, except that where the award was approved under the general law or a service act prior to April 1, 1944, based on a finding that the child was helpless prior to attaining the age of 16 years the presumption that helplessness ceases on marriage may be overcome by positive proof of continuing helplessness.

• • • • •

(2) *Children.* • • •

(iv) *Marriage of helpless child.* Payments to or for a helpless child who marries shall be discontinued as of the date preceding the marriage, except that where compensation or pension has been allowed on the basis of a finding that the child was helpless prior to attaining the

age of 16 years and the award was approved prior to April 1, 1944, the presumption that the helpless condition has ceased may be overcome by positive proof of continuing helplessness. (Pub. Law 762, 80th Cong.)

* * * * *

11. Section 5.2590 is amended to read as follows:

§ 5.2590 *Readjustment after contingency. Public No. 166, 69th Congress (act of May 1, 1926), as reenacted by Public No. 269, 74th Congress (act of August 13, 1935), and as amended, Public No. 2, 73d Congress (act of March 20, 1933), as amended, sections 28 and 31, Public No. 141, 73d Congress (act of March 28, 1934), as amended, and Public No. 484, 73d Congress (act of June 28, 1934), as amended.* (a) In any claim under the above cited acts in which death pension or compensation is being paid the widow and other dependents of a person who served and an adjustment in the rates payable becomes necessary because of the death, remarriage, or forfeiture of title of one or more of the beneficiaries, readjustment will be made without the filing of a formal application. The rates for the remaining beneficiary or beneficiaries shall be the amount which would have been payable if they had been the sole original beneficiaries and will become effective the day following the date of discontinuance of payments under the prior award, provided the evidence necessary to effect an adjustment or resumption of payments is received in the Veterans' Administration within 1 year from the date of request therefor; if the evidence is not received within 1 year from the date of request therefor, payments will be authorized from the date of receipt of the evidence. (See § 3.1286 of this chapter.)

(b) (1) If a widow with a child or children has been paid compensation or pension subsequent to her remarriage at a rate in excess of that to which the child or children were entitled in their own right, an amended award will be made to the widow authorizing payment to her in her own right of the amount to which she was entitled for herself and child or children until the date next preceding the date of her remarriage and the amount to which the child or children would have been entitled if an award had been made to them from that date to the date of last payment to the widow. Thereafter, if in order, an award will be made to or in behalf of the child or children.

(2) If the rate payable for children in their own right is in excess of that paid to the widow, her award will be discontinued effective date of last payment and the award to the children will be made to commence the date of the widow's remarriage. The rate payable will be the difference between the amount paid to the widow and the amount payable for children in their own right, the available balance being proportionately divided. The full rate to which each child is entitled will be awarded commencing the day following the date of last payment to the widow. (Secs. 4, 9, 48 Stat. 9, 10; 38 U. S. C. 704, 709)

12. In § 5.2591 paragraph (c) is amended to read as follows:

APPORTIONMENT OF DEATH PENSION OR COMPENSATION

§ 5.2591 *Apportionment.* * * *

(c) *Rates payable*—(1) *General*—(i) *Compensation.* For periods on and after September 1, 1948, in awards of death compensation at the rates provided by Public Law 868, 80th Congress, the rate payable for the widow shall be $60 monthly where the death of the veteran was due to wartime service or $48 monthly where the death of the veteran was due to peacetime service, and the remainder of the amount which would be payable to the widow if all children were in her custody will be equally divided among the children. The amount payable on behalf of any child or children in the widow's custody will be added to the widow's share. For periods prior to September 1, 1948, and where compensation is payable at a protected rate under section 20, Public No. 78, 73d Congress or section 28, Public No. 141, 73d Congress, the rule outlined in subdivision (ii) of this subparagraph shall apply.

(ii) *Pension.* Public No. 484, 73d Congress as amended and Veterans Regulation No. 1 (a), Part III (38 U. S. C. Ch. 12). Apportionment of death shall be computed as follows: The share for all children for whom claim is filed will be that amount to which they would be entitled if there were no widow. The widow's share will be the difference between the children's share and the total amount payable on account of the widow and all children for whom claim is filed. In all instances, the amount payable to or for the children will be divided equally among the children. The share for any children in the widow's custody will be added to the widow's share. If, in the application of this rule, the widow's share would be increased to an amount greater than the amount to which she would be entitled if there were no children, then her share will be the amount to which she would be entitled if there were no children, and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share. If, however, in the application of this rule, the widow's share would be reduced to an amount lower than 50 percent of that to which she would be entitled if there were no children, then her share will be 50 percent of the amount to which she would be entitled if there were no children, and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share.

* * * * *

(v) *Spanish-American War (Including Boxer Rebellion and Philippine Insurrection) Pension: Service act, reenacted by Public No. 269, 74th Congress and amended.* When pension is payable under Public No. 166, 69th Congress (act of May 1, 1926), as reenacted by Public No. 269, 74th Congress, and as amended, including Public Law 270, 80th Congress (act of July 30, 1947), the apportioned monthly rates shall be as follows:

	On and after Oct. 17, 1940	On and after Sept. 1, 1940	On and after Sept. 1, 1947
Widow	$21.00	$28.00	$33.60
Child	15.00	18.00	21.60
Each additional child	6.00	6.00	7.20

Total amount for children equally divided.

The additional monthly payment of $10 provided by the act of March 1, 1944 (Pub. Law 242, 78th Cong.), because of attained age of a widow which applies only for the period from April 1, 1944, through August 31, 1946, shall be added to the widow's share. (Sec. 3, 48 Stat. 1281; 38 U. S. C. 505; Pub. Law 868, 80th Cong.)

* * * * *

13. Paragraphs (a) and (b) of § 5.2622 are amended to read as follows:

RATES OF DEATH PENSION AND COMPENSATION

Rates of Compensation for Death Due to Service

§ 5.2622 *Death due to peacetime service*—(a) *Peacetime rate.* (1) Where death resulted from active military or naval service rendered subsequent to March 4, 1861, during time of peace (except as to those instances falling within the purview of paragraph (b) of this section), the following rates are payable:

The statement of persons entitled and rates payable is cancelled and superseded by the following:

	Per month	
	Aug. 1, 1943, to Aug. 31, 1948	On and after Sept. 1, 1948
Widow	$38.00	$60.00
Widow with 1 child	49.00	80.00
Each additional child	10.00	12.00
Children where there is no widow, total payable equally divided:		
1 child	19.00	46.40
2 children	28.00	65.60
3 children	36.00	81.80
Each additional child	8.00	16.00
Dependent mother or father	30.00	48.00
(Or both), each	20.00	28.00

(2) As to the widow, child or children, the total payable under subparagraph (1) of this paragraph shall not exceed $75.00 for periods prior to August 8, 1946. No limitation as to the amount payable is applicable for periods on and after that date. (Pub. Law 673, 79th Cong.)

(3) The foregoing rates for the period prior to September 1, 1948 are contained in Public Law 690, 77th Congress and section 14 (b), Public Law 144, 78th Congress. The rates on and after September 1, 1948 are authorized by Veterans' Regulation No. 1 (a), Part II, par. III, (38 U. S. C. ch. 12), as amended by section 3, Public Law 868, 80th Congress.

(b) *Wartime rate.* Where death resulted from active military or naval service rendered subsequent to March 4, 1861, during time of peace and from an injury or disease received in line of duty (a) as a direct result of armed conflict or (b) while engaged in extra hazardous service, including such service under

conditions simulating war, the rates outlined in § 5.2624 are payable. (Veterans' Regulation No. 1 (a), Part II, par. I (c), (38 U. S. C. ch. 12), as amended by Pub. Law 359, 77th Cong. and Pub. Law 868, 80th Cong.)

* * * * *

14. In § 5.2624 the introductory paragraph and paragraph (a) are combined and amended to read as follows:

§ 5.2624 *Death due to wartime service.* (a) (1) Where death resulted from active military or naval service rendered during the Civil War, the Indian wars, the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, World War I, or World War II, the following rates are payable:

	Per month		
	Aug. 1, 1943, to Aug. 31, 1946	Sept. 1, 1946, to Aug. 31, 1948	On and after Sept. 1, 1948
Widow	$50.00	$60.00	$75.00
Widow with one child	65.00	78.00	100.00
Each additional child	13.00	15.60	15.00
Children where there is no widow, total payable equally divided			
1 child	25.00	30.00	58.00
2 children	38.00	45.60	82.00
3 children	48.00	57.60	106.00
Each additional child	10.00	12.00	20.00
Dependent mother or father	45.00	54.00	60.00
(Or both), each	25.00	30.00	35.00

(2) As to the widow, child or children, the total payable under subparagraph (1) of this paragraph shall not exceed $100 for periods prior to August 8, 1946. No limitation as to the amount payable is applicable for periods on and after that date. (Pub. Law 673, 79th Cong.)

(3) The foregoing rates for periods prior to September 1, 1948 are contained in section 5, Public No. 198, 76th Congress, as amended by section 10, Public Law 667, 77th Congress; section 14 (a), Public Law 144, 78th Congress; and section 2, Public Law 662, 79th Congress. The rates in section 5, Public No. 198, 76th Congress, originally applied only to World War I cases but were specifically made applicable to cases pertaining to the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, under the terms of Public Law 242, 77th Congress, and became applicable to cases pertaining to the other wars by reason of the provisions of Veterans' Regulations No. 1 (a), Part II, par. 1 (c) (38 U. S. C. ch. 12), as amended by Public Law 359, 77th Congress. The rates on and after September 1, 1948, as to cases pertaining to Spanish-American War, Boxer Rebellion and Philippine Insurrection, World War I and World War II are contained in Veterans' Regulation No. 1 (a), Part I, par. IV (38 U. S. C. ch. 12), by section 1, Public Law 868, 80th Congress, and are applicable to cases pertaining to other wars by virtue of the provisions of section 2, Public Law 868, 80th Congress. (Pub. Law 868, 80th Cong.)

* * * * *

15. Paragraph (a) of § 5.2626 is amended to read as follows:

§ 5.2626 *Death due to Veterans' Administration hospital treatment, etc.*—(a) *Rates under section 31, Title III, Public No. 141, 73d Congress, or section 12, Public No. 866, 76th Congress.* Where death occurred under the conditions set forth in section 31, Title III, Public No. 141, 73d Congress, or section 12, Public No. 866, 76th Congress, the rates payable (1) where the veteran served in a war are those authorized in paragraph (1), Veterans' Regulation 1 (g), (38 U. S. C. ch. 12), subject for periods on and after September 1, 1946, to the increases provided by section 2, Public Law 662, 79th Congress, or (2) where the veteran served during peacetime are those authorized in paragraph 2, Veterans' Regulation 1 (g); *Provided*, That for periods on and after September 1, 1948 the rates outlined in §§ 5.2622 or 5.2624, whichever is applicable, shall be payable. Nothing contained herein shall prevent the payment of a higher rate under a service or other act where authorized. (Pub. Law 868, 80th Cong.)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-8979; Filed, Oct. 8, 1948; 8:48 a. m.]

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS (APPENDIX)

NOTICE OF ACTION TAKEN ON CLAIMS INVOLVING PAYMENT OF SURVIVORS' INSURANCE BY FEDERAL SECURITY AGENCY

Paragraphs 5 and 6 of Veterans' Administration Instruction 1, Public Law 719, 79th Congress appearing in 38 CFR, 1946 Supp., Appendix, are amended to read as follows:

5. *Federal Security Agency procedure on initial claims for survivors' insurance.* In general the Federal Security Agency will conform to a procedure as follows: A claimant will be requested to inform that agency as to whether compensation or pension has been awarded by the Veterans' Administration. If the claimant satisfies that agency that an award has been made, the case will be closed insofar as that agency is concerned, and the Veterans' Administration will not be informed. In other cases, FSA Form OA-C650 will be sent to the Veterans' Administration to ascertain whether death compensation or pension has been awarded. The upper half of the form will be executed by Federal Security Agency, and two copies of the form will be sent to the appropriate Veterans' Administration branch office or to the Director, Dependents and Beneficiaries Claims Service, Washington 25, D. C. Action on the claim for survivors' will be deferred for a period of 60 days. If no reply is received from the Veterans' Administration within that period or the reply states that no claim has been filed, that a claim is pending, or that all claims filed have been disallowed, an award of survivors' insurance may be certified for payment. No follow-up on the form will be made prior to certification of the payment.

6. *Veterans' Administration disposition of FSA Form OA-C650*—(a) *Central office cases.* Upon receipt of FSA Form OA-C650 (5-48), there will be recorded on the lower half of the form, in duplicate, the status of any claim for death compensation or pension which may have been filed (pending, approved, or disallowed), or a statement under remarks showing that no such claim has been filed. In the event benefits have been awarded, the name, address; and relationship of the payee will be entered on the form. It will not be necessary to show that payments have been awarded to more than one person. The form will be signed by an attorney reviewer for the Director, Dependents and Beneficiaries Claims Service. The original will be forwarded to the Social Security Administration field office from which it originated and the duplicate placed in the XC folder. If upon receipt of FSA Form OA-C650 it is ascertained that the XC folder is in the custody of a branch office, the form will be referred to that office for disposition.

(b) *Branch office cases.* The procedure outlined in the preceding subparagraph will be observed in cases under the jurisdiction of a branch office. The form will be signed by an attorney reviewer for the Director, Claims Service. Where the form is received in a branch office which does not have jurisdiction over the XC folder, the form will be referred to the Director, Dependents and Beneficiaries Claims Service, Central Office.

(60 Stat. 979; 42 U. S. C. 410)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-8978; Filed, Oct. 8, 1948; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF DRESSED POULTRY AND OF VALENCIA ORANGES

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev. 26B]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS, AND SPECIAL DIRECTIONS

SHIPMENTS OF DRESSED POULTRY

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.526 *Shipments of dressed poultry.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R.

1034, 2386; 13 F. R. 2971), or in Items 70 and 130 of Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of dressed poultry, whether fresh, chilled or frozen, when such freight is loaded to a weight not less than 28,000 pounds in a refrigerator car containing 1900 cubic feet or more of freight loading space, or when such freight is loaded to a weight of not less than 24,000 pounds in a refrigerator car containing less than 1900 cubic feet of freight loading space.

This General Permit ODT 18A, Revised–26B, shall become effective October 7, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 5th day of October 1948.

HOMER C. KING,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 48–8971; Filed, Oct. 8, 1948; 8:47 a. m.]

[Gen. Permit ODT 18A, Rev. 42]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF VALENCIA ORANGES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.543 *Shipments of Valencia oranges.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971), or in Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of Valencia oranges when such carload freight is loaded to a weight not less than the applicable tariff carload minimum weight.

This General Permit ODT 18A, Revised–42, shall become effective October 7, 1948, and shall expire November 15, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 5th day of October 1948.

HOMER C. KING,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 48–8972; Filed, Oct. 8, 1948; 8:47 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. SA–178]

ACCIDENT NEAR WINONA, MINN.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 93044, which occurred near Winona, Minnesota, on August 29, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, October 14, 1948, at 9:30 a. m. (local time) in the Winona Hotel, Winona, Minnesota.

Dated at Washington, D. C., October 5, 1948.

RUSSELL A. POTTER,
Presiding Officer.

[F. R. Doc. 48–8987; Filed, Oct. 8, 1948; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7950, 7951, 8114]

EAST TEXAS BROADCASTING CO. (KGKB) ET AL.

ORDER AMENDING ISSUE

In re applications of James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company (KGKB) Tyler, Texas, Docket No. 7950, File No. BP–4769; Radio Enterprises, Inc. (KELD) El Dorado, Arkansas, Docket No. 8114, File No. BP–5644, for construction permits; Hugh J. Powell (KGGF), Coffeyville, Kansas, Docket No. 7951, File No. BMP–2021, for modification of construction permit.

The Commission having under consideration a petition filed September 14, 1948, by Radio Enterprises, Inc. (KELD), El Dorado, Arkansas, requesting the Commission to enlarge the issues in the further hearing upon the above-entitled applications for construction permits so as to include the following issue:

4. To determine whether the suggested KELD site is available as a transmitter site.

It is ordered, This 24th day of September, 1948, that the petition be, and it is hereby, granted; and that the Commission's order of August 25, 1948, designating the above-entitled applications for further hearing be, and it is hereby, amended to include the following issue:

4. To determine whether the suggested KELD site is available as a transmitter site.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–8990; Filed, Oct. 8, 1948; 8:51 a. m.]

[Docket No. 8400]

DROVERS JOURNAL PUBLISHING CO.

ORDER CONTINUING HEARING

In re application of Drovers Journal Publishing Company, Chicago, Illinois, Docket No. 8400, File No. BP–4796, for construction permit.

The Commission having under consideration a petition filed September 14, 1948, by Drovers Journal Publishing Company, Chicago, Illinois, requesting a continuance in the Oral Argument presently scheduled for October 4, 1948, upon its above-entitled application for construction permit;

It is ordered, This 24th day of September, 1948, that the petition be, and it is hereby, granted; and that the oral argument in the above-entitled proceeding presently scheduled for October 4, 1948, be, and it is hereby, continued indefinitely without date.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–8991; Filed, Oct. 8, 1948; 8:51 a. m.]

[Docket No. 8887]

ROCK RIVER VALLEY BROADCASTING CO. AND WATERTOWN RADIO, INC.

MEMORANDUM OPINION AND ORDER REDESIGNATING APPLICATION FOR HEARING

In re applications of Rock River Valley Broadcasting Company, Watertown, Wisconsin, Docket No. 8887, File No. BP–6538; Watertown Radio, Inc., Watertown, Wisconsin, File No. BP–6426, for construction permits.

By the Commission: Commissioner Webster not participating; Commissioners Hyde and Jones dissenting.

The Commission has before it a petition filed August 30, 1948, by Watertown Radio, Inc., Watertown, Wisconsin, requesting reconsideration of the action of Motions Commissioner Webster on August 20, 1948, in granting a petition filed August 13, 1948, by Rock River Valley Broadcasting Company, Watertown, Wisconsin. The Rock River petition requested leave to amend its application for construction permit (File No. BP–6538, Docket No. 8887) which then specified 920 kc, 500 w power, daytime only, so as to specify 1580 kc, 250 w power, daytime only. On September 10, 1948, Rock River filed an opposition to Watertown's petition of August 30, 1948.

To more fully understand what is involved here, it is necessary that a brief history of the applications of Watertown Radio, Inc. and Rock River Valley Broadcasting Company be given. In November, 1947, Watertown Radio, Inc. filed an application for the use of the frequency 1580 kc with 250 w power, daytime only, at Watertown, Wisconsin (File No. BP–6426). In January, 1948, Rock River Valley Broadcasting Company filed an application for the use of the frequency 920 kc with 250 w power, daytime only, also at Watertown. On April 1, 1948, the Commission designated the Rock River application for hearing with the mutually exclusive application of Metropolitan Broadcasting Company, Whitefish Bay, Wisconsin (File No. BP–5755, Docket No. 8202). On August 20, 1948, the Motions Commissioner granted Rock River's amendment to change frequency to 1580 kc and removed the application, as amended, from the hearing docket, thereby making Rock River's application mutually exclusive with the still pending application of Watertown Radio, Inc. for 1580 kc. Petitioner argued against the grant of the Rock River amendment at the Motions Docket hearing on August 20, 1948, and thereafter filed the instant petition for reconsideration which, as aforesaid, was opposed by Rock River.

The petition of Watertown for reconsideration was largely predicated upon the contention that Rock River failed to meet the requirements of § 1.365 (a)[1] of the Commission's rules in that it did not show good cause why the amendment to the frequency sought should be granted.

The opposition of Rock River to Watertown's petition is based upon three principal contentions, viz. that Watertown has no standing to urge the present petition, that good cause has been shown by it, and that there was no abuse of discretion on the part of the Motions Commissioner in permitting the amendment.

To support its contention that good cause was not shown, Watertown argues that no cause was shown justifying a grant of the amendment; that numerous prior precedents relative to granting similar amendments are not relevant since there was no argument in those cases about good cause; that to hold that good cause is not a condition precedent to allowing an amendment would leave the Commission's rules wholly without meaning, since applicants, whether designated for hearing or not, could amend as a matter of right, and the discretion vested in the Motions Commissioner to weigh the showing of good cause would cease to exist. Petitioner argues that it was even impossible to spell out from the petition to amend or the accompanying amendment any unstated good cause that would justify a grant of the amendment; that at the oral argument before the Motions Commissioner, Rock River made an allegation that all but one of its parties were local residents, but that this is not a sufficient reason to justify a change to the inferior 1580 kc frequency; that as a matter of law the petition to amend should have been denied since it failed to state any facts establishing good cause as required by the Commission's rules; that a grant of the amendment encourages "frequency-hopping" whereas, in the absence of good cause, applicants should be required to stand by their original proposals; and that it is contrary to orderly administration to allow the Rock River amendment in the instant circumstances.

The opposition filed by Rock River Valley Broadcasting Company asserts that petitioner has no standing to urge the present petition since it is not an "interested party" within the meaning of § 1.745 of the rules relative to the filing of a petition for review of the action of the Motions Commissioner. Rock River states that petitioner is not a party to the consolidated proceeding in which the Rock River petition for leave to amend is a pleading; that petitioner's ultimate expectancy of harm resulting from the action of the Motions Commissioner does not clothe it with an interest sufficient to raise the instant appeal; and that accordingly petitioner has no standing to prosecute the instant appeal from the action of the Motions Commissioner. Relative to the good cause argument, Rock River asserts that § 1.365 (a) of the rules does not require good cause to be shown in the petition, but only that the Motions Commissioner grant the petition for good cause shown; that it is apparent that the Motions Commissioner considered the question of good cause in his determination; that petitioner's chief concern is the fact that its application will be consolidated for hearing with Rock River's application; that petitioner is utilizing the instant petition as a sounding board in order to determine why its application has not been granted heretofore by the Commission in view of the fact that other applications bearing higher file numbers have been granted; that this reason does not justify a departure from precedent in acting upon a petition for leave to amend; that insofar as petitioner requests oral argument before the Commission that is merely an attempt to provide an opportunity to emphasize the abuse which it has allegely received from the Commission; and that accordingly the petition for reconsideration and oral argument should be denied.

The important issues raised by the instant petition and the opposition thereto are twofold, namely whether in the absence of a showing of "good cause" a Motions Commissioner is bound as a matter of law to deny a petition to amend; and secondly whether a party, who is not a party of record in a proceeding, can prosecute an appeal from an action of the Motions Commissioner in a pleading relative to that proceeding.

We are of the opinion that Watertown had standing to oppose the amendment of Rock River and has standing to file the present petition. Section 1.745 relating to adverse rulings by the Motions Commissioner and appeals therefrom provides that "Within two days[2] from the date of any ruling on a petition, motion, or other matter by the presiding officer of the motions docket, any interested party may petition for a review of such ruling by a quorum of the Commission." It should be noted that the language used is "any interested party" and not "any party to the proceeding". The first phrase is patently broader than the second, and in this light the contention of Rock River that Watertown has no standing as a party to protest loses whatever force it might otherwise have. It is unrealistic to suppose that in a case of this type there would be objection of the other party to the proceeding out of which Rock River was attempting to amend, and, if that other party were the only one who could object, the rule would be practically meaningless. Certainly Watertown would be affected by a request to change to the same frequency specified by it thus necessitating comparative consideration of two applications for the same facilities in the same town. It thus is "an interested party" within the meaning of the rule.

Since Watertown has, as we have held, status to object to the proposed amendment of Rock River, it is vitally interested in whether compliance is had with that provision of § 1.365 (a) requiring that good cause be shown. While in cases where there is no opposition to an amendment, the Commission may at its own discretion overlook the showing of good cause, yet when the question of whether a petitioner has shown good cause is raised, it must be met, and to hold otherwise would be reading language out of the rule and necessitate the conclusion that anyone could amend as a matter of right. The determination of this matter does not hinge on whether the Motions Commissioner exercised discretion and found that good cause was shown, although it is quite apparent that good cause was not shown. The Motions Commissioner stated that without regard to the merits of petitioner's case he felt himself bound to follow precedents cited by Commission Counsel—that prior decisions of Motions Commissioners had granted leave to amend even though the

[1] Section 1.365 (a) provides in part that "Any application may be amended as a matter of right prior to the designation of such application for hearing merely by filing the appropriate number of copies of the amendment in question duly executed. Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown . . .".

[2] The Motions Commissioner, after granting the petition to amend and noting Watertown's exception, granted Watertown's oral motion for an extension to August 30, 1948, for the filing of the instant petition.

amendment proposed was mutually exclusive with pending applications not yet heard.

For the foregoing reasons, it is therefore ordered this 30th day of September, 1948, that the petition for reconsideration filed by Watertown Radio, Inc., on August 30, 1948, be, and it is hereby, granted; that the action of the Motions Commissioner granting the petition filed August 13, 1948, by Rock River Valley Broadcasting Company requesting leave to amend be, and it is hereby reversed; and that the aforesaid application of Rock River Valley Broadcasting Company be, and it is hereby, restored to the hearing docket.

Released: October 1, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8992; Filed, Oct. 8, 1948; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1091]

COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed July 23, 1948, as supplemented on September 7, 1948, by Colorado Interstate Gas Company (Applicant), a Delaware corporation having its principal place of business at Colorado Springs, Colorado, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as more fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 13, 1948 (13 F. R. 4701).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 20, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 5, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8974; Filed, Oct. 8, 1948; 8:47 a. m.]

[Docket No. G-1093]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed August 9, 1948, as supplemented September 13, 1948, by Lone Star Gas Company (Applicant), a Texas corporation with its principal place of business at Dallas, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 20, 1948 (13 F. R. 4840).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 21, 1948, at 9:45 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 5, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8975; Filed, Oct. 8, 1948; 8:47 a. m.]

[Docket No. G-1113]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application field August 30, 1948, by Southern Natural Gas Company (Applicant), a Delaware Corporation with its principal place of business at Birmingham, Alabama, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to the public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 14, 1948 (13 F. R. 5349).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 25, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 5, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8973; Filed, Oct. 8, 1948; 8:47 a. m.]

[Docket No. G-1114]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 5, 1948.

Upon consideration of the application filed August 30, 1948, by Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 14, 1948 (13 F. R. 5349).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 25, 1948, at 9:45 a. m. (e. s. t.), in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 5, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8976; Filed, Oct. 8, 1948; 8:48 a. m.]

[Docket No. G-1121]

KENTUCKY WEST VIRGINIA GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 5, 1948.

Upon consideration of the application filed September 9, 1948, by Kentucky West Virginia Gas Company (Applicant), a West Virginia Corporation having its principal place of business at Ashland, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 30, 1948 (13 F. R. 5671).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's Rules of Practice and Procedure, a hearing be held on October 26, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § .1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 6, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8977; Filed, Oct. 8, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1945]

COLUMBIA GAS SYSTEM, INC.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of October A. D. 1948.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed an application-declaration pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder, with respect to the following transactions:

Columbia has presently outstanding 12,229,874 shares of common stock, without par value. Columbia proposes to offer to its common stockholders, at the price of $10.00 per share, an additional 1,223,000 shares of common stock. Rights to Subscribe will be issued to the common stockholders on the basis of one share of new common stock for each ten shares of common stock held by them. The proceeds from the sale of the new common stock will be used by Columbia to finance in part its 1949 construction program.

Common stockholders will also have the privilege of subscribing to such of the new common stock not subscribed for through the exercise of Rights to Subscribe, subject to pro rata allotment. The Rights to Subscribe together with the additional subscription privilege will be evidenced by transferable warrants. No fractional shares of common stock will be issued, but rights in excess of those necessary to subscribe for a full share may be sold or additional rights may be purchased to entitle the holder of the warrant to subscribe to one or more full shares of common stock.

The declaration further states that while the offer to the stockholders will not be underwritten, Columbia proposes to arrange for the payment of fees to members of the National Association of Security Dealers for subscriptions for new common stock solicited. In addition to the other estimated fees and expenses to be incurred by it in connection with the financing, Columbia proposes to pay participating dealers a fee of 25¢ for each share of additional common stock issued pursuant to the subscription offer in those cases where the names of such participating dealers appear on the exercised warrants.

Columbia proposes to stabilize the price of its common stock and/or the rights to subscribe to the additional common stock for the purpose of facilitating the distribution and offering of the additional common stock. In connection therewith, Columbia may, after the making of its subscription offer and prior to the expiration thereof, purchase shares of common stock and Rights to Subscribe on the New York Stock Exchange and/or The Pittsburgh Stock Exchange through brokers with the payment of the regular stock exchange commission. Any rights which are purchased by Columbia may be retained, or may be sold by it on the exchanges at the current price and with payment of the regular stock exchange commission, or may be sold on the over-the-counter markets at prices not to exceed the current price of rights as quoted on the New York Stock Exchange and with payment of commissions not in excess of the regular New York Stock Exchange Commission on such transaction. Columbia states that it will at no time acquire a net long position of shares of common stock (including for this purpose the equivalent shares represented by rights acquired) in excess of 10% of the additional common stock to be offered. Prior to selling shares of common stock purchased in connection with the stabilization program, Columbia will file a post-effective amendment to its declaration, setting forth the terms and conditions upon which it will sell or dispose of such shares.

Said application-declaration, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applica-

tion-declaration be granted and be permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application-declaration be, and the same hereby is, granted, and permitted to become effective forthwith.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the reasonableness of the fees and expenses to be paid by Columbia in connection with the transactions proposed herein, excepting, however, the payment of 25¢ per share to participating dealers for subscriptions for new common stock solicited, which payment is hereby permitted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8981; Filed, Oct. 8, 1948, 8:49 a. m.]

[File No. 70-1950]

NORTH AMERICAN CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of October 1948.

The North American Company ("North American"), a registered holding company, has filed an application pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("Act") relating to the transactions summarized below:

North American proposes to purchase on the New York Stock Exchange, the San Francisco Stock Exchange and the Los Angeles Stock Exchange such number of shares of Common Stock of Pacific Gas and Electric Company as it may deem necessary or appropriate for the purpose of stabilizing the market price of such stock on the respective exchanges during the period commencing at 10:00 a. m., e. s. t. on the day fixed for the opening by North American of bids for the purchase of 75,000 shares of Common Stock of Pacific Gas and Electric Company, to be sold by North American, and ending at the time of acceptance of a bid or the rejection of all bids. It is proposed that any shares which North American may purchase pursuant to the stabilizing program will be sold on the New York Stock Exchange as soon as practicable after the consummation of the sale of the said 75,000 shares.

Appropriate notice pursuant to Rule U-44 (c) with respect to the proposed sale of the 75,000 shares of Common Stock of Pacific Gas and Electric Company, and the sale of any shares acquired as the result of stabilization, has been given to the Commission by North American and no filing has been required by the Commission with respect to such sales.

North American states that it will report by amendment the results of its request for competitive bids and at that time will request the entry of a supplemental order, conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code, before consummating the sale of the said 75,000 shares to the successful bidder.

The application having been filed on September 17, 1948, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding, with respect to the proposal to acquire shares of Common Stock of Pacific Gas and Electric Company for the purpose of stabilizing the market price of said stock, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the said application with respect to said proposed acquisition of Common Stock of Pacific Gas and Electric Company be granted:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the Commission's order of April 14, 1942, requiring, among other things, that The North American Company sever its relationship with Pacific Gas and Electric Company by disposing of or causing the disposition of, in any appropriate manner not in contravention of the applicable provisions of the act or of the rules and regulations promulgated thereunder, its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by Pacific Gas and Electric Company, shall be deemed to require the disposition of any shares of Common Stock of Pacific Gas and Electric Company acquired by The North American Company as a result of stabilizing the market price of such stock, as authorized herein, with the same force and effect as if said shares had been held by The North American Company as of the date of the said order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8985; Filed, Oct. 8, 1948; 8:50 a. m.]

[File Nos. 70-1953, 70-1956]

SIOUX CITY GAS AND ELECTRIC CO. AND IOWA PUBLIC SERVICE CO.

NOTICE OF FILING OF APPLICATIONS-DECLARATIONS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 4th day of October 1948.

In the matter of Sioux City Gas and Electric Company and Iowa Public Service Company, File No. 70-1956; Sioux City Gas and Electric Company, File No. 70-1953.

Notice is hereby given that applications-declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "Act"), by Sioux City Gas and Electric Company ("Sioux City"), a registered holding company and a public utility company, and its public utility subsidiary, Iowa Public Service Company ("Iowa"), also a registered holding company, with respect to the financing of Sioux City and Iowa. Applicants-declarants have designated sections 6 (a), 7, 9, 10 and 12 (f) of the act and Rules U-43 and U-50 thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than October 18, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said filings which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 18, 1948 said applications-declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said applications-declarations which are on file in the offices of this Commission for a statement of the proposed transactions which are summarized as follows:

1. *Proposed financing of Iowa.* Iowa proposes to issue and sell at competitive bidding, pursuant to the requirements of Rule U-50, $3,000,000 principal amount of its First Mortgage Bonds to be dated as of November 1, 1948, and to mature in 1978. The bonds are to be issued pursuant to and secured by Iowa's present indenture dated as of June 1, 1946, as supplemented by indentures dated as of September 1, 1947, and to be dated as of November 1, 1948.

Iowa also proposes to issue and sell, at a price subsequently to be determined and presently estimated by the company at about $15 per share, 109,866 additional shares of its authorized but unissued $15 par value common stock. The shares of common stock are to be offered to the holders of the presently outstanding common stock of the company for subscription in the ratio of 1/6 of a share of additional common stock for each one share of common stock held. The right to subscribe for said shares of common stock is proposed to be evidenced by Full Share and Fractional Share Subscription Warrants in transferable form. As fractional shares of common stock will not be issued, fractional share subscription warrants will be exercisable only when combined with other warrants evidencing the right to subscribe for one or more full shares.

Sioux City, which is the holder of 403,545 shares of the issued and outstanding common stock of Iowa, proposes to subscribe for and purchase the 67,257 shares to which it will be entitled to subscribe. If any of the remaining 42,609 shares are not subscribed for by the public holders of warrants, Sioux City proposes to purchase such shares so that the entire proposed issue of common stock of Iowa of 109,866 shares will be fully subscribed.

The filing states that the net proceeds from the sale of the bonds and common stock of Iowa will be used, together with funds derived from operations, to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions and additions to the company's property or to reimburse its treasury in part for expenditures made for such purposes. The company contemplates expenditures for property additions during the years 1948 through 1951 in a total amount estimated at $25,147,777. The company states that as additional funds are required, they may be provided from cash resources, from borrowings and/or from the proceeds of the sale of additional securities.

2. *Proposed financing of Sioux City.* Sioux City proposes to issue and sell $1,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, 3% Series due 1978. The bonds are to be issued pursuant to and secured by Sioux City's present indenture dated as of December 1, 1945, as supplemented by an indenture to be dated as of October 1, 1948. The bonds are to be sold for cash at private sale to the New York Life Insurance Company at 99½% of the principal amount and accrued interest to the date of delivery.

Sioux City also proposes to issue and sell, at a price subsequently to be determined and presently estimated by the company at about $26 per share, 71,362 shares of its authorized but unissued $12.50 par value common stock. The shares of common stock are to be offered to the holders of the presently outstanding common stock of the company for subscription in the ratio of ⅓ of a share of additional common stock for each one share of common stock held. The right to subscribe for said shares of common stock is proposed to be evidenced by Full Share and Fractional Share Subscription Warrants, which are to be issued in transferable form. As fractional shares of common stock will not be issued, fractional share subscription warrants will be exercisable only when combined with other warrants evidencing the right to subscribe for one or more full shares. Each holder of subscription warrants will be entitled to purchase from Sioux City any shares covered by outstanding warrants which are not exercised, which right will, however, be subject to allotment.

The filing indicates that the net proceeds from the sale of bonds will be used to reimburse the company's treasury in part for capital expenditures heretofore incurred, while the net proceeds from the sale of the stock will be added to the general funds of the company and will be used, together with other funds of the company, to make the proposed additional investment in the common stock of Iowa above described and to pay in full or reduce Sioux City's 1¾% note to Bankers Trust Company in the principal amount of $1,800,000 due October 6, 1949.

With respect to the above proposed financings of Sioux City and Iowa the filings state as follows:

It is the present intention of the management of Sioux City Gas and Electric Company and of Iowa Public Service Company to initiate, upon completion of present financing programs, proceedings to effect a consolidation of the properties of Sioux City Gas and Electric Company and of Iowa Public Service Company, by the filing with the Securities and Exchange Commission of a plan pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 providing for a merger of Iowa Public Service Company into Sioux City Gas and Electric Company pursuant to the provisions of the Iowa and Delaware statutes, or by such other means as may be approved by the Securities and Exchange Commission. The proposed merger will probably involve the assumption by Sioux City Gas and Electric Company of the bonds of and of all other debts of Iowa Public Service Company, the issuance, on a share for share basis, of preferred stock of Sioux City Gas and Electric Company having the same dividend rate and redemption prices as the outstanding preferred stock of Iowa Public Service Company, for the latter preferred stock, the issuance of common stock of Sioux City Gas and Electric Company for the common stock of Iowa Public Service Company outstanding in the hands of the public on a basis not yet determined, and, as a part of such merger or subsequent thereto, the issuance of additional securities of Sioux City Gas and Electric Company to secure new money for construction and/or other corporate requirements of the combined properties. Attention is directed to the fact that plans under the provisions of Section 11 of the Act may, upon approval by the Securities and Exchange Commission and a United States Court, involve mandatory exchanges of securities, in certain cases without regard to any vote of security holders or to any appraisal rights which might otherwise vest in security holders by virtue of the provisions of state statutes, charters or by-laws.

The filings state that the need for funds to finance the construction program of Iowa is urgent and cannot await the completion of the contemplated merger of Iowa and Sioux City.

The applicants-declarants have requested that the Commission's order in File No. 70-1953 be issued not later than October 21, 1948, and that its order in File No. 70-1956 be issued not later than October 28, 1948, and that both of said orders be made effective forthwith upon issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8986; Filed, Oct. 8, 1948; 8:50 a. m.]

[File No. 70-1960]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of October 1948.

Notice is hereby given that The North American Company ("North American"), a registered holding company, and its subsidiary, Union Electric Company of Missouri ("Union Electric"), a registered holding company and an electric utility company, have filed a joint application-declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") and the rules and regulations promulgated thereunder. Applicants-declarants have designated sections 6 (a), 7, 9 (a) (1) and 10 of the act and rules U-23, U-43 and U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Union Electric proposes to amend its Articles of Incorporation in order to change each of the 3,300,000 shares of its authorized common stock, without par value, into 3½ shares of common stock, without par value, so that the aggregate number of authorized shares of common stock will be 11,550,000 shares. Union Electric proposes to issue and North American proposes to acquire 9,782,500 shares of the new common stock in exchange for 2,795,000 shares representing the presently outstanding common stock of Union Electric, all of which stock is owned by North American. No change in the present aggregate stated value of the issued and outstanding common stock will be made.

It is also proposed, as incidental to the foregoing proposal, that the Articles of Incorporation be further amended to increase the authorized common stock of Union Electric from 11,550,000 to 12,000,000 shares.

Union Electric also has 750,000 authorized shares of preferred stock of which 383,597 shares are outstanding. North American owns 152 shares of such preferred stock which, together with its holdings of 2,795,000 shares of Union Electric common stock, represent 87.94% of the voting power of all the outstanding capital stock of Union Electric.

Applicants-declarants state that the proposed transactions would increase the voting power of North American to 96.2% and that as a result thereof consolidated Federal income tax returns could be filed by North American, which could include Union Electric and its subsidiaries. It is asserted that a substantial reduction in Federal income taxes would result from filing a consolidated tax return.

The application-declaration states that the Missouri Public Service Commission has jurisdiction over the proposed transactions.

Applicants-declarants request that an order be issued by this Commission at the earliest practicable date so that the transactions may be completed as soon as possible.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application-declaration and that said applica-

tion-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission.

It is ordered, That a hearing on said application-declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on October 15, 1948, at 10:00 a. m., e. s. t., at the office of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission, on or before October 14, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen MacCullen, or any other hearing officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issuance of new common stock by Union Electric satisfies the requirements of sections 6 (a) and 7 of the act.

2. Whether the proposed acquisition by North American from Union Electric of the new shares of common stock satisfies the requirements of section 10 of the act and, specifically, whether such proposed acquisition is detrimental to the carrying out of the provisions of section 11 of the act and the Commission's order, dated April 14, 1942.

3. Whether the terms and conditions of the proposed issuance of the new common stock by Union Electric are detrimental to the public interest or to the interest of investors or consumers.

4. Whether the proposed issuance of common stock by Union Electric will result in an unfair or inequitable distribution of voting power among the holders of outstanding securities of Union Electric, or is otherwise detrimental to the public interest or the interest of investors or consumers.

5. Whether the fees or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

6. Whether terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers, and, if so, what such terms and conditions should be.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on The North American Company, Union Electric Company of Missouri, the Missouri Public Service Commission, the Federal Power Commission, and the City of St. Louis, Missouri, that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER and by general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8982; Filed, Oct. 8, 1948; 8:49 a. m.]

[File No. 70-1963]

NORTH AMERICAN LIGHT & POWER CO. ET AL.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of October 1948.

In the matter of North American Light & Power Company, the Kansas Power and Light Company, Missouri Power and Light Company, File No. 70-1963.

Notice is hereby given that North American Light & Power Company ("Light & Power"), a registered holding company and a subsidiary of The North American Company, also a registered holding company, and The Kansas Power and Light Company ("Kansas") and Missouri Power & Light Company ("Missouri"), public utility subsidiaries of Light & Power, have filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") and the rules and regulations promulgated thereunder. The applicants-declarants designate sections 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rules U-20, U-22 and U-23 of the general rules and regulations promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Light & Power presently owns all of the outstanding common stock of Kansas and of Missouri. Kansas proposes to amend its Articles of Incorporation so as to reduce the par value of its common stock from $10 per share to $5 per share and to increase the number of outstanding shares from 1,550,000 to 3,100,000 or in a ratio of 2 shares of new common stock for each share presently outstanding, and by such amendment to change the total authorized amount of its common stock from 2,000,000 shares of a par value of $10 per share to 4,000,000 shares of a par value of $5 per share. Light & Power proposes to acquire the 3,100,000 shares of new common stock in exchange for the 1,550,000 shares of common stock which it holds.

Missouri proposes to amend its Articles of Incorporation so as to reduce the par value of its common stock from $20 per share to $5 per share and to increase the number of outstanding shares from 265,000 to 1,060,000 by issuing 4 shares of new common stock for each share presently outstanding. Missouri, by such amendment, would change the total amount of its authorized common stock from 375,000 shares of a par value of $20 per share to 1,500,000 shares of a par value of $5 per share. Light & Power proposes to acquire the 1,060,000 shares of new common stock in exchange for 265,000 shares of the common stock which it now holds.

The applicants-declarants state that the purpose of the proposed transactions is to increase Light & Power's percentage of total voting power held in Kansas, which has voting preferred stock outstanding, from 91.79% to 95.72% and in Missouri, which has voting preferred stock outstanding, from 86.89% to 96.36%. It is asserted that the increase in the voting power will enable Light & Power, Kansas and Missouri to file consolidated tax returns and that substantial tax savings to each of the companies would result therefrom.

The application-declaration states that the State Corporation Commission of the State of Kansas has jurisdiction over the transactions proposed by Kansas, and that the Public Service Commission of the State of Missouri has jurisdiction over the transactions proposed by Missouri.

Applicants-declarants request that an order be issued at the earliest practicable date approving the proposed transactions so that they may be completed as soon as possible.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said application-declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on October 14, 1948, at 10:00 a. m., e. s. t., at the office of this Commission, 425 Second Street NW., Washington 25, D C. On such date the hearing-room clerk in Room 101 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission, on or before October 13, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Allen MacCullen, or any other hearing officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 13 (c)

of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that upon the basis thereof the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issuance of new common stock by Kansas and Missouri satisfies the requirements of sections 6 (a) and 7 of the act.

2. Whether the proposed acquisition by Light & Power from Kansas and Missouri of the new shares of common stock satisfies the requirements of section 10 of the act and, specifically, whether such proposed acquisition is detrimental to the carrying out of the provisions of section 11 of the act, the Commission's order, dated December 30, 1941, and the provisions of Amended Plan I, approved by this Commission on June 25, 1947, and by the District Court of the United States, for the District of Delaware, on November 6, 1947.

3. Whether the terms and conditions of the proposed issuance of the new common stock by Kansas and Missouri are detrimental to the public interest or to the interest of investors or consumers.

4. Whether the proposed issuances of common stock by Kansas and Missouri will result in an unfair or inequitable distribution of voting power among the holders of outstanding securities of Kansas and Missouri; or are otherwise detrimental to the public interest or the interest of investors or consumers.

5. Whether the fees or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

6. Whether terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers and, if so, what such terms and conditions should be.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on North American Light & Power Company, Missouri Power and Light Company. The Kansas Power and Light Company, the Missouri Public Service Commission, the State Corporation Commission of the State of Kansas and the Federal Power Commission, that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER and by general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8983; Filed, Oct. 8, 1948; 8:49 a. m.]

[File No. 811-16]

FORESIGHT FOUNDATION, INC.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of October A. D. 1948.

Notice is hereby given that Foresight Foundation, Inc. (Applicant), a registered closed-end, non-diversified, management investment company, with its principal place of business at 100 West Tenth Street, Wilmington 99, Delaware, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company or, in the event that the Commission deems it inappropriate at this time to find that it has ceased to be an investment company, for an order exempting the applicant from the provisions of section 30 (a), (b) and (d) of the act and Rules N-30A-1, N-30BI-1 and N-30D-1 insofar as said section and rules require applicant to file annual and quarterly reports with the Commission and to transmit reports at least semi-annually to stockholders.

The application discloses that the applicant, a Delaware corporation, has liquidated its portfolio and as of June 30, 1948 its sole asset consisted of cash in the amount of $41,042.69. A special meeting of stockholders of the applicant was held on July 22, 1948 at which stockholders authorized: (1) The applicant to cease doing business as an investment company, (2) The dissolution of the applicant, (3) The filing of certificates of dissolution with the proper authorities, and, (4) applicant's officers to do all things necessary to marshal applicant's assets, satisfy or provide for its obligations and liabilities, distribute its assets and wind up the affairs of the company. A certificate of dissolution of applicant was filed with the Secretary of the State of Delaware on August 13, 1948.

Applicant's outstanding capital stock as of June 30, 1948 consisted of 8,136 shares of Class A stock, $1.00 par value, without voting rights, and 35,279 shares of Class B stock, $.01 par value, with voting rights. The net asset value of the Class A stock as of June 30, 1948 was $3.73 per share. The certificate of incorporation of the applicant provides that the holders of the Class A stock on any liquidation, whether voluntary or involuntary, shall be entitled to receive a sum equal to $25 per share plus a dividend at the rate of $1.25 per share per annum for the then current fiscal year apportioned to the date of such payment and no more before any distribution may be made to the holders of the Class B stock. Since the net assets of the applicant are insufficient to satisfy in full the liquidation preference of the Class A stock, no distributions will be made to the holders of the Class B stock.

The application further discloses that in the period from June 30 to September 9, 1948, applicant made disbursements aggregating $30,694.85, consisting of $895.20 expended between June 30 and July 21, 1948, in retiring 240 shares of Class A stock at the net asset value of $3.73 per share, $9,763.20 in payment of a special dividend of $1.20 per share declared on the Class A stock prior to June 30, 1948, $19,740 deposited in trust with The Pennsylvania Company for Banking and Trusts as a liquidating dividend of $2.50 per share on the Class A stock, and $296.45 for sundry taxes and expenses. Applicant's officers have no knowledge of any outstanding claims against it, except for possible federal income taxes which may be determined to be due. Applicant's assets as of September 9, 1948 consisted of cash in the amount of $10,347.84. It is estimated that $650 of this amount will be required for payment of additional liquidation expenses and the balance of $9,697.84 will be retained pending final determination of its income tax liability. After payment of any federal income taxes determined to be due, the balance of the funds then remaining are to be deposited in trust with The Pennsylvania Company for Banking and Trusts for distribution to the holders of the Class A stock.

All interested persons are referred to said application which is on file at the Washington, D. C. office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after October 20, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act.

Any interested person may, not later than October 18, 1948, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information, or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8984; Filed, Oct. 8, 1948; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11951]

AGNES E. OSGOOD

In re: Estate of Agnes E. Osgood, deceased. File No. D-28-8170; E. T. sec. 9156.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Myrtle Cram Klein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Agnes E. Osgood, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of La Salle County, Illinois, as depositary, acting under the judicial supervision of the Probate Court of La Salle County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8995; Filed, Oct. 8, 1948; 8:52 a. m.]

[Vesting Order 11954]

ELIZABETH S. VON RUMOHR AND GUSTAV A. REUSS

In re: Trust agreement dated April 22, 1921 between Elizabeth S. von Rumohr, settlor and Gustav A. Reuss, trustee. File No. D-28-10279-G-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Karl von Rumohr, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to, and arising out of or under that certain trust agreement dated April 22, 1921 by and between Elizabeth S. von Rumohr, settlor and Gustav A. Reuss, trustee, presently being administered by The First National Bank of Chicago, successor trustee, 38 South Dearborn Street, Chicago 90, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8997; Filed, Oct. 8, 1948; 8:52 a. m.]

[Vesting Order 12049]

HERBERT C. BERGEN ET AL.

In re: Herbert C. Bergen, Executor of the estate of Therese Ristau, deceased, plaintiff, vs. Christian Ristau, et al. defendants. D-55-1309; E. T. sec. 15778.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oscar Albert, Anna Roloff, and Paul Albert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "Herbert C. Bergen, Executor of the Estate of Therese Ristau, deceased, plaintiff, vs. Christian Ristau, et al., Defendants, No. 46-E-48" in the Circuit Court of Henry County, Illinois, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Carl A. Molin, Master in Chancery, acting under the judicial supervision of the Circuit Court of Henry County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8998; Filed, Oct. 8, 1948; 8:52 a. m.]

[Vesting Order 12050]

ARMINE HUBBARD AND FIRST NATIONAL BANK OF CHICAGO

In re: Trust agreement dated June 26, 1945, between Armine Hubbard, donor and The First National Bank of Chicago, Trustee, and known as Trust No. 21569. File No. D-28-10910-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm (Wilhelm) Koerner, Luise Wasch, nee Koerner, Johanna Hemmerich, nee Koerner, Anita Koerner, Frederick (Fritz) Koerner, Hildegard Heuer, nee Koerner, Elizabeth (Elise) Neubert, nee Koerner, Ilse Fischer, nee Neubert, Hildegard Wallendorf, nee Neubert, Martha (Gleishman) Gleichmann, nee Koerner, Joachim (Gleishman) Gleichmann, Klara (Clara) Tresselt, nee Draeger, Hedwig Albrecht, Helene Reinhardt, Franz Draeger, Oskar Draeger, Paul Draeger, Alfred Draeger, Walter Draeger, Erna Grammel, nee Draeger, and Hedwig Eichler, nee Draeger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated June 26, 1946, by and between Armine Hubbard, Donor and The First National Bank of Chicago, Trustee, presently being administered by The First National Bank of Chicago, Trustee, 38 South Dearborn Street, Chicago, Illinois,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8999; Filed, Oct. 8, 1948; 8:52 a. m.]

[Vesting Order 12094]

MARIE A. THEIS

In re: Bank account, bonds, stock and other securities owned by Marie A. Theis also known as Maria A. Theis. F-28-29106-A-1, F-28-29106-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie A. Theis also known as Maria A. Theis, whose last known address is 34 Groverstr., 20 Rodenberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. That certain debt or other obligation owing to Marie A. Theis also known as Maria A. Theis, by American National Bank and Trust Company of Chicago, La Salle Street at Washington, Chicago, Illinois, arising out of a Savings Account, account number 237, entitled Marie Theis, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. One (1) Chicago Builders' Building First Mortgage Leasehold Sinking Fund Cumulative Income Bond, of $250.00 face value, bearing the number 3783, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

c. One (1) Maryland Theatre & Office Building (Chicago, Illinois) First Mortgage Fee and Leasehold Sinking Fund Bond, of $250.00 face value, bearing the number 1022, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

d. Ten (10) shares of capital stock of S. W. Straus & Co., Incorporated, evidenced by a certificate numbered 03288, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with all declared and unpaid dividends thereon,

e. One (1) Participating Certificate for two (2) shares of $50.00 par value common capital stock of Chicago Medical Arts Building Corp., 310 So. Michigan Avenue, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said certificate bearing the number 2381, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

f. One (1) Participating Certificate for ten (10) shares no par value common capital stock of Wabash-Harrison Corp., 231 So. La Salle Street, Chicago, Illinois, a corporation organized under the laws of the State of Illinois, said certificate bearing the number 2625, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

g. One (1) Trust Certificate for five (5) shares no par value common capital stock of One La Salle Co., Chicago, Illinois, said certificate bearing the number 3662, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

h. One (1) Trust Certificate for two and one half (2½) shares no par value common capital stock of Chicago Builders Building Co., 228 No. La Salle Street, Chicago, Illinois, said certificate bearing the number 3603, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

i. One (1) Voting Trust Certificate for one-half (½) share of capital stock of Oregon Paramount Corp., 803 American Bank Building, Portland, Oregon, said certificate bearing the number 773, registered in the name of Miss Marie A. Theis, 34 Groverstr., 20 Rodenberg, Germany, and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto, and

j. One (1) Participating Certificate for five (5) shares of common capital stock

REFERENCE

OCT 13 '48

of Maryland Theatre Building Corp., 141 W. Jackson Boulevard, Chicago, Illinois, said certificate bearing the number 1271 registered in the name of Miss A. Theis, 34 Groverstr, 20 Rodenberg, Germany, and presently in the custody of Helen M. Zepp, 521 Elmore Avenue, Park Ridge, Illinois, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9000; Filed, Oct. 8, 1948; 8:52 a. m.]

[Vesting Order CE 459]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN OHIO, ILLINOIS, AND NEW YORK COURTS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Steve Stefoff	Bulgaria	Jacob Levy, administrator of the estate of Peter Stefoff, deceased, vs. the Equitable Life Assurance Society of the United States, Court of Common Pleas, Mahoning County, Ohio.	$1,525.00	Clerk of Court of Common Pleas, Mahoning County, Ohio.	$55.00
		Item 2			
Maria DeTorrice	Italy	Thomas DeTorrice vs. Maria DeTorrice, et al., Circuit Court, Whiteside County, Ill.	344.66	County Treasurer, Whiteside County, Morrison, Ill.	70.00
		Item 3			
Anna Probaska	Roumania	Estate of Suzanna Kern, Surrogate's Court, Erie County, N. Y.	479.36	Jules J. Neifach, executor, 507 Brisbane Bldg., Buffalo 3, N. Y.	48.00
		Item 4			
Michael Biringer	do	Same	479.35	Same	48.00

[F. R. Doc. 48-9002; Filed, Oct. 8, 1948; 8:53 a. m.]

REFERENCE

OCT 13 '48

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 13 NUMBER 199

Washington, Tuesday, October 12, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2816

EXTENSION OF TIME FOR RENEWING TRADE-MARK REGISTRATIONS: AUSTRIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by the act of Congress approved July 17, 1946, 60 Stat. 568, the President is authorized, under the conditions prescribed in that act, to grant an extension of time for the fulfillment of the conditions and formalities for the renewal of trade-mark registrations prescribed by section 12 of the act authorizing the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, approved February 20, 1905, as amended (15 U. S. C. 92), by nationals of countries which accord substantially equal treatment in this respect to citizens of the United States of America:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of July 17, 1946, do find and proclaim that with respect to trade-marks of nationals of Austria registered in the United States Patent Office which have been subject to renewal on or after September 3, 1939, there has existed during several years since that date, because of conditions growing out of World War II, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to renewal of such registrations by section 12 of the aforesaid act of February 20, 1905, as amended, as to bring such registrations within the terms of the aforesaid act of July 17, 1946; that Austria accords substantially equal treatment in this respect to trade-mark proprietors who are citizens of the United States; and that accordingly the time within which compliance with conditions and formalities prescribed with respect to renewal of registrations under section 12 of the aforesaid act of February 20, 1905, as amended, may take place is hereby extended with respect to such registrations which expired after September 3, 1939, and before June 30, 1947, until and including February 28, 1949.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington, this 9th day of October, in the year of our Lord nineteen hundred and [SEAL] forty-eight and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-9072; Filed, Oct. 11, 1948; 10:50 a. m.]

EXECUTIVE ORDER 10006

PREPARATION, PRESENTATION, FILING, AND PUBLICATION OF EXECUTIVE ORDERS AND PROCLAMATIONS

By virtue of authority vested in me by the Federal Register Act (49 Stat. 500, as amended; 44 U. S. C. 301 et seq.), and as President of the United States, it is hereby ordered as follows:

1. The following regulations shall govern the preparation, presentation, filing, and publication of Executive orders and proclamations, and shall constitute §§ 1.91 through 1.97 of Chapter I of Title 1 of the Code of Federal Regulations:

§ 1.91 *Form.* Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The authority under which the order or proclamation is issued shall be cited in the body thereof.

(c) Punctuation, capitalization, orthography, and other matters of style shall, in general, conform to the most recent edition of the Style Manual of the United States Government Printing Office.

(d) The spelling of geographic names shall conform to the most recent official decisions of the Board on Geographic

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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Names established pursuant to the act of July 25, 1947, 61 Stat. 456 (43 U. S. C. 364 et seq.).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," published by, or under the direction of, the Director of the Bureau of the Budget.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 x 12½ inches, shall have a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, and descriptions of land may be single-spaced.

§ 1.92 *Routing and approval of drafts.* A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Bureau of the Budget. If the Director of the Bureau of the Budget approves it, he shall transmit it to the Attorney General for his consideration as to both form and legality. If the Attorney General approves it, he shall transmit it to the Director of the Division of the Federal Register, the National Archives. After determining that it conforms to the requirements of § 1.91 and is free from typographical or clerical error, the Director of the Division of the Federal Register shall transmit it and three copies thereof to the President. If it is disapproved by the Director of the Bureau of the Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

§ 1.93 *Routing of originals and copies; seal.* If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Division of the Federal Register for appropriate action in conformity with the provisions of the Federal Register Act: *Provided*, that the seal of the United States shall be affixed, pursuant to direction of the President, to the originals of all proclamations prior to such forwarding.

§ 1.94 *Numbering and certification.* The Division of the Federal Register shall number chronologically all Executive orders and proclamations and shall cause to be placed upon the copies thereof the following notation, to be signed by the Director or by some person authorized by him: "Certified to be a true copy of the original".

§ 1.95 *Disposition of originals.* The Division of the Federal Register from time to time shall file in the National Archives the originals of all Executive orders and proclamations.

§ 1.96 *Publication and distribution.* The Division of the Federal Register shall publish currently in the FEDERAL REGISTER all Executive orders and proclamations and shall supervise the promulgation and distribution thereof.

§ 1.97 *Proclamations of treaties excluded.* Consonant with the provisions of section 12 of the Federal Register Act (49 Stat. 503; 44 U. S. C. 312), nothing in this chapter shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

2. This order shall become effective upon publication in the FEDERAL REGISTER, and shall thereupon supersede Executive Order No. 7298 of February 18, 1936, entitled "Regulations Governing the Preparation, Presentation, Filing, and Distribution of Executive Orders and Proclamations".

HARRY S. TRUMAN

THE WHITE HOUSE,
October 9, 1948.

[F. R. Doc. 48-9065; Filed, Oct. 11, 1948; 10:17 a. m.]

RULES AND REGULATIONS

TITLE 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

REVISION OF CHAPTER

Effective upon publication in the Federal Register, Chapter I, Title 1, Code of Federal Regulations, is revised to read as follows:

PART 1—FEDERAL REGISTER

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1.1 Meaning of terms.
1.2 Act.
1.3 Administrative Committee.
1.4 Administrative Procedure Act.
1.5 Agency.
1.6 Code.
1.7 Director.
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1.10 Document subject to codification.
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1.14 Working day.

SUBPART B—AGENCY REPRESENTATIVES

1.21 Designation.
1.22 Notification of designation.

SUBPART C—DOCUMENTS REQUIRED OR AUTHORIZED TO BE FILED AND PUBLISHED

1.31 Proclamations and Executive orders.
1.32 Documents having general applicability and legal effect.
1.33 Classes created by act of Congress.
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SUBPART E—CITATION OF FEDERAL REGISTER AND CODE

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1.52 Code of Federal Regulations, 1949 Edition.
1.53 Code of Federal Regulations, 1938 edition and supplements.

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SUBPART A—DEFINITIONS

§ 1.1 *Meaning of terms.* As used in this chapter, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 1.2 *Act.* "Act" means the Federal Register Act, approved July 26, 1935, as amended by the act of June 19, 1937, the act of December 10, 1942, and Joint Resolution of July 25, 1947 (49 Stat. 500, 50 Stat. 304, sec. 202, 53 Stat. 1435, 56 Stat. 1045, 61 Stat. 451; 44 U. S. C. and Sup., Chapter 8B).

§ 1.3 *Administrative Committee.* "Administrative Committee" means the Administrative Committee of the Federal Register established under section 6 of the act.

§ 1.4 *Administrative Procedure Act.* "Administrative Procedure Act" means the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237; 5 U. S. C. 1001 et seq.).

§ 1.5 *Agency.* "Agency" means each authority, whether or not within or subject to review by another agency, of the Government of the United States other than Congress, the courts, or the governments of the possessions, Territories, or the District of Columbia.

§ 1.6 *Code.* "Code" means the Code of Federal Regulations of the United States of America prepared and published by the Division pursuant to section 11 of the act, as amended.

§ 1.7 *Director.* "Director" means the Director of the Division of the Federal Register, the National Archives.

§ 1.8 *Division.* "Division" means the Division of the Federal Register, the National Archives.

§ 1.9 *Document.* "Document" means any Presidential proclamation or Executive order, and any rule, regulation, order, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by an agency.

§ 1.10 *Document subject to codification.* "Document subject to codification" means any regulatory document which has general applicability and legal effect and which is in force and effect and relied upon by the issuing agency as authority for, or invoked or used in the discharge of, any of its functions or activities.

§ 1.11 *Federal Register.* "Federal Register" means the daily issue of the Federal Register.

§ 1.12 *Person.* "Person" means any individual, partnership, association, or corporation.

§ 1.13 *Publication day.* "Publication day" means the day designated by the date line of the Federal Register in which a document is published. The Federal Register is published Tuesday through Saturday of each week, excepting any day which immediately follows an official Federal holiday.

§ 1.14 *Working day.* "Working day" means 8:45 a. m. to 5:15 p. m., Monday through Friday of each week, excepting official Federal holidays.

SUBPART B—AGENCY REPRESENTATIVES

§ 1.21 *Designation.* Every agency shall designate the following responsible representatives:

(a) *Liaison Officer.* Liaison officer, and an alternate, to act as the representative of the agency in all matters concerning the submission of documents required to be filed in the office of the Director and to see that the regulations in this chapter are understood and complied with.

(b) *Certifying Officer.* Certifying officer, and an alternate, to certify the copies of all documents required to be filed in the office of the Director.

(c) *Authorizing Officer.* Authorizing officer, and an alternate, to authorize the placement of the names of individuals and offices on the mailing list to receive, for official use only, the Federal Register, the Code of Federal Regulations, and the United States Government Organization Manual.

§ 1.22 *Notification of designation.* Every agency shall notify the Director in writing of the name, title, address, and telephone extension of the agency representatives designated. Whenever a change of representatives is made by an agency, prompt notification thereof shall be given in writing to the Director.

SUBPART C—DOCUMENTS REQUIRED OR AUTHORIZED TO BE FILED AND PUBLISHED

§ 1.31 *Proclamations and Executive orders.* All Presidential proclamations and Executive orders in the numbered series, and all other documents which the President submits for publication or orders to be published, shall be filed in the office of the Director and published in the Federal Register. (Applies sec. 5 (b), 49 Stat. 501; 44 U. S. C. 305 (b))

§ 1.32 *Documents having general applicability and legal effect.* Every document, issued under proper authority, prescribing a penalty or a course of conduct, conferring a right, privilege, authority or immunity, or imposing an obligation, and relevant or applicable to the general public, the members of a class or the persons of a locality, as distinguished from named individuals or organizations, is hereby determined to have general applicability and legal effect. Such documents shall be filed in the office of the Director and published in the Federal Register. (Applies sec. 5 (a) (2), 49 Stat. 501; 44 U. S. C. 305 (a) (2))

§ 1.33 *Classes created by act of Congress.* Such documents or classes of documents as are required so to be published by act of Congress shall be filed in the office of the Director and published in the Federal Register.

§ 1.34 *Notification of expiration of codified material.* Whenever a document subject to codification expires after a specified period by its own terms or by operation of law, notification by document of such expiration shall be filed in the office of the Director and published in the Federal Register.

§ 1.35 *Documents of public interest.* Other documents which in the opinion of the Director are of sufficient public interest to warrant such publication may be filed in the office of the Director and published in the Federal Register. (Applies sec. 5 (b), 49 Stat. 501; 44 U. S. C. 305 (b))

SUBPART D—ORDER OF PUBLICATION IN THE FEDERAL REGISTER

§ 1.41 *General.* Documents published in the Federal Register shall be arranged under four principal headings in the following order:

The President.
Rules and Regulations.
Proposed Rule Making.
Notices.

§ 1.42 *The President.* There shall be published under this heading all Executive orders and Proclamations in the numbered series, and all other Presidential documents which the President submits for publication or orders to be published.

§ 1.43 *Rules and Regulations.* There shall be published under this heading all documents subject to codification.

§ 1.44 *Proposed Rule Making.* There shall be published under this heading all general notices of proposed rule making submitted pursuant to section 4 (a) of the Administrative Procedure Act.

§ 1.45 *Notices.* There shall be published under this heading all documents not falling within the provisions of §§ 1.42 to 1.44. These documents include:

(a) Under section 3 (a) (1) of the Administrative Procedure Act, current amendments to the separate descriptions of agency organization including delegations by the agency of final authority and the established places at which, and methods whereby, the public may secure information or make submittals or requests.

(b) Notices of hearings not submitted under section 4 (a) of the Administrative Procedure Act.

(c) Documents which in the opinion of the Director are of sufficient public interest to warrant publication. (See § 1.35).

(d) Miscellaneous documents not subject to codification.

SUBPART E—CITATION OF FEDERAL REGISTER AND CODE

§ 1.51 *Federal Register.* Without prejudice to any other mode of citation, the contents of the Federal Register may be cited by volume and page number. The approved short form is "F. R." Thus "13 F. R. 1248" refers to material beginning on page 1248 of volume 13 of the daily issues.

§ 1.52 *Code of Federal Regulations, 1949 Edition.* The 1949 edition of the Code shall be cited "CFR." Thus the citation "1 CFR 1.1" refers to § 1.1 of Title 1.

§ 1.53 *Code of Federal Regulations, 1938 edition and supplements.* Reference shall be made to the 1938 edition of the Code and supplements thereto only when the material to which reference is made is not included in the 1949 edition. Such references shall be in the following forms:

1 CFR, 1938 ed., 1.1.
1 CFR, 1943 Cum. Supp., 2.1.
1 CFR, 1946 Supp., 2.1.

SUBPART F—PROVISIONS APPLICABLE TO ALL DOCUMENTS

ORIGINAL AND COPIES

§ 1.61 *Original and three certified copies required.* An original and three certified copies of all documents required or authorized to be filed and published shall be transmitted to the office of the Director for purposes of filing and publication in the Federal Register: *Provided*, that, in the case of documents issued outside the District of Columbia, a confirmed copy may be filed in lieu of the original. One receipted copy shall be returned to the issuing agency.

§ 1.62 *Letter form.* No documents in the form of letters, except those issued by the President, shall be accepted by the Division.

§ 1.63 *Typewritten originals.* All documents shall be typewritten on white bond paper approximately 8 by 12½ inches, shall have a left-hand margin of approximately 1½ inches, and a right-hand margin of approximately 1 inch, and shall be double-spaced.

§ 1.64 *Printed originals.* Where it is the practice of an agency to cause the originals of its documents to be put in print before they are signed, such printed originals and duplicates thereof may be submitted if the style and form have been approved by the Director.

§ 1.65 *Mimeographed or otherwise reproduced originals.* When it is desired to submit mimeographs or other reproductions as original documents, written approval shall first be obtained from the Director. Such mimeographs or other reproductions shall be on white bond paper and shall be completely legible. The Director may refuse to accept unsatisfactory reproductions. Under no circumstances shall photostatic copies be accepted as original documents.

§ 1.66 *Certified copies.* The three certified copies required under § 1.61 shall be attached to the original of all documents. All copies shall be entirely clear and legible. Copies of typewritten originals shall consist of either positive photostats on paper of a matte surface, or the first three carbon copies of the ribbon original. Where a printed, mimeographed or otherwise reproduced original is used, copies shall be as clear and legible in all respects as the original. The time of filing and publication shall be governed by the time when clear and legible copies are submitted.

§ 1.67 *Form of certification.* The copies of all documents required to be filed in the office of the Director, except documents issued by the President, shall be certified substantially as follows: "Certified to be a true copy of the original". Each such certification shall be signed by the certifying officer designated pursuant to § 1.21 (b).

§ 1.68 *Signature.* All documents shall be signed in ink. Initials and impressed signatures shall not be acceptable. The name and title of the official signing the document shall be typed beneath his signature.

§ 1.69 *Seal.* There shall be affixed to the original and certified copies of all documents submitted for filing in the office of the Director, the seal, if any, of the agency issuing the documents.

STYLE

§ 1.71 *Punctuation, capitalization, orthography.* Punctuation, capitalization, orthography, and other matters of style shall conform in general to the most recent edition of the Style Manual of the United States Government Printing Office.

§ 1.72 *Geographic names.* The spelling of geographic names shall conform to the most recent official decisions of the Board on Geographic Names established pursuant to the act of July 25, 1947 (61 Stat. 456; 43 U. S. C. 364 et seq.).

§ 1.73 *Descriptions of tracts of land.* Descriptions of tracts of land shall conform, so far as practicable, with the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," published under the supervision of the Director of the Bureau of the Budget.

ILLUSTRATIONS, TABULAR MATERIAL, AND FORMS

§ 1.81 *Illustrations and tabular material.* Whenever possible documents should be so drafted as to make the inclusion of illustrations and tabular material unnecessary. If their inclusion cannot be avoided the following provisions shall apply:

(a) *Illustrations.* The original drawings of all maps, charts, graphs, or other illustrations shall be submitted to the Division at least six working days before the date on which publication is desired. A legible reproduction of the original drawing, reduced to a size not greater than 8 by 12½ inches, shall appear as

part of the original document and the three certified copies.

(b) *Tabular material.* Tabular material comprising more than two legal size typewritten pages must be forwarded to the Division at least six working days before the date on which publication is desired.

§ 1.82 *Forms.* Tabulated blank forms for application, registration, reports, contracts, and the like, and the instructions for preparing such forms shall not be published in full. In lieu thereof there shall be submitted for publication a simple statement of the function of the form and as to where copies may be obtained.

SUBPART G—PREPARATION, PRESENTATION, FILING, AND PUBLICATION OF EXECUTIVE ORDERS AND PROCLAMATIONS

NOTE: The text of §§ 1.91 to 1.97 is reprinted from E. O. 10006, *supra*.

§ 1.91 *Form.* Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The authority under which the order or proclamation is issued shall be cited in the body thereof.

(c) Punctuation, capitalization, orthography, and other matters of style shall, in general, conform to the most recent edition of the Style Manual of the United States Government Printing Office.

(d) The spelling of geographic names shall conform to the most recent official decisions of the Board on Geographic Names established pursuant to the act of July 25, 1947, 61 Stat. 456 (43 U. S. C. 364 et seq.).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations", published by, or under the direction of, the Director of the Bureau of the Budget.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 by 12½ inches, shall have a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, and descriptions of land may be single-spaced.

§ 1.92 *Routing and approval of drafts.* A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Bureau of the Budget. If the Director of the Bureau of the Budget approves it, he shall transmit it to the Attorney General for his consideration as to both form and legality. If the Attorney General approves it, he shall transmit it to the Director of the Division of the Federal Register, the National Archives. After determining that it conforms to the requirements of § 1.91, and is free from typographical or clerical error, the Director of the Division of the Federal Register shall transmit it and three copies thereof to the President. If it is disapproved by the Director of the Bureau of the Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

§ 1.93 *Routing of originals and copies; seal.* If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Division of the Federal Register for appropriate action in conformity with the provisions of the Federal Register Act: *Provided*, that the seal of the United States shall be affixed, pursuant to direction of the President, to the originals of all proclamations prior to such forwarding.

§ 1.94 *Numbering and certification.* The Division of the Federal Register shall number chronologically all Executive orders and proclamations and shall cause to be placed upon the copies thereof the following notation, to be signed by the Director or by some person authorized by him: "Certified to be a true copy of the original."

§ 1.95 *Disposition of originals.* The Division of the Federal Register from time to time shall file in the National Archives the originals of all Executive orders and proclamations.

§ 1.96 *Publication and distribution.* The Division of the Federal Register shall publish currently in the Federal Register all Executive orders and proclamations and shall supervise the promulgation and distribution thereof.

§ 1.97 *Proclamations of treaties excluded.* Consonant with the provisions of section 12 of the Federal Register Act (49 Stat. 503; 44 U. S. C. 312), nothing in this chapter shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

SUBPART H—PREPARATION OF DOCUMENTS SUBJECT TO CODIFICATION

§ 1.101 *General provisions.* All documents subject to codification, except Presidential documents, shall be prepared in accordance with the provisions of this subpart and of Subparts F and I before submission to the Division.

CODE STRUCTURE

§ 1.102 *Titles.* The major divisions of the code are 50 functional titles.

§ 1.103 *Chapters.* The normal divisions of titles are chapters, which are assigned to the various agencies within titles descriptive of the subject matter covered by the agencies' rules and regulations.

§ 1.104 *Parts.* The normal divisions of chapters are parts. A part should consist of a unified body of rules or regulations applying to a specific function of the issuing agency or devoted to specific subject matter under control of the issuing agency. Parts are normally assigned to chapters as follows: Chapter I, Parts 1 to 199; Chapter II, Parts 200 to 299; Chapter III, Parts 300 to 399; etc.

§ 1.105 *Sections.* The normal divisions of parts are sections. The section is the basic unit of the code. It should consist of a short, simple presentation of one principal thought. The sections in a properly drafted rule usually do not require further subdivision.

§ 1.106 *Subtitles.* Subtitles may be used to distinguish between material emanating from an over-all office or agency and the material issued by its various components. Subtitles may also be used to otherwise group chapters within a title.

§ 1.107 *Subchapters.* Subchapters may be used to group related parts within a chapter.

§ 1.108 *Subparts and undesignated center heads.* Subparts or undesignated center heads may be used to group related sections within a part. Undesignated center heads may also be used to group sections within a subpart.

NORMAL NUMBERING

§ 1.111 *Titles.* Titles are numbered consecutively in Arabic throughout the Code.

§ 1.112 *Chapters.* Chapters are numbered consecutively in Roman capitals throughout each title.

§ 1.113 *Parts.* Parts are numbered in Arabic throughout each title.

§ 1.114 *Sections.* Sections are numbered in Arabic throughout each part. A section number shall include the number of the part set off by a decimal point. Thus, the section number to be given section 15 within Part 30 would be § 30.15.

§ 1.115 *Subdivisions of sections.* Properly drafted sections should be brief and usually should not require internal divisions. Where internal divisions are unavoidable, sections shall be subdivided into paragraphs, paragraphs into subparagraphs, and subparagraphs into subdivisions designated as follows:

Terminology:	*Illustrative symbol*
Paragraph	(a)
Subparagraph	(1)
Subdivision	(i)

§ 1.116 *Subtitles, subchapters, and subparts.* Subtitles and subchapters are lettered consecutively in capitals throughout the title and the chapter respectively. Subparts may be lettered in capitals or may be undesignated.

§ 1.117 *Reservation of numbers.* Where related parts or related sections are grouped under a head as provided for in §§ 1.107 and 1.108, unused numbers shall be reserved at the end of each group.

SPECIAL NUMBERING PROBLEMS

§ 1.121 *Addition of new units between existing units.* If it becomes necessary to introduce a new part or section between existing parts or sections the new part or section shall be designated by the addition of a lower-case letter to the preceding part or section number. Thus, a part introduced between Parts 31 and 32 would be numbered Part 31a, and a section introduced between § 31.1 and § 31.2 would be numbered § 31.1a. If it becomes necessary to introduce a unit smaller than a section between existing units, the entire section should be revised.

§ 1.122 *Vacated numbers.* When a number is vacated by a revocation, the remaining elements in the over-all unit should retain their old numbers until the over-all unit is completely revised.

§ 1.123 *Keying to agency numbering systems.* The keying of the serial numbers following the decimal point to make them correspond to particular numbering systems in use by the agency shall be permitted only when, in the opinion of the Director, the keying will be of benefit both to the agency and to the public. In all cases written approval for the use of keying systems shall be obtained from the Director.

§ 1.124 *Statements of general policy; interpretations.* Where a statement of general policy or interpretation, submitted pursuant to section 3 (a) (3) of the Administrative Procedure Act, applies to an entire part it should be included in, or appended to, that part. Similarly, where a statement of policy or interpretation applies to a specific section it should be appended to that section. Statements of policy and interpretations of broader scope should be assigned to a part or group of parts within the chapter affected. All statements and interpretations should be numbered in a manner conducive to facility of citation and amendment.

HEADINGS

§ 1.131 *Required code headnotes.* The proper title, chapter, and part designation, in that order, shall be set forth in full on separate lines at the beginning of each document. Subtitle, subchapter and subpart designations shall also be set forth if used. Agencies using regulation numbers or other identifying symbols shall place them in brackets centered immediately above the part designation.

§ 1.132 *Additional caption.* For the purpose of publication in the daily Federal Register, a brief caption more specifically setting forth the scope of a document constituting a partial amendment of the material within a part shall be provided immediately below the part headnote.

§ 1.133 *Tables of contents.* Tables of contents shall be used when a new part is introduced or an existing part is completely revised and when a group of sections is revised or added and set forth as a subpart or otherwise separately grouped under a centerhead. These tables shall be set forth preceding the text of the rules or regulations and shall list the headnotes for the sections to which they are applicable.

§ 1.134 *Composition of part headnotes.* A part headnote should indicate briefly the general subject matter of the material appearing in the part. The use of phrases such as "Regulations under the act of July 26, 1935" or other expressions which are not descriptive of the subject matter should be avoided. Part headnotes should not be introduced by such expressions as "Regulations governing" or "Rules applicable to". The following are examples of appropriate part headnotes:

PART 1—PRACTICE BEFORE THE COMMISSION

PART 256—RIGHTS-OF-WAY OVER INDIAN LANDS

PART 301—INSURANCE OF ACCOUNTS

§ 1.135 *Composition of section headnotes.* All sections shall be given headnotes. Each section headnote shall briefly describe the contents of the section.

AMENDMENTS

§ 1.139 *General requirements.* There shall be included in all amendatory documents a statement particularizing the nature and extent of the changes made, and the full text of the code unit as amended. Where the document amends more than one section, each statement of particulars shall be separate and shall be numbered serially in Arabic.

REFERENCES

§ 1.141 *General requirements.* All references to the Code shall be in terms of the specific titles, parts, and sections involved. Ambiguous references such as "herein", "above", "below", "these regulations" and the like shall not be used. All documents which contain reference to material published in the Code or in the Federal Register shall include, following such reference, the Code and Federal Register citation where both are available.

§ 1.142 *References to Federal Register.* The contents of the Federal Register should be referred to by volume and page number. Thus material beginning on page 1248 of volume 13 should be cited: 13 F. R. 1248.

§ 1.143 *References between titles of 1949 edition of Code.* When referring to material codified in the 1949 Edition of the Code under a title other than that in which the reference is made, the short form of citation shall be used. Thus a reference made within Title 3 to § 1.1 of Title 1 shall be in the following form: 1 CFR 1.1.

§ 1.144 *References within a title of 1949 edition of Code.* When reference is made to material codified in the same title the following forms shall be used:

Chapter II of this title.
Part 30 of this title.
§ 30.19 of this title.

When reference is to material codified in the same chapter the following forms shall be used;

Part 30 of this chapter.
§ 30.19 of this chapter.

However, references to units within the same part should not include the phrase "of this part."

§ 1.145 *Parallel citation of Federal Register and 1949 edition of Code.* When reference is made to a document amending the 1949 edition of the Code, the Code and the Federal Register citation shall be provided in the following form:

1 CFR 1.1 (14 F. R. 2001)
or
§ 30.19 of this chapter (14 F. R. 431).

§ 1.146 *References to 1938 edition of Code and supplements.* Reference shall be made to the 1938 edition of the Code and supplements thereto only when the material to which reference is made is not included in the 1949 edition of the Code. Such references shall be in the following forms:

1 CFR., 1938 ed., 1.1.
1 CFR, 1943 Cum. Supp., 2.1.
1 CFR, 1946 Supp., 2.1.

SUBPART I—CITATIONS OF AUTHORITY

§ 1.151 *General requirements.* There shall be cited for all rules and regulations the specific rule-making authority, statutory or otherwise, under which they are issued. These citations shall be carried at the end of completed sections or as a blanket citation. Together with the citation of authority, there shall be cited specific statutory provisions which are interpreted or applied.

FORM OF STATUTORY CITATIONS

§ 1.156 *Statutes at Large.* In a citation to the Statutes at Large the exact page on which the language referred to begins shall be given. The number of the section in which the language appears also shall be given. The popular name, title, or short title of the act shall not be included. Thus a typical citation would read:

Sec. 6, 49 Stat. 501.

§ 1.157 *Public Laws.* Acts of Congress shall not be cited by public law number after such acts have been published in the Statutes at Large. When citation by Public Law number is necessary, it shall be made in the following form:

Sec. 104 (f), Pub. Law 472, 80th Cong.

§ 1.158 *United States Code.* The statutory citation shall be followed by the parallel United States Code citation wherever possible. In citing the United States Code, citations of titles and sections shall be as follows:

44 U. S. C. 306.

Thus a typical full citation would read:

Sec. 6, 49 Stat. 501; 44 U. S. C. 306.

FORM OF NON-STATUTORY CITATIONS

§ 1.161 *Proclamations and Executive orders.* Where the specific rule-making authority for the issuance of rules or regulations is contained in a Presidential proclamation or Executive order, citations to the Presidential documents shall be in the following form:

Executive orders	E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.
Proclamations	Proc. 2523, Nov. 14, 1941, 6 F. R. 5821; 3 CFR, 1943 Cum. Supp.

In cases in which a statutory authority is coupled with authority other than statutory, the statutory authority shall always take precedence, for example:

Sec. 3, 40 Stat. 432; 5 U. S. C. 643. E. O. 9017, Jan. 12, 1942, 7 F. R. 237; 3 CFR, 1943 Cum. Supp.

STATUTES INTERPRETED OR APPLIED

§ 1.166 *Required citation.* Whenever in addition to the statutory authority delegating specific rule-making power, it is possible to cite specific sections of statutes interpreted or applied by the rules and regulations, such citation shall be included.

§ 1.167 *Form of combined citation.* The citation of statutes interpreted or applied shall immediately follow the citation of rule-making authority. The form of such combined citations is as follows:

Sec. 2[illegible] 38 Stat. 892; 8 U. S. C. 102. Applies sec. 18, 39 Stat. 887; 8 U. S. C. 154.

PLACEMENT

§ 1.171 *Individual citations.* The citation of specific rule-making authority shall be carried in parentheses at the end of each completed section in the forms prescribed in §§ 1.156 to 1.167.

§ 1.172 *Blanket citations.* Blanket citations shall be used for groups of three or more complete consecutive sections issued under identical specific rule-making authority. Such citations shall be inserted immediately preceding the first section in the group which the citation covers, and shall be in the following form:

AUTHORITY: §§ —— to —— issued under sec. 6, 49 Stat. 501; 44 U. S. C. 306.

AUTHORITY: §§ —— to —— issued under sec. 6, 49 Stat. 501; 44 U. S. C. 306. Statutes applied are cited to text in parentheses

AUTHORITY: §§ —— to —— issued under sec. 6, 49 Stat. 501; 44 U. S. C. 306. Statutes interpreted or applied and statutes giving special authority are cited to text in parentheses.

SUBPART J—PREPARATION OF DOCUMENTS NOT SUBJECT TO CODIFICATION

NOTICES IN GENERAL

§ 1.181 *General requirements.* Documents not subject to codification shall, after conformation with the provisions of Subpart F, be further prepared in accordance with the provisions of this subpart.

§ 1.182 *Name of issuing agency.* The name of the issuing agency shall be carried at the beginning of the document.

§ 1.183 *Name of agency subdivision.* Whenever a document is issued by or for a specific bureau or similar unit within a Department or over-all agency, the name of such bureau or similar unit shall be carried on a separate line immediately below the name of the issuing agency.

§ 1.184 *Agency document designation.* Agencies using file numbers, docket numbers, or similar identifying symbols, shall place them in brackets on a separate line immediately following the headings required by §§ 1.182 and 1.183.

§ 1.185 *Short title and additional headnote.* A suitable short title shall be provided beginning on a separate line immediately following the other required heading or headings. In addition to the short title, the submitting agency shall include, wherever practicable, a brief headnote or similar indicia of contents, briefly summarizing or otherwise setting forth the scope of the document.

§ 1.186 *Authority citation.* The specific authority under which the document is issued should be cited in the body thereof. Reference to statutes constituting the authority for a document should not be carried in the short title or in the headnote. For form of citations in general, see §§ 1.156 to 1.161.

NOTICES OF PROPOSED RULE MAKING

§ 1.191 *General requirements.* Notices of proposed rule making required by section 4 (a) of the Administrative Procedure Act shall include a statement of the time, place, and nature of public rule-making proceedings; reference to the authority under which the rule is proposed; and either the terms or substance of the proposed rule or a description of the subjects and issues involved. Such notices shall conform to the provisions of Subpart F and of this subpart.

§ 1.192 *Code designation.* If the notice of proposed rule making contemplates the adoption of a document subject to codification, the code title and part involved shall be carried in brackets immediately below the name of the issuing agency.

§ 1.193 *Codification.* Any portion of a proposed rule making document which consists of the full text of a proposed rule shall conform to the provisions of Subparts H and I.

SUBPART K—TRANSMITTAL OF DOCUMENTS

§ 1.201 *Letter of transmittal.* Accompanying each document submitted there shall be a letter of transmittal addressed to the Director. There shall be set forth in this letter the specific identification of the document, the desired publication date, and the category in which the document is considered to fall.

§ 1.202 *Categories.* For purposes of transmittal to the Division, documents should be placed in one of the following categories:

Category 1—Document subject to codification (See § 1.10).

Category 2—Notice of proposed rule making (See § 1.44).

Category 3—Description of agency organization (See § 1.45 (a)).

Category 4—Notices (See § 1.45 (b), (c), (d)).

SUBPART L—TIME REQUIREMENTS FOR PUBLICATION

§ 1.211 *Submission.* All documents authorized or required to be filed in the office of the Director and published in the Federal Register, except documents issued by the President, documents submitted under special preprint agreements, and certain documents containing illustrations or tabular material, shall be submitted three working days before the date on which publication is desired.

CROSS REFERENCE: For additional time requirements governing submission of illustrations and tabular material, see § 1.81. See also § 1.66 with respect to delay occasioned by illegible copies.

§ 1.212 *Receipt.* Documents shall be received only during a working day.

§ 1.213 *Filing.* All documents submitted in accordance with § 1.211 shall be held for confidential processing, including typesetting, for one full working day after submission, and shall then be filed by the Division for public inspection at or before noon of the working day immediately preceding the publication day thereof. Immediately upon filing there shall be placed upon the original and certified copies of all documents the day and hour on which they are made available for public inspection. (Applies sec. 3, 49 Stat. 500; 44 U. S. C. 303)

§ 1.214 *Publication.* The Federal Register shall be published daily, Tuesday through Saturday of each week, excepting any day which immediately follows an official Federal holiday. The normal schedule of publication shall be as follows:

Submitted	*Filed*	*Published*
Monday-------	Wednesday-----	Thursday.
Tuesday-------	Thursday------	Friday.
Wednesday----	Friday---------	Saturday.
Thursday------	Monday--------	Tuesday.
Friday--------	Tuesday-------	Wednesday.

SUBPART M—INDEXES

§ 1.221 *Indexes.* The contents of the Federal Register shall be separately indexed as follows: monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

§ 1.222 *Codification Guide.* A numerical list of the sections of the Code affected by the contents of the Federal Register shall be published in a Codification Guide which shall be distributed with the monthly, quarterly, and annual indexes.

SUBPART N—DISTRIBUTION OF FEDERAL REGISTER

§ 1.231 *General distribution.* The Government Printing Office shall make distribution of the Federal Register by delivery or by deposit at a post office at or before 9:00 a. m. of the publication day. (Applies sec. 3, 49 Stat. 500; 44 U. S. C. 303)

§ 1.232 *Distribution to the Congress.* Members of Congress shall be entitled to a maximum of 5 copies daily.

§ 1.233 *Distribution to Federal agencies.* The Federal Register shall be furnished without charge to officers and employees of the United States in such numbers as are needed for official use: *Provided*, That requests for placement upon the Federal Register mailing list shall be made in writing to the Director, and signed by the person in each department or agency who is authorized under § 1.21 (c) to state that the Federal Register is needed for official use.

§ 1.234 *Extra copies.* All requests for extra copies of particular issues of the Federal Register for official use shall be addressed to the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Extra copies shall be paid for by the agency or official requesting them.

§ 1.235 *Subscriptions and sale.* The daily issues of the Federal Register shall be furnished to subscribers on a monthly or an annual basis, at a price to be determined by the Administrative Committee; the subscription price to be payable in advance to the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Individual copies shall be obtainable from the Superintendent of Documents at a price determined by him. (Applies sec. 3, 49 Stat. 500; 44 U. S. C. 303)

NOTE: Current prices of the Federal Register are: $1.50 a month; $15.00 a year; individual copies fifteen cents or more depending upon the size of the issue.

PART 2—CODE OF FEDERAL REGULATIONS, 1949 EDITION

Sec.
2.1 Editing and publication.
2.2 Scope.
2.3 Format.
2.4 Agency cooperation.
2.5 Distribution to Federal agencies.
2.6 Sale to public.

AUTHORITY: §§ 2.1 to 2.6 issued under sec. 11 (d), 50 Stat. 305; 44 U. S. C. 311 (d). §§ 2.1 to 2.4 apply E. O. 9930, Feb. 4, 1948, 13 F. R. 519.

§ 2.1 *Editing and publication.* The Division shall review the codifications of documents on file with the Administrative Committee on December 31, 1948, and shall revise and coordinate the form, style, and arrangement thereof so as to present a compact and practical code. The Division shall supervise the publication of this code in a special edition of the Federal Register dated January 1, 1949 and designated "Code of Federal Regulations, 1949 Edition."

§ 2.2 *Scope.* The 1949 Edition, among other things, shall contain the following:

(a) Under Title 2, a tabulation of citations of specific rule-making authority and citations of statutory provisions interpreted or applied, with parallel citations to the rules or regulations issued pursuant thereto and published in the 1949 Edition.

(b) Under Title 3, the full text of Presidential proclamations and Executive orders in the numbered series issued during the calendar year 1948, and a tabulation of all Presidential documents which are cited in the 1949 Edition.

(c) Under the appropriate titles, codifications of documents which have been fully promulgated on or before December 31, 1948, and which are in effect as to facts arising on or after January 1, 1949.

(d) Appropriate indexes and ancillaries.

§ 2.3 *Format.* The 1949 Edition shall be printed and bound in permanent form. As far as practicable, each title shall constitute a separate book. Each book shall include an index thereto, and a pocket for cumulative inserts covering documents promulgated on or after January 1, 1949. A general index to the entire edition shall be separately printed and bound and shall be provided with a pocket.

§ 2.4 *Agency cooperation.* Each agency shall cooperate with the Division in expediting work on the 1949 Edition by maintaining its codification on a current basis and by prompt compliance with publication deadlines set by the Division and the Government Printing Office.

§ 2.5 *Distribution to Federal agencies.* The 1949 Edition shall be furnished without charge to officers and employees of the United States in such numbers as are needed for official use: *Provided*, that requests for placement on the appropriate mailing list shall be made in writing to the Director, and signed by the person in each department or agency who is authorized under § 1.21 (c) to state that the Code is needed for official use.

§ 2.6 *Sale to public.* The 1949 Edition shall be placed on sale to the public by the Superintendent of Documents, Government Printing Office, at a price to be determined by the Administrative Committee.

PART 3—UNITED STATES GOVERNMENT ORGANIZATION MANUAL

PUBLICATION AND FORMAT
Sec.
3.1 Publication required.
3.2 Format and indexes.
SCOPE
3.6 Executive agencies.
3.7 Congress and the courts.
3.8 Supplementary material.
LIAISON OFFICERS
3.11 Designation of special officers.
3.12 Duties of regular officers.
MANNER OF COMPILATION
3.16 Preparation of digests.
3.17 Agency review of digests.
3.18 Other organization statements.
3.19 Apportionment of space.
FREE DISTRIBUTION
3.21 Distribution to Members of Congress.
3.22 Distribution to Congressional committees.
3.23 Executive branch.
3.24 Judicial branch.
PAID DISTRIBUTION
3.26 Agency requisitions.
3.27 Extra copies.
3.28 Sale to public.

AUTHORITY: §§ 3.1 to 3.28 issued under sec. 6, 49 Stat. 501; 44 U. S. C. 306.

PUBLICATION AND FORMAT

§ 3.1 *Publication required.* There shall be published, annually or at such times as may be determined by the Administrative Committee, a special edition of the Federal Register designated "United States Government Organization Manual."

§ 3.2 *Format and indexes.* The Manual shall be separately published in handbook form, with appropriate indexes and ancillaries.

SCOPE

§ 3.6 *Executive agencies.* The separate descriptions of agency organization required under section 3 (a) (1) of the Administrative Procedure Act to be published in the Federal Register shall be published in the Manual in digest form.

§ 3.7 *Congress and the courts.* Brief descriptions of the organization of Congress and of agencies of the legislative and judicial branches shall be published in the Manual.

§ 3.8 *Supplementary material.* Brief descriptions of the organization of quasi-official agencies and similar supplementary information may be included in the Manual if, in the opinion of the Director, the material is of sufficient public interest to warrant such inclusion.

LIAISON OFFICERS

§ 3.11 *Designation of special officers.* The Director shall request the agencies of the legislative and judicial branches and the quasi-official agencies represented in the Manual to designate special officers for the purpose of maintaining liaison with the Division.

§ 3.12 *Duties of regular officers.* Each liaison officer regularly designated under § 1.21 (a) of this chapter shall review for accuracy the digest of agency organization submitted pursuant to § 3.17, and shall cause to be supplied any supplementary information concerning his agency which is to be included pursuant to § 3.8.

MANNER OF COMPILATION

§ 3.16 *Preparation of digests.* The Division shall prepare an official digest of each separate statement of agency organization, including amendments thereto, which has been published in the Federal Register pursuant to section 3 (a) (1) of the Administrative Procedure Act.

§ 3.17 *Agency review of digests.* Each such official digest, together with related supplementary material, shall be submitted to the appropriate liaison officer for review as to accuracy. Changes in the official digest shall not be made unless they are based on a document published in the Federal Register before the cut-off date of the edition of the Manual in process.

§ 3.18 *Other organization statements.* Brief descriptions of the organization of agencies of the legislative and judicial branches and of quasi-official agencies shall be prepared and submitted to such agencies with a request that they be reviewed for accuracy.

§ 3.19 *Apportionment of space.* The Director shall determine the apportionment of space in the Manual with a view to maintaining balance and uniformity of presentation.

FREE DISTRIBUTION

§ 3.21 *Distribution to Members of Congress.* Each Member of Congress shall be entitled to two free copies of the Manual.

§ 3.22 *Distribution to Congressional committees.* Each Congressional committee shall be entitled to receive copies of the Manual without charge in such numbers as are needed for official use: *Provided*, that requests for placement on the Manual mailing list shall be made in writing to the Director and signed by the clerk of the committee.

§ 3.23 *Executive branch.* The head of each agency in the executive branch and each liaison officer designated under §§ 1.21 and 3.11 of this chapter shall be entitled to one free copy of the Manual.

§ 3.24 *Judicial branch.* The Supreme Court of the United States shall be entitled to 12 copies of the Manual without charge. The lower constitutional and legislative courts of the United States shall be entitled to one copy each of the Manual without charge upon application therefor in writing to the Director.

PAID DISTRIBUTION

§ 3.26 *Agency requisitions.* Each agency shall be entitled to obtain at cost copies of the Manual for official use upon the timely submission to the Government Printing Office of a proper printing and binding requisition.

§ 3.27 *Extra copies.* All requests for extra copies of the Manual shall be addressed to the Superintendent of Documents, Government Printing Office, Washington 25, D. C., and shall be paid for by the agency or official requesting them.

§ 3.28 *Sale to public.* The Manual shall be placed upon sale to the public by the Superintendent of Documents at a price to be determined by the Administrative Committee.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER,
By: WAYNE C. GROVER,
Chairman.

Approved:

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 48-9066; Filed, Oct. 11, 1948; 10:17 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

DIETITIAN

Section 24.10 is amended to read as follows:

§ 24.10 *Dietitian,* P-625-0, all grades—(a) *Educational requirement.* Applicants must have successfully completed at least 36 semester hours of study in an accredited college or university. This study must have included 12 semester hours in chemistry (to include general, organic, and biochemistry); 6 semester hours in biology (to include human physiology and bacteriology); 6 semester hours in foods (to include food preparation and meal planning); 6 semester hours in nutrition and diet in disease; 6 semester hours in institution management (to include quantity cookery and organization and management). Successful completion of a standard 4-year course leading to a bachelor's degree in an accredited college or university with major study in dietetics or institutional management will be accepted as meeting the educational requirement for these positions.

(b) *Duties.* The position of dietitian includes the following and related duties: Planning and supervising the preparation and serving of therapeutic diets; charting components and measurements for conformance with type of diet prescribed by the doctors; instructing patients in the composition and preparation of discharge diets as required; making annual budget estimates of food and allotments; and determining the kind and amount of food to be procured. The degree of responsibility will vary with the grade of the position.

(c) *Knowledge and training requisite for performance of duties.* The duties of dietitian cannot be performed successfully without a knowledge of the physiology and digestive processes of the human body, the nutritional requirements of individuals of varying ages and occupations, the special diet requirements of persons suffering from a variety of diseases, bacteriological principles as applied to food spoilage and sanitation, and the organization and administration of a hospital dietary department. This knowledge can be gained only through a directed course of study in an accredited college or university with well-equipped chemistry, physiology, bacteriology, foods, and nutrition laboratories and thoroughly trained instructors, where progress is competently evaluated. (Sec. 5, 58 Stat. 388; 5 U. S. C. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-9006; Filed, Oct. 11, 1948; 8:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter IV—Displaced Persons Commission

PART 700—ADMISSION INTO THE UNITED STATES OF DISPLACED PERSONS

Correction

In Federal Register Document 48-8864, appearing at page 5821 of the issue for Wednesday, October 6, 1948, the following corrections should be made:

In the third line of § 700.3 the word "married" should read "unmarried".

The second sentence of § 700.11 should read: "An applicant who may not appear to that examining immigrant inspector to be clearly and beyond a doubt entitled to land shall be referred for examination in relation thereto by a board of special inquiry."

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 94—RINDERPEST AND FOOT-AND-MOUTH DISEASE; PROHIBITED AND RESTRICTED IMPORTATION

NOTICE OF DETERMINATION OF NONEXISTENCE OF RINDERPEST AND FOOT-AND-MOUTH DISEASE IN IRELAND (EIRE) AND NORTHERN IRELAND, AND PROHIBITIONS AND RESTRICTIONS ON IMPORTATION OF LIVESTOCK ON ACCOUNT OF SUCH DISEASES

On August 28, 1948, a notice of rule-making was published in the FEDERAL REGISTER (13 F. R. 5025) concerning the proposed determination of the nonexistence of rinderpest and foot-and-mouth disease in certain foreign countries and the proposed amendment of § 94.1 of the regulations (9 CFR Cum. and 1947 Supps., 94.1) under section 306 of the Tariff Act of 1930 (19 U. S. C. 1946 ed. 1306) relating to prohibitions and restrictions on importation of livestock on account of such diseases. After consideration of all relevant matters presented, including the proposals set forth in the notice, the Secretary of Agriculture pursuant to section 306 of the Tariff Act of 1930 has determined and notified the Secretary of the Treasury that rinderpest and foot-and-mouth disease do not now exist in Ireland (Eire) and Northern Ireland, and hereby amends § 94.1 of the regulations by striking therefrom the words "Ireland (Eire)" and "Northern Ireland."

Inasmuch as the foregoing amendment relieves restrictions heretofore imposed, it is within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after its publication in the FEDERAL REGISTER. Consequently it shall become effective upon publication in the FEDERAL REGISTER.

The purpose of the determination and notification of the Secretary of the Treasury and the public and of the foregoing amendment of the regulations under section 306 of the Tariff Act of 1930 is to remove the prohibition heretofore effective under said section upon importation into the United States of cattle, sheep, other domestic ruminants, and swine, and of fresh chilled or frozen beef, veal, mutton, lamb, or pork from Ireland (Eire) and Northern Ireland and to render the commodities specified in Part 94, Subchapter D, Chapter I, Title 9 of the Code of Federal Regulations (B. A. I. Order No. 373), and originating in said countries no longer subject to the provisions of that part.

(Sec. 306, 46 Stat. 689; 19 U. S. C. 1306 (c))

Done at Washington, D. C., this 7th day of October 1948. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-9032; Filed, Oct. 11, 1948; 8:52 a. m.]

Subchapter F—Animal Breeds

[B. A. I. Order 365, Amdt. 21]

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED HORSES

On September 2, 1948, there was published in the FEDERAL REGISTER (13 F. R. 5123) a notice of a proposed amendment of § 151.6 (a) of the regulations relating to recognition of breeds and books of record of purebred animals under paragraph 1606 of section 201 of the Tariff Act of 1930 (19 U. S. C. 1946 ed. sec. 1201, par. 1606) to recognize the Criolla breed of horses in Argentina and the Stud Book Argentino para la Baza Criolla.

After due consideration of all relevant material presented pursuant to the notice, including the proposals set forth therein, and under the authority vested in the Secretary of Agriculture by paragraph 1606 of section 201 of the Tariff Act of 1930 (19 U. S. C. 1946 ed., sec. 1201, par. 1606), § 151.6 (a), Chapter I, Title 9, Code of Federal Regulations (paragraph 1, section 2, regulation 2, D. A. I. Order 365), as amended, is amended by adding to the subdivision of said paragraph relating to horses, the following breed and book of record:

HORSES

Name of breed	Book of record	By whom published
Criolla....	"Registro Definitivo" section of the Stud Book Argentino para la Baza Criolla.[1]	Sociedad Rural Argentina, José A. Martinez de Hoz, President, Florida 460, Buenos Aires, Argentina.

[1] *Provided:* That no horse registered in this book shall be certified as purebred unless a certificate giving three generations of complete and recorded purebred ancestry, issued by the organization named, is submitted for each horse.

(Sec. 201, 46 Stat. 672; 19 U. S. C. 1201, par. 1606 (a))

Effective date. The foregoing amendment shall become effective thirty days after publication hereof in the FEDERAL REGISTER.

The purpose of the amendment is to permit the duty-free entry into the United States of purebred Criolla horses registered in the specified section of the Stud Book Argentino para la Raza Criolla as provided in the regulations in this part, as amended.

Done at Washington, D. C., this 7th day of October 1948. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-9031; Filed, Oct. 11, 1948; 8:52 a. m.]

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

MICHIGAN

CROSS REFERENCE: For order affecting the tabulation contained in § 501.1, by adding certain public lands within the Fort Brady Target Range Military Reservation to the Marquette National Forest, see Public Land Order 523 in the Appendix to Chapter I of Title 43, *infra.*

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 43]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Schedule A, item 176, is amended to describe the county in the Defense-Rental Area, as follows:

The City of Alliance and adjacent territory described as follows:

Sections 25, 26, 35 and 36, Township 25 N., Range 48, West of the 6th Principal Meridian, and the West half of Section 31, township 25 N., Range 47, West of the 6th Principal Meridian, in Box Butte County, State of Nebraska.

(Sec. 204 (c), Pub. Law 129, 80th Cong., Pub. Laws 422, 464, 80th Cong.; 50 U. S. C. App. Sup. 1894 (c))

This amendment shall become effective October 12, 1948.

Issued this 7th day of October 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement To Accompany Amendment 43 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Box Butte County, State of Nebraska, Alliance Defense-Rental Area, which is outside the City of Alliance and its environs, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said portions of said county in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9020; Filed, Oct. 11, 1948; 8:48 a. m.]

[Rent. Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[2] Amdt. 43]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respect:

Schedule A, item 176, is amended to describe the county in the Defense-Rental Area, as follows:

The City of Alliance and adjacent territory described as follows:

Sections 25, 26, 35 and 36, Township 25 N., Range 48, West of the 6th Principal Meridian, and the West half of Section 31, Township 25 N., Range 47, West of the 6th Principal Meridian, in Box Butte County, State of Nebraska.

(Sec. 204 (c), Pub. Law 129, 80th Cong., Pub. Laws 422, 464, 80th Cong.; 50 U. S. C. App. Sup., 1894 (c))

This amendment shall become effective October 12, 1948.

Issued this 7th day of October 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement To Accompany Amendment 43 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Box Butte County, State of Nebraska, Alliance Defense-Rental Area, which is outside the City of Alliance and its environs, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said portions of said county in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9021; Filed, Oct. 11, 1948; 8:48 a. m.]

[Controlled Housing Rent Reg.,[1] Amdt. 44]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

Schedule B is amended by incorporating Item 34 as follows:

34. Provisions relating to Oklahoma County, a portion of the Oklahoma City Defense-Rental Area, State of Oklahoma:

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents are increased, effective October 15, 1948, in the amount of 15 percent for all housing accommodations in Oklahoma County, Oklahoma, a portion of the Oklahoma City Defense-Rental Area, for which the maximum rents were determined under sections 4 (a) and 4 (b) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.5 of this regulation in

[1] 13 F. R. 5706, 5788, 5877.

[2] 13 F. R. 5750, 5789, 5875.

[1] 13 F. R. 5706, 5788, 5877.

cases in which said section of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date: *Provided, however,* That where the 15 percent increase hereby authorized is applied to housing accommodations for which the maximum rent has been adjusted under section 5 (a) (12) of the aforesaid Rent Regulation for Housing, or under § 825.5 (a) (12) or § 825.5 (a) (16) of this regulation, the amount of such adjustment shall be excluded in determining the increased maximum rent.

Any maximum rent which is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942 plus 15 percent shall be eligible for adjustment on the basis of such generally prevailing rent plus 15 percent, on the filing of an individual petition for adjustment under § 825.5 (a) (11) of this regulation.

All provisions of this regulation insofar as they are applicable to the Oklahoma City Defense-Rental Area are hereby amended to the extent necessary to carry these provisions into effect.

(Sec. 204 (e), 61 Stat. 197, Pub. Law 129, 80th Cong.; as amended by 62 Stat. 37, Pub. Law 422, 80th Cong.; and as amended by 62 Stat. 94, Pub. Law 464, 80th Cong.; 50 U. S. C. App. 1894 (e).)

This amendment shall become effective October 15, 1948.

Issued this 11th day of October 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 44 to the Controlled Housing Rent Regulation

The Local Advisory Board for Oklahoma County, a portion of the Oklahoma City Defense-Rental Area, State of Oklahoma, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase in the general rent level in Oklahoma County, Oklahoma, a part of the Oklahoma City Defense-Rental Area, with special provisions for cases in which the maximum rents have heretofore been adjusted on certain grounds.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 15 percent, with special provisions for cases in which the maximum rents have heretofore been adjusted under section 5 (a) (12) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under §§ 825.5 (a) (12) or 825.5 (a) (16) of this regulation. The Housing Expediter is therefore issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-9071; Filed, Oct. 11, 1948; 12:15 p. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 44]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respect:

Schedule B is amended by incorporating Item 35 as follows:

35. Provisions relating to Oklahoma County, a portion of the Oklahoma City Defense-Rental Area, State of Oklahoma:

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents are increased, effective October 15, 1948, in the amount of 15 percent for all housing accommodations in Oklahoma County, Oklahoma, a portion of the Oklahoma City Defense-Rental Area, for which the maximum rents were determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or under § 825.85 of this regulation in cases in which said section of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date; *Provided, however,* That where the 15 percent increase hereby authorized is applied to housing accommodations for which the maximum rent has been adjusted under section 5 (a) (9) of the aforesaid Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, or under § 825.85 (a) (9) of this regulation, the amount of such adjustment shall be excluded in determining the increased maximum rent.

Any maximum rent which is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942 plus 15 percent shall be eligible for adjustment on the basis of such generally prevailing rent plus 15 percent, on the filing of an individual petition for adjustment under § 825.85 (a) (8) of this regulation.

All provisions of this regulation insofar as they are applicable to the Oklahoma City Defense-Rental Area are hereby amended to the extent necessary to carry these provisions into effect.

(Sec. 204 (e), 61 Stat. 197, Pub. Law 129, 80th Cong.; as amended by 62 Stat. 37, Pub. Law 422, 80th Cong.; and as amended by 62 Stat. 94, Pub. Law 464, 80th Cong.; 50 U. S. C. App. 1894 (e).)

This amendment shall become effective October 15, 1948.

Issued this 11th day of October 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 44 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for Oklahoma County, a portion of the Oklahoma City Defense-Rental Area, State of Oklahoma, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase in the general rent level in Oklahoma County, Oklahoma, a part of the Oklahoma City Defense-Rental Area, with special provisions for cases in which the maximum rents have heretofore been adjusted on certain grounds.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 15 percent, with special provisions for cases in which the maximum rents have heretofore been adjusted under section 5 (a) (9) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or under § 825.85 (a) (9) of this regulation. The Housing Expediter is therefore issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-9073; Filed, Oct. 11, 1948; 12:15 p. m.]

[1] 13 F. R. 5750, 5789, 5876.

TITLE 32—NATIONAL DEFENSE

Chapter XXIV—Department of State, Disposal of Surplus Property

[Dept. Reg. 108.74; FLC Reg. 8, Order 6]

PART 8508—DISPOSAL OF SURPLUS PROPERTY LOCATED IN FOREIGN AREAS

IMPORTATION INTO UNITED STATES

Correction

In Federal Register Document 48-8567, appearing on page 5528 in the issue for Thursday, September 23, 1948, the following numbers appearing in paragraph (14) of Schedule A of the original document have been corrected as indicated:

700005 corrected to read 700000.
740500 corrected to read 740005.
748412 corrected to read 748512.

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Subtitle A—Secretary of Defense

PART 73—INDUCTION STANDARDS

Sec.
73.1 Method of physical examination and minimum standards.
73.2 Minimum mental level.

Sec.
73.3 Modification of AR 40-115 items not applicable to Air Force and Navy.

AUTHORITY: §§ 73.1 to 73.3, issued under sec. 4 (a), Pub. Law 759, 80th Cong.

§ 73.1 *Method of physical examination and minimum standards.* The revised Army Regulations No. 40-115, "Physical Standards and Profiling for Enlistment and Induction," Department of the Army (1948), will be used at Joint Induction Stations as the universal method of physical examination, and as the uniform minimum physical standards for the induction of personnel into the Armed Services. It will also be used as the universal method of profiling the physical capacities.

§ 73.2 *Minimum mental level.* The minimum mental level for induction shall be seventy (70) as determined by a common General Classification test. Initially, Department of the Army Recruiting Test (Classification Test R-5 and R-6) will be used for this purpose and will be administered at Joint Induction Stations to all persons being processed for induction.

§ 73.3 *Modification of AR 40-115 items not applicable to the Air Force and Navy.* Items in AR 40-115 referring to "Soldier," "Department of the Army" and certain other phrases and sections clearly not applicable to the Departments of the Air Force and the Navy, will be administratively modified by those Departments.

JAMES FORRESTAL,
Secretary of Defense.

AUGUST 9, 1948.

[F. R. Doc. 48-9012; Filed, Oct. 11, 1948; 8:46 a. m.]

Chapter V—Department of the Army

Subchapter C—Military Education

TRANSFER AND REVISION OF REGULATIONS

The material contained in Chapter IV of Title 10 is hereby revised and transferred to Chapter V, Title 34, and is redesignated Subchapter C, Parts 542 and 543, as follows:

Part
542 Schools and colleges.
543 Promotion of rifle practice.

PART 542—SCHOOLS AND COLLEGES

Sec.
542.1 Military authority.
542.2 Schools and colleges concerned.
542.3 Application to receive Government aid.
542.4 Inspections and reports.
542.5 Military instructors.
542.6 Military training and instruction.
542.7 Organization, discipline, and government of military students.
542.8 Certificate to student.
542.9 Records, orders, and communications.
542.10 Property.
542.11 Bonds.
542.12 Arms, equipment, and spare parts.
542.13 Camps.
542.14 United States Military Academy, West Point, New York.

AUTHORITY: §§ 542.1 to 542.13 issued under 41 Stat. 780; 10 U. S. C. 1180, 1181.
DERIVATION: AR 350-3300, Dec. 22, 1938.

§ 542.1 *Military authority*—(a) *Secretary of the Army.* All matters pertaining to the coordination and supervision of military instruction at institutions conducting military training under the provisions of section 55c of the Act of June 3, 1916, as amended by Act of June 4, 1920 (41 Stat. 780; 10 U. S. C. 1180, 1181) are vested in the Secretary of the Army, who is specifically charged with the supervision of all matters relating to policy, instruction, training, and inspection of such institutions. He will determine the eligibility of any institution to establish military training under the provisions of the Act of Congress cited above.

(b) *Army area commander.* The army area commander is the representative within his army area of the Department of the Army. He should assign one or more officers of his staff to the duty of thoroughly familiarizing themselves with the history of military training in civil educational institutions and the past and present policy of the Department of the Army with reference to such training. It will be his duty to coordinate the military instruction and training at all civil educational institutions operating under regulations prescribed by the Department of the Army within his army area and to see that the policy, with reference to same is carried into effect. He will have supervision over all Army personnel on duty at all civil educational institutions within his army area. He will ascertain the number of officers and noncommissioned officers needed for duty at each institution within his army area and will recommend the detail or relief of such officers and noncommissioned officers to the Department of the Army. He will see that the officers and noncommissioned officers on such duty properly perform their duties. He will see that all institutions within his army area are equipped properly to carry on the instruction and training prescribed by the Department of the Army. He will not be responsible, however, for the supply of such equipment. He or his representatives will spend as much time as practicable visiting the institutions within his corps area, becoming personally acquainted with the officials of the institutions and the Army officers on duty and give advice and assistance whenever it seems necessary. He will refrain from interfering with schedules in operation or with local affairs except where there is a failure to carry out approved policies or where wrong methods are in operation. He will permit latitude and freedom as to methods on the part of the professors of military science and tactics and hold them responsible for results. Copies of instructions from the Department of the Army will be furnished the army area commander, and all routine matters pertaining to institutions conducting military training under the provisions of the Act of Congress cited in paragraph (a) of this section should be handled by him, unless action by the Department of the Army is necessary. His office will not become burdened with administrative functions nor should he demand unnecessary and burdensome reports and data from the institutions. An officer representing him should accompany the Department of the Army inspector during the annual inspection of institutions within his army area.

§ 542.2 *Schools and colleges concerned.* (a) The schools and colleges referred to in the Act of Congress cited in § 542.1 include all those educational institutions, public or private, which do not maintain units of the Reserve Officers' Training Corps.

(b) In order to avail themselves of the privileges prescribed by the regulations in this part the institutions concerned must agree to the following:

(1) To maintain under the prescribed course of military training not less than 100 physically fit male students above the age of 14 years.

(2) That any student who enters upon the prescribed course of military training will be required to continue the training for the remainder of that academic year, as prerequisite for graduation or promotion from that year's course, unless excused therefrom for physical disability or on the recommendation of the professor of military science and tactics.

(3) To allot and require an average of not less than 3 hours a week per school year to the prescribed course of military training.

§ 542.3 *Application to receive Government aid.* (a) When any educational institution which has not received Government aid under the provisions of the Act of Congress cited in § 542.1 desires to receive such aid, the authorities of the institution will submit an application in accordance with the following form:

(Place)

(Date)

Subject: Government aid under section 55c, National Defense Act, as amended.
To: The Adjutant General.

1. The ---
(Governing body)
of ---
(Name of institution)
located at ---, desires to participate in the Government aid authorized under section 55c, National Defense Act, as amended by the act of Congress approved June 4, 1920.

2. Number of physically fit male students above the age of 14 years enrolled at the institution, ---.

3. Number of such students who agree, or will be required to participate in the prescribed military training, ---.

4. The authorities of the institution agree to allot and require an average of not less than three hours a week per school year to the course of military training prescribed by the Secretary of the Army.

5. They further agree that when any student enters upon such course of military training it shall, as regards such student, be prerequisite for graduation or promotion for that academic year unless such student is excused for physical disability or on recommendation of the professor of military science and tactics.

6. The authorities of the institution (do not) desire one or more officers and noncommissioned officers of the Army as instructors, if any are available for this duty.

7. In case no officer or noncommissioned officer of the Army is detailed for duty as professor of military science and tactics at

the institution, the authorities of the institution are prepared to provide an instructor qualified to teach the course of military training prescribed by the Secretary of the Army.

8. The authorities of the institution will provide suitable storage facilities for all Government property issued to the institution and will take such measures as are necessary properly to care for the same; they will cause to be executed on blank form to be furnished by the Department of the Army a bond in the value of the Government property (plus 15 per cent) to be issued, for the care and safekeeping thereof and for its return in good condition when required; they further agree to keep such Government property insured against loss by fire for the benefit of the United States.

Signature _____
(Head of institution)

(b) The application will be mailed to The Adjutant General, accompanied by a statement showing the name and military qualifications of the person selected to be professor of military science and tactics as provided in § 542.5 (c).

(c) Upon receipt of the application The Adjutant General will issue the necessary orders to cause the corps area commander or a representative to make an inspection and report upon the institution on W. D., A. G. O. Form No. 0722 (Educational Institutions — Report of Initial Inspection of). If the inspection indicates that the institution is entitled to the benefits of section 55c, National Defense Act, as amended, and if the application has been approved by the Secretary of the Army, requisitions will be made at the institution on W. D., Q. M. C. Form No. 400 (Requisition). Signed requisitions will then be forwarded to the army area commander. After the value of all property that will be issued to the institution has been decided upon, a bond in the sum of not less than 15 percent in excess of the invoice value of all Government property to be issued will be furnished by the institution to the Secretary of the Army. (See § 542.11.) Upon approval by the army area commander, shipments will be made of the property, including the annual allowance of spare parts, etc., referred to in § 542.12 (c). Such shipments will be made on the regular form of Government bill of lading at the expense of the United States. Such blank forms will be furnished to the institution as are necessary properly to care for and account for Government property.

§ 542.4 *Inspections and reports.* (a) The military department of all schools and colleges having a course of military training prescribed by the Secretary of the Army pursuant to the provisions of the Act of Congress cited in § 542.1 will be subject to inspection under the authority of the President of the United States. Army area commanders or their representatives will make a formal inspection of the military department of each such institution within their respective army areas annually. No formal rating will be awarded as a result of these inspections.

(b) In addition to the formal inspection prescribed in paragraph (a) of this section army area commanders or their representatives will make such visits of observation as they may consider necessary to acquaint themselves with conditions at institutions, and to establish contact with the interested institutional authorities. Such visits will not include a formal inspection of units.

(c) During the visits to educational institutions inspecting officers will satisfy themselves as to the correctness of numbers and ages of students enrolled in the military departments; the state and condition of equipment; the adequacy and suitability of means provided by the institution for caring for Government property issued to the institution; suitability and adequacy of instructor personnel of the military department; status of the military department as to organization, efficiency, and cooperation of the authorities of the institution; and they will make written report to the army area commander of any deficiencies in these matters which they are unable to correct on the spot. Report in writing will be made to the army area commander of any violation of regulations for which the authorities of the institution are responsible or any matter affecting the desirability of the institution for the purposes of military education.

§ 542.5 *Military instructors*—(a) *Detail.* Insofar as the exigencies of the service permit, active or retired officers, warrant officers, and enlisted men of the Regular Army will be detailed under the provisions of the Act of Congress cited in § 542.1, as follows:

(1) Officers, active or retired; one to each institution, and where the institution has more than 500 students under military instruction, one additional officer for each 500 students or major fraction thereof.

(2) Noncommissioned officers, active or retired; one to each institution, and where the institution has more than 500 students under military instruction, one additional noncommissioned officer for each additional 500 students or major fraction thereof.

(3) Warrant officers, active or retired; one (in lieu of one noncommissioned officer) to institutions to which the detail of more than one noncommissioned officer is authorized.

(b) *Duties.* The duties of persons detailed as provided in paragraph (a) of this section are solely those of instructors in the course of military training prescribed by the Secretary of the Army, except that a Regular Army officer may perform the duties of commandant of cadets. Officers or noncommissioned officers will not conduct any courses of instruction in the institution other than those prescribed by the Department of the Army, or pursue any course of instruction conducted by the institution without the permission of the Secretary of the Army. Clerical labor connected with the issue, care, and accountability of Government property and manual labor connected with the care and repair of such property must be provided by the authorities of the institution.

(c) *Professor of military science and tactics.* (1) When one or more officers are detailed by the Department of the Army to an educational institution, the senior line officer will be the professor of military science and tactics. Where officers of the services only are detailed to an educational institution, the senior officer thereof will be the professor of military science and tactics. For the purpose of the regulations in this part, officers retired from arms will be regarded as line officers. All other officers detailed by the Department of the Army to the institution will be directly under his orders and control in all matters pertaining to their military duties at the institution. On arriving at the institution for duty the senior officer will report in person to the head of the institution and by letter to the army area commander. Thereafter his status and relations with the institution will be the same as are those of the head of any other department of the institution.

(2) When no officer is detailed by the Department of the Army to the institution, a suitable person will be designated by the authorities of the institution to be professor of military science and tactics, whose status and relations with the institution will be the same as are those of the head of any other department of the institution. In such cases the Department of the Army must be satisfied that the professor of military science and tactics designated by the authorities of the institution is qualified for his duties.

(d) *Noncommissioned officers.* Noncommissioned officers detailed by the Department of the Army to an institution will report to and be under the supervision of the professor of military science and tactics.

§ 542.6 *Military training and instruction*—(a) *Prescribed course.* The instruction given to those students taking the first year's course of military training must include the following subjects as a minimum:

(1) Physical training, first aid to the injured, and elementary hygiene and sanitation.

(2) Nomenclature and care of the rifle and equipment.

(3) Training publications. Infantry drill, close and extended order, to include the schools of the soldier, squad, and company.

(4) Instruction in firing the rifle, to include gallery practice.

(b) *Additional instruction.* Every effort will be made to offer to those students, who have satisfactorily completed training set forth in paragraph (a) of this section, a further and progressive course of military instruction which will follow, as nearly as the facilities of the institution permit, the program of instruction prescribed for Junior Division, ROTC units (CS), copies of which may be obtained from The Adjutant General. This program will be carefully studied and the policy and method of training outlined therein should be used as a guide and carefully adhered to as far as practicable. In institutions which offer more than 3 years of military instruction the program may be expanded by the allotment of additional time to subjects in this program at the discretion of the officials of the institutions concerned.

(c) *Records of training.* Such records as will show specifically the following information will be kept in the department of military science and tactics of the institution.

(1) Date and duration of each drill or instruction period.

(2) Kind of drill or subjects of instruction covered at each drill or instruction period.

(3) Name of instructor at each drill or instruction period.

(4) Number of students present at each drill or instruction period for the entire period.

(5) Names of absentees and the reason for absences.

(6) When range practice is held, the score of each student will be kept.

(7) Record of all Government property issued to the institution.

(8) Lists of all Government property issued to each student by the institution.

§ 542.7 *Organization, discipline, and government of military students*—(a) *Organization.* Students under military training will be organized into companies, battalions, and regiments of Infantry, the organization, drill, and administration of which will conform as far as practicable to that prescribed for similar units of the Regular Army.

(b) *Discipline.* Discipline will be maintained at all times when the students are undergoing military training.

(c) *Rules and orders.* All rules and orders relating to the organization, discipline, and government of the military students, the appointment, promotion, and change of officers, and all orders affecting the department of military science and tactics, except those relating to routine duty, will be made and promulgated by the professor of military science and tactics, after being approved by the chief administrative officer of the institution.

(d) *Supervision and control.* Institutions conducting military training under the provisions of the Act of Congress cited in § 542.1 will retain the ordinary powers of supervision and control of the student personnel.

(e) *Report from the professor of military science and tactics.* The professor of military science and tactics will render to the army area commander a special report covering in full any serious case of breach of military discipline in which adequate action has not been taken by the authorities of the institution within reasonable time.

§ 542.8 *Certificate to student.* When any student severs his connection with the institution, a certificate stating what military training he has satisfactorily completed should be given to him.

§ 542.9 *Records, orders, and communications.* The office of The Adjutant General is the office of record and issuance of orders relating to these institutions. All comunications, therefore, with reference to the military department of a school or college where military instruction is conducted under regulations prescribed by the Department of the Army will be, except where otherwise prescribed, forwarded through the army area commander to The Adjutant General.

§ 542.10 *Property*—(a) *Requisitions.* Requisitions for Government property for an educational institution operating under the provisions of the regulations in this part will be submitted to the army area commander.

(b) *Transportation.* Shipment of Government property authorized under the provisions of the Act of Congress cited in § 542.1 from depots, arsenals, or armories to institutions, and return shipment from institutions to depots, arsenals, or armories, will be made on the regular Government bill of lading at the expense of the United States. This transportation cost, together with the cost of packing and handling at the arsenal or depot, will be paid from funds allocated to the army area commander.

Professors of military science and tactics may employ the necessary drayage for hauling Government equipment from the local railroad receiving point when institution and from the institution to the local railroad receiving point when no Government transportation is available or when the institution has no transportation. Just accounts will be submitted to the army area commander for approval and payment. However, when under the provision of § 542.5 (c) (2) no officer of the Army has been detailed to the institution as professor of military science and tactics, the official of the institution designated by the head of the institution under the provisions of paragraph (c) (2) of this section will perform the duties indicated in this paragraph.

(c) *Accounting.* (1) Government property issued to educational institutions under the provisions of the Act of Congress cited in § 542.1 must be accounted for on blank forms furnished by the Department of the Army for this purpose.

(2) The president or other authority of the institution will be requested to designate an official of the institution as authorized to sign all property papers for the institution and account for the property in the name of and for the institution. This authority in the form of a certificate will be transmitted to the army area commander.

(d) *Lost, destroyed or damaged.* (1) Government property which becomes unserviceable through fair wear and tear incident to the proper and authorized use of such property will be replaced or repaired at the expense of the United States. Such property may be dropped from the institution's accountability on an approved W. D., A. G. O. Form No. 15 (Report of Survey) or W. D., I. G. D. Form No. 1 (Inventory and Inspection Report). Should the approved W. D., A. G. O. Form No. 15 or W. D., I. G. D. Form No. 1 involve the shipment of the unserviceable property to a depot or arsenal for salvage or repair, such property will be dropped from accountability only on the receipted W. D., Q. M. C. Form No. 434 (Shipping Ticket), on which it is shipped to the depot or arsenal, to which the W. D., A. G. O. Form No. 15 or W. D., I. G. D. Form No. 1 authorizing the shipment will be attached.

(2) Government property lost, destroyed, or damaged by fire, flood, theft, tornado, or other similar causes, without fault or neglect on the part of the institution, its servants, or employees, or any member of its student body receiving military training, will be replaced at the expense of the United States. To determine whether such loss, destruction, or damage was without fault or neglect on the part of the institution, its servants or employees, or members of its student body receiving military training, a survey will be made as provided in paragraphs 6 and 8, AR 35–6640.[1] The surveying officer will be appointed by the army area commander.

(3) All other loss, destruction, damage, or deterioration of Government property for which an institution is accountable will be made good by the institution, and army area commanders will take the necessary action to cause reimbursement to the United States for such loss, destruction, damage, or deterioration.

(4) Whenever Government property for which an institution is accountable is lost, whatever the cause, or becomes unserviceable to the extent of requiring replacement, or repair which cannot be made at the institution, the institution authorities will immediately notify the army area commander. In case arms are lost, the army area commander and The Adjutant General will be notified immediately by wire and the authorities of the institution will also notify the proper civil authorities, with a view of seizing the arms, if found, and of prosecuting all persons concerned in the illegal possession thereof.

(e) *Inventories*—(1) *By whom and when made.* (i) Inventories of all Government property at each institution will be made at least once each year by the official of the institution authorized to account for the property in accordance with AR 35–6520.[2] This annual inventory will be made during the period between the close of the spring term of one academic year and the opening of the fall term of the following academic year. A Regular Army officer, assigned to duty at the school, will assist at the inventory, and will verify the entry of inventory balances on the stock record cards as required by paragraph 19c, AR 35–6520.[2] If an officer of the Regular Army is not available to assist in taking the inventory, the accountable school official will notify the corps area commander and await the designation of suitable military personnel to be present at the inventory.

(ii) In the case of arms and other items bearing numbers, the serial number of each weapon or similar item will be checked. The provisions of paragraph 19d (1), AR 35–6520,[2] will not apply. The contents of packages containing such items will, upon receipt thereof, be examined and verified as to quantity

[1] Administrative regulations of the Department of the Army relative to lost, destroyed, damaged, or unserviceable property.

[2] Administrative regulations of the Department of the Army relative to property accountability and responsibility.

and serial numbers, after which the containers should be closed, resealed, and marked to show date of such examination and verification. The same procedure will be followed when accountability for property is transferred, and at each subsequent annual inventory. During the interim between inventories, the seals should be inspected at frequent intervals.

(iii) The result of such inventory and also the balances appearing on the stock record account will be entered, segregated according to supply arms or services, on the form prescribed in subparagraph (2) of this paragraph (in duplicate), the original of which will be certified as correct and forwarded to the army area commander. The duplicate copy will be retained by the institution authorities.

(2) *Form.* The report of inventory and stock record balances will be prepared by the official of the institution authorized to account for the property in the following form, supported by a list of the serial numbers of all firearms, which will be attached to each copy of the inventory:

(Place and Date)

Subject: Certified report of inventory and balances on stock record of public property at (Designation of institution)

To: Commanding General, Army.

Articles	Stock record balances	Inventory balances	Overages	Shortages

I certify that the above report is correct.

(Signature)

(Accountable officer)

(f) *Overages to be taken up on stock record account.* Any overages disclosed by the inventory will be taken up on the stock record account of the institution on W. D., Q. M. C. Form No. 445 (Over, Short, and Damaged Report) as "Found at school." Report of survey will be initiated to cover all shortages disclosed by the inventory unless the authorities of the institution acknowledge liability for the loss and make payment therefor as contemplated in paragraph (d) (3) of this section.

§ 542.11 *Bonds.* (a) A bond, in the value of all Government property issued for the care, safekeeping thereof, and for its return when required, will be furnished to the Secretary of the Army and will be filed by the army area commander after approval by him.

(b) Government property to an amount in excess of that covered by the bond will not be issued. Educational institutions will execute bonds in a sum of not less than 15 percent in excess of their immediate needs in order that any reasonable expansion may be met by the supply departments without entailing the necessity for the execution of a new bond. (See § 542.3 (c).) Blank forms for bonds and instructions for their preparation will be obtained from the army area commander.

(c) Institutions which belong to one of the three following classes may be their own surety:

(1) Institutions operating under State charter.

(2) Institutions directly under control of municipalities.

(3) Institutions which are corporations.

(d) The high schools in the District of Columbia are not required to furnish bond, as contemplated in paragraphs (a) and (b) above, on account of military supplies and equipment issued by the Department of the Army for military instruction and practice by the students therein. (See Act of March 3, 1925 (43 Stat. 1232).)

§ 542.12 *Arms, equipment, and spare parts*—(a) *Arms and equipment.* The following arms and equipment are designated for issue to educational institutions under the provisions of the Act of Congress cited in § 542.1, the model depending upon the available supply:

(1) For each student undergoing military training:

1 rifle (complete), to include 1 oiler and thong case and 1 brush and thong, 1 gun sling.

(2) For every 25 students participating in gallery practice:

1 gallery practice rifle, caliber .22, M1922, M1, and necessary appendages.

(3) Miscellaneous.

For each 2 rifles, 1 screw driver.

For each 8 rifles, 1 barrack cleaning rod.

For each 10 rifles, 1 chest, arms.

(b) *Ammunition, targets, and target supplies.* (As prescribed in allowance tables.)

(c) *Spare parts and cleaning materials.* Institution to which Government property is issued are required under their bond to keep said property in good and serviceable condition. For this purpose the Government will issue to the institutions on proper approved requisition such spare parts, implements, appendages, and cleaning materials as are necessary. If the spare parts, implements, appendages, etc., are to replace similar articles which have become unserviceable through fair wear and tear incident to proper and authorized use, packing and handling charges, transportation charges, and the cost, if any, of the articles will be paid from funds allocated to the army area commander. If the articles are requested for any other cause, all charges will be borne by the institution.

(d) *Care and safekeeping of arms, equipment, etc.* The authorities of institutions are responsible for the care and safekeeping of arms, ammunition, and equipment which have been issued to them, and for seeing that proper precautions are taken to prevent arms, ammunition, and equipment from being improperly used and from falling into the hands of irresponsible persons.

(e) *Reports of accidents and malfunctions of ordnance matériel.* (1) At institutions where an officer of the Ordnance Department is included in the staff of military instructors, the professor of military science and tactics will require this officer to act as the local ordnance officer in investigating and reporting accidents and malfunctions of ordnance matériel.

(2) At other institutions the professor of military science and tactics will perform the functions of the local ordnance officer insofar as these investigations and reports are concerned.

(3) At institutions where no officer of the Regular Army is stationed, the senior Regular Army representative will function as the ordnance officer in the performance of the duties prescribed in subparagraph (1) of this paragraph.

§ 542.13 *Camps.* Camps conducted under the provisions of the Act of Congress cited in § 542.1 will conform to such regulations as may be prescribed by the Department of the Army.

§ 542.14 *United States Military Academy, West Point, New York.* (See Part 575, Subchapter F of this Chapter.)

PART 543—PROMOTION OF RIFLE PRACTICE

Sec.

543.1 Issues of rifles, ammunition, etc., to schools.
543.2 Issues of rifles, ammunition, etc., to civilian rifle clubs.
543.3 Use of rifle ranges for rifle practice by civilians.
543.4 National Board for the Promotion of Rifle Practice.
543.5 Rifle and pistol competitions in schools and colleges.
543.6 Targets and target equipment.
543.7 Awards.

AUTHORITY: §§ 543.1 to 543.6 issued under 38 Stat. 370, 39 Stat. 191, 211, 643, 41 Stat. 776, 780, 43 Stat. 510, 45 Stat. 786, 49 Stat. 1202, 54 Stat. 726; 10 U. S. C. 381, 1180, 1181, 1185, 32 U. S. C. 181, 181b, 186.

DERIVATION: AR 850-100, Nov. 18, 1947; AR 850-90, May 12, 1928; AR 850-110, Jan. 3, 1946; T/A 23, Oct. 15, 1946.

§ 543.1 *Issues of rifles, ammunition, etc., to schools*—(a) *Requirements to receive benefits of Acts*—(1) *General.* Schools to receive the benefits of the Act of April 27, 1914 (38 Stat. 370; 10 U. S. C. 1185), and Act of August 29, 1916 (39 Stat. 643), under the regulations in this part, must meet the requirements specified in those Acts. These schools include those to which issues of rifles and ammunition are not authorized under the provisions of other existing laws (sec. 40 or sec. 55c, National Defense Act, as amended by the Act of June 4, 1920 (41 Stat. 776 and 780; 10 U. S. C. 381, 1180, 1181)).

(2) *Number of cadets necessary.* A school to draw rifles and ammunition under the provisions of the Act must maintain during the entire school year a uniformed corps of cadets, at least 40 in number, above the age of 14 years, who receive military instruction and who must engage in target practice.

(b) *Kinds of equipment to be issued.* (1) The arms to be issued and the accessories, appendages, and pertaining equipment are as follows:

Articles	Remarks. See § 543.2 (c) (4)
Rifle, U. S., cal. .30, M1903 or M1903A1	1 per cadet, above the age of 14 years.
Bayonet, M1	1 per rifle.
Cover, front sight	1 per rifle.
Rod, cleaning, cal. .30, M2A1	1 per 8 rifles, cal. .30.
Scabbard, bayonet, M7	1 per bayonet.
Screwdriver, rifle	1 per 8 rifles, cal. .30.
Sling, gun, M1907, or M1	1 per rifle.
Belt, cartridge, cal. .30, dismounted	1 per rifle, cal. .30.
Rifle, cal. .22 [1]	10 per school.
Rod, cleaning, cal. .22 rifle	1 per 2 rifles, cal. .22.
Carrier, target, outdoor	2 per school.
Marker, target, short range	2 per school.
Marker, target, mid range	2 per school.
Flag, danger	1 per school.
Magazine assembly, extra	1 per .22 cal. rifle.[2]

[1] Rifle, U. S. caliber .22, M2 and/or any rifle, caliber .22 available at time of issue, every effort being made to ascertain that all caliber .22 rifles issued one school will be the same make and model.

[2] To fit model of .22 caliber rifle issued.

(2) School will submit requisition to the Director of Civilian Marksmanship for required quantities of items authorized in subparagraph (1) of this paragraph. Requisition will accompany formal application, accomplished bond, and related papers submitted by school in accordance with the regulations in paragraph (e) (2) (i) of this section.

(3) Only articles listed in this section will be issued. Arms will be issued only for the use of cadets who are receiving adequate military training determined as the result of an inspection made under direction of the adjutant general of the State, Territory, or District of Columbia, and who will engage in target practice in accordance with the regulations prescribed by the National Board for the Promotion of Rifle Practice by firing one of the courses as prescribed in FM 23-10. The cadets qualifying in rifle marksmanship will receive appropriate badges when the qualifications are submitted to the Director of Civilian Marksmanship. Forms for making the report of qualifications will be furnished upon request.

(c) *Applications, to whom submitted.* Each application for arms under the provisions of the Acts cited in paragraph (a) of this section must be submitted to the Director of Civilian Marksmanship, Department of the Army, Washington, D. C., by the president or principal of the school through the adjutant general of the State, Territory, or District of Columbia, who will specify the actual number of uniformed cadets above the age of 14 years who receive military instruction and who will engage in target practice. This application must have the approval of the adjutant general of the State, Territory, or District of Columbia, and that of the superintendent of schools of the city, town, or district, or chairman of the board of trustees or other governing body of the school applying for the arms. Each application must indicate that a suitable instructor in small arms firing is available to the cadets.

(d) *Bonds, care of property, fire insurance, and lost property surveys*—(1) *Bonds to be filed.* As a condition precedent to the issue of any Government property under this section, each school will be required to file with the Director of Civilian Marksmanship, on a form to be provided by him, a properly executed bond with good and sufficient surety in a penal sum of $5,000 (or in such larger sum as he may determine necessary for the protection of the Government) providing that the school will take good care of, safely keep, and account for such arms and equipment as may be issued to said school and will, when required, duly return the same within 30 days in good order and condition, to such officer or person as the Secretary of the Army may designate to receive them, reasonable wear excepted. A list of companies approved by the Treasury Department as acceptable sureties on Federal bonds will be furnished by the Director of Civilian Marksmanship. Such bonds will be submitted to The Judge Advocate General for approval as to legal sufficiency. A school may select any one of the following procedures in executing bonds:

(i) An incorporated school may act as corporate principal on bond. Such bonds must be accompanied by a copy of articles of incorporation authenticated by Secretary of State or other officer having authority in State. Bond must be signed on behalf of corporate principal by a member of school's governing body, and there will be attached to bond a certified copy of so much of the record of the proceedings of the governing body as will give the resolution authorizing the individual, designated by name and title, to obligate the school.

(ii) In the case of a public school organized pursuant to State statutes, a certificate signed by the proper State or county official that the school is duly organized under such statutes will be accepted in lieu of articles of incorporation, as evidence of its legal entity.

(iii) A legally organized public school district which is incorporated, or organized pursuant to State statutes without articles of incorporation, may act as principal upon the bond of an unincorporated school which is a part of the school system of that district. In such cases a certificate executed by proper State or county official of that district is duly organized pursuant to state statutes, and that school concerned is part of said district, will be accepted, in lieu of articles of incorporation, as evidence of legal entity of school district. Bond must be signed on behalf of school district, as corporate principal, by a member of governing body of district, and there will be attached to bond, a certified copy of so much of the record of the proceedings of the district governing body as will give the resolution authorizing the individual, designated by name and title, to obligate the school district.

(iv) If district is incorporated, and properly authenticated copy of articles of incorporation can be furnished, the district may execute bond as prescribed in subdivision (i) of this subparagraph, for incorporated school.

(v) Bond may be executed by an individual as principal. Such individual will be one having a directory control over the school such as president, superintendent, trustee, etc. Bond must be accompanied by certificate evidencing his directory control at time bond is executed. This certificate must be signed by some school official other than the individual named as individual principal on the bond. Signature of individual principal must be witnessed. No articles of incorporation are required in case individual acts as principal on bond.

(2) *Care and safekeeping of arms, equipment, etc.* The officials of institutions are responsible for the care and safekeeping of arms, ammunition, and equipment which have been issued to them and for seeing that proper precautions are taken to prevent these Government issues from being improperly used and from falling into the hands of irresponsible persons. Government property will not be removed from the premises of the school to which issued without prior approval of the Director of Civilian Marksmanship.

(3) *Fire insurance.* A school is not required to carry fire insurance. Whether or not the school carries insurance on its Government property will not modify its pecuniary obligations for losses by fire which may result from neglect or loss through the fault of the school. (See § 542.10)

(4) *Lost property surveys.* Government property lost, destroyed, or damaged by fire, flood, theft, tornado, or other similar causes, without fault or neglect on the part of the school, its servants, or employees, or any member of its student body receiving military training, will be replaced at the expense of the United States. To determine whether such loss, destruction, or damage was without fault or neglect on the part of the school, its servants, or employees, or members of its student body receiving military training, a report of survey will be made according to the provisions of §§ 623.111–115a.

(e) *Ammunition and supplies*—(1) *Annual issues.* To each school, so far as appropriations will permit, not more than the following:

Articles	Remarks. See § 543.2 (c) (4)
Cartridge, ball, cal. .30	To be issued to nearest full case on basis of 120 rounds per cadet above 14 years of age firing, but not to exceed 12,000 rounds per school.
Cartridge, ball, cal. .22 long rifle	To be issued to nearest full case on basis of 200 rounds per cadet firing, but not to exceed 20,000 rounds per school.

Articles—Continued	*Remarks. See § 543.2 (c) (4)*
Cloth, target, 72 inches wide	15 yards per school.
Disk, target, spotter, 3-inch	20 per school.
Disk, target, spotter, 5-inch	10 per school.
Spindles, target, spotter	30 per school.
Pasters, target, buff or black	20,000 per school.
Targets, paper, outdoor Centers, repair, target Targets, small-bore, qualification	As authorized by the Director of Civilian Marksmanship on basis of course of fire.
Targets, gallery, 50 feet	1,000 per school.
Cleaner, rifle bore, 1 qt. can	2 qts. per 20 rifles, cal. .30.
Compound, rust preventive, light	10 lbs. per school.
Oil, lubricating, preservative, Spl	1 qt. per 20 rifles.
Patches, cut, canton flannel	100 patches per rifle.

(2) *Requisitions.* (i) Initial requisition will be submitted by school at time formal application, accomplished bond, and related papers are forwarded to the Director of Civilian Marksmanship. Regardless of date submitted, initial requisition will specify full quantities of items, authorized above, that are required by school. Adjustment in unexpended balance is made on annual requisitions.

(ii) Annual requisitions: (*a*) Annual allowances are based upon a fiscal or school year from July 1st of one year to June 30th of succeeding year. These allowances are not cumulative.

(*b*) Requisitions for items authorized by annual allowances and required by school for succeeding year will be based upon pertinent records as to termination of current school year in instant 30th June or thereabouts. These requisitions will show balances on hand, and in "required" column will show the desired quantities, of authorized items required by school, in amounts which, when added to quantities on hand, will not exceed total authorized in inferior subdivision (*a*) of this subdivision.

(*c*) Annual requisitions will be dispatched by school so as to reach the Director of Civilian Marksmanship on or before July 31.

(iii) A supplementary requisition may be submitted during year, if necessary, to meet conditions that differ from projection upon which original requisition was based.

(iv) The number of uniformed cadets over 14 years of age receiving military instruction and participating in target practice must be stated on all requisitions.

(3) *Transportation.* The transportation of ammunition and equipment from the Government arsenals to schools and back to Government arsenals will be without expense to the United States.

(*f*) *Rifles, appendages, and equipment*—(1) *Care.* The schools to which issues of ordnance stores are made will be required to keep said property in like good and serviceable condition as when issued by the Government, and the spare parts and appendages necessary for this purpose will be sold to them at cost price. Application will be made to the Director of Civilian Marksmanship by the proper official of the school desiring the articles for the maintenance of the arms issued to the school, and he will state that these articles are needed for this purpose. The sales of spare parts and of the appendages necessary for the proper maintenance of the equipment listed in paragraph (b) of this section will be made by the Ordnance Department.

(2) *Transportation.* The transportation of rifles, spare parts, appendages, and other supplies from the Government arsenals to such schools and back to the Government arsenals will be without expense to the United States.

(3) *Inspection.* Rifles, appendages, and equipment therefor which become unfit for use for any cause will be reported to the Director of Civilian Marksmanship. Upon the receipt of such report, the Director of Civilian Marksmanship will issue shipping instructions to the responsible party for the return of the unserviceable arms, appendages, or equipment, to a designated arsenal, shipment to be made without expense to the Government. Upon reaching an arsenal they will be inspected by an officer of the Ordnance Department, and if their condition is found to be due to the ordinary incidents of service they may be replaced with serviceable stores of like character; but if their condition is found to be due to carelessness or other than legitimate causes, the extent of damage or value of missing stores will be determined by the receiving officer and reported to the Director of Civilian Marksmanship, who will require payment by the school or the responsible party under the bond before any new issue of rifles or appendages is made.

(g) *Annual reports.* (1) Reports listed below will each cover the period July 1 of one year to June 30 of succeeding year. Reports will be so submitted as to reach the office of the Director of Civilian Marksmanship by July 31 of each year. Forms for these reports will be furnished by the Director of Civilian Marksmanship.

(2) Each school will submit an annual report of firing and report of target practice, through the adjutant general of the State, showing the full name of each student firing and his total score for course fired for record.

(3) An annual inventory of property, issued by the Government to the school, will be submitted by the official accountable for Government property held by school.

(4) Report of inspection made under direction of the adjutant general of State, Territory or District of Columbia, covering qualifications of school to remain eligible for Government assistance, will be forwarded through the adjutant general of State, Territory, or District of Columbia.

(5) Appropriate badges will be issued to cadets qualifying in rifle marksmanship upon application to the Director of Civilian Marksmanship.

(6) Requisition, to be used when requesting annual issues.

(h) *Failure to comply with instructions*—(1) *In pursuing annual course of rifle practice.* Failure on the part of any school to pursue each year the prescribed course of rifle practice or to comply with the regulations in this part or with any others that may be prescribed by the Director of Civilian Marksmanship, with the approval of the Secretary of the Army, for the use, care, preservation, or accountability of any rifles or appendages, or ammunition therefor, issued to it by the United States, will be considered sufficient cause for the prompt withdrawal by the Secretary of the Army of the Government property in its possession.

(2) *Failure to return property.* Whenever a school fails to return the Government property in its charge within 30 days after demand made by the Secretary of the Army, or within such time as may be designated by him, claim will be made against the bonding company.

§ 543.2 *Issues of rifles, ammunition, etc., to civilian rifle clubs*—(a) *Rules for organizing clubs.* Rifle clubs may be organized under the rules of the National Board for the Promotion of Rifle Practice, in accordance with the following regulations:

(1) (i) Ten or more physically fit male citizens above the age of 18 years, residing in any locality may organize a senior civilian rifle club.

(ii) Ten or more physically fit male citizens of the United States above 12 years and under 18 years of age (junior club membership is restricted to these ages), residing in any locality, may organize a junior civilian rifle club provided such junior rifle club is recommended by a responsible male citizen above the age of 21 years who will be bonded for all Government property issued to the club and who will serve as club supervisor and instructor in rifle marksmanship. This supervisor and instructor will have previously satisfied the Director of Civilian Marksmanship as to his ability to act in this capacity.

(iii) Ten or more physically fit male citizens above 12 years and under 18 years of age, residing in any locality, may be organized as a junior rifle division of a senior civilian rifle club and may receive the same issues and privileges as a junior rifle club, provided such sponsoring senior rifle club will be responsible and accountable for all property issued, such property to be secured by the senior club's bond. The senior club will appoint a responsible male citizen above the age of 21 years who will serve as junior division supervisor and instructor in rifle marksmanship. This supervisor and instructor will satisfy the Director of Civilian Marksmanship as to his ability to act in this capacity.

(2) The name of a club should be if practicable the same as the city or town and State in which it is organized, as the Auburn (N. Y.) Rifle Club, except where this would conflict with an existing club of the same name.

(3) Bylaws to insure proper administration of the club must be adopted.

(4) Provision must be made for safe storage and use of arms, ammunition, and equipment.

(5) After organization, the club must affiliate with the National Rifle Association of America, in conformity with a resolution of the National Board for the Promotion of Rifle Practice and approved by the Secretary of War, March 23, 1904.

(6) All clubs organized under the rules of the National Board for the Promotion of Rifle Practice will carry on small-arms target practice in accordance with the regulations prescribed by the National Board for the Promotion of Rifle Practice and make annual reports of such practice to the Director of Civilian Marksmanship.

(7) (i) All eligible members of affiliated senior rifle clubs are authorized to fire for qualification as expert, sharpshooter, or marksman, with both the caliber .22 rifle and the caliber .30 rifle. The courses authorized to be fired will be the same as those currently prescribed for the U. S. Army, except as hereinafter specified. The qualifications when reported to the Director of Civilian Marksmanship, on the forms furnished by him, will be recorded and appropriate badges issued.

(ii) All eligible members of affiliated junior rifle clubs are authorized to fire for qualification as expert, sharpshooter, or marksman, the record junior smallbore course as prescribed by the Director of Civilian Marksmanship. The qualifications, when reported to the Director of Civilian Marksmanship on the forms furnished by him, will be recorded and appropriate badges issued.

(iii) The president of a senior civilian rifle club will designate which caliber .22 and/or caliber .30 courses will be fired for record by the members of his club.

(iv) The course or courses so designated may be fired as many times and whenever during the target season as the club president directs, but only the highest complete aggregate score of each individual for each course (caliber .22 and/or caliber .30 rifle) will be reported.

(v) The annual allowance of ammunition will not be increased on account of any rifle club firing the record courses more than once.

(vi) The record practice of a club will be conducted in accordance with the procedure governing record practice as currently prescribed for the U. S. Army, except that any rifle, caliber .22 or caliber .30 having metallic sights and a trigger pull of not less than 3 pounds may be used in firing record practice. The aperture front sight will not be used.

(b) *Issues*—(1) *Arms, ammunition, and appendages.* Arms, ammunition, and appendages will be issued only to such senior rifle clubs as are organized and conduct target practice under the rules of the National Board for the Promotion of Rifle Practice; to such junior clubs as are organized under the rules of the National Board for the Promotion of Rifle Practice and who conduct firing with the caliber .22 rifle; and to organizations sponsoring rifle and pistol tournaments, deemed eligible for such aid by the National Board for the Promotion of Rifle Practice.

(2) *Senior clubs.* To each senior rifle club, so far as appropriations will permit, will be issued not more than the following:

(i) *Initial issue.*

Articles	*Remarks. See § 543.2 (c) (4)*
Rifle, U. S., cal. .30, M1, with accessories, or rifle, U. S., cal. .30, M1903 or M1903A1.	4 per club.[1]
Rod, cleaning, barrack, M1916	1 per club.
Sling, gun, M1907 or M1	1 per rifle.
Rifle, cal. .22	4 per club.[2]
Rod, cleaning, cal. .22 rifle	1 per club.[2]
Carrier, target, outdoor	2 per club.
Marker, target, short range	2 per club.
Marker, target, mid range	2 per club.
Flag, danger	1 per club.
Magazine, assembly, extra	1 per rifle.[2]
Tool, combination, M3	1 per club.

[1] Where the number of members of any one club who participate in rifle practice in any one year does not exceed 25. If more than 25 members of any club participate in rifle practice in any one year, then 1 additional rifle may be authorized for each additional 10 of such members, or fraction thereof, the total of such rifles issued not to exceed 8 to any one club. Model of rifle issued to be determined by the Director of Civilian Marksmanship.

[2] Only when sufficient quantities are available above the needs of schools and junior rifle clubs.

[3] To fit model of .22 caliber rifle issued.

Additional target carriers, marking disks, and flags may be used when, in the opinion of the Director of Civilian Marksmanship, the range facilities, the membership of the club, and its activities warrant such issue.

(ii) *Annual issue.*

Articles	*Remarks. See § 543.2 (c) (4)*
Cartridges, ball, cal. .30	To be issued to nearest full case on basis of 120 rounds per member firing, but not to exceed 12,000 rounds per club.
Cartridges, ball, cal. .22, long rifle	100 rounds per member firing, but not to exceed 10,000 rounds per club.
Cloth, target, 72 inches wide	15 yards per club.
Disk, target, spotter, 3-inch	20 per club.
Disk, target, spotter, 5-inch	10 per club.
Spindles, target, spotter	30 per club.
Pasters, target, buff or black	20,000 per club.
Targets, paper, outdoor Centers, repair, target Targets, small-bore, qualification	As authorized by the Director of Civilian Marksmanship on basis of course of fire.
Targets, gallery, 50 foot	1,000 per club.
Cleaner, rifle bore	2 qts. per club.
Grease, lubricating, rifle (RS) 5cc container	2 per M1 rifle.
Oil, linseed, raw	1 qt. per club.
Oil, lubricating, preservative, special (PS)	2 qts. per club.
Patches, cut, canton flannel	400 per weapon.
Soap, saddle	1 lb. per club.

(3) *Junior club.* To each junior rifle club, so far as appropriations will permit, will be issued not more than the following:

(i) *Initial issue.*

Articles	*Remarks. See § 543.2 (c) (4)*
Rifle, cal. .22[1]	2 per club.[2]
Rods, cleaning, cal. .22, M1 or M2	1 per 2 rifles.
Slings, gun, M1907 or M1	1 per rifle.
Magazine, assembly, extra	1 per rifle.[3]

[1] Rifle, U. S. caliber .22 and/or any rifle, caliber .22 available at time of issue, every effort being made to ascertain that all caliber .22 rifles issued to one club will be the same make and model.

[2] If more than 10 members of a junior rifle club participate in target practice in any one year then 1 additional rifle for each additional 5 of such members, the total of such rifles issued not to exceed 10 to any junior club.

[3] To fit model of caliber .22 rifle issued.

(ii) *Annual issue.*

Articles	*Remarks. See § 543.2 (c) (4)*
Cartridges, ball, cal. .22, long rifle	To be issued to nearest full case on basis of 400 rounds per member firing, but not to exceed 40,000 rounds per club.
Targets, gallery, 50 foot	5,000 per club.
Cleaner, rifle bore	1 qt. per club.
Oil, lubricating, preservative, spl	1 qt. per club.
Patches, cut, canton flannel	2,000 per club.

(4) *Issues to rifle clubs at schools.* Issues to rifle clubs at schools will be made only upon request of the principal or president of the school.

(5) *Issue of additional equipment.* When considered by the Director of Civilian Marksmanship to be essential, issue of additional equipment may be made to

member schools and clubs, for use in tournaments conducted within the intent and scope of the regulations governing the promotion of small arms among civilian citizens. Additional issues also may be made of ammunition, target materials, and range supplies in types and quantities warranted by activities and approved by the Director of Civilian Marksmanship.

(c) *Requisitions*—(1) *Annual issues.* All annual issues will be made upon requisition to the Director of Civilian Marksmanship.

(2) *Ammunition.* Allowances not drawn in one year cannot be drawn in the succeeding year. In submitting requisitions for ammunition, the number of members in the rifle club participating in target practice must be stated.

(3) *Arms, appendages, and target material.* Issues of arms, target carriers, and other target material will be made upon requisition to the Director of Civilian Marksmanship, submitted by an officer of a club. Such requisitions must state the number of members of the club in good standing and, if an initial issue, must be accompanied by a description of the tract available for an outdoor range, including location and protection afforded nearby residents; whether owned or leased by club, and if leased the number of years covered by same. A similar report must be submitted as to an indoor range when requisition is made for material for such.

(4) *Appropriation by Congress of necessary funds.* The issues herein authorized are dependent upon the appropriation by Congress of the necessary funds to cover the procurement and issue thereof.

(d) *Bonds.* No issues of the above equipment will be made to any rifle club until an approved and accepted bond on form provided by the Director of Civilian Marksmanship has been filed, providing that the club will take good care of, safely keep, and account for the property and will, when required by the Secretary of War, duly return the property within 30 days in good order, to the Chief of Ordnance, or to such other officer or person as the Secretary of the Army may designate. Bond filed by a junior club will be in the penal sum of $500, and hereafter bond filed by a senior club will be in the penal sum of $1,000. The bond submitted as security for issues to an unincorporated rifle club will be executed by an individual as principal. The bond submitted as security for issues to a rifle club duly organized as a corporation under laws of a State or Territory may be executed by an individual as principal, or by the corporation as principal, the corporation's name thereto to be signed by its president, or other officer so authorized to act, attested by its secretary or other club official and the corporate seal duly affixed, pursuant to a resolution duly passed by the corporation's board of directors or other governing body. Whenever a rifle club is sponsored by a parent organization, e. g., an athletic club or fraternal organization, which sponsoring organization is incorporated, the sponsor may execute the bond under the same conditions as set forth above for an incorporated rifle club. If the school, club, or corporate principal has no seal, a statement to that effect must be made on the lower left corner of page 2 of the bond form. A copy of so much of the record of the proceedings of such board of directors or other governing body showing such resolution and its adoption, duly certified by the secretary, and a copy of the articles of incorporation of the club duly certified by the Secretary of the State of incorporation or other comparable officer having custody of the original of such instruments, will accompany such bond. The value of the bond not only will be large enough to cover the value of the initial issue but also such issues as may be made at a later date. Issue of ammunition, paper targets, and other expendable material listed in paragraph (b) (2) (ii) and (b) (3) (ii) of this section will be made without bond.

(e) *Property*—(1) *Transportation.* The transportation of rifles, spare parts, appendages, and other supplies from the Government arsenals to clubs and back to the Government arsenals will be without expense to the United States.

(2) *Upkeep.* The rifle clubs to which issues of material are made will be required to keep said property not expended in target practice in like good and serviceable condition as when issued by the Government, and for this purpose the spare parts, implements, and appendages necessary for the purpose will be sold to them at cost price. The sales authorized above of spare parts and appendages for small arms will be made by the commanding officer of the Rock Island Arsenal, Rock Island, Ill., or of the Springfield Armory, Springfield, Mass. Applications will be made for the purchase of the necessary spare parts and appendages to the Director of Civilian Marksmanship by the proper official of the rifle club desiring the articles for the maintenance of the arms issued to the club, and he will state that these articles are needed for this purpose.

(3) *Unserviceable.* (See § 543.1 (f) (3).)

(4) *Return.* Whenever any club fails to return the arms and appendages therefor in its charge within 30 days after demand made by the Secretary of the Army, or within such time as may be designated by him, claim will be made against the bonding company.

(f) *Annual reports.* Clubs will submit annually, as directed by the Director of Civilian Marksmanship, an inventory of U. S. property and a report of firing. These reports will be rendered by the officer accountable for property of each rifle club, on forms supplied by the Director of Civilian Marksmanship. If no U. S. property has been received by the club, statement to that effect will be entered on inventory report form. If no firing has been conducted, information to that effect will be entered on report of firing form. Where issues are made to schools, the accountable officer will be the president or principal thereof.

(g) *Range facilities.* A description of range facilities will be submitted by each club and school when applying for enrollment and any change of such range facilities will be reported.

(h) *Failure to comply with regulations.* Failure on the part of any rifle club to comply with the foregoing regulations, or with any others that may be prescribed by the Director of Civilian Marksmanship, with the approval of the Secretary of the Army, for the use, care, preservation, or accountability of any equipment issued to it by the United States, will be considered sufficient cause for the prompt withdrawal by the Secretary of the Army of the Government property in its possession and removal of the club from the active rolls.

§ 543.3 *Use of rifle ranges for rifle practice by civilians*—(a) *General provisions.* All rifle ranges at posts of the United States Army, and all rifle ranges which have been constructed in whole or in part with funds provided by Congress, will be open for use by rifle clubs, schools, colleges, and other responsible organizations. Rifle ranges will be open for use by such organizations only at such times as they are not actually required for the use of the Army. For the purpose of the regulations in this part, rifle ranges are divided into two classes—those at which there is stationed personnel of the Regular Army and those at which there is no such personnel.

(b) *Applications for use of rifle ranges.* Application for the use of a rifle range at which there is stationed personnel of the Regular Army should be addressed to the Director of Civilian Marksmanship, Department of the Army, Washington, D. C., by the president, secretary, or executive head of the organization desiring the use of the rifle range. The Director of Civilian Marksmanship, when satisfied as to the responsibility of the organization, will furnish the president, secretary, or executive head thereof with a letter addressed to the commanding officer of the post at which the rifle range is located, approving the application, subject to such local regulations as the commanding officer may prescribe. The president, secretary, or executive head of the organization should then address a letter to the commanding officer of the post, inclosing the approval of the Director of Civilian Marksmanship, and setting forth the date or dates on which the organization desires to use the rifle range, the particular ranges at which it is desired to fire, what kind of targets are desired at each range, whether instructors are desired, and whether or not the organization will furnish its own arms and ammunition. The commanding officer will reply, stating whether or not the rifle range will be available on the dates requested or, if not, the dates on which it will be available; which, if any, of the facilities requested can be furnished; and to whom the organization should report on arrival at the rifle range. Subsequent applications for the use of the rifle range by the same organization may be conducted in a less formal manner as agreed to by the range authorities and the organization.

(c) *Personnel and target materials.* Commanding officers at all posts provided with rifle ranges will detail an officer in charge of civilian rifle practice, with such assistants as may be necessary. The officer in charge will be responsible for the proper use and preservation of all Government property involved, that the local regulations are observed, and that the proper precautions for safety are observed by all civilians using the rifle range. When the personnel of the Regular Army present will permit of such assistance, the commanding officer, on request, will detail instructors in marksmanship. Details for marking the targets will not be furnished. Organizations will make the necessary arrangements for the manual labor incident to the operation of the rifle range. The necessary and regular target material will be provided unless the organization elects to provide its own target material. Special target material, such as special targets, field glasses, telescopes, score books, etc., must be provided by the organization. Organizations may desire to use arms, ammunition, methods of firing, and target arrangements at variance with those prescribed for the Regular Army. To this there is no objection, provided the precautions for safety are observed and no expense to the United States is involved, and provided that the normal target arrangement is reestablished by the organizations at such times as may be indicated by the range authorities.

(d) *Issue and care of arms.* (1) Commanding officers, when necessary, will make requisition for U. S. rifles, caliber .30, M1903, and appurtenances for civilian target practice on the basis of four rifles for each target available on the range, but not to exceed 50 rifles for any one post. Such rifles will be issued daily to members of organizations who apply for the use of the same. Civilians using these rifles will be required to complete their daily practice at such time as will permit of their properly cleaning the rifle before leaving the rifle range, and such care and preservation of the arm by the individual using the same will be considered as a necessary part of his instruction and will be required.

(2) Issues of arms and target material at posts authorized in this section may be made by commanding officers without inquiring as to the availability of funds, as any cost adjustments necessary will be made within the Department of the Army.

(3) For use of authorized civilian participants in major competitions approved by the army commander, suitable arms will be made available under conditions to be prescribed by the army commander.

(e) *Ammunition.* Organizations using such rifle ranges must furnish their own ammunition or ammunition furnished by the Director of Civilian Marksmanship as provided in §§ 543.1 (e) and 543.2 (b). More than one allowance of ammunition will not be issued to an individual or organization by the Government.

(f) *Record practice for qualification.* When necessity therefor arises, the commanding officer may designate a day or days when members of organizations may participate in record practice for qualification as prescribed in Field Manuals. The necessary personnel to supervise and record the firing at the butts and firing point will be provided. Certified scores will be forwarded to the Director of Civilian Marksmanship, who will issue the badges for qualification.

(g) *Denial of privileges in certain cases.* Commanding officers will deny the privileges of the range and post to any civilian who willfully disobeys any of the rules and regulations prescribed for the use of the rifle range, or whose conduct on the rifle range or post is such as to warrant such action. Commanding officers are also authorized to refuse the use of the rifle range to any individual whose knowledge of the basic principles of rifle shooting is so lacking that range practice will be of no value to him or unsafe to himself or others; but in such cases will offer the individual the services of an instructor in basic principles necessary as a preparation for range firing.

(h) *Additional rules to be prescribed.* Commanding officers are authorized to prescribe such additional and necessary rules and regulations as may be necessary, keeping in mind that it is the intention of Congress that, so far as is consistent with the proper training of troops, the range facilities and personnel of the Army shall be available for the instruction in rifle practice of all able-bodied male citizens capable of bearing arms. Whether or not rifle ranges shall be open for practice by civilian organizations on Sundays and holidays is left to the commanding officer.

(i) *Use of ranges where no Regular Army personnel is present.* Organizations who desire to use rifle ranges located at posts, camps, stations, or other places at which there is no personnel of the Regular Army present will make application for the necessary authority to the Director of Civilian Marksmanship. The Director of Civilian Marksmanship will make the necessary arrangements with The Adjutant General, or other authorities, and will communicate to the applicant the rules and details under which the said rifle range may be used. Organizations using such rifle ranges must provide their own arms, ammunition, and target materials, or arms, ammunition, and target materials obtained through the Director of Civilian Marksmanship, as provided by law.

§ 543.4 *National Board for the Promotion of Rifle Practice*—(a) *Composition.* The National Board for the Promotion of Rifle Practice will consist of not more than 21 members, to be appointed by the Secretary of the Army from time to time from representatives of the Army and Navy Departments, the Army, Navy, Marine Corps, National Guard, Organized Reserves, National Rifle Association, and the country at large.

(b) *President.* The Assistant Secretary of the Army (Act of March 5, 1890, 26 Stat. 17; 5 U. S. C. 182) will be president of the board.

(c) *Executive committee.* An executive committee consisting of three members of the board will be appointed by the president of the board at each of the annual meetings of the board to serve until the next annual meeting. The committee will, during such times as the board is not in session, act for the board on all matters referred to it by the president of the board, and its action when approved by the president of the board will become binding on the board.

(d) *Executive officer.* The executive officer will be selected by the president of the board from among the members of the board. He will be recorder of the board, and under the direction of the president of the board, will conduct its detailed business, make all contracts and agreements covering the expenditures of public funds, in accordance with law and regulations, and be responsible for the preparation of the annual report of the Secretary of the Army to Congress concerning the operations of the board.

(e) *Members to serve without compensation.* Members of the board will serve without compensation as such, other than reimbursement of necessary authorized expenses.

(f) *Expenditure projects.* Expenditures of funds pertaining to the board will be made only in accordance with expenditure projects prepared by the executive officer in accordance with law and regulations and approved by the president of the board.

(g) *Duties.* Subject to approval by the Secretary of the Army, the board is authorized, within the limits of available appropriations, to (1) Construct, equip, maintain, and operate indoor and outdoor rifle ranges and their accessories and appliances, provided that each project shall have the prior approval of the Secretary of the Army. (2) Provide for the instruction of able-bodied citizens of the United States in marksmanship, and in connection therewith to employ the necessary instructors. (3) Provide for the promotion of practice in the use of small arms by maintaining and managing matches or competitions in the use of such arms, issuing in connection therewith the necessary arms, ammunition, targets, and other necessary supplies and appliances, and awarding to competitors, trophies, prizes, badges, and other insignia, and assisting recognized associations, organized for such purposes, in the conduct of their matches or competitions by the use of the employees, materials, medals, badges, and insignia of the National Board for the Promotion of Rifle Practice. (4) Sell to members of the National Rifle Association at cost to the Government, subject to the approval of the Director of Civilian Marksmanship, and to issue to clubs organized for practice with small arms, under the direction of the National Board for the Promotion of Rifle Practice, and in accordance with Department of the Army regulations, rams, spare parts, ammunition, targets, and other supplies and appliances necessary in target practice. (5) Provide for the maintenance of the National Board for the Promotion of Rifle Practice, including provisions for the necessary expenses thereof and of its members. (6) Procure such necessary materials, supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor as the Secretary of the Army may authorize from time to time for the promotion of rifle practice. (7) Provide for the transportation of employees, instructors, and civilians to give or undergo instruction or to assist or engage in practice in the use of small arms, and for the transportation and sub-

sistence, or commutation in lieu of subsistence, of members of teams especially authorized by the Secretary of the Army to participate in matches or competitions in the use of small arms.

§ 543.5 *Rifle and pistol competitions in schools and colleges*—(a) *General.* Educational institutions maintaining units of the Reserve Officers' Training Corps and other schools and colleges conducting military training under the supervision of the Department of the Army will conduct instruction with the rifle and the pistol in accordance with the respective programs of training prescribed by the Secretary of the Army.

(b) *Rifle clubs and local matches.* It is desirable that Reserve Officers' Training Corps units and the cadet corps of other schools and colleges should form rifle clubs and affiliate with the National Rifle Association and enter its competitions. Competitive rifle and pistol matches will be arranged so as to inspire a wholesome spirit of rivalry between individuals, organizations, units, and institutions. Local matches should be frequent and so organized as to give them the same standing and recognition accorded athletic competitions. The allowances of ammunition for schools and colleges are prescribed in tables of allowances. No extra ammunition will be allowed for competitions.

(c) *Annual indoor rifle matches*—(1) *Indoor rifle matches.* A series of indoor rifle matches will be conducted each year so far as may be practicable among those institutions conducting military training under the supervision of the Department of the Army which have the proper facilities and where conditions are otherwise favorable. For this purpose the institutions will be grouped as follows:

(i) Senior units in universities and colleges (classes CC, MC, and JCMI).

(ii) Junior units in essentially military schools (classes MS and MI).

(iii) All other junior units (class CS) and those schools and colleges organized under section 55c, National Defense Act, and section 1225, Revised Statutes. The institutions located in the areas of the United States Armies, Alaska and Pacific, will compete with those of the Sixth Army Area and the institutions located in the area of the United States Army, Caribbean, will compete with those of the Third Army Area.

(2) *Intramural matches.* From October 1 to December 31, annually, the institutions will conduct intramural matches to determine the relative standing of individual students, of organizations, of units, or of other groups, etc., as the officer in charge may deem advisable. The regulations for the matches, the awarding of prizes, etc., will be arranged by the officer in charge. It is suggested that approximately the first two-thirds of the period be devoted to individual instruction and competitions and that the last one-third be devoted to team matches.

(3) *Army area intercollegiate and interscholastic matches.* From December 1 to March 1, annually, institutions in each group listed in subparagraph (1) of this paragraph will fire matches with the other institutions of their group in the same army area under such regulations as the army commander may prescribe, the object being to rate the relative marksmanship of the institutions. The institutions should be encouraged to enter as many competitors and teams as may be practicable. The marking targets, announcing scores, awarding prizes, etc., will be arranged and prescribed by the army commander. During this period, institutions will be encouraged to fire separate intercollegiate matches within the army area under such conditions as they may agree upon. The National Board for the Promotion of Rifle Practice will award badges for army area ROTC rifle championship matches. The course of fire, composition of competing teams, and other conditions will be as prescribed in subparagraph (4) of this paragraph for the national ROTC matches. At the conclusion of the army area ROTC matches, the results will be reported to the National Board for the Promotion of Rifle Practice, which will then forward to the army commanders 10 medals for the winning team in each group in which at least 3 teams complete the match under the conditions prescribed.

(4) *National ROTC intercollegiate and interscholastic matches*—(i) *When fired and report of entries.* Between March 1 and March 31, annually, the national intercollegiate team matches will be conducted under the supervision of the National Board for the Promotion of Rifle Practice for each of the groups listed under paragraph (a) of this section. Entries for these matches will be reported by service commanders to the executive officer, National Board for the Promotion of Rifle Practice, Department of the Army, Washington 25, D. C., as soon after the completion of the service command matches as practical. In any case they will be forwarded by March 1.

(ii) *Composition of teams.* Each team will consist of a minimum of 10 and a maximum of 15 members who are students regularly enrolled in the ROTC of the institution which they represent, and students pursuing the ROTC course under the provisions of § 562.17 of this chapter. The 10 high scores in each stage will constitute the team score for that stage. For this competition, each army commander will designate for each group in his army area the high one-third of the number of teams which competed in that group in the Army area ROTC matches. More than one team may be selected from an institution, in which case they will be designated and named accordingly. A student will fire as a member of one team only. The members of a team will be designated prior to record firing and no substitutions will be made for any member after a team has started record firing. Disqualification of a team member automatically disqualifies the entire team.

(iii) *Stage of competitions.* The competition will consist of 4 stages, each stage consisting of 2 series of 10 record shots each. One stage will be fired each week until the four stages have been completed. If it is found that the firing of one stage each week is impracticable, the army commander, on application made to him, is authorized to make such changes in the time of firing each stage as will be most appropriate and equitable in each particular case: *Provided*, That no two stages will be fired in any one day and that all four stages of any competition are fired between March 1, and March 31, of any one year. Each competitor will use 1 target for each series of 10 shots, firing 1 shot for record on each of the 10 bull's-eyes. Before a competitor starts firing a record target, it will be announced that this firing will constitute a record score for the match. Once commenced, the record score on a target must be completed on the same target. Under no circumstances may it be repeated. The stages are as follows:

(*a*) *First stage.* Ten shots for record, slow fire, prone; 10 shots for record, slow fire, sitting.

(*b*) *Second stage.* Ten shots for record, slow fire, prone; 10 shots for record, slow fire, kneeling.

(*c*) *Third stage.* Ten shots for record, slow fire, prone; 10 shots for record, slow fire, standing.

(*d*) *Fourth stage.* Ten shots for record, slow fire, kneeling; 10 shots for record, slow fire, standing.

(iv) *Range.* Fifty feet from firing point to the face of the target when hung in their customary position in front of the backstop the muzzle of the rifle should not extend in front of the firing line.

(v) *Sighting shots.* Sighting shots may be fired prior to each record target. However the target used for sighting in firing will be removed from the frame or covered before any of the record shots are fired.

(vi) *Position.* In all positions the butt of the rifle must be placed against the shoulder on the outside of the coat. A firm flat pad (gymnasium mat) may be placed on the floor, platform, or shooting bench. All references to "the ground" in the following position rules are to be construed as applying to such shooting mats, platforms, or benches. Those portions of the shooter's body supporting his weight must be entirely on the mat (both feet in the standing position—left foot and right knee and foot or right foot and left knee and foot in the kneeling position—both feet and buttocks in the sitting position—both elbows, chest and pelvic bones in the prone position).

(*a*) *Standing.* Erect on both feet. No other portion of the body receiving artificial support. The rifle will be supported by both hands and one shoulder only. The forward hand will be extended so that the arm will be entirely free from touching or resting against the body.

(*b*) *Kneeling.* Weight of the body supported on right knee and foot and left foot, or left knee and foot and right foot; no other part of the body to touch the ground. Sitting on the side of the foot instead of the heel will be permitted. The rifle will be supported by both hands and one shoulder only. The elbow supporting the piece will be approximately on, in front of, or just inside the knee. The elbow of the trigger arm will be free from all support.

(*c*) *Sitting.* Weight of the body supported on buttocks and feet. No other portion of the body to touch the ground.

Rifle to be supported by both hands and one shoulder only. The left hand (or in the case of a left-handed shooter, the right hand) must not rest on leg or knee. Elbows resting approximately on, or just inside the knee. Legs to be apart or crossed at the option of the firer.

(*d*) *Prone.* Body extends on the ground, head toward the target, rifle supported by both hands and one shoulder only, both elbows on the ground. No portion of the arms below the elbows will rest upon the ground or any artificial support nor may any portion of the rifle or body rest against any artificial support. All parts of the rifle must be so positioned that the range officer can pass his hand from the rear of the gun between the lowest part of the rifle and the ground or ground cloth without touching the rifle.

(vii) *Targets.* Official targets for these matches will be furnished by the National Board for the Promotion of Rifle Practice to each service commander. Immediately after January 1, annually, each army commander will submit to the executive officer, National Board for the Promotion of Rifle Practice, Washington 25, D. C., a requisition for the sets of targets required by his teams competing in the national intercollegiate matches. The requisition will be for one-third the number of entries from each group participating in his army area matches. On receipt of the requisition, the sets will be forwarded to each army commander for distribution to the teams which will represent them in the national intercollegiate team matches.

(viii) *Rifles.* Any rifle using a rimfire cartridge and lead or alloy bullet not larger than .23" in diameter, not less than 3-pound trigger pull, barrel not greater than 30 inches, without Schuetzen type butt plate or palm rest.

NOTE: A Schuetzen butt plate is any butt or butt plate designed with a curved surface against the shoulder of the shooter (or with a knob or knobs or prong or prongs giving the effect of a curved surface), in which the depth of the curve when measured from a straight line drawn from the top to the bottom of the butt plate exceeds ½ inch; or any butt or butt plate having a hook or stud engaging in a hold or receptacle in the shoulder of the shooting coat or shirt.

A palm rest is any attachment or extension below the fore end which aids the normal hand grip and support of the piece by the left hand and arm (or in the case of the left-handed shooter by the right hand and arm).

(ix) *Sights.* Metallic; any sight (including tube sights) not containing a lens or system of lenses; except a single lens may be attached to the rear sight by a substitute for prescribed spectacles.

(x) *Trigger pull.* Not less than 3 pounds. To test trigger pull the gun will be held with barrel perpendicular to the horizontal surface on which the test weight is supported. The rod or hook of the test weight will rest on the lowest point of the curve in curved triggers or on a point approximately one-quarter of an inch from the lower end of straight triggers. To pass the weight test a gun will lift the weight from the horizontal surface on which it is resting, until the weight hangs free.

(xi) *Sling.* The sling may be used in all positions in connection with one arm only.

(xii) *Ammunition.* Any .22-caliber rim fire.

(xiii) *Time.* The time will be computed on the basis of 1 minute for each shot multiplied by the number of shots prescribed on a target. Once a student has started records firing on a target, the firing on this target must be completed within the limit of 10 minutes.

(xiv) *Rest or supports.* No rests or artificial supports will be used.

(xv) *Witnesses and certificates.* The firing of every record score must be witnessed by an Army officer on the faculty of the institution, if available. If no Army officer is available, and the head of the institution so certifies, the record firing may be witnessed by another member of the faculty who will be named by the head of the institution. The witness will verify the range, and satisfy himself that the competitor's rifle, ammunition, and position meet the requirements of this part and that all other conditions of the record firing have been complied with. The witness will also cause the triggers to be tested prior to each record firing. The competitor must sign each record target that he fires on and the witness must certify on it that all conditions of record firing have been complied with.

(xvi) *Disposition of targets.* After completion of the firing of each stage of the national ROTC team match, the targets will be signed by the officer supervising the firing, and returned to army headquarters for official scoring. Only targets issued and marked by the National Board for the Promotion of Rifle Practice will be used for record firing in this match. The same number of targets received must be returned to army headquarters. Failure to return the same number of targets as received, whether used or not, will be grounds for disqualification of the team.

(xvii) *Marking and scoring.* The maximum possible score on each target is 100. In scoring a shot hole the leaded edge of which comes in contact with the outside of the bull's-eye or scoring rings of a target is given the higher value. For close shots a scoring gauge will be used. The diameter of the scoring flange on the scoring gauge will be within the limits of 0.220"–0.224" respectively. Only those hits which are visible will be scored. Hits outside the scoring rings are scored as misses.

(xviii) *Report of firing by army.* At the conclusion of the matches the results of each stage of firing of competing teams will be reported by each army area to National Board for the Promotion of Rifle Practice, which will consolidate all reports received and announce the winners in each group.

(xix) *Prizes.* Based on the total number of points made by each team in the four stages, a team trophy will be awarded to the winner in each of the three groups and a medal to 10 firing members of the teams to the number of one-tenth of the total number of teams in each group completing the competition.

(xx) *Other conditions.* Where conditions arise that are not covered by the above rules and regulations the latest small bore rifle rules of the National Rifle Association, Washington, D. C., will apply.

(5) *Other matches.* During the period that the national intercollegiate matches are being held, institutions will be encouraged to fire separate matches with institutions in other sections of the country.

(d) *Annual outdoor matches.* Outdoor rifle and pistol firing will be conducted at favorable seasons of the year, so far as may be practicable, in accordance with the prescribed regulations of the Department of the Army. Army area commanders will arrange matches for those institutions having suitable range facilities. These matches should seek to develop teams to represent the institutions in the intercollegiate matches held in the Reserve Officers' Training Corps camp preliminary to the annual national matches conducted by the National Board for the Promotion of Rifle Practice. The institutions should be encouraged to place such competitions on an equality with athletic competitions.

§ 543.6 *Targets and target equipment*—(a) *National Guard, Organized Reserve Corps, Reserve Officers' Training Corps, and schools operating under section 55c, National Defense Act*—(1) *General provisions.* (i) The types of target matériel authorized for the Regular Army are also prescribed for use in target practice by the National Guard, Organized Reserve Corps, Reserve Officers' Training Corps, and schools operating under section 55c, National Defense Act: *Provided*, That no issues or expenditures of target matériel for these purposes will be made until the officer immediately responsible for such issues and expenditures has satisfied himself that funds are available for the payment in full for all items designated as reimbursable in Ordnance Department Field Service Bulletins or in similar Air Force instructions, for any expenses incident to the issue of target matériel, and for the repair of any damage to Regular Army target matériel incident to its use by these components and auxiliaries.

(ii) Funds to provide target matériel for the National Guard, Organized Reserve Corps, Reserve Officers' Training Corps, and schools operating under section 55c, National Defense Act, are allotted to commanding generals of army areas and commanders of exempted stations. If definite instructions have not been received by the officer immediately responsible for the issue, expenditure, or use of target matériel from the proper commander to whom funds have been alotted, such responsible officer will apply to such commander before actually authorizing the issue, expenditure, or use of target matériel by these components and auxiliaries.

(iii) When requisitioning for target matériel, separate requisitions should be prepared and submitted for each component and auxiliary coming under the provisions of this paragraph to facilitate compliance therewith.

(2) *Allowances.* The maximum allowances of target matériel authorized for use for the National Guard, Organ-

ized Reserve Corps, Reserve Officers' Training Corps, and schools operating under section 55c, National Defense Act, are as follows and will not be exceeded without the authority of the Department of the Army.

(i) *Reserve Officers' Training Corps.* Subject to the provisions of subparagraph (1) of this paragraph, commanders of army areas and exempted stations are authorized to issue for use by Reserve Officers' Training Corps units and camps such articles of target matériel as are appropriate for the practice to be conducted. The matériel issued unless otherwise prescribed should not exceed the maximum authorized for use in a corresponding amount of similar practice by the Regular Army.

Subject to the provisions of subparagraph (1) of this paragraph, targets, landscape, sets, are authorized at not to exceed one set to each 200 student members or fraction thereof of senior division units of Infantry, Cavalry, and Corps of Engineers, but not more than three sets will be issued to any one unit.

(ii) *National Guard and Organized Reserve Corps.* Subject to the provisions of subparagraph (2) of this paragraph, such parts of the corresponding maximum authorizations for the Regular Army as are required are authorized.

(iii) *Schools operating under section 55c, National Defense Act.* Such allowances of target matériel of types authorized for the Regular Army as may be approved by commanding generals of army areas may be issued: *Provided*, that such issues will be made only in lieu of a corresponding monetary reduction of the ammunition allowances for the institution desiring the target matériel.

(b) *Civilian rifle clubs and miscellaneous schools and organizations*—(1) *Types and allowances authorized*—(i) *Schools operating under the Act of April 27, 1914 (38 Stat. 370; 10 U. S. C., 1185).* (See § 543.1.)

(ii) *Civilian rifle clubs.* (See § 543.2.)

(iii) *Civilians using rifle ranges.* (See § 543.3.)

(iv) *Rifle and pistol competitions in schools and colleges.* The types of targets authorized for small bore matches and competitions are the National Rifle Association gallery targets for 50 and 75 feet. These targets are obtained through the executive officer, National Board for the Promotion of Rifle Practice.

Target and target equipment for outdoor rifle and pistol firing are the same as are provided for the Regular Army for rifle and pistol marksmanship courses and competitions.

(2) *Storage and issue of special targets and target equipment.* Special targets and target equipment procured by the National Board for the Promotion of Rifle Practice and issued or sold by that board, or under the direction of the Director of Civilian Markmanship, may be stored and issued by the Ordnance Department when requested by proper authority: *Provided*, That in the opinion of the Chief of Ordnance such storage is practicable and that the Ordnance Department is reimbursed in full by the National Board for the Promotion of Rifle Practice for all expenses incident to the handling of the equipment.

(3) *State soldiers' and sailors' orphans' homes and State and Territorial educational institutions.* No issue of targets and target equipment is authorized.

§ 543.7 *Awards.* (See Part 578, Subchapter F of this chapter.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9043; Filed, Oct. 11, 1948; 9:01 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

MARQUETTE NATIONAL FOREST

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1 by adding certain public lands to the Marquette National Forest, see Public Land Order 523 in the Appendix to Chapter I of Title 43, *infra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 523]

MICHIGAN

ADDITION OF CERTAIN LANDS TO MARQUETTE NATIONAL FOREST

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891, 26 Stat. 1103, and section 1 of the act of June 4, 1897, 30 Stat. 34, 36 (16 U.S. C. 471, 473), and pursuant to Executive Order No. 9337 of April 24, 1943, and upon recommendation of the Secretary of Agriculture it is ordered as follows:

The following-described public lands, within the Fort Brady Target Range Military Reservation established by Executive order of January 19, 1895, are hereby added to and reserved as a part of the Marquette National Forest, established by Proclamation No. 1938 of February 12, 1931, 46 Stat. 3050:

Provided, however, That such lands shall remain subject to military use as provided by section 9 of the act of June 7, 1924, 43 Stat. 655 (16 U. S. C. 505), and shall be administered in the manner provided by Executive Order No. 4243 of June 5, 1925, establishing a part of the Fort Brady Target Range Military Reservation as a national forest:

MICHIGAN MERIDIAN

T. 46 N., R. 4 W.,
Sec. 30, S½N½, NE¼SW¼ and N½SE¼.

The areas described aggregate 277.11 acres.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

OCTOBER 4, 1948.

[F. R. Doc. 48-9016; Filed, Oct. 11, 1948; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 30—ALASKA REGION NATIONAL WILDLIFE REFUGES

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE, ALASKA

Basis and purposes. On the basis of observations, reports, and recommendations from local residents and representatives of the Alaska Game Commission and the Fish and Wildlife Service, it is considered to be in the best interests of Government to eliminate both the fee of $1.00 now required to be paid for each fox removed from the Aleutian Islands National Wildlife Refuge and the requirement that all fox skins be sealed with a metal seal. At the same time it is considered advisable to modify and clarify certain requirements relating to corporate structure and to appeals. Accordingly, § 30.10 is amended to read:

§ 30.10. *Aleutian Islands National Wildlife Refuge, Alaska*—(a) *Temporary use.* Any person may, without a permit, go upon any of the islands of the refuge (1) for temporary use for camp site purposes and for shelter in cases of emergency; (2) for recreational purposes including the taking of photographs, nature study, scientific study, and fishing; (3) and for any other temporary or transient uses not inconsistent with the purposes for which the refuge was established and not in conflict with the provisions of this section or other applicable laws and regulations.

(b) *Economic uses.* The Regional Director may grant permits authorizing the use of lands or other special privileges within the refuge, when in his opinion the operations thereunder will not endanger the object for which the refuge was established, for such duration and under such conditions as he may determine to be commensurate with the value of the privilege granted, having due regard to prevailing market prices: *Provided*, That no permit issued by the Regional Director shall be considered as a waiver of any of the requirements of the Alaska Game Laws: *And provided further*, That any permit which authorizes grazing shall require that no sheep or other livestock shall be introduced within the refuge under such permit unless such stock is free of external parasites, including lice, scab mites, true ticks, and sheep ticks: *And provided further*, That no permit to engage in stock raising or fur farming will be granted to an alien individual or to a corporation or company more than 50 percent of which is owned directly or beneficially by an alien or aliens, and the acquisition by any alien or group of aliens of more than 50 per cent of the beneficial interest in any permit, or the transfer of any stock or other evidence of ownership in a corporation or company holding a permit which results in the direct or beneficial ownership by an alien or aliens of more than 50 per cent of the interest in such corporation or company, shall automatically cancel such permit subject to the right of the Federal Government to recover all fees due and to have all other outstanding obligations of the permittee performed, and subject to the right of the permittee to remove its property pursuant to the provisions of paragraph (i) of this section.

(c) *Protection of animals and birds.* It shall be unlawful, without a duly issued permit, to (1) hunt, take, capture, kill, or wilfully disturb, at any time or in any manner, any wild animal or bird within the refuge; (2) utilize lands within the refuge for fur farming or stock grazing; (3) erect a building or permanent structure on Unimak Island; (4) own, possess, maintain, or harbor a dog on Unimak Island, or allow any dog owned, possessed, maintained, or harbored, to run loose within the refuge at a distance of more than one mile from the center of any village therein: *Provided, however,* That land fur-bearing animals may be trapped on Unimak Island, in accordance with the Alaska Game Law, without other permit.

(d) *Exemption.* No permit will be required of native residents within the refuge to take or capture game animals, game birds, or land fur-bearing animals in the refuge in accordance with the Alaska Game Law, except that such natives other than a permittee may not take such animals or birds on islands held by any person under valid permit for fur farming; and nothing herein shall be deemed to prevent a permittee who is raising sheep within the refuge from using dogs for herding, or a person who is legally on the refuge from using dogs as pack animals or for pulling sleds; but no person shall own, possess, maintain, or harbor a dog for any purpose on Unimak Island except under permit as herein provided.

(e) *Applications for permits; fees.* Application for permits should be addressed to the Regional Director, Fish and Wildlife Service, Juneau, Alaska, and should contain the name (legibly written or printed), the post-office address, and the citizenship of the applicant, together with references as to his character, reliability, and resources; and if applicant is a corporation or company, the home address and the place and date of incorporation or organization, together with the names and addresses of its principal officers, and a sworn statement by a responsible officer of the percentage of alien ownership; and

If wild animals or birds are to be taken, the number of each species desired and whether for scientific, propagation, exhibition, or other purposes; or,

If it is desired to possess or maintain a dog or dogs, on Unimak Island, the number, sex, name, and distinguishing characters or marks, if any, of each and the use to be made of such animal or animals; or

If it is desired to construct a building, shed, or other structure on Unimak Island, information regarding the nature of the operations to be conducted; or,

If it is desired to use or occupy any island or part thereof within the refuge for fur farming or livestock grazing, the name of the island, its location by approximate latitude and longitude, a description of its character, whether there are any native or aboriginal improvements on the island or part thereof applied for and, if so, to whom they belong and when last used; and the applicant should include also any information he has concerning the suitability of the island, or part thereof, for the purpose intended, stating his source of information and whether he has personally examined it, and should state the number of animals he proposes to place thereon and the date he expects or is prepared to begin operations; and,

Any other details or information necessary to give a clear understanding of the privileges the applicant desires to obtain.

For each permit to use an island in the refuge for fur-farming purposes, a fee of $25 per annum is prescribed, and within the discretion of the regional director, fees commensurate with the value of the concession will be charged for stock grazing on any island in the refuge, or for trapping, use, or occupancy of areas on Unimak Island.

(f) *Remittance of fees.* Any fees accruing to the Department by virtue of uses under the regulations in this part or from outstanding permits under previous regulations affecting the refuge shall be remitted to the Regional Director, Juneau, Alaska, by postal money order or bank draft made payable to the Treasurer of the United States. Remittance hereunder in form other than by postal money order or bank draft may be accepted by the said regional director at his discretion and upon his own responsibility, except that remittance in cash must not be accepted unless no other form of remittance is practicable.

(g) *Transfer of permits.* No permit issued under the authority of the Department of the Interior or of the regulations in this part for any area, use, purpose, or privilege in or concerning the refuge, or any island, or part thereof, shall be sold, bartered, exchanged, or transferred by the permittee to another, and no agreement to do so shall be entered into by the permittee, without first furnishing the said Regional Director with the full details of any such proposed transaction and obtaining his consent thereto, and no such arrangement shall become effective until the old permit has been surrendered for cancelation and a new permit subject to such conditions as he shall prescribe has been issued.

Nothing in the regulations in this part and no permit issued hereunder shall be construed to forbid or interfere with official operations within the refuge or on any island covered by a permit hereunder by employees or agents of the Fish and Wildlife Service, the Department of the Interior, or any other department, bureau, or agency of the Federal Government, or of the Territory of Alaska, and no charge, rental, fee, or compensation for such governmental activities or claim for damages shall lie or be made, or allowed any permittee hereunder, for or on account of such governmental use or activity.

(h) *Cancelation of permits.* Any permit issued or reissued hereunder is subject at all times to discretionary revocation and termination by the Director of the Fish and Wildlife Service. The Regional Director may, by written notice to the permittee, mailed to the address as shown on his application, cancel any outstanding permit issued by or under authority of the Department of the Interior for any use or privilege concerning the refuge, (1) upon the request of or under mutual agreement with, the permittee; (2) for failure of the permittee to report as required by the permit, failure to stock an island under fur-farming permit with the number of foxes or other animals as required by or within the terms of the permit, or for violation of any other term or condition of the permit; (3) for abandonment of the area, purpose, use, or privilege covered by such permit; (4) for the molesting of native burial grounds or improvements, or for interfering with natives cultivating accustomed lands; (5) for violating any law or regulation applicable to the refuge including the Alaska Game Laws; or (6) for any other good and sufficient reason in the public interest. Immediately upon cancelation, all rights of the permittee shall cease, and upon appeal shall remain in suspension pending final determination upon the appeal.

Any person aggrieved at any administrative action taken on the above authority may file with the Regional Director a written request for reconsideration thereof, and may file an appeal to an adverse decision thereon with the Director, Fish and Wildlife Service, Washington, D. C., whose decision in the matter may be reviewed by the Secretary of the Interior. However, the decision on reconsideration by the Regional Director shall be final unless an appeal therefrom is taken within 60 days of the date of such decision. In cases where delay would be prejudicial and upon a proper showing of such fact a direct appeal from any such administrative action may be made to the Director, Fish and Wildlife Service, but in such event a copy of the appeal and accompanying documents must be concurrently furnished the Regional Director.

Unless the appeal contains an acceptable reason for allowing a longer time for the preparation of the case, the appellant shall file immediately a statement or brief setting forth in detail the particulars in which the action or decision from which appeal is taken is contrary to, or in conflict with, the law or the regulations of the Secretary of the Interior, or the Director, Fish and Wildlife Service. Upon receipt of a copy of such statement or brief from the complainant, the Regional Director shall prepare a statement or brief reviewing the case and presenting the findings of fact and conclusions upon which his action or decision was based. This statement or brief shall then be transmitted to the Director, Fish and Wildlife Service, Washington, D. C., who will thereupon review the case and advise both the appellant and the subordinate officer of the decision.

(i) *Removal of property.* Upon the termination of any permit affecting the refuge by expiration or by forfeiture or cancelation thereof, pursuant to paragraph (h) of this section, in the absence

of an agreement to the contrary, if all fees due the Federal Government have been paid, the permittee may, within 90 days, following such termination, remove all property, including foxes or fur-bearing animals, belonging to him, together with any buildings or improvements of any kind that may have been erected by him: *Provided*, That the Regional Director may, in his discretion, allow additional time necessary to complete any removal operation, but if not removed within 90 days or within the additional period specified by the Regional Director, such animals, buildings, and/or improvements shall become the property of the United States. (Sec. 10, 45 Stat. 1224, sec. 401, 49 Stat. 383, sec. 84, 35 Stat. 1104, as amended. 57 Stat. 301; 16 U. S. C. 715 (i) (s), 18 U. S. C. 145, 48 U. S. C. 192–311; Reorg. Plan No. II of 1939, 4 F. R. 2731, Reorg. Plan No. III of 1940, 5 F. R. 2108, 3 CFR Cum. Supp.)

Dated: October 5, 1948.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 48-9018; Filed, Oct. 11, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR, Part 6]

[192.31]

SKY HARBOR SEAPLANE BASE, DULUTH, MINN., AND C. A. A. FIELD, JUNEAU, ALASKA

NOTICE OF PROPOSED REDESIGNATION AS AIRPORTS OF ENTRY WITHOUT TIME LIMIT

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., Sup., 177 (b)), it is proposed to redesignate effective November 1, 1948, the Sky Harbor Seaplane Base, Duluth, Minnesota, and the C. A. A. Field, Juneau, Alaska, as airports of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the said act (49 U. S. C. 179 (b)) without time limit; and it is further proposed to amend the list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12), to include the locations and names of these airports, and to amend the list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.13), as amended, by deleting the locations, names, and dates and periods of designations of the airports involved.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed redesignations of the above-mentioned airports as airports of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8962; Filed, Oct. 11, 1948; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

[25 CFR, Part 130]

UINTAH INDIAN IRRIGATION PROJECT, UTAH

ORDER FILING OPERATION AND MAINTENANCE CHARGES

OCTOBER 6, 1948.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946 (60 Stat. 237), the acts of Congress approved June 21, 1906 (34 Stat. 375), and March 7, 1928 (45 Stat. 210; 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 14, 1946 (11 F. R. 10297), notice is hereby given of intention to amend § 130.77 of Title 25, Code of Federal Regulations, effective for the irrigation season 1949, and thereafter until further notice, as follows: (1) by increasing the annual per acre rate from $1.35 to $1.75; (2) by eliminating the annual billing charge of $3.00. As so amended § 130.77 will read as follows:

§ 130.77 *Basic water charges.* Pursuant to the provisions of the acts of June 21, 1906 (34 Stat. 375) and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387), the reimbursable costs expended in the operation and maintenance of the Uintah Indian irrigation project, Utah, are apportioned on a per acre basis against the irrigable lands of all units of the project and for the calendar year 1949, and each succeeding year until further order, there shall be collected for each acre of irrigable land to which water can be delivered from the constructed works, a uniform basic charge of $1.75 per acre per annum, where not otherwise established by contract. No bill shall be rendered for less than $4.00.

Interested persons are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to the Commissioner of Indian Affairs, Department of Interior, Washington 25, D. C., within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER

WILLIAM ZIMMERMAN, JR.,
Acting Commissioner.

[F. R. Doc. 48-9015; Filed, Oct. 11, 1948; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 402]

MARKET AGENCIES AT UNION STOCK YARDS, CHICAGO, ILL.

NOTICE OF PETITION FOR MODIFICATION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Judicial Officer issued an order on October 1, 1947, authorizing the respondents to put into effect on November 1, 1947, the current temporary rates and charges.

On September 28, 1948, respondents filed a petition requesting that they be authorized to file new tariffs providing for increased rates. The rates petitioned for are set out below:

SELLING CHARGES

B–1 Calves

	Per head
Consignments of one head and one head only (A)	$0.70
Consignments of more than one head:	
First 5 head in each consignment (A)	.55
Next 10 head in each consignment (A)	.45
Each head over 15 head in each consignment (A)	.35

B–2 Calves, by Rail Maximum Charge (A)

In no instance shall the charge for selling a consignment of calves arriving by rail exceed $30.00 for each single deck car and $45.00 for each double deck car, plus extra service charges provided in Section E.

B–3 Calves, by Other Than Rail, Maximum Charge (A)

In no instance shall the charge for selling a consignment of calves arriving other than by rail exceed $30.00 for each 100 calves or less, plus extra service charges provided in Section E.

B–4 Cattle (A)

	Per head
Consignments of one head and one head only (A)	$1.25
Consignments of more than one head:	
First 5 head in each consignment	1.00
Next 10 head in each consignment	.95
Over 15 head in each consignment	.90
T. B.'s and Bangs in each consignment	1.25

B–5 Cattle, by Rail, Maximum Charge (A)

In no instance shall the charge for selling a consignment of cattle arriving by rail exceed $35.00 for each car, plus extra service charges provided in Section E.

B–6 Cattle, by Other Than Rail, Maximum Charge (A)

In no instance shall the charge for selling a consignment of cattle arriving other than by rail exceed the aggregate of $35.00 for the first 24,400 pounds, plus 12 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.

B–7 Cattle and Calves by Rail, Maximum Charge (A)

In no instance shall the charge for selling a carload of cattle and calves arriving by rail, belonging to one owner, delivered to one market agency to be offered for sale during the trading hours of one day, exceed $35.00 for each car, plus extra service charges provided in Section E.

(A) Advance.

B–8 Cattle and Calves, by Other Than Rail, Maximum Charge (A)

In no instance shall the charge for selling a shipment of cattle and calves arriving other than by rail, belonging to one owner, delivered to one market agency to be offered for sale during the trading hours of one day exceed the aggregate of $35.00 for the first 24,400 pounds or less, plus 12 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in Section E.

B–9 Bulls (A)

	Per head
Consignments of:	
1 head and 1 head only over 1,000 pounds (A)	$1.75
1 head and 1 head only 700 pounds to 1,000 pounds (A)	1.50
Consignments of more than 1 head:	
700 pounds and over (A)	1.50
Under 700 pounds (A)	Cattle rate

B–10 Hogs

	Per head
Consignments of 1 head and 1 head only (A):	
Each head weighing 250 pounds or over (A)	$0.65
Each head weighing under 250 pounds (A)	.50
Consignments of more than 1 head:	
First 10 head in each consignment (A)	.87
Next 15 head in each consignment (A)	.82
Each head over 25 head in each consignment (A)	.27

B–11 Hogs, by Rail, Maximum Charge

In no instance shall the charge for selling a consignment of hogs arriving by rail exceed $25.00 for each single deck car and $35.00 for each double deck car, plus extra service charges provided in Section E.

B–12 Hogs, by Other Than Rail, Maximum Charge

In no instance shall the charge for selling a consignment of hogs arriving other than by rail exceed the aggregate of $25.00 for the first 18,000 pounds, plus 12 cents for each additional 100 pounds or fraction thereof, plus extra service charges in Section E.

B–13 Boars (A)

	Per head
Consignments of:	
1 head only	$0.75
Consignments of more than one head:	
First 10 head	.65
Over 10 head	.50

B–14 Sheep or Goats

	Per head
Consignments of 1 head and 1 head only (A)	.50
Consignments of more than 1 head:	
First 10 head in each 250 head (A)	$0.30
The next 50 head in each 250 head (A)	.22
The next 60 head in each 250 head (A)	.12
The next 130 head in each 250 head (A)	.07

B–15 Sheep or Goats, by Rail, Maximum Charge (A)

In no instance shall the charge for selling a consignment of sheep or goats arriving by rail exceed $20.00 for each single deck car, and $27.00 for each double deck car, plus extra service charges provided in Section E.

(A) Advance.

B–16 Mixed Cars, by Rail, Maximum Charge

In no instance shall the charge for selling a carload of live stock containing two or more species other than a carload of cattle and calves, belonging to one owner, delivered to one market agency, to be offered for sale during the trading hours of one day exceed $35.00 for each single deck car, and $45.00 for each double deck car, plus extra service charges provided in Section E.

(A) Advance.

SECTION C

Buying Charges (A)

Item No.	
C–1	The rates for buying live stock shall be the same as the rates shown in Section B for selling the same live stock.

SECTION D

Buying Service Charges

D–1 When feeder live stock bought by the purchaser himself is paid for, billed out, or any assistance rendered by a member of The Chicago Live Stock Exchange, or his employee or employees, the transaction shall be deemed a service rendered and a charge equivalent to 50% of the regular buying charge assessed.

D–2 When slaughter live stock bought by purchaser himself is paid for, billed out, or any assistance rendered by a member of the Chicago Live Stock Exchange, or his employee or employees, the transaction shall be deemed a service rendered and the regular buying charge assessed.

SECTION E

Extra Service Charges

The following extra service charges are applicable to each consignment, bought or sold, and are in addition to the charges provided in Sections B, C, and F for selling or buying:

For each additional weight draft over 3 on account of sales or purchase classification (brought about by sorting and weighing for the best interests of the shipper): 25 cents.

For each additional check (except checks to truckers in payment for hauling charges), each additional account of sales, each proceeds deposit or bank credit over 1: 5 cents.

SECTION F

Resales (A)

On live stock purchased on this market by registered traders or registered market agencies, and without having been removed from this market, resold for account of such purchaser, the commission shall be the same as the rates shown in Section B for selling the same live stock.

SECTION G

International Live Stock Exposition and Chicago Feeder Cattle Show

In addition to the regular charges, the following service charges shall be made on all carlot entries of live stock exhibited in the International Live Stock Exposition or in the Chicago Feeder Cattle Show:

For each carlot, entered and exhibited of:	Per head
Fat cattle	$25.00
Stocker and feeder cattle	10.00
Hogs	10.00
Sheep	10.00

In addition there will be collected and paid to auctioneers for auctioning live stock in either of said shows the following:

	Per head
Each carlot entry	$3.00
Other than carlot entries:	
Cattle	$1.00
Sheep	.50
Hogs	.50

(A carlot entry is a lot of not less than 15 fat cattle, or 20 feeder cattle, or 25 hogs, or 50 sheep.)

SECTION H

Local Sales for Account of Other Agencies

On live stock arriving at this market for sale, members of this Exchange may sell the same for one-half of the foregoing rates of commission when sold for account of members suspended by The Chicago Live Stock Exchange who otherwise would be engaged in selling live stock for nonresidents on commission; or for the account of other members of this Exchange in good standing, who are similarly engaged, provided that the foregoing shall not apply to, nor prevent members of this Exchange in good standing from entering into agreements with each other for the purpose of clearing each other's business transactions, or for the purpose of regularly selling each other's live stock, provided that in all instances, full rates are charged to the owner of such livestock.

SECTION I

Reactors and Suspect Cattle

A charge of 15 cents per head will be made on all cattle tagged by the State of Illinois as Bang Reactors, or cattle tagged and sold subject to post mortem inspection.

SECTION J

Fire Insurance

To defray cost of fire insurance under Hartford Fire Insurance Company Policy No. 5628 the following charge will be made:

Single truck loads or odd lot consignments:

½ cent per head on cattle.
⅕ cent per head on calves.
1/10 cent per head on hogs.
1/16 cent per head on sheep.

Minimum charge of 1 cent and maximum charge of 7 cents per owner in any truck load.

Truck shipments of live stock as shown on the Stockyards Company records may disclose several truck loads of single ownership as one consignment. In such consignments of single ownership, 30 cattle, 75 calves, 75 hogs, or 300 sheep shall constitute a carload and shall take a maximum of 7 cents per carload.

Excess number of head above carloads in such consignments shall pay additional premium at the above odd lot rate per head.

A consignment arriving by truck containing 2 or more of the above classes of live stock shall be subject to a maximum deduction of 7 cents for each total weight of 20,000 pounds.

Carload consignments------ 7 cents per car.

The rates petitioned for, if authorized, will provide additional revenue for the respondents so that it appears that public notice of the filing of the petition should be given in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of the petition for increases in the temporary rates currently in effect.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 8th day of October 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-9057; Filed, Oct. 11, 1948; 9:01 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Alaska Road Commission

ESTABLISHMENT AND ORGANIZATION

1. *Creation.* The Alaska Road Commission was established in the Department of the Interior in 1932 to administer the functions vested in the Secretary of the Interior by the act of June 30, 1932 (47 Stat. 446; 48 U. S. C., 1946 ed., secs. 321a-327), relating to the construction and maintenance of roads, trails and other works in Alaska.

2. *Purpose.* The Alaska Road Commission is responsible for the location, design, construction, repair, and maintenance of roads, bridges, ferries, trails and other works in the Territory of Alaska, except areas within national forest reserves.

3. *General description.* The Alaska Road Commission, headed by the Commissioner of Roads for Alaska, is composed of a headquarters staff located at Juneau, Alaska, and four district offices located at Anchorage, Fairbanks, Valdez, and Nome.

HEADQUARTERS ORGANIZATION

4. *Commissioner of Roads for Alaska.* All functions of the Alaska Road Commission are administered by the Commissioner of Roads for Alaska. The Commissioner is responsible for the formulation of policies and programs and for the over-all direction of the work. He is responsible directly to the Secretary of the Interior, reporting through the Director of the Division of Territories and Island Possessions.

5. *Chief Engineer.* The Commissioner of Roads for Alaska is assisted by the Chief Engineer, who is responsible under his general supervision for the conduct of operations and represents him in his absence.

The Commissioner of Roads for Alaska may exercise the authority conferred upon the Secretary of the Interior by the act of June 30, 1932, with respect to the functions to be performed by the Alaska Road Commission. The Commissioner of Roads for Alaska, the Chief Engineer and the Equipment Engineer of the Alaska Road Commisison, and the Director of the Division of Territories and Island Possessions, are authorized, on behalf of the Department of the Interior, to make necessary certifications that equipment, materials, supplies, and buildings, surplus to the needs of the Departments of the Army, Navy or Air Force, or any other agency of the United States Government having title thereto, are essential for the construction, improvement, and maintenance of the Alaska road system.

6. *Administrative Division.* The Administrative Division is responsible for the conduct of all phases of administrative management, including budget, finance, personnel, administrative reports, office services, and supply and property management. It exercises staff supervision over the conduct of such administrative work as is performed in the several district offices.

7. *Engineering Division.* The Engineering Division is responsible for the conduct of engineering investigations and the preparation of engineering reports, for the preparation and review of designs, plans, and specifications, and for the collection, evaluation, and utilization of engineering cost data. It exercises staff supervision over the conduct of district office surveys.

8. *Contracts Division.* The Contracts Division is responsible for supervision of all engineering construction by contract. In conjunction with the Engineering Division, it prepares the engineering features of such contracts, reviews contracts prepared by the Public Roads Administration, architectural and engineering firms or others, and prepares alterations, additions, supplemental agreements and change orders. It also handles contract inspection and priorities, expediting, etc.

9. *Construction Division.* The Construction Division is generally responsible for all engineering construction and maintenance by force account, utilizing the district organization of the Alaska Road Commission for actual operations. It exercises staff supervision over road and bridge construction, maintenance, and operation of road building equipment, and supply, as well as mess operations. It advises and makes recommendations to the Administrative Division on the types of road building equipment to be purchased. It is also responsible for staff supervision of all maintenance by force account of roads, bridges and other structures constructed or administered by the Alaska Road Commission.

FIELD ORGANIZATION

10. *Supervision.* The headquarters organization of the Alaska Road Commission, in addition to formulating policies and programs, and establishing technical guides concerning the construction of roads in Alaska, has immediate supervision over the work of four district offices and one sub-district office.

11. *Districts.* District offices are maintained in Valdez, Anchorage, Fairbanks, and Nome, Alaska. A sub-district office is maintained in Haines, Alaska. These offices include the entire Territory of Alaska, except areas within national forest reserves. The District Superintendents are responsible to the Commissioner of Roads for Alaska for the development and execution of road and related administrative work in their respective districts in accordance with predetermined policies and programs and under the technical guidance of the headquarters staff. Their work includes supervision of survey parties, contract inspectors, force-account supervisors, repair shops, accounts, messes, and all other activities connected with the construction of roads in their respective districts.

OCTOBER 4, 1948.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 48-9017; Filed, Oct. 11, 1948; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

PROPOSED VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, RECONVERSION AND REPAIR OF MERCHANT VESSELS

NOTICE OF PUBLIC HEARING

In order to carry out the requirements of Executive Order 9919 (13 F. R. 59), and acting under the authority vested in me by said Executive order,

Notice is hereby given that a public hearing will be held on Thursday, the 21st day of October, 1948, at 10:00 a. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, 14th Street, between E Street and Constitution Avenue, in the City of Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for construction, reconversion and repair of merchant vessels, of which

plan a draft is set forth in Appendix A hereto (subject to further revisions at and subsequent to the public hearing).

The proposed plan has been formulated after consulting with representatives of the various industries involved and of the United States Maritime Commission and the National Military Establishment.

Any person desiring to participate in said public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Tuesday, the 19th day of October 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

APPENDIX A

Proposed voluntary plan for allocation of steel products for construction, reconversion and repair of merchant vessels.

1. *What this plan does.* This plan is in furtherance of a proposed program of the United States Maritime Commission for the construction, reconversion, and repair of merchant vessels. It sets up the procedure under which steel producers (hereinafter called producers) agree voluntarily to make steel products available to builders, reconverters and repairers of merchant vessels who comply with the provisions of this plan (hereinafter called participating builders), for use in the construction, reconversion, or repair of certain merchant vessels. For the purpose of this plan, the term "Merchant Vessels" means commercial steel self-propelled passenger, dry cargo, and passenger-cargo ships (other than tankers) which are (a) of 1000 DWT or larger, (b) designed for, or employed in, ocean-going, coastal or Great Lakes use, (c) of U. S. registry, and (d) in the case of vessels to be constructed or substantially altered, specifically designated by the U. S. Maritime Commission as being within the scope of this plan. The plan does not include provision for construction or repair of yard, way, or dock facilities.

2. *Agreement by steel producers.* Beginning with the month of January 1948 and continuing during the period this plan remains in effect, producers will make available, out of their own production or that of their producing subsidiaries or affiliates, to participating builders a total of 10,190 net tons of steel products per month, distributed by types approximately as follows: [1]

Type:	Net tons per month
Plates	8,372
Shapes	1,818
Total net tons per month	10,190

Producers will, from time to time, however, upon request of the Secretary of Commerce, give consideration to making additional quantities available.

3. *Determination of quantities to be furnished by respective producers.* Unless otherwise specified in its acceptance of this plan, the quantities to be made available by each producer, as its commitment under this plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. Producers will take credit against their commitments under this plan only for quantities delivered to participating builders on orders certified in accordance with paragraph 9 below.

4. *Contractual arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective producers, or their producing subsidiaries and affiliates, with the respective participating builders. No request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers, the delivery of steel products, the allocation of business among participating builders, or any limitation or restriction on the production or marketing of any steel products. This plan does not authorize nor approve any fixing of prices, and participation in this plan does not affect the prices or terms and conditions on which any steel products are actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* A producer need make available under this plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each producer will, if requested by the Office of Industry Corporation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under the plan.

7. *Reports from participating builders.* Each participating builder will submit the following to the Secretary of Commerce:

(a) *Requirements report.* A report showing the quantities and types of (i) Merchant Vessels (as defined in paragraph 1 above) scheduled for construction, reconversion, or repair during each month under this plan, and (ii) steel products required therefor. The quantities and types of steel products to be made available monthly under the plan to individual participating builders will be determined by the Secretary of Commerce after consultation with the Merchant Vessel Industry Task Committee, subject to such revision, if any, from time to time, as may be deemed necessary by the Secretary of Commerce after consultation with that Committee.

(b) *Monthly steel consumption report.* A monthly report showing the total quantities and types of steel products (i) received by the participating builder from all sources during the preceding month for the construction, reconversion, or repair of Merchant Vessels and (ii) consumed by it during that preceding month for that purpose. Such a report should accompany the requirements report explained in paragraph 7 (a) above and, in addition, should subsequently be submitted within ten days after the end of each month during which the participating builder obtains steel products under this plan.

(c) *Other reports.* Such other relevant reports as may be requested from time to time by the Secretary of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942).

8. *Obligations of participating builders.* By participation in this plan, each participating builder shall be obligated as follows: To use all products obtained under this plan solely for and in the construction, reconversion, or repair of Merchant Vessels (as defined in paragraph 1 above); not to resell or transfer any products so obtained under this plan in the form received by the participating builder, except to such subsidiary, affiliate, subcontractor or fabricator as may be designated for the manufacture or fabrication of any products needed for such construction, reconversion, or repair; and not to build up, beyond current needs, any inventories of products obtained, or end products manufactured, under this plan. If a participating builder becomes unable to use, for the purposes of this plan, any products obtained under the plan, he shall be further obligated to hold them subject to such other use or disposition (including re-allocation to other consumers or return to the producer from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

9. *Procedure for placing orders under this plan.* Purchase orders under this plan are to be placed with participating producers, or their producing subsidiaries or affiliates. Each such purchase order shall bear the following certification by the participating builder:

DEPARTMENT OF COMMERCE VOLUNTARY PLAN, UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, RECONVERSION AND REPAIR OF MERCHANT VESSELS

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely for and in the construction, reconversion or repair of Merchant Vessels, and that this order is placed under, and in strict compliance with, the above Voluntary Plan, with which the undersigned is familiar and in which the undersigned is a participant.

By ---
(Title of duly authorized officer)

(Date)

10. *Procedure for, and effect of, becoming a participant.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers and of builders, reconverters, and repairers of Merchant Vessels by the Secretary of Commerce, any such producer, builder, reconverter, or repairer may become a participant in this plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the anti-trust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers, builders, reconverters, and repairers as notify the Secretary of Commerce in writing that they will comply with such requests.

11. *Effective date and duration.* This plan shall become effective upon the date of its final approval by the Secretary of Commerce. It shall cease to be effective at the close of business on February 28, 1949, unless the time limitation of March 1, 1949, now specified in section 2 (b) of Public Law 395, 80th Congress, is extended or otherwise changed by legislative action in a form which permits continuation of this plan, in which event this plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified). However, the plan may be terminated on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram, or publication in the FEDERAL REGISTER.

12. *Withdrawal from plan.* Any producer or participating builder may withdraw from this plan by giving not less than 60 days written notice to the Secretary of Commerce.

[1] This distribution by types, within the 10,190 ton total, may be changed before final approval of the plan, on the basis of further analysis of the types required.

13. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms of provisions in this plan shall be binding upon all participants notified of such interpretation.

[F. R. Doc. 48-9040; Filed, Oct. 11, 1948; 9:00 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1058]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

OCTOBER 5, 1948.

Upon consideration of the application filed June 24, 1948, by Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal office at Kansas City, Missouri, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection, public notice thereof having been given including publication in the FEDERAL REGISTER on July 14, 1948 (13 F. R. 3982);

It appears to the Commission that:

(a) Applicant herein requests a certificate authorizing the construction and operation of facilities for the direct sale of natural gas to the A. P. Green Fire Brick Company at Mexico, Missouri, pursuant to an agreement which provides, among other things, that Applicant shall, on a firm basis and without interruption for a period of 180 consecutive days each year, commencing on April 1, transport through and deliver at the terminus of such facilities the natural-gas requirements of A. P. Green Fire Brick Company. The A. P. Green Fire Brick Company has been heretofore served on a fully interruptible basis by the Missouri Power and Light Company with natural gas purchased from Applicant.

(b) Among the issues involved in the application and other pleadings herein are the following:

(i) Whether the operation of the subject facilities and the delivery of natural gas therefrom, both as herein proposed, will, if permitted, result in the granting by Applicant of an undue preference and advantage to A. P. Green Fire Brick Company and thereby subject Applicant's other customers to undue prejudice and disadvantage.

(ii) Whether the operation of the subject facilities and the delivery of natural gas therefrom, both as herein proposed, will, if permitted, enable Applicant to maintain an unreasonable difference in service as between localities and between customers.

(iii) Whether the operation of the subject facilities and the delivery of natural gas therefrom, both as herein proposed, will, if permitted, impair the ability of Applicant's system to render adequate service to and to meet the requirements of customers not subject to interruption.

(iv) Whether the operation of the subject facilities and the delivery of natural gas therefrom, both as herein proposed, would be otherwise unreasonable, unduly discriminatory, or unlawful.

(v) Whether, if the transportation and delivery of natural gas as herein proposed is unduly discriminatory, preferential, or otherwise unlawful, it would be appropriate in the public interest to authorize such transportation and delivery on the condition that interruptible service only should be rendered.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing to be held on October 26, 1948, at 9:45 a. m. (e. s. t) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 6, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9013; Filed, Oct. 11, 1948; 8:47 a. m.]

[Docket No. G-1118]

INTERSTATE NATURAL GAS CO., INC.

ORDER POSTPONING DATE FOR HEARING

OCTOBER 5, 1948.

Upon consideration of the motion filed on September 24, 1948, by Interstate Natural Gas Company, Inc., in the above-entitled matter, for a continuance of the hearing heretofore set to commence on October 18, 1948:

It appearing to the Commission that:

(a) On September 7, 1948, the Commission adopted an order suspending rate schedules and fixing date of hearing to commence on October 18, 1948, in the above-entitled matter;

(b) On September 14, 1948, the Commission adopted an order supplementing the aforesaid order of September 7, 1948;

(c) Good cause exists for the postponement of hearing as hereinafter ordered;

The Commission orders that: The hearing heretofore ordered to be held in this matter commencing on October 18, 1948, be and the same is hereby postponed to November 8, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: October 5, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9014; Filed, Oct. 11, 1948; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte 168]

INCREASED FREIGHT RATES, 1948

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 4th day of October A. D. 1948.

Upon consideration of the petition in the above-entitled proceeding filed on October 1, 1948, by common carriers by railroad named therein, comprising all the Class I railroads in the United States, and many railroads of other classifications, requesting the Commission to institute an investigation into the level of railway freight rates and charges, and to authorize the petitioners to increase their freight rates and charges 8 percent, with certain exceptions, as set forth in detail in Appendix II to the petition, with permission to make such increased rates and charges effective at the earliest possible date, upon less than statutory notice, and for a general order modifying all outstanding orders of the Commission to the extent necessary to enable the petitioners to make the proposed increased rates and charges effective, and for entry of appropriate orders under sections 4 and 6 of the Interstate Commerce Act, and for other and further relief:

It is ordered, That an investigation is hereby instituted into and concerning the reasonableness and lawfulness of further increases in freight rates and charges of petitioning carriers and intervening petitioners and that the investigation and the petition be, and they are hereby, assigned for hearing at Washington, D. C., before Division Two, on November 30, 1948, at the Departmental Auditorium, at 10 a. m. United States standard time;

And it is further ordered, That the proceedings be governed by the special rules of practice hereto appended, in addition to the general rules of practice before the Commission.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX—SPECIAL RULES OF PRACTICE APPLICABLE IN PROCEEDING IN DOCKET EX PARTE NO. 168.

Interventions. Petitions of intervention by carriers, other than the petitioners, seeking similar relief should comply with the General Rules of Practice, Rule 72 (49 C. F. R., Cum. Supp. 1.72). Persons appearing in opposition to the petition herein, or in opposition to similar petitions of carriers other than those filing the original petition, will be considered as protestants, and may be heard without the filing of petitions of intervention.

Simplification of presentations. In order to conserve time and avoid expense, it is strongly urged that persons finding themselves with common interests in the proceeding shall, to the greatest extent possible, endeavor to consolidate their presentation of testimony, and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should be carefully prepared with a view to conciseness and clarity,

and so as to avoid extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

Basic data, when of a voluminous character, should not be included if it is possible to make it available for inspection by other parties by temporarily lodging it with the Commission.

Exhibits. In the preparation of exhibits, Rules of Practice 81 to 84, inclusive (49 CFR, Cum. Supp. 1.81–1.84), should be followed. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible exhibits should be made self-explanatory in order to minimize the amount of time required for explanation by oral testimony.

Use of portions of record made in other proceedings. Parties desiring to present for the record a portion of the record in any other proceeding before the Commission should comply with Rule 82 (49 CFR, Cum. Supp., 1.82) of the general rules of practice. For convenient reference, a copy of the rule accompanies these special rules. Inasmuch as the Commission has recently received a great deal of evidence and exhibits in Ex Parte Docket No. 166, the suggestion is made that use be made of Rule 82 (49 CFR, Cum. Supp., 1.82) to avoid duplication of matter already put before the Commission, and to save time and expense. Supplemental statements and exhibits may be supplied for the record.

Prepared statements. Witnesses who expect in the course of their testimony to read from a written statement should comply with Rule 77 (49 CFR, Cum. Supp., 1.77) of the Rules of Practice. They should have sufficient copies thereof to supply opposing counsel, the presiding officers and the official reporter. Such written statements should be furnished counsel a reasonable time before the appearance of the witness on the stand. However, in the interest of conservation of time, it is suggested that such statements be prepared and offered in the manner indicated in the paragraph below, relating to verified statements, instead of being submitted orally by a witness on the stand.

Witnesses who will use prepared statements should remember that extensive tabular matter should be submitted separately, as an exhibit, and thus avoid the necessity for copying tabular matter into the transcript of oral testimony.

Hearings. The initial hearing shall be primarily for the purpose of receiving testimony on behalf of (a) the petitioners, (b) interveners, and (c) protestants who are prepared and desire to be heard. Such additional hearings will be provided as the progress of the proceeding indicates to be necessary or desirable.

Submission of evidence in chief in written form. The evidence in chief to be produced on behalf of the petitioners and any intervening petitioners who may come into the proceeding, shall be submitted in written form, as prepared statements by the respective witnesses, with their accompanying exhibits. Such documents should be made available to the Commission by filing 25 copies on or before November 9, 1948, and a copy should be transmitted by petitioners and intervening petitioners to the regulatory authority of each State having jurisdiction with respect to the intrastate rates and charges of petitioners and intervening petitioners, and also to each person who shall give timely notice to the Commission and counsel for petitioners of their intention to appear as protestants. Such notification to petitioners should be made on or before November 3, 1948, in writing, addressed to Jacob Aronson, 466 Lexington Avenue, New York 17, New York.

Verified statements (affidavits). Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will also be received in the absence of objection, as hereinafter specified. Parties desiring to offer such statements should make available as early as possible during the hearing 150 copies for the Commission and other parties, including the petitioners. Notice of any objection to the receipt of any such statement in evidence should be given to the Commission and to the party submitting the statement promptly following the receipt of such statement. If no such notice is given promptly it will be considered that objection to the receipt of the statement in evidence is waived, but objection to the weight to be accorded the statement of facts is reserved. Such statements should conform to the rules of practice in respect of style, mimeographing or printing, etc. They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded. The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record in the proceeding, upon which the Commission will base its decision.

Notice of intention to produce testimony. Persons who desire to be heard will facilitate necessary arrangements by sending notice of their intention by letter or telegram to the Commission at Washington, so as to reach the Commission before November 24, 1948, which shall state the number of witnesses, and the approximate amount of time considered necessary for presentation of direct testimony.

Correspondence. Correspondence relative to this matter should be addressed to the Commission at Washington 25, D. C., with a reference to the docket number, ex Parte No. 168.

GENERAL RULES OF PRACTICE

§ 1.82 *Evidence; records in other Commission proceedings.* If any portion of the record before the Commission in any proceeding other than the one on hearing is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(a) The party offering the same agrees to supply such copy later at his own expense, if and when required by the Commission; and

(b) The portion is specified with particularity in such manner as to be readily identified; and

(c) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any other portion offered by any other party may be incorporated by like reference subject to paragraph (a) and (b) of this section; and

(d) The officer directs such incorporation. Any such portion so offered, whether in the form of an exhibit or by reference, shall be subject to objection.

[F. R. Doc. 48-9019; Filed, Oct. 11, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2968]

BRAGER-EISENBERG, INC.

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of October A. D. 1948.

Brager-Eisenberg, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Capital Stock, $1.00 Par Value, from listing and registration on the Baltimore Stock Exchange;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11:00 a. m. on Monday, November 8, 1948, at Room 709, United States Appraisers Stores Building, 103 South Gay Street, Baltimore, Maryland, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That James G. Ewell, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9007; Filed, Oct. 11, 1948; 8:45 a. m.]

[File No. 55-94]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING OF APPLICATION FOR APPROVAL OF MAXIMUM INTERIM COMPENSATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of October A. D. 1948.

Notice is hereby given that Oliver R. Waite of Brickley, Sears and Cole, 1 Federal Street, Boston, Massachusetts, has filed with this Commission an application and an amendment thereto pursuant to Rule U-63 promulgated under section 11 (f) of the Public Utility Holding Company Act of 1935 ("the act"), for approval of $10,000 as the maximum amount for which application may be made to the District Court of the United States for the District of Massachusetts for an interim allowance for his services rendered as counsel to Bartholomew A.

Brickley, Trustee of International Hydro-Electric System, a registered holding company, for the period from May 19, 1947 to July 31, 1948 inclusive.

All interested persons are referred to said application, on file in the offices of the Commission, for a statement of the services rendered, which are summarized as follows:

On August 12, 1943 this Commission filed an application in the aforesaid Court, Civil Action No. 2430, to enforce compliance with an order of the Commission entered on July 21, 1942 under section 11 (b) of the Act that International Hydro-Electric System liquidate and dissolve. On November 13, 1944 the Court appointed Bartholomew A. Brickley as Trustee of said System; and on July 29, 1947 the Court authorized the said Trustee to employ the Applicant as counsel to assist him in connection with the preparation, filing, approval and consummation of a plan for the liquidation and dissolution of said System. Applicant states that he has been continuously so employed since May 19, 1947; that up to July 31, 1948 he devoted 859 hours to the work, plus a considerable period of time in office conferences with said Trustee, estimated at an additional 100 hours. Applicant's detailed statement of recorded time indicates work in drafting plan and amendment thereof, numerous conferences with respect thereto, examination of law, preparation for and attendance upon hearings on the plan, and the preparation of numerous court papers, letters and other documents. The application states that the amount requested is the maximum amount to be paid to applicant for all legal services performed by him in the period covered by it.

Notice is further given that any interested person may, not later than October 20, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he proposes to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C. At any time after October 20, 1948 said application, as amended, may be granted without public hearing, unless good reason therefor shall in the meantime be made to appear; or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9011; Filed, Oct. 11, 1948; 8:46 a. m.]

[File No. 70-1943]

NEW YORK STATE ELECTRIC & GAS CORP. AND GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October 1948.

General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, New York State Electric & Gas Corporation ("New York State"), having filed a joint application-declaration, and an amendment thereto, pursuant to sections 9 (a), 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder, with respect to the following transaction:

GPU proposes to purchase from New York State 2,725 shares of the non-cumulative no par value (voting) preferred stock of Staten Island Edison Corporation, a subsidiary of New York State, for a net cash price of $272,500; and

Applicants - declarants having requested that the Commission find, in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including sections 373 (a) and 1808 (f) thereof, that the sale, transfer, and delivery by New York State to GPU of the 2,725 shares of the preferred stock of Staten Island Edison Corporation are necessary or appropriate to the simplification of the GPU holding company system and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and

Such joint application-declaration, as amended, having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective, and deeming it appropriate to grant a request of applicants-declarants that the order become effective at the earliest date possible, and deeming it appropriate to grant the request of applicants-declarants with respect to the suggested recitals in accordance with the provisions of the Internal Revenue Code, as amended:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective and the proposed transactions may be consummated forthwith.

It is further ordered, That the sale, transfer and delivery by New York State to GPU of 2,725 shares of the no par value (voting) preferred stock of Staten Island Edison Corporation are necessary or appropriate to the simplification of the GPU System, of which GPU, New York State and Staten Island Edison Corporation are a part, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-9009; Filed, Oct. 11, 1948; 8:46 a. m.]

[File No. 70-1952]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of October A. D. 1948.

Public Service Company of Indiana, Inc. ("Public Service"), a public utility subsidiary of The Middle West Corporation, a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder with respect to the following transactions:

Public Service proposes to call for redemption $2,000,000 principal amount of its Convertible Debentures. The call will be made by lot pursuant to the terms of the indenture which provides for the redemption thirty days after the initial notice of call, which the company expects to publish on October 5, 1948, at a price of 103% of principal amount of all such Convertible Debentures which have not been converted into Common Stock of the company up to the date designated for redemption.

Public Service further proposes to pay to each holder of its Convertible Debentures (both those included in the call and those not so included) who surrender their certificates for conversion into Common Stock of the company during the portion of the call period expiring prior to the close of business on October 31, 1948, an amount equal to the full amount of interest that would be payable for the six-month period ending October 31, 1948.

The declaration having been filed on September 20, 1948, and the last amendment thereto having been filed on October 4, 1948, notice of such filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of the investors and consumers to permit the said declaration to become effective and to grant declarant's request that the order herein become effective forthwith upon the issuance thereof:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions of Rule U-24, that the declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9008; Filed, Oct. 11, 1948; 8:46 a. m.]

[File No. 70-1957]

MIDDLE WEST CORP. AND CONSOLIDATED ELECTRIC AND GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 1st day of October A. D. 1948.

Notice is hereby given that a joint declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by The Middle West Corporation ("Middle West"), a registered holding company, and by Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and a non-affiliate of Middle West.

Notice is further given that any interested person may, not later than October 14, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 14, 1948 said application may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Consolidated and Middle West own 120,000 shares (60%) and 34,000 shares (17%), respectively, of the 200,000 shares of $9 par value outstanding common stock of Upper Peninsula Power Company ("Upper Peninsula"). Such shares were acquired at the time of the organization of Upper Peninsula and such acquisitions were made pursuant to the order of this Commission (Holding Company Act Release No. 7407) dated May 14, 1947. At the same time Copper Range Company, primarily a mining company which the Commission has heretofore determined to be exempted from all the provisions of the act which would require it to register thereunder, and certain individuals acquired 34,800 shares and 11,200 shares of said stock, respectively.

Consolidated and Middle West propose, in accordance with Rule U-50 promulgated under the act, publicly to invite, by newspaper publications, sealed written bids for the purchase of said stock of Upper Peninsula owned by them. Such invitations will also cover the stock owned by Copper Range Company and so many of the remaining 11,200 shares as the several individual owners thereof may elect to offer for sale.

The shares of common stock owned by Consolidated are pledged under a loan agreement dated as of August 25, 1948 between Consolidated and Central Hanover Bank and Trust Company and Continental Illinois National Bank and Trust Company of Chicago. In accordance with the provisions of such agreement, Consolidated will apply the proceeds of sale to the partial payment of $5,000,000 aggregate principal amount of notes dated September 20, 1948 and maturing September 20, 1949, issued under and secured by such agreement.

The filing designates section 12 (d) of the act, and Rules U-44 and U-50 thereunder as being applicable to the transactions embraced in the instant joint declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9010; Filed, Oct. 11, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12033]

MISS ROSA GERBETH AND MRS. ROSA GERBETH

In re: Debts owing to Miss Rosa Gerbeth and Mrs. Rosa Gerbeth. F-28-25734-D-1, F-28-25735-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miss Rosa Gerbeth and Mrs. Rosa Gerbeth, whose last known address is Wurzback Thueringen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Miss Rosa Gerbeth by Homestake Mining Company, 300 Montgomery St., Room 950, San Francisco, California, a corporation organized under the laws of the State of California, in the amount of $135.00, as of December 31, 1945, representing unpaid dividends on capital stock of said Homestake Mining Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Miss Rosa Gerbeth, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to Mrs. Rosa Gerbeth, by Homestake Mining Company, 300 Montgomery St., Room 950, San Francisco, California, a corporation organized under the laws of the State of California, in the amount of $135.00, as of December 31, 1945, representing unpaid dividends on capital stock of said Homestake Mining Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mrs. Rosa Gerbeth, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9023; Filed, Oct. 11, 1948; 8:50 a. m.]

[Vesting Order 12055]

JOHN POPA

In re: Estate of John Popa, also known as Ioan Popa, deceased. File D-57-360; E. T. sec. 10984.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Neta Bichis nee Popa, whose last known address was, on August 21, 1946, Rumania, was on such date a resident of Rumania and a national of a designated enemy country (Rumania);

2. That the sum of $2,572.89 was paid to the Alien Property Custodian by George Comsa, Executor of the Estate of John Popa, also known as Ioan Popa, deceased;

3. That the said sum of $2,572.89 was accepted by the Alien Property Custodian on August 21, 1946, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $2,572.89 is presently in the possession of the Attorney General of the United States and was property in the process of administration by the aforesaid George Comsa, Executor, acting under the judicial supervision of the Probate Court of Stark County, Ohio, which was payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Rumania);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on August 21, 1946, the national interest of the United States required that such person be treated as a national of a designated enemy country (Rumania) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9025; Filed, Oct. 11, 1948; 8:50 a. m.]

[Vesting Order 12065]

CALVIN TETSUO ISHII

In re: Bank account owned by and debt owed to Calvin Tetsuo Ishii, also known as Calvin T. Ishii.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Calvin Tetsuo Ishii, also known as Calvin T. Ishii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: a. That certain debt or other obligation owing to Calvin Tetsuo Ishii, also known as Calvin T. Ishii, by Bank of America National Trust and Savings Association, Santa Maria, California, arising out of a savings account, account number 1761, entitled Calvin T. Ishii, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Calvin Tetsuo Ishii also known as Calvin T. Ishii, by Investors Syndicate, Minneapolis, Minnesota, represented by a paid up account on the books of the aforesaid company, said account evidenced by a certificate issued by Investors Syndicate, Minneapolis, Minnesota, of $1500.00 face value, bearing the number C-7628, registered in the name of Chuhei C. Ishii for Calvin T. Ishii, and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in and under the aforesaid certificate,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Calvin T. Ishii, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9026; Filed, Oct. 11, 1948; 8:50 a. m.]

[Vesting Order 12086]

J. MAGNUS & CO.

In re: Stock, bonds and bank account owned by J. Magnus & Co. F-28-22174-A-1, F-28-22174-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That J. Magnus & Co., the last known address of which is Paulstrasse 5, Hamburg, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: a. One hundred (100) shares of no par value capital stock of the American Ship and Commerce Corporation, evidenced by a certificate numbered NY-22705 registered in the name of W. G. Sickel, and presently in the custody of the Bank of Manhattan Company, 40 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

b. Two hundred fifty (250) shares of $1.00 par value capital stock of Glengarry Mining Company, evidenced by a certificate registered in the name of W. H. Hets, and presently in the custody of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

c. Four (4) Republic of Chile External 20 Year Loan Sinking Fund Gold 7s Bonds, of $1000 face value each, bearing the numbers M-4565/7, and 5485 and presently in the custody of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

d. Six (6) Conversion Office Foreign Debts Dollar 3s Bonds, of $100 face value each, bearing the numbers C-085717/9, and 085721/3, and presently in the custody of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

e. Eight (8) Conversion Office for German Foreign Debts Fractional Certificates for Dollar 3s Bonds said certificates of the face value, and bearing the numbers set forth below:

$ 2.50	C-006471
$ 5.00	012317
$10.00	026751
$20.00	64118/20
$20.00	64127/8

and presently in the custody of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with any and all rights thereunder and thereto, and

f. That certain debt or other obligation owing to J. Magnus & Co., by the Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled J. Magnus & Co., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by J. Magnus & Co., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9027; Filed, Oct. 11, 1948; 8:50 a. m.]

[Vesting Order 12145]

ANNA GROLL ET AL.

In re: Interests in real property, a property insurance policy and claims owned by Anna Groll, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Groll, August Groll, Elisabeth Groll, Bernhard Groll, Hermann Groll, Sophia Groll, Joseph Westhues, Joseph Westhues (Jr.), August Westhues, Heinrich Westhues, Gertrud Westhues, August Groll, known as Erdmann, Theodore Groll, known as Erdmann and Bernhard Groll, known as Erdmann, whose last known addresses are Alverskirchen, Germany and Mary Gockel, whose last known address is Trier, Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That the property described as follows: a. An undivided one-half interest in real property, situated in the County of McIntosh, State of Oklahoma, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to Fire and Extended Insurance Policy No. 253098, issued by North British and Mercantile Insurance Company, Ltd., 150 Williams Street, New York City, New York, in the amount of $1,100.00, which policy expires May 1, 1950 and insures the real property described in subparagraph 2-a hereof,

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by Henry Groll, 4114 Arsenal Street, St. Louis, Missouri, arising by reason of rents collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by Detjen & Detjen, Suite 410-412, 511 Locust Street, St. Louis, Missouri, arising by reason of rents collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b to 2-d hereof, inclusive,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All of the Southwest Quarter of the Southwest Quarter of Section 29, and the Southeast Quarter, and the East Half of the Southwest Quarter of Section 30, and the Northeast Quarter of the Northeast Quarter of Section 31, and the Northwest Quarter of the Northwest Quarter of Section 32, all in Township 10 North, Range 16 East, containing 360 acres more or less, situate in the County of McIntosh, and State of Oklahoma.

[F. R. Doc. 48-9028; Filed, Oct. 11, 1948; 8:51 a. m.]

K. FUJITA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof the following property, located in the Treasury of the United States, Washington, D. C., subject to any increase or decrease resulting from the administration of such property prior to return and after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, and Property

K. Fujita, 1284 Kanewai Street, Honolulu, T. H., 37248; $8.94.

Mrs. Yoshiko Fujita, (nee Yoshiko Kawato), 435 Coral Street, Honolulu, T. H., 37249; $100.29.

H. Hasegawa, sole owner of Saikaiya Hotel, 1442 Palolo Avenue, Honolulu, T. H., 37251; $30.04.

Hitoshi Igarashi, 347 N. Kuakini Street, Honolulu, T. H., 37253; $62.87.

H. Y. Inase, P. O. Box 1208, Honolulu, T. H., 37254; $215.19.

H. Y. Inase, guardian of Kazue Inase, P. O. Box 1208, Honolulu, T. H., 37255; $0.54.

G. Ishihara and Yoshimasa Ishihara, 183 North Hotel Street, Honolulu 48, T. H., 37256; $640.64.

Yoshimasa Ishihara, 183 North Hotel Street, Honolulu 48, T. H., 37257; $13.62.

Island Fender Shop, Harry Y. Takemoto and George K. Takemoto, 426 Ward Street, Honolulu, T. H., 37258; $176.61.

Gentaro Kaneshiro, 2412 Liliha Street, Honolulu 3, T. H., 37259; $45.22.

Sukeichi Kirimitsu or Yukimi Kirimitsu, 920-E Austin Lane, Honolulu, T. H., 37261; $288.37.

Chikayo Kobayshi, 1525-A Kauluwela Lane, Honolulu, T. H., 37262; $101.50.

Masaichi Kobayashi, a/k/a M. Kobayashi, 1525-A Kauluwela Lane, Honolulu, T. H., 37263; $540.84.

Fujie Komesu, a/k/a Mrs. Harriet K. Haslett, District Public Works, N. O. B., Kodiak, Alaska, 37265; $66.13.

Yasu Matsuura or Noboru Matsuura, c/o Mr. S. A. Baldwin, Makawao, Maui, T. H., 37267; $45.14.

S. Miranda, 10-B N. School Street, Honolulu, T. H., 37268; $2.

Michiko Mitsui, 1804 Kam IV Road, Honolulu, T. H., 37269; $38.93.

Michiko Mitsui, trustee for Fumiko Mitsui, 1804 Kam IV Road, Honolulu, T. H., 37270; $62.42.

Michiko Mitsui, guardian of Kazuo Mitsui, 1804 Kam IV Road, Honolulu, T. H., 37271; $112.09.

Tatsuo Mitsumori, 3441 James Street, Honolulu, T. H., 37272; $7.46.

Tomi Miyasaki, 1751 10th Avenue, Honolulu, T. H., 37273; $12.49.

Kanichi Morita, 1918 Lime Street, Honolulu, T. H., 37276; $17.28.

Tsuya Muramoto, 4758-G Farmers Road, Honolulu, T. H., 37277; $11.90.

Seiichi Nakamura, 2043 Ohai Lane, Honolulu, T. H., 37278; $100.50.

Pusa Nishihara, 95 Vineyard Street, Honolulu, T. H., 37279; $5.

Mikayo Nishihara, 566 N. Vineyard Street, Honolulu, T. H., 37280; $138.43.

Eizo Okada or Soyo Okada, 1708 Olona Lane, Honolulu 44, T. H., 37281; $97.53.

Eizo Okada, 1708 Olona Lane, Honolulu 44, T. H., 37282; $194.70.

Fumiko Okamoto, 1114 B Pua Lane, Honolulu, T. H., 37283; $13.96.

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REFERENCE

Toraki Okamoto, guardian of Mitsuki Okamoto, 1114–B Pua Lane, Honolulu, T. H., 37284; $17.37.

Takemo Okuda, 1092 S. Beretania Street, Honolulu, T. H., 37285; $812.42.

Minoru Osaki or Mrs. Hatsune Osaki, P. O. Box 20, Kapaa, Kauai, T. H., 37286; $3,687.65.

Doris Tsuruye Oshima, agent for Wakano Oshima, sole owner of Shinkiraku Restaurant, 1450 Alencastre Street, Honolulu 36, T. H., 37287; $267.33.

Hyokichi Shimamura, guardian of Hiroshi Shimamura, 1104 Palama Street, Honolulu 7, T. H., 37289; $154.40.

Kumato Sonoda and Masao Sonoda, 983–A Niepers Lane, Honolulu, T. H., 37290; $21.57.

Natsu Suwa, 336 North Kukui Street, Honolulu, T. H., 37291; $66.15.

Chutaro Suzuki, House 520, Camp 2, Spreckelsville, Maui, Territory of Hawaii, 37292; $130.30.

Tenzen Taba, 307–B North School Street, Honolulu, T. H., 37293; $60.12.

Yokichi Takahashi, Kailua, Oahu, T. H., 37294; $96.74.

Harry Y. Takemoto, 3215 Hoolulu Street, Honolulu, T. H., 37295; $144.63.

Kiyoshi Takemoto, 3215 Hoolulu Street, Honolulu, T. H., 37296; $137.09.

Kinmatsu Nakata, 2304 South King Street, Honolulu, T. H., 37297; $337.88.

Miyoki Tominaga, 1636 Kalihi Street, Honolulu 10, T. H., 37298; $476.65.

Kikuji Ujiiye, 1708 Olona Lane, Honolulu, T. H. 37301; $8.88.

Genzaemon Tsuchida or Shizut Tsuchida, P. O. Box 6, Wailua, Oahu, T. H., 16172; $4,252.75.

Hitoshi Ushijima, 1818 South King Street, Honolulu, T. H., 37303; $10.38.

Takeo Yamamoto, trustee for Fumio Yamamoto, 254–B Auwaiolimu Street, Honolulu, T. H., 37305; $30.80.

Shusei Yamashiro, 1518 Miller Street, Honolulu, T. H., 37306; $2,849.55.

Miyuki Higashimura, 2558 Namauu Street, Honolulu, T. H., 32333; $15.63.

Yuriko Higashimura, 2558 Namauu Street, Honolulu, T. H., 32334; $13.39.

Kuma Inoue, guardian of Rikuo Inoue, 1418 University Lane, Honolulu 33, T. H., 29451; $315.80.

Sibyl Davis, Adm. Est. of Kumataro Mitsunaga, deceased, Chief Clerk, Circuit Court, First Judicial District, Honolulu, T. H., 7297; $503.30.

S. Suganuma, trustee for the Est. of Nao Suganuma, deceased, 1355 10th Avenue, Honolulu, T. H., 9101; $128.58.

Tatsue S. Hedani, Adm. Est. of Togo Sugimura, deceased, Kaheka, Pala, Maui, T. H., 30359; $494.31.

Sibyl Davis, Adm. Est. of Aki Kashiwahara, deceased, Chief Clerk, First Circuit Court, Honolulu, T. H., 7043; $1,014.69.

Executed at Washington, D. C., on October 6, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–9029; Filed, Oct. 11, 1948; 8:51 a. m.]

ERNST LUDWIG RUPPEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Number, and Property

Ernst Ludwig Ruppel, Stourbridge, Worcester, England, 4706; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,102,224.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–9030; Filed, Oct. 11, 1948; 8:51 a. m.]

[Vesting Order CE 458]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN MISSOURI, NEW JERSEY, NEW YORK, AND WISCONSIN COURTS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That, it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That, in taking such measures in each of such actions or proceedings, costs and expenses were incurred in the amount stated in Column 4 of said Exhibit A opposite the action or proceeding identified in Column 3 of said Exhibit A;

4. That each amount stated in Column 4 of said Exhibit A has been paid from the property which each of said persons obtained or was determined to have as a result of the action or proceeding identified in Column 3 of said Exhibit A opposite such person's name and all of said amounts are presently in the possession of the Attorney General of the United States.

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, the amounts stated in Column 4 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Sum vested
		Item 1	
Agostina Arpiani	Italy	Estate of Frank Arpiani, deceased, probate Court, city of St. Louis, State of Missouri, No. 6088.	$18.00
		Item 2	
Desiderio Arpiani	do	Same	18.00
		Item 3	
Ermelinda Carpani	do	Same	18.00
		Item 4	
Carolina Bione	do	Estate of Floran Valpreda, deceased, Surrogate's Court, Monmouth County, State of New Jersey.	23.50
		Item 5	
Prospero Valpreda	France	Same	23.50
		Item 6	
Albert De Nardo	Italy	Estate of Mario De Nardo, deceased, Surrogate's Court, Queens County, State of New York, file No. 2326/1943.	1,443.50
		Item 7	
Anna Linda	do	Same	1,443.50
		Item 8	
Maria Prevorschiz	Austria	Estate of Frank Staudacher, deceased, County Court, Milwaukee County, State of Wisconsin, No. 236032.	48.00

[F. R. Doc. 48–9001; Filed, Oct. 8, 1948; 8:53 a. m.]

REFERENCE

OCT 14 '48

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 13 NUMBER 200

Washington, Wednesday, October 13, 1948

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 801—GENERAL SUGAR REGULATIONS

ENTRY OF SUGAR INTO CONTINENTAL UNITED STATES

Basis and purpose. This determination is issued pursuant to the regulations in this part and deals with the entry of sugar into the continental United States. Section 801.52 of General Sugar Regulations, Series 3, No. 2, as amended, states that certification to the Collector of Customs by the Secretary that the sugar or liquid sugar to be entered is within the applicable quota or allotment established by the Secretary for the area in which such sugar was produced, except as otherwise specified therein, shall not be required as to any quota or portions thereof until the Director of the Sugar Branch determines that such quota or portion thereof is filled to the extent that certification is required to maintain effective quota control. That section also provides that upon publication of such determination in the FEDERAL REGISTER certification by the Secretary shall be required for the remainder of the applicable calender year.

The 1948 sugar quota for Puerto Rico is 982,436 short tons of sugar, raw value. As of October 4, 1948, approximately 792,436 short tons, raw value of sugar for further processing and direct-consumption purposes have been brought into the continental United States from Puerto Rico, hence only approximately 190,000 short tons, raw value, may be entered during the remainder of the calendar year 1948. In order to assure an orderly and adequate flow of sugar, prevent disorderly marketing, and to maintain an effective quota system, it is necessary that the certification prescribed by regulations be required for raw sugar for further processing hereafter brought in from Puerto Rico.

It is presently estimated that current production of Puerto Rican sugar will exceed the 1948 quotas for marketing in the continental United States and locally by some 26,000 tons. Consequently, each producer appears to be moving sugar into trade channels as rapidly as possible so as to reduce to a minimum the amount of carryover he will be compelled to retain at the end of the year. During the month of September alone approximately 163,000 tons were shipped to the continental United States. In view of the foregoing, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest and consequently this determination shall become effective when published in the FEDERAL REGISTER.

Pursuant to the authority contained in § 801.52 of General Sugar Regulations, Series 3, No. 2, as amended (13 F. R. 127, 1076, 2063, 4590), it is hereby determined that the 1948 sugar quota for Puerto Rico, amounting to 982,436 short tons of sugar, raw value, has been filled to the extent that certification is required to maintain effective quota control. Accordingly, for the remainder of the calendar year 1948, Collectors of Customs shall not permit the entry into continental United States from Puerto Rico of any raw sugar for further processing, unless or until certification described in § 801.52 (a) of General Sugar Regulations is issued.

(Pub. Law 388, 80th Cong.; 61 Stat. 922; 7 U. S. C., Supp. 1100)

Issued this 7th day of October 1948.

[SEAL] LAWRENCE MYERS,
Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 48–9058; Filed, Oct. 12, 1948; 8:57 a. m.]

TITLE 10—ARMY

Chapter III—Claims and Accounts

TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For revised regulations formerly contained in this chapter, see Title 34, Chapter V, Parts 531 through 538, *infra*.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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Chapter V—Department of the Army

Subchapter B—Claims and Accounts

REVISION OF REGULATIONS

The regulations contained in 10 CFR, Subtitle B, Chapter III, are hereby revised and transferred to Title 34, Chapter V, Subchapter B, Code of Federal Regulations, as follows:

Part
531 Bonds of accountable officers.
533 Gratuity upon death.
534 Military court fees.
535 Payment of bills and accounts.
536 Claims against the United States.
537 Claims on behalf of the United States.
538 Allotments of pay.

PART 531—BONDS OF ACCOUNTABLE OFFICERS

Sec.
531.1 Individuals as sureties.
531.2 Release of sureties.

AUTHORITY: §§ 531.1 and 531.2 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 35-220, Dec. 31, 1946.

CROSS REFERENCE: Issue of duplicate checks of the United States: See Money and Finance: Treasury, 31 CFR Part 204.

§ 531.1 *Individuals as sureties*—(a) *Liability.* Sureties to bonds given by disbursing officers, if individuals, will be bound jointly and severally for the whole amount expressed therein, and must satisfy the Secretary of the Army that they are worth, jointly, double such amount, each surety making affidavit that he is worth that sum over and above his debts and liabilities, and stating in the affidavit his place of residence.

(b) *Affidavit to be submitted every two years.* Where the sureties are individuals, an affidavit of surety, on the prescribed Treasury Department form,[1] must be submitted at the end of two years.

(c) *Government contractor may not be surety.* The Secretary of the Army may not approve as surety on the bond of a disbursing officer the name of a person appearing as a Government contractor in the district in which that officer is on duty.

§ 531.2 *Release of sureties*—(a) *Secretary of the Army may not release by cancellation of bonds.* While the Secretary of the Army may, if he deems the security insufficient, require further security, he may not without authority of Congress release security which has been accepted by the cancellation of a bond once accepted.

(b) *New bond does not release sureties on old bond.* Where under the act of March 2, 1895, which provides that "every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates", an officer renews his bond by giving a bond during the same term of office, the new bond does not operate to release the sureties on the first bond from liability for future transactions, but the sureties on the old and new bonds are jointly and severally liable therefor. (See 5 Comp. Dec. 918.)

[1] Form may be obtained from the Office of the Commissioner of Accounts and Deposits, U. S. Treasury Department, Washington, D. C.

PART 533—GRATUITY UPON DEATH

Sec.
533.1 Computation of amount of death gratuity.
533.2 Six months' death gratuity exempt from indebtedness.
533.3 Payment.
533.4 Classes of beneficiaries.
533.5 Will not a designation.
533.6 Settlement of accounts.
533.7 Letters testamentary or letters of administration.

AUTHORITY: §§ 533.1 to 533.7 issued under 41 Stat. 367, 766, 42 Stat. 24, 1385, 55 Stat. 796, 57 Stat. 599; 10 U. S. C. 456, 903, 31 U. S. C. 71.

DERIVATION: AR 35-1540, Apr. 19, 1945; AR 600-600, Apr. 12, 1944; AR 35-1545, Dec. 9, 1947.

§ 533.1 *Computation of amount of death gratuity.* The amount of the death gratuity due the beneficiary of an officer or enlisted person includes the compensation of every kind and character received by such officer or enlisted person at the date of his death and is distinguished from allowances.

§ 533.2 *Six months' death gratuity exempt from indebtedness.* The amount of the six months' pay cannot be used for the debts of the officer or enlisted man, not even for overpayments.

§ 533.3 *Payment*—(a) *Beneficiaries.* (1) Payments of the six months' gratuity pay may be made to beneficiaries in the order indicated below:

(i) If there be a widow (widower), payment will be made to such person only.

(ii) If there be no widow (widower), payment will be made to the child or children, if there are any entitled to payment.

(iii) If there be no widow (widower) or child, payment will be made to the dependent relative previously designated by the deceased as his beneficiary to whom the gratuity is to be paid. The classes or relatives who may properly be designated as beneficiaries are stated in § 533.4.

(2) Payment of six months' gratuity pay may not be made to:

(i) Any married child or unmarried child over twenty-one years of age of a deceased officer or enlisted man who is not actually a dependent of such deceased officer or enlisted man. Payment may not be made to any married child, notwithstanding the allegation of dependency on the deceased officer or enlisted man.

(ii) A person who takes the life of another, whether or not the act be punished by the State or other civil authority concerned.

(3) If the deceased person had designated two beneficiaries to receive the six months' death gratuity payment and the claim of the first designated beneficiary has been disapproved because the evidence submitted did not clearly establish dependency upon him for support, or otherwise an insurable interest in him, the claim of the second designated beneficiary may not be considered unless the first beneficiary—who may desire to submit additional evidence tending to show dependency—has relinquished the right to claim the gratuity payment.

(4) If there be no widow (widower), child, or previously designated beneficiary, the Director, Office of Special Settlement Accounts, 27 Pine Street, New York 5, New York, will determine dependency in accordance with approved policies and regulations.

(b) *Evidence.* (1) The evidence required to establish the right, under the law, of any person to receive payment of the six months' gratuity is set forth for the different classes of beneficiaries in figure 1.

(2) No affirmative showing of dependency is required in making payments of six months' death gratuity pay authorized by the act of December 17, 1919, as amended, to fathers, mothers, brothers, or sisters, designated as beneficiaries of deceased Army personnel, who had an insurable interest in the life of the deceased by reason of relationship alone, but as to more distant relatives evidence of insurable interest is required.

FIGURE 1

Class of beneficiary	Evidence required of—					
	Nonexistence of widow (widower)	Relationship	Age	Conjugal condition	Actual dependency	Designation as beneficiaries
Widow or widower:[1]						
Previously designated	No.	No.	No.	No.	No.	Yes.[2]
Not previously designated	No.	Yes.	No.	No.	No.	No.[3]
Unmarried child or children under 21 years of age:						
Previously designated	Yes.	No.	Yes.	Yes.	No.	Yes.[2]
Not previously designated	Yes.	Yes.	Yes.	Yes.	No.	No.[3]
Unmarried child or children over 21 years of age:						
Previously designated	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.[4]
Not previously designated	Yes.	Yes.	Yes.	Yes.	Yes.	No.[3]
Other beneficiaries:						
Previously designated	Yes; and evidence that there is no child (children) and of insurable interest in deceased.	Yes.	No.	No.	See § 533.3 (b) (2).	Yes
Not previously designated	Yes; and evidence that there is no child (children) or previously designated beneficiary and of insurable interest in deceased.	Yes.	No.	No.	See § 533.3 (a) (4).	No.

[1] A waiver by the lawful widow (widower) of a deceased person of her (his) statutory right to the six months' death gratuity pay authorized by the act of 17 December 1919, as amended, is without force or effect, and does not operate to entitle the mother of the deceased, his designated beneficiary, to payment of the gratuity.

[2] The fact, if it be a fact, that the widow (widower) or child (children), as the case may be, was designated as beneficiary, will in itself be regarded ordinarily as sufficient to establish the identity of the payee.

[3] Where a payment is to be made to a widow (widower) not previously designated as beneficiary, affidavits from two disinterested persons, not related by blood, attesting to the following facts will be obtained and filed with the voucher: The length of time they have known the widow (widower), that they have known her (him) to be the lawful wife (husband) of the deceased person at the time of his (her) death and that to the best of their knowledge and belief no divorce has been granted.

[4] Where payment is to be made to a child (children) not previously designated, affidavits from two disinterested persons, not related by blood, attesting to the following facts will be obtained and filed with the voucher: That they know the deceased person, knew the mother (father) and know that the child (children) is (are) the legitimate child (children) of the deceased person, and know that the deceased person was not survived by a lawful widow (widower) at the time of his (her) death and that the child (children) is (are) the only living child (children) of the deceased person.

(c) *By whom payment made*—(1) *Beneficiaries residing within the continental limits of United States, exclusive of Alaska.* Payments of the six months' gratuity pay to beneficiaries residing within the continental limits of the United States exclusive of Alaska, will be made by the disbursing officer at Office of Special Settlement Accounts, 27 Pine Street, New York 5, New York.

§ 533.4 *Classes of beneficiaries*—(a) *Preferred beneficiaries.* Under the law, preferred beneficiaries in the order named, are first, the widow or widower, and second, the child or children, and are so referred to in these regulations. Under the law as now construed payment may not be made to a married child in any case, or to an unmarried child over 21 years of age unless actually de-

pendent on the deceased. An unmarried child over 21 years of age will be required to furnish proof of actual dependency to establish eligibility for the gratuity.

(b) *Designated dependent relative.* (1) A designated dependent relative means a relative other than a preferred beneficiary, with an insurable interest, and who has been designated by the deceased member of the Army of the United States as the person to whom the 6 months' gratuity should be paid in the event there is no preferred beneficiary eligible at the time of decease to receive such gratuity. A designated dependent relative may include any person who is related to the member of the Army of the United States either by consanguinity (that is, by blood) or by affinity (that is, by marriage) and who has an insurable interest (see subparagraph (2) of this paragraph) in the person making the designation. Only those designated relatives found to have an insurable interest are eligible as beneficiaries. A husband is related by affinity to all persons related to his wife by consanguinity, and the wife is related by affinity to all persons related to her husband by consanguinity. Neither is related by affinity to any person related to the other by affinity, and blood relations of the husband and blood relations of the wife are not related to each other by affinity. A friend is not eligible for designation as a beneficiary.

(2) (i) A father, mother, brother, or sister of a member of the Army of the United States is deemed to have an insurable interest in such member by relationship alone, without affirmative proof of dependency.

(ii) Insurable interest in a member of the Army of the United States on the part of other relatives must be demonstrated affirmatively for payment. The term "insurable interest" is dependent upon the facts in each individual case at the time of death, but as an aid to a determination as to what constitutes an insurable interest the following should be considered, and will ordinarily meet the requirements of the law: Evidence tending to show that such relative stood in place of parent to such member of the Army of the United States; contributions from one to the other for support, education, etc., or a debtor-creditor relationship between the member of the Army and the relative; other conditions and circumstances resulting in the reasonable expectation of some benefit or advantage from the continuance of the life of such member of the Army of the United States.

(iii) The test of insurable interest has no application in the determination of the rights of preferred beneficiaries.

(c) *Undesignated dependent relative.* In the absence of an eligible preferred or designated beneficiary at the time of death, undesignated grandchildren, parents, brothers or sisters, and grandparents may, under conditions set forth in this paragraph, be beneficiaries eligible to receive the death gratuity.

(1) If there is no widow, widower, child, or eligible previously designated dependent relative the gratuity is payable to any grandchild, parent, brother or sister, or grandparent shown to have been dependent upon the officer or enlisted person prior to his death. This provision of law is effective from August 27, 1940.

(2) "Dependent prior to death" is construed to define a class of dependents of the relationship specified and having an insurable interest in the life of the deceased person. All determinations relative thereto are made within the Department of the Army as directed by the Secretary of the Army.

(3) Insurable interest is established by relationship without requirement for affirmative evidence in the cases of parents and brothers or sisters. In the cases of grandchildren and grandparents it is to be determined from the circumstances in each case, due consideration being given to factors stated in paragraph (b) (2) (ii) of this section.

(4) The order of succession for these payments is:

(i) Grandchildren,
(ii) Parents,
(iii) Brothers or sisters,
(iv) Grandparents,

each constituting a group all the eligible members of which having an insurable interest share equally in the amount of gratuity payable.

§ 533.5 *Will not a designation.* A will is not a designation within the meaning of the act providing the six months' gratuity pay, as that gratuity is not a debt or money due the officer or enlisted person and cannot become a part of his estate.

§ 533.6 *Settlement of accounts.* Claims for settlement of arrears of pay of deceased Army personnel, except in the case of Regular Army retired personnel not on active duty on date of death, will be processed through the St. Louis Finance Office, U. S. Army, Army Finance Center, Office, Chief of Finance, Building 205, St. Louis 20, Missouri, to the Claims Division of the General Accounting Office, Washington 25, D. C., the latter office having jurisdiction in the settlement of such accounts under the provisions of the act of June 10, 1921 (42 Stat. 24). Claims for settlement of arrears of pay of deceased Regular Army retired personnel not on active duty on date of death will be processed through the Washington Finance Office, U. S. Army, Washington 25, D. C., or in appropriate cases through the designated disbursing officer of the oversea command to the Claims Division of the General Accounting Office, Washington 25, D. C.

§ 533.7 *Letters testamentary or letters of administration.* When claim is filed by an executor or administrator of the estate, letters testamentary or letters of administration will accompany the claim for settlement of arrears of pay due deceased personnel.

PART 534—MILITARY COURT FEES

Sec.
534.1 Use of term "court".
534.2 Reporters.
534.3 Witnesses.
534.4 Interpreters.
534.5 Service of subpoena.
534.6 Taking of depositions.
534.7 Furnishing copies of official records or documents.
534.8 Compensation for attendance upon civil courts.

AUTHORITY: §§ 534.1 to 534.8 issued under R. S. 161, 41 Stat. 791, 44 Stat. 323, 324; 5 U. S. C. 22, 10 U. S. C. 1494, 28 U. S. C. 600a, 600c.

DERIVATION: AR 35-4120, July 30, 1943.

CROSS REFERENCE: General Accounting Office: See Accounts, 4 CFR Chapter I.

§ 534.1 *Use of term "court".* The term "court" as used in the regulations in this part will be understood to mean court martial, court of inquiry, military commission, or retiring board. "Military commission" shall be deemed to include any tribunal, by whatever name described, convened in the exercise of military government having jurisdiction over felonies and other serious offenses and consisting solely of officers of the United States Army.

§ 534.2 *Reporters—(a) General.* Reporters appointed under the provisions of the one hundred and fifteenth article of war (act of June 4, 1920 (41 Stat. 810; 10 U. S. C. 1587) including reporters properly appointed for retiring boards, are entitled for their services in such capacity to payment at the rates specified in paragraph (b) to (g) of this section, or at such lower rates as may be stated in the appointing instrument.

(b) *Per diem pay.* For each day in attendance at court, a reporter is entitled to a per diem payment of not to exceed $5. In computing such per diem pay, the calendar day ending at midnight is the unit, and a fraction of such day will be considered a whole day. Only one per diem of not to exceed $5 for any one day is authorized, even if the reporter attends two or more courts.

(c) *Hourly pay.* In addition to the per diem payment prescribed in paragraph (b) of this section, a reporter is entitled to an hourly payment of not to exceed 50 cents for each hour actually spent in court during the trial or hearing. In computing time spent in court for purposes of determining the hourly payment, the time will be reckoned for each day separately if only one court is attended in such day; time in attendance at each court will be reckoned separately, if more than one court is attended in one day; a fractional part of an hour, equal to or greater than one-half hour, at the end of a day's attendance or attendance before a court will be considered a whole hour; a fractional part of an hour, less than one-half hour, will be disregarded, except that if the total time in attendance in one day or at one court in one day is less than one hour such time will be considered as a whole hour.

(d) *Piece-work pay—(1) Rates.* In addition to the per diem and hourly pay prescribed in paragraphs (b) and (c) of this section, a reporter will be paid at not to exceed the following rates:

(i) For transcribing notes and for making that portion of the original record which is required to be typewritten, 25 cents for each 100 words; but no allowance will be made for original papers which are appended as exhibits.

(ii) For the first and each additional carbon copy of the record when authorized by the convening authority, 10 cents for each 100 words.

(iii) For copying papers material to the inquiry, 15 cents for each 100 words.

(iv) For each carbon copy of the papers referred to in subdivision (iii) of this subparagraph, when ordered by the court for its use, 2 cents for each 100 words.

(2) *Payment for second original.* Where an original copy is lost and no carbon copies are available from which a second original may be made, payment may be made for the preparation of a second original transcript from the stenographer's notes at the rate prescribed in subparagraph (1) (i) of this paragraph for original transcripts. (See MS. Comp. Gen., B-11667, August 15, 1940.)

(3) *Words, how counted.* In determining the amounts due under the provisions of subparagraph (1) of this paragraph the following rules for counting words will govern:

(i) The abbreviations "Q." standing for the word "question", and "A", standing for the word "answer", and all dates, as "25th" and "1942", will each be counted as one word.

(ii) Punctuation marks will not be counted as words.

(iii) The certifying officer may determine the total number of words by counting the words on a sufficient number of pages to arrive at a fair average of words per page and multiplying such average by the total number of pages.

(iv) The number of pages, as well as the number of words, in each respective transcript for which compensation for copying is claimed will be shown on vouchers covering payments to reporters at piece-work rates. (See MS. Comp. Gen., A-44019, January 4, 1937.)

(e) *Mileage.* Except for such portion of the journey as is covered by transportation furnished in kind, a reporter is entitled to mileage for traveling from his home or usual place of employment to the court and for his return journey at rates prescribed in § 534.3 (a) (2) for civilian witnesses not in Government employ. If the reporter returns each night to his home he does not thereby become entitled to additional mileage unless the sessions of the court are held on nonconsecutive days. The fact that a reporter may serve two or more courts in the same day does not warrant a duplication of his mileage allowance.

(f) *Allowance in lieu of subsistence.* When the official of the court having control in such matters keeps the reporter at his own expense away from his usual place of employment for 24 hours or more on public business referred to the court, a per diem allowance of not to exceed $4 in lieu of subsistence will be paid to the reporter for himself. A like allowance when ordered by the court will be paid to the reporter for each necessary assistant.

The time for which the per diem allowance for expenses is to be paid will be computed in the manner prescribed in § 534.3 (a) (2) in the case of a civilian witness not in Government employ. The fact that a reporter returns each night to his home does not preclude the view that he is kept away from his usual place of employment for 24 hours.

Service as reporter before two or more courts in the same day does not warrant duplication of the per diem allowance in lieu of subsistence.

(g) *Constructive attendance.* A reporter duly employed, but who after arrival at court performs no service owing to adjournment, is entitled to mileage, to a day's pay, as prescribed in paragraph (b) of this section, for constructive attendance, and also to the per diem allowance prescribed in paragraph (f) of this section if kept away from his usual place of employment for 24 hours.

§ 534.3 *Witnesses—(a) Civilians.* (1) (i) Persons not subject to military law when called as witnesses are entitled to the fees and mileage allowed to witnesses attending courts of the United States.

(ii) When the court is sitting in a foreign country the commander of the theater of operations, defense command, department, base, service command, or task force within whose command the court is convened shall fix fees and allowances to be paid to witnesses, not in excess of the maximum rates permitted to witnesses attending the courts of the United States or the courts of the foreign country, whichever rates may be the higher. (MS Comp. Gen. B 28803, September 15, 1942, October 21, 1942.)

(2) (i) Witnesses (other than witnesses who are salaried employees of the Government, and detained witnesses) in the United States courts, who attend, shall be entitled to a per diem for each day of actual attendance and for each day necessarily occupied in traveling to attend court, and return home, and, in addition, mileage as hereinafter provided.

(ii) (*a*) Witnesses attending in such courts, shall receive for each day's attendance and for the time necessarily occupied in going to and returning from the same, $2 (but see subdivision (*b*) of this subdivision), and 5 cents per mile for going from his or her place of residence to the place of trial or hearing and 5 cents per mile for returning: *Provided*, That witnesses (other than witnesses who are salaried employees of the Government and detained witnesses) in the United States courts, who attend court at points so far removed from their respective residence as to prohibit return thereto from day to day, shall be entitled, in addition to the compensation provided by existing law, as modified by this act, to a per diem of $3 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to attend court and return home. In cases in which the United States is a party, witnesses on behalf of the United States shall be entitled to the payments provided by this section.

(b) The act of July 2, 1942 (56 Stat. 468) and other Department of Justice appropriation acts provided that no part of the sums therein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day, which fee shall not exceed $1.50 except in the District of Alaska.

(iii) In Alaska such witnesses are entitled to the witness fees and mileage prescribed for witnesses before the United States district court in the judicial division in which the trial or hearing is held. In the Canal Zone such witnesses are entitled to the same witness fees and mileage as are prescribed for witnesses before the United States court in the Canal Zone.

(iv) In computing the mileage prescribed in subdivision (ii) of this subparagraph, travel must be estimated over the shortest usually traveled route (by established lines of railroad, stage, or steamer). Where, however, a witness by using his own automobile so reduces the time required for the round trip as to effect a definite saving in the matter of fees, he may be allowed mileage for the distance actually traveled by automobile provided the excess mileage does not exceed the saving in fees. (See 11 Comp. Gen. 60.) A civilian witness not in Government employ, when furnished transportation in kind by the Government, is entitled to 5 cents per mile less the cost of transportation furnished. A civilian witness residing within the jurisdiction of the court, who is subpoenaed and attends the trial in obedience to such subpoena, is entitled to mileage actually traveled by the shortest usually traveled route between his residence and the place of trial, regardless of whether both are in the same city. (See MS. Comp. Gen. A-28041, July 30, 1929.)

(v) In computing the per diem of $1.50 for travel and actual attendance and the per diem of $3 for expenses of subsistence, the calendar day beginning at midnight is the unit, and the per diems accrue from the time it is necessary for the witness to leave his home in order to arrive at the place of trial at the appointed time until the time he could arrive at his home by the first available transportation after his discharge from attendance, any fractional part of a day under such computation to be regarded as a day for per diem purposes. (See 5 Comp. Gen. 1028, as modified by 6 Comp. Gen. 480.)

(vi) A person attending as a witness in more than one case on the same day under a general subpoena to appear and testify is entitled to only one per diem of $1.50 for each day's attendance, but if separate subpoenas are issued in each case, the defendants being different, the witness is entitled to a separate per diem for actual attendance in each case. (See 3 Comp. Gen. 531, 7 Comp. Gen. 455, MS. Comp. Gen. A-31598, May 7, 1930.) The duplication of fees on account of attendance as witness in more than one case on the same day does not apply to the 5-cent mileage allowance nor to the per diem of $3 in lieu of subsistence.

(b) *Attendance before an officer taking a deposition.* A witness who is required to appear before an officer (civil or military) empowered to take depositions and there to give testimony under oath to be used before a court, is entitled for such service and for the necessary travel incident thereto, including return travel, to the allowances prescribed in paragraph (a) of this section the same as though his appearance were before a court. (See 8 Comp. Gen. 18.)

(c) *Attendance before military courts or boards of limited jurisdiction.* A subpoena or other compulsory process addressed to a civilian by a military court or board which has not express statutory

authority to issue such process, such as a board of officers convened to investigate and report upon the facts connected with the death of an enlisted man while on detached duty, is void and civilian witnesses who appear before such a board in response to such void process must be regarded as having done so voluntarily and are not entitled to witness fees, in the absence of a specific appropriation therefor. (See 8 Comp. Gen. 64.)

(d) *Tender of fees.* (1) The fees of such witness and his mileage, at the rates allowed to witnesses attending the courts of the United States (including fee for 1 day's actual attendance and mileage for the journey to and from the place where the witness is to appear under the subpoena) shall be duly paid or tendered said witness.

(2) The officer serving the subpoena for the appearance of a civilian witness before a general court martial, when ordered by proper authority, is entitled to reimbursement for fees and mileage necessarily advanced to the witness from personal funds at the time of the service, and there is no requirement that such advances be only by a disbursing officer, but the orders should be in writing, issued in advance of the payment directed and not confirmatory of the action previously taken, and a certified copy should be filed in support of the reimbursement voucher, as well as the cash receipt, evidencing actual payment. (See 18 Comp. Gen. 352.)

(e) *Expert.* (1) An expert witness employed in strict accordance with paragraph 99, Manual for Courts-Martial, 1928, may be paid compensation at the rate prescribed in advance by the official empowered to authorize his employment. If any defect exists in the manner of employment, payment of fees in excess of those prescribed in paragraphs (a) and (b) of this section will not be made by a disbursing officer.

(2) An expert while employed on behalf of the Government is an officer or employee of the United States within the laws affecting traveling and subsistence expenses of officers and employees of the Government generally. His traveling allowances are therefore subject to the limitations prescribed in the Subsistence Expense Act of 1926 and the Standardized Government Travel Regulations. (See 6 Comp. Gen. 712.)

(3) There is no authority for payment by the Government of fees to an expert, who was employed by an officer or employee of the Government to aid in the performance of his duties, other than an expert witness who actually appears as such. (See MS. Comp. Gen., A–34039, November 14, 1930.)

(f) *Essentials to payment of witness fees.* (1) A person who, although not subpoenaed, is present at a trial or hearing before a court or other body authorized to compel the attendance of witnesses by compulsory process, and who is compelled or required to testify at such hearing, is entitled to fees and mileage allowable to witnesses. (MS. Comp. Gen. A–49634, July 13, 1933.)

(2) A person who was neither subpoenaed nor requested to appear as a witness, but who voluntarily requested and was granted permission to testify to certain matters considered pertinent to an inquiry being conducted, is not entitled to mileage and witness fees. (See 9 Comp. Gen. 255.)

§ 534.4 *Interpreters.* An interpreter appointed under the provisions of the one hundred and fifteenth article of war (41 Stat. 810; 10 U. S. C. 1587) is entitled for his services as such to the allowances prescribed for witnesses.

§ 534.5 *Service of subpoena.* There being no fee or compensation prescribed by the laws of the United States for the service of a subpoena by a civilian, the fees and mileage allowed by the local law for similar services may be paid. If no specific fee or mileage is fixed by local law, reasonable allowances may be paid.

§ 534.6 *Taking of depositions.* (a) A civil officer before whom a deposition is taken may be paid the fees allowed by the law of the place where the deposition is taken (or a reasonable fee if no specific fee is fixed by local laws), but no mileage or other allowance for travel of the civil officer to the witness is provided for or authorized by law. (See 2 Comp. Gen. 65.)

(b) If the witness and the civil officer before whom the deposition is to be taken do not reside at the same place, the witness should be required to perform the necessary travel, and he is entitled to mileage or other travel allowance therefor as prescribed in § 534.3 (b).

(c) Where the service of one of the officers designated in the one hundred and fourteenth article of war (act of June 4, 1920, 41 Stat. 810; 10 U. S. C. 1586) is not available, fees may be paid to civil officers for administering oaths in matters relating to military administration, subject to the conditions indicated in paragraph (a) of this section.

§ 534.7 *Furnishing copies of official records or documents.* The fees provided by the local laws may be paid to the proper officials for furnishing such certified copies of public records or documents and expenses in connection with the procurement of photostatic copies, photographs, and negatives as are required by the court.

§ 534.8 *Compensation for attendance upon civil courts.* Compensation to civilians in or out of Government employ for attendance upon civil courts is not payable by Army disbursing officers.

PART 535—PAYMENT OF BILLS AND ACCOUNTS

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AUTHORITY: §§ 535.1 to 535.30 issued under R. S. 161, 3477, 3737, 35 Stat. 411, 54 Stat. 1029; 5 U. S. C. 22, 31 U. S. C. 203, 41 U. S. C. 15.

DERIVATION: AR 35–1040, May 13, 1942; AR 35–6040, Feb. 18, 1947; AR 35–6080, Mar. 24, 1922; AR 35–6100, July 23, 1942; AR 35–6120, Feb. 27, 1947; AR 35–6200, Mar. 15, 1948.

CROSS REFERENCE: General Accounting Office: See Accounts, 4 CFR Chapter I.

VOUCHERS PERTAINING TO MONEY ACCOUNTS

§ 535.1 *Certification; general—*(a) *By creditor.* A voucher for funds disbursed will be made out in full before being certified by a public creditor. The original voucher must be signed and certified to in the space provided in the voucher form by the creditor or by his duly authorized agent, except that if a payee submits for payment an invoice or bill on which is shown the required certificate or certificates duly signed (see paragraph (b) of this section), such invoice or bill may be accepted if it constitutes a valid claim against the Government, and will be fastened securely to the voucher in lieu of stating the invoice or bill in detail on the voucher form and securing the payee's certificate thereon.

(b) *Vendor's certificate.* (1) The following certificate will be furnished by the vendor:

I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards and all conditions of purchase applicable to the transactions have been complied with; and that State or local sales taxes are not included in the amounts billed.

(See MS. Comp. Gen. A–51607, A–49009, August 15, 1941, and MS. Comp. Gen. A–49009, December 12, 1941.)

(2) Where a contract for supplies is awarded on the basis of including State and local sales taxes in the purchase price without the deduction of an amount representing such taxes, the general certificate for vouchers and invoices prescribed in subparagraph (1) of this paragraph may be modified by eliminating therefrom the phrase "and that State or local sales taxes are not included in the amounts billed": *Provided*, That, in all cases where the legal incidence of such taxes is upon the vendee, appropriate steps are taken to obtain appropriate tax exemption certificates from the dealers. (See MS. Comp. Gen. B–22885, January 30, 1942.)

(3) The following procedure is prescribed for the certification of invoices and vouchers of contractors and their subcontractors under contract with the United States on a cost-plus-a-fixed-fee basis:

(i) The general certificate prescribed in subparagraph (1) of this paragraph will be used on "cost-plus-a-fixed-fee" contractors' and subcontractors' invoices and vouchers covering material or equipment which is exempt from taxation by the laws of States or ordinances of municipalities in which the material or equipment was procured.

(ii) For "cost-plus-a-fixed-fee" contractors' and subcontractors' invoices or vouchers covering transactions in States or municipalities which do not exempt the United States from taxation, the general certificate prescribed in subparagraph (1) of this paragraph will be used with the deletion, or noninclusion, of the statement "that State or local sales taxes are not included in the amounts billed." (See MS. Comp. Gen. A–51607, A–49009, February 9, 1942.)

(c) *Form in which vendor's certificate will be furnished.* The prescribed certificate may be printed, stamped, typed, or written on vendor's bill of sale or invoice and must be signed (in original only) by the vendor or its duly authorized representative. (See MS. Comp. Gen. A–51607, August 26, 1937, and A–51607, A–49009, August 15, 1941.) In cases where it is physically impossible to include the additional certificate on the face of the voucher or invoice, the certificate will be placed on the reverse of the voucher or invoice. Additional (separate) sheets for, duplicates, or copies of certifications only will not be accepted by the General Accounting Office. (See MS. Comp. Gen. A–51607, A–49009, April 2, 1938.) Under no conditions should the certificate on Government vouchers or on invoice forms to be attached to such vouchers be signed in blank or at any time prior to the submission of the voucher or invoice but only after delivery or performance by the claimant. To do so may result in the submission of a false claim against the Government for which the person signing the certificate may be held liable under the law. (See MS. Comp. Gen. A–51607, A–49009, April 2, 1938, June 2, 1938, and August 15, 1941.)

NOTE: The Comptroller General of the United States in his letter, A–51607, A–49009, August 15, 1941, stated that in order to avoid unnecessary delay and confusion in the payment of vouchers otherwise properly prepared it appeared desirable that until such time as vendors and contractors have had ample opportunity to become acquainted with the above-prescribed certificate, the various Government agencies and the General Accounting Office accept certifications that have heretofore been approved.

(d) *Zones to be stated on vouchers covering payments for gasoline under TPS contracts.* The zone in which delivery was made will be stated on vouchers covering payments for gasoline under TPS contracts, where such zone deliveries are specified in such contracts and noted on purchase orders or other procuring instruments.

§ 535.2 *Certification when payment made by check.* If payment is made by check to the order of any company (incorporated or unincorporated) or firm or individual by name, and the fact that the check has been so drawn is stated on the voucher, giving its number, date, amount, and United States depositary on which drawn, the certificate to the voucher may be signed by an officer, attorney, or agent of the company, or by an attorney or agent of the firm or individual, stating the capacity in which he signs, without filing with the voucher evidence of his authority to sign. In all such cases the disbursing officer will deliver the check to such person only who, to his satisfaction and by positive identification, is authorized by the principal to certify to the voucher and receive the check.

§ 535.3 *Certification and receipt when payment made in currency—*(a) *General.* Payment in currency will not be made to the holder of a power of attorney or to a holder of an instrument operating as a transfer or an assignment.

(b) *Payments to companies—*(1) *General.* If payment in currency is made to an incorporated or unincorporated company, the money will be delivered to and the voucher certified to and receipted by a duly authorized officer or agent of the company, the certificate and receipt to be signed with the company name, followed by the autograph signature of the officer, with his title, or of the agent to whom the money was delivered, and except as prescribed in subparagraph (2) of this paragraph the receipted voucher will be accompanied by evidence showing his authority. This evidence will consist of extracts from the articles of incorporation or association, the by-laws, or the minutes of the board of directors duly certified by the cutodian of such records (under the company seal, if there is one), showing that the signer is properly vested with authority to receive and receipt for money due the company.

(2) *Payments of small sums to corporations.* Receipts for small sums paid in currency to a corporation, such as a railroad, telegraph, turnpike, transfer, express, steamboat, hotel, newspaper, or ice company, for an occasional service rendered may be signed and the vouchers certified by the local agent in charge of the business of the company at the place where the service is rendered or where it begins or terminates. The certificate of the officer who made the payment that the person to whom payment was thus made was then the local agent of the company in charge of its business at the place designated will be sufficient evidence of the agent's authority to certify to the vouchers and to receipt for the money paid.

(c) *Payments to individuals or copartnerships doing business under company titles.* If payment in currency is made to an individual or to a copartnership doing business under a company title, the certificate and receipt will be signed with the company name, followed by the autograph signature of the individual proprietor or of one of the members of the firm with the words "proprietor" or "one of the proprietors" affixed thereto.

(d) *Payments to copartnerships doing business as such.* If payment in currency is made to a copartnership doing business as such, the certificate and receipt will be signed with the firm's usual signature by one of the members of the firm, who will be required to affix his own signature as "one of the firm."

(e) *Payments to individuals.* If payment in currency is made to an individual creditor, the certificate and receipt will be signed by him in person.

§ 535.4 *Signatures—*(a) *General.* The form of the signature to the certificate, and to the receipt when required, and the name of the person or business firm as entered at the head of an account must be literally alike.

(b) *When signed by "X".* When a signature is not written by the hand of the party, due to inability to write, and such signature is signed by mark "X", it must be witnessed by a disinterested party with his address. Such witness will be a commissioned officer when practicable.

(c) *In case of physical disability of person signing.* Where there is a mere physical inability to write on the part of a claimant and he causes his amanuensis to sign his name in his presence, such signature is regarded as a signing by the claimant. (See vol. II, Digest of Decisions, Second Comptroller of the Treasury, 1869–1884, par. 1109.) A physician's certificate as to the affliction should be filed with the first voucher. The signature of the amanuensis must be certified to by two witnesses.

(d) *In case of mental disability.* If a claimant is afflicted with a mental disability that disqualifies him from signing his name, the law requires the appointment of a committee or guardian. (See vol. II, Digest of Decisions, Second Comptroller of the Treasury, 1869–1884, par. 1109.)

(e) *Certified copies of court papers in cases of guardianship.* Certified copies of court papers appointing a guardian should be filed with the first voucher, and in future payments reference to such voucher, by number, should be made. If the payee is in an asylum, the superintendent's certificate that the payee was alive at the time payment was due should be filed with each voucher. The guardian should sign the name of the payee, followed by his own signature as guardian.

PAYMENTS UNDER CONTRACTS FORMAL AND INFORMAL

§ 535.5 *To whom payment may be made—*(a) *Other than lowest bidder.* Payment may be made to other than the lowest bidder where the award was made in accordance with current procurement procedures set forth in Subchapter G of this chapter.

(b) *Other than original contractor.* Payment may be made to other than the

original contractor when the rights under the contract have been validly assigned or transferred. See Subchapter G of this chapter. (Also see R. S. 3477; 31 U. S. C. 203; R. S. 3737; 41 U. S. C. 15; M. L. 1039, Sup. III, sec. 739; act of Oct. 9, 1940, 54 Stat. 1029; 31 U. S. C. 203; 41 U. S. C. 15)

§ 535.6 *When payment may be made*—(a) *Advances of public money prohibited.* Section 3648, Revised Statutes (31 U. S. C. 529), as amended by act of August 2, 1946 (60 Stat. 809) prohibits payments in advance of the delivery of supplies or rendition of service unless authorized by the appropriation concerned or other law. Purchases of coupon books for gasoline and oil are within the prohibition, and payment may not be made until the supplies are actually furnished. (See 8 Comp. Gen. 454.) For authorized exceptions to the general prohibition contained in section 3648, Revised Statutes, as amended see section 1 (c), act of July 2, 1940 (54 Stat. 712); as amended by section 103, act of September 9, 1940 (54 Stat. 875; 50 U. S. C. App. Sup. V, 1171); sec. 201, Title II, First War Powers Act December 18, 1941 (55 Stat. 839; 50 U. S. C. App., Sup. V, 611); Title I, Executive Order 9001, December 27, 1941, 3 CFR, Cum. Supp.

(b) *Procedure for making advance payments.* The procedure for effecting advance payments to contractors under the statutes and Executive order set forth in paragraph (a) of this section is set forth in Subchapter G of this chapter.

§ 535.7 *What payment is authorized*—(a) *Payments under contracts for indefinite quantities and unlimited amounts.* It has been stated that contracts for indefinite quantities are invalid. This is merely the statement of the general legal principle that the undertakings of the parties to a contract must be sufficiently definite to be capable of enforcement. Thus in 14 Comp. Gen. 446, it was stated that one of the first and most important requisites of a valid contract is that the terms thereof shall be certain definite, and specific and that, while it may not be possible to determine definitely the quantities which may be required under certain conditions, there appears no reason why there should not be an estimated quantity specified with a variance of 10, 20, or 25 percent. It has also been stated that contracts purporting to obligate the Government to pay unlimited amounts are not authorized. This statement reflects the principle that, with certain exceptions, no contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment (R. S. 3732; 41 U. S. C. 11); whereas an obligation involving payment of an unlimited amount might exceed the appropriation. 15 Comp. Dec. 405, 407; 5 Comp. Gen. 450, 454. These principles do not invalidate the so-called "indefinite quantity contract" under which the contractor undertakes to furnish all of the actual requirements of a Government agency for a particular item and the Government agency in turn agrees to purchase from the contractor all of its requirements of that item during the specified period. See 19 Comp. Gen. 599. Likewise, these principles do not affect the validity of cost-plus-a-fixed-fee contracts expressly authorized by statute (sec. 2, act June 28, 1940 (54 Stat. 676; 50 U. S. C., App., 633); sec. 1, act July 2, 1940 (54 Stat. 712)), pursuant to which a contractor agrees to deliver a specified quantity of items or to perform a specified service, and the Government agrees to pay an undetermined amount to be computed by adding to the fixed fee the actual cost incurred.

(b) *Rates effective "until further notice".* In the absence of competition there is no objection to entering into agreements for public utilities service at stipulated rates "until further notice," without necessity for new agreements or annual renewals except to cover changes in rates or service, unless the interests of the Government require otherwise in a particular case, the original agreements and all changes to be filed in the General Accounting Office, and the vouchers to cite the agreement involved and bear a statement by a responsible officer of the public utility concerned as to the rates charged. Payment may not be made for service in an amount stipulated in a substitute agreement which is in excess of the rate stated in the original contract, effective "until further notice," prior to the date of actual receipt of the substitute agreement by the proper administrative representative of the Government. (See 15 Comp. Gen. 920; MS. Comp. Gen. A–65231, December 15, 1936.)

(c) *Customs duties on foreign purchases*—(1) *Duty free purchase.* The act approved June 30, 1914 (38 Stat. 399; 34 U. S. C. 568) authorized the Secretary of the Navy to make emergency purchases of war material abroad and provided that the same shall be admitted free of duty. By Executive Order 9177, dated May 30, 1942, this authority was extended to the Secretary of War and others.

(2) *Payment of customs duties.* Where the importation is not duty free the amount of the customs duty is properly chargeable to the same appropriation as the purchase, notwithstanding the fact that the importation and the purchase are in different fiscal years; the customs duty is not chargeable to the appropriation for the fiscal year in which the importation occurs (26 Comp. Dec. 610). Checks issued in payment of customs duties will be drawn payable to and forwarded to the Collector or Deputy Collector of Customs at the port where entry was made.

(3) *Philippine export tax.* No export tax shall be imposed or collected by the Philippines on articles exported to the United States. (See sec. 322, act of April 30, 1946, 60 Stat. 141.)

(d) *Taxes—Federal, State and local.* See Subchapter G of this chapter.

§ 535.8 *Adjustments*—(a) *Mistakes in contract price.* Where a contractor claims payment in addition to the contract price on the ground that a mistake was made in the contract price, consideration may be given to whether the contract should be amended in accordance with current procurement procedures set forth in Subchapter G of this chapter. In the event that the contract is amended in accordance therewith, payment will be made in accordance with the contract as amended. Otherwise, only the price specified in the contract will be paid and the contractor will be advised to present to the General Accounting Office any protests he may have in connection with the settlement as made.

(b) *Contract provisions for price adjustment.* The contract may contain provision for price adjustment. Payment will be made in accordance therewith.

(c) *Transportation costs*—(1) *Shipment from point nearer than f. o. b. point.* Shipment to the designated destination from a point nearer than the f. o. b. point does not entitle the contractor to the savings in freight charges over what the Government would have had to pay had shipment been from the f. o. b. point, even though the supplies cost the contractor more at the shipping point than they would have cost at the f. o. b. point. (See 3 Comp. Gen. 56.)

(2) *Land-grant deductions.* Effective October 1, 1946, land-grant deductions were discontinued except where transportation was specifically contracted for prior to such effective date.

(3) *Adjustments by General Accounting Office.* Where a contract requires the contractor to deliver at a point f. o. b. and provides that the Government may direct delivery to be made at other points, with an adjustment in the contract price corresponding to the resulting increase or decrease in the amount of the freight, a disbursing officer will not attempt to adjust the matter if the contractor refuses to accept payment on the usual basis and contends that he has paid transportation expenses which the Government was obligated to pay or that the deduction from the contract price sought to be made on account of freight paid by the Government is excessive. Such cases will be transmitted to the General Accounting Office for direct settlement as claims. (See 8 Comp. Gen. 500.)

(d) *Inferior goods.* Varying contract provisions are found dealing with goods that do not conform to specifications but are nevertheless retained and used by the Government. For instance, certain quartermaster contracts dealing with canned foods provide for deduction from the contract price and for cash reimbursement, in lieu of the right to reject and require replacement of defective cans. Other contracts provide that, if public necessity requires use of rejected goods not conforming to specifications, payment therefor shall be made at a proper reduction in price. Payment for rejected goods so retained and used has usually been on the basis of their reasonable value as distinguished from the contract price. (See Barry v. United States, 229 U. S. 47; Cor & Sons v. United States, 55 Ct. Cl. 7; 5 Comp. Gen. 993.) Where contract terms provide for payment of a lesser amount in the event that inferior goods are accepted under proper authority, payment may be made by disbursing officers on the basis of the determination of the contracting officer without reference to the Office of the Chief of Finance; *Provided*, there is received by the disbursing officer an invoice certified by the contractor in the reduced amount covering the inferior goods. In all cases where inferior goods are accepted at reduced prices, and the covering contract does not provide for such acceptance, the disbursing officer will submit the voucher for such reduced payment to the Office of the Chief of Finance for consideration.

(e) *Set-off.* The Government always has the right to set off against an amount due a claimant any sum the claimant owes the Government, either under the same or other contracts or obligations. See Barry v. United States, 229 U. S. 47; 37 Op. Atty. Gen. 215; 7 Comp. Gen. 186; 18 id. 524. The right of set-off does not apply to unliquidated demands, but the Government has the equitable right to withhold payment of moneys due under one contract to a contractor who is in default under another contract until his indebtedness thereunder can be liquidated. (See 7 Comp. Dec. 213.) Where a contract so provides, payment to an assignee shall not be subject to reduction or set-off for any indebtedness of the assignor arising independently of the assigned contract. See act October 9, 1940 (54 Stat. 1029; 31 U. S. C. 203; 41 U. S. C. 15)

(f) *Delay in performance*—(1) *When no damages provided for in contract.* (i) Where no specific provision is made in a contract for either liquidated or actual damages, the contractor is, upon failure to complete the contract within the specified time, chargeable with actual damages caused the Government by the delay, unless the delay is excusable under the provisions of the contract or under statutory provisions. Act May 31, 1941 (55 Stat. 236); sec. 301, act March 27, 1942 (56 Stat. 177; 50 U. S. C. App. 633).

(ii) Where there has been delay in performance under a contract which does not contain a provision for damages, the contracting officer will determine whether or not the delay resulted in actual damage to the Government.

(iii) In cases where the contracting officer has determined that the delay resulted in actual damage to the Government, the contracting officer will furnish for file with the voucher a statement of the damage resulting from the delay.

(iv) In cases where the contracting officer has determined that the delay did not result in actual damage, the contracting officer will not be required to furnish a certificate to that effect, except as hereinafter provided. In all cases where the voucher is not accompanied by a statement as to damages, it will be assumed that the contracting officer has determined that no actual damages resulted or that the contractor was not responsible for the delay, and the disbursing officer will make full payment of the voucher, if otherwise correct. If in any such case the General Accounting Office should, after payment of the voucher, request a certificate, the contracting officer will prepare and furnish a certificate that the delay did not result in any actual damage to the Government.

(2) *When actual damages provided for in contract.* Whenever under a contract containing provisions for actual damages the contracting officer determines that the failure to complete the contract within the specified time did not result in any actual damage to the Government, the provisions of subparagraph (1) (iv) of this paragraph will apply.

(3) *When liquidated damages provided for in contract*—(i) Whenever under a contract containing a liquidated damages clause, the contractor fails to perform within the stipulated period and the time is not extended or the liquidated damages waived, the disbursing officer will deduct the maximum amount of liquidated damages for which the contractor may be liable and claim credit for the net amount only, crediting the amount so deducted to the open allotment and project account for the reserve for settlement of claims subject to a determination whether all or part of the amount of liquidated damages withheld is due to the contractor and, if appropriate, the taking of repayment action. Except in such instances where repayments are made, amounts withheld on account of liquidated damages will not again become available for obligation or for payment by disbursing officers, and any protests made by the contractor against the deduction of liquidated damages will be forwarded, together with a statement of all payments made, citations to all vouchers, and a detailed statement from the contracting officer, through the Chief of Finance. Attention: Receipts and Disbursements Division, The Pentagon, Washington 25, D. C., to the General Accounting Office. (See 16 Comp. Gen. 374.)

(ii) Where a contract contains a liquidated damages clause based on the contract price and also contains an offer of discount for prompt payment, the liquidated damages should be deducted on the basis of the gross contract price and without regard to the discount. The discount is likewise to be computed on the gross contract price without regard to the amount of the liquidated damages.

(iii) Where a contract contains a liquidated damages clause based on the contract price, which price is subsequently modified, and also contains an offer of discount for prompt payment, the liquidated damages and the discount should each be computed on the basis of the modified contract price.

(iv) Where a contract contains a liquidated damages clause based on the contract price and also contains clauses providing for price reduction and for penalties, the liquidated damages should be computed on the price as revised but without regard to any penalties that may be assessed. (See 18 Comp. Gen. 784.)

(v) In the event that liquidated damages are credited to the open allotment account established for the reserve for settlement of claims, and subsequently it is determined that such amounts were withheld erroneously or are otherwise found to be due to the contractor, by reason of changes in the contract terms or by reason of any other procedures approved by appropriate authority providing for repayments of amounts so withheld, the amounts so determined to be payable may be certified on a payment voucher and charged to the open allotment account established for the reserve for settlement of claims under the applicable appropriation.

(g) *Disposition of amounts collected by reason of contractor's default.* Amounts collected on account of actual damages or excess costs charged to defaulting contractors should be credited to Miscellaneous Receipts (see MS. Comp. Gen. A 26073, March 20, 1929, August 8, 1929; 10 Comp. Gen. 510), but amounts refunded because of the rejection of unsatisfactory supplies may be credited to the appropriation from which the original payments were made. (See 8 Comp. Gen. 103.)

(h) *Violations of 8-hour law*—(1) *Disposition of amounts collected.* Amounts withheld from a contractor as a penalty for violation of the 8-hour law of June 19, 1912 (37 Stat. 137; 40 U. S. C. 324), are moneys collected for the use of the United States as specifically provided in said law, and, accordingly, are for depositing and covering into the Treasury as miscellaneous receipts as provided by sections 3617 and 3618, Revised Statutes. Such amounts, however, may be permitted to remain to the credit of the appropriation involved until such time as the right of appeal to the head of the department, as provided in the act of June 19, 1912, has expired (6 months), or until final action on such appeal in case same is duly filed. (See 10 Comp. Gen. 504.)

(2) *Suspension of law.* Because of the national emergency, Congress provided in section 5b, act of June 28, 1940 (54 Stat. 679), that the provisions of the 8-hour law should be suspended for work covered by Army, Navy, and Coast Guard contracts. This act was superseded by section 303, act September 9, 1940 (54 Stat. 884; 40 U. S. C. 325a), by the terms of which work in excess of 8 hours a day is now permitted upon compensation for all hours worked in excess of 8 hours per day at not less than one and one-half times the basic rate of pay. The effect of this latest statute is to reinstate the provisions of the act of 1912, and to provide a statutory waiver thereof where time and one-half is paid. Hence, if the contractor fails to pay such extra compensation, he still violates the 1912 statute and is subject to its penalties. (See 20 Comp. Gen. 233; id. 890; 21 id. 1110.)

(i) *Partial payments in doubtful cases.* Where a disbursing officer is in doubt as to the legality of a portion of the amount covered by a voucher which is before him for payment, only the amount in doubt will be withheld for submission to The Comptroller General or transmission to the General Accounting Office, and payment will be made to the contractor of such portion of the voucher as is not in question. Disbursing officers will consider such vouchers with a view to paying the maximum amount consistent with protection of the interests of the Government.

§ 535.9 *Payment where there is no valid contract*—(a) *Lost contract.* Where all executed copies of a contract have been lost, its contents may be proved by the production of the original proposal, a certified copy of its accept-

ance, and an unsigned copy of the contract, so as to authorize payment at the contract rates for supplies which have been actually delivered. (See 4 Comp. Dec. 82.)

(b) *Completed transactions.* When payment has been made and accepted under an agreement shown to be reasonable, but informally executed, the transaction is complete and both parties are bound thereby. (See 24 Comp. Dec. 226.)

(c) *Quantum meruit.* (1) Accounts covering supplies furnished or services rendered before the making of a contract, without a valid contract, or where otherwise settlement is on a quantum meruit basis, should be transmitted through the Chief of Finance to the General Accounting Office. (See MS. Comp. Dec. A. D. 4997, August 6, 1920.) For exception, see (3) below.

(2) The agreed price, if any, is prima facie but not conclusive evidence as to the amount of liability. (See 8 Comp. Dec. 526; 20 id. 437.)

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph, a cost-plus-a-fixed-fee contractor may be reimbursed for proper expenses which were not included in the fixed fee and which were incurred in connection with expediting performance of work under the contract prior to its formal execution, but after verbal notification that the contract would be awarded. (See 21 Comp. Gen. 462.)

(4) Where a military order commandeered labor and property upon the terms and with compensation as set forth therein, and the parties to whom the order was directed could not have refused to obey it, the Government is liable on an implied contract to pay them on a quantum meruit basis the value of the labor, material, supplies and equipment furnished thereunder. Such an agreement may not be considered a contract within the meaning of that word, as used in statutes prohibiting the procurement of supplies or labor under contracts on a cost-plus-a-percentage-of-cost basis. However, in support of reimbursement vouchers, there should be furnished such evidence as will satisfactorily establish that the labor and materials involved were actually furnished pursuant to orders, and, where reimbursement is to be made for the actual cost thereof, evidence that the amounts claimed have actually been paid. (See MS. Comp. Gen. B 36873, October 16, 1943.)

PAYMENT UNDER LEASES

§ 535.10 *Who entitled to rental.* (a) The United States, having occupied land under a lease, can not avoid the payment of rent therefor by reason of any defect in the title of the lessor at the time the lease was made. (See 9 Comp. Dec. 593.)

(b) The United States, having occupied land owned by several tenants in common under an agreement with one of them, and without objection by the others, such tenant in common is entitled to receive the rent therefor. (See 9 Comp. Dec. 593.)

(c) When property leased to the United States is sold on one day and the deed of conveyance is executed on another day, the grantee is entitled to receive rental from said property only from and after the date of execution of the deed. (See 15 Comp. Dec. 195.)

(d) Where leased premises, under the lease of which the annual rental was payable in quarterly installments on the first days of October, January, April, and July, were sold under a mortgage foreclosure and the new owner took title November 23, the new owner is entitled to the rent for the whole quarter under the well-settled common-law rule that in such cases, the apportionment of rent is not allowable, as the rent does not accrue from day to day, but only accrues at the time it becomes due under the terms of the lease and is indivisible. (See Musselman v. U. S., 52 Ct. Cls. 436.)

§ 535.11 *Written agreement required.* A disbursing officer who charges in his accounts a payment for rent, unsupported by evidence of a contract fixing the rent to be paid, is not entitled to a credit therefor (5 Comp. Dec. 701). The General Accounting Office will refuse credit for vouchers paid for rent unless supported by a written agreement signed by both parties.

§ 535.12 *Computation of rent.* The provision in the act of April 28, 1904 (33 Stat. 513), for computing payments of annual or monthly compensation of officers, agents, and employees of the United States, has no application to contracts for the payment of monthly rental for leased premises, and payments for fractional parts of a month should be on the basis of the actual number of days in the month. In computing the time between two specified dates the general rule is to exclude the first and include the last date. (See 11 Comp. Dec. 494.)

§ 535.13 *Payment of rent in advance.* Payment of rent in advance, by the month, year or quarter, for naked lands leased to the Government, of which it has been placed in possession by the lessor, is in violation of R. S. 3648 (31 U. S. C. 529), and will not be recognized by the General Accounting Office. (See 23 Comp. Dec. 653.)

§ 535.14 *Payment of rent under improperly executed lease.* Where a writing in the form of a lease purporting to be entered into between the lessor and an officer of the Army on behalf of the Government, as lessee, was not signed on behalf of the Government or deposited in the General Accounting Office, as provided by R. S. 3743, 3744, and 3745 (41 U. S. C. 20, 16, 17), a stipulation therein contained that liquidated damages should be paid for all claims, costs of labor and materials, etc., reconstructing the premises as they were at the commencement of the tenancy, imposed no valid obligation upon the Government, and payment of the amount stipulated is not authorized. (See 26 Comp. Dec. 232.)

§ 535.15 *Payment for cost of improvement of rented premises.* The laying of conduits and wires in premises occupied by the United States under a lease from the owner is an improvement of the premises, and unless provision has been made in the lease for the making of such an improvement by the United States as a consideration in whole or in part for the use thereof, payment of the cost of such an improvement is not authorized. (See 6 Comp. Dec. 943.)

§ 535.16 *Payment of taxes on property.* Although taxes are not payable by the Federal Government as the owner of real property, they are properly payable as part of the rent when specifically included in the terms of the lease. (See 24 Comp. Dec. 705.)

§ 535.17 *Payment of rent in connection with termination of lease.* Under a lease for a year, where the rent was payable monthly, which provided that the tenancy might be terminated by giving 30 days' notice, a notice given on the 10th of a month does not become operative until the end of the ensuing month. (See 9 Comp. Dec. 366.)

PAYMENTS FOR TELEPHONE, TELEGRAPH AND TELETYPEWRITER SERVICE

§ 535.18 *Telephone service*—(a) *Rates, general.* Where a contract for the furnishing of telephone service to the Government provides for payment at legally established rates, payment for services currently rendered is authorized at the increased rates established by city ordinance after court determination of insufficiency or prior rates. (See 15 Comp. Gen. 896.)

(b) *Flash calls made by ground observers.* Flash calls made by ground observers in connections with Aircraft Warning Service may be billed as a group from a given point to a filter center, if such calls do not consume more than the minimum talking period. Where such calls consume more than the minimum talking period, they will be listed separately. (See MS. Comp. Gen., B 25280, April 28, 1942.)

(c) *Private residences.* Payment is unauthorized from public funds for the installation or rent of a telephone installed in a private residence irrespective of its use for official business, but long-distance tolls for messages received or transmitted over such telephone, strictly for the public business, may be so paid. (See also 15 Comp. Gen. 885.)

§ 535.19 *Telegraph service, rates*—(a) *Official messages.* The rates for communications by telegraph between the several departments of the Government and their officers and agents in their transmission over the lines of any telegraph company to which has been given the right-of-way, timber, or station lands from the public domain are fixed annually by the Federal Communications Commission pursuant to the provisions of section 5266, Revised Statutes, as amended.

(b) *Personal messages.* Administrative offices may increase amounts claimed for telegraph services by the difference between the Government rate billed and the commercial rate for messages of a personal nature where collection at the commercial rate, plus tax, has been made from the individual for whose benefit the services were rendered, and deposited in special deposit funds, provided the voucher shows the full cost of the telegrams at commercial rates is

being charged to the special deposit funds. (See 17 Comp. Gen. 873.)

§ 535.20 *Bills paid monthly*—(a) *General.* In general, all official telegrams will be charged to and paid for at the sending office on monthly bills, which will be submitted by the local telegraph office directly to the local commanding officer.

(b) *Supporting evidence.* (1) Telegraph bills will be supported by proofs of service which, except "Government collect" messages or telegrams of a confidential nature, will be original telegrams bearing the operator's original pencil notations or indorsement of transmission showing actual performance. (See 14 Comp. Gen. 825, 16 id. 217.) As to what constitutes an original within this rule, the basic reason for the requirement that the original be filed is to insure that the charges for transmission were correctly computed for the services actually rendered and to prevent duplicating payment of such charges. This is best accomplished by accompanying the voucher with the copies of the telegrams used for transmission, showing thereon the company notations with respect to the time filed, the number of words paid for, etc., such copies being commonly referred to as transmission or wire copy. It is immaterial for audit purposes whether the transmission or wire copies be written in long hand or consist of carbon copies; on the other hand, a ribbon copy not showing the transmission data would be of little, if any, use in auditing the charges. (See 21 Comp. Gen. 364.)

(2) If charges are included in monthly bills for messages received "Government collect," carbon copies will be accepted in support of the charges. (See MS. Comp. Gen. A-13067, December 18, 1935.)

(3) Vouchers for telegraph services furnished by a foreign government in transmitting alleged confidential messages in code may not be passed by the General Accounting Office upon a blanket certification that they were confidential, but copies of the telegrams in code and untranslated will be submitted in support of the account. (See 4 Comp. Gen. 860.)

(4) While the general rule is that claims for telegraphic services not of a confidential nature must be supported by the originals of the outgoing messages when presented for payment (subparagraph (1) of this paragraph, where the messages originate in a foreign country in which the transmitting company is not permitted by its regulations to surrender the originals, copies of the originals will be accepted in support of vouchers, provided appropriate steps are taken by the administrative office to prevent a duplicate payment for the same services. (See 21 Comp. Gen. 94.)

(5) (i) Bills for multiple-address telegram transmission services will be supported by evidence that the official message required to be sent was the message actually transmitted, that the message was in fact transmitted, and that the class of service rendered and charged for was that requested by the sender. Therefore a self-serving statement by a telegraph company official that the services were performed as requested cannot be accepted in lieu of the required data.

(ii) Where transmission of a multiple-address telegram is from the originally filed copy of the message, the voucher covering payment for the transmission services will be supported by such original and the list of addresses with appropriate data placed thereon at the time of transmission, but where transmission is from copies of such original, the copies containing the necessary data for a proper audit are required to be filed with the voucher. (See MS. Comp. Gen., B 28733, October 24, 1942.)

(6) (i) Where telegraph or cable service is rendered outside the continental United States under conditions which make it impossible for the contractor or the contracting officer to secure the original telegrams or cablegrams, vouchers may be supported by copies of the original telegrams or cablegrams, together with a certificate executed by the contractor and approved by the contracting officer, setting forth the circumstances in the case and the reason that the originals of the messages required by subparagraph (1) of this paragraph cannot be obtained.

(ii) Where the cost of a telegram or cablegram has been paid by a bank or similar agency and the expenditure is otherwise correct, a debit note, statement, or other similar document from the bank or similar agency may be accepted in support of the voucher if the contractor certifies that the amount is not in excess of the minimum cost for similar services, that the telegram or a copy thereof cannot be secured and the reason therefor and if the certificate is approved by the contracting officer.

(c) *Bills to be paid within 5 days.* Disbursing officers to whom bills are submitted for payment will settle such accounts within 5 days after receipt, making payment to the local telegraph office rendering the account. This will not be construed as authorizing payment when papers necessary to support the voucher are not in the possession of the disbursing officer.

(d) *Payment to initial company.* In settling accounts for telegrams which pass over the lines of more than one company (bond-aided excepted), payment may be made on the original telegram to the initial company for the entire service.

§ 535.21 *Teletypewriter service*—(a) *Certificate.* The general certificate prescribed in § 535.1 (b) is required.

(b) *Copies of teletypewriter messages not required.* Accounts for teletypewriter service need not be supported by the originals or copies of messages prescribed in § 535.20 (b) for official telegrams.

PAYMENT OF TRANSPORTATION ACCOUNTS

§ 535.22 *By whom paid*—(a) *Within continental limits of United States.* All transportation accounts pertaining to Department of the Army bills of lading and transportation requests issued for service to and from and within the continental limits of the United States and Alaska (except those payable from appropriations for civil functions of the Corps of Engineers) will be paid by the Finance Officer, U. S. Army, Transportation Division, Washington 25, D. C.

(b) *Outside continental limits of United States.* Transportation accounts pertaining to Department of the Army bills of lading and transportation requests issued for service within the Panama Canal, Hawaiian, Philippine, or Antilles Departments, and in foreign countries will be paid by a disbursing officer in the department or area concerned.

(c) *Officers of the Army detailed to the Navy, Marine Corps, or Coast Guard and officers of those services detailed to the Army for duty.* Payment of transportation accounts for packing, crating, drayage, unpacking, uncrating, and shipment of authorized baggage (household goods), or reimbursement therefor, for officers of the Army detailed to the Navy, Marine Corps, or Coast Guard and officers of those services detailed to the Army for duty, will be made by the designated disbursing officer or agent of the service issuing the orders. (For example: Upon initial detail of a Navy officer (under Navy orders) to the Army, payment of transportation accounts will be made by the Navy. Upon future movements of this detailed Navy officer, including relief from duty with the Army (under Army orders), payment of transportation accounts will be made by the designated Army disbursing officer.) The amount will be chargeable to the appropriation of the service issuing the orders and no transfer of funds is necessary.

(d) *Civil functions of the Corps of Engineers.* Accounts covering transportation payable from appropriations for civil functions of the Corps of Engineers will be paid by district officers of the Corps of Engineers specially designated to settle the accounts for the specific project.

§ 535.23 *To whom paid; responsibility and action in case of loss, destruction, or damage.* (a) Payment for transportation for freight or express will be made to the last carrier, unless otherwise provided in the bill of lading, and only for the quantity of property delivered at destination, except that in case of loss of weight by natural shrinkage en route the weight shipped as shown in the bill of lading will be paid for, provided the packages are delivered intact.

(b) The carrier will be held responsible for loss, destruction, or damage to property while in transit in accordance with discrepancy notations on bills of lading, unless the cancellation of any such notation is authorized by the consignee who made it or the carrier is relieved of such responsibility by a report of survey. Reports of survey submitted and approved pursuant to AR 35-6640[1] are the final authority under which common carriers are held responsible or relieved from responsibility.

(c) Loss, destruction, or damage for which the carrier is held responsible will be deducted in making settlement for services.

[1] Administrative regulations of the Department of the Army relative to lose, destroyed, damaged, or unserviceable property.

§ 535.25 *Action when transportation appears to have been furnished improperly.* If it appears to the paying officer that transportation has been improperly furnished by the issuing officer, he will make payment to the carrier for the service actually rendered, and will call upon the issuing officer for the authority upon which such transportation was furnished.

§ 535.26 *Payment when personal transportation lost or destroyed—(a) Lost or destroyed request.* Payment of transportation charges, where the original transportation request has been lost or destroyed may be made only when the provisions of Army Regulations pertaining to transportation requests have been accomplished.

(b) *Lost or destroyed ticket.* Where the passenger has lost or destroyed the ticket issued on a transportation request no refund can be secured from the carrier, nor can a new transportation request be issued for the same journey except as provided in Army Regulations pertaining to transportation requests.

§ 535.27 *Payment on bills of lading—(a) On original only.* Payment of transportation charges will ordinarily be made on the original accomplished Government bill of lading and never on memorandum copies or shipping orders.

(b) *When original lost.* Payment of transportation charges where the original bill of lading has been lost will be made on Standard Forms 1108 and 1108a (Certificate in Lieu of Lost U. S. Government Bill of Lading).

PROMPT PAYMENT OF BILLS AND ACCOUNTS

§ 535.28 *General.* Disbursing officers will not pay an account until it is due, but payments will be made promptly of all accounts as they become due and payable. Whenever a bill or a communication with reference to a bill is received, and it is not possible to make prompt payment, an acknowledgment will be sent to the firm or individual, advising of the status of the account. A form letter or a post card may be used for this purpose.

§ 535.29 *Cash discounts.* (a) In all cases of bills for the payment of which on or before a certain date or within a certain time a cash discount is offered, advantage will be taken of the offer of such discount and payment made on or prior to the date on which the discount feature expires, if possible to do so.

(b) In cases in which there is involved any question, as between the Government and the payee, of the right to deduct the discount, in the interest of making prompt payments, and to save the right of the Government to the discount if it subsequently should be determined to have been properly deductible at the time of payment, the discount should be deducted and payment of the balance tendered the payee, who, if not satisfied, may accept the payment under protest and file claim in the General Accounting Office, either directly or through military channels, for a refund of the amount deducted. (See 7 Comp. Gen. 537.)

(c) Where a contract for furnishing water provided for payment therefor at certain specified meter rates, with discount for prompt payment, the contractor is entitled to the full specified meter rates upon failure of the Government to make payment within the time specified for the allowance of discount. (See 12 Comp. Dec. 274, 16 Comp. Dec. 151.)

§ 535.30 *Partial payments.* Partial payments are authorized under a contract for construction of a number of airplanes and spare parts which provides for such payments as the work progresses and contains a provision that title to all property for which any partial payments are made prior to completion of the contract shall vest in the Government in its condition at the time the partial payments are made, notwithstanding a provision in the contract giving the Government the right to reject upon final inspection, such a provision not operating to divest the title acquired by the Government to the materials and supplies on which partial payments have been made. (See 1 Comp. Gen. 143.)

PART 536—CLAIMS AGAINST THE UNITED STATES

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AUTHORITY: §§ 536.1 to 536.10, issued under R. S. 161; 5 U. S. C. 22.
DERIVATION: AR 25–20, June 30, 1948.

GENERAL PROVISIONS

§ 536.1 *Definition.* The word "claims" as used in the regulations in this part refers to those demands for payment in money submitted in writing by individuals, partnerships, associations, or corporations, including countries, and states, territories, and other political subdivisions of such countries, but excluding the Federal Government of the United States and its instrumentalities, other than such demands for payments as arise under ordinary obligations incurred by the Army in the procurement of services or supplies. As to claims in favor of the United States, see §§ 537.3 to 537.5 inclusive.

§ 536.3 *Basic regulations to govern.* The general provisions of the regulations in this part so far as applicable, govern and will be followed in the investigation, processing, and disposition of all claims. However with respect to marine casualties, see § 536.44.

§ 536.4 *Statutory authority of the Department of the Army and the Army.* Authority to settle claims has by statute been granted to the Department of the Army and the Army, as shown in the following chart which will be used as a guide in determining which sections in this subchapter have application to any claim:

DEPARTMENT OF THE ARMY CHART

Sections	Statute	Provision	Coverage	Amount	Method of settlement	Personal injury	Personal property	Real property	Subrogation	Time limit	Remarks
536.12–536.23	Sec. 1, act 3 July 1943 (57 Stat. 372; 31 U. S. C. 223b), as amended by act 29 May 1945 (59 Stat. 225); act 28 June, 1946 (60 Stat. 332); act 26 July 1947 (61 Stat. 501); and as repealed in part by the Federal Tort Claims Act (60 Stat. 842; 28 U. S. C. 921).	Military claims provision.	Damage to or loss or destruction of property, or personal injury or death, caused by military personnel or civilian employees, or otherwise incident to noncombat activities of the Department of the Army, or of the Army, settlement of which under these provisions is not precluded by the Federal Tort Claims Act, infra.	$1,000 maximum, claims in excess of the maximum may be reported to Congress.	Approved by designee of Secretary of the Army, with appeal to the Secretary of the Army. Payment by local disbursing officer on certification by any authorized officer. If in excess of $1,000: Approval by Secretary of the Army, who submits to Bureau of the Budget for report to Congress for consideration. Payment by Treasury Department on certification by Comptroller General.	Yes, to extent of medical hospital, and burial expenses.	Yes.	Yes.	Entire amount allowed to subrogor but no payment to subrogee.	1 year except that if claim arises in time of war or when war intervenes within 1 year, and good cause for delay is shown, 1 year after peace is established.	Applicable if not within AR 25-70 (§ 536.29), AR 25-80 (§ 536.25), AR 25-90 (§ 536.26), or not payable under provisions of AR 25-100 (§§ 36.27).
536.29	Title IV, act 2 Aug. 1946 (60 Stat. 842; 28 U. S. C. 921), as amended by act 1 Aug. 1947 (61 Stat. 722).	Federal Tort Claims Act.	Claims against the United States for money only, accruing on or after Jan. 1, 1945, on account of damage to or loss of property or on account of personal injury or death, where the total amount of the claim does not exceed $1,000 caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred ("Employee of the Government" includes members of the military forces.)	$1,000 maximum, claims in excess of maximum may be sued upon in United States District Courts.	Approval by Secretary of the Army or his designee, subject to appeal to Secretary of the Army. Payment by disbursing officer on certification by duly authorized officer.	Yes, including all elements of damage allowed in jurisdiction where act or omission causing injured occurred.	Yes.	Yes.	do	1 year	Applicable on or after Jan. 1, 1945, to claims arising only in the United States, its territories, and possessions to the exclusion of all regulations.
536.25	Art. 105, ch. II, act 4 June 1920 (41 Stat. 808; 10 U. S. C. 1577).	Article of War 105.	Damage to or loss or destruction of property by persons subject to military law caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or such reckless disregard of property rights as to carry implication of guilty intent.	No limit	Approval by offender's commanding officer. Payment by local disbursing officer out of stoppages against offender's pay.	No	Yes.	Yes.	Uninsured portion allowed to subrogor but no payment to subrogee.	None	Applicable if not within AR 25-25 (§§ 536.12–536.23), AR 25-70 (§ 536.29), AR 25-90 (§ 536.26), or AR 25-100 (§ 536.27).

DEPARTMENT OF THE ARMY CHART—Continued

Sections	Statute	Provision	Coverage	Amount	Method of settlement	Personal injury	Personal property	Real property	Subrogation	Time limit	Remarks
536.26	Sec. 1, act Jan. 2, 1942 (55 Stat. 880; 31 U. S. C. 224d), as amended by act Apr. 22, 1943 (57 Stat. 66).	Foreign claims provision.	Damage to or loss or destruction of property, or personal injury or death, caused by Army forces in foreign countries.	$5,000 maximum, claims in excess of the maximum may be reported to Congress.	Approval by a foreign claims commission, if in excess of $2,500 must also be approved by theater base, or comparable commander or by The Judge Advocate General. Payment by local disbursing officer on certification by such commission; if in excess of $5,000: Approval by Secretary of the Army who submits to Bureau of the Budget for report to Congress for consideration. Payment by Treasury Department on certification by Comptroller General.	Yes	Yes	Yes	Entire amount allowed to subrogor but no payment to subrogee.	1 year	Applicable to exclusion of all other regulations when claimant is an inhabitant of the foreign country in which claim arose.
536.27	Act of May 29, 1945 (59 Stat. 225; 31 U. S. C. 222c) as repealed in part by the Federal Tort Claims Act, infra.	Military personnel claims provision.	Damage to or loss, destruction, capture, or abandonment of personal property of military personnel or civilian employees occurring incident to their service, settlement of which under these provisions is not precluded by the Federal Tort Claims Act, infra.	No limit	If not replaced by commanding officer, approval by designee of Secretary of the Army as provided in § 536.27 (v). Payment by local disbursing officer on certification by any authorized officer.	No	Yes	No	Uninsured portion allowed to subrogor but no payment to subrogee.	1 year, except that if claim arises in time of war, or if war intervenes within 2 years, 1 year after peace is established, provided good cause is shown for delay in filing claim.	Applicable to the exclusion of all regulations except AR 25-70 (§ 536.29) and if not payable hereunder, AR 25-25 (§§ 536.12-536.23).

§ 536.6 *Action by claimant*—(a) *Claimant*—(1) *Claims for property damage, loss, or destruction.* Claims for damage to or loss or destruction of property may be presented by the owner of the property or his duly authorized agent or legal representative. The word "owner", as so used, includes bailees, lessees, mortgagors, and conditional vendees, but does not include mortgagees, conditional vendors, and others, having title for purposes of security only or subrogees. The claim, if filed by an agent or legal representative, should show the title or capacity of the person signing and be accompanied by evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary. The claim, if filed by a corporation, should show the title or capacity of the officer signing and be accompanied by evidence of his authority to act.

(2) *Claims for personal injury or death.* Claims for personal injury or death may be presented by the injured person or his duly authorized agent or legal representative. Claims for medical, hospital, and burial expenses, not presented by the injured person or his duly authorized agent or legal representative, may if it appears that no legal representative has been appointed be presented by any person who, by reason of family relationship, has in fact incurred the expenses for which claim is made.

(b) *Form of claim.* Claims should be submitted by presenting in triplicate a dated statement in writing stating the claimant's address and setting forth the definite amount of the claim and, so far as possible, the detailed facts and circumstances surrounding the accident or incident, indicating the date and place, the property and persons involved, the nature and extent of the damage, loss, destruction, or injury, and the agency which was the cause or occasion thereof, whether or not a suit has been filed in a United States District Court on the subject matter of the claim and if so, the outcome or status of such suit. Department of the Army forms will be used whenever practicable.

(c) *Evidence to be submitted by claimant*—(1) *General.* The amount claimed for damage to or loss or destruction of property, or for personal injury or death, must be substantiated by competent evidence.

(2) *Property damage.* In support of claims for damage to personal property which has been or can be economically repaired, the claimant should submit in triplicate an itemized signed statement or estimate of the cost of repairs; if not economically reparable, or if the property is lost or destroyed, the value thereof, both before and after the accident, should be stated. In support of claims for damage to land, trees, buildings, fences, and other improvements, and similar property, the claimant should submit an itemized signed statement or estimate of the cost of repairs; if not economically reparable, the value both before and after the accident, of the land damaged, or of the improvement or other property if it can be readily and fairly valued apart from the land, should be stated. In support of claims for damage to crops, the statement should show the number of acres, or other unit measure, of the crops damaged, the normal yield per unit, the gross amount which would have been realized from such normal yield, and an estimate of the further costs of cultivation, harvesting, and marketing; if the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop should also be stated. All such statements or estimates should, if possible, be by disinterested competent witnesses, preferably reputable dealers of the type of property damaged. Such statements and estimates should be certified as just and correct; if payment has been made, itemized receipts evidencing payment should be included. In the case of claims for damage to or loss or destruction of registered or insured mail, the claimant should in addition submit, where possible, the registration or insurance receipt, or an attested copy thereof, showing the amount of fee and postage paid.

(3) *Personal injury.* In support of claims for personal injury or death, the claimant should submit in triplicate a written report by attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization or incapacitation, attaching itemized bills for medical, hospital or burial expenses actually incurred, and, if claim is made for loss of earnings, a written report in triplicate by claimant's employer showing claimant's age, occupation, wage or salary, time lost from work, whether or not a full time employee, and actual period of employment by dates.

(d) *Signatures.* The claim and all other papers requiring the signature of the claimant should be signed by the claimant personally or by a duly authorized agent, and should show the given name, middle initial, if any, and surname. The signature of such claimant or agent should be identical throughout.

(e) *Place of filing.* The claim will be submitted to the commanding officer of the unit involved if known, otherwise to the commanding officer of any installation or other military establishment, if practicable the one within which or nearest to which the accident or incident occurred. If in a foreign country where no military forces are stationed, the claim may be submitted to the United States military attaché or United States air attaché.

§ 536.7 *Duties of claims officer*—(a) *Procedure.* In proceeding with the investigation and making his report the claims officer will:

(1) Consider all information and evidence obtained as the result of any previous inquiry or investigation of any aspect of the accident or incident.

(2) Conduct further independent investigation of the matter in a fair and impartial manner.

(3) Secure and consider testimony of all competent witnesses on pertinent facts.

(4) Claims against the United States will not be solicited. In the event inquiry is made as to the procedure whereby a claim may be filed, the person making the inquiry will be informed of the provisions of § 536.6 (d) and furnished appropriate forms and advised as to where they may be filed; furnishing the claimant forms bearing on the reverse a substantial copy of such provisions will constitute compliance with such requirement.

(5) Reduce to writing and prepare in triplicate all pertinent testimony and all other evidence taken or considered by the claims officer.

(6) Make certain that repair bills or estimates are certified, by the persons rendering them, as just and correct. If the bills have been paid, the payees should so certify.

(b) *Consolidation of claims in a single report.* When several claims are presented as the result of a single accident or incident, they should normally be incorporated in a single report. Any claims presented subsequently may be processed with reference to the report already filed.

(c) *Ascertainment of amount of damage*—(1) *Property damage, loss, or destruction.* (i) If the property has been or can be economically repaired, the measure of damage is the net cost, or estimated cost, as defined in subdivision (iii) of this subparagraph, of repairs necessary to restore the property to substantially the condition in which the property was immediately prior to the accident or incident, but not to exceed the value of the property immediately prior to the accident or incident less the value thereof immediately after the accident or incident.

(ii) If the property cannot be economically repaired, the measure of damage is the value of the property immediately prior to the accident or incident less the value thereof immediately after the accident or incident.

(iii) To determine the net cost, or estimated cost, of repairs under subdivision (i) of this subparagraph there should be deducted from the gross cost (actual or estimated) the value of any salvaged parts or materials, and the amount of any appreciation in value thereby effected; and there should be added to such gross cost the amount of any depreciation resulting; *Provided,* such deductions or additions are sufficiently substantial in amount to warrant consideration.

(iv) All such statements and estimates should if possible be by one or more disinterested competent witnesses, preferably reputable dealers of the type of property damaged, lost, or destroyed.

(v) Loss of use of damaged business, agricultural, or residential property which is economically reparable may, if claimed, be included as an additional item of damage to the extent of the reasonable expense actually incurred for appropriate substitute property but only for such period as is reasonably necessary for repairs and provided that idle substitute property of the claimant was not employed. When substitute property is not obtainable from others, other competent evidence such as rental value, if not speculative or remote, may be considered. When substitute property is reasonably available but is not obtained and used by the claimant, loss of use is not normally payable.

(vi) The measure of damage, in cases of total loss or destruction of registered or insured mail, is the value thereof immediately prior to the accident or incident plus, if claimed, the amount of any registration or insurance fee or other special fees and the amount of postage prepaid. In cases of damage only, or partial loss or destruction, the measure of damage is the value thereof immediately prior to the accident or incident less any salvage except that, if economically reparable, the measure of damage is the estimated or actual cost of repairs; no fees or prepaid postage are payable if actual delivery of the parcel or letter is made to the correct addressee.

(vii) The measure of damage in cases cognizable under the Federal Tort Claims Act is determined by the law of the place where the act or omission, out of which such damage arises, occurred. (See § 536.29.)

(2) *Personal injury or death.* (i) The measure of damage is as provided in the specific regulations under which the claim is payable.

(ii) All statements and estimates of medical, hospital, and burial expenses should be substantiated by the originals or copies of any bills rendered.

(3) *Excluded items.* Interest, cost of preparation of claims and securing supporting evidence, inconvenience, and similar items may not be included as elements of damage.

(4) *Recoveries from joint tort-feasors.* If the claimant has elected to proceed against a third party as a joint tort-feaser, any amount so collected in respect of items of damage which otherwise may property be included in the claim against the Government will be deducted from the amount which would otherwise be approved for payment.

(d) *Acceptance of amount recommended and advice to claimant.* The claims officer will not advise the claimant as to the action taken on his claim unless approval thereof in an amount less than the amount claimed is recommended, in which event the claimant will be advised that such recommendation is subject to approval or disapproval by higher authority and will be requested to execute an amended claim form in the amount recommended. If in such a case claimant is unwilling to execute the amended claim form, his reasons therefor stated in writing will be obtained, if possible. If not obtained, then the claims officer will include in his report a statement of the action taken by him and the results thereof. In no case will the claims officer advise the claimant that his claim has been or will be disapproved.

§ 536.8 *Claims not provided for under any law.* All claims the settlement of which is not provided for by any specific law or appropriation will be referred to a claims officer for investigation and report in a manner similar to that prescribed in § 536.7 with such modification thereof as the features of the particular case may warrant. Such claims, with related files and recommendations, will be forwarded promptly in triplicate, retaining only a card record thereof, by or through the commanding general of the army areas or air material area, or the command claims service, to The Judge Advocate General, Washington 25, D. C., for appropriate administrative action.

§ 536.9 *Transfers and assignments of claims.* All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and all powers of attorney, orders, or other authorities for receiving any payment of any such claim, or of any part or share thereof, are (see R. S. 3477 (31 U. S. C. 203), as amended by the act of October 9, 1940 (54 Stat. 1029)) absolutely null and void, unless made after the issuing of a warrant for the payment thereof. The provisions of the statute, as amended, do not apply to assignments of claims by operation of law, as when a receiver or trustee in bankruptcy is appointed for an individual, firm or corporation, or an administrator for the estate of a deceased person; nor do they apply in any case in

which the moneys due from the United States or from any agency or department thereof, under a contract providing for payments aggregating $1,000 or more, are assigned to a bank, trust company, or other financing institution, including any Federal lending agency, under the conditions set forth in the act of October 9, 1940. (See §§ 535.5–535.9.)

§ 536.10 *Disclosure of information.* Except in the proper discharge of his official duties, no person in the military service or employed by the United States Army or the United States Air Forces, will furnish copies of official papers or give any information which can be used as the basis of a claim against the United States. Without prior approval of the office of The Judge Advocate General, claimants or their authorized representatives shall not be permitted to examine any part of the evidence of record except that submitted by such claimants.

CLAIMS FOR DAMAGE TO OR LOSS OR DESTRUCTION OF PROPERTY, OR FOR PERSONAL INJURY OR DEATH, INCIDENT TO NONCOMBAT ACTIVITIES OF DEPARTMENT OF THE ARMY OR OF THE ARMY

AUTHORITY: §§ 536.12 to 536.23 and §§ 536.25 to 536.29 issued under 41 Stat. 808, 55 Stat. 880, 57 Stat. 372; 10 U. S. C. 1577, 31 U. S. C. 223b, 224d.

DERIVATION: AR 25–25, Aug. 2, 1946; AR 25–80, May 29, 1945; AR 25–90, July 31, 1945; AR 25–100, May 29, 1945; AR 25–70, Jan. 1, 1947.

§ 536.12 *Claims for damage to or loss or destruction of property or for personal injury or death, caused by military personnel or civilian employees, or otherwise incident to noncombat activities of the Army, except those cognizable under the Federal Tort Claims Act*—(a) *General.* Claims, arising on or after May 27, 1941, except claims arising from negligent or wrongful acts or omissions accruing on or after January 1, 1945 and cognizable under Part 2, Federal Tort Claims Act (Title 4, 60 Stat. 842) for damage to or loss or destruction of real or personal property, or for reasonable medical, hospital, or burial expenses actually incurred on account of personal injury or death, caused by military personnel or civilian employees of the Army while acting within the scope of their employment, or otherwise incident to noncombat activities of the Army, including claims for damage to or loss or destruction or registered or insured mail while in the possession of the military authorities even though resulting from criminal acts, claims for damage to or loss or destruction of personal property bailed to the Government, and claims for damage to real property incident to the use and occupancy thereof under a lease, express or implied, or otherwise, and including claims of the foregoing categories arising out of civil works, are payable under the military claims provision provided they do not exceed $1,000.

(b) *Claims payable under prior regulations payable hereunder.* Any claim, not cognizable under Part 2, Federal Tort Claims Act, arising on or after May 27, 1941, formerly payable under provisions of law and regulations now superseded is payable under provisions of §§ 536.12–536.23, see, however, § 536.22 for special provisions as to subrogees.

(c) *Application to pending claims.* The provisions of §§ 536.12–536.23 apply to all claims otherwise within the scope thereof, not heretofore paid, arising out of accident or incidents occurring on or after May 27, 1941; see, however, § 536.22 (c) as to claims presented prior to July 3, 1943, if subrogation is involved. Claims arising out of accidents or incidents occurring prior to May 27, 1941, but otherwise within the scope of §§ 536.12–536.23, will be forwarded with related files and recommendations in triplicate, retaining only a card record thereof, by or through the commanding general of the army or air matériel area within the United States, its territories, and possessions, in which the accident or incident resulting in the claim occurred, or if within a theater of operations outside the continental limits of the United States by or through the command claims service, to The Judge Advocate General, Washington 25, D. C., for appropriate administrative action.

§ 536.13 *Acts or omissions*—(a) *Military personnel and civilian employees.* Military personnel and civilian employees whose acts or omissions may give rise to claims within the scope of these regulations include all military personnel and civilian employees of the Army, prisoners of war and interned enemy aliens engaged in labor for pay, and volunteer workers, and others, serving as employees of the Army even though without compensation.

(b) *Scope of employment.* Acts or omissions of military personnel and civilian employees may give rise to claims payable under the provisions of §§ 536.12–536.23 only if such acts or omissions occur while such military personnel or civilian employees are acting within the scope of their employment.

(c) *Proximate cause.* Claims for damage to or loss or destruction of property or for personal injury or death, proximately caused by willful, negligent, wrongful or otherwise tortious acts or omissions of military personnel or civilian employees acting within the scope of their employment, except those claims accruing on and after January 1, 1945 and cognizable under Part 2, Federal Tort Claims Act, are payable under the provisions of this section. Acts or omissions involving a lack of reasonable care are the usual basis of claims so payable. If the proximate cause of the accident or incident is the act or omission of persons other than military personnel or civilian employees, as defined in paragraph (a) of this section, the claim is not payable. If the proximate cause of the accident or incident is the joint, or concurrent tortious act or omission of military personnel or civilian employees and of one or more persons other than the claimant, his agent, or employee, the claim is payable except to the extent, if any, already paid by or on behalf of such other person or persons.

§ 536.14 *Claims*—(a) *Registered and insured mail.* Claims for damages to or loss or destruction of registered or insured mail while in the possession of the military authorities are within the scope of §§ 536.12–536.23 if caused by military personnel or civilian employees of the Army, even though resulting from criminal acts, or if otherwise incident to noncombat activities of the Army. Claims for damage, loss, or destruction occurring prior to delivery by the Post Office Department (for distribution to the addressee) to authorized military personnel or civilian employees of the Army (e. g., unit, battalion, or regimental mail clerks, and postal officers), but excluding military personnel serving and bonded to the Post Office Department, are not payable under the provisions of §§ 536.12–536.23; nor are claims arising after resumption of possession by the Post Office Department (e. g., for the purpose of forwarding to the addressee at a different address) and prior to redelivery to authorized military personnel or civilian employees of the Army charged with distribution to the addressee. "Minimum fee" insured mail carrying no insurance number and not requiring hand-to-hand receipts is not within the scope of this section.

(b) *Bailed personal property.* Claims for damages to or loss or destruction of personal property loaned, rented, or otherwise bailed to the Government under an agreement, express or implied, except those cognizable under Part 2, Federal Tort Claims Act, are payable under the provisions of §§ 536.12–536.23 even though legally enforceable against the Government as contract claims, unless by express agreement the bailor has assumed the risk of damage, loss, or destruction.

(c) *Use and occupancy of real property.* Claims for damage to real property incident to the use and occupancy thereof by the Government under a lease, express or implied, or otherwise, except those cognizable under Part 2, Federal Tort Claims Act, are payable under the provisions of §§ 536.12–536.23 even though legally enforceable against the Government as contract claims. Claims for rent of real property are not payable under §§ 536.12–536.23.

(d) *Contract claims.* Claims for damage to or loss or destruction of property founded in contract, express or implied, except those under paragraphs (b) and (c) of this section, are normally not payable under the provisions of the regulations in §§ 536.12–536.23. Any claim which is apparently within the provisions of the statute but appears to be founded in contract, express or implied, except claims under paragraphs (b) and (c) of this section, will be forwarded with related files and recommendations in triplicate, retaining only a card record thereof, by or through the commanding general of the army or matériel area or command claims service to The Judge Advocate General for appropriate administrative action.

(e) *Other noncombat activities.* Claims for damage to or loss or destruction of property, or for personal injury or death, not caused by negligent or wrongful acts or omissions of military personnel or civilian employees of the Army, are payable under the provisions of this paragraph if otherwise incident to the noncombat activities of the Army. Claims within the above category include claims for damage or injury arising out of, and which are natural or probable results or incidents of, maneuvers and special field exercises, practice firing of heavy guns, practice bombing, operation of aircraft and antiaircraft, use of barrage balloons, escape of horses, use of instrumentalities having latent mechanical defects not traceable to negligent acts or omissions, movement of combat vehicles or other vehicles designed especially for military use, and use and occupancy of real estate.

§ 536.15 *Contributory negligence.* Contributory negligence or wrongful act of the claimant, or of his agent or employee, acting within the scope of his employment, in whole or in part the proximate cause, bars a claim. Although the doctrine of comparative negligence is not applied, the law of the jurisdiction in which the accident or incident occurred will normally be followed in determining whether contributory negligence is present.

§ 536.16 *Claims under Foreign Claims Act.* Claims for damage to or loss or destruction of property, or for personal injury or death, arising out of accidents or incidents occuring in foreign countries which are cognizable under the provisions of the Foreign Claims Act (see § 536.26 and AR 25–90) are not within the provisions of §§ 536.12–536.23; claims within the scope of that act and which but for the existence thereof would be within the provisions of §§ 536.12–536.23, will be settled under that act, which has preemptive application. Subject, however, to the foregoing provision, there are no geographical limitations on the scope of application of §§ 536.12–536.23, for example, a claim arising in a foreign country which is not cognizable under the Foreign Claims Act because the claimant is not an inhabitant of the foreign country in which the accident or incident occurs may, if the claim is otherwise within the provisions of §§ 536.12–536.23, be paid hereunder. Claims, arising in foreign countries, of nationals of a country at war with the United States, or of any ally of such an enemy country, who are inhabitants of foreign countries may not be paid under the provisions of §§ 536.12–536.23, except as the approving authority or the local military commander determines that the claimants are friendly to the United States. (Sec. 1, 57 Stat. 372 as amended by sec. 4, 59 Stat. 225, 60 Stat. 332, 812; 31 U. S. C. Sup. 223b)

§ 536.17 *Claims of or pertaining to military personnel or civilian employees*—(a) *Property.* Claims for damage to or loss or destruction of personal property of military personnel or civilian employees of the Army occurring incident to their service will first be considered under the provisions of § 536.27, which, if applicable, take precedence over the provisions of §§ 536.12–536.23. Such claims found not to be payable under the provisions of § 536.27 may then be considered under the provisions of §§ 536.12–536.23 except those cognizable under Part 2, Federal Tort Claims Act. Claims of such personnel and employees for damage to or loss or destruction of property not incident to their service are payable under the provisions of §§ 536.12–536.23 on the same basis as are claims of persons not military personnel or civilian employees of the Army, except that claims of military personnel for clothing being worn at the time when damaged, lost, or destroyed, and claims by such persons for souvenirs, ornamental jewelry, or articles acquired to be disposed of as gifts are not payable under the provisions of §§ 536.12–536.23; and such claims of civilian employees are also not payable under the provisions of §§ 536.12–536.23 unless the claimant was, at the time of the occurrence, off duty and also at such time not subject to military law.

(b) *Injury or death of military personnel or civilian employees.* Claims for medical, hospital, and burial expenses on account of injury or death of military personnel or civilian employees of the Army will first be considered under the provisions of §§ 577.1–577.9 (Medical Attendance — General Provisions), §§ 577.40–577.46 (Dental Attendance), or §§ 536.50–536.53 (Burial Expenses); those of civilian employees, not within those regulations, may be within the jurisdiction of the United States Employees Compensation Commission under the provisions of the act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751), as amended. Claims of such personnel and employees for medical, hospital, and burial expenses not within the scope of the above-mentioned regulations or statute are payable under the provisions of §§ 536.12–536.23 on the same basis as are claims of persons not military personnel or civilian employees of the Army.

§ 536.18 *Depredation.* Claims for damage to or loss or destruction of property, by persons subject to military law, caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent, and payable under the provisions of Article of War 105, as set forth in § 536.25, are not payable under the provisions of §§ 536.12–536.23.

§ 536.19 *Combat activities.* Claims for damage to or loss or destruction of property, or for personal injury or death, resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat, are not payable under the provisions of §§ 536.12–536.23.

§ 536.20 *Expenses; medical, hospital, or burial*—(a) *Medical expenses*—(1) *Included.* Items properly allowable include, if reasonably necessary and reasonable in amount and actually incurred:

(i) Transportation, by ambulance or otherwise, from the scene of the accident or incident to a physician or hospital, and to and from residence to physicians or hospitals, for examination or treatment.

(ii) Services performed by physicians, surgeons, dentists, laboratory technicians, anesthetists, masseurs, and registered and practical nurses.

(iii) Physiotherapy.

(iv) X-ray and roentgenological examination and treatment.

(v) Laboratory tests.

(vi) Medicines.

(vii) Other reasonably necessary medical expenses.

(2) *Excluded.* No amount may be allowed, as an item of the claim, for medical services furnished at the expense of the United States.

(b) *Hospital expenses*—(1) *Included.* Items properly allowable include, if reasonably necessary and reasonable in amount and actually incurred:

(i) Use of emergency and surgical rooms.

(ii) Room and board.

(iii) Anesthetics, medicines, laboratory feed, and dressings.

(iv) Payments to blood donors.

(v) Other reasonably necessary hospital expenses.

(2) *Excluded.* No amount may be allowed, as an item of the claim, for hospital services furnished at the expense of the United States.

(c) *Burial expenses*—(1) *Included.* Items properly allowable include, if reasonable in amount and actually incurred:

(i) Undertaker's services.

(ii) Casket.

(iii) Transportation.

(iv) Cemetery lot.

(v) Services of a minister, priest, or rabbi.

(vi) Interment or cremation.

(vii) Other reasonably necessary burial and funeral expenses.

(2) *Excluded.* No amount may be allowed, as an item of the claim, for any portion of the expense of burial otherwise paid by the United States.

§ 536.21 *Statute of limitations.* Claims must be presented in writing within 1 year after the occurrence of the accident or incident out of which the claim arises, except that if the accident or incident occurs in time of war, or if war intervenes within 1 year after its occurrence, a claim may, if good cause for the delay is shown, be presented within 1 year after peace is established.

§ 536.22 *Claims of subrogees*—(a) *Included.* Settlement will be made solely with the insured, rather than with the insurer or with both the insured and insurer, in cases of damage, loss, destruction, injury, or death covered by insurance. No inquiry will be made into, nor determination made of, the relative interests as between insured and insurer. The entire claim, including any portion thereof insured against, will be filed by or on behalf of the insured and payment of the entire amount approved will be made in the name of the insured. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney, insurance policy provision, or other documentary evidence satisfactory to the approving authority. The foregoing provisions will be equally applicable in cases of subrogation based other than on insurance.

(b) *Not included.* Claims by subrogees in their own right are not within

the scope of §§ 536.12–536.23 and will not be considered.

(c) *Claims presented prior to July 3, 1943.* The provisions of paragraphs (a) and (b) of this section will, however, be inapplicable to claims filed prior to July 3, 1943.

(d) In those claims cognizable under Part 2, Federal Tort Claims Act, the rights of subrogees are determined in accordance with the law of the place where the act or omission, out of which the claim arises, occurred.

§ 536.23 *Procedure*—(a) *Sections 536.1–536.10 applicable.* So far as applicable, the procedure set forth in §§ 536.1–536.10 will be followed as to claims within the provisions of AR 25–25.

(b) *Conditions of payment.* Prior to payment of any claim within the provisions of AR 25–25, each of the following conditions must be fulfilled:

(1) The amount of the damage, loss, or destruction, or the amount payable on account of personal injury or death, must be determined.

(2) The payment must not exceed $1,000, but claims in excess of that amount may be reported to Congress for consideration.

(3) Claims by subrogees will not be recognized except as an element of the subrogor's claim.

(4) The claim must normally be presented within 1 year after the occurrence of the accident or incident out of which the claim arises.

(5) Negligence or wrongful act of the claimant, in whole or in part the proximate cause, bars a claim.

(6) The claim must be approved in accordance with prescribed procedures or, on appeal, by the Secretary of the Army.

(7) The claimant must accept, in full satisfaction and final settlement, the amount approved if less than the full amount claimed.

(8) Claims payable under the provisions of Article of War 105 are not payable under the provisions of §§ 536.12–536.23.

(9) Foreign claims payable under the provisions of AR 25–90 are not payable under the provisions of §§ 536.12–536.23.

(10) Personnel claims payable under the provisions of § 536.27 are not payable under the provisions of §§ 536.12–536.23.

(11) Claims of military personnel or civilian employees for personal injury or death incident to their service are not payable under the provisions of §§ 536.12–536.23.

(12) Claims payable under the provisions of the Federal Tort Claims Act are not payable under the provisions of §§ 536.12–536.23.

(c) *Superseded provisions.* The act of July 3, 1943 (57 Stat. 372; 31 U. S. C., Sup., 223b), and the regulations in §§ 536.12–536.23 supersede several provisions of law and regulations but, any claim, arising on or after May 27, 1941, formerly payable under the superseded provisions is within the scope of §§ 536.12–536.23; see, however, the regulations of this section for special provisions as to subrogees.

§ 536.25 *Claims under the one hundred and fifth article of war*—(a) *Scope.* Claims for damage to or loss or destruction of property by persons subject to military law are subject to the limitations of paragraph (b) of this section, within the provisions of AW 105 (Sec. 1, Ch. II, act June 4, 1920, 41 Stat. 808; 10 U. S. C. 1577): *Provided*, Such damage, loss, or destruction is caused by riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent.

(b) *Limitations of application*—(1) *Claims payable under other regulations.* Claims for damage to or loss or destruction of property which are payable under the provisions of regulations in §§ 536.12–536.23 and 536.26 are not payable under the provisions of the regulations in this section, and no stoppage of pay will be made under the provisions of this section to reimburse the Government for payments made under such other regulations.

(2) *Claims resulting from negligence.* Claims for damage to or loss or destruction of property resulting from simple negligence, whether or not within the scope of employment, are not payable under the provisions of this section.

(3) *Claims of subrogees.* Claims of subrogees are not within the provisions of the regulations in this section. Any portion of the claim covered by insurance will be disallowed.

(4) *Claims for personal injury or death.* Claims for personal injury or death are not payable under the provisions of the regulations in this section.

(5) *Acts or omissions within scope of employment.* Claims for damage to or loss or destruction of property resulting from acts or omissions while the offender is acting within the scope of his employment, even though otherwise within the scope of AW 105, are not payable under the provisions of the regulations in this section. (See §§ 536.12–536.23.)

(6) *Absence of riotous, violent, and disorderly conduct.* Claims arising from larceny, forgery, deceit, embezzlement, fraud, misappropriation, and misapplication, where the wrongful taking is accomplished under conditions of stealth, deception, trickery, or device, unaccompanied by riotous, violent, or disorderly conduct, are not payable under the provisions of the regulations in this section.

(7) *Government property.* Reimbursement for damage to or loss or destruction of property of the United States may not be required under the provisions of the regulations in this section.

(c) *Procedure*—(1) *Sections 536.1–536.10 applicable.* So far as applicable, the procedure set forth in §§ 536.1–536.10 will be followed as to claims within the provisions of the regulations in this section. The claims officer appointed under §§ 536.1–536.10 will constitute the board of officers under Article of War 105.

(d) *Conditions of payment.* Prior to payment of any claim within the provisions of the regulations in this section each of the following conditions must be fulfilled:

(1) Amount of the damage, loss, or destruction must be determined.

(2) Claim must relate to property only, not including property of the Government.

(3) Claims resulting from simple negligence will not be recognized.

(4) Riotous, violent, or disorderly conduct, or acts of depredation, willful misconduct, or reckless disregard of property rights, must be a proximate cause.

(5) Subrogation claims will not be recognized.

(6) Payment must be recommended in the claims officer's report and approved personally by the offender's commanding officer.

(7) Commanding officer personally must have ordered a stoppage of pay.

(8) Claims payable under the provisions of §§ 536.12–536.23 are not payable under the provisions of the regulations in this section.

(9) Foreign claims payable under the provisions of § 536.26 are not payable under the provisions of the regulations in this section.

(10) Personnel claims payable under the provisions of AR 25–100 (Claims of military personnel and civilian employees for property damaged, lost, destroyed, captured, or abandoned in the service) are not payable under the provisions of the regulations in this section. (41 Stat. 808; 10 U. S. C. 1577)

§ 536.26 *Claims for damage to or loss or destruction of property or for personal injury or death caused by Army forces in foreign countries*—(a) *Scope.* Claims for damage to or loss or destruction of real or personal property, and for personal injury or death, caused by Army forces, or individual members (whether military personnel or civilian employees) thereof, or otherwise incident to noncombat activities of such forces, in a foreign country to public property located therein or to the privately owned property, or to the persons, of inhabitants of such country are within the foreign claims provisions of the act of January 2, 1942 (55 Stat. 880), as amended by act of April 22, 1943 (57 Stat. 66; 31 U. S. C., Sup., 224d). The word "claims" as used in this section refers to those demands for payment submitted by individuals, partnerships, associations, or corporations, including foreign countries, and states, territories, and other political subdivisions of such countries, other than such demands for payment as arise under ordinary obligations incurred by the Army in the procurement of services or supplies.

(b) *Preemptive of other claims provisions.* Claims within the scope of the foreign claims provision and which but for the existence of that provision would be within the provision of §§ 536.12 to 536.23 or § 536.25 will be settled under the provisions of this section, which are preemptive of such other claims provisions.

(c) *Territorial application.* The provisions of the regulations in this section are applicable to claims arising out of accidents or incidents occurring in foreign countries, including territorial waters thereof. Claims arising at a place, within a foreign country, under the temporary or permanent jurisdiction of the United States may be approved hereunder if the claims are otherwise within the provisions of the regulations in this section.

(d) *Bailed personal property.* Claims for damage to or loss or destruction of personal property loaned, rented, or otherwise bailed to the Government under an agreement, express or implied, are payable under the provisions of the regulations of this section even though legally enforceable against the Government as contract claims, unless by express agreement the bailor has assumed the risk of damage, loss, or destruction; except as payment may be barred by the provisions of paragraph (k) of this section, the cause of loss is immaterial. Claims payable under this paragraph may, if deemed preferable as in the best interests of the Government, be processed as contract claims. Claims for rent of personal property are not payable under this section.

(e) *Use and occupancy of real property.* Claims for damage to real property incident to the use and occupancy thereof by the Government under a lease, express or implied, or otherwise, are payable under the provisions of the regulations of this section even though legally enforceable against the Government, as contract claims; payment may, however, be precluded by the provisions of paragraph (k) of this section. Claims payable under this paragraph may, if deemed preferable as in the best interests of the Government, be processed as contract claims. Claims for rent of real property are not payable under this section.

(f) *Other noncombat activities.* Claims for damage to or loss or destruction of property, or for personal injury or death, though not caused by acts or omissions of military personnel or civilian employees of the Army, are payable under the provisions of this paragraph if otherwise incident to the noncombat activities of the Army. In general the claims within the above category are those arising out of authorized activities which are peculiarly Army activities having little parallel in civilian pursuits and to situations which historically have been considered as furnishing a proper basis for the payment of claims. Included are claims where no particular act or omission on the part of military personnel or civilian employees is present or if present and though occurring within the scope of their employment is at least less obvious or less personal but where, because of the peculiar nature of the activity or of the resulting damage or injury, the burden of the loss should be borne rather by the Government than by the particular individual on whom the loss initially fell. Included also are claims arising out of activities such as those involving the use of explosives, whether or not involving negligent acts or omissions, of which damage or injury is a natural consequence. For example, included are claims for damage or injury arising out of, and which are natural or probable results or incidents of, maneuvers and special field exercises, practice firing of heavy guns, practice bombing, operation of aircraft and antiaircraft, use of barrage balloons, escape of horses, use of instrumentalities having latent mechanical defects not traceable to negligent acts or omissions, movement of combat vehicles or other vehicles, designed especially for military use, and use and occupancy of real estate.

(g) *Elements of damage in case of personal injury and death.* Actual and reasonable medical and hospital expenses, reasonable compensation for physical pain and suffering, and loss of earning capacity may be paid in cases of personal injury. If death results, actual and reasonable burial expenses and reasonable compensation for loss of prospective support may also be allowed. In computing damages in cases of personal injury or death, local standards will be taken into consideration. In case of death, only one claim arises; the amount awarded therefor will be apportioned among the beneficiaries, and in the proportions, prescribed by the law or custom of the place in which the claim arises.

(h) *Persons excluded as claimants.* The following classes of claimants are among those excluded:

(1) Persons not inhabitants of the country in which the claim arises. The word "inhabitant" as used in this section refers only to those who dwell or reside in the country in which the claim arises. Citizenship of, or legal domicile in, such country is not required; transients having no abode or dwelling place in such country are not included. An inhabitant of any dominion, state, province, colony, territory, or possession constituting a part of a foreign country will be deemed an inhabitant of such foreign country within the meaning of this section as to a claim arising in any part of such country. The status of the decedent will control in cases of claims based on death.

(2) Military personnel of the United States.

(3) Nationals of a country at war with the United States, or of any ally of such enemy country, except as the foreign claims commission considering the claim, or the local military commander shall determine that the claimant is friendly to the United States.

(4) United States citizens not inhabitants of the country in which the claim arises.

(i) *Claims excluded.* The following classes of claims are excluded: Claims purely contractual in character; private contractual and domestic obligations of individual military personnel or civilian employees; claims based solely on compassionate grounds; bastardy claims; claims for patent infringement; claims arising in the Philippine Islands out of acts or omissions outside the scope of employment of personnel of the Philippine Army called into the service of the armed forces of the United States or other Philippine personnel; and workmen's compensation claims. If the claim is within the scope of any provision made for the payment of workmen's compensation claims (United States Employees' Compensation Act of September 7, 1916, as amended, or Longshoremen's and Harbor Workers' Compensation Act of March 4, 1927, as amended, or local law or custom), such specific remedy is exclusive; if, however, there is no compensation provision, or if the claim is not within the scope of any such provision, such claim may be considered under this section.

(j) *Contributory negligence.* No claim will be allowed where the damage, loss, destruction, injury or death is proximately caused in whole or in part by negligence or wrongful act on the part of the claimant, his agent, or employee, unless under the law or custom of the place where the claim arises such negligence or wrongful act is not recognized generally as a bar to recovery on tort claims, in which case such local law or custom will be applied so far as practicable in determining the effect of such negligence or wrongful act. Such local law or custom will normally be followed in determining whether contributory negligence, if pertinent, is present.

(k) *Combat activities.* Claims for damage to or loss or destruction of property, or for personal injury or death, resulting from action by the enemy, or resulting directly or indirectly from any act by armed forces engaged in combat, are not payable under the Foreign Claims Act.

(l) *Claims of subrogees.* Settlement will be made solely with the insured, rather than with the insurer or with both the insured and the insurer, in cases of damage, loss, destruction, injury, or death covered by insurance. No inquiry will be made into, nor determination made of, the relative interests as between insured and insurer. The entire claim, including any portion thereof insured against, will be filed by or on behalf of the insured and payment of the entire amount allowed will be made in the name of the insured. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney, insurance policy provision, or other documentary evidence satisfactory to the Foreign Claims Commission. The foregoing provisions will be equally applicable in cases of subrogation based other than on insurance. Claims by subrogees in their own right are not within the scope of this section and will not be considered.

(m) *Claims within provisions of other regulations.* Claims for damage to or loss or destruction of property, or for personal injury or death, arising out of accidents or incidents occurring in foreign countries but not within the provisions of the regulations of this section for the reason that the claimant is not an inhabitant of the country in which the accident or incident occurred or for any other reason may be processed under the military claims provision (§§ 536.12 to 536.23), Article of War 105 (§ 536.25) or the personnel claims provision (§ 536.27) if applicable. Claims for damage to or loss or destruction of personal property of military personnel or civilian employees of the Army occurring incident to their service will first be considered under the provisions of § 536.27 even though the claimant is an inhabitant of the country in which the accident occurred; the provisions of § 536.27, if applicable, take precedence over the provisions of the regulations in this section. Such claims of civilian employees, but not of military personnel, found not to be payable under the provisions of § 536.27 may then be considered under the provisions of the regulations in this section. Claims of such employees for

damage to or loss or destruction of property not incident to their service are payable under the provisions of this section on the same basis as are claims of persons not civilian employees of the Army, except that claims of civilian employees for clothing being worn at the time when damaged, lost, or destroyed, and claims by such persons for souvenirs, ornamental jewelry, or articles acquired to be disposed of as gifts are not payable under the provisions of this section unless the claimant was, at the time of the occurrence, off duty and also at such time not subject to military law.

(n) *Statute of limitations.* No claim may be paid under the Foreign Claims Act unless presented within 1 year after the occurrence of the accident or incident out of which such claim arises except that claims arising out of accidents or incidents occurring after December 6, 1941, but prior to May 1, 1943, may be presented at any time prior to May 1, 1944. Any claim not in excess of $1,000 arising out of an accident or incident occurring on or after May 27, 1941, and prior to December 7, 1941, is barred unless it was presented within 1 year after the date of such accident or incident. Claims, regardless of amount, arising out of accidents or incidents occurring subsequent to December 6, 1941, but prior to May 1, 1943, may be presented at any time prior to May 1, 1944.

(o) *Foreign claims commissions.* It is the policy of the Department of the Army to provide one or more foreign claims commissions for each foreign theater of operations, base, or comparable command in which claims against the Government within the provisions of this section may arise. A sufficient number of commissions will be appointed to permit the prompt and final settlement of claims within practicable contact with the points where the claims originate. Commissions will be appointed by the Secretary of the Army or may be appointed by the Commanding General of any foreign theater.

(p) *Procedure*—(1) *Sections 536.1 to 536.10 generaly applicable.* So far as not inconsistent with the provisions of this section, the procedure set forth in §§ 536.1–536.10 will be followed as to claims within the provisions of this section. Investigation of claims arising out of accidents or incidents occurring in foreign countries, and of accidents and incidents occurring in foreign countries which may give rise to claims, whether within the foreign claims provision, or apparently within the provisions of other regulations (see §§ 536.12 to 536.23, 536.25, and 536.27) or the payment of which is not provided for by any statute or regulation, will be conducted in a manner similar to that prescribed in §§ 536.1–536.10, and will be of the scope, completeness, and character directed therein to the extent that the exigencies of the service will permit. Direct correspondence within the command claims service, and between officers of the command claims service and other personnel within the command, is authorized. Any claim will be considered if it states substantially the material facts with such definiteness as to give reasonable notice of the time, place, and nature of the accident or incident out of which the claim arose and an estimate or statement of the damage, loss, or destruction, and the amount claimed on account of personal injury or death, resulting. The claim should, before approval, be signed by or on behalf of the claimant and should, if practicable, be under oath.

(q) *Conditions of payment.* Prior to payment of any claim within the foreign claims provision each of the following conditions must be fulfilled:

(1) The amount of the damage, loss, or destruction, or the amount payable on account of the injury or death, must be determined.

(2) The payment must not exceed $5,000, but claims in excess of that amount may be reported to Congress for consideration.

(3) The claim must be presented within 1 year after the occurrence of the accident or incident out of which the claim arises.

(4) Claims by subrogees will not be recognized except as an element of the subrogor's claim.

(5) Negligence or wrongful act of the claimant, in whole or in part the proximate cause, bars a claim unless not a bar to recovery on tort claims under local law or custom.

(6) The damage, loss, destruction, injury, or death must not have resulted from action by the enemy or directly or indirectly from any act by armed forces engaged in combat.

(7) The property lost, damaged, or destroyed must belong to an inhabitant of the foreign country in which the accident or incident occurred, or belong to the country itself or a political subdivision thereof.

(8) The injury or death must be to an inhabitant of the foreign country where the accident or incident occurred.

(9) If the claimant is a national of a country at war with the United States, or of any ally of such enemy country, there must be a determination by the foreign claims commission or by the local military commander that the claimant is friendly to the United States.

(10) The claim must be approved by a foreign claims commission and, if in excess of $2,500, must be approved by the theater, base, or comparable commander or The Judge Advocate General.

(11) The claimant must accept, in full satisfaction and final settlement, the amount approved if less than the full amount claimed. (55 Stat. 880, as amended; 31 U. S. C. Sup., 224d)

§ 536.27 *Claims of military personnel and civilian employees for property damaged, lost, destroyed, captured, or abandoned in the service*—(a) *Scope.* Claims of military personnel and of civilian employees of the Army for damage to or loss, destruction, capture, or abandonment of personal property, reasonable, useful, necessary, or proper under the attendant circumstances, occurring incident to their service. Claims within the scope of the Military Personnel Claims Act of 1945 and this section and which would otherwise be within the provisions of §§ 536.12–536.23, 536.25 and 536.32 will be settled under the provisions of this section.

(b) *Classes of claims payable.* Claims are payable under the provisions of this section when damage, loss, destruction, capture, or abandonment of personal property occurs under any of the following circumstances:

(1) *Saving Government property or human life.* Where property is damaged, lost, destroyed, or abandoned in consequence of the claimant having given his attention to the saving of property belonging to the United States or to the saving of human life of another: *Provided*, such Government property or such human life was in danger at the same time and under similar circumstances and the situation was such that the claimant could have saved all or part of the property in relation to which claim is made if he had elected to do so.

(2) *Being engaged in military duties in connection with the disaster.* Where property is damaged, lost, destroyed, or abandoned while the claimant was engaged in the performance of authorized military duties in connection with the disaster in which such damage, loss, destruction, or abandonment occurred, provided the situation was such that the claimant could have saved all or part of the property in relation to which claim is made if he had not been engaged in the performance of such military duties.

(3) *Property endangered by efforts to save Government property or human life.* Where property becomes endangered in consequence of the claimant giving his attention to the saving of property belonging to the United States or to the saving of human life of another and as a result thereof is damaged, lost, destroyed, or abandoned.

(4) *Performing military duties in connection with civil disturbance, public disaster, or disorders.* Where property is damaged, lost, destroyed, or abandoned in consequence of the claimant performing military duties in connection with civil disturbance, with public disaster, or with disorders involving persons subject to military law.

(5) *Property subjected to extraordinary risks.* Where property is damaged, lost, destroyed, or abandoned as a direct result of extraordinary risks to which it has been necessarily subjected in consequence of the performance by the claimant of noncombat military duties.

(6) *Marine disaster.* Where property is damaged, lost, destroyed, or abandoned incident to the service of the claimant in consequence of shipwreck, fire on board, collision, sinking, capsizing, or stranding of a vessel, or perils of the sea.

(7) *Aircraft disaster.* Where property is damaged, lost, destroyed, or abandoned incident to the service of the claimant in consequence of hazards in connection with aircraft.

(8) *Property furnished to others.* Where property is damaged, or lost to the claimant, in consequence of the claimant having furnished it, at the direction or request of superior authority or by reason of military necessity, to others in immediate and urgent need thereof.

(9) *Property used for benefit of Government.* Where property is damaged, lost, destroyed, or abandoned while being used, or held for use, for the benefit of the Government at the direction or request of superior authority or by reason of military necessity.

(10) *Property located at quarters or other authorized places.* Where property is damaged or destroyed by fire, flood, hurricane, or other serious occurrence, while located at:

(i) Quarters wherever situated, occupied by the claimant, which were assigned to him, or otherwise provided in kind, by the Government; or

(ii) Quarters not within continental United States, occupied by the claimant, but not assigned to him, or otherwise provided in kind, by the Government (for the purposes hereof Alaska is deemed to be not within continental United States), except where the claimant, if a civilian employee, is a local inhabitant or not a national of the United States; or

(iii) Any warehouse, office, hospital, baggage dump, or other place (except quarters, but see subdivisions (i) and (ii) of this subparagraph), designated by superior authority for the reception of the property.

(11) *Transportation losses.* Where property, including baggage checked or in personal custody, is damaged, lost or destroyed incident to transportation by a carrier, an agent or agency of the Government, or private conveyance:

(i) When shipped under order; or

(ii) In connection with travel under orders irrespective of the purpose of such travel; or

(iii) In connection with travel in performance of military duty with or without troops.

Such claims may be approved only to the extent of the weight limit of the claimant's regulation allowance of baggage permitted to be shipped at Government expense.

(12) *Negligence of the Government.* Where property is damaged, lost, destroyed, or abandoned incident to the service of the claimant and a proximate cause of such damage, loss, destruction, or abandonment was the negligent act or omission of agents or employees of the Government acting within the scope of their employment; *Provided*, Claims which are cognizable under the Federal Tort Claims Act of August 2, 1946 (60 Stat. 812) are not payable under these regulations for the reason that the remedy provided by the Federal Tort Claims Act is exclusive with respect to claims within its purview. See §§ 536.12–536.23 and 536.26, in cases where the provisions of this part are not applicable.

(13) *Abandonment or destruction.* Where property is abandoned or destroyed:

(i) By order of superior authority, or

(ii) By reason of military emergency requiring such abandonment or destruction: *Provided*, if the claimant is a civilian employee not subject to military law, the abandonment or destruction occurred incident to the service of the claimant.

(14) *Enemy action.* Where property is damaged, destroyed, or captured by the enemy or is destroyed to prevent its falling into the hands of the enemy: *Provided*, if the claimant is a civilian employee not subject to military law, the damage, destruction, or capture occurred incident to the service of the claimant.

(15) *Lost in the field during campaign.* Where property is damaged, lost, destroyed, captured, or abandoned in the field incident to combat or to movement which is part of a combat mission: *Provided*, if the claimant is a civilian employee not subject to military law, the damage, loss, destruction, capture, or abandonment occurred incident to the service of the claimant.

(16) *Belligerent activities.* Where property is damaged, lost, destroyed, captured, or abandoned by reason of hostile or belligerent activities in the course of warfare to which the United States is not a party, confiscation, guerilla activity, or organized brigandage, in a foreign country in which the claimant is present by reason of the performance of his duties for the Government of the United States: *Provided*, if the claimant is a civilian employee not subject to military law, the damage, loss, destruction, capture, or abandonment occurred incident to the service of the claimant.

NOTE: Any particular claim may be within one or more of the above classes. Civilian employees subject to military law are for the purposes of this section considered as military personnel. Claims of military personnel, and civilian employees subject to military law, based on subparagraphs (1) to (5), (8) to (11), or (13) to (16) of this paragraph are always incident to service. Claims of all personnel based on subparagraphs (6), (7), or (12) of this paragraph are payable only if the damage, loss, destruction, capture or abandonment occurred incident to the service of the claimant. Claims of civilian employees not subject to military law based on subparagraphs (1) or (3) or (6) to (16) of this paragraph are payable only if the damage, loss, destruction, capture, or abandonment occurred incident to the service of the claimant. Subparagraphs (2), (4), and (5) of this paragraph are not applicable to claims of civilian employees not subject to military law.

(c) *Claims not payable.* Claims otherwise within the scope of paragraph (b) are nevertheless not payable under the provisions of this section (but see §§ 536.12–536.23, 536.25 and 536.26) when the damage, loss, destruction, capture, or abandonment involves any of the following classes of property or when losses occur under any of the following circumstances:

(1) *Clothing being worn.* Clothing being worn at the time when damaged, lost, or destroyed.

(2) *Unserviceable property.* Worn-out or unserviceable property.

(3) *Souvenirs, etc.* Souvenirs, ornamental jewelry, and articles acquired to be disposed of as gifts.

(4) *Intangible property.* Chooses-in-action, or evidences thereof, such as bank books, checks, promissory notes, stock certificates, bonds, bills of lading, warehouse receipts, baggage checks, insurance policies, money orders, and travelers' checks.

(5) *Government property.* Property owned by the United States, except such property for which the claimant is responsible to an agency of the Government other than the Army.

(6) *Non-personal items.* Property not personal to the use of the claimant, such as wearing apparel of other members of the claimant's household.

(7) *Motor vehicles.* Motor vehicles, of any type, except in cases where the damage, loss, destruction, capture, or abandonment occurred prior to July 1, 1942.

(8) *Enemy property.* Property of civilian employees who are nationals of a country at war with the United States, or of any ally of such enemy country, except as it is determined that the claimant is friendly to the United States; property of prisoners of war or interned enemy aliens; and property of civilian employees of questionable loyalty to the United States or who have collaborated with an enemy, or with an ally of an enemy, of the United States.

(9) *Losses of subrogees.* Losses of insurers and other subrogees.

(10) *Losses recoverable from insurer.* Losses, or any portion thereof, which have been recovered or are recoverable from an insurer. See paragraphs (k) and (l) of this section.

(11) *Losses recoverable from carrier.* Losses, or any portions thereof, which have been recovered or are recoverable from a carrier. See paragraphs (h) to (m) of this section.

(12) *Losses in quarters.* Where damage, loss, destruction, capture, or abandonment occurs at quarters occupied by the claimant within continental United States (excluding Alaska) which are not assigned to him, or otherwise provided in kind, by the Government.

(13) *Losses of seamen.* Losses of merchant seamen, and of Army seamen, to any part of which marine or war risk insurance issued by War Shipping Administration is applicable.

(14) *Contractual coverage.* Losses, or any portions thereof, which have been recovered or are recoverable pursuant to contract.

(15) *Negligence of claimant.* Where the damage, loss, destruction, capture, or abandonment was caused in whole or in part by any negligence or wrongful act on the part of the claimant, or of his agent or employee acting within the scope of his employment.

(16) *Losses concurrent with or after death.* Property damaged, lost, destroyed, captured, or abandoned concurrently with or subsequent to death.

(17) *Federal Tort Claims Act.* Claims cognizable under the provisions of the Federal Tort Claims Act of 2 August 1946 (60 Stat. 812). (See § 536.29.)

NOTE: Property, or the circumstances under which damage, loss, destruction, capture, or abandonment occurs, may be within one or more of the above categories.

(d) *Type and quantity of property.* Claims are payable under this section only for the damage, loss, destruction, capture, or abandonment of such types of tangible personal property including money, and such quantities or amounts thereof, as shall be determined by the approving authority to be reasonable, useful, necessary, or proper under the attendant circumstances. Among such items of personal property as by law or regulations is required

to be possessed or used by military personnel or civilian employees of the Army incident to their service. Claims which are otherwise within this section will not be disapproved for the sole reason that the property was not in the possession of the claimant at the time of the damage, loss, destruction, capture, or abandonment, or for the sole reason that the claimant was not the legal owner of the property in relation to which the claim is made; for example, property reasonable, useful, necessary, or proper to the claimant may be the subject of a claim even though borrowed from others.

(e) *Expensive articles.* Allowance for expensive articles, or for items purchased at unreasonably high prices, will be based upon fair and reasonable prices for substitute articles appropriate for the claimant under the particular circumstances of this service.

(f) *Statute of limitations.* No claim may be paid under this section unless presented in writing within 1 year after the occurrence of the accident or incident out of which the claim arises; *Provided*, that if the accident or incident occurs in time of war, or if war intervenes within 2 years after its occurrence, a claim may, if good cause for delay is shown, be presented within 1 year after peace is established. See § 536.29 for statute of limitations applicable to cases cognizable under the Federal Tort Claims Act of August 2, 1946 (60 Stat. 812).

(g) *Application to pending claims.* This section applies to all claims otherwise within the scope hereof, not heretofore paid, arising out of accidents or incidents occurring on or after December 7, 1939, including claims, or portions thereof, heretofore presented and disapproved as not within the scope of the then applicable laws and regulations.

(h) *Demand on carrier.* Whenever property is damaged, lost, or destroyed while being transported by a carrier, the claimant should make demand in writing upon the last carrier known or believed to have handled the shipment for reimbursement for such damage, loss, or destruction. If more than one bill of lading or contract was issued, a separate demand should be made upon the last carrier under each bill of lading or contract. Such demand should be made prior to the filing of a claim against the Government under this section and within the period provided by statute, by regulations of the Interstate Commerce Commission, or by other applicable limitation and, in any event, within 9 months subsequent to the date of delivery of the shipment or, if no portion of the shipment is delivered, within 9 months subsequent to the date when delivery would in the normal course have been made. The liability of the carrier is governed by the terms of the bill of lading or contract. The liability of a rail carrier with respect to property shipped on a Government bill of lading is normally limited to 10 cents per pound for each article damaged, lost, or destroyed; the liability is normally limited to 30 cents per pound if shipped by motor carrier. As the portion of any loss which is recovered or recoverable from a carrier must be deducted from the amount otherwise payable by the Government under this section (see paragraph (c) (11) of this section), it is important that the claimant accept from the carrier any payment correctly determined in satisfaction of the carrier's limited liability as above outlined. Copies of such demand and of any subsequent demands and related correspondence, as well as the originals of any replies, should be retained by the claimant for presentation with any claim subsequently filed against the Government under the provisions of these regulations. In the event the carrier denies liability it will be presumed that no amount is recoverable, and if the carrier fails to reply to the claimant's demand within a reasonable time it will be presumed that the carrier denies liability.

(i) *Form of demand on carrier.* It is suggested that demands on carriers (see paragraph (h) of this section) be made by letter in substantially the following form:

DEMAND ON CARRIER

_____ (Date)

_____ (Name of carrier)

_____ (Address)

GENTLEMEN: Claim is presented by the undersigned for _____ in connection with the following (Loss or damage)
shipment:

from _____ (Consignor) _____ (City, town or station)

to _____ (Consignee) _____ (City, town or station)

In connection with _____ (Bill of lading, contract, or baggage check)
No. _____, dated _____, covering shipment of _____ (Household goods, footlocker, flight bag, etc.)
described as follows:

Description of container (or of article if uncrated)	Approximate weight (lbs.)	Nature and extent of damage	Amount claimed
			$
Total amount of claim			

Detailed description of property lost or damaged, including identifying marks on containers:

Remarks:

Yours very truly,

_____ (Name)

_____ (Address)

(j) *Failure to make demand on carrier.* In cases where, under this section (see paragraph (h) of this section), demand on a carrier is required and the claimant fails to make such demand seasonably or fails to make reasonable efforts to collect the amount recoverable from the carrier, the amount otherwise payable under this section will be reduced by the maximum amount recoverable from the carrier if claim therefor had been filed seasonably with the carrier: *Provided*, that the circumstances of the claimant's service were not such as to preclude seasonable filing of such claim with the carrier: *And provided further*, that it shall not be found that a demand in any event was impracticable or would have been unavailing.

(k) *Demand on insurer.* Whenever property damaged, lost, destroyed, captured, or abandoned was insured in whole or in part (see paragraph (c) (10) of this section), the claimant should make demand in writing upon the insurer for reimbursement under the terms and conditions of the insurance coverage. Such demand should be made prior to the filing of claim against the Government under this section and within the time limit provided in the policy. Copies of such demand and of any subsequent demands and related correspondence, as well as the originals of any replies, should be retained by the claimant for presentation with any claim subsequently filed against the Government under this section. In the event the insurer denies liability it will be presumed that no amount is recoverable, and if the insurer fails to reply to the claimant's demand within a reasonable time it will be presumed that the insurer denies liability.

(l) *Failure to make demand on insurer.* In cases where, under this section (see paragraph (k) of this section), demand on an insurer is required and the claimant fails to make such demand seasonably or fails to make reasonable efforts to collect the amount recoverable from the insurer, the amount otherwise payable under this section will be reduced by the maximum amount recoverable from the insurer if claim therefor had been filed seasonably with the insurer: *Provided*, that the circumstances of the claimant's service were not such as to preclude seasonable filing of such claim with the insurer: *And provided further*, that it shall not be found that a demand in any event was impracticable or would have been unavailing.

(m) *Transfer of rights against carrier or insurer.* Whenever a carrier or insurer denies liability or fails to satisfy such liability and a claim for the property in relation to which the claim is made is approved under this section, without deduction of the amount for which the carrier or insurer is deemed liable, the claimant by the acceptance of payment of such claim under this section will be deemed to have assigned to the United States, to the extent of the deductions not so made, his right, title, and interest in and to any claim he may have against the carrier or insurer and to have agreed that he will, upon request, execute and deliver to the United States a written assignment thereof together with the original or a copy of the bill of lading or contract, insurance policy, and all other papers which may be required to enable the United States to press the claim against the carrier or insurer.

(n) *Proration of recovery from carrier or insurer.* When the amount recovered or recoverable by the claimant from a carrier or insurer is less than the total loss, the amount so recovered or recoverable will be prorated between:

(1) The amount approved; and

(2) The sum of:

(i) The amount disapproved for items not reasonable, useful, necessary, or proper,

(ii) The amount disapproved for items not personal to the claimant's use;

(iii) The disapproved portion of the actual value of expensive articles and of items purchased at unreasonably high prices; and

(iv) The amount disapproved as the portion of damage allocated to excess baggage (see paragraph o of this section).

(o) *Proration in event of excess baggage.* Where claim is made under paragraph (b) (11) of this section for damage, loss, or destruction of property comprising a shipment the total weight of which is in excess of the regulation allowance of baggage permitted to be shipped at Government expense, there may be approved for payment only that proportionate part of the total damage, loss, or destruction which the regulation allowance on the basis of weight bears to the total weight shipped. When two or more shipments are made under or in connection with the same orders and the regulation allowance is exhausted or exceeded by the first or by the first and succeeding shipments, all further shipments will be deemed to be not within this section.

(p) *Claims within provisions of other regulations.* Claims within the scope of this section and which but for the existence of the Military Personnel Claims Act of 1945 and this section would be within the provisions of §§ 536.12–536.23, 536.25 and 536.26 will be settled under the provisions of this section which are preemptive of other claims provisions. Claims for damage, loss, destruction, capture, or abandonment not within the provisions of this section should be processed under the military claims provision (§§ 536.12–536.23), or under Article of War 105, or under the foreign claims provision (§ 536.26) if applicable.

(q) *Sections 536.1 to 536.10 applicable.* So far as not inconsistent with this section, the procedure set forth in §§ 536.1 to 536.10 will be followed as to claims within the provisions of this section.

(r) *Claimants.* Claims may be presented by the military personnel or civilian employee (or his duly authorized agent or legal representative) incident to whose service the property was damaged, lost, captured, destroyed, or abandoned. The claim, if filed by an agent or legal representative, should show the title or capacity of the person signing and be accompanied by evidence of the appointment of such person as agent, executor, administrator, or other fiduciary. In the event of the death of the military personnel or civilian employee subsequent to the accident or incident out of which the claim arose and prior to his filing a claim in person (or by a duly authorized agent), the claim may be presented by any of the following:

(1) A duly appointed executor or administrator;

(2) The widow or widower of the decedent;

(3) Any child or other descendant of the decedent;

(4) The father or mother of the decedent; or

(5) Any brother or sister, or any descendant of any brother or sister, of the decedent.

(s) *Form of claim.* Claim will be submitted by presenting a detailed statement in triplicate, signed by or on behalf of the claimant, on WD Form 30B. Attention is directed to the provisions of paragraph (t) of this section outlining specific types of evidence required in particular classes of claims; careful compliance with such requirements is essential to avoid delays resulting from the necessity of returning the claim for amplification.

(t) *Evidence in support of claim.* The claim should be supported by the data required by the claim form (WD Form 30B) and, when and to the extent applicable and feasible, supplemental data and exhibits as follows:

(1) Sworn statements, by the claimant's commanding officer if possible, or by others having personal knowledge of the facts to corroborate the claimant's statement of facts, in the claim form and other evidence submitted in support of the claim. The claimant should so far as practicable, and prior to filing the claim, obtain such evidence by personal correspondence or otherwise.

(2) Statement of property recovered or replaced in kind.

(3) Statement regarding insurance, if any such statement should include:

(i) Type and amount of insurance.

(ii) Insurance policy, or copy thereof, or explanation as to inability to furnish same.

(iii) Certificate in substantially the following form:

CERTIFICATE OF DEMAND ON INSURER

_____ (Date)

I, the undersigned, hereby certify that on _____ (Date) I made written demand on _____ (Insurer) in accordance with the terms and conditions of insurance coverage by properly mailing to such insurer a letter, a copy of which, together with the originals or copies of the policy and other agreements evidencing such coverage, is attached to this certificate. I further certify that there are also attached to this certificate originals of all replies (if any) received from, and copies of all further correspondence (if any) sent to, said insurer.

_____ (Signature of claimant)

(4) Itemized bill for repairs, if damaged property has been repaired; or written estimates, by at least one competent disinterested witness, of the probable cost of repairs, if the property is reparable and has not been repaired.

(5) In any case where the military personnel or civilian employee is deceased, or if for any other reason the claim is submitted by an agent or legal representative, an attested copy of the power of attorney or a certificate of appointment of the executor or administrator or other fiduciary or, if no such appointment has been made, a statement as to the relationship which the person presenting the claim bears to the deceased.

(6) If claim is asserted under paragraph (b) (1) of this section (saving Government property or human life), or under paragraph (b) (2) of this section (being engaged in military duties in connection with the disaster):

(i) A statement in detail as to the claimant's location, acts, and conduct immediately before, during, and immediately after the disaster, and stating facts (not mere conclusions) from which it can be determined whether (if under paragraph (b) (1) of this section) the claimant gave his attention to saving Government property or human life of another instead of property in relation to which claim is made, or whether (if under paragraph (b) (2) of this section) performance of authorized military duties in connection with the disaster prevented the claimant from saving property in relation to which claim is made; and

(ii) A statement in detail of the actual facts and circumstances surrounding the damage, loss, destruction, or abandonment from which it can be determined whether the situation was such that the claimant could have saved property in relation to which claim is made if (under paragraph (b) (1) of this section) he had not elected to save Government property or human life of another, or if (under paragraph (b) (2) of this section) he had not been engaged in the performance of authorized military duties in connection with the disaster.

(7) If claim is asserted under paragraph (b) (3) of this section (property endangered by efforts to save Government property or human life):

A statement in detail of the actual facts and circumstances surrounding the damage, loss, destruction, or abandonment, and as to the claimant's location, acts, and conduct immediately before, during, and immediately after the disaster, stating facts (not mere conclusions) from which it can be determined whether the property in relation to which claim is made was previously in a position of safety but was endangered, and was subsequently damaged, lost, destroyed, or abandoned, as a consequence of the claimant having given his attention to saving Government property or human life of another.

(8) If claim is asserted under paragraph (b) (4) of this section (performing military duties in connection with civil disturbance, public disaster, or disorders), or under paragraph (b) (5) of this section (property subjected to extraordinary risks), or under paragraph (b) (6) of this section (marine disaster), or under paragraph (b) (7) of this section (aircraft disaster):

A statement in detail of the actual facts and circumstances surrounding the damage, loss, destruction, or abandonment.

(9) If claim is asserted under paragraph (b) (8) of this section (property furnished to others), or under paragraph (b) (9 of this section (property used for benefit of Government):

A statement in detail including the date and occasion of furnishing the property, the name and designation of the superior authority directing or requesting such action, and the names of the persons to whom the property was delivered.

(10) If claim is asserted under paragraph (b) (10) of this section (property located at quarters or other authorized places):

A statement in detail including, if the property was located at quarters, the geographical location thereof, whether such quarters were assigned or otherwise provided in kind by the Government, and whether the quarters were at the time regularly occupied by the claimant, and including, if the property was located at other authorized places, the geographical location thereof, the name and designation of the authority designating such place as a proper place for such property to be left or located, and, including also, whether located at quarters or other authorized place, the actual facts and circumstances surrounding the damage or destruction.

(11) If claim is asserted under paragraph (b) (11) of this section (transportation losses):

(i) Copy of orders authorizing the travel, transportation, or shipment. If such copies are not obtainable, there should be included in lieu thereof a certificate, corroborated if possible by a sworn statement by at least one person explaining the absence of such orders or copies thereof, stating the substance thereof and setting forth sufficient facts to establish the travel, if any, by the claimant and the transportation or shipment of the property.

(ii) Statement specifying the weight limit of claimant's regulation allowance of baggage under the attendant circumstances and total weight of the shipment.

(iii) Statement, in cases where the weight of shipment is in excess of the regulation allowance, showing whether such shipment included any articles not personal to the use of the claimant (such as wearing apparel belonging to members of the claimant's household) and, if so, a list thereof showing the approximate weight of each article.

(iv) In cases of missing baggage or effects, a statement as to the steps taken by the claimant in an effort to locate the property, attaching all correspondence, including replies, with former organizations, hospitals, and other installations.

(v) Statement, in cases where property was turned over to a quartermaster, transportation officer, supply officer, or contract packer, setting forth the following:

(*a*) Name (or designation) and address of quartermaster, transportation officer, supply officer, or contract packer.

(*b*) Date property was turned over.

(*c*) Condition when property was turned over.

(*d*) When and where property was packed.

(*e*) Methods of packing and crating.

(*f*) Date when property was shipped and reshipped.

(*g*) Copies of all manifests, bills of lading, and contracts.

(*h*) Date and place of delivery of property to claimant.

(*i*) Date property was unpacked.

(*j*) Statement by quartermaster, transportation officer, or supply officer as to condition of property when received and delivered, as to handling and storage, as to reasons for and conditions of storage, whether property was handled by local carrier, and whether damage occurred during such handling.

(*k*) Whether negligence on the part of any Government employee acting within the scope of his employment caused the damage, loss, or destruction.

(*l*) Whether last common carrier was given a clear receipt.

(*m*) Whether local civilian carrier was given a clear receipt.

(vi) Certificate, if a carrier is involved, in substantially the following form:

CERTIFICATE OF DEMAND ON CARRIER

(Date)

I, the undersigned, hereby certify that on ---------- I made written demand
(Date)

on ----------, by properly mailing
(Carrier)

to such carrier a letter, a copy of which is attached to this certificate. I further certify that there are also attached to this certificate originals of all replies (if any) received from, and copies of all further correspondence (if any) sent to, said carrier.

(Signature of claimant)

(12) If claim is asserted under paragraph (b) (12) of this section (negligence of the Government):

A statement in detail setting forth the actual facts and circumstances surrounding the damage, loss, destrication, or abandonment, including the names and addresses of the Government agents or employees whose negligent acts or omissions caused the damage, loss, destruction, or abandonment, and specifying the acts or omissions claimed to have been negligent and the facts relied upon to establish that such agents or employees were acting within the scope of their employment.

(13) If claim is asserted under paragraph (b) (13) of this section (abandonment or destruction):

A statement in detail by claimant, corroborated if possible by statement from claimant's commanding officer or others having personal knowledge of the facts, stating facts (not mere conclusions) from which it can be determined that the property was abandoned or destroyed by order of superior authority or by reason of military emergency requiring such abandonment or destruction.

(14) If claim is asserted under paragraph (b) (14) of this section (enemy action), or under paragraph (b) (15) of this section (lost in the field during campaign), or under paragraph (b) (16) of this section (belligerent activities):

(i) Copy of orders, or other available evidence, to establish claimant's entry into the area or location involved.

(ii) Any additional evidence (including original receipts, if any, by whomever issued) to establish (if under paragraph (b) (14) of this section) that the property was damaged, destroyed, or captured by the enemy or was destroyed to prevent its falling into the hands of the enemy, or (if under paragraph (b) (15) of this section) that the property was damaged, lost, destroyed, captured, or abandoned in the field incident to combat or to movement which was part of a combat mission, or (if under paragraph (b) (16) of this section) that the property was damaged, lost, destroyed, captured, or abandoned by reason of hostile or belligerent activities in the course of warfare to which the United States was not a party, confiscation, guerilla activity, or organized brigandage, in a foreign country in which the claimant was present by reason of the performance of his duties for the Government of the United States.

(u) *Filing of claim.* All claims within the provisions of this section will be submitted to the commanding officer of the organization to which the claimant belongs or with which he is serving if practicable, otherwise to the commanding officer of any post, camp, station, or other military establishment, if practicable the one nearest to the point where investigation of the facts and circumstances can most conveniently be made. Claims may also be submitted to the commanding general of any army or air matériel area within the United States, its territories, and possessions, or to any office of the command claims service in any theater of operations or other command outside the continental limits of the United States. In any case where submission under the foregoing provisions is impracticable, claims may be submitted direct to The Judge Advocate General, Washington 25, D. C. Acceptance of a claim for filing will not be refused even though the claim appears not to be within the provisions of this section.

(v) *Approval and payment approving authorities.* (1) Claims submitted under the provisions of this section will be considered, ascertained, adjusted, determined, settled and, when substantiated as within the provisions of this section, will be approved or disapproved, by any officer or officers designated by The Judge Advocate General from his staff for that purpose, or (subject to such jurisdictional limits as to amount as may be from time to time fixed) by any foreign claims commission designated by him for that purpose. The Judge Advocate General has designated the Chief of the Claims Division, Office of the Judge Advocate General, to approve or disapprove such claims.

(2) *Notice to claimant.* Upon disapproval of a claim by the approving authority, the claimant will be notified in writing of the action taken and the reason therefor.

(3) *Effect of action.* The action of the approving authority in approving or disapproving a claim in whole or in part will be final and conclusive for all purposes.

(4) *Acceptance agreement.* No acceptance agreement by the claimant is necessary, and no such acceptance agreement will be required or included in the file, at any stage in the processing of the claim.

(5) *Payment.* Upon approval of a claim in whole or in part, the claim, with related file, will be transmitted by the approving authority to the appropriate disbursing officer for payment. (41 Stat. 1436; 31 U. S. C. 218–222, as amended by 59 Stat. 225)

§ 536.29 *Claims cognizable under the Federal Tort Claims Act for damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of military personnel or civilian employees of the Army while acting within the scope of their office or employment*—(a) *Scope.* Subject to exclusions set forth in paragraph (c) of this section, the act and this section provide the exclusive authorization and procedure whereby the Secretary of the Army, or his designee, may consider, ascertain, adjust, determine and settle claims for $1,000 or less, accruing on or after January 1, 1945, on account of damage to or loss of property, or on account of personal injury or death, caused in the United States or its territorial possessions by the negligent or wrongful act or omission of military personnel or civilian employees of the Army while acting within the scope of their employment.

(1) Nothing contained in the act or the regulations set forth in this section, abridges the existing legal authority of the Secretary of the Army to consider, ascertain, adjust, determine, settle, or pay any claim on account of damage to or loss of property or on account of personal injury or death, in cases where such damage, loss, injury, or death was not caused by any negligent or wrongful act or omission of an employee of the Government while acting within the scope of his office or employment, or any other claim not cognizable under the act and this section.

(2) The provisions of the act do not apply to:

(i) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid; or based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(ii) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(iii) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(iv) Any claim for which a remedy is provided by the act of March 9, 1920 (46 U. S. C. 741–752, inclusive) or the act of March 3, 1925 (46 U. S. C. 781–790, inclusive), relating to claims or suits in admiralty against the United States.

(v) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of the Trading with the Enemy Act, as amended.

(vi) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(vii) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(viii) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse or process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(ix) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(x) Any claim arising out of the combatant activities of the military forces during the time of war.

(xi) Any claim arising in a foreign country.

(xii) Any claim arising from the activities of the Tennessee Valley Authority.

(b) *Claims in excess of $1,000.* The Department of the Army does not have legal authorization to consider administratively claims in excess of $1,000 which are otherwise cognizable under the act. The claimant's remedy, if any, in such cases is by suit in the United States District Court for the district wherein the claimant is resident or wherein the act or omission complained of occurred, including the United States District Courts for the Territories and possessions of the United States.

(c) *Acts or omissions*—(1) *Military personnel and civilian employees.* Military personnel and civilian employees whose acts or omissions may give rise to claims within the scope of the act and the regulations set forth in this section, include members of the military forces of the United States and persons acting on behalf of the Department of the Army in an official capacity, temporarily or permanently in the service of the United States whether with or without compensation.

(2) *Scope of employment.* Acts or omissions of military personnel and civilian employees may give rise to claims payable under the provisions of the regulations set forth in this section, only if such acts or omissions occur while such military personnel or civilian employees are acting within the scope of their employment. Activities of military personnel and civilian employees in the course of which such acts or omissions may occur are ordinarily within the scope of employment if the performance thereof is directed, or if of a kind the performance of which is expressly or impliedly authorized, or if the purpose is, at least in part, to serve the Government.

(3) *Proximate cause.* Claims against the Department of the Army for $1,000 or less, on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of military personnel or civilian employees while acting within the scope of their employment, are payable according to this section only where the circumstances are such that the United States, if a private person, would be liable to the claimant under the law of negligence of the place where the act or omission occurred. Acts or omissions involving a lack of reasonable care will be the basis of claims payable under the local law of most jurisdictions. If the proximate cause of the accident or incident is the act or omission of persons other than military personnel or civilian employees, as defined in subparagraph (1) of this paragraph, the claim will not be payable, as a general rule, under local law. If the proximate cause of the accident or incident is the joint or concurrent tortious act or omission of military personnel or civilian employees and of one or more persons other than the claimant, his agent, or employee, the claim will be considered, and determined necessarily, under the local law pertaining to joint tort-feasors. Acts or omissions constituting a mere condition without the existence of which the accident or incident could not have occurred, and which are not the proximate cause thereof, will not constitute a proper basis for finding of liability under the applicable local law as a general rule. For example, the mere violation of certain statutory laws or ordinances providing standards of safety may be declared to be negligence (per se), but such violations will not constitute the basis of liability under local laws generally unless the unlawful acts or omissions are deemed a proximate cause of the accident or incident in that jurisdiction.

(d) *Contributory negligence.* The law of the place where the act or omission occurred will be followed in determining whether contributory negligence is present under the facts of the accident or incident, and also in ascertaining the effect of contributory negligence as a bar to the claim under consideration. Contributory negligence will constitute an absolute bar to a claim under applicable local law in practically all jurisdictions. The doctrine of comparative negligence is recognized in few places.

(e) *Claims of subrogees.* (1) Settlement of claims not exceeding $1,000 will be made solely with the insured rather than with the insurer or with both the insured and insurer, in cases of damage, loss, destruction, injury, or death, covered by insurance. No inquiry will be made into the relative interests between insured and insurer. The entire claim, including any portion thereof insured against, will be filed by or on behalf of the insured and payment of the entire amount approved will be made in the name of and to the insured. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney, insurance policy provisions, or other satisfactory documentary evidence.

(2) The principles set forth in subparagraph (1) of this paragraph, with respect to subrogation arising from insurance contracts, are applicable to all cases of subrogation.

(3) Although a claim filed in the name of a subrogee may not be considered by the Department of the Army under this section pertaining to the settlement of claims for $1,000 or less, the substantive rights of the subrogee will be determined when properly presented in accordance with the law of the place where the negligent or wrongful act or omission of the Government employee, while acting within the scope of his office or employment, occurred.

(f) *Statute of limitations.* (1) Claims for $1,000 or less, against the United States, cognizable under the act and the regulations set forth in this section, must be presented in writing to the Department of the Army within 1 year after such claim accrued or within 1 year after August 2, 1946, the date of enactment of the act, whichever is later.

(2) A suit may be filed pursuant to the act if brought within 1 year after such claim accrued or within 1 year after the date of enactment of this act, whichever is later. In the event that a claim for a sum not exceeding $1,000 is presented to the Department of the Army, the time to institute a suit under the act shall be extended for a period of 6 months from the date of mailing of notice to the claimant by the Department of the Army with respect to the final disposition of the claim, or for a period of 6 months from the date of withdrawal of the claim from the Department of the Army.

(g) *Acceptance of award.* (1) The acceptance by the claimant of any award, compromise, or settlement made pursuant to the act and this section shall be final and conclusive on the claimant, and shall constitute a complete release by the claimant of any claim against the United States and against the employees of the Department of the Army whose act or omission gave rise to the claim.

(2) An acceptance agreement and general release will be required of and signed by the claimant, or claimants, as a condition precedent to payment under the act and this section in all cases except where the claim is for property damage only, and is approved in the amount claimed, and the report of claims officer shows affirmatively that no persons were injured or killed in the accident or incident giving rise to the claim for property damage.

(h) *Attorneys' fees.* (1) The Secretary of the Army or his designee, making an award pursuant to the act and this section, may, as a part of the award, determine and allow reasonable attorneys' fees, which, if the amount awarded is $500 or more, shall not exceed 10 per centum of the sum approved, and shall be paid to the attorney representing the claimant, out of, but not in addition to, the amount of the award. The limitation of 10 per centum will not apply when the award is less than $500.

(2) Attorneys' fees may be fixed under subparagraph (1) of this paragraph, only on written request of either the claimant or his attorney.

(i) *Injury or death of military personnel or civilian employees.* (1) Claims on account of personal injury or death of military personnel of the Department of the Army incurred in line of duty will not be considered administratively under the provisions of this section.

(2) Claims on account of personal injury or death of civilian employees of the Department of the Army, to whom the Federal Employees' Compensation Act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751), as amended, is applicable, will not be considered administratively under the provisions of this action.

(3) Claims for medical, hospital and burial expenses, on account of injury or death of military personnel or civilian employees of the Army, will be first considered under the provisions of §§ 577.1–577.9 of this chapter and AR 40–505 (Medical Attendance—General Provisions), §§ 577.40–577.46 and AR 40–510 (Dental Attendance), or §§ 536.50–536.53 and AR 30–1830 (Burial Expenses); claims of civilian employees not within the provisions of AR 40–505, 40–510, or 30–1830, may be within the jurisdiction of the United States Employees' Compensation Commission under the provisions of the act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751), as amended (§ 536.17 (b) and AR 25–25).

(j) *Approval or disapproval of claims.* Subject to appeal to the Secretary of the Army, claims under the provisions of this section may be approved or disapproved, in whole or in part, by the Chief, Claims and Litigation Group, Office of The Judge Advocate General, Washington 25, D. C.

(k) *Appeal.* (1) Upon disapproval of a claim in whole or in part by the approving authority, the claimant will be notified in writing of the action taken and the reason therefor; and he will in such notice be advised of his right to appeal, stating in such appeal the grounds relied on, to the Secretary of the Army, through the authority disapproving the claim, within 30 days after the receipt by the claimant of such notification. An appeal will be considered as having been taken seasonably if mailed or delivered within 30 days after the receipt by the claimant of such notification. No notice of the right to appeal is necessary if the full amount claimed is approved for payment.

(2) The action of the approving authority in approving or disapproving a claim in whole or in part will be final and conclusive for all administrative purposes unless the claimant appeals in writing to the Secretary of the Army as herein provided.

(l) *Conditions of payment.* Prior to payment by the Department of the Army of any claim within the provisions of the act and this section, each of the following conditions must be fulfilled:

(1) The amount of the damage, loss, or destruction, or the amount payable on account of personal injury or death, must be determined in accordance with the law of the place where the negligent act or omission occurred.

(2) The payment must not exceed $1,000.

(3) Claims by subrogees will not be recognized except as an element of the subrogor's claim.

(4) The claim must be presented within 1 year after the occurrence of the accident or incident out of which the claim arises or within 1 year after August 2, 1946, the date of enactment of the act, whichever is later.

(5) Negligence or wrongful act of the claimant, constituting a proximate cause, bars a claim in most jurisdictions. However, the effect of contributory negligence on the part of the claimant as a bar to his claim must be determined in each instance in accordance with the law of the place where the act or omission occurred.

(6) The claim must be approved as provided in paragraph (j) of this section, or, on appeal, by the Secretary of the Army.

(7) The claimant must accept, in writing, in full satisfaction and final settlement:

(i) The amount approved for personal injury or wrongful death, even though equal to amount claimed.

(ii) The amount approved for property damage or loss if less than the amount claimed.

(iii) The amount approved for property damage or loss equal to amount claimed when personal injury or death resulted also from the accident or incident giving rise to the claim for property damage, even though no claim is filed on account of the personal injury or death.

(8) Claims payable under the provisions of Article of War 105 are not payable under the provisions of this section.

(9) Claims payable under the provisions of §§ 536.12 to 536.21 are not payable under the provisions of this section.

(10) Foreign claims payable under the provisions of § 536.26 are not payable under the provisions of this section.

(11) Personnel claims payable under the provisions of § 536.27 are not payable under the provisions of this section.

(12) Claims for personal injury or death of military personnel or civilian employees incident to their service are not payable under the provisions of this section.

(m) *Superseded provisions.* With respect to claims for $1,000 or less, and otherwise cognizable under the act and this section, the Federal Tort Claims Act (60 Stat. 812) repeals all provisions of law, and this section supersedes other regulations, authorizing the Department of the Army to consider, ascertain, adjust, determine, settle, or pay such claims on account of damage to or loss of property, or on account of personal injury or death, caused by the negligent or wrongful act or omission of any military personnel or civilian employee of the Department of the Army while acting within the scope of his office or employment. The act and this section provide the exclusive procedure whereby these claims for $1,000 or less, predicated on negligence, may be processed. See paragraph (a) of this section. (Title IV, 60 Stat. 812.)

ENLISTED MEN ABSENT WITHOUT LEAVE, DESERTERS, AND ESCAPED MILITARY PRISONERS

AUTHORITY: §§ 536.30 to 536.34 and 536.40 issued under R. S. 161, 47 Stat. 1575, 54 Stat. 357, 57 Stat. 372; 5 U. S. C. 22, 10 U. S. C. 1431, 1460, 31 U. S. C. 223b.

DERIVATION: AR 615–300, Mar. 17, 1944; AR 35–2620, June 30, 1943; AR 55–500, July 3, 1943.

§ 536.30 *Apprehension of absentees and deserters—(a) Military personnel.* All military personnel are authorized to arrest absentees and deserters, whatever may be the grade of the person making the arrest or the person arrested.

(b) *Civil personnel.* Any civil officer or citizen may arrest, detain, and deliver an absentee or deserter when authorized by an officer of the Army. Such authority may be given by distributing Form 45 (Descriptive List of Absentee Wanted by United States Army), or in reply to an inquiry in accordance with paragraph (c) of this section.

(c) *Inquiry from civil officer or citizen.* Upon receipt of word by a post or organization commander from a civil officer or other citizen that such civilian intends to arrest, or has arrested, an alleged absentee or deserter from his post or organization, the commander will ascertain such person's status and will promptly inform the inquirer and the soldier's organization commander (if other than his own) concerning it, by telephone, telegraph, or other expeditious means. If the person held is an absentee or deserter, the commander will request the person holding him either to deliver him to, or request a guard from the nearest military post, or hold him awaiting the arrival of the guard, and will inform such person of his right to payment for his services. (See § 536.32.)

(d) *Guards.* Upon receipt of information that a civil officer, or other civilian, is holding an absentee or deserter, the post commander will cause a guard to be sent with all reasonable speed and in any event not later than 24 hours after receipt of the notification. If it is impracticable for the commanding officer receiving the notification to provide a guard from his command, he will make arrangements with a commander capable of providing a guard, or will report the case to the commanding general of the army concerned.

(e) *Commanding generals of armies (ZI).* Commanding generals of armies (ZI) will take steps to secure the active cooperation of all State and local police forces, and such other officials and organizations as they may deem useful to insure that absentees and deserters are returned promptly to military control.

§ 536.31 *Definitions—(a) Absent without leave.* The status of a person subject to military law who fails to repair at the fixed time to the properly appointed place of duty or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave.

(b) *Absentee.* One who is absent without leave.

(c) *Deserter.* A person who has deserted from a lawful enlistment, call, or draft, in or to the Army of the United States; whose trial is not barred by the thirty-ninth Article of War; who has not been acquitted or convicted of such desertion, or pardoned; who has not been discharged from the enlistment, call, or draft from which he deserted; and who has not been dishonorably discharged from a subsequent enlistment, call, or draft.

(d) *Involuntary absence.* Absence without leave or desertion by a person who has been entrapped, induced, or in any manner caused to absent himself or desert by act or procurement of superior military authority.

(e) *Military prisoner.* A garrison prisoner, whether detained, arraigned, or sentenced; or a general prisoner. (See §§ 512.1–512.3 of this chapter.)

(f) *Military post.* A military post, camp, or station at which facilities exist for the reception and custody of prisoners. It excludes troops in campaign, maneuvers or on the march, unless the commanding officer of such troops thinks proper to receive an absentee, deserter, or escaped military prisoner. It also excludes recruiting offices.

(g) *United States.* The continental United States exclusive of Alaska and the Canal Zone.

§ 536.32 *Payment for arrest and delivery of enlisted men absent without leave, deserters, and escaped military prisoners—(a) Services for which payment will be made—(1) Arrest.* Fifteen dollars will be paid to the civil officer or other person arresting:

(i) An enlisted man absent without leave when the arrest and detention is authorized by a military officer.

(ii) A deserter (other than a Philippine Scout), or

(iii) An escaped military prisoner (other than one who was a Philippine Scout immediately before becoming a prisoner), and turning him over to a guard sent for him. For the same services with respect to a deserter from the Philippine Scouts or an escaped military prisoner who immediately before becoming such was a Philippine Scout, $10 will be paid.

(2) *Arrest and delivery.* Twenty-five dollars will be paid to the civil officer or other person arresting and delivering—

(i) An enlisted man absent without leave when the arrest and detention is authorized by a military officer.

(ii) A deserter (other than a Philippine Scout), or

(iii) An escaped military prisoner (other than one who was a Philippine Scout immediately before becoming a prisoner) at a military post. For the same services with respect to a deserter from the Philippine Scouts or an escaped military prisoner who immediately before becoming such was a Philippine Scout, $15 will be paid.

(b) *To whom paid.* The payment mentioned in paragraph (a) (1) or (2) of this section, as the case may be, will be made to the person or persons actually making the arrest of an enlisted man absent without leave, a deserter, or an escaped military prisoner and the turnover or delivery of the person arrested. If two or more persons join in performing these services payment may be made to them jointly. Payment will be made whether the enlisted man absent without leave, deserter, or escaped military prisoner surrenders or is apprehended. Payment will not be made merely for information leading to an arrest, or for an arrest not followed by the return of the person arrested to military control.

(c) *By whom paid.* The payments mentioned in paragraph (a) of this section will be made by disbursing officers of the Finance Department, and will be in full satisfaction of all expenses of arresting, keeping, and delivering the enlisted man absent without leave, deserter, or escaped military prisoner.

§ 536.33 *Surrender on advice of attorney.* When a deserter or an escaped military prisoner surrenders himself to military authorities upon advice of his attorney, the attorney is not entitled to reward offered for apprehension of such deserter or escaped military prisoner, his claim for such reward being incompatible with his duty to his client. (See 27 Comp. Dec. 482.)

§ 536.34 *Detective agencies.* (a) The act of March 3, 1893 (27 Stat. 591; 5 U. S. C. 53; M. L. 1939, sec. 643), provides:

That hereafter no employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia.

(b) A detective agency could not legally be employed to apprehend and deliver a deserter or an escaped military prisoner so as to obligate the Government to pay therefor, but information having come to the agency that a certain person was a deserter or an escaped military prisoner, the reimbursement of the actual expenses not exceeding $25 incurred in delivering him from the place found into the hands of the Army officers at the nearest post is not considered an "employment" within the prohibition of the act of March 3, 1893. (See MS. Comp. Gen., AD 7112, October 21, 1922.)

§ 536.40 *Property of absentee.* (a) When a soldier absents himself without leave, his company commander will cause the public property, including clothing, for which the absentee is responsible, to be searched for and secured. His personal effects will be inventoried and retained with his organization until he returns to military control, or until he is dropped from the rolls as AWOL. In the latter case they will be disposed of as follows:

(1) Decorations, medals, discharges, and other military papers will be forwarded to The Adjutant General.

(2) Articles having material value will be disposed of by auction sale within the organization and the proceeds therefrom, together with any money left by the absentee, will be deposited with a disbursing officer, whose receipt will be taken and forwarded to The Adjutant General. The receipt will show the nature of the deposit, whether from the proceeds of sale, or money left by the absentee.

(3) Articles having no salable value will be destroyed.

(b) In no case will the effects of an absentee, or any proceeds of the sale thereof, be turned over to his relatives, nor any payment made therefrom on any account except with the approval of the Department of the Army.

MARINE CASUALTIES

§ 536.44 *Marine casualties; claims—(a) Scope—(1) General.* The regulations in this section are concerned with marine casualties, as hereinafter defined, involving vessels, cargoes, or water-front facilities, under the jurisdiction of the Transportation Corps.

(2) *Claims.* The provisions of this section apply to all claims otherwise within the scope thereof, not heretofore paid, arising out of marine casualties, as herein defined, occurring on or after May 27, 1941.

(b) *Definitions.* The expressions "Army vessel," "marine casualty," and "investigating officer," are used as follows:

(1) *Army vessel.* Any vessel owned by, or bareboat chartered, sub-bareboat chartered or allocated on a bareboat basis to the Army and under the jurisdiction of the Transportation Corps. Vessels operated by the U. S. Air Force, the Army Field Forces, or any of the administrative or technical staffs or serv-

ices of the army other than the Transportation Corps are not included.

(2) *Marine casualty.* (i) Any collision, grounding, fire, explosion, or other accident or incident involving an Army vessel resulting in loss of life, personal injury, or damage to or loss of vessel, cargo, or other property.

(ii) Any accident or incident resulting in damage to a pier, dock, wharf, quay, or other waterfront facility under the jurisdiction of the Transportation Corps.

(iii) Any accident or incident which may result in a salvage claim, or general average contribution in respect of either vessel or cargo.

(iv) Damage to or loss of cargo while being carried on an Army vessel.

(v) Damage to or loss of vessel or cargo caused by Army stevedores, or stevedores under contract with the Army, in the course of the loading or discharging of cargo on or from a vessel.

(3) *Investigating officer.* An officer designated pursuant to the provisions of Army regulations to investigate marine casualties.

(c) *Action by claimant*—(1) *Claimant.* Claims must be presented by the owner of the property damaged or the person injured, or his duly authorized agent or legal representative. The word "owner," as so used, includes bailees, lessees, mortgagors, and conditional vendees but does not include mortgagees, conditional vendors, and others having title for purposes of security only. The claim, if filed by an agent or legal representative, should show the title or capacity of the person signing and be accompanied by evidence of the appointment of such agent, executor, administrator, guardian, trustee, or other fiduciary.

(2) *Form of claim.* Claims should be submitted by presenting in triplicate a sworn statement in writing stating the claimant's address and setting forth the amount of the claim and, so far as possible, the detailed facts and circumstances surrounding the occurrence, indicating the date and place, the property and persons involved, the nature and extent of the damage or injury, and the agency which was the cause or occasion thereof. Department of the Army forms will be used whenever practicable.

(3) *Evidence to be submitted by claimant*—(i) *General.* The amount claimed for damage to or loss or destruction of property, or for personal injury or death, must be substantiated by competent evidence.

(ii) *Property damage.* In support of claims for damage to or destruction of property which has been or can be repaired or replaced, the claimant should submit an itemized signed statement or estimate of the cost of repairs or replacement; if not reparable, the value thereof before and after the casualty occurred should be stated. Whenever a claim includes an item for detention during repairs of damage to vessel, proof establishing such item should be submitted and should include; the date when the vessel was disabled; date on which she was laid up for repairs, and name and location of repair work; date when repairs were commenced and completed; whether while laid up for repairs any other work was performed on the vessel and, if so, the amount and character thereof and the time required for performance; date on which the vessel was returned to service after completion of repairs and where put in service; whether there was opportunity to employ or hire vessel during time laid up for repairs; whether vessel was under charter and, if so, rate of charter hire; and the usual charter rate for the vessel and running expenses. All such statement or estimate should be in triplicate and, if possible, by disinterested competent witnesses, preferably reputable dealers of the type of property damaged or destroyed. Such statements and estimates should be certified as just and correct; if payment has been made, itemized receipts evidencing payment should be included.

(iii) *Personal injury.* In support of claims for personal injury or death, the claimant should submit in triplicate a written report by attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, and the period of hospitalization or incapacitation, and bills for medical, hospital, or burial expenses actually incurred.

(4) *Signature.* The claim and all other papers requiring the signature of the claimant should be signed by the claimant personally or by a duly authorized agent. The signature of such claimant or agent should be identical throughout.

(5) *Place of filing.* The claim should be submitted to the commanding officer of the Army installation under whose immediate control the vessel was operated, if known, otherwise to the commanding officer of any post, camp, station, or other military establishment, if practicable the one within which or nearest to which the casualty occurred.

(d) *Claims of subrogees*—(1) *Included.* Settlement will be made solely with the insured, rather than with the insurer or with both the insured and insurer, in cases of damage, loss, destruction, injury, or death covered by insurance. No inquiry will be made into, nor determination made of, the relative interests as between insured and insurer. The entire claim, including any portion thereof insured against, will be filed by or on behalf of the insured and payment of the entire amount allowed will be made in the name of the insured. Evidence of authority to file a claim on behalf of the insured may be established by a power of attorney, insurance policy provision, or other documentary evidence. The foregoing provisions will be equally applicable in cases of subrogation based other than on insurance.

(2) *Not included.* Claims by subrogees in their own right are not within the scope of these regulations and will not be considered.

(3) *Claims presented prior to July 3, 1943.* The provisions of subparagraphs (1) and (2) of this paragraph will, however, be inapplicable to claims filed prior to July 3, 1943.

(e) *Conditions of payment.* Prior to payment of any claim within the provisions of this section, each of the following conditions must be fulfilled:

(1) Amount of the damage, loss, or destruction, or amount to be allowed on account of personal injury or death, must be determined.

(2) Award must not exceed $1,000 ($500 in time of peace).

(3) Claims must be within the scope of this section, as outlined in paragraph (b) (2) of this section.

(4) Claim must be presented in writing, ordinarily within 1 year after the occurrence of the casualty out of which the claim arises.

(5) Claim must be approved by officials designated in Army Regulations or, on appeal, by the Secretary of the Army.

(6) Claimant must accept, in full satisfaction and final settlement, the amount allowed if less than the full amount claimed.

(7) Claims payable under the provisions of AW 105 are not payable under the provisions of this section.

(8) Personal claims payable under the provisions of § 536.27 are not payable under the provisions of this section.

(9) Claims of military personnel or civilian employees incident to their service are not payable under the provisions of this section.

(f) *Claims in excess of $1,000.* Claims in excess of $1,000 ($500 in time of peace) if otherwise within the scope of this section, may be reported by the Secretary of the Army to Congress for its consideration. Any claim which is asserted in an amount in excess of $1,000 will be forwarded, with related files and recommendations, by or through the Chief of Transportation to The Judge Advocate General for appropriate action.

(g) *Regulations not applicable.* Marine casualties will not be investigated or processed or claims arising therefrom processed or disposed of, under the provisions of §§ 536.1–536.10, 536.12–536.23 or §§ 537.3–537.5. (R. S. 161, 47 Stat. 1575, 54 Stat. 357, 57 Stat. 372; 5 U. S. C. 22, 10 U. S. C. 1431, 1460, 31 U. S. C. 223b) [AR 615–300, Mar. 17, 1944; AR 35–2620, June 30, 1943; AR 55–500, July 3, 1943]

BURIAL EXPENSES

AUTHORITY: §§ 536.50 to 536.53, issued under 52 Stat. 398; 10 U. S. C. 916–916d. See also 49 Stat. 1507, 10 U. S. C. 455a–455d, 32 U. S. C. 164a–164c; 54 Stat. 743, 5 U. S. C. 103a, 103b; 56 Stat 280, 10 U. S. C., Sup., 1711; 57 Stat. 372, 31 U. S. C., Sup., 223b; E. O. 8557, 3 CFR.

DERIVATION: AR 30–1830, Oct. 13, 1944.

§ 536.50 *For whom authorized*—(a) *Regular Army and Army of the United States.*

(1) Officers.[1]

(2) Army nurses.[1]

(3) Warrant officers.[1]

(4) Cadets, United States Military Academy.[1]

(5) Women's Army Auxiliary Corps personnel.[1]

(6) Enlisted men.[1]

(7) Contract surgeons.[1]

(8) Retired officers or enlisted men who die while on active duty by proper assignment.

(9) Accepted applicants for enlistment.

[1] On the active list.

(10) Garrison prisoners, or general prisoners whose discharge has been suspended.

(11) Enlisted men who are discharged in a hospital in the United States and continue as inmates of the hospital to date of death.

(b) *The following components other than the Regular Army.* (1) Officers, warrant officers, and enlisted men of the National Guard:

(i) Who die while en route to or from or during their attendance at encampments, maneuvers, or other exercises, or at service schools, authorized under the provisions of sections 94, 97, and 99 of the National Defense Act.

(ii) Who die after the period of authorized attendance at encampments, maneuvers, or other exercises, or at service schools, while undergoing hospitalization for a disease or injury contracted or incurred in line of duty while en route to or from or during their attendance at encampments, maneuvers, or other exercises, or at service schools, authorized under the provisions of sections 94, 97, or 99 of the National Defense Act.

(iii) Who die as a result of personal injury (as distinguished from disease) in line of duty while participating in aerial flights in Government-owned aircraft, prescribed under the provisions of section 92 of the National Defense Act, or who die while undergoing hospitalization for such injury.

(2) Members of the Officers' Reserve Corps and of the Enlisted Reserve Corps on active duty under proper orders in time of peace:

(i) Who die while on active duty.

(ii) Who die after relief from active duty while undergoing hospitalization for disease or injury contracted or incurred in line of duty while on active duty.

(iii) Who die as a result of personal injury (as distinguished from disease) in line of duty while voluntarily participating when not on active duty in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, or who die while undergoing hospitalizaton for such injury.

(3) Members of the National Guard of the United States on active duty under proper orders in time of peace:

(i) Who die while on active duty.

(ii) Who die after relief from active duty while undergoing hospitalization for disease or injury contracted or incurred in line of duty while on active duty.

(4) Members of the Reserve Officers' Training Corps and members of the Citizens' Military Training Camps:

(i) Who die while en route to or from or during their attendance at camps of instruction held under the provisions of sections 47a and 47d of the National Defense Act: *Provided*, That, in the case of death while en route to or from camp, no undue delay or circumstances are involved in the travel and that the travel is performed over the usually traveled routes.

(ii) Who die subsequent to arrival at their homes while undergoing hospitalization for disease or injury contracted or incurred in line of duty while en route to or from or during their attendance at camps of instruction held under the provisions of sections 47a and 47d of the National Defense Act.

(c) *Civilian employees.* (1) Civilian employees of the Army who have been ordered by competent authority away from their homes in the United States to foreign countries, Hawaii, the Philippine Islands, Alaska, Puerto Rico, or the Canal Zone, and who die while on duty in such places or while performing authorized travel thereto or therefrom. (52 Stat. 399; 10 U. S. C. 916b)

(2) Civilian employees of the Army who die on Army transports or while accompanying troops in the field, or who, while on Army transports or while accompanying troops in the field, incur injury or contract disease resulting directly in death away from their homes. (52 Stat. 399; 10 U. S. C. 916b)

(3) Any civilian employee (temporary or permanent) of the United States Government who dies as a result of injuries received in the performance of his official duty. (39 Stat. 745, 44 Stat. 1087; 5 U. S. C. 761)

(4) Civilian employees of the Department of the Army who die while traveling on official business within the continental limits of the United States. (54 Stat. 743, 5 U. S. C. 103a, 103b; E. O. 8557, 3 CFR Cum. Supp.)

(5) Civilian employees of the Department of the Army other than those enumerated above, who die while traveling on official business outside the continental limits of the United States or while on assignment to a post outside the United States, including American citizens hired locally, whose homes in fact are in the continental United States. (54 Stat. 743, 5 U. S. C. 103a, 103b; E. O. 8557, 3 CFR Cum. Supp.)

(6) Where it is necessary for sanitary reasons to remove the remains of an employee from the grounds on which other employees are located and payment of funeral and burial expenses cannot be effected under the provisions of subparagraphs (1), (2), (3), (4), and (5) of this paragraph, or where local municipal authorities will not assume custody of the body, the reasonable expenses of a decent burial may be authorized as an incident to the work on which the decedent was engaged. (See 11 Comp. Dec. 789.)

(d) *Military prisoners.* Military prisoners who die at a military post.

§ 536.51 *Expenses allowable*—(a) *For personnel of the Army of the United States and Regular Army (§ 536.50 (a)) and civilian employees of the Department of the Army described in § 536.50 (c) (1) and (2)*—(1) *Burial expenses proper.* Expenses incident to initial preparation of remains, restricted to:

(i) Undertaker's services, including embalming and other preservative methods.

(ii) Cost of casket.

(iii) Cost of outside box, when required.

(iv) Hire of hearse.

(2) *Transportation.* The Government is responsible for providing transportation for the remains to the city or town or to an address not located in a city or town designated by the next of kin in disposition instructions. Authorized transportation necessary to ship the remains to the common carrier terminal of the city or town designated by legal next of kin, or in the absence of instructions from such next of kin, to the common carrier terminal of the nearest national or post cemetery, will be provided in accordance with § 633.6 of this chapter. The term "common carrier terminal" as used herein is defined as the railroad station or ship's pier in the city or town having rail or water service that meets the military requirements of the Government. If the destination specified by the next of kin is a city or town without suitable rail or water service (hereinafter referred to as an inland town) or it is an address not located in a city or town, and transportation beyond a common carrier terminal is required, the provisions of subdivision (ii) (*b*) of this subparagraph will govern. The provisions of this subparagraph as hereinafter stated apply equally to current deceased who die on or after October 10, 1947 and World War II deceased declared eligible under the provisions of Public Law 383, 79th Congress, as amended by Public Law 368, 80th Congress.

(i) No shipment of remains will be made direct to national or post cemeteries without prior clearance from the national cemetery superintendent or commanding officer of the post cemetery concerned. When remains are shipped to a national or post cemetery for interment, the commanding officer of the station from which the remains are shipped will advise by telegram the national cemetery superintendent or commanding officer of the post cemetery of the mode of shipment, date, and time of departure and scheduled time of arrival of the remains. Upon receipt of shipping advice, the national cemetery superintendent or commanding officer of the post cemetery will make all necessary arrangements incident to the receipt, handling, transportation (including transportation of escort from common carrier terminal and return thereto), and temporary storage, when necessary, of the remains. Government facilities and labor will be used if available. If necessary, the services of a contract funeral director will be used when available. The funeral director rendering any of the services called for will be required to submit a properly certified itemized invoice to the national cemetery superintendent or commanding officer of the post cemetery concerned who will place thereon the following certification and then forward it to the appropriate Army purchasing and contracting officer for processing and payment: "I certify that the services itemized on this invoice have been satisfactorily rendered." Separate invoices will be required for current deceased and World War II deceased. National cemetery superintendents and commanding officers of post cemeteries will annotate each invoice received with a statement that the services rendered were either for current or World War II deceased.

(ii) Shipment of remains to destinations specified by next of kin for funeral services with subsequent interment in a

national or post cemetery: Prior to shipment, next of kin will be requested to designate a funeral director to receive the remains upon arrival at the common carrier terminal at destination. When remains are shipped by common carrier to the city or town, or to an address not located in a city or town, specified by the next of kin for funeral services prior to interment in a national or post cemetery, next of kin is responsible for making all arrangements for receiving the remains upon arrival at the common carrier terminal at or nearest the destination specified. (See subdivisions (ii) (*a*) and (ii) (*b*) of this subparagraph.) Next of kin is responsible also for making all arrangements for interment with the national cemetery superintendent or commanding officer of the post cemetery, and for delivery of the remains at his own expense direct to the cemetery grave site at such time as may be designated by the superintendent or commanding officer. When Government hearse facilities are available at the cemetery and the remains arrive at a common carrier terminal serving the cemetery, such hearse facilities may be utilized to transport the remains from that terminal to the cemetery, at no expense to the next of kin. Transportation requests will not be furnished for the transportation of the remains or escort from an intermediate point to a national or post cemetery. Next of kin may receive a partial reimbursement for transportation costs when burial is made ultimately in a national or post cemetery (see subdivision (iv) of this subparagraph).

(*a*) When next of kin specifies a city or town served by suitable common carrier transportation: Common carrier transportation is furnished by the Government to the common carrier terminal serving the city or town of destination. Hearse hire to transport the remains upon arrival at the common carrier terminal is an obligation of the next of kin.

(*b*) When next of kin specifies an inland town or an address not located in a city or town: Common carrier transportation is furnished by the Government to the common carrier terminal nearest the specified destination. Normally, transportation of the remains and escort from the common carrier terminal nearest the specified destination, and return of escort thereto, is made by the receiving funeral director engaged by the next of kin. The receiving funeral director will be advised to submit a properly certified itemized invoice to the commanding officer of the shipping station, listing the cost of hearse hire to transport the remains and escort to destination specified, and to return escort to the common carrier terminal, should this be necessary. When the next of kin fails to engage a receiving funeral director, the commanding officer of the shipping station through his designated purchasing and contracting officer will contract in accordance with current Procurement Regulations with a funeral director located at or near the common carrier terminal nearest the specified destination, to receive the remains upon arrival and to transport the remains and escort to the inland destination specified, and to return escort to the common carrier terminal, should this be necessary. The funeral director will be advised to submit a properly certified itemized invoice for the services rendered. Invoices when received by the commanding officer will be annotated with a statement that the services rendered were either for current or World War II deceased, and forwarded to the local finance officer for payment.

(iii) Shipment of remains by common carrier to destination specified by next of kin for burial in a private cemetery: Prior to shipment, next of kin will be requested to designate a funeral director to receive the remains upon arrival at the common carrier terminal at destination. When remains are shipped by common carrier to the city or town or to an address not located in a city or town specified by the next of kin for interment in a private cemetery, next of kin is responsible for making all arrangements for receiving the remains upon arrival at the common carrier terminal at or nearest to the destination specified. Should next of kin, after having designated burial in a private cemetery, decide to have the remains interred in a national or post cemetery of his choice, next of kin is responsible for making all arrangements for interment with the cemetery superintendent or commanding officer of the post cemetery, and for delivery of the remains at his own expense direct to the cemetery grave site. (See subdivision (ii) of this subparagraph.)

(*a*) Next of kin specifies a city or town served by common carrier transportation. (See subdivision (ii) (*a*) of this subparagraph.)

(*b*) Next of kin specifies an inland town or an address not located in a city or town. (See subdivision (ii) (*h*) of this subparagraph.)

(iv) Reimbursement for transportation costs when remains are shipped to next of kin prior to interment in a national or post cemetery: When the actual transportation cost to the Government in delivering the remains to a destination designated by next of kin is less than what it would have cost the Government to deliver the remains direct to the national or post cemetery, the next of kin upon filing claim therefor, may be allowed the difference in cost if the amount expended by the next of kin for transportation to the national or post cemetery equals or exceeds such difference in cost; otherwise only an amount equal to that actually expended by the next of kin for such transportation may be allowed. No other allowance will be made.

(v) Claims for reimbursement must be submitted in the form of an unitemized certificate to the commanding officer of the shipping installation who will forward them to the local finance officer for processing and payment. This certificate must be signed by the person paying the transportation expenses from the home to the national or post cemetery, must show the total amount actually paid for such transportation, to include the cost of hearse hire from the common carrier terminal at or nearest the national or post cemetery to the cemetery grave site, must indicate name and location of national or post cemetery where final interment was made, and must indicate whether decedent was current or World War II deceased.

(3) *Flag.* An interment flag is authorized to be furnished to drape the casket containing the remains of each officer or enlisted man who dies while on the active list. The flag may be retained by the legal next of kin after the funeral. No flag is authorized to be furnished for a civilian employee.

(4) *Clothing.* The clothing of the deceased will be used to clothe the remains, if available, and in a clean and good condition. If such clothing is not available, new clothing may be issued to enlisted men as set forth in Army Regulations. In the case of officers who are not entitled to issue clothing, and in any case of an enlisted man where neither his own clothing nor issue clothing is available, necessary clothing may be purchased chargeable to funds available for the disposition of remains. (See 21 Comp. Gen. 673)

(5) *Recovery of bodies.* Necessary expenses to recover bodies.

(6) *Interment expenses.* The provisions of this subparagraph as hereinafter stated apply equally to current deceased who die on or after October 10, 1947 and World War II deceased declared eligible under the provisions of Public Law 383, 79th Congress, as amended by Public Law 368, 80th Congress.

(i) Interment in a private cemetery: An amount not exceeding $75 will be allowed toward interment expenses when final interment of remains is in a private cemetery. Upon request, the Government will reimburse such next of kin or other persons who pay interment expenses for such expenses up to but not exceeding the $75 maximum; any expenses over and above this amount must be borne by the next of kin or other persons who incurred or paid the expenses. An unitemized certificate signed by the person paying the interment expenses, showing the total amount of interment expenses actually paid, should be submitted by such persons to the commanding officer who arranged for shipment of the remains. The certificate must also indicate name and location of cemetery where final interment was made. The commanding officer, upon receiving such certificate, will place thereon a statement that the decedent was either current or World War II deceased, and then forward the certificate to the local finance officer for payment.

(ii) Interment in a national or post cemetery:

(*a*) Reimbursement of interment expenses will not be made to next of kin or any other person when burial is in a national or post cemetery.

(*b*) In connection with interments in national and post cemeteries, superintendents and commanding officers thereof will make all necessary arrangements for grave lowering devices, artificial grass matting, or such other equipment as may be required for interment of remains. Government facilities will be used if available. The services of a contract funeral director will be used where available.

(c) The funeral director rendering any of the services called for will be required to submit a properly certified itemized invoice to the national cemetery superintendent or commanding officer of the post cemetery concerned, who will place thereon the following certification, and then forward it to the appropriate Army purchasing and contracting officer for processing and payment: "I certify that the services itemized on this invoice have been satisfactorily rendered." Separate invoices will be required for current deceased and World War II deceased. National cemetery superintendents and commanding officers of post cemeteries will annotate each invoice received with a statement that the services rendered were either for current or World War II deceased.

(*d*) The Government is responsible for providing appropriate religious services at the final interment in a national or post cemetery except when next of kin desires to arrange for and to substitute private religious services. Normally, appropriate religious services will be provided by utilizing the services of military chaplains on active duty, or National Guard, Reserve Corps, or Naval Reserve chaplains when available. When military, National Guard, or Reserve chaplains are not available, the services of civilian clergymen may be utilized. When the services of civilian clergymen cannot be obtained gratuitously, their services may be obtained on a contractual basis. In the latter case, compensation for such services is payable by the Government as a part of the expenses of and incident to interment. Civilian clergymen rendering services on a contractual basis will be required to submit an invoice to the national cemetery superintendent or commanding officer of the post cemetery concerned, who will process the invoice in the same manner as prescribed in subdivision (ii) (c) of this subparagraph.

(7) *Cremation.* Remains may be cremated upon written request of legal next of kin only, either at place of death, or after arrival at destination. In addition to the cost of cremation a reasonable amount for a suitable urn for the ashes is authorized.

(b) *For components other than the Regular Army* (§ *536.50* (b)). (1) Recovery of body.

(2) Preparation for burial.

(3) Clothing.

(4) Cremation, in lieu of interment, including a suitable urn, at a reasonable cost.

(5) Interment expenses not to exceed $75. See paragraph (a) (6) of this section.

(6) Transportation of remains, including round-trip transportation and subsistence of an escort, to decedent's home or the place where he received orders for the period of training upon which engaged at the time of his death, or to such other place as his relatives may designate provided the distance to such other place is not greater than the distance to his home. When the destination specified is an inland town or an address not in a city or town, the provisions of paragraph (a) (2) (iii) (*b*) of this section will apply, subject to the limitations imposed by the preceding sentence.

(c) *For civilian employees described in paragraph* (c) (3) *of* § *536.50.* This subject is within the jurisdiction of the Employees' Compensation Commission.

(d) *For civilian employees described in paragraph* (c) (4) *of* § *536.50.* (1) Preparation of remains, the cost not exceeding $100, to include:

(i) Embalming.

(ii) Cremation.

(iii) Necessary clothing.

(iv) Casket.

(2) Transportation of the remains to the home or official station of the decedent or to such other place as may be designated as the appropriate place of interment: *Provided*, That in no case will the expenses payable be greater than the amount which would have been payable had the place of interment been the home or official station, whichever shall be more distant, to include—

(i) Costs of removal of the remains from the place where death occurred to an undertaking establishment.

(ii) Procurement of burial and shipping permits.

(iii) Furnishing an outside case for shipment (including, when necessary, the sealing of such shipping case). No allowance for outside case will be made if conveyance is by hearse.

(iv) Removal to a common carrier.

(v) Transporting body by common carrier. Instead of conveyance by common carrier, removal of the remains overland by hearse (including ferry charges, bridge tolls, and similar items) may be allowed: *Provided*, That the total charges for transportation shall not exceed the total costs of transportation had conveyance been made by common carrier.

(vi) One removal at the place of interment from the common carrier to an undertaking establishment or other place of immediate delivery.

(vii) Transportation expenses of an escort for the remains will not be allowed. However, this will not be construed to prohibit the use by an escort of one of the two tickets required to ship the remains as baggage by railroad.

(e) *For civilian employees described in paragraph* (c) (5) *of* § *536.50.* (1) Preparation of remains, to include all the ordinary costs of:

(i) Embalming.

(ii) Cremation.

(iii) Necessary clothing.

(iv) Casket or container suitable for shipment to the place of interment.

(v) Any expenses necessarily incurred in complying with local laws and laws at the port of entry in the United States relative to the preparation of dead bodies for transportation and burial.

(2) Transportation of the remains to the home or official station of the decedent or to such other place as may be designated as the appropriate place of interment, provided that in no case will the expenses payable be greater than the amount which would have been payable had the place of interment been the home or official station, whichever shall be more distant, to include:

(i) Removal of the remains from place where death occurred to an undertaking establishment.

(ii) Removal from the undertaking establishment to a common carrier.

(iii) Transportation by common carrier to the place of interment. The remains may be transported by means other than by common carrier, provided that when conveyance by common carrier is available there will be allowed toward the expense of such other transportation an amount not in excess of the sum allowable had the remains been transported by common carrier.

(iv) One removal at the place of interment from the common carrier.

(v) Transportation expenses of an escort for the remains will not be allowed. However, this will not be construed to prohibit the use by an escort of one of the two tickets required to ship the remains as baggage by railroad.

(3) In addition to preparation and transportation of the remains of these civilian employees, the costs of transportation of dependents of the decedent and of the household effects and other personal property of the decedent and his dependents to his former home or to another place in the United States not more distant than the former home of the decedent are authorized. (See §§ 633.1–633.7 of this chapter for transportation of dependents and § 633.8 of this chapter for transportation of household effects and personal effects.)

(f) *For military prisoners.* For persons coming under § 536.50 (d) (military prisoners sentenced to discharge or dismissal, where the execution thereof has not been suspended), expenses are limited to the following:

(1) Preparation of remains.

(2) Interment at place of death; or interment expenses not to exceed $75.

§ 536.52 *Burial services, how obtained*—(a) *Within continental limits of United States*—(1) *Under contract.* Burial services proper, as set forth in paragraph (a) (1) of § 536.51, will be obtained by negotiation in accordance with current Procurement Regulations, under contracts entered into with local undertakers in the vicinity of military installations. These contracts will be accomplished on Uniform Burial Service Contract forms in accordance with instructions promulgated by The Quartermaster General. Prior to becoming effective burial service contracts will require the approval of the commanding general of the service command in which the contracting officer is stationed. This information (that contracts will not be effective until approved) will be communicated to the contractor during negotiations. In delegating authority to a member of his staff to approve contracts for burial services, the commanding general of the service command, other qualifications being equal, should select, if available, a quartermaster officer who has had experience in this field. The specifications which form a part of the contract forms will be strictly adhered to and no deviations will be made without first obtaining approval from The Quartermaster General.

(2) *Where death occurs at decedent's regular post, camp, or station.* (i) If a burial service contract is in effect, the remains will be prepared under such contract and payment will be made by the finance officer designated in the contract to make payments thereunder.

(ii) If no burial service contract is in effect, the purchasing and contracting officer or other supply officer will negotiate with a reputable funeral director for the required embalming, preservation, casket, outside box, and hearse service, in accordance with the specifications in the Uniform Burial Service Contract form, and forward the invoices for same, properly certified, to the local finance officer for payment.

(3) *Where death occurs at place other than decedent's regular post, camp, or station, and military authorities nearest to place of death handle disposition of remains.* (i) If a burial service contract is in effect at place of death the remains will be prepared under such contract and payment will be made by the finance officer designated in the contract to make payments thereunder.

(ii) If no burial service contract is in effect at place of death, the military authorities nearest to the place of death should be notified to take charge, and such military authorities will obtain through negotiation the services of a reputable funeral director, make necessary arrangements for the required embalming, preservation, casket, outside box, and hearse service. The costs in such cases will vary, depending upon circumstances and cause of death, condition of remains, local facilities, etc. However, costs should be kept to the minimum obtainable under the standard set forth in the Uniform Burial Service Contract form to insure the arrival of the remains at destination in an acceptable state of preservation. Properly certified, itemized invoices in quadruplicate, and a copy of the telegram or other communication from the next of kin (or other person named as emergency addressee in the event there is no surviving next of kin) designating the name and address of the person who will incur interment expenses, will be transmitted by the military authorities negotiating for the services to The Quartermaster General for evaluation and payment.

(iii) The military authorities arranging for preparation will also arrange for necessary transportation to destination and will select an escort from available troops at their station (if remains are to be sent with an attendant). Transportation and escort will not be requested from the decedent's home station.

(4) *Where arrangements are made by relatives or others and no military authorities are handling case.* (i) If the relatives or other persons arranging for burial services do not pay the undertaker concerned, the undertaker should render an itemized invoice in quadruplicate to The Quartermaster General with the following certificate on each copy thereof:

I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to United States production and labor standards, and all conditions of purchase applicable to the transaction have been complied with; and that State or local sales taxes are not included in the amounts billed.

This certificate must be signed by the undertaker.

(ii) If relatives or others arranging for burial services pay the undertaker, reimbursement may be made as set forth in subdivision (iii) of this subparagraph, only upon receipt by The Quartermaster General of written request for reimbursement from the person paying same, accompanied by an itemized receipted bill in quadruplicate.

(iii) In connection with subdivisions (i) and (ii) of this subparagraph, The Quartermaster General, upon receipt of itemized invoice, will determine the amount to be allowed based upon all factors entering into the case and forward the claim to the General Accounting Office for settlement.

(iv) In addition to expenses for preparation of remains as set forth above, there may be allowed expenses for transportation, flag (in the case of military personnel only), clothing, recovery of bodies, cremation, and interment expenses as set forth in § 536.51.

(5) *Next of kin not compelled to use services of contract funeral director.* In any case, regardless of whether the decedent's death occurred at his regular post, camp, or station, or away therefrom, or whether or not there was a burial contract in effect under which the remains may be prepared, the next of kin may make their own arrangements and it is not compulsory for them to utilize the services of the contract funeral director. However, reimbursement can be made as set forth below.

(b) *Reimbursement*—(1) *Statutory authority.* (i) In any case where funeral expenses authorized in § 536.51 are borne by individuals, reimbursement to such individuals may be made of the amount allowed by the Government for such services, but no reimbursement will be made of any expenses incurred prior to the enactment of the act of May 17, 1938, which would not have been a proper charge against the Government prior to the date of approval thereof.

(ii) When the expenses of the recovery, preparation, and disposition of remains of officers, warrant officers and enlisted men of the National Guard; members of the Officers' Reserve Corps and of the Enlisted Reserve Corps; members of the National Guard of the United States; members of the Reserve Officers' Training Corps and members of the Citizens' Military Training Camps, or any part thereof, are paid by individuals, such individuals may be reimbursed therefor at an amount not exceeding that allowed by the Government for such services.

(2) *Limitation.* Except in the case of the civilian employees enumerated in paragraph (c) (3), (4), and (5) of § 536.50, if at the time and place of death a properly approved contract was in force, the amount to be allowed for burial expenses proper will be limited to the sum that such contract would have allowed for a similar case. However, if no such contract was in effect at the time and place of death, determination as to the amount to be allowed will be made by The Quartermaster General. It is not compulsory for relatives to utilize the services of the contract undertaker where a contract is in effect, but the Department of the Army may allow for reimbursement on the items covered by the contract only the amount the department would have paid thereunder for such items.

§ 536.53 *Shipment after temporary interment.* (a) When it is impracticable to ship the remains at the time of death, or if it is impossible to communicate with the emergency addressee before interment, the remains may be subsequently disinterred and shipped home at Government expense at the request of the emergency addressee.

(b) If the emergency addressee states that shipment home is not desired and the remains are interred at Government expense, subsequent disinterment or shipment of the remains will not be made at Government expense.

(c) When remains are interred at place of death during hostilities they subsequently may be disinterred and shipped home at Government expense.

MUSTERING-OUT PAYMENTS

AUTHORITY: §§ 536.75 to 536.77 issued under sec. 1, 58 Stat. 8; 38 U. S. C., Sup., 691a.
DERIVATION: AR 35-2490, Feb. 20, 1946.

§ 536.75 *Mustering-out payments*—(a) *To whom payable*—(1) *General.* Except as provided in paragraph (b) of this section, each member of the armed forces who shall have been engaged in active service in the present war, and who is discharged or relieved from active service under honorable conditions on or after December 7, 1941, shall be eligible to receive mustering-out payment.

(2) *Philippine scouts.* (i) After the date of enactment of this act, Philippine scouts enlisted under the provisions of section 14 of the act approved October 6, 1945 (59 Stat. 543; 10 U. S. C., Supp., 637) are entitled to mustering-out payment, except that for the purpose of computing such payments for service in the Philippine Scouts, service wholly performed in the Philippine Islands shall be compensated on the same basis as service wholly performed within the United States.

(ii) Payment made under the provisions of subdivision (i) of this subparagraph, shall be paid at the rate of one Philippine peso for each dollar authorized by the Mustering-out Payment Act of 1944.

(b) *To whom not payable.* No mustering-out payment shall be made to:

(1) Any member of the armed forces who, at the time of discharge or relief from active service, is receiving base pay at a higher rate than the base pay of the third period as prescribed in section 1 of the Pay Readjustment Act of 1942, as amended (56 Stat. 359, as amended; 37 U. S. C., Sup., 101–120).

(2) Any member of the armed forces who, at the time of discharge or relief from active service, is transferred or returned to the retired list with retirement pay or to a status in which he receives retirement pay.

(3) Any member of the armed forces for any active service performed prior to the date of his discharge or relief from active service on his own initiative to accept employment or, in the case of any member so relieved from active service, for any active service performed prior to the date of his discharge while in such inactive status, unless he has served outside the continental limits of the United States or in Alaska.

(4) Any Air Force Reserve officer who is entitled to receive a lump-sum payment under section 2, of the act of June 16, 1936, as amended (sec. 2, 49 Stat. 1524, as amended; 10 U. S. C. and Sup., 300a).

(5) Any member of the armed forces whose total period of service has been as a student detailed for training under:

(i) The Armed Specialized Training Program.

(ii) The Air Force College Training Program.

(6) Any member of the armed forces for any active service performed prior to the date of his discharge from such forces for the purpose of entering the United States Military Academy, the United States Naval Academy, or the United States Coast Guard Academy.

(7) Any member of the armed forces whose sole service has been as a cadet at the United States Military Academy or in a preparatory school after nomination as a principal, alternate, or candidate for admission to the Academy;

(8) Any commissioned officer unless he is discharged or relieved from active service within 3 years after the termination of the present war as proclaimed by the President; and

(9) Any person entering upon active service, or enlisting, on or after July 1, 1947. See section 1 (b), act February 3, 1944 (58 Stat. 8; 38 U. S. C., Supp., 691a), as amended by section 6, act June 28, 1947 (Public Law 128—80th Cong.)

(c) *Rates and conditions.* (1) Mustering-out payment for persons eligible under paragraph (a) of this section shall be in sums as follows:

(i) $300 for persons who, having performed active service for 60 days or more, have served outside the continental limits of the United States or in Alaska.

(ii) $200 for persons who, having performed active service for 60 days or more, have served no part thereof outside the continental limits of the United States or in Alaska.

(iii) $100 for persons who have performed active service for less than 60 days. (See sec. 2 (a), act Feb. 3, 1944 (58 Stat. 9; 38 U. S. C., Sup. 691b).)

(2) Each person eligible to receive mustering-out payment under subparagraph (1) (i) of this paragraph shall receive one-third of the stipulated amount at the time of final discharge or ultimate relief from active service, or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment or appointment in the Regular Army; and the remaining amount of such payment shall be paid in two equal installments—1 month and 2 months, respectively, from the date of the original payment. Each person eligible to receive mustering-out payment under subparagraph (1) (ii) of this paragraph shall receive one-half of the stipulated amount at the time of final discharge or ultimate relief from active service, or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Army; and the remaining amount of such payment shall be paid 1 month from the date of the original payment. Each person eligible to receive mustering-out payment under subparagraph (1) (iii) of this paragraph shall receive the stipulated amount at the time of such discharge or relief from active service, or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Army. A person entitled to receive the first installment of the mustering-out payment at the time of discharge for the purpose of enlistment, reenlistment, or appointment in the Regular Army shall, at his election, receive the whole of such payment in one lump sum, rather than installments. (See sec. 2 (b), act of Feb. 3, 1944 (58 Stat. 9, as amended; 38 U. S. C., Sup., 691b), as amended by sec. 7, act Oct. 6, 1945 (59 Stat. 540).)

(d) *Payments to personnel discharged or relieved from active service prior to February 3, 1944.* Any member of the armed forces entitled to mustering-out payment who shall have been discharged or relieved from active service under honorable conditions before the effective date of this act shall, if application therefor is made within 2 years after the date of enactment of this act, be paid such mustering-out payment by the Department of the Army beginning within 1 month after application has been received and approved by such department: *Provided*, that no member of the armed forces shall receive mustering-out payment under this act more than once, and such payment shall accrue and the amount thereof shall be computed as of the time of discharge for the purpose of effecting a permanent separation from the service or of ultimate relief from active service, or, at the option of such member, for the purpose of enlistment, reenlistment, or appointment in the Regular Army. (See sec. 3, act of Feb. 3, 1944 (58 Stat. 9, as amended; 38 U. S. C. Sup., 691c), as amended by sec. 7, act Oct. 6, 1945 (59 Stat. 540).)

(e) *Payments to survivors.* If any member of the armed forces, after his discharge or relief from active service, shall die before receiving any portion of or the full amount of his mustering-out payment, the balance of the amount due him shall be payable, on appropriate application therefor, to his surviving spouse, if any; and if he shall leave no surviving spouse, then in equal shares to his child or children, if any; and if he shall leave no surviving spouse or child or children, then in equal shares to his surviving parents, if any: *Provided*, That no payments under this act shall be made to any other person. (See sec. 4, act of Feb. 3, 1944 (58 Stat. 9; 38 U. S. C., Sup., 691d).)

(f) *Exemption from taxation and claims of creditors.* Mustering-out payments due or to become due under this act shall not be assignable and any payments made to or on account of a veteran hereunder shall be exempt from taxation, shall be exempt from the claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee. (See sec. 5 (a), act of Feb. 3, 1944 (58 Stat. 10; 38 U. S. C., Sup., 691e (a)).)

(g) *Issuance of regulations.* The Secretary of the Army shall make such regulations not inconsistent with this act as may be necessary effectively to carry out the provisions thereof, and the decisions of the Secretary of the Army shall be final and not subject to review by any court or other governmental official. (See sec. 5 (b), act of Feb. 3, 1944 (58 Stat. 10; 38 U. S. C., Sup., 691e (b)).)

(h) *Payments on behalf of survivors and mentally disabled veterans.* The Secretary of the Army or such subordinate officer as he may designate, is authorized to make direct payment to survivors over 17 years of age, and to select a proper person or persons to whom mustering-out payments may be made for the use and benefit of former active members of the armed forces, or survivors thereof, as defined in paragraph (e) of this section without the necessity of appointment by judicial proceedings of a legal representative of any such former member or such survivors when, in the opinion of the Secretary or his designees, the interests of the persons under 17 years of age so justify, or where the former active member or his survivor is suffering from a mental disability sufficient to make direct payment not in the best interests of such person or persons. Payments made under the provisions of this paragraph shall constitute a complete discharge of the obligation of the United States as provided in this act; and the selection of a proper person or persons, as provided herein, and the correctness of the amount due and paid to such person or persons shall have the same finality as that accorded decisions made pursuant to paragraph (g) of this section: *Provided*, That the provisions of this paragraph shall not apply where a legal guardian or committee has been judicially appointed, except as to any payments made hereunder prior to the receipt of notice of appointment. (See sec. 5 (c), act of Feb. 3, 1944 (58 Stat. 10, as amended; 38 U. S. C., Sup., 691e (c)).)

(i) *Statutory definitions.* (1) The term "member of the armed forces" means any member of the Army or Navy of the United States, the United States Marine Corps, the United States Coast Guard, or any of their respective components, and any member of the Women's Army Corps who was discharged under honorable conditions on account of disability.

(2) The term "spouse" means a lawful wife or husband.

(3) The term "child" includes:

(i) A legitimate child;

(ii) A child legally adopted; and

(iii) A stepchild, if, at the time of death of the member of the armed forces, such stepchild was a member of the deceased's household.

(4) The term "parent" includes father and mother, stepfather and stepmother, and father and mother through adoption. (See sec. 6, act of Feb. 3, 1944 (58 Stat. 10; 38 U. S. C., Sup., 691f).)

§ 536.76 *Payments on behalf of persons discharged on account of mental disability who are not competent to sign commercial papers*—(a) *by whom made.* Mustering-out payments on behalf of persons discharged on account of mental disability who are not mentally competent to sign commercial papers will be made only by Finance Office, U. S. Army, Washington 25, D. C.

(b) *To whom payable.* Mustering-out payments on behalf of personnel discharged on account of mental disability may be made only to the following:

(1) Legally appointed guardian or committee of the veteran when he is not mentally competent to sign commercial vouchers, or

(2) Discharged veteran, provided a guardian or committee has not been legally appointed and such an appointment is not contemplated, if a written, dated, and signed statement by a registered practicing physician is furnished to the effect that the veteran is, in the opinion of the examining physician, mentally competent to handle his own personal affairs. (The term "registered practicing physician" includes staff physicians at Government hospitals.)

(3) Where no legal guardian or committee has been appointed, and where payment cannot be made to the veteran under subparagraph (2) of this paragraph, payment is authorized to be made for the use and benefit of the mentally disabled veteran to a person selected under the provisions of § 536.75 (h).

(i) Where a veteran is hospitalized in a Veterans' Administration hospital, or is temporarily absent therefrom for convalescent purposes, the person selected to receive the payment for the use and benefit of the veteran will be the manager of such a hospital unless, in the opinion of the selecting officer, selection of some other person is warranted by the facts in a given case. If a hospital manager applies for payment on behalf of the mentally disabled veteran under his jurisdiction but, prior to the receipt of any one of the checks covering complete payment, the veteran is discharged from the facility, checks received after the veteran's departure from the facility will be returned to the Finance Office, U. S. Army, Washington 25, D. C., accompanied by so much of the following information as is pertinent to the case of the individual concerned:

(*a*) A statement concerning the mental condition of the veteran at the time of discharge from the hospital, i. e., whether considered mentally competent to handle his own personal affairs. Statements indicating that the veteran was mentally competent to handle his own personal affairs at time of discharge from the hospital will be executed by a physician in accordance with subparagraph (2) of this paragraph.

(*b*) The name and address of the person in whose custody the veteran was discharged from the hospital; or

(c) The address of the veteran if discharged from the hospital in his own custody.

(ii) Where a veteran has been discharged from the Army directly to the custody of a person other than the manager of a Veterans' Administration hospital, the person selected to receive payment for the use and benefit of the veteran will be a person who, in the opinion of the selecting officer, will act in the best interests of the veteran. Selection under the provisions of this subdivision will ordinarily be made in the following order of precedence; spouse; parent; adult child; and any other properly qualified person. This order of precedence may be varied, in the discretion of the selecting officer, where the facts in a given case warrant.

(c) *Evidence required for payment.* No mustering-out payments shall be made to the persons named in paragraph (b) of this section.

(1) The discharge certificate, certificate in lieu of a lost discharge certificate, or statement of service issued in the name of the person on whose account payment is to be made, or similar evidence in the case of commissioned personnel, and

(2) Where payment is to be made to the legally appointed guardian or committee of the veteran, a copy of the instrument of appointment certified as a copy by the clerk of the court from which issued, or

(3) Where payment is to be made to the discharged veteran, a physician's statement as prescribed in paragraph (b) (2) of this section or

(4) Where payment is to be made under the provisions of paragraph (b) (3) of this section, a written and signed statement executed by the person selected to receive the payment for the use and benefit of the veteran containing a statement that the proceeds of the payment will be used for the exclusive benefit of the veteran and such other recitals and supported by such additional evidence as the selecting officer may require.

(5) Additional and/or substitute evidence is authorized, and may be required in appropriate cases in the discretion of the Finance Office, U. S. Army, Washington 25, D. C.

(d) *Method of payment.* All mustering-out payments made under the provisions of this section will be by check. When payment is made to the legally appointed guardian or committee of the incompetent, the check issued in payment thereof will name the payee as follows: "Richard Roe, Guardian for John Doe, 12345678," or "Richard Roe, Committee for John Doe, 12345678," as appropriate. When payment is made to a person selected to receive the payment for the use and benefit of the veteran, the check issued will name the payee as follows: "Manager, Veterans' Administration Hospital, Washington 7, D. C., for use and benefit of John Doe, 12345678," or "Richard Roe, for use and benefit of John Doe, 12345678," as appropriate.

§ 536.77 *Payments to survivors*—(a) *General*—(1) *By whom made.* All mustering-out payments to survivors will be made by the Finance Office, U. S. Army, Washington 25, D. C.

(2) *Necessity for application.* No mustering-out payment shall be made to any survivor without an appropriate written application therefor.

(3) *Definition of "balance of amount due."* The words, "balance of amount due," contained in § 536.75 (e) shall be construed to mean the full sum remaining unpaid to the veteran at the time of his death, and such sum shall be payable to a qualified survivor in a lump sum and not on an installment basis.. For example if a veteran entitled to a mustering-out payment of $300 shall die after receipt of the initial installment of $100, the sum of $200 shall be payable immediately to the qualified survivor.

(4) *Payments to personal representatives not authorized.* No mustering-out payment shall be made to the executor, administrator, or other person representing the veteran or any survivor, except as provided in subparagraph (6) of this paragraph.

(5) *Payments to survivors 17 years of age and over.* Direct mustering-out payments may be made to qualified survivors 17 years of age and over without the necessity of appointment by judicial proceedings of a legal representative of any such survivor except as provided in subparagraph (7) of this paragraph.

(6) *Payments to guardians and committees of survivors.* Where a survivor otherwise entitled to mustering-out payment is prevented from applying for and/or receiving such payment because of minority or mental incompetency, an application may be received from and payment made to the guardian or committee of such survivor. In such case, the check covering the payment will name the payee thereof as follows: "Richard Roe, Guardian for (name of survivor)," or "Richard Roe, Committee for (name of survivor)," as appropriate. All mustering-out payments to the guardians and committees of survivors will be made by the Finance Office, U. S. Army, Washington 25, D. C.

(7) *Payments to selected persons for the use and benefit of mentally incompetent or minor survivors.* Where no legal guardian or committee has been appointed, and where payment cannot be made to a survivor under subparagraph (5) of this paragraph, payment is authorized to be made for the use and benefit of mentally disabled survivors who are otherwise qualified, or survivors under 17 years of age who are otherwise qualified, to a person selected under the provisions of § 536.75 (h). Such payments will not be made without a written and signed statement executed by the person selected to receive the payment for the use and benefit of the survivor containing a statement that the proceeds of the payment will be used for the exclusive benefit of the survivor and such other recitals and supported by such additional evidence as the selecting officer may require. In such cases, the check covering the payment will name the payee thereof as follows: "Richard Roe, for the use and benefit of (name of survivor)."

(b) *Payments to a spouse.* Mustering-out payment shall be made to the spouse of a deceased veteran who is otherwise entitled thereto, only if such spouse:

(1) Shall have survived the veteran, and

(2) Has submitted an appropriate application therefor.

(c) *Payments to a child or children.* Mustering-out payment shall be made to the child (or children) of a deceased veteran who is otherwise entitled thereto, only if such child (or children):

(1) Shall have survived the veteran.

(2) Have submitted an appropriate application therefor, and

(3) The veteran shall not have been survived by a spouse.

Where payments to two or more children are to be made, separate checks will be drawn in favor of each child, or the guardian or committee of such child, if appropriate.

(d) *Payments to a parent or parents.* (1) The word "parents" as used in § 536.75 (e) shall be construed to mean either the sole surviving parent or the surviving parents of the deceased veteran. Mustering-out payment shall be made to the parent (or parents) of a deceased veteran who is otherwise entitled thereto, only if such parent (or parents):

(i) Shall have survived the veteran.

(ii) Have submitted an appropriate application therefor.

(iii) The veteran shall not have been survived by a spouse, and

(iv) The veteran shall not have been survived by a child (or children). Natural parents of the veteran are not entitled to mustering-out payment where the veteran had been legally adopted prior to his death. Payments may be made to stepparents where natural parents are deceased, and to adoptive parents even though natural parents may be living, if otherwise entitled thereto. Persons who stood in loco parentis to the deceased veteran are not entitled to mustering-out payment. Where payments to two parents are to be made, separate checks will be drawn in favor of each parent, or the guardian or committee of such parent, if appropriate.

(2) Where both natural parents survive the veteran, and are otherwise entitled to mustering-out payment, each parent shall be entitled to one-half of the amount payable irrespective of his or her marital status.

(3) Where only one natural parent survives the veteran, and is otherwise entitled to mustering-out payment, that parent shall be entitled to the full amount payable irrespective of his or her marital status and irrespective of the survivorship of possible stepparents.

(4) Where both natural parents predecease the veteran, and stepparents survive the veteran, if the relationship of stepparent has not been terminated by divorce or remarriage, and if they are otherwise entitled to mustering-out payments, they shall be entitled to share equally in the amount payable, except that where only one stepparent survives the veteran, he or she shall be entitled to the full amount payable.

MILITARY PAYMENT CERTIFICATES

AUTHORITY: §§ 536.80 to 536.83 issued under sec. 3, 58 Stat. 921; 50 U. S. C. App. 1705-1707.

DERIVATION: WD Cir. 247, Sept. 6, 1947.

§ 536.80 *Military payment certificates*—(a) *Use.* In such areas as the Department of the Army designates, disbursing officers of the United States Army and their agents are authorized to disburse military payment certificates for pay and allowances of authorized personnel, and for all other authorized payments to individuals in and under the Military Establishment.

(1) *Areas.*

Austria.	Japan and outlying Islands.
Belgium.	Korea, South of 38° North Latitude.
Denmark.	Luxemburg.
France.	Ryukus Islands.
Germany.	Switzerland.
Great Britain (England).	Yugoslavia (Trieste).
Holland.	
Italy.	

(b) *Convertibility.* Disbursing officers of the United States Army and their agents are authorized to exchange dollar instruments for military payment certificates, or military payment certificates for dollar instruments, for persons authorized to be in possession of military payment certificates, in accordance with prescribed regulations.

(c) *Transactions between Army disbursing officers and disbursing officers of other agencies.* Disbursing officers of the United States Army and their agents are authorized to exchange dollar instruments for military payment certificates, or military payment certificates for dollar instruments, in transactions with disbursing officers of the United States Navy and their agents; and with such other disbursing officers of the United States Government and their agents as may be authorized specifically by theater commanders.

(d) *Applicability of regulations.* As of the date on which the Department of the Army introduces the use of military payment certificates in any area, transactions in the foreign currencies of such areas, and in any other currencies, will be subject to the regulations specified herein.

(e) *Acquisition of certain foreign currencies.* Disbursing officers of the United States Army and their agents, wherever stationed, will not acquire any foreign currencies except the Philippine peso (as specifically authorized) or as authorized in section II, WD Circular 136, 1947.

(f) *Sales of foreign currencies.* Disbursing officers of the United States Army or their agents, wherever stationed, are authorized to sell foreign currencies, including foreign currencies of areas in which military payment certificates are in use, and any other designated currencies, for military payment certificates and/or for United States dollar instruments, to military and naval personnel of the United States Government; and to employees of Government and non-Government agencies as specifically authorized by the theater commander.

§ 536.81 *Definitions*—(a) *United States authorized personnel.* Personnel who fall within the purview of §§ 536.80 to 536.83, inclusive (hereinafter referred to as United States authorized personnel), and who may utilize military payment certificates and dollar instruments defined herein, subject to limitations prescribed in § 536.82 (b), are:

(1) Military and naval personnel of the United States Government.

(2) Civilians, who are citizens of the United States, employed directly, or indirectly through contractors, by the military and naval establishments.

(3) Civilians, who are citizens of the United States, employed directly by the United States Government, when authorized by the theater commander.

(4) Dependents of personnel included in subparagraphs (1), (2), and (3) of this paragraph but subject to the limitations set forth in § 536.82 (b).

(5) Civilians, other than those who are citizens of the country whose currency is legal tender in the area, directly employed by the military and naval establishments, when authorized by the theater commander.

(6) Civilians, other than those who are citizens of the country whose currency is legal tender in the area, who are employed by quasiofficial organizations in and/or under the military and naval establishments and working for the benefit of the members of the Armed Forces of the United States, when authorized by the theater commander. Examples are the Army Exchange Service and its exchanges; United Service Organizations; American Red Cross Clubs and facilities; unit clubs; enlisted men's and officers' clubs and messes; and the Central Welfare Fund of any given theater.

(7) Personnel attached to the headquarters of any United States military or naval unit, who, in the opinion of the theater commander, can best perform their mission by having access to United States Army facilities, when specifically authorized by the theater commander.

Enemy nationals are specifically excluded from those listed in paragraphs (a) (5), (6), and (7) of this section.

The theater commander will be responsible for the determination of those individuals to which the provisions of these regulations will apply within the limits of this paragraph.

(b) *Military payment certificate.* (1) the military payment certificate is defined as an instrument, denominated in United States dollars or fractions thereof which is the official medium of exchange in all military establishments in areas designated by the Department of the Army.

(i) Military payment certificates are issued in denominations of 5 cents, 10 cents, 25 cents, 50 cents, $1, $5, and $10.

(c) *United States dollar instruments.* United States dollar instruments are defined as follows:

(1) United States dollar currency is the currency or coin accepted as legal tender in the United States.

(2) United States Treasury checks are the standard dollar checks drawn on the Treasurer of the United States by authorized disbursing officers of the United States.

(3) Travelers' checks and money orders issued by the American Express Company and travelers' checks issued by the Bank of America National Trust and Savings Association, the Mellon National Bank of Pittsburgh, and the National City Bank of New York, when such checks are countersigned in the presence of the disbursing officer, or his agent.

(4) United States Military Disbursing Officers' Payment Order.

(5) United States postal money orders and American Express Company money orders.

§ 536.82 *Use of military payment certificates*—(a) *Medium of exchange.* In areas where the Department of the Army has designated military payment certificates as the medium of exchange within the military establishment, military payment certificates are the only authorized medium of exchange in:

(1) All United States Army and Navy sales and services installations and activities.

(2) Theater, moving picture, and other entertainment facilities, operated by the military establishment.

(3) Officers' and enlisted men's messes and clubs, including American Red Cross installations.

(4) Contributions for all charitable purposes, including all authorized charitable appeals, church collections and chaplain's funds, wherever ultimate remittance to the United States through United States Army channels is involved.

(5) Payments to all travel agencies, radio, cable, telegraph, and telephone companies, and all other facilities of similar types, wherever ultimate remittance to the United States through United States Army channels is involved.

(6) Sale of stamps and other postal services at United States Army and Navy postal installations.

(7) All other official agencies, quasi-official and private agencies of or working in behalf of United States Armed Forces providing goods, services and facilities to members of United States Armed Forces.

(b) *Limitations.* (1) The military payment certificate is for use only in the United States military establishments by United States authorized personnel, in accordance with applicable rules and regulations.

(2) Possession and/or use of military payment certificates is prohibited unless acquired in accordance with prescribed regulations, and such additional restrictions as may be promulgated by the appropriate theater commander.

(3) Military payment certificates may be acquired, possessed, and used by authorized personnel incident to normal legitimate transactions within the military establishment, not in violation of articles of war, Department of the Army and theater directive.

(4) Under no circumstances will authorized personnel or disbursing officers accept military payment certificates from, transfer military payment certificates to, or exchange military payment certificates for persons other than authorized personnel, or accept or exchange military payment certificates after the date designated by the Secretary of the Army for their acceptance or exchange.

(5) The use or possession of United States currency is prohibited in foreign countries except where authorized.

(6) Military payment certificates will not be transmitted through the mails by individuals for payment of personal obligations. Individuals desiring to transmit funds will use any of the methods currently provided for such transmission.

§ 536.83 *Conversion and exchange*—(a) *Conversion of military payment certificates into dollar instruments or foreign currency.* Under the conditions set forth below, United States authorized personnel may exchange military payment certificates, in amounts legitimately in their possession, for the following dollar instruments or foreign currencies:

(1) *United States dollar currency or coin.* (i) Upon departure for the United States.

(ii) Upon departure for or arrival in areas where United States dollar currency has been determined by the Department of the Army to be used, consistent with local foreign exchange control regulations.

(2) *United States Treasury checks.* When traveling under competent orders to any area in which United States Army disbursing officers and class B agent officers and military attaché disbursing officers are not readily available.

(3) *United States postal money orders.* Issued in accordance with regulations of the United States Post Office Department, by United States Army postal officers or their agents.

(4) *United States Savings Bonds.*

(5) *Soldiers' deposits.*

(6) *Military payment orders.*

(7) *Authorized foreign currency.* Disbursing officers and their agents will convert military payment certificates and/or authorized United States dollar instruments into authorized foreign currency for the accommodation of United States authorized personnel designated in § 536.81. The rate of exchange to be used will be the rate of exchange at which the local currency was obtained.

(b) *Conversion of dollar instruments into military payment certificates.* Authorized personnel may exchange the following types of dollar instruments, only if acquired and held in accordance with existing regulations, into military payment certificates:

(1) United States postal and American Express Company money orders.

(2) United States Treasury checks.

(3) United States dollar travelers' checks as specified in § 536.81 (c) (3).

(4) United States dollar currency and/or coin.

(5) United States Military Disbursing Officers' Payment Orders.

(c) *Conversion of foreign currency into military payment certificates or dollar instruments, etc., not authorized.* Disbursing officers or their agents will not exchange or convert any foreign currency and/or coin except the Philippine peso for or into military payment certificates, dollar instruments, or any other instrument denominated in dollars, or exchange one foreign currency for another foreign currency, for the accommodation of United States authorized personnel, except by specific authority of the Secretary of the Army.

(d) *Postal officers.* (1) United States Army postal officers or their agents will, in accordance with regulations of the United States Post Office Department and of the theater commander, issue or cash United States Postal money orders and sell stamps in exchange for military payment certificates.

(2) United States Army postal officers or their agents will effect no transactions in foreign currency and/or coin except the Philippine peso.

(e) *Other Army facilities.* (1) No foreign currency or coin except the Philippine peso will be accepted in any of the facilities listed in § 536.82 (a). Acceptance of United States currency and coin in such facilities will be limited exclusively to those areas in which individuals in and under the military establishment are paid in United States currency.

(2) Revenue passengers of the Air Transport Command may purchase meals at ATC "snack bars" and transient messes only with dollars, dollar instruments or military payment certificates, if authorized to possess the latter.

CONSIDERATION, ADJUSTMENT AND SETTLEMENT OF CLAIMS FOR RELIEF BY CONTRACTORS AGAINST DEPARTMENT OF THE ARMY

AUTHORITY: §§ 536.85 and 536.86 issued under 60 Stat. 902; 41 U. S. C. 106 note; E. O. 9786, Oct. 5, 1946.

DERIVATION: W. D. Memo 734-50-1, Feb. 7, 1947; W. D. Memo 734-50-2, June 9, 1947.

§ 536.85 *Claims for relief by contractors.* (a) There is hereby constituted in the Office of the Under Secretary of the Army a board to be known as "War Contract Hardship Claims Board" (referred to as the "board" in this section), to consider, adjust, and settle equitable claims of contractors, including subcontractors and materialmen performing work or furnishing supplies or services to the contractor or another subcontractor, for losses (not including diminution of anticipated profits) incurred between September 16, 1940, and August 14, 1945, without fault or negligence on their part in the performance of such contracts or subcontracts. The board shall consist of five members, one of whom shall be designated as president of the board. There will also be a recorder. The Under Secretary of the Army shall recommend appointees for membership on the board and for recorder and shall nominate the president of the board. Appointments will be made by the Secretary of the Army. Upon request of the Under Secretary of the Army, The Judge Advocate General is authorized to assign to the board one or more judge advocates as trial attorneys or examiners, and if and when deemed necessary by the Under Secretary of the Army and upon his request, The Judge Advocate General also may assign an officer or civilian attorney as general counsel.

(b) The board created by paragraph (a) of this section is hereby designated the central authority within the Department of the Army to consider, adjust, and settle all claims of contractors under the act and the Executive order; to make or approve the settlement of any such claim in each case in which the Department of the Army is the war agency considering the claim; to grant in whole or in part, or to withhold, for the Department of the Army approval of that part of any proposed settlement by any other agency considering the claim, which relates to contracts or subcontracts of the Department of the Army and to make any and all determinations and findings for the Department of the Army required by the act and the Executive order with respect to each claim. Except for any reconsideration which the board may in its discretion grant, any approval, finding, determination or settlement by the board shall be final, subject only to the provisions of section 6 of the act. The board shall have all powers necessary and incident to the proper performance of its duties as set forth in this section and shall adopt its own methods of procedure and rules and regulations for its conduct.

(c) Claims under the act and the Executive order filed with the Department of the Army will be examined, reviewed and verified by the technical service, which includes for the purpose of this regulation the U. S. Air Force, under whose contracts or subcontracts the loss is claimed. When a claim is made with respect to contracts or subcontracts of more than one technical service the claim shall be examined, reviewed and verified by the technical service under whose contracts and subcontracts the largest claim for loss is made. In the event a claim is filed with other than the chief of a technical service or the chief of the technical service with which the claim is filed determines that another technical service has a primary interest in the consideration thereof the claim will be forwarded immediately to the president of the board for appropriate assignment. The receiving office in transmitting the claim to the board will transmit also any information in its possession bearing upon the claim. In the event the chief of the technical service which is examining, reviewing and verifying a claim determines that the claim also is of interest to another war agency a copy of the claim will be transmitted to the board, with a statement of the reason for such transmission, for appropriate referral and coordination.

(d) Upon receipt of a claim the technical service will transmit a copy of the claim to the Chief of Finance and request that the claim be transmitted to the General Accounting Office for verification of the list of contracts and subcontracts set forth therein as required by section 301 of the Executive order. The Chief of Finance will transmit such request for verification to the General Accounting Office. Upon receipt of information from the General Accounting Office, the Chief of Finance will advise the technical service concerned with respect to the information obtained from the General Accounting Office.

(e) In addition to such verification by the General Accounting Office as is required by section 301 of the Executive order, all claims under the act will be examined, reviewed and verified by the appropriate technical service or services to the extent that the chief of the technical service in his discretion determines necessary for an adequate consideration of the claim under the act and the Executive order. The chief of the technical service is authorized to arrange directly with the Chief of Finance for any necessary audit of claims. Request for audit will not be made by the chief of the technical service unless preliminary examination by him indicates that the claim appears to fall within the scope of the act and Executive order. Upon completion of such review and consideration as the chief of the technical service may deem adequate for the purposes of the act and the Executive order the chief of the technical service will transmit the original of the claim together with his recommendation as to the disposition thereof and a statement of the basis of such recommendation to the board. He also will designate one or more members of his legal staff as trial attorneys or examiners for processing the claim through his office and before the board. The board will consider the claim and the recommendation and statement by the chief of the interested technical service and approve such adjustment and settlement of the claim as it determines appropriate under the act and the Executive order. The board may direct such further action by the technical service as it deems necessary to the final disposition of the claim.

(f) When the board approves the settlement of a claim, in whole or in part, it will notify the interested technical service of its decision and the technical service will request the Chief of Finance to advise the General Accounting Office of the proposed settlement as approved and request that it be notified of any claims against the claimant. The Chief of Finance will transmit such advice as to the proposed settlement and request for information as to claims to the General Accounting Office. Upon receipt of advice from the General Accounting Office with respect to information available in that office concerning indebtedness the Chief of Finance will notify the technical service of any such indebtedness reported by the General Accounting Office and of any other indebtedness shown by Department of the Army records. If any discrepancies appear between the records of the General Accounting Office and the Department of the Army records as to the verification of contracts and subcontracts, or any indebtedness of the claimant, the technical service will advise the Chief of Finance thereof, who will communicate with the General Accounting Office with respect thereto advising the technical service concerned as to the results thereof. In the case of denial of a claim the board will notify the claimant and the interested technical service of its decision immediately.

(g) Approved claims which involve indebtedness reported by the General Accounting Office, or any other indebtedness shown on the records of the Department of the Army, will be made the subject of an appropriate communication to the Chief of Finance prepared by the technical service concerned, together with a full report of all such indebtedness, which will be transmitted by the Chief of Finance to the General Accounting Office for necessary set-off or other appropriate action. When Certificate of Settlement on such claims, issued by the General Accounting Office and requiring payment, is received in the Office of the Chief of Finance, it will be forwarded to the Finance Office, United States Army, Washington, D. C., for payment in the usual way. Approved claims which do not involve set-off by the General Accounting Office on account of indebtedness will be vouchered on Standard Form 1034 prepared by the technical service concerned and certified by a duly authorized certifying officer of such service, supporting same with the original of the approved award of the board and of the settlement agreement and release. Said voucher, supported as indicated above, will be forwarded through the Chief of Finance to the Finance Office, United States Army, Washington, D. C., for payment.

§ 536.86 *Rules of procedure of the War Contract Hardship Claims Board*—(a) *General matters*—(1) *Correspondence.* All correspondence with the Board shall be addressed "War Contract Hardship Claims Board, Office of the Under Secretary of the Army, Washington 25, D. C."

(i) The President of the Board and any member thereof including the Recorder may communicate directly with the chiefs of technical services; the Chief of Staff, U. S. Air Force; any agency within the Department of the Army, and any person or agency outside the Military Establishment with respect to any information desired by the Board relative to matters pertaining to the business of the Board.

(ii) Communication with camps, posts, and stations of the Military Establishment shall be processed through regular military channels.

(2) *Technical service.* The term "technical service" as used in this section includes the U. S. Air Force.

(b) *Duties of recorder*—(1) *Register.* The Recorder of the Board will maintain a register in which the following information will be recorded with respect to each claim:

(i) Case number assigned to claim by Recorder.

(ii) Name of claimant.

(iii) Amount of claim.

(iv) Technical service primarily concerned.

(v) Date received from technical service.

(vi) Action of Board.

(vii) Final disposition of claim.

(2) *Custodial duties.* The Recorder is hereby constituted custodian of records and files of the Board.

(3) *Authentication.* The Recorder shall authenticate and dispatch all notices to the parties.

(4) *Docket.* The Recorder under the supervision of the Board shall maintain a Hearings Docket and shall notify the Board members, the technical service concerned, and the claimant of the date, time, and place of hearings. These notices will be dispatched not later than 20 days prior to date of hearing, and the

notice to the claimant shall be sent by registered mail.

(5) *Statistical record.* The Recorder shall compile statistical data with respect to each claim sufficient to make the quarterly report required of each department and war agency under section 5 of the Act and section 401 of Executive Order No. 9786, October 5, 1946.

(c) *Amendments and corrections.* The Board may in its discretion, upon request of the claimant and/or with his consent, allow the claim or any document contained therein to be amended or changed: *Provided, however,* That no amendment or change which materially changes the nature of the claim, or which in effect extends the filing date of the complete claim beyond February 7, 1947, shall be allowed.

(d) *Substitution.* Upon motion accompanied by pertinent documentary proof of the circumstances warranting a substitution of party claimant or changing the name of a party claimant, the Board may in its discretion make such substitution or correct its records to reflect the claimant's name.

(e) *Hearings*—(1) *General.* Before making final determination on a claim received by it, the Board may on the request of the claimant or on its own motion grant a hearing with respect to said claim. Notice of such hearing will be sent to the claimant and other interested parties in accordance with paragraph (b) of this section.

(2) *Quorum.* A quorum of the Board for any purpose shall consist of three members.

(3) *Majority rule.* The decision of a majority of the Board members present at a hearing or who consider a claim without a hearing shall constitute the decision of the Board.

(4) *Place.* Hearings will be held at the office of the Board, Pentagon Building, Washington, D. C., or at such other place as the Board may from time to time direct.

(5) *Absence of claimant.* The absence of the claimant or his counsel, after proper notice of hearing, shall not be a basis for delay of the hearing: *Provided, however,* That the Board may grant a reasonable postponement upon request of the claimant or the interested technical service.

(6) *Arguments and briefs.* The parties may be permitted to present witnesses in support of their claims as filed, to make oral arguments, and to submit written briefs in support of their contentions.

(f) *Decisions*—(1) *Contents.* With respect to each claim considered, the Board will render a decision and will incorporate therein a brief statement of the facts, and the determination of the Board with respect to allowance or denial of the claim, together with reasons therefor. If the claim is allowed in whole or part the decision will also contain a statement that the Board found that the approved claim is: (i) equitable under all the circumstances, and (ii) for losses incurred without fault or negligence on the part of the claimant.

(g) *Notification*—(1) *Approved claim.* When the Board approves a claim in whole or in part, it will notify the interested technical service and will request said service to proceed toward final settlement of the claim in accordance with § 536.85. Request will be made in said notification that a copy of the final settlement agreement be furnished the Recorder of the Board for statistical purposes. The actual notification of the claimant in this type of case will be the function of the technical service.

(2) *Disapproved claim.* When a claim is denied the Board will notify both the technical service and the claimant. Notification to the claimant shall be sent by registered mail. (60 Stat. 903; E. O. 9786, Oct. 5, 1946, 3 CFR, 1946 Supp.)

PART 537—CLAIMS ON BEHALF OF THE UNITED STATES

Sec.

537.1 Reimbursement for public property lost, damaged, or destroyed.
537.2 Recovery of property unlawfully detained by civilians.
537.3 Definitions.
537.4 Scope.
537.5 Action by reviewing authorities.
537.6 Marine casualties; claims.

AUTHORITY: §§ 537.1 to 537.6 issued under R. S. 161, 3748, 40 Stat. 228, § 9, 41 Stat. 766; 5 U. S. C. 22, 10 U. S. C. 1316, 18 U. S. C. 611.

DERIVATION: AR 35-5, June 6, 1930; AR 35-6640, May 21, 1947; AR 35-220, Sept. 15, 1947; AR 55-500, July 8, 1943.

§ 537.1 *Reimbursement for public property lost, damaged, or destroyed.* The Chief of Finance will take action to secure reimbursement for public property lost, damaged, or destroyed through the fault or neglect of any person concerned.

§ 537.2 *Recovery of property unlawfully detained by civilians*—(a) *Legal proceedings.* Whenever information is received that any property belonging to the military service of the United States is unlawfully in the possession of any person not in the military service, the property officer or other proper officer will make an immediate report direct to The Judge Advocate General (by telephone or telegraph when the use of such means of communication seems advisable) in order that legal proceedings may be instituted for the recovery of the property and, if the property has been stolen, for the arrest, trial, conviction, and punishment of the guilty person or persons. Each report will contain:

(1) A complete description of the property involved, and its location.

(2) The name and location of the person unlawfully in possession of such property; and

(3) The facts and circumstances surrounding the unlawful possession of the property.

(b) *Summary action.* (1) Upon satisfactory information that such United States property unlawfully in the possession of any party or parties is likely to be removed beyond the jurisdiction, concealed, or otherwise disposed of before the necessary proceedings can be had in the proper civil tribunal for its recovery, the post or detachment commander will, as hereinafter provided, accomplish its immediate recovery. In the event the property consists of clothes, arms, military outfits or accouterments furnished by the United States to any enlisted man, the Federal statutes (R. S. 3748; 10 U. S. C. 1316; M. L. 1939, sec. 2018) authorizes such property to be seized and taken from any person not an enlisted man or officer of the United States, by any officer, civil or military, of the United States. With respect to other Government property, the post or detachment commander will cause the property to be seized, provided such seizure can be accomplished without committing a breach of the peace or a trespass on private premises, tendering to the person, if any, in possession or custody of the property a receipt or certificate showing that such property has been seized as belonging to the United States, and the post or detachment commander will thereafter hold the property subject to any legal proceedings that may be instituted by other parties.

(2) Persons caught in the act of stealing public property will be summarily arrested by the troops and turned over to the civil authorities for trial.

§ 537.3 *Definitions.* The words "claim" and "defendant," and the expression "Government property" are used in the regulations in this part as follows:

(a) *Claim.* The right of the United States to demand from a defendant reimbursement for damage to or loss or destruction of Government property.

(b) *Defendant.* (1) Any individual, excluding military and naval personnel and civilian employees of the United States acting within the scope of their employment when only simple negligence is involved; and

(2) Any partnership, association, corporation, or governmental body other than an instrumentality of the United States.

(c) *Government property.* Real or personal property owned by the Government or otherwise in the custody or control of the Army. Where liability to the Government for the particular loss, damage, or destruction is fixed by contract, for example, property furnished to or otherwise acquired by a Department of the Army contractor subcontractor, such liability will be asserted under the contract and not pursuant to the provisions of these regulations.

§ 537.4 *Scope.* Included within the provisions of the regulations in §§ 537.3 to 537.5, are claims in excess of $25, and claims in lesser amount when the assertion thereof is deemed in the interest of the Government for:

(a) Damage to or loss or destruction of Government property.

(b) Expense or loss to the Government, incurred in other cases, arising from negligence or wrongful act, where the Government's obligation is fixed by common law, Federal or State statute, convention, treaty, or agreement.

§ 537.5 *Action by reviewing authorities.* Upon receipt by the Army or air matériel commander, or by an office of the command claims service, each claims officer's report will, unless the report is accompanied by a statement that payment in full has been made, be reviewed and, after any corrective action deemed necessary with relation thereto, appropriate administrative action will be taken. Such action, unless the claims officer's report is accompanied by a statement that payment in full has been made or by a compromise offer which such reviewing authority deems it advisable to accept, will include a determination whether the defendant is legally liable to the United States and, if so, the amount of such liability. Upon a determination that the defendant is liable and of the amount of such liability, the Army or air matériel commander, or the chief of the command claims service, will, unless a demand in the same amount has already been made, cause a written demand to be made upon the defendant for payment of the claim. If such demand is complied with, the certified check or money order made payable to the Treasurer of the United States will be accepted and transmitted to the nearest disbursing officer. If the defendant fails to comply with the demand within a reasonable time, and the amount involved, the financial responsibility of the defendant, and other circumstances of the case appear to make advisable the institution of suit, or if the defendant has already made, or on such demand makes, a compromise offer accompanied by a certified check or money order made payable to the Treasurer of the United States, the Army or air matériel commander, or the chief of the command claims service (who will first, however, in cases involving the transmission of foreign funds, convert the tendered check or money order into a United States Treasury check), will forward the original and one copy of the file, including any compromise offer and certified check or money order made payable to the Treasurer of the United States, with his recommendation as to the advisability of acceptance of such compromise offer, if any, or, if none, as to the advisability of instituting suit, to The Judge Advocate General, Washington 25, D. C., for appropriate administrative action.

§ 537.6 *Marine casualties; claims*—(a) *Definitions.* See §§ 536.44 (b) and 537.3.

(b) *Scope.* Included within the provisions of this section are claims in excess of $100 for:

(1) Damage to or loss or destruction of Government property.

(2) Amount of pay and allowances paid or payable by the Government to military personnel for any period of incapacitation incident to injury to such personnel.

(3) Cost of medical treatment, hospitalization, travel, or other expense or loss to the Government in the rehabilitation of military personnel incident to injury to such personnel.

(4) Cost of funeral, burial, transportation, or other expense or loss to the Government incident to death of military personnel.

(c) *Action by reviewing authorities.* Upon receipt by the commanding general of an army, or a command claims service, or the Chief of Transportation, as the case may be, each investigating officer's report will, unless the report is accompanied by a statement that payment in full has been made, be reviewed and, after any corrective action deemed necessary with relation thereto, appropriate administrative action will be taken. Such action, unless the investigating officer's report is accompanied by a statement that payment in full has been made or by a compromise offer which such reviewing authority deems it advisable to accept, will include a determination whether the defendant is legally liable to the United States and, if so, the amount of such liability. Upon a determination that the defendant is liable and of the amount of such liability, the commanding general of the army, or the chief of the command claims service, or the Chief of Transportation, will cause a written demand to be made upon the defendant for payment of the claim. If such demand is complied with, the certified check or postal money order will be accepted and transmitted to the appropriate fiscal officer. If the defendant fails to comply with the demand within a reasonable time, and the amount involved, the financial responsibility of the defendant and other circumstances of the case appear to make advisable the institution of suit, or if the defendant has already made, or on such demand makes, a compromise offer accompanied by a certified check or postal money order, the commanding general of the army or the chief of the command claims service, or the Chief of Transportation, will forward the original and one copy of the file, including any compromise offer and certified check or postal money order, with his recommendation as to the advisability of acceptance of such compromise offer, if any, or, if none, as to the advisability of instituting suit, to The Judge Advocate General for appropriate administrative action.

PART 538—ALLOTMENTS OF PAY

Sec.

538.1 Definitions.
538.2 Eligible allotters.
538.3 Eligible allottees and authorized purposes.
538.4 Power of attorney.
538.5 Pay which can be allotted.
538.6 Allotment offices.
538.7 Payment to allottees in foreign countries.
538.8 Commencing date; class E allotments.
538.9 Allotments to joint bank accounts.
538.10 Effect of certain changes in status on class E, D, and N allotments.
538.11 Missing, missing in action, beleaguered, besieged, interned in a neutral country, or captured by the enemy.

AUTHORITY: §§ 538.1 to 538.11 issued under § 16, 30 Stat. 981, 40 Stat. 384, 52 Stat. 354; 10 U. S. C. 894.

DERIVATION: AR 35-5520, 4 June 1947.

§ 538.1 *Definitions*—(a) *Allotment.* The word "allotment" as used herein, refers to a definite portion of the pay and allowances of a person in the military service, active or retired, or of a civilian employee of the Department of the Army assigned for duty in Alaska or outside the continental limits of the United States, which is authorized to be paid to an allottee in a manner prescribed by the Secretary of the Army.

(b) *Class E allotment.* An allotment made to an individual, a fiduciary, a banking institution, or a commercial life insurer, or to other eligible allottees, set forth in § 538.3 is designated as a "class E" allotment.

(c) *Class D allotment.* An allotment made for the payment of premiums on United States Government life insurance is designated as a "class D" allotment.

(d) *Class N allotment.* An allotment made for the payment of premiums on National Service life insurance is designated as a "class N" allotment.

(e) *Class B allotment.* An allotment made for the purchase of United States Savings Bonds is designated as a "class B" allotment.

(f) *Allotter.* The "allotter" is the person from whose pay the allotment is made, either by himself, or by another on his account.

(g) *Allottee.* The "allottee" is the person or institution to whom the allotment is made payable.

(h) *Dependent.* The term "dependent" as used herein includes a lawful wife, unmarried child under 21 years of age, a dependent mother, father, or unmarried dependent stepchild or adopted child under 21 years of age, or such dependent as has been designated in official records, or an individual determined to be a dependent by the Secretary of the Army or by a subordinate designated by him.

§ 538.2 *Eligible allotters*—(a) *Military personnel.* Commissioned officers and others who certify their own pay vouchers, and enlisted persons, active or retired, and commissioned officers of other services or departments who may be detailed or assigned to the Department of the Army and who are carried on Department of the Army pay rolls, wherever serving, may make allotments of pay.

(b) *Civilian personnel.* Civilian employees of the Department of the Army except civilian marine personnel, who have national service life insurance or United States Government life insurance may make Class D and N allotments during such time as they may be permanently assigned for duty outside the continental United States or in Alaska. Civilian employees of the Department of the Army except civilian marine personnel may make Class E allotments during such time as they may be permanently assigned to duty outside the continental limits of the United States or in Alaska. They may also make Class B allotments when stationed where the Class A Pay Reservation Plan for the purchase of United States Savings Bonds is not in effect. The execution and discontinuance of allotments of pay for civilian marine personnel of the Transportation Corps will be effected under such regulations as may be prescribed by the Chief of Transportation. A civilian employee permanently stationed outside the continental limits of the United States or in Alaska is deemed to be one whose oversea assignment is not limited in tenure or which may be expected to exceed 6 months. No allotments will be authorized by civilian employees of the Department of the Army until arrival at the permanent oversea duty station.

§ 538.3 *Eligible allottees and authorized purposes*—(a) *Class E allotments.* The following are eligible for designation as allottees for class E allotments:

(1) An individual, for the support of the allotter's family, dependent relative, or divorced wife.

(2) A fiduciary (person or institution acting in a capacity of trust or confidence) for the support of the allotter's family, dependent relative, or divorced wife, or for contribution to a retirement fund.

(3) A banking institution in any country where payment in United States currency is not blocked, for the support of the allotter's family, dependent relatives, divorced wife, or for savings, including a checking account provided the allotter has made satisfactory arrangements with the bank for acceptance of the allotment.

(4) A commercial life insurer for the payment of premiums for insurance on the life of the allotter, or for repayment of loans or interest thereon. All payments to an insurer will be made to the home office of the institution issuing the insurance or to a branch office designated by the home office.

(5) Federal savings and loan associations, and State building and loan association.

(6) A lending institution holding a loan insured by the Federal Housing Administration of the Housing and Home Finance Agency; or the Federal Housing Administration.

(7) Army Emergency Relief.

(8) Air Force Aid Society.

Allotments made to allottees under subparagraphs (7) and (8) of this paragraph will be paid to the organization at the station where the loan was made.

(b) *Class D and N allotments.* The Veterans' Administration, Washington 25, D. C., will in all cases be designated as allottee for class D or N allotments.

§ 538.4 *Power of attorney.* A power of attorney will not be accepted to establish a new allotment or to change or discontinue an existing allotment.

§ 538.5 *Pay which can be alloted*—(a) *Military personnel.* (1) A commissioned officer or other person who certifies his own pay voucher may, for class E, D, and N allotments, allot his base and longevity pay, monthly subsistence allowance based on a 30-day month, rental allowance, foreign service pay, and any additional pay for distinguished service awards, but no amount in excess of the total thereof.

(2) An enlisted person may, for class E, D, and N allotments, allot so much of his base, longevity, and foreign service pay, additional pay for distinguished service awards, and monetary allowance in lieu of quarters for dependents as will leave, after class F and other deductions have been made, a monthly balance of $10, or such other amount as may be determined by his commanding officer to be necessary to meet his essential personal needs.

(3) For any military person, all items of pay and allowances may be allotted for Class B allotments at any time and in any status, and, in the case of such person officially reported as missing, missing in action, interned in a neutral country, captured by an enemy, beleaguered, or besieged, all items of pay may be allotted for class E, D, and N allotments.

(b) *Civilian employees.* An eligible civilian employee may allot any amount not in excess of his basic salary, less retirement deductions, and Federal withholding tax. Per diem and other allowances may not be allotted.

§ 538.6 *Allotment offices*—(a) *Active duty personnel*—(1) *Class E allotments.* Class E allotments are processed by the Class E Allotment Division, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri.

(2) *Class D and N allotments.* Class D and N allotments are processed by the Insurance and Deposits Division, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri.

(b) *Retired personnel.* Effective May 1, 1948 for officers and effective June 1, 1948 for enlisted personnel, class E, D, and N allotments of such retired personnel wherever located will be processed by the Washington Finance Office, U. S. Army, Washington 25, D. C.

§ 538.7 *Payment to allottees in foreign countries.* (a) Except as provided in paragraph (b) of this section, payment of class E allotments will be made to allottees residing in foreign countries as follows:

(1) By check mailed from the Class E Allotment Division, Army Finance Center, OCF, to those countries where payment in United States currency is not blocked.

(2) In local currency by appropriate disbursing officers (or by military attaché where there is no disbursing officer) in the theater or country or residence of the allottee, where payment in United States currency is blocked by Treasury Department regulations. In this instance disbursing officers will receive from the Chief of Finance, properly certified vouchers on which payment will be made, together with appropriate instructions.

(3) In Military payment certificates by appropriate disbursing officers to dependents acquired through marriage to Germans for the support of such dependents.

(b) Military personnel on duty in Germany or Japan are not authorized to make class E allotments to their dependents when such dependents have departed from the United States to join such personnel at their oversea stations. Allotments will be discontinued during the month in which notification is received by such personnel that their dependents have actually departed.

§ 538.8 *Commencing date; Class E allotments.* Ordinarily, class E allotments will be made effective the first of the month following that in which the authorization form is executed and payment will be made accordingly, provided the authorization form is received by the Class E Allotment Division not later than the 10th day of the month in which allotment is to become effective. Exceptions will be made for class E allotments covering monetary allowances in lieu of quarters and those covering commercial insurance premiums where because of circumstances beyond the control of the allotter an earlier effective date may be necessary. Class E allotments covering monetary allowances in lieu of quarters may be made effective the first of the month in which authorization form is executed but no earlier. Allotment checks are mailed so as to reach the allottee by the 15th of the month following the month in which allotment became effective; for example, an allotment effective February 1 will be paid by a check dated March 1 which will be mailed to reach the allottee not later than March 15. A class E allotment will not be made effective with the month in which an officer or enlisted person enters on duty except when an enlisted person is commissioned, or appointed a warrant officer, when a warrant officer is commissioned, or when a graduate, United States Military Academy, enters commissioned officer status.

§ 538.9 *Allotments to joint bank accounts.* Class E allotments to joint bank accounts are acceptable provided the allotter has made satisfactory arrangements with the bank for acceptance of the allotment. In such case, checks will be drawn to the order of the bank for the credit of only one of the two individuals in whose name the account has been established. Therefore, the authorization will bear the name of only one of the individuals to whose credit the allotment will be made. Care must be exercised that the full and correct name, branch, if any, and address of the banking institution where the account is maintained are given.

§ 538.10 *Effect of certain changes in status on class E, D, and N allotments*—(a) *Death of allotter.* Allotments are in the nature of powers of attorney, which are revoked by the death of the allotter. No further payment of an allotment will be made after receipt of advice of the allotter's death, even though it is known that deductions were made from the allotter's pay and not paid to the allottee. Such amounts become a part of the estate of the allotter. See 10 Comp. Dec. 208, 26 id. 855. Deaths of allotters occurring outside the continental limits of the United States or in Alaska will be reported to the allotment offices by the Adjutant General. Allotments of personnel who die in the United States will be discontinued as provided in AR 35–5560.[1]

(b) *Death of allottee.* Upon receipt of information of the death of any person to whom an allotment is payable, the allotment division will discontinue the allotment and report the death to the allotter through his commanding officer giving the date of discontinuance. When an allotment check, even though indorsed, is not collected or negotiated prior to the death of the allottee, the amount thereof does not become a part of the allottee's estate or subject to any expense incurred by, or on behalf of, the allottee before or after death. See 26 Comp. Dec. 855. All such checks should be returned to the allotment officer. Unless the allotter has been separated from the service and has received final payment, the allotment office will, upon receipt of the returned check, give authority to credit the amount on the current pay roll or pay voucher.

(c) *Desertion and dishonorable discharge.* Allotments of pay do not give a vested right to the money allotted, and an allottee is not entitled to be paid the amount of an allotment made by a person who deserted or who was dishonorably discharged with forfeiture of all pay and allowances before payment of the allotment could be made. If the allottee failed to collect or negotiate the allotment checks prior to the dismissal or dishonorable discharge of the allotter from the service with forfeiture of all pay and allowances then due, payment of the allotment is not authorized. If, however, payment to the allottee was made between the date of commencement of the unauthorized absence and the date when the allotter was reported as AWOL, the amount so paid should be allowed as an offset in settling the allotter's accounts.

(d) *Honorable discharge or relief from active duty.* When an allotter is honorably discharged or relieved from active duty within the continental United States (excluding Alaska) his allotments will be discontinued as outlined in AR 35–5560.[1]

(e) *Retirement.* When a member of the Regular Army is retired he may, if he desires, continue Class E allotments for commercial life insurance and also Class D and N allotments.

§ 538.11 *Missing, missing in action, beleaguered, besieged, interned in a neutral country, or captured by the enemy*—(a) *Notification to dependents.* Whenever any person is officially reported to be missing, missing in action, beleaguered, besieged, interned in a neutral country, or captured by the enemy (but not when change occurs from one such status to another) the emergency addressee shall be promptly informed, by the office designated to do so, of the beneficial provisions of the act of March 7, 1942, (56 Stat. 145) as amended, of the regulations governing allotments from pay of such persons, of the information required in or to accompany allotment applications, and of the name and address of the allotment division to which applications should be directed. The emergency addressee will be requested to notify interested relatives and dependents of the benefits and to advise insurers, or other persons who may have knowledge of life insurance premiums that should be paid by allotment, to communicate information thereof to the allotment office.

(b) *Accounts.* The pay and allowance accounts of persons absent in a missing status are maintained by the Finance Officer, U. S. Army, Army Finance Center, OCF, Building 205, St. Louis 20, Missouri. During the period of absence there are credited the pay and allowances due, and for the same period there are charged against such pay and allowances all allotments paid on account of the absent person and all prescribed deductions from pay for family allowances paid on his account. Allotment payments so charged shall be recredited in any case in which it is determined by the Secretary of the Army, or by such subordinate as he may designate, that such payments were induced by fraud or misrepresentation to which the absent person was not a party.

(c) *Effective date of allotments.* Such allotments will ordinarily be made effective for the month in which they are granted.

(d) *Termination of absence.* When the absence of any person in a missing status is terminated by death or finding of death, all allotment and allowance payments will be discontinued and the account closed for settlement. When any such status is terminated by a return to the controllable jurisdiction of the Department of the Army the person will be advised of the allotments and family allowances in effect which constitute a charge to his account and will be afforded an opportunity to execute such changes therein as he desires. In the absence of discontinuance or changes by him, the allotments and allowances continued or established during the period of his absence will continue in effect.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9042; Filed, Oct. 12, 1948; 8:49 a. m.]

[1] Administrative regulations of the Department of the Army relative to notification to allotment office upon death, discharge, release from active duty, or retirement occurring in the United States.

[1] Administrative regulations of the Department of the Army relative to notification to allotment office upon death, discharge, release from active duty, or retirement occurring in the United States.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5660]

PART 310—TAXES ON OLEOMARGARINE, ADULTERATED BUTTER, AND PROCESS OR RENOVATED BUTTER

RETURNS OF MANUFACTURERS OF AND WHOLESALE DEALERS IN OLEOMARGARINE

Regulations 9 (revised April 1936) (26 CFR, Part 310), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4886, approved February 11, 1939 (Note, 26 CFR, Cum. Supp. Part 310), are amended as follows:

PARAGRAPH 1. Article 25 (§ 310.25) is amended as follows:

(A) By changing paragraphs (e) and (f) to read as follows:

§ 310.25 *Monthly returns.* * * *

(e) *Disposals during first month of fiscal year or month of commencing business.* Disposals to (1) wholesalers and (2) retailers and consumers made in the first month of each fiscal year, or the month of commencing business, as the case may be, shall be reported on supplemental sheets, Form 216a, as follows:

(1) *To wholesalers.* Disposals to wholesalers shall be listed under a heading, Withdrawn Tax-Paid, Wholesale Dealers, with the entries grouped in alphabetical order of (i) the names of States and (ii) the names of consignees in each State group. State names should be in capital letters centered on the page at the head of each group, and a line left above and below each State subheading. The State name should be omitted in entering the several individual addresses since it will appear at the head of the group. Where a wholesaler operates at more than one place of business (whether or not within the same State), a separate entry shall be made for each place of business of such wholesaler to which consignments are made during the month. The aggregate quantity of oleomargarine consigned during the month to each wholesaler at each place of business shall be reported as provided for by the form.

(2) *To retailers and consumers.* Following the listing of disposals to wholesale dealers the disposals to retailers and consumers shall be listed under a heading, Withdrawn Tax-Paid, Retailers and Consumers, in the same manner as specified in subparagraph (1) of this paragraph with respect to wholesalers.

(f) *Disposals during other months.* Disposals to wholesalers, retailers, and consumers in each month other than the first month of the fiscal year, or the month of commencing business, shall be reported on supplemental sheets, Form 216a, as follows:

(1) *To consignees listed on prior returns of same fiscal year.* The total quantity of oleomargarine disposed of during the month to all persons, including wholesalers, retailers, and consumers, listed on returns for prior months of the same fiscal year, shall be reported as a single amount designated as "Disposed of to consignees listed on returns for previous months of the same fiscal year."

(2) *To other consignees.* Disposals to wholesalers not listed on any return for a prior month of the same fiscal year shall be reported in detail in the manner prescribed in paragraph (e) (1) of this section. Similarly, disposals to retailers and consumers not listed on any return for a prior month of the same fiscal year shall be reported in detail in the same manner as prescribed in paragraph (e) (2) of this section.

(B) By striking out paragraph (h).

(C) By amending paragraph (i) by changing the first sentence to read as follows:

(i) *Chain store entries.* Subject to the provisions of paragraphs (e) and (f) of this section, disposals to chain stores shall be reported in alphabetical order of the names of (1) the cities or towns in which the stores are located and (2) the streets on which situated.

(D) By amending paragraph (l) by striking out the first two sentences and

substituting the following sentence in lieu thereof:

(i) *Returned goods.* Under a heading, Returned Goods, there shall be shown in alphabetical order (1) the name and address of each consignor, and (2) the total quantity received during the month from him.

(E) By amending paragraph (m) as follows:

(i) By changing "(e)" in the first sentence to "(e) (1)".

(ii) By changing "(f)" in the second sentence to "(e) (2)".

PAR. 2. Article 43 (§ 310.43) is amended as follows:

(A) By changing paragraph (d) to read as follows:

§ 310.43 *Monthly returns.* * * *

(d) *Receipts*—(1) *During first month of fiscal year or month of commencing business.* Under the heading, Oleomargarine Received From Manufacturers and Wholesale Dealers, page 1, Form 217, each entry shall show (i) the name and address of each consignor, and (ii) the total quantity received during the month from him. Regardless of the number of consignments received during the month from the same consignor, only a single entry showing the aggregate of all such consignments shall be made.

(2) *During other months.* Oleomargarine received from manufacturers and wholesale dealers in each month other than the first month of each fiscal year, or the month of commencing business, as the case may be, shall be reported on Form 217 as follows:

(i) *From consignors listed on returns for previous months of same fiscal year.* The total quantity of oleomargarine received from all manufacturers and wholesale dealers listed on returns for prior months of the same fiscal year, shall be reported as a single amount designated as "Received from consignors listed on returns for previous months of the same fiscal year."

(ii) *From other consignors.* Oleomargarine received from manufacturers and wholesale dealers not listed on a return for a prior month of the same fiscal year shall be reported in detail in the manner prescribed in paragraph (d) (1) of this section.

(B) By changing paragraphs (g) and (h) to read as follows:

(g) *Disposals during first month of fiscal year or month of commencing business.* Disposals to (1) wholesalers and (2) retailers and consumers in the first month of each fiscal year, or the month of commencing business, shall be reported in full detail on supplemental sheets, Form 217a, as follows:

(1) *To wholesalers.* Disposals to wholesalers shall be listed under a heading, Disposals to Wholesale Dealers, with the entries grouped in alphabetical order or (i) the names of States and (ii) the names of consignees in each State group. State names should be in capital letters centered on the page at the head of each group, and a line left above and below each State subheading. The State name should be omitted in entering the several individual addresses since it will appear at the head of the group. Where a wholesaler operates at more than one place of business whether or not within the same State), a separate entry shall be made for each place of business of such wholesaler to which consignments are made during the month. The aggregate quantity of oleomargarine consigned during the month to each wholesaler at each place of business shall be reported as provided for by the form.

(2) *To retailers and consumers.* Following the listing of disposals to wholesale dealers the disposals to retailers and consumers shall be listed under a heading, Disposals to Retailers and Consumers, in the same manner as specified in subparagraph (1) of this paragraph with respect to wholesalers.

(h) *Disposals during other months.* Disposals to wholesalers, retailers, and consumers in each month other than the first month of the fiscal year, or the month of commencing business, shall be reported on supplemental sheets, Form 217a, as follows:

(1) *To consignees listed on prior returns of same fiscal year.* The total quantity of oleomargarine disposed of during the month to all persons, including wholesalers, retailers, and consumers, listed on returns for prior months of the same fiscal year, shall be reported as a single amount designated as "Disposed of to consignees listed on returns for previous months of the same fiscal year."

(2) *To other consignees.* Disposals to wholesalers not listed on any return for a prior month of the same fiscal year shall be reported in detail in the manner prescribed in paragraph (g) (1) of this section. Similarly, disposals to retailers and consumers not listed on any return for a prior month of the same fiscal year shall be reported in detail in the same manner as prescribed in paragraph (g) (2) of this section.

(D) By amending paragraph (k) by changing the first sentence thereof to read as follows:

(k) *Chain store entries.* Subject to the provisions of paragraphs (g) and (h) of this section, disposals to chain stores shall be reported in alphabetical order of the names of (1) the cities or towns in which the stores are located and (2) the streets on which situated.

(E) By amending paragraph (l) by changing the caption and first sentence thereof to read as follows:

(l) *Goods returned or otherwise disposed of.* Under a heading, Returned to Shipper, there shall be shown in alphabetical order (1) the name and address of each consignor, and (2) the total quantity received during the month from him.

(53 Stat. 467; 26 U. S. C. 3791)

Because the purpose of this Treasury decision is to relieve restriction, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: October 7, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9056; Filed, Oct. 12, 1948; 8:57 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

ASSISTANCE TO CERTAIN DISABLED VETERANS IN ACQUIRING SPECIALLY ADAPTED HOUSING

1. New sections, §§ 36.4401, 36.4402, 36.4403, 36.4404, 36.4405, 36.4406, 36.4407, 36.4408, 36.4409, and 36.4410 are added to Part 36 to read as follows:

NOTE: Those requirements, conditions, or limitations expressly set forth in the act and not restated herein must be taken into consideration in conjunction with these regulations.

Sec.
36.4401 Definitions.
36.4402 Eligibility.
36.4403 Joint ownership of housing unit.
36.4404 Computation of cost of housing unit.
36.4405 Submission of proof to the Administrator.
36.4406 Disbursement of benefit authorized.
36.4407 Supplementary administrative action.
36.4408 Delegation of authority.
36.4409 Guaranteed or insured loans under Servicemen's Readjustment Act.
36.4410 Allocation of the funds of the grant.

AUTHORITY: §§ 36.4401 to 36.4410 issued under Pub. Law 702, 80th Cong.

§ 36.4401 *Definitions.* Wherever used in the act or §§ 36.4401 through 36.4410, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated; namely:

(a) "Act": Public Law 702, 80th Congress, 2d Session.

(b) "Administrator": The Administrator of Veterans' Affairs or any employee of the Veterans' Administration authorized by him to act in his stead.

(c) "Movable facilities": Such exercising equipment and other aids as may be allowed or required by the approving medical officer.

(d) "Necessary land": Any plot of land the cost and area of which are not disproportionate to the type of improvements thereon and which is in keeping with the locality.

(e) "Special fixtures": Construction features which are specially designed to overcome the physical limitations of the individual beneficiary and which are allowed or required by the approving medical officer as necessary by nature of the qualifying disability.

(f) "Housing unit": A family dwelling or unit approved by the medical service as medically feasible for occupation as a home by the individual beneficiary including the land, improvements, and all appurtenances, together with such movable facilities or special features as are authorized under the definitions of those terms in §§ 36.4401 through 36.4410.

(g) "Remodeling": Any alterations, repairs, or improvements necessary or desirable to the housing unit as defined in §§ 36.4401 through 36.4410.

§ 36.4402 *Eligibility.* No beneficiary shall be eligible for assistance under the act for the purpose of reimbursing him for the cost of an existing structure acquired by him prior to applying for assistance or for constructing or remodeling a dwelling unless it is determined pursuant to §§ 36.4401 through 36.4410, in respect of the beneficiary that:

(a) It is medically feasible for such beneficiary to reside in the existing or proposed housing unit and in the locality where such is or will be situated;

(b) The nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes;

(c) Such unit bears a proper relation to the veteran's present and anticipated income and expenses;

(d) The veteran has or will acquire an estate in the property not less than a fee simple estate, or a leasehold estate, the unexpired term of which, including renewals at the option of the lessee, is not less than 50 years, and such title as is acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community.

§ 36.4403 *Joint ownership of housing unit.* The construction or remodeling of a housing unit, or reimbursement to a veteran who has acquired a suitable unit at his own expense, shall be permissible notwithstanding that title to the home is or will be vested in an eligible veteran and his spouse. If an undivided interest is or will be owned by a person other than the spouse of the veteran the cost of the unit to the veteran shall be computed to be such part of the total cost of the unit as is proportionate to the undivided interest of the veteran in the entire property, and the percentages and amounts prescribed in the act shall be calculated only upon such cost to the veteran.

§ 36.4404 *Computation of cost of housing unit.* For the purpose of computing the amount of benefits payable to a veteran beneficiary there may be included in the total cost to the veteran the following:

(a) The cost of the necessary land and the grading, landscaping, and improvement thereof for use for residential purposes;

(b) The cost of the improvements erected thereon, and of the appurtenances thereto, including such heating, cooking, laundry and refrigeration equipment as may be suitable to equip a housing unit for residential use;

(c) The cost of remodeling a housing unit;

(d) The cost of movable facilities and special fixtures;

(e) Reasonable architects' and attorneys' fees for services rendered to the veteran which are necessary to and are in connection with the transaction;

(f) Any charges for the customary necessary connections to or extensions of public facilities and improvements;

(g) Such other reasonable costs or expenses incurred in closing a loan or financing the acquisition of the housing and land, including unpaid taxes, ground rents, or assessments, which are normally required to be paid by a lienor or a purchaser.

§ 36.4405 *Submission of proof to the Administrator.* As a condition precedent to the grant the Administrator may require submission of such proof of costs and other matters as he may deem necessary.

§ 36.4406 *Disbursement of benefit authorized.* After approval of an application for a grant the Administrator shall decide upon a method of disbursement which in his opinion is appropriate and advisable in the interest of the veteran and the Government and disburse the benefit payable accordingly. Disbursements may be made to the veteran or to third parties who have contracted with the veteran.

§ 36.4407 *Supplementary administrative action.* Notwithstanding any requirement, condition, or limitation stated in or imposed by §§ 36.4401 through 36.4410 the Administrator, within the limitations and conditions prescribed in the act, may take such action as may be necessary or appropriate to relieve undue prejudice to a veteran or a third party contracting or dealing with such veteran which might otherwise result.

§ 36.4408 *Delegation of authority.* (a) Except as hereinafter provided, each employee of the Veterans' Administration heretofore or hereafter appointed to, or lawfully filling, any position designated in paragraph (b) of this section is hereby delegated authority, within the limitations and conditions prescribed by law, to exercise the powers and functions of the Administrator with respect to assisting eligible veterans to acquire specially adapted housing.

(b) Designated positions:

Assistant Administrator for Finance.
Director, Loan Guaranty Service.
Assistant Director, Loan Guaranty Service.
Division Chief, Loan Guaranty Service.
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

(c) Nothing in this section shall be construed to authorize any employee designated in paragraph (b) of this section to determine basic eligibility or medical feasibility.

§ 36.4409 *Guaranteed or insured loans under Servicemen's Readjustment Act.* In any case where, in addition to the benefits of Public Law 702, 80th Congress, the veteran will utilize his entitlement to the loan guaranty or insurance benefits of title three of the Servicemen's Readjustment Act of 1944, as amended, the complete transaction must be in accord with applicable regulations promulgated thereunder excepting § 36.4306 thereof.

§ 36.4410 *Allocation of the funds of the grant.* Any amount payable as a grant under the act may be required by the Administrator to be utilized as he deems advisable for payment of any of the following costs or debts which are obligations of the veteran before any part of grant may be paid to the veteran directly:

(a) Cost of necessary land,

(b) Cost of constructing or remodeling a housing unit,

(c) Delinquent taxes secured by a lien on the housing unit,

(d) Reduction or retirement of any indebtedness incurred in connection with the purchase, construction, or remodeling of a housing unit on which the grant is made.

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-9022; Filed, Oct. 12, 1948; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular 1700]

MISCELLANEOUS AMENDMENTS

Parts 1, 64, 65, 67, 72, 76 and 81, are amended as follows:

PART 61—CERTIFICATES AND SCRIP

Section 61.7 (b) is amended to read as follows:

§ 61.7 *Affidavit to accompany application.* * * *

(b) That the land applied for does not extend more than 160 rods along the shore of any navigable water or that such restriction has been waived, and that it is not within a distance of 80 rods along any navigable or other waters from any homesite or headquarter site authorized by the acts of March 3, 1927 and May 26, 1934 (44 Stat. 1364; 48 Stat. 809; 48 U. S. C. 461), or from any location theretofore made with soldiers' additional rights, or as a trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection. This showing, however, is not required where a petition for restoration, based on an equitable claim is filed with the application or the lands have been restored from reservation (R. S. 2306, 2307; 43 U. S. C. 274, 278).

PART 64—HOMESITES OR HEADQUARTERS

1. The first paragraph and paragraph (g) of § 64.4 are amended to read as follows:

§ 64.4 *Form and contents of applications.* Applications under the act of March 3, 1927, must be filed in duplicate in the district land office within which the land is situated, and the claim must be in reasonably compact form.

* * * * *

(g) That at the date of the initiation of the claim the land was not within a distance of 80 rods along any navigable water from any homesite or headquarter site authorized by the acts of March 3, 1927 and May 26, 1934 (44 Stat. 1364; 48

Stat. 809; 48 U. S. C. 461), or from any location theretofore made with soldiers' additional rights, or from any trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection. This showing, however, is not required where petition for restoration based on an equitable claim is filed with the application, or the land has been restored from reservation (44 Stat. 1364; 48 U. S. C. 461).

2. Section 64.7 (e) is amended to read as follows:

§ 64.7 *Form and contents of application.* • • •

(e) That at the date of the initiation of the claim the land was not within a distance of 80 rods along any navigable water from any homesite or headquarter site authorized by the acts of March 3, 1927 and May 26, 1934 (44 Stat. 1364; 48 Stat. 809; 48 U. S. C. 461), or from any location theretofore made with soldiers' additional rights, or from any trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection. This showing, however, is not required where a petition for restoration, based on an equitable claim is filed with the application, or the land has been restored from reservation (48 Stat. 809; 48 U. S. C. 461).

PART 65—HOMESTEADS

1. Section 65.6 (a) is amended to read as follows:

§ 65.6 *Showing to accompany application.* • • •

(a) That the land applied for does not extend more than 160 rods along the shore of any navigable water or that the restriction as to length of claim has been waived and that at the date of the initiation of the claim the land was not within a distance of 80 rods along any such water from any homesite or headquarter site authorized by the acts of March 3, 1927 and May 26, 1934 (44 Stat. 1364; 48 Stat. 809; 48 U. S. C. 461), or from any location theretofore made with soldiers' additional rights or trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection. This showing, however, is not required where a petition for restoration based on an equitable claim is filed with the application, or the land has been restored from reservation (30 Stat. 409, as amended; 48 U. S. C. 371).

2. The second paragraph of § 65.20 is amended to read as follows:

§ 65.20 *Survey without expense to settler.* • • •

Petition for survey should be filed in duplicate in the proper district land office, describing the land settled upon by approximate latitude and longitude and otherwise with as much certainty as possible without actual survey. The petition should show the date when the settlement was made, the dates from which and to which the settler has resided upon the land, the number of acres cultivated each year and the results of the cultivation, and the character and value of the improvements on the land. The petition should also show that the land does not extend more than 160 rods along the shore of any navigable water or that the restriction as to length of claim has been waived and that at the date of the initiation of the claim the land was not within a distance of 80 rods along any such water from any homesite or headquarter site authorized by the acts of March 3, 1927, and May 26, 1934 (44 Stat. 1364; 48 Stat. 809; 48 U. S. C. 461), or from any location theretofore made with soldiers' additional rights or trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection. This showing, however, is not required where a petition for restoration, based on an equitable claim is filed with the application, or the land has been restored from reservation. The petition must be signed by the applicant and should be corroborated by the statements of two persons having knowledge of the facts.

PART 67—INDIANS AND ESKIMOS

Section 67.8 is amended to read as follows:

§ 67.8 *Shore space.* An Indian allotment may not extend more than 160 rods along the shore of any navigable water unless the restriction as to length of claim has been waived and it may not extend within a distance of 80 rods along any such water from any homesite or headquarter site authorized by the acts of March 3, 1927 and May 26, 1934 (44 Stat. 1364; 48 Stat. 809; 48 U. S. C. 461), or from any location theretofore made with soldiers' additional rights or trade and manufacturing site, homesite, Indian or Eskimo allotment, or school indemnity selection, unless the land has been restored from reservation, or a petition for restoration based on an equitable claim is filed with the application (34 Stat. 197; 48 U. S. C. 357).

PART 72—PARKS, RECREATIONAL AND CEMETERY SITES

Section 72.3 (f) is amended to read as follows:

§ 72.3 *Application to lease or purchase.* • • •

(f) The statement of the applicant, corroborated by the statement of two witnesses, that the land is vacant, unreserved, unoccupied, unimproved, or unclaimed by anyone other than the applicant; that the land does not abut more than 160 rods upon navigable waters or that the restriction has been waived, and that the land is not within a distance of 80 rods along any such water from any homesite or headquarter site authorized by the acts of March 3, 1927 and May 26, 1934 (44 Stat. 1364; 48 Stat. 809; 48 U. S. C. 461), or from any location theretofore made with soldiers' additional rights, or as a trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection, or that it has been restored from reservation; and that the land is not included within an area which is reserved because of hot or medicinal spring thereon. If the facts are contrary as to any of the matters set forth in this paragraph, a complete statement should be made thereof (54 Stat. 1192; 48 U. S. C. 363).

PART 76—SCHOOL LAND RESERVATION: GRANT FOR UNIVERSITY

1. Section 76.3 (b) is amended to read as follows:

§ 76.3 *Indemnity selections.* • • •

(b) That the land applied for does not extend more than 160 rods along the shore of any navigable water or that such restriction has been waived and that the land is not within a distance of 80 rods along any navigable or other water from any homesite or headquarter site authorized by the acts of March 3, 1927 and May 26, 1934 (44 Stat. 1364; 48 Stat. 809; 48 U. S. C. 461), or from any location theretofore made with soldiers' additional rights, or trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection, or that the land has been restored from reservation (R. S. 453, 2478, 43 U. S. C. 2, 1201).

2. Section 76.7 (b) is amended to read as follows:

§ 76.7 *Affidavit must accompany application.* • • •

(b) That the land applied for does not extend more than 160 rods along the shore of any navigable water or that such restriction has been waived; and that it is not within a distance of 80 rods along any navigable or other waters from any homesite or headquarter site authorized by the acts of March 3, 1927 and May 26, 1934 (44 Stat. 1364; 48 Stat. 809; 48 U. S. C. 461), or from any location theretofore made with soldiers' additional rights, or as a trade and manufacturing site, homestead, Indian or Eskimo allotment or school indemnity selection, or that the land has been restored from reservation (R. S. 453, 2478; 43 U. S. C. 2, 1201).

PART 81—TRADE AND MANUFACTURING SITES

Section 81.6 (d) is amended to read as follows:

§ 81.6 *Facts to be shown in application.* • • •

(d) That at the date of the initiation of the claim, the land was not within a distance of 80 rods along any navigable water from any homesite or headquarter site authorized by the acts of March 3, 1927 and May 26, 1934 (44 Stat. 1364; 48 Stat. 809; 48 U. S. C. 461), or from any location theretofore made with soldiers' additional rights, or from a trade and manufacturing site, homestead, Indian or Eskimo allotment, or school indemnity selection. This showing, however, is not required where a petition for restoration, based on an equitable claim is filed with the application or the land has been restored from reservation (R. S. 453, 2478; 43 U. S. C. 2, 1201).

MARION CLAWSON,
Director.

Approved: September 28, 1948.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

[F. R. Doc. 48-9035; Filed, Oct. 12, 1948; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter M—Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery

[CGFR 48-51]

PART 144—CONSTRUCTION OR MATERIAL ALTERATION OF PASSENGER VESSELS OF THE UNITED STATES OF 100 GROSS TONS AND OVER PROPELLED BY MACHINERY

CONVERSION OF CERTAIN VESSELS TO PASSENGER VESSELS

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 5, 49 Stat. 1384, sec. 2, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 369, 463a, 50 U. S. C. 1275, and sec. 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, I find that an emergency exists and the following amendment to the regulations shall be made effective on the date of publication of this document in the FEDERAL REGISTER:

Section 144.29 (a) is amended by the addition of the following sentence:

§ 144.29 *Alternate materials.* (a) • • • Vessels to be converted for the transportation of personnel to and from salvage operations, offshore oil drilling operations, and similar operations, may be given special consideration.

(Sec. 5, 49 Stat. 1384, sec. 2, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 369, 463a, 50 U. S. C. 1275)

This amendment to the regulations is published without prior general notice of its proposed issuance for the reason that notice, public rule making procedure, and effective date requirements in connection therewith are hereby found to be impracticable and contrary to the public interest. This emergency is due to the shortage of suitable steel hull vessels and the shortage of steel preventing the conversion or construction of passenger vessels for service in offshore oil drilling or salvage operations. This added regulation allows vessels constructed of material other than steel to be used under certain conditions for the transportation of persons engaged in offshore oil drilling, salvage, and similar operations. Inasmuch as these operations are in the national interest, it will permit the continued operation of certain vessels as well as conversions of others for service in such operations.

Dated: October 8, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 48-9055; Filed, Oct. 12, 1948; 8:51 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Supp. Administrative Order ODT 1-5E]

DELEGATION OF AUTHORITY TO TRANSPORTATION OFFICER, AND TRANSPORTATION ASSISTANT, RAILWAY TRANSPORT DEPARTMENT

Pursuant to § 503.5, paragraph (b) of Administrative Order ODT 1, as amended (8 F. R. 6001; 9 F. R. 4615):

1. M. F. Pitcher, Transportation Officer, Railway Transport Department, Office of Defense Transportation, or in her absence, L. F. Cook, Transportation Assistant, Railway Transport Department, is each hereby authorized to execute and issue in her discretion, subject to such terms and conditions as she may prescribe, and in the name of the Director of the Office of Defense Transportation, the special permits contemplated by § 500.73 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2385; 13 F. R. 2971), and the special permits contemplated by General Order ODT 1, Revised, as amended (11 F. R. 8228, 9040, 10616), or as such orders may be hereafter amended, revised, or reissued.

2. The exercise of the powers and authority conferred by this order shall be subject to the general control and supervision of the Director of the Office of Defense Transportation and the Director, Railway Transport Department, Office of Defense Transportation.

This Supplementary Administrative Order ODT 1-5E shall become effective on October 8, 1948.

Supplementary Administrative Order ODT 1-5D (12 F. R. 5781), is hereby revoked as of the effective date of this Supplementary Administrative Order ODT 1-5E.

Issued at Washington, D. C., this 8th day of October 1948.

C. R. MEGEE,
Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 48-9044; Filed, Oct. 12, 1948; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 45494]

UTAH

ORDER OPENING LANDS TO MINING LOCATION, ENTRY AND PATENTING

Under authority and pursuant to the provisions of the act of April 23, 1932 (47 Stat. 136, 43 U. S. C. sec. 154) and the regulations thereunder, and subject to (1) valid existing rights, and (2) the terms of the following-quoted stipulations, it is hereby ordered that the W½ NW¼ sec. 22, T. 9 S., R. 1 E., S. I. M., Utah be, and the same is hereby opened to location, entry and patenting under the general mining laws, and the quoted stipulations to be executed and acknowledged in favor of the United States by the locators, for their heirs, successors and assigns, and recorded in the county records and in the United States Land Office at Salt Lake City, Utah before locations are made:

There is reserved to the United States, its successors and assigns, the prior right to use any of the lands herein described, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roads, and appurtenant irrigation structures, also the right to remove construction materials therefrom, without any payment made by the United States, its successors or assigns, for such rights, with the agreement on the part of the applicants that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures, across, over, or upon said lands or the removal of construction materials therefrom, should be made more expensive by reason of the existence of improvements or workings of the applicants thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty days after demand is made upon the applicants for payment of any such sums, the applicants will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or removing construction materials therefrom. The applicants further agree that the United States, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the applicants resulting from the construction, operation, and maintenance of any of the works hereinabove enumerated. Nothing contained in this paragraph shall be construed as in any manner limiting other reservations in favor of the United States.

In carrying on mining, milling, and other operations on the above-described lands, applicants and their heirs, executors, administrators, successors and assigns, shall:

(a) Notify the United States in writing of any plan of the applicants to tunnel or otherwise conduct mining or other operations within 100 feet of the canal, works, structures, and property of the United States. Notice shall be given to the Regional Director, Bureau of Reclamation, Salt Lake City, Utah, or to a person designated by him, at least 30 days before mining operations reach such point;

(b) Comply with all requirements imposed by the United States to safeguard the canal, works, structures, and property of the United States, and do all things necessary to prevent damage thereto. In the event damage should occur, the applicants shall pay to the United States within 30 days after demand therefor, a sum conclusively determined by the Secretary of the Interior to be sufficient to defray the cost of repairing, replacing, or otherwise restoring damaged property;

(c) Upon demand, furnish a bond in an amount and form satisfactory to the Secretary of the Interior to protect the United

States against loss arising out of, or in connection with, the use of the above-described lands by the applicants.

Any location or entry made and any patent issued for the above-described land will be subject to and contain a reference to the above-quoted stipulations and to the volume and page where they are recorded in the county records.

This order shall not become effective to change the status of the land until 10:00 a. m. on December 8, 1948, at which time the land shall, subject to valid existing rights and the provisions of existing withdrawals and of this order, become subject to disposition under the United States mining laws only, as above provided.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

OCTOBER 6, 1948.

[F. R. Doc. 48-9034; Filed, Oct. 12, 1948; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7162, 7991, 7996, 8090, 8102]

LOUISIANA BROADCASTING CO. ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Roy Hofheinz and W. N. Hooper, d/b as Louisiana Broadcasting Company, New Orleans, Louisiana, Docket No. 7162, File No. BP-4260; Bayou Broadcasting Company, Inc., Baton Rouge, Louisiana, Docket No. 7991, File No. BP-5453; James W. Bradner, Jr., tr/as the Galveston Broadcasting Company (KGBC), Galveston, Texas, Docket No. 8090, File No. BP-5663; for construction permits. Matter of petition of Josh Higgins Broadcasting Company (KXEL) for continuation of exclusive nighttime assignment on 1540 kc to Station KXEL, Waterloo, Iowa, Docket No. 7996. Matter of petition of Bayou Broadcasting Company, Inc., Baton Rouge, La., for leave to amend, Docket No. 8102.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of September 1948:

The Commission having under consideration the exceptions filed in the above proceeding and the petition for severance and grant filed by The Galveston Broadcasting Company (KGBC), Galveston, Texas; and

It appearing, that the issues raised in the foregoing petition for severance and grant can best be disposed of after affording petitioner an oral argument before the Commission, en banc, on said issues, and that the petition should be designated for oral argument together with the exceptions filed in the above proceeding:

It is ordered, That oral argument on the exceptions filed in the above-entitled proceeding be, and it is hereby, scheduled for October 26, 1948, at 10:00 a. m., before the Commission en banc; and

It is further ordered, That the petition for severance and grant filed in this proceeding by The Galveston Broadcasting Company (KGBC), Galveston, Texas, be, and it is hereby, scheduled for oral argument on October 26, 1948, together with the exceptions in this proceeding, and that the parties be, and they are hereby, afforded an opportunity to address themselves not only to the Proposed Decision and the exceptions filed but to the issues raised in the foregoing petition for severance and grant.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9047; Filed, Oct. 12, 1948; 8:50 a. m.]

[Docket Nos. 7965, 8104]

SEASIDE BROADCASTING CO. AND PIONEER BROADCASTERS, INC.

ORDER CONTINUING HEARING

In re application of Seaside Broadcasting Company, Atlantic City, New Jersey, Docket No. 7965, File No. BP-5384; Pioneer Broadcasters, Inc., Pleasantville, New Jersey, Docket No. 8104, File No. BP-5694; for construction permits.

The Commission having under consideration a petition filed September 28, 1943, by Seaside Broadcasting Company, Atlantic City, New Jersey, requesting a continuance in the further hearing presently scheduled for October 11, 1948, at Atlantic City upon the above-entitled applications for construction permits;

It is ordered, This 1st day of October, 1948, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, November 8, 1948, at Atlantic City, New Jersey.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9045; Filed, Oct. 12, 1948; 8:49 a. m.]

[Docket No. 9158]

EWING BROADCASTING CO. AND ANDALUSIA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of P. K. Ewing, Jr., F. C. Ewing and Myrtle M. Ewing, d/b as Ewing Broadcasting Company, Jackson, Mississippi, Andalusia Broadcasting Company, Andalusia, Alabama; assignment of license of Standard Broadcast Station WJXN, Jackson, Mississippi. Docket No. 9158; File No. BAL-735.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of October 1948;

The Commission having under consideration the above-entitled application for assignment of license of radio station WJXN, Jackson, Mississippi, from P. K. Ewing, Jr., F. C. Ewing and Myrtle M. Ewing, d/b as Ewing Broadcasting Company to Andalusia Broadcasting Company; and not being satisfied that it is in possession of full information as is required by the Communications Act of 1934, as amended, and acting pursuant to section 310 (b) of said Act;

It is ordered, That the above-entitled application be, and it is hereby, designated for hearing at a time and place to be set by subsequent order of the Commission on the following issues:

(1) To determine whether the proposed assignee is legally, financially and otherwise qualified to own or control and to operate station WJXN, Jackson, Mississippi.

(2) To determine the full contract arrangements or agreement of sale either made or to be made by the proposed assignee with the present licensee including the price and manner of payment and the properties to be received therefor.

(3) To secure full information as to the plans of the proposed assignee for staffing the station, its plans with respect to the stations programming and all other plans and arrangements for the operation of the station.

(4) To determine whether the license granted to P. K. Ewing, Jr., F. C. Ewing and Myrtle M. Ewing, d/b as Ewing Broadcasting Company, for station WJXN, or the rights and responsibilities incident thereto, have been transferred, assigned or disposed of, directly or indirectly, without the consent of the Commission, and in contravention of the Communication Act of 1934, as amended, and more particularly section 310 (b) thereof.

(5) To determine whether all contracts, obligations, undertakings and agreements which have been entered into by the applicant, Ewing Broadcasting Company, with respect to the ownership, operation, financing, and control of that company, have been reported to the Commission as required by its rules and regulations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9046; Filed, Oct. 12, 1948; 8:49 a. m.]

[Docket Nos. 7325, 7886, 8291-8293]

HAMPDEN-HAMPSHIRE CORP., ET AL.

NOTICE OF ORAL ARGUMENT

The Commission, on September 30, 1948, directed that oral argument be held before the Commission en banc on the following listed matters, in Room 6121 of the offices of the Commission, on Tuesday, October 26, 1948 at 11:00 o'clock a. m. immediately following oral argument in the Baton Rouge-New Orleans-Galveston proceeding:

ARGUMENT NO. 2
(11:00 o'clock a. m.)

Docket No.				
7325 B1-P-4347 7886 B1-P-6217	WHYN... New.....	Hampden-Hampshire Corp., Holyoke, Mass. Pynchon Broadcasting Corp., Springfield, Mass.	CP to change freq., incr. power, etc. CP for new station..	560 kc. 1 kw., unlimited. 560 kc. 5 kw., unlimited.

ARGUMENT NO. 3

Docket No.		
8291 B2-PH-183	Keystone Broadcasting Corp., Harrisburg, Pa.....	Applications for FM facilities.
8292 B2-PH-184	York Broadcasting Co., York, Pa.....	
8293 B2-PH-322	Reading Broadcasting Co., Reading, Pa.....	

Dated: September 30, 1948.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9048; Filed, Oct. 12, 1948; 8:50a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6118]

BRAZOS RIVER CONSERVATION AND RECLAMATION DISTRICT AND BRAZOS RIVER TRANSMISSION ELECTRIC COOPERATIVE, INC.

ORDER REOPENING PROCEEDINGS AND FIXING DATE FOR FURTHER HEARING

OCTOBER 6, 1948.

In the matters of Brazos River Conservation and Reclamation District and Brazos River Transmission Electric Cooperative, Inc., Complaint, v. Brazos River Conservation and Reclamation District, Defendant, Project No. 1490, Docket No. E-6118.

Upon consideration of staff counsel's petition to reopen proceedings filed September 22, 1948;

It appears to the Commission that:

The public interest requires the reopening of the above-entitled proceedings.

The Commission orders that:

(A) The above-entitled proceedings be and they hereby are reopened for the purpose of enabling the staff of the Commission to present further evidence and to permit the submission of evidence in rebuttal thereto.

(B) A further hearing be held on October 14, 1948, at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: October 6, 1948.

By the Commission:

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9041; Filed, Oct. 12, 1948; 8:47 a. m.]

NATIONAL LABOR RELATIONS BOARD

WISCONSIN EMPLOYMENT RELATIONS BOARD

AGREEMENT RELATING TO WORKING ARRANGEMENTS IN REFERENCE TO ELECTIONS

It is hereby understood and agreed between the Wisconsin Employment Relations Board, the National Labor Relations Board and the General Counsel of the National Labor Relations Board, that the following working arrangements between the parties will be observed in reference to elections conducted pursuant to section 9 (e) of the National Labor Relations Act, as amended, and section 111.06 (1c) of the Wisconsin Statutes:

In each case where there is concurrently pending a Petition for Bargaining Relative to Union Security before the National Labor Relations Board, pursuant to section 9 (e), and a Petition for a Referendum before the Wisconsin Employment Relations Board, pursuant to section 111.06 (1c) of the Wisconsin Statutes, the following procedures shall be followed:

The parties may enter into a Stipulation for Referendum, subject to the approval of the Wisconsin Employment Relations Board, a copy of which is attached hereto and made a part hereof.

In order to obviate the necessity of holding two elections within the same bargaining unit, the Wisconsin Employment Relations Board, the National Labor Relations Board, and the General Counsel of the National Labor Relations Board, hereby agree to the arrangements set forth in the Stipulation for Referendum attached hereto and made a part hereof.

It is mutually agreed between the Wisconsin Employment Relations Board, the National Labor Relations Board and the General Counsel of the National Labor Relations Board, that the observer for the Wisconsin Employment Relations Board will have no official duties, responsibilities, or authority in connection with the election, except that of observer as specified in paragraph 4 of the Stipulation for Referendum and, further, except in connection with his duties and responsibilities to the Wisconsin Employment Relations Board. He will be subject to the control and supervision of the agent of the National Labor Relations Board at all times.

It is further agreed by the Wisconsin Employment Relations Board that such Board will not certify the results of any referendum conducted pursuant to this agreement until at least ten (10) days after the date of such election, and in no case will certify until after the Regional Office of the National Labor Relations Board, or the Board, has resolved any question concerning the conduct of the election, or challenged ballots which might be determinative of the results of the election.

It is understood, however, that the Wisconsin Employment Relations Board is not bound to adopt as final the determination of the Regional Director or the National Labor Relations Board on disposition of challenged ballots or objections to the election, based on the commission by either party to the election of any unfair labor practice.

The above agreement is subject to termination by any of the parties at any time.

Dated at Milwaukee, Wisconsin, this 17th day of September 1948.

[SEAL] WISCONSIN EMPLOYMENT RELATIONS BOARD,
L. E. GOODING,
Chairman.
NATIONAL LABOR RELATIONS BOARD,
PAUL M. HERZOG,
Chairman
R. N. DENHAM,
General Counsel.

STIPULATION FOR REFERENDUM

Whereas, the (Name of union with affiliation) has requested the Wisconsin Employment Relations Board to conduct a referendum pursuant to section 111.06 of the Wisconsin Statutes, among the employes of (Name of Employer), and whereas such union has also requested the National Labor Relations Board to conduct an election pursuant to section 9 (e) of the National Labor Relations Act, as amended;

Now, therefore, it is agreed by and between the (Name of Company and address), hereinafter referred to as the company, and the (Name of Union with affiliation), hereinafter called the union, for the purpose of avoiding the necessity of conducting a hearing to determine the questions raised by the request for such referendum, and for the further purpose of avoiding the necessity of conducting two separate elections that:

1. A referendum by secret ballot shall be held pursuant to Section 111.06 of the Wisconsin Statutes to determine whether or not the required number of eligible employes in the collective bargaining unit described in paragraph two favor an "All-Union Agreement" between the company and the union as their representative.

2. The unit for the purposes of collective bargaining shall be the same as that set forth in the agreement heretofore executed by the union and the company consenting to the conduct of a union authorization election by the National Labor Relations Board.

3. All employes of the company on_____, who are included in the unit described in the paragraph above and whose names are included in the eligibility list for the union authorization election to be conducted by the National Labor Relations Board, shall be eligible to vote in such referendum.

4. That the Wisconsin Employment Relations Board in the conduct of such referendum will adopt as its ballot the ballot of the National Board, will have present at the election by such board a representative who will observe the counting of the votes, check the names of the voters, prepare a tally sheet to conform with that of the National Board as to the results disclosed by the election, and that the results of said referendum may

be certified by the Wisconsin Employment Relations Board in the same manner and with the same effect as if the Wisconsin Employment Relations Board had conducted a separate referendum.

Dated at _____, Wisconsin, this _____ day of _____, 194__.

Company:
By _____
Street _____
City _____ Tel. _____

Union:
By _____
Street _____
City _____ Tel. _____

[F. R. Doc. 48-9038; Filed, Oct. 12, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-873]

NORTHERN STATES POWER CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of October A. D. 1948.

The New York Curb Exchange has made application to the Commission pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, Without Par Value, of Northern States Power Company, a Minnesota Corporation, 15 South Fifth Street, Minneapolis, Minnesota.

A public hearing has been held after appropriate notice.

The Commission, being duly advised, finds:

(1) That the $3.60 Cumulative Preferred Stock, No Par Value, the First Mortgage Bonds, 2¾% Series due October 1, 1975, and the First Mortgage Bonds, 2¾% Series due February 1, 1974, of Northern States Power Company are registered and listed on the New York Stock Exchange; that there is available from registration statements and periodic reports filed pursuant to rules and regulations under the Securities Exchange Act of 1934, information substantially equivalent to that which would be available if the common stock of Northern States Power Company were registered on a national securities exchange; that the issuer, its officers and directors and every beneficial owner of more than 10 per centum of the common stock of this company will be subject to duties substantially equivalent to the duties which would arise under the Securities Exchange Act of 1934 if the common stock of Northern States Power Company were duly registered and listed on a national securities exchange;

(2) A plan of simplification of a holding company system has been approved by the Commission in the matter of Northern States Power Company (Delaware) and Northern States Power Company (Minnesota) Holding Company Act of 1935, Release Nos. 7950 and 7978. This plan has been confirmed and ordered in force by the District Court of the United States for the District of Minnesota in its opinion dated August 30, 1948 and its order dated September 18, 1948. On October 4, 1948, the shareholders of Northern States Power Company, a Minnesota corporation, will meet to take action on the plan of simplification of this holding company system that has been approved by the Commission and by the Court. This plan involves reclassification of the previously outstanding common stock of Northern States Power Company, a Minnesota corporation, which under the plan will be distributed to holders of the preferred and common stocks of Northern States Power Company, a Delaware corporation. When this plan becomes effective by filing with the Office of the Secretary of State of the State of Minnesota certificates showing the action that has been taken by the shareholders, the date of which filing is not yet ascertained, the new common stock of Northern States Power Company, a Minnesota corporation, will be issued, and will be awaiting distribution to the preferred and common stockholders of Northern States Power Company, a Delaware corporation, who will be entitled to this distribution under the terms of the plan;

(3) That the geographical area deemed to constitute the vicinity of the New York Curb Exchange for the purpose of this application is the states of Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania and Ohio; that out of a total of 9,527,623 shares of common stock of Northern States Power Company, a Minnesota corporation, that will be issued when the plan becomes effective, there will be 2,716,194 shares owned by 4,787 shareholders in the vicinity of the New York Curb Exchange, according to an estimate based on the number of preferred and common shareholders of Northern States Power Company, a Delaware corporation, in the vicinity of the New York Curb Exchange on December 31, 1945, entitled to receive the new shares of common stock of the Minnesota corporation; the only evidence that is available in respect to the volume of trading that may take place in the new security in the vicinity of the New York Curb Exchange when it is issued is the fact that during the year 1947 103,300 shares of Class A Common Stock of Northern States Power Company, a Delaware corporation, were traded on the New York Curb Exchange and each holder of one of these shares will become entitled under the plan of simplification to receive in exchange 5¼ shares of the new common stock of the Minnesota corporation;

(4) That sufficient public distribution of, and sufficient public trading activity in this security will exist in the vicinity of the applicant exchange when the security is issued to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(5) That the extension of unlisted trading privileges on the applicant exchange to this security will be otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934, that the application of the New York Curb Exchange for permission to extend unlisted trading privileges to the Common Stock, Without Par Value, of Northern States Power Company, a Minnesota corporation be, and the same is, hereby granted, effective as of the date of issuance of this security.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-9037; Filed, Oct. 12, 1948; 8:46 a. m.]

[File No. 70-1942]

BROCKTON EDISON CO. AND EASTERN UTILITIES ASSOCIATES

MEMORANDUM OPINION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 6th day of October A. D. 1948.

On September 3, 1948, Brockton Edison Company ("Brockton"), a public utility subsidiary company of Eastern Utilities Associates ("EUA"), a registered holding company, and said EUA, filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 12 thereof, and Rules U-42 (b) (2), U-44, and U-50 promulgated thereunder.

The application-declaration stated that Brockton proposed to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $4,000,000 principal amount of First Mortgage and Collateral Trust Bonds, _____% Series due 1978, the interest rate (which would be a multiple of ⅛th of 1%) and the price (which would be not less than 100% or more than 102¾% of the principal amount thereof, together with accrued interest from September 1, 1948, to the date of payment and delivery) to be determined by such competitive bidding. The net proceeds from such issue and sale were to be used to retire $2,625,000 principal amount of promissory notes of Brockton presently outstanding and to obtain funds for that company's construction purposes. Said bonds were to be secured by an Indenture of First Mortgage and Deed of Trust to State Street Trust Company, as Trustee, mortgaging and pledging all the assets of Brockton, (with certain specified exceptions), including its investment in the securities of Montaup Electric Company, a subsidiary company of Brockton and EUA. The application-declaration stated that such issue and sale are subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts, the State Commission of the State in which Brockton is organized and doing business, which State Commission has expressly authorized the proposed issue and sale of said bonds.

On September 10, 1948, this Commission issued a notice of filing with respect to said application-declaration stating therein that any interested person might, not later than September 22, 1948, request, in writing, that a hearing be held on the above-entitled matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted.

On September 22, 1948, within the time period specified in said notice of filing, Roger W. Babson, the owner of 32,850 shares of convertible stock of EUA, filed a protest against the proposed bond issue and a request for a hearing and oral argument.

On September 30, 1948, the Commission heard oral argument on said request and said application-declaration and after consideration of the matter issued the following ruling:

The Commission, having heard oral argument and having considered the matter, is of the opinion that no hearing is necessary on any of the issues raised except that involving the question whether Brockton's holdings of common stock of Montaup should be pledged as part of the security for the proposed bond issue. With respect to that issue the Commission has determined that a hearing should be held unless the applicants-declarants decide to withdraw the proposal to pledge the Montaup stock. It has accordingly directed that the applicants-declarants be given an opportunity, if they so desire, to withdraw said provision, and that if such withdrawal is forthcoming within 5 days the Commission will proceed to dispose of the application-declaration on the merits without any further hearing. If the applicants-declarants decide not to take such action, appropriate notice will be given convening a hearing for the purpose of taking testimony on the issue raised by the inclusion of the Montaup stock as security for the proposed bond issue.

Said ruling was communicated to Brockton and to EUA and on October 5, 1948, Brockton advised the Commission that it did not propose to withdraw the provision with respect to the pledge of Brockton's holdings in the common stock of Montaup Electric Company.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held solely with respect to the limited matters set forth below, and that the application-declaration should not be granted or permitted to become effective except pursuant to further order of the Commission: *It is ordered*, That:

1. A hearing on the application-declaration with respect solely to the limited matters set forth below, shall be held pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, on October 20, 1948, at 10:00 a. m., e. s. t., at the office of the Commission, 425 Second Street NW., Washington, D. C. On such date the hearing room clerk in Room 101 will designate the room in which such hearing shall be heard. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before October 19, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice;

2. The evidence to be adduced at the hearing shall be limited solely to the issue whether, in the light of the requirements of section 11 of the act, it is appropriate in the public interest and for the protection of investors and consumers that Brockton's holdings of common stock of Montaup Electric Company should be pledged as partial security for the proposed bond issue;

(3) Allen MacCullen, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice;

4. Notice of this hearing shall be given to Brockton, EUA, and Roger W. Babson, or to their respective counsel of record herein, by registered mail, and to all other persons by publication of this order in the FEDERAL REGISTER and by a general release of this Commission distributed to the parties and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935;

5. The protest and request for a hearing filed by Roger W. Babson be and hereby is denied except to the extent hereinabove set forth.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-9036; Filed, Oct. 12, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12053]

OTTO LUEDEKING AND WESTERN BANK AND TRUST CO.

In re: Trust under agreement dated November 1, 1924 between Otto Luedeking, settlor and The Western Bank and Trust Company, trustee. F-28-12875-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Luedeking, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated November 1, 1924, by and between Otto Luedeking, settlor and The Western Bank and Trust Company, trustee, presently being administered by The Western Bank and Trust Company, trustee, 12th and Vine Streets, Cincinnati 1, Ohio,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany):

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON, *Acting Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-9024; Filed, Oct. 11, 1948; 8:50 a. m.]

[Vesting Order 12057]

AUGUST RISTAU

In re: Bank account owned by heirs of August Ristau, deceased. Files F-28-26206-B-1; F-28-26206-C-1; F-28-26206-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Oscar Albert, Anna Roloff, and Paul Albert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. The one-twelfth share of Oscar Albert of that certain debt or other obligation of the Farmers National Bank of Geneseo, Illinois, arising out of a checking account entitled H. C. Bergen, Agent for the heirs of August Ristau, deceased, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. The one-twelfth share of Anna Roloff of that certain debt or other obligation of the Farmers National Bank of Geneseo, Illinois, arising out of a checking account entitled H. C. Bergen, Agent for the heirs of August Ristau, deceased, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

c. The one-twelfth share of Paul Albert, of that certain debt or other obligation of the Farmers National Bank of Geneseo, Illinois, arising out of a checking account entitled H. C. Bergen, Agent for the heirs of August Ristau, deceased,

maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property decribed above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9049; Filed, Oct. 12, 1948; 8:50 a. m.]

[Vesting Order 12109]

HUGO HIRSCHBUEHL

In re: Bank account owned by Hugo Hirschbuehl. F-28-18122-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Hirschbuehl, whose last known address is Sigmaringendorf (Hohenz.), Blochingen (Wurrtenburg), Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hugo Hirschbuehl, by Marshall and Ilsley Bank, 721 N. Water Street, Milwaukee, Wisconsin, arising out of a savings account, account number 136586, entitled Hugo Hirschbuehl, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9050; Filed, Oct. 12, 1948; 8:50 a. m.]

[Vesting Order 12110]

RUDOLF HOPFL

In re: Debt owing to Rudolf Hopfl. F-28-22650-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Hopfl, whose last known address is Leegebruch b/Velten-Mark, Osthavelland, Wiesenweg 7, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Rudolf Hopfl, by Paul H. Heimbach, 31 Manchester Road, Tuckahoe 7, N. Y. in the amount of $386.46, as of February 28, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9051; Filed, Oct. 12, 1948; 8:50 a. m.]

[Vesting Order 12113]

CARLOS MAYER

In re: Bank account owned by Carlos Mayer. F-28-27407-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carlos Mayer, whose last known address is c/o Ullmann and Englemann, Furth (Bavaria) Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Carlos Mayer, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an unpresented draft account, entitled Carlos Mayer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9052; Filed, Oct. 12, 1948; 8:50 a. m.]

[Vesting Order 12114]

RENE MÖLLER

In re: Bank account owned by Rene Möller. F-28-26367-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rene Möller, whose last known address is Loolestieg 12, Hamburg 20, Germany, is a resident of Germany aud a national of a designated enemy country (Germany):

2. That the property described as follows: That certain debt or other obligation owing to Rene Möller, by The Chase National Bank of of the City of New York, 18 Pine Street, New York, New York, arising out of a checking account, entitled Rene Möller, maintained at the Cristobal, Canal Zone, branch office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany):

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9053; Filed, Oct. 12, 1948; 8:50 a. m.]

[Vesting Order 12116]

MESSRS. AUGUST ASCHER SOHN

In re: Bank account owned by Messrs. August Ascher Sohn. F-28-2042-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Messrs. August Ascher Sohn, the last known address of which is Neuerwall 72, Hamburg, 36, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Hamburg, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Messrs. August Ascher Sohn, by The Royal Bank of Canada, 68 William Street, New York 5, New York, arising out of an account, entitled Messrs. August Ascher Sohn, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany). All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9054; Filed, Oct. 12, 1948; 8:51 a. m.]

REFERENCE OCT 13 48

EFERENCE

OCT 15 '48

FEDERAL REGISTER

VOLUME 13 NUMBER 201

Washington, Thursday, October 14, 1948

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357), the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215; 13 F. R. 439, 2475, 3969, 4186) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231, 4369, 8723; 13 F. R. 436, 1087, 2291, 2475, 2950, 3969, 4186, 5152) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.32 *Procaine penicillin and buffered crystalline penicillin for aqueous injection*—(a) *Potency, sterility, moisture, pyrogens, toxicity, pH.* Proceed as directed in § 141.29.

(b) *Buffered crystalline penicillin content*—(1) *Preparation of sample.* Add 20 ml. of distilled water to the contents of a vial of the sample and shake well. Centrifuge, decant, and centrifuge the decanted liquid to obtain 12 to 15 ml. of clear solution.

(2) *Iodometric assay for total penicillin.* Dilute a 5.0-ml. aliquot of the clear solution prepared in accordance with subparagraph (1) of this paragraph to 50 ml. with 1% phosphate buffer at pH 6.0. Determine the total quantity of penicillin in a 2.0-ml. aliquot of this solution by the iodometric assay procedure described in § 141.5 (e).

(3) *Colorimetric determination of procaine penicillin.* (i) Transfer a 10.0-ml. aliquot of the solution prepared in subparagraph (2) of this paragraph to a 1-liter volumetric flask and make to volume with distilled water. Determine the quantity of procaine penicillin in a 10.0-ml. aliquot of this solution by the following method:

(ii) *Reagents*—(*a*) *Sodium nitrite solution.* Dissolve 0.1 gm. of sodium nitrite in 100 ml. distilled water. Prepare fresh solution every other day.

(*b*) *Ammonium sulfamate solution.* Dissolve 0.5 gm. of ammonium sulfamate in 100 ml. distilled water.

(*c*) *N-(1-naphthyl)-ethylenediamine solution.* Dissolve 0.1 gm. of N-(1-naphthyl)-ethylenediamine dihydrochloride in 100 ml. distilled water. Prepare fresh solution every other day.

(iii) *Standard curve.* Prepare a standard stock solution containing 275.5 ml. of procaine hydrochloride U. S. P. in a liter of distilled water. A standard working solution containing 2.755 mg. per liter is prepared by diluting 10.0 ml. of the standard stock solution to a liter with distilled water. (Each milliliter of the standard working solution is equivalent to 6 units of procaine penicillin.) Transfer, respectively, 2.0, 4.0, 6.0, 8.0, and 10.0 ml. of the standard working solution and 10.0 ml. of distilled water to each of six 25-ml. volumetric flasks. Add 8.0, 6.0, 4.0, and 2.0 ml. of water to the first four flasks, respectively, to give each a volume of 10.0 ml. To each flask add 0.5 ml. of 4N HCl, 1.0 ml. of the sodium nitrite solution, 1.0 ml. of the ammonium sulfamate solution, and 1.0 ml. of the N-(1-naphthyl)-ethylenediamine solution, with mixing after each addition. Make each flask to a volume of 25 ml. with distilled water. Read the percent light transmission of the colored solutions using a 2.0 cm. cell and a 550 μ filter in a suitable photoelectric colorimeter. The instrument is balanced so that the zero concentration reads 100% light transmission. Prepare a standard curve on semilog paper, plotting the percent light transmission on the logarithmic ordinate scale and the concentration as units of procaine penicillin on the abscissa.

(iv) *Procedure.* By means of a volumetric pipette transfer to a 25-ml. volumetric flask 10.0 ml. of the solution prepared in subparagraph (3) (i) of this paragraph. Add 0.5 ml. of 4N HCl, 1.0 ml. of the sodium nitrite solution, 1.0 ml.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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(Revised through June 30)

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of the ammonium sulfamate solution, and 1.0 ml. of the N-(1-naphthyl)-ethylenediamine solution with mixing after each addition. Make to 25.0 ml. with distilled water. Set the colorimeter at 100% light thansmission with the 0% concentration blank as directed above and obtain the percent light transmission of the sample. The concentration obtained directly from the standard curve corresponding to the percent light transmission of the sample X20 equals the concentration of procaine penicillin in 2 ml. of the solution prepared in subparagraph (2) of this paragraph.

The content of buffered crystalline penicillin in the sample vial is equal to the difference between the total number of units of penicillin in 2.0 ml. of the solution as determined by subparagraph (2) of this paragraph and the total number of units of procaine penicillin in 2.0 ml. of this same solution as determined above, multiplied by 100.

The content of buffered crystalline penicillin in the batch is satisfactory when determined by the method described in this paragraph if it is not less than 85% of that which it is represented to contain.

(c) *Procaine penicillin.* The procaine penicillin content of the batch is the difference between the potency determined by the method described in paragraph (a) of this section and the content of buffered crystalline penicillin determined by the method described in paragraph (b) of this section.

The procaine penicillin content of the batch is satisfactory when determined by the method described in this paragraph if it is not less than 85% of that which it is represented to contain.

2. The headnote of § 146.27 is amended to read:

§ 146.27 *Tablets buffered penicillin (tablets buffered penicillin sodium, tablets buffered penicillin calcium, tablets buffered penicillin potassium, tablets buffered penicillin procaine, tablets buffered penicillin sodium salt, tablets buffered penicillin calcium salt, tablets buffered penicillin potassium salt, tablets buffered penicillin procaine salt).* • • •

3. Section 146.27 (a) is amended to read:

(a) *Standards of identity, strength, quality, and purity.* Tablets buffered penicillin is sodium penicillin, calcium penicillin, potassium penicillin, or procaine penicillin and one or more of

the buffer substances sodium citrate, sodium benzoate, citric acid, aluminum hydroxide, calcium carbonate, magnesium oxide, aluminum dihydroxyaminoacetate, and sodium salts of fatty acids, in quantities sufficient to exert a buffering action. It is tableted with or without the addition of one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 50,000 units and if it is less than 100,000 units it is "unscored"; its moisture content is not more than 1.0%. The sodium penicillin, calcium penicillin, and potassium penicillin used conforms to the standards prescribed therefor by § 146.24 (a), except subparagraphs (1), (2), (4), and (7) of § 146.24 (a), but its potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146.44 (a), except subparagraphs (2) and (3) of § 146.44 (a). Each other substance, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

4. Section 146.27, subparagraph (1) (iv) of paragraph (c) *Labeling,* is amended to read:

(iv) The statement "Expiration date ----------," the blank being filled in, if crystalline sodium or potassium penicillin is used, with the date which is 18 months, or if crystalline sodium or potassium penicillin is not used, with the date which is 12 months after the month during which the batch was certified.

5. Section 146.27, subparagraph (2) (ii) of paragraph (d) *Requests for certification; samples,* is amended to read:

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity if it is crystalline penicillin, heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is crystalline procaine penicillin G.

6. Section 146.27, subparagraph (3) (ii) of paragraph (d) is amended to read:

(ii) The penicillin used in making the batch; 6 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 mg. if it is not procaine penicillin, and not less than 300 mg. if it is procaine penicillin, packaged in accordance with the requirements of § 146.24 (b) or § 146.44 (b).

7. The headnote of § 146.30 is amended to read:

§ 146.30 *Penicillin troches (sodium penicillin troches, calcium penicillin troches, potassium penicillin troches, procaine penicillin troches, penicillin troches sodium salt, penicillin troches calcium salt, penicillin troches potassium salt, penicillin troches procaine salt).* • • •

8. Section 146.30 (a) is amended to read:

(a) *Standards of identity, strength, quality, and purity.* Penicillin troches are troches composed of sodium penicillin, calcium penicillin, potassium penicillin, or procaine penicillin and one or more suitable and harmless diluents, binders, and lubricants, with or without ethyl aminobenzoate or one or more suitable and harmless masticatory substances, colorings, and flavorings. The potency of each troche is not less than 500 units; the moisture content is not more than 1.0%, except that if flavorings are omitted and it contains crystalline penicillin in a base of not less than 50% gelatin by weight, its moisture content is not more than 2%. The sodium penicillin, calcium penicillin, or potassium penicillin used conforms to the requirements of § 146.24 (a) except the limitation on penicillin K content and except subparagraphs (1), (2), (4), and (7) of § 146.24 (a), but the potency is not less than 300 units per milligram. The procaine penicillin used conforms to the requirements of § 146.44 (a), except the limitation on penicillin K content and except subparagraphs (2) and (3) of § 146.44 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

9. Section 146.30, subparagraph (2) (ii) of paragraph (d) *Requests for certification; samples,* is amended to read:

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, crystallinity if it is crystalline penicillin, heat stability if it is crystalline sodium or potassium penicillin, the penicillin G content if it is crystalline sodium or potassium penicillin G, and the procaine penicillin G content if it is crystalline procaine penicillin G.

10. Section 146.30, subparagraph (3) (ii) of paragraph (d) is amended to read:

(ii) The penicillin used in making the batch; 5 packages, or in the case of crystalline penicillin 10 packages, each containing approximately equal portions of not less than 60 mg. if it is not procaine penicillin, and not less than 300 mg. if it is procaine penicillin, packaged in accordance with the requirements of § 146.24 (b) or § 146.44 (b).

11. Part 146 is amended by adding the following new section:

§ 146.50 *Procaine penicillin and buffered crystalline penicillin for aqueous injection.* Procaine penicillin and buffered crystalline penicillin for aqueous injection conforms to all requirements prescribed by § 146.47 for procaine penicillin for aqueous injection, and is subject to all procedures prescribed by § 146.47 for procaine penicillin for aqueous injection, except that:

(a) It contains not less than 50,000 units of buffered crystalline penicillin for each 300,000 units of procaine penicillin. The buffered crystalline penicillin conforms to the requirements prescribed therefor by § 146.37.

(b) In lieu of the directions prescribed for procaine penicillin for aqueous injection by § 146.47 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of procaine penicillin and the number of units of buffered crystalline penicillin in the immediate container; the circular or other labeling within or attached to the package, if it is packaged for dispensing, shall bear, in lieu of the statement prescribed by § 146.47 (c) (2) (iii), the statement "Sterile suspension may be kept in refrigerator for one week without significant loss of potency."

(c) In addition to complying with the requirements of § 146.47 (d), a person who requests certification of a batch of procaine penicillin and buffered crystalline penicillin for aqueous injection shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the buffered crystalline penicillin used in making the batch for potency, crystallinity, heat stability, penicillin K content (unless it is buffered crystalline penicillin G) and the penicillin G content if it is buffered crystalline penicillin G, the number of units of procaine penicillin and the number of units of buffered crystalline penicillin in each immediate container of the batch. He shall also submit in connection with his request a sample consisting of three packages containing approximately equal portions of not less than 60 mg. each of the buffered crystalline penicillin used in making the batch. If such batch is packaged for repacking, such person shall submit with his request a sample containing 10 approximately equal portions of at least 400 mg. each packaged in accordance with the requirements prescribed by § 146.47 (b).

(d) The fee for the services rendered with respect to each immediate container in the sample of buffered crystalline penicillin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

This order, which provides for the use of procaine penicillin in the manufacture of tablets buffered penicillin and penicillin troches; and for a new product, procaine penicillin and buffered crystalline penicillin for aqueous injection, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and pubic procedure are not necessary prerequisites to the promulgation of this order, and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the use of procaine penicillin in the manufacture of tablets buffered penicillin and penicillin troches and to delay providing for a new penicillin product, procaine penicillin and buffered crystalline penicillin for aqueous injection.

(52 Stat. 1040, 1055, as amended; 21 U. S. C. and Sup. 357)

Dated: October 8, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-9076; Filed, Oct. 13, 1948; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5661]

PART 455—REWARDS FOR INFORMATION LEADING TO THE DETECTION AND PUNISHMENT OF PERSONS VIOLATING INTERNAL REVENUE LAWS

Section 455.1 is revised to read as follows:

§ 455.1 *Rewards for information.* Under and by virtue of the provisions of section 3792 of the Internal Revenue Code, the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, does hereby offer for information that shall lead to the detection and punishment of persons guilty of violating the internal revenue laws, or conniving at the same, such reward as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall deem suitable. Any person furnishing such information shall be eligible for reward under this Treasury decision unless he was an officer or employee of the Department of the Treasury at the time he came into possession of his information or at the time he divulged it.

The rewards hereby offered are limited in their aggregate to the sum appropriated therefor and shall be paid only in cases not otherwise provided for by law. The amount paid as a reward under the provisions of this Treasury decision is determined from the value of the information furnished. Payment of rewards will be made as promptly as the circumstances of the case permit.

Information relative to violations of the internal revenue laws, furnished by persons desiring to claim rewards under the provisions of this Treasury decision, may be submitted in writing to the Commissioner of Internal Revenue, Washington 25, D. C., or to the Office of the Intelligence Unit, the Technical Staff, the Internal Revenue Agent in Charge or the Collector of Internal Revenue, in the locality in which the informant resides, or it may be given in person to the Office of the Chief of the Intelligence Unit in Washington, D. C., or to any of the abovementioned field offices.

If the information is given in person, either orally or in writing, the name and official title of the person to whom it is given should be ascertained, as these data, together with the date on which the information was given, must be included in the formal claim for reward when filed.

An informant who intends to claim a reward should notify the person to whom he gives his information of such intention, and should file formal claim therefor as soon thereafter as practicable. Claims for reward under the provisions hereof shall be made on Form 211, which may be obtained from Collectors of Internal Revenue or from the Bureau at Washington 25, D. C. Such claims for reward should be executed before a notary public or other officer duly authorized by law to administer oaths, and should be transmitted to the Commissioner of Internal Revenue, Washington 25, D. C., for the attention of the Chief Counsel.

Treasury Decision 5379, approved June 22, 1944 (26 CFR 455.1) is hereby revoked.

(53 Stat. 467; 26 U. S. C. 3791, 3792)

Because this Treasury decision relates only to the Bureau procedure and practice in the offer of rewards, and because the changes made by this Treasury decision merely remove limitations on the reward offered under existing regulations, it is hereby found that it is unnecessary to issue this Treasury decision with notice of public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: October 8, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9075; Filed, Oct. 13, 1948; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 828]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR TRANSPORTING COTTON

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of October A. D. 1948.

It appearing, that there are certain SFRD and PFE refrigerator cars in California and Arizona not suitable for transporting commodities requiring protective service and that such cars are suitable for transporting other freight; in the opinion of the Commission an emergency exists requiring immediate action in California and Arizona: It is ordered, that:

§ 95.828 *SFRD-PFE refrigerator cars for loading cotton.* (a) Any common carrier by railroad subject to the Interstate Commerce Act, serving points in California or Arizona, may at its option furnish and transport for each box car ordered.

(1) *Uncompressed cotton.* Not more than four (4) refrigerator cars, of SFRD or PFE ownership, not suitable for transporting commodities requiring protective service, for loading and transporting carload shipments of uncompressed cotton at origins in California and Arizona, when such cotton is consigned or reconsigned to points for compression;

(2) *Compressed cotton.* Not more than two (2) refrigerator cars of SFRD or PFE ownership, not suitable for transporting commodities requiring protective service, for loading and transporting carload shipments of compressed cotton originating at points of compression in California and Arizona and consigned or reconsigned to points on the Southern Pacific Company, the Texas and New Orleans Railroad Company, Union Pacific Railroad Company and The Atchison, Topeka and Santa Fe Railway Company,

subject to the carload minimum weight which would have applied if the shipment had been loaded in the box car ordered.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a. m., October 9, 1948.

(d) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1948, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(e) *Conflicting service orders suspended.* The operation of Service Order No. 68 (8 F. R. 8513) as amended, and all other orders of the Commission insofar as they conflict with the provisions of this section, or as amended, is suspended.

(f) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(g) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9071; Filed, Oct. 13, 1948; 8:48 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

RAILROAD VALLEY NATIONAL WILDLIFE REFUGE, NEVADA; HUNTING

Basis and purposes. It has been determined that the public use and the management of the Railroad Valley National Wildlife Refuge, Nevada, can be facilitated by establishing thereon a public shooting area to be administered by the Nevada Fish and Game Commission under general regulations of the Secretary of the Interior. Details relating to regulation, management, and operation of said public shooting area have been agreed upon by the Director of the Fish and Wildlife Service and the Director of the Nevada Fish and Game Commission, pursuant to § 12.9 of this chapter, Fish and Wildlife Service. Accordingly a new section is added to Part 21 as follows:

§ 21.753 *Railroad Valley National Wildlife Refuge, Nevada; hunting.* Migratory Waterfowl and Coots only may be taken within the hereinafter described area of the Railroad Valley National Wildlife Refuge, Nevada, in accordance with the Migratory Bird Treaty Act Regulations (50 CFR 1.1–1.12), when, in a manner and to the extent permitted by State law or regulations: *Provided,* That the privileges herein granted shall be exercised in accordance with the provisions of the regulations dated December 19, 1940, for the administration of National Wildlife Refuges under the jurisdiction of the Fish and Wildlife Service, under the following special provisions, conditions, restrictions, and requirements, and under such special provisions, conditions, regulations, and requirements as shall be prescribed by the Nevada Fish and Game Commission:

(a) *Shooting area.* That part of the Railroad Valley National Wildlife Refuge lying and being north of the township line between townships 7 N. and 8 N., M. D. B. & M.

(b) *Entry.* Entry on and use of the Refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F. R. 5284), as amended, and strict compliance therewith is required. The carrying or being in possession of firearms within the areas of the Refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly cased. The carrying or being in possession of rifled firearms or the use of single-ball or slug-load shotgun shells on the Refuge is prohibited.

(c) *Permits.* Any person who hunts within the Refuge must have on his person and exhibit at the request of any authorized Federal or State officer whatever license is required by the State of Nevada, and, if over sixteen years of age, a properly validated migratory bird hunting stamp. The said license and stamp shall serve as a Federal permit for hunting on the Refuge.

(Sec. 10, 45 Stat. 1222; 16 U. S. C. 715i; E. O. 6697, May 2, 1934, 3 CFR, Ch. I; Reorg. Plan No. II of 1939, 4 F. R. 2731; 3 CFR Cum. Supp.; Regs., Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, 10 F. R. 4267)

Dated: October 8, 1948.

OSCAR H. JOHNSON,
Acting Director.

[F. R. Doc. 48-9068; Filed, Oct. 13, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR, Parts 21, 28]

LABOR STANDARDS APPLICABLE TO EMPLOYEES OF NATIONAL PARK SERVICE CONCESSIONERS

NOTICE OF HEARING ON OBJECTIONS TO WAGES AND OVERTIME COMPENSATION

On July 12, 1948, the regulations in Part 28, Chapter I, Title 36, Code of Federal Regulations, were amended and on July 17, 1948, the amendments were published in the FEDERAL REGISTER (13 F. R. 4101). These amendments were adopted after a hearing held in San Francisco, California, on September 16 and 17, 1947, notice of which hearing had been published in the FEDERAL REGISTER on August 15, 1947 (12 F. R. 5520). The regulations were further amended on August 6, 1948, by providing that their effective date shall be on and after January 1, 1949 (F. R., August 11, 1948; 13 F. R. 4636).

Among the amendments adopted on July 12, 1948, was the following portion of § 28.5 (b): "No less than one and one-half times the regular rate of pay at which the employee is employed shall be paid for all hours worked in excess of 40 per week."

Thereafter, objections to the adoption of this quoted amendment and requests that the words "40 per week" be changed to "48 per week" were received from the Western Conference National Park Concessioners, the Glacier Park Transport Company, the Rocky Mountain Motor Company, the Sequoia and Kings Canyon National Parks Company, the Yellowstone Park Company, and the Yosemite Park and Curry Company.

Notice is hereby given that, pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1946 ed., sec. 3), a public hearing for the purpose of receiving the views of interested parties with respect to the aforesaid objections and requests will be held in Room 409, New Custom House, Denver, Colorado, on November 30, 1948, commencing at 10 a. m.

The hearing will be held by a committee of three, consisting of Otto S. Beyer, Chairman, John B. Bennett, of the Office of the Secretary, and Harry M. Edelstein, Assistant Solicitor.

Those desiring to be heard should so inform the chairman of the committee at the Department of the Interior, Washington 25, D. C., in writing not later than November 19, 1948.

Written statements may be filed with the committee at the time of the hearing or by mailing them to the chairman at the Department of the Interior, Washington 25, D. C., not later than November 24, 1948.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

OCTOBER 8, 1948.

[F. R. Doc. 48-9067; Filed, Oct. 13, 1948; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF CANNED FIELD PEAS AND CANNED BLACK-EYE PEAS

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 48-8546 appearing at page 5530 in the issue for Thursday, September 23, 1948, the original document has been corrected so that the tenth line of paragraph (f) (3) (iii) reads, "or black-eye peas may be firm and mealy".

[7 CFR, Part 821]

SUGAR CONSUMPTION REQUIREMENTS, QUOTAS, AND QUOTA DEFICITS FOR THE CALENDAR YEAR 1949

NOTICE OF PROPOSED RULE MAKING

Pursuant to the authority contained in the Sugar Act of 1948 (7 U. S. C. Supp. I. 1100), the Secretary of Agriculture is preparing to determine the sugar consumption requirements and to establish sugar quotas for the calendar year 1949 (1) for the continental United States pursuant to sections 201 and 202 of the act, and (2) for local consumption in Hawaii and in Puerto Rico pursuant to sections 201 and 203 of the act. The Secretary is also preparing to determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market the quota for such area in 1949 and to reallot, pursuant to section 204, any quota deficit so determined.

Section 201 of the act provides that the Secretary of Agriculture shall determine for each calendar year the amount of sugar needed to meet the requirements of consumers in the continental United States. In making such determinations, the Secretary is directed to use as a basis the amount of sugar distributed for consumption during the 12 months ending October 31 last and to adjust such amount for any deficiency or surplus in inventories of sugar and for changes in consumption because of the changes in population and demand conditions. The Secretary is also directed to take into consideration certain standards with a view to providing such supply of sugar as will be consumed at prices which will

not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry. The standards to be taken into consideration include those enumerated above and also the level and trend of consumer purchasing power and the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947 prior to the termination of price control.

Section 202 of the act provides for fixed quotas for the domestic areas and for the Republic of the Philippines and for the apportionment of the balance of the consumption requirements to foreign countries other than the Republic of the Philippines in accordance with stated percentages.

Section 203 of the act provides that the Secretary also shall determine in accordance with such provisions of Section 201 as he deems applicable, the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and shall establish quotas for local consumption in such areas equal to the amounts so determined.

Section 204 of the act provides that the Secretary shall from time to time during the calendar year determine whether in view of various factors specified in the act, any domestic area, the Republic of the Philippines, or Cuba will be unable to market the quota for such area. Section 204 further provides that upon a finding that any such area will be unable to market its quota, the deficit so determined shall be reallotted in accordance with a stated formula.

A public hearing will be held in Washington, D. C., in the Auditorium, South Building, United States Department of Agriculture, on November 15, 1948, at 9:30 a. m. (e. s. t.) for the purpose of affording interested persons an opportunity to present orally any data, views, or arguments with respect to the determination of sugar consumption requirements and the establishment of sugar quotas for the continental United States for the calendar year 1949. The principal matters for consideration at the hearing relate to (1) the manner of determination of deficiencies or surpluses in inventories of sugar, (2) the effect upon consumption requirements of various changes in demand conditions, (3) the effect of the prospective 1949 level and trend of consumer purchasing power upon sugar consumption requirements, (4) the manner in which the relationship between the wholesale refined price of sugar and the general cost of living in the United States should be employed or considered in determining the sugar consumption requirements for 1949, and (5) the relative importance of the foregoing factors and the weighting which should be given each in determining the sugar consumption requirements for 1949.

Prior to the issuance of regulations setting forth the sugar consumption requirements for the continental United States for the calendar year 1949 and the sugar quotas for 1949 for domestic and foreign areas, consideration will be given to any data, views, or arguments pertaining thereto which are presented at the hearing or which are submitted in writing to the Director, Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Prior to the issuance of regulations setting forth (1) the sugar consumption requirements for Hawaii and for Puerto Rico for the calendar year 1949 and the sugar quotas for 1949 for local consumption in such areas, and (2) the amount by which any domestic area, the Republic of the Philippines, or Cuba will be unable to market the quota for such area in 1949 and the reallotment of such deficits, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Sugar Branch, Production and Marketing Administration. Written data, views, or arguments must be submitted in quadruplicate and filed in person or postmarked not later than November 26, 1948. Such data, views, or arguments submitted at the hearing will be accepted as a part of the record, but will not be copied into the transcript of the oral testimony given at the hearing. All such data, views, or arguments will be available for examination at the office of the Hearing Clerk.

Issued at Washington, D. C., this 11th day of October 1948.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 48-9090; Filed Oct. 13, 1948; 8:52 a. m.]

[7 CFR, Ch. IX]

[Docket No. AO-197]

HANDLING OF MILK IN LIMA, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Allen County Memorial Hall, corner Elm and Elizabeth Streets, Lima, Ohio, beginning at 10:00 a. m., e. s. t., November 15, 1948.

This public hearing is for the purpose of receiving evidence with respect to a proposed marketing agreement and order regulating the handling of milk in the Lima, Ohio, marketing area, the provisions of which are hereinafter set forth, and any modifications thereof. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order and any modification thereof. The provisions of the proposals for a marketing agreement and order heretofore filed with the undersigned, are as follows:

Marketing agreement and order proposed by the Northwestern Cooperative Sales Association, Inc., Toledo, Ohio:

SECTION 1. *Definitions.* The following terms as used herein shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1940 ed. 601 et sec.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "U. S. D. A." means the United States Department of Agriculture.

(d) "Person" means an individual, partnership, corporation, association, or any other business unit.

(e) "Lima, Ohio marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of Lima, Ohio, and the townships of American, Bath, Shawnee, and Perry, all in the County of Allen, State of Ohio.

(f) "Delivery period" means the calendar month, or the portion thereof, during which the provisions hereof are effective.

(g) "Grade A milk" means milk produced by a person holding a dairy farm inspection permit issued by the Lima Board of Health for the production of Grade A milk.

(h) "Fluid milk plant" means a plant or other facilities used in the preparation or processing of Grade A milk for sale or disposition in the marketing area as Class I milk.

(i) "Producer" means any person who produces milk received (1) at a fluid milk plant, or (2) at any other plant by diversion from a fluid milk plant on the account of a handler or a cooperative association.

(j) "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers.

(k) "Non-Grade A milk" means milk produced under the conditions set forth in (i) of this section by one or more producers not holding a Grade A permit.

(l) "Producer milk" means milk produced by one or more producers under the conditions set forth in (i) of this section.

(m) "Handler" means (1) any person who operates a fluid milk plant, or (2) any association of producers with respect to Grade A producer milk diverted by it from a fluid milk plant to any plant of a non-handler for the account of such association.

(n) "Other source milk" means all skim milk and butterfat in any form received from a source other than a producer or handler (who is not a producer-handler), except any non-fluid milk product so received which is disposed of in the same form.

(o) "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (2) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (3) to have all of its activities under the control of its members.

SEC. 2. *Market Administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary, complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by section 8:

(i) The cost of his bond and of the bonds of his employees;

(ii) His own compensation; and

(iii) All other expenses, except those incurred under section 9, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to section 3, or (ii) payments pursuant to sections 7, 8, 9, or 10;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Audit records of all handlers to verify the reports and payments required pursuant to the provisions hereof; and

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class computed pursuant to section 5, and

(ii) On or before the 12th day after the end of such delivery period, the uniform price computed pursuant to section 6 (b) and the butterfat differential computed pursuant to section 7 (c).

SEC. 3. *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the delivery period at his fluid milk plant(s), and milk diverted pursuant to section 1 (i) (2):

(1) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request;

(1) On or before the 20th day after the end of each delivery period his producer pay roll for the delivery period, which shall show (i) the pounds of milk and the percentages of butterfat contained therein received from each producer; (ii) the amounts and dates of payments to each producer or cooperative association; and (iii) the nature and amount of each deduction or charge involved in the payments referred to in (ii) of this subparagraph.

(2) On or before the 5th day after request by the market administrator, a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's fluid milk plant. Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 5 days of such change.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (1) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (2) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (3) payments to producers and cooperative associations.

SEC. 4. *Classification*—(a) *Basis of classification.* All (1) producer milk received by a handler, (2) skim milk and butterfat in any form received by a handler from other handlers, and (3) other source milk received by a handler at a fluid milk plant, shall be classified in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), (e), (f) and (g) of this section, the classes of utilization shall be:

(1) Class I milk shall be all skim milk and butterfat disposed of in fluid form for consumption as (i) milk; skim milk and buttermilk, except for livestock feed; flavored milk or flavored milk drinks; sweet or sour cream and any cream products which contains less than the minimum butterfat required for fluid cream and (ii) all skim milk and butterfat not accounted for as Class II milk.

(2) Class II milk shall be all skim milk and butterfat accounted for (i) as used to produce a product other than those specified in (1) of this paragraph, (ii) as actual plant shrinkage of skim milk and butterfat received in Grade A milk and non-Grade A milk, but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (iii) as actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided,* That if Grade A milk is utilized as milk, skim milk, or cream in conjunction with non-Grade A milk or other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from such sources to the total.

(c) *Transfers.* (1) Skim milk and butterfat disposed of by a handler to another handler in the form of milk, skim milk or cream, shall be Class I milk, unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made: *Provided,* That in no event shall the amount so reported be greater than the amount used in such class by the receiving handler.

(2) Skim milk and butterfat disposed of in the form of milk, cream or skim milk by a handler to a plant other than a fluid milk plant shall be Class I milk, unless (i) in the case of disposition to a person not a handler use is indicated in writing to the market administrator by both the handler and receiver on or before the 5th day after the end of the delivery period within which such transfer was made, and (ii) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if re-

quested by the market administrator for the verification of such mutually indicated utilization.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

(f) *Allocation of butterfat and skim milk classified.* The market administrator shall determine the classification of butterfat and skim milk received from producers as follows:

(1) Butterfat shall be allocated in the following manner:

(i) Subtract from the total pounds of butterfat in Class II the total pounds of butterfat shrinkage pursuant to subdivisions (ii) and (iii) of paragraph (b) (2) of this section.

(ii) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class.

(iii) Subtract from the pounds of butterfat remaining in each class in series beginning with the Class II utilization, the pounds of butterfat in other source milk other than butterfat shrinkage in other source milk subtracted pursuant to subdivision (i) of this subparagraph.

(iv) Subtract from the pounds of butterfat remaining in each class, in series beginning with the Class II utilization, the pounds of butterfat in non-Grade A milk other than butterfat shrinkage in non-Grade A milk subtracted pursuant to subdivision (i) of this subparagraph. The pounds of butterfat so subtracted shall be the pounds of butterfat in non-Grade A milk allocated to each class: *Provided*, That to the pounds of such butterfat in Class II shall be added the pounds of butterfat shrinkage in non-Grade A milk subtracted pursuant to subdivision (i) of this subparagraph.

(v) Add to the pounds of butterfat remaining in Class II the pounds of butterfat shrinkage in Grade A milk subtracted pursuant to subdivision (i) of this subparagraph; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received in Grade A milk, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the Class II utilization. The pounds of butterfat remaining shall be the pounds in each class allocated to Grade A milk.

(2) Skim milk shall be allocated to each class in a manner similar to that prescribed for butterfat in subparagraph (1) of this paragraph.

SEC. 5. *Minimum prices*—(a) *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk provided in this section shall be the average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5% butterfat content received from farmers during the delivery period at the following plants for which prices are reported to the market administrator by the U. S. D. A. or by companies listed below:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler at his fluid milk plant for skim milk and butterfat received from producers during the delivery period, which is classified as Class I milk, shall be determined as follows:

(1) To the basic formula price add the following amounts for the delivery periods indicated:

April, May, June	$0.90
July, August, February, March	1.00
All others	1.25

(2) Divide the amount determined to be the average wholesale price per pound of 92 score butter on the Chicago market as reported by the U. S. D. A. for the delivery period, times, 1.2, times 3.5, by the sum of this amount plus an amount computed by averaging the carlot prices per pound of nonfat dry milk solids, roller and spray process, f. o. b. Chicago area plants as reported by the U. S. D. A. during the delivery period, deducting 5.5 cents and then multiplying by 8.2.

(3) Multiply the price computed in subparagraph (1) of this paragraph by the quotient determined in subparagraph (2) of this paragraph, and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(4) From the price determined in subparagraph (1) of this paragraph subtract the amount computed in subparagraph (3) of this subparagraph times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

(c) *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler at his fluid milk plant for skim milk and butterfat received from producers during the delivery period, which is classified as Class II milk, shall be determined as follows:

(1) Average the basic (or field) prices per hundredweight (computed to the nearest tenth of a cent) for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Defiance Milk Products Co., Defiance, Ohio
Pet Milk Co., Coldwater, Ohio.
Nestles Milk Products Co., Marysville, Ohio

(2) Multiply the price computed in paragraph (c) (1) of this section by the quotient computed in paragraph (b) (2) of this section and then divide by 0.035. The resulting amount shall be the Class II butterfat price per hundredweight.

(3) Subtract from the price computed in subparagraph (1) of this paragraph the amount computed in subparagraph (2) of this paragraph times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

SEC. 6. *Determination of uniform prices*—(a) *Value of milk.* The values of Grade A milk and of non-Grade A milk of each handler for each delivery period shall be the sums of money computed separately by the market administrator by multiplying the pounds of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, provided, that if a handler after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butetrfat, in excess of the skim milk or butterfat, which on the basis of his reports for the delivery period pursuant to section 3 (a) has been credited to his producers as having been received from them, there shall be added to the value of Grade A milk an amount computed by multiplying the pounds in each class as subtracted pursuant to paragraph (f) (1) (v) and (2) of section 4 by the applicable class prices.

(b) *Computation of prices.* For each delivery period the market administrator shall compute separately the uniform prices per hundredweight, on the basis of 3.5 percent butterfat content, for Grade A milk and non-Grade A milk received by each handler from producers as follows:

(1) From the value of Grade A milk computed for such handler pursuant to paragraph (a) of this section, deduct, if the weighted average butterfat test of all Grade A milk received by him is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to section 7 (c) multiplied by 10;

(2) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator.

(3) Adjust the resulting amount by the sum of money used in adjusting the uniform price to the nearest cent, pursuant to (5) of this paragraph for the preceding delivery period;

(4) Divide the result by the total hundredweight of Grade A milk represented by the value computed pursuant to paragraph (a) of this section; and

(5) Adjust the resulting figure to the nearest cent.

(6) Compute the uniform price per hundredweight for non-Grade A milk for each handler in a manner similar to that prescribed for Grade A milk in subparagraphs (1), (2), (3), (4) and (5) of this paragraph.

(It is also proposed that consideration be given to alternative provisions which would provide for the payment by each handler to all producers or associations of producers delivering milk to each handler of a uniform market price based upon the uses made of all producer milk by all handlers.)

(c) *Notification.* On or before the 12th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The amount and value of his Grade A milk and non-Grade A milk in each class;

(2) The uniform prices for Grade A milk and for non-Grade A milk for such handler pursuant to paragraph (b) of this section and the butterfat differentials computed pursuant to section 7 (c); and

(3) The totals of the amounts to be paid by such handler pursuant to sections 8 and 9.

SEC. 7. *Payment for milk*—(a) *Time and method of final payment.* On or before the 15th day after the end of each delivery period, each handler shall pay to each producer or to an association of producers, with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, for milk received from each producer or from an association of producers, respectively, during such delivery period at not less than the uniform price for such handler adjusted by the butterfat differential pursuant to paragraph (c) of this section, less the amount of payment made pursuant to paragraph (b) of this section.

(b) *Partial payments.* On or before the last day of each delivery period, each handler shall pay to each producer, or to an association of producers authorized to receive payment, at not less than the uniform price for such handler for the preceding delivery period, for milk received from such producer or association of producers by such handler during the first 15 days of the delivery period: *Provided*, That in the event any producer discontinues shipping to such handler during the delivery period, such partial payments shall not be made and full payment for all milk received from such producer during the delivery period shall be made on the 15th day after the end of the delivery period pursuant to paragraph (a) of this section.

(c) *Producer butterfat differential.* In making payments pursuant to paragraph (a) of this section the uniform price for each handler shall be adjusted, for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest half cent) calculated as follows: Multiply by 1.2 the average daily wholesale price per pound of 92 score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

SEC. 8. *Expense of administration.* As his prorata share of expense incurred pursuant to section 2 (c) (4), each handler shall pay the market administrator, on or before the 15th day after the end of each delivery period, 3 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to receipts, during such delivery period, of (a) milk from producers (including such handler's own production), and (b) other source milk at a fluid milk plant and classified as Class I milk.

SEC. 9. *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to section 7 (a), with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and on or before the 15th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section; such deductions from payments required pursuant to section 7 (a) as may be authorized by the membership agreement or contract between such cooperative association and such producers, and pay such deductions on or before the 15th day after the end of such delivery period to the cooperative association rendering such services of which such producers are members.

SEC. 10. *Adjustments of accounts*—(a) *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, or such handler from the market administrator pursuant to section 8 or 9, or (2) any producer or cooperative association from such handler pursuant to section 7, the market administrator shall promptly notify such handler of any such amount due; and said payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred, following the 5th day after such notice.

SEC. 11. *Application of provisions*—(a) *Exempt milk.* Milk received at a plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

(c) *Diverted milk.* (1) Producer milk diverted by an operator of a fluid milk plant from such plant to a plant not a fluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(2) Producer milk diverted by a cooperative association from a fluid milk plant to a plant which is not a fluid milk plant shall be deemed to have been received by such association.

(d) *Producer-handlers.* Sections 4, 5, 6, 7, 8, 9 and 10 shall not apply to the milk of a producer-handler.

SEC. 12. *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

SEC. 13. *Suspension or termination*—(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this order or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the mar-

ket administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

SEC. 14. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

SEC. 15. *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provisions, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

SEC. 16. *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

Proposed by the Dairy Branch, Production and Marketing Administration:

SEC. 3 (d). *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained and made available by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator.

SEC. 17. *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before July 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives any books or records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period shall not begin to run until the first day of the calendar month following the month during which such books and records are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or within two years after payment was made by the handler if a refund on such payment is claimed, unless such handler, within said periods of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1844, United States Department of Agriculture, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 11, 1948.

[SEAL] JOHN L. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-9089; Filed, Oct. 13, 1948; 8:52 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 17]

[Docket No. FDC-31 (b)]

BREAD AND RELATED PRODUCTS

DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of a definition and standard of identity for each of the following foods: (a) Bread, and rolls or buns; (b) enriched bread, and enriched rolls or enriched buns; (c) milk bread, and milk rolls or milk buns; (d) cream bread, and cream rolls or cream buns; (e) butter bread, and butter rolls or butter buns; (f) egg bread, and egg rolls or egg buns; (g) honey bread, and honey rolls or honey buns; (h) butter and egg bread, and butter and egg rolls or butter and egg buns; (i) milk and honey bread, and milk and honey rolls or milk and honey buns; (j) raisin bread, and raisin rolls or raisin buns; (k) whole wheat bread, and whole wheat rolls or whole wheat buns; (l) breads, and rolls or buns made with mixtures of flour, whole wheat flour, cracked wheat, crushed wheat.

Notice of hearing. Notice is hereby given that the Federal Security Administrator in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) will reopen the record in the above matter and hold further hearings commencing at 10:00 o'clock in the morning of November 30, 1948, in Room 5140, Federal Security Building, Independence Avenue and Fourth Street SW., Washington, D. C., for the purpose of taking additional evidence for use in the formulation of definitions and standards of identity for bread and rolls or buns; enriched bread and enriched rolls or enriched buns; milk bread and milk rolls or milk buns; raisin bread and raisin rolls or raisin buns; whole wheat bread; graham bread; entire wheat bread; whole wheat rolls or buns; and breads, rolls, and buns made with mixtures of flour, whole wheat flour, cracked wheat, crushed wheat.

Pursuant to notices published in the FEDERAL REGISTER on June 7, 1941, and March 19, 1943, hearings were duly held at which evidence was taken with respect to definitions and standards of identity for the various breads named in such notices. On the basis of evidence received at said hearings a proposed order was published in the FEDERAL REGISTER on August 3, 1943 (8 F. R. 10780). Exceptions to the proposed order were duly filed, but promulgation of a final order was postponed at the request of the War Food Administration, due to emergency conditions. In view of the time that has elapsed it is concluded that the record should be reopened to take new and relevant evidence that may have become available and that should be considered together with evidence taken at the previous hearings before a revised proposed order is issued.

Evidence at the hearing will be limited to that which is material and relevant to the proposed order of August 3, 1943, and that is not repetitive or unduly cumulative of evidence at the prior hearings.

The findings of fact and definitions and standards of identity in the proposed order published in the FEDERAL REGISTER on August 3, 1943 (8 F. R. 10780), are as follows:

Findings of fact.[1] 1. The food commonly and usually known as "bread" or "white bread", and that commonly and usually known as "rolls", "white rolls", "buns" or "white buns", are each prepared by baking a kneaded yeast-leavened dough made by moistening flour with water (or with certain other liquid ingredients hereinafter specified,

[1] The page references to certain relevant portions of the record are for the convenience of the reader; however, the findings of fact are not based solely on that portion of the record to which reference is made but on consideration of all the evidence of record.

alone or in combination with water), with the addition of salt, and usually with the addition of certain other ingredients, as hereafter set forth. Bread and rolls are sometimes prepared from bromated flour or phosphated flour or both, with or without admixture with plain flour. (R. pp. 30, 49, 57, 59–62, 69, 70, 71, Ex. A)

2. Rolls differ from bread in the size of the units baked, and usually in their shape. A reasonable and satisfactory differentiation is that a loaf of bread weighs after cooling one-half pound or more, whereas a roll after cooling weighs less than one-half pound. (R. pp. 60–62, 69, Ex. A)

3. All bread and rolls contain moisture. Excessive moisture content tends to defraud consumers. A reasonable maximum limitation upon the moisture, which is somewhat in excess of the usual content, is 38 percent by weight, the solids being not less than 62 percent. A satisfactory and reliable method for determining the total solids contained in bread and rolls is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 229, under "Total Solids in an Entire Loaf of Bread—Official", except that if the baked unit weighs one pound or more one entire unit is used for the determination, and if the baked unit weighs less than one pound such number of entire units as weigh one pound or more are used for the determination. (R. pp. 64, 68, 85–87, 138–142, Ex. A, Ex. 2)

4. Shortening is commonly, but not always, added to bread dough. Any food fat or food oil, including butter, oleomargarine, and cream, or any mixture of two or more of these, is suitable for this purpose. For the purpose of furthering the shortening action of these fats and oils, soybean lecithin (which with its associated phosphatides is commercially known as "lecithin") and monoglycerides and diglycerides of fat-forming fatty acids are sometimes used and are suitable for use in such shortening. (R. pp. 71–73, 194, 198, 209–213, 228–229, 243–244, 269–270, 295, 307, 327, 464–466, 496–497)

5. The quantity of shortening used in bread dough varies rather widely. Although the evidence is not sufficiently definite to establish a maximum limit for shortening, the usual quantities are between 2 to 6 parts by weight for each 100 parts by weight of flour used, and seldom exceed 12 parts except in the cases of "sweet goods" and "specialty goods", products so distinctively different from bread and rolls as to be unlikely to be confused by consumers with bread or rolls. Such products usually contain from 12 to 30 parts of shortening. (R. pp. 368, 2543–2544, 2549, 2594, 2597, Ex. D)

6. Milk and various milk products are widely used in making bread and rolls, and serve to improve their nutritional value and to lend other desirable characteristics. In addition to fluid milk there have been used for these purposes, singly or in combination, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, and dried skim milk (including products from which part but not all of the milk fat has been separated). (R. pp. 73–75, 128–130, 438–440, 449, Ex. A)

7. In order to set bread made with any of the dairy ingredients specified in finding 6 apart from milk bread, it is reasonable that such ingredients (together with any butter and cream used) in bread be so limited in quantity or composition as not to meet the requirements prescribed in findings 42 to 45, inclusive, for the quantity and composition of such ingredients in milk bread. (R. pp. 74, 129)

8. Buttermilk, concentrated buttermilk, dried buttermilk, sweet cream buttermilk, concentrated sweet cream buttermilk, and dried sweet cream buttermilk, singly or in combination, are sometimes used in making bread or rolls for purposes similar to those stated for the dairy ingredients specified in finding 6. (R. pp. 75–76, 128, 1627–1629, 1638–1639)

9. Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, egg white, frozen egg white, and dried egg white, singly or in combinations with each other, are sometimes used in making bread or rolls for the purpose of improving the nutritional value and imparting other desirable characteristics. (R. pp. 76, 130, Ex. A)

10. As the quantity of egg solids or egg yolk solids in the dough is increased the characteristics imparted to the baked product by such solids become more noticeable. The evidence does not establish the point at which the quantity of such solids results in products of different identities from white bread and white rolls, although the evidence indicates that such point lies between 2 parts and 5 parts for each 100 parts of flour. (R. pp. 131, 2669–2672)

11. Certain saccharine products are commonly used in making bread or rolls to furnish fermentable carbohydrates, to control the color of the crust, and to alter the taste, frequently to the extent of imparting some sweetness to the finished product. These include sugar, invert sugar (in sirup or congealed form), light-colored molasses, light-colored brown sugar, refiners sirup, dextrose, honey, corn sirup, dried corn sirup, nondiastatic malt sirup, and nondiastatic dried malt sirup. All of these products, used either singly or in combinations with each other, are satisfactory for the purposes stated. (R. pp. 76–77, 131, 712, 714–715, 740–741, 781, 785, 788, 795–797, Ex. A)

12. So-called "blackstrap molasses" and dark-colored brown sugar, by reason of their color and other properties, are unsuitable for use in bread or rolls. Concentrated water extract of raisins and concentrated water extract of prunes have been proposed as saccharine ingredients in bread or rolls, but are not shown to be suitable for this purpose, especially because of their color and taste. (R. pp. 670–672, 691, 743–744, 754–755, 1759–1761)

13. If carbohydrates are desired only for yeast fermentation, the quantity of saccharine substances added generally does not exceed 3 parts by weight (on a dry basis) for each 100 parts by weight of flour. When the baker wishes to produce some minor change in taste or in the appearance of the crumb or crust, increased quantities are used. Such baked products are considered by consumers as ordinary white bread or rolls unless they are definitely sweet or have acquired other definite characteristics from such ingredients. (R. pp. 327, 359, 791, 1046–1047, Ex. D)

14. It is impracticable to prescribe a maximum limit for saccharine ingredients generally in white bread or rolls because of the wide differences in the respective sweetness and other characteristics of such ingredients and because even where sugar alone is used the evidence is not definite as to the quantity above which an article ceases to be ordinary bread or becomes "sweet goods", although 16 parts by weight of sugar to each 100 parts by weight of flour appears to be about the average for sweet goods. (R. pp. 2744, 2947, 2979, 2983, 2990, Ex. D)

15. Malt sirup, dried malt sirup, malted barley flour, and malted wheat flour, each of which is diastatically active, are frequently used, singly or in combinations with each other, in making bread or rolls. Generally the use of these substances is for the purpose of compensating for a deficiency of natural enzymes in the flour used, and when used for this purpose alone is limited to quantities about 0.25 percent of the weight of the flour. In certain kinds of hearth bread, however, quantities of malt sirup or dried malt sirup as high as 4 percent, or even higher, are used to improve the crust characteristics, especially the color of crust. (R. pp. 505–509, 517–519, 522–523, 527–530)

16. Consumers normally expect white bread and rolls to be essentially products of wheat flour. At various times in the past, however, when there has been a scarcity of wheat flour, other similar grain products, especially corn flour, have been extensively used to replace part of the flour in making bread and rolls. Potato mash was sometimes used to develop a preliminary yeast growth, and was incorporated in the dough. So-called "dusting flour", often consisting in whole or in part of products other than wheat flour, has long been in common use to prevent the dough from sticking to the receptacles or to molding or other machinery; a considerable proportion of such dusting flour becomes incorporated in the dough Dextrinized starch is believed by many to have the property of retaining moisture in bread after baking. The advisory standards issued by the Secretary of Agriculture for white bread, beginning with the first such standard in 1923, have all recognized the propriety of such practices to the extent of the replacement of not more than 3 percent of the wheat flour by some "other edible farinaceous substance". (R. pp. 27, 30, 34, 77–78, 111–112, 1762–1764)

17. Products which have been used and are suitable for one or more of the purposes stated in finding 16 are corn flour (or finely ground corn meal), potato

flour, rice flour, cornstarch, potato starch, sweet potato starch, and wheat starch. Sometimes these products are wholly or in part dextrinized. Dextrinized wheat flour is also suitable for such use. (R. pp. 77–78, 105, 111–115, 132–133, 567–568, Exs. M and O)

18. Use in making white bread or rolls of any one or more of the products specified in finding 17, in a total quantity not greater than 3 parts by weight for each 100 parts by weight of wheat flour used, does not run counter to the normal expectation of present-day consumers. (R. pp. 34, 49, 78, 133, Ex. A)

19. Products referred to as "soybean flour," "peanut flour," and "cottonseed flour" were proposed for use, in quantities up to 3 parts per 100 parts of flour, as optional ingredients in bread and rolls. These products were claimed to serve the same purposes as the products specified in finding 17, and to contribute substantial nutritive values. (The proposal of "cottonseed flour" as an ingredient in white bread and rolls was subsequently withdrawn.) The evidence does not show that any of these products (except the soybean product referred to in finding 23) has been used to any material extent in making bread or rolls. These products contain far more protein and less starch than wheat flour, differ widely from the products specified in finding 17, and do not perform the same functions. (R. pp. 538, 540, 613–630, 640, 1765, 1772, 3897–3908, 3910)

20. Rolled oats, ground oatmeal, and oat flour were proposed as optional ingredients for inclusion with the products specified in finding 17, on the ground that such oat products are economical and nutritious foods and furnish a distinctive and desirable flavor. The evidence does not establish that any of these products has been used in making white bread or rolls, or their suitability for such use. (R. pp. 1768–1769, Ex. P)

21. The evidence does not establish that the use of the products listed in findings 19 and 20 results in any significant improvement when the quantities used are not more than 3 parts to each 100 parts of flour; it does indicate that the inclusion of such products in white bread would run counter to the normal expectation of consumers. The evidence furnishes no basis for a determination as to what quantities of such products should be used with flour to produce such differences from white bread as would result in different identities recognizable as such by consumers. (R. pp. 624–627, 633–643, 1769–1772, 3914–3915, 3937–3938, 3942–3945)

22. Wheat germ processed in various ways to modify its enzymatic activity and to prevent rancidity has been used as an ingredient in some white bread. The processing may consist of heating it, treating it with potassium bromate, removing part of the wheat germ oil, and possibly of treating it in other ways suggested but not described in the record. Such processed wheat germ was proposed as an optional ingredient for the purpose of imparting flavor and improving other characteristics of white bread. No proposal was advanced for recognition of use of unprocessed wheat germ such as that naturally present in small amounts in flour. The testimony as to these benefits from the use of small amounts of wheat germ in white bread (1½ to 2 parts by weight of processed wheat germ per 100 parts by weight of flour) is not convincing.

On the other hand, there was evidence establishing that the use of processed wheat germ in white bread has led to labeling and advertising claims based on its vitamin and mineral content, such as would likely confuse consumers with respect to identity and relative nutritive properties of bread and enriched bread. (Cf. findings 36, 37, 38, and 44 on enriched flour, 6 F. R. 2576–7) (R. pp. 116–118, 559–572, 576–577, 579–580, 584–585, 589–591, 593–605, 1765–1767, 3292–3293, 3298, 3367–3368, Ex. ZZ)

23. Ground dehulled soybeans, with or without heat treatment and with or without removal of oil, but which retain their enzymatic activity, exert a bleaching action upon flour in bread dough. The use of these products in dough permits the production of light-colored bread or rolls from unbleached or slightly bleached flour. For this purpose it is not necessary to use these products in a quantity greater than 0.5 part by weight to each 100 parts by weight of flour used. Ground dehulled soybeans have been used for this purpose in substantial amounts for more than 10 years. (R. pp. 111–113, 165–166, 539–540, 545, 552–555, 3926–3933)

24. In making bread and rolls it has become a widespread practice to add to the dough small quantities of certain mineral salts, commonly known by such designations as "yeast foods", "dough conditioners", "bread improvers". Calcium and ammonium salts are used to stimulate the growth of yeast during fermentation. Other salts, which act as oxidizing agents, are used to regulate the process of fermentation though the evidence establishes no satisfactory scientific explanation of the mechanism of their action. The evidence indicates that the addition of so-called dough conditioners tends to lessen the variability in the qualities of the dough resulting from differences in characteristics of the flour used, differences in water supply, and other factors, and thereby to facilitate the handling of the dough in mechanized bakeries. (R. pp. 78–82, 133–135, 838–858, 875–876, 892–900, 904–905, 995–999, 1014, 1034–1035, 1065, 1071–1074, 1080)

25. Calcium salts used for the purpose described in finding 24 are monocalcium phosphate, dicalcium phosphate, calcium sulfate, and calcium lactate. Ammonium salts used for this purpose are mono-ammonium phosphate, di-ammonium phosphate, ammonium sulfate, ammonium chloride, ammonium carbonate and ammonium lactate. It is not necessary to use any of these salts or any combination of them in a quantity greater than 0.25 part by weight for each 100 parts by weight of flour used. (R. pp. 78–81, 104, 133–135, 831, 838–840, 870, 883–884, 887–888, 990, 992–993)

26. Oxidizing agents used for the purposes described in finding 24 are potassium bromate, potassium iodate, calcium peroxide, ammonium persulfate, potassium persulfate, and sodium chlorite. It is not necessary to use any of these oxidizing agents or any combination of them (including the potassium bromate contained in any bromated flour used) in a quantity greater than 0.0075 part by weight for each 100 parts by weight of flour used. (R. pp. 78–81, 135–136, 840–841, 895–900, 933–935, 990–994)

27. A product described as "grain infusion" was proposed for use as a yeast food and bread improver. It is a mixture of concentrated corn steepwater, neutralized with calcium carbonate, and dextrinized cornstarch with added ammonium chloride, salt, and potassium bromate. The concentrated steepwater, a byproduct of the starch industry now generally used for cattle feed, is made by concentrating the liquid obtained by steeping corn in water containing 0.15 percent of sulfur dioxide. The so-called "grain infusion" as sold to the baker contains approximately 0.002 percent of sulfur dioxide, which is oxidized during fermentation and baking. The evidence does not establish that this so-called "grain infusion" is suitable for use in bread or that it improves the quality of bread otherwise than through the action of the calcium and ammonium salts and the potassium bromate contained in it. (R. pp. 946–981, 1776, 2146–2175, 4106–4112, 4129–4130, 4134)

28. Amino acids, especially cystine, were proposed for use as oxidizing agents. The evidence does not establish the suitability of such acids for use in bread or rolls. (R. pp. 1773–1775 Ex. W)

29. Spice is sometimes added to bread or rolls, usually on the surface but occasionally by incorporation in the dough. Spice oil and spice extracts have been used to a slight extent. Such additions materially affect the flavor of the bread or rolls. Consumers do not ordinarily expect such additions unless announced by appropriate label statement. Such statements which are accurate and informative are "Spiced", "Spice Added", "With Added Spice", or such statements in which the common or usual name of the spice is substituted for the word "spice". (R. pp. 84, 1817–1820)

30. Bread is subject to deterioration and spoilage. The most common form of deterioration is staling. Old bread or stale bread is almost universally regarded as less desirable than fresh bread. Staling in bread may be retarded by various devices. The length of time for staleness to develop varies, depending on several factors, but it is the common practice of many bakers to withdraw bread from sale two days after baking. Some bakers make a price concession on bread over one day old. (R. pp. 435, 1162, 1407–1408, 1438–1440, 2365, Exs. FF, GG)

31. In addition to staling, bread is subject to spoilage from the growth of mold. If the surface of bread is moist, it is a good medium for the growth of mold spores. The temperature of baking effectively destroys any mold spores in the dough, but such spores may be present in the bakery and bread not suitably protected during and after cooling may become contaminated with such spores. When bread is sliced and wrapped, as is the common practice among large bakeries, the moisture remaining in the bread is held inside the wrapper, keeping the surface of bread moist and so creating a favorable environment for the growth of mold spores which may have accumulated on the surface of the loaf or of the slices prior to wrapping. Unwrapped bread from which moisture can evaporate readily is less likely to become moldy. Mold development on bread is most rapid in warm weather, especially when the humidity is high. (R. pp. 1124–1137, 1140, 1143, 1270, 1481, 1500, Ex. AA)

32. The time necessary for the development of visible mold varies greatly, depending on a number of conditions. Under conditions most favorable to mold growth, a visible speck of mold may develop within one or two days after exposure of the bread to the spores. Under normal summer conditions, however, several days will elapse between the time of contamination and the appearance of a mold spot sufficiently large to be noticed. (R. pp. 1143, 1409, 1413, 1473, 1490–1491)

33. A considerable number of bakers take no steps to protect their bread from mold other than controls within the bakery which tend to prevent contamination of the bread with mold spores. A few bakers have installed special precautionary devices for this purpose which are elaborate and beyond the means of bakers generally. Methods available to most bakers do not wholly prevent contamination, and where this occurs in sufficient degree and conditions are favorable to mold growth losses of bread may follow. Many bakers, and probably a majority of wholesale bakers, have adopted the practice of adding to the dough, at least during summer months, some substance which will retard the growth of mold on the bread. Proposals were made to recognize as optional ingredients for this purpose sodium and calcium propionates and sodium diacetate. (R. pp. 1138–1139, 1151, 1154, 1476–1479, 1673, 1674, 3879–3880, 3986, 4046–4047, Exs. X, QQ)

34. In addition to spoilage from mold, decomposition and spoilage in bread are caused on rare occasions by the growth inside the loaf of a type of bacterium which, in spore form, can survive the temperature of baking. This bacterium, *Bacillus mesentericus*, causes spoilage which in advanced stages is characterized by an unpleasant odor and a pasty consistency of the center of the loaf. This pasty material will pull out into fine threads, and such bread is said to be "ropy". *B. mesentericus* is known as the rope-forming organism. (R. pp. 1163–1164, 1166, 1231, 1425, 2658, 2993–2994, 3001, 3820–3822, 4045)

35. Technical experts in the baking industry are not entirely in agreement as to how the rope organism enters bread dough but they generally agree that the most probable means is through use in preparing the dough of raw materials contaminated with numerous spores of the organism. There is some possibility that spores may be air-borne and enter the dough from the air circulating in the bakery. In order for spoilage from rope organisms to develop in bread there must be a combination of circumstances, where a considerable number of spores enter the dough and where the bread is held for some time after baking at a high temperature under conditions whereby the moisture in the bread is retained. Where such a combination of circumstances occurs, large losses may occur from such spoilage. (R. pp. 1165–1167, 1169, 1353–1354, 1495, 2190, 3813, 3819, 3824, Exs. HH, II)

36. A considerable number of bakers take no steps for the protection of bread from rope other than by the use of ingredients sufficiently low in spore content. The ordinary baker, however, has no means of quickly testing ingredients to determine if they are contaminated with rope-forming organisms and must rely upon suppliers to furnish ingredients which are safe to use. Much progress has been made by suppliers in safeguarding their product. Many bakers, however, probably including a majority of wholesale bakers, at some time during the year add some type of ingredient to dough as additional assurance against rope development. (R. pp. 1174, 1294–1298, 1502, 3826, 3832, 3870–3871, 4042, 4044, Exs. HH, WWWW)

37. It was found several years ago that materials which render the dough slightly more acid than normal are effective in preventing the development of the rope organism. The acidity of the finished bread need not be greater than pH 5.0. The necessary increase in acidity is frequently effected by adding about a pint of 100-grain vinegar for each 100 pounds of flour used in the dough. Another product used by bakers for increasing acidity is monocalcium phosphate, which is the acidifying ingredient in phosphated flour. About ½ pound or less of monocalcium phosphate per 100 pounds of flour usually increases acidity sufficiently for this purpose, or phosphated flour may be used. Other acids which are said not to interfere with yeast growth have also been tried to a limited extent but have no advantage over vinegar or monocalcium phosphate and, so far as the record shows, such other acids are not now in use. In more recent years it has been found that sodium and calcium propionates are effective in retarding the growth of rope organism without a significant change in acidity. Even more recently sodium diacetate, which liberates acetic acid in the dough, has been used in lieu of vinegar and monocalcium phosphate as insurance against possibility of rope. (R. pp. 137, 1040, 1170, 1174, 1183–1184, 1644, 1674–1679, 3818, 3968–3969, 3976–3977, Exs. JJ, KK)

38. The quantity of calcium propionate or sodium propionate or both, used in white bread for the purposes indicated in findings 33 and 37 need not exceed 0.32 part by weight for each 100 parts by weight of flour used. The quantity of sodium diacetate used for such purposes need not exceed 0.4 part by weight. The quantity of any vinegar used for the purposes indicated in finding 37 need not exceed 1 pint of any vinegar of 100-grain strength for each 100 pounds of flour used, or corresponding amounts of vinegar of less strength to furnish an equivalent amount of acetic acid. The quantity of monocalcium phosphate used for the purposes indicated in finding 37 exceeds the amount used as a yeast food (for which purpose the maximum amount used is 0.25 part for each 100 parts by weight of flour used) but does not exceed 0.75 part for each 100 parts by weight of flour. (R. pp. 1322–1323, 1413, 1486, 1649, 1680, 1687, 3964, 3969, 3976, 3977, Ex. X)

39. The evidence shows that a substantial proportion of the bakers do not consider that they have a mold or rope problem and that they use none of the substances referred to in finding 37. Most bakers consider that they do have a mold or rope problem during the months of relatively high temperature, particularly when the humidity is high, and these bakers use such substances during those months. Some bakers consider that they have a mold and rope problem throughout the entire year and use such substances continuously. The evidence points to possibilities that the use of such substances may result in practices contrary to consumer interest but does not establish that such practices exist or are likely to develop to any material extent. (R. pp. 1412, 1428–1429, 1453–1459, 1478–1479, 1495, 1697, 2187–2191, 3003–3005, 3879, 3880, 3986, 4046–4047, Ex. QQ)

40. All of the substances used as set forth in finding 38 act as preservatives in bread and rolls in that they delay spoilage by certain micro-organisms. All of such substances, except vinegar, are chemicals within the usual meaning of that term. (R. pp. 2046–2048, 2050)

41. The foods commonly and usually known as "milk bread" and "milk rolls" or "milk buns" differ from bread and rolls primarily in that they contain a certain minimum of milk solids. Findings 2 to 5 and 9 to 41, inclusive, are applicable to milk bread and milk rolls. (R. pp. 35, 1830, 1831, 2415, 2527, 2586, Ex. A)

42. Milk bread is prepared in the home and to a considerable extent in commercial bakeries by using milk as the sole ingredient for moistening the flour and other ingredients to make the dough. However, many bakers use, instead of milk, various milk products with or without water, containing essentially the same quantity of milk solids as would be supplied by milk when it is used as the sole wetting agent. Milk products which are used for this purpose and which are suitable for such use are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and reconstituted milk (see finding 44). (R. pp. 1836–1837, 2527–2528, Exs. A, III)

43. The solids of milk may be divided into two well-recognized components, milk fat and nonfat milk solids. The relative proportion of fat and nonfat milk solids varies somewhat, but in milk of average composition as delivered to consumers the quantity of nonfat milk solids is not more than 2.3 times the quantity of milk fat. In milks of greater richness than average milk the fat content may rise to a point where the nonfat milk solids is about 1.2 times the milk fat. (R. pp. 1838, 2371–2383, 2529, Exs. 4, AAA, LLL)

44. The dairy ingredients used to supply milk constituent solids in the reconstitution of milk for making milk bread

are skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, or any two or more of these, combined with butter or cream or both. Unless a maximum limit is set on the proportion of nonfat milk solids to milk fat in reconstituting milk, abuses can easily arise through the use of decreasing quantities of milk fat and increasing quantities of the less expensive nonfat milk solids. It is reasonable to require that when reconstituted milk is used, the proportion of nonfat milk solids to milk fat fall within the range set forth in finding 43. (R. pp. 444–447, 1830, 1833, 1836, 1838, 1846, 2507, 2509, Exs. 2, III)

45. The quantity of water necessary to make flour into dough varies somewhat, but it is generally about 60 pounds to each 100 pounds of flour and in practically no case is less than 58 pounds to 100 pounds of flour. In milk of average composition, 58 pounds of moisture is associated with 8.23 pounds of milk solids; a reasonable minimum requirement for milk solids in milk bread made with dairy ingredients other than fluid milk is 8.2 pounds to each 100 pounds of flour. Because of variation in the total solids content of fluid milk and because of differences in the quantity of moisture absorbed in making the dough it would not be reasonable to prescribe a minimum based on the average composition of milk for the milk solids content of milk bread when fluid milk is used as the sole moistening ingredient. (R. pp. 452–454, 1840, 2445–2446, 2565, 2566, 2607)

46. Milk bread is generally considered by consumers to be made from milk and not from buttermilk. Buttemilk and its products, such as those listed in finding 8, are not appropriate ingredients of milk bread. (R. pp. 443, 1840–1842, 2419)

47. In the announcement of the hearing definitions and standards of identity were proposed for:

Cream bread and cream rolls or cream buns,
Butter bread and butter rools or butter buns,
Egg bread and egg rolls or egg buns,
Butter and egg bread and butter and egg rolls or butter and egg buns,
Honey bread and honey rolls or honey buns,
Milk and honey bread and milk and honey rolls or milk and honey buns.

In each instance the American Bakers Association proposed other definitions and standards differing from the proposals for hearing chiefly in that they would require substantially lesser amounts of the ingredients indicated by the names of the various kinds of bread and rolls or buns. (R. Ex. 1. Also see page references under finding 48.)

48. The quantities of the characterizing ingredients specified in the published proposal and the quantities recommended by the American Bakers Association are shown in the following tabulation ("parts" signify parts by weight for each 100 parts by weight of flour used in preparing dough):

	Published proposals	Proposals by American Bakers Association
Cream bread, Cream rolls, Cream buns	12 parts of milk fat from cream or combination of milk fat and nonfat milk solids in certain specified proportions.	4 parts milk fat.
Butter bread, Butter rolls, Butter buns	12 parts milk fat from butter	Do.
Egg bread, Egg rolls, Egg buns	5 parts of egg solids	2 parts of egg solids.
Butter and egg bread, Butter and egg rolls, Butter and egg buns	12 parts milk fat from butter, 5 parts egg solids.	4 parts milk fat, 2 parts egg solids.
Honey bread, Honey rolls, Honey buns	16 parts honey solids	4 parts.[1]
Milk and honey bread, Milk and honey rolls, Milk and honey buns	Milk content same as for milk bread, 16 parts honey solids.	Milk content same as for milk bread, 4 parts honey solids.

[1] 3 parts of honey solids was recommended by a witness introduced by the American Bakers Association (R. pp. 2808, 2870).

(R. pp. 1849–1854, 2423–2425, 2427–2428, 2476–2479, 2552–2555, 2568, 2623–2625, 2638, 2644–2645, 2673, 2703, 2713, 2717, 2739–2746, 2755–2757, 2759–2760, 2795–2796, 2820, 2837–2838, 2846, 2933, 2965, 3046–3047, 3049–3051, 3061, 3068)

49. There have been sold at times under the names of the products listed in finding 48, or under similar names, breads containing little or none of the ingredients for which the breads have been named. This practice has not been widespread. The amount of such bread is small in comparison with the total amount of bread sold but this practice has tended to mislead the consumer, giving the impression that these ingredients are used in such substantial amounts as to characterize the breads. (R. pp. 1851, 1854, 2339–2340, 2476, 2478, 2497–2498, 2617–2620, 2625, 2627, 2631, 2640, 2740–2742, 2788, 2910–2911, 3044–3046, 3058–3060, Ex. III)

50. The evidence does not establish that products containing these ingredients in the quantities proposed by the American Bakers Association (see finding 48) are distinguishable by the ordinary consumer from the product commonly known as "bread" or "white bread". It is not shown that benefit to consumers would result from the promulgation of definitions and standards of identity for these products as proposed by the American Bakers Association. (R. pp. 2495, 2552–2553, 2555, 2569, 2621–2624, 2632, 2641, 2672, 2742–2743, 2795–2797, 2807, 2820, 3036–3037, 3039, 3046, 3049, 3051)

51. There is not shown to be, or to be likely to develop, a demand on the part of consumers for bread or rolls containing the quantities of these ingredients in the published proposals which were supported by the Food and Drug Administration (see finding 48). The evidence does not establish that such proposed definitions and standards of identity would be reasonable. (R. pp. 1851, 2427, 2476, 2498, 2553, 2570, 2700, 2713–2715, 2867–2868, 2931–2932, 2965–2966)

52. The foods commonly and usually known as "raisin bread" and "raisin rolls" or "raisin buns" differ from bread and rolls primarily in that raisins are added to the dough before baking. Seedless (or seeded) raisins are suitable for such use. They are usually washed and are often soaked in water before being added to the dough. Except as noted in findings 54 and 55, findings 2 to 6 and 8 to 40, inclusive, are applicable to raisin bread and raisin rolls; finding 7 is inapplicable thereto. (R. pp. 35–36, 3076–3084, 3086–3091, 3092–3097)

53. The quantity of raisins used in making raisin bread varies somewhat. A minimum requirement for raisins based on the weight of raisins in the loaf was contained in the advisory standard for raisin bread promulgated some years ago. A more understandable requirement from the standpoint of the baker is a specification of the weight of raisins (before soaking or washing) used with each 100 parts by weight of flour. The requirement of the advisory standard calculated to this basis is about 35 parts of raisins to each 100 parts of flour. In recent years it has become the practice of most bakers to use substantially more raisins and a minimum requirement of 50 parts of raisins to each 100 parts of flour now conforms more nearly to consumer preference and good bakery practice. (R. pp. 35–36, 3076–3080, 3088–3090, 3093–3097, Exs. 2, III, TTT, UUU, VVV)

54. When making raisin bread some bakers use as a saccharine ingredient a raisin sirup made by concentrating a water extract of raisins (referred to in finding 12). Such an extract is suitable for use in raisin bread but such raisin extractives as are incorporated in this manner do not take the place of raisins used in making the raisin bread. Raisin bread and raisin rolls are sometimes prepared with an "icing" or "frosting". (R. pp. 3080, 3125)

55. The method of determining total solids as described in finding 3 must be modified slightly to be applicable to raisin bread and raisin rolls in order to insure the proper mixing of raisins in the sample. This can be accomplished by passing the sample twice through a food chopper and then taking a portion for solids determination without attempting to pass the ground sample through a 20-mesh sieve. (R. pp. 3086–3087, Ex. 2)

56. The foods commonly and usually known as "whole-wheat bread", "graham bread", "entire white bread", and "whole wheat rolls", "graham rolls", "entire wheat rolls", or "whole wheat buns", "graham buns", "entire wheat buns", differ from white bread and white rolls only in that the dough is made with whole wheat flour or bromated whole wheat flour, and no flour, bromated flour, or phosphated flour is used therein. Findings 2 to 6 and 8 to 40, inclusive, are applicable to whole wheat bread and whole wheat rolls, except that the maximum limit for propionates (see finding 38) is 0.38 part by weight to each 100 parts by weight of whole wheat flour used. Finding 7 is inapplicable to whole wheat bread and whole wheat rolls. (R. pp. 34–35, 1323, 1413, 3126–3135, 3160–3161, Exs. 2 and A)

57. Several different kinds of bread and rolls are prepared which differ from white bread and white rolls only in that the dough is made by using various mixtures of two or more of the wheat ingredients flour (including bromated flour and phosphated flour), whole wheat flour, cracked wheat, crushed wheat. In order to obtain in finished bread and rolls of these kinds the definite characteristics of each of the wheat ingredients used, it is necessary that the quantity of each such ingredient be not less than 20 percent by weight of the mixture of wheat ingredients used. Findings 2 to 6 and 8 to 40, inclusive, are applicable to bread and rolls of these kinds, except that the maximum limit for propionates (see finding 38) is 0.38 part by weight to each 100 parts by weight of the mixture of wheat ingredients. Finding 7 is inapplicable to bread and rolls of these kinds. (R. pp. 38, 1323, 1413, 3135–3158, 3160–3161, Exs. 5, 6, 7)

58. Bread and rolls of these kinds are ordinarily labeled with the word "bread" and "rolls", preceded by the name of one of the wheat ingredients (for example, "cracked wheat bread"). Consumers are confused as to the composition of such products by the failure to disclose in the name other wheat ingredients present in characterizing quantities. Names for them which are accurate and informative are the words "bread" and "rolls" or "buns", as the case may be, preceded by words which show the wheat ingredients used in the order of their predominance, if any, by weight in the mixture, as for example, "white and whole wheat bread". (R. pp. 3135–3158, Exs. 5, 6, 7)

59. "Enriched bread" and "enriched rolls" or "enriched buns" are the common and usual names of baked products identical with bread and rolls, respectively, except that they contain added nutrients and are not subject to the limitations indicated in finding 7. The reasons for enriching flour and for regulating such enrichment are applicable to enriched bread and enriched rolls; such reasons are set forth in findings 33 to 41, inclusive, of the order prescribing a definition and standard of identity for enriched flour (6 F. R. 2574–2582), as modified and supplemented by findings 1 to 11, inclusive, of the order amending that definition and standard of identity (8 F. R. 9115–9116). The basis for requiring or permitting the particular enriching ingredients and the particular quantities thereof specified in such findings is also applicable to enriched bread and enriched rolls. Findings 2 to 6, 8 to 21, and 23 to 40, inclusive, are applicable to enriched bread and enriched rolls. (R. pp. 3241–3255).

60. The quantities of vitamins and minerals in enriched bread and enriched rolls are those which result from the use of enriched flour or enriched bromated flour in lieu of flour, bromated flour, or phosphated flour. These quantities may be contributed by any of the following methods, or by any two or more of them in combination:

(a) Enriched flour or enriched bromated flour is used, in whole or in part.

(b) The substances used for enriching flour (including wheat germ or partly defatted wheat germ in a quantity not more than 5 parts by weight to each 100 parts of flour, bromated flour, and phosphated flour used) are added in making the dough, under the conditions permitted by § 15.010, as amended, for the addition of such substances in preparing enriched flour.

(c) Ingredients of bread which contain such vitamins or minerals (e. g., yeast, dried skim milk, monocalcium phosphate) are used within the limits, if any, for such use in bread. (R. p. 3241; Supp. R. pp. 375, 843, 893, 900, 958, 961)

61. It would not be reasonable to subject enriched bread or enriched rolls to any requirement for or limitation on enrichment that cannot be met in ordinary commercial practice by the use of any enriched flour which conforms to the definition and standard of identity prescribed in § 15.010, as amended. (R. p. 3320)

62. The flour content of enriched bread and enriched rolls varies from a minimum of about 60 percent to a maximum of about 75 percent, depending upon such factors as the quantity of ingredients other than flour used and the moisture content of the finished products. In baking such products there is some loss of vitamins, mostly through destruction in the crust. Such losses of niacin, riboflavin, and vitamin D are negligible, and in the cases of niacin and riboflavin are compensated by some contribution of these vitamins by yeast and other ingredients commonly used. Except as noted for thiamine, riboflavin, and calcium in findings 63, 64, and 65, minima for the vitamins and minerals in enriched bread and enriched rolls of 60 percent of the minima prescribed for enriched flour, and maxima of 75 percent of the maxima for enriched flour, are, when rounded off to the nearest significant decimal point, reasonable limitations when enriched flour is used to make enriched bread and enriched rolls. On this basis each pound of enriched bread or enriched rolls contains not less than 10 mg. nor more than 15 mg. of niacin; not less than 8 mg. nor more than 12.5 mg. of iron; and when the optional ingredient vitamin D is used, not less than 150 U. S. P. units nor more than 750 U. S. P. units of such vitamin. It would not be reasonable to prescribe minima and maxima for vitamins and minerals, when they are added in making the dough, different from the minima and maxima prescribed when enriched flour is used. An unnecessarily wide spread between minima and maxima would likely lead to competitive increases between manufacturers, accompanied by such advertising claims as would confuse consumers as to their nutritional needs and the value of enriched bread in supplying those needs. Consumer understanding of the value of enriched bread will be promoted by requiring its composition to be as nearly uniform as practicable as to both quantities and kinds of nutritional factors present. (R. pp. 3241–3252, 3306, 3466–3472, 3474–3488, 3692–3696, 3770–3782, 3786–3800; Supp. R. pp. 287, 362–364, 645, 648, 649, 844–854)

63. In baking enriched bread and enriched rolls losses of thiamine are appreciable. However, if flour enriched to the minimum of 2 mg. of thiamine per pound is used there is sufficient contribution of thiamine from the yeast and other ingredients customarily added that in common commercial practice the finished products contain not less than 1.1 mg. of thiamine per pound. If flour enriched to the maximum of 2.5 mg. per pound is used, the thiamine content of the finished products, after due allowances are made for contributions from such ingredients and for baking losses, will not exceed 1.8 mg. per pound. (R. pp. 3242–3251, 3466–3472, 3474–3488, 3770–3782; Supp. R. pp. 363–368, 372, 647, 844–854)

64. Yeast and milk or its products used in making enriched bread and rolls may contribute as much as 0.48 mg. of riboflavin per pound of bread or rolls. When these are used with enriched flour containing 1.5 mg. riboflavin per pound the riboflavin content of the enriched bread or enriched rolls may aproach 1.6 mg. per pound. When milk and its products are not used and the enriched flour contains the minimum 1.2 mg. riboflavin per pound the riboflavin content of the enriched bread or enriched rolls may fall to nearly 0.7 mg. per pound. (Supp. R. pp. 844, 848)

65. Dried skim milk, so-called "bread improvers", rope inhibitors, and other optional ingredients used in making bread and rolls may contribute nearly 300 mg. of calcium per pound of bread or rolls. When these are used with enriched flour containing 625 mg. calcium per pound the calcium content of the enriched bread or enriched rolls may approach 800 mg. per pound, particularly if water used in making the dough is high in calcium. When these are not used and the enriched flour contains the minimum of 500 mg. calcium per pound the calcium content of the enriched bread or enriched rolls may fall to about 300 mg. per pound. (Supp. R. pp. 849, 858)

66. The following are reasonable limits for the specified vitamins and minerals in enriched bread and enriched rolls or enriched buns:

	Minimum	Maximum
Required ingredients:		
Thiamine	1.1 mg. per lb.	1.8 mg. per lb.
Niacin	10.0 mg. per lb.	15.0 mg. per lb.
Riboflavin	0.7 mg. per lb.	1.6 mg. per lb.
Iron	8.0 mg. per lb.	12.5 mg. per lb.
Optional ingredients:		
Calcium	300 mg. per lb.	800 mg. per lb.
Vitamin D	150 U. S. P. units per lb.	750 U. S. P. units per lb.

(Supp. R. pp. 153, 157, 159, 160–162, 221, 278–280, 312–313, 386–388, 773–774, 797–798, 843–848, 888)

Conclusions. On the basis of the foregoing findings of fact it is concluded that:

(a) The evidence does not establish a basis for definitions and standards of identity, which would be reasonable and would promote honesty and fair dealing in the interest of consumers, for:

Cream bread and cream rolls or cream buns.
Butter bread and butter rolls or butter buns.
Egg bread and egg rolls or egg buns.
Butter and egg bread and butter and egg rolls or butter and egg buns.
Honey bread and honey rolls or honey buns.
Milk and honey bread and milk and honey rolls or milk and honey buns.

(b) It would not promote honesty and fair dealing in the interest of consumers to prescribe definitions and standards of identity for white bread and white rolls permitting the use as optional ingredients of soybean flour (except the soybean product referred to in finding 23 and within the limit set forth in such finding), peanut flour, cottonseed flour, rolled oats, ground oatmeal, or oat flour in quantities insufficient to differentiate the baked products from bread and rolls. The evidence does not establish a basis for a determination as to what provisions should be included in definitions and standards of identity, which will promote honesty and fair dealing in the interest of consumers, for baked products containing such ingredients in quantities sufficient to differentiate such products from white bread and white rolls.

(c) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls, except enriched bread and enriched rolls, providing for the use of processed wheat germ.

(d) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls, except raisin bread and raisin rolls, providing for the use of concentrated water extract of raisins or raisin sirup.

(e) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls providing for the use of blackstrap molasses, dark-colored brown sugar, or concentrated water extract of prunes.

(f) The evidence does not establish a basis for a determination that it would promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls providing for the use of amino acids or of so-called "grain infusion", or a definition and standard of identity for raisin bread or raisin rolls providing for the use of raisins in any quantity less than 50 parts by weight to each 100 parts by weight of any kind of flour ingredient used.

(g) It would not promote honesty and fair dealing in the interest of consumers to prescribe a definition and standard of identity for any kind of bread or rolls made from two or more of the wheat ingredients flour (including bromated flour and phosphated flour), whole wheat flour, cracked wheat, and crushed wheat under the name of one of such ingredients, or which provides for the use of any such ingredient in any quantity less than 20 percent by weight of the total of such ingredients.

(h) The record contains no evidence on the interest of consumers in label declaration of the presence of the preservatives calcium propionate, sodium propionate, sodium diacetate, monocalcium phosphate, and vinegar. However, section 403 (k) of the Act requires a statement in the labeling of bread and rolls in which calcium propionate, sodium propionate, sodium diacetate, or monocalcium phosphate is used, disclosing the fact that such chemical preservative is present. An informative and accurate statement of that fact is "_____ added to retard spoilage", the blank being filled in with the name whereby the chemical preservative used is above designated.

(i) Each of the following regulations fixing and establishing definitions and standards of identity for various kinds of bread and rolls or buns will promote honesty and fair dealing in the interest of consumers, and such regulations are hereby promulgated:

§ 17.5 *Bread and rolls or buns—identity; label statement of optional ingredients.* (a) Each of the foods bread, and rolls or buns, is prepared by baking a kneaded yeast-leavened dough made by moistening flour with water, or with one or more of the liquid optional ingredients hereinafter specified, or with any mixture of water and one or more of such ingredients. (The term "flour", unqualified, as used in this section includes flour, bromated flour, and phosphated flour. The potassium bromate in any bromated flour used and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the bread or rolls.) Each of such foods is seasoned with salt, and in its preparation one or more of the optional ingredients prescribed by the following subparagraphs (1) to (12), of this paragraph, may be used:

(1) Shortening.

(2) Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, or any combination of two or more of these; except that any such ingredient or combination (together with any butter and cream used) is so limited in quantity or composition as not to meet the requirements for milk or dairy ingredients prescribed for milk bread by § 17.7.

(3) Buttermilk, concentrated buttermilk, dried buttermilk, sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, or any combination of two or more of these.

(4) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, egg white, frozen egg white, dried egg white, or any combination of two or more of these.

(5) Sugar, invert sugar (in congealed or sirup form), light-colored brown sugar, refiners sirup, dextrose, honey, corn sirup, dried corn sirup, nondiastatic dried malt sirup, molasses (except blackstrap molasses), or any combination of two or more of these.

(6) Malt sirup, dried malt sirup, malted barley flour, malted wheat flour, each of which is diastatically active, or any combination of two or more of these.

(7) Corn flour (including finely ground corn meal), potato flour, rice flour, wheat starch, cornstarch, potato starch, sweet potato starch, any of which may be wholly or in part dextrinized, dextrinized wheat flour, or any combination of two or more of these; but the total weight thereof is not more than 3 parts for each 100 parts by weight of flour used.

(8) Ground dehulled soybeans, which may be heat treated, from which oil may be removed, but which retain enzymatic activity; but the weight thereof is not more than 0.5 part for each 100 parts by weight of flour used.

(9) Calcium sulfate, calcium lactate, mono-ammonium phosphate, diammonium phosphate, ammonium sulfate, ammonium chloride, ammonium carbonate, ammonium lactate, monocalcium phosphate, dicalcium phosphate, or any combination of two or more of these; but the total weight thereof (not including the monocalcium phosphate in any phosphated flour used) is not more than 0.25 part for each 100 parts by weight of flour used.

(10) Potassium bromate, potassium iodate, calcium peroxide, ammonium persulfate, potassium persulfate, sodium chlorite, or any combination of two or more of these; but the total weight thereof (including the potassium bromate in any bromated flour used) is not more than 0.0075 part for each 100 parts by weight of flour used.

(11) (i) Monocalcium phosphate, but the total quantity thereof, including the quantity in any phosphated flour used and any quantity added as permitted by subparagraph (9) of this paragraph, is not less than 0.25 part and not more than 0.75 part by weight to each 100 parts by weight of flour used; or (ii) a vinegar, in a quantity equivalent in acid strength to not more than 1 pint of 100-grain distilled vinegar for each 100 pounds of flour used; or (iii) calcium propionate, sodium propionate, or any mixture of these, but the total weight thereof is not more than 0.32 part for each 100 parts by weight of flour used; or (iv) sodium diacetate, but the weight thereof is not more than 0.4 part for each 100 parts by weight of flour used.

(12) Spice (including spice oil and spice extract). Each of such foods contains not less than 62 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 229, under "Total Solids in an Entire Loaf of Bread—Official", except that if the baked unit weighs 1 pound or more 1 entire unit is used for the determination, and if the baked unit weighs less than 1 pound, such number of entire units as weigh 1 pound or more are used for the determination.

(b) Bread is baked in units each of which weighs one-half pound or more after cooling. Rolls or buns are baked in units each of which weighs less than one-half pound after cooling.

(c) (1) When any optional ingredient, except a vinegar, permitted by paragraph (a) (11) of this section is used, the label shall bear the statement "_____ Added to Retard Spoilage", the blank being filled in with the name whereby the ingredient used is designated in such paragraph.

(2) When an optional ingredient permitted by paragraph (a) (12) of this section is used, the label shall bear the statement "Spiced" or "Spice Added" or "With Added Spice"; but in lieu of the word "Spice" in such statements the common or usual name or names of the spice may be added.

(3) Wherever the name of the food appears on the label so conspicuously as to be seen under customary conditions of purchase, the words and statements hereinbefore specified in this paragraph shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 17.6 *Enriched bread and enriched rolls or enriched buns—identity; label statement of optional ingredients.* (a) Each of the foods enriched bread, and enriched rolls or enriched buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread by § 17.5 (a) and (c), except that:

(1) Each such food contains in each pound not less than 1.1 milligrams and not more than 1.8 milligrams of thiamine, not less than 0.7 milligram and not more than 1.6 milligrams of riboflavin, not less than 10.0 milligrams and not more than 15.0 milligrams of niacin or niacin amide, not less than 8.0 milligrams and not more than 12.5 milligrams of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 150 U. S. P. Units and not more than 750 U. S. P. Units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 300 milligrams and not more than 800 milligrams of calcium (Ca);

(4) Each such food may also contain as an optional ingredient wheat germ or partly defatted wheat germ; but in no case is the total quantity thereof more than the maximum which may be present as a result of the use of enriched flour;

(5) Enriched flour may be used, in whole or in part, instead of flour; and

(6) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of milk and dairy ingredients does not apply.

As used in this section the term "flour", unqualified, includes bromated flour and phosphated flour; the term "enriched flour" includes enriched bromated flour. The prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) of this paragraph may be supplied or partly supplied through the use of enriched flour; or through the direct addition of such substance under the conditions permitted by § 15.010, of this chapter, as amended, for the addition of such substance in the preparation of enriched flour; or through the use of any ingredient containing such substance, which ingredient is required or permitted by § 17.5 (a), within the limits, if any, prescribed by such section (as modified by subparagraph (6) of this paragraph); or through the use of wheat germ; or through any two or more of such methods.

(b) "Enriched bread" is baked in units each of which weighs one-half pound or more after cooling. "Enriched rolls" or "enriched buns" are baked in units each of which weighs less than one-half pound after cooling.

§ 17.7 *Milk bread and milk rolls or milk buns—identity; label statement of optional ingredients.* (a) Each of the foods milk bread, and milk rolls or milk buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the dairy ingredients prescribed in paragraph (c) of this section is used, with or without water, in a quantity containing not less than 8.2 parts by weight of milk solids for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used); and

(2) No ingredient permitted by § 17.5 (a) (3) is used.

(b) Milk bread is baked in units each of which weighs one-half pound or more after cooling. Milk rolls or milk buns are baked in units each of which weighs less than one-half pound after cooling.

(c) The dairy ingredients referred to in paragraph (a) (1) of this section are concentrated milk, evaporated milk, sweetened condensed milk, dried milk, and a mixture of butter or cream or both with skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.3 times and not less than 1.2 times the weight of milk fat therein.

§ 17.8 *Raisin bread and raisin rolls or raisin buns—identity; label statement of optional ingredients.* (a) Each of the foods raisin bread, and raisin rolls or raisin buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) Not less than 50 parts by weight of seeded or seedless raisins are used for each 100 parts by weight of flour used (including any bromated flour or phosphated flour used);

(2) Water extract of raisins may be used (but not to replace raisins);

(3) The baked units may bear icing or frosting;

(4) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of dairy ingredients does not apply; and

(5) In determining its total solids, instead of following the direction "Grind sample just to pass a 20-mesh sieve" (Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, Fifth Edition, 1940, page 229, under "Total Solids in an Entire Loaf of Bread—Official"), comminute the sample by passing it twice through a food chopper.

(b) Raisin bread is baked in units each of which weighs one-half pound or more after cooling. Raisin rolls or raisin buns are baked in units each of which weighs less than one-half pound after cooling.

§ 17.9 *Whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns—identity; label statement of optional ingredients.* (a) Each of the foods whole wheat bread, graham bread, entire wheat bread, and whole wheat rolls, graham rolls, entire wheat rolls, or whole wheat buns, graham buns, entire wheat buns, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) The dough is made with whole wheat flour and no flour is used therein;

(2) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of dairy ingredients does not apply; and

(3) The total weight of calcium propionate, sodium propionate, or mixtures of these used, is not more than 0.38 part for each 100 parts by weight of whole wheat flour used.

As used in this section the term "flour", unqualified, includes flour, bromated flour, and phosphated flour; the term "whole wheat flour" includes whole wheat flour and bromated whole wheat flour. The potassium bromate in any bromated whole wheat flour used shall be deemed to be an optional ingredient in the whole wheat bread or whole wheat rolls.

(b) Whole wheat bread, graham bread, or entire wheat bread, is baked in units each of which weighs one-half pound or more after cooling. Whole wheat rolls, graham rolls, entire wheat rolls, whole wheat buns, graham buns, or entire wheat buns, are baked in units each of which weighs less than one-half pound after cooling.

§ 17.10 *Breads and rolls or buns made with mixtures of flour, whole wheat flour, cracked wheat, crushed wheat—identity; label statement of optional ingredients.* (a) The articles for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for bread and rolls or buns by § 17.5 (a) and (c), except that:

(1) The dough is made with a mixture of two or more of the following wheat ingredients in which the weight of each such ingredient used is not less than 20 percent of the weight of such mixture: (i) Flour (including bromated flour and phosphated flour); (ii) whole wheat flour (including bromated whole wheat flour); (iii) cracked wheat; (iv) crushed wheat;

(2) The limitation prescribed by § 17.5 (a) (2) on the quantity and composition of dairy ingredients does not apply; and

(3) The total weight of calcium propionate, sodium propionate, or mixtures

of these used is not more than 0.38 part for each 100 parts by weight of such mixture.

(b) The potassium bromate in any bromated flour or bromated whole wheat flour used, and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the finished baked products.

(c) If such food is baked in units each of which weighs one-half pound or more after cooling, the name of such food is "_____ Bread"; if in units each of which weighs less than one-half pound after cooling, "_____ Rolls" or "_____ Buns", the blank being filled in each instance with the names of the wheat ingredients in the order of predominance, if any, by weight of such ingredients in the mixture used in making the dough, as for example "White and Whole Wheat Bread". For the purposes of this provision the name of the wheat ingredient specified in paragraph (a) (1) (i) of this section is "White"; in paragraph (a) (1) (ii) is "Whole Wheat", "Graham", or "Entire Wheat"; in paragraph (a) (1) (iii) is "Cracked Wheat"; and in paragraph (a) (1) (iv) is "Crushed Wheat".

Additional evidence is particularly invited with respect to the oxidizing chemicals named in proposed finding 26, showing whether the compounds named are harmless and whether they are needed in the production of bread.

Mr. Bernard D. Levinson is hereby designated as presiding officer to conduct the hearing, in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the supplementary record of the proceedings of this hearing to the Administrator for consideration with the previous record, prior to issuance of a revised proposed order based on the entire record.

The hearing will be conducted in accordance with the rules of practice provided therefor.

Dated: October 8, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-9077; Filed, Oct. 13, 1948; 8:50 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-1122]

ATLANTIC SEABOARD CORP.

ORDER FIXING DATE OF HEARING

OCTOBER 7, 1948.

Upon consideration of the application filed September 9, 1948, by Atlantic Seaboard Corporation (Applicant), a Delaware corporation with its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a 1,600-H. P. compressor station, complete with appurtenant auxiliary equipment, structures, land and improvements, to be known as Huff Creek Compressor Station and located near Hanover, West Virginia, at a point approximately 46 miles east of Boldmand, Kentucky, on Applicant's present 20-inch pipe line, which is more fully described in such application on file with the Commission and open to public inspection; and

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 24, 1948 (13 F. R. 5574).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 27, 1948, at 9:30 a. m. (e. s t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided in §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 8, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9064; Filed, Oct. 13, 1948; 8:47 a. m.]

[Docket No. G-1134]

LONE STAR GAS CO.

NOTICE OF APPLICATION

OCTOBER 7, 1948.

Notice is hereby given that on October 1, 1948, Lone Star Gas Company (Applicant), a Texas corporation having its principal place of business at Dallas, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a 6-inch natural-gas pipe line loop, and auxiliary equipment, approximately 10,150 feet in length to parallel Applicant's present 6⅝-inch line which extends southwesterly from a point on Applicant's Line A near Chillicothe, Hardeman County, Texas to a point of connection with Applicant's Line U in said county; and also an 8-inch natural-gas pipe line, and auxiliary equipment, approximately 308 feet in length to extend from Applicant's said 6⅝-inch line to the suction header of United Gas Pipe Line Company's compressor station located near Chillicothe, Hardeman County, Texas.

Applicant proposes, by means of the proposed facilities, to increase the delivery capacity from Applicant's Line A to its U System, thus enabling Applicant to have additional volumes of gas available for peak demand deliveries from said U System during the winter months. It is stated in the application that the construction of the proposed facilities will assist in alleviating the difficulty Applicant has experienced for the last several years in supplying the demands on its U System during periods of peak demand.

The application further states that the proposed facilities will be used to supply the same markets as are now being served by Applicant, and that no change in present rates is contemplated.

The estimated total over-all capital cost of the proposed facilities stated in the application is $20,965.00, which will be paid solely out of Applicant's current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Lone Star Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9059; Filed, Oct. 13, 1948; 8:46 a. m.]

[Docket No. G-1135]

MESABI PIPE LINE CO.

NOTICE OF APPLICATION

OCTOBER 8, 1948.

Notice is hereby given that on October 4, 1948, an application was filed with the Federal Power Commission by Mesabi Pipe Line Company (Applicant), a Minnesota corporation with its principal office at St. Paul, Minnesota, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the Applicant to construct and operate an 18-inch natural gas transmission pipeline commencing at a point in Keokuk County, Iowa, at the terminus of a pipeline proposed by Trunkline Gas Supply Company for which a certificate application is pending as Docket No. G-882, and extending in a generally northerly direction through the states of Iowa, Wisconsin, and Minnesota, to a point in Itasca County, Minnesota, together with necessary facilities for the reception of gas into Applicant's proposed pipeline and for its compression at appropriate points.

Applicant states that its primary proposal is to provide low-grade iron ore processors in the Mesabi Range with such natural gas as may be required for their purposes in processing low-grade iron ore and to serve gas companies tributary to its proposed line supplies of natural gas where no gas service is now available, and to serve other tributary gas companies supplies of natural gas in addition to their already available supplies. It is estimated that a minimum of 100,000 Mcf daily will be required by such mining companies.

Applicant proposes to secure its supply of natural gas from the Trunkline Gas Supply Company at the terminus of its proposed line.

The estimated total over-all cost of the proposed facilities is $19,291,750 which Applicant proposes to finance through the issuance and sale to the public of bonds and preferred stock, supplemented by the procurement and issuance of additional shares of its common stock.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Mesabi Pipe Line Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than October 15, 1948, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9063; Filed, Oct. 13, 1948; 8:47 a. m.]

[Docket Nos. G-1135, 882]

MESABI PIPE LINE CO. AND TRUNKLINE GAS SUPPLY CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

OCTOBER 8, 1948.

Upon consideration of the application filed October 4, 1948, by Mesabi Pipe Line Company (Mesabi), a Minnesota corporation with its principal office at St. Paul, Minnesota, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of an 18-inch O. D. natural was transmission pipeline commencing at a point in Keokuk County, Iowa, at the terminus of a pipeline proposed by Trunkline Gas Supply Company (Trunkline) for which a certificate application is pending at Docket No. G-882, and extending in a generally northerly direction approximately 400 miles through the States of Iowa, Wisconsin and Minnesota to a point in Itasca County, Minnesota, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) Hearings at Docket No. G-882 were held from September 8 through September 16, 1948, at which time Trunkline completed its direct presentation and the hearing was recessed until October 4, 1948.

(b) By order entered September 30, 1948, the date of reconvening hearing on the application at Docket No. G-882 was postponed until October 18, 1948, for the purpose of receiving additional evidence to be presented in support of Trunkline's amended application, and the Commission remanded the record to the Presiding Examiner for such purposes, *And further provided*, That upon the conclusion of the presentation of such evidence the record shall be forthwith certified to the Commission and the hearing be recessed pending disposition of a motion to strike and a motion to dismiss filed therein.

(c) Mesabi states in its application that it proposes to secure its supply of natural gas from Trunkline.

The Commission finds that: Good cause exists to consolidate for purposes of hearing the proceedings at Docket No. G-1135 with those at Docket No. G-882.

The Commission, therefore, orders that:

(A) The proceedings at Docket Nos. G-882 and G-1135 be and the same are hereby consolidated for purposes of hearing.

(B) A public hearing be held on the matter at Docket No. G-882 as heretofore ordered by the Commission in its order of September 30, 1948, issued therein and on the application of Mesabi Pipe Line Company at Docket No. G-1135, commencing at 10:00 a. m. (e. s. t.) on October 18, 1948, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: October 8, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9062, Filed, Oct. 13, 1948; 8:46 a. m.]

[Docket No. E-6163]

NORTHWESTERN PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF SECURITIES

OCTOBER 8, 1948.

Notice is hereby given that, on October 6, 1948, the Federal Power Commission issued its order entered October 5, 1948, authorizing and approving issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9060; Filed, Oct. 13, 1948; 8:46 a. m.]

[Docket No. ID-1103]

G. F. FOLEY

NOTICE OF AUTHORIZATION PURSUANT TO SECTION 305 (B) OF THE FEDERAL POWER ACT

OCTOBER 8, 1948.

Notice is hereby given that, on October 6, 1948, the Federal Power Commission issued its order entered October 5, 1948, in the above-designated matter, authorizing Applicant to hold certain positions in the Florida Power Corporation, et al., pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9061; Filed, Oct. 13, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1241]

ENGINEERS PUBLIC SERVICE CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of October A. D. 1948.

The Boston Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the common stock, $1.00 par value, of Engineers Public Service Company.

The application alleges that (1) Engineers Public Service Company was dissolved on June 30, 1947; (2) all its assets have already been distributed to its preferred and common stock holders with the exception of a small amount of cash and with the exception of common stock of Virginia Electric and Power Company; (3) after deduction of a bank loan of $900,000, there remains a net value for these assets of aproximately $1,864,000; (4) there are now outstanding approximately 1,909,968 shares of common stock of Engineers Public Service Comany; (5) the value of the assets of this corporation remaining undistributed is approximately $1.00 per share; (6) in addition, Engineers Public Service Company has a contingent claim to any portion remaining of an escrow fund set up for the benefit of preferred stock holders in their right to payment of premium upon the liquidation of the preferred stock, which is now in the process of litigation; (7) that assuming the outcome of this litigation is such that this escrow fund reverts to the Engineers Public Service Company, except for the expenses of administration of the fund, this would amount to not to exceed $2.00 per share for the outstanding shares of common stock of Engineers Public Service Company; and (8) the rules of the Boston Stock Exchange with respect to striking a security from registration and listing have been complied with.

Upon receipt of a request, prior to October 20, 1948, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9070; Filed, Oct. 13, 1948; 8:48 a. m.]

[File No. 70-1964]

PENNSYLVANIA GAS AND ELECTRIC CORP. AND NORTH SHORE GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of October 1948.

The Commission having on September 3, 1948, issued an order pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("act") directing that Pennsylvania Gas and Electric Corporation ("Penn Corp"), a registered holding company, shall, among other things, sever its relationship with North Shore Gas Company ("North Shore"), a wholly owned subsidiary of Penn Corp, by disposing or causing the disposition of its direct or indirect interest, ownership, control and holding of securities issued and properties owned, controlled or operated by North Shore.

Notice is hereby given that Penn Corp and North Shore have filed with this Commission a joint application and declaration pursuant to sections 9, 10, 12 (c) and 12 (d) of the act and Rules U-42, U-44, and U-46 thereunder with respect to the proposed sale by North Shore of all its gas properties and business and the proposed liquidation and dissolution of North Shore.

Notice is further given that any interested person may, not later than October 21, 1948, at 5:30 p. m., e. s. t., request the Commission in writing, that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application and declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 21, 1948, said application and declaration, as filed or as amended, may be granted and permitted to become effective, respectively, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application and declaration which are on file in the office of this Commission for a statement of the transactions therein proposed which may be summarized as follows:

North Shore proposes to sell to Haverhill Gas Light Company ("Haverhill"), a non-affiliated public utility company, all of North Shore's properties and business, exclusive of cash, insurance contracts and claims for refund of taxes, for a base price of $145,000 subject to closing adjustments. It is estimated by the company, on the basis of North Shore's balance sheet at August 31, 1948, that retained cash plus closing adjustments will amount to approximately $25,000. North Shore proposes to use $87,500 of the proceeds of the sale to retire all of its outstanding long-term debt consisting of a like principal amount of notes held by Penn Corp, proposes to distribute, after provision for other debts, the balance of such proceeds and all additional cash in the company's treasury to Penn Corp as a liquidating dividend, and proposes to retire all of its capital stock, and, thereafter, to be dissolved.

The properties to be sold by North Shore comprise a manufactured gas distribution system serving gas in and about the Massachusetts towns of Essex, Georgetown, Hamilton, Ipswich, Manchester, Rowley, Topsfield and Wenham. North Shore purchases its entire gas requirements from Haverhill and serves gas to consumers in territory contiguous to that served by Haverhill. The net operating income of North Shore for the 12 months ended August 31, 1948, was $14,456 (after estimated Federal income taxes, computed on the basis of the filing of a consolidated Federal income tax return with its parent, Penn Corp).

The filing indicates that during the last several months, several proposals for the purchase of North Shore's properties were received from various interested parties, and that the price offered by Haverhill was the highest.

The filing states that the proposed sale is subject to the jurisdiction of the Massachusetts Department of Public Utilities.

Penn Corp and North Shore request that the Commission's order be issued prior to November 1, 1948, the contract closing date, and that such order become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8069; Filed, Oct. 13, 1948; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

1948 INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA REVISES RADIO PROVISIONS

NOTICE TO U. S. SHIPOWNERS, SHIP RADIO STATION LICENSEES AND OTHERS CONCERNED

OCTOBER 1, 1948.

The International Convention for the Safety of Life at Sea, 1929, ratified by the United States, underwent extensive revision in London last June. The 1948 Convention with annexed regulations supersedes the 1929 document and comes into force on January 1, 1951.

The purpose of this Convention is to insure, through international treaty agreement, that, from the point of view

of safety of life, a ship is fit for the service for which it is intended. Application of the Convention, however, is made only to ships on international voyages, that is, from a country to which the Convention applies to a port outside such country, or conversely.

All aspects of ship safety are dealt with in the revised document, including the fitting and use of radio, contained in Chapter IV. Numerous modifications of and additions to safety radio requirements of the earlier document appear in the revised version. Highlighting these changes is the extension of safety radio requirements to cargo ships between 500 and 1600 gross tons. When cargo ships in this group are not equipped with a radio-telegraph installation, they must be fitted with a radiotelephone installation meeting specified requirements. The radiotelephone requirement takes advantage of the decision made at International Radio Conference held last year at Atlantic City to establish an international calling and distress frequency (2182 kc) for the Maritime Mobile radiotelephone service.

Another outstanding change is the broadened requirement that all ships of 1600 gross tons and upward are to be fitted with an approved radio direction finder. This instrument is not only an important aid to navigation, but has also proved to be most effective in search and rescue work. Through its use rescuing ships can "home" on distress ships and survival craft radio transmissions.

Important because they increase the number of ships available for alerting for distress calls are revised provisions relating to the fitting and use of the auto alarm and listening by human operator. The new basic provision states that each ship required to be fitted with a radio telegraph installation (1600 gross tons and upwards), shall, while at sea, and, if not fitted with an approved auto alarm, listen continuously on the international radiotelegraph distress frequency by means of a qualified operator using some aural method. In the case of ships required to be fitted with a radiotelegraph installation, which are fitted with an approved auto alarm, the number of hours of human listening varies with the kind of ship, its tonnage, duration of voyage, or number of passengers carried. However, the basic provision, with certain exceptions and delay clauses, for listening by means of a qualified operator using some aural method, is at least 8 hours per day in the aggregate.

Many other changes are included. When the required number of lifeboats to be carried by a ship is less than 20, such ships must be provided with an approved portable radiotelegraph apparatus. The portability feature affords considerable flexibility in the placement of the unit to meet a given situation. It may be used in a lifeboat, at various places on the ship, and even taken ashore for use in the case of stranding.

Basically, the revised provisions on the radiotelegraph installation require a main installation and an emergency (reserve) installation, electrically separate and electrically independent of each other. Nevertheless, certain delay clauses in the case of passenger ships and relaxations in the case of cargo ships are included in the provisions.

As regards required radio devices in general, the trend of the revised provisions is toward more details and exacting specifications. This is particularly true of the auto alarm, main and emergency radiotelegraph installations, and the radio direction finder. Specifications for radiotelephone, lifeboat, and portable lifeboat installations appear in the regulations for the first time. This was to be expected in view of the rapid war-inspired developments in the field of electronics since the 1929 Convention.

While the Contracting Governments consider it highly desirable not to deviate from the application of the new mandatory regulations, administrations are permitted to grant individual exemptions of a partial and/or conditional nature, or complete exemption, but only to a ship engaged on a voyage where the maximum distance of a ship from shore, the length of the voyage, the absence of general navigational hazards, and other conditions affecting safety are such as to render full application of the provision requiring a radiotelegraph installation unreasonable or unnecessary. Since the authority to exempt will not be restricted to a specified distance a ship is navigated from the nearest land, as was the case in the 1929 Convention, the new document appears to permit greater interpretive latitude in the administration of exemptions. Under the new regulations each administration must submit annually to the Intergovernmental Maritime Consultative Organization a report showing all exemptions granted during the calendar year.

Apart from the above discretionary exemption provisions for individual ships, the following classes of ships are exempted outright from the provisions of the 1948 regulations:

1. Ships of war and troopships.
2. Cargo ships of less than 500 gross tons.
3. Ships not propelled by mechanical means.
4. Wooden ships of primitive build, such as dhows, junks, etc.
5. Pleasure yachts not engaged in trade.
6. Fishing vessels.

To permit all concerned ample time to develop newly required apparatus and to afford wartorn countries opportunity to rebuild their economy, time delay clauses of from one to three years are included in various forward looking provisions.

Because the safety radio standards imposed by United States statute and, in fact, those voluntarily met by most United States ships have been and still are higher than those prevailing on most foreign ships, the new Convention, it is felt, will produce proportionately lesser effect on the United States marine services.

Further information on the radio aspects of the revised Convention may be obtained by writing to the Secretary, Federal Communications Commission, Washington 25, D. C. It is expected that in due course the Convention with annexed regulations will be made available for public sale by the United States Government Printing Office. A British edition of the final acts of the Conference with annexes is available and may be consulted in the Commission's offices in the meantime.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-9078; Filed, Oct. 13, 1948; 8:51 a. m.]

SCHEDULE OF HEARINGS, OCTOBER 1948 TO JUNE 1949

SEPTEMBER 29, 1948.

The Commission released today its hearing schedule for all standard and FM broadcast applications designated for hearing prior to September 1, 1948. The hearings are scheduled to commence on October 18, 1948. There are 149 hearings scheduled, involving 238 applications.

The schedule is composed of three parts. Part I contains an alphabetical list of all applications scheduled for hearing; Part II is a chronological list of hearings; and Part III is a list of all applications scheduled for hearing according to their docket numbers.

Generally field hearings will be held in the cities where operation is proposed. If a field hearing is upon applications for stations in two or more cities, the hearings will be held in the various cities in the order listed on the date scheduled. The hearings in the District of Columbia will be heard in order of docket numbers, the lowest docket number being heard first.

Included in the schedule is a number of consolidated hearings which have heretofore been scheduled for hearing and then continued indefinitely for various reasons such as a determination of the Clear Channel proceeding, or the pendency of a petition for reconsideration and grant without hearing. These hearings have been given a new hearing date because of the possibility that the reason for which they were heretofore continued indefinitely may have been removed by the time the hearing date is reached. In the event the reasons for which the hearing was continued indefinitely in the past have not been obviated three weeks prior to the hearing, the Commission will continue such cases indefinitely on its own motion.

Abbreviation Symbols

AL Assignment of License.
AP Assignment of Permit.
L License.
BS Order to Show Cause.
FM Frequency Modulation.
ML Modification of License.
MP Modification of Permit.
PED Non-Commercial Educational FM.
R Renewal.
TC Transfer of Control.

PART I

Name	Docket No.	Frequency	Date	Place
Airtone Co., Santa Ana, Calif.	9110	850	Jan. 10	D. C.-1.
Airwaves, Inc. (WJOC), Jamestown, N. Y.	9105	1410	May 2	D. C.-1.
Albuquerque Broadcasting Co. (KOB), Albuquerque, N. Mex.	8044	-------	Dec. 15	F-2.
Allentown Broadcasting Co. (WKAP), Allentown, Pa.	9132	1320	Apr. 4	D. C.-2.
American Broadcasting Co., (KGO), San Francisco, Calif.	8011	810	Dec. 13	D. C.-1
Anderson Broadcasting Co., Inc., Anderson, S. C.	7793	1070	Feb. 3	D. C.-1.
Andrews, L. W., Inc., Davenport, Iowa	8904	FM	Nov. 22	D. C.-1.
Antelope Broadcasting Co., Inc., Lancaster, Calif.	8848	1340	Dec. 6	F-1.
Antelope Valley Broadcasting Co., Inc., Lancaster, Calif.	8847	1340	...do.....	F-1.
Astoria Broadcastlug Co. (KAST), Astoria, Oreg.	9002	1370	May 5	D. C.-2.
Atlantic Broadcasting Co., New York N. Y.	9055	FM	Dec. 13	F-2.
Balboa Radio Corp., (KLIK), San Diego, Calif.	8116	1450	Dec. 2	F-1.
Baltimore, Louis G. (WBRE), Wilkes-Barre, Pa.	9131	1340	Apr. 4	D. C.-2.
Bastrop Broadcasting Co., Bastrop, La.	8410	900	Apr. 14	D. C.-1.
Baylor University (KWBU), Houston, Tex.	9087	1030	Mar. 7	D. C.-1.
Beacon Broadcasting Co., Boston, Mass.	8731	FM	Nov. 29	F-2.
Beatrice Broadcasting Co., Beatrice, Nebr.	8690	1450	Oct. 20	F-2.
Belvedere Broadcasting Co., Baltimore, Md.	8996	1400	Oct. 18	F-1.
Benlee Broadcasting Co., Patchogue, N. Y.	8673	1580	Apr. 18	D. C.-1.
Berks Broadcasting Co. (WEEU), Reading, Pa.	7339	850	Oct. 21	D. C.-1.
Bessemer Broadcasting Co., Bessemer, Ala.	8526	1450	Jan. 20	F-1.
The Bible Institute of L. A., Inc., Los Angeles, Calif.	9073	WEED	Dec. 9	F-1.
Big Sandy Broadcasting Co., Paintsville, Ky.	8880	1490	Nov. 24	F-2.
Blue Valley Broadcasting Co., Beatrice, Nebr.	8929	1450	Oct. 20	F-2.
Bluff City Broadcasting Co., Ltd. (WDIA), Memphis, Tenn.	8879	1240	Jan. 26	F-2.
Boston Radio Co., Inc., Boston, Mass.	8733	FM	Nov. 29	F-2.
Braden, Paul F. (WFFH), Middletown, Ohio.	9118	910	Feb. 10	D. C.-2.
Brown, Kenyon, Tulsa, Okla.	9066	1340	Nov. 22	F-1.
Brunswick-Island Broadcasting Co., Brunswick, Ga.	8887	1340	Oct. 27	F-1.
Bunker Hill Broadcasting Co., Bunker Hill, Mass.	8841	FM	Nov. 29	F-2.
Burlington - Graham Broadcasting Co. (WFNS), Burlington, N. C.	8779	1150	Apr. 28	D. C.-2.
Cadillac Broadcasting Co., Hamtramck, Mich.	8718	1540	Jan. 31	D. C.-1.
Cameron, Geo. E., Jr., Tulsa, Okla.	9067	1340	Nov. 22	F-1.
Chanute Broadcasting Co., Chanute, Kans.	8909	1460	Mar. 14	D. C.-2.
Christian County Broadcasting Co., Taylorville, Ill.	8899	1410	May 16	D. C.-2.
Coconino Broadcasting Co., Flagstaff, Ariz.	8256	600	Mar. 10	D. C.-2.
Collins, Carr P., Jr., Corpus Christi, Tex.	9088	1010	Mar. 7	D. C.-1.
Community Broadcasting Service Allquippa, Pa.	8689	990	Mar. 30	D. C.-1.
Continental Broadcasting Co., Toledo, Ohio.	8684	1470	Jan. 24	D. C.-2.
Conway Broadcasting Co., Conway, Ark.	8969	1230	Nov. 15	F-1.
Coosa Valley Radio Co. (WROM), Rome, Ga.	8963	1400	Jan. 17	F-2.
Cornbelt Broadcasting Co. (WHOW), Clinton, Ill.	8261	1520	Jan. 24	D. C.-1.
Cortland Broadcasting Co., Inc. (WKRT), Cortland, N. Y.	8778	920	Mar. 3	D. C.-1.
Cosmopolitan Broadcasting Co., Los Angeles, Calif.	8641	960	Apr. 11	D. C.-1.
Craddock, D. L. (WLOE), Leaksville, N. C.	8427	1490	Jan. 5	D. C.-2.
Crescent Broadcast Corp., Shenandoah, Pa.	6883	980	Jan. 5	D. C.-1.
Crosley Broadcasting Corp., New York, N. Y.	9054	FM	Dec. 13	F-2.
Crowley, Dale E., Washington, D. C.	9127	1540	Feb. 7	D. C.-2.
Cushing Broadcasting Co., Cushing, Okla.	9102	1600	June 6	D. C.-1.
Debs Memorial Radio Fund, Inc., New York, N. Y.	9056	FM	Dec. 13	F-2.
Delta Broadcasting Co. (WDBC), Escanaba, Mich.	8883	680	Feb. 14	D. C.-1.
Denver Broadcasting Co., Denver, Colo.	8012	810	Dec. 13	D. C.-1.
Detroit Broadcasting Co. (WJBK), Detroit, Mich.	8691	1500	Apr. 15	D. C.-2.
Diamond H. Ranch Broadcasters, Auburn, Calif.	8642	1490	Nov. 10	F-2.
Door County Broadcasting Co., Inc., Sturgeon Bay, Wis.	8884	1340	Nov. 1	F-2.
Dunkirk Broadcasting Corp., Dunkirk, N. Y.	9104	1410	May 2	D. C.-1.
East Texas Broadcasting Co. (KGKB), Tyler, Tex.	7950	690	Nov. 8	D. C.-1.
Ebbets McKeever Exhib. Co., Inc., New York, N. Y.	9057	FM	Dec. 13	F-2.
El Camino Broadcasting Co., San Fernando, Calif.	8032	610	May 2	D. C.-2.
Ellis County Broadcasting Co., Waxahachie, Tex.	8257	1390	Feb. 14	D. C.-2.
El Mundo Broadcasting Corp. (WEMB), San Juan, P. R.	8829	1190	Apr. 21	D. C.-2.
Empire Broadcasting Co., Pomona, Calif.	8152	680	Mar. 28	D. C.-2.
Enid Radiophone Co., Enid, Okla.	8712	1390	May 5	D. C.-1.
Ensley-Fairfield Broadcasting Co., Ensley, Ala.	8527	1450	Jan. 21	F-2.
Evangeline Broadcasting Co. (KVOL), Lafayette, La.	8417	1480	Mar. 14	D. C.-1.
Fairfield County Broadcasting Co., Norwalk, Conn.	8717	1490	Dec. 10	F-2.
Falls County Public Service, Marlin, Tex.	9086	1010	Mar. 7	D. C.-1.
Faulkner County Broadcasting Co., Conway, Ark.	8998	1230	Nov. 15	F-1.
Floral City Broadcasting Co., Monroe, Mich.	8579	1430	Apr. 21	D. C.-1.
Florida East Coast Broadcasting Co., Miami, Fla.	8643	1230	Feb. 24	D. C.-1.
Frederick Broadcasting Co., Frederick, Md.	9107	1330	May 10	D. C.-1.
Frequency Broadcasting System, Inc., Monroe, La.	8586	900	Apr. 14	D. C.-1.
Frequency Broadcasting System, Inc., Shreveport, La.	8161	1050	Feb. 17	D. C.-1.
Furns, James H., Monroe, Mich.	8844	1540	Jan. 31	D. C.-1.
General Electric Co. (WGY), Schenectady, N. Y.	8162	BS	Dec. 16	D. C.-1.
Gerity, James Jr. (WABJ), Adrian, Mich.	8692	1490	Apr. 25	D. C.-2.
Gila Broadcasting Co., Winslow, Ariz.	8381	1580	Feb. 16	D. C.-2.
Goddard, Fred G., Hoquiam, Wash.	7826	1450	Nov. 1	F-1.
Greenwich Broadcasting Corp., Greenwich, Conn.	8716	1490	Dec. 9	F-2.
Griner-Dillon Broadcasting Co., Bay City, Mich.	8610	1350	May 19	D. C.-1.
Guilford Broadcasting Co., Greensboro, N. C.	8204	1400	Oct. 29	F-1.
Haddican, George F., Delano, Calif.	8758	1340	Nov. 17	F-2.
Hamtramck Radio Corp., Hamtramck, Mich.	9021	1440	Mar. 28	D. C.-1.
Harbenito Broadcasting Co. (KGBS), Harlingen, Tex.	8836	850	May 16	D. C.-1.
Harrisonburg Broadcasting Co., Harrisonburg, Va.	9108	1340	Jan. 12	F-2.
The Heights Broadcasting Co., Cleveland, Ohio.	8266	710	Feb. 17	D. C.-2.
The Highlands Broadcasting Co., Sebring, Fla.	9070	1340	Oct. 22	F-1.
Hillsdale Broadcasting Co., Inc., Hillsdale, Mich.	7941	900	Feb. 7	D. C.-1.
Hodgkins, Robert C., Northampton, Mass.	8857	1570	Feb. 28	D. C.-2.
Hohrer, Leland, Long Beach, Calif.	8851	890	Mar. 21	D. C.-1.
Imes, Birney, Jr., Columbus, Miss.	8831	580	May 12	D. C.-2.
Independent Broadcasting Service, Oak Park, Ill.	8687	1350	...do.....	D. C.-1.
James Madison Broadcasting Corp., Orange, Va.	9109	1340	Jan. 10	F-2.
Jones, Fred Broadcasting Co. (KFMJ), Tulsa, Okla.	8065	1340	Nov. 22	F-1.
KCMO Broadcasting Co. (KCMO), Kansas City, Mo.	8338	810	Dec. 13	D. C.-1.
Kiekapoo Prairie Broadcasting Co., Inc., Springfield, Mo.	8435	1340	Nov. 29	F-1.
KIDO, Inc. (KIDO), Boise, Idaho	8397	630	Jan. 27	D. C.-1.
KOOS, Inc. (KOOS), Coos Bay, Oreg.	8049	630	...do.....	D. C.-1.
KRGV, Inc. (KRGV), Weslaco, Tex.	8360	1290	Mar. 7	D. C.-2.
KWHN Broadcasting Co., Inc. (KWHN), Fort Smith, Ark.	8983	L	Nov. 18	F-1.
KWHN Broadcasting Co., Inc., Fort Smith, Ark.	8984	FM	...do.....	F-1.
KXRO, Inc. (KXRO), Aberdeen, Wash.	8374	1320	Nov. 4	F-1.
Lackawanna Valley Broadcasting Co. (WSCR), Scranton, Pa.	9133	1320	Apr. 4	D. C.-2.
Lake Broadcasting Co., Inc., Gary, Ind.	7185	1270	Jan. 17	D. C.-1.
Lakeland Broadcasting Corp., Wausau, Wis.	8208	1230	Oct. 27	F-2.
Lake Shore Broadcasting Co., Evanston, Ill.	7629	1520	Jan. 24	D. C.-1.
Lake States Broadcasting Co., Milwaukee, Wis.	8119	1520	...do.....	D. C.-1.
Lakewood Broadcasting Co., Dallas, Tex.	8714	1470	May 9	D. C.-1.
LaMar, Charles Wilbur, Jr., Morgan City, La.	8302	1450	Dec. 13	F-1.
Lapides, Abe, Pontiac, Mich.	7942	730	Jan. 10	D. C.-2.
Lewis, Richard Field, Jr. (WINC), Winchester, Va.	8842	950	Apr. 18	D. C.-2.
The Liberty Street Gospel Church (WMPC), Lapeer, Mich.	8632	1230	Jan. 13	D. C.-2.
Lowell Sun Publishing Co., Lowell, Mass.	9069	1060	May 9	D. C.-2.
Madera Broadcasting Co., Madera, Calif.	9129	1340	Nov. 15	F-2.
Manistee Radio Corp., Manistee, Mich.	8004	1340	Nov. 4	F-2.
Mansfield Broadcasting Co., Mansfield, Pa.	9085	1010	May 26	D. C.-1.
Marion Broadcasting Co., Marion, Ill.	8708	1150	May 19	D. C.-2
The Master Broadcasting Corp., Rio Piedras, P. R.	8828	1140	Apr. 7	D. C.-2.
McClatchy Broadcasting Co. (KERN), Bakersfield, Calif.	8349	1410	Oct. 18	D. C.-1.
McClatchy Broadcasting Co., Sacramento, Calif.	9016	FM	Oct. 19	D. C.-1.
McLean County Broadcasting Co., Normal, Ill.	8198	1080	Feb. 28	D. C.-1.
Metropolitan Broadcasting Co., Alamo Heights, Tex.	8628	1240	Jan. 10	F-1.
Metropolitan Broadcasting Co. of Milwaukee, White Fish Bay, Wis.	8202	920	Apr. 28	D. C.-1.
Mid-Island Radio, Inc., Patchogue, N. Y.	8674	1580	Apr. 18	D. C.-1.
Mid-Utah Broadcasting Co. (KNEU), Provo, Utah.	9074	1240	Mar. 23	D. C.-1.
The Midwestern Broadcasting Co., Toledo, Ohio.	8685	1470	Jan. 24	D. C.-2.
Model City Broadcasting Co., Anniston, Ala.	8388	1390	Feb. 2	D. C.-2.
The Monocacy Broadcasting Co. (WFMD), Frederick, Md.	8627	930	Jan. 17	D. C.-2.
Monroe Broadcasting Co., Inc., (WRNY), Rochester, N. Y.	7909	680	Feb. 14	D. C.-1.
Monroe Publishing Co., Monroe, Mich.	8591	920	Apr. 19	D. C.-1.
Mosby's Inc. (KANA), Anaconda, Mont.	8910	990	Apr. 13	D. C.-1.
News Publishing Co. (WLAQ), Rome, Ga.	8594	1400	Jan. 17	F-2.
Noe, James A. (KNOE), Monroe, La.	7655	1390	Feb. 2	D. C.-2
Northampton Broadcasting Co., Northampton, Mass.	8856	1570	Feb. 28	D. C.-2.
The Northern Corp., Boston, Mass.	8732	FM	Nov. 29	F-2.
The Northern Corp. (WMEX), Boston, Mass	8911	R	Dec. 3	F-2.
Do	8912	TC	...do.....	F-2.
North Jersey Broadcasting Co., Inc. (WPAT), Paterson, N. J.	8285	930	Jan. 17	D. C.-2.
Northwestern Indiana Radio Co., Inc., Valparaiso, Ind.	8218	1080	Feb. 28	D. C.-1
Northwest Public Services, Kelso, Wash.	8686	1240	Nov. 8	F-1.
Odessky, William & Lee, Los Angeles, Calif.	8850	900	Mar. 21	D. C.-1
Ohio-Michigan Broadcasting Corp., Toledo, Ohio.	7346	730	Jan. 10	D. C.-2.
Ohlendorf, H. H., Osceola, Ark.	8851	860	Apr. 4	D. C.-1.
Oliver Broadcasting Corp. (WPOR), Portland, Maine.	9068	1060	May 9	D. C.-2.
The Orange Belt Station, Redlands, Calif.	8787	910	Mar. 21	D. C.-1
Orange County Broadcasting Co., Santa Ana, Calif.	8454	850	Jan. 10	D. C.-1.
Ottawa Broadcasting Co., Ottawa, Kans.	9081	1220	June 1	D. C.-1.

PART I—Continued

Name	Docket No.	Frequency	Date	Place
Panama City Broadcasting Co. (WDLP), Panama City, Fla.	8904	590	Jan. 13	D. C.-1.
Parish Broadcasting Corp., Minden, La.	8409	1240	Dec. 16	F-1.
Pasadena Presbyterian Church (KPPC), Pasadena, Calif.	9135	1240	June 6	D. C.-2.
Patterson, S. H. (KVAK), Atchison, Kans.	8553	APL	Nov. 1	D. C.-1.
Patterson, S. H. (KJAY), Topeka, Kans.	8896	1440	May 23	D. C.-2.
Payne County Broadcasters, Cushing, Okla.	9103	1600	June 6	D. C.-1.
Pekin Broadcasting Co., Inc. (WSIV), Pekin, Ill.	8342	1150	Feb. 23	D. C.-1.
Pellegrin and Smeby, Detroit, Mich.	8431	1440	Mar. 28	D. C.-1.
Peninsula Broadcasting Corp., Pontiac, Mich.	9005	1380	May 25	D. C.-1.
Penn-Allen Broadcasting Co., Allentown, Pa.	8876	FM	Oct. 27	D. C.-1.
Perkins, Mark, San Antonio, Tex.	9079	1240	Jan. 12	F-1.
The Ponca City Publishing Co., Ponca City, Okla.	8183	1460	Mar. 14	D. C.-2.
Portorican American Broadcasting Co., Inc. (WPAB), Ponce, P. R.	8688	R	Nov. 17	D. C.-1.
Powell, Hugh J. (KGGF), Coffeyville, Kans.	7951	690	Nov. 8	D. C.-1.
Public Service Broadcasters, Inc., Toledo, Ohio.	8210	730	Jan. 10	D. C.-2.
Puerto Rico Communications Authority, San Juan, P. R.	8920	FM	Oct. 25	D. C.-1.
Puget Sound Broadcasting Co., Inc. (KVI), Tacoma, Wash.	8626	570	Jan. 20	D. C.-2.
Pure Bred Broadcasting Co., Richmond, Ky.	8617	1330	Apr. 11	D. C.-2.
Radio Anthracite, Inc. (WHWL), Nanticoke, Pa.	8934	980	Jan. 5	D. C.-1.
Radio Broadcasting Corp., LaSalle-Peru, Ill.	8197	1080	Feb. 28	D. C.-1.
Radio Calumet, Inc., Gary, Ind.	8452	1270	Jan. 17	D. C.-1.
Radio Corp. of the Board of Missions and Church Extension of the Methodist Church, Inc., New York, N. Y.	7095	FM	Dec. 13	F-2.
Radio Delano, Delano, Calif.	8759	1350	Nov. 17	F-2.
Radio Enterprises, Inc. (KELD), El Dorado, Ark.	8114	690	Nov. 8	D. C.-1.
Radio Lakewood, Inc., Lakewood, Ohio	8460	1380	Apr. 7	D. C.-1.
Radio New Orleans, Inc., New Orleans, La.	8875	1490	Dec. 14	F-1.
Radio Santa Cruz (KSCO), Santa Cruz, Calif.	8552	1080	Feb. 23	D. C.-2.
Radio South, Inc., Jacksonville, Fla.	8105	1490	Oct. 25	F-1.
Radio Station KRMD, Shreveport, La.	8919	1480	Mar. 14	D. C.-1.
Radio St. Clair, Inc., Marine City, Mich.	9145	1590	June 1	D. C.-2.
Radio Tennessee, Inc., Memphis, Tenn.	8559	890	Apr. 4	D. C.-1.
Redlands Broadcasting Co., Redlands, Calif.	8499	550	Apr. 14	D. C.-2.
Red Oak Radio Corp., Red Oak, Iowa.	8682	1220	June 1	D. C.-2.
R. I. Broadcasting Co. (WRIB), Providence, R. I.	8295	1220	Jan. 20	D. C.-1.
Rib Mountain Radio, Inc., Wausau, Wis.	8882	1230	Oct. 27	F-2.
Richland Broadcasting Corp., Richland Center, Wis.	9075	1450	Oct. 25	F-2.
Riverside Broadcasters, Riverside, Calif.	9111	800	Jan. 10	D. C.-1.
Roark, W. W., Coleman, Tex.	8140	1230	Jan. 14	F-1.
Rock Creek Broadcasting Corp., Washington, D. C.	8027	840	Feb. 21	D. C.-1.
The Rural Broadcasting Co., of Ohio, Oak Harbor, Ohio.	9130	1470	Jan. 24	D. C.-2.
Ruston Broadcasting Co., Ruston, La.	9092	1230	Dec. 17	F-1.
Sayre Printing Co., Sayre, Pa.	8296	1340	Oct. 21	F-1.
Scenic City Broadcasting Co., Inc., Middletown, R. I.	7820	1200	Jan. 20	D. C.-1.
Seminole Broadcasting Co., Wewoka, Okla.	8025	720	Feb. 10	D. C.-1.
Shelby Broadcasting Co., Center, Tex.	8855	1490	Dec. 20	F-1.
Silver City Crystal Co. (WMMV), Meriden, Conn.	8832	1470	May 18	D. C.-1.
Smith, Patrick G., Bishop, Calif.	8702	550	May 26	D. C.-1.
Southern California Broadcasting Co. (KWKW), Pasadena, Calif.	6737	830	Jan. 10	D. C.-1.
Steel City Broadcasting Co., Gary, Ind.	8178	1370	Mar. 17	D. C.-1.
Steel City Broadcasting Corp., Gary, Ind.	8219	1080	Feb. 28	D. C.-1.
Suburban Broadcasting Corp. New Rochelle, N. Y.	9123	1460	May 23	D. C.-1.
Suburban Broadcasting Corp., Upper Darby, Pa.	8232	1170	Feb. 2	D. C.-1.
Suffolk Broadcasting Corp., Patchogue, N. Y.	8921	1370	June 2	D. C.-1.
Sun Country Broadcasting Co. (KPSC), Phoenix, Ariz.	9025	1270	Apr. 25	D. C.-1.
Sun Country Broadcasting Co. (KTSC), Tucson, Ariz.	9026	580	...do.....	D. C.-1.
Sun Country Broadcasting Co. (KPSC), Phoenix, Ariz.	9027	1270	...do.....	D. C.-1.
Tampa Times Co. (WDAE), Tampa, Fla.	8672	810	Dec. 13	D. C.-1
Terrell Broadcast Corp., Terrell, Tex.	8176	1570	Mar. 24	D. C.-2.
Texas Star Broadcasting Co. (KTHT) Houston, Tex.	9089	1030	Mar. 7	D. C.-1.
Three Rivers Broadcasting Co., Kennewick, Wash.	8660	1450	Nov. 12	F-1.
The Times Herald Co. (WTTH), Port Huron, Mich.	9006	1380	May 25	D. C.-1.
The Times Picayune Publishing Co. (WTPS), New Orleans, La.	8861	940	Mar. 31	D. C.-2.
Tinley, S. H., Baltimore, Md.	8997	1490	Oct. 18	F-1.
The Toledo Blade Co., Toledo, Ohio.	8830	1470	Jan. 24	D. C.-2.
Tomek, John R., Wausau, Wis.	8881	1230	Oct. 27	F-2.
Tribune Building Co. (KLX), Oakland, Calif.	8379	910	Jan. 31	D. C.-2.
Trinity Broadcasting Corp. (KLIF), Oak Cliff, Tex.	8715	1480	May 9	D. C.-1.
Twin Cities Broadcasting Corp. (WDGY), Minneapolis, Minn.	8395	BS	Dec. 6	D. C.-1.
United Nations Broadcasting Corp., San Francisco, Calif.	8615	610	May 2	D. C.-2.
Unity Corporation, Inc. (WTOD), Toledo, Ohio.	8001	1470	Jan. 24	D. C.-2.
Van Wert Broadcasting Corp., Van Wert, Ohio.	8700	860	May 18	D. C.-2.
Voice of the Valley Co., Van Nuys, Calif.	8849	890	Mar. 21	D. C.-1.
Vulcan Broadcasting Co., Birmingham, Ala.	9023	1490	Jan. 24	F-2.
Weatherwax, Ben K., Aberdeen, Wash.	7825	1450	Nov. 1	F-1.
Weeks, Robert L. (KBLF), Red Bluff, Calif.	9125	AL	Nov. 8	F-2
Welland, Jonas (WFTC), Kingston, N. C.	9124	AL	Nov. 24	D. C.-1.
West Allis Broadcasting Co., West Allis, Wis.	8509	1570	Mar. 24	D. C.-2.
West Essle Binkley, Riverside, Calif.	8852	1400	Mar. 21	D. C.-1.
Whittier Broadcasting Associates, Whittier, Calif.	8720	1390	May 25	D. C.-2.
Whittier Broadcasting Co., Whittier, Calif.	8721	1390	...do.....	D. C.-2.
Williamson Broadcasting Corp., Pikeville, Ky.	8250	1490	Nov. 22	F-1.
Winchester Broadcasting Corp., Winchester, Va.	8635	1370	Apr. 18	D. C.-2.
Wolfe, Robert F., Co., Fremont, Ohio.	8539	900	Feb. 7	D. C.-1.
Wood, Grant A., Hyattsville, Md.	9128	1540	...do.....	D. C.-2.
Woodward Broadcasting Co., Detroit, Mich.	8107	850	Mar. 29	D. C.-2.
Woolridge, David H., Memphis, Tenn.	8878	1240	Jan. 26	F-2.
Worcester Broadcasting Co., Worcester, Mass.	8995	970	Feb. 21	D. C.-2.
Wyandotte, News Co., Wyandotte, Mich.	7759	1540	Jan. 31	D. C.-1.
WZHD, Inc., Warren, Ohio	8076	830	Mar. 3	D. C.-2.
Young, Charles H., Anderson, S. C.	9076	1050	Feb. 3	D. C.-1.
York Broadcasting Co. (WORK), York, Pa.	8246	1350	Mar. 31	D. C.-1.

PART II

CHRONOLOGICAL LIST OF HEARINGS ON BROADCAST APPLICATIONS FOR THE PERIOD OCT. 18, 1948–JUNE 6, 1949

	D. C. 1			D. C. 2		
Date	Docket No.	Place	Frequency	Docket No.	Place	Frequency
1948						
Oct. 18	8349	Bakersfield, Calif. (KERN)	1410			
19	9016	Sacramento, Calif.	FM			
21	7339	Reading, Pa. (WEEU)	850			
25	8920	San Juan, P. R.	FM			
27	8875	Allentown, Pa.	FM			
Nov. 1	8553	Atchison, Kans. (KVAK)	AP			
8	7950	Tyler, Tex. (KGKB)	690			
	7951	Coffeyville, Kans. (KGGF)	690			
	8114	El Dorado, Ark. (KELD)	690			
17	8688	Ponce, P. R. (WPAB)	R			
22	8921	Davenport, Iowa	FM			
24	9124	Kinston, N. C. (WFTC)	AL			
Dec. 6	8395	Minneapolis, Minn. (WDGY)	BS			
13	8911	San Francisco, Calif. (KGO)	810			
	8912	Denver, Colo.	810			
	8102	Schenectady, N. Y. (WGY)	BS			
	8348	Kansas City, Mo. (KCMO)	810			
	8672	Tampa, Fla. (WDAE)	810			
1949						
Jan. 5	6883	Shenandoah, Pa.	980			
	8934	Nanticoke, Pa. (WHWL)	980			
10	6737	Pasadena, Calif.	850	7346	Toledo, Ohio	730
	8451	Santa Ana, Calif.	850	7942	Pontiac, Mich.	730
	9110	...do	850	8210	Toledo, Ohio	730
	9111	Riverside, Calif.	850			
13	8804	Panama City, Fla. (WDLP)	ML	8632	Lapeer, Mich. (WMPC)	ML
17	7185	Gary, Ind.	1270	8285	Paterson, N. J. (WPAT)	930
	8452	...do	1270	8627	Frederick, Md. (WFMD)	930
20	7339	Middletown, R. I	1220	8928	Tacoma, Wash. (KVI)	ML
	8295	Providence, R. I. (WRIB)	1220			

PART II—Continued

CHRONOLOGICAL LIST OF HEARINGS ON BROADCAST APPLICATIONS FOR THE PERIOD OCT. 18, 1948–JUNE 6, 1949—continued

D. C. 1				D. C. 2		
Date	Docket No.	Place	Frequency	Docket No.	Place	Frequency
1949						
Jan. 24	7629	Evanston, Ill	1520	8001	Toledo, Ohio	1470
	8119	Milwaukee, Wis	1520	8084	....do	1470
	8261	Clinton, Ill. (WHOW)	1520	8685	....do	1470
				8830	....do	1470
				9130	Oak Harbor, Ohio	1470
27	8049	Coos Bay, Oreg. (KOOS)	630			
	8397	Boise, Idaho (KIDO)	630			
31	7756	Wyandotte, Mich	1540	8379	Oakland, Calif. (KLX)	940
	8718	Hamtramck, Mich	1540			
	8844	Monroe, Mich	1540			
Feb. 2	8232	Upper Darby, Pa	1170	7655	Monroe, La. (KNOE)	1390
				8388	Anniston, Ala	1390
3	7793	Anderson, S. C	1070			
	9076	....do	1050			
7	7941	Hillsdale, Mich	900			
	8589	Fremont, Ohio	900	9127	Washington, D. C	1340
10	8025	Wewoka, Okla	720	9128	Hyattsville, Md	1340
14	7969	Rochester, N. Y. (WRNY)	1460	9118	Middletown, Ohio (WPFB)	MP
	8883	Escanaba, Mich. (WDBC)	680	8257	Waxahachie, Tex	1390
16				8381	Winslow, Ariz	1580
17	8161	Shreveport, La	1050	8266	Cleveland, Ohio	710
21	8027	Washington, D. C	840	8995	Worcester, Mass	970
23	8342	Pekin, Ill. (WSIV)	MP	8552	Santa Cruz, Calif. (KSCO)	MP
24	8643	Miami, Fla. (WFEC)	MP			
28	8197	Peru, Ill	1080	8856	Northampton, Mass	1570
	8198	Normal, Ill	1080	8857	....do	1570
	8218	Valparaiso, Ind	1080			
	8219	Gary, Ind	1080			
Mar. 3	8778	Cortland, N. Y. (WKRT)	MP	8076	Warren, Ohio	850
7	8686	Marlin, Tex	1010	8360	Weslaco, Tex. (KRGV)	1290
	9087	Houston, Tex. (KWBU)	1030			
	9088	Corpus Christi, Tex	1010			
	9089	Houston, Tex. (KTHT)	1030			
10				8276	Flagstaff, Ariz	600
14	8417	Lafayette, La. (KVOL)	1480	8183	Ponca City, Okla	1460
	8919	Shreveport, La. (KRMD)	1480	8609	Chanute, Kans	1460
17	8178	Gary, Ind	1370			
21	8787	Redlands, Calif	910	8176	Terrell, Tex	1570
	8849	Van Nuys, Calif	800			
	8850	Los Angeles, Calif	900			
	8851	Long Beach, Calif	880			
	8852	Riverside, Calif	900			
23	9074	Provo, Utah (KNEU)	MP			
24				8509	West Allis, Wis	1370
28	8431	Detroit, Mich	1440	8152	Pomona, Calif	680
	9021	Hamtramck, Mich	1440			
29				8167	Detroit, Mich	840
30	8689	Aliquippa, Pa	960			
31	8246	York, Pa. (WORK)	1350	8861	New Orleans, La. (WTIS)	MP
Apr. 4	8550	Memphis, Tenn	890	9131	Wilkes-Barre, Pa. (WBRE)	1340
	8551	Oseeola, Ark		9132	Allentown, Pa. (WKAP)	1320
				9133	Scranton, Pa. (WSCR)	1320
7	8460	Lakewood, Ohio	1380	8828	Rio Piedras, P. R	1440
11	8611	Los Angeles, Calif	930	8617	Richmond, Ky	1550
13	8910	Anaconda, Mont. (KANA)	900			
14	8410	Bastrop, La	900	8499	Redlands, Calif	550
	8586	Monroe, La	900			
18	8673	Patchogue, N. Y	1580	8638	Winchester, Va	1270
	8674	....do	1580	8842	Winchester, Va... (WINC)	950
19	8591	Monroe, Mich	920			
21	8579	....do	1430	8829	San Juan, P. R. (WEMH)	MP
25	9025	Phoenix, Ariz. (KPSC)	MP	8691	Detroit, Mich. (WJBK)	1500
	9026	Tuscon, Ariz. (KTSC)	MP	8692	Adrian, Mich. (WABJ)	1490
	9027	Phoenix, Ariz. (KPSC)	MP			
28	8208	Whitefish Bay, Wis	920	8779	Burlington, N. C	1150
May 2	9104	Dunkirk, N. Y	1410	8615	San Francisco, Calif	610
	9105	Jamestown, N. Y. (WJOC)	1410	8932	San Fernando, Calif	610
5	8712	Enid, Okla. (KCRC)	1390	9002	Astoria, Oreg. (KAST)	1370
9	8714	Dallas, Tex	1470	9068	Portland, Maine (WPOR)	1310
	8715	Oak Cliff, Tex	1480	9069	Lowell, Mass	1040
10	9107	Frederick, Md	1330			
12	8687	Oak Park, Ill	1350	8831	Columbus, Miss	780
16	8836	Harlingen, Tex	850	8699	Taylorville, Ill	1410
18	8832	Meriden, Conn. (WMMW)	1470	8700	Van Wert, Ohio	860
19	8610	Bay City, Mich	1470	8708	Marion, Ill	1150
23	9123	New Rochelle, N. Y	1460	8886	Topeka, Kans. (KJAY)	MP
24	8702	Bishop, Calif	550			
25	9005	Pontiac, Mich	1380	8720	Whittier, Calif	1360
	9006	Port Huron, Mich. (WTTH)	1380	8721	....do	1360
26	9085	Mansfield, Pa	1050			
June 1	8084	Ottawa, Kans	1220	9145	Marine City, Mich	1550
	9082	Red Oak, Iowa	1220			
2	8921	Patchogue, N. Y	1370			
6	9102	Cushing, Okla	1600	9135	Pasadena, Calif. (KPPC)	1240
	9103	....do	1600			

PART II—Continued

CHRONOLOGICAL LIST OF HEARINGS ON BROADCAST APPLICATIONS FOR THE PERIOD OCT. 18, 1948–JUNE 6, 1949—continued

Field 1			Field 2		
Docket No.	Place	Frequency	Docket No.	Place	Frequency	Date
8996	Baltimore, Md	1400				*1948* Oct. 18
8997			8929	Beatrice, Nebr	1450	20
			8930			21
8256	Sayre, Pa	1340				22
9070	Sebring, Fla	1340				25
8104	Jacksonville, Fla	1400	9075	Richland Center, Wis	1490	
8587	Brunswick, Ga	1340	8208			
			8881	Wausau, Wis	1230	27
			8882			29
8204	Greensboro, N. C	1490				
7827	Aberdeen, Wash. (at Hoquiam)	1450	8883			
7826	Hoquiam, Wash	1450	8884	Sturgeon Bay, Wis	1340	Nov. 1
			8885			
8374	Aberdeen, Wash. (KXRO) (at Hoquiam)	1320	8004	Manistee, Mich	1340	4
8695	Kelso, Wash	1240	9123	Red Bluff, Calif. (KBLF)	AL	8
			8042	Auburn, Calif	1490	10
8800	Kennewick, Wash	1450				12
8998	Conway, Ark	1230	9129	Madera, Calif	1340	15
8999	....do	1230	9124	....do	1340	
			8758	Delano, Calif	1340	17
			8759	....do	1350	
8983	Fort Smith, Ark	L FM				18
8984	....do					
8065	Tulsa, Okla	1340	8259	Pikeville, Ky	1490	22
9096	....do	1340	8260			
9087	....do	1340	8880	Paintsville, Ky	1490	24
8435	Springfield, Mo	1340	8731			
			8732	Boston, Mass	FM	29
			8733			
			8841			Dec. 2
8116	San Diego, Calif. (KLIK)	1450	8911	Boston, Mass. (WMEX)	H TO	3
			8912	....do		6
8847	Lancaster, Calif	1340				
8848		PED	8716	Greenwich, Conn	1490	9
9073	Los Angeles, Calif		8717	Norwalk, Conn	1490	10
8392	Morgan City, La	1450	7665			
			9054			13
			9055	New York, N. Y	FM	13
			9056			
			9057			14
8875	New Orleans, La	1490	8941	Albuquerque, N. Mex. (KOB)		15
						16
8409	Minden, La	1240				17
9092	Ruston, La	1240				20
8855	Center, Tex	1490				
						1949 Jan. 10
8928	Alamo Heights, Tex	1240	9109	Orange, Va	1340	12
9079	San Antonio, Tex	1240	9108	Harrisonburg, Va	1340	14
8140	Coleman, Tex	1230				17
			8593	Rome, Ga. (WROM)	1400	
			8594	Rome, Ga. (WLAQ)	1490	20
			8526	Bessemer, Ala	1450	21
			8527	Ensley, Ala	1490	24
			9023	Birmingham, Ala	1240	26
			8878	Memphis, Tenn	1240	26
			8879	Memphis, Tenn. (WDIA)	1240	

PART III

LIST OF APPLICATIONS SCHEDULED FOR HEARING ACCORDING TO DOCKET NUMBERS

Docket No.	Name	Frequency	Date	Place
6737	Southern Calif. Broadcasting Co. (KWKW), Pasadena, Calif.	830	Jan. 10	D. C.-1.
6883	Crescent Broadcast Corp., Shenandoah, Pa	980	Jan. 5	D. C.-1.
7185	Lake Broadcasting Co., Inc., Gary, Ind	1270	Jan. 17	D. C.-1.
7339	Berks Broadcasting Co. (WEEU), Reading, Pa	850	Oct. 21	D. C.-1.
7346	Ohio-Michigan Broadcasting Corp., Toledo, Ohio	730	Jan. 10	D. C.-2.
7620	Lake Shore Broadcasting Co., Evanston, Ill	1520	Jan. 24	D. C.-1.
7655	James A. Noe (KNOE), Monroe, La	1390	Feb. 2	D. C.-2.
7695	Radio Corporation of the Board of Missions and Church Extension of the Methodist Church, Inc., New York, N. Y.	FM	Dec. 13	F-2.
7756	Wyandotte News Co., Wyandotte, Mich	1540	Jan. 31	D. C.-1.
7783	Anderson Broadcasting Co., Inc., Anderson, S. C	1070	Feb. 3	D. C.-1.
7820	Scenic City Broadcasting Co., Inc., Middletown, R. I.	1200	Jan. 20	D. C.-1.
7825	Ben K. Weatherway, Aberdeen, Wash	1450	Nov. 1	F-1.
7826	Fred G. Goddard, Hoquiam, Wash	1450	...do	F-1.
7909	Monroe Broadcasting Co., Inc. (WRNY), Rochester, N. Y.	680	Feb. 14	D. C.-1.
7941	Hillsdale Broadcasting Co., Inc., Hillsdale, Mich.	909	Feb. 7	D. C.-1.
7942	Abe Lapides, Pontiac, Mich	730	Jan. 10	D. C.-2.
7950	East Texas Broadcasting Co. (KGKB), Tyler, Tex.	690	Nov. 8	D. C.-1.
7951	H. J. Powell (KGGF), Coffeyville, Kans	690	...do	D. C.-1.
8001	Utility Corporation, Inc. (WTOD), Toledo, Ohio	1470	Jan. 24	D. C.-2.
8004	Manistee Radio Corp., Manistee, Mich	1340	Nov. 4	F-2.
8011	American Broadcasting Co., Inc. (KGO), San Francisco, Calif	810	Dec. 13	D. C.-1
8012	Denver Broadcasting Co., Denver, Colo	810	Dec. 13	D. C.-1.
8025	Seminole Broadcasting Co., Wewoka, Okla	720	Feb. 10	D. C.-1.
8027	Rock Creek Broadcasting Corp., Washington, D. C.	840	Feb. 21	D. C.-1.
8044	Albuquerque Broadcasting Co. (KOB), Albuquerque, N. M.		Dec. 15	F-2.
8049	KOOS, Inc. (KOOS), Coos Bay, Oreg	630	Jan. 27	D. C.-1.
8065	Fred Jones Broadcasting Co. (KFMJ), Tulsa, Okla.	1340	Nov. 22	F-1.
8076	WZHD, Inc., Warren, Ohio	850	Mar. 3	D. C.-2.
8105	Radio South, Inc., Jacksonville, Fla	1400	Oct. 25	F-1.
8114	Radio Enterprises, Inc. (KELD), El Dorado, Ark.	600	Nov. 8	D. C.-1.
8116	Balboa Radio Corp., San Diego, Calif	1450	Dec. 2	F-1.
8119	Lake States Broadcasting Co., Milwaukee, Wis.	1520	Jan. 24	D. C.-1.
8140	W. W. Roark, Coleman, Tex	1230	do	F-1.
8152	Empire Broadcasting Co., Pomona, Calif	680	Mar. 28	D. C.-2.
8161	Frequency Broadcasting System, Inc., Shreveport, La.	1050	Feb. 17	D. C.-1.
8162	General Electric Co. (WGY), Schenectady, N. Y.	BS	Dec. 13	D. C.-1.
8167	Woodward Broadcasting Co., Detroit, Mich	840	Mar. 29	D. C.-2.
8176	Terrell Broadcast Corp., Terrell, Tex	1570	Mar. 21	D. C.-2.
8178	Steel City Broadcasting Co., Gary, Ind	1370	Mar. 17	D. C.-1.
8183	The Ponca City Publishing Co., Ponca City, Okla.	1460	Mar. 14	D. C.-1.
8197	Radio Broadcasting Corp., La Salle-Peru, Ill	1080	Feb. 28	D. C.-1.
8198	McLean County Broadcasting Co., Normal, Ill.	1080	...do	D. C.-1.
8202	Metropolitan Broadcasting Co. of Milwaukee, Whitefish Bay, Wis.	920	Apr. 28	D. C.-1.
8204	Guilford Broadcasting Co., Greensboro, N. C	1400	Oct. 29	F-1.

PART III—Continued

LIST OF APPLICATIONS SCHEDULED FOR HEARING ACCORDING TO DOCKET NUMBERS—continued

Docket No.	Name	Frequency	Date	Place
8208	Lakeland Broadcasting Corp., Wausau, Wis.	1230	Oct. 27	F-2.
8210	Public Service Broadcasters, Inc., Toledo, Ohio.	730	Jan. 10	D. C.-2.
8218	Northwestern Indiana Radio Co., Inc., Valparaiso, Ind.	1080	Feb. 26	D. C.-1.
8219	Steel City Broadcasting Corp., Gary, Ind.	1080	...do...	D. C.-1.
8232	Suburban Broadcasting Corp., Upper Darby, Pa.	1170	Feb. 2	D. C.-1.
8240	York Broadcasting Co. (WORK), York, Pa.	1350	Mar. 31	D. C.-1.
8246	Sayre Printing Co., Sayre, Pa.	1340	Oct. 21	F-1.
8257	Ellis County Broadcasting Co., Waxahachie, Tex.	1390	Feb. 14	D. C.-2.
8259	Williamson Broadcasting Corp., Pikeville, Ky.	1490	Nov. 22	F-1.
8261	Cornbelt Broadcasting Co., Clinton, Ill.	1520	Jan. 24	D. C.-1.
8266	The Heights Broadcasting Co., Cleveland, Ohio.	710	Feb. 17	D. C.-2.
8276	Coconino Broadcasting Co., Flagstaff, Ariz.	600	Mar. 10	D. C.-2.
8285	North Jersey Broadcasting Co., Inc. (WPAT) Paterson, N. J.	930	Jan. 17	D. C.-2.
8298	R. I. Broadcasting Co. (WRIB), Providence, R. I.	1220	Jan. 20	D. C.-1.
8302	Charles Wilbur Lamar, Jr., Morgan City, La.	1450	Dec. 13	F-1.
8338	KCMO Broadcasting Co. (KCMO), Kansas City, Mo.	810	...do...	D. C.-1.
8342	Peking Broadcasting Co., Inc. (WSIV), Pekin, Ill.	1150	Feb. 23	D. C.-1.
8349	McClatchy Broadcasting Co.: Bakersfield, Calif.	1410	Oct. 18	D. C.-1.
8360	KRGV, Inc. (KRGV), Weslaco, Tex.	1290	Mar. 7	D. C.-2.
8374	KXRO, Inc. (KXRO), Aberdeen, Wash.	1320	Nov. 4	F-1.
8379	Tribune Building Co. (KLX), Oakland, Calif.	910	Jan. 31	D. C.-2.
8384	Gila Broadcasting Co., Winslow, Ariz.	1580	Feb. 16	D. C.-2.
8388	Model City Broadcasting Co., Anniston, Ala.	1390	Feb. 2	D. C.-2.
8393	Twin Cities Broadcasting Corp. (WDGY), Minneapolis, Minn.	810	Dec. 6	D. C.-1.
8397	KIDO, Inc. (KIDO), Boise, Idaho	630	Jan. 27	D. C.-1.
8409	Parish Broadcasting Corp., Minden, La.	1240	Dec. 16	F-1.
8410	Bastrop Broadcasting Co., Bastrop, La.	900	Apr. 14	D. C.-1.
8417	Evangeline Broadcasting Co. (KVOL), Lafayette, La.	1480	Mar. 14	D. C.-1.
8427	Douglas L. Craddock (WLOE), Leaksville, N. C.	1490	Jan. 5	D. C.-2.
8431	Pellegrin and Smeby, Detroit, Mich.	1440	Mar. 28	D. C.-1.
8435	Kickapoo Prairie Broadcasting Co., Inc., Springfield, Mo.	1340	Nov. 29	F-1.
8452	Radio Calumet, Inc., Gary, Ind.	1270	Jan. 17	D. C.-1.
8454	Orange County Broadcasting Co., Santa Ana, Calif.	850	Jan. 10	D. C.-1.
8460	Radio Lakewood, Inc., Lakewood, Ohio.	1380	Apr. 7	D. C.-1.
8499	Redlands Broadcasting Co., Redlands, Calif.	550	Apr. 14	D. C.-2.
8509	West Allis Broadcasting Co., West Allis, Wis.	1570	Mar. 24	D. C.-2.
8526	Bessemer Broadcasting Co., Bessemer, Ala.	1450	Jan. 20	F-2.
8527	Ensley-Fairfield Broadcasting Co., Ensley, Ala.	1450	Jan. 21	F-2.
8550	Radio Tennessee, Inc., Memphis, Tenn.	860	Apr. 4	D. C.-1.
8551	H. H. Ohlendorf, Osceola, Ark.	860	...do...	D. C.-1.
8552	Radio Santa Cruz (KSCO), Santa Cruz, Calif.	1080	Feb. 23	D. C.-2.
8553	S. H. Patterson (KVAK), Assignor, Albert Alvin Almada, assignee, Atchison, Kans.	AP	Nov. 1	D. C.-1.
8579	Floral City Broadcasting Co., Monroe, Mich.	1430	Apr. 21	D. C.-1.
8586	Frequency Broadcasting System, Inc., Monroe, La.	900	Apr. 14	D. C.-1.
8587	Brunswick-Island Broadcasting Co., Brunswick, Ga.	1340	Oct. 27	F-1.
8589	Robert F. Wolfe Co., Fremont, Ohio.	900	Feb. 7	D. C.-1.
8591	Monroe Publishing Co., Monroe, Mich.	920	Apr. 19	D. C.-1.
8593	Coosa Valley Radio Co. (WROM), Rome, Ga.	1400	Jan. 17	F-2.
8594	News Publishing Co. (WLAQ), Rome, Ga.	1400	...do...	F-2.
8600	Three Rivers Broadcasting Co., Kennewick, Wash.	1450	Nov. 12	F-1.
8610	Griner-Dillon Broadcasting Co., Bay City, Mich.	1350	May 19	D. C.-1.
8615	United Nations Broadcasting Corp., San Francisco, Calif.	610	May 2	D. C.-2.
8617	Pure Bred Broadcasting Co., Richmond, Ky.	1550	Apr. 11	D. C.-2.
8627	The Monocacy Broadcasting Co. (WFMD), Frederick, Md.	930	Jan. 17	D. C.-2.
8628	Puget Sound Broadcasting Co., Inc. (KVI), Tacoma, Wash.	570	Jan. 20	D. C.-2.
8632	The Liberty St. Gospel Church (WMPC), Lapeer, Mich.	1230	Jan. 13	D. C.-2.
8638	Winchester Broadcasting Corp., Winchester, Va.	1270	Apr. 18	D. C.-2.
8641	Cosmopolitan Broadcasting Co., Los Angeles, Calif.	960	Apr. 11	D. C.-1.
8642	Diamond H. Ranch Broadcasters, Auburn, Calif.	1490	Nov. 10	F-2.
8643	Florida East Coast Broadcasting Co. (WFEC), Miami, Fla.	1230	Feb. 24	D. C.-1.
8672	Tampa Times Co. (WDAE), Tampa, Fla.	810	Dec. 13	D. C.-1.
8673	Henlee Broadcasting Co., Patchogue, N. Y.	1380	Apr. 18	D. C.-1.
8674	Mid-Island Radio, Inc., Patchogue, N. Y.	1380	...do...	D. C.-1.
8684	Continental Broadcasting Co., Toledo, Ohio.	1470	Jan. 24	D. C.-2.
8685	The Midwestern Broadcasting Co., Toledo, Ohio.	1470	...do...	D. C.-2.
8686	Northwest Public Services, Kelso, Wash.	1240	Nov. 8	F-1.
8687	Independent Broadcasting Service, Oak Park, Ill.	1350	May 12	D. C.-1.
8688	Portorican American Broadcasting Co. (WPAB), Ponce, P. R.	R	Nov. 17	D C.-1.
8689	Community Broadcasting Service, Aliquippa, Pa.	990	Mar. 30	D. C.-1.
8691	Detroit Broadcasting Co. (WJBK), Detroit, Mich.	1500	Apr. 28	D. C.-2
8692	J. Gerity, Jr. (WABJ), Adrian, Mich.	1490	...do...	D. C.-2.
8699	Christian County Broadcasting Co., Taylorville, Ill.	1410	May 16	D. C.-2
8700	Van Wert Broadcasting Corp., Van Wert, Ohio.	860	May 18	D. C.-2
8702	Patrick G. Smith, Bishop, Calif.	550	May 24	D. C.-1
8708	Marion Broadcasting Co., Marion, Ill.	1150	May 19	D C.-2
8712	Enid Radiophone Co. (KCRC), Enid, Okla.	1390	May 5	D C.1
8714	Lakewood Broadcasting Co., Dallas, Tex.	1470	May 9	D C.1
8715	Trinity Broadcasting Corp. (KLIF), Oak Cliff, Tex.	1480	...do...	D. C.1
8716	Greenwich Broadcasting Corp., Greenwich, Conn.	1490	Dec. 9	F-2.
8717	Fairfield County Broadcasting Co., Norwalk, Conn.	1490	Dec. 10	F 2.
8718	Cadillac Broadcasting Co., Hamtramck, Mich.	1540	Jan. 31	D. C.-1.
8720	Whittier Broadcasting Associates, Whittier, Calif.	1360	May 25	D. C.-2
8721	Whittier Broadcasting Co., Whittier, Calif.	1360	...do...	D. C. 2.
8731	Beacon Broadcasting Co., Inc., Boston, Mass.	FM	Nov. 29	F-2.
8732	The Northern Corp., Boston, Mass.	FM	...do...	F-2.
8733	Boston Radio Co., Inc., Boston, Mass.	FM	...do...	F-2.
8758	George F. Haddican, Delano, Calif.	1340	Nov. 17	F-2.
8759	Radio Delano, Delano, Calif.	1350	...do...	F-2.
8778	Cortland Broadcasting Co., Inc. (WKRT), Cortland, N. Y.	920	Mar. 3	D. C.-1
8779	Burlington-Graham Broadcasting Co. (WFNS), Burlington, N. C.	1150	Apr. 28	D. C.-2
8787	The Orange Belt Station, Redlands, Calif.	910	Mar. 21	D. C.-1.
8828	The Master Broadcasting Corp., Rio Piedras, P. R.	1140	Apr. 7	D. C.-2.
8829	El Mundo Broadcasting Corp. (WEMB), San Juan, P. R.	1190	Apr. 21	D. C.-2.
8830	The Toledo Blade Co., Toledo, Ohio	1470	Jan. 24	D C.-2.
8831	Birney Imes, Jr. (WCBI), Columbus, Miss.	580	May 12	D. C.-2.
8832	Silver City Crystal Co. (WMMV), Meriden, Conn.	1470	May 15	D. C.-1.
8836	Harbenito Broadcasting Co., (KGBS), Harlingen, Tex.	850	May 16	D. C.-1.
8841	Bunker Hill Broadcasting Co., Boston, Mass.	FM	Nov. 29	F-2.
8842	Richard Field Lewis, Jr. (WINC), Winchester, Va.	950	Apr. 18	D. C.-2.
8844	James H. Furns, Monroe, Mich.	1540	Jan. 31	D C.-1.
8847	Antelope Valley Broadcasting Co., Lancaster, Calif.	1340	Dec. 6	F-1.
8848	Antelope Broadcasting Co., Inc., Lancaster, Calif.	1340	...do...	F-1.
8849	Voice of the Valley Co., Van Nuys, Calif.	860	Mar. 21	D. C.-1.
8850	William & Lee Odessky, Los Angeles, Calif.	900	...do...	D C.-1.
8851	Leland Hulrey, Long Beach, Calif.	880	...do...	D. C.-1.
8852	Essie Binkley West Riverside, Calif.	860	...do...	D. C.-1
8855	Shelby Broadcasting Co., Center, Tex.	1490	Dec. 20	F-1.
8856	Northampton Broadcasting Co., Northampton, Mass.	1570	Feb. 28	D. C.-2.
8857	Robert C. Hoskins, Northampton, Mass.	1570	...do...	D. C.-2.
8861	The Times Picayune Publishing Co. (WTPS), New Orleans, La.	940	Mar. 31	D. C.-2.
8875	Radio New Orleans, Inc., New Orleans, La.	1400	Dec. 14	F-1.
8876	Penn-Allen Broadcasting Co., Allentown, Pa.	FM	Oct. 27	D. C.-1.
8878	David Harold Woolridge, Memphis, Tenn.	1240	Jan. 26	F-2.
8879	Bluff City Broadcasting Co., Ltd., Memphis, Tenn.	1240	...do...	F-2.
8880	Big Sandy Broadcasting Co., Paintsville, Ky.	1490	Nov. 24	F-2.
8881	John R. Tomek, Wausau, Wis.	1230	Oct. 27	F-2.
8882	Rib Mountain Radio, Inc., Wausau, Wis.	1230	...do...	F-2.
8883	Delta Broadcasting Co. (WDBC), Escanaba, Mich.	680	Feb. 14	D. C.-1.
8884	Door County Broadcasting Co., Inc., Sturgeon Bay, Wis.	1340	Nov. 1	F-2.
8886	S. H. Patterson (KJAY), Topeka, Kans.	1440	May 23	D. C.-2.
8904	Panama City Broadcasting Co. (WDWB), Panama City, Fla.	590	Jan. 13	D. C.-1.
8909	Chanute Broadcasting Co., Chanute, Kans.	1460	Mar. 14	D C.-2.
8910	Mosby's Inc. (KANA), Anaconda, Mont.	930	Apr. 13	D C.-1.
8911	The Northern Corp. (WMEX), Boston, Mass.	R	Dec. 3	F-2.
8912	Do.	TC	...do...	F-2.
8919	Radio Station KRMD, Shreveport, La.	1480	Mar. 14	D. C.-1.
8920	P. R. Communications Authority, San Juan, P. R.	FM	Oct. 25	D. C.-1.
8921	Suffolk Broadcasting Corp., Patchogue, N. Y.	1370	June 2	D. C.-1
8928	Metropolitan Broadcasting Co., Alamo Heights, Tex.	1240	Jan. 10	F-1.
8929	Blue Valley Broadcasting Co., Beatrice, Nebr.	1450	Oct. 20	F-2.
8930	Beatrice Broadcasting Co., Beatrice, Nebr.	1450	...do...	F 2.
8932	El Camino Broadcasting Co., San Fernando, Calif.	610	May 2	D. C.-2.
8934	Radio Anthracite, Inc. (WHWL), Nanticoke, Pa.	980	Jan. 5	D. C.-1.
8983	KWHN Broadcasting Co., Inc. (KWHN), Fort Smith, Ark.	L	Nov. 18	F-1.
8984	KWHN Broadcasting Co., Inc., Fort Smith, Ark.	FM	...do...	F-1.
8994	L. W. Andrews, Inc., Davenport, Iowa.	FM	Nov. 22	D. C.-1.
8995	Worcester Broadcasting Co., Worcester, Mass.	970	Feb. 21	D. C.-2.
8996	Belvedere Broadcasting Co., Baltimore, Md.	1400	Oct. 18	F-1.
8997	S. H. Tinley, Jr., Baltimore, Md.	1400	...do...	F-1.
8998	Faulkner County Broadcasting Co., Conway, Ark.	1230	Nov. 15	F-1.
8999	Conway Broadcasting Co., Conway, Ark.	1230	...do...	F-1.
9002	Astoria Broadcasting Co. (KAST), Astoria, Oreg.	1370	May 2	D. C.-2.
9005	Peninsula Broadcasting Corp., Pontiac, Mich.	1380	May 25	D. C.-1.
9006	The Times Herald Co. (WTTH), Port Huron, Mich.	1380	...do...	D. C.-1.

PART III—Continued

LIST OF APPLICATIONS SCHEDULED FOR HEARING ACCORDING TO DOCKET NUMBERS—continued

Docket No.	Name	Frequency	Date	Place
9016	McClatchy Broadcasting Co., Sacramento, Calif.	FM	Oct. 19	D. C.-1.
9021	Hamtramck Radio Corp., Hamtramck, Mich.	1440	Mar. 28	D. C.-1.
9023	Vulcan Broadcasting Co., Birmingham, Ala.	1490	Jan. 24	F 2.
9025	Sun Country Broadcasting Co. (KPSC), Phoenix, Ariz.	1270	Apr. 25	D. C.-1.
9026	Sun Country Broadcasting Co. (KTSC), Tucson, Ariz.	580	...do...	D. C.-1.
9027	Sun Country Broadcasting Co. (KPSC), Phoenix, Ariz.	1270	...do...	D. C.-1.
9051	Crosley Broadcasting Corp., New York, N. Y.	FM	Dec. 13	F-2.
9055	Atlantic Broadcasting Co., New York, N. Y.	FM	...do...	F-2.
9056	Debs Memorial Radio Fund, Inc., New York, N. Y.	FM	...do...	F-2.
9057	Ebbets McKeever Exhib. Co., Inc., New York, N. Y.	FM	...do...	F-2.
9066	Kenyon Brown, Tulsa, Okla.	1340	Nov. 22	F-1.
9067	George E. Cameron, Jr., Tulsa, Okla.	1340	...do...	F-1.
9068	Oliver Broadcasting Corp. (WPOR), Portland, Maine.	1050	May 9	D. C.-2.
9069	Lowell Sun Publishing Co., Lowell, Mass.	1050	...do...	D. C.-2.
9070	The Highlands Broadcasting Co., Sebring, Fla.	9970	Oct. 22	F-1.
9073	The Bible Institute of L. A., Inc., Los Angeles, Calif.	PED	Dec. 9	F-1.
9074	Mid-Utah Broadcasting Co. (KNEU), Provo, Utah.	1240	Mar. 23	D. C.-1.
9075	Richland Broadcasting Corp., Richland Center, Wis.	1450	Oct. 25	F-2.
9076	Charles H. Young, Anderson, S. C.	1050	Feb. 3	D. C.-1.
9079	Mark Perkins, San Antonio, Tex.	1240	Jan. 12	F-1.
9081	Ottawa Broadcasting Co., Ottawa, Kans.	1220	June 1	D. C.-1.
9082	Red Oak Radio Corp., Red Oak, Iowa.	1220	...do...	D. C.-1.
9085	Mansfield Broadcasting Co., Mansfield, Pa.	1050	May 26	D. C.-1.
9086	Falls County Public Service, Marlin, Tex.	1010	Mar. 7	D. C.-1.
9087	Baylor University (KWBU), Houston, Tex.	1030	Mar. 7	D. C.-1.
9088	Carr P. Collins, Jr., Corpus Christi, Tex.	1010	...do...	D. C.-1.
9089	Texas Star Broadcasting Co. (KTHT), Houston, Tex.	1030	...do...	D. C.-1.
9092	Ruston Broadcasting Co., Ruston, La.	1240	Dec. 17	F-1.
9102	Cushing Broadcasting Co., Cushing, Okla.	1600	June 6	D. C.-1.
9103	Payne County Broadcasters, Cushing, Okla.	1600	...do...	D. C.-1.
9104	Dunkirk Broadcasting Corp., Dunkirk, N. Y.	1410	May 2	D. C.-1.
9105	Airwaves, Inc. (WJOC), Jamestown, N. Y.	1410	...do...	D. C.-1.
9107	Frederick Broadcasting Co., Frederick, Md.	1350	May 10	D. C.-1.
9108	Harrisonburg Broadcasting Co., Harrisonburg, Va.	1340	Jan. 12	F-2.
9109	James Madison Broadcasting Corp., Orange, Va.	1340	Jan. 10	F-2.
9110	Airtone Co., Santa Ana, Calif.	850	...do...	D. C.-1.
9111	Riverside Broadcasters, Riverside, Calif.	860	Jan. 10	D. C.-1.
9118	Paul F. Braden (WPFB), Middletown, Ohio.	910	Feb. 10	D. C.-2.
9123	Suburban Broadcasting Corp., New Rochelle, N. Y.	1460	May 23	D. C.-1.
9124	Jonas Weiland (WFTC), Kinston, N. C.	AL	Nov. 24	D. C.-1.
9125	Robert L. Weeks (KBLF), Red Bluff, Calif.	AL	Nov. 8	F-2.
9127	Dale E. Crowley, Washington, D. C.	1540	Feb. 7	D. C.-2.
9128	Grant A. Wood, Hyattsville, Md.	1540	...do...	D. C.-2.
9129	Madera Broadcasting Co., Madera, Calif.	1340	Nov. 15	F-2
9130	The Rural Broadcasting Co. of Ohio, Oak Harbor, Ohio.	1470	Jan. 24	D. C.-2.
9131	Louis G. Baltimore (WBRE), Wilkes-Barre, Pa.	1340	Apr. 4	D. C.-2.
9132	Allentown Broadcasting Co. (WKAP) Allentown, Pa.	1320	...do...	D. C.-2.
9133	Lackawanna Valley Broadcasting Co. (WSCR), Scranton, Pa.	1320	...do...	D. C.-2.
9135	Pasadena Presbyterian Church (KPPC), Pasadena, Calif.	1240	June 6	D. C.-2.
9145	Radio St. Clair, Inc., Marine City, Mich.	1590	June 1	D. C.-2.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9104; Filed, Oct. 13, 1948; 9:01 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12060]

MINNIE VAHLKAMP

In re: Estate of Minnie Vahlkamp, deceased. File No. D- 28-10999; E. T. sec. 15386.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Mowwe, Charlotte Siebert, Anna Techtmeyer, Luise Vörderbugge Mowwe, Wilhelmine Flottmann, Gustav Mowwe, Otto Mowwe, Anna Kampwert, Erna Horskotter, Emma Bollmann, Hermann (Herman) Mowwe, Louisa (e) (Luise) Claus, Heinrich Moehlmann (Mohlmann), Minna Broeker, Emma Brinkwert, Augusta Flottmann, and Heinrich Moehlmann (Mohlmann), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Minnie Vahlkamp, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Herman F. Vahlkamp and Henry Claus, as joint executors, acting under the judicial supervision of the County Court of Wayne County, Nebraska;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9079; Filed, Oct. 13, 1948; 8:51 a. m.]

[Vesting Order 12098]

LEONHARD EPP

In re: Estate of Leonhard Epp, deceased. File D-28-9191; E. T. sec. 11905.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leonhard Epp, Phillip Epp and Katharina Epp, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, and legatees, names unknown, of Maria Anna Epp, sister of decedent, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Leonhard Epp, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Joseph Peltzer, Mt. Hope, Kansas, Administrator d. b. n., c. t. a., acting under the judicial supervision of the Probate Court of Sedgwick County, Kansas,

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives,

FERENCE OCT 18 '48

and legatees, names unknown, of Maria Anna Epp, sister of decedent, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9080; Filed, Oct. 13, 1948; 8:51 a. m.]

[Vesting Order 12101]

KARL KLEIN

In re: Estate of Karl Klein, deceased. File D-28-12370; E. T. sec. 16597.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Zehe; Marianne Zehe; Franziska Sterlepper; Paula Behnecke, nee Paula Schroeder; Edward Klein; Karl Klein; Minna Winkler; Marie Zeidler; Minna Turban, also known as Wilhelminna Turban; Arnold Winkler; Thomas Winkler; Marie Winkler Gruellmayer, nee Marie Winkler; Karl Winkler and Margaretha Winkler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Franziska Sterlepper, and the heirs, names unknown, of Hans Winkler and of Edward Winkler, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Karl Klein, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Emma Rodelsperger, as executrix, acting under the judicial supervision of the Probate Court of the State of New Hampshire, in and for the County of Hillsborough;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9081; Filed, Oct. 13, 1948; 8:51 a. m.]

[Vesting Order 12105]

DOROTHEA C. MOSLE

In re: Trust under the will of Dorothea C. Mosle, deceased. File No. D-28-1471-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanne Postey, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to and arising out of or under the trust created under the will of Dorothea C. Mosle, deceased, and presently being administered by A. Henry Mosle, 63 Wall Street, New York 5, New York, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9082; Filed, Oct. 13, 1948; 8:51 a. m.]

LOUIS PIERONI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Louis Pieroni, Boston, Mass.; 5857; $170.269 in the Treasury of the United States. All right, title, interest and claim of any name or nature whatsoever of Louis Pieroni in and to Pieroni Bros. & Co., a Massachusetts partnership. The following securities presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York: 130 shares of Pieroni Building Trust (a Massachusetts Trust), and 65 shares of no par value capital stock of Pieroni Inc., a Massachusetts corporation.

Executed at Washington, D. C., on October 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9088; Filed, Oct. 13, 1948; 8:52 a. m.]

REFERENCE

OCT 18 '48

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 13 1934 NUMBER 202

Washington, Friday, October 15, 1948

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[General Sugar Quota Regs., Series 10, No. 1, Amdt. 7]

PART 821—SUGAR QUOTAS

SUGAR QUOTAS FOR 1948

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 and is made for the purpose of prorating area deficits which are hereby determined. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds, the quotas for the domestic areas and Cuba shall be revised by prorating an amount of sugar equal to any deficit so determined to the other such areas on the basis of the quotas then in effect.

Since the Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of deficit, and makes the proration of such deficits a mere mathematical computation, it is hereby determined and found that compliance with the notice and procedure requirements of the Administrative Procedure Act is unnecessary. Furthermore, in order to afford shippers in affected countries an adequate opportunity to ship the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby found and determined that compliance with the effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest and the amendment herein shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (7 U. S. C., Supp. I, 1100) and the Administrative Procedure Act (60 Stat. 237) General Sugar Quota Regulations, Series 10, No. 1 (13 F. R. 133) as amended (13 F. R. 1303, 3109, 4009, 4660, 5015, 5205) are hereby further amended by adding to § 821.5 new paragraphs (i) and (j) as follows:

§ 821.5 *Determination and prorations of area deficits.* * * *

(i) *Deficit in quota for domestic sugar beet area.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1948 the domestic beet sugar area will be unable by an amount of 100,000 short tons of sugar, raw value, to market the quota established for that area in § 821.3 and paragraph (b) of this section.

(j) *Proration of deficit in quota for the domestic beet sugar area.* An amount of sugar equal to the deficit determined in paragraph (i) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	*Additional quotas in terms of short tons, raw value*
Puerto Rico	25,825
Cuba	74,175

Statement of Bases and Consideration

Area deficits. (1) *Domestic beet sugar area.* Against the 1948 sugar quota of 1,847,738 short tons the domestic beet sugar area delivered an estimated 1,313,000 short tons of sugar, or 71 percent of its total quota during the period January through September 1948. Deliveries of beet sugar for a like period for the past 13 years, 1935–1947, inclusive, averaged 75.2 percent of calendar year total marketings. In the light of this percentage distribution the domestic beet sugar area probably will not market a quantity of sugar significantly in excess of 1,746,000 short tons, raw value, in the calendar year 1948 or 433,000 short tons in the fourth quarter. In only one year, namely, 1938, has the beet sugar area marketed more than 433,000 short tons of sugar in the fourth quarter. In the

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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fourth quarter of that year 532,000 short tons of sugar were marketed, 270,000 short tons of which were marketed during the month of December. However, the 1938 crop exceeded 1,800,000 short tons, raw value, which is considerably in excess of the crop of less than 1,600,000 indicated for 1948. Since the original quota for the domestic beet sugar area, together with the proration of the first deficit in the quota for Hawaii determined in General Sugar Quota Regulations, Series 10, No. 1 (13 F. R. 133), amounts to 1,847,738 short tons of sugar, raw value, it has been determined that the domestic sugar beet area will be unable to market 100,000 short tons of sugar, raw value, of its quota established by such regulations. Therefore, 100,000 short tons of sugar, raw value, have been prorated under section 204 of the act to Puerto Rico, the only domestic producing area able to market in excess of its existing quota, and to Cuba.

Exclusion of domestic areas from prorations. (1) Since under General Sugar Quota Regulations, Series 10, No. 1, and amendments thereto quota deficits have already been declared for the domestic sugar producing areas of Hawaii and the Mainland Cane Sugar Area, these areas are excluded from the proration of the deficit herein established.

(2) Virgin Islands: Current estimates of production show that the Virgin Islands will be unable to market more than their current quota of 6,159 short tons of sugar, raw value, in the calendar year 1948, and, therefore, this area is excluded from the proration of the deficit herein established.

After giving effect to the changes set forth in General Sugar Regulations, Series 10, No. 1, and Amendments 1 to 6 thereto, the current sugar quotas, in terms of short tons, raw value, for the several domestic sugar producing areas, Cuba, the Republic of the Philippines, and "Other Foreign Countries" are as follows:

BASIC QUOTAS, PRORATIONS OF DEFICITS AND ADJUSTED QUOTAS FOR 1948
[Short tons, raw value]

Production area	Basic quotas [1]	Proration of deficits in quotas: First and second Hawaiian	First and second Philippine	Mainland cane	Domestic beet	Adjusted quotas
Domestic beet	1,800,000	47,738			(100,000)	1,747,738
Mainland cane	500,000	13,260		(100,000)		413,260
Hawaii	1,052,000	(227,000)				825,000
Puerto Rico	910,000	44,835		27,601	25,825	1,008,261
Virgin Islands	6,000	159				6,159
Philippines	982,000		(742,000)			240,000
Cuba	1,923,480	121,068	704,900	72,399	74,175	2,895,962
OTHER FOREIGN COUNTRIES						
Dominican Republic	4,736.0		10,494.8			15,230.8
Republic of Haiti	651.5		1,269.4			1,920.9
Mexico	4,283.9		4,067.5			8,351.4
Nicaragua	2,122.5					2,122.5
Peru	7,893.3		17,491.4			25,384.7
Salvador	5,820.8		1,776.9			7,097.7
Unallotted	1,000.0		2,000.0			3,000.0
Subtotal	26,520.0		37,100.0			63,020.0
Total	7,200,000					7,200,000

[1] Figures for "Other foreign countries" represent adjusted basic prorations. However, by reason of section 204 (c) of the act, each individual country retains its basic proration in effect on September 1.

(Pub. Law 388, 80th Cong.; 61 Stat. 922)

Done in Washington, D. C., this 11th day of October, 1948.

A. J. LOVELAND,
Acting Secretary.

[F. R. Doc. 48-9103; Filed, Oct. 14, 1948; 8:48 a. m.]

TITLE 10—ARMY

Chapter V—Military Reservations and National Cemeteries

TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For revised regulations formerly contained in this chapter, see Title 34, Chapter V, Parts 552 through 557, *infra*.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 9]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF CIVIL AIRWAYS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate realignment of a civil airway between such points; (2) the realignment of the civil airway referred to in (1) above has been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600, as follows:

Redesignation of Civil Airways; Blue Civil Airway No. 19

Section 600.4 (d) (19) is amended to read:

(19) *Blue civil airway No. 19 (Miami, Fla., to Orlando, Fla.).* From the Miami, Fla., radio range station via the intersection of the north course of the Miami, Fla., radio range and the southeast course of the Orlando, Fla., radio range, excluding that portion which lies more than 2 miles east of the north course of the Miami, Fla., radio range between Latitude 25°58'00" and Latitude 26°17'00", to the Orlando, Fla., radio range station.

This amendment shall become effective 0001 e. s. t., October 15, 1948.

(Sec. 205, 301, 302, 307, and 308, 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-9091; Filed, Oct. 14, 1948; 8:46 a. m.]

[Amdt. 13]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

REDESIGNATION OF CONTROL AREAS AND REPORTING POINTS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate redesignation of control areas, including reporting points, between such locations; (2) the establishment of the control areas referred to in (1) above has been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

Redesignation of Control Areas and Reporting Points: Blue Civil Airway No. 19

1. Section 601.4 (d) (19) is amended to read:

(19) *Blue civil airway No. 19 control areas (Miami, Fla., to Orlando, Fla.).* All of Blue civil airway No. 19.

2. Section 601.9 (d) (19) is amended to read:

(19) *Blue civil airway No. 19 (Miami, Fla., to Orlando, Fla.).* No reporting point designation.

This amendment shall become effective 0001 e. s. t., October 15, 1948.

(Sec. 205, 301, 302, 307, and 308, 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-9092; Filed, Oct 14, 1948; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52063]

PART 100—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE BUREAU OF CUSTOMS

DELEGATION OF AUTHORITY IN CONNECTION WITH MARINE ADMINISTRATION

Delegation of authority; entry and clearance of vessels at places other than ports of entry; change of name of documented vessels (19 CFR 100.3 amended).

Section 100.3 (19 CFR, 1946 Supp., 100.3), as amended by T. D. 51609, is further amended by the addition of new paragraphs (i) and (j) reading as follows:

§ 100.3 *Delegation of authority.* • • •

(i) The collector of customs concerned is hereby designated, pursuant to section 103 of Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., ch. IV), as the officer of the Bureau of Customs who may, subject to the limitations prescribed, perform the function transferred to the Commissioner of Customs by section 102 of said Reorganization Plan of authorizing the entry or clearance of any vessel to be made at a place in his district other than a port of entry pursuant to section 447 of the Tariff Act of 1930. Such authorization shall be granted by the collector only upon the condition that the vessel will be under such customs supervision as he may

deem to be necessary; that compliance will be had with all applicable customs and navigation laws and regulations; that the salary and expenses of the customs officer for such time as is required to be devoted to entry and clearance work, together with any expense incurred by such officer for services rendered in connection with the entry or delivery of merchandise, shall be reimbursed to the Government under the provisions of § 1.2 (c) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 1.2 (c)); and that the collector shall be notified in advance of the arrival of the vessel concerned.

(j) Under the authority contained in section 103 of Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., ch. IV), the collector of customs of any district in which the home port of a vessel of the United States is located is hereby designated as the officer of the Bureau of Customs who may perform the function transferred to the Commissioner of Customs by section 102 of said Reorganization Plan of authorizing the change of name of such vessel pursuant to the act of February 19, 1920 (46 U. S. C. 51–53).

(Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., ch. IV)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: October 8, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9106; Filed, Oct. 14, 1948; 8:50 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Economic Cooperation Administration

[ECA Reg. 1, as amended Oct. 15, 1948]

PART 1111—PROCEDURES FOR FURNISHING ASSISTANCE TO PARTICIPATING COUNTRIES

Preamble. The provisions of this regulation concerning the terms and conditions for establishing accounts in banking institutions in the United States have been approved by the Secretary of the Treasury. ECA Regulation 1 is amended in its entirety to read as follows:

Sec.
1111.1 Definition of terms.
1111.2 What this part does.

SUBPART A—AUTHORIZATION PROCEDURE

1111.3 Dollar allotments, commodity applications and procurement authorizations.
1111.4 Sub-authorizations.
1111.5 Qualifications on issuance of procurement authorizations.
1111.6 General provisions incorporated in procurement authorizations.
1111.7 Ocean transportation.
1111.8 Project authorizations.
1111.9 Provisional authorizations.
1111.10 Procurement by U. S. Government agencies.

SUBPART B—RESPONSIBILITIES OF IMPORTERS AND SUPPLIERS

1111.11 Use of procurement authorization number.
1111.12 Placement of orders and delivery dates.
1111.13 Marking requirements.

SUBPART C—REIMBURSEMENT FOR ASSISTANCE

1111.14 Types of reimbursement.
1111.15 Reimbursement for specific procurement payments by a participating country.
1111.16 Letter of commitment to a banking institution.
1111.17 Letter of commitment to a supplier.
1111.18 Standard documentation required for reimbursement.
1111.19 Purchase in bulk of commodities.
1111.20 Procurement by U. S. Government agencies.
1111.21 Saving clause.

AUTHORITY: §§ 1111.1 to 1111.21 issued under secs. 111, 403, Pub. Law 472, 80th Cong.

§ 1111.1 *Definition of terms.* For the purposes of this part:

(a) "The act" shall mean the Foreign Assistance Act of 1948, Pub. Law 472, 80th Cong.

(b) "ECA" shall mean the Economic Cooperation Administration.

(c) "The Administrator" shall mean the Administrator for Economic Cooperation.

(d) "Participating country" shall have the meaning assigned to it in section 103 (a) of the act and shall also include China, and shall include any authorized agent of a participating country.

(e) "Banking institution in the United States" shall mean a banking institution organized under the laws of the United States, any State, territory or possession thereof, or the District of Columbia.

(f) "Approved Applicant" shall mean the Approved Applicant (which may be any participating country or any person or organization, governmental or otherwise) named in any Letter of Commitment issued to a banking institution in the United States pursuant to Subpart C of this part; and shall include any agent authorized to act on behalf of an Approved Applicant.

(g) "Reimbursement" shall mean any of the methods set forth in Subpart C of this part used by ECA to pay for any commodity or service furnished to a participating country under the act.

(h) "Delivery" shall mean the transfer to or for the account of a participating country of custody and right of possession of any commodity or the rendering to or for the account of a participating country of any service.

(i) "Importer" shall mean any person or organization, governmental or otherwise, to which a participating country has made a subauthorization (see § 1111.4).

(j) "Supplier" shall mean any person or organization, governmental or otherwise, which furnishes any commodity or service under the act.

(k) "Source" shall mean country or area of origin.

§ 1111.2 *What this part does.* (a) Subpart A of this part describes the procedures for enabling participating countries to use ECA dollars to get commodities and services under the act.

(b) In general, the fact that a particular purchase is to be paid for by ECA will not basically affect the way in which an importer or supplier does business. Subpart B of this part, however, describes certain things which an importer must do when he has been told by his Government that he is buying under the act, and which a supplier must do when he obtains an order that is to be paid with ECA dollars.

(c) Subpart C of this part describes the procedures for obtaining reimbursement for assistance furnished under the act.

SUBPART A—AUTHORIZATION PROCEDURE

§ 1111.3 *Dollar allotments, commodity applications and procurement authorizations.* (a) The ECA will determine, from time to time, the amount of dollars to be made available, normally by calendar quarters, to each participating country to cover commodities and services to be delivered in such quarters. The determination (on Form ECA–201 [1]) will normally be made 120 days in advance of each calendar quarter and will state the full allotment of dollars for such quarter, and partial allotments for subsequent quarters. After this determination is made, the participating country will file with ECA Form ECA–202 [1] (with Forms ECA 202A,[1] 202B,[1] and 202C [1] when required by the quarterly instructions). These forms indicate what commodities and services the country desires to get with its ECA dollar allotment. The forms will be filed with ECA, Washington, D. C., normally 90 days in advance of the first quarter covered by the Form ECA–201.

(b) The ECA will review the Forms ECA–202 to determine that the proposed purchases of commodities and services are in accordance with the objectives of the European Recovery Program or the China Aid Program and the provisions of the act and any acts amendatory thereof or supplemental thereto. Having decided this, ECA will issue Procurement Authorizations on Form ECA–203.[1] These Procurement Authorizations will cover commodities and services that may be purchased with ECA dollars for delivery in the particular period stipulated by the Procurement Authorization and will specify the source from which the commodities or services (other than ocean transportation) are to be obtained. Procurement Authorizations may provide for delivery in such future calendar quarters as may be necessary. Requests by the participating country for changes in Procurement Authorizations may be made on Form ECA–205.[1]

(c) Each Procurement Authorization will bear a Procurement Authorization number and the issuance of the Procurement Authorization will constitute authority to the participating country to use the Procurement Authorization number in placing orders in accordance with the terms of the Procurement Authorization. The Procurement Authorization number will indicate the participating country to which the authorization is given, the Commodity Code (see par. (d) of this section), the source from which the materials are to be obtained, and the delivery period to which the Procurement Authorization refers.

The following is an example of a Procurement Authorization number:

[1] Filed with the original document.

38	010	00	491
Participating country	Commodity code	Source	Period
France	Bread grains	United States	First quarter 1949

The first two digits of the last group indicate the year; the last digit, the calendar quarter. In the example above, the number 491 means that orders may be placed for delivery during the first quarter of 1949. In some cases, the last group of digits may be 091. This means that orders may be placed for delivery during the six months ending March 31, 1949.

(d) Application on Form ECA–202 will be made in terms of the three-digit ECA Commodity Codes which are listed in the official ECA Commodity Code Book,[1] as revised September 10, 1948 or in subsequent revisions. Authorization on Form ECA–203 will normally be made in the same Commodity Codes, but in certain instances the Procurement Authorization may be restricted to one or more commodities within a Commodity Code.

§ 1111.4 *Sub-authorizations.* (a) For all procurement under Procurement Authorizations, the participating country will make sub-authorizations to importers within the terms of the Procurement Authorizations. The participating country will authorize the importer to use the Procurement Authorization number in placing orders and will specify to the importer the commodity or service, source, dollar value, the quarter in which delivery is to be made, and all other terms and provisions of the Procurement Authorization which are applicable to the sub-authorization. Where practicable, this paragraph shall apply to ocean transportation.

(b) Each participating country will maintain a record of the Procurement Authorizations received and procurement authorized thereunder, and will report to ECA on Form ECA–204 [1] with respect to such procurement authorized by the participating country. In the case of ocean transportation, reports on Form ECA–204 will show the extent to which costs have been incurred or authorized under Ocean Transportation Procurement Authorizations.

§ 1111.5 *Qualifications on issuance of Procurement Authorizations.* (a) On and after November 1, 1948, or such earlier dates as may have been established for specific commodities, no Procurement Authorization will be issued covering the procurement of a commodity or service delivered before the issuance of the Procurement Authorization.

(b) On and after January 1, 1949, or such earlier dates as may have been established for specific commodities, no Procurement Authorization will be issued covering the procurement of a commodity or service contracted for before the issuance of the Procurement Authorization. This paragraph shall not apply to ocean transportation.

[1] Filed with the original document.

§ 1111.6 *General provisions incorporated in Procurement Authorizations.* Each Procurement Authorization issued shall be deemed to incorporate the following provisions:

(a) *Reimbursement.* Upon receipt of the documents required for reimbursement by this part, the Administrator will reimburse the participating country up to the amount specified in the Procurement Authorization for the assistance described in the Procurement Authorization. If a Letter of Commitment to a banking institution in the United States is issued under the Procurement Authorization, such reimbursement will be made to or for the account of the Approved Applicant named in the Letter of Commitment in accordance with the terms thereof. If a Letter of Commitment to a supplier is issued under the Procurement Authorization, such reimbursement will be made in accordance with the terms of such Letter of Commitment.

(b) *Discounts.* If a contract for which reimbursement is claimed provides for a discount and such discount has not been taken in paying the supplier, the Administrator will withhold the amount of such discount in making reimbursement directly to a participating country, or will demand repayment of such discount from the participating country where reimbursement is made under Letter of Commitment to a banking institution in the United States.

(c) *Assignment of right to receive reimbursement.* The right to receive reimbursement under a Procurement Authorization may be assigned, in whole or in part, to a banking institution in the United States, but no such assignment shall be valid unless the proposed assignee has been approved by the Administrator.

(d) *Modification or revocation.* The Administrator reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify, or revoke any Procurement Authorization (including termination of deliveries under the Procurement Authorization).

In the event of any supplement, modification, or revocation, the right of reimbursement will be modified or terminated accordingly, except that if a Letter of Commitment has been issued, the rights of the holder of any such Letter of Commitment shall not be affected except to the extent specified in such Letter of Commitment.

(e) *Refund to Administrator.* The participating country will pay promptly to the Administrator upon demand the entire amount reimbursed (or such lesser amount as the Administrator may demand) whenever it appears to the Administrator that the documentation submitted by or on behalf of the participating country (or any approved applicant named in a Letter of Commitment) does not support the expenditure for which the reimbursement was made or whenever the Administrator determines that the reimbursement was improper as being in violation of any of the provisions of the act, any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of ECA promulgated under any of said acts.

(f) *Export licenses.* Where procurement is effected in the United States for any commodity covered by a Procurement Authorization, export licenses must be obtained from the U. S. Department of Commerce. All exports from the United States of commodities furnished under the act are subject to export quotas established and export license control exercised by the U. S. Department of Commerce.

(g) *Copy of contract.* One copy of all contracts, purchase orders, or other documents constituting the purchase agreement and any amendments thereto including amendments to establish final prices (each of which must be identified by the appropriate Procurement Authorization number) must be sent to the Controller, ECA, Washington, D. C., promptly upon issuance.

As a minimum, all purchase agreements should normally include: contract date; quantity, description, source and dollar value of the commodity or service; delivery basis and period; terms of payment; names and addresses of supplier, importer and commission agent or broker (if any); and amount of commission or brokerage (if any). If the invoice value is subject to adjustment after determination of outturn weight or quality, or for any other reason, the purchase agreement must so indicate. If the final price has not been established, the purchase agreement must state the terms upon which the price is to be ascertained and from which the contract price may be objectively determined. When contract terms and conditions relate to basic trade association contract forms or rules, such forms or rules must be furnished, but need not be furnished more than once.

This paragraph shall not apply to ocean transportation.

(h) *Airmail distribution of ocean bills of lading.* The participating country will instruct importers to advise shippers to airmail at the time of loading one copy (or photostat) of ocean or charter party bill of lading or airwaybill to the Controller, ECA Mission, American Embassy in the capital city of the participating country receiving the shipment.

(i) *Price limitations.* ECA will not make reimbursement directly to a participating country for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States, adjusted as provided in § 1111.19, which establishes the procedures for compliance with section 202 of the Foreign Aid Appropriation Act, 1949. In case reimbursement for such purchase at prices higher than the market price is made under Letter of Commitment, the Administrator will demand repayment from the participating country of the entire amount so reimbursed.

(j) *Insurance.* No Procurement Authorization may be used to finance directly or indirectly insurance premiums on ocean shipments.

(k) *Special provisions.* The provisions of this part may be waived, amended or supplemented by special provisions in the Procurement Authorization, or otherwise pursuant to § 1111.21.

§ 1111.7 *Ocean transportation.* (a) Ocean Transportation Procurement Authorizations and, in the case of c. & f. (cost and freight) shipments, the Procurement Authorization for the commodity involved may be used by the participating country to cover dollar services furnished in connection with shipment of:

(1) ECA-financed cargoes to the participating country on flag vessels other than those of the participating country, to the extent that payment for such services is made in dollars in accordance with the custom of the trade.

(2) Non-ECA-financed cargoes to the participating country on United States flag vessels.

(3) Non-ECA-financed cargoes on flag vessels other than those of the participating country, but only in special circumstances where specifically authorized in writing by ECA to do so pursuant to a request in writing.

(b) In the case of chartered vessels, reimbursement will be made for cost of shipment from ports of loading to ports of discharge at rates established by charter parties (or, for tanker shipments only, by contracts of affreightment). Term charters must be submitted to ECA, Washington, D. C., for prior review and approval. Reimbursement for loading, trimming and other related shipping expenses may be made when such expenses are not for the account of the ship nor included in inland transportation charges.

(c) In the case of tanker shipments only, reimbursement will be made for demurrage.

(d) In the case of bulk dry cargo shipments only, reimbursement will not be made for demurrage incurred in excess of dispatch earnings; amounts earned for dispatch shall be credited first against demurrage, if any, and then against future ECA ocean transportation costs.

§ 1111.8 *Project authorizations.* (a) A participating country may submit from time to time to ECA for approval major industrial and commercial projects. A project will usually involve the expenditure of one million dollars or more.

(b) ECA will examine project applications to determine if they are in accordance with the objectives of the European Recovery Program or the China Aid Program, and if so may issue a project approval. This approval will cover the total ECA-financed portion of the entire project.

(c) The participating country will submit to ECA from time to time a list of the commodities and services required for the project, in terms of the ECA Commodity Codes, for delivery in specific calendar quarters. ECA will review such applications and may approve them for procurement.

(d) Project Procurement Authorizations will be issued on separate Forms ECA–203.

§ 1111.9 *Provisional authorizations.* ECA may issue from time to time Procurement Authorizations covering commodities or services for which no current Congressional appropriation is available. Such Procurement Authorizations will indicate that ECA will undertake to finance the furnishings of the commodities or services covered thereby only in accordance with Congressional appropriations when and if made.

§ 1111.10 *Procurement by U. S. Government agencies.* When a determination has been made that any commodity or service authorized on a Procurement Authorization is to be procured by a U. S. Government agency, ECA will authorize the U. S. Government agency to procure the commodity or service in accordance with procedures established for such procurement.

SUBPART B—RESPONSIBILITIES OF IMPORTERS AND SUPPLIERS

§ 1111.11 *Use of Procurement Authorization number.* (a) Each importer to whom a sub-authorization has been made by his Government must inform his supplier that the transaction is to be financed by ECA, and must give to his supplier the Procurement Authorization number that has been given to him. The importer must also inform his supplier of any special provisions which affect the supplier in carrying out the transaction.

(b) The supplier must put the Procurement Authorization number on all documents required for reimbursement (see § 1111.18).

§ 1111.12 *Placement of orders and delivery dates.* (a) Any order placed by an importer must be for delivery within the quarter specified by the sub-authorization from his Government. A supplier must not accept an order identified by a Procurement Authorization number for a quarter in which he has not promised delivery.

(b) If a supplier has accepted, in good faith, an order for delivery in a designated quarter, he may, in agreement with the importer, make delivery not more than 60 days in advance of the beginning of that quarter and not more than 90 days after the end of that quarter, except where delivery is otherwise restricted in the Procurement Authorization and subject to export control exercised by the U. S. Department of Commerce. If it later develops that delivery cannot be made within this period, the supplier must promptly notify the importer who must in turn obtain from his Government a Procurement Authorization number applicable to the new delivery date.

§ 1111.13 *Marking requirements.* Commodities furnished under the act will be stamped, branded, tagged, stenciled or labeled with the official ECA Emblem, samples of which may be obtained from ECA, Washington, D. C. If it is not practicable to mark the commodities themselves in such manner, the containers in which the commodities are packaged will be so marked. The shipping containers, whether boxes, cases, barrels, drums, hogsheads or of other types, will also bear the official ECA Emblem. The size of the ECA Emblem may vary depending upon the size of the commodity, package, or shipping container to be marked. In addition, the shipping containers will be stamped, branded, stenciled or labeled as follows:

ECA

(Procurement Authorization No.) (Participating country)

(Shipper's marks)

The Procurement Authorization number and name of the participating country shall be in characters at least equal in height to the shipper's marks. The height of the ECA Emblem on the shipping container should, wherever possible, be at least twice the height of the lettering used in the shipper's marks.

Any raw materials (including coal, grain and petroleum, oil and lubricants) not shipped in containers; fibres packaged in bales; and metal and lumber mill products of a semi-finished nature which are not packaged or crated are excepted from these marking requirements. If compliance with the provisions of this section is found to be impracticable with respect to other commodities, the participating country will promptly request ECA, Washington, D. C. for an exemption from the requirements of this section.

SUBPART C—REIMBURSEMENT FOR ASSISTANCE

§ 1111.14 *Types of reimbursement.* The financing of procurement of commodities or services may be by:

(a) Reimbursement directly to a participating country for payments made by it for procurement. (See § 1111.15);

(b) Issuance of Letters of Commitment to banking institutions in the United States, undertaking to make reimbursement for payments made by them to suppliers through commercial letters of credit or otherwise on behalf of a participating country or an Approved Applicant. (See § 1111.16);

(c) Issuance of Letters of Commitment to suppliers in connection with specific contracts with or on behalf of a participating country providing for payments for commodities or services. (See § 1111.17);

(d) Charges to funds allocated to other departments, agencies, or establishments of the U. S. Government to cover costs incurred in procurement of commodities or services which the Administrator authorizes from time to time.

§ 1111.15 *Reimbursement for specific procurement payments by a participating country.* (a) Reimbursement shall be allowed only for specific payments made by a participating country for procurement covered by Procurement Authorizations and supported by the documentation required for reimbursement by § 1111.18. The supplier's certificate shall be substantially (1) in the form of Exhibit A; (2) in the case of ocean transportation only, in the form specified in § 1111.18 (b) (5); or (3) in such other form as may be designated by the Administrator.

(b) Claims for reimbursement may be allowed without the supplier's certificate in the form required by paragraph (a) of this section for payments made by a participating country prior to April 3, 1948, to the extent that such payments related to commodities, included within Procurement Authorizations, delivered in such country subsequent to such date.

§ 1111.16 *Letter of Commitment to a banking institution.* (a) For the purpose of financing procurement through commercial letters of credit or other forms of bank credit, the Administrator may issue a Letter of Commitment to a banking institution in the United States for the purpose of assuring reimbursement, not in excess of a specified amount in dollars and in accordance with the terms of such Letter of Commitment, for sight payments made for the account of an Approved Applicant including sight payments for procurement outside the United States (including its territories and possessions). Any such payments by a banking institution in the United States made in anticipation of a Letter of Commitment and falling within the scope of payments authorized by such Letter when issued will be deemed to be payments to be reimbursed by the Administrator thereunder. The Letter of Commitment shall be substantially in the form of Exhibit B, adapted to special circumstances.

(b) Reimbursement under a Letter of Commitment shall be effected in the amounts specified therein upon presentation of the documentation required for reimbursement by § 1111.18 and by the Letter of Commitment. The supplier's certificate shall be substantially (1) in the form of Annex A or Annex B to Exhibit B; (2) in the case of ocean transportation only, in the form specified in § 1111.18 (b) (5); or (3) in such other form as may be designated by the Administrator.

§ 1111.17 *Letter of commitment to a supplier.* (a) For the purpose of financing specific procurement contracts, the Administrator may issue a Letter of Commitment to a supplier assuring reimbursement under such contract not in excess of a specified amount of dollars. The Letter of Commitment shall be issued only in connection with a specific contract (identified in terms of quantity, description and price) in connection with which the payments are scheduled, and shall incorporate the contract by reference. The Letter of Commitment shall specify the Procurement Authorization under which it is issued, and such other information as may be specifically required by the Administrator, and shall provide for such safeguards as the Administrator may direct, such as supplier's bond in the case of progress payments.

(b) The Letter of Commitment may be issued in either (1) the short form (substantially in the form of Exhibit C) for single-payment contracts wherein the payment effects a transfer of title to commodities for which the contract price equals the amount of such payments or (2) the long form (substantially in the form of Exhibit D) for multiple-payment contracts, including installment or partial deliveries and arrangements for progress payments. The Letter of Commitment may be sent to the supplier directly by ECA or by the participating country through normal trade and banking channels or in such other manner as may be specified by the participating country.

(c) The monies due or to become due under such Letter shall be assignable by the supplier only through signing the certification in the space provided on the Letter, and only to a banking institution in the United States. If a notice of assignment is sent to the Administrator and the General Accounting Office under the Assignment of Claims Act of 1940, such notice shall not be effective unless the date and fact of such notice is indicated in the space provided for such purpose on the Letter of Commitment.

(d) To obtain reimbursement under the short-form Letter of Commitment (Exhibit C), the supplier shall execute the certification required on the reverse side thereof and shall attach such documents as are specified in the Letter of Commitment, and may submit the Letter of Commitment (with attachments) for reimbursement by the Administrator directly or through normal banking channels on an assignment basis as specified on the Letter of Commitment.

(e) To obtain reimbursement under the long-form Letter of Commitment (Exhibit D), the supplier or his assignee shall present to the Administrator at the times scheduled a properly executed voucher (Standard Form 1034 (Revised))[1] supported by documentation required for reimbursement as set forth in the Letter of Commitment. The original Letter of Commitment signed by the Administrator or his designee shall be returned to ECA at the time of final reimbursement.

§ 1111.18 *Standard documentation required for reimbursement.* Claims for reimbursement must be supported by the following documents (each of which must be identified by the appropriate Procurement Authorization number), except when and to the extent specifically waived in writing by the Administrator:

(a) For cost of any commodity, including ocean freight in c. & f. (cost and freight) transactions:

(1) Voucher SF 1034 (Revised) in original and three copies.

(2) Certificate of the supplier or of the participating country (or Approved Applicant) that copies of contracts, purchase orders, or other documents constituting the purchase agreement and any amendments thereto including amendments to establish final prices have been furnished to ECA.

(3) One copy (or photostat) of ocean or charter party bill of lading or airwaybill. In the case of any commodity sold on an f. o. b. or f. a. s. basis under Letter of Commitment to a banking institution in the United States, ECA will accept a certification from the banking institution to the effect that (i) it has been informed that the terms of sale make it impracticable for the supplier to furnish such bill of lading or airwaybill and (ii) a common carrier bill of lading, warehouse receipt at port of loading, dock receipt, or master's receipt for the commodities authorized has been received from the supplier and, in accordance with the instructions of the Approved Applicant, has been delivered to the authorized shipping agent of the Approved Applicant against his written undertaking both to arrange for ocean shipment and to deliver to the banking institution a copy (or photostat) of ocean or charter party bill of lading or airwaybill which is to be forwarded to ECA.

(4) Supplier's certificate, in the appropriate form required by this part.

(5) One copy (or photostat) of supplier's detailed invoice showing quantity, description, price and basis of delivery (e. g., f. o. b. vessel, f. a. s.) of the commodities or services, and either marked "Paid" by the supplier, or endorsed by, or accompanied by a certificate of, an officer of a banking institution indicating that payment has been made in the amount shown on the invoice.

(6) Such additional documentation as may be required for reimbursement by endorsement upon the Procurement Authorization.

(b) For cost of ocean transportation:

(1) Voucher SF 1034 (Revised) in original and three copies.

(2) For bulk cargoes shipped under charter party, one copy (or photostat) of charter party. In the case of tanker shipments only, if shipment is not made under charter party, one copy (or photostat) of the contract of affreightment.

(3) One copy (or photostat) of ocean or charter party bill of lading or airwaybill. In the case of tanker shipments only, if the bill of lading is not immediately available, one copy (or photostat) of cablegram from ship's agent showing loaded cargo figures and a certification by the supplier of the ocean transportation that a copy (or photostat) of the bill of lading will be submitted to ECA, Washington, D. C., within 90 days from date of loading.

(4) One copy (or photostat) of the detailed invoice of the supplier indicating the vessel, flag and the dollar cost of ocean freight and related transportation charges, either marked "Paid" by the supplier or endorsed by, or accompanied by a certificate of, an officer of a banking institution indicating that payment has been made in the amount shown on the invoice. If the bill of lading (required as item (3) above) complies with the requirements of this subparagraph, no invoice is required. Claim for cost of tanker demurrage may be submitted separately and must be supported by the documentation required by this paragraph except for items (2) and (3).

(5) Supplier's certificate, which shall be set forth in or be attached to the bill of lading or the invoice, in substantially the following form:

The undersigned certifies to and agrees with the Administrator for Economic Cooperation as follows: (1) he is entitled under ECA Regulation 1, as amended October 15, 1948, to payment of the amount indicated herein for transportation services rendered; (2) aside from usual brokerage commission, he has not given or received a rebate of any kind in connection with this transaction; (3) the rate of freight for these transportation services does not exceed the rates paid to the undersigned for similar services by other customers similarly situated; and (4) he will furnish promptly to the Administrator upon

[1] Filed with the original document.

request such information as the Administrator may require concerning this transaction.

---------- ----------
(Date) (Supplier)

(6) Such additional documentation as may be required for reimbursement by endorsement upon the Procurement Authorization.

(c) For cost of services (other than ocean transportation):

(1) Voucher SF 1034 (Revised) in original and three copies.

(2) One copy (or photostat) of supplier's detailed invoice showing description of services and price, and either marked "Paid" by the supplier, or endorsed by, or accompanied by a certificate of, an officer of a banking institution indicating that payment has been made in the amount shown on the invoice.

(3) Such additional documentation as may be required for reimbursement by endorsement upon the Procurement Authorization.

§ 1111.19 *Purchase in bulk of commodities*—(a) *Definition.* The term "adjusted market price" means the market price prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment, as determined by the Administrator.

(b) *Scope.* This section establishes the procedures for compliance with section 202 of the Foreign Aid Appropriation Act, 1949, which section 202 applies to all purchases in bulk, except those where, before the effective date of the Foreign Aid Appropriation Act, 1949 (June 28, 1948) both (1) a binding purchase contract was in effect between the parties in which the price, or the method for determining the price, was established, and (2) the Procurement Authorization was issued.

(c) *Determination of adjusted market price.* Determination of the adjusted market price may be made by the Administrator in such manner as to reflect commonly accepted trade practices. In the case of purchases in bulk made outside the United States, the Administrator may determine that the purchase price complies with said section 202 if he determines that such price, plus cost of transportation and related charges from place of purchase to the participating country at established rates, does not exceed the market price prevailing in the United States (adjusted for differences in quality and terms of payment), plus cost of transportation and related charges at established rates to the participating country. If the price of any purchase in bulk exceeds the adjusted market price, the participating country shall pay promptly to the Administrator upon demand the entire amount of the purchase price.

§ 1111.20 *Procurement by U. S. Government agencies.* When procurement of a commodity or service is made through U. S. Government procurement facilities in accordance with § 1111.10, an allocation of funds to the procuring department, agency or establishment will be made by the Administrator.

§ 1111.21 *Saving clause.* The Administrator may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this part.

HOWARD BRUCE,
Acting Administrator for Economic Cooperation.

EXHIBIT A

FORM OF CERTIFICATE BY SUPPLIER PAID BY A PARTICIPATING COUNTRY OR ITS AUTHORIZED AGENT UNDER PROCEDURE FOR REIMBURSEMENT

The undersigned hereby acknowledges notice that the payment in the amount of U. S. $------ claimed by him under Contract No. ------ with ---------- is to be reimbursed pursuant to Procurement Authorization No. ---------- to the Government of ---------- by the United States of America out of funds made available under the Foreign Assistance Act of 1948, and in consideration of the receipt of such amount further certifies to and agrees with the Administrator for Economic Cooperation for the United States of America as follows:

1. The undersigned is entitled to the payment in the amount above specified under said contract and he will promptly make appropriate reimbursement to the Administrator in the event of his nonperformance, in whole or in part, under said contract, or for any breach by him of the terms of this certificate; provided, that adjustments arising out of the terms of the contract or the normal customs of the trade shall be made direct to the buyer (or otherwise in accordance with the arrangement between the parties) but the undersigned will promptly notify the Administrator concerning any such adjustment, so that the Administrator may obtain appropriate reimbursement from the participating country.

2. If the said contract is on a c. & f. (cost and freight) basis, the undersigned is entitled to payment, under ECA Regulation 1, as amended October 15, 1948, of any ocean freight charges included in the amount above specified.

3. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of, the commodity or service covered by said contract, and has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee, or discount, to a bona fide established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

4. The undersigned has not given or received and will not give or receive by way of side payments, "kickbacks", or otherwise, any benefit in connection with such contract except in accordance with the terms thereof.

5. The contract price under said contract does not exceed the prices paid to the undersigned, at the time the contract price or the method of determining the contract price became fixed, for similar amounts of like commodities or services by other customers similarly situated, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated.

6. The undersigned further certifies on the basis of information obtained from such sources as are available to him, that, to the best of his information and belief, the purchase price is no higher than the market price (which shall mean the export market price where such a price is customary in the trade) prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

7. Payment under said contract is not based on cost-plus a-percentage-of-cost.

8. The undersigned will furnish promptly to the Administrator at his request such information in such form as the Administrator may require concerning price or any other details of the purchase.

Executed at ----------,
(City)
----------, this ------ day of
(State)
----------, 19----.

(Supplier)

EXHIBIT B

FORM OF ADMINISTRATOR'S LETTER OF COMMITMENT TO A BANKING INSTITUTION

----------, 194--.

Re: Procurement Authorization No. ------
to ----------
Approved applicant ----------

GENTLEMEN: In accordance with the provisions of the Foreign Assistance Act of 1948, and the regulations promulgated thereunder, the Administrator for Economic Cooperation has approved a supply program referred to in the enclosed copy of "Procurement Authorization" of the participating country named in the caption hereof; and this Letter of Commitment is delivered to you at the request of said participating country or its authorized agent. By the Procurement Authorization the Administrator has agreed to reimburse the Approved Applicant as named in the caption hereof (upon the authorities and signatures of which as designated and identified to you by the Administrator, or known by you from your own records, you may fully rely in any action taken by you hereunder) for monies expended by or for the account of such Approved Applicant in accordance with the Procurement Authorization.

In consideration of your issuance or confirmation at your option of one or more commercial Letters of Credit or making at your option payment to suppliers (no such Letter of Credit to have a maturity, and no such payment to be made, later than ----------, 194--), in accordance with application or request therefor by the Approved Applicant, the Administrator agrees with, and guarantees to, you that, in accordance with said Act, he will make reimbursement (without addition of interest or of your commissions, expenses or other charges) to the Approved Applicant, in the manner and subject to the terms and provisions hereinafter described, of the face amount of all drafts drawn under any such commercial Letter of Credit and paid by you at sight for the account of the Approved Applicant and the amount of all payments made by you at sight to suppliers for account of the Approved Applicant, up to but not exceeding the following respective dollar amounts for the procurement of not exceeding the following respective quantities of the following commodities or services:

Commodity or service	Quantity	Amount	Total

You are hereby approved as an authorized financing institution to which may be assigned the right to receive the monies due and to become due under the Procurement Authorization to the extent of the respective dollar amounts for the respective quantities of commodities or services stated above.

The making of reimbursement hereunder shall be governed solely by the terms and provisions annexed hereto and incorporated herein by reference, and shall not be affected by any rights that the Administrator or the United States Government may have against the participating country, the Approved Applicant, or third parties.

If this Letter of Commitment is satisfactory to you, please sign and return the enclosed copy hereof.

Kindly advise us when final payment is made under this Letter of Commitment, or upon expiration date advise us the amount of the unused balance thereunder.

Yours very truly,

Administrator for Economic Cooperation under Foreign Assistance Act of 1948.

By ----------
Authorized representative.

Accepted:

---------- Bank,

By ----------

Terms and Provisions

1. The application or request for, and any agreement relating to, any such Letter of Credit issued or confirmed, or payment made, hereunder may be in such form and contain such terms and provisions as the Approved Applicant and you may agree upon, and the Approved Applicant and you may agree to any extension of the life of, or any other modification of, or variation from, the terms of any such Letter of Credit or any agreement covering payments to be made by you, provided that such terms and provisions and any such extension, modification or variance are in no respect inconsistent with or contrary to the terms and provisions of this Letter of Commitment, and in case of any inconsistency or conflict, the terms and provisions of this Letter of Commitment shall control. In any event every application for a Letter of Credit and every request for payment shall include the substance of the directions as to documentation required for reimbursement contained in § 1111.18 of ECA Regulation 1, as in force on the date of acceptance of the Procurement Authorization.

2. (a) Each Letter of Credit shall specify as a document required to be presented with each draft drawn thereunder a supplier's certificate, in the form annexed hereto,[1] as Annex A, signed by the beneficiary named in such Letter of Credit.

(b) Each agreement covering payments to be made by you shall similarly require that a supplier's certificate in the form annexed hereto[1] as Annex B be presented against each payment.

2. Reimbursement shall be made by the Administrator promptly (but in no event later than 30 days) after receipt by the Administrator of the documents required for reimbursement by Sec. 1111.18 of ECA Regulation 1, as in force on the date of acceptance of the Procurement Authorization, which documents in normal course should be forwarded to the Administrator promptly after you have made the payment for the amount of which reimbursement is sought.

(a) The Voucher SF 1034 (Revised) shall bear the following certification by the payee: "I certify that the above bill is correct and just; that payment therefor has not been received," shall be addressed to the Economic Cooperation Administration and shall be signed as "Payee" by the Approved Applicant, or by you as agent for and in behalf of the Approved Applicant;

[1] In the case of a Letter of Commitment issued under an Ocean Transportation Procurement Authorization, the form annexed will be the form of certificate specified in § 1111.18 (b) (5), which shall be set forth in, or be attached to, the bill of lading or the invoice as provided in said section.

(b) You have no responsibility for the truth or accuracy of the statements contained in the supplier's certificate.

4. You shall transmit to the Administrator with reasonable dispatch a copy of each Letter of Credit issued or confirmed by you, and from time to time, as and when made, a copy of every extension or modification thereof. You shall make available to the Administrator, upon request, a copy of each application and agreement relating to any such Letter of Credit, or to any payment instruction or request, or extension or modification thereof, a copy of each document in your possession received by you against payment, and detailed advice of the interest, commissions, expenses, or other items charged by you in connection with each such Letter of Credit or payment instruction or request.

5. Reimbursement to the Approved Applicant shall be made by check mailed to you and payable to your order "for account of ----------", there being inserted in such blank the name of the Approved Applicant.

6. Acceptance by you of any document in the ordinary course of business in good faith as being a genuine and valid document and sufficient in the premises, and the delivery thereof to the Administrator, shall constitute full compliance by you with any provision of ECA Regulation 1, as amended, the Procurement Authorization, or of this Letter of Commitment requiring delivery of a document of the sort that the document actually so delivered purports to be. You shall be entitled to receive and retain reimbursement of the amount of all payments made by you against documents so accepted, notwithstanding that such payments may be made in connection with a purchase at a price in excess of the market price prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

7. The Administrator reserves the right at any time and from time to time, and for any reason or cause whatsoever, to supplement, modify, or revoke the Procurement Authorization (including termination of deliveries thereunder), provided however, that no supplement, modification or revocation shall become effective as to you until the receipt by you from the Administrator of written notice of such supplement, modification or revocation, and such supplement, modification or revocation shall in no event affect or impair the right of reimbursement to the extent of any payment made prior to receipt of such notice, or any obligation incurred under an irrevocable Letter of Credit issued or confirmed prior to receipt of such notice, for which you have not been repaid by the Approved Applicant (without however any obligation on your part to obtain such repayment). The term "Procurement Authorization" as used in this Letter of Commitment shall be deemed to include each such supplement or modification from and after receipt by you from the Administrator of written notice of the same, subject always however to the foregoing terms and provisions preserving rights of reimbursement in your behalf.

8. In the event the Administrator shall direct termination of deliveries under the Procurement Authorization or revoke such Procurement Authorization or supplement or modify the same in relation to the disposition of any document or documents and shall give you written notice thereof, you shall in all respects comply with the instructions of the Administrator to the extent you may do so without impairing or affecting any irrevocable obligation or liability theretofore incurred by you under any Letter of Credit issued or confirmed by you, and you shall be repaid and reimbursed hereunder by the Administrator for the costs, expenses and liabilities paid or incurred by you in relation to such instruction. You shall have no obligation or liability whatsoever to the Approved Applicant for anything done or omitted to be done by you pursuant to such instructions of the Administrator.

9. This Letter of Commitment shall inure to the benefit of your legal succesors and assigns.

ANNEX A TO THE ADMINISTRATOR'S LETTER OF COMMITMENT TO A BANKING INSTITUTION

Supplier's Certificate

Description of contract ----------
Names of parties ----------

Date ----------
Commodities or services covered ----------

(Brief description)
Seller's Contract No. (if any) ----------

The undersigned, in negotiating or presenting for payment draft No. -------- dated ----------, in the amount of $--------, drawn by the undersigned under Letter of Credit of ---------- Bank, No. --------, hereby certifies to and agrees with the Administrator for Economic Cooperation under the Foreign Assistance Act of 1948 as follows:

1. The undersigned has been informed that payment of said draft has been or is to be made by said Bank in reliance upon a Letter of Commitment issued by the Administrator, in accordance with the said Act, and that reimbursement of the amount of said draft to said Bank will be made by assignment of funds of the Administrator made available to the party for whose account said Letter of Credit was issued.

2. The undersigned is entitled to payment in the face amount of the aforesaid draft under the above-described contract, and the undersigned will promptly make appropriate reimbursement to the Administrator in the event of the non-performance by the undersigned in whole or in part under said contract or for any breach by him of the terms of this certificate; provided, that adjustments arising out of the terms of the contract or the normal customs of the trade shall be made direct to the buyer (or otherwise in accordance with the arrangement between the parties) but the undersigned will promptly notify the Administrator concerning any such adjustment; so that the Administrator may obtain appropriate reimbursement from the participating country.

3. If the said contract is on a c. & f. (cost and freight) basis, the undersigned is entitled to payment, under ECA Regulation 1, as amended October 15, 1948, of any ocean freight charges included in the face amount of the aforesaid draft.

4. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of, the commodity or service covered by said contract, and the undersigned has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee, or discount, to a bona fide established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity has been disclosed to the purchaser and whose terms of employment will, upoh demand, be disclosed to the Administrator for Economic Cooperation.

5. The undersigned has not given or received, and will not give or receive by way of side payments, "kickbacks," or otherwise, any benefit in connection with such contract, except in accordance with the terms thereof.

6. The contract price under said contract does not exceed the prices paid to the undersigned, at the time of the contract price or the method of determining the contract price

became fixed, for similar amounts of like commodities or services by other customers similarly situated, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated.

7. The undersigned further certifies on the basis of information obtained from such sources as are available to him, that, to the best of his information and belief, the purchase price is no higher than the market price (which shall mean the export market price where such a price is customary in the trade) prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

8. Payment under said contract is not based on cost-plus-a-percentage-of-cost.

9. The undersigned will furnish promptly to the Administrator at his request such information in such form as the Administrator may require concerning price or any other details of the purchase.

Executed at _____, _____
(City) (State)
this _____ day of _____, 19__.

_____
(Supplier)

ANNEX B TO THE ADMINISTRATOR'S LETTER OF COMMITMENT TO A BANKING INSTITUTION

Supplier's Certificate

Description of Contract _____
Names of parties _____
_____
Date _____
Commodities or services covered _____
_____
(Brief description)
Seller's Contract No. (if any) _____

The undersigned hereby acknowledges notice that the payment in the amount of U. S. $_____ claimed by him under Contract No. _____ with _____ is to be reimbursed to the Government of _____, by the United States of America out of funds made available under the Foreign Assistance Act of 1948, and in consideration of the receipt of such amount further certifies to and agrees with the Administrator for Economic Cooperation for the United States of America as follows:

1. The undersigned is entitled to the payment in the amount above specified under said contract and he will promptly make appropriate reimbursement to the Administrator in the event of his nonperformance, in whole or in part, under said contract, or for any breach by him of the terms of this certificate: *Provided*, That adjustments arising out of the terms of the contract or the normal customs of the trade shall be made direct to the buyer (or otherwise in accordance with the arrangements between the parties) but the undersigned will promptly notify the Administrator concerning any such adjustment; so that the Administrator may obtain appropriate reimbursement from the participating country.

2. If the said contract is on a c. & f. (cost and freight) basis, the undersigned is entitled to payment, under ECA Regulation 1, as amended October 15, 1948, of any ocean freight charges included in the amount above specified.

3. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of the commodity or service covered by said contract, and has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee or discount, to a bona fide established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

4. The undersigned has not given or received and will not give or receive by way of side payments, "kickbacks", or otherwise, any benefit in connection with such contract except in accordance with the terms thereof.

5. The contract price under said contract does not exceed the prices paid to the undersigned, at the time the contract price or the method of determining the contract price became fixed, for similar amounts of like commodities or services by other customers similarly situated, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated.

6. The undersigned further certifies on the basis of information obtained from such sources as are available to him, that, to the best of his information and belief, the purchase price is no higher than the market price (which shall mean the export market price where such a price is customary in the trade) prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

7. Payment under said contract is not based on cost-plus-a-percentage-of-cost.

8. The undersigned will furnish promptly to the Administrator at his request such information in such form as the Administrator may require concerning price or any other details of the purchase.

Executed at _____, _____
(City) (State)
this _____ day of _____, 194__.

_____
(Supplier)

EXHIBIT C

FORM OF SINGLE-PAYMENT LETTER OF COMMITMENT BY THE ADMINISTRATOR

(Face side)

Nonnegotiable

Letter No. _____ _____
(City) (State or county)
Procurement Authorization No. _____
_____
_____ _____, 194__
(Month) (Day)
U. S. $ _____

LETTER OF COMMITTMENT, SINGLE-PAYMENT TRANSACTION

The Administrator for Economic Cooperation, acting for the United States of America, hereby agrees to pay _____ not more than the sum of _____ in United States dollars, as per attached copy of contract between _____ and _____, dated _____, 1948, referring to _____, and upon presentation of this Letter to him at _____, and the submission of the following documents:

Certified invoice; Inspection report; Full set of order bills of lading.

Requested by:

_____
Authorized Agent of the Government of _____

Issued by:

_____
(Signature)

_____
(Title)

The right to receive monies due or to become due hereunder may be assigned only on the reverse side hereof and only to a banking institution organized under the laws of the United States, any State, Territory or Possession thereof, or the District of Columbia.

No payment will be made hereunder if attachments are missing or fail to correspond hereto.

FORM OF SINGLE-PAYMENT LETTER OF COMMITMENT BY THE ADMINISTRATOR (REVERSE SIDE)

The undersigned's assignment or collection hereof constitutes his certification to and agreement with the Administrator for Economic Cooperation for the United States of America as follows:

1. The undersigned is or will be entitled to payment in the face amount of this Letter under the contract specified on the face hereof, and the undersigned will promptly make appropriate reimbursement to the Administrator in the event of his non-performance, in whole or in part, under said contract or for any breach by him of the terms of this certificate; provided, that adjustments arising out of the terms of the contract or the normal customs of the trade shall be made direct to the buyer (or otherwise in accordance with the arrangement between the parties) but the undersigned will promptly notify the Administrator concerning any such adjustment, so that the Administrator may obtain appropriate reimbursement from the participating country.

2. If the said contract is on a c. & f. (cost and freight) basis, the undersigned is entitled to payment, under ECA Regulation 1, as amended October 15, 1948, of any ocean freight charges included in the face amount of this Letter.

3. The undersigned is the manufacturer or producer of, or a regular dealer in or exporter of the commodity or services covered by said contract, and the undersigned has not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee except to the extent, if any, of the payment of a commission, fee, or discount, to a bona fide established commercial or selling agency employed by the undersigned for the purpose of securing business, whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

4. The undersigned has not given or received and will not give or receive, by way of side payments, "kickbacks", or otherwise any benefit in connection with such contract except in accordance with the terms thereof.

5. The contract price under said contract does not exceed the prices paid to the undersigned, at the time the contract price or the method of determining the contract price became fixed, for similar amounts of like commodities or services by other customers similarly situated, and the undersigned has allowed all discounts for quantity purchases and prompt payment customarily allowed the other customers of the undersigned similarly situated.

6. The undersigned further certifies on the basis of information obtained from such sources as are available to him, that, to the best of his information and belief, the purchase price is no higher than the market price (which shall mean the export market price where such a price is customary in the trade) prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

7. Payment under said contract is not based on cost-plus-a-percentage-of-cost.

8. The undersigned will furnish promptly to the Administrator at his request such information in such form as the Administrator may require concerning price or any other details of the purchase.

(The above certification applies only to the original payee and does not apply to any subsequent holder.) Form and notice of assignment:

After executing the above certification, the payee named on the face hereof hereby assigns for value received the right to receive all monies due or to become due hereunder

to _____, a banking institution organized under the laws of _____.

_____
(Signature of assignor)

Date of notice, if any, sent to the General Accounting Office under the Assignment of Claims Act of 1940:

_____
(Signature of person sending notice)

_____
(Date)

[NOTE: The filing of notice of assignment with the General Accounting Office will not be deemed effective unless the date of such notice is properly noted in the space provided above.]

EXHIBIT D

FORM OF ADMINISTRATOR'S LETTER OF COMMITMENT TO SUPPLIER FOR MULTIPLE PAYMENTS

No. _____

_____, 194__.

Name of supplier _____
Address _____

Re: Contract No. _____, dated _____ with _____ under Procurement Authorization No. _____ with the Government of _____ or its authorized agent.

GENTLEMEN: The Administrator for Economic Cooperation, acting for the United States of America, hereby undertakes as herein provided to make the payments in an amount not to exceed $000,000,000, to which you may become entitled under the above-described contract, as follows: (Describe basis for schedule of payments).

_____
_____

All the provisions of said contract are hereby incorporated by reference.

[Strike out the following paragraph if in applicable under the terms of the contract.]

At your option, the Administrator agrees to make progress payments to you, upon approval of the bond hereinafter required in an amount not to exceed $000,000,000 or ( ) percent of the total contract price. Until progress payments shall have been wholly liquidated, there shall be deducted from the amount of each contract payment otherwise due you ( ) percent. Such deducted amount shall be credited against your obligations with respect to the progress payments and the remainder only shall be paid to you. The progress payments, or such part thereof as shall not have been liquidated as previously provided, shall be paid by you to the Administrator not later than the date provided in the contract for the completion of performance by you, or any earlier or later date as may be agreed upon by the Administrator and you with or without notice to the surety or sureties on the bond to be furnished as hereinafter provided. Before any progress payments shall be made as hereinabove provided, you shall furnish to the Administrator a bond in the amount of such advance, in such form and with such surety or sureties as may be approved by the Administrator, guaranteeing payment to the Government in accordance with the provisions of this paragraph.

All payments under the contract will be made against your invoice or voucher addressed to the Economic Cooperation Administration referring to this Letter of Commitment and accompanied by such documents as the contract may require to entitle you to payment, together with a certification by the contracting party named above that the terms and conditions of the contract are being complied with. The final payment will be made only upon a surrender to the Administrator of the signed original of this Letter of Commitment.

By your acceptance hereof you shall warrant to the Government of the United States as follows:

(1) That you are the manufacturer or producer of, or a regular dealer in or exporter of the commodity or service covered by said contract and that you have not employed any person to obtain said contract under any agreement for a commission, percentage or contingent fee, except a bona fide established commercial or selling agency employed by you for the purpose of securing business and whose identity has been disclosed to the purchaser and whose terms of employment will, upon demand, be disclosed to the Administrator for Economic Cooperation.

(2) That you have not given or received and you will not give or receive by way of side payments, "kickbacks", or otherwise any benefit in connection with such contract except in accordance with the terms thereof.

(3) That the contract price under said contract does not exceed the prices paid to you, at the time the contract price or the method of determining the contract price became fixed, for similar amounts of like commodities or services by other customers similarly situated, and you have allowed all discounts for quantity purchases and prompt payment customarily allowed your other customers similarly situated.

(4) That you further certify on the basis of information obtained from such sources as are available to you, that, to the best of your information and belief, the purchase price is no higher than the market price (which shall mean the export market price where such a price is customary in the trade) prevailing in the United States at the time of the purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

(5) That payment under said contract is not based on cost-plus-a-percentage-of-cost.

(6) That you will furnish promptly to the Administrator at his request such information in such form as the Administrator may require concerning price or any other details of the purchase.

(7) That each voucher presented by you under this Letter of Commitment will cover an amount due you under said contract for which you have not received payment, and if for any reason you are not entitled to such payment under the terms of this Letter of Commitment you will promptly after discovery of such reason make appropriate reimbursement to the Administrator with respect to any amounts paid you under this Letter of Commitment: *Provided*, That adjustments arising out of the terms of the contract or the normal customs of the trade shall be made direct to the buyer (or otherwise in accordance with the arrangement between the parties) but the undersigned will promptly notify the Administrator concerning any such adjustment, so that the Administrator may obtain appropriate reimbursement from the participating country.

(8) If the said contract is on a c. & f. (cost and freight) basis, that you are entitled to payment under ECA Regulation 1, as amended October 15, 1948, of any ocean freight charges included in any vouchers presented by you under this Letter of Commitment.

Amendments to the above described contract shall become effective only upon the approval of the Administrator.

Your acceptance of the terms and conditions hereof shall be indicated by causing your duly authorized officer or officers to execute the two enclosed counterparts hereof and by then returning one of such counterparts to this office. This Letter of Commitment shall become effective when you have so indicated your acceptance.

Very truly yours,

_____
Administrator for Economic Cooperation for the Government of the United States.

Accepted:

_____

NOTE: This Letter of Commitment may be assigned only on the reverse side of this page of this Letter and only to a banking institution organized under the laws of the United States, any State, Territory or Possession thereof, or the District of Columbia.

(Reverse side of signature page of Letter of Commitment to supplier)

FORM AND NOTICE OF ASSIGNMENT

After signifying his acceptance of this Letter of Commitment, the addressee named on this Letter of Commitment hereby assigns for value received the right to receive all monies due or to become due hereunder to _____, a banking institution organized under the laws of _____

Date _____, 194__.

_____
(Signature of assignor)

Notice to the General Accounting Office, Washington, D. C., under the Assignment of Claims Act of 1940, sent on _____, 194__.

_____
(Signature of the person sending notice)

[NOTE: The filing of notice of assignment with the General Accounting Office will not be deemed effective unless date of such notice is properly noted in the space provided above.]

[F. R. Doc. 48-9125; Filed, Oct. 14, 1948; 9:01 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 17, Amdt. 1]

PART 8317—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

War Assets Administration Regulation 17, August 9, 1948, entitled "Stock Piling of Strategic and Critical Materials" (13 F. R. 4707) is hereby amended by changing Exhibit A, "List of Strategic and Critical Materials" with respect to those materials described as copper and lead as hereinafter set forth.

Materials	Types, grades, or forms to be reported	Minimum quantity at one location to be reported (pounds)
Copper..	Refined copper in any primary form. Copper, cartridge brass, leaded brass or gilding metal in semi-finished or finished mill forms or remelt ingot. Copper, cartridge brass, leaded brass or gilding metal in the form of partially or completely manufactured articles or parts, salvaged parts, or scrap, so long as each lot is of substantially uniform composition and is not mixed with parts or scrap of other than copper base alloy composition. Demilitarized or fired brass ammunition parts, including popped or burned small arms ammunition. It is intended that all copper or copper base alloy materials having a net salvage value are to be reported.	40,000
Lead....	Concentrates. Metal, or alloys with other metals, in any form, so long as each lot is of substantially uniform composition.	50,000

(Surplus Property Act of 1944 (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); Reorganization Plan 1 of 1947 (12 F. R. 4534); and Public Law 520, 79th Cong. (60 Stat. 596))

This amendment shall become effective October 5, 1948.

JESS LARSON,
Administrator.

OCTOBER 5, 1948.

[F. R. Doc. 48-9166; Filed, Oct. 14, 1948; 11:08 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

The regulations contained in 10 CFR, Chapter V, are hereby revised and transferred to Title 34, Chapter V, Subchapter D, Code of Federal Regulations, as follows:

Part
552 Regulations affecting military reservations.
553 National cemeteries.
554 Army exchanges.
555 Motion picture service.
557 Service clubs, hostesses and librarians.

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

REAL ESTATE

552.1 Real estate defined.
552.2 Real estate; how acquired.
552.3 Function of Chief of Engineers.
552.4 Leases and similar instruments.

USE OF WAR DEPARTMENT REAL ESTATE

552.5 Temporary use; how granted.
552.6 Rights which may be granted by Secretary of the Army.
552.7 Rights which may be granted by Secretary of the Interior.
552.8 Rights which may be granted by Secretary of Agriculture.
552.9 Rights which may be granted by Federal Power Commission.
552.10 Rights which may be granted by President of the United States.
552.10a Rights which may be granted by division engineers.
552.11 Limitations on rights which may be granted.
552.12 Rights which cannot be granted without specific statutory authority.
552.13 Forms to be used.
552.14 Payments.
552.15 Refund of rental paid.
552.16 Revocation of grants.
552.16a Real estate; claims for rent, damage, and other payments.

PHOTOGRAPHS; HARBOR DEFENSE

552.17 Photographs of works of defense.

POST COMMANDER

552.18 General duties.
552.19 Hunting and fishing permits.

INSPECTION OF STEAM BOILERS

552.21 Inspection of steam boilers.

AUTHORITY: §§ 552.1 to 552.21 (with the exception cited in parentheses following section affected), issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 100-60, May 4, 1943; AR 100-61, Oct. 10, 1947; AR 100-62, Sept. 15, 1942; AR 100-64, May 22, 1944; AR 90-40, June 25, 1942; AR 210-10, May 6, 1947; AR 210-80, Dec. 21, 1925; AR 850-300, Aug. 5, 1944.

REAL ESTATE

§ 552.1 *Real estate defined.* The term "real estate," as used in connection with the activities of the Department of the Army, includes land; buildings; piers, docks, and wharves; office and storage space; rights of way or easements, whether temporary or permanent; and any interests which may be acquired or held therein for the use or benefit of the United States by the Army or any branch thereof.

§ 552.2 *Real estate; how acquired—*(a) *Methods of acquiring real estate.* Real property and interests therein may be acquired by the Department of the Army by:

(1) Purchase or condemnation.
(2) Donation.
(3) Lease or similar instrument.

(b) *Authority to acquire real estate—*(1) *Congressional authority necessary.* No land shall be acquired on account of the United States except under a law authorizing such acquisition. See R. S. 3736; 41 U. S. C. 14.

(2) *Acts authorizing Secretary of the Army to acquire real estate.* The Secretary of the Army is authorized to acquire land, interest therein, or rights pertaining thereto needed for military purposes by purchase, condemnation, donation, or lease. See sec. 1, act August 1, 1888 (25 Stat. 357; 40 U. S. C. 257); act July 2, 1917 (40 Stat. 241), as amended by the act of April 11, 1918 (40 Stat. 518; 50 U. S. C. 171); sec. 1, act February 26, 1931 (46 Stat. 1421; 40 U. S. C. 258a); sec. 2, act August 12, 1935 (49 Stat. 611; 10 U. S. C. 1343b).

§ 552.3 *Functions of Chief of Engineers.* (a) The Chief of Engineers, under the authority of the Secretary of the Army, is charged with the acquisition of all real estate and interests therein for the use of the Department of the Army, including the procurement of leases, permits, and the transfer of lands and interests therein from other Government departments and agencies (See 55 Stat. 787; 10 U. S. C. Sup. 181b), except:

(1) In those areas outside the continental limits of the United States where the theater commander has responsibility for such real estate activities.

(2) The acquisition of trespass rights.

(3) Such other exceptions as may be specifically authorized from time to time.

(b) The Chief of Engineers is responsible that acquisitions are accomplished in accordance with Department of the Army directives and that tracts are eliminated whenever this action will not decrease the general usefulness of the area for the purpose for which it is being acquired. Boundaries or priorities of acquisition will not be changed without the approval of the Chief of Engineers.

(c) To avoid any possibility of misunderstanding by property owners, and resultant embarrassment to the Department of the Army, under no circumstances will commitments be made, either by negotiation or by the dissemination of information to the public, by any authority other than the Chief of Engineers.

§ 552.4 *Leases and similar instruments—*(a) *Authority of certain commanders and others.* (1) Oversea commanders reporting direct to the Department of the Army are charged with the direction of all work pertaining to real estate matters in occupation zones and in any location where temporary work is accomplished by troops under control of the oversea commander. The Chief of Engineers will provide technical advice and assist in technical inspections as requested by such oversea commander or as directed by the Department of the Army. Continental commanders having oversea areas under their jurisdiction are considered oversea commanders for those areas.

(2) Except in occupation zones the Chief of Engineers, under the authority of the Secretary of the Army, is responsible for the acquisition of all real property and interests therein.

(b) *Authority of local officers.* (1) The following classes of leases are authorized to be made by local commanders without approval by higher authority, when funds are available and the rental consideration conforms to the prevailing rate in the locality concerned: Leases for hire of camp sites, buildings, and grounds for troops; office and storage space for small detachments; garage space; and space for recruiting stations; provided the premises are to be occupied not longer than 3 months and the rental for the entire period of occupancy is $500 or less.

(2) Leases in subparagraph (1) of this paragraph may be by informal written agreements, unless the rental for the period exceeds $100, in which case execution on Standard Form 2 (Lease Between ---------- and the United States of America) is preferable.

(i) Informal written agreements may be worded substantially as follows:

---------- (Place)

---------- (Date)

The undersigned hereby agrees to allow the use of premises ----------
(Description of premises)
by ----------
(Designation of detachment)
at a rental of $------ per month, or proportionate part thereof, for the time of occupancy.

---------- (Signature of property owner)

(ii) The following certificate should be indorsed on informal agreements:

I certify that I have this day entered into an informal agreement with ---------- ---------- covering rental
(Name of property owner)
of ----------, same being
(Description of premises)
required and absolutely necessary for the successful operation of my detachment.

---------- (Name)

---------- (Grade and organization)

---------- 19 ----

(iii) Informal agreements will be executed in duplicate; one number to be furnished the property owner; and one number, with a true copy thereof, to be furnished the disbursing officer designated to pay the account. If more than one payment of rent will be involved only the true copy will be furnished the disbursing officer, and the remaining executed number will be forwarded to the division engineer, marked for transmittal to the General Accounting Officer, Army Audit Branch, 4300 Goodfellow Boulevard, St. Louis 20, Missouri.

(c) *Authority of Chief of Engineers.* Except as provided in paragraphs (a) and (b) of this section, all leases and similar instruments must be approved by the Chief of Engineers or his duly authorized representative.

USE OF WAR DEPARTMENT REAL ESTATE

§ 552.5 *Temporary use; how granted.* There are three methods by which the temporary use of real estate under the control of the Department of the Army may be granted: lease, easement, and license or permit.

§ 552.6 *Rights which may be granted by Secretary of the Army—*(a) *General.* (1) The Secretary of the Army is authorized with or without advertising, to provide for the operation and maintenance of certain plants, buildings, facilities, utilities, and appurtenances thereto and, when he deems it necessary in the interest of the National Defense, to lease, sell or otherwise dispose of, any such plants, buildings, facilities, utilities, appurtenances thereto, and land, under such terms and conditions as he may deem advisable, and without regard to the provisions of section 321 of the act of June 30, 1932 (47 Stat. 412), which requires the consideration to be in money only. See secs. 1 and 5, act July 2, 1940 (54 Stat. 712; 41 U. S. C. prec. § 1 note).

(2) The above provisions applied only to the fiscal year ending June 30, 1941. They were first extended to cover the fiscal year ending June 30, 1942, and later to cover the period of the present war and 6 months thereafter, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. See sec. 9, act June 30, 1941 (55 Stat. 393; sec. 13, act June 5, 1942).

(3) The Secretary of the Army may acquire any real property, temporary use thereof, or other interest therein, together with any personal property located thereon or used therewith, that shall be deemed necessary for military purposes, and may dispose of such property or interest therein, by sale, lease, or otherwise, in accordance with section 1 (b) of the act of July 2, 1940 (54 Stat. 712). See Second War Powers Act, 1942 (56 Stat. 177; 50 U. S. C. App., Sup., 632).

(b) *Leases.* The Secretary of the Army is authorized, whenever he shall deem it to be advantageous to the Government, to lease such real or personal property under his control as is not surplus to the needs of the Department of the Army within the meaning of the Surplus Property Act of 1944 (58 Stat. 765), and is not for the time required for public use, to such lessee or lessees and upon such terms and conditions as in his judgment will promote the national defense or will be in the public interest. Each such lease will be for a period not exceeding 5 years unless the Secretary of the Army shall determine that a longer period will promote the national defense or will be in the public interest. Each such lease will contain a provision permitting the Secretary of the Army to revoke the lease at any time unless the Secretary of the Army shall determine that the omission of such provision from the lease will promote the national defense or will be in the public interest. In any event, each such lease will be revocable by the Secretary of the Army during a national emergency declared by the President. Notwithstanding section 321, act June 30, 1932 (47 Stat. 412; 40 U. S. C. 303b), or any other provision of law, any such lease may provide for the maintenance, protection, repair, or restoration by the lessee, of the property leased or of the entire unit or installation where a substantial part thereof is leased, as a part or all of the consideration for the lease of such property. In the event utilities or services are furnished by the Department of the Army to the lessee in connection with any lease, payments for utilities or services so furnished may be covered into the Treasury to the credit of the appropriation or appropriations from which the costs of furnishing any such utilities or services to the lessee were paid. Except as otherwise hereinabove provided, any money rentals received by the Government directly under any such lease will be deposited and covered into the Treasury as miscellaneous receipts. The authority granted does not apply to oil, mineral, or phosphate lands. The act of July 28, 1892, as amended (27 Stat. 321; 45 Stat. 988; 40 U. S. C. 303), is repealed. The lessee's interest will be made subject to State or local taxation. Any such lease of property will contain a provision that if and to the extent that such property is made taxable by State and local governments by act of Congress, in such event the terms of such lease will be renegotiated. See act August 5, 1947 (Pub. Law 364, 80th Cong.).

(c) *Roads.* The Secretary of the Army may permit the extension of State, county, or territorial roads across military reservations or the changing of the location of any such roads as may already exist. See act July 5, 1884 (23 Stat. 104; 10 U. S. C. 1348).

(d) *Poles and wires.* The Secretary of the Army may grant rights of way, for periods not exceeding 50 years, for pole lines for electric-power transmission, or telephone and telegraph purposes over lands under his jurisdiction. See act March 4, 1911 (36 Stat. 1253; 43 U. S. C. 961.

(e) *Pipe lines.* The Secretary of the Army may grant easements for rights of way for gas, water, and sewer pipe lines, provided such grant is in the public interest and will not substantially injure the interest of the United States in the property affected thereby. See act May 17, 1926 (44 Stat. 562; 10 U. S. C. 1351.

(f) *Licenses.* The Secretary of the Army may, by revocable license terminable at his discretion as the public interest may require, grant to private interests the temporary use of real estate belonging to the United States which is under his control and which is not for the time being required for public use, provided such license conveys no interest therein and such use does not conflict with the purpose for which the property is held. As a matter of policy, the term of such licenses will be limited to 5 years.

(g) *Ferries, bridges, livestock.* The Secretary of the Army may permit the landing of ferries and erection of bridges on, and the driving of livestock across military reservations. See act July 5, 1884 (23 Stat. 104; 10 U. S. C. 1348).

(h) *Archaeological excavations.* The Secretary of the Army may grant permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon Department of the Army lands, to institutions which are deemed properly qualified to conduct such examination, excavation, or gathering, subject to prescribed rules and regulations. Such examinations, excavations, and gatherings must be undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and the gatherings shall be made for permanent preservation in public museums. See act June 8, 1906 (34 Stat. 255; 16 U. S. C. 432).

(i) *Post offices.* The Secretary of the Army shall assign proper and suitable room or rooms for post office purposes at all military posts where post offices have been established. See sec. 1, act August 1, 1914 (38 Stat. 629; 10 U. S. C. 1345).

(j) *American National Red Cross.* The Secretary of the Army may grant revocable licenses permitting the erection and maintenance on military reservations by the American National Red Cross of buildings suitable for the storage of supplies available for the aid of the civilian population in case of serious national disaster, or the occupation for that purpose of buildings erected by the United States. See sec. 127a, act June 3, 1916, as amended by act June 4, 1920 (41 Stat. 785; 10 U. S. C. 1347).

(k) *Young Men's Christian Association.* The Secretary of the Army may grant revocable licenses permitting the erection and maintenance on military reservations by the Young Men's Christian Association of such buildings as their work for the promotion of the social, physical, intellectual, and moral welfare of the garrisons may require. See act May 31, 1902 (32 Stat. 282; 10 U. S. C. 1346).

(l) *Temporary buildings.* The Secretary of the Army may grant, by revocable licenses of lease, permission to erect or construct temporary buildings other than public, on military reservations; in the lease or license the condition for occupancy will be clearly set forth, except with respect to unimportant structures and temporary structures incident to the work of contractors on Government jobs. (§ 552.18 (e).)

§ 552.7 *Rights which may be granted by Secretary of the Interior.* (a) Subject to the approval of the Secretary of the Army, the Secretary of the Interior may grant rights-of-way through military reservations for:

(1) Electrical lines for telephone and telegraph purposes and for the transmission of current, other than that generated by water power, for power purposes.

(2) Canals, ditches, pipes, and pipelines, flumes, tunnels, or other water conduits, for purposes other than the production of water power.

(3) Water plants, dams, and reservoirs used to promote irrigation, mining or quarrying; for the manufacturing or cutting of timber or lumber; or for the supplying of water for domestic, public, or

other beneficial uses. See act February 15, 1901 (31 Stat. 790; 43 U. S. C. 959).

(b) Subject to like approval, rights may also be similarly granted to canal or ditch companies to take material, earth, and stone necessary for the construction of a canal or ditch, for which a right of way has been granted, from public lands adjacent to the line of such canal or ditch. See act March 3, 1891 (26 Stat. 1101), as amended by the acts of March 4, 1917 (39 Stat. 1197), and May 28, 1926 (44 Stat. 668; 43 U. S. C. 946).

§ 552.8 *Rights which may be granted by Secretary of Agriculture.* (a) National forests on certain military reservations were created by executive orders pursuant to the provisions of section 9 of the act approved June 7, 1924 (43 Stat. 655; 16 U. S. C. 471), which provides for administration by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary of the Army, for the occupation and protection of such lands and for the sale of products therefrom, subject to the unhampered use by the Department of the Army for purposes of national defense and without affecting or restricting the authority over such lands for such purposes now vested in the Secretary of the Army. See sec. 9, act June 7, 1924 (43 Stat. 655; 16 U. S. C. 471, 505).

(b) The use of portions of reservations may be authorized for rights of way or sources of material for constructing and maintaining Federal-aid projects, if determined reasonably necessary by the Secretary of Agriculture, and if not objected to by the Secretary of the Army. See act November 9, 1921 (42 Stat. 216; 23 U. S. C. 18).

§ 552.9 *Rights which may be granted by Federal Power Commission.* The Federal Power Commission, subject to the approval of the Secretary of the Army, may grant licenses for waterpower projects upon, or partly upon, a military reservation, including dams, reservoirs, conduits, transmission lines, and other project works. See act June 10, 1920 (41 Stat. 1063), sec. 202, Title II, act August 26, 1935 (49 Stat. 840; 16 U. S. C. 797).

§ 552.10 *Rights which may be granted by President of the United States.* The President is authorized, through the head of any executive department, upon terms and conditions considered advisable by him or such head of department, to lease real property acquired by the United States since April 6, 1917, for storage purposes for the use of the Army which in the judgment of the President or the head of such department is no longer needed for use by the United States, and to execute and deliver in the name of the United States and in its behalf, any and all contracts or other instruments necessary to effectuate any such lease. See act July 11, 1919 (41 Stat. 129; 10 U. S. C. 1263).

§ 552.10a *Rights which may be granted by division engineers.* (a) Authority has been delegated by the Secretary of the Army to division engineers to grant licenses for bus and taxicab service on military reservations upon the recommendation of commanding officers. In the case of an installation under the command of the commanding general of a major command, except Air Force major subordinate commands, the approval of such commanding general must be obtained by the division engineer. In the case of an installation utilized by and under the direct command of the U. S. Air Force, the written approval of the commanding general of the specific Air Force command having jurisdiction over the installation will be obtained by the division engineer. The following policies are published for guidance in granting such licenses:

(1) One or more revocable licenses for such operation may be granted by the division engineer, based upon the free competitive proposals of all reputable available companies or individuals.

(2) Transportation license (Military Reservation) (CR Form 121, WD, OC of E) will be used in the preparation of such licenses. These forms will be supplied by the Office of the Chief of Engineers upon request.

(b) None but duly licensed agencies will be permitted to operate in or upon military reservations.

(c) No distinction will be drawn between taxicab and bus transportation.

(d) No taxicab or bus company will be operated as a concessionaire of an Army exchange.

(e) Unless strictly confined to military personnel or civilians employed or resident at a Department of the Army installation as passenger, an exchange is not authorized to operate a taxicab transportation facility nor to compete in any manner with civilian enterprise in such activity. See § 554.5 (a) (24) of this chapter, as to the authorized activities of an Army exchange in connection with taxicab operation.

(f) The operation of a bus transportation facility by an Army exchange will be in accordance with current Department of the Army instructions governing the furnishing of local transportation.

(g) The revocable license will contain no reference to the Army exchange and will not obligate the exchange to any duties or liabilities. The Army exchange has no connection therewith, and the licensee may not obligate itself to the exchange in any manner under the license.

§ 552.11 *Limitations on rights which may be granted*—(a) *Consideration.* (1) Notwithstanding section 321, act June 30, 1932 (47 Stat. 412; 40 U. S. C. 303b), or any other provision of law, leases of Department of the Army property may provide for the maintenance, protection, repair, or restoration by the lessee, of the property leased or of the entire unit or installation where a substantial part thereof is leased, as a part or all of the consideration for the lease of such property.

(2) The consideration for any use of Department of the Army property must be adequate. This consideration may consist of either money or some direct or indirect adequate benefit to the United States.

(b) *Competitive conditions.* It is the policy of the Department of the Army to recommend the granting of leases to the highest responsible bidder, after advertising for bids, unless competition is impracticable.

(c) *Private use.* It is the policy of the Department of the Army not to permit the use of public quarters by organization or societies other than those of a purely military character, nor to permit private uses of military reservations or parts thereof to the exclusion of the general public, nor to grant licenses or other instruments for the establishment at military posts of activities, the revocation of which may prove embarrassing to the Department of the Army.

§ 552.12 *Rights which cannot be granted without specific statutory authority.* Except when specifically authorized by Congress, the Secretary of the Army is without authority to grant an interest in real estate of the United States for any of the following purposes:

(a) Mining.

(b) Quarrying of rock, sand, or gravel, or sale, thereof.

(c) Cutting of timber, or sale thereof. See R. S. 1241 (10 U. S. C. 1261), under which timber that has reached maturity, so that it begins to deteriorate, may be regarded as damaged and unsuitable, and may be sold in the manner prescribed therein.

(d) Permanent rights-of-way for railroad purposes.

(e) Sinking of oil wells, or sale of oil or other minerals.

(f) Use of surplus water from post water systems. See AR 100–80.[1]

(g) Use of electricity from a Government-owned supply. See AR 100–80.[1]

(h) Construction by private interests of permanent structures on military reservations. See § 552.18 (e); 21 Op. Atty. Gen. 537; and 10 Comp. Gen. 395. But temporary permission in exceptional cases may be granted for structures on military reservations pending the enactment of statutory authority therefor. See 35 Op. Atty. Gen. 485.

§ 552.13 *Forms to be used*—(a) *Applications for leases, easements, licenses, and permits.* Applications ordinarily will consist of a simple written request, and no particular form is required.

(b) *Form of instruments.* Instruments will be prepared on forms prescribed by the Chief of Engineers.

§ 552.14 *Payments.* Payments made by private interests for privileges granted by leases, licenses, easements, or permits will be collected by the Chief of Engineers or his duly authorized representative. The initial payment, which will be made at the time the instrument is signed by the grantee, and all deferred payments will be collected by the authorized representative of the Chief of Engineers and will be promptly turned over to the nearest Army disbursing officer with appropriate instructions as to the disposition of such funds, i. e., for credit to "miscellaneous receipts" or to be held as special deposits. Collections will be scheduled on Standard Form No. 1044, Revised (Schedule of Collections), prior to forwarding to the disbursing officer. The Chief of Engineers or his authorized representative will advise at the proper time of the final disposition to be made of funds held as special deposits by preparation and submission of Standard Form No. 1046 Revised (Schedule of Transfers-Special Deposits) or Standard Form No. 1049 (Public Voucher for Refunds) whichever is applicable. All payments made by the grantee will be made payable to the Treasurer of the United States.

[1] Administrative regulations of the Department of the Army relating to repairs and utilities.

§ 552.15 *Refund of rental paid.* On the termination of a grant by the lessee between rent days, refund of rental paid in advance is not authorized unless provided for in the instrument. (See 8 Comp. Gen. 643.) But a refund of rental may be made under a supplemental lease which is in the interest of the United States. (MS. Comp. Gen. A 40803 February 20, 1932.) Where the revocation or termination of a grant is in contemplation, collections of rental will be made only to the effective date of such revocation or termination, and temporarily placed in the special deposit account.

§ 552.16 *Revocation of grants*—(a) *When permissible; by whom revoked.* All grants or rights for the temporary use of real estate by private interests are subject to revocation at will by the Secretary of the Army, except as follows:

(1) Rights-of-way granted by the Secretary of the Interior (§ 552.7 (a)) are revocable by him at his discretion.

(2) Rights-of-way granted for the purpose specified in § 552.6 (e) are not revocable, but may be terminated for nonuse or abandonment.

(3) Unless specific provision for revocation is made therein, permits of the character specified in § 552.6 (d) and § 552.6 (h) constitute easements upon and across said reservations and are not revocable.

(4) Leases of property, acquired for storage purposes since April 6, 1917, granted after determination that such property is no longer required for public use, are not revocable unless the lease so provides.

(b) *When and by whom recommended.* Any officer becoming aware of any facts or receiving any information indicating that the interest of the United States requires the revocation of an existing grant, lease, license, permit, or privilege will immediately report the facts, or transmit the information, together with his remarks and recommendations to the Chief of Engineers, through the Division engineer.

(c) *Instruments of revocation; by whom prepared; how disposed of.* If revocation is determined upon, the Chief of Engineers will prepare the necessary instruments of revocation and transmit them to the commanding officer concerned, together with instructions for the necessary action.

§ 552.16a *Real estate; claims for rent, damage, and other payments*—(a) *Scope.* The regulations in this section provide a method of investigation, processing, and settlement of claims against the United States for rent, damages, and other payments arising under the terms and conditions, whether express or implied, of leases or other contracts for the use or occupancy of real estate by the Army, or arising from the use or occupancy of real estate by the Army with the express or implied consent of the owner thereof in the absence of any formal lease or other contract therefor. Utilization of the provisions of these regulations in cases where provisions of regulations referred to in paragraph (b) of this section are also applicable is optional in any case. Utilization of the provisions of these regulations outside the United States, its territories and possessions, is optional with the commander concerned.

(b) *Regulations applicable to particular cases*—(1) *Claims for damage to or loss or destruction of property incident to noncombat activities of the Army.* The act of July 3, 1943 (57 Stat. 372; 31 U. S. C., Sup., 223b, 223c) provides for the payment of claims, arising on or after May 27, 1941, for damage to or loss or destruction of real property caused by military personnel or civilian employees of the Army while acting within the scope of their employment, or otherwise incident to noncombat activities of the Army, including claims for damage to real property (but not for rent or other payments) incident to the use and occupancy thereof under a lease, express or implied, or otherwise, and including claims of the foregoing categories arising out of civil works, provided they do not exceed $500 or, if approved in time of war, provided they do not exceed $1,000. See §§ 536.12 to 536.23.

(2) *Claims under Article of War 105.* Article of War 105 (Sec. 1, Ch. II, act of June 4, 1920; 41 Stat. 808; 10 U.S.C. 1577) provides for the payment, by the offender through stoppage of pay, of certain claims for damage to or loss or destruction of property by persons subject to military law provided such damage, loss, or destruction is caused by riotous, violent, or disorderly conduct, or acts of depradation, willful misconduct, or such reckless disregard of property rights as to carry an implication of guilty intent. See § 536.25 of this chapter.

(3) *Claims for damage to or loss or destruction of property caused by Army forces in foreign countries.* The act of January 2, 1942 (55 Stat. 880; 31 U.S.C., Sup., 224d), as amended by the act of April 22, 1943 (57 Stat. 66), provides for the payment of claims for damage to or loss or destruction of real property (but not for rent or other payments) caused by Army forces, or individual members (whether military personnel or civilian employees) thereof, or otherwise incident to non-combat activities of such forces, in a foreign country to public property located therein or to the privately owned property of inhabitants of such country. See § 536.26 of this chapter.

(c) *Procedure—§§ 536.1 to 536.5 of this chapter applicable.* So far as applicable, the procedure set forth in §§ 536.1 to 536.5 of this chapter will be followed as to claims within the provisions of this section.

PHOTOGRAPHS; HARBOR DEFENSE

§ 552.17 *Photographs of works of defense.* No photographs of permanent works of defense or materiel will be taken except as authorized by the harbor defense commander, or other commanding officer responsible for the works, for official use. The giving of information or the publication of pictorials or printed descriptions of such works, not contained in public printed reports and documents, is prohibited when, in the opinion of the harbor defense commander, or other commanding officer responsible for the works, such views or description would disclose the location of any elements of the defense or furnish information about features of the works which should be considered secret or confidential. (Sec. 1, 40 Stat. 217; 50 U. S. C. 31)

POST COMMANDER

§ 552.18 *General duties*—(a) *Assignment of quarters, civilians.* The post commander may grant permission to civilian employees and other civilians whose presence on the post is desirable because of the nature of their duties, to occupy such quarters as are available, and will be responsible that payment for or deduction from salary of the value of such quarters is affected as prescribed in Civilian Personnel Regulations. Bona fide servants occupying rooms built in existing quarters for such purpose will not be required to pay rental.

(b) *Employment of civilian mess attendants*—(1) *Units stationed outside the zone of interior.* The employment and payment from voluntary contributions of civilians as mess attendants is authorized in Army messes of units stationed outside the zone of interior under the following conditions:

(i) When the oversea commander determines that local conditions are favorable and such employment is in the best interest of the service.

(ii) Payment for such employment will be from moneys contributed, strictly on a voluntary basis, from military personnel using the mess.

(iii) The contributions collected will be taken into and disbursed from unit funds in order to insure adequate control.

(iv) Such attendants will be used only as KP's, dining room orderlies, dishwashers, and other personnel who do not perform duties of cooks, cook's helpers, bakers, and butchers.

(2) *Units stationed within zone of interior.* (i) The employment and payment from voluntary contributions of civilians as mess attendants is not authorized in Army messes of units stationed within the zone of interior.

(ii) Civilians may not be employed as mess attendants in enlisted men's messes (field ration and garrison) nor in officers' field ration messes in the zone of interior except under the following conditions:

(*a*) In Class I installations the approval of the army commander in each instance must be obtained.

(*b*) In Class II installations the approval of the chief of the appropriate administrative or technical service must be obtained.

(*c*) Civilians will be paid from appropriated funds only.

(d) Sufficient appropriated funds for this purpose must be available to the commander concerned.

(e) The hiring of civilians for this purpose will not exceed the civilian ceiling allotted to the installation.

(f) Civilian mess attendants are to be used only as kitchen police, dining room orderlies, or dishwashers. At no time are they to be used as cooks, food service apprentices, bakers, butchers, or food service technicians. This is not to be construed as limiting the authority of hospitals as presently outlined in Army Regulations and directives of The Surgeon General to hire civilians as cooks, food service apprentices, bakers, butchers, or food service technicians.

(g) *Welfare*—(1) *Young Men's Christian Association.* At posts where Young Men's Christian Association buildings have been constructed pursuant to the act of 31 May, 1902 (32 Stat. 282; 10 U. S. C. 1346), the Young Men's Christian Association will be permitted to continue to conduct thereat helpful physical, intellectual, and nonsectarian religious activities. The post commander will assist and facilitate these activities in such ways as he may deem appropriate and desirable.

(2) *American National Red Cross.* The activities of the American National Red Cross at posts will be as prescribed or implied in AR 850–75, and the post commander will assist and facilitate such activities in every appropriate manner.

(d) *Competition with civilian enterprises.* The post commander is charged with the responsibility that no military member of his command will be detailed, ordered, or permitted to leave his post to engage in any pursuit, business or performance in civil life, for emoluments, hire, or otherwise, when it will interfere with the customary employment and regular engagement of local civilians in the respective arts, trades or professions. He will prohibit the use of military personnel or civilian employees of the Army during normal working hours, in conducting cooperatives (other than Army exchanges and Army and Air Force Motion Picture Service) which operate in competition with civilian enterprises.

(e) *Construction*—(1) *New construction.* New construction will be performed only in accordance with and within limitations of Department of the Army and implementing directives. See AR 100–70, AR 100–80, and TM 5–600 (administrative regulations relative to the Corps of Engineers.)

(2) *Construction of buildings other than public.* No buildings other than public will be erected or constructed on military reservations unless authority is granted by the Secretary of the Army under a revocable license in which the conditions for occupancy will be clearly set forth. Exceptions may be made with respect to unimportant or temporary structures such as are necessary and incident to the work of contractors on Government work, provided that such temporary buildings will be removed at the expiration of the permit. Construction outside the continental United States will conform to such instructions as may be issued by the Department of the Army from time to time. (R. S. 161; 5 U. S. C. 22)

§ 552.19 *Hunting and fishing permits.* All permits to hunt, catch, trap, or kill any kind of game animal, game or nongame bird, or to fish on a military reservation or the waters thereof will be issued by the commanding officer.

INSPECTION OF STEAM BOILERS

§ 552.21 *Inspection of steam boilers*—(a) *Boilers requiring inspection.* All steam boilers located at military installations will be inspected at least once a year, except (1) those which are operated at 15 pounds per square inch steam pressure or less, (2) those which are not in service, and (3) equipment tested at class I railroad shops and at Army railroad repair shops.

(b) *By whom inspected.* All Government-owned boilers located at military installation operated by private contractors and all privately-owned boilers located at military reservations will be inspected by recognized insurance companies or other agencies qualified for such work.

(c) *Responsibility for arranging inspections.* The commanding officer or officer in charge of the military installation at which boilers designated in paragraph (b) of this section are located will be responsible for requiring the owner or operator of such boilers to have inspections made at the proper time. The owner or operator will arrange with a recognized insurance company or with a boiler inspection agency specializing in such work, for necessary inspections, will bear the cost of such inspections, and will make such repairs as are recommended.

(d) *Reports of inspection.* The commanding officer or officer in charge of the military installation will obtain for his files from the owner or operator a copy of the report rendered by the inspecting agency and will require that steps be taken to correct all deficiencies. (R. S. 161; 5 U. S. C. 22)

PART 553—NATIONAL CEMETERIES

Sec.
553.1 Authority for establishment.
553.2 Control and supervision.
553.3 Records, custody.
553.4 Burials in national cemeteries.

AUTHORITY: §§ 553.1 to 553.4 issued under R. S. 161, 4870, 4878, 41 Stat. 552, 49 U. S. C. 339; 5 U. S. C. 22, 24 U. S. C. 271, 281.
DERIVATION: AR 30–1840, Oct. 9, 1947.

§ 553.1 *Authority for establishment.* National cemeteries are established under orders of the Secretary of the Army when empowered by act of Congress.

§ 553.2 *Control and supervision.* The direct control and supervision of national cemeteries are exercised by the army commander in whose area they are located, except those cemeteries which are specifically exempted. General supervision over all national cemeteries is a function of The Quartermaster General.

§ 553.3 *Records, custody.* The Quartermaster General is charged with the preservation of all records of national cemeteries. Historical records will be prepared and maintained for all national cemeteries, utilizing the same Quartermaster Corps forms as for historical records of posts and stations.

§ 553.4 *Burials in national cemeteries*—(a) *Eligibility.* Under the provisions of R. S. 4878, as amended by act April 15, 1920 (41 Stat. 552; 24 U. S. C. 281) and act June 13, 1935 (49 Stat. 339; 24 U. S. C. 281), the following persons are entitled to burial in a national cemetery:

(1) Those who served in the Federal forces of the United States either during peace or war and whose last discharge therefrom was honorable, including service in the:

(i) Army.
(ii) Navy.
(iii) Marine Corps.
(iv) Coast Guard.
(v) Coast and Geodetic Survey, who were transferred to and served with the Army or Navy by authority of the President.
(vi) Public Health Service, who were detailed for duty with and served with the Army or Navy by authority of the President.
(vii) Trainees under the act approved September 16, 1940.

(2) Any citizen of the United States who served in the army or navy of any government at war with Germany or Austria during the World War and who died while in such service or after honorable discharge therefrom, and who was a citizen of the United States at the time of such service.

(3) Persons dying in the District of Columbia or in the immediate vicinity thereof who served in the Confederate armies during the Civil War may be buried in the Confederate Section of Arlington National Cemetery as provided in paragraph (b) of this section.

(4) Any member of the Cabinet of the President of the United States at any time during the period between April 6, 1917, and November 11, 1918.

(b) *Evidence of right.* For those who were not in the service of the United States at the time of death, it is a prerequisite that they shall have been honorably discharged from the service. In all cases the last service of a decedent must have been honorable. The production of the honorable discharge covering the last service of a decedent will be sufficient authority for the superintendent of a national cemetery to permit interment. In cases where the honorable discharge cannot be produced or where there is a reasonable doubt as to eligibility for interment in a national cemetery, the superintendent will telegraph The Quartermaster General for verification of service and authorization for interment, furnishing all the information it is possible to obtain concerning the service of the decedent including the full name, organization, serial number, if any, and dates of service. In the case of citizens of the United States who served in the army or navy of any government at war with Germany or Austria, the superintendent will request evidence of citizenship at time of service, correct name of decedent, grade, and military organization in the army in which he served and will communicate with The Quartermaster General by telegraph for the necessary permit for burial. Pension certificates will not be accepted as authority upon which to authorize interment.

In the case of Confederate veterans, the certificate of Camp No. 171, United Confederate Veterans of the District of Columbia, that such persons are entitled to burial in Arlington National Cemetery, is required.

In the case of members of the President's Cabinet as indicated in paragraph (a) of this section, authority for interment will be requested of The Quartermaster General.

(c) *Interment of members of families.* (1) The wives of both officers and enlisted men may be buried with their husbands in a national cemetery. The wife may be interred prior to the death and burial of her husband provided the officer or enlisted man gives assurance that regardless of whether or not he remarries he will eventually be buried in the adjacent grave site reserved for the purpose. In those cemeteries where lots are assigned to an individual, the burial of his minor children and unmarried adult daughters (this includes daughters who have never married, widows, and divorcees) is permitted under the following conditions, provided there is room in the lot:

(i) That the fact of the interment shall be entered on the records of the cemetery, but the name shall not appear on any monument on the lot.

(ii) That the grave shall be marked, if so desired, at private expense, only with a footstone sunk flush with the ground, not exceeding 10 by 20 inches at the top, with a suitable identifying inscription and dates of birth and death.

(iii) That the written concurrence in the above conditions by the legal next of kin be forwarded to The Quartermaster General.

(2) No lots or grave sites will be assigned in advance of their actual requirement for burial purposes.

PART 554—ARMY EXCHANGES

Sec.
554.1 Purposes.
554.2 Establishment.
554.3 Legal status.
554.4 Exchange buildings and utilities.
554.5 Activities.
554.6 Army and Air Force Exchange Service.
554.7 Purchases.
554.8 Sales.
554.9 Personnel.
554.10 Enlisted employees.
554.12 Contracts.

AUTHORITY: §§ 554.1 to 554.12 issued under R. S. 161; 5 U. S. C. 22.
DERIVATION: AR 210–65, June 12, 1945.

§ 554.1 *Purposes.* Exchanges are established for the following purposes:

(a) To supply the persons to whom sales are authorized (§ 554.8) at reasonable prices with articles of necessity and convenience not supplied by the Government except as provided in § 554.5 (b) (5).

(b) To operate or manage all revenue-producing activities at a post other than:

(1) The quartermaster sales commissary or the quartermaster sales store.

(2) Department of the Army theaters.

(3) Minor or incidental revenue-producing activities conducted by welfare and sundry funds. This restriction does not preclude specific Department of the Army directive to the exchange to operate or manage any other food, drink, merchandise, or service facility.

(4) Revenue from communications services.

(5) Book departments at service schools.

(6) Post restaurants. (See Army Regulations.)

(7) "Yank" magazine and similar publications.

(8) Such other activities as the Department of the Army may direct.

(c) To provide or make available management or procurement service for all food or feeding facilities other than organized military messes or those supplied by the quartermaster.

(d) To make available from profits, subject to such limitations as are hereinafter prescribed, funds which may be used to afford to military personnel additional facilities for comfort, recreation, and amusement, and to contribute to activities which will foster and increase the physical and spiritual welfare of military personnel.

§ 554.2 *Establishment.* The establishment or operation as an independent civilian enterprise of any of the activities which an exchange is authorized to operate under the provisions of § 554.5 is prohibited, *Provided, however,* That nothing in this section shall be deemed to prohibit the operation of vending stands by blind persons in accordance with, and subject to the limitation of, the act of 20 June 1936 (49 Stat. 1559; 20 U. S. C. 107 et seq.). (R. S. 161; 5 U. S. C. 22)

§ 554.3 *Legal status.* The legal status, rights, and liabilities of Army exchanges, exchange funds, property and personnel, commanding officers, and exchange officers, and the rights as to litigation are determined by statute, the decisions of the Courts, the opinions of the Attorney General, and The Judge Advocate General of the Army. Subject to the foregoing and to the regulations in this part, the Chief of Army and Air Force Exchange Service is authorized to establish by interpretation the policy of the Department of the Army upon the subjects noted.

§ 554.4 *Exchange buildings and utilities.* Authority of the Secretary of the Army is required to permit the erection of temporary buildings on military reservations by private individuals or commercial concerns. This authority is not required for construction by exchanges, or when construction contracts between private individuals or commercial concerns and the exchange specify that immediately upon completion of the buildings, title thereto passes to the exchange.

§ 554.5 *Activities* — (a) *Authorized activities.* An exchange may consist of or include, when approved by the commanding officer, the following activities and facilities, and no other revenue-producing agency will engage in such activities or operate such facilities if there is an exchange at the installation:

(1) Main store.
(2) Branches.
(3) Warehouses.
(4) Soda fountain, including service clubs.
(5) Beer bar.
(6) Meat market.
(7) Vegetable and grocery market.
(8) Gasoline filling station.
(9) Automobile garage and service station.
(10) Restaurant or cafeteria, including cafeterias in service clubs.
(11) Barber shop.
(12) Beauty shop.
(13) Laundry.
(14) Watch repair shop.
(15) Radio repair shop.
(16) Tailor shop, including dry cleaning and pressing.
(17) Shoe repair shop.
(18) Photographic studio.
(19) Vending and amusement machines.
(20) Guest houses at posts, camps, stations, and installations, including general hospitals, subject to the following provisions:

(i) The guest house at a post other than a general hospital is designed to furnish overnight transient accommodations for immediate families, relatives, and friends of enlisted personnel. First priority to such accommodations will be allowed to the families, relatives, and friends visiting military personnel sick in the hospital.

(ii) The guest house at a general hospital is designed to furnish overnight transient accommodations to—

(*a*) The immediate families, relatives, and friends of military personnel sick in the hospital. Families, relatives, and friends of officers may stay at the guest house. Where demand for accommodations exceeds available rooms, preference will be given to the families, relatives, and friends of enlisted personnel.

(*b*) Military personnel or other dependents awaiting admission to the hospital or during periods of outpatient treatment.

(iii) Where space in excess of that required to fulfill the primary mission of the guest house as outlined in subdivisions (ii) (*a*) and (*b*) of this subparagraph is available, the post commander may:

(*a*) Authorize occupancy in the guest house by such other military and civilian personnel as he deems appropriate. In the case of military personnel, rental allowances must be adjusted accordingly as is the case in the occupation of all quarters furnished by the Government.

(*b*) Establish appropriate limits on the length of stay for all personnel in the guest house.

(iv) The guest house will initially be equipped with such equipment and supplies as are provided by T/A 20 (Equipment for Posts, Camps, and Stations).

(v) Maximum and minimum charges for the use of beds in guest houses will be determined by the Chief, Army and Air Force Exchange Service.

(vi) An identification register will be maintained in the guest house.

(21) Procurement of food supplies for resale to other agencies on an installation.

(22) Management, procurement or other services for other nonappropriated fund activities, as authorized by applicable directives.

(23) Recreation rooms, including billiard and pool tables, bowling alleys, and

equipment for other indoor games when not provided by other services.

(24) Taxicab and bus operation, subject to the following limitations:

(i) Unless strictly confined to military personnel and/or civilians employed or resident at a Department of the Army installation as passengers, an exchange is not authorized to operate a taxicab or bus transportation facility nor to compete in any manner with civilian enterprise in such activity.

(ii) The exchange may enter into a separate contract with any taxicab or bus company operating on the post, camp, station, or installation under a revocable license from the post commander, under which contract the exchange agrees to act as agent for such company for the sale of tickets entitling the holder to transportation.

(iii) The contract under subdivision (ii) of this subparagraph requires the approval of the commanding general of the army area.

(iv) For its service as such ticket agent the exchange may receive a legal commission. This will not exceed 10 percent of the sales price of such tickets, and no part of such commission will be rebated or allowed in any manner as a credit to the purchaser of such ticket.

(b) *Limitations on activities.* (1) Activities other than those enumerated in this section will not be added to the business of an exchange without obtaining approval of the Chief of Army and Air Force Exchange Service.

(2) Except at stations located outside the continental limits of the United States and subject to the provisions of § 554.6 (c), articles for sale will be limited to those articles of necessity and convenience as the commanding officer of the post, camp, station, or installation or the commanding general of the army area may determine desirable in view of local conditions.

(3) In all cases where the exchange acts as a collection agency for either a civilian activity or a concessionaire, its liability will be limited to that of an agent and it will not be bound to perform any part of the customer's contract either by the payment of money or otherwise.

(4) Exchanges may sell supplies obtained from quartermaster stores at cost price plus overhead cost fixed by the Secretary of the Army.

(5) The sale to enlisted personnel of regulation trousers, shirts, caps, belts, ties, shoes, socks, dresses, skirts, underwear, insignia, including cloth insignia such as chevrons, shoulder, sleeve, and other patch type of insignia, is authorized.

(6) The operation of any gambling device, such as punch boards, slot machines, etc., by or in any exchange or exchange activity is prohibited.

(7) The sale of or dealing in beer, wine, or any other intoxicating liquors by any person in any exchange or upon any premises used for military purposes by the United States is prohibited. Beer with an alcoholic content of not more than 3.2 percent in weight is considered nonintoxicating. (See § 554.12 (g).)

(c) *Concessions.* (1) So far as is practicable all of the authorized activities of the exchange will be conducted by the exchange.

(2) Subject to the provisions of subparagraphs (3) and (4) of this paragraph, and when unusual conditions warrant, concessions may be granted by the exchange officer with the consent of the commanding officer only for the conduct of activities indicated in paragraph (a) (6) to (18), inclusive, of this section.

(3) Concessions will not be granted private individuals, firms, or corporations to operate any of the activities of the type listed in subparagraph (2) of this paragraph without the approval of the commanding general of the army area, and if the furniture, fixtures, and equipment necessary to operate any such activity are owned by the exchange, in the absence of extenuating circumstances, such approval will not be given.

(4) A concession contract will be approved only when it embodies the express provision that the concessionaire assumes complete liability for all local taxes applicable to the property, income, and transactions of the concessionaire.

§ 554.6 *Army and Air Force Exchange Service.* (a) The Army and Air Force Exchange Service has jurisdiction over and provides staff supervision of the operation of all Army exchanges, and consists of such officers, enlisted men, and civilian personnel as are necessary.

(b) This service will have jurisdiction over, and will be extended to, all exchanges of the Army through appropriate personnel on the staffs of commanding generals of service commands and commanding officers of posts, camps, station, and installations, at whose directions exchanges have been established.

(c) With reference to all Army exchanges, the Army and Air Force Exchange Service is charged with:

(1) Developing policies, plans, and procedures for and supervising the installation and operation of:

(i) A uniform and coordinated system of operating procedures, merchandising methods, including the determination of permitted types of merchandise, pricing policies, and procedures for the safeguarding of exchange funds and property.

(ii) Personnel policies and procedures, to include insurance plans, in-service training programs, and the training of exchange officers.

(iii) Accounting and auditing methods and procedures.

(iv) Minimum and maximum percentages of gross profits, operating expenses, and net profits.

(v) The determination of financial policy, including the regulation of dividends and similar matters pertaining thereto, subject to Department of the Army direction.

(vi) Establishment of fees to be paid by exchanges to the Army exchange fund.

(vii) Determination of type of equipment and fixtures to be used by exchanges.

(viii) The determination of policy in connection with the procurement of food and supplies, and the management and operation of food installations as principal or as agent for the respective principals in accordance with Department of the Army directives.

(2) Performing the following functions:

(i) Providing and prescribing the use of purchasing and fiscal services.

(ii) Obtaining price agreements from manufacturers and distributors on items purchased by exchanges, and prescribing the use of such price agreements.

(iii) Establishing and controlling the administration of the Army exchange fund, including the authority to:

(*a*) Open bank accounts.

(*b*) Make grants or lend monies from such fund to authorized activities subject to Department of the Army direction.

(*c*) Establish such reserves as may be necessary from time to time to assure the liquidation of obligations not only of the Army exchange fund, but also of obligations of Army exchanges.

(*d*) Receive, investigate, and pay from Army exchange fund claims of creditors of exchanges lost through enemy action, preserving records of such payments for presentation as claims before a claims commission, indemnity commission, or similar body which may hereafter be constituted. Any such amounts received from such commission or similar body shall be used to reimburse Army exchange fund.

(iv) Negotiating for and providing funds to be loaned to exchanges under such regulations as the Chief of Army and Air Force Exchange Service may prescribe.

(3) Transmitting to exchange officers and personnel in an appropriate manner necessary information as to all activities within the scope of the foregoing duties and functions.

(4) Exercising an advisory and policy-making function for the Department of the Army in all other matters within the scope of the foregoing duties and functions.

(5) Contracts with concessionaires will provide:

(i) For the payment of commissions to the exchange at the rate of 10 per centum of gross concession sales, except that the army commander or, in the case of class III installations, the officer-in-charge of the appropriate Army and Air Force Exchange Service regional office may authorize the execution of a concession contract providing for payment of commissions at a higher rate, or at a lower rate where it is determined by the exchange officer, with the approval of the commanding officer, that a concession contract requiring the payment of the 10 per centum commission is not feasible in the case of an activity which cannot practicably be conducted by the exchange itself.

(ii) That post authorities will retain supervision over the activities and control of prices to be charged.

(iii) That the concessionaire will carry adequate insurance in accordance with policies established by the Chief of the Army and Air Force Exchange Service.

(6) Contracts with concessionaires will neither state nor imply that any rental is to be charged for occupancy of space in buildings or for the use of utilities or facilities on a military reservation except as provided in Army Regulations.

(7) When concessionaires occupy real estate not under control of the exchange, a license or lease is required (see Army Regulations).

(8) A concessionaire is in no sense an agent of the exchange and will not be permitted to represent himself as such to the public by the use of the words "----------Exchange" on letter or bill heads, signs or in any manner.

(9) The limitations imposed upon sales by exchanges apply equally to exchange concessionaires.

(10) A standard form concession contract as approved by the Chief, Army and Air Force Exchange Service will be executed between the exchange and the concessionaire in each instance.

(d) *Vending and amusement machines.* (1) Vending and amusement machines at Department of the Army installations will be procured and operated only by the exchange except in the case of officers' clubs, aviation cadet clubs, noncommissioned officers' clubs or other voluntary associations of military or civilian personnel.

(2) Vending and amusement machines may be installed by:

(i) Outright purchase for cash, or installment contract.

(ii) Rental purchase.

(iii) Loan.

(iv) Rental.

§ 554.7 *Purchases*—(a) *For exchange.* (1) Except as authorized in subdivisions (i) and (ii) of this subparagraph all purchases of merchandise or other property will be made by the exchange officer who will notify all vendors on the purchase order, or by other appropriate means, that the contract is made with the exchange and not with the United States Government.

(i) The exchange officer may delegate to a commissioned assistant or an appropriate civilian employee of the exchange the authority to make routine purchases during a period of his absence.

(ii) In large exchanges maintaining a purchasing department and stock control system, routine replacement of lines of merchandise handled in the exchange may be made by the head of the purchasing department from a list of dealers authorized by the exchange officer.

(2) The exchange officer will, in all cases, be responsible for the purchase made by any subordinate as authorized in subparagraph (1) (i) and (ii) of this paragraph.

(3) Purchases made verbally by the exchange officer, or as provided in subparagraph (1) (i) and (ii) of this paragraph, will be confirmed by written purchase order immediately thereafter.

(4) Inventories will be held to a reasonable minimum.

(5) Purchases at prices in excess of those published in Army and Air Force Exchange Service price agreements (§ 554.6 (c)) are not authorized except to supply immediate needs of exchanges or in emergencies due to lost or delayed shipments or other like circumstances, or when procurement, delivery, or service considerations render it to the interest of the exchange to purchase from local distributors.

(6) (i) All purchases within the continental limits of the United States by exchanges located outside the continental limits of the United States will be made through Army and Air Force Exchange Service.

(ii) Commercial and financial transactions of any type within the United States by exchanges located outside the continental limits of the United States will be conducted only through Army and Air Force Exchange Service in accordance with provisions prescribed by the Chief of Army and Air Force Exchange Service.

(b) *For concessionaires.* The purchase by the exchange of material needed by concessionaires in the operation of their concessions is permitted only after all taxes involved, if any, have been advanced by the concessionaire and when such material is not to be resold.

(c) No merchandise will be held on consignment or to be paid for by exchanges when sold. The provisions of this paragraph will not be construed as prohibiting the established business practice of making an agreement, at the time of purchase, for the return to the vendor for credit of unsold seasonable merchandise at a specific time.

§ 554.8 *Sales*—(a) *To whom made.* Exchanges are authorized to sell to the following-named persons, organizations and funds only:

(1) Personnel and organizations now or hereafter authorized by law and regulation to purchase subsistence stores or other quartermaster supplies as defined in paragraphs 2 and 6, AR 30-2290,[1] may purchase at exchanges. Dependent members of the families of persons so authorized may act as agents for such persons upon proper identification.

(2) Civilians as follows:

(i) Civilians who are resident at Department of the Army installations may purchase at the exchange.

(ii) Civilians who are employed at a Department of the Army installation but not resident thereon may purchase, for their own consumption on the post, items of food, drink, and tobacco products but no other merchandise of any kind.

(iii) The family, friends, and visitors of military personnel may purchase at service club cafeterias operated by exchanges for their own consumption while on the post items of food, drink, and tobacco products.

(iv) Civilian exchange employees subject to limitations imposed by the Chief, Army and Air Force Exchange Service.

(3) Sales to the Government by exchanges are authorized only in cases where the same class of service cannot be conveniently or reasonably obtained elsewhere and where a direct advantage will accrue to the Government from the method resorted to. In no case will an exchange or concessionaire bidding as such be permitted to enter into public competition or to submit bids in response to advertisements calling for proposals for furnishing supplies or services. When accounts are submitted for sales of the kind described, the vouchers will contain a full statement of the grounds upon which the sale of supplies or services was based and will fully set forth all the circumstances of the transaction with a view to enabling the proper agencies of the United States Government to determine whether such purchase was in the public interest.

(b) *Resale.* (1) The resale by military or civilian personnel of merchandise purchased in an Army exchange is prohibited.

(2) The privilege of purchasing at Army exchanges may be denied completely by post commanders to any civilian who resells merchandise purchased at any Army exchange. The receipt of money or any other article of value in exchange for such merchandise will be deemed to be a resale.

(3) Nothing herein contained will be construed to prohibit military personnel from receiving actual reimbursement without profit for merchandise purchased at an exchange as a matter of economy, convenience, or necessity as agent for other members of the military forces.

§ 554.9 *Personnel*—(a) *General.* (1) So far as practicable, exchanges will be operated by civilian employees, with Army officers in executive control.

(2) Great care will be exercised in the selection of personnel in order that an efficient and permanent body of civilian employees may be developed.

(b) The staff of an exchange will consist of an exchange officer, such assistant exchange officers, and civilian employees, together with such enlisted personnel as are authorized in § 554.10.

§ 554.10 *Enlisted employees.* (a) The commanding officer of the post, camp, station, or installation may, subject to pertinent Department of the Army directives authorize the use of enlisted personnel in exchanges.

(b) Employment of enlisted personnel on a voluntary basis, during off duty hours in connection with Army exchange activities is authorized, provided such employment does not impair or diminish the efficiency in performance of assigned military duties. Compensation will be made at fair and reasonable rates established by the Chief, Army Exchange Service, or in the absence thereof by the commanding officer, or council. Such additional compensation will not exceed $75 per month.

(c) Position responsibility of enlisted employees will be as prescribed for civilian personnel.

(d) The commanding officer of tactical troops not located on military reservations is authorized to use enlisted men in the operation of the exchange.

§ 554.12 *Contracts.* (a) Under the provision of the regulations in this part, the exchange officer is the contracting officer for the exchange, and he is authorized to execute contracts obligating the exchange.

(b) All contracts and agreements to which exchanges are parties will contain when applicable the statement that such contracts will be terminated when an exchange is liquidated or for other reasons at the option of the exchange.

(c) Contracts on behalf of an exchange will not cover periods of more

[1] Administrative regulations of the War Department relative to sale of supplies and services.

than 1 year without the approval of the commanding general of the army area.

(d) Proposed concession contracts will be submitted to the commanding general of the army area for approval, as provided in § 554.5 (c).

(e) All contracts involving future performance will be reduced to writing, signed by the contracting parties, and filed in the records of the exchange.

(f) All contracts that involve the use of Government property not under the control of the exchange will be submitted to the commanding general of the army area for approval.

(g) Contracts involving the sale of 3.2 percent beer entered into in connection with the provisions of § 554.5 (b) (7) will, without exception, be accompanied by affidavit of the manufacturer and distributor of such beer certifying that the alcoholic content of such product does not exceed that permitted by § 554.5 (b) (7).

(h) (1) Exchange contracts are solely the obligation of the exchange. They are not Government contracts and the distinction between exchange contracts and Government contracts will be observed and clearly indicated at all times.

(2) Contracts for the erection of temporary exchange buildings will contain a statement that the proposed construction is an exchange transaction and that the exchange alone is responsible for the debt, and not the Government.

(i) When applicable, contracts for the erection of temporary buildings will contain a statement that immediately upon completion of the building, title thereto passes to the exchange. See § 554.4.

(j) Notwithstanding the provisions of paragraph (a) of this section, whenever an exchange outside the continental limits of the United States makes purchases within the United States as provided in § 554.7 (a) (6) the fiscal agent appointed for such exchange is, within the scope of the assigned duties under such appointment, the contracting officer for the said exchange in limitation of the functions of the commanding officer and the exchange officer as set forth in paragraph (a) of this section.

PART 555—MOTION PICTURE SERVICE

Sec.

555.1 Scope.
555.2 Definition.
555.3 Army and Air Force Motion Picture Service.
555.4 Regional offices of the Army and Air Force Motion Picture Service.
555.5 Command responsibility.
555.6 Films.
555.7 Theater buildings and utilities.
555.8 Admission charge.
555.9 Patronage eligibility.
555.10 Employment of theater personnel.

AUTHORITY: §§ 555.1 to 555.10, issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 210-390, Dec. 6, 1946.

§ 555.1 *Scope.* This part will govern the operation of the Army and Air Force Motion Picture Service and Army theaters established for the exhibition of entertainment motion pictures at military installations within the continental limits of the United States, Alaska, Newfoundland, Bermuda, and specified bases in Canada and the Azores.

§ 555.2 *Definitions.* (a) An Army theater as an adjunct of the Army, exhibits commercial entertainment motion pictures at an admission charge to specified persons and is financed by nonappropriated funds.

(b) Army theaters are operated by the installation commanders under the supervision of the appropriate army and air force commanders and the Army and Air Force Motion Picture Service, Office, Chief of Special Services, as set forth in §§ 555.3 and 555.5.

(c) Where the term "installation" is used in this part it will be construed to mean posts, camps, stations, air bases, depots, airfields, or any similar Army establishment.

(d) Regional and branch offices of the Army and Air Force Motion Picture Service are class II installations reporting direct to the Chief of Special Services, Department of the Army, on all matters. The commanders listed in § 555.5 have no responsibilities in connection with the operation of these regional offices.

§ 555.3 *Army and Air Force Motion Picture Service.* (a) The purposes of the Army and Air Force Motion Picture Service are as follows:

(1) To make available to authorized personnel entertainment motion pictures at low cost in the areas prescribed in § 555.1.

(2) To provide dividends to profitable posts, to maintain service at nonprofitable theaters and to procure necessary facilities and equipment for the general improvement of the service.

(b) The Army and Air Force Motion Picture Service is an adjunct of the Army operated by the Department of the Army as a nonappropriated fund activity under the Chief of Special Services, Department of the Army. This service provides supervision as hereinafter defined in the operation of Army theaters.

(c) Such regional and branch offices as may be necessary for efficient operation, and the engineering depot will be maintained, reporting direct to the Chief of Special Services.

(d) (1) The Army and Air Force Motion Picture Service will carry adequate insurance of the kinds and on such plans and forms as may be prescribed from time to time by the Chief of Special Services, in conformity with policies established by the Chief of Finance. Theater officers, assistant theater officers, and theater employees will be bonded under a blanket position bond and theater funds insured as described in TM 28-405, Operation of the Army Theater: Army Motion Picture Service.

(2) Theater officers, assistant theater officers, and theater employees will be bonded under a blanket position bond as described in TM 28-405, November 1, 1945, Operation of the Army Theater: Army Motion Picture Service.

§ 555.4 *Regional offices of the Army and Air Force Motion Picture Service.* The regional offices will perform functions pertaining to the booking and circuiting of entertainment films, the procuring and distributing of advertising material, and such additional functions as may be delegated by the Chief of Special Services from time to time.

§ 555.5 *Command responsibility.* The following will exercise command responsibilities in the supervision of the entertainment motion picture service at Army theaters, and all policy matters will be channeled through them for such action or recommendation as may be appropriate:

(a) Army commanders (ZI).

(b) Commanding generals of the major air force commands in the United States.

(c) Commanding general, Military District of Washington.

§ 555.6 *Films*—(a) *Supply.* (1) All entertainment motion pictures for exhibition at installations in the area prescribed in § 555.1 will be secured from the Army and Air Force Motion Picture Service with the following exceptions:

(i) American Red Cross service for patients in hospitals.

(ii) 16-mm entertainment motion pictures will not ordinarily be shown at installations where Army theaters are operated. Any unusual conditions that would appear to justify a departure from this policy will be communicated through the appropriate command channels to the Chief of Special Services for approval.

(2) Organization day programs and special children's matinees may be held in accordance with policies established by the Chief, Army and Air Force Motion Picture Service.

(b) *Selection.* The product of all producers is available for Army theaters and selections thereof are made by the Chief, Army and Air Force Motion Picture Service, based on quality as determined primarily by past experience gained from study of audience reactions, attendance reports, and comments of individual post commanders.

(c) *Suitability.* If the post commander objects to the showing of any motion picture scheduled by the Army and Air Force Motion Picture Service, a substitute booking will be arranged, provided that adequate prior notice is transmitted to the appropriate regional office of the Army and Air Force Motion Picture Service.

(d) *Exhibition.* (1) Entertainment motion picture programs furnished by the Army and Air Force Motion Picture Service will be shown only at the Army theater upon the dates contracted for by the Army and Air Force Motion Picture Service as shown on the station notification form. No portion of a scheduled motion picture program may be shown to an audience at other than authorized performances. The program will consist only of such subjects as are scheduled by the Army and Air Force Motion Picture Service.

(2) The sound and projection equipment will be used only for approved performances of entertainment motion picture films booked by the Army and Air Force Motion Picture Service; and for the exhibition of training films or educational films dealing with subjects applicable to the training of military personnel.

(3) The screens and equipment of Army theaters will not be used during paid performances of entertainment motion picture programs for the showing of films or slides advertising commercial products or services.

§ 555.7 *Theater buildings and utilities.* (a) The showing of all films supplied by the Army and Air Force Motion Picture Service will be in a properly equipped building, which for purposes of exhibiting 35-mm entertainment motion pictures will be known as the Army theater.

(b) Theater buildings are availble for substitute entertainment in accordance with policies established by the Chief, Army and Air Force Motion Picture Service. Such buildings are available at any time for military purposes without regard to previously arranged motion picture schedules.

(c) At posts where theater buildings have not been constructed, the commanding officer may designate for use, as a theater, any public building which may be determined by the commanding general of the army area, subject to the approval of the Chief, Army and Air Force Motion Picture Service, to be suitable for the proper presentation of 35-mm sound motion pictures.

(d) Theater buildings and their utilities will be maintained by the post engineer out of funds applicable to the maintenance of buildings and operation of utilities except as provided in paragraph (e) of this section.

(e) Fuel, water, and electric services in sufficient quantities to satisfy normal needs for lighting, heating, cooling, ventilation, drinking, and sanitation will be supplied at Government expense to theater buildings, except as specifically provided in TM 28-405 (Operation of the Army Theater) with reference to the use of electricity.

§ 555.8 *Admission charge.* Effective January 1, 1948, the charge for admission will be 20 cents for adults and 15 cents for children under 12 years of age. Children 12 years and over will be charged the adult admission rate. These admission rates are exclusive of admission tax. If considered advisable by the commanding officer, and the seating capacity of the theater permits, children under 6 years of age may be admitted free of charge.

§ 555.9 *Patronage eligibility.* Admission to motion picture shows will be restricted as follows:

(a) Military personnel on active duty may attend any Army theater. Such military personnel when not in uniform will present appropriate identification.

(b) Members of the households of military personnel on active duty may attend showing at Army theaters located at the installations to which the military personnel are assigned although not in the company of such military personnel, provided proper identification is presented.

(c) Members of the households of military personnel on active duty may attend showings at Army theaters located at installations other than that to which the military personnel are assigned, but only when in the company of such military personnel and provided proper identification is presented.

(d) Civilians residing within the limits of Army installations may attend showings at Army theaters at the installation where they reside provided proper identification is presented.

§ 555.10 *Employment of theater personnel.* (a) Employment of enlisted personnel on a voluntary basis, during off-duty hours, in connection with Army theater activities is authorized, provided such employment does not impair or diminish the efficiency in performance of assigned military duties. The number and names of the positions and the maximum rates of pay that may be paid employees of Army theaters will be as designated by the Army and Air Force Motion Picture Service, Office of the Chief of Special Services. Such compensation will not exceed $75 per month.

(b) All authorized Army theater positions will be part time, and compensation therefor in the case of assistant managers, chief projectionists, assistant projectionists, assistant manager-cashiers, cashiers, ticket takers, and ushers will be on a performance basis. In the case of janitors, supervising assistant managers, and projection supervisors, compensation will be at a flat rate per show day.

PART 557—SERVICE CLUBS, HOSTESSES AND LIBRARIANS

Sec.

557.1 Definitions.
557.2 Activities.
557.3 Gambling.
557.4 Vending and amusement machines.
557.5 Purpose.
557.6 Supervision.
557.7 Library service.
557.8 Appointment of hostesses and librarians.
557.9 Army or Air Forces command personnel.
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557.12 General duties.
557.13 Qualifications.
557.14 Quarters.

AUTHORITY: §§ 557.1 to 557.14 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 210-70, Dec. 21, 1945.

§ 557.1 *Definitions.* (a) The term "service club" as used in the regulations in this part refers to the structure at an installation housing the service club and may include a library, cafeteria, soda fountain, guest house, or other facilities devoted to recreational or welfare activities.

(b) The term "library" as used in the regulations in this part refers to collections of books, periodicals, and reading materials under the supervision of a librarian. Libraries are authorized either as parts of a service club or independently. Library service will include selection, classification, cataloging, charging out and receipt, and repair of library books and reading materials.

§ 557.2 *Activities*— (a) *Recreational.* Service club recreational activities at an installation will be under the control of the commanding officer who may prescribe such rules, within these regulations and within the policies prescribed by the Chief of Special Services, as are necessary to insure the efficient operation of such activities and to protect the property employed.

§ 557.3 *Gambling.* No gambling or the use of any device which savors of gambling, such as punchboards, slot machines, etc., will be permitted within or about the service club or any of its facilities.

§ 557.4 *Vending and amusement machines.* Automatic or mechanical vending or amusement machines may be installed in any service club with the approval of the post commander. All such machines will be operated and controlled by the Army exchange in accordance with the provisions of Part 554 of this chapter. All earnings from the operation of such machines will constitute income of the Army exchange.

§ 557.5 *Purpose.* (a) Service clubs are intended to provide recreation and social activities and the best features of club life for enlisted personnel, members of their families, and friends. All persons using facilities of the service club will comply with the rules and regulations of the club. A cafeteria may be provided as one of the facilities of the service club at which military personnel and their families, friends, visitors, and civilians employed or resident at an installation may obtain meals at reasonable prices. The cafeteria will be operated by the Army exchange.

(b) Where there is a guest house, the director or a hostess will insure the comfort of guests with due regard for the managerial responsibility of the Army exchange which is actually operating the guest house.

(c) Service clubs will in no way supersede company day rooms or Army exchanges.

§ 557.6 *Supervision.* The service club at a post is the responsibility of the post commander and will be operated by a director or hostess under the supervision of the post special services officer with the following exceptions:

(a) Revenue-producing activities will be operated and supervised by the post Army exchange officer.

(b) Libraries will be operated by the post librarian under the supervision of the post special services officer.

§ 557.7 *Library service.* Libraries will be maintained for the benefit of camp personnel. The librarian will be in charge of the library and its activities.

§ 557.8 *Appointment of hostesses and librarians.* (a) Hostesses, librarians, and assistant librarians paid from appropriated funds are appointed by the commanding generals of army areas and at class III installations by the commanding general of the appropriate Air Force command under paragraph 13, section IV, Schedule A, Civil Service Rules and Regulations. (5 CFR, 50.4 (m).) Under the provisions of Schedule A, such employees acquire no civil service status, are not selected from civil service registers, and may be separated from this service because of reductions in personnel, or because of insufficient qualifications. The rules and regulations pertaining to leave of absence, sickness, hospitalization, allowances, travel, and methods of payment which apply to civilians in the classified civil service will apply to such employees.

(b) Commanding generals of army areas will take final action on all personnel transactions involving personnel paid from appropriated funds at class

I and II installations, and the commanding general of the appropriate Air Force command will take final action with respect to such personnel at class III installations. Upon assignment to duty all pertinent personnel papers will be processed in accordance with existing Department of the Army policies.

(c) Hostesses, librarians, and assistant librarians paid from nonappropriated funds are appointed by post commanders in accordance with the provisions of Army Regulations.

§ 557.9 *Army or Air Force command personnel*—(a) *Librarians.* Librarians may be appointed by commanding generals of army areas and assigned to duty for the purpose of supervising library personnel and the operation of libraries at class I and II installations. Librarians may similarly be appointed by the commanding general of the appropriate Air Force command to exercise similar supervision over library personnel and the operation of libraries at class III installations.

(b) *Hostesses.* Hostesses may be appointed by commanding generals of army areas within the current availability of funds and assigned to duty for the purpose of supervising service club personnel and the operation of service clubs exclusive of library and major revenue-producing activities at class I and II installations.

§ 557.10 *Service club and library employees.* The personnel listed below may be employed in service clubs and libraries and paid from appropriated funds to the extent available.

(a) *Type SC–3 and SER–D–M service clubs.* One director, one recreational and social hostess, a librarian, and two assistant librarians.

(b) *Type SC–4 and SER–C–M service clubs.* One director capable of handling recreation, a librarian, and an assistant librarian.

(c) *Type OM–1 service club.* Two recreational and social hostesses.

(d) *Other type service clubs.* Personnel may be allocated to such service clubs at class I and II installations by commanding generals of army areas, and at class III installations by the commanding general of the appropriate Air Force command, not to exceed one hostess (recreational and social), one librarian, and one assistant librarian.

(e) *Libraries separately housed.* One or more librarians and assistant librarians if authorized.

§ 557.11 *Post librarians and assistant librarians.* (a) Librarians, assistant librarians, and other library assistants may be employed at a post upon the authority of the post commander if payment for such service is to be made from nonappropriated funds in accordance with Army Regulations.

(b) If payment of a civilian librarian and assistant librarians to conduct library service at a class I or II installation is to be made from appropriated funds, such employment will be subject to approval of the commanding general of the army area in accordance with limitations prescribed from time to time by the Chief of Special Services. At class III installations such employment will be subject to the approval of the commanding general of the appropriate Air Force command in accordance with the limitations prescribed by the Chief of Staff, U. S. Air Force. Unless specific approval is obtained from the Chief of Special Services or the Chief of Staff, U. S. Air Force, librarians and assistant librarians to be paid from appropriated funds may not be employed except as follows:

(1) At named general, regional, convalescent, or station hospital units having 1,000 or more beds, one librarian, and one assistant librarian, with one additional assistant librarian for each additional 750 beds.

(2) At posts, camps, and stations with a military strength of 2,500 to 7,500, one librarian and one assistant librarian, with one additional librarian, or assistant librarian for each additional 7,500 enlisted personnel.

§ 557.12 *General duties*—(a) *Army or Air Force command librarian.* (1) Under the direction of commanding generals of armies or the commanding general of the appropriate Air Force command, to supervise all library service within the command, and to formulate plans and policies for all librarians therein.

(2) Advise appropriate officers in the selection of librarians.

(3) Coordinate the instruction of personnel assigned to libraries in the command in modern methods of library procedure, and coordinate the classification and cataloging of all book collections in the command.

(4) Recommend books for and supervise traveling libraries within the command.

(5) Visit all installations within the command and assist in making library service more efficient.

(b) *Army hostess.* (1) Under the direction of commanding generals of army areas, to assist special services officers in the supervision of all service clubs exclusive of library and major revenue-producing activities within the command, and to formulate plans and policies for all hostesses therein.

(2) Advise appropriate officers in the selection of hostesses.

(3) Coordinate the instruction of personnel assigned to service clubs.

(4) Advise service club hostesses within the command on the best methods of carrying out a well-rounded program of social and welfare activities.

(5) Recommend best methods of providing for the physical upkeep of the service clubs within the command.

(6) Visit all installations within the command and assist in making service club operation more efficient.

(c) *Post librarian.* (1) Supervise the library, operate the library service, including the circulation of reading materials to hospitals and barrack areas by means of branch libraries, deposit collections, and bookmobiles, and when necessary interpret and assist in the use of books whether for recreation or study.

(2) Assist military personnel who are enrolled in courses given by or under the direction of the United States Armed Forces Institute to obtain required books, texts, and reference material.

(3) Recommend selection of cultural, recreational, and informational books, pamphlets, magazines, and newspapers.

(d) *Assistant librarian.* (1) Assist the librarian as required in book selection, ordering and requisitioning of reading materials, record keeping, shelf arrangement of reading materials, classification and cataloging, circulation, publicity, bibliographical and reference work and ward service (in hospitals).

(2) Operate branch libraries under the supervision of the librarian.

(e) *Director or hostess in charge of service club.* (1) Supervise the service club facilities and activities, except the technical operation of the library and of revenue-producing activities operated by the Army exchange.

(2) Assist the post special services officer to plan a well-rounded program of social and welfare activities to be coordinated with and supplementary to the other recreational activities of the post, camp, or station.

(3) Develop relations with nearby communities in order to use the resources of such communities for the benefit of the service club facilities.

(4) Supervise and direct the activities of the recreational and social hostess of the service club; make provision for the case of women, and children while visiting camp, including the maintenance of an up-to-date list of accommodations available in nearby communities.

(5) Employ domestic housekeeping and janitor personnel where needed except in the case of revenue-producing activities operated by the Army exchange.

(6) Provide an information service covering all entertainment, recreational, educational, religious, social, and related events available on the military reservation and in nearby communities.

(f) *Recreational and social hostess.* (1) Assist the director of the service club and perform such duties as the director assigns to her.

(2) Plan and execute the service club recreational and social activities which will be broad in scope and interesting to the enlisted military personnel.

§ 557.13 *Qualifications*—(a) *Army librarian.* (1) United States citizenship.

(2) Graduate of a college or university of recognized standing and from an accredited library school.

(3) Five years' professional experience, including 1 year thereof in an administrative capacity.

(4) Professional knowledge of reference and bibliographical sources and professional ability in library science and organization.

(5) Age at selection: (i) Minimum: 30 years.

(ii) Maximum: 50 years.

(6) Sex: Male or female.

(b) *Army hostess.* (1) United States citizenship.

(2) Graduate of a college or university of recognized standing, or 2 years of college education and demonstrated ability to direct supervision of service clubs by having served in an excellent manner as club director.

(3) At least 5 years' experience in adult group and mass recreational activities, 2 years of which has been in an executive or managerial capacity.

(4) Experience in nursing, business administration, dramatics, music, and social welfare will be considered as an asset but is not required as a minimum requirement.

(5) Age at selection: (i) Minimum: 30 years.

(ii) Maximum: 45 years.

(6) Sex: Female.

(c) *Post librarian.* (1) United States citizenship.

(2) Graduate of a college or university of recognized standing, and from an accredited library school.

(3) One year's experience, other than clerical, in library work.

(4) Capacity for development in professional library work in libraries where reading for educational and recreational purposes is stressed.

(5) A good knowledge of a wide range of literature, and the ability to fit book to reader is desired, but not required as a minimum requirement.

(6) Age at selection: (i) Minimum: 25 years.

(ii) Maximum: 40 years.

(7) Sex: Female.

(d) *Assistant librarian.* (1) United States citizenship.

(2) Graduate of an accredited library school; or graduate of a college or university of recognized standing with 1 year's experience in library work.

(3) Age at selection: (i) Minimum: 20 years.

(ii) Maximum: 40 years.

(e) *Director of service club.* (1) United States citizenship.

(2) Graduate of a college of recognized standing or 2 years of college education and demonstrated ability to direct a service club by having served in an excellent manner as junior hostess.

(3) At least 5 years' experience in adult group and mass recreational activities, 2 years of which in an executive or managerial capacity.

(4) Experience in nursing, business administration, dramatics, music, social and welfare work will be considered an asset but is not required as a minimum requirement.

(5) Age at selection: (i) Minimum: 30 years.

(ii) Maximum: 45 years.

(6) Sex: Female.

(f) *Recreational and social hostess.* (1) United States citizenship.

(2) A minimum of 2 years in a college or a university of recognized standing.

(3) At least 3 years' experience in planning and directing social and recreational activities in or with educational, recreational, or similar organizations.

(4) Preference will be given to those with training in recreation, either as an undergraduate or in a recognized graduate school.

(5) Skill in handling group and mass recreational activities.

(6) Experience in business administration and in a wide variety of recreational activities is desirable but not required as a minimum requirement.

(7) Age at selection: (i) Minimum: 25 years.

(ii) Maximum: 40 years.

(8) Sex: Female.

(g) *Age restrictions.* With the exceptions noted in paragraph (h) of this section, no Army or Air Force librarian will remain on duty after having reached the age of 55; and no director of service clubs will remain on duty after having reached the age of 50; and no recreational and social hostess or post librarian will remain on duty after having reached the age of 45. All personnel now on duty, who at the effective date of this part, have passed the foregoing prescribed age of severance will be separated from the service. Personnel now on duty whose qualifications are less than the minimum qualifications required by this part may be separated from the service at the discretion of the commanding general concerned.

(h) *Exceptions in qualifications.* The commanding general of an Army or Air Force command is authorized to make exceptions in these qualifications, other than citizenship and professional qualifications at selection, when individuals possessing all other desired qualifications are not available and the interests of the service will best be served by the appointment or continued employment of an individual who can satisfactorily perform the duties involved.

§ 557.14 *Quarters.* (a) Where guest houses exist, quarters for the hostesses and librarians other than Army librarians may, where practicable, be provided therein.

(b) Quarters for hostesses and librarians will conform to Department of the Army regulations.

(c) Charges for quarters furnished hostesses and librarians in guest houses operated by the Army and Air Force Exchange Service will be paid by the occupants in cash rather than by pay roll deductions. Rates will be comparable with those specified in civilian personnel regulations for nonhousekeeping quarters. The provisions of civilian personnel regulations providing for payment for Government-furnished quarters by pay roll deduction will govern when hostesses and librarians are furnished such quarters other than in guest houses operated by the Army and Air Force Exchange Service.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9117; Filed, Oct. 14, 1948; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of Interior

PART 406—REDELEGATIONS OF AUTHORITY BY COMMISSIONER OF RECLAMATION

BOULDER CANYON PROJECT

The following section is added to Title 43, Part 406:

REGION III

§ 406.300 *Boulder Canyon project.* With respect to the sale and lease of certain houses, apartments, and lands in Boulder City, Nevada, as authorized by the act of May 25, 1948 (Public Law 553, 80th Cong.), and pursuant to the powers delegated to the Commissioner of Reclamation in § 4.414 of this title, the Director of Power, Boulder Canyon project, shall:

(a) *Sale of houses.* Sell each house, including the furniture, fixtures and appurtenances, acquired from the Defense Homes Corporation by contract dated June 18, 1947, and situated on land in Boulder City, Nevada, to qualified lessee occupants, at a price for each house not to exceed the amount at which the house was carried on the books of the Defense Homes Corporation at the date of transfer to the Secretary: *Provided*, That the difference between the rental paid by each purchaser, for the period beginning July 1, 1948, and ending on the date of sale, and the rental that would have been paid for such period if such purchaser had been ineligible to purchase under the provisions of the act of May 25, 1948 (Public Law 553, 80th Cong.) shall be credited as payment by each such purchaser on account of the purchase price.

(b) *Lease of lands.* Lease the reserve lands of the United States situated within the exterior boundaries of Boulder City, Nevada, including the lands upon which the houses so sold are situated, in accordance with the provisions set out under the heading "Boulder Canyon Project" in the Interior Department Appropriation Act, 1941 (54 Stat. 406, 437) and the regulations promulgated pursuant to that act.

(c) *Repossession.* Repossess the houses now occupied by persons who are ineligible to purchase.

(d) *Resale.* Accept or refuse offers of sale from any purchaser who wishes to resell during the three-year period as provided for in the act of May 25, 1948, and perform all other acts necessary to carry out the provisions of that statute. (Pub. Law 553, 80th Cong.; 13 F. R. 5493)

MICHAEL W. STRAUS,
Commissioner of Reclamation.

OCTOBER 4, 1948.

[F. R. Doc. 48-9093; Filed, Oct. 14, 1948; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 01—ORGANIZATION AND PROCEDURE

PACIFIC OCEANIC FISHERY INVESTIGATIONS

CROSS REFERENCE: The codification of Subpart A—Organization, of Part 01, Chapter I, Title 50 has been discontinued and future amendments to this subpart will appear in the Notices section. For notice of changes in field organization and delegations of authority to certain officials of the Pacific Oceanic Fishery Investigations, see F. R. Doc. 48-9094 under Department of the Interior, Fish and Wildlife Service in the Notices section, *infra*. This document also deletes Subpart B—Procedures from the Code of Federal Regulations.

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 48-48]

TERMINATION OF APPROVALS OF EQUIPMENT

A notice regarding the proposed termination of Approval No. 162.001/57/0, Type S, Coale marine pop safety valve, Approval No. 162.001/58/0, Type M, Coale heavy duty marine safety valve, and Approval No. 162.001/59/0, Type M, Coale heavy duty marine safety valve granted to the Coale Muffler & Safety Valve Co. was published in the FEDERAL REGISTER dated August 11, 1948, 13 F. R. 4633, and a public hearing was held by the Merchant Marine Council on September 28, 1948, at Washington, D. C.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, 4417a, 4429–4433, 4491, 49 Stat. 1544, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 367, 375, 391a, 407–411, 489, 50 U. S. C. 1275, and section 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875, the following termination of approvals of equipment is prescribed:

SAFETY VALVES

Termination of Approval No. 162.001/57/0, Type S, Coale marine pop safety valve, cast steel body, exposed spring, single relieving lever, maximum working pressure 300 pounds per square inch, maximum temperature 750° F., suitable for superheated steam, Dwg. No. 815 Revised October 7, 1941, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 1½", 2", 2½", 3" diameters, manufactured by Coale Muffler & Safety Valve Co., 325 East Oliver Street, Baltimore 2, Md.

Termination of Approval No. 162.001/58/0, Type M, Coale heavy duty marine pop safety valve, bronze body, enclosed spring, single lifting lever, maximum working pressure 300 pounds per square inch, maximum temperature 450° F., Dwg. No. 818 dated November 27, 1941, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.20 and 52.14, approved for sizes 2", 2½" diameters, manufactured by Coale Muffler & Safety Valve Co., 325 East Oliver Street, Baltimore 2, Md.

Termination of Approval No. 162.001/59/0, Type M, Coale heavy duty marine pop safety valve, cast steel body, enclosed spring, single lifting lever, maximum working pressure 300 pounds per square inch, maximum temperature 450° F., Dwg. No. 817–A dated November 17, 1941, material, construction and capacities to conform to Coast Guard Marine Engineering Regulations and Material Specifications, 51.17 and 52.14, approved for sizes 3", 3½", 4", 4½" diameters, manufactured by Coale Muffler & Safety Valve Co., 325 East Oliver Street, Baltimore 2, Md.

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment in use on merchant vessels on the effective date of termination of approval may be continued in service so long as it is in good and serviceable condition.

Dated: October 11, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 48-9105; Filed, Oct. 14, 1948; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

PACIFIC OCEANIC FISHERY INVESTIGATIONS

NOTICE OF CHANGES IN FIELD ORGANIZATION AND DELEGATIONS OF AUTHORITY

1. Subpart A—Organization, of Part 01, Chapter I, Title 50, is hereby eliminated from the Code of Federal Regulations. Material relating to the organization of the Fish and Wildlife Service hereafter will be published as notices and will be designated by sections numbered to correspond with the numbers following the decimal points as they have heretofore appeared in said Part 01 of Title 50, Code of Federal Regulations. Subpart B—Procedures is hereby deleted.

2. As renumbered, a new subsection (c) is added to Section 23, *Special offices* to read as follows:

(c) The Pacific Oceanic Fishery Investigations Office and Laboratory is maintained at Honolulu, T. H., for investigation, exploration and development of the Pacific fisheries in accordance with the act approved August 4, 1947 (61 Stat. 726). This Office reports directly to the Director of the Fish and Wildlife Service.

3. As renumbered, Section 60, *Delegations of authority by Director*, subsection (a), *Contracts for procurements*, (3) *Other field offices*, is amended by adding to the list of officials having procurement contracting authority within the $10,000 limitation, the following:

Director, Assistant Director, and Administrative Officer, Pacific Oceanic Fishery Investigations, Honolulu, T. H. (Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. 1002, 1011: 43 CFR 4.100 (d))

4. As renumbered, Section 60, *Delegations of authority by Director*, subsection (b), *Leases of space in real estate*, (3) *Other field offices*, is amended by adding to the list of officials having authority for leasing of space in real estate within the $10,000 limitation, the following:

Director, Assistant Director, and Administrative Officer, Pacific Oceanic Fishery Investigations, Honolulu, T. H. (Secs. 3, 12, 60 Stat. 238, 244; 5 U. S. C. 1002, 1011; 43 CFR 102 (e))

Dated: October 11, 1948.

M. C. JAMES,
Acting Director.

[F. R. Doc. 48-9094; Filed, Oct. 14, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2801]

FLORIDA AIRWAYS, INC.; MAIL RATE PROCEEDING

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Florida Airways, Inc., over its entire system, and the Board's order to show cause, Serial No. E–2037, dated September 30, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 15, 1948, at 10:00 a. m. (eastern standard time) in Room 1049, Temporary Building No. 4, 17th and Constitution Ave., NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., October 8, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9098; Filed, Oct. 14, 1948; 8:47 a. m.]

[Docket No. 3507]

ROBINSON AVIATION, INC.; MAIL RATES

NOTICE OF HEARING

In the matter of the petition of Robinson Aviation, Inc., for the establishment of rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over its entire route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled matter is assigned to be held on October 18, 1948, at 10:00 a. m. (eastern standard time) in Room 1049, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., October 8, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9102; Filed, Oct. 14, 1948; 8:48 a. m.]

[Docket No. 3489]

CANADIAN PACIFIC AIR LINES, LTD.

NOTICE OF HEARING

In the matter of the application for transfer to Canadian Pacific Air Lines, Limited, of foreign air carrier permit now held by Trans-Canada Air Lines authorizing the air transportation of persons, property, and mail between Whitehorse, Yukon Territory, Canada, and Fairbanks, Alaska.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on October 15, 1948, at 10:00 a. m. (eastern standard time) in Room 2015, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., October 8, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9101; Filed, Oct. 14, 1948; 8:48 a. m.]

[Docket No. 3357]

STANDARD AIR LINES, INC.

NOTICE OF HEARING

In the matter of the suspension and revocation of letter of registration No. 826 issued to Standard Air Lines, Inc.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (a), 1001, 1002 (b), and 1002 (c), of said act, a hearing in the above-entitled proceeding is assigned to be held on October 18, 1948, at 10:00 o'clock a. m., in Conference Room A, Departmental Auditorium, Labor Building, Washington, D. C., before Examiner Walter W. Bryan.

For further details in this proceeding interested parties are referred to Board's order Serial No. E–1607 and other papers filed in the docket of this proceeding in the Docket Section of the Civil Aeronautics Board.

Without limiting the scope of the issues presented by this proceeding, particular attention will be directed to the following matters and questions:

1. Has respondent violated sections 401 (a), 403 (a), 403 (b), 404 (b), 407 (a), 411, and 412 of the Civil Aeronautics Act of 1938, as amended, and/or § 292.1 of the Board's Economic Regulations?

2. If any such violations are established were such violations knowing and willful?

3. If any such violations are established, should the Board issue an order to cease and desist, or other order to compel compliance with applicable provisions of the Act or § 292.1 of the Board's Economic Regulations?

4. If any such violations are established should the Letter of Registration heretofore issued to respondent by the Board be revoked?

Dated at Washington, D. C., October 11, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9100; Filed, Oct. 14, 1948; 8:47 a. m.]

[Docket Nos. 3286 et al.]

UNITED STATES-ALASKA SERVICE CASE

NOTICE OF HEARING

In the matter of the investigation relating to the adequacy of cargo service between the United States and the Territory of Alaska and applications for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new, different and/or additional air transportation services of persons, property and mail between the United States and the Territory of Alaska.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, 404 (a), 1001 and 1002 (b) of said act, that a hearing in the above-entitled proceeding is assigned to be held on October 25, 1946 at 10 a. m. in the U. S. District Court for the Territory of Alaska, Federal Building, Anchorage, Alaska, before Examiner William F. Cusick.

Without limiting the scope of the issues presented by the parties to this proceeding, particular attention will be directed to the following matters and questions:

(1) Whether the cargo service presently offered between points in Alaska and points in the United States has been, is, or may continue to be inadequate.

(2) Whether the proposed routes are required by the public convenience and necessity.

(3) Whether the applicants are citizens of the United States and are fit, willing, and able to perform the services for which they are applying and to conform to the act and the rules, regulations, and requirements of the Board promulgated thereunder.

(4) If the public convenience and necessity require the service, which carrier can best perform the service.

Notice is further given that any person desiring to be heard in opposition to an application consolidated in this proceeding must file with the Board on or before October 25, 1948 a statement setting forth the issues of fact or law which he desires to controvert and such person may appear and participate in the hearing in accordance with § 285.6 (a) of the rules of practice under Title IV of section 1002 (i) of the Civil Aeronautics Act of 1938, as amended.

For further details of the service proposed and authorizations requested, interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D. C., October 11, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9099; Filed, Oct. 14, 1948; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–627, G–635]

CITY OF PITTSBURGH ET AL.

NOTICE OF OPINION NO. 168 AND ORDER

OCTOBER 11, 1948.

City of Pittsburgh v. Pittsburgh and West Virginia Gas Company and Kentucky West Virginia Gas Company, Docket No. G–627; in the matter of Pittsburgh and West Virginia Gas Company and Kentucky West Virginia Gas Company, Docket No. G–635.

Notice is hereby given that, on October 8, 1948, the Federal Power Commission issued its Opinion No. 168 and order entered by the Commission on September 2, 1948, reducing rates of Kentucky West Virginia Gas Company in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9097; Filed, Oct. 14, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1946]

STANDARD GAS AND ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of October 1948.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, has filed an application-declaration and amendments thereto, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-44 and U-50 promulgated thereunder relating to the transactions summarized below:

Standard, which presently owns 750,025 shares (or 84.27%) of the outstanding Common Stock, $20 par value, of Oklahoma Gas and Electric Company ("Oklahoma"), proposes to sell pursuant to the competitive bidding requirements of Rule U-50, 250,000 shares of such stock and to apply the net proceeds towards the payment of interest and principal on its outstanding notes payable to banks, due April 10, 1949, aggregating $20,694,384.95 as of June 30, 1948. Standard also proposes to make purchases of Oklahoma Common Stock, if such purchases at the time are deemed necessary or desirable, for the purpose of stabilizing the

market price of the said stock. Such purchases will be made during the period from and including October 11, 1948, to the time of the acceptance or rejection of proposals for the purchase of said 250,000 shares of Oklahoma Common Stock, or through October 20, 1948, whichever is earlier. Any shares so acquired by Standard will be retained by it, subject, however, to the provisions of the order of the Commission, dated August 8, 1941, in File No. 59-9, wherein Standard was directed, among other things, to sever its relationship with Oklahoma.

As the application-declaration was originally filed, Standard proposed to sell to underwriters 400,000 shares of its holdings of Oklahoma Common Stock and requested an exemption from the competitive bidding requirements of Rule U-50 in connection with such sale. Pursuant to an order of the Commission, dated September 24, 1948, Holding Company Act Release No. 8535, public hearings were held to consider whether Standard's request for an exemption from Rule U-50 should be granted. During the course of such hearings, Standard filed a further amendment to its application-declaration and modified the proposed transactions, as stated above.

Standard has requested that the Commission's order herein become effective on the date of issuance, that such order contain appropriate findings and tax recitals required by sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended, and that the 10-day period for inviting bids as provided in Rule U-50 be shortened to 6 days.

The application-declaration having been filed on September 13, 1948, and amendments thereto having been filed on September 23, 1948, and October 6, 1948, notice of said filing having been given in the manner and form prescribed b. said Rule U-23 promulgated pursuant to said act and the Commission not having received a request for a hearing with respect to said application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon except as hereinabove noted; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest that said application be granted and that said declaration be permitted to become effective, forthwith, and that it is not necessary to impose any terms and conditions other than those set forth below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject further to the condition that the proposed sale of the Common Stock of Oklahoma Gas and Electric Company shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 with respect to said stock shall have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may be deemed appropriate.

It is further ordered, That the Commission's order, dated August 8, 1941, requiring, among other things, that Standard Gas and Electric Company sever its relationship with Oklahoma Gas and Electric Company by disposing, or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the act, or the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled, or operated by Oklahoma Gas and Electric Company, shall be deemed to require the disposition of any shares of Common Stock of Oklahoma Gas and Electric Company acquired as a result of stabilizing the market price of such Common Stock, as authorized herein, with the same force and effect as if said shares had been held by Standard Gas and Electric Company as of the date of said order.

It is further ordered, That the 10-day period for the reception of bids with respect to the stock proposed to be sold, prescribed by Rule U-50, be, and same hereby is, shortened to 6 days.

It is further ordered, recited and the Commission finds that the proposed sale and transfer by Standard Gas and Electric Company of 250,000 shares of Common Stock, par value $20 per share, of Oklahoma Gas and Electric Company, an Oklahoma corporation (represented by Certificates Nos. CC108 and CC111) now held by Standard Gas and Electric Company, is necessary or appropriate to the integration or simplification of the holding company system of which Standard Gas and Electric Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, within the meaning of sections 371 and 1808 (f) of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9095; Filed, Oct. 14, 1948; 8:46 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of October A. D. 1948.

New England Public Service Company ("NEPSCO"), a registered holding company, has filed an application, and an amendment thereto, proposing to renew its notes payable to banks, dated October 9, 1947 and presently outstanding in the aggregate amount of $11,900,000, for the period of one year, and requesting a one year extension to October 9, 1949 of the time within which it must sell sufficient of its utility stocks to repay in full its notes, as provided by the amended plan of NEPSCO for the retirement of its Prior Lien Preferred stock, approved by the Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, on June 27, 1947 and September 12, 1947.[1] After appropriate notice, a public hearing was held with respect to said application, as amended. Two preferred stockholders' committees appeared in support of said application, and no one appeared in opposition thereto.

The amended plan of NEPSCO provided, inter alia, for a one year loan from The First National Bank of Boston and four other banks and trust companies in an amount not in excess of $16,000,000 at an interest rate of 2¼% per annum. It further provided that NEPSCO would within one year after the date of the loan sell at competitive bidding, or in such manner as the Commission may approve, sufficient of its holdings of utility stocks to repay the loan in full unless the Commission granted one or more extensions. On October 9, 1947, NEPSCO, in the consummation of its plan, borrowed an aggregate amount of $13,500,000 for the period of one year with the right to two successive renewals of one year each, provided the Commission approved such renewals. Under the loan agreement, the notes are payable ratably to the holders in proportion to the face amounts of such notes at the rate of $400,000 on the first days of January, April, July and October of each year, to be applied to the reduction of the principal. The notes have now been reduced to $11,900,000. The loan may be prepaid in whole or in part without penalty out of earnings or proceeds from sales of assets. No dividends will be paid on any class of stock of NEPSCO so long as any part of the loan remains unpaid.

NEPSCO's investments in utility stocks consist of 1,315,181 shares (77.8%) of the common stock of Central Maine Power Company ("Central Maine"), 493,856.8 shares (58.9%) of the common stock of Public Service Company of New Hampshire ("New Hampshire") and 231,668.5 shares (35.5%) of the common stock of Central Vermont Public Service Corporation ("Central Vermont"). NEPSCO has pledged, as collateral for its loan, all of its holdings of common stock of New Hampshire and 904,226 shares of its holdings of common stock of Central Maine. NEPSCO has also pledged all of its holdings of common stock of Central Vermont as collateral for an additional loan of $500,000, made in connection with the issue and sale of common stock by Central Vermont and the exercise of subscription rights of NEPSCO in July, 1948.[2] The total outstanding indebtedness of NEPSCO now amounts to $12,400,000.

[1] New England Public Service Company, — S. E. C. — (1947), Holding Company Act Release No. 7511; enforced In re New England Public Service Company, — F. Supp. —, Civil Action No. 477 (D. C. Me. August 8, 1947); Holding Company Act Release No. 7713.

On November 24, 1947, shortly after NEPSCO consummated its plan, New Hampshire filed an application with this Commission for the issue and sale of 139,739 additional shares of common stock for its own account, which sale was not fully consummated until May 4, 1948. The testimony is to the effect that the delay in effectuating the sale of such stock for New Hampshire's own account required postponement of NEPSCO's sale of its portfolio holdings of New Hampshire. The testimony further indicates that circumstances relating to the proposed sale of common stock by Central Maine and the sale of common stock by Central Vermont as described in our findings, opinions and orders of December 1 and 9, 1947,[3] and April 30, 1948, July 21 and 23, 1948,[4] respectively, made it inadvisable for NEPSCO to proceed with the sale of its common stock holdings in Central Maine and in Central Vermont. NEPSCO now represents that it will sell, during the fall of 1948, 200,000 shares of its holdings of common stock of New Hampshire. In this connection, NEPSCO has filed concurrently herewith a declaration (File No. 70-1951) for such sale at competitive bidding under Rule U-50. We have ordered a hearing with respect to said declaration on October 19, 1948. Among the issues at the hearing will be whether NEPSCO, in view of the provisions of the plan approved by us and the District Court, should not sell a larger block of its portfolio holdings of New Hampshire than is proposed in said declaration.

Under the circumstances, we believe that it is appropriate in the public interest and in the interest of investors to permit the renewal of the bank notes for the period of one year from October 9, 1948. However, we see no necessity for granting NEPSCO a one year extension to October 9, 1949 of the time within which it must sell sufficient of its holdings of utility stocks to repay in full its bank loan.

We conclude that no adverse findings are necessary with respect to the proposed renewal of the notes under the applicable standards of the act, and we observe no basis for the imposition of terms and conditions other than those contained in Rule U-24. Accordingly, we find that the application as amended, should be granted insofar as it relates to the renewal of the notes for the period of one year, and we take no action at this time with respect to the requested extension of time within which NEPSCO was to sell sufficient of its holdings to repay in full its bank loan.

It is ordered, That the application, as amended, of New England Public Service Company insofar as it relates to the renewal of its notes, dated October 9, 1947, and presently outstanding in the aggregate amount of $11,900,000, for the period of one year, as provided by the amended plan of NEPSCO for the retirement of its Prior Lien Preferred stock, approved by the Commission, on June 27, 1947, and September 12, 1947, be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9096; Filed, Oct. 14, 1948; 8:47 a. m.]

[2] Central Vermont Public Service Corporation et al., — S. E. C. — (1948), Holding Company Act Release No. 8364 and No. 8368.

[3] Central Maine Power Company, — S. E. C. — (1947), Holding Company Act Release Nos. 7882 and 7910.

[4] Central Vermont Public Service Corporation, — S. E. C. — (1948), Holding Company Act Release Nos. 8174, 8364 and 8368.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12054]

ADAM MILLER

In re: Estate of Adam Miller, deceased. File D-28-9148; E. T. sec. 11822.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Miller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Peter Kreppel and —— Miller, first name unknown (daughter of Jacob Miller, deceased brother of Adam Miller, deceased), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Adam Miller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That such property is in the process of administration by the County Treasurer of Cook County, Illinois, as Depositary, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraphs 1 and 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 16, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9107; Filed, Oct. 14, 1948; 8:50 a. m.]

[Vesting Order 12100]

RUSSELL L. KIRCHNER ET AL.

In re: Russell L. Kirchner, et al., plaintiffs vs. Waldemar Hoffman, et al., defendants. File 017-24146.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Schmidt Paul, Katharina Schmidt, Emil Schmidt and Lina Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "Russell L. Kirchner, et al., plaintiffs vs. Waldemar Hoffman, et al., defendants, No. 18555" in the Circuit Court of Morgan County, Illinois, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such proprty is in the process of administration by John B. Wright, Master in Chancery, acting under the judicial supervision of the Circuit Court of Morgan County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9108; Filed, Oct. 14, 1948; 8:50 a. m.]

[Vesting Order 12111]

C. VON PETERSDORFF HUGHES

In re: Mortgage participation certificates owned by C. Von Petersdorff Hughes. F-28-25645-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That C. Von Petersdorff Hughes, whose last known address is Luisenstrasse 10, Kassel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

All rights and interests in and under three mortgage participation certificates issued by the New York Title and Mortgage Company, of $1,000.00 face value each, participating in New York Title and Mortgage Company Series N-97 Mortgage Investments, bearing the numbers 445, 446 and 447, registered in the name of C. Von Petersdorff Hughes, including particularly all rights under a Declaration of Trust, dated February 29, 1936, and a plan of reorganization of New York Title and Mortgage Company Series N-97 Mortgage Investments approved by an order of the Supreme Court of New York, made November 23, 1935,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9109; Filed, Oct. 14, 1948; 8:50 a. m.]

[Vesting Order 12133]

FRANCIS ANTON EDWARD MEYER

In re: Trust under the will of Francis Anton Edward Meyer, deceased. File No. D-28-2509; E. T. sec. 3835.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Otto Richard Hofmeister, Theodore Ferdinand Eduard Hofmeister, Albert Henry William Hofmeister, and Oscar Ludwig Robert Hofmeister, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $728.69 was paid to the Attorney General of the United States by Irving S. Reeve, attorney for executor and trustee of the trust under the will of Francis Anton Edward Meyer, deceased;

3. That the said sum of $728.69 was accepted by the Attorney General of the United States on May 26, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $728.69 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9110; Filed, Oct. 14, 1948; 8:50 a. m.]

[Vesting Order 12181]

AUGUST KAMENZ

In re: Estate of August Kamenz, deceased. File No. D-28-4027; E. T. sec. 8513.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kolte (Kathe) Braff and Paul Kamenz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of August Kamenz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by J. S. Symington, as executor, acting under the judicial supervision of the County Court for the County of Pembina, Cavalier, North Dakota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9111; Filed, Oct. 14, 1948; 8:51 a. m.]

[Vesting Order 12179]

FRANCIS MORAN BRAMBEER ET AL.

In re: Indenture of trust dated September 9, 1933 between Francis Moran Brambeer and Bank of New York and Fifth Avenue Bank, trustee, for the benefit of Ilse Brambeer, et al. File No. F-28-3317; E. T. sec. 1397.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilse Brambeer, also known as Ursula Brambeer, Ada Ursula Brambeer Fechner, Gerhild Stephanie Fechner and Francis Moran Brambeer, Jr., whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain Trust Indenture dated September 9, 1933, by and between Francis Moran Brambeer and Bank of New York and Fifth Avenue Bank, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Bank of New York and Fifth Avenue Bank, 48 Wall Street, New York, New York, as trustee, acting under the judicial supervision of the Supreme Court, County of New York, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9112; Filed, Oct. 14, 1948; 8:51 a. m.]

[Dissolution Order 84]

JAPAN COTTON CO.

Whereas, by Vesting Order No. 76, dated July 30, 1942 (7 F. R. 7048, September 5, 1942), and Vesting Order No. 186, dated September 28, 1942 (7 F. R. 7819, October 2, 1942), there was vested all of the issued and outstanding capital stock of Japan Cotton Company, a Texas corporation; and

Whereas, Japan Cotton Company has been substantially liquidated;

Now, under the authority of the Trading With the Enemy Act, as amended, and Executive Order 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except the claims of the Attorney General of the United States for services rendered to or on behalf of the corporation, except possible claims arising in connection with the liquidation and dissolution of the corporation, except claims shown on the books of the corporation as due the following creditors in the amounts set forth below:

Yamakawa & Co	$200,632.79
Yokohama Specie Bank Ltd., New York	300,399.14
Jean Boeswillwald	1,135.80
R. Latham & Ed Gilg	154.76
Menka G. m. b. H	109.84
Maison du Pasquier	519.40

and except possible Federal, state and local taxes and fees which may accrue; and

2. Finding that a reserve of $1,212.68 will be sufficient to meet such administrative expenses as may arise in connection with the continued liquidation of the corporation; and

3. Having determined that it is in the national interest of the United States that the proceedings for the dissolution of the corporation be continued and that a partial distribution of its assets be made in pro rata payment of the above-mentioned corporate obligations, and a certificate of dissolution having been issued by the Secretary of State of the State of Texas;

hereby orders that the officers and directors of Japan Cotton Company, (to wit: Henry S. Sellin, President and Director, Stanley B. Reid, Vice President and Director, Robert Kramer, Secretary, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Japan Cotton Company; and further orders, that the said officers and directors continue to wind up the affairs of the corporation and distribute its assets as follows:

a. They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of the corporation and the dissolution thereof; and

b. They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

c. They shall then pay the Attorney General of the United States the sum of $132.03 representing expenses incurred by the Office of Alien Property Custodian and by the Office of Alien Property for the benefit of the corporation subsequent to its dissolution; and

d. They shall then set aside the sum of $1,212.68 as a reserve to meet such administrative expenses as may arise in connection with the continued liquidation of the corporation; and

e. They shall then provide for pro rata payment of 11.5 per cent on each of the above-mentioned accounts payable as follows:

(1) They shall make payment on the account payable to Yamakawa & Company by paying to the Attorney General of the United States, as owner of said account by virtue of Vesting Order 369, the amount of $23,072.77.

(2) They shall make payment on the account payable to Menka G. m. b. H. by paying to the Attorney General of the United States, as owner of said account by virtue of Vesting Order 10491, the amount of $12.63.

(3) They shall make payment on account of the claim of the Attorney General of the United States for expenses incurred by the Office of Alien Property Custodian prior to the dissolution of the corporation in the amount of $23.45 by paying to the Attorney General of the United States the amount of $2.70.

(4) They shall make payment on each of the accounts payable to nationals of foreign countries, and each of the accounts payable to nationals of designated enemy countries which shall not have been previously vested by the Attorney General of the United States, by making payment into separate accounts to be maintained by the Comptroller's Branch of the Office of Alien Property as follows:

Jean Boeswillwald	$130.62
R. Latham & Ed Gilg	17.80
Maison du Pasquier	59.73

Each of said accounts shall be entitled substantially as follows: "Attorney General of the United States, Account of (Name of Account) in the case of Japan Cotton Company, Vesting Orders 76 and 186." Such payment shall not transfer title to such accounts to the Attorney General but such accounts shall be subject to his authorization. The payments herein directed into such accounts shall, to the extent thereof, be a full acquittance and discharge for all purposes of the obligations of Japan Cotton Company.

(5) They shall set aside as a reserve, to cover pro rata payment on the account payable to Yokohama Specie Bank, Ltd., New York in the amount of $300,399.14, the sum of $34,545.90, to be paid, in the event such account payable is determined to be valid, to the Attorney General of the United States by virtue of his acquisition of said account payable by Vesting Order 915 and assignment from the Superintendent of Banks of the State of New York pursuant to that vesting order.

f. They shall then continue to wind up the affairs of the corporation pending final determination of the collectibility of the present unliquidated assets of the corporation and shall pay all monies collected from the liquidation of such assets and any other funds which become available, first, in pro rata payment on the balance owing on the above-mentioned creditor's claims, and second, as a liquidating dividend to the Attorney General of the United States as sole stockholder of the corporation; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the Trading With the Enemy Act, as amended, of any person who may have a claim against the said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States hereunder; *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person; *And provided further,* That such claim shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

further orders, that all actions taken and acts done by the officers and directors of Japan Cotton Company pursuant to this Order and the directions contained therein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 11th day of October 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9113; Filed, Oct. 14, 1948; 8:51 a. m.]

[Return Order 197]

KURT ROTHSCHILD

Having considered the claim set forth below and having issued a Determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published and Property

Kurt Rothschild, 36-15 168th Street, Flushing, Long Island, New York. Claim No. 7553, August 27, 1948 (13 F. R. 5016), $6,352.39 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9114; Filed, Oct. 14, 1948; 8:51 a. m.]

ANTOINE GAZDA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Antoine Gazda, Providence, Rhode Island, A-136, Property described in Vesting Order No. 1029 (8 F. R. 4208 April 2, 1943) relating to United States Letters Patent Nos. 2,367,572; 2,317,267 and Patent Applications Serial Nos. 269,061; 318,571; 334,446; 334,447 and 269,273.

Executed at Washington, D. C., on October 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9115; Filed, Oct. 14, 1948; 8:51 a. m.]

HIROMI ISHIDA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof the following property, located in the Treasury of the United States, Washington, D. C., subject to any increase or decrease resulting from the administration of such property prior to return and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Hiromi Ishida, 1741 Lanakila Road, Honolulu, T. H., 29119; $395.67.

Yone Ishida, 1741 Lanahila Road, Honolulu, T. H., 29120; $486.74.

Mrs. Kiku Sugita, P. O. Box 3288, c/o W. F. Dillingham, Honolulu, T. H., 29171; $238.41.

Tome Yanagihara, 765 Phohukaina Street, Honolulu 13, T. H., 29181; $3,548.91.

Tatsuo Yamamoto, 644-A Auahi Street, Honolulu, T. H., 29184; $1,720.67.

Mitsuko Ariki, 1820-C Dole Street, Honolulu, T. H., 13755; $857.32.

Yasuichi Asari or Haruko Asari, 444 Halemauman Road, Honolulu, T. H., 13756; $591.18.

Mrs. Asayo Fujiwara, 1313 Kahanu Street, Honolulu 35, T. H., 13760; $358.18.

Kaichi Kaya, 824 Puuhale Road, Honolulu, T. H., 13770; $1,278.75.

Itsuzo Kunishige, Box 277, Ewa, Oahu, T. H., 13772; $298.10.

Jingo Mizokami, guardian of Sumako Mizokami, 2715 Waiaka Road, Honolulu 36, T. H., 13778; $685.81.

Umeno Momotomi, guardian of Fumiko Momotomi, P. O. Box 106, Wahiawa, Oahu, T. H., 13779; $219.54.

Umeno Momotomi, guardian of Shigeto Momotomi, P. O. Box 106, Wahiawa, Oahu, T. H., 13780; $216.53.

Chiyoka Nishimura, 3132 Harding Avenue, Honolulu 41, T. H., 13782; $3,445.33.

Masao Okamoto, 2714 Kaaka Street, Honolulu, T. H., 13784; $1,722.71.

Kaiichi Onishi or Teruko Onishi, 4321-A Waialae Avenue, Honolulu 55, T. H., 13786; $353.21.

Gihachi Orikasa, 1672 Lusitana Street, Honolulu, T. H., 13787; $1,911.42.

Fuki Tanno, Waikane, Kaneohe, Oahu, T. H., 13798; $515.27.

Masa Kaneshima (formerly Maushi Kaneshima), 709-A S. King Street, Honolulu, T. H., 16142; $1,048.28.

Heizo Nambu, P. O. Box 7, Puhi, Kauai, T. H., 16158; $512.44.

Hatsuyo Okinaka, Kilauea, Kauai, T. H., 16161; $407.82.

Herbert M. Tanigawa, Sarah S. Tanigawa, Elsie S. Tanigawa, and Miyoka Tanigawa, 1423 Dillingham Boulevard, Honolulu, T. H., 20874; $2,511.84.

Arata Fujikawa, 3280-C Round Top Drive, Honolulu, T. H., 29187; $316.07.

Mrs. Kumayo Hirao, P. O. Box 1162, Honolulu, T. H., 29190; $1,012.94.

Kasaburo Kawasaki, 913-B Kaheka Lane, Honolulu, T. H., 29193; $470.42.

Kikuno Nishiyama, 347 Kuakini Street, Honolulu, T. H., 29199; $343.14.

Kuma Furubayashi, 3137 William Street, Honolulu, T. H., 29851; $631.73.

Kurajiro Kawamoto, Kipapa, Waipahu, Oahu, T. H., 29855; $2,119.88.

Koshin Nakama, 3767 Kanaina Avenue, Honolulu, T. H., 29862; $1,081.29.

Yono Orikasa, 1672 Lusitana Street, Honolulu, T. H., 2936"; $1,005.25.

Koji Date, 1166 Fort Street, Honolulu, T. H., 30329; $244.52.

Kuma Inoue, 1418 University Avenue, Honolulu 33, T. H., 30336; $443.66.

Heishin Kaneshiro or Tomi Kaneshiro, Waiahole, Oahu, T. H., 30339; $224.05.

Kise Arizumi, 1917-B Dudoit Lane, Honolulu 42, T. H., 32327; $363.97.

Jitsuo Fujiwara, 1230-A Richard Lane, Honolulu 45, T. H., 32330; $235.00.

H. Shimamura, 1104 Palama Street, Honolulu 7, T. H., 32349; $466.28.

Motoo Ueda, 1925-A Citron Street, Honolulu, T. H., 32354; $357.11.

Miyoji Watanabe, P. O. Box 127, Waipahu, Oahu, T. H., 32355; $533.41.

Chieko Hamada, 1547 Nuuanu Avenue, Honolulu, T. H., 37250; $239.16.

Sho Komamura,[1] P. O. Box 193, Aiea, Oahu, T. H., 37264; $1,748.53.

Keizo Morimoto, 915 Olil Road, Honolulu, T. H., 37274; $1,418.20.

Michi Moriguchi, 614-A Capt. Cook Avenue, Honolulu 6, T. H., 37275; $734.55.

Seichiro Tsurumaki or Kin Tsurumaki, 1742 Algaroba Street, Honolulu, T. H., 37300; $852.25.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9116; Filed, Oct. 14, 1948; 8:51 a. m.]

[Vesting Order 12106]

PHILIP BABEL ET AL.

In re: Debts owing to the personal representatives, heirs, next of kin, legatees and distributees of Philip Babel, also known as Philipp Babel, deceased. F-28-29158-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees, and distributees of Philip Babel, also known as Philipp Babel, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations evidenced by three checks drawn by the Comptroller of the Currency on the National Bank of Detroit, Detroit, Michigan, payable to Philip Babel, dated, numbered and in the amounts as set forth below:

Date, Number and Amount

May 26, 1944, Q182414; $67.87.
Nov. 1, 1940, P148214; $135.76.
Dec. 7, 1942, R129641; $35.95.

Said checks representing the fourth, fifth and sixth (final) interest dividends on Claim No. 531856 against the First National Bank of Detroit, Detroit, Michigan, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid checks, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Philip Babel, also known as Philipp Babel, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Philip Babel, also known as Philipp Babel, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9083; Filed, Oct. 13, 1948; 8:51 a. m.]

[1] Or Miyomatsu Komamura, deceased.

[Vesting Order 12108]

WILHELMINE FOX

In re: Stock owned by Wilhelmine Fox, also known as Mrs. Richard Fox. F-28-4514-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine Fox, also known as Mrs. Richard Fox, whose last known address is Mittelstrasse 29, Koln a-Rhein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Forty (40) shares of $25.00 par value 7% cumulative preferred class A capital stock of Hackensack Water Company, 4100 Park Avenue, Weehawken, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered A03462, registered in the name of Wilhelmine (Mrs. Richard) Fox, together with all declared and unpaid dividends thereon, and any and all rights of redemption thereunder, and all rights under any outstanding dividend checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9084; Filed, Oct. 13, 1948; 8:51 a. m.]

[Vesting Order 12112]

NOBUTAKA IMAMURA

In re: Cash owned by Nobutaka Imamura. F-39-6274.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nobutaka Imamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $786.95, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nobutaka Imamura, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9085; Filed, Oct. 13, 1948; 8:51 a. m.]

RENCE OCT 18 '48

[Vesting Order 12115]

JOHANNA NORTHROP

In re: Stock owned by Johanna Northrop. F–28–22588–D–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Northrop, whose last known address is Frankfurterstrasse 17, Darmstadt, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of $100 par value preferred capital stock of the American Car and Foundry Company, 117 Main Street, Flemington, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 07706, registered in the name of Johanna Northrop, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–9086; Filed, Oct. 13, 1948; 8:52 a. m.]

[Vesting Order 12117]

KARL UHE

In re: Debts owing to Karl Uhe. F–28–4541–D–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Uhe whose last known address is Hiddensen 311 B/Detwold, Lippe, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by five (5) Windermere-92nd Street Corporation, First Mortgage Fee Refunding and Sinking Fund Bonds of $500 face value each, bearing the numbers D–1224, D–1225. D–1226, D–1227, and D–1228, registered in the name of Karl Uhe, and any and all rights to demand, enforce and collect the said debts or other obligations, together with any and all rights in, to and under said bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–9087; Filed, Oct. 13, 1948; 8:52 a. m.]

...RENCE OCT 18 '48

FEDERAL REGISTER

VOLUME 13 NUMBER 203

Washington, Saturday, October 16, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10000

REGULATIONS GOVERNING ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT SERVING OUTSIDE THE UNITED STATES

Correction

In Executive Order 10000, appearing as Federal Register Document 48–8466 at page 5453 of the issue for Saturday, September 18, 1948, the list in section 502 (a) should be corrected so that the entry "Roma, Belgian Congo" shall read "Boma, Belgian Congo."

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Cotton Form 1, Supp. 1]

PART 256—COTTON LOANS

1948 AMERICAN-EGYPTIAN COTTON LOAN INSTRUCTIONS

The 1948 Cotton Loan Instructions (1948 C. C. C. Cotton Form 1) (13 F. R. 4038) are hereby amended by adding thereto a new section as follows:

§ 256.240 *Loans on American-Egyptian cotton.* Pursuant to the 1948 American-Egyptian Cotton Loan Program of Commodity Credit Corporation, loans on eligible American-Egyptian cotton will be made available to eligible producers. The provisions of §§ 256.221 to 256.238, applicable to loans on upland cotton, will also be applicable to loans on American-Egyptian cotton, except as follows:

(a) Loans will be available on those qualities of American-Egyptian cotton specified in the table of loan rates at the end of this section at the rates specified in such table.

(b) In addition to meeting the requirements for eligible cotton as set forth in paragraph (b) of § 256.221, all such cotton shall be of normal character and no such cotton shall be accepted for a loan with respect to which the classification indicates any reduction in grade or staple length because of irregularities or defects.

(c) A lending agency in any State may, if it so desires, execute either a Lending Agency Agreement (C. C. C. Cotton Form D) or a Cotton Lending Agency Agreement (C. C. C. Cotton Form DW) and shall tender notes under paragraph (a) or paragraph (b) of § 256.235 depending on whether it has entered into a Lending Agency Agreement or a Cotton Lending Agency Agreement.

(d) Repayments of loans on American-Egyptian cotton shall be made under paragraph (a) or paragraph (b) of § 256.237 depending on whether the lending agency which made the loan entered into a Lending Agency Agreement (C. C. C. Cotton Form D) or a Cotton Lending Agency Agreement (C. C. C. Cotton Form DW).

LOAN RATES FOR ALL QUALITIES OF 1948-CROP AMERICAN-EGYPTIAN COTTON

[Rates expressed in cents per pound, net weight]

Grade	Staple length (inches)			
	1⅜		1⅜	
	California and Arizona	New Mexico and Texas	California and Arizona	New Mexico and Texas
1	56.80	57.05	60.25	60.50
1½	55.80	56.05	59.25	59.50
2	54.25	54.50	57.65	57.90
2½	52.40	52.65	54.00	54.25
3	48.65	48.90	50.25	50.50
3½	43.25	43.50	45.50	45.75
4	38.40	38.65	41.70	41.95
4½	33.80	34.05	37.15	37.40
5	31.35	31.60	34.35	34.60

Grade	Staple length (inches)—Continued			
	1½		1⅝ and longer	
	California and Arizona	New Mexico and Texas	California and Arizona	New Mexico and Texas
1	63.20	63.45	63.20	63.45
1½	62.25	62.50	62.25	62.50
2	61.10	61.35	61.10	61.35
2½	57.05	57.30	57.05	57.30
3	52.40	52.65	52.40	52.65
3½	48.35	48.60	48.35	48.60
4	44.85	45.10	44.85	45.10
4½	40.70	40.95	40.70	40.95
5	37.60	37.85	37.60	37.85

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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1948 Edition

(Revised through June 30)

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Issued this 13th day of October 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: October 13, 1948.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-9155; Filed, Oct. 15, 1948; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tangerine Reg. 74]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.403 *Tangerine Regulation 74*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 18, 1948, and ending at 12:01 a. m., e. s. t., November 1, 1948, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States Standards for Tangerines (13 F. R. 4790)); or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 14th day of October 1948.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9211; Filed, Oct. 15, 1948; 11:54 a. m.]

[Orange Reg. 151]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.402 *Orange Regulation 151*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 18, 1948, and ending at 12:01 a. m., e. s. t., November 1, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which grade U. S. No. 2 Russet or lower than U. S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than 2¹¹⁄₁₆ inches in diameter measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U. S. Standards for Oranges: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2¹¹⁄₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are 3 inches in diameter and smaller.

(2) As used in this section, the terms "handler" and "ship" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 2 Russet," shall have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 14th day of October 1948.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9212; Filed, Oct. 15, 1948; 11:54 a. m.]

[Grapefruit Reg. 102]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.401 *Grapefruit Regulation 102*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., October 18, 1948 and ending at 12:01 a. m., e. s. t., November 1, 1948, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any pink seeded grapefruit grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit of any variety, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48

Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 14th day of October 1948.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9213; Filed, Oct. 15, 1948; 11:54 a. m.]

[Lemon Reg. 296]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.403 *Lemon Regulation 296*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 17, 1948 and ending at 12:01 a. m., P. s. t., October 24, 1948 is hereby fixed as follows:

(i) District 1: 250 carloads;

(ii) District 2: unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 295 (13 F. R. 5906), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 *et seq.*)

Done at Washington, D. C., this 14th day of October 1948.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9215; Filed, Oct. 15, 1948; 11:55 a. m.]

[Orange Reg. 251, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 966.397 (Orange Regulation 251, 13 F. R. 5907) are hereby amended to read as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, no movement; (*b*) Prorate District No. 2, 1100 carloads; and (*c*) Prorate District No. 3, no movement.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 14th day of October 1948.

[SEAL] C. F. KUNKEL,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9198; Filed, Oct. 15, 1948; 9:01 a. m.]

[Orange Reg. 252]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.398 *Orange Regulation 252*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 17, 1948 and ending at 12:01 a. m., P. s. t., October 24, 1948 is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: 950 carloads;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 15th day of October 1948.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Oct. 17, 1948 to 12:01 a. m. Oct. 24, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.1015
A. F. G. Corona	.1766
A. F. G. Fullerton	.0000
A. F. G. Orange	.3704
A. F. G. Riverside	.1358
A. F. G. San Juan Capistrano	1.0189
A. F. G. Santa Paula	.7505
Hazeltine Packing Company	.4998
Placentia Pioneer Valley Growers Association	.7633
Signal Fruit Association	.1645
Azusa Citrus Association	.4762
Covina Valley Orange Co	.1054
Damerel-Allison Co	1.0275
Glendora Mutual Orange Association	.4752
Irwindale Citrus Association	.0000
Puente Mutual Citrus Association	.2584
Valencia Heights Orchard Association	.6759
Covina Citrus Association	1.3485
Covina Orange Growers Association	.7113
Glendora Citrus Association	.4561
Glendora Heights Orange and Lemon Growers' Association	.0685
Gold Buckle Association	.0000
La Verne Orange Association	.8201
Anaheim Citrus Fruit Association	1.4281
Anaheim Valencia Orange Association	.5111
Eadington Fruit Co., Inc	2.7113
Fullerton Mutual Orange Association	1.3347
La Habra Citrus Association	1.3804
Orange County Valencia Association	.9311
Orangethorpe Citrus Association	.6986
Placentia Cooperative Orange Association	.6599
Yorba Linda Citrus Association	.6689
Citrus Fruit Growers	.1749
Cucamonga Citrus Association	.2697
Etiwanda Citrus Fruit Association	.0498
Mountain View Fruit Association	.0000
Old Baldy Citrus Association	.1600
Rialto Heights Orange Growers	.0745
Upland Citrus Association	.2405
Upland Heights Orange Association	.1837
Consolidated Orange Growers	1.9454
Frances Citrus Association	1.5899
Garden Grove Citrus Association	1.3882
Goldenwest Citrus Association, The	1.9656
Irvine Valencia Growers	3.1373
Olive Heights Citrus Association	2.0794
Santa Ana-Tustin Mutual Citrus Association	1.3521
Santiago Orange Growers Association	3.7792
Tustin Hills Citrus Association	2.8299
Villa Park Orchards Association, The	1.9753
Bradford Brothers, Inc	.7948
Placentia Mutual Orange Association	1.8642
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.6913
Call Ranch	.0935
Corona Citrus Association	.6678
Jameson Company	.0000
Orange Heights Orange Association	.4464

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Crafton Orange Growers Association	0.5194
East Highlands Citrus Association	.0981
Fontana Citrus Association	.1445
Highland Fruit Growers Association	.0000
Redlands Heights Groves	.3842
Redlands Orangedale Association	.4058
Break & Sons, Allen	.0000
Bryn Mawr Fruit Growers Association	.3218
Krinard Packing Co	.2518
Mission Citrus Association	.1981
Redlands Cooperative Fruit Association	.4459
Redlands Orange Growers Association	.3084
Redlands Select Groves	.3829
Rialto Citrus Association	.0000
Rialto Orange Co	.1950
Southern Citrus Association	.2386
United Citrus Growers	.0000
Zilen Citrus Co	.0000
Arlington Heights Citrus Co	.1249
Brown Estate, L. V. W	.0000
Gavilan Citrus Association	.1699
Hemet Mutual Groves	.0000
Highgrove Fruit Association	.0722
McDermont Fruit Co	.2282
Monte Vista Citrus Association	.0000
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0756
Sierra Vista Packing Association	.0755
Victoria Avenue Citrus Association	.2302
Claremont Citrus Association	.2193
College Heights Orange and Lemon Association	.2692
El Camino Citrus Association	.0799
Indian Hill Citrus Association	.2436
Pomona Fruit Growers Exchange	.5035
Walnut Fruit Growers Association	.6464
West Ontario Citrus Association	.4925
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	3.1224
San Dimas Orange Growers Association	.6066
Andrews Brothers of California	.2104
Ball & Tweedy Association	.7185
Canoga Citrus Association	1.2445
North Whittier Heights Citrus Association	1.1846
San Fernando Fruit Growers Association	.7325
San Fernando Heights Orange Association	1.2814
Sierra Madre-Lamanda Citrus Association	.0000
Camarillo Citrus Association	2.0432
Fillmore Citrus Association	3.2571
Mupu Citrus Association	3.8055
Ojai Orange Association	1.2817
Piru Citrus Association	2.2963
Santa Paula Orange Association	1.4466
Tapo Citrus Association	1.5080
Ventura County Citrus Association	.0000
Limoneira Co	.8444
East Whittier Citrus Association	.2832
El Ranchito Citrus Association	1.0080
Murphy Ranch Co	.4772
Rivera Citrus Association	.5248
Whittier Citrus Association	.8406
Whittier Select Citrus Association	.4887
Anaheim Cooperative Orange Association	1.1343
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.0000
Euclid Avenue Orange Association	.4143
Foothill Citrus Union, Inc	.0428
Fullerton Cooperative Orange Association	0.4051
Garden Grove Orange Cooperative Inc	.6764
Golden Orange Groves, Inc	.0000
Highland Mutual Groves	.0000
Index Mutual Association	.2908
La Verne Cooperative Citrus Association	1.6170
Mentone Heights Association	.0000
Olive Hillside Groves	.7175
Orange Cooperative Citrus Association	1.2084
Redlands Foothill Groves	.7641
Redlands Mutual Orange Association	.1617
Riverside Citrus Association	.0000
Ventura County Orange and Lemon Association	1.1946
Whittier Mutual Orange and Lemon Association	.1604
Babijuice Corporation of California	.4943
Banks Fruit Co	.0000
Banks, L. M	.0000
Borden Fruit Co	.0000
California Associated Growers	.0993
California Fruit Distributors	.0452
Cherokee Citrus Co., Inc	.0000
Chess Co., Meyer W	.2482
Escondido Avocado Growers	.0246
Evans Brothers Packing Co	.2861
Furr, N. C	.0224
Gold Banner Association	.3518
Granada Hills Packing Co	.0479
Granada Packing House	1.4125
Hill, Fred A	.0957
Inland Fruit Dealers, Inc	.0838
Morris Brothers Fruit Co	.0137
Orange Belt Fruit Distributors	.0000
Panno Fruit Co., Carlo	.0289
Paramount Citrus Association	.5796
Placentia Orchard Co	.5643
San Antonio Orchard Co	.3074
Snyder & Sons Co., W. A	.4274
Stephens, T. F	.1198
Torn Ranch	.0000
Wall, E. T	.1222
Webb Packing Co	.0000
Western Fruit Growers, Inc., Reds	.8060

[F. R. Doc. 48-9214; Filed, Oct. 15, 1948; 11:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Rev. Supplement 1]

PART 60—AIR TRAFFIC RULES

SEGMENTED CIRCLE AIRPORT MARKER SYSTEM; RIGHT TURN INDICATORS

Under section 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce.

Under § 60.108 (a) of the Civil Air Regulations, the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to approve standard visual markings which, when displayed at airports, require pilots operating aircraft to make turns to the right.

Acting pursuant to the foregoing statute and regulation, the following rules are hereby adopted. They supersede the CAA Specifications published in

13 F. R. 172–173 and made effective on January 13, 1948, and they impose no additional burdens upon interested persons. They are made effective on the date indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required.

§ 60.108 *Operation on and in the vicinity of an airport.* * * *

(CAA Rules)

RIGHT-TURN INDICATORS

The "L" shaped marker described hereinafter is approved as a standard visual marker which indicates that turns are to be made to the right. The marker shall be prepared in such size and color, and located in such area, that when displayed between sunrise and sunset it will be readily visible to pilots using the airport. The marker shall be placed in such a position that the short member of the "L" will show the direction of traffic in the air, the long member of the "L" will point out the landing strip to be used, and the entire "L" will indicate the course of the turn to be executed by pilots using the landing strip.

NOTE: The "L" shaped marker is applied to the Segmented Circle Airport Marker System in Technical Standard Order TSO-N5.

(Sec. 601, 52 Stat. 1007; Pub. Law 872, 80th Cong.; 49 U. S. C. 551; Reorg. Plan No. IV of 1940, 5 F. R. 2421; 3 CFR, 1943 Cum. Supp.)

These rules shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-9118; Filed, Oct. 15, 1948; 8:46 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

PART 12—DELEGATIONS OF AUTHORITY

TRANSFER AND OPERATION OF AIR NAVIGATION FACILITIES ABROAD

Section 12.10 Executive Order 9709 (15 CFR 1946 Supp., 12.10) is hereby revoked. The International Aviation Facilities Act (Public Law 647, 80th Congress; 62 Stat. 450) vests directly in the Administrator of Civil Aeronautics and the Chief of the Weather Bureau certain authorities in connection with the transfer and operation of air navigation facilities abroad formerly vested in the Department of Commerce by virtue of Executive Order 9709. In view of this legislative transfer of authority, the delegations of authority made to the Administrator of Civil Aeronautics and the Chief of the Weather Bureau in § 12.10 are no longer necessary.

(R. S. 161; 5 U. S. C. 22)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-9123; Filed, Oct. 15, 1948; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52062]

PART 1—CUSTOMS DISTRICTS AND PORTS; DELEGATION OF POWERS TO COMMISSIONER OF CUSTOMS

PART 3—DOCUMENTATION OF VESSELS

ENTRY AND CLEARANCE OF VESSELS AT PLACES OTHER THAN PORTS OF ENTRY AND CHANGE OF NAME OF DOCUMENTED VESSELS

1. Section 1.2 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 1.2 (b)), is amended as follows:

(b) A vessel shall not be entered or cleared at a customs station, or other place that is not a port of entry, unless entry or clearance is authorized by the collector of customs for the district in which such station or place is located pursuant to the provisions of section 447, Tariff Act of 1930.* Such authorization shall be granted by the collector only upon the condition that the vessel will be under such customs supervision as he may deem to be necessary; that compliance will be had with all applicable customs and navigation laws and regulations; that the salary and expenses of the customs officer for such time as is required to be devoted to entry and clearance work, together with any expense incurred by such officer in connection with the entry or delivery of merchandise, shall be reimbursed to the Government as provided in paragraph (c) of this section; and that the collector shall be notified in advance of the arrival of the vessel concerned.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. President's message of March 3, 1913; T. D. 33249. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., Ch. IV)

2. Section 3.51, Customs Regulations of 1943 (3 CFR, Cum. Supp., 3.51), as amended by T. D. 51912, is further amended to read as follows:

§ 3.51 *Change of name of documented vessel.* (a) The name of a documented vessel (including any documented yacht) shall not be changed except with the consent and approval of the collector of customs for the district in which the vessel's home port is located.**

(b) An application for change of name shall be executed by the owner or owners of the vessel, addressed to the collector, and shall be submitted in duplicate to the deputy collector at the vessel's home port.

(c) The application shall state the change desired, the reasons therefor, official number, rig, gross tonnage, name or names of the owner or owners of the vessel, and date and place of last inspection, if the vessel is subject to inspection. If the vessel is not subject to inspection, a certificate of seaworthiness issued by an officer in charge, marine inspection, United States Coast Guard, shall be obtained by the applicant and submitted with the application. A certificate of ownership on customs Form 1330 from the deputy collector at the vessel's home port shall be submitted with the application as evidence to the collector of the date and place of build and pecuniary liability of the vessel. The consent of the mortgagee or other beneficiary under each lien, mortgage, or other encumbrance of record at the vessel's home port shall be submitted in writing with the application, together with a certified copy of any approval of the United States Maritime Commission required by subsection 0 (a) of the Ship Mortgage Act, 1920.**a

(d) If the application is approved by the collector, he shall issue an order in writing authorizing the change of name as requested. A copy of the order shall be delivered to the applicant by the deputy collector at the vessel's home port.

(e) The applicant shall cause notice of the order for the change of name to be published in some daily or weekly newspaper of general circulation at or nearest to the home port of the vessel in at least four consecutive issues. The notice shall be in the following form:

Notice is hereby given that the collector of customs for this district has issued an order dated ---------- authorizing the name of the ----------
(rig) (name)
official number ----, owned by ----------, of which ---------- is the home port, to be changed to ----------

---
Deputy Collector

(Port)

(f) No document shall be issued to the vessel in the new name until the applicant has paid the fee prescribed by § 3.52 [38b] and, except as specified in paragraph (g) of this section, until he has complied with paragraph (e) of this section and has furnished to the deputy collector at the vessel's home port (1) an affidavit or declaration of publication executed by a proper representative of the newspaper in which the order for the change of name was published setting forth the wording of the order, the dates of publication, and the payment of the cost of advertising, or (2) a copy of each of the four consecutive issues of the newspaper in which the order appeared, together with a receipt for the payment of the cost of advertising.

(g) Documentation of the vessel in the new name shall not be withheld until notice of the order for the change has been published as required by paragraph (e) of this section, if the deputy collector at the vessel's home port is satisfied that the contract for publication has been entered into and he has been furnished with a receipt for the payment of the cost thereof, but the applicant shall within a reasonable time after publication furnish to the deputy collector the evidence prescribed in subparagraphs (1) or (2) of paragraph (f) of this section.

(h) The cost of advertising and of procuring any evidence required by this section shall be paid by the applicant.

** The fee is due upon approval of the application whether or not the vessel is documented in the new name.

(i) An accurate index of each change of name of a documented vessel under both the old and new names, and showing the dates of authorization, shall be kept by the collector.

(j) If there is a change in ownership of a vessel and the new owner applies for a change of name of the vessel, his designation of home port shall be in the name under which the vessel was last documented. A designation of home port shall not be required to be submitted merely by reason of a change of name.

(k) A vessel which is to be redocumented after being out of documentation shall be redocumented only under the name and official number in which it was last documented, but a vessel never before documented may be documented under any name. (R. S. 161, secs. 2, 3, 23 Stat. 118, 119, R. S. 4179, secs. 1–3, 41 Stat. 436, 437; 5 U. S. C. 22, 46 U. S. C. 2, 3, 50–53. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., ch. IV)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: October 8, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9127; Filed, Oct. 15, 1948; 8:49 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 202—MINIMUM WAGE DETERMINATIONS

MEN'S HAT AND CAP INDUSTRY; DETERMINATION OF THE SECRETARY

This matter is before me pursuant to the act of June 30, 1936 (49 Stat. 2036; 41 U. S. C., secs. 35–45) entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act, and upon the petition of the United Hatters, Cap and Millinery Workers International Union, that I determine the prevailing minimum wage for skilled workers in the men's hat and cap industry, except furfelt hats, to be 85 cents an hour, and the prevailing minimum wage for auxiliary workers to be 65 cents an hour. The existing rate of 67.5 cents for skilled workers was established in the determination of the Secretary of Labor dated July 28, 1937 and continued in the amendment dated January 24, 1938 (41 CFR, 202.11), and the existing rate of 40 cents per hour for auxiliary workers was established in the amending determination of February 2, 1944 (41 CFR, 1944 Supp., 202.11).

Notice of a hearing in this matter was published in the FEDERAL REGISTER (13 F. R. 2661) and copies were sent to Government agencies, associations, unions and individuals known to be interested, and a press release was distributed to the national press, trade publications and firms in the industry advising of the time and place for interested parties to appear and offer testimony for or against the proposal of the Union, and as to whether any amendment to the prevailing minimum wage determination should include provision for the employment of learners for skilled occupations at a rate lower than the minimum wage hereinbefore stated. The notice also provided that written statements in lieu of personal appearance might be filed at any time prior to the hearing or with the presiding officer at the hearing, and stated that copies of a recent survey of wages prepared by the Union were available upon request. The hearing which was held on June 15, 1948, and at which representatives of the Union and of employers appeared and testified, was intended to obtain evidence on the wages being paid to employees who make caps and cloth hats, and no evidence was received relative to wages paid in the furfelt hat branch of the industry. Following consideration of the record by him, the Administrator of the Wage and Hour and Public Contracts Divisions recommended approval of the petition of the union.

I have considered this matter and I am satisfied that the rate of 85 cents an hour proposed in the petition of the Union is the prevailing minimum wage in the cap and cloth hat branch of the industry and that an amendent of the current determination is required pursuant to the act. The evidence presented at the hearing clearly supports an 85-cent minimum. There was no opposition to the fixing of such rate for experienced workers by the employer representatives who testified at the hearing. The employer representatives, however, suggested the inclusion of adequate provision in the amendment permitting the employment of learners at a subminimum rate, and the Administrator has proposed a learner provision as hereinafter shown.

The survey of wages submitted by the Union was based on reports from employers on wages paid in 20.4 percent of the number, according to the 1939 Census of Manufacturers, of cap and cloth hat manufacturing establishments. The survey was a representative sample of the wages paid to employees in the various producing areas. The plants were selected not on the basis of knowledge of their wage scales but on the basis of an adequate representation of uniform cap shops and civilian shops and on the basis that they had the necessary number of employees to make up a one-third sample of all employees in the industry. The covered areas employed, according to the 1939 Census, 80.7 percent of the cap workers in the United States in that year, and the survey embraced 34.4 percent of the workers on the basis of such Census, 88 percent being skilled workers. On the basis of Census figures the proportion of workers covered by the survey was lower in the highest-wage area and substantially lower on the basis of Union membership, resulting in a downward bias in the computation of average earnings, and of frequency distribution of earnings for the United States as a whole; for example, the average straight-time hourly earnings for skilled workers in February–March of 1948 was $1.51, which was raised to $1.57 by adjustment to equal coverage of all areas according to the 1939 Census and to $1.63 by such adjustment to 1947 membership figures.

The range in the average straight-time hourly earnings of skilled workers, 90 percent of whom were unionized employees, was from $1.07 in the lowest wage area to $1.97 per hour in the highest wage area, there being no marked differences in the other areas, which ranged between $1.36 and $1.55. Only 7.2 percent of such workers were earning less than 85 cents per hour; moreover, the 7.2 percent is lowered to 6.9 and 6.7 percent, respectively, by adjusting the distribution figures to equal distribution of workers according to the 1939 Census and the 1947 membership. There were no skilled workers earning less than 85 cents an hour in one area. The range in the other surveyed areas was, without adjustment to Census and membership figures, from 1.2 percent to 19.7 percent, but in the latter area only 10.5 percent earned less than 75 cents per hour and only 5.9 percent earned less than 70 cents. The survey also shows that nearly all cap and cloth hat contracts which are covered by the act are for uniform caps and hats, and that workers in uniform cap shops generally earn higher wages than workers in other cap shops, the average for the former being $1.66 and for the latter $1.40; only the St. Louis area deviated from this pattern of wage differentials. Additional evidence that the prevailing minimum wage is 85 cents an hour may be derived from the survey's table showing the percentage distribution of hourly earnings; the largest cluster of employees earning less than one dollar an hour occurs in the 80–89 cents brackets, with 7.0 percent receiving such earnings; only 1.5 percent of such employees are shown in the 75–79 cents brackets, and only 1.3 percent are shown as receiving 70 to 74 cents per hour.

A manufacturer of the St. Louis area who represented five manufacturers in that area pointed out alleged inadequacies in the Union's statistical method and testified that he had made a wage survey which indicated lower average earnings than shown in the Union's survey, but it appeared that the employees involved were predominantly hourly-rate employees who traditionally earn less than pieceworkers and that his survey was made at a time when employment had increased with a resultant influx of inexperienced employees; however, the detailed data upon which his conclusions were based were not presented in evidence, and counsel stated that a wage differential for the area was not proposed. The Pennsylvania employer representative who appeared at the hearing entered no objection to the methods or results of the Union survey, and, as heretofore indicated, none of the representatives of cap and cloth hat manufacturers considered the proposed 85-cent minimum wage for experienced employees a problem if appropriate allowance were made for the employment of learners. Also, subsequent to the hearing a letter was received from a national association representing 186 firms which make uniform headwear stating that they approved the proposed minima and ex-

pressing the thought that some provision should be made for a limited number of learners.

The Union proposed a learner tolerance for the occupations of operating, cutting, blocking, pressing and overhand sewing, limited to not exceeding 10 percent of workers employed in each craft, and the period of learning to be 240 hours of employment in the industry. The Union proposal was satisfactory to the Pennsylvania representative at the hearing in all respects except as to the proposed percentage limitation of 10 percent on the number of learners to be permitted. The St. Louis representative opposed such limitation as well as the 240-hour learning period, and urged that a learner tolerance be granted permitting subminimum learner rates on a graduated scale for a period of one year with no limitations on the number of learners which may be employed at such subminimum rates.

It is my opinion that the evidence and testimony presented at the hearing supports a finding that a 10% learner tolerance is appropriate and sufficient to take care of normal needs in the industry. It seems clear, however, that in some abnormal situations such as establishing of new plants and expansion of plants and plant facilities a greater proportion of learners in the skilled occupations is required, and that adequate provision for an increase in the tolerance under certain specified conditions should be included in the determination. The evidence also shows that under the section-work system which prevails in this industry any extension of the learning period at subminimum rates beyond six weeks would be unwarranted.

There was no substantial objection to the Union's proposal of a 65-cent rate for auxiliary workers, which constituted approximately 13 percent of the total working force, and there is no indication that the Union survey does not give a substantially correct picture of the wage structure for such workers. The average straight-time hourly earnings for auxiliary workers in February and March of 1948, according to the Union survey, were 76 cents, the range among the various areas being from 67 to 85 cents. Of all such workers, 32.4 percent earned less than 65 cents but only 15.1 percent earned less than 60 cents and only 1.4 percent earned less than 55 cents; and the 32.4 percent is reduced to 20.3 percent and 15.4 percent by adjustment to Census and membership figures. In the New York area no auxiliary workers would be affected by the proposed minimum and the range of the other areas is, without adjustment, from 16.7 percent in Chicago to 46 percent in Philadelphia, but in the latter area only 24.4 percent earned less than 60 cents per hour and none earned less than 55 cents per hour. The largest cluster of low-wage employees in the survey's table showing the percentage distribution of hourly earnings is in the 60–69 cents brackets, with 32.4 percent of the workers receiving such hourly earnings; only 13.7 percent were in the 55–59 cents brackets, and only 1.4 percent received hourly earnings of 50 to 54 cents.

There was no objection to the continued exclusion from the definition of the industry of washable service articles such as hats and caps worn by cooks, bakers, hospital employees, et al., as set forth in the notice of hearing. However, this exclusion does not cover white sailor hats, work hats, or similar caps and hats which, even though they may be washable, are not contemplated by the term "washable service" hats and caps. The Union contended, however, that since hat and cap manufacturers did in fact manufacture leather and sheeplined hats and caps such articles should be covered in amending the current determination, but since they are also made by companies which manufacture leather and sheeplined clothing and in about equal proportions, and since the notice of the hearing contained a proposed clarification of the definition which specifically excluded such articles, I see no purpose in disturbing the Department's present structure of industry definitions, nor do I feel justified in making any such change in the definition at this time, particularly since there is now before the Department a union petition to amend current determinations for other industries, one of which now includes the manufacture of leather and sheeplined hats and caps, and the petitioned rate is the same as in the current petition.

After consideration of the entire record of this proceeding the prevailing minimum wage determination for the men's hat and cap industry is amended to read as follows:

§ 202.11 *Men's hat and cap industry.* (a) (1) The cap and cloth hat branch of the men's cap and hat industry shall be defined as the manufacture and supply of men's and boys' hats (other than fur-felt) and caps, hat and cap covers, cap frames, helmets and hoods, and women's hat and cap products of similar construction and design: *Provided, however,* That the definition shall not include the following types of hats and caps: Leather and sheeplined; washable service (such as cooks', bakers', hospital, etc.); rainwear; straw; knitted; metal; molded plastic; vulcanized fiber; and similar types.

(2) That the prevailing minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act for the manufacture or supply of products of the cap and cloth hat branch of the men's hat and cap industry is 85 cents an hour or straight-time earnings of $34 per week of 40 hours, arrived at either upon a time or piece-rate basis, except that auxiliary workers in such branch, as defined in the determination of February 2, 1944, shall be paid not less than 65 cents an hour or straight-time earnings of $26 per week of 40 hours, arrived at either upon a time or piece-rate basis and that learners in such branch may be employed subject to the following terms and conditions:

(i) Learners may be employed in the non-auxiliary occupations of machine operating, cutting, blocking, pressing and overhand sewing;

(ii) Learners may be paid 67½ cents per hour or straight-time earnings of $27 per week of 40 hours, unless experienced workers in the same plant and occupation are paid on a piece-rate basis, in which case learners must be paid the same piece rates paid to experienced workers and earnings based upon those piece rates, if such earnings are in excess of 67½ cents per hour;

(iii) The length of the learning period shall be 240 hours unless the learner has had experience in the industry within the previous five years in which case, the total number of hours of such experience must be deducted from the 240 hour learning period;

(iv) The number of learners may equal 10 percent of the number of workers employed in the crafts in which learners may be employed; except where, upon application to the Administrator of the Wage and Hour and Public Contracts Divisions or his authorized representative, a special certificate has been issued authorizing employment of learners in excess of such 10 percent to meet a plant's abnormal situation created by establishment of new plants, expansion of production or plant facilities, and the like. Such special certificates will not be issued where it appears that experienced workers are available to the employer within the area from which he customarily draws his supply of labor, or that the issuance of a special certificate will create unfair competitive labor cost advantages, or will impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

(3) There shall be no limitation upon the number or proportion of auxiliary workers employed in the cap and cloth hat branch of the industry.

(4) The term "auxiliary workers" as applied to the employees in the cap and cloth hat branch of the industry shall include only those employees engaged in auxiliary occupations enumerated and defined as follows:

Hand clipping. The operation of separating component parts of the article after they have been sewn.

Hand cleaning. The operation of removing excess threads from the article or removing stains or dust.

Size stamping. The operation of stamping the head size marks on the article.

Floor boys (girls). One who carries items of work to and from the various departments.

Examining. The operation of inspecting the article for imperfections during any stage of manufacture.

Sweat band, braid, and strap cutter and measuring. The operation of measuring and cutting bands, straps and ribbons.

Turning. The operation of turning the article inside out or outside in.

Packing. The operation of packing the finished caps into shipping containers, spraying larvex or motil flakes; if necessary, inserting tissue paper in caps and inserting a cardboard ring stiffener to support crown of cap.

Shipping and receiving. The operation of unloading and checking stock and preparing containers for shipment.

Waste material sorting. The operation of separating paper from the rags whether performed in the cutting room or elsewhere.

Hand stapling. The operation by hand pressure of a wire stapling machine to join together parts of the article, to attach labels, bows or cloth to the article or part of the article, or to join ends of a cardboard strip to form a packing ring.

Drawstring pulling. The operation of slipping a cord or drawstring through part of a cap, hood or helmet.

Basting pulling. The operation of pulling out basting threads.

Porter. The operation of cleaning floors or carrying boxes.

Band and braid fitting. The operation of placing by hand but not sewing on a cap a prepared band or braid.

Wire stiffener inserting. The operation of slipping a wire ring into the cap.

Hand buckling. The operation of slipping a buckle on a strap.

Visor inserting. The operation of inserting a canvas stiffener into a cloth pocket before the visor is attached.

Pasting. The operation of attaching a label or ticket to a part of hat with paste or glue.

Hand button inserting. The operation of inserting, by hand, into a prepared hole a button and bending over clips to hold the button in place, or inserting a button with a threaded neck, and screwing a nut on neck to hold button firm.

Hand hole punching. The operation of punching a hole into material by use of an ice pick or similar pointed hand instrument.

Wire cutting and ring forming. The operation of cutting a wire to length and joining the ends to form a stiffener ring.

Hand eyeletting. The operation by hand pressure of a machine to attach an eyelet to the article.

Hand snap fastening. The operation by hand pressure of a machine to attach a snap fastener to the article.

(b) (1) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act for the manufacture or supply of products of the fur-felt hat branch of the men's hat and cap industry is 67½ cents an hour or $27 per week of 40 hours, arrived at either upon a time or piece-work basis.

(2) A tolerance of not more than 20 percent of the employees in any one factory whose activities at any given time are subject to the provisions of the Walsh-Healey Public Contracts Act is permitted for auxiliary workers in the fur-felt hat branch of the men's hat and cap industry: *Provided,* That any auxiliary workers in this branch of the Industry shall be paid not less than 40 cents an hour or $16 per week for 40 hours arrived at either upon a time or piece-rate basis.

(c) Nothing in this section shall affect such obligations for the payment of minimum wages as an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

This determination shall be effective and its provisions shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after November 16, 1948.

(49 Stat. 2036; 41 U. S. C. 35)

Dated: October 13, 1948.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 48-9130; Filed, Oct. 15, 1948; 8:49 a. m.]

PART 202—MINIMUM WAGE DETERMINATIONS

TEXTILE INDUSTRY; DETERMINATION OF THE SECRETARY

This matter is before me pursuant to the act of June 30, 1936 (49 Stat. 2036; 41 U. S. C., secs. 35–45) entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act, and upon the petition of the Textile Workers Union of America, that the current minimum wage determination for the textile industry be amended by determining that the prevailing minimum wage in the industry is eighty-seven (87) cents an hour. The existing rate of forty (40) cents was established in the determination of the Secretary of Labor dated May 25, 1942 (41 CFR, Cum. Supp., 202.43).

Notice of a hearing was published in the FEDERAL REGISTER (13 F. R. 3051) and copies were mailed to trade associations, unions and Government agencies having an interest in the industry; in addition a press release was distributed to the national press, trade publications, and firms which had received awards since January 1, 1947. This notice and press release advised interested parties of the time and place at which they could appear and offer testimony for or against the proposal of the Union and as to whether any amendment should include provisions for the employment of apprentices and learners at rates lower than the petitioned minimum wage. The notice also provided that written statements in lieu of personal appearances could be filed at any time prior to the hearing or with the presiding officer at the hearing, and stated that copies of a recent survey of wages prepared by the Union were available upon request. The hearing was held on July 8, 1948 at which representatives of employees and employers appeared and testified. Briefs and written statements were filed by several interested parties.

I have considered the matter and I am satisfied that the rate of 87 cents an hour proposed in the petition of the Union and as recommended by the Administrator of the Wage and Hour and Public Contracts Divisions is the prevailing minimum wage for this industry and that an amendment of the current determination is required pursuant to the act.

Well over 50 percent of the employees in the Textile Industry as herein defined are concentrated in the Southern States. Accordingly, in making a determination of the prevailing minimum wage, particular emphasis must be given to the rates which are paid in this predominant segment of the industry. While the Union's survey was representative of all principal textile areas, it included an unusually large representation of mills in the South. According to the Union's petition, mills organized by other unions and unorganized mills follow the wage pattern in contracts negotiated by the Textile Workers Union of America and the survey listed all mills in the low-wage areas known to have a minimum wage of 87 cents an hour or higher. Approximately three-fourths of the textile employees in the South are shown to be employed in such mills, and the Union contended that there were many additional mills having such minima, which contention appears to be supported by the results of a limited survey of wages in certain mills made by the Bureau of Labor Statistics of the Department.

The petition also stated that the Union had a very large proportion of the industry in the New England and Middle Atlantic States under contract and that the present minimum wage in cotton and rayon spinning and weaving in those areas is 97 cents an hour. In other branches of the industry the union minimum rate varied from 87½ cents upwards. The listing of mills and establishments in those areas having minimum rates of 87 cents or higher covered approximately half of the estimated number of employees in the former area and about 40 percent in the latter region.

Well over 90 percent of the industry's employees are concentrated in the three areas consisting of the South, the Middle Atlantic States and New England, and the Union contended that plants in the Middle Western States and on the Pacific Coast follow the Northern scale or have a higher scale. The listing of mills presented by the Union appears to be comprehensive and generally representative of the industry with respect to types of fiber, stages of processing and end products. A Union representative testified that 87 cents an hour "is truly the point of the lowest cluster of rates in the industry."

The employer representatives who appeared at the hearing offered no wage data and made no attempt to disprove or refute the economic data submitted by the Union in support of the proposed rate nor did they contend that 87 cents was not the prevailing minimum wage actually existing in the industry. They did, however, present arguments against the issuance of any amendment to the current determination for the industry. These arguments were directed against the basic public policy expressed in the act and therefore have no relevancy to the issues presented in this proceeding. In this connection it is pointed out that in the words of the Supreme Court in "Perkins v. Lukens Steel Co.," 310 U. S. 113 (1940), "This act's purpose was to impose obligations upon those favored with Government business and to obviate the possibility that any part of our tremendous national expenditures would go to forces tending to depress wages and purchasing power and offending fair social

standards of employment." The act, as the embodiment of a permanent policy, simply directs that specified contracts shall include, among other things, stipulations that persons employed in the manufacture or furnishing of the contract commodities "will be paid not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages." The proceeding was instituted upon the petition of the Union to ascertain the prevailing wage in this industry. The petition is not for an initial determination for this industry but for an amendment of a currently existing determination and only for the purpose of changing the determined rate so as to reflect the prevailing minimum wage as required by the act. The wage data presented provide adequate support for a finding that the prevailing minimum wage in the industry is 87 cents an hour.

There was no opposition to the Union proposal of a learner tolerance of 80 cents per hour for a six weeks period for the occupations now included in the learner regulations issued under the Fair Labor Standards Act and incorporated by reference in the current wage determination. The testimony also shows that apprentices are uniformly paid more than the petitioned minimum, making it unnecessary to provide for a subminimum rate for this group of employees.

After consideration of the entire record of this proceeding, the prevailing minimum wage determination for the textile industry is hereby amended to read as follows:

§ 202.43 *Textile industry.* (a) For the purpose of this determination the term "textile industry" means:

(1) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in subparagraphs (7) and (8) of this paragraph; except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(2) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in subparagraph (1) of this paragraph;

(3) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(4) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dishcloths; scrubbing cloths and wash-cloths; sheets and pillow cases; table-cloths, luncheloths and napkins; towels; window curtains; shoe laces and similar laces;

(5) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(6) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(7) The manufacturing or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in subparagraph (1) of this paragraph, containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(8) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in subparagraph (1) of this paragraph, with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(9) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

(b) The minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C., secs. 35–45) for the manufacture or furnishing of the products of the textile industry shall be eighty-seven (87) cents an hour or straight-time earnings of thirty-four dollars and eighty cents ($34.80) for a week of forty (40) hours, arrived at on a time or piecework basis, except that learners may be employed subject to the following terms and conditions:

(1) Learners may be employed in the occupations of machine operating, machine tending, machine fixing and jobs immediately incidental thereto;

(2) Learners may be paid a subminimum rate of eighty (80) cents per hour or straight-time earnings of thirty-two dollars ($32) per week of forty (40) hours, unless experienced workers in the same plant and occupations are paid on a piece-rate basis, in which case learners must be paid the same piece rates paid to experienced workers and earnings based upon those piece rates, if such earnings are in excess of eighty (80) cents per hour;

(3) The length of the learning period shall be two hundred and forty (240) hours unless the learner has had previous experience in the industry in which case the number of hours of such experience must be deducted from the two hundred and forty (240) hour learning period;

(4) The number of learners may not exceed three (3) percent of the total number of machine operators, machine tenders, machine fixers and persons engaged in jobs immediately incidental thereto except where, upon application to the Administrator of the Wage and Hour and Public Contracts Divisions or his authorized representative, a special certificate has been issued authorizing employment of learners in excess of three (3) percent to meet a plant's abnormal situation created by establishment of new plants, expansion of production or plant facilities, and the like. Such special certificates will not be issued where it appears that experienced workers are available to the employer within the area from which he customarily draws his supply of labor, or that the issue of a special certificate will create unfair competitive labor cost advantages, or will impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

(c) Deductions from the wages of employees may be made in accordance with the present regulations under the Fair Labor Standards Act of 1938, which I hereby adopt for the purpose of this wage determination.

(d) Nothing in this determination shall affect any obligation for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this determination.

(e) This determination shall be effective and its provisions shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced by the contracting agency on or after November 16, 1948. (49 Stat. 2036; 41 U. S. C. 35)

Dated: October 13, 1948.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 48-9129; Filed, Oct. 15, 1948; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 801]

GENERAL SUGAR REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Director, Sugar Branch, Production and Marketing Administration, pursuant to § 801.52 of General Sugar Regulations, Series 3, No. 2, as amended (13 F. R. 127, 1076, 2063, 4590) is considering the issuance of a determination that the 1948 sugar quota for Cuba, amounting to 2,895,962 short tons of sugar, raw value, has been filled to the extent that certification is required to maintain effective quota control.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed determination shall file the same in quadruplicate with the Director, Sugar Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 13th day of October 1948.

[SEAL] GEORGE A. DICE,
Acting Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 48-9154; Filed, Oct. 15, 1948; 8:52 a. m.]

[7 CFR, Part 955]

GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF SAN GORGONIO PASS

GENERAL NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948–1949 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 96, and Order No. 55 (7 CFR and Supps., 955.1 et seq.), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $16,275 will be necessarily incurred during the fiscal period August 1, 1948 to July 31, 1949, for the maintenance and functioning of the committee established under the aforesaid marketing agreement and order, and (2) that the Secretary of Agriculture fix, as each handler's share of such expenses, the rate of assessment, which each handler shall pay during the aforesaid fiscal period in accordance with the aforesaid marketing agreement and order, at $0.015 per standard box of fruit (as such box is defined in the aforesaid agreement and order) shipped by such handler as the first shipper thereof during the said fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Hearing Clerk, Room 1846, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handler," "shipped," "fruit," and "fiscal period" shall have the same meaning as is given to each such term in the said marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp. 955.1 et seq.)

Issued this 12th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9121; Filed, Oct. 15, 1948; 8:47 a. m.]

[7 CFR, Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES FOR MARKETING YEAR BEGINNING AUGUST 1, 1948

Pursuant to the authority vested in the Secretary of Agriculture by the provisions of § 987.7 (a) of the marketing agreement and order (13 F. R. 4344), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601, et seq.; 61 Stat. 208, 707), the Secretary of Agriculture is considering the approval of the budget of expenses of the Walnut Control Board (the administrative agency for operations under the regulatory program) in the sum of $59,800 for the marketing year beginning August 1, 1948. A proposed budget in this amount for the marketing year beginning August 1, 1948, has been recommended by the aforesaid Walnut Control Board, pursuant to a resolution adopted by said board at the duly called meeting in Los Angeles, California, on August 26, 1948.

It is anticipated that adequate funds will be provided to cover the proposed operational expenses by an assessment of one-tenth of a cent per pound of merchantable walnuts handled or certified for handling by handlers. This is the assessment rate for operational expenses prescribed by § 984.7 (b) of the marketing agreement and order in the absence of the fixing of a higher rate of assessment by the Secretary of Agriculture.

Prior to final approval of the aforesaid proposed budget in the amount specified, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writting to the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington, D. C., and which are received not later than 5:30 p. m., e. s. t., on the 10th day after the publication of this notice in the FEDERAL REGISTER, except that if such 10th day should fall on a holiday or a Sunday, such submission may be received not later than 5:30 p. m., e. s. t., on the next following work day.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9120; Filed, Oct. 15, 1948; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 40, 41, 61]

PILOT AND DISPATCHER ROUTE AND AIRPORT QUALIFICATION AND RESCISSION OF SPECIAL CIVIL AIR REGULATION SERIAL NUMBER SR–323

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of Parts 40, 41, and 61 of the Civil Air Regulations and the rescission of Special Civil Air Regulation Serial No. SR–323 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received within 45 days after the date of this publication will be considered by the Board before taking further action on the proposed rule.

Special Civil Air Regulation Serial No. SR–323 provides that certain domestic long-range high-altitude flights need not comply with certain of the provisions of the Civil Air Regulations applicable to scheduled air carriers. Experience has shown that safety has been in no way adversely affected during operations conducted under this and similar preceding Special Civil Air Regulations and that certain of the provisions and results should be incorporated into the permanent regulations. Therefore, the following proposals are being made applicable to Parts 40 and 61 (domestic scheduled air carriers) and Part 41 (scheduled air carriers operating to points outside the continental limits of the United States). If the proposed amendments are adopted, Special Civil Air Regulation Serial No. SR–323 will be rescinded.

For some years emphasis has been placed on that part of the qualifying procedures requiring the pilot to make a number of flights over a route prior to serving as first pilot thereover. With the advent of modern radio directional facilities and the incorporation into the regulations of higher en route minimum altitudes, en route terrain familiarity has lost much of its original importance. This is particularly true since a great many air carrier operations are conducted under instrument flight rules when the ground is not visible from shortly after take-off to final approach. It appears evident that such operations no longer require en route qualification but rather airport and approach facility familiarity. The amendments hereafter proposed embody this concept. Provision is made, however, to require actual flight over any particular route or segment thereof where operations are to be conducted in mountainous areas at or below the level of adjacent terrain within specified distances.

The route qualifications previously required of dispatchers are deleted since it is believed unnecessary to require this trip of the dispatcher when it is not required of the pilot.

The provision of the regulations placing a maximum altitude of 17,000 feet on scheduled air carrier operations is recommended for deletion. This rule, a wartime measure, now serves no further useful purpose and unduly restricts high-altitude long-range operations.

It is proposed to amend Parts 40, 41, and 61 as follows:

1. By amending § 40.2611 and §§ 41.302 through 41.3020 to read as follows:

Requirements for pilot route and airport qualification. Prior to serving as first pilot over a route in scheduled operations a pilot shall be thoroughly qualified and certified as competent thereto by an authorized check pilot of the air carrier. The qualifying procedures shall include at least the following:

(a) A written or practical examination on the route to be flown covering the following subjects, appropriate portions of which may be accomplished in a synthetic-type trainer:

(1) Weather characteristics,
(2) Navigational facilities,
(3) Communication procedures,
(4) The type of terrain and obstructional hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and instrument approach procedures for each regular, provisional, refueling, and alternate airport approved for the route.

(b) Each pilot shall fly through all letdown procedures for the facilities to be used at each regular, provisional, and refueling airport for the trip to which he is to be assigned.

(c) When flight in mountainous areas is to be conducted at or below the level of the adjacent terrain within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such terrain by actual flight.

(d) During the flight(s) required by paragraphs (b) and (c) of this section the qualifying pilot must be accompanied by a qualified first pilot of the air carrier, and, unless impracticable, such flight shall be conducted under day VFR conditions.

(e) Where an airport on a regularly assigned route is to be used into which the pilot has not flown within the preceding 12 months, he shall comply with the provisions of § 40.2611 (b) with respect to such airport.

2. By amending §§ 41.3021 and 61.514 to read as follows:

Maintenance of pilot route and airport qualifications. To maintain qualifications for a particular trip, a pilot must have made, within the preceding 12 calendar months, at least one entry into each regular, provisional, and refueling airport authorized for use on such trip. Additionally, where the trip is to be conducted in the type of terrain considered in § 40.2611 (c), the pilot shall have made, within the preceding 12 calendar months, at least one trip over such terrain.

3. By rescinding § 61.742.

4. By amending §§ 41.342 and 61.553 to read as follows:

Route qualification. Prior to dispatching aircraft over any route or part thereof a dispatcher shall be familiar with the following items:

(a) The contents of the air carrier operating certificate and the operations manual,
(b) The peculiarities of aircraft to be operated,
(c) The cruise control data and cruising speeds for such aircraft,
(d) The maximum authorized loads for the aircraft for the routes and airports to be used,
(e) The company radio facilities,
(f) The peculiarities and limitations of each radio and navigational facility to be used,
(g) The effect of weather conditions on aircraft radio reception,
(h) The airports to be used and general terrain,
(i) The prevailing weather phenomena,
(j) The sources of weather information available,
(k) The pertinent traffic control procedures,
(l) And any other pertinent phases of the air carrier operation.

5. By rescinding §§ 41.343, 41.344, 61.554, and 61.556.

6. It is also proposed to rescind Special Civil Air Regulation Serial Number SR–323.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601–610, 52 Stat. 984, 1007–1012; 49 U. S. C. 425 (a), 551–560)

Dated: October 12, 1948, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 48-9136; Filed, Oct. 15, 1948; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[T. D. 39]

TAXING OF MARIHUANA

Order of the Secretary of the Treasury relating to enforcement of subchapter C of chapter 23, and part VI of subchapter A of chapter 27, of the Internal Revenue Code (marihuana taxing provisions) revised and republished.

The order of the Secretary of the Treasury relating to the enforcement of the Marihuana Tax Act of 1937, issued September 1, 1937 (2 F.R. 2115), is hereby revised and republished, as follows:

Section 2600 of the Internal Revenue Code provides:

> The Secretary is authorized to confer or impose any of the rights, privileges, powers, and duties conferred or imposed upon him by this subchapter or part VI of subchapter A of chapter 27 upon such officers or employees of the Treasury Department as he shall designate or appoint.

In pursuance of the authority thus conferred upon the Secretary of the Treasury, it is hereby ordered:

I. *Rights, privileges, powers and duties conferred and imposed upon the Commissioner of Narcotics.* 1. There are hereby conferred and imposed upon the Commissioner of Narcotics, subject to the general supervision and direction of the Secretary of the Treasury, all the rights, privileges, powers and duties conferred or imposed upon said Secretary by subchapter C of chapter 23, and part VI of subchapter A of chapter 27, of the Internal Revenue Code, so far as such rights, privileges, powers and duties relate to:

(a) Prescribing regulations, with the approval of the Secretary, as to the manner in which the right of public officers to exemption from registration and payment of special tax may be evidenced, in accordance with section 3232 (b) of the Internal Revenue Code.

(b) Prescribing the form of written order required by section 2591 (a) of the Internal Revenue Code, said form to be prepared and issued in blank by the Commissioner of Internal Revenue as hereinafter provided.

(c) Prescribing regulations, with the approval of the Secretary, giving effect to the exceptions, specified in subsection (b), from the operation of subsection (a), of section 2591 of the Internal Revenue Code.

(d) The destruction of marihuana confiscated by and forfeited to the United States, or delivery of such marihuana to any department, bureau, or other agency of the United States Government, and prescribing regulations, with the approval of the Secretary, governing the manner of application for, and delivery of such marihuana.

(e) Prescribing rules and regulations, with the approval of the Secretary, as to books and records to be kept, and statements and information returns to be rendered under oath, as required by section 2594 (a) of the Internal Revenue Code.

(f) The compromise of any criminal liability (except as relates to delinquency in registration and delinquency in payment of tax) arising under subchapter C of chapter 23, and part VI of subchapter A of chapter 27, of the Internal Revenue Code, in accordance with section 3761 of said Code, and the recommendation for assessment of civil liability for internal revenue taxes and ad valorem penalties, under the respective subchapter and part of subchapter of the Internal Revenue Code previously cited.

(g) The determination of the qualification of an applicant for registration as a miller, as set forth in section 3231 (b) of the Internal Revenue Code; the authority to refuse to permit the registration of any such applicant deemed by said Commissioner of Narcotics not to be so qualified; the authority to cancel or to refuse to renew, after notice and opportunity for a hearing, the registration of any person registered under section 3230 (a) (6) of the Internal Revenue Code if he finds that such person has not complied or is not complying with the requirements of section 3231 (b) of the Internal Revenue Code, or if he finds that grounds exist which would justify the refusal to permit the original registration of such person under section 3231 (b) of the Internal Revenue Code. The Commissioner of Narcotics is further authorized to prescribe rules and regulations, with the approval of the Secretary, relative to issuance of any notice and the conduct of any hearing, (including designation of a hearing officer) which may be required under section 3231 (b) of the Internal Revenue Code.

II. *Rights, privileges, powers and duties conferred and imposed upon the Commissioner of Internal Revenue.* 1. There are hereby conferred and imposed upon the Commissioner of Internal Revenue, subject to the general supervision and direction of the Secretary of the Treasury, the rights, privileges, powers and duties conferred or imposed upon said Secretary by subchapter C of chapter 23, and part VI of subchapter A of chapter 27, of the Internal Revenue Code, not otherwise assigned herein, so far as such rights, privileges, powers and duties relate to:

(a) Preparation and issuance in blank to collectors of internal revenue of the written orders, in the form prescribed by the Commissioner of Narcotics, required by section 2591 (a) of the Internal Revenue Code. The price of the order form, as sold by the collector under section 2591 (c) of the Internal Revenue Code shall be two cents for the original and one copy.

(b) Providing appropriate stamps to represent payment of transfer tax levied by section 2590 of the Internal Revenue Code, and prescribing and providing appropriate stamps for issuance to special taxpayers registering under section 3230 of said Code.

(c) The compromise of any civil liability involving delinquency in registration, delinquency in payment of tax, and ad valorem penalties, and of any criminal liability incurred through delinquency in registration and delinquency in payment of tax, in connection with subchapter C of chapter 23, and part VI of subchapter A of chapter 27, of the Internal Revenue Code, and in accordance with section 3761 of said Code; the determination of liability for and the assessment and collection of special and transfer taxes imposed by the respective subchapter and part of subchapter of the Internal Revenue Code previously cited; the determination of liability for and the assessment and collection of the ad valorem penalties imposed by section 3612 of the Internal Revenue Code, for delinquency in registration; and the determination of liability for and the assertion of the specific penalty imposed by section 2596 of the Internal Revenue Code, for delinquency in registration and payment of tax.

General provisions. The investigation and the detection, and presentation to prosecuting officers of evidence, of violations of subchapter C of chapter 23, and part VI of subchapter A of chapter 27, of the Internal Revenue Code, shall be the duty of the Commissioner of Narcotics and the assistants, agents, inspectors or employees under his direction. Except as specifically inconsistent with the terms of said subchapter and part of subchapter and of this order, the Commissioner of Narcotics and the Commissioner of Internal Revenue and the assistants, agents, inspectors or employees of the Bureau of Narcotics and the Bureau of Internal Revenue, respectively, shall have the same powers and duties in safeguarding the revenue thereunder as they now have with respect to the enforcement of and collection of the revenue under, subchapter A of chapter 23, and part V of subchapter A of chapter 27, of the Internal Revenue Code.

In any case where a general offer is made in compromise of civil and criminal liability ordinarily compromisable hereunder by the Commissioner of Internal Revenue and of criminal liability ordinarily compromisable hereunder by the Commissioner of Narcotics, the case may be jointly compromisable by those officers, in accordance with section 3761 of the Internal Revenue Code.

Power is hereby conferred upon the Commissioner of Narcotics to prescribe such regulations as he may deem necessary for the execution of the functions imposed upon him or upon the officers or employees of the Bureau of Narcotics, but all regulations and changes in regulations shall be subject to the approval of the Secretary of the Treasury.

The Commissioner of Internal Revenue and the Commissioner of Narcotics may, if they are of the opinion that the good of the service will be promoted thereby, prescribe regulations relating to internal revenue taxes where no violation of subchapter C of Chapter 23, and part VI of subchapter A of chapter 27, of the Internal Revenue Code, is involved, jointly, subject to the approval of the Secretary of the Treasury.

The right to amend or supplement this order or any provision thereof from time to time, or to revoke this order or any provision thereof at any time, is hereby reserved.

The effective date of this order shall be October 9, 1948.

(Sec. 14, 53 Stat. 282; 26 U. S. C. 2600; applies 53 Stat. 279–283, 385–387; 26 U. S. C. 2590–2601, 3230–3239)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9128; Filed, Oct. 15, 1948; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8509, 9156]

WEST ALLIS BROADCASTING CO. AND WATERTOWN RADIO, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of West Allis Broadcasting Company, West Allis, Wisconsin, Docket No. 8509, File No. BP–5800; Watertown Radio, Inc., Watertown, Wisconsin, Docket No. 9156, File No. BP–6426; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of October 1948;

The Commission having under consideration the above-entitled application of Watertown Radio, Inc. for permit to construct a new standard broadcast station in Watertown, Wisconsin, to operate on the frequency 1580 with 250 w. power, daytime only; and

It appearing, that the Commission on April 14, 1948, designated for hearing the above-entitled application of West Allis Broadcasting Company for permit to construct a new standard broadcast station in West Allis, Wisconsin, to operate on the frequency 1570 kc, with 250 watts power, daytime only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Watertown Radio, Inc., be, and it is hereby, designated for hearing in a consolidated proceeding with the above-entitled application of West Allis Broadcasting Company at the Commission

offices in Washington, D. C., on March 24, 1949, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the other application in this proceeding or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the order of the Commission dated April 14, 1948, designating the application of West Allis Broadcasting Company for hearing be, and it is hereby, amended to include the above-entitled application of Watertown Radio, Inc., and Issues Nos. 3 and 7 as set forth above.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9132; Filed, Oct. 15, 1948; 8:50 a. m.]

[Docket No. 9077]

ALL NATIONS BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of All Nations Broadcasting Company, Boston, Massachusetts, Docket No. 9077, File No. BP-6326; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of October 1948;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on the frequency 1390 kc, with 5 kw power, daytime only in Boston, Massachusetts

It is ordered, That, pursuant to section 309 (a) of the Communication Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the sufficiency of coverage of the City of Boston, Massachusetts and the coverage of the Boston Metropolitan District.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9131; Filed, Oct. 15, 1948; 8:50 a. m.]

[Docket No. 9080]

REPRESENTATION OF AFFILIATED BROADCAST STATIONS BY NATIONAL NETWORKS FOR SALE OF NATIONAL SPOT ADVERTISING AND OTHER COMMERCIAL TIME

ORDER POSTPONING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 11th day of October 1948;

The Commission, having under consideration its order of July 21, 1948, herein, designating the above-entitled matter for hearing, and specifying various issues;

It appearing, that present indications are that the hearing will take from three to five days for its completion, and that present schedule commitments of the Commission are such that it would not be possible to allocate sufficient time to the hearing to enable it to be concluded in one continuous session if the present date for the commencement of the hearing is adhered to, and

It further appearing, that the persons made party to the hearing by the Commissions order of June 21, 1948 are agreeable to the postponement of the date for commencement of the hearing, set forth in this order,

It is ordered, That the hearing presently scheduled herein to begin October 25, 1948, is postponed upon the Commissions own motion until November 29, 1948 at the same time and place as heretofore designated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9134; Filed, Oct. 15, 1948; 8:50 a. m.]

[Docket No. 9149]

WTVJ

ORDER SCHEDULING HEARING

In the matter of revocation of construction permit of television station WTVJ, Miami, Florida.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 4th day of October 1948;

The Commission having under consideration its order of September 8, 1948, designating the above-entitled matter for hearing and a request filed August 13, 1948, by Southern Radio and Television Equipment Company for special temporary authorization to operate TV station WTVJ, Miami, Florida, pending conclusion of the proceedings in the above-entitled matter; and

It appearing, that on the basis of the facts now before it, the Commission is unable to determine that Southern Radio and Television Equipment Company is qualified to construct and operate a TV broadcast station in the public interest; and

It further appearing, that early expeditious consideration and disposal of the issues involved in the above-entitled proceeding would serve public interest, convenience and necessity; and

It is ordered, That the said request of Southern Radio and Television Equipment Company for special temporary authorization be, and it is hereby, denied;

It is further ordered, That the hearing in the above-entitled matter be, and it is hereby, scheduled to be heard, before Commissioner Paul A. Walker, commencing October 25, 1948, at 10:00 a. m. at Miami, Florida.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9135; Filed, Oct. 15, 1948; 8:50 a. m.]

[Docket No. 9160]

SILVERGATE BROADCASTING CO. AND SAN DIEGO BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Albert E. Furlow, Frank G. Forward, Roy M. Ledford, Fred H. Rohr and Mary Hetzler, d/b as Silver Gate Broadcasting Company, (Assignor), San Diego Broadcasting Company (Assignee). Docket No. 9160, File No. BAPL-37; for assignment of construction permit and license of station KYOR, San Diego, California.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of October 1948;

The Commission having under consideration the above-entitled application for assignment of the license of and construction permit for station KYOR, San Diego, California, from Albert E. Furlow, Frank G. Forward, Roy M. Ledford, Fred H. Rohr and Mary Hetzler, d/b as Silver Gate Broadcasting Company, to San Diego Broadcasting Company; together with a complaint filed by George W. Berger, alleging, among other things, that (a) Berger has always and has now an undivided 25% interest in said Silver Gate Broadcasting Company and (b) that individuals Virgil W. Wyatt and Ralph E. Oversmith have held interests in the aforesaid Silver Gate Broadcasting Company; and

It appearing, that the alleged interests of Berger, Wyatt, and Oversmith in Silver Gate Broadcasting Company have not been reported to the Commission as is required by its rules and regulations and that, further, the Commission is not satisfied that it is in possession of full information as is required by the Communications Act of 1934, as amended,

It is ordered, That pursuant to sections 310 (b) and 319 (b) of the Communications Act of 1934, as amended, that the above-entitled application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine whether the license and construction permit granted to Albert E. Furlow, Frank G. Forward, Roy M. Ledford, Fred H. Rohr and Mary Hetzler, d b as Silver Gate Broadcasting Company, for station KYOR, or the rights and responsibilities incident thereto, have been transferred, assigned, or disposed of, directly or indirectly, without the consent of the Commission, and in contravention of the provisions of the Communications Act of 1934, as amended, and more particularly sections 310 (b) and 319 (b) thereof.

2. To determine whether the representations made by Silver Gate Broadcasting Company in its original application for construction permit (BP-4669) and modification of construction permit for 5 kw power (BP-5438) for KYOR fully and accurately reflected the facts as to the ownership, operation and control of that station and to further determine whether all contracts, obligations, undertakings and agreements which have been entered into with respect to the ownership, operation, financing and control of Silver Gate Broadcasting Company, have been reported to the Commission as required by its rules and regulations.

3. To determine whether the proposed transfer of the license and construction permit for station KYOR would be in the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9133; Filed, Oct. 15, 1948; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1104]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

OCTOBER 12, 1948.

Upon consideration of the application filed August 19, 1948, by Texas Gas Transmission Corporation (Applicant) a Delaware corporation with its principal office at Owensboro, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appearing to the Commission that:

(1) Temporary authorization to construct and operate the requested facilities was granted by the Commission on October 6, 1948; and

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protests or petitions having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 24, 1948 (13 F. R. 5574-5).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 28, 1948, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 12, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9122; Filed, Oct. 15, 1948; 8:46 a. m.]

[Docket No. G-1141]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER TO SHOW CAUSE

OCTOBER 12, 1948.

It appearing to the Commission that:

(a) By its order issued November 25, 1947, and accompanying Opinion No. 161, at Docket Nos. G-200 and G-207, the Commission prescribed certain emergency service rules and regulations to govern the deliveries and sales of natural gas by Panhandle Eastern Pipe Line Company (Panhandle) during periods between November 25, 1947, and June 1, 1948, when the demands of Panhandle's customers exceeded the capacity of its system.

(b) By its order issued July 17, 1948, and accompanying Opinion No. 166, at Docket Nos. G-1023, G-1029, G-1031 and G-1013, the Commission, among other things, issued certain directives concerning deliveries by Panhandle to Michigan Consolidated Gas Company and Michigan Gas Storage Company during a period ending October 31, 1948.

(c) The record of the proceedings at Docket Nos. G-1023, et al. disclosed that the designed sales capacity of the pipeline facilities of Panhandle was estimated by Panhandle at 425,000 Mcf of natural gas per day, and that no increases in such sales capacity can be expected until February 1, 1949, at the earliest, at which time Panhandle hopes to have installed additional facilities which will increase its system sales capacity by approximately 40,000 Mcf per day.

(d) By its order issued July 17, 1948, at Docket No. G-880, the Commission continued in force and effect until April 30, 1949, the provisions of its order of October 10, 1947, requiring Texas Eastern Transmission Corporation to deliver not in excess of 20,000 Mcf of natural gas per day for the account of Panhandle or its customers.

(e) Estimates of firm requirements (based on zero degree temperature) to meet the consumer demands of distributing companies supplied from the Panhandle system, as compiled by the staff of the Commission from data submitted by Panhandle and by such distributing companies, show that peak day requirements for the winter season of 1948-1949 will approximate 526,000 Mcf, and that in so estimating firm requirements for the 1948-1949 winter season there was not included any amount whatsoever for interruptible sales.

(f) Considering estimates of requirements of distributing companies dependent upon Panhandle for their supply of natural gas, the estimate of delivery capacity from the Panhandle system during the winter season of 1948-1949 (giving due consideration to the continuing deliveries by Texas Eastern Transmission Corporation to the Panhandle area and the possible increase of such delivery capacity as a result of the completion of construction of additional facilities during the winter season of 1948-1949) and the deficiency in delivery capacity when compared with estimates of firm requirements of its attached customers, it is clearly indicated that the Panhandle system cannot meet such requirements during the coming winter season.

(g) Representatives of Panhandle and members of a committee representing the distributing companies served by Panhandle, through the Committee's Chairman, were invited by letter of August 25, 1948, to confer with representatives of this Commission for the purpose of formulating satisfactory emergency service rules and regulations to be established to govern the service from the pipe-line system when curtailment of deliveries of natural gas by Panhandle becomes necessary during the winter season of 1948–1949. However, such conference has not been held because of requests of Panhandle for postponement thereof and Panhandle has filed no proposed emergency service rules and regulations to govern deliveries of natural gas by Panhandle during the winter season of 1948–1949.

The Commission finds that:

(1) Consumer demands upon distributing companies dependent upon the Panhandle system for their supply of natural gas will exceed the available pipe-line capacity of the Panhandle system for the coming winter and the establishment of emergency service rules and regulations is necessary and required in the public interest.

(2) Unless reasonable and nondiscriminatory emergency rules and regulations are filed by Panhandle as supplements to existing and presently effective rate schedules, such reasonable and nondiscriminatory service rules and regulations must be established by order of this Commission.

The Commission, therefore, orders that:

(A) At a public hearing to be held commencing at 10:00 a. m. (e. s. t.) on October 21, 1948, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.:

(i) Panhandle Eastern Pipe Line Company, if it has not filed with this Commission on or before October 18, 1948, supplements to its existing and presently effective rate schedules providing emergency service rules and regulations to govern the service from its pipeline system when curtailment of deliveries of natural gas by Panhandle becomes necessary during the winter season of 1948–1949, shall show cause, if any there be, why it has failed so to do.

(ii) In the event Panhandle does file the supplements referred to in paragraph (i) above, the companies dependent upon Panhandle Eastern for their supply of natural gas will be afforded opportunity at said hearing to show why such supplements should not be allowed to become effective as proposed.

(iii) In the event Panhandle does not file the supplements referred to in paragraph (i) above on or before October 18, 1948, or in the event such filings are made and found by the Commission to be unjust, unreasonable, unduly discriminatory, or preferential, Panhandle and the companies depending upon the Panhandle system for their supply of natural gas shall show cause, if any there be, why the Commission should not by order establish for the coming winter the same emergency service rules and regulations which were in effect during the winter season of 1947–1948, with such modifications if any, as are required in the public interest.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the rules of practice and procedure.

Date of issuance: October 12, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9123; Filed, Oct. 15, 1948; 8:47 a. m.]

[Docket No. E-6169]

BUFFALO NIAGARA ELECTRIC CORP.

ORDER SUSPENDING RATE SCHEDULE AND FIXING DATE OF HEARING

OCTOBER 12, 1948.

It appears to the Commission that:

(a) Buffalo Niagara Electric Corporation (Buffalo Niagara) submitted for filing on September 20, 1948, a supplemental agreement dated June 21, 1948, proposed to become effective May 24, 1948, with New York State Electric and Gas Corporation (New York Company). The supplemental agreement has been tentatively designated as Supplement No. 5 to Buffalo Niagara's Rate Schedule FPC No. 2, formerly Rate Schedule FPC No. 4, as amended, of Niagara, Lockport and Ontario Power Company.[1]

(b) Buffalo Niagara's proposed Supplement No. 5 to Rate Schedule FPC No. 2 provides for an increase in rates and charges estimated at $152,344 for the year ending May 1949. Substantially all energy sold to New York Company under the agreement is resold by it to Pennsylvania Electric Company for the supply of its Bradford District in Pennsylvania.

(c) Unless suspended by order of the Commission, the rate schedule of Buffalo Niagara, tentatively designated Supplement No. 5 to Rate Schedule FPC No. 2, will become effective as of October 21, 1948, pursuant to the provisions of the Federal Power Act and the General Rules and Regulations promulgated thereunder.

(d) The change is rates or charges provided by Buffalo Niagara's tentatively designated Supplement No. 5 to Rate Schedule FPC No. 2, may result in excessive rates or charges to New York Company; may be discriminatory; and may result in increased rates or charges which have not been shown to be justified.

The Commission finds that: It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed rates or charges and that said proposed rates or charges be suspended pending such hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held commencing November 29, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges provded for in Buffalo Niagara's Rate Schedule FPC No. 2, as amended.

(B) Pending such hearing and decision thereon, the supplemental rate schedule referred to in paragraph (a) above be and the same hereby is suspended and the use of such rates or charges deferred until March 21, 1949, and thereafter such rate schedule shall go into effect in the manner prescribed by the Commission in accordance with the Federal Power Act.

(C) During the period of suspension the rates or charges heretofore in effect under the rate schedule on file with the Commission for service to New York Company by Buffalo Niagara shall remain and continue in effect.

(D) At such hearing, the burden of proof to show that the proposed rates or charges are just and reasonable shall be upon Buffalo Niagara.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Date of issuance: October 12, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9124; Filed, Oct. 15, 1948; 8:47 a. m.]

[1] Notice of Succession was filed by Buffalo Niagara on September 20, 1948.

FEDERAL TRADE COMMISSION

[Docket No. 5465]

UNITED-REXALL DRUG CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

In the matter of United-Rexall Drug Company, a corporation, Liggett Drug Company, Inc., a corporation, and Owl Drug Company, a corporation.

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 11th day of October A. D. 1948.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Abner E. Lipscomb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Friday, October 29, 1948, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-9119; Filed, Oct. 15, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12107]

BANKGESCHAFT BERGER & CO.

In re: Securities owned by Bankgeschaft Berger & Co., also known as Bankgeschaft Berger Company. F-28-761-A-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bankgeschaft Berger & Co., also known as Bankgeschaft Berger Company, the last known address of which is Behrenstrasse 33, Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto,

c. Twelve (12) Konversionskasse Reichmarks scrip certificates, Series A, numbered 0454508 to 0454519, inclusive, for ten (10) each, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto,

d. One (1) American Business Shares, Inc., subscription warrant, bearing the number 38552, registered in the name of Egger & Co., and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto,

e. One (1) deposit certificate for (1) Rudolph Karstadt 1st Mortgage Collateral 6% Sinking Fund Bond, bearing the number 12511, and registered in the name of Egger & Co., said deposit certificate presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto,

f. One (1) certificate of deposit for two (2) Consolidated Series A 4½% Bonds of St. Louis-San Francisco Railroad Company, numbered AM 15970 and AM 15971 of $1,000.00 face value each, said certificate in bearer form and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto,

g. Three (3) coupons detached from German Government External Loan 7% Gold Bond, numbered C 100971, each in the amount of $3.50, having become due April 15, 1940, October 15, 1940 and April 15, 1941, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto,

h. Three (3) coupons detached from German Government External Loan 7% Gold Bond numbered C 100972, each in the amount of $3.50, having become due April 15, 1940, October 15, 1940 and April 15, 1941, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto,

i. Three (3) coupons detached from German Government External Loan 7% Gold Bond numbered A4317, each in the amount of $35.00, having become due, April 15, 1940, October 15, 1940 and April 15, 1941, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto,

j. Three (3) coupons detached from German Government External Loan 7% Gold Bond numbered A4318, each in the amount of $35.00, having become due April 15, 1940, October 15, 1941, and April 15, 1941, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto,

k. Three (3) coupons detached from German Government External Loan 7% Gold Bond numbered CO 65326, each in the amount of $35.00, having become due April 15, 1940, October 15, 1940, and April 15, 1941, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto,

l. Two (2) trustee certificates each for one-fifth (⅕th) of one share of $100.00 par value capital stock of the Metals Coating Company of America, bearing the numbers 020 and 021, respectively, registered in the name of Heinrich Freudenthal, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto, and

m. One (1) Receipt of the Committee for Consolidated Mortgage Bonds of St. Louis-San Francisco Railway Company bearing the number 1676, registered in the name of Bruno Stark, and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account numbered F86033, entitled Bankgeschaft Berger Company, Berlin, Germany, Customers Account for Custody, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bankgeschaft Berger & Co., also known as Bankgeschaft Berger Company, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Par value	Certificate No.	Number of shares	Registered owner
American Bemberg Corp., 261 5th Ave., New York, N. Y.	Delaware	Common	No par value	C 5707	15	Lee & Co.
American Radiator & Standard Sanitary Corp., 40 West 40th St., New York, N. Y.	do	do	do	CO 400818	44	Egger & Co.
Associated Gas & Electric Co., 61 Broadway, New York, N. Y.	New York	do	$1.00	HO 110864	10	Lee & Co.
				HO 110865	5	
				HO 110866	1	
				HO 110867	1	
The Baltimore & Ohio R. R. Co., B&O Bldg., Baltimore, Md.	Maryland	do	$100.00	A32204	5	Do.
Grigsby-Grunow Co.		do		NO 71116	13	Do.
Guanajuato Reduction & Mines Co.		Capital		1049	150	Karl Kallman.
International Telephone & Telegraph Co., 67 Broad St., New York 4, N. Y.	Maryland	do	No par value	NN/AF67775	16	Egger & Co.
Pittston Co., 6417 Empire State Bldg., 5th Ave., New York, N. Y.	Delaware and Virginia	Common	$1.00	CO 2353	7	Eugen Von Wolf.
Quarterly Income Shares, Inc., 15 Exchange Pl., Jersey City, N. J.	Maryland	do	$0.10	CL 34510	21	Egger & Co.

EXHIBIT B

Description of issue	Certificate No.	Face value	Description of issue	Certificate No.	Face value
The Baltimore & Ohio R. R. Co. refunding and general 5% mortgage bond, series C.	M 14593	$1,000	German Government external loan 7% gold bonds—Con.	C 100971	$1,000
				C 100972	1,000
				C 055326	1,000
The Western Pacific R. R. Co. 1st mortgage 5% gold bond, series A.	M 11655	1,000	Rheinelbe Union Gelsenkirchen, 20-year 7% sinking fund mortgage gold bond.	M 8187	1,000
	A 4317	100		M 8188	1,000
German Government external loan 7% gold bonds.	A 4318	100			

[F. R. Doc. 48-9137; Filed, Oct. 15, 1948; 8:50 a. m.]

[Vesting Order 12120]

FRANCIS MORAN BRAMBEER

In re: Estate of Francis Moran Brambeer, deceased. File No. D-28-12185; E. T. sec. 16390.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilse Brambeer, also known as Ursula Brambeer, Ada Ursula Brambeer Fechner, Gerhild Stephanie Fechner and Francis Moran Brambeer, Jr., whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of and the trust created under the will of Francis Moran Brambeer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Bank of New York and Fifth Avenue Bank, as Executor and Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9138; Filed, Oct. 15, 1948; 8:51 a. m.]

[Vesting Order 12122]

RICHARD GRAESER ET AL.

In re: Rights of the domiciliary personal representatives, heirs, next of kin, legatee and distributees, names unknown, of Richard Graeser, deceased, under insurance contract. File No. F-28-23834-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Richard Graeser, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1396899, issued by the Travelers Insurance Company, Hartford, Connecticut, to Carl F. Graeser, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Richard Graeser, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9139; Filed, Oct. 15, 1948; 8:51 a. m.]

[Vesting Order 12123]

CHARLOTTE H. GRIEF

In re: Rights of Charlotte H. Grief under annuity contract. File No. F-28-114-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charlotte H. Grief, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under an Annuity Contract, evidenced by Policy No. 47058, issued by the New York Life Insurance Company, New York, New York, to Ernestine Schumann Heink, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9140; Filed, Oct. 15, 1948; 8:51 a.m.]

[Vesting Order 12127]

GEORGE KLEIN

In re: Rights of George Klein under insurance contract. File No. D-28-12091-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Klein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. M-653861, issued by the John Hancock Mutual Life Insurance Company, Boston, Masachusetts, to Anna M. Klein, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9141; Filed, Oct. 15, 1948; 8:51 a. m.]

[Vesting Order 12135]

EDMUND LEOPOLD PAWELLEK

In re: Estate of Edmund Leopold Pawellek, deceased. File No. 017-23974.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Martha Pawellek Helmke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Edmund Leopold Pawellek, deceased, and in and to the trust created under the will of Edmund Leopold Pawellek, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by M. A. Ogg, as administrator c. t. a. d. b. n., acting under the judicial supervision of the Corporation Court of Portsmouth, Virginia;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9142; Filed, Oct. 15, 1948; 8:51 a. m.]

[Vesting Order 12137]

ANNA M. SACHSIMMEIER

In re: Rights of Anna M. Sachsimmeier under insurance contract. File No. D-28-12267-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna M. Sachsimmeier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5690700, issued by The Mutual Life Insurance Company of New York, New York, to William Reihsle, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9143; Filed, Oct. 15, 1948; 8:51 a. m.]

[Vesting Order 12139]

RUDOLF SCHMID

In re: Rights of Rudolf Schmid under insurance contract. File No. F-28-28253-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Schmid, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 71137390, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Rudolph Schmid, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9144; Filed, Oct. 15., 1948; 8:51 a. m.]

[Vesting Order 12141]

MARY AND HENRY TILLMAN

In re: Rights of Mary Tillman and Henry Tillman under insurance contract. File No. D-28-10765-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Tillman and Henry Tillman, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 150118, issued by the United States Life Insurance Company in the City of New York, New York, New York, to John Henry Tillman, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Mary Tillman and Henry Tillman, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9145; Filed, Oct. 15, 1948; 8:51 a. m.]

[Vesting Order 12146]

THERESA BECK

In re: Rights of Theresa Beck under annuity contracts. Files No. D-28-9491-H-1, H-2, and H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theresa Beck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by annuity policies Nos. 1231536, 1236084, and 1283993, issued by the Union Central Life Insurance Company, Cincinnati, Ohio, to Theresa Steiner, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9146; Filed, Oct. 15, 1948; 8:51 a. m.]

[Vesting Order 12149]

CAROLINE FLECK

In re: Rights of Caroline Fleck under insurance contract. File No. F-28-28858-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Caroline Fleck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 92600893, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Caroline Fleck, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9147; Filed, Oct. 15, 1948; 8:52 a. m.]

[Vesting Order 12151]

TOKUTARO SAKAI

In re: Rights of Tokutaro Sakai under insurance contract. File No. F-39-6321-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tokutaro Sakai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. P4177, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Tokutaro Sakai, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9148; Filed, Oct. 15, 1948; 8:52 a. m.]

[Vesting Order 12153]

BERTHOLD SCHROEDER

In re: Rights of Berthold Schroeder under insurance contract. File No. F-28-135-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Berthold Schroeder, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8250875, issued by the New York Life Insurance Company, New York, New York, to Berthold Schroeder, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9149; Filed, Oct. 15, 1948; 8:52 a. m.]

[Vesting Order 12154]

GINSAKU YAMADA

In re: Rights of Ginsaku Yamada under insurance contract. File No. F-39-6135-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ginsaku Yamada, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7991876, issued by the New York Life Insurance Company, New York, New York, to Ginsaku Yamada, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evi-

dence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9150; Filed, Oct. 15, 1948; 8:52 a. m.]

[Vesting Order 12171]

ALEX RUNGE AND PAULA WEYMANN

In re: Stock owned by Alex Runge and Paula Weymann. F-28-11859-D-1, F-28-12724-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alex Runge, whose last known address is 23 Melle AM-Kleft 2, Prov. Hannover, Germany, and Paula Weymann, whose last known address is Diepholz, Prov. Hannover, Bahnhofstrasse, 28, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: One hundred sixty (160) shares of no par value capital stock of the Henry Weymann Investment Co., 402 Main Street, Joplin, Missouri, evidenced by a certificate numbered 18, registered in the name of Alex Runge, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alex Runge the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: Forty (40) shares of no par value capital stock of the Henry Weymann Investment Co., 402 Main Street, Joplin, Missouri, evidenced by a certificate numbered 19, registered in the name of Paula Weymann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paula Weymann the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9151; Filed, Oct. 15, 1948; 8:52 a. m.]

[Vesting Order 12176]

OTTO KUEHNHOLZ

In re: Interest in real property, property insurance policy and claim owned by Otto Kuehnholz.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Kuehnholz, whose last known address is Hueckhausen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half interest in real property situated in the City of Detroit, County of Wayne, State of Michigan, particularly described as Lot number Seven Hundred Fifty-Four (754) of Young's Gratiot View Subdivision Annex of the East Five-eighths (5/8ths) of the Northeast Quarter of Section 12, Town 1 South, Range 12 East, according to Liber 41 of Plats, Page 72, of the records of Wayne County, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Otto Kuehnholz in and to Fire Insurance Policy No. 231293, in the amount of $4,000.00, issued by the Travelers Insurance Company, 700 Main Street, Hartford, Connecticut, insuring the real property described in subparagraph 2-a hereof, together with any and all extensions or renewals thereof, and

c. That certain debt or other obligation owing to Otto Kuehnholz by Cecil F. Boyle and Emilie Boyle, arising out of rentals due and unpaid from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9152; Filed, Oct. 15, 1948; 8:52 a. m.]

[Vesting Order 12177]

HANS WUNDERLICH

In re: Real property, property insurance policies and claim owned by Hans Wunderlich.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Wunderlich, whose last known address is 2 Thomasiusstr., Berlin N. W. 40, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property, situated in the City of Cincinnati, County of Hamilton, State of Ohio, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property;

b. All right, title and interest of Hans Wunderlich, in and to the following property insurance policies:

1. Fire Insurance Policy No. 59120, in the amount of $3,000.00, issued by Hamilton County Mutual Insurance Company, 1127 Walnut Street, Cincinnati, Ohio, which policy expires June 10, 1952 and insures the real property described in subparagraph 2-a hereof,

2. Public Liability Policy No. SL 94650, in the amounts of $5,000/10,000, issued by Shelby Mutual Casualty Company, 33 E. 12th Street, Cincinnati, Ohio, which policy expires August 1, 1950, and insures the real property described in subparagraph 2-a hereof, and

c. That certain debt or other obligation owing to Hans Wunderlich by Mrs. Mildred Schneider, 2976 Linwood Road, Cincinnati 8, Ohio, arising out of rentals collected from the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that tract or parcel of land situate in the City of Cincinnati, County of Hamilton, State of Ohio. Beginning at a point on the East Side of Walnut Street one hundred and seventy and fifty one-hundredths (170.50) feet, north of Allison Street; thence eastwardly parallel with Allison Street ninety-one and twenty one-hundredths (91.20) feet; thence northwardly parallel with Walnut Street forty-two and two one-hundredths (42.02) feet; thence westwardly parallel with the first described line ninety-one and twenty one-hundredths (91.20) feet to the east line of Walnut Street; thence southwardly with the east line of Walnut Street forty-two and two one-hundredths (42.02) feet to the place of beginning.

[F. R. Doc. 48-9153; Filed, Oct. 15, 1948; 8:52 a. m.]

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FEDERAL REGISTER

VOLUME 13 NUMBER 204

Washington, Tuesday, October 19, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10007

ORGANIZATION OF THE RESERVE UNITS OF THE ARMED FORCES

WHEREAS it is the traditional national security policy of the United States to place great reliance in organized citizens' forces supporting regular armed forces of the minimum size consistent with national defense; and

WHEREAS the national security requires that reserve components of appropriate strength and maximum effectiveness exist throughout the Nation; and

WHEREAS it is essential that the trained citizens who have completed a period of service in the armed forces continue to be available to the Nation:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the armed forces, it is hereby ordered as follows:

1. The Secretary of Defense, and the head of each department in the National Military Establishment, shall proceed without delay, utilizing every practicable resource of the regular components of the armed forces, to organize all reserve component units, and to train such additional individuals now or hereafter members of the active reserve, as may be required for the national security; and to establish vigorous and progressive programs of appropriate instruction and training for all elements of the reserve components, including the National Guard.

2. The Secretary of Defense shall within 60 days after the date of this order submit to the President a report showing the action which has been taken by the National Military Establishment in respect hereof, and any proposed legislation or other measures deemed necessary or appropriate in the interest of the maximum effectiveness of the reserve components of the armed forces.

3. Every citizen is urged to do his utmost in aiding the development of effective reserve components of our armed forces, and every person who is a member of a reserve component of the armed forces or who is qualified to become one is urged to take an active part in building up the strong and highly trained reserve forces which are so vital to the defense of the United States.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 15, 1948.

[F. R. Doc. 48-9259; Filed, Oct. 18, 1948; 11:50 a. m.]

EXECUTIVE ORDER 10008

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by title I of the Selective Service Act of 1948, approved June 24, 1948 (62 Stat. 604), I hereby prescribe the following amendments of the Selective Service Regulations prescribed in part by Executive Order No. 9979 of July 20, 1948, in part by Executive Order No. 9992 of August 28, 1948, and in part by Executive Order No. 10001 of September 17, 1948, and constituting portions of Chapter VI of Title 32 of the Code of Federal Regulations:

1. Part 611, *Duty and Responsibility to Register*, is amended as follows:

a. Paragraph (b) of § 611.4 is amended to read as follows:

(b) Every male person, other than a person referred to in paragraph (a) of this section and a person excepted from registration by section 6 (a) of title I of the Selective Service Act of 1948, who enters the United States subsequent to the day or days fixed by Presidential proclamation for the registration of persons of his age, shall present himself for and submit to registration before a local board within the period of six months following the date on which he enters the United States.

b. Section 611.11 is amended to read as follows:

§ 611.11 *Aliens who are not required to register.* (a) A male alien who is now in or who hereafter enters the United States and who has not declared his intention to become a citizen of the United States shall not be required to be registered under section 3 of title I of the Selective Service Act of 1948 and shall be relieved from liability for training and

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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service under section 4 (b) of said Act provided:

(1) He is a foreign diplomatic representative, a technical attache of a foreign embassy or legation, a consul general, a consul, a vice consul, or a consular agent of a foreign country, or a member of the family of any person mentioned in this subparagraph;

(2) He is a full time official or employee of a foreign government who has been notified to the Department of State, or a member of the family of such official or employee;

(3) He is a full time official or employee of a public international organization which has been designated by the President under the provisions of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), or a member of the family of any such person;

(4) He is a person who has entered the United States and remains therein pursuant to the provisions of section 11 of the Agreement between the United Nations and the United States of America Regarding the Headquarters of the United Nations as approved in Public Law 357, 80th Congress, approved August 4, 1947;

(5) He is a member of a group of persons who have been temporarily admitted to the United States under an arrangement with the government of the country of which they are nationals, or an appropriate agency thereof, for seasonal or temporary employment, and continues to be employed in the work for which he was admitted; or

(6) He is a person who has entered the United States temporarily as a nonquota immigrant under the provisions of subdivision (e) of section 4 of the Immigration Act approved May 26, 1924, as amended (43 Stat. 155; 8 U. S. C. 204 (e)), solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Attorney General, and continues to pursue such purpose to the satisfaction of the Attorney General.

(b) Each alien who is in one of the categories described in subparagraphs (1), (2), (3), (4), or (5) of paragraph (a) of this section must have in his personal possession, at all times, an official document issued pursuant to the authorization of or described by the Director of Selective Service which identifies him as a person not required to present himself for and submit to registration.

(c) Each alien who is in the category described in subparagraph (6) of paragraph (a) of this section must have in his possession and available for examination his passport containing a visa issued by a diplomatic or consular officer of the United States pursuant to the provisions of subdivision (e) of section 4 of the Immigration Act approved May 26, 1924, as amended (43 Stat. 155; 8 U. S. C. 204 (e)).

2. Paragraph (a) of § 622.18 of Part 622, *Classification Rules and Principles*, is amended to read as follows:

(a) In Class IV–C shall be placed any registrant who is an alien and who has not declared his intention to become a citizen of the United States and who (1) has been admitted to the United States for a specific temporary purpose which would normally be concluded within one year from the date of his admission, (2) has not been engaged during his stay in the United States in any business, occupation, or employment other than that for which he was admitted, and (3) continues to pursue the purpose for which he was admitted; provided, that when any such registrant remains in the United States for more than one year after the date of his admission, the local board may retain the registrant in Class IV–C for such length of time as it considers reasonable to allow him to complete the purpose for which he was admitted and to depart from the United States.

3. Part 628, *Physical Examination*, is amended as follows:

a. Paragraphs (a) and (b) of § 628.2 are amended to read as follows:

(a) When the local board is of the opinion that a registrant who is in a class available for service has one or more of the obvious defects or manifest conditions listed in Part 629 of this chapter it shall order the registrant to present himself for medical interview at a specified time and place by mailing to such registrant a Notice to Registrant to Appear for Medical Interview (SSS Form No. 219).

(b) When a registrant who is in a class available for service claims that he has one or more of the obvious defects or manifest conditions listed in Part 629 of this chapter the local board shall order him to present himself for interview with the medical advisor to the local board at the time and place specified by the local board by mailing to such registrant a Notice to Registrant to Appear for Medical Interview (SSS Form No. 219).

b. Paragraphs (b) and (d) of § 628.4 are amended to read as follows:

(b) When a registrant is ordered to appear for medical interview the local board shall:

(1) Prepare an original and three copies of the Record of Induction (NME Form No. 47), completing Section I and item 19 of Section II thereof, and send the original to the medical advisor to the local board for completion of item 20 of Section II after the medical interview; and

(2) Enter under "Minutes of Actions by Local Board and Appeal Board" on the Classification Questionnaire (SSS Form No. 100) the date the Notice to Registrant to Appear for Medical Interview (SSS Form No. 219) was mailed to the registrant and the date upon which he is ordered to appear.

(d) If the local board determines that the registrant has a physical or mental condition listed in Part 629 of this chapter which disqualifies him for service in the armed forces, the following action shall be taken:

(1) The local board shall file the original and one copy of the Record of Induction (NME Form No. 47) in the registrant's Cover Sheet (SSS Form No. 101) and forward two copies of the Record of Induction (NME Form No. 47) to the State Director of Selective Service who shall forward one copy to the Surgeon General, Department of the Army, Washington, D. C., and retain one copy.

(2) The local board shall review the classification of the registrant and if it finds under the provisions of Part 622 of this chapter that he should be placed in some other class, reopen his classification and classify him anew and mail him a Notice of Classification (SSS Form No. 110).

(3) The local board shall cancel any Order to Report for Armed Forces Physical Examination (SSS Form No. 223) which it has mailed to the registrant and advise him in writing of such cancellation.

(4) The local board shall note in column 4 of the Physical Examination List (SSS Form No. 225), if the registrant's name appears thereon, the fact that he has been found disqualified for service in the armed forces and also the classification in which he has been retained or placed.

c. Section 628.5 is amended to read as follows:

§ 628.5 *Transfer for medical interview.* (a) Any registrant who has received a Notice to Registrant to Appear for Medical Interview (SSS Form No. 219) and who is so far from his own local board that presenting himself to the medical advisor to his local board would be a hardship may file a written request with the local board having jurisdiction of the area in which he is at that time located for his transfer for medical interview to that local board. The local board with which the request for transfer for medical interview is filed shall forward the request to the registrant's own local board.

(b) Upon receiving such request for transfer for medical interview the registrant's own local board shall forward the original and three copies of the Record of Induction (NME Form No. 47), after completing Section I and item 19 of Section II thereof, to the local board of transfer and shall enter under "Minutes of Actions by Local Board and Appeal Board" on the Classification Questionnaire (SSS Form No. 100) the date such forms were forwarded and the designation of the local board of transfer.

(c) The local board of transfer shall arrange for the medical interview of the registrant and on completion shall return the original and three copies of the Record of Induction (NME Form No. 47) to the registrant's own local board which shall take the further action required by paragraphs (c), (d), and (e) of § 628.4.

d. Paragraph (a) of § 628.13 is amended to read as follows:

(a) As soon as the local board has mailed orders to report for armed forces physical examination to all registrants who are to appear for such examination at a particular time and place it shall:

(1) Prepare in quintuplicate a Physical Examination List (SSS Form No. 225), completing thereon the entries in column (1), (2), and (3) for each such registrant.

(2) Prepare an original and three copies of the Record of Induction (NME Form No. 47) by completing Section I and item 19 of Section II thereof for each such registrant for whom such form has not previously been completed.

(3) Assemble and attach to the registrant's Record of Induction (NME Form No. 47) any information in the possession of the local board which should be considered by the armed forces in determining the acceptability of the registrant for military service.

e. Paragraph (e) of § 628.14 is amended to read as follows:

(e) Immediately upon receiving the approved Transfer for Armed Forces Physical Examination (SSS Form No. 222), the registrant's own local board shall complete on the original thereof the order transferring the registrant for armed forces physical examination. It shall then mail the original of the Transfer for Armed Forces Physical Examination (SSS Form No. 222) to the local board to which the registrant is being transferred and shall file the copy in the registrant's Cover Sheet (SSS Form No. 101). It shall also mail to the local board to which the registrant is being transferred for armed forces physical examination, the original and three copies of the Report of Induction (NME Form No. 47), any information in the possession of the local board which should be considered by the armed forces in determining the acceptability of the registrant for military service, and any other records designated by the Director of Selective Service.

f. Paragraph (c) of § 628.15 is amended to read as follows:

(c) To accomplish the transfer for armed forces physical examination, under paragraphs (a) or (b) of this section, the registrant's own local board shall complete the Transfer for Armed Forces Physical Examination (SSS Form No. 222) in duplicate by inserting the date, name, and present address of the registrant and the words "By direction of the Director of Selective Service" on the front of such form and by completing the second endorsement on the back of such form. The copy of the Transfer for Armed Forces Physical Examination (SSS Form No. 222) shall be filed in the registrant's Cover Sheet (SSS Form No. 101). The local board shall then forward the original of the Transfer for Armed Forces Physical Examination (SSS Form No. 222), the original and three copies of the Report of Induction (NME Form No. 47), any information in the possession of the local board which should be considered by the armed forces in determining the acceptability of the registrant for military service, and any other records designated by the Director of Selective Service, to the State Director of Selective Service of the State in which the registrant is located. The State Director of Selective Service of the State in which the registrant is located shall check such documents and insert thereon the name and address of the local board in his State to which the registrant is transferred for armed forces physical examination and forward the documents to such local board. The local board to which the registrant is transferred shall cause the registrant to be given an armed forces physical examination and shall take the actions provided for in paragraphs (f) and (g) of § 628.14.

g. Paragraphs (d) and (e) of § 628.17 are amended to read as follows:

(d) The leader shall be given the following in a sealed packet:

(1) The original and two copies of the Physical Examination List (SSS Form No. 225).

(2) For each registrant being forwarded, the original and three copies of the Record of Induction (NME Form No. 47), any information in the possession of the local board which should be considered by the armed forces in determining the acceptability of the registrant for military service, and any other records designated by the Director of Selective Service.

(e) When it is necessary, travel tickets or transportation requests, and meal and lodging requests for the group, both for the trip to the joint examining and induction station and for the return trip, shall be issued. The leader shall be instructed to deliver the sealed packet containing the original and two copies of the Physical Examination List (SSS Form No. 225), the originals and three copies of the Record of Induction (NME Form No. 47), and other information to the commanding officer of the joint examining and induction station or his representative. He shall be instructed to return any unused portions of the transportation requests or any unused meal and lodging requests to the local board.

h. Section 628.25 is amended to read as follows:

§ 628.25 *Disposition of records.* (a) The commanding officer of the joint examining and induction station will forward to the local board the following documents concerning registrants forwarded for armed forces physical examination:

(1) For all registrants whether found acceptable or not acceptable for service in the armed forces, the original Physical Examination List (SSS Form No. 225) indicating in column 4 the disposition of each registrant forwarded for armed forces physical examination, and the original and one copy of Certificate of Acceptability (NME Form No. 62).

(2) For each registrant found acceptable for service in the armed forces, the original and three copies of the Record of Induction (NME Form No. 47), the original and three copies of the Report of Medical Examination (Standard Form 88) together with any X-ray films, and the Report of Medical History (Standard Form 89).

(3) For each registrant found not acceptable for service in the armed forces, the original and two copies of the Record of Induction (NME Form No. 47), and the original and two copies of the Report of Medical Examination (Standard Form 88) together with any X-ray films.

(4) All other records forwarded by the local board

(b) The commanding officer of the joint examining and induction station will retain one copy of the Physical Examination List (SSS Form No. 225) and send one copy of the Physical Examination List (SSS Form No. 225) to the State Director of Selective Service.

(c) For registrants found not acceptable for service in the armed forces, the commanding officer of the joint examining and induction station will retain one copy of the Record of Induction (NME Form No. 47), one copy of the Report of Medical Examination (Standard Form 88), and the Report of Medical History (Standard Form 89) for each such registrant.

(d) Upon receipt of the documents described in paragraph (a) of this section, the local board shall take the following action:

(1) File the original Physical Examination List (SSS Form No. 225).

(2) When a Certificate of Acceptability (NME Form No. 62) indicates that a registrant has been found acceptable for military service or that registrant has been found not acceptable for military service, the local board shall immediately mail the original of such certificate together with any attachment thereto to the registrant, record the date of mailing of such Certificate of Acceptability (NME Form No. 62) under "Minutes of Action by Local Board and Appeal Board" on the registrant's Classification Questionnaire (SSS Form No. 100), and file the copy of the Certificate of Acceptability (NME Form No. 62) in the registrant's Cover Sheet (SSS Form No. 101).

(3) For each registrant found acceptable for military service, file the original and three copies of the Record of Induction (NME Form No. 47), the original and three copies of the Report of Medical Examination (Standard Form 88) together with any X-ray films, and the report of Medical History (Standard Form 89) in the registrant's Cover Sheet (SSS Form No. 101). These forms and X-ray films shall be retained in the registrant's Cover Sheet (SSS Form No. 101) until such time as he may be forwarded for induction.

(4) For each registrant rejected, file the original and one copy of the Record of Induction (NME Form No. 47) and the original and one copy of the Report of Medical Examination (Standard Form 88) together with any X-ray films in the registrant's Cover Sheet (SSS Form No. 101) and forward to the State Director of Selective Service one copy of the Report of Induction (NME Form No. 47) and one copy of the Report of Medical Examination (Standard Form 88).

4. Part 632, *Delivery and Induction*, is amended as follows:

a. Paragraph (a) of § 632.5 is amended to read as follows:

(a) As soon as the local board has mailed an Order to Report for Induction (SSS Form No. 252) to all registrants who are directed to report for induction at a particular time and place, it shall:

(1) Prepare in quintuplicate a Delivery List (SSS Form No. 261) completing thereon the entries in columns (1), (2), and (3) for each such registrant.

(2) Assemble the original and three copies of each registrant's Record of Induction (NME Form No. 47), the original and three copies of the Report of Medical Examination (Standard Form 88), the Report of Medical History (Standard Form 89), any X-ray films made at the time of the armed forces physical examination, any waiver of disqualification, any order terminating civil custody, and all other information bearing on the acceptability of the registrant for service in the armed forces.

b. Paragraphs (c), (d), and (e) of § 632.9 are amended to read as follows:

(c) The local board with which such registrant files such request shall investigate the circumstances of the registrant's absence from his own local board area. If it finds that he does not have a good reason for his absence, it shall endorse its disapproval upon the Request for Transfer for Delivery (SSS Form No. 260), mail the original thereof to the registrant's own local board, mail a copy to the registrant, and file one of the remaining copies. Such registrant shall then be required to report in accordance with the Order to Report for Induction (SSS Form No. 252) of his own local board.

(d) If the local board with which the registrant files such request finds that he has a good reason for his absence from his own local board area and that he is so far from his own local board area that it would be a hardship for him to return to his own local board area for induction, it shall endorse its approval upon the Request for Transfer for Delivery (SSS Form No. 260), mail the original and two copies by air mail (unless ordinary mail is as expeditious) to the registrant's own local board, mail a copy to the registrant, and file the remaining copy. When necessary for the accomplishment of the early induction of the registrant, the local board with which the registrant files his request may telegraph the registrant's own local board notifying it of the approval of the registrant's application for such transfer and requesting that the necessary records of the registrant be immediately forwarded to the local board of transfer. In such instances, the local board of transfer shall confirm the telegram by immediately mailing the original and two copies of the Request for Transfer for Delivery (SSS Form No. 260), with the endorsement of approval thereon, to the registrant's own local board.

(e) When the registrant's own local board receives the approved Request for Transfer for Delivery (SSS Form No. 260), or receives a telegraphic approval of a request for transfer as provided in paragraph (d) of this section, it shall take the following action:

(1) Complete on the original of the Request for Transfer for Delivery (SSS Form No. 260), immediately it is received, the order transferring the registrant for induction.

(2) Prepare in triplicate the Transfer for Delivery (SSS Form No. 263) and the Report of Delivery of Transferred Registrant (SSS Form No. 263–A).

(3) Mail one copy of the Request for Transfer for Delivery (SSS Form No. 260), one copy of the Transfer for Delivery (SSS Form No. 263), and one copy of the Report of Delivery of Transferred Registrant (SSS Form No. 263–A) to its State Director of Selective Service for his further action as provided in paragraph (1) of this section, and file one copy of the Request for Transfer for Delivery (SSS Form No. 260), one copy of the Transfer for Delivery (SSS Form No. 263), and one copy of the Report of Delivery of Transferred Registrant (SSS Form No. 263–A) in the registrant's Cover Sheet (SSS Form No. 101).

(4) Mail to the local board to which the registrant is being transferred for induction the original of the Request for Transfer for Delivery (SSS Form No. 260), the original of the Transfer for Delivery (SSS Form No. 263), the original and three copies of the Record of Induction (NME Form No. 47), all the records referred to in subparagraph (2) of paragraph (a) of § 632.5, and any other records designated by the Director of Selective Service.

(5) When the registrant's own local board receives a telegraphic approval of a request for transfer all actions required by this paragraph shall be taken immediately except such as relate to the completion, filing, and mailing of the original and copies of the Request for Transfer for Delivery (SSS Form No. 260), which actions shall be taken immediately that form is received from the local board of transfer.

c. Paragraph (c) of § 632.10 is amended to read as follows:

(c) To accomplish the transfer for induction under paragraph (a) or (b) of this section, the registrant's own local board shall:

(1) Prepare in triplicate the Transfer for Delivery (SSS Form No. 263) and the Report of Delivery of Transferred Registrant (SSS Form No. 263–A).

(2) Complete in duplicate the Request for Transfer for Delivery (SSS Form No. 260) by inserting the name and present address of the registrant and the words "By direction of the Director of Selective Service" and by completing the second endorsement on such form.

(3) Mail one copy of the Request for Transfer for Delivery (SSS Form No. 260), one copy of the Transfer for Delivery (SSS Form No. 263), and one copy of the Report of Delivery of Transferred Registrant (SSS Form No. 263–A) to its State Director of Selective Service and file one copy of the Request for Transfer for Delivery (SSS Form No. 260), one copy of the Transfer for Delivery (SSS Form No. 263), and one copy of the Report of Delivery of Transferred Registrant (SSS Form No. 263–A) in the registrant's Cover Sheet (SSS Form No. 101).

(4) Mail the original of the Request for Transfer for Delivery (SSS Form No. 260), the original of the Transfer for Delivery (SSS Form No. 263), the original of the Report of Delivery of Transferred Registrant (SSS Form No. 263–A), the original and three copies of the Record of Induction (NME Form No. 47), the original and three copies of the Report of Medical Examination (Standard Form 88) together with X-ray film, the Report of Medical History (Standard Form 89), all other documents referred to in paragraph (e) of § 632.9, and any other records designated by the Director of Selective Service to the State Director of Selective Service of the State in which the registrant is located.

(5) Place a notation of the transfer of the registrant in the "Remarks" column of the Classification Record (SSS Form No. 102).

d. Paragraphs (c) and (d) of § 632.15 are amended to read as follows:

(c) The leader shall be given the following in a sealed packet:

(1) The original and two copies of the Delivery List (SSS Form No. 261).

(2) For each registrant being forwarded, the original and three copies of the Record of Induction (NME Form No. 47), all other records referred to in subparagraph (2) of paragraph (a) of § 632.5, and any other records designated by the Director of Selective Service.

(d) When it is necessary, travel tickets or transportation requests, and meal and lodging requests for the group, covering their trip to the place of induction, shall be issued. The leader shall be instructed to deliver the sealed packet containing the original and two copies of the Delivery List (SSS Form No. 261), the originals and three copies of the Record of Induction (NME Form No. 47), and all other information concerning the registrants in the group to the commanding officer of the induction station or to his representative.

e. Section 632.20 is amended to read as follows:

§ 632.20 *Records returned to local board.* (a) The commanding officer of the induction station will return to the local board the following documents concerning registrants forwarded for induction:

(1) The original Delivery List (SSS Form No. 261), indicating under column 4 the disposition of each registrant forwarded for induction.

(2) For each registrant inducted, a copy of Record of Induction (NME Form No. 47), a copy of Report of Medical Examination (Standard Form 88), and any previous records of induction and reports of medical examination submitted.

(3) For each registrant rejected, the original and two copies of the Record of Induction (NME Form No. 47) and the original and two copies of the Report of Medical Examination (Standard Form 88) together with any X-ray film.

(b) Upon receipt of the documents described in paragraph (a) of this section, the local board shall take the following action:

(1) File the original Delivery List (SSS Form No. 261).

(2) For each registrant inducted, file the copy of the Record of Induction (NME Form No. 47) and the copy of the Report of Medical Examination (Stand-

ard Form 88) in the Cover Sheet (SSS Form No. 101).

(3) For each registrant rejected, file the original and one copy of the Record of Induction (NME Form No. 47) and the original and one copy of the Report of Medical Examination (Standard Form 88) together with any X-ray film in the Cover Sheet (SSS Form No. 101) and forward to the State Director of Selective Service one copy of the Record of Induction (NME Form No. 47) and one copy of the Report of Medical Examination (Standard Form 88).

f. Section 632.21 is amended to read as follows:

§ 632.21 *Disposition of other records by the armed forces.* The commanding officer of the induction station will dispose of the documents described below concerning registrants forwarded for induction as follows:

(a) For each registrant inducted, retain the original and two copies of the Record of Induction (NME Form No. 47), the original and two copies of the Report of Medical Examination (Standard Form 88) together with any X-ray film, and the Report of Medical History (Standard Form 89).

(b) For each registrant rejected, retain one copy of the Record of Induction (NME Form No. 47), one copy of the Report of Medical Examination (Standard Form 88), and the Report of Medical History (Standard Form 89).

(c) Retain one copy of the Delivery List (SSS Form No. 261).

(d) Forward one copy of the Delivery List (SSS Form No. 261) to the State Director of Selective Service.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 18, 1948.

[F. R. Doc. 48-9262; Filed, Oct. 18, 1948; 11:51 a. m.]

EXECUTIVE ORDER 10009

REVOKING IN PART EXECUTIVE ORDERS NO. 589 OF MARCH 14, 1907, AND NO. 1712 OF FEBRUARY 24, 1913

WHEREAS Executive Order No. 589 of March 14, 1907, recited in part that passports issued by the Government of Japan to Japanese or Korean citizens who were skilled or unskilled laborers to go to Mexico, Canada, or Hawaii were being used for the purpose of enabling the holders thereof to come to the continental territory of the United States to the detriment of labor conditions therein, and ordered that such citizens of Japan or Korea be refused permission to enter the continental territory of the United States; and

WHEREAS Executive Order No. 1712 of February 24, 1913, recited that passports issued by certain foreign governments to their citizens or subjects, skilled or unskilled laborers, to go to countries or places other than the continental territory of the United States were being used for the purpose of enabling the holders thereof to come to the continental territory of the United States to the detriment of labor conditions therein, and ordered that such alien laborers, skilled or unskilled, be refused permission to enter the continental territory of the United States; and

WHEREAS the continued restraint imposed by the said Executive orders upon the freedom of Japanese or Korean citizens or subjects who entered the Territory of Hawaii under the passports referred to above to come to the continental United States has resulted in considerable personal hardship to such persons; and

WHEREAS the number of Japanese or Korean citizens or subjects thus prohibited from entering the continental United States from the Territory of Hawaii is so small, and the age of such persons is so advanced, that their entry into the continental United States would no longer be a detriment to labor conditions therein:

NOW, THEREFORE, by virtue of the authority vested in me by section 3 of the Immigration Act of 1917 (39 Stat. 875; 8 U. S. C. 136), I hereby revoke the said Executive Orders No. 589 of March 14, 1907, and No. 1712 of February 24, 1913, to the extent that they are applicable to Japanese or Korean citizens or subjects who entered the Territory of Hawaii under the aforesaid passports and who are now precluded from legally entering or remaining in the continental territory of the United States by reason of such Executive orders.

The Commissioner of Immigration and Naturalization is hereby authorized and directed, with the approval of the Attorney General, to take such action and to issue such rules and regulations as may be necessary for carrying out the provisions of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 18, 1948.

[F. R. Doc. 48-9261; Filed Oct. 18, 1948; 11:50 a. m.]

EXECUTIVE ORDER 10010

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE AKRON & BARBERTON BELT RAILROAD COMPANY AND OTHER CARRIERS, AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the Akron & Barberton Belt Railroad Company and certain other carriers designated in List A attached hereto and made a part hereof, and certain of their employees represented by the sixteen cooperating railway labor organizations designated in List B attached hereto and made a part hereof; and

WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said disputes.

No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by any of the carriers involved or its employees in the conditions out of which the said disputes arose.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 18, 1948.

LIST A

Akron & Barberton Belt Railroad Co.
Akron Canton & Youngstown Railroad Co.
Ann Arbor Railroad Co.
Baltimore & Ohio Railroad Co.
  B&O Chicago Terminal Railroad Co.
  B&O New York Terminal Railroad Co.
  Dayton & Union Railroad Co.
  Strouds Creek & Muddlety Railroad Co.
Bessemer & Lake Erie Railroad Co.
Boston & Maine Railroad Co.
Boston Terminal Company
Brooklyn Eastern District Terminal
Bush Terminal Railroad Co.
Canadian National Railway Co.
  Canadian National Railways—New York
  Canadian National Railways—New England
  Champlain & St. Lawrence Railroad Co.
  United States & Canada Railroad Co.
  St. Clair Tunnel Co.
Canadian Pacific Railway Co.
Central Railroad Company of New Jersey
  Central Railroad Company of Pennsylvania
Central Vermont Railway, Inc.
Chesapeake & Ohio Railway Company—Pere Marquette District
  Fort Street Union Depot Co.
Chicago, Indianapolis & Louisville Railway Co.
Chicago Union Station Co.
Cincinnati Union Terminal Co.
Dayton Union Railway Co.
Delaware & Hudson Railroad Corporation
Delaware, Lackawanna & Western Railroad Co.
Detroit & Toledo Shore Line Railroad Co.
Detroit Terminal Railroad Co.
Detroit, Toledo & Ironton Railroad Co.
Erie Railroad Co.
Grand Trunk Western Railroad Co.
Jay Street Connecting Railroad
Indianapolis Union Railway Co.
Lehigh & New England Railroad Co.
Lehigh Valley Railroad Co.
Mackinac Transportation Co.
Maine Central Railroad Co.
  Portland Terminal Co.
Monongahela Railway Co.
Montour Railroad Co.
New York Central (Full Line Agreements)
  New York Central Railroad Co.—Buffalo & East
  New York Central Railroad Co.—West of Buffalo
  Michigan Central Railroad Co.
  Cleveland, Cincinnati, Chicago & St. Louis Railway Co.
  Peoria & Eastern Railway Co.
  Louisville & Jefferson Bridge & Railroad Co.
  Boston & Albany Railroad Co.
  Indiana Harbor Belt Railroad Co.
  Chicago River & Indiana Railroad Co. (Chicago Junction Railway)
  Pittsburgh & Lake Erie Railroad Co. (Lake Erie & Eastern Railroad)
  Cleveland Union Terminals Co.
  Troy Union Railroad Co.
  Federal Valley Railroad Co.
New York, Chicago & St. Louis Railway Co.
New York Connecting Railroad Co.
New York Dock Railway
New York, New Haven & Hartford Railroad Co.
Pennsylvania Railroad Co.
  Baltimore & Eastern Railroad Co.
  Long Island Railroad Co.
Pennsylvania-Reading Seashore Lines
Pittsburgh & West Virginia Railway Co.
Pittsburgh, Chartiers & Youghiogheny Railway Co.
Reading Company
  Philadelphia, Reading & Pottsville Telegraph Co.
  Beaver Creek Water Company
Staten Island Rapid Transit Railway Co.
Union Depot Company (Columbus, Ohio)
Union Freight Railroad Company (Boston)
Union Inland Freight Station, N. Y.
Washington Terminal Co.
Western Allegheny Railroad Co.
Wheeling & Lake Erie Railway Co.
  Lorain & West Virginia Railway Co.
Alton and Southern Railroad Co.
Atchison, Topeka & Santa Fe Railway Co.
  Gulf, Colorado and Santa Fe Railway Co.
  Panhandle & Santa Fe Railway Co.
Belt Railway Company of Chicago
Burlington-Rock Island Railroad Co.
Camas Prairie Railroad Co.
Chicago & Eastern Illinois Railroad Co.
Chicago & Illinois Midland Railway Co.
Chicago & North Western Railway Co.
Chicago & Western Indiana Railroad Co.
Chicago, Burlington & Quincy Railroad Co.
Chicago, Great Western Railway Co.
Chicago, Milwaukee, St. Paul & Pacific Railroad Co.
  Chicago, Terre Haute & Southeastern Railway Co.
Chicago, Rock Island & Pacific Railroad
Chicago, St. Paul, Minneapolis & Omaha Railway
Colorado & Southern Railway
Colorado & Wyoming Railway
Denver & Rio Grande Western Railroad
Denver Union Terminal Railway
Des Moines Union Railway
Duluth, Missabe & Iron Range Railway
Duluth Union Depot & Transfer Company
Duluth, Winnipeg & Pacific Railway
Elgin, Joliet & Eastern Railway
El Paso Union Passenger Depot Company
Fort Worth & Denver City Railway
  Wichita Valley Railway
Galveston, Houston & Henderson Railroad
Great Northern Railway
Green Bay & Western Railroad
  Kewaunee, Green Bay & Western Railroad
Gulf Coast Lines—Comprising
  Asherton & Gulf Railway
  Asphalt Belt Railway
  Beaumont, Sour Lake & Western Railway
  Houston & Brazos Valley Railway
Houston North Shore Railway
Iberia, St. Mary & Eastern Railway
International-Great Northern Railroad
New Iberia & Northern Railroad
New Orleans, Texas & Mexico Railway
Orange & Northwestern Railroad
Rio Grande City Railway
St. Louis, Brownsville & Mexico Railway
San Antonio Southern Railway
San Antonio, Uvalde & Gulf Railroad
San Benito & Rio Grande Valley Railway
Sugar Land Railway
Houston Belt & Terminal Ry.
Illinois Central Railroad
Kansas City Southern Railway
  Arkansas Western Railway
  Ft. Smith & Van Buren Railway
  Joplin Union Depot Company
Kansas City Terminal Railway
Louisiana & Arkansas Railway
Manufacturers Railway
Midland Valley Railroad
  Kansas, Oklahoma & Gulf Railway
  Oklahoma City-Ada-Atoka Railway
Minneapolis & St. Louis Railway
  Railway Transfer Company—Minneapolis
Minneapolis, St. Paul & Sault Ste. Marie Railroad
  Duluth, South Shore & Atlantic Railway
  Mineral Range Railroad
Minnesota Transfer Railway
Missouri-Kansas-Texas Railroad
  Missouri-Kansas-Texas Railroad Company of Texas
  Beaver, Meade & Englewood Railroad
Missouri Pacific Railroad
  Missouri-Illinois Railroad
Northern Pacific Railway
Northern Pacific Terminal Company of Oregon
Northwestern Pacific Railroad
Ogden Union Railway & Depot Company
Oregon, California & Eastern Railway
Peoria & Pekin Union Railway
Port Terminal Railroad Association
Pueblo Union Depot & Railroad Company
St. Joseph Terminal Railroad
St. Louis-San Francisco Railway
  St. Louis, San Francisco & Texas Railway
St. Louis Southwestern Railway
  St. Louis Southwestern Railway Company of Texas
St. Paul Union Depot Company
San Diego & Arizona Eastern Railway
Southern Pacific Company (Pacific Lines)
Spokane, Portland & Seattle Railway
  Oregon Trunk Railway
  Oregon Electric Railway
Terminal Railroad Association of St. Louis
Texarkana Union Station Trust
Texas & New Orleans Railroad
Texas & Pacific Railway
  Abilene & Southern Railway
  Fort Worth Belt Railway
  Texas-New Mexico Railway
  Texas Short Line Railway
  Weatherford, Mineral Wells & Northwestern Railway
Texas Mexican Railway
Texas Pacific-Missouri Pacific Terminal R. R. of New Orleans
Union Pacific Railroad
Union Railway Company (Memphis)
Union Terminal Company (Dallas)
Wabash Railroad
Western Pacific Railroad
Atlantic Coast Line Railroad Co.
Atlanta & West Point Railroad Co.
  Western Railway of Alabama
Atlanta Terminal Co.
Central of Georgia Railway Co.
Charleston & Western Carolina Railway Co.
Chesapeake & Ohio Railway Co. (Chesapeake District)
Clinchfield Railroad Co.
Florida East Coast Railway
Georgia Railroad Co.
  Augusta Union Station Co.
Gulf, Mobile & Ohio Railroad Co.
  Southern Region
  Northern Region
Jacksonville Terminal Co.
Kentucky & Indiana Terminal Railroad Co.
Louisville & Nashville Railroad Co.
Nashville, Chattanooga & St. Louis Railway Co.
Norfolk & Portsmouth Belt Line Railroad Co.
Norfolk Southern Railway Co.
Norfolk & Western Railway Co.
Richmond, Fredericksburg & Potomac Railroad Co.
  Richmond Terminal Railway Co.
  Potomac Yard
Seaboard Air Line Railway Co.
Southern Railway Co.
  Alabama Great Southern Railroad Co.
  Cincinnati, Burnside & Cumberland River Railway Co.
  Cincinnati, New Orleans & Texas Pacific Railway Co.
  Georgia Southern & Florida Railway Co.
  Harriman & Northeastern Railroad Co.
  New Orleans & Northeastern Railroad Co.
  New Orleans Terminal Co.
  St. Johns River Terminal Co.
Virginian Railway Co.

LIST B

International Association of Machinists
International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America
International Brotherhood of Blacksmiths, Drop Forgers and Helpers
Sheet Metal Workers' International Association
International Brotherhood of Electrical Workers
Brotherhood of Railway Carmen of America
International Brotherhood of Firemen, Oilers, Roundhouse and Railway Shop Laborers
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes
Brotherhood of Maintenance of Way Employes
The Order of Railroad Telegraphers
Brotherhood of Railroad Signalmen of America
National Organization of Masters, Mates & Pilots of America
National Marine Engineers' Beneficial Association
International Longshoremen's Association
Hotel and Restaurant Employes' International Alliance and Bartenders' Int. League of America
Railroad Yardmasters of America

[F. R. Doc. 48-9260; Filed, Oct. 18, 1948; 11:50 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[ACP-1949-2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1949 National Agricultural Conservation Program Bulletin, issued July 7, 1948 (13 F. R. 3829, 5525), as amended, is further amended as follows:

1. The introductory paragraph of § 701.3 is amended by adding the following sentence at the end thereof:

§ 701.3 *Conservation practices and maximum rates of assistance.* • • • The average cost as specified under the maximum assistance for certain practices in this section may be the average cost for a State, a county, a part of a county, or a farm, as determined by the State committee.

2. Section 701.3 (a) (11) (ii) is amended to read as follows:

§ 701.3 *Conservation practices and maximum rates of assistance.* • • •

(a) *Practices to protect soil from wind and water erosion.* • • •

(11) *Managing crop residues to protect soil from wind or water erosion.* • • •

(ii) *Leaving stalks of sorghum, Sudan grass, millet, or broomcorn as a protection against wind erosion.* The stalks must be left on the land until spring farming operations are begun. No grazing is permitted. The stalks on broadcast or close-drilled crops must be left at least 8 inches high and at least 10 inches high on wide-drilled or row crops. Applicable only in wind erosion areas approved by the State committee and included in the State handbook.

Maximum assistance. 0.35 per acre.

3. Subparagraph (4) of § 701.7 (c) is amended to read as follows:

§ 701.7 *Conservation materials and services.* • • •

(c) *Deduction.* • • •

(4) Where the county committee determines that, with respect to seed furnished in connection with a green manure or cover crop, the crop is harvested for grain or hay, or is too heavily grazed, and such uses are prohibited by the practice specifications.

(Secs. 7-17, 49 Stat. 1148, as amended, 62 Stat. 507, 1247; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 14th day of October 1948. Witness my hand and the seal of the Department of Agriculture.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9185; Filed, Oct. 18, 1948; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948-49 SEASON

Notice was published in the FEDERAL REGISTER (13 F. R. 5317), dated September 11, 1948, that consideration was being given to proposals regarding the budget of expenses and the fixing of the rate of the assessment for the 1948-49 season under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.), regulating the handling of Tokay grapes grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 951.203 *Budget of expenses and rate of assessment for the 1948-49 season.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee during the season beginning April 1, 1948, and ending March 31, 1949, both dates inclusive, will amount to $23,470.00; and the rate of assessment to be paid, in accordance with the amended marketing agreement and order, by each handler who first handles Tokay grapes shall be $0.014 per hundred pounds of Tokay grapes shipped by him during such season as the first handler thereof and such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

It is hereby further found and determined that it is impracticable and contrary to the public interest to postpone the effective date of this determination until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) in that (a) shipments of Tokay grapes covered by the aforesaid amended marketing agreement and order have already commenced; (b) the aforesaid rate of assessment is applicable to all Tokay grapes shipped during the aforesaid season; (c) Tokay grape shipments are currently regulated (13 F. R. 5147, 5307, 5485); (d) the mandatory inspection requirements of said amended marketing agreement and order are in effect; (e) in order for the aforesaid necessary assessments to be collected it is essential that the specification of the assessment rate be issued immediately so as to enable the said Industry Committee to perform its duties and functions under said amended marketing agreement and order; and (f) a reasonable time is permitted, under the circumstances, for preparation for such effective date.

As used in this section, the terms "handler," "handles," "shipped," and "season" shall have the same meaning as when used in the said amended marketing agreement and order. (48 Stat. 31, as amended, 7 U. S. C. 601 et seq. 7 CFR, Cum. Supp., 951.1 et seq.)

Done at Washington, D. C., this 14th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9186; Filed, Oct. 18, 1948; 8:49 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[3d Gen. Rev. of Export Regs., Amdt. P. L. 7]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

COAL-TAR PRODUCTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Coal-tar products:
801000	Cresote or dead oil.
802590	Dimethyl phthalate.

This amendment shall become effective as of October 8, 1948.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: October 6, 1948.

FRANCIS MCINTYRE,
Assistant Director, Office of International Trade.

[F. R. Doc. 48-9192; Filed, Oct. 18, 1948; 8:54 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter D—Multifamily Rental Housing Insurance

PART 532—ADMINISTRATIVE RULES UNDER SECTION 207 OF THE NATIONAL HOUSING ACT

ISSUANCE OF COMMITMENT

Section 532.2 is amended by adding at the end thereof a new paragraph reading as follows:

§ 532.2 *Issuance of commitment.* • • •

(f) An inspection fee computed at the rate of two dollars ($2.00) per thousand dollars of the face amount of the commitment shall be paid as provided for in the commitment.

This amendment is effective as to all applications filed on or after November 1, 1948.

Issued at Washington, D. C., this 13th day of October 1948.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 48-9160; Filed, Oct. 18, 1948; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretations Not Directly Related to Regulations

PART 778—OVERTIME COMPENSATION

EFFECTIVE DATE

Section 778.3 is hereby amended by changing the effective date provided therein from September 15, 1948 to October 18, 1948, and by appending the following footnote at the end thereof:

[1] The effective date of the interpretation and enforcement policy contained in §§ 778.1 and 778.2 was postponed from September 15, 1948 to October 18, 1948, by press releases PR-167 and PR-169.

(52 Stat. 1060; 29 U. S. C. 201)

Signed at Washington, D. C., this 13th day of October 1948.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 48-9203; Filed, Oct. 18, 1948; 9:03 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 611—DUTY AND RESPONSIBILITY TO REGISTER

PART 622—CLASSIFICATION RULES AND PRINCIPLES

PART 628—PHYSICAL EXAMINATION

PART 632—DELIVERY AND INDUCTION

CROSS REFERENCE: For amendments to portions of the Selective Service regulations, see Executive Order 10008, *supra*.

No. 204——2

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of Interior

PART 406—REDELEGATIONS OF AUTHORITY BY COMMISSIONER OF RECLAMATION

LEASES; REAL ESTATE

The following section is added to Part 406:

§ 406.30 *Leases.* The Director of Supply; Chief, Supply Services Division, Denver; Regional Directors; Regional Supply Officers; District Managers; District Supply Officers; and Project Heads, subject to the availability of funds therefor, may:

(a) Approve and execute contracts for space in real estate outside the District of Columbia, in conformity with applicable regulations and statutory requirements.

(b) Modify or renew any such lease if such action is legally permissible, and terminate the lease if such action is legally authorized. (Dept. Order 2360, 43 CFR, 1947 Supp., 4.102)

KENNETH MARKWELL,
Acting Commissioner of Reclamation.

October 6, 1948.

[F. R. Doc. 48-9161; Filed, Oct. 18, 1948; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 780, Amdt. 2]

PART 95—CAR SERVICE

RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of October A. D. 1948.

Upon further consideration of Service Order No. 780 (12 F. R. 6833) as amended (13 F. R. 1980, 3277, 4393), and good cause appearing therefor: *It is ordered*, That:

Section 95.780 *Railroad freight cars to be stopped to complete loading*, of Service Order No. 780, as amended be, and it is hereby, further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., February 28, 1949, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 11:59 p. m., October 14, 1948; that a copy of this amendment be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9156; Filed, Oct. 18, 1948; 8:50 a. m.]

[S. O. 781, Amdt. 2]

PART 95—CAR SERVICE

RECONSIGNMENT OF HAY RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of October A. D. 1948.

Upon further consideration of Service Order No. 781 (12 F. R. 6912) as amended (13 F. R. 2380), and good cause appearing therefor: *It is ordered*, That:

Section 95.781 *Reconsignment of hay restricted*, of Service Order No. 781, is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., February 28, 1949, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 11:59 p. m., October 14, 1948; that a copy of this amendment be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9157; Filed, Oct. 18, 1948; 8:50 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF APPLES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Gen. Permit ODT 18A, Rev. 24C, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF APPLES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended; *It is hereby ordered*, That paragraph (c), § 520.524 of General Permit ODT 18A, Revised-24C (13 F. R. 3939), be amended to read as follows:

§ 520.524 *Shipments of apples.* • • •

(c) When the origin is any point or place in the States of California, Oregon, Washington or Idaho, and such freight is packed in boxes, the quantity loaded in each car is not less than 35,000 pounds, or if such freight consists of Gravenstein apples packed in baskets, the quantity loaded in each car is not less than 30,000 pounds.

This Amendment 1 to General Permit ODT 18A, Revised-24C, shall become effective October 15, 1948, and shall expire November 15, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971)

Issued at Washington, D. C., this 14th day of October 1948.

HOMER C. KING,
Deputy Director, Office of Defense Transportation.

[F. R. Doc. 48-9193; Filed, Oct. 18, 1948; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 53]

GRADING AND CERTIFICATION OF MEATS, PREPARED MEATS AND MEAT PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1946 ed. 1003 (a)) that the Secretary of Agriculture of the United States is considering amending § 53.23 (d) of the regulations governing the grading and certification of meats, prepared meats, and meat products (7 CFR Supp 53.23 (d); 13 F. R. 1275) under the Agricultural Marketing Act of 1946 (7 U. S. C. 1946 ed. 1621 et seq.) and the item for market inspection of farm products in the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Congress; 7 U. S. C. 1946 ed. Supp. 414) to read as follows:

(d) *What grade-identifying device shall show.* Each grade identifying device shall bear a name or appropriate symbol approved by the Administrator, clearly indicating the grade of the product as determined by an official grader, and such other marks or symbols as may be required by the Administrator for the proper identification of the product and the service rendered.

The purpose of the proposed amendment is to clarify the authority of the Administrator to require that meats when graded shall be officially identified as to class, so as to prevent their being mistaken for meats of other classes.

Any person who wishes to submit written data, views or arguments concerning the foregoing proposed amendment may do so by filing them with the Administrator, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C. this 14th day of October 1948. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9167; Filed, Oct. 18, 1948; 8:46 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1582]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 20, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Iowa 80H Ringgold	$420,000
North Dakota 35C Burleigh	610,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9168; Filed, Oct. 18, 1948; 8:46 a. m.]

[Administrative Order 1583]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 42M Toombs	$1,190,000
Illinois 48G Clay	281,000
Minnesota 84P Stearns	575,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9169; Filed, Oct. 18, 1948; 8:46 a. m.]

[Administrative Order 1584]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Illinois 30H Adams	$790,000
Kentucky 56L Morgan	785,000
Wisconsin 58H Price	65,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9170; Filed, Oct. 18, 1948; 8:46 a. m.]

[Administrative Order 1585]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Colorado 39A, B, C Kit Carson	$3,675,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9171; Filed, Oct. 18, 1948; 8:46 a. m.]

[Administrative Order 1586]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 24, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 32P Geneva	$375,000
Missouri 43N, P, R, S Laclede	780,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9172; Filed, Oct. 18, 1948; 8:47 a. m.]

[Administrative Order 1587]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 25, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Florida 35E Glades	$80,000
Missouri 46N, R, T Taney	920,000
Oregon 34C Weston	100,000
Texas 54X Wood	135,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9173; Filed, Oct. 18, 1948; 8:47 a. m.]

[Administrative Order 1588]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 27, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Nebraska 86C Dundy	$432,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9174; Filed, Oct. 18, 1948; 8:47 a. m.]

[Administrative Order 1589]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 27, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 17S Prowers	$197,000
Texas 106H Taylor	460,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9175; Filed, Oct. 18, 1948; 8:47 a. m.]

[Administrative Order 1590]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 27, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Iowa 32S, T Butler	$556,000
Texas 103M Polk	100,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9176; Filed, Oct. 18, 1948; 8:47 a. m.]

[Administrative Order 1591]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 28, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Minnesota 103A New Prague Public	$575,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9177; Filed, Oct. 18, 1948; 8:47 a. m.]

[Administrative Order 1592]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 30, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Minnesota 102A Litchfield Public	$400,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9178; Filed, Oct. 18, 1948; 8:47 a. m.]

[Administrative Order 1593]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 30, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Michigan 28W, X, Y Presque Isle	$900,000
South Carolina 37N Lexington	85,000
Texas 21L Milam	280,000
Texas 78K Cherokee	225,000
Wisconson 38G Rock	203,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9179; Filed, Oct. 18, 1948; 8:47 a. m.]

[Administrative Order 1594]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 3, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Texas 135F Ochiltree	$582,000
Texas 145C Dallam	275,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9180; Filed, Oct. 18, 1948; 8:47 a. m.]

[Administrative Order 1595]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 7, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 103D Coweta	$111,000
Indiana 70F White	130,000
Minnesota 56P Crow Wing	625,000
Oklahoma 30L, M Choctaw	475,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9181; Filed, Oct. 18, 1948; 8:48 a. m.]

[Administrative Order 1596]

ALLOCATION OF FUNDS FOR LOANS

CHANGE IN PROJECT DESIGNATION

SEPTEMBER 9, 1948.

Inasmuch as Federated Cooperative Power Association and Central Electric Federated Cooperative Association have transferred all their assets and liabilities to a new cooperative, known as Corn Belt Power Cooperative, and Corn Belt Power Cooperative has assumed the entire indebtedness to United States of America, of Federated Cooperative Power Association and Central Electric Federated Cooperative Association, arising out of

loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend;

(a) Administrative Order No. 44, dated December 29, 1936, by changing the project designation appearing therein as "Iowa 47G Franklin" in the amount of $225,000 to read "Iowa 84 Hamilton (Iowa 47G Franklin)";

(b) Administrative Order No. 44, dated December 29, 1936, by changing the project designation appearing therein as "Iowa 48G Pocahontas" in the amount of $185,000 to read "Iowa 84 Hamilton (Iowa 48G Pocahontas)";

(c) Administrative Order No. 109, dated June 12, 1937, by changing the project designation appearing therein as "Iowa 48G Pocahontas" in the amount of $75,000 to read "Iowa 84 Hamilton (Iowa 48G Pocahontas)";

(d) Administrative Order No. 142, dated September 28, 1937, by changing the project designation appearing therein as "Iowa 48GB Pocahontas" in the amount of $45,000 to read "Iowa 84 Hamilton (Iowa 48GB Pocahontas)";

(e) Administrative Order No. 205, dated May 7, 1938, by changing the project designation appearing therein as "Iowa 8047G2 Franklin" in the amount of $6,000 to read "Iowa 84 Hamilton (Iowa 8047G2 Franklin)";

(f) Administrative Order No. 205, dated May 7, 1938, by changing the project designation appearing therein as "Iowa 8048G3 Pocahontas" in the amount of $5,000 to read "Iowa 84 Hamilton (Iowa 8048G3 Pocahontas)";

(g) Administrative Order No. 304, dated October 26, 1938, by changing the project designation appearing therein as "Iowa R9047G3 Franklin" in the amount of $165,000 to read "Iowa 84 Hamilton (Iowa R9047G3 Franklin)";

(h) Administrative Order No. 304, dated October 26, 1938, by changing the project designation appearing therein as "Iowa R9048G4 Pocahontas" in the amount of $25,000 to read "Iowa 84 Hamilton (Iowa R9048G4 Pocahontas)";

(i) Administrative Order No. 477, dated July 1, 1940, by changing the project designation appearing therein as "Iowa 1047G4 Franklin" in the amount of $180,000 to read "Iowa 84 Hamilton (Iowa 1047G4 Franklin)";

(j) Administrative Order No. 477, dated July 1, 1940, by changing the project designation appearing therein as "Iowa 1048G5 Pocahontas" in the amount of $250,000 to read "Iowa 84 Hamilton (Iowa 1048G5 Pocahontas)";

(k) Administrative Order No. 490, dated July 25, 1940, as amended by Administrative Order No. 1159, dated October 22, 1946, by changing the project designation appearing therein as "Iowa 47K Franklin" in the amount of $6,868.40 to read "Iowa 84 Hamilton (Iowa 47K Franklin [Iowa 1031C1 Grundy])";

(l) Administrative Order No. 835, dated June 5, 1944, by changing the project designation appearing therein as "Iowa 4-2047G5 Franklin" in the amount of $125,000 to read "Iowa 84 Hamilton (Iowa 4-2047G5 Franklin)";

(m) Administrative Order No. 853, dated August 21, 1944, by changing the project designation appearing therein as "Iowa 5047G6 Franklin" in the amount of $200,000 to read "Iowa 84 Hamilton (Iowa 5047G6 Franklin)";

(n) Administrative Order No. 940, dated July 26, 1945, by changing the project designation appearing therein as "Iowa 46048G6 Pocahontas" in the amount of $205,000 to read "Iowa 84 Hamilton (Iowa 46048G6 Pocahontas)";

(o) Administrative Order No. 976, dated October 19, 1945, by changing the project designation appearing therein as "Iowa 47G Franklin" in the amount of $375,000 to read "Iowa 84 Hamilton (Iowa 47G Franklin)";

(p) Administrative Order No. 1014, dated February 27, 1946, by changing the project designation appearing therein as "Iowa 48H Pocahontas" in the amount of $390,000 to read "Iowa 84 Hamilton (Iowa 48H Pocahontas)";

(q) Administrative Order No. 1062, dated May 10, 1946, by changing the project designation appearing therein as "Iowa 47H Franklin" in the amount of $1,100,000 to read "Iowa 84 Hamilton (Iowa 47H Franklin)";

(r) Administrative Order No. 1065, dated May 15, 1946, by changing the project designation appearing therein as "Iowa 48K Pocahontas" in the amount of $550,000 to read "Iowa 84 Hamilton (Iowa 48K Pocahontas)"; and

(s) Administrative Order No. 1237, dated March 18, 1947, by changing the project designation appearing therein as "Iowa 48L Pocahontas" in the amount of $150,000 to read "Iowa 84 Hamilton (Iowa 48L Pocahontas)."

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9182; Filed, Oct. 18, 1948; 8:48 a. m.]

[Administrative Order 1597]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 9, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
South Dakota 36B Edmunds----	$920,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9183; Filed, Oct. 18, 1948; 8:48 a. m.]

[Administrative Order 1598]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 9, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
South Dakota 30C Kingsbury----	$340,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9184; Filed, Oct. 18, 1948; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 2918, 3203]

ALL AMERICAN AVIATION, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the suspension of a certificate of public convenience and necessity held by All American Aviation, Inc., under section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be heard November 4, 1948, at 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., October 14, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9197; Filed, Oct. 18, 1948; 8:54 a. m.]

[Docket No. 3187]

WISCONSIN CENTRAL AIRLINES, INC.; MAIL RATE PROCEEDING

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Wisconsin Central Airlines, Inc., over its entire system and the Board's Order to Show Cause, Serial No. E-2050, dated October 5, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on October 19, 1948, at 10:00 a. m., (eastern standard time), in Room 2065, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 13, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9196; Filed, Oct. 18, 1948; 8:54 a. m.]

[Docket No. 3386]

ROBINSON AVIATION, INC.

NOTICE OF HEARING

In the matter of the application of Robinson Aviation, Inc. for approval of the transfer of its temporary certificate of public convenience and necessity to Robinson Airlines Corporation and for approval of the acquisition of control of Robinson Airlines Corporation.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (i), 408 and 1001 of said Act, that a hearing in the above-entitled proceeding is assigned to be held on October 28, 1948, at 10:00 a. m. in Room 1049, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Is the proposed transfer by Robinson Aviation, Inc., of its temporary certificate of public convenience and necessity to Robinson Airlines Corporation consistent with the public interest?

2. Is Robinson Aviation, Inc., a person engaged in a phase of aeronautics within the meaning of section 408 (a) (5) of the Civil Aeronautics Act?

3. Is Robinson Airlines Corporation controlled by Robinson Aviation, Inc., within the meaning of section 408 (a) (5)?

4. Is the control of Robinson Airlines Corporation by Robinson Aviation, Inc., consistent with the public interest?

5. Would the control of Robinson Airlines Corporation by Robinson Aviation, Inc., result in creating a monopoly and thereby restrain competition or jeopardize another air carrier?

Notice is further given that any person other than parties of record as of October 13, 1948, desiring to be heard in this proceeding may file with the Board on or before October 28, 1948, a statement setting forth the facts and law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 285.6 (a) of the Board's rules of practice.

For further details concerning this proceeding, interested persons are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., October 13, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9195; Filed, Oct. 18, 1948; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9093]

AMERICAN CABLE AND RADIO CORP. ET AL.

ORDER POSTPONING HEARING

In the matter of the American Cable and Radio Corporation, the Commercial Cable Company, Mackay Radio and Telegraph Company, and All America Cables & Radio, Inc. Applicability of section 314 of the Communications Act of 1934, as amended. Docket No. 9093.

The Commission, having under consideration a motion filed on September 27, 1948, jointly by the International Telephone and Telegraph Corporation, and its affiliated companies, the American Cable and Radio Corporation, the Commercial Cable Company, Mackay Radio and Telegraph Company, All America Cables and Radio, Inc., and the Radio Corporation of Porto Rico, requesting a continuance for approximately 45 days of the hearing herein, presently scheduled to begin on October 18, 1948; and also having under consideration an opposition to the aforementioned motion filed by RCA Communications, Inc., on September 30, 1948, the reply thereto filed by the International Telephone and Telegraph Corporation and its above-named affiliates on October 4, 1948; and an opposition to the aforementioned motion filed by the American Communications Association, CIO, on October 4, 1948;

It appearing that, in view of the time required for collection of material data herein, a postponement of the commencement date for the hearing herein will not unduly delay disposition of the proceeding;

It is ordered, This 8th day of October, 1948, that the hearing herein, now scheduled to begin on October 18, 1948, is postponed to December 6, 1948, at the same time and place as heretofore designated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9188; Filed, Oct. 18, 1948; 8:49 a. m.]

[Docket No. 8502]

ARI-NE-MEX BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Ari-Ne-Mex Broadcasting Company, Clayton, New Mexico, Docket No. 8502, File No. BP-5879; for construction permit.

The Commission having under consideration a petition filed September 29, 1948, by Ari-Ne-Mex Broadcasting Company, Clayton, New Mexico, requesting a continuance in the hearing presently scheduled for October 14, 1948, upon the above-entitled application for construction permit;

It is ordered, This 8th day of October, 1948, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled application be, and it is hereby, continued to 10:00 a. m., Friday, November 4, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-8189; Filed, Oct. 18, 1948; 8:49 a. m.]

[Docket No. 8500]

ARI-NE-MEX BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Ari-Ne-Mex Broadcasting Company, Escondido, California, Docket No. 8500, File No. BP-8519; for construction permit.

The Commission having under consideration a petition filed September 29, 1948, by Ari-Ne-Mex Broadcasting Company, Escondido, California, requesting a continuance in the hearing presently scheduled for October 15, 1948, upon its above-entitled application for construction permit;

It is ordered, This 8th day of October, 1948, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled application be, and it is hereby, continued to 10:00 a. m., Thursday, November 5, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9190; Filed, Oct. 18, 1948; 8:49 a. m.]

[Docket Nos. 8489, 8490]

INDEPENDENT BROADCASTING CO. (WIBK)

ORDER CONTINUING HEARING

In re applications of Independent Broadcasting Company (WIBK), Knoxville, Tennessee, Docket No. 8489, File No. BPH-1146; for FM construction permit. Independent Broadcasting Company (WIBK), Knoxville, Tennessee, Docket No. 8490, File No. BL-2550; for AM broadcast license.

The Commission having under consideration a petition filed October 5, 1948, by Independent Broadcasting Company (WIBK); Knoxville, Tennessee, requesting redesignation of the date for the oral argument in the proceeding upon the above-entitled applications; and

It appearing, that it is impracticable to re-schedule a definite date for the oral argument at this time;

It is ordered, This 8th day of October, 1948, that the petition be, and it is hereby, granted; and that the oral argument in the above-entitled proceeding be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9191; Filed, Oct. 18, 1948; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6118]

BRAZOS RIVER CONSERVATION AND RECLAMATION DISTRICT AND BRAZOS RIVER TRANSMISSION ELECTRIC COOPERATIVE, INC.

ORDER POSTPONING HEARING

OCTOBER 13, 1948.

In the matter of Brazos River Conservation and Reclamation District and Brazos River Transmission Electric Cooperative, Inc., complainant, v. Brazos River Conservation and Reclamation District, defendant, Project No. 1490, Docket No. E-6118.

Upon consideration of the joint application filed by the above-named parties on October 12, 1948, for a postponement

of the reopened hearing set for October 14, 1948, in the above-entitled matters, on the grounds that the parties, subject to Commission approval, may reach an agreement on the matters in controversy;

The Commission orders that:

The reopened hearing heretofore ordered to be held in this matter commencing October 14, 1948, be and the same hereby is postponed pending further order of the Commission.

Date of issuance: October 13, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9158; Filed, Oct. 18, 1948; 8:45 a. m.]

[Docket Nos. G-1084, G-1087, G-1103]

AMERICAN REPUBLICS CORP. ET AL.

NOTICE OF FINDINGS UPON APPLICATIONS FOR STATUS DETERMINATIONS

OCTOBER 13, 1948.

In the matters of American Republics Corporation, Docket No. G-1084; Houston Oil Company of Texas, Docket No. G-1087; Humble Oil & Refining Company, Docket No. G-1103.

Notice is hereby given that, on October 12, 1948, the Federal Power Commission issued its findings entered October 12, 1948, upon applications for status determinations in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9159; Filed, Oct. 18, 1948; 8:46 a. m.]

[Docket Nos. G-1060, 1064, 1066, 1094]

COLORADO INTERSTATE GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 14, 1948.

In the matters of Colorado Interstate Gas Company, Docket No. G-1060 Northern Natural Gas Company, Docket No. G-1064; West Texas Gas Company, Docket No. G-1066; Canadian River Gas Company, Docket No. G-1094.

Notice is hereby given that, on October 13, 1948, the Federal Power Commission issued its findings and orders entered October 12, 1948, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9187; Filed, Oct. 18, 1948; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-97, 59-73, 59-38, 70-1954]

UNITED PUBLIC UTILITIES CORP. ET AL.

NOTICE OF FILING OF AMENDMENT TO PLAN AND OF AN APPLICATION; ORDER CONSOLIDATING PROCEEDINGS AND RECONVENING HEARINGS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of October 1948.

In the matter of United Public Utilities Corporation, Applicant, File No. 54-97; United Public Utilities Corporation and its Subsidiary Companies, Respondents, File No. 59-73; United Public Utilities Corporation and its Subsidiary Companies, Respondents, File No. 59-38; Ohio Valley Gas Company, Applicant, File No. 70-1954.

Notice is hereby given that United Public Utilities Corporation ("UPU"), a registered holding company, has filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the "Act"), an amendment to Part III of its over-all plan for liquidation and dissolution. The amendment is designated as "Supplement 2 to Part III" (Supplement 2) and is described as the final step in the liquidation and dissolution of UPU Supplement 2 consists of two plans, hereinafter referred to as "Plan A" and "Plan B."

Briefly stated, Plan A provides for the sale by UPU to Ohio Valley Gas Company ("Ohio Valley"), a non-affiliated operating public utility company, of all of the outstanding securities of UPU's remaining subsidiaries, Indiana-Ohio Public Service Company, Lynn Natural Gas Company, and Peoples Service Company ("Indiana subsidiaries"), with the exception of 3.5% of the common stock of Peoples Service Company which is publicly held.

Plan B provides for the dissolution of UPU and the distribution of its assets, after provision for the payment of its liabilities, to the holders of its common stock and of voting trust certificates for common stock.

Notice is further given that Ohio Valley has filed an application pursuant to sections 9 (a) (2) and 10 of the act for approval of the acquisition of the securities of the Indiana subsidiaries owned by UPU.

All interested persons are referred to the aforesaid Supplement 2 of UPU and the application of Ohio Valley which are on file in the office of the Commission for a full statement of the transactions therein proposed which may be summarized as follows:

SUPPLEMENT 2 OF UPU

Plan A: Sale of Indiana subsidiaries. UPU proposes to sell to Ohio Valley all of the outstanding securities of UPU's Indiana subsidiaries owned by it for the sum of $700,000. The agreement of sale provides, among other things, that the Indiana subsidiaries shall pay to UPU all interest accrued and unpaid to the date of closing on income notes and debt securities of the Indiana subsidiaries owned by UPU and that the Indiana subsidiaries shall not declare or pay any dividends on their outstanding capital stocks between June 30, 1948, and the date of closing.

Plan B: Dissolution of UPU. UPU proposes that, upon consummation of the sale of the Indiana subsidiaries and at such time as UPU's board of directors may determine, it will dissolve. UPU further proposes that, after provision for the payment or discharge of its liabilities, it will distribute all its remaining assets to holders of its common stock and its voting trust certificates for common stock.

It is proposed that the directors of UPU shall be Trustees in Dissolution ("Trustees"), and that upon dissolution of UPU, such Trustees shall settle and adjust the affairs of UPU and shall, from time to time, distribute the remaining assets of UPU ratably to the holders of UPU's common stock and to the holders of voting trust certificates for common stock upon the surrender of such certificates in exchange for common stock, and that the Trustees shall be authorized to retain for such time as they elect such portion of the remaining assets as they consider necessary or appropriate to satisfy fully the liabilities of UPU. UPU proposes that such liquidating distribution or distributions be made by the Provident Trust Company or such other corporation as the Trustees shall select as "Paying agent", the final distribution to be subject to the giving of notice as prescribed in Supplement 2.

UPU further proposes that upon the deposit by the Trustees with the Paying agent of the remaining assets of UPU for a final distribution to the common stockholders, the Trustees shall be discharged from their duties and from any liability to UPU's common stockholders, and the sole right of such stockholders shall be to claim the payments made under Supplement 2.

UPU also proposes that the period within which holders of common stock may claim payment of the liquidating distribution under Supplement 1 may be extended to a date not later than five years from the date of the divestment of the last subsidiary of UPU.

General provisions. The consummation of Plan A and Plan B is subject to the following conditions:

(a) That the Commission shall have found the plans necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to the persons affected thereby and shall have entered an order or orders approving the plans and, if UPU requests, that such order contain appropriate recitals as required by sections 371 (f) and 1808 (f) of the Internal Revenue Code to obtain for UPU and its stockholders certain benefits under Supplement R and Sections 1801, 1802, 1821 (b) and 3481 of the Internal Revenue Code.

(b) That a competent court, upon application by the Commission, shall have entered an order to enforce and carry out the provisions of Supplement 2, including the appointment of trustees and such other appropriate provisions as may be necessary or desirable to accomplish the dissolution of UPU in the manner provided in Plan B, and, at the option of UPU, such order shall have become final and no longer subject to review.

UPU reserves the right to request separate enforcement of Plan A and Plan B.

All expenses and fees incurred in connection with the consummation of Supplement 2 shall be subject to the approval of the Commission.

APPLICATION OF OHIO VALLEY

Ohio Valley is engaged in the purchase of natural gas and the distribution of such gas principally in Tell City and Cannelton, in the southern part of Indiana.

Ohio Valley proposes to acquire all of the securities of UPU's Indiana subsidiaries owned by UPU for the cash consideration described in the foregoing summary of Plan A.

Ohio Valley contemplates financing the proposed acquisition of securities through the issue and sale of common stock and bonds. In this connection, Ohio Valley contemplates that Lynn Natural Gas Company will be merged into Indiana-Ohio Public Service Company, that Indiana-Ohio Public Service Company and Peoples Service Company will issue mortgage bonds to Ohio Valley in substitution for the notes of such companies proposed to be acquired by Ohio Valley, that Ohio Valley will issue and sell $550,000 principal amount of mortgage and collateral trust bonds at par and will sell 21,000 shares of its common stock at the par value of $10 a share.

Ohio Valley states that it will file with this Commission exemption statements under Rules U-2 (a) (1) and U-9 of the rules and regulations promulgated under the act.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected thereby, and it appearing appropriate to the Commission that notice be given and a hearing be held with respect to Supplement 2 and with respect to said application of Ohio Valley to afford all interested persons an opportunity to be heard with respect thereto; and it also appearing to the Commission that Supplement 2 has been filed in the consolidated proceedings pending with respect to UPU and its subsidiaries under sections 11 (b) (1), 11 (b) (2), and 11 (e) (File Nos. 59-38, 59-73, and 54-97); and it further appearing to the Commission that it is appropriate that the proceedings on the application of Ohio Valley be consolidated for hearing with the consolidated proceedings involving UPU and its subsidiaries:

It is ordered, That the proceedings on the application of Ohio Valley be consolidated for the purpose of hearing with the aforementioned consolidated proceedings and that a hearing be held on October 28, 1948 at 11 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. In the event that amendments to Supplement 2 are filed during the course of said proceedings, no notice of such amendments will be required by the Commission unless specifically ordered by it. Any person desiring to receive further notice of the filing of amendments by UPU should request such notice of UPU. Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary, on or before October 26, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Harold B. Teegarden or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (e) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of Supplement 2 and the application of Ohio Valley and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the aforementioned Plan A and Plan B, as submitted or as modified, are necessary to effectuate the provisions of section 11 (b) of the act and are fair and equitable to the persons affected thereby.

2. Whether the standards of section 11 (e) are met by Plan B insofar as it vests discretion in the directors of UPU or Trustees with respect to (a) the time of dissolution of UPU, (b) the times for making distributions to the security holders and the amounts of such distributions, (c) the time for creditors or others to file claims, and (d) the possible extension of the date for security holders to claim the liquidating distribution under Supplement 1.

3. Whether the proposed sale and acquisition of securities are in conformity with section 12 (d) and sections 10 (b) and 10 (c) of the act, and particularly whether the proposed acquisition of securities will unduly complicate the capital structure of the proposed holding company system of Ohio Valley or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of Ohio Valley's proposed holding company system.

4. Whether the fees, expenses and remuneration to be paid by UPU and Ohio Valley in connection with the proposed transactions are for necessary services and reasonable in amount.

5. Whether, in the event that the proposed transactions are approved, it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers, and particularly whether the Commission should condition its approval of the proposed acquisition of securities upon such a fair offer by Ohio Valley to purchase the publicly held common stock of Peoples Service Company as the Commission may find necessary or appropriate.

It is further ordered, That particular attention shall be directed at said hearing to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues which may arise in these proceedings.

It is further ordered, That the Secretary of the Commission shall give notice of this hearing by mailing a copy of this order by registered mail to the Federal Power Commission, the Public Service Commission of Indiana, and to UPU, Indiana-Ohio Public Service Company, Lynn Natural Gas Company, Peoples Service Company, Ohio Valley and the Lincoln National Life Insurance Company of Fort Wayne, Indiana; that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice shall be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That UPU shall mail a copy of this notice and order to each of its security holders (insofar as the identity of such security holders is known to UPU), including the holders of its voting trust certificates, at least 10 days prior to the date set for hearing; and that UPU shall enclose therewith a statement that UPU may amend Supplement 2 without giving notice thereof to security holders, unless ordered to do so by the Commission, except that any security holder requesting UPU to give him notice of further amendments shall be given such notice by UPU.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9164; Filed, Oct. 18, 1948; 8:53 a. m.]

[File No. 70-1948]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of October A. D. 1948.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, and amendments thereto, pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, and Rule U-50 of the Rules and Regulations promulgated thereunder, regarding the following transactions:

New Hampshire proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $7,000,000 principal amount of First Mortgage Bonds, Series D, --% due 1978, to be issued under and secured by a First Mortgage to Old Colony Trust Company, as Trustee, dated as of January 1, 1943 as supplemented by various supplemental indentures, including a proposed Fourth Supplemental Indenture to be dated as of October 1, 1948. The interest rate and the price to the company for the bonds will be determined by competitive bidding except that the invitation for bids will specify that the interest rate shall be a muliple of ⅛ of 1% and that the price to the company shall be not less than 100% nor more than 102.75% of the principal amount thereof, plus accrued interest.

The application states that the company will use $3,600,000 of the proceeds from the sale of the bonds to repay the company's short-term bank borrowings. The balance of the proceeds in the amount of $3,400,000 will be deposited initially with the Trustee under the indenture and will be withdrawn from time to time upon certification to the Trustee of additional property. It is anticipated by the company that the $3,400,000 deposited initially with the Trustee will be withdrawn by January 31, 1949 and will be similarly applied to repay short-term bank borrowings or will be used for other corporate purposes. New Hampshire has requested that the ten-day notice period for inviting bids as provided by subdivision (b) of Rule U-50 be shortened to not less than six days so as to permit the opening of bids on October 18, 1948, and that the order with respect to said application, as amended, become effective forthwith.

The application having been filed on September 10, 1948, and the last amendment thereto having been filed on October 8, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the application, as amended within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that New Hampshire is entitled to an exemption from the provisions of section 6 (a) of the act pursuant to the provisions of section 6 (b) thereof, it appearing that the proposed issue and sale of bonds are solely for the purpose of financing the business of applicant and have been expressly authorized by the New Hampshire Public Service Commission, the Commission of the State in which New Hampshire is organized and doing business and by the Vermont Public Service Commission, the Commission of the State in which New Hampshire is also doing business; and

The Commission being of the opinion that it is appropriate to grant said application, as amended, without the imposition of terms and conditions other than those hereinafter stated; and the Commission also deeming it appropriate to grant the request of New Hampshire to shorten the bidding period provided by Rule U-50 to not less than six days and that the order herein become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the additional conditions:

(1) That the proposed sale of bonds of New Hampshire shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose.

(2) That jurisdiction be reserved with respect to all legal fees incurred or to be incurred in connection with the proposed bond financing.

It is further ordered, That, in accordance with the request of the applicant, the ten-day period for inviting bids as provided in Rule U-50 be, and the same hereby is, shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9162; Filed, Oct. 18, 1948; 8:50 a. m.]

[File No. 70-1962]

PUBLIC SERVICE ELECTRIC AND GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of October A. D. 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Public Service Electric and Gas Company ("PEG"), an electric utility subsidiary of The United Corporation, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than October 29, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 29, 1948, said application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided by Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

PEG proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $50,000,000 principal amount of its --% debentures due 1963. The interest rate and the price to the company for the debentures will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100% nor more than 102.75% of the principal amount.

From the proceeds of the sale of the debentures, $30,000,000 will be applied to the retirement of an equal principal amount of bank loans due September 10, 1950, and the balance will be utilized in connection with PEG's construction and improvement program.

The proposed issuance and sale have been submitted to the Board of Public Utility Commissioners of the State of New Jersey for its approval.

The applicant requests that the Commission's order granting the application become effective not later than November 4, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9163; Filed, Oct. 18, 1948; 8:51 a. m.]

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 13 NUMBER 205

Washington, Wednesday, October 20, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2817

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT, MASSACHUSETTS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has adopted, after notice and public procedure pursuant to section 4 of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and has submitted to me for approval the following regulation relating to migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

REGULATION DESIGNATING AS CLOSED AREA CERTAIN TIDAL WATERS IN THE VICINITY OF THE PARKER RIVER NATIONAL WILDLIFE REFUGE, MASSACHUSETTS

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, William E. Warne, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as closed area, effective October 29, 1948, in or on which pursuing, hunting, taking, capture, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all areas of land and water in the towns of Ipswich, Newbury and Rowley, Essex County, Massachusetts, not now owned or controlled by the United States within the following-described exterior boundary:

Beginning at corner No. 1, a point in the center of Stackyard Road (also known as Nelson Island Road), approximately 0.95 mile east of State Highway No. 1A in approximate latitude 42°44'33.0" N., longitude 70°50'20.8" W., from which an 8" cedar post set for a witness corner bears N. 78°39' E., 0.70 ch., distant.

From the initial point,

Northeast, along the center of Stackyard Road with the meanders thereof, 8.85 chs., to the edge of marsh and upland;

Thence with three courses along the edge of the marsh and upland with the meanders thereof,

N. 0°37' E., 2.22 chs.,
S. 85°11' W., 1.60 chs.,
S. 65°01' W., 1.23 chs., at the edge of marsh and upland, in the center of an old road;

Thence with two courses along the center of an old road with the meanders thereof,

N. 24°38' W., 1.92 chs.,
N. 21°31' W., 4.16 chs., to the intersection of the center of the road with the center of Carleton Creek;

Thence Northeasterly down the center of Carleton Creek with the meanders thereof 13.98 chs., to the prolongation of the center line of a ditch;

Thence with three courses along the center line of ditches,

N. 29°21' W., 5.72 chs.,
N. 27°24' W., 3.49 chs., in the center of Sawyers Island Creek,
N. 44°41' W., 5.86 chs., at the northwesterly end of ditch and at edge of marsh and upland;

Thence N. 13°50' W., with edge of marsh and upland 0.627 ch., to the intersection of edge of marsh and upland with the center of Patmos Road (also known as Sawyers Island Road), a point from which a 3" x 3" cedar post set for a witness corner bears S. 22°54' E., 0.13 ch., distant;

Thence N. 41°39' E., with the center of Patmos Road, 1.60 chs., to the intersection of said road with the line between marsh and upland;

Thence with eleven courses along the edge of marsh and upland with the meanders thereof,

N. 89°36' E., 1.293 chs.,
N. 34°33' E., 3.83 chs.,
S. 85°14' E., 1.30 chs.,
N. 31°53' E., 3.40 chs.,
S. 65°31' E., 1.00 ch.,
N. 61°38' E., 1.54 chs.,
N. 86°12' E., 1.12 chs.,
S. 36°26' E., 1.818 chs.,
N. 40°20' E., 4.86 chs.,
N. 43°10' W., 2.163 chs.,
N. 22°17' E., 1.661 chs., at the edge of marsh and upland on the northeasterly point of Sawyers Island, a standard concrete post No. 51;

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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Thence N. 51°43' W., approximately 6.69 chs., to mean high water on the right or south bank of Great Creek (also known as Mud Creek);

Thence Westerly, with mean high water upstream and on the right or south bank of Great Creek approximately 90.00 chs., to the intersection of mean high water on the right or south bank of Great Creek with the prolongation of the center of the ditch situate on the left or north side of Great Creek;

Thence N. 5°00' E., in part crossing Great Creek and in part up a ditch, approximately 1.50 chs.;

Thence with 12 courses along the center of ditches, with the meanders thereof,

N. 22°53' E., 1.870 chs.,
N. 4°54' E., 5.310 chs.,
N. 50°02' W., 1.734 chs.,
N. 3°07' E., 3.110 chs., to the junction of ditches,
N. 65°35' E., 7.48 chs.,
N. 57°33' E., 6.33 chs., to the intersection of ditches,
S. 13°51' E., 1.943 chs., to the junction of ditches,
S. 89°49' E., 3.090 chs.,
S. 79°58' E., 1.332 chs.,
S. 2°40' W., 0.519 ch., to the junction of ditches;
S. 89°08' E., 0.398 ch., to the junction of ditches;
N. 65 20' E., 5.23 chs., to the intersection of ditch with stone wall, at the edge of marsh and upland;

Thence with twelve courses along a stone wall with the meanders thereof,

N. 66°11' E., 2.906 chs.,
S. 85°06' E., 1.440 chs.,
N. 35°34' E., 1.320 chs.
N. 71°49' E., 4.220 chs.,
N. 50°34' E., 1.631 chs.,
S. 35°23' E., 0.339 ch.,
N. 64°22' E., 1.653 chs.,
S. 27°41' E., 1.38 chs.
N. 70°03' E., 1.193 chs.,
S. 27 37' E., 0.388 chs.,
N. 66°25' E., 9.13 chs.,
N. 17°05' W., 2.529 chs., at the intersection of stone walls,
N. 17°43' W., 7.17 chs., to the center of Marsh Avenue;

Thence N. 1°08' E., with the center of Marsh Avenue, 4.10 chs., a point from which a standard concrete post No. 53 set for a witness corner bears N. 66°00' E., 0.12 ch., distant;

Thence N. 69°05' E., approximately 12.00 chs., to mean high water on the right or south bank of Parker River, about 41.00 chs., below the Parker River bridge in State Highway No. 1A;

Thence Southeasterly with mean high water down the right or south bank of Parker River with the meanders thereof, approximately 11.00 chs.;

Thence N. 19°17' E., crossing Parker River, approximately 11.00 chs., to mean high water on the left or north bank of Parker River;

Thence Northwesterly with mean high water up the left or north bank of Parker River with the meanders thereof, approximately 0.75 ch., to the mouth of a small ditch;

Thence with four courses along the center line of ditches with the meanders thereof,

N. 44°24' E., approximately 1.00 ch.,
N. 19°17' E., 12.41 chs., the junction of ditches,
N. 75°18' W., 7.54 chs.,
N. 73°24' E., 6.83 chs., to the junction of small ditches;
Thence N. 3°05' W., 7.68 chs., in the center of a ditch;

Thence with ten courses along the center line of ditches with the meanders thereof,

S. 81°53' W., 5.19 chs.,
N. 84°33' W., 5.38 chs.,
N. 81°56' W., 4.40 chs., the junction of ditches,
N. 13°47' E., 2.371 chs., the junction of ditches,
S. 81°11' E., 1.600 chs., the intersection of ditches,
N. 13°21' E., 2.602 chs., the junction of ditches,
S. 88°21' E., 3.20 chs.,
N. 84°21' E., 2.699 chs.,
N. 70°54' E., 0.822 ch.,
N. 80°32' E., 5.33 chs., the junction of ditches;
Thence N. 3°19' W., along a ditch and a low stone wall 5.80 chs., the junction of ditches;
Thence S. 87°14' W., in part with a ditch and in part with a stone wall 4.75 chs., in the corner of stone walls;

Thence with three courses along a stone wall with the meanders thereof,

N. 0°04' E., 3.98 chs.,
N. 15°45' E., 4.03 chs.,
N. 20°49' W., 0.205 ch., in the stone wall in the range of the center of a ditch bearing Easterly;

Thence N. 86°52' E., 2.383 chs., at the edge of marsh and upland in the range of the center of a ditch bearing Easterly;

Thence with 25 courses along the edge of marsh and upland with the meanders thereof,

N. 49°10' E., 0.768 ch.,
N. 52°53' W., 1.474 chs.,
N. 23°06' E., 1.868 chs.,
N. 72°31' W., 0.663 ch.,
S. 52°22' W., 2.772 chs.,
N. 77°13' W., 3.67 chs.,
N. 16°36' W., 3.47 chs.,
N. 49°08' E., 1.243 chs.,
S. 83°37' W., 3.84 chs.,
S. 67°09' W., 3.62 chs.,
N. 68°20' W., 1.653 chs.,
N. 0°55' W., 1.370 chs.,
N. 45°39' E., 5.900 chs.,
N. 68°20' E., 1.985 chs.,
N. 33°01' E., 3.22 chs.,
N. 4°25' W., 3.43 chs.,
N. 35°34' E., 2.667 chs.,
N. 14°38' W., 0.673 ch.,
N. 21°39' E., 2.041 chs.,
N. 68°17' E., 2.452 chs.,
N. 54°36' W., 1.50 chs.,
N. 21°05' E., 2.630 chs.,
N. 62°45' E., 3.67 chs.,
N. 8°58' W., 4.28 chs.,
N. 36°42' W., 1.083 chs., at the edge of the marsh and upland in the range of center of a ditch extended Southwesterly from the marsh;

Thence N. 48°17' E., in part with the center of a ditch 6.59 chs., in the center of a ditch;

Thence with two courses along the center of a ditch with the meanders thereof,

N. 51°41' E., 3.05 chs.,
N. 58°16' E., 3.05 chs., at the junction of ditches;

Thence S. 72°43' E., approximately 16.00 chs., to mean high water on the left or north bank of Causeway Creek;

Thence Easterly with mean high water down the left or north bank of Causeway Creek, with the meanders thereof, approximately 18.00 chs., to mean high water on the left or west bank of Pine Island Creek (also known as Great Pine Island Creek);

Thence Northwesterly and Northeasterly with mean high water down the left or west bank of Pine Island Creek with the meanders thereof, approximately 18.00 chs., to the intersection of mean high water on the left or north bank of Pine Island Creek with the center of a ditch bearing Northerly;

Thence with seven courses along the center of the ditch with the meanders thereof,

N. 8°38' E., approximately 1.80 chs.,
N. 1°38' E., 0.980 ch.,
N. 51°54' E., 0.507 ch.,
N. 16°10' E., 0.406 ch.,
N. 19°49' W., 0.616 ch.,
N. 5°53' E., 1.384 chs.,
N. 78°12' E., 0.274 ch., in the center of an east-west ditch;

Thence N. 9°48' W., in part along the center of a ditch 9.16 chs., to the center of a filled-in ditch;

Thence N. 81°40' E., 8.30 chs., to the junction of ditches;

Thence S. 85°11' E., in part with the center of a ditch 9.92 chs., the intersection of the center of a filled-in ditch with center of a creek;

Thence N. 55°34' E., approximately 29.50 chs., to mean high water on the right bank and near the mouth of Little Pine Island Creek;

Thence Northeasterly crossing Little Pine Island Creek, approximately 3.70 chs., to mean high water at the mouth and on the left bank of Little Pine Island Creek;

Thence Northerly with mean high water upstream along the right or west bank of the most westerly channel of Plum Island River, with the meanders thereof approximately 30.00 chs., a point, from which a 4" x 4" cedar post set for a witness corner on the left or east bank of Plum Island River bears N. 61°25' E., approximately 3.80 chs., distant;

Thence N. 61°25' E., in part crossing Plum Island River and in part on Plum Island approximately 10.41 chs., a standard concrete post No. 57;

Thence S. 59°44' E., 21.51 chs., to mean low water line of the Atlantic Ocean and on the east side of Plum Island, a point from which a 1" iron pipe set for a witness corner bears N. 59°44' W., 5.40 chs., distant;

Thence Southeasterly along the mean low water line of the Atlantic Ocean on the east side of Plum Island with the meanders thereof 508.00 chs., to a point in the mean low water line of the Atlantic Ocean on the east side of Plum Island approximately 6.00 chs., Northwesterly of the southeast point of the island, from which a standard concrete post No. 58, set for a witness corner bears S. 85°02' W., 5.57 chs., distant;

Thence S. 85°02' W., on Plum Island 13.80 chs., to the edge of marsh and upland;

Thence with five courses along the edge of marsh and upland with the meanders thereof,

S. 47°53' W., 8.780 chs.,
S. 36°18' W., 2.791 chs.,
N. 82°18' W., 8.72 chs.,
N. 59°58' W., 14.810 chs.,
N. 70°33' E., 0.940 ch., in the center of ditch in the line between the marsh and upland;

Thence N. 38°44' W., with the center of a ditch, 12.95 chs., to the north end of the ditch in the edge of marsh and upland;

Thence with two courses along the edge of marsh and upland with the meanders thereof,

N. 14°56' W., 5.95 chs.,
N. 15°54' E., 1.056 chs., at the intersection of marsh and upland with the southerly edge of Stage Island;

Thence Northwesterly in part with the southerly edge of Stage Island and in part with mean high water on the left or east bank of Plum Island Sound, approximately 27.00 chs., to the westerly edge of a pier;

Thence approximately N. 52°00' W., 50.00 chs., within Plum Island Sound to mean high water at the most southerly point on Middle Ground Island;

Thence Northwesterly with mean high water of Plum Island Sound along the southerly and westerly shores of Middle Ground Island, approximately 54.00 chs., to mean high water of Plum Island Sound at the most westerly point near the north end, on Middle Ground Island;

Thence N. 57° W., continuing in Plum Island Sound, approximately 36.00 chs., to mean high water at the southern end of Hog Island Point at the mouth and on the left bank of Rowley River;

Thence Northerly and Westerly in part with mean high water of Plum Island Sound and in part with mean high water on the right or south bank of Nelson Island Creek, with the meanders thereof approximately 96.00 chs., to a point at mean high water on the south or right bank of Nelson Island Creek, near the lower end of a small island;

Thence N. 86°43' W., approximately 35.50 chs.,
N. 36°28' W., 29.00 chs.,
S. 78°39' W., 6.70 chs., to the Place of Beginning.

Because of the opening of the hunting season for migratory waterfowl in Massachusetts on October 29, 1948 and the need for protection of such birds in the area described herein, it is found that it is contrary to the public interest to issue this regulation subject to the

effective date limitation of section 4 (c) of the Administrative Procedure Act.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this 5th day of October 1948.

[SEAL] WILLIAM E. WARNE,
Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing regulation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of October in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL] HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-9265; Filed, Oct. 18, 1948; 12:56 p. m.]

MILITARY ORDER OF OCTOBER 18, 1948

REVOCATION OF MILITARY ORDER OF JULY 5, 1939

By virtue of the authority vested in me as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, Military Order of July 5, 1939 (F. R. Doc. 39-2434, filed July 6, 1939, 4 F. R. 2786), is hereby revoked effective upon the date of this order.

HARRY S. TRUMAN,
Commander-in-Chief.

THE WHITE HOUSE,
October 18, 1948.

[F. R. Doc. 48-9300; Filed, Oct. 19, 1948; 10:28 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Production and Marketing Administration (Diversion Programs)

PART 504—GENERAL VEGETABLE PURCHASE PROGRAM

SNAP BEANS

§ 504.102 *Snap beans.* In order to encourage the domestic consumption of snap beans by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, snap beans will be purchased during the fiscal period ending June 30, 1949, in instances where surpluses exist or appear to be developing, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Generally, purchases will be made only in areas where acreage has not been unduly expanded without regard to available facilities and outlets. Purchases will be made at such price levels as are necessary to carry out the price policy of Congress set forth in section 4 (b) of the act of July 1, 1941 (55 Stat. 498) and section 1 (d) of the Agricultural Act of 1948 (Pub. Law 897, 80th Cong.). Grades and other specifications, and purchase prices will be contained in purchase announcements which will be issued to cover particular purchase operations. Information as to such purchase operations may be obtained by writing to the Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C. (Sec. 32, 49 Stat. 774, sec. 4 (b), 55 Stat. 498, as amended; sec. 1 (d), Pub. Law 897, 80th Cong.); 7 U. S. C. 612 c, 15 U. S. C. 713-8 (b))

Dated this 14th day of October 1948.

[SEAL] RALPH S. TRIGG,
Administrator, Production and Marketing Administration.

[F. R. Doc. 48-9233; Filed, Oct. 19, 1948; 8:56 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

[Bulletin NSCP—1301]

PART 706—NAVAL STORES CONSERVATION PROGRAM

SUBPART G—1949

Payments will be made for participation in the 1949 Naval Stores Conservation Program (hereinafter referred to as "this program") in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Payments are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides for payments for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1946 season.

Sec.
706.1 General provisions.
706.2 Conservation practices and rates of payment.
706.3 General provisions relating to payments.
706.4 Total payments limited.
706.5 Application for payment.
706.6 Appeals.
706.7 Definitions.
706.8 Authority and availability of funds, and applicability.
706.9 Administration.

AUTHORITY: §§ 706.1 to 706.9 issued under secs. 7-17, 49 Stat. 1148, as amended, 52 Stat. 746, 62 Stat. 507, 1247; 16 U. S. C. 590g-590q.

§ 706.1 *General provisions*—(a) *Loan and purchase programs.* Producers who participate in this program including those producers operating within the public domain (see § 706.8 (c)), will meet the conservation requirements of any loan or purchase programs which may be set up for producers during 1949.

(b) *Required performance.* Each participating producer shall, on every turpentine farm owned or operated by him during the 1949 turpentine season, carry out one of the approved conservation practices in every tract or drift of faces that were installed during the 1946, 1947, 1948, and 1949 seasons, unless the Forest Service approves face installations made without carrying out a conservation practice. In cases where such approval is given for specific drifts or tracts of the turpentine farm, no payment will be made for any faces in such drifts or tracts.

(c) *Inspection assistance.* Each producer shall assist representatives of the Forest Service in the administration of this program by: (1) Giving them free access to his turpentine farm or farms, (2) counting all faces and keeping written records thereof separately by tracts and drifts, (3) furnishing court records and satisfactory evidence of control of faces to the local inspector when requested, (4) furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested, (5) furnishing competent labor to assist the local inspector in counting faces, (6) submitting an application for payment (Form NSCP-1303) and other prescribed forms, (7) notifying the Forest Service promptly of any change in ownership or control, and (8) otherwise facilitating the work of the inspector in checking compliance with the terms and conditions of this program.

(d) *Fire protection.* Each producer shall cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following good forest fire protection on his turpentine farm.

§ 706.2 *Conservation practices and rates of payment.* No tract or drift can qualify for more than one conservation practice. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

(a) *Cupping only trees 9 inches or over d. b. h.; 2¢ per face.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1949 season.

Performance: Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d. b. h., and only one face on trees less than 14 inches d. b. h., provided that the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forestry conservation practice. If faces have been installed contrary to these performance requirements, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service. The shoulder of the first streak on any face installed on a round tree which is not deformed shall be not more than 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(b) *Continuation of working faces on trees 9 inches or over d. b. h. ½¢ per face.* Payment for this practice is limited to tracts or drifts having faces installed during the 1946, 1947, and 1948 seasons, together with any new faces that may have been installed within such tracts or drifts during the 1949 season.

Performance: With the exception of back faces on trees having a worked-out face, the only faces that may be continued as working faces are those on trees which are at least 9 inches d. b. h., and not more than any one face may be continued on any tree which is less than 14 inches d. b. h.: *Provided, however,* That faces installed during or after the 1946 season which do not meet the above requirements, but were approved for payment under a previous program, will be accepted under this practice if such faces are still being worked in 1949. If faces have been installed contrary to the requirements, the cups and tins on such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service. The shoulder of the first streak on any face installed on a round tree which is not deformed shall be not more than 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(c) *Cupping only trees 11 inches or over d. b. h., 4¢ per face.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1949 season.

Performance: Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided,* That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forestry conservation practice. If, upon inspection, it is found that these requirements are not met, the producer may qualify for payment under the practice specified in paragraph (a) of this section. No continuation payment will be made until 1950 when the 1949 virgin, which was installed under this practice, will be considered for qualification. The shoulder of the first streak on any face installed on a round tree which is not deformed shall be not more than 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(d) *Selective cupping; cupping only trees to be removed in timber stand improvement; 5¢ per face.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1949 season.

Performance: Trees on which faces are installed shall be selected in a manner that will result in leaving well distributed over the area at least as many round trees 9 inches or more d. b. h. uncupped as are cupped. The working area shall have a minimum of 25 uncupped round trees per acre which are 9 inches or more d. b. h. Under both of these conditions the cupped trees may be of any size. When these requirements are not met, the area will be considered for qualification under one of the diameter cupping practices as specified in paragraph (a) or paragraph (c) of this section. The shoulder of the first streak on any face installed on a round tree which is not deformed shall be not more than 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(e) *Continuation of practice under (d) on selected trees; 2¢ per face.* Payment for this practice is limited to those tracts or drifts which qualified for the selective cupping practice in the 1946, 1947, or 1948 programs, or the restricted cupping practice in the 1946 program.

Performance: No new faces shall be installed on round trees in these tracts or drifts. If, however, new faces have been installed on round trees, the entire drift or tract will be considered for qualification under the provisions of paragraph (b) of this section. There may be withheld, or required to be refunded, 4¢ per face for each such working face in the tracts or drifts in which such installation occurs. The shoulder of the first streak on any face installed on a round tree which is not deformed shall be not more than 18 inches from the ground. When this requirement is not met, no payment will be made for the faces in the tract or drift.

(f) *Pilot plant tests; 5¢ or 8¢ per face.* Payment under this practice will be limited to a small number of producers who are selected by the Forest Service to conduct controlled experiments in chemical stimulation. The 5¢ per face payment will apply to faces installed in accordance with the provisions of paragraph (a) of this section. The 8¢ per face payment will apply to faces installed in accordance with the provisions of paragraph (c) or paragraph (d) of this section.

Performance: The experiments are to be carried out in accordance with provisions prescribed by the Forest Service.

§ 706.3 *General provisions relating to payments*—(a) *Increase in small payments.* The total payment computed for any producer with respect to his turpentine farm shall be increased as follows: (1) Any payment amounting to 71 cents or less shall be increased to $1.00; (2) any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	*Increase in payment*
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

(b) *Practices defeating purposes of programs.* If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any payment which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to, the following:

(1) The cutting contrary to good forestry practice of turpentine trees in drifts or tracts (including current nonworking areas) on which conservation payments have been or would be made under this or the 1946, 1947, or 1948 programs. There may be withheld or required to be refunded 3¢ per face for each face that was worked in 1946, 1947, or 1948 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practices:

Round or scarred turpentine trees should only be cut for thinnings or higher economic use. When such trees are cut for thinnings at least 150 trees per acre of approximately the same size as the trees which are cut should be left uncut and undamaged and well distributed over the cutting area.

When an area contains less than 150 round or scarred turpentine trees per acre which are 8 feet or more in height, at least six thrifty turpentine seed trees per acre, 10 inches or more d. b. h., shall be left uncut and undamaged.

When round or scarred trees are cut for higher economic use, such as high-quality timbers, poles, or piling, at least six thrifty turpentine seed trees per acre, 10 inches or more d. b. h., shall be left uncut and undamaged.

(2) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of the payment earned on the drifts or tracts in which such improper burning occurs.

(3) The installation of new faces on round trees less than 9 inches d. b. h. or more than one face on round trees less than 14 inches d. b. h. in tracts or drifts having working faces installed during or prior to the 1945 turpentine season. There may be withheld or required to be refunded, 2¢ per face for each such working face in the tracts or drifts in which such installation occurs.

(c) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in paragraph (d) of this section, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (12 F. R. 1187)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(d) *Assignments.* Any producer who may be entitled to any payment in connection with this program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1949. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with the applicable instructions (ACP-70), witnessed, however, by an inspector or the program supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

(e) *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended. (5 F. R. 2875; 6 F. R. 1647, 4430; 9 F. R. 12237)

§ 706.4 *Total payments limited*—(a) *Payments limited to $750.* The total of all payments made in connection with the 1949 Naval Stores Conservation Program and the 1949 Agricultural Conservation Program to any producer participating in said program(s) shall not exceed the sum of $750.00.

(b) *Evasion.* All or any part of any payment which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device designed to evade, or which has the effect of evading, the provisions of this section.

§ 706.5 *Application for payment*—(a) *Persons eligible to file applications.* An application for payment may be filed by any producer who is working faces for the production of gum naval stores, during the 1949 turpentine season, which were installed during or after the 1946 season. If one producer conducts the operation of a turpentine farm during a portion of the 1949 turpentine season and another producer conducts the operation of the turpentine farm during the remainder of the season, the producer who completes the conservation practices shall file the application.

(b) *Time and manner of filing applications and information required.* Payments will be made only when a report of performance is submitted on or before January 15, 1950, on the prescribed form (NSCP-1303) to the Forest Service. Payment may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

§ 706.6 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the regional forester in writing to review the recommendation or determination of the program supervisor in any matter affecting the right to or the amount of payment with respect to the producer's turpentine farm. The regional forester shall notify the producer of his decision in writing within 30 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the American Turpentine Farmers Association Cooperative, Valdosta, Georgia, in writing to appoint a committee of fellow producers to review the case. If the committee does not concur with the decision of the regional forester, the producer may request the Chief of the Forest Service to review the case and render his decision, which shall be final.

§ 706.7 *Definitions*—(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer.* Any person, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus caribaea).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, hereinafter referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer, on which turpentine trees are growing and which are not being currently worked for gum naval stores, hereinafter referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Crop.* 10,000 faces.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), hereinafter referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D. b. h.* Diameter breast height; i. e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

§ 706.8 *Authority and availability of funds, and applicability*—(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.

(b) *Availability of funds.* The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will be finally determined by such appropriation and by the extent of participation in this program.

The funds provided for this program will not be available for the payment of applications filed after December 31, 1950.

(c) *Applicability.* The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

This program is applicable to turpentine farms on lands owned by a State or a political subdivision or agency thereof, or owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Only turpentine farms on lands that are administered by the Farmers' Home Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, Federal Land Banks, Production Credit Associations, or the Departments comprising the National Military Establishment, shall be considered eligible unless the Forest Service finds that land administered by any other agency complies with all of the foregoing provisions for eligibility.

§ 706.9 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions, and forms (subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942), and to make such determinations as may be required to administer this program, pursuant to the provisions of this bulletin; and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, Glenn Building, Atlanta, Georgia. The procedural requirements of this bulletin, such for example as those relating to notice of proposed action and consent thereto, may be waived by the Forest Service when in its judgment such waiver does not otherwise materially affect compliance with program practices. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Inspector of the Forest Service.

NOTE: The record keeping and reporting requirements in this bulletin have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued at Washington, D. C., this 14th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9216; Filed, Oct. 19, 1948; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT FOR 1948-49 FISCAL PERIOD

The North Central Potato Committee, established under Marketing Order No. 60 (7 CFR Cum. Supp. 960.2 et seq., 7 F. R. 370) regulating the handling of Irish Potatoes grown in Michigan, Wisconsin, Minnesota, and North Dakota is the agency authorized to administer the terms thereof, among which the provisions of § 960.12 authorize said committee to incur such expenses and collect such assessments as the Secretary finds may be necessary. Said committee has presented a proposed budget of expenses and a proposed rate of assessment for the current fiscal period ending June 30, 1949. After considering all relevant matters, including the proposed budget of expenses and the proposed rate of assessment submitted by said committee, it is hereby found and determined that:

§ 960.202 *Budget of expenses and rate of assessment*—(a) *Budget.* The expenses necessary to be incurred by the North Central Potato Committee, established pursuant to the aforesaid marketing order, to enable such committee to perform its functions pursuant to provisions of the aforesaid marketing order and regulations duly issued thereunder during the fiscal period ending June 30, 1949, will amount to $42,000.

(b) *Assessment rate.* The rate of assessment to be paid by each handler who first handles potatoes shall be $1.00 per railroad car or per truck load of more than 20,000 lbs., and 50 cents per truck load of 20,000 lbs. or less, of potatoes shipped by him as the first handler thereof during such fiscal period, except for shipments specifically exempt therefrom by § 960.12 (b) of Order No. 60, and such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because:

(a) Harvesting and shipping of potatoes grown in the production area covered by Order No. 60 have already begun;

(b) Regulations limiting shipments from the production area are now in effect and the North Central Potato Committee is incurring expenses incidental to administration of such regulations;

(c) Itinerant truckers handle potatoes grown in the production area included under Order No. 60;

(d) In order for assessments to be collected, especially from those handlers, such as itinerant truckers, who do not have a definite or an established place of business within the production area, it is essential that the assessment rate be fixed immediately so as to enable the committee to perform its duties and functions under said marketing order;

(e) Pursuant to the requirements of the aforesaid marketing order, the assessment rate is applicable to all potatoes, except as otherwise provided in § 960.12 of said marketing order, handled by first handlers during the aforesaid fiscal period; and

(f) Compliance with the requirements of this section will not require any special preparation on the part of handlers.

Terms used in this section shall have the same meaning as is given to such terms in §§ 960.2 to 960.21, in Order No. 60.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 202, 707; 7 U. S. C. 601 et seq.; 7 CFR Cum Supp. 960.2 et seq.; 7 F. R. 370)

Done at Washington, D. C., this 14th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9217; Filed, Oct. 19, 1948; 8:48 a. m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

PACK SPECIFICATIONS AND MINIMUM STANDARDS; AND INFORMATION TO BE CONTAINED IN CERTIFICATES

Pursuant to the requirements in section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Congress, 60 Stat. 237) approved June 11, 1946, notice of proposed pack specifications and minimum standards, and information to be contained in certificates, with respect to merchantable unshelled walnuts, as formulated by the Walnut Control Board (the administrative agency for operations under this regulatory program) in accordance with the authority vested in it by § 984.3 of the marketing agreement and order (13 F. R. 4344) regulating the handling of walnuts grown in California, Oregon, and Washington, was published in the FEDERAL REGISTER (13 F. R. 5572) issue of September 24, 1948. In said notice, opportunity was afforded interested parties to submit to the aforementioned Walnut Control Board at 213

Wholesale Terminal Building, Los Angeles 21, California, written data, views, or arguments pertaining thereto for consideration by such Board prior to the final issuance of such regulations. After consideration of all relevant matters, it is hereby ordered by said Walnut Control Board, acting pursuant to the aforementioned authority, that such pack specifications and minimum standards, and information to be contained in certificates, with respect to merchantable unshelled walnuts shall be as follows:

§ 984.101 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of quality and maturity*—(a) *Size grade specifications*—(1) *Mammoth Size.* Walnuts of which not over 12 percent by count pass through a round opening $^{36}/_{64}$ inches in diameter

(2) *Jumbo Size.* Walnuts of which not over 12 percent by count pass through a round opening $^{32}/_{64}$ inches in diameter;

(3) *Large Size.* Walnuts of which not over 12 percent by count pass through a round opening $^{30}/_{64}$ inches in diameter;

(4) *Medium Size.* Walnuts of which at least 88 percent by count pass through a round opening $^{28}/_{64}$ inches in diameter and of which not over 12 percent by count pass through a round $^{71}/_{64}$ inches in diameter;

(5) *Number 1 Size.* Walnuts of which not over 12 percent by count pass through a round opening $^{24}/_{64}$ inches in diameter. This size is customarily obtained when lots of walnuts are graded for removal of "Baby Size";

(6) *Baby Size.* Walnuts of which at least 88 percent by count pass through a round opening $^{24}/_{64}$ inches in diameter and of which not over 10 percent by count pass through a round opening $^{60}/_{64}$ inch in diameter.

(b) *External appearance and condition*—(1) *Specifications and tolerances.* Merchantable walnuts must be free of excessively dirty nuts, nuts affected by adhering hulls, dark spots, and nuts having perforated or broken or split shells, except that the following tolerances (by count) shall be permitted within the packs specified:

(i) *First Quality Grade.* 10 percent for splits and an additional 5 percent for defects other than splits;

(ii) *Second and Third Quality Grades.* 10 percent for splits and an additional 10 percent for defects other than splits;

(iii) *External defects.* In determining the percentage of externally defective walnuts in a lot, all walnuts affected as follows shall be considered as not free from defects:

(*a*) *Excessively dirty nuts.* Walnuts with shells coated or caked with adhering dirt or other foreign matter so as to seriously damage the appearance. Walnuts with slightly chalky deposits on the shells shall not be considered excessively dirty;

(*b*) *Adhering hull.* Walnuts the shells of which have adhering to them any portion of the hull;

(*c*) *Dark spots.* Discoloration or stains contrasting with the color of the remainder of the shell which result in unclean or unsightly appearance or render a given pack of walnuts unattractive;

(*d*) *Perforated shells.* Walnuts with improperly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall, if an area of surface aggregating more than three-eights of an inch in diameter is affected;

(*e*) *Broken shells.* Walnuts with any material portion of the shell missing or with the halves completely broken apart or separated;

(*f*) *Split shells or splits.* Walnuts with the shell halves completely separated but held together by the kernel.

(c) *Internal or kernel quality*—(1) *Quality grade specifications and tolerances.* The quality grade of any lot of walnuts, within the limits of tolerances specified for external appearance and condition, shall be the highest quality grade to which such lot is eligible under the following specifications: Within a 5 percent tolerance, no quality grade shall be given any lot of walnuts unless the kernels are well dried (firm and crisp). A kernel, as referred to herein, means all of the non-fibrous content of one individual walnut, i. e., two halves, four quarters, etc.

The color chart referred to in these specifications as the WCB color chart is the chart adopted June 15, 1944 by the then Program Committee, War Food Order 82, and is available for inspection at the office of the Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles 21, California.

(i) *First Quality Grade Walnuts.* First Quality Grade Walnuts shall contain not less than 90 percent (by count) of nuts the kernels of which are free from defects, except that not less than 95 percent (by count) shall be free from insect damage. At least 50 percent of the kernels in any lot shall be light in color in accordance with the WCB color chart; only sound kernels shall be scored "light". In determining the percentage of sound kernels in a lot of walnuts for qualification as of "First Quality Grade", all walnuts the kernels of which show the following defects shall not be considered as sound:

(*a*) *Insect damage.* Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects;

(*b*) *Moldy kernels.* Kernels showing on their surface mold readily discernible to the eye, except that kernels bearing a few loose filaments of white or light gray mold which are easily blown off shall not be considered moldy;

(*c*) *Shriveled kernels.* Kernels which are noticeably shrunken, leathery or tough as distinguished from kernels which are fully developed. A kernel with one-eighth or more of its surface affected by shriveling shall be considered as noticeably shrunken and scored as unsound. Kernels which are thin in cross section but which otherwise are normally developed shall not be considered shriveled: *Provided*, That with respect to walnuts produced in the States of Oregon and Washington, kernels shriveled one-eighth or more but less than one-half shall be scored one-half sound. However, in any 100 nuts not more than 10 such nuts may be combined to make 5 percent sound; each additional such nut shall count as 1 percent defective;

(*d*) *Blanks.* Walnuts with kernels so shrunken or improperly matured as to be inedible or worthless;

(*e*) *Rancid kernels.* Kernels which have a decomposed appearance or a rancid taste;

(*f*) *Black kernels.* Kernels as dark or darker in color than those illustrated in row "E" of the WCB color chart.

(ii) *Second Quality Grade Walnuts.* Second Quality Grade Walnuts shall contain not less than 86 percent (by count) of kernels practically free from defects, except that 90 percent of the kernels shall meet the minimum specifications established herein for "Third Quality Grade". At least 30 percent of the kernels in any lot shall be light in color in accordance with the WCB color chart; only sound kernels shall be scored "light".

In determining the percentage of sound kernels in a lot of walnuts for qualification as of "Second Quality Grade", all walnuts showing the defects described under "First Quality Grade", shall not be considered as sound, except that:

(*a*) *Partially moldy kernels.* Kernels affected by a slight covering of white or gray mold which does not affect more than one-fourth of the surface of the kernel shall be classed as sound;

(*b*) *Shriveled kernels.* The provisions under "First Quality Grade" for scoring shriveled kernels in walnuts produced in the States of Oregon and Washington shall apply to California walnuts in scoring for shriveling under "Second Quality Grade";

(iii) *Third Quality Grade Walnuts.* Third Quality Grade Walnuts shall contain not less than 90 percent (by count) of passable kernels. In determining the percentage of passable kernels in a lot of walnuts, all walnuts, the kernels of which show the following defects, shall not be considered passable:

(*a*) *Insect damage.* Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects;

(*b*) *Moldy kernels.* Kernels on which there is fruiting mold of any description, or mold mycelia affecting more than one-fourth of the surface of the kernel;

(*c*) *Shriveled kernels.* Kernels which are edible but so shriveled as to be one-half or less than half the normal size. Each shriveled kernel shall be classed as half sound, that is, two such kernels shall be counted as one sound and one defective kernel;

(*d*) *Blanks.* Walnuts with kernels so shrunken or improperly matured as to be inedible or worthless;

(*e*) *Rancid.* Kernels which have a decomposed appearance or a rancid taste.

(d) *Minimum standards.* The specifications for (1) Baby Size, (2) Third Quality Grade with respect to internal or kernel quality, and (3) External Appearance and Condition, applicable to Second and Third Quality Grades, as herein prescribed including respective tolerances, shall be the minimum standards of quality and maturity prescribed pursuant to § 984.3 of the marketing agreement and order (13 F. R. 4344).

§ 984.102 *Certification of merchantable walnuts*—(a) *Information to be contained in certificates for shipment.* Every certificate issued for each lot of merchantable walnuts handled or to be handled for shipment, shall contain, in addition to the information required by § 984.3 (b) of Order No. 84, regulating the handling of walnuts grown in California, Oregon and Washington, the following information: Crop year of production of each lot; if shipment is made by rail the car number; if shipment is made by truck the name of the transportation company; and on all copies except those submitted to the Walnut Control Board, the shipping mark or consignee's name.

(b) *Information to be contained in certificates for surplus.* Every certificate issued for each lot of surplus walnuts shall contain in addition to the information required by § 984.3 (b) of Order No. 84 regulating the handling of walnuts grown in California, Oregon and Washington, the following information: Handler's lot number; brand, if any; crop year of production; and the location where the surplus walnuts are withheld and stored.

It is necessary to make effective not later than five days after the publication of this document in the FEDERAL REGISTER, these pack specifications and minimum standards, and information to be contained in certificates, with respect to merchantable unshelled walnuts. The shipping season for such walnuts normally begins during the latter part of September of each year, and it is necessary to have regulations of this nature in effect as near the beginning of such shipping season as is practicable.

Therefore, any delay beyond five days after the publication of this document in the FEDERAL REGISTER in the effective date of these regulatory requirements will be impracticable, unnecessary, and contrary to the public interest. (See section 4 (c) of the Administrative Procedure Act, Pub. Law 404, 79th Congress, 60 Stat. 237.)

These regulatory requirements shall become effective at 12:01 a. m., P. s. t., on the 5th day after the publication of this document in the FEDERAL REGISTER.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, Pub. Laws 132, 305, 80th Cong.; 61 Stat. 208, 707; 7 U. S. C. and Sup. 601 et seq.)

Issued this 5th day of October 1948.

WALNUT CONTROL BOARD,
[SEAL] W. E. GOODSPEED,
Secretary-Manager.

Approved: October 14, 1948.

A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9218; Filed, Oct. 19, 1948; 8:48 a. m.]

TITLE 10—ARMY

Chapter VIII—Supplies and Equipment

PART 804—NEGOTIATED PURCHASES

LIMITATION ON COMPENSATION

Section 804.105–7 is rescinded and the following substituted therefor:

§ 804.105–7 *Limitation on compensation.* Where each such contract described in § 804.105–4 is with an individual, it will expressly limit the compensation payable to him to not more than $50 per day, plus travel expenses, including actual transportation and per diem in lieu of subsistence while traveling from his home or place of business to official duty station and return. (Proc. Cir. 31, 1948) (Dec., Comp. Gen., B–77331, June 24, 1948; sec. 1 (a) and (b), 54 Stat. 712, 55 Stat. 838; 41 U. S. C. prec. sec. 1 note, 50 U. S. C. App. 601–622; E. O. 9001, Dec. 27, 1941, 3 CFR, Cum. Supp.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9226; Filed, Oct. 19, 1948; 8:55 a. m.]

TITLE 23—HIGHWAYS

Chapter I—Public Roads Administration, Federal Works Agency

PART 51—PROGRAMS AND ORGANIZATION

AMENDMENT TO REGULATION AND DISCONTINUANCE OF CODIFICATION

CROSS REFERENCE: The codification of this part is hereby discontinued. Sections 51.1, 51.11 and 51.12 are redesignated sections 1, 2 and 3. Future amendments to the statement of programs and organization of the administration will be published in the Notices section of the FEDERAL REGISTER.

For an amendment to the Programs and Organization, see Public Roads Administration, Federal Security Administration, in the Notices section, *infra*.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[1948 Dept. Cir. 838]

PART 226—SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

TERMINATION OF AUTHORITY OF FIREMAN'S FUND INSURANCE CO., SAN FRANCISCO, CALIF., AS REINSURING COMPANY ONLY ON FEDERAL BONDS

OCTOBER 14, 1948.

Notice is hereby given that the certificate of authority issued by the Secretary of the Treasury to the Fireman's Fund Insurance Company, San Francisco, California, under the provisions of the act of Congress approved August 13, 1894 (28 Stat. 279–80), as amended by the act of March 23, 1910, (36 Stat. 241) (6 U. S. C., sec. 6–13) to qualify as a reinsuring company only on recognizances, stipulations, bonds and all other undertakings permitted or required by the laws of the United States to be given with one or more sureties, terminates on this date.

The Fireman's Fund Insurance Company received its initial authority from the Secretary of the Treasury on April 21, 1948, which certificate of authority was revoked on September 17, 1948, and a new certificate of authority was issued by the Secretary of the Treasury on that date to the Fireman's Fund Insurance Company, San Francisco, California, to qualify as a reinsuring company only on bonds and other obligations executed in favor of the United States.

The company has stated that it had reinsured in part a few bonds running in favor of the United States written by the Fireman's Fund Indemnity Company, but that such reinsurance is being canceled as of their effective dates with the liability being retained by the Fireman's Fund Indemnity Company or reinsured with some other surety holding a certificate of authority from the Secretary of the Treasury. It has also stated that none of the reinsurance on bonds accepted by the Fireman's Fund Insurance Company from the Fireman's Fund Indemnity Company were in excess of the underwriting limitation established by the Treasury for the Fireman's Fund Indemnity Company.

Section 226.1 *Surety companies acceptable on Federal bonds; acceptable reinsurance companies* is hereby amended by deleting from the list set forth therein under the sub-heading *Companies authorized to do a reinsurance business only* "Fireman's Fund Insurance Company, San Francisco, California".

(28 Stat. 279, 280, 36 Stat. 241; 6 U. S. C. 6–13)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9227; Filed, Oct. 19, 1948; 8:55 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 829]

PART 95—CAR SERVICE

CHRISTMAS TREES IN OPEN TOP CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of October A. D. 1948.

It appearing, that there is a shortage of box cars and certain tariffs require that Christmas trees be shipped in box cars only, thus aggravating the shortage of such cars; in the opinion of the Commission an emergency exists in all sections of the country requiring immediate action: It is ordered, that:

§ 95.829 *Christmas trees in open top cars.* (a) Any common carrier by railroad subject to the Interstate Commerce Act may, at its option furnish open top cars for loading with Christmas trees and transport such cars so loaded.

(b) *Tariff provisions suspended; announcement required.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this section is hereby suspended, and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(c) *Effective date.* This section shall become effective at 12:01 a. m., October 23, 1948.

(d) *Expiration date.* This section shall expire at 11:59 p. m., January 10, 1949, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-9210; Filed, Oct. 19, 1948; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter A—Hunting and Possession of Wildlife

PART 8—PROCLAMATIONS DESIGNATING AREAS CLOSED TO HUNTING

MASSACHUSETTS

CROSS REFERENCE: For an addition to the tabulation contained in § 8.1, see Proclamation 2817 under Title 3, *supra*, designating as closed area certain tidal waters in the vicinity of Parker River National Wildlife Refuge, Massachusetts.

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE, GEORGIA; HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service it has been determined that the population of deer on the Blackbeard Island National Wildlife Refuge is in excess of the available habitat for such animals and that the necessary reduction in the population can best be accomplished by a bow and arrow hunt.

§ 27.79 *Blackbeard Island National Wildlife Refuge, Georgia; hunting.* During the open season for the hunting of deer, as prescribed by the Georgia Game and Fish Commission, deer and raccoon may be taken by means of bow and arrow only on all of the lands of the Blackbeard Island National Wildlife Refuge, Georgia, except for the area in the immediate vicinity of the headquarters of the Refuge and in the immediate vicinity of State deer trapping sites as posted by the refuge manager.

(a) *Entry.* Entry on and use of the Refuge for any purpose are covered by the regulations for the Administration of National Wildlife Refuges dated December 19, 1940, (50 CFR, Cum. Supp., Part 12), as amended, and strict compliance therewith is required. Hunters must follow such routes of travel within the refuge as are designated by posting. In addition all hunters must comply with State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses may be required by such laws and regulations, which license shall serve as a Federal permit for hunting deer and raccoon on the Refuge. The use or possession of firearms on the Refuge of any description is prohibited.

(b) *Dogs.* Each person hunting deer on the Refuge may be permitted to take one hunting dog on the Refuge for the purpose of trailing wounded deer provided that such dog shall at all times be on a leash and shall not be permitted to range at will on the Refuge.

(Sec. 10, 45 Stat. 1222; sec. 84, 35 Stat. 1088, 43 Stat. 98; 16 U. S. C. 715i; 18 U. S. C. 145; Reorg. Plan No. II of 1939, 4 F. R. 2731; 3 CFR Cum. Supp.; Regs., Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, 10 F. R. 4267)

Dated: October 14, 1948.

O. H. JOHNSON, *Acting Director.*

[F. R. Doc. 48-9194; Filed, Oct. 19, 1948; 8:46 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 9175]

TELEVISION ALLOCATION

NOTICE OF FURTHER PROPOSED RULE MAKING

In the matter of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8975 and 8736; in the matter of amendment of the Commission's rules, regulations and standards concerning the television and frequency modulation broadcasting services, Docket No. 9175.

I. Notice is hereby given of further proposed rule making in the above-entitled matter.

II. During the hearing held by the Commission in the above-entitled proceeding (Docket Nos. 8975 and 8736) to consider proposed revisions of the Commission's table of television channel allocations, evidence was presented concerning (A) tropospheric interference to existing and proposed television stations, (B) the use of directional antennas, (C) the use of increased power, and (D) conflicting proposals for closer spacing and wider spacing between television stations than is presently provided for by the Commission. In order to assure that the Commission's national television allocation plan should be based on the soundest engineering foundation, an Industry-Commission Conference was held on September 13 and 14, 1948. The issues for decision at the Conference were:

1. Whether the Commission should initiate proceedings to revise the television allocation rules and standards prior to final decision in Dockets 8975 and 8736.

2. If the standards are to be revised, what policy should be adopted with respect to applications now pending before the Commission.

3. What procedures should be adopted in order that the revised standards can be based on the best available engineering information.

III. At the conclusion of said Conference it was announced that the Commission would call an engineering conference to consider questions regarding revisions of the Commission's rules, regulations and standards with respect to the technical phases of television allocations. This notice deals with issues "1" and "3" set forth above. On September 30, 1948, the Commission issued its Report and Order herein concerning issue number "2". Further, since the Frequency Modulation Broadcasting Service is directly affected by any action taken with respect to propagation in the VHF band, revisions of the rules, regulations and standards of that service are made a part of this proceeding.

IV. In order to facilitate and expedite the promulgation of rules, regulations and standards herein, the following schedule will be followed:

(A) On or about October 20, 1948, the Commission will make public:

(1) A report containing (a) a summary of available measurements of tropospheric fields, (b) empirical method of treating measurements to formulate field intensity vs. distance curves for various frequencies for various percentages of the time and (c) representative tropospheric field intensity curves for antenna heights of 500 feet and 30 feet for various frequencies and percentages of time derived by the foregoing method.

(2) A study of the effects on service of the simultaneous fading of both the desired and undesired fields from tropospheric causes.

(3) A report on measurements made at Princeton, Southampton and Laurel on frequencies of 47.1, 106.5 and 700 Mc. radiated from transmitters in New York City.

(4) A study of the effects of terrain upon average signal levels as compared to smooth earth values and upon the variability of signal levels within limited areas.

(B) On or about November 15, 1948, the Commission will make public:

(1) A TV channel study showing the effects of ground wave and tropospheric interference on representative service areas of stations allocated in accordance with the Commission's notice herein of May 5, 1948, as amended in the Commission's Supplemental Notice of July 15, 1948.

(2) A TV channel study in a representative area showing the effects of ground wave and tropospheric interference on the service areas of presently operating stations and CP's, but with other allocations spaced so as to protect the 500 u/m contours 90% of the time. (All allocations to be based on 50 kw/500 ft. in the center of the principal city).

(3) Channel study for FM showing the effects of ground wave and of tropospheric interference for 1% and 10% of the time on representative channels.

(C) On or about November 30, 1948, December 1, 1948, and December 2, 1948, the Commission will hold a series of engineering conferences in Washington, D. C.[1] All interested persons are invited to attend said conferences, participate fully therein, and to submit written data, views, or arguments with respect thereto. To assist the Commission in the expeditious conduct of said conferences, it is requested that persons who plan to participate therein file (by letter) notice of their intention to do so at least one week prior to the date of commencement of said conferences. Written statements may be filed on or before the dates of the respective conferences.

(D) The first conference to be held on or about November 30, 1948, will be on VHF propagation standards to arrive at standard methods of evaluating the effects upon propagation of the following factors:

(1) Tropospheric effects:

(a) Variations with time in the field intensities to be expected at various distances from the transmitter, as functions of transmitting antenna height and of frequency.

(b) Range of diurnal variations.

(c) Range of seasonal variations.

(d) Effects on service of the simultaneous fading of both the desired and undesired signals.

(2) Terrain effects:

(a) Shadows—relation of the average field intensity in a limited area or limited section of a radial to calculated values as a function of the profile between the area and the transmitter.

(b) Urban field intensities—validity of the FCC standards on Ground Wave Signal Range charts for predicting near-in fields in city areas.

(c) Local terrain effects—variability of field intensities as compared to the average over a limited area or distance.

(d) Receiving antenna height—gain factor—validity of assuming a uniform variation of field intensity with receiving antenna height for relating mobile measurements made at low antenna height to the standard receiving antenna height of 30 feet. Consideration of the alternative method of spot measurements at 30 feet height.

(e) Apparent transmitting antenna height—validity of the 2–10 mile rule for estimating the apparent height of the transmitting antenna.

(f) Validity of the method presently prescribed in the Commission's Standards for equalizing coverage obtained by transmitters of varying antenna heights and power.

(3) Antennas:—

(a) Practical limitations on vertical and horizontal directivity of transmitting antennas.

(b) Methods for establishing and maintaining the performance of directional antennas.

(c) The engineering basis for utilizing horizontal directivity in allocation problems.

(E) The second conference to be held on or about December 1, 1948, will consider the following items with respect to VHF television broadcasting:

(1) Tropospheric effects:

(a) Specification of grade or grades of service resulting from variations in the intensities of desired and undesired fields.

(b) Discussions of the effects of the specification of various grades of service on particular channel allocation plans.

(c) The development of standard tropospheric curves for various frequencies and antenna heights, calculated in accordance with methods approved at the propagation conference.

(2) Examination of current standards for the prediction of service areas to determine whether any modifications are dictated by the terrain effects considered in the propagation conference.

(3) Reexamination of cochannel and adjacent channel ratios at the receiver terminals in the light of more recent information; and a determination whether a terrain factor should be included in the field intensity ratios.

(4) Reexamination of the contours specified for protection and for recognized service levels at various frequencies.

(5) Reexamination of assumptions as to typical receiving antenna heights for urban and rural areas and of methods of proving station performance by measurement of received fields at such heights.

(6) Examination of the effects of horizontal increases in power upon protected contours in the channel allocation plans.

(7) Examination of the effects of differential increases in power on the protected contours and on the allocation plans.

(8) Examination of the effects of directional antennas on allocation plans.

(F) The third conference to be held on or about December 2, 1948, will consider the following items with respect to FM broadcasting:

(1) Tropospheric effects:

(a) Specification of grade or grades of service resulting from variations in the intensities of desired and undesired fields.

(b) Study of the areas provided with various grades of service under the present channel assignments and under the tentative allocation plan.

(c) The development of standard tropospheric curves for various antenna heights, calculated in accordance with methods approved at the propagation conference.

(2) Examination of current standards for the prediction of service areas to determine whether any modifications are dictated by the terrain effects considered in the propagation conference.

(3) Reexamination of assumptions as to typical receiving antenna heights for urban and rural areas and of methods of proving station performance by measurement of received fields at such heights.

V. Authority to issue amendments of the Commission's rules, regulations and standards with respect to the matters to be discussed at the conferences listed above is vested in the Commission by sections 301, 303 (b), (c), (d), (f), (h) and (r), and 4 (i) of the Communications Act of 1934, as amended.

VI. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all written data, views, or arguments filed shall be furnished the Commission.

Adopted: October 14, 1948.

Released: October 15, 1948.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-9267; Filed, Oct. 19, 1948; 10:36 a. m.]

[1] The exact date and place of each conference will be announced at a later date.

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52066]

"NO CONSUL" LIST

ADDITIONS TO LIST

OCTOBER 14, 1948.

In accordance with a recommendation from the Department of State, Bequia, Cannouan, Carriacou, Grenadines, Mayreau, Mustique, St. Vincent, and Union, Windward Islands, British West Indies, are hereby added to the "No consul" list (1947) T. D. 51797, as amended.

The "No consul" list published as T. D. 51797, is hereby amended to show the location of Acklin Islands as Bahamas instead of British West Indies.

Consular invoices covering merchandise from the above-named places will be accepted if certified under the provisions of section 482 (f), Tariff Act of 1930.

[SEAL] W. R. JOHNSON,
Deputy Commissioner.

[F. R. Doc. 48-9228; Filed, Oct. 19, 1948; 8:55 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 24]

ORDER TRANSFERRING FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE CERTAIN FUNCTIONS RELATING TO SOLDIERS' DEPOSITS, ALLOTMENTS OF PAY, LIFE INSURANCE AND MATTERS INCIDENT THERETO

Pursuant to the authority vested in me by the National Security Act of 1947 (act of July 26, 1947; Pub. Law 253, 80th Cong.), and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force all functions, powers and duties relating to soldiers' deposits, allotments of pay, life insurance and matters incident thereto, insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property or personnel, which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the following laws, parts of laws and Executive orders, as limited by other laws, parts of laws and Executive orders whether or not specifically set forth herein:

a. Act of June 3, 1941, c. 165, sec. 5 (55 Stat. 240), as amended by the act of July 8, 1942, c. 493, sec. 7 (56 Stat. 650; 10 U. S. C. 308a).

b. Act of June 5, 1942, c. 331 (56 Stat. 310; 10 U. S. C. 1151).

c. Act of October 8, 1940, c. 757, sec. 602 (m), Title VI, part 1 (54 Stat. 1009), as amended by the act of August 1, 1946, c. 728, sec. 6 (60 Stat. 784; 38 U. S. C. 802 (m)).

d. Act of June 7, 1924, c. 320, sec. 300 (43 Stat. 624), as amended by the act of March 4, 1925, c. 553, sec. 12, (43 Stat. 1308), and the act of July 2, 1926, c. 723, sec. 14 (44 Stat. 798), and the act of May 29, 1928, c. 875, sec. 13 (45 Stat. 967), and the act of July 3, 1930, c. 863, sec. 1 (46 Stat. 1016; 38 U. S. C. 511).

e. Act of March 2, 1899, c. 352, sec. 16 (30 Stat. 981), as amended by the act of March 2, 1901, c. 803 (31 Stat. 896), and the act of June 3, 1916, c. 134, sec. 9a, as added by the act of October 6, 1917, c. 81 (40 Stat. 384), and as amended by the act of June 4, 1920, c. 227, subch. I, sec. 9 (41 Stat. 766), and the act of May 16, 1938, c. 219 (52 Stat. 354 10 U. S. C. 894).

f. Act of March 7, 1942, c. 166, sec. 1 (b), 2, 9, 10 (56 Stat. 143-145), as amended by the act of July 1, 1944, c. 371, sec. 1, 2, 5, 6 (58 Stat. 679-681; 50 App. U. S. C. Supp. V, 1001 (b), 1002, 1009, 1010).

g. Act of March 7, 1942, c. 166, sec. 4, (56 Stat. 144), as amended by the act of December 24, 1942, c. 828, sec. 1 (56 Stat. 1092), and the act of July 1, 1944, c. 371, sec. 4 (58 Stat. 680; 50 App. U. S. C. Supp. V, 1004).

h. Act of March 7, 1942, c. 166, sec. 5 (56 Stat. 145), as amended by the act of December 24, 1942, c. 828, sec. 1 (56 Stat. 1092; 50 App. U. S. C. Supp. V, 1005).

i. Act of March 7, 1942, c. 166, sec. 7 (56 Stat. 145; 50 App. U. S. C. Supp. V, 1007).

j. Act of May 15, 1872, c. 161, sec. 1 (17 Stat. 117; R. S. 1305), as amended by the act of June 12, 1906, c. 3078 (34 Stat. 246), and the act of June 3, 1916, c. 134, sec. 9a, as added by the act of June 4, 1920, c. 227, subch. I, sec. 9 (41 Stat. 766), as amended by the act of December 18, 1942, c. 765, sec. 1 (56 Stat. 1057; 10 U. S. C. 906).

k. Act of May 15, 1872, c. 161, sec. 2 (17 Stat. 117; R. S. 1306), as amended by the act of March 3, 1883, c. 93, sec. 1 (22 Stat. 456), and the act of December 18, 1942, c. 765, sec. 2 (56 Stat. 1058; 10 U. S. C. 907).

l. Act of May 15, 1872, c. 161, sec. 4 (17 Stat. 117; 10 U. S. C. 908).

m. All other laws, parts of laws, including applicable provisions of appropriations acts, and Executive orders which vest in the Secretary of the Army or the Department of the Army or any officer of that Department, functions, powers and duties relating to soldiers' deposits, allotments of pay, life insurance and matters incident thereto, insofar as they pertain to the Department of the Air Force or the United States Air Force or their property or personnel.

2. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

3. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

4. Nothing contained in this order shall operate as a transfer of funds.

5. This order shall be effective as of 12:00 Noon, October 11, 1948.

JAMES FORRESTAL,
Secretary of Defense.

OCTOBER 11, 1948.

[F. R. Doc. 48-9232; Filed, Oct. 19, 1948; 8:56 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case 37]

AMERICAN HELLENIC CORP. ET AL.

ORDER DENYING LICENSE PRIVILEGES

In the matter of American Hellenic Corporation, T. E. Kazantzis, and Peter Pelonis.

This proceeding was instituted on August 5, 1948 by the transmission of a charging letter to the above named respondents, wherein the Office of International Trade charged respondents with having violated section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the regulations promulgated thereunder, by filing, on or about April 27, 1948, an application, to which No. 1224239 was assigned, for a license to export gift parcels of wheat flour on behalf of 5,603 donors to specific donees in Greece, which application was false and fraudulent in that, contrary to the representations made therein by respondents, the list of donors submitted as a part thereof was false and misleading in material respects, and was knowingly and willfully submitted as such by respondents.

Pursuant to notice given by the charging letter, a hearing on the charges was held before the Compliance Commissioner of the Office of International Trade on August 25, 1948, in the office of the Department of Commerce Field Service, 60th floor, Empire State Building, New York, New York, and, upon proper continuance, a further hearing was held thereon on September 17, 1948, in Washington, D. C. Respondents were represented by counsel, as was the Office of International Trade, and the Compliance Commissioner, after receiving the evidence presented and after due consideration of the record, on October 12, 1948, filed his report in the matter.

It appears from the record and the report of the Compliance Commissioner that respondent American Hellenic Corporation is a New York corporation having its principal place of business at 17 Battery Place, New York, New York; that said respondent corporation was at all times relevant to this proceeding engaged in the business of making multiple gift shipments of flour and other food parcels, for which export licenses are required, on behalf of donors in the United States to donees in Greece; that respondent Theodore E. Kazantzis is, and at all times relevant to this proceeding was, the president of the corporate respondent, in active control of its affairs and responsible for its acts; but that the relation of respondent Peter Pelonis to the other respondents and his participation in and responsibility for their acts were not established in this proceeding.

It further appears from the record and from the report of the Compliance Commissioner that, under date of April 27, 1948, respondent corporation submitted to the Office of International Trade its application, to which No. 1224239 was assigned, for a license to export gift parcels of wheat flour on behalf of 5,434 (rather than 5,603) named donors to named donees in Greece, that said respondent corporation thereby represented to the Office of International Trade that it then held orders from each of said donors for the purchase of one or more gift parcels of flour for shipment to one or more of said donees; and that such representation was made for the purpose of securing a license for the export of such gift parcels to Greece.

The record discloses and the Compliance Commissioner has found as a fact that the export license application was false and fraudulent, and when submitted was known by respondent corporation and its president to be so, and constituted an intentional and planned misrepresentation by said two respondents for the purpose of securing an export license to which respondent corporation would not otherwise have been entitled, in that there were listed as donors in such application a substantial number of persons with whom respondent corporation did not, on the date said application was submitted, hold orders for the shipment of gift parcels of wheat flour to the named donees in Greece; that said list of donors was made up by respondent corporation from old invoices and order books which did not represent current orders but against which shipment had in many cases already been made or had been previously licensed for export; that such falsification of said list of donors has not only been admitted under oath but has been expressly condoned by respondent Theodore E. Kazantzis and that he has thus manifested his indifference toward and disregard for compliance with export control regulations; and that submission of such false list of donors constituted a violation of section 6 of the act of July 2, 1940 (54 Stat. 714), as amended, and the regulations promulgated thereunder, and demonstrated the unreliability of representations which might be made by said respondents in any future applications for export licenses.

The Compliance Commissioner has accordingly recommended that this proceeding be dismissed as to respondent Peter Pelonis but that respondents American Hellenic Corporation and Theodore E. Kazantzis be denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, for the duration of export control, and, further, that such denial be made applicable not only to said respondent individually but also to any other business organization with respect to which either of them may hold a position of control or responsibility.

The findings and recommendations of the Compliance Commissioner have been carefully considered together with the record in this matter and it appears that such findings are supported by the record and that such recommendations should be adopted. Now, therefore, *It is ordered as follows:*

(1) This proceeding is hereby dismissed as to respondent Peter Pelonis.

(2) Respondents American Hellenic Corporation and Theodore E. Kazantzis are hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general licenses, for such time and to such extent as licenses for exports are required by law.

(3) Such denial of export license privileges shall extend not only to said respondents individually but also to any affiliate or successor of the respondent corporation and to any firm, corporation, or other business organization in which respondent Theodore E. Kazantzis shall have a controlling interest or with which he shall hold a position of responsibility.

Dated: October 14, 1948.

JOHN W. EVANS,
Director, Commodities Division.

[F. R. Doc. 48-9225; Filed, Oct. 19, 1948; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-128]

PENNSYLVANIA PUBLIC UTILITY COMMISSION AND PITTSBURGH AND WEST VIRGINIA GAS CO.

NOTICE OF ORDER CONSENTING TO WITHDRAWAL OF COMPLAINT

OCTOBER 15, 1948.

Pennsylvania Public Utility Commission, complainant v. Pittsburgh and West Virginia Gas Company, a corporation, defendant, Docket No. G-128.

Notice is hereby given that, on October 13, 1948, the Federal Power Commission issued its order entered October 12, 1948, consenting to withdrawal of complaint in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9220; Filed, Oct. 19, 1948; 8:48 a. m.]

[Docket No. G-1090]

DELHI OIL CORP.

NOTICE OF FINDING UPON APPLICATION FOR STATUS DETERMINATION AND DECLARATORY ORDER

OCTOBER 15, 1948.

Notice is hereby given that, on October 14, 1948, the Federal Power Commission issued its finding entered October 13, 1948, upon application for status determination and declaratory order in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9221; Filed, Oct. 19, 1948; 8:48 a. m.]

[Docket No. G-1098]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

OCTOBER 13, 1948.

Upon consideration of the application filed August 6, 1948, by Kansas-Nebraska Natural Gas Company (Applicant), a Kansas Corporation with its principal place of business at Phillipsburg, Kansas for a certificate pursuant to section 7 of the Natural Gas Act, as amended, authorizing the abandonment of service and removal of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 20, 1948 (13 F. R. 4840-4841).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on October 27, 1948, at 9:45 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 14, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9204; Filed, Oct. 19, 1948; 8:46 a. m.]

[Docket No. G–1119]

CENTRAL KENTUCKY NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 13, 1948.

Upon consideration of the application filed September 7, 1948, by Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation having its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and that this proceeding is a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 8, 1948 (13 F. R. 5889).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 9, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 14, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9205; Filed, Oct. 19, 1948; 8:46 a. m.]

[Docket No. G–1123]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 15, 1948.

Notice is hereby given that, on October 14, 1948, the Federal Power Commission issued its findings and order entered October 13, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9222; Filed, Oct. 19, 1948; 8:48 a. m.]

[Docket No. G–1139]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

OCTOBER 13, 1948.

Notice is hereby given that on October 8, 1948, Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following natural-gas transmission facilities:

(a) A main line loop pipe line, 24 inches in diameter, commencing at mile post 352.478 on Applicant's main line (i. e., the Eastern terminus of the loop line known as the Pell City, Alabama, loop) and extending eastwardly 5.3 miles to mile post 357.8 near Lincoln, Alabama, including a submarine crossing consisting of three lines 12¾-inches in diameter and approximately 1,260 feet in length under the Coosa River.

(b) A main line loop pipe line, 24 inches in diameter, commencing at mile post 401.898 on Applicant's main line (i. e., the Eastern terminus of the loop line known as the Heflin, Alabama, loop extension) and extending eastwardly 2.9 miles to mile post 404.798 in Cleburne County, Alabama.

(c) A branch line loop pipe line, 12 inches in diameter, commencing at a point near Applicant's McConnell's compressor station on Applicant's Montgomery branch line and extending approximately 9 miles southwardly along said branch line.

Applicant proposes, by means of the facilities described in (a) and (b), above, to increase the capacity of that portion of its system between Birmingham, Alabama, and Atlanta, Georgia, thereby providing greater flexibility in Applicant's ability to meet different load patterns, and increasing its system delivery capacity for the future upon the subsequent construction of additional facilities between Birmingham, Alabama, and Applicant's sources of supply. The application states that construction of said facilities will not, of itself, presently increase Applicant's general system delivery capacity. Applicant proposes, by means of the facilities described in (c), above, to increase the delivery capacity of its Montgomery branch line by approximately 3,500 Mcf daily in order to provide capacity needed in the immediate future on that line.

The estimated total overall capital cost of the facilities stated in the application is $865,160, which will be financed from Applicant's current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Natural Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9206; Filed, Oct. 19, 1948; 8:46 a. m.]

[Docket No. G–1142]

UNITED GAS PIPE LINE CO.

ORDER INSTITUTING RATE INVESTIGATION

OCTOBER 12, 1948.

It appearing to the Commission that:

(a) United Gas Pipe Line Company (United Gas) owns and operates a natural-gas transmission pipeline system located in the States of Texas, Mississippi, Louisiana, Alabama, and Florida, and by such operations Applicant is engaged in the transportation and sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of November 10, 1942, in Docket No. G–232 (3 FPC 863).

(b) On the basis of data available to the Commission, the rates, charges, services or classifications for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission by United Gas Pipe Line Company may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds that: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission into and concerning any rate, charge, service or classification, demanded, observed, charged or collected by United Gas Pipe Line Company, for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rule, regulation, practice, or contract affecting such rate, charge, service or classification.

The Commission, on its own motion, orders that: An investigation be and it hereby is instituted for the purpose of enabling the Commission:

(A) To determine whether any rate, charge, service, or classification demanded, observed, charged or collected by United Gas Pipe Line Company for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission or any rule, regulation, practice or contract affecting such rate, charge, service, or classification, is unjust, unreasonable, unduly discriminatory or preferential;

(B) If, after hearing, it shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, nondiscriminatory or nonpreferential rates, charges, services, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

Date of issuance: October 13, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9219; Filed, Oct. 19, 1948; 8:48 a. m.]

(b) *Division offices.*

Division No.	Division office address	States included in division
1	Room 718, Standard Bldg., 112 State St., Albany 7, N. Y.	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey.
2	2026 Tempo Bldg. 2, Washington 25, D. C.	Delaware, Maryland, Ohio, Pennsylvania, District of Columbia, Virginia, and West Virginia.
3	504 Atlanta National Bldg., 50 Whitehall St., Atlanta 3, Ga.	Alabama, Florida, Georgia, Mississippi, Tennessee, North Carolina, and South Carolina.
4	South Chicago Post Office, 2938 East 92d St., Chicago 17, Ill.	Illinois, Indiana, Kentucky, and Michigan.
5–N	1109 Main Post Office Bldg., St. Paul 1, Minn.	North Dakota, South Dakota, Minnesota, and Wisconsin.
5–S	1900 Fidelity Bldg., 911 Walnut St., Kans. City 6, Mo.	Iowa, Kansas, Missouri, and Nebraska.
6	502 U. S. Courthouse, Fort Worth 2, Tex.	Arkansas, Louisiana, Oklahoma, and Texas.
7	720 Phelan Bldg., San Francisco 2, Calif.	Arizona, California, Nevada, and Hawaii.
8	208 Broadway-Oak Bldg., 624 Southwest Oak St., Portland 8, Oreg.	Montana, Oregon, Idaho, and Washington.
9	254 New Customhouse, Denver 2, Colo.	Colorado, New Mexico, Wyoming, and Utah.
10	Federal and Territorial Bldg., Juneau, Alaska.	Alaska.

[SEAL] J. W. FOLLIN, *Acting Federal Works Administrator.*

[F. R. Doc. 48-9224; Filed, Oct. 19, 1948; 8:49 a. m.]

[Project No. 1162]

NORTHWESTERN HERRING CO. AND OCEANIC FISHERIES CO., INC.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

OCTOBER 15, 1948.

Notice is hereby given that, on October 14, 1948, the Federal Power Commission issued its order entered October 12, 1948, approving transfer of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9223; Filed, Oct. 19, 1948; 8:49 a. m.]

FEDERAL WORKS AGENCY

Public Roads Administration

PROGRAMS AND ORGANIZATIONS

AMENDMENT TO REGULATION AND DISCONTINUANCE OF CODIFICATION

EDITORIAL NOTE: The codification of Part 51 of Title 23, Chapter I, is hereby discontinued. Sections 51.1, 51.11 and 51.12 are redesignated sections 1, 2 and 3. Future amendments to the statement of programs and organization of the administration will be published in the Notices section of the FEDERAL REGISTER.

Section 3 (b) (11 F. R. 177A–580) is revised to read as follows:

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1369]

NORTH AMERICAN CO.

SUPPLEMENTAL ORDER AUTHORIZING SALE OF PACIFIC COMMON STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of October 1948.

The Commission having issued an order on April 14, 1942, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("act"), in proceedings concerning The North American Company ("North American"), a registered holding company and its subsidiary companies, File No. 59–10, which requires, among other things, that North American sever its relationship with Pacific Gas and Electric Company ("Pacific"), in any appropriate manner not in contravention of the provisions of the act, and the rules and regulations promulgated thereunder, by disposing or causing the disposition of its direct or indirect ownership, control and holdings of securities issued and properties owned, controlled or operated by Pacific; and

North American having, commencing July 1, 1943, and continuing through April 1, 1947, distributed to its stockholders an aggregate of 1,166,428 shares of Pacific Common Stock; and having, in 1945, sold 700,000 shares of such stock; and proposing to make, on November 1, 1948, a further disposition to its stockholders of approximately 91,667 shares of such stock and further proposing to sell such of said 91,667 shares as are not required for such disposition, pursuant to an order of this Commission dated September 3, 1948 (File No. 70–1915); and

North American having notified the Commission, pursuant to Rule U-44 (c) promulgated under said act, that in compliance with the aforementioned order, dated April 14, 1942, it proposes to sell for cash at competitive bidding 75,000 shares of Pacific Common Stock, said shares being exclusive of the 91,667 shares mentioned above, and no filing having been required by the Commission with respect to said sale; and

North American proposing to purchase such shares of Pacific Common Stock as it may deem necessary or appropriate for the purpose of stabilizing the market price of such stock on the day fixed for the opening by North American of bids for the purchase of the said 75,000 shares of such stock, pursuant to an order of this Commission, dated October 5, 1948 (File No. 70–1950) and North American having notified the Commission, pursuant to said Rule U-44 (c), that in compliance with the aforementioned order dated April 14, 1942, it proposes to sell any shares of Pacific Common Stock so purchased as soon as practicable after the consummation of the sale of the said 75,000 shares; and

North American having requested that the Commission issue an order conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code; and

It appearing appropriate to the Commission that an order, as requested, should issue:

It is ordered and recited and the Commission finds that the proposed sale and transfer by The North American Company of 75,000 shares of Pacific Gas and Electric Company Common Stock (represented by Certificates Nos. NF 217607 to NF 217665, inclusive, NF 363381, NC 150-347 to NC 150497, inclusive, NF 352612 and NF 352504), as heretofore authorized or permitted by the Commission, is necessary or appropriate to the integration or simplification of the holding company system of which The North American Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9208; Filed, Oct. 19, 1948; 8:47 a. m.]

[File No. 70–1955]

NEW ORLEANS PUBLIC SERVICE INC.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 14th day of October A. D. 1948.

New Orleans Public Service Inc. ("New Orleans"), a utility subsidiary of Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 7 thereof and Rule U-50 thereunder, with respect to the following transactions:

New Orleans proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50 $10,000,000 principal amount of its First Mortgage Bonds, ------ % Series, due 1978, to be issued under and secured by the Company's presently existing Mortgage and Deed of Trust, dated as of July 1, 1944, as supplemented by a First Supplemental Indenture to be dated as of October 1, 1948. The application states that the proceeds from the sale of bonds will be used to carry forward the company's construction program and for other corporate purposes.

The application having been filed on September 23, 1948, and an amendment thereto having been filed on October 11, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the application, as amended, within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding that New Orleans is entitled to an exemption from the provisions of section 6 (a) and 7 of the act pursuant to the provisions of section 6 (b), it appearing that the issuance and sale of the proposed securities are solely for the purpose of financing the business of New Orleans as a public utility and that the proposed transactions have been expressly authorized by the Commission Council of the City of New Orleans, the State Commission of the state in which New Orleans is organized and doing business; and the Commission being of the opinion that it is appropriate to grant said application, as amended, without the imposition of terms and conditions other than those hereinafter stated; and the Commission also deeming it appropriate to grant applicant's request that the order herein be effective forthwith upon the issuance thereof:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application, as amended, be and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the following additional conditions:

(1) That the proposed sale of bonds of New Orleans shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9209; Filed, Oct. 19, 1948; 8:47 a. m.]

[File No. 70-1966]

UNITED CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of October 1948.

The United Corporation ("United"), a registered holding company, having filed an application-declaration pursuant to sections 10 and 12 (d) of the Public Utility Holding Company Act of 1935 with respect to the acquisition by it of up to 191,985 shares of common stock of The Columbia Gas System, Inc., and up to 50,000 shares of such stock in accordance with an additional subscription privilege, or to sell up to 1,919,856 rights to subscribe, all pursuant to an offer by The Columbia Gas System, Inc., of additional shares of common stock to its common stockholders in accordance with their preemptive rights; and

Said application-declaration having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24 that the application-declaration be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9207; Filed, Oct. 19, 1948; 8:47 a. m.]

[File No. 7-1085]

VIRGINIA ELECTRIC AND POWER CO.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of October A. D. 1948.

The Washington Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $10 Par Value, of Virginia Electric and Power Company, 7th and Franklin Streets, Richmond 9, Virginia.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is registered and listed on the New York Stock Exchange; that the geographical area deemed to constitute the vicinity of the Washington Stock Exchange is the District of Columbia, Montgomery and Prince Georges counties in Maryland, and Arlington and Fairfax counties, together with the City of Alexandria in Virginia; that out of a total of 2,955,291 shares outstanding, 64,156 shares are owned by 436 shareholders in the vicinity of the Washington Stock Exchange; and that in the vicinity of the Washington Stock Exchange there were 422 transfers in this security involving 65,923 shares during the period from January 1, 1947 to September 1, 1948.

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Washington Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $10 Par Value, of Virginia Electric and Power Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9165; Filed, Oct. 18, 1948; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12096]

EL AMIGO CO.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That El Amigo Co., whose principal place of business is 611 West Main Street, Santa Maria, California, is a sole proprietorship, owned by Charles Ishii, also known as Charles Chuhei Ishii and as Chas. Ishii, and is a business enterprise within the United States;

2. That Charles Ishii, also known as Charles Chuhei Ishii and as Chas. Ishii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

and it is hereby determined:

3. That El Amigo Co. is controlled by Charles Ishii, also known as Charles Chuhei Ishii and as Chas. Ishii, or is acting for or on behalf of a designated enemy country (Japan) or a person within such country and is a national of a designated enemy country (Japan);

4. That to the extent that El Amigo Co. and Charles Ishii, also known as Charles Chuhei Ishii and as Chas. Ishii are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States all right, title and interest of Charles Ishii, also known as Charles Chuhei Ishii and as Chas. Ishii, in and to El Amigo Co., a sole proprietorship, and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to the El Amigo Co., to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and

The direction, management, supervision and control of said business enterprise, and of all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to, said business enterprise, is hereby undertaken to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9229; Filed, Oct. 19, 1948; 8:56 a. m.]

[Vesting Order 12188]

BARON FREIDRICH CARL OPPENHEIM

In re: Property owned by Baron Freidrich Carl Oppenheim, also known as Friedrick Carl Oppenheim. F-28-2669-F-I.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Baron Freidrich Carl Oppenheim, also known as Friedrick Carl Oppenheim, whose last known address is Cologne, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the propery described as follows: All rights and interest of Baron Freidrich Carl Oppenheim, also known as Friedrick Carl Oppenheim, in and to the contents of a safe deposit box, including particularly but not limited to a certain package of jewelry, said safe deposit box maintained with the National City Safe Deposit Company, 52 Wall Street, New York, New York, numbered 72 and leased in the names of E. F. Regan and Wilbert Ward,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Baron Freidrich Carl Oppenheim, also known as Friedrick Carl Oppenheim, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9230; Filed, Oct. 19, 1948; 8:56 a. m.]

[Vesting Order 12143]

LILLIE WEHRLE

In re: Trust under the will of Lillie Wehrle, deceased. File No. D-28-6484; E. T. sec. 5175.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Frauenverein Riegel, also known as Frauen Verein von Riegel, the last known address of which is Riegel, Baden, Germany, is a corporation, partnership, association or other organization, organized under the laws of Germany, which has or, on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the person or persons, names unknown, who are the beneficiaries of said Frauenverein Riegel, also known as Frauen Verein von Riegel, who, if individuals, there is reasonable cause to believe are residents of Germany, and, if corporations, partnerships, associations or other organizations, there is reasonable cause to believe are organized under the laws of and maintain their principal places of business in Germany, are nationals of a designated enemy country (Germany);

3. That the person or persons, names unknown, having the management of said Frauenverein Riegel, also known as Frauen Verein von Riegel, who, if individuals, there is reasonable cause to believe are residents of Germany, and, if corporations, partnerships, associations or other organizations, there is reasonable cause to believe are organized under the laws of and maintain their principal places of business in Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof, and each of them, in and to the trust created under the will of Lillie Wehrle, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

5. That such property is in the process of administration by City Bank Farmers Trust Company, 22 William Street, New York 15, New York, as Trustee, acting under the judicial supervision of the Court of Probate for the District of Stamford, Connecticut;

and it is hereby determined:

6. That to the extent that the person identified in subparagraph 1 hereof, the person or persons, names unknown, who are the beneficiaries of the Frauenverein Riegel, also known as Frauen Verein von Riegel, and the person or persons, names unknown, having the management of the Frauenverein Riegel, also known as Frauen Verein von Riegel, Riegel, Baden, Germany, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9231; Filed, Oct. 19, 1948; 8:56 a. m.]

[Vesting Order 12138]

FRIEDRICH C. SCHIMMEL

In re: Estate of Friedrich C. Schimmel, deceased. File No. D-28-12314; E. T. sec. 16520.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Laessig, Alwine Elsing, Marie Nagel, Lina Gross, Hermann Prager, Lina Wollner, Ernst Doefer, Paul Schimmel, Heinrich Schimmel, Lina Schimmel, Emma Schimmel, Meta Schimmel, Minna Rosemann, Hermann Schimmel, Heinrich Schimmel, Otto Schimmel and Olga Schimmel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Friedrich C. Schimmel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Kurt J. Kremlick, as administrator c. t. a. d. b. n., acting under the judicial supervision of the Probate Court for the County of Wayne, Detroit, Michigan;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9200; Filed, Oct. 18, 1948; 9:02 a. m.]

[Vesting Order 12160]

FRANZ GAMMERSBACH

In re: Stock owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Franz Gammersbach, deceased. F-28-7576-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Franz Gammersbach, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: a. Sixty (60) shares of no par value common capital stock of International Nickel Company of Canada, Ltd., Copper Cliff, Ontario, Canada, a corporation organized under the laws of the Dominion of Canada, registered in the name of Schwabacher & Co. and presently in the custody of said Schwabacher & Co., 600 Market Street, San Francisco 4, California, in an account in the name of Franz Gammersbach, together with all declared and unpaid dividends thereon,

b. Fifteen (15) shares of no par value common capital stock of Allis-Chalmers Manufacturing Company, Milwaukee, Wisconsin, a corporation organized under the laws of the State of Delaware, registered in the name of Schwabacher & Co. and presently in the custody of said Schwabacher & Co., 600 Market Street, San Francisco 4, California, in an account in the name of Franz Gammersbach, together with all declared and unpaid dividends thereon,

c. Twenty-five (25) shares of no par value common capital stock of Hawaiian Pineapple Company, Ltd., Honolulu, Hawaii, a corporation organized under the laws of the Territory of Hawaii, registered in the name of Schwabacher & Co. and presently in the custody of said Schwabacher & Co., 600 Market Street, San Francisco 4, California, in an account in the name of Franz Gammersbach, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Franz Gammersbach, deceased, by Schwabacher & Co., 600 Market Street, San Francisco 4, California, in the amount of $9342, as of September 1, 1948, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Franz Gammersbach, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Franz Gammersbach, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9202; Filed, Oct. 18, 1948; 9:02 a. m.]

[Vesting Order 12136]

RICHARD PRAUSE

In re: Estate of Richard Prause, deceased. File No. D-28-12421; E. T. sec. 16637.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Prause, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Richard Prause, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Emilia Winters, as Administratrix, acting under the judicial supervision of the Hudson County Orphans' Court, Jersey City, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9199; Filed, Oct. 18, 1948; 9:01 a. m.]

[Vesting Order 12155]

ANNA BECK

In re: Debt owing to Anna Beck. F-28-25157-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Beck, whose last known address is c/o Frau Anna Gelchsheimer, Murrhardt Kr. Backnang, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of the Superintendent of Banks for the State of Ohio as Liquidator of the Guardian Trust Company, P. O. Box No. 6537, Cleveland, Ohio evidenced by five checks dated and in the amounts as set forth below:

June 1, 1937	$99.80
Nov. 5, 1940	24.75
Aug. 11, 1942	49.90
Sept. 1, 1944	49.90
Aug. 1, 1946	24.75

said checks representing the third, fourth, fifth, sixth and seventh dividend payments on claim No. 7-160-Savings Account No. 59117, against the aforesaid the Guardian Trust Company and presently in the custody of the Superintendent of Banks for the State of Ohio, Cleveland, Ohio and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9201; Filed, Oct. 18, 1948; 9:02 a. m.]

OCT 25 '48

OCT 25 '48

FEDERAL REGISTER

VOLUME 13 NUMBER 206

Washington, Thursday, October 21, 1948

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter II—The Loyalty Review Board

PART 210—THE OPERATIONS OF THE LOYALTY REVIEW BOARD

APPENDIX A—LIST OF ORGANIZATIONS DESIGNATED BY THE ATTORNEY GENERAL PURSUANT TO EXECUTIVE ORDER NO. 9835

In a letter received by the Loyalty Review Board on May 27, 1948, and disseminated to all departments and agencies on June 2, 1948, the Attorney General ruled that in view of the legislative history of section 9A of the Hatch Act, and of the action heretofore taken by executive agencies, the Loyalty Review Board should consider the Communist Party and the German-American Bund (the latter being now defunct) as organizations within the scope of that section.

The Attorney General stated that from the legislative history preceding passage of section 9A, it is clear that it was the intention of the Congress to exclude from Government employment members of "the Communist, Fascist, or German Bund parties" (84 Cong. Rec. 9635, 9638). Illustrations of like congressional policies are found not only in the Selective Training and Service Act of 1940 (section 8 (i), 54 Stat. 885, 892), but also in the acts of June 26, 1940, 54 Stat. 611, c. 432, section 15 (f); July 1, 1941, 55 Stat. 396, c. 266, section 10 (f); and July 2, 1942, 56 Stat. 634, c. 479, section 9 (f). The latter acts provide that—

> No alien, no Communist, and no member of any Nazi Bund Organization shall be given employment or continued in employment on any work project prosecuted under the appropriations contained in this joint resolution. • • •

The congressional intention was further expressed in Public Law 135, 77th Congress, approved June 28, 1941, which provided funds for the Federal Bureau of Investigation on the following terms:

> At least $100,000 shall be available exclusively to investigate the employees of every department, agency, and independent establishment of the Federal Government who are members of subversive organizations or advocate the overthrow of the Federal Government, and report its findings to Congress.

Following the passage of Public Law 135, instructions were promptly given by the Department of Justice to the Federal Bureau of Investigation as to the carrying out of its functions under the act. The Bureau was directed to consider members of the Communist Party and of the German American Bund as being subversive. This was entirely in accord with the legislative history of Public Law 135. (See 87 Cong. Rec. 3025 ff.) Later, when the Interdepartmental Committee on Employee Loyalty was established under Executive Order 9300, dated February 5, 1943, the policies adopted by that Committee were of like nature. The Civil Service Commission's regulations reflected similar policies. Section 3 of Regulation II of the Commission's War Service Regulations provided for disqualification for appointment where there was "reasonable doubt as to the loyalty to the Government of the United States." The policies of the Civil Service Commission with respect to loyalty, and as to the disqualifying effect of membership in the Communist Party or the Bund, are described at length in a statement which appears in 89 Congressional Record, 10254–10255. See, also, the statement of Commissioner Flemming on December 9, 1943. (Hearings before the Subcommittee of the Committee on Appropriations, House of Representatives, 78th Cong., 2d sess., Independent Offices Appropriation Bill for 1945, pp. 1083–1087).

The Attorney General stated it has thus been the intention of the legislative branch, reinforced by positive action on the part of the executive branch, to bar from government service persons having membership in the Communist Party or the German American Bund. Enforcement of the Hatch Act was based upon the combined authority of the legislative and executive branches—the power of the Congress over appropriations and the organization of the government on the one hand, and the authority of the President on the other hand to appoint and dismiss officers and employees of the Executive Branch. In the latter connection, the following excerpt from the

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

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opinion of the court in "Friedman v. Schwellenbach" is pertinent:

> The United States has the right to employ such persons as it deems necessary to aid in carrying on the public business. It has the right to prescribe the qualifications of its employees and to attach conditions to their employment. The War Service Regulation which permits the removal from federal service of one concerning whose loyalty to the government the Civil Service Commission entertains a reasonable doubt undoubtedly was reasonable and proper and the making of it was well within the scope of the authority conferred on the Commission by the Act and the two executive orders. We are not concerned here with the question as to whether Friedman was in fact disloyal. Under the regulation he could be removed from service if the Commission had a reasonable doubt as to his loyalty. "Friedman v. Schwellenbach," 159 F. 2d 22, cert. denied 330 U. S. 838.

The Attorney General stated the duty of dismissing an employee belonging to an organization of the character described in section 9A of the Hatch Act has rested on the appointing authorities at all times subsequent to the passage of the act. This duty is parallel to that imposed by paragraph 1 of Part II of Executive Order 9835, which makes the head of each department or agency "personally responsible to assure that disloyal civilian officers or employees are not retained." In Hatch Act cases, as in other cases, the Executive order leaves ultimate responsibility with the appointing officers, placing in the Loyalty Review Board the power to make "advisory recommendations" to them. (Part III, par. 1 (a).) All the cases in which the Board may be called upon to render advisory opinions to the various departments and agencies of the Government are essentially loyalty cases. In all such cases any relevant statute must, of course, be taken into consideration by the Board, and the Board's action must be consistent with the statutory requirements. If in the consideration of a case the Board finds as a fact that an employee is a member of an organization proscribed by the Hatch Act, the Board must recognize in its recommendations to the agency that the dismissal of the employee is mandatory.

The Attorney General stated further that when in the consideration of cases which may come before the Loyalty Review Board, a determination is made by the Board as to whether section 9A of the Hatch Act is applicable, such a determination does not include power by the Board to review the designations of organizations made by the Attorney General upon authority of Executive Order 9835. In any case in which the dismissal of an appellant employee has been predicated upon a finding of membership in the organizations designated herein, the function of the Board is to determine whether or not the employee was accorded all the procedural rights and privileges to which he was entitled and whether there was evidence to support the finding of the agency board. If the answers to both of these questions are in the affirmative, the provisions of the Hatch Act come into operation and the Board's advisory opinion must necessarily affirm the dismissal.

The Attorney General stated that in all other cases arising under Executive Order 9835, in which dismissals are predicated upon organizational memberships, in addition to reviewing the record with respect to procedural steps the Board is invested with discretion to determine whether or not, upon all the evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States. This determination will serve as the basis for the Board's recommendation for dismissal or retention, as the case may be.

By letter of September 17, 1948, which was disseminated to all departments and agencies on September 21, 1948, the Attorney General furnished the Loyalty Review Board with a consolidated list containing the names of all of the organizations previously designated by him as within Executive Order 9835, segregated according to the classifications enumerated in section 3, Part III, on the basis of dominant characteristics. This list is set out below.

The Attorney General stated that section 3, Part III, of Executive Order 9835 sets forth six classifications of organizations within its contemplation. The language of Part V, section 2f, is substantially identical. Applying the elementary rule of statutory construction, each of these classifications must be taken to be independent and mutually exclusive of the others. It may well be that a designated organization, by reason of origin, leadership, control, purposes, policies or activities, alone or in combination, may fall within more than one of the specified classifications. In such cases a reasonable interpretation of the Executive order would seem to require that designation be predicated upon its dominant characteristics rather than extended to include all other classifications possible on the basis of what may be subordinate attributes of the group. In classifying the designated organizations the Attorney General has been guided by this policy. Accordingly, it should not be assumed that an organization's dominant characteristic is its only characteristic.

TOTALITARIAN

Black Dragon Society.
Central Japanese Association (Beikoku Chuo Nipponjin Kai).
Central Japanese Association of Southern California.
Dai Nippon Butoku Kai (Military Virtue Society of Japan or Military Art Society of Japan).
Heimuska Kai, also known as Nokubei Heieki Gimusha Kai, Zaibei Nihonjin, Heiyaku Gimusha Kai, and Zaibei Heimusha Kai (Japanese Residing in America Military Conscripts Association).
Hinode Kai (Imperial Japanese Reservists).
Hinomaru Kai (Rising Sun Flag Society—a group of Japanese War Veterans).
Hokubei Zaigo Shoke Dan (North American Reserve Officers Association).
Japanese Association of America.
Japanese Overseas Central Society (Kaigai Dobo Chuo Kai).
Japanese Overseas Convention, Tokyo, Japan, 1940.
Japanese Protective Association (Recruiting Organization).
Jikyoku Iin Kai (Current Affairs Association).
Kibei Seinen Kai (Association of U. S. Citizens of Japanese Ancestry who have returned to America after studying in Japan).
Nanka Teikoku Gunyudan (Imperial Military Friends Group or Southern California War Veterans).
Nichibei Kogyo Kaisha (The Great Fujii Theatre).
Northwest Japanese Association.
Peace Movement of Ethiopia.
Sakura Kai (Patriotic Society, or Cherry Association—composed of veterans of Russo-Japanese War).
Shinto Temples.
Sokoku Kai (Fatherland Society).
Suiko Sha (Reserve Officers Association, Los Angeles).

FASCIST

American Patriots, Inc.
Ausland-Organization der NSDAP, Overseas Branch of Nazi Party.
Association of German Nationals (Reichsdeutsche Vereinigung).
Central Organization of the German-American National Alliance (Deutsche-Amerikanische Einheitsfront).
Citizens Protective League.
Dante Alighieri Society.
Federation of Italian War Veterans in the U. S. A., Inc. (Associazione Nazionale Combattenti Italiani, Federazione degli Stati Uniti d' America).
Friends of the New Germany (Freunde des Neuen Deutschlands).
German-American Bund (Amerikadeutscher Volksbund).
German-American Republican League.
German-American Vocational League (Deutsche-Amerikanische Berufsgemeinschaft).
Kyffhaeuser, also known as Kyffhaeuser League (Kyffhaeuser Bund), Kyffhaeuser Fellowship (Kyffhaeuser Kameradschaft).
Kyffhaeuser War Relief (Kyffhaeuser Kriegshilfswerk).
Lictor Society (Italian Black Shirts).
Mario Morgantini Circle.

COMMUNIST

Abraham Lincoln School, Chicago, Ill.
American League Against War and Fascism.
American Association for Reconstruction in Yugoslavia, Inc.
American Committee for European Workers' Relief.
American Committee for Protection of Foreign Born.
American Committee for Yugoslav Relief, Inc.
American Council for a Democratic Greece.
American Council on Soviet Relations.
American Croatian Congress.
American League for Peace and Democracy.
American Peace Mobilization.
American Polish Labor Council.
American Russian Institute (of San Francisco).
American Slav Congress.
American Youth Congress.
American Youth for Democracy.
Armenian Progressive League of America.
California Labor School, Inc., 216 Market Street, San Francisco, Calif.
Central Council of American Women of Croatian Descent, a/k/a Central Council of American Croatian Women, National Council of Croatian Women.
Citizens Committee of the Upper West Side (New York City).
Civil Rights Congress and its affiliates.
Committee to Aid the Fighting South.
Communist Party, U. S. A.
Communist Political Association.
Connecticut State Youth Conference.
Congress of American Revolutionary Writers.
Congress of American Women.
Council on African Affairs.
Council for Pan-American Democracy.
Dennis Defense Committee.
Friends of the Soviet Union.
George Washington Carver School, New York City.
Hollywood Writers Mobilization for Defense.
Hungarian-American Council for Democracy.
International Labor Defense.
International Workers Order, including People's Radio Foundation, Inc.
Jefferson School of Social Science, New York City.
Jewish Peoples Committee.
Joint Anti-Fascist Refugee Committee.
Labor Research Association, Inc.
League of American Writers.
Macedonian-American People's League.
Michigan Civil Rights Federation.
National Committee for the Defense of Political Prisoners.
National Committee to Win the Peace.

National Council of Americans of Croatian Descent.
National Council of American-Soviet Friendship.
National Federation for Constitutional Liberties.
National Negro Congress.
Nature Friends of America (since 1935).
Negro Labor Victory Committee.
New Committee for Publications.
Ohio School of Social Sciences.
People's Educational Association.
People's Institute of Applied Religion.
People's Radio Foundation, Inc.
Philadelphia School of Social Science and Art.
Photo League (New York City).
Proletarian Party of America.
Revolutionary Workers League.
Samuel Adams School, Boston, Mass.
School of Jewish Studies, New York City.
Seattle Labor School, Seattle, Wash.
Serbian Vidovdan Council.
Slovenian-American National Council.
Socialist Workers Party, including American Committee for European Workers' Relief.
Socialist Youth League.
Southern Negro Youth Congress.
Tom Paine School of Social Science, Philadelphia, Pa.
Tom Paine School of Westchester, N. Y.
United Committee of South Slavic Americans.
United Harlem Tenants and Consumers Organization.
United May Day Committee.
United Negro and Allied Veterans of America.
Veterans of the Abraham Lincoln Brigade.
Walt Whitman School of Social Science, Newark, N. J.
Washington Bookshop Association.
Washington Committee for Democratic Action.
Wisconsin Conference on Social Legislation.
Workers Alliance.
Workers Party, including Socialist Youth League.
Young Communist League.

SUBVERSIVE

Communist Party, U. S. A.
Communist Political Association.
German-American Bund.
Socialist Workers Party.
Workers Party.
Young Communist League.

ORGANIZATIONS WHICH HAVE "ADOPTED A POLICY OF ADVOCATING OR APPROVING THE COMMISSION OF ACTS OF FORCE AND VIOLENCE TO DENY OTHERS THEIR RIGHTS UNDER THE CONSTITUTION OF THE UNITED STATES"

Columbians.
Ku Klux Klan.
Protestant War Veterans of the United States.
Silver Shirt Legion of America.

ORGANIZATIONS WHICH "SEEK TO ALTER THE FORM OF GOVERNMENT OF THE UNITED STATES BY UNCONSTITUTIONAL MEANS"

Communist Party, U. S. A.
Communist Political Association.
Socialist Workers Party.
Workers Party.
Young Communist League.

(E. O. 9835, 12 F. R. 1935)

THE LOYALTY REVIEW BOARD,
UNITED STATES CIVIL SERVICE COMMISSION,
SETH W. RICHARDSON,
Chairman.

[F. R. Doc. 48-9266; Filed, Oct. 20, 1948; 9:01 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 245—IRISH POTATOES

SUBPART—1948 PURCHASE PROGRAM

This bulletin states the requirements with respect to the 1948 Irish Potato Purchase Program formulated by the Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA) of the United States Department of Agriculture (hereinafter referred to as the "Department"). Purchases of eligible Irish potatoes will be made by CCC from eligible growers and contracting dealers in accordance with the provisions of this bulletin.

Sec.
245.225 Administration.
245.226 Availability of program.
245.227 Eligibility of growers.
245.228 Eligibility of dealers.
245.229 Eligibility of potatoes.
245.230 Service fee.
245.231 Approved forms.
245.232 Determination of quantity.
245.233 Purchases by CCC.
245.234 Inspection.
245.235 Delivery.
245.236 Liens.
245.237 Set-offs.
245.238 Support prices for eligible Irish potatoes of the 1948 crop.
245.239 Sales to contracting dealers.

AUTHORITY: §§ 245.225 to 245.239 issued under sec. 4 (a), 55 Stat. as amended, secs. 1 (b), 2, Pub. Law 897, 80th Cong., Pub. Law 806, 80th Cong. 15 U. S. C. 713-a-8 (a).

§ 245.225 *Administration.* The program will be administered by PMA through State PMA Committees, County Agricultural Conservation Committees (hereinafter referred to as county committees), and PMA Commodity offices. The program will be under the general supervision of the Manager of CCC. County committees will determine or cause to be determined the eligibility of growers to participate in the program and may designate in writing certain employees of the County Agricultural Conservation Association to execute certificates on behalf of the committees. State PMA Committees will determine the eligibility of dealers.

§ 245.226 *Availability of program.* Purchases by CCC will be made from eligible vendors to the extent required to afford eligible growers price support at 90 percent of parity. Purchase operations will terminate generally by April 30, 1949, although the exact date may be later in any particular State or area if prevailing conditions in that State or area are such that a continuation of purchase operations after April 30, 1949 is necessary to bring about orderly termination of the program.

§ 245.227 *Eligibility of growers.* (a) Only those growers shall be eligible for participation in the price support program who:

(1) Have been determined to be in compliance with 1948 potato acreage goals established pursuant to 12 F. R. 8875, December 31, 1947.

(2) Have applied for a certificate of eligibility prior to final dates established for the locality by the State PMA Committee, using the form prescribed for such purpose.

(3) Have paid a nominal initial service fee determined on the basis of individual goal acreage and an estimated yield. (See § 245.230.)

(b) No grower shall be eligible for participation in the price support program who sold potatoes of the 1947 crop which he had agreed under the 1947 program to withhold from commercial markets, or who sells from the 1948 crop ungraded or field-run potatoes, or potatoes of or below U. S. No. 1 grade or quality, Size B, or U. S. No. 2 grade or quality regardless of size, except as follows:

(1) Ungraded or field-run potatoes may be sold to the Department whenever covered in applicable Purchase Announcements, or to contracting dealers;

(2) Graded potatoes of or below U. S. No. 1 grade or quality, Size B, or U. S. No. 2 grade or quality, regardless of size, may be sold to the Department or contracting dealers for disposition as directed by the Department; or upon prior approval of the Department to processors, livestock feeders, or for export; and

(3) Cull potatoes (those below the grades or qualities specified above and those less than 1⅞ inches minimum diameter if of U. S. No. 2 grade or quality) may be sold to contracting dealers; or upon prior approval of the Department, to processors, livestock feeders, or for export.

The restrictions contained under paragraph (b) of this section do not apply to sales of seed potatoes officially certified and tagged by an official State seed certifying agency.

§ 245.228 *Eligibility of dealers.* An eligible dealer shall be any person, partnership, association or corporation operating under the "1948 Potato Dealer Agreement," or under a similar agreement entered into with CCC. Such eligible dealers are hereinafter referred to as "contracting dealers." Information on requirements and forms of the agreement may be obtained from State PMA Committees or from county committees.

§ 245.229 *Eligibility of potatoes.* All Irish potatoes harvested in 1948 by eligible growers shall be eligible for price support except:

(a) Potatoes failing to meet at least the quality requirements of U. S. No. 2 grade, 1⅞ inches minimum diameter or the requirements of U. S. No. 1 grade, Size B;

(b) Potatoes (regardless of grade) damaged or affected by disease, insects, frost, or other injury to an extent rendering them unfit for normal consumption or unable to withstand normal shipment or storage;

(c) Potatoes harvested from land infested at harvest time with golden nematode or from land officially designated by a State or Federal agency as unfit for potato production because of disease or insect infestation;

(d) Potatoes the distribution of which is restricted or limited by State or Federal quarantine regulations; and

(e) Potatoes found objectionable because of odor, flavor, internal discoloration, or other invisible damage whether or not apparent at time of shipment and whether or not subject to determination by customary shipping point inspection procedure.

§ 245.230 *Service fee.* Application for eligibility by a grower shall be made prior to a final date established by the State PMA Committee and shall be accompanied by payment of an initial service fee. The amount of initial service fee shall be a standard rate per acre times number of goal acres times grower's interest in the potato crop. Minimum amount shall be $3.00 per application. The standard rate per acre shall be two cents times normal yield in cwt. for the county, or for an area within the county if wide differences in productivity exist from one area to another. Normal yield for the purpose of determining the standard rate shall be established by the State PMA Committee based upon recommendations of county committees.

Growers who file applications prior to an earlier final date established by the State PMA Committee, which is early enough in the growing season to permit orderly determination of eligibility, shall pay an initial service fee computed at one-half the standard rate, but not less than $3.00.

No refund of service fees will be made.

§ 245.231 *Approved forms.* The approved forms together with the provisions of this bulletin, govern the rights and responsibilities of the vendors and CCC. All forms except the Inspection Certificate which is furnished by the Federal or Federal State Inspection Service may be obtained from the offices of county committees or State PMA Committees. Any fraudulent representation made by a vendor in obtaining price support or in executing any of the purchase documents will render him subject to criminal prosecution.

(a) *Eligibility.* Approved form shall consist of Form-48 Potatoes-5 (Revised) "Producer's Application for Certificate of Eligibility," signed by the producer and approved by the county committee.

(b) *Dealer agreement.* Approved form shall consist of Form-48 Potatoes-3 "1948 Potato Dealer Agreement" signed by a potato dealer and by a CCC Contracting Officer.

(c) *Inspection certificate.* Approved form shall consist of Form FV-47 "Inspection Certificate," signed by a Federal or Federal-State Inspector.

(d) *Payment.* Approved forms for claiming payment from CCC shall consist of Form CCC-125 (or SMA-120) "Public Voucher—Purchase Programs" properly executed and signed by the vendor and administratively approved by the Purchase Representative, and such other forms as may be prescribed.

§ 245.232 *Determination of quantity.* Eligible potatoes purchased in containers will be purchased, loaded f. o. b. carrier, on the basis of the net weight or net content stamped or marked on the containers. If purchased in bulk, the vendor is required to furnish weight certificates substantiating the quantity to be purchased, or the Purchase Representative may direct that such weight be determined on the basis of 2.4 cubic feet per hundred pounds.

§ 245.233 *Purchases by CCC.* CCC will make purchases only from eligible growers and contracting dealers and only on the basis of offers made to CCC pursuant to purchase announcements applicable to a State or area within a State, and issued under the direction of the State PMA Committee. Such announcement, signed by a CCC Contracting Officer, will prescribe the terms and conditions under which purchases will be made, such as: (a) period of purchase operations; (b) method of purchase; (c) prices applicable to grades, sizes and varieties to be purchased; (d) packaging; (e) loading; (f) inspection; (g) weight certificate and protective service requirements; (h) evidence required to support claim for payment, and (i) name and address of the Purchase Representative and such other persons as are qualified to furnish information to vendors with respect to the program. Copies of such announcement may be obtained from State PMA Committees or county committees.

§ 245.234 *Inspection.* All potatoes offered for purchase must have been inspected by the Federal-State inspection service within 48 hours prior to acceptance by CCC unless provided otherwise in the purchase announcement. Vendors must arrange for the inspection and furnish official inspection certificates without cost to CCC unless otherwise directed.

§ 245.235 *Delivery.* Potatoes offered to CCC for purchase shall be accepted only if they are delivered in accordance with delivery instructions issued by the Purchase Representative. CCC may prescribe time periods within which only such quantities, grades, or varieties as are determined to be a reasonable portion of the maximum quantity eligible for price support will be accepted. If potatoes are delivered to CCC and are later found objectionable because of odor, flavor, internal discoloration or other invisible damage, whether or not apparent at the time of shipment and whether or not subject to determination by customary shipping point inspection procedure, CCC may claim reimbursement of any sums received by the vendor plus transportation and handling costs which CCC may have expended on such potatoes.

§ 245.236 *Liens.* Any potatoes tendered to CCC for purchase must be free and clear of liens and encumbrances or if liens or encumbrances exist on the potatoes, proper waivers must be obtained.

§ 245.237 *Set-offs.* A vendor who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate such agency or corporation to which he is indebted as the payee of the proceeds of the sale to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of amounts due prior lienholders. Indebtedness owing to CCC shall be given first consideration after claims of prior lien holders.

§ 245.238 *Support prices for eligible Irish potatoes of the 1948 crop.* Shown below are basic support prices per 100 pounds for U. S. No. 1 grade potatoes packed in new burlap or cotton bags, and loaded f. o. b. through carrier in carlots or trucklots at country shipping points. Basic support prices for potatoes of U. S. No. 1 grade Size B, and U. S. No. 2 grade 1⅞ inches minimum diameter packed and loaded as prescribed for U. S. No. 1 grade, are 50 percent of those shown in the following schedule. Purchases for price support purposes will be made at these prices. Purchases of potatoes packed in used burlap or cotton bags shall be at prices 10 cents less than basic prices shown. Purchases of potatoes in positions other than sacked and loaded f. o. b. country shipping points shall be at prices determined (a) by subtracting from basic prices the cost as established by PMA, of all marketing services customarily required to move the potatoes from a farm to a sacked and loaded position, and then (b) by adding the cost as established by PMA, of such marketing services as CCC recognizes to be necessary to move the potatoes from a farm position to the position of authorized purchase. Prices are as follows:

[Dollars per hundredweight]

State and area	1948						1949		
	July	August	September	October	November	December	January	February	March [1]
California	2.55	2.60	2.70	2.80	2.95	3.15	3.25	3.30	3.35
Colorado	2.35	2.35	2.50	2.60	2.75	2.95	3.05	3.10	3.15
Connecticut	2.75	2.75	2.85	2.95	3.10	3.30	3.40	3.45	3.50
Idaho	2.35	2.35	2.50	2.60	2.75	2.95	3.05	3.10	3.15
Illinois	2.55	2.55	2.65	2.75	2.90	3.10	3.20	3.25	3.30
Indiana	2.55	2.55	2.65	2.75	2.90	3.10	3.20	3.25	3.30
Iowa	2.45	2.45	2.55	2.65	2.80	3.00	3.10	3.15	3.20
Maine	2.50	2.50	2.60	2.70	2.85	3.05	3.15	3.20	3.25
Massachusetts	2.75	2.75	2.85	2.95	3.10	3.30	3.40	3.45	3.50
Michigan	2.45	2.45	2.55	2.65	2.80	3.00	3.10	3.15	3.20
Minnesota	2.15	2.15	2.25	2.35	2.50	2.70	2.80	2.85	2.90
Montana	2.35	2.35	2.45	2.55	2.70	2.90	3.00	3.05	3.10
Nebraska	2.55	2.55	2.55	2.65	2.80	3.00	3.10	3.15	3.20
Nevada	2.60	2.65	2.65	2.75	2.90	3.10	3.20	3.25	3.30
New Hampshire	2.75	2.75	2.85	2.95	3.10	3.30	3.40	3.45	3.50
New Jersey	2.75	2.75	2.85	2.95	3.10	3.30	3.40	3.45	3.50
New York, Long Island	2.75	2.75	2.85	2.95	3.10	3.30	3.40	3.45	3.50

See footnotes at end of table.

[Dollars per hundredweight]

State and area	1948						1949		
	July	August	September	October	November	December	January	February	March [1]
New York, other	2.70	2.70	2.80	2.90	3.05	3.25	3.35	3.40	3.40
North Dakota	2.15	2.15	2.25	2.35	2.50	2.70	2.80	2.85	2.95
Ohio	2.70	2.70	2.80	2.90	3.05	3.25	3.35	3.40	3.45
Oregon, eastern [2]	2.35	2.35	2.50	2.60	2.75	2.95	3.05	3.10	3.15
Oregon, other	2.55	2.60	2.70	2.80	2.95	3.15	3.25	3.30	3.35
Pennsylvania	2.70	2.70	2.80	2.90	3.05	3.25	3.35	3.40	3.45
Rhode Island	2.75	2.75	2.85	2.85	2.95	3.15	3.25	3.30	3.35
South Dakota	2.25	2.25	2.35	2.45	2.60	2.80	2.90	2.95	3.00
Texas	2.35	2.35	2.50	2.60	2.75	2.95	3.05	3.10	3.15
Utah	2.35	2.35	2.50	2.60	2.75	2.95	3.40	3.45	3.50
Vermont	2.75	2.75	2.85	2.95	3.10	3.30	3.15	3.20	3.25
Washington	2.30	2.30	2.30	2.70	2.85	3.05	3.40	3.45	3.50
West Virginia	2.75	2.75	2.85	2.95	3.10	3.30	2.95	3.00	3.05
Wisconsin	2.30	2.30	2.40	2.50	2.65	2.85	3.10	3.15	3.20
Wyoming	2.45	2.45	2.55	2.65	2.80	3.00	3.20	3.25	3.30
Other States [3]	2.55	2.55	2.65	2.75	2.90	3.10			

[1] Prices shown for March are applicable through Apr. 30, 1949, or such later dates as subsequently are established for each State or area.
[2] Counties of Malheur, Baker, Union, and Wallowa.
[3] All States and areas except those for which specific prices by months are included in this schedule or in the schedule for early and intermediate States, dated Mar. 5, 1948.

§ 245.239 *Sales to contracting dealers.* By dealer agreements entered into with CCC, contracting dealers are required to pay not less than applicable support prices for eligible potatoes. If they buy potatoes from a grower or another contracting dealer they will pay the sellers directly and CCC assumes no obligation to the sellers in connection with such sales. Names and addresses of contracting dealers may be obtained from PMA State committees or county committees.

Issued this 15th day of October 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: October 15, 1948.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-9291; Filed, Oct. 20, 1948; 8:56 a. m.]

PART 277—TOBACCO LOANS

SUBPART—1948

Set forth below are schedules of advance rates, by grades, for the 1948 crop of Types 21, 22, 23, 24, 35, 36, and 37 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 15, 1948 (13 F. R. 4004).

§ 277.45 *1948 crop; Virginia fire-cured tobacco, Type 21: Advance schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	48.12	50.12	
A2F	46.12	48.12	47.12
A3F	44.12	43.12	42.12
A1D	48.12	50.12	
A2D	46.12	48.12	47.12
A3D	44.12	43.12	42.12
B1F	43.12	45.12	44.12
B2F	40.12	42.12	41.12
B3F	38.12	40.12	39.12
B4F	34.12	36.12	35.12
B5F	30.12	32.12	31.12
B1D	43.12	45.12	44.12
B2D	40.12	42.12	41.12
B3D	38.12	40.12	39.12
B4D	34.12	36.12	35.12
B5D	30.12	32.12	31.12
B3M	33.12	35.12	34.12
B4M	30.12	32.12	31.12
B5M	28.12	30.12	29.12
B3G	33.12	35.12	34.12
B4G	30.12	32.12	31.12
B5G	28.12	30.12	29.12
C1L	43.12	45.12	44.12
C2L	40.12	42.12	41.12
C3L	38.12	40.12	39.12
C4L	34.12	36.12	35.12
C5L	30.12	32.12	31.12
C1F	43.12	45.12	44.12
C2F	40.12	42.12	41.12
C3F	38.12	40.12	39.12
C4F	34.12	36.12	35.12
C5F	30.12	32.12	31.12
C2D	33.12	35.12	34.12
C3D	31.12	33.12	32.12
C4D	29.12	31.12	30.12
C5D	26.12	28.12	27.12
C3M	30.12	32.12	31.12
C4M	28.12	30.12	29.12
C5M	25.12	27.12	26.12
C3G	28.12	30.12	29.12
C4G	26.12	28.12	27.12
C5G	22.12	24.12	23.12

Grade:		Grade:	
T3F	32.12	X2F	30.12
T4F	29.12	X3F	26.12
T5F	26.12	X4F	23.12
T3D	32.12	X5F	19.12
T4D	29.12	X1D	32.12
T5D	26.12	X2D	30.12
T3M	29.12	X3D	26.12
T4M	26.12	X4D	23.12
T5M	24.12	X5D	19.12
T3G	29.12	X3M	23.12
T4G	26.12	X4M	20.12
T5G	24.12	X5M	17.12
X1L	32.12	X3G	23.12
X2L	30.12	X4G	19.12
X3L	26.12	X5G	16.12
X4L	23.12	N1L	12.12
X5L	19.12	N1R	12.12
X1F	32.12	N1G	12.12

[1] The Cooperative Associations through which the loans are made for Virginia fire-cured, Type 21, and Virginia sun-cured, Type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against the overhead costs to the associations of the loan operations. Tobacco can be placed under loan only by the original producer and at these rates only if produced on a cooperating farm. Tobacco graded "W" (wet), "U" (unsound), DAM (damaged), N2L, N2R, or N2G will not be accepted, except in Types 22, 23, 24, 35, and 36, where the tobacco graded "W" (wet) will be accepted at an advance rate of 20 percent below the regular grade advance rate. Tennessee and Kentucky fire-cured, Types 22, 23, and 24, grades marked with special factor "OS" in addition to the regular grade symbols shall have an advance rate 20 percent below the advance rate for the regular grades without such special factor.

§ 277.46 *1948 crop; Kentucky and Tennessee fire-cured tobacco, Types 22, 23, and 24: Advance schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44
A1F	50	
A2F	47	45
A3F	44	39
A1D	50	
A2D	47	45
A3D	44	40
B1F	46	43
B2F	42	40
B3F	38	35
B4F	31	29
B5F	27	25
B3FV	35	32
B4FV	30	28
B5FV	25	23
B1D	48	45
B2D	44	41
B3D	40	37
B4D	33	31
B5D	27	25
B3M	35	32
B4M	29	27
B5M	24	22
B3G	35	32
B4G	29	27
B5G	24	21
C1L	43	40
C2L	39	36
C3L	35	32
C4L	31	29
C5L	26	24
C1F	43	40
C2F	39	36
C3F	35	32
C4F	31	29
C5F	26	24
C3FV	32	29
C4FV	29	27
C5FV	24	22
C2D	37	34
C3D	33	30
C4D	29	27
C5D	23	21
C3M	28	26
C4M	23	21
C5M	20	19
C3G	24	21
C4G	21	19
C5G		

Grade:		Grade:	
T3F	28	X4F	22
T4F	26	X5F	20
T5F	24	X3FV	24
T3D	28	X4FV	21
T4D	24	X5FV	19
T5D	26	X1D	32
T3M	24	X2D	29
T4M	24	X3D	24
T5M	21	X4D	21
T3G	24	X5D	18
T4G	20	X3M	21
T5G	32	X4M	19
X1L	29	X5M	15
X2L	25	X3G	21
X3L	22	X4G	18
X4L	29	X5G	15
X5L	25	N1L	12
X1F	32	N1R	12
X2F	29	N1G	12
X3F	25		

§ 277.47 *1948 crop; dark air-cured tobacco, Types 35 and 36: Advance schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44
A1F	45	
A2F	41	40
A3F	45	
A1R	43	38
A2R	41	40
A3R	45	42
B1F	43	40
B2F	40	37
B3F	34	32
B4F	28	26
B5F	37	34
B3FV	32	30
B4FV	26	24
B5FV	45	42
B1R	43	40
B2R	40	37
B3R	34	32
B4R	28	26
B5R		

[Dollars per 100 pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44
B1D	45	42
B2D	43	40
B3D	38	36
B4D	33	31
B5D	27	25
B3M	35	32
B4M	30	28
B5M	24	23
B3G	35	32
B4G	30	28
B5G	24	23
C1L	42	39
C2L	40	37
C3L	37	33
C4L	31	28
C5L	27	24
C1F	41	38
C2F	39	36
C3F	36	32
C4F	30	27
C5F	26	23
C3FV	33	30
C4FV	28	25
C5FV	24	22
C1R	40	37
C2R	38	34
C3R	34	31
C4R	29	26
C5R	25	23
C3M	29	26
C4M	25	23
C5M	23	20
C3G	23	20
C5G	22	19

Grade:		Grade:	
T3F	27	X4F	23
T4F	23	X5F	19
T5F	19	X3FV	24
T3R	27	X4FV	20
T4R	23	X5FV	17
T5R	19	X1R	30
T3D	27	X2R	27
T4D	23	X3R	25
T5D	19	X4R	22
T3M	26	X5R	17
T4M	22	X3D	25
T5M	18	X4D	22
T3G	26	X5D	17
T4G	22	X3M	24
T5G	18	X4M	20
X1L	30	X5M	16
X2L	27	X3G	24
X3L	25	X4G	19
X4L	23	X5G	15
X5L	19	N1L	12
X1F	30	N1R	12
X2F	27	N1G	12
X3F	25		

§ 277.48 *1948 Crop; Virginia sun-cured tobacco, Type 37: Advance schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade	Length 45	Length 44
A1F	44.12	
A2F	42.12	40.12
A3F	40.12	38.12
A1R	44.12	
A2R	42.12	40.12
A3R	40.12	38.12
B1F	40.12	38.12
B2F	38.12	36.12
B3F	36.12	34.12
B4F	32.12	30.12
B5F	26.12	24.12
B1R	40.12	38.12
B2R	38.12	36.12
B3R	36.12	34.12
B4R	32.12	30.12
B5R	26.12	24.12
B1D	40.12	38.12
B2D	37.12	35.12
B3D	34.12	32.12
B4D	29.12	27.12
B5D	22.12	20.12
B3M	32.12	30.12
B4M	27.12	25.12
B5M	21.12	19.12
B3G	32.12	30.12
B4G	27.12	25.12
B5G	21.12	19.12
C1L	39.12	37.12
C2L	37.12	35.12
C3L	35.12	33.12
C4L	30.12	28.12
C5L	26.12	24.12
C1F	39.12	37.12

[1] See footnote on p. 6140.

[Dollars per 100 pounds, farm sales weight]

Grade	Length 45	Length 44
C2F	37.12	35.12
C3F	35.12	33.12
C4F	30.12	28.12
C5F	26.12	24.12
C1R	38.12	36.12
C2R	36.12	34.12
C3R	34.12	32.12
C4R	29.12	27.12
C5R	25.12	23.12
C3M	30.12	28.12
C4M	25.12	23.12
C5M	21.12	19.12
C4G	23.12	21.12
C5G	20.12	18.12

Grade:		Grade:	
T3F	28.12	X2F	28.12
T4F	25.12	X3F	26.12
T5F	19.12	X4F	23.12
T3R	28.12	X5F	18.12
T4R	25.12	X1R	31.12
T5R	19.12	X2R	28.12
T3D	26.12	X3R	26.12
T4D	22.12	X4R	22.12
T5D	16.12	X5R	17.12
T3M	26.12	X3D	24.12
T4M	22.12	X4D	21.12
T5M	16.12	X5D	16.12
T3G	26.12	X3M	24.12
T4G	22.12	X4M	21.12
T5G	15.12	X5M	16.12
X1L	31.12	X3G	22.12
X2L	28.12	X4G	19.12
X3L	26.12	X5G	15.12
X4L	23.12	N1L	12.12
X5L	18.12	N1R	12.12
X1F	31.12	N1G	12.12

(Sec. 8, 56 Stat. 765, 767, 58 Stat. 642, 59 Stat. 306, 506, Pub. Laws 806, 897, 80th Cong.; 50 U. S. C. App. 968)

Issued this 15th day of October 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: October 15, 1948.

RALPH S. TRIGG,
President, Commodity Credit Corporation.

[F. R. Doc. 48-9257; Filed, Oct. 20, 1948; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[S. D. 89, Revision 2]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE FROM SUGAR BEETS

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1948, the following determination is hereby issued:

§ 802.11 *Determination of sugar commercially recoverable from sugar beets.* The amount of sugar, raw value, commercially recoverable from sugar beets shall be deemed to be as follows: (a) In the case of sugar beets marketed under that type of agreement commonly known as an "individual test" contract, 93.6 percent of the amount of sugar calculated by applying to the net weight of the sugar beets, at the time of delivery to a processor, the percentage of sugar content on which the settlement under the marketing contract is based; (b) in the case of sugar beets marketed under any type of agreement other than an "individual test" contract in the district of a beet sugar factory located in Colorado, Idaho, Montana, Oregon, Utah, Washington or Wyoming, 96.1 percent of the amount of sugar calculated by applying to the net weight of the sugar beets, at the time of delivery to a processor, the weighted average percentage of sugar content of all the sugar beets of the next preceding 7 crops marketed in the settlement area comprising such district, according to cossette tests made by the processor; and (c) in the case of sugar beets marketed under any type of agreement other than an "individual test" contract in the district of a beet sugar factory located in any State not named in paragraph (b) of this section, 96.1 percent of the amount of sugar calculated by applying to the net weight of sugar beets, at the time of delivery to a processor, the average percentage of sugar content of all the sugar beets of the current crop marketed in the settlement area comprising such district, according to cossette tests made by the processor.

This determination supersedes, with respect to the 1948 and subsequent crops, the determination entitled "Determination of Sugar Commercially Recoverable from Sugar Beets (Revised)," issued August 5, 1943 (8 F. R. 10967).

Statement of Bases and Considerations

Sugar Act requirements. Determinations of sugar commercially recoverable from domestic sugar beets and sugarcane are required under section 302 (a) of the Sugar Act of 1948 for the purpose of calculating the amounts of sugar upon which payments under the Act may be made.

General basis of determination. Under former determinations, the amount of sugar commercially recoverable from sugar beets was based on (a) the net weight of the sugar beets, (b) the percentage of sugar content of the beets, and (c) a stated percentage reflecting the average rate of sugar extraction obtained by the beet sugar industry during a representative prior period. The revised determination continues this general basis but incorporates certain changes with respect to items (b) and (c).

Percentage of sugar content of sugar beets. About 45 percent of each crop of sugar beets is marketed under contracts which provide for separate tests for sugar content of the beets marketed by individual growers. Such tests are made at the time of delivery of the beets to a processor. These contracts are commonly called "individual test" contracts.

Approximately 55 percent of each crop is marketed under contracts which do not provide for separate tests of deliveries of individual growers. For this part of the crop the sugar content is determined only at the time of processing by the so-called "cossette test" (cossettes are the long, narrow segments into which beets are cut in the processing operation).

Computation of Sugar Act payments. In "individual test" areas, the Sugar Act payments may be computed as soon as the processor submits reports on the marketings of growers showing the tonnages of beets and percentages of sugar content. Such marketing reports could not be completed for any "cossette test" area under the former determination until all of the beets had been processed.

Consequently, when the processing continued for a considerable period after the beets had been delivered, the delay in ascertaining the sugar content of the crop retarded the work of completing Sugar Act payments.

Change for certain western States. To accelerate payments, this determination provides that in the "cossette test" areas comprising the districts for factories located in Colorado, Idaho, Montana, Oregon, Utah, Washington and Wyoming, the payments shall be based on the weighted average percentage of sugar content of the next preceding seven crops, rather than on the sugar content of the current crop as formerly. The change is limited in applicability to these districts, primarily because the factories in these western States generally operate for longer periods than the factories in the States to the eastward. The factories in all "cossette test" areas operated an average of 75 days for each of the crop years 1943 through 1947. The average for such factories located in the States named above was 85.5 days, while the average for the States to the east thereof was but 61.5 days. Accordingly, the opportunity for accelerating payments is greater in the western States.

Percentage of extraction. Under the original determination, rates of recoverability were based on the average percentage of extraction obtained by the beet sugar industry from the 1934, 1935, and 1936 crops. The determination was revised in 1940 on the basis of the average extraction obtained from the 1937, 1938, and 1939 crops. Through a further revision, which became effective for the 1943 crop, recoverability was based on the average extraction obtained from the five crops of 1937 through 1941. The 1942 crop was not included since the recovery from that crop was reduced substantially because of war conditions. The average recovery from the crops of 1937 through 1941, as calculated upon a basis of the tonnage of beets purchased and the percentage of sugar content of the cossettes thereof, was 90.57 percent.

The establishment of ceiling prices for sugar and for beet molasses, the operation of a War Production Board order limiting the desugarization of molasses, the scarcity, cost, and inefficiency of factory labor, and recent developments in mechanization were factors which affected the rate of extraction during the emergency period. As a result, recoveries from the crops of 1942 through 1947 were reduced substantially, reaching a low point of 85.00 percent on the 1945 crop, although the average percentage of sugar content of the crops was only slightly subnormal. While a significant upturn in recovery was recorded on the 1947 crop, the recovery rate reflected the continuation of abnormal conditions. Under these circumstances, the extraction rates obtained from the crops of 1942–47 are not representative of the recoveries expected in the future.

The recoveries from the 1948 and subsequent crops are expected to reflect a more normal price relationship between sugar and molasses. It is assumed, therefore, that so far as this particular factor is concerned recoveries from future crops will reflect the performance obtained in the prewar period. Likewise, the problems of labor in the factories should be largely eliminated. However, it appears that changes resulting from the increasing use of machinery in harvesting will tend to hold recoveries somewhat below prewar levels. These changes relate to (1) variations in the shrinkage of the beets in the field at the time of harvest and following delivery to the processor which result from accelerated harvesting operations, (2) the deterioration of stored beets due to the delivery of abnormal amounts of clods, stones, and tops, and (3) the effect of mechanical harvesting operations on extraction efficiency.

Extraction in "straight house" factories. In order to eliminate the effects of changes made in processes to increase the production of molasses, an analysis was made of the operations of "straight house" factories in which the customary processes were carried out. With respect to the crops from 1937 through 1947, it was found that 25 straight house factories had operated on all of the crops and 3 such factories had operated on all but one of the crops. The average recovery for the 28 factories with respect to the crops on which the former recovery rates were based (1937–41) was 82.14 percent. The average extraction for these factories from the crops of 1942–47 was 81.41 percent, a decline of 0.73 percent. The difference in the average percentage of sugar content for the two periods is insignificant. The lowest recoveries were obtained from the last three crops, and these recoveries were low in proportion to the percentage of sugar content. Although part of the decline may have been due to lack of satisfactory factory labor, this appears to be offset by the fact that the latter period used in the comparison includes several crops of which only a negligible portion was harvested by machinery.

Adjustment in basic extraction rate. Neither the use of the rates of extraction obtained from recent crops, nor the continued use of rates based solely on the crops of 1937–41 would be representative of expected performance because of changes brought about by mechanization. Consequently, the rates in the determination reflect an adjustment in the basic average rate of extraction equivalent to the decline indicated by the record of the 28 straight house factories, or 0.73 percent. A reduction of 0.73 percent from the average rate of extraction of 90.57 percent obtained from the crops of 1937–41 gives an adjusted rate of 89.84 percent. The conversion of this rate to "raw value," in conformity with the basis of payment under the Sugar Act, gives a rate of recoverability of 96.1 percent to be applied to sugar beets in "cossette test" areas. The former rate was 97.0 percent.

Differential rate for "individual test" beets. The percentage of recovery applied to beets marketed under "individual test" contracts, as provided in the former determination, reflected the average shrinkage in sugar content which occurred between the time of delivery and the time of processing of all beets of the crops of 1935–41 marketed on that basis. The calculated average rate of extraction from such beets was 88.68 percent.

An analysis of the data for the crops of 1943–47 shows that the average shrinkage in percentage of sugar content for all beets marketed on this basis has increased to 2.65 percent as compared to the average of 2.12 percent for the crops of 1935–41. Consequently, the determination reflects the shrinkage rate of 2.65 percent, reducing the calculated average rate of extraction from 88.68 to 88.21 percent. A reduction from this figure of 0.73 percent, to reflect the reduction in rates of extraction shown by straight house operations, gives 87.48 percent. The conversion of this rate to "raw value" gives 93.6 percent as the rate to be effective for beets marketed under "individual test" contracts. The former rate was 95.0 percent.

Conclusion. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the purposes of section 302 (a) of the Sugar Act of 1948.

(Secs. 302, 403, Pub. Law 388, 80th Cong. 7 U. S. C., Sup., 1153)

Issued this 15th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary.

[F. R. Doc. 48-9256; Filed, Oct. 20, 1948; 8:50 a. m.]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN HARVESTING OF 1948 CROP OF SUGARCANE IN LOUISIANA

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on July 22, 1948, the following determination is hereby issued:

§ 802.24 *Fair and reasonable wage rates for persons employed in the harvesting of the 1948 crop of sugarcane in Louisiana.* The requirements of section 301 (c) (1) of the Sugar Act of 1948, shall be deemed to have been met with respect to the harvesting of the 1948 crop of sugarcane in Louisiana if the producer complies with the following:

(a) All persons employed on the farm in the harvesting of the 1948 crop of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the date of issuance of this determination, not less than the following:

(1) *For adult males and adult females when employed on time basis.*

[Basic wage rates per day of 9 hours[1] (raw sugar price of $5.60 to $6.25, per one hundred pounds, inclusive)]

Operation	
Cutting, topping, stripping:	
Adult males	$3.50
Adult females	3.05
Loading	4.15
Cutting and loading	3.70
Tractor drivers and truck drivers	4.25
Teamsters	4.05
Hoist operators	3.70
Operators of mechanical loading or harvesting equipment	4.60
Pilers	3.70
Grabmen, spotters, ropemen	4.15
Scrappers	3.50
Any other operations connected with harvesting	3.05

[1] Where workers are employed on an hourly basis, the rate per hour shall be determined by dividing the applicable basic daily wage rate (adjusted in accordance with subparagraph (4) of this paragraph) by 9.

(2) *Workers between 14 and 16 years of age when employed on a time basis.* For workers between the ages of 14 and 16 years, the rate per day of 8 hours (maximum hours per day for such workers without deduction from Sugar Act payments to the producer) shall be not less than three-fourths of the applicable rate established under subparagraphs (1) and (4) of this paragraph for adult workers for a 9-hour day. For a working day shorter than 8 hours, the rate shall be in proportion.

(3) *All workers when employed on a piecework basis.*

Operation	Basic wage rates per ton (raw sugar price of $5.60 to $6.25 per 100 pounds, inclusive)	
	Large barrel varieties[1]	Small barrel varieties[1]
Cutting top and bottom, and stripping	$1.35	$1.65
Cutting top and bottom	.85	1.05
Loading	.44	.53
Cutting top and bottom, stripping and loading	1.79	2.18
Cutting top and bottom and loading	1.29	1.58

[1] Large barrel varieties shall include Co. 290; C. P. 29-103; C. P. 29/116; C. P. 33/243; C. P. 36/13; C. P. 36/105, and C. P. 29/120. All other varieties shall be classed as small barrel.

The piece rate for any operation specified above when performed on a unit basis other than a ton unit, or the piece rate for any operation not specified above, shall be that agreed upon between the producer and the laborer: *Provided, however,* That the hourly rate of earnings of each worker, for the time involved, shall be not less than the applicable hourly rate specified in subparagraphs (1) or (2) of this paragraph.

(4) *Wage rate adjustments when price of raw sugar is more than $6.25 or less than $5.60 per one hundred pounds.* For each full ten cents that the price of raw sugar (duty paid basis) shall average more than $6.25 or less than $5.60 per one hundred pounds for the two weeks' period immediately preceding the two weeks' period during which the work is performed, the time and piecework rates provided in subparagraphs (1), (2), and (3) of this paragraph shall be increased or decreased in the following indicated amounts:

(i) Time basis: $0.065 per 9-hour day.

(ii) Piecework basis (per ton):

	Large barrel	Small barrel
Cutting top and bottom, and stripping	$0.025	$0.030
Cutting top and bottom	.015	.020
Loading	.005	.010
Cutting top and bottom, stripping and loading	.030	.040
Cutting top and bottom and loading	.020	.030

The two weeks' average price of raw sugar shall be determined by taking the simple average of the daily "spot" quotation of 96° raw sugar (duty paid basis) of the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange, except that if the Director of the Sugar Branch determines that for any two weeks' period such average price does not reflect the true market value of sugar, because of inadequate volume or other factors, the Director may designate the average price to be effective under this determination. For the purpose of this determination the wage rates for the period from the date of issuance of the determination through October 21, 1948, shall be determined by the average price of raw sugar during the two weeks' period September 24 through October 7, 1948. The wage rates for the period October 22 through November 4, 1948, shall be determined by the average price of raw sugar during the two weeks' period October 8 through October 21, 1948, and thereafter wage rates for each successive two weeks' period shall be based on the preceding two weeks' average price of raw sugar.

(b) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer without charge the customary perquisites, such as a habitable house, medical attention, and similar items.

(c) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

Statement of Bases and Considerations

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid by producers to persons employed in the harvesting of the 1948 crop of sugarcane in Louisiana as one of the conditions for payment under the Sugar Act of 1948. In this Statement the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination", identified by the crop year for which effective.

(b) *Requirements of the Sugar Act and standards employed.* In determining fair and reasonable wage rates, the Sugar Act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Thibodaux, Louisiana on July 22, 1948, at which time interested persons presented testimony with respect to fair and reasonable wage rates for harvesting of the 1948 crop of sugarcane. In addition, investigations have been made of the conditions affecting wage rates in Louisiana. In this determination, as in prior determinations, consideration has been given to testimony presented at the hearing and to the information resulting from investigations. The primary factors considered were: (1) prices of sugar and by-products; (2) income from sugarcane; (3) cost of production; (4) cost of living; and (5) relationship of labor cost to total cost. Other economic influences also were considered.

(c) *Background.* Wage determinations for harvesting sugarcane in Louisiana have been issued each year beginning with the 1937 crop. The earlier determinations provided specific time rates for adult males and females as well as alternative piece work rates. Subsequent coverage was extended to include semi-skilled and skilled workers and workers between 14 and 16 years of age. As the need arose, adjustments have been made in certain time and piece work rates to conform to changes in production and harvesting methods.

The 1937 wage determination increased basic adult male wages for harvest work 25 cents per day over those of the previous year. An increase in producer income at the same time permitted the maintenance of the customary relationship of wages to income that had existed in prior years. The basic wage rates were not changed during the years from 1938 to 1940 and the wage-income relationship remained relatively constant. Beginning with the 1941 wage determination, the basic wage rates were increased 15 cents per day and have been increased in varying amounts each subsequent year except 1944. Throughout these years, wage rates have been established primarily on the basis of the historical wage-income relationship. However, this relationship has been altered in some of these years to give recognition to significant changes which have occurred in other factors customarily considered in establishing wage rates. Since the base period 1938–40, the weighted average basic time rates for harvesting have been increased from 17.3 cents per hour to 40.9 cents in 1947, an increase of 136.4 percent.

(d) *1948 wage determination.* The 1948 wage determination is changed in two major respects from the 1947 wage determination:

(1) Wage rates are related to the average price of raw sugar by the use of a modified wage escalator scale. This replaces the fixed wage structure in effect in 1947. Under the scale, wage rates are geared to the average price of raw sugar (duty paid basis) for the two weeks' period immediately preceding the two weeks' period during which the work is performed. When the average price of raw sugar for a two weeks' period ranges between $5.60 and $6.25 per one hundred pounds, inclusive, basic time rates remain the same as in 1947. These basic rates are subject to upward or downward ad-

justments (6½ cents per 9 hour day) if the average price of raw sugar increases or decreases a full 10 cents above or below such price range. For example, if sugar prices average $5.50, basic time rates per 9-hour day are reduced 6½ cents. Conversely, if sugar prices average $6.35 per one hundred pounds, basic time rates are increased 6½ cents. Similar adjustments are made for each subsequent full 10 cent price change.

The average price of raw sugar is determined by taking the simple average of the daily "spot" quotations of 96° raw sugar (duty paid basis) of the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange. Such average prices are subject to review by the Director of the Sugar Branch and, if he determines that for any two weeks' period such average price does not reflect the true market value of sugar, because of inadequate volume or other factors, he may designate the average price to be effective. Each producer will be responsible for ascertaining the average price of raw sugar and the effective wage rates. The two weeks' average price of raw sugar and the effective wage rates will be announced by and will be available in the Louisiana State and Parish Offices of the Production and Marketing Administration, Department of Agriculture.

An examination of changes in the economic factors affecting wage rates since the base period 1938–40 reveals that substantial increases have occurred in all such factors, although the price of raw sugar has declined somewhat from the high point reached in 1947 and early 1948. In recognition of such trends, the 1948 wage determination provides a variable wage structure adjustable to significant price and income changes.

At the recent fair wage hearing, it was recommended that wage decreases be based upon income of producers from sugarcane and molasses. Although consideration was given to using income as a basis for the modified escalater scale, it is believed that the use of average raw sugar prices will be readily understood by producers and laborers and will provide a more practicable method of administering this provision. Accordingly, the scale employed in this determination is based upon average raw sugar prices.

(2) The basic piece work rates for harvesting operations other than loading sugarcane have been reduced 15 cents per ton from the 1947 rates. Testimony at the 1948 public hearing indicated that there has been a disproportionate spread in wage rates which enabled workers employed on a piece work basis to earn substantially more than those employed on a time basis. This inequity has been brought about largely by changes in harvesting methods in recent years. Available information indicates that the average earnings of an adult male cane cutter for a 9-hour day employed on a piece work basis during the 1947 harvest ranged between 55 and 75 percent more than a cane cutter employed on a time basis. The reduction in piece work rates will provide a more reasonable relationship between the earnings of workers on a time basis and those on a piece work basis. The piece work rates specified should enable piece work employees to earn approximately 45 to 55 percent more per 9-hour day than those on a time basis. As in the case of basic time rates, upward or downward adjustments in the piece rates are provided when the average price of raw sugar increases or decreases a full 10 cents per hundred pounds above $6.25 or below $5.60.

In addition to the changes explained above, two varieties of sugarcane (C.P. 29/120 and C.P. 36/105) have been classified as large barrel rather than small barrel as was provided in the 1947 determination. This reclassification was made because of testimony at the recent public hearing which indicated that these cane varieties were similar to the other designated large barrel varieties with respect to handling and worker accomplishment.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Secs. 301, 403, Pub. Law 388, 80th Cong.)

Issued this 18th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9292; Filed, Oct. 20, 1948; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 1]

PART 560—REQUESTS FOR REIMBURSEMENT FOR THE COST OF NECESSARY REHABILITATION OR REPAIR OF PUBLIC AIRPORTS SUBSTANTIALLY DAMAGED BY FEDERAL AGENCIES

Acting pursuant to authority vested in me by the Federal Airport Act (Pub. Law No. 377, 79th Cong., 2d Session, as amended by Pub. Laws 486 and 840, 80th Cong.; 49 U. S. C. 1101–1119), I hereby amend Part 560 of the Regulations of the Administrator of Civil Aeronautics to read as follows:

Sec.
560.1 Definitions.
560.2 Purpose of regulations.
560.3 Eligible requests for reimbursement.
560.4 Eligible petitioner.
560.5 Eligible airports.
560.6 Time limitations.
560.7 Eligible rehabilitation or repair.
560.8 Amount of reimbursement.
560.9 Claims filed with other Federal agencies.
560.10 Form and content of requests.
560.11 Filing of requests.
560.12 Consideration and determination of requests.
560.13 Certification of requests to the Congress.
560.14 Payment from sums appropriated by Congress.
560.15 Supplemental requests.

AUTHORITY: §§ 560.1 to 560.15, issued under 60 Stat. 170, Pub. Laws 486, 840, 80th Cong.; 49 U. S. C. 1101–1119.

§ 560.1 *Definitions.* (a) "Act" means the Federal Airport Act (Pub. Law No. 377, 79th Cong., 2d Session, as amended.)

(b) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(c) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities located thereon.

(d) "CAA" means the Civil Aeronautics Administration of the United States Department of Commerce.

(e) "Damaged area" means any area of a public airport where damage has occurred, for the cost of the necessary rehabilitation or repair of which reimbursement is requested, under the regulations in this part.

(f) "Damaged facility" means any airport building, or other airport facility which has suffered damage, for the cost of the necessary rehabilitation or repair of which reimbursement is requested, under the regulations in this part.

(g) "District airport engineer" means the director of a District Office of the Airports Branch of a CAA Regional Office or his duly authorized representative.

(h) "Federal agency" means any Executive Department, Board, Bureau, Commission, of other agency in the Executive Branch of the Government of the United States or any Corporation wholly owned (either directly or indirectly through one or more corporations) by the United States.

(i) "Petitioner" means a public agency which files with the Administrator a request for reimbursement for cost of the necessary rehabilitation or repair of a public airport pursuant to the provisions of section 17 of the Federal Airport Act, as amended.

(j) "Public agency" means the United States Government or any agency thereof; a State, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands or an agency of any of them; a municipality or other political subdivision; or a tax-supported organization.

(k) "Public airport" means any airport which is used or to be used for public purposes, under the control of a public agency, the landing area of which is publicly owned.

(l) "Regional administrator" means the director of a CAA Regional Office or his duly authorized representative.

(m) "Rehabilitation or repair" means any repair, restoration, or reconstruction of a damaged area or damaged facility, either to its condition prior to damage or to a better condition, and any construction or improvement of an airport area or facility replacing or supplementing a damaged area or damaged facility.

(n) "Reimbursement" means the payment of money by the United States to a petitioner pursuant to the provisions of section 17 of the act.

§ 560.2 *Purpose of regulations.* The regulations in this part apply to requests for reimbursement filed pursuant to the provisions of section 17 of the act, for the cost of the necessary rehabilitation or repair of public airports, substantially damaged by Federal agencies. Section 17 of the act authorizes the Administrator to render such assistance to public agencies as he deems necessary in the preparation of such requests for reimbursement and, upon receipt of such a request from a public agency, the Administrator is further authorized, on behalf of the United States to consider, ascertain, and determine, in accordance with regulations prescribed by him, the actual or estimated cost of such necessary rehabilitation or repair for which such public agency is entitled to reimbursement from the United States and to certify to the Congress the amount of such cost, which certification shall be deemed a contractual obligation of the United States. Section 17 further authorizes such amounts to be appropriated by the Congress as may be necessary to enable the Administrator to make payments to public agencies as provided therein, either upon completion of the rehabilitation or repair involved or as such rehabilitation or repair progresses.

§ 560.3 *Eligible requests for reimbursement.* To be eligible for consideration by the Administrator, a request for reimbursement must:

(a) Be filed by an eligible petitioner (see § 560.4);

(b) Cover damage to an eligible airport (see § 560.5);

(c) Be filed within certain time limitations (see § 560.6); and

(d) Cover eligible rehabilitation or repair (see § 560.7).

§ 560.4 *Eligible petitioner.* To be eligible, a petitioner must meet the following requirements:

(a) The petitioner must be a State, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, or the Virgin Islands, or an agency of any of them; a municipality or other political subdivision; or a tax-supported organization.

(b) The petitioner must have control or management of the airport to which the request relates at the time of filing the request.

(c) Control or management may be established by an interim permit or an approved application for a surplus airport in those cases where the airport in question is subject to an outstanding lease or other conveyance to the United States.

§ 560.5 *Eligible airports.* (a) To be eligible, an airport must meet the following requirements:

(1) The airport must be located in the continental United States, the Territory of Hawaii, the Territory of Alaska, Puerto Rico, or the Virgin Islands.

(2) The landing area of the airport must be owned by a public agency at the time the request is filed and must have been owned by a public agency at the time the damage occurred.

(3) The airport must be used, or intended to be used, by and for the benefit of the public at the time the request is filed, must be under the control of a public agency at such time, and must have been used for public purposes under the control of a public agency, at the time the damage occurred.

(4) If the airport was damaged while owned by the United States or a Federal agency, the nucleus of such airport must have been owned by a non-Federal agency and used for airport purposes, prior to its acquisition by the United States or by a Federal agency.

(b) To meet the requirements of paragraph (a) of this section, it is not necessary that the public agency controlling an airport be the public agency owning its landing area, or that the public agency controlling an airport or owning its landing area, at the time a request is filed, be the public agency which controlled the airport or owned the landing area at the time the damage occurred.

(c) If an airport is operated by a private person or concern under a lease or contract from a public agency, such airport will be regarded as "used by and for the benefit of the public" and "under the control of a public agency", as required by paragraph (a) (3) of this section, if the airport is being so used and the lease or contract reserves to the public agency sufficient control over the manner in which the airport is operated to permit such public agency to compel its operation for the use and benefit of the public.

§ 560.6 *Time limitations.* (a) A request may be filed before, during, or after the accomplishment of the rehabilitation or repair for the cost of which reimbursement is requested.

(b) No request will be considered by the Administrator unless such request is filed within six months after the occurrence of the damage upon which the request is based: *Provided, however,* That in the event the damage was caused by operations of a military nature during time of war, such request may be submitted within six months after the time of termination of war, unless the airport is under the control or management of the United States at the time of the termination of such war, in which event, the request may be submitted to the Administrator within six months after transfer of such control or management of the airport to the public agency involved.

(c) The Administrator will consider a request which is based upon the damage which occurred prior to the date of approval of the act, provided that the foregoing time limitations are complied with.

§ 560.7 *Eligible rehabilitation or repair.* In order to be eligible, rehabilitation or repair must meet the following requirements:

(a) The rehabilitation or repair must be, or have been, necessary to remedy substantial damage to an eligible airport caused or permitted by a Federal agency.

(b) The rehabilitation or repair must be, or have been, for the purpose of remedying damage to an area or facility which was owned by the petitioner or other non-Federal public agency at the time the damage occurred, unless, at that time, the area or facility was owned by the United States or a Federal agency, in which case the area or facility must have been owned by the petitioner or other non-Federal public agency prior to its acquisition by the United States or a Federal agency.

(c) The rehabilitation or repair must have or must have had as its principal object the remedying of damage for which the petitioner, the airport owner, or any other person or agency has never been adequately compensated, reimbursed, or recompensed by the United States or any Federal agency.

(d) The circumstances must be such that reimbursement would be in the public interest.

§ 560.8 *Amount of reimbursement.* In determining the amount due with respect to any particular item of eligible rehabilitation or repair, the Administrator will be guided by the following principles:

(a) If the damage occurred while the airport was in the management or control of the United States or a Federal agency, reimbursement will be made in an amount equal to the actual or estimated cost of restoring the damaged area or damaged facility to a condition equivalent to its condition on the date the United States or a Federal agency assumed management or control of the airport.

(b) If the damage occurred while the airport was not under the management or control of the United States or a Federal agency, reimbursement will be made in an amount equal to the actual or estimated cost of restoring the damaged area or damaged facility to a condition equivalent to its condition immediately prior to such damage.

(c) The principles stated in paragraphs (a) and (b) of this section will apply whether the damaged area or damaged facility is actually restored to its condition at the time specified or the rehabilitation or repair results in the construction or improvement of a new area or facility or the improvement of the damaged area or damaged facility to a condition better than its condition at the time specified in paragraphs (a) or (b) of this section, whichever is applicable, or is accomplished in accordance with higher standards of airport construction than the original construction.

§ 560.9 *Claims filed with other Federal agencies.* A request for reimbursement may be filed under the regulations in this part notwithstanding the fact that the petitioner has filed prior thereto a claim against the United States relating to the subject matters of such request: *Provided, however,* That the petitioner notifies the Administrator, as hereinafter provided, as to the basis for, and the current status of, such claim.

§ 560.10 *Form and content of requests.* (a) No particular form is required for a request under the regulations in this part. However, each petitioner should submit a request stating that the request is made pursuant to section 17 of the Federal Airport Act, as amended, and containing the following pertinent information: (Documents, maps, affidavits, records, and other materials necessary to support the request should be submitted with such requests or as soon thereafter as possible, if available or procurable).

(1) Name and address of petitioner.

(2) Name and location of airport.

(3) Ownership of airport at time of filing request; if petitioner or another public agency is operating the airport under a lease, permit, license, or agreement from another public agency, copies of such instruments must be submitted;

if a lessee or assignee of the petitioner or another public agency is operating the airport, copies of the operating lease or agreement must be submitted.

(4) Extent to which the airport has ever been operated other then for the use and benefit for the public.

(5) The name of the Federal agency causing or permitting the damage.

(6) Date or period when damage occurred.

(7) Ownership of airport, damaged areas, and damaged facilities at time damage occurred; if a Federal agency was at that time in possession under a lease or agreement with the petitioner or another public agency, copies of such documents must be submitted.

(8) (i) If the damage occurred while the airport was in possession or control of a Federal agency, evidence or information of the condition of the airport at the time the Federal agency assumed possession or control must be submitted.

(ii) If the damage occurred while the airport was not in possession or control of a Federal agency, evidence or information as to the condition immediately prior to such damage must be presented.

(9) Type, extent, and period of operation of the airport by the Federal agency.

(10) Specific cause of the damage, giving full facts known relative to what specific acts or omissions on the part of a Federal agency damaged the airport.

(11) Nature and extent of the damage, illustrated by maps of the airport with the damaged area delineated thereon, photographs, and such other evidence pertaining thereto as may be available.

(12) Extent to which the damage was covered by insurance.

(13) Itemized lists of all rehabilitation or repair work accomplished, with breakdowns of such work by items and cost; vouchers or other evidence of payment must be submitted; together with maps, photographs and other pertinent material.

(14) Itemized lists of all proposed rehabilitation or repair considered necessary, with an estimate of costs of each item; plans or specifications covering such work must be submitted.

(15) Statement to the effect that the request does not include reimbursement for the cost of rehabilitation or repair of developments and facilities constructed with United States' funds by the Federal agency which owned, managed, or controlled the airport or caused or permitted the damage.

(16) Nature and current status of any claim filed with a Federal agency, or any litigation arising out of or in conection with the subject damage; copies of any such claim or the pleading in any such litigation must be submitted.

(b) Each request shall be signed and verified by an officer of the petitioner duly authorized and designated to file such request for and on behalf of the petitioner.

(c) In addition, each request must be accompanied by evidence that the petitioner has granted, or caused to be granted, authority to the District Airport Engineer or other representatives of the Administrator to inspect the airport and the damaged areas and damaged facilities, to interview representatives of the petitioner and airport owner, and to examine airport records and documents as may be deemed necessary by such representatives of the Alministrator.

§ 560.11 *Filing of requests.* All requests shall be submitted to the appropriate District Airport Engineer in quadruplicate. The date of receipt of a request by a District Airport Engineer will be considered the date on which such request was filed with the Administrator.

§ 560.12 *Consideration and determination of requests.* (a) Consideration by the Regional Administrator: The Regional Administrator upon receipt of a request will review the request on the basis of information contained in his files and after such review, the request will be forwarded to the Administrator with such comments and information as found to be pertinent to the issues presented.

(b) Determination by the Administrator: The Administrator will consider, ascertain, and determine each request submitted.

§ 560.13 *Certification of requests to the Congress.* (a) The Administrator will certify to the Congress such amount as he determines to be the actual or estimated cost of the eligible rehabilitation or repair. The certification will include a brief statement of the character of the damage upon which the request is based and of the work performed or to be performed to accomplish the eligible rehabilitation or repair.

(b) The Administrator will recommend to the Congress that the amount certified be appropriated to the Administrator for disbursement to the petitioner as provided in § 560.14.

§ 560.14 *Payment from sums appropriated by Congress.* (a) Funds appropriated pursuant to a certification based upon the actual cost of completed rehabilitation or repair will be paid to the petitioner upon submission of proper releases.

(b) Progress payments will be made from funds appropriated pursuant to a certification based upon the estimated cost of proposed rehabilitation or repair as the work progresses and up to 85% of the total monies appropriated. Such payments will be made on a monthly basis, unless otherwise determined by the Administrator after consultation with the petitioner, and only after receipt of an application from the petitioner for a progress payment covering eligible rehabilitation or repair accomplished. Each such application shall be submitted in quadruplicate to the District Airport Engineer. (Where the damaged area or facility is to be reconstructed to a better area or better facility, the estimated proportion of the total cost of such better area or better facility attributable to rehabilitation or repair will remain constant as fixed by the Certification to the Congress. Progress payments will be made as the construction of the better area or better facility is accomplished and payment will be based upon the percentage of completion of the better area or better facility.)

(c) If the Administrator shall determine at any time that the aggregate of such progress payments exceeds the actual cost of the work then performed, the United States shall be entitled to recover such excess.

(d) Final payment will be made after all eligible rehabilitation or repair has been accomplished to the satisfaction of the Administrator, after inspection by CAA, the cost established by a final CAA audit, and proper releases submitted.

§ 560.15 *Supplemental requests.* (a) Where it is found upon completion of the eligible rehabilitation or repair that the actual cost of such rehabilitation or repair exceeds the estimate certified to the Congress by the Administrator, the petitioned may file a supplemental request in quadruplicate with the District Airport Engineer for the amount by which such actual cost exceeds such estimate. The supplemental request must be verified in the same manner as the original request and must set forth the amount requested. Such supplemental request must be supported by vouchers or other evidence establishing the actual cost.

(b) If upon receipt of a supplemental request the Administrator determines that the actual cost of the completed rehabilitation or repair exceeds the amount of the estimate certified by him to Congress, the Administrator shall certify to Congress the amount by which such actual cost exceeds such estimate, including in such certification a brief statement of the cause of the variation between the estimated and actual cost of such rehabilitation or repair.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-9239; Filed, Oct. 20, 1948, 8:46 a. m.]

[Amdt. 10]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate realignment and establishment of civil airways between such points; (2) the realignment and establishment of the civil airways referred to in (1) above, have been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600, as follows:

Designation and Redesignation of Civil Airways; Blue Civil Airways Nos. 3 and 59

1. Section 600.4 (d) (3) is amended to read:

(3) *Blue civil airway No. 3 (Tallahassee, Fla., to Lafayette, Ind.).* From the intersection of the northwest course of the Tallahassee, Fla., radio range and the southeast course of the Dothan, Ala., radio range via the Dothan, Ala., radio range station; Gunter Field, Montgomery, Ala.; the intersection of the west course of the Maxwell Field, Ala., radio range and the south course of the Birmingham, Ala., radio range to the Birmingham, Ala., radio range station. From the Muscle Shoals, Ala., radio range station to the intersection of the northeast course of the Muscle Shoals, Ala., radio range and the southwest course of the Nashville, Tenn., radio range. From the Nashville, Tenn., radio range station via the intersection of the northwest course of the Nashville, Tenn., radio range and the south course of the Evansville, Ind., radio range; the Evansville, Ind., radio range station; Terre Haute, Ind., radio range station; the intersection of the north course of the Terre Haute, Ind., radio range and the southwest course of the Lafayette, Ind., radio range; Lafayette, Ind., radio range station to the intersection of the northeast course of the Lafayette, Ind., radio range and the north course of the Indianapolis, Ind., radio range.

2. Section 600.4 (d) (59) is added to read:

(59) *Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.).* From the Pensacola, Fla., radio range station to the intersection of the north course of the Pensacola, Fla., radio range and the northeast course of the Mobile, Ala., radio range.

This amendment shall become effective 0001 e. s. t., October 15, 1948.

(Secs. 205, 301, 302, 307, 308, 52 Stat. 984–986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-9237; Filed, Oct. 20, 1948; 8:45 a. m.]

[Amdt. 14]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate redesignation and establishment of control areas, including reporting points between such locations; (2) the redesignation and establishment of the control areas referred to in (1) above, have been coordinated with the civil operators involved, the Army and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

Designation and Redesignation of Control Areas and Reporting Points: Blue Civil Airways Nos. 3 and 59

1. Section 601.4 (d) (3) is amended to read:

(3) *Blue civil airway No. 3 control areas (Tallahassee, Fla., to Lafayette, Ind.).* All of Blue civil airway No. 3.

2. Section 601.4 (d) (59) is added to read:

(59) *Blue civil airway No. 59 control areas (Pensacola, Fla., to Goodway, Ala.).* All of Blue civil airway No. 59.

3. Section 601.9 (d) (3) is amended to read:

(3) *Blue civil airway No. 3 (Tallahassee, Fla., to Lafayette, Ind.).* No reporting point designation.

4. Section 601.9 (d) (59) is added to read:

(59) *Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.).* Pensacola, Fla., radio range station.

This amendment shall become effective 0001 e. s. t., October 15, 1948.

(Secs. 205, 301, 302, 307, 308, 52 Stat. 984, 985; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong.; 49 U. S. C. 425, 451, 452, 457, 458)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-9238; Filed, Oct. 20, 1948; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. OR 21]

PART 1—FUNCTIONS AND ORGANIZATION

MISCELLANEOUS AMENDMENTS

OCTOBER 1, 1948.

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238), Title 22, Part 1, of the Code of Federal Regulations is amended as follows:

1. Section 1.112 is added as follows:

§ 1.112 *Coordinator for Foreign Aid and Assistance*—(a) *Purpose.* To advise and assist the Secretary and Under Secretary in coordinating Department planning and operations in connection with the programs for foreign aid and assistance administered by the Economic Cooperation Administration; and to serve as the Department's principal liaison officer with that Administration.

(b) *Major functions.* The Coordinator performs the following functions:

(1) Establishes and maintains the necessary relations with the Economic Cooperation Administration.

(2) On behalf of the Secretary, assures that the responsible officers of the Department keep the staff of the Administration currently informed on matters within the Secretary's cognizance that are pertinent to the duties of the Administrator; and serves as the central officer in the Department to assure that the responsible officers of the Department receive similar information from the staff of the Administrator.

(3) Facilitates the preparation, by the appropriate units of the Department, of necessary instructions to the United States diplomatic missions and the reconciliation of any policy or operational disagreements which might arise abroad between the chiefs of the diplomatic missions and the chiefs of the Administration country missions.

(4) Assists the responsible officers of the Department, as necessary, in the development and conclusion of agreements with the participating countries.

(5) Aids in the formulation of coordinated policy in the Department on foreign-assistance programs.

(6) Arranges for Departmental representation on interdepartmental committees dealing with matters relating to foreign-assistance programs.

(7) Assists, as necessary, in arranging for responsible offices of the Department to provide, subject to reimbursement, such administrative and other services for the Administration in Washington and abroad as may be agreed upon between the Secretary and the Administrator.

(8) Prepares periodic reports to the Secretary and Under Secretary on Department activities under the Foreign Assistance Act of 1948.

(9) Performs such other tasks relating to the Department's participation in the programs for foreign aid and assistance as may be assigned by the Secretary or Under Secretary.

(c) *Organization.* The Office of the Coordinator includes a Deputy and such specialists and assistants as may be necessary to carry out the responsibilities of his post.

(d) *Relations with other agencies.* The Coordinator has continuing relations with committees of Congress and inter-agency committees, through or in concert with appropriate officers of the Department.

2. Section 1.113 is added as follows:

§ 1.113 *Coordinator for Aid to Greece and Turkey*—(a) *Purpose.* To advise and assist the Secretary and the Under Secretary in initiating and coordinating, within the Department, the formulation of policy and planning governing assistance to Greece and Turkey under Title III of the Foreign Assistance Act of 1948.

(b) *Major functions.* The Coordinator performs the following functions:

(1) Advises and assists the Secretary and the Under Secretary in directing and coordinating Department activities, including allocation of funds, and activities in Washington of other Federal agencies, provided for by the Foreign Assistance Act.

(2) Serves as the normal channel for communications to or from the Mission for Aid to Greece or Turkey.

(3) Prepares reports for the Secretary and the Under Secretary concerning those activities and, on the basis of information and reports from the Chiefs of the Mission for Aid to Greece or Turkey, prepares communications to Members of Congress and drafts reports for submission to Congress concerning the activities and expenditures, including the use of funds by recipient governments under authority of the act.

3. Section 1.116 is added as follows:

§ 1.116 *Special Assistant for Fisheries and Wildlife*—(a) *Purpose.* To advise and assist the Under Secretary in the formulation and coordination of United States foreign policy with respect to fisheries and wildlife, except on those matters concerned with fish as a food product.

(b) *Major functions.* The Special Assistant to the Under Secretary:

(1) Formulates and coordinates Department policy and action with respect to the conservation and exploitation of international fishery and wildlife resources.

(2) Formulates and negotiates fishery and wildlife treaties and agreements and directs American participation in commissions established thereunder.

(3) Participates in the formulation of policy and action with a view to safeguarding the rights and interests of United States nationals engaged in fishing on the high seas or off the coasts of other countries.

(4) Collaborates with other divisions and other Federal agencies in advising on matters relating to international fishery and wildlife.

4. In § 1.170, paragraph (b) (5), the introductory text of paragraph (c), and subparagraphs (1) (iv), (3) and (4) of paragraph (c) are amended to read as follows:

§ 1.170 *Special Assistance to the Secretary for Press-Relations.* • • •

(b) *Major functions.* • • •

(5) Prepare the News Digest, a daily summary of news stories, editorials, magazine articles, columns, and radio commentaries on international relations that have a particular bearing upon Department activities.

• • • • •

(c) *Organization.* The office of the Special Assistant to the Secretary for Press Relations is composed of the office of the Special Assistant, Press Branch, News Digest Branch, and Press Clipping Branch.

(1) • • •

(iv) Exercises general supervision over the Press Branch, News Digest Branch, and Press Clipping Branch.

• • • • •

(3) News Digest Branch: Prepares the News Digest for distribution throughout the Department, to the Foreign Service, and to other federal agencies as requested.

(4) Press Clipping Branch: Prepares, distributes, and catalogs press clippings dealing with foreign policy.

5. The introductory text of paragraph (c) of § 1.190 is amended to read as follows:

§ 1.190 *Executive Secretariat.* • • •

(c) *Committee Secretariat Staff.* The Committee Secretariat Staff provides staff assistance and advice regarding the establishment, coordination, operation, and termination of all Departmental committees and interdepartmental committees advisory to the Secretary of State. The Secretariat provides secretariat services in intergovernmental negotiations, as assigned. With regard to Departmental and interdepartmental committees, the Staff performs the following specific functions:

6. The introductory text of § 1.400 (c) is amended to read as follows:

§ 1.400 *Assistant Secretary; Public Affairs.* • • •

(c) *Organization.* The Assistant Secretary directs the work of the UNESCO Relations Staff, Public Affairs Overseas Program Staff, Office of Public Affairs, Office of International Information, and Office of Educational Exchange.

7. Paragraphs (a) and (c) of § 1.402 are amended to read as follows:

§ 1.402 *Public Affairs Overseas Program Staff*—(a) *Purpose.* To assist the Assistant Secretary—Public Affairs in coordinating the programs and administration of the Offices of International Information and Educational Exchange; to assure the development, within the Department of long-range policy and program objectives and guidance that will serve as a framework for current policy decisions and program-implementation in the operation of information and educational exchange programs; to coordinate, within the Public Affairs area, the planning and direction of overseas programs and administrative activities.

• • • • •

(c) *Organization.* The Chief of the Public Affairs Overseas Program Staff is responsible to the Assistant Secretary and the Deputy Assistant Secretary—Public Affairs. (The Director of the Office of International Information is currently serving also as Chief of the Public Affairs Overseas Program Staff.) The Staff consists of an administrative office and the following branches: European Branch; Far Eastern Branch; Near East and African Branch; American Republics Branch; German-Austrian Branch; and Japan-Korean Branch.

8. The introductory text of paragraph (c) (2) of § 1.1150 is amended to read as follows:

§ 1.1150 *Office of Near Eastern and African Affairs.* • • •

(c) *Organization.* • • •

(2) Special Assistant for United Nations Affairs:

9. Section 1.1830 (d) is amended to read as follows:

§ 1.1830 *Office of the Foreign Service.* • • •

(d) *Relations with other agencies.* The office maintains operating relations with all Federal agencies that are concerned with the administration of programs through the Foreign Service.

10. Section 1.2553 is redesignated § 1.2583.

This regulation will be effective on the date of publication in the FEDERAL REGISTER.

For the Acting Secretary of State.

[SEAL] EDWARD B. WILBER,
Acting Chief,
Division of Organization and Budget.

[F. R. Doc. 48-9328; Filed, Oct. 20, 1948; 9:10 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—MONEY ORDER SYSTEM

INTERNATIONAL MONEY-ORDER SERVICE; GENERAL INFORMATION

A new § 17.83a is added to read as follows:

§ 17.83a *Information in regard to international money orders.* (a) The maximum amount for which a single money order payable in Egypt, Morocco (Shereefian, Tangier and Tetuan), the Azores, Madeira, Iran, Tibet and Portuguese India (Goa) through the Postal Administration of Great Britain can be drawn is £10. Postmasters therefore should not draw money orders for payment in those places for sums over £10.

(b) Although $100 is the maximum amount allowed by law for a single order issued in the United States, either domestic or international, $10 is the maximum amount for which a single order payable in Honduras may be drawn, and Florins 100 is the maximum amount for a single order payable in the Netherlands.

(c) Money-order business has been resumed with Austria, Denmark, the Netherlands, Poland and Switzerland, and it has been suspended with Palistine. Money orders of course cannot now be sent to Saudi Arabia and Trans-Jordan because Palestine formerly acted as intermediary in transmitting there the amounts of orders issued in the United States.

(d) Money orders still cannot be drawn for payment in Angola (Portugese West Africa) nor in the Anglo-Egyptian Sudan, and recently money-order service was suspended with Bahrain, Kuwait and Muscat in the Persian Gulf, and with the State of Hyderabad, India, so orders should not be issued for payment in any of these places. However, money-order service is still in operation with the town of Hyderabad in the Province of Sind and with other places in India and Pakistan.

(e) This Department still has no arrangement for effecting payment of money orders in Libya (Cyrenaica, Tripoli), Eritrea and Italian Somaliland, and the French postal authorities recently reported that they cannot arrange for the payment of orders in Indo-China.

(f) Although money-order service to China is in effect, money orders cannot be drawn for payment in Macao, nor in Hong Kong. The island of Formosa (Taiwan) now belongs to China, so orders intended for payment there should be drawn on China, and of course the payee's name and complete address should be entered in the body of the advice.

(g) The amounts of money orders payable in, or through, Great Britain are paid by means of new orders reissued at the London exchange office. The original order forms, therefore, should not be given to the remitters for transmission to the payees but they should be marked "Canceled" and sent to the New York Exchange office with the advices and coupons. On the other hand, orders payable in Ireland (Eire, formerly the Irish Free State), New Zealand, the Union of South Africa and the States in the Commonwealth of Australia should be given to the remitters who should forward them to the payees, as payment will be effected thereon. (R. S. 161, 396, 4027, 4028, sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372, 39 U. S. C. 711, 712)

JOSEPH J. LAWLER,
Acting Postmaster General.

[F. R. Doc. 48-9250; Filed, Oct. 20, 1948; 8:49 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

JAPAN; IMPORTS FOR MISSIONARIES OR CHURCH WORKERS

In § 127.284 *Japan*, of Subpart D, (13 F. R. 997, 2044, 4392), make the following change:

Amend paragraph (b) *Parcel post*, (3) *Observations*, by the addition of subdivision (vii) to read as follows:

(vii) The controlling authorities in Japan permit the importation of ordinary items of merchandise in commercial quantities without import license, provided the merchandise is for the sole use and consumption of full-time church workers or their dependents in Japan. The following notation should be placed on the wrapper of each parcel containing such merchandise: "This shipment of -------- is for the sole use and consumption of missionaries, full-time church workers, or their dependents in Japan and will not be used for any other purpose."

(R. S. 161,369, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22,369; R. S. 398)

JOSEPH J. LAWLER,
Acting Postmaster General.

[F. R. Doc. 48-9244; Filed, Oct. 20, 1948; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

AIR PARCEL POST RATES; UNION OF SOVIET SOCIALIST REPUBLICS

In § 127.390 *International air parcel post* of Subpart E (13 F. R. 1341), as amended (13 F. R. 2168, 2625, 2953, 3119, 5790), make the following changes:

1. Amend paragraph (a) by inserting a new country, Union of Soviet Socialist Republics, between Union of South Africa, and Uruguay, in the list of countries therein contained.

2. Amend paragraph (i) by adding the following to the list of countries and rates contained therein:

[Union of Soviet Socialist Republics—Air parcel rates]

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$1.66	11	4	$29.38
0	8	2.29	11	8	30.01
0	12	2.92	11	12	30.64
1	0	3.55	12	0	31.27
1	4	4.18	12	4	31.90
1	8	4.81	12	8	32.53
1	12	5.44	12	12	33.16
2	0	6.07	13	0	33.79
2	4	6.70	13	4	34.42
2	8	7.33	13	8	35.05
2	12	7.96	13	12	35.68
3	0	8.59	14	0	36.31
3	4	9.22	14	4	36.94
3	8	9.85	14	8	37.57
3	12	10.48	14	12	38.20
4	0	11.11	15	0	38.83
4	4	11.74	15	4	39.46
4	8	12.37	15	8	40.09
4	12	13.00	15	12	40.72
5	0	13.63	16	0	41.35
5	4	14.26	16	4	41.98
5	8	14.89	16	8	42.61
5	12	15.52	16	12	43.24
6	0	16.15	17	0	43.87
6	4	16.78	17	4	44.50
6	8	17.41	17	8	45.13
6	12	18.04	17	12	45.76
7	0	18.67	18	0	46.39
7	4	19.30	18	4	47.02
7	8	19.93	18	8	47.65
7	12	20.56	18	12	48.28
8	0	21.19	19	0	48.91
8	4	21.82	19	4	49.54
8	8	22.45	19	8	50.17
8	12	23.08	19	12	50.80
9	0	23.71	20	0	51.43
9	4	24.34	20	4	52.06
9	8	24.97	20	8	52.69
9	12	25.60	20	12	53.32
10	0	26.23	21	0	53.95
10	4	26.86	21	4	54.58
10	8	27.49	21	8	55.21
10	12	28.12	21	12	55.84
11	0	28.75	22	0	56.47

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943, 5 U. S. C. 22, 369, 372)

This amendment will be effective at once.

JOSEPH J. LAWLER,
Acting Postmaster General.

[F. R. Doc. 48-9249; Filed, Oct. 20, 1948; 8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MAILABLE MEDICINES IN DUTY-PREPAID LETTER PACKAGES FOR UNION OF SOVIET SOCIALIST REPUBLICS

CROSS REFERENCE: For notice of admission of mailable medicines in duty-prepaid letter packages for Union of Soviet Socialist Republics, see F. R. Doc. 48-9245 under Post Office Department in the Notices section, *infra*. This country is listed under § 127.3 as a country not accepting dutiable articles.

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

GERMANY; ADDITIONAL PARCEL POST SERVICE

CROSS REFERENCE: For extension of parcel post service to Germany to include non-gift parcels, heretofore prohibited under § 127.264, see F. R. Doc. 48-9246 under Post Office Department in the Notices section, *infra*.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Order 345]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY TO REGIONAL ADMINISTRATORS

OCTOBER 13, 1948.

A new paragraph is added to paragraph (a) of § 50.451 as follows:

§ 50.451 *Functions with respect to various statutes.* (a) • • •

(14) Appointment of Mineral Surveyors pursuant to section 2334 of the Revised Statutes (30 U. S. C. 39) and 43 CFR 185.50, and appointments of Deputy Surveyors for special surveys in Alaska pursuant to 43 CFR 61.14, 64.5, 65.21, and 81.8, and the approval and acceptance of their bonds; initiation of action in all classes of survey and resurvey of the public lands by submission to the Director of the technical special instructions providing for the execution of such surveys and resurveys, accompanied by a copy of the application or request therefor, or a full showing of the administrative needs of this Bureau in the matter: *Provided*, That approval by the Director of the technical special instructions for the execution of the work shall constitute formal authorization for the survey or resurvey, and field work in connection therewith shall not be undertaken until such special instructions have been approved.

(R. S. 161, 453, 2478; 5 U. S. C. 22; 43 U. S. C. 2, 1201; 43 CFR 4.275 (a) (14))

ROSCOE E. BELL,
Acting Director.

[F. R. Doc. 48-9240; Filed, Oct. 20, 1948; 8:46 a. m.]

[Order 346]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY TO REGIONAL ADMINISTRATORS

OCTOBER 14, 1948.

§ 50.462 *Functions with respect to areas not in land districts.* The regional administrators may act for the Director in accordance with the applicable regulations and procedures in the classes of matters enumerated in §§ 50.451 and

50.501 with respect to lands in their respective regions which are not in a land district, unless the Director determines otherwise in any particular matter, subject in any event to an appeal to the Secretary pursuant to the rules of practice (43 CFR, Part 221). Matters which are required by law or regulation to be filed only in a district land office shall, with respect to such lands, be filed in the Bureau of Land Management, Washington 25, D. C., which will furnish the appropriate regional administrator with the current tract book status. (R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201; 43 CFR 4.275)

ROSCOE E. BELL,
Acting Director.

[F. R. Doc. 48-9241; Filed, Oct. 20, 1948; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

SELLING LIVESTOCK SALES CO.; POSTING OF STOCKYARDS

NOTICE OF PROPOSED RULE MAKING

The Secretary of Agriculture has information that the Selling Livestock Sales Company at Selling, Oklahoma, is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and and Stockyards Act, 1921 (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days after the publication of this notice, any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 15th day of October 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-9293; Filed, Oct. 20, 1948; 8:57 a. m.]

NOTICES

POST OFFICE DEPARTMENT

INTERNATIONAL MAILS

MAILABLE MEDICINES ADMITTED IN DUTY-PREPAID LETTER PACKAGES FOR UNION OF SOVIET SOCIALIST REPUBLICS

Information has been received from the Postal Administration of the Union of Soviet Socialist Republics that duty-prepaid packages not exceeding 18 ounces in weight containing medicines may be imported into that country in letter packages (surface or air) and will be delivered on condition that the prescription of the treating physician in the Union of Soviet Socialist Republics is presented by the addressee at time of delivery. Only the quantities of medicines mentioned in the prescription will be delivered.

The import duties must be prepaid by the senders through the facilities of one of the several firms in the United States authorized by the appropriate Soviet Agency to accept prepayment of Soviet customs duties. Interested patrons should communicate with the U. S. S. R. Branch, Office of International Trade, Department of Commerce, Washington 25, D. C., or with any field office of the Department of Commerce.

When the import duties have been paid to one of the authorized firms, the mailer of the package must place the following endorsement on the wrapper: "Soviet Import Duties Paid. License No. ------." The placing of this endorsement on the wrappers of letter-packages weighing not more than 18 ounces and containing mailable medicines may be regarded as authority for accepting the packages for mailing to the Union of Soviet Socialist Republics, even though merchandise is normally prohibited transmission to the Union of Soviet Socialist Republics in letter-packages. These packages may be accepted for transmission by surface or air mail and may be registered on payment of the registry fee of 20 cents in addition to the postage. Such packages must bear the green customs label, Form 2976 (C 1), and have the paper customs declaration (Form 2976-A) enclosed.

The newly established air parcel-post service to the Union of Soviet Socialist Republics (*supra*) may be used to send mailable medicines and pharmaceutical products in doses or prescribed quantities, not exceeding a yearly quota of two pounds gross for any addressee.

JOSEPH J. LAWLER,
Acting Postmaster General.

[F. R. Doc. 48-9245; Filed, Oct. 20, 1948; 8:48 a. m.]

INTERNATIONAL MAILS

ADDITIONAL PARCEL POST SERVICE TO GERMANY

Effective October 15, 1948, parcel post service to the American and British Zones of Germany, excluding the American and British Sectors of Berlin, will be extended to permit the mailing of parcels other than those sent as gifts.

Parcels for the American and British Zones not sent on a gift basis will be admitted only on condition that the contents are authorized for importation on the basis of a general or specific import license issued by the Military Government. The parcels are liable to censorship and customs examination in the zone of destination.

Parcels of a non-gift character will be subject to the same weight limits and dimensions as are already in effect for gift parcels, but the frequency of mailing of such parcels will not be restricted. The postage rate of 14 cents per pound or fraction of a pound will apply.

Parcel post service to the French and Russian Zones of Germany and to the entire city of Berlin will continue to be limited to gift parcels.

WALTER MYERS,
Acting Postmaster General.

[F. R. Doc. 48-9246; Filed, Oct. 20, 1948; 8:48 a. m.]

INTERNATIONAL MAILS

RELIEF PARCELS

Effective at once, "U. S. A. Gift Parcels" at the reduced postage rate will be accepted for mailing to Berlin, Germany, and to Trieste only if it is indicated on the parcels that their addresses are located in the sector or zone under occupation by the United States, Great Britain or France. Accordingly, the paragraph numbered "3" of the instructions published under the above caption (13 F. R. 4767) is rescinded, and the following provisions are made applicable to the mailing of "U. S. A. Gift Parcels" to Germany and Trieste:

Parcels for Germany. On all parcels, including "U. S. A. Gift Parcels", destined to places in Germany outside the city of Berlin, it is required that the zone of occupation be shown in the address. All parcels accepted as "U. S. A. Gift Parcels" at the reduced postage rate of 10 cents per pound for the city of Berlin must show in the address the sector of occupation, viz., "U. S. Sector", "British Sector", or "French Sector". Parcels addressed to the Soviet Zone of Germany or the Soviet Sector of Berlin, or parcels for Germany on which no zone or sector is indicated, must be prepaid at the regular postage rate of 14 cents per pound.

Parcels for Trieste. All parcels accepted as "U. S. A. Gift Parcels" at the reduced postage rate of 10 cents per pound must show in the address the words "U. S.-British Zone". Parcels addressed to the Yugoslav Zone of Trieste, or parcels for Trieste on which no zone is indicated, must be prepaid at the regular postage rate of 14 cents per pound.

NOTE: The Department is not in position to answer inquiries as to the sector of Berlin or zone of Trieste in which specific addresses are located. It is incumbent upon senders to ascertain that the addressees of their parcels reside in the United States, British, or French sector or zone, and to address their parcels accordingly, before they can be accepted at the reduced postage rate as "U. S. A. Gift Parcels."

WALTER MYERS,
Acting Postmaster General.

[F. R. Doc. 48-9247; Filed, Oct. 20, 1948; 8:48 a. m.]

INTERNATIONAL MAILS

GIFT PARCELS TO GREECE

The Postal Administration of Greece has advised that the exemption from customs duty granted to certain articles sent in gift parcels, as announced by publication of a notice under the above caption in the FEDERAL REGISTER on June 10, 1948, and on August 11, 1948 (13 F. R. 3138, 4646), has been extended until December 31, 1948.

JOSEPH J. LAWLER,
Acting Postmaster General.

[F. R. Doc. 48-9248; Filed, Oct. 20, 1948; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

RELIEF FROM EXCESS PROFITS TAX BECAUSE OF AN INADEQUATE EXCESS PROFITS CREDIT

ALLOWANCES DURING FISCAL YEAR ENDED JUNE 30, 1948

Subchapter E of Chapter 2 of the Internal Revenue Code imposes an excess profits tax on corporations for taxable years beginning after December 31, 1939. Under the provisions of this subchapter, excess profits are measured by comparing the earnings for the current taxable year with a statutory excess profits credit.

Section 722 of Subchapter E reflects the recognition by Congress of the desirability and necessity of granting relief in meritorious cases to corporations which bear an excessive tax burden because of an inadequate excess profits credit. This section provides for the recomputation of excess profits tax on the basis of a reconstructed excess profits credit.

As required by section 722 (g) the following list, containing the cases arranged alphabetically by internal revenue districts, shows the name and address of each corporation to which relief has been allowed, business, taxable years involved, excess profits credit before allowance of relief, increase in excess profits credit claimed, increase in excess profits credit allowed, decrease in excess profits tax, and increase in income tax. Allowances by the Tax Court of the United States have been made in sixty-nine cases, which are included in the list with appropriate notations. There are included as a supplement to this list thirty-three cases in which relief was allowed by the Commissioner during the fiscal year ended June 30, 1947. These cases were not included in the list of allowances made during the fiscal year 1947 previously published.

In order to determine the relief granted and the relevant data required to be published, intermediate computations of the excess profits tax and the income tax showing the amount of taxes which would have been due without the benefits of section 722 were made. Comparison of the pertinent items and figures appearing in the application for relief and the tax computations after the allowance of relief with those appearing in the intermediate tax computations developed the required data.

Explanations of certain of the items, as displayed in their respective column headings of the list, and the data involved, follow:

Business in Which Engaged, Column 2. The business in which taxpayer is engaged is that reported in the income tax return of the corporation for the taxable year or years involved, therefore, it does not necessarily correspond with the business during the base period. In those instances where the return for the year involved failed to disclose the nature of business, information from other sources was utilized. Moreover, since the nature of business shown usually represents a general description of the predominant business activity, it does not necessarily represent or reflect the business activity with respect to which an inadequate excess profits credit was established.

Excess Profits Credit Before Allowance of Relief, Column 4. The excess profits credit before allowance of relief is the credit originally claimed by the taxpayer, as corrected, whether based on income or capital.

Increase in the Amount of Excess Profits Credit Claimed by Taxpayer, Column 5. The increase in the amount of excess profits credit claimed by taxpayer is the excess of the credit based on the constructive income claimed by the taxpayer over the credit before allowance of relief shown in column 4.

Increase in the Amount of Excess Profits Credit Allowed, Column 6. The increase in the amount of excess profits credit allowed is the excess of the recomputed credit based on constructive income finally allowed over the credit before allowance of relief shown in column 4.

Gross Reduction in the Excess Profits Tax, Column 7. Gross Increase in the Income Tax, Column 8. The gross reduction in the excess profits tax and the gross increase in the income tax resulting from the operation of section 722 are the differences between the gross taxes which would have been due without the benefits of section 722 and the gross taxes due after relief had been granted. The gross excess profits tax is the tax due prior to the deferment under section 710 (a) (5), the foreign tax credit under section 729, the credit for debt retirement under section 783 or section 784, and the adjustment under section 734. The gross income tax is the tax due prior to the foreign tax credit under section 131.

The changes in the income and excess profits taxes shown reflect the effect of the increases attributable to section 722 in the unused excess profits credit carried forward from prior taxable years as well as the effect of the increase in unused excess profits credit carried back from subsequent taxable years to the extent that claims with respect to unused credit carry-overs and carry-backs determined under section 722 were allowed within the same fiscal year.

While the decrease in excess profits tax is directly related to the increase in excess profits credit allowed, a number of factors serve to invalidate a comparison of the relationship of these two items applicable to a corporation for different taxable years or to different corporations for the same taxable year. Among the most important factors affecting this comparison are (1) increase in excess profits tax rates, (2) changes in rate structure from a graduated to a flat rate system, (3) effect of unused excess profits credits of prior and subsequent years attributable to section 722, (4) variation of provisions applicable to fiscal years, (5) limitation of excess profits tax to the amount by which 80 per cent of net income exceeds the income tax, applicable to certain taxable years, and (6) relation of excess profits before the application of section 722 to the increase in excess profits credit allowed.

For taxable years beginning after December 31, 1940, a portion of the amount by which the excess profits tax is reduced by reason of the application of section 722 is offset by an increase in income tax. This offset arises from the provisions which permit the deduction of the income subject to excess profits tax (or excess profits tax in certain taxable years) in arriving at income subject to income tax.

Lists containing the cases in which relief has been allowed for prior fiscal years have been published in the various issues of the FEDERAL REGISTER as follows:

Fiscal years ended—	Volume	Number	Date
June 30, 1942	9	194	Sept. 28, 1944.
June 30, 1943	9	194	Sept. 28, 1944.
June 30, 1944	9	219	Nov. 2, 1944.
June 30, 1945	10	224	Nov. 15, 1945.
June 30, 1946	11	196	Oct. 8, 1946.
June 30, 1947	12	197	Oct. 8, 1947.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE

FISCAL YEAR ENDED JUNE 30, 1948

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
ALABAMA							
The Advertiser Co., 101 South Lawrence St., Montgomery, Ala.	Newspaper publishing	Dec. 31, 1941	$105,879.83	$70,233.92	$31,970.84	$12,112.50	$3,322.31
		Dec. 31, 1942	105,879.83	70,233.92	31,980.84	28,773.76	12,788.34
		Dec. 31, 1943	105,879.83	31,970.84	31,970.84	28,773.75	12,788.34
Alabama Glass Co., 1829 2d Avenue South, Birmingham, Ala.	Retail and wholesale glass	June 30, 1942	1,187.08	3,220.03	412.25	156.89	36.08
Anniston Foundry Co., P. O. Box 471, Anniston, Ala.	Manufacturers, iron pipe and fittings.	Dec. 31, 1940	25,600.25	29,856.52	5,741.11	2,099.39	None
		Dec. 31, 1941	30,365.29	23,191.48	7,423.59	3,711.79	1,150.66
		Dec. 31, 1942	34,821.71	20,635.06	2,867.17	5,160.90	2,834.40
		Dec. 31, 1943	34,821.71	20,635.06	2,867.17	2,580.45	1,519.50
Birmingham Boiler & Engineering Co., c/o C. C. Pinckney, Transferee, 3470 Altamont Rd., Birmingham, Ala.	Steel fabricating	Jan. 1-Sept. 28, 1942.	1,366.65	8,622.60	3,749.04	1,503.87	743.84
Birmingham Contracting Co., Inc., 3201 North 28th Pl., Birmingham, Ala.	General contracting	Dec. 31, 1941	3,258.04	6,058.35	4,686.89	882.20	202.91
		Dec. 31, 1942	3,565.56	5,750.83	4,379.37	3,941.43	1,182.42
		Dec. 31, 1943	3,565.56	5,750.83	4,379.37	3,941.43	1,182.42
Classe Ribbon Works, Inc., 21st and McCoy Ave., Anniston, Ala.	Ribbon manufacturer	Aug. 31, 1942	33,210.86	84,976.34	9,378.99	4,640.54	1,438.41
		Aug. 31, 1943	33,210.86	84,976.34	9,378.99	8,441.09	4,970.86
		Aug. 31, 1944	33,210.86	84,976.34	9,378.99	8,753.72	4,746.40
		Aug. 31, 1945	33,210.86	84,976.34	9,378.99	8,910.04	4,631.18
The Collins Baking Co., 901 Bell St., Montgomery, Ala.	Baking	Dec. 31, 1941	23,195.75	52,364.44	18,129.25	8,665.94	2,686.11
		Dec. 31, 1942	10,866.44	58,265.76	24,458.56	20,955.26	12,210.99
		Dec. 31, 1943	10,866.44	58,265.76	24,458.56	16,237.24	12,210.99
		do	8,668.90	1,092.64	1,092.64	983.38	295.01
Dixie Chevrolet Co., 121 Lauderdale St., Selma, Ala.	Automobile sales and service	Dec. 31, 1942	2,056.45	4,477.52	3,456.33	8,837.69	2,631.31
Dr. Pepper Bottling Co. of Dothan, Inc., Dothan, Ala.	Soft drink bottling plant	Dec. 31, 1943	2,345.69	3,167.09	3,167.09	2,850.38	855.11
Dothan Oil Mill Co., East Newton St., Dothan, Ala.	Manufacturers of peanut products and cotton seed products.	May 31, 1941	45,389.40	30,811.77	2,293.37	573.37	None
		May 31, 1942	52,681.32	37,376.19	2,293.47	1,032.06	319.94
Electric Constructors, Inc., 2023 4th Ave. North, Birmingham, Ala.	Electrical contracting	Mar. 31, 1942	1,825.73	92,537.73	3,319.59	1,626.61	501.25
Jefferson Distributing Co., No. 5 South 20th St., Section D, Birmingham, Ala.	Wholesale beer distributor	Dec. 31, 1943	7,545.85	28,921.62	3,547.27	5,724.56	1,717.40
Kolin Jewelry Co., Inc., 209 Dauphin St., Mobile, Ala.	Retail jewelry	Aug. 31, 1942	3,258.11	3,100.74	1,945.50	862.69	219.22
		Aug. 31, 1943	3,258.11	3,265.87	1,945.50	1,740.93	525.24
		Aug. 31, 1944	4,124.82	2,538.80	1,078.79	1,118.73	291.28
		Aug. 31, 1945	4,800.32	2,094.92	603.29	383.13	108.89
Liberty Motors, Inc., 2501 Avenue F, Birmingham 5, Ala.	Automobile sales and service	Aug. 31, 1943	13,858.81	29,520.94	11,325.50	2,281.80	633.84
		Aug. 31, 1944	12,600.52	30,779.23	7,956.21	7,450.64	3,232.47
		Aug. 31, 1945	13,697.99	29,681.85	6,448.47	6,120.03	3,105.18
		Aug. 31, 1946	13,953.61	29,425.94	6,192.75	1,966.42	1,013.11
New Battle House, (formerly: Dinkler Battle House Co.), c/o J. L. Bedsole, P. O. Box 1137, Mobile, Ala.	Operating hotel	July 3-Dec. 31, 1944.	2,329.79	36,895.18	14,161.09	7,453.89	2,118.48
Steel City Oldsmobile Co., 2415 7th Ave., South, Birmingham, Ala.	Automobile sales and service	Dec. 31, 1945	1,804.74	37,420.23	14,686.14	14,585.69	4,637.04
		Dec. 31, 1942	7,599.78	4,980.42	2,440.56	2,195.50	656.95
		Dec. 31, 1943	7,333.07	4,980.42	2,440.56	1,976.85	658.95
Sterling Distributors, Inc., 1326 First Ave., North, Birmingham, Ala.	Wholesale beer distributors	Dec. 31, 1942	539.28	29,744.64	15,799.38	12,291.97	3,699.29
		Dec. 31, 1943	940.60	29,343.30	15,459.04	9,710.33	2,913.10
		Dec. 31, 1944	1,350.81	28,933.09	15,048.83	14,295.39	4,527.09
		Dec. 31, 1945	2,429.75	27,854.15	13,969.89	9,357.79	2,705.13
ARIZONA							
General Grocery Co., 147 East Harrison St., Phoenix, Ariz.	Wholesale food	Dec. 31, 1942	17,120.20	14,919.41	8,010.93	18,793.84	7,521.55
		Dec. 31, 1943	16,984.26	15,055.35	8,146.87	14,395.64	7,361.81
Phoenix Drive-In Theatre, 208 Orpheum Theatre Building, Phoenix, Ariz.	Theatre	Nov. 30, 1942	2,758.07	5,202.14	4,535.57	1,881.14	518.24
		Nov. 30, 1943	3,786.99	4,173.25	3,506.68	4,632.53	1,389.75
		Nov. 30, 1944	3,993.51	4,026.70	3,360.13	3,177.90	997.22
		Nov. 30, 1945	4,943.13	3,017.08	2,350.51	2,232.98	634.64
Rainbo Baking Co. of Phoenix, 736 West Van Buren St., Phoenix, Ariz.	Baking	Dec. 31, 1941	12,232.56	39,723.52	6,767.44	2,646.06	1,164.26
		Dec. 31, 1942	13,352.19	38,603.89	5,647.81	6,326.15	1,977.45
		Dec. 31, 1943	14,019.68	37,936.40	4,980.32	6,096.55	1,851.41
Stanley Fruit Co., 626 Security Building, Phoenix, Ariz.	Produce grower shipper	Nov. 30, 1942	3,370.24	11,526.94	7,988.89	11,427.83	4,261.74
		Nov. 30, 1943	4,212.79	9,578.88	9,578.88	8,621.00	2,586.30
ARKANSAS							
Buhrman-Pharr Hardware Co., Third and Laurel Sts., Texarkana, Ark.	Wholesale and retail hardware	Dec. 31, 1941	76,122.89	5,212.70	4,250.12	2,125.06	658.83
		Dec. 31, 1942	78,158.92	11,510.15	3,968.50	3,301.65	1,467.49
Colonial Baking Co., of Little Rock, 210 North Cross St., Little Rock, Ark.	Baking	Dec. 31, 1940	45,959.61	13,206.26	13,576.94	914.91	None
		Dec. 31, 1941	56,907.03	45,224.21	16,052.97	7,577.89	2,349.15
		Dec. 31, 1942	56,715.09	45,225.54	16,244.31	14,619.88	6,497.73
		Dec. 31, 1943	56,715.09	45,226.54	16,244.31	14,619.88	6,497.72
		Dec. 31, 1944	58,632.09	43,310.23	14,328.00	13,611.60	5,749.20
Great Southern Coaches, Inc., 311 Union St., Jonesboro, Ark.	Motor carrier—passengers	Dec. 31, 1943	3,299.02	1,255.82	1,255.82	339.06	339.06
Lion Oil Co. (formerly: Lion Oil Refining Co.), El Dorado, Ark.	Producing, refining and marketing petroleum products.	Dec. 31, 1941	768,570.82	962,005.20	158,130.06	301,672.07	90,057.32
		Dec. 31, 1942	854,879.62	1,047,667.90	71,701.05	173,096.37	76,008.15
		Dec. 31, 1943	879,991.59	764,497.23	46,589.08	137,694.00	60,145.62
		do	172,226.03	126,247.58	34,007.56	7,975.17	None
Malco Theatres, Inc., Malco Bldg., (now) Memphis, Tenn.; (formerly) Little Rock, Ark.	Theatre	Dec. 31, 1941	210,831.15	119,838.04	38,936.06	17,676.12	5,479.59
1ST DISTRICT OF CALIFORNIA							
California Produce Co., Inc., c/o Bruce Shangle, P. O. Box 591, Blythe, Calif.	Fruit and vegetable broker	Jan. 28-Dec. 31, 1942.	291.89	18,708.11	3,508.11	2,923.74	875.13
Cameron and Co., Inc., P. O. Box 667, Napa, Calif.	Shirt manufacture	Dec. 31, 1944	12,682.15	6,787.48	6,787.48	6,548.11	3,008.68
		Dec. 31, 1945	12,682.15	6,787.48	6,787.48	6,448.10	3,017.72
Clover Valley Lumber Co., (now) Loyalton, Calif.; (formerly) 208 South LaSalle St., Chicago, Ill.	Lumber manufacturing	Dec. 31, 1941	192,267.08	187,733.92	16,732.92	11,280.50	3,496.95
		Dec. 31, 1942	186,045.03	193,954.97	22,954.97	20,659.47	9,181.99
		Dec. 31, 1943	182,502.74	32,307.57	25,794.06	23,224.47	10,321.98
		Dec. 31, 1944	184,806.79	30,003.52	22,896.91	21,696.59	9,122.78
		Dec. 31, 1945	183,674.68	31,135.63	23,089.97	21,935.47	9,235.99
J. H. Degnan, Inc., 602 East 6th St., Hanford, Calif.	Retail farm implements	Dec. 31, 1941	3,022.42	3,279.62	397.58	286.11	65.80
		Dec. 31, 1942	3,513.83	2,787.61	93.83	54.45	16.33
		Dec. 31, 1943	2,427.73	3,873.71	992.27	926.13	277.84
Educational Broadcasting Co., 464 19th St., Oakland, Calif.	Commercial radio broadcasting	Dec. 31, 1944	11,326.75	12,423.25	5,664.00	5,380.80	2,120.33

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1ST DISTRICT OF CALIFORNIA—continued							
The Emporium Capwell Co., 835 Market St., San Francisco, Calif.	Department stores and realty	Jan. 31, 1942	$1,434,089.67	$669,498.17	$66,206.71	$30,724.02	$12,314.72
		Jan. 31, 1943	1,434,184.31	669,498.17	67,631.45	60,858.31	27,052.58
Filice and Perrelli Canning Co., Inc., P. O. Box T, Richmond, Calif.	Canning fruits and vegetables	Mar. 31, 1942	61,723.19	30,276.81	11,231.11	31,722.25	9,883.90
		Mar. 31, 1944	66,785.48	85,714.52	5,808.82	7,175.83	6,825.08
General Brewing Corp., 2601 Newhall St., San Francisco, Calif.	Brewery—beer	Dec. 31, 1941	195,119.72	540,826.99	68,243.24	6,542.77	2,034.40
		Dec. 31, 1942	244,796.15	491,150.56	19,284.01	129,930.05	53,746.69
		Dec. 31, 1943	244,796.15	491,150.56	19,284.01	12,796.97	7,713.60
Hegglade, Marguleas Co., 405 Montgomery St., San Francisco, Calif.	Wholesale fruit and vegetable shippers and distributors.	Mar. 31, 1941	22,729.41	13,887.86	735.56	188.89	None
		Mar. 31, 1942	26,979.66	9,637.61	92.17	32.26	14.20
		Mar. 31, 1943	26,912.02	9,705.25	159.81	143.83	84.70
Holt Bros., 720 South Aurora St., Stockton, Calif.	Tractor and implement sales and service.	Dec. 31, 1942	17,664.74	12,015.38	12,015.38	11,222.15	5,609.39
		Dec. 31, 1943	17,159.26	12,555.93	12,555.93	11,569.85	5,975.93
		Dec. 31, 1944	17,037.22	12,677.97	12,677.97	12,184.22	6,797.51
The International Printing Ink Corp., Ltd. (San Francisco, Calif.), % Interchemical Corp., 350 5th Ave., New York, N. Y.	Manufacture of printing ink	Dec. 31, 1942	14,786.24	12,452.34	8,904.26	8,040.83	3,479.51
		Dec. 31, 1943	27,893.12	9,345.46	8,934.23	8,040.80	4,735.14
		Dec. 31, 1944	30,786.27	22,452.31	8,934.23	8,487.52	4,735.15
		Dec. 31, 1945	32,576.83	22,621.67	7,143.67	6,786.49	3,786.15
Irving-Fredrick, Inc., 764 Market St., San Francisco, Calif.	Retail ladies ready to wear	Dec. 31, 1944	4,788.70	4,377.18	4,377.18	4,455.14	1,266.20
Peters Wheeler Seed Co., Gilroy, Calif	Seed production	Dec 31, 1941	39,171.18	26,284.39	14,207.13	7,103.56	2,202.10
		Dec. 31, 1942	46,916.01	8,539.56	6,402.30	5,816.07	2,584.92
Placentia Fruit Co., % Bank of America, Sonoma County Branch, Petaluma, Calif.	Fruit growing	Dec. 31, 1942	8,517.85	28,151.40	10,428.00	26,126.56	12,560.29
Rosefield Packing Co., Ltd., 1916 Webster St., Alameda, Calif.	Manufacturing peanut butter	Dec. 31, 1942	9,728.15	5,992.26	None	1,428.40	428.52
San Francisco Brewing Corp., 460 10th St., San Francisco, Calif.	Manufacture of beer and ale	Dec. 31, 1940	75,756.66	214,954.65	33,789.82	9,180.52	None
		Dec. 31, 1941	83,207.23	207,504.08	47,892.77	21,404.61	7,255.44
		Dec. 31, 1942	85,539.80	205,171.51	45,560.20	45,847.14	20,376.51
San Joaquin Baking Co., "L" and Los Angeles Sts., Fresno, Calif.	Wholesale bakery	Dec. 31, 1940	57,888.67	33,080.35	10,986.33	463.21	None
		Dec. 31, 1941	69,880.86	41,263.27	10,859.14	4,343.66	1,346.64
		Dec. 31, 1942	69,880.86	41,263.27	10,859.14	9,773.23	4,343.65
		Dec. 31, 1943	69,880.86	41,263.27	10,859.14	9,773.22	4,343.67
		Dec. 31, 1944	69,880.86	41,263.27	10,859.14	10,316.18	4,343.65
		Dec. 31, 1945	69,880.86	41,263.27	10,859.14	10,316.18	4,343.66
Shipowners & Merchants Towboat Co., Ltd., Pier 25, San Francisco, Calif.	Towage	Dec. 31, 1941	19,838.94	75,151.10	5,286.47	3,032.32	1,119.83
		Dec. 31, 1942	19,756.72	75,233.32	5,368.69	4,831.83	2,789.01
		Dec. 31, 1943	19,838.94	75,151.10	5,286.47	4,777.84	2,782.50
		Dec. 31, 1944	19,838.94	5,286.47	5,286.47	5,022.14	2,801.82
Tasty Baking Co., 2801 Hunting Park, Philadelphia, Pa.	Bakery	Dec. 31, 1940	352,753.40	30,354.40	17,352.07	4,464.73	None
		Dec. 31, 1941	419,498.65	71,996.27	22,294.75	11,491.50	3,348.99
Western Paper Box Co., 5th and Adeline Sts., Oakland, Calif.	Paper box manufacturers	Dec. 31, 1944	22,445.45	1,452.17	1,452.17	1,557.99	869.19
Woodridge Manufacturing Co., 225 Hendy Ave., Sunnyvale, Calif.	Machinery manufacturing	Nov. 30, 1943	47,614.38	23,166.45	23,166.45	10,769.40	10,769.40
		Nov. 30, 1944	44,667.78	21,209.00	21,209.00	9,745.38	8,592.39
6TH DISTRICT OF CALIFORNIA							
Allied Industries, 459 South Hewitt St., Los Angeles, Calif.	Manufacturing agents	June 30, 1942	12,505.84	None	None	4,337.71	1,344.69
		June 30, 1943	12,505.84	None	None	1,953.06	886.19
Anderson Die Casting & Engineering Corp., 1000 East 60th St., Los Angeles, Calif.	Metal die casting	Dec. 31, 1940	2,585.31	22,687.10	6,067.07	1,916.77	None.
		Dec. 31, 1941	3,013.13	39,634.92	14,897.37	5,763.82	2,078.19
		Dec. 31, 1942	3,766.42	45,049.44	21,498.88	17,192.02	7,407.92
		Dec. 31, 1943	6,093.07	60,538.24	19,172.23	30,697.28	15,950.63
Baker Steel & Tube Co., 955 South Alameda St., Los Angeles Calif.	Wholesale sales—steel tubing	Dec. 31, 1944	21,058.73	1,476.76	1,476.76	12,583.57	7,706.74
J. V. Baldwin Motor Co., 1417 South Figueroa St., Los Angeles Calif.	Automobile dealership	Dec. 31, 1945	21,058.73	1,476.76	1,476.76	1,402.93	782.67
		Dec. 31, 1941	24,766.00	3,112.80	2,667.33	2,028.34	1,547.79
		Dec. 31, 1943	24,766.00	2,112.80	2,667.33	2,400.60	1,413.89
		Dec. 31, 1944	25,635.72	2,243.08	1,797.61	1,707.73	952.73
		Dec. 31, 1945	25,635.72	2,243.08	1,797.61	1,707.73	952.73
Biltmore Cover Mfg. Co., 1271 E. 6th St., Los Angeles Calif,	Manufacturing auto seat covers	Aug. 31, 1944	18,807.53	3,534.43	3,534.43	1,026.13	508.88
		Aug. 31, 1945	18,807.53	3,534.43	3,534.43	3,357.71	1,873.25
		Aug. 31, 1946	18,807.53	3,534.43	3,534.43	1,122.32	626.14
Dixie Preserves Ltd., 1800 South Grand Ave., Los Angeles, Calif.	Manufacturers of jams and jellies	Dec. 31, 1941	6,278.41	26,066.22	6,038.82	750.23	177.15
		Dec. 31, 1942	6,278.41	26,066.22	6,038.82	5,447.42	1,634.23
		Dec. 31, 1943	6,278.41	26,066.22	6,038.82	4,798.02	1,630.48
		Dec. 31, 1945	6,278.41	26,066.22	6,038.82	5,736.88	1,676.82
Eatons Santa Anita Inc., 1160 West Colorado Blvd., Arcadia, Calif.	Restaurant and hotel	Oct. 31, 1944	6,560.10	8,185.22	8,185.22	8,280.27	2,456.47
		Oct. 31, 1945	8,063.77	7,613.60	6,711.55	6,741.63	2,017.23
Electrical Products Supply Co., 1128 Venice Blvd., Los Angeles, Calif.	Wholesale sign accessories	Dec. 31, 1944	10,977.48	1,420.52	1,420.52	1,320.49	411.95
		Dec. 31, 1945	10,977.48	1,420.52	1,420.52	1,340.49	411.95
Fosselman Creamery, Inc., 442 South Fair Oaks Ave., Pasadena, Calif.	Retail and wholesale milk and ice cream.	Dec. 31, 1941	13,515.72	17,223.98	8,579.38	3,209.99	1,412.40
		Dec. 31, 1942	14,176.89	16,562.81	7,918.21	7,474.88	2,887.18
		Dec. 31, 1943	14,669.48	16,070.22	7,425.62	6,812.60	2,689.59
		Dec. 31, 1944	18,127.82	12,611.88	3,967.28	5,237.59	2,921.82
		Jan. 1-Sept. 18, 1945.	17,731.75	13,007.95	4,363.35	3,818.79	1,144.35
Fullerton Publishing Co., 120 West Wilshire Ave., Fullerton, Calif.	Newspaper publishing	Dec. 31, 1943	5,153.24	5,078.86	2,758.20	1,993.71	598.11
		Dec. 31, 1944	5,153.24	5,078.86	2,758.20	2,620.29	735.70
Hollywood Maxwell Co., 6773 Hollywood Blvd., Los Angeles 28, Calif.	Manufacturer—women's garments.	Dec. 31, 1941	20,288.78	35,892.78	5,963.34	2,666.17	969.12
		Dec. 31, 1942	21,693.15	34,308.41	6,227.64	5,664.88	3,300.64
		Dec. 31, 1943	21,693.15	34,308.41	6,227.64	5,664.88	3,300.64
		Dec. 31, 1944	22,412.19	34,179.38	5,508.60	5,233.17	2,919.55
M. O. King Co., 569 Main St., El Centro, Calif.	Retail dry goods	July 31, 1944	14,663.50	5,857.34	1,601.29	709.91	709.91
Machinery Sales Co., 3838 Santa Fe Ave., Los Angeles, Calif.	Dealers in machine tools	Dec. 31, 1940	15,088.13	316,312.12	24,520.20	8,582.07	None
		Jan. 1-Nov. 30, 1941.	19,345.77	313,054.48	35,876.02	18,055.96	5,597.34
		Nov. 30, 1942	20,894.60	311,505.65	34,327.19	44,101.55	17,635.02
		Nov. 30, 1943	27,008.35	305,391.90	28,213.44	20,685.53	15,174.20
Max Factor and Co., 1666 North Highland Ave., Hollywood, Calif.	Cosmetic manufacturer	Dec. 31, 1941	521,220.88	381,428.13	195,233.58	55,892.61	17,326.71
		Dec. 31, 1942	521,220.88	381,428.93	195,233.58	313,501.01	139,333.78
McFadden Stores, Inc. — Mr. Walter A. Mitchell, 740 South Broadway, Los Angeles, Calif.	Retail food stores	Mar. 31, 1941	2,791.68	9,755.49	3,732.22	404.22	None
		Mar. 31, 1942	5,276.87	12,161.69	2,275.74	952.65	238.17
		Mar. 31, 1943	6,236.89	7,780.34	1,315.72	2,007.77	602.32

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
6TH DISTRICT OF CALIFORNIA—continued							
Pacific Plastic & Mfg. Co., Inc., 4865 Exposition Blvd., Los Angeles, Calif.	Plastic builders hardware	Dec. 31, 1940	$2,555.50	$106,344.40	$2,330.23	$688.08	None
		Dec. 31, 1941	3,739.19	125,125.57	7,886.60	3,520.51	$1,091.35
		Dec. 31, 1942	7,373.64	121,680.40	7,196.74	7,701.43	2,310.44
		Dec. 31, 1943	8,343.21	120,747.65	6,223.99	7,107.19	2,132.16
		Dec. 31, 1944	9,504.48	119,586.38	5,052.72	6,358.74	1,898.57
		Dec. 31, 1945	11,401.05	117,689.81	3,166.15	4,611.74	1,402.10
		Dec. 31, 1944	2,724.78	3,238.44	3,238.44	3,076.47	874.38
Pacific Wholesale Electric Co., 702 State St., San Diego, Calif.	Wholesale electric construction	Apr. 30, 1941 [1]	178,357.13	193,042.87	47,161.47	17,822.68	None
The Paraffine Cos., Inc., (formerly: Schumacher Wall Board Corp.), 4301 Firestone Blvd., South Gate, Calif.	Manufacture and sale of plaster wall board, etc.	Apr. 30, 1942	188,199.08	256,215.92	87,779.72	44,716.22	13,862.03
		Apr. 30, 1943 [1]	188,199.08	256,215.92	87,779.72	79,091.75	35,111.99
Dorothy Phillips Steamship Co., (now) % Oliver J. Olson Co., 260 California St., San Francisco, Calif., (formerly) Los Angeles, Calif.	Shipping	Oct. 31, 1943	4,791.24	2,382.11	2,382.11	2,342.32	702.70
		Oct. 31, 1944	4,887.56	2,285.77	2,285.77	2,152.55	617.15
Plastic Die and Tool Corp., % R. S. Martin, 6253 Hollywood Blvd., Los Angeles 28, Calif.	Manufacture of plastic injection moulded parts.	Aug. 31, 1943	1,890.86	7,071.30	1,865.22	3,020.46	906.14
Sabichi, Co., 742 South Main St., Los Angeles, Calif.	Holding real estate and personal property.	Dec. 31, 1942	2,360.36	62,678.13	14,191.59	17,489.17	6,032.20
		Dec. 31, 1943	2,360.36	62,678.13	7,281.08	6,552.97	1,965.88
		Dec. 31, 1944 [1]	64,523.67	35,056.59	3,681.91	921.22	None
See's Candy Shops, Inc., 1834 South Figueroa St., Los Angeles, Calif.	Manufacture and sale of candy	Dec. 31, 1941 [1]	78,412.92	21,167.34	4,998.51	2,249.33	697.29
		Dec. 31, 1942 [1]	78,412.92	21,167.34	5,215.02	4,693.52	2,089.01
		Dec. 31, 1944	20,180.57	6,785.84	6,785.84	6,446.55	3,599.49
Sherman Oaks Theatre Corp., 1609 W. Washington Blvd., Los Angeles, Calif.	Theatre operation	Dec. 31, 1945	20,180.57	6,785.84	6,785.84	6,446.55	3,599.49
		June 30, 1944	46,521.49	6,441.30	6,441.30	5,957.32	2,576.25
Southern Pipe and Casing Co., P. O. Box "C," Azusa, Calif.	Manufacturers of steel pipe and well casing.	June 30, 1945	46,521.49	6,441.30	6,441.30	6,119.24	2,576.25
		Dec. 31, 1944	5,277.45	1,336.97	1,336.97	1,270.12	399.97
Sunbeam Theatre Corp., 1609 West Washington Blvd., Los Angeles 7, Calif.	Theatre operations	Dec. 31, 1945	5,277.45	1,336.97	1,336.97	1,270.12	399.98
System Freight Service, 12th floor, 811 West 7th St. Bldg., Los Angeles 14, Calif.	Motor truck transportation	Dec. 31, 1941	8,221.90	260,874.07	4,289.20	3,946.16	1,224.31
Tanner Motor Tours Ltd. of Arizona, 320 South Beaudry Ave., Los Angeles, Calif.	Operators of taxicabs and busses	Dec. 31, 1942	6,118.91	12,881.09	2,337.96	4,208.33	1,262.49
		Dec. 31, 1943	6,118.90	12,881.10	2,337.97	2,104.17	631.25
		Dec. 31, 1944	6,118.90	2,337.97	2,337.97	2,221.07	631.25
		Dec. 31, 1945	6,118.90	2,337.97	2,337.97	2,221.07	631.25
COLORADO							
Downtown Buick, Inc., 25 East Colfax Ave., Denver, Colo.	Automobile sales and service	Dec. 31, 1943	9,409.62	3,305.25	3,305.25	3,662.78	1,098.84
		Dec. 31, 1944	7,714.41	5,000.46	5,000.46	4,905.77	1,448.58
		Dec. 31, 1945	7,319.07	5,395.80	5,395.80	5,182.58	1,518.72
Glen Theatre Inc., 819 Grand Ave., Glenwood Springs, Colo.	Theatre	Oct. 31, 1943	2,717.69	1,921.95	853.36	768.03	230.41
		Oct. 31, 1944	2,986.93	1,651.62	584.03	87.84	27.31
Rainbo Bread Co., Broadway and Speer Blvd., Denver, Colo.	Baking	Dec. 31, 1940	49,166.14	32,393.18	8,718.54	1,234.67	None
		Dec. 31, 1942	59,117.51	39,015.11	10,802.49	16,590.49	7,375.77
		Dec. 31, 1943	59,117.51	39,015.11	10,802.49	9,722.24	4,321.00
		Dec. 31, 1944	8,350.25	4,269.37	4,269.37	3,842.43	1,152.74
		Dec. 31, 1941	8,021.85	4,597.77	4,597.77	4,367.88	1,293.79
Raven Oil & Refining Co., Rangely, Colo.	Producing and refining oil						
CONNECTICUT							
Atlantic White Tower Systems, Inc., 580 Main St., Stamford, Conn.	Restaurants	Dec. 31, 1942	116,854.77	35,277.68	8,297.67	6,341.79	2,818.45
Becker Motor Sales, Inc., (formerly: Britain Motor Sales Co.), 1141 Stanley St., New Britain, Conn.	Auto sales and service	Dec. 31, 1941 [1]	6,924.65	None	None	211.37	93.09
The Connecticut Malleable Castings Co., 151 East St., New Haven, Conn.	Foundry—mfg. other iron and steel products.	Dec. 31, 1944	24,894.05	102,528.84	406.64	386.30	215.92
		Dec. 31, 1945	24,894.05	102,528.84	406.64	386.31	215.92
The A. C. Gilbert Co., Blatchley Ave., New Haven, Conn.	Manufacture of toys, novelties and electrical goods.	Jan. 31, 1941	169,700.00	98,074.28	9,413.73	4,329.79	None
		Jan. 31, 1942	188,372.71	130,287.16	30,378.46	17,802.89	5,518.89
		Jan. 31, 1943	199,841.20	11,664.25	17,732.70	15,959.43	7,004.08
		Jan. 31, 1945	194,401.65	17,732.70	17,732.70	15,415.33	6,499.65
The Hartford Times, Inc., 2-18 Prospect St., Hartford, Conn.	Newspaper publishing and radio broadcasting.	Dec. 31, 1941	358,734.18	47,105.85	24,112.59	20,397.45	6,324.21
		Dec. 31, 1942	358,734.18	47,105.85	24,112.59	21,701.33	9,645.03
		Dec. 31, 1943	358,734.18	47,105.85	24,112.59	21,701.33	9,645.03
		Dec. 31, 1944	358,734.18	47,105.85	24,112.59	22,906.96	9,645.03
The Lane Construction Corp., 35 Colony St., Meriden, Conn.	Road construction	Dec. 31, 1941	107,572.70	217,221.85	14,988.77	15,830.57	4,928.67
		Dec. 31, 1942	112,408.60	212,385.75	10,070.87	28,623.45	12,721.95
		Dec. 31, 1943	113,568.10	211,226.45	8,911.37	27,055.88	12,024.85
The Parker Stamp Works, Inc., 650 Franklin Ave., Hartford, Conn.	Manufacturing marking dies, mold dies, tools and gauges.	Dec. 31, 1944	2,547.27	12,301.73	525.96	287.80	99.19
The Quintard Land Co., % Meyer, Kidder & Matz, 49 Wall St., New York, N. Y.	Operating real estate	Dec. 31, 1942 [1]	9,143.73	4,878.35	4,878.35	7,648.24	2,294.47
Kurt H. Volk, Inc., 127 Kossuth St., Bridgeport, Conn.	Commercial printing and typography.	Mar. 31, 1943	4,525.26	41,567.74	9,924.94	1,699.17	509.76
DELAWARE							
Globe Liquor Co. 18th and Market Sts., Wilmington, Del.	Wholesale liquor distributors	Dec. 31, 1941	9,380.44	19,936.58	1,448.64	507.02	124.16
		Dec. 31, 1942	9,380.44	19,936.58	1,448.64	1,303.77	391.13
		Dec. 31, 1943	9,380.44	19,936.58	1,448.64	1,303.78	391.13
		Dec. 31, 1944	9,380.44	19,936.58	1,448.64	1,376.21	429.10
Rit Products Corp., 1101 West Jackson Blvd., Chicago, Ill.	Manufacture of household dye specialties.	Dec. 31, 1944	23,692.60	98,958.21	46,167.86	21,616.46	6,701.11
Robert Hetherington & Son, Inc., 203 Delaware Trust Bldg., Wilmington, Del.	Manufacture and sale of electric switches and electric control apparatus.	Dec. 31, 1945	29,967.10	108,468.76	38,718.44	35,746.61	17,841.66
		Apr. 30, 1943	2,545.56	11,182.31	6,687.70	11,850.44	4,010.13
FLORIDA							
Conway Bros. Inc., J. A. Conway, et al transferees, 438 West Bay St., Jacksonville, Fla.	Wholesale fruit and produce	May 31, 1941	2,983.90	20,416.10	2,390.54	1,941.51	645.41
Hydraulic Tractor & Equipment Co., Inc., % Universal Tractor & Equipment Co., Inc., 1519 Summit Ave., Richmond, Va.	Distributors of tractors and agricultural and industrial equipment.	Dec. 31, 1943	6,103.11	8,324.39	3,871.89	3,484.70	1,045.41
		Dec. 31, 1944	6,103.11	8,324.39	3,871.89	3,678.29	1,114.13
		Dec. 31, 1945	6,103.11	3,871.89	3,541.05	2,295.40	956.64
Ridge Theatres, Inc., 206 South Kentucky Ave., Lakeland, Fla.	Theatre	Dec. 31, 1940	80.97	22,703.39	6,607.97	413.88	None
		Dec. 31, 1941	588.22	20,776.42	6,988.86	770.22	177.15
Shaw Brothers Oil Co., 56 S. W. 1st St., Miami, Fla.	Wholesale petroleum products	Dec. 31, 1940	37,750.54	79,338.22	11,238.16	2,809.54	None
		Dec. 31, 1941	47,379.34	90,777.49	10,148.62	10,593.17	3,271.48
Tri-City Oldsmobile Co., c/o Harry W. Fincher, transferee, 1740 Northeast 24 Ave., Miami, Fla.	Automobile sales and service	Dec. 31, 1943	5,229.68	18,744.25	4,963.58	4,721.54	1,419.46

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
FLORIDA—continued							
Wels-Fricker Mahogany Co., P. O. Box 391, Pensacola, Fla.	Manufacture of lumber	Dec. 31, 1940	$55,335.86	$159,973.97	$16,003.63	$3,977.74	None
		Dec. 31, 1941	62,056.04	151,127.23	25,343.96	12,671.98	$3,928.31
		Dec. 31, 1942	75,867.84	147,315.43	11,532.16	10,378.95	4,612.86
GEORGIA							
Colonial Baking Co. of Columbus, 1044 13th St., Columbus, Ga.	Baking	Dec. 31, 1941 [1]	19,797.71	24,764.58	6,954.67	2,686.16	832.70
		Dec. 31, 1942	10,099.03	34,463.26	16,653.35	15,393.01	6,473.52
		Dec. 31, 1943	10,372.70	34,189.59	16,379.68	15,105.65	6,387.32
Economy Auto Stores, Inc., 639 Whitehall St., SW., Atlanta, Ga.	Retail and wholesale auto parts and accessories.	June 30, 1941	17,783.02	26,192.89	7,077.92	1,769.48	None
		June 30, 1942	22,781.60	20,500.28	10,775.90	4,844.97	1,503.18
Gordon Foods, Inc., 1078 Sylvan Rd., Atlanta, Ga.	Food products	Dec. 31, 1943	7,446.31	35,028.47	35,028.47	17,824.33	15,548.55
Hartwell Mfg. Co., Hartwell, Ga.	Manufacturer of cotton garments.	Dec. 31, 1941 [1]	1,947.38	8,424.71	3,547.18	1,260.86	296.89
		Dec. 31, 1942 [1]	2,641.38	7,730.71	2,853.18	2,767.18	812.16
Kinnett Dairies, Inc., 1237 6th Ave., Columbus, Ga.	Dairy products—retail and wholesale.	Dec. 31, 1940	4,624.18	47,068.21	1,930.78	803.88	None
		Dec. 31, 1941	6,420.57	45,271.82	1,639.94	1,264.82	392.10
Mion and Murray Co., 84 Forsyth St., NW., Atlanta, Ga.	Motion picture theatre	Nov. 30, 1942	2,708.68	13,279.45	12,640.61	13,998.29	6,363.35
		Nov. 30, 1943	3,601.50	12,549.95	11,637.79	10,474.02	3,150.99
Pollock's, Inc., 441 West Peachtree St., Atlanta, Ga.	Retail shoes	Dec. 31, 1943	55,800.43	7,636.75	7,636.75	6,834.64	3,054.70
		Dec. 31, 1944	55,800.43	7,636.75	7,636.75	6,834.64	3,054.70
W. R. C. Smith Publishing Co., 1020 Grant Bldg., Atlanta, Ga.	Publishers of trade magazines	Dec. 31, 1944	19,978.55	29,962.78	16,649.22	11,169.85	8,824.09
		Dec. 31, 1945	19,978.55	29,962.78	16,649.22	13,614.96	8,824.11
Standard Printing Co., 8th St. and 9th Ave., Columbus, Ga.	Printing and cellophane converter.	Dec. 31, 1944	10,281.96	5,429.13	5,429.13	5,157.67	1,745.10
Superba Mills, Inc., Hawkinsville, Ga.	Textile manufacturers	Sept. 30, 1941	2,520.00	32,778.00	13,860.55	2,074.93	None
		Sept. 30, 1942	3,498.66	31,799.34	12,881.99	8,776.71	3,341.44
		Sept. 30, 1943	4,979.93	30,318.07	11,400.62	12,618.40	3,813.16
		Sept. 30, 1944	5,245.90	20,480.10	11,134.65	11,679.04	3,583.08
Western Venetian Blind Co. of Georgia, Inc., 364 Jones Ave., NW., Atlanta, Ga.	Manufacturers of venetian blinds.	Dec. 31, 1942	4,700.89	11,920.67	4,708.96	4,238.67	1,271.42
HAWAII							
Chun Hoon Market, Ltd., Nuuanu and School Sts., Honolulu, T. H.	Retail market	Dec. 31, 1940	5,702.48	14,010.24	1,918.77	504.80	None
		Dec. 31, 1941	7,907.40	16,033.95	2,648.52	1,191.83	369.47
		Dec. 31, 1942	9,017.53	16,033.95	2,648.52	2,383.66	715.11
Hawaiian Agricultural Co., 827 Fort St., Honolulu, T. H.	Agricultural	Dec. 31, 1941	305,080.37	69,764.19	47,562.03	41,900.54	12,989.18
The Waikiki Tavern, Ltd., 2425-2437 Kalakana Ave., Honolulu, T. H.	Restaurant and hotel	Dec. 31, 1940	4,619.83	26,244.16	12,083.56	3,625.67	None
		Dec. 31, 1941	5,766.23	34,506.48	13,332.21	6,666.10	2,666.49
		Dec. 31, 1942	7,207.79	33,064.92	11,890.63	7,702.86	3,294.05
Wailuku Sugar Co., 827 Fort St., Honolulu, T. H.	Agriculture	Dec. 31, 1942	270,427.13	61,646.47	15,946.95	115,337.05	51,260.91
IDAHO							
Idaho Potato Starch Co., Blackfoot, Idaho	Potato starch manufacture	Dec. 31, 1943	7,516.12	30,623.50	6,733.88	5,238.16	1,818.15
		Dec. 31, 1944	7,516.12	9,717.79	6,733.88	2,480.35	1,903.15
		Dec. 31, 1945	7,516.12	6,733.88	6,733.88	6,397.19	1,903.15
18T DISTRICT OF ILLINOIS							
Acme Silica Sand Co., P. O. Box 202, Ottawa, Ill.	Mining and sale of crude silica sand.	Sept. 30, 1942	1,643.33	3,021.21	3,021.21	1,233.29	285.11
		Sept. 30, 1943	1,415.75	8,963.59	3,248.79	5,638.78	1,691.63
American Molded Products Co., 1644 North Honore St., Chicago, Ill.	Molders of thermoplastic materials.	Dec. 31, 1944	14,420.21	147,541.61	11,504.70	10,925.47	5,958.34
		Dec. 31, 1945	16,439.94	7,863.05	7,863.05	7,469.90	4,167.42
Apex Railway Products Co., 310 South Michigan Ave., Chicago, Ill.	Manufacture and sale of railway appliances.	Dec. 31, 1944	13,205.84	69,354.39	40,870.06	40,870.06	22,173.14
Armored Express Corp. of Chicago, 40 South Clinton St., Chicago, Ill.	Armored car service, transporting money and valuables.	Dec. 31, 1942	8,047.50	11,200.81	4,319.90	2,565.61	769.68
		Dec. 31, 1943	8,047.50	11,200.81	4,319.90	3,887.91	1,166.37
		Dec. 31, 1944	8,047.50	11,200.81	4,319.90	3,693.51	1,213.72
The Arnold Engineering Co., 147 East Ontario St., Chicago, Ill.	Engineers and manufacturers of alloyed steel.	Dec. 31, 1941	56,287.85	101,166.05	11,140.51	5,570.25	1,726.77
		Dec. 31, 1942	55,902.20	107,222.19	11,526.16	10,373.54	4,610.47
		Dec. 31, 1943	67,428.36	95,696.03	11,526.16	10,373.54	4,610.47
		Dec. 31, 1944	55,902.20	107,222.19	11,526.16	10,949.86	4,610.47
Babson Bros Co., 2845 West 19th St., Chicago 23, Ill.	Distributor dairy equipment	Nov. 30, 1941	161,971.83	327,108.07	12,919.78	5,167.92	3,154.30
Babson Bros. Co., California, 2845 West 19th St., Chicago 23, Ill.	Farm equipment	Dec. 31, 1941	539.15	18,205.87	2,460.85	1,483.46	344.41
		Dec. 31, 1942	1,746.41	16,998.61	1,253.59	1,130.51	339.15
Babson Bros. Co. of Minnesota, 2845 West 19th St., Chicago 23, Ill.	Dealers in farm equipment	Dec. 31, 1941	731.56	55,526.23	6,268.44	4,028.42	1,248.81
		Dec. 31, 1942	3,214.81	53,042.98	2,785.19	2,653.16	795.95
Babson Bros. Co. of Missouri, 2845 West 19th St., Chicago 23, Ill.	----do	Dec. 31, 1941	459.18	27,251.03	2,540.82	1,759.28	413.84
		Dec. 31, 1942	1,404.54	26,305.67	1,595.46	1,435.92	430.78
Babson Bros. Co. Texas, 2845 West 19th St., Chicago 23, Ill.	Farm equipment	Dec. 31, 1941	530.23	29,050.17	3,469.77	2,239.39	515.07
		Dec. 31, 1942	1,657.99	27,922.41	2,342.07	2,107.81	632.34
Babson Bros. Co., Washington, 2845 West 19th St., Chicago 23, Ill.	----do	Dec. 31, 1941	760.27	26,651.63	4,260.73	1,960.24	536.10
		Dec. 31, 1942	2,192.81	25,167.19	2,807.19	2,526.47	757.94
Babson Bros. Milker Co., 2845 West 19th St., Chicago, 23, Ill.	Distributors of dairy equipment	Nov. 30, 1942	1,073.42	43,274.05	8,577.51	5,403.14	2,477.85
Babson Bros. Sales Co., 2845 West 19th St., Chicago, Ill.	----do	Nov. 30, 1942	1,214.79	60,668.94	3,785.21	2,307.42	815.35
Babson, Inc., 2845 West 19th St., Chicago 23, Ill.	Manufacture of dairy equipment, building, ownership etc.	Oct. 31, 1942	43,596.18	141,368.82	none	284.99	90.68
S. S. Blakeslee & Co., 1844 South 52d Ave., Cicero, Ill.	Manufacturing & selling industrial metal washer & degreasing machines & commercial hotel equipment.	Dec. 31, 1940	46,003.22	362,539.78	31,381.89	9,868.21	None
		Dec. 31, 1941	55,812.80	341,385.53	35,380.30	21,228.18	6,880.73
The Briksulite Co., 10th and State Sts., Chicago Heights, Ill.	Manufacture of insulated brick sidings and related products.	Dec. 31, 1940 [1]	12,706.09	111,671.40	30,765.43	8,229.63	None
		Dec. 31, 1941 [1]	14,556.93	109,822.56	61,443.07	26,950.82	8,304.75
		Dec. 31, 1942	14,556.92	70,945.68	61,443.68	55,286.77	27,219.63
		Dec. 31, 1943	14,556.92	109,822.57	61,443.68	53,468.21	27,219.63
Burlington City Lines Inc., 20 North Wacker Dr., Chicago, Ill.	Urban bus transportation	Dec. 31, 1941	2,860.20	20,015.71	8,995.32	2,282.58	524.98
		Dec. 31, 1942	5,076.37	17,799.54	9,939.09	9,539.94	2,862.80
		Dec. 31, 1943	5,076.37	17,799.54	9,939.09	8,945.18	2,683.87
		Dec. 31, 1944	5,732.36	17,143.55	9,283.10	9,227.52	2,726.57
Cans, Inc., 3217 West 47th Pl., Chicago, Ill.	Manufacture tin cans	Dec. 31, 1941	5,021.70	35,863.16	23,779.67	11,999.66	4,111.12
		Dec. 31, 1942	6,792.51	34,092.35	22,442.83	26,397.38	12,211.17
		Dec. 31, 1944	9,450.99	20,249.01	20,249.01	12,621.39	9,389.23

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722 (7)	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722 (8)
1ST DISTRICT OF ILLINOIS—continued							
Carsy Corp., 1335 West Lake St., Chicago, Ill.	Manufacturers of ladies' and children's undergarments.	Mar. 31, 1942	$2,166.48	$20,900.67	$7,833.52	$3,037.96	$992.29
		Mar. 31, 1943	3,630.15	19,337.00	6,309.85	5,954.09	1,746.22
		Mar. 31, 1944	4,258.13	18,709.00	5,741.85	3,396.44	1,618.38
		Mar. 31, 1945	6,986.64	16,980.51	3,913.36	2,148.88	1,112.47
		Mar. 31, 1946	7,231.98	15,735.17	2,768.02	2,025.54	575.67
Chicago Car Advertising Co., 333 North Michigan Ave., Chicago, Ill.	Transportation advertising	Dec. 31, 1942	519.97	46,926.49	11,959.59	3,455.70	1,045.70
		Dec. 31, 1943	1,060.82	46,387.64	11,498.74	13,102.80	3,943.23
		Dec. 31, 1944	1,430.69	46,017.77	11,058.87	8,561.75	3,035.60
		Dec. 31, 1945	2,519.99	44,928.47	9,969.57	7,161.24	2,741.58
Chicago Electric Manufacturing Co., 6333 West 65th St., Chicago, Ill.	Ordnance and accessories	Dec. 31, 1944	108,208.34	11,799.30	11,799.30	11,209.33	4,719.72
		Dec. 31, 1945	108,208.34	11,799.30	11,799.30	11,209.34	4,719.72
The Chicagoan, Inc., 67 West Maddison St., Chicago, Ill.	Hotel	Dec. 31, 1940	41,910.05	28,847.54	9,761.43	2,979.81	None
		Jan. 1-Nov. 15, 1941	50,179.22	320,915.82	60,282.71	24,499.29	923.74
Clayton Mark & Co., 1900 Dempster St., Evanston, Ill.	Manufacturing	Dec. 31, 1940	140,296.30	299,210.63	88,722.27	53,233.36	None
		Dec. 31, 1941	162,001.49	333,468.18	88,722.27	70,850.01	16,502.34
		Dec. 31, 1942	161,599.68	337,797.37	88,722.27	79,820.05	35,488.91
		Dec. 31, 1943	157,270.49	337,797.37	88,722.27	79,162.86	35,488.91
		Dec. 31, 1944	157,270.49	337,797.37	88,722.27	75,734.28	35,488.91
		Dec. 31, 1945	157,228.46	337,839.40	88,722.27	75,734.28	35,488.91
Dradnats Inc., 910 South Michigan Ave., Chicago, Ill.	Insurance broker	Dec. 31, 1943	32,022.70	13,617.30	4,920.64	4,428.58	2,607.91
		Dec. 31, 1944	32,022.70	13,617.30	4,920.64	4,674.61	2,607.91
Du Page Title Co., 211 East Liberty Dr., Wheaton, Ill.	Abstracts and guarantees of title to real estate.	Dec. 31, 1940	39,765.52	39,803.52	12,329.07	3,061.52	None
		Dec. 31, 1941	48,805.17	30,763.87	22,245.41	9,091.26	2,810.98
		Dec. 31, 1942	48,805.17	30,763.87	22,245.41	16,766.35	7,451.72
		Dec. 31, 1943	48,805.17	30,763.87	22,245.41	20,028.87	8,898.16
		Dec. 31, 1944	48,805.17	30,763.87	22,245.40	21,133.12	8,898.17
		Dec. 31, 1945	48,805.17	30,763.87	22,245.40	21,173.14	8,898.17
Dwight Brothers Paper Co., 626 South Clark St., Chicago, Ill.	Wholesale paper	Apr. 30, 1945	45,923.18	9,119.58	9,119.58	8,663.60	3,647.82
Eagle Grinding Wheel Co., 2519 West Fulton St., Chicago 12, Ill.	Manufacturing grinding wheels	Dec. 31, 1943	11,623.77	2,483.50	2,483.50	4,470.30	2,632.51
Elmhurst Flower Growers, Inc., North Ave. and Addison Rd., Elmhurst, Ill.	Wholesale growers of cut flowers	Dec. 31, 1944	4,032.53	6,782.28	4,175.02	3,980.88	1,171.40
		Dec. 31, 1945	5,480.77	2,726.78	2,726.78	2,580.44	736.23
Elmwood Park Department Store, Inc., 511 South Paulina St., Chicago 12, Ill.	Retail department store	July 31, 1944	5,071.32	3,755.13	3,755.13	3,528.82	1,025.51
		July 31, 1945	5,996.33	2,830.12	2,830.12	2,688.61	764.11
Enoz Chemical Co., 2430 Indiana Ave., Chicago 16, Ill.	Manufacturing insecticides	Dec. 31, 1943	11,918.25	33,243.57	8,993.94	8,094.59	2,758.72
		Dec. 31, 1944	11,990.56	33,141.26	8,921.67	8,175.76	4,095.21
Entertainment Enterprises, Inc., 8 South Michigan Ave., Chicago, Ill.	Roller skating rink	Dec. 31, 1940	650.00	9,229.53	8,766.40	769.20	None
		Dec. 31, 1941	899.21	16,883.91	7,595.42	5,026.25	695.23
		Dec. 31, 1942	1,850.98	17,908.08	7,040.82	5,026.25	1,547.87
		Dec. 31, 1943	2,326.58	25,608.67	5,517.19	3,022.76	None
Frantz Manufacturing Co., 309 West Third St., Sterling, Ill.	Builders' hardware	June 30, 1941	121,855.11	178,189.46	26,583.20	9,304.92	2,671.84
		June 30, 1942	150,229.60	149,814.97	27,373.66	27,373.66	8,985.81
		June 30, 1943	150,229.60	127,068.01	27,373.66	25,316.88	10,909.45
		June 30, 1944	150,229.60	127,068.01	27,373.66	16,383.99	5,073.04
Gold Seal Asphalt Roofing Co., 10th and State Sts., Chicago Heights, Ill.	Manufacturing asphalt roofing and related products.	Dec. 31, 1941 [1]	151,111.75	113,261.04	32,959.62		None
Hillman's, Inc., 28 West Washington St., Chicago, Ill.	Retail food stores	Dec. 31, 1940	329,870.70	79,829.31	29,507.08	3,586.45	1,227.13
		Dec. 31, 1941	411,309.59	112,752.06	68,843.91	1,218.31	377.64
		Dec. 31, 1942	406,779.77	112,752.08	68,843.91	134,569.05	59,586.17
		Dec. 31, 1943	405,099.30	112,752.08	68,843.91	61,959.52	27,537.56
		Dec. 31, 1944	402,537.09	112,752.08	68,843.93	65,401.71	27,537.57
		Dec. 31, 1945	406,659.31	68,843.91	68,843.91	65,401.71	27,537.56
Illinois Interior Finish Co., 7519 South Greenwood Ave., Chicago, Ill.	Lumber and millwork	Dec. 31, 1940	33,105.24	41,932.41	10,214.76	3,385.45	None
		Dec. 31, 1941	40,278.80	34,758.85	15,663.99	8,666.28	2,686.55
		Dec. 31, 1942	44,655.58	30,382.67	14,342.42	15,644.94	7,245.41
		Dec. 31, 1943	45,522.15	14,829.17	16,083.85	15,118.42	6,778.55
		do	21,263.14	8,609.64	2,163.93	1,942.54	1,119.89
Jackson City Lines, Inc. (Michigan) 20 North Wacker Dr., Chicago, Ill.	Urban bus transportation	Dec. 31, 1941	21,263.14	8,609.64	2,163.94	2,055.73	1,119.89
		Dec. 31, 1940	22,176.42	38,880.23	4,586.31	63.65	None
Jackson City Lines, Inc. (Mississippi) 20 North Wacker Dr., Chicago, Ill.	do	Dec. 31, 1941	23,994.82	37,061.83	16,066.98	5,728.62	1,775.86
		Dec. 31, 1942	23,994.82	37,061.83	16,066.98	14,460.29	8,515.51
		Dec. 31, 1943	23,994.82	37,061.83	16,066.98	14,460.28	8,515.51
		Dec. 31, 1944	23,994.82	37,061.83	16,066.98	15,263.63	8,507.17
		Dec. 31, 1945	91,493.09	11,350.80	3,177.25	12,073.55	5,083.60
John & Ollier Engraving Co., 817 West Washington Blvd., Chicago, Ill.	Professional artists and photo-engravers.	Mar. 26-Dec. 31, 1940	2,000.00	6,673.13	2,375.00	455.84	None
Losee Products Co., 2845 West 19th St., Chicago, Ill.	Manufacturers of dairy equipment	Dec. 31, 1941	2,656.39	24,204.86	2,343.61	937.45	412.49
		Dec. 31, 1942	4,128.63	22,632.62	871.37	784.24	225.27
Lyttons Merchandising Co., Inc., (formerly, Ringman Inc.) 325 South State St., Chicago, Ill.	Retail apparel	July 31, 1944	112,891.68	171,605.21	29,791.83	27,078.61	11,907.31
		July 31, 1945	112,891.68	171,605.21	29,791.84	28,301.29	11,916.33
A. C. McClure & Co., 333 East Ontario St., Chicago, Ill	Wholesale books, stationery, fancy goods, and sundries.	Mar. 31, 1941	103,909.33	60,952.70	16,092.42	2,123.37	None
		Mar. 31, 1942	127,149.66	59,966.11	18,222.63	9,111.31	2,820.91
		Mar. 31, 1943	127,149.67	56,968.10	15,222.62	13,703.36	6,060.05
		Dec. 31, 1944	108,845.40	58,971.50	17,225.02	15,717.55	6,890.40
		Dec. 31, 1945	130,234.14	45,941.63	4,235.15	5,614.60	2,664.01
Metal Box & Cabinet Co., 4716 West Lake St., Chicago, Ill.	Sheet metal fabricator	Dec. 31, 1940	30,421.09	23,495.09	11,581.40	1,573.90	None
		Dec. 31, 1941	42,651.19	23,490.09	8,730.81	5,405.12	1,701.44
		Dec. 31, 1942	38,680.97	24,499.81	13,737.62	12,364.85	6,244.11
		Dec. 31, 1943	38,681.00	19,336.98	13,737.57	12,363.81	6,245.02
		Sept. 30, 1941	1,803.78	101,132.34	8,005.14	3,095.73	None
National Sheet Steel Co., 3232 West 31st St., Chicago, Ill	Steel jobbers	Sept. 30, 1942	6,066.77	96,869.35	8,030.75	3,549.91	1,177.55
		Sept. 30, 1943	8,459.27	5,638.25	5,638.25	5,143.81	1,711.14
National Wax Co., 1300 West Division Street Chicago, Ill.	Manufacturing wax products	Dec. 31, 1941	2,202.15	45,920.73	4,022.85	1,969.14	809.12
		Dec. 31, 1942	2,752.68	45,370.20	13,399.61	7,844.12	3,641.79
		Dec. 31, 1943	2,752.68	45,370.20	13,399.61	6,296.77	3,011.02
		Dec. 31, 1944	2,460.88	86,081.34	13,399.60	7,340.60	3,641.14
Ottumwa City Lines, Inc., 20 North Wacker Dr., Chicago, Ill.	Urban bus transportation	Dec. 31, 1941	2,460.88	17,127.88	14,232.25	19,842.23	5,887.09
		Dec. 31, 1942	2,460.00	16,878.03	13,979.40	19,235.23	5,707.19
		Dec. 31, 1943	2,652.85	15,646.12	12,750.79	12,113.25	3,592.75
		Dec. 31, 1944	3,881.46	15,505.62	6,461.59	6,461.59	2,819.25
The Overland Construction Co., 205 West Wacker Dr., Chicago, Ill.	Contractors—steel erectors	Dec. 31, 1942	15,505.62	61,859.85	6,461.59	5,815.62	
		Dec. 31, 1943	16,715.59	60,629.88	6,461.59		

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed) (1)	Business in which engaged (2)	Taxable year ended (3)	Excess profits credit before allowance of relief (4)	Increase in the amount of excess profits credit claimed by taxpayer (5)	Increase in the amount of excess profits credit allowed (6)	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722 (7)	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722 (8)
1ST DISTRICT OF ILLINOIS—continued							
Packit Envelope and Bag Co., 4040 West Ogden Ave., Chicago, Ill	Manufacture and sale of envelopes and bags.	Dec. 31, 1941	$24,808.31	$21,730.32	$2,681.49	$938.52	$290.95
		Dec. 31, 1942	24,808.31	21,730.32	2,681.49	2,413.34	1,421.19
		Dec. 31, 1943	24,808.31	21,730.32	2,681.49	2,413.34	1,421.19
		Dec. 31, 1944	24,808.31	21,730.49	2,681.49	2,547.42	1,421.19
		Dec. 31, 1945	24,808.31	21,730.32	2,681.49	2,547.41	1,421.19
The Pepsi-Cola Bottling Co. of Chicago, 1745 North Kolmar Ave., Chicago, Ill.	Manufacturer of carbonated beverages.	Dec. 31, 1940	73,566.09	102,620.34	62,151.57	19,656.83	None
		Dec. 31, 1941	89,398.57	294,617.72	76,427.02	46,647.46	15,390.71
		Dec. 31, 1942	89,759.97	294,256.32	76,066.22	156,919.19	60,852.97
		Dec. 31, 1943	89,759.97	294,256.32	76,066.22	91,569.16	22,896.29
Pontiac City Lines, Inc., 20 North Wacker Dr., Chicago, Ill.	Urban bus transportation	Dec. 31, 1943	12,780.11	20,029.19	5,273.40	4,740.06	1,484.89
La Fressel Inc., 801 West 40th Pl., Chicago 9, Ill.	Meat processing	Dec. 31, 1944	12,780.11	20,029.19	5,273.40	5,009.73	2,202.13
		Dec. 31, 1943	6,473.54	73,152.62	15,740.92	13,758.91	4,925.81
		Dec. 31, 1944	7,317.92	14,896.54	14,896.54	12,760.69	5,997.82
		Dec. 31, 1945	9,256.01	12,958.15	12,958.15	12,330.53	5,474.54
The Products Liquidating Corp. (formerly: Soy Bean Products Co.), c/o W. R. Arrington, 135 South LaSalle St., Chicago, Ill.	Manufacturing—foods—processing of soy beans.	Apr. 30, 1943	4,931.75	161,408.50	5,785.75	5,180.17	2,370.04
		Apr. 30, 1944	8,590.91	157,749.34	2,096.39	2,054.88	609.89
Riverview Park Co., Roscoe Street and Western Ave., Chicago, Ill.	Amusement park	Dec. 31, 1941	90,591.91	30,828.26	8,880.36	7,992.32	2,477.62
		Dec. 31, 1942	90,591.91	39,512.28	8,880.36	7,992.32	3,552.13
		Dec. 31, 1943	90,591.91	39,512.28	8,880.36	7,992.32	3,552.13
Rothley, Inc., 307 West Van Buren St., Chicago, Ill.	Women's sportswear	Dec. 31, 1944	11,465.88	12,820.62	4,684.12	4,449.91	1,634.39
		Dec. 31, 1945	11,465.88	4,684.12	4,684.12	2,124.05	648.39
Sandwich R. V. Pump Co., 2945 West 19th St., Chicago 23, Ill.	Pump manufacturer	Dec. 31, 1940	5,677.16	35,716.59	417.84	204.46	None
		Dec. 31, 1941	6,797.32	35,501.43	202.68	81.08	35.68
		Dec. 31, 1942	6,797.32	35,501.43	202.68	182.42	74.73
Schack's, Inc., 319 West Van Buren St., Chicago, Ill.	Artificial flowers and displays	Dec. 31, 1944	2,857.50	66,461.12	1,852.44	1,755.82	560.15
Sloan Valve Co., 4300 West Lake St., Chicago, Ill.	Manufacture of flush valves	Dec. 31, 1941	228,012.15	152,126.64	69,484.15	69,824.80	21,045.69
		Dec. 31, 1942	227,969.01	152,169.18	69,527.29	62,574.56	27,810.92
		Dec. 31, 1943	227,969.01	152,169.18	69,527.29	62,574.56	27,810.92
Son and Prins Co., 55 East Washington St., Chicago 2, Ill.	Diamond merchants	Dec. 31, 1944	21,709.24	9,352.16	1,388.87	2,717.02	1,516.16
Joseph C. Splese Co., 38 South Grove Ave., Elgin, Ill.	Department store	Dec. 31, 1945	24,270.83	6,790.57	1,172.02	422.60	514.72
		Dec. 31, 1942	49,898.42	31,891.70	3,460.06	3,114.65	1,384.02
Standard Process Corp., 734 West Lexington St., Chicago 7, Ill.	Rotogravure process	Dec. 31, 1943	50,161.22	31,891.70	3,460.06	3,114.65	1,384.03
		Dec. 31, 1943 [1]	58,618.41	None	None	1,119.66	497.64
Wm. J. Stange Co., 2536 West Monroe St., Chicago, Ill.	Manufacturing chemists	Dec. 31, 1944	45,569.56	13,048.85	13,048.85	12,396.41	5,219.55
		Dec. 31, 1945	45,569.66	13,048.85	13,048.85	1,714.54	721.91
		Dec. 31, 1941	75,668.54	120,124.99	8,796.61	3,958.40	1,227.13
		Dec. 31, 1942	77,770.41	118,023.12	6,694.74	6,025.26	2,681.90
		Dec. 31, 1943	77,770.41	118,023.12	6,694.74	6,025.27	2,677.90
		Dec. 31, 1944	77,770.41	6,999.99	6,694.74	6,360.00	2,677.89
Swanson Manufacturing Co., 2929 North Pulaski Rd., Chicago 41, Ill.	Manufacture leather novelties	Dec. 31, 1940	5,786.77	12,611.88	2,077.73	469.33	None
		Dec. 31, 1941	15,583.91	16,354.82	3,012.96	1,054.55	242.54
Tampa Transit Lines, Inc., 20 North Wacker Dr., Chicago 6, Ill.	Urban bus transportation	Dec. 31, 1942	15,853.15	24,150.18	8,509.50	11,067.87	4,563.64
		Dec. 31, 1943	18,549.62	23,559.11	12,265.77	24,870.35	12,887.33
Terre Haute City Lines, Inc., 20 North Wacker Dr., Chicago, Ill.	Urban bus transportation	Dec. 31, 1944	19,366.46	11,508.93	11,508.93	10,933.48	6,099.74
		Dec. 31, 1941	13,827.73	37,475.47	13,790.31	3,324.43	1,550.75
		Dec. 31, 1942	15,249.13	36,054.07	12,368.91	12,483.65	6,035.49
		Dec. 31, 1943	15,740.63	35,563.17	11,878.01	8,649.08	5,272.95
		Dec. 31, 1944	17,737.89	9,880.15	33,565.31	5,833.65	5,236.47
Von Lengerke & Antoine, 9 North Wabash Ave., Chicago, Ill.	Retail sports equipment and apparel	Jan. 31, 1942	75,487.57	64,004.63	23,446.85	9,732.45	3,017.06
		Jan. 31, 1943	75,809.18	63,985.02	32,160.26	28,944.23	12,864.11
		Jan. 31, 1944	75,809.18	63,985.02	32,160.26	29,080.81	12,864.10
		Jan. 31, 1945	75,809.18	63,985.02	32,160.26	16,055.63	12,864.10
8TH DISTRICT OF ILLINOIS							
Abingdon Potteries, Inc. (formerly Abingdon Sanitary Manufacturing Co.), Abingdon, Ill.	Manufacture of vitreous ware and art ware.	Dec. 31, 1940	111,970.48	182,529.52	18,312.69	4,666.58	None
		Dec. 31, 1941	125,492.83	69,007.17	30,557.27	13,750.78	4,262.74
		Dec. 31, 1942	125,492.83	69,007.17	30,557.27	27,501.54	12,222.91
		Dec. 31, 1943	125,492.83	69,007.17	30,557.27	27,501.54	12,222.91
Keeley Bros. Contracting Co., 4211 State St., East St. Louis, Ill.	Builders and contractors	Dec. 31, 1943	12,660.12	10,267.74	10,267.74	18,844.51	10,105.97
Metropolis Bending Co., Metropolis, Ill.	Wood bendings and folding furniture manufacturers.	Dec. 31, 1944	26,454.06	1,728.97	2,297.63	3,128.95	1,745.61
Monroe Chemical Co., 801 Oak St., Quincy, Ill.	Manufacturing	Dec. 31, 1941	137,892.22	91,385.77	47,751.97	4,518.53	1,400.75
		Dec. 31, 1942	140,556.04	88,635.84	45,002.04	51,999.38	22,977.30
		Dec. 31, 1943	92,064.32	4,549.70	4,549.70	4,094.73	1,819.87
North Western Publishing Co., 17 West North St., Danville, Ill.	Newspaper publishing and radio broadcasting.	Dec. 31, 1944	92,064.32	4,549.70	4,549.70	4,322.21	1,819.87
INDIANA							
American Lead Corp., 1600 East 21st St., Indianapolis, Ind.	Smelting and refining of nonferrous metals.	Dec. 31, 1940	12,699.68	28,629.32	14,327.90	1,939.37	None
		Dec. 31, 1941	18,686.72	29,696.28	13,857.37	5,564.20	1,724.90
		Dec. 31, 1942	19,172.06	29,210.94	13,372.03	12,034.83	6,888.47
The Dispatch Publishing Co., Inc., 115 West Michigan St., Michigan City, Ind.	Newspaper and commercial printing.	Dec. 31, 1943	19,069.62	29,313.38	13,474.47	12,127.03	6,078.18
		Dec. 31, 1944	19,207.48	None	None	4,123.90	2,241.31
Durham Manufacturing Co., Cleveland and Muncie Sts., Muncie, Ind.	Manufacturers of metal furniture.	Dec. 31, 1945	20,673.20	None	None	2,596.10	1,448.36
		June 30, 1941	21,210.28	21,248.40	4,065.79	1,249.74	None
Hayes Drug Co., 2235 Columbus Ave., Anderson, Ind.	Retail drugs	Dec. 31, 1942	748.80	3,343.03	1,711.70	1,540.53	462.16
		Dec. 31, 1943	752.00	3,339.83	1,708.50	1,537.65	461.30
		Dec. 31, 1944	764.96	2,960.52	1,715.54	1,167.88	331.94
		Dec. 31, 1945	773.36	2,952.12	1,687.14	1,002.78	455.53
Haynes Milling Co., Inc., East Votaw St., Portland, Ind.	Milling-elevator-lumber-coal fence and feed.	Dec. 31, 1941	12,190.00	7,353.73	2,564.03	887.62	394.96
		Dec. 31, 1942	14,777.22	6,208.35	1,419.25	1,277.33	467.39
		Dec. 31, 1943	15,566.18	1,708.24	1,419.25	1,277.32	411.58
Horan Transfer & Storage Corp., 863 Massachusetts Ave., Indianapolis, Ind.	Furniture storage and moving	Dec. 31, 1940	1,381.27	9,913.78	1,638.59	73.50	None
		Dec. 31, 1941	1,736.82	11,314.11	1,725.39	693.18	137.88
		Dec. 31, 1942	2,141.90	10,909.03	1,318.31	1,180.48	355.94
		Dec. 31, 1943	3,043.76	10,007.17	416.45	699.47	199.94
		Dec. 31, 1944	3,205.42	9,845.51	253.79	496.56	141.13
Hook Drugs Inc., 27 North California St., Indianapolis, Ind.	Retail drug stores	Dec. 31, 1940	157,626.77	89,444.28	46,986.41	4,634.68	None
		Dec. 31, 1941	187,070.35	112,120.59	65,881.73	32,363.01	10,041.83
		Dec. 31, 1942	197,837.82	113,181.85	55,114.26	49,602.84	22,045.70
L. & J. Press Corp., Sterling Ave. and Ren St., Elkhart, Ind.	Manufacturing of punch presses	July 31, 1941	6,622.68	17,396.36	4,109.76	2,001.30	None
		July 31, 1942	7,986.21	19,433.35	5,474.27	3,251.80	1,347.80
		July 31, 1943	8,922.78	18,223.46	4,524.38	5,773.82	1,732.15

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
INDIANA—continued							
Meridian Pontiac, Inc., 923 North Meridian St., Indianapolis, Ind.	Retail automobile dealers	Dec. 31, 1940	$3,928.20	$30,723.00	$8,420.30	$2,356.50	None
		Dec. 31, 1941	5,148.94	35,298.51	9,074.62	3,976.86	$1,679.52
		Dec. 31, 1942	10,327.47	30,119.98	3,895.09	6,340.84	1,914.27
Packard Manufacturing Corp., 2900 Columbia Ave., Indianapolis, Ind.	Manufacturing record playing devices and goods for United States.	May 31, 1943	17,086.44	1,293,586.57	126,211.37	92,699.30	54,991.41
		May 31, 1944	19,564.89	1,301,109.31	123,735.11	91,701.28	53,571.99
Snow & Wheaton, Inc., 25 Northwest Riverside Dr., Evansville, Ind.	Ford Dealer	Dec. 31, 1942	20,256.16	3,597.27	2,543.84	2,289.45	1,348.23
		Dec. 31, 1943	20,256.16	3,597.27	2,543.84	2,289.46	1,348.23
Soeltz & Arnold, Inc., 315 Lincolnway, LaPorte, Ind.	Retail and wholesale auto sales and service.	Sept. 30, 1941	2,370.85	4,673.43	1,516.71	386.67	None
		Sept. 30, 1942	2,631.59	4,494.69	1,775.16	865.40	227.04
Schlitt Construction Co., Inc., 518 East Sample St., South Bend, Ind.	Contractors	Dec. 31, 1940	40,972.45	138,297.08	16,385.01	5,202.57	None
		Dec. 31, 1941	50,583.26	183,668.23	17,929.52	9,961.24	3,056.99
Spring Mill Inn Inc., 3933 Carrollton Ave., Indianapolis, Ind	Hotel	Dec. 31, 1940	5,240.85	8,929.55	4,840.93	1,044.08	None
		Dec. 31, 1941	5,961.76	8,208.64	5,474.25	1,915.09	448.91
		Dec. 31, 1942	5,961.76	8,208.64	5,474.25	4,926.82	1,478.04
		Dec. 31, 1943	5,961.76	8,208.64	5,474.25	4,926.83	1,478.04
		Dec. 31, 1944	5,961.76	8,208.64	5,474.25	5,200.54	1,560.76
Standard Liquors, Inc., 121 East 5th Ave., Gary, Ind	Wholesale liquors	Apr. 30, 1941	5,777.01	7,808.66	1,806.95	1,626.26	485.87
Twolegs, Inc., 634 Broadway, Gary, Ind	Retail wearing apparel	Oct. 31, 1945	5,487.06	7,380.65	7,380.65	7,011.62	5,323.21
Repb. Williams & Sons, Market and Indiana Sts., Warsaw, Ind.	Printers and publishers	Dec. 31, 1942	5,040.34	14,624.91	5,091.87	4,967.46	1,489.24
Arthur Winer Inc., 743 Washington St., Gary, Ind	Manufacturer of clothing	Oct. 31, 1941	2,446.39	29,017.61	6,111.91	533.24	None
		Oct. 31, 1942	2,662.66	28,801.34	7,938.28	2,472.09	666.62
		Oct. 31, 1943	3,996.33	27,467.67	6,601.61	5,944.15	1,783.24
IOWA							
Armstrong Clothing Co., 24 Ave. and 2d St. SE., Cedar Rapids, Iowa.	Retail apparel and accessories	Dec. 31, 1940	41,075.03	39,674.97	8,402.50	1,498.71	None
		Dec. 31, 1941	50,779.32	29,970.68	8,772.41	3,285.54	1,018.82
		Dec. 31, 1942	50,779.32	29,970.68	8,772.41	7,895.17	3,452.67
		Dec. 31, 1943	50,779.32	89,640.02	8,772.41	7,895.17	3,704.97
		Dec. 31, 1944	50,779.32	89,640.02	8,772.41	4,000.86	3,508.95
Central City Produce Co., Central City, Iowa	Wholesale produce	Jan. 31, 1943	18,723.50	2,591.58	1,015.02	2,738.04	1,306.04
		Jan. 31, 1944	18,723.50	2,591.58	1,015.02	878.93	315.04
Chandler Co., 804 1st Ave. NW., Cedar Rapids, Iowa.	Wholesale heating and plumbing supplies.	Dec. 31, 1940	21,408.19	41,520.76	1,993.01	226.63	None
		Dec. 31, 1941	21,406.23	43,731.52	4,535.33	1,758.68	515.19
		Dec. 31, 1942	22,372.99	69,042.74	3,598.08	4,133.77	2,441.84
		Dec. 31, 1943	21,293.86	68,580.58	4,222.15	4,117.37	2,421.66
Dearborn Brass Co., 805 B Ave. NW., Cedar Rapids, Iowa.	Manufacturers of plumbing supplies.	Nov. 31, 1941	29,536.54	32,213.46	5,807.22	1,466.81	None
		Nov. 31, 1943	37,856.62	20,757.51	6,392.75	8,231.82	4,565.96
Fisher Governor Co., 203 1st St., Marshalltown, Iowa	Manufacturing control valves and regulators.	Dec. 31, 1940	194,179.94	190,980.54	9,806.70	3,922.68	None
		Dec. 31, 1941	236,805.21	463,873.60	49,802.90	27,391.60	8,997.30
		Dec. 31, 1942	236,845.26	463,893.55	49,822.85	44,840.57	19,929.15
		Dec. 31, 1943	236,845.26	463,893.55	49,822.85	44,840.56	19,930.14
Gray-Iron Foundry Corp., 501 South 12th Ave., Marshalltown, Iowa.	Gray-Iron foundry	Dec. 31, 1941	19,120.74	44,825.27	3,364.99	1,346.00	417.26
Honeymead Products Co., 850 10th St. SW., Cedar Rapids, Iowa.	Feed, grain and oil extraction	Sept. 30, 1943	116,989.89	292,852.59	64,466.99	58,020.30	25,780.80
		Sept. 30, 1944	117,041.37	64,430.95	64,430.95	60,390.61	25,772.88
Northborne Furniture Industries, Inc., Brunswick Industrial Block, Dubuque, Iowa.	Furniture manufacturers	Dec. 31, 1941	33,164.30	56,150.89	11,323.82	8,108.07	1,131.07
		Dec. 31, 1942	33,090.43	56,150.89	11,323.82	10,191.43	5,060.78
		Dec. 31, 1943	30,641.77	56,170.87	11,323.82	10,191.44	6,041.62
Red Jacket Manufacturing Co., P. O. Box 270, Davenport, Iowa.	Farm equipment manufacturer	Dec. 31, 1944	60,602.22	36,381.46	9,387.56	8,918.19	3,753.02
Reinbeck Canning Co., Reinbeck, Iowa	Canning and sale of sweet corn and marmalade.	Dec. 31, 1942	1,674.25	7,727.34	1,280.07	2,729.03	818.71
		Dec. 31, 1943	1,983.18	7,418.41	977.14	1,484.37	445.31
		Dec. 31, 1944	2,551.70	6,949.89	408.62	939.75	267.08
Schlegel Drug Stores, 1017 Mound St., Davenport, Iowa.	Retail drug stores	Sept. 30, 1944	14,055.01	3,867.05	3,867.05	4,750.18	2,059.48
		Sept. 30, 1945	11,708.13	6,223.93	6,223.93	5,912.53	2,662.49
Sorbeau Juvenile Mfg. Co., 821 Central Ave., Dubuque, Iowa.	Manufacturing and wholesaling infants and childrens wear.	Nov. 30, 1943	7,002.70	11,090.85	5,719.79	5,409.58	1,625.10
		Nov. 30, 1944	8,092.00	5,719.79	5,719.79	5,409.58	1,625.10
Tiller Foundries Inc., West 2d and Cook Sts., Sioux City, Iowa.	Gray Iron foundry (Job Foundry).	Dec. 31, 1942	2,645.25	None	None	2,380.73	714.22
		Dec. 31, 1943	1,794.68	1,481.15	850.57	765.52	229.65
Williams & Hunting Co., 445 1st St. SW., Cedar Rapids, Iowa.	Sash and door manufacturer	Dec. 31, 1943	23,097.68	43,402.32	1,350.95	882.65	519.78
		Dec. 31, 1944	22,947.12	1,649.37	1,501.51	1,416.94	730.50
		Dec. 31, 1945	22,807.65	2,570.10	1,640.98	1,558.92	809.73
Younker Brothers, Inc., 7th and Walnut Sts., Des Moines, Iowa.	Retail department store	Dec. 31, 1941	429,559.48	94,492.51	21,590.36	10,799.56	3,347.86
		Dec. 31, 1942	442,340.98	81,567.00	8,673.85	7,809.47	3,408.54
		Jan. 1-31, 1943	442,878.54	80,879.96	7,986.81	599.01	268.23
KANSAS							
The J. S. Dillon & Sons Stores Co., 307 North Washington St., Hutchinson, Kans.	Wholesale and retail grocers	Dec. 31, 1942	95,933.92	19,968.18	11,039.64	9,885.28	4,343.48
		Dec. 31, 1943	103,551.79	12,350.31	11,040.09	9,936.21	5,216.09
		Dec. 31, 1944	88,841.03	27,061.07	11,040.24	10,488.22	4,416.10
The A. L. Duckwell Stores Co., Abilene, Kans	Retail variety stores	Dec. 31, 1940	61,979.52	66,645.41	6,749.05	1,212.72	None
		Dec. 31, 1941	75,405.12	53,159.81	9,437.69	4,216.95	1,316.46
		Dec. 31, 1942	75,380.54	53,244.39	9,437.67	8,493.91	3,775.07
The Kansas City Dressed Beef, Co., 77 South James St., Kansas City, Kans.	Packing house	Dec. 31, 1941	8,831.57	70,814.32	5,265.25	2,740.03	1,293.62
		Dec. 31, 1942	8,803.34	71,244.61	5,392.11	4,852.90	1,517.99
		Dec. 31, 1943	13,894.34	24,998.26	8,878.95	7,991.05	3,218.37
Salina Journal, Inc., 201 West Iron Ave., Salina, Kans	Newspaper publishing	Dec. 31, 1944	13,894.34	8,878.95	8,878.95	8,415.00	5,189.49
		Dec. 31, 1945	13,894.34	8,878.95	8,878.95	8,434.01	4,341.72
KENTUCKY							
Allen-Cofell Co., Inc., Clark County Bank Bldg., Winchester, Ky.	Road oiling and surfacing	Dec. 31, 1940	2,714.22	97,403.49	6,565.29	682.88	None
Ashland Dry Goods Co., Inc., 1409-1413 Winchester Ave., Ashland, Ky.	Retail department store	Jan. 31, 1942	5,882.05	6,216.91	4,295.89	1,505.56	706.14
		Jan. 31, 1943	5,882.05	6,216.91	4,295.89	3,995.30	1,154.88
		Jan. 31, 1944	5,882.05	6,216.91	4,295.89	3,884.30	1,191.30
		Jan. 31, 1945	5,882.05	5,183.18	3,152.71	2,995.07	851.24
Blue Boar Cafeteria Co., Inc., 644 South 4th St., Louisville, Ky.	Restaurant	Apr. 30, 1944	34,656.88	2,901.13	2,901.13	2,658.97	1,537.59
		Apr. 30, 1945	34,656.88	2,901.13	2,901.13	2,795.07	1,547.60
Columbia Amusement Co., Arcade Bldg., Paducah, Ky.	Theatre operation	Dec. 31, 1944	520,080.47	4,413.08	4,413.08	4,192.43	1,722.26
		Dec. 31, 1945	52,080.47	4,413.08	4,413.08	4,192.43	1,722.26
Fairfield Distillery Inc., Bardstown, Ky.	Distillers and dealers in whiskey, alcohol, etc.	Aug. 31, 1941	24,683.57	196,249.51	10,928.88	2,722.22	None
		Aug. 31, 1942	30,058.99	190,901.01	15,291.31	15,155.66	5,223.12
		Aug. 31, 1943	61,859.24	201,478.22	11,537.72	11,020.86	4,999.52

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
KENTUCKY—continued							
Flat Creek Coal Co., Providence, Ky	Coal mining	Dec. 31, 1942	$7,467.75	$6,607.64	$2,182.11	$1,963.89	$589.17
		Dec. 31, 1943	7,467.75	6,607.64	2,182.11	1,963.89	1,053.02
Keeneland Race Course, P. O. Box 320, Lexington, Ky.	Race track	Dec. 31, 1944	1,699.44	6,402.00	6,402.00	5,323.55	1,713.02
The Kenton Pharmacal Co., 423 Greenup St., Covington, Ky.	Manufacture and distribution of hair coloring and proprietary.	Dec. 31, 1943	12,814.74	2,576.18	None	1,161.71	374.33
Pine Hill Mining Co., Madisonville, Ky	Coal mining	Dec. 31, 1942	80.00	53,106.89	2,392.72	2,128.10	638.43
		Dec. 31, 1943	294.37	52,892.52	2,178.35	1,960.51	588.16
		Dec. 31, 1944	2,044.48	51,142.41	428.24	406.83	115.63
Puritan Cordage Mills, 1205 Washington St., Louisville, Ky.	Cord and rope manufacturing	Dec. 31, 1944	32,068.95	8,964.15	8,964.15	8,515.94	4,616.70
		Dec. 31, 1945	32,068.95	8,964.15	8,964.15	8,515.94	4,616.70
Wave, Inc., 334 East Broadway, Louisville, Ky	Radio broadcasting	Dec. 31, 1941	61,108.89	50,931.98	15,255.89	6,102.86	1,921.74
		Dec. 31, 1942	61,108.89	50,931.98	15,255.89	13,730.30	6,102.36
		Dec. 31, 1943	61,108.89	50,931.98	15,255.89	13,730.30	6,102.36
J. G. Wilde Co., Inc., 1528 Russell St., Covington, Ky.	Building materials, coal and coke.	Dec. 28, 1945	6,542.40	None	None	3,111.78	884.41
LOUISIANA							
Arkana Transit Corp., 622 Commercial National Bank Bldg., Shreveport, La.	Transportation of crude oil by pipe line.	Dec. 31, 1940	30,756.49	49,964.79	11,480.04	2,510.13	None
		Dec. 31, 1941	37,822.52	118,123.24	17,384.68	8,964.44	2,780.38
		Dec. 31, 1942	37,822.52	118,123.24	17,384.68	8,983.54	4,925.77
Bogalusa Lumber Co., Inc., Cumberland St., Bogalusa, La.	Manufacture lumber	Dec. 31, 1943	10,129.98	22,745.63	3,620.26	3,258.23	977.47
		Dec. 31, 1944	10,129.98	22,745.63	3,620.26	3,439.25	1,049.87
General Lumber Corp., (formerly Hodge-Hunt Lumber Manufacturing Corp.), P. O. Drawer 1660, San Antonio, Tex.	Saw mill	June 30, 1943	9,356.95	1,205.33	1,205.33	2,052.43	1,208.64
Good Pine Oil Co., Inc., Good Pine, La	Leasing, oil, gas, and mineral rights.	Dec. 31, 1940	2,498.20	87,751.80	25,811.80	3,781.88	None
		Jan. 1-Dec. 29, 1941	4,273.29	85,976.71	32,111.71	18,107.91	5,613.46
Huval Baking Co., Inc., 320-328 St. John St., Lafayette, La.	Bakery	Mar. 31, 1943	6,905.45	6,415.93	1,980.60	2,376.36	712.97
		Mar. 31, 1944	7,246.05	6,075.33	1,640.00	1,476.40	442.81
Logansport Lumber Co., Inc., Logansport, La., (formerly Shreveport, La.).	Manufacture of lumber	Oct. 31, 1943	10,436.80	1,275.27	536.59	966.40	311.39
Southport Corp., Inc., 820 Carondelet Bldg., New Orleans, La.	Manufacturing and wholesaling cooperage.	Dec. 31, 1940	8,473.47	49,634.90	10,526.53	2,631.63	None
		Dec. 31, 1941	7,818.24	49,636.39	9,538.58	5,557.45	1,722.80
		Dec. 31, 1942	6,546.90	49,636.39	9,538.24	165.18	49.55
		Dec. 31, 1943	7,833.22	48,581.75	8,483.94	10,966.12	3,379.36
		Dec. 31, 1944	8,204.77	47,833.64	7,735.23	7,749.97	2,618.50
Stratton-Baldwin Sales Co., Inc., (formerly A. Baldwin Sales Co., Inc.), 700 Tchoupitoulas St., New Orleans, La.	Household appliances	May 30, 1942	11,852.57	5,952.02	5,952.02	1,580.56	393.90
Strauss & Haas, Inc. (formerly Oliver H. Van Horn Co. Inc.), 524 Camp St., New Orleans, La.	Wholesale and retail dealers in machine tools, shop supplies, etc.	Dec. 31, 1941	7,225.80	14,941.95	1,746.60	1,463.75	350.95
		Dec. 31, 1942	8,561.99	6,379.96	410.41	2,299.35	689.80
Wilbert Mineral Corp., Plaquemine, La	Mineral corporation	Feb. 29, 1944	16,442.48	12,900.14	8,573.47	7,786.40	3,885.93
		Feb. 28, 1945	16,442.48	12,900.14	8,573.47	8,045.34	4,543.94
MARYLAND							
Alamo Theatre Corp., 1216 7th St. NW., Washington, D. C.	Operating motion picture theatres.	Dec. 31, 1940	13,028.66	3,490.92	3,884.78	160.81	None
		Dec. 31, 1941	15,248.57	3,880.63	3,685.88	1,290.06	535.35
		Dec. 31, 1942	15,248.57	3,880.63	3,685.88	3,317.29	1,068.91
		Dec. 31, 1943	15,248.57	3,880.63	3,685.88	3,317.29	1,068.91
		Dec. 31, 1944	15,248.57	3,880.63	3,685.88	2,108.56	1,176.40
		Dec. 31, 1945	15,248.57	3,880.63	3,685.88	3,507.29	1,956.70
Auth Bros. Inc., 1117 F St. SW., Washington, D. C.	Wholesale meats and provisions	Apr. 30, 1943	1,626.17	12,619.96	3,802.14	5,068.61	1,520.58
		Apr. 30, 1944	1,738.90	12,607.23	3,689.41	3,581.46	996.15
Baltimore Broadcasting Corp., North Ave. at Harford Ave., Baltimore, Md.	Radio broadcasting	Dec. 31, 1941	6,684.66	22,530.39	2,815.04	1,267.75	531.42
		Dec. 31, 1942	7,956.44	21,258.91	1,543.56	1,406.86	422.06
		Dec. 31, 1943	8,748.80	20,466.55	751.20	676.08	202.82
The Baltimore Transfer Co., northwest corner Monument and Forrest Sts., Baltimore 2, Md.	Class I common carrier of freight by motor truck.	Dec. 31, 1943	62,679.25	24,766.73	16,188.87	7,195.05	818.71
The Barigis Bros. Co., Ilchester, Md	Manufacturers of paper board containers, etc.	Dec. 31, 1941	90,797.03	13,363.20	13,234.87	11,318.64	2,508.79
		Dec. 31, 1942	90,862.17	29,352.73	13,169.73	11,852.76	5,267.89
Becker Pretzel Bakeries, Inc., 2800 West Booth St., Baltimore, Md.	Manufacturers of pretzels and potato chips	Dec. 31, 1943	24,499.71	2,121.70	2,121.70	1,909.48	1,126.29
Charles T. Brandt, Inc., Ridgely and Bush Sts., Baltimore, Md.	Sheet metal manufacturing	Dec. 31, 1940	22,785.09	126,162.30	22,799.71	2,303.04	None
		Dec. 31, 1941	30,024.54	118,922.84	27,600.36	18,265.71	5,662.37
The Comfy Manufacturing Co., Monroe and Eagle Sts., Baltimore, Md.	Manufacturer and distributor of seat covers	Dec. 31, 1943	35,311.04	26,869.39	20,869.39	21,121.31	12,459.74
		Dec. 31, 1945	43,242.42	63,289.15	18,938.01	8,261.75	3,478.63
Conserco, Inc., 1600 South Capitol St., Washington, D. C.	Rental of concrete mixer trucks	June 30, 1941	11,214.00	46,055.63	3,697.21	924.30	None
		June 30, 1942	13,965.57	54,704.54	8,414.40	7,572.96	2,347.61
		June 30, 1943	14,116.74	54,553.37	8,414.40	15,145.92	8,891.79
The Cumberland Brewing Co. of Allegany County, Md., 711 North Centre St., Cumberland, Md.	Brewers of beer and ale and manufacturers of ice.	Dec. 31, 1943	133,036.22	56,963.78	4,050.72	3,645.65	1,620.29
		Dec. 31, 1944	133,036.22	56,963.78	4,050.72	3,848.18	1,620.29
		Dec. 31, 1945	133,036.22	56,963.78	4,050.72	3,848.19	1,620.29
William Delches & Co., Inc., 26 South Hanover St., Baltimore, Md.	Wholesale cigars and tobacco	Dec. 31, 1943	4,022.06	28,699.15	7,933.52	6,741.28	2,142.06
		Dec. 31, 1944	4,027.26	28,693.95	6,920.54	6,574.51	1,857.50
Doubert Drug & Restaurant Co., Inc., 1114-1116 New York Ave. NW., Washington, D. C.	Restaurant	Dec. 31, 1945	5,633.43	26,997.78	5,314.37	5,048.66	1,454.07
		Dec. 31, 1943	3,040.84	4,202.91	4,202.91	388.13	116.44
		Dec. 31, 1944	3,031.83	4,211.92	4,211.92	4,001.32	1,137.23
		Dec. 31, 1945	3,589.57	3,654.18	3,654.18	3,471.47	986.63
Eastern Highways Corp., Post Office Box 2738, Baltimore, Md.	Paving contractors	Dec. 31, 1942	3,468.54	46,466.46	5,892.71	10,968.09	3,584.03
		Dec. 31, 1943	3,925.42	45,949.58	5,290.05	3,443.07	1,032.82
Edmar Realty Co., 702 H St. NW., Washington, D. C.	Real estate leasehold	Oct. 31, 1945	3,906.22	4,833.78	4,833.78	3,870.39	1,100.00
English-American Tailoring Co., Inc., 901 North Milton Ave., Baltimore, Md.	Manufacturers men's clothing	Dec. 31, 1940	80,635.51	99,878.47	86,474.13	3,741.90	None
		Dec. 31, 1941	89,472.74	91,061.54	103,886.66	46,974.79	14,562.18
		Dec. 31, 1942	89,472.74	91,061.54	103,886.66	133,428.14	59,301.40
		Dec. 31, 1943	89,472.40	103,886.66	103,886.66	98,102.85	43,601.28
		Dec. 31, 1944	89,472.40	103,886.66	103,886.66	131,001.69	55,158.60
		Dec. 31, 1945	89,472.40	103,886.66	103,886.66	47,306.49	19,918.52
The Evening Star Broadcasting Co., Trans-Lux Bldg., 14th and H Sts. NW., Washington, D. C.	Radio broadcasting	Dec. 31, 1944	23,687.24	46,131.11	46,131.11	36,780.08	21,615.56

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
MARYLAND—continued							
Fairlawn Amusement Co., 2533 Pennsylvania Ave. SE., Washington, D. C.	Motion picture theatre operation.	Dec. 31, 1941	$19,903.55	$18,550.70	$5,707.28	$1,997.54	$878.91
		Dec. 31, 1942	20,490.63	24,287.02	6,159.63	5,543.65	3,264.61
		Dec. 31, 1943	20,490.63	17,953.62	6,159.63	5,543.67	3,264.61
		Dec. 31, 1944	20,490.63	6,159.63	6,159.63	5,851.05	3,264.60
Fidelity Storage Corp., 1420 U St. NW., Washington, D. C.	Storage and hauling of household goods.	Dec. 31, 1941	22,770.06	1,834.85	1,834.85	1,651.37	972.47
		Dec. 31, 1942	22,770.06	1,834.85	1,834.85	1,743.10	972.47
		Dec. 31, 1943	22,770.06	1,834.85	1,834.85	1,743.11	972.47
		Dec. 31, 1944	22,770.06	1,834.85	1,834.85	1,743.11	972.47
		Dec. 31, 1945	22,770.06	1,834.85	1,834.85	1,743.11	972.47
Gerotor May Corp. (formerly May Oil Burner Corp.), Maryland Ave. and Oliver St., Baltimore, Md.	Pump manufacturing and precision machinery.	Dec. 31, 1941	73,310.70	90,823.20	71,789.30	65,259.41	29,001.18
		Dec. 31, 1942	73,368.79	112,365.11	71,731.21	128,961.75	57,311.89
		Dec. 31, 1943	72,003.31	113,730.59	73,096.69	127,703.18	58,776.28
		Dec. 31, 1944	50,382.73	85,795.47	52,413.32	12,823.11	3,976.17
The Goldenberg Co., 7th and K Sts. NW., Washington, D. C.	Retail department store	Jan. 31, 1942	51,396.16	85,118.09	31,409.89	40,305.37	18,371.76
		Jan. 31, 1943	45,894.34	60,609.92	36,901.72	30,402.91	18,155.83
		Jan. 31, 1944	43,182.08	39,613.97	39,613.97	40,142.24	18,161.19
		Jan. 31, 1945	43,110.45	39,685.60	39,685.60	36,300.49	16,408.20
		Jan. 31, 1946	32,678.48	28,351.38	15,408.28	8,595.05	2,994.49
Greenway Inc., 1404 K St., NW. Washington, D. C.	Owner and operator of improved property.	Dec. 31, 1941	643,694.73	609,150.60	21,595.27	38,349.49	17,044.22
		Dec. 31, 1942	643,663.65	609,181.68	21,326.35	20,269.54	8,551.15
		Dec. 31, 1943	252,906.06	360,435.69	21,310.78	19,639.88	3,994.56
		Dec. 31, 1944	260,818.27	28,123.48	13,407.57	12,066.81	5,561.03
L. Greif & Bro., Inc., 401 Homeland Ave., Baltimore, Md.	Clothing manufacturing	Dec. 31, 1941	260,818.27	28,123.48	13,407.57	12,066.81	5,561.02
		Dec. 31, 1942	260,818.27	28,123.48	13,407.57	12,737.19	5,561.02
		Dec. 31, 1943	260,818.27	28,123.48	13,407.57	724.93	None
		Dec. 31, 1944	8,770.49	34,972.93	33,535.78	11,557.99	4,059.98
John I. Haas, Inc., Metropolitan Bank Bldg., Washington, D. C.	Hops and malt	Dec. 31, 1940	9,955.34	33,794.08	40,514.62	67,642.77	32,146.81
		Dec. 31, 1941	9,955.34	33,794.08	40,514.62	39,463.16	18,259.04
		Dec. 31, 1942	9,955.34	40,514.62	40,514.62	38,488.89	18,909.01
		Dec. 31, 1943	9,955.34	40,514.62	40,514.62	34,911.57	17,338.81
		Dec. 31, 1944	9,955.34	40,514.62	40,514.62	3,893.07	None
		Dec. 31, 1945	66,735.31	79,577.69	27,999.99	18,183.85	5,657.03
Homeland Tailors, Inc., 2500 East Ashland Ave., Baltimore, Md.	Manufacturers men's clothing	Dec. 31, 1940	79,164.21	67,148.79	41,279.50	37,151.55	16,511.80
		Dec. 31, 1941	79,164.21	67,148.79	41,279.50		
		Dec. 31, 1942	79,164.21	67,148.79	41,279.50		
		Dec. 31, 1943	8,000.68	11,031.62	3,733.34	104.76	24.10
		Dec. 31, 1944	8,000.67	11,031.63	3,733.35	2,690.40	809.82
Hot Shoppes, Inc., 1234 Upshur St. NW., Washington, D. C.	Restaurant	Dec. 31, 1942	8,000.67	11,031.63	3,733.35	19,593.75	6,074.07
		Jan. 31, 1942 [1]	493,037.24	546,165.16	35,025.00		
Hot Shoppe Properties, Inc., 1234 Upshur St. NW., Washington, D. C.	Lessor of real property	Dec. 31, 1941	94,693.74	29,339.69	10,686.70	6,361.45	1,972.05
		Dec. 31, 1942	98,811.89	30,221.54	11,568.55	12,219.32	5,149.81
		Dec. 31, 1943	93,195.30	30,838.13	12,185.14	11,522.00	1,357.44
		June 30, 1944	18,397.41	6,127.40	1,995.18	1,845.28	771.42
		June 30, 1945	18,397.41	6,127.40	1,995.18	1,895.42	772.42
		June 30, 1946	18,397.41	6,127.40	1,995.18	955.50	392.93
Hutzler Bros. Co., 210 North Howard St., Baltimore, Md.	Wholesale lumber	Dec. 31, 1942	6,749.10	17,537.12	5,410.99	5,574.22	1,672.27
		Dec. 31, 1943	7,588.65	16,697.58	4,571.35	5,117.49	1,535.25
		Dec. 31, 1944	8,491.93	14,512.82	2,366.59	3,651.53	1,095.46
		Dec. 31, 1945	9,773.41	89,065.54	3,426.94	4,399.02	2,640.54
Johnson & Wimsatt, Inc., 9th St. and Maine Ave. SW., Washington, D. C.	Retail installment jewelry	Jan. 31, 1943	30,228.34	None	None	2,876.27	1,149.27
		Jan. 31, 1944	34,218.60	None	None	1,988.57	897.01
		Sept. 30, 1943	1,356.49	10,624.65	3,213.44	2,892.09	867.62
		Sept. 30, 1944	1,356.49	10,624.65	3,213.44	3,012.39	867.62
		Sept. 30, 1945	1,356.49	10,624.65	3,213.44	498.92	141.79
The Kay Jewelry Co., 7 West Lexington St., Baltimore, Md.		Dec. 31, 1941	29,477.03	19,928.96	11,801.67	3,407.85	1,095.41
		Dec. 31, 1942	29,477.03	15,301.19	11,027.97	9,475.09	5,811.83
		Dec. 31, 1943	29,477.03	15,357.01	11,027.97	9,925.17	5,811.81
		Dec. 31, 1944	29,477.03	15,281.03	11,027.97	10,476.57	5,750.15
		Dec. 31, 1945	29,477.03	15,362.68	11,027.97	10,476.57	5,735.28
		Dec. 31, 1942 [1]	3,825.01	None	None	2,876.01	862.79
		Dec. 31, 1943 [1]	3,825.01	None	None	1,272.38	381.72
The W. H. Killian Co., 700 South Eden St., Baltimore, Md.	Canners, fruits and vegetables	Feb. 28, 1943	37,148.59	22,231.19	3,192.33	8,619.29	4,337.85
		Feb. 28, 1944	37,148.59	22,231.19	3,192.33	2,899.27	1,684.65
		Jan. 31, 1944	7,028.56	13,532.31	13,532.31	6,311.85	1,830.98
		Jan. 31, 1945	13,864.34	6,696.53	6,696.53	8,253.44	3,851.08
Leiter Bros., Inc., 32-34 West Washington St., Hagerstown, Md.	Ladies ready-to-wear	Dec. 31, 1940	992.00	16,842.31	3,739.21	370.26	None
		Dec. 31, 1941	591.44	20,102.69	4,948.68	878.00	291.91
		Dec. 31, 1942	1,044.32	19,649.81	4,495.80	1,850.11	555.04
Lenox Theatres Corp., 213 North Calvert St., Baltimore, Md.	Motion pictures	Dec. 31, 1941	3,656.00	50,491.00	5,958.47	5,362.62	1,608.79
		Dec. 31, 1942	3,656.00	49,840.57	5,958.47	5,362.63	1,608.79
		Dec. 31, 1943	3,656.00	49,840.57	5,958.47	1,698.79	509.63
		Dec. 31, 1944	3,656.00	49,840.57	5,958.47	1,700.03	381.19
		June 30, 1944	3,728.17	1,639.33	1,639.33	1,557.36	412.62
		June 30, 1945	3,728.17	1,639.33	1,639.33	11,653.29	4,999.69
Lion Bros. Co., Inc., Hollins and Poppleton Sts., Baltimore, Md.	Manufacturers of embroideries	Dec. 31, 1945	211,196.50	12,296.62	12,296.62		
Marbert Products, Inc., 19 East Lombard St., Baltimore, Md.	Manufacturers of beverage concentrates.	Dec. 31, 1941	242,578.47	114,133.19	20,622.43	10,311.21	3,196.48
		Dec. 31, 1942	242,898.73	121,100.10	20,302.17	18,271.95	8,120.87
The Maryland Paper Products Co., 1100 South Eutaw St., Baltimore, Md.	Manufacturer of paper matches and drinking straws.	Dec. 31, 1943	242,898.73	121,100.10	20,302.17	18,271.95	8,120.87
		Dec. 31, 1944	246,115.89	117,882.94	17,085.01	16,230.76	6,811.00
Middle Atlantic Distributors, Inc., 1125 2d St. NE., Washington, D. C.	Wholesale liquor	Dec. 31, 1945	246,115.89	117,882.94	17,085.01	18,230.76	6,811.00
		Dec. 31, 1942	114,110.30	127,019.88	20,345.17	30,450.89	13,533.51
Morris Properties, Inc., 1234 Upshur St. NW., Washington, D. C.	Lessor of business property	Dec. 31, 1943	111,003.44	23,452.03	23,452.03	44,558.86	18,761.02
		Dec. 31, 1944	111,003.44	23,452.03	23,452.03	40,677.64	17,127.12
		Dec. 31, 1945	111,003.44	23,452.03	23,452.03	1,806.11	513.32
National Engineering Products, Inc., Bank of Commerce & Savings Bldg., Washington, D. C.	Manufacturing and sales	Dec. 31, 1941	574.78	9,291.60	1,901.17	827.78	215.27
		Dec. 31, 1945	1,869.61	7,999.77	606.34		915.91
		Dec. 31, 1944	8,816.15	2,881.66	2,881.66	2,750.43	
National Equipment & Supply Co., Inc., 1244 9th St. NW., Washington, D. C.	Retail machinery and mill supplies	Dec. 31, 1941	105,061.03	46,725.52	3,800.00	1,520.00	471.20
		Dec. 31, 1942	105,061.03	46,725.52	3,800.00	3,420.00	1,520.00
		Dec. 31, 1943	104,454.29	25,188.36	4,406.74	3,966.07	1,762.69
		Dec. 31, 1944	104,454.29	25,188.36	4,406.74	4,185.41	1,762.69
		Dec. 31, 1945	104,454.29	25,188.36	5,156.76	1,100.47	None
The Nonzema Chemical Co., 324 St. and Falls Cliff Rd., Baltimore, Md.	Distributors of skin cream	Dec. 31, 1940	4,075.08	5,812.11	6,453.73	2,019.01	404.37
		Dec. 31, 1941	4,757.58	5,812.11	6,453.73	2,019.01	1,554.28
		Dec. 31, 1942	4,954.82	5,644.87	6,295.49	5,194.29	563.04
		Dec. 31, 1941	23,658.52	16,970.87	4,540.65	1,816.26	981.66
Peoples Service Drug Stores, Inc., 77 F St. NE., Washington, D. C.	Chain drug stores	Dec. 31, 1942	26,384.74	14,244.65	1,814.43	1,632.99	829.67
		Dec. 31, 1943	26,384.74	14,244.65	1,814.43	1,632.99	
Phelps Can Co., 415 Mercantile Trust Bldg., Baltimore, Md.	Manufacturer cans for evaporated and condensed milk industry.						
Press Liquors, Inc., 527 14th St. NW., Washington, D. C.	Retail liquo store						
The Phillip J. Scheck Theatre Enterprises, Inc., 1110 West Baltimore St., Baltimore, Md.	Motion picture exhibitor						
Security Storage Co., 1140 15th St. NW., Washington, D. C.	Storage, packing, and moving						
Sheets Properties, Inc., 1234 Upshur St. NW., Washington, D. C.	Lessors of improved property						
H. G. Smithy Co., 811 15th St. NW., Washington, D. C.	Real estate agents, brokers, managers.						

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
MARYLAND—continued							
The Standard Metal Refining Co., 4200 Boston St., Baltimore, 24 Md.	Detinning scrap	Dec. 31, 1943	$5,565.13	$32,966.80	$1,377.68	$3,821.26	$1,146.38
		Dec. 31, 1944	3,798.87	34,733.06	3,143.94	4,176.90	1,187.12
		Dec. 31, 1945	3,503.07	35,028.86	3,439.74	3,504.28	995.95
Strand Tailoring Co., Inc., 2501 East Eager St., Baltimore, Md.	Manufacturers men's clothing	Dec. 31, 1941	4,338.49	16,550.92	12,021.89	4,445.50	1,063.26
		Dec. 31, 1942	4,338.49	16,550.92	12,021.87	11,898.22	3,020.64
		Dec. 31, 1943	4,338.49	12,021.89	12,021.89	10,819.80	3,273.12
		Dec. 31, 1944	4,338.49	12,021.89	12,021.89	11,420.79	3,099.60
		Dec. 31, 1945	4,338.49	12,021.89	12,021.89	1,879.65	534.22
Suburban Club Carbonated Beverage Co., Inc., 400 Key Highway, Baltimore, Md.	Bottler of soft drinks	Dec. 31, 1940	54,787.48	66,633.12	3,371.76	812.94	None
		Dec. 31, 1941	66,878.50	54,542.10	4,822.75	2,136.96	692.46
		Dec. 31, 1942	66,878.50	54,542.10	4,822.75	4,340.47	1,929.10
The Swope Jewelry Co., Inc., 1114 F St. NW., Washington, D. C.	Retail installment jewelry	June 30, 1944	6,935.47	4,921.73	4,921.73	4,551.83	1,377.77
The Times & Alleganian Co., 7 South Mechanic St., Cumberland, Md.	Newspaper publisher	Dec. 31, 1944	52,739.10	4,507.07	4,507.07	4,281.72	1,802.27
		Dec. 31, 1945	52,739.10	4,507.07	4,507.07	682.67	287.43
A. & N. Trading Co., Inc., 8th and D Sts. NW., Washington, D. C.	Clothing and sporting goods	Jan. 31, 1943	45,721.96	105,110.14	11,839.49	29,113.09	12,939.14
Victor Products Corp., 901 Pope Ave., Hagerstown, Md.	Manufacturer of refrigeration products and reclaim rubber.	Dec. 31, 1941	131,195.11	658,629.60	44,369.73	22,462.38	6,975.76
		Dec. 31, 1942	131,195.11	658,629.60	44,369.73	39,932.76	17,747.89
		Dec. 31, 1943	131,195.11	658,629.60	44,369.73	39,932.75	17,747.88
Western Chain Store Terminals, Inc., c/o Mr. George D. List, Garrett Bldg., Baltimore, Md.	Holding title to real estate	Dec. 31, 1941	36,938.88	2,860.22	8,899.63	4,182.59	1,840.34
		Dec. 31, 1942	36,272.60	3,526.20	8,233.65	9,974.07	5,143.30
		Dec. 31, 1943	35,184.65	4,615.05	7,144.80	9,353.16	4,943.22
		Dec. 31, 1944	33,991.44	5,807.66	5,952.19	8,953.68	4,995.22
Western Wine Corp., 1101 Brunswick St., Baltimore, 23, Md.	Wine bottling and distributing	Dec. 31, 1945	32,720.87	7,078.23	4,681.62	8,542.95	4,766.07
		Apr. 30, 1943 [1]	4,328.54	None	None	407.83	122.35
Willard Stores, Inc., 1234 Upshur St. NW., Washington, D. C.	Restaurant	Dec. 31, 1940	41,395.07	71,262.93	18,470.40	4,223.80	None
		Dec. 31, 1941	52,057.02	60,600.98	30,458.23	12,857.83	3,750.33
		Dec. 31, 1942	52,057.02	60,600.98	30,458.23	27,412.41	12,183.30
The Wolfe & Mann Manufacturing Co., 28th and Sisson St., Baltimore, Md.	Electrical manufacturing	Dec. 31, 1942	6,898.01	43,301.77	22,284.54	19,779.68	8,679.90
MASSACHUSETTS							
Ayres William C. Jones, Inc., 222 Summer St., Boston, Mass.	Cotton waste and commissions	Dec. 31, 1941	11,561.41	4,389.09	1,019.06	356.68	82.03
		Dec. 31, 1942	11,561.41	4,389.09	1,019.06	917.15	275.14
		Dec. 31, 1943	11,561.41	4,389.09	1,019.06	968.11	295.53
		Dec. 31, 1944	11,561.41	4,389.09	1,019.06	968.10	295.53
		Dec. 31, 1945	11,561.41	4,389.09	1,019.06	968.11	295.53
Byfield Gelting Co., 217 Jackson St., Lowell, Mass.	Manufacturers of hair and wool sheet felt and wheels.	Dec. 31, 1943	5,662.96	16,789.52	16,789.52	15,353.56	5,343.72
		Dec. 31, 1944	6,773.15	15,679.33	15,679.33	13,942.16	5,166.26
L. H. Hamel Leather Co., 117 Essex St., Haverhill, Mass.	Leather—tanned, curried	June 30, 1941	104,995.75	148,153.35	62,665.39	16,512.25	None
		June 30, 1942	120,587.73	149,371.17	103,240.34	60,461.88	18,743.18
		June 30, 1943	140,723.72	129,235.18	86,717.35	13,546.67	6,020.75
R. C. Harvey Co., 144 Moody St., Waltham, Mass.	Wool processing and white sale dealer.	Aug. 31, 1941 [2]	30,211.95	22,180.48	2,515.55	754.66	None
Hollingsworth & Whitney Co., 60 Batterymarch St., Boston, Mass.	Pulp and paper manufacturing	Dec. 31, 1941	1,151,950.96	638,292.94	151,720.41	126,752.82	39,293.38
		Dec. 31, 1942	1,112,542.87	672,309.54	191,153.71	205,302.96	91,245.76
Plywood Corp., 250 Stuart St., Boston, Mass.	Manufacturers of plywood products.	Mar. 31, 1941	31,286.32	31,160.53	12,301.82	4,305.63	None
		Mar. 31, 1942	38,912.06	39,953.89	15,937.85	6,910.64	2,142.29
		Mar. 31, 1943	38,912.06	39,953.89	15,937.85	14,344.07	6,375.15
		Mar. 31, 1944	38,912.06	39,953.89	15,937.85	13,301.19	6,377.83
E. A. Thomas Co., 77 Main St., Taunton, Mass.	Retail dry goods	Jan. 31, 1944	3,626.14	10,823.36	874.96	791.05	236.22
Van Norman Machine Tool Co., 3640 Main St., Springfield, Mass.	Manufacture of machine tools and automotive equipment.	Dec. 31, 1941	422,786.74	666,578.31	125,720.43	76,614.06	23,139.81
MICHIGAN							
Air Control Products, Inc., Coopersville, Mich.	Manufacture air control products and aircraft and gun parts.	Dec. 31, 1940	4,360.82	153,777.62	16,366.29	4,211.96	None
		Jan. 1 to Nov. 30, 1941	6,312.26	151,826.18	17,894.08	6,375.83	2,865.37
		Nov. 30, 1942	9,767.00	148,371.44	14,936.33	10,137.30	3,757.65
		Nov. 30, 1943	10,907.83	147,230.61	13,802.17	12,154.25	5,421.25
		Nov. 30, 1944	11,860.01	146,278.42	12,849.99	11,072.77	6,240.79
		Nov. 30, 1945	12,391.48	145,746.96	12,318.52	12,104.95	6,025.59
American Auto Felt Corp., 617 Crosby St. NW., Grand Rapids, Mich.	Textile manufacturers	Dec. 31, 1942 [1]	44,333.53	None	None	11,722.10	5,241.82
		Dec. 31, 1943	24,204.33	56,910.58	13,193.34	11,874.00	6,992.48
American Textiles, Inc., 503 Phoenix Bldg., Bay City, Mich	Retail garments	Dec. 31, 1941	2,535.90	6,976.53	2,214.10	776.13	179.30
		Dec. 31, 1942	3,122.23	6,390.20	1,627.77	1,472.31	441.69
		Dec. 31, 1943	3,308.30	6,204.13	1,441.70	1,297.52	380.26
Auto Glass Manufacturing Co., 4404 Bellevue Ave., Detroit, Mich.	Manufacturers of safety glass	Dec. 31, 1944	3,912.94	837.06	837.06	795.21	225.91
		Dec. 31, 1945	4,896.67	4,335.92	4,335.92	4,014.46	1,210.34
B. & J. Theatres Inc., 1492 National Bank Bldg., Detroit, Mich.	Operating motion picture theatres.	Dec. 31, 1941	5,124.01	4,108.58	4,108.58	4,073.10	1,157.62
		Dec. 31, 1945	6,321.39	2,911.20	2,911.20	2,765.64	785.02
		Dec. 31, 1941 [1]	27,643.09	None	None	480.83	211.57
B/W Controller Corp., 2200 East Maple Rd., Birmingham, Mich.	Manufacturing	Dec. 31, 1943	22,627.49	5,015.60	5,015.60	3,244.10	1,910.42
		Sept. 30, 1942	3,584.67	19,215.33	2,685.33	1,349.81	254.31
		Sept. 30, 1943	4,385.79	18,414.21	1,884.21	1,695.79	568.74
		Sept. 30, 1944	5,100.42	17,699.58	1,169.58	280.59	79.38
Bay Refining Corp., 1201 Second National Bank Bldg., Saginaw, Mich.	Crude oil refining	Sept. 30, 1946	101,377.73	8,815.37	8,815.37	2,129.45	892.82
Big Bear Markets of Michigan, Inc. (formerly Giant Bear Markets, Inc.), 6300 St. Jean St., Detroit, Mich.	Operating 6 super markets together with sub tenants.	Dec. 31, 1941	9,246.48	17,461.48	5,296.04	1,833.41	815.60
		Dec. 31, 1943 [4]	9,246.48	5,296.04	5,296.04	9,592.87	3,891.13
			9,246.48	17,461.48	5,296.04	4,766.43	1,429.93
Bower Roller Bearing Co., 5040 Hart Ave., Detroit, Mich.	Manufacturing roller bearings	Dec. 31, 1940	935,751.24	4,529.66	4,529.66	2,038.34	None
		Dec. 31, 1941	1,145,563.49	5,510.00	5,510.00	3,306.00	1,654.86
Broehl & Hass Corp., 1576 Division Ave., South, Grand Rapids, Mich.	Manufacture of metal stampings and parts for guns, tanks, aircraft etc.	Dec. 31, 1943	13,599.38	12,530.28	1,763.77	3,174.79	1,860.60
		Dec. 31, 1944	13,599.38	1,763.77	1,763.77	15,956.74	8,686.24
Buckingham Products Co., 8900 Hubbell St., Detroit, Mich.	Manufacture buffing compounds	Dec. 31, 1944	8,516.88	2,238.04	2,238.04	2,128.14	619.36
		Dec. 31, 1945	8,516.88	2,238.04	2,238.04	2,128.14	619.36
W. S. Butterfield Theatres, Inc., 1492 National Bank Bldg., Detroit, Mich.	Operating motion-picture theatres.	Dec. 31, 1940	424,986.68	26,888.22	12,885.90	4,583.46	None
		Dec. 31, 1941	626,215.57	26,346.51	16,571.12	5,331.12	2,525.38
		Dec. 31, 1942	580,164.32	21,847.27	12,022.37	11,[illegible]13	5,048.95
Clement Industrial Electric Co., 223 Erie St. NW., Grand Rapids, Mich.	Electrical contracting	Dec. 31, 1942 [1]	9,263.79	None	None	[illegible]59	303.08

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
MICHIGAN—continued							
Con Co., 776 Bloomfield Blvd., Jackson, Mich. (formerly Concord Manufacturing Co., 124 North Main St., Concord, Mich.)	Manufacturer of aviation brake components.	Sept. 30, 1944	$22,039.62	$8,354.94	$8,354.94	$23,496.55	$10,025.93
		Sept. 30, 1945	22,039.81	8,354.75	8,354.75	7,937.01	4,428.01
Davies-Wheeler, Inc., Imperial Bldg., Allegan, Mich.	Manufacturer of upholstered chairs for living-room purposes.	Dec. 31, 1941	1,145.29	3,512.46	1,278.49	565.93	190.16
		Dec. 31, 1942	1,075.28	3,582.47	1,348.50	1,460.09	438.01
		Dec. 31, 1943	1,295.81	3,361.94	1,127.97	1,207.31	380.19
Detroit Stamping Co., 350 Midland Ave., Detroit Mich.	Manufacturer—metal stampings.	Dec. 31, 1940	30,619.47	132,955.15	11,723.10	4,416.93	None
		Dec. 31, 1941	39,293.47	154,030.27	20,200.18	10,145.94	3,114.96
		Dec. 31, 1942	48,100.42	156,875.56	11,973.57	10,381.51	4,789.42
		Dec. 31, 1943	48,100.42	156,875.56	11,973.57	10,776.21	4,789.44
		Dec. 31, 1944	48,100.42	156,875.56	11,973.57	11,374.90	4,789.44
		Dec. 31, 1945	47,437.41	156,875.56	11,973.57	11,374.90	4,783.47
Dunn Sulphite Paper Co., Riverview Ave., Port Huron, Mich.	Paper manufacturers	Dec. 31, 1940	99,945.00	25,763.46	None	482.53	None
		Dec. 31, 1941	101,699.53	24,008.93	16,012.41	10,289.18	3,164.84
		Dec. 31, 1942	103,662.63	22,045.83	14,049.31	16,745.72	7,402.55
		Dec. 31, 1943	102,705.82	23,002.64	15,006.12	16,503.29	7,331.80
Bill Elder General Tire Co., c/o William A. Elder, transferee, 240 Fulton St. East, Grand Rapids, Mich.	Retail tire sales and recapping	Jan. 1-June 30, 1943	1,184.44	1,021.33	1,021.33	603.66	167.68
Empire Home Builders Inc., 14200 Cloverdale Ave., Detroit 4, Mich.	Builders of houses	Dec. 31, 1941	2,925.21	7,182.81	725.04	398.63	91.55
		Dec. 31, 1942	3,367.18	6,740.84	283.07	294.05	88.21
Flint Broadcasting Co., 1626 Mott Foundation Bldg., Flint 3, Mich.	Radio station WFDF	Dec. 31, 1945	6,486.46	30,092.09	4,013.89	1,544.27	1,093.77
The Frost Ry. Supply Co., 2353 Penobscot Bldg., Detroit, Mich.	Railway supplies	Dec. 31, 1943	20,343.85	12,501.53	12,501.53	22,502.74	12,117.77
		Dec. 31, 1944	20,343.85	12,501.53	12,501.53	10,688.80	6,625.81
General Products Corp., 103 North Horton St., Jackson, Mich	Manufacturing of auto parts and war material.	Jan. 1 to Sept. 30, 1940	68,195.94	227,771.00	53,241.11	13,345.17	None
		Sept. 30, 1941	68,195.94	227,771.00	53,241.11	21,296.44	None
Hamlin's Inc., 89 Kercheval Ave., Grosse Pointe, Mich	Retail grocery	Sept. 30, 1942	80,359.74	211,813.20	68,170.26	37,954.08	13,642.37
		Oct. 31, 1943	2,551.67	21,198.43	5,213.90	4,602.51	1,407.75
		Oct. 31, 1944	2,551.67	21,198.43	5,213.90	4,969.73	1,407.74
Hammer Tool & Die Co., Inc., 17230 Mount Elliott Ave., Detroit 12, Mich.	Manufacturing tools, dies and fixtures.	Dec. 31, 1941	5,450.34	17,245.16	2,582.85	1,352.94	395.28
The Home Furnishing Co., 201 North Burdick St., Kalamazoo, Mich.	Retail furniture and housefurnishings.	Jan. 31, 1944	16,932.20	22,820.84	1,070.30	967.82	567.26
		Jan. 31, 1945	16,932.20	22,820.84	1,070.30	1,016.79	310.39
Homer Chevrolet Co., Inc., 9767 Grand River Ave., Detroit, Mich.	Automobile sales and service	Dec. 31, 1940	7,685.31	21,073.46	3,294.71	897.88	None
		Dec. 31, 1941	7,892.60	26,252.10	5,971.36	2,879.63	882.64
		Dec. 31, 1942	9,738.88	24,405.82	4,125.08	2,447.83	751.35
		Dec. 31, 1943	7,774.30	26,370.40	6,089.66	3,398.57	1,019.55
		Dec. 31, 1944	6,878.83	27,265.87	6,730.95	1,536.66	456.74
		Dec. 31, 1945	6,704.01	27,440.69	6,905.77	2,831.85	891.87
Jacobson Stores, Inc., 113 West Michigan Ave., Jackson, Mich.	Retail trade—ladies ready-to-wear number.	July 31, 1942	13,913.82	43,770.77	11,316.88	3,686.19	1,407.45
		July 31, 1943	16,438.21	41,246.38	8,792.48	10,760.85	3,586.82
		July 31, 1944	18,788.42	38,896.17	6,442.28	8,968.59	4,256.19
Kasle Steel Corp., 6782 Goldsmith Ave., Detroit 11, Mich.	Steel merchants	Dec. 31, 1943	16,874.75	31,818.45	4,238.35	4,238.35	1,109.26
		Dec. 31, 1944	16,874.75	31,818.45	4,238.35	4,026.43	2,246.32
La Salle Electric & Mill Supply Co., 6911 East Lafayette St., Detroit, Mich.	Wholesale electrical and mill supplies.	Oct. 31, 1941	2,470.68	9,650.10	723.22	256.85	None
		Oct. 31, 1942	2,762.29	11,028.86	853.95	557.85	149.08
Lonergan Manufacturing Co., Clark St., Albion, Mich.	Manufacture of space heaters and ice cooler boxes.	Nov. 30, 1941	41,768.64	67,316.30	8,281.63	2,598.57	None
Marble-Card Electric Co., Superior Ave., Gladstone, Mich.	Manufacture electrical machinery.	Dec. 31, 1940	8,902.83	52,312.99	1,907.94	476.99	None
		Dec. 31, 1941	8,957.48	63,505.62	2,783.77	1,113.51	345.23
		Dec. 31, 1942	9,071.59	63,391.51	2,969.66	2,705.96	776.39
		Dec. 31, 1943	5,724.27	2,875.54	2,875.54	2,587.99	
Merchants Wholesale Bakery, 855-865 Washington St., Marquette, Mich.	Manufacturing—bakery goods	Dec. 31, 1943					
Michigan Broach Co., 8815 Cabot Ave., Detroit 10, Mich.	Manufacturer of broaches	Sept. 30, 1941	10,674.39	6,853.73	2,965.28	889.58	None
		Sept. 30, 1942	12,530.80	10,305.17	5,566.95	3,049.35	1,012.61
		Oct. 1 to Dec. 22, 1942	12,745.05	10,305.17	5,566.95	1,139.32	359.95
Michigan Mills Paper Co., 412 Fidelity Bldg., Benton Harbor, Mich.	Paper dealers	Dec. 31, 1941 [1]	7,833.26	None	None	140.34	32.28
Milner Hotels, Inc., California, 3500 Book Tower Bldg., Detroit, Mich.	Hotel operation	Dec. 31, 1941	2,514.80	7,248.73	2,031.75	711.11	163.56
		Dec. 31, 1942	2,514.80	7,248.73	2,031.75	1,825.58	548.57
		Dec. 31, 1941	9,526.34	11,946.00	4,041.71	1,507.98	664.51
Milner Hotels, Inc., Connecticut, 3500 Book Tower Bldg., Detroit, Mich.	do	Dec. 31, 1942	9,526.34	11,946.00	4,041.71	3,637.54	1,091.27
		Dec. 31, 1943	9,526.34	11,946.00	4,041.71	3,637.54	1,091.27
Milner Hotels, Inc., Mississippi, 3500 Book Tower Bldg., Detroit, Mich.	do	Dec. 31, 1941	835.25	4,648.08	2,001.86	700.65	161.15
		Dec. 31, 1942	1,321.92	4,161.41	1,515.19	1,470.27	441.08
		Dec. 31, 1943	2,151.99	3,337.28	691.06	734.65	220.40
Milner Hotels, Inc., Missouri, 3500 Book Tower Bldg., Detroit, Mich.	do	Dec. 31, 1941	11,301.35	6,737.85	3,396.09	1,358.43	529.44
		Dec. 31, 1942	11,301.35	6,737.85	3,396.09	3,056.48	916.95
		Dec. 31, 1941	33,035.24	17,895.16	6,960.37	3,132.16	920.97
Milner Hotels, Inc., Ohio, 3500 Book Tower Bldg., Detroit, Mich.	do	Dec. 31, 1942	33,035.24	17,895.16	6,960.37	6,264.34	3,660.03
		Dec. 31, 1943	33,031.90	17,895.16	6,960.37	6,264.33	3,688.99
Milner Hotels, Inc., Oregon, 3500 Book Tower Bldg., Detroit, Mich.	do	Dec. 31, 1941	1,013.90	3,819.56	1,361.10	1,224.99	397.50
		Dec. 31, 1942	1,020.30	3,819.56	1,361.10	1,099.68	329.91
Milner Hotels, Inc., Utah, 3500 Book Tower Bldg., Detroit, Mich.	do	Dec. 31, 1943	1,020.30	3,819.56	1,361.10	1,099.68	242.37
		Dec. 31, 1941	3,517.03	5,889.56	3,631.97	1,271.18	980.61
		Dec. 31, 1942	3,517.03	5,889.56	3,631.97	3,268.77	980.64
		Dec. 31, 1943	3,524.43	5,889.56	3,631.97	3,268.77	None
Multi Color Co., 629 Woodward Ave., Detroit, Mich.	Blue prints—photostats, etc.	Dec. 31, 1940	1,797.60	13,931.23	3,260.67	815.16	713.04
		Dec. 31, 1941	4,379.56	1,320.44	1,320.44	2,376.79	1,426.75
		Dec. 31, 1942	5,115.41	584.59	584.59	4,982.50	1,494.75
Niles Cabinet Co., Inc., 1 East Main St., Niles, Mich.	Manufacturing radio cabinets	Dec. 31, 1943				136.86	None
		Dec. 31, 1940	1,267.47	7,729.16	3,096.12	1,220.76	488.70
		Dec. 31, 1941	1,715.41	7,287.71	3,355.51	2,121.76	996.52
		Dec. 31, 1942	2,660.15	6,343.97	2,401.77	3,021.75	906.52
		Dec. 31, 1943	3,066.02	5,937.10	2,010.90	2,162.87	614.71
Oklahoma Hotels, Inc., Oklahoma, 3500 Book Tower Bldg., Detroit, Mich.	Hotel operation	Dec. 31, 1944	2,430.81	12,436.70	1,951.00	2,367.67	710.31
		Dec. 31, 1942	2,429.21	12,438.30	1,952.60	1,757.34	527.20
Olofsson Tool & Die Co., 738 Porter St., Lansing, Mich.	Manufacturer of tools and dies	Dec. 31, 1943	1,707.31	50,241.97	5,746.36	1,436.59	None
		Mar. 31, 1941	4,674.00	70,912.90	4,082.86	2,511.33	778.51
Park Chemical Co., 8074 Military Ave., Detroit, Mich.	Manufacturers of case hardening compounds.	Mar. 31, 1942	4,674.00	10,206.34	5,515.93	878.98	None
		Dec. 31, 1940	39,929.41	39,339.25	5,013.37	2,296.02	699.36
Porter-Hadley Co., 255 Cottage Grove SE., Grand Rapids, Mich.	Wholesale lumber and mill work	Dec. 31, 1941	47,388.83	5,483.76	5,483.76	6,914.59	2,023.88
		Dec. 31, 1944	7,450.68	5,189.05	5,189.05	959.98	252.63
		Jan. 1 to Mar. 31, 1945	7,745.39				

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
MICHIGAN—continued							
Production Products Co., 518 North Mechanic St., Jackson, Mich.	Manufacturing and heat treating.	Nov. 30, 1943	$2,074.16	$756.24	$1,064.93	$604.44	$271.32
		Nov. 30, 1944	1,878.62	937.54	1,260.47	4,339.09	1,381.48
Protection Products Manufacturing Co., 2305 Superior Ave., Kalamazoo 99, Mich	Manufacture of water repellent solutions	Dec. 31, 1943	30,825.49	18,714.55	18,714.55	16,343.09	9,314.49
		Dec. 31, 1944	30,825.49	18,714.55	18,714.55	17,778.83	8,677.54
		Dec. 31, 1945	30,825.49	18,714.55	18,714.55	17,778.82	7,485.82
Ryerson & Haynes, Inc., 2301 East Ganson St., Jackson, Mich	Manufacturers of automobile parts.	Sept. 30, 1942	44,113.54	103,473.52	8,552.80	8,355.41	3,043.59
Sanitary Knitting Co., Leonard Bldg., 21-31 Ottawa Ave., Grand Rapids, Mich.	Manufacture of knitwear	Dec. 31, 1944	13,869.61	3,434.00	1,246.79	1,596.17	705.59
		Dec. 31, 1945	13,869.61	3,434.00	1,246.79	1,184.45	537.87
Shedd-Bartush Foods, Inc., (formerly Shedd Products Co.), 14401 Dexter Blvd., Detroit, Mich.	Manufacturing oleomargarine and other food products.	June 30, 1943	47,765.73	19,121.47	18,734.27	16,860.83	7,493.71
		June 30, 1944	47,765.73	18,734.27	18,734.27	17,326.05	7,493.77
Stamping Service, Inc., 2305 Davison Ave., Detroit, Mich.	Automobile stampings	Dec. 31, 1943	5,255.29	9,789.41	290.26	264.86	79.46
Sugar Beet Products Co., 302 Waller St., Saginaw, Mich.	Manufacturers of chemical preparations.	Dec. 31, 1942	20,655.09	9,874.15	9,874.15	8,886.74	5,233.29
		Dec. 31, 1943	30,655.09	61,435.33	9,874.34	8,886.90	5,233.39
Tiver, Wickwire & Co., 1501 Wildwood Ave., Jackson Mich	Manufacturer of automobile parts	Sept. 30, 1943	42,905.10	27,061.44	27,061.44	30,656.84	17,869.37
		Sept. 30, 1944	42,905.10	27,061.44	27,061.44	25,908.26	10,887.81
		Sept. 30, 1945	42,905.10	27,061.44	27,061.44	25,708.36	10,824.58
The Times-Herald Co., 511 6th St., Port Huron, Mich.	Daily newspaper	Dec. 31, 1940	62,366.28	17,600.74	1,678.42	501.32	None
		Dec. 31, 1941	73,432.91	21,674.02	1,974.60	780.84	244.85
		Dec. 31, 1942	73,432.91	21,674.02	1,974.60	1,777.14	789.83
		Dec. 31, 1943	73,432.91	21,674.02	1,974.60	1,777.14	789.83
		Dec. 31, 1944	73,432.91	21,674.02	1,974.60	1,088.29	789.83
Union Rotary Corp., 1103 North Mission, Mount Pleasant, Mich.	Drilling of oil and gas wells	Feb. 29, 1944	7,231.35	15,160.15	2,218.65	4,808.59	1,589.70
The Wilcox Gay Corp., Charlotte, Mich.	Radio manufacturing and electrical equipment.	Dec. 31, 1940	49,205.62	127,568.14	54,329.66	7,641.67	None
		Dec. 31, 1941	61,217.28	135,185.27	93,432.72	44,747.56	13,871.79
		Dec. 31, 1942	61,217.28	483,504.18	101,982.72	101,987.73	45,318.99
MINNESOTA							
Bridgeman Creameries, Inc., 2928 Hennepin Ave., Minneapolis, Minn.	Wholesale and retail dairy products, beer.	Feb. 28, 1943	53,118.80	29,582.74	29,582.74	27,690.18	12,306.75
		Feb. 28, 1944	52,985.47	29,716.07	29,716.07	25,011.47	11,947.19
		Feb. 28, 1945	53,433.47	29,660.52	29,660.52	22,472.03	11,864.21
Fist Brokerage Co., 411 Washington Ave. N., Minneapolis, Minn.	Brokerage	Feb. 28, 1946	53,565.47	29,716.07	29,716.07	15,940.08	9,065.07
		Dec. 31, 1941 [1]	6,185.04	2,259.19	1,076.96	376.94	86.70
		Dec. 31, 1942 [1]	6,525.65	2,776.03	736.35	662.71	198.81
Grant Storage Battery Co., 226 2d St. N., Minneapolis, Minn.	Manufacturing electric storage batteries, etc.	Dec. 31, 1943	16,466.47	5,373.81	5,373.81	4,835.53	2,150.09
Minneapolis Downtown Chevrolet Co., 1666 Hennepin Ave., Minneapolis 3, Minn.	Auto sales and service	Dec. 31, 1941	18,997.11	1,975.06	1,975.06	1,876.31	1,046.79
		Dec. 31, 1945	18,997.11	1,975.06	1,975.06	1,876.31	1,046.79
Northern Oats Co., Room 1651, Northwestern Bank Bldg., Minneapolis, Minn.	Manufacturing oat products	Dec. 31, 1941 [1]	39,218.00	10,316.64	8,838.23	3,535.29	1,035.94
		Dec. 31, 1942 [1]	42,292.34	7,242.27	5,763.89	4,183.92	2,211.51
Red Owl Stores, Inc., 900 North 4th St., Minneapolis, Minn.	Retail food stores and wholesale foods.	Feb. 28, 1942	219,129.42	172,154.21	42,578.89	37,813.91	11,722.31
		Feb. 28, 1943	231,615.49	159,667.14	29,891.82	28,902.64	11,956.73
		Feb. 29, 1944	244,617.46	159,667.14	29,891.82	27,147.65	11,956.73
		Feb. 28, 1945	240,417.63	159,667.14	29,891.82	28,397.23	11,956.73
Searle Grain Co., 1254 Chamber of Commerce Bldg., Minneapolis, Minn.	Terminal elevator	July 31, 1943	64,380.81	20,093.26	None	9,002.61	890.05
		July 31, 1944	53,650.87	30,608.32	8,021.11	9,350.22	4,016.69
		July 31, 1945	42,601.91	41,149.33	18,562.12	2,332.51	3,929.48
MISSISSIPPI							
Colonial Baking Co. of Jackson, 520 South Congress St., Jackson, Miss.	Baking	Dec. 31, 1940	47,778.41	40,762.12	14,075.25	3,686.76	None
		Dec. 31, 1941	57,174.49	105,071.16	21,394.51	10,280.93	3,199.18
		Dec. 31, 1942	57,068.96	105,176.69	21,496.04	19,346.44	8,598.42
		Dec. 31, 1943	57,068.96	105,176.69	21,496.04	19,346.43	8,598.42
The Greenville Ice & Coal Co., Greenville, Miss.	Ice, coal, and beer	Dec. 31, 1942	8,521.41	5,565.81	2,220.18	4,757.90	1,427.38
		Dec. 31, 1943	8,521.41	5,565.81	2,220.18	1,938.16	599.45
Scanlon-Taylor Millwork Co., 2913 North West St., Jackson, Miss.	Millwork	Dec. 31, 1944	8,521.41	5,565.81	2,220.18	2,109.17	614.28
		Dec. 31, 1945	8,734.24	2,474.98	2,474.98	2,227.48	668.24
Scott Building Supply Co., Inc. (formerly: M. L. Virden Lumber Co.), Cleveland, Miss.	Building supply dealer	Dec. 31, 1944	9,628.97	1,580.35	1,580.35	1,501.32	451.88
		Sept. 30, 1943	10,596.18	7,550.10	7,550.10	6,795.07	2,108.95
		Sept. 30, 1944	9,947.13	8,199.13	8,199.13	4,489.18	1,691.19
1ST DISTRICT OF MISSOURI							
Aetna Window Cleaning Co., 1408 Olive St. St. Louis, Mo.	Window cleaning and janitor service.	Dec. 31, 1943	3,410.80	11,773.73	5,047.27	4,542.54	1,362.76
		Dec. 31, 1944	3,410.80	11,773.73	5,047.27	4,798.91	1,362.76
		Dec. 31, 1945	3,410.80	11,773.73	5,047.27	4,798.91	1,362.76
American Pulverizer Co., 1249 Macklind Ave., St. Louis, Mo	Manufacturing crushers and pulverizers.	Dec. 31, 1940	14,076.63	21,686.89	1,371.37	342.85	None
		Dec. 31, 1941	16,049.49	22,671.03	1,740.00	684.00	212.04
		Dec. 31, 1942	16,144.35	22,579.17	1,615.14	1,453.62	468.38
		Dec. 31, 1943	16,144.35	22,579.17	1,615.14	1,453.62	468.38
Binkley Manufacturing Co., Warrenton, Mo.	Manufacturing metal products	Dec. 31, 1942	23,185.32	27,387.68	32,159.28	11,112.40	6,543.97
		Dec. 31, 1943	23,473.12	27,579.88	11,541.48	10,387.33	6,116.98
Carlye Dress Corp., 1306 Washington Ave., St. Louis, Mo.	Manufacture of dresses	Dec. 31, 1944	24,475.53	26,577.47	10,088.71	10,137.94	5,655.89
		June 30, 1945	6,784.71	3,507.43	3,507.43	2,998.86	952.84
Edison California Stores, Inc., 315 Washington Ave., St. Louis, Mo.	Retail shoe stores	Dec. 31, 1940	52,535.10	44,902.75	13,014.31	4,555.61	None
		Dec. 31, 1941	82,104.71	63,915.19	19,035.29	9,520.15	2,951.25
		Dec. 31, 1942	97,258.13	60,569.72	15,689.82	14,120.84	6,275.93
		Dec. 31, 1943	101,510.18	15,689.82	15,689.82	14,120.84	6,275.93
Edison Minnesota Stores, Inc., 315 Washington Ave., St. Louis, Mo	do	Dec. 31, 1941	101,510.18	15,689.82	15,689.82	14,993.33	6,275.93
		Dec. 31, 1941	4,757.19	27,607.11	3,109.66	2,514.73	1,108.68
		Dec. 31, 1942	11,820.47	18,925.62	1,960.35	1,764.32	529.29
		Dec. 31, 1943	13,946.50	1,960.35	1,960.35	1,764.31	547.43
		Dec. 31, 1944	13,946.50	1,960.35	1,960.35	1,862.35	786.14
Edison Ohio Stores, Inc., 315 Washington Ave., St. Louis, Mo.	do	Dec. 31, 1945	13,946.50	1,960.35	1,960.35	1,862.35	786.14
		Dec. 31, 1941	23,046.62	11,453.88	4,557.61	4,101.83	1,271.57
		Dec. 31, 1942	28,920.59	13,458.58	4,557.61	2,947.54	2,415.53
		Dec. 31, 1943	31,046.62	4,557.61	4,557.61	4,101.84	2,415.53
		Dec. 31, 1944	31,046.62	4,557.61	4,557.61	4,329.73	2,415.53
Eleanor Realty Co., 404-911 Locust St., St. Louis, Mo	Realty owner	Apr. 30, 1944	13,148.81	4,682.89	4,682.89	7,676.89	2,281.14
Esquire Theatre Co., 6706 Clayton Rd., Richmond Heights, Mo.	Motion picture theatre	Aug. 31, 1941	11,167.82	5,873.85	5,873.85	5,484.12	3,107.39

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1ST DISTRICT OF MISSOURI—continued							
Kregel Casket Co., 1401 North 18th St., St. Louis, Mo.	Manufacture of caskets and funeral supplies	Apr. 30, 1943	$21,430.07	$15,471.50	$4,649.91	$2,822.70	$1,662.27
		Apr. 30, 1944	21,430.07	15,471.50	4,649.91	4,261.78	2,464.45
		Apr. 30, 1945	21,430.07	15,471.50	4,649.91	4,417.42	2,464.45
		Apr. 30, 1946	21,430.07	15,471.50	4,649.91	2,965.12	1,664.26
Lee-Rowan Co., 6301 Etzel Ave., St. Louis, Mo.	Manufacturers of novelty goods	Dec. 31, 1945	2,947.00	2,551.91	2,581.46	2,087.12	848.96
Lennox Manufacturing Co., 1408 Locust St., St. Louis, Mo.	Leather products	Apr. 30, 1943	3,105.80	33,875.20	12,957.77	10,935.66	3,519.87
		Apr. 30, 1944	3,084.16	33,896.84	12,979.41	10,888.06	3,643.16
		Apr. 30, 1945	3,026.97	12,436.60	12,436.60	11,814.77	3,734.41
Ed. F. Mangelsdorf & Bro. Inc., 1020 South 4th St., St. Louis, Mo.	Wholesale dealers in seeds	June 30, 1942	65,606.17	29,552.52	14,941.26	7,470.62	2,315.89
		June 30, 1943	79,994.91	15,163.78	552.52	497.27	221.01
Metal Goods Corp., 8239 Brown Ave., St. Louis, Mo.	Jobbers of metal goods	Dec. 31, 1941	39,627.81	91,132.41	41,824.16	20,912.08	6,482.74
		Dec. 31, 1942	42,785.52	89,048.56	39,740.31	33,923.78	16,178.87
		Dec. 31, 1943	43,195.62	80,048.56	39,740.31	29,288.53	16,107.01
Midwest Piping & Supply Co., Inc., 1450 South 2d St., St. Louis, Mo.	Pipe fabricating, jobbing and contracting	Feb. 28, 1941	260,306.60	281,176.28	58,609.75	26,363.49	None
		Feb. 28, 1942	321,200.33	427,296.38	99,885.37	59,931.22	18,578.68
The Presstite Corp., 3900 Chouteau Ave., St. Louis, Mo.	Manufacturers of asphaltic products, sealers, and adhesives	Dec. 31, 1943	28,888.53	11,534.85	11,534.85	10,381.37	6,113.47
Renard Linoleum and Rug Co., 1300 Washington Ave., St. Louis, Mo.	Wholesale floor coverings and shades	Dec. 31, 1940	249,307.00	103,671.02	19,393.74	10,870.04	None
		Dec. 31, 1941	284,320.68	140,909.71	33,325.56	18,329.06	5,082.01
		Dec. 31, 1942	298,820.39	102,470.00	18,825.85	16,943.27	7,730.33
Salle Ann Shops, Inc., 1409 Washington Ave., St. Louis, Mo.	Specialty shops	Jan. 31, 1942	13,086.48	34,781.64	3,226.02	2,258.21	903.62
		Jan. 31, 1943	13,086.48	34,781.64	3,226.02	2,903.42	897.28
		Jan. 31, 1944	13,086.48	34,781.64	3,226.02	2,917.12	927.29
Schneider's Credit Jewelers, Inc., 5945 Easton Ave., St. Louis Mo.	Retail jewelry	Mar. 31, 1942	10,396.80	12,595.00	2,726.81	961.81	436.39
		Mar. 31, 1943	11,253.65	11,738.15	1,769.96	1,592.97	477.89
		Mar. 31, 1944	11,253.65	5,756.38	1,769.96	1,614.96	480.88
		Mar. 31, 1945	11,253.65	5,756.38	1,769.96	1,681.46	743.30
Superior Electric Products Corp., 1507 Independence Ave., Cape Girardeau, Mo.	Electrical manufacturing—household electrical appliances	Dec. 31, 1944	24,882.37	2,610.83	2,610.83	102.69	57.29
Union Colliery Co., 315 North Twelfth Blvd., St. Louis, Mo.	Coal mining	Dec. 31, 1940	93,365.46	168,904.85	None	4,188.13	None
Universal Printing Co., 1531 Washington Ave., St. Louis, Mo.	Printing	Nov. 30, 1944	5,564.89	1,487.24	1,487.24	1,406.59	401.53
		Nov. 30, 1945	5,668.09	1,487.24	1,487.24	1,412.89	401.53
Valley Dolomite Corp., 1008 Federal Commerce Trust Bldg., St. Louis, Mo.	Manufacturing	Dec. 31, 1944	62,560.58	22,019.06	22,019.06	20,918.10	8,807.62
Wagner Electric Co., 6400 Plymouth Ave., St. Louis, Mo.	Manufacture and repair of electrical equipment and automobile brakes	Dec. 31, 1940	1,173,089.18	228,441.54	23,902.00	10,755.90	None
		Dec. 31, 1941	1,434,054.98	228,441.54	145,891.95	87,535.17	27,135.40
7TH DISTRICT OF MISSOURI							
American Asphalt Roof Corp., 7514 East 15th St., Kansas City, Mo.	Manufacturer of composition roofing	Dec. 31, 1942	98,057.76	55,521.19	52,968.47	47,698.62	21,199.39
		Dec. 31, 1943	98,016.91	58,492.30	52,968.45	47,668.61	21,199.38
		Dec. 31, 1944	95,922.30	58,492.30	52,968.45	50,348.53	21,199.38
Beard and Ableman, Inc., 2609 Walnut St., Kansas City, Mo.	Retail women's wear shops	July 31, 1944	34,781.07	40,565.18	10,683.78	9,926.28	5,224.69
		July 31, 1945	34,781.07	16,802.31	10,626.14	6,814.17	4,928.91
Commonwealth Lawrence Theatre Corp., 213-215 West 18th St., Kansas City, Mo.	Motion picture exhibitor	Dec. 31, 1943	2,298.43	4,139.11	2,435.12	2,191.61	657.49
		Dec. 31, 1944	2,298.43	4,139.11	2,435.12	2,313.37	657.49
		Dec. 31, 1945	2,298.43	4,139.11	2,435.12	2,313.37	657.49
Commonwealth Searey Theatre Corp., 213-15 West 18th St., Kansas City, Mo.	do	Dec. 31, 1943	1,745.04	2,432.54	666.74	600.07	180.02
		Dec. 31, 1944	1,486.84	2,525.79	666.80	633.47	180.04
		Dec. 31, 1945	1,486.84	666.80	666.80	633.46	180.04
The Greeley County Grain Co., 1205 Board of Trade Bldg., Kansas City 6, Mo.	Wholesale grain shippers and country elevator	Dec. 31, 1943	1,380.20	1,060.52	1,060.52	900.47	270.14
		Dec. 31, 1944	1,777.44	663.28	663.28	573.12	162.89
Forum Cafeterias of America, Inc., 2800 Fidelity Bldg., Kansas City, Mo.	Cafeterias	May 31, 1944	274,317.00	56,666.10	3,909.45	3,599.68	1,563.77
		May 31, 1945	274,317.00	3,909.45	3,909.45	3,713.98	1,563.77
Hart-Bartlett-Sturtevant Grain Co., 1000 Board of Trade Bldg., Kansas City, Mo.	Grain	Apr. 30, 1942	138,366.07	112,005.87	38,026.69	20,408.62	9,116.66
		Apr. 30, 1943	138,366.07	112,005.87	38,026.68	34,224.02	15,210.67
		Apr. 30, 1944	138,366.07	112,005.87	38,026.68	34,852.60	15,210.67
		Apr. 30, 1945	138,366.07	37,420.10	37,420.10	35,549.10	14,968.04
Mattingly Brothers Stores Co., Lexington, Mo.	Retail variety stores	Dec. 31, 1943	43,618.53	1,859.12	1,859.12	1,673.20	922.07
		Dec. 31, 1944	43,550.15	1,859.12	1,859.12	1,766.16	743.64
		Dec. 31, 1945	43,550.15	1,859.12	1,859.12	1,766.17	743.65
Rainbo Bread Co. of St. Joseph, 23d and Frederick Sts., St. Joseph, Mo.	Baking	Dec. 31, 1940	20,220.33	32,323.45	8,740.91	2,185.23	None
		Dec. 31, 1942	21,835.61	46,734.29	12,364.39	22,645.53	12,676.00
		Dec. 31, 1943	22,527.25	46,042.65	11,672.75	10,505.48	6,186.75
7-Up Kansas City Co., Inc., Napoleon, Ohio (formerly: 2700 Live Oak St., Dallas, Tex.)	Bottlers of carbonated beverages	July 31, 1941	9,327.29	25,419.33	2,188.84	535.47	None
		July 31, 1942	9,153.76	31,966.29	5,020.67	1,991.77	709.83
Keemer Coal Mining Co., 114 West 11th St., Kansas City, Mo.	Strip coal mining	Nov. 30, 1942	11,789.55	21,779.23	544.27	374.42	112.33
		Nov. 30, 1943	11,940.75	19,069.36	7,019.33	2,661.47	1,974.42
		Nov. 30, 1944	11,456.43	14,024.40	11,902.38	10,716.53	6,076.01
Swift & Henry Live Stock Commission Co. Inc., 142 Live Stock Exchange Bldg., Kansas City, Mo.	Live stock commission	Dec. 31, 1943	7,546.18	8,054.68	4,811.44	4,330.30	1,299.09
		Dec. 31, 1944	7,546.18	8,054.68	4,811.44	4,570.86	1,048.24
The Vendo Co., 7460 East 12th St., Kansas City, Mo.	Sheet metal products manufacturing	Jan. 1-Sept. 30, 1940	70,356.62	443,490.91	82,406.00	11,876.79	None
		Sept. 30, 1941	70,356.62	443,491.31	129,202.65	65,813.12	None
		Sept. 30, 1942	86,102.87	544,651.76	158,578.01	91,399.25	38,287.06
MONTANA							
Stanley H. Arkwright, Inc., Highland Park Dr., Billings, Mont.	Contractors	Dec. 31, 1940	4,260.93	20,991.02	7,139.07	1,722.95	None
		Dec. 31, 1941	7,009.57	45,443.43	6,290.43	2,593.16	718.56
Ward's Inc., Billings, Mont.	Retail drugs and groceries	Jan. 1-Sept. 30, 1942	1,694.64	15,305.32	4,670.36	1,944.64	583.41
NEBRASKA							
Capitol Liquors, Inc., 903 Jackson St., Omaha, Nebr.	Wholesale liquor	Apr. 30, 1944	8,298.67	25,004.26	25,004.25	22,917.14	12,169.66
Coca-Cola Bottling Co., 313 West Ave., Holdrege, Nebr.	Bottling nonalcoholic beverages and wholesale beer distributor	Oct. 31, 1943	4,353.23	18,831.01	1,148.58	3,101.16	909.35
		Oct. 31, 1944	5,089.96	701.42	411.85	387.83	111.21
Grand Island Independent Publishing Co., 113 North Locust St., Grand Island, Nebr.	Newspaper publishing	Dec. 31, 1943	41,098.05	8,141.85	8,141.85	7,327.66	3,763.99
Harker Houses, 1415 Farnam St., Omaha, Nebr.	Restaurant	Dec. 31, 1944	31,788.06	10,359.09	10,394.87	6,991.04	4,047.45
McCook Rendering Co., McCook, Nebr.	Rendering plant	June 30, 1942	2,398.73	4,636.97	2,398.73	1,278.78	294.12
T. J. O'Brien & Co., 24th and Harney Sts., Omaha, Nebr.	Automobiles, repair parts (wholesale and retail), and repair department	Dec. 31, 1944	6,636.65	1,348.73	1,348.73	2,259.83	686.58

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
NEBRASKA—continued							
The Overland National Bank of Grand Island, Nebr., Grand Island, Nebr.	Banking	Dec. 31, 1944	$10,842.41	$2,167.89	$2,167.89	$2,059.50	$704.26
P. F. Peterson Baking Co., 12th and Jackson Sts., Omaha, Nebr.	Bakery	Dec. 31, 1941	50,725.99	14,198.93	4,153.15	1,661.26	514.99
		Dec. 31, 1942	53,609.27	11,225.07	1,260.80	1,142.90	507.95
Regis Hotel Co., 582 Brandeis Theatre Bldg., Omaha, Nebr.	Hotel, bar and cafe operation, etc.	Dec. 31, 1943	4,226.82	7,691.82	6,584.28	6,998.47	2,099.55
		Dec. 31, 1944	5,965.92	5,953.72	4,845.18	5,575.17	600.74
The J. C. Robinson Seed Co., Waterloo, Nebr.	Wholesale growing, buying and distributing of seeds	June 30, 1942	13,440.02	57,416.53	26,285.66	8,192.60	2,530.71
		June 30, 1943	15,992.88	92,581.73	21,732.80	22,047.14	11,838.24
		June 30, 1944	17,073.56	74,500.08	22,052.09	21,816.87	12,965.41
Schneider Electrical Works, 1108 Farnam St., Omaha, Nebr.	Electrical contracts & materials	Dec. 31, 1941	1,223.30	5,441.14	4,032.75	659.14	151.71
		Dec. 31, 1942	1,593.33	4,771.11	3,210.94	2,889.84	899.95
		Dec. 31, 1943	2,193.01	4,650.19	2,952.05	2,896.92	869.08
Thomas Lumber Co., Sidney, Nebr.	Retail lumber and coal	Nov. 30, 1943	6,690.90	4,001.28	1,323.02	1,190.72	357.21
United Mineral Products Co., 1020 Farnam St., Omaha, Nebr.	Mining and processing mineral	Dec. 31, 1942	12,474.40	3,200.60	773.18	695.86	208.76
NEVADA							
Summit King Mines Ltd., Fallon, Nev.	Mining	Jan. 1-June 30, 1940	12,695.32	51,211.94	43,558.30	3,462.15	None
		June 30, 1941	10,040.95	53,866.31	46,212.07	16,356.56	None
1ST DISTRICT OF NEW JERSEY							
H. & H. Inc., 142 East State St., Trenton, N. J.	Motion picture theatre	Mar. 31, 1944	1,616.67	29,883.38	29,883.38	25,887.94	11,481.74
		Mar. 31, 1945	1,395.00	30,105.05	30,105.05	28,696.37	13,675.16
Kotok Bros. Millville Market, c/o Harry L. Waltman receiver, 117-119 N. High St., Millville, N. J.	Wholesale and retail fruit and produce	Dec. 31, 1945	2,919.53	759.89	759.89	1,161.87	331.06
Masdale Dairies, Inc., 133 South Mt. Vernon Ave., Atlantic City, N. J.	Wholesale dairy products	Dec. 31, 1945	3,389.85	3,137.12	3,137.12	2,670.17	758.90
5TH DISTRICT OF NEW JERSEY							
Adams Stamping Corp., 320 Adams St., Newark, N. J.	Metal stamping	Dec. 31, 1940	6,492.87	28,196.95	3,244.31	673.45	None
		Dec. 31, 1941	7,483.07	28,896.75	3,268.74	1,427.50	628.10
		Dec. 31, 1942	7,483.07	27,206.75	3,268.74	3,211.86	963.56
		Dec. 31, 1943	7,483.07	27,206.75	3,268.74	6,423.73	2,574.07
		Dec. 31, 1944	7,483.07	27,206.75	3,268.74	1,550.87	984.59
Ballmill Lumber and Sales Corp., c/o Newark Tidewater Terminal, Port Newark, N. J.	Wholesale lumber	Dec. 31, 1945	12,906.32	4,862.89	4,862.89	4,667.61	2,089.47
The Bovinine Co., 267 Cornelison Ave., Jersey City, N. J.	Proprietary medicine	Dec. 31, 1943	101,462.68	9,582.64	9,582.64	15,935.13	7,082.28
		Dec. 31, 1944	101,462.68	9,582.64	9,582.64	9,103.51	2,334.03
Dornoil Products Co., 390 Halsey St., Newark, N. J.	Wholesale distributors of petroleum products	Dec. 31, 1942	19,583.36	59,274.50	28,123.74	25,311.37	14,453.66
		Dec. 31, 1943	19,583.36	59,274.50	28,123.74	32,319.20	16,548.42
		Dec. 31, 1944	19,583.36	59,274.50	28,123.74	41,287.95	20,038.51
East Newark Realty Corp., 113 Astor St., Newark 5, N. J.	Real estate and collecting of rents	Dec. 31, 1941	45,215.98	47,415.67	23,315.12	10,486.18	3,240.71
		Dec. 31, 1942	45,215.78	56,454.17	23,315.32	20,983.79	9,326.13
Electro-Technical Products, Inc., 113 East Centre St., Nutley, N. J.	Coating of fabrics	Dec. 31, 1944	27,973.74	3,573.41	3,573.41	7,615.76	4,248.79
		Dec. 31, 1945	26,614.03	4,033.15	4,033.15	5,571.04	3,108.06
Faitoute Iron and Steel Co., Inc., 182 Frelinghuysen Ave., Newark 5, N. J.	Jobbers in iron and steel	Dec. 31, 1945	20,520.86	29,491.13	20,941.13	16,155.22	12,164.02
Gold Medal Haarlem Oil Corp., 190 Baldwin St., Jersey City, N. J.	Manufacturing Gold Medal Haarlem Oil	Dec. 1, 1942 to Dec. 31, 1942	4,309.36	69,486.03	58,573.77	3,553.49	1,285.03
		Dec. 31, 1943	4,620.80	69,174.59	58,251.90	46,258.98	24,976.59
		Dec. 31, 1944	6,684.31	67,111.08	56,663.41	38,836.30	25,198.70
		Dec. 31, 1945	9,903.20	64,992.19	53,544.52	31,284.27	24,282.10
Hanlon & Goodman Co., 6-8-12 Riverside Ave., Belleville, N. J.	Manufacturers of paint brushes	Dec. 31, 1945	29,002.23	7,873.43	7,873.43	7,479.76	4,172.81
Hoffman Furniture Co., Inc., 33 Market St., Newark, N. J.	Installment furniture	Jan. 31, 1946	15,317.98	10,519.55	10,519.55	9,144.76	5,101.84
L. & R. Manufacturing Co., 577 Elm St., Arlington, N. J.	Manufacturer of watch and instrument cleaning machines and solutions	Feb. 28, 1945	3,530.92	4,438.55	4,438.55	4,216.62	1,198.42
Sparklet Devices, Inc., (now) 3501 Bent Ave., St. Louis, Mo.; (formerly) 272 Badger Ave., Newark, N. J.	Manufacturing and selling soda water syphons and charging bulbs—war supplies	Dec. 31, 1942	6,727.23	26,522.77	13,975.39	11,568.38	8,267.84
		Dec. 31, 1943	13,179.10	20,070.90	6,623.52	1,307.22	1,307.22
Sun Flame Appliances, Ltd., 595 Broad Ave., Ridgefield, N. J.	Wholesale export merchants	Oct. 31, 1945	7,317.15	5,189.07	5,189.07	5,791.69	1,696.18
1ST DISTRICT OF NEW YORK							
Benar Holding Corp., 162-10 Jamaica Ave., Jamaica, New York, N. Y.	Realty	Dec. 31, 1942	61,608.17	12,859.23	5,112.12	4,600.91	2,044.85
Etco Tool Co., Inc., 594 Johnson Ave., Brooklyn, N. Y.	Manufacturers of machine tools	Dec. 31, 1940	10,276.85	26,872.42	2,562.72	669.31	None
		Dec. 31, 1941	12,078.96	25,070.31	3,170.12	2,575.51	798.40
Gilbert Manufacturing Co., Inc., 24-20 46th St., Long Island City, N. Y.	Manufacturers of electrical units	Aug. 31, 1941	8,561.06	54,420.49	17,160.37	3,030.22	None
		Aug. 31, 1942	10,167.59	54,096.32	24,119.67	20,034.95	7,581.07
		Aug. 31, 1943	10,167.59	54,119.67	24,119.67	6,153.93	1,931.11
Greenwich Preserving Co., Inc., 55 33d St., Brooklyn, N. Y.	Manufacturer of preserves, jams and jellies	Dec. 31, 1944	9,064.50	13,671.34	2,621.96	4,318.53	1,260.73
Hatfield & Bell, Inc., 317 97th St., Brooklyn, N. Y.	Manufacturers of carbonated beverages	Dec. 31, 1941	84,598.80	62,165.47	17,433.37	12,535.83	3,885.08
		Dec. 31, 1942	85,644.70	61,119.57	16,387.47	13,215.87	5,873.72
		Dec. 31, 1943	85,644.70	16,387.47	16,387.47	9,144.32	4,064.15
Jakobson Shipyard, Inc., West End Ave., Oyster Bay, N. Y.	Shipbuilding and repair	Aug. 31, 1941	10,263.49	19,167.42	1,583.29	826.08	None
		Aug. 31, 1942	13,773.83	21,429.83	3,443.32	2,468.93	939.55
Kings County Buick, Inc., 44 Empire Blvd., Brooklyn, N. Y.	Automobile dealers and manufacturers of small tools	Dec. 31, 1940	24,856.28	48,130.45	12,540.96	5,045.20	None
		Dec. 31, 1941	21,741.85	63,664.44	20,554.57	12,514.05	3,879.36
Mike Krasilovsky Contractors, Inc., 180 Varick Ave., Brooklyn, N. Y.	General contractors—rigging and hauling	Dec. 31, 1942	1,643.06	None	None	1,380.42	414.13
North Brooklyn Supply Co., Inc., 57-02 48th St., Maspeth, Long Island, N. Y.	Manufacturers of cotton felt	Dec. 31, 1940	7,863.98	9,348.60	3,688.89	170.52	None
		Dec. 31, 1941	9,767.78	12,772.20	5,645.59	2,258.20	700.04
		Dec. 31, 1942	10,647.06	12,692.92	5,566.22	5,078.69	1,547.84
		Jan. 1 to Oct. 31, 1943	11,380.68	7,937.63	4,852.60	3,622.46	1,086.74
Richmond Screw Anchor Co., Inc., 816 Liberty Ave., Brooklyn, N. Y.	Manufacturer of steel form ties for concrete construction	Dec. 31, 1941	15,165.81	85,126.12	20,123.23	15,323.71	4,750.35
		Dec. 31, 1942	15,403.88	85,126.12	20,123.23	23,551.52	12,767.93

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
2D DISTRICT OF NEW YORK							
Adam Hat Sales Division, Inc., 665 Broadway, New York, N. Y.	Wholesale men's hats	Dec. 31, 1942	$30,155.26	$97,810.22	$14,078.12	$12,670.31	$7,461.40
		Dec. 31, 1943	30,155.26	97,810.22	14,078.12	12,670.31	7,461.40
		Dec. 31, 1944	30,155.26	97,810.22	14,078.12	13,374.22	6,904.15
Aetna Felt Co., Inc., 204 Centre St., New York, N. Y.	Manufacturers of felt products	Dec. 31, 1943	10,008.97	8,462.24	8,462.24	7,616.01	2,354.23
		Dec. 31, 1944	10,008.97	8,462.24	8,462.24	5,944.61	2,118.88
Ajax Shoulder Pad Co., Inc., 867 Broadway, New York, N. Y.	Shoulder pad manufacturing	Dec. 31, 1944	1,669.33	2,135.52	2,135.52	2,029.55	485.02
Automatic Colnwrapping Machine Corp., 37 East 18th St., New York, N. Y.	Manufacturing and leasing machines and wrappers.	Dec. 31, 1943	9,667.12	1,718.45	1,718.45	1,546.60	463.99
		Dec. 31, 1944	9,667.12	1,718.45	1,718.45	920.07	274.21
Baltic Yarn Co., Inc., 40 West 17th St., New York, N. Y.	Manufacturers of yarn	Aug. 31, 1943 [1]	6,689.23	None	None	87.63	26.29
The A. G. Boone Co., 195 Chester Ave. SE., Atlanta, Ga.	General hauling	Dec. 31, 1944	51,237.66	12,773.99	12,773.99	5,976.41	2,509.83
Branch Motor Express Co., 135 West 18th St., New York, N. Y.	Interstate motor truck and common carrier.	Dec. 31, 1942	13,528.66	18,972.57	11,156.50	12,901.41	5,188.57
		Dec. 31, 1943	13,318.91	11,366.25	11,366.25	11,265.77	4,697.88
Crow Rock Corp., 79 Worth St., New York, N. Y.	Agriculture	Sept. 30, 1941	12,947.00	12,867.47	5,374.03	1,824.03	None
		Sept. 30, 1942	14,447.08	11,367.39	3,873.95	14,653.95	4,028.47
Doall Eastern Co., Inc., 105 Lafayette St., New York, N. Y.	Sales of tools, parts, attachments and replacements for filing, sawing, etc., machines.	May 31, 1943	100.00	18,298.00	15,268.04	9,731.92	3,557.26
The Excess Management Corp., 99 John St., New York, N. Y.	Insurance managers	Dec. 31, 1940	10,008.00	180,024.51	12,946.33	3,883.90	None
		Dec. 31, 1941	10,008.00	180,024.51	20,187.75	8,075.10	2,503.29
		Dec. 31, 1942	10,008.00	60,197.03	20,187.75	12,487.24	8,201.59
The Georgian Press Inc., 178 Varick St., New York 1, N. Y.	Printing	Nov. 30, 1943	9,727.84	7,477.50	724.73	652.34	195.71
		Nov. 30, 1944	9,727.84	7,477.50	724.83	685.52	203.99
		Nov. 30, 1945	9,727.84	7,477.50	724.73	688.48	204.74
Griffin, Campbell, Hayes, Walsh, Inc., 50 East 21st St., New York, N. Y.	Dealers in bookbinders supplies.	Dec. 31, 1940	24,796.47	13,714.92	3,361.48	840.37	None
		Dec. 31, 1941	29,481.98	19,912.00	11,834.41	5,325.49	1,650.91
		Dec. 31, 1942	35,303.75	21,003.30	6,011.75	5,410.57	3,186.22
		Dec. 31, 1943	35,303.75	11,334.16	6,011.75	5,410.58	3,186.24
Le Huray and Co., Inc., 150 Lafayette St., New York, N. Y.	Lithographing	Dec. 31, 1943	2,730.52	1,131.87	1,131.87	1,328.16	398.45
McKesson & Robbins, Inc., 155 East 44th St., New York, N. Y.	Manufacturers and distributors of drugs, health helps: also wines and liquors.	Jan. 1-June 30, 1942	4,051,473.20	2,718,543.96	476,946.82	436,925.87	194,089.28
		Jan. 30, 1943	4,008,838.61	2,718,068.96	476,471.82	428,824.64	190,588.73
		Jan. 30, 1944	4,343,008.77	2,708,068.96	476,471.82	385,580.65	190,588.73
		June 30, 1945	4,497,355.96	2,208,692.41	476,471.82	452,648.23	190,588.73
		June 30, 1946	4,669,063.24	2,208,692.41	476,471.82	228,184.32	98,077.61
M. G. R. Co., Inc., 151 Reade St., New York, N. Y.	Fruit & produce commission merchants.	Dec. 31, 1944	3,208.99	2,757.11	2,757.11	2,725.97	774.76
Name-Maker Corp., 19 University Pl., New York, N. Y.	Manufacture cloth identification tapes.	Apr. 30, 1943	564.85	3,852.43	575.15	517.64	155.20
		Apr. 30, 1944	938.90	201.10	201.10	121.15	36.35
Naumann, Gepp & Co., Inc., 95 Front St., New York, N. Y.	Coffee transactions	Dec. 31, 1941	9,076.00	21,171.18	4,840.73	8,055.83	2,224.57
		Dec. 31, 1943	12,913.45	17,333.73	1,093.28	3,213.41	964.01
R. A. Nicol & Co., Inc. 17 Battery Pl., New York, N. Y.	Steamship agents	Dec. 31, 1944	23,634.28	16,365.57	16,365.57	11,128.58	8,673.76
The Chas. H. Phillips Chemical Co., 170 Varick St., New York, N. Y	Manufacture and sale of proprietary medicines.	Dec. 31, 1940	1,151,873.52	132,882.36	42,237.73	16,895.09	None
Lucien Prince & Co., Inc., 204 Front St., New York, N. Y.	Wholesale sea food products	Oct. 31, 1944	5,311.84	9,781.08	9,781.08	7,368.98	2,737.19
Radio Receptor Co., Inc., 251 West 19th St., New York, N. Y.	Manufacturer of radio and electrical equipment.	Dec. 31, 1941	23,077.92	175,277.70	13,032.33	9,960.93	3,094.09
Rex Cutlery Corp., 350 Fifth Ave., New York, N. Y.	Manufacturing cutlery	Dec. 31, 1944	11,811.73	8,275.37	8,090.45	9,841.31	2,738.63
D. L. Scotto & Co., Inc., 66 Harrison St., New York, N. Y.	Receivers, brokers, fresh fruit and growers of Florida citrus fruit.	Dec. 31, 1944	17,764.75	6,682.76	6,682.76	6,348.63	3,541.86
Seaboard Stevedoring Corp., and Subsidiaries, 26 Beaver St., New York, N. Y.	Stevedoring	Dec. 31, 1943 [1]	82,389.96	None	None	14,961.44	6,982.01
Street & Smith Publications, Inc., 79 7th Ave., New York, N. Y.	Publishers—magazines	Dec. 31, 1940	73,220.49	602,857.13	21,641.59	7,139.34	None
		Dec. 31, 1941	75,319.61	366,037.94	270,548.41	153,309.23	47,525.86
Tombarel Products Corp., 12 East 22d St., New York 10, N. Y	Manufacturers and dealers in essential oils.	Dec. 31, 1944	10,309.41	22,775.79	11,533.37	12,478.17	5,093.51
3D DISTRICT OF NEW YORK							
Bonneville, Ltd., 230 Park Ave., New York (540 West 7th St., Salt Lake City, Utah).	Production of potash	June 30, 1941	51,908.95	75,068.79	23,549.55	9,971.17	None
Mary Brosnan, Inc., 151 West 26th St., New York, N. Y.	Manufacture of display manikins.	Dec. 31, 1941	2,123.35	20,857.15	9,403.15	313.49	72.10
		Dec. 31, 1942	3,569.95	19,110.57	7,656.58	10,047.05	3,004.81
		Dec. 31, 1943	3,950.29	19,021.21	7,567.22	5,737.09	2,043.05
Cheekmaster Plan, Inc., 270 Madison Ave., New York, N. Y.	Promotion of banking systems and forms.	Dec. 31, 1940	3,335.96	22,314.04	704.79	176.20	None
		Dec. 31, 1941	3,798.51	21,851.49	916.64	320.82	73.79
E Street Theatre Corp., 234 West 44th St., New York, N. Y.	Theatrical	Apr. 30, 1943	None	14,261.85	8,673.45	7,433.58	2,341.83
French Veiling Corp., 231 West 21st St., New York, N. Y.	Manufacturing haimets and veilings.	Dec. 31, 1941	2,456.61	36,130.89	3,802.07	1,584.28	364.39
		Dec. 31, 1942	3,861.34	34,756.16	2,427.34	3,272.33	981.70
Theodore Haviland & Co., Inc., 26 West 23d St., New York, N. Y.	Wholesale dealers in chinaware	Dec. 31, 1943	36,933.32	12,014.47	12,014.47	10,513.02	5,805.71
Midwest Carbide Corp., 350 5th Ave., New York, N. Y. (and Keokuk, Iowa).	Manufacture of calcium carbide	Dec. 31, 1941	163,746.53	44,594.11	21,919.57	22,629.29	7,015.08
		Dec. 31, 1942	173,202.93	35,137.71	12,463.17	11,216.85	4,985.27
		Dec. 31, 1943	173,202.93	35,137.71	12,463.17	11,216.85	4,985.27
New England Woven Label Co., Inc., 3 West 29th St., New York, N. Y.	Manufacturer woven fabric labels.	Dec. 31, 1942	8,104.00	5,534.08	3,607.08	3,246.37	973.91
Parke-Bernet Galleries, Inc., 30 East 57th St., New York, N. Y.	Public sales of art and literary properties.	Aug. 31, 1948	1,376.52	34,823.48	34,823.48	37,223.75	18,308.17
Petroleum Machinery Corp., 3 Rockefeller Plaza, New York, N. Y.	Export of machinery	Mar. 31, 1943	2,334.50	18,413.96	12,191.51	17,108.18	5,988.84
Irving W. Rice & Co., Inc., 15 West 34th St., New York, N. Y.	Jobbers	Dec. 13, 1943	12,855.09	53,839.29	53,839.29	41,199.18	23,836.87
Saunders Realty Corp., 1270 6th Ave., New York, N. Y.	Operating motion picture theatre.	Dec. 31, 1942	13,646.14	13,468.33	9,370.92	8,433.83	3,414.59
H. P. Selman & Co., 1372 Broadway, New York, N. Y.	Retail ladies' ready to wear	Jan. 31, 1943	49,265.27	22,490.49	21,711.83	19,540.63	8,684.73
		Jan. 31, 1944	49,265.26	21,711.83	21,711.83	15,204.54	8,684.74
Sheridan & Duncan, Inc., 471 11th Ave., New York, N. Y.	Trucking	Dec. 31, 1941	2,606.13	32,295.87	2,819.24	1,351.02	594.44
		Dec. 31, 1942	4,319.18	30,582.82	1,106.19	1,992.27	597.68
Steinway Omnibus Corp., 51-00 Northern Blvd., Woodside, Long Island, N. Y.	Transportation	June 30, 1941	43,785.44	73,611.95	45,608.90	10,631.93	None

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
3D DISTRICT OF NEW YORK—continued							
Tissue Brands, Inc., c/o Sidney Singer 1440 Broadway, New York, N. Y.	Selling agents	Dec. 31, 1942	$7,433.94	$6,845.37	$1,257.42	$1,131.67	$339.61
14TH DISTRICT OF NEW YORK							
Fonda Glove Lining Co., Fonda, N. Y.	Manufacturers of knitted fabrics	Dec. 31, 1940	54,110.77	131,590.58	10,139.90	777.69	None
		Dec. 31, 1941	67,138.75	221,562.60	9,218.14	4,669.07	1,428.89
		Dec. 31, 1942	72,111.72	216,589.63	4,245.17	3,820.65	1,698.06
		Dec. 31, 1943	72,111.72	216,589.63	4,245.17	3,820.65	1,698.06
Hoosick Engineering Co., Inc., 12 River St., Hoosick Falls, N. Y.	Manufacturing	Dec. 31, 1941 [1]	1,455.42	31,794.58	6,524.58	3,225.21	741.81
		Dec. 31, 1942 [1]	2,388.51	30,861.49	5,591.49	5,162.09	1,509.70
E. H. Klichenstein Co., Inc., 1099 Hendricks Causeway, Ridgefield, N. J.	Dealers in construction equipment.	Dec. 31, 1941	640.00	37,451.69	2,695.00	939.76	216.14
		Dec. 31, 1942	1,111.00	36,980.69	2,214.00	1,992.60	597.78
Noesting Pin-Ticket Co., Inc., 728 East 136th St., New York, N. Y.	Manufacturing paper clips, tags and other wire formations.	Dec. 31, 1941	58,530.29	60,653.91	2,301.04	1,150.51	356.66
		Dec. 31, 1943	58,530.29	60,653.91	2,301.04	2,070.94	920.41
Schaffer Stores Co., Inc., 116 Erie Blvd., Schenectady, N. Y.	Chain grocery and meat stores	June 30, 1943	72,097.91	32,830.93	15,024.19	15,970.79	7,098.12
		June 30, 1942	77,632.42	30,680.88	9,489.58	11,441.80	3,540.96
21ST DISTRICT OF NEW YORK							
Nelson's Dry Goods, Inc., 187 West Dominick St., Rome, N. Y.	Department Store	Feb. 29, 1944	8,578.13	None	None	533.90	158.73
28TH DISTRICT OF NEW YORK							
Brighton Products, Inc., 998 Broadway, Buffalo, N. Y.	Retail meat	Dec 31, 1945	3,274.43	15,092.99	8,517.44	8,091.57	2,335.56
C. & G. Wheel Puller Co., Inc., River St., Scio, N. Y.	Manufacturing tools and machine parts.	Dec. 31, 1941	2,651.56	1,173.81	877.69	367.19	70.65
		Dec. 31, 1942	3,314.46	1,091.37	214.79	193.31	57.99
Ebenezer Oil Co. Inc., Ebenezer Bldg., Wellsville, N. Y.	Crude oil production	Oct. 31, 1944	96,307.61	7,443.41	6,579.76	6,195.94	2,631.99
Ernst Iron Works, Inc., 75 Lathrop St., Buffalo, N. Y.	Steel fabricating, warehouse, etc.	Jan. 31, 1944	26,630.47	12,677.10	12,677.10	11,463.22	6,718.87
		Jan. 31, 1945	30,567.45	8,740.12	8,740.12	8,303.11	4,632.27
Feed Dealers Supply Corp., Gladstone and Foundry Sts., Buffalo, N. Y.	Wholesale feed and farm supplies.	Dec. 31, 1942	4,613.71	3,572.52	1,561.29	782.05	234.62
		Dec. 31, 1945	5,733.71	2,337.71	441.29	419.23	119.15
Franklin Daystrom Associates Inc., (formerly Daystrom Corp.), Franklin St. Olean, N. Y	Manufacturing-metal and plastic products.	Dec. 31, 1942	87,299.21	526,302.39	102,810.66	88,518.03	41,124.27
		Dec. 31, 1943	87,299.21	526,302.39	102,810.66	92,529.60	41,124.27
Frontier Linen Supply Inc., 222 Van Rensselaer St., Buffalo, N. Y.	Linen service	Dec. 31, 1943	16,923.49	11,576.51	951.71	895.54	276.00
Gannett Co. Inc., Broad and Exchange St., Rochester 4, N. Y.	Newspaper publishing	Dec. 31, 1944	546,036.49	59,910.86	59,910.86	56,915.32	23,963.34
General Railway Signal Co., P. O. Box 1052, Rochester, N. Y.	Railway signal devices	Dec. 31, 1942	987,552.62	1,406,885.72	324,239.12	302,071.97	134,254.21
		Dec. 31, 1943	1,081,525.11	1,312,913.23	230,256.63	219,633.91	97,615.06
Hewitt Robins, Inc. (formerly Hewitt Rubber Corp.), 240 Kensington Ave., Buffalo, N. Y.	Manufacture of industrial rubber goods.	Dec. 31, 1941 [1]	282,711.62	223,010.97	95,609.82	57,365.89	17,783.42
		Dec. 31, 1942	322,235.79	184,401.97	56,985.65	50,477.09	22,434.27
Hurst Photo Engraving Co., Inc., 149 Andrews St., Rochester, N. Y.	Photo engraving	Dec. 31, 1942	1,360.01	1,818.74	738.54	665.81	199.76
		Dec. 31, 1943	1,781.09	1,397.66	317.46	285.72	85.71
Maxson Cadillac-Pontiac Corp., 2421 Main St., Buffalo, N. Y.	Automobile sales and service	Dec. 31, 1944	12,312.64	853.93	853.93	811.23	247.65
National Grinding Wheel Co. Inc., Erie Avenue and Walck Rd., North Tonawanda, N. Y.	Manufacture of abrasives	Dec. 31, 1940 [1]	118,979.16	112,063.77	1,900.00	760.00	None
National Manufacturing Corp., 153 Fillmore St., Tonawanda, N. Y.	Manufacturing of roofing, paint, etc.	Dec. 31, 1940	20,287.75	29,077.51	13,138.44	3,848.69	None
		Dec. 31, 1941	24,917.05	38,892.32	15,781.96	7,294.61	2,271.47
		Dec. 31, 1942	26,857.13	42,471.28	14,107.40	12,693.96	7,475.32
		Dec. 31, 1943	26,809.33	14,152.20	14,152.20	12,736.98	7,500.67
Riverside Service Corp., 7 Austin St., Buffalo, N. Y.	Common carrier—highway freight transportation and local trucking.	Dec. 31, 1941	26,857.13	14,104.40	14,104.40	13,399.17	7,350.34
		Dec. 31, 1942	1,934.19	8,692.00	2,706.47	3,638.57	1,091.57
		Dec. 31, 1943	1,969.31	9,144.99	2,641.35	3,439.28	562.18
		Dec. 31, 1944	2,471.07	8,217.67	2,169.59	3,167.80	900.33
Riviera Theatre, Inc., 16 East Mohawk St., Buffalo, N. Y.	Theatre	June 30, 1944	579.85	1,510.15	1,510.15	411.14	123.34
		June 30, 1945	941.91	4,244.14	1,148.09	1,110.63	315.66
Union-National, Inc., 226 Crescent St., Jamestown, N. Y.	Manufacture of furniture	Apr. 30, 1944	18,313.77	52,579.58	2,590.17	2,136.55	1,101.88
The Wittemann Co., Inc., 242 Elk St., Buffalo, N. Y.	Manufacturers of brewery equipment and defense work.	Dec. 31, 1941	11,415.51	10,778.18	264.78	92.67	23.17
		Dec. 31, 1942	10,287.79	11,905.90	1,392.50	1,253.25	375.97
		Dec. 31, 1943	8,896.60	13,297.09	2,783.69	2,505.32	751.59
Zutes, Inc., 51 South Ave., Rochester, N. Y.	Wholesale distributors of confections, etc.	Dec. 31, 1942	5,037.32	3,747.33	2,063.93	1,857.54	557.27
		Dec. 31, 1943	5,037.32	3,747.33	2,063.93	1,857.53	557.27
		Dec. 31, 1944	5,037.32	3,747.33	2,063.93	605.86	172.20
		Dec. 31, 1945	5,037.32	3,747.33	2,063.93	103.79	29.51
NORTH CAROLINA							
Amos & Smith Hosiery Co., High Point, N. C.	Hosiery manufacturer	Dec. 31, 1945	25,502.61	28,500.00	2,997.39	2,847.52	1,588.62
Best Brands, Inc. (formerly Blue Ribbon Sales Co., Inc.), 2802 South Blvd., Charlotte, N. C.	Beer & wine distributor	Dec. 31, 1943	720.81	29,499.12	3,778.04	3,513.46	1,054.04
		Dec. 31, 1944	1,027.07	9,142.86	3,471.78	3,298.19	937.38
Cannon Mills Co., Kannapolis, N. C.	Manufacture of cotton textile products.	Dec. 31, 1940	3,171,164.03	865,331.05	164,620.62	60,427.96	None
		Dec. 31, 1942	3,890,035.52	2,503,239.63	84,777.58	152,599.64	67,822.07
		Dec. 31, 1943	3,890,035.52	985,861.36	84,777.58	76,299.82	33,911.03
		Dec. 31, 1944	3,890,035.52	985,861.36	84,777.58	80,538.70	33,911.04
		Dec. 31, 1945	3,890,035.57	985,861.31	84,777.53	80,538.65	33,911.01
Chatham Manufacturing Co., Elkin, N. C.	Blanket manufacturers	Dec. 31, 1943	427,153.13	266,349.14	266,349.14	187,414.85	110,522.74
		Dec. 31, 1944	470,603.97	221,362.68	221,362.68	124,168.19	94,406.92
Ellis, Stone & Co., South Elm St., Greensboro, N. C.	Dry goods	Dec. 31, 1940	44,787.33	6,350.05	3,687.52	921.88	None
		Dec. 31, 1941	52,922.72	23,558.31	7,064.47	2,825.79	875.98
		Dec. 31, 1942	52,922.72	13,354.74	7,064.47	5,272.68	2,343.42
		Dec. 31, 1943	52,922.72	13,354.74	7,064.47	5,558.63	2,825.80
Hadley-Peoples Manufacturing Co., Siler City, N. C.	Manufacturers of cotton yarn	Dec. 31, 1940	40,560.81	50,243.17	8,320.81	2,080.20	None
		Dec. 31, 1941	46,821.75	43,982.23	11,352.81	5,676.41	1,759.69
		Dec. 31, 1942	52,100.22	38,703.76	6,074.34	5,466.90	2,429.73
		Dec. 31, 1943	52,100.22	38,703.76	6,074.34	5,466.90	2,429.73
		Dec. 31, 1944	52,100.22	38,703.76	6,074.34	5,770.62	2,429.73
		Dec. 31, 1945	52,100.22	38,703.76	6,074.34	5,770.62	2,429.73
Hugh Grey Hosiery Co., Concord, N. C.	Hosiery manufacturers	Dec. 31, 1940 [1]	95,194.18	100,859.17	None	4,473.58	None
		Dec. 31, 1941 [1]	101,812.53	94,358.55	20,224.04	11,123.23	3,448.21
		Dec. 31, 1942	74,662.95	117,713.45	43,578.94	39,221.05	17,431.57
		Dec. 31, 1943	73,461.63	126,137.45	43,578.94	39,221.05	17,431.58
Linn Mills Co., Landis, N. C.	Cotton yarn	Dec. 31, 1941	62,748.67	73,437.72	8,709.84	4,354.92	1,350.02

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
NORTH CAROLINA—continued							
Monarch Elevator & Machine Co., 431 Morehead Ave., Greensboro, N. C.	Elevator manufacturing	Dec. 31, 1942	$8,259.12	$15,433.43	$2,315.62	$3,810.34	$1,143.10
		Dec. 31, 1945	8,259.12	15,433.43	2,315.62	2,199.84	636.71
Ramseur Hosiery Mills, Inc., Asheboro, N. C.	Manufacturers of full-fashioned ladies' hosiery.	Dec. 31, 1944	15,963.10	39,218.88	6,684.21	6,350.00	3,542.64
Riverside Manufacturing Co., Inc., Murfreesboro, N. C.	Manufacturer of veneer packages.	Dec. 31, 1941	32,912.80	30,168.90	7,263.73	2,905.49	690.71
		Dec. 31, 1942	35,358.28	27,723.42	4,818.25	4,336.43	2,553.68
Rose's 5, 10, and 25c Stores, Inc., Henderson, N. C.	Retail stores	Dec. 31, 1941	356,671.43	59,914.65	56,748.60	31,211.73	9,675.63
		Dec. 31, 1942	356,781.66	59,804.42	56,638.37	50,974.54	22,655.35
		Dec. 31, 1943	356,781.66	59,804.42	56,638.37	50,974.53	22,655.35
		Dec. 31, 1944	356,781.66	56,638.37	56,638.37	53,806.46	22,655.34
Southern Furniture Exposition Building, Inc., South Main St., High Point, N. C.	Furnitnre show rooms	Nov. 30, 1942	43,157.48	19,703.73	4,951.08	2,874.34	1,142.16
		Nov. 30, 1943	43,157.48	19,703.73	4,951.08	4,455.97	2,624.06
		Nov. 30, 1944	43,157.48	19,523.73	4,951.08	4,682.57	2,000.68
		Nov. 30, 1945	43,157.48	19,703.73	4,951.08	4,703.53	1,980.42
		Dec. 31, 1946	46,513.82	16,347.39	1,594.74	273.41	115.12
Tower Hosiery Mills, Burlington, N. C.	Hosiery manufacturing	Nov. 30, 1941	63,638.77	16,965.84	6,685.39	2,189.95	None
		Nov. 30, 1942	78,585.35	18,120.62	7,260.55	4,847.66	1,871.05
1ST DISTRICT OF OHIO							
Chakeres Theatres, Inc., 19 South Fountain Ave., Springfield, Ohio.	Motion picture theatre	Aug. 31, 1941	10,920.84	29,832.94	14,729.16	862.79	None
		Aug. 31, 1942	12,444.02	28,309.76	16,055.98	9,660.15	3,772.63
		Aug. 31, 1943	12,444.02	28,309.76	16,055.98	14,450.38	6,781.62
		Aug. 31, 1944	12,444.02	17,491.11	7,980.98	7,448.91	3,439.94
Columbia Motor Sales Co., 525 Sycamore St., Cincinnati, Ohio.	Retail automobile sales and service	Dec. 31, 1943	12,232.50	18,394.01	18,394.01	12,124.56	5,220.46
		Dec. 31, 1944	12,232.50	18,394.01	18,394.01	5,518.69	2,414.64
		Dec. 31, 1945	12,232.50	18,394.01	18,394.01	14,005.81	7,615.67
The Crystal Tissue Co., Middletown, Ohio	Manufacturers of tissue paper	Dec. 31, 1940	112,005.17	57,161.52	14,142.54	5,354.98	1,955.37	None
		Dec. 31, 1941	1,155,552.96	28,262.92	27,394.49	13,897.25	4,368.15
		Dec. 31, 1942	125,604.35	28,473.44	17,343.10	15,608.79	6,937.24
		Dec. 31, 1943	125,604.35	55,744.75	17,500.36	16,625.34	7,042.81
		Dec. 31, 1944	125,447.47	17,499.98	17,500.36	16,625.34	7,045.33
		Dec. 31, 1945	125,447.47	19,965.04	12,839.47	6,837.79	1,922.17
Dayton Dr. Pepper Bottling Co., 2140 North Gettysburg Ave., Dayton, Ohio.	Bottlers of carbonated beverages	Oct. 31, 1942	4,307.21	12,433.09	12,433.09	11,189.79	3,408.86
		Oct. 31, 1943	5,163.34	11,701.87	11,701.87	11,019.26	3,847.96
		Oct. 31, 1944	6,045.66	10,127.96	10,127.96	9,621.57	3,968.41
		Oct. 31, 1945	8,648.47	8,410.43	8,410.43	630.81	213.95
		Oct. 31, 1946	10,366.00	152,193.28	81,908.28	74,069.83	32,919.92
Great Lakes Greyhound Lines, Inc., of Indiana (formerly Cincinnati & Lake Erie Transportation Co.), 19 South Kenyon St., Dayton, Ohio.	Transportation	Dec. 31, 1942	71,991.72				
The Johnston Shelton Co., 8 East 3d St., Dayton, Ohio.	Department store	Jan. 31, 1941	63,299.38	30,568.10	6,202.89	1,946.57	None
		Jan. 31, 1942	73,917.85	36,784.40	16,986.55	8,493.28	2,632.92
The M. & M. Mining Co., c/o N. S. Talbott, President, 131 North Ludlow St., Dayton, Ohio.	Mining gold and silver	Dec. 31, 1940	15,063.16	11,288.59	5,125.33	1,281.33	None
		Dec. 31, 1941	17,376.80	8,976.25	6,273.08	6,743.40	2,090.45
Marcy's Jewelry Store, Inc., 20 West 4th St., Dayton 2, Ohio.	Retail jewelry	Dec. 31, 1942	2,156.44	4,160.62	2,390.78	2,477.94	745.40
		Dec. 31, 1943	2,460.92	3,856.14	2,686.80	2,071.44	621.43
		Dec. 31, 1944	2,999.40	1,547.82	1,547.82	1,470.43	417.91
The Martin Rosenberger Wall Paper Co., 31 East 4th St., Cincinnati, Ohio.	Retail wall paper	Dec. 31, 1942	29,295.27	9,943.12	3,964.10	3,667.69	2,100.97
		Dec. 31, 1943	29,295.27	9,943.12	3,964.10	3,667.69	2,100.97
Moraine Box Co., P. O. Box 1018, Dayton 1, Ohio	Manufacture of wooden boxes and crates	June 30, 1941	17,513.33	72,969.42	8,560.70	2,536.17	None
		June 30, 1942	18,319.02	89,476.29	13,871.14	5,388.13	1,511.16
		June 30, 1943	19,897.64	87,898.27	12,293.12	11,427.02	6,607.94
		June 30, 1944	22,375.82	85,419.49	9,814.34	15,403.86	6,662.33
		June 30, 1945	24,529.87	83,265.44	7,660.29	7,526.29	4,198.88
Ohio Supply Co., 21 South Center St., Springfield, Ohio.	Retailer of lodge supplies	Dec. 31, 1942	25,181.27	20,685.83	9,449.02	8,504.11	5,008.02
		Dec. 31, 1943	31,570.79	3,059.50	3,059.50	2,753.55	1,621.54
		Dec. 31, 1944	31,570.79	3,059.50	3,059.50	2,906.53	1,621.53
		Dec. 31, 1945	31,570.79	3,059.50	3,059.50	2,906.53	1,621.53
Pettibone Bros. Mfg. Co., 628 Sycamore St., Cincinnati, Ohio.	Manufacturers of uniforms	Mar. 31, 1943	7,813.95	44,963.80	6,715.89	6,861.23	2,158.36
		Mar. 31, 1944	8,403.32	44,374.43	6,126.52	6,154.08	1,843.89
		Mar. 31, 1945	9,058.68	43,719.07	5,471.16	5,160.40	1,545.84
		Mar. 31, 1946	9,421.99	43,355.76	5,107.85	3,841.55	1,521.96
The Randall Co., 5000 Spring Grove Ave., Cincinnati, Ohio.	Manufacturing automobile accessories	June 30, 1944 [1]	97,407.35	None	None	16,894.94	7,306.97
Tube Products Corp., 320 North 2d St., Tipp City, Ohio.	Manufacturers of welded tubing	Sept. 30, 1942	3,600.83	18,104.67	5,424.17	7,585.25	3,407.19
10TH DISTRICT OF OHIO							
Bersted Manufacturing Co., Hissong Ave., Fostoria, Ohio.	Manufacturers—electrical devices	Dec. 31, 1941	53,068.58	115,773.97	8,127.71	8,127.71	2,519.59
		Dec. 31, 1942	35,043.87	115,773.97	8,127.71	7,314.94	4,307.69
		Dec. 31, 1943	35,043.87	9,349.29	9,349.29	8,414.34	4,955.13
		Dec. 31, 1944	37,388.29	8,102.83	8,102.83	7,697.69	3,580.66
Buckeye Winery, Inc., 5405 Telegraph Rd., Toledo, Ohio.	Manufacture and sale of wine	May 31, 1943	8,157.36	29,908.89	6,284.63	6,132.08	2,379.28
		May 31, 1944	8,963.93	29,102.82	5,238.06	5,209.91	1,562.62
Copeland Refrigeration Corp., Sidney, Ohio	Manufacturer of refrigeration equipment	Sept. 30, 1941	71,309.38	737,706.35	61,941.23	24,776.50	None
		Sept. 30, 1942	88,619.23	872,684.03	76,531.74	48,844.03	17,475.69
		Sept. 30, 1943	88,619.23	872,684.03	76,531.74	68,878.56	30,612.70
The Curtis Co., (now) Flemington, N. J., (formerly) Canton, Ohio.	Manufacturing and leasing pretzel typing machines	Dec. 31, 1941	2,591.24	17,249.98	5,952.29	2,921.30	671.90
Gendron Wheel Co., 226 West 3d St., Perrysburg, Ohio.	Manufacturers of invalid chairs, playground equipment, etc.	Aug. 31, 1944	12,148.06	68,593.63	40,298.89	37,926.00	18,948.53
		Aug. 31, 1945	12,610.15	68,136.52	39,841.78	37,849.69	18,923.82
Gro-Cord Sole & Heel Co. (formerly Lima Cord Sole & Heel Co.), 817 North Jackson St., Lima, Ohio.	Manufacturers of rubber soles and heels	Dec. 31, 1942	63,634.72	53,925.88	18,075.67	16,268.11	7,230.26
Merchants Industries, Inc., Merchants Bldg., Bellefontaine, Ohio.	Commercial printing	Dec. 31, 1941	25,515.00	32,367.94	11,304.63	4,617.17	1,431.32
		Dec. 31, 1942	29,067.94	28,815.00	7,751.69	7,598.70	4,474.79
		Dec. 31, 1943	29,756.33	28,126.61	7,063.30	6,564.92	3,938.39
		Dec. 31, 1945	27,554.03	30,328.91	9,265.60	8,802.32	4,910.77
Peerless Molded Plastics, Inc., 401 Hamilton St., Toledo, Ohio.	Manufacturers molded plastics parts	Dec. 31, 1943	5,257.66	10,067.62	10,067.62	16,555.09	6,579.71
		Dec. 31, 1944	6,218.34	9,138.49	9,138.49	2,208.78	627.76
7-Up Bottling Co., of Omaha, Nebr., Napoleon, Ohio.	Manufacturing non-alcoholic beverages	Feb. 28, 1941	2,894.25	22,504.66	14,305.89	3,631.48	None
		Feb. 18, 1942	3,974.44	31,796.48	15,908.68	6,169.36	2,714.52
		Feb. 28, 1943	8,160.46	34,310.58	13,020.34	10,372.12	3,107.44
		Feb. 29, 1944	11,420.26	20,393.75	11,835.54	10,918.14	4,292.57

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
10TH DISTRICT OF OHIO—continued							
The Seven-Up Iowa Co., Napoleon, Ohio	....do	Feb. 28, 1941	$10,222.39	$60,269.85	$44,382.53	$14,471.53	None
		Feb. 28, 1942	13,105.30	73,922.98	55,042.24	42,478.82	$13,155.23
		Feb. 28, 1943	16,793.51	71,723.44	52,847.70	27,059.58	14,764.86
		Feb. 29, 1944	18,202.46	72,334.06	53,453.32	3,652.97	1,588.53
11TH DISTRICT OF OHIO							
The Irving Drew Corp., 347 West Mulberry St., Lancaster, Ohio.	Manufacturing of women's shoes	June 30, 1943	28,063.87	64,202.98	25,023.65	22,521.28	12,211.15
		June 30, 1944	28,063.87	29,514.05	25,023.65	23,143.45	11,887.94
		June 30, 1945	28,063.87	25,023.65	25,023.65	23,772.47	11,357.31
		June 30, 1946	28,063.87	25,023.65	25,023.65	11,983.92	5,824.09
The Dundee Coal Co., c/o James Carrick & R. B. Hurst, Transferees, Room 1980, A. I. U. Bldg., 50 West Broad St., Columbus, Ohio.	Coal properties	Jan. 1-June 30, 1941	8,147.44	19,954.82	4,870.28	845.29	194.42
Hatton Coal Co., 16 East Broad St., Columbus, Ohio.	Wholesale coal on commission	June 30, 1942	8,147.44	19,954.82	4,870.28	2,191.63	679.40
		Dec. 31, 1941	1,568.14	6,931.76	966.77	338.37	77.82
		Dec. 31, 1942	1,568.14	6,931.76	966.77	870.09	261.03
		Dec. 31, 1943	1,568.14	6,931.76	966.77	870.09	261.03
		Dec. 31, 1944	1,568.14	6,931.76	966.77	918.43	261.04
Downey Joyce 7-Up, Inc., 541 West 2d Ave., Columbus, Ohio.	Manufacturers of soft drinks	Dec. 31, 1940	158,868.60	31,511.40	8,476.40	2,119.10	None
		Dec. 31, 1941	191,809.83	36,190.17	10,390.17	9,299.38	2,854.99
The Ohio Public Service Co. (formerly The Marion-Reserve Power Co.), 198 South Main St., Marion, Ohio.	Public utilities—manufacture and sale of electric energy and water	Dec. 31, 1942	192,124.87	35,875.13	10,075.13	9,067.61	4,030.05
		Dec. 31, 1942	545,860.45	400,614.58	42,226.11	76,007.00	33,780.89
Ohio Wax Paper Co., Transferee (Pollack Realty Corp. and Pollack Paper & Box Co., Dallas, Tex., Transferees), c/o Robert G. Adair, 2215 Union Central Bldg., Cincinnati, Ohio	Paper manufacturing and converting	Dec. 31, 1943	545,860.45	400,614.58	42,226.11	76,007.00	33,780.89
		Dec. 31, 1944	545,860.45	400,614.58	42,226.11	40,114.80	16,890.44
		Dec. 31, 1941	81,503.14	93,928.31	71,724.32	11,706.18	3,628.92
		Dec. 31, 1942	81,520.54	93,910.91	71,706.92	40,035.38	17,793.51
		Dec. 31, 1943	81,520.54	93,910.91	71,706.92	6,874.45	3,055.32
The Segal Schadel Co., of Columbus, 40 South Yale Ave., Columbus, Ohio.	Waste paper	Dec. 31, 1943	10,995.13	5,491.74	5,491.74	4,942.57	1,512.52
W. C. O. L. Inc., 33 North High St., Columbus, Ohio.	Radio	Dec. 31, 1944	10,995.13	5,491.74	5,491.74	3,926.57	1,229.45
		Dec. 31, 1943	8,066.05	8,721.40	7,934.74	7,141.27	2,162.39
		Jan. 1-Oct. 31, 1944	9,283.61	6,717.18	6,717.18	5,317.77	1,544.71
The Wendt-Bristol Co., 51 East State St., Columbus, Ohio.	Manufacturer wholesale and retail drugs	Dec. 31, 1942	11,001.32	11,342.38	9,240.06	8,389.03	2,680.63
		Dec. 31, 1943	11,844.59	10,675.53	7,973.21	7,228.29	2,297.80
		Dec. 31, 1944	13,316.48	8,252.55	6,150.23	2,881.99	2,881.99
		Dec. 31, 1945	15,929.04	5,594.98	3,492.66	1,988.40	1,988.40
18TH DISTRICT OF OHIO							
The Acme Shoe Co., 1265 West 6th St., Cleveland, Ohio.	Wholesale shoes	Jan. 31, 1943 [2]	514.85	7,790.29	430.15	391.64	117.49
The Bowman Products Co. (formerly The Bowman Auto Supply Co.), 850 East 72d St., Cleveland, Ohio.	Jobbing automobile supplies	Dec. 31, 1941	23,509.77	166,490.23	27,312.48	12,290.62	3,810.09
		Dec. 31, 1942	25,099.77	164,930.23	27,312.48	24,581.24	13,515.92
		Dec. 31, 1943	25,099.77	164,930.23	27,312.48	24,860.17	13,515.92
The Brush Development Co., 3311 Perkins Ave., Cleveland, Ohio.	Manufacturing crystals and hearing aids	Dec. 31, 1940	246,773.93	30,379.02	10,721.93	12,098.23	None
		Dec. 31, 1941	299,761.61	419,286.82	36,481.25	21,888.93	6,785.51
		Dec. 31, 1942	293,763.45	425,284.98	37,573.66	33,816.29	15,029.47
The Cleveland Clinic Pharmacy, Inc., 2020 East 93d St., Cleveland, Ohio.	Owning and operating a retail pharmacy	May 31, 1945	2,618.06	13,530.71	13,530.71	12,854.18	4,051.97
The Cleveland Range Co., 3333 Lakeside Ave., Cleveland, Ohio.	Manufacturers of steam-ranges	May 31, 1946	2,870.41	13,278.36	13,278.36	6,656.27	2,392.07
		Dec. 31, 1941	29,781.54	3,997.83	3,997.83	3,797.94	2,118.84
The Curtis Co. (now) Flemington, N. J. (formerly) Canton, Ohio.	Manufacturing and leasing pretzel typing machines	Dec. 31, 1942	2,574.60	17,266.62	5,968.91	3,743.14	1,122.94
The Factory Stores Co. of Cleveland, 7016 Euclid Ave., Cleveland, Ohio.	Restaurant	Oct. 31, 1943	4,069.54	12,695.65	12,695.65	11,961.13	3,623.65
		Oct. 31, 1944	3,651.22	13,113.97	13,113.97	12,122.97	3,886.35
		Oct. 31, 1945	4,299.70	12,498.49	12,498.49	11,573.56	3,938.85
The Factory Stores Co. of Mahoning, 7016 Euclid Ave., Cleveland 3, Ohio.	....do	Oct. 31, 1942 [1]	27,279.61	None	None	2,221.31	1,039.59
		Oct. 31, 1945	3,667.60	23,611.91	23,611.91	41,556.82	19,374.49
The Factory Stores Co. of Ohio, 7016 Euclid Ave., Cleveland, Ohio.	....do	Oct. 31, 1943	3,555.78	11,727.52	11,727.52	9,653.90	3,172.10
		Oct. 31, 1944	5,637.68	10,245.62	10,245.62	9,647.96	2,921.31
		Oct. 31, 1945	5,572.71	9,710.59	9,710.59	9,225.06	2,806.72
Firestone Service Stores, Inc. of Louisville, Brook and Broadway, Louisville, Ky.	Automotive tires and accessories	Oct. 31, 1943	5,461.59	3,588.66	2,860.83	2,574.75	772.43
The A. L. Garber Co., Union St., Ashland, Ohio	Printing and paper box manufacturing	Oct. 31, 1944	6,657.24	2,393.01	1,665.18	1,568.05	449.69
		Dec. 31, 1941	85,248.58	68,826.85	31,461.99	7,350.94	2,278.79
		Dec. 31, 1942	83,806.17	68,826.85	31,461.99	2,297.94	1,021.31
		Dec. 31, 1943	83,806.17	68,826.85	31,461.99	54,859.58	24,382.04
		Dec. 31, 1944	83,806.17	63,826.85	31,461.99	29,888.81	12,594.76
General Biochemicals, Inc., P. O. Box 330, Chagrin Falls, Ohio.	Manufacturers of vitamin products	Dec. 31, 1944	14,772.39	26,901.78	16,952.62	9,022.88	4,979.29
The Edward R. Hart Co., 437 McGregor Ave. NW., Canton, Ohio.	Built up roofing and insulation work; jobbing sales of asphalt, asbestos, and magnesia products	Dec. 31, 1944	6,736.34	632.47	632.47	609.85	170.77
The Jupiter Steamship Co., 317 Rockefeller Bldg., Cleveland, Ohio.	Marine transportation	Dec. 31, 1942	6,780.00	19,713.28	11,517.06	10,365.35	3,175.55
The Key-Tag Checking System Co., 6309 Hough Ave., Cleveland, Ohio.	Identification system for laundries	Dec. 31, 1943	6,780.00	19,713.28	11,517.06	9,002.54	3,175.55
		Dec. 31, 1940	7,402.79	16,565.71	10,122.75	7,551.40	None
		Dec. 31, 1941	7,688.64	16,279.86	19,251.04	10,721.93	4,770.47
		Dec. 31, 1942	8,313.10	15,665.40	18,626.58	19,280.92	8,515.31
		Dec. 31, 1944	9,727.41	14,241.09	17,212.27	22,252.85	11,214.16
The Land Title Guarantee & Trust Co., Plain Dealer Bldg., Cleveland, Ohio.	Insurance—other than life or mutual	Dec. 31, 1945	10,518.62	13,449.38	16,421.06	3,772.84	1,151.71
		Dec. 31, 1940	87,047.93	25,417.67	19,245.68	5,331.24	None
		Dec. 31, 1941	92,294.93	33,474.18	33,474.18	17,704.03	3,976.67
		Dec. 31, 1942	102,831.83	34,110.78	22,937.28	15,670.03	6,964.73
		Dec. 31, 1943	102,831.83	34,110.78	22,937.28	20,643.55	9,174.92
The Lederer Terminal Warehouse Co., 825 Erieside Ave., Cleveland, Ohio.	Warehousing	Dec. 31, 1942	21,986.15	20,549.81	7,711.57	6,940.42	4,087.13
		Dec. 31, 1943	21,986.15	20,549.81	7,711.57	6,940.42	4,087.13
Mahoning Mining Co., Stambaugh Bldg., Youngstown, Ohio.	Mining fluorspar, lead, and zinc	Dec. 31, 1942	61,772.77	381,773.42	234,233.46	158,981.96	93,993.38
		Dec. 31, 1943	84,672.03	358,874.15	211,334.20	199,280.78	84,553.68
Miller's Gold Seal Dairy, Inc., 1829 East 55th St., Cleveland, Ohio.	Wholesale dairy	Dec. 31, 1944	10,618.54	20,154.74	6,396.66	6,076.83	2,395.68
The Mooney Iron Works Co., 3319 East 80th St., Cleveland, Ohio.	Construction—subcontractors iron and steel fabrication and erection	Dec. 31, 1941	5,297.48	23,532.06	5,228.55	3,950.10	1,666.61
		Dec. 31, 1942	7,450.56	21,456.78	3,153.27	3,537.02	1,061.10
		Dec. 31, 1943	8,293.79	431.76	2,310.04	2,781.41	825.42
		Dec. 31, 1944	9,145.31	None	1,271.29	1,980.73	571.28

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
18TH DISTRICT OF OHIO—continued							
Motor Terminals, Inc. (now) 620 West 4th St., Cincinnati, Ohio; (formerly) Cleveland, Ohio.	Motor truck transportation	Dec. 31, 1944	$25,900.42	$523.70	$523.70	$1,300.41	$725.49
		Dec. 31, 1945	25,512.83	911.29	911.29	1,668.62	930.91
Ohio Ferro-Alloys Corp., Citizens Bldg., Canton, Ohio.	Manufacture of ferro-alloys	Dec. 31, 1940	126,047.14	51,041.17	14,432.14	6,772.85	None
		Dec. 31, 1941	148,886.35	61,458.31	17,663.72	9,715.05	3,011.66
Ostendorf-Morris Co., 925 Guardian Bldg., Cleveland, Ohio.	Real estate, property management and appraisal service.	July 31, 1946	9,803.09	6,569.04	6,569.04	2,615.92	1,128.24
The Radebaugh-Fetzer Co., 1737 East 12th St., Cleveland 14, Ohio.	Manufacturer and dealer physician supplies.	Dec. 31, 1943	4,579.34	4,931.11	4,931.11	4,437.99	1,331.41
		Dec. 31, 1944	4,579.34	4,931.11	4,931.11	4,684.56	1,331.41
		Dec. 31, 1945	4,894.44	4,616.01	4,616.01	4,514.38	1,283.04
The Schirmer-Dornbirer Pump Co., 1719 East 39th St., Cleveland, Ohio.	Manufacturing	Dec. 31, 1940	12,942.38	15,377.42	11,960.30	2,950.07	None
		Dec. 31, 1941	14,953.04	24,036.14	14,649.87	5,390.81	1,976.43
		Dec. 31, 1943	15,868.73	24,036.14	14,649.87	13,184.88	6,772.53
		Sept. 30, 1941	41,029.48	71,580.53	5,985.14	1,804.13	None
The Sugardale Provision Co., 1018 McKinley Ave. SW., Canton, Ohio.	Meat slaughtering, packing, and distribution of food products.	Sept. 30, 1942	50,347.59	85,116.23	6,190.71	5,394.84	2,069.14
		Sept. 30, 1943	47,781.92	87,681.90	8,756.38	10,304.34	4,579.70
		Sept. 30, 1944	47,213.57	88,250.25	6,567.36	7,378.46	3,148.38
The Tappan Stove Co., 150 Wayne St., Mansfield, Ohio.	Manufacturing munitions, gasoline tanks etc.	Dec. 31, 1940	321,342.19	72,409.62	22,658.38	8,915.60	None
		Dec. 31, 1941	384,669.73	87,642.28	23,038.78	13,823.27	4,285.21
		Dec. 31, 1942	382,665.81	87,642.29	23,038.79	20,734.91	9,215.52
		Dec. 31, 1943	382,665.81	87,642.29	23,038.79	20,734.91	9,215.52
United Vacuum Cleaner Stores, Inc., 1224 Huron Rd., Cleveland, Ohio.	Retail electrical household appliances.	Dec. 31, 1940	7,896.93	18,786.67	11,218.06	2,804.52	None
		Dec. 31, 1941	10,172.85	21,968.39	14,204.38	10,464.33	3,243.95
		Dec. 31, 1942	12,735.26	26,608.00	14,204.38	12,784.12	9,383.46
The Wilson Transit Co., 960 Rockefeller Bldg., Cleveland, Ohio.	Transportation of bulk freight by water.	Dec. 31, 1940	274,831.57	30,119.35	18,832.04	7,532.81	None
		Dec. 31, 1941	331,676.30	40,901.29	22,184.10	13,310.46	4,126.24
The Youngstown Arc Engraving Co., Vindicator Bldg., Youngstown, Ohio.	Engraving and photos	Dec. 31, 1943	14,773.00	5,659.53	5,659.53	5,093.57	1,740.52
		Dec. 31, 1944	14,773.00	5,659.53	5,659.53	5,376.55	2,945.07
The Youngstown Steel Tank Co., 512 Elk St., Youngstown, Ohio.	Manufacture of steel tanks	Sept. 30, 1941	16,998.42	86,800.96	17,409.54	4,367.38	None
		Sept. 30, 1942	19,850.12	111,857.70	14,617.84	8,782.71	3,509.01
		Sept. 30, 1943	19,850.12	111,857.70	14,617.84	11,222.99	7,610.46
		Sept. 30, 1944	19,850.12	33,340.13	14,617.84	13,192.29	7,730.02
		Sept. 30, 1945	19,850.12	14,617.84	14,617.84	13,886.94	7,747.45
OKLAHOMA							
The Akin Gasoline Co., 1801 National Bank Bldg. of of Tulsa, Tulsa, Okla.	Gasoline brokerage	Dec. 31, 1940	5,467.74	35,097.26	7,716.15	101.67	None
		Dec. 31, 1941	6,172.12	34,392.88	8,721.57	3,348.73	785.00
		Dec. 31, 1942	7,090.80	47,534.20	7,802.89	9,526.80	2,911.55
		Dec. 31, 1943	7,090.80	33,474.20	7,802.89	7,022.60	2,165.78
Cimarron Gasoline Corp., 601 Atlas Life Bldg., Tulsa, Okla.	Petroleum refining	Dec. 31, 1941	8,036.73	13,564.69	7,037.60	5,852.88	1,848.10
		Dec. 31, 1942	7,682.92	12,897.21	8,964.46	9,262.15	2,811.59
		Dec. 31, 1943	6,642.77	13,937.36	10,004.61	9,290.06	3,310.98
Commander Mills, Inc., Sand Springs, Okla.	Textile manufacturers	Dec. 31, 1944	5,195.44	15,384.69	11,451.94	5,388.54	1,537.26
		Dec. 31, 1941	80,205.80	71,301.90	48,440.92	26,004.65	8,061.44
		Dec. 31, 1942	80,292.94	71,214.76	48,353.78	112,424.08	49,966.25
		Dec. 31, 1943	80,292.94	71,214.76	48,353.78	84.76	37.67
		Dec. 31, 1944	80,292.94	71,214.76	48,353.78	8,395.16	3,534.80
The Examiner Co., 321-323 Osage, Bartlesville, Okla.	Newspapers	Dec. 31, 1944	5,381.03	10,064.82	10,064.82	3,780.26	1,074.40
Macklanburg Supply Co., Inc., 111 Northwest 23d St., Oklahoma City, Okla.	Wholesale refrigeration and miscellaneous supplies.	June 30, 1943	3,221.17	1,341.31	719.38	647.44	194.23
		June 30, 1944	3,221.17	1,341.31	719.38	665.28	194.21
Moore County Carbon Co., Phillips Bldg., Bartlesville, Okla.	Production and sale of carbon black.	June 30, 1945	3,221.17	1,341.31	719.38	683.41	194.22
		Dec. 31, 1940	28,628.63	75,769.72	8,072.67	1,563.60	None
		Dec. 31, 1941	26,507.17	77,891.18	27,368.99	21,733.76	6,737.46
		Dec. 31, 1942	27,397.81	77,000.54	26,478.35	30,110.51	16,377.86
		Dec. 31, 1943	30,203.46	15,841.74	23,612.70	23,536.76	12,601.58
		Dec. 31, 1944	28,932.12	17,173.08	24,944.04	23,995.67	13,256.56
Noble Drilling Corp., 209 Stanolind Bldg., Tulsa, Okla.	Contract drilling of oil and gas wells.	Nov. 30, 1944	222,528.93	454,113.35	454,113.35	808,370.45	333,647.10
Seismograph Service Corp., 709 Kennedy Bldg., Tulsa, Okla.	Geophysical survey also customary oil and gas operations and development.	Dec. 31, 1940	86,161.23	116,355.77	46,066.22	15,044.28	None
		Dec. 31, 1941	95,034.58	159,551.31	68,970.10	9,017.37	2,540.55
		Dec. 31, 1942	91,865.54	175,176.14	70,956.39	98,894.75	43,953.23
Southwest Machinery Co., 1900 Linwood Blvd., Oklahoma City, Okla.	Road and contractors machinery and service.	Dec. 31, 1943	24,155.76	39,743.42	39,743.42	36,202.71	20,857.81
		Dec. 31, 1944	26,074.51	37,824.67	37,824.67	36,627.26	18,228.50
Western Seismograph Supply Co., 1121 Petroleum Bldg., Oklahoma City, Okla.	Seismograph supplies	Dec. 31, 1941	3,380.39	8,857.83	4,673.19	2,607.59	461.75
		Dec. 31, 1942	4,144.56	7,712.20	3,909.02	3,518.11	1,025.40
Western States Construction Co., 1142 Southeast 29th St., Box 4502, Oklahoma City, Okla.	Pipe-line contractors	Aug. 31, 1944	1,718.23	811.24	811.24	346.85	104.05
OREGON							
Interstate Tractor & Equipment Co., 2855 Northwest Front Ave., Portland, Oreg.	Tractors, construction and logging equipment.	Dec. 31, 1944	66,293.82	16,408.31	16,408.31	20,884.79	8,793.58
Medford Concrete Construction Co., 1320 North Riverside Ave., Medford, Oreg.	Sand, gravel, and concrete pipe	Dec. 31, 1945	83,171.46	2,576.73	2,796.79	13,078.52	5,506.74
		Dec. 31, 1941 [1]	2,228.12	5,289.40	2,093.64	972.96	223.79
Pacific Plywood Corp., Willamina, Oreg	Manufacture of plywood and logging.	Dec. 31, 1942 [2]	1,674.85	5,842.67	2,646.91	2,737.35	827.21
		Dec. 31, 1940	43,591.99	160,478.22	91,714.85	38,707.91	None
		Dec. 31, 1941	49,111.15	207,660.89	116,354.28	63,994.86	19,838.40
		Dec. 31, 1942	59,401.92	197,280.12	105,973.51	95,889.16	43,582.82
Portland Lumber Mills, 6611 North Burlington Ave., Portland, Oreg.	Lumber manufacturing	Dec. 31, 1944	54,210.32	9,321.47	9,321.47	8,855.49	3,728.57
Semler Optical Department, Inc., Alisky Bldg., Portland, Oreg.	Optometry	Dec. 31, 1942 [1]	14,365.39	None	None	6,876.20	4,049.31
		Dec. 31, 1943 [1]	14,365.39	None	None	3,190.10	1,878.61
Sunset Motor Co., 3d and Jefferson Sts., The Dalles, Oreg.	Automobile sales and service	Dec. 31, 1941 [1]	10,233.86	13,074.33	2,237.25	1,268.14	317.03
Wood Tractor Co., (formerly Walling Tractor & Equipment Corp.), 1103 Southeast Main St., Portland, Oreg.	Sales agency—machinery	Dec. 31, 1940	3,474.11	14,560.92	7,070.89	872.47	None
		Dec. 31, 1941	4,651.17	17,347.96	8,343.32	3,337.32	1,468.42
		Dec. 31, 1942	4,651.17	17,347.96	8,343.32	7,508.99	2,252.69
		Dec. 31, 1943	5,176.32	16,822.81	7,818.17	7,328.94	2,198.68
1ST DISTRICT OF PENNSYLVANIA							
Auch Inter-Borough Transit Co., 1514 Fayette St., Conshohocken, Pa.	Passenger transportation—common carrier (motor bus).	Dec. 31, 1942	590.48	6,057.50	1,440.24	1,514.98	438.14
		Dec. 31, 1943	369.90	6,338.06	1,720.82	612.78	464.62
Boston Tidewater Terminal, Inc., Broad Street Station Bldg., Philadelphia, Pa.	Warehousing and managing warehouses and terminals.	Dec. 31, 1944	373.69	6,274.29	1,657.03	1,574.18	447.39
		Dec. 31, 1941	18,238.91	13,710.21	4,588.34	1,605.92	497.83

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1ST DISTRICT OF PENNSYLVANIA—continued							
Eureka Stores, 1120 Commercial Trust Bldg., Philadelphia, Pa.	General stores—retail	Dec. 31, 1944	$290,746.85	$84,150.27	$8,623.62	$8,192.44	$3,449.45
Glassine Paper Co., Balligomingo Rd., West Conshohocken, Pa.	Glassine paper	Dec. 31, 1941	54,686.69	117,942.12	45,671.11	32,993.10	10,227.87
		Dec. 31, 1942	62,935.12	114,624.48	37,422.68	33,680.41	14,969.07
		Dec. 31, 1943	62,935.85	38,051.95	38,051.95	26,920.14	11,964.51
		Dec. 31, 1944	61,125.52	38,051.95	38,051.95	27,716.82	11,670.24
		Dec. 31, 1945	57,935.85	38,051.95	38,051.95	33,907.90	14,277.01
The J. L. N. Smythe Co., 16th and Callowhill Sts., Philadelphia 30, Pa.	Wholesalers of paper, etc	Dec. 31, 1945	19,002.24	3,370.21	3,370.21	3,195.78	1,785.21
Kay Jewelry Co., York, Pa., 21 South George St., York, Pa.	Retail installment jewelry	June 30, 1941	3,333.37	9,342.34	2,137.29	665.15	None
		June 30, 1942	2,750.00	9,925.71	3,756.22	1,413.52	598.50
		June 30, 1943	3,738.60	8,937.11	2,767.62	2,535.89	1,466.85
		June 30, 1944	4,581.51	8,094.20	1,924.71	1,794.50	519.67
		June 30, 1945	6,506.22	7,784.27	1,611.78	1,534.04	435.98
Penn Elastic Co., 22 Maplewood Ave., Philadelphia, Pa.	Manufacture of elastic fabrics	July 31, 1945	10,358.88	5,498.98	5,498.98	5,794.03	1,987.32
Philgite Co., Inc., Room 802, Liberty Title & Trust Bldg., Broad and Arch Sts., Philadelphia, Pa.	Sale and application of road compounds	Dec. 31, 1945	7,186.23	35,847.71	35,847.71	4,093.09	1,193.20
St. Lawrence Dairy Co., 221 South 9th St., Reading, Pa.	Purchase and sale of milk and manufacture of milk products	Dec. 31, 1940	19,889.66	22,155.77	3,089.84	345.49	None
		Dec. 31, 1941	22,968.82	22,155.76	3,561.09	1,153.88	498.90
		Dec. 31, 1942	24,527.18	24,091.13	2,605.73	1,805.16	1,063.04
		Dec. 31, 1943	24,527.18	24,091.13	2,605.73	1,805.16	1,063.04
Sheridan Towing Co., Inc., 12 South Twelfth St., Philadelphia, Pa.	Water transportation	Dec. 31, 1940	6,945.50	36,567.65	14,283.75	3,570.94	None
		Dec. 31, 1941	7,107.91	36,405.24	19,546.58	7,818.63	2,423.77
		Dec. 31, 1942	7,107.91	36,405.64	19,546.58	17,591.92	7,107.75
		Dec. 31, 1943	7,107.91	36,405.64	19,546.58	17,591.92	7,107.75
		Dec. 31, 1944	8,298.86	35,214.29	18,355.63	17,960.04	8,183.84
		Dec. 31, 1945	9,575.98	33,937.17	17,078.51	16,221.58	7,741.36
Sun Ray Drug Co., 1227 North Broad St., Philadelphia, Pa.	Retail drug stores	Jan. 31, 1941	203,982.02	119,181.53	78,347.20	10,284.98	None
		Jan. 31, 1942	253,496.53	153,763.68	83,542.71	48,242.78	14,465.62
		Jan. 31, 1943	253,496.33	160,271.00	71,685.39	63,461.47	28,674.15
		Jan. 31, 1944	252,701.03	160,035.62	64,935.66	58,717.84	25,974.27
		Jan. 31, 1945	251,931.71	160,035.62	64,935.66	61,688.88	25,974.25
Sylvan Seal Milk, Inc., 612 South 24th St., Philadelphia, Pa.	Dairy products	Dec. 31, 1941	61,017.57	55,797.12	51,147.23	32,418.06	9,610.25
		Dec. 31, 1942	55,365.68	51,772.29	51,147.23	64,044.16	27,712.68
		Dec. 31, 1943	55,177.62	51,147.23	51,147.23	46,032.51	20,458.80
		Dec. 31, 1944	55,177.62	51,147.23	51,147.23	48,346.30	20,458.80
		Dec. 31, 1945	48,580.87	51,147.23	51,147.23	48,589.87	20,458.80
Transportation Sash Co., Main & Washington Sts., Topton, Pa.	Manufacture of sash for public carriers and windshields for army vehicles.	Dec. 31, 1941	1,364.05	46,997.00	30,070.44	15,780.35	5,596.35
		Dec. 31, 1942	2,109.39	46,251.86	30,611.58	37,077.66	20,653.30
		Dec. 31, 1944	6,787.33	31,859.81	25,933.66	13,938.23	7,465.47
Weland Theatre Co., 900 Bankers Securities Bldg., Philadelphia, Pa.	Motion picture exhibitor	Dec. 31, 1944	12,440.43	7,388.28	7,388.28	9,693.82	4,110.55
William Goldman Theatres, Inc., 1518 Walnut St., Philadelphia, Pa.	Service—motion pictures theatres.	Dec. 31, 1940	32,854.35	50,313.96	6,195.08	444.18	None
		Dec. 31, 1941	39,365.62	43,802.69	10,873.14	3,867.98	1,145.82
		Dec. 31, 1943	34,170.94	68,051.10	12,889.95	11,555.96	6,543.75
York Bus Co., 520 North Hartley St., York, Pa	Bus transportation	Dec. 31, 1943	27,484.81	42,220.08	42,377.87	28,080.70	16,953.15
		Dec. 31, 1944	27,484.81	42,220.08	42,377.87	20,028.75	18,578.12
12TH DISTRICT OF PENNSYLVANIA							
Miller's Furniture Store of Sunbury, Inc, 437 Market St., Sunbury, Pa.	Furniture and house furnishings	Aug. 31, 1941	10,506.85	33,619.35	10,591.42	2,821.06	None
		Aug. 31, 1942	11,800.00	34,912.50	15,611.80	5,454.44	2,144.37
Scranton Broadcasters, Inc., 1000 Wyoming Ave., Scranton, Pa.	Radio broadcasting	Dec. 31, 1940	32,864.62	46,935.38	1,027.06	291.86	None
		Dec. 31, 1941	39,986.09	39,813.91	8,094.16	3,298.46	975.41
		Dec. 31, 1942	39,986.09	39,813.91	9,603.91	8,847.81	4,493.37
		Dec. 31, 1943	39,986.09	39,813.91	9,603.91	8,643.52	4,493.37
		Dec. 31, 1944	39,986.09	39,813.91	9,603.91	9,123.70	3,843.37
		Dec. 31, 1945	39,986.09	39,813.91	9,603.91	9,124.71	3,843.37
23D DISTRICT OF PENNSYLVANIA							
Busch Kredit Jewelry Co., 37 East Madison St., Chicago, Ill.	Retail installment jewelry	Dec. 31, 1941	23,633.95	12,669.49	6,581.46	4,096.53	1,354.70
		Dec. 31, 1942	28,567.23	16,011.27	1,669.00	12,521.05	2,373.52
		Dec. 31, 1943	29,318.38	7,065.88	917.85	6,819.71	4,016.05
		Dec. 31, 1944	26,873.88	9,459.38	3,362.35	8,359.47	4,663.71
Calgon, Inc., Hagan Bldg. 323 4th Ave., Pittsburgh, Pa.	Sale of water softening chemicals	Dec. 31, 1940	39,106.86	126,335.64	30,393.56	1,316.08	None
		Dec. 31, 1942	46,198.58	158,051.42	36,558.08	63,979.11	28,435.16
		Dec. 31, 1943	46,198.58	158,051.42	36,558.08	32,902.27	14,623.24
Eastern Clay Products, Inc., 409 Indiana Theater Bldg., Indiana, Pa.	Mining, processing and selling clay.	Dec. 31, 1945	45,322.97	14,181.70	7,008.11	6,657.71	2,303.25
Equipment & Supplies, Inc., 624 Grant Bldg., Pittsburgh, Pa.	Contractors, machinery and supplies.	Dec. 31, 1941	6,024.56	36,458.21	6,883.60	5,911.33	2,360.86
		Dec. 31, 1942	7,737.42	34,725.35	5,150.74	5,364.09	1,556.09
		Dec. 31, 1943	9,260.22	33,222.55	3,901.97	5,810.92	1,145.98
Fayette Broadcasting Corp., Fayette Title & Trust Bldg., Uniontown, Pa.	Radio broadcasting	Dec. 31, 1941	11,732.12	47,170.73	2,696.04	3,016.94	920.97
		Dec. 31, 1943	5,449.19	2,152.29	2,152.29	1,937.06	581.12
		Dec. 31, 1944	5,449.19	2,152.29	2,152.29	2,044.18	581.12
		Dec. 31, 1945	5,449.19	2,152.29	2,152.29	2,044.68	581.12
Fretz-Moon Tube Co., Inc., East Butler, Pa.	Manufacture of pipe	Dec. 31, 1940	204,112.52	131,833.63	103,740.53	40,926.74	None
		Dec. 31, 1941	234,341.27	176,701.39	16,780.89	10,360.35	3,063.74
Housing Mortgage Corp., 391 Union Trust Bldg., Pittsburgh, Pa.	Mortgage company	Dec. 31, 1941	40,094.98	4,801.91	4,801.91	1,708.22	505.16
		Dec. 31, 1942	40,094.99	49,773.11	4,801.90	8,898.26	4,235.23
		Dec. 31, 1943	40,094.99	49,773.11	4,801.90	6,874.38	3,365.18
Ice-Capades, Inc., First office floor, Wm. Penn Hotel, Pittsburgh, Pa.	Staging of ice shows	Apr. 30, 1943	5,463.16	169,794.91	105,815.51	11,495.09	381.89
		Apr. 30, 1944	6,173.39	169,084.68	105,105.08	27,463.01	43,811.89
Lutz & Schramm, Inc., 1412 River Ave., Pittsburgh, Pa.	Manufacturers of food products	Jan. 1, to Sept. 30, 1940	27,096.29	26,797.73	7,105.55	2,071.12	None
		Sept. 30, 1941	27,055.38	26,838.64	7,146.46	3,702.50	None
		Sept. 30, 1942	35,123.96	27,966.40	5,194.38	4,594.28	2,156.17
		Sept. 30, 1943	38,067.00	2,251.34	2,251.34	3,116.88	2,201.31
Lee C. Moore and Co., Inc., 1837 Oliver Bldg., Pittsburgh 22, Pa.	Manufacturing steel drilling derricks and oil field equipment.	Dec. 31, 1944	105,646.73	124,097.31	28,542.23	94,106.00	39,623.58
		Dec. 31, 1945	114,871.22	114,872.82	19,317.74	23,159.92	9,751.54
Michaels Shoe Co., Inc., 5125 Penn Ave. Pittsburgh, Pa.	Retail and wholesale sale of shoes and accessories	Dec. 31, 1943	4,611.23	2,732.98	1,375.86	954.76	286.43
		Dec. 31, 1944	4,616.26	2,732.98	1,375.86	1,307.06	371.48
		Dec. 31, 1945	4,631.23	2,732.98	1,375.86	1,307.07	371.49

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
23D DISTRICT OF PENNSYLVANIA—continued							
Penn Transit Co., 3110 Walnut St., McKeesport, Pa.	Bus transportation	Dec. 31, 1940	$33,180.97	$42,498.82	$12,323.74	$3,685.08	None
		Dec. 31, 1941	39,887.27	40,011.90	13,845.20	5,730.16	$1,694.74
		Dec. 31, 1942	39,887.27	40,011.90	13,845.20	12,772.29	6,202.74
The Protane Corp., Powell Ave. Erie, Pa.	Sale of bottled gas and appliances	Dec. 31, 1940	53,840.88	11,191.92	1,598.46	402.52	None
		Dec. 31, 1941	66,548.61	10,513.38	3,451.39	1,216.58	369.54
		Dec. 31, 1942	51,355.70	15,726.29	3,644.30	3,338.00	1,457.72
		Dec. 31, 1943	51,340.88	25,721.42	3,644.30	3,279.87	1,457.72
		Dec. 31, 1944	51,325.70	25,736.29	3,644.30	3,441.08	1,457.72
Railway Maintenance Corp., P. O. Box 1888, Pittsburgh, Pa.	Manufacturer of railway machinery etc.	Dec. 31, 1941	36,276.15	40,700.84	8,381.36	3,851.47	1,138.51
		Dec. 31, 1942	44,451.60	32,525.39	205.91	188.90	109.13
		Dec. 31, 1943	44,451.60	32,525.39	205.91	185.32	109.13
River Seam Coal Co., c/o Diamond Alkali Co., 535 Smithfield St., Pittsburgh, Pa.	Mining coal	Dec. 31, 1940	83,366.19	40,363.62	10,988.46	3,586.65	None
		Dec. 31, 1941	85,727.06	62,153.61	27,236.89	13,618.44	4,221.71
		Dec. 31, 1942	86,889.08	68,912.96	26,074.87	23,467.38	10,429.95
Ross Independent Oil Co., 1100 West Chestnut St., Washington, Pa.	Wholesale petroleum products	Dec. 31, 1940	56,893.31	28,846.25	4,788.51	1,194.63	None
		Dec. 31, 1941	68,238.81	23,846.28	7,479.18	3,365.63	1,043.34
		Dec. 31, 1942	68,238.41	23,847.28	7,479.18	6,731.26	2,991.68
		Dec. 31, 1943	68,238.81	23,846.28	7,479.18	6,731.26	2,991.68
		Dec. 31, 1944	68,238.81	14,846.28	7,479.18	7,327.45	2,991.68
Sakura Mills, Inc., Wetmore Rd., Kane, Pa.	Manufacture of rayon goods	July 31, 1942 [1]	8,280.87	40,338.79	3,789.36	3,309.91	1,154.62
		July 31, 1943	10,072.05	38,547.61	1,998.17	1,865.44	539.50
		July 31, 1944	11,030.61	37,589.05	1,039.61	965.90	292.83
John V. Schultz Co., 20 East 8th St., Erie, Pa.	Retail furniture dealer	Jan. 17 to Dec. 31, 1941.	1,602.75	16,437.25	2,398.65	785.66	191.91
		Dec. 31, 1942	2,671.90	21,040.10	2,354.40	2,059.47	635.71
		Dec. 31, 1943	3,321.60	3,478.40	1,704.76	2,004.01	601.23
The Tri-Lok Co., 5515 Butler St. Pittsburgh, Pa.	Manufacture of iron and steel gratings.	Dec. 31, 1940	6,530.59	3,969.41	3,014.92	766.59	None
		Dec. 31, 1941	8,357.67	14,406.94	9,729.63	4,375.89	1,294.55
		Dec. 31, 1942	10,996.94	16,939.62	7,089.76	6,614.97	1,975.97
		Dec. 31, 1943	10,996.94	16,939.62	7,089.76	6,380.78	1,975.97
Uniflow Manufacturing Co. 1525 East Lake Rd., Erie, Pa.	Manufacturing various products.	Dec. 31, 1944	21,420.17	35,303.32	8,542.69	2,232.79	None
		Nov. 30, 1942	26,581.14	30,142.35	9,940.98	8,874.18	4,223.00
		Nov. 30, 1943	26,581.14	30,142.35	9,940.98	794.54	467.99
		Nov. 30, 1944	26,581.14	30,142.35	9,940.98	9,401.84	5,298.53
WJAC Inc., Tribune Annex, Johnstown, Pa.	Radio broadcasting	Dec. 31, 1941	2,722.39	10,477.29	6,240.41	2,184.14	502.36
		Dec. 31, 1942	3,117.01	10,082.63	5,845.79	5,261.21	1,578.37
		Dec. 31, 1943	3,117.01	10,082.63	5,845.79	5,261.21	1,578.37
		Dec. 31, 1944	3,117.01	10,082.63	5,845.79	4,949.70	1,578.37
		Dec. 31, 1945	3,117.01	10,082.63	5,845.79	4,798.76	1,578.37
RHODE ISLAND							
Capitol Cadillac Co. of Providence, 541 Elmwood Ave., Providence, R. I.	Automobile sales and service	Dec. 31, 1940	6,087.20	21,902.94	3,092.22	1,023.29	None
		Dec. 31, 1941	5,870.45	30,819.03	5,646.94	5,080.37	1,868.20
SOUTH CAROLINA							
Dixie Home Stores, Greenville, S. C.	Retail grocery stores	Dec. 31, 1940	244,325.77	141,989.04	10,672.50	2,802.32	None
		Dec. 31, 1941	294,174.28	181,908.75	32,313.73	16,156.87	5,606.64
		Dec. 31, 1942	295,174.28	188,810.67	39,102.79	35,273.52	15,677.12
Mathewes, Crews & Lucas, Inc., Montgomery Bldg., Spartanburg, S. C.	Cotton brokers	June 30, 1941	1,784.64	10,654.77	4,155.60	1,036.90	None
		June 30, 1942	3,442.21	10,645.02	3,224.05	1,128.42	259.24
		June 30, 1943	5,634.13	1,632.13	1,632.13	1,468.91	440.68
SOUTH DAKOTA							
Bank of Belle Fourche, Belle Fourche, S. Dak.	Banking	Dec. 31, 1941 [1]	6,809.45	16,958.01	10,195.55	3,636.02	891.44
		Dec. 31, 1942 [1]	8,889.29	14,878.17	8,115.71	9,409.18	2,892.85
		Dec. 31, 1943 [1]	8,875.72	14,891.74	8,129.28	7,316.35	2,235.05
		Dec. 31, 1944 [1]	10,334.03	13,433.43	6,670.97	6,337.42	2,507.63
Regan General Agency, 125 South Main St., Sioux Falls, S. Dak.	General insurance agency	Dec. 31, 1942 [1]	4,200.04	19,404.32	1,684.45	3,144.07	943.22
TENNESSEE							
Armstrong Mercantile Co., 612 Church St., Nashville, Tenn.	Women's apparel at retail	Dec. 31, 1941	10,569.10	10,810.90	3,093.95	1,076.62	247.62
		Dec. 31, 1942	10,569.10	10,810.90	3,093.95	2,784.56	835.37
		Dec. 31, 1943	10,569.10	3,093.95	3,093.95	2,784.56	835.37
Baird-Ward Printing Co., Inc., 910 Commerce St., Nashville, Tenn.	Printing	Dec. 31, 1941	22,099.42	14,879.24	6,701.49	3,834.13	1,379.33
		Dec. 31, 1942	23,977.27	13,301.39	6,867.20	8,461.21	4,082.74
		Dec. 31, 1943	25,089.58	11,289.08	4,955.33	7,508.40	4,421.61
		Dec. 31, 1945	25,654.52	11,324.14	4,970.39	10,253.69	5,720.47
The Half-Way Stations, Inc., 527 North Main St., Memphis, Tenn.	Retail trade—restaurants and lunch counters.	Dec. 31, 1943	4,379.74	12,784.12	11,770.26	10,334.03	3,200.97
Cherokee Hosiery Co., 3106 Edwards St., Cleveland, Tenn.	Hosiery manufacturing	Dec. 31 1944	3,243.93	9,446.46	9,446.46	9,202.74	2,669.32
Colonial Baking Co. of Memphis, (now) 6211 Lemon Ave., Dallas, Tex., (formerly) Cleveland and Larkin Sts., Memphis, Tenn.	Baking	Dec. 31, 1941	83,443.88	25,754.29	8,766.12	3,348.11	1,037.92
		Dec. 31, 1942	83,413.05	25,754.28	8,736.95	7,863.25	3,494.78
		Dec. 31, 1943	83,413.05	25,754.28	8,736.95	7,863.26	3,494.78
Andrew Johnson Properties, Inc., 914 South Gay St., Knoxville, Tenn.	Hotel	Oct. 31, 1942	2,384.22	36,242.37	23,167.47	10,445.73	3,168.85
		Oct. 31, 1943	3,396.65	58,779.23	36,009.72	24,472.71	14,886.28
		Oct. 31, 1944	7,040.75	55,135.13	32,365.62	15,511.32	14,067.72
Love & Amos Coal Co., 1803 West End Ave., Nashville, Tenn.	Wholesale coal dealer	Dec. 31, 1941	8,958.84	17,645.29	3,248.90	1,137.12	500.33
		Dec. 31, 1942	8,958.84	26,982.79	3,248.90	2,924.00	877.21
The Mid-South Oil Co., P. O. Box 137, 481 North Dunlap St., Memphis, Tenn.	Wholesale petroleum products	Dec. 31, 1943	37,909.03	8,983.43	8,983.43	12,046.08	6,275.53
		Dec. 31, 1944	37,909.03	8,983.43	8,983.43	8,534.28	3,805.19
Nashville Breeko Block and Tile Co., 366 Cowan St., Nashville, Tenn.	Manufacturers of cinder building blocks.	Dec. 31, 1941	7,998.16	20,555.05	3,941.73	2,630.56	657.64
		Dec. 31, 1942	8,461.80	20,092.01	3,478.09	3,721.69	1,116.50
		Dec. 31, 1943	8,461.80	20,092.01	3,478.09	3,130.28	939.08
		Dec. 31, 1945	8,461.80	20,092.01	3,478.09	3,304.19	977.85
Nashville Motors, Inc., 1101 Broad St., Nashville, Tenn.	Automobile sales and service	Dec. 31, 1943	9,335.84	55,941.42	7,662.75	9,002.07	2,749.59
		Dec. 31, 1944	7,011.80	58,265.46	9,986.79	10,917.37	3,722.40
Osborne Equipment Co., 625 State St., Knoxville, Tenn.	Construction machinery sales	Dec. 31, 1941	1,360.47	22,389.53	3,286.45	1,411.44	621.03
		Dec. 31, 1943	4,130.18	19,619.82	516.74	506.32	151.90
The Red Food Stores, 608 Broad St., Chattanooga, Tenn.	Retail food stores	Dec. 31, 1945	10,997.09	58,347.89	43,266.83	33,013.91	20,161.80

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
TENNESSEE—continued							
K. W. Rogers & Son Inc., Dyersburg, Tenn.	Chain groceries	Dec. 31, 1943	$15,000.00	$10,818.86	$1,823.16	$1,640.84	$528.72
		Dec. 31, 1944	15,790.32	10,028.54	1,032.84	981.20	545.88
Harry C. Smith Co., Inc., 556 Suzette St. Memphis, Tenn	Manufacturers of shellac varnish	Dec. 31, 1940	25,905.94	9,044.39	4,518.38	1,023.16	None
		Dec. 31, 1941	30,267.78	11,560.69	6,872.53	2,749.01	852.19
1ST DISTRICT OF TEXAS							
The Agua Dulce Co., 2202 Alamo National Bldg., San Antonio, Tex.	Gas and gasoline producers	Dec. 31, 1941	34,954.14	133,305.60	22,045.86	18,594.26	5,794.22
		Dec. 31, 1942	34,954.14	133,305.60	22,045.86	39,682.55	17,696.68
		Dec. 31, 1943	34,954.14	22,045.86	22,045.86	19,841.28	10,124.31
Largo Transport Co., 1209 McKinney Ave., Houston, Tex.	Barging oil	Aug. 31, 1943 [1]	63,412.50	None	None	4,337.98	1,928.00
Crystal White Laundry & Cleaning Co., Inc. 2405 University Blvd., Houston, Tex.	Laundry & cleaning services	Aug. 31, 1945	41,099.32	22,313.18	22,313.18	7,118.54	2,997.28
		Dec. 31, 1942	1,420.68	6,795.08	1,901.32	2,115.52	634.65
Empire Bag and Burlap Co., Inc., 2010 Canal St., Houston, Tex.	Manufacturing and reconditioning second hand bags.	Jan. 31, 1944	3,658.25	1,741.75	1,741.75	923.10	277.01
		Jan. 31, 1946	3,658.25	1,741.75	1,741.75	972.73	550.55
Gateway Chevrolet Co., 905 Santa Maria St., Laredo, Tex.	Chevrolet dealers, sales service	Dec. 31, 1944	3,938.12	3,612.12	3,612.12	3,358.12	964.90
General Geophysical Co., 2513–2514 Gulf Bldg., Houston 2, Tex.	Geophysical contracting	Dec. 31, 1941	88,186.22	98,963.78	15,071.61	11,939.47	3,701.21
		Dec. 31, 1942	88,186.22	98,963.78	15,071.61	24,555.90	11,047.06
		Dec. 31, 1943	88,220.63	98,929.37	15,037.20	13,533.48	6,014.88
		Dec. 31, 1945	88,220.63	98,929.37	15,037.20	7,907.19	3,329.35
Harris County Broadcast Co., 5th Floor Gulf Bldg., Houston, Tex.	Radio broadcasting	Jan. 1 to Nov. 30, 1940 [1]	20,487.99	102,423.01	14,841.61	3,396.13	None
		Nov. 30, 1941 [1]	20,487.99	102,423.01	14,841.61	4,452.49	None
		Nov. 30, 1942 [1]	23,741.40	99,169.60	19,008.60	12,139.47	5,828.92
Earl McMillan Inc., 800 Louisiana St. Houston, Tex.	Ford dealership	Dec. 31, 1941	14,728.60	42,171.45	4,603.90	2,875.98	1,444.58
		Dec. 31, 1942	14,728.60	42,171.45	4,603.90	4,110.71	1,329.71
		Jan. 1 to July 31, 1943.	14,728.60	42,171.45	4,603.90	3,961.93	1,253.91
Largo Motor Co., 1315 North McKinney Ave., Houston Tex.	Automobile dealership	Mar. 1 to Dec. 31, 1941 [1]	4,897.33	19,992.67	6,502.67	2,221.11	555.28
		Dec. 31, 1942	8,033.91	17,901.09	4,791.09	2,664.61	799.34
Houston Belting & Supply Corp., J. O. Long et al, Transferees, 1115 Austin St., Houston, Tex.	Mill supplies	Dec. 31, 1943	1,707.90	10,710.68	3,042.20	2,773.72	832.72
		Dec. 31, 1943	3,303.83	10,111.65	2,440.17	2,298.27	689.48
		Dec. 31, 1944	2,963.92	9,454.56	1,796.08	1,776.30	504.84
Ivy Russell Motor Co., 2201 Main St., Houston, Tex.	Automobile dealer with repair shop.	Dec. 31, 1945	12,670.59	5,236.91	5,236.91	4,975.06	2,233.25
Mading's Drug Stores, Inc., 1005 Jackson St., Houston, Tex.	Retail drugs	Dec. 31, 1944	64,125.08	3,799.92	3,799.92	3,609.93	1,519.97
		Dec. 31, 1945	64,125.08	3,799.92	3,799.92	3,609.92	1,519.97
Nortex Hide & Produce Co., P. O. Box 603, (804½ Commerce Ave.), Houston, Tex.	Wholesale dealers—hides, skins, wools, furs, etc.	Dec. 31, 1944	17,604.88	12,925.80	12,925.80	12,279.51	6,850.68
		Dec. 31, 1945	17,604.88	12,925.80	12,925.80	12,279.51	5,992.08
Old Ocean Pipe Line Co., 2105 Gulf Bldg., Houston, Tex.	Pipe line	Dec. 31, 1941	2,490.00	72,908.59	13,273.00	6,711.31	2,952.97
		Dec. 31, 1942	4,132.25	71,176.34	11,542.75	2,483.58	745.07
		Dec. 31, 1943	4,695.65	70,612.94	10,979.35	9,881.42	2,977.92
		Dec. 31, 1944	5,501.82	69,805.77	10,173.18	9,664.51	3,022.26
		Dec. 31, 1945	6,580.12	68,726.47	9,094.88	7,524.94	2,228.69
Parker Brothers & Co., Inc., 5303 Navigation Blvd., Houston, Tex.	Shell, sand, gravel production	May 31, 1941	173,454.19	82,660.30	13,122.44	4,772.85	None
		May 31, 1942	206,796.60	49,372.39	15,650.57	8,067.81	2,668.42
		May 31, 1943	216,873.59	37,153.48	5,601.58	5,041.42	4,845.44
		May 31, 1944	220,143.65	2,331.32	2,331.32	2,146.58	932.53
		May 31, 1945	220,143.65	2,331.32	2,331.32	2,214.75	563.82
Reynolds Electrical & Engineering Co. 708 North Piedras St., El Paso, Tex.	Electrical supplies and contracting.	Dec. 31, 1941	7,449.17	37,633.17	14,658.37	5,731.57	2,406.27
		Dec. 31 1943	9,033.83	284,217.09	14,658.37	6,534.08	5,041.96
		Dec. 31, 1944	9,033.83	284,217.09	14,658.37	13,926.40	6,318.26
Thomas Rice and Co., Inc., 604 Cotton Exchange Bldg., Houston 2, Tex.	Steamship agents and brokers	do	2,200.00	44,969.97	15,174.26	5,969.85	1,733.40
		Dec. 31, 1945	2,144.44	45,025.53	15,229.82	27,696.92	12,159.32
7-Up Texas Corp., 2204 Leeland Ave., Houston 3, Tex.	Bottlers and distributors of carbonated beverages.	May 31, 1943 [1]	67,450.00	None	None	10,347.76	4,687.75
		May 31, 1945	59,877.04	44,695.99	7,572.96	7,194.36	3,029.18
Shepherd Laundries Co., Inc., 735 Liberty Ave., Beaumont, Tex.	Laundry operations	Dec. 31, 1943 [1]	41,205.99	None	None	889.91	382.09
		Dec. 31, 1944	38,203.90	3,002.09	3,001.71	2,851.62	1,474.18
Southern Floral Co., 2306 Smith St., Houston, Tex.	Wholesale florist	June 30, 1945	12,593.38	2,975.37	2,975.37	2,826.60	999.36
Southern Sales & Transportation Co., 4300 Calhoun Rd., Houston 4, Tex.	Sales and distribution of explosives and industrial supplies.	Nov. 30, 1943	5,391.15	4,138.75	4,138.75	4,138.75	1,117.46
		Nov. 30, 1944	6,211.00	3,318.90	3,318.90	3,158.93	1,051.71
		Nov. 30, 1945	7,345.99	2,194.57	2,194.57	2,084.84	592.53
Stewart & Stevenson Distributing Co., 1719 Preston Ave., Houston, Tex.	Distributor of duco products and automobile parts.	Dec. 31, 1942	2,572.74	10,814.26	1,037.26	933.53	280.06
		Dec. 31, 1943	2,757.92	10,629.08	852.08	766.87	230.06
Swed Distributing Co., Harlingen, Tex.	Beer & wine distributing and soda water manufacturer.	Aug. 31, 1943	8,711.45	33,623.84	313.55	282.19	84.65
White Point Oil & Gas Co., 1024 Buffalo St., Corpus Christi, Tex.	Oil	Dec. 31, 1940	9,055.48	48,690.55	8,044.52	2,011.13	None
		Dec. 31, 1941	10,446.78	47,299.25	11,403.22	4,368.80	1,922.27
		Dec. 31, 1942	10,446.85	47,299.18	11,403.15	10,262.84	3,659.85
		Dec. 31, 1943	10,446.78	47,299.25	11,403.22	10,262.89	3,659.87
		Dec. 31, 1944	10,446.78	47,299.25	11,403.22	10,853.06	4,950.43
Wilkins Barge Line, 6212 Harrisburg Blvd., Houston, Tex.	Barge transportation on waterways.	Feb. 16 to Dec. 31, 1940.	2,047.05	50,962.95	12,202.95	3,208.71	None
		Dec. 31, 1941	2,460.00	50,550.00	16,540.00	7,496.01	2,314.48
		Dec. 31, 1942	1,520.00	51,490.00	17,480.00	14,636.81	4,961.60
		Dec. 31, 1943	1,520.00	51,490.00	17,480.00	15,654.95	4,961.60
2D DISTRICT OF TEXAS							
Arkansas Amusement Corp., 314 South Harwood St., Dallas, Tex.	Motion picture theatre operation.	Aug. 31, 1943	112,115.05	4,734.95	4,734.95	4,261.43	1,893.98
		Aug. 31, 1944	112,115.05	4,734.95	4,734.95	4,449.32	1,893.99
Badger Oil Co., 310 Amarillo Bldg., Amarillo, Tex.	Oil and gas royalties	Dec. 31, 1943	22,237.67	37,901.23	5,122.33	4,910.09	2,714.83
		Dec. 31, 1944	22,237.67	37,901.23	5,122.33	4,866.24	2,714.83
		Dec. 31, 1945	22,237.67	37,901.23	5,122.33	5,816.22	3,244.83
The Beckett Electric Co., 1101 McKinney Ave., Dallas, Tex.	Wholesale electrical jobbers	Jan. 1 to May 1, 1944.	36,257.18	22,927.82	22,927.82	6,148.28	4,205.54
Burford Oil Co., 1707 Tower Petroleum Bldg., Dallas, Tex.	Oil and gas producing	Dec. 31, 1940	2,653.67	11,596.33	4,946.33	1,682.18	None
		Dec. 31, 1941	2,834.11	11,415.89	11,415.89	3,411.11	784.56
		Dec. 31, 1942	2,198.24	26,820.68	12,051.76	15,464.65	5,502.84
		Dec. 31, 1943	3,974.12	16,938.71	10,275.88	3,236.01	970.79
Canadian Lumber Co., Canadian, Tex.	Retail lumber	Dec. 31, 1944	10,220.61	574.07	574.07	543.57	196.48
Clowe and Cowan, Inc., 401 Harrison St., Amarillo, Tex.	Wholesale plumbing and mill supplies.	Dec. 31, 1943	70,565.05	5,434.95	5,434.95	4,891.45	2,173.98
		Dec. 31, 1944	70,565.05	5,434.95	5,434.95	5,163.24	2,173.98

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
2D DISTRICT OF TEXAS—continued							
Cummer-Graham Co., 741 9th St. NW., Paris, Tex.	Manufacturers of wooden crates and baskets.	June 30, 1941 [1]	$65,917.25	$74,726.55	$9,606.71	$2,972.01	None
		June 30, 1942 [1]	80,535.64	72,059.13	11,790.02	8,895.01	$1,827.45
		June 30, 1943 [1]	79,918.70	75,743.95	12,288.40	11,059.56	4,917.82
		June 30, 1944	79,918.70	12,288.40	12,288.40	11,365.09	4,915.36
		June 30, 1945	78,568.70	13,638.40	13,638.40	11,673.98	4,998.16
		June 30, 1946	78,568.70	13,638.40	13,638.40	8,884.97	2,477.88
Dallas Tank Co., Inc., 201 West Commerce St., Dallas, Tex.	Butane-protane gas systems, gasoline storage and general sheet metal fabricators.	Dec. 31, 1944	28,850.39	104,673.54	33,381.79	16,957.11	14,802.10
The Frito Co., 1405 North Haskell Ave., Dallas, Tex.	Manufacturers of food products.	Dec. 31, 1941 [1]	21,888.93	33,163.57	768.67	268.99	118.35
		Dec. 31, 1942 [1]	21,888.93	33,163.57	768.57	691.71	435.23
Glass Theatres Corp., Majestic Theatre Bldg., Dallas, Tex.	Theatre	Dec. 31, 1941 [1]	419.97	8,550.47	2,652.81	928.48	213.56
		Dec. 31, 1942 [1]	184.50	8,791.94	2,888.28	2,090.45	770.83
Interstate-Trinity Warehouse Co., 301 North Market St., Dallas, Tex.	Drayage, storage & motor freight.	Dec. 31, 1944	6,270.40	4,179.60	4,179.60	3,970.61	1,137.49
		Dec. 31, 1945	7,564.49	2,885.51	2,885.51	2,741.23	817.07
Kearns Grain & Seed Co., P. O. Box 1300, Amarillo, Tex.	Wholesale and retail grain feed and seed.	Apr. 30, 1943 [1]	5,789.03	9,344.54	None	2,279.09	734.38
Lamar Creamery Co., Inc., 30 East Houston St., Paris, Tex.	Milk products	Dec. 31, 1941 [1]	11,989.90	32,412.04	4,349.04	1,522.16	622.58
		Dec. 31, 1942 [1]	11,989.90	32,412.04	4,349.04	3,914.14	1,291.02
		Dec. 31, 1945	21,637.65	24,605.76	980.13	1,558.60	969.53
		May 31, 1942 [1]	46,372.04	92,209.17	10,627.96	8,761.68	2,796.12
Memphis Cotton Oil Co., transferor, c/o Anderson, Clayton and Co., transferee, Houston Cotton Exchange Bldg., Houston, Tex.	Manufacturing cottonseed products.						
Mohr Chevrolet Co., 1909 Bryan St., Dallas, Tex.	Automobile sales and service	Dec. 31, 1940 [1]	9,208.35	17,475.73	4,800.00	950.00	None
		Dec. 31, 1941 [1]	10,581.57	21,025.18	4,248.43	1,605.41	745.08
Morten Theatres, Inc., 2005 Greenville Ave., Dallas, Tex.	Motion picture theatres	June 1, 1944 to May 31, 1945 (One day)	2,644.57	357.28	357.28	339.41	99.46
		June 1, 1945	2,772.80	357.27	357.27	.93	.25
Pool Manufacturing Co., Sherman, Tex.	Garment manufacture	Dec. 31, 1944	38,988.62	767.95	767.95	720.55	407.02
		Dec. 31, 1945	39,740.90	15.67	15.67	14.89	8.30
Premier Oil Refining Co. of Texas, P. O. Box 1512, Longview, Tex.	Petroleum refining, oil and gas production.	Dec. 31, 1940	78,611.70	683,852.01	122,313.30	5,877.86	None
		Dec. 31, 1941	93,150.26	690,579.01	245,699.64	206,442.80	63,992.57
		Dec. 31, 1942	115,722.47	668,000.90	222,712.05	160,053.92	89,085.23
		Dec. 31, 1943	116,212.95	472,148.05	222,712.05	175,307.78	89,484.82
		Dec. 31, 1944	116,212.95	472,148.05	222,712.05	194,638.32	89,131.84
Ring & Brewer, Inc., 1803 Elm St., Dallas, Tex.	Wearing apparel	Dec. 31, 1940	6,149.83	8,132.47	5,485.77	1,250.67	None
		Dec. 31, 1941	7,281.81	26,353.89	8,108.19	2,857.86	682.92
Sanatex Oil Co., Magnolia Bldg., Dallas, Tex.	Wholesale distributors of oils, greases, tires and batteries.	Dec. 31, 1944	1,645.42	784.70	784.70	1,125.48	319.87
		Dec. 31, 1945	2,621.37	None	None	254.14	72.23
7-Up Bottling Co. of Ft. Worth, Inc. (formerly: 7-Up Fort Worth Co., Inc.), 2700 Live Oak St., Dallas, Tex.	Bottlers of carbonated beverages.	Apr. 30, 1942 [1]	7,143.36	27,341.97	4,402.85	1,840.29	460.07
		Apr. 30, 1943 [1]	7,143.36	27,341.97	4,402.85	3,962.57	1,188.77
		Apr. 30, 1944	7,394.37	2,501.84	2,501.84	2,314.86	669.55
		Apr. 30, 1945	6,576.15	25,440.96	2,501.84	2,376.74	675.49
		Apr. 30, 1946	5,744.37	2,501.84	2,501.84	1,595.34	231.31
7-Up Kansas City Co., Inc. (now) Napoleon, Ohio (formerly) 2700 Live Oak St., Dallas, Tex.	do	July 31, 1943	9,153.76	31,966.29	5,020.67	4,518.60	1,355.58
Texas Milk Products Co., Marshall, Tex.	Dairy products	Dec. 31, 1941 [1]	33,619.78	66,380.22	403.91	712.36	220.83
		Dec. 31, 1942 [1]	34,494.18	67,427.57	7,438.15	4,963.99	4,863.99
		Dec. 31, 1943 [1]	34,278.45	65,721.55	5,732.23	7,055.07	4,154.06
Travelers Oil Co., P. O. Box 688, Amarillo, Tex.	Oil and gas production	Dec. 31, 1941	8,199.19	79,468.68	8,235.81	3,465.51	866.38
		Dec. 31, 1942	13,618.15	74,049.72	16,306.85	14,676.17	7,083.34
		Dec. 31, 1943	14,291.16	73,376.71	15,633.84	14,070.45	6,901.63
		Dec. 31, 1944	14,291.91	73,375.96	15,633.09	14,851.44	5,115.60
Trinity Gas Corp., 1401 Magnolia Bldg., Dallas, Tex.	do	Dec. 31, 1942	24,150.13	137,349.87	56,569.87	61,474.05	40,655.13
		Dec. 31, 1943	25,255.12	136,244.88	55,464.88	53,050.40	26,593.29
Volk Bros. Co., 1806 Elm St., Dallas Tex.	Specialty store	Jan. 31, 1944	67,883.08	10,949.37	8,280.32	7,487.46	3,312.14
Ward's Inc., 1707 Young St., Dallas, Tex.	Retail drug	Dec. 31, 1941 [1]	7,894.54	144,105.46	6,795.31	2,511.14	1,104.90
		Dec. 31, 1942 [1]	7,894.55	144,105.45	5,228.75	4,705.87	1,411.69
Wyatt Food Stores, 703 Young St., Dallas, Tex.	Retail food stores and cafeterias.	Dec. 31, 1943	21,009.36	46,036.98	4,517.43	23,733.89	13,634.13
UTAH							
Bonneville, Ltd. (230 Park Ave., New York, N. Y.), 540 West 7th St., Salt Lake City, Utah.	Production of potash	June 30, 1942 [1]	58,977.55	93,333.75	31,272.45	17,668.67	5,477.36
		June 30, 1943	64,702.15	87,609.15	25,547.85	26,286.92	11,674.11
		June 30, 1944	67,759.25	84,551.05	22,490.75	23,060.19	10,030.89
Glade Candy Co., 85 West 8th South St., Salt Lake City, Utah.	Manufacturer and jobber of confectionery.	Dec. 31, 1943	14,165.61	52,895.27	15,575.93	13,444.49	7,940.87
Inland Freight Lines, 120 South 2d West St., Salt Lake City, Utah.	Interstate common carrier of freight.	Dec. 31, 1942	1,569.01	32,440.10	10,780.99	9,702.89	2,910.87
		Dec. 31, 1943	1,793.53	32,224.58	10,556.47	9,500.82	2,850.25
Interstate Motor Lines, Inc., 245 West 3d South, Salt Lake City, Utah.	Motor freight transportation	Dec. 31, 1943 [1]	40,628.72	None	None	5,712.94	2,539.07
		Dec. 31, 1944	42,763.56	6,347.67	6,347.67	3,754.38	1,580.81
Perry Canning Co., R. F. D. No. 2, Brigham City, Utah.	Canning fruits and vegetables	Dec. 31, 1941	6,468.85	5,972.72	407.09	957.17	421.13
		Dec. 31, 1942	6,607.61	5,858.96	293.33	730.90	219.27
Pleasant Grove Canning Co., Pleasant Grove, Utah.	do	Apr. 30, 1943	14,958.19	22,510.06	1,654.31	7,155.58	2,390.19
		Apr. 30, 1944	17,723.02	4,826.18	None	1,717.60	667.02
Smith Canning Co., Clearfield, Utah.	do	Mar. 31, 1942	8,104.33	24,093.94	9,609.22	5,665.70	1,998.64
		Mar. 31, 1943	9,889.38	22,308.89	7,824.17	9,408.87	2,859.91
		Mar. 31, 1944	14,100.46	18,097.81	3,613.09	5,542.30	1,872.91
Steiner Sales Co., 35 East 6th South St., Salt Lake City, Utah.	Linen service cabinet sales, holders of patents, etc.	Dec. 31, 1941	134,778.70	177,349.54	39,911.20	17,960.04	5,567.61
		Dec. 31, 1942	134,778.70	177,349.54	39,911.20	39,692.17	17,509.95
		Dec. 31, 1943	134,778.70	39,911.20	39,911.20	35,662.57	15,795.56
		Dec. 31, 1944	134,778.70	39,911.20	39,911.20	24,118.86	10,155.52
W. H. Wright & Sons Co., 360 24th St., Ogden, Utah.	Real estate rentals	Jan. 31, 1943	7,906.85	26,940.29	12,561.47	11,305.32	3,939.36
		Jan. 31, 1944	7,746.82	25,286.62	12,461.09	11,267.89	3,926.61
VIRGINIA							
Allen & Smith Co., Inc., 17 North 20th St., Richmond, Va.	Manufacturers of confections	Dec. 31, 1942	3,413.86	5,215.82	1,226.39	945.65	288.70
Ames & Brownley, Inc., 415 Granby St., Norfolk, Va.	Department store	Dec. 31, 1943	3,539.68	5,089.90	1,100.47	1,287.52	377.23
		Jan. 31, 1942	65,178.19	52,131.12	16,521.81	7,434.81	2,304.79
		Jan. 31, 1943	65,178.19	52,131.13	16,521.81	14,850.63	6,608.72
		Jan. 31, 1944	65,178.19	52,131.13	16,521.81	8,279.05	6,608.71
Arlington Village, Inc., Columbia Pike, Arlington, Va.	Owner-operator of improved property and lessor of buildings.	Dec. 31, 1941	88,013.09	1,929.54	None	7,239.72	2,244.31
		Dec. 31, 1942	88,318.86	1,623.77	None	13,972.81	6,350.08
		Dec. 31, 1943	87,498.93	2,543.70	None	13,007.97	6,785.81

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
VIRGINIA—continued							
Aunt Betty Bakers, Inc., 254 Jefferson St., Danville, Va.	Bakers	Apr. 30, 1943	$3,170.89	$14,570.18	$3,464.49	$3,118.04	$935.41
		Apr. 30, 1944	3,330.38	14,416.69	3,305.00	3,029.13	892.34
Cameron Stove Manufacturing Corp., 2100 Decatur St., Richmond, Va.	Manufacturers of stoves	Apr. 30, 1945	3,111.46	14,629.61	3,523.92	2,147.11	610.24
		Feb. 28, 1945	7,530.97	10,418.63	4,477.18	4,253.22	1,249.01
The Columbian Peanut Co., P. O. Box 389, Norfolk, Va.	Buying, processing and selling raw peanuts.	Feb. 28, 1946	8,751.80	3,323.20	3,323.20	2,646.74	787.01
		Sept. 30, 1942	120,441.03	54,415.39	22,058.97	15,960.68	5,433.32
Delta Oil Sales Co., Inc., Washington and Union Sts., Petersburg, Va.	Wholesale and retail petroleum products.	Dec. 31, 1942	4,072.05	11,970.38	3,052.95	2,747.66	824.30
		Dec. 31, 1943	4,072.05	9,394.25	3,052.95	2,747.65	824.30
M. J. Duer & Co., Inc., Exmore, Va.	Produce dealer and farming	do	12,867.18	6,352.22	6,352.22	30,796.81	17,150.99	9,978.34
		Dec. 31, 1944	12,867.18	6,352.22	6,352.22	6,034.61	2,875.78
Farmville Leaf Tobacco Co., Inc., 1009 Richmond Trust Bldg., Richmond, Va.	Dealers in leaf tobacco	June 30, 1946	14,518.30	None	None	593.13	181.08
The Fashion Centre Inc., 111 West Plume St., Norfolk, Va.	Retail women's wearing apparel	July 31, 1943	2,343.20	23,691.55	5,081.01	4,717.92	1,415.38
		July 31, 1944	2,480.03	23,548.72	4,938.19	4,588.09	1,333.30
		July 31, 1945	2,737.53	24,297.22	4,686.68	4,696.72	1,309.28
Franc Jewelry Co. of Virginia, Inc., 3137 Wilson Blvd., Arlington, Va.	Retail installment jewelry	June 30, 1942	2,605.36	18,190.77	8,953.29	2,505.81	526.22
		June 30, 1943	3,217.66	17,578.47	8,340.99	7,536.58	2,335.07
P. D. Gwaltney, Jr. & Co., Inc., Commerce St., Smithfield, Va.	Meat packing	Oct. 31, 1941	52,554.60	32,201.25	23,871.07	6,640.34	None
Chas. C. Haskell & Co., Inc., 223 East Main St., Richmond, Va.	Drug manufacturer	Dec. 31, 1941	1,141.54	7,887.68	4,045.32	1,366.80	314.37
		Dec. 31, 1942	1,138.92	7,890.30	4,047.94	3,903.94	1,171.18
		Dec. 31, 1943	1,312.15	8,192.29	3,874.71	3,814.70	1,144.42
		Dec. 31, 1944	1,448.73	8,055.71	3,738.13	3,902.41	1,109.11
Lawyers Title Insurance Corp., 1111 East Main St., Richmond, Va.	Title insurance and land title records.	Dec. 31, 1942	176,600.19	186,026.85	2,992.05	2,992.84	1,256.65
		Dec. 31, 1943	161,151.99	2,992.05	2,992.05	2,692.85	1,256.66
Lynchburg Foundry Co., Peoples National Bank Bldg., Lynchburg, Va.	Manufacturers of cast iron pressure pipe, fittings, chemicals & misc. castings, plows and plow parts.	Dec. 31, 1941	190,260.82	83,034.34	76,241.82	45,745.10	14,180.97
		Dec. 31, 1942	229,748.40	43,576.76	36,784.24	33,105.82	14,713.70
		Dec. 31, 1943	229,748.40	43,576.76	36,784.24	33,105.82	14,713.69
		Dec. 31, 1944	231,777.75	41,547.41	34,754.89	34,754.89	13,901.95
Marlowe Tire Co., Inc. (Formerly: Rutenberg Tire Co., Inc.), 2701 West Broad St., Richmond, Va.	Retail tires and tubes	Sept. 30, 1943	6,811.13	17,961.11	3,691.34	3,322.20	996.67
		Sept. 30, 1944	6,811.13	17,961.11	3,691.34	3,460.38	1,004.19
Midatlantic Concrete Pipe & Products Corp., P. O. Box 881, Norfolk, Va.	Manufacturing concrete products.	Mar. 31, 1941	23,260.49	70,238.56	3,642.01	1,092.61	None
		Mar. 31, 1942	27,546.20	65,955.85	4,287.64	2,143.82	664.59
Nenhoff, Inc., Salem, Va.	Meat processers and packers	Dec. 31, 1942	84,969.26	58,251.95	6,230.74	5,607.67	2,492.30
Nolde Bros., Inc., 2520 East Broad St., Richmond, Va	Bakers of bread, etc.	Dec. 31, 1941	120,851.56	59,648.44	18,489.68	8,077.32	2,503.96
		Dec. 31, 1942	120,851.56	59,648.44	30,816.13	27,734.52	12,326.46
		Dec. 31, 1943	120,851.57	75,798.43	30,816.12	27,734.50	12,326.45
		Dec. 31, 1944	120,851.57	75,798.43	30,816.12	29,275.32	12,326.45
		Dec. 31, 1945	120,851.57	75,798.43	30,816.12	29,275.31	12,326.45
North America Managers, Inc., 1300 West Main St., Richmond, Va.	General agents for North America Assurance Society.	Dec. 31, 1944	8,277.67	31,454.73	7,896.47	7,501.65	2,552.73
		Dec. 31, 1945	8,277.67	31,454.33	7,896.47	7,504.49	2,588.02
Old Hickory Chemical Co., Stop 21 Petersburg Pike (P. O. Box 1480), Richmond, Va.	Manufacturing and sale of cargon bisulphide.	Dec. 31, 1943	409,569.81	208,915.37	39,938.71	35,944.84	15,975.48
		Dec. 31, 1944	409,569.81	208,915.37	39,938.71	37,941.77	15,975.48
Peninsula Distributing Corp., 131 24th St., Newport News, Va.	Beer distributors	Dec. 31, 1942	1,148.73	9,009.65	1,131.27	1,122.55	336.76
		Dec. 31, 1943	1,963.38	9,146.00	1,185.62	1,067.96	320.39
Peninsular Theatres, Inc., Paramount Theatre Bldg., Charlottesville, Va.	Theater	Dec. 31, 1943	3,399.76	996.37	996.37	996.73	299.01
		Dec. 31, 1944	3,399.76	996.37	996.37	946.55	299.01
		Dec. 31, 1945	3,399.76	996.37	996.37	946.55	299.01
Petersburg-Hopewell Bus Lines, P. O. Box 328, Petersburg, Va.	Bus transportation	Dec. 31, 1941	2,136.00	64,286.64	6,364.00	2,989.16	926.64
Roanoke Broadcasting Corp., Shenandoah Life Bldg., Roanoke, Va.	Radio broadcasting	Dec. 31, 1943	3,570.92	4,979.08	4,979.08	4,481.17	1,344.35
		Dec. 31, 1944	3,775.60	4,774.40	4,774.40	4,535.68	1,289.09
		Dec. 31, 1945	5,072.17	3,477.83	3,477.83	3,303.94	939.01
Rochester Ropes, Inc., (now) Culpeper, Va., (formerly) 91-30 Van Wyck Blvd., Jamaica, N. Y.	Wholesaler—cordage Manufacturer—wire rope	Dec. 31, 1940	22,898.61	20,576.45	5,169.84	1,389.00	None
		Dec. 31, 1941	27,336.18	16,438.81	6,162.85	3,109.40	963.92
Rutenberg Tire Co., Inc., 2701 West Broad St., Richmond, Va.	Retail tires and tubes	Sept. 30, 1942	6,318.83	16,481.17	4,183.64	2,044.24	558.51
Spotless Co., Inc., 1010 East Cary St., Richmond, Va.	General merchandise	Dec. 31, 1940	22,231.10	8,411.24	464.55	116.14	None
		Dec. 31, 1941	25,897.24	11,932.81	1,238.82	495.53	153.61
		Dec. 31, 1942	25,897.24	11,932.81	1,238.82	1,114.94	656.58
		Dec. 31, 1943	25,897.32	Unstated	1,238.74	1,114.87	656.53
		Dec. 31, 1944	25,897.32	1,238.74	1,238.74	1,176.81	656.53
Thalhimer Brothers, Inc., Sixth and Broad St., Richmond, Va.	Retail department store	Jan. 31, 1943	339,624.21	174,389.98	69,571.55	62,614.40	27,828.63
		Jan. 31, 1944	339,624.21	194,058.56	69,571.55	59,733.38	27,728.43
		Jan. 31, 1945	339,754.62	193,928.15	69,571.55	27,828.62	27,828.62
Times-World Corp., 201 Campbell Ave., West, Roanoke, Va.	Newspaper publishing and radio operator.	Dec. 31, 1940	103,096.39	34,872.40	7,685.10	1,921.27	None
		Dec. 31, 1941	125,205.51	44,215.76	9,205.50	3,847.55	1,192.75
		Dec. 31, 1942	127,480.69	41,940.98	6,930.32	6,237.29	2,772.13
		Dec. 31, 1943	127,484.23	6,930.32	6,930.32	6,237.29	2,772.14
Trant's Pharmacy, Inc., 341 High St., Portsmouth, Va.	Retail drug store	Dec. 31, 1944	127,484.23	6,926.78	6,926.78	6,580.45	2,770.71
		Dec. 31, 1942	2,519.02	Unstated	1,470.98	1,405.34	421.60
		Dec. 31, 1943	3,121.58	Unstated	868.42	815.33	244.60
Union Envelope Co., 6th and Cary Sts., Richmond, Va.	Envelope manufacturers	Dec. 31, 1944	3,978.55	Unstated	11.45	10.87	3.09
		Dec. 31, 1941	34,996.81	101,198.95	4,903.19	1,961.28	608.00
		Dec. 31, 1942	37,815.89	98,379.87	2,084.11	1,575.70	1,104.57
		Dec. 31, 1943	37,815.89	98,379.87	2,084.11	1,575.70	1,104.57
The Vaughan Furniture Co., Galax, Va.	Furniture manufacturers	Oct. 31, 1941	53,941.97	15,466.26	12,261.92	4,069.58	None
		Oct. 31, 1942	59,958.02	23,199.17	15,203.75	9,147.23	3,455.59
		Oct. 31, 1943	72,008.12	11,140.07	3,153.65	2,838.29	1,261.46
Virginia Beach Ice Delivery Corp., Virginia Beach, Va.	Manufacturing and sale of ice	Oct. 31, 1944	72,008.12	11,149.07	3,153.65	2,999.68	1,261.46
		Apr. 30, 1944	1,542.57	3,715.08	3,715.08	3,059.00	904.74
Virginia Machinery & Well Co., Inc., 1319 East Main St., Richmond, Va.	Wholesale plumbing and heating—well drilling.	Dec. 31, 1942	19,727.70	20,481.96	2,328.12	2,095.31	924.21
Virginia Pueffle Service Generating Co., c/o Virginia Electric and Power Co., 7th and Franklin Sts., Richmond, Va.	Steam power plant lessor	Dec. 31, 1941	108,747.60	92,899.95	32,898.47	14,893.86	4,589.59
		Jan. 1, 1942 to June 8, 1942	108,747.60	92,899.95	32,898.47	12,998.01	5,799.91
WTAR Radio Corp., 150 West Brambleton Ave., Norfolk, Va.	Radio broadcasting	June 30, 1942	63,830.44	132,620.36	31,169.56	12,668.79	3,927.32
		June 30, 1943	63,830.44	132,620.36	31,169.56	28,052.61	12,467.82
		June 30, 1944	63,830.44	132,620.36	31,169.56	28,877.82	12,467.83
		June 30, 1945	63,830.44	221,532.75	31,169.56	29,611.08	12,467.82
Washington & Old Dominion RR., 2021 North Moore St., Arlington, Va.	Railroad	Dec. 31, 1943	7,050.12	5,856.98	5,856.98	7,535.30	2,260.59
		Dec. 31, 1944	7,204.50	5,702.60	5,702.60	8,166.73	3,021.57

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the peration of sec. 722	Gross increase in the income (ch. 1) tax resulting from the peration of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
VIRGINIA—continued							
Wilson Paper Box Co., Inc., 2221 East Franklin St., Richmond, Va.	Paper box manufacturer	Dec. 31, 1945	$13,596.84	$117.71	$117.71	$856.13	$169.76
Wortendyke Manufacturing Co., Foot of 13th St., Richmond, Va.	Paper converters	Dec. 31, 1941	78,413.32	92,877.48	39,458.79	23,910.95	7,412.39
		Dec. 31, 1942	83,467.64	87,823.16	34,404.47	33,276.91	14,789.74
		Dec. 31, 1943	84,960.46	75,098.84	32,881.65	31,417.41	13,963.30
		Dec. 31, 1944	87,078.48	60,306.91	30,793.63	20,827.27	13,111.32
Wyatt-Cornick Inc., 14th and Grace Sts., Richmond, Va.	Wholesale distribution—radios and accessories.	Mar. 31, 1943	9,184.27	19,847.73	9,425.36	8,915.04	2,746.70
WASHINGTON							
Alaska-Pacific Consolidated Mining Co., 609 Colman Bldg., Seattle, Wash.	Gold mine	Dec. 31, 1940	80,465.00	63,094.38	13,020.27	3,906.08	None
		Dec. 31, 1941	90,453.79	47,105.59	13,902.80	10,929.27	3,388.07
Anderson Buick Co., 1942 West Lake Ave., Seattle, Wash.	Auto sales and service	Dec. 31, 1943	24,095.98	5,027.91	5,027.91	11,895.27	5,947.75
		Dec. 31, 1944	18,432.08	10,661.71	10,661.71	15,221.43	8,156.71
		Dec. 31, 1945	16,422.27	12,671.32	12,671.32	2,220.16	1,069.53
Blue Mountain Canneries, Inc., Commercial Ave., Dayton, Wash.	Canning peas, corn and asparagus.	Mar. 31, 1942	299,897.91	91,801.99	45,600.00	32,300.00	10,013.00
		Mar. 31, 1943	300,157.42	96,801.99	63,650.00	57,412.95	25,460.00
Cheney Lumber Co., Inc., 425 Tacoma Bldg., Tacoma, Wash.	Lumber and tie wholesaler and mill operators.	Dec. 31, 1942	15,740.86	16,902.11	4,791.43	4,312.28	1,803.94
		Dec. 31, 1943	15,730.87	5,471.08	4,487.57	4,033.41	1,351.85
Church Grape Juice Co., Avenue B and Washington St., Kennewick, Wash.	Manufacturing grape juice	Aug. 31, 1942	41,869.15	42,860.04	32,522.60	29,058.68	10,189.24
		Aug. 31, 1943	41,869.15	42,860.04	32,522.60	29,270.34	13,201.16
Farwest Garments Inc., 419 1st Ave., South, Seattle 4, Wash.	Clothing manufacturer	Jan. 31, 1943	4,773.02	14,282.33	7,498.41	7,604.58	2,413.29
		Feb. 1 to May 4, 1943.	4,841.82	12,213.53	8,075.47	1,990.69	527.96
Klopfenstein's Inc., 1413 4th Ave., Seattle, Wash.	Retail men's wear	Jan. 31, 1944	18,031.29	1,139.83	1,139.83	1,030.73	353.79
Littler's, Inc., 417 Union St., Seattle, Wash.	Retail clothing and furnishings	Jan. 31, 1944	22,117.91	1,428.21	1,428.21	1,291.25	756.97
		Jan. 31, 1945	20,434.75	3,142.91	3,142.91	2,985.77	1,665.73
Naches Box Co., Naches, Wash.	Manufacture of lumber	Dec. 31, 1943	7,125.00	None	None	4,886.27	1,465.88
		Dec. 31, 1944	4,456.74	2,668.26	2,668.26	2,778.80	775.02
The Seattle Ice Co., 2200 1st Ave. South, Seattle, Wash.	Ice manufacturing and cold storage.	Oct. 31, 1942	12,269.64	4,371.44	2,390.07	1,279.51	461.22
		Oct. 31, 1943	13,057.98	3,613.10	1,631.73	1,468.56	440.60
		Oct. 31, 1944	13,362.77	3,308.31	1,326.94	1,249.52	380.36
Soundview Pulp Co., Everett, Wash.	Woodpulp manufacturing	Dec. 31, 1940	754,300.50	2,496,649.41	501,875.86	250,937.93	None
		Dec. 31, 1941	886,580.07	3,021,996.94	670,555.93	402,333.56	124,723.40
Teague Motor Co., 11 North Colville St., Walla Walla, Wash.	Automobile dealer	Dec. 31, 1943	3,068.54	2,274.89	2,274.89	1,042.07	582.64
		Dec. 31, 1944	3,330.34	1,260.50	1,260.50	1,197.48	349.34
WEST VIRGINIA							
Clarksburg Paper Co., No. 128th St., Pittsburgh, Pa.	Manufacturer of corrugated paper boxes.	Dec. 31, 1940	63,440.57	91,209.93	1,824.43	456.11	None
		Dec. 31, 1941	72,743.88	81,906.62	15,131.12	6,809.01	2,110.79
		Dec. 31, 1942	72,743.88	81,906.62	15,131.12	13,618.01	6,052.45
		Dec. 31, 1943	72,743.88	81,906.62	15,131.12	13,618.01	6,052.45
		Dec. 31, 1944	72,743.88	81,906.62	15,131.12	14,374.56	6,052.45
		Dec. 31, 1945	72,743.88	81,906.62	15,131.12	14,374.56	6,052.45
Ensign Electric & Manufacturing Co., 914 Adams Ave., Huntington, W. Va.	Manufacturer and dealer—electrical supplies.	July 31, 1941	3,049.57	24,075.29	3,856.01	964.00	None
		July 31, 1942	4,255.09	22,869.77	4,207.88	1,861.89	774.20
		July 31, 1943	5,549.39	21,575.47	3,300.88	2,970.79	891.24
		July 31, 1944	6,334.89	20,789.97	2,515.38	2,337.03	670.14
		July 31, 1945	7,368.04	20,556.82	1,482.23	1,408.12	400.20
The H. Frazier Co., Inc., 1113 East Main St., Richmond, Va.	Quarrying and crushing limestone for road ballast.	Dec. 31, 1942	3,384.52	2,712.67	1,175.48	1,057.93	317.38
		Dec. 31, 1943	3,384.52	2,712.67	1,175.48	1,057.94	317.38
		Dec. 31, 1945	3,358.00	1,202.00	1,202.00	889.34	252.77
The Hancock Manufacturing Co., 118 South 4th St., Toronto, Ohio.	Manufacture of steel blanks and stampings.	Dec. 31, 1941	9,318.80	60,632.19	7,688.90	3,833.61	1,666.80
		Dec. 31, 1942	11,433.47	59,349.61	7,281.30	6,741.72	2,696.82
		Dec. 31, 1943	15,223.21	55,625.04	2,681.75	3,721.05	1,246.26
The Newell Bridge & Ry. Co., Drawer G, Newell, W. Va.	Toll bridge	Dec. 31, 1941	38,942.65	15,867.25	6,546.45	5,856.37	1,812.47
Nugrape Bottling Co., Hansford and Chilton Sts., Charleston, W. Va.	Distributor of malt beverages	Dec. 31, 1940	9,744.77	42,166.61	5,164.39	857.14	None
		Dec. 31, 1941	10,934.18	49,256.78	5,819.57	1,567.99	509.08
		Dec. 31, 1942	12,643.87	14,199.66	4,060.27	3,654.25	1,132.25
		Dec. 31, 1943	12,643.87	14,199.66	4,060.27	3,654.25	1,103.35
		Dec. 31, 1944	12,643.86	38,267.51	4,060.28	3,857.27	1,586.47
		Dec. 31, 1945	12,643.86	38,267.51	4,060.28	3,857.26	1,595.06
Union Bus Terminal, Inc., 16th and Market Sts., Wheeling, W. Va.	Ticket agency	Dec. 31, 1942	500.30	1,874.70	1,015.95	914.36	274.34
		Dec. 31, 1943	775.51	2,549.49	740.74	666.67	200.06
WISCONSIN							
Advance Transportation Co., 1227 North 6th St., Milwaukee, Wis.	Trucking	Dec. 31, 1940	6,395.33	16,824.67	3,647.87	911.96	None
		Jan. 1 to Sept. 30, 1941.	8,149.49	22,725.14	4,038.08	1,241.99	546.47
American Linen Supply Co., (now) 35 East 6th South, Salt Lake City, Utah, (formerly) 1003 West North Ave., Milwaukee, Wis.	Linen service	Dec. 31, 1941	36,018.28	26,821.02	3,730.06	1,305.52	404.71
		Dec. 31, 1942	36,720.67	26,118.63	3,027.67	2,933.88	1,727.72
		Dec. 31, 1943	36,659.24	3,089.10	3,089.10	2,852.85	1,680.02
		Dec. 31, 1944	36,567.89	3,180.45	3,180.45	3,313.51	1,948.77
American Veneers Corp., 1540 Main St., Oconto, Wis.	Manufacturers of veneers	June 30, 1942	2,653.00	11,347.63	6,672.55	2,028.36	496.52
Appleton & Interclty Motor Coach Lines, Inc., 825 South Oneida St., Appleton, Wis. Mail: 1510 Goold St., Racine, Wis.	Bus transportation	Dec. 31, 1942	2,648.16	20,125.76	11,507.71	10,870.02	3,261.01
		Dec. 31, 1943	3,387.51	19,386.41	10,768.36	10,195.20	3,341.35
		Dec. 31, 1944	4,073.71	18,700.21	10,082.16	9,739.47	2,871.19
Badger Meter Manufacturing Co., 2371 North 30th St., Milwaukee, Wis.	Manufacturing and selling water meters—ordnance.	Dec. 31, 1940	80,623.93	92,779.86	8,618.30	3,016.40	None
C. D. Baird & Co. (formerly Van Dyke Baird Co.), 2100 West Pierce St., Milwaukee, Wis.	Paper-box manufacturer	May 31, 1944	16,868.30	5,292.46	5,292.46	4,873.10	1,681.02
		May 31, 1945	13,407.33	8,460.97	3,460.97	3,287.93	1,422.08
Eclipse Moulded Products Co., 5151 North 32d St., Milwaukee, Wis.	Plastic products	Dec. 31, 1941	19,747.67	223,249.43	6,102.33	2,746.04	851.27
		Dec. 31, 1942	19,747.67	95,419.13	6,102.33	5,492.10	3,173.67
		Dec. 31, 1943	19,747.67	95,419.13	6,102.33	5,492.09	3,173.67
Eftee, Inc. (formerly Met-L-Top Tables, Inc.), 324 North 15th St., Milwaukee, Wis.	Sale of metal ironing boards	June 30, 1942	16.00	11,692.84	3,527.64	1,411.06	352.77
Farmers Store Co., Bloomer, Wis.	General merchandise	Dec. 31, 1943	175,776.80	12,704.58	6,977.56	6,279.81	2,791.03
		Dec. 31, 1944	175,776.80	6,977.56	6,977.56	6,628.68	2,791.03
Gehl Guernsey Farms, Inc., 3326 West Capitol Dr., Milwaukee 10, Wis.	Milk products	Dec. 31, 1941	85,141.95	41,091.46	4,099.21	439.68	136.30
		Dec. 31, 1942	86,214.67	41,091.50	1,099.21	989.29	439.68
		Dec. 31, 1943	87,398.58	41,091.50	1,099.21	989.29	439.68

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

FISCAL YEAR ENDED JUNE 30, 1948—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
WISCONSIN—continued							
Hein-Werner Motor Parts Corp., 1200 National Ave., Waukesha, Wis.	Manufacturer of automobile parts and accessories.	Dec. 31, 1940	$100,830.80	$66,939.69	$8,072.22	$2,421.66	None
		Dec. 31, 1941	121,120.71	77,670.04	7,903.90	4,437.14	$1,347.61
		Dec. 31, 1942	121,120.71	77,670.03	7,903.90	7,113.51	3,161.67
		Dec. 31, 1943	121,120.71	77,670.03	7,903.90	7,113.51	3,161.57
Heresite & Chemical Co., 822 South 14th St., Manitowoc, Wis.	Plastic coatings and products	Feb. 28, 1941	6,097.49	71,668.49	6,908.52	1,640.60	None
		Feb. 28, 1942	7,492.71	70,853.80	7,900.75	3,555.34	1,102.15
		Feb. 28, 1943	9,428.47	69,272.52	6,309.47	4,886.03	1,465.81
		Feb. 29, 1944	9,435.48	69,272.52	6,309.47	5,730.24	1,764.15
		Feb. 28, 1945	10,758.60	67,949.40	4,986.35	4,846.80	1,658.33
Merchandising Corp., 236 North Water St., Milwaukee, Wis.	Candy and popcorn vending	Nov. 30, 1944	5,859.32	3,567.25	3,567.25	3,373.79	963.17
Murphy Diesel Co., 5317 West Burnham St., Milwaukee 14, Wis.	Manufacture and sale of diesel engines.	Dec. 31, 1941	46,815.42	154,271.05	22,736.80	18,224.62	5,649.63
Purity Cheese Co., Mayville, Wis.	Manufacture of butter and cheese.	Dec. 31, 1940	4,389.67	22,976.03	4,646.76	470.07	None
		Dec. 31, 1941	5,057.35	26,355.35	6,254.00	2,501.69	1,190.71
		Dec. 31, 1942	9,197.54	22,215.16	4,621.97	4,769.65	1,430.91
		Dec. 31, 1943	9,251.39	22,161.31	4,721.32	4,505.24	1,351.57
		Dec. 31, 1944	9,979.00	21,433.70	4,039.21	2,482.45	752.14
Racine Motor Coach Lines, Inc., 1510 Goold St., Racine, Wis.	City bus transportation	Dec. 31, 1940	9,000.00	44,728.92	4,593.65	403.06	None
		Dec. 31, 1941	9,727.96	54,618.96	13,805.36	5,508.19	2,423.60
		Dec. 31, 1942	11,256.22	53,089.80	12,277.10	13,476.72	5,061.67
		Dec. 31, 1942	7,335.74	None	None	265.11	79.80
Roth Appliance Distributors, Inc., 647 West Virginia St., Milwaukee, Wis.	Distributors	Dec. 31, 1943	6,541.94	19,125.84	993.80	894.42	268.33
Siesel Construction Co., 514 East Ogden Ave., Milwaukee, Wis.	General engineering and contracting.	Dec. 31, 1943	18,874.74	19,123.26	15,245.01	14,249.21	8,114.95
		Dec. 31, 1945	18,089.51	19,910.49	16,020.24	8,435.88	4,706.34
Solar Corp., 944 West Bruce St., Milwaukee, Wis.	Manufacturer of storage batteries and paints and varnish.	Dec. 31, 1941	218,123.27	80,592.09	31,847.54	15,923.77	4,936.37
Stolper Steel Products Corp., 3258 West Fond du Lac Ave., Milwaukee, 10, Wis.	Manufacturers of steel products	Dec. 31, 1940	48,894.27	31,671.47	16,780.41	4,240.82	None
		Dec. 31, 1941	61,569.71	46,632.45	18,169.97	8,176.49	2,534.71
		Dec. 31, 1942	63,036.83	46,632.45	18,169.97	16,352.97	7,267.99
		Dec. 31, 1943	63,036.83	46,632.45	18,169.97	32,705.94	14,535.98
		Dec. 31, 1944	63,036.83	46,632.45	18,169.97	10,200.38	7,267.99
Supreme Metal Treating Co., 4440 West Mitchell St., Milwaukee, Wis.	Heat treating	do	1,171.32	5,953.68	1,215.06	1,154.30	328.07
Twin Disc Clutch Co., 1328 Racine St., Racine, Wis.	Manufacturer industrial clutches, power take off and reduction gear units, hydraulic drives.	June 30, 1941	298,680.39	95,620.95	14,780.38	6,651.17	None
		June 30, 1942	369,186.22	113,193.60	18,358.51	17,015.11	3,414.68
Wacho Manufacturing Co., 3046 West Galena St., Milwaukee, Wis.	Tinning, parkerizing, etc.	Dec. 31, 1943	5,337.14	10,490.02	4,637.86	3,330.80	1,492.27
E. R. Wagner Manufacturing Co., 4611 North 32d St., Milwaukee, Wis.	Manufacture of hardware specialties.	Dec. 31, 1941	64,313.22	93,429.60	3,958.17	1,623.27	503.21
Webster Electric Co., Clark and Dekoven Ave., Racine, Wis.	Manufacture electrical products	Dec. 31, 1940	107,886.49	46,863.43	13,097.91	3,929.37	None
		Dec. 31, 1941	128,495.76	73,308.66	27,714.64	15,243.25	4,725.42
Young Radiator Co., 709 Marquette St., Racine, Wis.	Manufacturing of radiators, cooling systems and heating units.	Dec. 31, 1940	40,450.04	86,862.81	11,199.85	3,359.95	None
		Dec. 31, 1941	48,486.53	112,651.48	12,822.41	6,411.20	1,987.47
		Dec. 31, 1942	60,617.46	100,520.55	691.48	622.33	296.60
WYOMING							
The Cheyenne Newspapers, Inc., 110 East 17th St., Cheyenne, Wyo.	Newspaper publishing	Dec. 31, 1943	22,980.46	18,775.83	11,380.83	10,242.74	6,031.84
		Dec. 31, 1944	22,980.46	18,775.83	11,380.83	10,811.79	6,031.84

SUPPLEMENTAL LIST FOR FISCAL YEAR ENDED JUNE 30, 1947

1ST DISTRICT OF CALIFORNIA							
Mother's Cake & Cookie Co., P. O. Box 988 (1148 East 18th St.), Oakland, Calif.	Bakery	Dec. 31, 1943	$79,423.87	$2,601.98	$2,601.98	$2,341.78	$1,057.46
6TH DISTRICT OF CALIFORNIA							
Mullen Chevrolet Co. (formerly Westlake Chevrolet Co.), 205 South Vermont Ave., Los Angeles, Calif.	Automobile sales and service	Dec. 31, 1944	5,863.09	3,905.21	3,493.26	640,629.00	181.81
West Adams Chevrolet, Inc. 4471 West Adams St., Los Angeles, Calif.	Automobile sales and service	Dec. 31, 1943	4,795.21	5,339.40	5,110.74	5,523.68	177.96
		Dec. 31, 1944	4,113.87	5,984.09	5,630.74	3,311.46	941.18
1ST DISTRICT OF ILLINOIS							
American Rug & Carpet Co., 1347 South Michigan Ave., Chicago, Ill.	Jobbers in floor covering	Dec. 31, 1941	35,071.21	46,497.07	20,655.67	10,327.83	3,201.62
		Dec. 31, 1942	43,389.01	37,729.27	11,887.87	10,699.09	4,899.85
		Dec. 31, 1943	43,389.00	37,729.28	11,887.88	10,699.10	4,894.83
		Dec. 31, 1944	43,389.00	37,729.28	11,887.88	7,970.64	3,356.05
Branham Printing Co., 626 Federal St., Chicago, Ill.	Commercial printing and publishing.	Dec. 31, 1945	8,440.90	4,071.56	4,071.56	3,867.98	1,148.28
INDIANA							
United Department Stores, Anderson, Ind.	Department store	Jan. 31, 1942	8,307.78	7,198.89	4,610.60	1,613.71	473.76
Homer J. Williamson, Inc., 1720 East 38th St., Indianapolis, Ind.	Manufacture—confectious	Dec. 31, 1940	5,979.97	10,857.93	3,290.85	812.71	None
		Dec. 31, 1941	6,870.60	9,967.30	4,093.61	1,432.77	328.54
		Dec. 31, 1942	6,870.60	9,967.30	4,093.61	3,684.24	1,105.28
LOUISIANA							
Bienville Furniture & Manufacturing Co., 743 South Front St., New Orleans, La.	Furniture manufacturing	May 31, 1944	11,181.49	2,921.04	2,921.04	2,689.59	813.52
MARYLAND							
The Maryland Biscuit Co., 522 South Charles St., Baltimore, Md.	Biscuit and cracker manufacturer	Dec. 31, 1945	128,945.73	4,232.93	4,232.93	4,021.29	1,693.18

See footnotes at end of table.

EXCESS PROFITS TAX RELIEF GRANTED UNDER SEC. 722 OF THE INTERNAL REVENUE CODE BY THE COMMISSIONER OF INTERNAL REVENUE—Continued

SUPPLEMENTAL LIST FOR FISCAL YEAR ENDED JUNE 30, 1947—continued

Name and address of taxpayer (arranged by Internal Revenue districts in which excess profits tax returns were filed)	Business in which engaged	Taxable year ended	Excess profits credit before allowance of relief	Increase in the amount of excess profits credit claimed by taxpayer	Increase in the amount of excess profits credit allowed	Gross reduction in the excess profits (sub-ch. E) tax resulting from the operation of sec. 722	Gross increase in the income (ch. 1) tax resulting from the operation of sec. 722
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
MINNESOTA							
Mueller Can & Tube Co., 203 Como Ave., St. Paul, Minn.	Mfgrs. fibre cans and tubes	Dec. 31, 1943	$3,225.47	$6,664.68	$6,664.68	$5,908.21	$799.47
		Dec. 31, 1944	4,253.41	5,966.61	5,966.61	5,668.28	1,617.38
1ST MISSOURI							
Mode, Inc., 506 North 4th St., St. Louis, Mo.	Retail millinery departments	Jan. 31, 1945	5,070.81	2,124.97	2,124.97	2,018.72	573.74
5TH DISTRICT OF NEW JERSEY							
Radiant Lamp Corp., 300 Jelliff Ave., Newark, N. J.	Manufacturers of commercial lighting bulbs.	Dec. 31, 1943	7,202.01	13,472.37	4,978.92	4,571.03	1,371.32
NEW MEXICO							
Union Supply Co., Artesia, N. Mex.	Oil field supplies	Jan. 31, 1944	9,654.37	4,351.20	637.04	576.04	171.12
14TH DISTRICT OF NEW YORK							
Albany Corrugated Container Corp. 481 South Saratoga St., Cohoes, N. Y.	Manufacturer corrugated shipping containers and products.	Dec. 31, 1943	13,546.72	9,734.59	9,734.59	8,761.13	3,514.93
28TH DISTRICT OF NEW YORK							
Vanott Machine Corp., 216 Colgate Ave., Buffalo, N. Y.	Machine shop	Dec. 31, 1942	3,584.84	6,179.40	6,179.40	5,538.79	1,740.05
		Dec. 31, 1943	4,171.86	5,592.38	5,592.38	5,332.40	1,549.27
		Dec. 31, 1944	5,379.00	4,385.24	4,385.24	4,424.52	1,227.37
18TH DISTRICT OF OHIO							
I B S Theatre, Inc., 808 Keith Bldg., Cleveland, Ohio.	Motion-picture theater	Dec. 31, 1945	3,082.77	25,377.77	8,645.93	8,213.63	2,368.97
1ST DISTRICT OF TEXAS							
Brown Securities Corp., 412 Lamar, Austin, Tex.	Securities and rentals	Dec. 31, 1941	34,345.34	6,877.50	447.15	2,849.89	973.60
		Dec. 31, 1942	34,413.46	6,809.38	379.03	3,344.63	1,609.92
2D DISTRICT OF TEXAS							
Employees Lloyds, 409 Texas Bank Bldg., Dallas, Tex.	Insurance	do	17,073.31	5,726.69	5,726.69	5,127.02	2,324.64
		Dec. 31, 1943	17,073.31	5,726.69	5,726.69	5,154.02	2,341.74
Ben H. Rosenthal & Co., Inc., P. O. Box 5252, Dallas, Tex.	Wholesale meat packer	June 30, 1944	14,961.04	9,388.85	48.99	1,627.51	497.91
WISCONSIN							
Wacho Mfg. Co., 3048 West Galena St., Milwaukee, Wis.	Tinning, parkerizing, etc.	Dec. 31, 1941	3,417.73	12,409.43	4,657.27	1,630.05	402.38
		Dec. 31, 1942	3,417.73	12,409.43	6,557.27	4,927.37	1,770.47
Western Hardware & Specialty Manufacturing Co., 3830 North Fraternity St., Milwaukee, Wis.	Manufacturing hardware and specialties.	do	10,366.38	8,633.62	2,801.55	1,528.05	458.41

[1] Allowance made during the fiscal year ended June 30, 1948, represents addition to relief previously allowed and published.
[2] No allowance made by the Commissioner; relief allowed by the Tax Court of the United States, under written stipulation.
[3] No allowance by Commissioner; relief allowed by the Tax Court of the United States.
[4] Supersedes data published Nov. 2, 1944.
[5] See 3d District of New York for fiscal year ended June 30, 1941.

[F. R. Doc. 48-9333; Filed, Oct. 20, 1948; 9:23 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 42252]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM UMATILLA PROJECT, OREGON

OCTOBER 13, 1948.

An order of the Bureau of Reclamation dated July 2, 1948, concurred in by the Director, Bureau of Land Management, August 6, 1948, revoked the Departmental orders of March 17, 1904, and August 16, 1906, so far as they withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described land in connection with the Umatilla Project, Oregon, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands described:

WILLAMETTE MERIDIAN

T. 5 N., R. 28 E.,
Sec. 17, NW¼SW¼;
Sec. 20, NW¼NW¼, S½NW¼.

The areas described aggregate 160 acres.

The lands are undulating in character, with a sand soil supporting sage, greasewood, and bunch grasses.

This order shall not become effective to change the status of such lands until 10:00 a. m. on December 15, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from December 15, 1948, to March 16, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from November 25, 1948, to December 14, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on December 15, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on March 17, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from February 25, 1949, to March 16, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on March 17, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Portland, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Portland, Oregon.

ROSCOE E. BELL,
Acting Director.

[F. R. Doc. 48-9242; Filed, Oct. 20, 1948; 8:47 a. m.]

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on December 15, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from December 15, 1948, to March 16, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from November 25, 1948, to December 14, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on December 15, 1948 shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on March 17, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from February 25, 1949, to March 16, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on March 17, 1949, shall be treated as simultaneously filed. Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Los Angeles, California.

The lands affected by this order are described as follows:

SAN BERNARDINO MERIDIAN

T. 10 N., R. 5 W.,
Sec. 26, S½;
Sec. 35, N½.

The areas described aggregate 640 acres.

The land is rolling desert land with a sandy soil supporting the usual type of desert vegetation.

ROSCOE E. BELL,
Acting Director.

[F. R. Doc. 48-9243; Filed, Oct. 20, 1948; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6164]

OTTER TAIL POWER CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ISSUANCE OF COMMON STOCK

OCTOBER 18, 1948.

Notice is hereby given that, on October 15, 1948, the Federal Power Commission issued its order entered October 15, 1948, authorizing and approving issuance of common stock in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9264; Filed, Oct. 20, 1948; 8:52 a. m.]

[Docket No. G-453]

IROQUOIS GAS CORP. AND REPUBLIC LIGHT, HEAT & POWER CO.

NOTICE OF ORDER TERMINATING PROCEEDING

OCTOBER 18, 1948.

Notice is hereby given that, on October 15, 1948, the Federal Power Commission issued its order entered October 12, 1948, dismissing application for certificate of public convenience and necessity and terminating proceedings in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9258; Filed, Oct. 20, 1948; 8:52 a. m.]

[Docket No. G-530]

GODFREY L. CABOT, INC.

NOTICE OF ORDER DISMISSING APPLICATION

OCTOBER 18, 1948.

Notice is hereby given that, on October 15, 1948, the Federal Power Commission issued its order entered October 12, 1948,

[1904054]

CALIFORNIA

AIR NAVIGATION SITE NO. 177 REVOKED

OCTOBER 13, 1948.

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U. S. C. sec. 214, and pursuant to the authority delegated August 30, 1948, by the Secretary of the Interior, it is ordered as follows:

The order of the Secretary of the Interior of March 3, 1942, Air Navigation Site Withdrawal No. 177, withdrawing the hereinafter-described public lands for the use of the War Department as an auxiliary landing field, is hereby revoked.

The jurisdiction over and use of such lands granted to the War Department by the order of March 3, 1942, shall cease upon the date of the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior or any other Department or agency of the Federal Government, according to their respective interests then of record.

dismissing application for a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9263; Filed, Oct. 20, 1948; 8:52 a. m.]

[Docket Nos. G-859, G-1089, G-1136]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

OCTOBER 14, 1948.

In the matter of Texas Gas Transmission Corporation, Docket No. G-859; Texas Eastern Transmission Corporation, Docket No. G-1089; Corporation of Dyersburg, Tennessee, Docket No. G-1136.

Upon consideration of the application filed October 4, 1948, by the Corporation of Dyersburg, a municipality of the State of Tennessee, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Gas Transmission Corporation to establish physical connection of its natural gas transportation facilities with the facilities to be installed by, for or on behalf of Applicant and to sell natural gas to Applicant and for an order directing Texas Gas to so modify its arrangements with Texas Eastern Transmission Corporation and others as to facilitate such sale and delivery of natural gas to Applicant by Texas Gas, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G-1136 with the proceedings now in progress in Docket Nos. G-859 and G-1089 for the purpose of hearing;

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on October 29, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of the Corporation of Dyersburg;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket Nos. G-859 and G-1089;

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: October 15, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9234; Filed, Oct. 20, 1948; 8:45 a. m.]

[Docket Nos. G-859, G-1137]

TEXAS GAS TRANSMISSION CORP. AND MADISON UTILITIES CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

OCTOBER 14, 1948.

Upon consideration of the application filed October 5, 1948, by Madison Utilities Corporation, a corporation organized under the laws of the State of Indiana, with its principal place of business at Madison, Indiana, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Gas Transmission Corporation to establish physical connection of its natural gas transportation facilities to distribution mains of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant and for an order directing Texas Gas to so modify its arrangements with other purchasers of natural gas as to facilitate such sale and delivery of natural gas to to the Applicant by Texas Gas, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G-1137 with the proceedings now in progress in Docket No. G-859 for the purpose of hearing;

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (est) on October 29, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of Madison Utilities Corporation;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket No. G-859;

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: October 15, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9235; Filed, Oct. 20, 1948; 8:45 a. m.]

[Docket Nos. G-859, G-1138]

TEXAS GAS TRANSMISSION CORP. AND LAWRENCEBURG GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

OCTOBER 14, 1948.

Upon consideration of the application filed October 6, 1948, by Lawrenceburg Gas Company, an Indiana corporation with its principal place of business at Lawrenceburg, Indiana, for an order pursuant to section 7 (a) of the National Gas Act, directing Texas Gas Transmission Corporation to establish physical connection of its natural gas transportation facilities to distribution mains of Applicant for the purpose of supplying, transmitting and delivering natural gas to Applicant and for an order directing Texas Gas to so modify its arrangements with other purchasers of natural gas as to facilitate such sale and delivery of natural gas to the Applicant by Texas Gas, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G-1138 with the proceedings now in progress in Docket No. G-859 for the purpose of hearing;

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on October 29, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of Lawrenceburg Gas Company;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket No. G-859;

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: October 15, 1948.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9236; Filed, Oct. 20, 1948; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

AIGELTINGER & CO.

MEMORANDUM OPINION AND ORDER PERMITTING BROKER-DEALER REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of October A. D. 1948.

In the matter of Aigeltinger & Company, 76 William Street, New York 5, New York.

Aigeltinger & Co., a partnership composed of Frank W. Aigeltinger and Ennis K. Aigeltinger as general partners, and William F. Mullan as limited partner, is registered as a broker and dealer under section 15 (b) of the Securities Exchange Act of 1934.[1] Ennis K. Aigeltinger is withdrawing from the partnership and it is proposed to admit Sydney G. Vickers as a general partner.

An application has accordingly been filed on Form 4-M for registration of the proposed new partnership of Aigeltinger & Co. as a broker and dealer. We instituted this proceeding under section 15 (b) of the act to determine whether the application should be denied.

After appropriate notice a hearing was held. A recommended decision by the hearing examiner has been waived. No proposed findings and briefs have been filed, nor has oral argument been requested.[2] Our findings are based on an independent review of the record.

Section 15 (b) of the act provides in part as follows:

> The Commission shall, after appropriate notice and opportunity for hearing, by order deny registration to • • • any broker or dealer if it finds that such denial • • • is in the public interest and that • • • any partner • • • of such broker or dealer • • • whether prior or subsequent to becoming such • • • is permanently or temporarily enjoined by order, judgment or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security • • •

The record shows that, by a decree of the United States District Court for the District of Massachusetts dated April 3, 1936, Vickers was permanently enjoined from engaging in or continuing certain fraudulent practices in connection with the sale of securities.[3] It is therefore clear that a statutory basis exists for denying the application, provided we find that such denial is in the public interest.

The record does not indicate that Vickers has ever violated the terms of the injunction. Since 1942 he has been employed as a trader by Aigeltinger & Co., under the personal supervision of Frank W. Aigeltinger. Aigeltinger testified in support of Vickers' good character, honesty and reliability. Schedules of Vickers' transactions for Aigeltinger & Co., during the 2½-year period from the beginning of 1946 through July 1948, were introduced in evidence. These schedules disclose that, under all the circumstances, the transactions handled by Vickers were effected at prices not unreasonably related to current market quotations and that such charges as were made in connection with these transactions were not unfair or unreasonable. Aigeltinger further testified that he would continue to be the controlling and dominant factor in the partnership, and that he would continue to exercise supervision over Vickers' transactions as heretofore.

It also appears that Vickers was twice convicted in State courts of offenses involving securities transactions. While these convictions took place more than ten years prior to the filing of the instant application, and, under the provisions of the act, cannot supply an independent statutory basis for denial, the facts relating to the offenses may be properly considered in connection with all other factors relating to the public interest.

In 1935 Vickers was convicted in New Hampshire on charges of selling securities without having been licensed as a broker or dealer in that State. He received a suspended sentence and restitution was made to the complaining purchasers. In 1936 Vickers was indicted in Massachusetts on a charge of larceny of a stock certificate valued at $500. He pleaded guilty, was placed on probation, and made restitution.

In weighing factors bearing on the public interest, we must not only give consideration to the protection of public investors, but in appropriate cases, we must also give weight to the hardship inherent in the permanent denial to individuals of the opportunity to engage in chosen forms of activity, including the securities business.[4]

The conduct and practices which led to the injunction and the two convictions all took place more than twelve years ago. Under these circumstances, we believe that the evidence of Vickers' activities since that time, and the evidence as to his subsequent good character and reputation, persuasively indicate that infractions are not likely to be repeated in the future.

After due consideration of all the circumstances, we are of the opinion that the public interest does not require a denial of the application for registration.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration as a broker and dealer of Aigeltinger & Co., a partnership consisting of Frank W. Aigeltinger, Sydney G. Vickers and William F. Mullan, be and it hereby is permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9254; Filed, Oct. 20, 1948; 8:50 a. m.]

[1] The firm and various predecessor firms, in all of which Frank W. Aigeltinger has been a general partner or sole proprietor, have been registered under the firm name of Aigeltinger & Co. since 1938.

[2] Counsel for the Division of Trading and Exchanges has not opposed the application.

[3] Vickers consented to the injunction. As originally issued, the decree also prohibited Vickers from participating in any retail business in securities. On Vicker's petition, the District Court, on October 26, 1942, modified the decree to eliminate this latter restraint.

[4] Joseph J. Lann, — S. E. C. — (1947), Securities Exchange Act Release No. 4015; H. Evan Taylor and Louis B. Taylor — S. E. C. — (1947), Investment Advisers Act Release No. 50; Burley & Co. — S. E. C. — (1948), Securities Exchange Act Release No. 4109.

[File Nos. 54-106, 54-107, 59-52]

BUFFALO, NIAGARA AND EASTERN POWER CORP. ET AL.

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of October 1948.

In the matter of Buffalo, Niagara and Eastern Power Corporation, File Nos. 54-106; 31-524; Niagara Hudson Power Corporation, File Nos. 54-107, 31-523; Niagara Hudson Power Corporation and its subsidiary companies, respondents, File No. 59-52.

Notice is hereby given that Niagara Hudson Power Corporation ("Niagara Hudson") has filed an application requesting a six-months extension to May 1, 1949 of the time within which Niagara Hudson must dispose of all its interest, direct or indirect, in Buffalo Niagara Electric Corporation and the subsidiaries thereof, as provided by the amended plan of Niagara Hudson approved by order of the Commission dated October 4, 1945 (the time for compliance with such order having been subsequently extended to November 1, 1948, by Commission orders dated October 28, 1946, April 22, 1947, October 24, 1947, and May 20, 1948).

Notice is further given that any person may, not later than October 29, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. At any time after October 29, 1948, the Commission may take such action as may be deemed appropriate with respect to Niagara Hudson's application.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the reasons for such request, which are summarized as follows:

The Commission, by order dated October 4, 1945, approved a plan of reorganization and consolidation of Buffalo, Niagara and Eastern Power Corporation and certain of its subsidiaries, which plan provided, among other things, for the disposition by Niagara Hudson, within one year from November 1, 1945, of all of its interest, direct or indirect, in Buffalo Niagara Electric Corporation unless such time is extended or the disposition requirements of the order modified or altered.

By order adopted September 29, 1948 the Public Service Commission of the State of New York authorized the consolidation of Buffalo Niagara Electric Corporation, Central New York Power Corporation and New York Power and Light Corporation, the major subsidiaries of Niagara Hudson, into a single operating company and the holding of all the common capital stock of such company by Niagara Hudson. A plan filed under section 11(e) of the act by Niagara Hudson proposing such consolidation is pending before this Commission. There is also pending before this Commission a plan filed by Niagara Hudson under section 11 (e) of the act for its own corporate simplification and ultimate dissolution, such plan involving disposition of the common stock of the consolidated company. Niagara Hudson proposes to file an amendment to this plan within the next thirty days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9252; Filed, Oct. 20, 1948; 8:49 a. m.]

[File Nos. 54–127, 59–3, 59–12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 14th day of October A. D. 1948.

In the matter of Electric Bond and Share Company, File No. 54–127; Electric Bond and Share Company and its Subsidiary Companies, respondents, File No. 59–3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation et al., respondents, File No. 59–12.

The Commission by order dated September 6, 1946, having approved Plan II–A filed by Electric Bond and Share Company ("Bond and Share"), a registered holding company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, said plan providing among other things, that Bond and Share dispose of all of its holdings of 423,408 shares of the common stock of Carolina Power & Light Company ("Carolina") not later than October 6, 1947, unless such time be extended by the Commission; and

The Commission by orders dated October 10, 1947 and July 27, 1948 having extended the time within which Bond and Share must dispose of its holdings of the common stock of Carolina until October 8, 1948;

Notice is hereby given that Bond and Share has filed an application-declaration proposing the disposition by means of a negotiated sale to underwriters of not in excess of 350,000 shares of its holdings of 423,408 shares of the common stock of Carolina, plus not in excess of 17,500 additional shares of such stock which Bond and Share may purchase in connection with stabilizing operations. The application-declaration states that it is expected that the underwriters will make a public offering of such shares. In order to effectuate such private sale to underwriters, Bond and Share has requested an exemption from the competitive bidding requirements of Rule U-50. The details of the underwriting arrangement will be filed by amendment.

In connection with its proposed stabilizing operations, Bond and Share requests permission to acquire not more than 17,500 shares of the common stock of Carolina by purchase on the New York Stock Exchange at any time from the date of the Commission's order authorizing such purchase until the time of the execution of a purchase contract between Bond and Share and the underwriters but in no event for a period in excess of 14 days. Any purchases effected will commence at a price (exclusive of commissions) not higher than the last preceding sale price of the Carolina common stock on such exchange.

The proceeds of the sale of the common stock of Carolina will be used by Bond and Share to reduce its outstanding bank loans.

Bond and Share requests that the order of the Commission contain findings and recitations conforming to the provisions and requirements of section 1808 (f) of the Internal Revenue Code, as amended.

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to said application-declaration and that said application-declaration shall not be granted or be permitted to become effective except pursuant to a further order of this Commission;

It is ordered, That a hearing on said application-declaration pursuant to the applicable provisions of the act and the rules of the Commission be held on October 22, 1948 at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that date by the Hearing Room Clerk.

It is further ordered, That James G. Ewell or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18(c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed sale of common stock of Carolina by Bond and Share shall be exempted from the competitive bidding requirements of Rule U-50.

(2) Whether in the event that an exemption from the provisions of Rule U-50 is granted, the terms and conditions of the proposed sale of the common stock of Carolina meet the standards of section 12(d) of the act, particularly with respect to the maintenance of competitive conditions, the receipt of adequate consideration or the reasonableness of any fees or commissions to be paid.

(3) Whether the proposed acquisition by Bond and Share of shares of the common stock of Carolina on the New York Stock Exchange for the purpose of stabilizing the price of such stock meets the requirements of sections 9 and 10 of the act.

(4) Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform to the standard principles of accounting.

(5) Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms and conditions with reference to the proposed transactions and, if so, what such terms and conditions should be.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before October 21, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice, stating the nature of his interest, which of the foregoing matters and questions he desires to controvert and what additional matters and questions, if any, he deems are raised by the said application-declaration.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Bond and Share, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–9253; Filed, Oct. 20, 1948; 8:50 a. m.]

[File Nos. 70–1792, 70–1799]

CENTRAL VERMONT PUBLIC SERVICE CORP. AND NEW ENGLAND PUBLIC SERVICE CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of October A. D. 1948.

The Commission having, by orders dated April 30, 1948, July 21 and 23, 1948, granted the applications and declarations, as amended, of Central Vermont Public Service Corporation ("Central Vermont") and its parent, New England Public Service Company, a registered holding company, regarding, among other things, the quasi-reorganization of Central Vermont, the issue and sale of 326,000 shares of common stock and $1,900,000 principal amount of First Mortgage Bonds by Central Vermont; and

The Commission having, by order dated July 23, 1948, released jurisdiction over the payment of all legal fees incurred in connection with the transactions except the legal fee of Ropes, Gray, Best, Coolidge & Rugg as to which supporting data had not yet been furnished; and

Central Vermont having filed a further amendment to its application-declaration setting forth the nature and extent of legal services rendered by Ropes, Gray, Best, Coolidge & Rugg for which a request for payment has been made in the amount of $22,500; and

The Commission having considered the record and it appearing to the Commission that the legal fee of Ropes, Gray, Best, Coolidge & Rugg is not unreasonable and that jurisdiction over such fee should now be released:

It is ordered, That the jurisdiction heretofore reserved over the payment of the legal fee of Ropes, Gray, Best, Coolidge & Rugg, incurred in connection with the transactions herein, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–9255; Filed, Oct. 20, 1948; 8:50 a. m.]

[File No. 70–1921]

INTERSTATE POWER CO.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of October A. D. 1948.

Interstate Power Company ("Interstate"), a registered holding company, having filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder, regarding the issuance and sale by Interstate, at competitive bidding pursuant to Rule U-50, of $5,000,000 principal amount of First Mortgage Bonds due 1978, the proceeds from the sale of said bonds to be used for the repayment of outstanding indebtedness in the amount of $2,400,000 and the balance thereof for other corporate purposes;

The Commission having, by an order dated September 30, 1948, permitted the declaration to become effective, subject, among other things, to the condition that the proposed issuance and sale of these bonds should not be consummated until the results of competitive bidding had been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record as so completed;

Interstate now having filed an amendment to the declaration setting forth the action taken by it to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, the following bid was received:

Bidder	Interest rate	Price	Cost of money to the company
	Percent	*Percent*	*Percent*
Halsey, Stuart & Co., Inc....	4½	100	4.5

It appearing that Interstate has accepted the bid of Halsey, Stuart & Company, Inc.; that these bonds are to be resold to the public at 103% of the principal amount thereof plus accrued interest from July 1, 1948, representing a spread to the underwriters of 3.0% on said securities;

The record also having been completed with respect to fees and expenses to be paid in connection with the proposed issuance and sale of these bonds, including fees and expenses to be borne by the successful bidders, these fees being $10,000 payable by Interstate to Matthews & Springer, Chicago, Illinois; $6,000 payable to Winthrop, Stimson, Putnam, & Roberts, as counsel for the successful bidders; and $3,000 of expenses as reimbursements for disbursements of Matthews & Springer;

The Commission having examined such amendment and having considered the record as now completed and finding no basis for imposing terms and conditions with respect to such matters;

It is ordered, That said declaration, as amended, be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24 and to the further condition that the reservation of jurisdiction with respect to the payment of fees and expenses applicable to these transactions and heretofore reserved by the Commission, be and the same hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–9251; Filed, Oct. 20, 1948; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 187]

OSCAR H. WEBB AND MARTIN BEHRENS

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Oscar H. Webb, New York, N. Y., and Martin Behrens, London, England: 5869, 5861.	Aug. 19, 1948 (13 F. R. 4809).	Property described in vesting order No. 272 (7 F. R. 10163, Dec. 5, 1942), relating to United States Letters Patent No. 2,288,411.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48–9281; Filed, Oct. 20, 1948; 8:55 a. m.]

[Supplemental Vesting Order 12078]

FRED KUHNE

In re: Estate of Fred Kuhne, also known as Robert Blume, deceased. File No. D–28–12210; E. T. sec. 16421.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Berger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Fred Kuhne, also known as Robert Blume, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Fred Kuhne, also known as Robert Blume, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John C. Glenn, as Administrator, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Fred Kuhne, also known as Robert Blume, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 24, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48–9268; Filed, Oct. 20, 1948; 8:52 a. m.]

[Supplemental Vesting Order 12099]

RYOHEI KATO

In re: Estate of Ryohei Kato, deceased. File No. D-39-5832.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kaku Nakaza, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Ryohei Kato, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan);

3. That such property is in the process of administration by George Kiyoguchi, as executor, acting under the judicial supervision of the Third Judicial District Court, County of Salt Lake, Utah;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9269; Filed, Oct. 20, 1948; 8:52 a. m.]

[Return Order 191]

ARTHUR HERMAN ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Arthur Herman, Manfred Herman, Eric Herman, and Meta Mayer nee Herman, all of San Francisco, Calif.; 6704.	Aug. 25, 1948 (13 F. R. 4940).	All right, title, interest and claim of any kind or character whatsoever of Lina Lyon Hermann in and to the trust estate of Meier Katten, deceased, in equal shares to the claimants; $1,379.80 in the Treasury of the United States in equal shares of $344.95 to the claimants.

Appropriate documents and paper effectuating this order will issue.

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9282; Filed, Oct. 20, 1948; 8:55 a. m.]

ATELIERS NEYRET-BEYLIER ET PICCARD-PICTET

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C. including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Ateliers Neyret-Beylier et Piccard-Pictet, Grenoble, France, 4687; property described in Vesting Order No. 667 (8 F. R. 4996, April 17, 1943) relating to United States Letters Patent Nos. 2,172,865 and 2,160,959 and property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,073,610; 2,114,653; 2,168,117 and 2,131,025.

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9287; Filed, Oct. 20, 1948; 8:56 a. m.]

[Return Order 192]

JULIUS FLEISCHER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Julius Fleischer, Multnomah County, Oreg.; 5868.	Aug. 25, 1948 (13 F. R. 4939).	$10,833.47 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Julius Fleischer, in and to the trust created under the will of Ben F. Sternheim, also known as Benjamin F. Sternheim, and as B. F. Sternheim, deceased; Wells Fargo Bank & Union Trust Co., trustee.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9283; Filed, Oct. 20, 1948; 8:55 a. m.]

[Vesting Order 12156]

MARIA ELSASSER

In re: Bank account owned by Maria Elsasser, also known as Maria Soell. D-28-12453-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Elsasser, also known as Maria Soell, whose last known address is Erding Obb., Hennengasse 3/0, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Maria Elsasser, also known as Maria Soell, by United States Savings Bank of Newark, New Jersey, 772-774 Broad Street, Newark 2, New Jersey, arising out of a savings account, account number 118677, entitled Maria Elsasser, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9270; Filed, Oct. 20, 1948; 8:53 a. m.]

[Return Order 194]

JOSEPH W. HEILER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Joseph W. Heiler, Portland, Oreg.; 2955.	Aug. 27, 1948 (13 F. R. 5016).	Real property situated in the City of Portland, county of Multnomah, Oreg., particularly described as lots 1 and 2, block 61, Stephens Addition to East Portland, except portions thereof which have been taken for the widening of Grand Ave., now SE. Grand Ave., and Hawthorne Ave., now SE. Hawthorne Blvd., together with all fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds benefits or other payments arising from the ownership of such property; $253.13 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9284; Filed, Oct. 20, 1948; 8:55 a. m.]

MIECZYSLAW IDZIKOWSKI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mieczyslaw Idzikowski d/b/a "Leon Idzikowski," Krucza Street 46, Warsaw, Poland; 5739; Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 4033 (9 F. R. 13269, November 8, 1944) relating to certain copyrights identified by assignments in the United States Copyright Office (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $1,098.08.

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9288; Filed, Oct. 20, 1948; 8:56 a. m.]

[Return Order 196]

ALEX HIRSCHBERG

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Alex Hirschberg, London, England; 4788 and A-425.	Aug. 27, 1948 (13 F. R. 5016).	Property described in vesting order No. 201, dated Oct. 2, 1942 (8 F. R. 625, Jan. 16, 1943) relating to United States Letters Patent Nos. 2,045,905; 2,219,886. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9285; Filed, Oct. 20, 1948; 8:56 a. m.]

[Vesting Order 12157]

EXPORTVEREINIGUNG VON DEUTSCHEN LEDERWERKEN G. M. B. H.

In re: Bank account owned by Exportvereinigung von Deutschen Lederwerken G. m. b. H. F-28-5989-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportvereinigung von Deutschen Lederwerken G. m. b. H., the last known address of which is Thaliahof, Hamburg 1, Germany, is a limited partnership, organized under the laws of Germany, and which has or, on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Thaliahof, Hamburg 1, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Exportvereinigung von Deutschen Lekerwerken G. m. b. H., by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Exportvereinigung von Deutschen Lederwerken, G. m. b. H., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9271; Filed, Oct. 20, 1948; 8:54 a. m.]

[Vesting Order 12158]

ELSE FRAHM

In re: Bank account owed by Else Frahm, also known as Elsa Frahm. F-28-9732-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Frahm, also known as Elsa Frahm, whose last known address is Putbus a/ Rugen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Else Frahm, also known as Elsa Frahm, by American Trust Co., 464 California Street, San Francisco, California, arising out of a savings account, account number 6180, entitled Else Frahm, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9272; Filed, Oct. 20, 1948; 8:54 a. m.]

NOTICES

[Return Order 199]

IRENE WESER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
Irene Weser, Budapest, Hungary; 36735.	Aug. 5, 1948 (13 F. R. 4530).	$3,535 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9286; Filed, Oct. 20, 1948; 8:56 a. m.]

[Vesting Order 12161]

HERMAN GOLDKRAUT

In re: Stock owned by and debt owing to Herman Goldkraut. F-28-8106-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Goldkraut, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifteen (15) shares of no par value common stock of Allis-Chalmers Manufacturing Company, Milwaukee, Wisconsin, a corporation organized under the laws of the State of Delaware, registered in the name of Schwabacher & Co. and presently in the custody of said Schwabacher & Co., 600 Market Street, San Francisco 4, California, in an account designated on the records of said Schwabacher & Co. as Felix Chilton, Special Account, together with all declared and unpaid dividends thereon,

b. Twenty-five (25) shares of no par value common capital stock of Hawaiian Pineapple Company, Ltd., Honolulu, Hawaii, a corporation organized under the laws of the Territory of Hawaii, registered in the name of Schwabacher & Co. and presently in the custody of said Schwabacher & Co., 600 Market Street, San Francisco 4, California, in an account designated on the records of said Schwabacher & Co. as Felix Chilton, Special Account, together with all declared and unpaid dividends thereon,

c. That certain debt or other obligation of Schwabacher & Co., 600 Market Street, San Francisco 4, California, in the amount of $118.14, as of July 31, 1948, arising out of accumulated dividends and differences on purchases and sales of securities owned by Herman Goldkraut and constituting a portion of a credit balance in an account designated on the records of said Schwabacher & Co. as Felix Chilton, Special Account, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9273; Filed, Oct. 20, 1948; 8:54 a. m.]

KARL PLACH AND CHRISTINE KRAUPAR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant	Claim No.	Property and location
Karl Plach, Vienna, Austria..... Christine Kraupar, Vienna, Austria.	4566.....	{$5,719.17 in the Treasury of the United States. {$5,719.16 in the Treasury of the United States.

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9289; Filed, Oct. 20, 1948; 8:56 a. m.]

M. ARCT ZAKLADY WYDAWNICAE SPOLKA AKCYJNA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

M. Arct Zaklady Wydawnicae, Spolka Akcyjna, 35 Nowy Swiat, Warsaw, Poland; 5740; Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 4033 (9 F. R. 13269, November 8, 1944) relating to certain copyrights identified by assignments in the United States Copyright Office (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $2,531.72.

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9290; Filed, Oct. 20, 1948; 8:56 a. m.]

[Vesting Order 12168]

SHINAYE OZAKI

In re: Bank account owned by Shinaye Ozaki. F-39-3981-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shinaye Ozaki, whose last known address is Zushi, Sagamie, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Shinaye Ozaki, by Fulton Trust Company of New York, 149 Broadway, New York 6, New York, arising out of a Temporary Suspense account, entitled Shinaye Ozaki, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9274; Filed, Oct. 20, 1948; 8:54 a. m.]

[Vesting Order 12170]

OLGA RIPPERT

In re: Debt owing to Olga Rippert. F-28-8830-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olga Rippert, whose last known address is M. Gladbach, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Schwabacher & Co., 600 Market Street, San Francisco 4, California, in the amount of $5850., as of July 31, 1948, arising out of accumulated dividends and proceeds of sales of securities owned by Olga Rippert and constituting a portion of a credit balance in an account designated on the records of said Schwabacher & Co. as Felix Chilton, Special Account, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9275; Filed, Oct. 20, 1948; 8:54 a. m.]

[Vesting Order 12172]

MRS. G. SCHILLING

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Mrs. G. Schilling, also known as Mrs. Gretchen Schilling, deceased, except Friedrich Schilling, a resident of the United States. D-28-385-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Mrs. G. Schilling, also known as Mrs. Gretchen Schilling, deceased, except Friedrich Schilling, a resident of the United States, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Lynchburg Trust & Savings Bank, 811 Main Street, Lynchburg, Virginia, arising out of a Trust Account, Account No. 430, entitled The Lynchburg Trust & Savings Bank, Trustee Estate Mrs. G. Schilling, maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Mrs. G. Schilling, also known as Mrs. Gretchen Schilling, deceased, except Freidrich Schilling, a resident of the United States, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Mrs. G. Schilling, also known as Mrs. Gretchen Schilling, deceased, except Friedrich Schilling, a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9276; Filed, Oct. 20, 1948; 8:54 a. m.]

[Vesting Order 12174]

ANTONIE SORGE

In re: Bank account owned by Antonie Sorge. F-28-29156-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Antonie Sorge, whose last known address is Oldenburger Strasse 2, (1) Berlin N. W. 21, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central Savings Bank, in the City of New York, 2100 Broadway, New York, N. Y., arising out of a savings account, account number 986207, entitled Arthur Sorge and Antonie Sorge or either or survivor, maintained at the Fourteenth Street branch office of the aforesaid bank located at 4th Ave. and 14th St., New York, N. Y. and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Antonie Sorge, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9277; Filed, Oct. 20, 1948; 8:54 a. m.]

[Vesting Order 12175]

MARTHA A. H. SPRICK AND JOHANNES F. SPRICK

In re: Bank account owned by Martha A. H. Sprick and Johannes F. Sprick. F-28-29054-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha A. H. Sprick and Johannes F. Sprick, whose last known address is 60 Adolph Street, Bad-Eilson, Germany, Zone 20A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Fulton Savings Bank, Kings County, 375 Fulton Street, Brooklyn 1, New York, arising out of a savings account, account number 122971, entitled Martha A. H. Sprick in trust for Johannes F. Sprick, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha A. H. Sprick and Johannes F. Sprick, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9278; Filed, Oct. 20, 1948; 8:54 a. m.]

[Vesting Order 12185]

MARTHA DREESBEIMDICKE

In re: Debt owing to the personal representatives, heirs, next-of-kin, legatees and distributees of Martha Dreesbeimdicke, deceased. F-28-25180-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next-of-kin, legatees and distributees of Martha Dreesbeimdicke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

Those certain debts or other obligations of American Express Company, 65 Broadway, New York, New York, in the amount of $567.20, representing the net amount due and owing by the aforesaid American Express Company on ten (10) unredeemed American Express Company Travelers Cheques, numbered and in the amounts as set forth below:

G 5,593,004	$10	P 8,925,268	$50
G 5,593,005	10	R 2,966,772	100
G 5,593,006	10	R 2,966,773	100
P 8,925,266	50	R 2,966,774	100
P 8,925,267	50	R 2,966,775	100

which American Express Company Travelers Checques are presently in the custody of the aforesaid American Express Company, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next-of-kin, legatees and distributees of Martha Dreesbeimdicke, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next-of-kin, legatees and distributees of Martha Dreesbeimdicke, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9279; Filed, Oct. 20, 1948; 8:54 a. m.]

[Vesting Order 12187]

LENA LEIDENFROST ET AL.

In re: Bank accounts owned by Lena Leidenfrost and others. F-28-3422-E-1, F-28-3559-E-1, F-28-3778-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lena Leidenfrost, whose last known address is Bremen, Germany, Anna Mau, whose last known address is Mechlenburg, Germany and Carl Neldert, whose last known address is Bremen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Lena Leidenfrost, by Kaspar American State Bank, 1900 Blue Island Avenue, Chicago 8, Illinois, arising out of a savings account, account number 5544, entitled Lena Leidenfrost, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Lena Leidenfrost, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owning to Anna Mau, by Kaspar American State Bank, 1900 Blue Island Avenue, Chicago 8, Illinois, arising out of a savings account, account number 5540, entitled Anna Mau, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Anna Mau, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation owing to Carl Neldert, by Kaspar American State Bank, 1900 Blue Island Avenue, Chicago 8, Illinois, arising out of a savings account, account number 5539, entitled Carl Neldert, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carl Neldert, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9280; Filed, Oct. 20, 1948; 8:55 a. m.]

OCT 25 '48

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FEDERAL REGISTER

VOLUME 13 NUMBER 207

Washington, Friday, October 22, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2818

MODIFICATION OF CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT; OREGON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has submitted to me for approval the following regulation adopted by him under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), and Reorganization Plan No. II (53 Stat. 1431):

AMENDMENT OF REGULATION DESIGNATING AS CLOSED AREA CERTAIN LANDS AND WATERS WITHIN, ADJACENT TO, OR IN THE VICINITY OF THE MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, William E. Warne, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as a closed area, effective October 29, 1948, in or on which pursuing, hunting, taking, capture, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all areas of land and water in Harney County, Oregon, within the record meander lines of Malheur and Harney Lakes and the streams and waters connecting said lakes, as shown on the official plats of the following-listed townships:

WILLAMETTE MERIDIAN

	Plat approved
T. 26 S., R. 29 E.	Mar. 24, 1880
T. 27 S., R. 29 E.	Dec. 26, 1892
T. 27 S., R. 29½ E.	Nov. 2, 1904
T. 28 S., R. 29¾ E.	Nov. 2, 1904
T. 26 S., R. 30 E. (North of Malheur Lake)	May 19, 1913
T. 26 S., R. 30 E. (South of Malheur Lake)	Dec. 21, 1896
T. 27 S., R. 30 E.	Dec. 21, 1896
T. 26 S., R. 31 E. (North of Malheur Lake)	Dec. 21, 1896
T. 26 S., R. 31 E. (South of Malheur Lake)	Dec. 21, 1896
T. 25 S., R. 32 E.	Dec. 21, 1896
T. 26 S., R. 32 E. (North of Malheur Lake)	Dec. 21, 1896
T. 26 S., R. 32 E. (South of Malheur Lake)	Dec. 21, 1896
T. 27 S., R. 32 E.	Dec. 21, 1896
T. 25 S., R. 32½ E.	Dec. 21, 1896
T. 25 S., R. 33 E.	Dec. 21, 1896
T. 26 S., R. 33 E.	Dec. 21, 1896

But excepting therefrom that area of land and water within the record meander line of Malheur Lake, bounded and described as follows:

Beginning at corner No. 1, in the record meander line (known as the Neal survey line) of T. 26 S., R. 32 E. (north of Malheur Lake), in the south boundary of fractional sec. 3, at the corner common to lots ten (10) and eleven (11) of said fractional section;

Thence within Malheur Lake, south approximately 107.60 chs., to a fence;

Thence with six courses along a fence,
S. 86°30' W., 30.35 chs.,
N. 59°15' W., 44.60 chs.,
S. 47°25' W., 65.50 chs.,
S. 28°20' E., 34.00 chs.,
S. 56°25' W., 35.00 chs.,
S. 64°40' W., approximately 5.00 chs.;

Thence: S. 79°05' W., leaving fence, approximately 102.00 chs., to a fence;

Thence with three courses along a fence,
S. 16°00' E., approximately 28.00 chs.,
N. 88°20' W., 1.90 chs.,

S. 0°50' E., 49.00 chs., to the record meander line (known as the Neal survey line) of T. 26 S., R. 31 E. (south of Malheur Lake), in the north boundary of fractional sec. 30, at the corner common to lots fourteen (14) and fifteen (15) of said fractional section 30;

Thence: Westerly and southwesterly with the aforesaid record meander line (known as the Neal survey line), in part the north boundary of T. 26 S., R. 31 E. (south of Malheur Lake), fractional sec. 30, and in part the north boundary of T. 26 S., R. 30 E. (south of Malheur Lake), fractional secs. 25 and 26, in part along the south side of Malheur Lake and in part along the south-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

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east side of the Narrows connecting Malheur and Mud Lakes, approximately 164.00 chs., to the corner in said record meander line of T. 26 S., R. 30 E. (south of Malheur Lake), in the northwest boundary of fractional sec. 26, common to lots five (5) and seven (7);

Thence: Approximately S 78°15' W. crossing said Narrows 8.50 chs., to the record meander line (known as the Neal survey line) of T. 26 S., R. 31 E. (north of Malheur Lake), the meander corner common to fractional secs. 26 and 35, on the northwest side of the said Narrows;

Thence: Northerly and northeasterly with said record meander line, in part along the northwest side of the said Narrows and in part along the west and north sides of Malheur Lake, in part along south and east boundaries of T. 26 S., R. 31 E. (north of Malheur Lake), fractional secs. 26, 23, 24, 14 and 13, and in part along the south and east boundaries of T. 26 S., R. 32 E. (north of Malheur Lake), fractional secs. 18, 17, 8, 9, 4, 3 and 10, approximately 1,080.00 chs., to the place of BEGINNING.

Upon the effective date hereof, this regulation shall supersede the regulation dated September 17, 1941, designating as a closed area certain lands and waters in Harney County, Oregon, approved by the President of the United States of America by Proclamation No. 2516 of October 1, 1941.

Because this amendment partially removes the restrictions set forth in said regulation proclaimed October 1, 1941 and imposes no new obligation upon the general public with respect to the area described herein, it is found that it is unnecessary to issue said amended regulation subject to the general notice provision and the effective date limitation of sections 4 (a) and 4 (c), respectively, of the Administrative Procedure Act.

In witness whereof, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this 5th day of October 1948.

[SEAL] WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 48-9391; Filed, Oct. 21, 1948; 11:40 a. m.]

PROCLAMATION 2819

COPYRIGHT—PHILIPPINES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Title 17 of the United States Code, entitled "Copyrights", has been codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652;

WHEREAS section 9 of the said Title 17 provides in part that the copyright secured by such title shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.;

WHEREAS section 1 of the said Title 17 provides in part as follows:

Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

* * * * *

(e) To perform the copyrighted work publicly for profit if it be a musical composition; * * * *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.;

WHEREAS section 9 of the said title further provides that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require.";

WHEREAS the Philippine Copyright Law, No. 3134, approved March 6, 1924, provides by section 10 (b) that the provisions of the said law shall extend to the work of a proprietor who is not a citizen of the Republic of the Philippines only:

When the foreign state or nation of which such proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States or of the Philippine Islands the benefit of copyright protection substantially equal to the protection secured to such foreign proprietor under this act;

WHEREAS in Republic Act No. 76, approved October 21, 1946, it is provided by section 1 that:

Existing laws or the provisions of existing laws granting privileges, rights or exemptions to citizens of the United States of America or to corporations or associations organized under the laws of any of the states of the United States of America, which are not enjoyed by citizens or nationals of any other foreign state or by corporations or associations organized under the laws of such state, are hereby repealed unless they affect rights already vested under the provisions of the Constitution or unless extended by any treaty, agreement or convention between the Republic of the Philippines and the United States of America.

DONE at the City of Washington this 20th day of October in the year [SEAL] of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

AND WHEREAS satisfactory official assurances have been received that on and after October 21, 1948, pursuant to the aforementioned Law No. 3134, as amended by the aforesaid Republic Act No. 76, citizens of the United States will be entitled to obtain copyright protection for their works in the Republic of the Philippines which is substantially equal to the protection afforded by the copyright laws of the United States and which is afforded on substantially the same basis as to the citizens of the Republic of the Philippines, including rights similar to those provided by section 1 (e) of the said Title 17 of the United States Code:

NOW, THEREFORE, I, Harry S. Truman, President of the United States of America, do declare and proclaim:

That on and after October 21, 1948, the conditions specified in sections 9 (b) and 1 (e) of the aforementioned Title 17 of the United States Code will exist and will be fulfilled in respect of the citizens of the Republic of the Philippines, and that on and after October 21, 1948, citizens of the Republic of the Philippines shall be entitled to all the benefits of the said Title 17 except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

Provided, that the enjoyment by any work of the rights and benefits conferred by the said Title 17 shall be conditioned upon compliance, with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States:

And provided further, that the provisions of section 1 (e) of the said Title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published and copyrighted after July 1, 1909, and reproduced for use on any contrivance by means of which the work may be mechanically performed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of October in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-9390; Filed, Oct. 21, 1948; 11:40 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 01—ORGANIZATION AND OFFICIAL RECORDS OF THE COMMISSION

PART 02—FUNCTIONS OF THE COMMISSION

CODIFICATION DISCONTINUED

In order to conform Chapter I of Title 5 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1946 (13 F. R. 519), the codification of Parts 01 and 02 is discontinued. Future amendments to the statements of organization and functions contained in these parts will be published in the Notices section of the FEDERAL REGISTER.

(Sec. 2, 22 Stat. 403, 50 Stat. 533; 5 U. S. C. 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-9309; Filed, Oct. 21, 1948; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

Subchapter F—Project Liquidation

PART 353—SALES OF REAL PROPERTY

Subchapter G—Farm Ownership

PART 364—REGULATIONS

PART 366—FARMS

PART 367—LOAN PROCESSING

FARM OWNERSHIP INVESTMENT LIMITS

The term "investment limit" is hereby adopted in lieu of the term "loan limit" in connection with the Farm Ownership Program under title I and the related provisions of title IV of the Bankhead-Jones Farm Tenant Act, as amended. Accordingly, the word "investment" is substituted for the word "loan" where the word "loan" immediately precedes the word "limit" or "limits" in the regulations cited below, contained in Title 6 of the Code of Federal Regulations, as amended.

1. Section 300.17 (a) (6) (iii), (6 CFR, 1947 Supp., 300.17).
2. Note to Part 353, (6 CFR, 1947 Supp.).
3. Section 364.2 (a), (c), and (f) (1) (ii), (6 CFR, 1947 Supp., 364.2).
4. Section 364.11, (6 CFR, 1946 Supp., 364.11, 6 CFR, 1947 Supp., 364.11, and 13 F. R. 611, 2155, 3293, and 4249).
5. Section 366.2 (a) (3), (6 CFR, 1947 Supp., 366.2).
6. Section 366.33 (d) (1) (iii) and (d) (1) (v) (c), (13 F. R. 1106).
7. Section 367.1 (e) (2), (6 CFR, 1947 Supp., 367.1).
8. Section 367.2 (e) (3) (i), (6 CFR, 1947 Supp., 367.2).
9. Section 367.3 (f) (3) (i) and (ii), (6 CFR, 1947 Supp., 367.3).

(60 Stat. 1062; Pub. Law 249, 80th Cong., 61 Stat. 493; Pub. Law 720, 80th Cong., 62 Stat. 534)

Issued this 19th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9331; Filed, Oct. 21, 1948; 8:52 a. m.]

PART 364—REGULATIONS

FARM OWNERSHIP LOAN LIMITATIONS

Section 364.2, *Loan limitations*, in Title 6, Code of Federal Regulations (6 CFR, 1947 Supp., 364.2), is amended to read as follows:

§ 364.2 *Loan limitations*—(a) *General.* The Secretary of Agriculture has determined average values and investment limits for most of the counties and parishes in the United States, its territories and possessions, in accordance with the Bankhead-Jones Farm Tenant Act, as amended. Direct or insured Farm Ownership loans will not be made in any county, parish, or locality until such determinations have been made for the county, parish, or locality (see § 364.11).

(b) *Average value.* The "average value" for a county, parish, or locality means the average value, as determined by the Secretary of Agriculture for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, of efficient family-type farm-management units situated in the county, parish, or locality.

(c) *Investment limit.* The "investment limit" for a county, parish, or locality is the amount to which the total investment of a Farm Ownership applicant in a farm is limited, unless the Administrator authorizes a greater total investment as provided in paragraph (h) of this section. The total investment of a Farm Ownership applicant in a farm will be computed in accordance with paragraph (e) of this section.

(d) *Fair and reasonable value of farm.* The fair and reasonable value of a farm is determined by the County Committee in accordance with § 366.3 of this chapter, and is the amount certified by the Committee (on Form FHA-491, "County Committee Certification," or on Form FHA-499, "Recertification by County Committee") to be the fair and reasonable value of the farm, based upon its normal earning capacity, after contemplated improvements are made.

(e) *Total investment in farm.* The computation of the total investment of a Farm Ownership applicant in a farm depends upon the type of Farm Ownership financial assistance for which application is made. In computing total investment, the cost of property insurance, or the initial mortgage insurance charge is not included.

(1) For an initial direct or insured Farm Ownership loan (Tenant Purchase, Farm Enlargement, and Farm Development), the applicant's total investment in the farm will consist of the sum of the following items:

(i) The purchase price of all land or interests in land to be acquired by the applicant.

(ii) The amount necessary for all planned repairs and improvements, both immediate and deferred.

(iii) The amount of any necessary fees and expenses incident to making and closing the loan which are required to be paid by the applicant, whether included in the Farm Ownership loan as a service fee or paid by the applicant from personal funds.

(iv) In the case of a Farm Enlargement or a Farm Development loan:

(*a*) The value, as determined by the County Committee (on Form FHA-493, "Value of Applicant's Unit"), of the applicant's equity in the tract of land owned by the applicant which is to be enlarged or improved.

(*b*) The amount necessary to refinance indebtedness against the tract of land owned by the applicant which is to be enlarged or improved, or to pay the balance due on a purchase contract covering such land.

(v) If a Tenant Purchase loan involves a tract of land in which the applicant owns an undivided fractional interest, by reason of inheritance or otherwise, and the applicant is to purchase the interests of the other heirs or joint owners (see § 365.1 of this chapter):

(*a*) The value of the applicant's interest in the tract.

(*b*) The amount necessary to satisfy the applicant's share of liens or encumbrances against the tract.

(2) For a subsequent direct Farm Ownership loan (see § 367.3 of this chapter) not in connection with the voluntary transfer of a farm or the sale of land by the Farmers Home Administration, the applicant's total investment in the farm will consist of the sum of the following items:

(i) The unpaid amount of the applicant's Farm Ownership indebtedness.

(ii) The amount of the requested subsequent loan, except such part, if any, of the requested subsequent loan as will be used for refinancing outstanding Farm Ownership indebtedness.

(iii) The amount of any necessary fees and expenses incident to making and closing the subsequent loan which are required to be paid by the applicant and which are not included in the subsequent loan as a service fee.

(iv) Any other amounts which will be paid by the applicant from personal funds in connection with accomplishing the purposes of the subsequent loan.

(v) The value, as determined by the County Committee (on Form FHA-493, "Value of Applicant's Unit"), of the applicant's equity in land owned by him.

(3) For a sale by the Farmers Home Administration of a family-type farm on terms and in a manner consistent with title I of the Bankhead-Jones Farm Tenant Act, as amended (see § 387.35 of this chapter), the applicant's total investment in the farm will be computed in a manner consistent with the computation of total investment for an initial Tenant Purchase loan.

(4) For a voluntary transfer of a farm which secures a direct Farm Ownership loan (see § 387.31 of this chapter), if a subsequent loan is requested in connection with the transfer, the applicant's total investment in the farm will be computed as in the case of an initial Tenant Purchase loan. If no subsequent loan is requested, the investment limit and the average value do not apply in connection with the transfer of a family-type farm.

(5) Each case involving a type of Farm Ownership financial assistance not described in this paragraph will be referred to the Administrator for specific instructions.

(f) *Application of average values and investment limits.* No direct (initial or subsequent) or insured Farm Ownership loan for the acquisition, enlargement, or development of any farm, and no credit sale by the Farmers Home Administration of a farm on title I terms, will be approved:

(1) If the fair and reasonable value of the farm, as certified by the County Committee, exceeds the applicable average value, or

(2) If the applicant's total investment in the farm will exceed either:

(i) The investment limit (in the absence of authority from the Administrator as provided in paragraph (h) of this section) or

(ii) The fair and reasonable value of the farm, as certified by the County Committee.

(g) *Limit on amount of insured loan.* In addition to the limitations contained in paragraph (f) of this section, no insured Farm Ownership loan for the acquisition, enlargement, or development of any farm will be approved in an amount which exceeds either:

(1) Ninety percent (90%) of the fair and reasonable value of the farm, as certified by the County Committee, or

(2) Ninety percent (90%) of the applicant's total investment in the farm, if such investment is less than the certified value.

(h) *Action by Administrator regarding total investment in farm greater than $12,000 if county average value exceeds $12,000.* In a county where the average value exceeds $12,000, each case involving a proposed total investment in a farm greater than $12,000 may be submitted to the Administrator by the State Director for consideration and determination in conformity with this paragraph. Each request for action under this paragraph shall be accompanied by a detailed statement of the circumstances necessitating the request, together with the original loan docket and the recommendations of the County Supervisor, the County Committee, and the State Field Representative. Pending determination by the Administrator, no commitment, or statement which might be interpreted as a commitment, shall be made as to whether a total investment in the farm greater than $12,000 will be approved. The Administrator may approve a total investment in the farm greater than $12,000: *Provided*, That all of the following conditions are satisfied:

(1) The applicant's total investment in the farm will not exceed the fair and reasonable value of the farm, as certified by the County Committee.

(2) The fair and reasonable value of the farm, as certified by the County Committee, does not exceed the average value, as determined by the Secretary.

(3) The Administrator determines that it is not possible for the applicant to acquire, enlarge, or improve the farm and make it an efficient family-type farm-management unit with a total investment of $12,000 or less.

(4) The Administrator determines that the proposed loan will be an unusually sound investment and is safely within the applicant's ability to repay as evidenced by one or more of the following factors:

(i) The proposed total investment is substantially less than the normal earning capacity value of the farm.

(ii) The applicant has assets or debt paying ability greater than the minimum required for a Farm Ownership loan.

(iii) The applicant has clearly established managerial ability or farming experience superior to the minimum required for a Farm Ownership loan.

(iv) The proposed farm and home plan indicates debt paying ability substantially in excess of that shown in the earning capacity report.

(i) *Farm situated in more than one county.* For the purposes of this section, if a farm lies in more than one county, parish, or locality, it will be deemed to be located in the county, parish, or locality in which the residence building of the farm is located or is to be constructed. (60 Stat. 1062; Pub. Law 249, 80th Cong., 61 Stat. 493; Pub. Law 720, 80th Cong., 62 Stat. 534; Order, Sec. Agric., Oct. 14, 1946, 11 F. R. 12520, 7 CFR, 1946 Supp., p. 524; Order, Acting Sec. Agric., Oct. 30, 1947, 12 F. R. 7137, 7 CFR, 1947 Supp., p. 879)

Dated: October 8, 1948.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: October 19, 1948.

A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9332; Filed, Oct. 21, 1948; 8:52 a. m.]

PART 366—FARMS

PERFORMING FARM DEVELOPMENT

Section 366.33, *Performing farm development*, in Chapter III of Title 6, Code of Federal Regulations (13 F. R. 1105), is amended to read as follows:

§ 366.33 *Performing farm development*—(a) *General*—(1) *Methods of performance.* All farm development planned on Form FHA-643, "Farm Development Plan," will be performed (i) by or under the direction of the borrower, (ii) by contract, or (iii) by a combination of the two methods.

(2) *Time limits.* Every effort will be made to complete all immediate development performed by or under the direction of the borrower or by contract within 15 months after the borrower occupies his farm as owner.

(3) *Time of starting construction and land development.* All farm development will be started as soon as practicable after the loan is closed. Before making commitments or starting any item of farm development, the County Supervisor and the borrower should be reasonably sure that the item can be completed according to plans and specifications and within available funds.

(i) If it appears that any change is necessary in the plans and specifications for any item, the procedure for effecting changes on Form FHA–643, as provided in paragraph (d) of this section, will be followed.

(ii) When the loan is approved, the State Office will notify the Engineer so that he may prepare any necessary plans, specifications, and instructions for the farm development work, as planned on Form FHA–643, in order that his responsibilities with respect to the initiation of farm development work may be discharged without delay as soon as the loan is closed.

(4) *Extension of time for completing construction and land development.* Upon expiration of time limits, recorded in Part II of Form FHA–643, for completion of planned items of immediate farm development, the County Supervisor will take the following action with respect to any planned items which have not been completed.

(i) For farm development items performed by or under the direction of the borrower, the extension of time will be accomplished by preparing Form FHA–924, "Request for Development Changes," in the following manner. The County Supervisor will discuss with the borrower the reasons why the work was not completed within the time limit and will reach an understanding as to when the work will be completed. The agreed upon extension of time for completion of each item will be recorded under "Description of Changes." The reasons why the construction was not completed as planned will be listed under "Justification." Form FHA–924 will be distributed in accordance with paragraph (d) (4) (i) (*a*) of this section.

(ii) For farm development items being performed by contract, extensions of time will be granted only in accordance with the terms of Form FHA–296, "Construction Contract" (see paragraph 6 of Form FHA–296). Extensions of time for contract work will be processed on Form FHA–925, "Contract Change Order," in accordance with the provisions of paragraph (d) (2) (i) of this section, and will become a supplement to the contract.

(iii) For farm development items set up in "Part II–Narrative" of Form FHA–643 for construction by contract method, but for which no contract has been executed at the expiration of the period of 15 months after the borrower occupies his farm as owner, the extension of time will be accomplished in accordance with paragraph (a) (4) (i) of this section.

(5) *Real property insurance.* The County Supervisor will be responsible for ascertaining that all structures involving construction, regardless of the method of performance, are insured adequately at the proper time.

(6) *Use of supervised bank account.* The County Supervisor will explain clearly to the borrower the use of the supervised bank account in disbursing funds for farm development.

(7) *Authorized substitute for Engineer.* The State Director, with the advice of the Engineer, if available, is authorized to delegate to any qualified and properly trained Farmers Home Administration employee the duties and functions of the Engineer with respect to performing farm development, which other staff members can do or can be trained to do effectively. Whenever the term "Engineer" appears in this section, it shall include his authorized substitute.

(b) *Implementing farm development performed by or under the direction of the borrower.* When Form FHA–643 indicates that farm development is to be performed by or under the direction of the borrower, he will (1) purchase the material and do the work, or (2) purchase the material and hire labor to do the work under his direction.

(c) *Implementing farm development performed by contract.* Ordinarily, all of the farm development of a single farm to be accomplished by the contract method will be included in a single contract to one contractor. However, in those instances where it is plainly in the best interest of the borrower and the Government, the farm development of a single farm may be split into two or more separate contracts. In other words, separate contracts with respect to one or more planned items of farm development of a single farm may be awarded for materials, labor, or both materials and labor. When separate contracts are used in connection with the development of a single farm, each contract must be awarded to a different contractor. However, this will not prohibit the awarding of another contract to the same contractor for work on the same farm in connection with deferred or subsequently planned development. When Form FHA–643 indicates that farm development is to be performed by contract, the following steps will be taken:

(1) *Preparation of bid docket.* The State Office will notify the Engineer when the loan is closed. Upon receipt of such notice, the Engineer will transmit to the County Supervisor an appropriate number of bid dockets to be used by bidders. Each docket will contain Form FHA–927, "Invitation for Bid," Form FHA–928, "Bid," Form FHA–296, "Construction Contract," and appropriate technical specifications and drawings. Appropriate entries will be made on Forms FHA–927, FHA–928, and FHA–296.

(i) *Selection of contractor.* Caution must be exercised in the selection of the contractor and no contractor will be awarded more contracts than he reasonably can be expected to perform.

(ii) *Surety bonds.* (*a*) In cases where it has been determined by the Engineer that the provision in Form FHA–296 requiring the contractor to furnish surety bonds will prevent otherwise qualified local contractors from bidding on the work, the Engineer may waive this provision. Modification of Form FHA–296 to provide for the waiving of surety bond requirements shall be made by crossing out item V "Surety Bond" of the "General Conditions" and by adding the following notation under item 7 of the contract: "Item V 'Surety Bond' of the 'General Conditions' is deleted from this contract."

(*b*) When a contractor bidding on a contract is required to furnish Form FHA–200, "Performance and Payment Bond," the bond will be obtained from a surety company legally doing business in the state.

(2) *Securing bids.* Each prospective bidder will be supplied with a bid docket, together with appropriate instructions for bidding. The County Supervisor, with the assistance of the Engineer, will secure on Form FHA–928 bids from as many qualified contractors as practicable.

(3) *Bid opening.* Bids will be opened in public at the time and place designated in Form FHA–927. The borrower and the County Supervisor must be present and, if practicable, the Engineer should be present when the bids are opened and tabulated.

(4) *Awarding the contract.* (i) The award will always be made by the borrower to the lowest responsible bidder after approval by the Engineer: *Provided*, That:

(*a*) All requirements of the loan closing instructions have been met.

(*b*) The cost of all items in any category, namely; dwelling, other construction, and land development, does not exceed the estimate made for the same category on Form FHA–643, Part III, by more than ten percent. The ten percent limitation applies separately to immediate development and to deferred development in each category. If the ten percent is exceeded, authority shall be required from the State Field Representative before making the award.

(*c*) The total cost of all immediate development items to be performed under the contract does not exceed the total estimated cost of such items as shown on Part I of Form FHA–643.

(ii) If the Engineer is present at the opening of the bids, the award may be made immediately. If the Engineer is not present at the opening of the bids, the County Supervisor will forward all bids, together with his recommendations and the recommendations of the borrower, to the Engineer for review. The Engineer will return the bids, together with his written approval, disapproval, or recommendations, to the County Supervisor. When, in special cases, the Engineer deems it necessary, he also will prepare Form FHA–296 in an original and four copies. If he deems it advisable, he may request the advice of the representative of the Office of the Solicitor relative to the provisions which must be inserted in the form before forwarding them to the County Supervisor.

(5) *Preparation of Form FHA–296 for signature.* Unless prepared previously by the Engineer, the County Supervisor will prepare an original and four copies of Form FHA–296 after the award has been made. In instances in which the Engineer has authorized the waiver of the requirement with respect to surety bonds and the successful bidder will not be required to furnish such bonds, the County Supervisor will modify Form FHA–296 in accordance with subparagraph (1) (ii) of this paragraph. The County Supervisor then will secure the required signatures of the contractor and the borrower on the original and two copies.

(6) *Distribution of Form FHA–296.* Form FHA–296 will be distributed as follows: The original will be forwarded promptly to the State Office; one signed copy given to the borrower; one signed copy delivered to the contractor; one copy placed in the borrower's field folder; and one copy will be sent to the Engineer.

(7) *Notice to proceed.* After the signatures have been secured on Form FHA–296, the County Supervisor will advise the borrower to issue notice to the contractor to proceed.

(8) *Subcontracts.* (i) Contractors will not be permitted to enter into agreements with subcontractors for any farm development work until written consent is received by the County Supervisor from the Engineer. Before approval of any subcontract the Engineer will determine that the subcontract contains the following provisions: (*a*) The subcontractors will comply with the terms of Form FHA–296 entered into between the contractor and the owner, and (*b*) the contractor will have the same powers regarding the termination of the subcontract as the owner has with respect to Form FHA–296.

(ii) Two copies of the executed subcontract will be furnished the County Supervisor by the contractor. One copy will be submitted to the State Office where it will be placed in the borrower's State Office case file and one copy will be placed in the borrower's County Office case file.

(9) *Pay rolls.* In compliance with the requirements of Form FHA–296 pertaining to the "Kickback Statute," the contractor and any subcontractor will submit each week to the County Supervisor one copy of their pay rolls for the previous week on Form FHA–173A, "Weekly Pay Roll." The statement of compliance with the "Kickback Statute," as stated on the back of Form FHA–173A, must be sworn to by the contractor or subcontractor as the case may be. Each copy of Form FHA–173A thus received will be placed in the borrower's County Office case file.

(d) *Changes in Form FHA–643.* If a subsequent loan is not required, changes in Form FHA–643 may be made at any time at the request of the borrower and with the consent of the State Field Representative or the County Supervisor as hereinafter provided by the use of Form FHA–924 or Form FHA–925. Form FHA–924 will be used when farm development is performed by or under the direction of the borrower. Form FHA–925 will be used when farm development is performed by contract. (If a subsequent loan is required, see § 367.3 of this chapter.)

(1) *Limitations.* The State Field Representative and the County Supervisor are authorized to approve changes in Form FHA–643, as specified in subparagraphs (2) and (3) of this paragraph: *Provided*, That:

(i) Such a change is for an authorized purpose.

(ii) Such a change has been discussed with and approved in writing by the County Committee in the case of any basic change which affects substantially the method of operation of the farm or the Government's security.

(iii) Such a change does not result in a total investment in the farm in excess of the County Investment Limit, or the fair and reasonable value of the farm as certified by the County Committee on Form FHA–491, "County Committee Certification," whichever is the lesser.

(iv) Sufficient funds have been deposited in the borrower's supervised bank account to cover the contemplated change when the change involves additional funds to be furnished by the borrower.

(v) When the change involves additional funds to be furnished by the borrower which will bring the total investment in the farm above the fair and reasonable value of the farm as determined previously by the County Committee, a revised Form FHA–491 will be required, prepared, and distributed in the regular manner. Such a change may be authorized provided the County Committee finds that:

(*a*) The earning capacity of the farm will support the increased investment.

(*b*) The fair and reasonable value does not exceed the "average value" for the county.

(*c*) The total investment does not exceed the County Investment Limit.

(vi) The recommendation of the Engineer has been secured when a change in construction done by or under the direction of the borrower involves technical engineering.

(vii) The recommendation of the Engineer has been secured when there is any change in construction done by contract.

(viii) The recommendation of the employee authorized to appraise farms has been secured when a change in land development is involved.

(2) *Changes authorized by State Field Representative.* Subject to the limitations set forth in subparagraph (1) of this paragraph, the State Field Representative is authorized to approve changes which involve:

(i) Extension of time to complete work done under contract.

(ii) Extension of time to complete work done by or under the direction of the borrower. Before granting such extensions of time a definite understanding must be reached that the work will be completed within the additional time allotted.

(iii) Changes in method of performing farm development.

(iv) Deletion from Form FHA–643 of planned farm development items found not to be necessary.

(v) Basic changes in the original farm and home plans.

(vi) Transfer of loan funds within or between development categories when the cost of the items in any category exceeds ten percent of the amount shown on Form FHA–643.

(vii) An increase in cost of planned farm development to be paid from the borrower's own funds.

(3) *Changes authorized by County Supervisor.* Subject to the limitations set forth in subparagraph (1) of this paragraph, the County Supervisor is authorized to approve minor changes in Form FHA–643 which do not require the approval of the State Field Representative. He also is authorized to approve changes which involve transfers of funds as follows:

(i) *Between farm development categories.* Part III of Form FHA–643 establishes three categories of farm development: (1) Dwelling, (2) other construction, and (3) land development. Funds may be transferred between these categories to the extent necessary to meet the difference between estimated costs on Form FHA–643 and actual costs: *Provided*, That:

(*a*) No planned item on Form FHA–643 is omitted and no basic changes are made in the farm and home plans upon which the loan was authorized.

(*b*) Such transfers do not result in increasing or decreasing the funds for immediate development in any category more than ten percent.

(ii) *From unexpended service fee.* Ordinarily any unexpended amount of the service fee which will not be needed shall be applied as a refund on a loan (see paragraph (a) (6) of § 364.1 of this chapter). However, any such unexpended amount may be transferred to any one of the three above categories of immediate development to meet the difference between estimated costs on Form FHA–643 and actual costs.

(4) *Preparation of Form FHA–924 and Form FHA–925.*—(i) *Approval by State Field Representative.* (*a*) Form FHA–924 requiring the approval of the State Field Representative will be prepared in an original and three copies. The original and all copies will be signed as follows: The borrower will sign as requesting the change; the Engineer and/or the employee authorized to appraise farms will sign as recommending the change, if the nature of the change requires his recommendation; the County Supervisor will sign as recommending the change; and the State Field Representative will sign if he approves the change. Form FHA–924 will be distributed as follows: The original will be forwarded to the State Office where it will be placed in the borrower's State Office case file; one copy sent to the Engineer; one copy placed in the borrower's field folder; and one copy will be delivered to the borrower.

(*b*) Form FHA–925 requiring the approval of the State Field Representative

will be prepared in an original and four copies. The original and all copies will be signed as follows: The borrower will sign as requesting the change; the contractor will sign as accepting the change; the Engineer and/or the employee authorized to appraise farms will sign as recommending the change, if the nature of the change requires his recommendation; the County Supervisor will sign as recommending the change; and the State Field Representative will sign if he approves the change. Form FHA–925 will be distributed as follows: The original will be forwarded to the State Office where it will be placed in the borrower's State Office case file; one copy sent to the Engineer; one copy placed in the borrower's field folder; one copy delivered to the borrower; and one copy will be sent to the contractor.

(ii) *Approval by County Supervisor.* (*a*) Form FHA–924 requiring the approval of the County Supervisor will be prepared in an original and two copies. The original and all copies will be signed as follows: The borrower will sign as requesting the change; the Engineer and/or the employee authorized to appraise farms will sign as recommending the change, if the nature of the change requires his recommendation; and the County Supervisor will sign if he approves the change. Form FHA–924 will be distributed as follows: The original will be placed in the borrower's field folder; one copy sent to the Engineer; and one copy will be delivered to the borrower.

(*b*) Form FHA–925 requiring the approval of the County Supervisor will be prepared in an original and four copies. The original and all copies will be signed as follows: The borrower will sign as requesting the change; the contractor will sign as accepting the change; the Engineer and/or the employee authorized to appraise farms will sign as recommending the change, if the nature of the change requires his recommendation; and the County Supervisor will sign if he approves the change. Form FHA–925 will be distributed as follows: The original will be forwarded to the State Office and placed in the borrower's State Office case file; one copy sent to the Engineer; one copy placed in the borrower's field folder; one copy delivered to the borrower; and one copy will be sent to the contractor.

(*a*) *Inspections*—(1) *Work done by or under the direction of the borrower*—(i) *Periodic inspections.* The County Supervisor will make periodic inspections of all farm development work in progress. After each inspection, the County Supervisor will record in the borrower's field folder the date the inspection was made, the percentage of work completed, and any other pertinent information. The inspection and acceptance of material as delivered to the site and the storage of material will be the responsibility of the borrower. The County Supervisor will advise the borrower of these responsibilities. When construction is involved, the Engineer also will make such additional inspections as the nature and character of the work may require.

(ii) *Final inspections.* The County Supervisor will make a final inspection of immediate development within sixty days after all such development has been completed, provided that no construction item has exceeded a cash cost of $500. If any construction item exceeds a cash cost of $500, the Engineer will make the final inspection. When all immediate development performed by or under the direction of the borrower has been completed and the Engineer's inspection is required, the County Supervisor will notify the Engineer in writing. At the earliest feasible date, but within sixty days after such notification, the Engineer will make a final inspection of all farm development items not covered by a previous inspection.

(2) *Work done by contract*—(i) *Periodic inspections.* As the work proceeds, the Engineer will make necessary periodic inspections to determine whether construction and/or land development work conforms with plans, specifications, and change orders, and whether the contractor is complying with other provisions of Form FHA–296.

(*a*) When adverse conditions involving plans, specifications, change orders, or labor provisions are found at the time of inspection by the Engineer, he will request the contractor in writing to correct such adverse conditions in conformance with the contract. A copy of this request will be sent to the County Supervisor who will endeavor to have the contractor comply with the Engineer's request. If the County Supervisor cannot secure compliance, he will report the facts to the State Director who will determine the action to be taken.

(*b*) The County Supervisor will make such periodic inspections as he and the Engineer agree upon. After each inspection, the County Supervisor will report his findings to the Engineer in writing and place one copy of the report in the borrower's County Office case file.

(ii) *Final inspections.* (*a*) The Engineer will make a final inspection as soon as possible after the County Supervisor advises him that the contract work has been completed.

(*b*) When a separate contract is awarded for material only, it will be the responsibility of the Engineer to inspect all material delivered under the contract to ascertain if the material is acceptable as to quantity, grade, and quality. The Engineer will make this final inspection after the County Supervisor has advised him that all deliveries under the contract have been made.

(3) *Use of Form FHA–926, "Certificate of Final Inspection."* All final inspections of farm development work performed by or under the direction of the borrower or by contract will be reported on Form FHA–926. The official making the final inspection shall include recommendations for correcting any discrepancies.

(i) Form FHA–926, submitted by the County Supervisor, will be prepared in an original and two copies. The original will be transmitted to the State Office to be placed in the borrower's State Office case file; one copy sent to the Engineer; and one copy will be placed in the borrower's County Office case file.

(ii) Form FHA–926, submitted by the Engineer, will be prepared in an original and one copy. The original will be transmitted to the State Office to be placed in the borrower's State Office case file; and the copy given to the County Supervisor who will place it in the borrower's County Office case file.

(*f*) *Payments*—(1) *Work done by or under the direction of the borrower; payment of laborers and material suppliers.* The County Supervisor will encourage borrowers to pay obligations promptly. Payment of bills for labor and material will be made as soon as practicable after the bills are received and will be made by check signed by the borrower and countersigned by the County Supervisor.

(i) The County Supervisor will have in his possession itemized statements from the creditor covering material furnished and/or labor performed before countersigning checks. Such statements will be signed by the borrower as correct and received. Statements covering labor will show the names of persons hired, dates they worked, number of hours (or days) worked, total hours (or days) worked, rate per hour (or day) and total amount due. The check number and the date of payment will be indicated on all invoices and hired labor statements. These invoices and statements then will be placed in the borrower's County Office case file.

(ii) Whenever the County Supervisor has reason to believe that there may be danger of claims, because of disputes, dissatisfaction, or other causes, he will require the borrower to secure one copy of Form FHA–205, "Release by Claimants," before countersigning the check for final payment. The signed Form FHA–205 will be placed in the borrower's County Office case file. It is not necessary to have Form FHA–205 notarized when used in this manner. The State Director, at his discretion, may require the use of Form FHA–205 in all instances.

(iii) Under no circumstances will the County Supervisor permit funds to be withdrawn from a borrower's supervised bank account to pay the borrower for labor performed by himself on his farm.

(2) *Work done by contract*—(i) *Payment of contractors.* When Form FHA–200 is not used, payment will be made by check signed by the borrower and countersigned by the County Supervisor and in the following manner:

(*a*) In one lump sum for the whole contract after the work is finished, inspected, and accepted. This payment will be made only after the contractor has executed Form FHA–232, (Form Letter—Certificate of Contractor's Release), in which he (*1*) acknowledges payment in full for his services, (2) certifies that he has paid for all labor employed and materials purchased by him in performance of his contract, and (3) certifies that there are no claims against him because of injuries sustained by his employees. The contractor will attach to Form FHA–232 a completed Form FHA–205, notarized properly. The County Supervisor then will send Form FHA–232 and the notarized Form FHA–205 to the State Office where they will be examined and placed in the borrower's State Office case file.

(*b*) Upon completion of any major item, partial payments may be made up to 80 percent of the contract price of that item upon final inspection and approval by the Engineer. When this method is used, payment will be made only when the applicable provisions of the previous paragraph have been met with respect to the completed major item. Form FHA–232 will be signed by the contractor and will indicate only the amount of payment received, which will not be in excess of the 80 percent permissible. When Form FHA–232 is to be used in this manner, as a receipt for partial payments, it will be rewritten with the necessary changes. Final payment shall be made on all items only after the contractor complies with the requirements of the previous subparagraph.

(*c*) When a separate contract is awarded for the furnishing of material only, one payment will be made by check signed by the borrower and countersigned by the County Supervisor for the entire amount of the material contract price. The check for this payment will not be issued until (*1*) the Engineer has reported in writing that he has inspected the material delivered under the contract and finds it acceptable as to quantity, grade, and quality, (2) the borrower has signed the itemized statement of material as correct and received, and (3) the contractor has signed Form FHA–232, and has attached completed Form FHA–205, notarized properly. The County Supervisor will advise the borrower to store properly and care for all material delivered under the contract.

(ii) When Form FHA–200 is used, partial payments may be made after the Engineer has inspected the work and has indicated in writing that all of the terms of the contract are being complied with. The percentage of completion and the maximum payment will be determined by the Engineer. Final payment will be made to a contractor only when the work is finished, inspected, and accepted by the Engineer, at which time the entire amount will be due and payable. When Form FHA–200 is used, Form FHA–232 will be required of the contractor only to acknowledge payment in full. Form FHA–205 will not be required.

(iii) Circumvention of the above methods of payment through modification of Form FHA–296 by inclusion of special conditions, or any other device whatsoever, expressly is prohibited. (60 Stat. 1062; Order, Secretary of Agriculture, Oct. 14, 1946, 11 F. R. 12520, 7 CFR, 1946 Supp.; Order, Acting Secretary of Agriculture, Oct. 30, 1947, 12 F. R. 7137, 7 CFR, 1947 Supp.)

Dated: September 23, 1948.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: October 19, 1948.

A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9329; Filed, Oct. 21, 1948; 8:51 a. m.]

Subchapter I—Account Servicing

PART 387—SECURITY

FARM OWNERSHIP SECURITY

Part 387, "Security," in Title 6, Code of Federal Regulations (6 CFR, 1947 Supp.), is amended by the addition of §§ 387.32, 387.33, 387.35, and 387.36.

Sec.
387.32 Farm Ownership program; general security servicing.
387.33 Farm Ownership program; voluntary conveyance of farms to the Government.
387.35 Farm Ownership program; management and disposition of acquired farms.
387.36 Farm Ownership program; sale of farms not suitable for purposes of Title I.

AUTHORITY: §§ 387.32 to 387.36, issued under 60 Stat. 1062; Pub. Law 249, 80th Cong., 61 Stat. 493; Pub. Law 720, 80th Cong., 62 Stat. 534; Order, Sec. Agric., Oct. 14, 1946, 11 F. R. 12520, 7 CFR, 1946 Supp., page 524; Order, Acting Sec. Agric., Oct. 30, 1947, 12 F. R. 7137, 7 CFR, 1947 Supp., page 879.

§ 387.32 *Farm Ownership program; general security servicing*—(a) *General*—(1) *Purpose.* This section prescribes the authorities, policies, and procedures for use in general security servicing with respect to direct Farm Ownership loans and insured loans which have been assigned to the Government. However, paragraph (c) of this section also applies to insured loans prior to assignment to the Government.

(2) *Applicability.* For the purpose of this section, Farm Ownership farms include farms which are security for direct loans made pursuant to Title I of the Bankhead-Jones Farm Tenant Act; insured loans which have been assigned to the Government; credit sales of farms pursuant to sections 43 and 51 of the Bankhead-Jones Farm Tenant Act, as amended, and Public Law 563, 79th Congress; loans and credit sales by the State Rural Rehabilitation Corporations directly or under transfer agreements with the Secretary of Agriculture; loans made out of loans, grants and Rural Rehabilitation funds for farm improvement or farm development; mortgages assigned to the Government as security for, or the payment of, loans to, or in liquidation of, Defense Relocation Corporations, and Land Leasing and Land Purchasing Associations, including Georgia Pine Mountain Valley Rural Community Corporation, Cherry Lake, Inc., and Dyess Farms, Inc.

(3) *General policies.* Security servicing actions, must be guided by the general purposes of the Farm Ownership program to assist a borrower who cannot get credit elsewhere in achieving ownership of an efficient family-type farm-management unit. No servicing action should be taken which will have the effect of reducing the farm unit in size or in capacity below that required by the borrower for the orderly repayment of his loan, the maintenance of a reasonable standard of living, and to assure that he and his family will continue to have a farm which at least will meet the minimum standards prescribed for the Farm Ownership program.

(b) *Delegation of authority.* Subject to the policies and procedures prescribed herein with respect to direct Farm Ownership loans and insured loans which have been assigned to the Government:

(1) The State Director is authorized to:

(i) Determine when it appears that a borrower can secure refinancing credit and require refinancing when other acceptable credit is available.

(ii) Approve grant of easements and rights-of-way by borrowers.

(iii) Approve sale or exchange of portion of farm.

(iv) Approve sale or exchange of water rights.

(v) Approve sale or lease of mineral rights owned by borrowers.

(vi) Approve leases by, or to lease on behalf of, the borrowers.

(vii) Execute caretaker's agreement.

(viii) Make advance of funds on behalf of the borrower and charge the amounts to the borrower's Farm Ownership account.

(ix) Approve the sale of a farm outside the program.

(x) Assign, without recourse, Farm Ownership notes and security instruments.

(2) The State Field Representative is authorized to:

(i) Consent to the construction or alteration of buildings other than planned when the labor and material cost will exceed $500 and is paid by the borrower.

(ii) Approve the sale or exchange (including removal) of timber when the proceeds of the sale or sales within a 12-month period will exceed $100.

(iii) Approve the sale (including removal) of sand, gravel, stone, or coal which the borrower owns when the proceeds of the sale or sales within a 12-month period will exceed $100.

(3) The County Supervisor is authorized to:

(i) Consent to the construction or alteration of buildings other than planned when the labor and material cost will not exceed $500 and is paid by the borrower.

(ii) Approve the sale or lease of naval stores.

(iii) Approve the sale or exchange (including removal) of timber when the proceeds of the sale or sales within a 12-month period will not exceed $100.

(iv) Approve the sale (including removal) of sand, gravel, stone, or coal which the borrower owns when the proceeds of the sale or sales within a 12-month period will not exceed $100.

(c) *Refinancing with respect to loans made on and after November 1, 1946.* The Bankhead-Jones Farm Tenant Act, as amended, and the security instruments executed on or after November 1, 1946, require the borrower, upon request of the Secretary, to apply for and accept a loan from cooperative or private credit sources in sufficient amount to repay the secured indebtedness. As soon as possible after March 31, 1949, and each March 31 thereafter, the County Supervisor will review all outstanding direct and insured Farm Ownership loans made on or after November 1, 1946, and will present for consideration of the

County Committee those loans on which 35 percent or more of the principal of the loan has been repaid. The County Committee will consider and make its recommendation as to those borrowers who it believes may be able to secure other financing on reasonable rates and terms prevailing in the community but not to exceed the interest rate of 5 percent. Before making its recommendation, the County Committee may deem it advisable to make a preliminary check in the area to determine if such credit appears to be available. Their findings will be included in their recommendation to the State Director. Each borrower who the County Committee believes may be able to secure such refinancing, shall be notified by a letter from the County Supervisor to attempt to secure other financing and to report the results of his efforts to the County Supervisor within 60 days. In the case of an insured loan, a copy of the letter will be forwarded to the holder of the mortgage or deed of trust. At the expiration of the 60-day period, the County Supervisor will submit to the County Committee a list of those borrowers who have reported that other financing is available, a list of those who have reported that other financing is not available, and a list of those borrowers who have not responded to the letter. Borrowers who are able to secure other financing will be instructed to proceed and their cases will be handled in the same manner as repayments of loans in full. The County Committee will recommend to the State Director the action which should be taken with respect to borrowers who reported that they are unable to secure other financing and the borrowers who have failed to respond to the County Supervisor's letter. The State Director will determine whether to give the borrower another opportunity to refinance, to assist in locating other lenders who might refinance the borrower's indebtedness, or to proceed with liquidation of the borrower's security. The State Director will take into consideration the progress the borrower has made, his continued need for supervision and whether his failure to secure other financing demonstrates a lack of good faith. In any case where the borrower has not attempted in good faith to secure other financing when it appears that other financing is available, and that with such other financing the borrower is likely to succeed in the repayment of the refinanced balance, the State Director will proceed with the liquidation of the security.

(d) *Partial release of, subordination of, or consent under, the terms of Farm Ownership security instruments*— (1) *Purposes and conditions.* The security instruments generally provide that the written consent of the Government must be obtained for (i) the making of improvements, (ii) the granting of easements and rights-of-way, (iii) the sale of any portion of the farm, (iv) the sale or exchange of water rights, (v) the sale or lease of sand, gravel, coal, oil, gas, and other minerals, (vi) the leasing of naval stores, and (vii) the cutting and sale (including removal) of timber. However, the security instruments permit the use of such timber, gravel, oil, gas, coal, or other minerals as may be necessary for ordinary domestic purposes. It is the responsibility of the borrower to keep the land in a good state of cultivation, as well as the farm buildings and fences in good repair, so that the farm will continue to meet minimum Farm Ownership standards. Therefore, a Farm Ownership borrower will not be required to obtain consent for normal maintenance, repairs, or for the construction of movable buildings. A proposed purchaser or lessee will be informed that the proposed sale or lease is contingent upon approval by the authorized representative of the Farmers Home Administration. The consent of the Government will usually be given by the appropriate approving official to each application for release: *Provided*, That (i) the Government will suffer no financial detriment by reason of the transaction, (ii) the consideration (monetary or other) for any sale, exchange, or lease is adequate, (iii) the borrower enters into a satisfactory arrangement with the Government with respect to the disposition of any proceeds, (iv) the farm will not be rendered less than an efficient family-type unit, and (v) the following applicable conditions are met:

(*a*) *Making of improvements other than planned.* The request of a borrower to make structural improvements, after planned improvements have been completed, such as the alteration of existing buildings or construction of new buildings not contemplated in his Farm Development Plan, may be approved as follows:

(*1*) The County Supervisor may consent, on behalf of the Government, to the borrower making minor structural improvements, such as erecting a poultry house, a small granary, a small hog house, a machine shed, a privy, an addition to a barn, and so forth, when the labor (including that of the family computed at prevailing wages for such labor) and material cost of such minor improvements is borne by the borrower and will not exceed $500.

(*2*) The State Field Representative may consent, on behalf of the Government, to the construction or alteration of any building, such as the adding of new rooms to or the altering of the design of an existing dwelling, construction of a new dwelling, barn, or other durable and stationary building, when the labor (including that of the family computed at prevailing wages for such labor) and material cost of such improvements is borne by the borrower and will exceed $500. No consent will be granted for the construction of a dwelling designed for occupancy by tenants, sharecroppers, or farm laborers of the borrower. Consent to construct buildings not essential to the farming operations will be granted only when it appears that the making of the expenditure will not prevent the repayment of the loan by the borrower in accordance with his repayment schedule after the expenditure for such improvements.

(*b*) *Grant of easements and rights-of-way.* The State Director may approve, on behalf of the Government, a borrower's application for permission to grant an easement or right-of-way, and such approval will be given as a general rule upon the determination by the State Director that the granting of the easement or right-of-way will not render the unit less than an efficient family-type unit and the compensation received by the borrower, whether monetary or in the nature of services or facilities made available, compensate the borrower sufficiently.

(*c*) *Sale or exchange of portion of farm.* The State Director may approve, on behalf of the Government, the sale of a portion of a Farm Ownership farm, provided that such sale does not render the farm less than an efficient family-type unit. The State Director also may approve the sale of a portion of the farm where the acreage to be sold is to be replaced by the acquisition of other land. If the transaction involves merely an exchange of property, the existing security instrument on the portion of the farm to be conveyed may be released and a new security instrument taken on the land to be acquired. If the exchange involves sale and purchase, approval of sale will be withheld until the acceptance of the option on the tract to be acquired and the proceeds of sale will be held in the borrower's supervised bank account, or in escrow, for application on the purchase price of the additional land. Any excess proceeds will be applied as an extra payment on the loan. Each application for the sale or exchange of a portion of a farm will be sent to the State Director accompanied by a recommendation signed by the County Supervisor and at least two members of the County Committee.

(*d*) *Sale or exchange of water rights.* The State Director may approve, on behalf of the Government, the sale or exchange of water rights. An application of a Farm Ownership borrower for permission to sell or exchange water rights will be approved only upon the recommendation of the County Committee, and a determination that the sale or exchange of the water rights will not affect adversely the operation of the farm as an efficient family-type unit. The sale or exchange of such rights may be approved in connection with the acquisition of a better supply of water for the farm or to assure more permanent and more economical delivery of water.

(*e*) *Sale or lease of mineral rights.* The State Director may approve, on behalf of the Government, the sale of mineral rights or the leasing of land for minerals, provided that the borrower obtains guarantees of compensation which are deemed adequate protection against damage to the surface in the event the minerals are developed, and such sale or lease will not render the farm less than an efficient family-type unit. This applies regardless of whether the borrower owns all or part of the mineral rights. The State Director may establish a minimum price per acre for which any application to sell mineral rights will be approved. He also may establish a minimum per acre rental for which approval will be given for the leasing of land for minerals. Sand, gravel, and stone ordinarily are considered to be minerals except in those localities where general mineral reservations do not include sand, gravel, or stone. Where the United States has retained a mineral interest, the application of a borrower for approval of sale of sand, gravel, or stone should be submitted to the representative of the Office of the Solicitor for determination as to whether such materials are minerals belonging to the United States. The mineral interest of the United States is subject to lease by the Secretary of the Interior and applications for such lease will be sent by the prospective lessee direct to the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

(*f*) *Sale or lease of naval stores.* The County Supervisor may consent, on behalf of the Government, to the sale or lease of naval stores by a borrower, *Provided*, That the sale or lease requires operation consistent with approved naval stores practices.

(*g*) *Sale or exchange (including removal) of timber.* (*1*) The County Supervisor may consent, on behalf of the Government, to the use of timber or the exchange of timber when such materials are to be used for repairs or improvements on the farm. He may approve the sale of timber by the borrower when the proceeds of the sale or sales within a 12-month period will not exceed $100.

(*2*) The State Field Representative may approve, on behalf of the Government, the sale of timber, the proceeds of which will exceed $100. If the sale involves an appreciable amount of timber, the State Field Representative will confer with the State Director and obtain qualified technical assistance, when available, to check or cruise the timber to be sold and inform the borrower with reference to the value of the timber. If selective cutting based on a sustained yield plan is involved, technical assistance should be provided, if possible, to assist the borrower in selecting the timber to be cut.

(*h*) *Sale (including removal) of sand, gravel, stone, or coal owned by the borrower.* (*1*) The County Supervisor may approve, on behalf of the Government, the sale of sand, gravel, stone, or coal when the proceeds of the sale or sales within a 12-month period will not exceed $100.

(*2*) The State Field Representative may approve, on behalf of the Government, the sale of sand, gravel, stone, or coal when the proceeds of the sale or sales within a 12-month period will exceed $100.

(*2*) *Preparation and processing of Form FHA–696, "Application for Partial Release, Subordination, or Consent."* When a borrower desires a partial release or subordination of the lien of the security instrument or the Government's consent to transactions authorized under this section, he will make application therefor on Form FHA–696. The borrower's application will be approved or disapproved by the Farmers Home Administration employee designated herein to give consent or approval, on behalf of the Government, to the particular request. A formal release or subordination of lien will not be furnished except when requested.

(3) *Preparation and processing of releases and subordinations.* Each application requiring a formal release or subordination of lien will be forwarded by the State Director to the representative of the Office of the Solicitor, together with related information and a request for the preparation of Form FHA–99, "Release," or other appropriate form. If the representative of the Office of the Solicitor approves the transaction as to legality, he will prepare the appropriate instrument in an original and three copies and send them with such instructions as may be necessary to the State Director who will execute the original and conform the three copies.

(4) *Assignment of income from mortgaged property.* When all the proceeds from any transaction authorized herein are to be collected at the time of delivery of the release or subordination, it will not be necessary to use Form FHA–253B, "Assignment of Income from Mortgaged Property." However, in each case where all or part of the proceeds are to be collected subsequent to the time of delivery of the release or subordination, Form FHA–253B will be prepared by the County Supervisor in an original and three copies, the original and all copies of which will be signed by the borrower and his wife at the time Form FHA–696 is executed.

(e) *Actions by third parties affecting security.* The borrower ordinarily will be required to represent his own interest in condemnation suits, trespass cases, and title cases if he does not have an owner's policy of title insurance, but if the security interest of the United States is affected, the United States Attorney will be requested to represent the Government's interest. If the title is insured and the policy covers the point in question as determined by the representative of the Office of the Solicitor, the title insurance company should be notified by the representative of the Office of the Solicitor in order that it may have an opportunity to undertake the defense of the title. However, it also may be necessary that the interest of the United States be represented by the United States Attorney.

(f) *Lease of farm by or on behalf of the borrowers.* One of the principal objectives of the Farm Ownership program is the continued personal occupancy and operation of the borrower's farm as a family-type farm. Whenever a borrower ceases to personally occupy and operate the farm, the purpose for which the loan is made has ceased to exist. Consequently, as a general rule, permission will not be granted for the lease of the farm by the borrower or the occupancy thereof by other persons. However, circumstances may arise, such as death within family, poor health, abandonment, and so forth, which may make it necessary to lease the farm. Therefore, in such instances, the State Director may authorize the borrower to lease the farm, or part thereof, for such period as he deems justifiable, but ordinarily not to exceed one year. If the borrower is not available to execute the lease or will not consent to the lease and the State Director determines that the occupancy and operation of the farm is necessary for the protection of the Government's security, he may execute a lease on behalf of the borrower, pursuant to the provisions in the security instrument.

(1) *Preparation of lease.* The original and all copies of the lease will be signed by the lessor and lessee. In case of a deceased borrower, a person legally empowered to execute the lease may sign as lessor. If a borrower is unable or unwilling to execute the lease, it will be signed by the State Director on behalf of the borrower. The prospective renter and the borrower should be informed that the leasing arrangement is subject to approval of the State Director. If, in the opinion of the County Supervisor, there is little likelihood of the lease being disapproved, and circumstances require immediate occupancy, he may permit the renter to take possession of the farm prior to such approval by the State Director and the necessary corrections in the lease should be settled with the borrower and the renter if advice is received from the State Office that the lease was approved on terms other than those submitted by the borrower and renter.

(2) *Approval of lease.* Upon examination and approval of the lease in the State Office, the State Director will sign the lease. If the lease has been signed by the borrower, as lessor, the State Director will sign in the space provided for approval. However, if it is necessary to execute the lease on behalf of the borrower, the State Director will sign in the space provided for the signature of the lessor, and the words, "United States of America," will be typed above his signature and his title will be typed below his signature.

(3) *Suggestions to renter.* The renter of a Farm Ownership farm will be encouraged to participate in the agricultural conservation programs which are available and will be of benefit to the farm and his progress. He should be encouraged also to keep records of farming operations similar to those kept by borrowers of the Farmers Home Administration, especially if he is a prospective applicant for a Farm Ownership loan. The County Supervisor FHA–195, "Farm Family Record Book," and instruct him with respect to keeping records.

(g) *Vacated farms*—(1) *Initial actions required.* If a borrower vacates his Farm Ownership farm without approval by the Government, the County Supervisor will undertake to arrange for the transfer of the farm to an approved Farm Ownership applicant or for the voluntary conveyance of title to the Government. When the borrower is unwilling to transfer the farm to an approved applicant, or is unwilling to convey title voluntarily to the Government, the County Supervisor will report the case to the State Director. The State Director will instruct the County Supervisor to take one or more of the following actions:

(i) Arrange for the borrower to lease the farm for not more than a one-year period.

(ii) Submit for review and approval a lease on behalf of the borrower.

(iii) Secure a caretaker.

(iv) Submit necessary additional information for use in connection with foreclosure, if appropriate.

(2) *Completion of planned improvements.* When Farm Ownership loan funds remain in the borrower's supervised bank account as a result of not having been used to complete improvements as originally planned by the borrower, such improvements may be completed, during the period the farm is leased, in accordance with the authority contained in Form FHA–668, "Loan Agreement and Request for Funds," provided that such improvements are completed as previously planned and approved by the borrower, as reflected in Form FHA–643, "Farm Development Plan." If possible, such improvements should be performed by contract and the leasing of the farm will not be affected except that the lease should contain a clause permitting the contractor to enter the property. Under certain circumstances, especially where soil improvements are involved, it may be desirable to have the improvement work done by the renter as a contractor because the making of such improvements may affect his farming operations. If the State Director deems it inadvisable to complete the improvements by using the Farm Ownership loan funds remaining in the borrower's supervised bank account, such funds will be returned as a refund on the borrower's Farm Ownership loan. However, payment may be authorized by the State Director, with the advice of the representative of the Office of the Solicitor, in those cases where a contract for improvement, approved by the Government, had been entered into between the borrower and a contractor.

(h) *Death of borrower.* The death of a Farm Ownership borrower should be reported immediately on Form FHA–141, "Report on Deceased Borrower."

(1) *Determination of the family with respect to disposition of farm.* The decision as to whether the family will continue to live on and operate the farm ordinarily will be decided by the surviving obligor(s) on the note. Ample time should be allowed the family within which to make this determination.

(i) *Where family desires to continue operation of farm.* The State Director usually will approve the continued operation of the farm by the family, if they so desire. However, if the State Director finds that because of age, mental or physical condition, or the lack of family labor, there is doubt as to the family's ability successfully to carry on the undertakings required of it, and if such difficulties cannot be overcome, he will direct that negotiations be undertaken with the family for liquidation of the account through transfer, voluntary conveyance, or otherwise. If legal title does not pass to the surviving obligor on the note by operation of law, title will be consolidated in one member of the family, if legally possible by foreclosure or otherwise, unless such action is undesirable because of the conditions mentioned above, or because of the possibility that the family in whom title is being consolidated may not be the successful bidder at the foreclosure sale. Consolidation of title will be in accordance with instructions from the representative of the Office of the Solicitor. All expenses in connection with consolidation of title shall be paid by the person in whom the title is consolidated, including, if necessary, new owners' and mortgagees' policies of title insurance.

(ii) *Where family desires to discontinue operation of farm.* When the surviving obligor or heirs of the deceased borrower do not desire to continue operation of the farm, the County Supervisor will negotiate with the family for an agreement whereby the account will be liquidated to the best advantage of all parties concerned. In cases where some of the heirs are minors or under other legal disability, it may be necessary to foreclose. In the case of foreclosure, the family must be advised as to the necessity of such action, and the State Director will proceed under the guidance of the representative of the Office of the Solicitor. The County Supervisor will submit a report to the State Director which will include his recommendation, as well as the recommendation of the County Committee, with respect to (*a*) transfer of the farm, (*b*) conveyance of title to the Government, (*c*) sale outside the program, (*d*) leasing of the farm, (*e*) appointment of caretaker, or (*f*) foreclosure of the security instrument.

(i) *Sale of farm outside the program.* (1) One of the purposes of the Farmers Home Administration is to keep intact as family-type farms the units established under the Farm Ownership program. However, it is recognized that circumstances may arise wherein a satisfactory plan cannot be worked out to keep the farm in the program and the borrower will be justified in selling his Farm Ownership farm outside the program. Such circumstances may be unanticipated changes in family status, or changes in land use in the community in which the land is located. So long as there is any outstanding indebtedness, the security instrument requires the consent of the Farmers Home Administration before the sale of the farm. A request to sell a Farm Ownership farm outside the program will be approved by the State Director only when the sale will result in the complete liquidation of the Farm Ownership indebtedness and all other indebtedness owed by the borrower to the Farmers Home Administration, or the payment in full of the Farm Ownership debt and the borrower makes satisfactory arrangements with respect to the liquidation of any other debts owed to the Farmers Home Administration. The borrower should make his request in writing and outline therein his reasons for desiring to sell his farm, the person to whom it is to be sold, if known, the sales price, and his agreement with respect to debt liquidation. If the request is approved and funds are tendered to pay the account in full, the case will be handled in accordance with § 381.2 of this chapter.

(2) The County Supervisor will prepare and submit to the State Office a conformed copy of the borrower's written request to sell his Farm Ownership farm outside the program. In addition, the County Supervisor will submit a written statement signed by him and at least two members of the County Committee, which contains their recommendations based on an analysis of the borrower's request. If the borrower refuses to make his request in writing, the County Supervisor will submit a report summarizing the borrower's reasons, along with the recommendations.

(j) *Requests submitted within five years from date of loan.* Except in a case where profit-making is the only significant motive, the State Director may approve a request to sell a Farm Ownership farm outside the program within five years from the date of the loan, if in his opinion, the circumstances warrant such approval. Where the only significant motive for sale is profit-making, the State Director will submit a conformed copy of the borrower's request, or summary of the borrower's reasons if he refuses to make a written request, and the recommendation of the County Supervisor and the County Committee, as well as his recommendation, to the National Office for consideration.

(ii) *Requests submitted after five years from date of loan.* The State Director may approve all requests to sell Farm Ownership farms outside the program after five years from the date of the loan.

(j) *Assignment of farm ownership notes and security instruments.* There may be cases, when a loan is refinanced, where the lender may request assignment of the note(s) and security instrument(s) as a condition to making the loan.

(1) *Assignment in connection with refinancing under paragraph (c) of this section.* When refinancing is required in accordance with paragraph (c) of this section and the lender requests assignment as a condition to making the loan, the State Director will assign, without recourse, the note(s) and security instrument(s) held by the Farmers Home Administration evidencing and securing the Farm Ownership loan(s).

(2) *Assignment under other conditions.* When the borrower requests assignment under conditions other than as outlined in paragraph (c) of this section, the State Director may assign, without recourse, Farm Ownership note(s) and security instrument(s), if he deems the circumstances justifiable. However, to assign securities for the purpose of facilitating refinancing when a borrower has not fulfilled the covenants incident to his Farm Ownership loan, tends to undermine the purposes for which the act was established.

(i) In those cases where the borrower has fulfilled the covenants incident to his Farm Ownership loan and plans to continue living on and personally operating the farm as a family-type unit, or the farm is not an efficient family-type unit, or is otherwise undesirable to retain in the program, the State Director may assign, without recourse, note(s) and security instrument(s) held by the Farmers Home Administration evidencing and securing Farm Ownership loan(s), provided that the lender requests such assignment as a condition to making the loan, and provided further that the borrower's indebtednes to the Farmers Home Administration is retired fully as a result of such refinancing.

(ii) In those cases where the borrower has not kept faith with the covenants incident to his loan, in that he has permitted his account to become delinquent, has permitted the security to depreciate, or is not living on and personally operating the farm, or is committing some other violation that singly or in combination would justify foreclosure action, the State Director may refuse to assign the securities. If some other method cannot be mutually arranged for working out a satisfactory solution, such as the transfer of the farm or conveyance of title to the Government, the State Director may initiate foreclosure action, under the advice and guidance of the representative of the Office of the Solicitor.

(3) *Method of assignment.* All assignments of securities shall be in the form and manner approved by the representative of the Office of the Solicitor.

(k) *Compromise, adjustment, or reduction of farm ownership indebtedness;* Most compromises, adjustments, or reductions of Farm Ownership indebtedness will be effected in connection with the transfer of farms to approved Farm Ownership applicants, or voluntary conveyance of title to the Government. However, there may be other cases in which compromise, adjustment, or reduction of the indebtedness will be justifiable. Such cases will be considered on an individual case basis and will be based on the debtor's ability to pay and the value of the security. In no case, however, will the debt be settled for an amount less than the value of the security. If, in this type of case, the State Director is of the opinion that a basis for compromise, adjustment, or reduction exists, he will have Form FHA–858, "Application for Settlement of Indebtedness," prepared and executed. The original and one copy of Form FHA–858, along with the borrower's State Office case file(s), will be forwarded to the National Office for consideration. In those cases where the borrower is deceased, or his whereabouts is unknown, Form FHA–859, "Advice of Cancellation of FHA Indebtedness," will be used. The original and one copy of Form FHA–859, the original and one copy of the recommendation of the County Committee and the State Office case file(s), will be forwarded to the National Office for consideration. The State Director will give a complete report on the case and make his recommendations in his letter of transmittal.

§ 387.33 *Farm ownership program; voluntary conveyance of farms to the government*—(a) *General.* This section prescribes the authorities, policies, and procedures for:

(1) Processing offers from Farm Ownership borrowers who desire voluntarily to convey titles to their Farm Ownership farms to the Government in lieu of foreclosure. For the purposes of this section:

(i) A borrower is the person or persons in whom legal title to a Farm Ownership farm is vested.

(ii) A Farm Ownership farm is one which is subject to a first mortgage or deed of trust to secure payment of one or more of the accounts identified in paragraph (b) of this section.

(2) Crediting borrowers' accounts with the value of their farms.

(3) Releasing borrowers from personal liabilities after such conveyances are made and credits are allowed.

(4) Servicing outstanding balances which may be owing on accounts after credits are allowed.

(b) *Identification of Farm Ownership loan accounts.* For the purpose of this section, accounts are identified and defined as follows:

(1) *Accounts owed to the Farmers Home Administration.* (i) Accounts resulting from Farm Ownership loans made from (*a*) Title I funds, and (*b*) Special Real Estate loans, Farm and Home Improvement loans, and Farm Development loans from funds made available for Loans, Grants, and Rural Rehabilitation.

(ii) Accounts resulting from credit sales by the Government of Government-owned farms.

(iii) Accounts resulting from notes and mortgages given or assigned as further security on the outstanding debt to the Government securing credit sales of farms which were sold by Defense Relocation Corporations or land leasing and land purchasing associations, except the special accounts listed in subparagraph (3) of this paragraph.

(iv) Accounts resulting from the assignment of the Secretary of Agriculture of mortgages insured pursuant to the provisions of the Bankhead-Jones Farm Tenant Act, as amended.

(2) *Accounts which represent (in whole or in part) State Rural Rehabilitation Corporation assets.* (i) Accounts resulting from Farm Ownership loans made from State Rural Rehabilitation Corporation funds including loans made on terms comparable to terms of loans under Title I.

(ii) Accounts resulting from credit sales by a State Rural Rehabilitation Corporation or the Government of farms which represent an asset of a State Rural Rehabilitation Corporation or a joint investment asset.

(3) *Special Farm Ownership accounts.* Accounts resulting from notes and mortgages assigned to the Government securing credit sales of farms sold by the following special land purchasing and development corporations:

(i) Dyess Farms, Inc.

(ii) Georgia-Pine Mountain Valley Rural Community Corporation.

(iii) Cherry Lake, Inc.

(c) *Delegation of authority:* The State Director, subject to the policies and procedures prescribed herein, is authorized to:

(1) Accept a deed offered by a Farm Ownership borrower.

(2) Pay the expenses incident to the vesting of title to a Farm Ownership farm in the Government when a borrower has authorized the charging of such expenses to his Farm Ownership account.

(3) Credit a borrower's Farm Ownership account with the value of his Farm Ownership farm, as determined by the State Director, and with any additional credits to which the borrower may be entitled.

(4) Release a borrower from personal liability on his account after such credits are allowed and to release the lien of (or satisfy) the security instrument.

(d) *Policies affecting conveyance of title to the Government.* A Farm Ownership borrower who desires to give up his farm should be encouraged to avoid the disadvantages and expenses of foreclosure action by the Government, unless the circumstances are such that no alternative to foreclosure is legally available. In order of preference, the possibilities of the following remedies other than foreclosure should be exhausted:

(1) Transfer of the farm to an approved applicant;

(2) Conveyance of title to the Government;

(3) Sale of the farm for cash outside the program for an amount not less than the amount of the outstanding indebtedness.

(1) *Conditions to be met by borrower before offer can be accepted.* The following conditions must be met by the borrower in connection with an offer to convey title to his farm to the Government before the deed can be accepted:

(*i*) *Payment of expenses incident to conveyance of title.* He must agree to pay, or consent to the Government paying and charging to his Farm Ownership account, all expenses incident to conveying satisfactory title to the Government, such as cost of:

(*a*) Supplementary title evidence, including curative material.

(*b*) Delinquent real estate taxes and assessments.

(*c*) Acknowledgment of the deed to the Government.

(*d*) Revenue stamps required on the deed.

(*e*) Recordation of the deed.

(*f*) Recordation of satisfaction of mortgages and other security instruments, cancellations or revocation of powers of attorney, and curative material.

(*ii*) *Removing liens or other title defects.* He must agree, if title examination reveals any liens or other defects which arose subsequent to recording of the security instrument held by the Farmers Home Administration (other than defects resulting from taxes and assessments), that he will remove such defects with personal funds before transfer of title is completed. The expense of curing title defects other than those resulting from taxes and assessments will not be paid by the Government and charged to the borrower's account.

(*iii*) *Assignment of insurance.* He will be required to continue to maintain property insurance on the buildings on his farm while his offer is pending and until such time as title to his farm is vested in the Government. He must agree to assign to the Government all right, title, and interest in:

(*a*) All existing real property insurance policies insuring the buildings on his farm.

(b) And to any claims under insurance policies for damage to, or destruction of, insured buildings on his farm.

(iv) *Assignment of leases.* He must agree to assign to the Government all his right, title, and interest in all outstanding agricultural and mining leases to which his farm is subject.

(v) *Possession.* If the borrower is occupying the farm, he must agree to give possession at the time the deed is accepted. However, if it is desirable that he remain temporarily on the farm, a caretaker's agreement may be entered into with him on Form FHA–529, "Caretaker's Agreement," covering a period of not more than 60 days after acceptance of the deed.

(vi) *Refund of unused loan funds.* He must agree to refund, when requested by the Government, any unused Farm Ownership loan funds remaining in his supervised bank account.

(2) *Crediting Farm Ownership accounts with the value of acquired farms.* Upon acceptance of a borrower's offer to convey title to his farm to the Government, the borrower's Farm Ownership account will be credited with the value of his farm, as determined by the State Director, or with the total amount that is owing on his account after all vouchers covering expenses incident to conveying title to the Government are charged thereto, whichever is the lesser.

(3) *Servicing balances outstanding on Farm Ownership accounts after credits are applied.* The source of funds from which a borrower's Farm Ownership account originated is of primary significance in determining the nature of the servicing action applicable to balances outstanding after authorized credits are allowed. The different types of balances outstanding will be serviced as follows:

(i) *Balances outstanding on Farmers Home Administration accounts.* A borrower may be released from personal liability on balances outstanding on accounts owing to the Farmers Home Administration described in paragraph (b) (1) of this section, with or without the payment of consideration: *Provided*, The County Committee recommends and certifies and the State Director determines that the borrower has cooperated in good faith with the Secretary of Agriculture, has farmed in a workmanlike manner, has used due diligency to maintain the security against loss, and otherwise has fulfilled the covenants incident to his loans to the best of his ability. A release from liability on terms more favorable than those recommended by a County Committee will not be approved.

(ii) *Balances outstanding on State Rural Rehabilitation accounts.* A borrower may be released from personal liability on balances outstanding on accounts which represent, in whole or in part, assets of State Rural Rehabilitation Corporations, provided the balances outstanding are compromised. The State Director is authorized to compromise, adjust, or cancel such balances outstanding when eligible, in accordance with the provisions of § 386.1.

(iii) *Balances outstanding on special farm ownership accounts.* Balances outstanding on accounts which resulted from notes secured by mortgages assigned to the Government by (a) Dyess Farms, Inc., (b) Georgia Pine Mountain Valley Rural Community Corporation, and (c) Cherry Lake, Inc., will not be compromised, adjusted, or cancelled.

(4) *Evidence of release from personal liability.* When no balance outstanding is held against the borrower after consummation of a voluntary conveyance, the borrower's note(s), stamped "Satisfied Through Surrender of Security," will be returned to him and will evidence his release from personal liability.

(c) *Submission of offers.* Form FHA–411, "Offers to Convey Farm Ownership Farm to the Government," will be used by a Farm Ownership borrower in offering to convey his farm to the Government.

(1) *Tender of deed with offer.* A deed may accompany an offer provided the borrower's Farm Ownership account is wholly owed to Farmers Home Administration (see paragraph (b) (1) of this section) and:

(i) The borrower and the County Supervisor believe that the value of the farm is not less than the amount of the Farm Ownership indebtedness plus such expense incident to the conveyance as may be charged to the account: or

(ii) The borrower believes that he is eligible for release from personal liability for any balance that may be owing on his Farm Ownership account after allowance of credit equal to the value of his farm.

(2) *Submission of offer without deed.* If the conditions enumerated in subparagraph (1) of this paragraph do not exist, a deed will not be tendered with the offer.

(f) *County committee review and recommendation.* Each offer to convey will be reviewed by the County Committee. The County Committeemen will personally examine the farm and review the current Form FHA–596, Form FHA–643, "Farm Development Plan," when it is necessary to make repairs and improvements to meet minimum standards, and the operating record of the borrower, before making recommendations. If it appears that the Government should accept the borrower's offer, the County Committee will, in memorandum form, make appropriate recommendations with respect to the fair and reasonable value of the farm.

(1) *Recommended value of offered farms.* In recommending the acceptance of an offer, the County Committee will indicate the fair and reasonable value of the offered farm in its present physical condition, based upon its normal earning capacity.

(2) *Recommendations for release from personal liability on Farmers Home Administration accounts.* In recommending the acceptance of an offer where the borrower is eligible for release from personal liability for the balance owing on his Farm Ownership account after credit is allowed (see paragraph (b) (1) of this section), a written statement by the County Committee, certifying that the borrower has acted in good faith and recommending such release, will be required before a borrower can be released.

(g) *Acceptance of offers.* The State Director will review the recommendations and other material pertaining to the offer when received from the State Field Representative. The State Director will determine whether the farm is suitable or not suitable for Title I purposes and will determine the amount of credit to be allowed to the borrower's Farm Ownership account. For farms suitable for Title I purposes, the amount will be the fair and reasonable value of the farm based upon its normal earning capacity, taking into consideration the "Earning-Capacity Report," the present physical condition of the farm, and the County Committee's recommendation of fair and reasonable value. For farms determined not to be suitable for Title I purposes, the amount will be based upon the resale value of the farm, taking into consideration its physical condition, recent sales of similar farms in the community and other factors affecting value with full regard for the fact that the farm should be resold as soon as possible at no loss to the Government. (See § 387.36.) The State Director, if he accepts the offer, will determine whether or not the borrower is to be released from personal liability for any balance that may be owing on his Farm Ownership account. (See paragraph (d) (3) of this section.)

§ 387.35 *Farm Ownership program; management and disposition of acquired farms*—(a) *General.* This section prescribes the authorities, policies, and procedures for the management of acquired Farm Ownership farms from the time title to such farms is vested in the United States until they are sold or disposed of, and for their sale or other disposition. For the purpose of this section, Farm Ownership farms are those which have been acquired by the United States by voluntary conveyance or through foreclosure proceedings.

(1) *Farms excepted from this section.* This section does not apply to the management, sale, or other disposition of farms which, before acquisition, represented security for (i) operating loans made from funds available for Emergency Crop and Feed Loans, Loans, Grants and Rural Rehabilitation; and Production and Subsistence Loans; and (ii) obligations incurred in connection with water facilities financed out of Loans, Grants, and Rural Rehabilitation funds or funds appropriated pursuant to the Water Facilities Act of August 28, 1937.

(2) *Expeditious disposition of acquired farms.* Acquired Farm Ownership farms will be sold or otherwise disposed of as expeditiously as possible consistent with the protection of the Government's investment in such farms. Insofar as practicable, preliminary arrangements for the sale of acquired farms should be completed during the process of acquisition. All acquired farms determined to be not suitable for Title I purposes shall be disposed of within 18 months after the date of acquisition.

(b) *Delegation of authority.* The State Director, subject to the policies and procedures prescribed herein, is authorized to:

(1) Determine the suitability of acquired farms for Title I purposes.

(2) Lease or operate acquired farms.

(3) Where appropriate, pay taxes or to make payments in lieu of taxes on acquired farms.

(4) Authorize such repairs and maintenance of acquired farms as may be necessary to protect the Government's interest.

(5) Sell acquired farms and to execute deeds and other instruments necessary in connection with such sales. This authority may not be redelegated or exercised by an Acting State Director.

(6) Enter into agreements prorating the payment of rent as between the Government and purchasers of acquired farms.

(c) *State office routine subsequent to acquisition of farms.* The State Director will take such action with respect to each acquired farm as may be appropriate:

(1) *Suitability of acquired farms for Title I purposes.* The State Director will, as soon as possible after acquisition, determine whether the acquired farm is suitable for Title I purposes. If the farm is, or can be developed into, an efficient family-type farm-management unit having a total value, as repaired, improved, or enlarged, not exceeding the average value of efficient family-type farm-management units in the County with a purchaser's total investment not exceeding the County investment limit, the State Director will determine that the farm is suitable for Title I purposes. If the total value of an acquired farm, as repaired, improved, or enlarged, exceeds the investment limit for the County in which it is located, but does not exceed the average value, the case will be referred to the National Office for prior approval of its suitability for Title I purposes.

(2) *Leasing and care of acquired farms.* The State Director will furnish the County Supervisor with instructions regarding the care and leasing of acquired farms.

(i) *Leasing.* Acquired farms will be leased for the current cropping season, or the remainder thereof, when it is determined that such leasing is necessary to protect the Government's investment. All leases will be on the best reasonable terms obtainable as determined by the State Director. Rent must be payable in cash, but the amount may be based on the market value of shares of agricultural commodities. In leasing farms determined to be suitable for Title I purposes, preference will be given first to approved applicants for Farm Ownership loans and, second, to persons expected to meet the qualifications for such loans. Leases will be on terms that will not delay unnecessarily the sale of farms.

(ii) *Caretaking.* Whenever it is impracticable to lease an acquired farm, and caretaking is deemed necessary to protect the Government's investment, such farm may be operated from the date of acquisition until sale or other disposition under caretaker arrangements on terms approved by the State Director. If a caretaker's agreement is used, compensation to the caretaker may not be paid from the proceeds of the property or income therefrom. An acquired farm cannot be operated by the Government under a caretaker's agreement for a period exceeding one year from the date of acquisition. No provision shall be included in a caretaker's agreement which will interfere with expeditious sale or other disposition of the farm.

(3) *Taxation on acquired farms.* Except as hereinafter provided, the Farmers Home Administration is required by law to pay taxes on Farm Ownership farms acquired on behalf of the Government which are determined to be suitable for Title I purposes, and to make payments in lieu of taxes on farms acquired on behalf of the Government which are determined to be unsuitable for Title I purposes.

(i) Neither tax payments nor payments in lieu of taxes will be made on acquired farms which represent assets belonging wholly to a State Rural Rehabilitation Corporation trust, except that under the transfer agreement with the South Carolina Rural Rehabilitation Corporation an obligation is imposed on the Secretary of Agriculture to pay out of the trust account such sums as are assessed by local Governments for taxes on lands transferred to the United States.

(ii) Neither tax payments nor payments in lieu of taxes will be made on acquired farms which represent assets of Dyess Farms, Inc., Georgia Pine Mountain Valley Rural Community Corporation, and Cherry Lake, Inc.

(iii) The determination whether tax payments or in lieu of tax payments will be made on joint investment acquired farms will be made on the basis of the transfer agreements and the respective investments of the Government and the Corporation in the land.

(a) When land comprising a joint investment acquired farm was acquired originally with corporation funds and subsequently improved with appropriated funds, it is considered as real estate belonging to the State Rural Rehabilitation Corporation trust and no taxes will be paid whether or not the farm is suitable for Title I purposes, except in the State of South Carolina where payments measured by tax assessments will be made in either event. Payments in lieu of taxes will be made on such farms, however, only in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, West Virginia and Wisconsin.

(b) When the land was purchased with appropriated funds and improved with corporation funds, it is considered as real estate belonging to the Government and, therefore, if suitable for Title I purposes tax payments will be made in all States and if not suitable for Title I purposes payments in lieu of taxes will be made in all States.

(4) *Processing payments of taxes and payments in lieu of taxes.* At the time taxes become due and payable, the State Director will request the County Supervisor to obtain and forward to the State Office separate statements from appropriate tax collecting officials, showing the amount of taxes that are due on each acquired farm under his jurisdiction on which tax payments are to be made, or the amount of taxes that would be due had taxes been assessed on farms on which payments in lieu of taxes are to be made. In case the statement discloses an appreciably increased rate or assessed valuation over former years, the County Supervisor will furnish full details with respect to such increase to the State Director. When there appears to have been an unjustifiable increase the State Director, with the advice of the representative of the Office of the Solicitor, will take such action as may be appropriate. In case taxes or payments in lieu of taxes are to be paid, the State Director will have Standard Form 1034 prepared and processed in accordance with applicable provisions of § 366.42 of this chapter.

(5) *Sale within the Farm Ownership program of acquired farms.* Acquired farms which are determined to be suitable for Title I purposes will, whenever practicable, be sold within the Farm Ownership program. However, such farms will be sold as expeditiously as possible, and will not be held for an unreasonable length of time for within-program disposal. If the farm cannot be sold to an eligible purchaser within two years from the date of acquisition, the State Director will report the case to the National Office for advice as to whether to dispose of such property outside of the Farm Ownership program.

(i) *Determination of selling price.* The State Director will establish the selling price, based upon the normal earning capacity of the farm, taking into consideration such amounts as may be required to repair, improve, or enlarge the farm to meet established Farm Ownership standards, and the reasonable value of the Government's interest in the mineral rights.

(ii) *Disposition of growing crops.* Growing crops, when not harvested under a caretaker's agreement, may be sold with the farm or separately. The State Director will determine the selling price thereof separately from that of the farm. Such crops may be sold for cash, but Title I funds may not be loaned to enable a purchaser to make such purchases. When growing crops are sold on credit, either with the farm or separately, a separate note will be taken to evidence the balance of the sale price, (which in the case of a separate sale will not exceed 80% of the total sale price), payable not later than when the crops will be harvested. The separate note will be secured by a lien on the growing crops.

(iii) *Selection of purchaser.* The purchaser will be selected from applicants tentatively approved in accordance with § 365.2 of this chapter, with preference accorded veterans as provided in §§ 365.1 and 366.1 of this chapter.

(6) *Methods of selling acquired farms within Farm Ownership program.* Three different methods of selling, within the Farm Ownership program, acquired farms which have been determined to be suitable for Title I purposes will be fol-

lowed. The State Director will inform the County Supervisor of the appropriate method under which each acquired farm may be sold. The methods and types of farms to which each method is applicable are:

(i) *Sale on credit where no loan is required.* Any acquired farm determined to be suitable for Title I purposes, except one which represents in whole or in part a trust asset of a State Rural Rehabilitation Corporation or an asset of the Georgia Pine Mountain Valley Rural Community Corporation, Cherry Lane, Inc., or Dyess Farms, Inc., may be sold on credit to an approved applicant for a Farm Ownership loan when a loan is not required by the purchaser in connection with the sale. Such a sale will be considered as an initial loan and will be made on terms similar to and in a manner consistent with the provisions for making initial Farm Ownership loans.

(ii) *Sale on credit when a loan is required.* When a Farm Ownership direct or insured loan is required by the purchaser for repairs to, or improvement or enlargement of, an acquired farm, the loan will be considered as a subsequent loan. Only the following classes of farms may be sold on credit simultaneously with approving the loan on terms similar to and in a manner consistent with the provisions for making subsequent Farm Ownership loans:

(*a*) Acquired farms which represent solely investments of Title I funds.

(*b*) Farms which were sold in project liquidation on terms in accordance with Title I and subsequently reacquired by Government, provided no part of the investment represents assets administered in trust for a State Rural Rehabilitation Corporation.

(iii) *Sale for cash through loan to purchaser.* Each acquired farm which represents a trust asset of a State Rural Rehabilitation Corporation or an asset of the Georgia Pine Mountain Valley Rural Community Corporation, Cherry Lake, Inc., or Dyess Farms, Inc., and each project liquidation acquired farm which represents a joint investment of Government funds and State Rural Rehabilitation Corporation funds will be sold for cash and a Farm Ownership direct or insured loan may be made for acquisition, regardless of whether additional amounts are needed for repairs, improvements, or enlargement, in connection with the following types of acquired farms, the loan will include funds for the purchase as well as the repair, improvement, or enlargement of the farm:

(*a*) Farms which, before acquisition, represented security for Farm Development loans (including former Farm and Home Improvement and Special Real Estate loans) made from funds available for Loans, Grants and Rural Rehabilitation.

(*b*) Farms which represented a project liquidation unit sold not pursuant to Title I.

(*c*) Farms which were acquired by foreclosure or deed in lieu of foreclosure of mortgages or deeds of trust assigned to the Government by a defense relocation corporation or a land leasing and land purchasing association.

(7) *Disposal of farms outside the Farm Ownership program.* Acquired farms, or parts thereof, determined to be not suitable for Title I purposes and suitable farms which cannot be sold to an eligible purchaser within a reasonable time will be sold as expeditiously as possible outside the program by the Farmers Home Administration unless special reasons require their transfer to appropriate Government agencies for disposition under the Surplus Property Act of 1944, as amended. Farms, or parts thereof, which at the time of acquisition are determined not to be suitable for Title I purposes will in no event be held by Farmers Home Administration longer than eighteen months from the date of acquisition.

(i) *Sale by the Farmers Home Administration.* The State Director will instruct the County Supervisor with respect to functions to be performed in connection with the disposal of such farms. The State Director is authorized to sell such farms at public or private sale to any individual at the best price obtainable, after public notice. The sale may be either for cash or on terms of at least twenty percent (20%) cash with the balance secured by a first mortgage or deed of trust on the property and payable in equal annual installments within five years with interest at five percent (5%) on the unpaid principal payable annually. The procedure prescribed in § 387.36 will be observed in carrying out the sales of farms under this subparagraph.

(ii) *Reporting farms for transfer as surplus.* When the State Director is of the opinion that it is to the Government's interest that a farm be transferred for sale by the appropriate disposal agency of the Government rather than for it to be sold by the Farmers Home Administration, he will submit his recommendation to the National Office with full legal description and other pertinent information regarding the farm.

(8) *General matters pertaining to the sale of acquired farms.* The following general provisions will apply in connection with the sale of acquired farms:

(i) *Type of deed form.* Conveyances will be made by deed without warranty and will be executed by the State Director. If legally possible, and the sale is to be made within the Farm Ownership program, the deed should create an estate with the right of survivorship. All minerals or mineral rights of the Government will be conveyed to the purchaser.

(ii) *Abstracts of title.* Abstracts of title held by the Government which cover only the land involved in a particular sale may be sold with the farm. When the sale is on credit terms or a loan is made in connection with the sale, the abstract will be retained by the Government until the security instruments securing the credit sale or loan are fully satisfied.

(iii) *Sales expense.* No expenses incident to the sale, such as revenue stamps, recording of mortgage, intangible taxes, or title insurance when required, will be borne by the Government.

(iv) *Title clearance.* Title clearance for farms suitable for Title I purposes will be effected in accordance with the applicable provisions of § 366.61 of this chapter.

(v) *Proration of rent.* When an acquired farm, or part thereof, is under lease which is not to be canceled at the time of sale, and the rent has not become due before the sale is made, and the lease does not contain provisions governing the proration of rent in the event of sale of the farm, the State Director will arrange for any prorated distribution of rent between the Government and the purchaser which is found by the State Director to be equitable and not detrimental to the financial interest of the Government.

(d) *County Office management and sales routine.* The State Director will furnish the County Supervisor with a copy of Form FHA–412, "Advice of Mortgaged Real Estate Acquired," covering each farm located within his jurisdiction to which the Government has acquired title. (See § 387.33.)

(1) *County Office management functions with respect to acquired farms.* The State Director will issue specific instructions to the County Supervisor with respect to management functions required of him in connection with each acquired farm prior to its sale or other disposition.

(2) *Leasing of acquired farms.* When the State Director authorizes the leasing of an acquired farm, he will advise the County Supervisor of the terms and conditions under which the farm will be leased. Upon receipt of such advice, the County Supervisor will prepare Form FHA–435, "Lease of Farm," in an original and four copies. The lessee will be required to sign the original and two copies.

(3) *Caretaker arrangements on acquired farms.* If the State Director authorizes a caretaker arrangement, he will advise the County Supervisor of the terms and conditions thereof. Form FHA–529, "Caretaker's Agreement for Farm Ownership Farm," will be prepared in an original and two copies.

(4) *Sale of acquired farms within Farm Ownership program.* The State Director will inform the County supervisor of the selling price of each acquired farm suitable for Title I purposes and the method, or methods (if more than one method is applicable) under which the sale may be consummated (see paragraph (c) (6) of this section). The State Director will inform the County Supervisor of any requirements, in addition to those prescribed herein, to be met in the processing of the docket in connection with the sale of a particular farm. An applicant will be selected in accordance with §§ 465.1, 465.2, and 465.3 of this title, with preference accorded to veterans. An application to purchase will be processed in the same manner as an application for an initial direct Farm Ownership loan as prescribed in § 367.1 of this chapter, with the following modifications in form requirements:

(i) *Sale on credit where no loan is required.* Form FHA–188, "Option for Purchase of Farm," and Form FHA–5, "Loan Voucher," will be omitted from the docket. Form FHA–643, "Farm Development Plan," will also be omitted,

unless the purchaser will expend his own funds for development, or the State Director requests that the Form be included.

(*a*) The following statement will be inserted on the original and all copies of Form FHA–668, "Loan Agreement and Request for Funds," in any space above the signatures of the applicant and his wife, before the form is signed by them:

I hereby certify that I am unable to obtain credit sufficient in amount to finance our actual needs at rates (but not exceeding the rate of five percent per annum) and terms prevailing in or near the community in which I reside.

(*b*) One of the following statements will be added to the bottom of the reverse side of the original and all copies of Form FHA–668:

The total indebtedness of $_____ to be incurred by the applicant under this agreement represents the purchase price of land owned by the Government, under Advice No. _____ dated _____ and sold to the applicant.

The total indebtedness of $_____ to be incurred by the applicant under this agreement, plus $_____ down payment, represents the purchase price of land owned by the Government, under Advice No. _____ dated _____ and sold to the applicant.

(*c*) The following statement will be inserted in Item 9 (A) of Form FHA–491, "County Committee Certification," following the words "to enable him to":

Acquire the farm, it being understood that the amount of the loan represents the purchase price (or a part of the purchase price) of said farm which is herewith recommended for sale by the Government to the applicant in a manner consistent with the provisions of Title I.

(*d*) The note and, where legally permissible, the deed and mortgage will be dated as of the date of approval of Form FHA–668 by the State Director.

(ii) *Sale on credit when a loan is required.* When a credit sale and loan are to be accomplished at the same time, Form FHA–190, "Promissory Note," will evidence the total amount of the debt (purchase price of unit plus amount of cash loan). Where legally permissible, the deed, note, and mortgage will be dated the date of the loan check. All forms required in connection with the processing of the loan, as prescribed in § 367.3 of this chapter, will be included in the docket, except that any form required in complying with § 367.1 of this chapter will not be duplicated.

(*a*) The following statement will be inserted on the original and all copies of Form FHA–668 in any space above the signatures of the applicant and his wife, before the form is signed by them:

I hereby certify that I am unable to obtain credit sufficient in amount to finance our actual needs at rates (but not exceeding the rate of five percent per annum) and terms prevailing in or near the community in which I reside.

(*b*) The following statement will be added to the bottom of the reverse side of the original and all copies of Form FHA–668:

The total indebtedness of $_____ to be incurred by the applicant under this agreement represents the purchase price of $_____ of land owned by the Government under Advice No. _____, dated _____, and to be sold to the applicant, plus the sum of $_____ in cash to be loaned to the applicant by the United States.

(*c*) The following statement will be added in Item 9 (A) of Form FHA–491, "County Committee Certification," after the appropriate statutory purposes of the loan have been inserted:

• • • it being understood that _____ dollars of such "Title I loan" represents the purchase price of said farm, which is herewith recommended for sale by the Government to the applicant in a manner consistent with the provisions of said Title I.

§ 387.36 *Farm Ownership program; sale of farms not suitable for purposes of Title I*—(a) *General.* This section prescribes supplemental authorities, policies, and procedures for the sale outside the Farm Ownership program by the Farmers Home Administration of acquired farms, or parts thereof, which have been determined to be not suitable for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended. (See § 387.35).

(b) *Delegation of authority.* Subject to the policies and procedures contained herein and in § 387.35, the following additional authorities with respect to acquired farms, or parts thereof, determined not to be suitable for the purposes of Title I, are hereby delegated to the State Director:

(1) To procure, and approve vouchers in payment of, appraisals of such farms, or parts thereof. This authority will not be redelegated.

(2) To invite, accept, or reject bids and negotiate for the sale of such farms, or parts thereof. The State Director will not redelegate the authority to accept or reject bids, but may redelegate the authority to invite bids and to undertake preliminary negotiations for the sale of such farms, or parts thereof.

(c) *Terms and conditions of sale.* Each sale of real property, pursuant to this section, will be subject to the following terms and conditions:

(1) *Eligible purchasers.* A sale may be made to any available purchaser except to a private corporation. Farmers Home Administration employees are eligible to purchase such farms, or parts thereof, only when the sale is based upon competitive bids: *Provided*, That no sale shall be made, either directly or indirectly, to an employee who was in any way connected with its declaration as surplus or who was formerly accountable for the property or connected in any way with the negotiations for the sale thereof. This restriction applies to State and County Committeemen. No sale may be made to persons related to ineligible employees, including Committeemen, within the third degree of consanguinity or affinity, without the prior approval of the Administrator.

(2) *Mineral rights.* All minerals and mineral rights, title to which is vested in the Government, will be included in the sale of the property.

(3) *Sale of abstracts.* Abstracts of title or other evidence of title held by the Government, which cover only the land involved in a particular sale, may be sold with the property, provided that when the sale is on credit such abstract(s) or other evidence of title will be retained by the Government until the purchase price is fully paid.

(4) *Terms.* The property shall be sold for the best price obtainable after public notice is given. The property should be sold preferably for cash, but may be sold on credit, secured by the property, when a purchaser for cash is not available, and will be sold on credit when a greater recovery can be obtained by credit sale (see paragraph (h) (2) of this section). In credit sales, an initial cash down payment of not less than twenty percent (20%) of the sale price must be made upon each sale, and the balance of the sale price must be paid in equal annual installments payable over a period of not to exceed five (5) years, with interest on the unpaid balance at the rate of five per cent (5%) payable annually.

(d) *Plan of sale.* The State Director will, in order to secure the best price obtainable, develop a plan of sale for each property to be sold. In developing such a plan, consideration should be given to (1) subdivision and offering the property in units; (2) sale of land and marketable timber separately in order to obtain a better price than would be secured from the sale of the land with the timber thereon; and (3) determination of the terms on which bids will be invited.

(e) *Request for allotment to defray sales costs.* In the event that it is necessary to procure an outside appraisal report or formally advertise the property in newspapers, the State Director will request the establishment of an allotment of funds for such purposes in connection with the sale of each farm. Estimates for the cost of maintenance or repair work may be included when in the opinion of the State Director it will be impossible to sell the property for its reasonable value without making such expenditures, and the repairs or maintenance will add more to the fair market value of the property than the cost of the repairs or maintenance. Each request for an allotment will show the type of asset or security represented by the property.

(f) *Public notice.* The State Director will arrange for exposing the property to the market and for giving public notice of sale. The manner and form of giving public notice will be approved as to legal sufficiency by the representative of the Office of the Solicitor before release. If public notice and efforts to negotiate a sale of the property should fail to produce a reasonable offer or bid, public notice will again be given if, in the opinion of the State Director, such notice is likely to create additional interest.

(1) *When the value is $2,500 or less.* When the fair market value of the property, as determined by the State Director, does not exceed $2,500, public notice will be given by the State Director either by having appropriate notice of sale posted in not less than three public places (e. g., courthouse, postoffice building, and so forth) in the area where the property is located, or by publishing such notice of sale in the newspapers in ac-

cordance with the procedure for placing of advertising. When the State Director deems it desirable, in the interest of adequately exposing the property to the market, he may give such public notice by both posting the notices of sale and publishing them in the newspapers.

(2) *When the value exceeds $2,500.* When the fair market value of the property, as determined by the State Director, exceeds $2,500, public notice will be given by advertising the property formally, in sufficient newspapers, periodicals, trade journals, and other publications, and the employment of handbills, posters, and so forth, to expose the property adequately to the market.

(g) *Invitation to submit offer or bid—*(1) *When value is $2,500 or less.* When the fair market value of the property, as determined by the State Director, is $2,500 or less, the sale may be negotiated without sealed bids. After the period specified in the notice of sale has expired, the State Director, or the Farmers Home Administration employee authorized to do so by the State Director, will undertake negotiations for sale of the property with all persons who may be interested. Each designation of an employee to negotiate the sale will be made by the State Director in writing. A written report will be made of all negotiations conducted. When the negotiations are undertaken by the State Director and the best offer is acceptable to him, the offer will be reduced to writing on Form FHA–216, "Invitation, Bid, and Acceptance," in an original and four copies. The original and one copy of Form FHA–216 will be signed by the bidder and accompanied by the amount of the required deposit in the form of a certified check, money order, or cashier's check payable to the Treasurer of the United States. When the negotiations are undertaken by an employee other than the State Director, the best offer obtained, if it is likely to be considered to be acceptable, will likewise be reduced to writing on Form FHA–216, and Form FHA–216 then will be submitted to the State Director together with the deposit and the written report of all negotiations. Before final acceptance of an offer, the State Director will submit Form FHA–216 to the representative of the Office of the Solicitor for review as to legal sufficiency. The applicable procedure outlined in paragraph (h) of this section will be followed with respect to analyzing, accepting, and awarding such offers.

(2) *When the value exceeds $2,500.* Sealed bids will be invited in connection with the offering of each property when the fair market value, as determined by the State Director, exceeds $2,500. The State Director will furnish prospective bidders with sufficient copies of Form FHA–216, and with properly addressed envelopes (requiring postage to be paid by the bidder) for transmitting bids, and will request conformity with the detailed instructions contained in Form FHA–216 for the preparation and submission of bids. The State Director will sign section I of Form FHA–216 as issuing officer.

(3) *Preparation of invitation to bid.* (i) Form FHA–216 provides optional payment plans. If the State Director determines to invite bids on an all cash bid only, payment plan "A" will be made applicable by deleting payment plan "B" and paragraph "C" of section IV of Form FHA–216.

(ii) If the State Director determines that offers will be acceptable on either payment plan "A" or payment plan "B", he will make the determination as to the percentage of the bid that will be required as an initial cash payment, which in no case will be less than twenty percent (20%), and fill in the blank in line 1 of payment plan "B". The State Director also will determine the period within which the balance of the sale price is to be paid, which period must not exceed five (5) years. The terms of payment of the balance of the sale price, together with the interest rate of five percent (5%) per annum, will be filled in on the two blank lines under payment plan "B".

(iii) The State Director will determine the percentage of the bid to be required as a deposit, and will fill in the blank space in paragraph A 1 of section IV of Form FHA–216. The amount of deposit ordinarily should be ten per cent (10%) of the total bid, but in no case shall it be less than five per cent (5%).

(iv) Whenever practicable, taxes or payments in lieu of taxes, rents, or receipts from the operation of the property for the current year will be prorated as of the date of delivery of the deed, and, when so prorated, "date of delivery of deed" will be inserted in the blank space in paragraph A 7 of section IV of Form FHA–216. When the property is under lease for the crop year and is sold during the crop year in two or more tracts, or when existing leases are on a share-of-the-crop basis and it is impracticable for these or other reasons to prorate rent as of the date of delivery of the deed, the State Director will insert a definite future date to which the Government will continue to receive all rents, and paragraph A 7 of section IV will be modified by making separate provision for proration of rents or other receipts, as distinguished from taxes or payments in lieu of taxes.

(v) A legal description of the property will be prepared and attached to Form FHA–216 as "Exhibit A". When applicable, the following sentence will be inserted under the legal description: "The above described land will be sold subject to the following specific conditions, reservations, and exceptions:". Following this, any specific conditions, reservations, and exceptions, such as easements, leases, back taxes, and so forth, will be listed.

(h) *Receiving, custody, and acceptance of bids.* The State Director will indicate the date and hour bids are received in the State Office by placing this information on all envelopes containing bids. Bids received prior to the hour and date stipulated in the advertisement for the bid opening will be kept in a locked container until the time fixed for opening. The State Director will have sole custody of the key at all times. Bids may be withdrawn or modified by written or telegraphic request received from the bidders prior to the time fixed for opening bids, but no bids may be withdrawn or modified after the time fixed for opening.

(1) *Opening of bids.* (i) All bids received will be opened at the hour stipulated in the advertisement. The State Director and at least three Farmers Home Administration employees will be present at the opening. All other interested persons who may desire to attend also may be present. The State Director will designate a secretary who will record the date and hour the bid opening began, the names of the Farmers Home Administration employees present, and tabulate information with respect to each bid as it is opened.

(ii) When a bid is not accompanied by certified check, money order, or cashier's check, payable to the Treasurer of the United States, in an amount at least equal to the amount of deposit required in Form FHA–216, the bid will be disqualified, except that when such bid is the high bid and is otherwise acceptable, the bidder will be requested to make the required deposit within a stipulated period of time. If the bidder does not comply with this request, the bid will likewise be disqualified.

(2) *Analysis of bids.* In analyzing bids as to acceptability, the highest qualified bid shall be the determining factor without regard to whether the bid is under payment plan "A" or payment plan "B". That is, a bid under payment "B" must be accepted if it is higher than any bid under payment plan "A", or vice versa.

(3) *Acceptance of bids.* When a bid exceeds $12,000, the State Director shall obtain the prior approval of the National Office before accepting or rejecting the bid. The request for approval submitted to the National Office will include (i) the information tabulated at the opening with respect to each bid, (ii) a copy of Form(s) FHA–736 made on the property, (iii) a report on the type and extent of the advertisement of sale of the property, (iv) a copy of the advertisement, (v) the originals of Forms FHA–216 received from the three highest bidders, and (vi) the recommendations of the State Director.

(i) *Manner of acceptance.* The State Director will accomplish acceptance of a bid by signing in the "Acceptance" block in section III on the original and one copy of Form FHA–216. The signed copy of the accepted bid Form will be mailed to the successful bidder on the acceptance date by registered mail with return receipt requested.

(ii) *When a bid is accepted immediately.* If a bid is accepted immediately, the State Director will transmit the deposit of the successful bidder to the Area Finance Office for scheduling into the Special Deposits Account of the United States Treasury Regional Disbursing Office, and the deposits of the unsuccessful bidders will be returned promptly by registered mail with a covering letter of explanation.

(iii) *When a bid is not accepted immediately.* If a bid is not accepted immediately, the State Director will transmit the deposits of the three highest bidders to the Area Finance Office for scheduling into the Special Deposits Account of the United States Treasury Regional Disbursing Office, where they will be held until final action is taken. All deposits of bidders other than the deposits of the three highest bidders will be returned promptly by registered mail with a covering letter of explanation. If one of the three highest bids is later accepted, the State Director will request the Area Finance Manager to refund the deposits of the other bidders. If all bids are rejected, the State Director will request the Area Finance Manager to refund the deposits of all three bidders. At the time the State Director requests the Area Finance Manager to refund deposits, the State Director will notify each unsuccessful bidder in writing that his bid has been rejected and that the Area Finance Manager has been requested to refund the deposit.

(4) *Award to successful bidder.* Upon acceptance of a bid by the State Director, Standard Form No. 1036, "Statement and Certificate of Award," will be prepared in an original and two conformed copies. The original will be signed by the State Director. In the space below the "Certificate" will be shown the name and address of the successful bidder, and the following statement: "Award was made pursuant to authority contained in sections 43 (d) and 51 of the Bankhead-Jones Farm Tenant Act, as amended by Public Law 731, 79th Congress (60 Stat. 1062)."

(5) *Negotiated sale.* In the event that all bids are rejected or no bids are received, the State Director may negotiate immediately with the bidders and other prospective purchasers, and consummate the sale of the property, when the negotiated offer is less that $12,000, at the best price obtainable without further advertising, provided that there are no indications that readvertising will create additional interest and result in a higher bid. When the negotiated offer is $12,000 or more, the State Director shall obtain the prior approval of the National Office in the same manner as provided in subparagraph (3) of this paragraph. Any negotiated sale shall be on terms not less favorable, and at a price not lower, than the best terms and highest price offered as a result of public notice.

(i) *Closing of sale and routing of documents.* Promptly after acceptance of the bid, the State Director will conform three copies of Form FHA–216 and will forward to the representative of the Office of the Solicitor the originals of Form FHA–216 and Standard Form No. 1036 and such other pertinent material as may be necessary to close the sale. He will request the representative of the Office of the Solicitor to prepare the necessary legal instruments and closing instructions. The quitclaim deed, promissory note and security instrument will conform as nearly as possible to the type used in closing ordinary business transactions involving the sale of land in the locality where the property is located. The representative of the Office of the Solicitor will return the originals of Form FHA–216 and Standard Form No. 1036 and other pertinent material to the State Director with the closing instruments and instructions. After a sale on credit is closed, all documents executed in complying with the closing instructions will be forwarded to the representative of the Office of the Solicitor who will return the documents to the State Director with an opinion as to whether the sale has been properly closed.

(1) *Notification to tax officials and lessees.* After the deed has been delivered to the purchaser, the State Director immediately will send notice of the sale to the proper tax officials by registered mail, giving the name and address of the purchaser, the date of delivery of the deed, a description of the land, and stating that the United States of America no longer holds title to the property. If the property is subject to an oil, gas, or mineral lease, the State Director will notify the lessee(s) in the same manner.

(2) *Scheduling of proceeds.* All payments received (whether as deposit, down payment, installment payment, or full payment) on the purchase price of the property under the terms of the accepted bid will be scheduled by the collecting official to the Area Finance Office. No receipt will be issued on Form FHA–37, "Receipt for Payment," for any part of the down payment, or for full cash payment at the time of closing. However, Form FHA–37 will be issued in receipting payments on that part of the purchase price evidenced by a promissory note.

Issued the 23d day of September 1948.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: October 19, 1948.

A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48–9330; Filed, Oct. 21, 1948; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

MISCELLANEOUS AMENDMENTS

Since June 1, 1938, the effective date of the original codification of Title 7, Chapter VII, of the Code of Federal Regulations, there have been numerous amendments and additions to the Chapter, as well as changes in the organization of the central and field offices of the Department of Agriculture. Certain of the material of the Chapter is reprinted herein with such revision and rearrangement as is necessary to reflect the organizational changes and to facilitate use of the Chapter. No changes in substance have been made. Therefore notice and public procedure under the Administrative Procedure Act are unnecessary.

This material was prepared by the Division of the Federal Register with the concurrence of the Secretary of Agriculture, who has caused the contents of the reprint to be examined for completeness and accuracy.

Subchapter A—Agricultural Conservation

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

Section 734.1 is redesignated as § 701.0 and the headnote is amended, as set forth below:

§ 701.0 *Fair prices for conservation materials and services acquired by means of purchase orders—*(a) *Delegation to the Administrator, Production and Marketing Administration.* The Administrator, Production and Marketing Administration, shall designate the conservation materials and services which may be furnished by means of purchase orders in connection with the agricultural conservation program, the persons who shall establish the fair prices, and the method of making such determinations: *Provided, however,* That any such determination shall be made in accordance with the provisions of paragraphs (b), (c), (d), and (e) of this section, and shall be subject to such review as may be required by any person who has delegated his authority to establish fair prices.

(b) *Conservation materials.* A fair price shall be the price at which a vendor agrees to furnish the material at a given time under a given set of conditions, providing it is determined by the person authorized to establish fair prices that the price is not excessive in relation to:

(1) The prices which farmers are currently paying for the same or similar material under the same or similar conditions, and

(2) The prices at which farmers could obtain the same material through other than local channels, and

(3) The actual or estimated cost to the vendor and a reasonable margin for profit.

(c) *Services.* A fair price shall be the price at which a vendor equipped to perform a service agrees to furnish it at a given time and under a given set of conditions, providing it is determined by the person authorized to establish fair prices that the price is not excessive in relation to:

(1) The prices which farmers are currently paying for the same or similar service under the same or similar conditions, and

(2) The actual or estimated cost to the vendor and a reasonable margin for profit.

(d) *Defective materials and services.* A material or service shall be deemed not to have been furnished at the fair price if it is determined that the material or service does not meet quality specifications. In such case the material or service may be rejected and no payment made therefor by the Government. At the option of the Production and Marketing Administration such materials or services may be accepted subject to a deduction equal to the difference between the fair price of the material or service of the quality specified and the value of the material or service furnished.

(e) *Inspection and analysis.* Materials and services shall be inspected and samples taken in accordance with instructions issued by the Administrator, Production and Marketing Administration: *Provided, however,* That the inspection and analysis controls exercised by State Regulatory Authorities may be deemed a sufficient protection to the Government as to the quality standards of any material over which such authority is exercised: *Provided, further* That, this shall not prevent the taking of addi-

tional samples nor shall it satisfy the responsibility of the Government for the making of separate inspections of materials in any case where such further action is necessary to adequately protect the interests of the Government. (55 Stat. 257; 16 U. S. C. 590 h (b))

Subchapter B—Commodity Marketing Quotas

PART 712—COMMODITY LOAN REGULATIONS

Part 712 is deleted inasmuch as such provisions are covered in the individual crop Price Support Program Bulletins being printed annually in the Federal Register under Title 6, Chapter II.

PART 714—REFUNDS OF PENALTIES ERRONEOUSLY, ILLEGALLY, OR WRONGFULLY COLLECTED WITH RESPECT TO MARKETING IN EXCESS OF MARKETING QUOTAS

Part 714 is amended to read as follows:

SUBPART—TOBACCO MARKETING QUOTA PROVISIONS

Sec.
714.1 Who may claim.
714.2 Manner of filing.
714.3 Time of filing.
714.4 Statement of claim.
714.5 Certificate of operator.
714.6 Designation of trustee and declaration of trust.
714.7 Certification by county committee.
714.8 Examination of claim.
714.9 Certification of claim.
714.10 Instructions and forms.
714.11 Gender and plural meaning of terms.
714.12 Definitions.

SUBPART—COTTON MARKETING QUOTA PROVISIONS

714.21 Who may claim.
714.22 Execution and filing of claim.
714.23 Trustee.
714.24 Certification by county committee.
714.25 Examination of claim.
714.26 Certification of claim.
714.27 Instructions and forms.
714.28 Definitions.

SUBPART—TOBACCO MARKETING QUOTA PROVISIONS

AUTHORITY: §§ 714.1 to 714.12, inclusive, issued under sec. 372 (c), 52 Stat. 204; 7 U. S. C. 1372 (c).

§ 714.1 *Who may claim.* Claim for refund of any sum of money erroneously, illegally, or wrongfully collected as penalty with respect to marketing of tobacco may be made by:

(a) Any person who was entitled to share in the price paid to the producer with respect to any sale from which a deduction was made, pursuant to section 314 of the Act (52 Stat. 48; 7 U. S. C. 1314), and who bore the burden of such deduction; or

(b) Any person who paid such penalty on any sale and who did not deduct from the price paid to the producer in connection with such sale the amount thereof pursuant to section 314 of the Act.

If under either paragraphs (a) or (b) above more than one person is entitled to file a claim with respect to a sale, then a joint claim may be filed by all such persons.

§ 714.2 *Manner of filing.* Claim for refund shall be filed in the county office on a form prescribed by the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture.

§ 714.3 *Time of filing.* Any such claim must be filed within two years after the date when payment to the Secretary of the penalty with respect to which claim is made which shall be deemed to be the date when the payment of such penalty was deposited in the general fund of the Treasury as shown by the date of the certificate of deposit. (52 Stat. 204, 54 Stat. 728; 7 U. S. C. 1372 (c))

§ 714.4 *Statement of claim.* Full and complete information shall be given concerning the sale of tobacco with respect to which claim is made; the names, addresses, and proportionate shares in the amount claimed, of all persons who had an interest in the purchase price paid for the tobacco and who bore the burden of such penalty; and the reasons why such penalty is claimed to have been erroneously, illegally, or wrongfully collected. There should be attached to the claim all pertinent documents, such as warehouse bill, marketing card, etc.

§ 714.5 *Certificate of operator.* Where the claim is made by a producer other than an operator, the certificate of operator must be executed by the person who was the operator of the farm at the time of the sale of the tobacco with respect to which claim was made.

§ 714.6 *Designation of trustee and declaration of trust.* Where there is more than one claimant and all the claimants desire to appoint a trustee to receive and disburse any payment to be made to them with respect to the claim, such trustee shall be appointed and in the event of such appointment, the person so designated as trustee shall execute the declaration of trust.

§ 714.7 *Certification by county committee.* Immediately upon receipt of a claim, the county committee shall record on the face thereof the date of its receipt. If it determines on the basis of information available to it that the data and representations on the claim are correct, one of its members shall on behalf of the committee so certify in the place provided therefor. The committee shall, in any event, forthwith transmit the claim to the State committee.

§ 714.8 *Examination of claim.* The State committee shall examine the claim and make such investigation as may be necessary. After consideration of the claim, the State committee, or someone designated by it in writing, shall endorse thereon the amount recommended for payment stating the reasons therefor and shall submit the claim for payment. If the claim is not recommended or approved for payment, the State committee shall notify the claimant that his claim has been rejected.

§ 714.9 *Certification of claim.* The Director, Tobacco Branch, for and on behalf of the Secretary shall certify on "Public Voucher for Refunds of Marketing Penalties" (Form 38–AAA–11) and on "Public Voucher for Refunds of Marketing Penalties—continuation sheet" (Form 38–AAA–10) to the Secretary of the Treasury of the United States for payment all such claims for refunds as have been approved.

§ 714.10 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, shall cause to be prepared and issued such instructions and forms as may be required to carry out the regulations in this subpart.

§ 714.11 *Gender and plural meaning of terms.* Any term used in the masculine or in the singular shall also be considered as applied in the feminine or neuter gender, or in the plural or singular person, wherever the context or application of such terms shall require.

§ 714.12 *Definitions.* As used in this subpart and in all forms and documents in connection therewith, unless the context of the subject matter otherwise requires:

(a) "Act" means the Agricultural Adjustment Act of 1938 (52 Stat. 31; 7 U. S. C., 1281–1407, 16 U. S. C., 590h, 590o) and any amendments thereto.

(b) "Secretary" means the Secretary of Agriculture of the United States.

(c) "Regulations" means those regulations pertaining to refund of penalty, erroneously, illegally or wrongfully collected by the Secretary of Agriculture with respect to the marketing of tobacco.

(d) "County committee" means the county committee utilized under the Act.

(e) "County office" means the office of the county committee.

(f) "Farm" means the farm for which the marketing quota was established.

(g) "Operator" means the producer who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(h) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer was entitled under the provisions of his agreement relating to the production of tobacco to share in the tobacco marketed from the farm.

(i) "Farm marketing quota or quota" means a tobacco marketing quota established for a farm under Title III of the Act.

(j) "Sale" means the disposition subject to penalty of one or more lots of tobacco covered by one memorandum of sale.

(k) "Memorandum of sale" means the form or forms prescribed by the Secretary and used in connection with the marketing of tobacco for the purpose of determining whether or not such marketing was subject to penalty.

(l) "Claimant" means any person who makes claim for a refund of penalty, in accordance with this subpart.

(m) "Claim" means a request for refund of penalty.

(n) "Penalty" means an amount of money collected by the Secretary from any person with respect to the marketing of tobacco.

(o) "Person" means an individual partnership, firm, joint-stock company, corporation, association, trust, estate, or any agency of a State, or of the Federal Government.

(p) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration charged with the responsibility of administering production and marketing administration programs within the State.

SUBPART—COTTON MARKETING QUOTA PROVISIONS

AUTHORITY: §§ 714.21 to 714.28, inclusive, issued under sec. 372 (c), 52 Stat. 204, sec. 6, 54 Stat. 728; 7 U. S. C. 1372 (c).

§ 714.21 *Who may claim.* Claim for refund of any sum of money erroneously, illegally, or wrongfully collected as a penalty with respect to any cotton and paid to the Secretary of Agriculture may be made by:

(a) Any person who, as a person entitled to share in the price or consideration received by the producer with respect to any marketing of cotton from which a deduction was made in order to provide or allow for payment of the penalty, bears the whole or a part of the burden of such deduction;

(b) Any person who, as a person entitled to share in the cotton or the proceeds thereof, paid the whole or any part of the penalty thereon and has not been reimbursed therefor in any manner;

(c) Any person who, as a person, entitled to share in the cotton or the proceeds thereof, bears the burden of the penalty because he has reimbursed the person who paid such penalty;

(d) Any person who, as a buyer or transferee of the cotton, paid the whole or any part of the penalty and was not under a duty to collect or pay such penalty and has not been reimbursed therefor by the producer or otherwise;

(e) Any person who paid the whole or a part of the penalty as a surety on a bond given to secure the payment of penalties and has not been reimbursed by his principal or otherwise; or

(f) Any person who paid the whole or any part of the sum paid as a penalty with respect to any cotton included in a transaction which in fact was not a marketing of such cotton and has not been reimbursed therefor.

In any case where more than one person is entitled to file a claim, a joint claim may be filed by all such persons, but if separate claims are filed by them or any of them no such claim shall be approved until the interest of every person is determined.

§ 714.22 *Execution and filing of claim.* Claim for refund shall be filed in the county office within 2 years after the date when payment was made to the Secretary of Agriculture of the penalty with respect to which claim is made, which shall be deemed to be the date when the payment of such penalty was deposited in the general fund of the Treasury as shown by the date of the certificate of deposit. The claim shall show fully the facts constituting the basis of the claim; the name and address of and the amount claimed by every person who bore or bears any part or all of the burden of such penalty; and the reasons why such penalty is claimed to have been erroneously, illegally, or wrongfully collected. It shall be the responsibility of the county committee to determine that any person who executes a claim as agent or fiduciary is properly authorized to act in such capacity.

§ 714.23 *Trustee.* Where there is more than one claimant and all the claimants desire to appoint a trustee to receive and distribute any payment to be made to them under the claim, such trustee shall be appointed on Form No. AAA–381 or –382, and the person so designated shall execute the Acceptance of Trust on said form.

§ 714.24 *Certification by county committee.* Immediately upon receipt of a claim the county committee shall record on the face thereof in the space provided the date of its receipt. The committee shall determine on the basis of all information available to it whether the data and representations on the claim are correct and approve or disapprove it accordingly; if approved, one of its members shall on behalf of the committee certify such finding in the space provided; and if disapproved, a statement showing such disapproval and the reasons therefor shall be attached to the claim and signed by one of its members on behalf of the committee. Whether it approves or disapproves the claim, the committee shall promptly transmit it to the State committee.

§ 714.25 *Examination of claim.* The State committee or an authorized official shall examine the claim and make such investigation as may be necessary. Approval shall be indicated by a representative of the State committee or an authorized official by affixing his signature to the claim. If the claim is not approved, the claimant shall be notified that his claim has been rejected.

§ 714.26 *Certification of claim.* An officer or employee authorized to certify vouchers for payment of applications for agricultural conservation payments pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148; 16 U. S. C. 590 (g) to 590 (q), as amended), shall, for and on behalf of the Secretary of Agriculture, certify to the Secretary of the Treasury of the United States for payment all claims for refund which have been approved by the State committee.

§ 714.27 *Instructions and forms.* The Director of the Cotton Branch, PMA, shall cause to be prepared and issued with his approval such instructions and forms as may be required to carry out §§ 714.21–714.28.

§ 714.28 *Definitions.* As used in this subpart and in all forms and documents in connection therewith, unless the context or the subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and the neuter genders and the singular the plural person:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) "Regulations" means the regulations in this subpart.

(c) "County committee" means the respective county agricultural conservation committee utilized under the Act.

(d) "County office" means the office of the county committee.

(e) "State office" means the central office of the Production and Marketing Administration for the State.

(f) "Secretary of Agriculture" means the Secretary of Agriculture of the United States.

(g) "Claim" means a request for refund of penalty.

(h) "Claimant" means any person who makes claim for a refund of penalty.

(i) "Penalty" means an amount of money collected from or on account of any person with respect to cotton in the administration of the Act and paid to the Secretary of Agriculture and covered into the general fund of the Treasury of the United States, as provided in section 372 (b) of the Act.

(j) "Farm marketing quota" or "quota" means the cotton marketing quota established under Title III of the Act for the farm for the marketing year with respect to which the sum collected as a penalty involved in the claim was paid.

(k) "Person" means an individual, partnership, firm, corporation, joint-stock company, association, trust, or estate, or any agency of a State Government or the Federal Government.

(l) "Farm" means the farm for which the marketing quota involved in the claim was established.

(m) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer, was entitled under the terms of his tenure or rental or cropping agreement relating to the production of cotton to share in any of the cotton produced on or marketed from the farm.

PART 715—ADVANCES TO PERSONS TO ENABLE THEM TO OBTAIN INSURANCE FROM THE FEDERAL CROP INSURANCE CORPORATION

At the time the regulations in Part 715 were approved, payments were being made under the Agricultural Conservation Program with respect to allotment crops. By keeping his acreages within his acreage allotments a farmer generally could earn sufficient payment to cover the crop insurance premium advance made to him.

At the present time payments under the Agricultural Conservation Program are made only with respect to soil and water conservation practices. Since payments are not made in connection with crops insured by the Federal Crop Insurance Corporation there is no definite assurance that persons applying for insurance will earn payment under the Agricultural Conservation Program from which the full amount of any crop insurance premium advance could be recovered.

No advances of crop insurance premiums are being made under current crop insurance programs. In view of the changed situation a complete restudy of the situation would be necessary before making further premium advances in order to determine whether there is reasonable assurance that the amounts advanced could be set off from payments earned under the Agricultural Conservation Program.

Since it is doubtful that any further crop insurance premium advances can be made without the restudy mentioned above, the regulations in Part 715 are hereby revoked.

PART 716—PAYMENTS OF AMOUNTS DUE PERSONS WHO HAVE DIED, DISAPPEARED, OR HAVE BEEN DECLARED INCOMPETENT

In § 716.2 (f), § 716.4 (a) and (b), the figure $500 is amended to read $1,000.

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Section 717.1 is amended to read as follows:

§ 717.1 *Definitions.* As used in the regulations in this part and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) *Act.* The Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) Assistant Administrator means the Assistant or Acting Assistant Administrator for Production, Production and Marketing Administration, United States Department of Agriculture.

(c) *Secretary of Agriculture.* The Secretary or Acting Secretary of Agriculture of the United States.

(d) *State committee.* The group of persons designated within any State to assist in the administration of production and marketing administration programs within the state.

(e) *County committee.* The committee, within and for a county, utilized under the Soil Conservation and Domestic Allotment Act.

(f) *Person.* An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or any agency of a State or political subdivision thereof.

Section 717.2 (a) is amended to read as follows:

§ 717.2 *Agencies through which a referendum shall be conducted—(a) Utilization of existing agencies.* The Assistant Administrator shall be in charge of and responsible for conducting each referendum on marketing quotas for any commodity required by the act. Each State committee shall be in charge of and responsible for conducting such referendum in its State. Each county committee shall be responsible for the proper holding of such referendum in its county. It shall be the duty of the assistant administrator and of each committee to conduct each referendum by secret ballot in a fair, unbiased, and impartial manner in accordance with the regulations in this part.

PART 718—SET-OFFS

Part 718 is amended to read as follows:

Sec.
718.0 Purpose.
718.1 Cases in which set-offs applicable.
718.2 Conditions of set-offs.
718.3 Priority of set-offs.
718.4 Manner of notice.
718.5 Effect of this part.

AUTHORITY: §§ 718.0 to 718.5, inclusive, issued under 49 Stat. 1118, 1148, 50 Stat. 762, 909, 52 Stat. 45, 65, 70, 819, 60 Stat. 237; 16 U. S. C. 590g–590q, 7 U. S. C. 1131–1137, 1303, 1372 (c), 1401–1407.

§ 718.0 *Purpose.* The purpose of this part is to state the conditions under which certain debts of persons owing to the Government of the United States on account of the indebtedness due and unpaid to any department, establishment, or independent agency of the Government, any corporation all the stock of which is owned by the United States, or any bureau, administration, or corporation in the Department of Agriculture, will be set off against any payments which may be payable to such persons under any applicable statutes, consistent with protecting the interests of the United States and effectuating the purposes of such statutes.

§ 718.1 *Cases in which set-offs applicable.* Subject to the provisos contained in § 718.2, set-offs shall be made, but limited to, the following cases, except that the chief of any creditor agency within the Department of Agriculture, or his authorized representative, may waive or subordinate the right of the creditor agency to a set-off of all or a part of the indebtedness if he deems such action in the interests of the program administered by such agency:

(a) The debtor has committed a fraud against the United States, or there is evidence establishing material misrepresentation of fact, in securing a loan from the United States, without which fraudulent act or material misrepresentation the loan would not have been made or would have otherwise been made in a smaller amount.

(b) A person is indebted to the Federal Crop Insurance Corporation for any unpaid premium payable to it under the terms of a crop insurance contract or on account of his having received an indemnity payment in excess of that finally determined to be due.

(c) A person who is indebted to the Farmers Home Administration has failed to use the borrowed funds for the purposes specified in the written loan document, or has, in bad faith, disposed of property covered by a mortgage, deed of trust, or lien instrument given to secure the loan.

(d) A person is indebted to the Production and Marketing Administration, or to any other agency of the Department of Agriculture by reason of any payments certified on vouchers or on sight-drafts by the Production and Marketing Administration State Offices or by the County Agricultural Conservation Association, or is indebted for an unpaid marketing quota penalty.

(e) A person is indebted to the Commodity Credit Corporation in connection with a loan or purchase agreement with respect to which there has been failure to comply with the terms.

(f) Any account or renewal thereof arising from the loan operations of the Farmers Home Administration (or predecessor agency) of Farm Credit Administration (1) becomes finally due on or after July 1, 1939, and (2) has not been finally settled by such creditor agency within a period of two years thereof, and, at the expiration of such two-year period, (i) the debtor is not a client of and does not have a current loan from such creditor agency (except for collection purposes), and (ii) such creditor agency considers a request for set-off in such case to be in the interest of its program.

(g) The United States or a corporation all the stock of which is owned by the United States has secured a judgment against the debtor which remains unsatisfied.

(h) A person is indebted to the Regional Agricultural Credit Corporation of Washington, D. C., on a limited liability advance made in furtherance of food production, and has failed to pay to the corporation, pursuant to written agreement, the amount paid or allowed to him as payments from funds appropriated by section 32 of Public Law No. 320, 74th Congress (49 Stat. 750; 7 U. S. C. 602) under the 1943 Agricultural Conservation Program: *Provided, however,* That any such set-off shall be limited to the amount paid or allowed as aforesaid.

§ 718.2 *Conditions of set-offs.* The following provisos shall apply in making set-offs, except that only paragraph (c) of this section shall apply to the case designated in § 718.1 (d) and paragraph (e) of this section shall not apply to the case designated in § 718.1 (h):

(a) Request for set-off shall be on Form AAA–402, "Request for Set-Off against Agricultural Adjustment Payments," and all the information required by such form must be included. Section II, "Certification," must be signed by an authorized representative of the department, establishment, or independent agency of the Government requesting the set-off. Requests for set-offs by agencies of the Government not within the Department of Agriculture coming within § 718.1 (g) shall be submitted on Form AAA–396, "Request and Certification for Allowance of Set-Off Pursuant to Section 718.1, item (g) of the Order Governing Set-offs against Agricultural Adjustment Payments." Form AAA–396 may also be used by bureaus within the Department to file requests for set-offs coming within § 718.1 (g).

(b) The amount of the indebtedness shall be stated separately as (1) principal and (2) interest (where applicable) computed to the date indicated on the request. If the creditor agency desires that additional interest be computed on the principal, a factor (daily or monthly) shall be furnished for computing such interest. The amount to be set off shall not exceed the principal sum(s) owed by the debtor and the interest charges computed (in accordance with the procedure governing the program under which the indebtedness arose) to the date of preparation of the application for payment against which the set-off is to be made.

(c) Whenever a set-off is to be effected by means of a direct settlement, the amount of the indebtedness, insofar as this order is concerned, shall be reduced at the time the voucher is transmitted to the Claims Division of the General Accounting Office by the amount of payment administratively certified subject to deduction.

(d) In no case shall a payment be withheld for the purpose of making a set-off subsequent to the initial administrative certification for payment of the voucher.

(e) In no case shall any department, independent agency, bureau, or administration, other than the Production and Marketing Administration, or corporation all the stock of which is owned by the United States, communicate with any officer or employee of any County Agricultural Conservation Association, or other association, or committee of producers, with a view to securing the set-off, or with a view to the withholding of any check issued pursuant to any of the above-cited acts which may be in, or come into, his or their hands awaiting delivery to the payee: *Provided, however,* That with respect to cases coming within § 718.1 (g) inquiry may be made at the office of the County Agricultural Conservation Association as to whether the judgment-debtor has filed with respect to a particular crop year an intention to participate in one or more of the programs administered by the Production and Marketing Administration.

(f) Forms AAA–396 and AAA–402 executed by bureaus, administrations, or corporations within the Department of Agriculture, shall be filed with the appropriate State offices of the Production and Marketing Administration. Forms AAA–396 and AAA–402 executed by agencies of the Government not within the Department of Agriculture shall be filed with the appropriate State office of the Production and Marketing Administration or with the Assistant Administrator for Production, Production and Marketing Administration.

§ 718.3 *Priority of set-offs.* Irrespective of the time of recordation on the register of indebtedness in the office of the county agricultural conservation association, any claim to the right of set-off made by the Department of Agriculture shall have priority over any claim to such right made by any other department, independent agency, or establishment of the Government, and claims within the Department of Agriculture shall be satisfied in the following order of priority, namely: Production and Marketing Administration, Commodity Credit Corporation, Federal Crop Insurance Corporation, Farmers Home Administration, and Farm Credit Administration.

§ 718.4 *Manner of notice.* The head of any department, independent agency, or establishment of the Government, including any administration or bureau of the Department of Agriculture, desiring that set-offs be made in any cases coming within the terms of this part, shall give written notice to that effect to the Assistant Administrator for Production, Production and Marketing Administration, in order that the necessary procedure may be established and approved by him. The Assistant Administrator for Production is hereby authorized to revise such existing forms and to issue such new forms and procedures as may be required from time to time for the proper administration of this part.

§ 718.5 *Effect of this part.* This part supersedes the Revised Order Governing Set-Offs entered by the Secretary of Agriculture May 8, 1937 (as revised October 20, 1943).[1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

Sections 725.501 and 725.502 are hereby redesignated as §§ 725.1 and 725.2, respectively, and §§ 725.511 through 725.527 are hereby redesignated as §§ 725.11 through 725.27, respectively. All references to these section numbers are changed accordingly.

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

Sections 726.911 through 726.927 are hereby redesignated as §§ 726.11 through 726.27, respectively, and all references to these section numbers are changed accordingly.

PART 734—CONSERVATION MATERIALS AND SERVICE PROGRAM

Part 734 is deleted and § 734.1 is redesignated as § 701.0.

Done at Washington, D. C., this 19th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9367; Filed, Oct. 21, 1948; 9:40 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MILITARY PAYMENT CERTIFICATES

Rescind paragraph (a) (1) of § 536.80 and substitute the following in lieu thereof, and add paragraph (a) (2), as follows:

§ 536.80 *Military payment certificates—(a) Use.* * * *

(1) *Areas—(i) Effective March 16, 1948.*

Austria.
Belgium.
France.
Germany.
Italy.
Japan and outlying Islands.
Korea, South of 38° North Latitude.
Ryukyu Islands.
Free Territory of Trieste.

(ii) *Effective March 31, 1948.*

Tripoli.

(2) Philippine pesos will be used for payment to authorized personnel in the Philippine Islands.

[1] Not filed with the Division of the Federal Register.

[DA Cir. 274, Sept. 10, 1948] (Sept. 3, 58 Stat. 921; 50 U. S. C. App. 1705–1707)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9306; Filed, Oct. 21, 1948; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS' CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 2, paragraph (a) of § 2.1047 is redesignated as paragraph (a) (1) and a subparagraph is added to be designated (2).

§ 2.1047 *Claims based on attained age.* (a) * * *

(2) In claims for pension where the age of a widow of a veteran is material (i. e., where the claim is predicated upon service rendered prior to July 16, 1903), her statements of her age will be accepted provided such statements agree with those shown on documents executed by her and filed in the Veterans' Administration prior to the time her age became a factor in determining her entitlement to pension or the rate of her pension. If her statements of age do not agree with those shown on such documents the youngest age will be accepted. In the absence of statements as described or in the event the statements do not agree with information shown on documents of record, proof of the date of birth as outlined in § 2.1046 will be required.

2. A new paragraph is added to § 2.1050 of Part 2 to be designated (h).

§ 2.1050 *Proof of marriage.* * * *

(h) For the purpose of discontinuing compensation or pension payments to a widow or remarried widow, and determining the entitlement of children of the veteran, a statement by the widow or remarried widow setting forth the date of remarriage and her present name shall be accepted; *Provided,* That where there is reason to believe that the remarriage may have occurred at an earlier date, formal proof of the remarriage as outlined in the preceding paragraphs shall be required.

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-9307; Filed, Oct. 21, 1948; 8:48 a. m.]

PART 10—INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 10, the title of § 10.3496 is changed, the material appearing thereunder is now designated as paragraph (a), and a new paragraph is added to be lettered (b).

§ 10.3496 *Application for total disability income provision and application for reinstatement thereof.* (a) Application for the total disability income provision under National Service Life In-

surance, authorized by section 602 (v) of the National Service Life Insurance Act of 1940, as amended August 1, 1946, and the report of physical examination should be on such forms as may be prescribed by the Veterans' Administration, but any statement in writing sufficient to identify the applicant and the amount of insurance applied for, together with a satisfactory report of a physical examination and remittance to cover the first monthly premium will be sufficient as an application for the total disability income provision. Total disability insurance with benefits at the rate of $5 per month will be granted for each $1,000 of National Service Life Insurance in force in full multiples of $500, but not to exceed the amount of life insurance, other than extended insurance, in force under the policy at the time of the application, upon compliance with the above requirements: *Provided*, The applicant is in good health: *Provided further*, That in any case in which the applicant while not totally disabled and prior to January 1, 1950, furnishes proof satisfactory to the Administrator that his inability to furnish proof of good health is the result of an injury or disability actually service incurred between October 8, 1940, and September 2, 1945, both dates inclusive, the requirement of proof of good health shall be waived.

(b) A total disability income provision which is lapsed may be reinstated if the insured meets the same requirements as those for reinstatement of the policy to which the total disability income provision is attached; except that in no event shall the requirement of a health statement or other medical evidence be waived in connection with the reinstatement of the total disability income provision.

2. Section 10.3498 is amended to read as follows:

§ 10.3498 *Total disability income provision for National Service Life Insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946.* The total disability income provision for National Service Life Insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946, is set forth in VA Form 9–1667, "National Service Life Insurance Total Disability Income Provision."

(Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-9308; Filed, Oct. 21, 1948; 8:48 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

OVERTIME

Pursuant to the authority vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35), the second paragraph of § 201.103 is hereby amended to read as follows:

§ 201.103 *Overtime.* • • •

Until otherwise set by the Secretary of Labor the rate of pay for such overtime shall be one and one-half times the basic hourly rate received by the employee. The basic hourly rate shall be the quotient obtained by dividing the total compensation for the workweek, less overtime premium, by the total number of hours worked for which such compensation is paid.

(49 Stat. 2036; 41 U. S. C. 35)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 15th day of October 1948.

JOHN W. GIBSON,
Acting Secretary of Labor.

[F. R. Doc. 48-9295; Filed, Oct. 21, 1948; 8:46 a. m.]

PART 201—GENERAL REGULATIONS

OVERTIME; COMPUTATION OF BASIC HOURLY RATE

Section 201.103: The following interpretation is adopted pursuant to General Order No. 25 of the Secretary of Labor (29 CFR 1946, Supp. 2.001). This interpretation relates directly to the regulation contained in § 201.103 *Overtime*, and should be appended thereto.

Computation of basic hourly rate. Where an employee has been compensated entirely by piece rates, the employer has in the past been permitted to elect either of two methods of computing overtime under the Public Contracts Act. Under certain conditions and limitations, (a) he could pay the employee at the piece rate for work performed in straight-time hours, and increase the piece rate by 50 percent for all work performed during overtime hours in the workweek; or (b) he could divide the total piece-rate earnings for the workweek by the number of hours worked for which such earnings were paid in order to obtain an average hourly rate, and pay the employee 50 percent of that rate for each overtime hour worked, in addition to his straight-time compensation for all hours worked in the workweek.

Similarly, where in a single workweek an employee has performed different types of work calling for different rates of pay, the employer has in the past been permitted an election as to the method of computing overtime compensation. Under certain conditions, he could elect to compute overtime compensation at time and one-half based (a) on the rate applicable to the work performed during the overtime hours or (b) on the average hourly rate. (See Rulings and Interpretations No. 3, section 42 (e) (4), (7)).

The recent decision of the Supreme Court in "Bay Ridge Operating Co. v. Aaron and Huron Stevedoring Co. v. Blue," 334 U. S. 446, indicates that the only proper method of determining the regular rate for the purposes of computing overtime compensation due under the Fair Labor Standards Act is to divide the total compensation for the workweek, less overtime premium, by the total number of hours worked for which such compensation is paid, in order to obtain an average hourly rate, and to pay not less than 50 percent of that rate for each overtime hour worked, in addition to the straight-time compensation for all hours worked in the workweek.

The term "basic hourly rate" under the Public Contracts Act has been construed as having the same meaning as the term "regular rate" as used in the Fair Labor Standards Act. In order, therefore, to maintain a uniform administration of the two acts, the Administrator, from the date of publication of this statement in the FEDERAL REGISTER, will consider an employer as complying with the overtime pay requirements of the Public Contracts Act only if he pays overtime compensation at a rate not less than one and one-half times the basic hourly rate computed by the "averaging method" described in the next preceding paragraph.

To the extent that any statements contained in Rulings and Interpretations No. 3, in opinion letters, releases, or elsewhere, are inconsistent herewith, they are rescinded.

(Sec. 3 (a), 60 Stat. 283; 5 U. S. C. 1002)

Signed at Washington, D. C., this 13th day of October 1948.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 48-9298; Filed, Oct. 21, 1948; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1701]

PART 245—RIGHTS-OF-WAY OVER AND UPON PUBLIC LANDS AND RESERVATIONS OF THE UNITED STATES FOR ELECTRICAL PLANTS AND TRANSMISSION LINES

STIPULATION REQUIRED PRIOR TO APPROVAL OF PERMIT

The first sentence of § 245.21 is amended and new paragraphs are added, to read as follows:

§ 245.21 *Stipulation required as a condition precedent to the approval of permit.* The applicant shall file with the application required under § 245.9, a duly executed stipulation expressly agreeing to accept the power permit subject to the following terms and conditions, excepting those which the Secretary may waive in a particular case, to wit:

• • • • • •

(v) Upon such terms and conditions and in such manner as the Secretary may direct, to permit the Government or any agency or instrumentality thereof, hereinafter referred to as the Government, to interconnect its transmission facilities with the transmission line of which the line for which a permit is requested forms a part; to construct, operate and maintain such line and all related facilities, wherever situated, in such manner and condition as to make available to the Government the effective use of such line for the transmission of electric power and energy in such manner and for such amounts as will not unreasonably interfere with the permittee's use of the line; and to permit the Government to so use the line in accordance with terms and conditions agreed upon by the Secretary and the permittee, including the terms upon which the Government will pay its proportionate share of the monthly cost of the lines.

(w) That the right-of-way or site shall be subject to the express condition that the exercise or use thereof will not interfere in any way with the leasing and administration by the United States of the lands affected thereby, or with the development of oil, gas, potassium, sodium or other leasable minerals therefrom; and that the permittee agrees and consents to the occupancy and use by the United States, its permittees or lessees of any part of the right-of-way not actually occupied by the project, for necessary operations incident to the development and production of oil, gas, potassium, sodium or other leasable minerals.

(x) That there is reserved rights-of-way for reservoirs, dams, and other works which may hereafter be constructed for the development of hydroelectric power or irrigation, under authority of the United States, and that the use of the right-of-way by the permittee for the purpose authorized shall be discontinued without liability or expense to the United States when found by the Secretary to be in conflict with such power or irrigation works.

(y) To make provision, or bear the reasonable cost (as may be determined by the Secretary) of making provision for avoiding inductive interference between any project transmission line or other project works constructed, operated, or maintained by it on the right-of-way authorized under the permit or easement, and any radio installation, telephone line or other communication facilities now or hereafter constructed and operated by the United States or any agency thereof. This provision shall not relieve the permittee from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive interference.

(R. S. 441, 31 Stat. 790, 36 Stat. 1253; 43 U. S. C. 959, 961, 5 U. S. C. 485)

MARION CLAWSON,
Director.

Approved: October 14, 1948.

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

[F. R. Doc. 48-9293; Filed, Oct. 21, 1948; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 24—UNIFORM SYSTEM OF ACCOUNTS FOR PERSONS FURNISHING CARS OR PROTECTIVE SERVICES AGAINST HEAT OR COLD

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 1, held at its office in Washington, D. C., on the 14th day of October A. D. 1948.

The matter of modifying the "Uniform System of Accounts for Persons Furnishing Cars or Protective Services Against Heat or Cold, Issue of 1947," being under consideration pursuant to section 20 (6) of the Interstate Commerce Act, as amended, and the modifications which are attached hereto and made a part hereof being deemed necessary for proper administration of Part I of the act (54 Stat. 917, 49 U. S. C. 20 (6)); it is ordered, that:

(1) *Objections may be filed.* Any interested party may on or before November 18, 1948, file with the Commission a written statement of reasons why the said modifications should not become effective as hereinafter ordered and may request oral argument thereon.

(2) *Effective date.* Unless otherwise ordered after consideration of such objections, the said modifications shall become effective January 1, 1949.

(3) *Notice.* A copy of this order shall be served on every person which furnishes cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company and notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

GENERAL INSTRUCTIONS

1. In § 24.01–4 *Delayed items*, change the reference to account 879, "Accrued depreciation; cars or protective service property," to read account 801–1, "Accrued depreciation; cars or protective service property."

INVESTMENT IN PROPERTY AND EQUIPMENT

SPECIAL INSTRUCTIONS

2. In paragraph (b) (1) of § 24.01–16 *Retirements and replacements*, change both references to account 879, "Accrued depreciation; cars or protective service property," to read account 801–1, "Accrued depreciation; cars or protective service property."

OPERATING EXPENSES

SPECIAL INSTRUCTIONS

3. In paragraph (a) of § 24.01–48 *Depreciation*, change the reference to account 879, "Accrued depreciation; cars or protective service property," to read account 801–1, "Accrued depreciation; cars or protective service property."

BALANCE SHEET

DEBITS

4. Immediately after § 24.801 *Cars or protective service property*, insert the following additional account:

§ 24.801–1 *Accrued depreciation; cars or protective service property.* (a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts for depreciation accruals relating to cars or protective service property in accordance with § 24.01–48 *Depreciation.*

(b) At the time of the retirement of each unit of depreciable property this account shall be charged with the entire service value of the unit or minor item accounted for as retired, where the group plan of accounting for depreciation is used, and with the amount included in this account with respect to the property retired where the unit plan is used.

(c) For balance sheet purposes, this account shall be treated as a single composite reserve. However, for purposes of analysis, the accounting company shall maintain subsidiary records in which this reserve is broken down into components corresponding to the primary accounts for depreciable property. These subsidiary records shall show the current debits and credits to this reserve by primary accounts.

5. In paragraph (b) (3) of § 24.803 *Acquisition adjustment*, change the references to accounts 878, "Accrued amortization of defense projects," 879, "Accrued depreciation; cars or protective service property," and 880, "Accrued depreciation; miscellaneous physical property," to read accounts 806, 801–1, and 805–1, respectively, without changing the titles of those accounts.

6. Immediately after § 24.805 *Miscellaneous physical property*, insert the two following additional accounts:

§ 24.805–1 *Accrued depreciation; miscellaneous physical property.* (a) This account shall be credited with amounts concurrently charged to income to cover the depreciation of property the cost of which is included in account 805, "Miscellaneous physical property."

(b) When any miscellaneous physical property is destroyed, sold, or otherwise retired from service, the amount included in this account with respect to the property retired shall be charged hereto.

§ 24.806 *Accrued amortization of defense projects.* This account shall be credited with amounts charged to operating expenses with respect to cars or protective service property or to income in connection with miscellaneous physical property, in all cases where the company has elected to observe amortization accounting for income tax purposes under section 124, "Amortization deduction," of the Internal Revenue Code.

BALANCE SHEET

CREDITS

7. In § 24.852 *Receivers' and trustees' securities*, add the following note to the text of the account:

NOTE: The par value of equipment securities or the principal amount of obligations incurred for the purchase of equipment under conditional or deferred payment contracts shall be included in account 853, "Equipment obligations.";

and immediately after the note insert the following additional account:

§ 24.853 *Equipment obligations.* This account shall include the par value of equipment securities and the principal amount of contractual obligations including those maturing serially or payable in installments over a period of more than one year.

The amounts included herein shall be divided as follows:

(a) Principal amount of equipment securities including those maturing serially, issued or assumed by the accounting company or by receivers and trustees.

(b) Principal sums of obligations for equipment purchased under conditional or deferred payment contracts.

NOTE: Amounts included in this account which are payable within one year from the date of the balance sheet shall be shown in a footnote thereto.

8. In § 24.878 *Accrued amortization of defense projects*, § 24.879 *Accrued depreciation; cars or protective service property*, and § 24.880 *Accrued depreciation; miscellaneous physical property*, cancel the numbers, titles, and texts of the prescribed accounts, the new and additional accounts prescribed by this order being substituted, without change in the provisions, for these canceled accounts.

(54 Stat. 917; 49 U. S. C. 20 (6))

[F. R. Doc. 48-9304; Filed, Oct. 21, 1948; 8:47 a. m.]

PART 24—UNIFORM SYSTEM OF ACCOUNTS FOR PERSONS FURNISHING CARS OR PROTECTIVE SERVICES AGAINST HEAT OR COLD

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, division 1, held at its office in Washington, D. C., on the 29th day of September A. D. 1948.

The matter of modifying the "Uniform System of Accounts for Persons Furnishing Cars or Protective Services Against Heat or Cold, Issue of 1947," being under consideration pursuant to section 20 (6) of the Interstate Commerce Act, as amended, and the modifications which are attached hereto and made a part hereof being deemed necessary for proper administration of Part I of the act (54 Stat. 917, 49 U. S. C. 20 (6)); it is ordered, that:

(1) *Objections may be filed.* Any interested party may on or before November 18, 1948, file with the Commission a written statement of reasons why the said modifications should not become effective as hereinafter ordered and may request oral argument thereon.

(2) *Effective date.* Unless otherwise ordered after consideration of such objections, the said modifications should become effective January 1, 1949.

(3) *Notice.* A copy of this order shall be served on every person which furnishes cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company and notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

GENERAL INSTRUCTIONS

1. In § 24.01-8 *Definitions*, cancel paragraphs (c) and (d), substituting the following for them:

(c) "Additions" are equipment, structures, or facilities added to cars or protective service property. When a unit of property is retired from service and replaced with property of like purpose, the newly acquired property shall, for the purpose of this classification, be considered as an addition and the cost thereof accounted for accordingly.

(d) "Betterments" are improvements of parts of existing facilities through the substitution of superior parts for inferior parts replaced. The cost chargeable to the accounts of this classification is the excess cost of new parts over the cost at current prices of new parts of the kind replaced.

BALANCE SHEET

DEBITS

2. After § 24.827 *Interest and dividends receivable*, insert the following additional account:

§ 24.828 *Accrued accounts receivable.* This account shall include estimates of unaudited current items receivable which are credited to revenue, expense, or income accounts in accordance with § 24.01-3 *Unaudited items;* also estimates of other unaudited items receivable of a current nature.

Examples of items to be included:

Rents receivable under lease which are not includible in account 824, "Miscellaneous accounts receivable," or account 825, "Mileage accounts receivable."

Amounts receivable from others for use of facilities, including equipment for which bills or mileage reports have not been rendered.

Amounts receivable from others for services for which bills have not been rendered.

BALANCE SHEET

CREDITS

3. After § 24.864 *Dividends payable*, insert the following additional account:

§ 24.865 *Accrued accounts payable.* This account shall include estimates of unaudited current items payable (other than the liability for casualties) which are charged to revenue, expense, or income accounts in accordance with § 24.01-3 *Unaudited items;* also estimates of other unaudited items payable of a current nature.

Examples of items to be included:

Amounts payable to others for use of facilities, including equipment, for which bills have not been rendered.

Amounts payable to others for services for which bills have not been rendered.

NOTE: Estimates of liability for injuries to persons and loss and damage claims shall be credited to account 884, "Other unadjusted credits."

(54 Stat. 917; 49 U. S. C. 20 (6))

[F. R. Doc. 48-9305; Filed, Oct. 21, 1948; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter A—Hunting and Possession of Wildlife

PART 8—PROCLAMATIONS DESIGNATING AREAS CLOSED TO HUNTING

OREGON

CROSS REFERENCE: For an addition to the tabulation contained in § 8.1, see Proclamation 2818 under Title 3, *supra*, designating as closed area certain lands and waters within, adjacent to, or in the vicinity of the Malheur National Wildlife Refuge, Oregon.

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Part 4b]

FLAP POSITION IN THE LANDING APPROACH CONDITION

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment of Part 4b of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulations, Washington 25, D. C. All communications received within 30 days after the date of this publication will be considered by the Board before taking further action on the proposed rule.

The presently effective rules require that the wing flaps, in the approach position, shall be set so that the stalling speed of the airplane in this configuration does not exceed 1.06 times the stalling speed of the airplane in the landing configuration. The value of 1.06 was originally established to fit conditions involving airplanes with relatively low stalling speeds. Since then it has been established that in actual operation of newer type airplanes appropriate approach flap settings result in approach stalling speeds somewhat higher than those which would be required by the ratio of 1.06. As a result, in order to utilize these higher approach speeds without a weight penalty under varying operating conditions, there have been established in some instances more than one set of flap positions corresponding with the stalling speeds in the landing and approach configurations, each set being within the limits specified by the 1.06 factor. Recent practical operational experience has indicated that the weights thus achieved are not in themselves in excess of those dictated by safety. However, such a policy, although permissible within the Civil Air Regulations, introduces more complicated operating procedures in the dispatching and piloting of the airplane. Obviously, such additional complication is undesirable.

It is therefore proposed to increase the presently effective factor of 1.06 to a value of 1.10 which would make it unnecessary to utilize the multiple set of flap positions, and thereby minimize the undesirable complications of piloting and dispatching.

It is proposed to amend § 4b.1231 (c) (2) to read as follows:

(2) Wing flaps set in position such that V_{s1} does not exceed 1.10 V_{s0}.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601-610, 52 Stat. 984, 1007-1012; 49 U. S. C. 425 (a), 551-560)

Dated: October 19, 1948 at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 48-9327; Filed, Oct. 21, 1948; 8:51 a. m.]

[14 CFR, Parts 41, 61]

SCHEDULED AIR CARRIER PILOT PROFICIENCY CHECKS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of Parts 41 and 61 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received within 45 days after the date of this publication will be considered by the Board before taking further action on the proposed rules.

Under the provisions of Parts 41 and 61 of the Civil Air Regulations first pilots are required to take semiannual instrument checks in the make and model aircraft to be flown by them in scheduled service. This requirement does not recognize the difference between an instrument proficiency test and a check given to ascertain aircraft and line competency. The first check is to determine a pilot's ability to maneuver and navigate an aircraft by instruments, whereas the latter check will determine his competency on a particular make and model aircraft along a specific route.

The proposed amendments are designed to separate the two types of checks. They will permit a pilot to take an instrument check in an aircraft other than the type normally flown by him in scheduled operations; *Provided*, Such aircraft meets the prescribed requirements, and they will require a pilot to take his line and equipment check in the make and model aircraft he is to fly in scheduled service.

Provision is also made for certain training to be given in a synthetic type trainer, provided such trainer is approved by the Administrator.

It is proposed to amend Parts 41 and 61 as follows:

1. By amending §§ 41.3030 and 61.535 to read as follows:

Training and maintenance of proficiency program. A training program, acceptable to the Administrator, sufficient to insure that each flight crew member used by the air carrier is proficient in his duties and is kept currently informed of all new developments and techniques pertinent to his duties, shall be maintained by the air carrier. This training program shall include instruction in various types of emergency procedures and proper crew coordination. This instruction may be accomplished in a synthetic type trainer when the Administrator has determined that such trainer sufficiently simulates actual operating conditions for the equipment to be operated.

2. By rescinding § 61.512 and adding §§ 41.3031 and 61.511 to read as follows:

Competency checks. Each air carrier shall provide a sufficient number of check pilots to insure that each pilot utilized as first pilot is given the following proficiency checks:

(a) *Line and equipment check.* Prior to serving as first pilot over a route the pilot shall have been given a line and equipment check in the make and model aircraft to be flown by him in scheduled operations over the route to insure that he is thoroughly qualified with respect to the aircraft to be flown and the procedures and techniques to be used en route. A pilot shall not serve thereafter as first pilot unless he has been given such a check within the preceding 6 calendar months in the make and model aircraft normally flown by him in scheduled operations. The pilot need not be checked over the entire route, if his proficiency can be satisfactorily established by a check over a portion thereof.

(b) *Instrument check.* Prior to serving as first pilot over a route the pilot shall be given an instrument check to demonstrate his ability to pilot and navigate by instruments and to accomplish an instrument approach for each type of radio approach facility approved for use by the air carrier. A pilot shall not serve thereafter as first pilot unless he has been given such a check within the preceding 6 calendar months. Instrument checks shall be given in any make and model aircraft which the air carrier is authorized to use in passenger operations under instrument conditions, except that where the air carrier is not certificated for passenger operations under instrument conditions the instrument check may be given in any make and model aircraft regularly used by the air carrier and approved for this purpose by the Administrator.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601-610, 52 Stat. 984, 1007-1012; 49 U. S. C. 425 (a), 551-560)

Dated: October 19, 1948, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 48-9325; Filed, Oct. 21, 1948; 8:51 a. m.]

[14 CFR, Parts 41, 61]

SCHEDULED AIR CARRIER CLEARANCE AND SOURCES OF WEATHER REPORTS AND FORECASTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments of Parts 41 and 61 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received within 45 days of the date of this publication will be considered by the Board before taking further action on the proposed rule.

Section 61.71040 now requires that an air carrier clearance contain or have attached thereto all current weather reports for the airway or part thereof over which the flight is to be conducted. This requires a very large number of reports to be attached to the clearance for long distance flights. Under certain conditions, this is considered unnecessary.

On February 6, 1948, a notice of intent to amend § 61.71040 was published in the FEDERAL REGISTER the purpose of which was to obviate the necessity of attaching to the clearance those en route weather reports unnecessary for the safety of the flight. The published proposal, however, did not correct certain other sections in

the regulations, in particular, § 61.6 which among other things requires that reports to be used shall not be more than one hour and thirty minutes old at the time the aircraft departs. It therefore appears desirable to also amend § 61.6, since the requirement of one hour and 30 minutes may be unduly restrictive in good weather and too lax under marginal weather or fog conditions.

When considered together the amendments herein proposed have the effect of permitting the air carriers to use the latest available weather reports and forecasts for the route to be flown, provided such reports and forecasts are sufficient to indicate to the pilot the various types of weather to be encountered en route.

These amendments are also proposed for Part 41.

The following amendments are proposed:

1. Amend §§ 41.402 and 61.6 to read as follows:

Source of weather reports and forecasts. Weather reports and forecasts used to control flight movements shall be prepared from observations made and released by the United States Weather Bureau, by a source approved by the Weather Bureau, or, when such observations are not available, by a source found satisfactory by the Administrator.

2. Add new §§ 41.40610 and 61.710200 to read as follows:

Clearance weather information. The clearance shall contain or have attached thereto weather reports and weather forecasts for the destination and alternates specified therein, and it shall include such additional reports and forecasts considered necessary or desirable by the pilot and dispatcher. The reports shall be sufficient to indicate to the pilot the various types of weather to be encountered en route.

3. Add a new § 61.710201 to read as follows:

§ 61.710201 *Additional clearance requirements.* The dispatcher or duly authorized station personnel shall attach to or enter on the clearance all current reports or information pertaining to irregularities of navigational facilities and airport conditions which may affect the flight. He shall also inform the pilot, during flight, of any additional or different irregularities, and the flight shall be controlled accordingly.

4. Rescind §§ 61.60, 61.600, 61.601, 61.602, 61.603, 61.605, 61.7104, 61.71040, 61.71041, and 61.71042.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601–610, 52 Stat. 984, 1007–1012; 49 U. S. C. 425 (a), 551–560.

Dated: October 19, 1948, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 48-9326; Filed, Oct. 21, 1948; 8:51 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945. 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12144]

"UFA"

In re: Copyright The Blue Angel, rights and interests owned by Universum-Film A. G., "Ufa", Germany, in, and other rights relating to, the motion picture film The Blue Angel.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Universum-Film A. G. "Ufa", Berlin, Germany, is a corporation organized under the laws of, and has its principal place of business in, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof in, to, and under the registered copyright THE BLUE ANGEL (recorded in the United States Copyright Office on January 2, 1931, Copyright Record L-1855) in, to and under every claim of copyright, right to copyright, and right to renew the copyright in the work so registered, and in, to, and under the work so registered, including, but not limited to, any arrangement, adaptation, revision, dramatization, translation and version thereof;

(b) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of Universum-Film A. G. "Ufa", Berlin, Germany, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations) who are residents of, or which are organized under the laws of, or have their principal place of business in, Germany or Japan, and are nationals of such designated enemy countries, in, to and under the following:

(1) All motion picture film in the United States of the work described in subparagraph 2 (a) of this Vesting order;

(2) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a) and 2 (b) (1) of this Vesting order;

(3) All rights of renewal, reversion or revesting, if any, in the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this Vesting order;

(c) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b) of this Vesting order;

(d) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), 2 (b) and 2 (c) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany) and is property of, or is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests therein held by, the aforesaid national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9310; Filed, Oct. 21, 1948; 8:48 a. m.]

[Vesting Order 12163]

MASAKASU WILLIAM HATTORI

In re: Cash owned by Masakasu William Hattori also known as William Masakasu Hattori. F-39-6267.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Masakasu William Hattori also known as William Masakasu Hattori, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $926.34, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Masakasu William Hattori also known as William Masakasu Hattori, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9311; Filed, Oct. 21, 1948; 8:49 a. m.]

[Vesting Order 12169]

HENRY PABST

In re: Stock owned by Henry Pabst. F-28-28502-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Pabst, whose last known address is c/o Suddeutsches Spritzguzzwerk, Villlingen, Schwarzwald, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) share of $100.00 par value common capital stock of Mt. Vernon Die Casting Corporation, 118 Pearl Street, Mt. Vernon, New York, evidenced by a certificate numbered 122, registered in the name of Henry Pabst, together with all declared and unpaid dividends including stock dividends thereon, and any and all rights of exchange therefor on the basis of fifty shares of $2.00 par value (new) common capital stock of the aforesaid company for each share of $100.00 par value (old) common capital stock, together with any and all declared and unpaid dividends including any stock dividends on said new shares,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9312; Filed, Oct. 21, 1948; 8:49 a. m.]

[Vesting Order 12178]

ANNA BENEDICT

In re: Trust under the will of Anna Benedict, deceased. File No. D-28-12431; E. T. sec. 16652.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helena Benedict Endres and Ludwig Endres, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Helena Benedict Endres, and the children, names unknown, of Ludwig Endres, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Trust created under the Will of Anna Benedict, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Max M. Spetter, Peter Hergert and Stuart C. Dubreuil, as Trustees, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the children, names unknown, of Helena Benedict Endres, and the children, names unknown, of Ludwig Endres are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9313; Filed, Oct. 21, 1948; 8:49 a. m.]

[Vesting Order 12186]

LILLI HAYSSEN, ET AL.

In re: Debts owing to Lilli Hayssen, Anna Hayssen, a widow, Anna Hayssen, a single woman, Christian Merz and Friedel Mangold. F-28-25466-A-1; E-1, F-28-26380-A-1; E-1, F-28-27374-A-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lilli Hayssen, Anna Hayssen, a widow, Anna Hayssen, a single woman, Christian Merz and Friedel Mangold, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Lilli Hayssen, Anna Hayssen, a

widow and Anna Hayssen, a single woman, by Pacific States Savings and Loan Company, and/or Frank C. Mortimer, Building and Loan Commissioner, 745 Market Street, San Francisco 3, California, in the amount of $281.80, as of July 13, 1948, evidenced by an Investment Certificate numbered FP-21091 of the aforesaid company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid investment certificate,

b. That certain debt or other obligation owing to Christian Merz, by Pacific States Savings and Loan Company, and/or Frank C. Mortimer, Building and Loan Commissioner, 745 Market Street, San Francisco 3, California, in the amount of $452.61, as of July 13, 1948, evidenced by an Investment Certificate numbered PB-36530 of the aforesaid company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid investment certificate, and

c. That certain debt or other obligation owing to Friedel Mangold, by Pacific States Savings and Loan Company, and/or Frank C. Mortimer, Building and Loan Commissioner, 745 Market Street, San Francisco 3, California, in the amount of $638.55, as of July 13, 1948, evidenced by an Investment Certificate numbered PB-41913 of the aforesaid company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid investment certificate,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9314; Filed, Oct. 21, 1948; 8:49 a. m.]

[Vesting Order 12190]

LILLI TEINTURIER

In re: Bonds owned by Lilli Teinturier.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lilli Teinturier, whose last known address is Eisenbahnstrasse Nr. 33, Kaiserslautern, Pfalz, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation, matured or unmatured, evidenced by three (3) Panama Canal 3% Bonds of 1961, of $1,000.00 face value each, bearing the numbers 73796, 73797 and 73798, registered in the name of Lilli Teinturier, Eisenbahnstrasse Nr. 33, Kaiserslautern, Pfalz, Germany, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under, including particularly the right to any unpaid interest, on the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9315; Filed, Oct. 21, 1948; 8:49 a. m.]

[Vesting Order 12191]

FRIEDERIKE WILHELMINE WEHLE ET AL.

In re: Stock owned by Friederike Wilhelmine Wehle, also known as Friederike Wilhelmine Muller, and others. F-28-8264-D-1, F-28-29089-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Friederike Wilhelmine Wehle also known as Friederike Wilhelmine Muller, c/o Theodor Wehle, Bugenhagenstrasse 6, Hamburg 1, Germany

Johanna Maria Louise Heinemann also known as Johanna Maria Louise Wehle, c/o Theodor Wehle, 6 Bugenhagenstrasse, Hamburg 1, Germany

Johanna Margaret Wehle, c/o Theodor Wehle, 6 Bugenhagenstrasse, Hamburg 1, Germany

Miss Anna Wieman, Johannisstrasse 90 A Osnabruck, Germany,

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Fifty seven (57) shares of no par value common capital stock of Medusa Portland Cement Company, 1000 Midland Building, Cleveland, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by a Certificate numbered 379, jointly registered in the names of Friederike Wilhelmine Wehle, Nee Muller, Johanna Maria Louise Heinemann, Nee Wehle, and Johanna Margaret Wehle, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Friederike Wilhelmine Wehle, also known as Friederike Wilhelmine Muller, Johanna Maria Louise Heinemann, also known as Johanna Maria Louise Wehle, and Johanna Margaret Wehle, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: Sixteen (16) shares of no par value common capital stock of Medusa Portland Cement Company, 1000 Midland Building, Cleveland, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by Certificates numbered 380 and 421, for fifteen (15) shares and one (1) share respectively, registered in the name of Miss Anna Wieman, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Miss Anna Wieman, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9316; Filed, Oct. 21, 1948; 8:49 a. m.]

[Vesting Order 500A-238]

VERLAG, VON WILHELM ERNST & SOHN; COPYRIGHTS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown.....	Mehrstielige Rahmen, Sixth Edition. Vol. 1, "Rahmen mit waagerechtem Riegel"; Vol. 2, "Hallen- und Stockwerkrahmen". 1944.	Adolf Kleinlogel. (Nationality not established.)	Verlag von Wilhelm Ernst & Sohn, Berlin, Germany. (Nationality. German.)	Owner.

[F. R. Doc. 48-9317; Filed, Oct. 21, 1948; 8:49 a. m.]

[Vesting Order 500A-239]

THEODOR PLIVIER KONSTANZ; COPYRIGHTS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privelege, power and right of whatsoever nature

arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interests,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Stalingrad (Roman), 1946.	Theodor Plivier, Konstanz, Germany. (Nationality, German.)	Theodor Plivier, Konstanz, Germany. (Nationality, German.)	Author and owner.

[F. R. Doc. 48-9318; Filed, Oct. 21, 1948; 8:50 a. m.]

[Vesting Order 11832, Amdt.]

BERTHA ELISABETH LUPFER

In re: Estate of Bertha Elisabeth Lupfer, deceased. File No. D-28-9093.

Vesting Order 11832, dated August 13, 1948, is hereby amended as follows and not otherwise:

By deleting "Fred Zott, Sr., 539 Hackensack St., Carlstadt, New Jersey, as Executor" wherever it appears in said Vesting Order and substituting therefor "Edward W. Freygang, as administrator of the estate of Gertrude Freygang, deceased executrix of Bertha E. Lupfer, deceased,".

All other provisions of said Vesting Order Number 11832 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9319; Filed, Oct. 21, 1948; 8:50 a. m.]

[Return Order 195]

HELLA HILDE HEYMAN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number, Notice of Intention to Return Published and Property

Hella Hilde Heyman, 69 Perry Street, New York 14, New York, Claim No. 6814, August 27, 1948 (13 F. R. 5016); $23,913.53 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9320; Filed, Oct. 21, 1948; 8:50 a. m.]

FRIEDA HEINEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Frieda Heinen, Chicago, Illinois, 6370; $9,175.46 in the Treasury of the United States. Certificate of Beneficial Interest covering 4/80ths of earnings, avails and proceeds of property at 617-619 Drummond Place, Chicago, Illinois. All right, title, interest, and claim of any kind or character whatsoever of Frieda Heinen in and to the estate of Aloys Heinen, deceased.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9321; Filed, Oct. 21, 1948; 8:50 a. m.]

LE MOULIN LEGUMES, S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos. and Property

Le Moulin Legumes, S. A., Bagnolet (Seine) France, 9278 and 10220; Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,921,936; 2,054,038; 2,051,095; 2,070,137; 2,074,794; 2,074,795; 2,184,719; 2,222,927; and 2,271,175. All interests and rights created in Mantelet et Boucher (Société en nom Collectif), to the extent owned by Mantelet and Boucher immediately prior to the vesting thereof by Vesting Order No. 3928 (9 F. R. 9680, August 9, 1944) by virtue of an agreement dated January 4, 1934 and March 6, 1934 (including all modifications thereof and supplements thereto) by and between Mantelet et Boucher and Foley Manufacturing Company relating, among other things, to United States Letters Patent No. 1,921,936; including royalties in the amount of $12,659.77.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General:

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9322; Filed, Oct. 21, 1948; 8:50 a. m.]

SERVO-FREIN DEWANDRE AND PAUL FOURMARIER, JR.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property

Servo-Frein Dewandre, Societe Anonyme, Liege, Belgium, Paul Fourmarier, Jr., Liege, Belgium, 31763; Property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943), relating to all right, title and interest in and to U. S. Letters Patent Nos. 2,110,089; 2,115,483; 2,150,055; 2,159,879, and the undivided one-half part of the whole right, title and interest in and to U. S. Letters Patent No. 2,243,004.

Property described in Vesting Order No. 675, relating to the undivided one-half part of the whole right, title and interest in and to U. S. Letters Patent No. 2,243,004.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9323; Filed, Oct. 21, 1948; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1132]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

OCTOBER 18, 1948.

Notice is hereby given that on October 4, 1948, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation with its principal office at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas pipeline facilities:

(1) Approximately 3.83 miles of 16-inch O. D. pipeline to replace a similar amount of 8⅝-inch O. D. pipeline being part of Applicant's Line AM-108 presently in place;

(2) An additional crossing of the Arkansas River at Little Rock, Arkansas, consisting of approximately 5,640 feet of 10¾-inch O. D. pipe, supplementing presently existing dual crossing Line AM-108;

(3) An additional scrubber installation at the Lynch Power Plant of the Arkansas Power and Light Company, in North Little Rock, Arkansas.

Applicant recites that the proposed construction will increase the capacity of its presently existing Line AM-108. Applicant states that Arkansas Power and Light Company is at present engaged in installing an additional 60,000 KW turbogenerator at its Lynch Power Plant at North Little Rock, Arkansas, thereby tripling the requirement for natural gas at this plant. In addition, Applicant states the proposed facilities will enable Applicant to more efficiently distribute the increased natural gas requirements of its customers in Little Rock, Arkansas, through a new town border station already installed on Line AM-108. Applicant states that at the pressures prevailing (approximately 150 pounds per square inch) at the point of connection on its Line LM-4 supplying Line AM-108, after completion of the proposed construction, Line AM-108 will be capable of delivering 1,250 Mcf per hour to the Lynch Power Plant, as against 420 Mcf per hour as at present.

The total estimated over-all capital cost of the proposed facilities is $149,164. Property of book cost of approximately $53,000 is to be removed, resulting in a net increase of approximately $96,000 in Applicant's plant and investment account. Arkansas Power and Light Company has agreed to advance Applicant $103,481 as a connection charge, to be refunded in accordance with the contract between the parties dated July 16, 1947.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such a request.

The application of Arkansas Louisiana Gas Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9294; Filed, Oct. 21, 1948; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 732744]

ARIZONA, CALIFORNIA AND IDAHO

REVOCATION OF ORDERS OPENING LANDS UNDER THE FOREST HOMESTEAD ACT

OCTOBER 18, 1948.

On request of the Department of Agriculture and pursuant to the authority delegated by the Secretary of the Interior (43 CFR 4.275 (a) (38)), it is ordered as follows:

Subject to valid existing rights, the orders described below opening lands in the Coconino National Forest, Arizona, the Trinity National Forest, California, and the Boise National Forest, Idaho, for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. secs. 506-509) are revoked as to the land hereinafter described:

COCONINO NATIONAL FOREST, ARIZ.

Date of order of opening	List No.	Land
Nov. 28, 1917	3-1163	T. 21 N., R. 9 E., G. & S. R. M., sec. 15, NE¼NE¼SE¼NE¼, W½SE¼SW¼NE¼, W½NE¼NW¼SE¼, N½SW¼NW¼SE¼, NW¼SE¼NW¼SE¼, SE¼NW¼NE¼SE¼, E½SW¼NE¼SE¼, SW¼SW¼NE¼SE¼, containing 30 acres.
Sept. 11, 1918	3-1263	T. 22 N., R. 6 E., G. & S. R. M., sec. 27, SE¼NE¼S ¼, containing 10 acres.
July 22, 1921	3-1458	T. 24 N., R. 7 E., G. & S. R. M., sec. 15, NE¼NW¼NW¼, containing 10 acres.
Dec. 23, 1930	3-1678	T. 22 N., R. 8 E., G. & S. R. M., sec. 25, SW¼NE¼NW¼NW¼ and W½SE¼NW¼NW¼, containing 7.50 acres.

TRINITY NATIONAL FOREST, CALIF.

Nov. 28, 1911	5-767	T. 4 N., R. 5 E., H. M., sec. 18, S½SW¼SW¼NE¼, W½NW¼NE¼SW¼, W½SW¼NE¼NW¼, SE¼SW¼SE¼NW¼, E½SW¼NE¼SW¼, and W½SE¼NE¼SW¼, containing 27.50 acres.
Nov. 18, 1912	5-1196	T. 4 S., R. 8 E., H. M., sec. 32, E½SE¼; sec. 33, SW¼SW¼.
Mar. 14, 1913	5-1539	T. 5 S., R. 8 E., sec. 4, NE¼NW¼, containing 160 acres.
Nov. 18, 1914	5-2291	T. 2 N., R. 6 E., H. M., sec. 7, SW¼SE¼; sec. 18, NW¼NE¼, containing 80 acres.
Nov. 18, 1914	5-2402	T. 1 N., R. 5 E., H. M., sec. 10, NW¼NW¼, containing 40 acres.
		T. 1 N., R. 6 E., H. M., sec. 5, lot 1.
		T. 2 N., R. 6 E., sec. 32, SE¼ of lot 4; sec. 33, SW¼ of lot 1, containing 61.98 acres.
Feb. 24, 1916	5-2674	T. 5 S., R. 7 E., H. M., sec. 13, NE¼NW¼ and W½NW¼NE¼, containing 60 acres.

BOISE NATIONAL FOREST, IDAHO

Jan. 26, 1909	4-3	T. 2 N., R. 6 E., B. M., sec. 3, lot 4 and SW¼NW¼, containing 76.86 acres.
Jan. 2, 1915	4-1373	T. 2 N., R. 6 E., B. M., sec. 3, NE¼NW¼SE¼NE¼, NW¼NW¼NW¼SE¼NE¼, E½NW¼NW¼SE¼NE¼, NE¼SW¼SE¼NE¼, and SE¼SW¼SE¼NE¼, containing 12.50 acres.
Nov. 13, 1922	4-2550	T. 19 N., R. 8 E., B. M., sec. 26, NE¼NE¼NW¼NW¼, S½NE¼NW¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼NW¼, and N½SE¼NW¼NW¼, containing 17.50 acres.

ROSCOE E. BELL,
Acting Director.

[F. R. Doc. 48-9297; Filed, Oct. 21, 1948; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3088]

EASTERN AIR LINES, INC.; REMOVAL OF WINSTON-SALEM-GREENSBORO RESTRICTION

NOTICE OF HEARING

In the matter of the application of Eastern Air Lines, Inc., for amendment of its certificates of public convenience and necessity for routes Nos. 5 and 6 so as to remove restrictions preventing service to Greensboro/High Point and Winston-Salem on the same flight.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the above application is assigned for hearing on November 8, 1948, at 10:00 a. m. (eastern standard time) in Conference Room A, Departmental Auditorium, 12th Street and Constitution Avenue, N. W., Washington, D. C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the proposed amendments of certificates are required, in whole or in part, by the public convenience and necessity.

2. Whether the applicant is a citizen of the United States and is fit, willing, and able to perform the proposed new transportation properly and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person, other than the parties of record, desiring to be heard in this proceeding shall file with the Board on or before November 8, 1948, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., October 18, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-9324; Filed, Oct. 21, 1948; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 830]

UNLOADING OF WASTE PAPER ON N. Y. DOCK RY.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of October A. D. 1948.

It appearing, that 5 cars of waste paper at Brooklyn, New York, on the New York Dock Railway, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Waste paper at Brooklyn, N. Y., be unloaded.* The New York Dock Railway, its agents or employees, shall unload immediately UP 187757, PRR 49827, PRR 81327, NYC 63276 and CTN 401, containing waste paper, now on hand at Brooklyn, New York loaded by the Dica Company Welders.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., October 20, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-9301; Filed, Oct. 21, 1948; 8:47 a. m.]

[S. O. 831]

UNLOADING OF LOGS ON ALAMEDA BELT LINE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of August A. D. 1948.

It appearing, that 2 cars of logs at San Francisco, Cal., on the Alameda Belt Line, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Logs at San Francisco, Cal., be unloaded.* The Alameda Belt Line, its agents or employees, shall unload immediately SP 95444 and SP 56630, containing logs, now on hand at San Francisco, Cal., consigned Berry & McCarthy.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., October 20, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-9302; Filed, Oct. 21, 1948; 8:47 a. m.]

[S. O. 832]

UNLOADING OF COMMODITIES AT SAN FRANCISCO, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of October A. D. 1948.

It appearing, that 5 cars of commodities at San Francisco, Cal., are on hand on the Western Pacific Railroad Company, for an unreasonable length of time and that this delay in unloading such cars impedes their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Commodities at San Francisco, Cal., be unloaded.* The Western Pacific Railroad Company, its agents or employees, shall unload immediately the following cars now on hand at San Francisco, Cal., consigned for export:

Car	*Contents*
C&NW 71388	Refrigerators.
CB&Q 35973	Do.
MoP 88140	Furniture.
CNW 49702	Do.
NYC 159957	Do.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., October 20, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify Homer C. King, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-9303; Filed, Oct. 21, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1699]

COLUMBIA GAS SYSTEM, INC. AND HOME GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of October 1948.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary, Home Gas Company ("Home"), having filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9, 10 and 12 thereof, and Rule U-43 promulgated thereunder, with respect to the issue and sale by Home to Columbia of $3,000,000 principal amount of 3¼% notes, due in equal annual installments on August 15 of each of the years 1950 to 1974, inclusive, the proceeds from such notes to be used by Home for the purpose of financing its construction program; and

The Commission by order dated July 23, 1948 having granted and permitted said joint application-declaration to become effective with respect to $800,000 principal amount of said notes and said joint application-declaration having been continued pending until further action by the Public Service Commission of New York; and

The Public Service Commission of New York by order dated August 11, 1948 having authorized Home to issue and sell to Columbia an additional $1,600,000 of 3¼% notes making a total of $2,400,000 of such notes authorized by the Public Service Commission of New York; and

Columbia and Home having requested that this Commission issue its order with respect to the additional $1,600,000 of such notes and that the proceedings be continued with respect to the balance of $600,000 of such notes pending further action by the Public Service Commission of New York; and

Said joint application-declaration having been duly filed and notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said amended joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interests of investors and consumers that said amended joint application-declaration be granted and permitted to become effective with respect to an additional $1,600,000 principal amount of said 3¼% notes:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid amended joint application-declaration be, and the same hereby is, granted and permitted to become effective forthwith with respect to the issue and sale by Home to Columbia of an additional $1,600,000 principal amount of 3¼% notes and that said amended joint application-declaration be continued pending with respect to $600,000 principal amount of such notes.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9299; Filed, Oct. 21, 1948; 8:47 a. m.]

OCT 26 '48

FEDERAL REGISTER

VOLUME 13 NUMBER 208

Washington, Saturday, October 23, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Corn Bulletin 1, Supplement 1]

PART 248—CORN LOANS AND PURCHASE AGREEMENTS

1948 CORN PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 5417, governing the making of loans, and containing the requirements of the purchase agreement program on corn produced in 1948, are hereby supplemented as follows:

§ 248.224 *Loan and purchase rates*—(a) *Basic loan rates.* Loan rates per bushel of eligible corn for the respective States and counties, basis grade No. 3, or No. 4 solely on the factor of test weight but otherwise grading No. 3, are set forth below, except that the loan rate on eligible corn grading "mixed" is 2 cents per bushel less. State and county rates per bushel are as follows:

COLORADO	Rate
All counties	$1.42

DELAWARE	Rate
All counties	1.59

ILLINOIS

County	Rate	County	Rate
Adams	$1.41	Ford	$1.42
Alexander	1.47	Franklin	1.45
Bond	1.43	Fulton	1.42
Boone	1.41	Gallatin	1.46
Brown	1.42	Greene	1.42
Bureau	1.41	Grundy	1.42
Calhoun	1.42	Hamilton	1.45
Carroll	1.41	Hancock	1.41
Cass	1.42	Hardin	1.46
Champaign	1.42	Henderson	1.41
Christian	1.42	Henry	1.41
Clark	1.43	Iroquois	1.43
Clay	1.44	Jackson	1.46
Clinton	1.44	Jasper	1.44
Coles	1.42	Jefferson	1.44
Cook	1.44	Jersey	1.43
Crawford	1.44	Jo Daviess	1.40
Cumberland	1.43	Johnson	1.46
De Kalb	1.42	Kane	1.43
De Witt	1.42	Kankakee	1.42
Douglas	1.42	Kendall	1.42
Du Page	1.43	Knox	1.41
Edgar	1.42	Lake	1.44
Edwards	1.45	La Salle	1.41
Effingham	1.44	Lawrence	1.45
Fayette	1.43	Lee	1.41
Livingston	1.42	Putnam	1.41
Logan	1.42	Randolph	1.45
McDonough	1.41	Richland	1.45
McHenry	1.42	Rock Island	1.41
McLean	1.42	St. Clair	1.45
Macon	1.42	Saline	1.46
Macoupin	1.43	Sangamon	1.42
Madison	1.44	Schuyler	1.42
Marion	1.44	Scott	1.42
Marshall	1.41	Shelby	1.43
Mason	1.42	Stark	1.41
Massac	1.46	Stephenson	1.41
Menard	1.42	Tazewell	1.42
Mercer	1.40	Union	1.46
Monroe	1.45	Vermilion	1.42
Montgomery	1.42	Wabash	1.45
Morgan	1.42	Warren	1.41
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INDIANA

Adams	$1.46	Jay	$1.46
Allen	1.46	Jefferson	1.47
Bartholomew	1.46	Jennings	1.46
Benton	1.43	Johnson	1.45
Blackford	1.46	Knox	1.45
Boone	1.45	Kosciusko	1.45
Brown	1.45	Lagrange	1.45
Carroll	1.44	Lake	1.44
Cass	1.44	La Porte	1.44
Clark	1.47	Lawrence	1.46
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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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County	Rate	County	Rate
Starke	$1.44	Vigo	$1.43
Steuben	1.46	Wabash	1.45
Sullivan	1.44	Warren	1.43
Switzerland	1.47	Warrick	1.46
Tippecanoe	1.44	Washington	1.47
Tipton	1.45	Wayne	1.46
Union	1.46	Wells	1.46
Vanderburgh	1.46	White	1.44
Vermillion	1.43	Whitley	1.45

IOWA

Adair	$1.37	Jefferson	$1.39
Adams	1.37	Johnson	1.39
Allamakee	1.38	Jones	1.40
Appanoose	1.39	Keokuk	1.39
Audubon	1.36	Kossuth	1.36
Benton	1.39	Lee	1.41
Black Hawk	1.38	Linn	1.39
Boone	1.36	Louisa	1.40
Bremer	1.37	Lucas	1.38
Buchanan	1.38	Lyon	1.35
Buena Vista	1.35	Madison	1.38
Butler	1.37	Mahaska	1.38
Calhoun	1.36	Marion	1.38
Carroll	1.36	Marshall	1.37
Cass	1.37	Mills	1.37
Cedar	1.40	Mitchell	1.37
Cerro Gordo	1.36	Monona	1.36
Cherokee	1.36	Monroe	1.39
Chickasaw	1.37	Montgomery	1.37
Clarke	1.38	Muscatine	1.40
Clay	1.36	O'Brien	1.35
Clayton	1.38	Osceola	1.35
Clinton	1.40	Page	1.37
Crawford	1.36	Palo Alto	1.36
Dallas	1.37	Plymouth	1.37
Davis	1.40	Pocahontas	1.35
Decatur	1.38	Polk	1.37
Delaware	1.39	Pottawattamie	1.37
Des Moines	1.41	Poweshiek	1.37
Dickinson	1.36	Ringgold	1.37
Dubuque	1.39	Sac	1.35
Emmet	1.36	Scott	1.40
Fayette	1.38	Shelby	1.36
Floyd	1.36	Sioux	1.36
Franklin	1.37	Story	1.37
Fremont	1.37	Tama	1.38
Greene	1.36	Taylor	1.37
Grundy	1.37	Union	1.37
Guthrie	1.36	Van Buren	1.40
Hamilton	1.36	Wapello	1.39
Hancock	1.36	Warren	1.38
Hardin	1.37	Washington	1.39
Harrison	1.37	Wayne	1.38
Henry	1.40	Webster	1.36
Howard	1.37	Winnebago	1.37
Humboldt	1.36	Winneshiek	1.38
Ida	1.35	Woodbury	1.36
Iowa	1.38	Worth	1.37
Jackson	1.40	Wright	1.36
Jasper	1.37		

KANSAS

County	Rate	County	Rate
Allen	$1.41	Linn	$1.41
Anderson	1.41	Logan	1.42
Atchison	1.39	Lyon	1.39
Barber	1.42	McPherson	1.39
Barton	1.42	Marion	1.39
Bourbon	1.41	Marshall	1.37
Brown	1.38	Meade	1.42
Butler	1.42	Miami	1.41
Chase	1.39	Mitchell	1.38
Chautauqua	1.42	Montgomery	1.42
Cherokee	1.42	Morris	1.39
Cheyenne	1.39	Morton	1.42
Clark	1.42	Nemaha	1.38
Clay	1.37	Neosho	1.42
Cloud	1.37	Ness	1.42
Coffey	1.40	Norton	1.38
Comanche	1.42	Osage	1.39
Cowley	1.42	Osborne	1.38
Crawford	1.42	Ottawa	1.38
Decatur	1.38	Pawnee	1.42
Dickinson	1.38	Phillips	1.37
Doniphan	1.38	Pottawatomie	1.38
Douglas	1.39	Pratt	1.42
Edwards	1.42	Rawlins	1.39
Elk	1.42	Reno	1.42
Ellis	1.39	Republic	1.36
Ellsworth	1.42	Rice	1.42
Finney	1.42	Riley	1.37
Ford	1.42	Rooks	1.38
Franklin	1.40	Rush	1.42
Geary	1.38	Russell	1.39
Gove	1.42	Saline	1.39
Graham	1.39	Scott	1.42
Grant	1.42	Sedgwick	1.42
Gray	1.42	Seward	1.42
Greeley	1.42	Shawnee	1.38
Greenwood	1.42	Sheridan	1.39
Hamilton	1.42	Sherman	1.42
Harper	1.42	Smith	1.37
Harvey	1.42	Stafford	1.42
Haskell	1.42	Stanton	1.42
Hodgeman	1.42	Stevens	1.42
Jackson	1.38	Sumner	1.42
Jefferson	1.39	Thomas	1.42
Jewell	1.37	Trego	1.42
Johnson	1.40	Wabaunsee	1.38
Kearny	1.42	Wallace	1.42
Kingman	1.42	Washington	1.37
Kiowa	1.42	Wichita	1.42
Labette	1.42	Wilson	1.42
Lane	1.42	Woodson	1.42
Leavenworth	1.40	Wyandotte	1.40
Lincoln	1.39		

KENTUCKY

Adair	$1.59	Fleming	$1.57
Allen	1.59	Floyd	1.62
Anderson	1.59	Franklin	1.57
Ballard	1.60	Fulton	1.60
Barren	1.59	Gallatin	1.51
Bath	1.59	Gerrard	1.61
Bell	1.62	Grant	1.56
Boone	1.52	Graves	1.52
Bourbon	1.61	Grayson	1.55
Boyd	1.55	Green	1.59
Boyle	1.61	Greenup	1.54
Bracken	1.54	Hancock	1.51
Breathitt	1.62	Hardin	1.54
Breckinridge	1.51	Harlan	1.62
Bullitt	1.55	Harrison	1.59
Butler	1.57	Hart	1.59
Caldwell	1.54	Hendersen	1.60
Calloway	1.53	Henry	1.55
Campbell	1.52	Hickman	1.50
Carlisle	1.50	Hopkins	1.54
Carroll	1.51	Jackson	1.62
Carter	1.57	Jefferson	1.51
Casey	1.61	Jessamine	1.61
Christian	1.55	Johnson	1.61
Clark	1.61	Kenton	1.52
Clay	1.62	Knott	1.62
Clinton	1.61	Knox	1.62
Crittenden	1.50	Larue	1.58
Cumberland	1.59	Laurel	1.62
Daviess	1.51	Lawrence	1.57
Edmonson	1.58	Lee	1.62
Elliott	1.59	Leslie	1.62
Estill	1.62	Letcher	1.62
Fayette	1.61	Lewis	1.54

KENTUCKY—Continued

County	Rate	County	Rate
Lincoln	$1.61	Owsley	$1.62
Livingston	1.50	Pendleton	1.55
Logan	1.56	Perry	1.62
Lyon	1.54	Pike	1.62
McCracken	1.50	Powell	1.62
McCreary	1.61	Pulaski	1.61
McLean	1.54	Robertson	1.57
Madison	1.61	Rockcastle	1.62
Magoffin	1.62	Rowan	1.59
Marion	1.59	Russell	1.61
Marshall	1.51	Scott	1.59
Martin	1.61	Shelby	1.55
Mason	1.51	Simpson	1.58
Meade	1.51	Spencer	1.58
Menifee	1.61	Taylor	1.59
Mercer	1.61	Todd	1.55
Metcalfe	1.59	Trigg	1.55
Monroe	1.59	Trimble	1.51
Montgomery	1.61	Union	1.50
Morgan	1.61	Warren	1.58
Muhlenberg	1.55	Washington	1.59
Nelson	1.58	Wayne	1.61
Nicholas	1.59	Webster	1.52
Ohio	1.55	Whitley	1.62
Oldham	1.51	Wolfe	1.62
Owen	1.55	Woodford	1.59

MARYLAND

	Rate
All counties	$1.59

MICHIGAN

County	Rate	County	Rate
Alcona	$1.48	Keweenaw	$1.48
Alger	1.48	Lake	1.48
Allegan	1.46	Lapeer	1.48
Alpena	1.48	Leelanau	1.48
Antrim	1.48	Lenawee	1.48
Arenac	1.48	Livingston	1.48
Baraga	1.48	Luce	1.48
Barry	1.46	Mackinac	1.48
Bay	1.48	Macomb	1.48
Benzie	1.48	Manistee	1.48
Berrien	1.45	Marquette	1.48
Branch	1.46	Mason	1.48
Calhoun	1.46	Mecosta	1.48
Cass	1.45	Menominee	1.48
Charlevoix	1.48	Midland	1.48
Cheboygan	1.48	Missaukee	1.48
Chippewa	1.48	Monroe	1.48
Clare	1.48	Montcalm	1.48
Clinton	1.48	Montmorency	1.48
Crawford	1.48	Muskegon	1.48
Delta	1.48	Newaygo	1.48
Dickinson	1.48	Oakland	1.48
Eaton	1.48	Oceana	1.48
Emmet	1.48	Ogemaw	1.48
Genesee	1.48	Ontonagon	1.48
Gladwin	1.48	Osceola	1.48
Gogebic	1.48	Oscoda	1.48
Grand Traverse	1.48	Otsego	1.48
Gratiot	1.48	Ottawa	1.46
Hillsdale	1.46	Presque Isle	1.48
Houghton	1.48	Roscommon	1.48
Huron	1.48	Saginaw	1.48
Ingham	1.48	St. Clair	1.48
Ionia	1.48	St. Joseph	1.45
Iosco	1.48	Sanilac	1.48
Iron	1.48	Schoolcraft	1.48
Isabella	1.48	Shiawassee	1.48
Jackson	1.48	Tuscola	1.48
Kalamazoo	1.46	Van Buren	1.45
Kalkaska	1.48	Washtenaw	1.48
Kent	1.48	Wayne	1.48
		Wexford	1.48

MINNESOTA

County	Rate	County	Rate
Aitkin	$1.39	Cook	$1.39
Anoka	1.39	Cottonwood	1.37
Becker	1.39	Crow Wing	1.39
Beltrami	1.39	Dakota	1.39
Benton	1.39	Dodge	1.37
Big Stone	1.36	Douglas	1.38
Blue Earth	1.37	Faribault	1.37
Brown	1.37	Fillmore	1.37
Carlton	1.39	Freeborn	1.37
Carver	1.39	Goodhue	1.37
Cass	1.39	Grant	1.38
Chippewa	1.37	Hennepin	1.39
Chisago	1.39	Houston	1.37
Clay	1.39	Hubbard	1.39
Clearwater	1.39	Isanti	1.39

MINNESOTA—Continued

County	Rate	County	Rate
Itasca	$1.39	Polk	$1.39
Jackson	1.36	Pope	1.38
Kanabec	1.39	Ramsey	1.39
Kandiyohi	1.37	Red Lake	1.39
Kittson	1.39	Redwood	1.37
Koochiching	1.39	Renville	1.37
Lac Qui Parle	1.36	Rice	1.38
Lake	1.39	Rock	1.35
Lake of the Woods	1.39	Roseau	1.39
Le Sueur	1.38	St. Louis	1.39
Lincoln	1.36	Scott	1.39
Lyon	1.36	Sherburne	1.39
McLeod	1.38	Sibley	1.37
Mahnomen	1.39	Stearns	1.38
Marshall	1.39	Steele	1.37
Martin	1.37	Stevens	1.37
Meeker	1.37	Swift	1.37
Mille Lacs	1.39	Todd	1.39
Morrison	1.39	Traverse	1.37
Mower	1.37	Wabasha	1.37
Murray	1.36	Wadena	1.39
Nicollet	1.37	Waseca	1.37
Nobles	1.35	Washington	1.39
Norman	1.39	Watonwan	1.37
Olmsted	1.37	Wilkin	1.39
Otter Tail	1.39	Winona	1.37
Pennington	1.39	Wright	1.38
Pine	1.39	Yellow Medicine	1.36
Pipestone	1.35		

MISSOURI

County	Rate	County	Rate
Adair	$1.40	Linn	$1.40
Andrew	1.39	Livingston	1.39
Atchison	1.38	McDonald	1.46
Audrain	1.42	Macon	1.40
Barry	1.46	Madison	1.46
Barton	1.46	Maries	1.43
Bates	1.42	Marion	1.42
Benton	1.42	Mercer	1.38
Bollinger	1.46	Miller	1.43
Boone	1.42	Mississippi	1.46
Buchanan	1.39	Moniteau	1.43
Butler	1.46	Monroe	1.41
Caldwell	1.39	Montgomery	1.42
Callaway	1.42	Morgan	1.42
Camden	1.43	New Madrid	1.46
Cape Girardeau	1.46	Newton	1.46
Carroll	1.40	Nodaway	1.38
Carter	1.46	Oregon	1.46
Cass	1.41	Osage	1.43
Cedar	1.46	Ozark	1.46
Chariton	1.40	Pemiscot	1.46
Christian	1.46	Perry	1.46
Clark	1.41	Pettis	1.41
Clay	1.40	Phelps	1.46
Clinton	1.39	Pike	1.42
Cole	1.43	Platte	1.40
Cooper	1.42	Polk	1.46
Crawford	1.44	Pulaski	1.46
Dade	1.46	Putnam	1.39
Dallas	1.46	Ralls	1.42
Daviess	1.39	Randolph	1.41
De Kalb	1.39	Ray	1.40
Dent	1.46	Reynolds	1.46
Douglas	1.46	Ripley	1.46
Dunklin	1.46	St. Charles	1.44
Franklin	1.44	St. Clair	1.42
Gasconade	1.43	St. Francois	1.45
Gentry	1.38	St. Louis	1.44
Greene	1.46	Ste. Genevieve	1.45
Grundy	1.38	Saline	1.41
Harrison	1.38	Schuyler	1.40
Henry	1.42	Scotland	1.41
Hickory	1.42	Scott	1.46
Holt	1.38	Shannon	1.46
Howard	1.41	Shelby	1.41
Howell	1.46	Stoddard	1.46
Iron	1.46	Stone	1.46
Jackson	1.40	Sullivan	1.40
Jasper	1.46	Taney	1.46
Jefferson	1.45	Texas	1.46
Johnson	1.41	Vernon	1.42
Knox	1.41	Warren	1.43
Laclede	1.46	Washington	1.44
Lafayette	1.41	Wayne	1.46
Lawrence	1.46	Webster	1.46
Lewis	1.42	Worth	1.38
Lincoln	1.43	Wright	1.46

NEBRASKA

County	Rate	County	Rate
Adams	$1.36	Jefferson	$1.37
Antelope	1.34	Johnson	1.38
Arthur	1.39	Kearney	1.36
Banner	1.41	Keith	1.39
Blaine	1.37	Keyapaha	1.37
Boone	1.34	Kimball	1.41
Box Butte	1.41	Knox	1 34
Boyd	1.35	Lancaster	1.36
Brown	1.37	Lincoln	1.38
Buffalo	1.36	Logan	1.38
Burt	1.36	Loup	1.36
Butler	1.36	McPherson	1.38
Cass	1.37	Madison	1.34
Cedar	1.35	Merrick	1.35
Chase	1.39	Morrill	1.41
Cherry	1.38	Nance	1.35
Cheyenne	1.41	Nemaha	1.38
Clay	1.36	Nuckolls	1.36
Colfax	1.36	Otoe	1.37
Cuming	1.35	Pawnee	1.38
Custer	1.37	Perkins	1.39
Dakota	1.36	Phelps	1.37
Dawes	1.41	Pierce	1.34
Dawson	1.37	Platte	1.35
Deuel	1.40	Polk	1.35
Dixon	1.36	Redwillow	1.38
Dodge	1.36	Richardson	1.38
Douglas	1.37	Rock	1.36
Dundy	1.39	Saline	1.37
Fillmore	1.36	Sarpy	1.37
Franklin	1.36	Saunders	1.36
Frontier	1.38	Scotts Bluff	1.41
Furnas	1.38	Seward	1.36
Gage	1.38	Sheridan	1.40
Garden	1.40	Sherman	1.36
Garfield	1.35	Sioux	1.41
Gosper	1.38	Stanton	1.35
Grant	1.39	Thayer	1.36
Greeley	1.35	Thomas	1.38
Hall	1.36	Thurston	1.35
Hamilton	1.35	Valley	1.36
Harlan	1.37	Washington	1.37
Hayes	1.39	Wayne	1.35
Hitchcock	1.39	Webster	1.36
Holt	1.35	Wheeler	1.35
Hooker	1.38	York	1.35
Howard	1.36		

NEW JERSEY

	Rate
All counties	$1.60

NEW YORK

	Rate
All counties	1 62

NORTH DAKOTA

County	Rate	County	Rate
Adams	$1.40	McLean	$1.40
Barnes	1.40	Mercer	1.40
Benson	1.40	Morton	1.40
Billings	1.40	Mountrail	1.40
Bottineau	1.40	Nelson	1.40
Bowman	1.40	Oliver	1.40
Burke	1.40	Pembina	1.40
Burleigh	1.40	Pierce	1.40
Cass	1.40	Ramsey	1.40
Cavalier	1.40	Ransom	1.39
Dickey	1.38	Renville	1.40
Divide	1.40	Richland	1.38
Dunn	1.40	Rolette	1.40
Eddy	1.40	Sargent	1.38
Emmons	1.40	Sheridan	1.40
Foster	1.40	Sioux	1.40
Golden Valley	1.40	Slope	1.40
Grand Forks	1.40	Stark	1.40
Grant	1.40	Steele	1.40
Griggs	1.40	Stutsman	1.40
Hettinger	1.40	Towner	1.40
Kidder	1.40	Traill	1.40
La Moure	1.40	Walsh	1.40
Logan	1.40	Ward	1.40
McHenry	1.40	Wells	1.40
McIntosh	1.40	Williams	1.40
McKenzie	1.40		

OHIO

County	Rate	County	Rate
Adams	$1.49	Athens	$1.51
Allen	1.47	Auglaize	1.47
Ashland	1.50	Belmont	1.53
Ashtabula	1.53	Brown	1.49

OHIO—Continued

County	Rate	County	Rate
Butler	$1.47	Madison	$1.49
Carroll	1.53	Mahoning	1.53
Champaign	1.48	Marion	1.49
Clark	1.48	Medina	1.51
Clermont	1.48	Meigs	1.51
Clinton	1.48	Mercer	1.46
Columbiana	1.53	Miami	1.47
Coshocton	1.51	Monroe	1.53
Crawford	1.49	Montgomery	1.47
Cuyahoga	1.52	Morgan	1.51
Darke	1.46	Morrow	1.50
Defiance	1.46	Muskingum	1.51
Delaware	1.49	Noble	1.52
Erie	1.50	Ottawa	1.49
Fairfield	1.50	Paulding	1.46
Fayette	1.48	Perry	1.51
Franklin	1.49	Pickaway	1.49
Fulton	1.47	Pike	1.49
Gallia	1.51	Portage	1.53
Geauga	1.53	Preble	1.46
Greene	1.48	Putnam	1.47
Guernsey	1.52	Richland	1.50
Hamilton	1.47	Ross	1.49
Hancock	1.48	Sandusky	1.49
Hardin	1.48	Scioto	1.49
Harrison	1.53	Seneca	1.49
Henry	1.47	Shelby	1.47
Highland	1.49	Stark	1.52
Hocking	1.50	Summit	1.52
Holmes	1.51	Trumbull	1.53
Huron	1.50	Tuscarawas	1.52
Jackson	1.50	Union	1.48
Jefferson	1.53	Van Wert	1.46
Knox	1.50	Vinton	1.50
Lake	1.53	Warren	1.48
Lawrence	1.50	Washington	1.52
Licking	1.50	Wayne	1.51
Logan	1.48	Williams	1.46
Lorain	1.51	Wood	1.48
Lucas	1.48	Wyandot	1.49

PENNSYLVANIA

	Rate
All counties	$1.59

SOUTH DAKOTA

County	Rate	County	Rate
Armstrong	$1.38	Jackson	$1.38
Aurora	1.35	Jerauld	1.35
Beadle	1.34	Jones	1.38
Bennett	1.38	Kingsbury	1.35
Bon Homme	1.34	Lake	1.35
Brookings	1.35	Lawrence	1.40
Brown	1.37	Lincoln	1.35
Brule	1.36	Lyman	1.37
Buffalo	1.36	McCook	1.34
Butte	1.40	McPherson	1.38
Campbell	1.38	Marshall	1.37
Charles Mix	1.36	Meade	1.39
Clark	1.36	Mellette	1.37
Clay	1.35	Miner	1.34
Codington	1.36	Minnehaha	1.34
Corson	1.39	Moody	1.35
Custer	1.40	Pennington	1.39
Davison	1.34	Perkins	1.39
Day	1.37	Potter	1.38
Deuel	1.36	Roberts	1.37
Dewey	1.39	Sanborn	1.34
Douglas	1.35	Shanon	1.39
Edmunds	1.37	Spink	1.36
Fall River	1.40	Stanley	1.38
Faulk	1.37	Sully	1.37
Grant	1.36	Todd	1.37
Gregory	1.36	Tripp	1.37
Haakon	1.38	Turner	1.34
Hamlin	1.36	Union	1.36
Hand	1.35	Walworth	1.38
Hanson	1.34	Washabaugh	1.38
Harding	1.40	Washington	1.39
Huges	1.37	Yankton	1.34
Hutchison	1.34	Ziebach	1.39
Hyde	1.36		

TENNESSEE

County	Rate	County	Rate
Anderson	$1.61	Campbell	$1.61
Bedford	1.59	Cannon	1.59
Benton	1.55	Carroll	1.53
Bledsoe	1.60	Carter	1.63
Blount	1.63	Cheatham	1.55
Bradley	1.62	Chester	1.54

TENNESSEE—Continued

County	Rate	County	Rate
Claiborne	$1.62	McNairy	$1.55
Clay	1.59	Macon	1.59
Cocke	1.63	Madison	1.53
Coffee	1.60	Marion	1.61
Crockett	1.53	Marshall	1.58
Cumberland	1.60	Maury	1.57
Davidson	1.56	Meigs	1.62
Decatur	1.55	Monroe	1.63
De Kalb	1.59	Montgomery	1.55
Dickson	1.55	Moore	1.60
Dyer	1.52	Morgan	1.61
Fayette	1.53	Obion	1.51
Fentress	1.60	Overton	1.59
Franklin	1.61	Perry	1.55
Gibson	1.52	Pickett	1.59
Giles	1.59	Polk	1.63
Grainger	1.62	Putnam	1.59
Greene	1.63	Rhea	1.61
Grundy	1.60	Roane	1.61
Hamblen	1.62	Robertson	1.56
Hamilton	1.62	Rutherford	1.58
Hancock	1.62	Scott	1.61
Hardeman	1.54	Sequatchie	1.61
Hardin	1.56	Sevier	1.63
Hawkins	1.62	Shelby	1.53
Haywood	1.53	Smith	1.59
Henderson	1.54	Stewart	1.55
Henry	1.53	Sullivan	1.63
Hickman	1.55	Sumner	1.58
Houston	1.55	Tipton	1.52
Humphreys	1.55	Trousdale	1.58
Jackson	1.59	Unicoi	1.63
Jefferson	1.62	Union	1.62
Johnson	1.63	Van Buren	1.60
Knox	1.62	Warren	1.59
Lake	1.50	Washington	1.63
Lauderdale	1.52	Wayne	1.57
Lawrence	1.58	Weakley	1.52
Lewis	1.56	White	1.59
Lincoln	1.60	Williamson	1.57
Loudon	1.62	Wilson	1.58
McMinn	1.62		

WEST VIRGINIA

County	Rate	County	Rate
Barbour	$1.61	Mineral	$1.61
Berkeley	1.61	Mingo	1.61
Boone	1.61	Monongalia	1.61
Braxton	1.61	Monroe	1.61
Brooke	1.56	Morgan	1.61
Cabell	1.54	Nicholas	1.61
Calhoun	1.61	Ohio	1.56
Clay	1.61	Pendleton	1.61
Doddridge	1.61	Pleasants	1.55
Fayette	1.61	Pocahontas	1.61
Gilmer	1.61	Preston	1.61
Grant	1.61	Putnam	1.57
Greenbrier	1.61	Raleigh	1.61
Hampshire	1.61	Randolph	1.61
Hancock	1.56	Ritchie	1.61
Hardy	1.61	Roane	1.61
Harrison	1.61	Summers	1.61
Jackson	1.55	Taylor	1.61
Jefferson	1.61	Tucker	1.61
Kanawha	1.61	Tyler	1.56
Lewis	1.61	Upshur	1.61
Lincoln	1.59	Wayne	1.57
Logan	1.61	Webster	1.61
McDowell	1.61	Wetzel	1.56
Marion	1.61	Wirt	1.61
Marshall	1.56	Wood	1.55
Mason	1.54	Wyoming	1.61
Mercer	1.61		

WISCONSIN

County	Rate	County	Rate
Adams	$1.42	Door	$1.42
Ashland	1.42	Douglas	1.42
Barron	1.42	Dunn	1.40
Bayfield	1.42	Eau Claire	1.40
Brown	1.42	Florence	1.42
Buffalo	1.39	Fond du Lac	1.42
Burnett	1.42	Forest	1.42
Calumet	1.42	Grant	1.39
Chippewa	1.40	Green	1.42
Clark	1.42	Green Lake	1.42
Columbia	1.42	Iowa	1.40
Crawford	1.39	Iron	1.42
Dane	1.42	Jackson	1.40
Dodge	1.42	Jefferson	1.42

WISCONSIN—Continued

County	Rate	County	Rate
Juneau	$1.42	Racine	$1.42
Kenosha	1.42	Richland	1.39
Kewaunee	1.42	Rock	1.42
La Crosse	1.39	Rusk	1.42
Lafayette	1.40	St. Croix	1.40
Langlade	1.42	Sauk	1.42
Lincoln	1.42	Sawyer	1.42
Manitowoc	1.42	Shawano	1.42
Marathon	1.42	Sheboygan	1.42
Marinette	1.42	Taylor	1.42
Marquette	1.42	Trempealeau	1.39
Milwaukee	1.42	Vernon	1.39
Monroe	1.40	Vilas	1.42
Oconto	1.42	Walworth	1.42
Oneida	1.42	Washburn	1.42
Outagamie	1.42	Washington	1.42
Ozaukee	1.42	Waukesha	1.42
Pepin	1.39	Waupaca	1.42
Pierce	1.39	Waushara	1.42
Polk	1.42	Winnebago	1.42
Portage	1.42	Wood	1.42
Price	1.42		

WYOMING

	Rate
All counties	$1.41

(b) *Loan settlement value.* A settlement value for corn delivered in satisfaction of a loan will be established on the basis of grades determined under the Official Grain Standards of the United States for Corn.

(1) Corn grading No. 3, or No. 4 solely on the factor of test weight but otherwise grading No. 3, will have a settlement value equal to the basic loan rate set forth in paragraph (a) of this section.

(2) Premiums: Corn grading higher than No. 3 will have a settlement value determined by adding to the established rates in paragraph (a) of this section the following premiums:

Grade No. 1—One cent (1¢) per bushel.
Grade No. 2—One-half cent (½¢) per bushel.

(3) Discounts: The following discounts apply to corn delivered in satisfaction of a loan. Corn grading lower than No. 3 (except for No. 4 on test weight only) will have a settlement value determined by subtracting from the rates in paragraph (a) of this section the following discounts:

SCHEDULE OF DISCOUNTS FOR YELLOW, WHITE, AND MIXED CORN

[Grade No. 4—One cent (1¢) per bushel. Grade No. 5—Two cents (2¢) per bushel]

SAMPLE GRADE

Minimum test weight (pounds)	Moisture (per cent)	Total damaged (percent)	Heat damaged (percent)	Discount rate per bushel (cents)
44	17.5	15.1-19.9	5	3
44	17.5	20.0-24.9	5	4
44	17.5	25.0-29.9	5	6
44	17.5	30.0-34.9	5	8
44	17.5	35.0-50.0	5	10

Any lot of corn which grades "sample" solely on account of stones and/or cinders, or which is musty, or which has any commercially objectionable foreign odor, or cockle burrs, or rodent excreta, will be subject to a discount of one (1) cent per bushel. This one cent will be an additional discount if the corn otherwise grades "sample" due to any of the factors shown in the above schedule. Any lot of corn grading "weevily" will be subject to a discount of one-half (½) cent per bushel. This one-half cent discount will

be in addition to any discount otherwise applicable.

The settlement value of corn grading sour or heating, or otherwise not coming within the classification of this schedule of discounts, shall be determined by Commodity Credit Corporation on the basis of the market price for such corn.

(c) *Purchase rates.* The basic purchase rates for States and counties where loans are available are the same as the basic loan rates. Basic purchase rates for the following States, where loans are not available, are as follows, except that the purchase rate on eligible corn grading "mixed" is 2 cents per bushel less.

State	Rate	State	Rate
Alabama	$1.66	North Carolina	$1.61
Arkansas	1.58	Oklahoma	1.43
Florida	1.59	South Carolina	1.63
Georgia	1.59	Texas	1.49
Louisiana	1.59	Virginia	1.61
Mississippi	1.62		
New Mexico	1.56		

The purchase price for corn delivered under a purchase agreement will be established on the basis of grades determined under the official grain standards of the United States for corn. In the case of corn stored in warehouses, whether terminal, subterminal, or at country points, the purchase rate will be that established for the county in which the elevator is located. No adjustment will be made in the purchase rate for freight paid in case of rail movement.

(1) Corn grading No. 3, or No. 4 solely on the factor of test weight but otherwise grading No. 3, will have a purchase price equal to the basic purchase rate.

(2) Premiums: Corn grading higher than No. 3 will have a purchase price determined by adding to the basic purchase rates the following premiums:

Grade No. 1—One cent (1¢) per bushel.
Grade No. 2—One-half cent (½¢) per bushel.

(d) *Storage allowance.* There shall be no storage allowance on corn under either the loan or purchase program.

(Sec. 8, 56 Stat. 767, sec. 5 (a), Pub. Law 806, 80th Cong.; 50 U. S. C. App. 968)

Issued this 20th day of October 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: October 20, 1948.

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 48-9366; Filed, Oct. 22, 1948; 8:53 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

FIELD ORGANIZATION IN PUERTO RICO

In Puerto Rico, for the purposes of title I, title II, and the related provisions of title IV of the Bankhead-Jones Farm Tenant Act as amended, each of the areas identified below is designated a subdivision to be deemed synonymous with the term "county" as the term is used in said titles. Each such subdivision consists of, and is co-extensive with the geographical limits of, the area set forth opposite the name of the subdivision; and the table containing names of subdivisions and municipalities comprising subdivisions for Puerto Rico, set forth in subparagraph (6) of paragraph (c) of § 300.1, in Title 6 of the Code of Federal Regulations, as amended (6 CFR, 1947 Supp., 300.1 (c) (6)), is hereby superseded by the following:

PUERTO RICO

Name of Subdivisions and Municipalities Comprising Subdivision
Adjuntas: Adjuntas.
Aguadilla: Aguada, Aguadilla, Isabela, Moca.
Angeles: The Wards of Angeles, Caguanas, Roncador, Santa Isabel, and Santa Rosa in the municipality of Utuado.
Arecibo: Arecibo.
Arroyo: Arroyo, Guayama, Maunabo, Patillas, Salinas.
Barranquitas: Albonito, Barranquitas.
Bayamon: Bayamon, Catano, Toa Alta, Toa Baja.
Caguas: Caguas, Gurabo.
Camuy: Camuy, Hatillo, Quebradillas.
Canovanas: Canovanas, Rio Grande.
Carolina: Carolina, Trujillo Alto.
Cayey: Cayey, Cidra.
Ciales: Ciales, Morovis.
Comerio: Aguas Buenas, Comerio.
Corozal: Corozal, Naranjito.
Fajardo: Ceiba, Culebra, Fajardo, Luquillo, Vieques.
Humacao: Humacao, Naguabo.
Jayuya: Jayuya.
Juana Diaz: Coamo, Juana Diaz, Santa Isabel, Villalba.
Juncos: Juncos, Las Piedras.
Lares: Lares.
Manati: Barceloneta, Manati.
Mayaguez: Anasco, Hormigueros, Las Marias, Maricao, Mayaguez, Rincon.
Orocovis: Orocovis.
Ponce: Penuelas, Ponce.
Rio Piedras: Guaynabo, Rio Piedras, San Juan.
San German: Cabo Rojo, Lajas, San German, Sabana Grande.
San Lorenzo: San Lorenzo.
San Sebastian: San Sebastian.
Utuado: Utuado, except the Wards of Angeles, Caguanas, Roncador, Santa Isabel, and Santa Rosa.
Vega Baja: Dorado, Vega Alta, Vega Baja.
Yabucoa: Yubucoa.
Yauco: Guanica, Guayanilla, Yauco.

(60 Stat. 1062; Pub. Law 249, 80th Cong., 61 Stat. 493; 7 U. S. C. 1028)

Issued this 19th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9342; Filed, Oct. 22, 1948; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[Puerto Rico Sugar Order 18, Amdt. 1]

PART 821—SUGAR QUOTAS

AMENDMENT TO DECISION AND ORDER ALLOTTING DIRECT CONSUMPTION PORTION OF 1948 SUGAR QUOTA FOR PUERTO RICO

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (7 U. S. C., Supp. I, 1115 (a)) for the purpose of revising Puerto Rico Sugar Order 18 (13 F. R. 310) to reallot deficits in certain allottees' allotments and in the "unallotted reserve" for direct consumption sugar in raw form.

Except for a quantity of 5,169 short tons of sugar, raw value, set aside as an unallotted reserve for marketing of raw sugar for direct consumption, the direct consumption portion of the 1948 sugar quota for Puerto Rico, amounting to 126,033 short tons, raw value, was allotted to six Puerto Rican refiners in Puerto Rico Sugar Order 18. Three of the six allottees have notified the Department in writing that they will be unable to fill their 1948 allotments by an amount of 6,775 short tons of sugar, raw value. On the basis of this information, Central Aguirre, Central San Francisco, and Central Guanica will be unable to market their 1948 allotments by 2,863,752, and 3,160 short tons of sugar, raw value, respectively. The other three refiners have notified the Department that they will be able to fill their allotments during the calendar year 1948. Investigation also shows that of the 5,169 short tons of sugar, raw value, set aside under Order 18 as an unallotted reserve for direct consumption sugar in raw form, it is unlikely that more than 1,000 short tons will be brought into the continental United States during the calendar year 1948. In order to afford interested parties an opportunity to market the full amount of that portion of the Puerto Rican sugar quota which may be filled by direct consumption sugar, it is necessary to reallot this deficit in the "unallotted reserve."

Since section 205 (a) of the act requires that any amendment or revision of an allotment order be on the same basis as the original allotment was made, the Department has asked for and obtained from each of the interested parties a waiver of its right to a public hearing in regard to the amendment made herein. The deficits in question have, therefore, been allotted to Porto Rican American Refining Company, Central Roig, and Western Sugar Refining Company on the same basis used in the original allotment order.

In order to afford interested parties adequate opportunity to ship the additional sugar allotted herein, and to protect the interest of consumers of sugar, it is essential that the revised allotments be made effective as soon as possible. Accordingly, it is hereby found that compliance with the effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and this amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the Sugar Act of 1948, paragraph (a) of § 821.51 of Puerto Rico Sugar Order 18 (13 F. R. 310) is hereby amended to read as follows:

§ 825.1 *Direct-consumption portion of the 1948 sugar quota for Puerto Rico*—(a) *Allotments.* The direct consumption portion of the 1948 sugar quota for Puerto Rico (126,033 short tons, raw value) is hereby allotted to the following companies in the amounts which appear opposite their respective names:

Refiner	*Direct consumption allotment (short tons, raw value)*
Porto Rican American Sugar Refinery	87,092
Central Aguirre	2,428
Central Roig Refining Co	18,348
Western Sugar Refining Co. (Igualdad)	16,232
Central San Francisco	933
	125,033
Unallotted Reserve for Marketing of raw sugar for direct consumption	1,000
	126,033

(Pub. Law 388, 80th Cong.; 61 Stat. 926; 7 U. S. C., Supp. I, 1115 (a))

Done at Washington, D. C., this 19th day of October 1948. Witness my hand and the seal of the Department of Agriculture.

[SEAL] A. J. LOVELAND,
Acting Secretary.

[F. R. Doc. 48-9343; Filed, Oct. 22, 1948; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreement and Orders)

[Lemon Reg. 297]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.404 *Lemon Regulation 279*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 24, 1948, and ending at 12:01 a. m., P. s. t., October 31, 1948, is hereby fixed as follows:

(i) District 1: 225 carloads;

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 21st day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

Storage date: October 17, 1948

DISTRICT NO. 1

[12:01 a. m. Oct. 24, 1948, to 12:01 a. m. Nov. 7, 1948]

Handler	*Prorate base (percent)*
Total	100.000
American Fruit Growers, Inc., Corona	.183
American Fruit Growers, Inc., Fullerton	.181
American Fruit Growers, Inc., Upland	.085
Hazeltine Packing Co	.192
Ventura Coastal Lemon Co	3.740
Ventura Pacific Co	2.051
Total A. F. G	6.432
Klink Citrus Association	.053
Lemon Cove Association	.000
Glendora Lemon Growers Association	1.966
La Verne Lemon Association	.448
La Habra Citrus Association, The	1.308
Yorba Linda Citrus Association, The	.614
Alta Loma Heights Citrus Association	.492
Etiwanda Citrus Fruit Association	.195
Mountain View Fruit Association	.370
Old Baldy Citrus Association	.794
Upland Lemon Growers Association	6.136
Central Lemon Association	.645
Irvine Citrus Association, The	.350
Placentia Mutual Orange Association	.459
Corona Citrus Association	.086
Corona Foothill Lemon Co	1.656
Jameson Company	.560
Arlington Heights Citrus Co	.273
College Heights Orange & Lemon Association	8.069
Chula Vista Citrus Association	1.217
El Cajon Valley Citrus Association	.034
Escondido Lemon Association	1.474
Fallbrook Citrus Association	.936
Lemon Grove Citrus Association	.259
San Dimas Lemon Association	1.808
Carpinteria Lemon Association	3.851

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	*Prorate base (percent)*
Carpinteria Mutual Citrus Association	3.774
Goleta Lemon Association	4.888
Johnston Fruit Co	6.984
North Whittier Citrus Association	.379
San Fernando Heights Lemon Association	.660
San Fernando Lemon Association	.151
Sierra Madre-Lamanda Citrus Association	1.220
Tulare County Lemon and Grapefruit Association	.053
Briggs Lemon Association	2.667
Culbertson Investment Co	1.256
Culbertson Lemon Association	1.504
Fillmore Lemon Association	1.016
Oxnard Citrus Association No. 1	8.376
Oxnard Citrus Association No. 2	1.157
Rancho Sespe	.726
Santa Paula Citrus Fruit Association	3.359
Saticoy Lemon Association	6.505
Seaboard Lemon Association	4.668
Somis Lemon Association	3.956
Ventura Citrus Association	2.166
Limoneira Co	2.146
Teague-McKevett Association	.786
East Whittier Citrus Association	.293
Lemingwell Rancho Lemon Association	.529
Murphy Ranch Co	.881
Whittier Citrus Association	.136
Whittier Select Citrus Association	.252
Total C. F. G. E	88.481
Chula Vista Mutual Lemon Association	.678
Escondido Co-op. Citrus Association	.193
Highland Mutual Groves	.000
Index Mutual Association	.117
La Verne Co-op. Citrus Association	1.440
Orange Co-op. Citrus Association	.031
Ventura County Orange and Lemon Association	2.016
Whittier Mutual Orange and Lemon Association	.157
Total M. O. D	4.632
California Citrus Groves, Inc., Ltd	.000
Dewars, Pieter	.000
Evans Brothers Packing Co	.001
Flint, Arthur E	.000
Furr, N. C	.000
Harding & Leggett	.063
Isely, W. J	.000
Johnson, Fred	.019
Levinson, Sam	.000
Lorbeer, Carroll W. C	.027
MacDonald, Hugh	.003
Manos, Gus & William	.000
Orange Belt Fruit Distributors	.274
Rooke, B. G., Packing Company	.000
San Antonio Orchard Co	.043
Segal, Joseph	.000
Torn Ranch	.000
Walshe, Jack M	.000
Zaninovich Bros., Inc	.025
Total independents	.455

[F. R. Doc. 48-9418; Filed, Oct. 22, 1948; 9:33 a. m.]

[Orange Reg. 253]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.399 *Orange Regulation 253*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum.

Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 24, 1948 and ending at 12:01 a. m., P. s. t., October 31, 1948 is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: 600 carloads;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 22d day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. October 24, 1948 to 12:01 a. m. October 31, 1948]

VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.1100
A. F. G. Corona	.0000
A. F. G. Fullerton	.0000
A. F. G. Orange	.4105
A. F. G. Riverside	.1505
A. F. G. San Juan Capistrano	1.1294
A. F. G. Santa Paula	.8318
Hazeltine Packing Co	.5540
Placentia Pioneer Valencia Growers Association	.8460
Signal Fruit Association	.1825
Azusa Citrus Association	.5277
Covina Valley Orange Co	.1169
Damerel-Allison Co	1.1389
Glendora Mutual Orange Association	.5267
Irwindale Citrus Association	.4456
Puente Mutual Citrus Association	.2863
Valencia Heights Orchard Association	.7492
Covina Citrus Association	1.4924
Covina Orange Growers Association	.7885
Glendora Citrus Association	.5055
Glendora Heights Orange and Lemon Growers Association	.0769
Gold Buckle Association	.0000
La Verne Orange Association	.9090
Anaheim Citrus Fruit Association	1.5828
Anaheim Valencia Orange Association	.0000
Eadington Fruit Co., Inc	3.0052
Fullerton Mutual Orange Association	1.4794
La Habra Citrus Association	1.5301
Orange County Valencia Association	1.0329
Orangethorpe Citrus Association	.7744
Placentia Coop. Orange Association	.0000
Yorba Linda Citrus Association	.7414
Citrus Fruit Growers Association	.1939
Cucamonga Citrus Association	.2989
Etiwanda Citrus Fruit Association	.0553
Mountain View Fruit Association	.0000
Old Baldy Citrus Association	.1772
Rialto Heights Orange Growers	.0826
Upland Citrus Association	.2512
Upland Heights Orange Association	.1762
Consolidated Orange Growers	2.1563
Frances Citrus Association	1.7622
Garden Grove Citrus Association	1.5387
Goldenwest Citrus Association, The	2.1786
Irvine Valencia Growers	3.4775
Olive Heights Citrus Association	2.3048
Santa Ana-Tustin Mutual Citrus Association	1.4986
Santiago Orange Growers Association	4.1889
Tustin Hills Citrus Association	3.1367
Villa Park Orchards Association, The	2.1894
Bradford Brothers, Inc	.8809
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.7662
Call Ranch	.1037
Corona Citrus Association	.6914
Jameson Co	.0000
Orange Heights Orange Association	.4949
Crafton Orange Growers Association	.5757
East Highlands Citrus Association	.1087
Fontana Citrus Association	.1692
Highland Fruit Growers Association	0.0000
Redlands Heights Groves	.0000
Redlands Orangedale Association	.4497
Break & Sons, Allen	.0000
Bryn Mawr Fruit Growers Association	.0000
Krinard Packing Co	.2791
Mission Citrus Association	.2195
Redlands Cooperative Fruit Association	.4942
Redlands Orange Growers Association	.3419
Redlands Select Groves	.4244
Rialto Citrus Association	.0000
Rialto Orange Co	.2161
Southern Citrus Association	.2645
United Citrus Growers	.0000
Zilen Citrus Co	.0000
Arlington Heights Citrus Co	.1395
Brown Estate, L. V. W	.0000
Gavilan Citrus Association	.1883
Hemet Mutual Association	.0000
Highgrove Fruit Association	.0000
McDermont Fruit Co	.2394
Monte Vista Citrus Association	.0000
National Orange Co	.0000
Riverside Heights Orange Growers Association	.0837
Sierra Vista Packing Association	.0837
Victoria Avenue Citrus Association	.2570
Claremont Citrus Association	.2431
College Heights Orange & Lemon Association	.2891
El Camino Citrus Association	.0836
Indian Hill Citrus Association	.2701
Pamona Fruit Growers Exchange	.5580
Walnut Fruit Growers Association	.7164
West Ontario Citrus Association	.5459
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
San Dimas Orange Growers Association	.6723
Andrews Brothers of California	.0001
Ball & Tweedy Association	.7965
Canoga Citrus Association	1.3793
North Whittier Heights Citrus Association	1.3131
San Fernando Fruit Growers Association	.8119
San Fernando Heights Orange Association	1.4202
Sierra Madre-Lamanda Citrus Association	.0000
Camarillo Citrus Association	2.2648
Fillmore Citrus Association	3.6101
Mupu Citrus Association	4.2180
Ojai Orange Association	1.4207
Piru Citrus Association	2.5452
Santa Paula Orange Association	1.6034
Tapo Citrus Association	1.6715
Ventura County Citrus Association	.0000
Limoncira Co	.9359
East Whittier Citrus Association	.3139
El Ranchito Citrus Association	1.1173
Murphy Ranch Co	.0000
Rivera Citrus Association	.5816
Whittier Citrus Association	.9317
Whittier Select Citrus Association	.5417
Anaheim Cooperative Orange Association	1.2572
Bryn Mawr Mutual Orange Association	.0000
Chula Vista Mutual Lemon Association	.0000
Escondido Cooperative Citrus Association	.0000
Euclid Avenue Orange Association	.4592
Foothill Citrus Union, Inc	.0435
Fullerton Cooperative Orange Association	.4491
Garden Grove Orange Cooperative, Inc	.7497
Golden Orange Groves, Inc	0.0000
Highland Mutual Groves	.0000
Index Mutual Association	.3223
La Verne Cooperative Citrus Association	1.7923
Mentone Heights Association	.0000
Olive Hillside Groves	.7953
Orange Cooperative Citrus Association	1.3393
Redlands Foothill Groves	.8469
Redlands Mutual Orange Association	.0000
Riverside Citrus Association	.0000
Ventura County Orange and Lemon Association	1.3241
Whittier Mutual Orange and Lemon Association	.1778
Babijuice Corporation of California	.0000
Banks Fruit Co	.0000
Banks, L. M	.0000
Borden Fruit Co	.0000
California Associated Growers	.0000
California Fruit Distributors	.0000
Cherokee Citrus Co., Inc	.0000
Chess Co., Meyer W	.2751
Escondido Avocado Growers	.0000
Evans Brothers Packing Co	.0000
Furr, N. C	.0248
Gold Banner Association	.0000
Granada Hills Packing Co	.0000
Granada Packing House	1.5657
Hill, Fred A	.0000
Inland Fruit Dealers, Inc	.0000
Morris Brothers Fruit Co	.0152
Orange Belt Fruit Distributors	.0000
Panno Fruit Co., Carlo	.0319
Paramount Citrus Association	.6425
Placentia Orchard Co	.6255
San Antonio Orchard Co	.3247
Snyder & Sons Co., W. A	.0000
Stephens, T. F	.1328
Torn Ranch	.0000
Wall, E. T	.0000
Webb Packing Co	.0000
Western Fruit Growers, Inc., Redlands	.8934

[F. R. Doc. 48-9434; Filed, Oct. 22, 1948; 11:19 a. m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

PACK SPECIFICATIONS AND MINIMUM STANDARDS; AND INFORMATION TO BE CONTAINED IN CERTIFICATES

Correction

In Federal Register Document 48-9218, appearing at page 6121 in the issue for Wednesday, October 20, 1948, in the fifth line of § 984.101 (a) (4), insert the word "opening" after the word "round".

PART 987—IRISH POTATOES IN MAINE

Correction

In Federal Register Document 48-8602, appearing at page 6549 in the issue for Friday, September 24, 1948, § 987.0 (b) should be changed so that the date in the third line will read "September 27".

Chapter XXI—Organization, Functions, and Procedure

Subchapter C—Production and Marketing Administration

PART 2305—FRUIT AND VEGETABLE BRANCH

ORGANIZATION

Section 2305.1 (b) (7) of Title 7 (7 CFR, 1946 Supp., 2305.1 (b) (7)) is amended by adding the following new subdivision (iv) thereto:

(iv) To issue, amend, and modify any general notice of proposed rule making with respect to which a hearing is not required to be conducted pursuant to section 7 of the Administrative Procedure Act (5 U. S. C. 1946 ed. 1001 et seq.), and to prescribe and extend the time within which interested parties may participate in such rule making.

(R. S. 161; 5 U. S. C. 22; 60 Stat. 237; 5 U. S. C. 1001 et seq.)

Issued this 21st day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9419; Filed, Oct. 22, 1948; 8:55 a. m.]

TITLE 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 4—ORGANIZATION OF BUREAU

PART 5—FUNCTIONS AND PROCEDURES

PART 6—SUBSTANTIVE RULES, POLICY OR INTERPRETATION

MISCELLANEOUS AMENDMENTS

Chapter I of Title 12 of the Code of Federal Regulations is amended in the following respects:

1. Codification of Part 4—Organization of the Bureau, is discontinued. Future amendments to the description of organization will be published in the Notices section of the FEDERAL REGISTER.

2. Part 5—Functions and Procedures, is redesignated Part 4, and the part headnote is amended to read "Procedures."

3. Part 6—Substantive Rules, Policy or Interpretation, is deleted.

R. B. MCCANDLESS,
Deputy Comptroller.

[F. R. Doc. 48-9345; Filed, Oct. 22, 1948; 8:47 a. m.]

Chapter III—Federal Deposit Insurance Corporation

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter III of Title 12 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F.R. 519), the following editorial changes are made in the chapter, effective upon publication in the FEDERAL REGISTER:

1. The codification of Subchapter A—Public Information, Parts 301 through 304 (except §§ 304.2 and 304.5) is discontinued. Future amendments to these provisions, which describe the organization and delegations of final authority of the Corporation, will be published in the Notices section of the FEDERAL REGISTER.

2. Subchapter B is redesignated Subchapter A—Procedures and Rules of Practice; Parts 305 through 312 thereunder are redesignated Parts 301 through 308, respectively, and the section numbers in those parts are changed as indicated in the following table:

Old number	*New number*
Sec.	Sec.
305.0	301.1.
306.1 to 306.7	302.1 to 302.7.
307.1 to 307.11	303.1 to 303.11.
308.1 to 308.3	304.1 to 304.3.
309.1	305.1.
310.1 to 310.3	306.1 to 306.3.
311.1 to 311.3	307.1 to 307.3.
312.1 to 312.18	308.1 to 308.18.

3. The section headnote of § 301.1, as redesignated, is amended to read "Scope."

4. Subchapter C is redesignated "Subchapter B—Regulations and Statements of General Policy." The headnote of § 325.0 is amended to read "Scope."

5. A new Part 309—Confidential Information is added to Subchapter B. This part will consist of former §§ 304.2 and 304.5, redesignated §§ 309.1 and 309.2, respectively.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary

[F. R. Doc. 48-9340; Filed, Oct. 22, 1948; 8:48 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[3d Gen. Rev. of Export Regs., Amdt. 11]

PART 372—GENERAL LICENSES

IN TRANSIT LICENSE "GIT"

Section 372.9 *General in transit license "GIT"* is amended in the following particulars:

Paragraph (b) is amended to read as follows:

(b) *Excepted commodity list.* The following commodities may not be exported to any destination under this general license:

Commodity	Schedule B No.	Schedule S No.
Jute [2]	320500	220
Jute yarn, cordage and twine [3]	321100	235
Bags of jute, new and used [2]	322401	245
Jute burlaps [2]	325905	255
Beryllium ores and concentrates	664505	680
Beryllium alloys and scrap	664905	685
Beryllium metal	664905	685
Bismuth metals and alloys	664910	685
Radium metal, radium content	664950	685
Gallium metal	664958	685
Polonium metal	664958	685

See footnotes at end of table.

Commodity	Schedule B No.	Schedule S No. [1]
Beryllium metal manufactures and beryllium alloy manufactures including, but not limited to, wire, sheets, castings, tubes, crucibles, disks	669198	685
X-ray windows containing beryllium	707550	700
Chemicals containing artificial radioactive isotopes	813590	810
Radium salts and compounds for medical use (state radium content)	813590	810
Radon (radium emanations)	813590	810
Actinium-bearing salts and compounds	839900	830
Beryllium salts and compounds including, but not limited to, beryllium oxide, beryllium nitrate, beryllium sulphate, and beryllium carbonate	839900	830
Chemicals containing artificial radioactive isotopes	839900	830
Gallium salts and compounds	839900	830
Polonium-bearing salts and compounds	839900	830
Radium ore concentrates	839900	830
Radium salts and compounds (state radium content)	839900	830
Paints containing radium	843800	840

[1] The Department of Commerce Schedule S number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for in-transit goods is required must be reported in terms of Schedule S, as well as Schedule B.

[2] License applications covering shipments of these jute products moving in transit through the United States to a foreign destination must be accompanied by documentary proof that such shipments are in fact in-transit shipments, and that the shipments have been charged to jute quota of the country of destination and not to that of the United States. Such proof may consist of (1) a photostat copy of the consular invoice of the country of destination, or (2) a copy of the bill of lading from the shipper or any other official document showing the country of destination.

This amendment shall become effective October 21, 1948.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. & Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: October 8, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-9351; Filed, Oct. 22, 1948; 8:49 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 10]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

JUTE AND JUTE PRODUCTS

Section 373.7 *Provisions concerning licenses for jute and jute products* is amended to read as follows:

§ 373.7 *Provisions concerning licenses for jute and jute products.* (a) Except as otherwise provided in paragraph (b) of this section, all applications for licenses to export jute bags, jute burlap and jute twill sacking must be accompanied by satisfactory evidence that a consumption entry has been made at a United States Customhouse covering the particular material specified in the license application.

(b) Jute and jute products are excepted from the provisions of the general in-transit license GIT. License applications covering shipments of these commodities moving in transit through the United States to a foreign destination must be accompanied by documentary proof that such shipments are in fact in-transit shipments, and that the shipments have been charged to the jute quota of the country of destination and not to that of the United States. Such proof may consist of (1) a photostat copy of the consular invoice of the country of destination, or (2) a copy of the bill of lading from the shipper or any other official document showing the country of destination. (Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective October 21, 1948.

Dated: October 5, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-9350; Filed, Oct. 22, 1948; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5532]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ASSOCIATION OF COUPON BOOK MANUFACTURERS ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (b) *Combining or conspiring—To eliminate competition — In conspirators' goods:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* I. In or in connection with the offering for sale, sale or distribution in commerce, of numbered tickets, namely, coupon books, amusement tickets, restaurant checks, clothing tickets, transit tickets and railroad tickets, and on the part of thirty-three corporate and partnership concerns, and on the part of their respective officers, agents, etc., entering into, continuing, cooperating, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties, to (1) establish, fix, or maintain prices, terms or conditions of sale for numbered tickets, or adhere to or promise to adhere to any prices, terms or conditions of sale so established, fixed or maintained; (2) employ or utilize any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or any other medium or central agency, to aid or assist in formulating plans for fixing or maintaining prices or performing or carrying out any of the acts or practices prohibited by the order; (3) Exchange, distribute, or relay among the respondent manufacturers, or any of them, through or with the assistance of any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, price lists or schedules, or other information as to current prices or prices to be charged in the future, or any formula by which the current or future prices of any respondent manufacturer may be ascertained by a competitor, for the purpose or with the effect of fixing or maintaining prices for numbered tickets produced and sold by any of the respondent manufacturers; (4) exchange, distribute, or relay among the respondent manufacturers, or any of them, through any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, information concerning prices charged or to be charged for numbered tickets known in the trade as "tailor-made" or "special made" tickets, or for particular items or characteristics entering into the manufacture of such "tailor-made" or "special made" tickets, which has the tendency or capacity of enabling the different respondent manufacturers to quote and charge identical or uniform prices for such tickets or for particular items thereof; (5) exchange, distribute, or relay among the respondent manufacturers, or any of them, or to or through any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, information concerning prices charged particular customers, or information concerning sales or shipments of numbered tickets, when the identity of the manufacturer, seller, or purchaser is disclosed or may be determined through such information and which has the tendency or capacity of enabling any of the respondent manufacturers to quote and sell numbered tickets at the same price or upon the same terms or conditions as any of the other respondent manufacturers; (6) directly or indirectly participate in or carry out any agreement or understanding to establish or maintain any plan for the purpose or with the effect of informing or advising any of the manufacturing respondents, or any other manufacturer of numbered tickets, as to the price, terms, or conditions of sale at or upon which any manufacturing respondent, or other seller of numbered tickets, expects to make a sale or sales of numbered tickets; (7) formulate or use any code of symbols or identification marks, or file with or make known to any of the respondent associations, or any other medium or central agency, any such symbols or identification marks, which has the capacity of enabling any of the respondent associations, or any agent, representative or employee of a respondent or respondents, to identify the numbered tickets produced and sold by any respondent manufacturer, for the purpose or with the effect of fixing or maintaining, or assisting in the fixing or maintaining, of prices for numbered tickets; (8) adopt or maintain uniform standards governing style, size or color of tickets produced and sold by the respondent manufacturers, or the weight and quality of the paper or cardboard out of which said tickets are made, with the

purpose or effect of establishing, maintaining, or assisting in the establishing or maintaining, of uniform prices for numbered tickets; (9) hold or participate in any meeting or exchange of information among themselves, or under the auspices of any of the respondent associations or committees of said associations, or any other medium or central agency, at which proposed or future prices, terms, or conditions of sale of numbered tickets are discussed, or at which any other action is taken for the purpose or with the effect of eliminating competition in price, between and among the respondent manufacturers; or, (10) engage in any act or practice substantially similar to those prohibited in the order with the purpose or effect of establishing or maintaining uniform prices for numbered tickets; and, II, knowingly aiding, assisting, advising, or cooperating with the aforesaid respondents, or any of them, in performing any of the acts or practices or doing any of the things prohibited in the foregoing prohibitions one to ten, inclusive, and on the part of respondent American Ticket Manufacturers Association, and on the part of the five other corporate respondent associations specified in the order, and their officers, and on the part of respondents Gooch, individually and as partners, and on the part of their respective agents, etc.; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Association of Coupon Book Manufacturers et al., Docket 5532, September 3, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 3d day of September A. D. 1948.

In the matter of Association of Coupon Book Manufacturers, Amusement Ticket Manufacturers Association, Restaurant Check Manufacturers Association, Clothing Ticket Manufacturers Association, Transit Ticket Manufacturers Association, Licensed Railroad Ticket Manufacturers Association, Joseph Gooch, Jr., and Edith A. Gooch, copartners, trading as Gooch and Company, Globe Ticket Company, International Ticket Company, Keller Printing Company, Arcus-Simplex Ticket Company, Inc., Poole Brothers, Inc., Ansell-Simplex Ticket Company, Inc., Elliott Ticket Company, The Toledo Ticket Company, Arcus Ticket Company, Inc., McGill-Warner Company, Hancock Brothers, Dillingham Printing Company, Inc., Specialty Printing Company, National Ticket Company, Southwest Tablet Manufacturing Company, Premier-Southern Ticket Company, Inc., National Checking Company, Universal Checking System, Inc., Whitney Duplicating Check Company, Gibbs-Inman Company, Rand Avery-Gordon Taylor, Inc., Rand McNally and Company, Stromberg Allen and Company, Southern Coupon Company, The Baltimore Ticket Printing and Envelope Co., The A. H. Pugh Printing Company, Frank McCaffrey, Allen, Lane & Scott, Buxton & Skinner Printing & Stationery Co., Con. P. Curran Printing Company, Hedstrom-Barry Company, Allison Coupon Company, Dasco-Lockstub Corp., American Ticket Corporation, Jack's Letter Service, Inc., National Theatre Supply Company, and Weldon, Williams & Lick, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answers thereto filed by all of the respondents except Dasco-Lockstub Corp. and National Theatre Supply Company, in which answers said respondents (except American Ticket Corporation and Jack's Letter Service, Inc.) admitted with certain qualifications all of the material allegations of fact set forth in the complaint, waived all hearings as to said facts, and consented that the Commission may, without the taking of evidence and without any further procedure, make and enter its findings as to the facts, inferences drawn therefrom, and conclusions based thereon, and issue and serve upon said respondents an order to cease and desist from any act or practice or method of competition alleged in the complaint to constitute a violation of section 5 of the Federal Trade Commission Act; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondents, Globe Ticket Company, International Ticket Company, Keller Printing Company, Arcus-Simplex Ticket Company, Inc., Poole Brothers, Inc., Ansell-Simplex Ticket Company, Inc., Elliott Ticket Company, the Toledo Ticket Company, Arcus Ticket Company, Inc., McGill-Warner Company, Hancock Brothers, Dillingham Printing Company, Inc., National Ticket Company, Premier-Southern Ticket Company, Inc., National Checking Company, Universal Checking System, Inc., Whitney Duplicating Check Company, Gibbs-Inman Company, Rand Avery-Gordon Taylor, Inc., Rand McNally and Company, Southern Coupon Company, the Baltimore Ticket Printing and Envelope Company, the A. H. Pugh Printing Company, Allen, Lane & Scott, Buxton & Skinner Printing & Stationery Company, Con. P. Curran Printing Company, Hedstrom-Barry Company, Allison Coupon Company, and Weldon, Williams & Lick, Inc., and their officers, and Edwin L. Gosnell and Charles Edward Oster, individually and as co-partners trading as Specialty Printing Company, Edgar H. Perry, Sr., Edgar H. Perry, Jr., Edgar H. Perry, III, and Thomas A. Harris, individually and as co-partners trading as Southwest Tablet Manufacturing Company, Charles J. Stromberg, Herbert L. Greaves and Charles S. Greaves, individually and as co-partners trading as Stromberg Allen and Company, and Frank McCaffrey, an individual trading as Frank McCaffrey's Acme Press of Seattle, and said respondents' respective agents, representatives and employees, in or in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of numbered tickets, namely, coupon books, amusement tickets, restaurant checks, clothing tickets, transit tickets and railroad tickets, all hereinafter referred to as "numbered tickets," do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts, practices or things:

1. Establishing, fixing, or maintaining prices, terms or conditions of sale for numbered tickets, or adhering to or promising to adhere to any prices, terms or conditions of sale so established, fixed or maintained.

2. Employing or utilizing any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or any other medium or central agency, to aid or assist in formulating plans for fixing or maintaining prices or performing or carrying out any of the acts or practices prohibited by this order.

3. Exchanging, distributing, or relaying among the respondent manufacturers, or any of them, through or with the assistance of any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, price lists or schedules, or other information as to current prices or prices to be charged in the future, or any formula by which the current or future prices of any respondent manufacturer may be ascertained by a competitor, for the purpose or with the effect of fixing or maintaining prices for numbered tickets produced and sold by any of the respondent manufacturers.

4. Exchanging, distributing, or relaying among the respondent manufacturers, or any of them, through any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, information concerning prices charged or to be charged for numbered tickets known in the trade as "tailor-made" or "special made" tickets, or for particular items or characteristics entering into the manufacture of such "tailor-made" or "special made" tickets, which has the tendency or capacity of enabling the different respondent manufacturers to quote and charge identical or uniform prices for such tickets or for particular items thereof.

5. Exchanging, distributing, or relaying among the respondent manufacturers, or any of them, or to or through any of the respondent associations, or any agent, representative or employee of a respondent or respondents, or otherwise, information concerning prices charged particular customers, or information concerning sales or shipments of numbered tickets, when the identity of the manufacturer, seller, or purchaser is disclosed or may be determined through such information and which has the tendency or capacity of enabling any of the respondent manufacturers to quote and sell numbered tickets at the same price or upon the same terms or conditions as any of the other respondent manufacturers.

6. Directly or indirectly participating in or carrying out any agreement or un-

derstanding to establish or maintain any plan for the purpose or with the effect of informing or advising any of the manufacturing respondents, or any other manufacturer of numbered tickets, as to the price, terms, or conditions of sale at or upon which any manufacturing respondent, or other seller of numbered tickets, expects to make a sale or sales of numbered tickets.

7. Formulating or using any code of symbols or identification marks, or filing with or making known to any of the respondent associations, or any other medium or central agency, any such symbols or identification marks, which has the capacity of enabling any of the respondent associations, or any agent, representative or employee of a respondent or respondents, to identify the numbered tickets produced and sold by any respondent manufacturer, for the purpose or with the effect of fixing or maintaining, or assisting in the fixing or maintaining, of prices for numbered tickets.

8. Adopting or maintaining uniform standards governing style, size or color of tickets produced and sold by the respondent manufacturers, or the weight and quality of the paper or cardboard out of which said tickets are made, with the purpose or effect of establishing, maintaining, or assisting in the establishing or maintaining, of uniform prices for numbered tickets.

9. Holding or participating in any meeting or exchange of information among themselves, or under the auspices of any of the respondent associations or committees of said associations, or any other medium or central agency, at which proposed or future prices, terms, or conditions of sale of numbered tickets are discussed, or at which any other action is taken for the purpose or with the effect of eliminating competition in price, between and among the respondent manufacturers.

10. Engaging in any act or practice substantially similar to those prohibited in this order with the purpose or effect of establishing or maintaining uniform prices for numbered tickets.

It is further ordered, That the corporate respondents, Amusement Ticket Manufacturers Association, Restaurant Check Manufacturers Association, Association of Coupon Book Manufacturers, Clothing Ticket Manufacturers Association, Transit Ticket Manufacturers Association, and Licensed Railroad Ticket Manufacturers Association, and their officers, and respondents, Joseph Goodh, Jr., and Edith A. Gooch, individually and as co-partners trading as Gooch and Company, and said respondents' respective agents, representatives and employees, do forthwith cease and desist from knowingly aiding, assisting, advising, or cooperating with the aforesaid respondents, or any of them, in performing any of the acts or practices or doing any of the things prohibited in the paragraphs numbered 1 to 10, inclusive, of this order.

It is further ordered, For reasons appearing in the findings as to the facts in this proceeding, that the complaint herein be, and it hereby is, dismissed as to the respondents Dasco-Lockstub Corp., Jack's Letter Service, Inc., National Theatre Supply Company, and American Ticket Corporation.

It is further ordered, That each of the respondents against which this order is directed shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 48-9356; Filed, Oct. 22, 1948; 8:51 a. m.]

[Docket No. 5323]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PRACTICAL NURSES' GUILD, INC., ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly — Business status, advantages or connections of advertiser—Individual or corporate business as association or guild:* § 3.6 (a 10) *Advertising falsely or misleadingly — Comparative data or merits:* § 3.6 (f) *Advertising falsely or misleadingly — Demand or business opportunities:* § 3.6 (k) *Advertising falsely or misleadingly — Individual attention:* § 3.6 (m) *Advertising falsely or misleadingly — Jobs and employment service:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product or service:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (y 10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.6 (gg) *Advertising falsely or misleadingly — Value:* § 3.72 (g) *Offering unfair, improper and deceptive inducements to purchase or deal—Job guarantee and employment:* § 3.72 (h) *Offering unfair, improper and deceptive inducements to purchase or deal—Membership in fictitious bureau or organization:* § 3.72 (15) *Offering unfair, improper and deceptive inducements to purchase or deal—Opportunities in product or service:* § 3.72 (n 10) *Offering unfair, improper and deceptive inducements to purchase or deal—Terms and conditions:* § 3.96 (b) *Using misleading name—Vendor—Individual or corporate business as association or guild.* In connection with the offering for sale, sale, and distribution of courses of study or instruction, in commerce, (1) using the word "guild," or any word or term of similar meaning, to designate, describe, or refer to respondents' business; or otherwise representing that said business is a group or association of practical nurses formed for mutual aid or the protection of their common interests; (2) representing, directly or by implication, that certificates or diplomas issued to those who complete the course of study purchased from respondents are authorized by any board of managers of a "Guild" or other group or organization of practical nurses or by representatives of such a group or organization; (3) representing, directly or by implication, that purchasers of respondents' course of study become members of or acquire any rights or privileges in any group or organization of practical nurses; (4) representing, directly or by implication, that the certificate or diploma issued by respondents results in the holder being preferred for employment by hospitals or institutions; (5) representing, directly or by implication, that compared to the type of personal training or attention given, the cost of respondents' course of study is insignificant; or otherwise representing or implying that any personal training or attention in excess of that actually furnished is given purchasers of said course of study; (6) representing, directly or by implication, that respondents' terms or conditions of sale for the course of study are other than or different from what they are in fact; or, (7) representing, directly or by implication, that respondents' course of study thoroughly covers every phase of practical nursing; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Practical Nurses' Guild, Inc. et al., Docket 5323, September 23, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 3d day of September A. D. 1948.

In the matter of Practical Nurses' Guild, Inc., a corporation; J. R. McLain, individually and as president of said corporation; and Elsie Hess, an individual.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before an examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, and brief in support of the complaint (respondents not having filed briefs and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that respondents Practical Nurses' Guild and J. R. McLain have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Practical Nurses' Guild, a corporation, its officers, representatives, agents, and employees, and respondent J. R. McLain, individually and as president of the Practical Nurses' Guild, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of courses of study or instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Guild," or any word or term of similar meaning, to designate, describe, or refer to respondents' business; or otherwise representing that said business is a group or association of practical nurses formed for mutual aid or the protection of their common interests.

2. Representing, directly or by implication, that certificates or diplomas issued to those who complete the course of study purchased from respondents are authorized by any board of managers of a "Guild" or other group or organization of practical nurses or by representatives of such a group or organization.

3. Representing, directly or by implication, that purchasers of respondents' course of study become members of or acquire any rights or privileges in any group or organization of practical nurses.

4. Representing, directly or by implication, that the certificate or diploma issued by respondents results in the holder being preferred for employment by hospitals or institutions.

5. Representing, directly or by implication, that compared to the type of personal training or attention given, the cost of respondents' course of study is insignificant; or otherwise representing or implying that any personal training or attention in excess of that actually furnished is given purchasers of said course of study.

6. Representing, directly or by implication, that respondents' terms or conditions of sale for the course of study are other than or different from what they are in fact.

7. Representing, directly or by implication, that respondents' course of study thoroughly covers every phase of practical nursing.

It is further ordered, That, for the reasons stated in the conclusion to the findings as to the facts herein, the complaint be, and the same hereby is, dismissed without prejudice as to respondent Elsie Hess.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48 9357; Filed, Oct. 22, 1948; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter II—United States Tariff Commission

RULES OF PRACTICE AND PROCEDURE

Following are the rules of practice and procedure of the United States Tariff Commission as revised October 7, 1948, effective on the date of publication in the FEDERAL REGISTER. Previous rules are superseded as of the effective date of this revision.

This revision incorporates rules governing investigations under section 3 of the Trade Agreements Extension Act of 1948 (Pub. Law 792, 80th Cong.); amends rules relating to investigations under section 22 of the Agricultural Adjustment Act (of 1933) as amended by section 3 of the Agricultural Act of 1948 (Pub. Law 897, 80th Cong.); and amends certain rules to conform with Executive Order 10004, Oct. 5, 1948 (13 F. R. 5851).

The codification of Part 200, describing the organization of the Commission, has been discontinued. A revision of the statement of organization appears in this issue of the FEDERAL REGISTER in the Notices section, where future amendments will also be published.

Part
201 Rules of general application.
202 Investigations as to costs of production.
203 Investigations as to unfair practices in import trade.
204 Investigations of effects of imports on agricultural programs.
205 Investigations as to quotas on Philippine articles.
206 Investigations regarding products on which possible tariff concessions will be considered in trade-agreement negotiations.
207 Investigations of injury to domestic producers resulting from trade-agreement concessions.

PART 201—RULES OF GENERAL APPLICATION

Sec.
201.1 Applicability of general rules.
201.2 Exercise of powers.
201.3 Quorum.
201.4 Suspension of rules.
201.5 Matters of official record available to the public.
201.6 Confidential information.
201.7 Methods employed in obtaining information.
201.8 Applications for investigation under section 336 of the Tariff Act of 1930, under section 504 of the Philippine Trade Act of 1946, and under Part III of Executive Order 10004, and complaints under section 337 of the Tariff Act of 1930.
201.9 Scope of investigation.
201.10 Public notice of investigations.
201.11 Public hearings.
201.12 Appearances.
201.13 Rehearings, additional hearings, postponements, continuances, and extensions of time.
201.14 Conduct of public hearings.
201.15 Witnesses and subpenas.
201.16 Witness fees and mileage.
201.17 Depositions.
201.18 Oral argument.
201.19 Service of process.
201.20 Authority to make decisions not delegated.

AUTHORITY: §§ 201.1 to 201.20 issued under secs. 332, 336, 337, 46 Stat. 698, 701, 703, sec. 22, 48 Stat. 773 as amended, sec. 504, 60 Stat. 156, secs. 3, 12, 60 Stat. 238; 19 U. S. C. 1332, 1336, 1337, 22 U. S. C. 1354, 5 U. S. C. 1002, 1011; Sec. 3, Pub. Law 897, 80th Cong.; E. O. 10004, Oct. 5, 1948, 13 F. R. 5851.

§ 201.1 *Applicability of general rules.* The Tariff Commission rules of general application apply to investigations under the provisions of sections 332 of the Tariff Act of 1930, and so far as pertinent to investigations under the provisions of sections 336 and 337 of the Tariff Act of 1930 (46 Stat. 698, 701, 703; 19 U. S. C. 1332, 1336, 1337), to investigations under section 22 of the Agricultural Adjustment Act (of 1933), as amended (sec. 3, Pub. Law 897, 80th Cong.), to investigations under section 504 of the Philippine Trade Act of 1946 (60 Stat. 156; 22 U. S. C. 1354), to investigations under section 3 of the Trade Agreements Extension Act of 1948 (Pub. Law 792, 80th Cong.), and to investigations under Part III of Executive Order 10004, Oct. 5, 1948 (13 F. R. 5851). Rules having specific application to investigations under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, as amended, under section 504 of the Philippine Trade Act, under section 3 of the Trade Agreements Extension Act of 1948, and under Part III of Executive Order 10004, respectively, appear separately in Parts 202 to 207 of this chapter. In case of inconsistency between a rule of general application appearing in this part and a rule of special application in the other parts mentioned, the rule in Parts 202 to 207 is controlling. No rules governing investigations under section 338 of the Tariff Act of 1930 (46 Stat. 704; 19 U. S. C. 1338) are issued because such investigations, which concern questions of possible discrimination by foreign countries against the commerce of the United States, are of a nature requiring their conduct under cover of secrecy.

§ 201.2 *Exercise of powers.* The Commission may meet and exercise all its powers at any place and may designate any of its members or any duly authorized agent or agents to prosecute any inquiry necessary to its duties.

§ 201.3 *Quorum.* A majority of the Commissioners in office shall constitute a quorum.

§ 201.4 *Suspension of rules.* In an emergency or when in the judgment of the Commission the public interest requires it, the Commission may modify or suspend any of its rules of practice and procedure except such details of procedure as are expressly required by law. Whenever feasible, public notice of such suspension will be given.

§ 201.5 *Matters of official record available to the public.* The following information and reports (except confidential material) may be inspected by persons concerned, on request to the Secretary, either in the Tariff Commission Building, Washington 25, D. C., or if requested, in the New York office of the Tariff Commission, Customhouse, New York City.

(a) Applications for investigations; complaints of unfair practices in import trade; answers and other documents filed in opposition to such applications or complaints.

(b) Notices concerning investigations, including notices of institution of investigations, of hearings, and of disposition of investigations.

(c) Transcripts of testimony taken and exhibits submitted at hearings.

(d) Reports to the President on which the President has taken action.

(e) Reports made to either or both Houses of Congress or to Committees of Congress, after release by the body concerned.

(f) Reports and other documents issued for general distribution.

§ 201.6 *Confidential information.* (a) The following information and reports are held to be confidential for good cause found and are not available to public inspection:

(1) Reports to the President:

(i) Reports under section 3 of the Trade Agreements Extension Act of 1948 which have not been made public by either the Committee on Ways and Means of the House of Representatives

or the Committee on Finance of the Senate.

(ii) Other reports which have not been acted upon by the President.

(2) Reports made to either or both Houses of Congress or to Committees of Congress which have not been made public by the body concerned.

(3) Reports containing confidential information, and reports prepared for the confidential use of other Government agencies.

(4) *Confidential business data.* Title 18, U. S. C., section 1905 (Pub. Law 772, 80th Cong.) imposes criminal penalties upon an officer or employee of the United States or of any department or agency thereof who discloses "in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association * * *."

(b) Information submitted to the Commission in confidence should be submitted on separate pages clearly marked "Confidential". The Commission may refuse to accept in confidence any particular information which it determines is not entitled to confidential treatment.

§ 201.7 *Methods employed in obtaining information—(a) Questionnaires, correspondence, and field work.* In obtaining information necessary to carry out its functions and duties, the Commission may employ any means authorized by law. It is the practice of the Commission to obtain much of its information through the use of questionnaires and correspondence, and through field work by duly authorized members of the Commission's staff who interview such manufacturers, farmers, distributors, importers, representatives of labor, consumers, and others, as may be necessary to obtain the required information. Official requests for information required by the Commission are made either in writing or orally, and responses are received either in writing or orally, depending upon the nature of the information requested and the use to be made of it.

(b) *Informal conferences.* The Commission encourages informal conferences either with members of the Commission or its staff, in all matters concerning its activities. Such conferences can be arranged by addressing a request to the Secretary of the Commission at its office in the Tariff Commission Building, Washington 25, D. C., stating the subject matter of the proposed conference and the reasons for the request.

(c) *Formal hearings.* In formal proceedings, the Commission obtains information from the evidence presented at hearings as well as through independent investigation by the Commission and its staff of experts.

§ 201.8 *Applications for investigation under section 336 of the Tariff Act of 1930, under section 504 of the Philippine Trade Act of 1946, and under Part III of Executive Order 10004, and complaints under section 337 of the Tariff Act of 1930.* (a) All applications for investigations under section 336 of the Tariff Act of 1930, under section 504 of the Philippine Trade Act of 1946, or under Part III of Executive Order 10004, and complaints under section 337 of the Tariff Act of 1930, must be filed with the Secretary, United States Tariff Commission, Washington 25, D. C.[1] However, requests for information concerning such matters may be filed with the New York office as well as with the Washington office.

(b) Receipt by the Commission of an application for investigation or of a complaint properly filed will be acknowledged by the Secretary of the Commission, and public notice of such receipt will be posted at the principal office of the Commission in Washington, D. C., and at its New York office, and published in the FEDERAL REGISTER and the weekly Treasury Decisions of the Treasury Department. This public notice will set forth the name or description of the commodity concerned, the date of receipt, the purpose of the application or complaint, and the name of the applicant or complainant. Similar public notice will be given regarding the withdrawal or dismissal of applications or complaints. Copies of the notices referred to in this paragraph will be mailed to all persons named in the application or complaint concerned.

(c) From the time of posting notice of the receipt of an application or of a complaint, such application or complaint, except for confidential material, will be made available for public inspection at the office of the Commission in Washington, D. C., where it may be read and copied by persons interested.

(d) Applications and complaints may be withdrawn as a matter of course at any time before an investigation pursuant thereto has been ordered by the Commission, but, even if an application or complaint shall have been withdrawn, the Commission may order an investigation if in its judgment the public interest so requires. The Commission may also in special cases and for adequate cause allow the withdrawal of an application or complaint after an investigation has been ordered, but the investigation may be continued if deemed by the Commission to be in the public interest. Investigations may be terminated short of formal completion when, in the judgment of the Commission, the public interest so requires.

(e) The Commission will notify the applicant or complainant of its decision to order or not to order the investigation requested. In reaching its decision, the Commission will take into consideration the information furnished by the applicant or complainant, the information assembled by its staff, and the information furnished by other persons either in favor of or opposed to the institution of an investigation.

§ 201.9 *Scope of investigation.* In ordering an investigation, the Commission will not be confined to the commodity or commodities covered by an application or a complaint but may broaden, limit, or modify the scope of the investigation.

§ 201.10 *Public notice of investigations.* Public notice will be given of every formal investigation under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act (of 1933), as amended, under section 504 of the Philippine Trade Act of 1946, under section 3 of the Trade Agreements Extension Act of 1948, and under Part III of Executive Order 10004, by posting a copy of the notice at the principal office of the Commission at Washington, D. C., and at its office in New York City, and by publishing a copy of the notice in Treasury Decisions and in the FEDERAL REGISTER. Subsequent notices concerning the investigations will be given in the same manner. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers' organizations.

§ 201.11 *Public hearings.* (a) Hearings are required by law in the case of investigations under sections 336 and 337 of the Tariff Act of 1930, under section 22 of the Agricultural Adjustment Act, under section 504 of the Philippine Trade Act of 1946, under section 3 of the Trade Agreements Extension Act of 1948, and under Part III of Executive Order 10004. No public hearing is required in general investigations under section 332 of the Tariff Act of 1930; however, when determined by the Commission to be appropriate and feasible, hearings will be held in such investigations.

(b) Public notice will be given of the time and place set for all hearings, in the same manner that notice is given of an investigation. Announcement of hearing will ordinarily be made 30 days in advance of the date set.

(c) Hearings will be conducted in accordance with the rules set forth in § 201.14.

§ 201.12 *Appearances.* (a) Any person showing to the satisfaction of the Commission an interest in the subject matter of an investigation may enter an appearance in such investigation, either in person or by representative, at any time before the close of the public hearing relating to the matter involved. Persons participating as witnesses only are not expected to enter appearances.

(b) Requests to enter an appearance shall be filed in writing with the Secretary of the Commission at its office in Washington, D. C., or at any other place where a hearing is held. Attorneys or agents desiring to appear for any interested person or persons shall file written notice to that effect.

(c) No register of attorneys or agents who may practice before the Commission is maintained. No application for admission to practice is required. Any person desiring to appear as attorney or agent before the Commission may be required to show to the satisfaction of the Commission his acceptability in that capacity. Any attorney or agent practicing before the Commission, or desiring so to practice, may for good cause shown be suspended or disbarred from practicing before the Commission, but only after he has been accorded an opportunity to be heard in the matter.

(d) No former officer or employee of the Commission who has, as such officer or employee, given personal consideration to an investigation (including preliminary inquiries prior to the institution of an investigation) shall be eligible to appear as attorney or agent before the Commission in such investigation. No former officer or employee of the Commission shall be eligible to appear as attorney or agent before the Commission within 2 years after the termination of such employment unless he has first obtained written consent from the Commission.

§ 201.13 *Rehearings, additional hearings, postponements, continuances, and extensions of time.* The Commission may in its discretion for good cause shown grant rehearings, additional hearings, postponements, or continuances of hearings, or extend the time for doing any act required by or pursuant to these rules. Motions or requests for postponements or extensions of time must be filed at least 10 days in advance of the time previously prescribed. Motions for additional hearing or rehearing must be filed within a reasonable time after the Commission's decision in the particular matter. The Commission may on its own motion order such rehearings, additional hearings, postponements, or continuances of hearings as it may deem necessary for a full presentation of the facts in any investigation.

§ 201.14 *Conduct of public hearings.* (a) Hearings are conducted by one or more Commissioners, and the record shall be presented for the consideration of the Commission.

(b) Parties interested may appear at public hearings, either in person or by representative, and produce, under oath, oral or written evidence relevant and material to the subject matter of the investigation. Publications of the United States Government, particularly reports of the Tariff Commission, need not be offered in evidence because the Commission will take notice of them as public documents. Reference may be made to a public document by its title and particular page.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b).

(c) After offering evidence, witnesses may be questioned under the direction of the Commission by any member of the Commission, or by any agent designated by the Commission, or by any person who has entered an appearance, for the purpose of assisting the Commission in obtaining the material facts with respect to the subject matter of the investigation.

(d) Evidence, oral or written, submitted at hearings, will upon the order of the Commission be subject to verification from the books, papers, and records of the parties submitting the same and from any other available sources.

(e) All hearings are stenographically reported. The Commission does not distribute transcripts of the records of such hearings. Parties interested may inspect them at the Commission's office in Washington, D. C., or purchase them from the official reporter.

§ 201.15 *Witnesses and subpenas.* (a) Unless otherwise ordered by the Commission, witnesses shall be examined orally.

(b) The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing.

(c) Any member of the Commission may sign subpenas, and members and agents of the Commission, when authorized by the Commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

(d) Subpenas for the attendance of witnesses or for the production of documentary evidence will be issued at the request of any person who has entered an appearance in an investigation in accordance with § 201.12, upon application in writing and determination by the Commission of the general relevance and reasonable scope of the evidence sought. Such application shall be addressed to the Commission, and shall include a statement as to the nature, relevance, and scope of the testimony sought, and, in the case of documentary evidence, an adequate specification of the documents desired.

CROSS REFERENCE: For rule regarding expenses see § 201.16.

For rule regarding service of process, see § 201.19.

§ 201.16 *Witness fees and mileage.* (a) Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking them, except employees of the Commission, shall severally be entitled to the same fees and mileage as are paid for like service in the courts of the United States.

(b) When witnesses are summoned or depositions are taken at the request of a party interested, such party shall bear all expenses involved.

§ 201.17 *Depositions.* (a) The Commission may order testimony to be taken by deposition at any stage of an investigation. Depositions may be taken before any person having power to administer oaths and designated by the Commission. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent and certified in the usual manner by the person taking the deposition. After the deposition has been so certified it shall, together with a copy thereof made by such person or under his direction, be forwarded under seal to the Secretary of the Commission, Washington 25, D. C., and shall constitute a part of the record in such investigation. A sufficient number of additional copies of depositions must be furnished so that testimony so produced will be available to parties interested.

(b) Briefs of the evidence given by deposition and arguments thereon may be filed in the same manner as briefs of testimony given at a public hearing.

(c) Any person may be compelled to appear and depose and to produce documentary evidence under this section in the same manner that witnesses may be compelled to appear and testify and produce documentary evidence before the Commission.

CROSS REFERENCE: For provision regarding expenses, see § 201.16 (b).

§ 201.18 *Oral argument.* Oral argument may, in the discretion of the Commission, be heard upon the conclusion of the testimony in a hearing. The Commission will determine in each instance the time to be allowed for argument and the allocation thereof to the parties interested.

§ 201.19 *Service of process.* (a) Except when service by other methods shall be specifically ordered by the Commission, processes of the Commission, service of which is required by law or by the Commission's rules, shall be served by the Secretary of the Commission by mailing a copy thereof, registered, to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served. Complaints and findings under section 337 of the Tariff Act of 1930 shall be similarly served.

(b) When service cannot be accomplished by registered mail or whenever the Commission shall so direct, processes of the Commission may be served by any one duly authorized by a Commissioner (1) by delivering a copy of the document to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (2) by leaving a copy thereof at the principal office of such person, partnership, or corporation.

(c) The return post office receipt for such processes, registered and mailed as aforesaid, or the verified return by the person serving such processes, setting forth the manner of said service, shall be proof of the service of the document.

§ 201.20 *Authority to make decisions not delegated.* (a) Authority to interpret the laws applying to the Tariff Commission and the rules adopted thereunder is retained in the Commission itself.

(b) Authority to make findings, recommendations, and reports authorized by law is retained in the Commission itself.

PART 202—INVESTIGATIONS AS TO COSTS OF PRODUCTION

Sec.
202.1 Applicability of rules under section 336.
202.2 Applications.
202.3 Type of information to be developed at hearing.

[1] Under Executive Order 7233 of November 23, 1935 (7 CFR 900.501), applications for investigations under sec. 22 of the Agricultural Adjustment Act (of 1933) as amended, must be filed with the Secretary of Agriculture. See Part 204 of this chapter.

Sec.
202.4 Briefs.
202.5 Reports.

AUTHORITY: §§ 202.1 to 202.5 issued under sec. 336, 46 Stat. 701; 19 U. S. C. 1336.

§ 202.1 *Applicability of rules under section 336.* The rules under this part are specifically applicable to investigations for the purposes of section 336 of the Tariff Act of 1930 (46 Stat. 701; 19 U. S. C. 1336), and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter.

§ 202.2 *Applications.* (a) Applications for an investigation for the purposes of section 336 may be made by any person, partnership, association, or corporation.

(b) Applications for investigation should be typewritten or printed and five clear copies must be submitted, but applications need not be drawn in any particular form and need not be under oath. Applications must be signed by or on behalf of the applicant and should state the name, address, and nature of business of the applicant.

(c) Applications must clearly state that they are requests for investigations and must name or describe the commodity concerning which an investigation is sought. They should also refer to the tariff provision or provisions applicable to such commodity and should state whether an increase or a decrease in the rate of duty is sought.

(d) The applicant must file with his application such supporting information as may be in his possession. The filing of such information is required to aid the Commission in determining whether to order the investigation, and does not render unnecessary the investigation itself. As far as practicable, information of the character indicated below should be furnished:

(1) Comparability of the domestic and foreign articles and the degree of competition between them.

(2) Trend of domestic production and sales and trend of imports.

(3) Trend of cost of production and prices in recent years.

(4) Evidence of difference between domestic and foreign costs of production of the articles involved. (When considered with reference to section 336, the term "cost of production" includes transportation costs and other costs incident to the delivery of the articles to the principal market or markets of the United States.)

(5) Areas of greatest competition between the imported and domestic products and the principal market or markets in the United States.

(6) Other relevant factors that constitute, in the opinion of the applicant, an advantage or disadvantage in competition, and any other information which the applicant believes the Commission should consider.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b) of this chapter.

§ 202.3 *Type of information to be developed at hearing.* (a) Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings required by the statute, the Commission will expect attention in the hearing to be concentrated upon facts relating to:

(1) The competitive strength of the foreign and domestic articles in the markets of the United States.

(2) The degree of likeness or similarity between grades, classes, and price groups of the American product and the imported article.

(3) Costs of production and importation. Statements of average cost of production, domestic and, so far as known, foreign, may be submitted subject to verification and review in the Commission's investigation. Such statements should include not only the direct costs for materials and labor, commonly termed prime cost, but also indirect costs such as indirect labor, overhead factory expenses, fixed charges, the portion of general and administrative expense chargeable to manufacture, interest on investment equity, and transportation to markets. For the foreign product the expenses (other than duties) incident to importation are also important. Any information which may be available bearing on the general levels of domestic and foreign costs of production, the differentials between domestic and foreign producers as to particular elements of cost, and the extent to which invoice or wholesale prices are reliable evidence of foreign costs, will be pertinent.

(4) Other significant advantages or disadvantages in competition.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b) of this chapter.

(b) The Commission also seeks information to determine: (1) Principal competing country. (2) Principal American market or markets. (3) Representative period of time for cost inquiry.

(c) Finally, parties interested appearing at public hearings are expected to present definite information rather than generalities and conjectures.

CROSS REFERENCE: For rules regarding public notice of investigation and hearings, see §§ 201.10, 201.11 of this chapter.

§ 202.4 *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the Commission by parties interested who have entered an appearance. Unless otherwise ordered, 10 clear copies typed, mimeographed, multigraphed, or printed shall be filed with the Secretary of the Commission within 10 days after the close of the hearing.

CROSS REFERENCE: For rules regarding briefs of evidence given by deposition, see § 201.17 (b) of this chapter.

§ 202.5 *Reports.* After the completion of its investigation, the Commission will incorporate its findings in a report and the report will be transmitted to the President.

PART 203—INVESTIGATIONS AS TO UNFAIR PRACTICES IN IMPORT TRADE

Sec.
203.1 Applicability of rules under section 337.
203.2 Complaints.
203.3 Preliminary inquiry.
203.4 Answers to complaints.
203.5 Briefs.
203.6 Record.
203.7 Findings.
203.8 Transmittal to President.

AUTHORITY: §§ 203.1 to 203.8, issued under sec. 337, 46 Stat. 703; 19 U. S. C. 1337.

§ 203.1 *Applicability of rules under section 337.* The rules under this part are specifically applicable to investigations for the purposes of section 337 of the Tariff Act of 1930 (46 Stat. 703; 19 U. S. C. 1337), and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter.

§ 203.2 *Complaints.* (a) Complaint alleging violation of section 337 of the Tariff Act of 1930 may be made by any person, partnership, association, or corporation.

(b) Complaints must be made under oath but need not be drawn in any particular form. They must be signed by or on behalf of the complainant and must contain the name, address, and nature of business of the complainant and of the person or persons alleged to violate the law. The location of manufacturing plant or plants should also be stated. Complaints must contain a short and simple statement of the facts constituting the alleged unfair methods of competition or unfair acts. Specific instances of alleged unlawful importations or sales should be given.

(c) To the extent possible, complaints must also contain economic data concerning domestic production and distribution, imports and their distribution, and other pertinent facts such as will indicate: (1) That the domestic industry concerned is efficiently and economically operated and that it is being or is likely to be destroyed or substantially injured by the importations or sales in question; (2) that the alleged unlawful acts are preventing the establishment of an efficiently and economically operated domestic industry; or (3) that the alleged unlawful acts are having the effect or tendency to restrain or monopolize trade and commerce in the United States.

CROSS REFERENCE: For rule dealing with confidential information, see § 201.6 of this chapter.

(d) The complaint may be amended or further evidence submitted, in the discretion of the Commission, for good cause shown.

(e) Complainants must submit a clear copy of any complaint or amendment thereto for each person alleged to have violated the provisions of section 337 of the Tariff Act of 1930, and the Commission may require the supplying of additional copies to be served on persons whose alleged violation of section 337 is called to its attention subsequent to the filing of the complaint. In addition, five copies must be submitted for the official use of the Commission.

§ 203.3 *Preliminary inquiry.* The Commission will make such preliminary inquiry as it shall deem necessary to determine (a) whether the institution of an investigation is warranted and (b) whether the issuance of a temporary order of exclusion from entry (if requested) under section 337 (f) of the Tariff Act of 1930 is warranted.

§ 203.4 *Answers to complaints.* After an investigation shall have been ordered, and not before, a copy of the complaint will be served by the Commission upon any owner, importer, or consignee, or the agent of any of them, alleged to violate the provisions of section 337 of the Tariff Act of 1930, and such owner, importer, consignee, or agent, shall have 30 days, unless otherwise ordered, in which to make written answer under oath and to show cause, if any there be, why the provisions of section 337 of the Tariff Act of 1930 should not be applied in respect of the alleged unfair methods of competition and unfair acts set forth in the complaint.

Copies of all answers will be served by the Commission upon complainants or upon their attorneys.

The Commission reserves the right to determine whether to send copies of complaints to respondents in foreign countries.

CROSS REFERENCE: For rule regarding public notice of investigation and hearings, see §§ 201.10, 201.11 of this chapter.

§ 203.5 *Briefs.* (a) The Commission will fix a date on or before which briefs may be submitted, which date will be announced at the close of the hearing. Unless otherwise ordered, 20 clear copies typed, mimeographed, multigraphed, or printed shall be filed with the Secretary of the Commission.

(b) Application for extension of time for submitting briefs shall be filed in writing with the Secretary of the Commission at least 10 days before the date set for submitting briefs and shall set forth fully the reasons for such application.

(c) Copies of all briefs shall be served by the Commission upon all interested parties who have entered appearances or upon their representatives of record.

§ 203.6 *Record.* (a) A transcript of the testimony in an investigation, together with the findings and recommendations of the Commission, shall be the official record of the proceedings and findings in the investigation.

(b) Confidential material accepted by the Commission as confidential and so marked, will not be considered a part of the record sent to the court in the case of an appeal.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b) of this chapter.

§ 203.7 *Findings.* (a) Upon the conclusion of an investigation, the Commission will formulate findings based thereon. When the findings show a violation of the statute, a copy of the findings certified by the Secretary under the seal of the Commission will be delivered or sent by registered mail promptly to the owner, importer, or consignee or to the agent of any of them, found to be guilty of such violation.

(b) Attention is directed to the provision of section 337 (c) authorizing rehearings by the Commission on questions of either fact or law and appeals by the importer or consignee within 60 days to the United States Court of Customs and Patent Appeals upon a question or questions of law only. If no appeal is filed within the time prescribed and no rehearing granted, or if appeal is filed or rehearing granted and the Commission's findings are ultimately affirmed, the findings are then considered final.

§ 203.8 *Transmittal to President.* The final findings of the Commission will be transmitted with the record to the President for consideration and for action under the statute.

PART 204—INVESTIGATIONS OF EFFECTS OF IMPORTS ON AGRICULTURAL PROGRAMS

Sec.
204.1 Applicability of rules under Agricultural Adjustment Act.
204.2 Tariff Commission directed to make investigations.
204.3 Public notice of hearing.
204.4 Conduct of hearings.
204.5 Confidential information.
204.6 Investigation in addition to hearing.
204.7 Reports.

AUTHORITY: §§ 204.1 to 204.7 issued under sec. 22, added by sec. 31, 49 Stat. 773, as amended; 7 U. S. C. 624.

§ 204.1 *Applicability of rules under Agricultural Adjustment Act.* The rules under this part are specifically applicable to investigations under section 22 of the Agricultural Adjustment Act (of 1933), as amended (sec. 3, Pub. Law 897, 80th Cong.), and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter.

§ 204.2 *Tariff Commission directed to make investigations.* When so directed by the President, the United States Tariff Commission shall make an immediate investigation and shall give precedence thereto.[1]

§ 204.3 *Public notice of hearing.* A public hearing is required by law in every such investigation. Notice of the hearing shall be given by posting a copy of the notice or announcement thereof at the principal office of the Commission in Washington, D. C., and at its office in New York City. A copy of the notice will also be sent to press associations, to trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the investigation.

§ 204.4 *Conduct of hearings.* (a) Hearings shall be conducted by one or more Commissioners. The Production and Marketing Administration[2] may have a representative or representatives at each hearing, who shall have the privilege of examining witnesses.

(b) Any interested person may appear at the hearing, either in person or by representative, and produce oral or written evidence relevant and material to the matter or matters involved in the investigation.

(c) Witnesses shall be sworn. No documentary evidence, except as is legally subject to judicial notice, shall be accepted unless verified under oath by the person offering it as a true statement of the facts contained therein.

(d) Evidence, oral or written, submitted in hearings, shall, upon the order of the Commission, be subject to verification from the books, papers, and records of the parties interested and from any other available sources.

(e) All hearings shall be stenographically reported. Copies of the transcript of the minutes of such hearings may be purchased from the official reporter.

(f) The Commission may continue any hearings or order such additional hearing or rehearing as it may deem necessary for a full presentation of the facts involved in any investigation.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b) of this chapter.

§ 204.5 *Confidential information.* (a) If witnesses desire to submit confidential information which the Commission considers to be of that character, the Commission shall accept such submission and respect its confidential character.

CROSS REFERENCE: For rule regarding submission of confidential information, see § 201.6 (b) of this chapter.

§ 204.6 *Investigation in addition to hearing.* The Commission shall make such investigation in addition to the hearing as it deems to be necessary for a full disclosure and presentation of the facts. In such investigation the Commission may invoke all the powers granted to it under Part II, Title III, of the Tariff Act of 1930 (46 Stat. 696 et seq.; 19 U. S. C. 1330–1341).

§ 204.7 *Reports.* After the completion of its investigation the Tariff Commission shall make findings of fact, which shall include a statement of the steps taken in the investigation, and it shall transmit to the President a report of such findings, and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and it shall also transmit a copy of such report to the Secretary of Agriculture.

PART 205—INVESTIGATIONS AS TO QUOTAS ON PHILIPPINE ARTICLES

Sec.
205.1 Applicability of rules under section 504, Philippine Trade Act of 1946.
205.2 Applications.
205.3 Type of information to be developed at hearing.
205.4 Reports.

AUTHORITY: §§ 205.1 to 205.4 issued under sec. 504, 60 Stat. 156.

§ 205.1 *Applicability of rules under section 504, Philippine Trade Act of 1946.* The rules under this part are specifically applicable to investigations for the purposes of section 504 of the Philippine Trade Act of 1946 (60 Stat. 156) and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter. Section 504 of the Philippine Trade Act does not apply to sugar, cordage, rice, cigars, scrap to-

[1] Applications for investigations for the purpose of sec. 22 of the Agricultural Adjustment Act, as amended, must be filed with the Secretary of Agriculture.

[2] Originally referred to in Executive Order 7233 (7 CFR 900.501) as the Agricultural Adjustment Administrator. (See E.O. 9069, Feb. 23, 1942; E.O. 9280, Dec. 5, 1942; E.O. 9322, Mar. 26, 1943 (3 CFR, Cum. Supp.); and Memorandum No. 1118 of the Secretary of Agriculture, Aug. 18, 1945.)

bacco, stemmed and unstemmed filler tobacco, coconut oil, and pearl or shell buttons, on which quotas are imposed by part 2 of title II of the act.

§ 205.2 *Applications.* (a) Applications for an investigation for the purpose of section 504 of the Philippine Trade Act may be made by any person, partnership, association, or corporation.

(b) Applications for investigation should be typewritten or printed and five clear copies must be submitted, but applications need not be drawn in any particular form and need not be under oath. Applications must be signed by or on behalf of the applicant and should state the name, address, and nature of business of the applicant.

(c) Applications must clearly state that they are requests for investigation and must name or describe the commodity concerning which the investigation is sought.

(d) The applicant must file with his application supporting information in his possession. The filing of such information is requested to aid the Commission in determining whether to order an investigation, and does not render unnecessary the investigation itself. As far as practicable, information of the character indicated below should be furnished.

(1) Comparability of the Philippine articles in question with products of the United States with which they are considered competitive, and the degree of competition between them.

(2) Trend of domestic production and sales and trend of imports of the particular Philippine articles.

(3) Areas of greatest competition between domestic products and the particular Philippine articles and the principal market or markets in the United States.

(4) Other relevant factors that constitute, in the opinion of the applicant, an advantage or disadvantage in competition, and any other information which the applicant believes the Commission should consider.

CROSS REFERENCES: For rule regarding the submission of confidential information, see § 201.6 (b) of this chapter.

For rules regarding public notice of investigation and of hearings, see §§ 201.10, 201.11 of this chapter.

§ 205.3 *Type of information to be developed at hearing.* (a) Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings required by the statute, the Commission will expect attention in the hearing to be concentrated upon facts relating to:

(1) The competitive strength in the markets of the United States of the Philippine articles as compared with the like domestic products.

(2) The degree of likeness or similarity between grades, classes, and price groups of the Philippine articles and the like domestic products.

(3) The point (in terms of quantity) at which imports of the Philippine articles come or are likely to come into substantial competition with like products of the United States.

(4) The amount of the Philippine articles which (during the 12 months ending on the last day of the month preceding the month in which occurs the date of the beginning of the investigation) was entered, or withdrawn from warehouse, in the United States for consumption.

(5) Other significant factors concerning conditions of competition between the Philippine article and the like domestic article.

(b) Finally, parties appearing at public hearings are expected to present definite information rather than generalities and conjectures.

§ 205.4 *Reports.* After the completion of its investigation, the Commission will incorporate its findings in a report and include in its report a statement of the steps taken in the investigation. The report will be transmitted to the President and copies will be sent to each House of the Congress.

PART 206—INVESTIGATIONS REGARDING PRODUCTS ON WHICH POSSIBLE TARIFF CONCESSIONS WILL BE CONSIDERED IN TRADE-AGREEMENT NEGOTIATIONS

Sec.
206.1 Applicability of rules under section 3, Trade Agreements Extension Act of 1948.
206.2 Purpose of investigation.
206.3 Public notice of investigation.
206.4 Public hearings.
206.5 Briefs.
206.6 Reports.

AUTHORITY: §§ 206.1 to 206.6 issued under Sec. 3, Trade Agreements Extension Act of 1948 (Pub. Law 792, 80th Cong.); E. O. 10004, Oct. 5, 1948 (13 F. R. 5851).

§ 206.1 *Applicability of rules under section 3, Trade Agreements Extension Act of 1948.* The rules under Part 206 are specifically applicable to investigations for the purposes of section 3 of the Trade Agreements Extension Act of 1948 and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter.

§ 206.2 *Purpose of investigation.* The purpose of an investigation under section 3 of the Trade Agreements Extension Act of 1948 is to determine, with respect to each import article to be considered in trade-agreement negotiations for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment (a) the limit to which such modification, imposition, or continuance may be extended in order to carry out the purpose of the Trade Agreements Act of 1934, as amended, without causing or threatening serious injury to the domestic industry producing like or similar articles; and (b) the minimum increases in duties or additional import restrictions required in cases where increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or similar articles.

§ 206.3 *Public notice of investigation.* Public notice of an investigation for the purpose of section 3 of the Trade Agreements Extension Act of 1948 will be announced by posting a copy of the notice, and the list of products to be covered by the investigation, at the principal office of the Commission at Washington, D. C., and at its office in New York City; by publishing a copy of the notice in the FEDERAL REGISTER and in Treasury Decisions. Copies of the notice will also be sent to press associations, trade and similar organizations of producers, and to importers' organizations. Copies of the notice and the list of products to be covered by the investigation will be mailed on request to parties interested.

§ 206.4 *Public hearings.*—(a) *Public notice.* In the course of an investigation pursuant to section 3 of the Trade Agreements Extension Act of 1948, the Commission will hold public hearings. Notice will be given of the time and place set for all hearings in the same manner as notice is given of the investigation. Announcement of hearing will ordinarily be made 30 days in advance of the date set.

(b) *Appearances at hearings.* Parties interested may appear at public hearings, either in person or by representative, and produce, under oath, oral or written evidence relevant and material to the subject matter of the investigation.

(c) *Written statements.* Since public hearings are only a part of the investigation, and the Commission's findings are based on the information obtained at public hearings as well as other information which it may obtain in the course of the investigation, persons who cannot appear at public hearings but who desire to supply written information relevant and material to the subject matter of the investigation may do so by submitting five clear copies of the written statement, one of which shall be sworn to. No special form for presentation of written views is prescribed. Written statements so submitted will be given the same consideration as testimony presented at the hearing, and, except for confidential material, will be open to public inspection. Because the Commission's report to the President must be completed within 120 days after the start of the investigation, written statements not submitted at the hearing can be assured consideration only if received by the Commission before the close of the public hearing.

(d) *Official notice of Government publications.* Publications of the United States Government, especially reports of the Tariff Commission, need not be offered in evidence because the Commission will take notice of them as public documents. Extensive excerpts from such publications, particularly data regarding United States production, exports, or imports, should not be included in statements to the Commission either at the hearing or otherwise, but should be referred to by citing the title and page number of the pertinent publication.

CROSS REFERENCES: For rule regarding conduct of public hearings, see § 201.14 of this chapter.

For rule regarding official notice by Commission of public documents, see § 201.14 of this chapter.

(e) *Confidential information.* All information submitted in confidence should be submitted on separate pages clearly marked "Confidential." The Commission may refuse to accept in confidence any particular information which it determines is not entitled to confidential treatment.

CROSS REFERENCE: For general rule regarding confidential information, see § 201.6 of this chapter.

(f) *Type of information to be developed at hearing or in written statements.* Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings required by the statute, the Commission will expect attention to be concentrated on facts relating to:

(1) Trends of domestic production, sales, and imports for the articles in question, including data on recent developments.

(2) The competitive strength of the foreign article and the like or similar domestic article in the markets of the United States during a period which is representative of conditions of competition between such articles.

(3) Geographic areas of greatest competition between the domestic and the imported product and the principal market or markets in the United States.

(4) Costs of production of the foreign and the domestic article during the period specified under (2) and trend in costs of importation of the imported article.

(5) Additional information of a factual character bearing on the competitive position of the domestic industry.

§ 206.5 *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the Commission by parties interested who have entered an appearance. Unless otherwise ordered, 10 clear copies typed, mimeographed, multigraphed, or printed shall be filed with the Secretary of the Commission within 10 days after the close of the hearing.

§ 206.6 *Reports.* The Commission will report to the President its findings in the investigation not later than 120 days after the receipt by the Commission from the President of the list of products to be covered by the investigation.

Section 5 of the Trade Agreements Extension Act provides that within 30 days after a trade agreement has been entered into which does not comply with the limits or minimum requirements specified in the findings reported to the President by the Tariff Commission, the President shall transmit a copy of such agreement to the Congress, whereupon the Tariff Commission must deposit with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a copy of its report to the President with respect to such agreement. The Tariff Commission is required by paragraph 5 of Executive Order 10004 to keep confidential any portion of its report to the President which has not been made public by one or both of the committees referred to. Otherwise no part of the report may be disclosed by the Tariff Commission at any time.

PART 207—INVESTIGATIONS OF INJURY TO DOMESTIC PRODUCERS RESULTING FROM TRADE-AGREEMENT CONCESSIONS

Sec.
207.1 Applicability of rules under Executive Order 10004.
207.2 Purpose of investigation.
207.3 Applications.
207.4 Confidential information.
207.5 Public notice of investigation.
207.6 Public hearings.
207.7 Reports.

AUTHORITY: §§ 207.1 to 207.7 issued under Part III, E. O. 10004, Oct. 5, 1948, 13 F. R. 5851.

§ 207.1 *Applicability of rules under Executive Order 10004.* The rules under this part are specifically applicable to investigations for the purposes of Part III of Executive Order 10004 dated October 5, 1948 (13 F. R. 5851) and apply in addition to the pertinent rules of general application set forth in Part 201 of this chapter.

§ 207.2 *Purpose of investigation.* The purpose of an investigation under Part III of Executive Order 10004 is to determine whether, as a result of unforeseen developments and of a concession granted on any article by the United States in a trade agreement containing a clause such as that prescribed in paragraph 10 of Part III of Executive Order 10004,[1] such article is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or similar articles.

§ 207.3 *Applications.* (a) Applications for an investigation for the purposes of Part III of Executive Order 10004 may be made by any interested person, partnership, association, or corporation, and must be filed with the Secretary, United States Tariff Commission, Washington 25, D. C. Receipt by the Commission of an application for investigation, properly filed, will be acknowledged by the Secretary, and public notice of such receipt will be posted at the principal office of the Commission in Washington, D. C., and at its New York office, and published in the FEDERAL REGISTER, and in the weekly Treasury Decisions of the Treasury Department. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the application. Such applications, except for confidential material, will be available for public inspection at the office of the Commission in Washington, D. C., or in the New York office of the Tariff Commission, Customhouse, New York City 4, N. Y., where they may be read and copied by persons interested. If the Tariff Commission orders an investigation, notice of such order will be posted and published in accordance with § 207.5. Notice of decision not to order an investigation will be posted and published in the same manner as notice of receipt of an application under this section. The Commission will notify the applicant of its decision to order or not to order the investigation requested.

(b) Applications for investigations should be typewritten or printed, and five clear copies must be submitted, but applications need not be drawn in any particular form and need not be under oath. Applications must be signed by or on behalf of the applicant and should state the name, address, and nature of business of the applicant.

(c) Applications must clearly state that they are requests for investigations and must name or describe the commodity or commodities concerning which an investigation is sought. They must also refer to the trade-agreement provision or provisions applicable to such commodity.

(d) The applicant must file with his application such supporting information as may be in his possession or is readily available. The filing of such information is required to aid the Commission in determining whether the circumstances warrant an investigation under Executive Order 10004, and does not render unnecessary the investigation itself. In other words, the application is preliminary to and not a substitute for the investigation which the Tariff Commission is required to make in appropriate circumstances. As far as practicable, information of the character indicated in this paragraph should be furnished:

(1) Information on imports, production, sales, and exports, of the product covered by the application, by months, for the years 1937, 1939, and 1946, and subsequent periods.
(i) Imports (quantity and value).
(ii) Production (quantity).
(*a*) By the applicant.
(*b*) By the domestic industry.
(iii) Sales (quantity and value).
(*a*) By the applicant.
(*b*) By the domestic industry.
(iv) Exports (quantity and value).
(*a*) By the applicant.
(*b*) By the domestic industry.

(2) Direct labor engaged in the domestic production of the product covered by the application, including the number of persons employed during a normal period of operation in a representative prewar year, in 1946, and at the time application is filed:
(i) By the applicant.
(ii) By the industry as a whole.

(3) Relation of income from the sales of product covered by the application to total receipts from all products produced by the applicant for a representative pre-

[1] Paragraph numbered 10 of the Executive Order (which was issued to implement the Trade Agreements Act of June 12, 1934, as amended by the Trade Agreements Extension Act of 1948) is as follows: "There shall be applicable to each concession with respect to an article imported into the United States which is granted by the United States in any trade agreement hereafter entered into, a clause providing in effect that if, as a result of unforeseen developments and of such concession, such article is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or similar articles, the United States shall be free to withdraw the concession, in whole or in part, or to modify it, to the extent and for such time as may be necessary to prevent such injury."

war year and for 1946 and subsequent period.

(4) Comparability of the domestic and the foreign article and the degree of competition between them both prior and subsequent to the effective date of the trade-agreement concession.

(5) The nature and extent of injury to the domestic producer which is alleged to be caused or threatened by reason of unforeseen developments and the concession in the trade agreement.

(6) Geographic areas in which the competition between the domestic and the foreign article is most intensive.

(7) Additional information of factual character, such as: Profits and losses; changes in price structures; tax burden; wages and other costs; effects of subsidies, and price-support programs; and similar data that show the applicant's competitive position.

(e) Upon acceptance of an application by the Commission, the facts set forth therein will be carefully considered together with other pertinent information which the Commission may have available in its files, or which it may obtain from other sources, in order to determine whether an investigation is warranted.

(f) The Commission encourages informal conferences either with members of the Commission or its staff with regard to filing applications under Executive Order 10004 as well as any other matters. Such conferences can be arranged by addressing a request to the Secretary of the Commission at its office in the Tariff Commission Building, Washington 25, D. C., stating the subject matter of the proposed conference and the reasons for the request. Most of the statistical material relating to United States production and trade referred to in paragraph (d) of this section may be found in publications of the United States Departments of Agriculture, Commerce, Interior, and Labor, which are generally available both at the Washington headquarters and at the field offices of those Departments, as well as in the larger public libraries and university and state libraries.

§ 207.4 *Confidential information.* All information submitted in confidence should be submitted on separate pages clearly marked "Confidential." The Commission may refuse to accept in confidence any particular information which it determines is not entitled to confidential treatment.

CROSS REFERENCE: For general rule regarding confidential information, see § 201.6 of this chapter.

§ 207.5 *Public notice of investigation.* Public notice of an investigation ordered by the Commission under Part III of Executive Order 10004 will be given by posting a copy of the notice at the principal office of the Commission at Washington, D. C., and at its office in New York City; by publishing a copy of the notice in the FEDERAL REGISTER; and by an announcement regarding the notice in Treasury Decisions. Copies of notices will also be sent to press associations, trade and similar organizations of producers, and to importers known to the Commission to have an interest in the subject matter of the investigation.

§ 207.6 *Public hearings.*—(a) *Public notice.* In the course of an investigation ordered for the purpose of Part III of Executive Order 10004, the Commission will hold public hearings. Public notice will be given of the time and place set for all hearings, in the same manner as notice is given of an order instituting investigations. Announcement of hearing will ordinarily be made 30 days in advance of the date set.

CROSS REFERENCE: For rule regarding conduct of public hearings, see § 201.14 of this chapter.

(b) *Type of information to be developed at hearing.* Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings and recommendations required by Part III of Executive Order 10004, the Commission will expect attention in the hearing to be concentrated upon the facts relating to:

(1) The competitive strength of the foreign and domestic article in the markets of the United States during a representative period prior and subsequent to the granting of the trade-agreement concession.

(2) Costs of production of the foreign and domestic article during a representative period prior and subsequent to the granting of the trade-agreement concession, and costs of importation of the foreign article during similar periods.

(3) Developments since the granting of the trade-agreement concession which constitute advantages or disadvantages in competition between the domestic and the foreign article in the markets of the United States.

Finally, parties interested appearing at public hearings are expected to present definite information rather than generalities and conjectures.

§ 207.7 *Reports.* If the Commission finds in its investigation that, as a result of unforeseen developments and of a concession granted in a trade agreement, imports are in such increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry, it will report its findings to the President with appropriate recommendations for the withdrawal or modification of the concession to the extent found necessary for the prevention of such injury. Such report is submitted for the President's consideration "in the light of the public interest." Presidential authority to increase duties and impose such additional import restrictions as are required or appropriate to carry out a foreign trade agreement is provided for in the Trade Agreements Act of 1934, as amended. (Section 350, Tariff Act of 1930, as amended, 19 U. S. C. 1351.) In the absence of such a finding by the Commission, notice of dismissal of the investigation will be published in the same manner as the notice ordering the investigation under § 207.5. The Commission will also issue a statement of the reasons for the dismissal.

[SEAL] OSCAR B. RYDER,
Chairman,
United States Tariff Commission.

[F. R. Doc. 48-9395; Filed, Oct. 22, 1948; 9:01 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg., Amdt. 45]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§825.1 to 825.12) is hereby amended in the following respect:

Schedule A, item 82 (d), is amended to describe the counties in the Defense-Rental Area, as follows: "In White County, the City of Carmi."

This amendment decontrols all of the Carmi Defense-Rental Area, State of Illinois, except the City of Carmi, Illinois.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C App. 1894 (c))

This amendment shall become effective October 23, 1948.

Issued this 20th day of October 1948.

ED DUPREE,
Acting Housing Expediter.

Statement To Accompany Amendment 45 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of Carmi Defense-Rental Area, State of Illinois, which is outside the City of Carmi, Illinois, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met. This amendment is therefore being issued to decontrol said portion of said Defense-Rental Area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9354; Filed, Oct. 22, 1948; 8:51 a. m.]

[Controlled Housing Rent Reg. for Miami Defense-Rental Area,[1] Amdt. 8]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION FOR MIAMI DEFENSE-RENTAL AREA

The Controlled Housing Rent Regulation for Miami Defense-Rental Area (§§ 825.41 to 825.52) is amended in the following respect:

1. Section 825.41 (b) (1) (vii) is amended by changing the second sentence thereof to read as follows: "This exemption shall apply to such accommodations only while rented to a person who at the beginning of his tenancy is, or was, a tourist tenant."

[1] 13 F. R. 5706, 5788, 5783, 5937.
[2] 13 F. R. 5735.

2. Section 825.41 (b) (1) (vii) as hereby amended shall read as follows:

(vii) *Tourist tenants.* Housing accommodations located in a resort community which, during at least six months of the year ending May 31, 1947, were either rented to tourist tenants or vacant, or both, and which were rented to a tourist tenant or not rented on May 31, 1947. This exemption shall apply to such accommodations only while rented to a person who at the beginning of his tenancy is, or was, a tourist tenant. For the purpose of this section, the term "tourist tenant" shall mean a tenant having his domicile outside of the resort community who is, or was, temporarily residing within such community: *Provided, however,* That the term shall not include a tenant who has continuously resided in the resort community for a period of more than nine months immediately prior to May 31, 1947, or more than nine months immediately prior to the date of renting the accommodations, whichever is the later.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (b))

This amendment shall become effective October 23, 1948.

Issued this 20th day of October 1948.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 48-9346; Filed, Oct. 22, 1948; 8:48 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 45]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

Schedule A, item 82 (d), is amended to describe the counties in the Defense-Rental Area, as follows: "In White County, the City of Carmi."

This amendment decontrols all of the Carmi Defense-Rental Area, State of Illinois, except the City of Carmi, Illinois.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective October 23, 1948.

Issued this 20th day of October 1948.

ED DUPREE,
Acting Housing Expediter.

[1] 13 F R. 5750, 5729, 5875, 5937, 5938.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE, AND PROCEDURE

BUREAUS OF LAW AND ENGINEERING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of October 1948;

The Commission having before it a proposal to amend § 1.44 of its rules relating to organization and practice and procedure, whereby the Secretary with the approval of the Commission's Engineering and Law Bureaus shall have authority to act upon applications from FM broadcast stations for authority to transmit multiplex facsimile in accordance with § 3.266 of the Commission's rules; and

It appearing, that under the present Commission rules, the Commission would be required to take individual action upon each of said applications; and

It further appearing, that the processing of said applications will be greatly expedited by appropriate delegation of the Commission's authority to act thereon to members of the Commission Staff; and

It further appearing, that the proposed amendment is procedural and that the provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that authority for the proposed amendment is contained in sections 5 (b) and 303 (r) of the Communications Act of 1934, as amended.

It is ordered, That, effective immediately, § 1.144 of the Commission's rules relating to organization and practice and procedure be, and it is hereby, amended to include paragraph (l) which paragraph shall read as follows:

(l) Applications from FM broadcast stations requesting authority to transmit multiplex facsimile in accordance with § 3.266 of the Commission's rules.

(5 (b) 48 Stat. 1068; 303 (r), 53 Stat. 191; 47 U. S. C. 5 (b) and 303 (r))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9364; Filed, Oct. 22, 1948; 8:53 a. m.]

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

PART 13—COMMERCIAL RADIO OPERATORS

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of October 1948;

The Commission having under consideration its rules and regulations relating to the application for and issuance of new, renewed, replacement and duplicate commercial radio operator licenses; and

It appearing, that, in the case of a license holder whose name is legally changed, specific provision should be made to cover the practice of issuing a replacement of that license to show the new legal name of the holder; and

It further appearing, that submission of applications in duplicate is no longer considered necessary; and

It further appearing, that the license entitled "War Emergency Radio Service Operator Permit" is no longer issued; and

It further appearing, that, in view of the provisions of section 35 (A) of the United States Criminal Code, applications for commercial radio operator licenses on which proper reference to section 35 (A) is made need no longer be notarized; and

It further appearing, that certain editorial changes should be made to simplify and clarify the meaning of certain rules and regulations involved in the above entitled matter, without, however, changing the intent or effect thereof; and

It further appearing, that authority for the amendments herein ordered is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended; and

It further appearing, that the amendments proposed herein are procedural in nature and, therefore, that the public notice and procedure for rule making provided by section 4 of the Administrative Procedure Act are not required and those amendments may be made effective immediately;

It is ordered, That §§ 1.213 and 1.329 of the Commission's rules relating to organization and practice and procedure, and §§ 13.1, 13.71, 13.72 and 13.73 of the Commission's rules governing commercial radio operators be amended as set forth below.

It is further ordered, That the amendments, as set forth below, shall be effective immediately.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Paragraph (b) of § 1.213 is amended by the deletion of the words "in duplicate" in the second line thereof.

2. Paragraph (a) of § 1.329 is amended to read as follows:

(a) Application for a new, renewed, replacement or duplicate commercial radio operator's license, permit or authorization, or for an endorsement thereon, or for a verification card, shall be filed on FCC Form No. 756, entitled "Application for Commercial Radio Operator License or Permit," or on FCC Form No. 756-A, entitled "Application for Aircraft Radiotelephone Operator Authorization."

3. Footnote 1 to § 13.1 is amended to read as follows:

[1] Whenever the term "license" is used generally to denote an authorization from the Commission, it includes "license," "permit" and "authorization."

4. Section 13.71 is amended to read as follows:

§ 13.71 *Issue of duplicate or replacement licenses.* (a) An operator whose license, permit or authorization has been lost, mutilated or destroyed shall immediately notify the Commission. A properly executed application for duplicate should be submitted to the office of issue, embodying a statement of the circumstances involved in the loss, mutilation or destruction of the license or permit for which a duplicate is desired. If the license or permit has been lost, the applicant must state that reasonable search has been made for it, and further, that in the event it be found either the original or the duplicate will be returned for cancellation. The applicant should also submit documentary evidence of the service that has been obtained under the original license or permit, or a statement under oath or affirmation embodying that information.

(b) The holder of any license, permit or authorization whose name is legally changed may make application for replacement document to indicate the new legal name, by submitting a properly executed application to the office of issue, accompanied by the license, permit or authorization affected and by documentary evidence of the legality of the name change.

5. Section 13.72 is amended to read as follows:

§ 13.72 *Exhibiting signed copy of application.* When a duplicate or replacement operator license or permit has been requested, or request has been made for renewal upon service or for an endorsement or a verification card, the operator shall exhibit in lieu of the original document a signed copy of the application which has been submitted by him.

6. Section 13.73 is amended to read as follows:

§ 13.73 *Verification card.* The holder of an operator license or permit of the diploma form (as distinguished from such document of the card form) may, by filing a properly executed application accompanied by his license or permit, obtain a verification card.[2] This card may be carried on the person of the operator in lieu of the original license or permit when operating any station at which posting of an operator license is not required: *Provided,* That the license is readily accessible within a reasonable time for inspection upon demand by an authorized Government representative.

7. Footnote 1 to § 13.73, as that section appeared prior to this amendment, is deleted.

[F. R. Doc. 48-9365; Filed, Oct. 22, 1948; 8:53 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF TOMATOES IN BOXES, APPLES AND ONIONS

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520 of this chapter, *infra.*

[General Permit ODT 18A, Rev.-24C, Amdt. 2]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENT OF APPLES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, *It is hereby ordered,* That General Permit ODT 18A, Revised-24C, as amended (13 F. R. 3939, 6108), shall remain in full force and effect until December 31, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 20th day of October 1948.

HOMER C. KING,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 48-9347; Filed, Oct. 22, 1948; 8:49 a. m.]

[General Permit ODT 18A, Rev.-43]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF TOMATOES IN BOXES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.544 *Shipments of tomatoes in boxes.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971), or in Items 545 and 550 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of tomatoes in boxes, standard lug, when such carload freight is loaded with not less than 600 boxes.

This General Permit ODT 18A, Revised-43, shall become effective October 20, 1948, and shall expire February 28, 1949.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 20th day of October 1948.

HOMER C. KING,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 48-9348; Filed, Oct. 22, 1948; 8:49 a. m.]

[General Permit ODT 18A, Rev.-44]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.545 *Shipments of onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971), or in Item 400 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of onions when such carload freight is loaded to a weight not less than 30,000 pounds.

This General Permit ODT 18A, Revised-44, shall become effective October 22, 1948, and shall expire February 28, 1949.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 20th day of October 1948.

HOMER C. KING,
Deputy Director,
Office of Defense Transportation.

[F. R. Doc. 48-9349; Filed, Oct. 22, 1948; 8:49 a. m.]

[2] FCC Form 758-F.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 151]

NARCOTIC REGULATIONS; ORDER FORMS AND MONTHLY RETURNS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue and the Commissioner of Narcotics, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue or to the Commissioner of Narcotics, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 2551, 2559, and 2606 of the Internal Revenue Code (53 Stat. 270, 277, 283; 26 U. S. C. 2551, 2559, 2606).

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.
GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Narcotic Regulations No. 5 amended to provide a third copy of narcotic order forms, and to eliminate the reporting of certain detailed information in monthly narcotic returns of manufacturers and wholesalers.

Narcotic Regulations 5 (26 CFR, Part 151) relating to narcotics subject to the Harrison Narcotic Law, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4884, approved February 11, 1939 (26 CFR, Cum. Supp., p. 5875) are amended as follows:

PARAGRAPH 1. Article 64 (26 CFR 151.64) is amended to read as follows:

§ 151.64 *Manner of procurement.* A person desiring and entitled to receive order forms should submit requisition on Form 679 to the collector of the district in which he is doing business. The order forms are issued in books each containing 10 sets of original, duplicate and triplicate forms. Blank requisitions, Form 679, may be obtained from the collector and a replacement requisition blank is included in each book of forms. Each requisition shall show the taxpayer's name, address, registry number and class, and the number of books of order forms desired. A charge of 10 cents is made for each book of order forms, and the requisition should be accompanied by remittance of the proper amount in the form of certified check, cash or money order.

PAR. 2. Article 69 (26 CFR 151.69) is amended to read as follows:

§ 151.69 *Execution of forms.* Order forms are issued in triplicate and shall be executed in triplicate. They are arranged to permit the execution of the original, duplicate and triplicate simultaneously by means of interleaved carbon sheets. The original and the triplicate, together with the intervening carbon sheet must be furnished to the consignor, but shall not leave the possession of the person executing the order until the duplicate is made.

The attachment of extra sheets to order forms is not permitted. If one order form is not sufficient to include all the items of an order an additional form or forms shall be used. The order forms are intended solely to cover dispositions of taxable narcotic drugs and preparations to registered persons. They shall not in any case be used as prescriptions.

PAR. 3. Article 75 (26 CFR 151.75) is amended by striking from the first sentence thereof the number "10" and inserting in lieu of such number the number "5."

PAR. 4. Article 82 (26 CFR 151.82) is amended by inserting in the last sentence thereof immediately following the word "original" the words "and triplicate".

PAR. 5. Article 86 (26 CFR 151.86) is amended by striking out the first sentence and inserting in lieu thereof the following:

§ 151.86 *Endorsements.* An order form made out to a Class I or Class II registrant who can not fill it may be indorsed in the spaces provided for that purpose on the reverse sides of the original and triplicate forms and referred by him to another such registrant for filling.

PAR. 6. Article 88 (26 CFR 151.88) is amended to read as follows:

§ 151.88 *Filing of orders.* The duplicate shall be kept on file by the vendee for at least two years. The original shall be filed and preserved for a like period by the vendor. The triplicate shall be forwarded by the vendor at the close of the month during which it is filled to the Narcotics District Supervisor for the district in which the vendor is located. Where an order is only partially filled during one month and other items thereon are to be supplied during a following month, as provided in § 151.82, the triplicate should be retained by the vendor and forwarded to the district supervisor at the close of the month during which the final shipment is made or during which the 60-day validity period expires.

Any order form which is improperly executed or mutilated so as to make it unusable, shall not be destroyed, but all copies shall be kept on file with the other duplicates.

PAR. 7. Article 89 (26 CFR 151.89) is amended to read as follows:

§ 151.89 *Lost and stolen order forms.* If a purchaser ascertains that an original unfilled order has been lost, he shall execute another in triplicate and an affidavit stating that the goods covered by the first order were not received through loss of the order, and shall note on the second order the number and date of the lost order and the fact that it was lost. The duplicate of the second order and the affidavit shall be filed with the duplicate of the order first executed. If the first order is subsequently received by the person to whom it was directed, he shall mark upon the face thereof, "Not accepted", and return it to the purchaser, who shall attach it to the duplicate and the affidavit.

Whenever any used or unused order forms are stolen from, or lost (otherwise than in the course of transmission) by, any person registered under the act, he shall immediately upon discovery of such theft or loss, report the same to the Commissioner of Narcotics, Washington, D. C., stating the serial number of each form stolen or lost. If the theft or loss includes any original orders received from other persons and the registrant is unable to state the serial numbers of such orders, he shall report the date of receipt thereof and the names and addresses of the purchasers. If an entire book of order forms is lost or stolen, and the registrant is unable to state the serial numbers of the order forms contained therein, he shall report, in lieu of the numbers of the forms contained in such book, the date or approximate date of purchase thereof. If any unused order form reported stolen or lost is subsequently recovered or found, the Commissioner of Narcotics shall be notified thereof.

PAR. 8. Article 116 (26 CFR 151.116) is amended to read as follows:

§ 151.116 *Form 810b; dispositions.* All dispositions of taxable narcotics and

preparations by a manufacturer as such, including exports, sales, transfers to other classes at the same location, and losses, shall be reported on form 810b. A separate sheet, properly headed in the space provided, shall be used for each different type of transaction. On each sheet separate entries shall be used to report dispositions of each kind of drug and of each different type and size of package or unit involved. All losses reported shall be fully explained.

The details of all exports, all insular sales, and all domestic sales to manufacturers (Class I), manufacturers of exempted preparations (Class V) and wholesale dealers (Class II), of any narcotic drug, and the details of all sales of (1) opium, its tinctures and extracts, (2) Pantopon, (3) Morphine and its salts, (4) dihydromorphinone and its salts (Dilaudid, Hymorphan), (5) dihydrocodeinone and its salts (Dicodid, Hycodan), (6) methyl-dihydromorphinone and its salts (Metopon), (7) cocaine and its salts, (8) isonipecaine and its salts (Demerol), and (9) Amidone (4, 4-diphenyl-6-dimethylamino-heptanone 3) (Methodon, Dolophin, Adanon) to retail pharmacists (Class III), practitioners (Class IV), hospitals, clinics, and sanatoria (Classes III or IV), and laboratories (Class VI), shall be reported in full on form 810b. The details of sales of other drugs to Class III, IV and VI registrants, may be omitted from returns, but such transactions shall be included in summarized entries on form 810b. For all such sales not reported in detail the manufacturer shall have available for inspection original sales orders, delivery slips, or other papers or records sufficient to fully evidence and explain the dispositions.

PAR. 9. Article 151 (26 CFR 151.151) is amended to read as follows:

§ 151.151 *Form 811b; dispositions.* All dispositions of taxable narcotics and preparations by a wholesale dealer as such, including exports, sales, transfers to other classes at the same location, and losses, shall be reported on form 811b. A separate sheet, properly headed in the space provided, shall be used for each different type of transaction. On each sheet separate entries shall be made of dispositions of each kind of drug and of each different type and size of package or unit involved. All losses reported shall be fully explained.

The details of all exports, all insular sales, and all domestic sales to manufacturers (Class I), manufacturers of exempted preparations (Class V), and wholesale dealers (Class II), of any drug, and the details of all sales of (1) opium, its tinctures and extracts, (2) pantopon, (3) morphine and its salts, (4) dihydromorphinone and its salts (dilaudid, hymorphan), (5) dihydrocodeinone and its sales (dicodid, hycodan), (6) methyldihydromorphinone and its salts (metopon), (7) cocaine and its salts, (8) isonipecaine and its salts (demerol), and (9) Amidone (4,4 diphenyl-6-dimethylamino-heptanone 3) (Methodon, Dolophin, Adanon), to retail pharmacists (Class III), practitioners (Class IV), hospitals, clinics, and sanatoria (Classes III or IV), and laboratories (Class VI), shall be reported in full on form 811b. The details of sales of other drugs to Class III, IV and VI registrants, may be omitted from returns, but such transactions shall be included in summarized entries on form 811b. For all such sales not reported in detail the wholesale dealer shall have available for inspection original sales orders, delivery slips, or other papers or records sufficient to fully evidence and explain the dispositions.

[F. R. Doc. 48-9352; Filed, Oct. 22, 1948; 8:50 a. m.]

[26 CFR, Part 152]

MARIHUANA TAX REGULATIONS; STATUS OF MILLERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue and the Commissioner of Narcotics, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, or to the Commissioner of Narcotics, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2599 and 2600 of the Internal Revenue Code (53 Stat. 282, 283; 26 U. S. C. 2599, 2600).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.
H. J. ANSLINGER,
Commissioner of Narcotics.

Regulations No. 1 amended to include special tax on, registration of, and exemption for certain transfers to, millers.

Regulations No. 1 (26 CFR, Part 152), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4884, approved February 11, 1939 (Note, 26 CFR, Cum. Supp., page 5875), are amended as follows:

PARAGRAPH 1. Article 2 (§ 152.2) is amended by relettering paragraphs (e) to (h) inclusive, (f) to (i) inclusive, and by inserting after paragraph (d) a new paragraph (e), which reads as follows:

(e) The term "miller" means any person who at a mill manufacturers or produces from the plant Cannabis sativa L. any fiber or fiber products.

PAR. 2. There is inserted immediately preceding Article 3 (§ 152.3), the following:

SEC. 3231. REGISTRATION (INTERNAL REVENUE CODE)

(a) *In general.* Any person subject to the tax imposed by section 3230 shall, upon payment of such tax, register his name or style and his place or places of business with the collector of the district in which such place or places of business are located.

(b) *Special requirements for millers.* The Secretary shall not permit the registration of any person under this section as a person required to pay the tax imposed by section 3230 (a) (6), unless in the opinion of the Secretary such person (or if a corporation, each officer thereof) is a person of good moral character and unless in the opinion of the Secretary such person is a person of suitable financial standing, intends to engage in good faith in the business of manufacturing or producing fiber or fiber products from the plant Cannabis sativa L. on a commercial basis, and is not seeking registration under this section for the purpose of facilitating the unlawful diversion of marihuana. Any person who is registered under this section and has paid the tax imposed by section 3230 (a) (6) shall afford agents of the Bureau of Narcotics ready access at all times to any part of the premises of the mill or other premises of such person and the right to inspect any and all books, papers, records, or documents connected with the activities of such person in dealing in, manufacturing, and processing Cannabis sativa L. and fiber or fiber products thereof, and the handling of marihuana. The Secretary may cancel or may refuse to renew, after notice and opportunity for hearing, the registration of any such person if he finds that such person has not complied or is not complying with the requirements of this subsection, or if he finds that grounds exist which would justify the refusal to permit the original registration of such person under this section. [As added by sec. 10 (c), 60 Stat. 40; 26 U. S. C. 3231 (b)]

PAR. 3. The first sentence of Article 3 (§ 152.3) is amended by substituting a comma for the period after the word "marihuana" at the end thereof, and adding "or who manufactures or produces any fiber or fiber products from the plant Cannabis sativa L."

PAR. 4. Immediately after Article 4 (§ 152.4), there is inserted the following:

§ 152.4a *Investigation of millers' application.* (a) All applications filed by millers on Form 678c shall be referred by the collector to the appropriate narcotic district supervisor for investigation, report, and recommendation. Applications on Form 678c for reregistration shall also be referred by the collector to the appropriate narcotic district supervisor for investigation, report, and recommendation, if the collector is in doubt as to the applicant's being lawfully entitled to engage in the activity for which he seeks registration.

(b) In the case of applications which have been so referred, the collector shall not issue a special tax stamp in connection with any registration until information has been submitted to him by the narcotic district supervisor, that the applicant is lawfully entitled to engage in the activity in the district in which he seeks registration.

(c) Upon receipt of such application for registration or reregistration, the narcotic district supervisor shall immediately cause an investigation to be made of the applicant to determine whether he meets the qualifications set forth in section 3231 (b) of the Internal Revenue Code. In the case of a new applicant particularly, the investigation shall include a comprehensive inquiry to determine whether the applicant is equipped with technical facilities and technical skill adequate to establish and maintain the proposed milling operation with reasonable degree of efficiency; whether the applicant has a market for the prospective fiber products; and whether there are or will be appropriate safeguards against diversion of marihuana while en route to, or at, the mill premises. The narcotic district supervisor shall make a complete report of the result of the investigation, with a statement of his findings and his recommendation, to the Commissioner of Narcotics who will notify the district supervisor of his approval or disapproval of the application, or direct that more information be furnished or that additional investigation be made before decision of approval or disapproval is made.

(d) Upon receipt of said notification, the narcotic district supervisor shall return the application to the collector with a statement that it has been approved or disapproved by the Commissioner of Narcotics including, in case of disapproval, representation of the points wherein the applicant lacks statutory qualification. The application together with the statement shall be returned to the collector within twenty days from date of receipt of the application by the district supervisor, unless a longer time shall be required within which to complete an investigation and report. In the latter event the district supervisor shall, upon or before the expiration of the said twenty days, notify the collector stating the estimated additional time required.

(e) If the application is returned disapproved, the collector shall so notify the applicant with a statement of the points wherein he lacks the necessary qualifications, and shall deny him registration.

(f) If the narcotic district supervisor shall find, after investigation, that a miller already registered has not complied or is not complying with the requirements of section 3231 (b) of the Internal Revenue Code, or that grounds exist which would justify the refusal to permit the original registration of such person under said section, he shall report the result of his investigation, with a statement of his findings and his recommendation, to the Commissioner of Narcotics whether or not an application by the miller for reregistration (renewal) has been submitted or is pending. The Commissioner of Narcotics may direct that more information be furnished or that additional investigation be made before decision is made in the case. The final decision of the Commissioner of Narcotics shall be communicated to the narcotic district supervisor and if adverse to the registrant, will include a statement showing wherein said registrant is deemed to be disqualified.

The collector shall immediately notify the registrant of an adverse decision with the included statement of disqualification, and that his current registration is canceled and that reregistration will be, or if application is pending is, denied. As the public health, interest and safety require otherwise, the registrant shall not be accorded opportunity to demonstrate or achieve compliance with the lawful requirements before cancellation of registration or denial of reregistration.

Within fifteen days from the date of the collector's notification of cancellation of existing registration or denial of reregistration, the registrant so notified may request a hearing by letter addressed and mailed to the Commissioner of Narcotics, Washington 25, D. C. Upon receipt of timely application, the Commissioner of Narcotics shall arrange a hearing at a time and place convenient to the parties, but effort will be made to hold such hearing within thirty days, before a hearing officer to be designated by said Commissioner and pursuant to rules to be hereafter promulgated and published.

PAR. 5. There is inserted immediately preceding Article 10 (§ 152.10) the following:

SEC. 3230. TAX (INTERNAL REVENUE CODE)

(a) *Liability and time for payment of tax.* Every person who imports, manufacturers, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana shall (1) before engaging in any of the above-mentioned activities, and (2) thereafter, on or before July 1 of each year, pay the following special taxes respectively:

(1) *Importers, manufacturers, and compounders.* Importers, manufacturers, and compounders of marihuana, $24 per year.

(2) *Producers.* Producers of marihuana (except those included within subdivision (4) of this subsection), $1 per year, or fraction thereof, during which they engage in such activity.

(3) *Physicians, dentists, veterinary surgeons, and other practitioners.* Physicians, dentists, veterinary surgeons, and other practitioners who distribute, dispense, give away, administer, or prescribe marihuana to patients upon whom they in the course of their professional practice are in attendance, $1 per year or fraction thereof during which they engage in any of such activities.

(4) *Persons engaged in research, instruction, or analysis.* Any person not registered as an importer, manufacturer, producer, or compounder who obtains and uses marihuana in a laboratory for the purpose of research, instruction, or analysis, or who produces marihuana for any such purpose, $1 per year, or fraction thereof, during which he engages in such activities.

(5) *Persons not otherwise taxed.* Any person who is not a physician, dentist, veterinary surgeon, or other practitioner and who deals in, dispenses, or gives away marihuana, $3 per year: *Provided*, That any person who has registered and paid the special tax as an importer, manufacturer, compounder, or producer, as required by subdivisions (1) and (2) of this subsection, may deal in, dispense, or give away marihuana imported, manufactured, compounded, or produced by him without further payment of the tax imposed by this section.

(6) *Millers.* Any person who at a mill manufactures or produces from the plant Cannabis sativa L. any fiber or fiber products, $1 per year or fraction thereof during which he engaged in such activities. [Subpar. (6) added by sec. 10 (b), 60 Stat. 40; 26 U. S. C. 3230 (a) (6)]

PAR. 6. Article 10 (§ 152.10) is amended as follows:

a. There is inserted in the table under the heading "Class" the numeral "VI"; under the heading "Annual tax rate" the numeral "1"; and under the heading "Persons liable" the word "Millers."

b. The last sentence in paragraph two is amended to read as follows: "Persons registering in classes II, IV, V, or VI, shall pay the tax of $1 a year or for any fractional part thereof, regardless of when business is commenced."

PAR. 7. Immediately after Article 16 (§ 152.16), there is inserted the following:

§ 152.16a *Millers.* Every person who at a mill manufactures or produces from the marihuana plant any fiber or fiber products is subject to tax as a miller at the rate of $1 per annum or fraction thereof in class VI.

PAR 8. The last sentence in the first paragraph of Article 38 (§ 152.38) is amended to read as follows: "The coupon stamps are issued to registrants in classes I and III, and the stamps without coupons to registrants in classes II, IV, V, and VI."

PAR. 9. There is inserted immediately preceding Article 52 (§ 152.52), the following:

SEC. 2591. ORDER FORMS (INTERNAL REVENUE CODE)

(a) *General Requirement.* It shall be unlawful for any person, whether or not required to pay a special tax and register under sections 3230 and 3231, to transfer marihuana, except in pursuance of a written order of the person to whom such marihuana is transferred, on a form to be issued in blank for that purpose by the Secretary.

(b) *Exceptions.* Subject to such regulations as the Secretary may prescribe, nothing contained in this section shall apply:

(1) *Professional practice.* To a transfer of marihuana to a patient by a physician, dentist, veterinary surgeon, or other practitioner registered under section 3231, in the course of his professional practice only: *Provided*, That such physician, dentist, veterinary surgeon, or other practitioner shall keep a record of all such marihuana transferred, showing the amount transferred and the name and address of the patient to whom such marihuana is transferred, and such record shall be kept for a period of two years from the date of the transfer of such marihuana, and subject to inspection as provided in section 2595.

(2) *Prescriptions.* To a transfer of marihuana, made in good faith by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, veterinary surgeon, or other practitioner registered under section 3231: *Provided*, That such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, veterinary surgeon, or other practitioner who issues the same: *Provided further*, That such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filled so as to be readily accessible for inspection by the officers, agents, employees, and officials mentioned in section 2595.

(3) *Exportation.* To the sale, exportation, shipment, or delivery of marihuana by any person within the United States, any Territory, the District of Columbia, or any of the insular possessions of the United States, to any person in any foreign country regulating the entry of marihuana, if such sale, shipment, or delivery of marihuana is made in accordance with such regulations for importation into such foreign country as are prescribed by such foreign country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

(4) *Government and State officials.* To a transfer of marihuana to any officer or employee of the United States Government or of any State, Territorial, District, county, or municipal or insular government lawfully engaged in making purchases thereof for the various departments of the Army and Navy, the Public Health Service, and for Government, State, Territorial, District, county, or municipal or insular hospitals or prisons.

(5) *Certain seeds.* To a transfer of any seeds of the plant Cannabis sativa L. to any person registered under section 3231.

(c) *Supply.* The Secretary shall cause suitable forms to be prepared for the purposes before mentioned and shall cause them to be distributed to collectors for sale. The price at which such forms shall be sold by said collectors shall be fixed by the Secretary, but shall not exceed 2 cents each. Whenever any collector shall sell any of such forms he shall cause the date of sale, the name and address of the proposed vendor, the name and address of the purchaser, and the amount of marihuana ordered to be plainly written or stamped thereon before delivering the same.

(d) *Preservation.* Each such order form sold by a collector shall be prepared by him and shall include an original and two copies, any one of which shall be admissible in evidence as an original. The original and one copy shall be given by the collector to the purchaser thereof. The original shall in turn be given by the purchaser thereof to any person who shall, in pursuance thereof, transfer marihuana to him and shall be preserved by such person for a period of two years so as to be readily accessible for inspection by any officer, agent, or employee mentioned in section 2595. The copy given to the purchaser by the collector shall be retained by the purchaser and preserved for a period of two years so as to be readily accessible to inspection by any officer, agent, or employee mentioned in section 2595. The second copy shall be preserved in the records of the collector.

(e) *Exemption for certain transfers to Millers.* Nothing in this section shall apply to a transfer of the plant Cannabis sativa L. or any parts thereof from any person registered under section 3231 to a person who is also registered under section 3231 as a taxpayer required to pay the tax imposed by section 3230 (a) (6). [Subsec. (e) added by sec. 10 (a), 60 Stat. 40; 26 USC 2591 (e)].

PAR. 10. Article 52 (§ 152.52) is amended by adding the following new subparagraph (6) (§ 152.52 (f)) at the end thereof:

§ 152.52 *When order forms not required.* * * *

(f) For transfers of the plant Cannabis sativa L. or any parts thereof (including seeds of the plant), from any person registered under section 3231 of the Internal Revenue Code to a person who is also registered under section 3231 of said Code as a taxpayer required to pay the tax imposed by section 3230 (a) (6), of said Code.

PAR. 11. There is inserted immediately after Article 68 (§ 152.68) the following:

§ 152.68a *Transfer of the plant Cannabis sativa L.* Before making transfers of the plant Cannabis sativa L., the transferor must receive from the transferee a certificate of registration showing such person to be qualified under the act to acquire such plant. Certificates of registration will be issued by the collector for the district in which the transferee is registered, upon request of the transferee. Records covering receipt and disposition of such plant must be kept in the same manner as records of other transactions in marihuana (see article 74½ (§ 152.74a)).

PAR. 12. There is inserted immediately after Article 74 (§ 152.74) the following:

§ 152.74a *Returns required of millers.* Every person registered as a miller who receives Cannabis sativa L. plants or parts thereof for the purpose of manufacturing or producing any fiber or fiber products, shall render a quarterly return on Form 961, and its supplement, Form 961a. The return shall be submitted to the collector of internal revenue for the district on or before the 15th day of April, July, October, and January, for the quarterly periods ending March 31, June 30, September 30, and December 31, respectively. Each such return shall account for all Cannabis sativa L. plants or parts thereof on hand, purchased, or otherwise acquired, all manufacture or producing of fiber or fiber products, and all sales, exports, or other dispositions of such plants or parts thereof, or their products.

All marihuana yield of such Cannabis sativa L. plants or parts thereof (green or dried flowering tops, foliage and seed) shall be destroyed on the miller's premises, and each return shall bear a written statement of the approximate weight of marihuana, or the approximate weight of marihuana and other commingled plant waste material, destroyed during the quarterly period and the method of destruction.

PAR. 13. Immediately after Article 77 (§ 152.77), there is inserted the following:

§ 152.77a *Processing by millers.* Persons who have registered and paid the tax to process the Cannabis sativa L. plants and parts thereof, for the purpose of extracting any fiber or fiber products therefrom, are required to keep complete records relating to the receipt, disposal, and stock on hand, of all such plants and parts thereof and products therefrom. The Government does not furnish blanks for the keeping of this record, but it should be in a form substantially as follows:

Date	Cannabis sativa L. plants and parts		Disposed of—		On hand			Remarks
	Received (pounds)	Processed (pounds)	Fiber (pounds)	Fiber products (pounds)	Plants (pounds)	Fiber (pounds)	Products (pounds)	

[F. R. Doc. 48-9353; Filed, Oct. 22, 1948; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR, Part 301]

EXTENSION TO TENNESSEE OF QUARANTINE ON ACCOUNT OF WHITE-FRINGED BEETLES AND EXTENSION TO REGULATED AREAS IN CERTAIN OTHER STATES NOW UNDER SAID QUARANTINE

NOTICE OF PUBLIC HEARING AND OF PROPOSED RULE MAKING

Notice is hereby given as required by section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 1946 ed. 161), and section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1946 ed. 1003 (a)) as follows:

The Secretary of Agriculture has information that white-fringed beetles (*Graphognathus* spp.), introduced insect pests destructive to agriculture and not heretofore known to be widely prevalent or generally distributed within the United States except in parts of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina, have now been found to be present also in the State of Tennessee.

It is necessary, therefore, to consider amending Quarantine No. 72 on account of white-fringed beetles (7 CFR 301.72 *et seq.*; 13 F. R. 2811) to quarantine the State of Tennessee and to restrict or prohibit the movement from that State, or regulated portions thereof, into any other State, Territory or District, of any carriers of white-fringed beetles, including but not limited to the following articles:

Soil, sand, gravel, clay, compost, manure, peat, or muck, whether moved independently of or in connection with or attached to nursery stock, plants, products, articles, or things.
Nursery stock.
Grass sod.
Plant crowns or roots for propagation.
Uncleaned grass, grain, and legume seed.
Potatoes (Irish), when freshly harvested.
True bulbs, corms, tubers, and rhizomes of ornamental plants, when freshly harvested or uncured.
Hay and straw.
Peanuts in shells and peanut shells.
Seed cotton and cottonseed.
Scrap metal, junk, and cinders.

Consideration is also being given to extension of the presently regulated area designated in regulations supplemental to Quarantine No. 72 on account of white-fringed beetles (7 CFR 301.72–2; 13 F. R. 2811) to include parts of Clarke and Houston counties in Alabama, Jackson county in Florida, Crawford county in Georgia, East Baton Rouge and Washington parishes in Louisiana, Greene county in Mississippi, and Jones and Lenoir counties in North Carolina, where initial or additional infestations of white-fringed beetles were discovered during the last season; and to include additional parts of counties which are now under regulation in Alabama, Florida, Georgia, Mississippi, and North Carolina, where extensions of infestations of white-fringed beetles were found during the last season.

A public hearing will be held before the Bureau of Entomology and Plant Quarantine in the conference room, Patton Hotel, Chattanooga, Tennessee, at 10:00 a. m., December 1, 1948, in order that any person interested in the proposed quarantine or quarantine extension may appear and be heard, either in person or by attorney. Any interested person who desires to do so may also submit written views, data or arguments on these subjects by filing them with the Chief of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington 25, D. C., on or before November 30, 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

OCTOBER 19, 1948.

[F. R. Doc. 48-9344; Filed, Oct. 22, 1948; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 9]

[Docket No. 8414]

RULES AND AERONAUTICAL SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 9.172 of the rules governing aeronautical services to permit the continued use under certain conditions of currently licensed ground station equipment operating on frequencies above 500 kc even though that equipment cannot meet the frequency stability of 0.01% as provided for in this section. The proposed amended rule would read as follows:

§ 9.172 *Frequency stability.*[1] The carrier frequency of stations in the aeronautical service shall be maintained within the following percentage of the assigned frequency:

	Before Jan. 1 1950	After Jan. 1 1950
	Per-cent	*Per-cent*
All aircraft stations on frequencies above 500 kc	.02	.01
All ground stations on frequencies above 500 kc	.01	.01
All stations on frequencies of 500 kc or below	.02	.02

[1] All new equipment shall meet this requirement. All existing equipment operating on frequencies below 30,000 kilocycles shall meet this requirement if this tolerance can be met by crystal change alone; otherwise the tolerance shall be 0.02%.

3. The proposed amendment is issued under the authority of section 303 (e), (f) and (r) of the Communications Act of 1934, as amended.

[1] These tolerance requirements are obviously not applicable to certain devices such as altimeters and various radar equipments which are now operating on an experimental basis to determine their value, design and frequency requirements. Pending decision on the final status of such equipment and the modification of the Commission's rules to meet their needs, tolerance requirements will be specified on the licenses under which such devices operate.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before November 19, 1948, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments, briefs and arguments presented before taking final action with respect to the proposed amendment.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9363; Filed, Oct. 22, 1948; 8:53 a. m.]

[47 CFR, Part 13]

[Docket No. 9163]

COMMERCIAL RADIO OPERATORS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed amendment of the Commission's rules governing commercial radio operators, by the establishment of a new § 13.5, is designed to prevent persons whose commercial radio operator licenses are suspended, persons involved in license suspension proceedings, or persons involved in pending litigation based on an alleged violation of the Communications Act of 1934, as amended, from escaping the penalty imposed (or that may be imposed) by declaring such persons temporarily ineligible to apply for commercial radio operator licenses of any class. Also, in view of the numerous letters received by the Commission from aliens requesting Commercial radio operator licenses, it is proposed to include in the new § 13.5 the provision of section 303 (l) of the Communications Act of 1934, as amended, that radio operator licenses be issued only to such citizens of the United States that the Commission finds qualified.

3. The proposed amendment, authority for which is contained in sections 4 (i), 303 (l) and 303 (r) of the Communications Act of 1934, as amended, is set forth below:

4. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner set forth below, may file with the Commission on or before November 19, 1948, a statement or brief setting forth his comments. At the same time, persons favoring the amendment as proposed may file statements in support thereof. The Commission will consider such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

It is proposed to amend Part 13 of the Commission's rules and regulations by adding a new § 13.5 as follows:

§ 13.5 *Eligibility for new license.* (a) Under the provisions of section 303 (l) of the Communications Act of 1934, as amended, United States citizens who are found qualified by the Commission are the only persons to whom radio operator licenses may be issued.

(b) Notwithstanding any other provisions of the Commission's rules, no person otherwise eligible shall be deemed to be eligible to be examined for or to receive a commercial radio operator license of any class, (1) whose commercial radio operator license is under suspension or is involved in a suspension proceeding, or (2) who is involved in any pending litigation based on an alleged violation of the Communications Act of 1934, as amended.

[F. R. Doc. 48-9362; Filed, Oct. 22, 1948; 8:53 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Parts 03, 157]

[Docket No. R-110]

FILING OF APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOTICE OF PROPOSED RULE MAKING

OCTOBER 12, 1948.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to adopt three general rules: The first to clarify the interpretation to be given generally to certain words and phrases of section 7 (c) of the Natural Gas Act, as amended; the second to permit natural-gas companies subject to the jurisdiction of the Commission under such act, as amended, without further authorization from the Commission; (a) to construct or install and operate certain auxiliary and replacement facilities, and facilities for the establishment of new delivery points for presently served communities; and (b) to construct and/or operate facilities for temporary periods when necessary to assure maintenance of adequate natural-gas service where interruption of service exists or is threatened; and the third to amend the present regulations respecting applications for temporary certificates under section 7 (c) of the Natural Gas Act, as amended, so as to limit the filing of such applications to cases of emergency involving minor extensions of existing facilities and interconnections of pipe line systems.

3. Section 7 (c) of the Natural Gas Act, as amended, provides among other things, that a certificate of public convenience and necessity must be obtained

before any person may construct, acquire, or operate "facilities" for the purpose of engaging in the transportation or sale of natural gas, subject to the jurisdiction of the Commission. Since the word "facilities" as used in this section of the act has not been defined, it has been given varying interpretations by those within the purview of section 7 (c). Clarification of the administrative interpretation to be given to section 7 (c) of the act, and specifically the word "facilities" as used therein, is desirable, in order to obtain greater uniformity in matters arising under this section of the statute and to avoid the filing and consideration of unnecessary applications for certificates.

4. Section 7 (c) of the Natural Gas Act, as amended, also provides, among other things, that the Commission "may by regulation exempt from the requirements of this section temporary acts or operations for which the issuance of a certificate will not be required in the public interest." The Commission has not heretofore found it necessary to issue a regulation of the nature contemplated by this provision of the act. However, because of greatly increased demands being made on natural-gas companies and the inability of such companies immediately to expand or improve their facilities sufficiently to meet such demands, there has been an increasing number of applications for temporary authority to construct and/or operate facilities for short periods of emergency. In order to relieve the administrative burden and to enable natural-gas companies to act immediately to assure maintenance of adequate natural-gas service where interruption of service exists or is threatened because of failure of facilities or failure of natural gas supply or because of unusual and unexpected demand on such facilities or supply, the Commission proposes by regulation to permit the performance of such temporary emergency acts without the necessity of first obtaining specific authorization therefor.

5. Section 157.9 of the general rules and regulations presently permits the filing of applications for temporary certificates under section 7 (c) of the Natural Gas Act, as amended, but requires that application for a permanent certificate shall be filed within 10 days thereafter if the emergency may continue for more than 30 days. The issuance of the regulation referred to in the paragraph next above will make it unnecessary for natural-gas companies to obtain specific authorization for emergency acts of less than 60 days' duration. Accordingly, it is appropriate and desirable that the present § 157.9 be amended. The proposed amendment is intended to restrict applications for temporary certificates to actual cases of emergency where it is necessary to construct and/or operate facilities in order to assure maintenance of adequate service or to serve particular customers and the emergency does not permit a final determination with respect to a pending application for a permanent certificate.

6. The proposed amendments to the Commission's general rules and regulations set forth below are proposed to be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 56 Stat. 83; 15 U. S. C. Supp 717f, 15 U. S. C. 717o).

PART 03—SUBSTANTIVE RULES, GENERAL POLICY AND INTERPRETATIONS

§ 03.80 *Definition of term used in section 7 (c) of the Natural Gas Act, as amended.* For the purposes of section 7 (c) of the Natural Gas Act, as amended, the word "facilities" as used therein shall be interpreted to exclude:

(a) *Auxiliary facilities.* Facilities which are merely auxiliary or appurtenant to an existing transmission pipe line system such as: Valves; yard and station piping; cathodic protection equipment; metering and regulating equipment; gas cleaning, cooling and dehydration equipment; residual refining equipment; water pumping, treating and cooling equipment; electrical and communication equipment; and buildings: *Provided,* That such facilities do not change the daily delivery capacity of such existing transmission pipe line system.

(b) *Replacement facilities.* Facilities which constitute the replacement of existing facilities which have or will become unserviceable: *Provided,* That such replacement will not result in a reduction or abandonment of service rendered by means of such facilities: *And, provided, further,* That such replacement does not change the daily delivery capacity of the existing transmission pipe line system.

(c) *New delivery points.* Facilities for metering, regulating and for branch lines necessary to the establishment of new delivery points required for the delivery of gas to an existing customer for resale in a local community presently served from the same pipe line system by such customer.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT, AS AMENDED

§ 157.9 *Applications.* Pending the determination of an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, application may be made in cases of emergency for a temporary certificate authorizing the construction and operation of such minor extensions of existing facilities and such interconnections of pipe line systems as may be required to assure maintenance of adequate service, or to serve particular customers. Such application for temporary certificate may be formal or informal and shall state clearly and specifically the exact character of the emergency, the proposed method of meeting it, and the facts warranting the issuance of a temporary certificate.

§ 157.14 *Exemption from requirements of section 7 (c) of the Natural Gas Act, as amended, of certain temporary acts or operations.* Public interest does not require the issuance of a certificate for the construction and operation of facilities or the undertaking of operations necessary to assure maintenance of adequate natural-gas service where interruption of service exists or is threatened because of failure of facilities supplying natural gas or failure of natural gas supply or unusual and unexpected demand on such facilities or natural-gas supply, and where such acts and operations are limited to a period aggregating not more than sixty (60) days.

All facilities used in connection with such temporary acts or operations shall be removed immediately upon discontinuance of the use thereof, unless appropriate application is made pursuant to section 7 (c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operation thereof.

Any company which shall engage in such temporary acts or operations pursuant to this section shall, within ten (10) days after commencement thereof, file with this Commission a statement in writing setting forth the purpose and character of such temporary acts or operations and giving a description of any facilities specifically constructed therefor, and likewise shall file with the Commission a statement in writing of the fact and date of discontinuance of such temporary acts or operations within ten (10) days after such discontinuance. Such company shall also file a statement in writing of the fact and date of removal of any facilities specifically constructed for the purpose of enabling such temporary acts or operations within five (5) days of the completion of removal thereof.

7. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than November 30, 1948, data, views and comments in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9335; Filed, Oct. 22, 1948; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Circular 1702]

POWELL, WYO.

SALE OF TOWN LOTS

1. *Statutory authority.* Certain additional lands in Powell Townsite, Wyoming, will be disposed of under the acts of April 16 and June 27, 1906 (34 Stat. 116 and 519, 43 U. S. C. 561 and 568).

2. *Area and price.* The area and minimum price of the lands which are to be sold are shown by the attached schedule.

3. *Public sale.* On Tuesday, October 26, 1948, beginning at 10:00 a. m., a sale at public auction to the highest bidder at not less than the appraised price will be held at the office of the Shoshone Irrigation District at Powell, Wyoming. W. F. Kemp has been designated as superintendent of the sale and Alden S. Ingraham as auctioneer.

4. *Terms of sale.* Full payment for the lands must be made in cash on the date of the sale. The superintendent of the sale will forward the money received to the Manager, District Land Office at Cheyenne, Wyoming.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for any of the lands and to suspend, adjourn, or postpone the sale of any lands to such time and place as he may deem proper. Any lands remaining unsold will be subject to private sale at the District Land Office at Cheyenne, Wyoming.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any land from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code, U. S. C. Title 18, section 113.

ROSCOE E. BELL, *Acting Director.*

Approved: October 20, 1948,

WILLIAM E. WARNE, *Acting Secretary of the Interior.*

TOWNSITE OF POWELL, STATE OF WYOMING

Appraisal of lots and blocks under acts of Apr. 16, 1906 (34 Stat. 116), and June 27, 1906 (34 Stat. 519)]

Block	Lot	Area	Appraised value
47, W½		56,000 square feet	$3,500
58	11	7,010 square feet	700
	12	7,010 square feet	600
	13	7,304 square feet	650
127	A 11	1.38 acres	2,000
129	A	1.61 acres	4,500
	B	1.20 acres	2,500
130	A	0.63 acre	750
	B	0.51 acre	750
134	A	0.85 acre	2,000
	B	0.85 acre	2,000

[F. R. Doc. 48-9366; Filed, Oct. 22, 1948; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9113]

BROADCAST OF LOTTERY INFORMATION

PROPOSED ORDER OF APPEARANCE AT ORAL ARGUMENT

The oral argument on the above entitled matter will be held on October 19, 1948 in the Commission Meeting Room, Room 6121, New Post Office Building, at 9:30 a. m. Oral argument by parties who have expressed a desire to appear will be held in the following order:

American Broadcasting Co.
National Association of Broadcasters.
Maryland Broadcasting Co.
Radio Features, Inc.
Radio Council of National Advertisers.
Columbia Broadcasting System.
National Broadcasting Co.
W. Theodore Pierson.
Arthur W. Scharfeld.
Symons Broadcastings Co.
Associated Activities, Inc.
Louis G. Cowan, Inc.
Premium Advertising Association, Inc.

Because of the large number of persons expected to appear oral argument will be limited to thirty minutes each. Parties desirous of securing additional time should communicate with the Commission in writing stating the amount of time they wish to take. The request of the American Broadcasting Company for an hour and a half for its argument is granted in part and the American Broadcasting Company will be assigned 45 minutes for its argument. Any other person or organization whose name does not appear on the above list and who wishes to appear at the oral argument should communicate this request in writing to the Commission by the close of business October 15, 1948.

Adopted: October 12, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-9360; Filed, Oct. 22, 1948; 8:52 a. m.]

[Docket Nos. 9114, 9149]

WTVJ AND SOUTHERN RADIO AND TELEVISION EQUIPMENT CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of revocation of construction permit of television station WTVJ, Miami, Florida, Docket No. 9149, and application for consent to transfer of control of Southern Radio and Television Equipment Company, permittee of television station WTVJ, Miami, Florida, File No. BTC-636, Docket No. 9114.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on October 15, 1948;

The Commission having under consideration the above application for transfer of control of station WTVJ, Miami, Florida from Robert G. Venn, Edward N. Claughton and E. J. Nelson to Wolfson-Meyer Theater Enterprises, Inc., Mitchell Wolfson, Sidney Meyer, Frances Wolfson, Zenia Meyer and Robert Venn, together with a request by the parties thereto that the aforesaid application be designated in a consolidated proceeding with the hearing on the above revocation matter; and

It appearing, that the Commission on July 29, 1948, revoked the construction permit of the aforesaid station WTVJ, held by Southern Radio and Television Equipment Company as permittee; on September 8, 1948, granted the request of Southern Radio and Television Equipment Company for hearing in the matter; and, on October 4, 1948, ordered that such hearing be held in Miami, Florida on October 25, 1948; and

It further appearing, that a grant of the instant request would conduce to the efficient dispatch of the Commission's business and would serve the public interest,

It is ordered, That the aforesaid application for transfer of control of station WTVJ be, and it is hereby, designated for hearing in a consolidated proceeding with the hearing to be held on the above revocation matter, the said application for consent to transfer to be heard on the following issues:

1. To determine whether the proposed transferee is legally, financially, technically and otherwise qualified to own or control and to operate station WTVJ, Miami, Florida:

2. To determine the full contract arrangements or agreement of sale either presently made or to be made by the proposed transferor with the transferee, including the price and the manner of payment and the properties to be received therefor.

3. To secure full information as to the plans of the proposed transferee for staffing the station, its plans with respect to the station's programming, and all other plans or arrangements for the operation of the station.

4. To determine whether the construction permit for station WTVJ, granted to Southern Radio and Television Equipment Company, or the rights and responsibilities incident thereto, have been transferred, assigned, or disposed of, directly or indirectly, without the consent of the Commission to the proposed transferee herein, and in contravention of the provisions of the Communications Act of 1934, as amended, and more particularly sections 319 (b) thereof.

5. To determine whether all contracts, obligations, undertakings and agreements which have been entered into by the proposed transferor and by the proposed transferor with proposed transferee relative to the ownership, operation, financing and control of Southern

Radio and Television Equipment Company have been reported to the Commission as is required by its rules and regulations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9359; Filed, Oct. 22, 1948, 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-999]

MISSISSIPPI RIVER FUEL CORP.

ORDER FIXING DATE OF HEARING

OCTOBER 19, 1948.

Upon consideration of the application filed February 11, 1948, by Mississippi River Fuel Corporation (Applicant) a Delaware corporation having its principal place of business at St. Louis, Missouri, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on February 27, 1948 (13 F. R. 1068).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 9, 1948, at 9:45 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: provided, however, that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 19, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9334; Filed, Oct. 22, 1948; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5522]

HARTNETT-MORROW MFG. CO. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 18th day of October A. D. 1948.

In the matter of John F. Hartnett and George Morrow, individually and trading as Hartnett-Morrow Manufacturing Company; John Henry Vaughn, individually and trading as John Henry & Company; Cramer Products, Inc., a corporation; General Commodities, Inc., a corporation; Harold W. Cramer, Carl Schiffke, and Roy A. Cramer, individually, and as officers of Cramer Products, Inc., a corporation; and John D. Armstrong, Ernest R. Beverly, and John W. Browers, individually and as officers of Cramer Products, Inc., a corporation, and General Commodities, Inc., a corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, October 27, 1948, at eleven o'clock in the forenoon of that day (central standard time), in Rettt Jury Room 527, United States Court House, 811 Grand Avenue, Kansas City, Missouri.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-9358; Filed, Oct. 22, 1948; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Corrected S. O. 831]

UNLOADING OF LOGS ON ALAMEDA BELT LINE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of October A. D. 1948.

It appearing that 2 cars of logs at San Francisco, Calif., on the Alameda Belt Line, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. *It is ordered*, That:

(a) *Logs at San Francisco, Calif., be unloaded.* The Alameda Belt Line, its agents or employees, shall unload immediately SP 95444 and SP 56630, containing logs, now on hand at San Francisco, Calif., consigned Berry & McCarthy.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., October 20, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9341; Filed, Oct. 22, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-1250, 59-85]

PENNSYLVANIA EDISON CO. ET AL.

ORDER APPROVING PLAN AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of October A. D. 1948.

In the matter of Pennsylvania Edison Company, Pennsylvania Electric Company, Associated Electric Company, File No. 70-1250; Pennsylvania Edison Company, Associated Electric Company, File No. 59-85.

Associated Electric Company, a registered holding company, and two of its public-utility subsidiaries, Pennsylvania Electric Company and Pennsylvania Edison Company, having jointly filed an application pursuant to section 11(e) of the Public Utility Holding Company Act of 1935 for approval of a plan of liquidation of Pennsylvania Edison Company and applications-declarations, as amended, for the issuance of certain securities by Pennsylvania Electric Company and the acquisition of certain securities by Associated Electric Company; and

Said proceedings having been consolidated with proceedings instituted under section 11 (b) (2);

The Commission having approved on June 19, 1946, certain portions of said plan, including the payment to the two series of preferred stock of Pennsylvania Edison Company of cash payments in the amount of their respective liquidation preferences, and having reserved jurisdiction with respect to what additional amounts, if any, should be paid to holders of said preferred stock and "to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the plan";

An escrow fund having been established to provide the amount in dispute and other portions of said plan having been duly consummated;

A public hearing having been held after appropriate notice on the reserved issue, the Commission having considered the record in the matter and having made and filed its supplemental findings and opinion herein;

On the basis of the findings set forth in said supplemental findings and opinion:

It is hereby ordered, That the said plan be and the same is hereby approved as providing for the payment to the holders of the $5.00 series of preferred stock of $5.00 per share plus compensation for delay in payment calculated at a rate equal to 6¼% per annum on $5.00 from July 2, 1948, to the date payment is made available to such holders by the paying agent, and payment to the holders of the $2.80 series of preferred stock of $2.50 per share plus compensation for delay in payment calculated at a rate equal to 5⅓% per annum on $2.50 from July 2, 1946, to the date payment is made available to such holders by the paying agent, and payment of said sums is hereby ordered; and

It is further ordered, That approval of said plan is subject to the conditions specified in Rule U-24; and

It is further ordered, That jurisdiction be and hereby is reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the plan, the transactions incident thereto and the consummation thereof and, in the event the plan be not consummated, to enter such further orders as it may deem appropriate under section 11 (b) (2) and the other applicable sections of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9336; Filed, Oct. 22, 1948; 8:46 a. m.]

[File No. 70-1924]

SOUTHWESTERN GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of October A. D. 1948.

In the matter of Southwestern Gas and Electric Company, Arkansas Power & Light Company, the Arklahoma Corporation, File No. 70-1924.

Notice is hereby given that Southwestern Gas and Electric Company ("Southwestern") and Arkansas Power & Light Company ("Arkansas"), each a subsidiary of a registered holding company, and the Arklahoma Corporation ("Arklahoma"), an affiliate of Southwestern and Arkansas, have jointly filed an application-declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, ("act"), designating section 9 (a) (1) and Rule U-43 promulgated under the act as being applicable to the proposed transactions:

Notice is further given that any interested person may, not later than October 28, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 28, 1948, said application-declaration, as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration, as amended, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Arklahoma proposes to sell certain utility equipment, designated as nine capacitors, for a cash consideration of $17,000 each or a total of $153,000; and Arkansas proposes to acquire six of the said capacitors at an aggregate purchase price of $102,000, and Southwestern proposes to acquire three of the said capacitors at a total price of $51,000. The gross proceeds of $153,000 to be derived from the proposed sale will be applied by Arklahoma to retirement of a like principal amount of its First Mortgage Bonds, pursuant to the Mortgage and Deed of Trust securing said bonds.

The application-declaration represents that no State commission has jurisdiction over the proposed transactions.

Applicants-declarants have requested that the Commission's order granting and permitting said application-declaration to become effective, be effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9337; Filed, Oct. 22, 1948; 8:46 a. m.]

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT AND RAILWAYS CO. AND AMERICAN LIGHT AND TRACTION CO.

SUPPLEMENTAL ORDER AUTHORIZING AND APPROVING DISTRIBUTION AND TRANSFER OF COMMON STOCK

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of October A. D. 1948.

The Commission by order dated December 30, 1947, having approved the plan, designated as Application No. 31, as amended, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), by the United Light and Railways Company ("Railways") and American Light & Traction Company ("American"), registered holding companies, which provided, inter alia, for the distribution and transfer by Railways, quarterly during 1948, to its common stockholders, as dividends in kind, of shares of the common stock of American Light of the par value of $25 per share at the rate of one share of such common stock of American Light for each 50 shares of common stock of Railways owned (together with cash in lieu of fractional shares); and said order of December 30, 1947, having recited, among other things, that the distribution and transfer by Railways to its common-stockholders, as dividends in kind of such common stock of American Light at the aforesaid rate are necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and the Commission having in said order reserved jurisdiction, inter alia, to take such further action and to enter such further orders as may be deemed appropriate in connection with the plan, the transactions incident thereto and the consummation thereof, and as may be necessary to secure full compliance with the act; and

The Board of Directors of Railways having declared a dividend on the outstanding common stock of the company, payable October 21, 1948 to stockholders of record at the close of business on September 28, 1948 in shares of common stock of the par value of $25 per share of American Light, at the rate of one share of such common stock of American Light, for each 50 shares of the common stock of Railways outstanding on the record date (together with cash in lieu of fractional shares), such dividend having

been declared pursuant to said section 11 (e) plan and the Commission's order entered December 30, 1947 approving the same; and

Railways having requested the Commission to issue a supplemental order with respect to the said dividend distribution, conforming to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended; and the Commission deeming it appropriate to grant such request:

It is hereby ordered and recited, That the distribution and transfer by Railways on October 21, 1948 to its common stockholders, as a dividend in kind, of 61,216 shares of common stock of American Light of the par value of $25 per share (out of Certificate No. NX 1480), all as contemplated by the amended plan and the Commission's order of December 30, 1947 approving said plan, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are hereby authorized and approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9338; Filed, Oct. 22, 1948; 8:46 a. m.]

[File No. 70-1974]

GEORGIA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 19th day of October 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1933 (the "act") by Georgia Power Company ("Georgia"), a public utility subsidiary of the Southern Company, a registered holding company and a wholly owned subsidiary of the Commonwealth & Southern Corporation, also a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than November 1, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. s. t., on November 1, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Georgia proposes to issue and sell $12,000,000 principal amount of its First Mortgage Bonds, ------ % series, due 1978, to be issued under and secured by Georgia's present indenture dated as of March 1, 1941, as supplemented by indentures dated as of March 1, 1941, and December 1, 1947 and to be dated as of December 1, 1948. The bonds will be sold pursuant to the competitive bidding requirements of Rule U-50.

The filing states that Georgia has made and contemplates making expenditures of approximately $83,600,000 during the years 1948, 1949 and 1950 for the construction or acquisition of property additions to its utility plant. In order to finance such construction program, the company will, to the extent available, use its cash on hand (including the proceeds of the new bonds) in excess of working capital and cash generated from operations. The company estimates that, based upon the present level of earnings and current expectations of the probable progress of its construction program, approximately $20,000,000 of additional funds will have to be provided by other means before the end of 1950 in order to finance such construction program. To the extent necessary, it is proposed to issue additional securities of a type and in an amount not yet determined.

The filing indicates that Georgia has filed an application with the Georgia Public Service Commission, the State commission of the State in which Georgia is organized and doing business, for approval of the proposed transaction.

The applicant has requested that the Commission's order be issued as soon as possible and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9339; Filed, Oct. 22, 1948; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

ORGANIZATION AND FUNCTIONS

Sec.
1. Creation and authority.
2. Offices.
3. Organization.
4. Functions.
5. Availability of information.

SECTION 1. *Creation and authority.* The United States Tariff Commission was created by act of Congress approved September 8, 1916 (39 Stat. 795) for the purpose of supplying the Congress and the President with information regarding the position of United States industries in competition with imports, regarding the administration and operation of United States customs laws, and regarding commercial policies of foreign countries. The Tariff Act of 1922 (42 Stat. 858) increased its functions by providing for investigation and report by the Tariff Commission before action by the President under the authority given him by that act to change duties when found necessary to equalize differences in costs of production in the United States and foreign countries and also before action by him embargoing imports pursuant to the provision declaring unfair methods of competition in the import trade to be unlawful. Title III, Part II, of the Tariff Act of 1930 (46 Stat. 696; 19 U. S. C. 1330-41) provided for a reorganization of the Tariff Commission and reenacted substantially all the previous provisions regarding its powers and duties. The Agricultural Adjustment Act (of 1933), as amended by section 3 of the Agricultural Act of 1948 (Pub. Law 897, 80th Cong.), designates the Tariff Commission as the agency to conduct investigations to determine whether imports are interfering with agricultural programs undertaken by the Department of Agriculture. The Philippine Trade Act of 1946 (Pub. Law 371, 79th Cong.) imposes upon the Tariff Commission the function of conducting investigations and reporting to the President in connection with the administration of the provisions of that act respecting quotas on imports of Philippine articles. Section 3 of the Trade Agreements Extension Act of 1948 (Pub. Law 792, 80th Cong.) requires the Tariff Commission to conduct investigations regarding products on which the granting of tariff concessions will be considered in trade agreement negotiations, to determine the extent to which duties and other import restrictions may be modified without causing or threatening serious injury to domestic producers. Section 4 of the same act directs the Commission to furnish facts, statistics, and other information at its command to the trade-agreement-negotiation authorities. Part III of Executive Order 10004 (13 F. R. 5851) provides for investigation and report to the President by the Tariff Commission regarding injury to domestic producers resulting from trade-agreement concessions.

SEC. 2. *Offices.* The main offices of the United States Tariff Commission are located in the Tariff Commission Building, E Street between 7th and 8th Streets, N. W., Washington 25, D. C. Telephone: National 3947, Branch 2. The only field office of the Commission is located at the Customhouse, New York 4, N. Y. Telephone: Whitehall 4-4300.

SEC. 3. *Organization*—(a) *The Commission.* The full Commission consists of six members, appointed by the President and confirmed by the Senate for terms of 6 years each, one term expiring each year. The law provides that not more than three commissioners may be of the same political party. The Chairman and Vice Chairman are designated by the President annually from the membership of the Commission.

(b) *The Planning and Reviewing Committee.* The Planning and Reviewing Committee, composed of senior officers of the Commission's staff, under the active direction of the Commission, plans, supervises, and coordinates the work of the staff of the Commission. The permanent members of the Planning and Reviewing Committee are the Director of Investigation, who is Chairman of the Committee; the Chief of the Economics Division; the Chief Economist; the Chief of the Technical Service, who has general supervision over the work of the seven commodity divisions; the General Counsel; and the Special Industrial Adviser. In connection with special subjects in which they are particularly concerned, the Secretary or the Executive Officer and the chiefs of the commodity and other divisions participate in the meetings of the Planning and Reviewing Committee.

(c) *Senior staff officers and subsidiary organizational units.* The senior officers of the Commission's staff, together with the subsidiary organizational units under their general supervision, are as follows:

Secretary:
  Executive Officer.
  Docket and Public Information Service.
  Finance Section.
  Personnel Section.
  Stenographic Section.
  Mails and Files Section.
  Graphic Section.
  Messengers.
Director of Investigation (also Chairman, Planning and Reviewing Committee).
Chief Economist.
Chief Economics Division:
  Economics Division.
  Statistical Division.
  Library.
  Editorial Section.
Chief Technical Service:
  Agricultural Division.
  Ceramics Division.
  Chemical Division.
  Lumber-Paper Division.
  Metals Division.
  Sundries Division.
  Textile Division.
  Accounting Division.
  New York Office.
General Counsel:
  Legal Division.
Special Industrial Adviser.

SEC. 4. *Functions*—(a) *Investigations and reports under general powers.* Under its general powers (section 332, Tariff Act of 1930; 46 Stat. 698; 19 U. S. C. 1332) the Commission, on its own initiative, investigates and makes reports on the following matters:

(1) The administration and operation of the customs laws of the United States and the fiscal and industrial effects of those laws.

(2) The forms of duty (ad valorem, specific, and compound) and the relations between the rates of duty on raw materials and on finished or partly finished products.

(3) Competition between United States and foreign industries in the United States markets, including such matters as the ratio of imports to domestic production and consumption, the comparability of imported and domestic products, and the differences in prices and in costs of production here and abroad.

(4) The trade and trade policies of foreign countries, the organization of the economies of foreign countries, their commercial treaties and agreements, and foreign trade controls.

(b) *Investigations requested by the President and Congress.* The Commission makes special investigations when requested by the President, by either or both Houses of Congress, or by Congressional Committees, particularly by the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. These investigations are conducted under the Commission's general powers.

(c) *Investigations under the flexible tariff provision.* Under section 336 of the Tariff Act of 1930 (46 Stat. 701; 19 U. S. C. 1336), the Commission investigates the differences in costs of production of foreign articles and of like or similar articles produced in the United States; it reports its findings to the President, who is authorized by law to increase or decrease statutory rates of duty in accordance with the Commission's findings by not more than 50 per centum.

NOTE: The provisions of section 336 of the Tariff Act of 1930 may not be applied to any article with respect to the importation of which into the United States a foreign trade agreement has been concluded under the Trade Agreements Act of 1934, as amended. (Sec. 2 (a), 48 Stat. 944; 19 U. S. C. 1352 (a))

(d) *Unfair practices in import trade.* Under section 337 of the Tariff Act of 1930 (46 Stat. 703, 54 Stat. 724; 19 U.S.C. 1337, 1337a) the Commission investigates allegations of unfair methods of competition and unfair acts in the importation into or in the sale of imported articles in the United States, and reports its findings to the President, who may order the exclusion of the articles from entry into the United States if the existence of unfair practices is established.

(e) *Discrimination by foreign countries against American commerce.* It is the duty of the Commission to ascertain, and at all times to be informed regarding discriminations by foreign countries against the commerce of the United States, and to bring such practices to the attention of the President, who may take specified actions in such cases (46 Stat. 704; 19 U. S. C. 1338).

(f) *Foreign trade agreements*—(1) *Technical assistance to trade-agreement-negotiation authorities.* Under section 4 of the Trade Agreements Extension Act of 1948 (Pub. Law 792, 80th Cong.) and Part II of Executive Order 10004 (13 F. R. 5851), the Commission furnishes facts, statistics, and other information at its command to officers and employees of the United States preparing for or participating in the negotiation of any foreign trade agreement. With respect to each import article which is under consideration for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in a trade agreement, the Commission makes an analysis of the facts relative to production, trade, consumption, or other competitive factors affecting the article involved, or bearing on the probable effect of granting a concession thereon. These analyses are submitted in digest form to the Trade Agreements Committee.

(2) *Investigations preceding trade agreements.* Under section 3 of the Trade Agreements Extension Act of 1948, the Tariff Commission investigates and reports to the President findings with respect to products on which the granting of tariff concessions by the United States will be considered in a particular trade-agreement negotiation. The purpose of these investigations is to determine the limits to which tariff concessions may be granted without causing or threatening serious injury to the domestic industry, and, in cases where increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry, the minimum increases in duties or additional import restrictions so required.

(3) *Investigations subsequent to trade agreements.* Under Part III of Executive Order 10004 (13 F. R. 5851), the Commission investigates to determine whether the domestic industry producing any given article is being seriously injured or is threatened with serious injury as a result of the granting of a trade-agreement concession on the article. It reports its findings to the President for his consideration in connection with the right reserved in trade agreements to withdraw or modify any concession in cases where serious injury or threat of injury to a domestic industry is found to result from it.

(4) *Annual report on operation of trade-agreements program.* Part III of Executive Order 10004 (13 F. R. 5851) requires the Tariff Commission to keep informed concerning the operation and effect of trade-agreement provisions, and, at least once a year, to submit to the President and to the Congress a factual report on the operation of the trade-agreements program.

(g) *Action to safeguard agricultural programs.* When directed by the President, the Commission investigates whether articles are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render ineffective or to interfere materially with Government agricultural programs. If, on the basis of the Commission's investigation and report, the President finds the existence of such facts, he may impose, within certain restrictions, fees or quantitative limitations on the importation of articles under consideration (Agricultural Act of 1948, sec. 3, Pub. Law 897, 80th Cong.)

(h) *Import quotas on Philippine articles.* Section 504 of the Philippine Trade Act of 1946 (60 Stat. 156) designates the Tariff Commission as the agency to investigate the effect of competition between imports of Philippine articles (not subject to quota restriction under Part 2 of Title II of the Act) and like domestic articles; the Commission reports to the President regarding the necessity under the Act for the imposition by him of import quotas on such Philippine articles.

(i) *Cooperation with other Government agencies.* Under section 334 of the Tariff Act of 1930 (46 Stat. 700; 19 U. S. C. 1334), the Commission is required to co-

operate with other Government agencies. Under this provision assistance is rendered insofar as practicable, to those Government agencies requesting it.

(j) *Analysis of import invoices.* To carry on properly its work of acquiring basic factual information on the import trade, the Commission makes extensive studies of invoices and other import records, and primarily in connection with this work maintains an office at the Customhouse in New York City.

SEC. 5. *Availability of information—* (a) *In general.* Information concerning the activities, reports, and publications of the Tariff Commission is available to the public upon application, in writing or in person, to the Secretary of the Commission, Washington 25, D. C. Similar information of current nature is available to the public at the Commission's New York office on application to the Officer in Charge, Customhouse, New York City.

Printed reports, surveys, studies, and other publications of the Tariff Commission are available to the public on application to the Superintendent of Documents, Government Printing Office, Washington 25, D. C., or to the Secretary of the Commission.

Mimeographed, multilithed, and other publications produced within the office of the Tariff Commission are available to the public by application to the Secretary.

(b) *Mailing lists.* Mailing lists by various categories are maintained by the Commission for the purpose of sending notices to interested parties when new publications are ready for issue. Interested parties may apply to the Secretary for inclusion in such lists by a statement showing their interest and desire to receive such notices.

(c) *Public announcements.* Through the medium of statements to the public press the Commission announces new activities, formal investigations, the issuance of reports, and other matters of official character of interest to the public. These appear generally in the various trade journals. Mailing lists are also maintained for such notices and interested persons may apply for inclusion in these lists by showing their interest and desire to receive such notices.

(d) *Formal notices.* In connection with various activities of the Commission, it issues formal notices. Copies of these notices are sent to persons known to the Commission to have an interest in the subject matter, and to individuals and organizations who have requested notification in connection with the subject matter of such notices. Formal notices are also posted on the bulletin boards of the Tariff Commission at its main office in Washington, D. C., and on those of its field office at the Customhouse, New York City. All formal notices of the Commission are printed in the FEDERAL REGISTER and in Treasury Decisions. Formal notices are likewise made available to the public press and to trade publications.

[SEAL] OSCAR B. RYDER,
Chairman,
United States Tariff Commission.

[F. R. Doc. 48-9394; Filed, Oct. 22, 1948; 9:01 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12121]

OTTO DOEHRINGER

In re: Estate of Otto Doehringer, deceased. File No. D-28-12386; E. T. sec. 16603.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Steinert, nee Maria Emma Doehringer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Otto Doehringer, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by William F. Crosby, as Administrator, acting under the judicial supervision of the Superior Court of the State of California in and for the County of San Mateo, Redwood City, California;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9368; Filed, Oct. 22, 1948; 8:54 a. m.]

[Vesting Order 12180]

AMELIA GRUMM

In re: Estate of Amelia Grumm, deceased. File No. D-28-10880; E. T. sec. 15343.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eduard (Edward) Grumm (brother of Amelia Grumm, deceased), Frau Lena Rauch (also known as Frau Lina Rauch), Frau Fänny Anetzberger (also known as Frau Faney Amtzberger), Theodore Grumm, George Grumm, Karl Grumm, Frau Maria Haring, Frau Kristine Detzer), also known as Frau Kreszenz Detzer), Eduard Grumm (nephew of Amelia Grumm, deceased), Paul Walter Grumm (also known as Walter Grumm), and Karl Oswald Grumm, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Amelia Grumm, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Oneida County, as Depositary, acting under the judicial supervision of the Surrogate's Court of Oneida County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9369; Filed, Oct. 22, 1948; 8:54 a. m.]

[Vesting Order 12183]

MARTHA NIMITZ ET AL.

In re: Martha Nimtz, plaintiff, vs. Fred A. Nimtz, et al., defendants. File No. D-28-12397; E. T. sec. 16617.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eduard Kunde, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Eduard Kunde, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to proceeds of the sale of real estate deposited with the Treasurer of Chemung County, Chemung County, New York, pursuant to court order in an action entitled "Martha Nimtz, Plaintiff vs. Fred A. Nimtz, et al., Defendants" is property payable or deliverable to or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the County Treasurer for the County of Chemung, Elmira, New York, as Depositary, acting under the judicial supervision of the County Court, County of Chemung, State of New York;

and it is hereby determined:

5. That to the extent that the person identified in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Eduard Kunde are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9370; Filed, Oct. 22, 1948; 8:54 a. m.]

[Vesting Order 12194]

GUS WOLF

In re: Estate of Gustav Wolf, a/k/a Gus Wolf, deceased. File D-6-1269; E. T. sec. 14928.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Wolf, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Gustav Wolf, also known as Gus Wolf, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany).

3. That such property is in the process of administration by Bank of America National Trust & Savings Association, as executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Alameda;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9371; Filed, Oct. 22, 1948; 8:54 a. m.]

[Vesting Order 12213]

IRMGARD FRICKE

In re: Interest in real property and property insurance policies owned by Irmgard Fricke, also known as Irmgard Soetbeer.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Irmgard Fricke, also known as Irmgard Soetbeer, whose last known address is 41 Wortherstrasse 23, Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property situated in the Borough and County of Queens, City and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of Irmgard Fricke, also known as Irmgard Soetbeer, in and to the following insurance policies:

Fire and Extended Coverage Insurance Policy No. 75562, issued by Great Eastern Fire Insurance Company, White Plains, New York, in the amount of $5,000, which policy expires November 25, 1950, and insures the property described in subparagraph 2-a hereof,

Fire and Extended Coverage Insurance Policy No. 5429, issued by Commerce Insurance Company, Glens Falls, New York, in the amount of $2,000, which policy expired June 25, 1948, and insured the property described in subparagraph 2-a hereof, together with any and all extensions and renewals thereof, and

Schedule Personal Liability Policy No. 64055 issued by United States Fidelity and Guaranty Company, Baltimore, Maryland, expiring February 17, 1949, and insuring the property described in subparagraph 2-a hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

OCT 25 '48

EXHIBIT A

All that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the Fourth Ward, Borough and County of Queens, City and State of New York, shown and designated as Lots Numbers Five Hundred and Forty-five (545) and Five Hundred and Forty-six (546) in Block Number Twenty (20) on a certain map entitled "Briarwood, Borough of Queens, New York City, surveyed April 1924 by Erlandson and Crowell, C. E. and C. S.," and filed in the Office of the Clerk of the County of Queens May 29th, 1924 as Map No. 4502 D 12.

[F. R. Doc. 48-9372; Filed, Oct. 22, 1948; 8:54 a. m.]

[Vesting Order 12214]

WILHELMINA KOHLSAAT

In re: Interests in a bond and mortgage, a property insurance policy, and claim owned by Wilhelmina Kohlsaat, also known as Wilhemenia Kohlsaat, Karl Blume and Anna Kuch.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmina Kohlsaat, also known as Wilhemenia Kohlsaat, Karl Blume and Anna Kuch, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided five-ninths (5/9ths) interest in a mortgage executed on December 30, 1930, by Sartorius Realty Corporation to Frederick Blume, Louis Blume and Wilhelmina Kohlsaat, and recorded in the Office of the Register of the City of New York, Bronx County, New York, New York, on January 3, 1931, in Liber 1532 of Mortgages, at Page 246, and in and to any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations, and the right to enforce and collect such obligations, and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to Fire Insurance Policy No. 177362, issued by Glens Falls Insurance Company, 80 Maiden Lane, New York, New York, in the amount of $20,400.00, which policy expires December 20, 1948, and insures the property subject to the mortgage described in subparagraph 2–a hereof, and

c. All those certain debts or other obligations, owing to the persons named in subparagraph 1 hereof, by United States Trust Company, 45 Wall Street, New York 5, New York, arising out of interest payments heretofore collected on account of the mortgage described in subparagraph 2–a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–a to 2–c hereof, inclusive,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9373; Filed, Oct. 22, 1948; 8:54 a. m.]

OCT 28 '48

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

FEDERAL REGISTER

VOLUME 13 NUMBER 209

Washington, Tuesday, October 26, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10011

AUTHORIZING THE SECRETARY OF STATE TO EXERCISE CERTAIN POWERS OF THE PRESIDENT WITH RESPECT TO THE GRANTING OF ALLOWANCES AND ALLOTMENTS TO GOVERNMENT PERSONNEL ON FOREIGN DUTY

By virtue of the authority vested in me by the Foreign Service Act of 1946 (60 Stat. 999), section 20 of the Revised Statutes (5 U. S. C. 156), the act of June 26, 1930, 46 Stat. 818 (5 U. S. C. 118a), section 204 of the Independent Offices Appropriation Act, 1949 (Public Law 491, 80th Cong.), and section 302 of the United States Information and Educational Exchange Act of 1948 (Public Law 402, 80th Cong.), and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State is authorized and directed to exercise the following-described statutory powers of the President:

(a) The authority vested in the President by section 901 of the Foreign Service Act of 1946 (60 Stat. 1025) to prescribe regulations governing the granting of (1) allowances, wherever Government-owned or rented quarters are not available, for living quarters, heat, light, fuel, gas, and electricity, including allowances for the cost of lodging at temporary quarters, authorized by paragraph (1) of the said section; (2) cost-of-living allowances authorized by paragraph (2) of the said section; and (3) allowances in order to provide for the proper representation of the United States by officers and employees of the Foreign Service, authorized by paragraph (3) of the said section.

(b) The authority vested in the President by section 903 of the Foreign Service Act of 1946 (60 Stat. 1026) to prescribe rules and regulations governing the manner in which the allowances and allotments authorized by sections 901 and 902 of the said act shall be accounted for to the Secretary of State.

(c) The authority vested in the President by the act of June 26, 1930, 46 Stat. 818 (5 U. S. C. 118a), to approve regulations prescribed by heads of departments with respect to (1) furnishing civilian officers and employees of the Government having permanent station in a foreign country, without cost to them, living quarters, including heat, fuel, and light, in Government-owned or rented buildings, and (2) allowances granted such officers and employees where such living quarters are not available: *Provided*, that with respect to regulations prescribed by the Secretary of State such authority of the President shall be exercised by the Director of the Bureau of the Budget.

(d) The authority vested in the President by section 204 of the Independent Offices Appropriation Act, 1949 (Public Law 491, 80th Cong.), and by section 302 of the United States Information and Educational Exchange Act of 1948 (Public Law 402, 80th Cong.) to prescribe, with respect to civilian officers and employees of the Government, regulations governing living-quarters allowances, cost-of-living allowances, and representation allowances in accordance with, or similar to such allowances authorized by the said act of June 26, 1930, or the said section 901 of the Foreign Service Act of 1946.

2. The Secretary of State and the Director of the Bureau of the Budget may exercise the authority herein delegated to them without the necessity of any signature, approval, ratification, or other act of the President; and all officers, officials, and employees of the United States, including disbursing, accounting, and auditing officers, shall give the same effect to any act of the Secretary or Director hereunder as if done by the President.

3. (a) Existing rules and regulations pertaining to the allowances and allotments referred to in this order shall remain in effect until superseded by action taken pursuant to this order.

(b) Executive Order No. 9870 of July 8, 1947, and Executive Order No. 9982 of July 29, 1948, are hereby revoked: *Provided*, that existing rules and regulations prescribed pursuant to such orders shall remain in effect until superseded as provided in paragraph 3 (a) hereof.

4. This order, and such of the regulations prescribed or approved by the Secretary of State and the Director of the

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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HARRY S. TRUMAN

THE WHITE HOUSE,
October 22, 1948.

[F. R. Doc. 48-9476; Filed, Oct. 25, 1948; 11:11 a. m.]

EXECUTIVE ORDER 10012

EXCLUDING FROM THE PROVISIONS OF THE CLASSIFICATION ACT OF 1923, AS AMENDED, POSITIONS FILLED BY PATIENTS IN GOVERNMENT HOSPITALS

By virtue of the authority vested in me by section 4, Title II of the act of November 26, 1940, 54 Stat. 1212, and as President of the United States, after suitable investigation by the Civil Service Commission, including consultation with representatives of the heads of executive departments and independent establishments concerned, and finding that such action is necessary to the more efficient operation of the Government, it is hereby ordered as follows:

1. There are hereby excluded from the provisions of the Classification Act of 1923, as amended and extended, positions filled by patients in hospitals operated by the Federal Government or the municipal government of the District of Columbia.

2. Unless otherwise provided by law, the rates of compensation for such positions shall be determined by the heads of the respective departments and independent establishments or by the Commissioners of the District of Columbia. No such rate of compensation shall exceed the rate which would be applicable to the position if it had remained under the provisions of the Classification Act of 1923, as amended.

3. This order shall take effect as to the several positions as of the first pay period commencing after the date hereof.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 22, 1948.

[F. R. Doc. 48-9475; Filed, Oct. 25, 1948; 11:11 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

PSYCHIATRIC SOCIAL WORKER

Section 24.20 *Psychiatric social worker, P–1, War Department, Fort Story, Virginia,* is hereby revoked.

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-9398; Filed, Oct. 25, 1948; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter I—Account Servicing

PART 381—ROUTINE

SERVICING FARM OWNERSHIP LOANS; COUNTY OFFICE ROUTINE

Section 381.2, *Servicing Farm Ownership loans; except insured loans; County Office routine,* in Chapter III of Title 6, Code of Federal Regulations, (13 F. R. 1113), is amended to read as follows:

§ 381.2 *Servicing Farm Ownership loans; County Office Routine*—(a) *General.* This section describes the payment plans for the repayment of direct and insured Farm Ownership loans; provides procedures for the application of payments on direct and insured Farm Ownership accounts; for maintaining direct and insured Farm Ownership accounts in the County Office; for reamortizing direct Farm Ownership loans; and for processing fully paid direct Farm Ownership loans.

(b) *Definitions*—(1) *Classification of payments.* Payments on direct and insured Farm Ownership accounts will be classified as follows:

(i) *Regular payments.* All payments other than extra payments and refunds will be regular payments. Usually, they will be derived from farm income, but they will include also payments from off-farm income, inheritances, life insurance, and so forth. Most payments on Farm Ownership accounts will be regular payments.

(ii) *Extra payments.* Payments derived from the sale of mortgaged property, or from mineral royalties from leases which depreciate the value of the security, or from the cash proceeds of real property insurance, will be extra payments.

(iii) *Refunds.* Payments derived from unexpended Farm Ownership loan balances will be refunds. Usually, such payments will be made but once in the life of a Farm Ownership loan.

(2) *Installment on note and other charges*—(i) *Direct loans.* For a direct loan borrower, the term, "installment on note and other charges," as used in this section, will be the sum of the following:

(*a*) The amount of the annual installment for the year as provided in his promissory note(s).

(*b*) The amount of any recoverable cost charges paid by the Government during the year. These are payments for taxes, property insurance, special assessments, and other payments necessary for the protection of the security.

(ii) *Insured loans.* For an insured loan borrower, the term, "installment on note and other charges," as used in this Section, will be the sum of the following:

(*a*) The amount of the annual installment for the year as provided in his promissory note(s).

(*b*) The amount of the annual mortgage insurance charge.

(*c*) The amount of any recoverable cost charges paid by the lender or out of the mortgage insurance fund during the year. These are limited to advances incident to the loan for taxes, property insurance, special assessments, and like payments in discharge of liens prior to the mortgage.

(*d*) The amount of any accrued interest on advances made out of the mortgage insurance fund.

(3) *Schedule status.* A direct or insured loan borrower will be "on schedule" when his cumulative regular payments through the last preceding March 31, not including the amount he has prepaid on that date, are equal to the accumulated installments on his note and other charges which are due through the same date as shown on Form FHA–677 or Form FHA–514. A direct or insured loan borrower will be "ahead of schedule" or "behind schedule," respectively, when such regular payments are greater or less than such accumulated installments on his note and other charges.

(4) *Maturity status.* A direct or insured loan borrower will be "current" when his cumulative regular payments through the last preceding March 31 are equal to the accumulated amounts matured, as determined on Form FHA–528, "Annual Income Return," (see § 368.71 of this chapter). A direct or insured loan borrower will be "prepaid" or "delinquent," respectively, when such regular payments are greater or less than such accumulated amounts matured.

(5) *Mortgage Insurance Account; insured loans.* The term "Mortgage Insurance Account" applies only to insured loan borrowers. The mortgage insurance account for a borrower is a combination of the following items:

(i) The annual mortgage insurance charge.

(ii) The amount of any advances made out of the mortgage insurance fund to meet defaulted payments of principal and interest, to pay taxes, special assessments, water rates, and other amounts which may become liens prior to the mortgage, or to pay property insurance.

(iii) The accrued interest on any such advances made out of the mortgage insurance fund.

(c) *Application of payments*—(1) *Regular payments on direct loan accounts.* All regular payments on direct loan accounts will be applied first to any unpaid balance of interest on the note. Any remainder will be applied to the principal balance on the note.

(2) *Regular payments on insured loan accounts.* All regular payments on insured loan accounts will be applied first to any unpaid balance of the mortgage insurance account, and second to any unpaid balance of interest on the note. Any remainder will be applied to the principal balance on the note.

(3) *Extra payments on direct and insured loan accounts.* All extra payments on direct or insured loan accounts will be applied first to any unpaid balance of interest on the note. Any remainder will be applied to the principal balance on the note. Extra payments will not relieve an insured loan borrower from paying the amount due the mortgage insurance account each year.

(4) *Refunds on direct and insured loan accounts.* All refunds on direct or insured loan accounts will be applied entirely to the principal balance on the note. Refunds will not relieve an insured loan borrower from paying the amount due the mortgage insurance account each year.

(5) *Area Finance Office handling.* The application of collections on direct and insured loan accounts will be reflected in the record of accounts maintained by the Area Finance Office as indicated by the County Supervisor on Form FHA–37, "Receipt for Payment."

(i) Amounts paid on a direct loan borrower's account will be credited as of the date of Form FHA–37.

(ii) Amounts paid on the mortgage insurance account will be credited to an insured loan borrower's account as of the date of Form FHA–37.

(iii) Amounts paid for the account of the lender will be credited to an insured loan borrower's account as of the date the United States Treasury check is issued to the lender.

(d) *Farm Ownership payment plans.* Direct and insured Farm Ownership loans will be repaid in accordance with Payment Plan I or Payment Plan II, as described below, except that direct or insured fixed payment loan borrowers whose loans were approved after October 31, 1946 will not be included in Payment Plan I or Payment Plan II.

(1) *Payment Plan I.* Payment Plan I applies to each direct Farm Ownership borrower whose loan was approved prior to November 1, 1946, and who signed Form FSA–LE 228, "Variable Payment Agreement," or Form FSA–550, "Promissory Note (Variable Payment Plan)", if he has not transferred to Payment Plan II. Payment Plan I applies also to a transferee who assumed the obligation of a variable payment transferor whose loan was approved prior to November 1, 1946, unless the transferor or transferee has signed Form FHA–165, "Variable-Payment Agreement." Under Payment Plan I, the amount to be matured each year will be determined on Form FHA–528 by the County Supervisor on the basis of the borrower's ability to pay.

(2) *Payment Plan II.* (i) Payment Plan II applies (*a*) to all fixed payment direct loan borrowers whose loans were approved prior to November 1, 1946; (*b*) to all variable payment borrowers whose direct or insured loans were approved subsequent to October 31, 1946; and (*c*) to all direct loan borrowers who have signed Form FHA–165. The provisions of Payment Plan II are contained in Form FHA–190, "Promissory Note," in Form FHA–360, "Promissory Note (Insured Loan)," and in Form FHA–165. Under Payment Plan II:

(*a*) The County Supervisor will determine on Form FHA–528 each year whether the borrower's income for the year was (*1*) "normal or above normal"; or (*2*) "below normal."

(*b*) A borrower may make payments ahead of schedule at any time. He may later, in a year of "below normal" income, employ such ahead of schedule payments to supplement the amount available from that year's operations for application on the annual installment payable on his note. Ahead of schedule payments, however, will not relieve an insured loan borrower from paying the amount due the mortgage insurance account each year.

(*c*) At least one scheduled annual installment on his note and other charges will be due from the borrower each year of "normal or above normal" income, and for each year of "below normal" income when the borrower is not ahead of schedule.

(ii) A fixed payment borrower whose direct loan was approved prior to November 1, 1946, may continue to make fixed payments. However, he also may make payments ahead of schedule and later may employ such payments to supplement the amount available from that year's operations for application on the annual installment payable on his note in a year of "below normal" income. The County Supervisor, therefore, will maintain the account of such fixed payment borrower in the same manner as he does for other borrowers under Payment Plan II. Payments made in excess of the fixed amount by such fixed payment borrower prior to April 1, 1947, do not affect his schedule status.

(3) *Transfer from Payment Plan I to Payment Plan II.* (i) A borrower operating under Payment Plan I may transfer voluntarily to Payment Plan II by signing Form FHA–165 although it ordinarily will not be to his advantage to do so. However, a borrower operating under Payment Plan II will not be permitted to transfer to Payment Plan I.

(ii) The State Director is authorized to transfer a borrower under Payment Plan I who has signed Form FSA–LE 228 to Payment Plan II. Written notice of a compulsory transfer from Payment Plan I to Payment Plan II will be sent to the borrower by the State Director.

(e) *Processing fully paid direct Farm Ownership Loans*—(1) *Authorization.* The State Director is authorized to accept final payment on a direct Farm Ownership loan and to execute the necessary releases and satisfactions.

(2) *Loans repaid in less than five years.* In the case of a loan to be repaid in less than five years from the date of the initial note, the County Supervisor will advise the State Office of the circumstances. In justifiable cases, the State Director is authorized to approve the acceptance of final payment before such five years have elapsed, except that the approval of the National Office is required when payment is to be made from sale of the farm outside the program where profit making is the only significant motive. If the State Director approves the acceptance of final payment, he will so advise the County Supervisor.

(3) *Preparation of receipt.* Final payment of the account will be indicated on Form FHA–37, "Receipt for Payment," by marking it "paid-in-full". Proceeds from the sale of a farm will be shown as an extra payment and other payments will be shown as a regular payment or a refund. The County Supervisor will advise the borrower as to the manner in which property insurance will be canceled, or release of mortgage interest executed. (60 Stat. 1062; Pub. Law 249, 80th Cong., 61 Stat. 493; Pub. Law 720, 80th Cong.; Order, Sec. Agric., Oct. 14, 1946, 11 F. R. 12520, 7 CFR, 1946 Supp., page 524; Order, Acting Sec. Agric., Oct. 30, 1947, 12 F. R. 7137, 7 CFR, 1947 Supp., page 879)

Dated: October 8, 1948.

DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: October 20, 1948.

A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9389; Filed, Oct. 25, 1948; 8:48 a. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

PART 201—DESCRIPTION OF ORGANIZATION

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

The designation of the Description of Organization as Part 201 and the codification of §§ 201.1 to 201.12 inclusive, which describe the organization of the Board, are hereby discontinued.

Sections 201.1 to 201.19, inclusive, are redesignated sections 1 to 19 respectively and amendments will appear henceforth under such designations.

Future amendments to the description of organization will be published in the Notices section of the FEDERAL REGISTER.

[SEAL] PAUL M. HERZOG,
Chairman.
JAMES J. REYNOLDS,
Member.
J. COPELAND GRAY,
Member.

[F. R. Doc. 48-9376; Filed, Oct. 25, 1948; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, Department of the Army

PART 201—NATIONAL GUARD REGULATIONS

BURIAL EXPENSES

Rescind § 201.41 and substitute the following in lieu thereof:

§ 201.41 *Burial*—(a) *For whom authorized.* Burial is authorized by the act of June 15, 1936 and the act of October 14, 1940 for officers, warrant officers, and enlisted men of the National Guard:

(1) Who die while en route to or from or during attendance at encampments, maneuvers, or other exercises, or at service schools authorized under the provisions of sections 94, 97, and 99 of the National Defense Act, or while on active duty in time of peace as authorized by section 38, National Defense Act, as amended.

(2) Who die after the period of authorized attendance at encampments, maneuvers, or other exercises, or at service schools, or after relief from active duty, while undergoing hospitalization for a disease or injury contracted or incurred in line of duty while en route to or during attendance at encampments, maneuvers, or other exercises, or at service schools authorized under the provisions of sections 94, 97, and 99, National Defense Act, or while on active duty in time of peace as authorized by section 38, National Defense Act, as amended.

(3) Who die as a result of personal injury (as distinguished from disease) in line of duty, while participating in aerial flights in Government-owned aircraft prescribed under provisions of section 92 of the National Defense Act, or who die while undergoing hospitalization for such injury.

(b) *Burial expenses*—(1) *General.* Burial expenses are payable from appropriated National Guard funds and will be restricted to:

(i) Recovery of body.

(ii) Preparation for burial. (Burial expenses proper):

(*a*) Undertaker's services including embalming and other preventive methods.

(*b*) Cost of casket.

(*c*) Cost of outside box, when required.

(*d*) Hire of hearse.

(iii) Clothing.

(iv) Cremation, in lieu of interment, including a suitable urn, at a reasonable cost.

(v) Interment expenses not to exceed $50.

(vi) Transportation of remains, including round-trip transportation and subsistence of an escort, to decedent's home or the place where he received orders for the period of training upon which engaged at the time of death, or to such other place as his relatives may designate provided the distance to such other place is not greater than the distance to his home. In connection with interment in a national cemetery, only those members of the National Guard who have had active Federal service and whose last service therein terminated honorably would be eligible for burial in a national cemetery. For the method of shipment and by whom determined, see paragraph 152, TM 55–590, "Transportation of National Guard Troops, Matériel and Supplies."

(2) *Flag.* An interment flag is authorized to be furnished to drape the casket containing the remains of each officer, warrant officer, or enlisted man. The flag may be retained by the legal next of kin after the funeral.

(3) *Clothing.* The clothing issued to the deceased will be used to clothe the remains, if available, and in a clean and good condition; otherwise new clothing may be issued for this purpose. In these circumstances, the following articles of clothing are authorized to be dropped from the accountability of the State upon certificate of the responsible officer:

1 coat, or jacket, field, cotton or wool.
1 pair slacks, cotton or wool.
1 shirt, cotton or wool.
1 pair stockings, cotton or wool.
1 cravat.
2 collar insignia.

In the case of officers and warrant officers who are not entitled to issue clothing and in any case of an enlisted man where neither his own clothing nor issue clothing is available, necessary clothing may be purchased chargeable to funds available for the disposition of remains.

(4) *Interment expenses.* (i) Expenses not to exceed $50 incident to interment.

(ii) When the remains are shipped to the home of the deceased, the next of kin may engage the services of an undertaker to receive the remains and inter them. Such next of kin or other persons will be reimbursed for interment expenses actually incurred up to, but not exceeding the $50 maximum; any expenses over and above this amount must be borne by the next of kin or other persons who incurred the expenses. A certificate executed by the person incurring the interment expenses as to amount incurred, should be submitted by such person to the United States Property and Disbursing Officer, of the State of which the deceased was a member of the National Guard, who arranged for preparation and shipment of the remains. The certificate must be accompanied or supported by a receipted bill (or bills) for services rendered. The United States Property and Disbursing Officer, upon receiving the certificate, will prepare reimbursement voucher and submit it to a disbursing officer for payment.

(iii) When remains are shipped to a national cemetery for interment, in the absence of instructions from relatives, the United States Property and Disbursing Officer will arrange by direct negotiation with an undertaker at destination, or will direct the escort accompanying the remains to destination, to make necessary arrangements to have the remains met at the railroad station and transported to the cemetery. In such cases, the undertaker rendering the services will submit his invoice to the United States Property and Disbursing Officer who will prepare a receiving report and voucher covering the services rendered and forward them to a disbursing officer for settlement.

(5) *Cremation.* Remains may be cremated upon written request of legal next of kin only, either at place of death, or after arrival at destination. In addition to the cost of cremation, a reasonable amount for a suitable urn for the ashes is authorized.

(6) *Limitation on burial expense proper.* This expense will not exceed the average price of contracts in the army area for such services for the fiscal year. [NGR 63, Jan. 31, 47] (49 Stat. 1507; 32 U. S. C. 164a–164c)

[SEAL] EDWARD F. WITSELL,
Major General.
The Adjutant General.

[F. R. Doc. 48-9399; Filed, Oct. 25, 1948; 8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 48–52]

PART 1—GENERAL ORGANIZATION AND JURISDICTION

ABOLISHMENT OF NEW HAVEN MARINE INSPECTION OFFICE

By virtue of the authority vested in me as Commandant, United States Coast Guard, by section 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, the following amendment to the regulations is prescribed and shall become effective on and after November 1, 1948:

Section 1.10–20 *Marine inspection districts and offices* (13 F. R. 1815) is amended by deleting in paragraph (a) the name "New Haven—311 Federal Building, New Haven 10, Connecticut" from the listing of marine inspection offices in the 3d Coast Guard District (sec. 3, 60 Stat. 238; 5 U. S. C. 1002).

The Marine Inspection Office at New Haven, Connecticut, will be abolished and its functions, files, and equipment will be transferred to the Marine Inspection Office at New London, Connecticut, effective on and after November 1, 1948.

Dated: October 19, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard.
Commandant.

[F. R. Doc. 48-9400; Filed, Oct. 25, 1948; 8:50 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 1—AREAS ADMINISTERED BY THE NATIONAL PARK SERVICE

NOTICE CONCERNING ADDITION OF CERTAIN SURPLUS GOVERNMENT LANDS TO CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK, GEORGIA–TENNESSEE

Notice is hereby given that pursuant to the act of June 24, 1948 (Public Law 764, 80th Cong.), effective on the date of publication hereof, the following described lands, formerly comprising a portion of

Fort Oglethorpe, Georgia, are added to and shall comprise a part of the Chickamauga and Chattanooga National Military Park, Georgia–Tennessee:

All those tracts or parcels of land lying and being in Catoosa County, Georgia, and in the 9th Land District, 4th Section of said County and being parts of Land Lots Nos. 96 and 97, and being described as follows:

Tract No. 1. Beginning at a concrete marker at the common corner of Land Lots Nos. 95, 96, 121 and 122 which is the southeastern corner of the Fort Oglethorpe Reservation and running thence with the land lot line between Land Lots 121 and 96 and the land lot line between Land Lots 120 and 97, S. 89°16'01" W. 3341.76 feet to a corner; thence along the eastern boundary of LaFayette Road with a curve to the right, the radius of which is 312.95 feet, and the chord of which is N. 72°22'30" W. 197.1 feet for a distance of 200.5 feet to the beginning of another curve the radius of which is 70 feet, and the chord of which is N. 27°31' W. 62.5 feet, a distance of 67.75 feet to a point on the eastern boundary line of LaFayette Road, thence along the eastern boundary line of LaFayette Road N. 1°01' W. 667.95 feet to the intersection of the eastern boundary line of LaFayette Road with the southern boundary line of Harker Road, thence along the southern boundary line of Harker Road N. 88°59' E. 188.66 feet to a point; thence S. 1°01' E. 280 feet to a point; thence N. 88°59' E. 256 feet to a point; thence S. 1°01' E. 108 feet to a point; thence N. 89°16'01" E. 3117.47 feet to a point on the eastern land lot line of Land Lot 96; thence S. 0°11'27" E. 400.02 feet along said land lot line, to the point of beginning, said tract of land containing 34.854 acres, more or less.

Tract No. 2. Beginning at a point which is the intersection of the southern boundary line of Hedekin Road and the eastern boundary line of South Gate Road, thence with the southern boundary line of Hedekin Road N. 89°04' E. 314.6 feet to the beginning of a curve, the radius of which is 346.65 feet, and the chord of which is N. 53°14' E. 405.9 feet, thence along said curve 433.6 feet to the beginning of another curve, the radius of which is 346.65, and the chord of which is N. 12°54' E. 54.4 feet, thence along said curve 54.5 feet to a point; thence N. 8°24' E. 275.2 feet to a point; thence N. 88°59' E. 187.9 feet to a point on the western boundary line of LaFayette Road; thence along the western boundary line of LaFayette Road S. 1°01' E. 483.1 feet to the beginning of a curve to the right the radius of which is 70 feet, and the chord of which is S. 29°59' W. 72.1 feet, thence along said curve 75.7 feet to the beginning of another curve to the right, the radius of which is 465.76 feet, and the chord of which is S. 75°08' W. 227.8 feet, thence along said curve, 229.9 feet to a point on the northern boundary line of Reed's Bridge Road, thence along the northern boundary line of Reed's Bridge Road S. 89°16' W. 632.2 feet to its intersection with the eastern boundary line of South Gate Road; thence along the eastern boundary line of South Gate Road N. 0°40' W. 35.1 feet to the point of beginning, said tract of land containing 3.459 acres, more or less.

Tract No. 3. Beginning at a point, which point is N. 89°16' E. 91.7 feet from a concrete marker which is the common corner of Land Lots Nos. 97, 98, 119, and 120, thence N. 0°44' W. 306.4 feet to a point on the west boundary line of Hedekin Road, thence with the boundary line of Hedekin Road along a curve, the radius of which is 282.47 feet, and the chord of which is S. 46°48'30" E. 393.3 feet, a distance of 435.1 feet to a point on the southern boundary line of Hedekin Road, thence N. 89°04' E. 413.9 feet to the intersection of the southern boundary line of Hedekin Road with the western boundary line of South Gate Road, thence with the western boundary line of South Gate Road S. 0°40' E. 35 feet to its intersection with the northern boundary line of Reed's Bridge Road; thence with the northern boundary line of Reed's Bridge Road S. 89°16' W. 697.1 feet to the point of beginning, said tract of land containing 0.937 acre, more or less.

Tract No. 4. Beginning at a point which point is the intersection of the southern boundary line of Barnhardt Circle with the eastern boundary line of Ida Lane thence with a curve, the radius of which is 120 feet and the chord of which is S. 72°10' E. 84.1 feet, a distance or 85.9 feet to a point; thence N. 89°20' E. 126.8 feet to a point; thence S. 0°40' E. 121.1 feet to a point on the northern boundary line of Hedekin Road; thence along the northern boundary line of Hedekin Road S. 89°04' W. 94 feet to a point which is the beginning of a curve to the right the radius of which is 252.47 feet, and the chord of which is N. 86°56' W. 65.2 feet, thence with said curve 66 feet to the beginning of another curve, the radius of which is 312 feet, and the chord of which is N. 67°40' W., 133 feet, thence along said curve 134.6 feet to the intersection of the northern boundary line of Hedekin Road with the eastern boundary line of Ida Lane; thence with the eastern boundary line of Ida Lane along a curve to the right, the radius of which is 312 feet, and the chord of which is N. 32°21' E. 121.4 feet, a distance of 124.7 feet to the point of beginning, said tract of land containing 0.703 acre.

Tract No. 5. Beginning at a point where the southwest boundary line of Barnhardt Circle intersects the northwestern boundary line of Ida Lane and running thence along the northwest boundary line of Ida Lane with a curve to the left the radius of which is 352 feet and the chord of which is S. 35°09' W. 122.1 feet a distance of 124.6 feet to the intersection with the northeastern boundary line of Hedekin Road, thence along the northeastern boundary line of Hedekin Road along a curve to the right, the radius of which is 252.47 feet and the chord of which is N. 22°45' W. 173.3 feet a distance of 176.9 feet to a point; thence N. 84°32' W. 121.8 feet to a point on the southwest boundary line of Barnhardt Circle, thence along the southwest boundary line of Barnhardt Circle along a curve, the radius of which is 120 feet and the chord of which is S. 12°36' E. 73.4 feet, a distance of 74.6 feet to the point of beginning, said tract of land containing 0.324 acre.

Said tracts of land containing in the aggregate 40.277 acres.

The administration, protection, and development of these lands as a part of the Chickamauga and Chattanooga National Military Park shall be exercised by the National Park Service in accordance with the provisions of the act of August 25, 1916 (39 Stat. 535, 16 U. S. C., 1946 ed., secs. 1–3; E. O. No. 6166, June 10, 1933, as amended by E. O. No. 6228, July 28, 1933, 5 U. S. C., 1946 ed., sec. 132 [note]).

C. GIRARD DAVIDSON,
Acting Secretary of the Interior.

OCTOBER 19, 1948.

[F. R. Doc. 48-9397; Filed, Oct. 25, 1948; 8:50 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

1. Effective June 1, 1948, § 21.356 is amended by adding at the end thereof the following new paragraph:

(f) Notwithstanding the time limitations prescribed in paragraphs (b) and (e) of this section, the Surgeon General with the approval of the Administrator may extend the length of time for which the maximum prescribed travel allowances may be payable whenever he determines that an extension is warranted by special conditions applicable to an area or by the special nature of a duty assignment.

2. Effective October 1, 1948, except where otherwise provided, Appendix A (13 F. R. 5072) is revised to read as follows:

FOREIGN SERVICE ALLOWANCE RATES

OFFICERS

Class I

Station		Total	Travel
Subsistence	Quarters		
None	None	None	$7.00

NOTE: The above allowances are applicable to all countries and places outside the continental United States not otherwise listed hereon.

Class II

$2.55	$2.50	$5.05	$8.00

Czechoslovakia. Island of Cyprus.
Colombia (except Bogota).

Class III

$2.55	$3.75	$6.30	$9.00

Hungary. China (including Hong Kong)

Class IV

$3.00	$0.75	$3.75	$7.00

Cuba (except Havana). Equador.
Belgium. Brazil (except Rio de Janeiro, Sao Paulo and Recife).
Costa Rica.
Great Britain and Northern Ireland (except London). Honduras.
El Salvador.
Guatemala. Dominican Republic.
Nicaragua. Surinam.
Chile (except Punta Arenas). Bolivia.
Paraguay. Morocco.
Peru.

Class V

$3.00	$1.00	$4.00	$7.00

Afghanistan. Liberia (except Monrovia).
Algeria. Netherlands.
Alaska. Norway.
Bermuda. Uruguay.
Denmark. Spain.
Ethiopia. Sweden.
Finland. Tunisia.
Recife, Brazil. Trieste (free city of).
Irish Free State. Union of South Africa
Italy (except Rome and Naples).

Class VI

$3.75	$0.75	$4.50	$7.25

Burma (except Rangoon).

Class VII

$3.75	$1.00	$4.75	$8.00

Portugal.

FOREIGN SERVICE ALLOWANCE RATES—Continued

OFFICERS—continued

Class VIII

Station		Total	Travel
Subsistence	Quarters		
$3.75	$1.50	$5.25	$8.00

Ceylon. Mexico City.
Egypt (except Cairo). London.
India. Siam.
French Indo-China. Pakistan (except Karachi)

Class IX

$3.75	$2.00	$5.75	$9.00

Bogota, Colombia.

Class X

$3.75	$3.00	$6.75	$10.00

Cairo, Egypt. Philippine Islands.
Switzerland.

Class XI

$3.75	$4.00	$7.75	$11.00

Bulgaria. Netherlands, East Indies.

Class XII

$4.50	$1.50	$6.00	$9.00

Havana, Cuba. Monrovia, Liberia.
Syria.

Class XIII

$5.25	$1.75	$7.00	$10.00

Iran. Rome, Italy.
Naples, Italy.

Class XIV

$6.00	$1.50	$7.50	$10.00

Republic of Lebanon. Turkey.
Rangoon, Burma. Malayan Union.
Singapore. Karachi, Pakistan.

Class XV

$7.50	$3.50	$11.00	$15.00

None.

Class XVI

$6.00	$3.00	$9.00	$12.00

Iceland. Rumania.
Yugoslavia.

Class XVII

None	$1.75	$1.75	$7.00

Australia. New Zealand.

Class XVIII

$3.00	None	$3.00	$7.00

Paris & Orly Field, France.

FOREIGN SERVICE ALLOWANCE RATES—Continued

OFFICERS—continued

Special classification

Station		Total	Travel
Subsistence	Quarters		
$7.00	$6.00	$13.00	$15.00

Palestine. State of Israel.
Trans Jordan.

NOTE: Effective as of June 1, 1948. Maximum travel allowance is payable without regard to length of time as long as in a travel status. (See section 21.356 (f).)

$9.00	$5.00	$14.00	$18.00

Union of Soviet Socialist Republics.

$4.50	$2.50	$7.00	$7.00

Wake Island. Canton Island.

$8.25	$3.75	$12.00	$12.00

Greece (personnel not in receipt of diplomatic exchange rate).

NOTE: Greece (personnel in receipt of diplomatic exchange rate, allowances prescribed in class I applicable).

$5.25	$3.75	$9.00	$9.00

Punta Arenas, Chile.

$6.75	$3.25	$10.00	$11.00

Poland (personnel not in receipt of diplomatic exchange rate).

NOTE: Poland (personnel in receipt of diplomatic exchange rate, allowances prescribed in class I applicable).

$3.75	$3.25	$7.00	$7.00

Bahrein Island, Persian Gulf.

$3.75	$4.75	$8.50	$8.50

Rio de Janeiro, Brazil. Argentina.
Sao Paulo, Brazil.

$6.75	$5.25	$12.00	$15.00

Venezuela.

[SEAL] W. P. DEARING,
Acting Surgeon General.

Approved: October 20, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-9402; Filed, Oct. 25, 1948; 8:51 a. m.]

PART 73—BIOLOGIC PRODUCTS

PRODUCTS IN SHORT SUPPLY; INITIAL PROCEEDINGS AT OTHER THAN LICENSED ESTABLISHMENT

The following amendment is prescribed to the regulations relating to biologic products.

1. The table of contents of Part 73 is amended by adding under the heading "Licenses; Procedure" the following:

73.15 Products in short supply; initial processing at other than the licensed establishment.

2. A new section is added immediately following § 73.14 and reading as follows:

§ 73.15 *Products in short supply; initial processing at other than licensed establishment.* Licenses issued to a manufacturer for an establishment shall authorize persons other than such manufacturer to conduct at places other than such establishment the initial and partial processing of a product for shipment solely to such manufacturer only to the extent that the names of such persons and places are registered with the Surgeon General and he finds, upon application of such manufacturer, that (a) the product is in short supply due either to the peculiar growth requirements of the organism involved or to the scarcity of the animal required for production purposes, and (b) such manufacturer has established with respect to such persons and places such procedures, inspections, tests or other arrangements as will assure full compliance with the applicable regulations of this part related to continued safety, purity and potency. Such persons and places shall be subject to all regulations of this part except §§ 73.2 to 73.14, 73.20 to 73.24, and 73.50 to 73.55. Failure of such manufacturer to maintain such procedures, inspections, tests or other arrangements, or failure of any person conducting such processing to comply with applicable regulations shall constitute a ground for summary suspension or revocation of the authority conferred pursuant to this section on the same basis as provided in §§ 73.10, 73.12 and 73.13 with respect to the summary suspension and the revocation of licenses. (58 Stat. 702; 42 U. S. C. 262)

3. This amendment is prescribed under authority of section 351 of the Public Health Service Act (58 Stat. 702; 42 U. S. C. 262) and shall become effective on the date of publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) with respect to notice of proposed rule making and delayed effective date is found to be unnecessary and contrary to the public interest because this amendment is necessary to assure a supply of scarce biologics important to the public health and constitutes relief from existing restrictions.

[SEAL] W. P. DEARING,
Acting Surgeon General.

Approved: October 14, 1948.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 48-9393; Filed, Oct. 25, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 965]

[Docket No. AO-166-A10]

CINCINNATI, OHIO, MILK MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentative marketing agreement, and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, milk marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended, (7 CFR, 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at Hotel Sinton, Crystal Room, 4th and Vine Streets, Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., October 30, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, milk marketing area (7 CFR, Supps. 965.0 et seq.; 12 F. R. 4931). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic and emergency conditions which relate to the establishment of Class I and Class II prices for a limited period of time in 1948 and 1949.

The following amendments have been proposed:

1. Amend § 965.6 (a) (1) and (a) (2) to delete the provisos contained therein and to provide that the prices for Class I and Class II milk for a limited period in 1948 and 1949, but not beyond March 1949, shall not be less than the prices in effect for such classes of milk in September 1948.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, 152 East 4th Street, Cincinnati, Ohio, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 22, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-9465; Filed, Oct. 25, 1948; 9:46 a. m.]

[7 CFR, Part 972]

[Docket No. AO-177-A-7]

TRI-STATE MILK MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentative marketing agreement, and order, as amended, regulating the handling of milk in the Tri-State milk marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Pritchard Hotel, Huntington, West Virginia, beginning at 10:00 a. m. e. s. t., November 1, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement as heretofore approved (12 F. R. 12926, 12 F. R 4243, 13 F. R. 2330). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth:

The following amendments have been proposed:

Amend § 972.5 (b) and (c) to delete the provisos contained therein and to provide that the prices for Class I and Class II milk for a limited period in 1948 and 1949 but not beyond March 1949, shall not be less than the prices in effect for such classes of milk in September 1948.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the market administrator, 527 First Huntington National Bank Building, Huntington, West Virginia, or from the Hearing Clerk, United States Department of Agriculture, in Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 22, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-9466; Filed, Oct. 25, 1948; 9:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52071]

BARBER OIL CORP. AND TRINIDAD CORP.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

OCTOBER 20, 1948.

House flag and funnel mark of the Barber Oil Corporation and the Trinidad Corporation registered in accordance with § 3.81 (a), Customs Regulations of 1943.

The Acting Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (U. S. C., title 46, sec. 49), as modified by section 102, Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., ch. IV), and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR, 1944 Supp., 3.81 (a)), has re-registered in the name of the Barber Oil Corporation, a Delaware corporation, and its wholly owned subsidiary, the Trinidad Corporation, a Delaware corporation, the house flag and funnel mark originally registered and described in the notice published in the FEDERAL REGISTER for November 6, 1946 (T. D. 51557; 11 F. R. 13216), and re-registered in a notice published in the FEDERAL REGISTER for July 12, 1947 (T. D. 51715; 12 F. R. 4653).

The previous registration and re-registration of the house flag and funnel mark in the names of the Barber Asphalt Corporation, the Trinindad Corporation, and the Trinidad Navigation Corporation are hereby cancelled.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 48-9401; Filed, Oct. 25, 1948; 8:51 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 25]

ORDER TRANSFERRING FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE FUNCTIONS RELATING TO FINANCE AND FISCAL MATTERS AND ACTIVITIES

Pursuant to the authority vested in me by the National Security Act of 1947 (act of July 26, 1947; Public Law 253, 80th Cong.) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. In addition to the functions, powers and duties transferred by Transfer Order No. 11, National Military Establishment, dated May 10, 1948, there are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force, all functions, powers and duties relating to finance and fiscal matters and activities, insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property or personnel, which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the following laws, parts of laws, and Executive orders, as limited by other laws, parts of laws, and Executive orders, whether or not specifically set forth herein:

a. Act of June 3, 1916, c. 134, sec. 9a, as added by the act of June 4, 1920, c. 227, (subch. I, sec. 9 (41 Stat. 766; 10 U. S. C. 172).

b. Act of August 26, 1842, c. 202, sec. 19 (5 Stat. 527; R. S. 3683; 31 U. S. C. 675).

c. Act of July 9, 1918, c. 143 (40 Stat. 871; 10 U. S. C. 1424).

d. Act of August 2, 1946, c. 744, sec. 12 (60 Stat. 809; 5 U. S. C. 22a).

e. Act of June 30, 1932, c. 314, sec. 313 (47 Stat. 411; 5 U. S. C. 104a).

f. Act of June 30, 1906, c. 3914, sec. 5 (34 Stat. 763), as amended by the act of August 24, 1912, c. 391, sec. 1, 3 (37 Stat. 579, 591; 31 U. S. C. 626).

g. Act of June 10, 1921, c. 18, sec. 213 (42 Stat. 23; 31 U. S. C. 21).

h. Executive Order No. 8512, August 13, 1940 (5 F. R. 2849), as amended by Executive Order No. 9084, March 3, 1942 (7 F. R. 1709).

i. Executive Order No. 9384, October 4, 1943 (8 F. R. 13782).

j. Act of June 5, 1920, c. 240 (41 Stat. 975; 31 U. S. C. 536).

k. Act of March 3, 1817, c. 45, Sec. 5, 9 (3 Stat. 367), as amended by the act of May 7, 1822, c. 90, sec. 3 (3 Stat. 689; R. S. 3673), and the act of June 10, 1921, c. 18, sec. 304 (42 Stat. 24; 31 U. S. C. 631).

l. Act of July 31, 1894, c. 174, sec. 22 (28 Stat. 210), as amended by the act of June 10, 1921, c. 18, sec. 304 (42 Stat. 24; 31 U. S. C. 75).

m. Act of August 23, 1912, c. 350, sec. 1 (37 Stat. 375), as amended by the act of June 10, 1921, c. 18, sec. 304 (42 Stat. 24; 31 U. S. C. 82).

n. Act of July 17, 1862, c. 199, sec. 1 (12 Stat. 593), as amended by Res. of March 2, 1867, No. 48 (14 Stat. 571), and the act of July 15, 1870, c. 295, sec. 15 (16 Stat. 334; R. S. 3622), and the act of February 27, 1877, c. 69, sec. 1 (19 Stat. 249), and the act of July 31, 1894, c. 174, sec. 12 (28 Stat. 209), and the act of June 10, 1921, c. 18, sec. 304 (42 Stat. 24; 31 U. S. C. 496).

o. Act of March 2, 1901, c. 803 (31 Stat. 910), as amended by the act of July 9, 1918, c. 143, subch. XVIII (40 Stat. 892), and the act of June 10, 1921, c. 18, sec. 304, 309 (42 Stat. 24, 25; 31 U. S. C. 80).

p. Act of March 2, 1905, c. 1307 (33 Stat. 832), as amended by the act of June 4, 1920, c. 227, subch. I, sec. 9 (41 Stat. 766), and the act of June 10, 1921, c. 18 (42 Stat. 20; 10 U. S. C. 177).

q. Act of July 31, 1894, c. 174, sec. 8 (28 Stat. 207), as amended by the act of June 10, 1921, c. 18, sec. 304 (42 Stat. 24; 31 U. S. C. 74).

r. Act of May 26, 1936, c. 452 (49 Stat. 1374; 5 U. S. C. 46b).

s. Act of March 4, 1915, c. 143, sec. 1 (38 Stat. 1084), as amended by the act of May 21, 1920, c. 194, sec. 7 (41 Stat. 613), and the act of June 30, 1932, c. 314, sec. 601 (47 Stat. 417), and the act of June 22, 1936, c. 689, Title IV, sec. 8 (49 Stat. 1648), and the act of July 20, 1942, c. 507 (56 Stat. 661; 31 U. S. C. 686 (a)).

t. Act of November 19, 1919, c. 118 (41 Stat. 360; 20 U. S. C. 93).

u. Act of June 20, 1939, c. 220 (53 Stat. 843; 24 U. S. C. 298).

v. Act of May 29, 1945, c. 135, sec. 1 (59 Stat. 225; 31 U. S. C. 222c).

w. Act of July 3, 1943, c. 189, sec. 1 (57 Stat. 372), as amended by the act of May 29, 1945, c. 135, sec. 1 (59 Stat. 225), and the act of June 28, 1946, c. 514, sec. 1 (60 Stat. 332; 31 U. S. C. 223b).

x. Act of January 2, 1942, c. 645, sec. 1 (55 Stat. 880), as amended by the act of April 22, 1943, c. 67, sec. 1 (57 Stat. 66; 31 U. S. C. 224d).

y. Act of March 2, 1907, c. 2511 (34 Stat. 1159; 10 U. S. C. 891).

z. Act of March 2, 1913, c. 93 (37 Stat. 710; 10 U. S. C. 869).

aa. Act of October 26, 1942, c. 624 (56 Stat. 987; 50 U. S. C. App., Supp. V., 836).

bb. Act of February 13, 1936, c. 66 (49 Stat. 1137; 24 U. S. C. 44a).

cc. Act of May 15, 1872, c. 161, sec. 1 (17 Stat. 117; R. S. 1305), as amended by the act of June 12, 1906, c. 3078 (34 Stat. 246), and the act of June 3, 1916, c. 134, sec. 9a, as added by the act of June 4, 1920, c. 227, subch. I, sec. 9 (41 Stat. 766), and amended by the act of December 18, 1942, c. 765, sec. 1 (56 Stat. 1057; 10 U. S. C. 906).

dd. Act of May 15, 1872, c. 161, sec. 2 (17 Stat. 117; R. S. 1306), as amended by the act of March 3, 1883, c. 93, sec. 1 (22 Stat. 456), and the act of December 18, 1942, c. 765, sec. 2 (56 Stat. 1058; 10 U. S. C. 907).

ee. Act of May 15, 1872, c. 161, sec. 4 (17 Stat. 117; R. S. 1307; 10 U. S. C. 908).

ff. Act of June 3, 1916, c. 134, sec. 9a, as added by the act of December 17, 1919, c. 6, sec. 1, 2 (41 Stat. 367), and as amended by the act of June 4, 1920, c. 227, subch. I, sec. 9 (41 Stat. 766), and the act of March 2, 1923, c. 178, Title I (42 Stat. 1385), and the act of December 17, 1943, c. 343, sec. 1 (57 Stat. 599; 10 U. S. C. 903).

gg. Act of June 12, 1906, c. 3078 (34 Stat. 246), as amended by the act of August 24, 1912, c. 391, sec. 3 (37 Stat. 591), and the act of June 3, 1916, c. 134, sec. 9a, as added by the act of June 4, 1920, c. 227, sec. 9 (41 Stat. 766; 10 U. S. C. 870).

hh. Act of March 21, 1947, c. 21 (61 Stat. 23; 10 U. S. C. 760).

ii. Act of June 16, 1942, c. 413, sec. 12 (56 Stat. 364), as amended by the act of September 7, 1944, c. 407, sec. 9 (58 Stat. 730), and the act of August 2, 1946, c. 756, Title II, sec. 202–205 (60 Stat. 858; 37 U. S. C. 112).

jj. Executive Order No. 9222, August 15, 1942 (7 F. R. 6511).

kk. Act of June 3, 1941, c. 165, sec. 4 (55 Stat. 240; 10 U. S. C. 304b).

ll. Act of June 3, 1916, c. 134, sec. 126 (39 Stat. 217), as amended by the act of February 28, 1919, c. 70, sec. 3 (40 Stat. 1203), and the act of September 22, 1922, c. 409 (42 Stat. 1021), and the act of December 14, 1942, c. 728 (56 Stat. 1049), and the act of August 2, 1946, c. 756, sec. 21 (60 Stat. 856; 10 U. S. C. 752).

mm. Act of October 6, 1945, c. 393, sec. 6 (59 Stat. 539; 10 U. S. C. 751a).

nn. Act of June 3, 1916, c. 134, sec. 67 (39 Stat. 199), as amended by the act of September 22, 1922, c. 423, sec. 3 (42 Stat. 1034), and the act of April 6, 1928, c. 321 (45 Stat. 406), and the act of June 15, 1933, c. 87, sec. 16 (48 Stat. 159; 32 U. S. C. 22).

oo. Act of March 4, 1915, c. 143, sec. 1 (38 Stat. 1063; 10 U. S. C. 750a).

pp. Act of July 9, 1918, c. 143 (40 Stat. 860; 10 U. S. C. 754).

qq. Act of June 3, 1926, c. 457, sec. 3 (44 Stat. 689), as amended by the act of June 30, 1932, c. 314, sec. 207 (47 Stat. 405), and the act of January 30, 1942, c. 29 (56 Stat. 39; 5 U. S. C. 823).

rr. Act of June 3, 1926, c. 457, sec. 7 (44 Stat. 689), as amended by the act of June 30, 1932, c. 314, sec. 208 (47 Stat. 405; 5 U. S. C. 827).

ss. Act of June 3, 1926, c. 457, sec. 8 (44 Stat. 689; 5 U. S. C. 828).

tt. Act of April 27, 1946, c. 240, sec. 1, 2, 4, 5 (60 Stat. 126, 127; 37 U. S. C. 112d, 112e, 112g, 112h).

uu. Act of March 7, 1942, c. 159 (56 Stat. 140; 10 U. S. C. 919).

vv. Executive Order No. 9255, October 13, 1942 (7 F. R. 8333).

ww. Act of March 3, 1865, c. 81, sec. 5 (13 Stat. 497), as amended by the act of July 28, 1866, c. 299, sec. 25 (14 Stat. 336; R. S. 1299), and the act of August 24, 1912, c. 391, sec. 3 (37 Stat. 591), and the act of June 3, 1916, c. 134, sec. 7, 9a (39 Stat. 169), as added and amended by the act of June 4, 1920, c. 227, subch. I, sec. 7, 9 (41 Stat. 765, 766; 10 U. S. C. 875c).

xx. Executive Order No. 9871, July 8, 1947 (12 F. R. 4531).

yy. Act of June 16, 1942, c. 413, sec. 10 (56 Stat. 363), as amended by the act of June 26, 1943, c. 151 (57 Stat. 219), and the act of September 7, 1944, c. 407, sec. 8 (58 Stat. 730), and the act of October 6, 1945, c. 393, sec. 8 (59 Stat. 541), and the act of August 2, 1946, Title II, Sec. 201 (60 Stat. 858), and the act of June 28, 1947, c. 162, sec. 4 (61 Stat. 192), and the act of July 1, 1947, c. 202 (61 Stat. 242; 37 U. S. C. 110).

zz. Act of April 10, 1943, c. 47 (57 Stat. 62; 37 U. S. C. 118b).

aaa. Act of June 30, 1921, c. 33, sec. 1 (42 Stat. 82), as amended by the act of March 8, 1922, c. 99 (42 Stat. 418; 10 U. S. C. 833).

bbb. Act of July 11, 1919, c. 8 (41 Stat. 110), as amended by the act of June 10, 1921, c. 18, sec. 304 (42 Stat. 24; 10 U. S. C. 863).

ccc. Act of June 3, 1941, c. 165, sec. 5 (55 Stat. 240), as amended by the act of July 8, 1942, c. 493, sec. 7 (56 Stat. 650; 10 U. S. C. 308a).

ddd. Act of June 16, 1936, c. 587, sec. 2 (49 Stat. 1524), as amended by the act of April 3, 1939, c. 35, sec. 11 (53 Stat. 559), and the act of June 3, 1941, c. 165, sec. 6 (55 Stat. 240), and the act of July 25, 1947, c. 323 (61 Stat. 424; 10 U. S. C. 300a).

eee. Act of February 18, 1946, c. 30, Title III, sec. 301 (60 Stat. 20; 37 U. S. C. 118a–1).

fff. Act of May 22, 1928, c. 676 (45 Stat. 698), as amended by the act of June 26, 1934, c. 751 (48 Stat. 1222; 10 U. S. C. 875a).

ggg. Act of July 28, 1866, c. 299, sec. 25 (14 Stat. 336; R. S. 1300), as amended by the act of August 24, 1912, c. 391, sec. 3 (37 Stat. 591), and the act of June 3, 1916, c. 134, sec. 9a, as added by the act of June 4, 1920, c. 227, subch. I, sec. 9 (41 Stat. 766; 10 U. S. C. 875).

hhh. Act of June 16, 1942, c. 413, sec. 9 (56 Stat. 363), as amended by the act of September 7, 1944, c. 407, sec. 3 (58 Stat. 729), and the act of June 29, 1946, c. 523, sec. 1 (a, b) (60 Stat. 343; 37 U. S. C. 109).

iii. Act of August 23, 1912, c. 350, sec. 7 (37 Stat. 414), as amended by the act of April 30, 1940, c. 175 (54 Stat. 175; 31 U. S. C. 679).

jjj. Act of May 10, 1939, c. 119, sec. 4 (53 Stat. 738; 31 U. S. C. 680a).

kkk. Act of March 2, 1899, c. 352, sec. 16 (30 Stat. 981), as amended by the act of March 2, 1901, c. 803 (31 Stat. 896), and the act of June 3, 1916, c. 134, sec. 9a, as added by the act of October 6, 1917, c. 81 (40 Stat. 384), and amended by the act of June 4, 1920, c. 227, subch. I, sec. 9 (41 Stat. 766), and the act of May 16, 1938, c. 219 (52 Stat. 354; 10 U. S. C. 894).

lll. Act of October 17, 1940, c. 888, sec. 300 (4) (54 Stat. 1181; 50 U. S. C., Appr. 530).

mmm. Act of June 23, 1942, c. 443, Title I, sec. 103, 104, 106, 109, 110 (56 Stat. 381, 382, 384), as amended by the act of October 26, 1943, c. 281, sec. 3, 4, 6, 9, 10 (57 Stat. 577, 578, 580; 37 U. S. C. 203, 204, 206, 209, 210).

nnn. Act of June 23, 1942, c. 443, Title I, sec. 111, 112 (56 Stat. 384; 37 U. S. C. 211, 212).

ooo. Act of June 23, 1942, c. 443, Title I, sec. 108 (56 Stat. 383), as amended by the act of October 26, 1943, c. 281, sec. 8 (57 Stat. 579), and the act of October 6, 1945, c. 393, sec. 9b (59 Stat. 541; 37 U. S. C. 208).

ppp. Act of June 23, 1942, c. 443, Title I, sec. 12, as added by the act of October 26, 1943, c. 281, sec. 14 (57 Stat. 581; 37 U. S. C. 221).

qqq. Act of February 3, 1944, c. 9, sec. 5 (58 Stat. 10), as amended by the act of December 16, 1944, c. 599 (58 Stat. 812; 38 U. S. C. 691e).

rrr. Executive Order No. 9112, March 26, 1942 (7 F. R. 2367).

sss. Act of March 7, 1942, c. 166, sec. 2, 9, 10 (56 Stat. 143–145), as amended by the act of July 1, 1944, c. 371, sec. 2, 5, 6 (58 Stat. 679–681; 50 U. S. C., App., Supp. V, 1002, 1009, 1010).

ttt. Act of March 7, 1942, c. 166, sec. 3, 4 (56 Stat. 144), as amended by the act of December 24, 1942, c. 828, sec. 1 (56 Stat. 1092, 1093), and the act of July 1, 1944, c. 371, sec. 3, 4 (58 Stat. 680; 50 U. S. C. App., Supp. V, 1003, 1004).

uuu. Act of March 7, 1942, c. 166, sec. 5, 6 (56 Stat. 145), as amended by the act of December 24, 1942, c. 828, sec. 1 (56 Stat. 1093); 50 U. S. C. App., Supp. V, 1005, 1006).

vvv. Act of March 7, 1942, c. 166, sec. 7, (56 Stat. 145; 50 U. S. C. App., Supp. V, 1007).

www. Act of June 5, 1942, c. 331, (56 Stat. 310; 10 U. S. C. 1151).

xxx. Act of October 8, 1940, c. 757, sec. 602 (m), Title VI, part 1, (54 Stat. 1009), as amended by the act of August 1, 1946, c. 728, sec. 6 (60 Stat. 784; 38 U. S. C. 802 (m)).

yyy. Act of June 7, 1924, c. 320, sec. 300, (43 Stat. 624), as amended by the act of March 4, 1925, c. 553, sec. 12, (43 Stat. 1308), and the act of July 2, 1926, c. 723, sec. 14, (44 Stat. 798), and the act of May 29, 1928, c. 875, sec. 13, (45 Stat. 967), and the act of July 3, 1930, c. 863, sec. 1, (46 Stat. 1016; 38 U. S. C. 511).

zzz. All other laws, parts of laws, including applicable provisions of Appropriations Acts, and Executive Orders which vested in the Secretary of the Army or the Department of the Army or any officer of that Department, functions, powers and duties relating to finance and fiscal matters and activities insofar as they pertain to the Department of the Air Force or the United States Air Force or their property or personnel.

2. The Department of the Air Force will utilize the services of the Department of the Army for the performance of such finance and fiscal functions as are from time to time jointly determined by the Secretaries of the two Departments to be necessary or desirable.

3. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

4. The Secretary of the Army, the Secretary of the Air Force, or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

5. Nothing contained in this order shall operate as a transfer of funds.

6. This order shall be effective October 14, 1948.

JAMES FORRESTAL,
Secretary of Defense.

OCTOBER 14, 1948.

[F. R. Doc. 48-9375; Filed, Oct. 25, 1948; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 34398]

ALASKA

REVOCATION OF ORDERS OPENING LANDS UNDER THE FOREST HOMESTEAD ACT

OCTOBER 18, 1948.

On request of the Department of Agriculture and pursuant to the authority delegated by the Secretary of the Interior (43 CFR 4.275 (a) (38)) it is ordered as follows:

Subject to valid existing rights, the orders described below, opening public lands in the Tongass National Forest, Alaska, for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. secs. 506–509) are hereby revoked as to the land hereinafter identified:

Date of order of opening	List number	Land identification
June 1, 1909	6-39	83.32 acres located on west shore of Karta Bay, an arm of Kassan Bay, Prince of Wales Island, latitude 55°34′ N., longitude 132°35′ W.
June 10, 1924	8-69	T. 60 S., R. 82 E., C. R. M., sec. 36, S½SW¼.
		T. 61 S., R. 83 E., sec. 3, lots 1 and 2, containing 160 acres.
Do	8-70	T. 60 S., R. 82 E., C. R. M., sec. 23, lots 2, 3, and SW¼SE¼, containing 95.36 acres.
Do	8-72	5.37 acres located on Whitewater Bay, west shore Admiralty Island (H. E. S. 208, U. S. S. 1957, containing 6.20 acres), latitude 57°15′18″ N., longitude 134°36′ 11″ W.
Jan. 28, 1925	8-76	10.78 acres located on the east shore Chatham Strait, west shore of Admiralty Island, latitude 57° 20′ N., longitude 134°35′ W.
May 11, 1925	8-83	T. 60 S., R. 82 E., C. R. M., sec. 36, SW¼SE¼, W½SE¼SE¼, W½E½SE¼SE¼.
		T. 61 S., R. 83 E., sec. 2, W½, W½E½ lot 3, and lot 4, containing 140 acres.
Feb. 9, 1932	8-133	T. 60 S., R. 83 E., C. R. M., sec. 27, lots 1, 2, 3, 5, and 6, containing 113.42 acres.

ROSCOE E. BELL,
Acting Director.

[F. R. Doc. 48-9374; Filed, Oct. 25, 1948; 8:45 a. m.]

[Misc. 45426]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM COLORADO RIVER STORAGE PROJECT

An order of the Bureau of Reclamation dated August 13, 1948, concurred in by the Director, Bureau of Land Management, August 19, 1948, revoked the Departmental order of March 14, 1929, so far as it withdrew in the first form prescribed by section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following-described land in connection with the Colorado River Storage Project, Arizona, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands described:

GILA AND SALT RIVER MERIDIAN

T. 10 S., R. 21 W.,
Sec. 21, S½SE¼;
Sec. 22, S½;
Sec. 25, S½S½;
Sec. 26, S½S½;
Sec. 27, all;
Sec. 28, all;
Sec. 29, E½;
Sec. 33, NW¼NW¼;
Sec. 34, E½;
Sec. 35, all.
T. 11 S., R. 21 W.,
Sec. 1, all;
Sec. 3, all;
Sec. 4, SE¼;
Sec. 9, E½;
Sec. 10, all;
Sec. 11, all.
sec. 12, all.

The above areas aggregate 7,000.60 acres.

These lands are part of the Lower Sonoren Desert and are composed principally of sand dunes.

This order shall not become effective to change the status of such lands until 10:00 a. m. on December 15, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from December 15, 1948, to March 16, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from November 25, 1948, to December 14, 1948, inclusive, such veterans and persons claiming preference right superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on December 15, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on March 17, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from February 25, 1949, to March 16, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on March 17, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duty corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

ROSCOE E. BELL,
Acting Director.

[F. R. Doc. 48-9385; Filed, Oct. 25, 1948; 8:47 a. m.]

Division of Territories and Island Possessions

PRESIDENT'S ADVISORY COMMISSION ON RELATION OF FEDERAL LAWS TO PUERTO RICO

NOTICE OF OPPORTUNITY TO SUBMIT RECOMMENDATIONS

By Executive Order No. 10005, dated October 5, 1948, 13 F. R. 5854, the President has established an Advisory Commission on the Relation of Federal Laws to Puerto Rico, to assist him in exercising his power, under a recent amendment to Puerto Rico's Organic Act, to exempt Puerto Rico from the application of Federal statutes on the ground that the statutes are inapplicable by reason of local conditions, subject to the qualification noted below. It will be the task of the Commission to review Federal laws in the light of Puerto Rico's economic and social conditions and the nature of Puerto Rico's governmental structure, to determine whether it will recommend to the President that he exempt Puerto Rico from the application of any of these laws. The Commission will hold public hearings before making its recommendations to the President. Ample notice will be given of the time and place of the hearings and the laws to be considered at each, so that interested persons may appear and present their views.

The Commission will welcome any expression of opinion which members of the public may care to submit to it as to the Federal laws which they consider should be declared inapplicable to Puerto Rico and from which they would like to see Puerto Rico exempted by the President. The Commission will also welcome views as to those laws from which it is believed Puerto Rico should not be exempted. In either case, a brief statement of reasons for the position taken should be made. Attention is called to the fact that the amendment to the Organic Act above referred to does not authorize the President to exempt Puerto Rico from any law which has already been made expressly applicable to Puerto Rico by the Congress. The Commission, therefore, cannot recommend to the President that he exempt Puerto Rico from the application of any such law.

Recommendations should be submitted within 30 days from the date of this notice, and should be addressed either to the Governor of Puerto Rico, at La Fortaleza, San Juan, Puerto Rico, or to Irwin W. Silverman, Counsel, President's Advisory Commission on the Relation of Federal Laws to Puerto Rico, Department of the Interior, Washington 25, D. C.

IRWIN W. SILVERMAN,
President's Advisory Commission on the Relation of Federal Laws to Puerto Rico.

OCTOBER 18, 1948.

[F. R. Doc. 48-9396; Filed, Oct. 25, 1948; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6916, 6917]

SCRIPPS-HOWARD RADIO, INC. AND CLEVELAND BROADCASTING, INC.

ORDER CONTINUING ORAL ARGUMENT

In re applications of Scripps-Howard Radio, Inc., Cleveland, Ohio, Docket No. 6916, File No. BP–4118; Cleveland Broadcasting, Incorporated, Cleveland, Ohio, Docket No. 6917, File No. BP–4058; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of October 1948;

The Commission having under consideration a request by Scripps-Howard Radio, Inc., that it be granted one hour's time within which to present oral argument on its exceptions filed in this proceeding, which oral argument is now scheduled for October 18, 1948; and

It appearing, that the Commission has scheduled oral arguments on exceptions filed in five other proceedings for October 18, 1948; that the request of Scripps-Howard Radio, Inc., should be granted; that affording the applicants in this proceeding one hour each for the presentation of oral argument on October 18, 1948, would not leave sufficient time within which to complete the oral arguments in the other proceedings scheduled on that date; and that oral argument in this proceeding should be continued to another date;

It is therefore ordered, That oral argument on the exceptions filed in this proceeding, now scheduled for October 18, 1948, be, and it is hereby, continued until 10:30 a. m. November 5, 1948, and that the applicants in this proceeding be, and they are hereby, each granted one hour's time within which to present oral argument in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9403; Filed, Oct. 25, 1948; 8:51 a. m.]

[Docket No. 9016]

McCLATCHY BROADCASTING CO. (KFBK-FM)

ORDER CONTINUING HEARING

In re application of McClatchy Broadcasting Company (KFBK-FM), Sacra-

mento, California, Docket No. 9016, File No. BPH-471; for construction permit.

The Commission having under consideration a petition filed October 6, 1948, by McClatchy Broadcasting Company (KFBK-FM), Sacramento, California, requesting a continuance in the hearing presently scheduled for October 19, 1948, at Washington, D. C., upon its above-entitled application for FM construction permit;

It is ordered, This 15th day of October 1948, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled application be, and it is hereby, continued to 10:00 a. m., Tuesday, January 4, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9404; Filed, Oct. 25, 1948; 8:51 a. m.]

[Docket No. 7339]

BERKS BROADCASTING CO. (WEEU)

ORDER CONTINUING HEARING

In re application of Berks Broadcasting Company (WEEU), Reading, Pennsylvania, Docket No. 7339, File No. BP-4380; for construction permit.

Whereas, the above-entitled application is presently scheduled for further hearing on October 21, 1948, at Washington, D. C.;

It appearing, that the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 15th day of October, 1948, that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Tuesday, January 4, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9405; Filed, Oct. 25, 1948; 8:51 a. m.]

[Docket No. 8105]

RADIO SOUTH, INC.

ORDER CONTINUING HEARING

In re application of Radio South, Inc., Jacksonville, Florida, Docket No. 8105, File No. BP-5007; for construction permit.

The Commission having under consideration a petition filed October 14, 1948, by Radio South, Inc., Jacksonville, Florida, requesting an indefinite continuance in the hearing presently scheduled for October 25, 1948; upon its above-entitled application for construction permit;

It is ordered, This 15th day of October, 1948, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled application be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9406; Filed, Oct. 25, 1948; 8:51 a. m.]

[Docket No. 9125]

STANDARD BROADCAST STATION KBLF

ORDER CONTINUING HEARING

In re application of Robert L. Weeks (Assignor), Dr. Russell G. Frey (Assignee), Docket No. 9125, File No. BAL-706; For assignment of license of standard broadcast station KBLF, Red Bluff, California.

Whereas, The above-entitled application is presently scheduled to be heard on November 8, 1948, at Red Bluff, California; and

Whereas, There is pending before the Commission a petition for reconsideration and grant without hearing filed on October 7, 1948;

It is ordered, This 15th day of October 1948, that the said hearing on the above-entitled application be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9407; Filed, Oct. 25, 1948; 8:52 a. m.]

[Docket No. 8502]

ARI-NE-MEX BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Ari-Ne-Mex Broadcasting Company, Clayton, New Mexico, Docket No. 8502, File No. BP-5879; for construction permit.

The Commission having under consideration a petition filed October 12, 1948, by Ari-Ne-Mex Broadcasting Company, Clayton, New Mexico, requesting leave to amend its above-entitled application for construction permit so as to show revised articles of incorporation; to show the addition of new stockholders, directors and officers; to show revised financial and programming plans; and to change paragraphs 2, 3, 8, 12-15, 18, 19, 22, 30-33, and 41 of the application to reflect this information; as more particularly appears from the amendment filed simultaneously with the petition; and

It appearing, that on October 12, 1948, petitioner filed a petition for reconsideration and grant of the application, as amended, without hearing; and that accordingly the hearing presently scheduled upon the above-entitled application for November 4, 1948, should be continued indefinitely;

It is ordered, This 15th day of October, 1948, that the petition be, and it is hereby, granted; that the amendment filed simultaneously with the petition be, and it is hereby, accepted; and that, on the Commission's own motion, the hearing on the above-entitled application be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9408; Filed, Oct. 25, 1948; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1133]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION

OCTOBER 20, 1948.

Notice is hereby given that on September 30, 1948, Colorado-Wyoming Gas Company (Applicant), a Delaware corporation with its principal office at Denver, Colorado, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas pipeline facilities:

(1) Approximately 3 miles of 2-inch pipeline from a point on Applicant's 8-inch Mesa-Cheyenne transmission pipeline extending easterly to a point near the western city limits of La Salle, Colorado, together with a meter station, for the sale and delivery of natural gas to Greeley Gas Company, for resale in the city of La Salle, Colorado.

(2) Approximately 5¼ miles of 2½-inch pipeline from a point on Applicant's Greeley-Loveland lateral pipeline extending northerly to a point near the southern city limits of Windsor, Colorado, together with a meter station, for the sale and delivery of natural gas to Public Service Company of Colorado, for resale in the city of Windsor, Colorado.

(3) Approximately 2 miles of 2½-inch pipeline from a point on Applicant's 8-inch Mesa-Cheyenne main transmission pipeline extending easterly to a point near the western city limits of Ault, Colorado, together with a meter station, for the sale and delivery of natural gas to Greeley Gas Company, for resale in the city of Ault, Colorado.

(4) Approximately 3 miles of 2½-inch pipeline from a point on Applicant's 8-inch Mesa-Cheyenne main transmission pipeline extending easterly to a point near the western city limits of Eaton, Colorado, together with a meter station, for the sale and delivery of natural gas to Greeley Gas Company for resale in the city of Eaton, Colorado.

(5) 600 H. P. Ingersoll-Rand compressor unit to be installed at Applicant's Mesa Compressor Station, located in Adams County, Colorado.

(6) Approximately 28 miles of 10¾-inch pipeline from Applicant's Mesa Compressor Station extending northwesterly to a junction point with the Boulder lateral on Applicant's Arvada-Cheyenne main transmission pipeline.

Additionally, Applicant seeks permission pursuant to section 7 of the Natural Gas Act, as amended, to abandon the following described natural-gas facilities, subject to the jurisdiction of the Commission:

(1) Applicant's Sullivan Compressor Station, in Arapahoe County, Colorado, consisting of 1,200 H. P. compressor units and appurtenant equipment to be moved to Applicant's Mesa Compressor Station.

(2) Approximately 17 miles of 2½-inch and 3-inch pipeline extending eastwardly from a point on Applicant's Arvada-Cheyenne main transmission pipeline to Applicant's Fort Lupton-Brighton lateral pipeline.

Applicant recites that the communities proposed to be served do not have natural-gas service at present. Applicant estimates that for 1950, the peak day sales for the proposed new service will total 740 Mcf and the annual volume will total 123,000 Mcf. Applicant states that its load growth in the area west of Denver does not permit the most economical operation of its Sullivan Compressor Station. Applicant recites that the proposed 28 miles of 10-inch pipeline from Mesa to Boulder will require increased compressor units at Mesa Compressor Station, and that the compressor units at Sullivan can be more economically used at Mesa.

Applicant states that no customers are served from the pipeline proposed to be abandoned. Applicant proposes to serve Brighton and Fort Lupton from its existing 6-inch lateral extending from Applicant's Mesa-Cheyenne main transmission pipeline.

Applicant states that the proposed construction will increase Applicant's system capacity to 50,000 Mcf per day which is less than the contract peak day requirements Colorado Interstate Gas Company is obligated to serve Applicant. Applicant further states that no change in rates is contemplated for any of these projects.

Applicant estimates the total over-all cost of the facilities to be installed will be $690,100. Applicant proposes no additional financing at this time.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Colorado-Wyoming Gas Company is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 and 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9387; Filed, Oct. 25, 1948; 8:47 a. m.]

[Docket No. G-1143]

TRANS-CONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

OCTOBER 22, 1948.

Notice is hereby given that on October 19, 1948, Trans-Continental Gas Pipe Line Corporation (Applicant), a Delaware corporation having its principal office in Dallas, Texas, filed an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, as amended, authorizing Applicant to acquire, construct and operate certain natural-gas facilities subject to the jurisdiction of the Commission described as follows:

(1) Natural-gas facilities authorized to be constructed which were the subject of proceedings "In the Matter of Trans-Continental Gas Pipe Line Company, Inc." Docket No. G-704, wherein a certificate of public convenience and necessity was issued to Trans-Continental Gas Pipe Line Company, Inc., a Texas corporation, on May 29, 1948, (Opinion No. 165 and accompanying order) for a natural-gas transmission pipeline system originating in Texas, extending through the States of Louisiana, Mississippi, Alabama, Georgia, North and South Carolina, Virginia, Maryland, Pennsylvania, New Jersey, and terminating at a point on the east bank of the Hudson River at 132nd Street, New York City, New York, consisting of 1760 miles of 26-inch pipe, 71 miles of 20-inch pipe, 9 miles of various sizes of pipe for 76 submerged river crossings, 15 compressor stations, laterals, and necessary appurtenant facilities, by means of which natural gas, to be purchased in the Texas-Louisiana Gulf Coast area, would be transported and sold to Consolidated Edison Company of New York, Inc., The Brooklyn Union Gas Company, Public Service Electric and Gas Company, Philadelphia Electric Company, Long Island Lighting System, inclusive of Long Island Lighting Company, Queens Borough Gas and Electric Company, and Nassau & Suffolk Lighting Company, King's County Lighting Company, Brooklyn Borough Gas Company, New York & Richmond Gas Company, and Elizabethtown Consolidated Gas Company, for resale in the distribution areas of those Companies; and by means of which a transportation would be made of natural gas from the fields and areas in Texas and Louisiana, controlled and owned by Sun Oil Company to that Company's Marcus Hook Refinery, near Philadelphia, Pennsylvania.

(2) Natural gas facilities as may be authorized by the Commission to be constructed and operated pursuant to a Petition to Amend Order Issuing Certificate of Public Convenience and Necessity, filed on September 23, 1948, by Trans-Continental Gas Pipe Line Company, Inc.

(3) To succeed to all other rights and obligations of the Trans-Continental Gas Pipe Line Company, Inc.

Applicant states it is a corporation organized and existing under the laws of Delaware, (all capital stock owned by Trans-Continental Gas Pipe Line Company, Inc., a Texas corporation) without physical properties, and with assets consisting of $1,400 representing the subscription price of 2,100 shares of capital stock; that it proposes to engage in the transportation and sale of natural gas in interstate commerce and conduct its operations in all respects, if it is granted the certificate of public convenience and necessity applied for herein, as Trans-Continental Gas Pipe Line Company, Inc., has been heretofore authorized by the Commission's order of May 29, 1948, In the Matter of Trans-Continental Gas Pipe Line Company, Inc., Docket No. G-704, and as the said Company may hereafter be authorized pursuant to its petition filed on September 23, 1948.

Applicant further states (1) directors and officers will be the same as those of Trans-Continental Gas Pipe Line Company, Inc., (2) a transfer and sale has been executed by the two corporations, and under said agreement a stock surrender and cancellation plan will be effected and the ownership of Applicant will initially be identical with that of Trans-Continental Gas Pipe Line Company, Inc., (3) upon effectuation of the transfer and sale Applicant will own all the assets of Trans-Continental Gas Pipe Line Company, Inc., (4) it will be substituted for Trans-Continental Gas Pipe Line Company, Inc., under contracts for delivery of steel plate and fabrication thereof, and under gas purchase and gas sales contracts, (5) assets will be taken over and liabilities assumed at the amounts recorded on the books of Trans-Continental Gas Pipe Line Company, Inc., (6) the directors and stockholders of the two companies have approved the agreement of transfer and sale, (7) there will be no increase in operating expenses, cost of service, and no change in management.

Applicant further proposes in the event of authorization as applied for herein, to finance the construction and operation of facilities so authorized, through (1) the sale of $143,000,000 of First Mortgage Pipe Line Bonds, (2) the sale of 265,000 shares of Preferred Stock and 265,000 shares of Common Stock of 50 cents par value per share, as units consisting of one share of Preferred Stock and one share of Common Stock, (3) and the sale of 2,250,000 shares of Common Stock to be offered to its Common stockholders.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Trans-Continental Gas Pipe Line Corporation is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 10 days from the date of publication of this no-

tice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9435; Filed, Oct. 25, 1948; 9:01 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-410]

FINE AND WRAPPING PAPER DISTRIBUTING INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 21st day of October 1948.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Fine and Wrapping Paper Distributing Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than November 16, 1948. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., November 16, 1948, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street, NW., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-9392; Filed, Oct. 25, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-155]

LEHIGH VALLEY COAL CORP.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of October A. D. 1948.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Non-Cumulative Preferred Stock, $50 Par Value, of Lehigh Valley Coal Corporation.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) Only 5,434 shares of the above security remain outstanding; (2) no transactions in this security have been effected on the applicant exchange since October 1946; (3) the bid price for this security on June 30, 1948 was $33 per share; (4) the indicated aggregate market value on this date of the 5,434 shares outstanding would be $179,322; (5) under a plan of reorganization effective March 30, 1946, these shares could be converted into other securities having an indicated market value as of June 30, 1948, of $205,812.75; and (6) the small amount of stock outstanding and the small indicated aggregate market value of this security present a condition which makes the stock unsuitable for continued listing on applicant exchange.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the New York Stock Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the New York Stock Exchange to strike the Non-Cumulative Preferred Stock, $50 Par Value, of Lehigh Valley Coal Corporation from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on November 18, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9377; Filed, Oct. 25, 1948; 8:46 a. m.]

[File No. 1-3308]

LOGANSPORT DISTILLING CO., INC.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of October A. D. 1948.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, $1.00 Par Value, of Logansport Distilling Company, Inc.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) Schenley Distillers Corporation on November 14, 1947 offered to purchase from stockholders of Logansport Distilling Company, Inc. all of their common stock at $16.50 per share less cost of transfer stamps; (2) on February 3, 1948 as a result of said offer there remained outstanding only 13,743 shares in the hands of 102 public shareholders; (3) the security which is the subject of this application was suspended from trading on the applicant exchange at the close of business on December 31, 1947; (4) the amount of shares remaining outstanding in the hands of the public has become so reduced as to make further dealings in this security on the applicant exchange inadvisable.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the New York Curb Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the New York Curb Exchange to strike the Common Stock, $1.00 Par Value, of Logansport Distilling Company, Inc. from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on November 17, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9378; Filed, Oct. 25, 1948; 8:46 a. m.]

[File No. 1-3378]

PHILIP BLUM AND CO., INC.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of October A. D. 1948.

The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, $1.00 Par Value, of Philip Blum and Company, Inc.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) Of the 900,000 shares outstanding of this corporation on February 28, 1948, 791,727 shares were owned by one L. A. Weiss, 94,600 shares were owned by a corporation named Salkeld & Co., and 13,673 shares remained outstanding in the hands of 151 public holders; (2) on March 16, 1948, the annual meeting of stockholders of this corporation authorized and directed the voluntary dissolution of the corporation; (3) on March 16, 1948, the Board of Directors of this Company directed and declared the first of a series of distributions to its shareholders in complete liquidation of the Company consisting of substantially all of the bulk whiskies owned by the Company and represented by warehouse receipts; (4) on April 9, 1948, it was estimated that the assets that would remain for distribution would be approximately $1.11 per share; (5) the applicant exchange suspended dealings in this security on May 1, 1948; (6) immediate reason for the suspension and striking of registration and listing is the extent to which the liquidation of the Company has progressed; and (7) a contributing reason for suspension and for striking from registration and listing is the limited number of 13,673 shares outstanding in the hands of 151 public stockholders.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the New York Curb Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the New York Curb Exchange to strike the Common Stock, $1.00 Par Value, of Philip Blum and Company, Inc. from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on November 16, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9380; Filed, Oct. 25, 1948; 8:46 a. m.]

[File No. 1-1468]

PEABODY COAL CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of October A. D. 1948.

The Chicago Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the 6% Cumulative Preferred Stock, $100.00 Par Value, of Peabody Coal Company.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) By reason of the operation of an offer to exchange the above security for another security under a plan of recapitalization, the number of shares of the above security that remain outstanding in the hands of the public has been reduced to 5,988 shares; (2) this amount is inadequate to justify the continuation of a public market for the security; and (3) the applicant exchange suspended this security from trading on April 9, 1948.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the Chicago Stock Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the Chicago Stock Exchange to strike the 6% Cumulative Preferred Stock, $100.00 Par Value, of Peabody Coal Company from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on November 16, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9379; Filed, Oct. 25, 1948; 8:46 a. m.]

[File Nos. 2-6166 (22-500), 2-6031 (22-489)]

TRI-CONTINENTAL CORP. AND GENERAL SHAREHOLDINGS CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of October A. D. 1948.

Notice is hereby given that Tri-Continental Corporation ("applicant") has filed an application under clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939 for a finding by the Commission that the trusteeship by Guaranty Trust Company of New York under an indenture dated as of March 1, 1946, executed by applicant with Guaranty Trust Company of New York as trustee, and an indenture dated as of December 1, 1945, executed by General Shareholdings Corporation ("General") with Guaranty Trust Company of New York, as trustee, as supplemented by a supplemental indenture dated October 1, 1948, executed by applicant with Guaranty Trust Company of New York, as trustee, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Guaranty Trust Company of New York from acting as trustee under one of said indentures.

Applicant has outstanding $7,360,000, principal amount of 2⅞% debentures, due March 1, 1961, which were issued under an indenture dated as of March 1, 1946, executed by applicant with Guaranty Trust Company of New York, as trustee. General had outstanding $2,650,000, principal amount of 3% debentures, due December 1, 1960, which were issued under an indenture dated as of December 1, 1945, executed by General with the Guaranty Trust Company of New York, as trustee. Both indentures were qualified under the Trust Indenture Act of 1939. On October 1, 1948, General was merged into Tri-Continental pursuant to an agreement of merger dated August 3, 1948. The agreement of merger provided, among other things, that on the effective date of merger applicant would thenceforth be responsible for all debts, liabilities, obligations and duties of General in respect of its 3% debentures due December 1, 1960. Thereupon in accordance with the terms of the indenture executed by General, applicant executed and delivered to Guaranty Trust Company of New York, as trustee under said indenture, a supplemental indenture dated October 1, 1948, pursuant to which applicant assumed the payment of the principal, premium, if any, and interest on all outstanding debentures of General issued under the indenture, and the due and punctual performance of all covenants and conditions of the indenture to be performed by General. The indenture of General as so supplemented has not been qualified under the Trust Indenture Act of 1939.

The application alleges (1) that the indenture of applicant, dated March 1, 1947, and the indenture of General, the obligations of which have been assumed by applicant, contain language similar to that of section 310 (b) (1) of the Trust Indenture Act, including clause (ii) of the section; (2) that the indentures are substantially identical except for inherent differences as to the amount of the issue, date, maturity, interest date and rates, and optional redemption prices; (3) that differences existing between the two indentures are not likely to involve a conflict of interest in the trusteeship of Guaranty Trust Company of New York under both indentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street, N. W., Washington 25, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time after October 29, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939. Any interested person may, not later than October 27, 1948 at 5:30 p. m., eastern standard time, in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9382; Filed, Oct. 25, 1948; 8:47 a. m.]

[File No. 70-1946]

STANDARD GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of October 1948.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, having filed a declaration and amendments thereto, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act"), regarding the sale at competitive bidding of 250,000 shares of Common Stock of its subsidiary, Oklahoma Gas and Electric Company; and

The Commission, by order dated October 8, 1948, having permitted said declaration, as amended, to become effective subject to the condition that the proposed sale of said stock not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered by the Commission in the light of the record so completed; and

Standard having filed a further amendment setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to its invitation for competitive bids, the following bids were received:

Name of bidder or representatives:	Price per share
The First Boston Corporation and Merrill Lynch, Pierce, Fenner & Beane	$32.63
Otis & Co	32.35
Lehman Brothers and Blyth & Co., Inc	32.13
Smith, Barney & Co. and Harriman Ripley & Co., Inc	31.66

It being further stated in said amendment that Standard has accepted the bid of The First Boston Corporation and Merrill Lynch, Pierce, Fenner & Beane and that the purchasers propose to offer said stock for sale to the public at $34.25 per share, resulting in an underwriting spread of $1.62 per share; and

The Commission having considered the record as so completed by said amendment and finding that the applicable standards of said act and the rules and regulations promulgated thereunder have been satisfied, and finding no basis for imposing terms and conditions with respect to the price to be paid for said stock or the underwriters' spread and the the allocation thereof:

It is ordered, Subject to the terms and conditions prescribed by Rule U-24 that the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding pursuant to Rule U-50 be, and it hereby is, released and that said declaration, as further amended, be, and it hereby is, permitted to become effective, forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9384; Filed, Oct. 25, 1948; 8:47 a. m.]

[File No. 70-1948]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of October A. D. 1948.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder, regarding the issuance and sale, at competitive bidding, of $7,000,000 principal amount of First Mortgage Bonds, Series D, ----% due 1978; and

The Commission, by order dated October 11, 1948, having granted said application, as amended, subject to the condition, inter alia, that the proposed sale of the bonds should not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered by the Commission in the light of the record so completed; and

New Hampshire having, on October 19, 1948, filed a further amendment to its application setting forth the action taken to comply with the requirements of Rule U-50 and stating that, pursuant to the invitation for competitive bids, the following bids were received:

Name of bidder	Interest rate	Price to company [1]	Annual cost to company
	Percent	*Percent*	*Percent*
Halsey, Stuart & Co., Inc.	3¼	101.83999	3.1547
The First Boston Corp. and Coffin & Burr, Inc.	3¼	101.389	3.1778
Kidder, Peabody & Co.	3¼	100.5526	3.2211

[1] Plus accrued interest to the date of delivery.

The amendment further stating that New Hampshire has accepted the bid of Halsey, Stuart & Co., Inc., for the First Mortgage Bonds, as set forth above, and that said bonds will be offered for sale to the public at a price of 102.375% of the principal amount thereof, plus accrued interest, resulting in an underwriter's spread of 0.53501% of the principal amount of the bonds; and

Said amendment having also set forth the nature and extent of the legal services rendered for which requests for payment have been made in the aggregate amount of $18,000 classified as follows:

To be paid by New Hampshire:	
Ropes, Gray, Best, Coolidge & Rugg	$8,500
Sullaway Piper Jones Hollis & Godfrey	1,500
E. H. Maxcy et al	1,500
Palmer, Dodge, Chase & Davis for Trustee	1,500
To be paid by Underwriter:	
Choate, Hall & Stewart	5,000

Applicant having obtained a supplemental order from the New Hampshire Public Service Commission authorizing the issuance of the bonds after competitive bidding; and

The Commission having considered the record herein as so completed by said amendment and finding no basis for imposing terms and conditions with respect to the price to be paid for said bonds, the interest rate thereon and the underwriter's spread; and

It appearing to the Commission that the legal fees incurred in connection with the bond financing are not unreasonable and that jurisdiction with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding pursuant to Rule U-50 and with respect to the legal fees be, and the same hereby is, released, and that said application, as further amended, be, and the same hereby is, granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9381; Filed, Oct. 25, 1948; 8:46 a. m.]

[File No. 70-1971]

NORTHERN VIRGINIA POWER CO. AND POTOMAC EDISON CO.

NOTICE OF FILING OF APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 20th day of October A. D. 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder, by the Potomac Edison Company ("Potomac"), a registered holding company, and its direct and wholly owned subsidiary, Northern Virginia Power Company ("Northern").

Notice is further given that any interested persons may, not later than November 4, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest and the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C. At any time after November 4, 1948 said joint application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Potomac owns all of the outstanding securities of Northern, consisting of 82,000 shares of common stock and 1,500 shares of 7% preferred stock (par value $100 a share). All of this capital stock is now pledged under the indenture of Potomac securing its First Mortgage and Collateral Trust Bonds.

From time to time as funds are needed by Northern but prior to December 31, 1949, Northern proposes to issue and sell to Potomac up to 75,000 shares of common stock at the par value of $100 per share. Northern proposes to issue and sell and Potomac proposes to acquire the first installment of approximately 13,000 shares ($1,300,000) about November 15, 1948. Upon acquisition by Potomac, these new shares will be pledged under its indenture.

It is represented in the filing that Northern will use the proceeds from the sale of all of the shares of new common stock for needed construction in the form of property improvements and additions. It is further represented in the filing that the proposed transactions, in whole or in part, are subject to the jurisdiction of the State Corporation Commission of Virginia, the Public Service Commission of Maryland, and the Public Service Commission of West Virginia. Applicants-declarants have estimated the expenses involved in the proposed transactions, consisting chiefly of documentary tax stamps, will approximate $8,650.

The filing designates sections 6, 7, 9, 10, 12 (d), and 12 (f) of the act and Rules U-43 and U-44 promulgated thereunder as being applicable to the proposed transactions, and requests that the final order to issue herein become effective upon the date of issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9383; Filed, Oct. 25, 1948; 8:47 a. m.]

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT AND RAILWAYS CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of October A. D. 1948.

In the matter of the United Light and Railways Company, American Light & Traction Company, et al., File Nos. 59-11, 59-17 and 54-25.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by American Light & Traction Company ("American"), a registered holding company subsidiary of the United Light and Railways Company, also a registered holding company, with respect to the proposed issuance and sale of $15,000,000 principal amount of collateral trust notes and the use of the proceeds in connection with the purchase and retirement of its outstanding preferred stock in accordance with the terms of a Plan heretofore approved by order of the Commission entered December 30, 1947.

Notice is further given that any interested person may, not later than October 29, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held with respect to said application, stating in detail the nature of his interest, the reasons for such request and the issues of fact or law raised by said application which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C.

At any time after November 1, 1948, said application may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

By order dated December 30, 1947, the Commission approved a Plan filed pursuant to section 11 (e) of the act by American Light and the United Light and Railways Company which Plan, among other things, provided for an offer by American Light to purchase at $33 per share, within a 30-day period from a date to be fixed by American Light, all shares of its outstanding preferred stock tendered pursuant to such offer and for a bank loan by American Light not to exceed $15,000,000 to obtain the funds with which to purchase such stock. According to the provisions of the Plan, the specific terms and conditions of said bank loan were to be subject to later approval by the Commission upon further application with respect thereto.

American Light has entered into credit agreements with certain banks and insurance companies under which, prior to November 17, 1948, American Light proposes to issue and sell $15,000,000 aggregate principal amount of serial collateral trust notes to the banks and insurance companies in the amounts shown below:

Name of purchaser	Principal amount of notes to be purchased
Central Hanover Bank & Trust Co	$1,500,000.00
Mellon National Bank & Trust Co	1,500,000.00
The National City Bank of New York	1,500,000.00
New England Mutual Life Insurance Co	2,500,000.00
Massachusetts Mutual Life Insurance Co	3,000,000.00
John Hancock Mutual Life Insurance Co	5,000,000.00
	15,000,000.00

The notes will be in registered form and issued under and entitled to benefits of an indenture between American Light and The National City Bank of New York as Trustee, and are to be dated as of the date they are certified to the Trustee. The notes are to mature in aggregate principal amounts of $500,000 annually during the first five years, $1,000,000 annually during the next four years, and $8,500,000 at the end of the tenth year. The notes are to bear interest at the following rates per annum: Those maturing in the years 1949-1953, both inclusive, 2¾%; those maturing in 1954-1955, 3%; those maturing in 1956, 3½%; those maturing in 1957, 3¾%; those maturing in 1958, 4%. The notes are to be subject to prepayment in whole or in part at any time at the option of the company on 30 days' notice at the principal amounts, plus accrued interest and plus a premium of certain specified amounts. All prepayments are to be applied to the reduction of the principal amount of the notes maturing in 1958 until the aggregate principal amount of such notes outstanding has been reduced to $1,000,000 after which the company may choose whether to prepay the notes in the inverse order of maturity or to reduce proportionately the principal amount of all notes maturing after the date of such prepayment. Each prepayment is to be applied ratably to all notes of the designated maturity.

If the amount paid by American Light to purchase shares of its outstanding preferred stock pursuant to the proposed offer shall be less than $15,000,000, the difference between $15,000,000 and the amount so paid is to be applied to the ratable prepayment of the notes maturing in 1958. In such case the prepayment price is to be the principal amount plus accrued interest from the date of prepayment, plus a premium of ½ of 1% of the amount prepaid.

The notes are to be secured by a collateral pledge of (a) 100% (3,330,569 shares, $14 par value) of the outstanding common stock of Michigan Consolidated Gas Company; (b) 100% (220,000 shares, $100 par value) of the outstanding common stock of Michigan-Wisconsin Pipe Line Company; and (c) 99.77% (1,110,232½ shares, $12 par value) of the outstanding common stock of Milwaukee Gas Company. The application states that these securities have been made available for this pledge by consent of the banks who are parties to the existing loan agreement of the United Light and Railways Company dated November 24, 1945.

The indenture contains certain covenants including one with respect to maintenance of net current assets, the payment of dividends or the making of other distributions in respect of the common stock and limiting the company's right to incur indebtedness either directly or as guarantor or surety.

Applicant requests the Commission to enter an order at the earliest practicable date granting the application and requests the recitals and findings required by Supplement R and section 1808 (f) of the Internal Revenue Code showing that the issuance and sale of the proposed notes are necessary or appropriate to effectuate the provisions of section 11(b) of the act.

The company states that no finder's fee or underwriter's compensation will be payable in connection with the issuance of the proposed notes. Other fees and expenses have been estimated by the company at $32,950, including legal fees of $20,000, of which $10,000 is payable to counsel for the company and $10,000 is payable to counsel for the purchasers of

the notes. All such fees and expenses will be paid by American.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9438; Filed, Oct. 25, 1948; 8:57 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12102]

CLARA MADLER MANZ

In re: Estate of Clara Madler Manz, deceased. File D-28-12417; E. T. sec. 16640.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Manz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Clara Madler Manz, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by John M. Niven, as administrator, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9409; Filed, Oct. 25, 1948; 8:52 a. m.]

NOTICES

[Vesting Order 12159]

CARL GAMMERSBACH

In re: Stock owned by and debt owing to Carl Gammersbach. F-28-7575-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Gammersbach, whose last known address is Cologne, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. Sixty (60) shares of no par value common capital stock of International Nickel Company of Canada, Ltd., Copper Cliff, Ontario, Canada, a corporation organized under the laws of the Dominion of Canada, registered in the name of Schwabacher & Co. and presently in the custody of said Schwabacher & Co., 600 Market Street, San Francisco 4, California, in an account in the name of Carl Gammersbach, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Carl Gammersbach by Schwabacher & Co., 600 Market Street, San Francisco 4, California, in the amount of $1,800 as of September 1, 1948, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9410; Filed, Oct. 25, 1948; 8:53 a. m.]

[Vesting Order 12164]

W. G. MUELLER

In re: Stock owned by W. G. Mueller. F-28-430-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That W. G. Mueller, whose last known address is c/o Sonneberg, Thueringen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Eighteen (18) shares of no par value common capital stock of G. C. Murphy Company, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered 1851, registered in the name of W. G. Mueller, together with all declared and unpaid dividends thereon, and any and all rights of exchange thereof for $1 par value common capital stock of the aforesaid company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9411; Filed, Oct. 25, 1948; 8:53 a. m.]

[Vesting Order 12166]

NIPPON CLUB

In re: Debts owing to Nippon Club.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It having been found and determined by Vesting Order 175 dated September 28, 1942 as affirmed by § 500.41, as amended,, of the Rules of the Office of Alien Property, Department of Justice, that North American Mercantile Company, a California corporation, San Francisco, California, and a business enterprise within the United States, is a national of a designated enemy country (Japan);

2. It having been found and determined by Vesting Order 367 dated November 14, 1942, as amended, as affirmed by § 500.41, as amended, of the Rules of the Office of Alien Property, Department of Justice, that Pacific Trading Co., a California corporation, San Francisco, California, and a business enterprise within the United States, is a national of a designated enemy country (Japan);

3. It is hereby found that the corporations whose names and last known addresses are listed below as follows:

Name and Last Known Address

Mitsui & Co., Ltd., Tokyo, Japan.
Mitsubishi Shoji Kaisha, Ltd., Tokyo, Japan.
Nippon Yusen Kaisha, Tokyo, Japan.
The Yokohama Specie Bank, Ltd., Yokohama, Japan.
The Sumitomo Bank, Ltd., Osaka, Japan.

are corporations organized under the laws of Japan and which have or, since the effective date of Executive Order 8389, as amended, have had their principal places of business in Japan and are nationals of a designated enemy country (Japan);

4. It is hereby found that the Nippon Club, San Francisco, California, an unincorporated association organized under the laws of the State of California, is or, since the effective date of Executive Order 8389, as amended, has been controlled by, directly or indirectly, a designated enemy country (Japan) and the corporations named in subparagraphs 1, 2 and 3 hereof and is a national of a designated enemy country (Japan);

5. It is hereby found that the property described as follows: Those certain debts or other obligations of The Yokohama Specie Bank, Ltd., San Francisco Office, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of fixed deposit account number 90982 and a commercial checking account entitled Nippon Club, maintained at the aforesaid San Francisco Office, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the Nippon Club, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

6. That the Nippon Club is controlled by or acting for or on behalf of a designated enemy country (Japan) and persons within such country and is a national of a designated enemy country (Japan); and

7. That to the extent that North American Mercantile Company, Pacific Trading Co., the Nippon Club and the persons named in subparagraph 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein had and shall have the meanings prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9412; Filed, Oct. 25, 1948; 8:53 a. m.]

[Vesting Order 12173]

NANNY SCHRODER

In re: Securities owned by Nanny Schroder. F-28-25217-D-1, F-28-25217-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nanny Schroder, whose last known address is Meldorf Norderstrasse 8, Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) Beacon Hotel Corporation, 2130 Broadway, New York 23, New York, 4% Income Bond of $500.00 face value, bearing the number D644, registered in the name of Nanny Schroder, and any and all rights to demand, enforce and collect said debts or other obligations, together with any and all rights in, to and under said bond,

b. All rights and interests in and under one (1) voting trust certificate for five (5) shares of $1.00 par value capital stock of Beacon Hotel Corporation, 2130 Broadway, New York 23, New York, a corporation organized under the laws of the State of New York, bearing the number VTC1856, and registered in the name of Nanny Schroder, and

c. All rights and interests in and under one (1) voting trust certificate for ten (10) shares of $1.00 par value capital stock of 277 Park Avenue Corporation, 292 Madison Avenue, New York, New York, a corporation organized under the laws of the State of New York, bearing the number VTC 1134, and registered in the name of Nanny Schroder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9413; Filed, Oct. 25, 1948; 8:53 a. m.]

[Supplemental Vesting Order 12182]

MORTON MCMICHAEL

In re: Trust under will of Morton McMichael, deceased. File No. D-38-1087; E. T. sec. No. 3406.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nora, Countess Hyacinth Strachwitz, and Friederich Von Stumm, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust under the will of Morton McMichael, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Fidelity-Philadelphia Trust Company, as trustee, acting under the judicial supervision of the Or-

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phans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9414; Filed, Oct. 25, 1948; 8:53 a. m.]

[Vesting Order 12207]

CARL FRIEDERICH BERENDT

In re: Bonds owned by Carl Friederich Berendt. F-28-15517-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Friederich Berendt, whose last known address is Hamburg, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. One (1) Free State of Prussia 6½% Bond, of $1,000 face value, in bearer form and bearing the number 18049, presently in the custody of C. A. Stern & Co., 40 Exchange Place, New York 5, New York, together with any and all rights thereunder and thereto,

b. One (1) State of Hamburg 6% Bond, of $1,000 face value, in bearer form and bearing the number M5409, presently in the custody of C. A. Stern & Co., 40 Exchange Place, New York 5, New York, together with any and all rights thereunder and thereto, and

c. One (1) Department of Caldas, Republic of Colombia, 7½% Bond, of $1,000 face value, in bearer form and bearing the number M2112, presently in the custody of C. A. Stern & Co., 40 Exchange Place, New York 5, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9415; Filed, Oct. 25, 1948; 8:53 a. m.]

[Vesting Order 12231]

ELSIE POMMER

In re: Interest in real property, property insurance policy, and a claim owned by Elsie Pommer.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsie Pommer, whose last known address is Radiumbad Brambach, 177 Bahnhofstrasse, Sachsen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. An undivided one-half interest in real property, situated in the Borough of Hawthorne, County of Passaic, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Elsie Pommer, in and to Fire Insurance Policy No. 18196, in the face amount of $3,650.00, issued by Alliance Insurance Company, 1600 Arch Street, Philadelphia, Pennsylvania, which policy insures the real property described in subparagraph 2-a hereof and expires January 26, 1949, and

c. That certain debt or other obligation owing to Elsie Pommer by Paul Pommer 7-25 Fern Street, Fairlawn, New Jersey, arising out of her share of the rentals collected from the real property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C. on October 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All those certain tracts or parcels of land situate, lying and being in the Borough of Hawthorne, County of Passaic, State of New Jersey, described as follows:

First Tract. Beginning at a point in the northerly line of Karl Avenue distant one hundred feet easterly from the easterly line of East Prospect Street and running thence (1) Northerly and at right angles to Karl Avenue, eighty feet; thence (2) Easterly and parallel with Karl Avenue, one hundred feet; thence (3) Southerly and parallel with the first course, eighty feet to the northerly line of Karl Avenue; and thence (4) Westerly and along the same one hundred feet to the place of beginning.

Being further known as lots 31, 32, 33 and 34, Map of Hawthorne Land Company;

Second Tract. Being known and designated as lots numbered 35, 36 and 37, as laid out and shown on "Map of Property of Hawthorne Land Co. made by Wise & Watson, Engineers, Passaic, N. J., March 1910"

[F. R. Doc. 48-9417; Filed, Oct. 25, 1948; 8:55 a. m.]

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FEDERAL REGISTER

VOLUME 13 NUMBER 210

Washington, Wednesday, October 27, 1948

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 46]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, item 238, is amended to describe the counties in the Defense-Rental Area as follows: "Erie, Huron, Ottawa and Sandusky, except those islands in Lake Erie which are part of Ottawa and Erie Counties."

This decontrols all the islands in Lake Erie which are part of Ottawa and Erie Counties, State of Ohio, a portion of the Sandusky-Port Clinton Defense-Rental Area.

2. Schedule A, item 203b, is amended to describe the counties in the Defense-Rental Area as follows: "Clinton and that portion of Keesville Village in Essex County, except that portion of Clinton County which is within the Town of Clinton."

This decontrols the Town of Clinton, New York, a portion of the Plattsburg Defense-Rental Area, State of New York.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective October 27, 1948.

Issued this 22d day of October 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 46 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in those islands in Lake Erie which are part of Ottawa and Erie Counties, State of Ohio, a portion of the Sandusky-Port Clinton Defense-Rental Area, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met. This does not apply to the peninsula known as Catawba Island which is part of the mainland of Ottawa County.

It is likewise the judgment of the Housing Expediter that the need for continuing maximum rents in the Town of Clinton, New York, a portion of the Plattsburg Defense-Rental Area, State of New York, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said islands in Lake Erie and said Town of Clinton, New York, in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9440; Filed, Oct. 26, 1948; 8:51 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 46]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, item 238, is amended to describe the counties in the Defense-Rental Area as follows: "Erie, Huron, Ottawa and Sandusky, except those islands in Lake Erie which are part of Ottawa and Erie Counties."

This decontrols all the islands in Lake Erie which are part of Ottawa and Erie Counties, State of Ohio, a portion of the Sandusky-Port Clinton Defense-Rental Area.

2. Schedule A, item 203b, is amended to describe the counties in the Defense-Rental Area as follows: "Clinton and that portion of Keesville Village in Essex

[1] 13 F. R. 5706, 5788, 5783, 5937.

[1] 13 F. R. 5760, 5789, 5875, 5937, 5938.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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1948 Edition

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Rental Area, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met. This does not apply to the peninsula known as Catawba Island which is part of the mainland of Ottawa County.

It is likewise the judgment of the Housing Expediter that the need for continuing maximum rents in the Town of Clinton, New York, a portion of the Plattsburg Defense-Rental Area, State of New York, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said islands in Lake Erie and said Town of Clinton, New York, in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9441; Filed, Oct. 26, 1948; 8:51 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 554—ARMY EXCHANGES

REVOCATION OF PART

Part 554, Army Exchanges, including § 554.1 through § 554.12, is hereby revoked. (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9439; Filed, Oct. 26, 1948; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—ADJUDICATION; DEPENDENTS' CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 5, § 5.2640 is amended to read as follows:

§ 5.2640 *World War I and World War II.* Rates under Public No. 484, 73d Congress (act of June 28, 1934), as amended; Public Law 312, 78th Congress; sections 1 and 6, Public Law 483, 78th Congress; section 2, Public Law 662, 79th Congress:

	Per month	
	On and after June 1, 1944	On and after Sept. 1, 1946
Widow	$35.00	$42.00
Widow with one child	45.00	54.00
Each additional child	5.00	6.00
Children where there is no widow, total payable equally divided:		
1 child	18.00	21.60
2 children	27.00	32.40
3 children	36.00	43.20
Each additional child	4.00	4.80

The total payable shall not exceed $64.00 for periods prior to December 14, 1944, and $74.00 for periods on or after December 14, 1944 and prior to August 8, 1946 (sec. 2, Pub. Law 483, 78th Cong.) No limitation as to the amount payable is applicable for periods on and after that date. (Pub. Law 673, 79th Cong.) (Secs. 2, 6, 58 Stat. 803, 804, secs. 1, 2, 60 Stat. 910, 931; 38 U. S. C. 471a–3, 504, 731, 735)

CROSS REFERENCE: Apportionment. See § 5.2591.

2. In § 5.2660 a headnote is added covering the entire section, headnotes are assigned to paragraphs (a), (b), (c), (d), and (e), and subparagraphs (a) (2), (c) (1), (2) and (3) are amended.

§ 5.2660 *Under section 12, Public Law 144, 78th Congress*—(a) *Basic entitlement.* Except as provided in §§ 5.2662 and 5.2665, pension, compensation, or retirement pay authorized under laws administered by the Veterans' Administration, to which a person was entitled prior to the date of his death, and not paid during his lifetime, and due and unpaid for a period not to exceed one year prior to death under existing ratings or decisions, or those based on evidence in the file at date of death, shall, upon the death of such person, be paid as hereinafter set forth:

* * * * *

(2) Upon the death of a veteran, to the surviving spouse, or if there be no surviving spouse, to the child or children, dependent mother or father, in the order named: *Provided,* That where at the date of death of a veteran an apportioned share is being paid to or has been withheld on behalf of another person, the apportioned amount remaining unpaid for periods prior to the date of the veteran's death shall be payable to the apportionee: *Provided further,* That where it is determined subsequent to the veteran's death that an increased amount is payable pursuant to the provisions of section 12, Public Law 144, 78th Congress, the apportionee shall be entitled to receive his proportionate share in his own right, subject to the limitation that the increased benefit shall not be payable for more than one year prior to the date of the veteran's death: *Provided further,* That the amount payable to or on behalf of an apportionee shall not be subject to any time limitation as to the date of filing of a claim by the apportionee.

* * * * *

(b) *Asset checks.* A check received by a payee in payment of pension, compensation, or retirement pay shall, in the event of the death of the payee on or after the last day of the period covered by such check, become an asset of the estate of the deceased payee. (Sec. 12, Pub. Law 144, 78th Cong.)

(c) *Definitions.* For the purpose of paying accrued benefits under this section, the following definitions are for application:

(1) The term "spouse" shall mean the legal widow or widower of the veteran irrespective of the date of marriage. Continuous cohabitation is not a factor.

(2) The term "child" is as defined in § 5.2514 (c) and includes an unmarried child who became helpless prior to attaining 18 years of age as well as an unmarried child over the age of eighteen but not over 21 years of age, who was pursuing a course of instruction within the meaning of § 5.2598 (a) at the time of the payee's death, provided only that upon the death of a child in receipt of pension or compensation, any accrued shall be payable to the surviving child or children of the veteran entitled to death pension or compensation.

(3) The term "dependent mother or father" is as defined in § 5.2514 (d): *Provided,* That the mother or father is dependent within the meaning of § 2.1057 of this chapter at the date of the veteran's death.

* * * * *

(d) *Claims under prior laws.* (1) Where claim for the accrued amount due under the laws in effect on or after March 20, 1933, was not filed prior to July 13 or where claim was filed prior to that date and disallowed either in whole or in part because of prior regulatory restrictions, a claim received prior to July 14, 1944, will be adjudicated under the provisions of this section.

(2) A claim pending on July 13, 1943, will be considered a claim under this section.

(e) *Readjustment allowance and subsistence allowance.* Readjustment allowance and subsistence allowance under the provisions of Public Law 346, 78th Congress, as amended, and subsistence allowance under the provisions of Public Law 16, 78th Congress, as amended by Public Law 268, 79th Congress, remaining due and unpaid at the date of the veteran's death, shall be payable under the provisions of this section: *Provided,* That readjustment allowance shall be payable only under the provisions of paragraphs (a) and (c) of this section.

3. In § 5.2662 the introductory paragraph and paragraph (a) are amended, headnotes are added to paragraphs (b), (c), and (d).

§ 5.2662 *Lump sums payable at death of veteran where award was reduced by reason of hospital treatment, institutional or domiciliary care by the Veterans' Administration.* The provisions of this section shall apply only to the payment of amounts actually withheld on a running award pursuant to the provisions of section (1) (A) (1), Public Law 662, 79th Congress, and to the payment of amounts deposited in funds due incompetent beneficiaries for periods on and after August 8, 1946, which are payable in a lump sum after the veteran's death. Accrued benefits, including any amounts in funds due incompetent beneficiaries for periods prior to August 8, 1946 but excluding such lump sums actually withheld for periods on and after that date, are payable in accordance with the provisions of § 5.2660.

(a) *Basic entitlement.* In the event the death of any veteran whose award of disability pension, compensation or retirement pay was reduced pursuant to the provisions of section (1) (A) (1), Public Law 662, 79th Congress, occurs while the veteran is receiving hospital treatment, institutional or domiciliary

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Compensation, or Retirement Pay Shall, in the Event of the Death of the Payee on or After the Last Day of the Period Covered by Such Check, Become an Asset of the Estate of the Deceased Payee. (Sec. 12, Pub. Law 144, 78th Cong.)

(c) *Definitions.* For the Purpose of Paying Accrued Benefits Under This Section, the Following Definitions Are for Application:

(1) The Term "Spouse" Shall Mean the Legal Widow or Widower of the Veteran Irrespective of the Date of Marriage. Continuous Cohabitation Is Not a Factor.

(2) The Term "Child" Is as Defined in § 5.2514 (c) and Includes an Unmarried Child Who Became Helpless Prior to Attaining 18 Years of Age as Well as an Unmarried Child Over the Age of Eighteen but Not Over 21 Years of Age, Who Was Pursuing a Course of Instruction Within the Meaning of § 5.2598 (a) at the Time of the Payee's Death, Provided Only That Upon the Death of a Child in Receipt of Pension or Compensation, Any Accrued Shall Be Payable to the Surviving Child or Children of the Veteran Entitled to Death Pension or Compensation.

(3) The Term "Dependent Mother or Father" Is as Defined in § 5.2514 (d): *Provided,* That the Mother or Father Is Dependent Within the Meaning of § 2.1057 of This Chapter at the Date of the Veteran's Death.

* * * * *

(d) *Claims Under Prior Laws.* (1) Where Claim for the Accrued Amount Due Under the Laws in Effect on or After March 20, 1933, Was Not Filed Prior to July 13 or Where Claim Was Filed Prior to That Date and Disallowed Either in Whole or in Part Because of Prior Regulatory Restrictions, a Claim Received Prior to July 14, 1944, Will Be Adjudicated Under the Provisions of This Section.

(2) A Claim Pending on July 13, 1943, Will Be Considered a Claim Under This Section.

(e) *Readjustment Allowance and Subsistence Allowance.* Readjustment Allowance and Subsistence Allowance Under the Provisions of Public Law 346, 78th Congress, as Amended, and Subsistence Allowance Under the Provisions of Public Law 16, 78th Congress, as Amended by Public Law 268, 79th Congress, Remaining Due and Unpaid at the Date of the Veteran's Death, Shall Be Payable Under the Provisions of This Section: *Provided,* That Readjustment Allowance Shall Be Payable Only Under the Provisions of Paragraphs (a) and (c) of This Section.

3. In § 5.2662 the Introductory Paragraph and Paragraph (a) Are Amended, Headnotes Are Added to Paragraphs (b), (c), and (d).

§ 5.2662 *Lump Sums Payable at Death of Veteran Where Award Was Reduced by Reason of Hospital Treatment, Institutional or Domiciliary Care by the Veterans' Administration.* The Provisions of This Section Shall Apply Only to the Payment of Amounts Actually Withheld on a Running Award Pursuant to the Provisions of Section (1) (A) (1), Public Law 662, 79th Congress, and to the Payment of Amounts Deposited in Funds Due Incompetent Beneficiaries for Periods on and After August 8, 1946, Which Are Payable in a Lump Sum After the Veteran's Death. Accrued Benefits, Including Any Amounts in Funds Due Incompetent Beneficiaries for Periods Prior to August 8, 1946 but Excluding Such Lump Sums Actually Withheld for Periods on and After That Date, Are Payable in Accordance With the Provisions of § 5.2660.

(a) *Basic Entitlement.* In the Event the Death of Any Veteran Whose Award of Disability Pension, Compensation or Retirement Pay Was Reduced Pursuant to the Provisions of Section (1) (A) (1), Public Law 662, 79th Congress, Occurs While the Veteran Is Receiving Hospital Treatment, Institutional or Domiciliary

Tighe E. Woods, *Housing Expediter.*

Statement To Accompany Amendment 46 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in those islands in Lake Erie which are part of Ottawa and Erie Counties, State of Ohio, a portion of the Sandusky-Port Clinton Defense-

County, except that portion of Clinton County which is within the Town of Clinton."

This decontrols the Town of Clinton, New York, a portion of the Plattsburg Defense-Rental Area, State of New York.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective October 27, 1948.

Issued this 22d day of October 1948.

care, or prior to payment of any lump sum authorized by that section, such lump sum, as well as amounts deposited in funds due incompetent beneficiaries for periods on and after August 8, 1946, shall be paid in the following order of preference:

* * * * *

(b) *Claim.* No payment shall be made under this section unless claim therefor shall be filed with the Veterans' Administration within 5 years after the death of the veteran: *Provided*, That if any person so entitled be under legal disability at the time of the veteran's death, the 5-year period shall run from the date of termination or removal of the legal disability.

(c) *Lump sum withheld after discharge from institution.* The provisions of paragraphs (a) and (b) of this section shall apply in the event of the death of:

(1) Any veteran prior to receiving a lump sum which was withheld because treatment or care was terminated by him against medical advice or as the result of disciplinary action (sec. (1) (A) (1), Pub. Law 662, 79th Cong.).

(2) Any veteran who was formerly rated incompetent and a lump sum was withheld because a period of 6 months had not expired following a finding of competency (sec. 1 (B), Pub. Law 662, 79th Cong.).

(d) *Asset checks.* The provisions of § 5.2660 (b) shall apply in any case in which a check for a lump sum, as described herein, is received by the payee.

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-9431; Filed, Oct. 26, 1948; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 524]

FLORIDA

REVOKING THE EXECUTIVE ORDER OF DECEMBER 6, 1890, AND WITHDRAWING THE LANDS THEREBY RELEASED FOR RECREATIONAL PURPOSES

By virtue of the authority contained in the act of June 14, 1926, 44 Stat. 741 (43 U. S. C. sec. 869) and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The Executive order of December 6, 1890, withdrawing the following-described public lands for life-saving purposes is hereby revoked.

TALLAHASSEE MERIDIAN

T. 34 S., R. 40 E.
Sec. 25, lot 1;
Sec. 26, lot 1.

The areas described aggregate 43.08 acres.

Subject to valid existing rights, the above described public lands, which have been classified as chiefly valuable for recreational purposes, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for administration or disposal in accordance with the provisions of the act of June 14, 1926.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

OCTOBER 20, 1948.

[F. R. Doc. 48-9425; Filed, Oct. 26, 1948; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For exceptions to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[Special Direction ODT 18A-1, Amdt. 13]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18A, Revised, as amended, Special Direction ODT 18A-1, as amended (8 F. R. 14481; 9 F. R. 117, 7585; 10 F. R. 12456, 12747; 11 F. R. 9084, 10662, 12183; 12 F. R. 105; 13 F. R. 779, 2174, 3278, 5238), is hereby further amended by changing Items 525 and 885 thereof to read as shown below:

525. (c) *Rice.* Rice, in any type of container, shall be loaded to a weight not less than 60,000 pounds.

* * * * *

885. *Barley, pearled; beans, lentils, and peas, dried.* In packages, straight or mixed carloads, shall be loaded to a weight not less than 60,000 pounds.

This Amendment 13 to Special Direction ODT 18A-1, as amended, shall become effective November 1, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725, E. O. 9389, Oct. 18, 1943, 8 F. R. 14183, E. O. 9729, May 23, 1946, 11 F. R. 5641, E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10616, 13320, 14172, 12 F. R. 1034, 2386, 13 F. R. 2971)

Issued at Washington, D. C., this 22d day of October 1948.

C. R. MEGEE,
Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 48-9447; Filed, Oct. 26, 1948; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchaper B—National Wildlife Refuge; General Regulations

PART 13—ADMINISTRATION OF WILDLIFE REFUGES ESTABLISHED PURSUANT TO THE ACT OF AUGUST 14, 1946

CRAB ORCHARD NATIONAL WILDLIFE REFUGE, ILLINOIS

Basis and purposes. Pursuant to the provisions of the act of August 5, 1947 (61 Stat. 770) and in cooperation with Federal, State, and public or private agencies and organizations, the Secretary of the Interior has determined that the most beneficial use which may be made of the lands transferred to the Department of the Interior by said act is the establishment of a national wildlife refuge, designated as the Crab Orchard National Wildlife Refuge, to be administered in accordance with the provisions of the act of August 14, 1946 (60 Stat. 1080) so as to permit the multiple uses outlined in the said act of August 5, 1947. To provide for the proper and orderly administration of the said lands for the purposes aforesaid, the following is hereby added to Title 50, Code of Federal Regulations, Part 13, to become effective immediately upon publication in the FEDERAL REGISTER:

§ 13.193 *Crab Orchard National Wildlife Refuge, Illinois—(a) Classification of lands.* (1) The hereinafter described lands within the refuge are designated as Area I, and are classified for use and administration as a public use area within which all the various forms of recreational uses, including public hunting and fishing in accordance with state laws, picnicking, boating, swimming and similar activities, shall be permitted in accordance with regulations to be issued by the Director, Fish and Wildlife Service.

Area I: All Federally owned lands within the following described subdivisions:

T. 9 S., R. 1 E., 3d P. M.
Sec. 5, SE¼SW¼, and W½SE¼;
Sec. 7, E½;
Sec. 8, all;
Sec. 9, W½NW¼, W½NE¼SW¼, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 10, NE¼SW¼, S½SW¼, NW¼SE¼, and S½SE¼;
Secs. 15 to 22 incl., all;
Secs. 28 to 33 incl., all.
T. 10 S., R. 1 E., 3d P. M.
Secs. 4 and 5, all;
Sec. 7, E½SE¼;
Secs. 8 and 9, all;
T. 9 S., R. 1 W., 3d P. M.
Secs. 13, 24, and 25, all.

(2) The hereinafter described lands within the refuge are designated as Area II, and are classified as a closed refuge on which all types of hunting will be prohibited, to be used and administered upon such terms and conditions and pursuant to such regulations as may be prescribed by the Director, Fish and Wildlife Service.

The various buildings and related facilities of the former Illinois Ordnance Plant and the utilities accommodating both governmental and private operations are located within a relatively small segment of Area II. These buildings, facilities, and utilities, excepting those presently utilized by the Department of the Army, are hereby classified as industrial units and, to the extent not required for use by the Government, shall be made available by the Director, Fish and Wildlife Service, for rental under lease to reputable industrial enterprises.

Such uplands within Area II as shall be determined by the Director, Fish and Wildlife Service, to be suitable for development as a quail management demonstration project are hereby so classified, and may be made available by the Director, Fish and Wildlife Service, to the Conservation Department of the State of Illinois, or to any other public agency engaged in wildlife management, under an appropriate cooperative agreement.

Such buildings and facilities of the former administrative site for this area as are not required by the Fish and Wildlife Service for administrative purposes, and are desired by the University of Southern Illinois for educational purposes, are so classified and shall be made available to that institution by the Director, Fish and Wildlife Service, under a nominal rental lease. A maximum of 320 acres of land, within Area II, suitable for an agricultural experimental project, are classified for that purpose, and upon request are to be made available by the Director, Fish and Wildlife Service, under permit to the University of Southern Illinois.

So far as is consistent with the above classifications and uses, the various forms of recreational uses allowed on Area I, other than hunting, shall be permitted on Area II.

Area II: All Federally owned lands within the following described subdivisions:

T. 9 S., R. 1 E., 3d P. M.
Sec. 13, that part lying south of the south right-of-way boundary of State Highway No. 13;
Sec. 14, that part lying south of the south right-of-way boundary of State Highway No. 13;
Secs. 23 to 27, incl., all;
Secs. 34 to 36, incl., all.
T. 10 S., R. 1 E., 3d P. M.
Secs. 1 to 3, incl., all.
Secs. 10 to 12, incl., all.
T. 9 S., R. 2 E., 3d P. M.
Sec. 18, that part lying south and west of the south right-of-way boundary of State Highway No. 13;
Sec. 19, that part lying south of the south right-of-way boundary of State Highway No. 13;
Sec. 20, that part lying south of the south right-of-way boundary of State Highway No. 13;
Sec. 21, that part lying south of the south right-of-way boundary of State Highway No. 13;
Sec. 22, that part lying south of the south right-of-way boundary of State Highway No. 13 and west of the west right-of-way boundary of the Chicago, Burlington and Quincy Railroad;
Sec. 26, that part of the W½SW¼ lying west of the west right-of-way boundary of the Chicago, Burlington and Quincy Railroad;

Sec. 27, that part lying west of the west right-of-way boundary of the Chicago, Burlington and Quincy Railroad;
Secs. 28 to 34 incl., all;
Sec. 35, W½NW¼ and N½NW¼SW¼.
T. 10 S., R. 2 E., 3d P. M.
Secs. 3 to 10 incl., all except the lands utilized by the Department of the Army within the S½NE¼, SE¼NW¼, NE¼SW¼ and NE¼SE¼ of sec. 7.

(3) The hereinafter described lands within the refuge are designated as Area III, and are classified for use and administration as a public use area upon which all of the various forms of public recreation allowed on Area I will be permitted, except that public use of Area III shall be subordinated to group recreation, group camps and private cabin or cottage site development, on lands zoned for those purposes. The area shall be administered in accordance with regulations to be issued by the Director, Fish and Wildlife Service.

Area III. All Federally owned lands within the following described subdivisions:

T. 10 S., R. 1 E., 3d P. M.
Sec. 13, S½SW¼ and SW¼SE¼;
Sec. 14, W½NW¼, NW¼SW¼ and S½S½;
Secs. 15 to 23, inclusive;
Sec. 24, W½W½;
Secs. 26 to 35, inclusive;
Sec. 36, W½.
T. 11 S., R. 1 E., 3d P. M.
Sec. 2, frac. W½NE¼, and frac. NE¼NW¼;
Sec. 3, frac. W½NE¼, frac. E½NW¼, and N½NE¼SW¼;
Sec. 4, frac. NE¼, frac. E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 6, frac. NW¼NE¼ and frac. N½NW¼.
T. 10 S., R. 1 W., 3d P. M.
Sec. 13, SW¼SE¼;
Sec. 24, E½E½;
Sec. 25, SE¼NE¼, E½SE¼SW¼, and SE¼;
Sec. 36, E½.
T. 11 S., R. 1 W., 3d P. M.
Sec. 1, frac. NE¼.

(49 Stat. 383, 60 Stat. 1080, Pub. Law 361, 80th Cong., 61 Stat. 770; 16 U. S. C. 715s)

Dated: October 21, 1948.

[SEAL] WILLIAM E. WARNE,
Acting Secretary of the Interior.

[F. R. Doc. 48-9436; Filed, Oct. 26, 1948; 8:50 a. m.]

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

DESERT GAME RANGE, NEVADA; DEER HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, the Bureau of Land Management, and the Nevada Fish and Game Commission it has been determined that the population of deer on the Desert Game Range is in excess of the available habitat for such animals and that it is necessary to expand the area open to hunting to accomplish the necessary reduction.

Section 21.227 is amended to read:

§ 21.227 *Desert Game Range, Nevada; deer hunting.* Deer may be taken on certain lands of the United States, hereinafter described within the Desert Game Range, during the open season and in such numbers and sex as may be prescribed by the Nevada Fish and Game Commission, after a joint annual examination of the Range by the Fish and Wildlife Service and the Nevada Fish and Game Commission, subject to the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* The following described lands of the United States within the Desert Game Range shall be open to the hunting of deer:

Beginning at a point where U. S. Highway No. 95 intersects the west boundary of the Desert Game Range, thence southeasterly along said Highway No. 95 to the east boundary of the Desert Game Range, thence south along such boundary to the Red Rock Road, thence westerly along said Red Rock Road to the west boundary of the Desert Game Range, thence north along the said west boundary to the place of beginning.

(b) *Entry.* Entry on and use of the Range for any purpose are governed by the provisions of Parts 12 and 16 of this title, and strict compliance therewith is required.

(c) *State hunting laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Range must have in his possession, and exhibit at the request of any authorized Federal or State officer, a valid State hunting license and a special permit issued by the State authorizing him to hunt on the area. Such State license and permit will serve as a Federal permit for entry on the Range for the purpose of hunting.

(d) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting areas, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

(Sec. 10, 45 Stat. 1222, sec. 84, 35 Stat. 1088; 60 Stat. 1081; 16 U. S. C. 715i, 18 U. S. C. 145; Reorg. Plan No. II of 1939, 3 CFR Cum. Supp., 4 F. R. 2731; Regulations, Departments of Agriculture and Interior, 2 F. R. 590)

Dated: October 21, 1948.

[SEAL] O. H. JOHNSON,
Acting Director.

[F. R. Doc. 48-9451; Filed, Oct. 26, 1948; 8:55 a. m.]

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

HUNTING IN MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of conservation agents of the State of Oregon it has been determined that habitat conditions have improved to the extent that a part of the Malheur National Wildlife Refuge can be opened to public waterfowl hunting without conflicting materially with the management

of the major part of the Refuge for the protection and preservation of wildlife. Accordingly, to permit properly managed public hunting in the area to be opened, the following section is added to Part 21 of Title 50 Code of Federal Regulations, to become effective October 29, 1948.

§ 21.588a *Malheur National Wildlife Refuge, Oregon; hunting.* Migratory waterfowl, coots, and pheasants may be taken within the hereinafter described area of Malheur National Wildlife Refuge, Oregon, in accordance with the Migratory Bird Treaty Act Regulations (50 CFR 1.1–1.12), when, in manner, and to the extent not prohibited by State law or regulation: *Provided*, That the privileges herein granted shall be exercised in accordance with the provisions of the regulations dated December 19, 1940, for the administration of National Wildlife Refuges under the jurisdiction of the Fish and Wildlife Service and under the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* All that area of land and water owned by the United States in Harney County, Oregon, situated in and abutting on the west end of Malheur Lake, together with part of the Narrows connecting said Malheur Lake with Mud Lake, bounded and described as follows:

Beginning in the east boundary of T. 26 S., R. 31 E., (south of Malheur Lake), the east quarter corner of fractional sec. 25, approximately one-half mile south of and near the west end of Malheur Lake; thence with four courses within said township, west in said fractional sec. 25, 80.00 chs. to the quarter-section corner common to fractional secs. 25 and 26; south with part of the line common to said fractional secs. 25 and 26, 20.00 chs. to the southeast corner of lot four (4) of said fractional sec. 26; in fractional sec. 26, west 40.00 chs., north approximately 2.00 chs. to the corner in the record meander line (known as the Neal Survey Line) of T. 26 S., R. 30 E., (south of Malheur Lake), in the northwest boundary of fractional sec. 26, common to lots five (5) and seven (7) on the southeast side of the Narrows connecting Malheur and Mud Lakes; thence approximately S. 78°15' W. crossing said Narrows 8.50 chs. to the record meander line (known as the Neal Survey Line) of T. 26 S., R. 31 E. (north of Malheur Lake), the meander corner common to fractional secs. 26 and 35 on the northwest side of the said Narrows; thence with 17 courses in T. 26 S., R. 31 E. (north of Malheur Lake), west with part of the line common to said fractional secs. 26 and 35 approximately 3.00 chs. to the quarter-section corner in said line; in sec. 26, north 40.00 chs., west 20.00 chs., north 20.00 chs., east 20.00 chs., north 20.00 chs. to the quarter-section corner common to fractional secs. 23 and 26; west with the line common to said fractional secs. 23 and 26, 20.00 chs. to the west sixteenth-section corner in said line; in fractional sec. 23, north 40.00 chs., east 40.00 chs., north 20.00 chs., west 20.00 chs., north 20.00 chs. to the quarter-section corner common to fractional secs. 14 and 23; in said fractional sec. 14, north 20.00 chs., east 20.00 chs., north 20.00 chs., east 20.00 chs. to the quarter-section corner common to fractional secs. 13 and 14; east in said fractional sec. 13, 80.00 chs. to the quarter-section corner common to T. 26 S., R. 31 E. (north of Malheur Lake), fractional sec. 13, and T. 26 S., R. 32 E. (north of Malheur Lake), fractional sec. 18; thence with 22 courses in said T. 26 S., R. 32 E. (north of Malheur Lake), in fractional sec. 18, east 20.00 chs., north 20.00 chs., east 20.00 chs., north 20.00 chs., to the quarter-section corner common to fractional secs. 7 and 18; west with part of the line common to said fractional secs. 7 and 18, 20.00 chs. to the west sixteenth-section corner in said line; in fractional sec. 7, north 60.00 chs., east 40.00 chs., north 20.00 chs. to the east sixteenth-section corner common to fractional secs. 6 and 7; west with the line common to said fractional secs. 6 and 7, 40.00 chs. to the west sixteenth-section corner in said line; in fractional sec. 6, north 40.00 chs., east 20.00 chs., south 20.00 chs., east 40.00 chs., to the south sixteenth-section corner common to fractional secs. 5 and 6; south with part of the line common to said fractional secs. 5 and 6, 20.00 chs. to the corner common to fractional secs. 5, 6, 7, and 8; south with the line common to fractional secs. 7 and 8, 80.00 chs. to the corner common to fractional secs. 7, 8, 17, and 18; east with part of the line common to fractional secs. 8 and 17, 20.00 chs. to the west sixteenth-section corner in said line; in fractional sec. 8, north 40.00 chs., east 20.00 chs., north 40.00 chs. to the quarter-section corner common to fractional secs. 5 and 8; in said fractional sec. 5, north 20.00 chs., west 40.00 chs., to the south sixteenth-section corner in the line common to fractional secs. 5 and 6; north with said line 60.00 chs. to the corner common to said fractional secs. 5 and 6, and T. 25 S., R. 32 E. fractional sec. 31 and sec. 32; thence with four courses in said T. 25 S., R. 32 E., north with part of the line common to said fractional sec. 31 and sec. 32, 20.00 chs. to the south sixteenth-section corner in said line; east in sec. 32, 80.00 chs. to the south sixteenth-section corner common to sec. 32 and fractional sec. 33; in fractional sec. 33, east 20.00 chs., south 20.00 chs. to the west sixteenth-section corner in the south boundary of said fractional sec. 33, and in the north boundary of T. 26 S., R. 32 E. (north of Malheur Lake), fractional sec. 4; thence, east with part of the south boundary of said T. 25 S., R. 32 E., fractional sec. 33 and in part with the north boundary of T. 26 S., R. 32 E. (north of Malheur Lake), fractional sec. 4, 60.00 chs. to the corner common to said T. 25 S., R. 32 E., fractional secs. 33 and 34 and in the north boundary of said T. 26 S., R. 32 E. (north of Malheur Lake), fractional sec. 4; thence with 3 courses in T. 25 S., R. 32 E., north with the line common to fractional secs. 33 and 34, 40.00 chs. to the quarter-section corner in said line; in said fractional sec. 34, east 40.00 chs., south 40.00 chs. to the quarter-section corner in the south boundary of T. 25 S., R. 32 E. fractional sec. 34 and in the north boundary of T. 26 S., R. 32 E. (north of Malheur Lake), fractional sec. 3; thence west with part of the line common to said T. 25 S., R. 32 E. and T. 26 S., R. 32 E. (north of Malheur Lake), approximately 10.00 chs. to the west sixteenth-section corner in the north boundary of T. 26 S., R. 32 E. (north of Malheur Lake), sec. 3 and in the south boundary of T. 25 S., R. 32 E., fractional sec. 34; thence with three courses in T. 26 S., R. 32 E. (north of Malheur Lake), in fractional sec. 3, south 40.00 chs., east 20.00 chs., south approximately 36.00 chs. to the record meander line (known as the Neal Survey Line) in the south boundary of said fractional sec. 3, at the corner common to lots ten (10) and eleven (11); thence within Malheur Lake, south approximately 107.60 chs. to a fence; with six courses along a fence S 86°30' W., 30.35 chs., N 59°15' W., 44.60 chs., S 47°25' W., 65.50 chs., S 28°20' E., 34.00 chs., S 56°25' W., 35.00 chs., S 64°40' W., approximately 5.00 chs., S 79°05' W., leaving fence, approximately 102.00 chs., to a fence; with three courses along a fence, S 16°00' E., approximately 28.00 chs., N 88°20' W., 1.90 chs., S 0°50' E., 49.00 chs., to the record meander line (known as the Neal Survey Line) of T. 26 S., R. 31 E. (south of Malheur Lake), in the north boundary of fractional sec. 30, at the corner common to lots fourteen (14) and fifteen (15) of said fractional sec. 30; thence with three courses in T. 26 S., R. 31 E. (south of Malheur Lake), in fractional sec. 30, south approximately 32.50 chs., to the southeast corner of lot eleven (11), N 56°00' W. approximately 5.50 chs., west approximately 34.00 chs., to the place of beginning.

(b) *Entry.* Entry on and use of the refuge for any purpose are governed by the regulations of the Secretary dated December 19, 1940, (5 F. R. 5284) and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall use such routes of travel within the refuge as are designated by posting. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly encased. The carrying or being in possession of rifled firearms or the use of single-ball or slug-load shotgun shell on the refuge is prohibited.

(c) *Permit.* Any person who hunts within the refuge must have on his person and exhibit at the request of any authorized Federal or State officer whatever license is required by the State law and, if over sixteen years of age, a properly validated migratory bird hunting stamp. The said license and stamp shall serve as a Federal permit for hunting on the refuge.

(d) *Dogs.* Each person hunting on the public shooting ground will be permitted to take his hunting dogs, not to exceed two in number, upon such area for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(e) *Boats.* The use of boats, canoes, or floating devices of any description for the purpose of hunting is prohibited.

(f) *State cooperation.* The cooperation of the Oregon Game Commission may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special rules or regulations as may be necessary for such regulation, management, and operation. In the event such State rules or regulations are issued, compliance therewith shall be a requisite for lawful entry for the purpose of hunting.

Because this section grants certain privileges with respect to the use of the public property described herein which heretofore were not authorized, and because the privileges may be enjoyed only during the open season for hunting migratory waterfowl and coots, which commences in Oregon on October 29, it is found that it is necessary to issue this regulation subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003 (c).

(Sec. 10, 45 Stat. 1222, sec. 84, 35 Stat. 1088, 43 Stat. 98; 16 U. S. C. 715i, 18 U. S. C. 145; Reorg. Plan No. II of 1939, 3 CFR, 1939 Supp., Chap. IV; Regs., Fish and Wildlife Service, 5 F. R. 5284, 10 F. R. 4267)

O. H. JOHNSON,
Acting Director.

OCTOBER 21, 1948.

[F. R. Doc. 48-9464; Filed, Oct. 26, 1948, 8:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1947

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791) and pursuant to the provisions of Public Law 471, 80th Congress.

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR, Part 29) to the amendments made to Chapter 1 of the Internal Revenue Code by the Revenue Act of 1948 (Public Law 471, 80th Congress), enacted April 2, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.11–1 the following:

TITLE I—INCOME TAX REDUCTION

(Revenue Act of 1948)

SEC. 101. REDUCTION OF NORMAL TAX AND SURTAX.

Section 12 (c) of the Internal Revenue Code is hereby amended to read as follows:

(c) *Reduction of tentative normal tax and tentative surtax.* (1) The combined normal tax and surtax under section 11 and subsection (b) of this section shall be the aggregate of the tentative normal tax and tentative surtax, reduced as follows:

If the aggregate is:	The reduction shall be:
Not over $400	17% of the aggregate.
Over $400 but not over $100,000.	$68 plus 12% of excess over $400.
Over $100,000	$12,020 plus 0.75% of excess over $100,000.

(2) In no event shall the combined normal tax and surtax exceed 77 per centum of the net income.

* * * * * *

SEC. 104. TECHNICAL AMENDMENTS.

(a) Section 11 of the Internal Revenue Code (relating to the normal tax on individuals) is hereby amended by striking out "by 5 per centum thereof" and inserting in lieu thereof "as provided in section 12 (c)".

(c) Subsections (d), (e), (f), (g), and (h) of section 12 of the Internal Revenue Code are amended to read as follows:

(e) *Computation of tax without regard to credits against tax.* In the application of this section, the combined normal tax and surtax shall be computed without regard to the credits provided in sections 31, 32, and 35.

(f) *Ascertainment of normal tax and surtax separately.* Whenever it is necessary to ascertain the normal tax and the surtax separately, the surtax shall be an amount which is the same proportion of the combined normal tax and surtax as the tentative surtax is of the aggregate of the tentative normal tax and tentative surtax; and the normal tax shall be the remainder of such combined normal tax and surtax.

* * * * * *

SEC. 105. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE.

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

SEC. 301. SPLITTING OF INCOME. (Revenue Act of 1948, Title III.)

Section 12 of the Internal Revenue Code (relating to surtax of individuals) is hereby amended by adding after subsection (c) of such section the following new subsection:

(d) *Tax in case of joint return.* In the case of a joint return of husband and wife under section 51 (b), the combined normal tax and surtax under section 11 and subsection (b) of this section shall be twice the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 were reduced by one-half.

SEC. 305. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title III.)

The amendments made by sections 301, * * * shall be applicable with respect to taxable years beginning after December 31, 1947. * * * For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 2. Section 29.11–1, as amended by Treasury Decision 5517, approved June 12, 1946, is further amended by striking out the last two sentences and inserting in lieu thereof the following: "For taxable years beginning after December 31, 1945, and before January 1, 1948, the normal tax on individuals is determined by computing a tentative normal tax of 3 percent of the amount of the net income in excess of the credits against net income provided in section 25 for such years and by reducing such tentative normal tax by 5 percent thereof. For taxable years beginning after December 31, 1947, the normal tax on individuals is determined by computing a tentative normal tax of 3 percent of the amount of the net income in excess of the credits against net income provided in section 25 and by reducing such tentative normal tax as provided in section 12 (c). See § 29.12–2. For computation of tax in the case of a joint return of husband and wife for a taxable year beginning after December 31, 1947, see § 29.12–4.

For treatment of taxable years beginning in 1945 and ending in 1946, see § 29.108–2. For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3."

PAR. 3. There is inserted immediately preceding § 29.12–1 the following:

TITLE I—INCOME TAX REDUCTION

(Revenue Act of 1948)

SEC. 101. REDUCTION OF NORMAL TAX AND SURTAX.

Section 12 (c) of the Internal Revenue Code is hereby amended to read as follows:

(c) *Reduction of tentative normal tax and tentative surtax.* (1) The combined normal tax and surtax under section 11 and subsection (b) of this section shall be the aggregate of the tentative normal tax and tentative surtax, reduced as follows:

If the aggregate is:	The reduction shall be:
Not over $400	17% of the aggregate.
Over $400 but not over $100,000.	$68 plus 12% of excess over $400.
Over $100,000	$12,020 plus 9.75% of excess over $100,000.

(2) In no event shall the combined normal tax and surtax exceed 77 per centum of the net income.

SEC. 102. REDUCTION IN SUPPLEMENT T TAX.

For reduction in the tax under Supplement T of Chapter 1 of the Internal Revenue Code (tax table which may be used by taxpayer at his election if his adjusted gross income is less than $5,000), see section 401.

SEC. 103. INCOME OF HUSBAND AND WIFE.

For tax in case of joint return of husband and wife (the so-called "splitting of income"), see section 301.

SEC. 104. TECHNICAL AMENDMENTS.

* * * * * *

(b) Section 12 (b) of the Internal Revenue Code (relating to the rate of surtax on individuals) is hereby amended by striking out "by 5 per centum thereof" and inserting in lieu thereof "as provided in subsection (c) of this section".

(c) Subsections (d), (e), (f), (g), and (h) of section 12 of the Internal Revenue Code are amended to read as follows:

(e) *Computation of tax without regard to credits against tax.* In the application of this section, the combined normal tax and surtax shall be computed without regard to the credits provided in sections 31, 32, and 35.

(f) *Ascertainment of normal tax and surtax separately.* Whenever it is necessary to ascertain the normal tax and the surtax separately, the surtax shall be an amount which is the same proportion of the combined normal tax and surtax as the tentative surtax is of the aggregate of the tentative normal tax and tentative surtax; and the normal tax shall be the remainder of such combined normal tax and surtax.

(g) *Cross references*—(1) *Alternative tax.* For alternative tax which may be elected if adjusted gross income is less than $5,000, see Supplement T.

(2) *Tax in case of capital gains.* For rate and computation of alternative tax in lieu of normal tax and surtax in the case of capital gain from the sale or exchange of capital assets held for more than 6 months, see section 117 (c).

(3) *Tax on personal holding companies.* For surtax on personal holding companies, see section 500.

(4) *Avoidance of surtaxes by incorporation.* For surtax on corporations which accumulate

surplus to avoid surtax on shareholders, see section 102.

(5) *Sale of oil or gas properties.* For limitation of surtax attributable to the sale of oil or gas properties, see section 105.

SEC. 105. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE.

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

SEC. 301. SPLITTING OF INCOME. (Revenue Act of 1948, Title III.)

Section 12 of the Internal Revenue Code (relating to surtax of individuals) is hereby amended by adding after subsection (c) of such section the following new subsection:

(d) *Tax in case of joint return.* In the case of a joint return of husband and wife under section 51 (b), the combined normal tax and surtax under section 11 and subsection (b) of this section shall be twice the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 where reduced by one-half.

SEC. 305. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title III.)

The amendments made by sections 301, • • • shall be applicable with respect to taxable years beginning after December 31, 1947. • • • For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 4. Section 29.12–1, as amended by Treasury Decision 5517, is further amended by striking out paragraph (c) and inserting in lieu thereof the following:

§ 29.12–1 *Surtax.* • • •

(c) *Taxable years beginning after December 31, 1945, and before January 1, 1948.* For taxable years beginning after December 31, 1945, and before January 1, 1948, there is imposed, in addition to the normal tax, a surtax determined as specified in section 12 upon the surtax net income of every individual, resident or nonresident, except nonresident alien individuals subject to the tax imposed by section 211 (a). The surtax net income for such years is the net income minus the credits provided in section 25 (b) prior to its amendment by the Revenue Act of 1948. Section 12 provides with respect to such taxable years that the surtax shall be 5 percent less than the amount of the tentative surtax computed in accordance with the tentative surtax table contained therein. For treatment of taxable years beginning in 1945 and ending in 1946, see § 29.108–2.

(d) *Taxable years beginning after December 31, 1947.* For taxable years beginning after December 31, 1947, there is imposed, in addition to the normal tax, a surtax determined as specified in section 12, upon the surtax net income of every individual, resident or nonresident, except nonresident alien individuals subject to the tax imposed by section 211 (a). The surtax net income is the net income minus the credits provided in section 25 (b). Section 12 specifies that the surtax shall be determined by computing a tentative surtax in accordance with the tentative surtax table contained therein and by reducing such tentative surtax as provided in section 12 (c). For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3.

PAR. 5. Section 29.12–2, as amended by Treasury Decision 5517, is further amended by striking out the last sentence and inserting in lieu thereof the following:

§ 29.12–2 *Computation of surtax.* • • • For taxable years beginning after December 31, 1945, and prior to January 1, 1948, section 12 provides that the surtax shall be 5 percent less than the tentative surtax. Accordingly, the surtax for any of such taxable years upon a surtax net income of $63,128 would be $33,122.70, computed as follows:

Tentative surtax on $63,128	$34,866.00
Less: 5 percent of $34,866	1,743.30
Surtax	33,122.70

For taxable years beginning after December 31, 1947, section 12 provides that the combined normal tax and surtax shall be determined by reducing the aggregate of the tentative normal tax and tentative surtax as provided in the following table:

If the aggregate of the tentative normal tax and the tentative surtax is:	The reduction shall be:
Not over $400	17% of the aggregate.
Over $400 but not over $100,000.	$68 plus 12% of the excess over $400.
Over $100,000	$12,020 plus 9.75% of the excess over $100,000.

Accordingly, if the normal tax net income and the surtax net income each amounts to $150,000 the combined normal tax and surtax will be $93,647.55, computed as follows:

Tentative normal tax: 3 percent of $150,000	$4,500.00
Tentative surtax on $150,000 from table	107,320.00
Aggregate of tentative normal tax and tentative surtax	111,820.00
Reduction of tentative tax: $12,020 plus 9.75 percent of $11,820 (excess of the aggregate tentative tax over $100,000)	13,172.45
Combined normal tax and surtax	98,647.55

Section 12 (f), as amended by the Revenue Act of 1948, provides that, whenever it is necessary to ascertain the normal tax and the surtax separately for a taxable year beginning after December 31, 1947, the surtax shall be an amount which is the same proportion of the combined normal tax and surtax as the tentative surtax is of the aggregate of the tentative normal tax and tentative surtax and the normal tax shall be the remainder of such combined normal tax and surtax. Such computation, for example, is necessary for the purpose of section 105, relating to tax on the gain from the sale of oil or gas properties and for the purpose of section 106, relating to tax on amounts received with respect to claims against the United States involving acquisition of property. The surtax on the net income of $150,000 involved in the above example would under section 12 (f) be $98,647.55 (combined normal tax and surtax) multiplied by

$$\frac{107{,}320 \text{ (tentative surtax)}}{111{,}820 \text{ (tentative total tax)}},$$

or $94,677.65, and the normal tax would be $98,647.55 minus $94,677.65, or $3,969.90.

For computation of tax in the case of a joint return of husband and wife for a taxable year beginning after December 31, 1947, see § 29.12–4.

PAR. 6. Section 29.12–3, as amended by Treasury Decision 5517, is hereby further amended as follows:

(A) By inserting immediately after "December 31, 1945," in the second sentence "and before January 1, 1948,".

(B) By inserting at the end thereof the following: "For taxable years beginning after December 31, 1947, the combined normal tax and surtax, computed before the application thereto of the credit provided in section 31 (relating to the credit for foreign income tax), section 32 (relating to the credit for tax withheld at the source under section 143 or section 144), and section 35 (relating to the credit for tax withheld on wages), cannot exceed an amount equal to 77 percent of the taxpayer's net income for the taxable year. For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3."

PAR. 7. There is inserted immediately after § 29.12–3 the following section:

§ 29.12–4 *Combined normal tax and surtax in case of joint return of husband and wife for taxable years beginning after December 31, 1947.* In the case of a joint return of husband and wife (see section 51 (b)) for a taxable year beginning after December 31, 1947, the combined normal tax and surtax under section 11 and section 12 (b) shall be twice the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 were reduced by one-half. (Section 12 (d).) For method of computing gross income and adjusted gross income on a joint return, see § 29.51–1.

The method of computing, under section 12 (d), the tax of husband and wife, in the case of a joint return, is as follows:

First, the net income and applicable credits against net income are reduced by one-half. Second, the tentative normal tax and tentative surtax are determined as provided in section 11 and section 12 (b), by using the net income and applicable credits so reduced. Third, the tentative normal tax and tentative surtax so determined are aggregated and this aggregate tentative tax is then reduced as provided in section 12 (c). Fourth, this reduced aggregate, which is the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 were reduced by one-half, is then multiplied by two, to produce the tax imposed in the case of the joint return.

The limitation under section 12 (c) of the combined normal tax and surtax to an amount not in excess of 77 percent of the net income is to be applied before the fourth step above, that is, the limitation is to be applied upon the combined normal tax and surtax determined under section 12 (c) as 77 percent of one-half of the net income (such one-half of the net income being the actual aggregate net income of the spouses reduced by one-half). After such limitation is applied, then the combined normal tax and surtax so limited are multiplied by two as provided in section 12 (d).

The following computation illustrates the method of application of section 12 (d) in the determination of the tax of a husband and wife filing a joint return for the calendar year 1948. If the joint net income is $8,200 and the only allowable credits under section 25 are the two exemptions of the taxpayers under section 25 (b) (1) (A), the tax on the joint return for 1948 is $1,244.80, determined as follows:

1. Net income	$8,200.00
2. Net income reduced by one-half	4,100.00
3. Credits against net income under sec. 25 (2 exemptions under sec. 25 (b) (1) (A))	1,200.00
4. Credits in item 3 reduced by one-half	600.00
5. Net income reduced by one-half (item 2) minus credits reduced by one-half (item 4)	3,500.00
6. Tentative normal tax computed under sec. 11 on amount in item 5 (3 percent of $3,500)	105.00
7. Tentative surtax computed under sec. 12 (b) on amount in item 5 ($340 plus 19 percent of excess of $3,500 over $2,000)	625.00
8. Aggregate of the tentative normal tax and tentative surtax	730.00
9. Combined normal tax and surtax determined under sec. 12 (c) ($730 reduced by $68 plus 12 percent of the excess of $730 over $400)	622.40
10. Twice the combined normal tax and surtax determined in item 9	1,244.80

If the alternative tax is computed under section 117 (c) (2), relating to the alternative tax where a taxpayer (other than a corporation) has a net long-term capital gain in excess of a net short-term capital loss, the partial tax shall be computed under sections 11 and 12 as stated above but without inclusion of such excess in net income, and the total tax shall be such partial tax plus 50 percent of such excess as provided in section 117 (c) (2).

For computation of tax under Supplement T in the case of a joint return, see §§ 29.400–1 and 29.401–1.

For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3.

PAR. 8. Section 29.22 (m)–1, as added by Treasury Decision 5425, approved December 29, 1944, is amended as follows:

(A) By striking out the second sentence and inserting in lieu thereof the following: "Such compensation, therefore, shall be included in the gross income of the child and reflected in the return rendered by or for such child if the gross income for the taxable year amounts to $500 or more in the case of a taxable year beginning after December 31, 1943 and before January 1, 1948, or to $600 or more in the case of a taxable year beginning after December 31, 1947. See § 29.51–3."

(B) By striking from the third sentence ", whether more or less than $500,".

PAR. 9. There is inserted immediately preceding § 29.23 (x)–1 the following:

SEC. 304. DEDUCTION FOR MEDICAL EXPENSES. (Revenue Act of 1948, Title III.)

Section 23 (x) of the Internal Revenue Code (relating to deduction of medical, etc., expenses) is hereby amended by striking out the second and third sentences thereof and inserting in lieu thereof the following: "The deduction shall not be in excess of $1,250 multiplied by the number of exemptions allowed under section 25 (b) (1) (B) or (C)), with a maximum deduction of $2,500, except that the maximum deduction shall be $5,000 in the case of a joint return of husband and wife under section 51 (b)."

SEC. 305. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title III.)

The amendments made by sections • • • 304 shall be applicable with respect to taxable years beginning after December 31, 1947. • • • For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 10. Section 29.23 (x)–1, as amended by Treasury Decision 5517 is further amended as follows:

(A) By inserting immediately preceding "29.25–6" in the first sentence of the second paragraph "89.25–3 and".

(B) By striking out the fifth sentence of the second paragraph and inserting in lieu thereof the following: "If the deduction for the prior year would have been greater but for the limitations on the maximum amount of such deduction provided by section 23 (x), then, for purposes of the two preceding sentences, the amount of the compensation received in a subsequent year or years shall be reduced by an amount equal to the amount by which the deduction for the prior year would, but for the applicable maximum limitations, have been increased. For the computations illustrating this rule, see examples (3) and (4) at the end of this section.

(C) By striking out the third sentence of the fifth paragraph and inserting in lieu thereof the following: "The maximum deduction allowable for medical expenses paid in any one taxable year beginning after December 31, 1943, and before January 1, 1948, is $1,250 in the case of a taxpayer having only one exemption under section 25 (b) (prior to its amendment by the Revenue Act of 1948), and $2,500 in the case of a taxpayer entitled to more than one exemption under section 25 (b) (prior to its amendment by the Revenue Act of 1948). The maximum deduction allowable for medical expenses paid in any one taxable year beginning after December 31, 1947, is $1,250 multiplied by the number of exemptions allowed under section 25 (b) (exclusive of exemptions allowed under section 25 (b) (1) (B) for taxpayer or spouse attaining the age of 65 years or section 25 (b) (1) (C) for blind taxpayer or blind spouse) but not in excess of $2,500 in the case of a single individual or a married individual making a separate return and not in excess of $5,000 in the case of a joint return of husband and wife."

(D) By adding at the end of such section after example (4) the following new example:

Example (5). H and W make a joint return for the calendar year 1948, on which five exemptions are allowed (exclusive of exemptions under section 25 (b) (1) (B) or (C)), one for each taxpayer and three for their dependent minor children. The adjusted gross income of H and W in 1948 is $40,000. They pay during that year $9,000 for medical care, no part of which is compensated for by insurance or otherwise. The deduction allowable under section 23 (x) for the calendar year 1948 is $5,000, computed as follows:

Payment for medical care in 1948	$9,000
Less: 5 percent of $40,000 (adjusted gross income)	2,000
Excess of medical expenses in 1948 over 5 percent of adjusted gross income	7,000
Allowable deduction for 1948 ($1,250 multiplied by 5 exemptions allowed under section 25 (b) (1) (A) and (D) but not in excess of $5,000)	5,000

PAR. 11. There is inserted immediately preceding § 29.23 (y)–1 the following:

SEC. 202. TECHNICAL AMENDMENTS. (Revenue Act of 1948.)

• • • • •

(e) *Repeal of deduction for blind individuals.* Effective with respect to taxable years beginning after December 31, 1947, section 23 (y) of such Code (relating to special deduction for blind individuals) is repealed.

PAR. 12. Section 29.23 (y)–1, as amended by Treasury Decision 5451, approved April 17, 1945, is further amended as follows:

(A) By inserting immediately after "December 31, 1943," in the first sentence the words "and before January 1, 1948,".

(B) By adding at the end of such section the following: "For additional exemptions allowed for taxable years beginning after December 31, 1947, for blind taxpayer or blind spouse, see section 25 (b) (1), as amended by the Revenue Act of 1948, and § 29.25–3 (d)."

PAR. 13. There is inserted immediately preceding § 29.23 (aa)–1 the following:

SEC. 302. STANDARD DEDUCTION. (Revenue Act of 1948, Title III.)

(a) *Increase of standard deduction in case of joint return or return by unmarried person.* Section 23 (aa) (1) (A) of the Internal Revenue Code (relating to the standard deduction) is hereby amended to read as follows:

(A) *Adjusted Gross Income $5,000 or More.* If his adjusted gross income is $5,000 or more, the standard deduction shall be $1,000 or an amount equal to 10 per centum of the adjusted gross income, whichever is the lesser, except that in the case of a separate return by a married individual, the standard deduction shall be $500.

(b) *Election by husband and wife.* Section 23 (aa) (4) of such Code is hereby amended to read as follows:

(4) *Husband and wife.* In the case of husband and wife, the standard deduction shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction.

(c) *Determination of status.* Section 23 (aa) of such Code is hereby amended by adding at the end thereof the following new paragraph:

(6) *Determination of status.* For the purposes of this subsection:

(A) The determination of whether an individual is married shall be made as of the close of his taxable year, unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and

(B) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

SEC. 305. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title III.)

The amendments made by sections • • • 302, • • • shall be applicable with respect to taxable years beginning after December 31, 1947. • • • For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 14. Section 29.23 (aa)–1, as added by Treasury Decision 5425, is amended as follows: (A) By striking out the third and fourth sentences of paragraph (a) and inserting in lieu thereof the following:

§ 29.23 (aa)–1 *Standard deduction*—(a) *General.* • • • In the case of taxpayers whose adjusted gross income is $5,000 or more, the standard deduction for taxable years beginning after December 31, 1943, and before January 1, 1948, is $500. In the case of such taxpayers, the standard deduction for taxable years beginning after December 31, 1947, is $1,000 or 10 percent of adjusted gross income, whichever is the lesser, except that in the case of a separate return by a married individual, the standard deduction is $500. For the purpose of the preceding sentence, the determination of whether an individual is married shall be made as of the close of his taxable year unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and an individual shall be considered as married even though living apart from his spouse unless legally separated under a decree of divorce or separate maintenance. In the case of taxpayers whose adjusted gross income is less than $5,000, the standard deduction is about 10 percent of the adjusted gross income upon which the tax is determined in the table provided in section 400. A taxpayer having adjusted gross income of less than $5,000, who does not elect to pay the tax imposed by Supplement T, may not take the standard deduction.

In the case of a joint return, there is only one adjusted gross income and only one standard deduction. For example, if a husband has an income of $15,000 and his spouse has an income of $12,000 for the taxable year for which they file a joint return, and they have no deductions allowable for the purposes of computing adjusted gross income, the adjusted gross income is $27,000, and the standard deduction, if the joint return is for a taxable year beginning before January 1, 1948, is $500 (and not $1,000) and if the joint return is for a taxable year beginning after December 31, 1947, is $1,000 (and not $2,000).

(B) By striking out the second sentence of subparagraph (1) of paragraph (b) and inserting in lieu thereof the following: "Such taxpayer shall so signify on his return by claiming thereon the deduction in the amount provided for in section 23 (aa) instead of itemizing the deductions allowable under section 23 other than those specified in section 22 (n). The amount to be claimed on the return by such taxpayer for taxable years beginning after December 31, 1943, and before January 1, 1948, is $500 and for taxable years beginning after December 31, 1947, is $1,000 or 10 percent of the adjusted gross income, whichever is lesser (except that in the case of a separate return by a married individual, the amount is $500)."

(C) By striking from the first sentence of paragraph (c) the expression "living together" and inserting in lieu thereof the following "(except as qualified below)".

(D) By striking out the last two sentences of the third paragraph of (c) and inserting in lieu thereof the following: "For taxable years beginning before January 1, 1948, the restriction applies only in the case of a husband and wife living together and for such purpose the spouses are considered as living together unless they are permanently separated. For taxable years beginning after December 31, 1947, the restriction applies unless the spouses are legally separated under a decree of divorce or separate maintenance. The determination of whether an individual is married and living with his spouse for the purpose of the standard deduction for taxable years beginning before December 31, 1947, shall be made as of the last day of such individual's taxable year unless his spouse dies during such taxable year, in which event the determination shall be made as of the date of death of such spouse. Similarly, the determination of whether an individual is married (whether or not living with his spouse unless legally separated under a decree of divorce or separate maintenance) for the purpose of the allowance of the standard deduction for taxable years beginning after December 31, 1947, shall be made as of the last day of such individual's taxable year unless his spouse dies during such taxable year, in which event the determination shall be made as of the date of death of such spouse."

(E) By adding at the end of such section the following:

Example (3). Taxpayer A and his wife B both make their returns on a calendar year basis. In July 1948 they enter into a separation agreement and thereafter live apart but no decree of divorce or separate maintenance is issued until March 1949. If A itemizes and claims his actual deductions on his return for the calendar year 1948 B may not elect the standard deduction on her return for such year since B is considered as married to A (although permanently separated by agreement) on the last day of 1948.

PAR. 15. There is inserted immediately preceding § 29.25–1 the following:

SEC. 201. ADDITIONAL CREDITS AGAINST NET INCOME FOR NORMAL TAX AND SURTAX. (Revenue Act of 1948, Title II.)

Paragraphs (1) and (2) of section 25 (b) of the Internal Revenue Code are hereby amended to read as follows:

(1) *Credits.* There shall be allowed for the purposes of both the normal tax and the surtax, the following credits against net income:

(A) An exemption of $600 for the taxpayer; and an additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(B) (i) An additional exemption of $600 for the taxpayer if he has attained the age of 65 before the close of his taxable year; and

(ii) An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(C) (i) An additional exemption of $600 for the taxpayer if he is blind at the close of his taxable year; and

(ii) An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For the purposes of this clause the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death;

(iii) For the purposes of this subparagraph an individual is blind only if either: his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

(D) An exemption of $600 for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $500, except that the exemption shall not be allowed in respect of a dependent who has made a joint return with his spouse under section 51 for the taxable year beginning in such calendar year.

(2) *Determination of status.* For the purposes of this subsection:

(A) The determination of whether an individual is married shall be made as of the close of his taxable year, unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and

(B) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 16. Section 29.25–3, as amended by Treasury Decision 5517, is hereby amended by striking out that portion designated as "(c)" and inserting in lieu thereof the following:

§ 29.25–3 *Personal exemption, surtax exemptions, and exemptions for both normal tax and surtax.* • • •

(c) *Taxable years beginning after December 31, 1945, and before January 1, 1948.* For the purpose of the normal tax and surtax on individuals for taxable years beginning after December 31, 1945, and before January 1, 1948, there are allowed as credits against net income the exemptions allowed by section 25 (b) prior to its amendment by the Revenue Act of 1948. Except that such exemptions are not designated "surtax exemptions" for such years and that they are allowable for the purpose of the normal tax as well as the surtax for such years, the provisions of paragraph (b) above are applicable thereto.

(d) *Taxable years beginning after December 31, 1947*—(1) *In general.* For the purposes of the normal tax and the surtax on individuals for taxable years beginning after December 31, 1947, there are allowed as credits against net income the exemptions specified in section 25 (b) as amended by the Revenue Act of 1948. Such credits include (i) the exemptions for an individual taxpayer and spouse (the so-called personal exemptions), (ii) the additional exemptions for a taxpayer attaining the age of 65 years and spouse attaining the age of 65 years (the so-called old-age exemptions), (iii) the additional exemptions for a blind taxpayer and a blind spouse, and (iv) the exemptions for dependents of the taxpayer.

(2) *Exemptions for individual taxpayer and spouse (so-called personal exemptions).* There are allowed by section 25 (b) (1) (A) an exemption of $600 for the taxpayer and an additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. Since, in the case of a joint return, there are two taxpayers (although under section 51 (b) there is only one income for the two taxpayers on such return—i. e., their aggregate income), two exemptions of $600 are allowed on such return, one for each taxpayer spouse. If in any case a joint return is made by the taxpayer and his spouse, no exemption is allowed any other person for such spouse even though such other person would have been entitled to claim an exemption for such spouse as a dependent if such joint return had not been made.

(3) *Exemptions for taxpayer attaining the age of 65 and spouse attaining the age of 65 (so-called old-age exemptions).* Section 25 (b) (1) (B) provides an additional exemption of $600 for the taxpayer if he has attained the age of 65 before the close of his taxable year. An additional exemption of $600 is also allowed to the taxpayer for his spouse if a separate return is made by the taxpayer and if the spouse has attained the age of 65 before the close of the taxable year of the taxpayer and, for the calendar year in which the taxable year of the taxpayer begins, the spouse has no gross income and is not the dependent of another taxpayer. If a husband and wife make a joint return, an old-age exemption of $600 will be allowed as to each taxpayer spouse who has attained the age of 65 before the close of the taxable year for which the joint return is made. The exemptions under section 25 (b) (1) (B) are in addition to the exemptions for the taxpayer and spouse under section 25 (b) (1) (A).

In determining the age of an individual for the purposes of the exemption for old age, the last day of the taxable year of the taxpayer is the controlling date. Thus, in the event of a separate return by a husband, no additional exemption for old age may be claimed for his spouse unless such spouse has attained the age of 65 on or before the close of the taxable year of the husband. In no event shall the additional exemption for old age be allowed on a separate return of the taxpayer with respect to a spouse who dies before attaining the age of 65 even though such spouse would have attained the age of 65 before the close of the taxable year of the taxpayer. For the purposes of the old-age exemption, an individual attains the age of 65 on the first moment of the day preceding his sixty-fifth birthday. Accordingly, an individual whose sixty-fifth birthday falls on January 1 in a given year attains the age of 65 on the last day of the calendar year immediately preceding.

(4) *Exemptions for the blind.* Section 25 (b) (1) (C) provides an additional exemption of $600 for the taxpayer if he is blind at the close of his taxable year. An additional exemption is also allowed to the taxpayer for his spouse if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. The determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death.

The exemptions for the blind, applicable to taxable years beginning after December 31, 1947, replace the special deduction for the blind provided in section 23 (y) prior to its repeal by the Revenue Act of 1948. The exemptions are in addition to the exemptions for the taxpayer and spouse under section 25 (b) (1) (A) and are also in addition to the exemptions under section 25 (b) (1) (B) for taxpayers and spouses attaining the age of 65 years. Thus, a single individual who has, before the close of his taxable year, attained the age of 65 years and who is blind at the close of his taxable year is entitled, in addition to the so-called personal exemption of $600, to two further exemptions, each of $600, one by reason of his age and the other by reason of his blindness. If a husband and wife make a joint return, an exemption of $600 for the blind will be allowed as to each taxpayer spouse who is blind at the close of the taxable year for which the joint return is made.

A taxpayer claiming an exemption allowed by section 25 (b) (1) (C) for a blind taxpayer or a blind spouse shall, if the individual for whom the exemption is claimed is not totally blind as of the last day of the taxable year of the taxpayer (or in the case of a spouse who dies during such taxable year as of the time of such death), attach to his return a certificate from a physician skilled in the diseases of the eye or a registered optometrist stating that as of the applicable status determination date in the opinion of such physician or optometrist (i) the central visual acuity of the individual for whom the exemption is claimed did not exceed 20/200 in the better eye with correcting lenses or (ii) such individual's visual acuity was accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. If such individual is totally blind as of the status determination date there shall be attached to the return a statement by the person or persons making the return setting forth such fact.

(5) *Exemptions for dependents.* Section 25 (b) (1) (D) allows to a taxpayer an exemption of $600 for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $500, who receives more than one-half of his support from the taxpayer for such calendar year and who does not file a joint return with his spouse. For the purposes of this credit a dependent is a person who is related to the taxpayer within one of the following relationships: child; the descendants of such child; stepchild; brother; sister; brother or sister by the half blood; stepbrother or stepsister; parent; the ancestors of such parent; stepfather or stepmother; son or daughter of the taxpayer's brother or sister; brother or sister of the taxpayer's father or mother; son-in-law; daughter-in-law; father-in-law; mother-in-law; brother-in-law; or sister-in-law. In the case of a joint return it is not necessary that the prescribed relationship exist between the person claimed as a dependent and the spouse who furnishes the support; it is sufficient if the prescribed relationship exists with respect to either spouse. Thus, a husband and wife making a joint return may claim as a dependent a daughter of the wife's brother (wife's niece) even though the husband is the one who furnishes the chief support. The relationship of affinity once existing will not terminate by divorce or the death of a spouse. A legally adopted child of a person shall be considered a child of such person by blood. A citizen or subject of a foreign country may not be claimed as a dependent, unless he is a resident of the United States, Canada, or Mexico at some time during the calendar year in which the taxable year of the taxpayer begins. Whether or not over half of a person's support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer shall be determined by reference to the amount of expense incurred by the taxpayer for such support. A payment to a wife which is includible under section 22 (k) or section 171 in the gross income of such wife shall not be considered a payment by her husband for the support of any dependent.

The only exemption allowed for a dependent of the taxpayer is that provided by section 25 (b) (1) (D). The exemptions provided by section 25 (b) (1) (B) (old-age exemptions) and section 25 (b) (1) (C) (exemptions for the blind) are allowed only for the taxpayer or his

spouse. Thus, if a taxpayer provides the entire support of his father, who meets all the requirements of a dependent under section 25 (b) (3) and who is over the age of 65 years, the taxpayer is entitled only to the one exemption under section 25 (b) (1) (D) of $600 for his father as a dependent, and is not entitled to any additional exemption because of his father's age.

(6) *Determination of husband and wife status.* For the purpose of determining the right of an individual to claim an exemption for his spouse under section 25 (b) the determination of whether such individual is married shall be made as of the close of his taxable year, unless his spouse dies during such year, in which case such determination shall be made as of the time of such death. An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

PAR. 17. There is inserted immediately preceding § 29.51–1 the following:

SEC. 202. TECHNICAL AMENDMENTS. (Revenue Act of 1948, Title II.)

* * * * *

(c) *Requirement of returns*—(1) *Individual returns.* Section 51 (a) of the Internal Revenue Code (relating to the requirement of individual returns) is hereby amended by striking out "$500" and inserting in lieu thereof "$600".

* * * * *

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

SEC. 303. JOINT RETURNS OF HUSBAND AND WIFE. (Revenue Act of 1948, Title III.)

Section 51 (b) of the Internal Revenue Code (relating to joint returns) is hereby amended to read as follows:

(b) *Husband and wife*—(1) *In general.* A husband and wife may make a single return jointly. Such a return may be made even though one of the spouses has neither gross income nor deductions. If a joint return is made the tax shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several.

(2) *Nonresident alien.* No joint return may be made if either the husband or wife at any time during the taxable year is a nonresident alien.

(3) *Different taxable years.* No joint return shall be made if the husband and wife have different taxable years; except that if such taxable years begin on the same day and end on different days because of the death of either or of both, then the joint return may be made with respect to the taxable year of each. The above exception shall not apply if the surviving spouse remarries before the close of his taxable year, nor if the taxable year of either spouse is a fractional part of a year under section 47 (a).

(4) *Joint return after death.* In the case of the death of one spouse or both spouses the joint return with respect to the decedent may be made only by his executor or administrator; except that in the case of the death of one spouse the joint return may be made by the surviving spouse with respect to both himself and the decedent if (A) no return for the taxable year has been made by the decedent, (B) no executor or administrator has been appointed, and (C) no executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse. If an executor or administrator of the decedent is appointed after the making of the joint return by the surviving spouse, the executor or administrator may disaffirm such joint return by making, within one year after the last day prescribed by law for filing the return of the surviving spouse, a separate return for the taxable year of the decedent with respect to which the joint return was made, in which case the return made by the survivor shall constitute his separate return.

(5) *Determination of status.* For the purposes of this section:

(A) The status as husband and wife of two individuals having taxable years beginning on the same day shall be determined:

(i) If both have the same taxable year—as of the close of such year; and

(ii) If one dies before the close of the taxable year of the other—as of the time of such death; and

(B) An individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

(6) *Tax in case of joint return.* For determination of combined normal tax and surtax under section 11 and section 12 (b) in case of joint return under this subsection, see section 12 (d). For tax in case of joint return of husband and wife electing to pay the tax under Supplement T, see section 400.

SEC. 305. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title III.)

The amendments made by sections * * * 303, * * * shall be applicable with respect to taxable years beginning after December 31, 1947. The amendment made by section 303 shall also be applicable to taxable years of both husband and wife beginning on the same day in 1947 if at least one of such taxable years ends in 1948. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 18. Section 29.51–1, as amended by Treasury Decision 5600, approved February 2, 1948, is further amended as follows:

(A) By inserting before the period in the heading of subparagraph (3) of paragraph (a) the following: *", and before January 1, 1948"*.

(B) By inserting in subparagraph (3) of paragraph (a) after "December 31, 1945," the following: "and before January 1, 1948,".

(C) By inserting after subparagraph (3) of paragraph (a) a new subparagraph (4) to read as follows:

(4) *Taxable years beginning after December 31, 1947.* For each taxable year beginning after December 31, 1947, a return of income shall be made by each citizen of the United States, whether residing at home or abroad, and every individual residing within the United States though not a citizen thereof, regardless of family or marital status, if such citizen or resident has for such taxable year a gross income of $600 or more, or a gross income in excess of the credit allowed by section 25 (b) prorated as provided in section 47 (e).

(D) By striking out paragraph (b) and inserting in lieu thereof the following:

(b) *Joint returns*—(1) *In general.* For taxable years beginning prior to January 1, 1944, a husband and wife, if living together at the close of the taxable year, may elect to make a joint return (see section 51 (b)) even though one has no gross income. For taxable years beginning after December 31, 1943, a husband and wife occupying the marital status as of the last day of the taxable year may elect to make a joint return even though one of the spouses has no gross income or deductions, and even though the spouses are not living together at any time during the taxable year. However, for the purpose of filing a joint return for taxable years with respect to which the amendments made to section 51 (b) by section 303 of the Revenue Act of 1948 are applicable (taxable years beginning after December 31, 1947, and taxable years of both husband and wife beginning on the same day in 1947 if at least one of such taxable years ends in 1948), an individual legally separated from his spouse under a decree of separate maintenance shall not be considered as married.

A joint return may not be made by a husband and wife for a taxable year if a separate return has been filed by one of the spouses and the time for filing the return of such spouse has expired. Similarly, if a joint return is filed, separate returns may not be made by the spouses after the time for filing the return of either has expired. See, however, subparagraph (2) of this paragraph for the right of an executor to file a late separate return for a deceased spouse and thereby disaffirm a timely joint return made by the surviving spouse.

If a joint return is made, the gross income and adjusted gross income of husband and wife on the joint return are computed in an aggregate amount and the deductions allowed and the net income are likewise computed on an aggregate basis. Deductions limited to a percentage of the adjusted gross income, such as the deduction for charitable contributions under section 23 (o), will be allowed with reference to such aggregate adjusted gross income. Similarly, in the case of a joint return, losses of husband and wife from sales or exchanges of capital assets are combined and such combined losses are allowed under section 117 (d) (2) only to the extent of the combined gains of the spouses from such sales or exchanges, plus the net income or $1,000 whichever is smaller. The "net income" referred to in section 117 (d) (2) is the net income computed before reduction by one-half for the purposes of income splitting under section 12 (c) and is such net income computed without regard to gains and losses from sales or exchanges of capital assets. Although there are two taxpayers on a joint return, there is only one net income. The tax on the joint return shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several. A joint return may not be made if either the husband or wife at any time during the taxable year is a nonresident alien. For computation of tax on the basis of the splitting of income in the case of a joint return for taxable years beginning after December 31, 1947, see § 29.12–4. For tax in the case of a joint return of husband and wife electing to pay the tax under Supplement T, see §§ 29.400–1 and 29.401–1.

A joint return of a husband and wife (if not made by an agent) shall be signed by both spouses. An oath is not necessary, but both spouses shall verify the return as provided in section 51. If signed by one spouse as agent for the other, authorization for such action must accompany the return. The spouse acting as agent for the other shall, with the principal, assume the responsibility for making the return and incur liability for the penalties provided for erroneous, false, or fraudulent returns. See § 29.51–2.

(2) *Joint return after death.* Since in general a joint return may not be made if husband and wife have different taxable years, and since the taxable year of an individual closes as of the date of his death (see § 29.47–1), no joint return may be made for any taxable year, except as provided by section 51 (b), as amended by the Revenue Act of 1948, if one spouse dies prior to the last day of such taxable year. Section 51 (b), as amended by the Revenue Act of 1948, provides with respect to taxable years of spouses beginning after December 31, 1947 (and with respect to taxable years of spouses beginning on the same day in 1947 if at least one of such taxable years ends in 1948), that a joint return may be made for the survivor and the deceased spouse if the taxable years of such spouses begin on the same day and end on different days only because of the death of either or both. Thus, if a husband and wife make their returns on a calendar year basis, and the wife dies on August 1, 1948, a joint return may be made with respect to the calendar year 1948 of the husband and the taxable year of the wife beginning on January 1, 1948, and ending with her death on August 1, 1948. Similarly, if husband and wife both make their returns on the basis of a fiscal year beginning on July 1 and the wife dies on October 1, 1947, a joint return may be made with respect to the fiscal year of the husband beginning on July 1, 1947, and ending on June 30, 1948, and with respect to the taxable year of the wife beginning on July 1, 1947, and ending with her death on October 1, 1947. For the purposes of this subparagraph the status of two individuals as husband and wife, if one dies prior to the close of the taxable year of the other, shall be determined as of the time of such death.

The provision allowing a joint return to be made for the taxable year in which the death of either or both spouses occurs is subject to two exceptions. The first exception is that if the surviving spouse remarries before the close of his taxable year, he may not make a joint return with the first spouse who died during the taxable year. In such a case, however, the surviving spouse may make a joint return with his new spouse provided that the other requirements of section 51 (b) are met. The second exception is that the surviving spouse may not make a joint return with the deceased spouse if the taxable year of either spouse is a fractional part of a year under section 47 (a) resulting from a change of accounting period. For example, if a husband and wife make their returns on the calendar year basis and the wife dies on March 1, 1948, and thereafter the husband receives permission to change his accounting period to a fiscal year beginning July 1, 1948, no joint return may be made for the short taxable year ending June 30, 1948. Similarly, if a husband and wife who make their returns on a calendar year basis receive permission to change to a fiscal year beginning July 1, 1948, and the wife dies on June 1, 1948, no joint return may be made for the short taxable year ending June 30, 1948.

Section 51 (b) (4), as added by the Revenue Act of 1948, provides for the method of making a joint return in the case of the death of one spouse or both spouses where the return is for taxable years beginning on the same day after December 31, 1947, or for the taxable years beginning on the same day in 1947 if at least one of such taxable years ends in 1948. The general rule is that, in the case of the death of one spouse, or of both spouses, the joint return with respect to the decedent may be made only by his executor or administrator. By the term executor or administrator is meant the person who is actually appointed to such office and not merely a person who may be in charge of the property of the decedent. An exception is made from this general rule whereby, in the case of the death of one spouse, the joint return may be made by the surviving spouse with respect to both him and the decedent if all the following conditions exist:

(i) No return has been made by the decedent for the taxable year in respect to which the joint return is made.

(ii) No executor or administrator has been appointed at or before the time of making such joint return.

(iii) No executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse.

These conditions are to be applied with respect to the return for each of the taxable years of the decedent for which a joint return may be made if more than one such taxable year is involved. Thus, in the case of husband and wife on the calendar year basis, if the wife dies in February 1949, a joint return for the husband and wife for 1948 may be made if the conditions set forth above are satisfied with respect to such return. A joint return may also be made by the survivor for both himself and the deceased spouse for the calendar year 1949 if it is separately determined that the conditions set forth above are satisfied with respect to the return for such year. If, however, the deceased spouse should, prior to her death, make a return for 1948, the surviving spouse may not thereafter make a joint return for himself and the deceased spouse for 1948.

If an executor or administrator is appointed at or before the time of making the joint return or before the last day prescribed by law for filing the return of the surviving spouse, the surviving spouse cannot make a joint return for himself and the deceased spouse whether or not a separate return for the deceased spouse is made by such executor or administrator. In such a case the joint return, if one is to be made, must be made by both the surviving spouse and the executor or administrator. In determining whether an executor or administrator is appointed before the last day prescribed by law for filing the return of the surviving spouse, an extension of time for making the return is included.

If the surviving spouse makes the joint return provided for above, and thereafter an executor or administrator of the decedent is appointed, the executor or administrator may disaffirm such joint return. This disaffirmance, in order to be effective, must be made within one year after the last day prescribed by law for filing the return of the surviving spouse (including any extension of time for filing such return) and must be made in the form of a separate return for the taxable year of the decedent with respect to which the joint return was made. In the event of such proper disaffirmance the return made by the survivor shall constitute his separate return, that is, the joint return made by him shall be treated as his return and the tax thereon shall be computed by excluding all items properly includible in the return of the deceased spouse. The separate return made by the executor or administrator shall constitute the return of the deceased spouse for the taxable year.

The time allowed the executor or administrator to disaffirm the joint return by the making of a separate return does not establish a new due date for the return of the deceased spouse. Accordingly, the provisions of sections 291 and 294, relating to delinquent returns and delinquency in payment of tax, are applicable to such return made by the executor in disaffirmance of the joint return.

PAR. 19. Section 29.51–3, as amended by Treasury Decision 5425, is further amended as follows:

(A) By inserting before the period in the heading of paragraph (b) the following: *", and before January 1, 1948"*.

(B) By inserting in paragraph (b) after "December 31, 1943," the following: "and before January 1, 1948,".

(C) By inserting after paragraph (b) a new paragraph (c) to read as follows:

(c) *Taxable years beginning after December 31, 1947.* For taxable years beginning after December 31, 1947, an individual, although a minor, who is single, is required to render a return of income if he has gross income (including compensation for personal services includible in his gross income under section 22 (m) (1)) of $600 or over for the taxable year regardless of the amount of his net income. If the aggregate of the gross income of such a minor from any property which he possesses and from any funds held in trust for him by a trustee or guardian and from his earnings is at least $600, regardless of the amount of his net income, a return, as in the case of any other individual, must be made by him or for him by his guardian or other person charged with the care of his person or property. See § 29.142–2. If he is married, see § 29.51–1.

PAR. 20. There is inserted immediately preceding § 29.58–1 the following:

SEC. 202. TECHNICAL AMENDMENTS (Revenue Act of 1948, Title II.)

(a) *Declaration of estimated tax.* Section 58 (a) of the Internal Revenue Code (relating to requirement of declaration of estimated tax) is hereby amended to read as follows:

(a) *Requirement of declaration.* Every individual (other than an estate or trust and other than a nonresident alien with respect to whose wages, as defined in section 1621 (a), withholding under Subchapter D of Chapter 9 is not made applicable) shall, at the time prescribed in subsection (d), make a declaration of his estimated tax for the taxable year if:

(1) His gross income from wages (as defined in section 1621) can reasonably be expected to exceed the sum of $4,500 plus $600 with respect to each exemption provided in section 25 (b); or

(2) His gross income from sources other than wages (as defined in section 1621) can reasonably be expected to exceed $100 for the taxable year and his gross income to be $600 or more.

. . . . .

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 21. Section 29.58–2, as amended by Treasury Decision 5517, is further amended as follows:

(A) By striking out the headings "*Declarations of estimated tax—taxable years beginning after December 31, 1944*—(a) *General.*" and inserting in lieu thereof the following: "*Declarations of estimated tax*—(a) *Taxable years beginning after December 31, 1944, and before January 1, 1948*—(1) *General.*"

(B) By inserting after "December 31, 1944," in the first sentence thereof "and before January 1, 1948,".

(C) By striking out the designations (1), (2) and (3) where first appearing in the first sentence and inserting in lieu thereof (i), (ii) and (iii).

(D) By striking out the designations (1) and (2) where last appearing in the first sentence and inserting in lieu thereof (a) and (b).

(E) By striking out the designation "(b)" preceding the heading "*Short taxable years.*" and inserting in lieu thereof "(2)".

(F) By adding at the end of such section the following paragraph:

(b) *Taxable years beginning after December 31, 1947*—(1) *General.* A declaration of estimated tax shall, for taxable years beginning after December 31, 1947, be made by (i) every citizen of the United States, whether residing at home or abroad, (ii) every individual residing in the United States though not a citizen thereof, and (iii) every nonresident alien who is a resident of Canada or Mexico and who has wages subject to withholding at the source under section 1622, if such citizen or resident or alien can reasonably be expected to have for such taxable year:

(a) Gross income from wages subject to withholding under section 1622 in excess of the sum of $4,500 plus $600 for each exemption allowable as a credit under section 25 (b); or

(b) Gross income of more than $100 from sources other than wages subject to withholding under section 1622 and total gross income of $600 or more.

In the case of a husband and wife, whether or not they are living together, a joint declaration of estimated tax may be made if the gross income of either spouse meets the requirements of section 58 (a). If the gross income of each spouse meets the requirements of section 58 (a), either a joint declaration must be made or a separate declaration must be made by each. For the purpose of determining whether a declaration of estimated tax is required under the provisions of section 58 (a), a married person may not take into account the exemption of his spouse, if his spouse has, or is reasonably expected to have, gross income.

In estimating his gross income for the taxable year a parent should not take into account the income of his minor child. Such income is not includible in the gross income of the parent. See section 22 (m).

A nonresident alien who is a resident of Canada or Mexico, who enters into and leaves the United States at frequent intervals, and who has wages subject to withholding under the provisions of section 1622 is required to file a declaration of estimated tax if his gross income meets the requirements of section 58 (a). In the case of a nonresident alien gross income means only gross income from sources within the United States. (Section 212 (a)). As to what constitutes gross income from sources within the United States, see section 119 and the regulations thereunder. Thus, for example, a nonresident alien over the age of 65 years, living in Mexico with his wife and one dependent child throughout 1948, makes his return on a calendar year basis. His wife and child are also nonresident aliens. He is employed as an executive in El Paso, Texas, at a salary of $8,000 per annum and enters and leaves the United States at frequent intervals in pursuit of such employment. Neither husband nor wife has any reasonable expectation of any other income from United States sources. Since his wages derived from sources within the United States in 1948 can reasonably be expected to amount to more than $4,500 plus $2,400 (the aggregate of 4 exemptions, including one exemption for old age), or $6,900, a declaration of estimated tax must be filed for such resident of Mexico for 1948.

An estate or trust, though generally taxed as an individual, is not within the scope of the system of current payment of the tax, and hence is not required to file a declaration.

The application of these provisions may be illustrated by the following examples:

Example (1). H, a taxpayer making his return on the calendar year basis, is married and has two dependent children. Neither his wife nor children have any source of income. H's wife has been blind for several years and it is reasonable to assume that she will not regain her sight in 1948. H's salary from January 1, to June 30, 1948, is at the annual rate of $7,000. However, effective July 1, 1948, his annual salary is increased to $9,000 and under the facts then existing it is reasonable to assume that his salary for the remaining portion of 1948 will remain unchanged and that his total salary for the year will, therefore, be $8,000. Since such amount is in excess of $4,500 plus $3,000 (the aggregate of 5 exemptions, including the two exemptions for the blind spouse), or $7,500, H is required to file a declaration of estimated tax for 1948. As to when such declaration is required to be filed, see § 29.58–7 (b).

Example (2). P, a professional man engaged in the practice of his profession on his own account, has gross income of $400 from such profession for the two months of January and February 1948. It can reasonably be expected that he will have no income during 1948 from any other source. Since P has gross income which can for 1948 reasonably be expected to exceed $600 and such income does not constitute wages subject to withholding, he is required to file a declaration of estimated tax regardless of his marital status and regardless of the number of exemptions to which he may be entitled for that year.

Example (3). S has been regularly employed for many years prior to January 1, 1948, at which date his weekly wage is $50. S also owns stock in a corporation from which he has derived regularly for many years prior to 1948 annual dividends ranging from $120 to $160. In view of the fact that for 1948 S can reasonably be expected to receive gross income of $600 or more, which includes more than $100 of income from sources other than wages as defined in section 1621 (a), he is required to make a declaration of estimated tax for such year regardless of his marital status or the number of exemptions to which he may be entitled.

Example (4). T, a married taxpayer, who makes his return on the calendar year basis, is employed at the beginning of 1948 at an annual salary of $7,500, which, on the basis of facts then existing, will, it is expected, not undergo any change throughout 1948. His wife owns stock upon which dividends ranging from $75 to $100 have been paid regularly during years prior to 1948. T has two dependent children, one of whom has no source of income in 1948; the other child, however, is employed on a part-time basis and may reasonably be expected to receive compensation of $600 in 1948. T also contributes the major portion of the support of his mother whose only source of income is approximately $100 per year from a trust fund. Under these facts for the purpose of determining whether he is required to file a declaration, T may take into account only three exemptions, one for himself, one for his mother, and one for the child expected to receive less than $500 gross income in 1948. Since his expected salary of $7,500 exceeds the sum of $4,500 plus $1,800 (3 exemptions), or $6,300, T is required to file a declaration of estimated tax for 1948. In computing his estimated tax on a separate declaration, T may not take into account any exemption for his wife since she is reasonably expected to have gross income in 1948. If, however, a joint declaration is made and the tax is estimated on the basis of the aggregate net income, account may be taken of an exemption for the wife.

(2) *Short taxable years.* For the purpose of determining whether the anticipated income for a short taxable year necessitates the filing of a declaration, such income shall be placed on an annual basis in the manner prescribed in section 47 (c) (1). Thus, for example, a taxpayer who changes from a calendar year basis to a fiscal year basis beginning July 1, 1948, will have a short taxable year beginning January 1, 1948, and ending June 30, 1948. If his anticipated gross income for such short taxable year consists solely of wages (as defined in section 1621 (a)) in the amount of $3,000, his total gross income and his gross income from such wages for the purpose of determining whether a declaration is required is $6,000, the amount obtained by placing anticipated income of $3,000 upon an annual basis. Hence, assuming such taxpayer is single and has no dependents, he is required to file a declaration of estimated tax for the short taxable year since his anticipated gross income from wages when placed upon an annual basis is in excess of $5,100 ($4,500 plus $600).

PAR. 22. Section 29.58–4, as amended by Treasury Decision 5419, is further amended by adding at the end of the first paragraph thereof, the following sentence: "However, if it is reasonable for a surviving spouse to assume that there will be filed a joint return for himself and the deceased spouse for taxable years which include the last taxable year of the deceased spouse, he may, in making a separate declaration for his taxable year which includes the period comprising such last taxable year of his spouse, estimate net income on an aggregate basis and compute his estimated tax in the same manner as though a joint declaration had been filed. For computation of tax in case of a joint return for taxable years to which splitting of income is applicable, see § 29.12–4."

PAR. 23. Section 29.58–7, as added by Treasury Decision 5419, is amended by striking out the third sentence of paragraph (f) and inserting in lieu thereof the following: "An amended declaration may also be made based upon a change in the number of exemptions (or, for taxable years beginning before January 1, 1946, a change in the number of surtax exemptions) to which the taxpayer may be entitled for the then current taxable year. An amended declaration may be filed jointly by husband and wife even though separate declarations have previously been filed."

PAR. 24. There is inserted immediately preceding § 29.108–1 the following:

SEC. 601. FISCAL YEAR TAXPAYERS. (Revenue Act of 1948, Title VI.)

Section 108 of the Internal Revenue Code is hereby amended by striking out "(d)" at the beginning of subsection (d) and inserting in lieu thereof "(e)", and by inserting after subsection (c) the following:

(d) *Taxable years of individuals beginning in 1947 and ending in 1948.* In the case of a taxable year of an individual beginning in 1947 and ending in 1948, the tax imposed by sections 11, 12, and 400 shall be an amount equal to the sum of:

(1) That portion of a tax, computed as if the law applicable to taxable years beginning on January 1, 1947, were applicable to such taxable years, which the number of days in such taxable year prior to January 1, 1948, bears to the total number of days in such taxable year, plus

(2) That portion of a tax, computed as if the law applicable to taxable years beginning on January 1, 1948, were applicable to such taxable year, which the number of days in such taxable year after December 31, 1947, bears to the total number of days in such taxable year.

PAR. 25. There is added immediately after § 29.108–2 the following section:

§ 29.108–3 *Computation of tax of individuals for taxable years beginning in 1947 and ending in 1948.* For a taxable year beginning in 1947 and ending in 1948, the normal tax, surtax, and optional tax imposed by sections 11, 12, and 400 upon taxpayers other than corporations shall be computed under section 108 (d), as amended by the Revenue Act of 1948, as follows:

(a) That portion of a tentative tax computed under the law applicable to taxable years beginning on January 1, 1947, which the number of days prior to January 1, 1948, in the taxable year of the taxpayer bears to the total number of days in such taxable year and

(b) That portion of a tentative tax computed under the law applicable to taxable years beginning on January 1, 1948, which the number of days after December 31, 1947, in the taxable year of the taxpayer bears to the total number of days in such taxable year.

The provisions of section 108 (d) apply to estates, trusts, and nonresident alien individuals whose tax is computed under sections 11 and 12.

The provisions of section 108 (d) apply to a taxable year beginning in 1947 and ending in 1948, whether or not such taxable year is one of less than 12 months. In the case of a taxpayer who is subject to the provisions of section 108 (d) and who because of a change in accounting period has a taxable year of less than 12 months, the net income shall be placed on an annual basis under the provisions of section 47 (c) (1) for the purpose of both tentative tax computation under section 108 (d), or shall be computed under the exception in section 47 (c) (2) for the purpose of both such tentative tax computations. Regardless of the method adopted, the amounts of the tentative normal tax and surtax so computed upon the basis of 12 months' income shall be properly reduced under section 47 (c) in order to determine the tentative taxes under section 108 (d). However, in the case of a taxpayer who is subject to the provisions of section 108 (d) and who because of any reason other than a change in accounting period has a taxable year of less than 12 months, the net income shall not be placed on an annual basis under section 47 (c) (1) and shall not be computed under the exception in section 47 (c) (2).

In any case in which a taxpayer subject to the provisions of section 108 (d) has an excess of net long-term capital gains over net short-term capital losses, the alternative tax under section 117 (c) shall be an amount equal to the sum of the proper portions of the tentative taxes determined under section 108 (d), by computing each such tentative tax pursuant to the alternative tax computation provided in section 117 (c), regardless of whether either tentative tax so computed on the alternative basis is larger or smaller than the tentative tax computed without regard to section 117 (c).

In the case of a joint return of husband and wife for taxable years beginning on the same day in 1947 and ending on different days because of the death of either spouse or both spouses (where at least one of such taxable years ends in 1948), the number of days to be taken into account for the purpose of computing the portions of the tax under section 108 (d) (1) and (2) shall be the number of days prior to January 1, 1948, in the taxable year of the surviving spouse, the number of days after December 31, 1947, in the taxable year of the surviving spouse and the total number of days in the taxable year of the surviving spouse.

PAR. 26. There is inserted immediately preceding § 29.113 (a) (5)–1 the following:

SEC. 366. BASIS OF SURVIVING SPOUSE'S INTEREST IN COMMUNITY PROPERTY. (Revenue Act of 1948, Title III.)

(a) Section 113 (a) (5) of the Internal Revenue Code (relating to basis of property transmitted at death) is hereby amended by adding at the end thereof the following new sentences: "For the purposes of this paragraph the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any State, Territory or possession of the United States or any foreign country shall be considered to be property 'acquired by bequest, devise, or inheritance' from the decedent, if the death of the decedent was after December 31, 1947, and if at least one-half of the whole of the community interest in such property was includible in determining the value of the decedent's gross estate under section 811. In the case of property held by a decedent and his surviving spouse under the community property laws of any State, Territory, or possession of the United States or any foreign country, if the value of any part of the surviving spouse's one-half share of such property was included in determining the value of the gross estate of the decedent and a tax under chapter 3 was payable upon the transfer of the net estate of the decedent, then for the purposes of this paragraph such part of such one-half share of the surviving spouse shall be considered to be property 'acquired by bequest, devise, or inheritance' from the decedent, if the death of the decedent was after the date of the enactment of the Revenue Act of 1942 and on or before December 31, 1947; but nothing in this sentence shall reduce basis below that which would exist if the Revenue Act of 1948 had not been enacted."

(b) If the allowance of a credit or refund of any overpayment of tax resulting from the application of this section is prevented on the date of the enactment of this act, or within one year from such date, by the operation of any law or rule of law (other than section 3761 of the Internal Revenue Code, relating to compromises), credit or refund of such overpayment may, nevertheless, be allowed or made if claim therefor is filed within one year from the date of the enactment of this act. No interest shall be paid on any overpayment resulting from the application of the last sentence of section 113 (a) (5) of such code, as amended by this section, if such overpayment is for a

taxable year beginning before January 1, 1948.

PAR. 27. Section 29.113 (a) (5)–1 is amended as follows:

(A) By striking out the word "and" at the end of subparagraph (1) of paragraph (a).

(B) By striking out the period at the end of subparagraph (2) of paragraph (a) and inserting in lieu thereof ", and".

(C) By adding at the end thereof the following subparagraph:

(3) To (i) the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property law of any State, Territory or possession of the United States or any foreign country if the death of the decedent is after December 31, 1947, and if at least one-half of the whole of the community interest in such property is includible in determining the value of the decedent's gross estate under section 811 and (ii) such part of the surviving spouse's one-half share of property held by the decedent and surviving spouse as community property as was included in computing the value of the decedent's gross estate if the death of the decedent was after October 21, 1942, and before January 1, 1948, and if a tax under chapter 3, relating to the estate tax, was payable upon the net estate of the decedent. Section 113 (a) 5) shall not, however, be applied in cases described in this subdivision so as to reduce the basis of any property below that which would exist without the application of such section.

(D) By adding at the end of such section the following new paragraph:

(g) *Credit or refund to surviving spouse in community property States.* If on April 2, 1948, or within one year from such date, the allowance of credit or refund of any overpayment of tax to a surviving spouse resulting from the application of the last sentence of section 113 (a) (5) to any part of the surviving spouse's one-half share of community property is prevented by the operation of any law or rule of law (other than section 3761, relating to compromises), credit or refund of such overpayment may nevertheless be allowed or made if claim therefor is filed within one year after April 2, 1948.

No interest shall be paid on any overpayment resulting from the application of the last sentence of section 113 (a) (5) to any part of the surviving spouse's one-half share of community property if such overpayment is for a taxable year beginning before January 1, 1948.

PAR. 28. There is inserted immediately preceding § 29.142–1 the following:

SEC. 202. TECHNICAL AMENDMENTS. (Revenue Act of 1948, Title II.)

* * * * *

(c) *Requirement of returns.* (2) *Fiduciary returns.* Section 142 (a) of such Code (relating to the requirement of fiduciary returns) is hereby amended by striking out "$500" wherever appearing therein and inserting in lieu thereof "$600".

* * * * *

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 29. Section 29.142–1, as amended by Treasury Decision 5425, is further amended as follows:

(A) By inserting before the period in the heading of paragraph (b) the following: ", *and before January 1, 1948*".

(B) By inserting in paragraph (b) after "December 31, 1943," the following: "and before January 1, 1948,".

(C) By changing the designation of paragraph (c) from "(c)" to "(d)".

(D) By inserting after paragraph (b) a new paragraph to read as follows:

(c) *Taxable years beginning after December 31, 1947.* Every fiduciary, or at least one of joint fiduciaries, for taxable years beginning after December 31, 1947, must make a return of income:

(1) *Returns for individuals.* For the individual whose income is in his charge, if the gross income of such individual is $600 or over.

(2) *Returns for estates and trusts.* For the estate for which he acts if the gross income of such estate is $600 or over, and for the trust for which he acts if the gross income of such trust is $600 or over, or the net income of such trust, as computed under section 162, is $100 or over, or if any beneficiary of such estate or trust is a nonresident alien.

The return in subparagraph (1) of this paragraph shall be on Form 1040.

In subparagraph (2) of this paragraph a return is required on Form 1041.

PAR. 30. Section 29.142–2, as amended by Treasury Decision 5425, is further amended as follows:

(A) By inserting before the period in the heading of paragraph (b) the following: ", *and before January 1, 1948*".

(B) By inserting in paragraph (b) after "December 31, 1943," the following: ", and before January 1, 1948".

(C) By adding after paragraph (b) the following new paragraph:

(c) *Taxable years beginning after December 31, 1947.* For taxable years beginning after December 31, 1947, a fiduciary acting as the guardian of a minor, or as the guardian or committee of an insane person, having a gross income of $600 or more for the taxable year, must make a return for such person on Form 1040, and pay the tax unless in the case of a minor the minor himself makes a return or causes it to be made. As to the use of the optional return, see § 29.51–2 (b).

PAR. 31. Section 29.143–3, as amended by Treasury Decision 5607, approved March 12, 1948, is further amended as follows:

(A) By striking out the second sentence of the next to the last paragraph and inserting in lieu thereof the following: "A nonresident alien individual who is engaged in trade or business within the United States at any time during the taxable year is entitled to the personal exemption for taxable years beginning before January 1, 1944, and to the normal-tax exemption and the surtax exemption allowed by section 25 (b) (1) (A) for taxable years beginning after December 31, 1943, and before January 1, 1946, and to the exemption allowed for himself by section 25 (b) (1) (A) for taxable years beginning after December 31, 1945.

(B) By adding before the period at the end of the third sentence of the next to the last paragraph the following: ", and before January 1, 1948, and to the exemptions allowed by section 25 (b) (1) (B), (C), and (D) for taxable years beginning after December 31, 1947".

(C) By striking out the fifth and sixth sentences of the next to the last paragraph and inserting in lieu thereof the following: "However, in the determination of the tax to be withheld at the source under section 143 (b) with respect to remuneration paid on or after July 1, 1943, for labor or personal services performed within the United States by a nonresident alien, the benefit of the personal exemption for taxable years beginning before January 1, 1944, or the normal-tax and surtax exemptions or exemption for both normal tax and surtax for taxable years beginning after December 31, 1943, shall be allowed, prorated upon a daily basis for the period of employment during any portion of which labor or personal services are performed within the United States by such alien. Such proration is on a basis of $1.40 per day for taxable years beginning prior to January 1, 1948, and on a basis of $1.70 per day for taxable years beginning after December 31, 1947. Thus, if A, a nonresident alien seaman employed by X Shipping Corporation, is paid in 1948 upon the termination of the voyage and such voyage covers 100 days, and A performs personal services within the United States during, or incident to, such voyage, the amount of $170 will be allocated as the portion of the exemption to be allowed as a credit against the remuneration of A for personal services performed within the United States during such voyage, and withholding shall be applied against the balance, if any, of such remuneration.

PAR. 32. There is inserted immediately preceding § 29.147–1 the following:

SEC. 202. TECHNICAL AMENDMENTS. (Revenue Act of 1948, Title II.)

* * * * *

(c) *Requirement of returns.* * * *

(3) *Information returns.* Section 147 (a) of such Code (relating to returns of information) is hereby amended by striking out "$500" wherever appearing therein and inserting in lieu thereof "$600".

* * * * *

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 33. Section 29.147–1, as amended by Treasury Decision 5313, approved December 21, 1943, is further amended as follows:

(A) By amending the heading thereof to read as follows: "*Return of information as to payment of $600 ($500 for years prior to 1948).*"

(B) By striking out the first sentence and inserting in lieu thereof the following: "All persons making payment to another person of fixed or determinable income of $500 or more in any calendar year prior to 1948, and all persons making payment to another person of such income of $600 or more in any calendar year after 1947 must render a return thereof for such year on or before February 15 of the following year except as specified in §§ 29.147–3 to 29.147–5.

(C) By striking from the third sentence "260 East 161st Street, New York 51, N. Y." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri".

PAR. 34. Section 29.147–2, as amended by Treasury Decision 5480, approved September 26, 1945, is amended so that such section shall read as follows:

§ 29.147–2 *Return of information as to payments to employees.* The names of all employees to whom payments are made of $500 or more in any calendar year prior to 1948, or of $600 or more in any calendar year after 1947, whether such total sum is made up of wages, salaries, annuities, commissions, or compensation in any other form, must be reported. In the case of any such payments of $500 or more paid during the calendar year 1945 or during any subsequent calendar year prior to 1948, and in the case of any such payments of $600 or more made during any calendar year after 1947, if a portion thereof constitutes wages subject to withholding under section 1622 and such portion is reported on Form W–2, the remainder of such payments must be reported on Form 1099. For example, if such payments made to an employee by his employer in 1948 amount to $700 and $400 thereof represents wages subject to withholding under section 1622, and the remaining $300 represents compensation not subject to withholding, for instance, advances or reimbursements for traveling or other expenses, or insurance premiums which in accordance with § 29.165–6 are income to the employee for the year in which the insurance is purchased, the $400 must be reported on Form W–2 and the $300 must be reported on Form 1099. Heads of branch offices and subcontractors employing labor, who keep the only complete record of payments therefor, should file returns of information in regard to such payments with the Commissioner of Internal Revenue, Processing Division, C. C. Station, Kansas City 2, Missouri. When both main office and branch office have adequate records, the return should be filed by the main office.

For years prior to 1945, amounts distributed or made available under an employees' trust governed by the provisions of section 165 to any beneficiary in excess of the sum of his personal exemption and the amounts paid into the fund by him must be reported by the trustee. For the calendar year 1945 and subsequent calendar years amounts distributed or made available under an employees' trust governed by the provisions of section 165, or under an annuity plan to which § 29.22 (b) (2)–5 relates, to a beneficiary shall be reported to the extent such amounts are includible in the gross income of such beneficiary where the amounts so includible are $500 or more if distributed or made available in a calendar year prior to 1948 or $600 or more if distributed or made available in a calendar year after 1947.

In the case of payments made by the United States to persons in its service (civil, military, or naval) of wages, salaries, or compensation in any other form, the returns of information shall be made by heads of the executive departments and other United States establishments.

For cases where no returns of information are required, see § 29.147–3. (See also § 29.22 (a)–3.)

PAR. 35. Section 29.147–3, as amended by Treasury Decision 5425, is further amended by striking from the first sentence "$500" and inserting in lieu thereof "$600".

PAR. 36. Section 29.147–7, as amended by Treasury Decision 5313, is further amended by striking therefrom "260 East 161st Street, New York 51, N. Y." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri".

PAR. 37. Section 29.147–8, as amended by Treasury Decision 5313, is further amended by striking therefrom "260 East 161st Street, New York 51, N. Y." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri."

PAR. 38. Section 29.148–1, as amended by Treasury Decision 5313, is further amended as follows:

(A) By striking from the last sentence of the first paragraph of paragraph (a) "260 East 161st Street, New York 51, N. Y." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri."

(B) By striking from the first sentence of paragraph (b) "260 East 161st Street, New York 51, N. C." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri."

PAR. 39. Section 29.148–3, as amended by Treasury Decision 5356, approved April 19, 1944, is further amended by striking from the second paragraph "260 East 161st Street, New York 51, N. Y." and inserting in lieu thereof "C. C. Station, Kansas City 2, Missouri."

PAR. 40. There is inserted immediately preceding § 29.163–1 the following:

SEC. 202. TECHNICAL AMENDMENTS. (Revenue Act of 1948, Title II.)

* * * * *

(d) *Credit of estate against net income.* Section 163 (a) (1) of such Code (relating to credits against net income of an estate) is hereby amended by striking out "$500" and inserting in lieu thereof "$600".

* * * * *

SEC. 203. TAXABLE YEARS TO WHICH AMENDMENTS APPLICAELE. (Revenue Act of 1948, Title II.)

The amendments made by this title shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 41. Section 29.163–1, as amended by Treasury Decision 5517, is further amended by striking out the second sentence of paragraph (b) and inserting in lieu thereof the following: "For taxable years beginning after December 31, 1945, and before January 1, 1948, an estate is allowed a credit of $500 against net income for both normal tax and surtax purposes. For taxable years beginning after December 31, 1947, an estate is allowed a credit of $600 against net income for both normal tax and surtax purposes."

PAR. 42. There is inserted immediately preceding § 29.400–1 the following:

SEC. 401. INDIVIDUALS WITH ADJUSTED GROSS INCOMES OF LESS THAN $5,000. (Revenue Act of 1948, Title IV.)

(a) *In general.* Section 400 of the Internal Revenue Code (relating to optional tax on individuals with adjusted gross incomes of less than $5,000) is hereby amended to read as follows:

SEC. 400. IMPOSITION OF TAX.

In lieu of the taxes imposed by sections 11 and 12, there shall be levied, collected, and paid for each taxable year upon the net income of each individual whose adjusted gross income for such year is less than $5,000, and who has elected to pay the tax imposed by this supplement for such year, a tax as follows:

If adjusted gross income is—		And the number of exemptions is—					If adjusted gross income is—		And the number of exemptions is—								
										2		3					
At least	But less than	1	2	3	4 or more		At least	But less than	1	And if other than a joint return is filed	And if a joint return is filed	And if other than a joint return is filed	And if a joint return is filed	4	5	6	7	8 or more
		The tax shall be—							The tax shall be—								
$0	$675	$0	$0	$0	$0		$2,325	$2,350	$250	$150	$150	$50	$50	$0	$0	$0	$0	$0
675	700	3	0	0	0		2,350	2,375	253	154	154	54	54	0	0	0	0	0
700	725	7	0	0	0		2,375	2,400	257	157	157	58	58	0	0	0	0	0
725	750	11	0	0	0		2,400	2,425	261	161	161	62	62	0	0	0	0	0
750	775	14	0	0	0		2,425	2,450	265	165	165	65	65	0	0	0	0	0
775	800	18	0	0	0		2,450	2,475	268	169	169	69	69	0	0	0	0	0
800	825	22	0	0	0		2,475	2,500	272	172	172	73	73	0	0	0	0	0
825	850	26	0	0	0		2,500	2,525	276	176	176	77	77	0	0	0	0	0
850	875	29	0	0	0		2,525	2,550	280	180	180	80	80	0	0	0	0	0
875	900	33	0	0	0		2,550	2,575	283	184	184	84	84	0	0	0	0	0
900	925	37	0	0	0		2,575	2,600	287	187	187	88	88	0	0	0	0	0
925	950	40	0	0	0		2,600	2,625	291	191	191	92	92	0	0	0	0	0
950	975	44	0	0	0		2,625	2,650	294	195	195	95	95	0	0	0	0	0
975	1,000	48	0	0	0		2,650	2,675	298	199	199	99	99	0	0	0	0	0
1,000	1,025	52	0	0	0		2,675	2,700	302	202	202	103	103	3	0	0	0	0
1,025	1,050	55	0	0	0		2,700	2,725	306	206	206	106	106	7	0	0	0	0
1,050	1,075	59	0	0	0		2,725	2,750	309	210	210	110	110	11	0	0	0	0
1,075	1,100	63	0	0	0		2,750	2,775	313	214	214	114	114	14	0	0	0	0
1,100	1,125	67	0	0	0		2,775	2,800	317	217	217	118	118	18	0	0	0	0

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—								
								2		3						
At least	But less than	1	2	3	4 or more	At least	But less than	1	And if other than a joint return is filed	And if a joint return is filed	And if other than a joint return is filed	And if a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—								
$1, 125	$1, 150	$70	$0	$0	$0	$2, 800	$2, 825	$321	$221	$221	$121	$121	$22	$0	$0	$0	$0
1, 150	1, 175	74	0	0	0	2, 825	2, 850	324	225	225	125	125	26	0	0	0	0
1, 175	1, 200	78	0	0	0	2, 850	2, 875	328	228	228	129	129	29	0	0	0	0
1, 200	1, 225	82	0	0	0	2, 875	2, 900	332	232	232	133	133	33	0	0	0	0
1, 225	1, 250	85	0	0	0	2, 900	2, 925	336	236	236	136	136	37	0	0	0	0
1, 250	1, 275	89	0	0	0	2, 925	2, 950	340	240	240	140	140	40	0	0	0	0
1, 275	1, 300	93	0	0	0	2, 950	2, 975	345	243	243	144	144	44	0	0	0	0
1, 300	1, 325	96	0	0	0	2, 975	3, 000	349	247	247	148	148	48	0	0	0	0
1, 325	1, 350	100	1	0	0	3, 000	3, 050	356	253	253	153	153	54	0	0	0	0
1, 350	1, 375	104	4	0	0	3, 050	3, 100	364	260	260	161	161	61	0	0	0	0
1, 375	1, 400	108	8	0	0	3, 100	3, 150	373	268	268	168	168	68	0	0	0	0
1, 400	1, 425	111	12	0	0	3, 150	3, 200	382	275	275	176	176	76	0	0	0	0
1, 425	1, 450	115	16	0	0	3, 200	3, 250	391	283	283	183	183	83	0	0	0	0
1, 450	1, 475	119	19	0	0	3, 250	3, 300	399	290	290	190	190	91	0	0	0	0
1, 475	1, 500	123	23	0	0	3, 300	3, 350	408	298	298	198	198	98	0	0	0	0
1, 500	1, 525	126	27	0	0	3, 350	3, 400	417	305	305	205	205	106	6	0	0	0
1, 525	1, 550	130	31	0	0	3, 400	3, 450	425	312	312	213	213	113	14	0	0	0
1, 550	1, 575	134	34	0	0	3, 450	3, 500	434	320	320	220	220	121	21	0	0	0
1, 575	1, 600	138	38	0	0	3, 500	3, 550	443	327	327	228	228	128	29	0	0	0
1, 600	1, 625	141	42	0	0	3, 550	3, 600	452	335	335	235	235	136	36	0	0	0
1, 625	1, 650	145	45	0	0	3, 600	3, 650	460	344	342	243	243	143	44	0	0	0
1, 650	1, 675	149	49	0	0	3, 650	3, 700	469	353	350	250	250	151	51	0	0	0
1, 675	1, 700	153	53	0	0	3, 700	3, 750	478	362	357	258	258	158	59	0	0	0
1, 700	1, 725	156	57	0	0	3, 750	3, 800	486	370	365	265	265	166	66	0	0	0
1, 725	1, 750	160	60	0	0	3, 800	3, 850	495	379	372	273	273	173	73	0	0	0
1, 750	1, 775	164	64	0	0	3, 850	3, 900	504	388	380	280	280	181	81	0	0	0
1, 775	1, 800	167	68	0	0	3, 900	3, 950	513	396	387	288	288	188	88	0	0	0
1, 800	1, 825	171	72	0	0	3, 950	4, 000	521	405	395	295	295	195	96	0	0	0
1, 825	1, 850	175	75	0	0	4, 000	4, 050	530	414	402	303	303	203	103	4	0	0
1, 850	1, 875	179	79	0	0	4, 050	4, 100	539	423	410	310	310	210	111	11	0	0
1, 875	1, 900	182	83	0	0	4, 100	4, 150	547	431	417	317	317	218	118	19	0	0
1, 900	1, 925	186	87	0	0	4, 150	4, 200	556	440	425	325	325	225	126	26	0	0
1, 925	1, 950	190	90	0	0	4, 200	4, 250	565	449	432	332	332	233	133	34	0	0
1, 950	1, 975	194	94	0	0	4, 250	4, 300	574	457	439	341	340	240	141	41	0	0
1, 975	2, 000	197	98	0	0	4, 300	4, 350	582	466	447	350	347	248	148	49	0	0
2, 000	2, 025	201	101	2	0	4, 350	4, 400	591	475	454	359	355	255	156	56	0	0
2, 025	2, 050	205	105	6	0	4, 400	4, 450	600	483	462	367	362	263	163	63	0	0
2, 050	2, 075	209	109	9	0	4, 450	4, 500	608	492	469	376	370	270	171	71	0	0
2, 075	2, 100	212	113	13	0	4, 500	4, 550	617	501	477	385	377	278	178	78	0	0
2, 100	2, 125	216	116	17	0	4, 550	4, 600	626	510	484	393	385	285	186	86	0	0
2, 125	2, 150	220	120	21	0	4, 600	4, 650	635	518	492	402	392	293	193	93	0	0
2, 150	2, 175	223	124	24	0	4, 650	4, 700	643	527	499	411	400	300	200	101	1	0
2, 175	2, 200	227	128	28	0	4, 700	4, 750	652	536	507	420	407	308	208	108	9	0
2, 200	2, 225	231	131	32	0	4, 750	4, 800	661	544	514	428	415	315	215	116	16	0
2, 225	2, 250	235	135	35	0	4, 800	4, 850	669	553	522	437	422	322	223	123	24	0
2, 250	2, 275	238	139	39	0	4, 850	4, 900	678	562	529	446	430	330	230	131	31	0
2, 275	2, 300	242	143	43	0	4, 900	4, 950	687	571	537	454	437	337	238	138	39	0
2, 300	2, 325	246	146	47	0	4, 950	5, 000	695	579	544	463	444	345	245	146	46	0

(b) *Taxable years to which applicable.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1947. For treatment of taxable years beginning in 1947 and ending in 1948, see section 601.

PAR. 43. Section 29.400–1, *Scope and application of Supplement T*, as amended by Treasury Decision 5517, is further amended as follows:

(A) By striking from the first sentence of the third paragraph of paragraph (b) beginning with the words "In the case of husband and wife" the words "living together".

(B) By striking out the fourth paragraph of paragraph (b) beginning with the words "These restrictions" and inserting in lieu thereof the following:

(b) *Taxable years beginning after December 31, 1948.* * * *

These restrictions upon the right of a married person to elect to pay the tax under Supplement T are applicable with respect to taxable years beginning before January 1, 1948, only if such person is married and living with his spouse on the last day of his taxable year or, in the event of the death of his spouse during the taxable year, upon the date of such death. For the purpose of the preceding sentence, husband and wife are considered as living together unless they are permanently separated. For taxable years beginning after December 31, 1947, the restrictions upon the right of a married person to elect to pay the tax under Supplement T are applicable unless such person is legally separated from his spouse under a decree of divorce or separate maintenance on the last day of his taxable year or, in the event of the death of his spouse during the taxable year, upon the date of such death. For rules relative to the application of these restrictions, see § 29.23 (aa)–1 (c).

(C) By inserting immediately before the last paragraph of paragraph (b) the following:

The tax table in section 400, as amended by the Revenue Act of 1948 and applicable with respect to taxable years beginning after December 31, 1947, contains, in certain areas, double columns, in one of which is computed the tax if a separate return is filed, and in the other of which is computed the tax if a joint return is filed. Since the computations of tax in the case of a joint return reflect the income-splitting method provided in section 12 (d), as amended by the Revenue Act of 1948, the tax set forth in the joint return column may be lower than in the separate return column even though the amounts of adjusted gross income and the exemptions are the same. Thus, if H, a married man, has adjusted gross income of $4,925 and his wife has no gross income and his only exemptions under section 25 (b) are the exemptions for himself and spouse under section 25 (b) (1) (A), the tax on a joint return under Supplement T, as set forth in the second column applicable to a person with two exemptions, is $537. If H should file a separate return, his tax, as set forth in the first column applicable to a person with two exemptions, would be $571. For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3.

PAR. 44. Section 29.401–1, as amended by Treasury Decision 5517, is further amended as follows:

(A) By inserting in the first paragraph of (b) immediately before "See § 29.25–3" the following: "For taxable years beginning after December 31, 1947, additional exemptions are allowed under section 25 (b) (1) (B) and (C) for a taxpayer or spouse who has attained the age of 65 years and for a blind taxpayer or blind spouse."

(B) By adding after *Example* (2) in paragraph (b) the following example:

Example (3). D, a married man with no dependents, attains the age of 65 years on September 1, 1948. The aggregate adjusted gross income of D and his wife for 1948 is $4,840. D and his wife file a joint return for 1948 and are entitled to three exemptions, one for each taxpayer and one additional exemption for D because of his age. Since the adjusted gross income of D and his wife falls within the tax bracket $4,800–$4,850, the tax on a joint return is $422.

PAR. 45. Section 29.402–1, as amended by Treasury Decision 5425, is further amended as follows:

(A) By adding after "December 31, 1943," in paragraph (b) "and before January 1, 1948,".

(B) By adding at the end of paragraph (b) the following: "The provisions of this paragraph are also applicable to taxable years beginning after December 31, 1947, except that wherever the prescribed manner of making the election involves the filing of a return on Form W–2 (Rev.) the election shall be made by the filing of Form 1040A instead of Form W–2 (Rev.). See § 29.512 (b)–2."

[F. R. Doc. 48–9449; Filed, Oct. 26, 1948; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 43]

AIRCRAFT IDENTIFICATION MARKS AND AIRCRAFT AIRWORTHINESS CLASSIFICATION MARKS

NOTICE OF PROPOSED RULE MAKING

Under section 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board is empowered to delegate to the Administrator of Civil Aeronautics the authority to prescribe rules, regulations, and standards which promote safety of flight in air commerce. Under § 43.102 of the Civil Air Regulations, the Civil Aeronautics Board has authorized the Administrator of Civil Aeronautics to prescribe the manner in which identification marks and airworthiness classification designations shall be displayed on aircraft.

Acting pursuant to the foregoing statute and regulation, and in accordance with sections 3 and 4 of the Administrative Procedure Act, notice is hereby given that adoption of the followng rules is contemplated. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Non-Scheduled Aircraft Maintenance Division, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

§ 43.102 *Identification marks.* * * *

(CAA RULES)

IDENTIFICATION MARKS AND AIRWORTHINESS CLASSIFICATION MARKS

1. *Identification marks*—(a) *Composition.* On each aircraft, identification marks shall be displayed. They shall consist of the roman capital letter "N" denoting United States registry, followed by Arabic registration numbers, followed in some instances by an additional roman capital letter.

(b) *Location.* (1) On each fixed-wing aircraft, identification marks shall be displayed on the right half of the upper surface and the left half of the lower surface of the wing structure. So far as possible, the marks shall be located equal distance from the leading and trailing edges of the wing. The top of the marks shall be toward the leading edge of the wing.

On each fixed-wing aircraft, identification marks shall be displayed on the upper half of the vertical tail surface. They shall be displayed on both sides of a single-tail surface, and on the outer sides of a multi-tail surface. They may be placed either horizontally or vertically.

On each fixed-wing aircraft, identification marks shall be displayed on the fuselage when the aircraft, as a result of design, does not have a vertical tail surface. The marks shall be located on each side of the top half of the fuselage, just forward of the leading edge of the horizontal tail surface. They may be placed either horizontally or vertically.

(2) On each rotorcraft, identification marks shall be displayed on the bottom surface of the fuselage or cabin. The top of the marks shall be toward the left side of the fuselage.

On each rotorcraft, identification marks shall be displayed below the window lines and as near the cockpit as possible.

(3) On each airship, identification marks shall be displayed on the upper surface of the right horizontal stabilizer and on the under surface of the left horizontal stabilizer. The top of the marks shall be toward the leading edge of the stabilizer. The marks shall be placed horizontally.

On each airship, identification marks shall be displayed on each side of the bottom half of the vertical stabilizer. The marks shall be placed horizontally.

(4) On each spherical balloon, identification marks shall be displayed on two places diametrically opposite, and shall be located near the maximum horizontal circumference of the balloon.

(5) On each non-spherical balloon, identification marks shall be displayed on each side. They shall be located near the maximum cross-section of the balloon, immediately above either the rigging band, or the points of attachment of the basket or cabin suspension cables.

(c) *Height.* (1) On each fixed-wing aircraft, wing identification marks shall be at least 20 inches high.

On each fixed-wing aircraft, vertical tail surface or fuselage identifiction marks shall be at least 2 inches high, but need not be more than 6 inches high.

(2) On each rotorcraft, fuselage bottom surface or cabin bottom surface identification marks shall be at least 4½ as high as the fuselage is wide, but need not be more than 20 inches high.

On each rotorcraft, fuselage side identification marks shall be not less than 2 inches high, but need not be more than 6 inches high.

(3) On each airship, spherical balloon, or non-spherical balloon, identification marks shall be at least 20 inches high.

(d) *Width.* On each aircraft, identification marks, with the following exception, shall be at least ⅔ as wide as they are high. Number "1" shall be ⅙ as wide as it is high.

On each aircraft, lines forming the identification marks shall be ⅙ as wide as they are high.

(e) *Spacing.* On each aircraft, the space between identification marks shall be not less than ⅙ as wide as the marks are high.

(f) *Color.* On each aircraft, identification marks shall contrast in color with the background.

(g) *Affixation.* On each aircraft, identification marks shall be painted or shall be affixed by any other means insuring a similar degree of permanence.

(h) *Formation.* On each aircraft, identification marks shall be formed by solid lines.

(i) *Design.* On each aircraft, identification marks shall have no ornamentation.

(j) *Maintenance.* On each aircraft, identification marks shall be kept clean and legible at all times.

2. *Airworthiness classification marks*—(a) *Composition.* (1) On each aircraft for which a limited certificate of airworthiness has been issued, the mark "Limited" shall be displayed.

(2) On each aircraft for which a restricted airworthiness certificate has been issued, the mark "Restricted" shall be displayed.

(3) On each aircraft for which an experimental airworthiness certificate has been issued, the mark "Experimental" shall be displayed.

On each aircraft for which a standard certificate of airworthiness has been issued, and which has been altered by the installation of components for temporary experimental purposes so as not to adversely affect the aircraft design or flight characteristics, the mark "Experimental" shall be displayed.

(b) *Location.* On each aircraft, required airworthiness classification marks shall be placed on the fuselage at each cabin entrance and cockpit entrance so as to be readily visible to passengers and crew entering the aircraft. In cases where only one entrance for passengers and crew is used, and persons may enter the aircraft from either side of the fuselage, such as an aircraft with a sliding canopy, the marks shall be displayed on both sides of the fuselage.

(c) *Height.* On each aircraft, required airworthiness classification marks shall be at least 2 inches high, but need not be more than 6 inches high.

(d) *Width.* On each aircraft, required airworthiness classification marks shall be ⅔ as wide as they are high.

On each aircraft, lines forming required airworthiness classification marks shall be ⅙ as wide as they are high.

(e) *Spacing.* On each aircraft, the space between required airworthiness classification marks shall be not less than ⅙ as wide as the marks are high.

(f) *Color.* On each aircraft, required airworthiness classification marks shall contrast in color with the background.

(g) *Affixation.* On each aircraft, required airworthiness classification marks shall be painted or shall be affixed by any other means insuring a similar degree of permanence.

On each aircraft for which a standard airworthiness certificate has been issued, and for which an experimental certificate of airworthiness has been subsequently issued to permit temporary experiments, the "Experimental" marks may be applied free-hand with water paint or masking tape, or by any other method which will allow the marks to be removed easily at the termination of the experiments.

(h) *Formation.* On each aircraft, required airworthiness classification marks shall be formed by solid lines.

(i) *Design.* On each aircraft, required airworthiness classification marks shall have no ornamentation.

(j) *Maintenance.* On each aircraft, required airworthiness classification marks shall be kept clean and legible.

These rules shall become effective on January 1, 1949, with respect to aircraft thereafter registered for the first time, and on January 1, 1951, with respect to all aircraft.

(Sec. 601, 52 Stat. 1007; 54 Stat. 1231, 1233–1235; P. Law 872, 80th Cong.; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 48–9430; Filed, Oct. 26, 1948; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52073]

WILD ANIMALS FROM JAPAN

OCTOBER 21, 1948.

T. D. 49475, dated March 25, 1938, requiring consular certificates covering the entry of certain wild animals from Japan, amended.

Ordinance No. 72, dated September 9, 1947, issued by the Japanese Ministry of Agriculture and Forestry, amends the previous regulations prohibiting the taking or killing of certain wild animals referred to in T. D. 49475, dated March 25, 1938. The female weasel or mink (me-itachi) and the rabbit (amami-no kurousagi) are omitted from the list of prohibited animals, the rabbit being omitted since it is found only in the Ryukyu Islands which are not at present under the jurisdiction of the Japanese Government. The ordinance prohibits the taking or killing of the goat antelope (kamoshika), the otter (kawauso), the wild cat (yamaneko), the monkey (saru), and the female deer or hind (me-shika),

In view of the provisions of the above-mentioned ordinance consular certificates shall continue to be required under section 527, Tariff Act of 1930 (19 U. S. C. 1527), covering the entry of goat antelopes and otters or parts or products thereof exported from Japan but no such certificates shall be required in connection with the entry of female weasels (minks) or parts or products thereof exported from Japan on and after September 9, 1947. Such certificates shall be required in connection with the entry of wild cats, monkeys, and female deer (hind) or parts or products thereof imported directly or indirectly from Japan after 30 days after the publication of this decision in the weekly Treasury Decisions.

Since the Bureau has not been informed of any prohibition or restriction now in effect in the Ryukyu Islands with respect to the taking, killing, or exportation of rabbits or parts or products thereof, consular certificates shall no longer be required under section 527, in connection with the entry of such articles from those islands.

T. D. 49475 is hereby amended accordingly.

The number of this decision shall be added as a marginal reference to § 12.28, Customs Regulations of 1943.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 48-9448; Filed, Oct. 26, 1948; 8:55 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 26]

ORDER TRANSFERRING FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE FUNCTIONS PERTAINING TO TRANSPORTATION OF PERSONNEL AND PROPERTY AND OTHER RELATED MATTERS

Pursuant to the authority vested in me by the National Security Act of 1947 (Act of July 26, 1947; Public Law 253, 80th Cong.), and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force all functions, powers and duties relating to transportation of personnel or property, and services incident thereto, insofar as they may pertain to the Department of the Air Force or the United States Air Force or their property or personnel, which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the following laws, parts of laws and Executive Orders as limited by other laws, parts of laws and Executive Orders whether or not specifically set forth herein:

a. Act of June 3, 1916, c. 134, sec. 9 (39 Stat. 170), as amended by the Act of June 4, 1920, c. 227, subch. I, sec. 9 (41 Stat. 766), and the Act of December 1, 1941, c. 552, sec. 1 (55 Stat. 787; 10 U. S. C. 72).

b. Act of June 12, 1906, c. 3078 (34 Stat. 246), as amended by the Act of August 24, 1912, c. 391, sec. 3 (37 Stat. 591), and the Act of June 3, 1916, c. 134, sec. 9a, as added by the Act of June 4, 1920, c. 227, sec. 9 (41 Stat. 766; 10 U. S. C. 870).

c. Act of March 3, 1813, c. 48, sec. 5 (2 Stat. 817; R. S. 219), as amended by the Act of August 24, 1912, c. 391, sec. 3 (37 Stat. 591; 10 U. S. C. 1192).

d. Act of July 16, 1892, c. 195 (27 Stat. 178; 10 U. S. C. 1335).

e. Act of January 31, 1862, c. 15, sec. 4 (12 Stat. 334; R. S. 220; 10 U. S. C. 1363).

f. Act of November 21, 1941, c. 483 (55 Stat. 775), as amended by the Act of July 25, 1947, c. 321 (61 Stat. 423; 10 U. S. C. 1371a).

g. Act of July 5, 1884, c. 217 (23 Stat. 109; 10 U. S. C. 1374).

h. Act of June 30, 1945, c. 212, Title VI, sec. 606 (59 Stat. 304), as amended by the Act of May 24, 1946, c. 270, sec. 8 (b), (60 Stat. 218; 5 U. S. C. 946).

i. Act of March 3, 1911, c. 209 (36 Stat. 1051; 10 U. S. C. 749).

j. Act of July 9, 1918, c. 143, subch. XVIII (40 Stat. 892; 10 U. S. C. 822).

k. Act of August 29, 1916, c. 418, sec. 1 (39 Stat. 633; 10 U. S. C. 823).

l. Act of March 7, 1942, c. 159 (56 Stat. 140; 10 U. S. C. 919).

m. Act of October 6, 1945, c. 393, sec. 6 (59 Stat. 539; 10 U. S. C. 751a).

n. Act of June 3, 1916, c. 134, sec. 126 (39 Stat. 217), as amended by the Act of February 28, 1919, c. 70, sec. 3 (40 Stat. 1203), and the Act of September 22, 1922, c. 409 (42 Stat. 1021), and the Act of December 14, 1942, c. 728 (56 Stat. 1049), and the Act of August 2, 1946, c. 756, sec. 21 (60 Stat. 856; 10 U. S. C. 752).

o. Act of March 23, 1910, c. 115 (36 Stat. 255; 10 U. S. C. 821).

p. Act of March 2, 1907, c. 2511 (34 Stat. 1170), as amended by Proc. No. 2695, July 4, 1946 (11 F. R. 7517; 60 Stat. 1352; 10 U. S. C. 1371).

q. Act of June 5, 1942, c. 340, sec. 3, 5 (56 Stat. 314, 316; 50 App. U. S. C., Supp. V, 763, 765).

r. Act of June 5, 1942, c. 340, sec. 4 (56 Stat. 315), as amended by the act of February 12, 1946, c. 6, sec. 4 (60 Stat. 5; 50 App. U. S. C., Supp. V, 764).

s. Act of June 16, 1942, c. 413, sec. 12 (56 Stat. 364), as amended by the Act of September 7, 1944, c. 407, sec. 9 (58 Stat. 730), and the Act of August 2, 1946, c. 756, Title II, sec. 202–205 (60 Stat. 858; 37 U. S. C. 112).

t. Act of April 27, 1946, c. 240, sec. 3, 4 (60 Stat. 126, 127; 37 U. S. C. 112f, 112g).

u. All other laws, parts of laws, including applicable provisions of Appropriations Acts, and Executive Orders which vest in the Secretary of the Army or the Department of the Army or any officer of that Department, functions, powers and duties relating to transportation of personnel or property, and services incident thereto, insofar as they pertain to the Department of the Air Force or the United States Air Force or their property or personnel.

2. The Department of the Air Force will utilize the services of the Department of the Army and the Department of the Army will utilize the services of the Department of the Air Force for such types of services in the field of transportation as are presently performed by one for the other, subject to such adjustments as from time to time are jointly determined to be necessary by the Secretaries of the two Departments.

3. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

4. It is expressly determined that the functions herein transferred are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

5. Nothing contained in this order shall operate as a transfer of funds.

6. This order shall be effective at 12:00 noon October 15, 1948.

JAMES FORRESTAL,
Secretary of Defense.

OCTOBER 15, 1948.

[F. R. Doc. 48-9450; Filed, Oct. 26, 1948; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

ORDER OPENING LANDS TO MINING LOCATION, ENTRY, AND PATENTING

Under authority and pursuant to the provisions of the act of April 23, 1932 (47 Stat. 136, 43 U. S. C. sec. 154) and the regulations thereunder, and subject to (1) valid existing rights, and (2) the terms of the following quoted stipulation, it is hereby ordered that lot 8, sec. 2, T. 8 N., R. 10 E., M. D. M., California, be and the same is hereby opened to location, entry and patenting under the general mining laws, the quoted stipulation to be executed and acknowledged in favor of the United States by the locator, for his heirs, successors and assigns, and recorded in the county records and in the United States District Land Office at Sacramento, California, before location is made:

There is reserved to the United States, its successors and assigns, the prior right to use any of the lands herein described to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, and also the right to remove construction materials therefrom, without any payment made by the United States or its successors for such right, with the agreement on the part of the locator that if the construction of any or all of such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or the removal of construction materials therefrom, should be made more expensive by reason of the existence of improvements or workings of the locator thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty days after demand is made upon the locator for payment of any such sums, the locator will make payment thereof to the United States or its successors constructing such dams, dikes, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands or removing construction materials therefrom. The locator further agrees that the United States, its officers, agents, and employees and its successors and assigns shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any of the works hereinabove enumerated.

Any location or entry made and any patent issued for the above-described land will be subject to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, as amended, 49 Stat. 846; 16 U. S. C. 818).

This order shall not become effective to change the status of the lands until 10:00 a. m. on December 22, 1948, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals and of this order, become subject to disposition under the United States mining laws only, as above provided.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

OCTOBER 20, 1948.

[F. R. Doc. 48-9388; Filed, Oct. 26, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3295]

WIEN ALASKA AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Wien Alaska Airlines, Inc., over its routes certificated for the transportation of mail, and the Board's Order to Show Cause, Serial No. E-2089, dated October 14, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on October 28, 1948, at 10:00 a. m. (eastern standard time), in Wing C, Room 133, Temporary Building No. 5, 16th and Constitution Avenue NW., Washington, D. C. before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 20, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9433; Filed, Oct. 26, 1948; 8:48 a. m.]

[Docket No. 3241]

MID-CONTINENT AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Mid-Continent Airlines, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, for amendment of its certificate of public convenience and necessity for route No. 80, so as to remove the condition that Tyler, Texas, and Longview, Texas, shall not be served on the same flight.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on November 3, 1948, at 10:00 a. m., in Conference Room C, Departmental Auditorium, Labor Building, Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., October 20, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9432; Filed, Oct. 26, 1948; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8553]

S. H. PATTERSON (KVAK) AND ALBERT ALVIN ALMADA

ORDER CONTINUING HEARING

In re application of S. H. Patterson (KVAK), assignor, Albert Alvin Almada, assignee, Atchison, Kansas, Docket No. 8553, File No. BAPL-23; for assignment of license.

The Commission having under consideration a petition filed October 8, 1948, by S. H. Patterson (KVAK), Assignor, and Albert Alvin Almada, Assignee, Atchison, Kansas, requesting a continuance in the hearing presently scheduled for November 1, 1948, at Washington, D. C., upon the above-entitled application for assignment of license of Station KVAK;

It is ordered, This 15th day of October 1948, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled application be, and it is hereby, continued to 10:00 a. m., Tuesday, December 21, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9443; Filed, Oct. 26, 1948; 8:51 a. m.]

WELM

NOTICE OF FILING OF APPLICATION FOR PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on October 4, 1948 there was filed with it an application (BAL-780) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license for standard broadcast station WELM, Elmira, New York from J. Robert Meachem to Corning Leader, Inc. The proposal to assign the license arises out of a contract of September 9, 1948 pursuant to which all the physical assets of station WELM will be transferred to Corning Leader, Inc. for a cash consideration of $110,000. In addition, the assignee has agreed to retain the assignor in an advisory capacity for 5 years at an annual salary of $6,000.00. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on October 4, 1948 that starting on October 6, 1948 notice of the filing of the application would be inserted in the Elmira Star-Gazette a newspaper of general circulation at Elmira, New York in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from October 6, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9444; Filed, Oct. 26, 1948; 8:51 a. m.]

[Docket No. 8230]

CHARGES FOR COMMUNICATIONS SERVICE BETWEEN THE UNITED STATES AND OVERSEAS AND FOREIGN POINTS

ORDER FOR FURTHER HEARING ON STATED ISSUES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of October 1948;

The Commission, having under consideration a joint petition filed on September 15, 1948, by All America Cables and Radio, Inc., the Commercial Cable Company, and Mackay Radio and Telegraph Company, requesting, among other things, that the Commission reconsider its order of August 25, 1948, herein, denying a prior joint petition of said carriers for reconsideration of its order of April 22, 1948, herein; that the Commission reopen the record of the proceeding to receive, without further hearing, certain additional data relating to the petitioning carriers purporting to bring the record up to date and to show the present revenue requirements of the petitioners, and that certain rate increases additional to those already authorized herein be authorized, upon the basis of the record as so supplemented; also having under consideration a petition filed on September 15, 1948, by RCA Communications, Inc., requesting, among other things, that the Commission reopen the record of the proceeding herein to incorporate therein, without further hearing, certain additional data purporting to bring the record up to

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

date as to all the respondent carriers and to show the present revenue requirements of the petitioner; that the Commission, upon the basis of such data and the entire record, forthwith authorize certain rate increases additional to those already authorized herein, and that thereafter the Commission proceed to issue its proposed report herein, in which consideration should be given to the entire record, including the data tendered in the petition; and also having under consideration the record herein;

It appearing, that the record of the proceeding herein should not be supplemented by the data referred to in said petitions without a further hearing, in which their significance to the rate increases sought may properly be the subject of inquiry and investigation, and the relation of the facts purported to be established thereby to the rate proposals of the petitioners be properly determined;

It further appearing, that rate increases as substantial as those sought by the above petitioners should not be permitted unless found by the Commission, after a public hearing, to be justified;

It further appearing, that of the carriers respondent herein, only the above petitioners and the Commercial Pacific Cable Company have, subsequent to the Commission's order of April 22, 1948, requested rate increases additional to those already authorized herein, and that the Commission cannot reasonably consider rate increases to points served by competing carriers, at the request of certain of the carriers only, without consideration of the revenue requirements of their competitors and of the possibility that the latter may not need or desire further rate increase authorizations;

It further appearing, that although the record of the proceeding herein should not be reopened to receive without further hearing the data referred to in the petitions under consideration, the record should be brought up to date, in view of the time that has elapsed since the close of the record, and that a public hearing should be held at which the respondent carriers herein would be enabled to show their current earning conditions, and the relation thereof to any additional rate increases which may be indicated thereby;

It is ordered, That the above petition of RCA Communications, Inc., and the above joint petition of All American Cables and Radio, Inc., the Commercial Cable Company, and Mackay Radio and Telegraph Company, filed September 15, 1948, insofar as the carriers thereby request further rate increases without a further hearing, are denied, and in all other respects, they shall be given consideration on the basis of a further hearing herein;

It is further ordered, That a further public hearing be held herein at the offices of the Commission in Washington, D. C., commencing on November 15, 1948, which hearing shall be directed to the following matters:

(1) The receipt of evidence bringing up to date the revenue requirements of the respondents herein;

(2) Whether any further immediate rate increases for any of the respondent carriers are justified, pending determination of the issues herein through the usual proposed report procedures; and

(3) If immediate additional rate increases are warranted, the extent and nature of such increases.

It is further ordered, That Commissioner Robert F. Jones is authorized to preside at said hearing and otherwise to conduct the proceedings herein.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9445; Filed, Oct. 26, 1948; 8:52 a. m.]

CUBAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 27, 1948.

Notification under provisions of part III, section 2 of North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Cuban broadcast stations modifying appendix containing assignments of Cuban broadcast station (Mimeograph 47983) attached to the recommendations of North American Regional Broadcasting Agreement Engineering Meeting, January 31, 1941 Cuban Change List Number 43.

CUBA

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
CMZ	Havana	690 kilocycles (changed to 1010 kilocycles) 15 kw—DA.	U	II	March 1949.
CMBG	do		U	II-B	Do.
CMX	do	1010 kilocycles (provisionally suspended) 10 kw—DA.	U	IV	Do.
CMZ	do	1250 kilocycles 250 w.	U	IV	In operation.
CMKA	La Maya, Oriente	1390 kilocycles (changed to 600 kilocycles) 250 w.			
CMBG	Havana				
CMBX	do	1450 kilocycles (change of call letters from CMHM).			
CMHU	Cienfuegos, L. V.				

[1] Station CMZ will utilize on 1010 kilocycles the same directional antenna system which has been used by station CMX.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9442; Filed, Oct. 26, 1948; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6172]

SHO-ME POWER CORP.

NOTICE OF APPLICATION

OCTOBER 21, 1948.

Notice is hereby given that on October 20, 1948, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Sho-Me Power Corporation, a corporation organized under the laws of the State of Missouri and doing business in said State with its principal busines office at Marshfield, Missouri, seeking an order authorizing the sale of portions of Applicant's electric facilities and properties as follows: the sale of Applicant's electric facilities located in the City of Cuba, Missouri, to said City of Cuba, a municipal corporation of the State of Missouri, for a consideration stated in the application to be $55,680, subject to certain adjustments; the sale of Applicant's electric generating plant, transmission and distribution lines and certain other properties in the town of Puxico, and elsewhere in Stoddard County, Missouri, to the Ozark Border Electric Cooperative, for a consideration stated in the application to be $65,522, subject to certain adjustments; and the sale by Applicant of all its electric transmission and distribution lines and facilities, sub-stations and appurtenances thereto, located in the Counties of Bollinger, Cape Girardeau, Stoddard and Scott, Missouri, to Scott-New Madrid-Mississippi Electric Cooperative, for a consideration stated in the application to be $98,068, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 10th day of November, 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9361; Filed, Oct. 26, 1948; 8:50 a. m.]

TELLURIDE POWER CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ELECTRIC PLANT ACQUISITION ADJUSTMENTS AND ELECTRIC PLANT ADJUSTMENTS

OCTOBER 21, 1948.

Notice is hereby given that, on October 19, 1948, the Federal Power Commission issued its order entered October 19, 1948, approving and directing disposition of amounts classified in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9424; Filed, Oct. 26, 1948; 8:46 a. m.]

[Docket No. E-6164]

OTTER TAIL POWER CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

OCTOBER 21, 1948.

Notice is hereby given that, on October 19, 1948, the Federal Power Commission issued its supplemental order entered October 19, 1948, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9420; Filed, Oct. 26, 1948; 8:46 a. m.]

[Docket Nos. G-1095, G-1102]

CONSUMERS GAS CO. AND COLORADO-WYOMING GAS CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 21, 1948.

Notice is hereby given that, on October 20, 1948, the Federal Power Commission issued its findings and orders entered October 19, 1948, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9421; Filed, Oct. 26, 1948; 8:46 a. m.]

[Docket No. IT-5516]

BLAIR VENEER CO.

NOTICE OF ORDER TERMINATING AUTHORIZATION TO EXPORT ELECTRIC ENERGY TO CANADA AND ACCEPTING SURRENDER OF PRESIDENTIAL PERMIT

OCTOBER 21, 1948.

Notice is hereby given that, on October 20, 1948, the Federal Power Commission issued its order entered October 19, 1948, terminating authorization to export electric energy to Canada and accepting surrender of Presidential Permit in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9422; Filed, Oct. 26, 1948; 8:46 a. m.]

[Projects Nos. 1894, 1895]

SOUTH CAROLINA ELECTRIC & GAS CO.

NOTICE OF ORDER APPROVING EXHIBITS

OCTOBER 21, 1948.

Notice is hereby given that, on October 21, 1948, the Federal Power Commission issued its order entered October 19, 1948, approving exhibits in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9423; Filed, Oct. 26, 1948; 8:46 a. m.]

[Docket No. E-6157]

DEPARTMENT OF THE INTERIOR

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER FROM ALLATOONA PROJECT

OCTOBER 22, 1948.

Notice is hereby given that the Secretary of the Department of the Interior has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 887), the rates and charges embodied in a proposed agreement dated August 3, 1948, providing for the sale of power and energy generated at the Allatoona project to Georgia Power Company. The project is being constructed by the Government on the Etowah River near Cartersville, Georgia. It will have an initial installation of two units rated at 36,000 kw each and one unit rated at 2000 kw, and is expected to be completed in the latter part of 1949.

The rates and charges provided for in the proposed agreement are to be effective for a ten-year period after date of initial delivery, unless cancelled by either party on three years' notice. Delivery and metering of such power to the Georgia Power Company will be at 115 kv, with the company to schedule operations of the power plant in such a way as to make the most effective use of the available equipment and reservoir storage capacity. Release of water from the project reservoir will be subject to regulation by the Corps of Engineers, Department of the Army.

The proposed agreement further provides that the company will supply, either from project generation or from its other system sources, up to 2,500,000 kwh (designated as "Government energy") in any calendar week to the Government for sale to other customers, with the portion of such energy supplied from other system sources being considered as energy exchanged for peak project energy supplied to the company, except that the energy supplied by the company from its other sources in the off-peak period is to be compensated for by the Government at the rate of 1.0 peak kwh for each 1.2 kwh supplied in the off-peak period.

The rates and charges to be paid by Georgia Power Company for power and net energy delivered under the proposed agreement are as follows:

$32,500 per month when one 36,000 kw unit is available.

$42,500 per month when two 36,000 kw units are available. (A unit is considered available for the first thirty days of any period of outage).

3.5 mills per kwh for on-peak energy.

2.0 mills per kwh for off-peak energy.

2.0 mills per kwh for energy equivalent of water wasted.

Less: (1) $1.00 per month per kw of Government power. (2) 3.5 mills per kwh for on-peak Government energy not compensated for by exchange. (3) 3.5 mills for each 1.2 kwh of off-peak Government energy not compensated for by exchange.

The proposed contract makes no provision for compensating the Government for benefits accruing to downstream plants of the Georgia Power Company or its affiliates as a result of storage or release of water in or from the Allatoona project.

Any person desiring to make comments or suggestions for consideration with respect to the foregoing rates and charges embodied in the proposed agreement, which agreement is on file with the Commission and available for inspection, should submit the same on or before November 10, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9484; Filed, Oct. 26, 1948; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5520]

ALLIED RADIO CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 20th day of October A. D. 1948.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Friday, November 5, 1948, at two o'clock in the afternoon of that day (central standard time), in Room 1103, New Post Office Building, Chicago, Illinois.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-9437; Filed, Oct. 26, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-25, 59-11, 59-17]

UNITED LIGHT AND RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER AUTHORIZING AND APPROVING DISTRIBUTION AND TRANSFER OF STOCK

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of October A. D. 1948.

In the matter of the United Light and Railways Company, and American Light & Traction Company, et al. File Nos. 59-11, 59-17 and 54-25.

The Commission by order dated December 30, 1947, having approved the plan, designated Application No. 31, as amended, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("Act"), by The United Light and Railways Company and American Light & Traction Company ("American Light"), registered holding companies, which provided, inter alia, for the distribution and transfer by American Light quarterly, during 1948, to its common stockholders, as dividends in kind in lieu of cash dividends, of shares of the common stock of The Detroit Edison Company ("Detroit Edison") of the par value of $20 per share, at the rate of one share of such Detroit Edison stock for each 75 shares of common stock of American Light owned (together with cash in lieu of fractional shares); and said order of December 30, 1947 having recited, among other things, that the distribution and transfer by American Light to its common stockholders, as dividends in kind, of such common stock of Detroit Edison as the aforesaid rate are necessary or appropriate to effectuate the provisions of section 11 (b) of the act; and the Commission having in said order reserved jurisdiction, inter alia, to take such further action and to enter such further orders as may be deemed appropriate in connection with the Plan, the transactions incident thereto and the consummation thereof, and as may be necessary to secure full compliance with the Act; and

The Board of Directors of American Light having declared a dividend on the outstanding common stock of the company, payable November 1, 1948, to stockholders of record at the close of business September 30, 1948, in shares of common capital stock of the par value of $20 per share of Detroit Edison, at the rate of one share of such stock of Detroit Edison for each 75 shares of the common stock of American Light outstanding on the record date (together with cash in lieu of fractional shares), such dividend having been declared pursuant to section 11 (e) plan and the Commission's order of December 30, 1947, approving the same; and

American Light having requested the Commission to issue a supplemental order with respect to said dividend distribution, conforming to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended; and the Commission deeming it appropriate to grant such request;

It is hereby ordered and recited, That the distribution and transfer by American Light on November 1, 1948 to its common stockholders, as a dividend in kind of 33,779 shares of common capital stock of Detroit Edison of the par value of $20 per share (out of Certificate No. K-147), all as contemplated by the amended plan and the Commission's order of December 30, 1947, approving said plan, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and are hereby authorized and approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9429; Filed, Oct. 26, 1948; 8:47 a. m.]

[File No. 70-1369]

NORTH AMERICAN CO.

SUPPLEMENTAL ORDER PERMITTING SALE AND TRANSFER OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of October 1948.

The Commission having issued an order on April 14, 1942, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("Act"), in proceedings concerning The North American Company ("North American"), a registered holding company and its subsidiary companies, File No. 59-10, which requires, among other things, that North American sever its relationship with Pacific Gas and Electric Company ("Pacific"), in any appropriate manner not in contravention of the provisions of the act, and the rules and regulations promulgated thereunder, by disposing or causing the disposition of its direct or indirect ownership, control and holdings of securities issued and properties owned, controlled or operated by Pacific; and

North American having, commencing July 1, 1943, and continuing through April 1, 1947, distributed to its stockholders an aggregate of 1,166,428 shares of Pacific Common Stock; and having, in 1945, and on October 15, 1948, sold, respectively, 700,000 and 75,000 shares of such stock; and proposing to make, on November 1, 1948, a further disposition to its stockholders of 89,104 shares of such stock pursuant to an order of this Commission dated September 3, 1948 (File No. 70-1915); and

North American having, in File No. 70-1915, notified the Commission, pursuant to Rule U-44 (c) promulgated under said act, that in compliance with the aforementioned order, dated April 14, 1942, it proposes, as soon as practicable, to sell for cash, on the New York Stock Exchange, 2,563 shares of Pacific Common Stock, said shares being the balance of such stock which will remain after the aforesaid distribution to be made on November 1, 1948, and no filing having been required by the Commission with respect to said sale; and

North American having requested that the Commission issue an order conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code; and

It appearing appropriate to the Commission that an order, as requested, should issue:

It is ordered and recited and the Commission finds, That the proposed sale and transfer by The North American Company of 2,563 shares of Pacific Gas and Electric Company Common Stock (represented by Certificates Nos. NC-155805 to NC-155829, inclusive, and NF-365278), as heretofore authorized or permitted by the Commission, is necessary or appropriate to the integration or simplification of the holding company system of which The North American Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9428; Filed, Oct. 26, 1948; 8:47 a. m.]

[File Nos. 70-1953, 70-1956]

SIOUX CITY GAS AND ELECTRIC CO. AND IOWA PUBLIC SERVICE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Washington, D. C., on the 21st day of October 1948.

In the matter of Sioux City Gas and Electric Company, Iowa Public Service Company, File 70-1956; Sioux City Gas and Electric Company, File 70-1953.

Sioux City Gas and Electric Company ("Sioux City"), a registered holding company and a public utility company, having filed a declaration and amendments thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 (the "Act"), and Sioux City and its subsidiary, Iowa Public Service Company ("Iowa"), also a public utility company and a registered holding company, having filed a joint application and declaration and amendments thereto pursuant to sections 6 (a), 7, 9, 10 and 12 (f) of the act and Rules U-43 and U-50 thereunder regarding the following proposed transactions:

Iowa proposes to issue and sell, in accordance with the competitive bidding requirements of Rule U-50, $3,000,000 principal amount of its First Mortgage Bonds to be dated as of November 1, 1948 and to mature in 1978.

Iowa also proposes to issue and sell, at a price subsequently to be determined but to be not less than $15.00 per share, 109,866 additional shares of its authorized but unissued $15 par value common stock by means of the issuance of transferable subscription warrants to its common stockholders. Sioux City proposes to subscribe for and purchase the 67,257 shares to which it will be entitled to subscribe by reason of its ownership of 403,545 shares of the issued and outstanding stock of Iowa. Sioux City further proposes to purchase any of the remaining 42,609 shares which are not subscribed for by the public holders of Iowa's common stock.

Sioux City proposes to issue and sell $1,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, 3% series, to be dated as of October 1, 1948, and to mature in 1978, at private sale to the New York Life Insurance Company at 99½% of the principal amount and accrued interest to the date of delivery.

Sioux City also proposes to issue and sell 71,362 shares of its authorized but unissued $12.50 par value common stock for a price of $25 per share by means of the issuance of transferable subscription warrants to its common stockholders.

The said application and declarations having been duly filed and the last amendment thereto having been filed on October 19, 1948, and notice of said filings having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the said application and declarations within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application and declarations, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application and declarations, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that the said application and declarations be and the same hereby are granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the following further terms and conditions:

(1) That the proposed issuance and sale of bonds and common stock of Iowa shall not be consummated until the results of the competitive bidding for the bonds and the subscription price of the common stock of Iowa have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being hereby reserved for the imposition thereof.

(2) That jurisdiction is reserved with respect to the payment of any and all fees and expenses incurred, or to be incurred, by Sioux City or Iowa in connection with the proposed issuance and sale of the securities of Iowa.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9427; Filed, Oct. 26, 1948; 8:47 a. m.]

[File No. 70-1973]

ENGINEERS PUBLIC SERVICE CO., INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of October A. D. 1948.

Notice is hereby given that Engineers Public Service Company (Incorporated), a registered holding company now in process of liquidation pursuant to a plan approved under section 11 (e) of the Public Utility Holding Company Act of 1935, has filed an application pursuant to sections 9 (a) (1) and 10 of said act, with respect to the following transaction:

Applicant owns 162,612 shares (approximately 5.5%) of the common stock of Virginia Electric and Power Company. The latter company has proposed to issue to the holders of record of its common stock on November 12, 1948 rights to subscribe to additional common stock on the basis of one additional share for each four shares then held, at a price to be determined on or about said date. Such rights must be exercised on or before 3:30 p. m. on December 1, 1948.

The instant application relates to the acquisition by applicant of its ratable share of such rights on or about November 15, 1948. Thereafter, applicant proposes to sell said rights through or to various members of the New York Stock Exchange during the subscription period. Applicant considers that the sale of said rights is exempt from section 12 (d) of the act by virtue of Rule U-44 (b) of the general rules and regulations promulgated under the act.

It is stated that no State commission and no other Federal commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 4, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application which he proposes to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 4, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of said rules and regulations, or the Commission may exempt such transaction as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9426; Filed, Oct. 26, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12007]

CHIZU MITAMURA

In re: Bonds owned by Chizu Mitamura.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chizu Mitamura, whose last known address is Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Eight (8) U. S. Savings Bonds, Series E, of $100 maturity value each, bearing the numbers C 15349549 E, C 15349550 E, C 15349551 E, C 15349552 E, C 23184574 E, C 23184575 E, C 23184577 E, C 23184578 E, registered in the name of Chizu Mitamura, and presently in the custody of R. Y. Mitamura, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON, *Acting Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-9452; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12008]

YONETOSHI OKANO

In re: Bank account owned by Yonetoshi Okano. F–39–6119–E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yonetoshi Okano, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yonetoshi Okano, by Bank of Hawaii, King and Bishop Streets, Honolulu 2, T. H., arising out of a savings account, Account Number 154597, entitled Yonetoshi Okano, maintained with said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9453; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12009]

YONEICHI OOKATA

In re: Debt owing to Yoneichi Ookata, also known as Y. Okata. F–39–4145–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoneichi Ookata, also known as Y. Okata, whose last known address is Hiroshima-ken, Saiki-gun, Itsukuichi-machi, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Yoneichi Ookata, also known as Y. Okata, by Shinichi Oka, 152 Pauaki Street, Honolulu, T. H., in the amount of $238, as of December 31, 1945, evidenced by a note in the principal sum of $200, dated July 8, 1933, issued by Shinichi Oka, and presently in the custody of National Mortgage & Finance Company, Ltd., 1030 Smith Street, Honolulu, T. H., and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9454; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12064]

KIWA HIRATA

In re: Bank account owned by Kiwa Hirata. F–39–6058–C–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiwa Hirata whose last known address is Agenosho, Oshima, Yamaguchi Prefecture, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kiwa Hirata by Bishop National Bank of Hawaii at Honolulu, King & Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 45511, entitled Kiwa Hirata, maintained at said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9455; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12103]

CONRAD MANZ

In re: Estate of Conrad Manz, deceased. File D–28–12419; E. T. sec. 16636.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Eberlein, nee Manz, and Lina Wischniakow, nee Manz, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Conrad Manz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John M. Niven, as administrator, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9456; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12118]

REV. C. ACHTELIK

In re: Estate of Rev. Charles Achtelik, a/k/a Rev. C. Achtelik, deceased. File No. D–28–10164; E. T. sec. 14465.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Regina Buchner, Johanna Speke, Margarethe Leitheiser, Barbara Achtelik, and Joseph Achtelik, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Alois Achtelik, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Rev. Charles Achtelik, also known as Rev. C. Achtelik, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Rev. Raymond H. Bornbach, administrator c. t. a., acting under the judicial supervision of the County Court of Wood County, Wisconsin;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Alois Achtelik, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9457; Filed, Oct. 26, 1948; 8:56 a. m.]

[Vesting Order 12125]

ADELHEID HORNING

In re: Estate of Adelheid Horning, deceased. D–28–12330; E. T. sec. 16536.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adelheid Schneider and Anna Schneider, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Adelheid Horning, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Robert Homberg, as Executor, acting under the judicial supervision of the County Court of Kankakee County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9458; Filed, Oct. 26, 1948; 8:57 a. m.]

[Vesting Order 12129]

ANNA B. LINDEMANN

In re: Trust under will of Anna B. Lindemann, deceased. File No. F–28–14917.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alma Lindemann, Frieda Lindemann, Martha Lindemann, Helene Schultze, Mrs. Hilde Buhlert-Neumann and Freifrau Anna von Braunhedreus whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That Jochen Buhlert, the issue of Jochen Buhlert and of Hilde Buhlert Neumann, names unknown, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Ernst Buhlert, deceased and of Elisabeth Buhlert Guth, deceased, names unknown, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That Hauseatische Verlagsanstalt and Gottingen University, whose last known addresses are Germany, are corporations, partnerships, associations or other organizations, organized under the laws of Germany, which have or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in Germany and are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof and each of them in and to the trust created under Item Ninth of the will of Anna B. Lindemann, deceased, and presently being administered by the Hawaiian Trust Company, Ltd., Honolulu, T. H., is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, Jochen

Buhlert, Hauseatische Verlagsanstalt, Gottingen University, the issue of Jochen Buhlert and of Hilde Buhlert-Neumann, names unknown, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Ernst Buhlert, deceased and of Elisabeth Buhlert Guth, deceased, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9459; Filed, Oct. 26, 1948; 8:57 a. m.]

[Vesting Order 12165]

KENSHU MURAKAMI

In re: Stock and bank accounts owned by, and a debt owing to Kenshu Murakami, also known as K. Murakami. D-39-566-A-1, D-39-566-C-1, D-39-566-D-1, D-39-566-E-1, D-39-566-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenshu Murakami, also known as K. Murakami, whose last known address is Nara City, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Five (5) shares of $20 par value common capital stock of International Enterprises, Ltd., Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 639, registered in the name of Kenshu Murakami, presently in the custody of Ichiro Sato, doing business as Komatsuya Hotel, 491 North King Street, Honolulu, T. H., together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of The Yokohama Specie Bank, Ltd., Honolulu Office, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Account Number 12165 and Receiver's Liability Number 5529, entitled Kenshu Murakami, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Sumitomo Bank of Hawaii, in Dissolution, P. O. Box 1200, Honolulu, T. H., arising out of a savings account, Account Number 15565 and Receiver's Liability Number 1780, entitled K. Murakami, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation owing to Kenshu Murakami, also known as K. Murakami, by Ichiro Sato, doing business as Komatsuya Hotel, 491 North King Street, Honolulu, T. H., in the amount of $30.57, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9460; Filed, Oct. 26, 1948; 8:57 a. m.]

[Vesting Order 12208]

ELISE MITSCH

In re: Bonds owned by Elise Mitsch. F-28-28804-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elise Mitsch, whose last known address is Friedrichstrasse 1, (16) Heppenheim, Bergstrasse, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. One (1) The Laclede Gas Light Company First Mortgage Bond, of $1,000 face value, bearing the number M6365, presently in the custody of Monsignor Martin B. Hellriegel, 8115 Church Road, St. Louis 15, Missouri, together with any and all rights thereunder and thereto,

b. One (1) Kentucky Utilities Company First Mortgage Bond, Series A, of $1,000 face value, bearing the number M91, presently in the custody of Monsignor Martin B. Hellriegel, 8115 Church Road, St. Louis 15, Missouri, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to Elise Mitsch, by Monsignor Martin B. Hellriegel, 8115 Church Road, St. Louis, Missouri, in the amount of $577.50, as of August 26, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9416; Filed, Oct. 25, 1948; 8:53 a. m.]

FEDERAL REGISTER

VOLUME 13 NUMBER 211

Washington, Thursday, October 28, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 277—TOBACCO LOANS

1948 CROP; BURLEY TOBACCO

Set forth below is schedule of advance rates, by grades, for the 1948 crop of type 31 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 15, 1948 (13 F. R. 4004).

§ 277.49 *1948 Crop; Burley Tobacco, Type 31—Advance Schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
A1L	66.12	B5FR	28.12
A2L	65.12	B1R	38.12
A1F	65.12	B2R	36.12
A2F	64.12	B3R	30.12
A1R	52.12	B4R	26.12
A2R	46.12	B5R	22.12
B1F	58.12	B3RV	29.12
B2F	54.12	B4RV	25.12
B3F	49.12	B3RM	29.12
B4F	43.12	B4RM	25.12
B5F	37.12	B5RM	20.12
B3FV	45.12	B3RK	29.12
B4FV	39.12	B4RK	25.12
B3FM	43.12	B3D	26.12
B4FM	37.12	B4D	22.12
B5FM	29.12	B5D	18.12
B3FK	42.12	B3GF	29.12
B4FK	36.12	B4GF	25.12
B1FR	45.12	B5GF	21.12
B2FR	43.12	B3GR	24.12
B3FR	37.12	B4GR	22.12
B4FR	33.12	B5GR	18.12

[1] The Cooperative Associations through which the loans are made for Burley, Type 31, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against the overhead costs to the associations of the loan operations. Tobacco can be placed under loan only by the original producer and at these rates only if produced on a cooperating farm. Tobacco graded "W" (wet), "U" (unsound), DAM (damaged), N2L, N2R, or N2G will not be accepted.

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate	Grade	Advance rate
T3F	38.12	C4FM	51.12
T4F	32.12	C5FM	45.12
T5F	24.12	C3FK	53.12
T3FV	33.12	C4FK	51.12
T4FV	27.12	C3R	54.12
T3FM	33.12	C4R	49.12
T4FM	27.12	C5R	41.12
T5FM	22.12	C3RV	47.12
T3FK	32.12	C4RV	43.12
T4FK	26.12	C3RM	49.12
T3R	25.12	C4RM	47.12
T4R	21.12	C5RM	37.12
T5R	17.12	C3RK	48.12
T3RV	23.12	C4RK	45.12
T4RV	19.12	C3G	34.12
T3RM	23.12	C4G	28.12
T4RM	19.12	C5G	22.12
T5RM	15.12	X1L	62.12
T3RK	23.12	X2L	61.12
T4RK	19.12	X3L	59.12
T3D	21.12	X4L	56.12
T4D	17.12	X5L	45.12
T5D	15.12	X1F	61.12
T3GF	19.12	X2F	60.12
T4GF	17.12	X3F	58.12
T5GF	14.12	X4F	53.12
T3GR	17.12	X5F	41.12
T4GR	15.12	X3FM	53.12
T5GR	13.12	X4FM	48.12
C1L	64.12	X5FM	37.12
C2L	63.12	X3R	51.12
C3L	62.12	X4R	45.12
C4L	60.12	X5R	33.12
C5L	52.12	X3RM	45.12
C1F	63.12	X4RM	39.12
C2F	62.12	X5RM	29.12
C3F	60.12	X3G	36.12
C4F	58.12	X4G	30.12
C5F	50.12	X5G	20.12
C3FV	55.12	N1L	22.12
C4FV	53.12	N1R	12.12
C3FM	55.12	N1G	12.12

(Sec. 8, 56 Stat. 765, 767, 58 Stat. 642, 59 Stat. 306, 506, Pub. Laws 806, 897, 80th Cong., 50 U. S. C. App. 968)

Issued this 22d day of October 1948.

HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: October 22, 1948.

F. K. WOOLLEY,
Acting President, Commodity Credit Corporation.

[F. R. Doc. 48-9505; Filed, Oct. 27, 1948; 8:53 a. m.]

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

[S. D. 276]

PART 802—SUGAR DETERMINATIONS

FAIR AND REASONABLE PRICES FOR 1948 CROP OF FLORIDA SUGARCANE

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, after investigation, and due consideration of the evidence obtained at the public hearing in Clewiston, Florida, on May 15, 1948, the following determination is hereby issued:

§ 802.20 *Fair and reasonable prices for the 1948 crop of Florida sugarcane*—(a) *Basic price.* When the price of 96° raw sugar is 3.50 cents per pound, the basic price for 1948 crop of Florida sugarcane shall be not less than $1.00 per ton of standard sugarcane for each 1 cent of the average price per pound of raw sugar determined in accordance with whichever of the following options is agreed upon: (1) The average price per pound of 96° raw sugar, less the sum of 0.23 cent plus the transportation tax payable on such amount under Section 3475 of the Internal Revenue Code, for the week in which such sugarcane is delivered; or (2) the average price per pound of 96° raw sugar, less the sum of 0.23 cent plus the transportation tax payable on such amount under Section 3475 of the Internal Revenue Code, for the period beginning October 15, 1948, and ending May 31, 1949; except that if the Director of the Sugar Branch determines that for any week or weeks such weekly averages do not reflect the true market value of sugar, because of inadequate volume or other factors, the Director may designate the weekly and seasonal prices to be effective under this determination: *Provided however:*

(i) That for each decline of ¼ cent in the price of 1 pound of 96° raw sugar below 3.50 cents per pound, the price of standard sugarcane shall be reduced by not more than 3 percent, with intervening prices in proportion, unless the price of sugar falls below 2.75 cents per pound, in which case no further reduction shall be made; and

(ii) That for an advance of ¼ cent in the price of 1 pound of 96° raw sugar above 3.50 cents per pound, the price of standard sugarcane shall be increased by not less than 3 percent, with intervening prices in proportion, unless the price of raw sugar exceeds 3.75 cents per pound, in which case settlement shall be made on the basis of $1.03 for each 1 cent of the price.

(b) *Standard sugarcane.* Standard sugarcane shall be sugarcane containing 11.0 percent of sucrose in the normal juice: *Provided however:*

(1) That premiums and discounts (except as provided in subparagraph (2) of this paragraph) shall be applied in accordance with the following table:

Percent sucrose in normal juice:	*Standard sugarcane factor* [1]
9.0	0.80
9.5	0.85
10.0	0.90
10.5	0.95
11.0	1.00
11.5	1.05
12.0	1.10
12.5	1.15
13.0	1.20
13.5	1.25

[1] To be applied to tons of actual sugarcane delivered at stated sucrose levels. Intermediate points within the scale are to be interpolated. Points above 13.5 percent sucrose in normal juice are to be in proportion to the immediately preceding bracket.

(2) That discounts applicable to sugarcane containing less than 9.0 percent of sucrose in normal juice shall be as agreed upon between the producer and the processor.

(c) *Molasses bonus.* On each ton of Florida sugarcane there shall be paid a molasses bonus equal to 2.75 times the amount, if any, by which the average net liquidation from disposal of blackstrap or final molasses exceeds 6.75 cents per gallon, f. o. b. sugarhouse tanks at Clewiston, Florida, during the twelve months ended May 31, 1949.

(d) *General.* (1) The established customs and practices with respect to methods of sucrose analysis, deductions for frozen sugarcane based upon decreased boiling house efficiency, fiber content determinations and deductions, definitions of delivery points, delivery schedules, and similar terms, as employed in connection with the purchase of the 1947 crop shall be employed in connection with the purchase of 1948 crop sugarcane.

(2) The processor shall not reduce returns to the producer below those contemplated by this determination through any subterfuge or device whatsoever, but nothing in this subparagraph shall be construed as prohibiting modifications of practices which may be necessary because of unusual circumstances, any such modifications to be subject to review by the Director of the Sugar Branch in the event of changes alleged to be unfair to either the producer or the processor.

(3) All references to the price of 96° raw sugar in this determination shall mean the price of 96° raw sugar, New York, duty paid basis, delivered.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the level of prices which must be paid for 1948 crop sugarcane purchased by producer-processors (i. e., producers who are also directly or indirectly processors of sugarcane) as one of the conditions for payment under the Sugar Act of 1948. In this Statement the foregoing determination, as well as determinations for prior years, will be referred to as "price determination" identified by the crop year for which effective.

(b) *Requirements of the Sugar Act.* The Sugar Act requires that in determining fair and reasonable prices public hearings be held and investigations be made. Accordingly, on May 15, 1948, a public hearing was held at Clewiston, Florida, at which time interested parties presented testimony with respect to fair and reasonable prices for sugarcane of the 1948 crop. In determining fair and reasonable prices consideration has been given to the information obtained at the hearing and to data resulting from investigations of pertinent economic factors.

(c) *Background.* In the Florida sugarcane area only one producer-processor purchases sugarcane from other producers. Prior to enactment of the Sugar Act of 1937, sugarcane was purchased according to terms of contracts negotiated annually by the parties. These contracts provided a scale of payments per ton of sugarcane based on the seasonal average price of raw sugar at New York and the quality of sugarcane measured by percent of sucrose in "crusher" juice. In 1938 a five-year purchase contract was negotiated, but since its expiration in 1942 formal contracts have not been used in this area.

Determinations of fair and reasonable prices for Florida sugarcane have been issued for each crop beginning with the 1937 crop. Determinations for the 1937 through 1941 crops generally approved the contracts between the producer-processor and producers. In 1941 the determination included a clause providing for producer participation in molasses net returns in excess of 6¾ cents per gallon. This action was taken after the price of molasses had risen to a point where it became a significant factor in the total income to the Florida sugar industry. The 1942 price determination established prices per ton of sugarcane to be paid by the producer-processor which were based on the scale of payments used in the cane purchase contract effective in western Louisiana. This action was taken to provide for a higher degree of uniformity in purchase contracts in use in the mainland cane sugar area and resulted in higher returns to Florida producers than they would have received under the purchase agreement negotiated between the parties in 1938. When the western Louisiana purchase contract was adopted for Florida the cost of shipping raw sugar from the principal raw sugar mill to the nearest refiner was 0.33 cent per pound of raw sugar as compared with 0.16 cent per pound from

western Louisiana raw sugar mills to refiners. In both areas the freight was paid by the producer-processor. Therefore, in order to equalize the freight differential between the two areas, the price determination provided for a deduction of 0.17 cent plus transportation tax of 3 percent payable on such amount under the Revenue Act of 1942 from the New York price of raw sugar in arriving at the f. o. b. mill value of sugar.

Price determinations for the crops of 1943 through 1947 continued the 1942 crop price scale. At public hearings the producer-processor and producers have recommended continued use of this scale.

(d) *1948 price determination.* The 1948 price determination is changed in two respects from the 1947 determination:

(1) The freight rate differential of 0.17 cent per pound plus transportation tax on such amount payable under section 3475 of the Internal Revenue Code has been replaced by a differential of 0.23 cent per pound plus the applicable transportation tax. The differential has been increased because interstate freight rates applicable to raw sugar shipments in Florida have increased more than have intrastate freight rates applicable to western Louisiana processors shipping raw sugar to New Orleans.

(2) The definition of standard sugarcane has been revised to provide for the determination of the quality of the juice in sugarcane on the basis of normal juice. In addition a fixed par in normal juice has replaced the par range in crusher juice. Under this determination standard sugarcane is defined as sugarcane containing 11.0 percent sucrose in the normal juice. Premiums and discounts of 1 percent are provided for each 1/10 point change in the normal juice above or below 11.0 percent. When sugarcane contains less than 9.0 percent sucrose in normal juice, the determination provides that the applicable discount shall be as agreed between the producer and producer-processor.

Historically the quality of sugarcane delivered by producers to the producer-processor in Florida has been determined by the percentage of sucrose in "crusher" juice rather than in "normal" juice. Recently, however, the commercially recoverable sugar calculation used in determining Sugar Act payments to Florida producers was revised to provide for such calculation on the basis of the percentage of sucrose in normal juice rather than on the sucrose content of crusher juice. This revision was made to reflect more accurately current sugar recovery from Florida sugarcane.

Under former fair price and commercially recoverable sugar determinations the par sucrose range of 11.5 to 12.5 percent of sucrose in normal juice was determined to be equivalent to 10.354 to 11.432 percent of sucrose in crusher juice. Under the revised determination of commercially recoverable sugar 11.0 percent of sucrose in normal juice which has been adopted as the fixed par in this determination is equal to 11.53 percent of sucrose in crusher juice. The adoption of a fixed par in normal juice ties producer returns directly to each degree of quality of sugarcane delivered and eliminates the inequity of a par bracket whereby producer returns were the same for sugarcane of varying quality within the par bracket. Because of the shift from a par range in crusher juice to a fixed par in normal juice it has been necessary to adjust the scale of standard sugarcane conversion factors. Except at extremely low levels of sucrose, producers will receive approximately the same returns under the new scale as they received under the old scale. Adoption of the new scale also corrects inequities whereby at lower levels of sucrose producer-processors were required to pay a disproportionately high share of returns from sugar to producers.

In view of the foregoing, I hereby find and conclude that the determination made herein for the 1948 crop of Florida sugarcane is fair and reasonable and that compliance therewith will effectuate the purposes of section 301 (c) (2) of the Sugar Act of 1948.

(Secs. 301, 403, Pub. Law 388, 80th Cong., 61 Stat. 929, 932; 7 U. S. C., Sup.; 1131, 1153)

Issued this 22d day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9446; Filed, Oct. 27, 1948; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs.; Serial No. ER-131]

PART 292—CLASSIFICATIONS AND EXEMPTIONS

AIR FREIGHT FORWARDERS

Correction

In Federal Register Document 48-8290, appearing at page 5395 of the issue for Thursday, September 16, 1948, the original document has been corrected so that the word "endorse" in § 292.6 (b) (3) shall read "enforce".

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[Allocations Reg. 2, Amdt. 2 to Dir. 4A]

PART 336—REGULATIONS APPLICABLE TO THE OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

USE AND EFFECT OF CERTIFIED EXPORT ORDERS FOR NITROGENOUS FERTILIZER MATERIALS (1948–1949 EXPORT PROGRAM)

Purpose of Amendment 2. Due to delay in completing fiscal arrangements between this Government and certain foreign governments it has not been possible to complete issuance of export licenses in time to place prior to November 1, 1948 all orders certified under this Direction 4A. This Amendment 2 permits authorization by the Office of International Trade to exporters, after October 31, 1948, to use the symbol CXN on purchase orders subject to the limitations described, and provides that such certified orders may be placed up to November 30, 1948. It also permits the placing up to December 15, 1948 of certified orders authorized by the ODC for anhydrous ammonia required by converters to fill certified orders. The amendment, however, will not result in any increase in tonnage which commercial producers of fertilizer materials will be required to ship during the first half of 1949 above that originally planned in the program, and the Office of International Trade will limit accordingly the issuance of export licenses under the new paragraph (h). In respect to OIT authorizations issued before November 1, 1948, the provisions of paragraph (g) of Direction 4A to AR 2 continue to apply.

Direction 4A to Allocations Regulation 2, as amended August 17, 1948, is hereby further amended by adding a new paragraph (h) as set forth below, and relettering present paragraphs (h), (i), (j), (k) and (l) as (i), (j), (k), (l) and (m) respectively.

(h) *Limitations on certified orders placed after October 31, 1948*—(1) *Time limit on placing orders*—(i) *Purchase orders for nitrogenous fertilizer materials for export.* Purchase orders for nitrogenous fertilizer materials for the export program for which the Office of International Trade after October 31, 1948 issues an export license and authorizes the use of the symbol CXN, must be placed not later than November 30, 1948. When OIT authorizes a certified order under this paragraph (h), it will identify the authorization with a number preceded by the abbreviation "Nov.". Any CXN–Nov– certified order for nitrogenous fertilizer materials placed after November 30, 1948 need not be treated as a certified order. Certified orders for nitrogenous fertilizer materials and orders for anhydrous ammonia placed with primary producers need not call for delivery prior to January 1, 1949, although if shipment can be made in whole or in part before January 1, 1949 such earlier shipment will help meet the objectives of the export program.

(ii) *Purchase orders for anhydrous ammonia.* Where a converter requests the ODC to assist him in securing anhydrous ammonia needed to manufacture the nitrogenous fertilizer materials covered by a CXN certified export order, authorized under this paragraph (h), and receives from ODC an authorization to place a certified order for an aproved quantity of anhydrous ammonia pursuant to paragraphs (d) and (e) of this Direction 4A, such orders must be placed with a primary producer not later than December 15, 1948. A certified order for anhydrous ammonia placed with a primary producer after December 15, 1948 need not be treated as a certified order.

(2) *Delivery dates.* No commercial supplier need deliver in any month against certified orders accepted by him more than 30% of his total production of the type of material covered by the orders in that month.

(3) *Ceilings on orders against producers.* The provisions of paragraph (g) (3) of the Direction 4A apply to certified orders for nitrogenous compounds (including anhydrous ammonia) or nitrogenous fertilizer materials placed after October 31, 1948, as well as to certified orders which have been placed prior to November 1, 1948.

(Pub. Laws 188, 806, 80th Cong.; E. O. 9841, April 23, 1947, 12 F. R. 2645; Materials Control Reg. 1 as amended May 7, 1948, 13 F. R. 2508)

Issued this 26th day of October 1948.

OFFICE OF DOMESTIC COMMERCE,
[SEAL] RAYMOND S. HOOVER,
Issuance Officer.

Interpretation 1 to Direction 4A to Allocations Regulation 2, as Amended October 26, 1948

Paragraphs (g) (2) and (h) (2) of Direction 4A, as amended, provide that no commercial supplier need deliver against certified orders in any month more than 30% of his total production of the particular type of material in that month. A certified purchase order calling for more than 30% of such supplier's total production of the particular product may not be totally rejected by the supplier for that reason. It must be accepted and filled up to an amount which, either alone or added to certified orders already accepted by him, totals the 30% limit. Any balance over and above such amount need not be treated as part of the certified order.

Paragraph (g) (3) of Direction 4A, as amended, provides that, except in the case of a converter, no producer of nitrogenous compounds (including anhydrous ammonia) or nitrogenous fertilizer materials need accept purchase orders certified under this Direction 4A calling for more nitrogen than 3.25% of his total production of nitrogen (in all forms) during the fertilizer year July 1, 1947–June 30, 1948, if he was in production during the whole of that year. A certified purchase order for anhydrous ammonia which calls for more than 3.25% of the producer's total production of nitrogen (in all forms) during the fertilizer year July 1, 1947–June 30, 1948, may not be totally rejected by the producer for that reason. It must be accepted and filled by him up to an amount which, either alone or added to certified orders previously accepted, totals the 3.25% limit. Any balance over and above such amount need not be treated as part of the certified order.

[F. R. Doc. 48-9542; Filed, Oct. 27, 1948; 10:18 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 142; Docket R-109]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

PART 141—STATEMENTS AND REPORTS (SCHEDULES), FEDERAL POWER ACT

AMENDMENTS OF RULES PRESCRIBING FORM AND FILING OF ANNUAL REPORTS, AND UNIFORM SYSTEM OF ACCOUNTS

OCTOBER 6, 1948.

In the matter of amendment of rules prescribing the form and filing of annual reports, FPC Form No. 1, for Electric Utilities and Licensees (Classes A and B), and amendment of General Instruction 2 of Uniform System of Accounts prescribed for public utilities and licensees subject to the provisions of the Federal Power Act; Docket No. R-109.

The Commission having under consideration an amendment to § 141.1 entitled "Annual Report, Form No. 1, Electric Utilities and Licensees (Classes A and B)" of Part 141—Statements and Reports, Subchapter D—Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, to prescribe the accompanying revised Annual Report Form for Electric Utilities and Licensees (Classes A and B), including the revised instructions and schedules therein contained, to be prepared and filed annually with the Commission, and an amendment to § 101.03–2 entitled "Records" of Part 101—Uniform System of Accounts Prescribed for Class A and Class B Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations,[1]

It appears to the Commission that: (a) General public notice of the proposed rule making in the above-entitled matter was given by publication of notice in the FEDERAL REGISTER on June 10, 1948 (13 F. R. 3135), and by mailing notices to interested persons and State and Federal regulatory agencies, together with copies of the proposed amendments. Interested persons were given to and including July 15, 1948, later extended to and including August 16, 1948, to submit data, views and comments in writing concerning the proposed amendments in the above-entitled matter.

(b) In response to the general public notice of June 10, 1948, comments were filed by regulatory agencies and representatives of the utility industry.

(c) The proposed revisions to the aforesaid Form its schedules and instructions are designed primarily to simplify and clarify schedules previously prescribed, to eliminate some schedules previously prescribed, and to secure additional information required in the administration of the Federal Power Act.

(d) The proposed revisions to the aforesaid Form, its schedules and instructions, were developed in cooperation with the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners, which had conferred on numerous occasions with committees representing the electric utility industry regarding revisions to said Form, schedules and instructions.

The Commission finds that: Upon consideration of the proposed amendments, comments and suggestions, adoption and promulgation of the proposed amendments, modified in accordance with certain of the suggestions filed in this proceeding, are necessary and appropriate for the purposes of administration of the Federal Power Act.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 3 (13), 4 (a) through (c), 301 (a), 304 (a), 309 and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859; 16 U. S. C. 796 (13), 797 (a) through (c), 825 (a), 825c (a), 825h, 825j) orders that:

(A) Section 141.1 entitled "Annual Report, Form No. 1, Electric Utilities and Licensees (Classes A and B)" of Part 141—Statements and Reports, Subchapter D—Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, be and the same is hereby amended to prescribe the accompanying revised Annual Report Form for Electric Utilities and Licensees (Classes A and B), including the revised instructions and schedules therein contained, to be prepared and filed annually with the Commission, in accordance with the instructions set forth in said revised Annual Report Form. The revised Form here adopted will supersede FPC Form No. 1, heretofore adopted and prescribed by the Commission's order dated August 6, 1937, as amended by its orders dated October 12, 1937, October 22, 1938, and October 17, 1939, and Order No. 75, dated September 24, 1940.

NOTE: The revised Annual Report Form, referred to herein, was filed with the original document. Copies may be obtained from the Federal Power Commission, Washington 25, D. C.

(B) Section 101.03–2 entitled "Records" of Part 101—Uniform System of Accounts Prescribed for Class A and Class B Public Utilities and Licensees, Subchapter C—Accounts, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, be and the same is hereby amended by adding a new paragraph to read as follows:

(h) The arrangement and order in which the accounts are presented in this system of accounts are not to be interpreted as determinative of the arrangement and order in which they will be scheduled in the report forms prescribed by the Commission.

(C) This order, the Form herein prescribed, and the amendment to the Uniform System of Accounts shall become effective December 31, 1948, and shall as of that date supersede the form prescribed by the orders referred to in Paragraph (A) hereof.

(D) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(49 Stat. 838, 839, 854, 855, 858, 1859; 16 U. S. C. 796 (13), 797 (a), (b), (c), 825 (a), c (a), h, j)

NOTE: The reporting requirements of the revised Annual Report Form, FPC Form No. 1, prescribed by FPC Order No. 142, dated October 6, 1948, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Date of issuance: October 19, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9479; Filed, Oct. 27, 1948; 8:47 a. m.]

[1] The reference to the Code of Federal Regulations, 18 CFR 101.03–2 corresponds to General Instruction 2, entitled "Records," appearing at pages 8–9 of the Commission's pamphlet publication of its Uniform System of Accounts prescribed for Public Utilities and Licensees subject to the provisions of the Federal Power Act, effective January 1, 1937.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52074]

PART 16—LIQUIDATION OF DUTIES

COUNTERVAILING DUTIES; SHELLED ALMONDS FROM SPAIN

The net amount of bounty or grant on shelled almonds from Spain declared pursuant to the provisions of section 303, Tariff Act of 1930, and collectors of customs instructed to collect additional duties equal to such net amount of bounty or grant. Section 16.24 (a), Customs Regulations of 1943, amended.

The Bureau is in receipt of official information that a bounty or grant, within the meaning of section 303, Tariff Act of 1930 (19 U. S. C. 1303), is paid or bestowed upon the export of shelled almonds to the United States from Spain.

I have estimated and determined and hereby declare the net amount of such bounty or grant paid or bestowed with respect to such almonds to be 6 pesetas per kilogram.

Collectors of customs, therefore, shall collect on the above-described shelled almonds, imported directly or indirectly, additional duties under section 303 of the tariff act at the rate set forth above, when such shelled almonds are entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after the publication of this decision in the weekly Treasury Decisions.

Section 16.24 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.24 (a)), is hereby amended by inserting in line below the present entry opposite the word "Spain" the words "Shelled almonds" in the column headed "Commodity", the number of this decision in the column headed "Treasury Decision", and the words "Assessed duty declared" in the column headed "Action."

(R. S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U. S. C. 66, 1303, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: October 21, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9488; Filed, Oct. 27, 1948; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PERUVIAN CANNED BONITO AND TUNA

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238), the following statement of policy and interpretation is issued.

§ 3.6 *Notice to importers of Peruvian canned fish.* In collaboration with the United States Department of State and officials of the Government of Peru, the Food and Drug Administration of the Federal Security Agency has made a study in Peru of the canning of bonito and tuna packed for exportation to the United States. The fish known in Peru as bonito constitutes a major portion of the pack. Representative specimens of Peruvian bonito have been identified as the species Sarda chilensis. This confirms previous information that the species of fish constituting the commercial bonito fishery in Peru is the same species of bonito that has been packed in this country in small quantities and sold as bonito for many years. Minor quantities of another bonito, Sarda velox, are apparently caught in Peruvian waters but do not enter the commercial pack to any significant degree. The bonitos, Sarda chilensis and Sarda velox, are not classified as tuna and under the provisions of the Federal Food, Drug, and Cosmetic Act have never been legally labeled as tuna, but must be labeled as "bonito" or "bonito fish."

Two species of tuna, "skipjack" (Katsuwonus pelamis) and "yellowfin" (Thunnus macropterus), are commercially canned in Peru but constitute a relatively small proportion of the Peruvian pack of canned fish exported to the United States.

Information developed during the investigation in Peru shows that the bonito (Sarda chilensis) can be readily distinguished from the tunas. Consequently no difficulty should be encountered by packers in keeping separate the fish in the two classifications and in properly labeling the canned product before shipment.

The provisions of the Federal Food, Drug, and Cosmetic Act require that importations of canned bonito and canned tuna, when offered for entry into the United States, must bear labels designating the product as "bonito" or as "tuna", as the case may be. Shipments that are unlabeled or mislabeled when offered for entry must be detained and are subject to refusal of admission, with consequent exportation or destruction.

Dated: October 20, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-9473; Filed, Oct. 27, 1948; 8:48 a. m.]

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Supp. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215, 5586) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231; 13 F. R. 436, 1087, 2291) are amended as indicated below:

1. In § 141.101 the first sentence of paragraph (j) *Turbidimetric assay*, is amended to read: "In lieu of the plate assay method described above, the sample may be assayed for potency by the following turbidimetric method: (1) Employ the agar described in paragraph (b) of this section (adjusted to a final pH 7.0) for maintaining the test organism, which is Klebsiella pneumoniae (P. C. I. 602) noncapsulated."

2. In § 146.24, the second sentence of paragraph (b) *Packaging*, is amended by inserting "300,000 units," between "200,000 units" and "500,000 units."

3. In § 146.45 the second sentence of paragraph (b) *Packaging*, is amended to read: "The quantity of procaine penicillin in oil in each such container shall be not less than 1 ml. and not more than 20 ml., unless it is packaged for repacking or is packaged and labeled solely for veterinary use."

This order, which provides for an alternative assay method for streptomycin; for the packaging of sodium, potassium, or calcium penicillin in 300,000-unit containers; and for the packaging of procaine penicillin in oil in larger containers than 20 milliliters if it is packaged for repacking or is labeled solely for veterinary use, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for an alternative assay method for streptomycin; for the packaging of sodium, potassium, or calcium penicillin in 300,000-unit containers; and for packaging procaine penicillin in oil in larger than 20-milliliter containers if packaged for repacking or packaged and labeled solely for veterinary use.

(52 Stat. 1040, 1055, as amended; 21 U. S. C. and Sup., 357)

Dated: October 20, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-9474; Filed, Oct. 27, 1948; 8:43 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 602—FIELD ORGANIZATION AND FINAL DELEGATIONS OF AUTHORITY

DELEGATIONS OF AUTHORITY TO REGIONAL PROPERTY AND SERVICES OFFICERS

Section 602.2 (c) (1) is amended by adding a subdivision (ii) as follows:

§ 602.2 *Delegations to regional office officials.* • • •

(c) *Delegations of authority to regional property and services officers.* (1) • • •

(ii) To sign Certificates of Release (Standard Form 97) for transfer of motor vehicles from the Public Housing Administration to a private purchaser.

Approved: October 19, 1948.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 48-9472; Filed, Oct. 27, 1948; 8:46 a. m.]

Chapter VIII—Office of the Housing Expediter

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

EVICTIONS FROM HOUSING ACCOMMODATIONS FOR PURPOSE OF WITHDRAWAL FROM RENTAL MARKET

The following is an interpretation of section 209(a)(5) of the Housing and Rent Act of 1947, as amended (61 Stat. 200 as amended by 62 Stat. 37 and by 62 Stat. 98; 50 U. S. C. App. 1899(a)(5)):

Section 206(b) of the Housing and Rent Act of 1947, as amended, authorizes the Housing Expediter to apply for an injunction whenever in his judgment any person has engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of Title II of that act, including section 209 thereof which relates to evictions.

Section 209(a)(5) of the Housing and Rent Act of 1947, as amended, provides as follows:

SEC. 209. (a) No action or proceeding to recover possession of any controlled housing accommodations with respect to which a maximum rent is in effect under this title shall be maintainable by any landlord against any tenant in any court, notwithstanding the fact that the tenant has no lease or that his lease has expired, so long as the tenant continues to pay the rent to which the landlord is entitled unless:

• • • • •

(5) The landlord seeks in good faith to recover possession of such housing accommodations for the immediate purpose of withdrawing such housing accommodations from the rental market, and such housing accommodations shall not thereafter be offered for rent as such; • • •

A landlord may not, under section 209 (a) (5), evict a tenant from housing accommodations for the purpose of obtaining vacant possession in order to sell the housing accommodations. Since section 209 (a) (5) is only one of several grounds for eviction under the act, it is clear that it was not intended that this section should broaden or defeat the purpose of limitations placed in the other grounds. It follows, therefore, that since section 209 (a) (3) provides for eviction where "the landlord has in good faith contracted in writing to sell the housing accommodations to a purchaser for the immediate and personal use and occupancy as housing accommodations by such purchaser;" section 209 (a) (5) may not be used in cases where sales are involved.

That is to say, since a tenant may be evicted for occupancy by a purchaser under section 209 (a) (3), a landlord may not evict under section 209 (a) (5) for the purpose of obtaining vacant possession in order to sell.

Issued this 25th day of October 1948.

ED DUPREE,
General Counsel.

[F. R. Doc. 48-9481; Filed, Oct. 27, 1948; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5662]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TIME FOR FILING FINAL RETURNS OF DECEDENTS

On August 14, 1948, notice of proposed rule making regarding the time for filing the final income tax return of a decedent for a fractional part of the year was published in the FEDERAL REGISTER (13 F. R. 4712). No objection to the rules proposed having been received, the following amendments to Regulations 111 (26 CFR, Part 29) are hereby adopted. The amendments are designed to provide a uniform rule so that the time for filing the final income tax return of a decedent is the time the return would have been due had death not occurred, regardless of whether prior to his death the decedent made his returns on the fiscal year basis or the calendar year basis.

PARAGRAPH 1. Section 29.53-1 of Regulations 111, as amended by Treasury Decision 5616, approved May 20, 1948 is further amended as follows:

(A) By inserting in paragraph (d) thereof after "fractional part of a year" the following: "ending prior to January 1, 1949".

(B) By inserting in paragraph (e) thereof after "fractional part of a year" the following: "ending in 1947 or 1948".

(C) By redesignating paragraph (f) thereof as paragraph (g).

(D) By inserting immediately after paragraph (e) thereof the following new paragraph:

(f) In the case of a final return of a decedent for a fractional part of a year ending in 1949 or thereafter, on or before the fifteenth day of the third month following the close of the twelve-month period which began with the first day of such fractional part of the year.

PAR. 2. This Treasury decision shall be effective on the thirty-first day after the date of its publication in the FEDERAL REGISTER.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: October 21, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9485; Filed, Oct. 27, 1948; 8:49 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5663]

PART 183—PRODUCTION OF DISTILLED SPIRITS

ESTABLISHMENT AND OPERATION OF DISTILLERIES

1. On July 27, 1948, notice of proposed rule-making, regarding the production of distilled spirits, was published in the FEDERAL REGISTER (13 F. R. 4283).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 183.5, 183.6, 183.9, 183.13, 183.14, 183.15, 183.35, 183.41, 183.44, 183.45, 183.46, 183.51, 83.52, 183.56, 183.62, 183.70, 183.74, 183.75, 183.78, 183.79, 183.81, 183.94, 183.121, 183.122, 183.125, 183.127, 183.128, 183.132, 183. 133, 183.134, 183.138 (a) (2), 183.143 to 183.146, 183.148, 183.149, 183.152 (a) (3), 183.156 (a) (b), 183.157 (b), 183.158, 183.160, 183.169, 183.172, 183.176, 183.256, 183.370, 183.437, 183.438, 183.439, 183.441, 183.445, and 183.446 of Regulations 4 (26 CFR, Part 183), approved February 28, 1940, are hereby adopted, and §§ 183.7, 183.8, 183.126, 183.155 (a) (2), 183.155 (b) (3), 183.174, and 183.175 of such regulations are hereby revoked.

3. These amendments are designed to simplify certain requirements relating to construction, and the preparation, filing, and approval of documents in connection with the establishment and operation of distilleries. It is not intended by these amendments to require distillers to file additional plats and plans, or to repaint pipe lines or change equipment immediately, in cases where the existing documents, pipe lines, and equipment conform essentially to the regulations prior to these amendments. Upon filing new plats and plans, repainting pipe lines, and installing equipment, these new requirements must be observed.

§ 183.5 *Within 600 feet of rectifying plant.* No distiller shall carry on the business of distilling spirits at a distance of less than 600 feet in a direct line from a rectifying plant, except when he has been so authorized by the district supervisor. The district supervisor may grant such authority when he is of the opinion that the revenue will not be endangered thereby. (Secs. 2819, 3170, 3176, I. R. C.)

§ 183.6 *Special application.* A person desiring to operate a distillery within 600 feet of a rectifying plant shall file a special application, in triplicate, for such privilege, with the district supervisor. The application shall state the locations of the distillery and the rectifying plant, the distance between the premises, the name of the proprietor of the rectifying plant, a description of any connecting pipe lines, the reason for locating the distillery within 600 feet of the rectifying plant, and any additional information which the district supervisor may require. The district supervisor will take action on such application in accordance with the procedure prescribed in § 183.158. (Secs. 2819, 3170, 3176. I. R. C.)

§ 183.9 *Changes requiring approval.* Where there is to be a change in the distance between a distillery and a rectifying plant located within 600 feet of each other as a result of the extension or curtailment, or other change of either premises, a new special application, in triplicate, must be filed with the district supervisor by the proprietor of the premises which is to be extended or curtailed. Where a change occurs in the proprietorship of a distillery or rectifying plant located within 600 feet of each other, the new proprietor shall file with the district supervisor a new special application, in triplicate. Unless the distillery premises are extended or curtailed as the result of such change, the change may be reflected in the next amended or annual notice, Form 27–A, and plat, filed by the distiller. Such new special application shall be considered and disposed of in accordance with the procedure prescribed in § 183.158. (Secs. 2819, 3170, 3176, I. R. C.)

§ 183.13 *Walls.* The outside walls of distillery buildings must be securely and substantially constructed. If wood, corrugated iron, or tin is used, the same must be applied over solid sheathing for the first 12 feet of height, and over solid sheathing, or sheathing spaced not greater than 12 inches from board to board, for the remaining height. Where substantial sheet metal is used, and the sheets are welded together in such manner as to constitute a solid wall, sheathing may be applied in any manner desired. The ceiling and walls inside of the cistern room must be cased with matched tongue and groove boards, unless the use of other material affording equal protection from access without detection is approved by the Commissioner. (Sec. 3176, I. R. C.)

§ 183.14 *Roofs.* The roofs of distillery buildings must be securely and substantially constructed. Where corrugated iron or tin is used, the same must be applied over sheathing spaced not greater than 12 inches from board to board. Where substantial sheet metal is used and the sheets are welded together in such manner as to constitute a solid roof, sheathing may be applied in any manner desired. (Sec. 3176, I. R. C.)

§ 183.15 *Doors.* The outside doors of the distillery buildings must be securely and substantially constructed and equipped so that they may be securely locked. In addition, the doors of cistern rooms, rectifying rooms, and other rooms required to be locked by § 183.418 must comply with the following requirements: The outside doors, and those on which Government locks are required, as hereinafter provided, must be securely constructed of heavy timber or iron, or other equally substantial material. The hinges must be secured by roundheaded or carriage bolts, nutted and riveted or battered on the inside. Hinges that cannot be thus secured must be inaccessible from the outside, and so attached that they cannot be removed when the doors are closed. The outside doors, and those on which Government locks are required, must be equipped with hasp and staple securely fastened on the inside so that they may be securely locked. The doors secured from the inside must be provided with a cross bar in the middle of the door, and strong and suitable attachments for the reception of locks. Where there are double doors, one of them, at least, must be provided with substantial bolts at both the top and the bottom. These bolts must be so arranged as to plunge into substantial fastenings or holes in the middle of the upper and lower ends of the frame when the door is closed. Folding doors of wood or metal, vertical or horizontal sliding doors of wood or metal, and metal doors of the roller blind type, must be provided with substantial cross bars, or bolts that plunge into the upper and lower ends, or the sides of the door frame, so placed as to make the door rigid and secure, unless the doors operate in grooves or tracks that make them secure. (Sec. 3176, I. R. C.)

§ 183.35 *Scales.* The distiller must provide in the cistern room suitable and accurate scales for weighing packages of distilled spirits. The distiller must also provide on the distillery premises suitable and accurate scales for the weighing of grain and other nonliquid distilling materials received and used: *Provided*, That where the distiller receives shipments of materials by rail or motor carrier, the shipper's weights appearing on the bill of lading or invoice may be recorded as the amount received, and, in such cases track or truck scales for weighing the materials received need not be furnished. Beams or dials of scales used to weight packages must indicate weight in half pound graduations. Beams or dials of weighing tank scales must indicate weight in five pound graduations or scales up to, and including, 25 tons capacity; in 10-pound graduations for scales exceeding 25 tons capacity, but not exceeding 60 tons capacity; and in 20-pound graduations for scales having a capacity of more than 60 tons. (Secs. 2808, 3176, I. R. C.)

§ 183.41 *Off-premises material conveyors.* Where distilling materials are conveyed to the distillery by chute, conveyor, or pipe line from adjacent premises, such chute, conveyor, or pipe line shall be equipped at a suitable place for locking with Government locks. (Secs. 2823, 2829, 3176, I. R. C.)

§ 183.44 *Washwater receiving tanks.* If carbon dioxide is recovered, and the washwater is to be utilized in the manufacture of distilled spirits, there must be provided a sufficient number of washwater receiving tanks, which shall be constructed of metal and be of uniform dimensions from top to bottom. Each such tank shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. There must be painted on each tank the words, "Washwater Receiving Tank," followed by its serial number and capacity in wine gallons. The outlet valve must be equipped for locking with a Government lock. If the washwater is not used in the manufacture of distilled spirits, as provided by § 183.255, washwater receiving tanks need not be provided. (Secs. 2829, 3176, I. R. C.)

§ 183.45 *Stills.* The stills must be of substantial construction and must have a clear space of not less than one foot around them. The steam or fuel line to each still shall be equipped with a valve so constructed that it may be locked with a Government lock when the distillery is suspended, as required by § 183.363. The drain and wash-out pipes of stills must also, wherever practicable, be equipped with valves so constructed that they may be locked with Government locks. If there is a furnace under the stills or doublers, the door thereto must, as provided in § 183.39, be so constructed that it may be secured with a Government lock. There must be a clear space of not less than two feet around every doubler and condenser or worm tank. The doubler and worm tanks must be elevated not less than one foot from the floor. Every still must be numbered, commencing with number 1, and have painted thereon its designated use, such as "Beer Still," "Doubler," etc., and its number and spirit producing capacity in proof gallons in 24 hours, computed in accordance with the rules set forth in the Appendix to the regulations in this part. Where the still is insulated, or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still. (Secs. 2822, 3176, I. R. C.)

§ 183.46 *General requirements for tanks.* All tanks used as receptacles for spirits between the outlet of the first condenser or worm and the receiving cisterns shall be constructed of metal, and shall be of uniform dimensions from top to bottom, and shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. All tanks must be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than three feet between the top and the roof or floor above. All tanks, such as low-wine tanks, high-wine tanks, heads and tails tanks, fusel oil tanks, distilled water tanks, and similar equipment, shall each have plainly and legibly painted thereon its designated use, serial number, and capacity in wine gallons. Manheads, inlets, and outlets of the tanks and all necessary openings in the distilling apparatus and equipment, except column stills, whereby access may be had to the spirits, must be provided with facilities for locking with Government locks: *Provided*, That distilled water storage tanks need not be so equipped unless a pipe line is connected therewith for the conveyance of distilled water to contiguous establishments, as provided in § 183.49. All openings in tanks and other distilling apparatus and equipment, which are not absolutely necessary, and which can be permanently closed without interference with plant operations, shall be closed by brazing, welding, or otherwise securely fastening and sealing. Tanks used as receptacles for spirits may be permanently connected with pipe lines for the conveyance thereto of air and also distilled water, but the distilled water pipe line must be affixed to the top of the tank, and may not extend into the tank. Such pipe lines must be equipped with a control valve which may be locked with a Government lock. Pipe lines used for the conveyance of air must also be equipped with a check valve located near the point of entry to the tank in order to effectively prevent any abstraction of spirits from the tank. Other pipe lines, except those used for the conveyance of spirits, may not be permanently connected with such tanks. (Secs. 2823, 2829, 3176, I. R. C.)

§ 183.51 *Rectifying equipment.* Where spirits are rectified, purified, or refined in a rectifying room or building, as provided in § 183.24, suitable tanks for the reception of the spirits to be so treated must be provided in such room or building. The pipes, percolators, vessels, and other apparatus used in purifying or refining spirits must be so constructed that the spirits will pass through the purifying process in their passage from the beer still to the receiving cisterns. The pipes, vessels, and other apparatus must be closed and continuous. All necessary openings must be so constructed that they may be closed and locked with Government locks. Except as provided by § 183.46, no permanent water pipe line shall be connected with the high-wine tanks, percolators, or other rectifying apparatus. (Secs. 2820, 2829, 3176, I. R. C.)

§ 183.52 *Receiving cisterns.* The distiller must provide in the cistern room receiving cisterns having sufficient capacity to permit the efficient deposit, withdrawal and supervision of each type of distilled spirits produced daily in accordance with the regulations in this part. The adequacy of the capacity of the receiving cisterns shall be determined by the district supervisor. Receiving cisterns must be constructed and arranged in conformity with the requirements of § 183.46, and, in addition thereto, such cisterns must be elevated not less than 18 inches from the floor and so separated that Government officers may pass completely around each. Each receiving cistern must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated, and shall have plainly and legibly painted thereon the words, "Receiving Cistern," followed by its serial number and capacity in wine gallons. The cisterns must not be connected with each other, except that a connecting pipe line will be permitted between them in order to prevent loss of spirits by overflow. Such connecting pipe line must be located as close to the top of each cistern as the construction thereof will permit, and it must be closed and all connections therein brazed or welded to prevent abstraction of spirits without showing evidence of tampering. A valve equipped for locking with a Government lock must be provided in such pipe line. Pipe lines connected with receiving cisterns must be brazed, welded, or otherwise secured and sealed, to the cisterns in such a manner that they cannot be detached or altered without showing evidence of tampering. Except as provided by § 183.46, pipe lines for the conveyance of water, air, or other substance than spirits may not be permanently connected with receiving cisterns. (Secs. 2817 (b), 2820, 3170, 3176, I. R. C.)

§ 183.56 *Colors for pipe lines.* The pipe lines in the distillery used for conveying the following substances shall be kept painted in the colors indicated:

Black	Whisky, gin, rum, or other finished spirits.
Blue	Vapor, singlings, high-wines and low-wines, or other unfinished spirits.
Red	Fermented mash or beer.
Gray	Molasses or other unfermented material.
Brown	Spent beer or slop.
Yellow	Fusel oil.
White	Water.
Aluminum	Steam.
Orange	Air.
Olive green	Carbon dioxide.

These colors are intended for such pipe lines only, and are prescribed for the purpose of distinguishing such pipe lines from each other and from all other pipe lines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors. (Secs. 2822, 3176, I. R. C.)

§ 183.62 *Description of premises.* The lot or tract of land on which the distillery is situated must be described on Form 27–A by courses and distances, in feet and inches, with the particularity required in conveyances of real estate. If the distillery premises consist of two or more lots or parcels, the condition of the title to which is not the same, the entire distillery premises shall be first described, followed by a separate description by courses and distances, in feet and inches, of each such lot or parcel. The continuity of the distillery premises must be unbroken, except that the premises may be divided by a public street or highway, if parts of the premises so divided abut on such street or highway opposite each other. The premises may be similarly divided by a railroad right-of-way, if the railroad is a common carrier. In such cases, each tract of land constituting the distillery premises shall be described separately on the form. (Secs. 2812, 3176, I. R. C.)

§ 183.70 *Distance from rectifying plant or vinegar factory.* If the distillery premises are situated more than 600 feet in a direct line from any premises authorized to be used for rectifying spirits, or from a vinegar factory using the vaporizing process, such fact shall be stated on Form 27–A. If the distance between the distillery premises and the premises of a rectifying plant is less than 600 feet in a direct line, there must be stated in the notice, Form 27–A, the name of the proprietor of the rectifying plant, the exact distance in feet and inches between the distillery and the rectifying plant, and whether the location of the distillery within such distance of the rectifying plant has been approved by the district supervisor. If such location of the distillery has been approved by the district supervisor, the date of such approval shall be given. If the distance between the distillery premises and a vinegar factory using the vaporizing process is less than 600 feet in a direct line, such fact and the date of the establishment of the vinegar factory shall be stated on the form. (Secs. 2812, 2819, 2834, 2835, 3170, 3176, I. R. C.)

§ 183.74 *Application.* The application shall contain (a) an accurate description of the lot or tract of land on which the distillery is situated and of the distillery, the buildings, and the distilling apparatus thereon; (b) a full and clear statement of the condition of the title to the distillery premises and apparatus and equipment, including the name and address of the owner and of all mortgagees, judgment-creditors, conditional sales vendors, prior lessees, and other persons having liens thereon, the kind, date, and amount of each encumbrance, and the balance due thereon, and, in the case of apparatus or equipment purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due; and (c) a full and clear statement of the reasons why the applicant cannot obtain the prescribed written consent. The district supervisor will take action on such application in accordance with the procedure prescribed in § 183.160. (Secs. 2815, 3176, I. R. C.)

§ 183.75 *Bond, Form 3–A.* If the application is approved, the distiller shall execute bond on Form 3–A, "Bond of Indemnity in Favor of the United States," in triplicate, in conformity with the applicable provisions of §§ 183.98 to 183.119, and file the same with the district supervisor. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. If, after such bond is filed, the value of the distillery premises, buildings, or distilling apparatus is increased by additional land, buildings or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That if such increase in value is less than $1,000, no additional bond will be required. In the event of a failure of bond on Form 3–A the distiller will be no longer qualified, unless a new and satisfactory bond is filed. (Secs. 2815, 3176, I. R. C.)

§ 183.78 *Application.* Any distiller desiring to avail himself of the privilege of filing bond on Form 3 in lieu of the prescribed consent, must file application, in triplicate, with the district supervisor. The application must show that the distillery was erected prior to July 20, 1868, and contain a full and clear statement of the condition of the title or the nature of the incapacity of the holder of the fee, as the case may be. The district supervisor will take action on such application in accordance with the procedure prescribed in § 183.160. (Secs. 3176, 3180, I. R. C.)

§ 183.79 *Bond, Form 3.* If the application is approved, the distiller shall execute bond on Form 3, in triplicate, in conformity with the applicable provisions of §§ 183.98 to 183.119, and file the same with the district supervisor. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is located,

together with the buildings and distilling apparatus. If, after such bond is filed, the value of the distillery premises, buildings, or distilling apparatus is increased by additional land, buildings, or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That if such increase in value is less than $1,000, no additional bond will be required. The appraisal shall be made in accordance with the provisions of § 183.76. In the event of failure of bond on Form 3, the distiller will be no longer qualified, unless a new and satisfactory bond is filed. (Secs. 3176, 3180, I. R. C.)

§ 183.81 *Bond in lieu of consent where distillery is sold for United States.* Where a distillery is sold at a judicial or other sale in favor of the United States, the distiller may give bond on Form 3–A, in lieu of the consent of the person possessing the right of redemption and of any mortgagee, judgment-creditor, or other lienor, and be allowed, upon complying with all other provisions of law and these regulations, to operate such distillery during the existence of the right of redemption from such sale. A distiller desiring to give bond in such case shall file application, in triplicate, with the district supervisor for permission so to do. The application shall contain a full and clear statement of the condition of the title, including the name and address of the person having the right of redemption and of all encumbrancers, the kind, date, and amount of each encumbrance, the date of the sale, and the date of expiration of the right of redemption. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, together with the buildings and distillery apparatus. If, after such bond is filed, the value of the distillery premises, buildings, or distilling apparatus is increased by additional land, buildings, or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That if such increase in value is less than $1,000, no additional bond will be required. The appraisal shall be made in accordance with the provisions of § 183.76. (Secs. 2815, 3176, I. R. C.)

§ 183.94 *Statement of process.* There must be submitted to the district supervisor with the distiller's original notice, Form 27–A, a statement of process, in triplicate. Upon any change in the process, a new statement, in triplicate, must be filed with the district supervisor who will forward all copies to the Commissioner in accordance with § 183.167. Reference by date to the current statement of process must be incorporated in each annual notice, Form 27–A. The statement of process should present a step by step description of the mashing, fermenting, distilling, purifying and refining processes used in the production of each type of distilled spirits. It must show specifically the kind and approximate quantity, or proportion of all nonalcohol producing materials or substances added to the yeast mash or beer for the purpose of providing yeast food, or for inhibiting the action of wild yeast, or for any other purpose, and all materials used for purifying, refining, or otherwise treating the spirits. Samples of any such material or substance will be prepared and furnished to the district supervisor, upon request, for analysis by Government chemists. Materials or chemicals which are volatile, and would remain incorporated with the finished spirits after final distillation, may not be used, except that juniper berries and other aromatics may be used in the production of gin. (Secs. 3176, 3254 (g), I. R. C.)

§ 183.121 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2816, 3176, I. R. C.)

§ 183.122 *Depiction of distillery premises.* Plats must show the outer boundaries of the distillery premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning, with respect to its distance and bearings, from some near and well-known landmark, and must contain an accurate depiction of the building or buildings comprising the premises and any driveway, public highway or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27–A. If the distillery premises consists of two or more lots or parcels of land, the condition of the title to which is not the same, each such lot or tract shall be separately depicted by courses and distances, in feet and inches, and such lots or parcels shall be delineated or cross-hatched in contrasting colors. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same, depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat. Except as provided in § 183.131, all pipe lines leading to or from the premises, the purpose for which used, and the points of origin and termination will be indicated on the plat. (Secs. 2816, 3176, I. R. C.)

§ 183.125 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors, and the location of all doors, windows, and other openings, and how such openings are protected. All apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans, and their designated use indicated. Pipe lines may also be shown, if desired. In the case of stills, tanks, and similar equipment, the serial number and capacity shall also be shown. (Secs. 2816, 3176, I. R. C.)

§ 183.127 *Elevational plans of buildings.* The plans shall also include an exterior, elevational view of each exposure of each building, showing the type of security afforded the openings. The number of stories and the height of each story will be indicated on the elevational plans. In lieu of drawings, the distiller may submit a photograph of each exposure of each building in a size not smaller than 7 by 9 inches. The photographs must be in sufficient detail to clearly depict the buildings from the ground to the roof, and must be properly identified. Where photographs are submitted, drawings must be furnished to show the security afforded openings in all rooms required to be locked, such as cistern rooms, rectifying rooms, etc.: *Provided*, That in lieu of such drawings, the photographs may be noted to show the type of security afforded the openings in such rooms by reference to the appropriate sheet of plans on file, whereon such information is shown. (Secs. 2816, 3176, I. R. C.)

§ 183.128 *Pipe lines in colors.* The pipe lines must be shown on the plans in the colors in which they are required to be painted, as follows:

Black	Whisky, gin, rum, or other finished spirits.
Blue	Vapor, singlings, high-wines, low-wines, or other unfinished spirits.
Red	Fermented mash or beer.
Gray	Molasses or other unfermented material.
Brown	Spent beer or slop.
Yellow	Fusel oil.
White	Water.
Aluminum	Steam.
Orange	Air.
Olive green	Carbon dioxide.

(Secs. 2816, 3176, I. R. C.)

§ 183.132 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering: (a) Distilling material system, (b) mashing and fermenting systems, (c) distilling system, and (d) the cistern room system. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence, and elevation by floors with all connecting pipe lines, valves, flanges (except as provided in § 183.129), Government locks, measuring devices, etc. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All the flow diagrams as a unit must show the flow of the distilling material, and the resulting products, through the mills, mash tubs, fermenters, stills, doublers, try boxes, and other equipment, and the deposit and removal of the finished spirits from the cistern room. All major equipment, fermenters, stills, etc., must be identified on these plans as to number and use. The elevational flow diagrams must be so drawn that all fixed pipe lines, except those indicated by § 183.131 may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2816, 3176, I. R. C.)

§ 183.133 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right-hand corner of each sheet signed by the distiller, the draftsman, and the district supervisor, substantially in the following form:

(Name of distiller)

(Address)

Approved ---
(Date)

(District Supervisor)

Accuracy certified by

(Name and capacity—for the distiller)

(Draftsman)

--- 19---. Sheet No. ---
(Date)

(Secs. 2816, 3170, 3176, I. R. C.)

§ 183.134 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2816, 3176, I. R. C.)

§ 183.138 *Change in proprietorship*—(a) *Suspension.* • • •

(2) *Registry of stills.* If the business is to be permanently discontinued, file Form 26, registry of stills, in triplicate, in accordance with § 183.370.

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§ 183.143 *Changes in premises.* Where the distillery premises are to be extended or curtailed, the distiller must file with the district supervisor an amended notice, Form 27–A, and an amended plat of the premises as extended or curtailed, except as herein specifically authorized in the case of alternate operations of the bottling department. If the plans are affected by the extension or curtailment, they must also be amended. If the distillery is within 600 feet of a rectifying plant, the distiller must also file a special application in accordance with §§ 183.6 and 183.9. The additional premises covered by an extension may not be used for distillery purposes, and the portion of the distillery premises to be excluded by a curtailment may not be used for other than distillery purposes, prior to approval of the notice, Form 27–A. Where an internal revenue bonded warehouse containing a bottling-in-bond department is located on the distillery premises, and the documents required by Part 188 (Regulations 6), governing the alternate operation of the bottling house as a bottling-in-bond department and a tax-paid bottling house, are filed, and no change in proprietorship is involved, the filing of additional notices, Form 27–A, covering changes in the temporary status thereof from time to time will not be required. (Secs. 2812, 2816, 2819, 2873, 2904, 3176, 4041, I. R. C.)

§ 183.144 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the distillery premises, or where a change is to be made in the use of any portion of such premises, the distiller shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon approval of the application, the changes will be made under the supervision of a Government officer, unless they are of such a nature as, in the opinion of the district supervisor, do not require such supervision. The completed changes will be reflected in the next amended or annual notice, Form 27–A, and amended plans filed by the distiller, unless the district supervisor requires the immediate filing of an amended notice and amended plans. (Secs. 2812, 2816, 3170, 3176, I. R. C.)

§ 183.145 *Indemnity bond covering changes in buildings.* If buildings on the distillery premises, or on premises which have been eliminated from the distillery premises, are to be demolished or altered in such a manner as to decrease the value of the property, and a lien for taxes exists on such property under section 2800 (e), I. R. C., the distiller, if (a) the owner of the fee unencumbered, or (b) consents, in accordance with § 183.72, are necessary and have been obtained, must file with the district supervisor an indemnity bond, Form 1617, in triplicate, in a penal sum equal to the decrease in the value of the property: *Provided*, That, if such decrease in value is less than $1,000, no indemnity bond will be required. (Secs. 2800 (e), 3176, I. R. C.)

§ 183.146 *Appraisal.* The amount of the decrease in the value of the property subject to the Government's lien, which will be caused by the demolition or alteration of buildings, shall be determined by appraisal by two or more competent persons designated by the district supervisor. The appraisers shall render to the district supervisor a report, in duplicate, of their appraisal, which shall include information as to the methods employed by them in determining their valuations. The appraisal shall be at the expense of the distiller, unless made by Government officers. The district supervisor may dispense with the formal appraisal when he has reason to believe that the value of the property concerned is less than $1,000. (Secs. 2800 (e), 3176, I. R. C.)

§ 183.148 *Indemnity bond covering removal of equipment.* If distilling apparatus or equipment on which a lien has attached under section 2800 (e), I. R. C., for taxes on spirits produced which have not been tax-paid or withdrawn for a tax-free purpose, is to be removed from the distillery premises without adding property that will become a fixture in law of an equal or greater value than the apparatus or equipment to be removed, the distiller must file with the district supervisor an indemnity bond on Form 1617, in triplicate. Such bond must be in a penal sum equal to the value of the apparatus or equipment to be removed or equal to the excess in value of the apparatus or equipment to be removed over the value of the property to be substituted therefore: *Provided*, That if such value or difference in value, as the case may be, is less than $1,000, no indemnity bond will be required. The value of the distilling apparatus or equipment to be removed, or the difference between the value of such old apparatus or equipment and the value of the new property to be added will be determined in the manner prescribed in § 183.146. (Secs. 2800 (e), 3176, I. R. C.)

§ 183.149 *Amended notice and plans covering changes in equipment.* Upon completion of changes in equipment which materially affect the accuracy of the Form 27–A or plans, the distiller must file an amended notice and amended plans. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, such as general repairs, changes in pipe lines, or the addition or removal of a tank, the distiller must include such changes in the next amended or annual notice, and amended plans to be filed by him. The Commissioner or the district supervisor may, at any time, in his discretion, require the immediate filing of an amended notice and plans covering any change in equipment. (Secs. 2812, 2816, 3170, 3176, I. R. C.)

§ 183.152 *Qualification*—(a) *Where no bonded warehouse on premises.* • • •

(3) *Registry of stills.* Register the stills on Form 26, in triplicate, in accordance with § 183.370, if not previously registered.

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§ 183.156 *Where operation of warehouse on premises is continued*—(a) *Suspension.* Where an internal revenue bonded warehouse is located on the registered distillery premises and the registered distiller desires to continue to operate the warehouse on such premises while the distillery is operated alternately as a registered distillery and as a fruit distillery or industrial alcohol plant, he must, upon suspension of the registered distillery, comply with the provisions of § 183.155 (a) (3) and (4), and, in addition thereto, the following requirements:

• • • • •

(b) *Resumption.* Where operation of the plant as a fruit distillery or industrial alcohol plant has been suspended, and operation thereof as a registered distillery is to be resumed, the registered distiller must comply with the provisions of § 183.155 (b) (5), (6), and (7), and, in addition thereto, the following requirements:

• • • • •

§ 183.157 *Where bonded warehouse is discontinued or eliminated from registered distillery premises*—(a) *Suspension.* • • •

(b) *Resumption.* Where operation of the plant as a fruit distillery or industrial alcohol plant has been suspended, and operation thereof as a registered distillery is to be resumed, the registered distiller must comply with the provisions of § 183.155 (b) (5), (6), and (7), and, in addition thereto, the following requirements:

* * * * * *

§ 183.158 *Special application.* Where a special application for permission to operate a distillery within 600 feet of a rectifying plant is submitted by the distiller, and such special application conforms to the requirements of these regulations, the district supervisor will cause an inspection to be made to determine whether the proposed operation of the distillery within 600 feet of the rectifying plant may be permitted without jeopardy to the revenue. The inspector will ascertain whether the application accurately describes the relative location of the two premises and all pipe lines and other connections, if any, between such premises. The inspector will also observe the surroundings, including all streets, roads and driveways connecting the two premises, and any condition which might endanger the revenue, and will describe the same in his report. If the district supervisor finds, upon consideration of the inspection report, that the distillery may be operated at the designated location without danger to the revenue, he will note his approval on all copies of the special application. He will then return one copy of the approved application to the applicant, retain the original for his files, and forward the remaining copy, together with a copy of the inspection report, to the Commissioner. Approval of the special application pertains to the location of the distillery only, and does not authorize the operation thereof. The distillery may not be operated until the distiller's bond and other qualifying documents required by law and these regulations have been filed and approved by the Commissioner. If the special application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant, with advice as to the reasons for disapproval. (Secs. 2819, 3170, 3176, I. R. C.)

§ 183.160 *Indemnity bond application.* When an application for permission to file an indemnity bond in lieu of the written consent of the owner of the distillery premises or apparatus or equipment, or of any mortgagee, judgment-creditor, conditional sales vendor, or other person having a lien thereon, is submitted by the distiller and such application conforms to the requirements of the regulations in this part, the district supervisor will cause an investigaton to be made of the facts upon which the application is based, and will designate two or more competent persons to make an appraisal of the value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. The appraisal shall be made as provided in § 183.146. If the district supervisor finds, upon consideration of the appraisal and reports of investigation, that under the law and regulations an indemnity bond may properly be accepted in lieu of the consent of the owner or lienor, and if he is satisfied that the valuation placed upon the distillery property by the appraisers is fair, he will note his approval on all copies of the application. He will then return one copy of the approved application to the applicant and retain the original for his files. He will forward the remaining copy of the application and copies of the reports of investigation and appraisal to the Commissioner at the time of forwarding the indemnity bond. If the application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant with a statement of the reasons for disapproval. (Secs. 2815 (b), 3170, 3176, I. R. C.)

§ 183.169 *Disposition of qualifying documents.* Where the distiller's bond (Form 30), consent (Form 1602), if any, or indemnity bond filed in lieu thereof, and notice (Form 27–A), are approved by the Commissioner, the district supervisor will, upon receipt of approved copies of such documents from the Commissioner, as provided in § 183.176, forward one copy of the distiller's bond, consent or indemnity bond, notice, plat, plans, and other qualifying documents, and the original copy of the Federal Alcohol Administration Act permit to the distiller, and will retain one copy of such qualifying documents for the file of the distiller. If the distiller's bond, consent, or indemnity bond is disapproved, the district supervisor will, upon receipt from the Commissioner of the disapproved copies of such documents and other qualifying documents submitted therewith, return all copies of the qualifying documents to the proprietor, with advice as to the reason for disapproval. (Sec. 3176, I. R. C.)

§ 183.172 *Applications and reports covering changes.* Where an application covering changes in the distillery apparatus or equipment, or in the construction or use of a room or building, is approved by the district supervisor, he will retain one copy of the application and forward one copy to the distiller and one copy to the Commissioner; and when reports covering changes in apparatus and equipment are received from Government officers in accordance with § 183.147, he will retain one copy and promptly forward one copy to the Commissioner. Similar disposition will be made of reports received from the distiller covering emergency repairs of distilling apparatus and equipment. Where changes in buildings, apparatus, or equipment are such as to require the filing of an indemnity bond, the district supervisor may approve the application, if he has recommended approval of the bond, and permit the changes in buildings, apparatus or equipment to proceed pending approval of the bond by the Commissioner. (Sec. 3176, I. R. C.)

§ 183.176 *Qualifying documents.* The Commissioner will review the notice, plat, plans, distiller's bond (Form 30), consent (Form 1602), if any, or indemnity bond filed in lieu thereof, and other qualifying documents, including application for Federal Alcohol Administration Act permit, upon their receipt from the district supervisor. If the Commissioner approves the distillery construction and equipment, and the notice, plat, plans, distiller's bond, consent or indemnity bond, if any, and other qualifying documents, he will assign a registry number to the distillery in accordance with § 183.177, note his approval on all copies of the distiller's bond, consent or indemnity bond, and notice, retain one copy of the distiller's bond, consent or indemnity bond, and notice, and all copies of the other qualifying documents and will return two copies of the approved distiller's bond, consent or indemnity bond, and notice, to the district supervisor with advice as to his action on the qualifying documents. If the Commissioner disapproves the distiller's bond, he will note his disapproval thereon and will return all copies thereof to the district supervisor, accompanied by the other qualifying documents submitted therewith, and a statement of the reasons for disapproval of the bond. (Secs. 2814, 2815 (b), 3170, 3176, I. R. C.)

§ 183.256 *Rate of tax.* The law imposes a tax on distilled spirits produced in, or imported into, the United States, at the rate prescribed therein, on each proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond. (Secs. 2800 (a), 3176, I. R. C.)

§ 183.370 *Registry on Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus that is set up, must register the same on Form 26, in triplicate, with the district supervisor for the district in which it is located. Stills to be used for the production of various types of distilled spirits may be registered for "distilled spirits," and the specific type need not be shown. Thereafter, when the plant is changed from the production of one type of spirits to another, reregistration by the same distiller will not be required. The temporary suspension of a distillery does not necessitate reregistration of the stills. The operation of a distillery by alternating proprietors, where no permanent change in ownership occurs, does not require reregistration of the stills by the proprietors. When there is a change in location or use, or a bona fide change in ownership of a still, the still must be registered to reflect the change. The district supervisor will, upon approving the registration of a still on Form 26, retain one copy, forward one copy to the Commissioner, and return the remaining copy to the distiller. The distiller will retain his copy at the distillery available for inspection by Government officers. (Secs. 2810, 3170, 3176, I. R. C.)

§ 183.437 *Commissioner may authorize.* The Commissioner may, in his discretion, authorize the installation of a pipe line for the transfer of distilled spirits produced under section 2883, Internal Revenue Code, at a proof in excess of 159 degrees and reduced in the receiving cistern to not more than 159 and not less than 100 degrees proof, from the weighing tank in the cistern room of a registered distillery, after tax payment, to storage tanks in a rectifying plant for use in rectification and bottling, or to storage or bottling tanks in a tax-paid bottling house for bottling, when such rectifying plant or tax-paid bottling house is contiguous to or is in the immediate vicinity of the distillery. The Commissioner will determine from all the circumstances in each case whether the rectifying plant or tax-paid bottling house is in the immediate vicinity of the distillery. (Secs. 2883, 3176, I. R. C.)

§ 183.438 *Application.* A distiller who desires to install a pipe line for the transfer of such spirits to a rectifying plant or tax-paid bottling house, contiguous to, or in the immediate vicinity of the distillery, must file application, in triplicate, with the district supervisor showing the relative positions of the plants and the proprietorship thereof, and giving a full description of the proposed pipe line. (Secs. 2883, 3176, I. R. C.)

§ 183.439 *Action on application.* Upon receipt of the application, the district supervisor will make such inquiry as he may deem necessary to determine the propriety of granting the permission sought and will then forward all copies of the application to the Commissioner with his recommendation thereon. The Commissioner will indicate his approval or disapproval on all copies of the application and will return two copies to the district supervisor who will forward one copy to the applicant. Where the application is approved, the distiller will, after installation of the pipe line, file amended notice, plat and plans, describing the pipe line and the flow of spirits in accordance with the regulations in this part. (Secs. 2883, 3176, I. R. C.)

§ 183.441 *Application, Form 179.* Where a pipe line has been installed for the transfer of distilled spirits direct from the weighing tank in the distillery to a rectifying plant or tax-paid bottling house, contiguous to or in the immediate vicinity of the distillery, under the provisions of these regulations, and the distiller desires to transfer such spirits, he shall execute application for the tax payment of such spirits on Form 179, in quadruplicate. The distiller and the storekeeper-gauger shall then proceed in accordance with the provisions of §§ 183.281, 183.282, and 183.297, respecting the gauging and withdrawal of spirits for tax payment in railroad tank cars, insofar as the provisions thereof are applicable. (Secs. 2883, 3176, I. R. C.)

§ 183.445 *Release of spirits for transfer.* When the certificate of tax payment has been affixed to the weighing tank and cancelled, the storekeeper-gauger will unlock the outlet valve and permit the distiller to transfer the spirits by pipe line to the rectifying plant or tax-paid bottling house named in the certificate. The spirits shall be transferred only under the immediate supervision of the storekeeper-gauger. After the spirits have been transferred, the storekeeper-gauger will forward one copy of Form 179 and Form 1520 and the cancelled Form 1595 to the district supervisor, retain one copy of Form 179 and Form 1520, and deliver one copy of Form 179 and two copies of Form 1520 to the distiller, who will immediately deliver one copy of Form 1520 to the rectifier or proprietor of the tax-paid bottling house. (Secs. 2883, 3176, I. R. C.)

§ 183.446 *Attachment of Form 1520 to storage tank.* The report of gauge, Form 1520, delivered to the rectifier or proprietor of the tax-paid bottling house by the distiller shall be attached to the storage tank in the rectifying plant or to the storage tank or bottling tank in the tax-paid bottling house, as the case may be. The rectifier or proprietor shall enter the date and quantity of removals from the tank in the blank space on such Form 1520. The report of gauge shall be kept on the tank until such time as the quantity covered by such report has been withdrawn from the tank. The report shall then be filed by the rectifier or proprietor of the tax-paid bottling house, available for inspection by Government officers. The spirits transferred by pipe line may not be used at the rectifying plant or tax-paid bottling house prior to attachment of Form 1520 to the storage tank or bottling tank, as the case may be. (Sec. 3176, I. R. C.)

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(53 Stat. 298, as amended, 307, 308, as amended, 309–312, 314–316, 318–320, 332, 335, as amended, 343, 373, as amended, 375, 377, 391, 495; 26 U. S. C. 2800, 2808, 2810, 2812, 2814, 2815, 2816, 2817 (b), 2819, 2820, 2822, 2823, 2829, 2834, 2835, 2873, 2883, 2904, 3170, 3176, 3180, 3254, 4041)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: October 21, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9486; Filed, Oct. 27, 1948; 8:50 a. m.]

[T. D. 5664]

PART 184—PRODUCTION OF BRANDY

ESTABLISHMENT AND OPERATION OF FRUIT DISTILLERIES

1. On August 12, 1948, notice of proposed rule-making, regarding the production of brandy, was published in the FEDERAL REGISTER (13 F. R. 4672).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 184.7, 184.8, 184.11, 184.15, 184.16, 184.17, 184.35, 184.40, 184.41, 184.42, 184.49, 184.54, 184.60, 184.64, 184.65, 184.66, 184.67c, 184.67d, 184.67e, 184.79, 184.106, 184.107, 184.110, 184.112, 184.113, 184.117, 184.118, 184.119, 184.123 (a) (2), 184.128, 184.129, 184.130, 184.131, 184.133, 184.134, 184.135 (a) (3), 184.139 (a) (b), 184.140 (b), 184.141, 184.141a, 184.148, 184.150, 184.153, 184.156, 184.246 and 184.391 of Regulations 5 (26 CFR, Part 184), approved February 28, 1940, are hereby adopted, and §§ 184.9, 184.10, 184.111, 184.138 (a) (2), 184.138 (b) (3), 184.155, 184.155a and 184.392 of such regulations are hereby revoked.

3. These amendments are designed to simplify certain requirements relating to construction, and the preparation, filing, and approval of documents in connection with the establishment and operation of fruit distilleries. It is not intended by these amendments to require distillers to file additional plats and plans, or to repaint pipe lines, or to change equipment immediately, in cases where the existing documents, pipe lines and equipment conform essentially to the regulations prior to these amendments. Upon filing new plats and plans, repainting pipe lines and installing equipment, these new requirements must be observed.

§ 184.7 *Within 600 feet of rectifying plant.* No fruit distiller shall carry on the business of distilling brandy at a distance of less than 600 feet in a direct line from a rectifying plant, except when he has been so authorized by the district supervisor. The district supervisor may grant such authority when he is of the opinion that the revenue will not be endangered thereby. (Secs. 2819, 3170, 3176, I. R. C.)

§ 184.8 *Special application.* A person desiring to operate a fruit distillery within 600 feet of a rectifying plant shall file a special application, in triplicate, for such privilege with the district supervisor. The application shall state the location of the fruit distillery and the rectifying plant, the distance between the premises, the name of the proprietor of the rectifying plant, a description of any connecting pipe lines, the reason for locating the distillery within 600 feet of the rectifying plant and any additional information which the district supervisor may require. The district supervisor will take action on such application in accordance with the procedure prescribed in § 184.141. (Secs. 2819, 3170, 3176, I. R. C.)

§ 184.11 *Changes requiring approval.* Where there is to be a change in the distance between a fruit distillery and a rectifying plant located within 600 feet of each other, as a result of the extension or curtailment or other change of either premises, a new special application, in triplicate, must be filed with the district supervisor by the proprietor of the premises which is to be extended or curtailed. Where a change occurs in the proprietorship of a fruit distillery or rectifying plant located within 600 feet of each other, the new proprietor shall file with the district supervisor a new special application, in triplicate. Unless the fruit distillery premises are extended or curtailed as the result of such change, the change may be reflected in the next amended or annual notice, Form 27½, and plat, filed by the distiller. Such new special application shall be considered and disposed of in accordance with the procedure prescribed in § 184.141. (Secs. 2819, 3170, 3176, I. R. C.)

§ 184.15 *Walls.* The outside walls of distillery buildings must be securely and substantially constructed. If wood, corrugated iron, or tin is used, the same must be applied over solid sheathing for

the first 12 feet of height and over solid sheathing or sheathing spaced not greater than 12 inches from board to board for the remaining height. Where substantial sheet metal is used and the sheets are welded together in such manner as to constitute a solid wall, sheathing may be applied in any manner desired. The ceiling and walls inside of the receiving room and brandy deposit room must be cased with matched tongue and groove boards, unless the use of other material affording equal protection from access without detection is approved by the Commissioner. (Sec. 3176, I. R. C.)

§ 184.16 *Roofs.* The roofs of distillery buildings must be securely and substantially constructed. Where corrugated iron or tin is used, the same must be applied over sheathing spaced not greater than 12 inches from board to board. Where substantial sheet metal is used and the sheets are welded together in such a manner as to constitute a solid roof, sheathing may be applied in any manner desired. (Sec. 3176, I. R. C.)

§ 184.17 *Doors.* The outside doors of the distillery buildings must be securely and substantially constructed and equipped so that they may be securely locked. In addition, the doors of receiving rooms, brandy deposit rooms and other rooms required to be locked by § 184.435 must comply with the following requirements: The outside doors, and those on which Government locks are required, as hereinafter provided, must be securely constructed of heavy timber or iron, or other equally substantial material. The hinges must be secured by roundheaded or carriage bolts, nutted and riveted or battered on the inside. Hinges that cannot be thus secured must be inaccessible from the outside and so attached that they cannot be removed when the doors are closed. The outside doors, and those on which Government locks are required, must be equipped with hasp and staple securely fastened on the inside so that they may be securely locked. The doors secured from the inside must be provided with a cross bar in the middle of the door and, in addition thereto, with strong and suitable attachments for the reception of locks. Where there are double doors, one of them at least must be provided with substantial bolts at both the top and the bottom. These bolts must be so arranged as to plunge into substantial fastenings or holes in the middle of the upper and lower ends of the frame when the door is closed. Folding doors of wood or metal, vertical or horizontal sliding doors of wood or metal, and metal doors of the roller blind type, must be provided with substantial cross bars or bolts that plunge into the upper and lower ends or the sides of the door frame, so placed as to make the door rigid and secure, unless the doors operate in grooves or tracks that make them secure. (Sec. 3176, I. R. C.)

§ 184.35 *Construction of weighing tanks.* Weighing tanks shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom, and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. The inlet and outlet pipe connections of each weighing tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must also be so constructed that they can be closed and similarly locked. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words "Weighing Tank," followed by its serial number and the capacity in wine gallons. The beams or dials of weighing tank scales must indicate weight in 5 pound graduations for scales up to and including 25 tons capacity, in 10 pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity and in 20 pound graduations for scales having a capacity of more than 60 tons. The weighing tank may be located in the receiving room or brandy deposit room, or in some convenient location in the distillery building. Subject to the provisions of § 184.49, the weighing tank may also be used as a receiving tank. (Secs. 2808, 2823, 3176, I. R. C.)

§ 184.40 *Washwater receiving tanks.* If carbon dioxide gas is recovered, and the washwater is to be utilized in the manufacture of brandy, there must be provided a sufficient number of washwater receiving tanks, which shall be constructed of metal and be of uniform dimensions from top to bottom. Each such tank shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. There must be painted on each tank the words, "Washwater Receiving Tank," followed by its serial number and the capacity in wine gallons. The outlet valve must be equipped for locking with a Government lock. If the washwater is not used in the manufacture of brandy, as provided by § 184.240, washwater receiving tanks need not be installed. (Secs. 2829, 3176, I. R. C.)

§ 184.41 *Stills.* The stills must be of substantial construction and must have a clear space of not less than 1 foot around them. The steam or fuel line to each still shall be equipped with a valve so constructed that it may be locked with a Government lock when the distillery is suspended, as required by § 184.384. The drain and washout pipes of stills must also, whenever practicable, be equipped with valves so constructed that they may be locked with Government locks. If there is a furnace under the stills or doublers, the door thereto must, as provided in such section, be so constructed that it may be secured with a Government lock. There must be a clear space of not less than 2 feet around every doubler and condenser or worm tank. The doubler and worm tank must be elevated not less than 1 foot from the floor. Every still must be numbered, commencing with number 1, and have painted thereon its designated use, such as "Beer still," "Doubler," etc., and its number and spirit producing capacity in proof gallons in 24 hours, computed in accordance with the rules set forth in the Appendix to the regulations in this part. Where the still is insulated or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still. (Secs. 2822, 3176, I. R. C.)

§ 184.42 *General requirements for tanks.* All tanks used as receptacles for spirits between the outlet of the first condenser or worm and the receiving tanks shall be constructed of metal, unless enclosed within a securely constructed room equipped for locking with a Government lock, in which case the tanks may be constructed of wood or concrete. Metal tanks shall be of uniform dimensions from top to bottom. All tanks shall be equipped with a suitable measuring device, conforming to the requirements of § 184.43, whereby the actual contents will be correctly indicated. All tanks must be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than 3 feet between the top and the roof or floor above. All tanks, such as low-wine tanks, singlings tanks, other unfinished-spirits tanks, heads and tails tanks, fusel oil tanks, distilled water tanks, and similar equipment shall each have plainly and legibly painted thereon its designated use, serial number, and capacity in wine gallons. Manheads, inlets, and outlets of the tanks and all necessary openings in the distilling apparatus and equipment, except column stills, whereby access may be had to the spirits, must be provided with facilities for locking with Government locks: *Provided*, That distilled water storage tanks need not be so equipped unless a pipe line is connected therewith for the conveyance of distilled water to contiguous establishments, as provided in § 184.45. All openings in tanks and other distilling apparatus and equipment, which are not absolutely necessary, and which can be permanently closed without interference with plant operations, shall be closed by brazing, welding, or otherwise securely fastening and sealing. Tanks used as receptacles for spirits may be permanently connected with pipe lines, for the conveyance thereto of air, and also distilled water, but the distilled water pipe line must be affixed to the top of the tank, and may not extend into the tank. Such pipe lines must be equipped with a control valve which may be locked with a Government lock. Pipe lines used for the conveyance of air must also be equipped with a check valve located near the point of entry to the tank in order to effectively prevent any abstraction of spirits from the tank. Other pipe lines, except those used for the conveyance of spirits, may not be permanently connected with such tanks. (Secs. 2823, 2829, 3041, 3176, I. R. C.)

§ 184.49 *Receiving tanks.* The distiller shall provide a sufficient number of receiving tanks of adequate capacity, into which shall be conveyed all the brandy produced in the distillery. Such tanks will be located in the receiving room, where such a room is provided. If no receiving room is provided, the distiller may, if he so desires, place receiving tanks in the brandy deposit room, or, if the tanks are constructed of metal, they may be located at some place

in the distillery convenient for drawing off spirits. If the tanks are not constructed of metal they must be placed in the brandy deposit room, unless a receiving room is provided. At distilleries where operations are not such as to require the daily attendance of a storekeeper-gauger, the receiving and singlings tanks shall be of such capacity as will necessitate the visit by a Government officer not more than twice a month to gauge the spirits: *Provided*, That the district supervisor may approve tanks of less capacity where by reason of the location of the distillery, he can assign a storekeeper-gauger to visit the distillery more often than twice a month to gauge the brandy, or where the quantity of brandy produced is such as to make the retention of 15 days' production in the receiving tanks inadvisable. Receiving tanks must be constructed and arranged in conformity with the requirements of § 184.42, and, in addition thereto, such tanks must be elevated not less than 18 inches from the floor and so separated that the Government officer may pass completely around each. Each receiving tank shall be equipped with a suitable measuring device conforming to the requirements of § 184.43. Each such tank shall have plainly and legibly painted thereon the words "Receiving Tank," followed by its serial number and the capacity in wine gallons. Pipe lines connected with receiving tanks must be brazed, welded, or otherwise secured and sealed to the tanks in such a manner that they cannot be detached or altered without showing evidence of tampering. Pipe lines for the conveyance of distilled water, air, or other substances than spirits may not be permanently connected with receiving tanks, except as provided by § 184.42. (Secs. 2823, 2829, 3041, 3170, 3176, I. R. C.)

§ 184.54 *Colors for pipe lines.* The pipe lines in the fruit distillery used for conveying the following substances shall be kept painted in the colors indicated:

Black	Brandy or other finished spirits.
Blue	Vapor, singlings, high-wines and low-wines, or other unfinished spirits.
Red	Fermented mash, wine, or other distilling material.
Gray	Must or other unfermented material.
Brown	Slop.
Yellow	Fusel oil.
White	Water.
Aluminum	Steam.
Orange	Air.
Olive green	Carbon dioxide gas.

These colors are intended for such pipe lines only and are prescribed for the purpose of distinguishing such pipe lines from each other and from all other pipe lines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors. (Secs. 2822, 3176, I. R. C.)

§ 184.60 *Description of premises.* The lot or tract of land on which the distillery is situated must be described on Form 27½ by courses and distances, in feet and inches, with the particularity required in conveyances of real estate. If the distillery premises consists of two or more lots or parcels, the condition of the title to which is not the same, the entire distillery premises shall be first described, followed by a separate description by courses and distances, in feet and inches, of each such lot or parcel. The continuity of the distillery premises must be unbroken, except that the premises may be divided by a public street or highway, if parts of the premises so divided abut on such street or highway, opposite each other. The premises may be similarly divided by a railroad right of way, if the railroad is a common carrier. In such cases, each tract of land constituting the distillery premises shall be described separately on the form. (Secs. 2812, 3176, I. R. C.)

§ 184.64 *Condition of title to premises.* The condition of title to the premises shall be shown on Form 27½. If the distiller is the owner of the premises in fee, unencumbered, it shall be so stated. If the distiller is not the owner in fee, unencumbered by any mortgage, judgment, lien, or other encumbrance of the lot or tract of land on which the distillery is situated, the name and address of the owner of the fee and of any mortgagee, judgment-creditor, and of any person having a lien or encumbrance, and of all prior lessees thereon, shall be stated. Where the written consent of the owner of the fee and of any mortgagees, judgment-creditors, lienors, encumbrancers, or lessees, is filed, as provided in § 184.67a, or where an indemnity bond is filed in lieu of such written consent, as provided in §§ 184.67d and 184.67e, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon, shall be shown on the Form 27½ in connection with the statement of the present condition of the title. If the premises are occupied under a lease, the name of the owner, the name of the lessor, the length of the term, and the date of its expiration, shall be stated. (Secs. 2800 (e) (1), 2812, 2815 (b), 3176, I. R. C.)

§ 184.65 *Condition of title to apparatus and equipment.* The distiller's title to, or interest in, the distilling apparatus and equipment shall be shown on Form 27½. If the distiller is not the owner of such apparatus and equipment, unencumbered by any mortgage, judgment, lien, or other encumbrance, the name and address of the owner thereof and of any mortgagee, judgment-creditor, lienor or encumbrancer, or conditional sales vendor, shall be stated. Where the written consent of the owner and of the mortgagees, judgment-creditors, lienors, or other encumbrancers, or conditional sales vendors, is filed, as provided in § 184.67a, or where an indemnity bond is filed in lieu of such written consent, as provided in §§ 184.67d and 184.67e, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon, or, if the apparatus was purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due shall be shown in connection with the statement of the distiller's title to, or interest in, the property. (Secs. 2800 (e) (1), 2812, 2815 (b), 3176, I. R. C.)

§ 184.66 *Distance from rectifying plant or vinegar factory.* If the distillery premises are situated more than 600 feet in a direct line from any premises authorized to be used for rectifying spirits, or from a vinegar factory using the vaporizing process, such fact shall be stated on Form 27½. If the distance between the distillery premises and the premises of a rectifying plant is less than 600 feet in a direct line, there must be stated in the notice, Form 27½, the name of the proprietor of the rectifying plant, the exact distance in feet and inches between the distillery and the rectifying plant, and whether the location of the distillery within such distance of the rectifying plant has been approved by the district supervisor. If such location of the distillery has been approved by the district supervisor, the date of such approval shall be given. If the distance between the distillery premises and a vinegar factory using the vaporizing process is less than 600 feet in a direct line, such fact and the date of the establishment of the vinegar factory shall be stated on the form. (Secs. 2812, 2819, 2834, 2835, 3170, 3176, I. R. C.)

§ 184.67c *Application.* The application shall contain (a) an accurate description of the lot or tract of land on which the distillery is situated, and of the distillery, the buildings, and the distilling apparatus and equipment thereon; (b) a full and clear statement of the condition of the title to the premises and apparatus and equipment, including the name and address of the owner and of all mortgagees, judgment-creditors, conditional sales vendors, prior lessees, and other persons having liens or encumbrances thereon, the kind, date, and amount of each encumbrance and the balance due thereon, and, in the case of apparatus and equipment purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due; and (c) a full and clear statement of the reasons why the applicant cannot obtain the prescribed written consent. The district supervisor will take action on such application in accordance with the procedure prescribed in § 184.141a. (Secs. 2815 (b), 3170, 3176, I. R. C.)

§ 184.67d *Bond, Form 3–A.* If the application is approved, the distiller shall execute bond on Form 3–A, "Bond of Indemnity in Favor of the United States," in triplicate, in conformity with the applicable provisions of §§ 184.83 to 184.103, and file the same with the district supervisor. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. If, after such bond is filed, the value of the distillery premises, buildings or distilling apparatus is increased by additional land, buildings or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That if such increase in value is less than $1,000 no

additional bond will be required. In the event of a failure of bond on Form 3–A the distiller will be no longer qualified. The appraisal shall be made in accordance with the provisions of § 184.67f. (Secs. 2815 (b), 3176, I. R. C.)

§ 184.67e *Bond in lieu of consent where distillery is sold for United States.* Where a distillery is sold at a judicial or other sale in favor of the United States, the distiller may give bond on Form 3–A in lieu of the consent of the person possessing the right of redemption and of any mortgagee, judgment-creditor, lienor, prior lessee, or other encumbrancer, and be allowed, upon complying with all other provisions of law and the regulations, in this part to operate the distillery during the existence of the right of redemption from such sale. A distiller desiring to give bond in such case shall file application, in triplicate, with the district supervisor for permission so to do. The application shall contain a full and clear statement of the condition of the title, including the name and address of the person having the right of redemption and of all encumbrancers, the kind, date, and amount of each encumbrance, the date of the sale and the date of expiration of the right of redemption. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the distillery is situated, together with the buildings and distillery apparatus. If, after such bond is filed, the value of the distillery premises, buildings or distilling apparatus is increased by additional land, buildings or distilling apparatus, an additional bond on such form to cover the increase in value will be required: *Provided*, That, if such increase in value is less than $1,000, no additional bond will be required. The appraisal shall be made in accordance with the provisions of § 184.67f. (Secs. 2815 (b), 3176, I. R. C.)

§ 184.79 *Statement of process.* There must be submitted to the district supervisor with the fruit distiller's original notice, Form 27½, a statement of process, in triplicate. Upon any change in the process, a new statement, in triplicate, must be filed with the district supervisor who will forward all copies to the Commissioner in accordance with § 184.148. Reference by date to the current statement of process must be incorporated in each annual notice, Form 27½. The statement of process should present a step by step description of the mashing, fermenting, distilling, purifying and refining processes used in the production of each type of brandy. It must show specifically the kind and approximate quantity or proportion of all nonalcohol producing materials or substances added to the distilling material for the purpose of providing yeast food or for inhibiting the action of wild yeast, or for any other purpose, and all materials used for purifying, refining or otherwise treating the spirits. Samples of any such material or substance will be prepared and furnished to the district supervisor, upon request, for analysis by Government chemists. Materials or chemicals which are volatile and would remain incorporated with the finished brandy after final distillation may not be used. (Secs. 3176, 3254 (g), I. R. C.)

§ 184.106 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering or writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2816, 3176, I. R. C.)

§ 184.107 *Depiction of distillery premises.* Plats must show the outer boundaries of the distillery premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning with respect to its distance and bearings from some near and well-known landmark, and must contain an accurate depiction of the building or buildings comprising the premises and any drive way, public highway or railroad right of way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27½. If the distillery premises consists of two or more lots or parcels of land the condition of the title to which is not the same, each such lot or tract shall be separately described by courses and distances, in feet and inches, and such lots or parcels shall be delineated or cross-hatched in contrasting colors. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat. Except as provided in § 184.116, all pipe lines leading to or from the premises, the purpose for which used and the points of origin and termination will be indicated on the plat. (Secs. 2816, 3176, I. R. C.)

§ 184.110 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors and the location of all doors, windows and other openings and how such openings are protected. All apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans and their designated use indicated. In the case of stills, tanks and similar equipment, the serial number and capacity shall also be shown. (Secs. 2816, 3176, I. R. C.)

§ 184.112 *Elevational plans of buildings.* The plans shall also include an exterior, elevational view of each exposure of each building showing the type of security afforded the openings. The number of stories and the height of each story will be indicated on the elevational plans. In lieu of drawings, the distiller may submit a photograph of each exposure of each building in a size not smaller than 7 x 9 inches. The photographs must be in sufficient detail to clearly depict the buildings from the ground to the roof and must be properly identified. Where photographs are submitted, drawings must be furnished to show the security afforded the openings in all rooms required to be locked, such as receiving rooms, brandy deposit rooms, etc: *Provided*, That in lieu of such drawings, the photographs may be noted to show the type of security afforded the openings in such rooms by reference to the appropriate sheet of plans on file, whereon such information is shown. (Secs. 2816, 3176, I. R. C.)

§ 184.113 *Colors for pipe lines.* The pipe lines must be shown on the plans in the colors in which they are required to be painted, as follows:

Black	Brandy or other finished spirits.
Blue	Vapor, singlings, high-wines and low-wines, or other unfinished spirits.
Red	Fermented mash, wine, or other distilling material.
Gray	Must or other unfermented material.
Brown	Slop.
Yellow	Fusel oil.
White	Water.
Aluminum	Steam.
Orange	Air.
Olive green	Carbon dioxide gas.

(Secs. 2816, 3176, I. R. C.)

§ 184.117 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering (a) distilling material system, (b) mashing and fermenting systems, (c) distilling system, and (d) the receiving tank system. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence and elevation by floors with all connecting pipe lines, valves, flanges (except as provided in § 184.114), Government locks, measuring devices, etc. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All the flow diagrams as a unit must show the flow of the distilling material and the resulting products, through the distilling material tanks, fermenters, sumps, stills, doublers, try boxes and other equipment and the deposit and removal of the finished spirits from the receiving tanks and the brandy deposit room, if any. All major equipment, fermenters, stills, etc., must be identified on these plans as to number and use. The elevational flow diagrams must be so drawn that all fixed pipe lines, except those indicated by § 184.116 may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2816, 3176, I. R. C.)

§ 184.118 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the distiller, the draftsman and the district supervisor substantially in the following form:

(Name of distiller)

(Address)

Approved ---
(Date)

(District Supervisor)

Accuracy certified by

(Name and capacity—for the distiller)

(Draftsman)

Fruit Distillery No. ---, 19---. Sheet No. ---.

(Secs. 2816, 3170, 3176, I. R. C.)

§ 184.119 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2816, 3176, I. R. C.)

§ 184.123 *Change in proprietorship—*(a) *Suspension.* • • •

(2) *Registry of stills.* If the business is to be permanently discontinued, file, Form 26, Registry of Stills, in triplicate, in accordance with § 184.391.

• • • • •

§ 184.128 *Changes in premises—*(a) *Procedure.* Where the premises of a fruit distiller are to be extended or curtailed, the distiller must file with the district supervisor an amended notice, Form 27½, and an amended plat of the premises as extended or curtailed, except as herein specifically authorized in the case of alternate operations of the bottling department. If the plans are affected by the extension or curtailment, they must also be amended. If the distillery is within 600 feet of a rectifying plant the distiller must also file a special application in accordance with §§ 184.8 and 184.11. The additional premises covered by an extension may not be used for distillery purposes, and the portion of the distillery premises to be excluded by a curtailment may not be used for other than distillery purposes, prior to approval of the notice, Form 27½. Where an internal revenue bonded warehouse containing a bottling-in-bond department is located on the distillery premises, and the documents required by Part 188 (Regulations 6), governing the alternate operation of the bottling house as a bottling-in-bond department and a tax-paid bottling house are filed, and no change in proprietorship is involved, the filing of additional notices, Form 27½, covering changes in the temporary status thereof from time to time will not be required.

(b) *Bond, Form 3–A.* In the case of an extension of the distillery premises, if the value of such premises is increased by the addition of land, buildings, equipment, etc., where an indemnity bond has been filed in lieu of consent of the owner or of any encumbrancer, a new or additional indemnity bond on Form 3–A must be filed in accordance with § 184.67d.

(c) *Consent, Form 1602.* Where the distiller is the owner in fee unencumbered, or has procured the consent of the owner or any encumbrancer, of the premises, and such premises are extended to include additional land, buildings, etc., the distiller, if he is not the owner in fee unencumbered of the extended premises (including buildings, etc.), must procure the consent of the owner or of any encumbrancer of such extended premises, and the buildings, apparatus and equipment thereon, in accordance with § 184.67a, or in lieu thereof, file an indemnity bond on Form 3–A, in accordance with § 184.67d. (Secs. 2812, 2815 (b), 2816, 2819, 2873, 2904, 3170, 3176, 4041, I. R. C.)

§ 184.129 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the distillery premises, or where a change is to be made in the use of any portion of such premises, the distiller shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon approval of the application, the changes will be made under the supervision of a Government officer, unless they are of such a nature as, in the opinion of the district supervisor, do not require such supervision. The completed changes will be reflected in the next amended or annual notice, Form 27½, and amended plans filed by the distiller, unless the district supervisor requires the immediate filing of an amended notice and amended plans. (Secs. 2812, 2816, 3170, 3176, I. R. C.)

§ 184.130 *Indemnity bond covering changes in buildings.* If buildings on the distillery premises, or on premises which have been eliminated from the distillery premises, are to be demolished or altered in such a manner as to decrease the value of the property, and a lien for taxes exists on such property under section 2800 (e), I. R. C., the distiller, if (a) the owner of the fee unencumbered, or (b) consents in accordance with § 184.67a are necessary and have been obtained, must file with the district supervisor an indemnity bond, Form 1617, in triplicate, in a penal sum equal to the decrease in the value of the property: *Provided*, That, if such decrease in value is less than $1,000, no indemnity bond will be required. (Secs. 2800 (e), 3176, I. R. C.)

§ 184.131 *Appraisal.* The amount of the decrease in the value of the property subject to the Government's lien which will be caused by the demolition or alteration of buildings shall be determined by appraisal by two or more competent persons designated by the district supervisor. The appraisers shall render to the district supervisor a report, in duplicate, of their appraisal, which shall include information as to the methods employed by them in determining their valuations. The appraisal shall be at the expense of the distiller, unless made by Government officers. The district supervisor may dispense with the formal appraisal when he has reason to believe that the value of the property concerned is less than $1,000. (Secs. 2800 (e), 3176, I. R. C.)

§ 184.133 *Indemnity bond covering removal of equipment.* If distilling apparatus or equipment on which a lien has attached under section 2800 (e), I. R. C., for taxes on spirits produced which have not been tax-paid or withdrawn for a tax-free purpose, is to be removed from the distillery premises without adding property that will become a fixture in law of an equal or greater value than the apparatus or equipment to be removed, (a) where the distiller is the owner of the premises in fee unencumbered, whether the property is realty or personalty, or (b) where consents in accordance with § 184.67a are necessary and have been obtained, whether the property is realty or personalty, the distiller must file with the district supervisor an indemnity bond on Form 1617, in triplicate. Such bond must be in a penal sum equal to the value of the apparatus or equipment to be removed or equal to the excess in value of the apparatus or equipment to be removed over the value of the property to be substituted therefor: *Provided*, That if such value or difference in value, as the case may be, is less than $1,000, no indemnity bond will be required. The value of the distilling apparatus or equipment to be removed, or the difference between the value of such old apparatus or equipment and the value of the new property to be added will be determined in the manner prescribed in § 184.131. (Secs. 2800 (e), 3176, I. R. C.)

§ 184.134 *Amended notice and plans covering changes in equipment.* Upon completion of changes in equipment which materially affect the accuracy of the Form 27½ or plans, the distiller must file an amended notice and amended plans. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, such as general repairs, changes in pipe lines, or the addition or removal of a tank, the distiller must include such changes in the next amended or annual notice and amended plans to be filed by him: *Provided*, That, the Commissioner or the district supervisor may, at any time, in his discretion, require the immediate filing of an amended notice and plans covering any change in equipment. (Secs. 2812, 2816, 3170, 3176, I. R. C.)

§ 184.135 *Qualification—*(a) *Where no bonded warehouse on premises.* • • •

(3) *Registry of stills.* Register the stills on Form 26, in triplicate, in accordance with § 184.391, if not previously registered.

• • • • •

§ 184.139 *Where operation of warehouse on premises is continued—*(a) *Suspension.* Where an internal revenue bonded warehouse is located on the fruit distillery premises and the fruit distiller desires to continue to operate the warehouse on such premises while the distillery is operated alternately as a fruit distillery and as a registered distillery or

industrial alcohol plant, he must, upon suspension of the fruit distillery, comply with the provisions of § 184.138 (a) (3) and (4), and, in addition thereto, the following requirements:

* * * * *

(b) *Resumption.* Where operation of the plant as a registered distillery or industrial alcohol plant has been suspended and operation thereof as a fruit distillery is to be resumed, the fruit distiller must comply with the provisions of § 184.138 (b) (4a), (5) and (6), and, in addition thereto, the following requirements:

* * * * *

§ 184.140 *Where bonded warehouse is discontinued or eliminated from fruit distillery premises*— (a) *Suspension.* * * *

(b) *Resumption.* Where operation of the plant as a registered distillery or industrial alcohol plant has been suspended, and operation thereof is to be resumed as a fruit distillery, the fruit distiller must comply with the provisions of § 184.138 (b) (4a), (5) and (6), and, in addition thereto, the following requirements:

* * * * *

§ 184.141 *Special application.* Where a special application for permission to operate a fruit distillery within 600 feet of a rectifying plant is submitted by the distiller, and such special application conforms to the requirements of these regulations, the district supervisor will cause an inspection to be made to determine whether the proposed operation of the distillery within 600 feet of the rectifying plant may be permitted without jeopardy to the revenue. The inspector will ascertain whether the application accurately describes the relative location of the two premises and all pipe lines and other connections, if any, between such premises. The inspector will also observe the surroundings, including all streets, roads and driveways connecting the two premises, and any condition which might endanger the revenue, and will describe the same in his report. If the district supervisor finds, upon consideration of the inspection report, that the distillery may be operated at the designated location without danger to the revenue, he will note his approval on all copies of the special application. He will then return one copy of the approved application to the applicant, retain the original for his files, and forward the remaining copy, together with a copy of the inspection report, to the Commissioner. Approval of the special application pertains to the location of the distillery only, and does not authorize the operation thereof. The distillery may not be operated until the distiller's bond and other qualifying documents required by law and these regulations have been filed and approved by the Commissioner. If the special application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant, with advice as to the reason for disapproval. (Secs. 2819, 3170, 3176, I. R. C.)

§ 184.141a *Indemnity bond application.* When an application for permission to file an indemnity bond, Form 3–A, in lieu of the written consent of the owner of the distillery premises or apparatus or equipment, or of any mortgagee, judgment-creditor, lienor, or other person having an encumbrance thereon, or conditional sales vendor, is submitted by the applicant and such application conforms to the requirements of these regulations, the district supervisor will cause an investigation to be made of the facts upon which the application is based, and will designate two or more competent persons to make an appraisal of the value of the lot or tract of land on which the distillery is situated, the distillery, the buildings, and the distilling apparatus. The appraisal shall be made as provided in § 184.67f. If the district supervisor finds upon consideration of the appraisal and reports of investigation that under the law and regulations an indemnity bond may properly be accepted in lieu of the consent of the owner or lienor and if he is satisfied that the valuation placed upon the distillery property by the appraisers is fair, he will note his approval on all copies of the application. He will then return one copy of the approved application to the applicant and retain the original for his files. He will forward the remaining copy of the application and copies of the reports of investigation and appraisal to the Commissioner at the time of forwarding the indemnity bond. If the application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant with a statement of the reasons for disapproval. (Secs. 2815 (b), 3170, 3176, I. R. C.)

§ 184.148 *Approval of qualifying documents.* If the district supervisor finds, upon completion of his investigation and examination of the inspection report, that the person seeking to qualify as a fruit distiller is qualified to hold a permit and has complied in all respects with the requirements of law and these regulations, and if the notice, Form 27½, bond, Form 30½, and consent, Form 1602, or indemnity bond, Form 3–A, if any, filed in lieu thereof, may properly be approved, he will note his recommendation for approval on all copies of the notice, distiller's bond and consent or indemnity bond (if any), and his approval on all copies of the plat, plans and other qualifying documents, and will forward all copies of the notice, bond, consent or indemnity bond (if any) and the original copy of the plat, plans and other qualifying documents, together with a copy of all inspection reports, to the Commissioner for final action. The original copy of the application for permit will be forwarded to the Commissioner with such qualifying documents. The issuance of a permit should be withheld pending approval by the Commissioner of the notice, bond and other qualifying documents required under the internal revenue laws. (Sec. 3176, I. R. C.)

§ 184.150 *Disposition of qualifying documents.* Where notice, Form 27½, bond, Form 30½, and consent, Form 1602 (if any), or indemnity bond, Form 3–A, filed in lieu thereof, are approved by the Commissioner, the district supervisor will, upon receipt of approved copies of such documents from the Commissioner, as provided in § 184.156, forward one copy of the notice, bond, consent or indemnity bond, plat, plans and other qualifying documents and the original copy of the Federal Alcohol Administration Act permit to the distiller and will retain one copy of such qualifying documents for the file of the applicant in his office. If the distiller's bond, consent or indemnity bond is disapproved, the district supervisor will, upon receipt from the Commissioner of the disapproved copies of such documents and other qualifying documents submitted therewith, return all copies of the qualifying documents to the proprietor, with advice as to the reason for disapproval. (Sec. 3176, I. R. C.)

§ 184.153 *Applications and reports covering changes.* Where an application covering changes in the distillery apparatus or equipment, or in the construction or use of a room or building, is approved by the district supervisor, he will retain one copy of the application and forward one copy to the distiller and one copy to the Commissioner, and, when reports covering changes in apparatus and equipment are received from Government officers in accordance with § 184.132, he will retain one copy and promptly forward one copy to the Commissioner. Similar disposition will be made of reports received from the distiller covering emergency repairs of distilling apparatus and equipment. Where changes in buildings, apparatus, or equipment are such as to require the filing of an indemnity bond, the district supervisor may approve the application, if he has recommended approval of the bond, and permit the changes in buildings, apparatus or equipment to proceed pending approval of the bond by the Commissioner. (Sec. 3176, I. R. C.)

§ 184.156 *Qualifying documents.* The Commissioner will review the notice, Form 27½, plat, plans, bond, Form 30½, consent, Form 1602, if any, or indemnity bond, Form 3–A, filed in lieu thereof, and, other qualifying documents, including application for Federal Alcohol Administration Act permit, upon their receipt from the district supervisor. If the Commissioner approves the construction and equipment of the distillery and the notice, plat, plans, distiller's bond, consent or indemnity bond, if any, and other qualifying documents, he will assign a registry number to the fruit distillery in accordance with the provisions of § 184.157, note his approval on all copies of the distiller's bond, consent or indemnity bond, and notice, retain one copy of the distiller's bond, consent or indemnity bond, and notice and all copies of the other qualifying documents, and will return two copies of the approved distiller's bond, consent or indemnity bond, and notice, to the district supervisor with advice as to his action on the qualifying documents. If the Commissioner disapproves the distiller's bond, he will note his disapproval thereon and will return all copies thereof to the district supervisor, accompanied by the other qualifying documents submitted therewith, and a statement of the reasons for disapproval of the bond. (Secs. 2814, 2815 (b), 3170, 3176, I. R. C.)

§ 184.246 *Rate of tax.* The law imposes a tax on distilled spirits produced in or imported into the United States at the rate prescribed therein on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond. (Secs. 2800 (a), 3176, I. R. C.)

§ 184.391 *Registry on Form 26.* Every person having in his possession or custody or under his control any still or distilling apparatus that is set up, must register the same on Form 26, in triplicate, with the district supervisor for the district in which it is located. Stills to be used for the production of various types of distilled spirits may be registered for "distilled spirits" and the specific type need not be shown. Thereafter, when the plant is changed from the production of one type of spirits to another, reregistration by the same distiller will not be required. The temporary suspension of a distillery does not necessitate reregistration of the stills. The operation of a distillery by alternating proprietors, where no permanent change in ownership occurs, does not require reregistration of the stills by the proprietors. When there is a change in location or use or a bona fide change in ownership of a still, the still must be registered to reflect the change. The district supervisor will, upon approving the registration of a still on Form 26, retain one copy, forward one copy to the Commissioner and return the remaining copy to the distiller. The distiller will retain his copy at the distillery available for inspection by Government officers. (Secs. 2810, 3170, 3176, I. R. C.)

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER. (53 Stat. 298, as amended, 307, 308, as amended, 309–312, 314–316, 318–320, 332, 343, 373, as amended, 375, 391, 495; 26 U. S. C. 2800, 2808, 2810, 2812, 2814, 2815 (b), 2816, 2819, 2822, 2823, 2834, 2835, 2873, 2904, 3170, 3176, 3254 (g), 4041)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: October 21, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9487; Filed, Oct. 27, 1948; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—National Security Resources Board

PART 700—ORGANIZATION

PART 701—DELEGATIONS OF AUTHORITY

DISCONTINUANCE OF CODIFICATION

NOTE: The codification of Chapter VII—National Security Resources Board, comprising Parts 700 and 701, has been discontinued. Future amendments will be published in the Notices section of the FEDERAL REGISTER.

Chapter VII—Sugar Rationing Administration, Department of Agriculture

[Gen. Order 9, Amdt. 1]

PART 705—ADMINISTRATION

PRESERVATION OF RECORDS WITH RESPECT TO PRICE CONTROL OF SUGAR

Pursuant to the authority conferred upon the Secretary of Agriculture by the Sugar Control Extension Act of 1947, General Order 9, issued by the Acting Secretary of Agriculture on July 30, 1947 (12 F. R. 5279) is hereby amended to read as follows:

§ 705.109 *Preservation of records with respect to price control of sugar.* (a) Subject to the provisions of subsection (b) hereof, all persons shall preserve for examination by the Department of Agriculture, until October 31, 1950, all records, documents, reports, books, accounts, invoices, sales lists, sales slips, orders, vouchers, contracts, receipts, bills of lading, correspondence, memoranda, and other papers, and drafts and copies thereof, which were required to be made or kept on March 31, 1947, with respect to price control of sugar by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, the Sugar Control Extension Act of 1947, or by any regulation, order or other document issued thereunder by the Price Administrator, Office of Price Administration, the Temporary Controls Administrator, Office of Temporary Controls, or by the Secretary of Agriculture.

(b) The requirements of this general order shall apply only to those persons falling within the following categories:

(1) All persons who are parties to pending civil or criminal litigation under the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, the Sugar Control Extension Act of 1947, or any regulation, order, or other document issued thereunder by the Price Administrator, Office of Price Administration, the Temporary Controls Administrator, Office of Temporary Controls, or the Secretary of Agriculture.

(2) All persons who have received any subsidy payment, premium payment, or other payment from any agency or instrumentality of the United States pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, the Sugar Control Extension Act of 1947, or any regulation, order, or other document issued thereunder, or who have a pending claim or intend to file a claim for any such payment from any agency or instrumentality of the United States pursuant to such laws or regulations.

(3) All persons who have engaged in the sale of sugar or service in connection therewith to the United States or any agency or instrumentality thereof, under a price adjustment provision pursuant to the Emergency Price Control Act of 1942, as amended.

(c) *Definitions.* When used in this section, the term:

(1) "Person" shall have the same meaning as in the Emergency Price Control Act of 1942, as amended.

(2) "Sugar" shall have the same meaning as in the Sugar Control Extension Act of 1947. (Pub. Law 30, 80th Cong.)

This order shall become effective 12:01 a. m. e. s. t., November 1, 1948.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 22d day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary.

[F. R. Doc. 48-9477; Filed, Oct. 27, 1948; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[Gen. Order 24, Rev., Supp. 4, WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

SUBPART D—REGULATIONS FOR RECEIPT OF DONATIONS FOR CHAPEL AND LIBRARY AT UNITED STATES MERCHANT MARINE ACADEMY, KINGS POINT, NEW YORK

GENERAL PROVISIONS

Sec.
310.100 Basis and purposes.
310.101 Designation and authority.

CONTRIBUTIONS

310.102 Receipt for contributions.
310.103 Accountability.

AUTHORITY: §§ 310.100 to 310.103 issued under sec. 3, Pub. Law 485, 80th Cong.; 62 Stat. 172.

GENERAL PROVISIONS

§ 310.100 *Basis and purpose.* By virtue of the authority contained in the act approved April 17, 1948 (Pub. Law 485, 80th Cong., 2d Sess.), and in accordance with General Accounting Office Accounts and Procedures Letter No. 12789, United States Maritime Commission No. 224, dated June 8, 1948, regulations are hereby prescribed to provide for the receipt of, and accounting for, private contributions to assist in construction of a chapel and a library at the United States Merchant Marine Academy, Kings Point, New York.

§ 310.101 *Designation and authority.* The Assistant Chief, Bureau of Maritime Services, is hereby designated to accept private contributions to assist in defraying the cost of construction of said chapel and library. All private contributions received shall be transmitted to the Bureau of Finance, United States Maritime Commission, for deposit.

CONTRIBUTIONS

§ 310.102 *Receipt for contributions.* The immediate receiving person shall give proper receipt for all contributions. Receipts shall be prepared in duplicate, one copy for the contributor and the other copy to accompany the contribution. Contributions may be made by check. In such cases the check shall be made payable to the Treasurer of the United States.

§ 310.103 *Accountability.* All contributions shall be forwarded to the Assistant Chief, Bureau of Maritime Services, United States Maritime Commission, Washington, D. C., for transmission to the Bureau of Finance, United States Maritime Commission for disposition in accordance with the following trust fund receipt and appropriation accounts prescribed by the Comptroller General of the United States under the provisions of section 20 of the Permanent Appropriation Repeal Act of June 26, 1934, 48 Stat. 1233, General Regulations No. 84-Revised, and in accordance with an arrangement with the Treasury Department, together with limitation accounts pursuant to General Regulations No. 83:

Receipt Accounts

8503	Donations for Chapel and Library, United States Merchant Marine Academy, Kings Point, New York.
8503.001	Chapel.
8503.002	Library.

Appropriation Accounts

69X8503	United States Merchant Marine Academy, Kings Point, N. Y., Donations for Chapel and Library, United States Maritime Commission.

Limitations:
69X8503.001 Chapel.
69X8503.002 Library.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Secretary.

OCTOBER 19, 1948.

[F. R. Doc. 48-9480; Filed, Oct. 27, 1948; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 22—MOUNTAIN REGION NATIONAL WILDLIFE REFUGES

FORT PECK GAME RANGE, MONTANA; DEER HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, the Bureau of Land Management, and the Montana Fish and Game Commission it has been determined that the population of deer on the Fort Peck Game Range is in excess of the available habitat for such animals and that, compatible with good wildlife management, the removal of the excess of the herd can best be accomplished by public hunting in accordance with the State laws.

A new section is added as follows:

§ 22.311 *Fort Peck Game Range, Montana; deer hunting.* Deer may be taken in accordance with the laws and regulations of the State of Montana on such lands of the United States within the Fort Peck Game Range as may be mutually determined after a joint annual examination of the Range by representatives of the Fish and Wildlife Service and of the Montana Fish and Game Commission, subject to the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* The part or parts of the Fort Peck Game Range that are are open to the hunting of deer each year shall be designated by suitable posting by the officer in charge of the Range.

(b) *Entry.* Entry on and use of the Range for any purpose are governed by the provisions of Parts 12 and 16 of this chapter, and strict compliance therewith is required.

(c) *State hunting laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Range must have in his possession, and exhibit at the request of any authorized Federal or State officer, a valid State hunting license and a special permit issued by the State authorizing him to hunt on the area. Such State license and permit will serve as a Federal permit for entry on the Range for the purpose of hunting.

(d) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting. (Sec. 10, 45 Stat. 1222, sec. 84, 35 Stat. 1088, 43 Stat. 98; 16 U. S. C. 715i, 18 U. S. C. 145; Reorg. Plan No. II of 1939, 3 CFR, 1939 Supp., Chapter IV; Regs., Departments of Agriculture and the Interior, Feb. 13, 1937, 2 F. R. 590, 50 CFR 16)

Dated: October 22, 1948.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 48-9471; Filed, Oct. 27, 1948; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 935]

HANDLING OF MILK IN OMAHA-COUNCIL BLUFFS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et sec.), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated was conducted at Omaha, Nebraska, on June 29, 1948, pursuant to notice thereof which was issued on June 22, 1948 (13 F. R. 3485).

The material issues on the record related to (1) increasing the Class I and Class II differentials, (2) basing the Class I and Class II prices on manufacturing values during the preceding month, (3) eliminating the condensery paying price as a basis for pricing Class I milk and Class II milk, (4) revising the list of condenseries whose prices are used in determining Class I and Class II prices, (5) separate pricing and pooling of milk according to grade, (6) special pricing for milk and cream sold outside the marketing area, and (7) changing the basis of pricing from 3.8 percent butterfat to 3.5 percent butterfat.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto.

(1) The Class I differential for milk containing 3.8 percent butterfat should remain at 75 cents during the months of January, February, and March, but should be changed to 60 cents during April, May, and June, and to $1.00 per hundredweight during the remaining months of each year. The price per hundredweight of butterfat in Class I should remain at $15.00 over the value of butterfat in Class III during the months of January, February, and March, but should be changed to $12.00 over the Class III butterfat value during April, May, and June, and to $20.00 over the Class III butterfat value during the remaining months of each year.

The Class II differential for milk containing 3.8 percent butterfat should be increased from 40 cents to 75 cents during the months of January, February, and March, to 60 cents during April, May, and June, and to $1.00 during the remaining months of each year. The price per hundredweight of butterfat in Class II should remain at $15.00 over the value of the butterfat in Class III during the months of January, February, and March, but should be changed to $12.00 over the Class III butterfat value in April, May, and June, and to $20.00 over the Class III butterfat value during the remaining months of each year.

It is necessary that action be taken to arrest the decline in the number of producers and to encourage greater production in the fall months. The proposed differentials will provide an average yearly increase in price sufficient to maintain the present producers on the market, while the seasonality provided will tend to shift production from spring to fall months.

A review of the market statistics shows that there has been a substantial decline in the number of producers on the market during the past year, the number dropping from a high of 2,764 in May 1947 to a low of 2,168 in April 1948. The number of producers in May 1948 shows some increase over April 1948. The differentials must be fixed at a level which will prevent any further decline in the number of producers.

The Omaha-Council Bluffs market lies in a diversified farm area and producers can shift readily from dairying to other farm enterprises as they become more profitable. In recent months the production of beef, hogs, and cash grains has been relatively more favorable than milk production. The price of cows for slaughter has been at an all time high. These factors, together with a tightening up of the local health regulations, have been responsible for the decline in producer numbers. The increase in differentials is necessary to bring the price of milk into a more favorable relationship with competing agricultural enterprises and to prevent any further loss in producers.

The market statistics also show a need for levelling out production. In 1947 producer receipts in May were 16,531,614 pounds, nearly twice as great as November receipts of only 8,616,737 pounds. May production was approximately 8,000,000 pounds of the market needs for Class I milk and Class II milk, November production falled by about 20,000 pounds of meeting the Class I and Class II requirements on a volume basis. While the record does not contain figures on receipts and disposition of butterfat, it is apparent from the figures on volume that the market was short of enough butterfat to meet its requirements during the months of October, November, and December, and had far more butterfat than was needed during the spring months of flush production.

Even with the decrease in producer numbers that has taken place within the past year, production in May 1948 was far in excess of the market's requirements, more than 35 percent of the receipts being utilized in Class III.

Market stability requires that part of the milk causing the burdensome spring surplus be shifted to the fall months when it is needed in the market. If producers are to be induced to take the measures necessary to increase fall production, such as fall freshening of cows, better fall pasture, better feeding, etc., the spread between spring and fall prices must be widened. To provide the necessary seasonality in prices, the Class I differential should be reduced to 60 cents during April, May, and June, and to $1.00 during the months of July through December. No change should be made in the differential for the months of January, February, and March.

In order to maintain the established ratio between the prices of skim milk and butterfat, the differential on butterfat in Class I should be decreased from $15.00 to $12.00 per hundredweight during April, May, and June, and increased to $20.00 during the months of July through December. No change should be made for the months of January, February, and March.

The price of skim milk in Class II should be raised to the same level as that for skim milk in Class I by increasing the differential for Class II milk containing 3.8 percent butterfat from 40 cents to the levels proposed for Class I milk. Butterfat in Class II milk is priced the same as butterfat in Class I under the present order. The only product in Class II is cream. Under the local health ordinance milk for use in cream must be of the same quality and meet the same requirements as milk for consumption as whole milk. Therefore the skim milk as well as the butterfat in cream should be priced the same as skim milk and butterfat disposed of for consumption as whole milk.

The differentials for Class II milk containing 3.8 percent butterfat and for butterfat in Class II should follow exactly the same seasonal pattern as the Class I differentials and for the same reason.

The producers' association proposed that the Class I and Class II differentials be increased to $1.00 during the months of March through August and to $1.45 during all other months for all delivery periods prior to March 1, 1950, and that on that date they be reduced 25 cents. In support of its proposal, the witness for the proponent dwelt upon the fact that the market was short of milk and had lost a substantial number of producers during the year. While the decline in producers has been very substantial it appears that if the present number of producers is maintained, it is sufficient to supply the market with ample milk at all times if the production pattern can be altered seasonally. Increases in the amount requested by the association are not necessary to furnish the market a sufficient supply of milk.

That part of the association proposal providing for a decrease in the differentials on March 1, 1950, was intended to apply only in the event the requested differentials for the intervening delivery periods were granted. It would be difficult to produce evidence currently available which would justify a change in the differential at such a future date. The evidence fails to justify a change in differentials at any specific period in the future.

(2) The Class I and Class II prices should be based on manufacturing values during the preceding month.

Under the present order the Class I and Class II prices are based on the higher of either (1) the average paid by a specified group of condenseries during the preceding delivery period or (2) the Class III price (based on market values of butter and nonfat dry milk solids) during the current delivery period. Condensery prices specified in the order are not available in time to permit pricing on the current delivery period. A system of alterative basic prices should be comparable in terms of the period of time covered.

(3) The condensery paying price should be retained as an alternative for pricing Class I and Class II milk.

The weight of the evidence does not justify eliminating the condensery paying price as an alternative to butter and nonfat dry milk solids as a basis for pricing Class I and Class II milk. It was contended by the proponents of the proposal to delete the condensery paying price that butter and nonfat dry milk solids were the principal outlets for surplus milk in the Omaha market, and that the condensery paying price was subject to wide fluctuations which would in turn result in wide variations in the Class I and Class II prices. A comparison of the butter nonfat dry milk solids price with the condensery price for milk of 3.8 percent butterfat for the period January 1947 to May 1948 reveals that during that period the average fluctuation in the butter nonfat dry milk solids price was greater than the average change in the condensery price. For the 17 month period the average monthly change in the butter nonfat dry milk solids price amounted to approximately 20 cents while the average monthly change in the condensery price was approximately 16 cents. The greatest change noted in the butter nonfat dry milk solids price was from October 1947 to November 1947 when the price changed from $3.69 to $4.27, a fluctuation of 58 cents. The widest variation in the condensery paying price occurred from November 1947 to December 1947, when the price increased from $4.08 to $4.43, a variation of 35 cents.

While it is true that butter and nonfat dry milk solids are the principal manufacturing outlets for surplus milk in the market, that fact alone does not constitute sufficient reason for making them the sole basis for pricing Class I and Class II milk in the market.

(4) The list of condenseries whose prices are used in determining Class I and Class II prices should not be revised.

It was proposed that the plants at Morrison, Illinois, and Shullsburg, Wisconsin, be stricken from the list and plants at Rochester, Minnesota, and Coffeyville, Kansas, be substituted for them. It was contended that the latter plants were more nearly competitive with the Omaha market, and that paying prices at these plants were closer to the prices paid in the vicinity of Omaha. The record does not indicate that the prices determined on the basis of the present list of plants did not reflect the value of milk used for manufacture.

(5) Separate pooling by grade should not be established.

It was proposed that standard milk and the milk of the highest quality defined in the ordinances of the local health authorities be priced and pooled separately. The testimony with respect to the grades of milk defined in the ordinances is confusing and provides no basis on which action might be taken.

(6) A special price should not be fixed for milk and cream sold outside the marketing area.

Proponents of this proposal requested that the price of milk and cream sold outside the marketing area be fixed at 25 cents over the Class III price (50 cents lower than the present Class I price). It was the contention of their witness that this price concession was necessary if they were to compete in these outside markets. Market figures show that this type of sale has continued to expand even though milk sold outside is priced the same as milk sold within the marketing area.

It would be economically unsound to fix a lower price on such sales. As pointed out above Omaha is a relatively short market except during the flush months. The testimony clearly shows that the proposal has not been advanced as a means of disposing of seasonal surplus, but that handlers hope to expand their sales permanently over a large area through a reduction in price. It does not appear that sufficient milk will be produced during the fall months to warrant an expansion of this type of business and if such sales are made producers should receive the marketing area price. To grant a price reduction on such sales would in effect result in the consumers in the marketing area subsidizing those consumers outside the area. Any sizable volume of such sales would reduce the uniform price substantially and producers would undoubtedly request a further increase in Class I and Class II prices to maintain adequate returns to producers. It is concluded that milk sold outside the marketing area must be priced the same as milk sold within the marketing area.

(7) Class prices should continue to be computed on the basis of milk containing 3.8 percent butterfat.

Apparently the sole purpose of the proposal to change the basic butterfat test from 3.8 percent to 3.5 percent was to reduce the price of Class I and Class II milk whenever the condensery paying price was used as the basic price for Class I and Class II milk. Converting the condensery paying price from 3.5 percent to 3.8 percent butterfat by the direct ratio method results in a slightly higher price than would result from adding the value of 3 points of butterfat at the butterfat differential to the value of milk of 3.5 percent butterfat. The direct ratio method is the method of conversion generally used by the plants on which the price is based. The fact that the change would result in a slight reduction in price during those delivery periods in which the condensery paying price was higher than the butter non fat dry milk solids formula does not constitute sufficient grounds for changing the basic test.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Roberts Dairy Company and the Nebraska-Iowa Non-Stock Cooperative Milk Association. The briefs contain statements of fact, conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the proposed findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete paragraph (a) of § 935.5 and substitute therefor the following:

(a) *Basic price to be used in computing Class I and Class II prices.* The basic price to be used in computing the minimum prices per hundredweight for Class I milk and Class II milk for each delivery period shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) The average of the basic or field prices reported to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants for which prices are reported to the market administrator or to the Department of Agriculture, divided by 3.5, and multiplied by 3.8 and adjusted to the nearest cent:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Northfield, Minn.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Ia.
Dean Milk Co., Pearl City, Ill.
Dean Milk Co., Pecatonica, Ill.
Fort Dodge Creamery Co., Fort Dodge, Ia.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo Fay, Ill.

(2) The price computed pursuant to paragraph (b) (3) of this section for the preceding delivery period for Class III milk containing 3.8 percent butterfat.

2. Delete paragraph (b) of § 935.5 and substitute therefor the following:

(b) *Class prices.* Each handler shall pay at the time and in the manner set forth in § 935.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) *Class I.* The price per hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of January, February, and March; plus 60 cents during the months of April, May, and June; and plus $1.00 during all other months of each year.

(i) The price per hundredweight of butterfat in Class I milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph $15.00 during January, February, and March; $12.00 during April, May, and June; and $20.00 during all other months of each year.

(ii) The price per hundredweight of skim milk in Class I milk shall be computed by (*a*) multiplying by 0.038 the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph for Class I milk containing 3.8 percent butterfat, (*c*) dividing the result by 0.962, and (*d*) adjusting to the nearest cent.

(2) *Class II.* The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 75 cents during the months of January, February, and March; plus 60 cents during the months of April, May, and June; and plus $1.00 during all other months of each year.

(i) The price per hundredweight of butterfat in Class II milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph $15.00 during January, February, and March; $12.00 during April, May, and June; and $20.00 during all other months of each year.

(ii) The price per hundredweight of skim milk in Class II milk shall be computed by (*a*) multiplying by 0.038 the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph for Class II milk containing 3.8 percent butterfat, (*c*) dividing the result by 0.962, and (*d*) adjusting to the nearest cent.

(3) *Class III.* The price per hundredweight of Class III milk containing 3.8 percent butterfat shall be that computed by multiplying by 3.8 the price computed pursuant to subdivision (i) (c) of this subparagraph and adding thereto the amount computed pursuant to subdivision (ii) (*a*) of this subparagraph.

(i) The price per hundredweight of butterfat in Class III milk shall be computed by (*a*) multiplying by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture during the delivery period in which such milk was received, (*b*) subtracting 5 cents, (*c*) adjusting to the nearest cent, and (*d*) multiplying the result by 100.

(ii) The price per hundredweight of skim milk in Class III milk shall be computed by (*a*) adding to 21 cents, 3 cents for each full one-half cent that the price of non fat dry milk solids for human consumption is above 7 cents per pound, (*b*) dividing the resulting sum by 0.962, and (*c*) adjusting to the nearest cent. The price per pound of non fat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average the quotations for any part of the preceding delivery period which were not published and available for the determination of the price of such non fat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for non fat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for non fat dry milk solids for human consumption f. o. b. manufacturing plants as reported by the Department of Agriculture for the Chicago area shall be used, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

Filed at Washington, D. C., this 25th day of October 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-9504; Filed, Oct. 27, 1948; 8:53 a. m.]

[7 CFR, Part 948]

HANDLING OF MILK IN SIOUX CITY, IOWA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated was conducted at Sioux City, Iowa, on July 1, 1948, after the issuance of notice on June 23, 1948 (13 F. R. 3544).

The material issues on the record related to (1) increasing the Class I and Class II differentials, (2) revising the classes of utilization by including the skim milk and butterfat disposed of as skim milk, flavored milk, flavored milk drinks, and buttermilk in Class I milk and the skim milk and butterfat disposed of in aerated cream and eggnog in Class II milk, (3) using the manufacturing value of milk during the current delivery period as a basis for pricing Class I milk and Class II milk, (4) eliminating the condensery paying price as a basis for pricing Class I milk and Class II milk, (5) revising the list of condenseries whose paying prices are used as a basis for pricing Class I milk and Class II milk, and (6) separate classification and pricing for milk and cream sold outside the marketing area.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto.

(1) The Class I differential should remain at 80 cents during the months of April, May, June, and July and should be changed to $1.00 per hundredweight during all other months of each year. The price per hundredweight for butterfat in Class I milk should remain at $16.00 over the Class III butterfat value during the months of April, May, June, and July and should be changed to $20.00 over the Class III value during all other months of each year.

The Class II differential should be changed from 50 cents to 80 cents during the months of April, May, June, and July and to $1.00 per hundredweight during all other months of each year. The price per hundredweight for butterfat in Class II milk should remain at $16.00 over the Class III butterfat value during the months of April, May, June, and July and should be changed to $20.00 over the Class III value during all other months of each year.

The market statistics show that since June 1947 there has been a decrease each month from the corresponding month of the previous year in the number of producers. Since July 1947 there has been a decrease each month from the corresponding month of the previous year in the total amount of milk delivered by producers and with the exception of October and November 1947 and April 1948 in the average daily delivery per producer.

There is need for more even production of milk. June 1947 deliveries were 132,815 pounds above June 1946 deliveries while November 1947 deliveries were 57,745 pounds below November 1946 deliveries. November 1946 deliveries were 63.72 percent of June 1946 deliveries while November 1947 deliveries were 59.47 percent of June 1947 deliveries. Producer receipts were insufficient to meet the Class I and Class II requirements of the market during the fall and winter months while more milk than was needed was delivered by producers during the flush months.

In order to induce producers to take the necessary steps to even out production, such as better fall pasture, more fall freshening of cows, better feeding in the fall and winter, the Class I and Class II differentials should be increased during the months of short production.

The Sioux City milk shed is in an area of diversified farming and farmers can and do shift readily from dairying to other types of farming when the returns appear to justify such shifting.

Recently the returns from grain farming and livestock production seem to have become more attractive to milk producers. The increase in the differentials will bring the returns from milk more into line with those of other farm enterprises and will prevent further decrease in the milk supply.

In order to maintain the established ratio between the prices of skim milk and butterfat, the differential on butterfat in Class I should be increased from $16.00 to $20.00 during the months of August to March, inclusive.

The price of skim milk in Class II should be raised to the same level as that for skim milk in Class I by increasing the differential for Class II milk containing 3.5 percent butterfat from 50 cents to the levels proposed for the differential for Class I milk.

The principal item in Class II is cream. Skim milk and butterfat used to produce cream must meet the same sanitary requirements of the health authorities as that used for consumption as whole milk. Butterfat in Class II milk is priced under the present order the same as that in Class I milk and skim milk in Class II milk also should be priced the same as that in Class I milk.

The differentials for Class II milk containing 3.5 percent butterfat and for butterfat in Class II should follow the same seasonal pattern as the Class I differentials and for the same reason.

The proposal of the producers' association was to increase the Class I and Class II differentials to $1.00 during the months of April to July, inclusive, and to $1.40 per hundredweight during all other months of each year, except beginning on April 1 of each year following that in which the total milk delivered by producers during the delivery periods of September, October, and November exceeded 115 percent of the combined Class I and Class II utilization such differentials should be lowered to 80 cents and $1.00 during the respective periods mentioned heretofore. The proposal included a proviso that the price of skim milk and of butterfat during any of the delivery periods of September, October, November, or December should not be lower than the respective price for the immediately preceding delivery period

and during any of the delivery periods of March, April, May, or June should not be higher than the respective price for the immediately preceding delivery period.

Definite showing of the need for the amount of increase requested was not made. The differentials set forth herein should check the decrease in the amount of milk delivered by producers and should result in a levelling off of production. The evidence with respect to the percentage of producer milk in Class III before the differentials were to be changed was vague and there was no showing as to when such conditions might be expected to be met. It appears more appropriate to permit the differentials herein set forth to be subject to change when economic factors other than those mentioned by the proponents would seem to warrant it.

The purpose of the proviso as stated by the witness for the proponent was to provide the proper seasonal trend. Testimony on this proviso was meager. In view of the time lag resulting from the use of the preceding delivery period for computing the manufacturing value represented in Class I and Class II prices, it seems inadvisable to apply an additional stricture upon the influence of manufacturing values on such prices.

(2) Skim milk and butterfat disposed of for consumption in the form of skim milk, buttermilk, flavored milk, and flavored milk drinks should be classified in Class I and eggnog and aerated cream should be classified in Class II.

Skim milk and butterfat disposed of for consumption in the form of skim milk, buttermilk, flavored milk, and flavored milk drinks must be produced under the same conditions as skim milk and butterfat disposed of for consumption as whole milk. This skim milk and butterfat is classified in Class III under the present order. Other products in Class III may be made from milk which does not meet the same health requirements as that used for consumption as whole milk.

Eggnog and aerated cream are not mentioned in the present order. So far as known there has been no problem arising from this fact and it is believed no aerated cream is sold in the market.

Both products are made from cream. The consumer may buy the cream and make the product or buy the product ready made. The skim milk and butterfat in cream are appropriately included in Class II milk and the skim milk and butterfat in aerated cream and eggnog should also be included in Class II milk.

(3) The Class I and Class II prices should be based on manufacturing values during the preceding month.

The present order provides for Class I and Class II prices to be based upon the higher of (i) the average price paid by a selected list of condenseries during the preceding delivery period, or (ii) the value of butter and non-fat dry milk solids during the current delivery period.

Basing prices on the manufacturing values of the current month is impractical because of the improbability of securing a report of the prices paid by the listed condenseries by the time the market administrator must announce the class prices. Since the price periods for which alternative basic prices are provided should be comparable, butter and non-fat dry milk solid values for the preceding delivery period should be used.

(4) The average of the prices paid by the specified condenseries should be retained as an alternative basis for pricing Class I and Class II milk.

The proponents of the proposal to delete the condensery paying price alleged that such price does not reflect competitive conditions in the Sioux City area and frequently results in too high a price. They contended that butter and non-fat dry milk solids are the products principally made in manufacturing plants in the general midwestern markets and should be the sole basis for determining prices in the Sioux City market. Use of the butter nonfat dry milk solids price only, would result in a slight decrease in the yearly average of the basic price. A lowering of the basic price would necessitate an increase in the differential as the present prices have not brought enough milk to the market.

(5) The list of condenseries whose prices are used in the determination of the Class I and Class II prices should not be revised.

It was proposed that the plants of the Pet Milk Company at Shullsburg, Wisconsin, and of Libby, McNeill and Libby at Morrison, Illinois, be deleted from the list of condenseries and the plants of the Rochester Dairy Company at Rochester, Minnesota, and of the Page Milk Company at Coffeyville, Kansas, be substituted for them.

The reason advanced for the change was that the plants to be substituted were more competitive with plants in the Sioux City area than those now listed. It was also stated that the prices paid by the two plants now listed were somewhat higher than those paid by the plants proposed to be substituted. This substitution of plants would lower the basic price and require an increase in the differential in order to assure enough milk coming to the market and thus would not give the proponent the desired lower cost of Class I and Class II milk.

(6) Separate classification and pricing for milk and cream sold outside the marketing area should not be included in the order.

The proposal was to classify milk and cream sold outside the area in a separate class and to price it 25 cents per hundredweight over the present Class III price. The purpose was to purchase milk and cream for outside sales at less than the present prices. No purpose would be served in supplying milk or cream to outlying areas at a price lower than that of milk and cream sold within the marketing area at a time when there is a shortage of milk.

General findings. (a). The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Roberts Dairy Company and the Sioux City Milk Producers' Association. The briefs contain statements of fact, conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the proposed findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed amendment to the tentative marketing agreement is not repeated in this decision because the regulatory provisions thereof would be identical with the following:

1. Delete § 948.4 (b) (1) (i) and substitute therefor the following:

(i) Disposed of in the form of milk, skim milk, buttermilk, flavored milk and flavored milk drinks; and

2. Delete § 948.4 (b) (2) and substitute therefor the following:

(2) Class II milk shall be all skim milk and butterfat disposed of as cream, either sweet or sour, including any mixture of skim milk and butterfat containing more than 6 percent butterfat, for consumption in fluid form, aerated cream, and eggnog.

3. Delete § 948.4 (b) (3) and substitute therefor the following:

(3) Class III milk shall be all skim milk and butterfat specifically accounted for as:

(i) Used for animal feed;

(ii) Used to produce any milk product other than those specified in subparagraphs (1) and (2) of this paragraph; and

(iii) Actual plant shrinkage up to, but not in excess of 2 percent, respectively, of the total receipts of skim milk or butterfat in producer milk and other source milk not including receipts from other handlers.

4. Delete § 948.5 (a) and (b) and substitute therefor the following:

(a) *Basic price to be used in computing class prices.* The basic price to be used in computing the minimum prices per hundredweight for Class I milk, and Class II milk, for each delivery period shall be the higher of the prices calculated by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph for the preceding delivery period.

(1) The average, adjusted to the nearest cent, of the basic (or field) prices reported to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants for which prices are reported to the market administrator or to the Department of Agriculture:

Present Operator of Plant	*Location of Plant*
Amboy Milk Products Co.	Amboy, Ill.
Borden Co.	Dixon, Ill.
Borden Co.	Sterling, Ill.
Carnation Co.	Morrison, Ill.
Carnation Co.	Northfield, Minn.
Carnation Co.	Oregon, Ill.
Carnation Co.	Waverly, Iowa.
Dean Milk Co.	Pearl City, Ill.
Dean Milk Co.	Pecatonica, Ill.
Fort Dodge Creamery Co.	Fort Dodge, Iowa.
Pet Milk Co.	Shullsburg, Wis.
United Milk Products Co.	Argo Fay, Ill.

(2) The price, adjusted to the nearest cent, calculated by the market administrator as follows: (i) Multiply by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market, as reported by the Department of Agriculture during the delivery period in which such milk was received, (ii) subtract 5 cents, (iii) multiply by 3.5, (iv) add 21 cents, and (v) add 3 cents for each full one-half cent that the price of non fat dry milk solids is above 7 cents per pound. The price per pound of non fat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture for the delivery period, including in such average the quotations for any part of the preceding delivery period which were not published and available for the determination of the price of such non fat dry milk solids for the previous delivery period. In the event the Department of Agriculture does not publish carlot prices for non fat dry milk solids for human consumption delivered at Chicago, the average of carlot prices for non fat dry milk solids for human consumption f. o. b. manufacturing plant as reported by the Department of Agriculture for the Chicago area, shall be used, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(b) *Class prices.* Each handler shall pay at the time and in the manner set forth in § 948.7 not less than the prices set forth in this paragraph for skim milk and butterfat in producer milk received during the delivery period at such handler's plant.

(1) *Class I.* The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 80 cents during the months of April, May, June, and July and plus $1.00 during all other months of each year:

(i) The price per hundredweight for butterfat in Class I milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph for the preceding delivery period $16.00 during the months of April, May, June, and July and $20.00 during all other months of each year; and

(ii) The price per hundredweight for skim milk in Class I milk shall be computed by (*a*) multiplying by 0.035 the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph for Class I milk containing 3.5 percent butterfat, (*c*) dividing the result by 0.965, and (*d*) adjusting to the nearest cent.

(2) *Class II.* The price per hundredweight for Class II milk containing 3.5 percent butterfat shall be the basic price computed pursuant to paragraph (a) of this section plus 80 cents during the months of April, May, June, and July and plus $1.00 during all other months of each year:

(i) The price per hundredweight for butterfat in Class II milk shall be computed by adding to the price computed pursuant to subparagraph (3) (i) of this paragraph for the preceding delivery period $16.00 during the months of April, May, June, and July and $20.00 during all other months of each year; and

(ii) The price per hundredweight for skim milk in Class II milk shall be computed by (*a*) multiplying by 0.035 the price computed pursuant to subdivision (i) of this subparagraph, (*b*) subtracting the result from the price computed pursuant to this subparagraph for Class II milk containing 3.5 percent butterfat, (*c*) dividing the result by 0.965, and (*d*) adjusting to the nearest cent.

(3) *Class III.* The price per hundredweight for Class III milk containing 3.5 percent butterfat shall be the price computed pursuant to paragraph (a) (1) of this section for the preceding delivery period or the price computed pursuant to paragraph (a) (2) of this section for the current delivery period, whichever is higher:

(i) The price per hundredweight for butterfat in Class III milk shall be computed by (*a*) multiplying by 1.25 the average of the prices per pound of 92-score butter at wholesale in the Chicago market as reported by the Department of Agriculture during the delivery period in which such milk was received, (*b*) subtracting 5 cents, (*c*) adjusting to the nearest cent and (*d*) multiplying the result by 100, and

(ii) The price per hundredweight for skim milk in Class III milk shall be computed by (*a*) multiplying by 0.035 the price computed pursuant to subdivision (i) of this subparagraph, (b) subtracting the result from the price computed pursuant to this paragraph for Class III milk containing 3.5 percent butterfat, (*c*) dividing the result by 0.965, and (*d*) adjusting to the nearest cent.

Filed at Washington, D. C., this 25th day of October 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-9506; Filed, Oct. 27, 1948; 8:55 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12104]

HEINRICH MANZ

In re: Estate of Heinrich Manz, deceased. File D-28-12418; E. T. sec. 16639.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dora Manz, nee Hofmann, and Lotta Roepke, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Heinrich Manz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John M. Niven, as administrator, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate con-

sultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 30, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9489; Filed, Oct. 27, 1948; 8:50 a. m.]

[Vesting Order 12119]

TALEA BOELMAN ET AL.

In re: Talea Boelman and William Meyer v. the unknown claimants et al. File No. D-28-12426; E. T. sec. 16643.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended; and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertie Froeling and Fannie Hinders, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real property sold pursuant to court order in a partition suit entitled: "Talea Boelman and William Meyer v. The Unknown Claimants et al.", in the District Court of Franklin County, Iowa, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of Franklin County, Iowa, acting under the judicial supervision of the District Court of Franklin County, Iowa;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9490; Filed, Oct. 27, 1948; 8:50 a. m.]

[Vesting Order 12124]

RICHARD A. HASSE

In re: Trust under will of Richard A. Hasse, deceased. D 28-7422 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Charles Hasse, also known as Eduard Charles Hasse, Miss Marie Hasse, Mrs. Elfriede Heitmann, Margaretha Auguste Caroline Hasse, Marie Auguste Kunigunde Rehberg, nee Heitmann, Helene Margaretha Marie Wilhelmine Heitmann, Adolph August Wilhelm Heitmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in sub-paragraph 1 hereof, and each of them, in and to the trust created under paragraphs third, fourth, and seventh, of the will of Richard A. Hasse, deceased, and presently being administered by the Continental Illinois National Bank and Trust Company, 231 South LaSalle Street, Chicago, Illinois, trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9491; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12189]

WILLIAM SASSEN

In re: Bank account owned by William Sassen. F 28-18182-C-1, F 28-18182-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Sassen, also known as Will Sassen, whose last known address is Kortum Strasse No. 69 Bochum, Westfalen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Central National Bank of Cleveland, 308 Euclid Avenue, Cleveland, Ohio, arising out of a savings account, account number E-58082, entitled Otto L. Fricke, Attorney-in-Fact for William Sassen, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by William Sassen, also known as Will Sassen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9492; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12192]

SUSUMU YOSHIMURA

In re: Bank account owned by Susumu Yoshimura, also known as Yoshiko Yoshimura and as Yoskido Yoshimura. D-39-19207-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susumu Yoshimura, also known as Yoshiko Yoshimura and as Yoskido Yoshimura, whose last known address is Osaka, Honshu, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Susumu Yoshimura, also known as Yoshiko Yoshimura and as Yoskido Yoshimura, by Solano County Bank, Fairfield, Solano County, California, arising out of a Savings Account, Account No. 1886, entitled "Yoskido Yoshimura by Solano County Bank His Attorney in Fact," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9493; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12195]

MINNIE ABEL

In re: Trust under will of Minnie Abel, deceased. File No. D-28-10543-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Mensching, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under paragraph Eighth of the will of Minnie Abel, deceased, and presently being administered by the First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago 90, Illinois, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9494; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12209]

MOTOR BOAT CO. LTD.

In re: Debt owing to Motor Boat Company, Ltd. F-39-3169-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Motor Boat Company, Ltd., the last known address of which is No. 2, 4 Chome, Ginza, Kyobashi Ku, Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Motor Boat Company, Ltd., by Kermath Manufacturing Company, 5890 Commonwealth Avenue, Detroit, Michigan, in the amount of $61,000.00, as of July 19, 1948, representing a credit balance payable, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9495; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12210]

VEREINIGTE KUGELLAGERFABRIKEN, A. G.

In re: Debt owing to Vereinigte Kugellagerfabriken, A. G. F-28-5707-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Vereinigte Kugellagerfabriken, A. G., the last known address of which is Schweinfurt, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Vereinigte Kugellager-

fabriken, A. G., by SKF Industries, Incorporated, Front Street and Erie Avenue, Philadelphia 34, Pennsylvania, in the amount of $199.98, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9496; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12218]

AVRAM GRUNBERG AND JULES SALTZMANN

In re: Bank account owned by Avram Grunberg and Jules Saltzmann. F-28-23827-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Avram Grunberg and Jules Saltzmann, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Avram Grunberg and Jules Saltzmann, by the Union Bank & Trust Co., of Los Angeles, Los Angeles, California, arising out of a Term Savings Account, account number 77374, entitled Avram Grunberg &/or Jules Saltzmann, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nations of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9497; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12221]

SHINA KAZAMA

In re: Bank account owned by Shina Kazama, also known as Shinya Kazama. D-39-19173-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shina Kazama, also known as Shinya Kazama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Empire Trust Company, 120 Broadway, New York 5, New York, arising out of a savings account, account number 28918, entitled T. Kazama in trust for Shina Kazama, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Shina Kazama, also known as Shinya Kazama, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9498; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12223]

MARY MAYER

In re: Bank account owned by Mary Mayer also known as Maria Maier. D-28-12460-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Mayer also known as Maria Maier, whose last known address is Hohenthann No. 16, Ndb, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Mary Mayer also known as Maria Maier, by Bowery Savings Bank, 110 East 42nd Street, New York 17, New York, arising out of a savings account, account number 96321M, entitled Mary Mayer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9499; Filed, Oct. 27, 1948; 8:51 a. m.]

[Vesting Order 12225]

TERUKO SATOW

In re: Bank account owned by T. Satow, also known as Teruko Satow. F-39-5192-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Satow, also known as Teruko Satow, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan).

2. That the property described as follows: That certain debt or other obligation owing to T. Satow, also known as Teruka Satow, by The Anglo-California National Bank, #1 Sansome Street, San Francisco, California, arising out of a Checking Account entitled T. Satow or Teruko Satow, maintained at the aforesaid bank, and any and all rights to demand, enforce, and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9500; Filed, Oct. 27, 1948; 8:52 a. m.]

[Vesting Order 12167]

MIYOKO NITTA

In re: Bank account owned by Miyoko Nitta. F-39-6099-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Miyoko Nitta, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 84361, entitled Juichi Nitta, Trustee for Miyoko Nitta, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Miyoko Nitta, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9461; Filed, Oct. 26, 1948; 8:57 a. m.]

[Vesting Order 12200]

HEINRICH MULLER

In re: Estate of Heinrich Muller, deceased. File No. F-28-25364; E. T. sec. No. 16687.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarth (Margaret) Hoffman, Elsa Muller, Bettehe Steinhaus and Balthasar Steinhaus, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Heinrich Muller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Harry C. Muller, as administrator, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9462; Filed, Oct. 26, 1948; 8:57 a. m.]

[Vesting Order 12212]

IDA WINTER

In re: Stock owned by Ida Winter. F-28-7962-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Winter, whose last known address is 12 Niddastr., Frankfurt O-M, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) shares of common capital stock of the Anglo and London Paris National Bank of San Francisco, San Francisco, California, evidenced by certificate numbered 682, registered in the name of

Ida Winter, together with all declared and unpaid dividends thereon, and any and all rights of exchange for 12 shares of $20 par value common capital stock of The Anglo California National Bank of San Francisco; and

b. Two (2) shares of $20 par value common capital stock of The Anglo California National Bank of San Francisco, evidenced by certificate numbered L-11925, registered in the name of Ida Winter, and presently in the custody of The Anglo California National Bank of San Francisco, San Francisco 20, California, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9463; Filed, Oct. 26, 1948; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-854, G-962]

ATLANTIC SEABOARD CORP. ET AL.

ORDER FIXING NEW DATE OF HEARING IN REOPENED PROCEEDINGS

OCTOBER 22, 1948.

In the matters of Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation Docket No. G-854; Tennessee Gas Transmission Company, Docket No. G-962.

It appearing to the Commission that:

(a) On August 27, 1948, the Commission found due and timely execution of its functions imperatively and unavoidably required it to omit the intermediate decision procedure and render final decision in the above-entitled proceedings, and ordered the omission of such intermediate decision procedure in accordance with the provisions of § 1.30 (c) of the Commission's rules of practice and procedure.

(b) On September 29, 1948, in an order reopening proceedings for the purpose of taking additional evidence, the Commission upon consideration of the entire record refused to grant, at that time, a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended; concluded that the Applicant, Tennessee Gas Transmission Company (Tennessee Company) should be afforded further opportunity to submit, in further hearings in these proceedings, additional evidence with respect to gas supply, transportation from the Southwest to the Appalachian areas of the Chicago-Manufacturers contract gas and such other evidence as will meet minimum requirements which the Commission held an Applicant must meet to entitle it to a certificate; and expressed the intention that if the further showing by the Tennessee Company was satisfactory, to issue "forthwith" a certificate. In its order of September 29, 1948, the Commission provided that further hearings in the above-entitled consolidated proceedings be held commencing on January 5, 1949, for the specific purpose of receiving additional evidence:

(i) Showing that Applicant Tennessee Company has commitments for a supply of natural gas reasonably adequate to meet its contractual obligations to its customers and the demands that it is reasonable to assume will be made upon it upon completion of the proposed enlarged system;

(ii) Showing satisfactory arrangements for the transportation of the Chicago-Manufacturers contract gas to the Appalachian area compatible with the public interest; and

(iii) With respect to any other matters pertinent to the issues presented in these proceedings.

The said order provided that the date for hearing might be advanced by the Commission upon 10 days' notice if the Tennessee Company requested earlier opportunity to go forward with the presentation of further evidence upon the pertinent issues.

(c) On October 21, 1948, the Tennessee Company filed its motion requesting that the Commission advance the date for hearing herein for the purpose of receiving additional evidence with respect to the matters referred to in paragraph (b) (ii) above and with respect to the issuance forthwith of a certificate for a portion of the facilities applied for in Docket No. G-962, namely: approximately 338.3 miles of 30-inch, 329.7 miles of 26-inch and 86.4 miles of 24-inch main natural gas transmission pipe-line loops along the Tennessee Company's existing system, approximately 27,200 H. P. of compression in its existing or authorized compressor stations, and its so-called Chesterville and Bay City lateral (approximately 71 miles of 16-inch, 5.5 miles of 8⅝-inch and 9 miles of 6⅝-inch) transmission pipe lines, at a total estimated cost of approximately $65,462,013, which facilities may hereinafter be referred to as "G-962—A facilities," and the other facilities subject of the amended application by the Tennessee Company, as "G-962-B facilities." In said motion the Tennessee Company requests that after such further hearing the Commission forthwith issue a certificate for the G-962-A facilities, deferring until a later hearing the matter of a certificate for the G-962-B facilities.

(d) In the said motion of October 21, 1948, the Tennessee Company requests that it be afforded an opportunity to go forward at the earliest possible date with a presentation of additional evidence on the matter of issuance of a certificate to construct and operate the G-962—A facilities referred to in paragraph (c) above, stating that the Company has at the present time a substantial construction force engaged in the completion of facilities previously authorized by the Commission, which force can be utilized without interruption and a continuous construction program carried forward if the Tennessee Company is permitted to commence the construction of the facilities herein involved at an early date. It also states it has commitments for steel pipe calling for delivery in November 1948 and continuously thereafter of which it will be able to take delivery if early authorization for the G-962—A facilities is obtained. The Company further states in the motion that it is its intention and purpose to go forward with the presentation of further evidence in the hearing now scheduled to be held commencing on January 5, 1949.

(e) There is a public need, demand and market for the increased volume of 340,000 Mcf per day of natural gas proposed to be supplied by the Tennessee Company in Docket No. G-962. Early and expeditious action is required so that final decision may be rendered at the earliest possible time permitted by the applicable statutes and law. In the circumstances here, it is imperative that the intermediate decision procedure be omitted and that the Commission forthwith consider and dispose of these proceedings. The due and timely discharge of its functions under the Natural Gas Act so requires. Failure so to act may adversely affect gas consumers and the public generally in the several states affected by these proceedings.

Upon consideration of the foregoing, the aforesaid motion of October 21, 1948, and the record herein, and taking notice of the Commission's findings and orders heretofore entered herein, the Commission finds that:

(1) It is in the public interest and appropriate for carrying out the provisions of the Natural Gas Act, as amended, that further hearings in the above-entitled consolidated proceedings be held as hereinafter ordered.

(2) Due and timely execution of its functions imperatively and unavoidably requires that the Commission omit the intermediate decision procedure and forthwith render final decision in the above-entitled proceedings, particularly with respect to the matters involved and the issues presented by the motion filed October 21, 1948, by the Tennessee Company.

(3) Good cause exists for providing opportunity for the filing of supplemental briefs and/or proposed findings and conclusions with supporting reasons therefor, as hereinafter ordered.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 7, 15 and 16 thereof, and the Commission's rules of practice and procedure, further hearings in the above-entitled consolidated proceedings be held commencing on November 3, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., for the specific purpose of receiving additional evidence with respect to:

(i) Satisfactory arrangements for the transportation of the Chicago-Manufacturers contract gas to the Appalachian area compatible with the public interest.

(ii) The issuance of a certificate of public convenience and necessity to authorize the construction and operation of a part of the facilities subject to the pending amended application in Docket No. G-962, as requested by the aforesaid motion of October 21, 1948, which facilities have been referred to hereinbefore as the "G-962-A facilities."

(iii) Any other matters pertinent to the issues presented in the above-entitled consolidated proceedings.

(B) The intermediate decision procedure in these proceedings be omitted, as has heretofore been ordered.

(C) Upon completion of the receipt of such additional evidence, the record thereof shall forthwith be certified to the Commission and supplemental briefs and/or proposed findings and conclusions with supporting reasons therefor may be filed within 10 days thereafter for Commission consideration unless otherwise ordered.

(D) Interested State commissions and interveners may participate in such further hearing in these proceedings, as provided by the Commission's rules of practice and procedure and in accordance with leave as granted by the Commission.

Date of issuance: October 22, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9482; Filed, Oct. 27, 1948; 8:48 a. m.]

[Docket No. G-1058]

PANHANDLE EASTERN PIPE LINE CO.

ORDER POSTPONING DATE OF HEARING

OCTOBER 22, 1948.

By order issued on October 6, 1948, the date for hearing of the application on the above-designated docket was set for October 26, 1948, and on October 21, 1948, the Applicant requested that postponement be made in the hearing to a date 15 days after October 26, 1948.

It appears to the Commission that: Good cause exists for a postponement of the hearing of the application in the aforesaid docket.

The Commission, therefore, orders that:

(A) The hearing of the application in the above-designated docket ordered for October 26, 1948, be postponed and the hearing in this matter be held on November 15, 1948, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 22, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9467; Filed, Oct. 27, 1948; 8:45 a. m.]

[Project No. 1490 and Docket No. E-6118]

BRAZOS RIVER CONSERVATION AND RECLAMATION DISTRICT AND BRAZOS RIVER TRANSMISSION ELECTRIC COOPERATIVE, INC.

ORDER FIXING DATE FOR FURTHER HEARING

OCTOBER 22, 1948.

In the matter of Brazos River Conservation and Reclamation District and Brazos River Transmission Electric Cooperative, Inc., Complainant, v. Brazos River Conservation and Reclamation District, Defendant, Project No. 1490, Docket No. E-6118.

Upon consideration of the request filed October 21, 1948, by Brazos River Transmission Electric Cooperative, Inc., that the reopened proceedings in this matter, postponed by order dated October 13, 1948, be set for further hearing, upon the grounds that no agreement has been reached between the parties as contemplated by the order of October 13, 1948;

The Commission orders that: A further hearing be held in the above-entitled proceedings commencing November 4, 1948 at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., for the purpose of enabling the staff of the Commission to present further evidence and to permit the submission of evidence in rebuttal thereto.

Date of issuance: October 22, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9478; Filed, Oct. 27, 1948; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 833]

UNLOADING OF LUMBER AT PORTLAND, OREG.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of October A. D. 1948.

It appearing, that 4 cars of lumber at Portland, Oreg., are on hand on Spokane, Portland and Seattle Railway Company, for an unreasonable length of time and that this delay in unloading such cars impedes their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Lumber at Portland, Oreg., be unloaded.* The Spokane, Portland and Seattle Railway Company, its agents or employees, shall unload immediately the following cars now on hand at Portland, Oreg., consigned for export:

Wab	47420
CB&Q	12735
B&O	274269
NP	20440

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., October 25, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9483; Filed, Oct. 27, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-394]

ROOT PETROLEUM CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of October A. D. 1948.

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The New York Curb Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, has made application to strike from listing and registration the common stock, $1.00 par value, of Root Petroleum Company.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) Prior to December 17, 1947 Pan American Petroleum Corporation purchased from the largest single stockholder of Root Petroleum Company and from his family approximately 132,000 shares of the $1.00 par value common stock at $25.00 per share, and it also purchased from other stockholders additional shares until it had become the owner of a majority of the outstanding shares of Root Petroleum Company; (2) Pan American Petroleum Corporation extended offers to all the remaining stockholders of Root Petroleum Company to purchase their shares at $25.00 per share, which offers were extended or renewed until June 30, 1948; (3) as of July 2, 1948 the number of shares of common stock of Root Petroleum Company held by stockholders other than Pan American Petroleum Corporation was reduced to 6,508, distributed among 83 stockholders; and (4) the number of shares remaining outstanding in the hands of the public has become so reduced as to make inadvisable further dealings in this security on the applicant exchange.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the New York Curb Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the New York Curb Exchange to strike the common stock, $1.00 par value, of Root Petroleum Company from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on November 16, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9468; Filed, Oct. 27, 1948; 8:45 a. m.]

[File No. 1-394]

ROOT PETROLEUM CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of October A. D. 1948.

The Board of Trade of the City of Chicago, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the common stock, $1.00 par value, of Root Petroleum Company.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) Prior to December 17, 1947 Pan American Petroleum Corporation purchased from the largest single stockholder of Root Petroleum Company and from his family approximately 132,000 shares of the $1.00 par value common stock at $25.00 per share, and it also purchased from other stockholders additional shares until it had become the owner of a majority of the outstanding shares of Root Petroleum Company; (2) Pan American Petroleum Corporation extended offers to all the remaining stockholders of Root Petroleum Company to purchase their shares at $25.00 per share, which offers were extended or renewed until June 30, 1948; (3) as of July 2, 1948 the number of shares of common stock of Root Petroleum Company held by stockholders other than Pan American Petroleum Corporation was reduced to approximately 6,000, distributed among 83 stockholders; (4) the number of shares remaining outstanding in the hands of the public has become so reduced as to make inadvisable further dealings in this security on the applicant exchange; and (5) the Board of Trade of the City of Chicago suspended the common stock, par value $1.00, of Root Petroleum Company from dealings on the Board of Trade of the City of Chicago at the close of business on June 30, 1948.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the Board of Trade of the City of Chicago with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the Board of Trade of the City of Chicago to strike the common stock, $1.00 par value, of Root Petroleum Company from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on November 16, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9469; Filed, Oct. 27, 1948; 8:45 a. m.]

[File No. 1-3277]

LEHIGH VALLEY COAL CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of October A. D. 1948.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the First and Refunding Mortgage Sinking Fund Bonds 5% Series of 1924 due February 1, 1954, 1964, and 1974, issued by The Lehigh Valley Coal Company, and assumed by its successor, Lehigh Valley Coal Company.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) The Lehigh Valley Coal Company presented to holders of the above security a plan providing for their consent to the postponement of 75% of interest maturing February 1 and August 1, 1939, until February 1, 1944, to the modification of sinking fund provisions and certain other matters; (2) as bondholders consented to this proposal of issuer, their bonds were deposited and stamped to indicate their assent to the plan, and thereupon returned to depositors; (3) the latest report of the Company to the Exchange indicates that $335,000 face amount of the above security had not been stamped to show the acceptance of the plan; (4) the amount of unstamped bonds remaining outstanding has been so reduced as to make further dealings in this security on the Exchange inadvisable; and (5) dealing in the unstamped bonds on the Exchange was suspended at the opening of the trading session on May 25, 1948.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the New York Stock Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the New York Stock Exchange to strike the unstamped First and Refunding Mortgage Sinking Fund Bonds 5% Series of 1924 due February 1, 1954, 1964, and 1974, issued by The Lehigh Valley Coal Company, and assumed by its successor, Lehigh Valley Coal Company, from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on November 17, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9470; Filed, Oct. 27, 1948; 8:45 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

1934

VOLUME 13 NUMBER 212

Washington, Friday, October 29, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10013

ESTABLISHING THE PRESIDENT'S COMMITTEE ON RELIGIOUS AND MORAL WELFARE AND CHARACTER GUIDANCE IN THE ARMED FORCES

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States and Commander in Chief of the armed forces, it is hereby ordered as follows:

1. It is hereby declared to be the policy of the Government to encourage and promote the religious, moral, and recreational welfare and character guidance of persons in the armed forces and thereby to enhance the military preparedness and security of the Nation.

2. There is hereby established the President's Committee on Religious and Moral Welfare and Character Guidance in the Armed Forces, which shall be composed of one representative of the National Military Establishment designated by the Secretary of Defense, one representative of the Federal Security Agency designated by the Federal Security Administrator, and not less than seven other members who shall be appointed by the President. The President shall designate one of the members of the Committee as Chairman thereof.

3. The Committee shall consider means of effectuating the policy set forth in paragraph 1 hereof through maximum feasible reliance upon facilities and services now existing in the fields of work concerned, confer and advise with the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force with respect to such means, appraise the work being done toward the effectuation of the said policy, and make such recommendations to the President and the said Secretaries as it shall deem appropriate.

4. Agencies of the Government are requested to cooperate with the Committee and to furnish it such available information as it may require for the performance of its duties.

5. The National Military Establishment and the Federal Security Agency shall defray such necessary expenses of the Committee as may be authorized by law, including section 214 of the Independent Offices Appropriation Act, 1946 (59 Stat. 134, 31 U. S. C. 691).

HARRY S. TRUMAN

THE WHITE HOUSE,
October 27, 1948.

[F. R. Doc. 48-9570; Filed, Oct. 27, 1948; 3:44 p. m.]

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

PART 4—ACCOUNTS AND CLAIMS

OCTOBER 27, 1948.

Part 4 is revised to read as follows:

Sec.
4.1 Accounts and claims; transmission to the General Accounting Office; notification to claimants.
4.2 Filing of claims.
4.3 Information relating to claims.
4.4 Settlement of claims.

AUTHORITY: §§ 4.1 to 4.4 issued under secs. 309, 311 (f), 42 Stat. 25; 31 U. S. C. 49, 52 (f).

§ 4.1 *Accounts and claims; transmission to the General Accounting Office; notification to claimants.* No payments involving a doubtful question of law or fact shall be hereafter made by any disbursing officer or agent of the United States except pursuant to specific statutory authority or by direction given in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 20), to which reference must appear on the voucher covering such payment, and all such doubtful accounts or claims should be promptly transmitted or returned to the General Accounting Office complete with all material papers, administrative report in detail with recommendations, and quoting official title of available appropriation or fund, for direct settlement. Claimants should be briefly informed of such transmittal to the General Accounting Office, where jurisdiction is exclusive unless and until presented to a court of competent jurisdiction or to the Congress, and there should be no further administrative action other than such supplemental reports to the General Accounting Office as conditions may warrant as it may tend to complicate matters rather than aid the expediting of final action. Claims

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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(Revised through June 30)

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will not be considered unless presented in writing over the bona fide signature and address of the claimant and only the claimant will be recognized therein except pursuant to his duly executed power of attorney.

§ 4.2 *Filing of claims.* Claims may be filed with the Claims Division, General Accounting Office, Washington 25, D. C., or if the claims pertain to postal matters with the Postal Accounts Division, General Accounting Office, Asheville, N. C. No particular form for filing claims, except that prescribed in connection with claims for amounts due deceased persons, is required.

§ 4.3 *Information relating to claims.* Information relating to claims may be obtained by claimants or their authorized representatives by addressing the General Accounting Office, 5th and F Streets NW., Washington 25, D. C. Interviews will be accorded claimants or their authorized representatives at Room 201, at the same address.

§ 4.4 *Settlement of claims.* The settlement of claims is based upon the written record only and oral presentation of fact or law is not acceptable as a substitute. Claims are settled on the basis of the facts as established by reports of the Government office concerned and by evidence submitted by the claimant. The settlement of claims is founded on a determination of the legal liability of the United States under the factual situation involved as established by such reports. The burden is on claimants to prove their claims and matters incident thereto requisite to establishing the clear liability of the United States and claimants' rights to payment.

PART 6—CHECKS AND WARRANTS

Part 6 is revised to read as follows:

Sec.
6.1 Checks and warrants which should be forwarded to the Comptroller General of the United States.
6.2 Evidence required; warrants and checks containing error in name or designation of original payee.
6.3 Evidence required; deceased and incompetent payees.

AUTHORITY: §§ 6.1 to 6.3, inclusive, issued under secs. 309, 311 (*f*), 42 Stat. 25; 31 U. S. C. 49, 52 (*f*).

§ 6.1 *Checks and warrants which should be forwarded to the Comptroller General of the United States.* Warrants, checks drawn by the Treasurer of the United States upon warrants, and checks drawn by disbursing officers or agents of the United States, which cannot be paid because of death of original payee, disqualification, or error in name or designation of, should be forwarded to the Comptroller General of the United States, General Accounting Office, Washington 25, D. C., without alteration or correction, for authorization for payment to the party ascertained to be entitled to the proceeds of the warrant or check upon its indorsement by such party in the usual manner.

§ 6.2 *Evidence required; warrants and checks containing error in name or designation of original payee.* Such evidence as will satisfactorily establish the correct name or designation of the payee for the purposes of the payment as differentiated from the alleged erroneous one appearing on the face of the warrant or check shall be furnished.

§ 6.3 *Evidence required; deceased and incompetent payees.*

NOTE: Provisions covering evidence required; deceased and incompetent payees, are contained in Part 5 of this chapter.

LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 48-9587; Filed, Oct. 28, 1948; 10:30 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. The following sections are hereby revoked: § 24.4 *Consultant in education, all grades;* § 24.18 *Office of Education;* § 24.25 *Educational Consultant, Grades P–7 and P–8, Army Air Forces;* § 24.58 *Educational Specialist, Air University, Army Air Forces, Maxwell Field, Montgomery, Alabama, P–210–0 (all grades);* § 24.59 *Educational Consultant, Civil Aeronautics Administration, P–210–4 and 5.*

2. The following section is hereby added:

§ 24.95 *Educational Specialist, P–210–0, all grades*—(a) *Educational requirement.* Applicants must have completed a full four-year course in an accredited college or university, which must have included or been supplemented by major study in education or in the particular field in which the duties as a specialist are to be performed.

(b) *Duties.* Educational specialists advise officials of school systems and community groups concerning technical phases of educational programs; conduct research and provide assistance in planning curriculum content and methods of teaching; and advise local officials in the application of approved educational methods for their individual school and community. These duties vary in nature and responsibility with the field and grade of the position.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require knowledge or training in research, teaching, or administration of educational programs and a thorough knowledge of one or more specialized fields of vocational, general, or cultural subjects; comprehensive grasp of the written materials related to the specialized field; ability to impart this knowledge both formally and informally; and an understanding of the relationship of special fields of knowledge to the needs of the school and community as a whole. This knowledge can be gained only through directed training in an accredited college or university. By such training the student, under competent instructors, is guided in his reading and evaluation of the literature, which is so voluminous that an individual cannot master it on his own initiative or by random study. The student has access to libraries and laboratories; is given opportunity to observe materials and methods of devising and implementing educational programs; and, in a controlled and supervised setting, can experiment for himself under professional guidance.

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-9509; Filed, Oct. 28, 1948; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit Corporation)

[1948 Cotton Loan Instructions, Supp. 2]

PART 256—COTTON LOANS

MISCELLANEOUS AMENDMENTS

The 1948 Cotton Loan Instructions (1948 C. C. C. Cotton Form 1) (13 F. R. 4338), as amended, are hereby further amended as follows:

1. Paragraph (b) (8) and paragraph (c) of § 256.221 are amended to read as follows:

§ 256.221 *Definitions.* • • •
(b) *Eligible cotton.* • • •
(8) The person tendering such cotton for a loan must not have previously executed and delivered, with respect to such cotton, a Form A Cotton Producer's Note (C. C. C. Cotton Form E), or Producer's Warranty and Agreement (1948 C. C. C. Cotton Form G–2) and must not have previously sold and repurchased such cotton.

• • • • •

(c) *Approved lending agency.* An approved lending agency shall be any bank, corporation, partnership, association, or person, with which CCC has entered into a Cotton Lending Agency Agreement (C. C. C. Cotton Form DW) in the States of California and Arizona or a Lending Agency Agreement (C. C. C. Cotton Form D) in any State, covering loans on 1948 crop cotton. Organizations desiring to enter into such agreements should communicate with the PMA Commodity Office, Production and Marketing Administration, Masonic Temple Building, New Orleans 12, Louisiana (hereinafter referred to as the New Orleans Office).

2. Paragraph (a) of § 256.235 is amended by striking the title and inserting in lieu thereof "Form D", and paragraph (b) of § 256.235 is amended by striking the title and inserting in lieu thereof "Form DW".

3. The last sentence of § 256.236 is amended to read as follows:

§ 256.236 *Custodial offices.* • • • Federal Reserve Bank, Los Angeles, California, in the case of lending agencies which have entered into lending Agency Agreements (C. C. C. Cotton Form D) with CCC; the lending agency which made the loan or, if the note is purchased by CCC, the New Orleans Office, in the case of lending agencies which have entered into Cotton Lending Agency Agreements (C. C. C. Cotton Form DW): California and Arizona.

4. Section 256.237 is amended by striking the title of paragraphs (a) and (b) thereof and by revising the second sentence thereof to read as follows:

§ 256.237 *Repayments.* • • • Repayments of loans shall be made under paragraph (a) if the lending agency which made the loan entered into a Lending Agency Agreement (C. C. C. Cotton Form D) with CCC or shall be made under paragraph (b) if the lending agency which made the loan entered into a Cotton Lending Agency Agreement (C. C. C. Cotton Form DW) with CCC.

5. Section 256.241 is added to read as follows:

§ 256.241 *Farm storage loans.* Loans will also be made available to eligible producers on eligible cotton stored in approved farm structures and off-the-farm structures. Producers desiring to obtain such loans should communicate directly with the county committee in the county where the cotton is to be stored. The provisions of §§ 256.221 to 256.237, inclusive, and § 256.240, applicable to loans on warehouse stored cotton, will also be applicable to loans made under this section, except as follows:

(a) Instead of being represented by warehouse receipts as provided in paragraph (b) (2) of § 256.221, eligible cotton must be covered by a Cotton Chattel Mortgage (C. C. C. Cotton Form F) and a 1948 Cotton Mortgage Supplement (1948 C. C. C. Cotton Form FF) which will give the payee of the Cotton Producer's Note (C. C. C. Cotton Form E) secured by such mortgage a first lien on such cotton.

(b) Producers must deliver in connection with every loan:

(1) A Cotton Producer's Note meeting the requirements specified for Form A in paragraph (a) of § 256.222.

(2) A Cotton Chattel Mortgage covering the cotton tendered for the loan.

The words "American-Egyptian cotton" must be conspicuously stamped or typed at the top of each such form representing American-Egyptian cotton.

(c) The base loan rate for each county is shown in the Schedule of Base Loan Rates by Counties for Farm-Stored Cotton at the end of these Instructions.

(d) The county committees will administer the program in the counties. Producers desiring to obtain loans should communicate with the county committee in the county in which the cotton is to be stored. The county committee will inspect the storage structure and approve it if it determines that it is of such construction as to afford adequate storage for the cotton. The county committee will collect a service fee of $1.00 per bale, with a minimum of $3.00 per loan, from the producer to cover the cost of services rendered under the program.

(e) Producers may obtain the necessary loan forms from the county committees. The county committees will assist producers in the preparation of the loan documents and will collect fees at the rates shown in the schedule in § 256.227 for such services. Each Cotton Producer's Note must be approved by the county committee and the member signing such form in the space provided certifies that the producer is, to the best of the committee's knowledge and belief, eligible for a loan on the cotton.

(f) A deposit of $1.00 per bale will be collected from the producer to guarantee delivery of the cotton in the event the loan is not repaid by the producer. This deposit will be refunded to the producer if the loan is repaid or the cotton is delivered in accordance with the provisions of the Cotton Mortgage Supplement.

(g) The List of Lienholders and Lienholders' Waiver on the Cotton Mortgage Supplement shall be completed in the manner specified in § 256.228.

(h) The cotton must be classified by a Board of Cotton Examiners as provided in § 256.230, except that samples will be drawn by the county committee and forwarded to the Board for classification where the producer does not have a Form 1 Classification Memorandum. A charge of 20 cents per bale will be collected from the producer on all such cotton from which samples are submitted for classification except cotton from which samples are submitted for Form 1 classification.

(i) Where the producer does not own the premises where the cotton is stored and his lease on such premises expires prior to September 30, 1949, the owner must execute the Consent for Storage on the Cotton Mortgage Supplement. Any other tenant who has a right or interest in the premises must also execute the Consent for Storage.

(j) If the producer is listed on the county debt register as indebted to the United States or any agency or corporation thereof, he shall designate such agency or corporation as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of fees and amounts due prior lienholders. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

(k) Loans may be obtained from approved lending agencies, which may sell the notes to CCC, or directly from CCC. Where a loan is obtained from a lending agency, the lending agency shall execute the Payee's Certificate and Endorsement on the Cotton Producer's Note. The lending agency may carry its investment in the loan and receive interest at the rate of 1½ percent per annum. Where the producer desires to obtain a loan directly from CCC, the county committee will forward the loan documents for the producer.

(l) The producer will be responsible for any loss or damage occurring as a result of his fault or negligence or as a result of any cause other than fire, flood, lightning, explosion, windstorm, cyclone, or tornado, except that he will not be responsible for loss in weight of not to exceed 10 pounds which is due to natural shrinkage. The conversion or unlawful disposition of any bale of the cotton will render the producer personally liable for the payment of the mortgage indebtedness.

(m) If the producer does not repay his loan on maturity, he is required to deliver the cotton in accordance with the provisions of the Cotton Mortgage Supplement. If the cotton is not delivered by the producer, the holder of the note may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, the holder may dispose of the cotton in accordance with the provisions of § 256.226.

(n) In the event CCC becomes the holder of the note, it will, upon delivery of the cotton in accordance with the Cotton Mortgage Supplement, make a storage payment to the producer at the rate of 10 cents a bale for each month or fraction thereof between the date of disbursement of the proceeds of the note and the maturity of the note, provided the producer has not made a misrepresentation or converted any bale of the cotton.

(o) Cotton Producer's Notes evidencing loans under this section shall be tendered to CCC by the lending agencies in the manner specified in § 256.235 for tender of Form A notes, except that the Cotton Chattel Mortgages securing the notes shall be attached instead of warehouse receipts.

(p) The custodian office for all farm stored cotton shall be the New Orleans Office.

(q) If a producer desires to repay his loan and obtain the release of the cotton, he may obtain complete instructions from the county committee for the county in which the cotton is stored. Partial releases will be allowed.

(Sec. 302, 52 Stat. 43, as amended, sec. 8, 56 Stat. 767, as amended, sec. 4 (a), 55 Stat. 498, as amended, sec. 1 (b), 62 Stat. 1247, 62 Stat. 1070; 7 U. S. C. 1302, 50 U. S. C. App. 968, 15 U. S. C. 713a-8 (a))

Issued this 26th day of October 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: October 26, 1948.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

SCHEDULE OF BASE LOAN RATES BY COUNTIES FOR FARM STORED COTTON, 1948 COTTON LOAN PROGRAM

(ALL RATES EXPRESSED IN CENTS PER POUND, GROSS WEIGHT, BASIS MIDDLING, WHITE AND EXTRA WHITE, 15/16-INCH COTTON)

ALABAMA

31.17 In all counties east of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour.
31.08 In the counties of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour.
30.99 In the counties of Madison, Jackson, Morgan, Cullman, Jefferson, Bibb, Chilton, Autauga, Montgomery, Pike, Coffee, Dale, Henry, Geneva, and Houston.
30.90 In the counties of Limestone, Lawrence, Winston, Walker, Fayette, Tuscaloosa, Hale, Perry, Dallas, Lowndes, Butler, Crenshaw, and Covington.
30.81 In the counties of Lauderdale, Colbert, Franklin, Marion, Lamar, Pickens, Greene, Sumter, Marengo, Choctow, Wilcox, Monroe, Clarke, Washington, Escambia, and Conecuh.
30.71 In the counties of Mobile and Baldwin.

ARIZONA

30.02 In all counties.

ARKANSAS

30.65 In the counties of Craighead, Crittenden, Cross, Greene, Lee, Mississippi, Monroe, Phillips, Poinsett, St. Francis, and Woodruff.
30.63 In the counties of Arkansas, Clay, Cleveland, Desha, Jackson, Jefferson, Lawrence, Lincoln, Lonoke, Prairie, Pulaski, and White.
30.62 In the county of Chicot.
30.60 In all counties not listed above.

CALIFORNIA

30.02 In all counties.

FLORIDA

31.09 In all counties east of Jackson, Liberty, and Franklin.
30.99 In the counties of Bay, Calhoun, Franklin, Gulf, Holmes, Jackson, Liberty, and Washington.
30.90 In the county of Walton.
30.81 In the county of Okaloosa.
30.71 In the counties of Santa Rosa, and Escambia.

GEORGIA

31.34 In all counties east of Union, Lumpkin, Dawson, Forsyth, Gwinnett, Walton, Morgan, Putnam, Hancock, Jefferson, Glascock, and Burke.
31.27 In all counties, except Dade and counties having a rate of 31.34 north of Stewart, Webster, Sumter, Dooly, Wilcox, Telfair, Wheeler, Montgomery, Toombs, Tattnall, Evans, and Bryan.
31.18 In all counties south of Chattahoochee, Marion, Schley, Macon, Houston, Pulaski, Dodge, Laurens, Treutlen, Emanuel, Candler, Bullock, Effingham, and Chatham, and north of Quitman, Randolph, Calhoun, Baker, Mitchell, Colquitt, Cook, Berrien, Atkinson, Ware, Pierce, Brantley, and Glynn.
31.17 In the county of Dade
31.09 In all counties south of Stewart, Webster, Terrell, Dougherty, Worth, Tift, Irwin, Coffee, Bacon, Appling, Wayne, and McIntosh.

KENTUCKY

30.70 In all counties.

LOUISIANA

30.67 In the Parishes of East Baton Rouge, East Feliciana, Livingston, Orleans, St. Helena, St. Tammany, Tangipahoa, Washington, and West Feliciana.
30.62 In the Parishes of Concordia, East Carroll, Madison, and Tensas.
30.61 In the Parish of West Carroll.
30.60 In all Parishes not listed above.

MISSISSIPPI

30.71 In the counties of Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, De Soto, Grenada, Itawamba, Kemper, Lafayette, Lauderdale, Leake, Lee, Lowndes, Madison, Marshall, Monroe, Montgomery, Neshoba, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha.
30.68 In the counties of Clarke, Copiah, Covington, Forrest, George, Greene, Hinds, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Newton, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, and Wayne.
30.67 In the counties of Adams, Amite, Bolivar, Claiborne, Coahoma, Franklin, Hancock, Harrison, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Pearl River, Quitman, Sharkey, Sunflower, Tallahatchie, Tunica, Warren, Washington, Wilkinson, and Yazoo.

MISSOURI

30.65 In the counties of Dunklin, New Madrid, and Pemiscot.
30.63 In the counties of Butler, Mississippi, Scott, and Stoddard.
30.60 In all counties not listed above.

NEW MEXICO

30.38 In the counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt.
30.37 In all counties not listed above.

NORTH CAROLINA

31.44 In all counties west of Granville, Wake, Harnett, Hoke, and Scotland.
31.37 In all counties east of Person, Durham, Chatham, Lee, Moore, and Richmond.

OKLAHOMA

30.60 In all counties east of Kay, Noble, Logan, Oklahoma, Cleveland, McClain, Garvin, Murray, Carter, and Love.
30.58 In all counties west of Osage, Pawnee, Payne, Lincoln, Pottawatomie, Pontotoc, Johnston, and Marshall; and east of Woods, Woodward and Ellis.
30.51 In all counties west of Alfalfa, Major, Dewey, and Roger Mills.

SOUTH CAROLINA

31.44 In all counties west of Marlboro, Darlington, Lee, Sumter, Calhoun, Orangeburg, and Barnwell.
31.37 In all counties east of Chesterfield, Kershaw, Richland, Lexington, and Aiken.

TENNESSEE

31.17 In all counties east of Marion, Sequatchie, Bledsoe, Cumberland, Morgan, and Scott.
31.08 In the counties of Marion, Sequatchie, Grundy, Bledsoe, and Cumberland.
30.99 In the counties of Franklin, Coffee, Warren, Van Buren, White, and Overton.
30.90 In the counties of Lincoln, Giles, Moore, Bedford, Marshall, Rutherford, Cannon, De Kalb, and Wilson.
30.81 In the counties of Lawrence, Wayne, Lewis, Perry, Hickman, Humphreys, Dickson, Davidson, Williamson, and Maury.
30.71 In the counties of Hardin, Decatur, Chester, Fayette, Hardeman, Henderson, McNairy, Madison, and Shelby.
30.70 In the counties of Benton, Stewart, Carroll, Crockett, Dyer, Gibson, Haywood, Henry, Lake, Lauderdale, Obion, Tipton, and Weakley.

TEXAS

30.60 In all counties east of Montague, Denton, Dallas, Ellis, Navarro, Anderson, Houston, Trinity, Walker, Grimes, Waller, Fort Bend, and Brazoria.
30.53 In all counties west of Cooke, Collin, Rockwall, Kaufman, Henderson, Cherokee, Angelina, Polk, San Jacinto, Montgomery, Harris, and Galveston; and east of Childress, Cottle, Knox, Haskell, Jones, Taylor, Coleman, San Saba, Llano, Gillespie, Kendall, Bexar, Wilson, Karnes, Goliad, Bee, and San Patricio.
30.51 In the counties of Childress, Coke, Coleman, Collingsworth, Concho, Cottle, Dickens, Donley, Fisher, Gillespie, Gray, Hall, Haskell, Jones, Kendall, Kent, Llano, Knox, King, McCulloch, Mason, Mitchell, Motley, Nolan, Runnels, San Saba, Scurry, Stonewall, Taylor, Tom Green, and Wheeler.
30.49 In the counties of Bee, Bexar, Goliad, Karnes, Nueces, San Patricio, and Wilson.
30.46 In all counties west of Gray, Donley, Hall, Motley, Dickens, Kent, Scurry, Mitchell, Coke, Tom Green, Mason, Gillespie, Kendall, Bexar, Wilson, Karnes, Bee, San Patricio, and Nueces; and east of Winkler, Ward, Pecos, Terrell, and Val Verde.
30.44 In the counties of Loving, Pecos, Reeves, Terrell, Ward, Winkler, and Val Verde.
30.37 In the counties of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio.

VIRGINIA

31.37 In all counties.

[F. R Doc 48-9544; Filed, Oct. 28, 1948; 8:55 a. m.]

[1948 Cotton Loan Instructions, Supp. 3]

PART 256—COTTON LOANS

LOANS ON BILLS OF LADING

The 1948 Cotton Loan Instructions (1948 C. C. C. Cotton Form 1) (13 F. R. 4338), as amended, are hereby further amended by adding § 256.242 to read as follows:

§ 256.242 *Loans on bills of lading.* Loans will also be made available to eligible producers on eligible cotton represented by bills of lading evidencing shipment of the cotton by the producers to warehouses where storage space is available. Such loans will be available only in areas specified by CCC where there is a shortage of storage space and where necessary arrangments may be made with the railroads. The provisions of §§ 256.221 to 256.237, inclusive, and 256.240, applicable to loans on warehouse stored cotton will also be applicable to loans under this section, except as follows:

(a) Instead of being represented by warehouse receipts as provided in paragraph (b) (2) of § 256.221, eligible cotton must be represented by bills of lading complying with the provisions of this section, and such bills of lading shall be delivered by producers in connection with every loan, instead of warehouse receipts as provided in paragraph (b) of § 256.222.

(b) Cotton will be eligible for a loan under this section at the full loan rate at the shipping point only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginners, and other responsible parties in areas where such loans are available may be approved to act as receiving agencies by the New Orleans Office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notification will be given by letter or published lists.

(c) A producer who is unable to find storage space in his local area and who wishes to obtain a loan under this section should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledged Cotton on a Form A and, if it is a warehouseman, will execute the Warehouseman's Certificate and Storage Agreement thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC. The receiving agency will ship the cot-

ton, secure order notify bills of lading in a form acceptable to CCC, and deliver the bills of lading, Forms A, and Weight and Condition Certificates (if any) to the producer. Transportation costs will be charged against the cotton. If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with the Warehouseman's Certificate and Storage Agreement and a fee of not to exceed 10 cents a bale to cover the cost of preparation of shipping documents. If the receiving agency is not a warehouseman, it will be permitted to collect a fee not to exceed the fee set forth in the Receiving Agency Agreement executed by the receiving agency and shall post, in a conspicuous place, the fee to be charged producers.

(d) CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, where the receiving agency is a warehouseman.

(e) The cotton must be classified by a Board of Cotton Examiners as provided in § 256.230, except that samples will be drawn by the receiving agency and submitted to the Board for classification where the producer does not have a Form 1 Classification Memorandum. A charge of 20 cents per bale shall be collected from the producer and paid to the Board of Cotton Examiners for all cotton from which samples are submitted for classification, except cotton from which samples are submitted for Form 1 classification.

(f) The receiving agency shall type or stamp at the top of each Form A which it prepares the following: "Wherever the term 'warehouse receipts' occurs in the Producer's Note or in the Loan Agreement, it shall be read and construed as 'bills of lading'."

(g) Forms A evidencing loans under this section shall be tendered to CCC by the lending agencies in the manner specified in § 256.235, except that the bills of lading representing the cotton (and Weight and Condition Certificates if the receiving agency was not a warehouseman) shall be attached instead of warehouse receipts, and notes secured by bills of lading and notes secured by warehouse receipts shall be listed on separate Forms C.

(h) Repayment of loans and release of the loan documents shall be made in accordance with the provisions of § 256.237. (Sec. 302, 52 Stat. 43, as amended, sec. 8, 56 Stat. 767, as amended, sec. 4 (a), 55 Stat. 498, as amended, sec. 1 (b), 62 Stat. 1247, 62 Stat. 1070; 7 U. S. C. 1302, 50 U. S. C. App. 968, 15 U. S. C. 713a–8 (a))

Issued this 26th day of October 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: October 26, 1948.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-9543; Filed, Oct. 28, 1948; 8:55 a. m.]

[1948 C. C. C. Dry Edible Bean Bulletin 1, Amdt. 1]

PART 276—DRY BEAN LOAN AND PURCHASE AGREEMENTS

1948 DRY EDIBLE BEAN PRICE SUPPORT PROGRAM

The bulletin issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 5256, containing the requirements of the 1948 dry edible bean price support program, is amended as follows:

1. Under § 276.202 *Availability of loans and purchases*, paragraph (a) *Area* is amended to include the state of Kansas in the area in which loans and purchase agreements will be available to producers.

2. Under § 276.208 *Determination of quantity under loan*, the first sentence is revised to read as follows: "Loans shall be made on the basis of sound beans except as provided in paragraph (b) of this section."

3. Paragraph (b) *Warehouse—stored*, is amended by substituting a comma for the period at the end of the paragraph and adding the following: "except that the quantity shall be the net weight of beans when the warehouse receipt or supplemental certificate shows a grade of U. S. No. 2 or better, and the warehouseman guarantees both grade and quantity."

4. Under § 276.212 *Loan and settlement rates*, paragraph (a) *Loan rate*, is amended to read as follows:

(a) *Loan rate.* (1) On beans stored in approved warehouses which are evidenced by warehouse receipt(s) under which the warehouseman guarantees both grade and quantity, loans will be made at rates equal to the settlement rates specified in paragraph (b) of this section, provided the beans grade U. S. No. 2 or better and the producer has paid all charges against the beans through April 30, 1949, including processing, bags, bagging, storage, freight, and loading-out charges, or directs the payment of such charges from the proceeds of the loan.

(2) The loan rate for all other eligible beans shall be $5.00 per 100 pounds of sound beans.

5. Paragraph (b) *Settlement rate*, is amended by adding the following paragraph at the end of the paragraph:

If beans are stored in transit in an approved warehouse, the producer shall be credited at the time of settlement with the value to CCC of the transit billing as determined by CCC.

(Sec. 4 (a), 55 Stat. 498, as amended, sec. 1 (b), Pub. Law 897, 80th Cong., sec. 5 (a), Pub. Law 806, 80th Cong.; 15 U. S. C. 713 a–8 (a))

Issued this 26th day of October 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: Oct. 26, 1948.

RALPH S. TRIGG,
President,
Comodity Credit Corporation.

[F. R. Doc. 48-9545; Filed, Oct. 28, 1948; 8:56 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 29—TOBACCO INSPECTION

DESIGNATION OF WEST JEFFERSON, N. C., TOBACCO MARKET

Upon a referendum conducted, pursuant to prior notice (13 F. R. 5495), during the period October 5 through October 7, 1948, among tobacco growers who, during the 1947 marketing season, sold tobacco at auction on the market at West Jefferson, North Carolina, it is found that more than two-thirds of the growers voting in such referendum favor the designation of such market under section 5 of the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.) for the mandatory inspection and certification of tobacco sold on such market. Therefore, pursuant to the authority vested in the Secretary of Agriculture, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR Cum. Supp., 29.301; 9 F. R. 11571; 10 F. R. 11104; 11 F. R. 7967; 11 F. R. 8712; 11 F. R. 13099; 12 F. R. 4015; 13 F. R. 2579; 13 F. R. 2963; and 13 F. R. 4498) are amended by adding thereto at the end thereof the following paragraph (ff):

§ 29.301 *Designation of tobacco markets.* * * *

(ff) *The tobacco market at West Jefferson, North Carolina.* Effective 30 days after October 29, 1948, no tobacco of any type shall be offered for sale at auction on the market at West Jefferson, North Carolina, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated above.

(49 Stat. 731; 7 U. S. C. 511 et seq.)

Issued this 25th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9511; Filed, Oct. 28, 1948; 8:47 a. m.]

PART 29—TOBACCO INSPECTION

DESIGNATION OF LONDON, KY., TOBACCO MARKET

Upon a referendum conducted, pursuant to prior notice (13 F. R. 5495), during the period October 5 through October 7, 1948, among tobacco growers who, during the 1947 marketing season, sold tobacco at auction on the market at London, Kentucky, it is found that more than two-thirds of the growers voting in such referendum favor the designation of such market under section 5 of the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.) for the mandatory inspection and certification of tobacco sold on such market. Therefore, pursuant to the authority vested in the Secretary of Agriculture, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR Cum. Supp., 29.301; 9 F. R. 11571; 10 F. R. 11104; 11 F. R. 7967; 11 F. R. 8712; 11 F. R. 13099; 12 F. R. 4015; 13 F. R. 2579; 13 F. R. 2963; and 13 F. R. 4498) are amended by adding thereto at the end thereof the following paragraph (ee):

§ 29.301 *Designation of tobacco markets.* * * *

(ee) *The tobacco market at London, Kentucky.* Effective 30 days after October 29, 1948, no tobacco of any type shall be offered for sale at auction on the market at London, Kentucky, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated above.

(49 Stat. 731; 7 U. S. C. 511 et seq.)

Issued this 25th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9512; Filed, Oct. 28, 1948; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.77]

REDESIGNATION OF PARTS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to Executive Order 9930 of February 4, 1948 (13 F. R. 519) governing the 1949 edition of the Code of Federal Regulations and to the Federal Register Regulations of October 12, 1948 (13 F. R. 5929), the parts of the Code comprising Chapter I of Title 22 are hereby renumbered as follows:

Old part No.	New part No.	New part heading
8	1	Certificates of Authentication.
10	62	Tort Claims: Claims Cognizable under the Federal Tort Claims Act and the Small Claims Act, and Claims Cognizable only under the Act of June 19, 1937.
11	5	Books, Maps, Newspapers, Etc.
12	2	Fees for Services.
16	7	Complaints Against an Employee by an Alleged Creditor.
19	50	Nationality Under the Act of 1940.
21	15	Flags.
22	80	Trading with the Enemy.
23	30	Advice to Foreign Governments by American Citizens.
24	31	Notification of Foreign Official Status.
25	9	Deposit of Funds.
28	65	Payments to and on Behalf of Participants in the Cultural-Cooperation Program.
29	66	Foreign Students.
30	20	Stolen Property under Treaty with Mexico.
32	52	Passports: Validation and Issuance in Wartime.
33	51	Passports.
44	10	Study and Research in the Department of State.
55	70	Trade Agreements: Public Notice and Presentation of Views.
57	81	Removal of Alien Enemies Brought to the United States from other American Republics.
58	58	Control of Persons Entering and Leaving the United States in Wartime.
60	40	Visas: Diplomatic.
61	42	Visas: Documentation of Aliens Entering the United States.
63	(1)	Visas: Documentation of Aliens Entering the United States as Seamen or Airmen.[1]
65	43	Visas: Documentation of Alien Seamen and Airmen Entering the United States.
68	44	Visas: Waiver or Reduction of Fees for Nonimmigrants.
100	100	Examinations for the Appointment of Foreign Service Officers.
101 to 122	101 to 122	[Foreign Service Regulations.]
201	75	International Traffic in Arms, Ammunition, and Implements of War.
202	76	Exportation of Helium Gas.
203	77	Exportation of Tin-Plate Scrap.
204	78	Exportation of Commodities Involving Military Secrets.
301	90	Reparations: World War II.
401	95	Aid to War-Devastated Countries.

[1] Present §§ 63.51–63.53, are in process of rescission by the Secretary of State.

New Parts 1–100 will comprise Subchapter A of Chapter I: The Department.

New Parts 101 et seq. will comprise Subchapter B of Chapter I: The Foreign Service.

The codification of old Parts 1 and 3, entitled respectively "Functions and Organization" and "Procedure", has been discontinued. Future amendments of such material will appear in the notice section of the FEDERAL REGISTER.

The part numbers of Title 22 of the Code of Federal Regulations issued hereafter by the Secreary of State, will conform with the new numbers assigned herein.

This regulation will become effective immediately upon publication in the FEDERAL REGISTER.

Approved: October 25, 1948.

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

[F. R. Doc. 48-9520; Filed, Oct. 28, 1948; 8:50 a. m.]

DISCONTINUANCE OF CODIFICATION OF CERTAIN PARTS

EDITORIAL NOTE: Codification of the following parts or sections is discontinued:

1. Part 59—Visas, Diplomatic: Reentry into the United States.

2. Sections 63.1–63.6 of Part 63—Visas: Documentation of Aliens Entering the United States as Seamen or Airmen.

3. Part 67—Visas: Documents Required of Aliens Entering the Philippine Islands.

4. Part 70—Trade Agreements; Public Notice and Presentation of Views (formerly Part 55).

[Departmental Reg. 108.78]

PART 5—BOOKS, MAPS, NEWSPAPERS, ETC.

Under authority contained in R. S. 161 (5 U. S. C. 22), present Part 5 (old Part 11) of Title 22 of the Code of Federal Regulations is hereby amended to read as follows.

§ 5.1 *Purchase.* The purchase by the Department of State of books, maps, newspapers, periodicals, and other publications shall be made without regard to the provisions of the act approved March 3, 1933 (sec. 2, 47 Stat. 1520; 41 U. S. C. 10a), since determination has been made by the Secretary, as permitted by the provisions of the act, that such purchase is inconsistent with the public interest. (R. S. 161; 5 U. S. C. 22)

This part shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: October 25, 1948.

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

[F. R. Doc. 48-9518; Filed, Oct. 28, 1948; 8:50 a. m.]

[Departmental Reg. 108.79]

PART 7—COMPLAINT AGAINST AN EMPLOYEE BY AN ALLEGED CREDITOR

Under authority contained in R. S. 161 (5 U. S. C. 22), present Part 7 (old Part 16) of Title 22 of the Code of Federal Regulations is hereby amended to read as follows:

Sec.
7.1 No cognizance taken of complaint.
7.2 Claimants denied access to employees.

§ 7.1 *No cognizance taken of complaint.* The Department of State will take no cognizance of a complaint against an employee by an alleged creditor, so far as the complainant is concerned, beyond acknowledging receipt of his communication. (R. S. 161; 5 U. S. C. 22)

§ 7.2 *Claimants denied access to employees.* Persons claiming to be creditors or collectors of debts or claims will be denied access to employees for the purpose of presenting or collecting claims during the hours set apart for the transaction of public business or while the employees concerned are on duty. (R. S. 161; 5 U. S. C. 22)

Approved: October 25, 1948.

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

[F. R. Doc. 48-9518; Filed, Oct. 28, 1948; 8:50 a. m.]

[Departmental Reg. 108.80]

PART 9—DEPOSIT OF FUNDS

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to Order of the Secretary of the Treasury, approved by the President February 21, 1934, and Executive Orders 6166 of June 10, 1933, 6224 of July 27, 1933, and 6540 of December 28, 1933 (5 U. S. C. 132 note), Part 9 (old Part 25) of Title 22 of the Code of Federal Regulations is hereby amended to read as follows:

§ 9.1 *Checks made payable to the Secretary of State.* In all cases where the Department of State requests that funds be deposited with it in connection with letters rogatory, taking of testimony, payment for cables sent and received, passport fees, or for any other purpose, the depositor is to be requested to make the checks, drafts, or money orders remitted therefor payable to the Secretary of State of the United States and to send them to the Department of State for action and deposit. The Chief or Acting Chief of the Division of Finance, or his designee, is hereby authorized to endorse to the Treasurer of the United States, by appropriate stamp, such official checks, drafts, or money orders, except those covering passport fees, as are received in accordance with the provisions of this section. The Chief or Acting Chief of the Passport Division, or his designee, is hereby authorized to endorse to the Treasurer of the United States, by appropriate stamp, official checks, drafts, or money orders covering passport fees, which, in accordance with the provisions of this section, are hereafter to be made payable to the Secretary of State. (R. S. 161; 5 U. S. C. 22)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: October 25, 1948.

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

[F. R. Doc. 48-9517; Filed, Oct. 28, 1948; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71–85—TRANSPORTATION OF EXPLOSIVES[1] AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of October A. D. 1948.

It appearing, that pursuant to sections 831–835, Title 18, U. S. Code, approved June 25, 1948 (which repealed the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444–1445) (18 U. S. C. 382–386); and Part II of the Interstate Commerce Act, the Commission has formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in applications received we are asked to amend the aforesaid regulations as set forth in provisions made part thereof:

It is ordered, That the aforesaid regulations for transportation of explosives and other dangerous articles be, and are hereby, amended as follows:

Part 2—List of Explosives and Other Dangerous Articles (CFR 73)

Superseding and amending commodity list section 4, orders August 16, 1940, and July 22, 1948, to read as follows:

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Add) Amyl trichlorosilane	Cor. L	No exemption 249B	White	10 gallons.
(Add) Butyl trichlorosilane	do	do	do	Do.
(Add) Carbon dioxide-nitrous oxide mixture.	Noninf. G	302, 301	Green	300 pounds.
(Add) Chemical kits*	See sec. 253B			
(Add) Cumene hydroperoxide	Oxy. M	153 (b), 186D	Yellow	1 quart.
(Add) Cyanogen chloride containing less than 0.9 percent water.	Pois. A	No exemption 334	Poison Gas	Not accepted.
(Add) Diethyl dichlorosilane	Cor. L	No exemption 249B	White	10 gallons.
(Add) Diphenyl dichlorosilane	do	do	do	Do.
(Add) Ethyl phenyl dichlorosilane.	do	do	do	Do.
(Change) Hexaethyl tetraphosphate and compressed gas mixture.	Pois. A	No exemption 331A	Poison gas	Not accepted.
(Add) Hexyl trichlorosilane	Cor. L	No exemption 249B	White	10 gallons.
(Add) High explosives, liquid	Expl. A	No exemption 61 (j)		Not accepted.
(Add) Hypochlorite solutions containing more than 7 percent available chlorine by weight.	Cor. L	No exemption 277	White	4 gallons.
(Change) Nitroglycerin liquid, desensitized.	See sec. 50 (d) and 61 (a) (5).			
(Add) Octyl trichlorosilane	Cor. L	No exemption 249B	White	10 gallons.
(Add) Parathion and compressed gas mixture.	Pois. A	No exemption 331A	Poison Gas	Not accepted.
(Add) Phenyl trichlorosilane	Cor. L	No exemption 249B	White	10 gallons.
(Add) Propyl trichlorosilane	do	do	do	Do.
(Change) Tetraethyl pyrophosphate and compressed gas mixture.	Pois. A	No exemption 331A	Poison gas	Not accepted.
(Change) Trichlorosilane	Inf. L	No exemption 109B	Red	10 gallons.

Part 3—Regulations Applying to Shippers (CFR 75)

Amending table paragraph (c), section 22, *Specified containers prescribed*, order August 16, 1940, as follows:

When these regulations call for specification Nos.		These specifications containers may also be used—
(Add) 4BA	26, 38	Cylinder.

Superseding and amending section 23, *Closures for containers*, order August 16, 1940, to read as follows:

23. *Closures for containers.* Containers must be closed for shipment as prescribed in the specifications for the container unless otherwise authorized for the particular article being shipped. Gasketed closures must be fitted with gaskets of efficient material which will not be deteriorated by the contents of the container.

Superseding and amending paragraph (d), section 50, *Forbidden explosives*, order August 19, 1946, to read as follows:

(d) Liquid nitroglycerin, diethylene glycol dinitrate or other liquid explosives not authorized by section 61 (a) (5). (For shipment by carrier by motor vehicle other than common carriers, see section 822 (b).)

Superseding and amending section 109A, *Ethyl trichlorosilane*, order July 22, 1948, to read as follows:

109A (a) Ethyl trichlorosilane must be packed in specification containers as follows:

(b) *Spec. 15A or 16B.* Wooden boxes with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(c) *Spec. 17H or 37D.* Metal drums (single-trip) with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(d) *Spec. 5A.* Metal drums not over 55 gallons capacity.

(e) *Spec. 5F.* Metal drums not over 11 gallons capacity.

(f) *Spec. 5, 5B, 5C and 17E (single-trip).* Metal drums. These containers not authorized for shipments by rail express.

(g) Specification cylinders as prescribed for any compressed gas, except acetylene.

Amending order August 16, 1940, as follows (add):

109B (a) Trichlorosilane must be packed in specification containers as follows:

(b) *Spec. 15A or 16B.* Wooden boxes with glass inside containers not over 1 quart capacity each securely closed and cushioned with incombustible absorbent material.

(c) *Spec. 17H or 37D.* Metal drums (single-trip) with glass inside containers not over 1 quart capacity each securely closed and cushioned with incombustible absorbent material.

(d) *Spec. 5A.* Metal drums not over 55 gallons capacity. This container not authorized for shipment by rail express.

(e) *Spec. 5F.* Metal drums not over 11 gallons capacity. This container not authorized for shipment by rail express.

(f) Specification cylinders as prescribed for any compressed gas, except acetylene.

Amending section 163, *Chlorate of soda, chlorate of potash, etc.*, order August 16, 1940, as follows (add):

(h) Chlorate of soda is authorized for shipment in tank cars, spec. 103. Cars must be thoroughly cleaned before loading.

Superseding and amending paragraph (c), section 176, *Matches*, order August 16, 1940, to read as follows:

(c) *Packing.* Matches, strike-anywhere, must not be packed in the same outside package with any other article, except that book, card and "strike-on-box" matches may be included when packed in separate inside containers.

Superseding and amending paragraph (a), section 186A, *Liquid peroxides*, order November 4, 1946, to read as follows:

186A (a) Liquid peroxides other than acetyl peroxide solution, hydrogen peroxide, peracetic acid and cumene hydroperoxide must be packed in specification containers as follows:

Amending section 186A, *Liquid peroxides*, order November 4, 1946, as follows (add):

(f) *Spec. 17C or 17E.* Metal drums (single-trip) not over 15 gallons capacity. Authorized only for material which will not react dangerously with the drum metal, or be decomposed by contact with it.

Amending order August 16, 1940, as follows (add):

186D (a) Cumene hydroperoxide of strength not exceeding 75 percent in a non-volatile solvent must be packed in specification containers as follows:

(b) *Spec. 15A, 15B, 15C, 16A or 19A.* Wooden boxes with inside containers which must be: Glass or earthenware, not over 1 gallon each, cushioned with incombustible packing material in sufficient quantity to absorb the contents of the inner container.

(c) *Spec. 17E.* Metal drums (single-trip), with interiors so treated that they will be resistant to the contents.

Amending section 245, *Not exempted articles*, order August 16, 1940 as follows (add):

(bb) Amyl trichlorosilane.
(cc) Butyl trichlorosilane.
(dd) Diethyl dichlorosilane.
(ee) Diphenyl dichlorosilane.
(ff) Ethyl phenyl dichlorosilane.
(gg) Hexyl trichlorosilane.
(hh) Octyl trichlorosilane.
(ii) Phenyl trichlorosilane.
(jj) Propyl trichlorosilane.
(kk) Hypochlorite solutions containing more than 7 percent available chlorine by weight.

Amending order August 16, 1940, as follows (add):

249B (a) Amyl trichlorosilane, butyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, ethyl phenyl dichlorosilane, hexyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane must be packed in specification containers as follows:

(b) *Spec. 15A or 16B.* Wooden boxes with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(c) *Spec. 17H or 37D.* Metal drums (single trip) with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

(d) *Spec. 5A.* Metal drums not over 55 gallons capacity.

(e) *Spec. 5F.* Metal drums not over 11 gallons capacity.

(f) *Spec. 5, 5B, 5C and 17E (single-trip).* Metal drums. These containers not authorized for shipments by rail express.

(g) Specification cylinders as prescribed for any compressed gas, except acetylene.

Amending section 250, *Automobiles or other self-propelled vehicles*, order August 16, 1940, as follows (add):

(a) (4) When batteries are installed in the vehicle they must be completely protected so that short circuits will be prevented under conditions normal to transportation.

Superseding and amending paragraph (e), section 253, *Chloracetyl chloride*, order October 28, 1942, to read as follows:

(e) *Spec. 1A, 1C, or 1D.* Carboys in boxes or kegs. Use of these containers will be permitted because of the present emergency and until further order of the Commission.

Amending order August 16, 1940, as follows (add):

253B (a) Chemical kits, except as otherwise provided herein, must be packed, marked and labeled as prescribed by these regulations for the specific acids or corrosive liquids contained therein.

(b) (1) Chemical kits containing acids in inside containers not exceeding 6 fluid ounces capacity each and complying with all of the following requirements, are exempt from specification packing, marking, other than name of contents, and labeling requirements for transportation by rail freight, rail express, or highway: When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents and labeling requirements.

(b) (2) The kit must not contain any of the items named in section 245.

(b) (3) The kit must be a strong wooden or metal container, or must be packed in a strong wooden or metal container.

(b) (4) The acids or corrosive liquids must be cushioned with sufficient absorbent cushioning material to completely absorb the contents of the individual containers, and must be protected from injury by other materials in the kit.

(b) (5) The contents of the kit must be of such nature and/or so packed that there will be no possibility of the mixture of contents causing dangerous evolution of heat or gas.

Superseding and amending paragraph (g) (1), section 272, *Sulfuric acid*, order January 23, 1946, to read as follows:

(g) (1) *Spec. 17F.* Metal barrels or drums (single-trip) only for acid of 1.7059 specific gravity (60° Baume tolerance plus 0.2° Baume); or acid of greater strength with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baume commercial sulfuric acid. Drums equipped with vented closures of an experimental type approved by the Bureau of Explosives are also authorized for export shipments.

Amending order August 16, 1940, as follows (add):

277 (a) Hypochlorite solutions containing more than 7 per cent available chlorine by weight must be packed in specification containers as follows:

(b) *Spec. 15A, 15B, 15C, or 12B.* Wooden or fiberboard boxes with glass or earthenware inside containers of not more than 1 gallon capacity each. Packages must not weigh over 65 pounds gross nor contain more than 4 such inside containers if their capacity is greater than 5 pints each.

(c) *Spec. 1A, 1C, or 1D.* Carboys in boxes or kegs.

(d) Closures for inside containers and carboys must be vented and must be of a material resistant to the lading and capable of preventing leakage of liquid contents.

(e) Containers of 5 gallons capacity and over in service for transportation of this material prior to September 1, 1948, of a design and venting arrangement approved by the Bureau of Explosives, may be continued in use until further order of the Commission.

(f) Glass or earthenware containers of not more than 4 fluid ounces capacity each, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway. When for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents and labeling requirements.

Superseding and amending paragraph (i) (2), section 303, *Weight and pressure check*, order April 19, 1948, to read as follows:

(i) (2) Cylinders with a water capacity of 200 pounds or more and for use with a liquefied petroleum gas with a specific gravity at 60° F. of 0.504 or greater may have their contents determined by using a fixed length dip tube gauging device. The length of the dip tube shall be such that when a liquefied petroleum gas with a specific volume of 0.03051 cu. ft./lb. at a temperature of 40° F. is charged into the cylinder it just reaches the bottom of the tube. The weight of this liquid shall not exceed 42 percent of the stamped water capacity of the cylinder. The length of the dip tube, expressed in inches carried

[1] Parts 2, 3, 4, and 7 in this order appear in CFR as Parts 73, 75, 72, 80 and 85.

out to one decimal place and prefixed with the letters DT, shall be stamped on the cylinder and on the exterior of removable type dip tube. The length of each dip tube shall be checked when installed by weighing each cylinder after filling except when installed in groups of substantially identical cylinders in which case one of each 25 cylinders shall be weighed. The quantity of liquefied gas in each container must be checked by means of the dip tube after disconnecting from the charging line. The outlet from the dip tube shall not be larger than a No. 54 drill size orifice. A container representative of each day's filling at each charging plant shall have its contents checked by weighing after disconnecting from the charging line.

Superseding and amending paragraph (k), table, section 303, *Restrictions for gases named in table*, orders August 16, 1940, and April 19, 1948, to read as follows:

Kind of gas	Maximum permitted filling density (see sec. 303 (h))	Cylinders* marked as shown in this column must be used except as provided in Note 1 and sec. 303 (p) (2) to 303 (p) (6)
(Add) Carbon dioxide-nitrous oxide mixture (see note 3).	*Percent* 68	ICC-3A1800; ICC-3.
(Change) Vinyl methyl ether, inhibited (see note 7).	68	ICC-4B300, without brazed seams; ICC-4BA, without brazed seams; ICC-3A300; ICC-3B300; ICC-25.

Superseding and amending paragraph (k), section 303, note 3 to table, *Restrictions for gases named in table*, order April 19, 1948, to read as follows:

NOTE 3: The maximum amount of liquefied carbon dioxide, nitrous oxide, or carbon dioxide-nitrous oxide mixture, with 1 pound allowable variation in each cylinder, must not be over 20 pounds for standard cylinders 5½ inches in diameter by 51 inches long, nor over 50 pounds for standard cylinders 8½ inches in diameter by 51 inches long and larger: *Provided*, That cylinders having interior diameter not over 10 inches, walls not less than 3/8 inch thick, and capacity not less than 4,200 cubic inches, may be shipped by or for the United States Government when charged with not over 102 pounds of gas.

Provided, further, That foregoing provisions of this note do not apply to cylinders of size not over 9 1/16 inches by 51 inches (approximately) when charged with mixtures of carbon dioxide or nitrous oxide containing at least 6 percent by weight of gas or liquid other than carbon dioxide or nitrous oxide.

Provided, further, That cylinders marked ICC-3A2300 or for higher pressures are authorized to be shipped when charged with 75 or 100 pounds of gas with not over 1 pound variation plus or minus; filling density must not exceed 68 percent.

Superseding and amending paragraph (n) (2), section 303, *Liquefied petroleum gas*, order April 19, 1948, to read as follows:

(n) (2) *Spec. 3, 3A, 3B, 3E, 4, 4B, 4BA, 4B240X, 4B240FLW, 9, 25, 26, or 38.* Cylinders authorized under section 303 (p) (2) to 303 (p) (6) may be used. (Notes 1 and 2 not cancelled.)

Amending section 303, order August 16, 1940, as follows (add):

(p) (16) (a) Repairs on ICC–4 series, and ICC–8, welded or brazed cylinders are authorized to be made by welding or brazing. Such repairs must be made by a manufacturer of this type of ICC cylinder and by a process similar to that used in its manufacture and under the following specific requirements:

(p) (16) (b) Cylinders with injurious defects in welded joints in or on pressure parts must be repaired by completely removing the defect prior to rewelding.

(p) (16) (c) Cylinders with injurious defects in brazed joints in or on pressure parts must be repaired by rebrazing.

(p) (16) (d) Cylinders during welding must be free of materials in contact with the welded joint that may impair the serviceability of the metal in or adjacent to the weld. (Precautions must be taken to prevent acetylene cylinder steels from picking up carbon during repair.)

(p) (16) (e) Neckrings, footrings, or other nonpressure attachments authorized by the specification may be replaced or repaired.

(p) (16) (f) After removal, and before replacement of attachments, cylinders must be inspected and defective ones rejected, repaired or rebuilt.

(p) (16) (g) After repair, cylinders must be reheat treated, tested, inspected and reported when and as prescribed by the specification covering their original manufacture in the following circumstances:

(p) (16) (h) When welding or brazing seams in a pressure part of a cylinder.

(p) (16) (i) When welding or brazing on pressure parts of cylinders of plain carbon steels with carbon over 0.25 percent or manganese over 1.00 percent or of alloy steels.

NOTE: The physical and flattening tests may be omitted when the cylinders are not reheat-treated.

(p) (16) (j) Repair of cylinders must be followed by a proof pressure leakage test at prescribed test pressure and visual examination for weld quality in the following circumstances:

(p) (16) (k) When welding or brazing on pressure parts of cylinders of plain carbon steel with carbon 0.25 percent or less and manganese 1.00 percent or less.

(p) (16) (l) Repair of nonpressure attachments by welding or brazing without affecting a pressure part of the cylinder must be followed by visual examination for weld quality.

(p) (16) (m) Walls, heads or bottoms of cylinders with injurious defects or leaks in base metal shall not be repaired, but may be replaced as provided for in section 303 (p) (17) (a).

(p) (17) (a) Rebuilding of ICC–4 series, and ICC–8, welded or brazed cylinders is authorized. Such rebuilding must be done by a manufacturer of this type of ICC cylinder and by a process similar to that used in its original manufacture and under the following specific requirements:

(p) (17) (b) The replacement of a pressure part such as wall, heads, or bottoms of cylinders or the replacement of the porous filling material, shall be considered as rebuilding.

(p) (17) (c) Rebuilt cylinders shall be considered as new cylinders and shall conform to all the requirements of the specifications applying, including verification of material, examination, inspection, etc., and the rendering of the proper reports to the purchaser, cylinders rebuilder, and the Bureau of Explosives.

(p) (17) (d) Information in sufficient detail regarding previous serial numbers and identification symbols must be filed with the Bureau of Explosives.

Superseding and amending paragraph (q) (1), table, section 303, *Compressed gases in tank cars and motor vehicles*, order April 19, 1948, to read as follows:

Name of gas	Maximum permitted filling density, note 1	Required type of tank car, note 2
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.)	Note 3...	Note 9, ICC–104A. Note 13.

(Add):

NOTE 13. Fusion welded portable tanks manufactured prior to April 19, 1948 in complete compliance with specifications included in ICC authority No. 3666 dated December 28, 1939 (235 I. C. C. 595), are authorized for the transportation of commercial butane: *Provided*, That (1) certificate of manufacture for each tank and record of each required five year retest is filed with the Bureau of Explosives, and (2), in addition to the markings prescribed by the aforementioned authority each tank is permanently marked ICC–50X.

Superseding and amending section 326, orders August 16, 1940, and August 19, 1946, to read as follows:

326. *Extremely dangerous poisons; Class A—Poison gas label.* (a) Poisonous gases or liquids of such nature that a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life. This class includes the following:

Chlorpicrin.
Cyanogen.
Cyanogen chloride containing less than 0.9 percent water.
Diphosgene.
Ethyldichlorarsine.
Hydrocyanic acid.
Lewisite.
Methyldichlorarsine.
Mustard gas.
Nitrogen peroxide (tetroxide).
Phenylcarbylamine chloride.
Phosgene (diphosgene).

NOTE: Dilute solutions of hydrocyanic acid of not exceeding 5 percent strength are classed as poisonous articles, class B, (see section 836 and section 350).

Superseding and amending paragraph (a) (1), sec. 331A, *Hexaethyl tetraphosphate etc.*, order July 22, 1948, to read as follows:

(a) (1) Hexaethyl tetraphosphate, parathion, and tetraethyl pyrophosphate mixtures with compressed gas, containing not more than 10 percent by weight of hexaethyl tetraphosphate, parathion or tetraethyl pyrophosphate must be packed in specification containers as follows:

Superseding and amending paragraph (c), section 339, *Aniline oil*, orders August 16, 1940 and August 13, 1943, to read as follows:

(c) Spec. 5, 5A, or 5B metal barrels or drums; Spec. 17C single-trip metal drums; Spec. 17E single-trip metal drums not over 5 gallons capacity each. Net weight in 110-gallon drums should not exceed 915 pounds; gaskets not less than one-eighth inch thick must be used at bung and filling holes and must be made of hard fiber impregnated with glycerin, or of metal-covered cork, or of impregnated asbestos sheets, or metal-covered asbestos; filled drums must be so placed that bungs will be subjected to hydrostatic head of oil contained therein for a period of not less than 12 hours; the exterior of filled drums must be carefully examined for evidence of aniline oil, any traces of which must be removed by washing off with water or, preferably, weak acetic acid; the space between rolling hoops immediately around the bung should be painted, to aid in the detection of leaks at this point; drums showing no signs of leakage only may be shipped; all returnable drums must bear the following returnable container notice, shellacked to head of drum near consignee's name and address:

Prevent damage to foodstuffs, or other freight. Drain this drum thoroughly, tightening bungs securely in place with gaskets, before returning. If necessary, use new gaskets. Aniline oil stains on the outside of drums should be washed off with water or, preferably, weak acetic acid.

Metal barrels or drums under this paragraph must not have openings exceeding 2.3 inches in diameter.

Superseding and amending paragraph (c), section 367, *Radioactive material such as ores, residues etc.*, order October 24, 1947, to read as follows:

(c) Radioactive materials such as ores, residues, etc., of low activity packed in strong tight containers are exempt from specification packing and labeling requirements for shipment in carload lots by rail freight provided the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 12 feet from any surface of the car and that the gamma radiation or equivalent will not exceed 10 milliroentgens per hour at a distance of 5 feet from either end surface of the car. There must be no loose radioactive material in the car, and the shipment must be braced so as to prevent leakage or shift of lading under conditions normally incident to transportation. The car must be placarded by the shipper as provided in section 541A and 552 of these regulations. Shipments must be loaded by consignor and unloaded by consignee.

Superseding and amending paragraph (p) (1), section 402, *Labels and markings*, order July 22, 1948, to read as follows:

(p) (1) Labels and marking name of contents are not required on carload or truckload quantities of dangerous articles, except class A, class C or class D poisons, by rail freight, rail express or highway, when such shipments are unloaded by the consignee or his duly authorized agent from the car or motor vehicle in which originally loaded.

Appendix to Part 3—Shipping Container Specifications (CFR 72)

Superseding and amending paragraph 8A, specification 3A, *Welding or brazing*, order April 19, 1948, to read as follows:

8A. Welding or brazing for any purpose whatsoever is prohibited except as follows: (1) Welding or brazing is authorized for the attachment of neckrings and footrings which are non-pressure parts, and only to the tops and bottoms of cylinders having a service pressure of 500 pounds per square inch or less. Cylinders, neckrings, and footrings must be made of weldable steel, carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure. (2) As permitted in paragraph 8.

NOTE: Cylinders used solely in anhydrous ammonia service may have a ½ inch diameter bar welded within their concave bottoms in accordance with the foregoing requirements.

Superseding and amending (a) of paragraph 10, specification 3AA, *Heat treatment*, order August 19, 1946, to read as follows:

(a) All cylinders must be oil-quenched except as noted in paragraphs (e) and (g).

Amending paragraph 10, specification 3AA, *Heat treatment*, order August 19, 1946, as follows (add):

(g) Steels coming under this specification may be quenched in molten salt bath maintained at a temperature not less than 375° F.

Amending specification 3BN, order August 16, 1940, as follows (add):

8A. Welding or brazing for any purpose whatsoever is prohibited except as follows: (1) Welding is authorized for the attachment of neckrings and footrings which are nonpressure parts, and only to the tops and bottoms of cylinders. Neckrings and footrings must be of weldable material, carbon content of which must not exceed 0.25 percent. Nickel welding rod must be used.

Amending specification 3E, order August 16, 1940, as follows (add):

8A. This paragraph does not apply.

Superseding and amending paragraph 13 (a), specification 3E, *Hydrostatic test*, order August 16, 1940, to read as follows:

13. (a) *Hydrostatic test.* Cylinders must be tested as follows:

(1) One cylinder out of each lot of 500 or less to be subjected to hydrostatic pressure of 6,000 pounds per square inch or higher.

(2) The cylinder referred to in (1) above shall burst at a pressure higher than 6,000 pounds per square inch, or shall hold a pressure of 12,000 pounds per square inch for 30 seconds without bursting, in which case it shall be subjected to a crush test of six times wall thickness.

NOTE: Inspector's report shall be suitably changed to show results of latter alternate and crush test.

(3) Other cylinders must be examined under pressure of 3,000 pounds per square inch and show no defect.

Amending specification 4, order August 16, 1940, as follows (add):

8A. The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

Amending specification 4A, order August 16, 1940, as follows (add):

8A. The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

Amending specification 4B, order August 16, 1940, as follows (add):

8A. The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

Superseding and amending paragraph 11, specification 4B, order February 13, 1946, to read as follows:

11. *Openings in cylinders.* (a) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing or by welding or by threads. Fitting, boss, or pad must be of steel suitable for the method of attachment employed, and which need not be

identified or verified as to analysis, except that if attachment is by welding, carbon content must not exceed 0.25 percent. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(b) Closure of fitting, boss, or pad must be adequate to prevent leakage.

Amending specification 4BA, order April 19, 1948, as follows (add):

8A. The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

Superseding and amending paragraph 19, table I, specification 4BA, *Type of material*, order April 19, 1948, to read as follows:

19. *Table I.*

TABLE I—TYPE OF MATERIAL

[Chemical analysis—Limits in percent]

Chemical analysis	1315 [1]	IHS [1]	MAY [1]	NAX [1]	COR [1]	4017 [1]
Carbon	0.10/0.20	0.12 max.	0.12 max.	0.20 max.	0.12 max.	0.13/0.20.
Manganese	1.30/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50	0.75/1.10.
Phosphorus	0.045 max.	0.05/0.12	0.08/0.12	0.045 max.	0.07/0.15	0.04 max.
Sulphur	0.05 max.	0.05 max.	0.05 max.	0.05 max.	0.05 max.	0.04 max.
Silicon	0.15/0.35	0.15 max.	0.10/0.50	0.50/0.90	0.25/0.75	0.25/0.35.
Chromium			0.40/1.00	0.45/0.70	0.50/1.25	
Molybdenum		0.08/0.18				0.25/0.35.
Zirconium				0.05/0.25		
Nickel		0.45/0.75	0.25/0.75		0.65 max.	
Copper	0.40 max.	0.95/1.30	0.50/0.70		0.25/0.55	
Aluminum		0.12/0.27				
Heat treatment authorized	(2)	(2)	(2)	(2)	(2)	(2).
Maximum stress	35,000	35,000	35,000	35,000	35,000	35,000.

[1] The commercial steel is limited as to chemical analysis as shown in the table.
[2] Any suitable heat treatment in excess of 1100° F.

Amending specification 4C, order August 16, 1940, as follows (add):

8A. The attachment to the tops and bottoms only of cylinders by welding or brazing of neckrings, footrings, handles, bosses, pads, and valve protection rings is authorized provided that such attachments and the portion of the container to which they are attached are made of weldable steel, the carbon content of which must not exceed 0.25 percent except in the case of 4130X steel which may be used with proper welding procedure.

Superseding and amending paragraph 7 (d), specification 10B, order December 30, 1942, to read as follows:

7. (d) *Hoops, number and size.*

Capacity of container (inches/gallons)	Minimum number of hoops	Minimum size of hoops (inches in width and Birmingham gage)							
		Head		First quarter		Second quarter		Bilge	
		Inch	Gage	Inch	Gage	Inch	Gage	Inch	Gage
50	[1] 8	[2] 1¾	[2] 17	1½	18	1½	18	[2] 1¾	[2] 17
30	6	1½	18	1¼	19	.....	.....	1½	18
15	6	1¼	19	1⅛	19	.....	.....	1¼	19
10	6	1⅛	19	1	19	.....	.....	1⅛	19
5	[3] 6	1	19	1	19	.....	.....	1	19

[1] Because of the present emergency and until further order of the Commission, the minimum number of hoops is authorized to be reduced to 6 by eliminating second quarter hoops.
[2] Because of the present emergency and until further order of the Commission, the minimum number of hoops is authorized to be reduced to 4 by eliminating first quarter hoops if head and bilge hoops of 1¾ inch by 17 gage are used.
[3] 2 inch by 18 gage hoops are also authorized.

Superseding and amending specification 13, paragraph 8, *Type test*, order August 16, 1940, to read as follows:

8. *Type test.* Keg filled with fine, dry sand in weight equal to that of shipment must be capable of withstanding, without leakage, 4 successive drops of 4 feet on the head onto solid concrete. Tests to be made of each type and size by each company manufacturing this type of container and to be repeated every six months while in production. If production is discontinued and is resumed, this requirement will also apply if prescribed tests have not been made within the previous six-month period. Samples last tested to be retained until further tests are made.

Amending specification 13A, paragraph 8, *Type test*, order April 19, 1948, as follows (add):

(c) Tests to be made of each type and size by each company manufacturing this type of container and to be repeated every six months while in production. If production is discontinued and is resumed, this requirement will also apply if prescribed tests have not been made within the previous six-month period. Samples last tested to be retained until further tests are made.

Superseding and amending specification 23F, paragraph 19 (a), *Flap closures*, order April 19, 1948, to read as follows:

19. (a) *Flap closures.* Flaps must butt or have full overlap excepting that inner flaps overlapping ¼ inch are permitted.

Superseding and amending specification 23G, paragraph 13 (c), *Completed containers*, order January 23, 1946, to read as follows:

(c) Three loaded samples to be tested. Each must withstand side to side pressure of at least 500 pounds without deflection of over ½ inch; except that for boxes with fluted crimped ends the deflection shall not exceed ¾ inch; speed of compression tester to be ½ inch per minute plus ¼ inch minus ¼ inch per minute.

Superseding and amending paragraph (1), specification MC200, order August 19, 1946, to read as follows:

1. Every motor vehicle used for the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than desensitized liquid explosives as defined in section 61 (a) (5), shall have a body constructed as set forth below, which body shall have component parts as specified hereinafter:

Part 4—Regulations Applying Particularly to Carriers by Rail Freight (CFR 80)

Amending section 567, order August 16, 1940, as follows (add):

(d) Any car which has contained radioactive material must be thoroughly cleaned by the consignee in such a manner as to remove all radioactive material from the car, and a certificate to this effect must be furnished the local agent of the railway company before the car is released to the carrier.

Superseding and amending section 589, *Handling cars, definitions*, orders February 12, 1947, and May 8, 1947, to read as follows:

589. *Handling cars, definitions.* As used in this section, the term:

(1) "Person" means any individual, partnership, corporation, association, joint stock company, business trust or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity;

(2) "Railroad" means any person engaged in transportation as a common carrier by rail and includes its agents or employees;

(3) "Engine" means any locomotive, propelled by any form of energy, used by a railroad;

(4) "Freight car" means any vehicle used for the transportation of property by rail;

(5) "Passenger car" means any vehicle used for the transportation of passengers by rail;

(6) "Combination car" means any vehicle used for the transportation of both property and passengers by rail;

(7) "Occupied caboose" means any vehicle used by railroad employees, caretakers, or others authorized to ride therein;

(Change) (8) "A train" is one or more engines coupled together with or without cars displaying markers.

(Add) (9) "Freight train" means one or more engines coupled with one or more freight cars, displaying markers.

(Change) (10) "Passenger train" means one or more engines coupled with one or more passenger cars carrying passengers, displaying markers.

(Change) (11) "Mixed train" means one or more engines coupled with one or more freight cars and passenger cars carrying passengers, displaying markers.

(Change) (12) "Placarded car" shall be construed to embrace also any car which under these regulations is required to be placarded.

(Add) (13) (a) "Pickup and/or setoff service" shall be construed to mean trains in service that pick up and/or set off one or more cars at three or more stations enroute; (b) trains having cars from which less-than-carload freight is loaded or unloaded enroute; or (c) trains regularly scheduled to perform pickup and/or setoff service which on some days make less than three stops.

Superseding and amending paragraph (e) (1), section 589, *Notice to crews*, order July 28, 1947, to read as follows:

Notice to crews of cars containing explosives in freight trains or mixed trains. (e) (1) At all terminals or other places where trains are made up by crews other than road crew accompanying the outbound movement of cars, the railroad shall execute a consecutively numbered notice showing the location in the freight train or mixed train of every car placarded "Explosives". A copy of such notice shall be delivered to the train and engine crew and a copy thereof showing delivery to the train and engine crew shall be kept on file by the railroad at each point where such notice is given. At points other than terminals where train or engine crews are changed, the notice shall be transferred from crew to crew.

Superseding and amending paragraph (f) (1), section 589, *Position in trains*, order October 27, 1947, to read as follows:

Position in freight train or mixed train of cars containing explosives. (f) (1) In a freight train or a mixed train either standing or during transportation thereof, a car placarded "Explosives" shall, when length of train permits, be placed not nearer than the sixteenth car from both the engine or occupied caboose, except:

(a) When the length of freight train or mixed train will not permit it to be so placed, it shall be placed near the middle of the train;

(b) When transported in a freight train made up in "blocks" or classifications, a car placarded "Explosives" shall be placed near the middle of the "block" or classification in which moving, but not nearer than the sixth car from both the engine or occupied caboose;

(c) When transported in a freight train or a mixed train performing pickup and/or setoff service, it shall be placed not nearer than the second car from both the engine or occupied caboose, except as provided in section 589 (i) (1).

Superseding and amending paragraph (f) (2), section 589, order July 22, 1948, to read as follows:

(f) (2) In a freight train or a mixed train either standing or during transportation thereof, a car placarded "Explosives" must not be handled next to:

1. Occupied passenger car, other than gas handlers accompanying shipment.
2. Occupied combination car, other than gas handlers accompanying shipment.
3. Any car placarded "Dangerous."
4. Engine.
5. Any car placarded "Poison Gas."
6. Wooden underframe car (except on narrow gauge railroads).
7. Loaded flat car.
8. Open-top car when any of the lading extends or protrudes above or beyond the ends of sides thereof.
9. Car equipped with automatic refrigeration of the gas-burning type.
10. Car containing lighted heaters, stoves, or lanterns.
11. Car loaded with live animals or fowl, occupied by an attendant.
12. Occupied caboose (except as permitted in section 589 (i) (1)).

Superseding and amending paragraph (g) (1), section 589, order October 27, 1947, to read as follows:

Position in train of loaded placarded tank car. (g) (1) (a) In a freight train or a mixed train, except a train consisting entirely of placarded loaded tank cars and as provided in sec. 589 (g) (2), a placarded loaded tank car shall when the length of the train permits, be not nearer than the sixth car from the engine, occupied caboose or passenger car.

(g) (1) (b) When the length of the freight train or mixed train will not permit it to be so placed, it shall be not nearer than the second car from the engine, occupied caboose or passenger car.

(g) (1) (c) When transported in a freight train engaged in "pickup" or "setoff" service, a placarded loaded tank car shall be not nearer than the second car from both engine or occupied caboose.

Superseding and amending paragraph (h) (1) and heading, section 589, order February 12, 1947, to read as follows:

Position in freight train or mixed train or cars placarded "Poison Gas" or containing poison liquids Class A. (h) (1) In a freight train or mixed train either standing or during transportation thereof, a car placarded "Poison Gas" or containing poison liquids, Class A, shall not be next to other freight cars placarded "Explosives" or cars placarded "Dangerous".

Superseding and amending paragraph (i) (1) and heading, section 589, orders July 28, 1947, and February 12, 1947, to read as follows:

Position in freight train or mixed train of cars placarded "explosives" and "poison gas" or containing poison liquids when accompanied by cars carrying gas handling crews. (i) (1) A car placarded "Poison Gas" or containing poison liquids Class A in drums, tanks or bombs, or a car placarded both "Explosives" and "Poison Gas" shall at all times be next to and ahead of the car occupied by the gas handling crews, when accompanying such car.

Part 7—Regulations Applying to Shipments Made by Way of Common, Contract or Private Carriers by Public Highway (CFR 85)

Superseding and amending paragraph (b) (1), section 815, *Labels etc.*, order July 22, 1948, to read as follows:

(b) (1) Labels and marking name of contents are not required on truckload quantities of dangerous articles, except Class A, class C or class D poisons, when such shipments are unloaded by the consignee or his duly authorized agent from the motor vehicle in which originally loaded.

Superseding and amending paragraph (a), section 821, *Nitroglycerin etc.*, order August 19, 1946, to read as follows:

821. (a) Nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, forbidden to common carriers. Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, except as defined in sec. 61 (a) (5), may not be accepted for transportation or be transported by any common carrier by motor vehicle.

Superseding and amending paragraphs (a) and (b), section 822, *Acceptable packages*, order August 19, 1946, to read as follows:

822. (a) *Acceptable packages.* Any motor carrier may accept for transportation or transport any acceptable explosive or other dangerous articles listed in the Commodity List, Part 2, of the regulations in this part: *Provided, however,* That no provision of this section shall be so construed as to permit the acceptance or transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in section 61 (a) (5), by any common carrier.

(b) *Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate.* Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in section 61 (a) (5), may be transported only by motor carriers other than common carriers in containers complying with specification MC200. No form of trailer may be attached.

Superseding and amending paragraph (b) (3), section 824, *Explosives on trucks or semitrailers*, order August 19, 1946, to read as follows:

824. (b) (3) *Explosives on trucks or semitrailers; no other trailer.* Any explosive other than liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, except as defined in section 61 (a) (5), and forbidden explosives may be loaded into and transported on any truck or any semitrailer attached to a tractor, to which no form of trailer may be attached when so loaded.

Superseding and amending paragraph (b) (8), section 824, *Lading within body or covered, tailgate closed*, order August 19, 1946, to read as follows:

(b) (8) *Lading within body or covered, tailgate closed.* Except as provided in section 824 (b) (7), (b) (11)

and (b) (13), dealing with the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in section 61 (a) (5), all of that portion of the lading of any motor vehicle which consists of explosives shall be contained entirely within the body of the motor vehicle, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation. Every motor vehicle transporting explosives must either have a closed body or have the body thereof covered with a tarpaulin, and in either event care must be taken to protect the load from moisture and sparks.

Superseding and amending paragraph (b) (11), section 824, *Loading requirements for liquid nitroglycerin etc.*, order August 19, 1946, to read as follows:

(b) (11) *Loading requirements for liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate.* Liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in section 61 (a) (5), may be accepted for transportation and transported only by motor carriers other than common carriers if it be loaded into or on a truck having the type of body specified in specification MC200. No liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate may be loaded directly above any other explosive, or in any quantity in excess of 900 quarts on one motor vehicle or 10 quarts in any one individual container. Additional quantities of explosives, other than nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, excepting any type of blasting or percussion cap or other detonating device, may be carried on such motor vehicle in a closed or covered bed or body which shall be firmly bolted or fastened above the lid of the compartment containing the nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate. In no case shall the net load be more than 7,500 pounds. (See section 824 (b) (13) and specification MC201.)

Superseding and amending paragraph (b) (13), section 824, *Caps or other explosives*, order August 19, 1946, to read as follows:

(b) (13) *Caps or other explosives.* Any explosives, including desensitized liquid explosives as defined in section 61 (a) (5), other than liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, transported on any motor vehicle transporting liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, shall be segregated; each kind from every other kind, and from tools or other supplies. Any percussion caps, detonators, blasting caps, or electric blasting caps, shall be carried either in a cloth container having individual pockets for each such cap, or by a least equally safe means. No greater number of any such caps shall be carried in the manner described than is necessary for use on any particular trip.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after January 17, 1949, and shall be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after day of service hereof;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, Pub. Law 772, 80th Cong.; 62 Stat. 738–739; 49 U. S. C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-9513; Filed, Oct. 28, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 191]

IMPORTATION OF DISTILLED SPIRITS AND WINES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue (and concurred in by the Commissioner of Customs), with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted, in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of Sections 2800 as amended, 3030 as amended, and 3176 of the Internal Revenue Code (U. S. C., Title 26, Sections 2800, 3030, and 3176).

[SEAL] FRED S. MARTIN, *Acting Commissioner of Internal Revenue.*

1. In order to correct the regulations to conform to the intendment of section 3030 (a) (2) of the Internal Revenue Code, §§ 191.8 and 191.9 of Regulations 21 (26 CFR, 191.8 and 191.9) are amended to read as follows:

§ 191.8 *Liqueurs, cordials, and similar compounds.* Liqueurs, cordials, and similar compounds, containing distilled spirits, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $9 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. Wines containing not over 24 per centum of alcohol by volume to which sweetening or flavoring materials, but no distilled spirits, have been added are not classified as liqueurs, cordials, or similar compounds, but are considered to be flavored wines only and are subject to internal revenue tax at the rates applicable to wines. (Secs. 2800 as amended, 3030 as amended, 3176, I. R. C.)

§ 191.9 *Rate of tax on other compounds and preparations.* Compounds and preparations, other than those specified in § 191.8, containing distilled spirits, which are fit for beverage purposes, in customs bonded warehouse or imported into the United States are subject to internal revenue tax at the rate of $9 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. Compounds and preparations containing wine, but no distilled spirits, which are fit for beverage purposes and which are sold as wine, are subject to internal revenue tax at the rates applicable to wines. (Secs. 2800 as amended, 3030 as amended, 3176, I. R. C.)

2. The effect of these amendments is that, on imported liqueurs, cordials, and similar compounds and preparations, internal revenue tax will be collected, (1) at the basic rate applicable to distilled spirits (namely, $9 per proof gallon, or wine gallon when below proof), if the products contain distilled spirits, or (2) at the basic rates applicable to wines (namely, 15 cents per wine gallon when containing not more than 14 per centum of alcohol by volume, 60 cents per wine gallon when containing more than 14 per centum and not exceeding 21 per centum of alcohol, $2 per wine gallon when containing more than 21 per centum and not exceeding 24 per centum of alcohol, and $9 per wine gallon, or proof gallon if over 100 proof, when containing more than 24 per centum of alcohol) if the products contain wine, but no distilled spirits, and are sold as wine. Such taxes will be collected, instead of the taxes levied by Section 3030 (a) (2), for the reasons hereinafter stated.

3. Taxes were collected on such products at the regular (basic) rates applicable to distilled spirits and wines during the entire period intervening between

the original act of September 8, 1916, which imposed basic taxes on wines and an additional tax, in lieu of rectification tax, on liqueurs, cordials, and similar compounds made with domestic fortified wines, and December 15, 1940, the effective date of Regulations 21, which contain erroneous instructions for collection of the additional tax (now levied by section 3030 (a) (2)), instead of the basic taxes, on such products. Tax at the distilled spirits rate was likewise collected on such products, which contained distilled spirits, prior to the act of September 8, 1916.

4. It is evident from the original act of September 8, 1916, the Legislative History of that Act, the subsequent superseding and amendatory acts (from which section 3030 (a) (2) was derived and codified), and the various related statutes, that the tax levied by section 3030 (a) (2) is an additional tax, in lieu of the rectification tax, applicable only to products made with domestic fortified wine, and is intended as an equalizing tax to compensate to some extent for the difference between the wine tax and the regular distilled spirits tax, when wines containing tax-free brandy are used by a rectifier to make liqueurs. The present instructions in § 191.8 of Regulations 21 (26 CFR, 191.8) for collection of the tax levied by section 3030 (a) (2), I. R. C., on imported liqueurs, cordials, and similar compounds, instead of the regular (basic) taxes applicable to distilled spirits and wines, go beyond the intent and purpose of the law and are, therefore, erroneous. The distilled spirits and fortified wines used to make domestic liqueurs, cordials, and similar compounds are subject to tax at the regular distilled spirits and wine rates, and, in addition, the products are subject to the additional tax levied by section 3030 (a) (2).

5. This Treasury Decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(Sec. 2800 as amended, 3030 as amended, and 3176 of the Internal Revenue Code (26 U. S. C. 2800, 3030, and 3176))

[F. R. Doc. 48-9531; Filed, Oct. 28, 1948; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 941]

HANDLING OF MILK IN CHICAGO, ILL., MILK MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENTS TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MILK MARKETING AREA

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing procedures to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.), a public hearing was held at Chicago, Illinois, June 30, 1948, after the issuance of notice on June 17, 1948 (13 F. R. 3342).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 30, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 3, 1948 (13 F. R. 5158).

The sole material issue of record was the extent, if any, to which handlers who produce certified milk, and whose sole distribution in the marketing area is certified milk, should be relieved of obligations as handlers under the order with respect to milk not of their own production.

Rulings on exceptions. Exceptions to the recommended decision were filed on behalf of Wern Farms.

In arriving at the findings and conclusions decided upon in this decision, each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions decided upon herein are at variance with the exceptions pertaining thereto, such exceptions are overruled.

Exception was taken to failure of the decision recommended by the Assistant Administrator to find numerous facts, principally concerned with details of the proponent's operations, and with the distinctive characteristics of certified milk. This proceeding is concerned with amendment to an order and for this purpose the operations of the proponent are recognized in the decision in sufficient detail. It does not appear that any finding with respect to characteristics of certified milk as distinct from those of regular milk would form a basis for providing amendments releasing the handling of regular milk from regulation under the order, which the exceptions clearly recognize as the main issue by stating that "the real issue is the pooling of producer milk, particularly the uncertified producer milk, purchased by Wern Farms." The exceptions, while conceding the milk in question to be approved for consumption in Chicago, claim it to be no part of the Chicago supply. The basis for making a distinction susceptible of general application under the order between Chicago approved milk which is part of the Chicago supply and that which is not is not apparent in the record.

Exception also was taken to the recommended decision on the ground that the Chicago approved milk sought by the proponent to be released from regulation was not within the regulatory jurisdiction of the Federal Government, in that, allegedly, it was not in interstate commerce or affected interstate commerce in milk and its products. The conclusion was not supported by the record and the exception is without merit.

Findings and conclusions. The findings and conclusions set forth in the FEDERAL REGISTER (F. R. Doc. 48-7891, 13 F. R. 5158) with respect to this issue are approved and adopted as the findings and conclusions of this decision as if set forth in full herein. Such findings and conclusions provide for no change in the order currently in effect or in the marketing agreement heretofore tentatively approved by the Secretary of Agriculture.

This decision filed at Washington, D. C., this 25th day of October 1948.

[SEAL] A. J. LOVELAND, *Acting Secretary of Agriculture.*

[F. R. Doc. 48-9510; Filed, Oct. 28, 1948; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 8, 13]

[Docket No. 8913]

SHIP SERVICE AND COMMERCIAL RADIO OPERATORS

FURTHER NOTICE OF PROPOSED RULE MAKING AND NOTICE OF DESIGNATION FOR GENERAL PUBLIC HEARING AND ORAL ARGUMENT

1. Notice is hereby given of further proposed rule making in the above-entitled matter. Notice is also given that the above-entitled matter is hereby designated for general public hearing and oral argument to be held in Washington, D. C., commencing at 10:00 a. m. on November 22, 1948.

2. On April 5, 1948, the Commission released a notice of proposed rule making in this matter. This proposal is in three parts, as follows:

a. The first part proposes that if the radar is capable of being normally operated, in accordance with law and the rules and regulations of the Commission, by exclusively external controls, the master of the radar equipped ship, or a person responsible to him and authorized by him, may, even though not holding a radio operator license issued by this Commission, conduct the normal operation of the radar aboard ship.

b. The second part proposes that all adjustments or tests during or coincident with the installation, servicing, or maintenance of the radar while it is radiating energy must be performed by or under the immediate supervision and responsibility of individuals holding valid first or second class radio operator licenses, either radiotelephone or radiotelegraph.

c. The third part proposes that the issuance of a ship radar station license shall be subject to the condition that the station licensee, in relation to the proper operation of the station in accordance with the radio law and the rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

3. Comments on the above proposal were received from a number of manufacturers and a number of radar user groups. No comment for or against the third part was received. General agree-

ment was expressed with the first part. Some comment of approval was received on the second part, but on this part the general nature of the comment was adverse.

4. After consideration of all the available comments, some of which specifically requested a hearing on the pending proposal, and after consideration of all other information available to it, including especially that based upon observations and experience in connection with examinations of radar equipment looking to type approval, the Commission has concluded that it would be in the public interest to modify the original proposal in this matter and to designate the matter of the proposal as so modified for general public hearing and oral argument.

5. The modified proposal is set forth below. Authority to issue this proposal is contained in sections 303 (f) (g) (l) (r) and 318 of the Communications Act of 1934, as amended.

6. As above indicated the date for the hearing and oral argument in this matter is November 22, 1948. Interested parties may submit comments or briefs in writing until November 15, 1948. An original and 14 copies of all such statements, briefs or comments shall be furnished the Commission. All interested parties who wish to appear and participate fully in the hearing shall notify the Commission in writing to that effect not later than November 17, 1948. The notification should refer to Docket 8913, should set forth the names of all witnesses to be called, and should estimate the amount of time required for the presentation of testimony, exhibits and oral argument.

Adopted: October 21, 1948.

Released: October 22, 1948.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

The text or substance of the proposed amendments to Part 8 of the Commission's rules governing Ship Service and to Part 13 governing Commercial Radio Operators are as follows:

1. Section 8.195 of Part 8 would be amended by adding thereto a new paragraph "o" reading as follows:

(o) *Radio operator requirements.* (1) No radio operator license is required for the normal operation on board ship of ship radar stations licensed in the Ship Service: *Provided*, That the following conditions are met or provided for by the licensee of the station.

(i) The radar equipment shall be capable of being normally operated in accordance with the radio law and the rules and regulations of the Commission by means of exclusively external controls, and

(ii) Normal operations in accordance with subdivision (i) of this subparagraph, must be performed exclusively by the master of the radar-equipped ship or by one or more other persons responsible to him and authorized by him to do so.

(2) All adjustments or tests during or coincident with the installation, servicing, or maintenance of the equipment while it is radiating energy must be performed by or under the immediate supervision and responsibility of persons holding a first or second class radio operator license, radiotelephone or radiotelegraph, containing a ship radar operator endorsement, who shall be responsible for the proper functioning of the equipment in accordance with the radio law and the Commission's rules and regulations and for the avoidance and prevention of harmful interference from improper transmitter external effects, provided, however, that nothing in this sub-paragraph shall be construed to prevent persons not holding such licenses so endorsed from making replacements of fuses or of receiving-type tubes.

(3) Nothing in this paragraph shall be construed to change or diminish in any respect the responsibility of any ship radar station licensee for having and maintaining control over the station licensed to him, or for the proper functioning and operation of such station in accordance with the terms of the station license.

2. Section 8.195 of Part 8 would be further amended by adding thereto a further new paragraph "p" reading as follows:

(p) *Installation and maintenance record.* (1) The station licensee of each ship radar station shall provide and require to be kept at the station a permanent installation and maintenance record. Entries in this record shall be made by or under the personal direction of the responsible installation, service, or maintenance operator concerned in each particular instance, but the station licensee shall have joint responsibility with the responsible operator concerned for the faithful and accurate making of such entries as are required by this paragraph.

(2) Each entry in this record shall be personally signed by the responsible operator concerned.

(3) The following entries shall be made in this record:

(i) The date and place of initial installation.

(ii) Any necessary steps taken to remedy any interference found to exist at the time of such installation.

(iii) The nature of any complaint (including interference to radio communication) arising subsequent to initial installation, and the date thereof.

(iv) The reason for the trouble leading to the complaint, including the name of any component or component part which failed or was misadjusted.

(v) Remedial measures taken, and the date thereof.

(vi) The name, license number, and date of the ship radar operator endorsement on the first or second class radio operator license of the responsible operator performing or immediately supervising the installation, servicing, or maintenance.

3. Section 8.195 (b) of Part 8 would be amended to read as follows:

(b) *Application for license and condition of issuing license.* (1) Applications for ship radar station licenses shall be made in accordance with the provisions of Part 1 of the Commission's rules and regulations.

(2) Any license issued shall be subject to the condition that the station licensee, in relation to the proper operation of the station in accordance with the radio law and rules and regulations of the Commission, will be represented on board the radar-equipped vessel by the person who at any given time occupies the position of master.

4. Section 13.1 of Part 13 would be amended by substituting the following text of Footnote 4 thereof to read as follows:

'By § 8.195 (o) of the rules governing Ship Service the Commission has provided that no radio operator license is required for the normal operation on board ship of ship radar stations licensed in the Ship Service, *Provided*, That certain conditions therein specified are met or provided for by the licensee of the station. See § 8.195 (o).

5. Section 13.61 of Part 13 would be amended to define the operating authority of holders of first or second class radio operator licenses, radiotelephone or radiotelegraph, containing ship radar operator endorsements.

6. Part 13 would be otherwise amended wherever appropriate so as to provide for a "ship radar operator endorsement" to be added to first or second class radio operator licenses, radiotelephone or radiotelegraph, such endorsement to be based upon the general radio qualifications of not less than a radiotelephone second class operator license; to provide for an examination for such endorsement in matters exclusively relating to radar; and to include references to such endorsement wherever appropriate in this part.

[F. R. Doc. 48-9527; Filed, Oct. 28, 1948; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-305]

CANVAS COVER INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS IN THE MATTER OF PROPOSED TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 26th day of October 1948.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties (including consumers), affected by or having an interest in the proposed trade practice rules for the Canvas Cover Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than November 22, 1948. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., November 22, 1948, in Room 532, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties (including consumers) who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-9516; Filed, Oct. 28, 1948; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52076]

"NO CONSUL" LIST

ADDITION OF CERTAIN PLACES IN THE BRITISH WEST INDIES

OCTOBER 25, 1948.

In accordance with a recommendation from the Department of State, the following places in the British West Indies are hereby added to the "No consul" list (1947) T. D. 51797, as amended.

St. John, Antigua.
Plymouth, Montserrat.
Basseterre, St. Kitts.

Consular invoices covering merchandise from the above-named places will be accepted if certified under the provisions of section 482 (f), Tariff Act of 1930.

[SEAL] W. R. JOHNSON,
Deputy Commissioner.

[F. R. Doc. 48-9530; Filed, Oct. 28, 1948; 8:53 a. m.]

United States Coast Guard

[CGFR 48-55]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended (46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 1275; 46 CFR Part 52), the following approval is terminated because the item is no longer being manufactured:

Termination of Approval No. 162.003/33/0, Model V hot water heating boiler, Blue Jacket ship heater, welded steel plate construction, vertical Scotch type, oil fired, Dwg. Nos. H-103A rev. July 12, 1943, and H-104A rev. July 12, 1943, heating surface 28 to 57 sq. feet, approved for sizes Nos. 4024, 4030, 6030, and 6036, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y.

CONDITIONS OF TERMINATION OF APPROVAL

The termination of approval of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used so long as it is in good and serviceable condition.

Dated: October 22, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 48-9528; Filed, Oct. 28, 1948; 8:52 a. m.]

[CGFR 48-54]

APPROVAL OF EQUIPMENT AND CORRECTION OF PRIOR DOCUMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405 and 4491, as amended (46 U. S. C. 375, 489), and section 101 of Reorganization Plan No. 3 of 1946 (11 F. R. 7875), as well as the additional authorities cited with specific items below, the following correction of a prior document and the approvals of equipment are prescribed, and the approvals shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

CLEANING PROCESSES FOR LIFE PRESERVERS

NOTE: Where buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/16/0, Select cleaning process for kapok life preservers with permanently installed buoyant inserts, as outlined in letter of September 10, 1948, from the Select Laundry, 2510 Filbert Street, Oakland 7, Calif.

(R. S. 4417a,, 4426, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 474, 481, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.006-4)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/398/0, 16" x 16" x 2" rectangular buoyant cushion, 25 oz. kapok, U. S. C. G. Specification 160.008, Dwg. dated September 13, 1948, manufactured by Fortier Upholstering Co., Manistee, Mich.

Approval No. 160.008/399/0, 15" x 18" x 2" rectangular buoyant cushion, 25 oz. kapok, U. S. C. G. Specification 160.008, Dwg. dated September 11, 1948, manufactured by Fortier Upholstering Co., Manistee, Mich.

(54 Stat. 164, 166; 46 U. S. C. 526e, 526p; 46 CFR 25.4-1, 28.4-8)

LIFEBOATS

Approval No. 160.035/164/0, 26' x 9' x 3.25' steel, oar-propelled lifeboat, 50-person capacity, identified by General Arrangement Dwg. No. G-367-D dated March 5, 1946, and revised November 14, 1946, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York, N. Y.

Approval No. 160.035/189/0, 28' x 9' x 3.96' steel, oar-propelled lifeboat, 59-person capacity, identified by Construction and Arrangement Dwg. No. 3205 dated February 11, 1947, manufactured by the Welin Davit and Boat Division of the American Steel & Copper Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/194/1, 35.0' x 12.33' x 5.25' steel, hand-propelled lifeboat, 135-person capacity, identified by Construction and Arrangement Dwgs. No. 1871 dated December 11, 1940, and revised August 21, 1947, and No. 2976 dated April 5, 1945, manufactured by the Welin Davit and Boat Division of the American Steel & Copper Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/194/0 published in the FEDERAL REGISTER April 1, 1948.)

(R. S. 4417a, 4426, 4481, 4488, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 396, 404, 474, 481, 490, 1333, 50 U. S. C. 1275; 46 CFR 37.1-1, 59.13, 76.16, 94.15, 113.10)

BOILERS, HEATING

Approval No. 162.003/61/1, Size 3824-8C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, Dwgs. No. H-110-1 and No. H-110-E, Rev. 1, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y. (Supersedes previous approval No. 162.003/61/0 published in the FEDERAL REGISTER May 1, 1948, due to change in boiler designations.)

Approval No. 162.003/62/0, Size 3830-8C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, Dwgs. No. H-110-1 and No. H-110-E, Rev. 1, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y.

Approval No. 162.003/63/0, Size 5730-8C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, Dwgs. No. H-110-1 and No. H-110-D, Rev. 5, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y.

Approval No. 162.003/64/0, Size 5736-8C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, Dwgs. No. H-110-1 and

No. H–110–D, Rev. 5, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y.

Approval No. 162.003/65/0, Size 1920–8C Way Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, Dwgs. No. H–110–1 and No. H–110–F, Rev. 4, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y.

Approval No. 162.003/66/0, Size 6930–10C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, Dwgs. No. H–110–1 and No. H–110–B, Rev. 5, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y.

Approval No. 162.003/67/0, Size 6936–10C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, Dwgs. No. H–110–1 and No. H–110–B, Rev. 5, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y.

Approval No. 162.003/68/0, Size 6948–10C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, Dwgs. No. H–110–1 and No. H–110–B, Rev. 5, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y.

Approval No. 162.003/74/0, Size 4630–10C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, Dwgs. No. H–110–1 and No. H–110–G, Rev. 1, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y.

Approval No. 162.003/75/0, Size 4636–10C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, Dwgs. No. H–110–1 and No. H–110–G, Rev. 1, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 7, N. Y.

(R. S. 4417a, 4418, 4426, 4433, 4434, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 392, 404, 411, 412, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

STRUCTURAL INSULATIONS

Approval No. 164.007/25/0, "PC Foamglas" cellulated glass type structural insulation identical to that described in manufacturer's pamphlet No. G2508 revised 10–47, and National Bureau of Standards' letter file 10.2/10.2, FP2628 dated August 25, 1948, and file 10.2 dated October 8, 1948, approved for use without other insulating materials as meeting Class A–60 requirements in a 4-inch thickness and 10 pounds per cubic foot density, manufactured by Pittsburgh Corning Corp., 632 Duquesne Way, Pittsburgh 22, Pa.

(R. S. 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR Part 144)

CORRECTION OF PRIOR DOCUMENT

The following corrections shall be made on Coast Guard Document CGFR 47–38, F. R. Document 47–7118, filed July 30, 1947, and published in the FEDERAL REGISTER dated July 31, 1947, 12 F. R. 5185 et seq., under the heading "Davits, Lifeboat" in Approval No. 160.032/66/0:

Approval No. 160.032/66/0, Mechanical davit, straight boom sheath screw, Type B, approved for maximum working load of 13,500 pounds per set (6750 pounds per arm) using not less than 6 part falls, identified by General Arrangement Dwgs. No. 2203 dated February 18, 1942, and No. 2203–A dated June 22, 1942, manufactured by Welin Davit and Boat Division of the American Steel & Copper Industries, Inc., Perth Amboy, N. J. (The listing in FEDERAL REGISTER July 31, 1947, 12 F. R. 5205, corrected to show increased approved working load.)

Dated: October 22, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48–9529; Filed, Oct. 28, 1948; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[732744]

ARIZONA, CALIFORNIA AND IDAHO

REVOCATION OF ORDERS OPENING LANDS UNDER THE FOREST HOMESTEAD ACT

Correction

In Federal Register Document 48–9297, appearing on page 6223 in the issue for Friday, October 22, 1948, the following corrections should be made:

1. In the table under Coconino National Forest, Ariz., the land description for List No. 3–4263 should read as follows: "T. 22 N., R. 6 E., G. & S. R. M., sec. 27, SE¼NE¼SW¼, containing 10 acres." The third list number should read 3–4456.

2. Under Trinity National Forest, Calif., the land description for List No. 5–767 should read as follows: "T. 4 N., R. 6 E., H. M., sec. 18, S½SW¼SW¼NE¼, W½NW¼NE¼NW¼, W½SW¼SE¼NW¼, SE¼SW¼SE¼NW¼, E½SW¼NE¼SW¼, and W½SE¼NE¼SW¼, containing 27.50 acres."

3. Under Boise National Forest, Idaho, the land description for List No. 4–1373 should read as follows: "T. 2 N., R. 6 E., B. M., sec. 3, NE¼NW¼SE¼NE¼, NW¼NW¼SE¼NE¼, SE¼NW¼SE¼NE¼, NE¼SW¼SE¼NE¼, and SE¼SW¼SE¼NE¼, containing 12.50 acres.

Bureau of Reclamation

SHOSHONE PROJECT, WYOMING

COMMUNITY CENTER RESERVATION

JULY 16, 1948.

The act of October 5, 1914 (38 Stat. 727) authorizes the Secretary of the Interior to withdraw from other disposition and reserve for county parks, public playgrounds and community centers for the use of the residents, tracts of lands not exceeding 20 acres in one project or the several units of the projects undertaken under the provisions of the act of June 17, 1902 (32 Stat. 388).

A recent field investigation has disclosed that the following described tract of land is required for community center purposes by a group of settlers on the Willwood Division of the Shoshone Project who reside in an isolated section of the division and in a different county than the majority of settlers in the division. These settlers are at the present time required to travel from 10 to 14 miles to attend community meetings.

In view of the above it is recommended that the following described land, now withdrawn under the first form as provided by section 3 of the act of June 17, 1902 (32 Stat. 388), by Departmental Order of April 2, 1929, be withdrawn from other disposition and reserved as a community center under the provisions of the act of October 5, 1914 (38 Stat. 727):

SHOSHONE PROJECT, WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 54 N., R. 97 W.,
Sec. 7 SW¼SE¼NE¼.

The above area aggregates 10 acres.

G. E. TOMLINSON,
Acting Commissioner.

I concur: August 17, 1948.

MARION CLAWSON,
Bureau of Land Management.

The above described lands are hereby reserved as recommended and the Director of the Bureau of Land Management will cause the records of his office and the District Land Office to be noted accordingly.

WILLIAM E. WARNE,
Assistant Secretary.

SEPTEMBER 3, 1948.

[F. R. Doc. 48–9508; Filed, Oct. 28, 1948; 8:46 a. m.]

MISSOURI BASIN PROJECT, MONTANA

FIRST FORM RECLAMATION WITHDRAWAL

JULY 2, 1948.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MISSOURI BASIN PROJECT; CANYON FERRY UNIT

PRINCIPAL MERIDIAN, MONTANA

T. 10 N., R. 1 W.,
Sec. 4, Lot 9;
Sec. 5, Lots 7 and 8.

The above areas aggregate 81.46 acres.

WESLEY R. NELSON,
Assistant Commissioner,
Bureau of Reclamation.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

OCTOBER 7, 1948.

ROSCOE R. BELL,
Assistant Director,
Bureau of Land Management.

Notice for filing objections. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order, withdrawing certain public lands in the State of Montana for use in connection with the Canyon Ferry Unit, Missouri Basin project, Montana, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON,
Assistant Commissioner,
Bureau of Reclamation.

[F. R. Doc. 48–9507; Filed, Oct. 28, 1948; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8638, 8842, 9174]

WINCHESTER BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Winchester Broadcasting Corporation, Winchester, Virginia, Docket No. 8638, File No. BP–6187; Richard Field Lewis, Jr. (WINC), Winchester, Virginia, Docket No. 8842, File No. BP–6242; for construction permits, and Richard Field Lewis, Jr., Winchester, Virginia, Docket No. 9174, File No. BRH–54; for renewal of license of Radio Station WINC–FM.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of October 1948;

The Commission having under consideration the above-entitled application for renewal of license of Radio Station WINC–FM, Winchester, Virginia; and

It appearing, that the Commission on February 20, 1948, designated for hearing the application of Winchester Broadcasting Corporation (File No. BP–6187), requesting construction permit for a new standard broadcast station to operate on 1270 kc, 1 kw, daytime only, at Winchester, Virginia, said designation being predicated in part on charges made against Winchester Broadcasting Corporation by Richard Field Lewis, Jr.; and

It further appearing, that on March 18, 1948, the Commission designated for hearing the application of Richard Field Lewis, Jr. (File No. BP–6242) for construction permit to change frequency and power of Station WINC, Winchester, Virginia, from 1400 kc, 250 w, unlimited time, to 950 kc, 500 w, 1 kw-LS, using a directional antenna at night, unlimited time, to be heard in a consolidated proceeding with the aforesaid application of Winchester Broadcasting Corporation, said designation being predicated in part on countercharges made against the said Lewis by the Winchester Broadcasting Corporation, which is scheduled to be heard on April 18, 1949 at Winchester, Virginia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Richard Field Lewis, Jr., for renewal of license of Radio Station WINC–FM, be and it is hereby, designated for hearing in a consolidated proceeding, with the said application of Winchester Broadcasting Corporation for construction permit, and the said application of Richard Field Lewis, Jr., for construction permit, upon the following issue:

(1) To determine the qualifications of the applicant, Richard Field Lewis, Jr., to continue the operation of Station WINC–FM, particularly with reference to the truth or falsity of the above charges made against Winchester Broadcasting Corporation by the said Lewis and of the counter-charges against Lewis by the said Winchester Broadcasting Corporation.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–9521; Filed, Oct. 28, 1948; 8:50 a. m.]

[Docket No. 9172]

WACHUSETT BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Donald L. Coleman, Albert E. Keleher, J. Gordon Keyworth, and James L. Spates a partnership d/b as Wachusett Broadcasting Company, Fitchburg, Massachusetts, for construction permit; Docket No. 9172, File No. BP–6652.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of October 1948;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on the frequency 1460 kilocycles, with 500 watts power, daytime only in Fitchburg, Massachusetts;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with stations WINC, Winchester, Virginia, from 1400 kc, 250 w, unlimited time, to 950 kc, 500 w, 1 kw-LS, using a directional antenna at night, unlimited time, to be heard in a consolidated proceeding with the aforesaid application of Winchester Broadcasting Corporation, said designation being predicated in part on countercharges made against the said Lewis by the Winchester Broadcasting Corporation, which is scheduled to be heard on April 18, 1949 at Winchester, Virginia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Richard Field Lewis, Jr., for renewal of license of Radio Station WINC–FM, be and it is hereby, designated for hearing in a consolidated proceeding, with the said application of Winchester Broadcasting Corporation for construction permit, and the said application of Richard Field Lewis, Jr., for construction permit, upon the following issue:

(1) To determine the qualifications of the applicant, Richard Field Lewis, Jr., to continue the operation of Station WINC–FM, particularly with reference to the truth or falsity of the above charges made against Winchester Broadcasting Corporation by the said Lewis and of the counter-charges against Lewis by the said Winchester Broadcasting Corporation.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–9521; Filed, Oct. 28, 1948; 8:50 a. m.]

[Docket No. 9172]

WACHUSETT BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Donald L. Coleman, Albert E. Keleher, J. Gordon Keyworth, and James L. Spates a partnership d/b as Wachusett Broadcasting Company, Fitchburg, Massachusetts, for construction permit; Docket No. 9172, File No. BP–6652.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of October 1948;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on the frequency 1460 kilocycles, with 500 watts power, daytime only in Fitchburg, Massachusetts;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to those provisions pertaining to the assignment of stations where objectionable interference would be received to a field intensity contour greater than that specified for a station of its class.

It is further ordered, That, The Yankee Network Incorporated, licensee of Station WAAB, Worcester, Massachusetts, be, and it is hereby, made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–9522; Filed, Oct. 28, 1948; 8:51 a. m.]

[Docket No. 9164]

RADIO CORP. OF ARIZONA, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Corporation of Arizona, Inc., Phoenix, Arizona, for construction permit; Docket No. 9164, File No. BP–6607.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of October 1948;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1450 kc, 250 w power, unlimited time, at Phoenix, Arizona;

It is ordered, That, pursuant to section 309 (a) of the Communications act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, or with the services proposed in any other pending

applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to coverage of the Phoenix metropolitan area.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9523; Filed, Oct. 28, 1948; 8:51 a. m.]

[Docket No. 9173]

WOOSTER REPUBLICAN PRINTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Wooster Republican Printing Company (WWST), Wooster, Ohio, for modification of license to increase power from 500 watts to one kilowatt; Docket No. 9173; File No. BML-1307.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of October 1948;

The Commission having under consideration the above-entitled application for modification of license of Station WWST, operating on the frequency 960 kilocycles, with 500 watts power, daytime only to increase power from 500 watts to one kilowatt and also having under consideration a petition filed by Evening News Association licensee of Radio Station WWJ, Detroit, Michigan, that said application be designated for hearing and that Evening News Association be made a party thereto;

It is ordered, That the petition of Evening News Association be, and it is hereby, granted and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of The Wooster Republican Printing Company be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WWST as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station WWST as proposed would involve objectionable interference with Stations WWJ, Detroit, Michigan, and WICA, Ashtabula, Ohio, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station WWST as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of Station WWST as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Evening News Association, licensee of Radio Station WWJ, Detroit, Michigan, and WICA, Incorporated, licensee of Radio Station WICA, Ashtabula, Ohio be, and they are hereby, made parties to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9524; Filed, Oct. 28, 1948; 8:51 a. m.]

[Docket No. 9171]

CARL E. HAYMOND (KIT)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Carl E. Haymond (KIT), Yakima, Washington, for construction permit; Docket No. 9171, File No. BP-6234.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of October 1948;

The Commission having under consideration the above-entitled application of Carl E. Haymond, requesting authorization to increase the power of Station KIT, Yakima, Washington, operating on 1280 kc, from 1 kw, unlimited time to 1 kw, night—5 kw day, and install a new transmitter;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issue: To determine whether the installation and operation of station KIT as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the population residing within the 500 mv/m and 250 mv/m contours of the station.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9525; Filed, Oct. 28, 1948; 8:51 a. m.]

[Docket No. 9170]

MAISON-BLANCHE CO. (WRTV)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Maison-Blanche Company (WRTV), New Orleans, Louisiana, for additional time in which to complete construction of TV Station WRTV, New Orleans, Louisiana; Docket No. 9170, File No. BMPCT-318.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of October 1948;

The Commission having under consideration the above-entitled application of Maison-Blanche Company (File No. BMPCT-318) for additional time in which to complete construction of TV broadcast station WRTV, New Orleans, Louisiana; and

It appearing, that on January 16, 1947, the Commission granted the Maison-Blanche Company a construction permit for a TV broadcast station at New Orleans, Louisiana (File No. B3-PCT-78); and

It further appearing, that the construction of the TV broadcast station authorized on January 16, 1947 has not been completed, and the Commission being fully advised in the matter;

It is ordered, That pursuant to sections 309 and 319 of the Communications Act of 1934, as amended, the above-entitled application (File No. BMPCT-318) be, and it is hereby, designated for hearing at a time and place to be designated by the Commission upon the following issues:

1. To determine whether the Maison-Blanche Company has been diligent in proceeding with the construction of the television station at New Orleans, Louisiana, authorized by the construction permit granted January 16, 1947, File No. B3-PCT-78.

2. To determine whether it would be in the public convenience, interest or necessity to grant the application of Maison-Blanche Company, File No. BMPCT-318, for additional time in which to construct a TV broadcast station at New Orleans, Louisiana, authorized by the Commission on January 16, 1947—File No. B3-PCT-78.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9526; Filed, Oct. 28, 1948; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5539]

WILLIAM A. REED CO.

ORDER APPOINTING TRIAL EXAMINER

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 22d day of October A. D. 1948.

In the matter of William A. Reed Company, a corporation, and Albert J. Sylk, individually, and as an officer of said corporation, and Albert J. Sylk, William H. Sylk, Harry S. Sylk, Morris Soble, and Bernard Weinberg, copartners operating as William A. Reed Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Clyde M. Hadley, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin at a time and place to be later designated by the Trial Examiner.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-9515; Filed, Oct. 28, 1948; 8:48 a. m.]

[Docket No. 5530]

STEELCO STAINLESS STEEL, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 20th day of October A. D. 1948.

In the matter of Steelco Stainless Steel, Inc., a corporation, and Clyde C. Carr, an individual.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Frank Hier, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Thursday, November 4, 1948, at ten o'clock in the forenoon of that day (eastern standard time), in Courtroom 859, Federal Building, Detroit, Michigan.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-9514; Filed, Oct. 28, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Return Order 200]

HOPE MACMICHAEL GARIBALDI

Having considered the claim set forth below and having issued a Determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Hope MacMichael Garibaldi, Rome, Italy, 31821, August 27, 1948 (13 F. R. 5016); $33,170.10 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Hope MacMichael Garibaldi in and to a trust created under the Will of Morton McMichael, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 22, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-9503; Filed, Oct. 27, 1948; 8:52 a. m.]

[Vesting Order 11550, Amdt.]

HACHIRO YUASA

In re: Stock owned by Hachiro Yuasa.

Vesting Order 11550, dated June 25, 1948, is hereby amended as follows and not otherwise:

A. By deleting from subparagraph 1 of the aforesaid Vesting Order 11550 the name "Hachiro Yuaia", and substituting therefor the name "Hachiro Yuasa".

B. By deleting subparagraph 2 of the aforesaid Vesting Order 11550, and substituting therefor the following:

2. That the property described as follows: Seventeen (17) shares of $1.00 par value capital stock of Massachusetts Investors Second Fund, Inc., 19 Congress Street, Boston, Massachusetts, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered NU12135 for fourteen (14) shares and certificate numbered SF22928 for three (3) shares, registered in the name of Hachiro Yuasa, together with all declared and unpaid dividends thereon, and any cash arising out of a special distribution of capital gains,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

All other provisions of said Vesting Order 11550 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-9502; Filed, Oct. 27, 1948; 8:52 a. m.]

[Vesting Order 12131]

ANNA B. LINDEMANN AND HAWAIIAN TRUST CO., LTD.

In re: Trust under agreement between Anna B. Lindemann, settlor and the Hawaiian Trust Company, Ltd., dated December 28, 1935. File No. F-28-14917-G-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Schultze whose last known address is Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the heirs, names unknown, of Elsa Schultze, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof and each of them, in and to and arising out of or under that certain trust agreement dated December 28, 1935, by and between Anna B. Lindemann, as Settlor and the Hawaiian Trust Company, Ltd., as Trustee, presently being administered by the Hawaiian Trust Company, Ltd., Honolulu 2, Hawaii, as Trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the heirs, names unknown, of Elsa Schultze are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9532; Filed, Oct. 28, 1948; 8:53 a. m.]

[Vesting Order 12132]

ADELE L. MAUTZ AND FIRST NATIONAL BANK OF CHICAGO

In re: Trust under agreement between Adele L. Mautz, donor and The First National Bank of Chicago; trustee. File D 28-4087 G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Diether Jitschin, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in sub-paragraph 1 hereof, in and to and arising out of or under that certain trust agreement dated March 13, 1935, by and between Adele L. Mautz, donor and First National Bank of Chicago, Trustee, and in and to all property held thereunder by the First National Bank of Chicago, Trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the above person identified in subparagraph 1 is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9533; Filed, Oct. 28, 1948; 8:53 a. m.]

[Vesting Order 12140]

MARGARET SEVES

In re: Estate of Margaret Seves, a/k/a M. Seves and as Margareta Doak, deceased. File No. D-28-12371; E. T. sec. 16607.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johann Carl Zeder, Elisabetha Pohlman, Hans Klughardt, Karl Klughardt, Max Klughardt, Margarethe Klughardt, Jette Klughardt, Erwin Erhard Pirner, George Johann Zeder, Gottfried Johann Rasp, Karl Rasp, Anna Barbara Grimm, Karl Zeder, Martha Zeder, Frieda Zeder and Emil Zeder, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Jette Klughardt, of George Johann Zeder, and of Karl Rasp, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the Estate of Margaret Seves, also known as M. Seves and as Margareta Doak, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Phil C. Katz, as administrator, acting under the judicial supervision of the Superior Court of the State of California, City and County of San Francisco, California;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Jette Klughardt, of George Johann Zeder, and of Karl Rasp, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9534; Filed, Oct. 28, 1948; 8:53 a. m.]

[Vesting Order 12148]

PETER DENING

In re: Estate of Peter Dening, deceased File No. D-28-10220; E. T. sec. 14566.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christine Wohlert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the estate of Peter Dening, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry Hansen, Durant, Iowa, Administrator, acting under the judicial supervision of the District Court of the State of Iowa, Cedar County,

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9537; Filed, Oct. 28, 1948; 8:54 a. m.]

[Vesting Order 12152]

EMMA SCHINDLER

In re: Estate of Emma Schindler, deceased. File D-28-12429. E. T. 16649.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Teresa Buechle, Sophie Buechle, Benedict Buechle, Frances Schindler and Marie Burger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Emma Schindler, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Mrs. Anna Blumm, 3422 Corrine Avenue, Cincinnati, Ohio, Executrix, acting under the judicial supervision of the Probate Court, Hamilton County, Ohio,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9535; Filed, Oct. 28, 1948; 8:53 a. m.]

[Vesting Order 12184]

ANNA SCHMAUSS

In re: Trust under Will of Anna Schmauss, deceased. File No. D-28-12039; E. T. sec. 16236.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josefine Frohlich Wedl, Josef Wolfgang Frohlich, Max Frohlich, Mela Frohlich Schrenk, Herman Frohlich, Anneliese Frohlich, and Otto Frohlich, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Ludwig Frohlich, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Anna Schmauss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Third National Bank, Rockford, Illinois, as trustee, acting under the judicial supervision of the Circuit Court, in Chancery, of Winnebago County, Illinois;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs at law, next of kin, legatees and distributees, names unknown, of Ludwig Frohlich, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9536; Filed, Oct. 28, 1948; 8:54 a. m.]

[Vesting Order 12219]

HARUZO ROY HARUKI

In re: Cash owned by Haruzo Roy Haruki. F-39-6271.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Haruzo Roy Haruki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $518.91, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9501; Filed, Oct. 27, 1948; 8:52 a. m.]

[Vesting Order 12220]

TADASO IZUMITA

In re: cash owned by Tadaso Izumita. F-39-6276.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tadaso Izumita, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $783.89, pres-

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ently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tadaso Izumita, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9538; Filed, Oct. 28, 1948; 8:54 a. m.]

[Vesting Order 12224]

ERNEST H. L. MUMMENHOFF

In re: Stock owned by Ernest H. L. Mummenhoff. F-28-22772-D-1; F-28-22772-D-2; F-28-22772-D-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernest H. L. Mummenhoff, whose last known address is Loogestieg 6, Eppendorf, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) shares of no par value common capital stock of Virginia-Carolina Chemical Corporation, 627 East Main Street, Richmond 8, Virginia, a corporation organized under the laws of the State of Virginia, evidenced by a certificate numbered NYCO-3979, registered in the name of Ernest H. L. Mummenhoff, together with all declared and unpaid dividends thereon,

b. All rights and interests in, to and under one nondenominational certificate of deposit for five (5) shares of $100 par value preferred stock of the Virginia-Carolina Chemical Company, 627 East Main Street, Richmond 8, Virginia, said certificate bearing the number 1525, registered in the name of Ernest H. L. Mummenhoff, including the right to exchange said certificate for two and one half (2½) shares of common stock of the Virginia-Carolina Chemical Corporation, together with all declared and unpaid dividends on such new stock.

c. Four (4) shares of $100 par value common capital stock of The Baltimore and Ohio Railroad Company, Baltimore and Charles Streets, Baltimore, Maryland, a corporation organized under the laws of the States of Maryland and Virginia, evidenced by a certificate numbered A-205893, registered in the name of Ernest H. L. Mummenhoff, together with all declared and unpaid dividends thereon, and

d. Two (2) shares of $100 par value preferred stock of The Baltimore and Ohio Railroad Company, Baltimore and Charles Streets, Baltimore, Maryland, a corporation organized under the laws of the States of Maryland and Virginia, evidenced by a certificate numbered B-78006, registered in the name of Ernest H. L. Mummenhoff, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9539; Filed, Oct. 28, 1948; 8:54 a. m.]

[Vesting Order 12230]

FORTRA, INC.

In re: Property owned by Fortra, Inc.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It having been found and determined by Vesting Order 713, dated January 18, 1943, as affirmed by § 500.41, as amended, of the Rules of the Office of Alien Property, Department of Justice, that Fortra, Inc., a New York corporation, New York, New York, is controlled by or acting for or on behalf of a designated enemy country (Germany) or a person within such country and is, therefore, a national of the aforesaid designated enemy country (Germany);

2. It is hereby found that the property described as follows: All property in the United States of Fortra, Inc., of any nature whatsoever, including particularly but not limited to those certain debts or other obligations of the Chemical Bank & Trust Company, 165 Broadway, New York, New York, arising out of a special account in the name of Fortra, Inc., and a regular account in the name of Fortra, Inc., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that Fortra, Inc., is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein had and shall have the meanings prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on October 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9541; Filed, Oct. 28, 1948; 8:54 a. m.]

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FEDERAL REGISTER

VOLUME 13 NUMBER 213

Washington, Saturday, October 30, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 96—AGRICULTURAL LOANS AND ADVANCES BY REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C., FOR MAXIMUM WAR PRODUCTION

REVOCATION OF PART

Part 96 of Title 6, Code of Federal Regulations, is hereby revoked.

(Sec. 201 (e), 47 Stat. 713; 12 U. S. C. 1148)

[SEAL] J. W. DUGGAN,
Governor.

OCTOBER 21, 1948.

[F. R. Doc. 48-9561; Filed, Oct. 29, 1948; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tangerine Reg. 75]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.406 *Tangerine Regulation 75*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) Tangerine Regulation 74 (13 F. R. 6076) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., October 30, 1948, and ending at 12:01 a. m., e. s. t., November 15, 1948, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade (as such grades are defined in the United States Standards for Tangerines (13 F. R. 4790)); or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack (as such pack is defined in the aforesaid United States Standards), in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(3) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9595; Filed, Oct. 29, 1948; 8:53 a. m.]

[Orange Reg. 152]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

722 pages—$1.00 a copy

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ing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) Orange Regulation 151 (13 F. R. 6077) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., October 30, 1948, and ending at 12:01 a. m., e. s. t., November 22, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any Temple oranges, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(3) As used in this section, the terms "handler," "ship," "Regulation Area I," and "Regulation Area II" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," U. S. No. 3," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 27th day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9596; Filed, Oct. 29, 1948; 8:53 a. m.]

[Grapefruit Reg. 103]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.404 *Grapefruit Regulation 103*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 1, 1948, and ending at 12:01 a. m., e. s. t., November 22, 1948, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit of any variety, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9620; Filed, Oct. 29, 1948; 9:48 a. m.]

[Lemon Reg. 298]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.405 *Lemon Regulation 298*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 31, 1948 and ending at 12:01 a. m., P. s. t., November 7, 1948 is hereby fixed as follows:

(i) District 1: 235 carloads;

(ii) District 2: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 297 (13 F. R. 6233) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 28th day of October 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9621; Filed, Oct. 29, 1948; 9:48 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 222—CONSUMER INSTALMENT CREDIT

AIR CONDITIONERS

The following interpretation under this Part relating to Consumer Instalment Credit has been issued by the Board of Governors of the Federal Reserve System:

§ 222.105 *Air conditioners.* The classification "Air conditioners, room unit" contained in Group B of Part 1 of § 222.9 does not include portable units in excess of one horsepower (one ton of refrigeration) rated capacity, nor does it include evaporative air coolers which do not incorporate a refrigerating unit.

(Sec. 5 (b), 40 Stat. 415, as amended, secs. 301, 302, 55 Stat. 839, 840; Pub. Law 905, 80th Cong., 12 U. S. C. and Sup. 95 (a) 50 U. S. C. App. 616, 617; E. O. 8843, Aug. 9, 1941; 6 F. R. 4035)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-9548; Filed, Oct. 29, 1948; 8:46 a. m.]

PART 222—CONSUMER INSTALMENT CREDIT

MEDICAL EXPENSES

The following interpretation under this Part relating to Consumer Instalment Credit has been issued by the Board of Governors of the Federal Reserve System:

§ 222.106 *Medical expenses.* Loans to finance the purchase of artificial limbs, hearing aids, contact lenses, other such corrective appliances, and wheel chairs can qualify for exemption under § 222.7 (h) if the statement required by that section clearly indicates the article to be purchased in addition to the other information required by that section to be incorporated in the statement. (Sec. 5 (b), 40 Stat. 415, as amended, secs. 301, 302, 55 Stat. 839, 840; Pub. Law 905, 80th Cong., 12 U. S. C. and Sup. 95 (a), 50 U. S. C. App. 616, 617; E. O. 8843, Aug. 9, 1941; 6 F. R. 4035)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-9547; Filed, Oct. 29, 1948; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5519]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RETONGA MEDICINE CO.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product or service:* § 3.6 (t) *Advertising falsely or misleadingly—qualities or properties of product or service.* In connection with the offering for sale, sale or distribution of the medicinal preparation "Retonga", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that said preparation is compounded entirely from the extracts of roots, herbs and barks, combined with Vitamin B_1; (b) that said preparation contains liberal quantities of Vitamin B_1, or that it is a Vitamin B_1 medicine; (c) that the use of said preparation will be effective in relieving or substantially improving a Vitamin B_1 deficiency or any of the symptoms or conditions which may arise from a Vitamin B_1 deficiency; (d) that said preparation is not a laxative; (e) that said preparation is a cure or remedy for constipation or any of the symptoms of constipation, or that it has any therapeutic value in the treatment of constipation or any of the symptoms thereof in excess of the temporary relief afforded by its laxative action; (f) that said preparation constitutes a competent or effective treatment for heartburn, indigestion, stomach gas, nervousness, muscular pains, a run-down condition, weakness or a toxic feeling, or that it will have any therapeutic effect on the causes of loss of weight, loss of sleep, sour stomach, or any of the conditions which may prevent an individual from working; or, (g) that said preparation will increase the appetite of an individual to such an extent as to aid him in gaining weight or strength; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Retonga Medicine Company, Docket 5519, October 6, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 6th day of October A. D. 1948.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer the respondent admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts; and the Commission, having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Retonga Medicine Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the medicinal preparation "Retonga", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That said preparation is compounded entirely from the extracts of roots, herbs and barks, combined with Vitamin B_1;

(b) That said preparation contain liberal quantities of Vitamin B_1, or that it is a Vitamin B_1 medicine;

(c) That the use of said preparation will be effective in relieving or substantially improving a Vitamin B_1 deficiency or any of the symptoms or conditions which may arise from a Vitamin B_1 deficiency;

(d) That said preparation is not a laxative;

(e) That said preparation is a cure or remedy for constipation or any of the symptoms of constipation, or that it has any therapeutic value in the treatment of constipation or any of the symptoms thereof in excess of the temporary relief afforded by its laxative action;

(f) That said preparation constitutes a competent or effective treatment for heartburn, indigestion, stomach gas, nervousness, muscular pains, a run-down condition, weakness or a toxic feeling, or that it will have any therapeutic effect on the causes of loss of weight, loss of sleep, sour stomach, or any of the conditions which may prevent an individual from working;

(g) That said preparation will increase the appetite of an individual to such an extent as to aid him in gaining weight or strength.

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-9569; Filed, Oct. 29, 1948; 8:51 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 144; Docket No. R-107]

MISCELLANEOUS AMENDMENTS

OCTOBER 28, 1948.

In the matter of the amendment of regulations and approved forms under the Natural Gas Act, to prescribe revised rules governing the form, composition, filings and posting of rate schedules and tariffs for transportation or sale of natural gas subject to the jurisdiction of the Commission.

This proceeding was initiated by the Commission under sections 4 and 16 of the Natural Gas Act to amend its regulations governing the form, composition and filing of schedules of rates and charges for the transportation and sale for resale of natural gas in interstate commerce so as to achieve uniformity and simplicity. A brief review of the situation will show the desirability of the amendments.

Before the Natural Gas Act became law, natural-gas companies had no rate schedules generally applicable to stated classifications of service. It was the prevailing practice to sell natural gas under individual contracts frequently arrived at after extensive negotiations between the parties. As a result the contracts varied greatly in form as well as content. This situation still existed when the Commission, on July 5, 1938, promulgated its "Provisional Regulations Under the Natural Gas Act" which, among other things, prescribed rules for filing of rate schedules.

To expedite the establishment of legal rates, the Commission, in its Provisional Regulations, permitted natural-gas companies to file their contracts as rate schedules in compliance with section 4 of the act. The supplementation of filed contracts by additional agreements and the filing of new contracts in time multiplied the complexity of already complicated rate schedules.

Early in its administration of the Natural Gas Act the Commission recognized the difficulties inherent in the existing system. Accordingly, in August 1940, the Commission distributed a draft of "Tentative Instructions for Preparing and Filing FPC Gas Schedules" to all natural-gas companies and invited their comments, criticisms and suggestions. The purpose of the instructions, as in the instant proceeding, was to assure uniformity and simplification of rate schedules. However, before the instructions could be worked into final form, the defense mobilization program which preceded World War II resulted in a situation where manpower was unavailable for this work. The Commission, therefore, postponed undertaking the necessary work incident to simplification of rate schedules.

During the period when action on these rules was held in abeyance, however, a number of natural-gas companies, voluntarily and in cooperation with the Commission's staff, revised their complicated rate schedules by filing new tariffs similar to those which are provided for in the amended regulations herein ordered. The sales of natural gas under such tariffs now represent about 50% of the total volume of sales of all natural-gas companies reporting to the Commission and account for well over 50% of the total revenue derived from sales subject to the jurisdiction of the Commission.

Prior to converting their sales contracts to tariff form, these natural-gas companies had on file with the Commission 398 separate schedules consisting of almost 7,000 pages. The substituted tariffs comprise only 388 pages. This illustrates the simplification which can be achieved. The Commission has recognized that these changes are beneficial not only to consumers, but to the natural gas industry as well.

The Commission in April of this year again proposed amendments of its regulations relating to rate schedules with a view to extending simplification through the entire industry. A copy of the proposed amendments to the regulations was mailed to each natural-gas company, and they were published in the FEDERAL REGISTER on April 16, 1948 (13 F. R. 2045–2050). The comments and suggestions of every natural-gas company were invited. A number of companies submitted their views, which have been carefully considered by the Commission.

Many industry suggestions were constructive and were incorporated in a further revision which likewise was submitted to all natural-gas companies. General public notice of the proposed amendments as thus revised was also given by mailing a copy thereof to each natural-gas company, and by publication in the FEDERAL REGISTER on September 8, 1948 (13 F. R. 5214). On September 20, 1948, the Commission heard oral argument by representatives of those companies which had expressed a desire to be heard with respect to certain legal issues asserted to be involved in the proposed amendments.

The principal attack on the proposed rules was directed at provisions relating to restatement in cents and dollars and cents of contract rates which provide for "sharing" or "percentage" arrangements, and those thought to affect automatic "adjustment" clauses of presently filed contracts. Industry representatives contended that the proposed rules would affect substantive rights of natural-gas companies which could not be modified in a general rule making proceeding.

In order to expedite these revised regulations, the Commission, without passing upon the validity of the industry contentions, has made additional modifications which are believed to meet the objections to the extent that they have substance. Of particular moment are the modifications of §§ 154.38 (d) and 154.82.

As revised, the regulations permit natural-gas companies to retain in effect, without change, price provisions of presently effective rate schedules which cannot be restated in cents or dollars and cents without effecting a change in rates or charges.

Further modification permits the inclusion in filed service agreements and certain rate schedules of statements of policy by natural-gas companies concerning changes in rates through the application of "adjustment" provisions. However, no provision of this type, whether now on file or which may be filed in the future, may operate, of itself, to change an effective rate or charge. Such changes must be accomplished by the filing of new rate schedules in the manner provided in section 4 of the Natural Gas Act, as amended, and these regulations.

Section 154.85 has been reworded so as to clarify the Commission's intention to permit contracts now on file as effective rate schedules to continue in effect as executed service agreements until they expire or are superseded.

All interested parties have been given a full opportunity to express themselves with respect to the proposed amendments both in writing and orally, except as to the changes made as a result of the oral argument.

In view of the foregoing, we are of the opinion that further proceedings in this matter are unnecessary. Accordingly, the Commission considers it appropriate and in the public interest to promulgate immediately these amendments to the regulations. Upon consideration of the entire record in this proceeding, the Commission further finds that:

(1) Adoption and promulgation of the proposed amendments, as modified, are necessary and appropriate for the purposes of administration of the Natural Gas Act.

(2) It is appropriate that such proposed amendments be made effective as of December 1, 1948.

The Commission, therefore, acting pursuant to authority granted by the Natural Gas Act, particularly sections 4 and 16 thereof (52 Stat. 822, 830; 15 U. S. C. 717c, 717o), orders that:

(A) Its general rules and regulations be and the same are hereby amended to the extent of adding certain new sections and amending certain existing sections of Part 153, Part 154 and Part 155 of Subchapter E, and Part 250 of Subchapter G, of Chapter I, Title 18, of the Code of Federal Regulations, so that such sections read as provided in the accompanying and attached statement, which is made a part hereof by reference.

(B) The new and amended regulations and forms herein prescribed be and they are hereby made effective as of December 1, 1948.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

Date of issuance: October 30, 1948.

By the Commission.

LEON M. FUQUAY,
Secretary.

Subchapter E—Regulations Under the Natural Gas Act

PART 153—APPLICATION FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS

Section 153.8 is amended to read as follows:

§ 153.8 *Filing of contracts, rate schedules, etc.* Persons authorized to export natural gas from the United States to a foreign country or to import natural gas from a foreign country shall file two full and complete copies of every contract and the amendments thereto, presently or hereafter effective, for such export or import, together with all rate schedules, agreements, leases or other writings, tariffs, classifications, rules and regulations relative to such export or import in the manner specified in Part 154, except that the requirements of § 154.31 through § 154.41 shall not be applicable. (52 Stat. 822, 830; 15 U. S. C. 717c, o)

PART 154—RATE SCHEDULES AND TARIFFS

Part 154 is revised to read as follows:

APPLICATION

Sec.
154.1 Application; obligation to file.

DEFINITIONS

154.11 Rate schedule.
154.12 Contract.
154.13 Service agreements.
154.14 Tariff or FPC gas tariff.
154.15 Filing date.
154.16 Posting.

IN GENERAL

154.21 Effective tariff.
154.22 Notice requirements.
154.23 Acceptance for filing not approval.
154.24 Rejection of material submitted for filing.
154.25 Informal submission for staff suggestions.
154.26 Number of copies.
154.27 Comments by interested parties.

FORM AND COMPOSITION OF TARIFF

154.31 Application.
154.32 Form, type, and size.
154.33 Binder, title page and arrangements.
154.34 Composition of tariff.
154.35 Table of contents.
154.36 Preliminary statement.
154.37 Map.
154.38 Composition of rate schedule.
154.39 General terms and conditions.
154.40 Composition of service agreement.
154.41 Index of purchasers.

SPECIAL PERMISSIONS

154.51 Waiver of notice requirements.
154.52 Exception to form and composition of tariff.

METHOD OF SUBMISSION FOR FILING

154.61 Application.
154.62 Material submitted with initial rate schedule, or executed service agreement.
154.63 Material submitted with changes in a tariff, executed service agreement or part thereof.
154.64 Cancellation or termination.
154.65 Adoption of tariff by successor.

RESTATEMENT OF SCHEDULES FILED PRIOR TO DECEMBER 1, 1948

154.81 Application.
154.82 Requirement for restatement.
154.83 Filing date of restatements.
154.84 Plan of restatement.
154.85 Status of contracts filed as rate schedules and restated.
154.86 Availability of Commission staff for advice prior to formal filing.

AUTHORITY: §§ 154.1 to 154.86 issued under 52 Stat. 822, 830; 15 U. S. C. 717c, o.

APPLICATION

§ 154.1 *Application; obligation to file.* On and after December 1, 1948 every natural-gas company shall file with the Commission and post in conformity with the requirements of this part, schedules showing all rates, and charges for any transportation or sale of natural gas subject to the jurisdiction of the Commission and the classifications, practices, rules and regulations affecting such rates, charges and services, together with all contracts in any manner affecting or relating thereto: *Provided, however,* That all such presently effective schedules filed with the Commission before the aforesaid date shall be restated as set forth in § 154.82 to conform with the following rules and regulations, and filed and posted on or before the dates specified in § 154.83.

DEFINITIONS

§ 154.11 *Rate schedule.* The term "rate schedule" means a statement of a rate or charge for a particular classification of transportation or sale of natural gas subject to the jurisdiction of the Commission, and all terms, conditions, classifications, practices, rules and regulations affecting such rate or charge. This term also includes any contract for which special permission has been obtained in accordance with § 154.52.

§ 154.12 *Contract.* The term "contract" means any agreement which in any manner affects or relates to rates, charges, classifications, practices, rules, regulations or services for any transportation or sale of natural gas subject to the jurisdiction of the Commission. This term includes an executed service agreement.

§ 154.13 *Service agreement.* The term "service agreement" means an unexecuted form of agreement for service under a natural-gas company's tariff.

§ 154.14 *Tariff or FPC gas tariff.* The term "tariff" or "FPC gas tariff" means a compilation, in book form, of all of the effective rate schedules of a particular natural-gas company, and a copy of each form of service agreement.

§ 154.15 *Filing date.* The term "filing date" means the day on which a tariff or part thereof or a contract is received in the office of the Secretary of the Commission for filing in compliance with the requirements of this part.

§ 154.16 *Posting.* The term "posting" means (a) making a copy of a natural-gas company's tariff and contracts available during regular business hours for public inspection in a convenient form and place at the natural-gas company's offices where business is conducted with affected customers and (b) mailing to each customer affected a copy of such tariff or part thereof at the time it is sent to the Commission for filing.

IN GENERAL

§ 154.21 *Effective tariff.* The effective tariff of a natural-gas company shall be the tariff filed pursuant to the requirements of this part, and permitted by the Commission to become effective. No natural-gas company shall directly or indirectly, demand, charge or collect any rate or charge for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, or impose any classifications, practices, rules or regulations, different from those prescribed in its effective tariff and executed service agreements on file with the Commission, unless otherwise specifically provided by order of the Commission.

§ 154.22 *Notice requirements.* All tariffs, and contracts or any parts thereof shall be filed with the Commission and posted not less than thirty days nor more than sixty days prior to the proposed effective date thereof, unless a different period of time is permitted by the Commission in accordance with § 154.51. *Provided, however,* That no natural-gas company shall file under this part any new rate schedule or contract for the performance of any service for which a certificate of public convenience and necessity must be obtained pursuant to section 7 (c) of the Natural Gas Act, until such certificate has been issued. Nothing herein shall be construed as preventing the natural-gas company from entering into any such agreement prior to the granting of such a certificate.

§ 154.23 *Acceptance for filing not approval.* The acceptance for filing of any tariff, contract or part thereof is not to be considered as approval by the Commission.

§ 154.24 *Rejection of material submitted for filing.* The Commission reserves the right to reject any material submitted for filing which fails to comply with the requirements set forth in this part.

§ 154.25 *Informal submission for staff suggestions.* Any natural-gas company may informally submit a tariff or any part thereof or material relating thereto for the suggestions of the staff of the Commission prior to filing.

§ 154.26 *Number of copies to be supplied.* Two copies of any tariff, contract, or part thereof, and material relating thereto, Certificates of Adoption, and Notices of Cancellation or Termination submitted for filing must be supplied to the Commission: *Provided, however,* That restatements filed pursuant to §§ 154.81 through 154.86 shall be furnished in quintuplicate. All copies are to be included in one package, together with a letter of transmittal and other material and information required by these rules, and addressed to the Federal Power Commission, Washington 25, D. C. The Commission reserves the right to request additional copies.

§ 154.27 *Comments by interested parties.* Comments of any purchaser or other interested party concerning any filing made pursuant to this part should be submitted within 15 days after the date of filing. This section shall not limit any right to file protests and complaints.

FORM AND COMPOSITION OF TARIFF

§ 154.31 *Application.* Sections 154.32 through 154.41 after December 1, 1948 are applicable to all rate schedules thereafter filed or restated, except that such sections are only partially applicable, to rate schedules filed under § 154.52. (A form of an assembled tariff is available upon request.)

§ 154.32 *Form, type, and size.* The tariff shall be printed, typewritten or otherwise reproduced on 8½ by 11 inch sheets of a durable paper so as to result in a clear and permanent record. The sheets of the tariff shall be ruled to set off borders of 1¼ inches on top, bottom and left sides and ½ inch on the right side, punched on the left side and assembled in a binder.

§ 154.33 *Binder, title page and arrangements.* The binder shall show on the front cover:

FPC Gas Tariff
Original Volume No. 1
of
(Name of Natural-Gas Company)
Filed with
Federal Power Commission

If it is advisable to submit the tariff in two or more volumes, the volumes shall be identified by "Original Volume No. 1", "Original Volume No. 2", etc., directly below the words "FPC Gas Tariff." Rate schedules for which special exception has been obtained under § 154.52 may be filed in a separate volume as part of the tariff.

When any volume of a tariff is to be superseded or replaced in its entirety, the replacing volume shall show prominently on the binder and the title page the volume number being superseded or replaced, as for example:

FPC Gas Tariff
First Revised Volume No. 1
(Supersedes Original Volume No. 1)

The first page shall be a title page which shall carry the information shown on the cover and, in addition, the name, title, and address of the person to whom communications concerning the tariff should be sent.

All sheets except the title page shall have the following information placed in the margins:

(a) *Identification.* At the left above the top marginal ruling, the exact name of the company shall be shown, under which shall be set forth the words "FPC Gas Tariff," together with volume identification where applicable.

(b) *Numbering of sheets.* At the right above the top marginal ruling, the sheet number shall appear after the words "Original Sheet No. ------." All sheets in the originally filed tariff shall be numbered consecutively beginning with the table of contents as "Original Sheet No. 1".

Revised or superseding sheets shall be numbered "------ Revised Sheet No. ------" below which shall appear "Superseding ------ Sheet No. ------." The first blank above shall show the number of the revision (i. e., First, Second, etc.) and the sheet number shall be the same as the sheet replaced. The third and fourth blanks shall be filled according to the numbering of the sheet replaced.

Sheets which are to be inserted between two consecutively numbered sheets shall be designated "Original Sheet No. ------," with the blank space filled with the appropriate number and a letter to indicate an insertion. Illustration: Three sheets which would come between original sheets 8 and 9 would be designated "Original Sheet No. 8A," "Original Sheet No. 8B," and "Original Sheet No. 8C."

(c) *Issuing officer and issued date.* On the left below the lower marginal ruling, shall be placed "Issued by:" followed by the name and title of the person authorized to issue the sheet. Immediately below shall be placed "Issued on" followed by the date of issue.

(d) *Effective date.* On the right below the lower marginal ruling shall be placed "Effective:" followed by the specific effective date desired by the company.

(e) *Sheets filed to comply with Commission orders.* Sheets which are filed to make effective rate schedules or provisions ordered by the Commission shall carry the following notation in the bottom margin: "Issued to comply with order of the Federal Power Commission, Docket No. ----, dated ----------."

§ 154.34 *Composition of tariff.* The tariff shall contain, in the order named, sections setting forth a table of contents, a preliminary statement, a map of the system, the rate schedules, general terms and conditions, form of service agreement and an index of purchasers: *Provided, however,* That rate schedules for which special exception has been obtained under § 154.52 may be filed in a separate volume as permitted by § 154.33.

Rate schedules shall be grouped according to class and numbered serially within each group, using a letter before the serial number to indicate the class of service. For example, G–1, G–2 may be used for general service; CD–1, CD–2 for contract demand service; I–1, I–2 for interruptible service; T–1, T–2 for transmission service; X–1, X–2 for schedules for which special exception has been obtained.

§ 154.35 *Table of contents.* The table of contents shall contain a list of the rate schedules and other sections in the order in which they appear, showing the sheet number of the first page of each section. The list of rate schedules shall consist of (a) the symbol designation of each rate schedule, (b) a very brief description of the service, and (c) the sheet number of the first page of each rate schedule.

§ 154.36 *Preliminary statement.* The preliminary statement shall contain a brief general description of the company's operations and may also contain a general explanation of its policies and practices. No general rules and regulations shall be included in the preliminary statement, nor any material necessary for the interpretation or application of the rate schedules.

§ 154.37 *Map.* The map shall show on a single sheet, if practicable, the general geographic location of the company's principal pipe line facilities and of the points at which service is rendered under the Tariff. Where the company's rate schedules are generally available by area, the boundary lines of the rate zones or rate areas should be shown and the areas or zones identified. The map shall be revised annually to reflect major changes if any.

§ 154.38 *Composition of rate schedule.* The sheets of a rate schedule shall contain a statement of a rate or charge and all terms and conditions governing its application, arranged as follows:

(a) *Title.* Each rate schedule shall have a title consisting of a designation (see § 154.34), and a statement of the type or classification of service to which it is applicable.

(b) *Availability.* This paragraph shall describe the conditions under which the rate is available, and, if necessary, the geographic zone in which available.

(c) *Applicability and character of service.* This paragraph shall fully describe the kind or classification of service to be rendered.

(d) *Statement of rate.* Except as permitted in §§ 154.52 and 154.82, all rates shall be clearly stated in cents or in dollars and cents per unit. Only the rates and charges to be used in current billing shall be included in the rate schedules.

A rate having more than one part shall have each part set out separately under appropriate headings such as: Demand Charge, Commodity Charge, etc. The minimum bill and other provisions affecting charges shall not be included in this paragraph, but shall be included in subsequent paragraphs.

No rule, regulation, exception or condition such as tax, commodity price index, wholesale price index, purchased gas cost adjustment clauses or other similar price adjustments or periodic changes shall be included in the rate schedule or any other part of the tariff which in any way purports to effect the modification or change of any rate or charge specified in the rate schedule, or the substitution therefor of any other rate or charge: *Provided, however,* a natural-gas company may state in the service agreement or in rate schedules filed pursuant to § 154.52 that it is or will be its privilege, under certain specified conditions, to propose to the Commission a modification, change or substitution of the then effective rate or charge: *Provided further,* That no such clause may effectuate a change in an effective rate or charge except in the manner provided in section 4 of the Natural Gas Act, as amended, and the regulations in this part.

(e) *Minimum bill.* The minimum bill heading shall appear on every rate schedule followed by the word "none" if no minimum bill is provided.

(f) *Other provisions.* All other major provisions governing the application of the rate schedule, such as determination of billing demand, contract demand, heat content, measurement base, shall be set forth similarly with appropriate headings, or if appropriate, they may be incorporated by reference to the applicable general terms and conditions.

(g) *Applicable general terms and conditions.* This paragraph shall list by reference the general terms and conditions set forth in the following section which apply to the particular rate schedule.

§ 154.39 *General terms and conditions.* This section shall contain provisions which apply to all or any of the rate schedules and which may more conveniently be arranged in a separate section of the tariff. Subsections and paragraphs shall be numbered for convenient reference.

§ 154.40 *Composition of service agreement.* There shall be submitted as part of the tariff an unexecuted copy of each form of service agreement. The service agreement forms should provide for insertion of such items as the name of the purchaser, service to be rendered, area to be served, maximum obligation to deliver, delivery points, delivery pressure, applicable rate schedules by reference to the tariff, effective date and term, and identification of any prior agreements being superseded.

§ 154.41 *Index of purchasers.* The index of purchasers shall contain an alphabetical list of all purchasers under the tariff, showing for each the rate schedule or schedules under which service is rendered, and the following information concerning the contract: (a) the date of execution, (b) the effective date and (c) the term.

The index of purchasers shall be kept current by filing new or revised sheets within 60 days of any change.

SPECIAL PERMISSIONS

§ 154.51 *Waiver of notice requirements.* Upon application and for good cause shown, the Commission may by order provide that a tariff, contract, or part thereof shall be effective on less than 30 days notice. The Commission, upon request and for good cause shown, may permit a tariff, contract, or part thereof to be filed prior to sixty days before the proposed effective date.

§ 154.52 *Exception to form and composition of tariff.* Upon application and for good cause shown, the Commission may permit special rate schedules to be filed in the form of an agreement in the case of special operating arrangements such as for exchange or transportation of natural gas; or for the sale of gas at charges computed on a cost-formula basis, which charges need not be stated in cents or in dollars and cents per unit. Such rate schedules shall conform to the form, type and size specified in § 154.32 and shall contain on each sheet the marginal notations specified in § 154.33. In addition each such rate schedule shall contain a title page which shall show its designation, the parties to the agreement, the date of agreement and a brief generalized description of services to be rendered. Such rate schedules shall not contain any supplements. Any modifications shall be by revised or insert sheets.

Such rate schedules may be included in a separate volume of the tariff, which shall contain a table of its contents. This table of contents shall also be incorporated with the table of contents of other volumes.

METHOD OF SUBMISSION FOR FILING

§ 154.61 *Application.* Sections 154.62 through 154.65, except as hereinafter otherwise specifically provided, apply to all tariffs, executed service agreements, or parts thereof which are filed after December 1, 1948.

§ 154.62 *Material submitted with initial rate schedule or executed service agreement.* With the filing of any initial rate schedule or executed service agreement not superseding or making any change in a rate schedule, executed service agreement, or part thereof already on file, there shall be included a letter of transmittal containing a list of the material inclosed, the date on which such filing is proposed to become effective, and a list of the purchasers to whom it has been mailed: *Provided, however,* That the provisions of this section shall not be applicable to filings made pursuant to §§ 154.81 through 154.86.

In addition, the following material shall be submitted where applicable:

(a) *Statement of the reasons for initial rate schedule.* A statement of the nature, and the reason for such proposed initial rate schedule. Data submitted in response to subsequent items may be included by reference as a part of the response to this item.

(b) *Estimate of sales and revenues under an initial rate schedule or executed service agreement.* An estimate of sales or transportation performed and revenues thereunder, by months, for the 12 months immediately succeeding the proposed effective date. The estimate shall be subdivided by rate schedules, classes of service, customers and delivery points, when more than one is involved. Such data shall include estimates of actual and billing quantities, that are to be used to compute the charges, such as actual demands, billing demands, volumes, heat content, and other determinants.

(c) *Basis of the rate or charge proposed in initial rate schedule.* A statement shall be submitted explaining the basis used in arriving at the proposed rate or charge. Such statement shall clearly show whether such rate or charge results from negotiation, cost of service determination, competitive factors, or others, and shall give the nature of any studies which have been made in connection therewith. If all or any portion of such information has already been submitted to the Commission, specific reference thereto should be made.

§ 154.63 *Material submitted with changes in a tariff, executed service agreement or part thereof.* With the filing of any tariff, executed service agreement or part thereof which changes or supersedes any tariff, contract or part thereof on file with the Commission, there shall be included a letter of transmittal containing a list of the material enclosed, the date on which such filing is proposed to become effective, and a list of the purchasers to whom it has been mailed: *Provided, however,* That the provisions of this section shall not be applicable to filings made pursuant to §§ 154.81 through 154.86, unless such filing results in a change in rate, charge, classification or service.

In addition, the following material is to be submitted where applicable:

(a) *Statement of reasons for change in tariff contract, or part thereof.* A statement of the nature, the reasons and the basis for the proposed change. Data submitted in response to subsequent items may be included by reference as part of the response to this item.

(b) *Comparison of sales and revenues if change in rate or charge involved.* A comparative statement of sales made or transportation performed and revenues therefrom, by months, under the present and proposed tariff, contract, or part thereof, each applied to the transactions for the twelve months immediately preceding and for the twelve months immediately succeeding the proposed effective date of the change in tariff, contract or part thereof. Actual data shall be used as far as possible, and any estimated data should be designated as such. The statement shall be subdivided by rate schedules, classes of service, customers, and delivery points when more than one is involved. Such data shall include actual and billing quantities that are used to compute the charges, such as actual demands, billing demands, volumes, heat content and other determinants.

(c) *Rate increase applications.* If the proposed change in tariff, contract or part thereof will result in an increase in rates or charges, there shall be submitted in support of the proposed increased rate or charge a statement showing the cost of service for the entire system, and also the cost allocated to the particular service or classification for which the increase in rates or charges is proposed, together with an explanation of the allocation methods.

The information submitted in the statement shall show for the most recent 12-month period or calendar year:

(1) The original cost of facilities and the depreciation reserve, segregated functionally by major account classifications.

(2) Working capital including materials and supplies, with an explanation of the method of derivation thereof.

(3) Any other items claimed as part of the rate base. Such other items should be identified by major account classifications.

(4) Gas operating expenses segregated functionally by major account classifications.

(5) Annual charges for depreciation segregated according to each major account classification shown in subparagraph (1) of this paragraph; the annual depreciation rates used in computing such charges; and the method of determining such depreciation rates.

(6) Taxes charged to gas operations, classified under appropriate headings of Federal, State and local, with appropriate subclassification. There should be shown herein any increases in taxes estimated to result from the proposed rate increase, together with the method of derivation of the estimated amount of such tax increase.

(7) Rate of return claimed as reasonable, and the resulting amount of return.

(8) Cost of service as developed from above items.

(9) Relationship between the proposed tariff or part thereof which results in an increase in rates or charges, and the costs allocated to the particular service or classification.

(10) Gas operating revenues segregated functionally by major account classifications.

The statement shall show, by major account classifications, any significant changes in costs experienced during the period for which the above information is submitted, or which are anticipated in the future, with an explanation of the reasons therefor.

(d) *Submission of material by reference.* If all or any portion of the information called for by paragraph (a) through (d) of this section has already been submitted to the Commission, specific reference thereto may be made in lieu of resubmission in response to these requirements.

(e) *Change in executed service agreement.* Agreements intended to effect a change or revision of an executed service agreement shall be in the form of a superseding executed service agreement only. Service agreements shall not contain any supplements.

§ 154.64 *Cancellation or termination.* When a filed tariff, contract or part thereof is proposed to be canceled or is to terminate by its own terms and no new tariff, executed service agreement or part thereof is to be filed in its place, the natural-gas company shall notify the Commission of the proposed cancellation or termination on the form indicated in § 250.2 or § 250.3, whichever is applicable, at least thirty days prior to the proposed effective date of such cancellation or termination. A copy of such notice to the Commission shall be duly posted. With such notice, the company shall submit a statement showing the reasons for the cancellation or termination, a list of the affected purchasers to whom the notice has been mailed, the sales made or transportation performed and revenues therefrom, by months, for the twelve months immediately preceding the proposed effective date of the cancellation or termination. Actual data shall be used as far as possible, and any estimated data should be designated as such. Such statement shall be subdivided by rate schedules, classes of service, customers and delivery points when more than one is involved: *Provided, however,* That the filing of such notice shall not be construed as compliance with the requirements of section 7 (b) of the Natural Gas Act.

§ 154.65 *Adoption of tariff by successor.* Whenever the tariff or contracts of a natural-gas company are to be adopted by another company or person as a result of an acquisition, or merger, authorized by appropriate certificate of public convenience and necessity, or for any other reason, the succeeding company shall file with the Commission and post within thirty days after such succession a certificate of adoption on the form prescribed in § 250.4. Within ninety days after such notice is filed, the succeeding company shall file a tariff with the sheets bearing the correct name of the successor company, to replace the tariff previously adopted.

RESTATEMENT OF SCHEDULES FILED PRIOR TO DECEMBER 1, 1948

§ 154.81 *Application.* Sections 154.82 through 154.86 apply to effective schedules of rates, charges, classifications, practices, regulations and contracts for the transportation or sale of natural gas subject to the jurisdiction of the Commission filed prior to December 1, 1948 which have not been prepared in accordance with §§ 154.31 through 154.41, and for which special exception has not been obtained under § 154.52.

§ 154.82 *Requirement for restatement.* All effective schedules of rates, charges, classifications, practices, regulations, and contracts not prepared in accordance with §§ 154.31 through 154.41 shall be restated and filed as parts of a Tariff in accordance with said sections on or before the dates specified in § 154.83 and duly posted at the time of filing: *Provided, however,* That price provisions which cannot be restated in cents or in dollars and cents per unit, as required by § 154.38 (d), without effecting a change in rates or charges may be retained in effect without change. *Provided, further,* That when necessary, pending completion of restatement within the time provided for by § 154.83, schedules may be filed in accordance

with Part 154 as in effect prior to December 1, 1948.

§ 154.83 *Filing date of restatements.* Natural gas companies shall file, in quintuplicate, restatements of their rate schedules as parts of tariffs on or before the dates specified below, unless an extension of time is granted by the Commission upon application and for good cause shown:

Companies Making Their Major Sales in and Date

Colorado, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Utah, West Virginia, Wisconsin, Wyoming: On or before March 1, 1949.

Alabama, District of Columbia, Florida, Georgia, Kentucky, Maryland, New York, New Jersey, North Carolina, Pennsylvania, Tennessee, Virginia: On or before April 1, 1949.

Arizona, Arkansas, California, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma; Texas: On or before May 2, 1949.

With the filing of such restatement there shall be included a letter of transmittal containing a list of the material inclosed and a list of the purchasers to whom it has been mailed.

§ 154.84 *Plan of restatement.* The restatement shall contain the provisions of schedules of rates, charges, classifications, practices, regulations and contracts effective on the date the tariff is filed. However, concurrent with the restatement, a natural-gas company may propose changes in rates, charges, classifications, services, practices, rules and regulations in accordance with § 154.63 of this part. Differences in the phraseology of schedules should be reconciled whenever possible. The effective date to be shown on the tariff sheets shall be that desired by the company, but not less than 30 days nor more than 60 days after filing pursuant to § 154.83.

§ 154.85 *Status of contracts filed as rate schedules and restated.* Each contract, which is now filed as an effective rate schedule, may be continued in effect and shall be considered as an executed service agreement to the extent that the provisions thereof are not superseded by or in conflict with other applicable provisions of the rate schedules and general terms and conditions of the tariff, until such contract expires by its presently provided terms or is replaced by an executed service agreement in a form contained in the tariff: *Provided, however,* That the natural-gas company, concurrent with the filing of the tariff, shall submit, for insertion in front of each such contract, a statement identifying the provisions thereof which are not superseded by or in conflict with other applicable provisions of the rate schedules and general terms and conditions of the tariff and which are to remain in effect.

Provided further, however, That agreements intended to effect a change or amendment in such contract may be made only by the execution of a form of service agreement contained in the tariff.

§ 154.86 *Availability of Commission staff for advice prior to formal filing.* Any natural-gas company restating its schedules in accordance with § 154.82 may informally submit a tariff or any part thereof for the suggestions of the staff of the Commission, or may confer with the staff of the Commission to obtain advice on any problem of restatement, prior to submission of the tariff to the Commission for filing and posting.

PART 155—CONTRACTS AND RATE SCHEDULES FOR DIRECT INDUSTRIAL SALES

Part 155 is added as follows:

§ 155.1 *Contracts and rate schedules for direct industrial sales.* Every natural-gas company shall currently furnish to the Commission two full and complete copies of every contract and the amendments thereto, presently or hereafter effective, for the direct sale of natural gas to industrial consumers for consumption where such contract involves the sale of 100,000 Mcf per year or more, together with all rate schedules, agreements, leases or other writings, tariffs, classifications, services, rules and regulations relative to such sale: *Provided, however,* That when such a presently filed contract is renewed or extended on identical terms except as to the period during which it is to be in effect, the natural-gas company may notify the Commission of such renewal or extension by letter, in duplicate, stating the date of the renewal or extension agreement and the period during which it is to be in effect, instead of furnishing to the Commission two copies of such renewal or extension agreement. In addition, every natural-gas company shall furnish to the Commission in October of each year, two full and complete lists of all direct industrial consumers using 3,000 Mcf or more during any month of the 12 months ended with the preceding August, but less than 100,000 Mcf per year, showing name, location, type of service such as firm or interruptible, and maximum monthly use during the 12-month period. (52 Stat. 822, 830; 15 U. S. C. 717c, o)

Subchapter G—Approved Forms, Natural Gas Act

PART 250—FORMS

Sections 250.2 to 250.4 are amended as follows:

§ 250.2 *Form of proposed cancellation of tariff or part thereof (see § 154.64).*

..... Revised Sheet No. .....
Superseding Sheet(s) No. .....

Name of Company
FPC Gas Tariff Origina. Volume No. .....

CANCELLATION OF TARIFF

Notice is hereby given that effective ..... (date) — To be used for cancellation of an entire Tariff.
FPC Gas Tariff of ..... (Name of Company)
is to be cancelled.

CANCELLATION OF RATE SCHEDULE .....

Notice is hereby given that effective ..... (date)
Rate Schedule ..... constituting ..... Sheet(s)
No.(s) ..... of the FPC Gas Tariff of ..... is to be cancelled. — To be used when an entire Rate Schedule is to be cancelled.
..... (Name of company)

CANCELLATION OF SHEET NO. .....

Notice is hereby given that effective ..... (date)
Sheet(s) No.(s) ..... of the FPC Gas Tariff of ..... is to be cancelled. — To be used for cancellation of individual sheets.
..... (Name of Company)

Issued by ..... (Name and Title of Issuing Officer) Effective ..... (Date)
Issued on .....

§ 250.3 *Form of proposed cancellation or termination of contract or part thereof (see § 154.64).*

Notice is hereby given that effective the ..... day of ....., ..., the contract with .....
(Name of purchaser or purchasers)
dated ..... and relating to service under rate schedule(s) .....
.....
(Here identify the rate schedule(s), giving sheet numbers in the Tariff)
is to be .....
.....
(Specify whether it automatically terminates by its terms or is to be canceled by action of the parties)
.....
(Name of natural-gas company filing notice)
By .....
.....
(Title)
Dated .....

§ 250.4 *Form of certificate of adoption (see § 154.65).*

The .....
(Exact name of company or person)
.....
(Address)
effective .....
(Effective date of adoption)
hereby adopts, ratifies, and makes its own, in every respect, the Tariff and contracts listed below, which have heretofore been filed with the Federal Power Commission by
.....
(Exact name of predecessor)
.....
(Here identify the Tariff and contracts adopted.)
.....
(Name of successor)
By .....
.....
(Title)
Dated ....., 194...

(52 Stat. 822, 830; 15 U. S. C. 717c, o)

[F. R. Doc. 48-9626; Filed, Oct. 29, 1948; 11:29 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

DEFINITIONS AND STANDARDS FOR FOOD

All currently effective definitions and standards for food (Parts 14 to 53, inclusive) promulgated under the Federal Food, Drug, and Cosmetic Act of June 25, 1938 (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), are reissued as set forth below. This republication is for the purpose of compiling the regulations and amendments, without change. In this republication, where the text contains references to the 1935 and 1940 editions of the Official and Tentative Methods of the Association of Official Agricultural Chemists, editorial notes have been inserted to furnish readers with page references of these methods set forth in the 1945 edition which are substantially the same as those in the 1935 and 1940 editions.

PART 14—CACAO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.
14.1 Cacao nibs, cocoa nibs, cracked cocoa; identity; label statement of optional ingredients.
14.2 Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating; identity; label statement of optional ingredients.
14.3 Breakfast cocoa, high fat cocoa; identity; label statement of optionnl ingredients.
14.4 Cocoa, medium fat cocoa; identity; label statement of optional ingredients.
14.5 Low-fat cocoa; identity; label statement of optional ingredients.
14.6 Sweet chocolate, sweet chocolate coating; identity; label statement of optional ingredients.
14.7 Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating; identity; label statement of optional ingredients.
14.8 Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating identity; label statement of optional ingredients.
14.9 Buttermilk chocolate, buttermilk chocolate coating; identity; label statement of optional ingredients.
14.10 Mixed dairy product chocolates, mixed dairy product chocolate coatings; identity; label statement of optional ingredients.
14.11 Sweet chocolate and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.
14.12 Sweet cocoa and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.

AUTHORITY: §§ 14.1 to 14.12 issued under secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact with respect to Part 14, see 9 F. R. 14329.

§ 14.1 *Cacao nibs, cocoa nibs, cracked cocoa; identity; label statement of optional ingredients.* (a) Cacao nibs, cocoa nibs, cracked cocoa is the food prepared by heating and cracking dried or cured and cleaned cacao beans and removing shell therefrom. Cacao nibs or the cacao beans from which they are prepared may be processed by heating with one or more of the following optional alkali ingredients, added as such or in aqueous solution: Bicarbonate, carbonate, or hydroxide of sodium, ammonium, or potassium; or carbonate or oxide of magnesium; but for each 100 parts by weight of cacao nibs used, as such or before shelling from the cacao beans, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than the neutralizing value of 3 parts by weight of anhydrous potassium carbonate. The cacao shell content of cacao nibs is not more than 1.75 percent by weight (calculated to an alkali-free basis if they or the cacao beans from which they were prepared have been processed with alkali), as determined by the method prescribed under "Shell in Cacao Nibs—Tentative" beginning on page 208 [Ed. note, 6th edition, 1945, p. 223] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th Ed., 1940.

(b) When cacao nibs or the cacao beans from which they are prepared are processed, in whole or in part, with any optional alkali ingredient specified in paragraph (a) of this section, the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used. Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 14.2 *Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating; identity; label statement of optional ingredients.* (a) Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating is the solid or semiplastic food prepared by finely grinding cacao nibs. To such ground cacao nibs, cacao fat or a cocoa or both may be added in quantities needed to adjust the cacao fat content of the finished chocolate liquor. (For the purposes of this section the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these.) Chocolate liquor may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients specified in subparagraphs (1), (2), or (3) of this paragraph which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil, oleoresin, or extract.

(3) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

(4) Butter, milk fat, dried malted cereal extract, ground coffee, ground nut meats.

(5) Salt.

Any optional ingredient used with the cacao beans or cacao nibs from which such chocolate liquor is prepared, or used with any cocoa added in preparing such chocolate liquor, shall be considered to be an optional ingredient used with such chocolate liquor. The optional alkali ingredients specified for use with cacao nibs in § 14.1 (a) may be used as optional ingredients with chocolate liquor; but for each 100 parts by weight of cacao nibs used in preparing the chocolate liquor, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished chocolate liquor contains not less than 50 percent and not more than 58 percent by weight of cacao fat. Unless the chocolate liquor is seasoned with butter, milk fat, or ground nut meats, the percentage of cacao fat is determined by the method prescribed under "Fat Method I—Official" beginning on page 202 [Ed. note, 6th edition, 1945, p. 229] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th Ed., 1940.

(b) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

(1) When the food is seasoned with an optional ingredient specified in subparagraph (a) (1) of this section the label shall bear the statement "Spiced", "Spice Added", "With Added Spice", "Spiced With ____", or "With Added ____", the blank being filled in with the specific common name of the spice used.

(2) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Flavored", "Flavoring Added", "With Added Flavoring", "Flavored With _____", "_____ Added", or "With Added _____", the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a) (3) of this section, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With ____", or "With ____. An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(4) When the food is seasoned with an optional ingredient specified in paragraph (a) (4) of this section, the label shall bear the statement "Seasoned With ____", the blank being filled in with the specific common name of the substance used as seasoning.

(5) When any optional alkali ingredient specified in § 14.1 (a) is used, the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed in subparagraphs (1) to (4), inclusive, of this paragraph may be combined, as for ex-

ample, "With Added Cinnamon, Vanilla, and Coumarin, An Artificial Flavoring."

§ 14.3 *Breakfast cocoa, high fat cocoa; identity; label statement of optional ingredients.* (a) Breakfast cocoa, high fat cocoa is the food prepared by pulverizing the residual material remaining after part of the cacao fat has been removed from ground cacao nibs. It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice.

(2) Ground vanilla beans; any natural food flavoring oil, oleoresin, or extract.

(3) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

(4) Salt.

Any optional ingredient used with the cacao beans, cacao nibs, or ground cacao nibs from which such breakfast cocoa is prepared shall be considered to be an optional ingredient used with such breakfast cocoa. The optional alkali ingredients specified for use with cacao nibs in § 14.1 (a) may be used as optional ingredients with breakfast cocoa; but for each 100 parts by weight of cacao nibs used in preparing the breakfast cocoa, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than 3 parts by weight of anhydrous potassium carbonate. The finished breakfast cocoa contains not less than 22 percent of cacao fat, as determined by the method prescribed under "Fat Method I—Official" beginning on page 202 [Ed. note, 6th edition, 1945, p. 229] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Ed., 1940.

(b) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is seasoned with an optional ingredient specified in paragraph (a) (1) of this section, the label shall bear the statement "Spiced", "Spice Added", "With Added Spice", "Spiced With ____", or "With Added ____", the blank being filled in with the specific common name of the spice used.

(2) When the food is flavored with an optional ingredient specified in subparagraph (a) (2) of this section, the label shall bear the statement "Flavored", "Flavoring Added", "With Added Flavoring", "Flavored With _____", "_____ Added", or "With Added ____", the blank being filled in with the specific common name of the flavoring used.

(3) When the food is flavored with an optional ingredient specified in paragraph (a) (3) of this section, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With ____", or "With ____, An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(4) When any optional alkali ingredient specified in § 14.1 (a) is used, the label shall bear the statement "Processed With Alkali" but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) to (4), inclusive, of this paragraph may be combined, as for example, "With Added Cinnamon, Vanilla, and Coumarin, An Artificial Flavoring."

§ 14.4 *Cocoa, medium fat cocoa; identity; label statement of optional ingredients.* Cocoa, medium fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by § 14.3, except that it contains less than 22 percent but not less than 10 percent of cacao fat, as determined by the method referred to in § 14.3 (a).

§ 14.5 *Low-fat cocoa; identity; label statement of optional ingredients.* Low-fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by § 14.3, except that it contains less than 10 percent of cacao fat as determined by the method referred to in § 14.3 (a).

§ 14.6 *Sweet chocolate, sweet chocolate coating; identity; label statement of optional ingredients.* (a) Sweet chocolate, sweet chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) sweetened with one of the optional saccharine ingredients specified in paragraph (b) of this section. It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 percent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 percent by weight of the emulsifying ingredient or mixture):

(3) Lecithin, with or without related natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

One or any mixture of two or more of the following optional dairy ingredients may be used in such quantity that the finished sweet chocolate contains less than 12 percent by weight of milk constituent solids:

(5) Butter, milk fat, cream, milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids, concentrated buttermilk, dried buttermilk, malted milk.

If chocolate liquor with any optional ingredient specified in § 14.2 (a) is used, such ingredient shall be considered to be an optional ingredient used with the sweet chocolate. The finished sweet chocolate contains not less than 15 percent by weight of chocolate liquor, calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished sweet chocolate, and multiplying the quotient by 100. Bittersweet chocolate is sweet chocolate which contains not less than 35 percent by weight of chocolate liquor, calculated in the same manner.

(b) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar, or partly refined cane sugar, or both.

(2) Any mixture of dextrose and sugar or partly refined cane sugar or both in which the weight of the solids of the dextrose used is not more than one-third of the total weight of the solids of all the saccharine ingredients used.

(3) Any mixture of dried corn sirup and sugar or partly refined cane sugar or both in which the weight of the solids of the dried corn sirup used is not more than one-fourth of the total weight of the solids of all the saccharine ingredients used.

(4) Any mixture of dextrose, dried corn sirup, and sugar or partly refined cane sugar or both, in which three times the weight of the solids of the dextrose used plus four times the weight of the solids of the dried corn sirup used is not more than the total weight of the solids of all the saccharine ingredients used.

(c) For the purpose of this section:

(1) The term "dextrose" means the anhydrous refined monosaccharide obtained from hydrolyzed starch.

(2) The term "dried corn sirup" means the product obtained by drying incompletely hydrolyzed cornstarch; its solids contain not less than 58 percent by weight of reducing sugars.

(d) "Semisweet chocolate," "bittersweet chocolate," "semisweet chocolate coating," and "bittersweet chocolate coating" are alternate names for sweet chocolate which contains not less than the minimum quantity of chocolate liquor prescribed for bittersweet chocolate by paragraph (a) of this section.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Artificially Flavored," "Artificial Flavoring Added," "With Artificial Flavoring," "Artificially Flavored With ____," or "With ____, An Artificial Flavoring," the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a) (3) or (4) of this section is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier."

(3) When any optional alkali ingredient specified in § 14.1 (a) is used the label shall bear the statement "Processed with Alkali," but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "With Added Emulsifier and Coumarin, An Artificial Flavoring."

§ 14.7 *Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating; identity; label statement of optional ingredients.* (a) Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) and one or more of the optional dairy ingredients specified in paragraph (b) of this section, sweetened with one of the optional saccharine ingredients specified in § 14.6 (b) and (c). It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

(1) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.

(2) Vanillin, ethyl vanillin, coumarin, or other artificial food flavoring.

One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5 percent of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60 percent by weight of the emulsifying ingredient or mixture):

(3) Lecithin, with or without related natural phosphatides.

(4) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

If chocolate liquor with any optional ingredient specified in § 14.2 (a) is used, such ingredient shall be considered to be an optional ingredient used with the milk chocolate. The finished milk chocolate contains not less than 3.66 percent by weight of milk fat, not less than 12 percent by weight of milk solids, and not less than 10 percent by weight of chocolate liquor as calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished milk chocolate, and multiplying the quotient by 100.

(b) The optional dairy ingredients referred to in paragraph (a) of this section are milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, butter, milk fat, cream, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, and nonfat dry milk solids; but in any such ingredient or combination of two or more of such ingredients used, the weight of nonfat milk solids is not more than 2.43 times and not less than 1.20 times the weight of milk fat therein.

(c) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements hereinafter prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(1) When the food is flavored with an optional ingredient specified in paragraph (a) (2) of this section, the label shall bear the statement "Artificially Flavored", "Artificial Flavoring Added", "With Artificial Flavoring", "Artificially Flavored With _____", or "With _____, An Artificial Flavoring", the blank being filled in with the specific common name of the artificial flavoring used.

(2) When an optional ingredient specified in paragraph (a) (3) or (4) of this section is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier."

(3) When any optional alkali ingredient specified in § 14.1 (a) is used the label shall bear the statement "Processed With Alkali", but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "With Added Emulsifier and Coumarin, An Artificial Flavoring."

§ 14.8 *Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating; identity; label statement of optional ingredients.* Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredients used are limited to skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk solids, and any combination of two or more of these.

(2) The finished skim milk chocolate contains less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of skim milk solids.

§ 14.9 *Buttermilk chocolate, buttermilk chocolate coating; identity; label statement of optional ingredients.* Buttermilk chocolate, buttermilk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredients used are limited to sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, or any combination of two or all of these.

(2) The finished buttermilk chocolate contains less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of sweet cream buttermilk solids.

§ 14.10 *Mixed dairy product chocolates, mixed dairy product chocolate coatings; identity; label statement of optional ingredients.* (a) The articles for which definitions and standards of identity are prescribed by this section are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by § 14.7, except that:

(1) The dairy ingredient used in each such article is a mixture of two or more of the following four components:

(i) Any dairy ingredient or combination of such ingredients specified in § 14.7 (b) which is within the limits of the ratios specified therein for nonfat milk solids to milk fat.

(ii) One or more of the five skim milk ingredients specified in § 14.8.

(iii) One or more of the three sweet cream buttermilk ingredients specified in § 14.9.

(iv) Malted milk.

(2) Each of the finished articles may contain less than 3.66 percent by weight of milk fat and, instead of milk solids, it contains not less than 12 percent by weight of milk constituent solids of the components used. The quantity of each component used in any such mixture is such that no component contributes less than one-third of the weight of milk constituent solids contributed by that component used in largest proportion. When any such mixture is of components (i) and (ii) of subparagraph (1), the quantity of nonfat milk solids in such mixture is more than 2.43 times the quantity of milk fat therein. For the purposes of paragraph (b) of this section, the designation of each of the components listed above is respectively "Milk," "Skim Milk," "Buttermilk," and "Malted Milk."

(b) The name of each such article is "chocolate" or "chocolate coating" preceded by the designations prescribed by paragraph (a) of this section for each component of the dairy ingredients used, such designations appearing in the order of predominance, if any, of the weight of milk constitutent solids in each such component. (For example, "Milk and Skim Milk Chocolate".)

§ 14.11 *Sweet chocolate and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.* (a) Sweet chocolate and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by § 14.6, except that:

(1) In its preparation is added one or any combination of two or more vegetable food oils or vegetable food fats, other than cacao fat, which oil, fat, or combination may be hydrogenated and which has a melting point lower than that of cacao fat.

(2) The requirement of § 14.6 (a) that the milk constituent solids be less than 12 percent by weight does not apply.

(b) The provisions of this section shall not be construed as applicable to any article by reason of the addition thereto of a vegetable food fat other than cacao fat as a carrier of emulsifying ingredients, as authorized and within the limit prescribed by § 14.6 (a).

§ 14.12 *Sweet cocoa and vegetable fat (other than cacao fat) coating; identity; label statement of optional ingredients.* Sweet cocoa and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by § 14.6, except that:

(1) In its preparation cocoa is used, instead of chocolate liquor, in such quantity that the finished food contains not less than 6.8 percent by weight of the nonfat cacao portion of such cocoa, calculated by subtracting from the weight of cocoa used the weight of cacao fat therein and the weight therein of alkali and seasoning ingredients, if any, dividing the remainder by the weight of the finished food, and multiplying the quotient by 100. (For the purposes of this section the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these.)

(2) In its preparation is added one or any combination of two or more vegetable food oils, vegetable food fats, or vegetable food stearins, other than cacao fat, which oil, fat, stearin, or combination has a melting point higher than that of cacao fat. Any such oil or fat may be hydrogenated.

(3) The requirement of § 14.6 (a) that the milk constituent solids be less than 12 percent by weight does not apply.

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

SUBPART A—WHEAT FLOUR AND RELATED PRODUCTS

Sec.

15.00 Flour, white flour, wheat flour, plain flour; identity; label statement of optional ingredients.
15.10 Enriched flour; identity; label statement of optional ingredients.
15.20 Bromated flour; identity; label statement of optional ingredients.
15.30 Enriched bromated flour; identity; label statement of optional ingredients.
15.40 Durum flour; identity.
15.50 Self-rising flour, self-rising white flour, self-rising wheat flour; identity; label statement of optional ingredients.
15.60 Enriched self-rising flour; identity; label statement of optional ingredients.
15.70 Phosphated flour, phosphated white flour, phosphated wheat flour; identity; label statement of optional ingredients.
15.80 Whole wheat flour, graham flour, entire wheat flour; identity; label statement of optional ingredients.
15.90 Bromated whole wheat flour; identity; label statement of optional ingredients.
15.100 Whole durum wheat flour; identity; label statement of optional ingredients.
15.110 Crushed wheat, coarse ground wheat; identity.
15.120 Cracked wheat; identity.
15.130 Farina; identity.
15.140 Enriched farina; identity; label statement of optional ingredients.
15.150 Semolina; identity.

SUBPART B—CORN FLOUR AND RELATED PRODUCTS

15.500 White corn meal; identity.
15.501 Yellow corn meal; identity.
15.502 Bolted white corn meal; identity.
15.503 Bolted yellow corn meal; identity.
15.504 Degerminated white corn meal, degermed white corn meal; identity.
15.505 Degerminated yellow corn meal, degermed yellow corn meal; identity.
15.506 Self-rising white corn meal; identity.
15.507 Self-rising yellow corn meal; identity.
15.508 White corn flour; identity.
15.509 Yellow corn flour; identity.
15.510 Grits, corn grits, hominy grits; identity.
15.511 Yellow grits, yellow corn grits, yellow hominy grits; identity.
15.512 Quick grits, quick cooking grits; identity.
15.513 Enriched corn meals; identity.
15.514 Enriched corn grits; identity.

AUTHORITY: §§ 15.00 to 15.514 issued under secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

SUBPART A—WHEAT FLOUR AND RELATED PRODUCTS

NOTE: For findings of fact relating to §§ 15.00 to 15.150, inclusive, see 6 F. R. 2574.

§ 15.00 *Flour, white flour, wheat flour, plain flour; identity; label statement of optional ingredients.* (a) Flour, white flour, wheat flour, plain flour, is the food prepared by grinding and bolting cleaned wheat other than durum wheat and red durum wheat; to compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted barley flour so used is not more than 0.25 percent. One of the cloths through which the flour is bolted has openings not larger than those of woven wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. The flour is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than the sum of one-twentieth of the percent of protein therein, calculated to a moisture-free basis, and 0.35. Its moisture content is not more than 15 percent. Unless such addition conceals damage or inferiority of the flour or makes it appear better or of greater value than it is, one or any combination of two or more of the following optional bleaching ingredients may be added in a quantity not more than sufficient for bleaching or, in case such ingredient has an artificial aging effect, in a quantity not more than sufficient for bleaching and such artificial aging effect:

(1) Oxides of nitrogen.
(2) Chlorine.
(3) Nitrosyl chloride.
(4) Nitrogen trichloride.
(5) One part by weight of benzoyl peroxide mixed with not more than six parts by weight of a mixture of either potassium alum or calcium sulfate and magnesium carbonate.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purposes of this section:

(1) Ash is determined by the method prescribed in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 212 [Ed. note, 6th edition, 1945, p. 238], under "Method I—Official." Ash is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of ash, and multiplying the quotient by 100.

(2) Protein is 5.7 times the nitrogen as determined by the method prescribed in such book on page 26 [Ed. note, 6th edition, p. 27], under "Kjeldahl-Gunning-Arnold Method—Official." Protein is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of protein, and multiplying the quotient by 100.

(3) Moisture is determined by the method prescribed in such book on page 211 [Ed. note, 6th edition, p. 237], under "Vacuum Oven Method—Official."

§ 15.10 *Enriched flour; identity; label statement of optional ingredients.* Enriched flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.00, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe);

(b) Vitamin D may be added in such quantity that each pound of the finished enriched flour contains not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D;

(c) Calcium may be added in such quantity that each pound of the finished enriched flour contains not less than 500 milligrams and not more than 625 milligrams of calcium (Ca), except that enriched flour may be acidified with monocalcium phosphate irrespective of the minimum limit for calcium (Ca) herein prescribed;

(d) It may contain not more than 5 percent by weight of wheat germ or partly defatted wheat germ; and

(e) In determining whether the ash content complies with the requirements of this section allowance is made for ash resulting from any added iron or salts of iron or calcium.

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in paragraphs (a) and (b) of this section may be added in a harmless carrier which does not impair the enriched flour; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

NOTE: For findings of fact relating to § 15.10, see 8 F. R. 9115.

§ 15.20 *Bromated flour; identity; label statement of optional ingredients.* Bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for flour by § 15.00, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished bromated flour, and is added only to flours whose baking qualities are improved by such addition.

§ 15.30 *Enriched bromated flour; identity; label statement of optional ingredients.* Enriched bromated flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for enriched flour by § 15.10, except that potassium bromate is added in a quantity not exceeding 50 parts to each million parts of the finished enriched bromated flour, and is added only to enriched flours whose baking qualities are improved by such addition.

NOTE: §§ 15.20 and 15.30 shall become effective on the ninetieth day following July 23, 1948 (13 F. R. 4232).

For findings of fact relating to §§ 15.20 and 15.30, see 13 F. R. 4231.

§ 15.40 *Durum flour; identity.* (a) Durum flour is the food prepared by grinding and bolting cleaned durum wheat. One of the cloths through which such flour is bolted has openings not larger than those of woven-wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 1.5 percent. Its moisture content is not more than 15 percent.

(b) For the purposes of this section, ash and moisture are determined by the methods therefor referred to in § 15.00 (c).

§ 15.50 *Self-rising flour, self-rising white flour, self-rising wheat flour; identity; label statement of optional ingredients.* (a) Self-rising flour, self-rising white flour, self-rising wheat flour, is an intimate mixture of flour, sodium bicarbonate, and the acid-reacting substance monocalcium phosphate or sodium acid pyrophosphate or both. It is seasoned with salt. When it is tested by the method prescribed in paragraph (c) of this section not less than 0.5 percent of carbon dioxide is evolved. The acid-reacting substance is added in sufficient quantity to neutralize the sodium bicarbonate. The combined weight of such acid-reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of flour used. Subject to the conditions and restrictions prescribed by § 15.00 (a), the bleaching ingredients specified in such section may be added as optional ingredients. If the flour used in making the self-rising flour is bleached, the optional bleaching ingredient used therein (see § 15.00 (a)) is also an optional ingredient of the self-rising flour.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) The method referred to in paragraph (a) of this section is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, beginning on page 186 [Ed. note, 6th edition, p. 208] under "Gasometric Method with Chittick's Apparatus—Official", except that the following procedure is substituted for the procedure specified therein under "6—Determination":

Weigh 17 grams of the official sample into flask A, add 15–20 glass beads (4–6 mm. diameter), and connect this flask with the apparatus (fig. 22). Open stopcock C and by means of the leveling bulb E bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition.) Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flask from burette F 45 cc. of sulfuric acid (1+5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for ten minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 24—Chapter XLIII [Ed. note, 6th edition, 1945, 44.30] for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of flour, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official sample to obtain percent of carbon dioxide evolved from the official sample.

§ 15.60 *Enriched self-rising flour; identity; label statement of optional ingredients.* Enriched self-rising flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for self-rising flour by § 15.50, except that:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe), not less than 500 milligrams and not more than 1,500 milligrams of calcium (Ca);

(b) Vitamin D may be added in such quantity that each pound of the finished enriched self-rising flour contains not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D;

15.40 Durum flour; identity.

(c) It may contain not more than 5 percent by weight of wheat germ or partly defatted wheat germ;

(d) When calcium is added as dicalcium phosphate, such dicalcium phosphate is also considered to be an acid-reacting substance; and

(e) When calcium is added as carbonate, the method set forth in § 15.50 (c) does not apply as a test for carbon dioxide evolved; but in such case the quantity of carbon dioxide evolved under ordinary conditions of use of the enriched self-rising flour is not less than 0.5 percent of the weight thereof.

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in paragraphs (a) and (b) of this section may be added in a harmless carrier which does not impair the enriched self-rising flour; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the flour.

NOTE: For findings of fact relating to § 15.60, see 8 F. R. 9115.

§ 15.70 *Phosphated flour, phosphated white flour, phosphated wheat flour; identity; label statement of optional ingredients.* Phosphated flour, phosphated white flour, phosphated wheat flour, conforms to the definition and standard of identity, and is subject to the requirements for label declaration of optional ingredients, prescribed for flour by § 15.00, except that:

(a) Monocalcium phosphate is added in a quantity not less than 0.25 percent and not more than 0.75 percent of the weight of the finished phosphated flour; and

(b) In determining whether the ash content complies with the requirements of this section allowance is made for the added monocalcium phosphate.

§ 15.80 *Whole wheat flour, graham flour, entire wheat flour; identity; label statement of optional ingredients.* (a) Whole wheat flour, graham flour, entire wheat flour, is the food prepared by so grinding cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in paragraph (c) (2) of this section, not less than 90 percent passes through a No. 8 sieve and not less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted wheat flour so used is not more than 0.5 percent, and the quantity of malted barley flour so used is not more than 0.25 percent. The moisture content of whole wheat flour is not more than 15 percent. Unless such addition conceals damage or inferiority of the whole wheat flour or makes it appear better or of greater value than it is, the optional bleaching ingredient nitrogen trichloride, chlorine, or a mixture of nitrosyl chloride and chlorine, may be added in a quantity not more than sufficient for bleaching and artificial aging effects.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purpose of this section:

(1) Moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 211 [Ed. note, 6th edition, 1945, p. 237] under "Vacuum Oven Method—Official."

(2) The method referred to in paragraph (a) of this section is as follows: Use No. 8 and No. 20 sieves, having standard 8-inch full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 8 sieve into a No. 20 sieve. Attach bottom pan to the No. 20 sieve. Pour 100 grams of the sample into the No. 8 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Weigh the material which fails to pass through the No. 8 sieve and the material which passes through the No. 20 sieve.

§ 15.90 *Bromated whole wheat flour; identity; label statement of optional ingredients.* Bromated whole wheat flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for whole wheat flour by § 15.80, except that potassium bromate is added in a quantity not exceeding 75 parts to each million parts of finished bromated whole wheat flour.

§ 15.100 *Whole durum wheat flour; identity; label statement of optional ingredients.* Whole durum wheat flour conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for whole wheat flour by § 15.80, except that cleaned durum wheat, instead of cleaned wheat other than durum wheat and red durum wheat, is used in its preparation.

§ 15.110 *Crushed wheat, coarse ground wheat; identity.* Crushed wheat, coarse ground wheat, is the food prepared by so crushing cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in § 15.80 (c) (2), 40 percent or more passes through a No. 8 sieve and less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. Crushed wheat contains not more than 15 percent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 353 [Ed. note, 6th edition, 1945, p. 404], under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official."

§ 15.120 *Cracked wheat; identity.* Cracked wheat is the food prepared by so cracking or cutting into angular fragments cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in § 15.80 (c) (2), not less than 90 percent passes through a No. 8 sieve and not more than 20 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. Cracked wheat contains not more than 15 percent of moisture as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 5th edition, 1940, page 353 [Ed. note, 6th edition, 1945, p. 404], under "Preparation of Sample—Official" and "Moisture I. Drying with Heat—Official."

§ 15.130 *Farina; identity.* (a) Farina is the food prepared by grinding and bolting cleaned wheat, other than durum wheat and red durum wheat, to such fineness that, when tested by the method prescribed in paragraph (b) (2) of this section, it passes through a No. 20 sieve, but not more than 3 percent passes through a No. 100 sieve. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 0.6 percent. Its moisture content is not more than 15 percent.

(b) For the purposes of this section:

(1) Ash and moisture are determined by the methods therefor referred to in § 15.00 (c).

(2) The method referred to in paragraph (a) of this section is as follows: Use No. 20 and No. 100 sieves, having standard 8-inch full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 20 sieve into a No. 100 sieve. Attach bottom pan to the No. 100 sieve. Pour 100 grams of the sample into the No. 20 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about one-sixth of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for two minutes. Weigh the material which fails to pass through the No. 20 sieve and the material which passes through the No. 100 sieve.

§ 15.140 *Enriched farina; identity; label statement of optional ingredients.* (a) Enriched farina conforms to the definition and standard of identity prescribed for farina by § 15.130, except that:

(1) It contains in each pound not less than 1.66 milligrams of vitamin B_1, not less than 1.2 milligrams of riboflavin, not less than 6 milligrams of niacin or niacin amide, and not less than 6 milligrams of iron (Fe);

NOTE: The effective date of the requirement that each pound of enriched farina contain not less than 1.2 milligrams of riboflavin was postponed until further announcement, 8 F. R. 3358, 9115.

(2) Vitamin D may be added in such quantity that each pound of the finished enriched farina contains not less than 250 U. S. P. units of the optional ingredient vitamin D;

(3) Calcium may be added in such quantity that each pound of the finished enriched farina contains not less than 500 milligrams of the optional ingredient calcium (Ca).

(4) It may contain not more than 8 percent by weight of the optional ingredient wheat germ or partly defatted wheat germ.

(5) It may contain not less than 0.5 percent and not more than 1 percent by weight of the optional ingredient disodium phosphate.

(6) In determining whether the ash content complies with the requirements of this section allowance is made for ash resulting from any added iron or salts of iron or calcium, or from any added disodium phosphate, or from any added wheat germ or partly defatted wheat germ.

Iron and calcium may be added only in forms which are harmless and assimilable. Dried irradiated yeast may be used as a source of vitamin D. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched farina; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the farina.

(b) When the optional ingredient disodium phosphate is used, the label shall bear the statement "Disodium phosphate added for quick cooking." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if such statement is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

§ 15.150 *Semolina; identity.* (a) Semolina is the food prepared by grinding and bolting cleaned durum wheat to such fineness that, when tested by the method prescribed in § 15.130 (b) (2), it passes through a No. 20 sieve, but not more than 3 percent passes through a No. 100 sieve. It is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis, is not more than 0.92 percent. Its moisture content is not more than 15 percent.

(b) For the purpose of this section:

Ash and moisture are determined by the methods therefor referred to in § 15.00 (c).

SUBPART B—CORN FLOUR AND RELATED PRODUCTS

NOTE: For findings of fact relating to §§ 15.500 to 15.514, see 12 F. R. 3107.

§ 15.500 *White corn meal; identity.* (a) White corn meal is the food prepared by so grinding cleaned white corn that when tested by the method prescribed in paragraph (b) (2) of this section not less than 95 percent passes through a No. 12 sieve, not less than 45 percent through a No. 25 sieve, but not more than 35 percent through a No. 72 grits gauze. Its moisture content is not more than 15 percent. In its preparation coarse particles of the ground corn may be separated and discarded, or reground and recombined with all or part of the material from which they were separated, but in any such case the crude fiber content of the finished corn meal is not less than 1.2 percent and not more than that of the cleaned corn from which it was ground, and its fat content does not differ more than 0.3 percent from that of such corn. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) (1) For the purposes of this section moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 6th edition, page 259, §§ 20.70 and 20.71; fat is determined by the method prescribed on pages 259 and 260, §§ 20.70 and 20.73; and crude fiber determined by the method prescribed on pages 259 and 260, §§ 20.70 and 20.74.

(2) The method referred to in paragraph (a) of this section is as follows:

Use No. 12 and No. 25 sieves, having standard 8-inch diameter, full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. A sieve with frame of the same dimensions as the Nos. 12 and 25 and fitted with 72 XXX grits gauze is used as the third sieve. It is referred to hereafter as the No. 72 sieve. The 72 XXX grits gauze has openings equivalent in size with those of No. 70 woven-wire cloth, complying with specifications for such cloth contained in such "Standard Specifications for Sieves." Attach bottom pan to No. 72 sieve. Fit the No. 25 sieve into the No. 72 sieve and the No. 12 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 12 sieve, attach cover and hold the assembly in a slightly inclined position and shake the assembly of sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the assembly of sieves about ⅙ of a revolution, each time in the same direction, after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on each sieve and in the pan, and calculate each weight as percent of sample. Sometimes when meals are tested, fine particles clog the sieve openings. If any sieve is clogged by fine material smaller than its openings, empty the contents onto a piece of paper. Remove the entrapped material on the bottom of the sieve by a hair brush and add to the sieve below. In like manner, clean the adhering material from inside the sieve and add to the material on the paper. Return mixture on the paper to the sieve, reassemble the sieves, and shake in the same manner as before for 1 minute. Repeat cleaning procedure if necessary until a 5-gram or les loss in weight occurs in any sieve during a 1-minute shaking. The percent of sample passing through No. 12 sieve shall be determined by subtracting from 100 percent, the percent of material remaining on the No. 12 sieve. The percent passing through a No. 25 sieve shall be determined by adding the percents remaining on the No. 72 sieve and the percent in pan. The percent in the pan shall be considered as the percent passing through a No. 72 XXX grits gauze.

§ 15.501 *Yellow corn meal; identity.* Yellow corn meal conforms to the definition and standard of identity prescribed by § 15.500 for white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.502 *Bolted white corn meal; identity.* (a) Bolted white corn meal is the food prepared by so grinding and sifting cleaned white corn that:

(1) Its crude fiber content is less than 1.2 percent but its fat content is not less than 2.25 percent, and

(2) When tested by the method prescribed in § 15.500 (b) (2), except that a No. 20 standard sieve is used instead of the No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 XXX grits gauze. Its moisture content is not more than 15 percent. In its preparation particles of ground corn which contain germ may be separated, reground, and recombined with all or part of the material from which it was separated, but in any such case the fat content of the finished bolted white corn meal does not exceed by more than 0.3 percent the fat content of the cleaned corn from which it was ground. The contents of crude fiber and fat in all the foregoing provisions relating thereto are on a moisture-free basis.

(b) For the purposes of this section, moisture, fat and crude fiber are determined by the methods therefor referred to in § 15.500 (b) (1).

§ 15.503 *Bolted yellow corn meal; identity.* Bolted yellow corn meal conforms to the definition and standard of identity prescribed by § 15.502 for bolted white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.504 *Degerminated white corn meal, degermed white corn meal; identity.* (a) Degerminated white corn meal, degermed white corn meal, is the food prepared by grinding cleaned white corn and removing bran and germ so that:

(1) On a moisture-free basis, its crude fiber content is less than 1.2 percent and its fat content is less than 2.25 percent; and

(2) When tested by the method prescribed in § 15.500 (b) (2), except that a No. 20 standard sieve is used instead of a No. 12 sieve, not less than 95 percent passes through a No. 20 sieve, not less than 45 percent through a No. 25 sieve, but not more than 25 percent through No. 72 XXX grits gauze. Its moisture content is not more than 15 percent.

(b) For the purpose of this section, moisture, fat and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

§ 15.505 *Degerminated yellow corn meal, degermed yellow corn meal; identity.* Degerminated yellow corn meal, degermed yellow corn meal, conforms to the definition and standard of identity prescribed by § 15.504 for degerminated white corn meal except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.506 *Self-rising white corn meal; identity.* (a) Self-rising white corn meal is an intimate mixture of white corn meal, sodium bicarbonate, and the acid-reacting substance monocalcium phosphate. It is seasoned with salt. When it is tested by the method prescribed in paragraph (b) of this section, not less than 0.5 percent of carbon dioxide is evolved. The acid-reacting substance is added in sufficient quantity to neutralize the sodium bicarbonate. The combined weight of such acid-reacting substance and sodium bicarbonate is not more than 4.5 parts to each 100 parts of white corn meal used.

(b) The method referred to in paragraph (a) of this section is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 6th Edition, beginning on page 208 under "Gasometric Method (2) with Chittick's Apparatus—Official", except that the following procedure is substituted for the procedure specified therein under "17.6—Determination":

Weigh 17 grams of the official sample into flask *A*, add 15–20 glass beads (4–6 mm. diameter), and connect this flask with the apparatus (fig. 25). Open stopcock *C* and by means of the leveling bulb *E* bring the displacement solution to the 25 cc. graduation above the zero mark. (This 25 cc. is a partial allowance for the volume of acid to be used in the decomposition.) Allow the apparatus to stand 1–2 minutes to insure that the temperature and pressure within the apparatus are the same as those of the room. Close the stopcock, lower the leveling bulb somewhat to reduce the pressure within the apparatus, and slowly run into the decomposition flask from burette *F* 45 cc. of sulfuric acid (1+5). To prevent the liberated carbon dioxide from escaping through the acid burette into the air, keep the displacement solution in the leveling bulb at all times during the decomposition at a lower level than that in the gas-measuring tube. Rotate and then vigorously agitate the decomposition flask for three minutes to mix the contents intimately. Allow to stand for 10 minutes to bring to equilibrium. Equalize the pressure in the measuring tube by means of the leveling bulb and read the volume of gas from the zero point on the tube. Deduct 20 cc. from this reading (this 20 cc. together with previous allowance of 25 cc. compensates for the 45 cc. acid used in the decomposition). Observe the temperature of the air surrounding the apparatus and also the barometric pressure and multiply the number of cc. of gas evolved by the factor given in Table 44.30 — Reference Tables for the temperature and pressure observed. Divide the corrected reading by 100 to obtain the apparent percent by weight of carbon dioxide in the official sample.

Correct the apparent percent of carbon dioxide to compensate for varying atmospheric conditions by immediately assaying a synthetic sample by the same method in the same apparatus.

Prepare the synthetic sample with 16.2 grams of corn meal, 0.30 gram of monocalcium phosphate, 0.30 gram of salt, and a sufficient quantity of sodium bicarbonate U. S. P. (dried over sulfuric acid) to yield the amount of carbon dioxide recovered in assay of official sample. Determine this quantity by multiplying weight of carbon dioxide recovered in assay of official sample by 1.91.

Divide the weight of carbon dioxide recovered from synthetic sample by weight of carbon dioxide contained in sodium bicarbonate used.

Divide the quotient into the apparent percent of carbon dioxide in official sample to obtain percent of carbon dioxide evolved from the official sample.

§ 15.507 *Self-rising yellow corn meal; identity.* Self-rising yellow corn meal conforms to the definition and standard of identity prescribed by § 15.506 for self-rising white corn meal except that yellow corn meal is used instead of white corn meal.

§ 15.508 *White corn flour; identity.* (a) White corn flour is the food prepared by so grinding and bolting cleaned white corn that when tested by the method prescribed in paragraph (b) (2) of this section, not less than 98 percent passes through a No. 50 sieve and not less than 50 percent passes through No. 70 woven-wire cloth. Its moisture content is not more than 15 percent. In its preparation part of the ground corn may be removed, but in any such case, the content (on a moisture-free basis) of neither the crude fiber nor fat in the finished white corn flour exceeds the content (on a moisture-free basis) of such substance in the cleaned corn from which it was ground.

(b) (1) For the purpose of this section, moisture, fat, and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

(2) The method referred to in paragraph (a) of this section is as follows:

Weigh 5 grams of sample into a tared truncated metal cone (top diameter 5 centimeters, bottom diameter 2 centimeters, height 4 centimeters), fitted at bottom with 70-mesh wire cloth complying with the specifications for No. 70 wire cloth in "Standard Specifications for Sieves", published March 1, 1940 in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. Attach cone to a suction flask. Wash with 150 ml. of petroleum ether applied in a small stream without suction, while gently stirring the sample with a small glass rod. Apply suction for 2 minutes after washing is completed, then shake the cone for 2 minutes with a vigorous horizontal motion, striking the side against the hand, and then weigh. The decrease in weight of sample, calculated as percent by weight of sample shall be considered the percent passing through No. 70 wire cloth. Transfer the residue from cone to a No. 50 sieve having a standard 8-inch diameter full height frame, complying with the specifications for wire cloth and sieve frame in said "Standard Specifications for Sieves." Shake for 2 minutes with a vigorous horizontal motion, striking the side against the hand; remove and weigh the residue; calculate the weight of residue as percent by weight of sample, and subtract from 100 percent to obtain the percent of sample passing through the No. 50 sieve.

§ 15.509 *Yellow corn flour; identity.* Yellow corn flour conforms to the definition and standard of identity prescribed by § 15.508 for white corn flour except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.510 *Grits, corn grits, hominy grits; identity.* (a) Grits, corn grits, hominy grits, is the food prepared by so grinding and sifting cleaned white corn, with removal of corn bran and germ, that:

(1) On a moisture-free basis its crude fiber content is not more than 1.2 percent and its fat content is not more than 2.25 percent; and

(2) When tested by the method prescribed in paragraph (b) (2) of this section not less than 95 percent passes through a No. 10 sieve but not more than 20 percent through a No. 25 sieve.

(b) (1) For the purposes of this section moisture, fat, and crude fiber are determined by methods therefor referred to in § 15.500 (b) (1).

(2) The method referred to in paragraph (a) of this section is as follows:

Use No. 10 and No. 25 sieves, having standard 8-inch diameter full-height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the Bureau of Standards, U. S. Department of Commerce. Attach bottom pan to No. 25 sieve. Fit the No. 10 sieve into the No. 25 sieve. Pour 100 grams of sample into the No. 10 sieve, attach cover and hold assembly in a slightly inclined position, shake the sieves by striking the sides against one hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about ⅙ of a revolution each time in the same direction after each 25 strokes. Continue shaking for 2 minutes. Weigh separately the material remaining on the No. 10 sieve and in the pan, and calculate each weight as percent of sample. The percent of sample passing through a No. 10 sieve shall be determined by subtracting from 100 percent, the percent remaining on the No. 10 sieve. The percent of material in the pan shall be considered as the percent passing through a No. 25 sieve.

§ 15.511 *Yellow grits, yellow corn grits, yellow hominy grits; identity.* Yellow grits, yellow corn grits, yellow hominy grits, conforms to the definition and standard of identity prescribed by § 15.510 for grits except that cleaned yellow corn is used instead of cleaned white corn.

§ 15.512 *Quick grits, quick cooking grits; identity.* (a) Quick grits, quick cooking grits are the foods, each of which conforms to the definition and standard of identity prescribed for a kind of grits by §§ 15.510 or 15.511, except that in process of preparation the grits are lightly steamed and slightly compressed so as to fracture the particles.

(b) The name of each kind of grits is "Quick" or "Quick cooking" followed by the name of the kind of grits used which is prescribed in the definition and standard of identity therefor.

§ 15.513 *Enriched corn meals; identity.* (a) Enriched corn meals are the foods, each of which conforms to the definition and standard of identity prescribed for a kind of corn meal by §§ 15.500 to 15.507, inclusive, except that:

(1) It contains in each pound not less than 2.0 mg. and not more than 3.0 mg. of thiamine, not less than 1.2 mg. and not more than 1.8 mg. of riboflavin, not less than 16 mg. and not more than 24 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 26 mg. of iron (Fe);

(2) It may contain in each pound not less than 250 U. S. P. units and not more than 1,000 U. S. P. units of vitamin D; and

(3) It may contain in each pound not less than 500 mg. and not more than 750 mg. of calcium (Ca). Iron and calcium may be added only in forms which are harmless and assimilable. The vitamins referred to in subparagraph (1) of this paragraph may be combined with harmless substances to render them insoluble in water if the water-insoluble products are assimilable. The substances referred to in subparagraphs (1), (2), and (3) of this paragraph may be added in a harmless carrier; such carrier is used only in the quantity necessary to effect an intimate and uniform admixture of such substances with the kind of corn grits used. Dried yeast in quantities not exceeding 1.5 percent by weight of the finished food may be used. When the finished food is tested by the method prescribed in paragraph (c) of this section it complies with the requirements set forth therein.

(b) The name of each kind of enriched corn grits is the word "Enriched" followed by the name of the kind of corn grits used which is prescribed in the definition and standard of identity therefor.

(c) The method referred to in paragraph (a) of this section is as follows:

Transfer 100 grams of enriched grits to a 2-liter Erlenmeyer flask containing 1 liter of water at 25° C. Stopper the flask and rotate it for exactly ½ minute so that the grits are kept in motion. Allow the grits to settle for ½ minute, then pour off 850 cc. of the water along with any floating or suspended matter. Determine thiamine, riboflavin, niacin, and iron in the wet grits and water remaining in the flask. Calculate as mg. per pound of the grits before rinsing. The amounts found by this procedure are not less than 85 percent of the minimum amounts of thiamine, riboflavin, niacin and iron prescribed by the standard for enriched grits.

PART 16—ALIMENTARY PASTES; DEFINITIONS AND STANDARDS OF IDENTITY

MACARONI AND NOODLE PRODUCTS

Sec.
16.1 Macaroni products; identity; label statement of optional ingredients.
16.2 Milk macaroni products; identity; label statement of optional ingredients.
16.3 Whole wheat macaroni products; identity; label statement of optional ingredients.
16.4 Wheat and soy macaroni products; identity; label statement of optional ingredients.
16.5 Vegetable macaroni products; identity; label statement of optional ingredients.
16.6 Noodle products; identity; label statement of optional ingredients.
16.7 Wheat and soy noodle products; identity; label statement of optional ingredients.
16.8 Vegetable noodle products; identity; label statement of optional ingredients.
16.9 Enriched macaroni products; identity; label statement of optional ingredients.
16.10 Enriched noodle products; identity; label statement of optional ingredients.

AUTHORITY: §§ 16.1 to 16.10 issued under secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 16.1 to 16.10, inclusive, see 9 F. R. 14881, 11 F. R. 7503, 7521.

§ 16.1 *Macaroni products; identity; label statement of optional ingredients.* (a) Macaroni products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with water and with or without one or more of the optional ingredients specified in subparagraphs (1) to (5), inclusive:

(1) Egg white, frozen egg white, dried egg white, or any two or all of these, in such quantity that the solids thereof is not less than 0.5 percent and not more than 2.0 percent of the weight of the finished food.

(2) Disodium phosphate, in a quantity not less than 0.5 percent and not more than 1.0 percent of the weight of the finished food.

(3) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(4) Salt, in a quantity which seasons the food.

(5) Gum gluten, in such quantity that the protein content of the finished food is not more than 13 percent by weight.

The finished macaroni product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, page 235 [Ed. note, 6th edition, 1945, p. 265], under "Vacuum Oven Method—Official."

(b) Macaroni is the macaroni product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(c) Spaghetti is the macaroni product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(d) Vermicelli is the macaroni product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Macaroni Product;" or alternately, the name is "Macaroni," "Spaghetti," or "Vermicelli," as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), or (d), respectively, of this section.

(f) (1) When disodium phosphate is used the label shall bear the statement "Disodium phosphate added for quick cooking."

(2) When any ingredient specified in paragraph (a) (3) of this section is used the label shall bear the statement "Seasoned with ------," the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced," "Spice added," or "Spiced with bay leaves."

(3) Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the optional ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.2 *Milk macaroni products; identity; label statement of optional ingredients.* (a) Milk macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Milk is used as the sole moistening ingredient in preparing the dough; or in lieu of milk one or more of the milk ingredients specified in paragraph (f) of this section is used, with or without water, in such quantity that the weight of milk solids therein is not less than 3.8 percent of the weight of the finished milk macaroni product; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten [§ 16.1 (a) (5)] is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour, or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Milk macaroni is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Milk spaghetti is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Milk vermicelli is the milk macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Milk Macaroni Product"; or alternately, the name is "Milk Macaroni," "Milk Spaghetti," or "Milk Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, of this section.

(f) The milk ingredients referred to in paragraph (a) (1) of this section are concentrated milk, evaporated milk, dried milk, and a mixture of butter with skim milk, concentrated skim milk, evaporated skim milk, defatted milk solids (dried skim milk), or any two or more of these, in such proportion that the weight of nonfat milk solids in such mixture is not more than 2.275 times the weight of milk fat therein.

§ 16.3 *Whole wheat macaroni products; identity; label statement of optional ingredients.* (a) Whole wheat macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Whole wheat flour or whole durum wheat flour or both are used as the sole wheat ingredient; and

(2) None of the optional ingredients permitted by § 16.1 (a) (1), (2), and (5) is used.

(b) Whole wheat macaroni is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Whole wheat spaghetti is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Whole wheat vermicelli is the whole wheat macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Whole Wheat Macaroni Product;" or alternately, the name is "Whole Wheat Macaroni," "Whole Wheat Spaghetti," or "Whole Wheat Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, of this section.

§ 16.4 *Wheat and soy macaroni products; identity; label statement of optional ingredients.* (a) Wheat and soy macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Soy flour is added in a quantity not less than 12.5 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten (§ 16.1 (a) (5)) is added, the quantity is such that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Wheat and soy macaroni is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Wheat and soy spaghetti is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Wheat and soy vermicelli is the wheat and soy macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d)

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Macaroni Product," "Wheat and Soybean Macaroni Product," "-------- and Soy Macaroni Product," or "------ and Soybean Macaroni Product," the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a); or alternately, the name is "Wheat and Soy Macaroni," "Wheat and Soybean Macaroni," "---- and Soy Macaroni," or "---- and Soybean Macaroni" when the units of the food comply with the requirements of paragraph (b) of this section; or "Wheat and Soy Spaghetti," "Wheat and Soybean Spaghetti," "------ and Soy Spaghetti," or "------- and Soybean Spaghetti" when such units comply with the requirements of paragraph (c) of this section; or "Wheat and Soy Vermicelli," "Wheat and Soybean Vermicelli," "------ and Soy Vermicelli," or "------ and Soybean Vermicelli" when such units comply with the requirements of paragraph (d) of this section, the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.1 (a).

§ 16.5 *Vegetable macaroni products; identity; label statement of optional ingredients.* (a) Vegetable macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f) (2) and (3), except that:

(1) Tomato (of any red variety), artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable macaroni product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste); and

(2) None of the optional ingredients permitted by § 16.1 (a) (1) and (2) is used. When the optional ingredient gum gluten [§ 16.1 (a) (5)] is added, the quantity is such that the protein derived therefrom, together with the protein derived from the semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

(b) Vegetable macaroni is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Vegetable spaghetti is the vegetable macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Vegetable vermicelli is the vegetable macaroni product, the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "------ Macaroni Product," the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section; or alternately, the name is "------ Macaroni," "------ Spaghetti," or "------ Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), or (d), respectively, the blank in each instance being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section.

§ 16.6 *Noodle products; identity; label statement of optional ingredients.* (a) Noodle products are the class of food each of which is prepared by drying formed units of dough made from semolina, durum flour, farina, flour, or any combination of two or more of these, with liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks, or any combination of two or more of these, with or without water and with or without one or more of the optional ingredients specified in subparagraphs (1) to (3), inclusive:

(1) Onions, celery, garlic, bay leaf, or any two or more of these, in a quantity which seasons the food.

(2) Salt, in a quantity which seasons the food.

(3) Gum gluten, in such quantity that the protein derived therefrom, together with the protein derived from semolina, durum flour, farina, flour or any combination of these used, does not exceed 13 percent of the weight of the finished food.

The finished noodle product contains not less than 87 percent of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940, page 235 [Ed. note, 6th edition, 1945, p. 237], under "Vacuum Oven Method—Official." The total solids of noodle products contains not less than 5.5 percent by weight of the solids of egg, or egg yolk.

(b) Noodles, egg noodles, is the noodle product the units of which are ribbon-shaped.

(c) Egg macaroni is the noodle product the units of which are tube-shaped and more than 0.11 inch but not more than 0.27 inch in diameter.

(d) Egg spaghetti is the noodle product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

(e) Egg vermicelli is the noodle product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter.

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Noodle Product" or "Egg Noodle Product"; or alternately, the name is "Noodles" or "Egg Noodles," "Egg Macaroni," "Egg Spaghetti," or "Egg Vermicelli," as the case may be, when the units of the food are of the shapes and sizes specified in paragraph (b), (c), (d), or (e), respectively, of this section.

(g) When any ingredient specified in paragraph (a) (1) of this section is used the label of the noodle product shall bear the statement "Seasoned with ------," the blank being filled in with the common name of the ingredient; or in the case of bay leaves the statement "Spiced," "Spice added," or "Spiced with bay leaves." Wherever the name of the food appears on such label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein prescribed showing the ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name without intervening written, printed, or other graphic matter.

§ 16.7 *Wheat and soy noodle products; identity; label statement of optional ingredients.* (a) Wheat and soy noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that soy flour is added in a quantity not less than 12.5 percent of the combined weight of the wheat and soy ingredients used (the soy flour used is made from heat-processed, dehulled soybeans, with or without the removal of fat therefrom).

(b) Wheat and soy noodles, wheat and soy egg noodles, is the wheat and soy noodle product the units of which are ribbon-shaped.

(c) Wheat and soy egg macaroni is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Wheat and soy egg spaghetti is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Wheat and soy egg vermicelli is the wheat and soy noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Wheat and Soy Noodle Product," "Wheat and Soy Egg Noodle Product," "Wheat and Soybean Noodle Product," "Wheat and Soybean Egg Noodle Product," "------ and Soy Noodle Product," "------ and Soy Egg Noodle Product," "------ and Soybean Noodle Product," or "------ and Soybean Egg Noodle Product," the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a); or alternately, the name is "Wheat and Soy Noodles," "Wheat and Soy Egg Noodles," "Wheat and Soybean Noodles," "Wheat and Soybean Egg Noodles," "------ and Soy Noodles," "------ and Soy Egg Noodles," "------ and Soybean Noodles," or "------ and Soybean Egg Noodles" when the units of the food comply with the requirements of paragraph (b) of this section; or "Wheat and Soy Egg Macaroni," "Wheat and Soybean Egg Macaroni," "------ and Soy Egg Macaroni," or "------ and Soybean Egg Macaroni" when such units comply with the requirements of paragraph (c) of this section; or "Wheat and Soy Egg Spaghetti," "Wheat and Soybean Egg Spaghetti," "------ and Soy Egg Spaghetti," or "---- and Soybean Egg Spaghetti" when such units comply with the requirements of paragraph (d) of this section; or "Wheat and Soy Egg Vermicelli," "Wheat and Soybean Egg Vermicelli," "------ and Soy Egg Vermicelli," or "------ and Soybean Egg Vermicelli," when such units comply with the requirements of paragraph (e) of this section, the blank in each instance being filled in with the name whereby the wheat ingredient used is designated in § 16.6 (a).

§ 16.8 *Vegetable noodle products; identity; label statement of optional ingredients.* (a) Vegetable noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that tomato (of any red variety), artichoke, beet, carrot, parsley, or spinach is added in such quantity that the solids thereof is not less than 3 percent by weight of the finished vegetable noodle product (the vegetable used may be fresh, canned, dried, or in the form of puree or paste).

(b) Vegetable noodles, vegetable egg noodles, is the vegetable noodle product the units of which are ribbon-shaped.

(c) Vegetable egg macaroni is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni by § 16.6 (c).

(d) Vegetable egg spaghetti is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti by § 16.6 (d).

(e) Vegetable egg vermicelli is the vegetable noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli by § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "---------- Noodle Product" or "------ Egg Noodle Product," the blank being filled in with the name whereby the vegetable used is designated in paragraph (a) of this section; or alternately, the name is "------ Noodles" or "------ Egg Noodles," "------- Egg Macaroni," "------- Egg Spaghetti," or "------ Egg Vermicelli," as the case may be, when the units of the food comply with the requirements of paragraph (b), (c), (d), or (e), respectively, the blank in each instance being filled in with the name whereby the vegetable is designated in paragraph (a) of this section.

§ 16.9 *Enriched macaroni products; identity; label statement of optional ingredients.* (a) Enriched macaroni products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for macaroni products by § 16.1 (a) and (f), except that:

(1) Each such food contains in each pound not less than 4 mg. and not more than 5 mg. of thiamine, not less than 1.7 mg. and not more than 2.2 mg. of riboflavin, not less than 27 mg. and not more than 34 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 16.5 mg. of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P. units and not more than 1000 U. S. P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mg. and not more than 625 mg. of calcium (Ca);

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed 5% of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3) of this paragraph through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2), and (3).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched macaroni product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched macaroni product.

(b) Enriched macaroni is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for macaroni by § 16.1 (b).

(c) Enriched spaghetti is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for spaghetti by § 16.1 (c).

(d) Enriched vermicelli is the enriched macaroni product the units of which conform to the specifications of shape and size prescribed for vermicelli by § 16.1 (d).

(e) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched Macaroni Product;" or alternately, the name is "Enriched Macaroni", "Enriched Spaghetti," or "Enriched Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), or (d) respectively of this section.

§ 16.10 *Enriched noodle products; identity; label statement of optional ingredients.* (a) Enriched noodle products are the class of food each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for noodle products by § 16.6 (a) and (g), except that:

(1) Each such food contains in each pound not less than 4 mg. and not more than 5 mg. of thiamine, not less than 1.7 mg. and not more than 2.2 mg. of riboflavin, not less than 27 mg. and not more than 34 mg. of niacin or niacinamide, and not less than 13 mg. and not more than 16.5 mg. of iron (Fe);

(2) Each such food may also contain as an optional ingredient added vitamin D in such quantity that each pound of the finished food contains not less than 250 U. S. P. units and not more than 1000 U. S. P. units of vitamin D;

(3) Each such food may also contain as an optional ingredient added calcium in such quantity that each pound of the finished food contains not less than 500 mg. and not more than 625 mg. of calcium (Ca);

(4) Each such food may also contain as an optional ingredient partly defatted wheat germ but the amount thereof does not exceed 5% of the weight of the finished food;

(5) Each such food may be supplied, wholly or in part, with the prescribed quantity of any substance referred to in subparagraphs (1), (2), and (3), of this paragraph through the use of dried yeast, partly defatted wheat germ, enriched farina or enriched flour, or through the direct additions of any of the substances prescribed in subparagraphs (1), (2), and (3).

Iron and calcium may be added only in forms which are harmless and assimilable. The substances referred to in subparagraphs (1) and (2) of this paragraph may be added in a harmless carrier which does not impair the enriched noodle product, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform distribution of such substances in the finished enriched noodle product.

(b) Enriched noodles, enriched egg noodles, are the enriched noodle products the units of which conform to the specifications of shape and size prescribed for noodles in § 16.6 (b).

(c) Enriched egg macaroni is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg macaroni in § 16.6 (c).

(d) Enriched egg spaghetti is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg spaghetti in § 16.6 (d).

(e) Enriched egg vermicelli is the enriched noodle product the units of which conform to the specifications of shape and size prescribed for egg vermicelli in § 16.6 (e).

(f) The name of each food for which a definition and standard of identity is prescribed by this section is "Enriched Noodle Product" or "Enriched Egg Noodle Product"; or alternately, the name is "Enriched Noodles", or "Enriched Egg Noodles", "Enriched Egg Macaroni", "Enriched Egg Spaghetti", or "Enriched Egg Vermicelli", as the case may be, when the units of the food comply with the requirements of paragraphs (b), (c), (d), or (e) respectively of this section.

PART 18—MILK AND CREAM; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

18.500 Cream class of food; identity.
18.501 Light cream, coffee cream, table cream; identity.
18.510 Whipping cream class of food; identity.
18.511 Light whipping cream; identity.
18.515 Heavy cream, heavy whipping cream; identity.
18.520 Evaporated milk; identity; label statement of optional ingredients.
18.525 Concentrated milk, plain condensed milk; identity; label statement of optional ingredients.
18.530 Sweetened condensed milk; identity.
18.535 Condensed milks which contain corn sirup; identity.
18.540 Dried skim milk, powdered skim milk, skim milk powder; identity.

AUTHORITY: §§ 18.500 to 18.540 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 18.500 to 18.540 see 5 F. R. 2443, 2445, 2543, 6 F. R. 4933, 8 F. R. 14277.

§ 18.500 *Cream class of food; identity.* Cream is the class of food which is the sweet, fatty liquid or semi-liquid separated from milk, with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk. It may be pasteurized and if it contains less than 30 percent of milk fat as determined by the method hereinafter referred to, it may be homogenized. It contains not less than 18 percent of milk fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, page 277 [Ed. note, 6th edition, 1945, p. 323] under "Fat, Roese-Gottlieb Method—Official". The word "milk" as used herein means cow's milk.

§ 18.501 *Light cream, coffee cream, table cream; identity.* Light cream, coffee cream, table cream, conforms to the definition and standard of identity prescribed for the cream class of food by § 18.500, except that it contains less than 30 percent of milk fat, as determined by the method referred to in such section.

§ 18.510 *Whipping cream class of food; identity.* Whipping cream is the class of food which conforms to the definition and standard of identity prescribed for the cream class of food by § 18.500, except that it contains not less than 30 percent of milk fat, as determined by the method referred to in such section.

§ 18.511 *Light whipping cream; identity.* Light whipping cream conforms to the definition and standard of identity prescribed for the whipping cream class of food by § 18.510, except that it contains less than 36 percent of milk fat, as determined by the method referred to in § 18.500.

§ 18.515 *Heavy cream, heavy whipping cream; identity.* Heavy cream, heavy whipping cream, conforms to the definition and standard of identity prescribed for the whipping cream class of food by § 18.510, except that it contains not less than 36 percent of milk fat, as determined by the method referred to in § 18.500.

§ 18.520 *Evaporated milk; identity; label statement of optional ingredients.* (a) Evaporated milk is the liquid food made by evaporating sweet milk to such point that it contains not less than 7.9 percent of milk fat and not less than 25.9 percent of total milk solids. It may contain one or both of the following optional ingredients:

(1) Disodium phosphate or sodium citrate or both, or calcium chloride, added in a total quantity of not more than 0.1 percent by weight of the finished evaporated milk.

(2) Vitamin D in such quantity as increases the total vitamin D content to not less than 7.5 U. S. P. units per avoirdupois ounce of finished evaporated milk.

It may be homogenized. It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When optional ingredient (a) (2) is present, the label shall bear the statement, "With Increased Vitamin D Content" or "Vitamin D Content Increased". Such statement shall immediately and conspicuously precede or follow the name "Evaporated Milk", without intervening written, printed, or graphic matter, wherever such name appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

(c) For the purpose of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk, or by the addition of concentrated sweet skim milk.

(3) The quantity of milk fat is determined by the method prescribed under "Fat—Official" on page 280 [Ed. note, 6th edition, p. 325] and the quantity of total milk solids is determined by the method prescribed under "Total Solids—Official" on page 279 [Ed. note, 6th edition, 1945, p. 325] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935.

(4) Vitamin D content may be increased by the application of radiant energy or by the addition of a concentrate of vitamin D (with any accompanying vitamin A when such vitamin D in such concentrate is obtained from natural sources) dissolved in a food oil; but if such oil is not milk fat the quantity thereof added is not more than 0.01 percent of the weight of the finished evaporated milk.

(5) The quantity of vitamin D is determined by the method prescribed in the "The Second Supplement to the Pharmacopeia of the United States of America Eleventh Decennial Revision", pages 132–134 inclusive, and pages 136–138 inclusive, with such modification of the method of feeding as is necessary for evaporated milk instead of an oil.

§ 18.525 *Concentrated milk, plain condensed milk; identity; label statement of optional ingredients.* Concentrated milk, plain condensed milk, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for evaporated milk by § 18.520, except that:

(a) It is not processed by heat;

(b) Its container may be unsealed; and

(c) Optional ingredient § 18.520 (a) (1) is not used.

§ 18.530 *Sweetened condensed milk; identity.* (a) Sweetened condensed milk is the liquid or semi-liquid food made by evaporating a mixture of sweet milk and refined sugar (sucrose) or any combination of refined sugar (sucrose), and refined corn sugar (dextrose) to such point that the finished sweetened condensed milk contains not less than 28.0 percent of total milk solids and not less than 8.5 percent of milk fat. The quantity of refined sugar (sucrose) or combination of such sugar and refined corn sugar (dextrose) used is sufficient to prevent spoilage.

(b) For the purpose of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be adjusted, before or after evaporation, by the addition or abstraction of cream or sweet skim milk, or the addition of concentrated sweet skim milk.

(3) Milk fat is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, page 281 [Ed. note, 6th edition, 1945, p. 326], under "Fat—Official".

§ 18.535 *Condensed milks which contain corn sirup; identity:* (a) Condensed milks which contain corn sirup are the foods each of which conforms to the definition and standard of identity prescribed for sweetened condensed milk by § 18.530 except that corn sirup or a mixture of corn sirup and sugar is used instead of sugar or a mixture of sugar and dextrose. For the purpose of this section the term "corn sirup" means a clarified and concentrated aqueous solution of the products obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of such corn sirup contain not less than 40 percent by weight of reducing sugars, calculated as anhydrous dextrose.

(b) The name of each such food is:

(1) "Corn sirup condensed milk," "condensed milk with corn sirup," or "condensed milk prepared with corn sirup," if corn sirup alone is used; or

(2) "____% Corn sirup solids ____% sugar condensed milk", "condensed milk with ____% corn sirup solids ____% sugar," or "condensed milk prepared with ____% corn sirup solids ____% sugar," if a mixture of corn sirup and sugar is used, the blanks being filled in with the whole numbers nearest the actual percentages of corn sirup solids and sugar in such food; alternately "____% sugar" may precede "____% corn sirup solids" in such names.

§ 18.540 *Dried skim milk, powdered skim milk, skim milk powder; identity.* Dried skim milk, powdered skim milk, skim milk powder, is the food made by drying sweet skim milk. It contains not more than 5 percent of moisture, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, page 282 [Ed. note, 6th edition, 1945, p. 328], under the caption "Moisture—Tentative". The term "skim milk" as used herein means cow's milk from which the milk fat has been separated.

NOTE: Public Law 244, 78th Congress, approved March 2, 1944, provides a statutory definition for this food under the names: "Non-fat dry milk solids" and "defatted milk solids."

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

19.500 Cheddar cheese, cheese; identity.
19.505 Washed curd cheese, soaked curd cheese; identity.
19.510 Colby cheese; identity.
19.515 Cream cheese; identity; label statement of optional ingredients.
19.520 Neufchatel cheese; identity; label statement of optional ingredients.
19.525 Cottage cheese; identity.
19.530 Creamed cottage cheese; identity.

AUTHORITY: §§ 19.500 to 19.530 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371 (e).

NOTE: For findings of fact relating to §§ 19.500 to 19.530, see 6 F. R. 195, 7 F. R. 10755, and 13 F. R. 5422.

§ 19.500 *Cheddar cheese, cheese; identity.* (a) Cheddar cheese, cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section. It contains not more than 39 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of this section.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms.

(c) Determine moisture by the method prescribed on page 291 [Ed. note, 6th edition, p. 336] under "Moisture—Official", and milk fat by the method prescribed on page 291 [Ed. note, 6th edition, 1945, p. 337] under "Fat—Official" of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935. Subtract the percent of moisture found from 100; divide the remainder into the percent of milk fat found; the quotient multiplied by 100 shall be considered to be the percent of milk fat contained in the solids.

(d) For the purposes of this section:
(1) The word "milk" means cow's milk.
(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk.

§ 19.505 *Washed curd cheese, soaked curd cheese; identity.* (a) Washed curd cheese, soaked curd cheese, is the food prepared from milk by the procedure set forth in paragraph (b) of this section. It contains not more than 42 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, cooled in water, and soaked therein until the whey is partly extracted and water is absorbed. The curd is drained, salted, stirred, and pressed into forms.

(c) For the purposes of this section:
(1) The word "milk" means cow's milk.
(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk.

§ 19.510 *Colby cheese; identity.* (a) Colby cheese is the food prepared from milk by the procedure set forth in paragraph (b) of this section. It contains not more than 40 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of § 19.500.

(b) Milk, which may be pasteurized and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote the separation of whey and curd. A part of the whey is drained off and the curd is cooled by adding water, the stirring being continued so as to prevent the pieces of curd from matting. The curd is drained, salted, stirred, further drained, and pressed into forms.

(c) For the purposes of this section:
(1) The word "milk" means cow's milk.
(2) Such milk may be adjusted by the separation of part of the fat therefrom or the addition thereto of cream or skim milk.

§ 19.515 *Cream cheese; identity; label statement of optional ingredients.* (a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cream cheese contains not less than 33 percent of milk fat and not more than 55 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Sixth Edition, 1945, at pages 337 and 336.)

(b) (1) Cream or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph is pasteurized and may be homogenized. To such cream or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added, and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section, the term "milk" means sweet milk of cows, "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in cream cheese, the label shall bear the statement "---------- Added" or "With Added ----------," the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Cream Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.520 *Neufchatel cheese; identity; label statement of optional ingredients.* (a) Neufchatel cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished neufchatel cheese contains not less than 20 percent but less than 33 percent of milk fat and not more than 65 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Sixth Edition, 1945, at pages 337 and 336.)

(b) (1) Milk or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or a mixture of concentrated milk with milk or with water not in excess of that removed when the milk was concentrated is pasteurized and may be homogenized. To such milk or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of neufchatel cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section the term "milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in neufchatel cheese, the label shall bear the statement "---------- Added" or "With Added ----------", the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Neufchatel Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.525 *Cottage cheese; identity.* (a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (This method appears in the Sixth Edition, 1945, at page 336.)

(b) (1) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) The dairy ingredients referred to in subparagraph (1) of this paragraph are sweet skim milk, concentrated skim milk, and nonfat dry milk solids. If concentrated skim milk or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

(3) For the purposes of this section the term "skim milk" means the milk of cows from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

§ 19.530 *Creamed cottage cheese, identity.* (a) Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture of cream with milk or skim milk or both. Such cream or mixture is used in such quantity that the milk fat added thereby is not less than 4 percent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80 percent of moisture as determined by the method prescribed under "Moisture—Official" on page 301 [Ed. note, 6th edition, 1945, p. 336] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940.

(b) For the purposes of this section "milk" means sweet milk of cows and "skim milk" means milk from which the milk fat has been separated.

PART 27—CANNED FRUIT; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Sec.
27.0 Canned peaches; identity; label statement of optional ingredients.
27.1 Canned peaches; quality; label statement of substandard quality.
27.2 Canned peaches; fill of container; label statement of substandard fill.
27.3 Canned peaches with rum; identity; label statement of optional ingredients.
27.10 Canned apricots; identity; label statement of optional ingredients.
27.11 Canned apricots; quality; label statement of substandard quality.
27.12 Canned apricots; fill of container; label statement of substandard fill.
27.13 Canned apricots with rum; identity; label statement of optional ingredients.
27.20 Canned pears; identity; label statement of optional ingredients.
27.21 Canned pears; quality; label statement of substandard quality.
27.22 Canned pears; fill of container; label statement of substandard fill.
27.23 Canned pears with rum; identity; label statement of optional ingredients.
27.30 Canned cherries; identity; label statement of optional ingredients.
27.31 Canned cherries; quality; label statement of substandard quality.
27.32 Canned cherries; fill of container; label statement of substandard fill.
27.33 Canned cherries with rum; identity; label statement of optional ingredients.
27.40 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients.
27.41 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; quality; label statement of substandard quality.
27.42 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; fill of container; label statement of substandard fill.

AUTHORITY: §§ 27.0 to 27.42 issued under 52 Stat. 1046, 1055, 53 Stat. 1428, 54 Stat. 1234; 21 U. S. C. 341, 371 (e), 5 U. S. C. 133–133*t*.

NOTE: For findings of fact relating to §§ 27.0 to 27.42 see 4 F. R. 4922; 5 F. R. 95, 97, 100, 102, 105, 2400; 7 F. R. 1612, 5542, 6458, 10517; 12 F. R. 6907.

§ 27.0 *Canned peaches; identity; label statement of optional ingredients.* (a) Canned peaches is the food prepared from one of the optional peach ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;
(2) Flavoring, other than artificial flavoring;
(3) A vinegar;
(4) Peach pits, except in the cases of peeled whole peaches and unpeeled whole peaches, in a quantity not more than 1 peach pit to each 8 ounces of finished canned peaches; and
(5) Peach kernels, except in the cases of peeled whole peaches and unpeeled whole peaches, and except when optional ingredient (4) is used.

Such food is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The optional peach ingredients referred to in paragraph (a) of this section are prepared from mature peaches of the yellow clingstone, yellow freestone, white clingstone, or white freestone varietal group, and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units prepared from each such varietal group is an optional peach ingredient. Each such ingredient, except in the case of peeled whole peaches and unpeeled whole peaches, is pitted. For the purpose of paragraph (e) of this section, the names of such optional peach ingredients are the words "Yellow Cling" or "Yellow Clingstone", "White Cling" or "White Clingstone", "Yellow Free" or "Yellow Freestone" or "White Free" or "White Freestone", as the case may be, preceded or followed by the word or words "Whole", "Unpeeled Whole", "Halves" or "Halved", "Unpeeled Halves", or "Unpeeled Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Dice" or "Diced", or "Mixed Pieces of Irregular Sizes and Shapes", as the case may be.

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) Water.
(2) Peach juice.
(3) Slightly sweetened water.
(4) Light sirup.
(5) Heavy sirup.
(6) Extra heavy sirup.
(7) Slightly sweetened peach juice.
(8) Light peach juice sirup.
(9) Heavy peach juice sirup.
(10) Extra heavy peach juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and peach juice; and the term "peach juice" means the fresh or canned expressed juice of mature peaches, of any varietal group specified in paragraph (b) of this section, to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and peach juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: Sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with peach juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be

prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the peaches are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)---	Less than 14°.
(4) and (8)---	14° or more but less than 19°.
(5) and (9)---	19° or more but less than 24°.
(6) and (10)--	24° or more but not more than 35°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional peach ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in". When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring," the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar", the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Peach Pits";

(5) "Seasoned with Peach Kernels".

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil, and Peach Kernels".

Wherever the name "peaches" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

§ 27.1 *Canned peaches; quality; label statement of substandard quality.* (a) The standard of quality for canned peaches is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than ⅜ ounce and 3/10 ounce, respectively;

(3) In the cases of whole peaches, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled peaches, there is present in the finished canned peaches not more than 1 square inch of peel per each 1 pound of net contents;

(5) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(6) In the cases of whole peaches, halves, quarters, and slices, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units, and not more than one unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned peaches shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 5/32 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned peaches falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a), in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality_____," the blank to be filled in with the words specified after the corresponding number of each clause of paragraph (a) of this section which such canned peaches fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves," or "Small Quarters," as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peaches" and any words and statements required or authorized to appear with such name by § 27.0 (b).

§ 27.2 *Canned peaches; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned peaches is the maximum quantity of the optional peach ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned peaches fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b), in the manner and form therein specified.

§ 27.3 *Canned peaches with rum; identity; label statement of optional ingredients.* Canned peaches with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned peaches by § 27.0, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.10 *Canned apricots; identity; label statement of optional ingredients.* (a) Canned apricots is the food prepared from one of the optional apricot ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring;

(3) A vinegar;

(4) Apricot pits, except in the cases of unpeeled whole apricots and peeled whole apricots, in a quantity not more than 1 apricot pit to each 8 ounces of finished canned apricots;

(5) Apricot kernels, except in the cases of unpeeled whole apricots and peeled whole apricots, and except when optional ingredient (4) is used.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional apricot ingredients referred to in paragraph (a) of this section are prepared from mature apricots and are in the following forms of units: unpeeled whole, peeled whole, unpeeled halves, peeled halves, unpeeled quarters, peeled quarters, unpeeled slices, peeled slices, unpeeled mixed pieces of irregular sizes and shapes, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional apricot ingredient. Each such ingredient, except in the cases of unpeeled whole apricots and peeled whole apricots, is pitted. For the purposes of paragraph (e) of this section, the names of such optional apricot ingredients are "Whole", "Halves" or "Halved", "Quarters" or Quartered", "Slices" or "Sliced", "Mixed Pieces of Irregular Sizes and Shapes", as the case may be, preceded or followed by "Unpeeled" or "Peeled", as the case may be.

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) Water.
(2) Apricot juice.
(3) Slightly sweetened water.
(4) Light sirup.
(5) Heavy sirup.
(6) Extra heavy sirup.
(7) Slightly sweetened apricot juice.
(8) Light apricot juice sirup.
(9) Heavy apricot juice sirup.
(10) Extra heavy apricot juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and apricot juice; and the term "apricot juice" means the fresh or canned expressed juice of mature apricots to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and apricot juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with apricot juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the apricots are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)--	Less than 16°.
(4) and (8)--	16° or more but less than 21°.
(5) and (9)--	21° or more but less than 25°.
(6) and (10)-	25° or more but not more than 40°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional apricot ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in". When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the labels shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar", the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Apricot Pits";

(5) "Seasoned with Apricot Kernels".

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil, and Apricot Kernels".

Wherever the name "apricots" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the apricots may so intervene.

§ 27.11 *Canned apricots; quality; label statement of substandard quality.* (a) The standard of quality for canned apricots is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than ⅔ ounce and ⅓ ounce, respectively;

(3) In the cases of whole apricots, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(5) In the cases of whole apricots, halves, and quarters, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(6) Except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units, and not more than 1 unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned apricots shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 3/16 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center

of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned apricots falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality _____", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned apricots fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves," or "Small Quarters", as the case may be; (3) "Mixed Sizes"; (4) "Blemished"; (5) "Unevenly Trimmed"; (6) "Partly Crushed or Broken". Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Apricots" and any words and statements required or authorized to appear with such name by § 27.10 (b).

§ 27.12 *Canned apricots; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned apricots is the maximum quantity of the optional apricot ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned apricots fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 27.13 *Canned apricots with rum; identity; label statement of optional ingredients.* Canned apricots with rum conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients, prescribed for canned apricots by § 27.10, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.20 *Canned pears; identity; label statement of optional ingredients.* (a) Canned pears is the food prepared from one of the optional pear ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring; and

(3) A vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional pear ingredients referred to in paragraph (a) of this section are prepared from mature pears and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional pear ingredient. Each such ingredient, except in the cases of peeled whole pears and unpeeled whole pears, is cored. For the purposes of paragraph (e) of this section, the respective names of such optional pear ingredients are "Whole", "Halves" or "Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Dice" or "Diced", "Mixed Pieces of Irregular Sizes and Shapes", preceded or followed in case the units are whole or halves and are unpeeled, by the word "Unpeeled".

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) Water.
(2) Pear juice.
(3) Slightly sweetened water.
(4) Light sirup.
(5) Heavy sirup.
(6) Extra heavy sirup.
(7) Slightly sweetened pear juice.
(8) Light pear juice sirup.
(9) Heavy pear juice sirup.
(10) Extra heavy pear juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and pear juice; and the term "pear juice" means the fresh or canned expressed juice of mature pears to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and pear juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with pear juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the pears are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 14°.
(4) and (8)	14° or more but less than 18°.
(5) and (9)	18° or more but less than 22°.
(6) and (10)	22° or more but not more than 35°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional pear ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or Seasoned with _____ Vinegar", the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil."

Wherever the name "pears" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the pears may so intervene.

§ 27.21 *Canned pears; quality; label statement of substandard quality.* (a) The standard of quality for canned pears is as follows:

(1) All units tested in accordance with the method prescribed in paragraph (b) of this section are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than $\frac{3}{5}$ ounce and $\frac{3}{10}$ ounce, respectively;

(3) In the cases of whole pears, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled pears, there is present in the finished canned pears not more than 1 square inch of peel per each 1 pound of net contents;

(5) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(6) In the cases of whole pears, halves, and quarters, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than 10 percent of the units in a container of 10 or more units, and not more than 1 unit in a container of less than 10 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned pears shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) of this section:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled remove the peel. The top of the receptacle is circular in shape of $1\frac{1}{8}$ inches inside diameter, with vertical sides; or rectangular in shape, $\frac{3}{4}$ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of $\frac{3}{4}$ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least $\frac{1}{2}$ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod $\frac{5}{32}$ inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned pears falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality _____", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned pears fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves", or "Small Quarters", as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken". Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Pears" and any words and statements required or authorized to appear with such name by § 27.20 (b).

§ 27.22 *Canned pears; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned pears is the maximum quantity of the optional pear ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned pears fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

§ 27.23 *Canned pears with rum; identity; label statement of optional ingredients.* Canned pears with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned pears by § 27.20, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.30 *Canned cherries; identity; label statement of optional ingredients.* (a) Canned cherries is the food prepared from one of the optional cherry ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) Flavoring, other than artificial flavoring;

(3) A vinegar.

Such food is sealed in a container and so processed by heat to prevent spoilage.

(b) The optional cherry ingredients referred to in paragraph (a) of this section are prepared from mature cherries of the red sour, light sweet, or dark sweet varietal group. Pitted cherries of each such group and unpitted cherries of each such group are an optional cherry ingredient. For the purposes of paragraph (e) of this section, the names of such optional cherry ingredients are the words "Red Sour" or "Red Tart", "Light Sweet" or "Dark Sweet", as the case may be, preceded or followed by the word "Pitted" in case such ingredients are pitted.

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) Water.
(2) Cherry juice.
(3) Slightly sweetened water.
(4) Light sirup.
(5) Heavy sirup.
(6) Extra heavy sirup.
(7) Slightly sweetened cherry juice.
(8) Light cherry juice sirup.
(9) Heavy cherry juice sirup.
(10) Extra heavy cherry juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and cherry juice; and the term "cherry juice" means the fresh or canned expressed juice of mature cherries, of any varietal group specified in paragraph (b) of this section, to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and cherry juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with cherry juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the cherries are canned, are within the range prescribed for each in the following list:

Number of packing medium: In case of sweet cherries:	*Brix measurement*
(3) and (7)	Less than 16°.
(4) and (8)	16° or more but less than 20°.
(5) and (9)	20° or more but less than 25°.
(6) and (10)	25° or more but not more than 35°.
In case of red sour cherries:	
(3) and (7)	Less than 18°.
(4) and (8)	18° or more but less than 22°.
(5) and (9)	22° or more but less than 28°.
(6) and (10)	28° or more but not more than 45°.

(d) For the purposes of this section:

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional cherry ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with ---------- Vinegar", the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil".

Wherever the name "cherries" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the cherries may so intervene.

§ 27.31 *Canned cherries; quality; label statement of substandard quality.* (a) The standard of quality for canned cherries is as follows:

(1) In the case of pitted cherries, not more than 1 pit is present in each 20 ounces of canned cherries, as determined by the method prescribed in paragraph (b) (1) of this section;

(2) In the case of unpitted cherries, the weight of each cherry in the container is not less than 1/10 ounce;

(3) In the case of unpitted cherries, the weight of the largest cherry in the container is not more than twice the weight of the smallest cherry therein;

(4) In the case of unpitted cherries, the total weight of pits is not more than 12 percent of the weight of drained cherries, as determined by the method prescribed in paragraph (b) (2) of this section; and

(5) Not more than 15 percent by count of the cherries in the container are blemished with scab, hail injury, discoloration, scar tissue, or other abnormality. A unit showing skin discoloration having an aggregate area not exceeding that of a circle 3/16 inch in diameter and not extending into the fruit tissue shall not be considered as blemished.

(b) (1) Pitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of paragraph (a) (1) of this section:

Take at random such number of containers as to have a total quantity of contents of at least 24 pounds. Open the containers and weigh the contents. Count the pits and pieces of pit shell in such total quantity. Count a piece of pit shell equal to or smaller than one-half pit shell as one-half pit, and a piece of pit shell larger than one-half pit shell as one pit; but when two or more pieces of pit shell are within or attached to a single cherry, count such pieces as one-half pit if their combined size is equivalent to that of one-half pit shell or less, and as one pit if their combined size is equivalent to that of more than one-half pit shell. From the total number of pits so counted and the combined weight of the contents of all the containers, calculate the number of pits present in each 20 ounces of canned cherries.

(2) Unpitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of paragraph (a) (4) of this section:

Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is No. 8 woven-wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves", published October 25, 1938, by U. S. Department of Commerce, National Bureau of Standards. Without shifting the cherries, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained cherries. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained cherries. Pit the cherries and wash the pits free from adhering flesh. Drain and weigh the pits by the method prescribed above. Divide the weight of pits so found by the weight of drained cherries, and multiply by 100.

(c) If the quality of canned cherries falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality ------", the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned cherries fail to meet, as follows: (1) "Partially Pitted"; (2) "Small"; (3) "Mixed Sizes"; (4) "Thin Fleshed"; (5) "Blemished." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Cherries" and any words and statements required or authorized to appear with such name by § 27.30 (b).

§ 27.32 *Canned cherries; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned cherries is the maximum quantity of the optional cherry ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing such ingredient.

(b) If canned cherries fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b), in the manner and form therein specified.

§ 27.33 *Canned cherries with rum; identity; label statement of optional ingredients.* Canned cherries with rum conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for canned cherries by § 27.30, except that it contains added rum in such amount that its alcohol content is more than 3 percent but less than 5 percent by weight.

§ 27.40 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients.* (a) Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail, is the food prepared from the mixture of fruit ingredients prescribed in paragraph (b) of this section, in the forms and proportions therein prescribed, and one of the optional packing media specified in paragraph (c) of this section. It is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The fruit ingredients referred to in paragraph (a) of this section, the forms of each, and the percent by weight of each in the mixture of drained fruit from the finished canned fruit cocktail are as follows:

(1) Peaches of any yellow variety, which are pitted, peeled, and diced, not less than 30 percent and not more than 50 percent;

(2) Pears of any variety, which are peeled, cored, and diced, not less than 25 percent and not more than 45 percent;

(3) Whole grapes of any seedless variety, not less than 6 percent and not more than 20 percent;

(4) Pineapples of any variety, which are peeled, cored, and cut into sectors or into dice, not less than 6 percent and not more than 16 percent; and

(5) One of the following optional cherry ingredients, each of which is stemmed, pitted, and cut into approximate halves, not less than 2 percent and not more than 6 percent;

(i) Cherries of any light, sweet variety;

(ii) Cherries artificially colored red; or

(iii) Cherries artificially colored red and artificially flavored.

Each such fruit ingredient is prepared from mature fruit which is fresh or canned. Notwithstanding the preceding provisions of this paragraph, each 4½ ounces avoirdupois of the finished canned fruit cocktail and each fraction thereof greater than 2 ounces avoirdupois contain not less than 2 sectors or 3 dice of pineapple and not less than 1 approximate half of the optional cherry ingredient.

(c) The optional packing media referred to in paragraph (a) of this section are as follows:

(1) Water.
(2) Fruit juice.
(3) Light sirup.
(4) Heavy sirup.
(5) Extra heavy sirup.
(6) Light fruit juice sirup.
(7) Heavy fruit juice sirup.
(8) Extra heavy fruit juice sirup.

Each of packing media (3), (4), and (5) is prepared with water as its liquid ingredient, and each of packing media (6), (7), and (8) is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d) (6) of this section, each of packing media (3) to (8), inclusive, is prepared with any one of the following saccharine ingredients: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which the weight of the solids of the dextrose used multiplied by 2, added to the weight of the solids of the corn sirup used multiplied by 3, is not more than the weight of the solids of the sugar used. The respective densities of packing media (3) to (8), inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (6)	14° or more but less than 18°.
(4) and (7)	18° or more but less than 22°.
(5) and (8)	22° or more but not more than 35°.

(d) For the purposes of this section:

(1) The term "water" means, in addition to water, both the liquid drained from any fruit ingredient previously canned in water as its sole packing medium and any mixture of water and fruit juice, including the liquid drained from any fruit ingredient previously canned in such mixture.

(2) The term "fruit juice" means the fresh or canned, expressed juice or juices of one or more of the mature fruits named in paragraph (b) of this section including the liquid drained from any fruit ingredient previously canned in such juice or juices as its sole packing medium, to which no water has been added, directly or indirectly. Fruit juice may be strained or filtered.

(3) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous sirup of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash and which is colorless, odorless and flavorless except for sweetness.

(4) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(5) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of corn starch and includes dried corn sirup; the solids of corn sirup and dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(6) When the optional packing medium is prepared with fruit juice and invert sugar sirup or corn sirup other than dried corn sirup, it shall be considered to be light sirup, heavy sirup, or an extra heavy sirup, as the case may be, and not a light fruit juice sirup, heavy fruit juice sirup, or an extra heavy fruit juice sirup.

(7) The term "light sirup", "heavy sirup", or "extra heavy sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a light sirup, heavy sirup, or extra heavy sirup.

(8) Except as provided in subparagraph (6) of this paragraph, the term "light fruit juice sirup", "heavy fruit juice sirup", or "extra heavy fruit juice sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredients previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of light fruit juice sirup, heavy fruit juice sirup, or extra heavy fruit juice sirup.

(e) (1) The optional ingredients specified in paragraphs (b) (5) (ii) and (iii) and (c) (1) to (8) of this section, inclusive, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

(2) Such names shall immediately and conspicuously, without intervening written, printed, or graphic matter, precede or follow the name "fruit cocktail", "cocktail fruits", or "fruits for cocktail" wherever it appears on the label so conspicuously as to be easily seen under customary conditions of purchase.

§ 27.41 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; quality; label statement of substandard quality.* (a) The standard of quality for canned fruit cocktail is as follows:

(1) Not more than 20 percent by weight of the units in the container of peach or pear, or of pineapple if the units thereof are diced, are more than ¾ inch in greatest edge dimension, or pass through the meshes of a sieve designated as 5/16 inch in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the National Bureau of Standards, U. S. Department of Commerce. If the units of pineapple are in the form of sectors, not more than 20 percent of such sectors in the container fail to conform to the following dimensions: The length of the outside arc is not more than ¾ inch but is more than ⅜ inch; the thickness is not more than ½ inch but is more than 5/16 inch; the length (measured along the radius from the inside arc to the ouside arc) is not more than 1¼ inches but is more than ¾ inch.

(2) Not more than 10 percent of the grapes in a container containing ten grapes or more, and not more than one grape in a container containing less than ten grapes, is cracked to the extent of being severed into two parts or is crushed to the extent that their normal shape is destroyed.

(3) Not more than 10 percent of the grapes in a container containing ten grapes or more, and not more than one grape in a container containing less than ten grapes, has the cap stem attached.

(4) There is present in the finished canned fruit cocktail not more than one square inch of pear peel per each one pound of drained weight of units of pear plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of the units of pear bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in § 27.42.

(5) There is present in the finished canned fruit cocktail not more than one square inch of peach peel per each one pound of drained weight of units of peach plus the weight of a proportion of the packing medium which is the same proportion as the drained weight of units of peach bears to the drained weight of the entire contents of the can. Such drained weights shall be determined by the method prescribed in § 27.42.

(6) Not more than 15 percent of the units of cherry ingredient; and not more than 20 percent of the units of peach, pear, or grape, in the container is blemished with scab, hail injury, scar tissue or other abnormality.

(7) If the cherry ingredient is artificially colored, the color of not more than 15 percent of the units thereof in a container containing more than six units, and of not more than one unit in a container containing six units or less, is other than evenly distributed in the unit or other than uniform with the color of the other units of the cherry ingredient.

(b) If the quality of canned fruit cocktail falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a), in the manner and form therein specified.

§ 27.42 *Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned fruit cocktail is a fill such that the total weight of drained fruit is not less than 65 percent of the water capacity of the container, as determined by the general method for water capacity of containers prescribed in § 10.1 (a). Such total weight of drained fruit is determined by the following method:

Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit.

(b) If canned fruit cocktail falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b), in the manner and form therein prescribed.

PART 29—FRUIT PRESERVES AND JELLIES; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.

29.0 Preserves, jams; identity; label statement of optional ingredients.

29.5 Fruit jelly; identity; label statement of optional ingredients.

AUTHORITY: §§ 29.0 and 29.5 issued under 52 Stat. 1043, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 29.0 and 29.5, see 5 F. R. 3554, 3558.

§ 29.0 *Preserves, jams; identity; label statement of optional ingredients.* (a) The preserves or jams for which definitions and standards of identity are prescribed by this section are the viscous or semi-solid foods each of which is made from a mixture composed of not less than 45 parts by weight (see paragraph (c) of this section) of one of the fruit ingredients specified in paragraph (b) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, of any, of the natural pectin content of the fruit ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid or any combination of these, in a quantity reasonably necessary as a preservative.

Such mixture, with or without added water, is concentrated by heat to such point that the soluble solids content of the finished preserve is not less than 68 percent if the fruit ingredient is specified in Group I of paragraph (b) of this section, and not less than 65 percent if the fruit ingredient is specified in Group II of paragraph (b) of this section. The soluble solids content is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, page 320 [Ed. note, 6th edition, p. 383], under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Tentative", except that no correction is made for water-insoluble solids.

(b) The fruit ingredients referred to in paragraph (a) of this section are the following mature, properly prepared fruits which are fresh, frozen, and/or canned:

GROUP I

Blackberry (other than dewberry).
Black raspberry.
Blueberry.
Boysenberry.
Cherry.
Crabapple.
Dewberry (other than boysenberry, loganberry, and youngberry).
Elderberry.
Grape.
Grapefruit.
Huckleberry.
Loganberry.
Orange.
Pineapple.
Raspberry, red raspberry.
Rhubarb.
Strawberry.
Tangerine.
Tomato.
Yellow tomato.
Youngberry.

Any combination of two, three, four, or five of such fruits in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

GROUP II

Apricot.
Cranberry.
Damson, damson plum.
Fig.
Gooseberry.
Greengage, greengage plum.
Guava.
Nectarine.
Peach.
Pear.
Plum (other than greengage plum and damson plum).
Quince.
Red currant, currant (other than black currant).

Any combination of two, three, four, or five of such fruits, or one or more of such fruits with one or more of the individual fruits specified in Group I, in which the weight of each is not less than one-fifth of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

Any combination of two, three, four, two, three, or four of the individual fruits specified in this group or Group I in which the weight of each is not less than one-fifth, and the weight of apple is not more than one-half, of the weight of the combination; except that the weight of pineapple may be not less than one-tenth of the weight of the combination.

In any combination of two, three, four, or five fruits, each such fruit is an optional ingredient. For the purposes of this section, the word "fruit" includes the vegetables specified in this paragraph.

(c) Any requirement of this section with respect to the weight of any fruit, combination of fruits, or fruit ingredient means:

(1) The weight of fruit exclusive of the weight of any sugar, water, or other substance added for any processing or packing or canning, or otherwise added to such fruit;

(2) In the case of fruit prepared by the removal, in whole or in part, of pits, seeds, skins, cores, or other parts, the weight of such fruit exclusive of the weight of all such substances removed therefrom; and

(3) In the cases of apricots, cherries, grapes, nectarines, peaches, and all varieties of plums, whether or not pits and seeds are removed therefrom, the weight of such fruit exclusive of the weight of such pits and seeds.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of corn sugar or dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination composed of corn sirup and optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of each component is not less than one-tenth of the weight of the solids of each combination and the weight of corn sirup solids is not more than one-half of the weight of the solids of such combination.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sugar" means refined anhydrous or hydrated dextrose made from cornstarch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each preserve or jam for which a definition and standard of identity is prescribed by this section is as follows:

(1) If the fruit ingredient is a single fruit, the name is "Preserve" or "Jam," preceded or followed by the name or synonym whereby such fruit is designated in paragraph (b) of this section.

(2) If the fruit ingredient is a combination of two, three, four, or five fruits, the name is "Preserve" or "Jam," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "Spiced" or the statement "Spice Added" or "With Added Spice"; but in lieu of the word "Spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "Sodium Benzoate" or "Benzoic Acid," or "Sodium Benzoate and Benzoic Acid," as the case may be, followed by the words "Added as Preservative."

(3) When optional saccharine ingredient (d) (5) or (d) (7) is present, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weights of such components in the combination. Such names shall be preceded by the words "Prepared with".

(4) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "Prepared with Honey".

(5) When the fruit ingredient is a combination of two, three, four, or five fruits and the preserve is designated on its label by the name "Preserve" or "Jam" preceded or followed by the words "Mixed Fruit", the label shall bear the names or synonyms whereby such fruits are designated in paragraph (b) of this section, in the order of predominance, if any, of the weights of such fruits in the combination.

(6) Wherever the name specified in paragraph (f) of this section appears on the label of the preserve so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such preserve may so intervene.

§ 29.5 *Fruit jelly; identity; label statement of optional ingredients.* (a) The jellies for which definitions and standards of identity are prescribed by this section are the jelled foods each of which is made from a mixture composed of not less than 45 parts by weight (as determined by the method prescribed in paragraph (b) of this section) of one or any combination of two, three, four, or five of the fruit juice ingredients specified in paragraph (c) of this section to each 55 parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section. Such mixture may also contain one or more of the following optional ingredients:

(1) Spice.

(2) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(3) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit juice ingredient.

(4) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than 3 ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(5) Sodium benzoate or benzoic acid, or any combination of these, in a quantity reasonably necessary as a preservative.

(6) Mint flavoring and harmless artificial green coloring, in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple, crabapple, pineapple, or two or all of such fruits.

Such mixture is concentrated by heat to such point that the soluble solids content of the finished jelly is not less than 65 percent, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, page 464 [Ed. note, 6th edition, p. 558], under "By means of a refractometer—Official".

(b) Any requirement of this section with respect to the weight of any fruit juice ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method: Determine the percent of soluble solids in such fruit juice ingredient by the method for soluble solids referred to in paragraph (a) of this section; multiply the percent so found by the weight of such fruit juice ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or other added solids; and multiply the remainder by the factor for such fruit juice ingredient prescribed in paragraph (c) of this section. The result is the weight of the fruit juice ingredient.

(c) Each of the fruit juice ingredients referred to in paragraph (a) of this section is the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from one of the following mature, properly prepared fruits which are fresh, frozen and/or canned:

Name of fruit:	*Factor referred to in par.* (b)
Apple	7.5
Apricot	7.0
Blackberry (other than dewberry)	10.0
Black raspberry	9.0
Cherry	7.0
Crabapple	6.5
Cranberry	9.5
Damson, damson plum	7.0
Dewberry (other than boysenberry, loganberry, and youngberry)	10.0
Fig	5.5
Gooseberry	12.0
Grape	7.0
Grapefruit	11.0
Greengage, greengage plum	7.0
Guava	13.0
Loganberry	9.5
Orange	8.0
Peach	8.5
Pineapple	7.0
Plum (other than damson, greengage, and prune)	7.0
Pomegranate	5.5
Quince	7.5
Raspberry, red raspberry	9.5
Red currant, currant (other than black currant)	9.5
Strawberry	12.5
Youngberry	10.0

In any combination of two, three, four, or five of such fruit juice ingredients the weight of each is not less than one-fifth of the weight of the combination. Each such fruit juice ingredient in any such combination is an optional ingredient.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Any combination composed of optional saccharine ingredients (1) and (2).

(4) Any combination composed of corn sugar or dextrose and optional saccharine ingredient (1), (2), or (3).

(5) Any combination composed of corn sirup and optional saccharine ingredient (1), (2), (3), or (4), in which the weight of the solids of each component is not less than one-tenth of the weight of the solids of such combination and the weight of corn sirup solids is not more than one-half of the weight of the solids of such combination.

(6) Honey.

(7) Any combination composed of honey and optional saccharine ingredient (1), (2), or (3), in which the weight of the solids of each component except honey is not less than one-tenth of the weight of the solids of such combination and the weight of honey solids is not less than two-fifths of the weight of the solids of such combination.

(e) for the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "corn sugar" means refined anhydrous or hydrated dextrose made from corn starch.

(5) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each jelly for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the jelly is made with a single fruit juice ingredient, the name is "Jelly" preceded or followed by the name or synonym whereby the fruit from which such fruit juice ingredient was extracted is designated in paragraph (c) of this section.

(2) In case the jelly is made with a combination of two, three, four, or five fruit juice ingredients, the name is "Jelly" preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby the fruits from which the fruit juice ingredients were extracted are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.

(g) (1) When optional ingredient (a) (1) is used, the label shall bear the word "Spiced" or the statement "Spice Added" or "With Added Spice"; but in lieu of the word "Spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (5) is used, the label shall bear the words "Sodium Benzoate" or "Benzoic Acid" or "Sodium Benzoate and Benzoic Acid", as the case may be, followed by the words "Added as Preservative".

(3) When optional ingredient (a) (6) is used, the label shall bear the statement "Flavoring and Artificial Coloring Added" or "With Added Flavoring and Artificial Coloring"; the word "Flavoring" in such statement may be preceded by the word "Mint".

(4) When optional saccharine ingredient (d) (5) or (7) is used, the label shall bear the names of the components of the combination whereby such components are designated in paragraph (d) of this section, in the order of predominance, if any, of the weight of such components in the combination. Such names shall be preceded by the words "Prepared with".

(5) When optional saccharine ingredient (d) (6) is used, the label shall bear the statement "Prepared with Honey".

(6) When a combination of two, three, four, or five fruit juice ingredients is used, and the jelly is designated on its label by the word "Jelly" preceded or followed by the words "Mixed Fruit", the label shall bear the names or synonyms whereby such fruits are designated in paragraph (c) of this section, in the order of the predominance, if any, of the weights of such fruit juice ingredients in the combination.

(7) Wherever the name specified in paragraph (f) of this section appears on the label of the jelly so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such jelly may so intervene.

PART 30—FRUIT BUTTERS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTE: For findings of fact relating to § 30.0, see 5 F. R. 3561.

§ 30.0 *Fruit butter; identity; label statement of optional ingredients.* (a) The fruit butters for which definitions and standards of identity are prescribed by this section are the smooth, semi-solid foods each of which is made from a mixture composed of not less than five parts by weight (as determined by the method prescribed in paragraph (b) (1) of this section) of one or any combination of two, three, four, or five of the optional fruit ingredients specified in paragraph (c) of this section to each two parts by weight (see paragraph (e) (1) of this section) of one of the optional saccharine ingredients specified in paragraph (d) of this section, except that the use of such saccharine ingredient is not required when optional ingredient (5) is used. Such mixture may be seasoned with one or more of the following optional ingredients:

(1) Spice.

(2) Flavoring (other than artificial flavoring).

(3) Salt.

(4) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these.

Such mixture may also contain the optional ingredient:

(5) Fruit juice or diluted fruit juice or concentrated fruit juice in a quantity not less than one-half the weight of the optional fruit ingredient.

Such mixture is concentrated by heat to such point that the soluble solids content of the finished fruit butter is not less than 43 percent as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, page 320 [Ed. note, 6th edition, p. 383], under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Tentative", except that no correction is made for water-insoluble solids.

(b) (1) Any requirement of this section with respect to the weight of any optional fruit ingredient, whether concentrated, unconcentrated, or diluted, means the weight determined by the following method:

Determine the percent of soluble solids in the optional fruit ingredient by the method prescribed for determining soluble solids in paragraph (a) of this section; multiply the percent so found by the weight of such ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or any other added solids; and multiply the remainder by the factor for such ingredient prescribed in paragraph (c) of this section. The result is the weight of the optional fruit ingredient.

(2) For the purposes of this section, the weight of fruit juice or diluted fruit juice or concentrated fruit juice (optional ingredient (a) (5)) from a fruit specified in paragraph (c) of this section is the weight of such juice as determined by the method prescribed in paragraph (b) (1) of this section, except that the percent of soluble solids is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, page 464 [Ed. note, 6th edition, p. 558], under "By means of a refractometer—Official"; the weight of diluted or concentrated juice from any other fruit is the original weight of the juice before it was diluted or concentrated.

(c) Each of the optional fruit ingredients referred to in paragraph (a) of this section is prepared by cooking one of the following fresh, frozen, canned, and/or dried (evaporated) mature fruits, with or without added water, and screening out skins, seeds, pits, and cores:

Name of fruit:	*Factor referred to in par. (b) (1)*
Apple	7.5
Apricot	7.0
Grape	7.0
Peach	8.5
Pear	6.5
Plum (other than prune)	7.0
Prune	7.0
Quince	7.5

In any combination of two, three, four, or five fruit ingredients, the weight of each is not less than one-fifth of the weight of the combination.

(d) The optional saccharine ingredients referred to in paragraph (a) of this section are:

(1) Sugar.

(2) Invert sugar sirup.

(3) Brown sugar.

(4) Invert brown sugar sirup.

(5) Honey.

(6) Corn sirup.

(7) Any combination composed of two or more of optional saccharine ingredients (1), (2), (3), (4), (5), and (6); but if honey is a component the weight of its solids is not less than two-fifths of the weight of the solids of such combination.

(8) Any combination composed of corn sugar or dextrose and optional saccharine ingredient (1), (2), (3), (4), (5), (6), or (7); but if honey is a component the weight of its solids is not less than two-fifths of the weight of the solids of such combination.

If honey or corn sirup is a component of any combination used as optional saccharine ingredient (7) or (8), the weight of the solids of each component (other than honey) is not less than one-tenth of the weight of the solids of such combination.

(e) For the purposes of this section:

(1) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.

(2) The term "sugar" means refined sugar (sucrose).

(3) The term "invert sugar sirup" means a sirup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3 percent of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(4) The term "invert brown sugar sirup" means a sirup made by inverting or partly inverting brown sugar.

(5) The term "corn sugar" means refined anhydrous or hydrated dextrose made from cornstarch.

(6) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(f) The name of each fruit butter for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case the fruit butter is made from a single fruit ingredient the name is "Butter" preceded by the name whereby such fruit is designated in paragraph (c) of this section.

(2) In case the fruit butter is made from a combination of two, three, four, or five fruit ingredients, the name is "Butter" preceded by the words "Mixed Fruit" or by the names whereby such fruits are designated in paragraph (c) of this section in the order of predominance, if any, of the weight of such fruit ingredients in the combination.

(g) (1) When optional ingredient (a) (1) of this section is used, the label shall bear the word "Spiced" or the statement "Spice Added" or "With Added Spice"; but in lieu of the word "Spice" in such statements the common name of the spice may be used.

(2) When optional ingredient (a) (2) of this section is used, the label shall bear the statement "Flavoring Added" or "With Added Flavoring"; the word "Flavoring" in such statements may be preceded by the common name of the kind of flavoring used.

(3) When optional ingredient (a) (5) of this section is used, the label shall bear the words "Prepared With _____ Juice", the blank to be filled in with the name of the fruit from which the juice is obtained; but if apple juice is used the word "Cider" may be used in lieu of "Apple Juice".

(4) When optional saccharine ingredient (d) (5) or (6) of this section is used, the label shall bear the statement "Prepared With Honey" or "Prepared With Corn Sirup", as the case may be.

(5) When corn sirup or honey or both are components of any combination used as an optional saccharine ingredient, the label shall bear the statement "Prepared With _____", the blank to be filled in with the names whereby the components of such combination are designated in paragraph (d) of this section, in the order of predominance, if any, by weight of such components in the combination.

(6) When the optional fruit ingredient is prepared in whole or in part from dried fruit, the label shall bear the words "Prepared From" or "Prepared in Part From", as the case may be, followed by the word "Evaporated" or "Dried", followed by the name whereby such fruit is designated in paragraph (c) of this section. When two or more such optional fruit ingredients are used, such names, each preceded by the word "Evaporated" or "Dried", shall appear in the order of predominance, if any, of the weight of such ingredients in the combination.

(7) When a combination of two, three, four, or five optional fruit ingredients is used, and the fruit butter is designated on its label by the name "Mixed Fruit Butter", the label shall bear the names whereby the fruits from which such ingredients are prepared are designated in paragraph (c) of this section, in the order of predominance, if any, of the weights of such ingredients in the combination.

(8) The label statements required by subparagraphs (1) and (2) of this paragraph may be combined, as for example, "Cinnamon Oil and Cloves Added". The label statements required by two or more of subparagraphs (3), (4), (5), (6), and (7) of this paragraph may be combined, as for example, "Prepared with Cider, Apples, Dried Prunes, and Corn Sirup".

(9) Wherever the name specified in paragraph (f) of this section appears on the label of the fruit butter so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section showing the optional ingredients used shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the fruit used in preparing such fruit butter may so intervene. (52 Stat. 1046, 1055; 21 U. S. C. 341, 371).

PART 36—SHELLFISH; DEFINITIONS AND STANDARDS OF IDENTITY; FILL OF CONTAINER

CANNED SHRIMP

Sec.

36.3 Canned wet pack shrimp and canned dry pack shrimp in nontransparent containers; fill of container; label statement of substandard fill.

CANNED OYSTERS

36.5 Canned oysters; identity; label statement of optional ingredients.

36.6 Canned oysters; fill of container; label statement of substandard fill.

RAW OYSTERS

36.10 Oysters, raw oysters, shucked oysters; identity.

36.11 Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants); identity.

36.12 Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects; identity.

36.13 Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects; identity.

36.14 Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards; identity.

36.15 Very small oysters, very small raw oysters, very small shucked oysters; identity.

36.16 Olympia oysters, raw Olympia oysters, shucked Olympia oysters; identity.

36.17 Pacific oysters sizes 5 to 8 per pint, raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint; identity.

36.18 Pacific oysters size 8 to 10 per pint, raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint; identity.

36.19 Pacific oysters size 10 to 12 per pint, raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint; identity.

36.20 Pacific oysters size 12 to 15 per pint, raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint; identity.

36.21 Pacific oysters size 15 to 18 per pint, raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint; identity.

36.22 Pacific oysters size over 18 per pint, raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint; identity.

AUTHORITY: §§ 36.3 to 36.22 issued under 52 Stat. 1046, 1047, and 1055; 21 U. S. C. 341 and 371, except as noted following provision affected.

NOTE: For findings of fact relating to §§ 36.3 to 36.22 see 7 F. R. 4944; 9 F. R. 14008; 11 F. R. 9333; 13 F. R. 1337, 1338, 1506, 4663.

CANNED SHRIMP

§ 36.3 *Canned wet pack shrimp and canned dry pack shrimp in nontransparent containers; fill of containers; label statement of substandard fill.* (a) The standard of fill of nontransparent containers for canned wet pack shrimp is a fill such that the cut-out weight of shrimp taken from each can is not less than 64 percent of the water capacity of the container, and, for canned dry pack shrimp (except that packed in the nontransparent cylindrical container which is $2^{11}/_{16}$ inches in diameter and 4 inches in height), is a fill such that the cut-out weight of shrimp taken from each can is not less than 60 percent of the water capacity of the container. The standard of fill for canned dry pack shrimp packed in the nontransparent cylindrical container which is $2^{11}/_{16}$ inches in diameter and 4 inches in height is a cut-out weight of not less than $6\frac{1}{2}$ avoirdupois ounces of shrimp for each container. Water capacity of containers is determined by the general method provided in § 10.1 (a) of this chapter. Cut-out weight is determined by the following method:

Keep the unopened canned shrimp container at a temperature of not less than 68° nor more than 95° Fahrenheit for at least 12 hours immediately preceding the determination. After opening, tilt the container so as to distribute the shrimp evenly over the meshes of a

circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves", published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained shrimp. The weight so found, less the weight of the sieve, shall be considered to be the cut-out weight of the shrimp.

(b) If canned wet pack shrimp or canned dry pack shrimp, in nontransparent containers, falls below the applicable standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill provided in § 10.2 (b), in the manner and form therein specified. (52 Stat. 1046, 1047, 53 Stat. 561; 21 U. S. C. 341, 345, 5 U. S. C. 133–133r)

CANNED OYSTERS

§ 36.5 *Canned oysters; identity; label statement of optional ingredients.* (a) Canned oysters is the food prepared from one or any mixture of two or all of the forms of oysters specified in paragraph (b) of this section, and a packing medium of water, or the watery liquid draining from oysters before or during processing, or a mixture of such liquid and water. The food may be seasoned with salt. It is sealed in containers and so processed by heat as to prevent spoilage.

(b) The forms of oysters referred to in paragraph (a) of this section are prepared from oysters which have been removed from their shells and washed and which may be steamed while in the shell or steamed or blanched or both after removal therefrom, and are as follows:

(1) Whole oysters with such broken pieces of oysters as normally occur in removing oysters from their shells, washing, and packing.

(2) Pieces of oysters obtained by segregating pieces of oysters broken in shucking, washing, or packing whole oysters.

(3) Cut oysters obtained by cutting whole oysters.

(c) (1) When the form of oysters specified in paragraph (b) (1) is used, the name of the food is "Oysters" or "Cove Oysters," if of the species Ostrea virginica; "Pacific Oysters," if of the species Ostrea gigas; "Olympia Oysters," if of the species Ostrea lurida.

(2) When the form of oysters specified in paragraph (b) (2) is used, the name of the food is "Pieces of ------," the blank being filled in with the name "Oysters" or "Cove Oysters," if of the species Ostrea virginica; "Pacific Oysters," if of the species Ostrea gigas; "Olympia Oysters," if of the species Ostrea lurida.

(3) When the form of oysters specified in paragraph (b) (3) is used, the name of the food is "Cut ------," the blank being filled in with the name "Oysters" or "Cove Oysters," if of the species Ostrea virginica; "Pacific Oysters," if of the species Ostrea gigas; "Olympia Oysters," if of the species Ostrea lurida.

(4) In case a mixture of two or all such forms of oysters is used, the name is a combination of the names specified in this paragraph of the forms of oysters used, arranged in order of their predominance by weight.

§ 36.6 *Canned oysters; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned oysters is a fill such that the drained weight of oysters taken from each container is not less than 59 percent of the water capacity of the container.

(b) Water capacity of containers is determined by the general method provided in § 10.1 (a) of this chapter.

(c) Drained weight is determined by the following method:

Keep the unopened canned oyster container at a temperature of not less than 68° or more than 95° Fahrenheit for at least 12 hours immediately preceding the determination. After opening, tilt the container so as to distribute its contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)," in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained oysters. The weight so found, less the weight of the sieve, shall be considered to be the drained weight of the oysters.

(d) If canned oysters fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter in the manner and form therein specified, followed by the statement, "A can of this size should contain ------ oz. of oysters. This can contains only ------ oz.," the blanks being filled in with the applicable figures.

RAW OYSTERS

§ 36.10 *Oysters, raw oysters, shucked oysters; identity.* (a) Oysters, raw oysters, shucked oysters, are the class of foods each of which is obtained by shucking shell oysters and preparing them in accordance with the procedure prescribed in paragraph (b) of this section. The name of each such food is the name specified in the applicable definition and standard of identity prescribed in §§ 36.11 to 36.22, inclusive.

(b) If water, or salt water containing less than 0.75 percent salt, is used in any vessel into which the oysters are shucked, the combined volume of oysters and liquid when such oysters are emptied from such vessel is not less than four times the volume of such water or salt water. Any liquid accumulated with the oysters is removed. The oysters are washed, by blowing or otherwise, in water or salt water, or both. The total time that the oysters are in contact with water or salt water after leaving the shucker, including the time of washing, rinsing, and any other contact with water or salt water is not more than thirty minutes. In computing the time of contact with water or salt water, the length of time that oysters are in contact with water or salt water that is agitated by blowing or otherwise, shall be calculated at twice its actual length. Any period of time that oysters are in contact with salt water containing not less than 0.75 percent salt before contact with oysters, shall not be included in computing the time that the oysters are in contact with water or salt water. Before packing into the containers for shipment or other delivery for consumption the oysters are thoroughly drained and are packed without any added substance.

(c) For the purposes of this section:

(1) "Shell oysters" means live oysters of any of the species, Ostrea virginica, Ostrea gigas, Ostrea lurida, in the shell, which after removal from their beds, have not been floated or otherwise held under conditions which result in the addition of water.

(2) "Thoroughly drained" means one of the following:

(i) The oysters are drained on a strainer or skimmer which has an area of not less than 300 square inches per gallon of oysters, drained, and has perforations of at least ¼ of an inch in diameter and not more than 1¼ inches apart, or perforations of equivalent areas and distribution. The oysters are distributed evenly over the draining surface of the skimmer and drained for not less than five minutes; or

(ii) The oysters are drained by any method other than that prescribed by subdivision (i) of this subparagraph whereby liquid from the oysters is removed so that when the oysters are tested within 15 minutes after packing by draining a representative gallon of oysters on a skimmer of the dimensions and in the manner described in subdivision (i) of this subparagraph for two minutes, not more than 5 percent of liquid by weight is removed by such draining.

§ 36.11 *Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters count (or plants), extra large shucked oysters, shucked oysters counts (or plants); identity.* Extra large oysters, oysters counts (or plants), extra large raw oysters, raw oysters counts (or plants), extra large shucked oysters, shucked oysters counts (or plants), are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains not more than 160 oysters and a quart of the smallest oysters selected therefrom contains not more than 44 oysters.

§ 36.12 *Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects; identity.* Large oysters, oysters extra selects, large raw oysters, raw oysters extra selects, large shucked oysters, shucked oysters extra selects, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 160 oysters but not more than 210 oysters; a quart of the smallest oysters selected therefrom contains not more than 58 oysters, and a quart of the largest oysters selected therefrom contains more than 36 oysters.

§ 36.13 *Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects; identity.* Medium oysters, oysters selects, medium raw oysters, raw oysters selects, medium shucked oysters, shucked oysters selects, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 210 oysters, but not more than 300 oysters; a quart of the smallest oysters selected therefrom contains not more than 83 oysters, and a quart of the largest oysters selected therefrom contains more than 46 oysters.

§ 36.14 *Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards; identity.* Small oysters, oysters standards, small raw oysters, raw oysters standards, small shucked oysters, shucked oysters standards, are of the species Ostrea virginica and conform to the definition and standards of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 300 oysters but not more than 500 oysters; a quart of the smallest oysters selected therefrom contains not more than 138 oysters and a quart of the largest oysters selected therefrom contains more than 68 oysters.

§ 36.15 *Very small oysters, very small raw oysters, very small shucked oysters; identity.* Very small oysters, very small raw oysters, very small shucked oysters, are of the species Ostrea virginica and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 500 oysters, and a quart of the largest oysters selected therefrom contains more than 112 oysters.

§ 36.16 *Olympia oysters, raw Olympia oysters, shucked Olympia oysters; identity.* Olympia oysters, raw Olympia oysters, shucked Olympia oysters, are of the species Ostrea lurida and conform to the definition and standard of identity prescribed for oysters in § 36.10.

§ 36.17 *Pacific oysters size 5 to 8 per pint, raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint; identity.* Pacific oysters size 5 to 8 per pint, raw Pacific oysters size 5 to 8 per pint, shucked Pacific oysters size 5 to 8 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed by oysters by § 36.10 and are of such size that one gallon contains less than 65 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.18 *Pacific oysters size 8 to 10 per pint, raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint; identity.* Pacific oysters size 8 to 10 per pint, raw Pacific oysters size 8 to 10 per pint, shucked Pacific oysters size 8 to 10 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 64 and not more than 80 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.19 *Pacific oysters size 10 to 12 per pint, raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint; identity.* Pacific oysters size 10 to 12 per pint, raw Pacific oysters size 10 to 12 per pint, shucked Pacific oysters size 10 to 12 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more tl.an 80 and not more than 96 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.20 *Pacific oysters size 12 to 15 per pint, raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint; identity.* Pacific oysters size 12 to 15 per pint, raw Pacific oysters size 12 to 15 per pint, shucked Pacific oysters size 12 to 15 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 96 and not more than 120 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.21 *Pacific oysters size 15 to 18 per pint, raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint; identity.* Pacific oysters size 15 to 18 per pint, raw Pacific oysters size 15 to 18 per pint, shucked Pacific oysters size 15 to 18 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 120 and not more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.22 *Pacific oysters size over 18 per pint, raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint; identity.* Pacific oysters size over 18 per pint, raw Pacific oysters size over 18 per pint, shucked Pacific oysters size over 18 per pint, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that one gallon contains more than 144 oysters and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

PART 42—EGGS AND EGG PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Sec.
42.0 Eggs.
42.10 Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs; identity.
42.20 Frozen eggs, frozen whole eggs, frozen mixed eggs; identity.
42.30 Dried eggs, dried whole eggs; identity.
42.40 Egg yolks, liquid egg yolks, yolks, liquid yolks; identity.
42.50 Frozen yolks, frozen egg yolks; identity.
42.60 Dried egg yolks, dried yolks; identity.

AUTHORITY: §§ 42.0 to 42.60 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to Part 42, see 4 F. R. 3375–3378.

§ 42.0 *Eggs.* No regulation shall be promulgated, fixing and establishing a reasonable definition and standard of identity for the food commonly known as eggs.

§ 42.10 *Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs; identity.* Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs, are eggs of the domestic hen, broken from the shells, and with yolks and whites in their natural proportions as so broken. They may be mixed, or mixed and strained.

§ 42.20 *Frozen eggs, frozen whole eggs, frozen mixed eggs; identity.* Frozen eggs, frozen whole eggs, frozen mixed eggs, are the food prepared by freezing liquid eggs.

§ 42.30 *Dried eggs, dried whole eggs; identity.* Dried eggs, dried whole eggs, are the food prepared by drying liquid eggs. They may be powdered. They contain not less than 92 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 6th edition, 1945, p. 345], under "Total Solids."

§ 42.40 *Egg yolks, liquid egg yolks, yolks, liquid yolks; identity.* Egg yolks, liquid egg yolks, yolks, liquid yolks, are yolks of eggs of the domestic hen so separated from the whites thereof as to contain not less than 43 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 6th edition, 1945, p. 345–346], under "Total Solids." They may be mixed, or mixed and strained.

§ 42.50 *Frozen yolks, frozen egg yolks; identity.* Frozen yolks, frozen egg yolks, are the food prepared by freezing egg yolks.

§ 42.60 *Dried egg yolks, dried yolks; identity.* Dried egg yolks, dried yolks, are the food prepared by drying egg yolks. They contain not less than 95 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298 [Ed. note, 6th edition, 1945, p. 345–346], under "Total Solids."

PART 45—OLEOMARGARINE; DEFINITION AND STANDARD OF IDENTITY

NOTE: For findings of fact relating to § 45.0, see 6 F. R. 2762.

§ 45.0 *Oleomargarine; identity; label statement of optional ingredients.* (a) Oleomargarine is the plastic food prepared with one or more of the optional fat ingredients named under one of the following subparagraphs (1), (2), (3), or (4) of this paragraph:

(1) The rendered fat, or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combination of two or more of such articles.

(2) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles.

(3) Any combination of ingredients named under subparagraphs (1) and (2) of this paragraph in such proportion that the weight of the ingredients named under subparagraph (1) either equals the weight of the ingredients named under subparagraph (2), or exceeds such weight by a ratio not greater than 9 to 1.

(4) Any combination of ingredients named under subparagraphs (1) and (2) of this paragraph in such proportion that the weight of the ingredients named under subparagraph (2) exceeds the weight of the ingredients named under subparagraph (1) by a ratio not greater than 9 to 1.

One of the five following articles is intimately mixed with the fat ingredient or ingredients, after such article has been pasteurized and subjected to the action of harmless bacterial starters: (i) cream, (ii) milk, (iii) skim milk, (iv) any combination of dried skim milk and water in which the weight of the dried skim milk is not less than 10 percent of the weight of the water, or (v) any mixture of two or more of these. (The term "milk" as used in this subparagraph means cow's milk.) Congealing is effected, either with or without contact with water, and the congealed mixture may be worked. In the preparation of oleomargarine one or more of the following optional ingredients may also be used:

(5) Artificial coloring.

(6) Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not to exceed 0.1 percent of the weight of the finished product.

(7) Vitamin A, added as fish liver oil or as a concentrate of Vitamin A from fish liver oil (with any accompanying Vitamin D and with or without added Vitamin D concentrate), in such quantity that the finished oleomargarine contains not less than 9,000 United States Pharmacopoeia Units of Vitamin A per pound.

(8) The artificial flavoring diacetyl added as such, or as starter distillate, or produced during the preparation of the product as a result of the addition of citric acid or harmless citrates.

(9) (i) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (ii) monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (iii) such monoglycerides and diglycerides in combination with the sodium sulfo-acetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine, or (iv) a combination of subdivisions (i) and (ii) of this subparagraph in which the amount of neither exceeds that above stated, or (v) a combination of subdivisions (i) and (iii) in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine. (The weight of diglycerides in each of ingredients (ii), (iii), (iv), and (v) is calculated at one-half actual weight.)

(10) Butter.

(11) Salt.

The finished oleomargarine contains not less than 80 percent fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", 4th Edition, 1935, page 289, or 5th Edition, 1940, page 298 [Ed. note, 6th edition, 1945, p. 334], under "Indirect Method—Official".

(b) When any ingredient named under one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall, except as provided in this paragraph, bear the statement set forth below after the number of such subparagraph:

Subparagraph (1): "Prepared from Animal Fat", or "Made from Animal Fat".

Subparagraph (2): "Vegetable", or "Prepared from Vegetable Fat", or "Made from Vegetable Fat".

Subparagraph (3) "Prepared from Animal and Vegetable Fats", or "Made from Animal and Vegetable Fats".

Subparagraph (4): "Prepared from Vegetable and Animal Fats", or "Made from Vegetable and Animal Fats".

Subparagraph (5): "Artificially Colored", or "Artificial Coloring Added", or "With Added Artificial Coloring".

Subparagraph (6): "Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') Added as a Preservative", or "With Added Sodium Benzoate (or, as the case may be, 'Benzoic Acid' or 'Sodium Benzoate and Benzoic Acid') as a Preservative".

Subparagraph (7): "Vitamin A Added", or "With Added Vitamin A".

Subparagraph (8): "Artificially Flavored", or "Artificial Flavoring Added", or "With Added Artificial Flavoring".

Where oil is used, the word "oil" may be substituted for "fat" in the label statement. In lieu of the word "animal" or "vegetable" in any such statement, the common or usual name of the fat ingredient may be used. If two or more of the optional ingredients named in paragraph (a) (5), (6), (7), and (8) of this section are used, the words "added" or "with added" need appear only once, either at the beginning or end of the list of such ingredients declared. The declaration of vitamin A may include the number of United States Pharmacopoeia units which have been added.

Whenever the name "oleomargarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section showing ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter. (52 Stat. 1046, 1055; 21 U. S. C., 341, 371)

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED PEAS

Sec.
51.0 Identity; label statement of optional ingredients.
51.1 Quality; label statement of substandard quality.
51.2 Fill of container; label statement of substandard fill.

CANNED BEANS

51.10 Canned green beans; identity; label statement of optional ingredients.
51.11 Canned green beans; quality; label statement of substandard quality.
51.15 Canned wax beans; identity; label statement of optional ingredients.
51.16 Canned wax beans; quality; label statement of substandard quality.

AUTHORITY: §§ 51.0 to 51.16 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

CANNED PEAS

NOTE: For findings of fact relating to §§ 51.0 to 51.2, see 5 F. R. 739, 741 7 F. R. 9918; 12 F. R. 950.

§ 51.0 *Identity; label statement of optional ingredients.* (a) Canned peas is the food prepared from one of the following optional pea ingredients:

(1) Shelled, succulent peas (*Pisum sativum*) of Alaska or other smooth skin varieties.

(2) Shelled, succulent peas (*Pisum sativum*) of sweet, wrinkled varieties.

(3) Shelled, dried peas (*Pisum sativum*) of Alaska or other smooth skin varieties.

(4) Shelled, dried peas (*Pisum sativum*) of sweet, wrinkled varities.

(b) To one such optional pea ingredient water is added.

(c) The following optional ingredients may be used:

(1) Salt.
(2) Sugar.
(3) Dextrose.
(4) Spice.
(5) Flavoring.
(6) Artificial coloring.

and in case optional pea ingredient (1) or (2) is used,

(7) Sodium carbonate, sodium bicarbonate, sodium hydroxide, calcium hydroxide, magnesium hydroxide, magnesium oxide, or magnesium carbonate or any mixture or combination of them in such quantity that the pH of the finished canned peas is not more than 8, as determined by the glass electrode method for the hydrogen ion concentration.

(d) The food may be seasoned with one or more of the following optional seasonings:

(1) Green peppers.
(2) Mint leaves.
(3) Onions.
(4) Garlic.
(5) Horseradish.

(e) The food is sealed in a container and so processed by heat as to prevent spoilage.

(f) (1) The label shall name the optional pea ingredient present by the use of the word or words "Early" or "June" or "Early June", "Sweet" or "Sweet Wrinkled" or "Sugar", "Dried Early" or "Dried June" or "Dried Early June", "Dried Sweet" or "Dried Sweet Wrinkled" or "Dried Sugar".

(2) If spice is present, the label shall bear the word or words "Spiced" or "With Added Spice" or "Spice Added".

(3) If flavoring is present, the label shall bear the words "With Added Flavoring" or "Flavoring Added".

(4) If artificial coloring is present, the label shall state that fact in such manner and form as is provided in the regulation promulgating a standard of quality for canned peas.

(5) If an optional seasoning ingredient is used, the label shall bear the words "Seasoned with Green Peppers", "Seasoned with Mint Leaves", "Seasoned with Onions", "Seasoned with Garlic", or "Seasoned with Horseradish", as the case may be.

(6) If one or more of the optional ingredients named in paragraph (c) (7) of this section is used the label shall bear the statement "Traces of ------ Added", the blank to be filled in with the names of the ingredients used; but in lieu of such statement the label may bear the statement "Traces of Alkalis Added".

(7) Wherever the name "Peas" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peas may so intervene.

§ 51.1 *Quality; label statement of substandard quality.* (a) The standard of quality for canned peas is as follows:

(1) Not more than 4 percent by count of the peas in the container are spotted or otherwise discolored;

(2) Standard canned peas are normally colored, not artificially colored;

(3) The combined weight of pea pods and other harmless extraneous vegetable material is not more than one-half of 1 percent of the drained weight of peas in the container;

(4) The weight of pieces of peas is not more than 10 percent of the drained weight of peas in the container;

(5) The skins of not more than 25 percent by count of the peas in the container are ruptured to a width of 1/16 inch or more;

(6) Not less than 90 percent by count of the peas in the container are crushed by a weight of not more than 907.2 grams (2 pounds); and

(7) The alcohol-insoluble solids of Alaska or other smooth skin varieties of peas in the container, is not more than 23.5 percent, and of sweet, wrinkled varieties, not more than 21 percent.

(b) Canned peas shall be tested by the following methods to determine whether or not they meet the requirements of paragraph (a) of this section:

(1) After determining the fill of the container as prescribed in § 51.2 (a), distribute the contents of the container over the meshes of a circular sieve made with No. 8 woven-wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves", published October 25, 1938, by U. S. Department of Commerce, National Bureau of Standards. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. Without shifting the peas, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, remove the peas from the sieve and weigh them. Such weight shall be considered to be the drained weight of the peas.

(2) From the drained peas obtained in subparagraph (1) of this paragraph, promptly segregate and weigh the pea pods and other harmless extraneous vegetable material, and the pieces of peas.

(3) From the drained peas obtained in subparagraph (1) of this paragraph, take at random a subdivision of 100 to 150 peas, and count them. Immediately cover these peas with a portion of the liquid obtained in subparagraph (1) of this paragraph, and add the remaining liquid to the drained peas from which the subdivision was taken. Count those peas in the subdivision which are spotted or otherwise discolored, and also those peas the skins of which are ruptured to a width of 1/16 inch or more.

(4) Immediately after each pea is examined by the method prescribed in subparagraph (3) of this paragraph, test it by removing its skin, placing one of its cotyledons, with flat surface down, on the approximate center of the level, smooth surface of a rigid plate, lowering a horizontal disc to the highest point of the cotyledon, and measuring the height of the cotyledon. The disc is of rigid material and is affixed to a rod held vertically by a support through which the rod can freely move upward or downward. The lower face of the disc is a smooth, plane surface horizontal to the vertical axis of the rod. A device to which weight may be added is affixed to the upper end of the rod. Before lowering the disc to the cotyledon, adjust the combined weight of disc, rod, and device to 100 grams. After measuring the height of the cotyledon, and shifting the plate, if necessary, so that the cotyledon is under the approximate center of the disc, add weight to the device at a uniform, continuous rate of 12 grams per second until the cotyledon is pressed to one-fourth its previously measured height, or until the combined weight of disc, rod, and device is 907.2 grams (2 pounds). A pea so tested shall be considered to be crushed when its cotyledon is pressed to one-fourth its original height.

(5) Drain the liquid from the peas which remained after taking the subdivision as prescribed in subparagraph (3) of this paragraph. Transfer the peas to a pan, and rinse them with a volume of water equal to twice the capacity of the container from which such peas were drained in subparagraph (1) of this paragraph. Immediately drain the peas again by the method prescribed in subparagraph (1) of this paragraph. After the 2 minutes' draining, wipe the moisture from the bottom of the sieve. Comminute the peas thus drained, stir them to a uniform mixture, and weigh 20 grams of such mixture into a 600 cc. beaker. Add 300 cc. of 80 percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend 1/2 inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° Centigrade, covering the dish with a tight-fitting cover, cooling it in a desiccator, and promptly weighing. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80 percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° Centigrade. Place the cover on the dish, cool it in a desiccator, and promptly weigh. From this weight, subtract the weight of the dish, cover, and paper, as previously found. The weight in grams thus obtained, multiplied by 5, shall be considered to be the percent of alcohol-insoluble solids.

(c) If the quality of canned peas falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality when the quality of canned peas falls below the standard in only one respect, the label may bear the alternative statement "Below Standard in Quality ------ ------," the blank to be filled in with the words specified after the corresponding subparagraph number of paragraph (a) of this section which such canned peas fail to meet, as follows: (1) "Excessive Discolored Peas;" (2) "Artificially Colored;" (3) "Excessive Foreign Material;" (4) "Excessive Broken Peas;" (5) "Excessive Cracked Peas;" (6) "Not Tender;" (7) "Excessively Mealy." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peas" and any words and statements required or authorized to appear with such name by § 51.0 (b).

§ 51.2 *Fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned peas is a fill such that, when the peas and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid), 15 seconds after they are so returned completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to the level 3/16 inch

vertical distance below the top of the double seam; and a glass container shall be considered to be completely filled when it is filled to the level ½ inch vertical distance below the top of the container.

(b) If canned peas fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

CANNED BEANS

NOTE: For findings of fact relating to §§ 51.10 to 51.16, see 13 F. R. 3724, 3725.

§ 51.10 *Canned green beans; identity; label statement of optional ingredients.* (a) Canned green beans is the food prepared from stemmed, succulent pods of the green-bean plant, and water. It may be seasoned with salt, sugar, or dextrose, or any two or all of these. The pods are prepared in one or more of the following forms:

(1) Whole pods, including pods which after removal of either or both ends are less than 2¾ inches in length, or transversely cut pods not less than 2¾ inches in length. There may be present such broken pieces of pods as normally occur in the commercial packing of such product.

(2) Pods sliced lengthwise.

(3) Pods cut transversely into pieces less than 2¾ inches in length but not less than ¾ inch in length, with or without shorter end pieces resulting therefrom.

(4) Pieces of pods of which not less than 75 percent by count are less than ¾ inch in length and not more than 1 percent by count are more than 1¼ inches in length.

Any such form is an optional ingredient. Mixtures of two or more optional ingredients may be used. The food is sealed in a container and so processed by heat as to prevent spoilage.

(b) (1) When optional ingredient specified in paragraph (a) (1) of this section is used the label shall bear the word "Whole." If the pods are packed parallel to the sides of the container the word "Whole" shall be preceded or followed by the words "Vertical Pack," except that when the pods are cut at both ends and are of substantially equal lengths, the words "Asparagus Style" may be used in lieu of the words "Vertical Pack."

(2) When optional ingredient specified in paragraph (a) (2) of this section is used the label shall bear the words "Sliced Lengthwise" or "French Style."

(3) When optional ingredient specified in paragraph (a) (3) of this section is used the label shall bear the word "Cut" or "Cuts."

(4) When optional ingredient specified in paragraph (a) (4) of this section is used the label shall bear the words "Short Cut" or "Short Cuts" or "------ Inch Cut" or "------ Inch Cuts," the blank to be filled in with the fraction of an inch which denotes the approximate length of the pieces.

(5) When a mixture of two or more of the optional ingredients specified in paragraphs (a) (1) to (a) (4), inclusive, of this section, is used the label shall bear the statement "Mixture of ------," the blank to be filled in with the combination of the names "Whole," "Sliced Lengthwise," "Cut," or "Cuts," and "Short Cut" or "Short Cuts," designating the optional ingredients present, and arranged in the order of predominance, if any, by weight of such ingredients.

(c) Wherever the name "Green Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (b) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless," where the beans are in fact stringless, and (3) the description of the green beans as "Stringless," which may also be used between the words "Green" and "Beans," where the beans are in fact stringless.

§ 51.11 *Canned green beans; quality; label statement of substandard quality.* (a) The standard of quality of canned green beans is as follows:

When tested by the method prescribed in paragraph (b) of this section:

(1) In the case of cut beans (§ 51.10 (a) (3)) and mixtures of two or more of the optional ingredients specified in § 51.10 (a) (1) to (a) (4), inclusive, not more than 60 units per 12 ounces drained weight are less than ½ inch long; *Provided*, That where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent by count of the total units are less than ½ inch long.

(2) The trimmed pods contain not more than 25 percent by weight of seed and pieces of seed.

(3) In case there are present pods or pieces of pods $\frac{27}{64}$ inch or more in diameter, there are not more than 12 strings per 12 ounces of drained weight which will support ½ pound for 5 seconds or longer.

(4) The deseeded pods contain not more than 0.15 percent by weight of fibrous material.

(5) There are not more than 8 percent by count of blemished units. A unit is considered blemished when the aggregate blemished area exceeds the area of a circle ⅛ inch in diameter.

(6) There are not more than 6 unstemmed units per 12 ounces of drained weight.

(7) The combined weight of loose seed and pieces of seed is not more than 5 percent of the drained weight. This provision does not apply in case the green-bean ingredient is pods sliced lengthwise (§ 51.10 (a) (2)).

(8) The combined weight of leaves, detached stems, and other extraneous vegetable matter is not more than 0.6 ounce per 60 ounces drained weight.

(b) Canned green beans shall be tested by the following method to determine whether they meet the requirements of paragraph (a) of this section.

(1) Distribute the contents of the container over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and the drained material. Record, in ounces, the weight so found, less the weight of the sieve, as the drained weight.

(2) Pour the drained material from the sieve into a flat tray and spread it in a layer of fairly uniform thickness. Count the total number of units. For the purpose of this count, loose seed, pieces of seed, loose stems, and extraneous material are not to be included. Divide the number of units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of units per 12 ounces drained weight.

(3) Examine the drained material in the tray, counting and recording the number of blemished units, number of unstemmed units, and, in case the material consists of the optional ingredient specified in paragraph (a) (3) of this section or a mixture of two or more of the optional ingredients specified in § 51.10 (a) (1) to (a) (4), inclusive, count and record the number of units which are less than ½ inch long. If the number of units per 12 ounces is 240 or less, divide the number of units which are less than ½ inch long by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of such units per 12 ounces drained weight. If the number of units per 12 ounces exceeds 240, divide the number of units less than ½ inch long by the total number of units and multiply by 100 to determine the percentage by count of the total units which are less than ½ inch long.

Divide the number of blemished units by the total number of units in the container and multiply by 100 to obtain the percentage by count of blemished units in the container.

Divide the number of unstemmed units by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 12 to obtain the number of unstemmed units per 12 ounces of drained weight.

(4) Except in the case of pods sliced lengthwise, remove the loose seed and pieces of seed, weigh and record weight and return to tray. Divide the weight of loose seed and pieces of seed by the drained weight recorded in subparagraph (1) of this paragraph and multiply by 100 to obtain the percentage by weight of loose seed and pieces of seed in the drained material.

(5) Remove from the tray the extraneous vegetable material, weigh, record weight, and return to tray.

(6) Remove from the tray one or more representative samples of 3½ to 4 ounces, covering each sample as taken to prevent evaporation. If the tray includes pods or pieces of pods $\frac{27}{64}$ inch or more in diameter, weigh and record weight in ounces of each representative sample.

(7) From each representative sample selected in subparagraph (6) of this paragraph discard any loose seed and extraneous vegetable material and detach and discard any attached stems. Except with optional ingredient specified in § 51.10 (a) (2), (pods sliced lengthwise), trim off, as far as the end of the space formerly occupied by the seed, any portion of pods from which seed have become separated. Remove and discard any portions of seed from the trimmings and reserve the trimmings for subparagraph (9) of this paragraph. Weigh and record the weight of the trimmed pods. Deseed the trimmed pods and reserve the deseeded pods for subparagraph (9) of this paragraph. If the original container contained pods $\frac{27}{64}$ inch or more in diameter, remove strings from the pods during the deseeding operation. Reserve these strings for testing as prescribed in subparagraph (8) of this paragraph. Collect the seed on a sieve of mesh fine enough to retain them, and so distribute them that any liquid drains away. Weigh the seed, divide by the weight of the trimmed pods, and multiply by 100 to obtain the percentage by weight of seed in the trimmed pods.

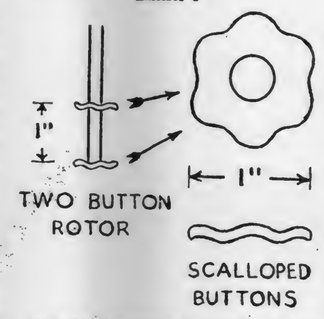
In the case of pods sliced lengthwise remove seed and pieces of seed and reserve the deseeded pods for use as prescribed in subparagraph (9) of this paragraph.

(8) If strings have been removed for testing, as prescribed in subparagraph (7) of this paragraph, test them as follows:

Fasten clamp, weighted to ½ pound, to one end of the string, grasp the other end with the fingers (a cloth may be used to aid in holding the string), and lift gently. Count the string as tough if it supports the ½-pound weight for at least 5 seconds. If the string breaks before 5 seconds, test such parts into which it breaks as are ½ inch or more in length and if any such part of the string supports the ½-pound weight for at least 5 seconds count the string as tough. Divide the number of tough strings by the weight of the sample recorded in subparagraph (6) of this paragraph and multiply by 12 to obtain the number of tough strings per 12 ounces drained weight.

(9) Combine the deseeded pods with the trimmings reserved in subparagraph (7) of this paragraph, and, if strings were tested as prescribed in subparagraph (8) of this paragraph, add such strings, broken or unbroken. Weigh and record weight of combined material. Transfer to the metal cup of a malted-milk stirrer and mash with a pestle. Wash material adhering to the pestle back into cup with 200 cc. of boiling water. Bring mixture nearly to a boil, add 25 cc. of 50 percent (by weight) sodium hydroxide solution and bring to a boil. (If foaming is excessive, 1 cc. of capryl alcohol may be added.) Boil for 5 minutes, then stir for 5 minutes with a malted-milk stirrer capable of a no-load speed of at least 7200 r. p. m. Use a rotor with two scalloped buttons shaped as shown in the diagram in Exhibit 1.

EXHIBIT 1



Transfer the material from the cup to a previously weighed 30-mesh monel metal screen having a diameter of about 3½ to 4 inches and side walls about 1 inch high, and wash fiber on the screen with a stream of water using a pressure not exceeding a head (vertical distance between upper level of water and outlet of glass tube) of 60 inches, delivered through a glass tube 3 inches long and ⅛ inch inside diameter inserted into a rubber tube of ¼ inch inside diameter. Wash the pulpy portion of the material through the screen and continue washing until the remaining fibrous material, moistened with phenolphthalein solution, does not show any red color after standing 5 minutes. Again wash to remove phenolphthalein. Dry the screen containing the fibrous material for 2 hours at 100° C., cool, weigh, and deduct weight of screen. Divide the weight of fibrous material by the weight of combined deseeded pods, trimmings, and strings and multiply by 100 to obtain the percentage of fibrous material.

(10) If the drained weight recorded in subparagraph (1) of this paragraph was less than 60 ounces, open and examine separately for extraneous material, as directed in subparagraph (5) of this paragraph, additional containers until a total of not less than 60 ounces of drained material is obtained. To determine the combined weight of extraneous vegetable material per 60 ounces of drained weight, total the weights of extraneous vegetable material found in all containers opened, divide this sum by the sum of the drained weights in these containers and multiply by 60.

(c) If the quality of the canned green beans falls below the standard of quality prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter, in the manner and form therein specified, but in lieu of the words prescribed for the second line inside the rectangle the following words may be used, when the quality of canned green beans falls below the standard in one only of the following respects:

(1) "Excessive Number Very Short Pieces," if the canned green beans fail to meet the requirements of paragraph (a) (1) of this section.

(2) "Excessive Number Blemished Units," if they fail to meet the requirements of paragraph (a) (5) of this section.

(3) "Excessive Number Unstemmed Units," if they fail to meet the requirements of paragraph (a) (6) of this section.

(4) "Excessive Foreign Material," if they fail to meet the requirement of paragraph (a) (8) of this section.

§ 51.15 *Canned wax beans; identity; label statement of optional ingredients.* (a) Canned wax beans conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for canned green beans by § 51.10 (a) and (b), except that it is prepared from stemmed, succulent pods of the wax-bean plant.

(b) Wherever the name "Wax Beans" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements prescribed by paragraph (a) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that there may intervene (1) the designation of the length of cut, (2) the varietal name, which may include the word "Stringless" where the beans are in fact stringless, and (3) the description of the wax beans as "Stringless," which may also be used between the words "Wax" and "Beans," where the beans are in fact stringless.

§ 51.16 *Canned wax beans; quality; label statement of substandard quality.* (a) The standard of quality for canned wax beans is that prescribed for canned green beans by § 51.11 (a) and (b).

(b) If the quality of canned wax beans falls below the standard of quality prescribed by paragraph (a) of this section the label shall bear the statement of substandard quality in the manner and form specified in § 51.11 (c) for canned green beans.

PART 52—CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

CROSS REFERENCE: For regulations relating to canned peas and canned green and wax beans, see Part 51 of this chapter.

NOTE: For findings of fact relating to § 52.990, see 5 F. R. 806, 2399.

§ 52.990 *Canned vegetables; identity; label statement of optional ingredients.* (a) The canned vegetables for which definitions and standards of identity are prescribed by this section are those named in column I of the table set forth in paragraph (b) of this section. The vegetable ingredient in each such canned vegetable is obtained by proper preparation from the succulent vegetable prescribed in column II of such table. If two or more forms of such ingredient are designated in column III of such table, the vegetable in each such form is an optional ingredient.

(b) The table referred to in paragraph (a) of this section is as follows:

I Name or synonym of canned vegetable	II Source	III Optional forms of vegetable ingredient
Artichokes	Flower buds of the artichoke plant	Whole; half or halves or halved; whole hearts; halved hearts; quartered hearts.
Asparagus	Edible portions of sprouts of the asparagus plant, as follows:	
	Three and three-quarter inches or more of upper end.	Stalks or spears.
	Three and three-quarter inches or more of peeled upper end.	Peeled stalks or peeled spears.
	Not less than two and three-quarter inches but less than three and three-quarter inches of upper end.	Tips.
	Less than two and three-quarter inches of upper end.	Points.
	Sprouts cut in pieces	Cut stalks or cut spears.
	Sprouts from which the tip has been removed, cut in pieces.	Bottom cuts or cuts—tips removed.
Bean sprouts	Sprouts of the Mung bean.	
Shelled beans	Seed shelled from green or wax bean pods, with or without snaps (pieces of immature unshelled pods).	
Lima beans or butter beans	Seed shelled from the pods of the lima bean plant.	
Beets	Root of the beet plant	Whole; slices or sliced; quarters or quartered; dice or diced; cut; shoestring or French style or julienne.
Beet greens	Leaves, or leaves and immature root, of the beet plant.	
Broccoli	Heads of the broccoli plant.	
Brussels sprouts	Sprouts of the brussels sprouts plant.	
Cabbage	Cut pieces of the heads of the cabbage plant.	
Carrots	Root of the carrot plant	Do.
Cauliflower	Cut pieces of the head of the cauliflower plant.	
Celery	Stalks of the celery plant	Cut; hearts.
Collards	Leaves of the collard plant.	
White sweet corn or White corn or White sugar corn	Seed cut from ears of white sweet corn	Whole grain or whole kernel.
	Seed cut and scraped from ears of white sweet corn.	Cream style or crushed.
	Ears of white sweet corn	On cob.
Yellow sweet corn or Yellow corn or Yellow sugar corn or Golden corn or Golden sugar corn or Golden sweet corn	Seed cut from ears of yellow sweet corn.	Whole grain or whole kernel
	Seed cut and scraped from ears of yellow sweet corn.	Cream style or crushed.
	Ears of yellow sweet corn	On cob.
Field corn	Seed cut from ears of field corn	Whole grain or whole kernel.
	Seed cut and scraped from ears of field corn.	Cream style or crushed.
Dandelion greens	Leaves of the dandelion plant.	
Kale	Leaves of the kale plant.	
Mushrooms	Cap and stem of the mushroom	Buttons; whole; slices or sliced; pieces and stems.
Mustard greens	Leaves of the mustard plant.	
Okra	Pods of the okra plant	Whole; cut.
Onions	Bulb of the onion plant	Do.
Parsnips	Root of the parsnip plant	Whole; quarters or quartered; slices or sliced; cut; shoestring or French style or julienne.
Black-eye peas or black-eyed peas	Seed shelled from pods of the black-eye pea plant, with or without snaps (pieces of immature unshelled pods).	
Field peas	Seed shelled from pods of the field pea plant (other than the black-eye pea plant), with or without snaps (pieces of immature unshelled pods).	
Green sweet peppers	Green pods of the sweet pepper plant	Whole; halves or halved; pieces.
Red sweet peppers	Red-ripe pods of the sweet pepper plant.	Do.
Pimientos or pimentos	Red-ripe pods of the pimiento, or pimento, pepper plant.	Whole; slices or sliced; dice or diced; pieces; shoestring or French style or julienne.
Potatoes	Tuber of the potato plant	Whole; pieces; mashed.
Sweetpotatoes	Tuber of the sweetpotato plant	Whole; quarters or quartered; slices or sliced; dice or diced; cut.
Rutabagas	Root of the rutabaga plant	
Salsify	Root of the salsify plant.	
Spinach	Leaves of the spinach plant.	
Swiss chard	Leaves of the swiss chard plant.	
Truffles	Fruit of the truffle.	Do.
Turnip greens	Leaves of the turnip plant.	
Turnips	Root of the turnip plant	

(c) To the vegetable ingredient water is added; except that pimientos may be canned with or without added water, and sweetpotatoes in mashed form are canned without added water, and asparagus may be canned with added water, asparagus juice, or a mixture of both. For the purpose of this section asparagus juice is the clear, unfermented liquid expressed from the washed and heated sprouts or parts of sprouts of the asparagus plant; mixtures of asparagus juice and water are considered to be water when such mixtures are used as a packing medium for canned asparagus. In the case of artichokes, citric acid or a vinegar is added in such quantity as to reduce the pH of the finished canned vegetable to 4.5 or below. The following optional ingredients, in the cases of the vegetables specified, may be added:

(1) Citric acid or a vinegar, in the cases of all vegetables (except artichokes in which such ingredient is necessary) in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article.

(2) An edible vegetable oil, in the cases of artichokes and pimientos.

(3) Starch, in the cases of white sweet corn (cream style or crushed form) and yellow sweet corn (cream style or crushed form), in a quantity not more than sufficient to insure smoothness.

(4) Snaps, in the cases of shelled beans, black-eye peas, and field peas.

In the cases of all vegetables one or more of the following optional seasoning ingredients may be added in a quantity sufficient to season the food:

(5) Salt.
(6) A vinegar.
(7) Spice.
(8) Refined sugar (sucrose).
(9) Refined corn sugar (dextrose).

The food is sealed in a container and so processed by heat as to prevent spoilage.

(d) The name of each canned vegetable for which a definition and standard of identity is prescribed by this section is the name or any synonym thereof whereby such vegetable is designated in Column I of the table in paragraph (b) of this section.

(e) If two or more forms of the vegetable are specified in Column III of the table in paragraph (b) of this section, the label shall bear the specified word or words, or in case synonyms are so specified, one of such synonyms, showing the form of the vegetable ingredient present.

(f) (1) If optional ingredient (c) (2) is present, the label shall bear the statement "---------- Oil Added" or "With Added ---------- Oil" (the blank to be filled in with the common or usual name of the oil). If optional ingredient (c) (3) is present, the label shall bear the statement "Starch Added to Insure Smoothness". If optional ingredient (c) (4) is present, the label shall bear the statement "With Snaps".

(2) If optional seasoning ingredient (c) (6) is present, the label shall bear the statement "Seasoned with Vinegar" or "Seasoned With ---------- Vinegar" (the blank to be filled in with the common or usual name of the vinegar). If optional seasoning ingredient (c) (7) is present, the label shall bear the statement "Spice Added" or "With Added Spice".

(3) If a vinegar, spice, and edible vegetable oil, or any two of these are present, the label may bear, in lieu of the statements herein prescribed showing the presence of such ingredients, a combination of such statements, as for example, "With Added Cider Vinegar, Spice, and Olive Oil".

(4) If asparagus juice is used as a packing medium in canned asparagus, the label shall bear the statement "Packed in Asparagus Juice".

(g) Wherever the name of the vegetable appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in paragraphs (e) and (f) of this section shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the vegetable may so intervene. (52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

PART 53—TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Sec.
53.0 Tomato juice; identity.
53.5 Yellow tomato juice; identity.
53.10 Catsup, ketchup, catchup; identity; label statement of optional ingredients.
53.20 Tomato puree, tomato pulp; identity; label statement of optional ingredients.
53.30 Tomato paste; identity; label statement of optional ingredients.
53.40 Canned tomatoes; identity; label statement of optional ingredients.
53.41 Canned tomatoes; quality; label statement of substandard quality.
53.42 Canned tomatoes; fill of container; label statement of substandard fill.

AUTHORITY: §§ 53.0 to 53.42 issued under 52 Stat. 1046, 1055; 21 U. S. C. 341, 371.

NOTE: For findings of fact relating to §§ 53.0 to 53.42, see 4 F. R. 3321, 3454; 5 F. R. 2283.

§ 53.0 *Tomato juice; identity.* Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized, and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

§ 53.5 *Yellow tomato juice; identity.* Yellow tomato juice is the unconcentrated liquid extracted from mature tomatoes of yellow varieties. It conforms, in all other respects, to the definition and standard of identity for tomato juice prescribed in § 53.0.

§ 53.10 *Catsup, ketchup, catchup; identity; label statement of optional ingredients.* (a) Catsup, ketchup, catchup, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and is seasoned with sugar or a mixture of sugar and dextrose (refined corn sugar), salt, a vinegar or vinegars, spices or flavoring or both, and onions or garlic or both. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) When optional ingredient specified in paragraph (a) (2) of this section, is present, in whole or in part, the label shall bear the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." Wherever the name "Catsup," "Ketchup," or "Catchup" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements specified in this paragraph showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.20 *Tomato puree, tomato pulp; identity; label statement of optional ingredients.* (a) Tomato puree, tomato pulp, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 8.37 percent, but less than 25.00 percent, of salt-free tomato solids, as determined by the following method:

Determine total solids by the method prescribed on page 499 [Ed. note, 6th edition, p. 595] under "Total Solids—Tentative," and sodium chloride by the method prescribed on page 500 [Ed. note, 6th edition, 1945, p. 596. Title changed to "Sodium Chloride Method I—Official."] under "Sodium Chloride—Official," of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935. Subtract the percent of sodium chloride found from the percent of total solids found; the difference shall be considered to be the percent of salt-free tomato solids.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, in whole or in part, the label shall bear the statement "made from ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." Wherever the name "Tomato Puree" or "Tomato Pulp" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.30 *Tomato paste; identity; label statement of optional ingredients.* (a) Tomato paste is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes.

Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with one or more of the optional ingredients:

(4) Salt.
(5) Spice.
(6) Flavoring.

It may contain, in such quantity as neutralizes a part of the tomato acids, the optional ingredient:

(7) Baking soda.

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 25.00 percent of salt-free tomato solids, as determined by the following method:

Determine total solids by the method prescribed on page 499 [Ed. note, 6th edition, p. 595] under "Total Solids—Tentative," and sodium chloride by the method prescribed on page 500 [Ed. note, 6th edition, 1945, p. 596, Method I] under "Sodium Chloride—Official," of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935. Subtract the percent of sodium chloride found from the percent of total solids found; the difference shall be considered to be the percent of salt-free tomato solids.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, in whole or in part, the label shall bear the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Canning." When optional ingredient specified in paragraph (a) (3) of this section is present, in whole or in part, the label shall bear the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such

ingredients are present, such statements may be combined in the statement "Made From ------" (or "Made in Part From ------," as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." When optional ingredient specified in paragraph (a) (5) or (6) of this section is present the label shall bear the statement or statements, "Spice Added" or "With Added Spice," "Flavoring Added" or "With Added Flavoring," as the case may be. When optional ingredient specified in paragraph (a) (7) of this section is present, the label shall bear the statement "Baking Soda Added." If two or all of the optional ingredients specified in paragraph (a) (5), (6), and (7), of this section are present, such statements may be combined, as for example, "Spice, Flavoring, and Baking Soda Added." In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used. Wherever the name "Tomato Paste" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.40 *Canned tomatoes; identity; label statement of optional ingredients.* (a) Canned tomatoes are mature tomatoes of red or reddish varieties which are peeled and cored and to which may be added one or more of the following optional ingredients:

(1) The liquid draining from such tomatoes during or after peeling and coring.

(2) The liquid strained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid strained from mature tomatoes of such varieties.

(4) Purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any two or more of these calcium salts, in a quantity reasonably necessary to firm the tomatoes, but in no case such that the amount of the calcium contained in such salts is more than 0.026 percent of the weight of the finished canned tomatoes.

It may be seasoned with one or more of the optional ingredients:

(5) Salt.

(6) Spices.

(7) Flavoring.

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When optional ingredient specified in paragraph (a) (2) of this section is present, the label shall bear the statement "With Added Strained Residual Tomato Material from Preparation for Canning". When optional ingredient specified in paragraph (a) (3) of this section is present, the label shall bear the statement "With Added Strained Tomatoes". When one or more of the optional ingredients specified in paragraph (a) (4) of this section is present the label shall bear the statement "Trace of ------ Added" or "With Added Trace of ------", the blank being filled in with the words "Calcium Salt" or "Calcium Salts" as the case may be or with the name or names of the particular calcium salt or salts added. When optional ingredient specified in paragraph (a) (6) or (7) of this section is present, the label shall bear the statement or statements "Spice Added" or "With Added Spice", "Flavoring Added" or "With Added Flavoring", as the case may be. If two or more of optional ingredients specified in paragraph (a) (2), (3), (6), and (7) of this section are present, such statements may be combined, as for example "With Added Strained Tomatoes, Residual Tomato Material from Preparation for Canning, Spice and Flavoring". In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used. Wherever the name "Tomatoes" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 53.41 *Canned tomatoes; quality; label statement of substandard quality.* (a) The standard of quality for canned tomatoes is as follows:

(1) The drained weight, as determined by the method prescribed in paragraph (b) (1) of this section, is not less than 50 percent of the weight of water required to fill the container, as determined by the general method for water capacity of containers prescribed in § 10.1 (a) of this chapter;

(2) The strength and redness of color as determined by the method prescribed in paragraph (b) (2) of this section, is not less than that of the blended color of any combination of the color discs described in such method, in which one-third the area of disc 1, and not more than one-third the area of disc 2, is exposed;

(3) Peel, per pound of canned tomatoes in the container, covers an area of not more than 1 square inch; and

(4) Blemishes, per pound of canned tomatoes in the container, cover an area of not more than one-fourth square inch.

(b) Canned tomatoes shall be tested by the following method to determine whether or not they meet the requirements of paragraph (a) (1) and (2) of this section:

(1) Remove lid from container, but in the case of a container with lid attached by double seam, do not remove or alter the height of the double seam. Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The meshes of such sieve are made by so weaving wire of 0.054-inch diameter as to form square openings 0.446 inch by 0.446 inch. Without shifting the tomatoes, so incline the sieve as to facilitate drainage of the liquid. Two minutes from the time drainage begins, weigh the sieve and drained tomatoes. The weight so found, less the weight of the sieve, shall be considered to be the drained weight.

(2) Remove from the sieve the drained tomatoes obtained in subparagraph (1) of this paragraph. Cut out and segregate successively those portions of least redness until 50 percent of the drained weight, as determined under subparagraph (1) of this paragraph, has been so segregated. Comminute the segregated portions to a uniform mixture without removing or breaking the seeds. Fill the mixture into a black container to a depth of at least 1 inch. Free the mixture from air bubbles, and skim off or press below the surface all visible seeds. Compare the color of the mixture, in full diffused daylight or its equivalent, with the blended color of combinations of the following concentric Munsell color discs of equal diameter, or the color equivalents of such discs:

(i) Red—Munsell 5 R 2.6/13 (glossy finish).

(ii) Yellow—Munsell 2.5 YR 5/12 (glossy finish).

(iii) Black—Munsell N 1/ (glossy finish).

(iv) Grey—Munsell N 4 (mat finish).

(c) If the quality of canned tomatoes falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.2 (a) of this chapter in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality ------"; the blank to be filled in with the words specified after the corresponding number of each subparagraph of paragraph (a) of this section which such canned tomatoes fail to meet, as follows: (1) "Excessively Broken Up"; (2) "Poor Color"; (3) "Excessive Peel"; (4) "Excessive Blemishes." If such canned tomatoes fail to meet both (3) and (4), the words "Excessive Peel and Blemishes" may be used instead of the words specified after the corresponding numbers of such clauses. Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Tomatoes" and any statements required or authorized to appear with such name by § 53.40 (b).

§ 53.42 *Canned tomatoes; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned tomatoes is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in § 10.1 (b) of this chapter.

(b) If canned tomatoes fall below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

[SEAL] J. DONALD KINGSLEY,
Acting Federal Security Administrator.

OCTOBER 19, 1948.

[F. R. Doc. 48-9571; Filed, Oct. 29, 1948; 8:52 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter D—Multifamily Rental Housing Insurance

PART 532—ADMINISTRATIVE RULES UNDER SECTION 207 OF THE NATIONAL HOUSING ACT

ELIGIBILITY FOR INSURANCE

In § 532.4 (b) as published in 13 F. R. 5041, the reference to § 532.16 appearing therein, is hereby corrected to read "§ 532.17".

Issued at Washington, D. C., October 26, 1948.

[SEAL] FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 48-9568; Filed, Oct. 29, 1948; 8:50 a. m.]

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 47]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, item 321, is amended to describe the Counties in the Defense-Rental Area as follows: "In Webb County, the City of Laredo and the surrounding area within a ten mile radius of the Webb County Court House in said City of Laredo."

This decontrols all of the Laredo Defense-Rental Area, State of Texas except the City of Laredo and the surrounding Area within a ten mile radius of the Webb County Court House in said City of Laredo.

2. Schedule A, item 129, is amended to describe the Counties in the Defense-Rental Area as follows: "Rapides Parish".

This decontrols Beauregard Parish in the Alexandria-Leesville Defense-Rental Area, State of Louisiana.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective October 30, 1948.

Issued this 27th day of October 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 47 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of the Laredo Defense-Rental Area, State of Texas, which is outside the City of Laredo and the surrounding area within a ten mile radius of the Webb County Court House in said City of Laredo, no longer exists due to the fact that the demand for rental housing accommodations has reasonably been met.

It is likewise the judgment of the Housing Expediter that the need for continuing maximum rents in Beauregard Parish, a portion of the Alexandria-Leesville Defense-Rental Area, State of Louisiana, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met.

This amendment is therefore being issued to decontrol said portions of said Defense-Rental Areas in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9567; Filed, Oct. 29, 1948; 8:49 a. m.]

[1] 13 F. R. 5706, 5783, 5788, 5789, 5877, 5937, 6246.

[Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 47]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

Schedule A, item 321, is amended to describe the Counties in the Defense-Rental Area as follows: "In Webb County, the City of Laredo and the surrounding area within a ten mile radius of the Webb County Court House in said City of Laredo."

This decontrols all of the Laredo Defense-Rental Area, State of Texas, except the City of Laredo and the surrounding area within a ten mile radius of the Webb County Court House in said City of Laredo.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective October 30, 1948.

Issued this 27th day of October 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 47 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in that portion of the Laredo Defense-Rental Area, State of Texas, which is outside the City of Laredo and the surrounding area within a ten mile radius of the Webb County Court House in said City of Laredo, no longer exists due to the fact that the demand for rental housing accommodations has reasonably been met.

This amendment is therefore being issued to decontrol said portion of said Defense-Rental Area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-9566; Filed, Oct. 29, 1948; 8:49 a. m.]

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR 48-53]

DISTRESS SIGNALS

The revised regulations for distress signals and specifications for distress signals were published in the FEDERAL REGISTER dated October 31, 1947, 12 F. R. 7072 et seq., and these regulations provided that distress signals not bearing the date of manufacture shall not be carried after January 1, 1949, and that distress signals meeting revised Coast Guard specifications be manufactured.

The purpose of these amendments to the regulations regarding distress signals is to allow an additional alternate to existing requirements and to publish the minimum standard specification for hand orange smoke distress signals.

The regulations shall become effective thirty days after the date of publication in the FEDERAL REGISTER since these regulations allow the marine industry greater latitude in equipment required. These amendments to the regulations regarding distress signals are published without prior general notice of their proposed issuance for the reason that notice, public rule making procedure, and effective date requirements in connection therewith are hereby found to be impracticable and contrary to the public interest. This emergency is due to the fact that the effective date for furnishing distress signals under the new specifications in 46 CFR 160.022 as published in the FEDERAL REGISTER October 31, 1947, should not be further postponed since no floating smoke signals have been submitted by manufacturers, whereas hand orange smoke signals which would comply with the new specification in 46 CFR 160.037 below have been tested and found operationally satisfactory as suitable alternate signals. In order to have available to tank vessel operators an additional source from which to obtain distress signals meeting Coast Guard specifications on or before January 1, 1949, I find that it is not practicable to publish proposed regulations and hold hearings as required by R. S. 4417a, as amended, 46 U. S. C. 391a, prior to the promulgation of the regulations applicable to Tank Vessels in 46 CFR 33.3–1, and 160.037–1 to 160.037–7.

Any person who may feel aggrieved by the promulgation of these regulations may appeal therefrom to the Commandant (CMC), United States Coast Guard, Washington 25, D. C., in writing within fifteen days from date of publication of this document in the FEDERAL REGISTER. The written appeal shall be presented in triplicate and shall include data and

views as to why the regulations shall not be amended. All matters presented in writing within the prescribed time shall be given due consideration and action thereon will be taken before the effective date of the regulations.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, as amended, 46 U. S. C. 375, and section 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, as well as the statutes cited with the regulations below, the following amendments to the regulations are prescribed:

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

EQUIPMENT; LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

Section 33.3–1 (e) is amended to read as follows:

§ 33.3–1 *Tank ship lifeboat equipment; ocean and coastwise—T/OC.* • • •

(e) *Distress signals.* Twelve approved hand red flare distress signals in a watertight container, and 4 approved floating orange smoke distress signals; or 12 approved hand red flare distress signals in a watertight container, and 12 approved hand orange smoke distress signals in a watertight container; or 12 approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of 3 years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried after January 1, 1949. (For specifications for the above signals, see subparts 160.021, 160.022, 160.023, and 160.037 in Subchapter Q of this chapter.)

(R. S. 4417a, sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 391a, 50 U. S. C. 1275)

Subchapter G—Ocean and Coastwise General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.11 (e) is amended to read as follows:

§ 59.11 *Lifeboat equipment.* • • •

(e) *Distress signals.* Twelve approved hand red flare distress signals in a watertight container, and 4 approved floating orange smoke distress signals; or 12 approved hand red flare distress signals in a watertight container, and 12 approved hand orange smoke distress signals in a watertight container; or 12 approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of 3 years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried after January 1, 1949. (For specifications for the above signals, see subparts 160.021, 160.022, 160.023, and 160.037 in Subchapter Q of this chapter.)

(R. S. 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 489, 1333, 50 U. S. C. 1275)

Section 59.52 (a) is amended to read as follows:

§ 59.52 *Equipment for life rafts.* • • •

(a) *Distress signals.* Twelve approved hand red flare distress signals in a watertight container, and 4 approved floating orange smoke distress signals; or 12 approved hand red flare distress; signals in a watertight container, and 12 approved hand orange smoke distress signals in a watertight container; or 12 approved hand combination flare and smoke distress signals in a watertight container. Service use shall be limited to a period of 3 years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried after January 1, 1949. (For specifications for the above signals, see subparts 160.021, 160.022, 160.023, and 160.037 in Subchapter Q of this chapter.)

(R. S. 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 404, 481, 489, 1333, 50 U. S. C. 1275)

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

1. Section 60.9 (e) is amended to read as follows:

§ 60.9 *Lifeboat equipment.* (See § 59.11 of this chapter, as amended, which is identical with this section.)

2. Section 60.45 (a) is amended to read as follows:

§ 60.45 *Equipment for life rafts.* (See § 59.52 of this chapter, as amended, which is identical with this section.)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

Part 160 is amended by a new subpart 160.037, reading as follows:

SUBPART 160.037—SIGNALS, DISTRESS, SMOKE, ORANGE, HAND, FOR MERCHANT VESSELS

Sec.

160.037–1 Applicable specifications and plans.
160.037–2 Type.
160.037–3 Materials, workmanship, construction, and performance requirements.
160.037–4 Sampling, inspections, conditioning, and tests.
160.037–5 Labeling and marking.
160.037–6 Container.
160.037–7 Procedure for approval.

AUTHORITY: §§ 160.037–1 to 160.037–7, issued under R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 391a, 404, 481, 489, 1333, 50 U. S. C. 1275; sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875.

SUBPART 160.037 — SIGNALS, DISTRESS, SMOKE, ORANGE, HAND, FOR MERCHANT VESSELS

§ 160.037–1 *Applicable specifications and plans*—(a) *Specifications.* There are no other specifications applicable to this subpart.

(b) *Plan.* The following plan, of the issue in effect on the date hand orange smoke distress signals are manufactured, forms a part of this specification:

Drawing No. 160.021–6 (a)—Container for hand red flare distress signals.

§ 160.037–2 *Type.* (a) Hand orange smoke distress signals specified by this subpart shall be of one type which shall consist essentially of a wooden handle to which is attached a tubular casing having a sealing plug at the handle end, the casing being filled with a smoke producing composition and fuse with button of ignition material at the top, and a removable cap having a friction striking material on its top which may be exposed for use by pulling a tear strip. The signal is ignited by scraping the friction striker on top of the cap against the igniter button on top of the body of the signal. Alternate arrangements which conform to the performance requirements of this specification will be given special consideration.

§ 160.037–3 *Materials, workmanship, construction, and performance requirements*—(a) *Materials.* The materials shall conform strictly to the specifications and drawings submitted by the manufacturer and approved by the Commandant. The color of the tube shall be orange. The combustible materials shall be of such nature as will not deteriorate during long storage, nor when subjected to frigid or tropical climates, or both.

(b) *Workmanship.* Hand orange smoke distress signals shall be of first class workmanship and shall be free from imperfections of manufacture affecting their appearance or that may affect their serviceability. Moisture proof coatings shall be applied uniformly and shall be free from pinholes or other visible defects which would impair their usefulness.

(c) *Construction.* The casing shall be fitted and secured to the handle with not less than a one-inch overlap and shall be attached to the handle in such a manner that failure of the joint will not occur during tests, ignition, or operation. The plug shall be securely affixed in the casing to separate the smoke composition from the wooden handle. The smoke composition shall be thoroughly mixed and be uniformly compressed throughout to preclude variations of density which may adversely affect uniformity of its smoke emitting characteristics. The cap shall have a lap fit of not less than one inch over the end of the casing and smoke composition to entirely and securely protect the exposed surface of the igniter button and end of smoke composition and casing, and shall have an inner shoulder so constructed that it is mechanically impossible for the inner surface of the cap to come in contact with the igniter button. The cap shall be securely attached to the casing in such manner as to preclude its accidental detachment. The cap shall be provided on its top with a friction striking material which shall, by a pull of the tear strip, be entirely exposed for striking the friction igniter button. The igniter button shall be nonwater soluble or be protected from moisture by a coating of some waterproof substance, and shall be raised or exposed in such manner as to provide positive ignition by the friction striker. The igniter button shall be firmly secured in or on the top of the smoke composition; the arrangement shall be such that the ignition will be transmitted to the smoke producing composition. The assembled signal, consisting of tear strip, cap, casing, and upper portion of the handle, shall be sealed and treated to protect the signal from deterioration by moisture. The protective waterproof coating shall be applied so none adheres to the friction striking surface.

(d) *Ignition and smoke emitting characteristics.* Test specimens shall not ignite explosively in a manner that might be dangerous to the user or persons close by. Test specimens shall ignite and emit smoke satisfactorily at a uniform rate. The plug separating the smoke producing composition from the handle shall in no case allow flame or hot gases to pass through it or between it and the casing in such manner as might burn the hand while holding the signal by the handle.

(e) *Water resistance.* Test specimens shall function properly after having been subjected to the conditioning described in § 160.037–4 (d).

(f) *Strength of joint.* Test specimens shall not show noticeable distortion, nor shall the joint between the casing and handle fail, when subjected to either of the tests described in §§ 160.037–4 (h) or (i) immediately after having been subjected to the water-resistance conditioning.

(g) *Chemical stability.* Test specimens shall function properly after having been subjected to the elevated temperature conditioning experiment described in § 160.037–4 (e). No ignition shall occur during the conditioning experiment.

(h) *Temperature of ignition of signal materials.* When tested as described by § 160.037–4 (j), the temperature of ignition of the signal materials shall be not less than 338° F. (170° C.).

(i) *Smoke emitting time.* Test specimens shall emit smoke not less than 50 seconds when the time is measured as described in § 160.037–4 (k). Test specimens shall emit smoke under water not less than ten seconds when tested as described in § 160.037–4 (f).

(j) *Color of smoke.* The color of the smoke shall be orange as determined by § 160.037–4 (m).

(k) *Susceptibility to explosion of smoke composition.* The smoke producing composition shall not explode when subjected to the influence of a No. 6 commercial blasting cap as described in § 160.037–4 (l).

(l) *Volume and density of smoke.* Sufficient orange colored smoke shall be emitted during the 50 seconds to give a cloud of smoke that is readily visible to the naked eye of a person in an aircraft which is not less than five miles away and is flying at an elevation of 5,000 feet in clear weather. Alternate methods of determining the sufficiency of the volume of smoke produced and uniformity of discharge rate will be given special consideration.

§ 160.037–4 *Sampling, inspections, conditioning, and tests*—(a) *Classification of tests.* The methods of sampling, inspections and tests conducted upon hand orange smoke distress signals shall be considered as falling within the following general classifications:

(1) Qualification (type or brand approval) tests;

(2) Production check tests (at the place of manufacture); and

(3) Production check tests (at a Government laboratory).

(b) *Qualification (type or brand approval) tests.* Pre-approval samples, selected in accordance with § 160.037–7 (c), shall be tested in accordance with the following testing schedule to determine qualification for type or brand approval.

(1) Test 12 specimens for water resistance characteristics, § 160.037–3 (e); following which test 6 for strength of joint, § 160.037–3 (f) (3 bend and 3 tensile, §§ 160.037–4 (h) and (i), respectively), then test these 6 specimens for ignition and burning characteristics, § 160.037–3 (d); then test 3 specimens for under water burning, §§ 160.037–3 (i) and 160.037–4 (f); and finally test 3 specimens for waterproofing of igniter button, § 160.037–4 (g).

(2) Test 6 unconditioned specimens in air for smoke emitting time, volume of smoke, and color of smoke, §§ 160.037–3 (i), (j), and (l), respectively.

(3) Test 2 specimens for chemical stability of smoke composition, § 160.037–3 (g), following which test then for ignition and smoke emitting characteristics, § 160.037–3 (d).

(4) Test 2 specimens for temperature of ignition of signal materials, § 160.037–3 (h).

(5) Test 2 specimens for suspectibility to explosion of smoke composition, § 160.037–3 (k).

(c) *Sampling, inspections, and tests of smoke signals from production lots.* The production of hand orange smoke distress signals produced under an official type or brand approval shall be checked for compliance with this specification in the manner set forth below:

(1) *Lot size and sampling procedure.* For purposes of sampling the production of hand orange smoke distress signals, a lot shall consist of not more than 3,000 signals. A new lot shall be started with any change or modification in raw materials or manufacturing methods. Lots shall be numbered serially by the manufacturer, and the lot number shall be plainly and indelibly marked on the label of each signal in the lot. A marine inspector shall select at random from each lot the number of specimen smoke signals indicated in the following table for inspection, conditioning, and testing:

Lot size:	*Minimum number of specimens of sample*
Not more than 1,000	18
1,001 to 3,000	24

(2) *Inspections (at the place of manufacture).* The marine inspector shall be admitted to the place of manufacture and shall familiarize himself with the various operations involved in the manufacturing process and, from observation during manufacture, satisfy himself that hand orange smoke distress signals are being made in general accordance with this subpart and of materials and parts conforming strictly with the specifications and drawings submitted by the manufacturer and approved by the Commandant. Specimens or samplings of materials entering into construction may be taken at random, either in the raw material state or during manufacture, by the inspector and tests made for compliance with the applicable requirements. The test specimens comprising the sample, selected in accordance with § 160.037–4 (c) (1), shall be examined by the inspector for surface defects.

(3) *Production check tests (at the place of manufacture).* The manufacturer shall provide a suitable place and the necessary apparatus for the use of the inspector in conducting such production check tests as are done at the place of manufacture. Samples from production lots, selected in accordance with § 160.037–4 (c) (1), shall, except when tested at a government laboratory as prescribed below, be tested at the place of manufacture in accordance with the following testing schedule: 1st day; place all specimens in water-resistance conditioning, § 160.037–4 (d). 2d day: Remove all specimens from water-resistance conditioning. Test two specimens for effectiveness of waterproofing of igniter button, § 160.037–4 (g). Test two specimens for bending strength of joint, § 160.037–4 (h). Test two specimens for tensile strength of joint, § 160.037–4 (i). Test all unburned specimens for smoke emitting time, § 160.037–4 (k), and for ignition and smoke emitting characteristics, § 160.037–3 (d). Measurements of volume and density of smoke will not be made, but visual observations of smoke production, sufficiency, and color of smoke will be noted. Any unusual discrepancies shall be considered cause for obtaining a new sample from the lot for tests at a government laboratory as provided below.

(4) *Production check tests (at a Government laboratory).* Tests at a government laboratory shall be made on not less than one sample from each ten production lots of hand orange smoke distress signals, or not less than once in each year, whichever occurs more frequently. Sampling and inspection shall be made at the place of manufacture as provided in subparagraphs (1) and (2) of this paragraph. The sample will be forwarded prepaid by the manufacturer to the Commandant. Tests at the government laboratory shall be conducted in accordance with the schedule given in paragraph (b) of this section, except that the number of specimens for the separate tests may be reduced in accordance with the size of the sample.

(d) *Conditioning of test specimens; water resistance.* Immerse specimen horizontally in water at not more than 30° C. with uppermost portion of the signal approximately one inch below the surface of the water for a period of 24 hours.

(e) *Conditioning-elevated temperature, humidity, and storage.* Place specimen in a thermostatically controlled even-temperature oven held at 90° C. with not less than 90% relative humidity for 72 hours. Remove specimen and store at room temperature (20° to 25° C.) with approximately 65% relative humidity for ten days.

(f) *Test method, under water smoke emission.* Ignite the signal and let it burn 15 seconds in air. Submerge burn-

ing signal in water in a vertical position with head down. Obtain under water smoke emission time by stop watch measurements from time of submersion until positive smoke emission ceases.

(g) *Test method; waterproofing substance on igniter button.* Remove the cap from the test specimen. Place head of specimen without cap about one inch under the surface of water about 20° C. for approximately 5 minutes. Remove specimen from water and wipe dry. Attempt to ignite signal according to directions.

(h) *Test method; bending strength.* Place the specimen on supports six inches apart. Attach a weight of 80 pounds to a length of wire. Hang the weight from the supported flare by looping the wire around the flare approximately equidistant from the two points of support. Let the weight hang approximately 5 minutes.

(i) *Test method; tensile strength.* Place the specimen in a chuck firmly holding it about one-half inch below the cap. Attach a weight of 80 pounds to a length of wire. Hang the weight from the supported flare by looping the wire through a hole bored perpendicular to and through the axis of the handle. Let the weight hang approximately 5 minutes.

(j) *Test method; temperature of ignition of signal materials.* The test shall be conducted in a uniformly heated gas or electric oven with a chamber of at least 6 inches by 6 inches by 9 inches inside measurement. If gas heated, the oven should be of jacketed type with the products of combustion of the heating gas excluded from the inner chamber. The oven should be provided with an opening or openings at the top of at least ¾ square inch in area to give air circulation within. A suitable 600° F. 3-inch immersion thermometer or thermocouple shall be inserted through a sleeve in the top of the oven. A shelf of perforated sheet metal shall be provided at the mid-height of the oven. A wire screen cup ½ inch in diameter by ¾ inch high shall be provided. The materials to be tested shall be placed to a depth of ½ inch in the wire screen cup. (Ordinarily, materials adjacent to each other in the assembled signal will be blended together for the test, materials nonadjacent ordinarily will not be blended together for the test.) The cup then shall be placed on the shelf so as to be within ½ inch to ¼ inch from the bulb of the thermometer or the junction of the thermocouple. The temperature of the oven is to be raised to about 284° F. (140° C.) at a convenient rate, after which the temperature is to be raised at a rate not to exceed 2° F. per minute until ignition occurs or 338° F. (170° C.) has been reached. Time and temperature readings at 30 second intervals and also time at which ignition, if such occurs, are to be recorded. If ignition occurs, the approximate ignition temperature, to be reported, can be obtained by extrapolation from the time-temperature data. Alternate test methods will be given special consideration by the Coast Guard.

(k) *Test method; smoke emitting time.* The smoke emitting time of a specimen shall be obtained by stop watch measurements from the time positive smoke emission begins until it ceases. The smoke emitting time for a sample (i. e. all the test specimens from a single lot) shall be the arithmetical average for all specimens in the sample.

(l) *Test method; susceptibility to explosion.* Remove smoke composition from signal and punch a small hole in the composition. Insert a No. 6 commercial blasting cap. Ignite the cap.

(m) *Test method; color of smoke.* Ignite specimen in the open air in daytime according to manufacturer's directions, and determine the Munsell notation of the smoke color by direct visual comparison of the unshadowed portions of the smoke with the charts of the Munsell book of color held so as to receive the same daylight illumination as the unshadowed portions of the smoke. The smoke shall be deemed orange if its Munsell notation has a hue between 8 R and 5 YR, a value greater than 4.5, and a chroma greater than 9.0.

(n) *Lot acceptance or rejection.* When the marine inspector has satisfied himself that the hand orange smoke distress signals in the lot are of a type officially approved in the name of the manufacturer, and that such signals meet the requirements set forth in this subpart, each of the smallest packing cartons or boxes (usually containing one dozen signals) in which the signals are sealed prior to shipment, shall be plainly marked with the words: "Inspected and Passed, (Date), (Port), (Inspector's Initials), U. S. C. G." When the sample of the lot does not meet the requirements of this subpart, or when one or more of the test specimens fails to ignite, the lot shall be rejected. Signals from rejected lots may, when permitted by the inspector, be reworked by the manufacturer to correct the deficiency for which they were rejected and be resubmitted for official inspection. Signals from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels.

§ 160.037–5 *Labeling and marking*—(a) *Labeling.* Each hand orange smoke distress signal shall bear a label securely affixed thereto, showing in clear, indelible black lettering on an orange background, the following wording and information:

(Company brand or style designation)

HAND ORANGE SMOKE DISTRESS SIGNAL

For daytime use—50 seconds burning time

USE ONLY WHEN AIR CRAFT OR VESSEL IS SIGHTED

DIRECTIONS—Pull tape over top of cap. Remove cap and ignite signal by rubbing scratch surface on top of cap sharply across igniter button on head of signal.

CAUTION—Stand with back to wind and point away from body when igniting or signal is burning.

(Month and year manufactured)

(Lot No. ------)

Manufactured by (Name and address of manufacturer)

U. S. Coast Guard Approval No. ------ for Merchant Vessels.

(b) *Other marking.* There shall be die-stamped, in the side of the wooden handle in figures not less than ⅛ inch high, numbers indicating the month and year of manufacture, thus: "6–48" indicating June 1948. In addition to any other marking placed on the smallest packing carton or box containing hand orange smoke distress signals, such cartons or boxes shall be plainly and permanently marked to show the date of manufacture and lot number.

§ 160.037–6 *Container*—(a) *General.* Containers for stowage of hand orange smoke distress signals are not required to have specific approval or to be of special design, but they shall meet the following test for watertightness when closed, and shall be capable of being opened and reclosed hand-tight to meet the same watertightness test. The material shall be copper, brass, bronze, or others equally corrosion-resistant to salt water and spray. The type container illustrated by Drawing No. 160.021–6 (a) is recommended for most purposes.

(b) *Watertightness test for containers.* Whenever question arises as to the watertightness of a container, the following test may be made to determine whether it is satisfactory in this respect. Open the container, remove the contents, insert colored blotting paper as a lining, reclose container as tightly as possible by hand (no wrenches or special tools permitted), submerge container with top about one foot below the surface of the water for two hours, remove container from water, wipe off excess moisture on outside, then open the container and examine the blotting paper and entire interior for evidence of moisture penetration. If any moisture or water is evidenced, the container is not satisfactory.

(c) *Marking of container.* Containers shall be embossed or bear a brass or equivalent corrosion-resistant name plate, or otherwise be suitably and permanently marked, to plainly show in letters not less than ½" high the following wording: "Hand Orange Smoke Distress Signals". No additional marking which might cause confusion as to the contents shall be permitted.

NOTE: The vessel's name is required to be painted or branded on equipment such as this container by other regulations, and nothing in this subpart shall be construed as prohibiting same.

§ 160.037–7 *Procedure for approval*—(a) *General.* Hand orange smoke distress signals for merchant vessels are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Manufacturer's plans and specifications.* In order to obtain approval, submit detailed plans and specifications, including a complete bill of material, assembly drawing, and parts drawings descriptive of the arrangement and construction of the signal, to the Commander of the Coast Guard District in which the factory is located. Each drawing shall have an identifying drawing number, date, and an identification

of the signal; and the general arrangement or assembly drawing shall include a list of all drawings applicable, together with drawing numbers and alteration numbers. The alterations shall be noted with the date of alteration or new drawing numbers and dates shall be assigned. At the time of selection of the pre-approval sample, the manufacturer shall furnish to the inspector four copies of all plans and specifications, corrected as may be required, for forwarding to the Commandant.

(c) *Pre-approval sample.* After the first drawings and specifications have been examined and found to appear satisfactory, a marine inspector will be detailed to the factory to observe the production facilities and manufacturing methods and to select at random, from not less than 50 signals already manufactured, a sample of not less than 24 specimens which will be forwarded prepaid by the manufacturer to the Commandant for the necessary conditioning and tests in accordance with § 160.037–4 (b) to determine compliance with this subpart for qualification for type or brand approval for use on merchant vessels.

Dated: October 22, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48–9576; Filed, Oct. 29, 1948; 8:52 a. m.]

[CGFR 48–50]

MISCELLANEOUS AMENDMENTS

Notices regarding proposed changes in the inspection and navigation regulations were published in the FEDERAL REGISTER dated August 11 and September 15, 1948, 13 F. R. 4638, 5382, and public hearings were held by the Merchant Marine Council on September 28, 1948, at Washington, D. C.

The purpose of the miscellaneous amendments to the regulations is to clarify their intent, effect editorial changes, establish additional safety requirements, to permit certain practices to be employed by the industry in the construction, repair or operation of merchant vessels, and to provide for the licensing of radio operators in accordance with Public Law 525, 80th Congress, 2d Session, approved May 12, 1948. All the written or oral comments, data, and suggestions submitted were considered by the Merchant Marine Council and where practicable were incorporated into the miscellaneous amendments to the regulations.

The regulations in this document shall become effective on and after the 91st day after the date of publication of this document in the FEDERAL REGISTER, except for regulations in 46 CFR 146.27–100, regarding burlap bags, which shall become effective on and after the date of publication because this amendment removes a restriction on the shipment of cleaned bags, and except further for regulations in 46 CFR 10.13–1 to 10.13–33, inclusive, regarding licensing of radio officers, 46 CFR 12.25–15, regarding radio operators, and 46 CFR 131.2 and 131.4, regarding manning of vessels, which shall become effective on and after April 1, 1949, when Public Law 525, 80th Congress, 2d Session, becomes effective: *Provided, however,* That all the provisions necessary to receive applications and issue licenses as radio officers to qualified persons shall become effective on and after the date of publication of this document in the FEDERAL REGISTER, in order that merchant vessels will be enabled to operate with properly licensed radio officers on and after April 1, 1949.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, as amended, 46 U. S. C. 375, and section 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, as well as the statutes cited with the regulations below, the following amendments to the regulations are prescribed:

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

1. The title for Part 10 is changed to read as set forth above.

SUBPART 10.01—GENERAL

2. Section 10.01–1 is amended to read as follows:

§ 10.01–1 *Basis and purpose of regulations.* By virtue of the authority vested in the Commandant of the Coast Guard under R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, 4443, and 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, 49 Stat. 1544, 1935, 1992, 53 Stat. 1147, sec. 17, 54 Stat. 166, and sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 230, 233, 237, 247, 367, 375, 391a, 404, 405, 526p, 672a, 1132, 50 U. S. C. 1275, sec. 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875, and Public Law 525, 80th Congress, approved May 12, 1948; the regulations in this part are prescribed to provide a comprehensive and adequate means of determining the qualifications an applicant must possess in order to be eligible for a license as deck or engineer or radio officer on merchant vessels, for a license to operate motorboats, or for a certificate of registry as staff officer, in accordance with the intent of the statutes and to obtain their correct and uniform administration. (R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, 4443, 4447, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, 49 Stat. 1544, 1935, 1992, 53 Stat. 1147, sec. 17, 54 Stat. 166, and sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 230, 233, 237, 247, 367, 375, 391a, 404, 405, 526p, 672a, 1132, 50 U. S. C. 1275, sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875, and Pub. Law 525, 80th Cong., 2d Sess.)

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

3. Section 10.05–11 is amended by changing paragraphs (a) and (g) and adding paragraph (h), reading as follows:

§ 10.05–11 *Master, mate, or pilot of steam or motor vessels operating under special conditions.* (a) This section shall apply to every applicant for a license as master, mate, or pilot of steam pilot boats or seagoing motor pilot boats of 300 gross tons or over; or of steam vessels navigating the waters of the whaling grounds in the Alaskan Seas; or of steam vessels engaged exclusively in the business of whale fishing; or of steam vessels engaged in the Atlantic, Pacific, or Gulf Coast fisheries; or of steam or sail vessels navigating exclusively between ports in the Hawaiian Islands; or of steam or sail vessels or seagoing motor vessels of 300 gross tons or over navigating exclusively between ports of the Island of Puerto Rico.

* * * * * *

(g) An applicant for a master's license of seagoing vessels propelled by internal combustion engines, navigating exclusively between ports in the Hawaiian Islands, shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character, trustworthiness, and ability of the applicant.

(h) The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits, and if satisfied by the oral examination or practical demonstration and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue the license. No certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such an applicant. (R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, sec. 2, 29 Stat. 188, 49 Stat. 1544, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 367, 375, 391a, 404, 405, 50 U. S. C. 1275, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

SUBPART 10.10—PROFESSIONAL REQUIREMENTS FOR ENGINEER OFFICERS' LICENSES (INSPECTED VESSELS)

4. Section 10.10–25 (a) is amended to read as follows:

§ 10.10–25 *Engineers of motor vessels operating in Puerto Rican and Hawaiian waters.* (a) An applicant for an engineer's license of seagoing vessels propelled by internal combustion engines navigating exclusively between ports in the Hawaiian Islands, or navigating exclusively between ports of the Island of Puerto Rico and/or the Virgin Islands, shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character and ability of the applicant. The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits and, if satisfied by the oral examination or practical demonstration, and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue the license. No certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such applicant.

(R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, sec. 2, 29 Stat. 188, 49 Stat. 1544, and sec. 5 (e), 55 Stat. 244,

as amended, 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 367, 375, 391a, 404, 405, 50 U. S. C. 1275, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

5. Part 10 is amended by adding a new subpart 10.13 reading as follows:

SUBPART 10.13—LICENSING OF RADIO OFFICERS

Sec.
10.13-1 Applicability of laws.
10.13-3 Definitions.
10.13-5 General provisions respecting all licenses issued.
10.13-7 Citizenship and age requirements for all licenses issued.
10.13-9 Evidence of professional competence for all licenses issued.
10.13-13 General requirements for original licenses.
10.13-15 Physical examinations for original licenses.
10.13-17 Character check and references required for original licenses.
10.13-21 General requirements for renewal of license.
10.13-23 Physical requirements for renewal.
10.13-25 Issuance of duplicate license.
10.13-27 Parting with or altering license.
10.13-29 Suspension and revocation of licenses.
10.13-33 Right of appeal.

AUTHORITY: §§ 10.13-1 to 10.13-33, issued under Public Law 525, 80th Congress, 2d Session, and section 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

§ 10.13-1 *Applicability of laws.* Public Law 525, 80th Congress, approved May 12, 1948, under which the regulations in this subpart are promulgated, reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the complement of any vessel prescribed pursuant to section 4463 of the Revised Statutes, as amended (46 U. S. C., sec. 222), includes one or more radiotelegraph operators such operators shall be required to be licensed officers.

SEC. 2. The boards of local inspectors authorized under section 4414 of the Revised Statutes (U. S. C., 1940 edition, title 46, sec. 382) shall license radiotelegraph operators, and it shall be unlawful to employ any person or for any person to serve as a radiotelegraph operator of any steamer or of any other vessel of over one hundred gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense.

SEC. 3. Whenever any person applies for authority to perform the duties of radiotelegraph operator of any vessel, the inspectors shall require possession of a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission; and if, upon full consideration, they are satisfied that his character, habits of life, and physical condition are such as to authorize the belief that he is a suitable and safe person to be entrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of five years, provided he continues to hold a valid first- or second-class radiotelegraph operator license issued by the Federal Communications Commission.

All licenses issued under this section shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of license of officers under the provisions of section 4450 of the Revised Statutes, as amended.

SEC. 4. (a) Section 2 of the Act of March 4, 1915, as amended (U. S. C., 1940 edition, title 46, sec. 673), is amended by striking out the period after the words "management of the vessel" and inserting a colon and the following words: "*Provided*, That in the case of radiotelegraph operators this requirement shall be applicable only when three or more radio officers are employed."

(b) Nothing in this Act shall be presumed to repeal the provisions of section 2 of the Act of March 4, 1915, as amended (U. S. C., 1940 edition, title 46, sec. 673), limiting the work of radiotelegraph operators to eight hours in one day.

SEC. 5. Every radiotelegraph operator who receives a license shall, before entering upon his duties, make oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

Every applicant for license as radiotelegraph operator under the provisions of this Act shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this Act, to the truth of all the statements set forth in his application for such license.

Any person who shall make or subscribe to any oath or affirmation authorized in this Act and knowing the same to be false shall be deemed guilty of perjury.

Every radiotelegraph operator, who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by an inspector or inspectors referred to in this Act shall, for every such offense, upon conviction, be punished by a fine of not more than $500 or by imprisonment at hard labor for a term not exceeding three years.

SEC. 6. Every radiotelegraph operator who shall receive a license shall, when employed upon any vessel, within forty-eight hours after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times: *Provided*, That in case of emergency such radiotelegraph operator may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license; and for every neglect to comply with this provision by any such radiotelegraph operator, he shall be subject to a fine of $100 or to the revocation of his license.

SEC. 7. Nothing in this Act shall affect the status of radiotelegraph operators while serving aboard vessels operating solely on the Great Lakes.

SEC. 8. Nothing in this Act shall increase the number of radiotelegraph operators at present required by law to be carried on vessels, or the type of vessels on which radiotelegraph operators are required to be carried, or to alter, repeal, modify, or affect any other statute of the United States, it being the only intent of this Act to give to radiotelegraph operators the status of licensed officers as herein provided without affecting in any way any statute of the United States except as specifically hereinbefore authorized.

SEC. 9. The provisions of this Act will become effective on April 1, 1949.

§ 10.13-3 *Definitions* — (a) *License.* Where the word "license" appears throughout the regulations in this subpart it shall be construed as meaning a license issued by the Coast Guard, unless indicated otherwise.

(b) *Original license.* The first license issued to a radiotelegraph operator by the Coast Guard shall be considered an original license, when the records of the Coast Guard show no previous issue to such person.

§ 10.13-5 *General provisions respecting all licenses issued.* (a) Applicants for licenses, issued in accordance with the regulations in this subpart, are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as, age, experience, character and citizenship, before they shall be entitled to be issued licenses. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license.

(b) After application to an Officer in Charge, Marine Inspection, any person who is found qualified under the requirements set forth in this subpart shall be issued an appropriate license valid for a term of five (5) years, provided he continues to hold a valid first- or second-class radiotelegraph operator's license issued by the Federal Communications Commission.

(c) Every person to whom a license is issued shall place his signature and left thumbprint thereon.

(d) Every person who receives a license shall make oath before an Officer in Charge, Marine Inspection, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

§ 10.13-7 *Citizenship and age requirements for all licenses issued.* (a) No license shall be issued to any person who is not a United States citizen. An applicant claiming to be a citizen of the United States shall furnish documentary evidence of his citizenship. Acceptable evidence of citizenship is described in § 10.02-5.

(b) Any citizen who has attained the age of 19 years and is qualified in all other respects shall be eligible for a license: *Provided*, That an applicant who has attained the age of 18 years and who can show 6 months' service as a radio operator at sea prior to April 1, 1949, will be considered eligible insofar as age is concerned.

§ 10.13-9 *Evidence of professional competence for all licenses issued.* Each applicant for a license must present to the Officer in Charge, Marine Inspection, at the time of making application his currently valid first- or second-class radiotelegraph operator's license issued by the Federal Communications Commission.

§ 10.13-13 *General requirements for original licenses*—(a) *First aid certificate.* No candidate for original license shall be qualified until he presents a certificate from the United States Public Health Service that he has passed a satisfactory examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea," or other manual arranged for the purpose and having the approval of the United States Public Health Service.

(b) *Written application.* (1) The Officers in Charge, Marine Inspection, shall require all applicants for original licenses to make written applications upon Coast Guard Form CG 866.

(2) This application shall be submitted in duplicate. The applicant shall also furnish two unmounted, dull finish photographs, 2 inches by 1½ inches, of passport type taken within 1 year of the date of application. Photographs shall show the full face, at least 1 inch in height, with the head uncovered, and shall be a satisfactory likeness of the applicant. The issuing officer shall affix a photograph to each of the applications and impress his official seal partly over the photograph, after the applicant has in his presence signed the applications.

(3) The applicant shall place his left thumbprint on each of the applications.

(4) The applicant shall enter on the application form the number, class, and date of issuance of his currently valid Federal Communications Commission license.

(5) The applicant shall make and subscribe to an oath or affirmation, before the issuing officer, to the truth of all the statements set forth in his application. Any applicant who shall make or subscribe to any oath or affirmation on the application form and knowing the same to be false shall be deemed guilty of perjury.

(c) *Evidence of employment.* Applicants for licenses must present to the Officers in Charge, Marine Inspection, at the time of making application evidence that they are going to sea or expect to go to sea. This evidence shall be in the form of one of the following and shall be entered on the application form:

(1) A currently valid certificate of service as radio operator or merchant mariner's document indorsed as radio operator.

(2) One or more certificates of discharge showing service as radio operator on a merchant vessel. Evidence of service on United States Government vessels or foreign vessels is acceptable.

(3) An applicant for a license who has not served as radio operator aboard a vessel must present satisfactory proof that he has a commitment of employment as a radio operator on a United States merchant vessel. This proof shall be in the form of a letter and shall be signed by a responsible official of the vessel, agent, owner, operator, or organization concerned with manning vessels.

(d) *Surrender of certificate of service.* Upon the issuance of a license the certificate of service as radio operator or merchant mariner's document indorsed as radio operator held by the licensee shall be surrendered to the issuing officer.

§ 10.13-15 *Physical examinations for original licenses.* (a) All applicants for original licenses shall be required to pass physical examinations given by a medical officer of the United States Public Health Service and present certificates executed by this Public Health Service Officer to the Officers in Charge, Marine Inspection. This certificate shall attest to the applicant's acuity of vision and general physical condition.

(b) Epilepsy, insanity, senility, acute venereal disease or neurosyphilis, badly impaired hearing, or other defect that would render the applicant incompetent to perform the ordinary duties of a radio officer at sea are causes for certification as incompetent.

(c) For original license the applicant must have, either with or without glasses, at least 20/30 vision in one eye and at least 20/50 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/50 in one eye and at least 20/70 in the other. Any applicant for original license who is possessed of monocular vision and who has served as a radio operator on merchant vessels of the United States while possessed of such vision may be issued a license if eligible in all other respects. Vision of at least 20/30 without glasses in the remaining eye shall be required in all such cases.

(d) Where an applicant is not possessed of the vision, hearing, and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician, shall make a recommendation to the Commandant for an exception to these requirements if, in their opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records, and reports. Special consideration will be given to an applicant who has served satisfactorily at sea as a radio operator even though he is possessed of physical defects which would be cause for rejection of an applicant with no sea service. Recommendations from interested parties having knowledge of the applicant's qualifications will be given full consideration in arriving at a decision.

§ 10.13-17 *Character check and references required for original licenses.* (a) In those cases where an applicant for an original license has served at sea as a radio operator, the Officer in Charge, Marine Inspection, shall require such applicant to have written indorsements of a master of a vessel on which he has served, together with those of two other licensed officers. Upon a showing that the written indorsements required above cannot be obtained without undue delay or hardship, the Officer in Charge, Marine Inspection, may accept in lieu of these indorsements those from officials of the steamship company or other employers of the applicant. Letters of recommendation attesting to the applicant's character, etc., from former employers of the applicant may be accepted in lieu of the indorsements, but such letters must be filed with the application. Where no sea service has been obtained, the applicant shall have the written indorsements of three reputable persons to whom he is well-known.

(b) Fingerprint records of each applicant shall be made on Form CG 2515B. This record shall be submitted to the Commandant together with the application for license.

(c) Every application for an original license shall be approved by the Commandant. No license shall be issued or temporary permit granted pending the Commandant's authorization.

(d) (1) The application of any person may be rejected by the Commandant when derogatory information has been brought to his attention which indicates that the applicant's character and habits of life are such as to authorize the belief that he is not a suitable and safe person to be entrusted with the duties of radiotelegraph operator on any vessel.

(2) Applications will be rejected and the issuance of licenses refused to persons in the following categories:

(i) Those who have been convicted in the courts of offenses such as: Crimes of violence on shipboard and in certain instances ashore; sabotage; possession, use, or sale of narcotics; smuggling of aliens into the United States; malicious destruction of ship's property; serious cases of theft of ship's property or stores; and offenses of an infamous character.

(ii) Those who have been disapproved for service as radio operator aboard merchant vessels of the United States in time of war.

(iii) Those who have been issued a dishonorable discharge from any of the armed services of the United States.

(3) Where an application for a license is rejected by the Commandant under the provisions of this section, the application will be reconsidered upon written request of the applicant, provided he can produce additional evidence of satisfactory character and habits over a reasonable period of time immediately prior to the date of request for reconsideration. This evidence may consist of certificates showing satisfactory service in any of the armed forces of the United States; or letters from employers, from persons having direct and personal knowledge of the applicant, or from reputable institutions. The letters should indicate familiarity of the writer with the applicant, approximate dates of employment (if any), and other pertinent statements indicating the writer's belief about the applicant's character and habits.

(4) The fact that an applicant for an original license is on probation as a result of action under R. S. 4450, as amended, 46 U. S. C. 239, does not itself make such an applicant ineligible, provided he meets all the requirements for such original license. However, any original license issued under those circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for.

(5) Nothing in the regulations in this subpart shall be construed to permit the issuance of an original license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is ef-

fective against any document held by him.

§ 10.13–21 *General requirements for renewal of license—*(a) *Establishing eligibility.* Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be issued a renewal of license.

(b) *Application for renewal.* The applicant for renewal shall appear in person before an Officer in Charge, Marine Inspection, except where the applicant would be put to great inconvenience or expense to appear in person or is engaged in a service that necessitates his continuous absence from the United States. In such cases the license may be renewed by forwarding the following documents to the Officer in Charge, Marine Inspection, of the office which issued the license to be renewed:

(1) A letter of transmittal indicating reasons for not appearing in person and stating that to the best of his knowledge no physical incapacity exists.

(2) The oath of office on the form prescribed by the Coast Guard which has been duly executed before a person authorized to administer oaths.

(3) The license to be renewed.

(4) The currently valid license as first- or second-class radiotelegraph operator issued by the Federal Communications Commission. (This license will be sighted and returned to the applicant).

(c) *Fitness.* No license shall be renewed if title has been permanently relinquished or facts which would render a renewal improper have come to the attention of the Coast Guard.

(d) *Period of grace.* (1) Licenses shall be renewed within 12 months after the date of expiration as shown on the license held. During this 12-month period of grace, the license is not valid.

(2) No license shall be renewed more than 30 days in advance of the date of expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand, in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

(e) *Surrender of expiring license.* An applicant for renewal shall surrender his license which is being renewed upon issuance of the new license.

§ 10.13–23 *Physical requirements for renewal.* (a) In the event it is found that an applicant for renewal of license obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of a radio officer at sea, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(b) Nothing herein contained shall debar an applicant who has lost the sight of one eye since obtaining his original license from securing a renewal of his license, provided he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

(c) In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination or certification may be made by another reputable physician.

(d) Whenever an applicant shall apply for renewal of his license after 12 months after the date of its expiration, he shall be required to pass the physical examination required of an applicant for an original license.

§ 10.13–25 *Issuance of duplicate license.* (a) Whenever a person to whom a license has been issued loses his license, he shall report such loss to an Officer in Charge, Marine Inspection, who shall issue a duplicate license after receiving from such person a properly executed affidavit giving satisfactory evidence of such loss, and a record of the license from the Marine Inspection Office where it was issued. Such license shall be issued as a duplicate by the addition of the following typewritten indorsement, "This license replaces License No. ------ issued at ------ on the above date," as well as the port and date of the duplicate issue.

(b) The duplicate license, issued for the unexpired term, shall have the same force and effect as the lost license.

(c) When a person reports the loss of his license, or when it is discovered that any license or license form has been stolen from a Marine Inspection Office or when such lost or stolen licenses are recovered, the Officer in Charge, Marine Inspection, shall immediately report the loss, theft, or recovery to the Commandant giving a description of the license and all facts incident to its loss, theft, or recovery.

§ 10.13–27 *Parting with or altering license.* (a) If the holder of any license voluntarily parts with it or places it beyond his personal control by pledging or depositing it with any other person for any purpose, he may be proceeded against in accordance with the provisions of R. S. 4450, as amended, 46 U. S. C. 239, looking to a suspension or revocation of his license.

(b) The holder of any license issued pursuant to the regulations in this subpart who shall change, by addition, interpolation, or erasure of any kind any license shall be subject to all the penalties provided by law; and any license so changed is null and void and without force and effect.

§ 10.13–29 *Suspension and revocation of licenses.* (a) Licenses issued pursuant to the regulations in this subpart shall be subject to suspension or revocation on the same ground and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses under the provisions of R. S. 4450, as amended, 46 U. S. C. 239.

(b) Whenever a license is revoked such license expires with such revocation and any license subsequently granted to such person shall be considered in the light of an original license except as to number of issue.

(c) No person whose license has been suspended or revoked shall be issued another license except upon approval of the Commandant.

(d) When a license which is about to expire is suspended, the renewal of such license may be withheld until the expiration of the period of suspension.

(e) When the license issued by the Federal Communications Commission upon which the license issued pursuant to the regulations in this subpart is predicated is suspended or revoked, such suspension or revocation shall operate as a suspension or revocation of the license issued under the regulations in this subpart. No formal proceedings shall be required in such cases.

§ 10.13–33 *Right of appeal.* When ever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action with respect to the issuance of a license, he may appeal therefrom to the District Coast Guard Commander having jurisdiction. A like appeal shall be allowed from any decision or action of the District Coast Guard Commander to the Commandant, whose action shall be final. Such appeals shall be made in writing within 30 days after the date of decision or action appealed from. Pending the determination of the appeal, the decision of the Officer in Charge, Marine Inspection, shall remain in effect.

PART 12—CERTIFICATION OF SEAMEN

SUBPART 12.02 — GENERAL REQUIREMENTS FOR CERTIFICATION

Section 12.02–11 (d) is amended by adding a new subparagraph (3), reading as follows:

§ 12.02–11 *General provisions respecting merchant mariner's documents.*

* * *

(d) * * *

(3) A merchant mariner's document issued to a licensed radio officer will be indorsed as follows: "See License as Radio Officer." If a licensed radio officer qualifies as lifeboatman, the further indorsement, "Lifeboatman," will be placed on the merchant mariner's document. Qualifications for other ratings for which a radio officer is eligible may also be indorsed on the document. (R. S. 4405, 4417a, 4488, and 4551, as amended; Sec. 13, 38 Stat. 1169, as amended by sec. 1, 49 Stat. 1930, secs. 1, 2, 50 Stat. 199, sec. 1, 52 Stat. 753, 55 Stat. 579, 732, sec. 1, 49 Stat. 1544, sec. 7, 49 Stat. 1936, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 367, 375, 391a, 481, 643, 672, 672–1, 672–2, 672b, 689, 50 U. S. C. 1275; sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875 and Pub. Law 525, 80th Cong., 2d Sess.)

2. Section 12.02–13 is amended to read as follows:

§ 12.02–13 *Citizenship requirements.* (a) Any person making application for a continuous discharge book or a certificate of identification or a merchant mariner's document representing a certificate of identification and claiming to be a citizen of the United States shall present acceptable evidence of such citizenship at the time of making application. No original document shall be issued to any person claiming to be a citizen of the United States until such citizenship is established by acceptable evidence.

(b) Any person who has been issued a continuous discharge book or certificate of identification or merchant mariner's document showing question marks prior to the effective date of this section may at any time produce additional evidence of citizenship to a shipping commissioner or Officer in Charge, Marine Inspection. If the additional evidence produced satisfies the shipping commissioner or the Officer in Charge, Marine Inspection, to whom it is presented that the same is acceptable evidence of the citizenship of the person, such official may draw lines through the question marks and note the citizenship of the person in the space provided therefor, attesting the change, or reissue the certificate or document. Whenever such changes are made the official making the change shall immediately thereafter notify the Commandant.

(c) Acceptable evidence of citizenship is set forth in § 10.02–5 of this subchapter. (Secs. 5, 7, and 302, 49 Stat. 1935, 1936, 1992, 46 U. S. C. 672a, 689, 1132, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

3. Part 12 is amended by adding a new § 12.02–14, to follow § 12.02–13, reading as follows:

§ 12.02–14 *Nationality of aliens.* (a) Any alien making application for a continuous discharge book or certificate of identification or merchant mariner's document representing a certificate of identification shall present acceptable evidence of nationality at the time of making application. No original document shall be issued to any alien until nationality is established by acceptable evidence.

(b) Any document of an official character showing the country of which the alien is a citizen or subject may be accepted as acceptable evidence of an alien's nationality. The following are examples of such a document:

(1) Declaration of intention to become a citizen of the United States made by the alien after 1929.

(2) A travel document in the nature of a passport issued by the government of the country of which the alien is a citizen or subject.

(3) A certificate issued by the consular representative of the country of which the alien is a citizen or subject.

(c) Should any doubt arise as to whether or not the document presented may be considered as acceptable evidence of the alien's nationality, the matter shall be referred to the Commandant for decision.

(d) (1) No documents shall be issued to any enemy alien. The term "enemy alien" shall include the following:

(i) All aliens of the age of 14 years or older who were or are citizens or subjects of Germany or Japan.

(ii) All aliens of the age of 14 years or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of Germany or Japan.

(2) The term "enemy alien" shall not include the following:

(i) Former German or Japanese citizens or subjects who, before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German citizens or subjects, became and are citizens or subjects of any nation other than Germany or Japan.

(ii) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien Registration Act of 1940: *Provided*, That such persons have not at any time voluntarily become German or Japanese citizens or subjects.

(iii) All citizens or subjects of Italy, and all aliens who at present are stateless but who at the time at which they became stateless were citizens or subjects of Italy.

(iv) Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

(3) Should any difficulties arise as to whether or not any person is an enemy alien, such case will be referred to the Commandant together with the date and place of birth and statements regarding the citizenship of the person whose status is in doubt. (Secs. 5, 7, and 302, 49 Stat. 1935, 1936, 1992, 46 U. S. C. 672a, 689, 1132, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

SUBPART 12.25—CERTIFICATES OF SERVICE FOR RATINGS OTHER THAN ABLE SEAMAN OR QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

4. Section 12.25–15 *Radio operator* is deleted.

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

PART 28—SPECIFICATIONS AND PROCEDURE FOR APPROVAL OF EQUIPMENT

1. Section 28.4–4 *Specifications for block-cork life preserver* and Figure 1 are deleted.

2. Section 28.4–5 *Specifications for balsa-wood life preserver* is deleted.

3. Section 28.4–9 *Factory inspection* is deleted.

4. Section 28.4–10 *Manufacturer's affidavit* is deleted.

Subchapter D—Tank Vessels

PART 37—SPECIFICATIONS FOR LIFESAVING APPLIANCES

1. Section 37.6–4 *Specifications for standard type block-cork life preserver* and Figure 1 are deleted.

2. Section 37.6–5 *Specifications for standard type balsa-wood life preserver* is deleted.

3. Section 37.6–7 *Factory inspection* is deleted.

4. Section 37.7–1 *Manufacturer's affidavit* is deleted.

Subchapter F—Marine Engineering

PART 54—UNFIRED PRESSURE VESSELS

Section 54.01–40 is amended to read as follows:

§ 54.01–40 *Tests—*(a) *New pressure vessels.* Upon completion of a new pressure vessel one of the following applicable hydrostatic tests shall be made in the presence of an inspector:

(1) Riveted construction: 1½ times the maximum allowable pressure.

(2) Brazed construction: 2 times the maximum allowable pressure. (See § 56.05–10 of this subchapter.)

(3) Welded construction: 2 times the maximum allowable pressure. (See § 56.05–10 of this subchapter.)

(4) Cast construction: 2 times the maximum allowable pressure.

(b) *Pressure vessels in service.* (1) Pressure vessels which have manholes or access openings permitting internal examination are not required to be hydrostatically tested. Pressure vessels, other than tubular heat exchangers and those used in refrigeration service, which cannot be examined internally, shall be tested hydrostatically to 1¼ times the maximum allowable pressure biennially at the annual inspection.

(2) Tubular heat exchangers shall be examined under operating conditions at the annual inspection.

(3) Refrigeration units, gas condensers, receivers, evaporators, and direct expansion cooling coils shall be leak tested to their design pressure as indicated in Table 54.01–40 (b) (3). These tests shall be made every fourth year at the annual inspection.

TABLE 54.01–40 (b) (3)—REFRIGERATION LEAK TESTS

Refrigerant		Design pressure, (leak test—gas)	
		High side p. s. i.	Low side p. s. i.
Ammonia	NH_3	300	150
Carbon Dioxide	CO_2	1,500	1,000
Freon-11	CCl_3F	40	40
Freon-12	CCl_2F_2	225	150
Freon-21	$CHCl_2F$	75	40
Freon-22	$CHClF_2$	375	225
Freon-113	$C_2Cl_3F_3$	50	50
Freon-114	$C_2Cl_2F_4$	80	45

(4) No gas tests shall be made aboard ship higher than the design pressure of the part of the system being tested. The refrigerant in the system may be used for this test. If the refrigerant has been removed, oil pumped dry nitrogen or bone dry carbon dioxide with a detectable amount of the refrigerant added, should be used as a testing medium. (Carbon dioxide should not be used to leak test an existing ammonia system.) In no case should air, oxygen, any flammable gas or any flammable mixture of gases be used for testing.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, 50 U. S. C. 1275; and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

PART 55—PIPING SYSTEMS

SUBPART 55.07—DETAIL REQUIREMENTS

1. Section 55.07–1 (c) is amended to read as follows:

§ 55.07–1 *Material.* • • •

(c) Lap-welded steel or iron pipe without diameter limitation may be used where the pressure does not exceed 350 pounds per square inch, or the temperature does not exceed 450° F. Furnace butt-welded steel or iron pipe without diameter limitation may be used where the pressure does not exceed 150 pounds per square inch, or the temperature does not exceed 450° F. Electric resistance-welded steel pipe may be used where the pressure does not exceed 350 pounds per square inch or the temperature does not exceed 650° F.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, 50 U. S. C. 1275; and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

2. Section 55.07–15 is amended by changing the descriptions of Figures 55.07–15 (f12), 55.07–15 (f13), and 55.07–15 (f17) to read as follows:

§ 55.07–15 *Joints and flange connections.* • • •

Figure 55.07–15(f12). The flange of the type described and illustrated by Figure 55.07–15 (f11), except with the fillet weld omitted, may be used for class II piping for pressures not exceeding 150 pounds per square inch and temperatures not exceeding 450° F.

Figure 55.07–15 (f13). Flanges may be attached by expanding the pipe into the grooves machined in the hub of the flange and flaring the end of the pipe to an angle of not less than 20°. This type of flange is limited to a maximum pressure of 250 pounds per square inch at a temperature not exceeding 500° F. For class II piping and where the temperature does not exceed 450° F. it is not required that the ends of the pipe be flared.

• • • • •

Figure 55.07–15 (f17). The flange of the type described and illustrated by Figure 55.07–15 (f16), except with the brazing omitted, may be used for class II piping and where the temperature does not exceed 406° F.

(R. S. 4405, 4417a, 4418, 4426, 4429–4434, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 407–412, 463a, 1333, 50 U. S. C. 1275; and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875.)

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

Section 59.55 *Life preservers* is amended by deleting paragraph (f) *Specifications for standard type block-cork life preserver* and Figure 1, paragraph (g) *Specifications for standard type balsa-wood life preserver*, paragraph (i) *Factory inspection*, and paragraph (k) *Manufacturer's affidavit*, and by redesignating paragraph (j) *Shipboard inspections* as paragraph (c).

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

Section 60.48 *Life preservers* is amended by deleting paragraph (f) *Specifications for standard type block-cork life preserver* and Figure 1, paragraph (g) *Specifications for standard type balsa-wood life preserver*, paragraph (i) *Factory inspection*, and paragraph (k) *Manufacturer's affidavit*, and by redesignating paragraph (j) *Shipboard inspections* as paragraph (c).

Subchapter H—Great Lakes: General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 76.52 *Life preservers* is amended by deleting paragraph (f) *Specifications for standard type block-cork life preserver* and Figure 1, paragraph (g) *Specifications for standard type balsa-wood life preserver*, paragraph (i) *Factory inspection*, and paragraph (k) *Manufacturer's affidavit*, and by redesignating paragraph (j) *Shipboard inspections* as paragraph (c).

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 94.52 *Life preservers* is amended by deleting paragraph (f) *Specifications for standard type block-cork life preserver* and Figure 1, paragraph (g) *Specifications for standard type balsa-wood life preserver*, paragraph (i) *Factory inspection*, and paragraph (k) *Manufacturer's affidavit*, and by redesignating paragraph (j) *Shipboard inspections* as paragraph (c).

Subchapter J—Rivers: General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.44 *Life preservers* is amended by deleting paragraph (f) *Specifications for standard type block-cork life preserver* and Figure 1, paragraph (g) *Specifications for standard type balsa-wood life preserver*, paragraph (i) *Factory inspection*, and paragraph (k) *Manufacturer's affidavit*, and by redesignating paragraph (j) *Shipboard inspections* as paragraph (c).

Subchapter K—Seamen

PART 131—HOURS OF LABOR ON SHIPBOARD

Section 131.2 is amended to read as follows:

§ 131.2 *Division into three watches.* On vessels to which all of the provisions of section 2 of the Seamen's Act of 1915, as amended (49 Stat. 1933; 46 U. S. C. 673), apply, the licensed officers, sailors, coal passers, firemen, oilers, and water tenders shall, while at sea, be divided into at least 3 watches, the number in each watch to be as nearly equal as the division of the total number in each class will permit. The watches shall be kept on duty successively. The requirement for division into watches applies only to those classes of the crew specifically named in the aforesaid section 2: *Provided*, That in the case of radiotelegraph operators this requirement shall be applicable only when three or more radio officers are employed. (49 Stat. 1936, as amended, 46 U. S. C. 689, sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875, Pub. Law 525, 80th Cong., 2d Sess.)

Section 131.4 is amended by changing the first sentence to read as follows:

§ 131.4 *Officers in Charge, Marine Inspection, to note three-watch system in fixing complement of licensed officers and crew; licensed officers and crew of tugs and the barges engaged in voyages of less than 600 miles.* Officers in Charge, Marine Inspection, will note that the 3-watch system extends to all licensed officers and to the sailors, coal passers, firemen, oilers and water tenders of all vessels to which all of the provisions of section 2 of the Seamen's Act of 1915, as amended (49 Stat. 1933; 46 U. S. C. 673), apply and will be governed accordingly in fixing the complement of licensed officers and crew, as authorized by R. S. 4463, as amended (46 U. S. C. 222): *Provided*, That in the case of radio telegraph operators this requirement shall be applicable only when three or more radio officers are employed. • • •

(49 Stat. 1936, as amended, 46 U. S. C. 689, sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875, Pub. Law 525, 80th Cong., 2d Sess.)

Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—DETAILED REGULATIONS GOVERNING HAZARDOUS ARTICLES

Section 146.27–100 is amended by changing the description in column 1 under "burlap cloth (Hessian)" as follows:

§ 146.27–100 *Table K—Classification: Hazardous Articles.* • • •

Burlap cloth (Hessian):	
Burlap bags, new.	
Burlap bags, used and washed.	
Burlap bags, vacuum cleaned, wheel cleaned, or otherwise mechanically brushed.	The originating bill of lading or other shipping paper covering used bags shall bear the shipper's certifying statement that the bags have been thoroughly washed or cleaned and all traces of the previous lading removed therefrom. Bags showing stains from oil, grease, or organic oxidizing materials shall not be shipped. Washed bags shall not be baled or shipped unless thoroughly dry.
Burlap bags, used and unwashed or uncleaned.	

NOTE: See also "Bags, nitrate of soda, empty and unwashed" in the inflammable solids table.

(R. S. 4472, as amended, and sec. 5 (e), 55 Stat. 244, 46 U. S. C. 170, 50 U. S. C.

1275, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.002—LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 2, 3, 5 AND 6

1. Section 160.002–1 (a) is amended by changing subparagraph (4) and adding a new subparagraph (5), reading as follows:

§ 160.002–1 *Applicable specifications and plans*—(a) *Specifications.* • • •

(4) *Coast Guard Specification.* 164.003—Kapok, processed.

(5) *Joint Army-Navy specification.* JAN–C–496—Clips, End.

2. Section 160.002–3 is amended by changing paragraphs (a), (b), (f), (g), (h), and (i) to read as follows:

§ 160.002–3 *Materials.* • • •

(a) *Kapok.* The kapok shall comply with subpart 164.003 of this subchapter and shall be properly processed.

(b) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill without sizing, thread count approximately 74 x 60, having a minimum breaking strength of 100 pounds in the warp and 80 pounds in the filling when tested in accordance with Federal Specification CCC–T–191, and may be treated with a clear, uncolored, fire-resistive substance of an approved type. Cotton drills conforming to Navy Department Specification 27D1 (except as to color) or those meeting the requirements for Type A drill contained in Federal Specification CCC-D-651, are acceptable. The color shall be Indian Orange, Cable No. 70072, Standard Color Card of America, Ninth Edition, issued by the Textile Color Association of the United States, Inc., 200 Madison Avenue, New York, N. Y. Samples of fabric conforming to this color requirement may be obtained upon request. The fastness of the color shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Section XIII, paragraph 2C, Test No. 2 for light, paragraph 4 for laundering, and paragraph 6 for water.

• • • • •

(f) *Tie tapes and drawstrings.* The tie tapes at the neck and the lower drawstrings shall be made of 1¼ inch cotton tape weighing not less than 0.3 ounce per linear yard, and having a minimum breaking strength of 200 pounds. The tie tapes and drawstrings shall not be treated with a fire-resistive substance.

(g) *Body strap.* The body strap shall be made of one-inch cotton webbing having a minimum breaking strength of 400 pounds. Types IIb, III, IV, V, or VI, 1" webbing meeting the requirements of U. S. Army Specifications 6–185, listed in § 160.002–1 are satisfactory.

(h) *Dee rings and tip.* The Dee rings and tip shall be made of brass or bronze. The Dee ring ends shall be welded together to form a complete ring. They shall be of the approximate size indicated by Dwg. No. F–49–6–1, Sheet 1, or by Dwg. No. F–49–6–5, Sheet 1, and the tip shall be a ball type end clip as described in Joint Army-Navy Specification JAN–C–496. When assembled, the complete body strap with Dee ring fastening arrangement shall have a breaking strength of not less than 360 pounds.

(i) *Reinforcing tape.* The reinforcing tape shall be made of ¾ inch cotton tape weighing not less than 0.18 ounce per linear yard and having a minimum breaking strength of 120 pounds. This cotton tape may be treated with an approved fire-resistive substance.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163–167, 346, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526–526t, 1333, 50 U. S. C. 1275, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

3. Section 160.002–5 (a) is amended by adding the following sentence:

§ 160.002–5 *Inspections and tests*—(a) *General.* • • • The manufacturer shall provide a suitable place and necessary apparatus for the use of the inspector in conducting tests at the place of manufacture.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163–167, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526–526t, 1333, 50 U. S. C. 1275, and sec. 101, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

SUBPART 160.003—LIFE PRESERVERS, CORK (JACKET TYPE), MODELS 31 AND 35

Part 160 is amended by adding a new subpart 160.003 reading as follows:

Sec.

160.003–1	Applicable specifications and plans.
160.003–2	Types and models.
160.003–3	Materials.
160.003–4	Construction.
160.003–5	Inspections and tests.
160.003–6	Marking.
160.003–7	Procedure for approval.

AUTHORITY: §§ 160.003–1 to 160.003–7, issued under R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, section 11 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163–167, 346, and section 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526–526t, 1333, 50 U. S. C. 1275, and section 101, Reorganization Plan No. 3 of 1946, F. R. 7875.

§ 160.003–1 *Applicable specifications and plans*—(a) *Specifications.* The following specifications, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

(1) *Navy Department specification.*

27D1	Drill, cotton, fire and weather-resistant.

(2) *Federal specifications.*

V–T–276	Thread; cotton.
V–T–291	Thread; linen.
CCC–D–651	Drill, unbleached.
CCC–T–191	Textiles; general specifications; test methods.
DDD–S–751	Stitches; seams; and stitching.

(3) *Coast Guard specification.*

164.001	Cork, sheet.

(b) *Plan.* The following plan of the issue in effect on the date life preservers are manufactured, forms a part of this subpart:

Dwg. No. 160.003–1 (b) Cork and balsa wood life preserver (adult).

§ 160.003–2 *Types and models.* (a) Life preservers specified by this subpart shall be of the following types and models:

Type A—Adult: Model 31—Adult cork life preserver (jacket type).

Type B—Child: Model 35—Child cork life preserver (jacket type).

§ 160.003–3 *Materials*—(a) *Cork.* The cork blocks shall comply with subpart 164.001 of this subchapter. Cork blocks from life preservers may be re-used if in good condition and in compliance with subpart 164.001 of this subchapter.

(b) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill without sizing, thread count approximately 74 x 60, having a minimum breaking strength of 100 pounds in the warp and 80 pounds in the filling when tested in accordance with Federal Specification CCC–T–191, and may be treated with a clear, uncolored, fire-resistive substance of an approved type. Cotton drills conforming to Navy Department Specification 27D1 (except as to color) or those meeting the requirements for Type A drill contained in Federal Specification CCC–D–651, are acceptable. The color shall be Indian Orange, Cable No. 70072, Standard Color Card of America, Ninth Edition, issued by The Textile Color Association of the United States, Inc., 200 Madison Avenue, New York, N. Y. Samples of fabric conforming to this color requirement may be obtained upon request. The fastness of the color shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, section XIII, paragraph 2C, Test No. 2 for light, paragraph 4 for laundering, and paragraph 6 for water.

(c) *Tie tapes and body straps.* The tie tapes at the neck and the lower body straps shall be 1¼ inch cotton tape, weighing not less than 0.3 ounce per linear yard, and having a minimum breaking strength of 200 pounds. The tie tapes and body straps shall not be treated with a fire-resistive substance.

(d) *Thread.* The thread shall be No. 25, three-cord linen complying with Table I of Federal Specification V–T–291, or heavy cotton thread, Type IIIB, designation 10/4, complying with Table IV of Federal Specification V–T–276. Alternate threads will be given special consideration.

§ 160.003–4 *Construction*—(a) *General.* This specification covers life preservers which essentially consist of a vest-cut envelope containing pockets in which are enclosed blocks of buoyant material, the life preserver being secured with tapes to provide reversibility and adjustment for fitting it to the body. The type shall conform to Dwg. No. 160.003–1 (b). Child size life preservers are to be of the same general form and construction and conform in every respect, as regard material and design, to the adult size with the exception that the

size is to be reduced approximately one-third.

(b) *Envelope.* The envelope shall be of not more than two pieces, one piece for either side, cut to the pattern shown on Dwg. No. 160.003–1 (b) for adult size, and joined by seams and stitching as shown on the drawing.

(c) *Buoyant material* — (1) *Dimensions.* The dimensions of the buoyant material for Type A, Adult size life preservers shall be as follows:

4 blocks—11" x 5" x 1⅞"
4 blocks— 6" x 5" x 1⅞"

(2) *Forming.* The corners and edges of the blocks shall be slightly rounded or beveled. The surface, edges, and corners of the buoyant material shall be of such smoothness as will prevent undue destruction of the covering and present a smooth surface to provide a suitable backing for legible stenciling or stamping on the cover of the required marking. If blocks are of more than one piece of buoyant material, the pieces shall be neatly fitted and secured together by waterproof glue or by dowel pins or skewers, or by a combination of waterproof glue and dowel pins or skewers.

(d) *Tie tapes and body straps.* The tie tapes at the neck and the two body straps (one body strap is located on each side of the life preserver) shall be secured by stitching through both thicknesses of the envelope as indicated by Dwg. 160.003–1 (b), and the free ends, which shall extend approximately 12 inches from the edges of the life preserver, shall be doubled over and stitched.

(e) *Stitching.* All machine stitching shall be short lock stitch, conforming to Stitch Type 301 of Federal Specification DDD–S–751, with not less than 7 nor more than 9 stitches to the inch. The lower longitudinal edge of the jacket shall be turned to a roll and rope stitched with double thread, not less than 2½ stitches to the inch, or it may be machine sewn.

(f) *Workmanship.* Life preservers shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.003–5 *Inspections and tests*—(a) *General.* An inspector shall examine all life preservers at the place of manufacture for compliance with this specification. Samples of materials entering into the construction may be taken at random by the inspector and tests made for compliance with the applicable requirements. After satisfying himself that the life preservers have been manufactured according to this specification, he shall select indiscriminately from each lot of 250 or less, at least one life preserver to be tested for buoyancy as specified by paragraph (b) of this section. If the specimen life preserver passes the buoyancy test, the lot shall be acceptable as to buoyancy. If the specimen life preserver fails the buoyancy test, ten additional specimen life preservers shall be selected at random from the lot and tested for buoyancy. If all the ten additional specimen life preservers pass the test, the lot shall be acceptable as to buoyancy. If any one of the ten additional specimen life preservers fails the buoyancy test, the lot shall be rejected. Rejected lots may be tested 100% by the manufacturer and all non-conforming units eliminated, whereupon the remainder of the lot may be re-submitted for official inspection. When any specimen life preserver shall fail the buoyancy test, ten specimen life preservers shall be selected at random and tested from the next succeeding lot submitted for official inspection. When the inspector has satisfied himself that the life preservers submitted for inspection are of a type officially approved in the name of the company, and that such life preservers meet the requirements of this specification, they shall be plainly marked in waterproof ink with the words, "Approved, U. S. Coast Guard, (Inspection date), (Inspector's initials), (Port)." The manufacturer shall provide a suitable place and the necessary apparatus for the use of the inspector in conducting tests at the place of manufacture.

(b) *Buoyancy test.* Place the life preserver in a weighted wire cage and submerge for forty-eight hours in a tank of fresh water so the top is approximately two inches below the surface. The weights shall be more than sufficient to submerge the cage with the enclosed life preserver. The buoyancy shall be determined to equal the weight of the weighted cage in the water less the weight of the cage in water while the life preserver is inside. The Type A Adult life preserver shall provide not less than 16½ pounds buoyancy, and the Type B Child life preserver shall provide not less than 11 pounds buoyancy.

§ 160.003–6 *Marking*—(a) *General.* Each life preserver shall be plainly marked in waterproof ink on a front compartment with the word, "Adult" or "Child" as the case may be, with the model number, the kind of buoyant material, the name and address of the manufacturer, and the official approval number assigned to the life preserver.

§ 160.003–7 *Procedure for approval*—(a) *General.* Life preservers are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Each model life preserver is considered separately. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located. The Commander of the district will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select at random, from not less than ten life preservers already manufactured, not less than three life preservers for test in accordance with § 160.003–5 (b). A copy of the inspector's report, together with one specimen life preserver, will be forwarded to the Commandant for assignment of an official approval number.

SUBPART 160.004—LIFE PRESERVERS, BALSA WOOD (JACKET TYPE), MODELS 41 AND 45

Part 160 is amended by adding a new subpart 160.004 reading as follows:

Sec.
160.004–1 Applicable specifications and plans.
160.004–2 Types and models.
160.004–3 Materials.
160.004–4 Construction.
160.004–5 Inspections and tests.
160.004–6 Marking.
160.004–7 Procedure for approval.

AUTHORITY: §§ 160.004–1 to 160.004–7 issued under R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, section 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 163–167, 346, and section 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526–526t, 1333, 50 U. S. C. 1275, and section 101, Reorganization Plan No. 3 of 1946, 11 F. R. 7875.

§ 160.004–1 *Applicable specifications and plan*—(a) *Specifications.* The following specifications, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

(1) *Coast Guard Specifications.*

160.003—Life preservers, cork (jacket type) models 31 and 35.
164.002—Balsa Wood.

(b) *Plan.* This shall be the same as § 160.003–1 (b).

§ 160.004–2 *Types and models.* (a) Life preservers specified by this subpart shall be of the following types and models:

Type A — Adult: Model 41 — Adult balsa wood life preserver (jacket type).

Type B — Child: Model 45 — Child balsa wood life preserver (jacket type).

§ 160.004–3 *Materials* — (a) *Balsa wood.* Balsa wood blocks shall be new wood complying with subpart 164.002 of this subchapter of a density to meet the requirements for "Density B". Re-use of balsa wood blocks from old life preservers or other devices is not permitted.

(b) *Envelope.* This shall be the same as § 160.003–3 (b).

(c) *Tie tapes and body straps.* This shall be the same as § 160.003–3 (c).

(d) *Thread.* This shall be the same as § 160.003–3 (d).

(e) *Coating.* Coating for the balsa wood blocks shall be a suitable waterproofing substance, such as "Hydrotuf", "Synthetic Plasoleum," "Balsa Wood Coating," or other substance of equal quality and effectiveness.

NOTE: "Hydrotuf", "Synthetic Plasoleum", and "Balsa Wood Coating" are trade names for waterproof substances for covering balsa wood, and are furnished by the Atlantic-Pacific Mfg. Corp., 124 Atlantic Ave., Brooklyn 2, N. Y.; Revertex Corp. of America, 3708 Northern Blvd., Long Island City, N. Y.; and Akron Paint & Varnish Co., Akron, Ohio; respectively.

§ 160.004–4 *Construction*—(a) *General.* This shall be the same as § 160.003–4 (a).

(b) *Envelope.* This shall be the same as § 160.003–4 (b).

(c) *Buoyant material*—(1) *Dimensions.*—This shall be the same as § 160.003–4 (c) (1).

(2) *Forming.* This shall be the same as § 160.003–4 (c) (2).

(3) *Coating.* The balsa wood blocks shall be given a copious coating with a waterproof coating material which is in accordance with § 160.004–3 (e), and be allowed to dry thoroughly before being inserted in the pockets of the envelope.

(d) *Tie tapes and body straps.* This shall be the same as § 160.003–4 (d).

(e) *Stitching.* This shall be the same as § 160.003–4 (e).

(f) *Workmanship.* This shall be the same as § 160.003–4 (f).

§ 160.004–5 *Inspections and tests*—(a) *General.* This shall be the same as § 160.003–5 (a).

(b) *Buoyancy test.* This shall be the same as § 160.003–5 (b).

§ 160.004–6 *Marking* — (a) *General.* This shall be the same as § 160.003–6 (a).

§ 160.004–7 *Procedure for approval*—(a) *General.* This shall be the same as § 160.003–7 (a).

PART 162—ENGINEERING EQUIPMENT

Part 162 is amended by adding a new subpart 162.015 reading as follows:

SUBPART 162.015—FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS), FOR MERCHANT VESSELS AND MOTORBOATS

Sec.
162.015–1 Applicable specifications.
162.015–2 Type.
162.015–3 Materials, construction, and workmanship.
162.015–4 Inspections and testing.
162.015–5 Marking.
162.015–6 Procedure for approval.

AUTHORITY: §§ 162.015–1 to 162.015–6 issued under R. S. 4405, and 54 Stat. 163–167, as amended; 46 U. S. C. 375, 526–526t, and section 101, Reorganization Plan No. 3 of 1946.

§ 162.015–1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart.

§ 162.015–2 *Type.* (a) This specification covers the design and construction of backfire flame arresters of the type intended for installation on carburetor air intakes of internal combustion engines. The term "backfire flame arrester" means any device or assembly of a cellular, tubular, or baffle arrangement, or such other type as may be approved by the Commandant, which is suitable for arresting the propagation of backfire flame to the surrounding atmosphere through the air intakes.

§ 162.015–3 *Materials, construction, and workmanship.* (a) The device shall be of first class workmanship and shall be free from imperfections of manufacture which may affect its serviceability.

(b) The device or assembly shall be of substantial construction and shall be capable of withstanding internal pressures resulting from explosions without distortion or damage.

(c) The flame arrester housing and grid element shall be of such corrosion-resistant material as may be accepted by the Commandant.

(d) The design and construction of the flame arrester shall permit easy inspection and cleaning of the grid or arrester element.

(e) Non-metallic materials shall not be permitted in the construction of the backfire flame arrester.

(f) The arrester grid element shall be fitted on or in the arrester body in such a manner as to prevent the flame from by-passing the element. All joints in the flame arrester, which are subjected to explosive pressures, shall be of the metal-to-metal type. Gasketed joints will not be permitted.

(g) Arrester element shall be so designed as to permit minimum restriction to the flow of air through the intake.

(h) The flame arrester assembly shall be so constructed that its effectiveness will not be impaired by vibrations encountered under actual service conditions.

(i) Means shall be provided to securely fasten the device to the air intake by pipe threaded connection, clamp, or clamp screws, or by such means as may be accepted by the Commandant.

(j) The housing of the arrester shall be designed to withstand the internal pressures resulting from explosions without distortion or damage.

§ 162.015–4 *Inspections and testing*—(a) *General.* Backfire flame arresters for carburetors may be subject to inspection and tests at the plant of the manufacturer. The inspector may conduct such tests and examinations as may be necessary to determine compliance with this specification.

§ 162.015–5 *Marking.* (a) Each backfire flame arrester shall be permanently and legibly marked with the style, type, or other designation of the manufacturer, the size, and the name or registered trademark of the manufacturer.

§ 162.015–6 *Procedure for approval*—(a) *General.* Backfire flame arresters installed on carburetors of internal combustion engines shall be approved for such use on merchant vessels and motorboats only by the Commandant, U. S. Coast Guard, Washington 25, D. C. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Drawings and specifications.* Manufacturers desiring approval of a new design or type of backfire flame arrester shall submit drawings in quadruplicate showing the design of the device, the sizes and material specifications of component parts, and the detail construction of the arrester element.

(c) *Pre-approval tests.* Before approval is granted, manufacturers may have tests conducted, or submit evidence that such tests have been conducted, and the backfire flame arrester has been found acceptable by the U. S. Navy, Underwriters' Laboratories, Factory Mutual Laboratories, or by a properly supervised and inspected test laboratory acceptable to the Commandant, relative to determining the vapor-air explosion resistance of representative samples of the device in the size for which approval is desired. The explosion resistance tests shall conclusively indicate that, (1) the device can withstand the maximum explosive pressures of vapor-air test mixtures, and (2) the device can resist the propagating effects of the vapor-air test mixture, without distortion or damage.

Dated: October 27, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48–9606; Filed, Oct. 29, 1948; 8:50 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 776, Amdt. 5]

PART 95—CAR SERVICE

CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of October A. D. 1948.

Upon further consideration of Revised Service Order No. 776 (13 F. R. 2380), as amended (13 F. R. 2570, 2679, 3763, 5571), and good cause appearing therefor: It is ordered, that:

Section 95.776 *Car demurrage on State Belt Railroad of California* of Revised Service Order 776, as amended, be further amended by cancelling the exception to paragraph (a) (2) thereto originally established in Amendment No. 2.

Application. Demurrage charges provided in the original order shall apply on cars described in current official Railway Equipment Register under headings, Class G—Gondola Car Type, Class H—Hopper Car Type, and Class LO—Special Car Type on and after the effective date hereof.

It is further ordered, that this amendment shall become effective at 7:00 a. m., November 1, 1948, and shall vacate Amendment No. 2 on the effective date hereof; and a copy be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48–9558; Filed, Oct. 29, 1948; 8:48 a. m.]

[Rev. S. O. 775, Amdt. 6]

PART 95—CAR SERVICE

DEMURRAGE ON RAILROAD FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of October A. D. 1948.

Upon further consideration of Revised Service Order No. 775 (13 F. R. 2379) as amended (13 F. R. 2679, 3763, 5238, 5571), and good cause appearing therefor: It is ordered, that:

Section 95.775 *Demurrage on railroad freight cars* of Revised Service Order 775, as amended be further amended by cancelling the exception to paragraphs (a) and (b) thereof, originally established in Amendment No. 2.

Application. Demurrage charges provided in the original order shall apply on cars described in current official Railway Equipment Register under headings, Class G—Gondola Car Type, Class H—Hopper Car Type, and Class LO—Special Car Type on and after the effective date hereof.

It is further ordered, that this amendment shall become effective at 7:00 a. m., November 1, 1948, and shall vacate Amendment No. 2 on the effective date hereof; and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-9557; Filed, Oct. 29, 1948; 8:48 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF IRISH POTATOES OR IRISH POTATOES AND ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra.*

[General Permit ODT 18A, Rev. 45]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF IRISH POTATOES OR IRISH POTATOES AND ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.546 *Shipments of Irish potatoes or Irish potatoes and onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971), or in Items 470, 475, 495, 500, and 600 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of a straight shipment of Irish potatoes or a mixed shipment of Irish potatoes and onions, when, in either case, such carload freight originates at a point in the States of California, Oregon, Washington, Idaho, or Utah and is loaded to a weight not less than 40,000 pounds.

This General Permit ODT 18A, Revised-45, shall become effective October 27, 1948, and shall expire February 28, 1949.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 26th day of October 1948.

J. M. JOHNSON, *Director, Office of Defense Transportation.*

[F. R. Doc. 48-9556; Filed, Oct. 29, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 930]

[Docket No. AO-72-A13]

HANDLING OF MILK IN TOLEDO, OHIO, MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at Rooms A, B and C, Y. M. C. A., 1110 Jefferson Avenue, Toledo, Ohio, beginning at 9:30 a. m., e. s. t., November 4, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, milk marketing area (7 CFR, Supps. 930.0 et seq.; 12 F. R. 2067, 6945, 13 F. R. 2327, 4275). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic and emergency conditions which relate to the establishment of Class I and Class II prices for a limited period of time, in 1948 and 1949.

The following amendments have been proposed:

1. Amend § 930.5 (a) (1) and (2) to provide that the prices for Class I and Class II milk for a limited period in 1948 and 1949 but not beyond February, 1949, shall not be less than the prices in effect for such classes of milk in September, 1948.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, Room 19, Old Federal Building, Toledo, Ohio, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 27, 1948.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator.*

[F. R. Doc. 48-9584; Filed, Oct. 29, 1948; 8:54 a. m.]

[7 CFR, Part 946]

[Docket No. AO-123-A9]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at Seelback Hotel, Louisville, Kentucky, beginning at 10:00 a. m., c. s. t., November 5, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area (7 CFR, Supps. 946.0 et seq.; 13 F. R. 5112). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic and emergency conditions which relate to the establishment of Class I and Class II prices for a limited period of time in 1948 and 1949.

The following amendment has been proposed:

1. Amend § 946.4 (b) (1) and (b) (2) by adding a proviso to provide that the prices for Class I and Class II milk for a limited period in 1948 and 1949, but not beyond March 1949, shall not be less than the prices in effect for such classes of milk in September 1948.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the market administrator, 1235 Starks Building, Louisville, Kentucky, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 28, 1948.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator.*

[F. R. Doc. 48-9597; Filed, Oct. 29, 1948; 9:00 a. m.]

[7 CFR, Part 978]

HANDLING OF MILK IN NASHVILLE, TENNESSEE, MILK MARKETING AREA

[Docket No. AO 184-A2]

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held in the County Court Room, 4th Floor, County Court House, Nashville, Tennessee, beginning at 10:00 a. m., c. s. t., on November 4, 1948, for the purpose of receiving evidence with respect to a proposed amendment hereinafter set forth to the tentative marketing agreement, as heretofore approved (13 F. R. 5281) by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, milk marketing area (13 F. R. 5526). This proposed amendment has not received the approval of the Secretary of Agriculture.

The following amendment has been proposed by Nashville Milk Producers, Inc:

Delete § 978.5 (b) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk is the basic formula price plus $1.25: *Provided,* That for the months of October, November, and December, 1948, and January and February, 1949, the price for Class I milk shall not be less than $5.665.

(2) *Class II milk.* The price for Class II milk shall be the basic formula price plus 75 cents: *Provided,* That for the months of October, November, and December, 1948, and for the months of January and February, 1949, the price for Class II milk shall not be less than $5.165.

Copies of this notice of hearing and of the tentative marketing agreement, and the order now in effect, may be procured from the market administrator, 402 Presbyterian Building, Nashville 3, Tennessee, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

[SEAL] JOHN I. THOMPSON, *Assistant Administrator.*

[F. R. Doc. 48-9598; Filed, Oct. 29, 1948; 9:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket Nos. 8975, 8736, 9175]

TELEVISION AND FREQUENCY MODULATION BROADCASTING SERVICES

NOTICE OF ISSUANCE OF PROPAGATION STUDIES

In the matter of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8975 and 8736. In the matter of amendment of the Commission's rules, regulations and standards concerning the television and frequency modulation broadcasting services, Docket No. 9175.

I. In accordance with section IV (A) of the Commission's notice of further proposed rule making in the above-entitled matters, issued on October 15, 1948, notice is hereby given of the issuance of the following technical reports by the Commission:

(A) T. I. D. Report 2.4.5. "Summary of tropospheric propagation measurements and the development of empirical VHF propagation charts", October 20, 1948.

(B) T. I. D. Report 4.2.1. "The log-normal distribution", October 19, 1948.

(C) T. I. D. Report 2.4.4. "East Coast Tropospheric and sporadic "E" field intensity measurements on 47.1, 106.5 and 700 Mc.", September 24, 1948.

(D) T. I. D. Report 2.1.3. "Terrain effects evidenced by three sets of data in the very high frequency band." October 15, 1948.

II. The above reports are highly technical in nature and are somewhat voluminous. They have been reproduced in sufficient quantity to permit distribution to all interested persons and in particular to those who expect to participate in the engineering conferences scheduled tentatively for November 30, December 1, and December 2, 1948. Copies of these reports may be obtained at the Commission's Office of Information or by addressing a request therefor to the attention of the Commission's Technical Information Division, Washington, D. C.

III. The following summaries of the above reports have been prepared in order to apprise persons not requesting copies thereof of the significance of the reports in the present proceedings. The numbers in parentheses refer to the corresponding items in the Commission's notice of October 15, 1948.

(A) *T. I. D. Report 2.4.5. (IV A 1).* This report contains a tabulation of the results of 36 series of measurements of tropospheric fields, on frequencies between 40 and 700 megacycles, over distances between 33 and 337 miles and over periods from one month to about one year. These data are analyzed to develop empirical laws governing the range of variation of the fields and the absolute field intensities, as affected by transmitting antenna height, distance and frequency. Application of the laws permits the development of four families of tropospheric propagation curves at frequencies of 63, 82, 98, and 195 megacycles, from which it is possible to predict the intensities of tropospheric fields which will be exceeded for various percentages of time at various distances from the transmitter. Nominal transmitting and receiving antenna heights of 500 feet and 30 feet are used for these curves. The report also includes a study of the simultaneous fading of two signals over similar paths, from which it is concluded that the fading is random. This means, that from an interference standpoint, the variation of the desired signal from tropospheric effects cannot be relied upon to compensate even in part for an increase in the undesired signal from tropospheric effects. To the contrary, the variation of both the desired and the undesired signals contributes to the degradation of service. Reference is made in the report to a method of evaluating these effects, which is developed in the following report.

(B) *T. I. D. Report 4.2.1. (IV A 2).* As indicated above, this report comprises a study of the effects on service of the simultaneous fading of both the desired and the undesired signals. For cochannel interference, where the undesired field intensities vary much more than the desired, the use of groundwave (median) fields against percentage time tropospheric fields will give a closely approximate answer. For the adjacent channel case, where both the desired and undesired fields vary in comparable amounts, percentage fields should be used for both, if a nearly correct answer is to be had.

(C) *T. I. D. Report 2.4.4. (IV A 3).* This is a report on measurements made at Princeton, N. J., Southampton, Pa., and Laurel, Md., on frequencies of 47.1,

106.5, and 700 megacycles, radiated from transmitters in New York City. Results are given in terms of instantaneous time vs field intensity distributions, and in the diurnal and seasonal variations in field intensities. The results of the measurements described in this report are included in the tabulation referred to in T. I. D. Report 2.4.5.

(D) *T. I. D. Report 2.1.3 (IV A 4).* When this study was begun, it was supposed that terrain effects might be distinguishable into two general classes, gross effects and detailed effects. That is, it was supposed that measurements along a radial might show that various sectors of the radial would evidence individually an overall shadowing, while within a sector the terrain effect might appear as a random variation of field intensity, perhaps independently of the extent of the general shadowing. The analyses reported here, based on three coverage surveys, tend to support the supposition that the random variation within a sector is independent of the shadowing, and falls principally into two categories depending upon whether the relatively near terrain is smooth or rough. It has not been possible however, to arrive at any quantitative correlation between shadowing by gross features of the terrain and average signal levels in shadowed areas. The attack on this problem is being continued and an answer is hoped for in time for consideration at the first conference. As indicated during the Industry-Commission conference of September 13, 1948, in this proceeding, the problem of shadowing by gross features of terrain is not felt to be of great importance in the overall allocation plan, but may affect specific allocations, with some of which experience has been had to date.

IV. All interested parties are invited to submit written data, views or arguments with respect to the subject matter treated in the above reports on or before the date of commencement of said engineering conferences. An original and 14 copies of all written material filed shall be furnished the Commission.

Adopted: October 21, 1948.

Released: October 22, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9572; Filed, Oct. 29, 1948; 8:52 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Veterans of Foreign Wars of the U. S., care of Veterans' Hospital, Tuskegee, Alabama; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 10 cents per hour, whichever is higher, and a rate of not less than 10 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective October 25, 1948, and expires October 15, 1949.

Goodwill Industries of Wilmington, Inc., 214–216 Walnut Street, Wilmington, Delaware; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour, whichever is higher, and a rate of not less than 25 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective November 1, 1948, and expires October 31, 1949.

Maryland League for Crippled Children, 827 St. Paul Street, Baltimore, Maryland; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 30 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective November 1, 1948, and expires October 31, 1949.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

The certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 22d day of October 1948.

JACOB I. BELLOW,
Assistant Director,
Field Operations Branch.

[F. R. Doc. 48-9546; Filed, Oct. 29, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-179]

ACCIDENT OCCURRING AT CORDOVA, ALASKA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-4111 which occurred at Cordova, Alaska, on September 29, 1948.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, November 4, 1948, at 9:00 a. m. (local time) in the Federal Building, Anchorage, Alaska.

Dated at Washington, D. C., October 26, 1948.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 48-9585; Filed, Oct. 29, 1948; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

WBBZ

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on August 26, 1948 there was filed with it an application (BAPL-40) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license for station WBBZ, Ponca City, Oklahoma, from Adelaide Lillian Carrell to The Ponca City Publishing Company. The proposal to assign the license arises out of a contract of June 16, 1948 pursuant to which the assignor will transfer station facilities, properties and certain contracts for $115,000 payable as follows: $10,000 to be deposited in escrow, $24,000 in cash to be paid within 10 days after Commission consent to the assignment, and three notes to be delivered to the assignee, one note for $38,000 due one year after Commission consent, another note for $38,000 due one year later, and a third for $5,000 due three years after such Commission consent. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on September 7, 1948 that starting on September 1, 1948 notice of the filing of the application would be inserted in The Ponca City News, a newspaper of general circulation at Ponca City, Oklahoma in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from September 1, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9573; Filed, Oct. 29, 1948; 8:52 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

BLUEGRASS BROADCASTING CO., INC.

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on September 27, 1948, there was filed with it an application (BTC-688) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Bluegrass Broadcasting Company, Inc., licensee of station WVLK, Versailles, Kentucky, from the licensee's current stockholders to Scripps-Howard Radio, Inc. The proposal to transfer control arises out of a contract of September 13, 1948, pursuant to which the transferee will buy 1,000 shares (100%) of common stock and 380 shares (100%) of preferred stock of the licensee for $185.86 per share of common and $103 per share of preferred. The transferee also agrees to reimburse the licensee corporation for 50% of any net losses sustained by it during the period from September 13, 1948, to the date of consummation of the transfer: *Provided,* That the total amount of such reimbursement shall not exceed $25,000. The transferors warrant that the licensee will be free and clear of liabilities as of the closing date. The proposal to transfer control of the licensee is contingent upon Commission approval of a pending application to relocate station WVLK at Cincinnati, Ohio. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on September 27, 1948, that starting on October 1, 1948, notice of the filing of the application would be inserted in the Lexington Leader, a newspaper of general circulation at Lexington, Kentucky, and in the Woodford Sun at Versailles, Kentucky, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from October 1, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9574; Filed, Oct. 29, 1948; 8:52 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

WHAS, INC.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on October 11, 1948 there was filed with it an application (BTC-690) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of WHAS, Inc., permittee and/or licensee of WHAS, WHAS-FM, WHAS-TV, W9XEK, W9XWT, WHAE, WAUV, WAUJ, WAIC, WALM, WALN and WFJJ from the Courier-Journal and Louisville Times Company to Crosley Broadcasting Corporation. The proposal to transfer control arises out a contract of September 27, 1948 pursuant to which Crosley Broadcasting Corporation agrees (1) to purchase all the common stock of WHAS, Inc., consisting of 1,500 shares, for the sum of $1,925,000, subject to certain credits and adjustments and (2) to guarantee compliance by WHAS, Inc., with a certain ten-year lease of portions of a building now under construction at Sixth and Broadway, Louisville, Kentucky, for rental of $75,000 per annum. Said purchase price to be paid as follows: $75,000 paid as a down payment upon execution of contract and the balance to be paid in cash upon transfer of said stock. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on October 11, 1948 that starting on October 12, 1948 notice of the filing of the application would be inserted in the Courier-Journal a newspaper of general circulation at Louisville, Kentucky in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from October 12, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9575; Filed, Oct. 29, 1948; 8:52 a. m.]

FEDERAL POWER COMMISSION

BLACK HILLS POWER AND LIGHT CO.

[Docket No. E-6165]

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

OCTOBER 27, 1948.

Notice is hereby given that, on October 26, 1948, the Federal Power Commission issued its order entered October 26, 1948, authorizing issuance of securities in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9562; Filed, Oct. 29, 1948; 8:49 a. m.]

[Docket Nos. G-1041, G-1046, G-1049, G-1050, G-1101, G-1107, G-1108]

COUNCIL BLUFFS GAS CO. ET AL.

ORDER PROVIDING FOR OMISSION OF INTERMEDIATE PROCEDURE AND FIXING DATE FOR ORAL ARGUMENT

OCTOBER 25, 1948.

Council Bluffs Gas Company, Docket No. G-1107; Central Electric & Gas Company, Docket No. G-1041; Minnesota Valley Natural Gas Company, Docket No. G-1046; Minneapolis Gas Light Company, Docket No. G-1049; Hastings Gas Company, Docket No. G-1050; Iowa-Illinois Gas and Electric Company v. Northern Natural Gas Company, Docket No. G-1101; in the matter of Northern Natural Gas Company, Docket No. G-1108.

It appears to the Commission that:

(a) A public hearing in the above-docketed proceedings was held in Oma-

ha, Nebraska, before a Trial Examiner of the Commission during the period from September 28, 1948, to October 7, 1948.

(b) The issues presented at such hearing pertain to the establishment of an equitable, just and reasonable method of apportionment of additional volumes of natural gas which, from time to time, will become available as Northern Natural Gas Company ("Northern") makes additions to, and increases the capacity of, its pipeline system.

(c) On or about October 27, 1948, Northern, by reason of the installation of additional facilities will have increased its system capacity from 390,000 Mcf to 425,000 Mcf with a salable increase in deliverability from 372,060 Mcf to 398,877 Mcf. The method of apportionment approved or established by the Commission as a result of the above-docketed proceedings will be applicable to such increased deliverability.

(d) At the hearing there were presented in evidence four proposed plans for the "Apportionment of Limited Increases in Contract Demand." These plans may be referred to as the "March 3d Proposal"; the "June 9th Proposal"; the "Iowa-Illinois, or Straight-line Proposal"; and the "Combined Method."

(e) Subsequent to the conclusion of the hearing, Northern, by letter dated October 15, 1948, advised the Commission that it was on that day transmitting to each of its gas utility customers a general letter and a form of temporary supplemental contract by the terms of which Northern proposes to make "effective for the period from October 27, 1948, until the beginning of the first billing month following receipt of an order in Docket No. G–1108" an interim plan of allocation. Copies of Northern's letter to its gas utility customers, and its proposed temporary supplement to standard form of town border contract were enclosed with the letter to the Commission dated October 15, 1948.

(f) In the letter to its gas utility customers, dated October 15, 1948, Northern advised such customers that on or about October 27, 1948, Northern's system capacity would reach 425,000 Mcf per day, and to permit the use of the salable portion of this capacity on a firm basis, Northern was offering a temporary allocation of additional contract demand up to the volume shown in the so-called "June 9th Proposal," which has been received in evidence at the public hearing in the above-docketed proceedings. Northern further advised such gas utility customers as follows:

> In the event we do not receive your signed temporary contract or an expression of your desire for a lesser temporary Contract Demand to enable us to complete and send this Temporary Supplemental Contract to Federal Power Commission before October 27, 1948, we will assume that we are then at liberty to reallocate among the remaining Gas Utilities the amount of the temporary increase which has been offered and not accepted by you.

(g) Thereafter numerous protests were received by the Commission from Northern's gas utility customers, who had participated in the hearing in the above-docketed proceedings, concerning Northern's proposal to enter into contracts providing for an interim allocation of increased capacity which will become available on or about October 27, 1948. In such protests, it is alleged, among other things, that if the temporary allocation were to become effective, many new customers would be furnished service in cities where a later withdrawal of such allocation would create hardships and make it very difficult for the Commission to render a fair decision; that it would cause some utilities to pay a higher demand charge than the actual demand they might eventually receive; and that the interim plan would prejudice the rights of Northern's utility customers.

(h) On October 20, 1948, Iowa-Illinois Gas and Electric Company, a complainant in the above-docketed proceedings, filed in the United States District Court for the Northern District of Iowa, Central Division, Action No. 409-Civil, a complaint for injunction, praying that "a temporary writ of injunction issue against the defendant, Northern Natural Gas Company, restraining said defendant from entering into or signing any contract as proposed by the letter of October 15, 1948, and restraining said defendant company from in any wise allocating the thirty-five million cubic feet per day of gas of its increased capacity on the basis of its proposal of June 9th of the letter of October 15th, and that the said defendant company be restrained from in any wise changing the present method of allocation existing between its customers throughout the States of Nebraska, South Dakota, Iowa and Minnesota until final decision of the Federal Power Commission as provided by Law." On the same day, October 20, 1948, a temporary restraining order was issued against Northern restraining the doing of the acts specified in the prayer of the complaint. The hearing before the District Court with respect to the application of Iowa-Illinois Gas and Electric Company for a temporary injunction which had been set for October 23, 1948, was on that date continued to October 29, 1948, which is subsequent to the date upon which the increased capacity of Northern's system could be made available to ultimate consumers of natural gas by Northern's gas utility customers. Until such hearing is held the temporary restraining order is to remain in full force and effect.

(i) That until such time as a method or plan of apportionment of limited increases in Northern's system capacity is approved or prescribed by the Commission natural gas which could be made available to domestic consumers of natural gas, particularly for housecheating, will be resold by Northern's utility customers for industrial use under arrangements provided only for an interruptible supply.

(j) The Commission's Trial Examiner has fixed November 1, 1948 as the date for filing initial briefs in these proceedings, and November 10, 1948, as the date for filing reply briefs.

Wherefore, in view of the foregoing, the Commission finds that:

(1) The due and timely execution of its functions imperatively and unavoidably requires that the Commission omit the intermediate decision procedure and render the final decision in these proceedings.

(2) Good cause exists for providing opportunity for oral argument before the Commission and for advancing the date for the filing of reply briefs as hereinafter ordered.

The Commission orders that:

(A) The intermediate decision procedure in these proceedings be omitted in accordance with the provisions of § 1.30 (c) (2) of the Commission's rules of practice and procedure.

(B) Oral argument be had before the Commission on November 5, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

(C) The reply briefs, if any, be filed by the parties on or before the date fixed for oral argument herein.

Date of issuance: October 26, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9565; Filed, Oct. 29, 1948; 8:49 a. m.]

[Docket No. G-1139]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 26, 1948.

Upon consideration of the application filed October 8, 1948, by Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and that this proceeding is a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 20, 1948 (13 F. R. 6128).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 10, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: October 26, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9563; Filed, Oct. 29, 1948; 8:49 a. m.]

[Docket No. G-1147]

PANHANDLE EASTERN PIPE LINE CO.

ORDER INSTITUTING INVESTIGATION

OCTOBER 26, 1948.

It appearing to the Commission that:

(a) Panhandle Eastern Pipe Line Company (Panhandle Eastern), a natural-gas company subject to the jurisdiction of this Commission, operates a natural-gas pipe line from the Panhandle, Texas, and Hugoton, Kansas, and Oklahoma fields into the State of Michigan. The pipe line indirectly serves a population of 6,000,000 people in 309 communities. The natural gas which it transports and sells in interstate commerce is partly produced by Panhandle and partly purchased.

(b) Panhandle Eastern has caused the formation of the Hugoton Production Company, to which it has transferred, in exchange for the Company's stock, approximately 97,000 acres in Grant and Stevens Counties, Kansas, in the Hugoton field. The natural gas reserves underlying such acreage have been estimated by Panhandle Eastern to be approximately 700 billion cubic feet. It is planned to distribute the stock of Hugoton Production Company to Panhandle Eastern stockholders as a dividend.

(c) Hugoton Production Company has entered into or is negotiating contracts for the sale of natural-gas produced from such acreage in Grant and Stevens Counties, Kansas, to a party or parties other than Panhandle Eastern.

(d) Panhandle Eastern in support of its numerous and several applications to this Commission for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, has represented to the Commission the continuing availability to it of certain natural-gas reserves, and the issuance of such certificates has been justified, in part, by such representations.

The Commission orders that: An investigation be and it hereby is instituted, pursuant to the provisions of section 14 of the Natural Gas Act, of the facts and circumstances involved in the formation and proposed operation of the Hugoton Production Company and the transfer to said company by Panhandle Eastern of the natural-gas reserves referred to above.

Date of issuance: October 26, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9564; Filed, Oct. 29, 1948; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 30081]

ALABAMA INTRASTATE EXPRESS RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of October A. D. 1948.

It appearing, that a petition has been filed on behalf of Railway Express Agency, Incorporated, a common carrier of express, principally by railroad, operating to, from and between points in the State of Alabama, averring that in Ex Parte No. 163, "Increased Express Rates and Charges," 1946, 266 I. C. C. 369 and 269 I. C. C. 161, this Commission authorized certain increases in interstate express rates and charges throughout the United States, which were established December 13, 1946, and October 25, 1947, respectively, and by order dated December 16, 1947, in said proceeding, authorized the publication, subject to protest and possible suspension, of certain additional increases in interstate express rates and charges, which became effective January 22, 1948; and that the Public Service Commission of the State of Alabama has refused to authorize or permit said petitioner to apply to the transportation of express, moving intrastate by railroad in Alabama, increases in rates and charges corresponding to those approved for interstate application in the proceeding above cited:

It further appearing, that said petitioner alleges that the intrastate express rates and charges which it is required to maintain for the transportation of property as aforesaid, moving intrastate by railroad in Alabama as a result of such refusal by the Public Service Commission of the State of Alabama, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination, against interstate and foreign commerce;

And it further appearing, that the said petition brings in issue express rates and charges made or imposed by authority of the State of Alabama:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondent hereinafter designated and any other persons interested, to determine whether the express rates and charges of the Railway Express Agency, Incorporated, between points in Alabama made or imposed by authority of the State of Alabama cause undue or unreasonable advantage, preference, or prejudice between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what express rates and charges, if any, or what maximum or minimum or maximum and minimum express rates and charges shall be prescribed to remove the unlawful advantage, preference, or discrimination, if any, as may be found to exist.

It is further ordered, That the Railway Express Agency, Incorporated, be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon said respondent; and that the State of Alabama be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Public Service Commission of the State of Alabama at Montgomery, Ala.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.:

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing December 6, 1948, 9:30 o'clock a. m., U. S. standard time, at the rooms of the Public Service Commission of the State of Alabama, Montgomery, Ala., before Examiner Chester E. Stiles.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-9559; Filed, Oct. 29, 1948; 8:48 a. m.]

[No. 30082]

MISSISSIPPI INTRASTATE EXPRESS RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of October A. D. 1948.

It appearing, that a petition has been filed on behalf of Railway Express Agency, Incorporated, a common carrier of express, principally by railroad, operating to, from, and between points in the State of Mississippi, averring that in Ex Parte No. 163, "Increased Express Rates and Charges, 1946," 269 I. C. C. 161, this Commission authorized certain increases in interstate express rates and charges throughout the United States, which were established October 25, 1947, and by order dated December 16, 1947, in said proceeding, authorized the publication, subject to protest and possible suspension, of certain additional increases in interstate express rates and charges, which became effective January 22, 1948; and that the Mississippi Public Service Commission, by orders dated March 4, 1948, and June 3, 1948, respectively, has

refused to authorize or permit said petitioner to apply to the transportation of express, moving intrastate by railroad in Mississippi, increases in rates and charges corresponding to those approved for interstate application in the proceeding above cited:

It further appearing, that said petitioner alleges that the intrastate express rates and charges which it is required to maintain for the transportation of property as aforesaid, moving intrastate by railroad in Mississippi as a result of such refusals by the Mississippi Public Service Commission, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination, against interstate and foreign commerce;

And it further appearing, that the said petition brings in issue express rates and charges made or imposed by authority of the State of Mississippi:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondent hereinafter designated and any other persons interested, to determine whether the express rates and charges of the Railway Express Agency, Incorporated, between points in Mississippi made or imposed by authority of the State of Mississippi cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what express rates and charges, if any, or what maximum or minimum or maximum and minimum express rates and charges shall be prescribed to remove the unlawful advantage, preference, or discrimination, if any, as may be found to exist.

It is further ordered, That the Railway Express Agency, Incorporated, be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon said respondent; and that the State of Mississippi be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Mississippi Public Service Commission at Jackson, Miss.

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.:

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing December 9, 1948, 9:30 o'clock a. m., U. S. standard time, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Chester E. Stiles.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9560; Filed, Oct. 29, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1088]

PEPPERELL MANUFACTURING CO.

ORDER DETERMINING VALUE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of October A. D. 1948.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the Capital Stock, Par Value $20.00, of Pepperell Manufacturing Company, a Massachusetts corporation, is substantially equivalent to the Capital Stock, Par Value $20.00, of Pepperell Manufacturing Company, a voluntary association organized under a Declaration of Trust executed in the State of Maine on March 15, 1915. The Capital Stock of this association has heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Capital Stock, Par Value $20.00, of Pepperell Manufacturing Company, a Massachusetts corporation, is hereby determined to be substantially equivalent to the Capital Stock, Par Value $20.00, of Pepperell Manufacturing Company, a voluntary association organized under Declaration of Trust, heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-9549; Filed, Oct. 29, 1948; 8:46 a. m.]

[File Nos. 54-66, 59-35, 59-61]

FEDERAL WATER AND GAS CORP. ET AL.

NOTICE OF FILING OF PLAN AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 22d day of October A. D. 1948.

In the matter of Federal Water and Gas Corporation and subsidiary companies, File No. 54-66; Federal Water and Gas Corporation and subsidiary companies, Respondents, File No. 59-61; New York Water Service Corporation, Federal Water and Gas Corporation, File No. 59-35.

I. Notice is hereby given that Federal Water and Gas Corporation ("Federal"), a registered holding company, filed a plan on October 11, 1948, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, proposing the distribution of certain of its assets to its security holders. The plan is stated to be in further compliance with the Commission's opinions and orders dated February 10, 1943, July 2, 1948, and July 27, 1948. In connection with this plan Federal requests this Commission to find that certain claims, as more fully described below, asserted by New York Water Service Corporation ("New York"), a former subsidiary of Federal, are not enforceable against Federal. All interested persons are referred to said plan, which is on file in the office of the Commission, for a full statement of the transactions therein proposed, which may be summarized as follows:

Federal proposes to distribute to its stockholders of record on a date to be fixed by the Board of Directors .5 of a share of common stock of Federal's subsidiary, Scranton-Spring Brook Water Service Company ("Scranton"), for each share of Federal stock owned. Scrip will be issued in lieu of fractional shares of Scranton. Federal will deliver to The New York Trust Company, as agent in making said distribution, 483,213 shares of common stock of Scranton. Federal now owns a total of 794,054 shares of Scranton. The balance of such shares has been reserved by Federal to meet certain claims asserted by Chenery Corporation and associates ("Chenery et al.") as they may eventually be adjudicated and to discharge all other liabilities of Federal.

Holders of certificates of stock of Federal Water Service Corporation and Utility Operators Company (companies in the merger through which the present Federal Water and Gas Corporation was created), who were authorized, pursuant to the merger agreement dated October 31, 1941, to exchange their stock certificates for stock of Federal but have failed to present such certificates for exchange, will be entitled to participate in the said distribution upon exchanging said stock certificates for common stock of Federal before the record date. After the record date and until December 29, 1950, said stockholders of Federal Water Service Corporation and Utility Operators Company may participate in the distribution upon first surrendering their certificates to The New York Trust Company, as distributing agent, in exchange for certificates of common stock of Federal.

As soon as practicable after December 29, 1950, The New York Trust Company will sell at public or private sale any stock of Scranton which it shall not have theretofore delivered to stockholders and thereafter will hold the net proceeds of said sale, together with any dividends which may have been received by The New York Trust Company on such undistributed stock, for the benefit of the persons who had been entitled to such undistributed stock.

Scrip which will be issued in lieu of fractional shares, when combined with other scrip aggregating one or more full shares of Scranton's common stock, may be exchanged for full shares of Scranton at any time on or before December 29, 1950. Thereafter the holders of any scrip may receive their proportionate interest in the cash proceeds of sale of such stock and in any dividends that may have been received by The New York Trust Company upon such stock.

Federal requests that any order of the Commission approving the plan shall contain the provisions and recitals necessary or appropriate to entitle the stockholders of Federal to the benefits of Supplement R and section 1808 (f) of the Internal Revenue Code and section 270-c of the Tax Law of the State of New York.

The effectuation of the plan is dependent upon the satisfaction of the following conditions:

1. The Commission shall have found that the New York claims are not enforceable against Federal and shall have approved this plan of distribution as fair and equitable to the parties affected by the plan;

2. The Commission shall have instituted a proceeding in a court of competent jurisdiction pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, and such court shall have entered a decree or order in the usual form enforcing the plan and directing the consummation of the transactions set forth in the plan;

3. In the event that proceedings to review such order of Court are taken, such order shall be finally affirmed on judicial review, or if no review proceedings are taken, the time for bringing such review proceedings shall have expired.

II. On May 27, 1948, New York, in connection with Federal's plan of liquidation then pending before the Commission, filed a petition with the Commission requesting that distribution of Federal's assets be deferred until New York had been given an opportunity to present evidence in support of certain claims in favor of New York against Federal based on asserted improper intercompany profits and charges made over a period of years beginning in 1926. Subsequently, Federal's plan was amended to provide for the payment of $313,190 to Chenery et al., and to leave Federal with assets deemed sufficient for the payment of the maximum claims of New York and Chenery et al., referred to previously, in the event of the successful prosecution of these claims. As amended, said plan was approved by the Commission on July 27, 1948, and (except for the proposed payments to Chenery et al., as to which jurisdiction was reserved) was enforced by the United States District Court for the District of Delaware by order dated August 19, 1948.

On August 25, 1948, Percival E. Jackson, John Vanneck, Vanneck & Company, and M. & C. Holding Corporation ("Jackson et al."), common stockholders of Federal, filed an answer to the petition of New York stating (1) that the claims of New York have never been reduced to judgment, (2) that the Commission has no jurisdiction to adjudicate the claims on their merits but should leave New York to its remedy, if any, in an appropriate Federal or State court, (3) that any such claims are barred by statutes of limitation and principles of laches since the Commission has heretofore denied Federal the right to participate in the reorganization of New York by according no recognition to the common stock of New York held by Federal, (4) that the alleged acts of which New York complains relate to times during which Federal was under the domination and control of C. T. Chenery, his personal holding company, Chenery Corporation, members of his family, and those associated with him, and (5) that in the event the Commission entertains jurisdiction and determines that the petition of New York constitutes a valid claim against Federal in favor of New York, Federal should have judgment-over in like amount against the Chenery interests.

On September 10, 1948, a committee formed to represent common stockholders of Federal filed an answer to New York's petition requesting the Commission, for reasons set forth in said answer, to apply the principles of res adjudicata, estoppel, statutes of limitation, and laches and filed a motion to dismiss and deny said petition and claims of New York.

On September 13, 1948, Federal filed an answer and cross-petition to the petition of New York alleging, among other things, that the claims of New York are barred by the principles of res adjudicata, estoppel, laches, and statutes of limitation. Federal further states that it is entitled to a summary order determining that New York has no causes of action against Federal, that New York is not entitled to participate in the distribution of the assets of Federal, and that further distribution of Federal's assets to its stockholders should be approved pursuant to section 11 (e) of the act. The plan of Federal, filed October 11, 1948, is designed to effect such a distribution and to secure a ruling that the New York claims are not enforceable.

On September 15, 1948, New York requested the Commission to (1) extend the time until November 30, 1948, in which to reply to the motion of Federal's Common Stockholders Committee, or, in the alternative, (2) deny the Committee's motion to dismiss without prejudice to a renewal thereof pending the filing by New York of its claim.

III. The Commission having considered the said plan of Federal filed on October 11, 1948, the petition asserting certain claims against Federal filed by New York, and the various answers, cross-petitions, and motions filed by Federal, Jackson et al., the Common Stockholders Committee of Federal, and New York, and it appearing that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in this consolidated proceeding for the purposes hereinafter set forth: *It is ordered*, That:

1. A hearing shall be held, for the limited purposes hereinafter provided, on the 1st day of December 1948, at 10:00 a. m. e. s. t., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held;

2. The evidence to be adduced at such hearing shall be limited to matters bearing upon:

(a) The defenses raised in the answer of Jackson et al., the answer and motion of the Common Stockholders Committee of Federal, and the answer and cross-petition of Federal to the petition of New York filed May 27, 1948;

(b) Whether, in the event the Commission determines that New York is barred from asserting claims against Federal by application of any of the defenses raised, or otherwise, the Commission shall concurrently enter an order approving the plan of Federal filed on October 11, 1948, as being necessary to effectuate compliance with section 11 (b) and fair and equitable to the persons affected.

3. In the event the Commission determines that New York is not barred from asserting claims against Federal, the Commission will, by subsequent action, order the hearing to be reconvened for the purpose of receiving evidence with respect to the merits of any such claims.

Any persons desiring to be heard or otherwise wishing to participate in these proceedings and who have not previously been granted leave therefor should notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice on or before November 24, 1948;

It is further ordered, That Allen MacCullen or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice;

It is further ordered, That the Secretary of the Commission shall serve notice of the matters contained herein by mailing forthwith a copy of this notice and order by registered mail to Federal, Jackson et al., the Common Stockholders Committee of Federal, and New York, or to their respective counsel of record herein, that Federal shall give notice of said hearing by mailing a copy of this notice and order to each of its common stockholders of record, at his last known address, at least fifteen days prior to the date of said hearing, that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act, and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9554; Filed, Oct. 29, 1948; 8:47 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND & SHARE CO. ET AL.

INTERIM ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of October A. D. 1948

In the matter of Electric Bond and Share Company, File No. 54-127; Elec-

tric Bond and Share Company and its subsidiary companies, respondents, File No. 59–3; Electric Bond and Share Company, American Power & Light Company, National Power & Light Company, Electric Power & Light Corporation, et al., respondents, File No. 59–12.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having filed an application-declaration proposing to sell to underwriters 350,000 shares of its holdings of the common stock of Carolina Power & Light Company ("Carolina") plus not in excess of 17,500 additional shares of such stock which Bond and Share may purchase in order to stabilize the market; and

Bond and Share in connection with its proposed stabilizing operations, having requested permission to acquire not more than 17,500 shares of the common stock of Carolina by purchases on the New York Stock Exchange at any time from the date of the Commission's order authorizing such purchases until the time of the execution of a purchase contract between Bond and Share and the underwriters, but in no event for a period in excess of fourteen days; such purchases to commence at a price (exclusive of commissions) not higher than the last preceding price of Carolina's common stock on such exchange; and

Bond and Share having requested that the Commission enter an interim order at this time relating solely to the proposed acquisition of not in excess of 17,500 shares of the common stock of Carolina as heretofore described for the purpose of stabilizing the market; and

A public hearing having been held after appropriate notice on said application-declaration and the Commission having considered the record:

It is ordered, That pursuant to the applicable provisions of the act, the aforesaid application, solely in regard to the acquisition by Bond and Share of not in excess of 17,500 shares of the common stock of Carolina for the purpose of stabilizing the market, be, and the same hereby is granted, effective as of the opening of the New York Stock Exchange on Saturday, October 23, 1948, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9555; Filed, Oct. 29, 1948; 8:48 a. m.]

[File No. 70-1964]

PENNSYLVANIA GAS & ELECTRIC CORP. AND NORTH SHORE GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 25th day of October 1948.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, and North Shore Gas Company ("North Shore"), a wholly owned subsidiary of Penn Corp, having filed a joint application-declaration pursuant to sections 9, 10, 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-42, U-44 and U-46 thereunder regarding (a) the proposed sale by North Shore to Haverhill Gas Light Company ("Haverhill"), a non-affiliated public utility company, of all of North Shore's properties and business, exclusive of cash, insurance contracts and claims for refund of taxes, for a base price of $145,000 subject to closing adjustments (b) the proposed use of $87,500 of the proceeds of the sale to retire all of North Shore's outstanding long-term debt consisting of a like principal amount of notes held by Penn Corp, (c) the proposed distribution by North Shore, after provision for other debts, of the balance of such proceeds and all additional cash in the company's treasury to Penn Corp as a liquidating dividend and (d) the proposed retirement of all of North Shore's capital stock, and thereafter, the dissolution of North Shore; and

It appearing from the filing that the expenses and legal fees in connection with the proposed transactions are estimated not to exceed $2,500; and

The said application-declaration having been filed on September 29, 1948, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Penn Corp and North Shore having requested that the effective date of the application-declaration be accelerated; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the further condition that North Shore, prior to the consummation of the proposed transactions, obtain from the Massachusetts Department of Public Utilities an order authorizing those aspects of the proposed transactions which are within its jurisdiction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9553; Filed, Oct. 29, 1948; 8:47 a. m.]

[File No. 70-1975]

PACIFIC POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of October A. D. 1948.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, by Pacific Power & Light Company ("Pacific"), an electric utility subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company. The declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any person may not later than November 4, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of law or fact raised by said declaration which he desires to controvert or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 4, 1948 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Pacific proposes to borrow $3,500,000 from Mellon National Bank & Trust Company of Pittsburgh, Pennsylvania, and to use the proceeds to finance, in part, its present program for the construction of new facilities and for the expansion and improvement of its present facilities. It is stated in the declaration that the loans which mature on August 15, 1949 will be repaid from cash to be derived from permanent financing at a later date.

Under the proposed loan agreement Pacific would borrow $1,000,000 on November 15, 1948, $1,500,000 on January 15, 1949, and $1,000,000 on April 15, 1949. The loans would be evidenced by Pacific's unsecured promissory notes bearing interest at the rate of 2⅜% per annum. The loan agreement provides for the prepayment in amounts of $500,000 or a multiple thereof without premium or penalty. The loan agreement also provides for the payment of a commitment fee computed at the rate of ⅜ of 1% per annum on the unused amount of the commitment from the date when the loan agreement is permitted to become effective until the loans are made. The loan agreement further provides that the company may at any time surrender its right to borrow all or any part of the amounts to be loaned, the amount represented by such surrender to be $500,000 or any multiple thereof.

Pacific has requested that an order permitting the declaration to become effective issue as promptly as may be possible and that any such order become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9552; Filed, Oct. 29, 1948; 8:47 a. m.]

[File No. 71-1]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING OF PROPOSALS FOR DISPOSITION OF ADJUSTMENTS RELATING TO GAS PLANT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of October 1948.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), a registered holding company and a public-utility company, has filed studies, and amendments thereto, relative to the original cost and reclassification of its gas plant accounts as at December 31, 1943, including proposals for the disposition of adjustments relating to gas plant, pursuant to Rule U-27 of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935.

Notice is further given that any person may, not later than November 15, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said proposals intended to be controverted, or may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 15, 1948, the Commission may take such action as may be deemed appropriate with respect to the matters herein concerned.

All interested persons are referred to said studies which are on file in the offices of the Commission for a statement of the adjustments therein proposed, which are summarized as follows:

In accordance with Plant Instruction 2–D of the Uniform System of Accounts recommended by the National Association of Railroad and Utilities Commissioners for gas companies (which system of accounts has been made applicable by Rule U-27), Delaware filed with this Commission its original cost and reclassification studies of its gas plant. Thereafter, the staff of the Commission filed its report in connection therewith, copies of which report were submitted to the company. Delaware has amended its studies so as to give effect to the recommendations contained in the Staff's report and now proposes to classify the amount of $64,402 in Account 107, Gas Plant Adjustments, and $1,520,243 in Account 100.5, Gas Plant Acquisition Adjustments.

Delaware proposes to dispose of the amount of $64,402 in Account 107, representing improper items remaining in plant account, by an immediate charge to Account 271, Earned Surplus.

Delaware further proposes that a reserve be created in Account 252, Reserve for Amortization of Gas Plant Acquisition Adjustments. The amount in such a reserve will ultimately equal the $1,520,243 in Account 100.5 and is proposed to be accumulated in the following manner:

(1) By an immediate credit of $440,243 to Account 252, Reserve for Amortization of Gas Plant Acquisition Adjustments, and a contra charge to Account 250, Reserve for Depreciation of Utility Plant, said amount representing the company's determination of previous accruals applicable to Gas Plant Acquisition Adjustments.

(2) By monthly charges of $6,000 or $72,000 annually, to Account 537, Miscellaneous Amortization, over a period of 15 years beginning on either January 1 or July 1, whichever date is nearer to the issuance of the Commission's order; *Provided, however*, The company may accelerate the amount of the amortization either by increased annual charges to Account 537 or by charges to Account 271, earned surplus.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9551; Filed, Oct. 29, 1948; 8:47 a. m.]

[File No. 812-568]

BANKERS SECURITIES CORP. AND ALBERT M. GREENFIELD & CO.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of October A. D. 1948

Notice is hereby given that Bankers Securities Corporation ("Bankers"), a registered investment company, 121 North Broad Corporation ("City Centre"), a real estate operating company, and Albert M. Greenfield & Co. ("Greenfield Company"), a real estate brokerage company, all of which are located at No. 1315 Walnut Street, Philadelphia 7, Pennsylvania, have jointly filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (e) (1) of the act, the receipt by Greenfield Company of a real estate sales commission in connection with the sale by City Centre of certain real estate located at Nos. 117–121 North Broad Street, Philadelphia, Pennsylvania.

Bankers is a closed-end, non-diversified, management investment company and is registered under the Investment Company Act of 1940. Bankers owns 1,315 shares of the 1,700 shares of the common stock of City Centre now issued and outstanding, constituting 77.3% of the issue, so that City Centre is a controlled person of Bankers within the meaning of section 2 (a) (9) of the act.

Greenfield Company and its wholly-owned subsidiary, Albert M. Greenfield & Co. Inc. located at No. 521 Fifth Avenue, New York, New York are duly licensed real estate brokers under the laws of the State in which they operate and are engaged in the real estate management and brokerage business. Greenfield Company is an affiliated person of Albert M. Greenfield, who in turn, is an affiliated person of Bankers.

On September 22, 1948, Greenfield Company and Albert M. Greenfield & Co., Inc. with the cooperation of Peter Miller, a non-affiliated real estate broker, negotiated an agreement for the sale by City Centre of the real estate referred to above for the sum of $1,150,000 payable $345,000 in cash and the balance to be secured by a Purchase Money Bond and Mortgage. For its services in negotiating the sale of the said real estate, City Centre has agreed to pay Greenfield Company a real estate commission of $57,500 being five per cent of the sale price. Of such commission, Greenfield Company has agreed to pay Peter Miller the sum of $13,000. The purchaser and Greenfield Company have entered into a management contract whereby Greenfield Company has agreed to operate, supervise and manage the real estate purchased for a period of three years and the purchaser has agreed to pay Greenfield Company a management fee of five per cent of the rentals collected each month.

The receipt by an affiliated person (Greenfield Company) of an affiliated person (Albert M. Greenfield) of a registered investment company (Bankers) of compensation for the sale of such property for a controlled company (City Centre) of such investment company (Bankers) is prohibited by section 17 (e) (1) of the act unless an exemption therefrom is granted by the Commission pursuant to section 6 (c) of the act.

All interested persons are referred to the said application which is on file at the Washington, D. C. office of this Commission for a more detailed statement of the matters of fact and law therein stated.

Notice is further given that an order granting the application may be issued by the Commission at any time after November 12, 1948 unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N–5 of the rules and regulations promulgated under the act. Any interested person may, not later than November 10, 1948 at 5:30 p. m. eastern standard time, submit in writing to the Commission, his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should

state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-9550; Filed, Oct. 29, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12201]

EMMA NIEVERGELT

In re: Estate of Emma Nievergelt, deceased. File No. D-28-9773; E. T. sec. 13730.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arnolf Wintterle, Eugen Wintterle, Gertrude Wintterle Bruehl, Adolph Gutscher and Paul Gutscher, whose last known address is Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the descendants, names unknown, of Eugen Wintterle (brother of Emma Nievergelt, deceased), and the descendants, names unknown, of Pauline Gutscher, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Emma Nievergelt, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Max Rickert, as executor of the Estate of Emma Nievergelt, deceased, acting under the judicial supervision of the Passaic County Orphans' Court, Paterson, New Jersey;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, the descendants, names unknown, of Eugen Wintterle (brother of Emma Nievergelt, deceased), and the descendants, names unknown, of Pauline Gutscher, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-9577; Filed, Oct. 29, 1948; 8:53 a. m.]

[Vesting Order 12216]

EMILIA WINTERS ET AL.

In re: Emilia Winters and John Winters vs. James Quinn, et als. File No. D-28-12421; E. T. sec. 16637.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Prause, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the proceeds of the sale of real estate deposited with the Clerk of the Court of Chancery, New Jersey, pursuant to a foreclosure proceedings entitled "In Chancery of New Jersey, 144/458, Emilia Winters and John Winters, her husband, vs. James Quinn, et als." is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Clerk of the Court of Chancery of New Jersey, as Depositary, acting under the judicial supervision of the Court of Chancery of New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-9578; Filed, Oct. 29, 1948; 8:53 a. m.]

[Vesting Order 12232]

NOBUO OBATA

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Nobuo Obata, deceased. F-39-1217-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Nobuo Obata, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to the personal representatives, heirs, next of kin, legatees and distributees of Nobuo Obata, deceased by L. L. Gravely and J. O. W. Gravely, Jr., Trustees of the China American Tobacco Company, Rocky Mount, North Carolina, in the amount of $4203.23, as of December 31, 1945, representing the balance due on purchase price of shares of stock of China American Tobacco Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Nobuo Obata, deceased, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Nobuo Obata, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-9579; Filed, Oct. 29, 1948; 8:53 a. m.]

[Vesting Order 12134]

JUSTINA NIENKEMPER

In re: Estate of Justina Nienkemper, deceased. File No. D-28-12378; E. T. sec. 16610.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Joohs (Yoos) (Yooss) (Yoose), Jacob Joohs (Yoos) (Yooss) (Yoose), Hans Joohs (Yoos) (Yooss) (Yoose), Daniel Joohs (Yoos) (Yooss) (Yoose), Magdalena Braun, Marie Ruger, and Fritz Joohs (Yoos) (Yooss) (Yoose), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Justina Nienkemper, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by J. Alfred Bickes, as executor, acting under the judicial supervision of the Probate Court of Sangamon County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-9580; Filed, Oct. 29, 1948; 8:53 a. m.]

MRS. E. LOCKER AND KARL LOCKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Mrs. E. Locker and Karl Locker, Oberburg, Switzerland, 33947; $2475.42 in the Treasury of the United States.

Executed at Washington, D. C., on October 26, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 48-9581; Filed, Oct. 29, 1948; 8:53 a. m.]

SOCIETE DES AUTEURS, COMPOSITEURS ET EDITEURS DE MUSIQUE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Societe des Auteurs, Compositeurs et Editeurs de Musique, 10 Rue Chaptal, Paris 9e, France, 12100; $479,247.88 in the Treasury of the United States.

Executed at Washington, D. C., on October 26, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-9582; Filed, Oct. 29, 1948; 8:53 a. m.]

[Vesting Order 12229]

M. ELKED

In re: Bank accounts, bonds, stock, fractional scrip certificate and certificate of deposit owned by M. Elked, also known as Mitsu Fukutani Elked, Marie Margarete Elked and as Fukutani Mitsu. F-39-43-A-1/2; F-39-43-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That M. Elked, also known as Mitsu Fukutani Elked, Marie Margarete Elked and as Fukutani Mitsu, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a Sundries Deposits Decedents Account, entitled Mr. A. Elked, Deceased, maintained at the aforementioned bank, and any and all rights to demand, enforce and collect the same,

b. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78-CS.AD entitled Mr. A. Elked, together with any and all rights thereunder and thereto,

c. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the name of Hurley & Co., 55 Wall Street, New York, New York, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78-CS.AD entitled Mr. A. Elked, together with all declared and unpaid dividends thereon,

d. Thirty (30) shares of $100.00 par value 7% preferred capital stock of Willys-Overland Co., Wolcott Boulevard, Toledo, Ohio, a corporation organized under the laws of the State of Delaware evidenced by certificates numbered PO18214 for twenty (20) shares and PO18215 for ten (10) shares, registered in the name of Hurley & Co., 55 Wall Street, New York, New York, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78-CS.AD entitled Mr. A. Elked, together with all declared and unpaid dividends thereon, and any and all rights under a plan of reorganization of 1936 of the aforesaid company,

e. One (1) Kingdom of Yugoslavia Funding 2nd Series 5% Fractional Scrip Certificate of $2.00 face value, in bearer form, bearing the number H1979 and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78-CS.AD entitled Mr. A. Elked, together with any and all rights thereunder and thereto,

f. One (1) certificate for profit sharing or income shares of Belgian National Railways Company, said certificate bearing the number C00621, in bearer form, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78-CS.AD entitled Mr. A. Elked, together with any and all rights thereunder and thereto,

g. One (1) Certificate of Deposit for Chicago Rapid Transit Co., 1st & Refunding Mortgage, Series A, said certificate of $5,000.00 face value, bearing the number NA348, registered in the name of Hurley & Co., 55 Wall Street, New York, New York, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered

78–CS.AD entitled Mr. A. Elked, together with any and all rights thereunder and thereto,

h. Three (3) coupons of the aggregate face value of $87.50, detached from Austrian Government 7% bonds numbered 18426, 18427 and 1628, said coupons presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 78–CS.AD entitled Mr. A. Elked, together with any and all rights thereunder and thereto,

i. That certain debt or other obligation owing to M. Elked, also known as Mitsu Fukutani Elked, Marie Margarete Elked and as Fukutani Mitsu, by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a Clean Credit Deposit Account, account number 293EE, entitled Mrs. M. Elked, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

j. Four (4) Yokohama City Loan Ext. 6% Bonds, bearing the numbers 7469, 7470, 11061 and 11062, of $1,000.00 face value each, presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, in an account numbered 11 CS.AD entitled Mrs. Mitsu Elked, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, M. Elked, also known as Mitsu Fukutani Elked, Marie Margarete Elked and as Fukutani Mitsu, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1. hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Description of issue	Certificate No.	Face value
Commonwealth of Australia of 1925—30 year Extended 5%.	6657, 62968, 53628/30	$1,000.00 each.
4½% Loan of the German Reich of 1938, Second Series.	000480/91	RM 10 each.
	N R020139/64	RM 1000 each.
	N R010954	RM 500.
United States of Brazil Funding 8%	9065/66	$100.00 each.
	G2658	$50.00.
	G10609	$20.00.
United States of Brazil Central Ry. Electrification Loan 30 year 7%.	152	$500.00.
	22089	$1,000.00.
	21244	$1,000.00.
United States of Brazil Extended S/F of 1926 6½%	3687/88	$1,000.00 each.
United States of Brazil S/F 6½%	3293, 1993/4	$1,000.00 each.
Republic of Chile Extended S/F 6%	7640	$1,000.00.
	499	$500.00.
Republic of Chile S/F Extended 6%	1825, 6418	$1,000.00 each.
	D 1571	$500.00.
Republic of Colombia Extended S/F Dollar 3%	16582/83	$1,000.00 each.
	3656 (Conv. Cert.)	$270.00.
Republic of Costa Rica Pacific Ry. Series C 7%	C245/49	$1,000.00 each.
Republic of Costa Rica Pacific Ry. Funding of 1933 5%	759/61	$500.00 each.
City of Helsingfors Finland Extended S/F 30 year 6½%	4060, 4113/14, 6113/14	$1,000.00 each.
Imperial Japanese Government 30 year Extended Loan S/F 6½%.	11341, 26885, 41287, 42284/86, 72297, 73974, 74347, 84056/57, 103844, 117981, 51154, 52295, 52280.	$1,000.00 each.
	51, 2852, 5779, 6810, 8255, 8294, 9512, 11023.	$500.00 each.
Imperial Japanese Government Extended Loan 1930 35 year S/F 5½%.	8736, 12292, 12294, 32970	$1,000.00 each.
State of Minas Geraes Sec. Extended Loan 1929 Ser. A 6½%.	4334	$1,000.00.
	624/25	$500.00 each.
Mortgage Bank of Chile S/F Guaranteed of 1928 6%	9339/41	$1,000.00 each.
Republic of Peru Secured of 1927 7%	9815	$1,000.00.
	D 261	$500.00.
Republic of Peru Extended S/F First Serial Peruvian National Loan 6%.	37796/97	$1,000.00 each.
Kingdom of Serbs Croats & Slovenes, 40 year Sec. Extended S%.	8913/14	$1,000.00 each.
City of Vienna S/F 6%	19089/90	$1,000.00 each.
	2043	$500.00.
Republic of Uruguay Readjustment 3 3/4% Fr.	10739/40	$1,000.00 each.
Kingdom of Yugoslavia Funding Second Series 5%	1562, 5364	$100.00 each.
Kingdom of Yugoslavia 5%	1779, 3466, 9706, 13515	$100.00 each.

EXHIBIT B

Name and address of issuing corporation	State of incorporation	Certificate Nos.	Number of shares	Par value	Type of stock
General Mills, Inc., 200 Chamber of Commerce Bldg., Minneapolis 15, Minn.	Delaware	NY/011289	30	No par	Common.
		TNYC08978	60		
The National City Bank of New York, 55 Wall St., New York 15, N. Y.		C09181	20	$12.50	Do.
		C09182	25		
West Indies Sugar Corp., 60 East 42d St., New York 17, N. Y.	Delaware	CC2168	100	1.00	Do.
		CL2151	20		
Belgian National Railways Co., Rue de Louvain 21, Brussels, Belgium.		7738	96		4%–6% participating preferred, American shares.
		7739	83		

[F. R. Doc. 48–9540; Filed, Oct. 28, 1948; 8:54 a. m.]

VOL 13

NOV

DEC 16 '48

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

Volume 13 | INDEX, NOVEMBER 1948 | Nos. 214–232

IMPORTANT NOTICE

The regular subject index covering the entire calendar year will not be published for 1948. Because of the number of documents reflecting editorial changes incident to the publication of the 1949 Edition of the Code of Federal Regulations, the last quarter of calendar 1948 will be separately indexed. Such separate treatment is considered advantageous to users primarily interested in substantive changes. The regular annual codification guide will be distributed with this quarterly subject index.

Subscribers are requested to retain the quarterly subject indexes for calendar 1948 for use in lieu of an annual index.

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U. S. GOVERNMENT PRINTING OFFICE: 1948

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 13 NUMBER 214

Washington, Tuesday, November 2, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2820

ARMISTICE DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS November 11, 1948, marks the thirtieth anniversary of the signing of the Armistice which terminated hostilities between lawless aggressors on one side and defenders of freedom and peace on the other; and

WHEREAS less than a generation after the first World War the peace of the earth was shattered by the same aggressive forces, so that peace-loving men were once again compelled to defend themselves and their ideals by force of arms; and

WHEREAS it is fitting that on this anniversary we rededicate ourselves as unflagging and perpetual advocates of those principles for which we fought; and

WHEREAS the Congress passed a concurrent resolution on June 4, 1926 (44 Stat. 1962), calling for the observance of November 11 with appropriate ceremonies, in schools or churches, or other suitable places, and later provided in an act approved May 13, 1938 (52 Stat. 351), that this date should be celebrated and known as Armistice Day:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of the United States to observe November 11, 1948, as Armistice Day by renewing their devotion to the cause of enduring peace; and I direct that the flag of the United States be displayed on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of October in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-9648; Filed, Oct. 29, 1948; 4:34 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LISTS OF POSITIONS EXCEPTED

Under authority of § 6.1 (a) and (d) of Executive Order No. 9830, and with the concurrence of the agencies concerned, § 6.4 (a) is amended as set out below. These amendments shall be effective upon publication in the FEDERAL REGISTER.

1. Section 6.4 (a) (1) (iv) is amended to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* * * *

(1) *Entire Executive Civil Service.* * * *

(iv) *(a)* NC/PD. Attorneys.

(b) NC/PD. Law clerk-trainee positions. Appointments under this subdivision shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed nine months pending admission to the bar. No person shall be given more than one appointment under this subdivision.

2. Section 6.4 (a) (4) (xiv) is revoked. The exception formerly appearing under this subdivision has been transferred to § 6.4 (a) (46) (iv) as indicated below.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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3. Section 6.4 (a) (8) (xiv) is amended and subdivision (xxx) is added to § 6.4 (a) (8) as set out below.

(8) *Department of the Interior.* • • •

(xiv) NC/PD. Scientific, professional and subprofessional positions in the field of scientific research and investigation in the natural and physical sciences when filled by the appointment of graduate students or students pursuing scientific courses at accredited colleges or universities: *Provided*, That substantial contributions to the investigation are made by such colleges or universities in money, services, or materials or in the use of buildings, laboratories, equipment or facilities or otherwise. Such employment may be continued under this authority only so long as the appointee is a bona fide student at the particular college or university and receives academic credit toward a degree for the work which he is performing. The total number of positions to be filled under this provision may not exceed 100 at any time.

• • • • •

(xxx) NC/PD. Scientific and professional positions in the natural and physical sciences when filled by bona fide members of the faculty of an accredited college or university not to exceed 120 days in any one year in any individual case and the total number of appointees not to exceed 25 at any one time.

4. Section 6.4 (a) (23) (vi) is revoked. Law clerk-trainee positions in the Securities and Exchange Commission which were formerly excepted under this subdivision will, in the future, be excepted under the general provision in § 6.4 (a) (1) (iv) (*b*), set out above.

5. Section 6.4 (a) (34) (viii) is amended to read as follows:

(34) *Civil Aeronautics Board.* • • •

(viii) A director and two assistant directors of the Economic Bureau, Director of the Bureau of Safety Regulation, and Director of the Bureau of Safety Investigation.

6. Section 6.4 (a) (46) is amended by the addition of a subdivision numbered (iv) as follows:

(46) Department of the Air Force. • • •

(iv) NC/PD. Civilian deans and professors at the Army Air Forces Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

(Sec. 6.1 (a) and (d), E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-9603; Filed, Nov. 1, 1948; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter XXI—Organization, Functions and Procedure

PART 2208—OFFICE OF THE SOLICITOR

DISCONTINUANCE OF CODIFICATION

The codification of Part 2208 is hereby discontinued. Future amendments to descriptions of organization and functions will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] W. CARROLL HUNTER,
Solicitor.

[F. R. Doc. 48-9622; Filed, Nov. 1, 1948; 8:53 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND INVESTMENT COMPANY ACT OF 1940

MISCELLANEOUS AMENDMENTS

Acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, and the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, the Securities and Exchange Commission hereby amends Part 210 (Regulation S-X) as follows:

1. Paragraph (a) of § 210.1-01 (Rule 1-01) of Article 1 is amended by deleting the reference to Forms A-2, and C-1 (17 CFR 239.2 and 239.3) which have been rescinded by the Commission and by including therein a reference to Form S-11 (17 CFR 239.18). As amended paragraph (a) of the section reads as follows:

§ 210.1-01 *Application of this part.* • • •

(a) Registration statements under the Securities Act of 1933, filed on Form S-1, S-2, S-3, S-4, S-5, S-6, or S-11 (17 CFR 239.11, 239.12, 239.13, 239.14, 239.15, 239.16, 239.18), except as otherwise specifically provided in such forms;

2. Article 4 is amended by adding a new section designated as § 210.4-14 (Rule 4-14).[1] The new section reads as follows:

§ 210.4-14 *Special requirements as to commercial, industrial and mining companies in the promotional, exploratory or development stage subject to §§ 210.5a-01 to 210.5a-07.* The financial statements required by §§ 210.5a-01 to 210.5a-07, shall not be prepared on a consolidated basis but shall, insofar as practicable, be prepared so as to show the information for the registrant and each of its subsidiaries in parallel columns.

3. Paragraph (a) of § 210.5-01 (Rule 5-01 of Article 5) is amended by adding a new subparagraph, designated (5)[2] as follows: • • •

(5) Commercial, industrial and mining companies in the promotional, exploratory or development stage (see §§ 210.5a-01 to 210.5a-07).

4. Section 210.12-06 (Rule 12-06 of Article 12) is amended by adding a new paragraph to the instructions set forth in footnote 2 to such section[3] to read as follows:

(c) *Mining companies using §§ 210.5a-01 to 210.5a-07.* Such mining companies shall include herein only depreciable mine plant and equipment at the dollar amounts required by the instructions set forth under Caption 13, property, plant, and equipment of §§ 210.5a-01 to 210.5a-07. A mining company falling into this category shall also, to the extent practicable, observe the other instructions set forth under this section.

5. Section 210.12-07 (Rule 12-07 of Article 12) is amended by adding a new

[1] The purpose of this section is to require commercial, industrial, and mining companies in the promotional, exploratory or development stage, having subsidiaries to show the financial information for the registrant and each of its subsidiaries in parallel columns.

[2] The purpose of this amendment is to prescribe §§ 210.5a-01 to 210.5a-07 (Article 5A) as the article governing the form and content of financial statements required to be filed by commercial, industrial, and mining companies in the promotional, exploratory or development stage.

[3] The purpose of the amendment is to make uniform the information required to be shown with respect to mine property, plant, and equipment in the Statement of Assets and Unrecovered Promotional, Exploratory, and Development Costs and in this section by certain mining companies using Form 10, Form 10-K or Form 1-MD.

paragraph to the instructions set forth in footnote 1 to this section,[4] as follows:

(c) *Mining companies using §§ 210.5a–01 to 210.5a–07.* Such mining companies shall include herein only the amount of the reserve for depreciation, depletion, and amortization of mine property, plant, and equipment and unrecovered promotional, exploratory, and development costs applicable to the amounts set forth in the schedule filed pursuant to § 210.12–06 (Rule 12–06) and § 210.12–06a (Rule 12–06A). A mining company falling into this category shall also, to the extent practicable, observe the other instructions set forth under this section.

6. Regulation S–X is amended by adding a new article, designated as Article 5A (§§ 210.5a–01 to 210.5a–07)[5] as follows:

COMMERCIAL, INDUSTRIAL AND MINING COMPANIES IN THE PROMOTIONAL, EXPLORATORY OR DEVELOPMENT STAGE

§ 210.5a–01 *Application of §§ 210.5a–01 to 210.5a–07.* Sections 210.5a–01 to 210.5a–07 shall be applicable to the financial statements filed as a part of:

(a) Registration statements on Form S–2, Form S–3 or Form S–11, except as otherwise specifically provided in such forms, under the Securities Act of 1933;

(b) Applications for registration and annual reports pursuant to sections 12, 13 and 15 (d) respectively of the Securities Exchange Act of 1934 filed by commercial and industrial companies in the promotional or development stage which, if registering under the Securities Act of 1933, would be required to use Form S–2.

(c) Applications for registration and annual reports pursuant to sections 12, 13 and 15 (d) respectively of the Securities Exchange Act of 1934 filed by mining companies not in the production stage[6] but engaged primarily in the exploration for or the development of mineral deposits other than oil, gas or coal, if all of the following conditions are met:

(1) The registrant has not been in production during the period of the report or the two years immediately prior thereto; except that being in production for an aggregate period of no more than eight months over the three-year period shall not affect the use of the form.

(2) Receipts from the sale of mineral products or from the operation of mineral producing properties by the registrant and its subsidiaries combined have not exceeded $500,000 in any of the most recent six fiscal years and have not aggregated more than $1,500,000 in the most recent six fiscal years.

§ 210.5a–02 *Statement of assets and unrecovered promotional, exploratory, and development costs.* The statement of assets and unrecovered promotional, exploratory, and development costs filed for persons to whom §§ 210.5a–01 to 210.5a–07 are applicable shall comply with the following provisions:

CURRENT ASSETS

1. *Cash and cash items.*

2. *Marketable securities.* Include only securities having a ready market. Securities of affiliates shall not be included here. State here the basis of determining the amount at which carried. The aggregate cost and aggregate amount on the basis of current market quotations shall be stated parenthetically or otherwise.

3. *Accounts and notes receivable.*

4. *Reserve for doubtful accounts and notes receivable.*

5. *Inventories.* State separately each major class of inventory and the basis of determining the amounts shown. Any classification that is reasonably informative may be used.

6. *Amounts due from underwriters, promoters, directors, officers, employees, and principal holders of equity securities other than affiliates.* State separately the total amount, if significant, due from each class of persons named in the caption to this paragraph. Exclude from the amounts set forth hereunder trade accounts subject to the usual trade terms.

7. *Other current assets.* (a) State separately (1) total of current amounts due from parents and subsidiaries; and (2) any other amounts in excess of five percent of total current assets, indicating when any such amount is due from affiliates other than parents and subsidiaries; (b) indebtedness of a parent or subsidiary, or an affiliate designated under paragraph (a) (2) shall not be considered current unless the net current asset position of such person justifies such treatment.

8. *Total current assets.*

OTHER ASSETS AND UNRECOVERED PROMOTIONAL, EXPLORATORY, AND DEVELOPMENT COSTS

9. *Securities of affiliates.*

10. *Indebtedness of affiliates;* not current.

11. *Other security investments.* In a note herein referred to state the basis of determining the amount. If available, state parenthetically or otherwise the aggregate amount on the basis of market quotations.

12. *Amounts due (not current) from underwriters, promoters, directors, officers, employees, and principal holders of equity securities other than affiliates.* The instruction to caption (6) shall apply here.

13. *Property, plant, and equipment.*[7] (a) Identify separately intangible property and property held under lease, option, and lease and option agreements. Identify items acquired from persons having a material relationship to the registrant. Extend only the total number of units of each class of securities, the amount of cash, and/or an indication of anything else, given by the registrant therefor. Except as stated in footnote (1), dollar amounts shall be extended only for cash transactions.

(b) In a note state as to property held under lease, option, or lease and option agreements or purchase contracts (1) the nature and amount of future payments to be made, (2) whether the property on default will revert to the seller, and (3) whether any assets constructed on or attached to the property will become the property of the seller on default.

13A. *Mine property.* Set forth hereunder property usually extinguished by depletion such as mines, mining claims, water rights, land for waste dumps, and similar property. The instructions set forth under caption 13, including footnote if applicable, shall also apply to this caption.

14. *Unrecovered promotional, exploratory, and development cost.* Set forth under this caption unrecovered costs incurred in promotion, exploration and development.

State separately (a) development expenses, (b) plant and equipment maintenance expenses, (c) rehabilitation expenses, (d) general administrative expenses incurred in a period when there was little or no actual mining and (e) other expenses. Do not include securities selling costs under this caption but include them under captions (17) or (18). General administrative expenses incurred in connection with subcaptions (a), (b) and (c) should be included therein. Any other general administrative expenses not chargeable to those subcaptions nor written off as costs or other operating charges (including taxes, protection and conservation of property when inactive) shall be included under subcaption (d). Extend only the total number of units of each class of securities, the amount of cash and/or an indication of anything else, given by the registrant. Dollar amounts shall be extended only for cash transactions, including, when appropriate, depreciation, depletion, and amortization of assets extended at dollar amounts under captions 13 and 13A. The instructions set forth under caption 13, footnote (1) to caption 13 and caption 13A, if appropriate, should be applied also to any unrecovered promotion, exploratory, and development costs incurred by predecessors of the registrant.

15. *Reserves for depreciation, depletion, and amortization of property, plant, and equipment and unrecovered promotional, exploratory, and development costs (or reserves in lieu thereof).* Set forth hereunder only the amount of the reserve for depreciation, depletion, and amortization of property, plant, and equipment and unrecovered costs incurred in promotion, exploration, and development applicable to the dollar amounts extended under captions 13, 13A and 14 above.

16. *Prepaid expenses and other deferred items.* State separately any significant items not shown elsewhere. Prepayments of services to be received within one year may, however, be included under caption 7.

17. *Debt discount and expense.* State in a note referred to in the statement of assets and unrecovered promotional, exploratory, and development costs the method used in amortizing such debt discount and expense.

[4] The purpose of the amendment is to make uniform the information with respect to depreciation, depletion, and amortization of mine property, plant, and equipment and unrecovered promotional, exploratory, and development costs, shown in the Statement of Assets and Unrecovered Promotional, Exploratory, and Development Costs and in this section by certain mining companies using Form 10, Form 10–K or Form 1–MD.

[5] The purpose of §§ 210.5a–01 to 210.5a–07 is to require commercial, industrial, and mining companies in the promotional, exploratory or development stage to prepare financial statements, except as otherwise specified in the applicable form, in accordance with the sections regarding form and content set forth therein.

[6] For the purpose of financial statements prepared pursuant to the instructions contained in this article a mine will be considered to have passed from a development to a production stage when the major portion of the mineral production is obtained from workings other than those opened for the purpose of exploration or development or when the principal activity of the mine becomes the production of developed ore rather than the development of additional ores for mining.

[7] *Special instructions regarding this caption for mining companies using §§ 210.5a–01 to 210.5a–07.* Include hereunder only depreciable mine plant and equipment. See caption 13A or the disposition of mine property subject to depletion. In those situations where depletable mine property and depreciable mine plant and equipment and other assets were acquired in one transaction in exchange for capital stock of the registrant or for cash, capital stock, or other securities of the registrant and any other consideration, the assets acquired such as accounts receivable, supplies, buildings, mining and mill equipment, which have a fixed or objectively determinable value should be valued on those bases. The dollar amounts assigned to these properties shall be extended.

18. *Commissions and expense on capital shares.* Explain in a note referred to in the statement of assets and unrecovered promotional, exploratory, and development costs what provisions have been made for writing off these items.

19. *Other assets.* State separately any other item in excess of five percent of the amount of all assets other than fixed and intangible ones.

§ 210.5a–03 *Statement of liabilities.* The statement of liabilities filed for the persons to whom §§ 210.5a–01 to 210.5a–07 are applicable shall comply with the following provisions:

CURRENT LIABILITIES

1. *Notes payable.* State separately amounts payable (a) to banks; (b) for merchandise, materials, supplies, and expenses incurred in the ordinary course of business; and (c) to others.

2. *Accounts payable.* State separately amounts payable (a) for merchandise, materials, supplies, and expenses incurred in the ordinary course of business; and (b) to others.

3. *Accrued liabilities.* State separately (a) accrued payrolls; (b) tax liability; (c) interest; (d) rents and royalties; and (e) any other significant items. If the total under this caption is not significant it may be stated as one amount.

4. *Amounts due to underwriters, promoters, directors, officers, employees, and principal holders of equity securities other than affiliates.* State separately the total amount, if significant, due to each class of persons named in the caption to this paragraph. Exclude from the amounts set forth hereunder trade accounts subject to the usual trade terms.

5. *Other current liabilities.* State separately (a) dividends declared; (b) notes and mortgage instalments, mortgages due within one year, and payments on other long-term debt due within one year; (c) total of current amounts due to parents and subsidiaries; and (d) any other item in excess of five percent of total current liabilities indicating any such liability due to affiliates other than parents and subsidiaries. Remaining items may be shown in one amount.

6. *Total current liabilities.*

DEFERRED INCOME

7. *Deferred income.*

LONG TERM DEBT AND OTHER LIABILITIES

8. *Bonds, notes, and other liabilities represented by securities.* Show for each class (a) title of the class; (b) the amount authorized; (c) the amount issued; and (d) the amount reacquired and held in the treasury (show such amount as a deduction). As to issued securities, show separately in a note the amount issued for (1) cash, (2) property, and (3) services. The facts and amounts with respect to any defaults in principal, interest, sinking fund, or redemption provisions shall be stated.

9. *Indebtedness to affiliates; not current.*

10. *Amounts due (not current) to underwriters, promoters, directors, officers, employees, and principal holders of equity securities other than affiliates.* The instruction to caption 4 above shall apply here.

11. *Other liabilities; not current.* State separately any significant items. State whether accrued, and the interest rate if any.

12. *Total liabilities.*

§ 210.5a–04 *Statement of capital shares.* The statement of capital shares filed for the persons to whom §§ 210.5a–01 to 210.5a–07 are applicable shall comply with the following provisions:

(a) State for each class of capital shares the title and number of shares (1) authorized, (2) issued, (3) reacquired and held in the treasury, (4) outstanding, and (5) reserved for option, warrant, conversion, and other rights to acquire such shares.

(b) As to each class of issued shares state the number of shares issued for (1) cash, (2) services, and (3) property.

(c) If there are any shares subscribed for but unissued, state the number of shares of each class subscribed for, the subscription price, the total amount receivable thereon, and the approximate due dates. If payable otherwise than in cash, explain. If any unpaid amounts on such shares are past due, state the number of shares and amounts involved.

(d) If any shares are assessable, state the aggregate and per-share amounts of assessments levied. If any such assessments have not been paid, state the number of shares and amounts involved, indicating separately any amounts past due.

(e) If any shares have been issued subject to a liability for further calls, state the number of shares so issued and the aggregate and per-share amounts of such liability. State also the aggregate amount of any past due calls.

(f) If any shares have been forfeited for non-payment of assessments or calls thereon, state the number of shares involved and the present status of such shares.

(g) State the total amount of underwriting discounts and commissions incurred on sale of capital shares.

(h) As to any arrears in cumulative dividends, the amount per share and in total shall be stated.

(i) If preferred shares are callable, the date or dates and the amount per share and in total at which such shares are callable shall be stated. Preferences on involuntary liquidation, if other than par or stated value, shall be shown. A statement shall be made as to the existence, or absence, of any restrictions upon surplus growing out of the fact that upon involuntary liquidation the preference of the preferred shares exceeds its par or stated value.

§ 210.5a–05 *Statement of other securities.* If the persons to whom §§ 210.5a–01 to 210.5a–07 are applicable have any securities with respect to which information is not called for in the statement of liabilities or in the statement of capital shares, furnish as to such securities information corresponding to that required in those statements.

§ 210.5a–06 *Statement of cash receipts and disbursements.*[8] The statement of cash receipts and disbursements filed for persons to whom §§ 210.5a–01 to 210.5a–07 are applicable shall comply with the following provisions:

[8] If the registrant maintains its books on the accrual basis items of income and expense reported in the statement of cash receipts and disbursements may be presented on such basis, provided entries are introduced in the statement to reconcile the figures in total to the cash receipts and cash disbursements respectively.

RECEIPTS

Sale of securities	$
(Itemize receipts by classes of securities.)	
Assessments	$
Loans by banks	$
Loans by others	$
Sale of products	$
Donations	$
Royalties	$
Rents, tolls, and similar receipts	$
Other receipts	$
(Specify and show separately any items of significant amount. Details may be given in a separate schedule if referred to under this caption.)	
Total receipts	$

DISBURSEMENTS

Loans repaid	$
Commissions and other selling expenses in connection with the sale of securities	$
Legal and accounting fees	$
Fees of engineers, appraisers, and other similar experts	$
Payments on options, leases, lease and option agreements, and purchase contracts	$
(Show separately each payment of significant amount and identify the property for which paid.)	
Royalties	$
Contract work (specify)	$
Purchase of equipment	$
Salaries of directors and officers	$
Other salaries and wages	$
Merchandise, materials, and supplies	$
Taxes	$
Dividends	$
Other disbursements	$
(Specify and show separately any items of significant amount. Details may be given in a separate schedule if referred to under this caption.)	
Total disbursements	$
Net increase (or decrease) in cash during period	$
Cash and cash items balance at beginning of period	$
Cash and cash items balance at close of period	$

§ 210.5a–07 *What schedules are to be filed.* The following schedules are required to be filed as a part of an application for registration on form 10 and as part of an annual report on forr. 10–K and on form 1–MD by companies to whom §§ 210.5a–01 to 210.5a–07 are applicable.

(a) The schedules specified below in this section as schedules I, II, and III shall be filed as of the date of the statement of assets and unrecovered promotional, exploratory, and development costs and statement of liabilities filed for each person.

Such schedules shall be certified.

(b) The information required in schedules for the registrant and for its subsidiaries may be presented in the form of a single schedule, provided that items pertaining to the registrant and those pertaining to each subsidiary are separately shown and that such single schedule affords a properly summarized presentation of the facts.

(c) References to the schedules shall be made against the appropriate captions of the statement of assets and unrecovered promotional, exploratory, and development costs.

(d) If the information required by any schedule (including the footnotes thereto) may be shown in the related statement of assets and unrecovered promotional, exploratory, and development costs, without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

(e) If schedules, other than those specifically called for by paragraph (a) of this section, are required to make clear and not confusing certain material items appearing in the financial statements, the registrant may use the appropriate schedule set forth in §§ 210.12–01 to 210.12–34 to present the additional information required by § 210.3–06.

Schedule I. Property, plant, and equipment. The schedule prescribed by § 210.12–06 shall be filed in support of caption 13 and caption 13A of each statement of assets and unrecovered promotional, exploratory, and development costs.

Schedule II. Unrecovered promotional, exploratory, and development costs. The schedule prescribed by § 210.12–06a shall be filed in support of caption 14 of each statement of assets and unrecovered promotional, exploratory, and development costs.

Schedule III. Reserves for depreciation, depletion, and amortization of property, plant, and equipment and unrecovered promotional, exploratory, and development costs (or reserves in lieu thereof). The schedule prescribed by § 210.12–07 shall be filed in support of caption 15 of each statement of assets and unrecovered promotional, exploratory, and development costs.

7. Article 12 is amended by adding a new section, designated as § 210.12–06a (Rule 12–06A), *Unrecovered promotional, exploratory, and development costs.*[9]

§ 210.12–06a *Unrecovered cost incurred in the promotional, exploratory, and development stage.*[10]

[For commercial, industrial, and mining companies specified in paragraphs (b) and (c) of § 210.5a–01 when filing applications for registration on form 10 and annual reports on form 10–K and form 1–MD, pursuant to the provisions of the Securities Exchange Act of 1934]

Column A	Column B	Column C	Column D	Column E
Classification [1]	Balance at beginning of period.[2]	Additions at cost [3]	Deductions [4]	Balance at close of period.[5]

[1] Show by major classifications under (1) development expenses, (2) plant and equipment maintenance expenses, (3) rehabilitation expenses, (4) general administrative expenses incurred in a period when there was little or no actual mining, and (5) other expenses. If unrecovered cost incurred in exploration and development work abandoned is carried at other than a nominal amount indicate, if practicable, the amount thereof and state the reason for such treatment. Items of minor importance may be included under a miscellaneous caption.

[2] The balance at the beginning of the period of report may be as per the accounts. If neither the total additions nor the total deductions during the period amount to more than 10 percent of the closing balance and a statement to that effect is made, the information required by columns B, C, and D may be omitted provided that the totals of columns C and D are given in a footnote and provided further that any information required by notes 4, 5, and 6 shall be given and may be in summary form.

[3] If the changes in unrecovered cost incurred in promotional, exploratory, and development work in column C represent anything other than additions from acquisitions, state clearly the nature of the changes and the other accounts affected. If acquired from an affiliate at other than cost to the affiliate, show such cost, provided the acquisition by the affiliate was within two years prior to the acquisition by the person for which the statement is filed.

[4] (a) Include in this column unrecovered cost incurred in development and exploratory work abandoned and written off. If such abandonments are stated at other than cash cost, explain if practicable.

(b) Include in this column proceeds from ore sales and other income if so credited on the books; state separately and describe.

(c) If provisions for amortization of unrecovered cost incurred in promotional, exploratory, and development work are credited in the books directly to such deferred expense accounts, the amounts shall be stated in column D with explanations, including the accounts to which charged.

[5] The balance at the close of the period for each major classification set forth in this schedule shall be subdivided and presented in three additional columns, if practicable, to show the amount of unrecovered cost incurred in promotional, exploratory, and development work accumulated and added during (a) the five years prior to the date of the related statement of assets and unrecovered promotional, exploratory, and development costs, (b) the period of the sixth to fifteenth year inclusive prior to the date of the related statement of assets and unrecovered promotional, exploratory, and development costs, and (c) the period from the inception of the registrant and its predecessors to the fifteenth year prior to the date of the related statement of assets and unrecovered promotional, exploratory, and development costs. If it is impracticable to subdivide the total of each major classification set forth in column E, the grand total of such column shall nevertheless be subdivided in the manner indicated in the immediately preceding sentence in which case the information may be furnished in a footnote to this schedule.

The foregoing action shall be effective October 29, 1948, except that financial statements filed as a part of any registration statement, application for registration or annual report, to which the foregoing action applies, filed with the Commission prior to December 31, 1948, may be prepared in accordance with the applicable requirements as in effect immediately prior to October 29, 1948.

(Secs. 6, 7, 8, 10, 19 (a), 12, 13, 23 (a), 48 Stat. 78, 79, 81, 85, 892, 894, 901, sec. 15 (d), 49 Stat. 1379; 15 U. S. C. 77f, g, h, j, s, 78*l*, m, o, w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 28, 1948.

[F. R. Doc. 48–9606; Filed, Nov. 1, 1948; 8:49 a. m.]

PART 249—FORMS PRESCRIBED UNDER THE SECURITIES EXCHANGE ACT OF 1934

FINANCIAL STATEMENTS

Acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, the Securities and Exchange Commission hereby amends the Instruction Book for Form 10 (17 CFR 249.210) and Form 10K (17 CFR 249.310) as follows:

[9] The purpose of this section is to require the classification and aging of these unrecovered costs which were paid for in cash or which are to be paid for in cash.

[10] Include in this schedule only unrecovered cost incurred in promotional, exploratory, and development work paid for in cash, or to be paid for in cash, and, when appropriate, depreciation, depletion, and amortization of assets extended at dollar amounts under captions 13 and 13A of § 210.5a–02.

1. The Instruction Book for Form 10 is amended by adding at the end of the instructions to Item 36, Financial Statements, the following additional paragraphs:

Item 36. Financial statements. • • •

Notwithstanding the foregoing, if the registrant falls within the terms of paragraph (b) or (c) of § 210.5a–01 (Rule 5A–01) of Regulation S–X (17 CFR, Part 210), the following statements and schedules, all of which shall be certified, shall be filed for the registrant and each of its significant subsidiaries, if any:

(a) The statements specified in §§ 210.5a–02, 210.5a–03, 210.5a–04, and 210.5a–05 (Rules 5A–02, 5A–03, 5A–04, and 5A–05) and the schedules specified in § 210.5a–07 (Rule 5A–07) shall be filed as of the end of the latest fiscal year, except that if such fiscal year has ended within 90 days prior to the date of filing the application with the exchange, such statements and schedules may be filed as of the end of the preceding fiscal year.

(b) The statement of cash receipts and disbursements specified in § 210.5a–06 (Rule 5A–06) shall be filed for each of the three fiscal years preceding the date of the statements and schedules required by paragraph (a).

(c) If the statements and schedules required by paragraph (a) are filed as of the end of the preceding fiscal year, corresponding statements and schedules as of the end of the latest fiscal year, and a statement of cash receipts and disbursements for such fiscal year, shall be filed as an amendment to the application within 120 days after the date of filing.

2. The Instruction Book for Form 10K (§ 249.310) is amended by adding at the end of the instructions to Item 8, Financial Statements, two new instructions reading as follows:

Item 8. Financial Statements. • • •

5. Registrants not in the production stage. Notwithstanding the foregoing instructions, if the registrant falls within the terms of paragraph (b) or (c) of § 210.5a–01 (Rule 5A–01) of Regulation S–X (17 CFR, Part 210), the following statements and schedules, all of which shall be certified, shall be filed for the registrant and each of its significant subsidiaries, if any:

(a) The statement specified in §§ 210.5a–02, 210.5a–03, 210.5a–04, and 210.5a–05 (Rules 5A–02, 5A–03, 5A–04, and 5A–05) and the schedules specified in § 210.5a–07 (Rule 5A–07) shall be filed as of the end of the fiscal year.

(b) The statement of cash receipts and disbursements specified in § 210.5a–06 (Rule 5A–06) shall be filed for the fiscal year.

6. Filing of other statements in certain cases. If, in any case, the statements herein required are inadequate or inappropriate, the Commission may, upon the informal written request of the registrant, permit the omission of one or more of the statements herein required and the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary for a proper presentation of the financial condition of any person for which financial statements are required, or for which such statements are otherwise necessary for the protection of investors.

The foregoing action shall be effective October 29, 1948, except that financial statements filed as part of any registration statement, application for registration or annual report, to which the foregoing action applies, filed with the Commission prior to December 31, 1948, may be prepared in accordance with the applicable requirements as in effect immediately prior to October 29, 1948.

(Secs. 12, 13, 23 (a), 48 Stat. 892, 894, 901, sec. 15 (d), 49 Stat. 1379; 15 U. S. C. 78*l*, m, o, w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

OCTOBER 28, 1948.

[F. R. Doc. 48–9607; Filed, Nov. 1, 1948; 8:49 a. m.]

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are hereby made to Chapter V:

PART 500—GENERAL

1. The codification of § 500.1 to 500.22, inclusive, which describe the powers, delegation of authority, and field organization of the Administration, is hereby discontinued. Future amendments to these provisions will be published in the Notices section of the FEDERAL REGISTER.

2. Sections 500.30 to 500.36, inclusive, are redesignated §§ 500.1 to 500.7, respectively, and §§ 500.100 to 500.102, inclusive, are redesignated §§ 500.25 to 500.27, respectively.

3. The heading of Subpart A is amended to read "Official Records" and will precede the redesignated § 500.1; Subparts B and C are deleted and Subparts D and E are redesignated Subparts B and C.

PART 521—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE TO FOUR FAMILY DWELLINGS

The heading of Part 521 is amended to read as set forth above.

PART 522—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

The heading of Part 522 is amended to read as set forth above.

PART 531—SCOPE OF OPERATIONS UNDER SECTIONS 207 AND 210, NATIONAL HOUSING ACT

Part 531 is hereby revoked.

PART 532—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

The heading of Part 532 is amended to read as set forth above.

PART 533—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

The heading of Part 533 is amended to read as set forth above.

PART 536—ECONOMIC SOUNDNESS OF PROJECT

The heading of Part 536 is amended to read as set forth above.

PART 551—FARM MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS

The heading of Part 551 is amended to read as set forth above.

PART 552—FARM MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

The heading of Part 552 is amended to read as set forth above.

PART 561—REGULATIONS UNDER TITLE III OF THE NATIONAL HOUSING ACT

Part 561 is hereby revoked.

PART 576—WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE TO FOUR FAMILY DWELLINGS

The heading of Part 576 is amended to read as set forth above.

PART 577—WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

The heading of Part 577 is amended to read as set forth above.

PART 578—WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE UNDER SECTION 603 PURSUANT TO SECTION 610 OF THE NATIONAL HOUSING ACT

The heading of Part 578 is amended to read as set forth above.

PART 580—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY RENTAL HOUSING

The heading of Part 580 is amended to read as set forth above.

PART 582—MULTIFAMILY WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

The heading of Part 582 is amended to read as set forth above.

PART 583—MULTIFAMILY WAR HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE UNDER SECTION 608 PURSUANT TO SECTION 610 OF THE NATIONAL HOUSING ACT

The heading of Part 583 is amended to read as set forth above.

PART 585—ELIGIBILITY REQUIREMENTS OF LOANS FOR MANUFACTURE OF HOUSES

The heading of Part 585 is amended to read as set forth above.

PART 586—RIGHTS AND OBLIGATIONS OF LENDER UNDER INSURANCE CONTRACT COVERING LOANS FOR MANUFACTURE OF HOUSES

The heading of Part 586 is amended to read as set forth above.

PART 588—ELIGIBILITY REQUIREMENTS OF BLANKET MORTGAGE COVERING GROUP OF SINGLE FAMILY DWELLINGS

The heading of Part 588 is amended to read as set forth above.

PART 589—RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT COVERING GROUP OF SINGLE FAMILY DWELLINGS

The heading of Part 589 is amended to read as set forth above.

[SEAL] DONALD M. ALSTRUP, *Assistant Commissioner.*

OCTOBER 26, 1948.

[F. R. Doc. 48–9586; Filed, Nov. 1, 1948; 8:45 a. m.]

Chapter VI—Public Housing Administration

PART 601—CENTRAL OFFICE ORGANIZATION AND FINAL DELEGATION OF AUTHORITY TO CENTRAL OFFICE OFFICIALS

MISCELLANEOUS AMENDMENTS

Section 601.1 (c) through (j), is amended as of September 22, 1948 to read as follows:

§ 601.1 *Central Office organization and delegation of authority to Central Office officials.* • • •

(c) *Fiscal Division.* The Fiscal Division is headed by a Comptroller who is delegated the powers set forth in subparagraphs (1) (i) (ii) and (iii) of this paragraph. These powers may also be exercised by the Deputy Comptroller.

(1) The Fiscal Division is composed of the Finance and Accounts Branch, the Audit Branch and the Budget and Fiscal Analysis Branch, each headed by a Director. The Director of the Finance and Accounts Branch, his Administrative Assistant, and the Chief of the Financing Section of that Branch are delegated the power:

(i) To approve banks proposed or selected by local authorities as depositaries or fiscal agents in compliance with the local authorities' contracts for loans and annual contributions, to approve fees payable to the fiscal agents and to approve the use of banks or depositaries for PHA directly-operated, leased, or conversion-management projects;

(ii) To accept the service of process pursuant to attachment or garnishment proceedings served upon the Public Housing Administration with regard to any debtor-employee, to execute all necessary and proper documents required in connection therewith and appear to testify for the PHA when so ordered by a court of competent jurisdiction and upon proper legal notice; and

(iii) To execute Requisition Agreements pursuant to the United States Housing Act of 1937, as amended, and Public Law No. 671, approved June 28, 1940.

(iv) The powers delegated in subparagraphs (i) and (iii) of this paragraph may also be exercised by the Securities Examiner of the Finance and Accounts Branch.

(d) *Administrative Division.* The Administrative Division is headed by an Executive Officer who is delegated the powers set forth in subparagraphs (1) (i) (ii) (iii) and (iv) and (2) of this paragraph. The Administrative Division is composed of the Personnel and Planning Branch, the Office Services Branch, the Personal Property Branch, and the Document Control Branch, each headed by a Director.

(1) The Director of the Office Services Branch is responsible for procurement, control, and accountability, in connection with administrative (non-project) activities. The Director of the Personal Property Branch is responsible for the acquisition (except acquisition by the Office Services Branch), accountability, utilization, storekeeping, warehousing, and transportation of personal property, and for the disposition of all personal property. In carrying out their respective functions each of these Directors is delegated the power:

(i) To execute contracts for the purchase, leasing, and rental of equipment, supplies and space, and for the procurement of services other than personal services;

(ii) To execute contracts up to $100 for the temporary or intermittent employment of persons or organizations as experts or consultants; and

(iii) To order in (accordance with the provisions of General Accounting Office Gen. Reg. No. 109) the publication of advertisements.

(iv) The Director of the Personal Property Branch is delegated the power to dispose of personal property including the power to execute Certificates of Release (Standard Form 97) in connection with the disposal of motor vehicles.

(e) *Attesting Officer.* The Executive Officer is designated as the Attesting Officer for the Public Housing Administration in the Central Office. The Attesting Officer shall affix the official seal to such documents as may require its application, and is authorized to certify that copies of documents, leases, contracts and other papers duly approved, are identical with the originals on file in the Central Office. The Director, Office Services Branch, and the Administrative Assistant of the Legal Division are designated as alternate Attesting Officers in the Central Office and shall have the same duties, functions, and authority vested in the Attesting Officer.

(f) *Acting Commissioner.* Such person as the Commissioner shall designate from time to time to serve as Acting Commissioner during periods when he is absent from duty, is authorized to exercise all the powers, duties, and functions, while so acting, that are vested in the Commissioner.

(g) *Acting officials.* Such persons as are designated from time to time to serve in an acting capacity for any officials of PHA, as provided in Parts 601 or 602, during periods when such officials are absent from duty, are authorized to exercise all the powers, duties, and functions, while so acting, that are vested by these Parts in the officials for whom they act.

(h) *Central Office address.* The address of the Central Office is Public Housing Administration, Longfellow Building, Washington 25, D. C. (Sec. 3, 60 Stat. 238; 5 U. S. C. 1002)

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 48-9613; Filed, Nov. 1, 1948; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION; VETERANS' CLAIMS

PART 4—ADJUDICATION; VETERANS' CLAIMS, CENTRAL OFFICE SECTION

JURISDICTION

1. In Part 2, § 2.1003 is amended to read as follows:

§ 2.1003 *Jurisdiction of adjudication division.* Within the jurisdiction of field adjudication activities, the adjudication division in each regional office or center, under the direction of an adjudication officer, will be responsible for the preparation and adjudication of claims for disability compensation or pension and determining, upon proper request, service connection for the condition or conditions for which out-patient treatment only is requested; for determining whether the character of discharge is a bar to benefits, including benefits under Titles II, III and V of Public Law 346, 78th Congress, as amended, and hospital treatment, domiciliary care, and out-patient treatment for service-connected disabilities under Public No. 2, 73d Congress, as amended, in doubtful cases; for determining whether disabilities are service-connected and compensable for purposes of vocational rehabilitation; for determining whether the injury or disability for which discharged, in those instances where the veteran served less than ninety days, was incurred or aggravated in line of duty for the purposes of Titles II, III and V, Public Law 346, 78th Congress, as amended; for the preparation and adjudication of claims involving Public Law 314, 78th Congress. (Sec. 7, 48 Stat. 9, 58 Stat. 230; 38 U. S. C. 707, 26c)

2. In Part 4, paragraph (o) of § 4.2025 is amended as follows:

§ 4.2025 *Jurisdiction of the claims division, central office.* • • •

(o) In cases under the jurisdiction of the division where retired persons, as contemplated by Public Law 314, 78th Congress, file application for monetary benefits under any of the laws administered by the Veterans' Administration. (58 Stat. 230; 38 U. S. C. 26c)

[SEAL] O. W. CLARK,
Executive Assistant Administrator.

[F. R. Doc. 48-9604; Filed, Nov. 1, 1948; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 558, Amdt. 8]

PART 95—CAR SERVICE

REFRIGERATOR CARS FOR FRUIT AND VEGETABLE CONTAINERS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of October A. D. 1948.

Upon further consideration of Revised Service Order No. 558 (11 F. R. 11817), as amended (11 F. R. 12233; 12 F. R. 4002, 5966, 6911, 8775; 13 F. R. 4190); and good cause appearing therefor: *It is ordered,* That:

Section 95.558 *Substitution of refrigerator cars for box cars, to transport fruit and vegetable containers and box shooks,* of Revised Service Order No. 558, be, and it is hereby, further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p. m., February 28, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., November 16, 1948; that a copy of this order be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9601; Filed, Nov. 1, 1948; 8:48 a. m.]

[S. O. 834]

PART 95—CAR SERVICE

MINIMUM REDUCED ON COAL IN CERTAIN N. & W. CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of October A. D. 1948.

It appearing, that certain large capacity coal cars owned by the Norfolk and Western Railway Company are suitable for carrying coal only when they can be unloaded by a mechanical car dumper, and that such cars are not now being used; in the opinion of the Commission an emergency requiring immediate action exists in the section of the country shown below. It is ordered, that:

§ 95.786 *Minimum on coal in highside N. & W. gondola cars.* (a) The minimum weight on coal loaded in Norfolk and Western Railway flat bottom highside gondola cars of 180,000-pound capacity, series 100,000 to 101,749, at or near Gary, West Virginia, destined to Carnegie-Illinois Steel Corporation, Gary, Indiana, shall be 60 net tons.

(b) *Application.* The provisions of this order shall apply only to such carload shipments of coal billed on or after the effective date hereof.

(c) *Tariff provisions suspended—announcement required.* The operation of Rule I of Norfolk and Western Railway Company tariff I. C. C. 3214-B and supplements thereto and reissues thereof, insofar as it conflicts with the provisions of this order is hereby suspended and the Norfolk and Western Railway Company, or its agent, shall publish, file, and post a supplement to its tariff affected hereby, on not less than 5 days' notice announcing such suspension.

(d) *Effective date.* This order shall become effective at 12:01 a. m., November 16, 1948.

(e) *Expiration date.* This order shall expire at 11:59 p. m., May 31, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that copies of this order and direction be served upon the Norfolk and Western Railway Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9600; Filed, Nov. 1, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 972]

HANDLING OF MILK IN THE TRI-STATE MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the order, as amended, and to the tentative marketing agreement, regulating the handling of milk in the Tri-State marketing area, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER.

Preliminary statement. A public hearing was called by the Production and Marketing Administration, United States Department of Agriculture, on a proposal filed jointly by The Scioto County Cooperative Milk Producers Association, The Athens Milk Sales, Inc., The Marietta Cooperative Milk Producers Association, and The Huntington Interstate Milk Producers Association (hereinafter referred to as "the proponents"). The public hearing was held at Huntington, West Virginia, on May 12 and 13, 1948, pursuant to notice duly published in the FEDERAL REGISTER (13 F. R. 1308, 1941, 2232).

The present order provides that the effective basic formula price, used for the computation of class prices, shall be the highest price resulting for the delivery period (calendar month) from three separate formulas: one based on the current market prices of butter and nonfat dry milk solids; the second on the current market prices of butter and cheese; and the third on the average of prices paid by 18 specified manufacturing plants.

The material issued presented on the record of the hearing and covered by this decision is whether the butter-cheese price and butter-nonfat dry milk solids price formulas, referred to above, should be replaced in the order with a new alternate price formula, the price produced by the new formula to be the effective basic formula price in any delivery period when such price is higher than the average pay-price of the 18 manufacturing plants.

The formula proposed provides for "adjustment" of the average condensery price for the current month by a factor designed to reflect changes from a base level in certain economic factors (prices of feeds, farm wages, the wholesale price level, retail store sales, and prices of alternate users of feed, such as beef cattle, hogs, sheep, and poultry) in relation to changes in the average price for condensery milk. The specific procedure for calculating the proposed formula price may be outlined in the following manner:

1. (a) Compute a weighted average price relative for Ohio dairy feeds by averaging the combined (weighted) monthly prices of the following feeds for the previous 60 months and dividing into the combined (weighted) prices for the current month, using the following weights: corn, 50 percent; oats, 20 percent; soybean meal, 15 percent; linseed meal, 5 percent; bran, 5 percent; and middlings, 5 percent.

(b) Compute a price relative for hay by averaging the prices per ton received by Ohio farmers for all hay for the previous 60 months and dividing into the price for the current month.

(c) Compute a wage rate relative by averaging Ohio farm wage rates for the previous 60 months and dividing into the wage rate for the current month.

(d) Combine the dairy feed, hay, and farm wage relatives into an index by multiplying the dairy feeds relative by 40, hay by 27, and wages by 33, and adding the three results.

2. Compute a price relative for each of the following livestock products by dividing the average price for the previous 60 months into the current month's price. Combine these relatives into an index of alternate feed uses by using the following weights: hogs, 44 percent; eggs, 20 percent; beef cattle, 20 percent, chickens, 10 percent; lambs, 3 percent, veal calves, 2 percent; and wool, 1 percent.

3. Compute an index of wholesale prices of all commodities, as reported for the United States by the United States Bureau of Labor Statistics, by averaging the indexes of the previous 60 months and dividing this average into the index of the current month.

4. Compute an index of retail store sales in Ohio by averaging the indexes of the previous 60 months, as quoted by the Bureau of Business Research of the Ohio State University, and dividing this average into the index for the current month.

5. Calculate a "composite index" by weighting the foregoing four indexes as follows: feed and labor costs, 40 percent; alternate feed uses, 10 percent; wholesale prices of all commodities, 25 percent, and retail store sales, 25 percent.

6. Calculate an index of prices paid producers for milk at the 18 specified milk manufacturing plants (same as referred to above) by dividing the current month's average price by the average of prices paid during the previous 60 months.

7. Obtain a "correlation factor" by dividing the "composite index" of the four economic factors for the current month by the index of prices paid producers at the 18 plants for the current month.

8. Compute a price (unadjusted for seasonality) by multiplying the current month's average price paid producers at the 18 plants by the "correlation factor" of the current month.

9. Compute the formula price for the current month by multiplying the unadjusted price (8 above) by a specified seasonal factor for the respective month (based on the seasonal patterns of periods 1925–29 and 1935–39).

In the establishment of a "base" period for the computation of the indexes previously mentioned, proponents have proposed the use of either a moving average for the corresponding months of the preceding 5 years (no seasonal adjustment required) or a moving average for the immediately preceding 60-month period. It appears from the record that the proponents favor the 60-month moving average plan of adjustment, outlined above, and therefore in the following paragraphs particular attention is given to the latter plan. The moving average adjustment based upon the corresponding months of the preceding 5 years also has received study and is commented upon at a later point in this decision.

Although mentioned in the testimony, the proponents stated that application of an index adjustment computed from a fixed base period (1935–39) is not considered desirable. No testimony was directed to it and for all practical purposes the plant was abandoned by the proponents. It is determined, therefore, that such plan of adjustment has not been submitted for consideration.

Findings and conclusion. The following findings and conclusion on the material issue decided herein are hereby made upon the basis of the record of the hearing:

The particular significance of the proposed formula is in the fact that it attempts to "correct" automatically the current level of condensery prices in line with the relative changes of (a) condensery prices and (b) the specified economic factors, from the average of the most recent 60-month period. This adjustment of the condensery price for the current month results in a price bearing the same relationship currently to the specified economic factors as existed, on the average, between condensery prices and these economic factors during such 60-month period. Emphasis was placed in the testimony on the concept that the maintenance of such relationship is essential to the satisfactory pricing of market milk in the Tri-State marketing area.

The stated objectives sought by the proponents in proposing the new formula may be indicated as follows:

(a) To bring about and to maintain an adequate supply of milk by keeping the market price for milk in "proper" relationship to wages paid workers, wholesale prices, and feed prices; to assure both producers and consumers that such a relationship of milk prices to the other specified economic factors will be maintained;

(b) To prevent price upsets and to eliminate the necessity of having public hearings on price changes as often as in the past;

(c) To insure handlers a method of predicting with reasonable accuracy the price they will be required to pay for milk in any given month; and

(d) To eliminate the influence of any "manipulation" of condensery prices in the determination of the price for market milk.

Much of the testimony offered in support of the proposed formula, including the statement of objectives, appears to assume that it would be used as the sole basis for the establishment of class prices. Although the proposal calls for its use as an alternate formula only, to be effective when its resulting price is higher than the current average payprice of the 18 specified manufacturing plants, the case presented suggests the pertinency of examining individual characteristics of the formula as well as giving consideration to its application as an alternate.

The first objective stated is to bring about and to maintain an adequate supply of milk by keeping the market price for milk in "proper" relationship to wages paid workers, wholesale prices, and feed prices. The theory advanced is that adequate milk supplies may be obtained for the indefinite future by keeping the "basic" price for market milk in the same relationship to the specified economic factors included in the formula as existed during the most recent 60-month period. The basis for this contention, however, is not revealed. The record discloses that use of the proposed formula as the determining base for milk prices from August 1945, the first delivery period under the order, to January 1947 would have returned to producers much less money than actually was paid to them, assuming use of the same class price differentials. On the other hand during this 17-month period, qualified producer milk supplies were insufficient under the prevailing price schedule to cover Class I and Class II milk uses in 13 months at Huntington District plants and in 12 months at other plants. Supplementary, or emergency, milk supplies were necessary during most of the 17-month period. Since the proposed formula would have brought less money to producers, it is difficult to conclude that maintenance of the basic formula price in the proposed relationship to wages, wholesale prices, and feed prices, during such period would have resulted in a price plan as well fitted to the objective of inducing the production of adequate milk supplies as the plan in effect during the period.

The prevention of price upsets was indicated as another important objective. In this connection it was contended that "sharp fluctuation in prices during certain periods have caused dissatisfaction among producers and handlers in the Ohio markets and some serious dislocation of supplies" and that a need had arisen "for resort to premiums by agreement between handlers and producers, the establishment of price floors and suspension of certain price provisions in orders." It may be inferred from this testimony that such price changes, and the related matters referred to, are considered by the proponents to be market problems. No evidence was submitted, however, to show that "sharp fluctuations" in prices are wholly undesirable for the Tri-State marketing area. Condensery prices vary seasonally and may vary markedly over the short-run period inversely from the general pattern of movement of the economic factors included in the proposed formula. Since the record discloses no testimony in support of minimizing the seasonal movement of milk prices in the market, it appears that the stability of prices sought is the prevention of short-run aberrations of prices contrary to the movement of the prices of feeds, farm wages, wholesale prices, retail store sales, and the prices of the competing users of feeds.

It would be difficult to conclude from the price data in the record that the proposed formula would aid significantly in achieving the latter objective. Similarly, the evidence does not show that sharp changes in price would be eliminated. The calculated price from the proposed formula shows an increase from the low to the high month in 1946 of $1.24 per hundredweight as compared with a low to high month increase in the condensery average of $1.182. In 1947 the low to high month increase was $1.20 per hundredweight for the calculated price and $1.169 for the condensery average. The only sharp decrease in condensery prices occurring since the original date of the order was a decrease from $4.54 per hundredweight in November 1946 to $2.97 per hundredweight in June 1947. Although the fluctuations resulting in increases were greater for the calculated price than for the condensery price average in both 1946 and 1947, the above-mentioned decrease in price occurring in early 1947 is the only price change referred to by the proponents as having been a "sharp fluctuation" in price. If this decrease in the condensery price is to be considered "sharp" or "abnormal" then the immediately preceding increase in such price from $2.91 in June 1946 to $4.54 in the following November, enjoyed by producers, must be considered as an offsetting factor. It may be noted that the condensery price level in June 1947 was within 6 cents per hundredweight of the level of June 1946 just prior to the rapid rise during the fall months of that year. Fluctuations occurring since June 1947 are shown by the record to have been relatively small and suggest an unusual situation in the latter part of 1946 and early 1947 brought about by postwar adjustment.

The record also lacks evidence to show any dislocation of supplies for the marketing area of the kind that the proposed formula conceivably might correct. It discloses, on the other hand, that premiums have not been resorted to between handlers and producers in the Tri-State marketing area during the life of the order to supplement the minimum prices established by regulation. Although price "floors" were placed in the order for a temporary period as a guarantee of certain minimum price levels, such action later proved unnecessary as the class prices resulting from the order formulas remained above the floor levels. No suspension orders affecting price were

employed in this market during any of the period referred to in the testimony.

The objectives of developing a basic price formula which would tend to reduce the number of hearings necessary for the proper adjustment of market prices and which would assure handlers a method of predicting with reasonable accuracy the minimum prices required to be paid also were expressed. The evidence does not disclose, however, that the formula presented for consideration here warrants adoption as a means of meeting these objectives. Handlers could not know, of course, the price resulting from the proposed formula until the condensery price average for the current month became available since it is the latter price that would be subject to adjustment under the formula. The possibility that some hearings might be eliminated in the adjustment of market prices is not of itself a sufficient basis for adoption of the formula in light of the other important considerations.

The proposed formula was supported by the additional argument that it would eliminate the influence of manipulation in condensery prices in arriving at the price of market milk. On this point proponents contended that condensaries had manipulated the decline in price which took place between November 1946 and June 1947. Any effect of the proposed formula in eliminating actual price manipulation would at best only be minor in view of the fact that the proposed formula would employ as one of its principal components the same series of condensery prices that is alleged to have been subject to manipulation from time to time.

Proposed as an alternative to the average condensery price for the current month, the proposed formula requires further appraisal since it is based upon an entirely different concept of pricing from that on which the present alternative formulas (butter-cheese, butter-nonfat dry milk solids, and condensery price average) were adopted. The formulas currently operative as alternates to each other reflect, of course, changes in the value of milk for the three principal categories of manufacturing use. They reflect also basic changes in conditions affecting nationally the supply and demand for manufacturing milk promptly as they occur. It is appropriate to employ them in the alternative because milk may be diverted readily from one of these categories to another. The proposed formula, on the other hand, goes beyond the function assigned to the formulas now in effect by introducing adjustments which would establish a fixed relationship between the condensery price for the current month and certain economic factors (some of which are local cost factors) according to their relationship during a past period, and therefore constitutes a completely new and different pricing base.

The basic formula price is only one component of the Class I and Class II price. In computing appropriate Class I and Class II prices for the Tri-State marketing area under the present pricing plan, it is necessary to add to the basic formula price, resulting from the application of the above formulas, certain dollar and cent differentials in recognition of the extra costs of producing milk of market quality. The Class I and Class II price differentials were established originally, and have been increased from time to time, upon review in hearing of the price level of feeds, the available supplies of feeds, and other economic conditions affecting the supply and demand for milk. Local factors or conditions affecting the production and marketing of milk of the required quality have been reflected in such differentials. Since the proposed formula would provide a different price base, it would not be appropriate to use the proposed formula in conjunction with the same class price differentials as are used in connection with the condensery price average. The use of the proposed formula as an alternative would place the specified class price differentials in the anomalous position of being used to reflect certain economic factors when used in conjunction with the condensery price for the current month as the basic formula price, but to reflect some other set of factors, or conditions, when used with the proposed formula. It may be noted that the record does not define the factors the class price differentials should reflect when used with the proposed formula price.

The actual effects of using the proposed formula as an alternate may be observed in terms of two main periods for which data are given in the evidence, the period from the original date of the order of January 1947 and the year 1947. The monthly average price of the 18 manufacturing plants has been the effective basic formula price under the order in nearly all months for the period the order has been in effect. Comparison of this price for such period with the proposed formula price shows that the "18 plant price" would have exceeded the proposed fomula price in all months until January 1947, with the exception of four months in the winter of 1945–46 when the latter would have been higher by 8.6, 2.1, 3.8, and 1.2 cents, respectively. In many months of this period, the 18-condensery price was substantially higher than the price computed under the proposed formula. It is clear that the relationship of milk prices to the other factors, stated to be essential, would not have been maintained during most of such period.

In 1947 the Class I and Class II prices, based on the effective class price differentials, would have averaged 76 cents per hundredweight higher than the level which prevailed. Although the relationship advocated would have been maintained during this period, the record does not reveal the propriety of a 76-cent per hundredweight increase in price. This result for 1947 appears to have been caused by the fact that it is mainly the war years on which the moving average was computed. Data in the record indicate that unusual relationships between the movement of condensery prices and the movement of the specified economic factors occurred during the latter period. The various types of regulatory controls in effect during the period obviously were in a large degree responsible for this situation.

It is observed also that under the proposed formula plan the unusual relationships which obtained during the wartime period would affect in varying degrees the establishment of market milk prices during a large portion of the next 60-month period. In view of the influence shown on 1947 prices and in the absence of a compelling reason for disregarding this circumstance, it is concluded that a base period involving the wartime period and affected by many artificial and widespread controls would not be a suitable period to use at the start of such a price plan.

If there is merit to the theory of maintaining a certain relationship between the basic formula price and the specified economic factors, such relationship should obtain whether the current condensery price is higher or lower than the price calculated from the formula. It appears inconsistent to argue on the one hand for an "adjusted" condensery price as the basic formula price and to argue further on the other hand that an "unadjusted" condensery price should be used in lieu thereof if the latter is higher. It seems pertinent to indicate in this connection that an adequate case made for the formula on individual merit would of necessity resist strongly its adoption as an alternate.

The relationship of the proposed formula to the pricing of Class III milk and to the two formulas it would replace should be mentioned briefly. The order provides that the price of Class III milk shall be the same as the basic formula price. Because of the importance of current competitive conditions in the determination of manufacturing milk prices, it is difficult to see how a price problem could be avoided if the price resulting from the proposed formula were used as the Class III price. It would be very unlikely that such price in any given month would either reflect closely the level of prices manufacturing plants in or near the Tri-State milkshed would pay for Class III (surplus) milk or provide handlers using surplus milk a price for such milk reasonably in line with the prices paid for milk by other manufacturers using milk in similar products. Producers could hardly be expected, on the other hand, to take substantially less than the prevailing condensary price for all their Class III milk. No attempt was made in the record to support a revision of present method of computing the Class III price.

The proposed formula has been offered as a substitute for the present formulas based on butter-nonfat dry milk solids prices and butter-cheese prices. The record, however, contains insufficient evidence to appraise the proposed formula in relation to the formulas it would replace. In view of the above considerations it is not sufficient to dismiss such two formulas on the ground that they seldom have produced prices higher than the monthly average condensery price.

The preliminary statement of this decision points out that the moving average adjustment based upon the corresponding months of the preceding 5 years has received study. Fundamentally, the differences between a moving average base computed on the corresponding

months over a 5-year period and a 60-month moving average do not appear significant. The price levels produced by the two bases do not coincide, of course, and the 60-month moving average has the advantage of removing "lag" between the period used as a base and the current month in applying the formula. The considerations with respect to the 60-month moving average set forth in this decision apply in the main to the moving average adjustment based upon the corresponding months of the preceding 5 years.

Briefs were filed on behalf of both the proponents and the handlers who would be subject to the proposed marketing agreement and order. Every point covered in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

It is concluded, therefore, from the foregoing discussion of general considerations underlying the proposed formula, that such formula should not be adopted.

Filed at Washington, D. C., this 28th day of October 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-9619; Filed, Nov. 1, 1948; 8:52 a. m.]

[7 CFR, Part 986]

[Docket No. AO-196]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601, et seq.; 61 Stat. 208, 707), and in accordance with the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States. Such hearing will be held at Chamber of Commerce, 27½ North Third Street, Yakima, Washington, beginning at 9:30 a. m., P. s. t., November 29, 1948, at Chamber of Commerce, 147 North Liberty Street, Salem, Oregon, beginning 9:30 a. m., P. s. t., December 2, 1948; and at Native Sons Hall, Mendocino Avenue near Fifth Street, Santa Rosa, California, beginning at 9:30 a. m., P. s. t., December 6, 1948. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

This public hearing will be held for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the provisions of the proposed marketing agreement and order which is hereinafter set forth, and any appropriate modifications thereof. The United States Hop Growers Association, Mills Building, San Francisco, California, has proposed the following marketing agreement and order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in those States and has requested a hearing thereon (the provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed marketing order):

§ 986.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to perform the duties of the Secretary under the act.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

(c) "Person" means any individual, partnership, corporation, association, or any other business unit.

(d) "Hops" means, except as otherwise specifically indicated herein, the pistillate cones, either in the green or the dried state, of the vine Humulus lupulus or Humulus americanus grown in the States of Oregon, California, Washington, or Idaho.

(e) "Hop product" means any substance which is (1) derived, either in whole or in part, from hops, including, but not limited to, any form of lupulin, lupulin sweepings, hop oil, or hop extracts or concentrates, and (2) capable of being used for a purpose for which hops are used.

(f) "Grower" is synonymous with "producer" and means any person who is engaged in the production of hops.

(g) "Dealer" means any person, other than a grower or producer, who handles hops or hop products for his or its own account.

(h) "Grower-dealer" means any grower, other than a brewer, who handles for his or its own account any hops or hop products other than those of his or its own production: *Provided*, That handling transactions pursuant to § 986.6 (f) shall not be within this definition.

(i) "Brewer" means any person who uses hops or any hop product in manufacturing any malt beverage for commercial purposes.

(j) "Handler" means any person who, either personally or through another person, handles hops or any hop product.

(k) "Handle" means (1) to market, ship, or transport (except as a common carrier) to or for market, or for use any hops or hop product, or (2) to purchase, take consignment of, accept delivery of (except as a common carrier) in connection with a purchase or sale or otherwise acquire, within the States of Oregon, California, Washington, or Idaho, hops or any hop product from a grower or any other person, except as provided in § 986.6 (f).

(l) "Consumptive demand" means that quantity of hops and hop products (expressed in terms of dried hops) which it is anticipated will be required in all trade outlets, both domestic and foreign, during the marketing season.

(m) "Marketing season" means the 12 months from August 1 to the following July 31, both dates inclusive.

(n) "Federal-State inspection service" means that inspection service on hops or hop products which is performed within the States of Oregon, California, Washington, or Idaho under a cooperative arrangement between the United States Department of Agriculture and any of such States pursuant to authority contained in any act of Congress.

§ 986.2 *Control Board*—(a) *Establishment.* A Control Board consisting of eighteen members, with an alternate member for each such member, is hereby established to administer the terms and provisions hereof, of whom, with their respective alternates, nine shall represent growers of hops, two shall represent grower-dealers, three shall represent dealers, and four shall represent brewers. The grower members of the Control Board shall be growers of hops who are not grower-dealers, of whom three shall be growers of hops in and residents of the States of Oregon or Idaho, three shall be growers of hops in and residents of the State of California, and three shall be growers of hops in and residents of the State of Washington. One of the grower-dealer members of the Control Board shall be a grower-dealer having his or its principal office in that regard in the States of Oregon, California, Washington, or Idaho, and the other grower-dealer member shall be a grower-dealer having his or its principal office in that regard outside of such States. Each of the four brewer members of the Control Board shall be a brewer. Each of the three dealer members of the Control Board shall be a dealer in hops. An officer, agent, or employee of a business unit other than an individual person shall be eligible for membership or alternate membership on the Control Board in the category in which such business unit belongs pursuant to the provisions hereof. No person shall be selected as a member or alternate member of the Control Board who is not actively engaged, as his principal business occupation, in the business of the group which he represents, and may be an officer, agent, or employee of a business unit engaged in such business.

(b) *Designation of original members and alternates.* The original members of the Control Board, and their respective alternates, shall be selected by the Secretary, subject to the requirements as to district representation, occupation, and residence which are set forth in paragraph (a) of this section, and shall serve for a term ending on March 31, 1950, except that, if the respective successor to such original member or alternate member has not been selected and qualified by March 31, 1950, such original member or alternate member shall serve until his respective successor has been selected and has qualified. For the consideration of the Secretary in making such selection, nominations for original members and alternate members of the Control Board may be submitted to him not later than the date on which this order is issued by the Secretary, but may be submitted prior thereto. Nominations for the original nine grower members and their alternates may be made by any grower, or by any association or other group of growers. Nominations for the original two grower-dealer members and their alternates may be made by any grower-dealer, or by any group of grower-dealers. Nominations for the original four brewer members and their alternates may be made by any brewer, or by any organization of brewers. Nominations for the original three dealer members and their alternates may be made by any dealer, or by any group of dealers. However, the Secretary, in making his selection of the original members and their alternates shall not be bound to make such selections from nominations thus received, but he shall make such selections in his discretion.

(c) *Nomination and selection of successor members and alternates* — (1) *General.* Members and alternates of the Control Board selected for terms commencing April 1, 1950, and thereafter, shall serve for terms of two years ending March 31 or until such time thereafter as their successors have been selected and have qualified. Selection of successor members of the Control Board and their alternates shall be made by the Secretary for each of the aforementioned groups from the nominations submitted for that purpose by the respective groups and/or from among other qualified persons. Such nominations for each respective group shall be made to the Secretary on or before March 1 of each election year in the manner hereinafter described.

(2) *Grower members.* Each of the growers Advisory Committees, established pursuant to § 986.4, shall nominate to the Secretary the names of three qualified persons as grower members, and three qualified persons as their alternates, from the State or States represented by the respective committee. The persons receiving in consecutive order the highest number of votes for members shall be the nominees for members of the respective committees, and a corresponding provision shall apply to nominees for alternate members.

(3) *Grower-dealer member, Western.* The grower-dealers whose principal offices are within the States of Oregon, California, Washington, or Idaho, shall nominate to the Secretary, by means of an election in which all (and only) such grower-dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular grower-dealer during the next preceding marketing season, one qualified person as the grower-dealer member, and one qualified person as his alternate.

(4) *Grower-dealer member, Eastern.* The grower-dealers whose principal offices are outside the States of Oregon, California, Washington, or Idaho, shall nominate to the Secretary, by means of an election in which all (and only) such grower-dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular grower-dealer during the next preceding marketing season, one qualified person as grower-dealer member, and one qualified person as his alternate.

(5) *Dealer members.* The dealers shall nominate to the Secretary by means of elections in which all (and only) dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular dealer during the next preceding marketing season, three qualified persons as dealer members and three qualified persons as their alternates. Nominations for one of such members and his alternate shall be made by each of the following categories of dealers: (i) Those handling less than 10,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season; (ii) those handling between 10,000 and 25,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season; and (iii) those handling over 25,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season.

(6) *Brewer members.* Of the four qualified persons to be nominated by the brewers for selection as brewer members of the Control Board, and their respective alternates, two of such nominations for members and their respective alternates may be made to the Secretary by The United States Brewers Foundation, Inc., whose present office address is 21 East Fortieth Street, New York, N. Y., and two such nominations for members, and their respective alternates, may be made by the Small Brewers' Committee, whose present office address is 188 West Randolph Street, Chicago, Ill. However, nominations may also be made by any individual brewer or by any other associations or groups of brewers.

(7) *Elections of nominees for membership.* Each election for the purpose of nominating grower, grower-dealer and dealer members or alternates of the Control Board to succeed those whose terms of office expire on March 31 of any year, shall be held on or before the preceding February 15, and shall be conducted and supervised by the Control Board. Regulations prescribing the method or methods for, and the rules governing the election of nominees as hereinbefore provided, and which shall assure to all persons eligible to take part in such elections reasonable opportunity to select candidates and to vote for nominees, shall be adopted by the Control Board and submitted to the Secretary on or before November 1, 1949; and such regulations as shall be approved by the Secretary shall govern each such election. Reports of the results of elections of nominees shall be submitted to the Secretary by the Control Board.

(8) *Time limitation on nominations.* In the event any of the group nominations are not submitted to the Secretary within twenty days after the time hereinbefore specified, the Secretary may select each such member or alternate without waiting for the nomination or nominations to be made.

(9) *Qualifications of members and alternates.* Each person selected as a member or alternate of the Control Board, including original members and alternates, shall promptly qualify by filing with the Secretary a written acceptance of the appointment. The failure of an appointee to qualify within twenty days after the appointment of such person shall be cause for the Secretary to appoint another person in his stead.

(10) *Qualifications for alternates.* Each alternate shall meet the same qualifications, be nominated and selected in the same manner, and hold office for the same term, as the member for whom he is alternate. An alternate for a member of the Control Board shall, in the event of that member's absence, act in the place and stead of that member; and, in the event of such member's removal, resignation, disqualification, or death, the alternate for such member shall act in the place and stead of said member until a successor for the unexpired term of said member has been selected.

(11) *Substitutes for members or alternates.* In the event any member of the Control Board and his alternate are both unable or fail to attend a meeting of the Control Board, any alternate for any other member of the same group as that represented by the absent member may be designated by the absent member to serve in the stead of the absent member; and in the event such other alternate cannot attend, or there is no such other alternate, then the absent member, or in the event of his disability or a vacancy, his alternate, may designate a temporary substitute to attend such meeting with the power to act in the place and stead of that member, or pending such designation the Secretary may designate such temporary substitute.

(d) *Vacancies.* To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Board or as an alternate member thereof, to qualify, or the death, removal, resignation, or disqualification of any qualified member or alternate member of the Control Board, a successor for his unexpired term of office shall be nominated and selected (insofar as is appropriate) in the manner herein specified, for the nomination and selection of successors to the initial members and alternate members of the Control Board representing the same industry group as was represented by the respective member or alternate member thus to be succeeded. In the event such nomination for vacancy is not made within twenty days after the beginning of the vacancy, the Secretary may select a person to fill such vacancy without waiting for the nomination to be made.

(e) *Compensation.* The members of the Control Board, and their respective alternates, shall serve without compensation, but shall be reimbursed for ex-

penses necessarily incurred in the performance of their duties hereunder.

(f) *Powers.* The Control Board shall have the following powers:

(1) To administer the provisions hereof in accordance with their terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.

(g) *Duties.* The duties of the Control Board shall be, among others, as follows:

(1) *Intermediary.* To act as intermediary between the Secretary and any grower, handler, dealer, grower-dealer, or brewer;

(2) *Minutes, books and records.* To keep minutes, books, and other records which will clearly reflect all of its acts and transactions, and which shall be subject at any time to examination by the Secretary or his designated representative;

(3) *Scientific studies and research.* To provide, subject to prior approval by the Secretary, for the making of scientific and other studies and for the conducting of research appropriate in connection with the performance of its official duties;

(4) *Assembling data.* To gather and assemble data on the growing, handling, shipping and marketing conditions relative to hop and hop products, appropriate or desirable in connection with the performance of its official duties;

(5) *Information.* To furnish to the Secretary, at his request, such information as may be available to the Control Board;

(6) *Audit.* To cause the books and other records of the Control Board to be audited by one or more competent accountants at least once each marketing season and at such times as the Control Board may deem necessary, or as the Secretary may request, and to file with the Secretary a copy of each audit report made;

(7) *Managing agent.* To employ a Managing Agent who, during his employment as such, shall not be a grower, dealer, grower-dealer, or brewer, nor in the employment thereof or financially interested in the production of, dealing in, or use of hops or hop products, and who shall serve as the Secretary of the Control Board and the secretary of the Growers Allocation Committee, and shall have such other duties as are specified for him herein or by the Control Board; and to employ or retain such other employees, agents, and representatives as the Control Board may deem necessary; and to determine the salaries and define the duties of such Managing Agent, employees, agents and representatives;

(8) *Notice to Secretary of meetings.* To give to the Secretary, or to his designated representative, the same notice of meetings of the Control Board as is given to the members of the Control Board; and

(9) *Issuance of necessary regulations.* To issue, with the approval of the Secretary, any regulations which are necessary and appropriate for the carrying out of the provisions hereof in accordance with their terms.

(h) *Procedure*—(1) *Rules and officers.* The Control Board shall adopt rules governing the performance of its powers and duties hereunder, and shall select a chairman and such other officers as it may deem advisable.

(2) *Quorum.* A quorum shall consist of twelve members, or alternate members or substitutes then serving in the place and stead of any members, in attendance at the meeting, and all decisions of the Control Board shall be made by not less than ten affirmative votes.

(3) *Permissive methods of voting.* The Control Board may permit voting by mail or telegraph.

(i) *Funds and other property*—(1) *Uses.* All funds received by the Control Board pursuant hereto shall be used solely for the purposes specified herein; and the Secretary may require the Control Board and its members to account for all receipts and disbursements.

(2) *Accountability of members.* Whenever any person ceases to be a member or alternate member of the Control Board, such person shall account for all receipts and disbursements hereunder and deliver all property, funds, books, and other records (in his possession or control) of the Control Board, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all of the property, funds or claims vested in such member.

(3) *Legal action for collection of assessments.* The Control Board, with the approval of the Secretary, may maintain in its own name, or in the names of its members, legal action against any handler for the collection of the assessment imposed upon him pursuant to the provisions hereof.

§ 986.3 *Growers Allocation Committee*—(a) *Members.* The grower-members and the grower-dealer members of the Control Board shall constitute the "Growers Allocation Committee". Said committee shall have such duties and powers as are expressly specified herein for that committee and such other duties and powers as may be incident thereto. The Growers Allocation Committee may incur only such expenses as from time to time are authorized by the Control Board.

(b) *Procedure.* The Growers Allocation Committee shall select one of its members as its chairman and such other officers as it may deem advisable. It shall keep proper records of all its proceedings, and shall adopt regulations governing its procedure. It may provide for voting by mail or telegraph upon due notice to all members.

(c) *Alternates.* The alternate of each grower member or grower-dealer member of the Control Board shall have the same right to serve in lieu of a member of the Growers Allocation Committee as such alternate has to serve in lieu of a member of the Control Board.

§ 986.4 *Growers Advisory Committees*—(a) *Establishment and membership.* A Growers Advisory Committee of twelve members is hereby established for each of the States of Washington and California, and of thirteen members for the combined States of Oregon and Idaho. Each of the said committees shall consist of members who shall be growers or grower-dealers, or officers or employees of growers or grower-dealers, engaged in growing hops in and shall be residents of the State or States for which the respective committee is established; one of the members of the Advisory Committee for the States of Oregon and Idaho shall be a grower, or an officer or employee thereof, engaged in growing hops in and a resident of the State of Idaho.

(b) *Original members.* The original members of the Growers Advisory Committees shall be the members of the existing advisory committees organized by the United States Hop Growers Association, an association of hop growers whose present address is Mills Building, San Francisco, California. Each of the original members shall serve for a term ending on January 31, 1950, and in the event that the respective person's successor has not been selected by February 1, 1950, such person shall serve until his successor has been selected.

(c) *Election of successor members.* Successor members of Growers Advisory Committees, beginning with those elected for terms beginning on and after February 1, 1950, shall serve a two year term ending January 31. Election shall be at meetings held, under the supervision of the Managing Agent or his designated representative, by the growers and grower-dealers in each of the hereafter designated districts. In such election each grower and each grower-dealer residing or producing hops in the district shall have an opportunity to participate, and at such election shall, on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives, cast only one vote to fill the vacancy or vacancies occurring in his district. No grower or grower-dealer shall vote in more than one district in any one state. Voting shall be by ballot; there shall be no voting by proxy. The nominee having the highest number of votes shall be the member for the district or, in the districts electing more than one member, the nominees receiving in consecutive order the highest number of votes shall be the members for that district. In the case of a tie vote, where vacancies are insufficient to give membership to each, a run-off election shall be held on the vacancy in question.

(d) *Washington Advisory Committee.* The Advisory Committee for the State of Washington shall delimit that State into four election districts, as follows:

District No. 1: That portion of Yakima County lying east of the Yakima River and north of Parker Ridge, and all counties of the State of Washington not delineated in other districts.

District No. 2: Benton County, Klickitat County, and that portion of Yakima County lying south of Parker and Ahtanum Ridges.

District No. 3: That portion of Yakima County lying north of Ahtanum Ridge and west of the Yakima River.

District No. 4: All counties of the State of Washington lying west of Districts 2 and 3, or lying west of the Cascade Mountains.

Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district three members of the Advisory Committee.

(e) *California Advisory Committee.* The Advisory Committee of the State of California shall delimit that state into three election districts, as follows:

District No. 1: Sacramento County and all other counties of the State of California not delineated in other districts.

District No. 2: Sonoma, Napa and Marin Counties.

District No. 3: Mendocino and Lake Counties.

Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district four members of the Advisory Committee.

(f) *Oregon-Idaho Advisory Committee.* The Advisory Committee for the States of Oregon and Idaho shall delimit those States into twelve election districts, as follows:

District No. 1 (Grants Pass): Douglas, Jackson and Josephine Counties.

District No. 2 (Eugene, etc.): Lane County and that portion of Linn County not delineated in District 3.

District No. 3 (Albany, Corvallis, etc.): Benton County and those areas of Marion and Linn Counties described as follows: Beginning at Jefferson, Oregon, thence north along Pacific Highway 99 to a point east of Tice Island in the Willamette River, thence due west along an imaginary line to Tice Island, thence south along the meanderings of the Willamette River to the confluence of the Luckiamute and Willamette Rivers, thence due southwest to the northwest corner of Benton County, thence south along the boundary of Benton and Linn Counties to a point due west of Brownsville, Oregon, thence due east along an imaginary line to Brownsville to include all growers operating hop yards in the Brownsville area, thence continuing to the eastern boundary of Linn County to include all growers operating yards in Linn County north of the line as described.

District No. 4 (Independence, Dallas, etc.): All of Polk County not delineated in District 6, all of that portion of Marion County adjacent to Independence and not delineated in Districts 3, 5 and 6, and that portion of Yamhill County not delineated in Districts 10 and 11.

Disthict No. 5 (Silverton, etc.): Beginning at the North Howell Grange in Marion County, Oregon, thence due south along an imaginary line to Stayton, Oregon, thence due east along an imaginary line to the headwaters of the Abiqua River, thence following the meanderings of the Abiqua River in a northwesterly direction to a point due east of the North Howell Grange, thence due west along an imaginary line to point of beginning.

District No. 6 (Salem, etc.): Beginning at Rickreall, Oregon, thence north along west side of Pacific Highway 99W, to a point due west of Wheatland, thence due east along an imaginary line to Wheatland to include all growers in the area in the vicinity of Wheatland, Oregon, thence northeast along an imaginary line to Fairfield, thence east following the Fairfield road to Aral Corners, thence due north from Aral Corners to the St. Louis road to the corner of the "Old Miller Place", thence east to the Southern Pacific Railway and continuing east to the Pacific Highway 99, thence south following the Pacific Highway to the intersection of the Pacific Highway and the Parkersville road, known as the "Manning Corner", thence east to Parkersville, thence south to the Central Howell school, thence due south following an imaginary line to the Santiam River, thence north and west following the meanderings of the Santiam River to Jefferson, thence due north following the Pacific Highway 99 to Sunnyside, thence due west following an imaginary line to the Willamette River to a point south of Roberts' Station, thence north following the meanderings of the Willamette River to Salem, thence west following the Dallas-Salem Highway to Rickreall, point of beginning.

District No. 7 (Wilder, Ontario, etc.): The State of Idaho, Malheur County and all other counties or portions of counties of the State of Oregon not delineated in other districts.

District No. 8 (Mt. Angel, etc.): Beginning at the North Howell Grange, thence south and east following the meanderings of the Abiqua River to the foothills of the Cascade Mountains to a point due south of Molalla, thence due north following an imaginary line to Molalla, thence west following the Woodburn-Molalla highway to its intersection with the Pacific Highway 99, thence south following the Pacific Highway to Gervais, thence south from Gervais to the Manning Corner, thence east to Parkersville, thence south to the North Howell Grange, the place of beginning.

District No. 9 (Donald, Woodburn, Aurora, etc.): Beginning at Oregon City, thence south along the Oregon City-Molalla highway to Molalla to include all growers operating hop yards in the Mulino section, thence north following the Woodburn-Molalla Highway to its intersection with the Pacific Highway 99, thence south following the Pacific Highway to Gervais, thence west following the direct highway to St. Louis, thence north following the meanderings of Champoeg Creek to its confluence with the Willamette River, thence in a northerly direction following the meanderings of the Willamette River to Wilsonville, thence continuing in a north and easterly direction along the meanderings of the Willamette River to the place of beginning.

District No. 10 (St. Paul, etc.): Beginning at Wilsonville, thence north following the Pacific Highway 99W to Jurgens Park on the Tualatin River, thence northeasterly following an imaginary line to the southwest corner of Multnomah County, thence southwesterly following an imaginary line to Laurel, thence southwest following an imaginary line to McMinnville, thence south following the west side Pacific Highway to a point due west of Wheatland, thence due east following an imaginary line to Wheatland, thence northeast to Fairfield, thence continuing east to Aral Corners, thence north to Champoeg Creek, thence continuing in a northerly direction and following the meanderings of Champoeg Creek to the Willamette River, thence continuing in a northeasterly direction following the meanderings of the Willamette River to Wilsonville, the point of beginning.

District No. 11 (Hillsboro, Forest Grove, etc.): Beginning at the southwest corner of Multnomah County, thence in a southwesterly direction following an imaginary line to Laurel, thence southwesterly following an imaginary line to McMinnville, thence west following an imaginary line to the western boundary of Yamhill County.

District No. 12 (Portland, Hermiston, etc.): Umatilla, Morrow, Gilliam, Sherman, Wasco, Hood River and Multomah Counties, and that portion of Clackamas County described as follows: Beginning at Sellwood Oregon, thence south following the meanderings of the Willamette River to Oregon City, thence south following the Oregon City-Molalla Highway to Lewis Station due east of Canby, thence due east along an imaginary line to the Cascade Mountains, thence due north to the northern boundary of Clackamas County, thence due west to place of beginning.

Growers and grower-dealers who reside or produce hops in the district which includes the State of Idaho shall be entitled to vote for and select for that district two members of the Advisory Committee, one of whom shall be a grower of hops in the State of Idaho; and growers and grower-dealers who reside or produce hops in any of the other districts shall be entitled to vote for and select for that district one member of the Advisory Committee.

(g) *Changes in districts.* The number of districts or the area covered by each in any state or states may be changed in any equitable manner upon recommendation of the Control Board or of the Advisory Committee for such state or states, with the approval of the Secretary.

(h) *Alternates.* Each member of an Advisory Committee may designate, in writing addressed to the Managing Agent, an alternate having the same membership qualifications as are applicable to the member. Such alternate may act at any meeting of the Advisory Committee at which the member is not present.

(i) *Vacancies.* A vacancy in the membership of an Advisory Committee shall be filled, for the balance of the term of the member whose place is vacant, by a person of the membership qualifications of the former member, selected by majority vote of the remaining members of that committee.

(j) *Expenses.* The members of each Advisory Committee may be reimbursed by the Control Board for all travel and other expenses necessarily incurred in the performance of their duties.

(k) *Functions*—(1) *Nomination of successor Control Board members.* Each Advisory Committee shall promptly nominate to the Secretary a successor to any grower from that State whose term on the Control Board as a member or alternate shall expire or whose place on the Control Board for any reason may

become vacant. Grower members of an Advisory Committee, as well as other growers, shall be eligible for nomination by that Advisory Committee to serve on the Control Board.

(2) *Officers and other functions.* Each Advisory Committee shall select from its membership a chairman and such other officers as the respective committee may deem advisable, and shall keep proper records of all of its proceedings. It shall hold meetings after notice to its members, upon the call of four members, or upon the call of its chairman, or the Control Board, or the Managing Agent. Each Advisory Committee shall serve the Control Board in an advisory capacity concerning the administration hereof in the State or States for which such committee is established, and in general shall perform such ministerial functions as the Control Board may, from time to time, specify. Each Advisory Committee may incur only such expenses as are authorized by the Control Board.

§ 986.5 *Control of quality*—(a) *Minimum standards of quality and grading and inspection requirements*—(1) *Establishment.* In order to effectuate the declared policy of the act, the Secretary shall, after consideration of the Control Board's recommendations, prescribe minimum standards of quality for hops with respect to their leaf and stem content, or other factors of quality and maturity for which grading and inspection procedure has been developed by the Grain Branch, Production and Marketing Administration, United States Department of Agriculture and is in general use; and shall prescribe grading and inspection requirements therefor. "Leaf and stem content" shall have the meaning for "leaves and stems" as defined in "Instructions and Procedure for the Inspection of Hops"[1] issued by the Grain Branch, in which "extraneous matter" is included in "leaves and stems," and in which it is provided that those hop seeds which are naturally within the hops under inspection shall not be considered as extraneous matter. To aid the Secretary in prescribing minimum standards and requirements, the Control Board shall furnish to the Secretary the information upon which it acted in recommending such standards and requirements, and shall furnish such other available data pertaining thereto as the Secretary shall request.

(2) *Initial standards and requirements.* Until such time as other standards and requirements for leaf and stem content are prescribed under this section, no hops shall be deemed merchantable or entitled to certification which contain over fifteen percent by weight, of leaves and stems as defined in "Instructions and Procedure for the Inspection of Hops" issued by the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, and as determined by the Federal-State Inspection Service.

[1] Copies of such document may be obtained from the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C., or from its field office at 345 U. S. Courthouse, Portland, Oreg.

(3) *Operation irrespective of price.* The provisions hereof relating to minimum standards of quality and maturity, and to grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the season average price for hops is in excess of the parity level specified in section 2 (1) of the act.

(b) *Inspection and certification.* Each grower shall be entitled, upon application to the Control Board or its representative, and subject to the meeting by him of any applicable provisions of § 986.5 and § 986.6, to the certification of hops harvested after the effective date hereof. *Provided,* That such hops have been inspected by the Federal-State Inspection Service within the States of Oregon, California, Washington, or Idaho, and their official certificate presented by such grower showing such hops to meet said standards and requirements. No person shall handle any hops harvested after the effective date hereof unless such hops have been so certificated by the Control Board.

(c) *Regulations.* Such certification as to minimum quality shall be based on information on a Federal-State Inspection Certificate and shall include substantially the following wording: "Hops or hop products covered by this certificate are of the ____ crop and are covered (year) by Federal-State Inspection Certificate No. ------ as meeting minimum standards of quality prescribed pursuant to applicable Federal-Marketing Agreement and Order." Such certification shall be executed by authorized representatives of the Control Board, the grower and the handler. The bale or other container shall also be marked or tagged to furnish proper identification as to producer and lot.

§ 986.6 *Control of surplus*—(a) *Application.* The provisions of this section shall apply only during marketing seasons in which the estimated season average price of hops to growers is below the parity level specified in section 2 (1) of the act.

(b) *Determination of salable quantity*—(1) *Total carryover.* As early in the respective year as it shall find it to be feasible, but not later than August 1, the Control Board shall ascertain or estimate the total carryover, within the United States, of hops and hop products expressed in terms of dry hops, produced in or outside the area covered hereby prior to that year and which, if produced within such area, are eligible for handling pursuant to the terms hereof.

(2) *Consumptive demand.* At the same time, the Control Board shall estimate the total consumptive demand for hops produced during the respective year. In estimating such consumptive demand, there shall be included the quantity of such hops estimated to be used as hops and the quantity estimated to be used in the form of hop products.

(3) *Recommendation by Control Board.* Immediately thereafter, and based upon its aforesaid estimates and findings, the Control Board shall make and transmit to the Secretary its recommendation of the maximum quantity of hops (net dry weight), produced during that respective year which should, in order to effectuate the declared policy of the act, be handled in the form of hops or in the form of any hop product, and, with such recommendation, shall transmit to the Secretary its estimates and findings on which its recommendation is based.

(4) *Determination by Secretary of salable quantity.* On the basis of the aforesaid estimates, data, and recommendations of the Control Board submitted pursuant to § 986.6 (b), and such other pertinent information as the Secretary may have, the Secretary shall determine, fix, and announce such maximum quantity of hops produced during that respective year which may be handled in the form of hops or in the form of any hop product. Such maximum quantity of hops which shall be fixed by the Secretary as aforesaid shall be known, and is referred to hereinafter, as the salable quantity of that respective year's crop of hops.

(5) *Increase of salable quantity.* The Secretary may at any time increase the salable quantity for the crop of any year in which the continued withholding of surplus would result in a season average price to growers in excess of the parity level specified in section 2 (1) of the act, or upon due consideration of either the needs of brewers or a recommendation of the Control Board that the salable quantity be increased. The Secretary may not decrease said salable quantity.

(6) *Conversion ratios.* In computing the hops equivalent of hop products, and unless changed as hereinafter provided, one pound of lupulin shall be considered equivalent to 20 pounds of dry hops and one pound of hop oil to 400 pounds of dry hops. In the case of hop extracts or concentrates for which conversion ratios are not established pursuant hereto, the Control Board, or its authorized representative may specify the conversion ratio to be used until such ratio can be established pursuant to the provisions hereof. Said conversion factors may be changed by regulation of the Control Board, subject to approval of the Secretary.

(c) *Apportionment of salable quantity among growers*—(1) *Determination of quantity available for market*—(i) *Determination by Growers Allocation Committee.* As the basis for apportioning equitably among growers the salable quantity of each year's crop, the Growers Allocation Committee each year as early as practicable during or after harvest, shall determine, or cause to be determined under its supervision, the total quantity of hops (net dry weight), meeting the requirements of § 986.5, available for market by each grower from his production of hops during that year. Such determination shall include the quantity, if any, of such hops found to have been converted into hop products, except lupulin sweepings shall be included, in the computation, only to the extent of the pounds of lupulin found to be in such quantity of lupulin sweepings. Unharvested hops shall be included only if grown to maturity and remaining unharvested on living vines which remain

strung or trained and from which hops have not been picked, and which have not been removed from the wires or poles. In the event any grower does not permit the Growers Allocation Committee, or its representatives, access to any hops grown by that grower, or to any product thereof, or shall fail or refuse to make available to said committee, or its representatives, information relative to such hops or hop products which the Growers Allocation Committee finds to be desirable in order properly to make such determination in accordance with the provisions hereof, the Growers Allocation Committee shall determine or cause to be determined, on the basis of an estimate of the grower's acreage, the average crop conditions in the area, and the probable yield per acre on the grower's acreage, the respective grower's total production as aforesaid. After completing its determination of production by each individual grower, the Growers Allocation Committee shall, by means of addition, compute the production by all growers.

(ii) *Preliminary estimates.* The Growers Allocation Committee each year, prior to the start of harvest, or as soon thereafter as practicable, shall determine, or cause to be determined under its supervision, a preliminary estimate of said total quantity of hops which will become available for market by each such grower and by all growers, during that year. Said preliminary estimate shall be based upon physical examination of the hop yards, upon the historical production thereof, upon official crop estimates or upon such other relevant data as is available.

(iii) *Determinations for and protests by members of committee.* The determinations pursuant to § 986.6 (c) (1) (i) and § 986.6 (c) (1) (ii) for each member or alternate member of the Growers Allocation Committee shall not be made by any member or alternate member of such committee, but shall be made, and reported in writing to the Secretary and to the Growers Allocation Committee, by such other qualified person or persons as the Control Board or its authorized representative shall designate for that purpose. Any protest by a member or alternate member of the Growers Allocation Committee concerning such determination shall be made directly to, and be determined by, the Secretary.

(iv) *Notice to growers.* The Growers Allocation Committee shall cause to be mailed to each grower notice of the determination pursuant to § 986.6 (c) (1) (i) and § 986.6 (c) (1) (ii) of the respective grower's production for the respective year, and also, the computation of the total quantity determined pursuant to § 986.6 (c) (1) (i) and § 986.6 (c) (1) (ii), respectively, produced by all growers during that year. The committee shall also publicly announce said computations of said total quantity, both estimated and final.

(v) *Protests by growers.* Any grower who may be dissatisfied with the determinations pursuant to § 986.6 (c) (1) (i) or § 986.6 (c) (1) (ii) or pursuant to § 986.6 (c) (2), may protest in writing to the Growers Allocation Committee within ten (10) days of the date of mailing of the notice and if dissatisfied with the decision in regard to such protest may appeal in writing to the Secretary.

(vi) *Determination by Secretary.* Upon expiration of the time for protest specified in § 986.6 (c) (1) (v), and after completion of action by that committee upon all protests, the Growers Allocation Committee shall report to the Secretary all findings, determinations, and computations made by or for it pursuant to § 986.6 (c) (1) (i), together with the data on which the same were based. On the basis of such findings, determinations, computations, data, and other pertinent information which the Secretary may have, the Secretary shall determine and notify the Growers Allocation Committee of the total quantity of hops (net dry weight) meeting the requirements of § 986.5 available for market by each grower from his production of hops during that year: *Provided,* That such determinations shall include the quantity, if any, of such hops converted into hop products except that insofar as lupulin sweepings are concerned there shall be included, in the computation, only the pounds of lupulin in such quantity of lupulin sweepings, and insofar as unharvested hops are concerned, shall include (net dry weight) only hops of that respective year's crop grown to maturity and remaining unharvested on the living vines. The Secretary, after having determined each grower's production, as aforesaid, shall, by means of addition, determine the production by all growers; such production by all growers is hereinafter referred to as the "aggregate production" for that respective year. Immediately upon receipt of notice thereof from the Secretary, the Growers Allocation Committee shall publicly announce the aforesaid determination by the Secretary.

(2) *Computation of growers' allotments*—(i) *Salable percentage.* The "salable percentage" of the aggregate production, determined pursuant to § 986.6 (c) (1), shall be computed by dividing the salable quantity of that year's crop, determined pursuant to § 986.6 (b), by the aforesaid aggregate production, and multiplying the quotient by 100. After computing the growers' salable percentage on this basis, the percentage shall be adjusted to the nearest tenth of a percent. Each grower's allotment of the salable quantity of that year's crop shall be that same salable percentage applied to that grower's production as determined pursuant to § 986.6 (c) (1): *Provided, however,* That in any year in which the salable percentage, determined pursuant to this section, exceeds ninety-eight percent, each grower's allotment shall be the total quantity, produced by such grower, determined pursuant to § 986.6 (c) (1). Each allotment determined hereunder shall be expressed in pounds, net dry weight, of hops and shall be known as the respective grower's "salable allotment" of that respective year's crop.

(ii) *Preliminary and supplementary allotments—(a) Preliminary.* In order to assist growers to avoid delays in their individual harvesting and marketing, the Control Board shall compute an "estimated salable percentage" of estimated aggregate production and shall compute for each grower a preliminary allotment. The estimated salable percentage shall be computed by dividing the salable quantity of that year's crop, determined pursuant to § 986.6 (b), by the estimated aggregate production, as determined pursuant to § 986.6 (c) (1) (ii), and multiplying the quotient by 100. Each grower's preliminary allotment of the salable quantity of that year's crop shall be fifty percent (50%), or such lower percentage as the Control Board may establish with the approval of the Secretary, of that same estimated salable percentage applied to that grower's estimated production as determined pursuant to § 986.6 (c) (1) (ii).

(b) *Supplementary.* The Control Board shall each year issue or cause to be issued, prior to the issuance of final allotments applicable to that year's crop, to any grower who may apply therefor to the Growers Allocation Committee, a supplementary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee shall determine will not be in excess of eighty percent (or such higher percentage as the Control Board, with the approval of the Secretary, may specify for the computation of supplementary allotments) of that grower's probable salable allotment for that year's crop.

(c) *Eligibility for certification.* After issuance to a grower of such preliminary or supplemental allotment, the hops covered thereby, and any hop product derived from such hops, shall be eligible for certification, marking, and handling as though the final allotment had been issued, and subject to the same terms, conditions, and regulations as are applicable to such certification, marking, and handling of hops and hop products under a final salable allotment.

(iii) *Notice to growers.* The Growers Allocation Committee shall mail to each grower notice of his preliminary, of his supplementary and of his final salable allotment computed by that committee as herein provided. A list of the salable allotments of all growers for each year's crop shall be compiled and maintained by the Growers Allocation Committee at each of its officers, where the same shall be available during all reasonable hours for inspection by any interested person.

(3) *Joint allotment*—(i) *Joint ownership.* In the event that more than one grower shall participate jointly in the production of hops, whether as landlord and tenant, as partners, or otherwise, and said growers report that fact to the Growers Allocation Committee, then a single salable allotment shall cover such joint production. In the event that thereafter the interests of those growers in the crop produced or being produced are segregated, the Growers Allocation Committee, upon written application signed by all of said interested growers shall segregate and distribute said salable allotment among said growers in accordance with their respective segregated interests in the crop.

(ii) *Associations.* Upon application of any bona fide incorporated cooperative

association of growers which is authorized to market hops or hop products included within the salable allotments those of its members who have authorized the Association to sell hops for them, the individual salable allotments shall be pooled and thereafter hops produced by those members of that association during that year, and hop products derived from such hops, may be certificated and handled by that association without regard to the limits of the individual allotments of the members. Any application for such pooling shall be made in writing signed by the duly authorized officers of such association, and shall be accompanied by proper evidence of approval of such application by the membership of the association, and shall be accompanied by proper evidence of approval of such application by the membership of the association, by official action at a membership meeting or otherwise during the calendar year in which the application is made. Such application shall be filed with the Growers Allocation Committee prior to determination of the salable allotments to which it is to apply.

(4) *Revision of allotments*—(i) *Revisions and new allotments.* In the event that at the normal time, no determination, pursuant to § 986.6 (c) (1), has been made as to a particular grower entitled thereto pursuant to the provisions hereof, or a previous determination as to a particular grower is substantially in error, the Growers Allocation Committee shall make the determination or correct the erroneous determination. The same requirements of determination and approval by the Secretary, notice to the grower and rights of protest and appeal, shall be effective with respect to such determination, as in the case of a timely or original determination.

(ii) *Correction of clerical errors.* In the event that the Growers Allocation Committee or the Control Board shall find, at any time, that the salable allotment previously issued to a grower was incorrectly computed or is erroneous by reason of mathematical or clerical error, the Growers Allocation Committee or the Control Board shall correct and revise said allotment to the extent found to be proper, and shall notify the respective grower and the Secretary of such correction.

(d) *Certification*—(1) *Hops harvested during effective period of order.* Each grower for whom a salable quantity is determined may, upon application to the Control Board or its representative and subject to the limitations of § 986.5, have the eligible quantity of hops or hop products certified for handling. Such certification shall consist of the indelible marking of each bale or other container of such hops or hop products by an authorized representative of the Control Board and the issuance and delivery of a "handling certificate." Such marking shall be placed on the bale cover or other container or on a tag securely attached to such other container, and shall show the year of production, the handling certificate number, and the words "Certificated, Hop Control Board." This method of marking may be changed by the Control Board, subject to the approval of the Secretary. Such handling certificate shall certify that pursuant to the provisions hereof a specified quantity of hops or hop products has been duly certificated, for the grower and handler named in said certificate, as being eligible for handling pursuant to the terms hereof. Such certification may exceed any grower's salable quantity by not over 100 pounds, provided such excess quantity is included entirely within the weight of the last bale or container certificated for said quantity.

(2) *Hops harvested prior to effective date of order.* Any person who owns or is in the possession of, hops harvested or hop products from hops harvested prior to the effective date of this order, is entitled upon application, within 30 days after the effective date hereof, to the Control Board or its representatives, to have such hops or hop products certificated free of charge without regard to any salable quantity. The Control Board may extend such time for good cause.

(e) *Limitation of handling to certificated hops or hop products.* No person, as principal, agent, broker, legal representative, or otherwise, shall handle any hops harvested or hop products from hops harvested subsequent to the effective date hereof, unless: (1) Prior to such handling, the Control Board shall have issued a "handling certificate" pursuant to § 986.6 (d) applicable to such hops or hop products; (2) each bale or other container of said hops or hop products shall have been duly marked or tagged as prescribed herein, for the purpose of identifying such hops or hop products as being covered by a duly issued salable allotment or as being properly certificated. However, hops harvested prior to the effective date hereof and hop products produced from such hops may be certificated for handling without regard to the salable allotment or the quality restriction.

(f) *Diversion privileges.* In the event hops produced subsequent to the effective date hereof, whether harvested or unharvested, in the control of the respective grower thereof, are destroyed, or are so damaged or deteriorated as in the judgment of the grower to be unmarketable, or if because of quality or type such hops are unsatisfactory to the grower, the grower thereof may, if the lupulin has not been removed from such hops, replace such hops, within the limits of his salable allotment for that respective years, by acquiring uncertificated hops of that year's crop from the growers thereof: *Provided,* That such purchasing grower shall first submit a written statement to the Growers Allocation Committee setting forth the year of production, location, and the quantity of hops which such grower desires so to replace (and, if the hops to be replaced have been destroyed, the time, place, and cause of such destruction, together with proof of such destruction satisfactory to the Growers Allocation Committee, and the name and address of each grower from whom he proposes to acquire uncertificated hops for that purpose, and makes arrangements with the Growers Allocation Committee whereby the unmarketable or unsatisfactory hops which are thus to be replaced will be effectively diverted from or disposed of out of the normal channels of trade, and such disposal or diversion shall be in such manner as may be prescribed by the Control Board: *And provided further,* That such hops shall not be diverted or disposed of into hop products, as defined in § 986.1 (e). The selling grower as herein defined shall not be regarded as handling hops within the meaning of this order nor shall the hops sold be considered a part of the selling growers' salable allotment. The Growers Allocation Committee shall prepare, and from time to time shall revise, a list of the names and addresses of growers known to have uncertificated hops for sale pursuant to the provisions of this paragraph; and a list of the names and addresses of growers who report to the Growers Allocation Committee that they desire to purchase or acquire uncertificated hops pursuant to this paragraph. The Growers Allocation Committee shall make such lists available to any grower of hops at each office of the Control Board.

§ 986.7 *Expenses and assessments*—(a) *Expenses.* The Control Board (including, but not limited to, the Growers Allocation Committee and the several Growers Advisory Committees) is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each marketing season for the maintenance and functioning by it and for such purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the Control Board as to its expenses for each such marketing season, together with all data supporting such recommendation, shall be submitted to the Secretary within 45 days from the effective date hereof and in succeeding marketing seasons on or before September 15 of the marketing season for which such recommendation is made. The funds to cover such assessments shall be acquired by levying assessments as hereinafter provided.

(b) *Assessments*—(1) *Requirement for payment.* Each handler shall pay to the Control Board the assessment provided hereinafter with respect to all hops and hop products which are handler or to be handled by that handler as the first handler thereof, except (i) such hops or hop products as are duly certificated pursuant to § 986.6 (d) (2), and (ii) such hop products as have been derived from duly certificated hops with respect to which such assessment previously had been paid: *Provided, however,* That any grower who markets or transports to market within the state of production hops produced by that grower, or any hop product produced by that grower from hops produced by that grower, shall not be deemed to be the first handler thereof insofar only as payment of assessments pursuant to the provisions of this paragraph may be concerned. Said assessment shall be paid to the Control Board prior to or at the time of such handling, or at such subsequent time as the Control Board may specify.

(2) *Rate of assessment.* Beginning with the effective date hereof, the aforesaid assessment shall be at the rate of one-fourth of one cent per pound, net dry weight, of hops handled, and said rate shall continue in effect until changed by the Control Board with the approval of the Secretary; and the assessment rate on any hop product shall be based upon the assessment rate for hops, and shall be computed at such conversion ratio or ratios between hops and the respective hop product as determined pursuant to § 986.6 (b) (6): *Provided, however,* That the Secretary shall not approve any assessment rate for hops exceeding three-fifths of one cent per pound unless he shall have held, prior thereto and subsequent to such notice as he may deem proper, a meeting or meetings within the production area covered hereby for the specific purpose of obtaining information with respect to such assessment rate. The Secretary shall reduce the assessment rate if the Secretary finds that the assessment rate when thus reduced will provide an amount of money sufficient to enable the Control Board and other committees properly to perform their respective functions hereunder. Any increase in the assessment rate shall not apply retroactively to hops produced in a previous marketing season. A grower who pursuant to § 986.6 (f) acquires uncertificated hops from the grower thereof shall not, by reason of each acquisition, or the marketing or transportation of said hops within the State of production, be deemed to be the first handler of those hops within the provisions of this paragraph. In the event any grower who handles hops or any hop product is not covered by this section as the first handler thereof, then the person who handles any of such hops or any hop product next following such handling thereof by said grower shall constitute the first handler thereof within the provisions of this section.

(c) *Liquidation of net assets.* Upon the termination hereof the net assets of the Control Board shall be liquidated and disbursed pursuant to § 986.12.

(d) *Funds to be used to pay expenses.* From the funds acquired pursuant to this section, the Control Board shall pay the salaries of the employees, agents, and representatives thereof; and, also, pay the other expenses necessarily incurred in the performance of the functions or duties or exercise of the powers of the Control Board, Growers Allocation Committee, and Advisory Committees respectively.

§ 986.8 *Compliance.* Each handler shall comply strictly with all provisions hereof and all regulations duly effective hereunder. No handler shall handle any hops or any hop product in violation of any of the provisions hereof or in violation of any regulation effective pursuant hereto.

§ 986.9 *Reports, books, and records*—(a) *Books and records.* Each handler and each subsidiary or affiliate thereof shall keep books and other records which will clearly show the details of its handling of hops and hop products.

(b) *Reports by handlers.* To enable the Control Board, the Growers Allocation Committee, and each Advisory Committee to perform its functions hereunder, each handler shall furnish to the Managing Agent complete information on June 1, or as of that date and within 15 days thereafter, or on any other date or dates which the Control Board, with the approval of the Secretary, may specify, relating to (1) The volume of and the price paid for hops and hop products handled during the next preceding marketing season, and the volume of and prices to be paid for hops and hop products of future crops by the respective handlers (2) the names and addresses of the growers and other persons from whom hops or hop products were acquired; (3) quantities of hops grown by that handler; and (4) the total quantity of hops and hop products owned by the respective handler. Such information furnished to the Managing Agent shall be confidential and shall not be disclosed to any person (including members of the Control Board as well as other persons) except to the Secretary at his request, or to such person as the Secretary may specify: *Provided,* That the Managing Agent may compile such information in such form as will not reveal the identity of individual informants and may make such compilations available to the Control Board, Growers Allocation Committee, any Advisory Committee, or to the public. The Managing Agent shall not disclose any information acquired under this section, except as herein expressly authorized.

§ 986.10 *Amendments.* Amendment hereof may from time to time be proposed by the Control Board or by the Secretary.

§ 986.11 *Agents.* The Secretary may, by a designation in writing, name any person, including but not being limited to, any officer or employee of the United States Department of Agriculture, or any Division thereof, to act as his agent or representative in connection with any of the provisions hereof.

§ 986.12 *Effective time and termination*—(a) *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare, and shall continue in force unless terminated in one of the ways hereinafter specified, so long as the provisions of the act authorizing the same are in effect.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof whenever he finds that the provisions hereof obstruct or do not tend to effectuate the declared policy of the act; and such notice of the termination shall be given as the Secretary deems proper.

(2) The Secretary shall terminate the provisions hereof whenever he finds that such termination is favored by the majority of the growers of hops who, during such representative period as may be determined by the Secretary, have been engaged in the production of hops within said states for market: *Provided,* That such majority have, during such period, produced for market more than fifty percent of the total volume of hops produced for market in said area during such period. Such termination shall become and be effective on and after the first day of July subsequent to the announcement thereof by the Secretary.

(3) The provisions hereof shall terminate in any event whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* Upon the termination of the provisions hereof, the members of the Control Board then functioning shall continue as trustees (for the purpose of liquidating the affairs of said Control Board) of all funds and property then in the possession or under the control of the Control Board, including but not being limited to claims for any funds unpaid or property not delivered at the time of such termination; but the procedural rules governing the activities of said trustees; including, but not limited to, the determination as to whether action may be taken by only a majority vote of the trustees, shall be prescribed by the Secretary. Said trustees shall continue in such capacity until discharged by the Secretary, and from time to time shall account for all receipts and disbursements, and deliver all funds and property on hand, together with all books and records of the Control Board and the trustees, to such person as the Secretary may direct, and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds or claims vested in the Control Board or the trustees pursuant hereto. Any funds collected for expenses pursuant to § 986.7 and held by such trustees or such person over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the trustees or such other person, in the performance of their duties hereunder, shall, as soon as practicable after the termination of the provisions hereof, be disbursed among the handlers pro rata in proportion to their contributions pursuant hereto. Any person to whom funds, property, or claims have been delivered by the Control Board or its members, upon direction of the Secretary as herein provided, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are hereinabove imposed upon the members of said Board or upon said trustees.

§ 986.13 *Duration of immunities.* The benefits, privileges, and immunities conferred by virtue hereof shall cease upon termination hereof except with respect to acts done under and during the existence hereof; and the benefits, privileges, and immunities conferred hereby upon any party signatory hereto shall cease upon the termination hereof as to such party except with respect to acts done under and during the existence hereof.

§ 986.14 *Separability.* If any provision hereof is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 986.15 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 986.16 *Right of the Secretary.* Each member of the Control Board, Growers Allocation Committee, and Growers Advisory Committee, including successors and alternates, and any agent, representative or employee appointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary at any time. Each regulation, decision, determination, or other act of the Control Board, Growers Allocation Committee, or any Growers Advisory Committee, shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 986.17 *Liability of Control Board Members.* No member of the Control Board, Growers Allocation Committee, or any Advisory Committee, nor any agent, representative, or employee, shall be held liable individually in any way whatsoever to any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member, employee, representative, except for acts of dishonesty. The liability of the parties hereunder is several and not joint, and no party shall be liable for the default of any other party.

§ 986.18 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

§ 986.19 *Counterparts.*[1] This agreement may be executed in multiple counterparts, and, when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together one and the same instrument as if all such signatures were contained in one original.

§ 986.20 *Additional parties.*[1] After this agreement first takes effect, any handler or dealer may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 986.21 *Request for order.*[1] Each signatory handler and dealer hereto requests the Secretary to issue an order pursuant to the act regulating the handling of hops and hop products in the same manner as provided in this agreement.

Copies of this notice of hearing may be obtained from or inspected, prior to the hearing, at any of the following offices of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture: Eastern Building, 515 Southwest 10th Avenue, Portland, Oreg.; Farm Credit Building, 2180 Milvia Street, Berkeley, Calif.; and 100 Plaza Building, 921 Tenth Street, Sacramento, Calif. Copies may also be obtained from or inspected at the offices of the United States Hop Growers Association, at 818 Mills Building, San Francisco, Calif., and at 710 First National Bank Building, Salem, Oreg.; as well as at offices of the County Agricultural Conservation Associations in commercial hop producing counties in California, Oregon, Washington, and Idaho. In addition copies may be obtained from or inspected at the office of the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington, D. C., and in the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2525, South Building, Washington, D. C.

Dated this 29th day of October 1948 at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-9630; Filed, Nov. 1, 1948; 9:00 a. m.]

[1] In witness hereof the contracting parties acting under the provisions of the act for the purposes and subject to the limitations herein contained and not otherwise have hereunto set their respective hands and seals.

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 15]

[Docket No. FDC 21 (c)]

WHEAT FLOUR AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSED RULE MAKING.

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on August 26, 1948 (13 F. R. 4964), the following order be made:

Finding of fact.[1a] By order published in the FEDERAL REGISTER May 27, 1941 (6 F. R. 2579; 21 CFR, Cum. Supp. 15.00, 15.10, 15.20, 15.30, 15.50, 15.60, 15.70, 15.80, 15.90, and 15.100, as amended in 13 F. R. 4231), the standards of identity for flour, enriched flour, bromated flour, enriched bromated flour, self-rising flour, enriched self-rising flour, phosphated flour, whole wheat flour, bromated whole wheat flour, and whole durum wheat flour provided for the use of nitrogen trichloride as an optional bleaching ingredient, under prescribed conditions.

2. Since the promulgation of these standards it has been found that flour treated with nitrogen trichloride has caused in dogs certain toxic manifestations known as canine hysteria. Experiments by qualified investigators have shown that flour treated with large quantities of nitrogen trichloride is toxic to some animals in addition to dogs. Although the experimental work on humans is limited, no adverse effect as a result of foods prepared from flours treated with nitrogen trichloride has been found. (R. 13–16, 37–39, 41–44, 47–48, 63, 70–71, 83–86, 90, 103–105, 107–109, 112–115, 130–136, 160–161, 165–167, 208–210, 217–218, 283–290, 297–298, 323–327, 350–376, 479; Ex. 2, 3, 5, 10, 16, 18)

3. Chlorine dioxide has a bleaching and artificial aging effect on flour similar to that of nitrogen trichloride. The mechanism of its action has not been established, but it appears that the chlorine dioxide releases oxygen when in contact with flour and that the oxygen is the bleaching agent. Experiments by qualified investigators have shown that flours treated with chlorine dioxide, or products baked from flours treated with chlorine dioxide, do not cause canine hysteria, and no symptoms of any toxicity have been detected in the several other species, including man, that have been studied. (R. 44–48, 53–64, 67–82, 86–90, 92, 110–111, 118–125, 130–136, 139–143, 152, 153, 157–160, 165–175, 177–183, 199, 207–222, 231, 235–236, 238–240, 243–244, 246, 248, 250–252, 255, 257–258, 261, 267–272, 283–285, 290–291, 299–301, 350–376, 386–392, 398, 405–410, 430–436, 482; Ex. 6, 10, 11, 13, 14, 15, 16, 18, 20, 21, 23)

4. Only enough chlorine dioxide is used to accomplish the purposes of bleaching and artificial aging, as excessive quantities impair the baking quality of the flour. (R. 235–240, 242–244, 247–250, 254, 379–384, 387–394, 397–398, 405–410; Ex. 14, 19, 20, 21)

5. When used under the controls now prescribed for bleaching and artificially aging flour, chlorine dioxide is suitable for the purpose of bleaching and artificially aging flour, enriched flour, bromated flour, enriched bromated flour, self-rising flour, enriched self-rising flour, phosphated flour, whole wheat flour, bromated whole wheat flour, and whole durum wheat flour. (R. 195–198, 200, 254–257, 267–277, 386–398, 420–427; Ex. 22)

6. In addition to the carriers or diluents prescribed for use with the optional bleaching ingredient benzoyl peroxide, it has been found that other substances or mixtures of these substances with each other or with those now prescribed are also suitable for such use. Such substances are dicalcium phosphate, tricalcium phosphate, starch, sodium aluminum sulfate, and calcium carbonate. The total amount of the diluent or carrier used should not exceed six parts by weight for one part by weight of benzoyl peroxide. (R. 496–500, 503–505, 524–525, 527–531, 535, 537, 548, 554, 558)

7. Consumers generally recognize that the word "bleached" when applied to flour distinguishes between bleached and unbleached flour. The term "bleached" describes the ingredient or ingredients added to flour through the bleaching process, including chlorine dioxide, or products resulting from the use of chlorine dioxide, and benzoyl peroxide with its carriers. (R. 232–233, 277, 396–400, 412–413, 484–485, 496–497, 514)

Conclusions. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for flour (§ 15.00), enriched flour (§ 15.10), bromated flour (§ 15.20), enriched bromated flour (§ 15.30), self-rising flour (§ 15.50), enriched self-rising flour (§ 15.60), and phosphated flour (§ 15.70) by deleting nitrogen trichloride as an optional ingredient and substituting therefor chlorine dioxide, and by amending the requirements as to the ingredients which may be used with benzoyl peroxide as indicated in finding 6; and to amend the definitions and standards of identity for whole wheat flour (§ 15.80), bromated whole wheat flour (§ 15.90), and whole durum wheat flour (§ 15.100) by deleting nitrogen trichloride as an optional ingredient and substituting therefor chlorine dioxide.

It is therefore proposed that the amendments be made so that the definitions and standards of identity read as follows:

§ 15.00 *Flour, white flour, wheat flour, plain flour, identity; label statement of optional ingredients.* (a) Flour, white flour, wheat flour, plain flour, is the food prepared by grinding and bolting cleaned wheat other than durum wheat and red durum wheat; to compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted barley flour so used is not more than 0.25 percent. One of the cloths through which the flour is bolted has openings not larger than those of woven wire cloth designated "149 micron (No. 100)" in table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. The flour is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis is not more than the sum of $\frac{1}{20}$ of the percent of protein therein, calculated to a moisture-free basis, and 0.35. Its moisture content is not more than 15 percent. Unless such addition conceals damage or inferiority of the flour or makes it appear better or of greater value than it is, one or any combination of two or more of the following optional bleaching ingredients may be added in a quantity not more than sufficient for bleaching or, in case such ingredient has an artificial aging effect, in a quantity not more than sufficient for bleaching and such artificial aging effect:

(1) Oxides of nitrogen.
(2) Chlorine.
(3) Nitrosyl chloride.
(4) Chlorine dioxide.[2]
(5) One part by weight of benzoyl peroxide mixed with not more than six parts by weight of one or any mixture of two or more of the following: potassium alum, calcium sulfate, magnesium carbonate, sodium aluminum sulfate, dicalcium phosphate, tricalcium phosphate, starch, calcium carbonate.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purposes of this section: (1) Ash is determined by the method prescribed in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Edition, 1940, page 212, under "Method I—Official."[3] Ash is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of ash, and multiplying the quotient by 100.

(2) Protein is 5.7 times the nitrogen as determined by the method prescribed in such book on page 26, under "Kjeldahl-Gunning-Arnold Method — Official."[4] Protein is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the persent of protein, and multiplying the quotient by 100.

(3) Moisture is determined by the method prescribed in such book on page 211, under "Vacuum Oven Method—Official."[5]

§ 15.10 *Enriched flour.* (No change in wording is necessary since the bleaching ingredients are fixed by § 15.00.)

§ 15.20 *Bromated flour.* (No change in wording is necessary since the bleaching ingredients are fixed by § 15.00.)

§ 15.30 *Enriched bromated flour.* (No change in wording is necessary since the bleaching ingredients are fixed by § 15.00.)

§ 15.50 *Self-rising flour.* (No change in wording is necessary since the bleaching ingredients are fixed by § 15.00.)

§ 15.60 *Enriched self-rising flour.* (No change in wording is necessary since the bleaching ingredients are fixed by § 15.00.)

§ 15.70 *Phosphated flour.* (No change in wording is necessary since the bleaching ingredients are fixed by § 15.00.)

§ 15.80 *Whole wheat flour, graham flour, entire wheat flour; identity; label statement of optional ingredients.* (a) Whole wheat flour, graham flour, entire wheat flour, is the food prepared by so grinding cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in paragraph (c) (2) of this section, not less than 90 percent passes through a No. 8 sieve and not less than 50 percent passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted wheat flour so used is not more than 0.5 percent, and the quantity of malted barley flour so used is not more than 0.25 percent. The moisture content of whole wheat flour is not more than 15 percent. Unless such addition conceals damage or inferiority of the whole wheat flour or makes it appear better or of greater value than it is, the optional bleaching ingredient chlorine dioxide,[6] chlorine, or a mixture of nitrosyl chloride and chlorine, may be added in a quantity not more than sufficient for bleaching and artificial aging effects.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purpose of this section: (1) Moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Edition, 1940, page 211, under "Vacuum Oven Method—Official."[7]

(2) The method referred to in paragraph (a) of this section is as follows: Use No. 8 and No. 20 sieves, having standard 8-inch full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 8 sieve into a No. 20 sieve. Attach bottom pan to the No. 20

[1a] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

[2] Nitrogen trichloride will be permitted in the standard as an optional ingredient until Aug. 1, 1949.

[3] 6th Ed., 1945, p. 238.

[4] 6th Ed., 1945, p. 27.

[5] 6th Ed., 1945, p. 237.

[6] Nitrogen trichloride will be permitted in the standard as an optional ingredient until August 1, 1949.

[7] 6th Ed., 1945, p. 237.

sieve. Pour 100 gm. of the sample into the No. 8 sieve. Attach cover and hold the assembly in a slightly inclined position with one hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about ⅙ of a revolution each time in the same direction, after each 25 strokes. Continue shaking for 2 minutes. Weigh the material which fails to pass through the No. 8 sieve and the material which passes through the No. 20 sieve.

§ 15.90 *Bromated whole wheat flour.* (No change in wording is necessary since the bleaching ingredients are fixed by § 15.80 *Whole wheat flour.*)

§ 15.100 *Whole durum wheat flour.* (No change in wording is necessary since the bleaching ingredients are fixed by § 15.80 *Whole wheat flour.*)

Proposed effective dates. Chlorine dioxide is a gaseous substance whose practical use as a bleaching ingredient is made possible by the employment of certain machines for generating the chlorine dioxide gas, mixing it with air, and bringing measured amounts of the gaseous mixture in contact with the flour to be treated. The manufacture and installation of suitable machines to replace those used for bleaching with nitrogen trichloride will be time-consuming. Such change-over must be started immediately, in order to make possible the elimination of nitrogen trichloride as a bleaching agent for the various flours at the earliest practicable time. The necessity for beginning the change-over immediately creates an emergency condition which requires that the recognition of chlorine dioxide as an optional ingredient be made effective on the date of publication of the final order in the FEDERAL REGISTER.

The time required fully to effect the change-over necessitates that a somewhat longer period be allowed before deleting nitrogen trichloride from the standard as an optional ingredient. No unusual conditions exist with respect to the use of additional diluting agents in conjunction with benzoyl peroxide.

It is therefore proposed that the amendments to the definitions and standards of identity of flour (§15.00), enriched flour (§ 15.10), bromated flour (§ 15.20), enriched bromated flour (§ 15.30), self-rising flour (§15.50), enriched self-rising flour (§ 15.60), phosphated flour (§ 15.70), adding chlorine dioxide as an optional bleaching ingredient, become effective immediately upon publication of the final order in the FEDERAL REGISTER; that the amendment with respect to benzoyl peroxide become effective 90 days after the publication of the final order in the FEDERAL REGISTER; and that the amendment deleting nitrogen trichloride from the list of optional bleaching ingredients become effective August 1, 1949.

It is further proposed that the amendment adding chlorine dioxide as an optional bleaching ingredient in whole wheat flour (§ 15.80), bromated whole wheat flour (§ 15.90), and whole durum wheat flour (§15.100) shall become effective immediately upon publication of the final order in the FEDERAL REGISTER, and that the removal of nitrogen trichloride as an optional ingredient in such flours shall become effective August 1, 1949.

Any interested person whose appearance was filed at the hearing may, within 10 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue, SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

Dated: October 27, 1948.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 48-9605; Filed, Nov. 1, 1948; 8:49 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7825, 7826]

BEN K. WEATHERWAX AND FRED G. GODDARD

ORDER CONTINUING HEARING

In re applications of Ben K. Weatherwax, Aberdeen, Washington, Docket No. 7825, File No. BP-5098; Fred G. Goddard, Hoquiam, Washington, Docket No. 7826, File No. BP-5180; for construction permits.

The Commission having under consideration a petition filed October 11, 1948, by Ben K. Weatherwax, Aberdeen, Washington, requesting a continuance in the further hearing presently scheduled for November 1, 1948, at Hoquiam, Washington, upon the above-entitled applications for construction permits;

It is ordered, This 22d day of October 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, November 24, 1948, at Hoquiam, Washington.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9612; Filed, Nov. 1, 1948; 8:50 a. m.]

[Docket No. 8230]

CHARGES FOR COMMUNICATIONS SERVICE BETWEEN THE UNITED STATES AND OVERSEAS AND FOREIGN POINTS

ORDER CONTINUING HEARING

It appearing, that a further hearing with respect to multiple address press service furnished by certain of the respondents herein is now scheduled to commence on November 15, 1948; and

It further appearing, that the Commission has, on October 20, 1948, adopted an order providing for a further hearing, to commence on November 15, 1948, with respect to certain general rate matters at issue herein;

It is ordered, This 21st day of October 1948, that the further hearing in this proceeding with respect to multiple address press service, now scheduled to commence November 15, 1948, is continued upon the Commission's own motion until conclusion of the hearing with respect to the general rate matters at issue herein, to be held at the same place as heretofore designated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9609; Filed, Nov. 1, 1948; 8:50 a. m.]

[Docket No. 8374]

KXRO, INC.

ORDER CONTINUING HEARING

In re application of KXRO, Incorporated, (KXRO), Aberdeen, Washington, for construction permit. Docket No. 8374, File No. BP-5568.

The Commission having under consideration a petition filed October 21, 1948, by KXRO, Incorporated, Aberdeen, Washington, requesting a continuance in the further hearing presently scheduled for November 4, 1948, at Hoquiam, Washington, upon its above-entitled application for construction permit;

It is ordered, This 22d day of October 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, December 13, 1948, at Hoquiam, Washington.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9610; Filed, Nov. 1, 1948; 8:50 a. m.]

[Docket No. 8920]

PUERTO RICO COMMUNICATIONS AUTHORITY

ORDER CONTINUING HEARING

In re application of Puerto Rico Communications Authority, San Juan, Puerto Rico, for construction permit. Docket No. 8920, File No. BPH-769.

Whereas, the above-entitled application is presently scheduled to be heard in Washington, D. C., on October 25, 1948; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 22d day of October 1948, that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, November 8, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9611; Filed, Nov. 1, 1948; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 835]

UNLOADING OF MACHINERY AT GRAND PRAIRIE, TEX.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of October A. D. 1948.

It appearing, that 15 cars of machinery at Grand Prairie, Texas, are on hand on The Texas and Pacific Railway Company, for an unreasonable length of time and that this delay in unloading such cars impedes their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Machinery at Grand Prairie, Tex., be unloaded.* The Texas and Pacific Railway Company, its agents or employees, shall unload immediately CBQ 32643, C&O 2637 and 13 other box cars loaded with machinery now on hand at Grand Prairie, Texas, consigned order-notify Southwest Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order for the detention period commencing at 7:00 a. m., October 29, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9599; Filed, Nov. 1, 1948; 8:48 a. m.]

FREIGHT FORWARDERS—MOTOR COMMON CARRIERS, AGREEMENTS

NOTICE OF FILING OF AGREEMENTS

OCTOBER 28, 1948.

The Interstate Commerce Commission has assigned the administrative work in connection with the filing of agreements between freight forwarders and common carriers by motor vehicle, under section 409 (a) of the Interstate Commerce Act to its Bureau of Traffic. The filing of such agreements was authorized by report and order of September 24, 1948, in docket No. 29493, Freight Forwarders—Motor Common Carriers, Agreements, wherein the Commission prescribed terms and conditions, including those governing the determination and fixing of the compensation to be paid or observed, under which freight forwarders subject to Part IV of the act may utilize the services and instrumentalities of common carriers by motor vehicle subject to Part II of the act.

[SEAL] G. W. LAIRD,
Acting Secretary.

[F. R. Doc. 48-9602; Filed, Nov. 1, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2422]

CZECHOSLOVAK GOVERNMENT

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of October A. D. 1948.

In the matter of Czechoslovak Government 8% Secured External Sinking Fund Gold Bonds of the Czechoslovak State Loan of 1922 (first series) due April 1, 1951 and Series B due October 1, 1952 "Unstamped".

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from registration and listing the Czechoslovak Government 8% Secured External Sinking Fund Gold Bonds of the Czechoslovak State Loan of 1922 (first series) due April 1, 1951, and Series B due October 1, 1952, "Unstamped".

The application alleges:

(1) The Czechoslovak Government on September 30, 1946, extended an offer to resume service and to pay interest arrears on the outstanding dollar bonds of the Czechoslovak State Loan of 1922. This offer among other things provided for payment at the full rate of 8% per annum of interest coupons maturing from April 1, 1940, to and including April 1, 1946; for the payment of interest commencing October 1, 1946, at the reduced rate of 6% per anum; and for the extension of the maturity date of the bonds to October 1, 1960.

(2) Bondholders accepting the offer of the Czechoslovak Government were instructed to present their dollar bonds for stamping to indicate acceptance of the modifications in the terms of the bonds.

(3) The paying agents have reported to the exchange that the outstanding dollar bonds of these issues that have not been stamped to show acceptance of the offer of the Czechoslovak Government have been reduced through acceptance of the offer to $211,000 principal amount of the First Series Dollar Bonds and $198,600 principal amount of the Series B Dollar Bonds.

(4) The reason for the proposed striking of these securities from registration and listing is that the outstanding amounts therein have been so reduced as to make further dealings therein upon the exchange inadvisable.

(5) These securities were suspended from trading on the applicant exchange on September 10, 1948.

(6) The rules of the New York Stock Exchange with respect to the striking of a security from registration and listing have been complied with.

Upon receipt of a request, prior to November 16, 1948, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commision.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9594; Filed, Nov. 1, 1948; 8:47 a. m.]

[File No. 1-2968]

BRAGER-EISENBERG, INC.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of October A. D. 1948.

Brager-Eisenberg, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its capital stock, $1.00 par value, from registration and listing on the Baltimore Stock Exchange;

The Commission on October 6, 1948 having ordered that a hearing be held in this matter on November 8, 1948, at Baltimore, Maryland; and

It being found necessary to postpone said hearing from 11:00 a. m. November 8, 1948 until 11:00 a. m. January 10, 1949;

It is ordered, That this hearing be postponed until 11:00 a. m. January 10, 1949, to be held before the same hearing officer previously designated, James G. Ewell, and at the same place previously designated, Room 709, United States Appraisers Stores Building, 103 South Gay Street, Baltimore, Maryland.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9593; Filed, Nov. 1, 1948; 8:47 a. m.]

[File No. 55-94]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER GRANTING APPLICATION FOR APPROVAL OF MAXIMUM INTERIM COMPENSATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 26th day of October A. D. 1948.

Oliver R. Waite of Brickley, Sears and Cole, 1 Federal Street, Boston, Massachusetts, having filed with this Commission an application and an amendment thereto pursuant to Rule U-63 promulgated under the Public Utility Holding Company Act of 1935 ("the act") for approval of $10,000 as the maximum amount for which application may be made to the District Court of the United States for the District of Massachusetts as compensation for his services rendered as counsel to Bartholomew A. Brickley, Trustee of International Hydro-Electric System, a registered holding company, for the period from May 19, 1947 to July 31, 1948 inclusive, under circumstances as follows:

On August 12, 1943, this Commission filed an application in the aforesaid Court, Civil Action 2430, to enforce compliance with an order of the Commission entered on July 21, 1942, under Section 11 (b) of the Act that International Hydro-Electric System liquidate and dissolve. On November 13, 1944, the Court appointed Bartholomew A. Brickley as Trustee of said System; and on July 29, 1947, the Court authorized said Trustee to employ the applicant as counsel to assist in connection with the preparation, filing, approval and consummation of a plan for the liquidation and dissolution of said System. Applicant states that he has been continuously so employed since May 19, 1947; that up to July 31, 1948 he devoted 859 hours to the work, plus a considerable amount of time in office conferences with said Trustee, estimated at an additional 100 hours. Applicant's detailed statement of recorded time indicates work in drafting plan and amendment thereof, numerous conferences with respect thereto, examination of law, preparation for and attendance upon hearings on the plan, and the preparation of numerous court papers, letters and other documents. The amount requested is the maximum amount to be paid to applicant for all legal services performed by him in this matter to July 31, 1948.

Such application as amended having been duly filed, and notice thereof having been duly published stating that any interested person might not later than October 20, 1948, request a hearing thereon; and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

It appearing to the Commission that $10,000 is reasonable as the maximum amount for which application may be made to the District Court as an allowance for the aforesaid services;

It is therefore ordered, That the application of Oliver R. Waite pursuant to Rule U-63 be and the same hereby is granted, effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-9592; Filed, Nov. 1, 1948; 8:47 a. m.]

[File No. 70-1955]

NEW ORLEANS PUBLIC SERVICE INC.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of October A. D. 1948.

New Orleans Public Service Inc. ("New Orleans"), a utility subsidiary of Electric Power & Light Corporation, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 7 thereof and Rule U-50 thereunder, regarding the issue and sale at competitive bidding of $10,000,000 principal amount of its First Mortgage Bonds, --% Series, due 1978 ("bonds"); and

The Commission having by order dated October 14, 1948 granted said application, as amended, subject to the condition that the proposed issue and sale of bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding, and a further order entered by the Commission in light of the record as so completed and subject to a further reservation of jurisdiction with respect to the payment of all fees and expenses in connection with the proposed transactions; and

New Orleans having filed a further amendment to its application setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to an invitation for competitive bids, four bids for said bonds by four groups of underwriters headed by the firms set forth below were received:

Underwriting group	Coupon rate	Price to company	Cost to company
	Per cent		
Lehman Bros	3¼	101.5621	3.1688
Halsey, Stuart & Co., Inc	3¼	100.2746	3.2356
Kidder, Peabody & Co	3¼	100.179	3.2406
Union Securities Corp. and Harriman Ripley & Co., Inc	3¼	100.16	3.2416

Said amendment to the application containing a statement that New Orleans has accepted the bid of the group headed by Lehman Brothers, as set out above, and that the Bonds will be offered for sale to the Public at a price of 102.125% of the principal amount thereof resulting in an underwriter's spread of 0.55987% per unit; and

The Commission finding that the proposed payment of counsel fees in the amount of $9,000 to Reid & Priest, New York counsel for New Orleans, and $4,000 and $2,000, respectively, to Rosen, Kammer, Wolff, Hopkins & Burke, and L. J. Darrah, Esquire, local counsel for New Orleans, and $7500 to Beekman & Bogue, counsel for the successful bidder for said Bonds, whose fee is to be paid by the successful bidder, are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms and conditions with respect to said matters:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said Bonds under Rule U-50 be, and the same hereby is, released, and that the amendment filed on October 27, 1948 to the application be, and the same hereby is, granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore reserved with respect to fees and expenses of counsel in connection with the issue and sale of said bonds, including fees payable to counsel for the successful bidder, be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9588; Filed, Nov. 1, 1948; 8:46 a. m.]

[File No. 70-1965]

KITTERY ELECTRIC LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of October 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Kittery Electric Light Company ("Kittery"), a subsidiary of New England Gas and Electric Association a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than October 28, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after October 28, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Kittery proposes to issue and sell to the Maine Savings Bank of Portland, Maine, $50,000 principal amount of unsecured 3½% serial notes to be dated September 1, 1948, and to mature September 1, 1973. Proceeds from the proposed issue of notes will be used to pay existing six month's notes in the principal amount of $10,500 maturing February 21, 1949, held by The First National Bank of Boston, and to provide cash for the construction, completion, extension and improvement of the company's facilities and for other lawful corporate purposes. The application states that the notes were placed through H. M. Payson & Co. of Portland, Maine, which company will receive a finder's fee of $500. Other expenses are estimated at $280.

Kittery is subject to the jurisdiction of the Public Utilities Commission of the State of Maine, which Commission approved the issue and sale of the said notes by order dated September 10, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9591; Filed, Nov. 1, 1948; 8:46 a. m.]

[File No. 70-1979]

ALABAMA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 26th day of October 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by Alabama Power Company ("Alabama"), a public utility subsidiary of The Southern Company, a registered holding company and a wholly owned subsidiary of The Commonwealth & Southern Corporation, also a registered holding company. The applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than November 18, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 18, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Alabama proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of its First Mortgage Bonds, --% Series, due 1978, to be issued under and secured by Alabama's present indenture dated as of January 1, 1942, as supplemented by indentures dated as of October 1, 1947, and to be dated as of December 1, 1948.

The application states that Alabama has made and contemplates making expenditures of approximately $57,000,000 during the years 1948, 1949 and 1950 for property additions. The proceeds from the sale of the new bonds and funds on hand and to be generated through operations will be used toward such construction program. The Company estimates that approximately $12,000,000 of its cash requirements for such program will have to be provided from the sale, before the end of 1950, of additional securities, of a type not yet determined.

The application indicates that the Alabama Public Service Commission, the State Commission of the State in which Alabama is organized and doing business, has expressly authorized the proposed issuance and sale of the bonds.

Alabama has requested that the Commission's order be issued as soon as possible and that it become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-9590; Filed, Nov. 1, 1948; 8:46 a. m.]

[File No. 811-321]

AMALGAMATED INVESTMENT FUND

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 27th day of October A. D. 1948.

Notice is hereby given that Amalgamated Investment Fund, a registered, management, open-end, non-diversified investment company under the Investment Company Act of 1940, through its depositor, Amalgamated Investors, Inc., of 11-15 Union Square, New York, New York, has filed an application pursuant to section 8 (f) of the act for an order declaring that the Applicant as an issuer which is not making and does not presently propose to make a public offering of its securities and whose outstanding securities (other than short-term paper) are now beneficially owned by not more than one hundred persons, has under the provisions of section 3 (c) (1) ceased to be an investment company within the meaning of the Act.

It appears from the application that Amalgamated Investment Fund was organized in 1926 by its sponsor, Amalgamated Investors, Inc. of New York, New York; that the applicant is a registered, management, open-end, nondiversified investment company, having filed with the Commission a registration statement on Form N-8B-1 under the Investment Company Act of 1940 on August 15, 1941; that since such registration it has had outstanding only participation certificates having no voting power; that the applicant is not making and does not presently propose to make a public offering of its securities; that the number of persons owning such certificates from the time of registration under the act in 1941 to the present has continually declined from 123 persons to 43 persons; and, that each of the persons holding participation certificates of the applicant is the beneficial owner.

For a more detailed statement of matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application upon such conditions as the Commission may deem necessary for the protection of investors may be issued by the Commission at any time on or after November 15, 1948, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested persons may, not later than November 12, 1948, at 5:30 p. m., submit to the Commission in writing his views or any additional facts

bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the persons submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9589; Filed, Nov. 1, 1948; 8:46 a. m.]

[File No. 70-1902]

COMMONWEALTH & SOUTHERN CORP. (DEL.) ET AL.

NOTICE OF FILING AND HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of October 1948.

In the matter of the Commonwealth & Southern Corporation, (Delaware), Southern Indiana Gas and Electric Company, the Commonwealth & Southern Corporation, (New York), File No. 70-1902.

The Commission having on August 1, 1947, issued an order pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 (the "act") directing, among other things, that the Commonwealth & Southern Corporation (of Delaware), a registered holding company, hereinafter referred to as "Commonwealth," divest itself of its interest in Southern Indiana Gas and Electric Company ("Southern Indiana"), a direct public utility subsidiary of Commonwealth; and

The Commission having, by its order dated September 9, 1948 in these proceedings, granted Commonwealth an exemption from the competitive bidding requirements of Rule U-50 with respect to the proposed sale by Commonwealth of all of its holdings of the common stock of Southern Indiana and having deferred consideration and reserved jurisdiction with respect to all other aspects of the proposed sale;

Notice is hereby given that Commonwealth & Southern Corporation (of New York), a mutual service company subsidiary of Commonwealth, hereinafter referred to as "service company", and Southern Indiana, have filed amendments to the joint applications-declarations hereto filed in this matter pursuant to the act, regarding, among other things, the sale of common stock of Southern Indiana and the divestment of Commonwealth of its interest in such company. Applicants-declarants have designated sections 6 (a), 7, 9 (a), 10, 12 (c), 12 (d) and 12 (f) of the act and Rules U-42, U-43 and U-44 thereunder as applicable to the proposed transactions.

All interested persons are referred to said amended applications-declarations which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

(1) Southern Indiana proposes to amend its Articles of Reorganization so as to increase the authorized number of its shares of no par common stock from 500,000 to 1,500,000 shares and thereupon to change the number of shares now outstanding, all of, which are presently owned by Commonwealth, from 400,000 shares to 600,000 shares, without any change, however, in the amount of capital represented thereby.

(2) Commonwealth proposes to sell its holdings of the common stock of Southern Indiana to a group of underwriters represented by Smith, Barney & Co. for resale to the public at the best price (which shall be not less than the then book value) and on the most favorable terms obtainable. The price to Commonwealth and the proposed initial public offering price are to be filed by amendment.

(3) Southern Indiana also proposes, concurrently with the sale of its outstanding common stock by Commonwealth to issue and sell to the same underwriters (or to Commonwealth for resale to said underwriters at its cost and Commonwealth will resell to said underwriters), under the same contract and at the same price, the least number of additional shares of its no par common stock which will be sufficient to realize proceeds to Southern Indiana of approximately $1,500,000 but not more than $1,750,000.

(4) Southern Indiana further proposes, concurrently with the sale of its common stock, to sell to service company, at $100 per share (the approximate book value thereof), the 162 shares of the $100 par value capital stock of service company owned by Southern Indiana. Service company states that it may dispose of the aforesaid 162 shares of its capital stock, at $100 a share, to its remaining stockholders.

(5) In the event that Commonwealth divests itself of its interest in Southern Indiana, service company proposes, so long as it shall be a mutual service company and be authorized to do so, to render to Southern Indiana such services (other than services of a general managerial and supervisory character) as Southern Indiana may from time to time request at the cost thereof, determined in accordance with the usual procedures of the service company with respect thereto, plus 10% of such cost.

Commonwealth states that it will apply the proceeds from the sale of the common stock of Southern Indiana to the payment and retirement of the indebtedness incurred by it through the issuance of notes to banks, as authorized by this Commission's order of September 9, 1948. Southern Indiana states that it will apply the proceeds from the sale of its common stock to finance its current construction program.

Commonwealth requests that the Commission's order herein authorizing the proposed transactions contain the findings, recitals and provisions with respect thereto required by sections 371 (f) and 1808 (f) of the Internal Revenue Code.

Notice is hereby given that any interested person may, not later than November 10, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on any or all of the above matters, other than the proposed sale to underwriters (as to which a hearing, as hereinafter indicated, will be held), stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said filings which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 10, 1948, said applications-declarations, as filed or as amended, except as to proposed sales to underwriters, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

Notice is further given that, if and when a contract is entered into with underwriters for the proposed sale of Southern Indiana common stock, the record herein will be reopened and a hearing will be held on the issues remaining as to such proposed sale at the offices of this Commission after short telegraphic notice to those persons who, not later than November 10, 1948 at 5:30 p. m., e. s. t., shall file with the Secretary of the Commission a request in writing that they receive such notice. On the date for hearing the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held.

It is ordered, That a copy of this notice shall be mailed by registered mail to the Federal Power Commission, the Public Service Commission of Indiana, to Commonwealth, Southern Indiana, the service company and all persons who have participated in the above-entitled proceedings; that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice shall be given to all persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9631; Filed, Nov. 1, 1948; 9:01 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616. E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12197]

CHRISTIAN KONZAK

In re: Estate of Christian Konzak, deceased. File No. D-28-12435; E. T. sec. 16661.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Greschenz, Friedrich Konzak, Martin Konzak, Wilhelm Konzak, Christiane Raak, Friedrich Raak, Marianne Lattke, Anna Trunte, Herman Raak, and Luise Linsa, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Christian Konzak, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Frank A. Konzak, as executor, acting under the judicial supervision of the County Court of Adams County, Nebraska;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9614; Filed, Nov. 1, 1948; 8:51 a. m.]

[Vesting Order 12205]

OSCAR G. SONNECK

In re: Trust under the Will of Oscar G. Sonneck, deceased. File No. D-28-12444; E. T. sec. 16665.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Gleiss, Dr. Georg Kleybocker and Elizabeth Kleybocker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the Trust created under the will of Oscar G. Sonneck, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Empire Trust Company, New York City 5, New York, as Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9615; Filed, Nov. 1, 1948; 8:51 a. m.]

[Vesting Order 12228]

LUDWIG KOENIG ET AL.

In re: Ludwig Koenig, plaintiff, vs. Karl Koenig, et al., defendants. File No. D-28-9473; E. T. sec. 12747.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Koenig, Wilhelm Koenig, Barbara Sanger, and Else (Elsa) Messing, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the proceeds of the real estate sold pursuant to court order in a partition suit entitled: "Ludwig Koenig, plaintiff, vs. Karl Koenig, et al., defendants, No. A-2650" in the District Court, Third Division, Territory of Alaska, is property payable or deliverable to or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Robert A. Baker, Referee, acting under the judicial supervision of the District Court, Third Division, Territory of Alaska;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9616; Filed, Nov. 1, 1948; 8:51 a. m.]

[Vesting Order 12273]

CAROLINE SCHECH

In re: Safe Deposit Box owned by Caroline Schech. F-28-17688-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation:

1. It having been found and determined by Vesting Order 11068 dated April 9, 1948 that Caroline Schech is a national of a designated enemy country (Germany);

2. It is hereby found that the property described as follows:

a. All rights and interests created in Caroline Schech under and by virtue of a safe deposit box lease agreement by and between Caroline Schech and The Chase Safe Deposit Company, 18 Pine Street, New York 5, New York, relating to safe deposit box number 1021 located in the vaults of said safe deposit company, including particularly but not limited to the right of access to said safe deposit box, and

b. All property of any nature whatsoever located in the safe deposit box referred to in subparagraph 2 (a) hereof, and all rights and interests evidenced or represented thereby, to the extent not

heretofore vested by said Vesting Order 11068,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9617; Filed, Nov. 1, 1948; 8:52 a. m.]

[Return Order 162]

LOUISE SCHNEIDER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number, Notice of Intention To Return Published, and Property

Louise Schneider, rue Albert Ier No. 48, Sarreguemines (Moselle), France; 5147; July 7, 1948 (13 F. R. 3772); $2,643.66 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Louise Reinhardt (Jenft) Schneider in and to the estate of Louise Reinhardt, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9618; Filed, Nov. 1, 1948; 8:52 a. m.]

REFERENCE NOV 4 '48

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 13 NUMBER 215

Washington, Wednesday, November 3, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2821

AMENDMENT OF REGULATIONS RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has adopted and has submitted to me for approval the following amendment of the regulations relating to migratory birds and game mammals included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

AMENDMENT OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE ACTING SECRETARY OF THE INTERIOR

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), I, WILLIAM E. WARNE, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of scoters and eider ducks, which are migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of the said Act and conventions to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of scoters and eider ducks, and in accordance with such determination, do hereby amend the regulations approved by Proclamation 2801 of July 29, 1948 (13 F. R. 4414), by deleting from the second sentence of footnote 9 under schedule (a) Atlantic Flyway States in § 1.4 (50 CFR 1.4) relating to the taking of scoters and eider ducks in open coastal waters only, beyond outer harbor lines, the words "in New Hampshire from September 1 to October 7;" and by adopting in lieu of such deleted portion the following:

in New Hampshire from November 1 to November 25;

This amendment is a correction of an error appearing in the said regulations approved July 29, 1948, and is in accordance with the recommendation of the State Fish and Game Department. In view of the fact that in respect to hunting in New Hampshire this amendment extends the season for hunting scoters and eider ducks in open coastal waters only, beyond outer harbor lines, from November 1 to November 25, and in view of the further fact that it imposes no new obligation upon the general public with respect to the taking of scoters and eider ducks, it is determined that this amendment shall become effective immediately, and it is found unnecessary to issue said amended regulation subject to the general notice provision and the effective date limitation of sections 4 (a) and 4 (c), respectively, of the Administrative Procedure Act.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 26th day of October, 1948.

[SEAL] WILLIAM E. WARNE,
Acting Secretary of the Interior.

AND WHEREAS upon consideration it appears that approval of the foregoing amendment will effectuate the purposes

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of October in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL] HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-9677; Filed, Nov. 1, 1948; 3:12 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

LABOR CENTERS, HOMES, CAMPS AND FACILITIES; DELEGATION OF AUTHORITY TO EFFECT LIQUIDATION

The order of the Acting Secretary of Agriculture dated August 12, 1947 (12 F. R. 5517), as amended by the order of the Acting Secretary of Agriculture dated October 1, 1947 (12 F. R. 6593), is hereby amended by redesignating paragraphs 3 and 4 of that order as paragraphs 4 and 5, respectively, and by adding the following new paragraph 3:

3. Fiscal records relating to properties enumerated in paragraph 1 will be maintained by the Farmers Home Administration, and the Administrator of the Production and Marketing Administration will make periodic reports of disposals and remit the proceeds therefrom, less authorized expenses, to the Administrator of the Farmers Home Administration.

(R. S. 161, 60 Stat. 1062, Pub. Laws 40, 298, 80th Cong.; 5 U. S. C. 22)

Done at Washington, D. C., this 28th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9657; Filed, Nov. 2, 1948; 8:53 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS FOR THE 1949 AND SUCCEEDING CROP YEARS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect with respect to continuous corn crop insurance contracts for 1949 and succeeding crop years, until amended or superseded by regulations hereafter made.

Sec.
416.1 Availability of corn crop insurance.
416.2 Coverages per acre.
416.3 Premium rates.
416.4 Application for insurance.
416.5 The contract.
416.6 Person to whom indemnity shall be paid.
416.7 Public notice of indemnities paid.
416.8 Death, incompetence, or disappearance of insured.
416.9 Fiduciaries.
416.10 Assignment or transfer of claims for refunds of excess note payments not permitted.
416.11 Refund of excess note payments in case of death, incompetence or disappearance.
416.12 Creditors.
416.13 Rounding of fractional units.
416.14 The commodity coverage policy.
416.15 The monetary coverage policy.

AUTHORITY: §§ 416.1 to 416.15 issued under secs. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73-75, 77, 61 Stat. 718; 7 U. S. C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).

§ 416.1 *Availability of corn crop insurance.* (a) Corn crop insurance under continuous contracts for the 1949 and succeeding crop years will be provided only in accordance with this subpart in not to exceed 50 counties. A list of these counties will be published by amendment to this section.

(b) Insurance on either a commodity coverage basis or a monetary coverage basis may be offered under this subpart. However, insurance on only one such basis will be provided in a county. The type of coverage applicable to each county will be designated (1) by the Corporation and shown on the county actuarial table and (2) by amendment to this section.

(c) Insurance will not be provided with respect to applications for corn insurance filed in a county in accordance with this subpart unless such written applications, together with corn crop insurance contracts in force for the ensuing crop year, cover at least 200 farms in the county or one-third of the farms normally producing corn. For this purpose an insurance unit shall be counted as one farm.

§ 416.2 *Coverages per acre.* The Corportation shall establish coverages per acre by areas which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act. Coverages so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corportation may elect. The coverage per acre for any specific acreage shall be the coverage approved by the Corporation for the coverage and rate area in which the acreage is located.

§ 416.3 *Premium rates.* The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for corn crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect. The premium rate per acre for any specific acreage shall be the premium rate approved by the Corporation for the coverage and rate area in which the acreage is located.

§ 416.4 *Application for insurance.* Application for insurance on a form entitled "Application for Corn Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant in a corn crop. The application for insurance shall be submitted to the county office on or before April 30 preceding the crop year with

respect to which insurance is first to become effective.

§ 416.5 *The contract.* Upon acceptance of an application for insurance by a duly authorized representative of the Corporation, the contract, which will consist of the application and the policy issued by the Corporation, shall be in effect beginning with the first crop year following the submission of the application in accordance with § 416.4. The provisions of the commodity coverage policy are shown in § 416.14 and the provisions of the monetary coverage policy are shown in § 416.15.

§ 416.6 *Person to whom indemnity shall be paid.* (a) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under the provisions of this subpart, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered, or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable in accordance with the provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(b) The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which indemnity payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive and payment of an indemnity to such person(s) shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

§ 416.7 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 416.8 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after planting the corn crop in any year but before the time of loss, and his insured interest in the corn crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified the indemnity shall be paid to the persons beneficially entitled to share in the insured interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That if the indemnity exceeds $500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent or disappears after the planting of the corn crop in any year but before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in the corn crop insurance policy.

(c) If an applicant for insurance or the insured, as the case may be, dies, is judicially declared incompetent, or disappears less than 15 days before the closing date for the filing of applications for insurance in any year, and before the beginning of planting of the corn crop in such year, whoever succeeds him on the farm with the right to plant the corn crop as his heir or heirs, administrator, executor, guardian, committee, or conservator, shall be substituted for the original applicant or the insured upon filing with the county office, within 15 days (unless such period is extended by the Corporation) after the date of such death, judicial declaration, or termination of the period which establishes disappearance within the meaning of this subpart, or before the date of the beginning of planting, whichever is earlier, a statement in writing in the form and manner prescribed by the Corpporation, requesting such substitution and agreeing to assume the obligations of the original applicant or the insured arising out of such application or the contract: *Provided, however,* That any substitution made pursuant to this paragraph shall be effective only with respect to the corn crop to be planted in the ensuing crop year, and the contract shall terminate at the end of such year. If no such statement is filed, as required by this paragraph, the original application shall be void or the contract shall terminate, as the case may be.

(d) In case of death of the insured after the planting of the corn crop is begun for any crop year, any additional acreage of corn which is planted for the insured's estate for that crop year shall be covered by the contract.

(e) Subject to the provisions of paragraph (c) of this section, the contract shall terminate upon death, judicial declaration of incompetence, or disappearance of the insured, except that if such death, judicial declaration of incompetence, or disappearance occurs after the planting of the corn crop in any crop year but before the end of the insurance period for such year, the contract shall terminate at the end of such insurance period.

(f) The insured shall be deemed to have disappeared within the meaning of this subpart if he fails to file with the county office written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the last known address of the insured.

§ 416.9 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under this subpart to the insured interest in the crop, to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however,* That the settlement may be made with any one or more of the persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 416.10 *Assignment or transfer of claims for refunds of excess note payments not permitted.* No claim for a refund of an excess note payment or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any corn crop covered by the contract. Refund of any excess note payment will be made only to the person who made such payment, except as provided in § 416.11.

§ 416.11 *Refund of excess note payments in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of an excess note payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 416.8 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

§ 416.12 *Creditors.* An interest (including an involuntary transfer) in an insured corn crop because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract.

§ 416.13 *Rounding of fractional units.* The total coverage shall be rounded to the nearest bushel for commodity coverage insurance and to the nearest cent for monetary coverage insurance. In any case, the premium and the value of production shall be rounded to the nearest cent and the total production shall be rounded to the nearest bushel. Fractions of acres shall be rounded to tenths of acres. Computations shall be carried one digit beyond the digit that is to be rounded. If the last digit is 1, 2, 3, or 4, the rounding shall be downward. If the last digit is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 416.14 *The commodity coverage policy.* The provisions of the commodity coverage policy are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

---

(Name)

(Policy number)

(Address)

(County)

(State)

(hereinafter designated as the insured) against loss of production on his corn crop while in the field, due to unavoidable causes including drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. In witness whereof, the Federal Crop Insurance Corporation has caused this policy to be issued this ____ day of _____ ____, 19__.

FEDERAL CROP INSURANCE CORPORATION,

By _____,
State Crop Insurance Director.

TERMS AND CONDITIONS

1. *Kind of corn insured.* The corn to be insured shall be corn planted for harvest as grain and shall include only corn which is normally regarded as field corn. The contract shall not provide insurance for true type silage corn or thick-planted corn for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

2. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage therefor is shown on the county actuarial table (including maps and related forms) by not later than April 30 preceding that crop year.

3. *Responsibility of insured to report acreage and interest.* (a) Promptly after planting the corn crop each year, the insured shall submit to the Corporation, on a form entitled "Corn Crop Insurance Acreage Report," a report over his signature of all acreage in the county planted to corn in which he has an interest at the time of planting. This report shall show the acreage of corn for each insurance unit and his interest in each at the time of planting. If the insured does not have an insurable interest in corn planted in any year, the acreage report shall nevertheless be submitted promptly after the planting of corn is generally completed in the county. Any acreage report submitted by the insured shall be considered final and not subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after planting of corn is generally completed in the county, as determined by the Corporation.

(c) Failure of the county office to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

4. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the acreage of corn planted as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage planted to corn which is destroyed or substantially destroyed (as defined in section 15(a)) and on which it is practical to replant to corn, as determined by the Corporation, and such acreage is not replanted to corn, or (b) and acreage initially planted to corn too late to expect a normal crop to be produced, as determined by the Corporation.

5. *Insured interest.* The insured interest in the corn crop covered by the contract shall be the interest of the insured at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest whichever occurs first.

6. *Coverage per acre.* The coverage per acre shall be the applicable number of bushels of corn established for the area in which the insured acreage is located, and shall be shown on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (a) released and planted to a substitute crop, (b) not harvested and not seeded to a substitute crop, or released and fed to livestock in the field, or (c) harvested or to be harvested.

7. *Fixed price for valuing amount of loss.* For such crop year of the contract the amount of any indemnity shall be determined by multiplying the number of bushels of corn approved as the amount of loss for the insured by the fixed price per bushel for such year. The fixed price per bushel for the 1949 crop year shall be the applicable 1948 county corn loan rate per bushel established by the United States Department of Agriculture. For any subsequent crop year, notice of any change in the fixed price from the prior crop year shall be mailed by the Corporation to the insured not later than March 15 preceding the crop year for which the new price applies. Each year the fixed price shall be on file in the county office.

8. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the corn is planted. Insurance shall cease with respect to any portion of the corn crop covered by the contract upon harvesting or removal from the field, and with respect to any insurance unit upon submission of a claim for indemnity, but in no event shall the insurance remain in effect later than December 10 of each year, unless such time is extended in writing by the Corporation.

9. *Life of contract, cancelation thereof.* (a) Subject to the provisions of paragraph (d) of this section, the contract shall be in effect with respect to the first crop year following the submission of the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancelation for any year may be made by either party giving written notice to the other party on or before March 31 of the year for which cancelation is to become effective. Any notice of concelation given by the insured to the Corporation shall be submitted in writing to the county office.

(b) If the insured cancels the contract he shall not be eligible for corn crop insurance in the county for the next succeeding crop year unless he subsequently files an application for insurance on or before March 31 preceding such year.

(c) If for two consecutive crop years no corn in which the insured has an insurable interest is planted in the county, the contract shall terminate.

(d) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding April 30, the contract shall continue to be in force.

10. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured on or before March 15 preceding the crop year for which such changes are to become effective. Failure of the insured to cancel the contract as provided in section 9 shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

11. *Causes of loss not insured against.* The contract shall not cover loss of production caused by: (a) failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of defective or unadapted seed, overplanting or underplanting, failure properly to prepare the land for planting or properly to plant, care for or harvest the insured crop (including unreasonable delay thereof); (c) following different fertilizer or farming practices than those considered in establishing the coverage per acre; (d) planting corn on land which is generally not considered capable of producing a corn crop comparable to that produced on the land considered in establishing the coverage per acre; (e) planting a variety of corn which differs materially in yield from the variety considered in establishing the coverage per acre; (f) planting corn under conditions of immediate hazard; (g) inability to obtain labor, seed, fertilizer, machinery, repairs or insect poison; (h) breakdown of machinery, or failure of equipment due to mechanical defects; (i) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand; (j) domestic animals or poultry; (k) action of any person, or state, county, or municipal government in the use of chemicals for the controls of weeds; or (l) theft.

12. *Amount of annual premium.* The premium rate per acre will be the applicable number of dollars established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of corn, (2) the applicable premium rate(s), and (3) the insured interest in the crop at the time of planting. There will be a reduction in the annual premium for each insurance unit of two percent in cases where the insured acreage on the insurance unit is as much as 50 acres and does not exceed 99.9 acres, and an additional two percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the corn crop on such acreage is planted.

13. *Manner of payment of premium.* (a) The applicant executes a premium note by signing the application for corn crop insurance. This note represents a promise to pay to the Corporation annually during the life of the contract, on or before August 15 (the maturity date) of each year, the premium for all insurance units covered by the contract during the current year.

(b) A discount of five percent shall be allowed on any earned annual premium which is paid in full on or before June 30 if the insured has submitted to the Corporation at the county office his corn acreage report promptly after planting but not later than June 30 of such crop year.

(c) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before December 31 following the maturity date, and an additional three percent on the

principal amount owing at the end of each six-month period thereafter.

(d) Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payments tendered shall not be regarded as paid unless collection is made.

(e) Any unpaid amount of any annual premium plus any interest due may be deducted (either before or after the date of maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

14. *Notice of loss or damage.* (a) If a loss under the contract is probable, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office immediately after any material damage to the insured crop. The crop shall not be harvested (except as provided in Section 15 (b)), removed, or any other use made of it until it has been inspected by the Corporation.

(b) If, at the completion of harvesting of the insured corn crop, a loss under the contract has been sustained, notice in writing (unless otherwise provided by the Corporation) shall be given immediately to the Corporation at the county office. If such notice is not given within 15 days after harvest is completed, the Corporation reserves the right to reject any claim for indemnity. This notice is in addition to any notice required by paragraph (a) of this section.

15. *Released acreage and released crop.* (a) Any insured acreage on which the corn crop has been destroyed or substantially destroyed may be released by the Corporation for planting to a substitute crop or to be put to another use. The corn crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area, where the land is located and on whose farms similar damage occurred, would not further care for the crop or harvest any portion thereof. No insured acreage may be planted to a substitute crop or put to another use until the Corporation releases such acreage. On any acreage where the corn has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

(b) The corn crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that such corn crop may be used for ensilage or fodder without a release by the Corporation provided the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

16. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period, unless the entire corn crop on the insurance unit was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage, as determined by the Corporation.

17. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the causes of loss not insured against by the contract.

18. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 19(b). An insurance unit consists of (a) all the insurable acreage of corn in the county in which the insured has 100 percent interest in the crop at the time of planting, or (b) all the insurable acreage of corn in the county owned by one person which is operated by the insured as a share tenant at the time of planting, or (c) all the insurable acreage of corn in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. For any crop year of the contract acreage shall be considered to be located in the county if a coverage therefor is shown on the county actuarial table.

19. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the planted acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre and subtracting therefrom the total production for the planted acreage and multiplying the remainder by the insured interest. However, if the planted acreage on the insurance unit exceeds the insured acreage on the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the insured acreage to the planted acreage, or if the premium computed for the acreage and interest shown on the acreage report is less than the premium computed for the planted acreage, the amount of loss determined for the planted acreage may be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage, if the Corporation so elects. The total production for an insurance unit shall include all production determined in accordance with the schedule below. The Corporation reserves the right to determine the amount of production on the basis of appraisal of unharvested corn standing in the field.

SCHEDULE

Acreage classification	*Total production in bushels*
1. Acreage of corn harvested (exclusive of any acreage shown in item 3 below).	1. Actual production of harvested corn plus appraised production of any corn left in the field after harvest.
2. Acreage of corn to be harvested.	2. The appraised production of unharvested corn at the time of submission of a statement in proof of loss or the appraised production of any corn remaining unharvested December 10.
3. Acreage on which corn has a value, as determined by the Corporation, of less than 50 percent of the local market value or 50 percent of the fixed price, whichever is the lesser.	3. A number of bushels of corn which the Corporation determines will result in indemnifying the insured for the amount that the production from any corn acreage lacks of having a value of 50 percent of the fixed price multiplied by a number of bushels of corn equal to the smaller of (i) the number of bushels of such production harvested, or (ii) the coverage for the insurance unit, minus all production of corn counted for other reasons.
4. Acreage of corn used for ensilage or fodder.	4. Appraised production.
5. Acreage of corn released by the Corporation and planted to a substitute crop.	5. That portion of the appraised production which is in excess of the coverage for such acreage.
6. Acreage of corn released for feeding to livestock in the field and any other acreage not harvested (and not to be harvested) and not planted to a substitute crop.	6. That portion of the appraised production which is in excess of the number of bushels determined by subtracting (i) the coverage for such acreage from (ii) the coverage for such acreage if it were harvested.
7. Acreage of corn put to another use without being released by the Corporation except corn used for ensilage or fodder as provided in Section 15 (b).	7. Appraised production but not less than the product of (i) such acreage and (ii) the coverage per acre for harvested acreage.
8. Acreage of corn with reduced yield due solely to any cause(s) not insured against.	8. Appraised number of bushels by which production has been reduced but not less than the product of (i) such acreage and (ii) the coverage per acre, minus any corn harvested.
9. Acreage of corn with reduced yield due partially to a cause(s) not insured against and partially to a cause(s) insured against.	9. Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

(b) If the production from two or more insurance units is commingled and the insured fails to establish and maintain records satisfactory to the Corporation of acreage or the production from each, the insurance with respect to such units may be voided by the Corporation for the crop year and the premium forfeited by the insured. However, if all the component parts are insured the total coverage for the component parts may be considered as the total coverage for the combination, if the Corporation so elects, in which case any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of uninsured acreage and production therefrom and for one or more insurance units or portions thereof, any production from such acreage which is commingled with production from the insured acreage shall be considered to

have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation for the crop year and the premium forfeited by the insured.

(c) The cash amount of the indemnity shall be determined by multiplying the amount of the loss in bushels by the fixed price.

20. *Payment of indemnity.* (a) Indemnities shall be paid only by check. The amount of indemnity for which the Corporation may be liable will be payable within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damages on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium plus any interest due or any other obligation of the insured to the Corporation.

(c) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

21. *Payment to transferee.* (a) If the insured transfers all or a part of his insured interest in a corn crop before the beginning of harvest or at the time of loss, whichever occurs first, he shall immediately notify the Corporation thereof in writing at the county office. The transferee under such a transfer will be entitled to the benefits of the contract with respect to the interest so transferred, provided the transferee immediately following the transfer makes suitable arrangements with the Corporation for the payment of any premium with respect to the interest so transferred, whereupon the transferee and the transferor shall be jointly and severally liable for the amount of such premium. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 25. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

(b) An involuntary transfer of an insured interest in a corn crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract.

(c) Any deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium plus any interest due on the land involved in the transfer for the crop year in which the transfer is made, plus the unpaid amount of any other obligation of the transferee to the Corporation.

(d) If, as a result of any transfer, diverse interests appear with respect to any insurance unit, any indemnity payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

(e) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

22. *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a part of the corn crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of the contract will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of an indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

23. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where an indemnity is paid to the insured by another Government agency because of damage to the corn crop, the Corporation reserves the right to determine its liability under the contract taking into consideration the amount paid by such other agency.

24. *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

25. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized, including the right of the assignee to submit a "Statement in Proof of Loss" if the insured refuses to submit or disappears without having submitted such statement.

26. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all corn produced on each insurance unit covered by the contract, and on any uninsured acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may be reasonably required, any person(s) designated by the Corporation shall have access to the farm(s).

27. *Voidance of contract.* The contract may be voided and the premium forfeited to the Corporation without the Corporation waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if (a) at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interests in the corn crop covered thereby, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the corn crop covered thereby, whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

28. *Modification of contract.* No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

29. *General.* (a) In addition to the terms and provisions in the application and policy, the Corn Crop Insurance Regulations for Continuous Contracts for the 1949 and Succeeding Crop Years (§§ 416.1 to 416.15) shall govern with respect to (1) death, incompetence, or disappearance of the insured, (2) fiduciaries, (3) prohibition against assignment or transfer of claims for refunds, (4) rounding of fractional units, (5) creditors, and (6) minimum participation requirements.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

30. *Meaning of terms.* For the purpose of the corn crop insurance program, the terms:

(a) "Contract" means the accepted application for insurance and this policy.

(b) "County Actuarial Table" means the form and related material (including the crop insurance maps) approved by the Corporation for listing the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the office of the county Agricultural Conservation Association in the county or other office specified by the Corporation.

(d) "Crop year" means the period from May 1 to December 10, inclusive, and for any year shall be designated by reference to the applicable calendar year.

(e) "Harvest" means picking the corn from the stalk either by hand or machine, or cutting the corn for fodder or ensilage.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and, wherever applicable, a state, political subdivision of a state, or any agency thereof.

(g) "Substitute crop" means any crop other than corn planted on released acreage for harvest in the same crop year.

(h) "Tenant" means a person who rents land from another person for a share of the corn crop or proceeds therefrom produced on such land.

§ 416.15 *The monetary coverage policy.* The provisions of the monetary coverage policy are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or re-

ferred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

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(Name)

(Policy number)

(Address)

(County)

(State)

(hereinafter designated as the insured) against loss on his corn crop while in the field, due to unavoidable causes including drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. In witness whereof, the Federal Crop Insurance Corporation has caused this policy to be issued this ____ day of ----------, 19--.

FEDERAL CROP INSURANCE CORPORATION,

By ----------
State Crop Insurance Director.

TERMS AND CONDITIONS

1. *Kind of corn insured.* The corn to be insured shall be corn planted for harvest as grain and shall include only corn which is normally regarded as field corn. The contract shall not provide insurance for true type silage corn or thick-planted corn planted for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

2. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage therefor is shown on the county actuarial table (including maps and related forms) by not later than April 30 preceding that crop year.

3. *Responsibility of insured to report acreage and interest.* (a) Promptly after planting the corn crop each year, the insured shall submit to the Corporation, on a form entitled "Corn Crop Insurance Acreage Report," a report over his signature of all acreage in the county planted to corn in which he has an interest at the time of planting. This report shall show the acreage of corn for each insurance unit and his interest in each at the time of planting. If the insured does not have an insurable interest in corn planted in any year, the acreage report shall nevertheless be submitted promptly after the planting of corn is generally completed in the county. Any acreage report submitted by the insured shall be considered final and not subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after planting of corn is generally completed in the county, as determined by the Corporation.

(c) Failure of the county office to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

4. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the acreage of corn planted as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage planted to corn which is destroyed or substantially destroyed (as defined in section 15(a)) and on which it is practical to replant to corn, as determined by the Corporation, and such acreage is not replanted to corn, or (b) any acreage initially planted to corn too late to expect a normal crop to be produced, as determined by the Corporation.

5. *Insured interest.* The insured interest in the corn crop covered by the contract shall be the interest of the insured at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest whichever occurs first.

6. *Coverage per acre.* The coverage per acre shall be the applicable number of dollars established for the area in which the insured acreage is located, and shall be shown on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (a) released and planted to a substitute crop, (b) not harvested and not seeded to a substitute crop, or released and fed to livestock in the field, or (c) harvested or to be harvested.

7. *Predetermined price for valuing production.* In determining any loss under the contract, production shall be evaluated on the basis of a predetermined price per bushel established annually by the Corporation, except that if the Corporation determines in any year that any of the insured's corn is not eligible for a Commodity Credit Corporation loan for that year and would not meet loan requirements if properly handled, such corn shall be evaluated at the highest price obtainable (but not in excess of the predetermined price) as determined by the Corporation. The predetermined price for the 1949 crop year shall be the 1948 loan rate established by the United States Department of Agriculture for the county. For any subsequent crop year, notice of any change in the predetermined price from the prior crop year shall be mailed by the Corporation to the insured not later than March 15 preceding the crop year for which it applies. Each year the predetermined price shall be on file in the county office.

8. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the corn is planted. Insurance shall cease with respect to any portion of the corn crop upon harvesting or removal from the field, and with respect to any insurance unit upon submission of a claim for indemnity, but in no event shall the insurance remain in effect later than December 10 of each year, unless such time is extended in writing by the Corporation.

9. *Life of contract, cancelation thereof.* (a) Subject to the provisions of paragraph (d) of this section, the contract shall be in effect with respect to the first crop year following the submission of the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancelation for any year may be made by either party giving written notice to the other party on or before March 31 of the year for which cancelation is to become effective. Any notice of cancelation given by the insured to the Corporation shall be submitted in writing to the county office.

(b) If the insured cancels the contract he shall not be eligible for corn crop insurance in the county for the next succeeding crop year unless he subsequently files an application for insurance on or before March 31 preceding such year.

(c) If for two consecutive crop years no corn in which the insured has an insurable interest is planted in the county, the contract shall terminate.

(d) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding April 30, the contract shall continue to be in force.

10. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured on or before March 15 preceding the crop year for which such changes are to become effective. Failure of the insured to cancel the contract is provided in section 9 shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

11. *Causes of loss not insured against.* The contract shall not cover loss of production caused by: (a) failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of defective or unadapted seed, overplanting or underplanting, failure properly to prepare the land for planting or properly to plant, care for or harvest the insured crop (including unreasonable delay thereof); (c) following different fertilizer or farming practices than those considered in establishing the coverage per acre; (d) planting corn on land which is generally not considered capable of producing a corn crop comparable to that produced on the land considered in establishing the coverage per acre; (e) planting a variety of corn which differs materially in yield from the variety considered in establishing the coverage per acre; (f) planting corn under conditions of immediate hazard; (g) inability to obtain labor, seed, fertilizer, machinery, repairs or insect poison; (h) breakdown of machinery, or failure of equipment due to mechanical defects; (i) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand; (j) domestic animals or poultry; (k) action of any person, or state, county, or municipal government in the use of chemicals for the control of weeds; or (l) theft.

12. *Amount of annual premium.* The premium rate per acre will be the applicable number of dollars established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of corn, (2) the applicable premium rate(s), and (3) the insured interest in the crop at the time of planting. There will be a reduction in the annual premium for each insurance unit of two percent in cases where the insured acreage on the insurance unit is as much as 50 acres and does not exceed 99.9 acres, and an additional two percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the corn crop on such acreage is planted.

13. *Manner of payment of premium.* (a) The applicant executes a premium note by signing the application for corn crop insurance. This note represents a promise to pay to the Corporation annually during the life of the contract, on or before August 15 (the maturity date) of each year, the premium for all insurance units covered by the contract during the current year.

(b) A discount of five percent shall be allowed on any earned annual premium which is paid in full on or before June 30 if the insured has submitted to the Corporation at the county office his corn acreage report promptly after planting but not later than June 30 of such crop year.

(c) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three per-

cent on the principal amount not paid on or before December 31 following the maturity date, and an additional three percent on the principal amount owing at the end of each six-month period thereafter.

(d) Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payments tendered shall not be regarded as paid unless collection is made.

(e) Any unpaid amount of any annual premium plus any interest due may be deducted (either before or after the date of maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payments made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

14. *Notice of loss or damage.* (a) If a loss under the contract is probable, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office immediately after any material damage to the insured crop. The crop shall not be harvested, (except as provided in section 15 (b)) removed, or any other use made of it until it has been inspected by the Corporation.

(b) If, at the completion of harvesting of the insured corn crop, a loss under the contract has been sustained, notice in writing (unless otherwise provided by the Corporation) shall be given immediately to the Corporation at the county office. If such notice is not given within 15 days after harvest is completed, the Corporation reserves the right to reject any claim for indemnity. This notice is in addition to any notice required by paragraph (a) of this section.

15. *Released acreage and released crop.* (a) Any insured acreage on which the corn crop has been destroyed or substantially destroyed may be released by the Corporation for planting to a substitute crop or to be put to another use. The corn crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area, where the land is located and on whose farms similar damage occurred, would not further care for the crop or harvest any portion thereof. No insured acreage may be planted to a substitute crop or put to another use until the Corporation releases such acreage. On any acreage where the corn has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

(b) The corn crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that such corn crop may be used for ensilage or fodder without a release by the Corporation provided the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

16. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period, unless the entire corn crop on the insurance unit was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage, as determined by the Corporation.

17. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the causes of loss not insured against by the contract.

18. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 19 (b). An insurance unit consists of (a) all the insurable acreage of corn in the county in which the insured has 100 percent interest in the crop at the time of planting, or (b) all the insurable acreage of corn in the county owned by one person which is operated by the insured as a share tenant at the time of planting, or (c) all the insurable acreage of corn in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. For any crop year of the contract acreage shall be considered to be located in the county if a coverage therefor is shown on the county actuarial table.

19. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the planted acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre and subtracting therefrom the value (determined in accordance with section 7) of the total production for the planted acreage and multiplying the remainder by the insured interest. However, if the planted acreage on the insurance unit exceeds the insured acreage on the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the insured acreage to the planted acreage, or if the premium computed for the acreage and interest shown on the acreage report is less than the premium computed for the planted acreage, the amount of loss determined for the planted acreage may be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage, if the Corporation so elects. The total production for an insurance unit shall include all production determined in accordance with the schedule below. The Corporation reserves the right to determine the amount of production on the basis of appraisal of unharvested corn standing in the field.

SCHEDULE

Acreage classification	*Total production in bushels*
1. Acreage of corn harvested.	1. Actual production of harvested corn plus appraised production of any corn left in the field after harvest.
2. Acreage of corn to be harvested.	2. The appraised production of unharvested corn at the time of submission of a statement in proof of loss or the appraised production of any corn remaining unharvested on December 10.
3. Acreage of corn used for ensilage or fodder.	3. Appraised production.
4. Acreage of corn released by the Corporation and planted to a substitute crop.	4. That portion of the appraised production which is in excess of the number of bushels determined by dividing (i) the amount of coverage for such acreage by (ii) the predetermined price.
5. Acreage of corn released for feeding to livestock in the field and any other acreage not harvested (and not to be harvested) and not planted to a substitute crop.	5. That portion of the appraised production which is in excess of the number of bushels determined by (i) subtracting the coverage for such acreage from what the coverage for such acreage would be if it were harvested and (ii) dividing the result thus obtained by the predetermined price.
6. Acreage of corn put to another use without being released by the Corporation, except corn used for ensilage or fodder, as provided in section 15 (b).	6. Appraised production but not less than the product of (i) such acreage and (ii) the coverage per acre (for harvested acreage) divided by the predetermined price.
7. Acreage of corn with reduced yield due solely to any cause(s) not insured against.	7. Appraised number of bushels by which production has been reduced but not less than the product of (i) such acreage and (ii) the coverage per acre (for harvested acreage) divided by the predetermined price, minus any corn harvested.
8. Acreage of corn with reduced yield due partially to a cause(s) not insured against and partially to a cause(s) insured against.	8. Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

(b) If the production from two or more insurance units is commingled and the insured fails to establish and maintain records satisfactory to the Corporation of acreage or the production from each, the insurance with respect to such units may be voided by the Corporation for the crop year and the premium forfeited by the insured. However, if all the component parts are insured the total coverage for the component parts may be considered as the total coverage for the combination, if the Corporation so elects, in which case any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of uninsured acreage and production therefrom and for one or more insurance units or portions thereof, any production from such acreage which is commingled with production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation for the crop year and the premium forfeited by the insured.

20. *Payment of indemnity.* (a) Indemnities shall be paid only by check. The amount of indemnity for which the Corporation may

be liable will be payable within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damages on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium plus any interest due or any other obligation of the insured to the Corporation.

(c) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

21. *Payment to transferee.* (a) If the insured transfers all or a part of his insured interest in a corn crop before the beginning of harvest or the time of loss, whichever occurs first, he shall immediately notify the Corporation thereof in writing at the county office. The transferee under such a transfer will be entitled to the benefits of the contract with respect to the interest so transferred, provided the transferee immediately following the transfer makes suitable arrangements with the Corporation for the payment of any premium with respect to the interest so transferred, whereupon the transferee and the transferor shall be jointly and severally liable for the amount of such premium. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 25. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

(b) An involuntary transfer of an insured interest in a corn crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract.

(c) Any deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium plus any interest due on the land involved in the transfer for the crop year in which the transfer is made, plus the unpaid amount of any other obligation of the transferee to the Corporation.

(d) If, as a result of any transfer, diverse interests appear with respect to any insurance unit, any indemnity payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

(e) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

22. *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a part of the corn crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of the contract will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of an indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

23. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where an indemnity is paid to the insured by another Government agency because of damage to the corn crop, the Corporation reserves the right to determine its liability under the contract taking into consideration the amount paid by such other agency.

24. *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

25. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized, including the right of the assignee to submit a form entitled "Statement in Proof of Loss" if the insured refuses to submit or disappears without having submitted such form.

26. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all corn produced on each insurance unit covered by the contract, and on any uninsured acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may be reasonably required, any person(s) designated by the Corporation shall have access to the farm(s).

27. *Voidance of contract.* The contract may be voided and the premium forfeited to the Corporation without the Corporation waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if (a) at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interest in the corn crop covered thereby, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the corn crop covered thereby, whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

28. *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

29. *General.* (a) In addition to the terms and provisions in the application and policy, the Corn Crop Insurance Regulations for Continuous Contracts for the 1949 and Succeeding Crop Years (§§ 416.1 to 416.15) shall govern with respect to (1) death, incompetence, or disappearance of the insured, (2) fiduciaries, (3) prohibition against assignment or transfer of claims for refunds, (4) rounding of fractional units, (5) creditors, and (6) minimum participation requirements.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

30. *Meaning of terms.* For the purpose of the corn crop insurance program, the terms:

(a) "Contract" means the accepted application for insurance and this policy.

(b) "County Actuarial Table" means the form and related material (including the crop insurance maps) approved by the Corporation for listing the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the office of the county Agricultural Conservation Association in the county or other office specified by the Corporation.

(d) "Crop year" means the period from May 1 to December 10, inclusive, and for any year shall be designated by reference to the applicable calendar year.

(e) "Harvest" means picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage.

(f) "Person" means individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and, wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(g) "Substitute crop" means any crop other than corn planted on released acreage for harvest in the same crop year.

(h) "Tenant" means a person who rents land from another person for a share of the corn crop or proceeds therefrom produced on such land.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on October 26, 1948.

[SEAL] E. D. BERKAW,
Secretary.
Federal Crop Insurance Corporation.

Approved: October 28, 1948.

A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9652; Filed, Nov. 2, 1948; 8:52 a. m.]

[Amdt. 2]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS COVERING 1949 AND SUCCEEDING CROP YEARS

Section 418.154 of the regulations for continuous contracts covering 1949 and succeeding crop years, as amended (13 F. R. 2607, 5146), is hereby amended to read as follows:

§ 418.154 *Application for insurance.* (a) Application for insurance on a form entitled "Application for Wheat Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a wheat crop. For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year except as provided in paragraphs (b) and (c) of this section:

State and county:[1]	Date
California	September 15.
Colorado	August 31.
Idaho	September 15.
Illinois	September 15.
Indiana	September 15.
Kansas	August 31.
Maryland	September 15.
Michigan	September 15.
Minnesota	March 15.
Missouri	September 15.
Montana:	
Chouteau	August 31.
Fergus	August 31.
Hill	August 31.
Judith Basin	August 31.
Liberty	August 31.
Pondera	August 31.
Daniels	March 15.
McCone	March 15.
Roosevelt	March 15.
Sheridan	March 15.
Valley	March 15.
Nebraska	August 31.
New Mexico	August 31.
New York	September 15.
North Dakota	March 15.
Ohio	September 15.
Oklahoma	August 31.
Oregon	September 15.
Pennsylvania	September 15.
South Dakota:	
Meade	August 31.
Tripp	August 31.
All other counties	March 15.
Texas	August 31.
Utah	September 15.
Washington	September 15.
Wyoming	August 31.

[1] If no county name(s) appears for a state, the closing date shown for such state is applicable to all counties designated for that state.

(b) Applications in the following counties may be filed during the period September 1, 1948, to March 15, 1949, inclusive, for insurance covering wheat to be harvested in 1949 and succeeding crop years if the applicant executes and files with his application a Form FCI-2, "Agreement," which provides that winter wheat seeded for harvest in 1949 shall not be covered by the contract:

State and County
Montana, Hill, Liberty.
South Dakota, Meade, Tripp.

(c) Applications for insurance in the 1949 and succeeding crop years may be filed after the closing dates set forth above as they apply to the 1949 crop year if the applicant executes and files with his application a Form FCI-2, "Agreement," which provides that the wheat seeded for harvest in 1949 shall not be covered by the contract.

(53 Stat. 73-75, 77, 61 Stat. 718; 7 U. S. C., 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on October 26, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: October 28, 1948.

A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9654; Filed, Nov. 2, 1948; 8:53 a. m.]

[Amdt. 1]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS FOR THE 1949 AND SUCCEEDING CROP YEARS

The cotton crop insurance regulations for continuous contracts for the 1949 and succeeding crop years (13 F. R. 5261) are hereby amended as follows:

1. Section 419.16 is amended by adding to section 13 of the commodity coverage policy paragraph (e) as follows:

(e) In Madison and Limestone Counties, Alabama; Cleveland and Mecklenburg Counties, North Carolina; Anderson County, South Carolina; and Bell, Collin, Ellis, Fannin, Lubbock, McLennan, and Williamson Counties, Texas, a discount of 5 percent shall be allowed on any annual premium which is paid in full on or before the final date for that crop year for filing applications for cotton crop insurance in the county. The amount of premium on which the discount will be allowed shall be based upon a report submitted by the insured of the cotton acreage in the county in which he expects to have an interest and his interest therein.

2. Section 419.17 is amended by adding to section 13 of the monetary coverage policy paragraph (e) as follows:

(e) In Madison and Limestone Counties, Alabama; Cleveland and Mecklenburg Counties, North Carolina; Anderson County, South Carolina; and Bell, Collin, Ellis, Fannin, Lubbock, McLennan, and Williamson Counties, Texas, a discount of 5 percent shall be allowed on any annual premium which is paid in full on or before the final date for that crop year for filing applications for cotton crop insurance in the county. The amount of premium on which the discount will be allowed shall be based upon a report submitted by the insured of the cotton acreage in the county in which he expects to have an interest and his interest therein.

3. Section 419.17 is amended to change that portion of paragraph (a), section 19 of the monetary coverage policy which precedes Item (1) to read as follows:

19. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage for such unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, (2) subtracting therefrom the number of dollars ascertained by multiplying the total production for the planted acreage by the predetermined price, and (3) multiplying the remainder by the insured interest in such unit. However, if the planted acreage on the insurance unit exceeds the insured acreage on the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the insured acreage to the planted acreage, or if the premium computed for the acreage and interest shown on the acreage report is less than the premium computed for the planted acreage the amount of loss determined for the planted acreage may be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage, if the Corporation so elects. The total production for an insurance unit shall include:

(506 (e), 507 (c), 508, 509, and 516 (b), 52 Stat. 73-75, 77, 61 Stat. 718; 7 U. S. C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on October 26, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: October 28, 1948.

A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9653; Filed, Nov. 2, 1948; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 993—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948-1949 FISCAL PERIOD

On October 7, 1948, notice of proposed rule making was published in the FEDERAL REGISTER (13 F. R. 5862) regarding the budget of expenses and the fixing of the rate of assessment for the 1948-1949 fiscal period under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR and Supps., 933.1 et seq.), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 933.202 *Budget of expenses and rate of assessment for the 1948-1949 fiscal period.* (a) The expenses necessary to be incurred by the Growers Administrative Committee established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1948, and ending July 31, 1949, both dates inclusive, of the Growers Administrative Committee and the Shippers Advisory Committee, established under the afore-

said amended marketing agreement and order, will amount to $108,000, and the rate of assessment to be paid by each handler shall be three mills ($0.003) per standard packed box of fruit shipped by such handler during the said fiscal period; and such rate of assessment is hereby approved as each handler's pro rata share of the aforesaid expenses.

(b) It is hereby further found and determined that it is impracticable and contrary to the public interest to postpone the approval of the aforesaid rate of assessment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; Pub. Law 404, 79th Cong., 2d Sess.) in that: (1) the rate of assessment is applicable, pursuant to the amended marketing agreement and order, to all shipments of oranges, grapefruit, and tangerines made during the fiscal period beginning August 1, 1948, and ending July 31, 1949, both dates inclusive; (2) the expenses of operating this regulatory program since August 1, 1948, have been paid, in accordance with the applicable provisions of the amended marketing agreement and order, with funds representing advance credits on handlers' accounts against the operations of the 1948–1949 fiscal period; (3) all funds representing such advance credits have already been expended; (4) in order for the regulatory assessment to be collected, it is essential that the assessment rate be approved immediately so as to enable the Growers Administrative Committee and the Shippers Advisory Committee to perform their respective duties and functions under the aforesaid amended marketing agreement and order; and (5) a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(c) As used in this section, the terms "standard packed box," "handler," "shipped," and "fruit" shall have the same meaning as is given to each such term in said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR and Supps., 933.1 et seq.)

Done at Washington, D. C., this 28th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9651; Filed, Nov. 2, 1948; 8:52 a. m.]

Chapter XXI—Organization, Functions and Procedure

PART 2100—OFFICE OF THE SECRETARY

PART 2209—OFFICE OF HEARING EXAMINERS

PART 2210—OFFICE FOR FOOD AND FEED CONSERVATION

DISCONTINUANCE OF CODIFICATION OF CERTAIN PARTS AND SECTIONS RELATIVE TO ORGANIZATION AND FUNCTIONS AND REVOCATION OF PART

The codification of the following parts and sections of this chapter is hereby discontinued: Part 2100, §§ 2100.1, 2100.2, 2100.10; Part 2209, Office of Hearing Examiners.

Future amendments to descriptions of organization and functions will appear in the Notices section of the FEDERAL REGISTER.

Part 2210, Office for Food and Feed Conservation, is revoked.

[SEAL] W. A. MINOR,
Assistant to the Secretary.

OCTOBER 29, 1948.

[F. R. Doc. 48-9656; Filed, Nov. 2, 1948; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 96—AGRICULTURAL LOANS AND ADVANCES BY REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C., FOR MAXIMUM WAR PRODUCTION

REVOCATION OF PART

Correction

In Federal Register Document 48-9561, appearing on page 6367 of the issue for Saturday, October 30, 1948, the signature of the Governor should read "I. W. Duggan".

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter G—Farm Ownership

PART 364—REGULATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth; and § 364.11, in Title 6 of the Code of Federal Regulations, as amended (6 CFR, 1946 Supp., 364.11; 6 CFR, 1947 Supp., 364.11; 13 F. R. 6194), entitled "Average values of farms and investment limits," is amended by adding said counties, average values, and investment limits to the tabulations appearing in said section under the State of Wisconsin.

WISCONSIN

County	Average value	Investment limit
Calumet	$15,000	$12,000
Ozaukee	15,000	12,000

(Secs. 3 (a), 41 (l), 60 Stat. 1074, 1066; 7 U. S. C. 1003 (a), 1015 (l))

Issued this 28th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9655; Filed, Nov. 2, 1948; 8:53 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. W]

PART 222—CONSUMER INSTALMENT CREDIT

DELIVERY IN ANTICIPATION OF INSTALMENT SALE

1. Section 222.6 (g) of this part is hereby amended, effective November 1, 1948, to read as follows:

§ 222.6 *Certain technical provisions.* * * *

(g) *Delivery in anticipation of instalment sale.* Except as provided in the following paragraph, in case a listed article is delivered in anticipation of an instalment sale of that article or a similar article (such as a delivery "on approval", "on trial," or as a "demonstrator"), the Registrant shall require, at or before the time of such delivery, a deposit equal to the down payment that would be required on such an instalment sale.

In order to qualify as an exception to the preceding paragraph, the article must be an article listed in Group B, the delivery must be exclusively for the purpose of a bona fide trial, approval, or demonstration, and the Registrant must, within ten days after such delivery, obtain the down payment referred to in the preceding paragraph or the return of the article. Every such case shall be evidenced by a written agreement signed by the respective parties, of which a copy shall be given the prospective purchaser at or before the delivery of the article, and such written agreement shall cleary and prominently state that (1) the delivery is exclusively for the purpose of a bona fide trial, approval, or demonstration, and (2) the prospective purchaser will make the required down payment (the amount of which shall be stated in the agreement) within ten days after delivery of the article for trial, approval, or demonstration or will return or release the article within such ten-day period.

In calculating the maximum maturity in connection with transactions under either of the two preceding paragraphs, the date of delivery of the article sold shall be considered the date of the sale.

2. (a) The purpose of the amendment is to permit the delivery of certain "listed articles" for a stated period "on approval," "on trial," or as a "demonstrator," without a prior down payment provided there is compliance with the specified conditions deemed necessary for the effective administration of this part.

(b) The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found, as stated in section 2 (e) of the Board's rules of procedure (12 CFR 262.2 (e)), and especially because in connection with this permissive amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 5 (b), 40 Stat. 415, as amended, Pub. Law 905, 80th Cong.; 12 U. S. C. 95 (a), 50 U. S. C. App. 616, 617; E. O. 8843, Aug. 9, 1941, 3 CFR Cum. Supp.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-9625; Filed, Nov. 2, 1948; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast Guard: Inspection and Navigation

[CGFR 48-49]

MISCELLANEOUS AMENDMENTS

A notice regarding proposed changes in the inspection and navigation regulations was published in the FEDERAL REGISTER dated August 11, 1948 (13 F. R. 4638), and public hearings were held by the Merchant Marine Council on September 28, 1948, at Washington, D. C.

The purpose of the miscellaneous amendments is to delete from the Code of Federal Regulations those parts which paraphrase statutes and to bring other regulations regarding boundary lines of inland waters and pilot rules into agreement with Public Law 544, approved May 21, 1948, which statute becomes effective January 1, 1949. This law extended the application of the inland rules to waters which are now under the western rivers rules by providing that the inland rules of the road shall be followed by all vessels upon the harbors, rivers, and other inland waters of the United States except the Great Lakes as far east as Montreal and the waters of the Mississippi River between its source and the Huey P. Long Bridge, and all of its tributaries emptying therein and their tributaries and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway and the waters of the Mobile River above Choctaw Point and all of its tributaries and the Red River of the North. It is also necessary to change boundary lines of inland waters to bring certain waters within the application of the inland rules and to prescribe regulatory pilot rules which will implement the statutory rules of the road for the Mississippi River system which appear in Public Law 544.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, as amended, 46 U. S. C. 375 and sec. 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, as well as the statutes cited with the regulations below, the following amendments to the regulations are prescribed, which shall become effective on and after January 1, 1949:

PART 301—INTERNATIONAL RULES FOR PREVENTING COLLISIONS AT SEA

Part 301 is deleted. The text of the regulations in this part is statutory and is contained in 26 Stat. 320, as amended (33 U. S. C. 62, 63, 71–84, 91, 92, 101–113, 121, 131, 141, 142).

PART 302—BOUNDARY LINES OF INLAND WATERS

GENERAL

1. Section 302.2 is amended to read as follows:

§ 302.2 *General rules for inland waters.* At all buoyed entrances from seaward to bays, sounds, rivers, or other estuaries for which specific lines are not described in this part, the waters inshore of a line approximately parallel with the general trend of the shore, drawn through the outermost buoy or other aid to navigation of any system of aids, are inland waters, and upon them the Inland Rules and pilot rules made in pursuance thereof apply, except that Pilot Rules for Western Rivers apply to the Mississippi River and its tributaries above Huey P. Long Bridge, the Mobile River and all of its tributaries above Choctaw Point, the Red River of the North, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway. (Sec. 2, 28 Stat. 672, as amended, 33 U. S. C. 151)

GULF COAST

2. Section 302.65 is amended to read as follows:

§ 302.65 *San Carlos Bay and tributaries.* A line drawn from the northwesternmost point of Estero Island to Caloosa Lighted Bell Buoy 2; thence to Sanibel Island Lighthouse.

(Sec. 2, 28 Stat. 672, as amended, 33 U. S. C. 151)

3. Section 302.75 *Peace and Miakka Rivers* is deleted.

4. Section 302.85 *Manatee and Hillsboro Rivers* is deleted.

5. Section 302.89 is amended to read as follows:

§ 302.89 *Apalachee Bay, Fla.* Those waters lying north of a line drawn from Lighthouse Point on St. James Island to Gamble Point on the east side of the entrance to the Aucilla River, Fla. (Sec. 2, 28 Stat. 672, as amended, 33 U. S. C. 151)

6. Section 302.90 *Carrabelle River and Apalachicola River, Fla.,* is deleted.

7. Section 302.100 is amended to read as follows:

§ 302.100 *Mobile and Mississippi Rivers.* Pilots Rules for Western Rivers are to be followed in Mobile River and its tributaries above Choctaw Point; and also in Mississippi River and its tributaries above Huey P. Long Bridge. (Sec. 2, 28 Stat. 672, as amended, 33 U. S. C. 151)

PART 311—INLAND RULES OF THE ROAD

Part 311 is deleted. The text of the regulations in this part is statutory and is contained in 30 Stat. 96, as amended (33 U. S. C. 155, 156, 171–183, 191, 192, 201–213, 221, 222, 231, 232).

PART 312—PILOT RULES FOR INLAND WATERS

1. Section 312.01 is amended to read as follows:

§ 312.01 *General instructions.* The regulations in this part apply to vessels navigating the harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, Mobile River and its tributaries above Choctaw Point, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway. (Sec. 2, 30 Stat. 102, 38 Stat. 381, as amended, 33 U. S. C. 157, Pub. Law 544, 80th Cong., 2d sess.)

2. Section 312.13 (b) is amended to read as follows:

§ 312.13 *Speed in fog; posting of rules; diagrams.* * * *

(b) *Posting of pilot rules.* (1) On steam vessels of over 100 gross tons, two copies of the placard form of the rules (Form CG 803) in this part shall be kept posted up in conspicuous places in the vessel, one copy of which shall be kept posted up in the pilothouse.

(2) On steam vessels of over 25 gross tons and not over 100 gross tons, two copies of the placard form of the pilot rules shall be kept on board, one copy of which shall be kept posted up in the pilothouse.

(3) On steam vessels of 25 gross tons and under, and of more than 10 gross tons, two copies of the placard form of the pilot rules shall be kept on board, and, where practicable, one copy thereof shall be kept conspicuously posted up in the vessel.

(4) On steam vessels of not more than 10 gross tons, two copies of the pamphlet form of the pilot rules shall be kept on board, and, where practicable, one copy thereof shall be kept conspicuously posted up in the vessel.

(5) Nothing herein contained shall require copies of the pilot rules to be carried on board any motorboat as defined by section 1 of the act of April 25, 1940 (54 Stat. 163–167; 46 U. S. C. 526–526t).

(Sec. 2, 30 Stat. 102, 38 Stat. 381, as amended, 33 U. S. C. 157, Pub. Law 544, 80th Cong., 2d sess.)

3. The center heading immediately following § 312.13 is changed to read as follows: "Lights for Certain Classes of Vessels."

4. Section 312.15 is amended by changing the first paragraph to read as follows:

§ 312.15 *Ferryboats.* Ferryboats propelled by machinery and navigating the harbors, rivers, and other inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, the Mobile River and its tributaries above Choctaw Point, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, shall carry the range lights and the colored side lights required by law to be carried on steam vessels navigating those waters, except that double-end ferryboats shall carry a central range of clear, bright, white lights, showing all around the horizon,

placed at equal altitudes forward and aft, also on the starboard side a green light, and on the port side a red light, of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 2 miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, and so fixed as to throw the light from right ahead to 2 points abaft the beam on their respective sides.

* * * * *

(Sec. 2, 30 Stat. 102, 38 Stat. 381, as amended, 33 U. S. C. 157, Public Law 544, 80th Cong., 2d sess.)

5. Section 312.16 is amended by changing the first paragraph and the last paragraph to read as follows:

§ 312.16 *Lights for barges, canal boats and scows in tow of steam vessels on certain inland waters on the seaboard, except the Hudson River and adjacent waters and Lake Champlain.* On the harbors, rivers, and other inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, the Mobile River and its tributaries above Choctaw Point, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and except on the waters of the Hudson River and its tributaries from Troy to the boundary lines of New York Harbor off Sandy Hook as defined pursuant to section 2 of the act of Congress of February 19, 1895, as amended (28 Stat. 672; 33 U. S. C. 151), the East River, and Long Island Sound (and the waters entering thereon, and to the Atlantic Ocean), to and including Narragansett Bay, R. I., and tributaries, and Lake Champlain, barges, canal boats and scows in tow of steam vessels shall carry lights as follows:

* * * * *

Provided, That nothing in this section shall be construed as compelling barges or canal boats in tow of steam vessels, when passing through any waters coming within the scope of any regulation where lights for barges or canal boats are different from those of the waters whereon such vessels are usually employed, to change their lights from those required on the waters from which their trip begins or terminates; but should such vessels engage in local employment on waters requiring different lights from those where they are customarily employed, they shall comply with the local rules where employed. (Sec. 2, 30 Stat. 102, 38 Stat. 381, as amended, 33 U. S. C. 157, Pub. Law 544, 80th Cong., 2d sess.)

PART 321—NAVIGATION RULES FOR THE GREAT LAKES

Part 321 is deleted. The text of the regulations in this part is statutory and is contained in 28 Stat. 645, as amended (33 U. S. C. 241, 242, 251–262, 271, 272, 281–294).

PART 331—NAVIGATION RULES FOR WESTERN RIVERS

Part 331 is deleted. The text of the regulations in this part is statutory and is contained in R. S. 4233, as amended (33 U. S. C. 301, 302, 311–323, 331, 341–352).

PART 332—PILOT RULES FOR WESTERN RIVERS

Part 332 is amended to read as follows:

GENERAL

Sec.
332.01 General instructions.
332.03 Definitions.
332.05 Risk of collision.

VESSELS PASSING EACH OTHER

332.07 Vessels meeting at confluence of two rivers.
332.09 Danger and cross signals.
332.11 Narrow channels.
332.13 Approaching bridge span or draw.
332.15 Ascending, descending steamers crossing river.
332.17 Overtaking situation.
332.19 Passing signals.
332.21 Visual signals.
332.23 Posting of pilot rules.
332.25 Diagrams.

LIGHTS FOR FERRYBOATS AND BARGES

332.27 Lights for ferryboats.
332.29 Lights for barges towed ahead or alongside.
332.31 Lights for barges towed astern.
332.33 Lights for barges temporarily operating within or without Western Rivers.
332.35 Lights for barges at bank.

LIGHTS FOR RAFTS AND OTHER CRAFT NOT PROVIDED FOR

332.37 Lights for rafts and other craft.

DISTRESS SIGNALS

332.39 Distress signals.

UNAUTHORIZED USE OF LIGHTS; UNNECESSARY WHISTLING

332.41 Rule relating to the use of searchlights or other blinding lights.
332.43 Rule prohibiting unnecessary sounding of the whistle.
332.45 Rule prohibiting the carrying of unauthorized lights on vessels.

AUTHORITY: §§ 332.01 to 332.45 issued under R. S. 4233A, Public Law 544, 80th Congress, 2d session.

NOTE: The Pilot Rules in this part will be in effect on and after January 1, 1949, when the provisions of Public Law 544, 80th Congress, 2d Session, become effective. The provisions of the statute and these Pilot Rules are also published in a separate pamphlet entitled "Pilot Rules for Western Rivers" and may be obtained upon request from the Commandant (HA), U. S. Coast Guard, Washington 25, D. C., in December 1948.

GENERAL

§ 332.01 *General instructions.* The regulations in this part apply to vessels navigating the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, the Mobile River and its tributaries above Choctaw Point, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

§ 332.03 *Definitions.* (a) In this part the words "steam vessel" or "steamer" shall include any vessel propelled by machinery; and the word "barge" shall include barge, canal boat, scow, and any other vessel of nondescript type not otherwise provided for herein.

(b) The phrase "Western Rivers" shall include only the Red River of the North, the Mississippi River and its tributaries above Huey P. Long Bridge, the Mobile River and its tributaries above Choctaw Point, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway.

§ 332.05 *Risk of collision.* Risk of collision can, when circumstances permit, be ascertained by carefully watching the bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

§ 332.07 *Vessels meeting at confluence of two rivers.* When two steam vessels meet at the confluence of two rivers, the steam vessel which has the other to port shall give the first signal; but in no case shall pilots on steam vessels attempt to pass each other until there has been a thorough understanding as to the side each steam vessel shall take.

§ 332.09 *Danger and cross signals.* (a) The alarm or danger signal shall consist of four or more short and rapid blasts. Steam vessels are forbidden to use what has become technically known among pilots as "cross signals," that is, answering one whistle with two, and answering two whistles with one. In all cases and under all circumstances, a pilot receiving either of the whistle signals provided in the rules in this part with which, for any reason, he deems it injudicious to comply, instead of answering it with a cross signal, shall at once observe the provisions of this section.

(b) The pilot of any steam vessel shall sound the alarm or danger signal whenever required by the law, or any of the regulations hereinafter contained; that is to say, as follows:

(1) Whenever it is dangerous to take the side indicated by the passing signal of another vessel; or,

(2) Whenever any steam vessel does not understand or is in doubt regarding the signal of another steam vessel; or,

(3) Whenever, from any cause, one steam vessel is imperiled by another.

§ 332.11 *Narrow channels.* When two steam vessels are about to enter a narrow channel at the same time, the ascending steam vessel shall be stopped below such channel until the descending steam vessel shall have passed through it; but should two steam vessels unavoidably meet in such narrow channel, then it shall be the duty of the pilot of the ascending steam vessel to make the proper signals, and when answered, the ascending steam vessel shall lie as close as possible to the side of the channel and either stop the engines or move them so as to give the boat only steerageway; and the pilot of the descending steam vessel shall cause his steam vessel to be worked slowly until he has passed the ascending steam vessel.

§ 332.13 *Approaching bridge span or draw.* (a) When two steam vessels are approaching a bridge span or draw from opposite directions and the passing signals have been given and understood, should the pilot of the descending steam vessel deem it dangerous for the steam vessels to pass each other between the piers of such span or draw, he shall sound the alarm or danger signal, and it shall then be the duty of the pilot of the ascending steam vessel to answer with a similar alarm signal, and to slow or stop his engines below such span or draw until the descending steam vessel shall have passed.

(b) If the ascending steam vessel is already in the bridge span or draw, and the ascending steam vessel sounds the danger or alarm signal, it shall be the duty of the ascending steam vessel, if practicable, to drop below the bridge span or draw, and wait until the other steam vessel shall have passed.

§ 332.15 *Ascending, descending steam vessels crossing river.* The pilot of an ascending steam vessel shall in no case attempt to cross the river when an ascending or descending steam vessel shall be so near that it would be possible for a collision to ensue therefrom; and conversely, the pilot of a descending steam vessel shall in no case attempt to cross the river when an ascending or descending steam vessel shall be so near that it would be possible for a collision to ensue therefrom.

§ 332.17 *Overtaking situation.* When two steam vessels are in the overtaking situation, it is the duty of the steam vessel being overtaken to answer immediately a passing signal of the overtaking steam vessel, either by assenting with the same number of blasts or by dissenting with the danger signal.

§ 332.19 *Passing signals.* The passing signals, by the blowing of the whistle, shall be given and answered by pilots, in all weathers, when approaching each other; and, wherever possible, the signals shall be given and answered before the steam vessels, or if towboats pushing tows, the head of such tows, have arrived at a distance of half a mile of each other.

§ 332.21 *Visual signal.* All whistle signals shall be further indicated by a visual signal consisting of an amber colored light so located as to be visible all around the horizon for a distance of not less than one mile. This light shall be so devised that it will operate simultaneously and in conjunction with the whistle sounding mechanism, and remain ignited or visible during the same period as the sound signal: *Provided*, That the installation, use, or employment of the amber visual signal required by this section shall be optional in the case of (a) vessels operating upon the Gulf Intracoastal Waterway; (b) vessels operating on the Mississippi River below mile 237 AHP (Belmont Landing) as set forth in map No. 40, "Maps of the Mississippi River, Cairo, Illinois, to the Gulf of Mexico, Louisiana (1944 ed.)," published by the Mississippi River Commission; (c) newly constructed vessels while en route from point of construction to a point in waters where the aforementioned amber visual signal is not required; (d) motorboats of class A and class 1; and (e) motorboats of class 2 and class 3 not engaged in trade or commerce.

§ 332.23 *Posting of pilot rules.* (a) On steam vessels of over 100 gross tons two copies of the placard form of the rules in this part (Form CG 805) shall be kept posted up in conspicuous places in the vessel, one copy of which shall be kept posted up in the pilothouse.

(b) On steam vessels of over 25 gross tons and not over 100 gross tons, two copies of the placard form of pilot rules shall be kept on board, one copy of which shall be kept posted up in the pilothouse.

(c) On steam vessels of 25 gross tons and under, and of more than 10 gross tons, two copies of the placard form of the pilot rules shall be kept on board, and where practicable one copy thereof shall be kept conspicuously posted up in the vessel.

(d) On steam vessels of not more than 10 gross tons, two copies of the pamphlet form of the pilot rules shall be kept on board, and where practicable one copy thereof shall be kept conspicuously posted up in the vessel.

(e) Nothing herein contained shall require copies of the pilot rules to be carried on board any motorboat as defined by section 1 of the Act of April 25, 1940 (54 Stat. 163–167; 46 U. S. C. 526–526t).

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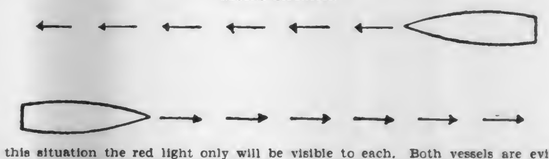
§ 332.25 *Diagrams.* The following diagrams are intended to illustrate the working of the system of colored lights and the pilot rules:

FIRST SITUATION



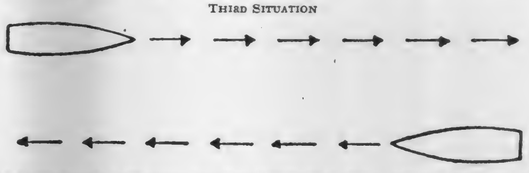
Here the two colored lights visible to each will indicate their meeting end on, or nearly end on, so as to involve risk of collision. In this situation it is a standing rule that both shall direct their courses to starboard and pass on the port side of each other, each having previously given one blast of the whistle, except that when an ascending steam vessel is approaching a descending steam vessel the descending steam vessel has the right-of-way and the vessels shall pass each other on the side determined by the descending steam vessel. The necessary signals for passing shall be given as provided in Rule 18.

SECOND SITUATION



In this situation the red light only will be visible to each. Both vessels are evidently passing to port of each other; however, the vessels shall pass each other on the side determined by the descending steam vessel.

THIRD SITUATION



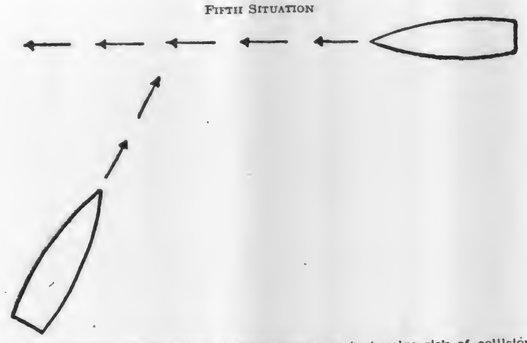
In this situation the green light only will be visible to each. They are therefore passing to starboard of each other; however, the vessels shall pass each other on the side determined by the descending steam vessel.

FOURTH SITUATION



In this situation one steam vessel is overtaking another steam vessel from some point within the angle of two points abaft the beam of the overtaken steam vessel. The overtaking steam vessel may pass on the starboard or port side of the steam vessel ahead after the necessary signals for passing have been given, with assent of the overtaken steam vessel, as prescribed in Rule 22.

FIFTH SITUATION



In this situation two steam vessels are crossing so as to involve risk of collision, other than where one steam vessel is overtaking another. The steam vessel which has the other to starboard shall keep out of the way of the other. Either vessel shall give one distinct blast of her whistle, as a signal of her intention, which the other vessel shall answer with a similar blast. However, a steam vessel with tow descending a river shall be deemed to have the right-of-way over any steam vessel crossing the river.

LIGHTS FOR FERRYBOATS AND BARGES

§ 332.27 *Lights for ferryboats.* (a) The signal lights on ferryboats shall be the same as those of similar steamboats, except that double-end ferryboats shall carry a central range of clear, bright, white lights, showing all around the horizon, placed at equal altitudes forward and aft, also on the starboard side a green light, and on the port side a red light, of such character as to be visible on a dark night with a clear atmosphere at a distance of at least 3 miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, and so fixed as to throw the light from right ahead to 2 points abaft the beam on their respective sides.

(b) The green and red lights shall be fitted with inboard screens projecting at least 3 feet forward from the lights, so as to prevent them from being seen more than half a point across the bow.

(c) Officers in Charge, Marine Inspection, in districts having ferryboats shall, whenever the safety of navigation may require, designate for each line of such boats a certain light, white or colored, which shall show all around the horizon, to designate and distinguish such lines from each other, which light shall be carried on a flagstaff amidships 15 feet above the white range lights.

§ 332.29 *Lights for barges towed ahead or alongside.* (a) When one or more barges is towed by pushing ahead of a steam vessel such tow shall be lighted by an amber light at the extreme forward end of the tow and at the centerline of the tow, or as near the centerline as it is practicable to carry such light; a green light on the starboard side and a red light on the port side, so placed that they mark the tow at its maximum projection to starboard and port, respectively. When a barge is towed alongside a steam vessel on the starboard side, such barge shall have a green light on the starboard bow; if towed alongside on the port side, a red light on the port bow. When barges are towed on either side of a steam vessel two or more abreast, the outboard barges only shall carry the appropriate side light.

(b) The colored side lights referred to in paragraph (a) must be fitted with inboard screens so as to prevent them from being seen more than half-a-point across the bow, of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least three miles; so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on either side. The amber light shall be screened so as not to be visible more than two points abaft the beam and shall likewise be visible at least three miles. All of these lights shall be carried at least eight feet above the surface of the water and at approximately the same height.

§ 332.31 *Lights for barges towed astern.* Barges being towed singly or in tandem on a hawser behind steam vessels shall carry a white light at each end of each barge. When barges are towed in tiers two or more abreast, each of the outside boats shall carry a white light on its outer bow, and the outside boats in the last tier shall each carry, in addition, a white light on the outer part of the stern. The lights shall be carried not less than eight feet above the surface of the water, and so as to show all around the horizon.

§ 332.33 *Lights for barges temporarily operating within or without Western Rivers.* Nothing in §§ 332.29 and 332.31 shall be construed as compelling barges being towed, when passing through any waters coming within the scope of any regulation where lights for barges are different from those of the waters whereon such barges are usually employed, to change their lights from those required on the waters from which their trip begins or terminates; but should such barges engage in local employment on waters requiring different lights from those where they are customarily employed, they shall comply with the local rules where employed. (Sec. 2, 30 Stat. 102, 38 Stat. 381, as amended, 33 U. S. C. 157)

§ 332.35 *Lights for barges at bank.* Barges moored to the bank or dock in or near a fairway shall carry two white lights not less than 4 feet above the surface of the water, as follows: on a single moored barge a light at each outboard or channelward corner; on barges moored in group formation, a light on the upstream outboard or channelward corner of the outer upstream barge, and a light on the downstream outboard or channelward corner of the outer downstream barge. In addition any barge projecting toward or into the channel from such group formation shall have two white lights similarly placed on the outboard or channelward corners of the barge.

LIGHTS FOR RAFTS AND OTHER CRAFT NOT PROVIDED FOR

§ 332.37 *Lights for rafts and other craft.* (a) All watercraft, except as herein otherwise provided, navigating any bay, harbor, or river, propelled by hand power, horsepower, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, shall carry one white light forward, not less than 8 feet above the surface of the water.

(b) Rafts propelled by hand power or by the current of the river, or which shall be anchored or moored in or near a channel or fairway, shall carry white lights, as follows:

(1) Rafts of one crib and not more than two in length shall carry one white light. Rafts of three or more cribs in length and one crib in width shall carry one white light at each end of the raft.

(2) Rafts of more than one crib abreast shall carry one white light on each outside corner of the raft, making four lights in all.

(c) The white light required by this section for rafts and other watercraft shall be carried from sunset to sunrise, in a lantern so fixed and constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and of such intensity as to be visible on a dark night with a clear atmosphere at a distance of at least 1 mile. The lights for rafts shall be suspended from poles of such height that the light shall not be less than 8 feet above the surface of the water.

(d) Rowing boats under oars shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

DISTRESS SIGNALS

§ 332.39 *Distress signals*—(a) *In the daytime.* (1) A gun fired at intervals of about a minute.

(2) The International Code signal of distress indicated by N. C.

(3) The distant signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball.

(4) Rockets or shells as prescribed below for use at night.

(5) A continuous sounding with a steam whistle or any fog-signal apparatus.

(b) *At night.* (1) A gun fired at intervals of about a minute.

(2) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).

(3) Rockets or shells, bursting in the air with a loud report and throwing stars of any color or description, fired one at a time at short intervals.

(4) A continuous sounding with a steam whistle or any fog-signal apparatus.

UNAUTHORIZED USE OF LIGHTS; UNNECESSARY WHISTLING

§ 332.41 *Rule relating to the use of searchlights or other blinding lights.* Flashing the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel under way is prohibited. Any person who shall flash or cause to be flashed the rays of a blinding light in violation of the above may be proceeded against in accordance with the provisions of section 4450, R. S., as amended, looking to the revocation or suspension of his license or certificate.

§ 332.43 *Rule prohibiting unnecessary sounding of the whistle.* Unnecessary sounding of the whistle is prohibited within any harbor limits of the United States. Whenever any licensed officer in charge of any vessel shall authorize or permit such unnecessary whistling, such officer may be proceeded against in accordance with the provisions of section 4450, R. S., as amended, looking to a revocation or suspension of his license.

§ 332.45 *Rule prohibiting the carrying of unauthorized lights on vessels.* Any master or pilot of any vessel who shall authorize or permit the carrying of any light, electric or otherwise, not required by law, that in any way will interfere with distinguishing the signal lights, may be proceeded against in accordance with the provisions of section 4450, R. S., as amended, looking to a suspension or revocation of his license.

Dated: October 28, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-9685; Filed, Nov. 2, 1948; 9:02 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MUSTERING-OUT PAYMENTS

In § 536.75, paragraph (d) is rescinded and the following substituted therefor:

§ 536.75 *Mustering-out payments.*

* * *

(d) *Payments to personnel discharged or relieved from active service prior to February 3, 1944.* Any member of the armed forces entitled to mustering-out payment who shall have been discharged or relieved from active service under honorable conditions, before the effective date of this act shall, if application therefor is made not later than February 3, 1950, be paid such mustering-out payment by the Department concerned, beginning within 1 month after application has been received and approved by such Department: *Provided*, That no member of the armed forces shall receive mustering-out payment under this act more than once, and such payment shall accrue and the amount thereof shall be computed as of the time of discharge for the purpose of effecting a permanent separation from the service or of ultimate relief from active service, or, at the option of such member, for the purpose of enlistment, reenlistment, or appointment in the Regular Army.

(58 Stat. 9, 59 Stat. 540, Pub. Law 539, 80th Cong.; 38 U. S. C. 691c)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9633; Filed, Nov. 2, 1948; 9:35 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 1—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

CROSS REFERENCE: For amendment of § 1.4, contained in Proclamation 2801, see Proclamation 2821, *supra*, which corrects a portion of footnote 9 under schedule (a) with respect to hunting in New Hampshire.

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF CRANBERRIES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *supra*.

[General Permit ODT 18A, Rev.-20A, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF CRANBERRIES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, *It is hereby ordered*, That General Permit ODT 18A, Revised–20A (13 F. R. 5213), shall remain in full force and effect until December 31, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971)

Issued at Washington, D. C., this 29th day of October 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 48-9634; Filed, Nov. 2, 1948; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 57, 58, 59, 60, 62, 66, 68]

INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

NOTICE OF PROPOSED ISSUANCE OF NEW REGULATIONS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1946 ed. 1003) that the Secretary of Agriculture proposes to issue new regulations for the inspection and certification of the class, quantity, quality, and condition of dry beans, grain, hay, hops, lentils, dry peas, split peas, oilseeds, rice, agricultural and vegetable seeds, straw, and other agricultural commodities and products of any of such commodities within the jurisdiction of the Grain Branch of the Department of Agriculture, under the Agricultural Marketing Act of 1946 (7 U. S. C. 1946 ed. 1621 et seq.) and the so-called Farm Products Inspection Act consisting of provisions in the Department of Agriculture Appropriation Act, 1949, for the market inspection of farm products (Public Law 712, 80th Congress; 7 U. S. C. 1946 ed. Supp., 414). The proposed regulations, if adopted, would supersede the presently effective regulations for inspection and certification of hay and straw (7 CFR, Part 57, as amended), beans and peas (7 CFR Cum. Supp., Part 58), rice (7 CFR Cum. Supp., Part 60, as amended), and hops (7 CFR 1944 Supp., Part 66), origin verification of alfalfa and red clover seed (7 CFR Cum. Supp.,

Part 59), and dockage inspection and certification of country-run forage seed (7 CFR Cum. Supp., Part 62). The proposed regulations would provide a permissive service, and inspection and certification would not be mandatory under the regulations in any respect. The regulations would not apply to inspection of grain as required by the United States Grain Standards Act (7 U. S. C. 1946 ed. 71 et seq.) nor to tests or inspections of seeds under the Federal Seed Act (7 U. S. C. 1946 ed. 1551 et seq.).

It is proposed to issue the new regulations, as Part 68 of Title 7, Code of Federal Regulations, to read as follows:

DEFINITIONS

Sec.
68.1 Meaning of words.
68.2 Terms defined.

ADMINISTRATION

68.3 Authority.

INSPECTION

68.4 Kind and availability of service.
68.5 Regulations not applicable to inspection of grain under U. S. Grain Standards Act of seeds under Federal Seed Act.
68.6 Who may inspect commodities.
68.7 Who may obtain service.
68.8 How to make application.
68.9 Form of application.
68.10 When application may be withdrawn.
68.11 Accessibility of commodities.
68.12 Lot inspection.
68.13 Sample inspection.
68.14 Inspection certificate, issuance.
68.15 Inspection certificate, form.
68.16 Inspection certificate, disposition of.

REINSPECTION

68.17 How to obtain a reinspection; withdrawal of application therefor.
68.18 Manner of reinspection.
68.19 Reinspection certificates.
68.20 Disposition of reinspection certificates.

APPEAL INSPECTION

68.21 How to obtain an appeal inspection.
68.22 Appeal application, form.
68.23 Record of filing appeal application.
68.24 When appeal application may be withdrawn.
68.25 Who shall make appeal inspections.
68.26 Appeal inspection certificate, issuance.
68.27 Appeal inspection certificate, disposition.
68.28 Appeal inspection certificate supersedes inspection certificate.
68.29 New inspection.

GENERAL PROVISIONS FOR INSPECTION, REINSPECTION, AND APPEAL INSPECTION

68.30 Authority of applicant.
68.31 Advance information.
68.32 Accessibility of records.
68.33 Manner of sampling, examinations, analyses, etc.
68.34 Conditions upon which inspection service furnished.
68.35 Denial of inspection service.

AUTHORIZED INSPECTORS

68.36 Who may be authorized.

LICENSED INSPECTORS AND SAMPLERS

68.37 Who may be licensed as inspectors.
68.38 Who may be licensed as samplers.
68.39 Sampling procedure.
68.40 Samples to be identified.
68.41 Suspension or revocation of license.

FEES AND CHARGES FOR INSPECTION SERVICE

68.42 Establishment of fees and charges for inspection service.
68.43 Fees and charges for inspection or reinspection.
68.44 Fees and charges for appeal inspection.
68.45 Fees and charges when an application for inspection or appeal inspection is withdrawn or any inspection service is refused.
68.46 Payment of fees and charges.
68.47 Fees and charges for services by licensed samplers.
68.48 Refunds.

MISCELLANEOUS

68.49 Publications.
68.50 Filing of final orders in proceedings to deny inspection service or to suspend or revoke licenses.
68.51 Inspection records confidential.
68.52 Political activity.
68.53 Identification.

DEFINITIONS

§ 68.1 *Meaning of words.* Words used in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 68.2 *Terms defined.* For the purpose of the regulations in this part unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

(a) "Acts" means the Agricultural Marketing Act of 1946 (7 U. S. C. 1621 et seq.), and the following provisions of the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 7 U. S. C. Supp., 414), or similar provisions of any future act of Congress conferring like authority: "For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered.

(b) "Regulations" means the regulations in this part.

(c) "Department" means the United States Department of Agriculture.

(d) "Secretary" means the Secretary of the Department or any other officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) "Administrator" means the Administrator of the Production and Marketing Administration of the Department, or any other officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) "Branch" means the Grain Branch of the Production and Marketing Administration of the Department.

(g) "Director" means the Director of the Branch or any other officer or employee of the Branch to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to set in his stead.

(h) "Person" means any individual, partnership, association, business trust, corporation, or any other organized group of persons, whether incorporated or not.

(i) "Interested party" means any person financially interested in a transaction involving a commodity.

(j) "Applicant" means an interested party who requests any inspection service with respect to a commodity.

(k) "Inspector" means any employee of the Department authorized by the Secretary, or any other person licensed by the Secretary, to inspect and certify the class, quality, quantity, or condition of specified commodities.

(l) "Supervising inspector" means any employee of the Department authorized by the Secretary to inspect and certify the class, quality, quantity, or condition of specified commodities and designated by the Director to supervise the work of inspectors and official samplers.

(m) "Official sampler" means any person licensed by the Secretary to draw samples of commodities for inspection or any employee of the Department authorized by the Director or by a supervising inspector to draw samples of commodities for inspection.

(n) "Commodity" means any one of the following agricultural commodities and products: dry beans, grain, hay, hops, lentils, oilseeds, dry peas, split peas, rice, agricultural and vegetable seeds, straw, and other agricultural commodities, and products of any of such commodities, assigned by the Administrator to the Branch for inspection.

(o) "Office of inspection" means the office of an inspector.

(p) "Inspection certificate" means a written or printed statement issued by an inspector pursuant to the acts and the regulations relative to the class, quality, quantity, or condition of commodities at the time and place stated therein.

(q) "Inspection" means (1) applying such tests and making such examinations of a commodity and records, according to the regulations, as may be necessary to determine the class, grade, other quality designation, quantity, or condition of such commodity, and (2) issuing an inspection certificate.

(r) "Grade" means a grade as defined in official standards for a commodity promulgated by the Secretary.

(s) "Origin" means the quality of a commodity as affected by the place where grown, e. g. the United States or any area therein.

(t) "Cooperative agreement" means a memorandum of agreement between the Department and other branches of the Federal Government, State agencies, and other agencies or persons, to conduct, cooperatively, commodity inspection services as authorized in the acts.

ADMINISTRATION

§ 68.3 *Authority.* The Director is charged with the administration of the provisions of the regulations and of the acts insofar as they relate to the subject matter of the regulations, under the supervision of the Secretary and the Administrator.

INSPECTION

§ 68.4 *Kind and availability of service.* (a) The inspection of commodities shall be (1) according to (i) standards of class, grade, other quality designation, quantity, or condition for such commodities promulgated by the Secretary; or (ii) specifications prescribed by Federal agencies; or (iii) specifications of trade associations or organizations approved by the Director; or (iv) instructions and procedures prescribed by the Director; and (2) for one or more factors of class, grade, other quality designation, quantity, or condition, as defined in such standards, specifications, or instructions and procedures.

(b) Inspection under the regulations shall be provided only for commodities offered for interstate shipment or received at important central markets designated by the Director or at points conveniently reached therefrom. Specific information as to the places where inspection is available may be obtained from the Director.

§ 68.5 *Regulations not applicable to inspection of grain under U. S. Grain Standards Act or seeds under Federal Seed Act.* The regulations do not apply to the inspection of grain as required by the United States Grain Standards Act (7 U. S. C. 1946 ed. 71 et seq.) or to the testing and inspection of seeds under the Federal Seed Act (7 U. S. C. 1946 ed. 1551 et seq.).

§ 68.6 *Who may inspect commodities.* The inspection of commodities shall be made only by a person who has been authorized or licensed by the Secretary to perform such functions.

§ 68.7 *Who may obtain service.* An application for inspection may be made by any interested party or his authorized agent.

§ 68.8 *How to make application.* An application for inspection may be made to any office of inspection. Such application may be made orally, in writing, or by telegraph. If made orally, the office of inspection may require that such application be confirmed in writing.

§ 68.9 *Form of application.* An application for inspection shall include the following information: (a) The date of the application; (b) the identification, quantity, and location of the commodity; (c) the name and post office address of the applicant and, if made by an authorized agent, the name and post office address of such agent; and (d) such other information relating to the inspection as may be required by the official with whom the application is filed.

§ 68.10 *When application may be withdrawn.* Upon payment by an applicant of the charges required by § 68.45, an application for inspection may be withdrawn at any time before the certificate has been issued or the results of the inspection have been furnished through other means.

§ 68.11 *Accessibility of Commodities.* Each lot of a commodity for which inspection is requested shall be so placed as to permit the entire lot to be examined or a representative sample thereof to be obtained as required by the kind of inspection to be performed: *Provided,* That if the entire lot is not accessible for examination or a representative sample cannot be obtained, the accessible portion of the lot may be examined or sampled and the inspection restricted to such portion, and the results certified as outlined in § 68.14.

§ 68.12 *Lot inspection.* A lot inspection shall be made by examining an identified lot of a commodity, by analyzing or testing a representative sample or samples of such commodity or by examining relevant records concerning a commodity, whichever may be required for the kind of service requested.

§ 68.13 *Sample inspection.* A sample inspection shall be made by examining, analyzing, or testing a sample of a commodity submitted by an applicant for inspection.

§ 68.14 *Inspection certificate, issuance.* Immediately after an inspection has been completed the inspector shall sign and issue an inspection certificate showing the results of the inspection, in accordance with paragraph (a) or (b) of this section.

(a) *Lot inspection certificate.* A lot inspection certificate shall be issued to show the results of the inspection of an identified lot of a commodity: *Provided,* That, when the entire lot is not accessible for examination or a representative sample thereof cannot be obtained, the certificate shall state the estimated quantity of the commodity in the accessible portion or in the portion for which a representative sample has been obtained, and that the inspection is restricted to such portion, and such certificate may have printed or stamped thereon the words "Partial inspection" or "Partial inspection certificate."

(b) *Sample inspection certificate.* A sample inspection certificate shall be issued to show the results of the inspection of a sample of a commodity submitted by an interested party. Each sample inspection certificate shall state that the results of the inspection set out therein apply only to the sample described in the certificate.

§ 68.15 *Inspection certificate, form.* Each inspection certificate shall be approved by the Director as to form, shall state the results of the inspection, and shall embody within its written or printed terms only such statements of fact as may be required or authorized by the Director.

§ 68.16 *Inspection certificate, disposition of.* Immediately upon issuance the original and one copy of each inspection certificate shall be delivered or mailed to the applicant or otherwise delivered or mailed in accordance with his instructions. One copy of each inspection certificate shall be filed in the office of inspection, and two copies shall be forwarded to the supervising inspector. Not to exceed three additional copies may be furnished, without extra charge, to the applicant if a request therefor is made prior to the issuance of such inspection certificate.

REINSPECTION

§ 68.17 *How to obtain a reinspection; withdrawal of application therefor.* (a) Any interested party who is dissatisfied with the results of an original inspection as stated in the inspection certificate issued as required by § 68.14 may make application for a reinspection of the commodity to the office of inspection where the original inspection was made: *Provided,* That, (a) the commodity has not left the place where the original inspection was made; (b) the identity of the commodity has not been lost; (c) an application for an appeal inspection has not been filed as provided in § 68.21; (d) the certificate issued as the result of the original inspection of the commodity is surrendered to the office of inspection; and (e) the application for reinspection is filed not later than the close of business on the second business day after the date of the original inspection.

(b) Upon payment by an applicant of the charges required by § 68.45 hereof, an application for reinspection may be withdrawn at any time before the certificate has been issued or the results of the reinspection furnished through other means.

§ 68.18 *Manner of reinspection.* A reinspection shall be made by an inspector of the office of inspection where the original inspection was made, shall be based upon an analysis or test of a representative sample or a reexamination of the commodity involved or the records thereof, and shall be for the determination of the same factors of class, grade, other quality designation, quantity, or condition as requested in connection with the original inspection.

§ 68.19 *Reinspection certificates.* After a reinspection has been completed, the inspector shall sign and issue a certificate showing the results of the reinspection, and such certificate shall supersede the original inspection certificate issued for the commodity involved. Each reinspection certificate shall bear conspicuously on its face the notation "Reinspection" and shall clearly identify by number and date, the inspection certificate which it supersedes. Such supersedure shall be effective as of the date of issuance of the reinspection certificate.

§ 68.20 *Disposition of reinspection certificate.* The original and one copy of each reinspection certificate shall be delivered or mailed to the applicant, and a copy shall be delivered or mailed to each known person who received a copy of the superseded certificate.

APPEAL INSPECTION

§ 68.21 *How to obtain an appeal inspection.* Any interested party who is dissatisfied with the results stated in an unsuperseded inspection certificate may make application for an appeal inspection: *Provided,* That (a) the commodity has not left the place where the inspection appealed from was made; (b) the identity of the commodity has not been lost; (c) the entire lot of the commodity is available and accessible for sampling and examination; and (d) the applica-

tion is filed not later than the close of business on the second business day following the date of the inspection appealed from, which time of filing may be extended by the supervising inspector for good cause shown. The application for appeal inspection shall be made in writing or by telegraph, and shall be filed in the Office of a Supervising Inspector. Such application shall be accompanied or followed by the inspection certificate with respect to which the application for appeal inspection is made.

§ 68.22 *Appeal application, form.* An application for an appeal inspection shall be signed by the applicant or his duly authorized agent and shall state: (a) The identification, quantity, and location of the commodity at the time of making the appeal; (b) the names and post office addresses of all interested parties; and (c) such other information relevant thereto as may be required by the supervising inspector.

§ 68.23 *Record of filing appeal application.* A record showing the date and place of filing an application for appeal inspection and including any other available documents pertaining to such appeal inspection shall be made immediately upon receipt thereof at the office of the supervising inspector.

§ 68.24 *When appeal application may be withdrawn.* Upon payment by an appellant of the fees and charges required by § 68.45 of the regulations, an application for an appeal inspection may be withdrawn at any time before the Federal appeal certificate has been issued or the results of the inspection have been furnished through other means.

§ 68.25 *Who shall make appeal inspections.* An appeal inspection shall be made only by a supervising inspector authorized by the Director to make appeal inspections of the commodity involved.

§ 68.26 *Appeal inspection certificate, issuance.* Immediately after an appeal inspection has been completed, an inspection certificate designated as "Federal Appeal Inspection Certificate" shall be issued by the supervising inspector, showing the results of such appeal inspection, and such certificate shall identify by number and date, the certificate which it supersedes.

§ 68.27 *Appeal inspection certificate, disposition.* The original and one copy of each appeal inspection certificate shall be delivered or mailed to the appellant or person designated by such appellant. A copy shall also be furnished to each interested party of record, including the inspector who made the inspection appealed from, and a copy shall be filed in the office of the supervising inspector. Not to exceed three additional copies may be furnished, without extra charge, to the appellant if a request therefor is made prior to the issuance of the appeal inspection certificate.

§ 68.28 *Appeal inspection certificate supersedes inspection certificate.* An appeal inspection certificate shall supersede the inspection certificate with respect to which the appeal inspection is made; and such supersedure shall be effective as of the date of issuance of such appeal inspection certificate.

§ 68.29 *New inspection.* The provisions of § 68.4 to § 68.28, with respect to inspections, reinspections, and appeal inspections shall not be construed to prevent any interested party from obtaining a new inspection on any commodity when the circumstances are such as to preclude a reinspection or an appeal inspection under the regulations. A certificate issued as a result of such new inspection shall not supersede any inspection certificate previously issued. An application for a new inspection shall not be restricted to the scope of any previous inspection and the applicant may request any or all of the inspection services provided for by the regulations, with the privilege of reinspection and appeal inspection.

GENERAL PROVISIONS FOR INSPECTION, REINSPECTION, AND APPEAL INSPECTION

§ 68.30 *Authority of applicant.* Proof of the authority of the person applying for any inspection service may be required in the discretion of the official to whom application for inspection is made.

§ 68.31 *Advance information.* Upon the request of an applicant for inspection, all or any part of the contents of an inspection certificate issued to such applicant may be telegraphed or telephoned to him at his expense.

§ 68.32 *Accessibility of records.* In the case of inspection for origin, the records indicating the origin of the commodity to be inspected shall be made accessible for examination and verification by an inspector.

§ 68.33 *Manner of sampling, examinations, analyses, etc.* All samplings, examinations, analyses, and tests shall be made in accordance with instructions and procedures prescribed or approved by the Director.

§ 68.34 *Conditions upon which inspection service furnished.* Service under the regulations will be furnished only if the applicant therefor has complied with all relevant provisions of the acts and the regulations prescribing the conditions upon which such service is made available, and until the applicant does so comply such service will be refused by the official to whom, or the official in charge of the office at which, application for service is made.

§ 68.35 *Denial of inspection service.* (a) Any wilful misrepresentation or deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application for inspection service; (b) any fraudulent or unauthorized use, alteration, or imitation of any certificate issued pursuant to the regulations; (c) any interference with or obstruction of any inspector or official sampler in the performance of his duties, by intimidation, threat, assault or any other improper means; or (d) any wilful violation of the regulations may be deemed sufficient cause for debarring the person found guilty thereof from any or all benefits of the acts, after opportunity for hearing before a proper official in the Department has been accorded him: *Provided,* That pending investigation and hearing the Director may, without hearing, direct that such person shall be denied the benefits of the acts.

AUTHORIZED INSPECTORS

§ 68.36 *Who may be authorized.* Any employee of the Department who has demonstrated that he possesses a thorough knowledge of a commodity and the standards, and instructions and procedures under which it is inspected may be authorized by the Secretary to inspect such commodity. Each authorization which is issued by the Secretary shall be countersigned by the Director.

LICENSED INSPECTORS AND SAMPLERS

§ 68.37 *Who may be licensed as inspectors.* Any person who is employed under the terms of a cooperative agreement, who possesses proper qualifications, as determined by the Director, and who has no interest, financial or otherwise, direct or indirect, in merchandising, handling, storing, or processing any commodities of the kind to be inspected by him or related products, may be licensed by the Secretary to inspect such commodities. Each license which is issued by the Secretary shall be countersigned by the Director. Each person who applies for a license as an inspector shall, if so required by the Director, be examined for the purpose of determining his competency. Such examination shall be held at such time and place and in such manner as may be prescribed by the Director.

§ 68.38 *Who may be licensed as samplers.* Any person who possesses proper qualifications as determined by a supervising inspector, and has no interest, financial or otherwise, direct or indirect, in merchandising, handling, storing, or processing commodities of the kind to be sampled by him or related products may be licensed by the Secretary to draw samples of such commodities. Each license which is issued to samplers by the Secretary shall be countersigned by the supervising inspector under whose direction the licensee draws samples of commodities.

§ 68.39 *Sampling procedure.* Upon request of any inspector, a licensed sampler shall draw a sample or samples from a designated lot or lots of commodities in accordance with methods prescribed by the Director. Such sampler shall forward all samples of commodities thus drawn to a designated office of inspection in accordance with the instructions of a supervising inspector, and shall furnish, with each sample, the information which the supervising inspector may request.

§ 68.40 *Samples to be identified.* Each sample shall be accompanied by a sampling report signed by the licensed sampler, giving the identity, quantity, and location of the commodity sampled, the name and address of the applicant for inspection, and such other information regarding the lot of the commodity sampled as may be required by the supervising inspector.

§ 68.41 *Suspension or revocation of licenses.* (a) The license of any inspector or sampler licensed under the regulations may be suspended or revoked if the licensee, (1) through wilfulness, carelessness or incompetence fails to perform his duties in accordance with the regulations, and instructions and procedures prescribed by the Director; (2) becomes incapable of properly performing such duties; or (3) engages in any of the activities specified in § 68.35 or § 68.52.

(b) In cases of wilfulness, or those in which the public health, interest, or safety so requires, the license of any licensed inspector or sampler may be summarily suspended by the Director without hearing, pending investigation, but the licensee shall be advised of the facts or conduct which appear to warrant suspension or revocation of his license and shall be accorded an opportunity for a hearing before a proper official in the Department, before the license is finally suspended or revoked. In all other cases, prior to the institution of proceedings for the suspension or revocation of a license, the Director shall cause to be served upon the licensee, in person or by registered mail, a statement of the facts which appear to warrant such suspension or revocation, specifying a reasonable time, depending upon the circumstances in each case, within which the licensee may demonstrate or achieve compliance with the acts, the regulations and instructions and procedures prescribed by the Director. The licensee may demonstrate compliance by the presentation of evidence in writing or, in the discretion of the Director, at an oral hearing. At the end of the time allowed for the licensee to demonstrate or achieve compliance, if the Director finds he is in compliance, proceedings for the suspension or revocation of his license shall not be instituted, but if the Director finds the licensee is not in compliance, he may institute such proceedings and, after service upon the licensee, in person or by registered mail, of a notice that suspension or revocation of his license is under consideration for reasons set out in the statement previously served upon him, and after opportunity for hearing before a proper official in the Department, the license may be suspended or revoked.

FEES AND CHARGES FOR INSPECTION SERVICE

§ 68.42 *Establishment of fees and charges for inspection service.* Fees and charges for inspection service shall be established in accordance with § 68.43, § 68.44, and § 68.47, and shall be reasonable and as nearly as may be equal to the cost of the service for which such fees and charges are assessed. Specific information concerning the fees and charges for particular services under the regulations may be obtained from the Director.

§ 68.43 *Fees and charges for inspection or reinspection.* Except as provided in § 68.47, fees and charges for any inspection or reinspection shall be in accordance with the applicable provisions of (a) and (b) of this section.

(a) *Inspection by a salaried employee of the Department.* Unless otherwise required by the provisions of (b) of this section, fees and charges for inspections or reinspections by an authorized inspector who is a salaried employee of the Department shall be in accordance with such schedule of fees and charges as may be fixed and issued by the Director.

(b) *Inspection under a cooperative agreement.* Fees and charges for inspections or reinspections made pursuant to a cooperative agreement shall be in accordance with the terms and provisions of such agreement.

§ 68.44 *Fees and charges for appeal inspection.* Fees and charges for appeal inspections shall be in accordance with such schedule of fees and charges as may be fixed and issued by the Director: *Provided,* That, if the supervising inspector who makes an appeal inspection finds that there is a material error in the inspection from which an appeal is taken, no fees or charges shall be assessed.

§ 68.45 *Fees and charges when an application for inspection or appeal inspection is withdrawn or any inspection service is refused.* In the event an application for inspection, reinspection or appeal inspection is withdrawn or any inspection service (including original inspection, reinspection, or appeal inspection, is refused pursuant to the applicable provisions of the regulations, the interested party who made the application for the inspection service shall pay only such expenses as were incurred in connection with the service prior to the withdrawal or refusal.

§ 68.46 *Payment of fees and charges—* (a) *Manner of payment.* Except as provided in § 68.47 fees and charges for inspections, reinspections, and appeal inspections shall be paid by the interested party making application for such inspections in accordance with the provisions of paragraphs (b) and (c) of this section; and, if required by the inspector or supervising inspector who is to make such inspection, such fees and charges shall be paid in advance.

(b) *Fees and charges for inspection by a salaried employee of the Department.* Fees and charges for inspections, reinspections, or appeal inspections by an inspector or a supervising inspector who is a salaried employee of the Department shall, unless otherwise required by paragraph (c) of this section, be paid by the applicant by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Director.

(c) *Fees and charges for inspection under a cooperative agreement.* Fees and charges for inspections or reinspections under a cooperative agreement shall be paid by the applicant in accordance with the terms of such agreement.

§ 68.47 *Fees and charges for services by licensed samplers.* Fees and charges for drawing samples of commodities by a licensed sampler shall be paid by the applicant, either direct to such licensed sampler or to the person, if any, by whom such licensed sampler is employed in such capacity. All fees and charges for drawing samples of commodities by a licensed sampler shall be in accordance with such schedule of fees and charges as may be fixed and issued by the Director: *Provided,* That if the licensed sampler is employed under a cooperative agreement, the fees and charges shall be in accordance with the terms of such agreement.

§ 68.48 *Refunds.* The Director will cause to be refunded to any State or person who is a party to a cooperative agreement with the United States for inspection services, and to any applicant for inspection service, any fees and charges remitted in excess of the amount due the United States.

MISCELLANEOUS

§ 68.49 *Publications.* Publications under the acts and the regulations may be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Production and Marketing Administration, and such other media as the Administrator may approve for the purpose.

§ 68.50 *Filing of final orders in proceedings to deny inspection service or to suspend or revoke licenses.* All final orders in any proceeding to deny the benefits of the acts to any person or to suspend or revoke a license (except orders required for good cause to be held confidential and not cited as precedents) shall be filed with the Hearing Clerk of the Department and be available to public inspection.

§ 68.51 *Inspection records confidential.* Unless otherwise provided by the regulations in this part or, by other regulations of the Department, records of any inspections, including but not limited to, copies of any inspection, reinspection, or appeal inspection certificates issued, records of such certificates, applicant's accounts, or other information relating to the work of any office of inspection shall not be made available to, or be opened for examination by, any persons who is not connected with the inspection service provided by the regulations, and such records shall be held strictly confidential and for reference only by the Director, the inspector in charge of such office of inspection, his assistants, and such inspector's supervising inspector. Summarized reports which do not disclose the operations of any individual grower, shipper, or other interested party and which are identified clearly as to source and contents may be released to the public: *Provided,* That, when so released, they shall be published in such manner and in such media as will make the information available alike to all interested parties.

§ 68.52 *Political activity.* All inspectors are forbidden, during the period of their appointments or licenses to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or

in behalf of any party or candidate, or any measure to be voted upon, is prohibited. In addition to licensees, this applies to all appointees, including, but not being limited to, temporary and cooperative employees, and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal or other disciplinary action in the case of appointees, and suspension or revocation of licenses in the case of licensees.

§ 68.53 *Identification.* All inspectors and official samplers shall have in their possession and present upon request, while on duty, the means of identification furnished to them by the Department.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed regulations may do so by filing them with the Director, Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than November 23, 1948.

Witness my hand and the seal of the United States Department of Agriculture.

Done at Washington, D. C., this 28th day of October 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-9650; Filed, Nov. 2, 1948; 8:52 a. m.]

PROPOSED RULE MAKING

[7 CFR, Part 725]

BURLEY AND FLUE-CURED TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTAS FOR BURLEY TOBACCO FOR 1949-50 MARKETING YEAR

Pursuant to the authority contained in the Agricutural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1949-50 marketing year on Burley tobacco and, if so, the amount of the national marketing quota.

The Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301 (b), 1312 (a)), provides that whenever the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The act provides further that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level.

In a referendum held on October 25, 1946, 129,734 of the 135,326 Burley tobacco growers voting favored marketing quotas for the marketing years 1947-48 through 1949-50 (11 F. R. 14509).

A public hearing will be held at the State PMA office, Maxwell and Mill Streets, Lexington, Kentucky, Tuesday, November 16, 1948, at 10:00 a. m. (c. s. t.) for the purpose of considering whether a national marketing quota should be proclaimed for Burley tobacco for the 1949-50 marketing year and, if so, the amount of such quota.

In making the determinations as to whether marketing quotas are required to be proclaimed on Burley tobacco for the 1949-50 marketing year and the amount of the national marketing quota, consideration will be given to any data, views, and recommendations pertaining thereto which are presented at the hearing or which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than November 17, 1948.

Issued at Washington, D. C., this 29th day of October 1948.

[SEAL] RALPH S. TRIGG,
Administrator.

[F. R. Doc. 48-9649; Filed, Nov. 2, 1948; 8:51 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Department of the Air Force

ORGANIZATION AND FUNCTIONS

(1) *Creation and authority.* (a) The Department of the Air Force and the United States Air Force were established and made a part of the National Military Establishment by the National Security Act of 1947 (61 Stat. 502, 503; 5 U. S. C. Sup. I, 626 c) and by the terms of the act came into legal being on September 18, 1947. Section 207 (c) and 208 (f) of this act generally define the organization as follows:

Section 207 (c) The term "Department of the Air Force" as used in this act shall be construed to mean the Department of the Air Force at the seat of government and all field headquarters, forces, reserve components, installations, activities and functions under the control or supervision of the Department of the Air Force.

Section 208 (f) In general the United States Air Force shall include aviation forces both combat and service not otherwise assigned. It shall be organized, trained and equipped primarily for prompt and sustained offensive and defensive air operations. The Air Force shall be responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

(b) In accordance with the policy declared by Congress and the provisions of the National Security Act of 1947 the Secretary of Defense, with the approval of the President promulgated agreements of the Joint Chiefs of Staff regarding the functions of the three services and the Joint Chief of Staff. (13 F. R. 2537). Functions of the United States Air Force were set forth as follows:

The United States Air Force includes air combat and service forces. It is organized, trained, and equipped primarily for prompt and sustained combat operations in the air. Of the three major Services, the Air Force has primary interest in all operations in the air, except in those operations otherwise assigned herein.

A. *Primary functions.* 1. To organize, train, and equip Air Force forces for the conduct of prompt and sustained combat operations in the air. Specifically:

a. To be responsible for defense of the United States against air attack in accordance with the policies and procedures of the Joint Chiefs of Staff.

b. To gain and maintain general air supremacy.

c. To defeat enemy air forces.

d. To control vital air areas.

e. To establish local air superiority except as otherwise assigned herein.

2. To formulate joint doctrines and procedures, in coordination with the other Services, for the defense of the United States against air attack and to provide the Air Force units, facilities, and equipment required therefor.

3. To be responsible for strategic air warfare.

4. To organize and equip Air Force forces for joint amphibious and airborne operations, in coordination with the other Services, and to provide for their training in accordance with policies and doctrines of the Joint Chiefs of Staff.

5. To furnish close combat and logistical air support to the Army, to include air lift, support, and resupply of airborne operations, aerial photography, tactical reconnaissance, and interdiction of enemy land power and communications.

6. To provide air transport for the Armed Forces except as otherwise assigned.

7. To provide Air Force forces for land-based air defense, coordinating with the other Services in matters of joint concern.

8. To develop, in coordination with the other Services, doctrines, procedures, and equipment for air defense from land areas, including the continental United States.

9. To provide an organization capable of furnishing adequate, timely, and reliable intelligence for the Air Force.

10. To furnish aerial photography for cartographic purposes.

11. To develop, in coordination with the other Services, tactics, techniques, and equipment of interest to the Air Force for amphibious operations and not provided for in (the section on the Functions of the United States Navy and Marine Corps).

12. To develop, in coordination with the other Services, doctrines, procedures, and equipment employed by Air Force forces in airborne operations.

B. *Collateral functions.* The forces developed and trained to perform the primary functions set forth above shall be employed to support and supplement the other Services in carrying out their primary functions, where and whenever such participation will result in increased effectiveness and will contribute to the accomplishment of the over-all military objectives. The Joint Chiefs of Staff member of the service having primary responsibility for a function shall be the agent of the Joint Chiefs of Staff to present to that body the requirements for and plans for the employment of all forces to carry out the function. He shall also be responsible for presenting to the Joint Chiefs of Staff for final decision any disagreement within the field of his primary responsibility which has not been resolved. This shall not be construed to prevent any member of the Joint Chiefs of Staff from presenting unilaterally any issue of disagreement with another Service. Certain specific collateral functions of the Air Force are listed below:

1. To interdict enemy sea power through air operations.

2. To conduct antisubmarine warfare and to protect shipping.

3. To conduct aerial mine-laying operations.

(2) *Central organization*—(a) *General.* The Department of the Air Force located at the seat of Government consists of the office of the Secretary of the Air Force, which includes the Secretary, the Under Secretary, the two Assistant Secretaries, the Director of Public Relations, the General Counsel, the Director of Legislation and Liaison and the Secretary of the Air Force Personnel Council; and Headquarters, United States Air Force which includes the Chief of Staff, United States Air Force, the Vice Chief of Staff, the Assistant Vice Chief of Staff, the Deputy Chiefs of Staff, the Comptroller, the Inspector General, the Secretary of the Air Staff, the Air Adjutant General, the Scientific Advisory Board and the Air Board. Their specific duties and functions are as follows:

(b) *Secretary of the Air Force.* The Secretary of the Air Force is the head of the Department of the Air Force and is responsible for the supervision of all matters pertaining to its operation, and for the performance of such duties as may be prescribed by law or enjoined upon him by the President and the Secretary of Defense.

(c) *Under Secretary.* The Under Secretary is responsible to the Secretary of the Air Force for the formulation and general supervision, within the Department of the Air Force, of policies relating to: Procurement, production and related industrial matters; supply, maintenance and transportation (including the establishment of matériel requirements); research and development; industrial mobilization and matters involving the aircraft industries. The Under Secretary represents the Department of the Air Force in a liaison capacity with the Atomic Energy Commission, Research and Development Board, and as a member of the Munitions Board. In the absence or disability of the Secretary of the Air Force, the Under Secretary acts as the Secretary of the Air Force.

(d) *Assistant Secretary of the Air Force (Civil and Military-Diplomatic).* The Assistant Secretary is responsible to the Secretary of the Air Force for the formulation and the general supervision, within the Department of the Air Force, of policies relating to: The role of air power as an instrument of National Policy, the coordination of civil and military air matters in the national interest, matters involving other countries, including the coordination of those matters with the State Department and other appropriate Government agencies; the United States Air Force Reserve, the Air National Guard, the Air Reserve Officers Training Corps, the Civil Air Patrol, and Air Force participation in Civil Defense activities. The Assistant Secretary represents the Department of the Air Force on the State-Army-Navy-Air Force Coordinating Committee and the Air Coordinating Committee and will represent the Department of the Air Force on such other boards and committees to which the Secretary of the Air Force may appoint him. In the absence or disability of both the Secretary and the Under Secretary of the Air Force, the Assistant Secretary acts as the Secretary of the Air Force.

(e) *Assistant Secretary of the Air Force (Management).* The Assistant Secretary is responsible to the Secretary of the Air Force for the formulation and general supervision, within the Department of the Air Force, of the policies relating to the business management of the Department, including those matters with respect to program control, management control through cost control, civilian personnel, organizational planning, mobilization, and the budget of the Department. In the absence or the disability of the Secretary, Under Secretary and the other Assistant Secretary, acts as the Secretary of the Air Force.

(f) *Director of Public Relations.* The Director of Public Relations is responsible to the Secretary of the Air Force for the dissemination of information concerning the Air Force to the public through all appropriate media, and for Air Force relations with civilians and civilian groups. He supervises the maintenance of liaison with the Executive Office of the President, the Office of the Secretary of Defense, and with other Governmental agencies, and advises and represents the Secretary of the Air Force and the Air Staff, United States Air Force, in connection with public relations matters.

(g) *General Counsel.* The General Counsel is the final authority on all legal questions arising within or referred to the Department of the Air Force. He reports directly to the Secretary of the Air Force. The General Counsel furnishes advice upon request to all levels on legal aspects of all procurement activities. The General Counsel furnishes advice upon request to the Secretary, Under Secretary and Assistant Secretaries of the Department of the Air Force on legal aspects of all other matters coming within their respective jurisdictions. He is not responsible for supervision of the administration of military justice

(h) *The Secretary of the Air Force Personnel Council.* The Secretary of the Air Force Personnel Council consists of the Air Force Personnel Board, the Air Force Disability Review Board, and the Air Force Board of Review. He is responsible for determining such military personnel actions as may be directed by the Secretary or enjoined by Public Law; such action being taken for and in the name of the Secretary of the Air Force.

(i) *Director of Legislation and Liaison.* The Director of Legislation and Liaison is responsible to the Secretary of the Air Force for the formulation, coordination, and general supervision of the Air Force Legislative program, with the exception of appropriation bills. He supervises the preparation of proposed legislation and executive orders affecting the Department of the Air Force, provides reports and studies, and conducts projects incident thereto. He monitors congressional inquiries, correspondence, and investigations. He maintains liaison with the Congress, the Executive Office of the President, the Secretary of Defense and other governmental agencies in connection with the aforementioned matters.

(j) *Chief of Staff.* The Chief of Staff, United States Air Force, under the direction of the Secretary of the Air Force, exercises command over the United States Air Force and assigned supporting forces and is charged with the duty of carrying into execution all lawful orders and directives of superior authority transmitted to him. He is responsible for the formulation and establishment of policies and plans to accomplish the Air Force mission and for their execution. He is the principal military adviser to the President, the Secretary of Defense and to the Secretary of the Air Force on the employment of the Air Force in war and the principal military advisor and executive to the Secretary of the Air Force on the activities of the United States Air Force. He further serves as a member of the War Council and the Joint Chiefs of Staff of the National Military Establishment.

(k) *Vice Chief of Staff.* The Vice Chief of Staff assists the Chief of Staff in the discharge of the latter's duties and in his absence performs his functions. He also serves as chairman of the United States Air Force Aircraft and Weapons Board and the Aeronautical Board.

(l) *Assistant Vice Chief of Staff.* The Assistant Vice Chief of Staff assists and advises the Chief of Staff and the Vice Chief of Staff and acts for them in matters delegated to his authority. He is responsible for administrative procedures and coordination within the Air Staff.

(m) *Air Board.* The Air Board assists the Chief of Staff in the formulation of over-all policies of the United States Air Force.

(n) *Scientific Advisory Board.* The Scientific Advisory Board advises the Chief of Staff of the latest developments in the various fields of science of interest to the Air Force. It studies scientific research problems affecting the future of the Air Force, with a specific view toward new development in aircraft, weapons, and equipment. The Board also reviews and evaluates long-range plans for research and development and advises the Chief of Staff as to the adequacy of the Air Force's program. The members of the Board serve as a pool of consultants from their respective fields of science to the various activities of the Air Force and present recommendations for the organization of research and development, with emphasis on the ways and means of obtaining close cooperation with the scientific world.

(o) *The Inspector General.* The Inspector General administers the inspection of the internal structure, the combat quality, the administrative efficiency, and the logistic capabilities of the Air Force. He conducts all investigations, within Air Force jurisdiction, concerning the integrity or security of the Air Force and the conduct of loyalty of its personnel; maintains close liaison and coordination with all civil law enforcement agencies—federal, state, and municipal; enforces security, including atomic energy security; supervises and inspects all Air Force police and has jurisdiction over all matters pertaining to their use and to military discipline, including the confinement and rehabilitation of prisoners of the United States Air Force.

(p) *Secretary of the Air Staff.* The Secretary of the Air Staff is the executive agent to the Assistant Vice Chief of Staff for matters pertaining to the internal administration of Headquarters United States Air Force. He is specifically responsible for the Executive, Administrative, Headquarters Civilian Personnel, and Headquarters Commandant Divisions, and is generally responsible for operating an administrative program for Headquarters United States Air Force.

(q) *Air Adjutant General.* The Air Adjutant General is responsible for the publication of the orders and instructions of Headquarters, United States Air Force; the administration within the Air Force of the postal service, the records administration program, the design and standardization of the Air Force forms, the personnel administration of officers assigned to Headquarters, United States Air Force; the providing of correspondence, mail, records, filing, references, reproduction, message centers, and messenger services for Headquarters, United States Air Force; the maintenance of photographic records and services; and the maintenance and servicing of current personnel records of all United States Air Force personnel.

(r) *Comptroller.* The Comptroller assembles and evaluates elements of information necessary for the efficient management of the United States Air Force; advises and assists the Chief of Staff and the Air Staff in the attainment of integrated programs for the accomplishment of the Air Force mission; defends the Air Force Budget; administers funds, including the disbursement, collection and accounting therefor; prescribes regulations governing the Air Force audit systems and the fixing of the responsibility therefor; takes final action for the secretary of the Air Force on statutory functions in connection with the administration of funds as might be delegated; provides for the measurement of progress toward program objectives; evaluates results in relation to costs, to the end that the Chief of Staff may efficiently and economically utilize the resources available to him. He also provides complete statistical services on all subjects for the Air Staff and higher authority and exercises technical supervision over the budget and fiscal, statistical control, and cost control system.

(s) *Deputy Chief of Staff, Personnel.* The Deputy Chief of Staff for Personnel is responsible for the administration and management of all military and civilian personnel in the Air Forces as individuals, including procurement, classification, assignment, reassignment, promotion, demotion, separation, retirement, efficiency ratings, personnel services, and the maintenance of pertinent records and administrative services. He is also responsible for such administrative services as are performed by the Judge Advocate General, United States Air Force, the Air Surgeon, and Chief of Air Force Chaplains.

(t) *Deputy Chief of Staff, Operations.* The Deputy Chief of Staff for Operations coordinates and directs the activities of the Directors of Intelligence, Training and Requirements, Plans and Operations, and Communications; Assistants for Atomic Energy and Programming and two special groups—The Guided Missile Group and the Civilian Components Group. He directs and is responsible for Air Force intelligence activities, organization, training and requirements, operations of the Air Force including joint operations, preparation of over-all plans and programs, development and review of broad Air Force policies, Air Force communications activities, guided missile activities, Air Force civilian components activities including Civil Air Patrol and Air Scout activities, the coordination of over-all Air Force programs, and atomic energy matters.

(u) *Deputy Chief of Staff, Matériel.* The Deputy Chief of Staff for Matériel is responsible for the planning, policy development, supervision, and administration of Air Force programs relating to the field of matériel and services. Included within the scope of his responsibilities are programs relating to research and development, armament, procurement, industrial planning, installations, maintenance, supply and services; and engineer, chemical, ordnance, and quartermaster activities affecting the Air Force.

(3) *Field Organization*—(a) *General.* The field activities of the United States Air Force are continuously subject to changing requirements and conditions. Accordingly, the organizational structure of these activities is designed so that it is capable of flexibility, growth, and constant progression toward the objective of providing the best possible control for the accomplishment of the Air Force Mission. The main structure of the field organization of the United States Air Force is divided into a series of functional Air Commands. Each of these commands in turn is subdivided into smaller structures, the number of which is dictated by the assigned mission of each particular command. Nine of these Air Commands, under control of Headquarters United States Air Force are located in the United States and with two exceptions, are organized on a functional basis without specific geographical area responsibility. Only administrative control is exercised by Headquarters, United States Air Force, over the five overseas commands, operational control of these commands being vested in the Commander in Chief of the Unified Commands established by the Joint Chiefs of Staff.

(b) *Air Defense Command.* The Air Defense Command with headquarters at Mitchel Air Force Base, New York, is organized primarily for the defense of the continental United States. It exercises direct control over all active measures and coordinates all passive means of Air Defense. It participates in joint training and joint maneuvers with the Army and Navy and formulates general plans for the participation of all Air Force Commands in domestic emergencies, including disaster relief, and directs Air Force operations in the execution of these plans as necessary to minimize or to end such emergencies. It is responsible for the activation, organization, maintenance, administration, and training of units and individuals of the Air Force Reserve, the Air Force Reserve Officer Training Corps, and the Air Force Organized Reserves. The Air Defense Command's mission is presently being accomplished through four subordinate "numbered" Air Force Headquarters. The subordinate Air Forces of the Air Defense Command are organized on a geographic basis with specific area responsibility.

(c) *Strategic Air Command.* The Strategic Air Command with headquarters at Andrews Air Force Base, Maryland, provides and operates long range bomber and fighter units maintained in the United States, or in such other areas as may be designated. It must be prepared to conduct long range offensive operations in any part of the world; to conduct maximum range reconnaissance over land or sea, either independently or in cooperation with other components of the Armed Forces; and to train units and personnel for the maintenance of the Strategic Forces in all parts of the world. It prepares plans for strategic reconnaissance to meet the requirements of the Armed Forces. It has primary interest in the development, training, tactics, and techniques of strategic bombardment aviation. In addition, it exercises command jurisdiction over and operates in accordance with policies established by the Chief of Staff, United States Air Force, a world-wide Air Force Aeronautical Chart Service. It is organized into two Air Forces and a Reconnaissance Division, with subordinate units based throughout the United States without regard to any established geographical boundaries.

(d) *Tactical Air Command.* The Tactical Air Command with headquarters at Langley Air Force Base, Virginia, has the primary mission of cooperation with and support of the operations of surface forces. It promotes progressive development of air ground cooperation techniques and doctrines. It cooperates with the Army in airborne and airlift training of Army troops and develops and tests organization, equipment and tactics of troop carrier aviation. Further, it cooperates with the Air Defense Command in the Air Defense mission, and trains units and personnel for maintenance of tactical forces in all parts of the world. The Tactical Air Command is composed of two Air Forces operating light bombardment, fighter, and troop carrier units.

(e) *Air University.* The Air University has its headquarters at Maxwell Air Force Base, Alabama. It is primarily concerned with the higher education of Air Force officers. The Air University supervises and operates the Air War College and the Air Command and Staff School at Maxwell Air Force Base, Alabama; the Air Tactical School at Tyndall Air Force Base, Florida; the School of Aviation Medicine at Randolph Air Force Base, Texas, and the Special Staff School with headquarters at Craig Air Force Base, Alabama. It supervises the curricula of the Air Force Institute of Technology at Wright-Patterson Air Force Base, Dayton, Ohio, and operates the Air Force Officer Education Program at civilian institutions. Through its school system, the Air University also conducts staff studies as required by the Chief of Staff, United States Air Force, on Air Force basic doctrine, tactics, and techniques.

(f) *Air Training Command.* The Air Training Command, with headquarters at Barksdale Air Force Base, Louisiana, is charged with individual training of Air Force officers and enlisted men. It aids in designing the Air Force training program, directs its operation and trains personnel for the integration into the proper Air Force team. Indoctrination of recruits is conducted by the Indoctrination Division at San Antonio, Texas. Flying Training is conducted under the supervision of the Flying Training Division with headquarters at Randolph Air Force Base, Texas. Technical Training is conducted under the supervision of the Technical Training Division with headquarters at Scott Air Force Base, Illinois.

(g) *Air Matériel Command.* The Air Matériel Command, with headquarters at Wright-Patterson Air Force Base, Ohio, procures, supplies, maintains and supervises the development of all matériel peculiar to the Air Force and required by the Air Force in the performance of its primary mission. It is responsible for the technical training of personnel peculiar to these requirements. It operates the Air Force Institute of Technology, and in its laboratories at Wright-Patterson Air Force Base, undertakes any research and development necessary to provide equipment to accomplish the Air Force mission. It conducts all experimental static and flight tests necessary in the development of such matériel. It is also charged with industrial planning for Air Force procured items. In addition, the Air Matériel Command is responsible for maintaining the Air Force Technical Museum, which collects and preserves for educational and historical purposes such foreign and domestic aeronautical articles as may be required for use by the Air Force or other governmental agencies. The Air Matériel Command is organized geographically into seven Air Matériel Areas within the continental United States.

(h) *Air Proving Ground.* The Air Proving Ground is located at Eglin Air Force Base, Florida. It develops improved operational techniques and performs tests on tactical matériel and equipment used or proposed for use by the United States Air Force, under simulated combat conditions, to determine its operational suitability. In its climatic hangar at Eglin Air Force Base, it performs additional proof tests on Air Force tactical matériel and equipment under various adverse climatic conditions.

(i) *Military Air Transport Service.* The Military Air Transport Service, recently created by the Secretary of Defense, has its headquarters at Gravelly Point, Virginia. It is charged with providing and operating air transport service for the Armed Forces and for other Governmental agencies as directed by the Chief of Staff, United States Air Force. It is responsible for the study, investigation, and development of all matters relating to military air transportation (excluding troop carrier and matters specifically assigned to Air Matériel Command) and presents appropriate findings to United States civil air agencies. It prepares and maintains in current status, plans for its expansion in time of war. In addition, the Military Air Transport Service exercises command jurisdiction over and operates in accordance with policies established by the Chief of Staff, the Air Weather Service, Air Communications Service, Air Rescue Service, and the Flight Service.

(j) *Headquarters Command, United States Air Force.* The Headquarters Command, United States Air Force, located at Bolling Air Force Base, Washington, D. C., controls and administers the 35th Air Force Base Unit which provides required air transportation not available through Military Air Transport Service. It provides miscellaneous services as directed by Headquarters, United States Air Force, to include photographic service by the 10th Photo Technical Squadron and administration of the Air Force Band and the Air Force Bandsman Training School. It is also charged with administration of a number of special mission personnel both in the Zone of Interior and overseas.

(k) *Overseas Commands.* Two of the five overseas Air Commands are occupational forces. These two are the United States Air Force in Europe, and the Far East Air Forces. The other three overseas commands are on the outer defense perimeter of the continental United States. The five overseas Air Commands and the respective unified commands controlling their operations are:

1. United States Air Force in Europe, Wiesbaden, Germany; Under operational control of European Command—Berlin, Germany.

2. Far East Air Forces, Tokyo, Japan; Under operational control of Far East Command, Tokyo, Japan.

3. Caribbean Air Command, Albrook Field, Canal Zone; Under operational control of Caribbean Command, Quarry Heights, Canal Zone.

4. Pacific Air Command, Hickam Field, Oahu, Territory of Hawaii; under operational control of Pacific Command—Pearl Harbor, Territory of Hawaii.

5. Alaskan Air Command, Ft. Richardson, Alaska; under operational control of Alaskan Command — Ft. Richardson, Alaska.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 48-9637; Filed, Nov. 2, 1948; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 21169 "LD"]

NEVADA

REVOKING IN PART DEPARTMENTAL ORDER OF DECEMBER 3, 1907, WITHDRAWING LANDS FOR TOWN SITE PURPOSES

The order of December 3, 1907, of the Secretary of the Interior, withdrawing certain lands in the State of Nevada for town site purposes, is hereby revoked so far as it affects the following-described land:

MOUNT DIABLO MERIDIAN

T. 12 S., R. 46 E.,
Sec. 16.

By the decision of October 5, 1948, the Assistant Director, Bureau of Land Management, canceled the plat of survey of the town site of Rhyolite, Nevada, approved June 19, 1908, affecting lands in the SE¼ sec. 9, SW¼ sec. 10, E½ and SW¼ sec. 16, T. 12 S., R. 46 E., Mount Diablo Meridian, Nevada.

The lands are desert range lands with a low carrying capacity for grazing livestock.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on December 28, 1948.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from December 28, 1948, to March 29, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service

recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from December 8, 1948, to December 27, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on December 28, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on March 30, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from March 10, 1949, to March 29, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on March 30, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Carson City, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, District Land Office, Carson City, Nevada.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

OCTOBER 26, 1948.

[F. R. Doc. 48-9636; Filed, Nov. 2, 1948; 8:49 a. m.]

NOTICES

[Circ. 1703]

EAST ADDITION TO KODIAK TOWN SITE, ALASKA

SALE OF LOTS

1. *Statutory authority.* The lots in the East Addition to Kodiak Town Site, Alaska, will be disposed of under section 2381, United States Revised Statutes (43 U. S. C. sec. 712). The town site plat of survey No. 2538B for this addition was accepted on February 17, 1942, and officially filed on January 29, 1947.

2. *Lots, areas, and minimum prices.* The lots which will be offered for sale, and the areas and minimum prices thereof, are shown in the attached schedule.

3. *Public sale.* The lots will be offered for sale by the Regional Administrator or his representative at public outcry to the highest bidder at Kodiak, Alaska, on November 18, 1948, beginning at 10:00 a. m. The sale will be continued from day to day as long as may be necessary until all the lots have been offered.

4. *Payments.* No lot shall be sold for less than the minimum price. Full payment may be made in cash on the date of the sale, or one-fourth of the purchase price may be paid in cash at that time and the balance in not to exceed three equal annual installments, with interest at the rate of four percent per annum to the date of payment. Payment on the date of the sale must be made to the officer conducting the sale. The deferred installments, with the interest, must be paid to the Manager, District Land Office, Anchorage, Alaska.

5. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become such a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in Alaska.

6. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by these regulations. Any person may purchase any number of lots for which he is the successful bidder.

7. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot, and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. *Forfeitures for nonpayment.* If any person who has made partial payment on a lot fails to make any succeeding payment required under these regulations, at the date such payment becomes due, the money theretofore paid and his right to the lot will be forfeited.

9. *Removal of improvements.* Owners of buildings who do not purchase the lots on which the buildings are located will be allowed three months from the date of the sale in which to remove their improvements.

10. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale will be subject to private entry for cash at their minimum prices, and lots the rights to which have been declared forfeited for nonpayment of any installment of the purchase price will be subject to private entry for cash at such purchase price.

11. *Reservations.* Patents for the lots, when issued, will contain a reservation of fissionable materials and conditions and limitations as provided by the act of August 1, 1946 (60 Stat. 755). Patents will also contain the reservations of rights-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391), and for the construction of railroads and telegraph and telephone lines as provided by the act of March 12, 1914 (38 Stat. 305).

12. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any person so offending will be prosecuted under section 59 of the Criminal Code of the United States (18 U. S. C. sec. 113).

ROSCOE E. BELL,
Acting Director.

Approved: October 25, 1948.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

SCHEDULE SHOWING LOT AND BLOCK NUMBERS, AREAS, AND APPRAISED VALUES OF LOTS IN THE EAST ADDITION TO KODIAK TOWN SITE, ALASKA, WHICH WILL BE OFFERED FOR SALE AT PUBLIC OUTCRY UNDER CIRCULAR NO. 1703

Block	Lot	Area in square feet	Minimum price
2	1	5,000	$150
	2	5,000	150
	3	5,000	150
	4	5,000	150
	5	5,000	150
	6	5,000	150
	7	5,000	150
	8	4,738	150
	9	2,538	100
	10	7,397	175
	11	5,000	150
	12	5,000	150
	13	5,000	150
	14	5,000	150
	15	5,000	150
	16	5,000	150
	17	5,000	150
	18	5,000	150
4	1	5,000	150
	2	5,000	150
	3	5,000	150
	4	5,000	150
	5	5,000	150
	6	5,000	150
	7	6,668	175
	8	3,148	75
	9	5,000	150
	10	5,000	150
	11	5,000	150
	12	5,000	150
	13	5,000	150
	14	5,000	150
5	1	5,000	150
	2	5,000	150
	3	5,000	150
	4	5,000	150
	5	5,000	150
	6	5,000	150
	7	5,000	150
	8	5,000	150
	9	5,000	150
	10	5,000	150
	11	5,000	150
	12	5,000	150
	13	5,000	150
	14	5,000	150
	15	5,000	150
	16	5,000	150
6	1	5,000	150
	2	5,000	150

SCHEDULE—Continued

Block	Lot	Area in square feet	Minimum price
6	3	5,000	$150
	4	5,000	150
	5	5,000	150
	6	5,000	150
	7	5,000	150
	8	5,000	150
	9	5,000	150
	10	5,000	150
	11	5,000	150
	12	5,000	150
	13	5,000	150
	14	5,000	150
	15	5,000	150
	16	5,000	150
33	1	8,110	300
	2	4,999	250
	3	6,187	250
	4	3,402	200
	5	4,209	200
	6	4,926	200
	7	5,643	225
	8	6,360	250
	9	5,764	250
	10	5,294	225
	11	4,823	200
	12	4,350	200
	13	3,882	200
34	1	8,548	350
	2	8,310	350
	3	7,701	350
	4	7,008	350
	5	6,597	350
	6	6,006	300
	7	5,505	300
	8	5,006	300
	9	4,514	300
	10	4,460	300
	11	4,652	300
	12	4,827	300
	13	4,407	300
	14	4,217	300
	15	4,086	250
	16	3,851	300
	17	4,912	300
	18	7,857	350
35	1	5,244	250
	2	4,533	250

[F. R. Doc. 48-9635; Filed, Nov. 2, 1948; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1081, G-1091, G-1093]

IROQUOIS GAS CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

OCTOBER 28, 1948.

In the matter of Iroquois Gas Corporation, Docket No. G-1081; Colorado Interstate Gas Company, Docket No. G-1091; Lone Star Gas Company, Docket No. G-1093.

Notice is hereby given that, on October 27, 1948, the Federal Power Commission issued its findings and orders entered October 26, 1948, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9623; Filed, Nov. 2, 1948; 8:45 a. m.]

HAVERHILL ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO.

NOTICE OF ORDERS APPROVING AND DIRECTING DISPOSITIONS OF AMOUNTS CLASSIFIED IN ELECTRIC PLANT ADJUSTMENTS

OCTOBER 28, 1948.

Notice is hereby given that, on October 27, 1948, the Federal Power Commission issued its orders entered October 26, 1948, approving and directing dispositions of amounts classified in Account 107, Electric Plant Adjustments, in the above-designated matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9624; Filed, Nov. 2, 1948; 8:45 a. m.]

[Docket Nos. G-704, G-1143]

TRANS-CONTINENTAL GAS PIPE LINE CO., INC., AND TRANS-CONTINENTAL GAS PIPE LINE CORP.

ORDER REOPENING AND CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

OCTOBER 28, 1948.

It appears to the Commission that:

(a) Public hearings were held on October 15, through October 18, 1948, on the petition filed September 23, 1948, to amend the Commission's order of May 29, 1948, at Docket No. G-704, issuing a certificate of public convenience and necessity to Trans-Continental Gas Pipe Line Company, Inc. (Trans-Continental Company), and the Commission on October 19, 1948, adopted an order granting a motion to omit the intermediate decision procedure.

(b) The evidence presented at such hearing further indicates that Trans-Continental Company may not be able to construct its proposed project within the time limitations imposed by its gas purchase contracts and although there was some indication of willingness of some suppliers of natural gas of Trans-Continental Company to extend such time limitations until April 1, 1951, no executed amendments to the contracts were submitted.

(c) On October 19, 1948, Trans-Continental Gas Pipe Line Corporation (Trans-Continental Corporation), a Delaware Corporation with its principal office in Dallas, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, seeking authorization as follows:

(i) To acquire, construct and operate the facilities authorized to be constructed and operated by Trans-Continental Gas Pipe Line Company, Inc., a Texas corporation, pursuant to certificate of public convenience and necessity issued to it by the Commission on May 29, 1948.

(ii) To succeed to all other rights and obligations of the Trans-Continental Gas Pipe Line Company, Inc., over which the Commission has jurisdiction under authority of the Natural Gas Act, as amended.

(d) By the application referred to in paragraph (c) above, it is contemplated that the preferred stock to be issued by Trans-Continental Corporation would be cumulative preferred stock entitling the holders thereof to payments of dividends during the period of construction of the line, which dividends may be paid out of funds properly included in capital account.

Upon consideration of Trans-Continental Company's petition to amend the Commission's order of May 29, 1948, at Docket No. G-704, and the record thereon and the application of Trans-Continental Corporation pending at Docket No. G-1143, the Commission finds that:

(1) It is in the public interest as hereinafter ordered to reopen the above-entitled proceeding at Docket No. G-704 for the purpose of receiving evidence on the matters set forth above, and such other matters as bear upon such petition to amend the aforesaid order of May 29, 1948, and the plan proposed for financing the project.

(2) Good cause exists to consolidate for purposes of hearing the proceedings at Docket No. G-704 with those at Docket No. G-1143.

The Commission orders that:

(A) The proceeding at Docket No. G-704 be and the same is hereby reopened and said proceeding is hereby consolidated with the proceeding at Docket No. G-1143 for the purpose of hearing.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure a public hearing in the above-entitled consolidated proceedings be held commencing on November 8, 1948, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters presented and the issues involved in the aforesaid petition to amend at Docket No. G-704 and the application at Docket No. G-1143 in these proceedings.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: October 29, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9682; Filed, Nov. 2, 1948; 9:00 a. m.]

FEDERAL TRADE COMMISSION

[21-409]

WHOLESALE OPTICAL INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its offices in the city of Washington, D. C., on the 29th day of October 1948.

Notice is hereby given that a Trade Practice Conference will be held by the Federal Trade Commission for the Wholesale Optical Industry in the Commodore Perry Hotel, Toledo, Ohio, on November 18, 1948, commencing at 10 a. m., eastern standard time.

Products of the industry include correction lenses and eye glasses, eye glass frames and mountings, and eye glass parts and accessories. (Note: Contact lenses, sun glasses, and precision lenses for telescopes, etc., are not included.) All persons, concerns, or organizations engaged in the wholesale distribution of such products are cordially invited to attend or send representatives to the

conference and to take part in the proceeding.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-9632; Filed, Nov. 2, 1948; 9:35 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1972]

CENTRAL MAINE POWER CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of October A. D. 1948.

Notice is hereby given that an application, and an amendment thereto, has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), by Central Maine Power Company, an operating public utility and a direct subsidiary of New England Public Service Company, a registered holding company, which in turn is a direct subsidiary of Northern New England Company, also a registered holding company. Applicant designates section 6 (b) of the act and Rule U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to said application on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Applicant proposes to issue and sell for cash 303,330 shares of its Common Stock, $10 par value, at a price per share not less than the par value thereof on the following basis:

To each holder of its Common Stock, the right to subscribe (Subscription Right) for shares of such stock on the basis of one-half share of such common stock for each full share so held;

To each holder of 6% Preferred Stock, the right to subscribe (Subscription Right) for shares of such stock on the basis of one share of such Common Stock for each full share so held;

To each holder of Preferred Stock 3.50% Series, the right to subscribe (Subscription Right) for shares of such stock on the basis of one-half share of such Common Stock for each full share so held; and

To each holder of Common Stock, to each holder of 6% Preferred Stock, and to each holder of Preferred Stock 3.50% Series, the privilege to subscribe ("Subscription Privilege"), subject to allocation, for any number of full shares of Common Stock offered under these provisions which such holder may desire to purchase.

It is stated that New England Public Service Company, which owns 77.8% of the presently outstanding Common Stock of applicant, will waive its preemptive rights with respect to the 303,330 shares of the Common Stock to be so offered, subject to the condition that warrants to subscribe to such stock are issued to all stockholders of applicant; and that applicant will therefore be able to make the offer to stockholders as above set out.

Applicant proposes to enter into a contract, the terms of which are to be negotiated, with Coffin & Burr, Incorporated, 60 State Street, Boston, Massachusetts, as representative of and acting on behalf of a group of underwriters, whereby the proposed issue of Common Stock will be underwritten. A copy of the proposed contract, which will, among other things, set forth the price at which the proposed issue will be offered to applicant's stockholders, as above set forth, and at which any shares not subscribed for by applicant's stockholders will be offered to the public, the amount of fees or commissions to be paid to the underwriters, the name or names of the underwriters, and other details will be supplied by amendment.

The net proceeds from the sale of the Common Stock are to be used by applicant to reduce its outstanding short-term notes payable to the order of the First National Bank of Boston, the proceeds of which, it is stated, were used for the acquisition of property, the construction, completion and extension of applicant's facilities, and other lawful purposes. As of October 25, 1948 said bank loans aggregated $7,500,000, and applicant's financial program for the remainder of the year 1948 requires additional bank borrowings in the amount of $2,000,000.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the proposed transactions and that said application should not be granted except pursuant to further order of this Commission:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, that a hearing with respect to the said application be held on Tuesday, November 9, 1948, at 10:00 a. m., e. s. t., at the office of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing is to be held. Any person desiring to be heard or otherwise participate in this proceeding shall file with the Secretary of the Commission on or before November 8, 1948, a written request therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof and without prejudice to additional matters or questions being specified upon further examination, the following matters and questions are presented for consideration:

1. Whether the issue and sale of said securities is entitled to exemption as provided by the third sentence of section 6 (b) of the act.

2. Whether said transaction should be exempted from the requirements of competitive bidding as provided in Rule U-50, and if so, what conditions, if any, in the public interest or for the protection of investors and consumers should be imposed in connection with such exemption.

3. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose other terms and conditions with reference to the proposed transactions, and if so, what such terms and conditions should be.

4. Whether the accounting entries to be recorded in connection with the proposed transactions are proper and conform to accepted accounting principles.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing by registered mail a copy of this notice and order to Central Maine Power Company, New England Public Service Company, and the Public Utilities Commission of Maine; and that general notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER; and that a copy of this notice and order through a general release of this Commission shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9627; Filed, Nov. 2, 1948; 8:45 a. m.]

[File No. 811-544]

BUFFALO INVESTORS, INC.

NOTICE OF MOTION

At a regular session of the Securities Exchange Commission held at its offices in the city of Washington, D. C., on the 28th day of October A. D. 1948.

Notice is hereby given that the Division of Corporation Finance has filed a motion for an order pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") declaring that Buffalo Investors, Inc. has ceased to be an investment company.

The Division of Corporation Finance has been advised that a certificate of dissolution of Buffalo Investors, Inc., showing the consent of all stockholders to such dissolution, has been filed with the Secretary of State of the State of New York on October 5, 1948, and that such Secretary has issued his certificate of such filing. The Division of Corporation Finance has been further advised that the entire consideration, $112,500, paid by all purchasers of capital stock of Buffalo Investors, Inc., for such stock has been distributed to them.

All interested persons are referred to said motion which is on file at the office of this Commission in Washington, D. C. for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the motion may be issued by the Commission at any time after November 10, 1948 unless prior thereto a hearing upon the motion is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than November 8, 1948 at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this motion or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 525 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the motion which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9628; Filed, Nov. 2, 1948; 8:45 a. m.]

[File Nos. 54-25, 59-11, 59-17]

UNITED LIGHT & RAILWAYS CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of October A. D. 1948.

In the matter of United Light and Railways Company, American Light & Traction Company, et al., File Nos. 59-11, 59-17, 54-25.

Notice is hereby given that American Light & Traction Company ("American Light") has filed an application-declaration with respect to the sale by American Light of 192,734 shares of common stock of the Detroit Edison Company ("Detroit Edison") in accordance with the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules promulgated thereunder.

Notice is further given that any interested person may, not later than November 8, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and specifying in detail the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 8, 1948, such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized below:

On December 30, 1947, the Commission entered an Order approving a plan filed pursuant to the provisions of section 11 (e) of the act by American Light and its parent, United Light and Railways Company, a registered holding company which provides, among other things, that during 1948 American Light will apply for permission to sell such shares of Detroit Edison as may be required from time to time in connection with its investment in Michigan-Wisconsin Pipe Line Company, a subsidiary, and to distribute shares of such stock as dividends on the common stock of American Light, and that during 1948 American Light will dispose of all of its interest in Detroit Edison. American Light previously has sold two blocks of 450,000 shares each of Detroit Edison common stock in January and April 1948, respectively, and a third block of 190,000 shares of such stock in September 1948. In addition, American Light has distributed 103,312 shares of the Detroit Edison common stock as dividends to its common stockholders. As a further step in the consummation of said plan, American Light now proposes to sell at competitive bidding, pursuant to the requirements of Rule U-50, 192,734 shares of the common stock of Detroit Edison. The shares proposed to be sold constitute all of the shares of Detroit Edison common stock which will be owned by American Light after giving effect to a further dividend distribution to common stockholders of American Light to be made on November 1, 1948, except for one-half share of such stock which will be disposed of as indicated hereinafter. The application-declaration requests that the period provided by Rule U-50 for invitation of bids be shortened from 10 to 6 days, and, according to a time schedule specified in said application-declaration, it is contemplated that invitation for bids will be published on or about November 10, 1948, and that bids will be opened on or about November 16, 1948.

The application-declaration also requests authority to purchase on the New York Stock Exchange and the Detroit Stock Exchange such numbers of shares of common stock of Detroit Edison as may be necessary or appropriate to stabilize the price of such stock in order to facilitate the distribution and offering of the 192,734 shares proposed to be sold. It is stated that such purchases by American Light may commence at 10:00 a. m. on the date set for opening of bids and continue until American Light has accepted a bid or, if no bid is accepted, until all bids are rejected, that all purchases will be made through a member or members of the stock exchanges named and that the commissions paid in connection with such purchases will not exceed those customarily charged by members of the exchanges under applicable rules. Promptly after acceptance of a bid, American Light proposes to sell any shares of Detroit Edison common stock purchased for stabilizing purposes, together with the one-half share referred to above, through ordinary brokerage channels.

The application-declaration requests that the Commission's order be entered herein on or before November 9, 1948, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9629; Filed, Nov. 2, 1948; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12142]

ELIZABETH DARTING WEBER

In re: Estate of Elizabeth Darting Weber, deceased. File No. D-28-8283; E. T. sec. 9504.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Philip Sauer, Frau Mina Faulhaber, and the daughter, name unknown, of Frau Dinchen Anslinger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue of the daughter, names unknown, of Frau Dinchen Anslinger, the issue, names unknown, of Jacob Sauer, the issue, names unknown, of Philip Sauer, and the issue, names unknown, of Frau Mina Faulhaber, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in sub-paragraphs 1 and 2 hereof, and each of them, in and to the estate of Elizabeth Darting Weber, deceased, is property payable or deliverable to or claimed by, the aforesaid nations of a designated enemy country (Germany);

4. That such property is in the process of administration by Charles L. Livingstone, as Administrator de bonis non, c. t. a., acting under the judicial supervision of the Probate Court of Cuyahoga County, Ohio;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the issue of the daughter, names unknown, of Frau Dinchen Anslinger, the issue, names unknown, of Jacob Sauer,

the issue, names unknown, of Philip Sauer, and the issue, names unknown, of Frau Mina Faulhaber, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9638; Filed, Nov. 2, 1948; 8:50 a. m.]

[Vesting Order 12147]

FREIDA Z. BOURN

In re: Estate of Freida Z. Bourn, deceased. D-28-12415; E. T. sec. 16632.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Langenbranden and Fredrika Wahl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Bertha Langenbranden, and the issue, names unknown, of Fredrika Wahl, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Freida Z. Bourn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Clarence A. Finch, as executor, acting under the judicial supervision of the Superior Court, Maricopa County, Arizona;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof and the issue, names unknown of Bertha Langenbranden, and the issue, names unknown, of Fredrika Wahl, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9639; Filed, Nov. 2, 1948; 8:50 a. m.]

[Vesting Order 12150]

CHRISTINE LUFT

In re: Estate of Christine Luft, deceased. File F-28-19827; E. T. 16642.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Willy Kleist and Fritz Kleist, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Christine Luft, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Jean Workman Pain, Administrator c. t. a., acting under the judicial supervision of the Probate Court of Ramsey County, State of Minnesota;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 48-9640; Filed, Nov. 2, 1948; 8:50 a. m.]

[Vesting Order 12162]

GUSTAV GROSS ET AL.

In re: Stock and bond owned by Gustav Gross and others. F-28-25419-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gustav Gross, whose last known address is Harra, Germany, Luise Hacker, whose last known address is Kiessling, Germany and Ida Schmidt, whose last known address is Saardorf/Thur, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: a. Twenty-five (25) shares of 5% cumulative preferred capital stock of the J. H. Belz Provision Company, St. Louis, Missouri, evidenced by a certificate numbered 8, registered in the name of Henry Gross, deceased, and presently in the custody of Detjen & Detjen, 511 Locust Street, St. Louis, Missouri, together with all declared and unpaid dividends thereon,

b. One (1) share of capital stock of the German House Incorporated, St. Louis, Missouri, evidenced by a certificate numbered 376, registered in the name of Henry Gross, deceased, and presently in the custody of Detjen & Detjen, 511 Locust Street, St. Louis, Missouri, together with all declared and unpaid dividends thereon, and

c. One (1) Dictator Apartments Income Mortgage Bond, of $450.00 face value, bearing the number 49, and presently in the custody of Detjen & Detjen, 511 Locust Street, St. Louis, Missouri, together with any and all rights thereunder and thereto,

subject, however, to any and all attorney's liens of Detjen & Detjen, 511 Locust Street, St. Louis, Missouri, arising out of accrued but unpaid fees for legal services,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Gustav Gross, Luise Hacker and Ida Schmidt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9641; Filed, Nov. 2, 1948; 8:50 a. m.]

[Vesting Order 12193]

YUSEN SHAIN CLUB

In re: Bank account owned by Yusen Shain Club. F-39-5984-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yusen Shain Club, an unincorporated social association organized by former employees of Nippon Yusen Kaisha, all of whom are residents of Japan, is controlled by or is acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of the Yokohama Specie Bank, Limited, Honolulu Office, Post Office Box 1200, Honolulu, T. H., arising out of a savings account, entitled Yusen Shain Club, evidenced by Receiver's Liability Number 3359, in the amount of $51.64, as of December 31, 1945, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Yusen Shain Club, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that Yusen Shain Club is not within a designated enemy country, the national interest of the United States requires that it be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 11, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9642; Filed, Nov. 2, 1948; 8:50 a. m.]

[Vesting Order 12199]

EMILIE LORENZEN

In re: Estate of Emilie Lorenzen, deceased. File No. D-28-4072; E. T. sec. 7991.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anst Roessler, also known as General Anst Roessler, Hertha Crasemann and Analisa Roessler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Anst Roessler, also known as General Anst Roessler, of Hertha Crasemann, and of Analisa Roessler, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in sub-paragraphs 1 and 2 hereof, and each of them, in and to the estate of Emilie Lorenzen, deceased, presently being administered by George W. Thompson, 401 Baker Building, Walla Walla, Washington, as Executor,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Anst Roessler, also known as General Anst Roessler, of Hertha Crasemann, and Analisa Roessler, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9643; Filed, Nov. 2, 1948; 8:51 a. m.]

[Vesting Order 12211]

MRS. PAULA VOLKMANN ET AL.

In re: Stock owned by and debts owing to Mrs. Paula Volkmann, nee Isenberg and the personal representatives, heirs, next of kin, legatees and distributees of J. Carl Isenberg, deceased. F-28-2579-C-1, F-28-2579-D-3, F-28-852-A-5, F-28-5000-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of J. Carl Isenberg, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That Mrs. Paula Volkmann, nee Isenberg, whose last known address is c/o Mrs. Carl Isenberg, Travenort, Post Gnissau, Holstein, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

3. That the property described as follows: a. Forty (40) shares of no par value common capital stock of Waianae Company, Limited, c/o American Factors, Limited, Fort and Queen Streets, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 828, registered in the name of Mrs. Beta Isenberg, and presently in the custody of Hawaiian Trust Company, Limited, Honolulu, T. H., together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of American Factors, Limited, Queen and Fort Streets, Honolulu, T. H., agents for Waianae Company, Limited, in the amount of $760 as of February 17, 1947, representing liquidating dividend Number 1 of Waianae Company, Limited, on the aforesaid 40 shares of stock described in subparagraph 3a above, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of J. Carl Isenberg,

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deceased, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: a. Twenty (20) shares of no par value common capital stock of Waianae Company, Limited, c/o American Factors, Limited, Fort and Queen Streets, Honolulu, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 827, registered in the name of Mrs. Paula Volkmann, nee Isenberg and presently in the custody of Hawaiian Trust Company, Limited, Honolulu, T. H., together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Mrs. Paula Volkmann, nee Isenberg by American Factors, Limited, Queen and Fort Streets, Honolulu, T. H., agents for Waianae Company, Limited, in the amount of $380 as of February 17, 1947, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Paula Volkmann, nee Isenberg, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 2 hereof and the personal representatives, heirs, next of kin, legatees and distributees of J. Carl Isenberg, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9644; Filed, Nov. 2, 1948; 8:51 a. m.]

[Vesting Order 12234]

MINNIE H. BECK

In re: Estate of Minnie H. Beck, deceased. File No. D-28-11714; E. T. sec. 15915.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Beck, John Beck, Henrich Beck, Margaretha Tintrup, Katharina or Kathe Kuballer, Anna F. Holzhauer, Theresia Jesse, Ottilie Franz, George Holzhauer, Helene Goetz, Frida Kathstede, Franz Holzhauer, Robert Holzhauer, and Kathe Becker, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That the children, names unknown of Margaret Beck; children, names unknown of John Beck; children, names unknown of Henrich Beck; children, names unknown of Willy or Wilhelm Holzhauer; children, names unknown of Sophie Panne; and the children, names unknown of Johann Holzhauer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Minnie H. Beck, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by Theresa H. Nicht, as Administratrix, C. T. A., acting under the judicial supervision of the Cayuga County Surrogate's Court, New York;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the children, names unknown, of Margaret Beck; children, names unknown, of John Beck; children, names unknown, of Henrich Beck; children, names unknown, of Willy or Wilhelm Holzhauer; children, names unknown of Sophie Panne; and the children, names unknown, of Johann Holzhauer are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9645; Filed, Nov. 2, 1948; 8:51 a. m.]

CHARLES A. BUERK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Charles A.Buerk, Max E. Bretschger, Ansley W. Sawyer, Jacob F. Schoellkopf, Jr. and Louis Wirth, as Voting Trustees, Buffalo, New York, 761, Eight-hundred (800) shares of no par value common capital stock of the Buffalo Electro-Chemical Company, Inc., Buffalo, New York, evidenced by stock certificate No. 357 registered in the name of the Attorney General of the United States, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, to Charles A. Buerk, Max E. Bretschger, Ansley W. Sawyer, Jacob F. Schoellkopf, Jr. and Louis Wirth as Voting Trustees under a voting Trust Agreement dated December 31, 1940; and to Ruth Francke the beneficial interest in said shares under said Voting Trust Agreement.

Ruth Francke, Aarau, Switzerland, 857, $40,000 in the Treasury of the United States representing dividends from said shares to Ruth Francke.

Executed at Washington, D. C., on October 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[Return Order 190, Amdt.]

SEIYO KUBOKAWA ET AL.

Return Order No. 190, dated September 13, 1948, is hereby amended to correct the name of the claimant in Claim No. 29194 and the claim number in Claim No. 29381.

These claims should read as follows:

Claimant, Claim No. and Property

Seiyo Kubokawa and Mrs. Seiyo Kubokawa, heirs of Waichi Kubokawa, 2010 Algaroba Street, Honolulu, T. H., 29194, $21.66.

Kikue Nakamura, (formerly Kikue Miura), 3316 Monsarrat Avenue, Honolulu, T. H., 29881, $83.33.

All other provisions of said Return Order No. 190 and all actions taken by or on behalf of the Attorney General of the United States of America in reliance thereon, pursuant thereto, and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 28, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9647; Filed, Nov. 2, 1948; 8:51 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 13 NUMBER 216

Washington, Thursday, November 4, 1948

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS

FORMS AND INSTRUCTIONS

On March 23, 1948, notice of proposed rule making was published in the FEDERAL REGISTER (13 F. R. 1508) proposing instructions governing plants operating as official plants processing and packaging dairy products, pursuant to the revised rules and regulations governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, eggs, poultry, and dressed domestic rabbits (7 CFR, 1946 Supp., Part 55). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following instructions and requirements are hereby promulgated pursuant to the provisions of the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess., approved June 19, 1948):

§ 55.103 *Instructions governing plants operating as official plants processing and packaging dairy products*—(a) *Definitions.* (1) "Rules and regulations in this part" means the rules and regulations governing the sampling, grading, grade labeling, and supervision of packaging of butter, cheese, eggs, poultry, and dressed domestic rabbits (7 CFR, 1946 Supp., Part 55).

(2) "Dairy products" means any one or more of the following products: Butter, cheese (whether natural or processed), milk, cream, and milk products (whether dry) evaporated, or condensed).

(3) "Milk" means cows' milk.

(4) "Regional supervisor" means the regional supervisor or assistant regional supervisor, Dairy Products Section, Dairy and Poultry Inspection and Grading Division of the Administration, in charge of the grading service in a designated geographical area.

(5) "Bactericidal treatment" means to subject to an acceptable germicidal agent.

(6) All other terms which are used herein shall have the meaning applicable to such terms when used in the rules and regulations in this part.

(b) *Survey of plant and premises.* Prior to the inauguration of continuous inspection in a plant, the regional supervisor serving the area in which the plant is located will make a survey and inspection of the plant and premises to determine whether the facilities and methods of operation therein are suitable and adequate for grading service in accordance with: (1) The rules and regulations in this part, (2) the instructions and requirements contained in this section, and (3) such further instructions and requirements, based upon the aforesaid instructions (i) which may hereafter be issued with respect to minimum requirements, facilities, operating methods and procedures, raw materials, and sanitation in official plants and (ii) which are in effect at the time of the aforesaid survey and inspection.

(c) *Premises and plant*—(1) *Premises.* The premises of an official plant shall be free from conditions (including, but not being limited to, strong offensive odors) objectionable to a food processing operation and there shall be an efficient drainage system for the premises.

(2) *Building.* Each official plant shall be maintained in a sanitary condition, including, but not being limited to, the following requirements:

(i) There shall be abundant light (whether natural or artificial, or both) which is well distributed, and sufficient ventilation for each room and compartment thereof to prevent excessive condensation of moisture, so as to insure sanitary and suitable processing and operating conditions.

(ii) There shall be an efficient waste disposal and plumbing system for each such plant. All drains and gutters shall

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

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be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(iii) There shall be an ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (*a*) proper distribution throughout the plant and (*b*) protection against contamination and pollution.

(iv) The walls, ceilings, partitions, posts, doors, and other parts of all structures constituting the plant shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(v) Each room and each compartment in which any dairy products are handled, processed, or stored (*a*) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character, (*b*) shall be free from objectionable odors and vapors, (*c*) shall be maintained in a clean and sanitary condition, and (*d*) shall possess sufficient refrigerating capacity for the maintenance of proper storage temperatures to protect the quality and condition of the dairy products stored.

(vi) Every practicable precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the official plant in which any dairy products are handled or stored. Screens or other devices adequate to prevent the passage of insects shall be provided for all outside doors and windows that may be opened from time to time. The use of poisons for any purpose in any official plant where any dairy products are processed, handled, or stored is forbidden except under such restrictions and precautions as the Chief, or Acting Chief, of the Dairy and Poultry Inspection and Grading Division of the Administration may prescribe.

(3) *Facilities.* Each official plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(i) There shall be a sufficient number of adequately lighted dressing rooms and toilet rooms, ample in size and conveniently located. Such rooms shall not open directly into rooms or compartments in which any dairy products are handled, processed, or stored. The doors on all toilet rooms shall be self-closing. The dressing rooms and toilet rooms shall be separately ventilated, and shall meet all requirements as to sanitary construction and equipment.

(ii) Lavatory accommodations (including, but not being limited to, hot and cold running water, soap, and single service towels) shall be placed at such locations in the processing and packaging rooms of the official plant as may be essential to assure cleanliness of each person handling any dairy products.

(iii) Clean, white or light-colored outer garments and caps shall be worn by all persons engaged in receiving, testing, processing, or packaging any dairy products, except that hair nets may be substituted for caps.

(iv) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any dairy products are processed, handled, or stored.

(v) Suitable facilities for cleaning and bactericidal treatment of utensils and equipment shall be provided at convenient locations throughout the official plant.

(4) *Equipment and utensils.* All equipment and utensils used for receiving, segregating, transporting, holding, processing, packaging, and storing any dairy products shall be of such design, material, and construction as will (i) enable the examination, segregation, and processing of such dairy products in an efficient, clean, and sanitary manner, and (ii) permit easy access to all parts to insure thorough cleansing and effective bactericidal treatment. Insofar as it is practicable, all such equipment and utensils shall be made of stainless steel or other equally corrosion-resistant and non-copper-bearing material that will not adversely affect the product by chemical action or physical contact. Such equipment and utensils shall be maintained in good repair and sanitary condition.

(d) *Raw milk and farm-separated cream.* The inspection of the raw milk and the farm-separated cream for manufacture or processing into dairy products shall be based, as hereinafter set forth, on the organoleptic examination of each can of raw material at the time of delivery thereof at the official plant, and on quality control measures to determine sediment and bacterial content.

(1) *Organoleptic examination of raw milk: quality control measures for sediment and bacterial content*—(i) *Organoleptic examination of raw milk.* All raw milk delivered at the official plant shall be identified as to the producers from whom received. The condition of the raw milk shall be wholesome and characteristic of normal milk. The flavor and odor of the raw milk shall be fresh and sweet; however, normal feed flavors may be present. The term "fresh and sweet" means free from "old milk" flavor and odor and odor of developed acidity. Any raw milk that shows an abnormal condition (e. g., curdled, ropy, clotted, or unwholesome) shall be kept apart from the raw milk which is permitted to be used for manufacture or processing into dairy products.

(ii) *Quality control measures for sediment.* (*a*) A sediment test shall be conducted not less than twice each month with respect to a single can of raw milk selected at random on the day of testing from each producer's raw milk delivered at the official plant. Each such test shall be in accordance with the "off-the-bottom" method of sediment testing and shall employ the following standard sediment discs:

Standard Disc No. 1 equivalent to 0 mg. sediment
Standard Disc No. 2 equivalent to 0.5 mg. sediment
Standard Disc No. 3 equivalent to 2.5 mg. sediment

(*b*) Unless disqualified pursuant to the other requirements of this paragraph, any producer's raw milk which is delivered at the official plant may be used for manufacturing or processing into dairy products so long as the aforesaid sediment tests yield sediment discs showing sediment not in excess of that shown on Standard Disc No. 2.

(*c*) In the event any sediment test, conducted as aforesaid on a random can of a producer's raw milk, yields a sediment disc in excess of Standard Disc No. 2, all cans of such producer's raw milk from which the random can was selected, shall be tested individually. However, only such cans of the raw milk which yield a sediment disc not in excess of Standard Disc No. 3 may be used as aforesaid. During the 10-day period immediately following the day of such testing, each can of such producer's raw milk delivered at the official plant shall be similarly tested for sediment; and each can of raw milk so tested during this period which does not yield a sediment disc in excess of Standard Disc No. 3 may be used for manufacture or processing as aforesaid.

(*d*) Daily sediment tests required to be conducted on all cans of a producer's raw milk may be discontinued if the tests of all cans of raw milk delivered on three consecutive days yield, with respect to each can so tested, a sediment disc not in excess of Standard Disc No. 2. At the end of the 10-day period, if the daily testing of all cans of the producer's raw milk delivered at the official plant during the period does not disclose that on three consecutive days each can of milk tested yielded a sediment disc not in excess of Standard Disc No. 2, then all of the raw milk thereafter delivered at such official plant by such producer shall be kept apart from the raw milk which is permitted to be used for manufacture or processing into dairy products. At any subsequent time, however, if the raw milk delivered at such plant by such producer discloses, upon daily testing for sediment, that on three consecutive days each can of the raw milk delivered on such days yielded a sediment disc not in excess of Standard Disc No. 2, the raw milk of such producer may thereafter be used for manufacture or processing, as aforesaid, subject to all of the requirements contained in this paragraph.

(*e*) Each can of raw milk which is tested and yields a sediment disc in excess of Standard Disc No. 3 shall be kept apart from the raw milk which is permitted to be used for manufacture or processing into dairy products.

(iii) *Quality control measures for bacterial content.* A test to determine the bacterial content of the raw milk shall be conducted not less than twice each month with respect to a mixed sample of every producer's milk delivered at the official plant on the day of testing. Each such test shall be the Methylene Blue Reduction Test or any other recognized test for determining bacterial content. The following classifications for raw milk are established on the basis of the Methylene Blue Reduction Test conducted on a mixed sample of such milk:

Class 1: The mixed sample tested is not decolorized in 3½ hours.
Class 2: The mixed sample tested is not decolorized in 2½ hours, but is decolorized in less than 3½ hours.
Class 3: The mixed sample tested is not decolorized in 1 hour, but is decolorized in less than 2½ hours.
Class 4: The mixed sample tested is decolorized in less than 1 hour.

(*a*) Unless disqualified pursuant to the other requirements of this paragraph, any producer's raw milk which is delivered at the official plant may be used for

manufacturing or processing into dairy products so long as the test for bacterial content shows the milk to be either Class 1 or Class 2.

(b) In the event the test for bacterial content on a mixed sample of raw milk delivered by a producer discloses that the raw milk is Class 3, such milk may be used as aforesaid; however, during the 4-week period immediately following the day of such test, the raw milk delivered by such producer shall be similarly tested at least twice each week and such milk may also be used, as aforesaid, so long as the test for bacterial content does not show that the milk is Class 4.

(c) The tests for bacterial content required to be conducted during the 4-week period may be discontinued when the results of each of two consecutive tests for bacterial content show that the producer's raw milk was either Class 1 or Class 2. At the end of the 4-week period, if the tests conducted on mixed samples of the producer's raw milk delivered at the official plant do not disclose two consecutive tests with respect to which the raw milk represented by the samples was Class 1 or Class 2, then all of the raw milk thereafter delivered at such official plant by such producer shall be kept apart from the raw milk which is permitted to be used for manufacture or processing into dairy products. At any subsequent time, however, if the raw milk delivered at such official plant by such producer discloses, upon testing as aforesaid, that on two consecutive tests the raw milk represented by the respective mixed samples was Class 1 or Class 2, the raw milk of such producer may thereafter be used for manufacture or processing into dairy products, subject to all of the requirements contained in this paragraph.

(d) When a test for bacterial content on a mixed sample of a producer's raw milk discloses that the raw milk represented by the sample is Class 4, such milk shall be kept apart from the raw milk which is permitted to be used for manufacture or processing into dairy products.

(2) *Organoleptic examination of farm-separated cream.* The condition of farm-separated cream shall be wholesome and characteristic of normal cream. The grading and segregation of farm-separated cream shall be determined by the organoleptic examination of each can of such cream for condition, flavor, and odor; and, with respect to such cream that is to be used in the manufacture or processing into butter, the grading and segregation thereof shall be consistent with the applicable flavor classification for creamery butter as set forth in the United States Standards for Grades of Creamery Butter (7 CFR, Cum. Supp., Part 63). Any farm-separated cream that shows an abnormal or unwholesome condition shall be kept apart from the farm-separated cream which is permitted to be used for manufacture or processing into dairy products.

(3) *Protection of raw material while in transit.* All raw milk and farm-separated cream received at an official plant shall, while in transit from the farm where produced, be adequately protected from extreme temperatures, dust, and other adverse conditions.

(e) *Operations and operating procedures.* (1) All operations in the receiving, transporting, segregating, holding, processing, packaging, and storing of dairy products shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as is practicable and at temperatures that will not tend to cause (i) any material increase in bacterial content, or (ii) any deterioration or contamination of such products.

(2) All dairy products shall be subjected to continuous inspection throughout each processing operation. All dairy products which are not processed in accordance with the instructions contained in this section or are not fit for human food shall be removed and segregated prior to any further processing operation in connection with the production of dairy products which are to be identified with official identification.

(3) All substances and ingredients used, or added, in the processing of any dairy products shall be clean and fit for human food.

(4) The methods and procedures employed in the receiving, segregating, and processing of raw materials in an official plant shall be adequate to result in a satisfactory finished product. If, to assure a satisfactory finished product, changes in methods and procedures are recommended by the regional supervisor serving the area in which the plant is located, such changes shall be effectuated as soon as practicable.

(5) Packages or containers for dairy products shall be clean when being filled with any such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products.

(f) *Personnel; health.* (1) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked dairy products are prepared, processed, or otherwise handled.

(2) Spitting or smoking is prohibited in each room and in each compartment where any exposed or unpacked dairy products are prepared, processed, or otherwise handled.

(3) All necessary precautions shall be taken to prevent the contamination of dairy products with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

(g) *Final inspection of dairy products.* (1) Representative samples from each lot of dairy products shall be inspected or caused to be inspected for class, quality, and condition by the official resident inspector. Where laboratory analysis is required to determine class, quality, and condition, the official resident inspector will select representative samples from each lot of dairy products for such analysis.

(h) *Official identification.* (1) Only dairy products manufactured or processed in accordance with the instructions and requirements in this section and the rules and regulations in this part may be identified with official identification.

(2) Sketches, proofs, or photostatic copies of all proposed packaging materials, grade labels, and inspection marks to be used as official identification should be submitted to the Chief of the Dairy and Poultry Inspection and Grading Division, PMA, U. S. Department of Agriculture, Washington 25, D. C., for tentative approval prior to acquisition of a supply of material bearing such identification.

(3) Finished copies, in triplicate, of the tentatively approved packaging materials, grade labels, and inspection marks shall be transmitted to the Chief of the Dairy and Poultry Inspection and Grading Division, PMA, U. S. Department of Agriculture, Washington 25, D. C., for final approval prior to their use as official identification. (Pub. Law 712, 80th Cong.)

These instructions and requirements shall become effective thirty days after publication in the FEDERAL REGISTER.

Issued at Washington, D. C., this 29th day of October 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-9699; Filed Nov. 3, 1948; 8:57 a. m.]

Chapter XV—Administrator, Research and Marketing Act

PART 1900—ORGANIZATION, FUNCTIONS AND PROCEDURE

DISCONTINUANCE OF CODIFICATION

The codification of Part 1900 is hereby discontinued.

Future amendments to descriptions of organization and functions will appear in the Notices section of the FEDERAL REGISTER.

Dated: October 29, 1948.

[SEAL] E. A. MEYER,
Administrator, Research and Marketing Act.

[F. R. Doc. 48-9700; Filed, Nov. 3, 1948; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 3]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS; CLASS 3 OR SMALLER AIRPORTS

Acting pursuant to the authority vested in me by the Federal Airport Act (60 Stat. 170; Pub. Law 377, 79th Cong.), I hereby amend Part 550 of the regulations of the Administrator of Civil Aeronautics as follows:

By amending § 550.4 (c) (1) (i) to read as follows:

§ 550.4 *Project costs.* • • •

(c) *United States' share of project costs.* • • •

(1) *Project costs other than land acquisition costs*—(i) *Class 3 or smaller airports.* The United States' share of the project costs (other than costs of land acquisition) of an approved project for the development of a Class 3 or smaller airport, wherever located, shall be 50 per cent of the allowable project costs of the project (other than costs of land acquisition), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 per cent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act, and except that the United States' share shall be 75 per cent in the case of the Territory of Alaska, all as set forth in the following table:

UNITED STATES' PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

State	Percentage
Arizona	60.83
California	54.16
Colorado	53.33
Idaho	56.29
Montana	53.53
Nevada	62.50
New Mexico	56.90
Oklahoma	51.39
Oregon	56.02
South Dakota	53.09
Utah	61.88
Washington	51.78
Wyoming	57.49

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States' share of allowable project costs other than costs of land acquisition.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(60 Stat. 170, 49 U. S. C. 1101 et seq.)

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 48-9667; Filed, Nov. 3, 1948; 8:48 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[3d Gen. Rev. of Export Regs., Amdt. 12]

PART 370—ORDERS AND DELEGATIONS OF AUTHORITY

VALIDITY OF EXPORT LICENSES

Section 370.2 *Orders modifying validity of export licenses* is amended by adding thereto a new paragraph (e) to read as follows:

(e) Export shipments of gasoline (including aviation gasoline), kerosene, gas oil, and distillate fuel oil from West Coast ports of the United States are prohibited; and no license authorizing the exportation of any of said commodities shall be valid for use in clearing such shipments for export from such West Coast ports. The provisions of this paragraph shall not apply to exportations to Canada, or to exportations of any of said commodities made in accordance with the provisions of the general license for shipments of limited value "GLV," as set forth in § 372.10.

This amendment shall become effective as of September 11, 1948, 12:01 a. m., P. d. s. t.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: October 29, 1948.

FRANCIS MCINTYRE,
Assistant Director, Office of International Trade.

[F. R. Doc. 48-9680; Filed, Nov. 8, 1948; 8:51 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 13]

PART 374—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

APPLICATIONS FOR EXPORT LICENSES TO SOUTH KOREA, JAPAN, MARCUS ISLAND AND GERMANY

Section 374.14 *Applications for licenses to export to South Korea, Japan, Marcus Island and Germany* is amended by revising paragraph (a) to read as follows:

(a) Except as noted below, applications for licenses to export commodities listed in § 399.1 of this chapter to South Korea, Japan, and Marcus Island must be accompanied by a true or photostat copy of such import permit document as may be required by the appropriate occupying government authorities having jurisdiction over approval of importations to those destinations.

Applications for licenses to export commodities to Japan and South Korea which are consigned to missionaries or their duly accredited agents need not be accompanied by import permits or photostat copies thereof: *Provided*, The commodities contained in such shipment are for the sole use and consumption of full-time church workers or their dependents in Japan or South Korea, as the case may be; *And provided further*, That the applicant makes the following certification on the export license application and on the outside of all packages contained in each such shipment:

This shipment of _____ is for the sole use and consumption of missionaries, full-time church workers, or their dependents, in _____
(Name of country)
and will not be used for any other purpose.

This amendment shall become effective November 2, 1948, as to South Korea, and as of August 5, 1948, as to Japan.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Supp. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: October 25, 1948.

FRANCIS MCINTYRE,
Assistant Director, Office of International Trade.

[F. R. Doc. 48-9681; Filed, Nov. 3, 1948; 8:51 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 14]

PART 377—DENIAL OF LICENSING PRIVILEGES

PART 378—APPEALS

PROCEDURE FOR APPEALS

1. Section 377.11 *Appeal* is amended to read as follows:

§ 377.11 *Appeal.* A respondent may appeal in writing to the Appeals Board of the Office of International Trade (established by § 378.1 of this chapter), whose determination shall be final. Such appeal shall be taken within ten (10) days after receipt of a suspension order by the respondent. The appeal shall be considered on the basis of the order of the Director of the Commodities Division, the report of the Compliance Commissioner and the record made before the Commissioner, including the transcript of the hearing and any bill of exceptions filed by the respondent. Oral argument will be permitted only upon direction of the Appeals Board. The Appeals Board shall not consider facts or arguments affecting the merits of the policy embodied in the rules or regulations alleged to have been violated. An order denying the privilege to obtain or use an export license shall remain in effect pending disposition of the appeal, unless otherwise ordered by the Appeals Board.

Appeals shall be filed with and addressed to the Appeals Board, Bureau of Foreign and Domestic Commerce, Department of Commerce, Washington 25, D. C. The provisions of § 378.1 of this chapter concerning grounds for appeal, preparation of appeals in general, records and decisions shall be applicable to appeals provided for by this section.

2. Section 378.1 *General procedure for appeals* is amended in the following particulars:

Subparagraph (2) of paragraph (b) *Appealability of regulations and administrative actions* is amended to read as follows:

(2) Any administrative action of the Office of International Trade or duly authorized employees thereof, taken under the aforementioned authority, including appeals from compliance actions as provided for by § 377.11 of this chapter.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: October 29, 1948.

FRANCIS MCINTYRE,
Assistant Director, Office of International Trade.

[F. R. Doc. 48-9679; Filed, Nov. 3, 1948; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.81]

PART 15—INSIGNIA OF RANK

Under authority contained in R. S. 161 (5 U. S. C. 22), present Part 15 (old Part 21) of Title 22 of the Code of Federal Regulations is superseded by the following regulations.

Sec.
15.1 Office of the Secretary of State.
15.2 Office of the Under Secretary of State.

§ 15.1 *Office of the Secretary of State.* The official flag indicative of the office of Secretary of State shall be as follows: On a blue rectangular field a white disk bearing the official coat of arms of the United States adopted by the act of June 20, 1782, in proper colors. In each of the four corners a white five-pointed star with one point upward. The colors and automobile flag to be the same design, adding a white fringe. For the colors a cord and tassel of blue and white to be added. The sizes to be in accordance with military and naval customs. (R. S. 161, 5 U. S. C. 22)

§ 15.2 *Office of the Under Secretary of State.* The official flag indicative of the office of the Under Secretary of State shall be as follows: On a white rectangular field a blue disk bearing the official coat of arms of the United States adopted by act of June 20, 1782, in proper colors. In each of the four corners a five-pointed star with one point upward. The colors and automobile flag to be the same design, adding a blue fringe. For the colors a cord and tassel of white and blue to be added. The sizes to be in accordance with military and naval customs. (R. S. 161, 5 U. S. C. 22)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: November 1, 1948.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary of State.

[F. R. Doc. 48-9678; Filed, Nov. 3, 1948; 8:51 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

AHTANUM INDIAN IRRIGATION PROJECT, WASHINGTON

On June 25, 1948 notice of intention to amend § 130.1 was published in the daily issue of the FEDERAL REGISTER (13 F. R. 3485), said proposed amendment consisting of an increase of $1.00 in the annual operation and maintenance assessment against the lands of the Ahtanum Indian Irrigation Project. Interested persons were thereby given opportunity to participate in the preparing of the amendments by submitting data or arguments within 30 days from the date of publication of the notice.

Objections to the proposed increase in the rate of assessment were received from the Yakima Tribal Council of the Yakima Indian Reservation and the Yakima Reservation Irrigation District. The objections have been duly considered both by undersigned and the Commissioner of Indian Affairs. It has been decided that the increase in rate should be limited to 75¢ per acre. Accordingly and by virtue of the authority delegated to me by the Commissioner of Indian Affairs (25 CFR 02.8 (l)) the said § 130.1 is hereby amended to read as follows:

§ 130.1 *Charges.* Pursuant to the provisions of the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U. S. C. 385, 387), the operation and maintenance charges on lands of the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1949 and subsequent years until further notice, are hereby fixed at $2.25 per acre per annum for each irrigable acre of land to which water can be delivered from the project works. (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387; 25 CFR 02.8 (l))

E. MORGAN PRYSE,
Regional Director.

OCTOBER 27, 1948.

[F. R. Doc. 48-9688; Filed, Nov. 3, 1948; 8:48 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

TOPPENISH-SIMCOE INDIAN IRRIGATION PROJECT, WASHINGTON

On June 25, 1948 notice of intention to amend § 130.73 was published in the daily issue of the FEDERAL REGISTER (13 F. R. 3485), said proposed amendment consisting of an increase of $1.00 in the annual operation and maintenance assessment against the lands of the Toppenish-Simcoe Indian Irrigation Project. Interested persons were thereby given opportunity to participate in the preparing of the amendments by submitting data or arguments within 30 days from the date of publication of the notice.

Objections to the proposed increase in the rate of assessment were received from the Yakima Tribal Council of the Yakima Indian Reservation and the Yakima Reservation Irrigation District. The objections have been duly considered both by undersigned and the Commissioner of Indian Affairs. It has been decided that the increase in rate should be limited to 75¢ per acre. Accordingly and by virtue of the authority delegated to me by the Commissioner of Indian Affairs (25 CFR 02.8 (l)) the said § 130.73 is hereby amended to read as follows:

§ 130.73 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U. S. C. 385, 387), the operation and maintenance charges for the lands under the Toppenish-Simcoe Indian Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1949 and subsequent years until further notice, are hereby fixed as follows:

All lands for which application for water is made and approved by Project Engineer, per acre $1.75

(38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387; 25 CFR 02.8 (l))

E. MORGAN PRYSE,
Regional Director.

OCTOBER 27, 1948.

[F. R. Doc. 48-9670; Filed, Nov. 3, 1948; 8:48 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

On June 25, 1948 notice of intention to amend § 130.86 was published in the daily issue of the FEDERAL REGISTER (13 F. R. 3485), said proposed amendment consisting of an increase of $1.00 in the annual "Flat Rate" operation and maintenance assessment against the lands of the Wapato Indian Irrigation Project. Interested persons were thereby given opportunity to participate in the preparing of the amendments by submitting data or arguments within 30 days from the date of publication of the notice.

Objection to the proposed increase in the rate of assessment was received from the Yakima Tribal Council of the Yakima Indian Reservation and the Yakima Reservation Irrigation District. The objections have been duly considered both by undersigned and the Commissioner of Indian Affairs. It has been decided that the increase in rate should be limited to 75¢ per acre. Accordingly and by virtue of the authority delegated to me by the Commissioner of Indian Affairs (25 CFR 02.8 (l)) the said § 130.86 is hereby amended to read as follows:

§ 130.86 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1949 and subsequent years until further notice are hereby fixed as follows:

(a) *Minimum charges.* For all tracts in non-contiguous single ownership $5.00
(b) *Flat rate.* Upon all farm units or tracts, for each assessable acre.. 3.25
(c) *Storage operation and maintenance.* For all lands with a storage water right, known as "B" lands, in addition to other charges per acre..... .30

(38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387; 25 CFR 02.8 (l))

E. MORGAN PRYSE,
Regional Director.

OCTOBER 27, 1948.

[F. R. Doc. 48-9669; Filed, Nov. 3, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Parts 410, 411]

TAXES UNDER THE RAILROAD RETIREMENT TAX ACT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1535 and 3791 of the Internal Revenue Code (53 Stat. 183, 467; 26 U. S. C. 1535, 3791) and other provisions of the internal revenue laws and in subchapter B of chapter 9 of the Internal Revenue Code (53 Stat. 179; 26 U. S. C., c. 9, subc. B), as last amended by sections 1 and 3 of the act approved July 31, 1946 (60 Stat. 722, 723).

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

SUBPART A—INTRODUCTORY PROVISIONS

Sec.
411.101 Introduction.
411.102 Scope of regulations.
411.103 Extent to which the regulations in this part supersede Part 410.

SUBPART B—DEFINITIONS

411.201 General definitions and use of terms.
411.202 Who are employers.
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AUTHORITY: §§ 411.101 to 411.906 issued under secs. 1535 and 3791 of the Internal Revenue Code (53 Stat. 183, 467; 26 U. S. C. 1535, 3791).

SUBPART A—INTRODUCTORY PROVISIONS

§ 411.101 *Introduction.* These regulations, which constitute Part 411 of Title 26 of the Code of Federal Regulations, are prescribed under the Railroad Retirement Tax Act (subchapter B, chapter 9, Internal Revenue Code). The applicable provisions of the act, as well as certain applicable provisions of internal-revenue laws of particular importance, will be found in the appropriate places in, and are to be read in connection with, the regulations in this part. References to sections of law are references to the Railroad Retirement Tax Act, unless otherwise expressly indicated. Inasmuch as these regulations constitute Part 411 of Title 26 of the Code of Federal Regulations, each section of the regulations bears a number commencing with 411 and a decimal point. References to sections not preceded by "411." are references to sections of law.

§ 411.102 *Scope of regulations*—(a) *Taxes and related definitions.* The regulations in this part relate to the employers' tax, the employees' tax, and the employee representatives' tax, imposed by the Railroad Retirement Tax Act, with respect to compensation paid after December 31, 1948, for services rendered after December 31, 1946. (As to when compensation is deemed to be paid, see § 411.208.) The definitions of the terms "employer", "employee", "employee representative", and "compensation" set forth in the regulations in this part are to be used only in connection with such regulations and are applicable only to services rendered after December 31, 1946.

For provisions relating to the respective taxes and definitions with respect to compensation paid prior to January 1, 1949, or earned prior to January 1, 1947, see Regulations 100 (26 CFR, Part 410) and such regulations as made applicable to the Internal Revenue Code by Treasury Decision 4885 (26 CFR, Cum. Supp., p. 5876).

(b) *Additional subjects covered*—(1) *Returns and payment of tax.* The regulations in this part relate to returns and payment of employers' tax, employees' tax, and employee representatives' tax, required to be reported on returns for periods beginning after December 31, 1948. (For provisions relating to the period for which compensation is required to be reported, see § 411.601.)

(2) *Records.* The regulations in this part relate to the records of employers and employees with respect to remuneration paid after December 31, 1948, for services rendered after December 31, 1936, and to the records of employee representatives with respect to remuneration paid after December 31, 1948, for services rendered after December 31, 1946.

(3) *Adjustments, settlements, and claims.* The regulations in this part relate to adjustments, settlements, and claims for refund, credit, or abatement, made after December 31, 1948, in connection with the employers' tax and the employees' tax under the Railroad Retirement Tax Act in force before, on, or after January 1, 1947, or under the Carriers Taxing Act of 1937, but not to any adjustment reported, or any credit taken, on any return for a tax-return period ended prior to January 1, 1949. However, § 410.707 (article 707 of Regulations 100) and of such regulations as made applicable to the Internal Revenue Code remains in full force and effect with respect to the treatment under section 4 (b) of the act approved August 13, 1940 (54 Stat. 786), of the employers' tax and the employees' tax with respect to certain coal mining services performed in the employ of a carrier by railroad subject to part I of the Interstate Commerce Act. The regulations in this part also relate to claims for refund, credit, or abatement made after December 31, 1948, in connection with the employee representatives' tax under the Railroad Retirement Tax Act in force before, on, or after January 1, 1947, or under the Carriers Taxing Act of 1937.

§ 411.103 *Extent to which the regulations in this part supersede Part 410.* The regulations in this part, with respect to the subject matter within the scope

thereof, supersede Regulations 100, approved October 12, 1937 (26 CFR, Part 410), as amended, and such regulations as made applicable to subchapter B of chapter 9 and other provisions of the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 (26 CFR, Cum. Supp., p. 5876), together with any amendments to such regulations as so made applicable to the Internal Revenue Code.

SUBPART B—DEFINITIONS

SECTION 3 (g) OF THE ACT OF JULY 31, 1946 (60 STAT. 725)

RAILROAD RETIREMENT TAX ACT

Subchapter B of Chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 1539. *Title of subchapter.* This subchapter may be cited as the "Railroad Retirement Tax Act."

SECTION 2 OF THE ACT OF FEBRUARY 10, 1939 (53 STAT. 1)

INTERNAL REVENUE CODE

This act and the internal revenue title incorporated herein shall be known as the Internal Revenue Code and may be cited as "I. R. C.".

SECTION 1532 OF THE ACT

DEFINITIONS

As used in this subchapter:

(a) *Employer.* The term "employer" means any carrier (as defined in subsection (h) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Commissioner of Internal Revenue, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations. The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities.

(b) *Employee.* The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

(c) *Employee Representative.* The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in subsection (a), who before or after June 29, 1937, was in the service of an employer as defined in subsection (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, 44 Stat. 577 (U. S. C., Title 45, c. 18), as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

(d) *Service.* An individual is in the service of an employer whether his service is rendered within or without the United States if (i) he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable, and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date.

(e) *Compensation.* The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 1500. Compensation which is earned during the period for which the Commissioner shall require a return of taxes under this subchapter to be made and which is payable during the calendar month following such period shall be deemed to have been paid during such period only. For the purpose of determining the amount of taxes under sections 1500 and 1520, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3 and (1) such compensation is earned before April 1, 1940, and the taxes thereon under such sections are not paid before July 1, 1940, or (2) such compensation is earned after March 31, 1940.

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost.

(f) *United States.* The term "United States" when used in a geographical sense means the States, Alaska, Hawaii, and the District of Columbia.

(g) *Company.* The term "company" includes corporations, associations, and joint-stock companies.

(h) *Carriers.* The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

(i) *Person.* The term "person" means an individual, a partnership, an association, a joint-stock company, or a corporation. (Sec. 1532, I. R. C., as amended by sec. 3, Act of June 11, 1940, 54 Stat. 264; sec. 1, Act of Aug. 13, 1940, 54 Stat. 785; sec. 27 (a), Act of Oct. 10, 1940, 54 Stat. 1101; sec. 14, Act of Apr. 8, 1942, 56 Stat. 209; secs. 1, 3 (e), (f), Act of July 31, 1946, 60 Stat. 722, 724, 725)

SECTION 3797 (a) AND (b) OF THE INTERNAL REVENUE CODE

DEFINITIONS

(a) When used in this title (Internal Revenue Code) * * *

* * * * * *

(2) *Partnership.* * * * The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation * * *.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

* * * * * *

(10) *State.* The word "State" shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(13) *Collector.* The term "collector" means collector of internal revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to a tax imposed by this title.

* * * * * *

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

§ 411.201 *General definitions and use of terms.* As used in the regulations in this part:

(a) The terms defined in the above provisions of law shall have the meanings so assigned to them.

(b) "Railroad Retirement Tax Act" means subchapter B of chapter 9 of the Internal Revenue Code, as amended.

(c) "Internal Revenue Code" means the act approved February 10, 1939 (53 Stat., Part 1), entitled "An act to consolidate and codify the internal revenue laws of the United States", as amended.

(d) "Act" means the Railroad Retirement Tax Act, as defined in this section.

(e) "Carriers Taxing Act of 1937" means the act approved June 29, 1937 (50 Stat. 435), as amended.

(f) "Railway Labor Act" means the act approved May 20, 1926 (44 Stat. 577), as amended.

(g) "Federal Insurance Contributions Act" means subchapter A of chapter 9 of the Internal Revenue Code, as amended.

(h) "Social Security Act" means the act approved August 14, 1935 (49 Stat. 620), as amended.

(i) "Railroad Retirement Act of 1937" means the act approved June 24, 1937 (50 Stat. 307), as amended.

(j) "Tax" means the employers' tax, the employees' tax, or the employee representatives' tax, as respectively defined in this section, or both the employers' tax and the employees' tax.

(k) "Employers' tax" means the tax imposed by section 1520 of the act with respect to compensation paid after December 31, 1948, for services rendered after December 31, 1946, except that (1) such term when used in Subparts F and I means the tax imposed by section 1520 of the act in force after December 31, 1946, with respect to compensation paid after December 31, 1948, for services rendered after December 31, 1936, and (2) such term when used in Subparts G and H means the tax imposed by section 1520 of the act in force before, on, or after January 1, 1947, with respect to compensation paid after March 31, 1939, for services rendered after December 31, 1936, or the tax imposed by section 3 of the Carriers Taxing Act of 1937 with respect to compensation paid before April 1, 1939, for services rendered after December 31, 1936.

(l) "Employees' tax" means the tax imposed by section 1500 of the act with respect to compensation paid after December 31, 1948, for services rendered after December 31, 1946, except that (1) such term when used in subparts F and I means the tax imposed by section 1500 of the act in force after December 31, 1946, with respect to compensation paid after December 31, 1948, for services rendered after December 31, 1946, or the tax imposed by section 1500 of the act in force before January 1, 1947, with respect to compensation paid after December 31, 1948, for services rendered after March 31, 1939, and before January 1, 1947, or the tax imposed by section 2 of the Carriers Taxing Act of 1937 with respect to compensation paid after December 31, 1948, for services rendered after December 31, 1936, and before April 1, 1939, and (2) such term when used in Subparts G and H means the tax imposed by section 1500 of the act in force before, on, or after January 1, 1947, with respect to compensation for services rendered after March 31, 1939, or the tax imposed by section 2 of the Carriers Taxing Act of 1937 with respect to compensation for services rendered after December 31, 1936, and before April 1, 1939.

(m) "Employee representatives' tax" means the tax imposed by section 1510 of the act with respect to compensation paid after December 31, 1948, for services rendered after December 31, 1946, except that such term when used in Subpart H means the tax imposed by section 1510 of the act in force before, on, or after January 1, 1947, with respect to compensation for services rendered after March 31, 1939, or the tax imposed by section 5 of the Carriers Taxing Act of 1937 with respect to compensation for services rendered after December 31, 1936, and before April 1, 1939.

(n) "Employee organization" means a railway labor organization which is not included as an employer under section 1532 (a) of the act.

(o) "Regulations 100" means the regulations approved October 12, 1937 (26 CFR, Part 410), as amended, relating to the employers' tax, employees' tax, and employee representatives' tax under the Carriers Taxing Act of 1937, and such regulations as made applicable to subchapter B of chapter 9 and other provisions of the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 (26 CFR, Cum. Supp., p. 5876), together with any amendments to such regulations as so made applicable to the Internal Revenue Code.

(p) "Railroad Retirement Board" means the board established pursuant to section 10 of the Railroad Retirement Act of 1937.

(q) The cross-references in the regulations in this part to other portions of the regulations, when the word "see" is used, are made only for convenience, and shall be given no legal effect.

SECTION 1532 (a) OF THE ACT

EMPLOYER

The term "employer" means any carrier (as defined in subsection (h) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the

casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Commissioner of Internal Revenue, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations. The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities. (Sec. 1532 (a), I. R. C., as amended by sec. 1, Act of Aug. 13, 1940, 54 Stat. 785)

SECTION 1532 (h) OF THE ACT

CARRIER

The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

§ 411.202 *Who are employers.* Each of the following persons is an employer within the meaning of the act:

(a) Any carrier, that is, any express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act;

(b) Any company:

(1) Which is directly or indirectly owned or controlled by one or more employers as defined in paragraph (a) of this section, or under common control therewith, and

(2) Which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with:

(i) The transportation of passengers or property by railroad, or

(ii) The receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad;

(c) Any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any employer as defined in paragraph (a) or (b) of this section;

(d) Any railroad association, traffic association, tariff bureau, demurrage bureau, weighing and inspection bureau, collection agency, and any other association, bureau, agency, or organization controlled and maintained wholly or principally by two or more employers as defined in paragraph (a), (b), or (c) of this section and engaged in the performance of services in connection with or incidental to railroad transportation;

(e) Any railway labor organization, national in scope, which has been or may be organized in accordance with the provisions of the Railway Labor Act; and

(f) Any subordinate unit of a national railway - labor - organization employer, that is, any State or National legislative committee, general committee, insurance department, or local lodge or division, of an employer as defined in paragraph (e) of this section, established pursuant to the constitution and bylaws of such employer.

As used in paragraph (b) of this section, the term "controlled" includes direct or indirect control, whether legally enforceable and however exercisable or exercised. The control may be by means of stock ownership, or by agreements, licenses, or any other devices which insure that the operation of the company is in the interests of one or more carriers. It is the reality of the control, however, which is decisive, not its form nor the mode of its exercise.

The term "employer" does not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation which is operated by any other motive power.

The term "employer" does not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities for such mining or supplying of coal, or in any of such activities.

SECTION 1532 (b) OF THE ACT

EMPLOYEE

The term "employee" means any individual in the service of one or more employers for compensation: *Provided, however,* That the term "employee" shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after August 29, 1935. An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (A) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (B) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its successor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (C) if he was so called he was solely for such reason unable to render service in six calendar months as provided in clause (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within ten years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority rights: *Provided,* That an individual shall not be deemed to have been on August 29, 1935, in the employment relation to a carrier if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not in the service of an employer, in accordance with subsection (d), with respect to any service in such pay-roll period, or if he could have been in the employment relation to an employer only by reason of his having been, either before or after August 29, 1935, in the service of a local lodge or division defined as an employer in subsection (a).

The term "employee" includes an officer of an employer.

The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple. (Sec. 1532 (b), I. R. C., as amended by sec. 3 (e), Act of July 31, 1946, 60 Stat. 724)

SECTION 1532 (d) OF THE ACT

SERVICE

An individual is in the service of an employer whether his service is rendered within or without the United States if (1) he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, or he is rendering professional or technical services and is integrated into the staff of the employer, or he is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations, and (ii) he renders such service for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable, and if the application of such mileage formula, or such other formula as the Board may prescribe, would result in the compensation of the individual being less than 10 per centum of his remuneration for such service no part of such remuneration shall be regarded as compensation: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date. (Sec. 1532 (d), I. R. C., as amended by sec. 3, Act of June 11, 1940, 54 Stat. 264; sec. 14, Act of Apr. 8, 1942, 56 Stat. 209; sec. 1, Act of July 31, 1946, 60 Stat. 722)

SECTION 1532 (h) OF THE ACT

CARRIER

The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

§ 411.203 *Who are employees*—(a) *In general.* Within the meaning of the act, any individual is an employee if he is in the service of one or more employers (as defined in section 1532 (a)) for compensation. An individual is in the service of an employer, with respect to services rendered for compensation, if:

(1) He is subject to the continuing authority of the employer to supervise and direct the manner in which he renders such services; or

(2) He is rendering professional or technical services and is integrated into the staff of the employer; or

(3) He is rendering, on the property used in the employer's operations, other personal services the rendition of which is integrated into the employer's operations.

In order that an individual may be in the service of an employer within the meaning of subparagraph (1) of this paragraph, it is not necessary that the employer actually direct or control the manner in which the services are rendered; it is sufficient if the employer has the right to do so. The right of an employer to discharge an individual is also an important factor indicating that the individual is subject to the continuing authority of the employer to supervise and direct the manner of rendition of the services. Other factors indicating that an individual is subject to the continuing authority of the employer to supervise and direct the manner of rendition of the services are the furnishing of tools and the furnishing of a place to work by the employer to the individual who renders the services.

In general, if an individual is subject to the control or direction of an employer merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not, as to such services, in the service of an employer within the meaning of subparagraph (1) of this paragraph. However, an individual performing services as an independent contractor may be, as to such services, in the service of an employer within the meaning of subparagraph (2) or (3) of this paragraph.

Whether or not an individual is an employee will be determined upon an examination of the particular facts of the case.

If an individual is an employee, it is of no consequence that he is designated as a partner, coadventurer, agent, independent contractor, or otherwise, or that he performs services on a part-time basis. The age of the individual, or the measurement, method, or designation of the remuneration, is immaterial, if he is in fact an employee.

The act makes no distinction between classes or grades of employees. Thus, superintendents, managers, and other superior employees are employees within the meaning of the act. An officer of an employer is an employee, but a director as such is not. A director may be an employee, however, if he performs services other than those required by attendance at and participation in meetings of the board of directors.

In determining whether an individual is an employee with respect to services rendered within the United States, the citizenship or residence of the individual, or the place where the contract of service was entered into, is immaterial.

If an individual performs services for an employer (other than a local lodge or division or a general committee of a railway-labor-organization employer) which does not conduct the principal part of its business within the United States, such individual shall be deemed to be in the service of such employer only to the extent that he performs services for it in the United States. Thus, with respect to services rendered for such employer outside the United States, such individual is not in the service of an employer.

If an individual performs services for an employer (other than a local lodge or division or a general committee of a railway-labor-organization employer) which conducts the principal part of its business within the United States, he is in the service of such employer whether his services are rendered within or without the United States. In the case of an individual, not a citizen or resident of the United States, rendering services in a place outside the United States to an employer which is required under the laws applicable in such place to employ, in whole or in part, citizens or residents thereof, such individual shall not be deemed to be in the service of an employer with respect to services so rendered.

The term "employee" does not include any individual while he is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple.

(b) *Employees of local lodges or divisions of railway-labor-organization employers.* (1) An individual is in the service of a local lodge or division of a railway-labor-organization employer (see § 411.202 (f)) only if:

(i) All, or substantially all, the individuals constituting the membership of such local lodge or division are employees of an employer conducting the principal part of its business in the United States; or

(ii) The headquarters of such local lodge or division is located in the United States.

(2) An individual in the service of a local lodge or division is not an employee within the meaning of the act unless he was, on or after August 29, 1935, in the service of a carrier (see paragraph (a) of this section) or he was, on August 29, 1935, in the "employment relation" to a carrier.

An individual shall be deemed to have been in the employment relation to a carrier on August 29, 1935, if (i) he was on that date on leave of absence from his employment, expressly granted to him by the carrier by whom he was employed, or by a duly authorized representative of such carrier, and the grant of such leave of absence will have been established to the satisfaction of the Railroad Retirement Board before July 1947; or (ii) he was in the service of a carrier after August 29, 1935, and before January 1946 in each of six calendar months, whether or not consecutive; or (iii) before August 29, 1935, he did not retire and was not retired or discharged from the service of the last carrier by whom he was employed or its corporate or operating successor, but (a) solely by reason of his physical or mental disability he ceased before August 29, 1935, to be in the service of such carrier and thereafter remained continuously disabled until he attained age sixty-five or until August 1945, or (b) solely for such last stated reason a carrier by whom he was employed before August 29, 1935, or a carrier who is its sucessor did not on or after August 29, 1935, and before August 1945 call him to return to service, or (c) if he was so called he was solely for such reason unable to render service in six calendar months as provided in subdivision (ii); or (iv) he was on August 29, 1935, absent from the service of a carrier by reason of a discharge which, within one year after the effective date thereof, was protested, to an appropriate labor representative or to the carrier, as wrongful, and which was followed within 10 years of the effective date thereof by his reinstatement in good faith to his former service with all his seniority

rights. However, an individual shall not be deemed to have been in the employment relation to a carrier on August 29, 1935, if before that date he was granted a pension or gratuity on the basis of which a pension was awarded to him pursuant to section 6 of the Railroad Retirement Act of 1937, or if during the last pay-roll period before August 29, 1935, in which he rendered service to a carrier he was not, with respect to any service in such pay-roll period, in the service of an employer (see paragraph (a) of this section).

(For definition of carrier, see § 411.202 (a)).

(c) *Employees of general committees of railway-labor-organization employers.* An individual is in the service of a general committee of a railway-labor-organization employer (see § 411.202 (f)) only if:

(1) He is representing a local lodge or division described in paragraph (b) (1) of this section; or

(2) All, or substantially all, the individuals represented by such general committee are employees of an employer conducting the principal part of its business in the United States; or

(3) He acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer. In such case, if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only a part of his remuneration for such service shall be regarded as compensation. The part of his remuneration regarded as compensation shall be in the same proportion to his total remuneration as the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to section 1 (c) of the Railroad Retirement Act of 1937 shall be applicable. However, no part of his remuneration for such service shall be regarded as compensation if the application of such mileage formula, or such other formula as the Railroad Retirement Board may have prescribed, would result in his compensation for the service being less than 10 percent of his remuneration for such service.

SECTION 1532 (c) OF THE ACT

EMPLOYEES REPRESENTATIVE

The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term "employer" as defined in subsection (a), who before or after June 29, 1937, was in the service of an employer as defined in subsection (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, 44 Stat. 577 (U. S. C., Title 45, c. 18), as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

§ 411.204 *Who are employee representatives.* An employee representative within the meaning of the act is:

(a) Any officer or official representative of a railway labor organization which is not included as an employer under section 1532 (a) of the act who:

(1) Was in the service of an employer either before or after June 29, 1937, and

(2) Is duly authorized and designated to represent employees in accordance with the Railway Labor Act.

(For railway labor organizations which are employers under section 1532 (a) of the act, see § 411.202 (e) and (f).)

(b) Any individual who is regularly assigned to or regularly employed by an employee representative as defined in paragraph (a) of this section, in connection with the duties of such employee representative's office.

In determining whether an individual is an employee representative, his citizenship or residence is material only insofar as those factors may affect the determination of whether he was "in the service of an employer" (see § 411.203 (a)). The age of the individual is immaterial.

SECTION 1532 (e) OF THE ACT

COMPENSATION

The term "compensation" means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of the tax imposed on such employee by section 1500. Compensation which is earned during the period for which the Commissioner shall require a return of taxes under this subchapter to be made and which is payable during the calendar month following such period shall be deemed to have been paid during such period only. For the purpose of determining the amount of taxes under sections 1500 and 1520, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3 and • • • such compensation is earned after March 31, 1940.

A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. (Sec. 1532 (e), I. R. C., as amended by sec. 27 (a), Act of Oct. 10, 1940, 54 Stat. 1101; sec. 3 (f), Act of July 31, 1946, 60 Stat. 725)

SECTION 1511 OF THE ACT

DETERMINATION OF COMPENSATION

The compensation of an employee representative for the purpose of ascertaining the tax thereon shall be determined in the same manner and with the same effect as if the employee organization by which such employee representative is employed were an employer as defined in section 1532 (a).

§ 411.205 *Definition of compensation.* The term "compensation" means all remuneration in money, or in something which may be used in lieu of money (for example, scrip and merchandise orders), which is earned by an individual for services rendered as an employee to one or more employers or as an employee representative. A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for services rendered by such individual as an employee of the employer. Likewise, a payment made by an employee organization to an employee representative through the organization's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for services rendered by the employee representative as such.

The term "compensation" is not confined to amounts earned or paid for active service, but includes amounts earned or paid for an identifiable period during which the employee is absent from the active service of the employer and, in the case of an employee representative, amounts earned or paid for an identifiable period during which the employee representative is absent from the active service of the employee organization.

The term "compensation" does not include tips, or the voluntary payment by an employer of the employees' tax without the deduction of such tax from the remuneration of the employee.

(See § 411.207, relating to when compensation is earned. See also §§ 411.301, 411.401, and 411.501, relating to the amount of compensation included for the purpose of determining the employees' tax, the employers' tax, and the employee representatives' tax, respectively. For special provisions relating to the compensation of certain general chairmen or assistant general chairmen of a general committee of a railway-labor-organization employer, see § 411.203 (c).)

§ 411.206 *Items included as compensation.* The following items are included in compensation with respect to employees and in analogous situations with respect to employee representatives:

(a) Salaries, wages, commissions, fees, bonuses, and any other remuneration in money or in something which may be used in lieu of money. The name by which remuneration is designated, the amount, and the basis upon which it is paid are immaterial. It may be paid upon the basis of piece work, a percentage of profits, or on a daily, hourly, weekly, monthly, annual, or other basis.

(b) Sick pay, vacation allowances, or back pay upon reinstatement after wrongful discharge.

(c) Amounts paid to an employee for an identifiable period of absence from the active service of the employer on account of personal injury. If a payment is made to an employee with respect to a personal injury and includes pay for an identifiable period of absence from active service, the total payment shall be deemed to be paid for such period of absence from active service unless, at the time of payment, a part of such payment is specifically apportioned to factors other than absence from active service, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for such period of absence from active service.

(d) Amounts paid to an employee for loss of earnings during an identifiable period as the result of the displacement of the employee to a less remunerative position or occupation.

(e) Amounts paid as allowance or reimbursement for traveling or other expenses incurred in the business of the employer to the extent of the excess of such amounts, if any, over such expenses actually incurred and accounted for by the employee to the employer.

(f) Generally, premiums paid by an employer on a policy of life insurance covering the life of an employee, if the employer is not a beneficiary under the policy. However, premiums paid by an employer on policies of group life insurance covering the lives of his employees are not compensation, if the employee has no option to take the amount of the premiums instead of accepting the insurance and has no equity in the policy (such as the right of assignment or the right to the surrender value on termination of his employment).

(g) Amounts deducted from the compensation of an employee, including the amount of the employees' tax deducted pursuant to section 1501, constitute compensation paid to the employee.

(h) Payments made by an employer into a stock bonus, pension, or profit-sharing fund, if such payments inure to the exclusive benefit of the employee and may be withdrawn by the employee at any time, or upon resignation or dismissal, or if the contract for services requires such payment as part of the remuneration. Whether or not under other circumstances such payments constitute compensation depends upon the particular facts of each case.

§ 411.207 *Compensation; when earned.* Compensation is earned when an employee, or employee representative, as such, performs services for which he is paid or for which there is a present or future obligation to pay, regardless of the time at which payment is made or is to be made. Remuneration paid for any period of absence from active service shall be deemed to have been earned in the month in which such absence from service occurred. A payment made by an employer or employee organization to an individual through the pay roll of the employer or employee organization for a period commencing after December 31, 1946, shall be presumed, in the absence of evidence to the contrary, to be for services rendered by such individual in the period covered by the pay roll and, thus, to have been earned in such period. (See §§ 411.205 and 411.206.)

§ 411.208 *Compensation; when paid.* Compensation is deemed to be paid:

(a) When it is actually paid; or

(b) When it is constructively paid, that is, credited to the account of or set apart for an employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and made available to him so that it may be drawn upon at any time and its payment brought within his own control and disposition; or

(c) Within the period for which a return of tax is required to be made, if the compensation was earned during such period and is payable during the calendar month following such period. (See § 411.601, relating to periods for which a return of tax is required, and § 411.207, relating to when compensation is earned.)

Example (1). During September 1950 (which falls in a period for which a return of tax is required to be made), A is employed by employer X at a monthly salary of $200, one-half of which is payable on the 25th of the month in which the services are performed and the other half on the 10th of the following month. Thus on October 10, A is paid $100 which was earned during September. That $100 is deemed to have been paid to A in September and should be included in X's return for the quarter July, August, and September.

Example (2). During September 1949 (which falls in a period for which a return of tax is required to be made), A is employed by employer X on the basis of a 6-day week at a weekly salary of $60 payable on Saturday of each week. Thus on Saturday, October 1, 1949, A is paid $60 for services performed during the week September 26, 1949, to October 1, 1949, inclusive. In such case five-sixths of that amount or $50 is deemed to have been paid in September and should be included in X's return filed for the period in which September falls. The balance of A's salary for that week ($10) should be included in the return filed for the period in which October 1949 falls. (But see § 411.601 (b), relating to period covered by return where employer pays on a weekly basis.)

SUBPART C—EMPLOYEES' TAX

SECTION 1500 OF THE ACT

RATE OF TAX

In addition to other taxes, there shall be levied, collected, and paid upon the income of every employee a tax equal to the following percentages of so much of the compensation, paid to such employee after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ per centum. (Sec. 1500, I. R. C., as amended by sec. 3 (a), Act of July 31, 1946, 60 Stat. 723.)

SECTION 1532 (e) OF THE ACT

COMPENSATION

• • • For the purpose of determining the amount of taxes under sections 1500 • • •, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3 and • • • such compensation is earned after March 31, 1940.

• • • • • •

(Sec. 1532 (e), I. R. C., as amended by sec. 27 (a), Act of Oct. 10, 1940, 54 Stat. 1101)

§ 411.301 *Measure of employees' tax—*(a) *General rule.* Except as provided in paragraph (b) of this section, the employees' tax with respect to compensation paid after December 31, 1948, for services rendered after December 31, 1946, is measured by the amount of such compensation paid to an individual for services rendered as an employee to one or more employers, excluding, however, the amount of compensation in excess of $300 which is paid after December 31, 1946, to the employee for services rendered during any one calendar month after 1946. (See §§ 411.205 to 411.208, relating to compensation.)

(b) *Exception; employee of local lodge or division of railway-labor-organization employer.* If the amount of compensation earned in any calendar month by an individual as an employee in the service of a local lodge or division of a railway-labor-organization employer is less than $3, such amount shall be disregarded for the purpose of determining the employees' tax.

§ 411.302 *Rates and computation of employees' tax.* The rates of employees' tax applicable for the respective calendar years are as follows:

	Percent
Compensation paid during the calendar years 1949, 1950, 1951	6
Compensation paid during the calendar year 1952 and subsequent calendar years	6¼

The employees' tax is computed by applying to the amount of the employee's compensation with respect to which the employees' tax is imposed the rate for the calendar year in which the compensation is paid.

SECTION 1501 (a) OF THE ACT

DEDUCTION OF TAX FROM COMPENSATION

Requirement. The tax imposed by section 1500 shall be collected by the employer of the taxpayer by deducting the amount of the tax from the compensation of the employee as and when paid. If an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1946 and the aggregate of such compensation is in excess of $300, the tax to be deducted by each employer other than a subordinate unit of a national railway-labor-organization employer from the compensation paid by him to the employee with respect to such month shall be that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall deduct such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services ren-

dered during such month. (Sec. 1501 (a), I. R. C., as amended by sec. 3 (b), Act of July 31, 1946, 60 Stat. 723)

SECTION 3661 OF THE INTERNAL REVENUE CODE

ENFORCEMENT OF LIABILITY FOR TAXES COLLECTED

Whenever any person is required to collect or withhold any internal-revenue tax from any other person and to pay such tax over to the United States, the amount of tax so collected or withheld shall be held to be a special fund in trust for the United States. The amount of such fund shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes from which such fund arose.

§ 411.303 *Collection of, and liability for, employees' tax*—(a) *Collection; general rule.* The employer shall collect from each of his employees the employees' tax imposed with respect to the compensation of the employee by deducting or causing to be deducted the amount of such tax from the compensation subject to the tax as and when such compensation is paid. (As to the measure of the employees' tax, see §411.301.)

(b) *Collection; aggregate monthly compensation in excess of $300 paid by two or more employers.* If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after 1946, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of $300, the employees' tax to be deducted by each employer from the compensation as and when paid by him to the employee shall be determined as follows:

(1) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 411.202 (f)), each employer shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all employers for that month (see example (1), below);

(2) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, each subordinate unit shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such subordinate unit to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month;

(3) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after December 31, 1946, to the employee by the employer other than a subordinate unit equals or exceeds $300 for the month, then no employees' tax shall be deducted by any such subordinate unit from the compensation paid by it after December 31, 1946, to such employee for that month, and the employer other than a subordinate unit shall deduct the employees' tax with respect to $300 of compensation paid by him after December 31, 1946, to such employee for that month (see example (2), below);

(4) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway - labor - organization employer, and if the total compensation paid after December 31, 1946, to the employee by the employers other than a subordinate unit equals or exceeds $300 for the month, then no employees' tax shall be deducted by any such subordinate unit from the compensation paid by it after December 31, 1946, to such employee for that month, and each employer other than a subordinate unit shall deduct the employees' tax with respect to that proportion of $300 of compensation which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such employers other than a subordinate unit for that month (see example (3), below);

(5) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate unit is less than $300 for the month, then each employer other than the subordinate unit shall deduct the employees' tax with respect to the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the employer other than a subordinate unit of a national railway - labor - organization employer shall deduct the employees' tax with respect to the remainder of $300 of compensation less the total compensation paid after December 31, 1946, to such employee for that month by all other employers (see example (4), below); or

(6) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway - labor - organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate units is less than $300 for the month, then each employer other than the subordinate units shall deduct the employees' tax with respect to the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and each subordinate unit of a national railway-labor-organization employer shall deduct the employees' tax with respect to that proportion of the remainder of $300 of compensation less the total compensation paid after December 31, 1946, to such employee for the month by all employers other than the subordinate units which the compensation paid after December 31, 1946, by such subordinate unit to the employee for that month bears to the total compensation paid after December 31, 1946, to such employee by all subordinate units for that month (see example (5), below).

(See § 411.301 (b), which provides that for the purpose of determining the employees' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

The application of certain of the foregoing principles may be illustrated by the following examples:

Example (1). A, an employee, renders services during January 1949 for employers X, Y, and Z, none of whom is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $100 by X, $100 by Y, and $200 by Z, or an aggregate of $400 for the month. In such case X pays one-fourth of A's aggregate compensation for the month, Y pays one-fourth, and Z pays one-half. X and Y, therefore, are each required to deduct the employees' tax with respect to one-fourth of $300, or $75, and Z is required to deduct the employees' tax with respect to one-half of $300, or $150.

Example (2). A, an employee, renders services during January 1949 for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $300 by X, $50 by Y, and $25 by Z. Since the compensation paid A for the month by X equals $300, neither Y nor Z is required to deduct any employees' tax from the compensation paid by them to A for the month; and X is required to deduct the employees' tax with respect to the full $300 paid by him to A for the month.

Example (3). A, an employee, renders services during January 1949 for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $200 by W and $200 by X, or an aggregate of $400 for the month, and compensation of $50 by Y and $50 by Z. Since the aggregate compensation paid A for the month by W and X is in excess of $300, neither Y nor Z is required to deduct any employees' tax from the compensation paid by them to A for the month. Of the aggregate compensation of $400 paid A for the month by W and X, W pays one-half and X pays one-half. W and X, therefore, are each required to deduct the employees' tax with respect to one-half of $300, or $150.

Example (4). A, an employee, renders services during January 1949 for employer X, an employer other than a subordinate unit of a national railway-labor-organization employer, and for employer Y, a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $250 by X and $100 by Y. In such case X is required to deduct the employees' tax with respect to the full $250 paid by him to A for the month; and Y is required to deduct the employees' tax only with respect to $50 ($300 minus $250 paid by X).

Example (5). A, an employee, renders services during January 1949 for employers W and X, each of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and for employers Y and Z, each of which is a subordinate unit of a national railway-labor-organization employer. For such services A is paid in the month or thereafter compensation of $140 by W, $100 by X, $50 by Y, and $100 by Z. In such case W and X are each required to deduct the employees' tax with respect to the full amount paid by them to A for the month, that is, W with respect to $140 and X with respect to $100; and Y and Z are each required to deduct the employees' tax with respect to their proportionate share of $60 ($300 minus $240 paid by W and X). Of the aggregate compensation of $150 paid by Y and Z, $50, or one-third, was paid by Y, and $100, or two-thirds, was paid by Z. In such case Y is required to deduct the employees' tax with respect to one-third of $60, or $20, and Z is required to deduct the employees' tax with respect to two-thirds of $60, or $40.

(c) *Undercollections or overcollections.* Any undercollection or overcollection of employees' tax resulting from the employer's inability to determine, at the time compensation is paid, the correct amount of compensation with respect to which the deduction should be made shall be corrected in accordance with the provisions of §§ 411.701 and 411.702, relating to adjustments of employees' tax, and Subpart H, relating to refunds, credits, and abatements.

(d) *When fractional part of cent may be disregarded.* In collecting the employees' tax, the employer shall disregard any fractional part of a cent of such tax unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

(e) *Employer's liability.* The employer is liable for the employees' tax with respect to compensation paid by him, whether or not collected from the employee. If the employer deducts less than the correct amount of employees' tax or fails to deduct any part of the tax, he is nevertheless liable for the correct amount of the tax. Until collected from him, the employee is also liable for the employees' tax. Any employees' tax collected by or on behalf of an employer is a special fund in trust for the United States. An employer is not liable to any person for the amount of the employees' tax deducted by him and paid to the collector.

Section 2707 of the Internal Revenue Code, provides severe penalties for a willful failure to pay, collect, or truthfully account for and pay over, the employees' tax or for a willful attempt in any manner to evade or defeat the tax. Such penalties may be incurred by any person, including the employer, and any officer or employee of a corporate employer, or member or employee of any other employer, who as such employer, officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SUBPART D—EMPLOYERS' TAX

SECTION 1520 OF THE ACT

RATE OF TAX

In addition to other taxes, every employer shall pay an excise tax, with respect to having individuals in his employ, equal to the following percentages of so much of the compensation, paid by such employer after December 31, 1946, for services rendered to him after December 31, 1936, as is, with respect to any employee for any calendar month, not in excess of $300: *Provided, however,* That if an employee is paid compensation after December 31, 1946, by more than one employer for services rendered during any calendar month after 1936, the tax imposed by this section shall apply to not more than $300 of the aggregate compensation paid to such employee by all such employers after December 31, 1946, for services rendered during such month, and each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him after December 31, 1946, to the employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than $300, each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional tax as the compensation paid by such employer after December 31, 1946, to such employee for services rendered during such month bears to the total compensation paid by all such employers after December 31, 1946, to such employee for services rendered during such month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 5¾ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 6 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 6¼ per centum. (See 1520, I. R. C., as amended by sec. 3 (d), Act of July 31, 1946, 60 Stat. 724)

SECTION 1532 (e) OF THE ACT

COMPENSATION

• • • For the purpose of determining the amount of taxes under sections • • • 1520, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3 and • • • such compensation is earned after March 31, 1940.

• • • • • •

(Sec. 1532 (e), I. R. C., as amended by sec. 27 (a), Act of Oct. 10, 1940, 54 Stat. 1101)

§ 411.401 *Measure of employers' tax*—(a) *General rule.* Except as provided in paragraphs (b) and (c) of this section, the employers' tax with respect to compensation paid after December 31, 1946, for services rendered after December 31, 1946, is measured by the amount of such compensation paid by an employer to his employees, excluding, however, the amount of compensation in excess of $300 which is paid after December 31, 1946, by the employer to any employee for services rendered during any one calendar month after 1946. (See §§ 411.205 to 411.208, relating to compensation.)

(b) *Aggregate monthly compensation in excess of $300 paid by two or more employers.* If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after 1946, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of $300, the measure of the employers' tax of each employer with respect to the compensation paid by him after December 31, 1946, to the employee for the month shall be determined as follows:

(1) If such compensation is paid by two or more employers, none of whom is a subordinate unit of a national railway-labor-organization employer (see § 411.202 (f)), the measure of the employers' tax of each employer shall be that proportion of $300 which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all employers for that month;

(2) If such compensation is paid by two or more employers, each of which is a subordinate unit of a national railway-labor-organization employer, the measure of the employers' tax of each subordinate unit shall be that proportion of $300 which the compensation paid after December 31, 1946, by such subordinate unit to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month;

(3) If such compensation is paid by two or more employers, only one of whom is an employer other than a subordinate unit of a national railway-labor-organization employer, and if the compensation paid after December 31, 1946, to the employee by the employer other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any employers' tax with respect to the compensation paid by it after December 31, 1946, to such employee for that month, and the measure of the employers' tax of the employer other than a subordinate unit with respect to the compensation paid by him after December 31, 1946, to such employee for that month shall be $300;

(4) If such compensation is paid by two or more employers other than a subordinate unit of a national railway-labor-organization employer and by one or more subordinate units of a national railway - labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by the employers other than a subordinate unit equals or exceeds $300 for the month, then no subordinate unit shall be liable for any employers' tax with respect to the compensation paid by it after December 31, 1946, to such employee for that month, and the measure of the employers' tax of each employer other than a subordinate unit shall be that proportion of $300 which the compensation paid after December 31, 1946, by such employer to the employee for the month bears to the total compensation paid after December 31, 1946, to such employee by all employers other than a subordinate unit for that month;

(5) If such compensation is paid by two or more employers, only one of whom is a subordinate unit of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate unit is less than $300 for the month, then the measure of the employers' tax of each employer other than the subordinate unit shall be the full amount of compensation

paid by him after December 31, 1946, to such employee for that month, and the measure of the employers' tax of the subordinate unit of a national railway-labor-organization employer shall be the remainder of $300 less the total compensation paid after December 31, 1946, to such employee for that month by all other employers; or

(6) If such compensation is paid by one or more employers other than a subordinate unit of a national railway-labor-organization employer and by two or more subordinate units of a national railway-labor-organization employer, and if the total compensation paid after December 31, 1946, to the employee by all employers other than the subordinate units is less than $300 for the month, then the measure of the employers' tax of each employer other than the subordinate units shall be the full amount of compensation paid by him after December 31, 1946, to such employee for that month, and the measure of the employers' tax of each subordinate unit of a national railway-labor-organization employer, shall be that proportion of the remainder of $300 less the total compensation paid after December 31, 1946, to such employee for the month by all employers other than the subordinate units which the compensation paid after December 31, 1946, by such subordinate unit to the employee for that month bears to the total compensation paid after December 31, 1946, to such employee by all such subordinate units for that month.

(See paragraph (c) of this section, which provides that for the purpose of determining the employers' tax certain nominal compensation earned by an employee of a local lodge or division of a railway-labor-organization employer shall be disregarded.)

For illustrations of the application of certain of the foregoing principles, see the examples, illustrating the analogous principles with respect to the deduction of employees' tax, set forth in § 411.303 (b) of the regulations in this part.

(c) *Nominal monthly compensation earned by employee of local lodge or division of railway-labor-organization employer.* If the amount of compensation earned in any calendar month by an individual as an employee in the service of a local lodge or division of a railway-labor-organization employer is less than $3, such amount shall be disregarded for the purpose of determining the employers' tax.

(d) *Underpayments or overpayments.* Any underpayment or overpayment of employers' tax resulting from the employer's inability to determine, at the time such tax is paid, the correct amount of compensation with respect to which the tax should be paid shall be corrected in accordance with the provisions of §§ 411.701 and 411.703, relating to adjustments of employers' tax, and Subpart H, relating to refunds, credits, and abatements.

§ 411.402 *Rates and computation of employers' tax.* The rates of employers' tax applicable for the respective calendar years are as follows:

	Percent
Compensation paid during the calendar years 1949, 1950, 1951	6
Compensation paid during the calendar year 1952 and subsequent calendar years	6¼

The employers' tax is computed by applying to the amount of compensation with respect to which the employers' tax is imposed the rate for the calendar year in which the compensation is paid.

SUBPART E—EMPLOYEE REPRESENTATIVES' TAX

SECTION 1510 OF THE ACT

RATE OF TAX

In addition to other taxes, there shall be levied, collected, and paid upon the income of each employee representative a tax equal to the following percentages of so much of the compensation, paid to such employee representative after December 31, 1946, for services rendered by him after such date, as is not in excess of $300 for any calendar month:

1. With respect to compensation paid during the calendar years 1947 and 1948, the rate shall be 11½ per centum;

2. With respect to compensation paid during the calendar years 1949, 1950, and 1951, the rate shall be 12 per centum;

3. With respect to compensation paid after December 31, 1951, the rate shall be 12½ per centum. (Sec. 1510, I. R. C., as amended by sec. 3 (c), Act of July 31, 1946, 60 Stat. 723)

§ 411.501 *Measure of employee representatives' tax.* The employee representatives' tax with respect to compensation paid after December 31, 1948, for services rendered after December 31, 1946, is measured by the amount of such compensation paid to an individual for services rendered as an employee representative, excluding, however, the amount of compensation in excess of $300 which is paid after December 31, 1946, to the employee representative for services rendered during any one calendar month after 1946. (See §§ 411.205 to 411.208, relating to compensation.)

§ 411.502 *Rates and computation of employee representatives' tax.* The rates of employee representatives' tax applicable for the respective calendar years are as follows:

	Percent
Compensation paid during the calendar years 1949, 1950, 1951	12
Compensation paid during the calendar year 1952 and subsequent calendar years	12½

The employee representatives' tax is computed by applying to the amount of compensation with respect to which the employee representatives' tax is imposed the rate for the calendar year in which the compensation is paid.

SUBPART F—RETURNS, PAYMENT OF TAX, AND RECORDS

SECTION 1530 OF THE ACT

COLLECTION AND PAYMENT OF TAXES

(a) *Administration.* The taxes imposed by this subchapter shall be collected by the Bureau of Internal Revenue and shall be paid into the Treasury of the United States as internal-revenue collections.

(b) *Time and Manner of Payment.* The taxes imposed by this subchapter shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this subchapter as may be prescribed by the Commissioner with the approval of the Secretary.

* * * * *

(d) *Fractional Parts of a Cent.* In the payment of any tax under this subchapter, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

SECTION 1536 OF THE ACT

OTHER LAWS APPLICABLE

All provisions of law, including penalties, applicable with respect to any tax imposed by section 2700 or section 1800, and the provisions of section 3661, insofar as applicable and not inconsistent with the provisions of this subchapter, shall be applicable with respect to the taxes imposed by this subchapter. (Sec. 1536, I. R. C., as amended by sec 1, Act of Mar. 17, 1941, 55 Stat. 44)

SECTION 2709 OF THE INTERNAL REVENUE CODE, MADE APPLICABLE BY SECTION 1536 OF THE ACT

RECORDS, STATEMENTS, AND RETURNS

Every person liable to any tax imposed by this subchapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

SECTION 2701 OF THE INTERNAL REVENUE CODE, MADE APPLICABLE BY SECTION 1536 OF THE ACT

RETURNS

Every person liable for the tax * * * shall make * * * returns under oath * * * to the collector for the district in which is located the principal place of business. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

SECTION 3603 OF THE INTERNAL REVENUE CODE

NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SECTION 3632 OF THE INTERNAL REVENUE CODE

AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY

(a) *Internal Revenue personnel—(1) Persons in charge of administration or internal revenue laws generally.* Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

(2) *Persons in charge of exports and drawbacks.* Every collector of internal revenue and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal revenue laws.

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as an exclusive enumeration of the persons who may administer such oaths or affirmations.

SECTION 1630 (a) OF THE INTERNAL REVENUE CODE

VERIFICATION OF RETURNS, ETC.

Power of Commissioner to require. The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under this chapter shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required. (Sec. 1630 (a), I. R. C., as added by sec. 2 (a), Current Tax Payment Act of 1943, 57 Stat. 126)

SECTION 3612 (a), (b), AND (c) OF THE INTERNAL REVENUE CODE

RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR

(a) *Authority of Collector.* If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of Commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise:

(1) *To make return.* Make a return, or

(2) *To amend collector's return.* Amend any return made by a collector or deputy collector.

(c) *Legal status of returns.* Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

SECTION 3614 (a) OF THE INTERNAL REVENUE CODE

EXAMINATION OF BOOKS AND WITNESSES

To determine liability of the taxpayer. The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

SECTION 2702 (a) OF THE INTERNAL REVENUE CODE, MADE APPLICABLE BY SECTION 1536 OF THE ACT

PAYMENT OF TAX

Date of payment. The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector for the district in which is located the principal place of business, at the time fixed * * * for filing the return.

§ 411.601 *Quarterly returns of tax—(a) In general.* Every employer shall make a tax return on Form CT–1 for the first quarter after December 31, 1948, within which taxable compensation is paid to his employee or employees for services rendered after December 31, 1936, and for each subsequent quarter (whether or not taxable compensation is paid therein) until he files a final return as required by the provisions of § 411.602. Every employee representative shall make a tax return on Form CT–2 for the first quarter after December 31, 1948, within which he is paid taxable compensation for services rendered after December 31, 1946, as an employee representative, and for each subsequent quarter (whether or not he is paid taxable compensation therein) until he files a final return as required by the provisions of § 411.602. One original and a duplicate of each return on Form CT–1 or CT–2 shall be filed with the collector. For purposes of returns under the act, the quarters shall each be three calendar months as follows: (1) From January 1 to March 31, both dates inclusive; (2) from April 1 to June 30, both dates inclusive: (3) from July 1 to September 30, both dates inclusive; and (4) from October 1 to December 31, both dates inclusive.

Except as provided in paragraph (b) of this section, taxable compensation shall be reported in the tax return for the period in which it is deemed under § 411.208 to be paid, unless under such section such compensation may be deemed to be paid in more than one tax-return period, in which case it shall be reported only in the return for the first period in which it is deemed to be paid.

(b) *Returns of employers required by State law to pay compensation on weekly basis.* If any employer is required by the laws of any State to pay compensation weekly, the return of tax with respect to such compensation may, at the election of such employer, cover all pay-roll weeks which, or the major part of which, fall within the period for which a return of tax is required by paragraph (a) of this section. This provision shall not apply, however, to any pay-roll week which falls in two calendar years. Any employer who elects to file a return as provided in this paragraph shall notify the Commissioner in writing of such election and shall include therein a statement setting forth the facts which entitle him to make the election. Such notice shall be in duplicate and shall be attached to the original and duplicate of the return for the first period to which such election applies. Any election so made shall be binding upon the taxpayer with respect to all returns subsequently made by him until the Commissioner authorizes or directs the taxpayer to make a return on a different basis. For the purpose of determining the time when compensation is deemed to be paid in accordance with § 411.208 (c), and of determining the due date of a return in accordance with § 411.605, the calendar month following the period covered by the return of an employer making such election is the same calendar month which would be determinative for such purposes if the employer had not made the election.

An election made by a taxpayer, pursuant to the provisions of § 410.501 (b) (article 501 (b) of Regulations 100), which is in force and effect at the time the taxpayer makes his first return under the regulations in this part shall satisfy the requirements of this paragraph with respect to the making of an election and shall be binding upon the taxpayer with respect to all returns made by him under the regulations in this part until the Commissioner authorizes or directs the taxpayer to make a return on a different basis.

Example. Employer X is required by State law to pay his employees within six days after the compensation is earned. In compliance with the State law, employer X, for services rendered to him for the period June 27 to July 2, 1949, pays his employees on the last-named date. June 1949 is the last month of a period for which a return of tax is required to be filed. Employer X may elect to include in the return required under paragraph (a) of this section for the period April 1 to June 30, 1949, the compensation paid to his employees for the week of June 27 to July 2, 1949, inclusive, although the compensation for July 1 and 2 falls within another period for which a return is required under paragraph (a) of this section. If, in this example, the pay-roll week ended on July 5, 1949, the compensation paid for the pay-roll week June 29 to July 5 would be included in the return period in which July falls although the compensation earned for June 29 and 30 fell in a prior return period under the general rule.

§ 411.602 *Final returns.* The last return on Form CT–1 for any employer who ceases to pay taxable compensation shall be marked "Final return" by the employer or the person filing the return. An employer who has only temporarily ceased to pay taxable compensation shall continue to file returns, but shall enter on the face of any return on which no compensation is required to be reported the date of the last payment of taxable compensation and the date when he expects to resume paying taxable compensation to one or more employees. The last return on Form CT–2 for any employee representative who ceases to be paid taxable compensation for services as an employee representative shall be marked "Final return" by the employee representative or the person filing the return. An employee representative who has only temporarily ceased to be paid taxable compensation for services as an employee representative shall continue to file returns, but shall enter on the face of any return on which no compensation is required to be reported the date of the last payment of taxable compensation and the date when he expects again to be paid taxable compensation for services as an employee representative. The final return on Form CT–1 or CT–2 shall be filed with the collector on or before the sixtieth day after the date of the final payment of compensation with respect to which the tax is imposed, and shall plainly show the period covered and also the date of the last payment of taxable compensation. There shall be executed as a part of each final return a statement, in duplicate, giving the address at which the records required by § 411.608

will be kept and the name of the person keeping such records.

§ 411.603 *Execution of returns.* Each return on Form CT–1 shall be signed by the employer and shall contain or be verified by a written declaration that it is made under the penalties of perjury. The return shall be signed and verified by (a) the individual, if the employer is an individual; (b) the president, vice president, or other principal officer, if the employer is a corporation; or (c) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization. Each return on Form CT–2 shall be signed by the employee representative and shall contain or be verified by a written declaration that it is made under the penalties of perjury. The return may be executed by an agent in the name of the taxpayer if an acceptable power of attorney is filed with the collector and if, in the case of the employer's return, such return includes the taxable compensation paid to all employees of the employer for the period covered by the return.

§ 411.604 *Use of prescribed forms.* Copies of the prescribed return forms will so far as possible be regularly furnished taxpayers by collectors without application therefor. A taxpayer will not be excused from making a return, however, by the fact that no return form has been furnished to him. A taxpayer who has not been supplied with the proper form should make application therefor to the collector in ample time to have return prepared, verified, and filed with the collector on or before the due date. (See § 411.605, relating to the place and time for filing returns; see also § 411.602, relating to final returns.) If the prescribed form is not available, a statement made by the taxpayer disclosing for the period for which a return is required the amount of compensation with respect to which the tax is imposed and the amount of tax due may be accepted as a tentative return. If filed within the prescribed time the statement so made will relieve the taxpayer from liability for the addition to tax imposed for the delinquent filing of the return by section 3612 (d) (1) of the Internal Revenue Code (see § 411.905 (a)): *Provided*, That without unnecessary delay such tentative return is supplemented by a return made on the proper form.

Each return, together with any prescribed copies and supporting data, shall be filed in and disposed of in accordance with the instructions and regulations applicable thereto. (See § 411.605, relating to the place and time for filing returns, and § 411.608 (d) and (g), relating to copies of returns, schedules, and statements, and to the place and period for keeping records.) The return shall be carefully prepared so as fully and accurately to set forth the data called for therein. Returns which have not been so prepared will not be accepted as meeting the requirements of the act. Consolidated returns of parent and subsidiary corporations are not permitted.

§ 411.605 *Place and time for filing returns.* Each return on Form CT–1 shall be filed with the collector for the district in which is located the principal place of business of the employer. Each return on Form CT–2 shall be filed with the collector for the district in which is located the legal residence or principal place of business of the employee representative. If the employer has no principal place of business in the United States or if the employee representative has no legal residence or principal place of business in the United States, the return shall be filed with the collector at Baltimore, Md. Except as provided in § 411.602, each return shall be filed on or before the last day of the second calendar month following the period for which it is made. If the last day for filing any return falls on Sunday or a legal holiday, the return may be filed on the next following business day. If placed in the mails, the return shall be posted in ample time to reach the collector's office, under ordinary handling of the mails, on or before the due date. As to additions to tax for failure to file the return within the prescribed time, see § 411.905 (a). See also section 2707 of the Internal Revenue Code, relating to penalties.

§ 411.606 *Payment of tax.* The tax required to be reported on any return is due and payable to the collector, without assessment by the Commissioner or notice by the collector, at the time fixed for filing the return. For provisions relating to interest, additions to tax, and penalties, see §§ 411.903, 411.904, and 411.905 of the regulations in this part and section 2707 of the Internal Revenue Code.

§ 411.607 *When fractional part of cent may be disregarded.* In the payment of taxes to the collector a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent. Fractional parts of a cent shall not be disregarded in the computation of taxes. See § 411.303 (d) for provisions relating to fractional parts of a cent in connection with the deduction of employees' tax from compensation.

§ 411.608 *Records*—(a) *Records of employers.* Every employer liable for tax shall keep accurate records of all remuneration (whether in money or in something which may be used in lieu of money) other than tips paid to his employees after December 31, 1948, for services rendered to him (including "time lost") after December 31, 1936. Such records shall show with respect to each employee:

(1) The name and address of the employee;

(2) The total amount and date of each payment of remuneration to the employee (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment;

(3) The amount of such payment of remuneration with respect to which the tax is imposed; and

(4) The amount of employees' tax withheld or collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

If the total payment of remuneration (subparagraph (2) of this paragraph) and the amount thereof with respect to which the tax is imposed (subparagraph (3) of this paragraph) are not equal, the reason therefor shall be made a matter of record. Accurate records of the details of each adjustment or settlement made pursuant to §§ 411.702 or 411.703, including the date and amount of each adjustment or settlement, shall also be kept.

(b) *Records of employees.* While not mandatory, it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he renders services as an employee, the dates of beginning and termination of such services rendered to each employer, and the information with respect to himself which is required by paragraph (a) of this section to be kept by employers. (See, however, paragraph (e), relating to records of claimants.)

(c) *Records of employee representatives.* Every individual liable for employee representatives' tax shall keep accurate records of all remuneration (whether in money or in something which may be used in lieu of money) paid to him after December 31, 1948, for services rendered (including "time lost") by him as an employee representative after December 31, 1946. Such records shall show:

(1) The name and address of each employee organization employing him;

(2) The total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom) and the period of service (including any period of absence from active service) covered by such payment; and

(3) The amount of such payment of remuneration with respect to which the employee representatives' tax is imposed.

If the total payment of remuneration (subparagraph (2) of this paragraph) and the amount thereof with respect to which the employee representatives' tax is imposed (subparagraph (3) of this paragraph) are not equal, the reason therefor shall be made a matter of record.

(d) *Copies of returns, schedules, and statements.* Every taxpayer who is required, by the regulations in this part or by instructions applicable to any form prescribed under such regulations, to keep a copy of any return, schedule, statement, or other document shall keep such copy as a part of his records.

(e) *Records of claimants.* Every person (including an employee) claiming refund, credit, or abatement of any tax, penalty, or interest shall keep a complete and detailed record with respect to such tax, penalty, or interest.

(f) *Form of records.* No particular form is prescribed for keeping the records required by this section. Each person required to keep records shall use such forms and systems of accounting as will enable the Commissioner to ascertain whether the taxes for which such person is liable are correctly computed and paid.

(g) *Place and period for keeping records.* All records required by the regulations in this part shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers. Such records shall at all times be open for inspection by such officers. If the employer has a principal place of business in the United States, the records required by paragraphs (d) and (e) of this section shall be kept at such place of business. If the employee representative has a principal place of business or legal residence in the United States, the records required by paragraphs (d) and (e) of this section shall be kept at such place of business or residence.

Records required by paragraphs (a), (c), and (d) of this section shall be maintained for a period of at least four years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is later. Records required by paragraph (e) of this section (including any record required by paragraph (a), (c), or (d) which relates to a claim) shall be maintained for a period of at least four years after the date the claim is filed.

SUBPART G—ADJUSTMENT OF EMPLOYEES' TAX AND EMPLOYERS' TAX

SECTION 1501 (c) OF THE ACT

ADJUSTMENTS

If more or less than the correct amount of tax imposed by section 1500 is paid with respect to any compensation payment, then, under regulations made under this subchapter by the Commissioner, with the approval of the Secretary, proper adjustments, with respect both to the tax and the amount to be deducted, shall be made, without interest, in connection with subsequent compensation payments to the same employer by the same employer.

SECTION 521 OF THE ACT

ADJUSTMENTS

If more or less than the correct amount of the tax imposed by section 1520 is paid with respect to any compensation payment, then, under regulations made by the Commissioner, with the approval of the Secretary, proper adjustments with respect to the tax shall be made, without interest, in connection with subsequent excise-tax payments made by the same employer.

§ 411.701 *Adjustments in general.* Errors in the payment of employees' tax and employers' tax must be adjusted in certain cases without interest. Not all corrections of erroneous collections or payments of tax, however, constitute adjustments within the meaning of the act and the regulations in this part. The various situations under which such adjustments shall be made are set forth in §§ 411.702 and 411.703, the provisions of which also relate to settlement other than by adjustment under certain circumstances set forth therein. No underpayment of employees' tax or employers' tax shall be reported pursuant to such sections after receipt from the collector of notice and demand for payment thereof based upon an assessment, but the amount shall be paid in accordance with such notice and demand. Every return on which an adjustment or settlement is reported pursuant to §§ 411.702 or 411.703 must have securely attached as a part thereof a statement, in duplicate, explaining the adjustment or settlement in detail and setting forth such other information as may be required by the regulations in this part and by the instructions relating to the return.

§ 411.702 *Adjustment of employees' tax*—(a) *Undercollections*—(1) *Prior to filing of return.* If no employees' tax or less than the correct amount of employees' tax is deducted from any payment of compensation to an employee and the error is ascertained prior to the time the return on Form CT–1 is filed with the collector for the period for which such compensation is required to be reported (see § 411.601), the employer shall nevertheless report on such return and pay to the collector the correct amount of employees' tax. However, the reporting and payment by the employer of the correct amount of such tax in accordance with this subparagraph do not constitute an adjustment, and the amount shall not be reported as an adjustment on the return. The obligation of the employee to the employer with respect to the undercollection of the employees' tax in such case is a matter for settlement between the employee and the employer.

(2) *After return is filed.* If no employees' tax or less than the correct amount of employees' tax is deducted from any payment of compensation to an employee and the correct amount of such tax is not reported on a return on Form CT–1 and paid to the collector pursuant to subparagraph (1) of this paragraph, the employer shall collect the amount of the undercollection by deducting such amount from the first payment of compensation subject to employees' tax made to such employee after the error is ascertained. Such deduction shall be made without interest. The amount so deducted shall be reported by the employer as an adjustment on the return on Form CT–1 for the tax-return period for which such first payment of compensation is required to be reported (see § 411.601). The undercollection shall be deducted from such first payment of compensation in addition to the employees' tax imposed with respect to such compensation and shall be paid to the collector at the time fixed for the payment of such employees' tax. If an adjustment is reported pursuant to this subparagraph and is paid when due, the amount of the adjustment is payable without interest. However, if the amount of the adjustment is not paid when due, interest thereafter accrues. If an employer makes an erroneous collection of employees' tax from two or more of his employees, a separate settlement must be made with respect to each employee. Thus, an overcollection of employees' tax from one employee may not be used to offset an undercollection of such tax from another.

If after the error is ascertained no further payment to the employee of compensation subject to employees' tax is made or contemplated by the employer who failed to deduct the correct amount of employees' tax, the undercollection is not adjustable under this section. In such case if the undercollection is not reported and paid pursuant to subparagraph (1) of this paragraph, the amount of such undercollection shall be reported on the employer's next return on Form CT–1. (For interest accruing on amounts so reported, see § 411.903.) The obligation of the employee to the employer with respect to the undercollection of the employees' tax in such case is a matter for settlement between the employee and the employer.

(b) *Overcollections*—(1) *Prior to filing of return.* If an employer (i) collects more than the correct amount of employees' tax from any employee with respect to the compensation required to be reported for any tax-return period, and (ii) reimburses the employee in the amount of the overcollection prior to the time the return on Form CT–1 for such period is filed with the collector, the employer shall not report on any return or pay to the collector the amount of the overcollection. However, every overcollection for which the employee is not reimbursed as provided in this subparagraph must be reported and paid to the collector with the return on Form CT–1 for the period with respect to which the overcollection was made.

(2) *After return is filed.* If an employer collects from any employee and pays to the collector more than the correct amount of employees' tax, the employer shall adjust the overcollection when the first payment of compensation subject to employees' tax is made to the employee after the error is ascertained. The adjustment shall be made by applying the overcollection against the employees' tax which is imposed with respect to such first payment of compensation, and by deducting the remainder, if any, of the tax from such compensation. In case the overcollection is greater in amount than the employees' tax imposed with respect to such first payment of compensation, the balance shall be applied against the employees' tax imposed with respect to the next consecutive payments of compensation subject to employees' tax until the adjustment is completed. An overcollection is adjustable under this subparagraph only to the extent that the adjustment of such overcollection is completed and reported on a return filed within the 4-year period after the date the overpayment was made to the collector. A claim for credit or refund (in accordance with § 411.801) may be filed within such 4-year period for such part of any overcollection paid to the collector as cannot be adjusted under this subparagraph. If after the error is ascertained no further payment to the employee of compensation subject to employees' tax is made or contemplated by the employer who made the overcollection, the overpayment is not adjustable under this section. In such case the employer may pay the amount of the overcollection, or such part thereof as remains unadjusted under this section, to the employee and file a claim for credit or refund in accordance with § 411.801. In lieu of paying such amount prior to filing a claim, the employer may obtain the employee's written consent to allowance of the claim.

§ 411.703 *Adjustment of employers' tax*—(a) *Underpayments.* If no em-

ployers' tax or less than the correct amount of employers' tax with respect to any payment of compensation is reported on a return on Form CT–1 and paid to the collector, the employer shall adjust the underpayment by reporting the amount of the underpayment as additional tax on his next return on Form CT–1 filed after the error is ascertained. The amount of each underpayment adjusted in accordance with this paragraph shall be paid to the collector at the time fixed for filing such return. If an adjustment is reported pursuant to this paragraph and is paid when due, the amount of the adjustment is payable without interest. However, if the amount of the adjustment is not paid when due, interest thereafter accrues.

(b) *Overpayments.* If an employer pays more than the correct amount of employers' tax with respect to any payment of compensation, the employer shall adjust the overpayment by reporting the amount of the overpayment as a deduction from the amount of employers' tax reported on his next return on Form CT–1 filed after the error is ascertained. An overpayment is adjustable under this paragraph only to the extent that the overpayment is deducted from the employers' tax reported on a return filed within the 4-year period after the date the overpayment was made to the collector. A claim for credit or refund (in accordance with § 411.801) may be filed within such 4-year period for such part of any overpayment as cannot be adjusted under this paragraph. If after the error is ascertained no employers' tax is reported on a return on Form CT–1 and paid to the collector by the employer who made the overpayment, or such reporting and payment are not contemplated by the employer; the overpayment is not adjustable under this section. In such case the employer may file a claim for credit or refund in accordance with § 411.801.

SUBPART H—REFUNDS, CREDITS, AND ABATEMENTS

SECTION 1502 OF THE ACT

OVERPAYMENTS

If more • • • than the correct amount of the tax imposed by section 1500 is paid or deducted with respect to any compensation payment and the overpayment • • • of the tax cannot be adjusted under section 1501 (c), the amount of the overpayment shall be refunded • • • in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations under this subchapter as made by the Commissioner, with the approval of the Secretary.

SECTION 1522 OF THE ACT

OVERPAYMENTS

If more • • • that the correct amount of the tax imposed by section 1520 is paid or deducted with respect to any compensation payment and the overpayment • • • of the tax cannot be adjusted under section 1521, the amount of the overpayment shall be refunded • • • in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations under this subchapter as made by the Commissioner, with the approval of the Secretary.

SECTION 2703 (a) OF THE INTERNAL REVENUE CODE, MADE APPLICABLE BY SECTION 1536 OF THE ACT

ERRONEOUS PAYMENTS

In General. In the case of any overpayment or overcollection of the tax • • •, the person making such overpayment or overcollection may take credit therefor against taxes due upon any • • • return, and shall make refund of any excessive amount collected by him upon proper application by the person entitled thereto.

SECTION 3770 (a) OF THE INTERNAL REVENUE CODE

AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS

To taxpayers—(1) *Assessments and collections generally.* Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

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(Sec. 3770 (a), I. R. C., as amended by sec. 508 (b), Second Revenue Act of 1940, 54 Stat. 1008)

SECTION 3313 OF THE INTERNAL REVENUE CODE

PERIOD OF LIMITATION UPON REFUNDS AND CREDITS

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must • • • be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund • • • shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

SECTION 3477 OF THE UNITED STATES REVISED STATUTES

WHEN ASSIGNMENTS OF CLAIM VOID

All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

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§ 411.801 *Refund or credit of overpayments which are not adjustable; abatement of overassessments*—(a) *Who may make claims.* If more than the correct amount of tax, penalty, or interest is paid to the collector, the person who paid such tax, penalty, or interest to the collector may file a claim for refund of such overpayment or such person may take credit for the overpayment on any return on Form CT–1 or Form CT–2 which he subsequently files. (See paragraph (a) of this section, relating in part to overpayments which are adjustable.) If more than the correct amount of tax, penalty, or interest is assessed but not paid to the collector, the person against whom the assessment is made may file a claim for abatement of such overassessment. (See also paragraph (c) of this section, relating to claims by employees.)

(b) *Statements supporting employers' claims for employees' tax.* Every claim filed by an employer for refund, credit, or abatement of employees' tax collected from an employee shall include a statement that the employer has repaid the tax to the employee or has secured the written consent of such employee to allowance of the refund, credit, or abatement. In every such case, the employer shall maintain as part of his records the written receipt of the employee, showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim. (See paragraph (d) of this section, relating to form of claims.)

(c) *Refund claims made by employees.* If (1) more than the correct amount of employees' tax is collected by an employer from an employee and paid to the collector, and (2) such overcollection is not adjustable under § 411.702, and (3) the employee does not receive reimbursement in any manner from such employer and does not authorize the employer to file a claim and receive refund or credit, such employee may file a claim for refund of such overpayment. The employee shall submit with the claim a statement setting forth the extent, if any, to which the employer has reimbursed the employee in any manner for the overcollection, the amount, if any, of credit or refund of such overpayment claimed by the employer or authorized by the employee to be claimed by the employer, and such facts as will establish that the overpayment is not adjustable under § 411.702. The employee shall obtain such statement, if possible, from the employer, who should include in such statement the fact that it is made in support of a claim against the United States to be filed by the employee for refund of employees' tax paid by such employer to the collector of internal revenue. If the employer's statement is not submitted with the claim, the employee shall make the statement to the best of his knowledge and belief, and shall include therein an explanation of his inability to obtain the statement from the employer.

(d) *Form of claims.* Each claim for refund or abatement under this section shall be made on Form 843 in accordance with the regulations in this part and with the instructions relating to such form. Copies of Form 843 may be obtained from any collector. If credit is taken under this section, a claim on Form 843 is not required, but the return on which such credit is claimed shall have securely attached as a part thereof a statement, in duplicate, which shall constitute the claim for credit, setting forth in detail the grounds and facts relied upon in support of the credit and showing such other information as is required by the regulations in this part and by the instructions relating to the return.

(e) *Limitations on claims.* No refund or credit will be allowed after the expiration of four years after the payment to the collector of the tax, penalty, or interest, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such 4-year period. No refund or credit of an overpayment will be allowed if such overpayment is adjustable under §§ 411.702 or 411.703.

(f) *Claims improperly made.* Any claim which does not comply with the requirements of this section will not be considered for any purpose as a claim for refund, credit, or abatement.

(g) *Proof of representative capacity.* If a return is made by an individual who thereafter dies and a refund claim is made by a legal representative of the deceased, certified copies of the letters testamentary, letters of administration, or other similar evidence must be annexed to the claim, to show the authority of the executor, administrator, or other fiduciary by whom the claim is made. If an executor, administrator, guardian, trustee, receiver, or other fiduciary makes a return and thereafter a refund claim is made by the same fiduciary, documentary evidence to establish the legal authority of the fiduciary need not accompany the claim, provided a statement is made in the claim showing that the return was made by the fiduciary and that the latter is still acting. In such cases, if a refund or interest is to be paid, letters testamentary, letters of administration, or other evidence may be required, but should be submitted only upon the receipt of a specific request therefor. If a claim is made by a fiduciary other than the one by whom the return was made, the necessary documentary evidence should accompany the claim. The affidavit may be made by the agent of the person assessed, but in such case a power of attorney must accompany the claim.

SECTION 7 (e) OF THE CARRIERS TAXING ACT OF 1937

Any tax paid under this Act (Carriers Taxing Act of 1937) by a taxpayer with respect to any period with respect to which he is not liable to tax under this Act shall be credited against the tax, if any, imposed by title VIII of the Social Security Act upon such taxpayer, and the balance, if any, shall be refunded. • • •

SECTION 1531 OF THE ACT

ERRONEOUS PAYMENTS

Any tax paid under this subchapter by a taxpayer with respect to any period with respect to which he is not liable to tax under this subchapter shall be credited against the tax, if any, imposed by subchapter A upon such taxpayer, and the balance, if any, shall be refunded.

§ 411.802 *Credit and refund of taxes paid under Railroad Retirement Tax Act or corresponding prior law for period during which liability existed under Federal Insurance Contributions Act or corresponding prior law*—(a) *Taxes paid under Carriers Taxing Act of 1937.* If any person pays any amount as tax under the Carriers Taxing Act of 1937 with respect to any period for which he is not liable for such tax and such person is liable for a tax imposed by Title VIII of the Social Security Act, the amount paid as tax under the Carriers Taxing Act of 1937 shall be credited against the tax for which such person is liable under Title VIII of the Social Security Act and the balance, if any, shall be refunded. Each claim for refund under this paragraph shall be made in accordance with § 411.801. Each claim for credit under this paragraph shall be made on Form 843 in accordance with the instructions relating to such form and the applicable provisions of § 411.801. See article 703 of Regulations 100 for credit or refund of amounts paid as tax under Title VIII of the Social Security Act for any period during which liability existed under the Carriers Taxing Act of 1937.

(b) *Taxes paid under Railroad Retirement Tax Act.* If any person pays any amount as tax under the Railroad Retirement Tax Act (in force before, on, or after January 1, 1947) with respect to any period for which he is not liable for such tax and such person is liable for a tax imposed by the Federal Insurance Contributions Act (in force before, on, or after January 1, 1940), the amount paid as tax under the Railroad Retirement Tax Act shall be credited against the tax for which the person is liable under the Federal Insurance Contributions Act and the balance, if any, shall be refunded. Each claim for refund under this paragraph shall be made in accordance with § 411.801. Each claim for credit under this paragraph shall be made on Form 843 in accordance with the instructions relating to such form and the applicable provisions of § 411.801 of the regulations in this part. See section 1422 of the Federal Insurance Contributions Act for credit or refund of amounts paid as tax under such act for any period during which liability existed under the Railroad Retirement Tax Act.

SUBPART I—MISCELLANEOUS PROVISIONS

ASSESSMENT AND COLLECTION OF UNDERPAYMENTS

SECTION 1502 OF THE ACT

UNDERPAYMENTS

If • • • less than the correct amount of the tax imposed by section 1500 is paid or deducted with respect to any compensation payment and the • • • underpayment of the tax cannot be adjusted under section 1501 (c), • • • the amount of the underpayment shall be collected in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations under this subchapter as made by the Commissioner, with the approval of the Secretary.

SECTION 1522 OF THE ACT

UNDERPAYMENTS

If • • • less than the correct amount of the tax imposed by section 1520 is paid or deducted with respect to any compensation payment and the • • • underpayment of the tax cannot be adjusted under section 1521, • • • the amount of the underpayment shall be collected in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations under this subchapter as made by the Commissioner, with the approval of the Secretary.

§ 411.901 *Assessment and collection of underpayments.* If any employers' tax or employees' tax is not paid to the collector when due, the Commissioner may, as the circumstances warrant, assess the tax (whether or not the underpayment is otherwise adjustable) or afford the employer opportunity to adjust the underpayment pursuant to §§ 411.702 or 411.703. Unpaid employers' tax or employees' tax may be assessed against the employer. Employees tax not collected by the employer may also be assessed against the employee. If any employee representatives' tax is not paid when due, it shall be assessed against the employee representative. The unpaid amount, together with interest and penalty, if any, will be collected, pursuant to section 3655 of the Internal Revenue Code and other applicable provisions of law, from the person against whom the assessment is made. If an employer pays employees' tax pursuant to an assessment against him without an adjustment having been made pursuant to § 411.702, reimbursement is a matter to be settled between the employer and the employee. (See § 411.903, relating to interest, and § 411.904, relating to penalty for failure to pay an assessment after notice and demand. See also § 411.902, relating to jeopardy assessments.)

JEOPARDY ASSESSMENTS

SECTION 3660 OF THE INTERNAL REVENUE CODE

JEOPARDY ASSESSMENT

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

SECTION 3690 OF THE INTERNAL REVENUE CODE

AUTHORITY TO DISTRAIN

If any person liable to pay any taxes neglects or refuses to pay the same within ten

days after notice and demand, it shall be lawful for the collector or his deputy to collect the said taxes, with such interest and other additional amounts as are required by law, by distraint and sale, in the manner provided in this subchapter, of the goods, chattels, or effects, including stocks, securities, bank accounts, and evidences of debt, of the person delinquent as aforesaid.

§ 411.902 *Jeopardy assessments.* Whenever, in the opinion of the collector, the collection of the tax will be jeopardized by delay, he should report the case promptly to the Commissioner by telegram or letter. The communication should recite the full name and address of the person involved, the tax-return period or periods involved, the amount of tax due for each period, the date any return was filed by or for the taxpayer for such period, a reference to any prior assessment made for such period against the taxpayer, and a statement as to the reason for the recommendation, which will enable the Commissioner to assess the tax, together with all penalties and interest due. Upon assessment such tax, penalty, and interest shall become immediately due and payable, whereupon the collector will issue immediately a notice and demand for payment of the tax, penalty, and interest.

The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the collector deems necessary. Such bond shall be conditioned upon the payment of the amount, collection of which is stayed, at the time at which, but for the jeopardy assessment, such amount would be due. In lieu of surety or sureties the taxpayer may deposit with the collector bonds or notes of the United States, or bonds or notes fully guaranteed by the United States, having a par value not less than the amount of the bond required to be furnished, together with an agreement authorizing the collector in case of default to collect or sell such bonds or notes so deposited.

Upon refusal to pay, or failure to pay or give bond, the collector will proceed immediately to collect the tax, penalty, and interest by distraint without regard to the period prescribed in section 3690 of the Internal Revenue Code.

INTEREST AND ADDITIONS TO TAX

SECTION 1530 (c) OF THE ACT

ADDITIONS TO TAX IN CASE OF DELINQUENCY

If a tax imposed by this subchapter is not paid when due, there shall be added as part of the tax (except in the case of adjustments made in accordance with the provisions of this subchapter) interest at the rate of 6 per centum per annum from the date the tax became due until paid.

SECTION 3655 OF THE INTERNAL REVENUE CODE

NOTICE AND DEMAND FOR TAX

(a) *Delivery.* Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) *Addition to tax for nonpayment.* If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment • • •.

§ 411.903 *Interest.* If the tax is not paid to the collector when due and is not adjusted under § 411.702 or 411.703, interest accrues at the rate of 6 percent per annum.

§ 411.904 *Addition to tax for failure to pay an assessment after notice and demand.* (a) If tax, penalty, or interest is assessed and the entire amount thereof is not paid within 10 days after the date of issuance of notice and demand for payment thereof, based on such assessment, there accrues under section 3655 of the Internal Revenue Code (except as provided in paragraph (b) of this section) a penalty of 5 percent of the assessment remaining unpaid at the expiration of such period.

(b) If, within 10 days after the date of issuance of notice and demand, a claim for abatement of any amount of the assessment is filed with the collector, the 5 percent penalty does not attach with respect to such amount. If the claim is rejected in whole or in part and the amount rejected is not paid, the collector shall issue notice and demand for such amount. If payment is not made within 10 days after the date the collector issues the notice and demand, the 5 percent penalty attaches with respect to the amount rejected. The filing of the claim does not stay the running of interest.

SECTION 3612 (d) AND (e) OF THE INTERNAL REVENUE CODE

(d) *Additions to tax*—(1) *Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided,* That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

• • • • •

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

§ 411.905 *Additions to tax for delinquent or false returns*—(a) *Delinquent returns.* If a person fails to make and file a return required by the regulations in this part within the prescribed time, a certain percent of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate. In computing the period of delinquency all Sundays and holidays after the due date are counted. Two classes of delinquents are subject to this addition to the tax:

(1) Those who do not file returns and for whom returns are made by a collector, a deputy collector, or the Commissioner; and

(2) Those who file tardy returns and are unable to show reasonable cause for the delay.

A person who files a tardy return and wishes to avoid the addition to the tax for delinquency must make an affirmative showing of all facts alleged as a reasonable cause for failure to file the return on time in the form of a statement which should be attached to the return as a part thereof.

(b) *False returns.* If a false or fraudulent return is willfully made, the addition to tax under section 3612 (d) (2) of the Internal Revenue Code is 50 percent of the total tax due for the entire period involved, including any tax previously paid.

PENALTIES

SECTION 2707 OF THE INTERNAL REVENUE CODE, MADE APPLICABLE BY SECTION 1536 OF THE ACT

PENALTIES

(a) Any person who willfully fails to pay, collect, or truthfully account for and pay over the tax • • •, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this subsection for any offense for which a penalty may be assessed under authority of section 3612.

(b) Any person required under this subchapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this subchapter who willfully fails to pay such tax, make such returns, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(c) Any person required under this subchapter to collect, account for and pay over any tax imposed by this subchapter, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this subchapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(d) The term "person" as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SECTION 3616 OF THE INTERNAL REVENUE CODE

PENALTIES

Whenever any person:

(a) *False returns.* Delivers or discloses to the collector or deputy any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made; or,

(b) *Neglect to obey summons.* Being duly summoned to appear to testify, or to appear and produce books as required under section 3615, neglects to appear or to produce said books:

He shall be fined not exceeding $1,000, or be imprisoned not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

• • • • •

SECTION 286 OF TITLE 18 OF THE UNITED STATES CODE

CONSPIRACY TO DEFRAUD THE GOVERNMENT WITH RESPECT TO CLAIMS

Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

SECTION 287 OF TITLE 18 OF THE UNITED STATES CODE

FALSE, FICTITIOUS OR FRAUDULENT CLAIMS

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE

STATEMENTS OR ENTRIES GENERALLY

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SECTION 1630 (b) OF THE INTERNAL REVENUE CODE

PENALTIES

Every person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be subject to the penalties prescribed for perjury in section 125 of the Criminal Code (Title 18, U. S. C., sec. 1621) (Sec. 1630 (b), I. R. C., as added by sec. 2 (a), Current Tax Payment Act of 1943, 57 Stat. 126)

SECTION 1621 OF TITLE 18 OF THE UNITED STATES CODE

PERJURY GENERALLY

Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than five years, or both.

SECTION 3793 (b) OF THE INTERNAL REVENUE CODE

FRAUDULENT RETURNS, AFFIDAVITS, AND CLAIMS

(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) *Person defined.* The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

OTHER LAWS APPLICABLE

SECTION 1536 OF THE ACT

OTHER LAWS APPLICABLE

All provisions of law, including penalties, applicable with respect to any tax imposed by section 2700 or section 1600, and the provisions of section 3661, insofar as applicable and not inconsistent with the provisions of this subchapter, shall be applicable with respect to the taxes imposed by this subchapter. (Sec. 1536, I. R. C., as amended by sec. 1, Act of Mar. 17, 1941, 55 Stat. 44)

RULES AND REGULATIONS

SECTION 1535 OF THE ACT

RULES AND REGULATIONS

The Commissioner, with the approval of the Secretary, shall make and publish such rules and regulations as may be necessary for the enforcement of this subchapter.

SECTION 3791 OF THE INTERNAL REVENUE CODE

RULES AND REGULATIONS

(a) *Authorization*—(1) *In general.* • • • the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title [Internal Revenue Code].

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations and rulings.* The Secretary, or Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

§ 411.906 *Promulgation of regulations.* In pursuance of section 1535 of the act, section 3791 of the Internal Revenue Code, and other provisions of the internal revenue laws, the foregoing regulations are to be prescribed. (See §§ 411.102 and 411.103, relating to the scope of the regulations in this part and the extent to which they supersede prior regulations.)

[F. R. Doc. 48-9684; Filed, Nov. 3, 1948; 8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 729]

PEANUTS

NOTICE OF PROPOSED PROCLAMATION WITH RESPECT TO 1949 NATIONAL MARKETING QUOTA, APPORTIONMENT OF THE NATIONAL ACREAGE ALLOTMENT AND ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS FOR 1949 CROP

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. and Sup. 1301–1393), the Secretary of Agriculture is required by section 358 (a) thereof to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts from the crop produced in the next succeeding calendar year. Pursuant to section 358 (c) of the said act, the Secretary is further required to apportion the national marketing quota so proclaimed, as converted into a national peanut acreage allotment, among the several peanut-producing States.

In addition to the foregoing proclamation and determination to be made with respect to the 1949 crop of peanuts, the Secretary has under consideration the formulation of regulations governing the apportionment of the State acreage allotments among farms pursuant to section 358 (d) of the said act.

Prior to proclaiming the national marketing quota, apportioning the national acreage allotment, and issuing the regulations providing for the establishment of farm acreage allotments and farm marketing quotas, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Fats and Oils Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C. this 1st day of November 1948.

[SEAL] RALPH S. TRIGG, *Administrator.*

[F. R. Doc. 48-9698; Filed, Nov. 3, 1948; 8:57 a. m.]

[7 CFR, Part 986]

[Docket No. AO–196]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 48–9630, appearing at page 6448 in the issue for Tuesday, November 2, 1948, the following corrections should be made:

1. In the eighth line of § 986.6 (d) (1), the word "certified" should be changed to "certificated". In the fourteenth line of paragraph (f) the word "years" should be changed to "year".

2. In the 37th line of § 986.7 (b) (2), the word "each" should be changed to "such".

3. Sections 986.19 to 986.21 and the undesignated paragraph following § 986.21 should be changed to read as follows:

•§ 986.19 *Counterparts.* This agreement may be executed in multiple counterparts, and, when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together one and the same instrument as if all such signatures were contained in one original.

•§ 986.20 *Additional parties.* After this agreement first takes effect, any handler or dealer may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

•§ 986.21 *Request for order.* Each signatory handler and dealer hereto requests the Secretary to issue an order pursuant to the act regulating the handling of hops and hop products in the same manner as provided in this agreement.

•In witness hereof the contracting parties acting under the provisions of the act for the purposes and subject to the limitations herein contained and not otherwise have hereunto set their respective hands and seals.

4. Paragraph (e), appearing in the first column on page 6499, should be designated paragraph (c).

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 7924, 9180]

PIEDMONT BROADCASTING CO. AND BRUCE JOHNSON CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Charles B. Britt, Joe H. Britt, Vardry D. Ramseur, and John Arthur Ramseur a partnership d/b as Piedmont Broadcasting Company, Docket No. 7924, File No. BP–5374, Greenville, South Carolina; James M. Bruce and C. R. Johnson, Sr. a partnership d/b as Bruce Johnson Company, Anderson, South Carolina, Docket No. 9180, File No. BP–6531: For construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of October 1948;

The Commission having under consideration the above-entitled applications each requesting a permit to construct a new standard broadcast station to operate on the frequency 1490 kilocycles, with 250 watts power, unlimited time in the places specified above;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnerships and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary

[F. R. Doc. 48–9691; Filed, Nov. 3, 1948; 8:54 a. m.]

[Docket No. 8138]

DR. FRANCISCO A. MARQUEZ

ORDER DESIGNATING APPLICATION FOR FURTHER HEARING ON STATED ISSUE

In re application of Dr. Francisco A. Marquez, Aguadilla, Puerto Rico, Docket No. 8138, File No. BP–5615, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of October 1948;

The Commission having under consideration the above-entitled application of Dr. Francisco A. Marquez for a permit to construct a new standard broadcast station in Aguadilla, Puerto Rico, to operate on the frequency 550 kilocycles with 1 kilowatt power unlimited time; and the record made at the hearing in the above proceeding on March 30, 1948; and

It appearing, that, the above-entitled application and the application of Jacinto Sugranes (File No. BP–5725; Docket No. 8139) were designated for hearing in a consolidated proceeding on February 20, 1947, and hearing thereon finally scheduled for March 30, 1948; that on March 29, 1948, Jacinto Sugranes filed a petition requesting dismissal of his said application without prejudice; that at the hearing in the above-entitled proceeding on March 30, 1948, the applicant Jacinto Sugranes failed to make an appearance; and that on June 11, 1948, the said petition requesting dismissal without prejudice was denied and on the Commission's own motion his application was dismissed with prejudice for failure to file an affidavit of consideration as required by § 1.368 of the Commission's rules and regulations;

It further appearing, that, Dr. Francisco A. Marquez testified in the above-entitled proceeding that he did not pay or promise payment in money or any other thing of value to Jacinto Sugranes in consideration for his requesting dismissal of his aforesaid application (File No. BP–5725; Docket No. 8139); and that the Commission has in its possession new evidence which is contrary to the aforesaid testimony of Dr. Marquez;

It is ordered, on the Commission's own motion, that the record in the above-entitled proceeding heretofore closed on March 30, 1948, be, and it is hereby, reopened for further hearing to be held at a time and place to be determined by subsequent order of the Commission upon the following issue:

To determine whether Dr. Francisco A. Marquez or, with his knowledge and consent, his Agents or Representatives did pay or promise payment in money or any other thing of value to Jacinto Sugranes in consideration for requesting dismissal of his application (File No. BP–5725; Docket No. 8139).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–9687; Filed, Nov. 3, 1948; 8:53 a. m.]

[Docket No. 8272]

CHICAGO FEDERATION OF LABOR (WCFL)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Chicago Federation of Labor (WCFL), Chicago, Ill., Docket No. 8272, File No. BMP–2486, for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of October 1948;

The Commission having under consideration a petition for reconsideration, filed on July 29, 1948, by Superior Broadcasting Service, Inc., licensee of Station W C A Z, Carthage, Illinois, directed against the Commission's action of July 12, 1948, in granting the above-entitled application of Chicago Federation of Labor for modification of its license for the operation of Station WCFL, Chicago, Illinois, by providing a different directional antenna for daytime use, DA–1; an opposition thereto filed by Chicago Federation of Labor and petitioner's reply to the opposition; and

It appearing, that the operation of Station WCFL as proposed in the above-entitled application would cause objectionable interference within the normally protected daytime service area of Station WCAZ as determined by applicable rules and regulations;

It is ordered, That pursuant to section 405 of the Communications Act of 1934, as amended, and § 1.390 (a) of the Commission's rules and regulations, the said petition for reconsideration filed by Superior Broadcasting Service, Inc. (WCAZ) be, and it is hereby, granted; that the action of the Commission of July 12, 1948, granting the above-entitled application of Chicago Federation of Labor be, and it is hereby, set aside; and that the said application be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WCFL as proposed and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of Station WCFL as proposed would involve objectionable interference with Station WCAZ, Carthage, Illinois or with any other existing broadcast stations, or with the services proposed in any pending applications, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of Station WCFL as proposed would be in compliance with the Commission's rules and Standards Concerning Standard Broadcasting Stations.

It is further ordered, That Superior Broadcasting Service, Inc., licensee of Station WCAZ, be, and it is hereby, made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–9686; Filed, Nov. 3, 1948; 8:53 a. m.]

[Docket Nos. 8285, 8627, 9161]

NORTH JERSEY BROADCASTING CO., INC. (WPAT) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of North Jersey Broadcasting Company Inc. (WPAT), Paterson, New Jersey, Docket No. 8285, File No. BP–4613; The Monocacy Broadcasting Company (WFMD), Frederick, Maryland, Docket No. 8627, File No. BP–5128; Valley Broadcasting Corporation, Holyoke, Massachusetts, Docket No. 9161, File No. BP–6615; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of October 1948;

The Commission having under consideration the above-entitled application of Valley Broadcasting Corporation to construct a new standard broadcast station to operate on the frequency 930 kc with 500 w power, daytime only in Holyoke, Massachusetts.

It appearing, that the Commission on April 10, 1947, designated for hearing the above-entitled application of North Jersey Broadcasting Company Incorporated requesting a construction permit to authorize Station WPAT, Paterson, New Jersey, to operate unlimited time on the frequency 930 kc, with 5 kw power, using a directional antenna day and night; that on November 14, 1947, the above-entitled application of Monocacy Broadcasting Company for increase in power on the frequency 930 kilocycles was consolidated therewith for hearing; and that the hearing on the said applications is scheduled to commence on January 17, 1949, at Washington, D. C.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Valley Broadcasting Corporation be, and it is hereby, designated for hearing in the above-consolidated proceeding at the time and place aforesaid upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WHAY, New Britain, Connecticut, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of North Jersey Broadcasting Company, Inc. (File No. BP–4613; Docket No. 8285) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any of the applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission of April 10, 1947, and of November 14, 1947, designating for hearing the said applications of North Jersey Broadcasting Company, Inc., and of The Monocacy Broadcasting Company be, and they are hereby, amended to include the said application of Valley Broadcasting Corporation.

It is further ordered, That The Central Connecticut Broadcasting Company, licensee of Station WHAY, New Britain, Connecticut, be, and it is hereby, made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–9690; Filed, Nov. 3, 1948; 8:54 a. m.]

[Docket Nos. 9167, 9168]

JEFFERSON COUNTY RADIO AND TELEVISION CO. AND CECIL W. ROBERTS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Amos A. Govero, Donald M. Donze and Clifton M. Poindexter, a partnership d/b as Jefferson County Radio and Television Company, Festus, Missouri, Docket No. 9168, File No. BP–6907; Cecil W. Roberts, Festus, Missouri, Docket No. 9167, File No. BP–6853; for construction permits.

At a session of the Federal Communications Commission, held at its offices

in Washington, D. C., on the 27th day of October 1948;

The Commission having under consideration the above-entitled applications of Jefferson County Radio and Television Company and of Cecil W. Roberts each requesting a permit to construct a new standard broadcast station at Festus, Missouri to operate on the frequency 1010 kc, with 250 w power, daytime only:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant partnership and the partners to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9688; Filed, Nov. 3, 1948; 8:53 a. m.]

[Docket No. 9186]

MRS. JANE RASCOE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Mrs. Jane Rascoe, Corpus Christi, Texas, Docket No. 9186, File No. BP-6784, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of October 1948;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on the frequency 1580 kilocycles, with 250 watts power, daytime only at the place specified above, and also having under consideration a petition filed by Weldon Lawson, licensee of Station KWED, that the above-entitled application be designated for hearing on the issue of interference to Station KWED and that he be permitted to intervene;

It is ordered, That the said petition be, and it is hereby, granted; and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Mrs. Jane Rascoe be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station KWED, Seguin, Texas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Weldon Lawson, licensee of Station KWED, Seguin, Texas, be, and he is hereby, made a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9689; Filed, Nov. 3, 1948; 8:53 a. m.]

[Docket Nos. 9181, 9182]

OVERLOOK HILLS DEVELOPMENT CO. AND WEIRTON BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Overlook Hills Development Company, Steubenville, Ohio, Docket No. 9182, file No. BP-6792; Weirton Broadcasting Company, Weirton, West Virginia, Docket No. 9181, file No. BP-6788; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 27th day of October 1948;

The Commission having under consideration the above-entitled applications of Overlook Hills Development Company requesting a permit to construct a new standard broadcast station to operate on the frequency 1430 kc, with 1 kw power, unlimited time at Steubenville, Ohio, and of Weirton Broadcasting Company to construct a new standard broadcast station to operate on the frequency 1430 kc, with 500 watts power, daytime only in Weirton, West Virginia;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations their officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with Stations WRRN, Warren, Ohio, or WJPA, Washington, Pennsylvania, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Nied and Stevens, Incorporated, licensee of Station WRRN, Warren, Ohio, and Washington Broadcasting Company, licensee of Station WJPA, Washington, Pennsylvania, be, and they are hereby, made parties to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9692; Filed, Nov. 3, 1948; 8:54 a. m.]

[Docket Nos. 9183-9185]

TAUNTON RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Taunton Radio Corporation, Taunton, Massachusetts, Docket No. 9183, File No. BP-6786; Jackson Associates Incorporated, Attleboro, Massachusets, Docket No. 9184, File No. BP-6917; for construction permits and of L. R. Liles, Richard C. O'Hare, and Deuel Richardson, a partnership d/b as Charles River Broadcasting Company (WCRB), Waltham, Massachusetts, Docket No. 9185, File No. BML-1304, for modification of license.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of October 1948;

The Commission having under consideration the above-entitled applications of Taunton Radio Corporation and of Jackson Associates Incorporated each requesting a permit to construct a new standard broadcast station to operate on the frequency 1320 kc, with 1 kw power, daytime only in the places specified above and also having under consideration the application of Charles River Broadcasting Company for modification of license of station WCRB now operating on frequency 1330 kc, with 500 w power, daytime only to increase power to 1 kw.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporations, their officers, directors and stockholders and the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed stations and station WCRB as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and station WCRB as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations and of station WCRB as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations and of station WCRB as proposed would involve objectionable interference each with the other or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations and of station WCRB as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9693; Filed, Nov. 3, 1948; 8:54 a. m.]

[Docket Nos. 9177, 9178]

FORT PAYNE ON THE AIR AND JAMES L. KILLIAN

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Glenn M. Gravitt, Colonel J. C. Vessels and H. V. Roberts, d/b as Fort Payne on the Air, Fort Payne, Alabama, Docket No. 9178, File No. BP-6863; James L. Killian, Fort Payne, Alabama, Docket No. 9177, File No. BP-6748; For construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of October 1948;

The Commission having under consideration the above-entitled applications each requesting permits to construct new standard broadcast stations in Fort Payne, Alabama, with Glenn M. Gravitt, et al., seeking the frequency 1250 kc, with power of 250 watts days and 100 watts nights, unlimited time, and James L. Killian asking for the frequency 1260 kc, with 250 watts power, daytime only;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant and of the applicant partnership Glenn M. Gravitt, et al. and the partners to construct and operate their proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to the assignment of a Class IV Station to a regional channel.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9694; Filed, Nov. 3, 1948; 8:54 a. m.]

[Docket Nos. 8404, 9179]

GLENNS FALLS PUBLICITY CORP. (WGLN) AND RICHARD O'CONNOR

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Glenns Falls Publicity Corporation (WGLN), Glenns Falls, New York, Docket No. 8404, File No. BML-1247 (CP); Richard O'Connor, Saratoga Springs, New York, Docket No. 9179, File No. BP-6808; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of October 1948;

The Commission having under consideration the above-entitled application of Glenns Falls Publicity Corporation to change the facilities of Station WGLN, Glenns Falls, New York, so as to specify the frequency 1280 kc, with 1 kw power, DA-2, unlimited time, in lieu of 1230 kc, with 100 watts power, unlimited time; and that of Richard O'Connor for a permit to construct a new standard broadcast station in Saratoga Springs, New York, to operate daytime only on the frequency 1280 kc, with 1 kw power;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of Richard O'Connor to construct and operate his proposed station and the technical, financial and other qualifications of the corporate applicant Glenns Falls Publicity Corporation, its officers, directors and stockholders to construct and operate Station WGLN as proposed.

2. To determine the areas and populations which may be expected to gain

or lose primary service from the proposed operations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the proposed operations would involve objectionable interference with any existing broadcast stations and in particular whether the nighttime operation of Station WGLN as proposed would result in a clipping of the service area of Station WOV, New York, N. Y., and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the proposed operations would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposals would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That Wodaam Corporation licensee of Station WOV, New York, N. Y., be, and it is hereby, made a party to these proceedings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9695; Filed, Nov. 3, 1948; 8:54 a. m.]

[Docket No. 8876]

PENN-ALLEN BROADCASTING CO. (WFMZ)

ORDER CONTINUING HEARING

In re application of Penn-Allen Broadcasting Company (WFMZ), Allentown, Pennsylvania, Docket No. 8876, File No. BMPH-1100, for modification of FM permit.

Whereas, the above-entitled application is presently scheduled to be heard on October 27, 1948, at Washington, D. C.; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 26th day of October 1948, that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m. Monday, November 29, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9696; Filed, Nov. 3, 1948; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6160]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF ORDER CONSENTING TO WITHDRAWAL OF RATE SCHEDULES AND TERMINATING PROCEEDING

NOVEMBER 1, 1948.

Notice is hereby given that, on October 29, 1948, the Federal Power Commission issued its order entered October 28, 1948, consenting to withdrawal of rate schedules and terminating proceeding in the above entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-9673; Filed, Nov. 3, 1948; 8:49 a. m.]

[Docket Nos. E-6170, E-6171]

UNITED ILLUMINATING CO. AND CONNECTICUT LIGHT AND POWER CO.

NOTICE OF ORDERS AUTHORIZING ADDITIONAL USE OF PERMANENT CONNECTION FOR EMERGENCY SERVICE

NOVEMBER 1, 1948.

Notice is hereby given that, on October 29, 1948, the Federal Power Commission issued its orders entered October 28, 1948, authorizing additional use of permanent connection for emergency service in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-9674; Filed, Nov. 3, 1948; 8:49 a. m.]

[Docket No. G-1141]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF ORDER

NOVEMBER 1, 1948.

Notice is hereby given that, on October 28, 1948, the Federal Power Commission issued its order entered October 28, 1948, in the above-designated matter, pertaining to emergency service rules and regulations of Panhandle Eastern Pipe Line Company.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-9672; Filed, Nov. 3, 1948; 8:49 a. m.]

[Docket No. G-1148]

PHILLIPS PETROLEUM CO.

ORDER INSTITUTING INVESTIGATION

OCTOBER 28, 1948.

Upon consideration of the Commission's official files and the public records of other federal agencies pertaining to Phillips Petroleum Company (hereinafter referred to as "Respondent"), a Delaware corporation with principal executive offices at 80 Broadway, New York 5, New York, and Phillips Building, Bartlesville, Oklahoma;

It appears to the Commission that:

(a) Respondent is engaged, among other things, in the production, purchase, gathering, transportation and sale of natural gas in the States of Arkansas, Kansas, New Mexico, Oklahoma, and Texas;

(b) Respondent reports that it owns and operates approximately 3,800 miles of gathering, residue, and other gas lines located in the States designated above, together with various compressor or booster stations and appurtenant facilities;

(c) In this Commission's opinion "In the Matter of Michigan-Wisconsin Pipe Line Company," January 17, 1947, 6 F. P. C. —, 67 P. U. R. (N. S.) 427, we stated therein with respect to the motion filed by the City of Detroit on October 11, 1946, for an order requiring respondent herein to be made a party to the proceeding in Docket No. G-669:

> We believe that whether Phillips is or is not a natural gas company cannot properly be determined in this proceeding. If such determination is required it should be made a separate case after a thorough investigation of Phillips' operations and we therefore find that the motion of the City of Detroit should be dismissed.

(d) By its letters of June 19, August 15, September 6, 1940, April 3, 1941, and August 3, 1943, to this Commission, respondent has disclaimed that it is or will be a natural-gas company within the meaning of that term as used in the Natural Gas Act;

(e) In 1947, respondent reported to the Securities and Exchange Commission, with respect to its sale of natural gas to purchasers which transport and sell the gas in interstate commerce, that "Although such sales and the transportation of natural gas antecedent thereto constitute operations by the Company as a 'natural gas company' under the Natural Gas Act, and, as such, are subject to the Federal Power Commission's jurisdiction, unless the exercise of such jurisdiction constitutes an interference with state regulation of production and gathering, the Commission with Commissioner Draper dissenting in a declaration made on the 15th day of August 1947, disclaimed the intention to exercise jurisdiction over such sales if made at arm's length, that is, sales made as an incident to the producing or gathering operation by a producer or gatherer of gas to a nonaffiliate (Order No. 139, Docket No. R-106)";

(f) By reason of its operations, facilities, and sales of natural gas to purchasers which transport and resell such gas in interstate commerce for ultimate public consumption, respondent may be a natural-gas company subject to the jurisdiction of the Commission;

The Commission finds that: It is necessary and proper, in the public interest, that an investigation be instituted by the Commission, upon its own motion:

(1) To determine whether respondent is a natural-gas company within the meaning of the Natural Gas Act; and

(2) Into and concerning all rates, charges, or classifications demanded, observed, charged or collected by respondent in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges, or classifications;

The Commission, upon its own motion, orders that: An investigation of respondent, Phillips Petroleum Company, be and hereby is instituted for the purpose of enabling the Commission:

(A) To determine with respect to the respondent:

(i) Whether it is a natural-gas company within the meaning of the Natural Gas Act; and

(ii) Whether, in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential; and

(B) If it shall find, after hearing, that the respondent is a natural-gas company within the meaning of the Natural Gas Act, and that any of respondent's rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by order or orders just and reasonable, nondiscriminatory or nonpreferential rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

Date of issuance: October 29, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9675; Filed Nov. 3, 1948; 8:49 a. m.]

[Project No. 346]

MINNESOTA POWER & LIGHT CO.

ORDER GRANTING IN PART AND DENYING IN PART APPLICATION FOR REHEARING, FIXING DATE FOR REHEARING, AND STAYING PRIOR ORDER

OCTOBER 28, 1948.

On October 4, 1948, Minnesota Power & Light Company (Licensee) filed an application for rehearing with respect to certain dispositions made in the Commission's opinion and order issued on September 2, 1948, determining the actual legitimate original cost of Project No. 346 and prescribing the accounting therefor.

Except as to two amounts, i. e., $201,883.64,[1] claimed as part of the cost of the so-called de Buys land and disallowed in the opinion and order under Item No. 6, and $41,539.69, comprising Item No. 9 and representing costs incurred in reinforcing the piers of the Minneapolis, St. Paul and Sault Ste. Marie Railway

[1] Rehearing is granted on $201,883.64 of the $204,122.85 disallowed under Item No. 6. The difference of $2,239.21, on which rehearing is denied, was conceded by Licensee's counsel to be an improper project cost, being made up almost entirely of an interest claim in addition to the allowance made under Item No. 3 for interest during construction.

bridge, no new issues of fact or law have been presented or alleged in said application for rehearing which would justify a reversal or revision of the dispositions made in said opinion and order.

The objections to March 1, 1925, as the date on which commercial operation of the project began, rather than July 1, 1925, are clearly negatived by the substantial project generation[2] during the intervening four-month period. Furthermore, the objections, for the most part, have been considered and disposed of in the opinion issued on September 2, 1948. The additional objection that certain construction activities continued after March 1, 1925, is insufficient to warrant reconsideration of the date on which the project began commercial operation, for as pointed out "In the Matter of Chelan Electric Company, Licensee," 1 F. P. C. 102, 106, "expenditures for construction activities may be proper charges to capital accounts after the beginning of operation, but interest upon such expenditures must of necessity cease when the facilities become available for operation."

The contention that the Commission should allow an amount of $170,349.87 not previously claimed is without merit since it represents an alleged cost not to the original licensee, the Pike Rapids Power Company (Pike Rapids), but to American Power & Light Company (American) in acquiring the stock of Pike Rapids. An allowance of $181,235.93 has been made under Item No. 1 of the opinion and order as representing the cost of the project lands, etc., to Pike Rapids as of December 29, 1923, as of which date American is alleged to have invested $351,585.80, or $170,349.87 in excess of our allowance, in acquiring the stock of Pike Rapids. What American paid for the stock of Pike Rapids is immaterial in determining the actual legitimate original cost of this project. The license was issued to and the project was constructed by Pike Rapids, and only the cost incurred by it in connection therewith may be allowed ("Alabama Power Co. v. Federal Power Commission," 134 F. 2d 602, 606; "Northwestern Electric Company v. Federal Power Commission," 321 U. S. 119; Cf. "Niagara Falls Power Co. v. Federal Power Commission," 137 F. 2d 787, 794). In disposing of the issue in the "Alabama Power Company" case the Court stated:

> The dam site was acquired by Alabama from Interstate in connection with the assignment of the latter's license, the two companies having originally been strangers. What Alabama Power Company paid Interstate is not the point, for the project had already been undertaken by Interstate and defined by the license to Interstate. Interstate was the licensee. The assignment of the license to Alabama Power Company operated to place Alabama in the shoes of Interstate, to complete the project under the license in accordance with its terms. The price that Interstate had paid for the dam site and other land interests, as well as the construction costs expended by it go into the original cost account, but the price Alabama may have paid Interstate for them is immaterial, as the Commission rightly held (p. 606).

In the case at bar, it should be noted that the license was never assigned to American.

The objection in the application for rehearing that the Commission erred in failing to make clear in its order that its determination is without prejudice to the rights of the Licensee, when the occasion for their exercise may arise, to a judicial determination of net investment in accordance with the provisions of section 14 of the Federal Water Power Act of June 10, 1920, unaffected by the amendment thereof by the Public Utility Act of 1935, was also raised and rejected in ("Pennsylvania Power & Light Company v. Federal Power Commission," 139 F. 2d 445, 453, cert. den. 321 U. S. 798) where it was held that a licensee has no "vested right to have its investment determined by one procedure rather than by another at least so long as it was accorded a right to be heard and an ultimate judicial review. Accordingly the change of procedure which the 1935 amendment brought about did not, as applied to the present proceeding, violate the Fifth Amendment." For the same reasons, the objection is here rejected.

Because we are granting rehearing on two items of claimed cost, it is desirable to stay paragraphs (A), (B), (C) and (E) of the Commission's order of September 2, 1948, as hereinafter provided in paragraph (C), for if there is a court review, this stay will have the effect of permitting one review proceeding to be initiated as to any or all aspects of the Commission's order on which rehearing has been requested.

Wherefore, the Commission orders that:

(A) A rehearing on the amounts of $201,883.64 and $41,539.69 be and the same is hereby granted, such rehearing to begin at 10 a. m. on the 17th day of January, 1949, in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

(B) The Licensee's application for rehearing as to all matters other than those on which a rehearing is granted in paragraph (A) above be and the same is hereby denied.

(C) Paragraphs (A), (B), (C) and (E) of the Commission's order of September 2, 1948, be and they hereby are stayed until further order of the Commission.

Date of issuance: October 29, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9683; Filed, Nov. 3, 1948; 8:52 a. m.]

[2] The project was in operation every day during the period from March 1, 1925 to July 1, 1925, and its output for those four months totaled 15,288,000 kwh, a daily average of 125,311 kwh, or an average of 43.5 per cent of the total capacity of the two generating units operating 24 hours a day. This compares with an average daily generation of 51.02 per cent for the remaining six months of 1925, and with a daily average of 39.23 per cent for the year 1926.

[Project Nos. 1636, 1720]

ARKANSAS VALLEY ELECTRIC COOPERATIVE CORP. AND BLACK RIVER ELECTRIC COOPERATIVE

NOTICE OF DETERMINATIONS OF AMOUNTS OF ANNUAL CHARGES

OCTOBER 28, 1948.

Notice is hereby given that, on October 28, 1948, the Federal Power Commission issued its determinations entered October 26, 1948, relative to the amounts of annual charges due for the year 1948 in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9658; Filed, Nov. 3, 1948; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 836]

UNLOADING OF COAL AT CLARKSBURG, W. VA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 29th day of October A. D. 1948.

It appearing, that 4 cars of bituminous coal at Clarksburg, W. Va., are on hand on the Baltimore and Ohio Railroad Company, for an unreasonable length of time and that this delay in unloading such cars impedes their use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Bituminous coal at Clarksburg, W. Va., be unloaded.* The Baltimore and Ohio Railroad Company, its agents or employees, shall unload immediately B & O 225016, B & O 420071, B & O 726323 and B & O 321561, loaded with coal now on hand at Clarksburg, W. Va., by the Flemington Coal Company.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., November 1, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-9676; Filed, Nov. 3, 1948; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1241]

ENGINEERS PUBLIC SERVICE CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of October A. D. 1948.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Common Stock, $1.00 Par Value, of Engineers Public Service Company.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) Engineers Public Service Company (hereinafter called the issuer) was dissolved on June 30, 1947; (2) distribution of the assets of the issuer to its preferred and common stockholders was made on July 21, 1947, with the exception of $350,000 in cash, 162,612 shares of common stock of Virginia Electric and Power Company, and a claim upon $4,000,000 deposited in escrow for preferred shareholders' claims now in the process of litigation; (3) the security which is the subject of this application was suspended from trading on the applicant exchange as of July 22, 1947; (4) the issuer terminated the appointment of the transfer agent and registrar for this security in the City of New York.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the New York Stock Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the New York Stock Exchange to strike the Common Stock, $1.00 Par Value, of Engineers Public Service Company from registration and listing be, and the same is, hereby granted, effective at the close of the trading session on November 10, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9662; Filed, Nov. 3, 1948; 8:47 a. m.]

[File No. 1-1409]

ALASKA PACKERS ASSN.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of October A. D. 1948.

Alaska Packers Association, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its $100 Par Value Common Stock from listing and registration on the San Francisco Stock Exchange.

The reasons for withdrawing this security from registration and listing on this exchange that are stated in the application are: (1) Of the 57,508 outstanding shares of applicant's common stock, 48,763 are owned by California Packing Corporation, 149 shares are owned by executives of applicant, and there are a very small number of shares outstanding in the hands of the public; (2) there is very little trading in shares of applicant's stock, as the only transactions in this security on the San Francisco Stock Exchange from October 1947 to March 1948 were purchases by applicant of shares now held in its treasury, all such purchases aggregating 330 shares during such period; (3) the expenses of maintaining registration and listing of this security on the San Francisco Stock Exchange are disproportionate, in view of the small number of shares traded on the Exchange, to the advantages accruing to applicant and its stockholders from listing and registration of this security.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the San Francisco Stock Exchange with respect to withdrawal of a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on December 15, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9663; Filed, Nov. 3, 1948; 8:47 a. m.]

[File No. 7-1045]

IRON FIREMAN MFG. CO.

ORDER DETERMINING VALUE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of October A. D. 1948.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the Voting Trust Certificates for Common Capital Stock, Without Par Value, of Iron Fireman Manufacturing Company issued under Voting Trust Agreement dated November 15, 1928, as extended until December 1, 1958, are substantially equivalent to the Voting Trust Certificates for Common Capital Stock, Without Par Value, of Iron Fireman Manufacturing Company issued under Voting Trust Agreement dated November 15, 1928, expiring December 1, 1948. The latter Voting Trust Certificates have heretofore been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2(b) thereunder, that the Voting Trust Certificates for Common Capital Stock, Without Par Value, of Iron Fireman Manufacturing Company issued under Voting Trust Agreement dated November 15, 1928, as extended to December 1, 1958, are substantially equivalent to the Voting Trust Certificates for Common Capital Stock, Without Par Value, of Iron Fireman Manufacturing Company, issued under Voting Trust Agreement dated November 15, 1928 (as amended) expiring December 1, 1948, which latter Voting Trust Certificates have heretofore been admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9660; Filed, Nov. 3, 1948; 8:47 a. m.]

[File No. 7-1076]

PUBLIC SERVICE ELECTRIC AND GAS CO.

ORDER DETERMINING VALUE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of October A. D. 1948.

The Boston Stock Exchange has made application under Rule X-12F-2(b) for a determination that the Common Stock, No Par Value, of Public Service Electric and Gas Company is substantially equivalent to the Common Stock, No Par Value, of Public Service Corporation of New Jersey, heretofore admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Common Stock, No Par Value, of Public Service Electric and Gas Company is hereby determined to be substantially equivalent to the Common Stock, No Par Value, of Public Service Corporation of New Jersey, heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9661; Filed, Nov. 3, 1948; 8:47 a. m.]

[File No. 70-1840]

NEW JERSEY POWER & LIGHT CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of October 1948.

The Commission having by orders dated June 28, 1948 and July 8, 1948, granted an application of New Jersey Power & Light Company ("New Jersey"), a public utility subsidiary of General Public Utilities Corporation, a registered holding company, relating principally to the issuance and sale by New Jersey, pursuant to the competitive bidding requirements of Rule U-50, of $6,000,000 principal amount of First Mortgage Bonds due 1978; and

The Commission in said orders having reserved jurisdiction over all legal fees and expenses to be paid by New Jersey in connection with the proposed transactions; and

The record having been supplemented with statements setting forth the amounts, nature and extent of the legal services rendered by Autenrieth & Wortendyke and Harold J. Ryan as attorneys for New Jersey, for which requests for payment in the amounts of $7,500 and $5,000 have been made, respectively; and

The Commission having considered the record and it appearing to the Commission that the above legal fees are not unreasonable and that jurisdiction over such fees should be released;

It is ordered, That the jurisdiction heretofore reserved over the payment of legal fees and expenses to be paid by New Jersey in connection with the proposed transactions be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9659; Filed, Nov. 3, 1948; 8:46 a. m.]

[File No. 70-1967]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of October A. D. 1948.

Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin"), a subsidiary of American Light & Traction Company ("American Light"), a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") for an exemption from the provisions of sections 6 (a) and 7 of said act, with respect to the issue and sale by Michigan-Wisconsin of $66,000,000 principal amount of 3⅝% First Mortgage Pipe Line Bonds due 1968 to Metropolitan Life Insurance Company and the Mutual Life Insurance Company of New York, to be issued under and secured by a Mortgage and Deed of Trust, and the application of the proceeds to finance in part the construction of an interstate natural gas transmission line in accordance with the provisions of a section 11 (e) plan heretofore approved by order of the Commission entered December 30, 1947; and said application having also requested an exemption from the competitive bidding requirements of Rule U-50 promulgated under said act; and

Motions having been filed by Otis & Co., an investment banking firm, moving summary dismissal of the application for exemption from the requirements of Rule U-50 and, in the alternative, moving that Michigan-Wisconsin be required to file a Registration Statement with respect to the issue and sale of the proposed bonds and to offer said bonds for sale pursuant to the competitive bidding requirements of Rule U-50; and certain common stockholders of American Light having filed a Motion to incorporate by reference into the record of these proceedings certain designated portions of the record of the proceedings on the heretofore mentioned plan of American Light and United Light and Railways Company; and

Otis & Co., having requested, in the event an order is entered approving the application, that the effectiveness of said order be delayed for a period of 48 hours to permit Otis & Co., to seek a stay of said order; and

Public hearings having been held after appropriate notice, in which all interested persons were given opportunity to be heard, and an oral argument having been heard and the Commission having considered the record and having made and filed its findings and opinion herein granting the application and denying the motions of Otis & Co., and of certain common stockholders of American Light and the Commission further deeming it appropriate to grant the request of Otis & Co., for a delay in the effectiveness of our order:

It is ordered, That said application be, and the same hereby is, granted subject, however, to the terms and conditions in Rule U-24 and to a reservation of jurisdiction with respect to fees and expenses in connection with said application.

It is further ordered, That the motions of Otis & Co., and certain stockholders of American Light be, and the same hereby are, denied.

It is further ordered, That the effectiveness of this order be delayed for a period of two business days from the

date hereof and that such order shall be effective October 29, 1948 at 5:30 p. m., e. s. t.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9664; Filed, Nov. 8, 1948; 8:47 a. m.]

[File No. 70-1977]

AMERICAN GAS AND ELECTRIC CO. AND AMERICAN GAS AND ELECTRIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of October A. D. 1948.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, and American Gas and Electric Service Corporation ("Service Corporation"), a wholly owned service company subsidiary of American Gas, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 7 and 10 as applicable to the transactions proposed therein which may be summarized as follows:

For the stated purpose of supplying Service Corporation with adequate capital for its operations it is proposed to finance Service Corporation by increasing its authorized capital stock from 1,000 shares of the par value of $100 per share, of which 100 shares are issued and outstanding and owned by American Gas, to 10,000 shares of the par value of $100 per share and by issuing 7,750 shares of said stock to American Gas against payment therefor of $200,000 in cash and the surrender and cancellation of $575,000 principal amount of open account indebtedness owed by Service Corporation to American Gas for cash in that amount heretofore advanced by American Gas to Service Corporation without interest.

The applicants-declarants request that the Commission issue an order at the earliest practicable date granting the application and permitting the declaration to become effective and that such order become effective upon issuance.

Notice is further given that any interested person may not later than November 12, 1948 at 11:30 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 11:30 a. m., e. s. t., November 12, 1948 said application-declaration as filed, or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-9665; Filed, Nov. 3, 1948; 8:48 a. m.]

[File No. 70-1988]

FRED D. ELLIS AND EDMUND J. HAUGH

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of October A. D. 1948.

Notice is hereby given that Fred D. Ellis and Edmund J. Haugh, ("Applicants"), have filed an application pursuant to the Public Utility Holding Company Act of 1935. Sections 9 (a) (2) and 10 of the act are designated as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than November 8, 1948, at 5:30 p. m., e. s. t., request in writing that a hearing be held with respect to said application, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert, or may request in writing that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the proposed transaction which may be summarized as follows:

Applicants own all of the outstanding capital stock and $122,500 principal amount of open account indebtedness of Northwestern Illinois Gas & Electric Company ("Northwestern"), an exempt holding company which owns all of the outstanding capital stock and $50,000 principal amount of 4% note indebtedness of Illinois Gas & Electric Company ("Illinois"). Both companies are public utility companies organized in and operating within the State of Illinois. The capital stock of Illinois consists of 2,500 shares of common stock of no par value with an aggregate book value of $75,000, which amount also represents the carrying value of such stock on the books of Northwestern. The $50,000 note of Illinois is carried at par on Northwestern's books.

Applicants propose to acquire from Northwestern all of its interest in Illinois, surrendering in exchange therefor $100,000 principal amount of open account indebtedness owed by Northwestern to Applicants, and all of Northwestern's outstanding 5% cumulative preferred stock, consisting of 1,000 shares with an aggregate par value of $100,000. The application recites that Northwestern plans to credit its capital stock account in the amount of $75,000, representing the amount by which the principal and par amount of Northwestern preferred stock and indebtedness being surrendered by Applicants (aggregating $200,000) exceeds the carrying value on the books of Northwestern of the securities of Illinois being conveyed (aggregating $125,000).

Applicants request the Commission's order to be issued as soon as practicable and become effective immediately upon issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9666; Filed, Nov. 3, 1948; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 117]

ALMONDS

ORDER FOR EXTENSION OF INVESTIGATION AND PUBLIC HEARING

Investigation extended. The United States Tariff Commission on this first day of November 1948 under and by virtue of the power granted by law and pursuant to the Commission's rules of practice and procedure hereby gives notice that the investigation instituted on September 16, 1948, for the purposes of section 336 of the Tariff Act of 1930, of the differences in costs of production, and of all other facts and conditions enumerated in said section with respect to:

Almonds, shelled, and almonds, blanched, roasted, or otherwise prepared or preserved

described in paragraph 756 of Title I of said Act, be, and is hereby extended to include also almonds not shelled. As extended, the investigation now applies to the following articles provided for in paragraph 756 of the tariff act:

Almonds, not shelled; almonds, shelled; and almonds, blanched, roasted, or otherwise prepared or preserved.

Hearing date set. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held at the office of the Commission in Washington, D. C., at 10 o'clock a. m. on the third day of December 1948.

I certify that this extension of the investigation and the public hearing were ordered by the United States Tariff Commission on the 29th day of October 1948.

SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 48-9671; Filed, Nov. 3, 1948; 8:48 a. m.]

REFERENCE

NOV 8 '48

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 13 NUMBER 217

Washington, Friday, November 5, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Corn Bulletin 1, Amdt. 2]

PART 248—CORN LOANS AND PURCHASE AGREEMENTS

1948 CORN PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 5417, 5899, containing the requirements of the 1948 price support program on corn, are further amended as follows:

Under § 248.207, *Approved forms*, paragraph (c) *Warehouse receipts*, subparagraph (3) is amended to read as follows:

(3) The warehouse receipt and the corn represented thereby may be subject to warehouse charges only from the date of the warehouse receipt or from the beginning of the 30-day period in which the producer may elect to sell to CCC, whichever is later.

(Sec. 8, 56 Stat. 767, sec. 5 (a), Pub. Law 806, 80th Cong.; 50 U. S. C. App. 968)

Issued this 2d day of November 1948.

[SEAL] ELMER F. KRUSE, *Manager, Commodity Credit Corporation.*

Approved:

F. K. WOOLLEY, *Vice President, Commodity Credit Corporation.*

[F. R. Doc. 48-9724; Filed, Nov. 4, 1948; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS COVERING 1949 AND SUCCEEDING CROP YEARS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect with respect to continuous tobacco crop insurance contracts for 1949 and succeeding crop years, until amended or superseded by regulations hereafter made.

Sec.

417.1 Availability of tobacco crop insurance.
417.2 Coverages per acre.
417.3 Premium rates.
417.4 Application for insurance.
417.5 The contract.
417.6 Person to whom indemnity shall be paid.
417.7 Public notice of indemnities paid.
417.8 Death, incompetence, or disappearance of insured.
417.9 Fiduciaries.
417.10 Assignment or transfer of claims for refunds of excess note payments not permitted.
417.11 Refund of excess note payments in case of death, incompetence, or disappearance.
417.12 Creditors.
417.13 Rounding of fractional units.
417.14 The policy.

AUTHORITY: §§ 417.1 to 417.14 issued under secs. 506 (e), 507 (c), 508, 509, 516 (b), 52 Stat. 73-75, 77, 61 Stat. 718; 7 U. S. C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).

§ 417.1 *Availability of tobacco crop insurance.* (a) Tobacco crop insurance under continuance contracts for 1949 and succeeding crop years will be provided only in accordance with this subpart in the following counties and on the types of tobacco and under the plan(s) of insurance specified:

State and county	Type(s)	Plan(s) of insurance
Connecticut:		
Hartford	51 and 52	Investment.
Florida:		
Madison	14	Do.
Georgia:		
Appling	14	Yield-quality and investment.
Coffee	14	Yield-quality.
Cook	14	Yield-quality and investment.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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State and county	Type(s)	Plan(s) of insurance
Kentucky:		
Barren	31	Yield-quality.
Bourbon	31	Do.
Fleming	31	Do.
Graves	23, 31 and 35	Do.
LaRue	31	Do.
Pulaski	31	Do.
Simpson	31 and 35	Do.
Massachusetts:		
Hampshire	51 and 52	Investment.
North Carolina:		
Columbus	13	Do.
Pitt	12	Do.
Stokes	11	Do.
Surry	11	Yield-quality.
Vance	11	Yield-quality and investment.
Wake	11	Investment.
Wilson	12	Yield-quality.
Ohio:		
Brown	31	Investment.
Pennsylvania:		
Lancaster	41	Yield-quality and investment.
South Carolina:		
Horry	13	Investment.
Marion	13	Yield-quality.
Tennessee:		
Greene	31	Yield-quality and investment.
Johnson	31	Yield-quality.
Maury	31	Do.
Montgomery	22 and 31	Investment.
Virginia:		
Appomattox	11 and 21	Do.
Halifax	11	Do.
Lunenburg	11	Do.
Pittsylvania	11	Do.
Washington	31	Do.
Wisconsin:		
Dane	54	Do.
Vernon	55	Do.

(b) In all counties where insurance is provided on more than one type of tobacco a producer must insure all of the types specified in which he has an insurable interest, except that in Graves and Simpson Counties, Kentucky, Montgomery County, Tennessee, and Appomattox County, Virginia, a producer may insure any one or more of the types specified. In any county where both the yield-quality and the investment plans of insurance are provided a producer may insure his interest under only one plan.

(c) Insurance will not be provided with respect to applications for tobacco insurance filed in a county in accordance with this subpart unless such written applications, together with tobacco crop insurance contracts in force for the ensuing crop year, cover at least 200 farms in the county or one-third of the farms normally producing tobacco. For this purpose an insurance unit shall be counted as one farm.

§ 417.2 *Coverages per acre.* The Corporation shall establish coverages per acre which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act. Coverages so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect.

§ 417.3 *Premium rates.* The Corporation shall establish premium rates in dollars per acre for all land for which coverages per acre are established and such rates shall be those deemed adequate to cover claims for tobacco crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect.

§ 417.4 *Application for insurance.* Application for insurance, on a form entitled, "Application for Tobacco Crop Insurance", may be made by any person to cover his interest as landlord, owner-operator, tenant, or sharecropper in a tobacco crop. For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year.

State and county:	Date
Connecticut	May 31
Florida	Mar. 31
Georgia	Mar. 31
Kentucky	May 15
Massachusetts	May 31
North Carolina:	
Columbus	Apr. 15
Pitt	Apr. 25
Wilson	Apr. 25
Vance	Apr. 30
Wake	Apr. 30
Stokes	May 5
Surry	May 5
Ohio	May 15
Pennsylvania	May 31
South Carolina	Apr. 15
Tennessee	May 15
Virginia:	
Appomattox	May 5
Lunenburg	May 5
Halifax	May 5
Pittsylvania	May 5
Washington	May 15
Wisconsin	May 31

§ 417.5 *The contract.* Upon acceptance of an application for insurance by a duly authorized representative of the Corporation, the contract shall be in effect and will consist of the application and the policy issued by the Corporation. The provisions of the policy are shown in § 417.14.

§ 417.6 *Person to whom indemnity shall be paid.* (a) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under the provisions of this subpart, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered, or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable in accordance with the provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(b) The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which indemnity payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive and payment of an indemnity to such person(s) shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

§ 417.7 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 417.8 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after planting the tobacco crop in any year but before the time of loss or the time of harvest is commenced, whichever occurs first, and his insured interest in the tobacco crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified, the indemnity shall be paid to the persons beneficially entitled to share in the insured's interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That, if the amount of the indemnity exceeds $500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent, or disappears after planting the tobacco crop in any year but before the time of loss or the time harvest is commenced, whichever occurs first, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in section 19 of the policy.

(c) If an applicant for insurance or the insured, as the case may be, dies or is judicially declared incompetent less than fifteen days before the applicable calendar closing date for the filing of applications for insurance in any year and before the beginning of planting of the tobacco crop intended to be covered by insurance whoever succeeds him on the farm with the right to produce the tobacco crop as his heir or heirs, administrator, executor, guardian, committee, or conservator shall be substituted for the original applicant upon filing with the county office, within fifteen days (unless such period is extended by the Corporation) after the date of such death or judicial declaration, or before the date of the beginning of planting, whichever is the earlier, a statement in writing, in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant or the insured arising out of such application or the contract: *Provided, however,* That, any substitution made pursuant to this paragraph shall be effective only with respect to the tobacco crop to be planted in the ensuing crop year, and the contract shall terminate at the end of such year. If no such statement is filed, as required by this paragraph, the original application or contract shall terminate.

(d) In case of death of the insured after the planting of the tobacco crop is begun for any crop year, any additional acreage of tobacco which is planted for the insured's estate for that crop year shall be covered by the contract.

(e) Subject to the provisions of paragraph (c) of this section, the contract shall terminate upon death, judicial declaration of incompetence, or disappearance of the insured, except that if such death, judicial declaration of incompetence, or disappearance occurs after the planting of the tobacco crop in any crop year but before the end of the insurance period for such year, the contract shall terminate at the end of such insurance period.

(f) The insured shall be deemed to have disappeared within the meaning of this subpart if he fails to file with the county office written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the last known address of the insured.

§ 417.9 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satis-

factory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under this subpart to the insured interest in the crop, to the extent of their respective interest, upon proper application and proof of the facts: *Provided, however,* That the settlement may be made with any one or more of the persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 417.10 *Assignment or transfer of claim for refunds of excess note payments not permitted.* No claim for refund of an excess note payment or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any tobacco crop covered by the contract. Refund of any excess note payment will be made only to the person who made such payment except as provided in § 417.11.

§ 417.11 *Refund of excess note payments in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of an excess note payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 417.8 with reference to the payment of indemnities in any such case shall be applicable.

§ 417.12 *Creditors.* An interest (including an involuntary transfer) in an insured tobacco crop because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract.

§ 417.13 *Rounding of fractional units.* Amounts of insurance, premiums, and the value of production shall be rounded to the nearest cent. Fractions of acres shall be rounded to hundredths of acres. Computations shall be carried one digit beyond the digit that is to be rounded. If the last digit is 1, 2, 3, or 4, the rounding shall be downward. If the last digit is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 417.14 *The policy.* The provisions of the policy are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

---------- ---------- ----------
(Name) (Policy No.)

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(Address) (County) (State)

(hereinafter designated as the insured) against loss of his tobacco crop while in the field, due to unavoidable causes including drought, flood, hail, wind, frost, freeze, lightning, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. In witness whereof, the Federal Crop Insurance Corporation has caused this policy to be issued this ---------- day of ----------, 19---.

FEDERAL CROP INSURANCE CORPORATION

By----------
(State Crop Insurance Director)

TERMS AND CONDITIONS

1. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage is shown therefor on the county actuarial table (including maps and related forms) for that crop year.

2. *Responsibility of insured to report acreage and interest.* (a) Promptly after planting the tobacco crop each year, the insured shall submit to the Corporation, on a form entitled "Tobacco Crop Insurance Acreage Report", a report over his signature of all acreage in the county planted to each insured type of tobacco in which he has an interest at the time of planting. This report shall show the acreage of tobacco for each insurance unit and his interest in each at the time of planting. If the insured does not have an insurable interest in tobacco planted in any year, the acreage report shall nevertheless be submitted promptly after the planting of tobacco is generally completed in the county. Any acreage report submitted by the insured shall be considered final and not subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage for any insured type of tobacco is "zero" if the insured fails to file an acreage report within 30 days after planting of tobacco is generally completed in the county, as determined by the Corporation.

(c) Failure of the county office to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

3. *Insured acreage.* In any year the insured acreage with respect to each insurance unit shall be the acreage of tobacco planted as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage planted to tobacco which is destroyed or substantially destroyed (as defined in Section 13) and on which it is practical to replant to tobacco, as determined by the Corporation, and such acreage is not replanted to tobacco, (b) any acreage initially planted to tobacco too late to expect a normal crop to be produced, as determined by the Corporation, and (c) any acreage which is destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture. Also, if the acreage of any type of tobacco on a farm exceeds the applicable tobacco acreage allotment, if any, established for that type of tobacco on the farm under the Agricultural Adjustment Act of 1938, as amended, the Corporation may elect to determine that the maximum insured acreage for that type of tobacco for each insurance unit on the farm shall be the same proportion of the planted acreage on that unit that the allotment for the farm is of the total planted acreage on the farm.

4. *Insured interest.* The insured interest in the tobacco crop covered by the contract shall be the interest of the insured at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest whichever occurs first.

5. *Coverage per acre.* (a) The coverage per acre for yield-quality insurance shall be the product of the market price (as determined by the Corporation in accordance with Section 23) and the applicable number of pounds of tobacco shown on the approved county actuarial table for (1) the area in which the insured acreage is located or (2) the coverage group assigned to the person who owns the land at the time of planting the tobacco crop. (For this purpose, land rented for cash or a fixed commodity rent shall be considered as owned by the lessee.) The coverage per acre for investment insurance shall be the applicable number of dollars shown on the approved county actuarial table for the area in which the insured acreage is located.

(b) The coverage per acre for both yield-quality insurance and investment insurance is progressive depending upon (1) whether the acreage is harvested or unharvested in the case of types 41, 51, 52, 54, and 55, or (2) whether harvest has begun on the insurance unit or the acreage is destroyed or substantially destroyed before the beginning of harvest in the case of types 11, 12, 13, 14, 21, 22, 23, 51, and 35.

6. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the tobacco is planted. Insurance shall cease with respect to any portion of the tobacco crop covered by the contract upon removal from the field or upon being housed, but in no event shall the insurance remain in effect later than the following applicable date of each year, unless such time is extended in writing by the Corporation.

Date:	*Type of tobacco*
September 30	11
September 30	12
August 31	13
August 31	14
September 30	21
September 30	22
September 30	23
September 30	31
September 30	35
September 30	41
September 15	51
September 15	52
September 30	54
September 30	55

7. *Life of contract, cancelation thereof.* (a) Subject to the provisions of paragraph (d) of this section, the contract shall be in effect for the 1949 crop year and shall continue in effect for each succeeding crop year until either party gives to the other party, on or before the cancelation date of any year, written notice of cancelation effective beginning with the next succeeding crop year after the cancelation date. Any notice of cancelation given by the insured to the Corporation shall be submitted in writing to the county office.

(b) If the insured cancels the contract, he shall not be eligible for crop insurance on tobacco planted in the next succeeding crop year in the county unless he subsequently files an application for insurance on or before the cancelation date preceding such year.

(c) If for two consecutive crop years no tobacco in which the insured has an insurable interest is planted in the county, the contract shall terminate.

(d) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding applicable closing date the contract shall continue to be in force.

8. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s), and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured at least 15 days prior to the applicable cancelation date shown herein. Failure of the insured to cancel the contract as provided in Section 7, shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

9. *Causes of loss not insured against.* The contract shall not cover loss caused by: (a) Failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of unadapted varieties, failure properly to prepare the land for planting, or properly to plant, care for or harvest (including unreasonable delay thereof) the insured crop; (c) following different fertilizer or farming practices than those considered in establishing the coverage; (d) planting tobacco on land which is generally considered incapable of producing a tobacco crop comparable to that produced on the acreage considered in establishing the coverage; (e) planting tobacco under conditions of immediate hazard; (f) inability to obtain labor, fertilizer, machinery, repairs or insect poison; (g) breakdown of machinery or failure of equipment due to mechanical defect; (h) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper, or wage hand; (i) domestic animals; (j) action of any person, or state, county, or municipal government in the use of chemicals for the control of noxious weeds; or (k) theft.

10. *Amount of annual premium.* The premium rate per acre for any acreage will be the amount shown on the county actuarial table for the area in which the acreage is located. The annual premium for each insurance unit under the contract shall be based upon (a) the insured acreage of tobacco for the insurance unit, (b) the premium rate, and (c) the insured interest in the crop at the time of planting. The annual premium for the contract shall be the total of the premium computed for the insured for all insurance units covered by the contract. The premium with respect to any insured acreage shall be regarded as earned when the tobacco crop on such acreage is planted.

11. *Manner of payment of premium.* (a) The applicant executes a premium note by signing the application for tobacco crop insurance. This note represents a promise to pay to the Corporation annually during the life of the contract, on or before the applicable maturity date shown in section 28, the premium for all insurance units covered by the contract.

(b) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before (1) December 31 following the maturity date for all counties for which the note maturity date is on or before September 30 of the year in which the premium is earned, or (2) June 30 following the maturity date for all other counties, and an additional three percent on the principal amount owing at the end of each six-month period thereafter.

(c) Payment of any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made.

(d) Any unpaid amount of any annual premium plus any interest due may be deducted (either before or after the date of maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

12. *Notice of loss or damage.* (a) Unless otherwise provided by the Corporation if a loss under the contract is probable, notice in writing shall be given the Corporation at the county office, immediately after any material damage to the insured crop.

(b) In counties where tobacco is not sold through auction warehouses, if after curing the tobacco it appears that a loss under the contract was sustained, notice in writing (unless otherwise provided by the Corporation) shall be given immediately to the Corporation at the county office to allow the Corporation a reasonable time to make an appropriate inspection before the crop is either (1) sold or otherwise disposed of or (2) contracted to be sold or otherwise disposed of.

(c) In any case, if, at the completion of selling or otherwise disposing of the insured tobacco crop, a loss under the contract has been sustained, notice in writing (unless otherwise provided by the Corporation) shall be given immediately to the Corporation at the county office.

(d) The notices required by paragraphs (b) and (c) are in addition to any notice required by paragraph (a) of this section. If notice is not given as required by this section, the Corporation reserves the right to reject any claim for indemnity.

13. *Released acreage.* Any insured acreage on which the tobacco crop has been destroyed or substantially destroyed may be released by the Corporation to be put to another use. The tobacco crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the farm is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof. No insured acreage may be put to another use until the Corporation releases such acreage. On any acreage where the tobacco has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

14. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period as set forth in Section 6, unless the Corporation determines that the entire tobacco crop on the insurance unit was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage, as determined by the Corporation.

15. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss", containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted promptly after the amount of loss can be determined, but for any year not later than the applicable date specified below following the normal time of harvest of the crop unless the time for submitting the claim is extended in writing by the Corporation.

Date:	*Type of tobacco*
February 28	11
January 31	12
November 30	13
November 30	14
March 31	21
May 15	22
May 15	23
April 15	31
April 15	35
May 31	41
March 31	51
March 31	52
May 31	54
May 31	55

It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the causes of loss not insured against by the contract. If a loss is claimed, any tobacco acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

16. *Insurance unit.* The amount of loss shall be determined separately for each insurance unit except as provided in Section 17 (c). An insurance unit consists of all insurable acreage, considered for crop insurance purposes to be located in the county, of an insurable type of tobacco in which one person has the entire interest or in which two or more persons have the entire interest, excluding any other acreage of tobacco in the county in which such persons together do not have the entire interest.

17. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the planted acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre and substracting therefrom the value of the total production for the planted acreage and multiplying the remainder by the insured interest. However, if the planted acreage on the insurance unit exceeds the insured acreage on the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the insured acreage to the planted acreage, or if the premium computed for the insured acreage is less than the premium computed for the planted acreage, the amount of loss determined for the planted acreage may be reduced on the basis of the ratio of the premium computed for the insured acreage to the premium computed for the planted acreage, if the Corporation so elects. The value of the total production for an insurance unit shall include: (1) the gross returns (less warehouse charges) from the tobacco harvested from the insurance unit and sold on the warehouse floor, (2) the fair market value, as determined by the Corporation, of the tobacco harvested from the insurance unit and not sold on the warehouse floor, (3) the appraised cash value, as determined by the Corporation, of the unharvested tobacco on the insurance unit, (4) the appraised cash value, as determined by the Corporation, of the tobacco on any portion of the insured tobacco acreage on the insurance unit that is put to another use without the consent of the Corporation, but the amount shall not be less than the total coverage applicable to such acreage on a harvested acreage basis, and (5) the appraised cash value, as determined by the Corporation, of any loss in production due to any cause(s) not insured against.

(b) In determining the fair market value of tobacco not sold through auction warehouses, the Corporation reserves the right to inspect such tobacco pursuant to section 12 (b) before it is sold or contracted to be sold or otherwise disposed of by the insured, and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured. If the best offer obtained for any tobacco is not satisfactory to the Corporation and the Corporation so elects, the insured shall (1) release all right, title, and interest in each tobacco to the Corporation, whereupon the value of such tobacco so released to the Corporation shall not be considered in determining any indemnity due under the contract, and (2) properly store and protect such tobacco from unreasonable damage (until not

later than the end of the marketing season) on the farm or elsewhere at no cost to the Corporation.

(c) If the production from two or more insurance units is commingled and the insured fails to establish and maintain records satisfactory to the Corporation of acreage or the production from each, the insurance with respect to such units may be voided by the Corporation for the crop year and the premium forfeited by the insured. However, if all the component parts are insured the total coverage for the component parts may be considered as the total coverage for the combination, if the Corporation so elects, in which case any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of uninsured acreage and production therefrom and for one or more insurance units or portions thereof, any production from such acreage which is commingled with production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation for the crop year and the premium forfeited by the insured.

18. *Payment of indemnity.* (a) Indemnities shall be paid only by check. The amount of indemnity for which the Corporation may be liable will be payable within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damages on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium plus any interest due or any other obligation of the insured to the Corporation.

(c) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

19. *Payment to transferee.* (a) If the insured transfers all or a part of his insured interest in a tobacco crop before the beginning of harvest or the time of loss, whichever occurs first, he shall immediately notify the Corporation thereof in writing at the county office. The transferee under such a transfer will be entitled to the benefits of the contract with respect to the interest so transferred, provided the transferee immediately following the transfer makes suitable arrangements with the Corporation for the payment of any premium with respect to the interest so transferred, whereupon the transferee and the transferor shall be jointly and severally liable for the amount of such premium. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 23. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

(b) An involuntary transfer of an insured interest in a tobacco crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitled any holder of any such interest to any benefits under the contract.

(c) Any deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium, plus any interest due, on the land involved in the transfer for the crop year in which the transfer is made, plus the unpaid amount of any other obligation of the transferee to the Corporation.

(d) If, as a result of any transfer, diverse interests appear with respect to any insurance unit, any indemnity payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

(e) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

20. *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the tobacco crop on any insurance unit, or has ceased to act as fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provision of the contract will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

21. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where an indemnity is paid to the insured by another Government agency because of damage to the tobacco crop, the Corporation reserves the right to determine its liability under the contract, taking into consideration the amount paid by such other agency.

22. *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

23. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized, including the right of the assignee to submit a form entitled "Statement in Proof of Loss" if the insured refuses to submit or disappears without having submitted such statement.

24. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep or cause to be kept for one year after the time of loss, records of the harvesting, sale or other disposition of all tobacco produced on each insurance unit covered by the contract and on any uninsured acreage in the county in which he has an interest, and such records shall be made available for examination by the Corporation. As often as may be reasonably required, any person(s) designated by the Corporation shall have access to the farm(s) for purposes related to the contract.

25. *Voidance of contract.* The contract may be voided and the premium forfeited to the Corporation without the Corporation waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if (a) at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interest in the tobacco crop covered thereby, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the tobacco crop covered thereby whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

26. *Modification of contract.* No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provisions or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

27. *General.* (a) In addition to the terms and provisions in the application and policy, the Tobacco Crop Insurance Regulations for Continuous Contracts Covering 1949 and Succeeding Crop Years (7 CFR, Part 417, § 417.1–417.14) shall govern with respect to (1) death, incompetence, or disappearance of the insured, (2) fiduciaries, (3) prohibition against assignment or transfer of claims for refunds, (4) rounding of fractional units, (5) creditors and (6) minimum participation requirements.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

28. *Meaning of terms.* For the purpose of the tobacco crop insurance program the term:

(a) "Contract" means the accepted application for insurance and this policy.

(b) "County Actuarial Table" means the form(s) and related material (including the crop insurance maps) approved by the Corporation for listing the coverages per acre and the premium rates per acre applicable in the county, and shall be on file in the county office.

(c) "County office" means the office of the county agricultural conservation association in the county or other office specified by the Corporation.

(d) "Crop year" means the period beginning with the day following the applicable closing date for the filing of applications for insurance for any year and within which the tobacco crop is planted and normally harvested and shall be designated by reference to the calendar year in which the crop is harvested.

(e) "Harvest" means any severance of the tobacco plant from the land, except that with respect to types 11, 12, 13, and 14, "harvest" means the first priming.

(f) "Market price" in the case of tobacco of types 11, 12, 13, 14, 21, 22, 23, 31, and 35 means the average auction price of the applicable type (less warehouse charges), as determined by the Corporation, during the first twenty-five market days of auction sales for the belt or area, adjusted where applicable for normal trend, except that a shorter period may be used if the Corporation determines that approximately 80 percent of the tobacco crop is sold in such period. In the case of tobacco of types 41, 51, 52, 54, and 55, the "market price" shall be that price determined by the Corporation.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Planting" means transplanting the tobacco plant from the plant bed to the field.

(i) "Sharecropper" means a person who works a farm in whole or in part under the supervision of the operator and is entitled to receive a share of the tobacco crop thereon or of the proceeds therefrom.

(j) "State Director" means the representative of the Corporation responsible for the executive direction of the Federal crop insurance program in the State.

(k) "Tenant" means a person other than a sharecropper who rents land from another person for a share of the tobacco crop or proceeds therefrom produced on such land.

(l) "Tobacco" means the type(s) of tobacco insured under the contract.

29. *Date table.* For each year of the contract the maturity date of the note and the contract cancellation date are as follows:

State and county [1]	Maturity date [2]	Cancellation date [3]
Connecticut	Oct. 31	Apr. 30.
Florida	July 31	Feb. 28.
Georgia	do	Do.
Kentucky	Dec. 31	Apr. 15.
Massachusetts	Oct. 31	Apr. 30.
North Carolina:		
Columbus	Aug. 15	Mar. 15.
Pitt	Aug. 31	Mar. 25.
Stokes	Sept. 30	Apr. 5.
Surry	do	Do.
Vance	Sept. 15	Mar. 31.
Wake	do	Do.
Wilson	Aug. 31	Mar. 25.
Ohio	Dec. 31	Apr. 15.
Pennsylvania	Nov. 30	Apr. 30.
South Carolina	Aug. 15	Mar. 15.
Tennessee	Dec. 31	Apr. 15.
Virginia:		
Appomattox	do	Apr. 5.
Halifax	Sept. 30	Do.
Lunenburg	do	Do.
Pittsylvania	do	Do.
Washington	Dec. 31	Apr. 15.
Wisconsin	Feb. 28	Apr. 30.

[1] If no county name(s) appears for a state, the dates shown for such state are applicable to all tobacco crop insurance counties in that state.

[2] The maturity date of the premium note for any year shall be the applicable date following the planting of the tobacco crop for such year.

[3] The cancelation date is the applicable date preceding the beginning of the crop year for which cancelation is to become effective.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on October 26, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: November 2, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-9723; Filed, Nov. 4, 1948; 8:55 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

EXEMPTION CERTIFICATES

The North Central Potato Committee established under Order No. 60 (7 F. R. 370), regulating the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota, is the agency authorized to administer the terms and provisions of said order. Among the provisions of said marketing order § 960.5 (d) requires said committee to adopt, prior to the institution of any limitation of shipments pursuant thereto, procedural rules pursuant to which certificates of exemption will be issued to producers, which procedural rules shall be subject to the approval of the Secretary. Said North Central Potato Committee, at a duly held meeting, adopted the following rules and regulations pursuant to said order, and recommended that they be approved.

§ 960.101 *Definitions.* Order means Order No. 60 (7 F. R. 370) regulating the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota. Terms defined in the order shall, when used herein, have the same meaning as set forth in Order No. 60.

§ 960.102 *Exemption certificates*—(a) *Application.* Any producer applying hereunder for exemption from grade, size, or quality regulation issued pursuant to § 960.5 of Order No. 60 shall make application for such exemption to the North Central Potato Committee on forms to be furnished by the committee. Such application shall state:

(1) The location of his farm;

(2) The number of acres of Irish potatoes on said farm and location thereon of the applicant's potato field or fields or storage;

(3) The total estimated production of potatoes by the applicant for the current season, stated in terms of varieties, hundredweights, grades, sizes, and quality, not including culls;

(4) An estimate of the percentage of such producer's crop which cannot be shipped because of grade, size, and quality regulation then in effect, stated in terms of varieties, hundredweights, grades, sizes, and quality, not including culls;

(5) A statement of the amount, if any, of potatoes, not including culls, which have already been sold from said farm, or by said applicant, during the current marketing season;

(6) Certification that the statement is true and correct;

(7) Signature and address of the producer.

(b) *Federal-State Inspector's report.* (1) Each application for exemption filed by a producer with the North Central Potato Committee shall be accompanied by a report of a Federal-State Inspector, which shall contain the following:

(i) A statement by the inspector that he personally visited the field or fields or storage with respect to which exemption is requested, and that a representative sample of the potato crop in such field or fields or storage was taken by him;

(ii) A statement of the percentage of such crop which meets the required grade, size, and quality regulation then in effect;

(iii) A statement of the defects or damage causing such crop to fail to meet such grade, size, and quality requirements.

(2) In determining percentages, the Federal-State Inspector shall not include culls. In the event that more than one variety of potatoes is involved in the regulation, the inspector shall determine the above percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption.

The North Central Potato Committee, or the manager thereof, or any specifically authorized representative thereof, may make such investigations as is deemed necessary to determine whether the exemption requested should be granted.

(c) *Issuance of certificate.* (1) When the North Central Potato Committee, or its duly authorized representative, finds and determines from proof satisfactory to said committee that the applicant is entitled to an exemption certificate hereunder, said committee shall issue or authorize the issuance of an exemption certificate which shall permit the applicant to ship, or cause to be shipped, that quantity of the restricted or prohibited grades, sizes, and qualities, or combinations thereof, of potatoes sufficient to permit such applicant to ship, or cause to be shipped, as large a proportion of his crop of each such variety of potatoes, grown in such area, as the average for all producers of the particular variety in the area or portion thereof included in the aforesaid regulation issued pursuant to § 960.5 of Order No. 60.

(2) The North Central Potato Committee, or its duly authorized representative, may issue exemption certificates if the proof submitted by the applicant qualifies said applicant therefor: *Provided*, That determinations pursuant to § 960.5 (d) (2) have been made in accordance therewith.

(3) If the committee, or its duly authorized representative, determines that the applicant is not entitled to an exemption certificate he shall be so advised in writing and given the reasons therefor.

(4) Each certificate of exemption issued as provided herein shall contain the producer's name and address; the location of his farm; the location of the field or storage with respect to which the ex-

emption is granted; the particular grade, size, and quality regulations from which exempted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer to ship Irish potatoes which do not meet the requirements of the particular grade, size, and quality regulations.

(5) Each certificate of exemption shall be transferable, in whole or in part, with the Irish potatoes in accordance with the amount of Irish potatoes transferred.

(d) *Reports and records.* (1) For the purpose of enabling the North Central Potato Committee to perform its functions pursuant to the provisions hereof, each handler shall report shipments under exemption certificates to said committee, in such form and at such times and substantiated in such manner as shall be prescribed by the committee. All forms, reports, correspondence and documents used, pursuant to these rules and regulations, shall be kept on file by the committee and records thereof shall be maintained by the manager of said committee.

(2) A record of all applications received for exemptions, exemption certificates issued, applications denied, and shipments made under exemption shall be kept by the committee pursuant to the provisions of § 960.5 (d) (1) and a record of all such transactions, if any, shall be reported from time to time by the North Central Potato Committee to the Secretary.

(e) *Appeal procedure.* If any producer is dissatisfied with the determination regarding his application for an exemption certificate, or any duly issued exemption certificate, an appeal by said producer may be filed pursuant to the provisions of § 960.5 (d) (3).

Each and all of the foregoing rules and regulations set forth in §§ 960.101 and 960.102 under the aforesaid order have my approval.

It is found and determined that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date requirements of this order for 30 days after publication hereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) because:

(1) Issuance of the foregoing procedural rules and regulations is, by the provision of Order No. 60, a condition precedent to the issuance of regulations pursuant to § 960.5 of said order, but said rules and regulations will not, at this time create any rights, duties, or obligations;

(2) Harvesting and shipping of potatoes grown in the production area covered by Order No. 60, has already begun, and the committee established under said order has indicated that it desires immediate issuance of the aforesaid rules and regulations, so that said committee may recommend the issuance of regulations under § 960.5 of said order which, according to recommendations of the committee, are urgently needed.

It is essential that the aforesaid rules and regulations should be approved without delay, because of the aforementioned findings, if the committee is to perform its duties and functions under said order.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 61 Stat. 202, 707; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 2d day of November 1948, to be effective on and after November 5, 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-9726; Filed, Nov. 4, 1948; 8:56 a. m.]

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

MODIFICATION OF GENERAL CULL REGULATION

§ 960.305 *Modification of general cull regulation*—(a) *Findings.* It is hereby found that:

(1) The order modifying the general cull regulations, issued on October 1, 1947 (12 F. R. 6523), pursuant to the provisions of § 960.4 of Marketing Order No. 60 (7 CFR Cum. Supp. 960.2 et seq.), which was based upon conditions and factors relating to the 1947 crop, no longer tends to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.);

(2) A modification of the aforesaid general cull regulation, hereinafter set forth, recommended by the North Central Potato Committee for the 1948 potato crop, pursuant to the aforesaid provisions of § 960.4, will tend to effectuate the declared policy of the act; and

(3) It is impracticable and contrary to public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1101 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) shipments of potatoes from this production area have already begun, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date hereof, and (iv) a reasonable time is permitted, under the circumstances, for such preparation.

(b) *Order.* (1) During the period beginning on November 5, 1948, and ending June 30, 1949, both dates inclusive, potatoes of the Irish Cobbler variety grown in the area defined in Order No. 60, which do not meet the requirements of U. S. No. 2 or better grade, as such grades are defined in the U. S. Standards for Potatoes, only because of serious damage due to hollow heart, shall not be prohibited from shipment under the terms and provisions of § 960.301 (12 F. R. 6256).

(2) The order issued on October 1, 1947 (12 F. R. 6523), modifying the general cull regulation is hereby terminated.

(3) The terms used in this section shall have the same meanings as set forth in Marketing Order No. 60, and in the U. S. Standards for Potatoes (12 F. R. 3651). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of November 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9708; Filed, Nov. 4, 1948; 8:50 a. m.]

PART 960—IRISH POTATOES GROWN IN MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

LIMITATION OF SHIPMENTS

§ 960.306 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Order No. 60 (7 CFR Cum. Supp. 960.2 et seq.) regulating the handling of Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the North Central Potato Committee established under said marketing order, pursuant to § 960.5 of said order, and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) shipments of potatoes from the production area have already begun, (iii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date hereof, and (iv) a reasonable time is permitted, under the circumstances, for such preparation.

(b) *Order.* (1) During the period beginning on November 8, 1948, and ending June 30, 1949, both dates inclusive, no handler shall ship any potatoes grown in the area subject to Order No. 60, unless such potatoes are not less than 1⅞ inches in diameter and meet the requirements of U. S. Commercial or better grade, as such grades are defined in the U. S. Standards for Potatoes, except that potatoes of the Irish Cobbler variety which do not meet the requirements of the aforesaid U. S. Commercial or better grade only because of serious damage due to hollow heart shall not be prohibited from shipment under the terms and provisions hereof;

(2) The terms used in this section shall have the same meaning as when used in Marketing Order No. 60, and in the U. S. Standards for Potatoes (12 F. R. 3651). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of November 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9722; Filed, Nov. 4, 1948; 8:55 a. m.]

PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Pursuant to the requirements in section 4 of the Administrative Procedure Act, approved June 11, 1946, (60 Stat. 237; 5 U. S. C. 1001 et seq.), notice of proposed salable, surplus, and withholding percentages of merchantable walnuts for the marketing year beginning August 1, 1948, was published in the FEDERAL REGISTER (13 F. R. 5532) issue of September 23, 1948. Such percentages are fixed by the Secretary of Agriculture pursuant to the authority vested in him by § 984.4 of the marketing agreement and order (13 F. R. 4344) regulating the handling of walnuts grown in California, Oregon, and Washington, which program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707), hereinafter referred to as the "act." In said notice, opportunity was afforded interested parties to submit to the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington, D. C., written data, views, or arguments for consideration prior to the final issuance of such salable, surplus, and withholding percentages. The time for filing such written data, views, or arguments has now expired.

In the aforementioned notice, economic data and estimations were set forth which were believed to support the then proposed salable, surplus, and withholding percentages of 75, 25, and 33, respectively. However, information has since been received from the Walnut Control Board, the administrative agency for operations under this program, to the effect that adverse weather and other conditions not contemplated when such Board made its original recommendations on August 25, 1948, has resulted in a reduction of the estimated quantity of merchantable walnuts which will be produced in 1948. Also, the trade demand for merchantable walnuts has exceeded the estimations in that respect on that date. Accordingly, the Board submitted on October 20, 1948, revised estimates as to the pertinent factors for the fixing of the indicated percentages as follows:

	100-pound bags
Merchantable production estimate	966,500
Carryover, subject to surplus	7,900
Subtotal	974,400
Less: Oregon intrastate estimate	6,000
Total subject to surplus	968,400
10 percent surplus (96,840 bags) 90 percent salable	871,560
Carryover not subject to surplus	18,166
Oregon intrastate not subject to surplus	6,000
Total available to trade	895,726
Less: Trade demand estimate	850,000
Computed handler carryover, Aug. 1, 1949	45,726

On the basis of these revised estimates, the Board has recommended that the salable and surplus percentages be fixed at 90 and 10, respectively. Consideration has been given to such revised estimates and recommendation and other pertinent data, and it is concluded that such revised estimates and recommendation should be adopted. On the aforementioned basis, the withholding percentage, which is the ratio of the surplus percentage to the salable percentage, adjusted to the nearest whole number, is 11 percent.

Wherefore, the salable, surplus, and withholding percentages for merchantable walnuts during the marketing year beginning August 1, 1948 are hereby fixed as follows:

§ 984.200 *Salable, surplus, and withholding percentages for merchantable walnuts during the marketing year beginning August 1, 1948.* For merchantable walnuts, during the marketing year beginning August 1, 1948, the salable percentage shall be 90 percent, the surplus percentage shall be 10 percent, and the withholding percentage shall be 11 percent.

It is necessary to make effective not later than five days after the publication of this document in the FEDERAL REGISTER these salable, surplus, and withholding percentages with respect to merchantable walnuts for the reason that shipment of the current crop of such walnuts has already begun, and it is necessary to have regulations of this nature in effect as near the beginning of the particular marketing season as is practicable in order to effectuate the declared policy of the act. No preparation for this regulation is required which cannot be completed prior to this effective date. Therefore, good cause exists for not delaying the effective date of these regulatory requirements beyond five days after the publication of this document in the FEDERAL REGISTER. (See section 4 (c) of the Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

These regulatory requirements shall become effective at 12:01 a. m., P. s. t., on the fifth day after the publication of this document in the FEDERAL REGISTER.

Issued this 2d day of November 1948.

(48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, Pub. Laws 132, 305, 80th Cong., 61 Stat. 208, 707; 7 U. S. C. 601 et seq.)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-9725; Filed, Nov. 4, 1948; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-329]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

COMPLIANCE WITH AIR CARRIER FIRE PREVENTION REGULATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of October 1948.

On March 31, 1948, the Board adopted certain amendments to Parts 41, 42, and 61 that extend the date for compliance with the fire prevention requirements until November 1, 1948. The delay in obtaining the necessary engineering knowledge and the time required to purchase and install the equipment in the large number of aircraft involved were responsible for the inability of certain air carriers to comply with the requirements.

In a few instances these critical parts procurement and modification problems are still preventing full compliance with these regulations. To alleviate undue hardship on any carrier who has diligently sought to comply with these requirements, the Board hereby adopts a thirty-day extension of the effective date to allow those carriers to submit individually to the Administrator a request for a further extension of the compliance date. The request shall show proof of their attempted compliance prior to November 1, 1948, and shall be accompanied by a statement indicating a reasonable justification for not so complying. It will be further required that the air carriers fix a specific date on which completion of the required work will be accomplished. In the case of smoke or fire detectors, other than heat detectors, the compliance date is indefinitely extended pending completion of a joint testing program by government and industry.

In consideration of the above, notice and public procedures hereon are impracticable. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective November 1, 1948:

Notwithstanding the provisions of §§ 41.20, 42.10, and 61.30 of the Civil Air Regulations establishing certain fire prevention standards requiring compliance

on or before November 1, 1948, no air carrier shall be held in violation of these requirements prior to December 1, 1948. Upon application by the air carrier prior to December 1, 1948, the Administrator may further authorize an air carrier to operate without full compliance with these requirements where the Administrator finds that the air carrier has made a diligent effort to meet these requirements by November 1, 1948, and that the air carrier has shown that it will comply with these requirements by a date certain: *Provided*, That no air carrier shall be required to install or maintain smoke or fire detectors, other than heat detectors, unless otherwise directed by the Administrator.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9711; Filed, Nov. 4, 1948; 8:53 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter I of Title 30 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. The codification of Subchapter A, Organization and Procedure (Parts 01, 02 and 03) is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

2. Former Subchapters B, C, D, E and F are redesignated Subchapters A, B, C, D and E respectively.

3. In Part 1, Production and Sale of Helium for Medical, Scientific, and Commercial Use, § 1.21 is revised to read as follows:

§ 1.21 *Forms.* Forms of applications and contracts for purchase of helium and for use of helium containers are listed in this section. The Bureau may make alterations in or additions to said forms, and may require the execution of a contract in a different form.

LIST OF FORMS

The following forms have been filed with the Division of the Federal Register; copies may be obtained from the Bureau of Mines, Department of the Interior, Washington 25, D. C.

1. Application to Purchase Helium from United States Department of the Interior, Bureau of Mines (Budget Bureau No. 42-R844, approval expires November 30, 1951).

2. Application to Use Helium Containers Supplied by United States Department of the Interior, Bureau of Mines (Budget Bureau No. 42-R845, approval expires November 30, 1951).

WILLIAM E. WARNE,
Acting Secretary of the Interior.

OCTOBER 21, 1948.

[F. R. Doc. 48-9702; Filed, Nov. 4, 1948; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines, Department of the Interior

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter III of Title 32 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. Part 303, General Licenses Pertaining to Explosives, is redesignated Part 302. As so redesignated, §§ 302.1 to 302.7 are deleted and § 302.8 (10 F. R. 12627) is redesignated § 302.1.

2. Part 304, Federal Mine Safety Code for Bituminous-Coal and Lignite Mines of the United States, is deleted.

WILLIAM E. WARNE,
Acting Secretary of the Interior.

OCTOBER 21, 1948.

[F. R. Doc. 48-9701; Filed, Nov. 4, 1948; 8:47 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

MISCELLANEOUS AMENDMENTS

The Secretary of the Army having determined that the use of the Fort Gibson Reservoir, Grand (Neosho) River, Oklahoma, the Arkabutla Reservoir, Coldwater River, Mississippi, and the Fall River Reservoir, Fall River, Kansas, by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of these reservoirs for their primary purposes, hereby prescribes rules and regulations pursuant to the provisions of section 4 of the Act of Congress approved December 22, 1944 (58 Stat. 889; 16 U. S. C. 460d) as amended by the Flood Control Act of 1946 (60 Stat. 641), for the public use of these reservoirs, by amending Part 311 as follows:

Add new paragraphs (r), (s), and (t) to § 311.1, and add new subparagraph (6) to § 311.4 (a), as follows:

§ 311.1 *Areas covered.* • • •

(r) Fort Gibson Reservoir Area, Grand (Neosho) River, Oklahoma.

(s) Arkabutla Reservoir Area, Coldwater River, Mississippi.

(t) Fall River Reservoir Area, Fall River, Kansas.

• • • • • •

§ 311.4 *Houseboats.* (a) A permit shall be obtained from the District Engineer for placing any houseboats on the water of any reservoir area listed in § 311.1, except for the following reservoir areas on which houseboats are prohibited:

• • • • • •

(6) Fall River Reservoir Area, Fall River, Kansas.

• • • • • •

(Regs. Oct. 21, 1948, ENGWF) (58 Stat. 889, 60 Stat. 641; 16 U. S. C. 460d)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9710; Filed, Nov. 4, 1948; 8:53 a. m.]

Chapter IV—National Forest Reservation Commission

DISCONTINUANCE OF CODIFICATION

EDITORIAL NOTE: Codification of this chapter is discontinued. Future amendments to the statement regarding the organization and functions of the National Forest Reservation Commission submitted under section 3 (a) (1) of the Administrative Procedure Act, will be published in the Notices section of the FEDERAL REGISTER. For the purpose of such amendments § 400.1 is designated section 1, and § 400.10 is designated section 2.

Chapter V—National Capital Park and Planning Commission

DISCONTINUANCE OF CODIFICATION

EDITORIAL NOTE: Codification of this chapter is discontinued. Future amendments to the statement regarding the organization and functions of the National Capital Park and Planning Commission submitted under section 3 (a) (1) of the Administrative Procedure Act will be published in the Notices section of the FEDERAL REGISTER. For the purpose of such amendments §§ 501.1 through 501.8 are redesignated sections 1 through 8.

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter B—Regulations Affecting Maritime Carriers

[General Order 69]

PART 226—FREE TIME AND DEMURRAGE CHARGES ON IMPORT PROPERTY APPLICABLE TO ALL COMMON CARRIERS BY WATER PORT OF NEW YORK

At a session of the United States Maritime Commission held at its office in Washington, D. C., on the 19th day of October 1948.

By order dated May 29, 1947 and published in the FEDERAL REGISTER on June 7, 1947 (12 F. R. 3754), the Commission ordered that public hearings be held with respect to free time and demurrage charges on import property at the port of New York.

Hearings were held accordingly and the Commission on the above date made and filed a report incorporating its findings, which report is incorporated herein by reference.[1] The findings of the Commission, as therein set forth, are as follows:

§ 226.1 *Free time and demurrage charges at the Port of New York.* (a) (1) Free time of five days (exclusive of Saturdays, Sundays, and legal holidays), computed from the start of business on the first day after complete discharge of the vessel, is adequate free time on import property at New York under present conditions.

(2) Free time on import property at New York shall not be less than five days, except as the Commission may hereafter direct.

(3) Where a carrier is for any reason unable, or refuses, to tender cargo for delivery, free time must be extended for a period equal to the duration of the carrier's disability or refusal.

(4) Where a consignee is prevented from removing his cargo by factors beyond his control (such as, but not limited to, trucking strikes or weather conditions) which affect an entire port area or a substantial portion thereof, carriers shall (after expiration of free time) assess demurrage against imports at the rate applicable to the first demurrage period, for such time as the inability to remove the cargo may continue. Every departure from the regular demurrage charges shall be reported to the Commission.

(5) The Commission makes no finding approving or disapproving demurrage rates presently effective as to import property at the port of New York.

(b) *It is hereby ordered*, That the foregoing findings be and hereby are adopted as rules of the Commission; and

(c) *It is further ordered*, That such rules shall be binding upon all common carriers by water in foreign commerce with respect to regulations and practices affecting free time and demurrage on import property at the port of New York;

(d) *It is further ordered*, That on or before the effective date of this order, all tariffs of such carriers relative to free time and demurrage on import property at the port of New York be conformed to the findings and rules herein set forth;

(e) *It is further ordered*, That this order become effective December 15, 1948.

It is further ordered, That this order be published in the FEDERAL REGISTER.

(Secs. 17, 22-24, 39 Stat. 734, 736; 46 U. S. C. 816, 821-823)

By the Commission.

A. J. WILLIAMS,
Secretary.

OCTOBER 19, 1948.

[F. R. Doc. 48-9707; Filed, Nov. 4, 1948; 8:46 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

PROPOSED CONTINUATION OF VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE ARMED FORCES

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Monday, November 15, 1948, at 10:00 a. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, Fourteenth Street, between E Street and Constitution Avenue, Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed continuation, beyond February 28, 1949, of the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for requirements of the Armed Forces, approved by the Attorney General on August 24, 1948 and by the Secretary of Commerce on August 25, 1948 and subsequently published in the FEDERAL REGISTER (13 F. R. 5665).

The proposed continuation involves two procedures. One would remain effective if the present authority contained in Public Law 395 is not extended. The other would become effective if the present authority contained in Public Law 395 is appropriately extended. The two procedures are represented by documents attached hereto as Exhibits A and B. They are in draft form and are subject to revision at or after the public hearing.

Under the first procedure (Exhibit A), it is proposed that the Secretary of Commerce will make a request, with the approval of the Attorney General, for unilateral action by steel producers in continuing deliveries for the program during the six-month period March 1, 1949 through August 31, 1949, in accordance with section 2 (f) of Public Law 395.

Under the second procedure (Exhibit B), it is proposed to amend the existing plan to provide that, in the event of statutory extension, the plan itself will automatically continue in effect during the seven-month period March 1, 1949 through September 30, 1949, which would round out the full third calendar quarter.

The proposed continuation has been formulated after consulting with representatives of the steel producing industry, the Armed Forces, and the Department of Justice.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Wednesday, November 10, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Comerce.

EXHIBIT A—PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE ARMED FORCES

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and with officials of the Armed Forces, and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948 has determined that in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for requirements of the Armed Forces, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products for such requirements after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make approximately 102,505 net tons of steel products available monthly, during the period March 1, 1949 through August 31, 1949, for requirements of the Armed Forces in connection with contracts placed by them before July 1, 1949, and specifically designated as being entitled to the benefits of the voluntary plan or of this request; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That Armed Forces procurement agencies and steel consumers put identifying certifications on any purchase orders placed hereunder; and that steel consumers use all steel products obtained hereunder solely as production material for physical incorporation in the end products or in part of the end products to be delivered to the Armed Forces in connection with contracts as described in paragraph 1 above.

In the event that an amendment to the above-mentioned voluntary plan extending its effectiveness beyond February 28, 1949 takes effect pursuant to appropriate legislation, this request will be superseded by the extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[1] Filed as part of original document. Copies may be obtained upon request to Secretary, United States Maritime Commission, Washington 25, D. C.

EXHIBIT B—PROPOSED AMENDMENT TO VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE ARMED FORCES

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and with officials of the Armed Forces, and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948, has determined that, in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for requirements of the Armed Forces, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in the said Public Law 395, that steel producers make further deliveries of steel products for such requirements beyond February 28, 1949.

Therefore, paragraph 11 of the above-mentioned voluntary plan is amended by the addition of the following provision:

However, if the time limitation of March 1, 1949 now specified in subsection 2 (c) of Public Law 395 is extended or otherwise changed by legislative action in a form which permits the continuation of this plan, the plan shall thereupon automatically continue in effect until September 30, 1949 (or to the date specified in such legislative action if a date earlier than September 30, 1949 is so specified), subject to other applicable provisions in this plan regarding earlier termination by the Secretary of Commerce and withdrawal by individual participants. During the continuation period, steel products will be made available, at the rate of approximately 102,505 net tons per month for requirements of the Armed Forces in connection with contracts placed by them before July 1, 1949 in accordance with the provisions of this plan.

After approval of this amendment by the Attorney General and by the Secretary of Commerce, and after any steel producer's written acceptance of a request by the Secretary of Commerce for compliance herewith, this amendment shall become effective as to such steel producer and shall be subject to the terms and conditions set forth in the original voluntary plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-9810; Filed, Nov. 4, 1948; 10:19 a. m.]

PROPOSED CONTINUATION OF VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS FOR UNITED STATES ATOMIC ENERGY COMMISSION PROJECTS

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Monday, November 15, 1948, at 2:00 p. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, Fourteenth Street, between E Street and Constitution Avenue, Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed continuation, beyond February 28, 1949, of the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for United States Atomic Energy Commission projects, approved by the Attorney General on June 21, 1948 and by the Secretary of Commerce on June 22, 1948 and subsequently published in the FEDERAL REGISTER (13 F. R. 3792).

The proposed continuation involves two procedures. One would remain effective if the present authority contained in Public Law 395 is not extended. The other would become effective if the present authority contained in Public Law 395 is appropriately exteneded. The two procedures are represented by documents attached hereto as Exhibits A and B. They are in draft form and are subject to revision at or after the public hearing.

Under the first procedure (Exhibit A), it is proposed that the Secretary of Commerce will make a request, with the approval of the Attorney General, for unilateral action by steel producers in continuing deliveries for the program during the six-month period March 1, 1949 through August 31, 1949, in accordance with section 2 (f) of Public Law 395.

Under the second procedure (Exhibit B), it is proposed to amend the existing plan to provide that, in the event of statutory extension, the plan itself will automatically continue in effect during the seven-month period March 1, 1949, through September 30, 1949, which would round out the full third calendar quarter.

The proposed continuation has been formulated after consulting with representatives of the steel producing industry, and of the interested government agencies, including the Department of Justice.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Wednesday, November 10, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATIONS OF STEEL PRODUCTS FOR UNITED STATES ATOMIC ENERGY COMMISSION PROJECTS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and with officials of the United States Atomic Energy Commission, and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948 has determined that in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for United States Atomic Energy Commission Projects, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products for such projects after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make approximately 16,244 net tons of steel products available monthly, during the period March 1, 1949 through August 31, 1949, for United States Atomic Energy Commission projects; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That prime contractors for the Commission, their subcontractors, and steel fabricators supplying such contractors and subcontractors put identifying certifications on any purchase orders placed hereunder; and that such contractors, subcontractors, and fabricators use all steel products obtained hereunder solely for filling contracts for United States Atomic Energy Commission projects.

In the event that an amendment to the above mentioned voluntary plan extending its effectiveness beyond February 28, 1949 takes effect pursuant to appropriate legislation, this request will be superseded by the extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—PROPOSED AMENDMENT TO VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR UNITED STATES ATOMIC ENERGY COMMISSION PROJECTS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and with officials of the United States Atomic Energy Commission, and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948, has determined that, in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for United States Atomic Energy Commission projects, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in the said Public Law 395, that steel prdoucers make further deliveries of steel products for such requirements beyond February 28, 1949

Therefore, paragraph 7 of the above mentioned voluntary plan is amended by the addition of the following provision:

However, if the time limitation of March 1, 1949 now specified in subsection 2 (c) of Public Law 395 is extended or otherwise changed by legislative action in a form which permits the continuation of this Plan, the Plan shall thereupon automatically continue in effect until September 30, 1949 (or to the date specified in such legislative action if a date earlier than September 30, 1949 is so specified), subject to other applicable provisions in this Plan regarding earlier termination by the Secretary of Commerce and withdrawal by individual participants. During the continuation period, steel products will be made available, at the rate of approximately 16,244 net tons per month.

After approval of this amendment by the Attorney General and by the Secretary of Commerce, and after any steel producer's written acceptance of a request by the Secretary of Commerce for compliance herewith, this amendment shall become effective as to such steel producer and shall be subject to the terms and conditions set forth in the original voluntary plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-9809; Filed, Nov. 4, 1948; 10:19 a. m.]

PROPOSED CONTINUATION OF VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Monday, November 15, 1948, at 4:00 p. m., e. s. t., in the Auditorium on the street floor of the Department of Commerce Building, Fourteenth Street, between E Street and Constitution Avenue, Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed continuation, beyond February 28, 1949, of the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for requirements of the National Advisory Committee for Aeronautics, approved by the Attorney General and by the Secretary of Commerce on September 17, 1948 and subsequently published in the FEDERAL REGISTER (13 F. R. 5870).

The proposed continuation involves two procedures. One would remain effective if the present authority contained in Public Law 395 is not extended. The other would become effective if the present authority contained in Public Law 395 is appropriately extended. The two procedures are represented by documents attached hereto as Exhibits A and B. They are in draft form and are subject to revision at or after the public hearing.

Under the first procedure (Exhibit A), it is proposed that the Secretary of Commerce will make a request, with the approval of the Attorney General, for unilateral action by steel producers in continuing deliveries for the program during the six-month period March 1, 1949 through August 31, 1949, in accordance with section 2 (f) of Public Law 395.

Under the second procedure (Exhibit B), it is proposed to amend the existing plan to provide that, in the event of statutory extension, the plan itself will automatically continue in effect during the seven-month period March 1, 1949 through September 30, 1949, which would round out the full third calendar quarter.

The proposed continuation has been formulated after consulting with representatives of the steel producing industry, the National Advisory Committee for Aeronautics, and the Department of Justice.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Corporation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Wednesday, November 10, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and with officials of the National Advisory Committee for Aeronautics (hereinafter called the NACA), and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948, has determined that in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for requirements of the NACA, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products for such requirements after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make approximately 1,926 net tons of steel products available monthly, during the period March 1, 1949, through August 31, 1949, for requirements of the NACA in connection with contracts specifically designated by NACA as being placed under the voluntary plan or under this request; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That the NACA and NACA Contractors (as defined in the plan) put identifying certifications on any purchase orders placed hereunder; and that NACA Contractors use all steel products obtained hereunder solely for filling contracts with or for the NACA.

In the event that an amendment to the above-mentioned voluntary plan extending its effectiveness beyond February 28, 1949 takes effect pursuant to appropriate legislation, this request will be superseded by the extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—PROPOSED AMENDMENT TO VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR REQUIREMENTS OF THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and with officials of the National Advisory Committee for Aeronautics (hereinafter called NACA), and after expression of the views of industry, labor and the public generally at an open public hearing held on November 15, 1948, has determined that, in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for requirements of the NACA, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in the said Public Law 395, that steel producers make further deliveries of steel products for such requirements beyond February 28, 1949.

Therefore, paragraph 11 of the above-mentioned voluntary plan is amended by the addition of the following provision:

However, if the time limitation of March 1, 1949, now specified in subsection 2 (c) of Public Law 395 is extended or otherwise changed by legislative action in a form which permits the continuation of this Plan, the Plan shall thereupon automatically continue in effect until September 30, 1949 (or to the date specified in such legislative action if a date earlier than September 30, 1949 is so specified), subject to other applicable provisions in this Plan regarding earlier termination by the Secretary of Commerce and withdrawal by individual participants. During the continuation period, steel products will be made available, at the rate of approximately 1,926 net tons per month, distributed by types as specified in paragraph 2 of this Plan.

After approval of this amendment by the Attorney General and by the Secretary of Commerce, and after any steel producer's written acceptance of a request by the Secretary of Commerce for compliance herewith, this amendment shall become effective as to such steel producer and shall be subject to the terms and conditions set forth in the original voluntary plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-9811; Filed, Nov. 4, 1948; 10:19 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6174]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

NOVEMBER 1, 1948.

Notice is hereby given that on October 29, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company, a corporation organized under the laws of the State of Texas and doing business in the States of Louisiana and Texas with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of $1,406,389.80 face amount of notes bearing interest at the rate of 2% per annum, on borrowings up to December 31, 1948 and on subsequent borrowings, if any, the existing prime rate for notes of similar tenor at the time of borrowing. The notes are to be issued in December 1948 or January 1949, and to mature not in excess of six months from the date of issuance. The notes for which authorization is requested are that portion of a proposed issuance of a total of $6,000,000 which is not exempted by section 204 (e) of the Federal Power Act. The notes will be issued to evidence borrowings from the Irving Trust Company, New York, New York, with the Chase National Bank of the City of New York as a participant; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 20th day of November 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-9719; Filed, Nov. 4, 1948; 8:54 a. m.]

[Docket No. E-6175]

FLORIDA POWER CORP.

NOTICE OF APPLICATION

NOVEMBER 1, 1948.

Notice is hereby given that on October 29, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Florida Power Corporation, a corporation organized under the laws of the State of Florida and doing business in said state with its principal business office at St. Petersburg, Florida, seeking an order authorizing the issuance of $8,500,000 principal amount of a new series of First Mortgage Bonds --% series, due 1978. The coupon rate of the new series bonds and the price at which they are to be sold and the terms thereof are to be determined at a later date; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 20th day of November, 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-9720; Filed, Nov. 4, 1948; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 837]

UNLOADING OF COAL AT ANNANDALE, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 1st day of November A. D. 1948.

It appearing, that 15 cars of coal at Annandale, Pa., are on hand on Bessemer and Lake Erie Railroad Company, for an unreasonable length of time and that this delay in unloading such cars impedes their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

(a) *Coal at Annandale, Pa., be unloaded.* The Bessemer and Lake Erie Railroad Company, its agents or employees, shall unload immediately B&LE 60712, and 14 other cars loaded with coal now on hand at Annandale, Pa., loaded by the M&L Coal Company without billing.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., November 3, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)–(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9709; Filed, Nov. 4, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1909]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of October 1948.

In the matter of New England Electric System, New England Power Company, Beverly Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Malden Electric Company, Malden and Melrose Gas Light Company, Salem Electric Lighting Company, Salem Gas Light Company, Suburban Gas and Electric Company.

New England Electric System, a registered holding company, and its subsidiary companies, New England Power Company, Beverly Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Malden Electric Company, Malden and Melrose Gas Light Company, Salem Electric Lighting Company, Salem Gas Light Company, and Suburban Gas and Electric Company, having filed a joint application-declaration, and amendments thereto, pursuant to sections 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder with respect to the following transaction:

New England Power Company proposes to acquire, and the other nine Applicants-Declarants propose to sell all of the outstanding capital stock and notes of Salem Terminal Corporation for a cash consideration of $1,700,000 plus accrued interest, being equivalent to the par value of its common stock ($500,000) and the face value of its notes ($1,200,000) and accrued interest thereon. The cash required by New England Power Company to acquire the securities of Salem Terminal Corporation will be borrowed through the issuance of unsecured bank notes, for which authority has heretofore been granted. The cash received by the selling companies will be used to retire presently outstanding notes payable to banks or for construction or other corporate purposes.

Public hearings with respect to said application-declaration, as amended, having been held after appropriate notice and the Commission having considered the record of the proceedings and making no adverse findings under sections 10 and 12 (f) of the act or Rule U-43 promulgated thereunder, and the Commission deeming it appropriate in the public interest and the interest of investors and consumers to issue its order granting said application and permitting said declaration to become effective in advance of the issuance and release of its definitive findings and opinion which are now in the process of completion:

It is ordered, That the aforesaid application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9706; Filed, Nov. 4, 1948; 8:49 a. m.]

[File No. 70-1976, 70-1981]

MIDDLE WEST CORP. ET AL.

NOTICE OF FILING

In the matter of The Middle West Corporation, Wisconsin Power and Light Corporation, File No. 70-1976; Public Service Company of Indiana, Inc., File No. 70-1981.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of October A. D. 1948.

Notice is hereby given that a joint application-declaration, and amendments thereto, have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The Middle West Corporation ("Middle West"), a registered holding company, and its subsidiary, Wisconsin Power and Light Company ("Wisconsin"), a public utility company, and that in connection therewith a separate declaration has been filed by Public Service Company of Indiana, Inc. ("Indiana"), also a public utility subsidiary of Middle West. Middle West and Wisconsin have designated sections 6 (a), 7, 9 (a), 10, 11, 12 (c), 12 (d) and 12 (f) of the act and Rules U-42, U-43, U-44, U-46 and U-50 promulgated thereunder as applicable to their proposed transactions. Indiana has designated sections 6 (a), 7 and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to its proposed transactions.

Notice is further given that any interested person may, not later than November 10, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues, if any, of law or fact raised by said application-declaration or declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 10, 1948 said application-declaration, as amended, and said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the Act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration and said declaration, which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Middle West owns 847,292½ shares of common stock, $10 par value, of Wisconsin and 224,586 shares of common stock, no par value, of Indiana. It proposes to distribute on November 29, 1948 these securities, in partial liquidation, to its stockholders of record on October 29, 1948 on the basis of one share of Wisconsin's common stock for each four shares of Middle West common stock held, and one share of Indiana's common stock for each 15 shares of Middle West common stock held: *Provided, however*, That if each of said shares of Indiana is split into two shares as proposed (see Holding Company Act Release No. 8541), such distribution would be two shares of Indiana's common stock for each 15 shares of Middle West common stock held.

No fractional shares of common stock of Wisconsin and Indiana will be issued. In lieu thereof, Middle West proposes to distribute to its stockholders non-dividend and non-voting scrip certificates, in bearer form, which are proposed to be issued by Wisconsin and Indiana. By their terms the scrip certificates will become void after December 31, 1953, but prior to said time, when combined in amounts equal to full shares of common stock, may be surrendered to the companies for full shares of common stock. Middle West further proposes to deliver to Wisconsin and Indiana a number of full shares of common stock of Wisconsin and Indiana equal to the number of shares represented in the aggregate by the scrip certificates to be issued by said companies and to acquire in exchange therefor the scrip certificates to be issued by Wisconsin and Indiana. It is stated that the exact number of full shares to be delivered to Wisconsin and Indiana and to be represented by scrip certificates to be issued by them cannot be determined until after October 29, 1948 (the record date for the proposed distribution), but is estimated to be about 7,100 shares of Wisconsin and 7,500 shares (9,000 if the shares are split) of Indiana.

Middle West further proposes to reserve 3,280 shares of Wisconsin's common stock and 875 shares of Indiana's common stock for distribution in respect of the 13,119.23 shares of Middle West stock reserved under the Plan of Reorganization of Middle West Utilities Company for issue upon conversion of scrip and/or certificates of deposit.

Subject to the approval of the Commission, Middle West further proposes that all rights of holders of scrip certificates distributed by it shall be void after December 31, 1953 and that all rights of Middle West stockholders with respect to such certificates who cannot be located in such period and on behalf of whom no valid claim is made during such period, shall cease and determine at such date, and the stock shall revert to the issuing companies.

Middle West further proposes, after the distribution of the common stocks of Wisconsin and Indiana, to sell in separate blocks, at competitive bidding pursuant to Rule U-50 if applicable, its then holdings of common stock and scrip of Indiana Gas & Water Company, Inc., ("Gas Water") estimated to be 43,853 shares, and its remaining holdings of shares of common stock and scrip of Wisconsin and Indiana not required or reserved for distribution, estimated to be 20,467 shares of Wisconsin and 4,099 shares (or 8,198 if the shares are split) of Indiana. Middle West requests that the ten-day notice period for inviting bids as provided in Rule U-50 be shortened to a period of not less than six days if the proposed sales are found not to be excepted transactions under paragraph (a) (4) of said Rule. It is stated that Middle West will use the proceeds from the sales of the common stocks of Gas Water, Wisconsin and Indiana to purchase 125,000 shares of common stock, $10 par value, of its subsidiary, Kentucky Utilities Company, the acquisition of which has heretofore been approved by order of this Commission dated September 29, 1948 (Holding Company Act Release No. 8540).

Middle West's expenses in connection with the proposed distribution and/or sales of the common stocks of Gas Water, Wisconsin and Indiana are estimated at $17,500.

Middle West represents that the Transactions proposed herein will effectuate a partial liquidation of the company as authorized by its stockholders and will tend to effectuate the provisions of section 11 (b) of the act.

Middle West requests that the Commission enter an appropriate order approving and permitting to become effective the application-declaration, as amended, and that said order conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code, as amended.

Applicants and declarants represent that no Federal Commission, other than this Commission, and no State commission has jurisdiction over the transactions proposed herein. However, in the opinion of counsel for Indiana, the question of the jurisdiction of the Public Service Commission of Indiana over the issue and delivery of scrip certificates by Indiana, has not been directly passed upon by that Commission or the courts. Therefore, Indiana proposes to file a petition with the Indiana Commission requesting dismissal of its petition for want of jurisdiction or an order approving the issue and use of scrip certificates.

Middle West and Wisconsin request that the Commission's order granting and permitting to become effective their application-declaration, as amended, be issued as soon as practicable and become effective forthwith. Indiana requests that the Commission's order permitting its declaration to become effective be issued by November 15, 1948 and become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-9704; Filed, Nov. 4, 1948; 8:48 a. m.]

[File No. 70-1978]

NORTHERN NATURAL GAS CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of October 1948.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Northern Natural Gas Company ("Northern Natural"), a registered holding company. The declarant designates sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 17, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, Washington 25, D. C. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Northern Natural proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the Act, $6,000,000 principal amount ____% Serial Debentures, dated November 1, 1948, due 1966–1969, to be issued under an Indenture, dated November 1, 1948, between North-

ern Natural and the Harris Trust and Savings Bank, as Trustee. The interest rate on said Debentures (to be a multiple of ⅛ of 1%) and the price (exclusive of interest) to be received by Northern Natural (to be not less than 99% and not more than 102¾% of the principal amount of said Debentures) are to be determined by competitive bidding.

The declarant states that the net proceeds from such sale will be used in part to replenish working capital and, in part, for the payment of 1949 construction costs, estimated in the amount of $12,940,000. Declarant further states that it intends, at a later date, to finance the balance of its 1949 construction costs and to retire its outstanding 2% bank loans ($2,500,000) with funds derived from the issue and sale of additional common stock and from general funds of the Company.

Declarant has filed applications with the State Corporation Commission of Kansas and the Nebraska State Railway Commission for authorization with respect to the issuance of said Debentures.

Declarant requests that the Commission issue its order herein on or before November 19, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9703; Filed, Nov. 4, 1948; 8:48 a. m.]

[File Nos. 70-1989, 70-1990]

CENTRAL AND SOUTH WEST CORP. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 29th day of October A. D. 1948.

In the matters of Central and South West Corporation, File No. 70-1989; Central and South West Corporation, Central Power and Light Company, Southwestern Gas and Electric Company, File No. 70-1990.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Central and South West Corporation ("Central and South West"), a registered holding company, and that in connection therewith a separate joint application-declaration has been filed by Central and South West and its subsidiaries, Central Power and Light Company ("Central Power"), and Southwestern Gas and Electric Company ("Southwestern"). Applicants-declarants have designated section 6 (a), 7, 9 (a), 10, and 12 (f) of the act and Rules U-43 and U-50 as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 10, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request, the nature of his interest and the issues, if any, of law or fact raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 10, 1948 said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration and application-declaration which are on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Central and South West proposes to issue and sell 659,606 shares of additional common stock, $5 par value. The shares of common stock are to be offered first to the holders of the company's presently outstanding common stock of record at the close of business on November 18, 1948, in accordance with their preemptive rights, for subscription in the ratio of one share of additional common stock of each ten shares of common stock held. The subscription price will be the same price per share as specified in the bid of the successful bidder for the unsubscribed shares. The rights to subscribe will be evidenced by full share and fractional share subscription warrants in transferable form. As fractional shares will not be issued, fractional share subscription warrants will be exercisable only when combined with other warrants evidencing the right to subscribe for one or more full shares. The subscription period will be approximately 15 days.

It is proposed that all shares of additional common stock not subscribed for by the common stockholders will be sold by the company to underwriters at competitive bidding pursuant to Rule U-50. It is stated that the bids shall specify the price per share to be paid to the company for such shares and the compensation to be paid by the company to the underwriters for their commitments and obligations in respect of the purchase of the unsubscribed shares.

Central and South West requests that the ten-day notice period for inviting bids as provided by Rule U-50 be shortened to a period of not less than six days.

The net proceeds to be received by Central and South West from the issue and sale of the additional shares of common stock will be invested in common stocks of Central Power and Southwestern as described below.

Central Power proposes to amend its Articles of Incorporation so as to increase its authorized stock from 1,072,100 shares of common stock, $10 par value, to such number of authorized shares as will equal the sum of (a) 1,072,100 shares now authorized and outstanding, (b) 350,000 shares, and (c) such number of shares as may be purchased by South West, at par, with approximately 60% of the net proceeds, in excess of $6,000,000 to be received by Central and South West from the proposed sale of its additional shares of common stock. After the adoption of the amendment, Central Power proposes to issue and sell to Central and South West, owner of all of Central Power's outstanding common stock, 350,000 shares of common stock, $10 par value, for cash, at par, and such additional number of shares of common stock as will be authorized by said amendment under clause (c) above.

Southwestern proposes to increase the stated value of the 500,000 outstanding shares, no par value, of its common stock from $6,800,000 as shown on its books, to $9,500,000 by transferring on its books the sum of $2,700,000 from earned surplus to common stock capital account, and thereafter, to amend its Certificate of Incorporation, as amended, so as to increase its total authorized common stock from 500,000 shares, no par value, to 1,500,000 shares, $10 par value, and to change the 500,000 shares, no par value, of its common stock now outstanding into 950,000 shares, $10 par value. After the adoption of the proposed amendment, Southwestern proposes (a) to issue and deliver to Central and South West certificates for 950,000 shares of common stock, $10 par value, of Southwestern upon the surrender for cancellation by Central and South West of certificates representing the outstanding 500,000 shares of common stock, no par value, of Southwestern, and (b) to issue and sell to Central and South West, for cash, at par, 250,000 shares of common stock, $10 par value, of Southwestern and such additional number of shares of its common stock, $10 par value, as may be purchased by Central and South West, at par, with approximately 40% of the net proceeds, in excess of $6,000,000, to be received by Central and South West from the proposed sale of its common stock.

The net proceeds to be received by Central Power and Southwestern from the sales of their common stock will be used by them to finance their construction programs.

Central Power and Southwestern estimate that their expenses in connection with the issue and sale of common stock will aggregate $12,000. It is stated that the expenses with respect to the acquisition of the common stocks of Central Power and Southwestern by Central and South West are estimated to be nominal.

Central and South West represents that no State commission has jurisdiction over its proposed transactions. Central Power and Southwestern represent that no State commission has jurisdiction over their proposed transactions except that Arkansas Public Service Commission has or claims to have jurisdiction with respect to the issue by Southwestern of its shares of common stock. It is stated that Southwestern will make application to said Commission for authority to issue the proposed shares of common stock.

It is requested that the Commission's order granting and permitting to become effective the declaration and the application-declaration be issued by November 12, 1948, and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9705; Filed, Nov. 4, 1948; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11013, Amdt.]

HANGO SUMII ET AL.

In re: Bank accounts, stock, bonds and lease owned by Hango Sumii and others.

Vesting Order 11013, dated March 31, 1948, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2e of said Vesting Order 11013 the number "C 62833934 E" and substituting therefor the number "C 6283934 E".

All other provisions of said Vesting Order 11013 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9715; Filed, Nov. 4, 1948; 8:54 a. m.]

[Vesting Order 12196]

MARY HEIZMAN HACK ET AL.

In re: Mary Heizman Hack, plaintiff, vs. Mary Heizman, individually and as administratrix of the estate of Charles Heizman, deceased, et al., defendants. File No. D-28-9898; E. T. sec. 13986.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda (Heizmann) Heizman, Ernst (Heizmann) Heizman, Erna (Heizmann) Heizman, Augustin (Heizmann) Heizman, and Bertha (Heizmann) Heizman, whose last known address was, on September 9, 1948, Germany, were on such date residents of Germany and Nationals of a designated enemy country (Germany);

2. That the sum of $5,691.43 was paid to the Attorney General of the United States by Philip H. Mitchel, Master in Chancery, in the matter of Mary Heizman Hack, plaintiff, vs. Mary Heizman, individually and as administratrix of the estate of Charles Heizman, deceased, et al., defendants;

3. That the said sum of $5,691.43 was accepted by the Attorney General of the United States on September 9, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $5,691.43 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on September 9, 1948, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9697; Filed, Nov. 3, 1948; 8:57 a. m.]

[Vesting Order 12215]

CHARLOTTE SCHULZE

In re: Estate of Charlotte Schulze, deceased. File No. F-28-15167; E. T. sec. 16297.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Elsa Gericke, Mr. Hans Schulze, Miss Margarete Schulze, and Mrs. Hanni Steinmesse, whose last known address was, on August 26, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the sum of $382.64 was paid to the Attorney General of the United States by Fred C. Schulze, Administrator of the estate of Charlotte Schulze, deceased;

3. That the said sum of $382.64 was accepted by the Attorney General of the United States on August 26, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $382.64 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on August 26, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9712; Filed, Nov. 4, 1948; 8:53 a. m.]

MARIA CLEMENTINA FENOALTEA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Maria Clementina Fenoaltea a/k/a Tina Fenoaltea, Rome, Italy; 6535; $6,000.00 in the Treasury of the United States.

Executed at Washington, D. C., on November 1, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9717; Filed, Nov. 4, 1948; 8:54 a. m.]

[Vesting Order 12251]

DEUTSCHE UEBERSEEISCHE BANK A. G.

In re: Stock, bonds, coupons, scrip certificate and bank account owned by Deutsche Ueberseeische Bank A. G., also known as Banco Aleman Transatlantico

and Banco Alemao Transatlantico. F–28–1285–A–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Ueberseeische Bank A. G., also known as Banco Aleman Transatlantico and Banco Alemao Transatlantico, the last known address of which is Fredreichstr. 103, Berlin N. W. 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in an account numbered F86226 Account B, entitled Deutsche Ueberseeische Bank, together with any and all rights thereunder and thereto,

b. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit B, presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in an account numbered F86226 Account B, entitled Deutsche Ueberseeische Bank, together with all declared and unpaid dividends thereon,

c. Those certain coupons described in Exhibit C, attached hereto and by reference made a part hereof, which coupons detached from the bonds listed and numbered as shown in the aforesaid Exhibit C are presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in an account numbered F–86226 Account B, entitled Deutsche Ueberseeische Bank A. G., together with any and all rights thereunder and thereto,

d. One (1) 0.50 scrip certificate representing an interest in a voting trust for capital stock of Columbia Phonograph Co., said certificate numbered F10680, registered in the name of Squire & Co., and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, together with any and all rights in, to and under the aforesaid certificate including particularly the right to possession thereof,

e. That certain debt or other obligation owing to Deutsche Ueberseeische Bank A. G., also known as Banco Aleman Transatlantico and Banco Alemao Transatlantico, by The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, arising out of a clean credit account, entitled Deutsche Ueberseeische Bank A. G. Account B, numbered F86226, and any and all rights to demand, enforce and collect the same, and

f. One (1) certificate for forty-five (45) shares of no par value common stock of the Grigsby Grunow Co., said certificate numbered 71119, registered in the name of Lee and Co., and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, and any and all rights in, to and under the aforesaid certificate.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Ueberseeische Bank A. G., also known as Banco Aleman Transatlantico and Banco Alemao Transatlantico, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A—BONDS

Description of issue	Face value	Certificate Nos.
Republic of Chile external loan stamped 7%—20 year sinking fund	$1,000.00	M200
	1,000.00	5734
Conversion Office German foreign debt 3% dollar bonds	1,000.00	C 058564
	1,000.00	058857
	[1] 1,000.00	049178/180
	[1] 1,000.00	M 013446/47
	[1] 500.00	D 009290/92
	100.00	C 058561
	100.00	058574
Frac. Conversion Office German foreign debt 3% dollar bonds series B	[1] 100.00	058569/571
	[1] 20.00	275976/978
	20.00	275973
	[1] 20.00	266796/798
	[1] 20.00	275974/975
	[1] 10.00	119901/902
	10.00	119907
	10.00	117481
	5.00	66257
	5.00	66680
	2.50	634314
	[1] 2.50	634309/310
General Electric Co., Germany, 20 yr. 6% G. Deb. S/F	[1] 500.00	D 1871/72
	500.00	2642
German Government International loan stamped 5½%—1930 loan	1,000.00	M 11784
	500.00	B 0079
Gesfurel debenture 6% S/F Gold Bonds	1,000.00	4218
	1,000.00	4279
	1,000.00	734
Gesfurel Debenture WW 6% S/F gold bonds	[1] 1,000.00	268930
Hamburg Electric Co. external deb. 2% S/F gold bonds	[1] 500.00	D 233/4
	[1] 500.00	236/240
	500.00	250
Mortgage Bank of Chile stpd. 6% S/F gold bonds guaranteed	1,000.00	M 13246
	1,000.00	17458
	1,000.00	13063
	1,000.00	3176
Mortgage Bank of Chile guaranteed 6% S/F	$1,000.00	M 2658
	1,000.00	7989
Republic of Peru Secured 7% S/F gold bond	1,000.00	M 3997
Rhine Westphalia Elec. Power Corp., mtge. 6%	[1] 1,000.00	M 6549/649
	[1] 1,000.00	12119/120
	[1] 1,000.00	2781/85
	500.00	D 880
Rhine Westphalia Elec. Power Corp. Cons. Mtge. 6%	1,000.00	17203
Serbs, Croates & Slovenes external 40 yr. 8% secured	1,000.00	M 3495
	1,000.00	7379
Siemens & Halske debenture WW, 25 yr. 6½% S/F	[1] 1,000.00	M 22671/72
	[1] 1,000.00	16980/981
	1,000.00	22673
	[1] 1,000.00	7146/47
Siemens & Halske Stock Corp. Deb. WW 25 yr. 6½% S/F	1,000.00	M 6582
	1,000.00	6694
	1,000.00	9121
	[1] 1,000.00	14522/525
	1,000.00	15753
	1,000.00	23614
	[1] 1,000.00	23616/618
United Steel Works Corp. Mtge. A 25 yr. 6½% S/F Mtge., gold bonds series A	1,000.00	M 5079
	1,000.00	28305
	1,000.00	23719
	1,000.00	16642
	1,000.00	9432
United Steel Works Corp. Mtge. A WW, 25 yr. 6½% S/F Mtge. GB series A	1,000.00	M 14020
	1,000.00	27910
	1,000.00	7108
Kingdom Yugoslavia Funding, 5% funding bonds	[1] 100.00	C 48709/1
	100.00	18624
	100.00	18802
Frac. Kingdom Yugoslavia Fund, 2d G. 8% funding bond	2.00	H 2007
Kingdom Yugoslavia Funding, 2d series 8% funding bonds	100.00	C 2742
	100.00	3427

[1] Each.

EXHIBIT B

Name and address of issuing corporation	State of incorporation	Certificate Nos.	Number of shares	Par value	Type of stock	Registered owner
Alaska Juneau Gold Mining Co., 1022 Crocker Bldg., San Francisco, Calif.	West Virginia	085239	20	$10	Capital	Lee & Co.
The Atlantic Refining Co., 260 South Broad St., Philadelphia, Pa.	Pennsylvania	CO 278577	20	25	Common	Egger & Co.
Barnsdall Oil Co., 900 Market St., Wilmington, Del	Delaware	03825	20	5	do	Lee & Co.
Consolidated Edison Co., 4 Irving Pl., New York, N. Y.	New York	104955	20	No par	do	Egger & Co.
Diamond Match Co., 30 Church St., New York, N. Y.	Delaware	CO 29291	20	No par	do	Do.
Electric & Musical Industries, Ltd., 1060 Blyth Rd., Hayes, Middlesex, England.		H 14365 07871	100,71	10 shilling	American ordinary	Do.
Sinclair Oil Corp., 630 5th Ave., New York, N. Y.	New York	NYO 202385	20	No par	Common	Lee & Co.
Texas Gulf Sulphur Co., 75 East 45th St., New York, N. Y.	Texas	P 258119	20	No par	Capital	Do.
F. W. Woolworth Co., Woolworth Bldg., New York, N. Y.	New York	WT/F 347859	20	10	do	Egger & Co.

EXHIBIT C—COUPONS

Description of bond issue	Bond Nos.	Face value of coupons	Number of coupons
Conversion Office	M 013446	[1] $15.00	4
German foreign debts	013447	15.00	1
Do	D 009290	[1] 7.50	4
	009292	[1] 7.50	2
	009291	7.50	1
Do	C 058564	[1] 1.50	4
	058561	[1] 1.50	2
	049179	[1] 1.50	2
	049180	[1] 1.50	2
	049178	[1] 1.50	2
	058557	1.50	1
	058574	1.50	1
	058569	1.50	1
	058570	1.50	1
	058571	1.50	1
Siemens & Halske Stock Corp.—due 9/1/40	M 23614	16.25	1
	23616	16.25	1
	23617	16.25	1
	23618	16.25	1
Siemens & Halske Stock Corp.—due 3/1/41	M 6582	16.25	1
	6694	16.25	1
	9121	16.25	1
Siemens & Halske Stock Corp.—due 3/1/41	M 13522	$16.25	1
	13523	16.25	1
	15524	16.25	1
	15525	16.25	1
	15553	16.25	1
	23614	16.25	1
	23616	16.25	1
	23617	16.25	1
	23618	16.25	1
Siemens & Halske Stock Corp.—due 9/1/41	M 6582	16.25	1
	6694	16.25	1
	9121	16.25	1
	15522	16.25	1
	15523	16.25	1
	15524	16.25	1
	15525	16.25	1
	15551	16.25	1
	23614	16.25	1
	23616	16.25	1
	23617	16.25	1
	23618	16.25	1

[1] Each.

[F. R. Doc. 48-9713; Filed, Nov. 4, 1948; 8:53 a. m.]

HEDWIG FEIBUSCH MEYER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Hedwig Feibusch Meyer, Shanghai, China; 5384; $3,706.57 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of the claimant in and to the estate of Moritz Feibusch, deceased.

Executed at Washington, D. C., on November 1, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9716; Filed, Nov. 4, 1948; 8:54 a. m.]

BEATRICE RAPPAPORT AND EMILIA CASTELBOLOGNESE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Beatrice Rappaport, Modena, Italy; 6156; $5,000 in the Treasury of the United States.

Emilia Castelbolognese, Milano, Italy; 7428; $5,000 in the Treasury of the United States.

Executed at Washington, D. C., on November 1, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9718; Filed, Nov. 4, 1948; 8:54 a. m.]

[Vesting Order 12274]

KURT KRAUSE ET AL.

In re: Kurt Krause et al v. State of California. File D–66–2049; E. T. sec. 12353.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Krause, Walther Krause, Alma Dorges, nee Hering, Ernst Hering and Frieda Lindermann, nee Hering, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the sum of $8,927.81 paid to the State of California on or about January 17, 1947 by Patrick J. Freeman, as administrator of the Estate of Max Otto Bartel, also known as Max Otto Bartels, deceased, which was probated in the Superior Court of the State of California, in and for the County of Santa Cruz designated Probate No. 9471,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 29, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9714; Filed, Nov. 4, 1948, 8:54 a. m.]

FEDERAL REGISTER
VOLUME 13 NUMBER 218
Washington, Saturday, November 6, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2822

AMENDMENT OF REGULATIONS RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has adopted and has submitted to me for approval the following amendment of the regulations relating to migratory birds and game mammals included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

AMENDMENT OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE ACTING SECRETARY OF THE INTERIOR

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), I, OSCAR L. CHAPMAN, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds designated in the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of the said Act and conventions to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof, and in accordance with such determination, do hereby amend the regulations approved by Proclamation 2801 of July 29, 1948 (13 F. R. 4414), as amended by Proclamation 2821 of October 30, 1948 (13 F. R. 6465), by adding at the end of § 1.4 thereof the following:

"*Provided, however,* (1) that in the area of Minnesota in which hunting has been prohibited by State action by reason of emergency fire-hazard conditions, subject to all other provisions of this subchapter, the open season specified in this section for migratory waterfowl in that State is hereby extended for such area and for a period not to exceed the number of days during which hunting has been prohibited by State action but in no case beyond November 14, 1948; and (2) that whenever the Director of the Fish and Wildlife Service shall find that emergency State action to prevent forest fires has resulted in the shortening of the season during which the hunting of any migratory game bird is permitted in any extensive area and that a compensatory extension or reopening of the hunting season for such birds will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season, the hunting season for the birds so affected may, subject to all other provisions of this subchapter, be extended or reopened by the Director upon request of the chief officer of the agency of the State exercising administration over wildlife resources. The Director of the Fish and Wildlife Service shall fix the length of the extended or reopened season, which in no event shall exceed the number of days during which hunting has been so prohibited, and he shall publicly announce the extended or reopened season."

This amendment shall become effective upon its publication in the FEDERAL REGISTER as a part of the proclamation of the President by which the amendment is approved and proclaimed. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) with respect to notice and effective date is found to be contrary to the public interest because of the emergency conditions which the proposed amendment is designed to correct.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 4th day of November, 1948.

[SEAL] OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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AND WHEREAS upon consideration it appears that approval of the foregoing amendment will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 5th day of November in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-9873; Filed, Nov. 5, 1948; 5:14 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 298, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) of § 953.405 (Lemon Regulation 298, 13 F. R. 6370), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., October 31, 1948, and ending at 12:01 a. m., P. s. t., November 7, 1948, is hereby fixed as follows:

(i) District 1: 260 carloads;

(ii) District 2: Unlimited movement.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 4th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9829; Filed, Nov. 5, 1948; 9:43 a. m.]

[Lemon Reg. 299]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.406 *Lemon Regulation 299*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 7, 1948 and ending at 12:01 a. m., P. s. t., November 14, 1948 is hereby fixed as follows:

(i) District 1: 245 carloads;

(ii) District 2: 5 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 4th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

Storage Date: October 31, 1948

[12:01 a. m. Nov. 7, 1948, to 12:01 a. m. Nov. 21, 1948]

Handler	*Prorate base (percent)*
Total	100.000
American Fruit Growers, Inc., Corona	.229
American Fruit Growers, Inc., Fullerton	.251
American Fruit Growers, Inc., Lindsay	.000
American Fruit Growers, Inc., Upland	.155
Hazeltine Packing Co	.306
Ventura Coastal Lemon Co	3.931
Ventura Pacific Co	2.168
Total A. F. G	7.070
Klink Citrus Association	.193
Lemon Cove Association	.008

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Glendora Lemon Growers Association	2.558
La Verne Lemon Association	.510
La Habra Citrus Association, The	1.451
Yorba Linda Citrus Association, The	.711
Alta Loma Heights Citrus Association	.602
Etiwanda Citrus Fruit Association	.179
Mountain View Fruit Association	.415
Old Baldy Citrus Association	.779
Upland Lemon Growers Association	5.181
Central Lemon Association	.690
Irvine Citrus Association, The	.307
Placentia Mutual Orange Association	.607
Corona Citrus Association	.198
Corona Foothill Lemon Co	1.691
Jameson Co	.556
Arlington Heights Citrus Co	.345
College Heights Orange and Lemon Association	3.415
Chula Vista Citrus Association, The	.869
El Cajon Valley Citrus Association	.062
Escondido Lemon Association	1.366
Fallbrook Citrus Association	1.158
Lemon Grove Citrus Association	.320
San Dimas Lemon Association	2.359
Carpinteria Lemon Association	3.946
Carpinteria Mutual Citrus Association	3.288
Goleta Lemon Association	4.160
Johnston Fruit Co	5.102
North Whittier Heights Citrus Association	.460
San Fernando Heights Lemon Association	.989
San Fernando Lemon Association	.124
Sierra Madre-Lamanda Citrus Association	1.433
Tulare County Lemon & Grapefruit Association	.067
Briggs Lemon Association	2.866
Culbertson Investment Co	1.357
Culbertson Lemon Association	1.389
Fillmore Lemon Association	1.107
Oxnard Citrus Association No. 1	8.598
Oxnard Citrus Association No. 2	.859
Ranch Sespe	.749
Santa Paula Citrus Fruit Association	2.024
Saticoy Lemon Association	5.746
Seaboard Lemon Association	4.409
Somis Lemon Association	4.288
Ventura Citrus Association	1.873
Limoneira Co	1.751
Teague-McKevett Association	.754
East Whittier Citrus Association	.278
Leffingwell Rancho Lemon Association	.578
Murphy Ranch Co	1.095
Whittier Citrus Association	.203
Whittier Select Citrus Association	.272
Total C. F. G. E	87.195
Chula Vista Mutual Lemon Association	.680
Escondido Co-op. Citrus Association	.129
Index Mutual Association	.153
La Verne Co-op. Citrus Association	1.747
Orange Co-op. Citrus Association	.024
Ventura County Orange and Lemon Association	1.913
Whittier Mutual Orange and Lemon Association	.174
Total M. O. D	4.820
California Citrus Groves, Inc., Ltd	.000
Dunning, Wm. A	.000
El Rio Lemon Co	.031
Evans Bros. Packing Co	.000
Flint, Arthur E	.000

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Harding & Leggett	0.170
Johnson, Fred	.000
Lorbeer, Carroll W. C	.068
MacDonald, Hugh J	.015
Orange Belt Fruit Distributors	.387
Reimers, Don H	.024
San Antonio Orchard Co	.123
Sentinel Butte Corp	.000
Zaninovich Bros., Inc	.097
Total independents	.915

DISTRICT NO. 2

Total	100.000
Consolidated Citrus Growers	12.003
Phoenix Citrus Packing Co	.000
Total A. F. G	12.003
Arizona Citrus Growers	18.269
Desert Citrus Growers Co	12.811
Mesa Citrus Growers	4.946
Tempe Citrus Growers	2.094
Total C. F. G. E	38.120
Leppla Henry Produce Co	16.867
Pioneer Fruit Co	9.613
Total M. O. D	26.480
Morris Brothers	23.397
Total independents	23.397

[F. R. Doc. 48-9828; Filed, Nov. 5, 1948; 9:43 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

PART 121—TREATY TRADERS

ALIENS COMING TO THE UNITED STATES AS TREATY TRADERS

OCTOBER 19, 1948.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER dated August 21, 1948 (13 F. R. 4875), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were stated in full the terms of proposed rules (8 CFR, Parts 110 and 121) relating to aliens coming to the United States as treaty traders. Representations which have been received concerning the proposal have been considered.

The rules as stated in the said notice of proposed rule making are hereby adopted without change and shall become effective on the thirty-first day after their publication with this order in the FEDERAL REGISTER.

The basis for the issuance of these rules is a determination that it will be advantageous to the Government and to persons concerned to define fully the conditions under which treaty traders may enter, and remain temporarily in, the United States. The general purpose of these rules is to make available to interested persons a comprehensive statement of the requirements for temporary admission to the United States of treaty traders.

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
121.1 Definitions.
121.2 Time for which admitted.
121.3 Conditions of admission.
121.4 Extension of stay; period of time; conditions.
121.5 Arrest and deportation.
121.6 Effect of prior regulations.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

121.11 Authority to admit.
121.12 Extension of stay; procedure.
121.13 Investigation.

AUTHORITY: §§ 121.1 to 121.13 issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675, sec. 1, 54 Stat. 1238; 8 U. S. C. 102, 222, 458; 8 CFR 90.1. §§ 121.1 to 121.13 interpret and apply sec. 3 (6), 43 Stat. 154, 47 Stat. 607, secs. 14, 15, 43 Stat. 162, sec. 23, 43 Stat. 165, sec. 35, 54 Stat. 675; 8 U. S. C. 203, 214, 215, 221, 456.

CROSS REFERENCE: For consular procedure with respect to traders, see 22 CFR Part 61, particularly §§ 61.140–61.144.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 121.1 *Definitions.* As used in this part, the term:

(a) "Trader" means an alien who is admitted to the United States under the provisions of section 3 (6) of the Immigration Act of 1924, as amended, solely to carry on trade, in his own behalf or as an agent of a foreign firm or corporation engaged in trade, which is principally between the United States and the foreign state of which he is a citizen or subject under and in pursuance of an existing treaty of commerce and navigation between the United States and the country of which he is a citizen or subject.

(b) "Dependent" means the alien wife of a trader or his alien unmarried child under 21 years of age, who is admitted to the United States under the provisions of the said section 3 (6) and who is accompanying the trader to the United States or is following to join him in the United States. A dependent need not be of the same nationality as the trader whose dependent he is.

(c) "District director" includes officers and employees who are under the supervision of the district director and whom he may direct to assist him in performing his duties and exercising his authority under this part.

§ 121.2 *Time for which admitted.* The time for which a trader or dependent may be admitted to the United States shall be fixed by date and shall be whatever period is appropriate to accomplish the purpose of his temporary stay in the United States: *Provided:*

(a) That the period shall not in any case exceed one year; and

(b) That the period shall not extend beyond the date 60 days prior to the end of the period during which the trader or dependent will be eligible for

readmission to the country whence he came or for admission to some other foreign country; and

(c) That the period shall be deemed not to exceed the time during which the trader or dependent continues to fulfill all of the conditions of admission prescribed in § 121.3.

§ 121.3 *Conditions of admission.* The conditions under which an alien may be admitted to the United States as a trader or dependent shall be that he:

(a) Agrees that while in the United States he will not pursue any business or employment inconsistent with or unnecessary to the carrying on of business as a trader not specifically authorized by immigration officials.

(b) Agrees to leave the United States within the period of his admission or any authorized extension thereof and establishes that he has the ability to leave.

(c) Establishes that he is not subject to exclusion from the United States under any of the applicable provisions of the immigration laws or regulations. (A trader shall not be subject to the contract labor provisions of section 3 of the Immigration Act of 1917 (39 Stat. 875; 8 U. S. C. 136 (h)).)

(d) Presents whatever document or documents are required by the applicable Executive order or orders, or by Part 176 of this chapter or any other applicable regulations prescribing the documents to be presented by aliens entering the United States as traders or dependents, such document or documents to include, where required, evidence of compliance with all applicable provisions of Title III of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451), relating to registration and fingerprinting. Where a passport is required, it must be valid for at least 60 days longer than the period of admission, as prescribed in § 176.500 of this chapter.

(e) Furnishes bond on Form I–338 or Form 638 in a sum of not less than $500 to insure that he will depart from the United States at the expiration of his specific period of authorized stay or upon failure to comply with the conditions under which admitted, whichever occurs first, if such bond is required by an officer in charge or by a board of special inquiry or pursuant to an order entered on appeal from the decision of such board.

(f) Agrees that if he does not depart from the United States within three months after admission he will report his address to the Commissioner and will make similar reports at the expiration of each following three months' period for as long as he remains in the United States, such reports to be made by filing out and mailing post card Form AR–11, which is obtainable without cost at United States immigration offices and post offices. In the cases of children, such reports shall be made by parents or guardians in accordance with the applicable provisions of Title III of the Alien Registration Act, 1940.

§ 121.4 *Extension of stay; period of time; conditions.* After an alien is admitted to the United States as a trader or dependent, he may upon proper showing be granted an extension or extensions of the period of his admission, subject to all of the following conditions:

(a) All extensions shall be subject to the same time limitations as are placed on original admissions by § 121.2; and

(b) The alien shall establish that he has fulfilled, and agree that he will continue to fulfill, all applicable conditions of admission prescribed by § 121.3; and

(c) The district director having jurisdiction may in his discretion require, as a condition precedent to the granting of an extension, the trader or dependent to furnish bond or to continue to furnish bond or to furnish bond in greater sum, on the form and containing the conditions stated in § 121.3 (e).

CROSS REFERENCE: For procedure for extensions of stay, including authority to make decisions on applications therefor, see § 121.12.

§ 121.5 *Arrest and deportation.* (a) An alien admitted as a trader or dependent shall be deemed to have remained in the United States for a longer time than permitted under law and regulations within the meaning of section 14 of the Immigration Act of 1924 if:

(1) He remains in the United States after the expiration of the time for which he was temporarily admitted or the expiration of any authorized extension of such period; or

(2) He violates, or fails or ceases to fulfill, any of the other conditions of his admission to or extended stay in the United States.

(b) Paragraph (a) of this section shall include, but not be limited to, cases:

(1) In which the treaty on which the admission was based is terminated.

(2) In which any dependent who is not a trader in his or her own right remains in the United States after the trader father or husband has remained in the United States for a longer time than permitted under this part.

(3) In which the dependent is a wife who is not a trader in her own right and her marriage to her trader husband is terminated by his death or by divorce.

(4) In which the dependent is a child who is not a trader in his own right and he becomes married or reaches or passes the age of 21 years.

(c) An alien admitted as a trader or as a dependent shall be subject to being taken into custody and made the subject of further proceedings under Part 150, Arrest and Deportation, of this chapter if:

(1) He remains in the United States for a longer time than permitted, as defined in paragraphs (a) and (b) of this section; or

(2) He is found to have been at the time of his entry as a trader or dependent not entitled under the Immigration Act of 1924 to enter the United States under such status.

(d) Notwithstanding the provisions of paragraph (c) of this section, any alien who is subject to being taken into custody under that paragraph but who is about to depart from the United States may, in the discretion of the district director having jurisdiction, be permitted to proceed from the United States.

§ 121.6 *Effect of prior regulations.* (a) The provisions of this part shall supersede the provisions of §§ 110.27, 110.28, and 110.29 of this chapter insofar as they relate to aliens who enter or apply to enter the United States as traders or dependents after this part becomes effective. Section 110.34 of this chapter is revoked.

(b) The provisions of this part shall not be applied in the cases of aliens who are in the United States in the status of traders or dependents at the time this part becomes effective. Regulations in effect at the time of the admission of such aliens shall continue to be applicable to their cases.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 121.11 *Authority to admit.* If the examining immigrant inspector is satisfied beyond a doubt that an alien is admissible as a trader or dependent, he may admit him as such. If the examining immigrant inspector is satisfied that an alien would be admissible as a trader or dependent provided a bond should be furnished in accordance with the provisions of § 121.3 (e), the examining immigrant inspector may refer the case to the officer in charge of the port. If the officer in charge concludes that the alien would be admissible provided such bond should be furnished, the officer in charge may admit the alien as a trader or dependent upon the furnishing of such bond. If the examining immigrant inspector—or the officer in charge, in any bond case referred to him—is not satisfied that the alien applying for admission to the United States as a trader or dependent is admissible, he shall hold the alien for examination, and for decision in the case, by a board of special inquiry. The bond prescribed in § 121.3 (e) may be exacted by the board of special inquiry as a condition of admission.

§ 121.12 *Extension of stay; procedure.* (a) A trader or dependent may apply for an extension of the period of his temporary admission. Such application shall be submitted on Form I–539 approximately 30 days before the expiration of the period of admission or previously authorized extension thereof, to the district director of the district in which the applicant is engaged in trade or staying at the time the application is submitted. All available data specified in Form I–539 shall be furnished by the applicant. The application shall be accompanied by the applicant's passport, by any visitor's permit (Form 257a or I–94) issued to him, and, if a departure bond is outstanding in his case, by the consent of the obligors on the bond agreeing to the proposed extension of stay.

(b) After making such inquiry as may be necessary, the district director shall make a decision on the application and such decision shall be final, (1) except that the Commissioner may from time to time require certain classes of cases or individual cases to be submitted to him for review or for decision; and (2) except that, if the applicant has gone to another district and further information from him is needed, the district director may send the application to the other district for final action. The district director shall send to the applicant written

notice of the decision, accompanied by any passport and Form 257a or I–94 submitted with the application. If one of those forms was submitted with the application and if the application is granted, such notice may be given by placing on the form a signed endorsement, which shall include the date through which the stay is extended. If the application is denied, the district director making the decision shall take appropriate action with a view to enforcing the alien's departure or removal from the United States, and the notice to the alien of the denial shall include advice as to such intended action.

(c) As soon as the district director notifies a trader or dependent of the decision on an application for extension of stay, the district director shall notify the officer in charge at the port where the trader or dependent was admitted of the terms of the decision.

(d) If the period of admission of a trader or dependent or any authorized extension of that period expires and the officer in charge at the port of entry has not received a notice under paragraph (c) of this section or under § 121.13 (b) or has not ascertained and cannot ascertain that the trader or dependent has departed from the United States, such officer shall report the facts to the district director of the district in which the alien is believed to be engaged in trade or staying or shall take any other action necessary to insure that the trader or dependent either departs or is removed from the United States.

§ 121.13 *Investigation.* (a) The district director of the district in which traders or dependents are engaged in trade or are staying shall investigate their cases to ascertain whether they are complying with the conditions of their admission.

(b) Any action which is taken in a district other than the one where the admission occurred and which has for its purpose the effecting of the departure or the removal of the alien from the United States shall be promptly reported to the officer in charge of the port where the alien was admitted.

JOHN P. BOYD,
Acting Commissioner of Immigration and Naturalization.

Approved: October 30, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-9743; Filed, Nov. 5, 1948; 8:59 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Reg., Amdt. 41-2]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF THE UNITED STATES

EXTENSION OF TERMINATION DATE OF ALASKAN AIR CARRIER OPERATING CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of October 1948.

The provisions of § 41.000, which authorize the Administrator to deviate from any specific requirement of Part 41 for a particular operation or class of operations within the Territory of Alaska, expire October 31, 1948.

Considerable study has been given to alleviating scheduled air carrier operational problems for those operations conducted wholly within the Territory of Alaska. The Board has considered promulgating a new part of the Civil Air Regulations solely for such operations. It has also considered authorizing such operations to be conducted under the provisions of Part 42, in view of the fact that many certificated air carrier operations wholly within Alaska are of an irregular nature, and the conditions under which these operations are carried on are such that the carriers cannot comply with all of the requirements of Part 41.

Acting under the provisions of § 41.000, with the concurrence of the Board, the Administrator has authorized the air carriers presently unable to comply fully with the requirements of Part 41 to conduct their operations under standards of safety comparable to those now required of carriers operating under present Part 42. In view of this fact, until such time as new requirements for irregular air carriers are promulgated, the Board believes that an indefinite extension of the authority contained in § 41.000 will result in a level of safety suitable for these operations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matters presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR, Part 41, as amended) effective November 1, 1948:

By amending § 41.000 by striking the last sentence thereof, to wit:

All certificates issued under the authority of this section shall terminate not later than October 31, 1948.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a))

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9750; Filed, Nov. 5, 1948; 9:00 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[3d. Gen. Rev. of Export Regs., Amdt. 15]

PART 372—GENERAL LICENSES

SHIPMENTS OF LIMITED VALUE AND RETURN OF COMMODITIES

Part 372, "General Licenses", is amended in the following particulars:

1. Section 372.10 *Shipments of limited value "GLV"* is amended by adding to paragraph (b) (1) a new unnumbered subparagraph to read as follows:

When shipment is being made against a validated license, shipment of the same commodity by the same exporter to the same importer may not be made under general license GLV on the same exporting carrier.

This part of the amendment shall become effective as of September 22, 1948.

2. Section 372.20 *Return of certain commodities imported into the United States "GLR"* is amended by adding thereto a new paragraph (e) to read as follows:

(e) Commodities on which customs duties were paid upon importation into the United States and which upon exportation in accordance with the provisions of section 313 of the Tariff Act of 1930, as amended,[1] entitle the exporter to the drawback of customs duties paid, may be exported to the country from which imported: *Provided*, Such commodities do not conform to sample or specifications and are in the same condition in which imported.

This part of the amendment shall become effective as of August 25, 1948.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: November 1, 1948.

FRANCIS MCINTYRE,
Assistant Director, Office of International Trade.

[F. R. Doc. 48-9740; Filed, Nov. 5, 1948; 8:59 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. P. L. 8]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

RAW HIDES AND SKINS, EXCEPT FURS

Section 399.1 *Appendix A—Positive List of Commodities* is amended by adding to the Positive List the following commodities:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
	Hides and skins, raw, except furs:			
020602	Calf skins, dry	Piece	LEAT 1	100
020604	Calf skins, wet (inclide slunk skins)	do	LEAT 1	100
020702	Kip skins, dry	do	LEAT 1	100
020704	Kip skins, wet	do	LEAT 1	100

Shipments of any of the above commodities removed from general license which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective November 5, 1948.

Dated: October 29, 1948.

FRANCIS MCINTYRE,
Assistant Director, Office of International Trade.

[F. R. Doc. 48-9738; Filed, Nov. 5, 1948; 8:59 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. P. L. 9]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

STEEL MILL PRODUCTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The entry on the Positive List for concrete reinforcement bars, Schedule B No. 602200, is amended by revising the commodity description so that the entry reads as follows:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits
602200	Steel mill products: Concrete reinforcement bars (deformed and twisted bars only) (report smooth carbon hot-rolled bars and rods to be used for reinforcing concrete under Schedule B Nos. 602100 and 602300).	Lb	STEE	100

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective November 12, 1948.

Dated: October 29, 1948.

FRANCIS MCINTYRE,
Assistant Director, Office of International Trade.

[F. R. Doc. 48-9739; Filed, Nov. 5, 1948; 8:59 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 2—ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION OF NEW DRUGS FOR INVESTIGATIONAL USE

Upon notice of proposed rule making given by the Federal Security Administrator in the FEDERAL REGISTER on July 14, 1948 (13 F. R. 3972), and after consideration of all written comments submitted by interested parties in accordance with said notice, it is, by virtue of the authority vested in the Federal Security Administrator by the provisions of section 505 (i) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1052; 21 U. S. C. 355 (i)): *It is ordered*, That the regulations (21 CFR, Cum. Supp., 2.114) exempting certain new drugs intended solely for investigational use from the provisions of section 505 (a) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355 (a)) be amended to read as follows:

§ 2.114 *New drugs; exemptions from section 505 (a).* (a) Except as provided by paragraph (b) of this section a shipment or other delivery of a new drug shall be exempt from the operation of section 505 (a) of the act if all of the following conditions are complied with:

(1) The label of such drugs bears the statement "Caution: New drug—Limited by Federal law to investigational use."

(2) Such shipment or delivery is made only to, and solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety of such drug.

(3) The person who introduced such shipment or delivery into interstate commerce obtains, prior to the introduction, a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply when such shipment or delivery is made to an agency of the Government of the United States (including the National Research Council), or of any State or municipality, whose official functions involve investigations of new drugs by such experts.

(4) Such person keeps the statement referred to in subparagraph (3) of this paragraph, and complete records showing the date, quantity, and batch or code mark (if any), of each such shipment and delivery.

(5) Such person makes all records and statements referred to in subparagraphs (3) and (4) of this paragraph available for inspection upon the request of any officer or employee of the Agency at any reasonable hour until 3 years after the introduction of such shipment or delivery into interstate commerce.

(b) A shipment or other delivery of a new drug which is being imported or offered for import into the United States shall be exempt from the operation of section 505 (a) of the act if all of the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New Drug—Limited by United States law to investigational use."

(2) The importer of all such shipments or deliveries is an agent of the foreign exporter, residing in the United States, or the operator of an establishment in the United States which has facilities for regularly investigating the safety of such drugs, which facilities are manned by experts qualified by scientific training and experience to conduct such investigation.

(3) Such operator uses such drug solely for such investigation in such establishment, or such operator or agent otherwise disposes of such drug only to, and solely for investigational use by or under the direction of, such an expert other than one in such establishment.

(4) Such importer, prior to disposing of any of such drug to such an expert, obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply to any shipment or delivery or part thereof disposed of by such importer to an agency of the Government of the United States (including the National Research Council) or of any State or municipality whose official functions involve investigations of new drugs by such experts.

(5) Such importer keeps the statement referred to in subparagraph (4) of this paragraph and complete records showing the date, quantity, and batch or code marks (if any), of each such shipment and delivery and the disposition thereof.

(6) Such importer makes all statements and records referred to in subparagraphs (4) and (5) of this paragraph available for inspection upon the request of any officer or employee of the Agency at any reasonable hour until 3

[1] 46 Stat. 694, 19 U. S. C. 1313. "Upon the exportation of merchandise not conforming to sample or specifications upon which duties have been paid and which have been entered or withdrawn for consumption and, within thirty days after release from customs custody, returned to customs custody for exportation, the full amount of the duties paid upon such merchandise shall be refunded as drawback, less one per centum of such duties."

years after disposition by such importer of the lot of such drug to which such statement and records relate.

(c) An exemption under paragraph (a) or (b) of this section shall become void ab initio if any record or statement required by such paragraph to be kept and made available for inspection is not kept or made available as so required.

(d) An exemption under paragraph (a) or (b) of this section shall expire with respect to any exempted shipment or delivery or part thereof which has been supplied to an expert who has signed the statement referred to in paragraph (a) (3) or (b) (4), of this section and which is used otherwise than in accordance with such signed statement.

(e) An exemption under paragraph (b) of this section shall become void ab initio if the exempted shipment or delivery or any part thereof is disposed of otherwise than as provided by subparagraph (3) of such paragraph.

(f) No exemption under paragraph (b) of this section shall apply to any shipment or delivery to such importer if such importer, within 3 years prior to the offering of such shipment or delivery for import, has caused an exemption to become void as provided by paragraph (c) or (e) of this section. (52 Stat. 1052; 21 U. S. C. 355 (i))

This order shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: October 29, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-9733; Filed, Nov. 5, 1948; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.[1] Amdt. 48]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule B is amended by incorporating item 35 as follows:

35. Provisions relating to a portion of the Longview Defense-Rental Area, State of Texas.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Controlled Housing Rent Regulation is terminated in that portion of the Longview, Texas, Defense-Rental Area which consists of the campus grounds of the LeTourneau Technical Institute and which is more particularly described as follows:

Beginning at a point on the East right-of-way line of Mobberly Avenue, also being State Highway No. 149, said point being a corner of tracts 1 & 2 of the Holloway Sub-Division; thence, North 89 degrees 50 minutes East 1750' to a 12'' black jack marked "X" on South and West. The 16'' east prong of a twin hackberry marked "X" on the East bears West 8.3''; thence, North 89 degrees 41 minutes East 711.1' to a 3'' iron pipe for corner. Thence, due South 2,137' to a 3'' iron pipe, said pipe being the southeast corner of land acquired by deed from Gregg County, Texas; thence, continuing South 640.7' to the most southeasterly corner of the tract here conveyed; thence, due West 717.7' to a point; thence, North 86 degrees 45 minutes West 1587.9' to a stake for corner in the East right-of-way line of old State Highway No. 149; thence, North 1 degree 53 minutes East 500.8' to a 2'' iron pipe at the south southwest corner of the Holloway Estate tract of land; thence, North 34 degrees 45 minutes West 60.82' to a 2'' iron pipe, being the south southwest corner of the tract acquired by deed from Gregg County, Texas; thence North 43 degrees 16 minutes West 487.5' to a concrete right-of-way monument on the East right-of-way of new State Highway No. 149; thence, North 16 degrees 59 minutes West 48.9' to a corner on the East right of way of new State Highway 149 thence North 7 degrees 5 minutes West 1618' to a stake on the East right-of-way line of new State Highway No. 149; thence, North 4 degrees 28 minutes East 128.7' to place of beginning containing 156.22 acres more or less, bounded on the North by the City of Longview city limits, same being contiguous to Espy Park and Lawrence Addition to the City of Longview; on the east by the Lawrence Estate, on the south by the lands of Holloway and old State Highway 149, and on the West by Mobberly Avenue.

2. Schedule A, item 321b, is amended to describe the counties in the Defense-Rental Area as follows:

Gregg, except that portion thereof which consists of the campus grounds of the LeTourneau Technical Institute and which is more particularly described as follows:

Beginning at a point on the East right-of-way line of Mobberly Avenue, also being State Highway No. 149, said point being a corner of tracts 1 & 2 of the Holloway Sub-Division; thence, North 89 degrees 50 minutes East 1750' to a 12'' black jack marked "X" on South and West. The 16'' east prong of a twin hackberry marked "X" on the East bears West 8.3''; thence, North 89 degrees 41 minutes East 711.1' to a 3'' iron pipe for corner. Thence, due South 2,137' to a 3'' iron pipe, said pipe being the southeast corner of land acquired by deed from Gregg County, Texas; thence, continuing South 640.7' to the most southeasterly corner of the tract here conveyed; thence, due West 717.7' to a point; thence, North 86 degrees 45 minutes West 1587.9' to a stake for corner in the East right-of-way line of old State Highway No. 149; thence, North 1 degree 53 minutes East 500.8' to a 2'' iron pipe at the south southwest corner of the Holloway Estate tract of land; thence, North 34 degrees 45 minutes West 60.82' to a 2'' iron pipe, being the south, southwest corner of the tract acquired by deed from Gregg County, Texas; thence, North 43 degrees 16 minutes West 487.5' to a concrete right-of-way monument on the East right of way of new State Highway No. 149; thence, North 16 degrees 59 minutes West 48.9' to a corner on the East right of way of new State Highway 149 thence North 7 degrees 5 minutes West 1,618' to a stake on the East right-of-way line of new State Highway No. 149; thence, North 4 degrees 28 minutes East 128.7' to place of beginning containing 156.22 acres more or less, bounded on the North by the City of Longview city limits, same being contiguous to Espy Park and Lawrence Addition to the City of Longview; on the east by the Lawrence Estate, on the south by the lands of Holloway and old State Highway 149, and on the West by Mobberly Avenue.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (e), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (e))

This amendment shall become effective November 6, 1948.

Issued this 3d day of November 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 48 to the Controlled Housing Rent Regulation

The Local Advisory Board for Gregg County, Texas, which constitutes the Longview Defense-Rental Area, State of Texas, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, as amended, recommended the decontrol of that portion of said Defense-Rental Area which consists of the campus grounds of the LeTourneau Technical Institute.

Upon consideration of the evidence submitted in support of the recommendation and other evidence in the files of the Housing Expediter, the Housing Expediter has found that the recommendation is appropriately substantiated and in accordance with applicable law and regulations. The Housing Expediter is, therefore, issuing this amendment to effectuate the recommendation.

[F. R. Doc. 48-9737; Filed, Nov. 5, 1948; 8:47 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establisiments,[1] Amdt. 48]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule B is amended by incorporating item 36 as follows:

36. Provisions relating to a portion of the Longview Defense-Rental Area, State of Texas.

Decontrol based upon the recommendation of the Local Advisory Board. The application of the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments is terminated in that portion of the Longview, Texas, Defense-Rental Area which consists of the campus grounds of the LeTourneau Technical Institute and which is more particularly described as follows:

Beginning at a point on the East right-of-way line of Mobberly Avenue, also being State Highway No. 149, said point being a corner of tracts 1 and 2 of the Holloway Sub-Division: thence North 89 degrees 50 minutes East 1750' to a 12'' black jack marked "X" on South and West. The 16'' east prong of a twin hackberry marked "X" on the East bears West 8.3''; thence, North 89 degrees 41 minutes East 711.1' to a 3'' iron pipe for corner. Thence, due South 2,137' to a 3'' iron pipe, said pipe being the southeast corner of land acquired by deed from Gregg County, Texas; thence, continuing South 640.7' to the most southeasterly corner of the tract here conveyed; thence, due West 717.7' to a point; thence, North 86 degrees 45 minutes West 1587.9' to a stake for corner in the East right-of-way line of old State Highway No. 149; thence, North 1 degree 53 minutes East 500.8' to a 2'' iron pipe at the south southwest corner of the Holloway Estate tract of land; thence, North 34 degrees 45 minutes West 60.82' to a 2'' iron pipe, being the south southwest corner of the tract acquired by deed from Gregg County, Texas; thence, North 43 degrees 16 minutes West 487.5' to a concrete right-of-way monument on the East right of way of new State Highway No. 149; thence, North 16 degrees 59 minutes West 48.9' to a corner on the East right of way of new State Highway 149 thence North 7 degrees 5 minutes West 1,618' to a stake on the East right-of-way line of new State Highway No. 149; thence, North 4 degrees 28 minutes East 128.7' to place of beginning containing 156.22 acres more or less, bounded on the North by the City of Longview city limits, same being contiguous to Espy Park and Lawrence Addition to the City of Longview; on the east by the Lawrence Estate, on the south by the lands of Holloway and old State Highway 149, and on the West by Mobberly Avenue.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (e))

This amendment shall become effective November 6, 1948.

Issued this 3d day of November 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 48 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for Gregg County, Texas, which constitutes the Longview Defense-Rental Area, State of Texas, has, in accordance with section 204 (e) (1) (A) of the Housing and Rent Act of 1947, as amended, recommended the decontrol of that portion of said defense-rental area which consists of the campus grounds of the LeTourneau Technical Institute.

Upon consideration of the evidence submitted in support of the recommendation and other evidence in the files of the Housing Expediter, the Housing Expediter has found that the recommendation is appropriately substantiated and in accordance with applicable law and regulations. The Housing Expediter is, therefore, issuing this Amendment to effectuate the recommendation.

[F. R. Doc. 48-9736; Filed, Nov. 5, 1948; 8:47 a. m.]

[1] 13 F. R. 5706, 5788, 5783, 5937, 6249, 6283, 6411.

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6217, 6283, 6411.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5666]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CONTRIBUTIONS OF EMPLOYER TO EMPLOYEES' TRUST OR ANNUITY PLAN AND COMPENSATION UNDER A DEFERRED PAYMENT PLAN

On November 14, 1947 notice of proposed rule making relating to contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan was published in the FEDERAL REGISTER (12 F. R. 7596). After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments to Regulations 111 (26 CFR, Part 29) are hereby adopted.

PARAGRAPH 1. Section 29.23 (p)–1 is amended as follows:

(A) The third and following sentences of the first paragraph thereof are stricken out and there is inserted in lieu thereof the following: "Section 23 (p) does not apply to a plan which does not defer the receipt of compensation. Neither does section 23 (p) apply to deductions for contributions under a plan which is primarily a dismissal wage, or unemployment benefit plan or a sickness, accident, hospitalization, medical expense, recreational, welfare, or similar benefit plan, or a combination thereof. Section 23 (p) is, however, applicable to all contributions (including contributions to provide incidental benefits such as life insurance protection) under a stock bonus, pension, profit-sharing, or annuity plan, whether or not the employees' rights in such contributions are nonforfeitable, but deductions under this section are subject to conditions and limitations under section 23 (a) as well as those particularly provided in section 23 (p)."

(B) The second paragraph thereof is amended to read as follows:

In order to be deductible under section 23 (p), contributions must be expenses which would be deductible under section 23 (a) if it were not for the provision in section 23 (p) (1) that they are deductible, if at all, only under section 23 (p). Contributions may therefore be deducted under section 23 (p) only to the extent that they are ordinary and necessary expenses during the taxable year in carrying on trade or business and are, compensation for personal services actually rendered. In no case is a deduction allowable under section 23 (p) for the amount of any contribution for the benefit of an employee in excess of the amount which, together with other deductions allowed for compensation for such employee's services, constitutes a reasonable allowance for compensation for the services actually rendered. What constitutes a reasonable allowance depends upon the facts in the particular case. Among the elements to be considered in determining this are the personal services actually rendered in prior years as well as the current year and all compensation and contributions paid to or for such employee in prior years as well as in the current year. Thus, a contribution which is in the nature of additional compensation for services performed in prior years may be deductible, even if the total of such contributions and other compensation for the current year would be in excess of reasonable compensation for services performed in the current year, provided that such total plus all compensation and contributions paid to or for such employee in prior years represents a reasonable allowance for all services rendered by the employee by the end of the current year. A contribution under a plan which is primarily for the benefit of shareholders of the employer is not deductible. Such a contribution may constitute a dividend within the meaning of section 115 (a). See also §§ 29.23 (a)–6 and 29.23 (a)–8. In addition to the limitations referred to above, deductions under section 23 (p) are also subject to further conditions and limitations particularly provided therein.

(C) The second sentence of the third paragraph thereof is amended to read as follows: "Thus, where a corporation pays pensions to such of its retired employees and in such amounts as may be determined from time to time by the board of directors or responsible officers of the company, or where a corporation is under an obligation, whether funded or unfunded, to pay a pension or other deferred compensation to an employee, there is a method having the effect of a plan deferring the receipt of compensation for which deductions are governed by section 23 (p)."

PAR. 2. Section 29.23 (p)–2 is amended to read as follows:

§ 29.23 (p)–2 *Information to be furnished by employer claiming deductions.* If a deduction from gross income is claimed under section 23 (p) (1) (A), (B), (C), or (F), the employer, except as otherwise provided in paragraph (j) of this section, must file the following information for each plan involved to establish that it meets the requirements of section 165 (a) or 23 (p) (1) (B), and that the deductions claimed do not exceed the amount allowable under subparagraphs (A), (B), (C), or (F) of section 23 (p) (1), as the case may be:

(a) Verified copies of all the instruments constituting or evidencing the plan, including trust indentures, group annuity contracts, specimen copy of each type of individual contract, and specimen copy of formal announcement and comprehensive detailed description to employees, with all amendments to any such instruments.

(b) A statement describing the plan which identifies it and which sets forth the name or names of the employers, the effective date of the plan and of any amendments thereto, the method of distribution or of disbursing benefits (whether by trustee, insurance company, or otherwise), the dates when the instruments or amendments were executed, the date of formal announcement and the dates when comprehensive detailed description of the plan and of each amendment thereto were made available to employees generally, the dates when the plan and when the trust or the contract evidencing the plan and of any amendments thereto were put into effect so that contributions thereunder were irrevocable, and a summary of the provisions and rules relating to:

(1) Employee eligibility requirements for participation in the plan,

(2) Employee contributions,

(3) Employer contributions,

(4) The basis or formula for determining the amount of each type of benefit and the requirements for obtaining such benefits and the vesting conditions,

(5) The medium of funding (e. g., self-insured, unit purchase group annuity contract, individual level annual premium retirement endowment insurance contracts, etc.) and, if not wholly insured, the medium of contributions and the kind of investments, and

(6) The discontinuance or modification of the plan and distributions or benefit payments upon liquidation or termination.

(c) A tabulation in columnar form showing the information specified below with respect to each of the 25 highest paid employees covered by the plan in the taxable year, listed in order of their nondeferred compensation (where there are several plans of deferred compensation, the information for each of the plans may be shown on a single tabulation without repetition of the information common to the several plans):

(1) Name.

(2) Whether an officer.

(3) Percentage of each class of stock owned directly or indirectly by the employee or members of his family.

(4) Whether the principal duties consist in supervising the work of other employees.

(5) Year of birth.

(6) Length of service for employer to the close of the year.

(7) Total nondeferred compensation paid or accrued during the taxable year with a breakdown of such compensation into the following components: (i) Basic compensation and overtime pay, (ii) other direct payments, such as bonuses and commissions, (iii) compensation paid other than in cash, such as goods, services, insurance not directly related to the benefits or provided from funds under the plan, etc.

(8) Amount allocated during the year for the benefit of the employee or his beneficiary (including any insurance provided thereby or directly related thereto), less the employee's contributions during the year, under each other plan of deferred compensation.

(9) Amount allocated during the year for the benefit of the employee or his beneficiary (including any insurance provided thereby or directly related thereto), less the employee's contributions during the year, under the plan. If a profit-sharing or stock bonus plan, also a breakdown of such amounts into the following components: (i) Amounts originally allocated in the year, and (ii) amounts reallocated in the year.

(10) Amount of employee contributions during the year under the plan.

(11) If a pension or annuity plan, (i) the retirement age and date and the form of the retirement benefit, (ii) the annual rate or amount of the retirement benefit, and (iii) the aggregate of all of the employee's contributions under the plan, all based, in the case of an employee who is not on retirement benefit under the plan, upon the assumption of his continued employment at his current rate of compensation until his normal retirement age (or the end of the current year if later) and retirement on such date with the normal form of retirement benefit under the plan.

(d) The following totals:

(1) Total non-deferred compensation paid or accrued during the taxable year for all employees covered under the plan and also for all employees of the employer.

(2) Total amount allocated during the year for the benefit of employees, former or retired employees, or their beneficiaries (including any insurance provided thereby or directly related thereto), less employees contributions during the year under the plan and, if a profit-sharing or stock bonus plan, also a breakdown of such total into the following components: (i) Amount originally allocated in the year, and (ii) amount reallocated in the year.

(e) A schedule showing the total number of employees as of the close of the year for each of the following groups, based on reasonable estimates:

(1) All employees ineligible for coverage under the plan because of requirements as to employment classification, specifying the reasons applicable to the group (as, for example, temporary, seasonal, part time, hourly pay basis, etc.).

(2) All employees ineligible for coverage under the plan because of requirements as to length of service and not included in subparagraph (1) of this paragraph.

(3) All employees ineligible for coverage under the plan because of requirements as to minimum age and not included in subparagraphs (1) or (2) of this paragraph.

(4) All employees ineligible for coverage under the plan solely because of requirements as to minimum rate of compensation.

(5) All employees ineligible for coverage under the plan other than those employees included in subparagraphs (1), (2), (3), or (4) of this paragraph, specifying the reasons applicable to the group.

(6) All employees ineligible for coverage under the plan for any reasons, which should be the sum of subparagraphs (1) to (5), of this paragraph.

(7) All employees eligible for coverage but not covered under the plan.

(8) All employees covered under the plan.

(9) All employees of the employer, which should be the sum of subparagraphs (6), (7), and (8) of this paragraph.

If it is claimed that the requirements of section 165 (a) (3) (A) are satisfied, also the data and computations necessary to show that such requirements are satisfied.

(f) In the case of a trust, a detailed balance sheet and a detailed statement of receipts and disbursements during the year; in the case of a nontrusteed annuity plan, a detailed statement of the names of the insurers, the contributions paid by the employer and by the employees, and a statement as to the amounts and kinds of premium refunds or similar credits made available and the disposition of such credits in the year.

(g) If a pension or annuity plan, a detailed description of all the methods, factors, and assumptions used in determining costs and in adjusting the costs for actual experience under the plan (including any loadings, contingency reserves, or special factors and the basis of any insured costs or liabilities involved therein) explaining their source and application in sufficient detail to permit ready analysis and verification thereof, and, in the case of a trust, a detailed description of the basis used in valuing the investments held. Also a summary of the resulting costs or liabilities and adjustments for the year under the pension or annuity plan in sufficient detail to permit ready verification of the reasonableness thereof.

(h) A statement of the applicable limitations under section 23 (p) (1) (A), (B), (C), or (F) and an explanation of the method of determining such limitations and a summary of the data and computations necessary to determine the allowable deductions for the taxable year.

(i) A statement of the contributions paid in the taxable year, showing the date and amount of each payment. Also a summary of the deductions claimed for the taxable year for the plan with a breakdown of the deductions claimed into the following components: (1) Under section 23 (p) (1) for contributions paid in the taxable year before giving effect to the provisions of subparagraph (F) thereof, (2) under section 23 (p) (1) for contributions paid in prior taxable years beginning after December 31, 1941 in accordance with the carryover provisions of subparagraphs (A) and (C) thereof before giving effect to the provisions of subparagraph (F) thereof, (3) any reductions or increases in the deductions in accordance with the provisions of subparagraph (F) thereof, and (4) under section 23 (p) (2) for contributions paid to a pension trust in a taxable year beginning before January 1, 1942.

(j) If there is any change in the plan, instruments, methods, factors, or assumptions upon which the data and information specified in paragraph (a), (b), or (g) of this section are based, a detailed statement explaining the change and its effect must be filed with the information otherwise required for the taxable year in which the change is put into effect and, insofar as there is no such change, after the data and information specified in those paragraphs has been filed in connection with a tax return, unless otherwise requested by the Commissioner, a statement that there is no such change may be filed in lieu of repeated filing of the information. After the information specified in paragraph (c) of this section has been filed for two consecutive years, unless otherwise requested by the Commissioner, so long as the plan and the method and basis of allocations are not changed, the tabulation need show such information only with respect to employees who, at any time in the taxable year, own, directly or indirectly, more than 5 percent of the voting stock, considering stock so owned by an individual's spouse or minor lineal descendant as owned by the individual for this purpose.

If a deduction is claimed under section 23 (p) (1) (D) for the taxable year, the taxpayer shall furnish such information as is necessary to show that the deduction is not allowable under the other subparagraphs of section 23 (p) (1), that the amount paid is an ordinary and necessary expense, and that the employees' rights to or derived from such employer's contribution or such compensation were nonforfeitable at the time the contribution or compensation was paid.

For the purpose of the above information, contributions paid in a taxable year should include those deemed to be so paid in accordance with the provisions of section 23 (p) (1) (E) and exclude those deemed to be paid in the prior taxable year in accordance with such provisions. As used in this section "taxable year" refers to the taxable year of the employer and, unless otherwise requested by the Commissioner, a "year" which is not specified as a "taxable year" may be taken as the taxable year of the employer or as the plan, trust, valuation, or group contract year beginning in the taxable year of the employer provided the same rule is followed consistently so that there is no gap or overlap in the information furnished for each item. In any case the date or period to which each item of information furnished relates should be clearly shown. All the information required by this section should be filed with the tax return for the taxable year in which the deduction is claimed except that, unless sooner requested by the Commissioner, such information, other than that specified in subparagraph (1) of paragraph (d) of this section and in paragraph (i), of this section may be filed within 12 months after the close of the taxable year provided there is filed with the tax return a statement that the information cannot reasonably be filed therewith, setting forth the reasons therefor.

In any case all the information and data required by this section must be filed in the collector's office in which the employer files his tax returns and identified for association with the appropriate returns and must be filed independently of any information and data otherwise submitted in connection with a determination of the qualification of the trust or plan under section 165 (a). The Commissioner may, in addition, require any further information that he considers necessary to determine allowable deductions under section 23 (p) or qualification under section 165 (a) and may waive the filing of such information required herein which he finds unnecessary in a particular case. Unless requested by the Commissioner, the information specified above need not be filed for any taxable year ending prior to January 1, 1949 if the information specified in this section prior to its amendment by Treasury Decision 5666 is filed for such year.

Records substantiating all data and information required by this section to be filed must be kept at all times available for inspection by internal revenue officers at the main office or place of business of the employer.

PAR. 3. Section 29.23 (p)–3 is amended as follows:

(A) The words "allows additional deductions" in the first sentence thereof are stricken out and there is inserted in lieu thereof the words "provides alternative limitations".

(B) The following paragraph is inserted at the end thereof:

If contributions are paid to or under more than one plan in the taxable year beginning in 1942 and prior to September 1, 1942, the alternative limitations provided in section 162 (d) (1) (C) of the Revenue Act of 1942 are determined by applying the provisions of this section severally to the several plans and respective contributions. See also § 29.23 (p)–12.

PAR. 4. Section 29.23 (p)–4 is amended to read as follows:

§ 29.23 (p)–4 *Contributions of an employer to or under an employees' pension trust or annuity plan that meets the requirements of section 165 (a); application of section 23 (p) (1) (A); in general.* If contributions are paid by an employer in a taxable year beginning after December 31, 1941 to or under a pension trust or annuity plan for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 29.23 (p)–1), the contributions are deductible under section 23 (p) (1) (A) or (B) if the further conditions provided therein are also satisfied. As used here, a "pension trust" means a trust forming part of a pension plan and an "annuity plan" means a pension plan under which retirement benefits are provided under annuity or insurance contracts without a trust. For the meaning of "pension plan" as used here, see § 29.165–1 (a). Where disability, withdrawal, insurance, or survivorship benefits incidental and directly related to the retirement benefits under a pension or annuity plan are provided for the employees or their beneficiaries by contributions under the plan, deductions on account of such incidental benefits are also covered under section 23 (p) (1) (A) or (B). See § 29.165–6 as to taxability to employees of cost of incidental insurance protection. In order to be deductible under section 23 (p) (1) (A), contributions to a pension trust must be paid in a taxable year of the employer which ends with or within a year of the trust for which it is exempt under section 165 (a). In order that contributions carried over may be deducted in a succeeding taxable year of the employer in accordance with section 23 (p) (1) (A) (iv), the succeeding year also must end with or within a taxable year of the trust for which it is exempt under section 165 (a). See § 29.23 (p)–9 as to conditions for deductions under section 23 (p) (1) (B) in the case of an annuity plan. In either case the deductions are also subject to further limitations provided in section 23 (p) (1) (A). The limitations provided in section 23 (p) (1) (A), with an exception provided for certain years under clause (i) thereof (see §29.23 (p)–5), are based on the actuarial costs of the plan and section 23 (p) (1) (A) requires that the costs and the limitations based on costs under that section shall be determined under regulations prescribed by the Commissioner with the approval of the Secretary (or, in certain cases under section 23 (p) (1) (A) (i), in accordance with a finding of the Commissioner).

In determining costs for the purpose of limitations under section 23 (p) (1) (A), the effects of expected mortality and interest must be discounted and the effects of expected withdrawals, changes in compensation, retirements at various ages, and other pertinent factors may be discounted or otherwise reasonably recognized. A properly weighted retirement age based on adequate analyses of representative experience may be used as an assumed retirement age. Different basic assumptions or rates may be used for different classes of risks or different groups where justified by conditions or required by contract. In no event shall costs for the purpose of section 23 (p) (1) (A) exceed costs based on assumptions and methods all of which are reasonable in view of the provisions and coverage of the plan, funding medium, reasonable expectations as to the effects of mortality and interest, reasonable and adequate regard for other factors such as withdrawal and deferred retirement, whether or not discounted, which can be expected to reduce costs materially, reasonable expenses of oper-

ation, and all other relevant conditions and circumstances. In any case, in determining the costs and limitations an adjustment shall be made on account of any experience more favorable than that assumed in the basis of limitations for prior years, and, unless such adjustments are consistently made every year by reducing the limitations otherwise determined by any decrease in liability or cost arising from experience in the next preceding taxable year more favorable than the assumed experience on which the costs and limitations were based, the adjustment shall be made by some other method approved by the Commissioner.

Any expenses incurred by the employer in connection with the plan, such as trustee's and actuary's fees, which are not provided for by contributions under it are deductible under section 23 (a) to the extent that they are ordinary and necessary.

In case contributions are paid in the employer's taxable year beginning in 1942 and prior to September 1, 1942, the limitation on deductions for such taxable year is subject to an exception provided in section 162 (d) (1) (C) of the Revenue Act of 1942 (see § 29.23 (p)–3).

In case deductions are allowable under section 23 (p) (1) (C) as well as under section 23 (p) (1) (A) or (B), the limitations under section 23 (p) (1) (A) and (C) are determined and applied without giving effect to the provisions of section 23 (p) (1) (F) but the amounts allowable as deductions are subject to the further limitations provided in section 23 (p) (1) (F) (see § 29.23 (p)–12).

PAR. 5. Section 29.23 (p)–5 is amended to read as follows:

§ 29.23 (p)–5 *Pension and annuity plans; limitations under section 23 (p) (1) (A) (i).* Subject to the applicable general conditions and limitations (see § 29.23 (p)–4), the initial limitation under section 23 (p) (1) (A) (i) is 5 percent of the compensation otherwise paid or accrued during the taxable year to all employees under the pension or annuity plan. This initial 5 percent limitation applies to the first taxable year beginning after December 31, 1941 for which a deduction is allowed for contributions to or under such a plan and also applies to any subsequent year for which the 5 percent figure is not reduced by the Commissioner as provided below. For years to which the initial 5 percent limitation applies no adjustment on account of prior experience is required. If the contributions do not exceed the initial 5 percent limitation in the first taxable year to which this limitation applies, the taxpayer need not submit actuarial data for such year.

For the first taxable year following the first year to which the initial 5 percent limitation applies, and for every fifth year thereafter, or more frequently where preferable to the taxpayer, the taxpayer shall submit with his return a certification by a qualified actuary or by the company underwriting a nontrusteed annuity plan of the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan with a statement explaining all the methods, factors, and assumptions used in determining such amount. This amount may be determined as the sum of (a) the unfunded past service cost as of the beginning of the year, and (b) the normal cost for the year, all determined by methods, factors, and assumptions appropriate as a basis of limitations under clause (iii). Whenever requested by the Commissioner a similar certification and statement shall be submitted for the year or years specified in such request. The Commissioner will make periodical examinations of such data at not less than 5-year intervals and will reduce the limitation under clause (i) below the 5 percent limitation for the years with respect to which he finds that the 5 percent limitation exceeds the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan. Where the limitation is so reduced, the reduced limitation shall apply until the Commissioner finds that a subsequent actuarial valuation shows a change to be necessary. Such subsequent valuation may be made by the taxpayer at any time and submitted to the Commissioner with a request for a change in the limitation.

For the purpose of limitations under clause (i), "compensation otherwise paid or accrued" means all of the compensation paid or accrued except that for which a deduction is allowable under a plan that qualifies under section 165 (a), including a plan that qualifies under section 23 (p) (1) (B). Where two or more pension or annuity plans cover the same employee, under clause (i) the deductions with respect to each such plan are subject to the limitations applicable to the particular plan and the total deductions for all such plans are also subject to the limitations which would be applicable thereto if they constituted a single plan. Where, because of the particular provisions applicable to a large class of employees under a plan, the costs with respect to such employees are nominal in comparison with their compensation, after the first year to which the initial 5 percent limitation applies, deductions under clause (i) are subject to limitations determined by considering the plan applicable to such class as if it were a separate plan. Deductions are allowable to the extent of the applicable limitations under clause (i) even where these are greater than the applicable limitations under clause (ii) or clause (iii).

PAR. 6. Section 29.23 (p)–6 is amended to read as follows:

§ 29.23 (p)–6 *Pension and annuity plans; limitations under section 23 (p) (1) (A) (ii).* Subject to the applicable general conditions and limitations (see § 29.23 (p)–4), under section 23 (p) (1) (A) (ii) deductions may be allowed to the extent of limitations based on costs determined by distributing the remaining unfunded cost of the past and current service credits with respect to all employees covered under the trust or plan as a level amount or level percentage of compensation over the remaining service of each such employee except that, as to any three individuals with respect to whom more than 50 percent of such remaining unfunded cost is attributable, the remaining unfunded cost attributable to such individuals shall be distributed over a period of at least five taxable years.

The determination of costs as a basis of deductions under clause (ii) of section 23 (p) (1) (A) may be illustrated by a case where it is estimated actuarially as of the beginning of the plan on the basis of appropriate assumptions and factors that employer contributions of 4 percent of compensation of each covered employee during his remaining service will be sufficient to provide the current service credits of all employees under the plan and employer contributions of 3 percent of compensation of each covered employee during his remaining service will be sufficient to provide the past service credits of all employees under the plan, so that the estimated cost for the first year is 7 percent of compensation of covered employees.

The statutory limitation for any taxable year under clause (ii) is any excess of the amount necessary for the year on the basis of the costs over the amount allowable as a deduction under clause (i), all determined under regulations prescribed by the Commissioner with the approval of the Secretary.

For this purpose such excess, adjusted for prior experience, may be computed for each year as follows, all determinations being made as of the beginning of the year:

(a) Determine the value of all benefits expected to be paid after the beginning of the year for all employees, any former employees, and any other beneficiaries, then covered under the plan.

(b) If employees contribute under the plan, determine the value of all contributions expected to be made after the beginning of the year by employees then covered under the plan.

(c) Determine the value of all funds of the plan as of the beginning of the year.

(d) Determine the amount remaining to be distributed as a level amount or as a level percentage of compensation over the remaining future service of each employee by subtracting from paragraph (a) of this section the sum of paragraphs (b) and (c) of this section.

(e) Determine the value of all compensation expected to be paid after the beginning of the year to all employees then covered under the plan.

(f) Determine an accrual rate for each employee by dividing paragraph (e) of this section into paragraph (d) of this section.

(g) Compute the excess under clause (ii) for the year by multiplying the compensation paid to all employees covered under the plan during the year by any excess of paragraph (f) of this section over 5 percent. In general, where this method is used, the limitation under clause (ii) will be equal to the excess so computed without further adjustment on account of prior favorable experience, provided all the factors and assumptions used are reasonable in view of all applicable considerations (see § 29.23 (p)–4 and provided paragraph (e) of this section is not less than five times the annual rate of compensation in effect at the beginning of the year.

Instead of determining the excess deductible under clause (ii) by the above method, such excess may be based upon costs determined by some other method which is reasonable and appropriate under the circumstances. Thus, such excess may be based on the amounts necessary with respect to each individual covered employee to provide the remaining unfunded cost of all his benefits under the plan distributed as a level amount over the period remaining until the normal commencement of his retirement benefits, in accordance with other generally accepted actuarial methods which are reasonable and appropriate in view of the provisions of the plan and the funding medium. In view of the relationship of clause (ii) to clauses (i) and (iii), however, if the excess is determined by a method other than that set forth in the preceding paragraph the total limitations under clauses (i) and (ii) combined must be determined by a method approved by the Commissioner, except where they do not exceed the limitations under clause (iii), adjusted for prior favorable experience.

PAR. 7. Section 29.23 (p)–7 is amended to read as follows:

§ 29.23 (p)–7 *Pension and annuity plans; limitations under section 23 (p) (1) (A) (iii).* Subject to the applicable general conditions and limitations (see § 29.23 (p)–4), under section 23 (p) (1) (A) (iii), in lieu of amounts deductible under the limitations of clause (i) and clause (ii), deductions may be allowed to the extent of limitations based on normal and past service or supplementary costs of providing benefits under the plan. "Normal cost" for any year is the amount actuarially determined which would be required as a contribution by the employer in such year to maintain the plan if the plan had been in effect from the beginning of service of each then included employee and if such costs for prior years had been paid and all assumptions as to interest, mortality, time of payment, etc., had been fulfilled. Past service or supplementary cost at any time is the amount actuarially determined which would be required at such time to meet all the future benefits provided under the plan which would not be met by future normal costs and employee contributions with respect to the employees covered under the plan at such time.

The limitation under clause (iii) for any taxable year is the sum of normal cost for the year plus an amount not in excess of one-tenth of the past service or supplementary cost as of the date the past service or supplementary credits are provided under the plan, all determined under regulations prescribed by the Commissioner with the approval of the Secretary. For this purpose the normal costs may be determined by any generally accepted actuarial method and may be expressed either as (a) the aggregate of level amounts with respect to each employee covered under the plan, (b) a level percentage of payroll with respect to each employee covered under the plan, or (c) the aggregate of the single premium or unit costs for the unit credits accruing during the year with respect to each employee covered under the plan, provided, in any case, that the method is reasonable in view of the provisions and coverage of the plan, funding medium, and other applicable considerations. The limitation may include one-tenth of the past service or supplementary cost as of the date the provisions resulting in such cost were put into effect, but is subject to adjustments for prior favorable experience. See § 29.23 (p)–4. In any case past service or supplementary costs shall not be included in the limitation for any year when the amount required to fully fund or purchase such past service or supplementary credits has been deducted and no deduction is allowable for any amount (other than the normal cost) which is paid in after such credits are fully funded or purchased.

PAR. 8. Section 29.23 (p)–8 is amended to read as follows:

§ 29.23 (p)–8 *Pension and annuity plans; contributions in excess of limitations under section 23 (p) (1) (A); application of section 23 (p) (1) (A) (iv).* Where contributions paid by an employer in a taxable year beginning after December 31, 1941 to or under a pension or annuity plan exceed the limitations applicable to such year under section 23 (p) (1) (A) but otherwise satisfy the conditions for deduction under section 23 (p) (1) (A) or (B), in accordance with clause (iv) of section 23 (p) (1) (A) the excess contributions are carried over and deductible in succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the limitation applicable to such year under clause (i), (ii), or (iii). Such excess contributions are deductible under clause (iv) of section 23 (p) (1) (A) in succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the limitation applicable to such year under clause (i), (ii), or (iii). The provisions of clause (iv) are to be applied after giving effect to the exception provided in section 162 (d) (1) (C) of the Revenue Act of 1942 for a taxable year beginning in 1942 (see § 29.23 (p)–3) but before giving effect to the provisions of section 23 (p) (1) (F) for any year. The carry-over provisions of section 23 (p) (1) (A) (iv), after effect has been given to section 162 (d) (1) (C) of the Revenue Act of 1942, but before effect has been given to section 23 (p) (1) (F) may be illustrated by the following example:

Taxable year ending December 31, 1942:	
Amount of contributions paid in year	$100,000
Limitation applicable to year	60,000
Amount deductible for year	60,000
Excess carried over to succeeding years	40,000
Taxable year ending December 31, 1943:	
Amount of contributions paid in year	25,000
Carried over from previous years	40,000
Total deductible subject to limitation	65,000
Limitation applicable to year	50,000
Amount deductible for year	50,000
Excess carried over to succeeding years	15,000
Taxable year ending December 31, 1944:	
Amount of contributions paid in year	10,000
Carried over from previous years	15,000
Total deductible subject to limitation	25,000
Limitation applicable to year	45,000
Amount deductible for year	25,000
Excess carried over to succeeding years	None

PAR. 9. Section 29.23 (p)–9, as amended by Treasury Decision 5436, approved February 3, 1945, is further amended to read as follows:

§ 29.23 (p)–9 *Contributions of an employer under an employees' annuity plan that meets the requirements of section 165 (a); application of section 23 (p) (1) (B).* If contributions are paid by an employer in a taxable year beginning after December 31, 1941 under an annuity plan for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 29.23 (p)–1), the contributions are deductible under section 23 (p) (1) (B) if the further conditions provided therein are satisfied. For the meaning of "annuity plan" as used here, see § 29.23 (p)–4. In order that contributions by the employer may be deducted under section 23 (p) (1) (B) all of the following conditions must be satisfied:

(a) The contributions must be paid toward the purchase of retirement annuities (or for disability, severance, insurance, or survivorship benefits incidental and directly related to such annuities) under an annuity plan for the exclusive benefit of the employer's employees or their beneficiaries. See § 29.165–1 (a).

(b) The contributions must be paid in a taxable year of the employer which ends with or within a year of the plan for which it meets the applicable requirements with respect to discrimination set out in paragraphs (3), (4), (5), and (6) of section 165 (a). In order that contributions carried over may be deducted in a succeeding taxable year of the employer in accordance with section 23 (p) (1) (A) (iv), the succeeding year also must end with or within a taxable year of the plan for which it meets such requirements. See §§ 29.165–3 and 29.-

165–4. In the case of an annuity plan in effect on or before September 1, 1942, the requirements of these paragraphs do not apply to any period of the plan within the taxable year of the employer beginning in 1942 and are considered to be satisfied for the period beginning with the beginning of the first taxable year of the employer following December 31, 1942, and ending June 30, 1945, if the provisions thereof satisfy such requirements by June 30, 1945, and if by that time all provisions of such plan which are necessary to satisfy such requirements are in effect and have been made effective for all purposes with respect to the portion of such period after December 31, 1943. In the case of an annuity plan put into effect after September 1, 1942, and prior to January 1, 1945, these requirements are considered to be satisfied for the period beginning with the date on which it was put into effect and ending with June 30, 1945, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the portion of such period after December 31, 1943. In the case of an annuity plan put into effect after December 31, 1944, these requirements are considered to be satisfied for the period beginning with the date on which it was put into effect and ending with the 15th day of the third month following the close of the taxable year of the employer in which the plan was put into effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period. See section 162 (d) of the Revenue Act of 1942, as amended by Public Law 511 (78th Congress), approved December 20, 1944, and § 29.165–5.

(c) There must be a definite written arrangement between the employer and the insurer that refunds of premiums, if any, shall be applied within the taxable year of the employer in which received or within the next succeeding taxable year toward the purchase of retirement annuities (or for disability, severance, insurance, or survivorship benefits incidental and directly related to such annuities) under the plan. For the purpose of this condition, "refunds of premiums" means payments by the insurer on account of credits such as dividends, experience rating credits, or surrender or cancellation credits. The arrangement may be in the form of contract provisions or written directions of the employer or partly in one form and partly in another. This condition will be considered satisfied where (1) all credits are applied regularly as they are determined toward the premiums next due under the contracts before any further employer contributions are so applied, and (2) under the arrangement (i) no refund of premiums may be made during continuance of the plan unless applied as aforesaid and (ii) if refunds of premiums may be made after discontinuance of the plan on account of surrenders or cancellations before all retirement annuities provided under the plan with respect to service prior to its discontinuance have been purchased, such refunds will be applied in the taxable year of the employer in which received or in the next succeeding taxable year to purchase retirement annuities for employees by a procedure which does not contravene the conditions of section 165 (a) (4).

Where the above conditions are satisfied, the amounts of deductions are under section 23 (p) (1) (B) are governed by the limitations provided in section 23 (p) (1) (A). See §§ 29.23 (p)–4 to 29.23 (p)–8, inclusive.

PAR. 10. Section 29.23 (p)–10 is amended to read as follows:

§ 29.23 (p)–10 *Contributions of an employer to an employees' profit-sharing or stock bonus trust that meets the requirements of section 165 (a); application of section 23 (p) (1) (C).* If contributions are paid by an employer in a taxable year beginning after December 31, 1941 to a profit-sharing or stock bonus trust for employees and the general conditions and limitations applicable to deductions for such contributions are satisfied (see § 29.23 (p–1), the contributions are deductible under section 23 (p) (1) (C) if the further conditions provided therein are also satisfied. In order to be deductible under section 23 (p) (1) (C) the contributions must be paid in a taxable year of the employer which ends with or winthin a taxable year of the trust for which it is exempt under section 165 (a) and the trust must not be designed to provide retirement benefits for which the contributions can be determined actuarially. In order that contributions carried over may be deducted in a succeeding taxable year of the employer in accordance with the third sentence of section 23 (p) (1) (C), the succeeding year also must end with or within a taxable year of the trust for which it is exempt under section 165 (a).

The amount of deductions under section 23 (p) (1) (C) for any taxable year is subject to limitations based on the compensation otherwise paid or accrued during such taxable year to the employees who, in such year, are beneficiaries of the trust funds accumulated under the plan. For this purpose "compensation otherwise paid or accrued" means all of the compensation paid or accrued except that for which a deduction is allowable under a plan that qualifies under section 165 (a), including a plan that qualifies under section 23 (p) (1) (B). The limitations under section 23 (p) (1) (C) apply to the total amount deductible for contributions to the trust regardless of how the funds of the trust are invested, applied, or distributed, and no other deduction is allowable on account of any benefits provided by contributions to the trust or by the funds thereof. Where contributions are paid to two or more profit-sharing or stock bonus trusts satisfying the conditions for deduction under section 23 (p) (1) (C), such trusts are considered as a single trust in applying these limitations.

The primary limitation on deductions for a taxable year is 15 percent of the compensation otherwise paid or accrued during such taxable year to the employees who, in such year, are beneficiaries of the trust funds accumulated under the plan. So long as the contributions do not in any year exceed the primary limitation, this is the only limitation under section 23 (p) (1) (C) which has any effect.

In order that the deductions may average 15 percent of compensation otherwise paid or accrued over a period of years where contributions in some taxable year beginning after December 31, 1941 are less than the primary limitation but contributions in some succeeding taxable year exceed the primary limitation, deductions in each succeeding year are subject to a secondary limitation instead of to the primary limitation. The secondary limitation for any year is equal to the lesser of (a) twice the primary limitation for the year, or (b) any excess of (1) the aggregate of the primary limitations for the year and for all prior years beginning after December 31, 1941 over (2) the aggregate of the deductions allowed or allowable under the limitations provided in section 23 (p) (1) (C) for all prior years beginning after December 31, 1941, after giving effect to the provisions of section 162 (d) (1) (C) of the Revenue Act of 1942 in computing both items (1) and (2).

In any case where the contributions in a taxable year beginning after December 31, 1941 exceed the amount allowable as a deduction for the year under section 23 (p) (1) (C) after giving effect to section 162 (d) (1) (C) of the Revenue Act of 1942, the excess is deductible in succeeding taxable years, in order of time, in which the contributions are less than the primary limitations, so that the total deduction for any such succeeding year is equal to the primary limitation for such year but not more than the sum of the contributions in such year and the excess contributions not deducted under the limitations of section 23 (p) (1) (C) for prior years beginning after December 31, 1941.

In case contributions are paid in the employer's taxable year beginning in 1942 and prior to September 1, 1942, the limitation on deductions for such taxable year is subject to an exception provided in section 162 (d) (1) (C) of the Revenue Act of 1942 (see § 29.23 (p)–3).

In case deductions are allowable under section 23 (p) (1) (A) or (B), as well as under section 23 (p) (1) (C), the limitations under section 23 (p) (1) (A) and (C) are determined and applied without giving effect to the provisions of section 23 (p) (1) (F) but the amounts allowable as deductions are subject to the further limitations provided in section 23 (p) (1) (F) (see § 29.23 (p)–12).

The provisions of section 23 (p) (1) (C), after effect has been given to section 162 (d) (1) (C) of the Revenue Act of 1942 but without giving effect to section 23 (p) (1) (F), may be illustrated as follows:

[Illustration of provisions of section 23 (p) (1) (C) after effect has been given to section 162 (d) (1) (C) of the Revenue Act of 1942 but without giving effect to section 23 (p) (1) (F) (all figures represent thousands of dollars.)]

	Taxable (calendar) years						
	1942	1943	1944	1945	1946	1947	1948
1. Amount of contributions: [1]							
(a) In taxable year	65	10	15	100	70	20	30
(b) Carried over from prior taxable years	0	8	0	0	4	5	3
2. Primary limitation applicable to year: 15% of covered compensation in year	57	54	51	48	45	42	39
3. Secondary limitation applicable to year:							
(a) Twice primary limitation				96	90	84	
(b) (1) Aggregate primary limitations (see item 2)				210	255	297	
(2) Aggregate prior deductions (see item 4 (c))				90	186	255	
Excess of (1) over (2)				120	69	42	
Lesser of (a) or (b)				96	69	42	
4. Amount deductible for year on account of:							
(a) Contributions in year	57	10	15	96	69	40	30
(b) Contributions carried over	0	8	0	0	0	2	3
(c) Total	57	18	15	96	69	42	33
5. Excess contributions carried over to succeeding years	8	0	0	4	5	3	0

[1] Compensation otherwise paid or accrued during the year to the employees who are beneficiaries of trust funds accumulated under the plan in the year.

PAR. 11. Section 29.23 (p)–11 is amended by striking out the last sentence thereof and inserting in lieu thereof the following two sentences: "If an amount is accrued but not paid during the taxable year, no deduction is allowable for such amount for such year. If an amount is paid during the taxable year but the rights of the employee therein are forfeitable at the time the amount is paid, no deduction is allowable for such amount for any taxable year."

PAR. 12. Section 29.23 (p)–12 is amended to read as follows:

§ 29.23 (p)–12 *Contributions of an employer where deductions are allowable under section 23 (p) (1) (A) or (B) and also under section 23 (p) (1) (C); application of section 23 (p) (1) (F).* Where deductions are allowable under section 23 (p) (1) (A) or (B) for any taxable year beginning after December 31, 1941 on account of contributions under a pension or annuity plan and deductions are also allowable under section 23 (p) (1) (C) for the same year, on account of contributions to a profit-sharing or stock bonus trust, the total deductions under these sections are subject to the provisions of section 23 (p) (1) (F) unless no employee who is a beneficiary under the trusts or plans for which deductions are allowable under section 23 (p) (1) (A) or (B) is also a beneficiary under the trusts for which deductions are allowable under section 23 (p) (1) (A), (B), or (C) for a prior taxable year beginning after December 31, 1941 but not deducted for a prior taxable year because of the limitations under section 23 (p) (1) (F).

The limitations under section 23 (p) (1) (F) are determined and applied after all the limitations, deductions otherwise allowable, and carry-overs under section 23 (p) (1) (A), (B), and (C) have been determined and applied, and, in particular, after effect has been given to the carry-over provision in clause (iv) under section 23 (p) (1) (A) and in the second and third sentences of section 23 (p) (1) (C). Where the limitations under section 23 (p) (1) (F) reduce the total amount deductible, the excess deductible in succeeding years is treated as a carry-over which is distinct from and additional to any excess contributions carried over and deductible in succeeding years under the provisions in clause (iv) of section 23 (p) (1) (A) or in the third sentence of section 23 (p) (1) (C). The application of the provisions of section 23 (p) (1) (F) and the treatment of carry-overs for a case where the taxable years are calendar years and the overlapping trusts or plans consist of a pension trust and a profit-sharing trust put into effect in 1943 and covering the same employees may be illustrated as follows:

[Illustration of application of provisions of section 23 (p) (1) (F) and of treatment of carry-overs for overlapping pension and profit-sharing trusts put into effect in 1943 and covering the same employees (all figures represent thousands of dollars)]

	Taxable (calendar) years			
	1943	1944	1945	1946
Before giving effect to section 23 (p) (1) (F)				
Pension trust contributions and limitations, deductions, and carry-overs under section 23 (p) (1) (A):				
1. Contributions paid in year	215	85	140	90
2. Contributions carried over from prior years	0	5	0	20
3. Total deductible for year subject to limitation	215	90	140	90
4. Limitation applicable to year	210	175	120	85
5. Amount deductible for year	210	90	120	85
6. Contributions carried over to succeeding years	5	0	20	0
Profit-sharing trust contributions and limitations, deductions, and carry-overs under section 23 (p) (1) (C):				
7. Contributions paid in year	200	125	105	65
8. Contributions carried over from prior years	0	35	10	0
9. Total deductible for year subject to limitation	200	160	115	65
10. Limitation applicable to year	165	150	135	110
11. Amount deductible for year	165	150	115	65
12. Contributions carried over to succeeding years	35	10	0	0

[1] Includes carry-over of 20 from 1945.

[Illustration of application of provisions of section 23 (p) (1) (F) and of treatment of carry-overs for overlapping pension and profit-sharing trusts put into effect in 1943 and covering the same employees (all figures represent thousands of dollars).]

	Taxable (calendar) years			
	1943	1944	1945	1946
Application of section 23 (p) (1) (F)—totals for pension and profit-sharing trust				
13. Amount deductible for year under section 23 (p) (1) (F):				
(a) 30% of compensation covered in year [1]	(2)	300	270	180
(b) (i) 25% of compensation covered in year [1]	275	250	225	150
(ii) Total amount otherwise deductible for year: (5) plus (11)	375	240	235	145
(iii) Smaller of (i) or (ii)	275	240	225	145
(2) Carry-over from prior years under section 23 (p) (1) (F)	0	100	40	10
(3) Sum of (1) (iii) and (2)	275	340	265	155
(c) Amount deductible: Lesser of (a) or (b) (3)	275	300	265	155
14. Carry-over to succeeding years under section 23 (p) (1) (F): 13 (b) (2) plus 13 (b) (1) (ii) minus 13 (c)	100	40	10	0

[1] Compensation otherwise paid or accrued during the year to the employees who are beneficiaries under the trusts in the year.
[2] 30% limitation not applicable to first year of plan.

In case contributions are paid in the employer's taxable year beginning in 1942 and prior to September 1, 1942, and the deduction allowable for such year is increased by the effect of section 162 (d) (1) (C) of the Revenue Act of 1942 (see § 29.23 (p)–3), the deductions otherwise allowable for such year under section 23 (p) (1) (A), (B) or (C) are considered to be those allowable after giving effect to the provisions of section 162 (d) (1) (C) of the Revenue Act of 1942 severally for the several overlapping trusts or plans in such year and the limitation applicable to such year under section 23 (p) (1) (F) is not less than the sum of (a) the amounts paid in such taxable year prior to September 1, 1942 to or under the overlapping trusts or plans and deductible under section 23 (a) or 23 (p) prior to amendment by section 162 (d) of the Revenue Act of 1942, and (b) so much of the amounts paid in such taxable year on or after September 1, 1942, to or under such trusts or plans as does not exceed that proportion of 25 percent of the compensation otherwise paid or accrued during such taxable year to all employees who are beneficiaries under such trusts or plans in the year, which the number of months in such taxable year after August 31, 1942 bears to twelve.

PAR. 13. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(56 Stat. 863, 32, 467; 26 U. S. C. 23 (p), 62, 3791)

FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: November 2, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9767; Filed, Nov. 5, 1948; 9:02 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—National Advisory Committee for Aeronautics

PART 401—CREATION AND AUTHORITY

PART 402—PURPOSE AND FUNCTIONS

PART 403—ORGANIZATION

PART 404—WORK FOR PRIVATE PARTIES

PART 405—AVAILABILITY OF INFORMATION AND RECORDS

DISCONTINUATION OF CODIFICATION AND REVOCATION OF PART

Part 404—Work for Private Parties, hereby is revoked.

The codification of Parts 401, 402, 403, and 405 hereby is discontinued. Any further amendments to this material will be published in the notices section of the FEDERAL REGISTER.

J. F. VICTORY,
Executive Secretary.

NOVEMBER 2, 1948.

[F. R. Doc. 48-9727; Filed, Nov. 5, 1948; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 1—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

OPEN SEASONS, BAG LIMITS, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Cross Reference: For amendment of § 1.4 respecting extension or reopening of the hunting season in states where emergency action to prevent forest fires has resulted in the shortening of the season, see Proclamation 2822, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 81]

ESTATE TAX; ESTATE OF HUSBAND OR WIFE UNDER REVENUE ACT OF 1948

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791) and pursuant to the provisions of the Revenue Act of 1948 (Public Law 471, 80th Congress), enacted April 2, 1948, and of Public Law 869, 80th Congress, approved July 1, 1948.

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 105 (26 CFR, Part 81) to certain sections of the Revenue Act of 1948 (Public Law 471, 80th Congress), enacted April 2, 1948, and to Public Law 869, 80th Congress, approved July 1, 1948, such regulations are amended as follows:

PARAGRAPH 1. Section 81.2, as amended by Treasury Decision 5239, approved March 10, 1943, is further amended by striking out the next to the last sentence.

PAR. 2. There is inserted immediately preceding § 81.8 the following:

SEC. 363. (REVENUE ACT OF 1948) CREDIT FOR GIFT TAX

(a) Section 813 (a) (2) (A) of the Internal Revenue Code (relating to credit for gift tax) is hereby amended by inserting before the period at the end thereof the following: "reduced by the aggregate amount of the deductions allowed under subsections (d) and (e) of section 812."

(b) Subparagraph (B) of section 813 (a) (2) of the Internal Revenue Code (relating to credit for gift tax) is hereby amended to read as follows:

(B) In applying, with respect to any gift, the ratio stated in subparagraph (A), the value at the time of the gift or at the time of the death, referred to in such ratio, shall be reduced:

(i) By such amount as will properly reflect the amount of such gift which was excluded in determining (for the purposes of section 1003 (a), or of section 504 (a) of the Revenue Act of 1932) the total amount of gifts made during the year in which the gift was made;

(ii) If a deduction with respect to such gift is allowed under section 812 (e) (the so-called "marital deduction")—then by an amount which bears the same ratio to such value (reduced as provided in clause (i) of this subparagraph) as the aggregate amount of the marital deductions allowed under section 812 (e) bears to the aggregate amount of such marital deductions computed without regard to subparagraph (H) of section 812 (e) (1); and

(iii) If a deduction with respect to such gift is allowed under section 812 (d) (the so-called "charitable deduction")—then by the amount of such value, reduced as provided in clause (i) of this subparagraph.

(C) Where the decedent was the donor of the gift but, under the provisions of section 1000 (f), the gift was considered as made one-half by his spouse:

(i) The term "the amount of the tax paid under chapter 4," as used in subparagraph (A) of this paragraph, includes the amounts paid with respect to each half of such gift, the amount paid with respect to each being computed in the manner provided in subparagraph (D); and

(ii) In applying, with respect to such gift, the ratio stated in subparagraph (A) of this paragraph, the value at the time of the gift or at the time of the death, referred to in such ratio, includes such value with respect to each half of such gift, each such value being reduced as provided in clause (i) of subparagraph (B) of this paragraph.

(D) (i) For the purposes of subparagraph (A), the amount of tax paid under chapter 4, or under Title III of the Revenue Act of 1932, with respect to any gift shall be an amount which bears the same ratio to the total tax paid for the year in which the gift was made as the amount of such gift bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year.

(ii) For the purposes of clause (i) the "amount of such gift" shall be the amount included with respect to such gift in determining (for the purposes of section 1003 (a), or of section 504 (a) of the Revenue Act of 1932) the total amount of gifts made during such year, reduced by the amount of any deduction allowed with respect to such gift under section 1004 (a) (2), or under section 505 (a) (2) of the Revenue Act of 1932 (the so-called "charitable deduction"), or under section 1004 (a) (3) (the so-called "marital deduction").

(c) Section 936 (b) (1) of the Internal Revenue Code (relating to credit for gift tax) is hereby amended by inserting after the words "entire gross estate" in clause (A) thereof the following: "reduced by the aggregate amount of the deductions allowed under subsections (d) and (e) of section 812".

(d) Paragraph (2) of section 936 (b) of the Internal Revenue Code (relating to credit for gift tax) is hereby amended to read as follows:

(2) In applying, with respect to any gift, the ratio stated in clause (A) of paragraph (1), the value at the time of the gift or at the time of the death, referred to in such ratio, shall be reduced:

(A) By such amount as will properly reflect the amount of such gift which was excluded in determining (for the purposes of section 1003 (a), or of section 504 (a) of the Revenue Act of 1932) the total amount of gifts made during the year in which the gift was made;

"(B) If a deduction with respect to such gift is allowed under section 812 (e) (the so-called "marital deduction")—then by an amount which bears the same ratio to such value (reduced as provided in subparagraph (A) of this paragraph) as the aggregate amount of the marital deductions allowed under section 812 (e) bears to the aggregate amount of such marital deductions computed without regard to subparagraph (H) of section 812 (e) (1); and

(C) If a deduction with respect to such gift is allowed under section 812 (d) (the so-called "charitable deduction")—then by the amount of such value, reduced as provided in subparagraph (A) of this paragraph.

(3) Where the decedent was the donor of the gift but, under the provisions of section 1000 (f), the gift was considered as made one-half by his spouse:

(A) The term "the amount of the tax paid under chapter 4", as used in paragraph (1) of this subsection, includes the amounts paid with respect to each half of such gift, the amount paid with respect to each being computed in the manner provided in paragraph (4); and

(B) In applying, with respect to such gift, the ratio stated in clause (A) of paragraph (1), the value at the time of the gift or at the time of the death, referred to in such ratio, includes such value with respect to each half of such gift, each such value being reduced as provided in subparagraph (A) of paragraph (2).

(4) (A) For the purposes of paragraph (1), the amount of tax paid under chapter 4, or under Title III of the Revenue Act of 1932, with respect to any gift shall be an amount which bears the same ratio to the total tax paid for the year in which the gift was made as the amount of such gift bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year.

(B) For the purposes of subparagraph (A) the "amount of such gift" shall be the amount included with respect to such gift in determining (for the purposes of section 1003 (a), or of section 504 (a) of the Revenue Act of 1932) the total amount of gifts made during such year, reduced by the amount of any deduction allowed with respect to such gift under section 1004 (a) (2), or under section 505 (a) (2) of the Revenue Act of 1932 (the so-called "charitable deduction"), or under section 1004 (a) (3) (the so-called "marital deduction").

(e) The amendments made by this section shall be applicable only with respect to the estates of decedents dying after December 31, 1947.

PAR. 3. Section 81.8, as amended by Treasury Decision 5239, is further amended to read as follows:

§ 81.8 *Credit for gift tax*—(a) *Priority of credits.* If the decedent died after, October 21, 1942, the credits authorized against the basic estate tax imposed by section 810 or section 860 are to be deducted in the following order: (1) The credit for estate, inheritance, legacy, or succession taxes under § 81.9, (2) the credit for gift tax under paragraph (b) of this section, and (3) the credit for gift tax under paragraph (c) of this section. If the decedent died on or before October 21, 1942, such credits are to be deducted in the following order: (1) The credit for gift tax under paragraph (b) of this section, (2) the credit for gift tax under paragraph (c) of this section, and, (3) the credit for estate, inheritance, legacy, or succession taxes under § 81.9.

(b) *Credit for gift tax paid under Revenue Act of 1924.* Credit against the basic estate tax imposed by section 810 or section 860 is authorized by section 813 (a) (1) for gift tax paid under the Revenue Act of 1924 in respect of property included in the gross estate. If the decedent died on or before October 21, 1942, such credit may not exceed the total amount of the basic estate tax; if the decedent died after such date, such credit may not exceed the amount of such estate tax after deduction of the credit allowed, if any, for estate, inheritance, legacy, or succession taxes paid to any State or Territory, possession of the United States, or the District of Columbia. (See § 81.9.) No credit for gift tax paid under the Revenue Act of 1924 is allowable against the additional estate tax imposed by section 935.

If only a part of the property included for the purpose of the gift tax imposed for a certain calendar year under the Revenue Act of 1924 is also included in the decedent's gross estate for the purpose of the estate tax, the gift tax paid in respect of such part of the property is an amount which bears the same ratio to the total gift tax paid for such calendar year as the value of such part of the property bears to the total amount of gifts included for the purpose of the gift tax imposed for such year. For the purpose of computing this proportion, the values finally determined for the purpose of the gift tax will control.

(c) *Credit for gift tax paid under chapter 4 of the Internal Revenue Code or under the Revenue Act of 1932*—(1) *In general.* Credit against both the basic estate tax imposed by section 810 or section 860 and the additional estate tax imposed by section 935 is authorized by sections 813 (a) (2) and 936 (b) for gift tax paid under chapter 4 of the Code or under the Revenue Act of 1932 in respect of property included in the gross estate.

The credit is allowable even though the gift tax is paid by the executor after the decedent's death and the amount of the gift tax is deductible from the gross estate as a debt of the decedent.

The credit under this paragraph in respect of any gift included in the gross estate is limited to the smaller of the following amounts:

(i) The amount of gift tax paid in respect of such gift, computed as set forth under subparagraph (2) of this paragraph.

(ii) The amount of the basic and additional estate taxes attributable to such gift, computed as set forth under subparagraph (3) of this paragraph.

Where more than one gift is included in the gross estate of a decedent dying after December 31, 1947, a separate computation of the two limitations on the credit is to be made with respect to each gift.

(2) *First limitation.* If only one gift was made during a certain calendar year, and such gift is wholly included in the decedent's gross estate for the purpose of the estate tax, the credit with respect to such gift is limited to the amount of the gift tax paid for such calendar year. If more than one gift was made during a certain calendar year, the credit with respect to any such gift which is included in the decedent's gross estate for the purpose of the estate tax is limited to an amount A, which bears the same ratio to B (the total gift tax paid for such calendar year) as C (the amount of such gift, reduced by any portion of such amount excluded under section 1003 (b) of the Code or section 504 (b) of the Revenue Act of 1932 or deducted under section 1004 (a) (2) or (3) of the Code or section 505 (a) (2) of the Revenue Act of 1932) bears to D (the total amount of net gifts for such year, computed without deduction of the

included in computing the "second limitation" is an amount, I, which bears the same ratio to J (the amount of such gift not excluded in determining the gift tax, and for which a marital deduction would be allowed except for the limitation stated in § 81.47d) as K (the aggregate marital deduction allowed) bears to L (the aggregate marital deduction computed without regard to the limitation stated in § 81.47d).

Example. The facts are the same as in the example in subparagraph (2) of this paragraph of the computation of the "first limitation" with the following additions. The donor was survived by his wife. The value of the donor's gross estate is $350,000. Assume that a marital deduction of $150,000 is actually allowed in determining the net estate, and that the amount of such deduction computed without regard to the limitation under section 81.47d is $200,000. There is no charitable deduction allowed in this example for the purpose of the estate tax. The total basic and additional estate taxes less the credit allowed under § 81.9 amount to $17,500. No credit under paragraph (b) of this section is allowed in this example. The property given by the donor to his wife is included in the gross estate as a value of $90,000, and is property for which a marital deduction may be taken. The value of $86,000 determined for the purpose of the gift tax is lower than such value determined for the purpose of the estate tax and is, therefore, to be used in computing the "second limitation", as shown below:

Portion of gift included for the purpose of the gift tax ($86,000 less $3,000 exclusion)--	$83,000
Portion of gift so included and for which a marital deduction is allowed in determining the estate tax—	
$150,000 (marital deduction allowed for purpose of estate tax)	
$250,000 (marital deduction computed without regard to limitation under § 81.47d)	×$83,000 (portion of gift so included and for which a marital deduction would be allowed in full except for limitation under § 81.47d)----------=40,800
$49,800)----------	33,200
"Second limitation" upon the credit with respect to such gift—	
$200,000 (gross estate less marital and charitable deductions)	$83,200
	×$17,500 (total basic and additional taxes less credit under § 81.9)-------= 2,905
Since the amount of the "first limitation" upon the credit ($2,880) is lower, such amount is the allowable credit.	

(4) *Credit for "split gifts".* Where the decedent made a gift of property which is thereafter included in his gross estate, and, under the provisions of section 1000 (f), such gift was considered for the purpose of the gift tax as made one-half by the decedent and one-half by his spouse, credit against the estate tax is authorized for the gift tax paid with respect to both halves of the gift. The "first limitation" is to be separately computed with respect to each half of the gift. For example: A donor, in contemplation of death, transferred property valued at $106,000 to his son on June 1, 1948, and he and his wife consented that the gift should be considered as made one-half by him and one-half by his wife. Assume that the property is thereafter included in the donor's gross estate for the purpose of the estate tax. Under the "first limitation" the amount of the gift tax of the donor paid with respect to the half of the gift considered as made by him is determined to be $11,250, and the amount of the gift tax of his wife paid with respect to the half of the gift considered as made by her is determined to be $1,200. Under the "second limitation" the amount of estate tax attributable to the property is determined ($11,250 plus $1,200). The credit allowed ($12,450).

(5) *Allocation of credit.* The amount computed under the lower of the two limitations is the total credit authorized with respect to the gift against both the basic and additional estate taxes. The amount of such credit authorized against the basic estate tax is the lower of (i) the amount computed under the "first limitation" and (ii) the amount of the basic estate tax attributable to the gift, computed in the manner described under the "second limitation". The amount of such credit authorized against the additional estate tax is the lower of (a) the amount computed under the "first limitation" less the credit allowed against the basic estate tax and (b) the amount of the additional estate tax attributable to the gift, computed in the manner described under the "second limitation".

Gross estate	$9,000
Less exclusions ($3,000 for each gift)----------	
Total included amount of gifts----------	100,000
Marital deduction (for gift to wife)----------	$43,000
Charitable deduction------	7,000
Specific exemption-------	10,000
Total deductions----------	60,000
Net gifts----------	40,000
Total gift tax paid for calendar year 1948----------	3,600

The donor's gift to his wife was made in contemplation of death and is thereafter included in his gross estate for the purpose of the estate tax. Under the "first limitation" the credit with respect to such gift cannot exceed

$40,000 (gift to wife, less $3,000 exclusion and $43,000 marital deduction)	
$50,000 (total amount of net gifts increased by specific exemption allowed)	×$3,600 (gift tax paid)=$2,880.

(3) *Second limitation.* The credit with respect to any gift of property included in the gross estate for the purpose of the estate tax is also limited to an amount, E, which bears the same ratio to F (the total gross basic and additional estate taxes, reduced by any credit under paragraph (b) of this section, and, in case the decedent died after October 21, 1942, by any credit under § 81.9) as G (the value, adjusted as hereinafter indicated, of such property transferred by gift and included in the gross estate) bears to H (the value of the entire gross estate, reduced, in case the decedent died after December 31, 1947, by the total deductions allowed under section 812 (d) and (e)). In computing this ratio, the value of the property transferred by gift and included in the gross estate (amount G of the ratio) is the value determined for the purpose of the gift tax or the value determined for the purpose of the estate tax, whichever is lower. Such value (amount G of the ratio) does not include the portion, if any, of the gift excluded, under section 1003 (b) of the Code or section 504 (b) of the Revenue Act of 1932, in determining the gift tax. For example: A donor, in contemplation of death, transferred property valued at $100,000 to his five children in 1941 and paid the resulting gift tax. The amount of $20,000 was excluded under the provisions of section 1003 (b) (2), and the amount of $80,000 was included for the purpose of the gift tax. The property is thereafter included in his gross estate for the purpose of the estate tax at a value of $90,000. The lower of the two values ($90,000) is to be used in computing the second limitation. Amount G of the ratio is $72,000, the value

$$\frac{80,000}{100,000} \times \$90,000$$

of the portion of the gift included for the purpose of the gift tax.

If in determining the estate tax in the case of a decedent who died after December 31, 1947, a "marital deduction" under section 812 (e) or a "charitable deduction" under section 812 (d) is allowable for a portion of a particular gift, then in computing the "second limitation" such portion of the gift is not to be included in amount G of the ratio. See §§ 81.47a to 81.47c, relating to the marital deduction, and §§ 81.44 to 81.47, relating to the charitable deduction.) Therefore, if a particular gift is made solely to the decedent's surviving spouse or solely to a charitable, etc., organization, and a deduction under section 812 (d) or (e) is allowed for the full value of the gift, no credit with respect to such gift may be taken. If the gift was (in whole or in part) to the decedent's surviving spouse, and if the aggregate marital deduction allowed is less than the amount of such deduction computed without regard to the limitation stated in § 81.47d, then the portion of the gift which is not to be

PAR. 4. There is inserted immediately preceding § 81.11 the following:

SEC. 364. (REVENUE ACT OF 1948) OPTIONAL VALUATION

(a) The last sentence of section 811 (j) of the Internal Revenue Code (relating to optional valuation) is hereby amended to read as follows: "In case of an election made by the executor under this subsection, then:

(A) for the purposes of the deduction under section 812 (d) or section 861 (a) (3), any bequest, legacy, devise, or transfer enumerated therein, and

(B) for the purposes of the deduction under section 812 (e), any interest in property passing to the surviving spouse,

shall be valued as of the date of the decedent's death with adjustment for any difference in value (not due to mere lapse of time or the occurrence or nonoccurrence of a contingency) of the property as of the date one year after the decedent's death (substituting, in the case of property distributed by the executor or trustee, or sold, exchanged, or otherwise disposed of, during such one-year period, the date thereof)."

(b) The amendment made by this section shall be applicable only with respect to estates of decedents dying after December 31, 1947.

PAR. 5. Section 81.11 is amended by changing the second sentence of the third paragraph from the end to read as follows: "The amount of any deduction under section 812 (d) or section 861 (a) (3) with respect to property passing to or for public, charitable, religious, etc., uses, or any deduction under section 812 (e) with respect to property passing to the decedent's surviving spouse, shall be determined by the value of such property as of the date of the decedent's death, subject, however, to adjustment for any difference in its value as of the date one year after such death, or as of the date of its distribution, sale, exchange, or other disposition, whichever date first occurs."

PAR. 6. There is inserted immediately after section 401 of the Revenue Act of 1942 (inserted by Treasury Decision 5239), and preceding section 302 (c) of the Revenue Act of 1926 (as originally enacted), which precede § 81.15, the following:

SEC. 351. [REVENUE ACT OF 1948.] REPEAL OF COMMUNITY PROPERTY ESTATE TAX AMENDMENTS

(a) Effective with respect to estates of decedents dying after December 31, 1947, sections 811 (d) (5), 811 (e) (2) and 811 (g) (4) of the Internal Revenue Code (relating to community property) are hereby repealed.

• • • • •

(c) Notwithstanding the repeal of sections 811 (d) (5), 811 (e) (2), and 811 (g) (4) provided in subsection (a), the taxes imposed under chapter 3 of the Internal Revenue Code upon the transfer of the net estate of any decedent dying after December 31, 1947, and on or before the date of the enactment of this Act shall not exceed the taxes which would have been imposed under such chapter 3 upon such transfer if this section had not been enacted.

PAR. 7. Section 81.15, as amended by Treasury Decision 5239, is further amended as follows:

(A) By inserting immediately after "October 21, 1942," each time it appears in the second paragraph thereof the following: "and on or before December 31, 1947,".

(B) By inserting at the end of such second paragraph the following sentence: "(With respect to estates of decedents dying after December 31, 1947, and on or before April 2, 1948, involving transfers of community property, see § 81.23.)"

PAR. 8. There is inserted immediately preceding § 81.22 the following:

SEC. 351. (REVENUE ACT OF 1948) REPEAL OF COMMUNITY PROPERTY ESTATE TAX AMENDMENTS

(a) Effective with respect to estates of decedents dying after December 31, 1947, sections 811 (d) (5), 811 (e) (2) and 811 (g) (4) of the Internal Revenue Code (relating to community property) are hereby repealed.

(b) Such section 811 (e) is further amended:

(1) by striking out of the heading of such subsection the words "and community"; and

(2) by striking out of paragraph (1) the following: "Joint interests.—".

(c) Notwithstanding the repeal of sections 811 (d) (5), 811 (e) (2), and 811 (g) (4) provided in subsection (a), the taxes imposed under chapter 3 of the Internal Revenue Code upon the transfer of the net estate of any decedent dying after December 31, 1947, and on or before the date of the enactment of this Act shall not exceed the taxes which would have been imposed under such chapter 3 upon such transfer if this section had not been enacted.

PAR. 9. Section 81.22, as amended by Treasury Decision 5239, is further amended as follows:

(A) By inserting immediately after "October 21, 1942," each time it appears in the last paragraph thereof the following: "and on or before December 31, 1947,".

(B) By inserting at the end of such last paragraph the following sentence: "(With respect to estates of decedents dying after December 31, 1947, and on or before April 2, 1948, involving joint tenancies or tenancies by the entirety created by the transfer of community property, see § 81.23.)"

PAR. 10. Section 81.23, as amended by Treasury Decision 5239, is further amended as follows:

(A) By inserting immediately after "October 21, 1942," in the first sentence thereof the following: "and on or before December 31, 1947,".

(B) By striking out the last paragraph and by inserting in lieu thereof the following paragraphs:

§ 81.23 *Community property.* • • •

With respect to estates of decedents dying after October 21, 1942, and on or before December 31, 1947, see the provisions of §§ 81.15, 81.22, and 81.27, relating, respectively, to the inclusion of transfers of community property during life, the treatment of joint tenancies and tenancies by the entirety created by the transfer of community property, and the treatment of insurance upon the decedent's life held as, or acquired with, community property.

In the case of a decedent who died after December 31, 1947, and on or before April 2, 1948, the provisions contained in the first two paragraphs of this section and those provisions of §§ 81.15, 81.22, and 81.27 referred to in the preceding paragraph may have a limited effect. Although such provisions are not applicable for the purpose of determining the value of the decedent's gross estate, the estate tax payable is, nevertheless, not to exceed the estate tax which would be imposed if such provisions were applicable.

PAR. 11. There is inserted immediately preceding § 81.25 the following:

SEC. 351. (REVENUE ACT OF 1948) REPEAL OF COMMUNITY PROPERTY ESTATE TAX AMENDMENTS.

(a) Effective with respect to estates of decedents dying after December 31, 1947, sections 811 (d) (5), 811 (e) (2) and 811 (g) (4) of the Internal Revenue Code (relating to community property) are hereby repealed.

• • • • •

(c) Notwithstanding the repeal of sections 811 (d) (5), 811 (e) (2), and 811 (g) (4) provided in subsection (a), the taxes imposed under chapter 3 of the Internal Revenue Code upon the transfer of the net estate of any decedent dying after December 31, 1947, and on or before the date of the enactment of this Act shall not exceed the taxes which would have been imposed under such chapter 3 upon such transfer if this section had not been enacted.

PAR. 12. Section 81.26 is amended by inserting at the end thereof the following:

§ 81.26 *Insurance in favor of the estate.* • • •

Where the proceeds of insurance made payable to the decedent's estate are community assets under the local community property law, as a result of which one-half of such proceeds belongs to the decedent's spouse and are not subject to the payment of the estate tax or other separate debts or expenses of the decedent or his estate, then only one-half of such insurance is considered to be receivable by the executor within the meaning of section 811 (g) (1).

PAR. 13. Section 81.27, as amended by Treasury Decision 5239, is further amended as follows:

(A) By striking out "this subsection" and "subsection (a)" wherever they appear in such section and by inserting in lieu thereof "this paragraph" and "paragraph (a)".

(B) By changing the heading and first sentence of paragraph (a) to read as follows:

§ 81.27 *Insurance receivable by other beneficiaries*—(a) *In case of decedent dying after December 31, 1947.* The regulations prescribed under this paragraph (except as otherwise indicated in this section) are applicable only in the case of decedents who died after December 31, 1947.

(C) By changing the third undesignated paragraph of paragraph (a) (which undesignated paragraph, prior to the amendment made by (A), began with the words "For the purposes of this paragraph") to read as follows:

For the purposes of this paragraph, where premiums or other consideration

are paid with property held as community property by the decedent and his spouse, the decedent shall (in the absence of additional circumstances showing payment indirectly by the decedent) be deemed to have paid only one-half of such premiums or other consideration. The general rule stated in the preceding sentence is not applicable unless the decedent and his spouse had equal and existing interests in the community property used in the payment of the premiums or other consideration. An example of additional circumstances showing payment indirectly by the decedent which will render inapplicable the general rule is a transfer of property by the decedent to the community for the purpose of purchasing the insurance.

(D) By striking from paragraph (a) the last sentence of the sixth undesignated paragraph (which paragraph begins with the words "For the purposes of (1)").

(E) By changing the third sentence of the last undesignated paragraph of paragraph (a) to read as follows: "For examples of 'incidents of ownership' see paragraph (c) of this section."

(F) By inserting at the end of paragraph (a) the following:

In determining whether the decedent possessed an incident of ownership in a policy, regard must be given to the effect of the State or other applicable law upon the terms of the policy. If the decedent possessed incidents of ownership with respect to insurance solely as manager of the community under the local community property law, and the transfer by his spouse of one-half the amount of the proceeds is not considered absolute prior to the decedent's death, and in the event of the prior death of such spouse one-half of the value of the policy would have been includible in her gross estate, then for the purposes of this paragraph the decedent is considered to have possessed incidents of ownership with respect to only one-half of such insurance.

With respect to estates of decedents dying after December 31, 1947, and on or before April 2, 1948, involving insurance held as community property by the decedent and spouse, or acquired with property so held, see § 81.23.

(b) *In case of decedent dying after October 21, 1942, and on or before December 31, 1947.* The regulations prescribed under this paragraph (except as otherwise indicated in this section) are applicable only in the case of decedents who died after October 21, 1942, and on or before December 31, 1947. In such cases, the regulations prescribed under paragraph (a) of this section with respect to estates of decedents dying after December 31, 1947, are also applicable (except to the extent inconsistent with this paragraph). For the purposes of this paragraph, premiums or other consideration paid with property held as community property by the insured and spouse under the law of any State, Territory, or possession of the United States, or any foreign country, shall be considered to have been paid by the insured, except such part thereof as may be shown to have been received as compensation for personal services actually rendered by the decedent's spouse or derived originally from such compensation or from separate property of such spouse. With respect to the meaning of property derived originally from such compensation or from separate property of the decedent's spouse, see § 81.23. Section 811 (g) (4) provides that the term "incidents of ownership" includes incidents of ownership possessed by the decedent as manager of the community where the insurance policy is property held as community property by the decedent and spouse.

(G) By striking out the heading and first sentence of the original paragraph (b) and by inserting in lieu thereof the following:

(c) *In case of decedent dying on or before October 21, 1942.* The regulations prescribed under this paragraph (except as otherwise indicated in this section) are applicable only in the case of decedents who died on or before October 21, 1942.

PAR. 14. There is inserted immediately preceding § 81.41 the following:

SEC. 362. (REVENUE ACT OF 1948.) PROPERTY PREVIOUSLY TAXED

(a) Section 812 (c) of the Internal Revenue Code (relating to the deduction for property previously taxed) is hereby amended by adding after the first paragraph two new paragraphs to read as follows:

The following property shall not, for the purposes of this subsection, be considered as property with respect to which a deduction may be allowed: (A) Property received from a prior decedent who died after December 31, 1947, and was at the time of such death the decedent's spouse, (B) property received by gift after the date of the enactment of the Revenue Act of 1948 from a donor who at the time of the gift was the decedent's spouse, and (C) property acquired in exchange for property described in clause (A) or (B).

Where, under the provisions of section 1000 (f), a gift received by the decedent was considered as made one-half by the donor and one-half by the donor's spouse, one-half of the gift shall be considered as received by the decedent from each such spouse.

(b) Section 812 (c) is further amended by striking out "subsections (a) and (d)" and inserting in lieu thereof "subsections (a), (d), and (e)".

PAR. 15. Section 81.41, as amended by Treasury Decision 5239, and by Treasury Decision 5408, approved October 14, 1944, is further amended as follows:

(A) By inserting at the end of paragraph (a) (4) the following sentence: "Where, under the provisions of section 1000 (f), a gift received by the decedent was considered as made one-half by the donor and one-half by the donor's spouse, the deduction may not be taken in respect of the half of the gift considered as made by the donor unless a gift tax was paid by or on behalf of the donor, or in respect of the half of the gift considered as made by the donor's spouse unless a gift tax was paid by or on behalf of such spouse."

(B) By inserting immediately after paragraph (a) (5) the following:

(6) The property (or property given in exchange therefor) must not have been received (by gift or otherwise) from a prior decedent who died after December 31, 1947, and was at the time of such death the decedent's spouse, and must not have been received by gift after April 2, 1948, from a donor who at the time of the gift was the decedent's spouse. This rule, added by section 362 of the Revenue Act of 1948, is effective even though the decedent (surviving spouse) died after December 31, 1947, and on or before April 2, 1948; but the estate tax payable by the estate of such spouse is nevertheless, not to exceed the estate tax which would have been imposed if the Revenue Act of 1948 had not been enacted.

(C) By striking from the second sentence of paragraph (b) (3) "subsections (a) and (d)" and by inserting in lieu thereof the following: "subsections (a), (d), and (e)".

(D) By inserting in the next to the last paragraph, immediately after that sentence thereof which reads in part "Second: The balance of $12,800", the following sentence: "(The deduction under section 812 (e) is not involved in this example.)"

PAR. 16. There is inserted immediately after § 81.47 the following:

DEDUCTIONS—BEQUESTS, ETC., TO SURVIVING SPOUSE

SEC. 812. (Part II, Subchapter A.) NET ESTATE.

For the purpose of the tax the value of the net estate shall be determined, in the case of a citizen or resident of the United States by deducting from the value of the gross estate:

* * * * *

(e) (As added by section 361 (a), of the Revenue Act of 1948, enacted April 2, 1948, and amended by Public Law 869, 80th Congress, approved July 1, 1948) Bequests, etc., to surviving spouse:

(1) *Allowance of marital deduction*—(A) *In general.* An amount equal to the value of any interest in property which passes or has passed from the decedent to his surviving spouse, but only to the extent that such interest is included in determining the value of the gross estate.

(B) *Life estate or other terminable interest.* Where, upon the lapse of time, upon the occurrence of an event or contingency, or upon the failure of an event or contingency to occur, such interest passing to the surviving spouse will terminate or fail, no deduction shall be allowed with respect to such interest:

(i) If an interest in such property passes or has passed (for less than an adequate and full consideration in money or money's worth) from the decedent to any person other than such surviving spouse (or the estate of such spouse); and

(ii) If by reason of such passing such person (or his heirs or assigns) may possess or enjoy any part of such property after such termination or failure of the interest so passing to the surviving spouse;

and no deduction shall be allowed with respect to such interest (even if such deduction is not disallowed under clauses (i) and (ii))—

(iii) If such interest is to be acquired for the surviving spouse, pursuant to directions of the decedent, by his executor or by the trustee of a trust.

For the purposes of this subparagraph, an interest shall not be considered as an interest which will terminate or fail merely because it is the ownership of a bond, note, or similar contractual obligation, the discharge of

which would not have the effect of an annuity for life or for a term.

(C) *Interest in unidentified assets.* Where the assets (included in the decedent's gross estate) out of which, or the proceeds of which, an interest passing to the surviving spouse may be satisfied include a particular asset or assets with respect to which no deduction would be allowed if such asset or assets passed from the decedent to such spouse, then the value of such interest passing to such spouse shall, for the purposes of subparagraph (A), be reduced by the aggregate value of such particular assets.

(D) *Interest of spouse conditional on survival for limited period.* For the purposes of subparagraph (B) an interest passing to the surviving spouse shall not be considered as an interest which will terminate or fail upon the death of such spouse if:

(i) Such death will cause a termination or failure of such interest only if it occurs within a period not exceeding six months after the decedent's death, or only if it occurs as a result of a common disaster resulting in the death of the decedent and the surviving spouse, or only if it occurs in the case of either such event; and

(ii) Such termination or failure does not in fact occur.

(E) *Valuation of interest passing to surviving spouse.* In determining for the purposes of subparagraph (A) the value of any interest in property passing to the surviving spouse for which a deduction is allowed by this subsection:

(i) There shall be taken into account the effect which a tax imposed by this chapter, or any estate, succession, legacy, or inheritance tax, has upon the net value to the surviving spouse of such interest; and

(ii) Where such interest or property is incumbered in any manner, or where the surviving spouse incurs any obligation imposed by the decedent with respect to the passing of such interest, such incumbrance or obligation shall be taken into account in the same manner as if the amount of a gift to such spouse of such interest were being determined.

(F) *Trust with power of appointment in surviving spouse.* In the case of an interest in property passing from the decedent in trust, if under the terms of the trust this surviving spouse is entitled for life to all the income from the corpus of the trust, payable annually or at more frequent intervals, with power in the surviving spouse to appoint the entire corpus free of the trust (exercisable in favor of such surviving spouse, or of the estate of such surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), and with no power in any other person to appoint any part of the corpus to any person other than the surviving spouse:

(i) The interest so passing shall, for the purposes of subparagraph (A), be considered as passing to the surviving spouse, and

(ii) No part of the interest so passing shall, for the purposes of subparagraph (B) (i), be considered as passing to any person other than the surviving spouse.

This subparagraph shall be applicable only if, under the terms of the trust, such power in the surviving spouse to appoint, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

(G) *Life insurance or annuity payments with power of appointment in surviving spouse.* In the case of an interest in property passing from the decedent consisting of proceeds under a life insurance, endowment, or annuity contract, if under the terms of the contract such proceeds are payable in installments or are held by the insurer subject to an agreement to pay interest thereon (whether the proceeds, upon the termination of any interest payments, are payable in a lump sum or in annual or more frequent installments), and such installment or interest payments are payable annually or at more frequent intervals, commencing not later than thirteen months after the decedent's death, and all amounts payable during the life of the surviving spouse are payable only to such spouse, and such spouse has the power to appoint all amounts payable under such contract (exercisable in favor of such surviving spouse, or of the estate of such surviving spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), with no power in any other person to appoint to any person other than the surviving spouse any part of the amounts payable under such contract:

(i) Such proceeds shall, for the purposes of subparagraph (A), be considered as passing to the surviving spouse, and

(ii) No part of such proceeds shall, for the purposes of subparagraph (B) (i), be considered as passing to any person other than the surviving spouse.

This subparagraph shall be applicable only if, under the terms of the contract, such power in the surviving spouse to appoint, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

(H) *Limitation on aggregate of deductions.* The aggregate amount of the deductions allowed under this paragraph (computed without regard to this subparagraph) shall not exceed 50 per centum of the value of the adjusted gross estate, as defined in paragraph (2).

(2) *Computation of adjusted gross estate*—(A) *General rule.* Except as provided in subparagraph (B) of this paragraph the adjusted gross estate shall, for the purposes of paragraph (1) (H), be computed by subtracting from the entire value of the gross estate the aggregate amount of the deductions allowed by subsection (b) of this section.

(B) *Special rule in cases involving community property.* If the decedent and his surviving spouse at any time held property as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, then the adjusted gross estate shall, for the purposes of paragraph (1) (H), be determined by subtracting from the entire value of the gross estate the sum of:

(i) The value of property which is at the time of the death of the decedent held as such community property; and

(ii) The value of property transferred by the decedent during his life, if at the time of such transfer the property was held as such community property; and

(iii) The amount receivable as insurance under policies upon the life of the decedent to the extent purchased with premiums or other consideration paid out of property held as such community property; and

(iv) An amount which bears the same ratio to the aggregate of the deductions allowed under subsection (b) of this section which the value of the property included in the gross estate, diminished by the amount subtracted under clauses (i), (ii), and (iii) of this subparagraph, bears to the entire value of the gross estate.

For the purposes of clauses (i), (ii), and (iii) community property (except property which is considered as community property solely by reason of the provisions of subparagraph (C) of this paragraph) shall be considered as not "held as such community property" as of any moment of time, if, in case of the death of the decedent at such moment, such property (and not merely one-half thereof) would be or would have been includible in determining the value of his gross estate without regard to the provisions of section 811 (e) (2). The amount to be subtracted under clause (i), (ii), or (iii) shall not exceed the value of the interest in the property described therein which is included in determining the value of the gross estate.

(C) *Same; conversion into separate property.* (i) If during the calendar year 1942 or after the date of the enactment of the Revenue Act of 1948, property held as such community property (unless considered by reason of subparagraph (B) of this paragraph as not so held) was by the decedent and the surviving spouse converted, by one transaction or a series of transactions, into separate property of the decedent and his spouse (including any form of co-ownership by them), the separate property so acquired by the decedent and any property acquired at any time by the decedent in exchange therefor (by one exchange or a series of exchanges) shall, for the purposes of clauses (i), (ii), and (iii) of subparagraph (B), be considered as "held as such community property".

(ii) Where the value (at the time of such conversion) of the separate property so acquired by the decedent exceeded the value (at such time) of the separate property so acquired by the decedent's spouse, the rule in clause (i) shall be applied only with respect to the same portion of such separate property of the decedent as the portion which the value (as of such time) of such separate property so acquired by the decedent's spouse is of the value (as of such time) of the separate property so acquired by the decedent.

(3) *Definition.* For the purposes of this subsection an interest in property shall be considered as passing from the decedent to any person if and only if:

(A) Such interest is bequeathed or devised to such person by the decedent; or

(B) Such interest is inherited by such person from the decedent; or

(C) Such interest is the dower or curtesy interest (or statutory interest in lieu thereof) of such person as surviving spouse of the decedent; or

(D) Such interest has been transferred to such person by the decedent at any time; or

(E) Such interest was, at the time of the decedent's death, held by such person and the decedent (or by them and any other person) in joint ownership with right of survivorship; or

(F) The decedent had a power (either alone or in conjunction with any person) to appoint such interest and if he appoints or has appointed such interest to such person, or if such person takes such interest in default upon the release or nonexercise of such power; or

(G) Such interest consists of proceeds of insurance upon the life of the decedent receivable by such person.

Except as provided in subparagraph (F) or (G) of paragraph (1), where at the time of the decedent's death it is not possible to ascertain the particular person or persons to whom an interest in property may pass from the decedent, such interest shall, for the purposes of clauses (i) and (ii) of subparagraph (B) of paragraph (1), be considered as passing from the decedent to a person other than the surviving spouse.

(4) *Disclaimers*—(A) *By surviving spouse.* If under this subsection an interest would, in the absence of a disclaimer by the surviving spouse, be considered as passing from the decedent to such spouse, and if a disclaimer of such interest is made by such spouse, then such interest shall, for the purposes of this subsection, be considered as passing to the person or persons entitled to receive such interest as a result of the disclaimer.

(B) *Disclaimer by any other person.* If under this subsection an interest would, in the absence of a disclaimer by any person other than the surviving spouse, be considered as passing from the decedent to such

person, and if a disclaimer of such interest is made by such person and as a result of such disclaimer the surviving spouse is entitled to receive such interest, then such interest shall, for the purposes of this subsection, be considered as passing, not to the surviving spouse, but to the person who made the disclaimer, in the same manner as if the disclaimer had not been made.

SEC. 361. (REVENUE ACT OF 1948) MARITAL DEDUCTION

* * * * *

(b) The amendment made by subsection (a) of this section shall be applicable only with respect to estates of decedents dying after December 31, 1947.

JOINT RESOLUTION. (PUBLIC LAW 869, EIGHTIETH CONGRESS, SECOND SESSION, APPROVED JULY 1, 1948)

* * * * *

SEC. 2. The amendment made by this joint resolution shall be applicable with respect to estates of decedents dying after December 31, 1947.

§ 81.47a *Bequests, etc., to surviving spouse*—(a) *Allowance of marital deduction.* In the case of the estate of a citizen or resident of the United States dying after December 31, 1947, there may be deducted the value of any property interest (except as otherwise provided in §§ 81.47b and 81.47d) which passed from the decedent to his surviving spouse. Such deduction is hereinafter referred to as the "marital deduction." The marital deduction is generally not available in case the decedent's gross estate consists exclusively of property held by him and his surviving spouse as community property under the law of any State, Territory, or possession of the United States, or any foreign country. (See § 81.47d.) The Internal Revenue Code does not authorize a marital deduction in the case of the estate of a nonresident not a citizen of the United States. However, if the decedent was a citizen or resident, his estate is not deprived of the right to the marital deduction by reason of the fact that his surviving spouse was a nonresident not a citizen.

If the order of deaths of the decedent and his spouse cannot be established by proof and the effect of the applicable presumption of survivorship is to give to such spouse an interest in property within the meaning of section 811 (a) such interest will also be considered as having passed to the decedent's surviving spouse for the purpose of the marital deduction.

For convenience the surviving spouse is generally referred to in the feminine gender, but the application of the statute is not so limited.

(b) *Definitions*—(1) *Passed from the decedent.* As used in this and the three succeeding sections, the expressions "passed from the decedent", "passed from the decedent to his surviving spouse", and "passed from the decedent to a person other than his surviving spouse", have the meanings stated in this paragraph. Except as otherwise indicated in subparagraphs (2) and (3) of this paragraph, the following rules are applicable in determining the person to whom any property interest "passed from the decedent":

(i) Property interests devolving upon any person (or persons) as surviving coowner with the decedent under any joint ownership wherein the right of survivorship existed are considered as having passed from the decedent to such person (or persons).

(ii) Property interests at any time subject to decedent's power to appoint (whether alone or in conjunction with any person) are considered as having passed from the decedent to the appointee under his exercise of the power, or, in case of release or nonexercise, as having passed from the decedent to the taker in default of exercise.

(iii) The dower or curtesy interest (or statutory interest in lieu thereof) of the decedent's surviving spouse is considered as having passed from the decedent to such spouse.

(iv) In the case of insurance upon the life of the decedent, the proceeds are considered as having passed from the decedent to the person who, at the time of the decedent's death, was entitled to receive such proceeds.

(v) Property interests at any time beneficially held by the decedent are, unless otherwise stated above, considered as having passed from the decedent to the person to whom he transferred such interest during his life, or to whom he bequeathed or devised such interest, or to the person who inherited such interest from him.

It is comprehended by the foregoing definition that a property interest held by or devolving upon the surviving spouse under community property laws is considered as having passed from the decedent to such spouse to the extent that such interest was, immediately prior to the decedent's death, a mere expectancy. As to the circumstances under which the interest of the surviving spouse under community property laws is regarded as merely expectant, see paragraph (b) of § 81.47d.

(2) *Passed from the decedent to his surviving spouse.* In general, the definition stated in subparagraph (1) of this paragraph is applicable in determining the property interests which "passed from the decedent to his surviving spouse". Special rules are provided, however, in the case of certain trusts with power of appointment in the surviving spouse and in the case of proceeds held by the insurer under a life insurance, endowment, or annuity contract, with power of appointment in the surviving spouse. (As to such rules, see paragraphs (c) and (d) of this section.) As to the rules applicable in case of disclaimer by the surviving spouse or by any other person, in case of election by the surviving spouse, and in case of a controversy involving the decedent's will, see paragraphs (e) to (g), of this section.

Except to the extent otherwise provided in paragraphs (c) and (d) of this section, the marital deduction may be taken with respect to a property interest only if it passed to the surviving spouse as beneficial owner. For this purpose, where a property interest passed from the decedent in trust, such interest is considered to have passed from him to his surviving spouse to the extent of her beneficial interest therein. The deduction may not be taken with respect to a property interest which passed to such spouse merely as trustee, or subject to an agreement by such spouse to dispose of such interest in favor of a third person.

Where the decedent provided that, following the death of his surviving spouse, a certain property interest was to go to her estate, or to her executors or administrators, and the effect of the local law is that such property interest may be bequeathed or devised by such spouse in favor of whomsoever she pleases, and, in the event of her intestacy, will pass to her heirs or next of kin, such property interest is to be considered as having "passed from the decedent to his surviving spouse". But such property interest is not to be considered as having so passed in case the surviving spouse entered into an agreement with the decedent to dispose of it in favor of particular objects.

(3) *Passed from the decedent to a person other than his surviving spouse.* The expression "passed from the decedent to a person other than his surviving spouse" refers to any property interest which, under the definition stated in subparagraph (1) of this paragraph, is considered as having "passed from the decedent" and which, under the rules referred to in subparagraph (2) of this paragraph, is not considered as having "passed from the decedent to his surviving spouse".

(c) *Trust with power of appointment in surviving spouse.* In the case of property interests which passed from the decedent to a trust, the terms of which satisfy the five conditions stated in this paragraph, the expression "passed from the decedent to his surviving spouse" embraces not only the beneficial interest therein of such spouse but also the interest therein subject to her power to appoint. (As to the treatment of trusts not meeting such conditions, see paragraph (b) (2) of this section.) The five conditions which must be satisfied by the terms of the trust are as follows:

(1) The surviving spouse must be entitled for life to all the income from the corpus of the trust.

(2) Such income must be payable annually or at more frequent intervals.

(3) The surviving spouse must have the power, exercisable in favor of herself or of her estate, to appoint the entire corpus free of the trust.

(4) Such power in the surviving spouse must be exercisable by such spouse alone and (whether exercisable by will or during life) must be exercisable in all events.

(5) The corpus of the trust must not be subject to a power in any other person to appoint any part thereof to any person other than the surviving spouse.

In determining whether the above-stated conditions (1) to (5), are satisfied by the terms of the trust, regard is to be had to the applicable provisions of the law of the jurisdiction governing the administration of the trust. For example, silence of the trust as to the frequency of payment will not be regarded as a failure to satisfy condition (2) in case the applicable law requires payment to be made annually or more frequently.

The surviving spouse is "entitled for life to all the income from the corpus of the trust", within the meaning of section 812 (e) (1) (F), if the effect of the trust is to give her substantially that degree of beneficial enjoyment of the trust property during her life which the principles of the law of trusts accord to a person who is unqualifiedly designated as the life beneficiary of a trust. Such degree of enjoyment is given only if it was the decedent's intention, as manifested by the terms of the trust instrument and the surrounding circumstances, that the trust should produce for the surviving spouse during her life such a periodically distributable income, or that the spouse should have such use of the trust property, as is consistent with the value of the trust corpus and with its preservation. The designation of the spouse as sole income beneficiary for life will be sufficient to qualify the trust unless the terms of the trust considered as a whole evidence an intention to deprive the spouse of the requisite degree of enjoyment. In determining whether a trust evidences such intention the treatment required or permitted with respect to individual items must be considered in relation to the entire system provided for the administration of the trust.

If the over-all effect of the trust is to give to the surviving spouse such enforceable rights as will preserve to her the requisite degree of enjoyment, it is immaterial whether such result is effected by rules specifically stated in the trust instrument, or in their absence, by the rules for the management of the trust property and the allocation of receipts and expenditures supplied by the State law. For example, where the State law does not provide for amortization of bond premium, a provision in the trust instrument for such amortization by appropriate periodic charges to interest will not disqualify the trust.

Provisions granting administrative powers to the trustee will not have the effect of disqualifying the trust unless the grant of such powers evidences the intention to deprive the surviving spouse of the beneficial enjoyment required by the statute. Such intention will not be considered to exist if the entire terms of the instrument are such that the local courts will impose reasonable limitations upon the exercise of such powers. Among the powers which if subject to such limitations will not disqualify the trust are the power to allocate receipts between income and corpus, the power to determine the charges which shall be made against income and corpus, and the power to apply the income for the benefit of the surviving spouse.

The rules to be applied by the trustee in allocation of receipts and expenses between income and corpus must be considered in relation to the nature and expected productivity of the trust assets, the nature and frequency of occurrence of the expected receipts, and any provisions as to change in the form of investments. Where it is evident from the nature of the trust assets and the rules provided for management of the trust that the allocation to income of such receipts as rents, cash dividends and interest will give to the spouse the substantial enjoyment during life required by the statute, provisions that such receipts as stock dividends and proceeds from the conversion of trust assets shall be treated as corpus will not disqualify the trust. Similarly, provision for a depletion charge against income in the case of trust assets which are subject to depletion will not disqualify the trust, unless the effect is to deprive the spouse of the requisite beneficial enjoyment. A power in the trustee to retain unproductive property will not disqualify if the applicable rules for the administration of the trust require that the property be converted within a reasonable time and that income be given the spouse to compensate for undue delay in such conversion. A power to retain a residence for the spouse or other property for her personal use will not disqualify the trust.

A trust will not qualify if its primary purpose is to safeguard property without providing the spouse with the required beneficial enjoyment. An example is a trust the corpus of which consists substantially of unproductive property which the trustee is required to retain without furnishing a reasonable compensation to the spouse on account of the nonconversion of such property.

If the surviving spouse is entitled to only a portion of the trust income, or has power to appoint only a portion of the corpus, the trust fails to satisfy conditions (1) and (3), respectively. However, such conditions may be satisfied by one or more of several separate trusts created by the decedent. An undivided interest in property may constitute the corpus of a trust, and the will or a single trust instrument may create more than one trust.

In the case of a trust created during the decedent's life, it is sufficient if the trust satisfies conditions (1) to (5), as of the time of the decedent's death, irrespective of whether the surviving spouse was entitled to the trust income, or was able to exercise a power of appointment over the corpus, during the decedent's life. In the case of a trust which may be terminated during the life of the surviving spouse, under her exercise of a power of appointment or by distribution of the corpus to her, the trust satisfies condition (1) if such spouse is entitled to the income until the trust terminates.

A trust fails to satisfy condition (1) if the income is required to be accumulated in whole or in part or may be accumulated in the discretion of any person other than the surviving spouse, if the consent of any person other than the surviving spouse is required as a condition precedent to distribution of the income, if any person other than the surviving spouse has the power to alter the terms of the trust so as to deprive such spouse of her right to the income, or if any person other than the surviving spouse is entitled to any part of the income during the life of such spouse. A trust will not fail to satisfy condition (1) merely because its terms provide that the right of the surviving spouse to the income shall not be subject to assignment, alienation, pledge, attachment or claims of creditors.

The terms "entitled for life" and "payable annually or more frequently", as used in conditions (1) and (2), require that under the terms of the trust the income referred to must be currently (at least annually) distributable to the spouse or that she must have such command over the income that it is virtually hers. Thus, conditions (1) and (2) are satisfied in this respect if, under the terms of the trust instrument, the spouse has the right exercisable annually (or more frequently) to require distribution to herself of the trust income, and otherwise the trust income is to be accumulated and added to corpus. Similarly, as respects the income for the period between the last distribution date and the date of the spouse's death, it is sufficient if such income is subject to the spouse's power to appoint.

A trust created under the decedent's will is not to be regarded as failing to satisfy conditions (1) and (2) merely because income payments to the surviving spouse are not to commence in advance of the distribution of the trust property to the trustee by the executor, unless the executor is authorized or directed to delay distribution to the trustee beyond the period reasonably required for administration of the estate.

In order to satisfy condition in (3), the power of the surviving spouse to appoint the entire corpus free of the trust must fall within one of the following categories:

(i) A power so to appoint exercisable in her own favor at any time during life (as, for example, on unlimited power to invade).

(ii) A power so to appoint exercisable in favor of her estate.

(iii) A combination of the powers described under subdivisions (i) and (ii). For example, the surviving spouse may until she attains the age of 50 years have a power to appoint to herself and thereafter have a power to appoint to her estate. However, condition (4) is not satisfied unless irrespective of when the surviving spouse may die any amounts remaining unpaid will at the time of her death be subject to one or the other such power.

The power in the surviving spouse must be a power to appoint the corpus to herself as unqualified owner or to appoint the corpus as a part of her estate, that is, to dispose of it to whomsoever she pleases. Thus, if the surviving spouse entered into an agreement with the decedent to exercise the power only in favor of their issue, condition (3) is not met. The trust will not be regarded as failing to satisfy condition (3) merely because takers in default of the surviving spouse's exercise of the power are designated by the decedent. The decedent may provide that, in default of exercise of the power, the trust shall continue for an additional period.

In order for condition (4) to be satisfied, the power in the surviving spouse to appoint the corpus to herself or to her estate must be exercisable without the joinder or consent of any other person. In addition, such power, if exercisable during her life, must be fully exercisable at any time during life, or, if exercisable by will, must be fully exercisable irrespective of the time of her death. An example of a power which will not satisfy condition (4) is a power exercisable by the spouse unless she shall remarry.

The trust will fail to satisfy condition (5) if the decedent created a power in the trustee, or in another person, to invade

the corpus of the trust for the benefit of any person other than the surviving spouse. However, only powers in other persons which are in opposition to that of the surviving spouse will cause the trust to fail to satisfy condition (5). For example, assume that a decedent created a trust, designating his surviving spouse as income beneficiary for life and as donee of a power to appoint the corpus. The decedent further provided that in the event the surviving spouse should die without having exercised the power, the trust should continue for the life of his son with power in such son to appoint the corpus. Since the power in the son could become exercisable only after the death of the surviving spouse, the trust is not regarded as failing to satisfy condition (5).

(d) *Proceeds held by the insurer under a life insurance, endowment, or annuity contract, with power of appointment in surviving spouse.* Section 812 (e) (1) (G), as amended by Public Law 869, 80th Congress, provides a special rule in the case of a property interest which passed from the decedent in the form of proceeds held by the insurer under a life insurance, endowment, or annuity contract, the terms of which satisfy the five conditions hereinafter stated. With respect to such proceeds, the expression "passed from the decedent to his surviving spouse" embraces not only the interest of such spouse under the contract but also the interest thereunder subject to her power to appoint. The five conditions which must be satisfied by the terms of the contract are as follows:

(1) The surviving spouse must be entitled to all amounts payable under such contract during her life.

(2) The proceeds must be held by the insurer subject to an agreement either to pay the proceeds in installments, or to pay interest thereon, annually, or more frequently, commencing not later than 13 months after the decedent's death.

(3) The surviving spouse must have the power, exercisable in favor of herself or of her estate, to appoint all amounts held by the insurer under such contract.

(4) Such power in the surviving spouse must be exercisable by such spouse alone and (whether exercisable by will or during life) must be exercisable in all events.

(5) The amounts payable under such contract must not be subject to a power in any other person to appoint any part thereof to any person other than the surviving spouse.

The provisions of section 812 (e) (1) (G), as amended, are applicable with respect to a property interest which passed from the decedent to his surviving spouse, in the form of proceeds of a policy of insurance upon the decedent's life, a policy of insurance upon the life of a person who predeceased the decedent, a matured endowment policy, or an annuity contract, but only in case such proceeds are to be held by the insurer. With respect to proceeds under any such contract which are to be held by a trustee, see paragraphs (b) and (c) of this section. As to the treatment of proceeds of contracts not meeting the above five conditions, see paragraph (b) (1) (iv) of this section.

In the case of a life insurance, endowment, or annuity contract, under which payments by the insurer did not commence until after the decedent's death, the above-stated conditions (1) to (5), are not satisfied unless all amounts payable under the contract are either payable to the surviving spouse or subject to her power to appoint. However, in the case of a contract under which payments by the insurer commenced prior to the decedent's death, it is sufficient if conditions (1) to (5), became effective upon the decedent's death, with respect to the entire amount of proceeds then remaining in the hands of the insurer.

Conditions (1) and (2) are satisfied if, under the terms of the contract, the spouse has the right exercisable annually (or more frequently) to require distribution to herself of installments of the proceeds, or interest on the proceeds, as the case may be, and otherwise such installments or interest is to be accumulated and held by the insurer pursuant to the terms of the contract. The requirement that payment must commence "not later than thirteen months after the decedent's death" will not be considered as violated solely by reason of a provision that proof of death must be submitted before the first payment is made, except in cases involving unreasonable delay in submission of such proof. Condition (2) is satisfied where interest on the proceeds is payable, annually or more frequently, for a term, or until the occurrence of a specified event, following which the proceeds are to be paid in annual or more frequent installments.

In determining whether the terms of the contract satisfy conditions (3), (4), and (5), the principles stated in paragraph (c) of this section are applicable.

It is sufficient for the purposes of condition (3) if the surviving spouse has the unqualified power, exercisable in favor of herself or her estate, to appoint all amounts held by the insurer which are payable after her death. Such power to appoint need not extend to installments or interest which will be paid to such spouse during her life. An example of a power which is not exercisable by the surviving spouse in all events, as required under condition (4), is a power under a policy of insurance on the decedent's life which may not be effectively exercised by such spouse unless she is living at the time the insurer receives proof of the death of the insured.

(e) *Effect of disclaimer.* Section 812 (e) (4) (A) provides that where the surviving spouse makes a disclaimer of any property interest which would otherwise be considered as having passed from the decedent to such spouse, such disclaimed interest is to be considered as having passed from the decedent to the person or persons entitled to receive such interest as a result of the disclaimer. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. It is, therefore, necessary, for the purpose of section 812 (e) (4) (A), to distinguish between the surviving spouse's disclaimer of a property interest and her acceptance and subsequent disposal of a property interest. For example, if proceeds of insurance are payable to the surviving spouse and she refuses such proceeds which consequently pass to an alternative beneficiary designated by the decedent, the provisions of section 812 (c) (4) (A) are applicable and the proceeds are considered as having passed from the decedent to the alternative beneficiary. On the other hand, if the surviving spouse directs the insurance company to hold the proceeds at interest during her life and, upon her death, to pay the principal sum to another person designated by her, thus effecting a transfer of a remainder interest therein, such proceeds are considered as having passed from the decedent to such spouse.

However, under the provisions of section 812 (e) (4) (B), it is unnecessary to distinguish, for the purposes of this section, between a disclaimer by a person other than the surviving spouse and a transfer by such person. Such section provides that where the surviving spouse becomes entitled to receive an interest in property from the decedent as a result of a disclaimer made by some other person, such interest is, nevertheless, considered as having passed from the decedent, not to the surviving spouse, but to the person who made the disclaimer, as though the disclaimer had not been made. Where, as a result of a disclaimer made by a person other than the surviving spouse, a property interest passes to a trust which meets the conditions set forth in paragraph (c) of this section, the rule stated in the preceding sentence applies, not only with respect to the portion of such interest which beneficially vests in the surviving spouse, but also with respect to the portion over which such spouse acquires a power to appoint. Such rule applies also in the case of proceeds under a life insurance endowment, or annuity contract, which, as a result of a disclaimer made by a person other than the surviving spouse, are held by the insurer subject to the conditions set forth in paragraph (d) of this section.

(f) *Effect of election by surviving spouse.* Where the surviving spouse is obliged to elect between a property interest offered to her under the decedent's will or other instrument and a property interest to which she is entitled (such as dower or a right in the decedent's estate) of which adverse disposition was attempted under such will or other instrument, the property interest which such spouse elects to renounce or relinquish is not considered as having "passed from the decedent to his surviving spouse". As to the valuation of the property interest taken under such an election, see paragraph (b) of § 81.47c.

(g) *Will contests.* If as a result of a controversy involving the decedent's will, or involving a bequest or devise to his surviving spouse, such spouse assigns or surrenders a property interest in settlement of such controversy, the interest so assigned or surrendered is not considered as having "passed from the decedent to his surviving spouse."

If as a result of a controversy involving the will, or involving a bequest or devise to a person other than the surviving spouse, a property interest is assigned or surrendered to such spouse, the interest so acquired will be regarded as having "passed from the decedent to his surviving spouse" only if such assignment or surrender was a bona fide recognition of enforceable rights of the surviving spouse in the decedent's estate. Such a bona fide recognition will be presumed where such assignment or surrender was pursuant to a decision of a local court upon the merits of the case following a genuine and active contest. However, if such assignment or surrender was pursuant to a decree rendered by consent, or pursuant to an agreement not to contest the will or not to probate the will, it will not necessarily be accepted as a bona fide evaluation of the rights of the spouse.

§ 81.47b *Nondeductible interests*—(a) *General.* The property interests which passed from the decedent to his surviving spouse (as set forth in § 81.47a) fall within two general categories: (1) Those with respect to which the marital deduction is authorized, and (2) those with respect to which the marital deduction is not authorized. Such categories are hereinafter referred to as "deductible interests" and "nondeductible interests," respectively. As to the several classes of "nondeductible interests," see paragraphs (b) to (f), of this section. Subject to the limitation set forth in § 81.47d, the marital deduction is equal in amount to the aggregate value of the "deductible interest," that is, the property interests which passed from the decedent to his surviving spouse and do not fall within any of the classes described in such paragraphs (b) to (f) of this section.

(b) *Interests not included in gross estate.* Any property interest which passed from the decedent to his surviving spouse is a "nondeductible interest" to the extent it is not included in the decedent's gross estate.

(c) *Interests with respect to which a deduction is taken under section 812 (b).* Where a deduction is taken under section 812 (b) with respect to any property interest which passed from the decedent to his surviving spouse, such interest is a "nondeductible interest". Thus, a property interest which passed from the decedent to his surviving spouse in satisfaction of a deductible claim of such spouse against the estate is a "nondeductible interest". (See paragraph (b) of § 81.47c.) Or, if a deduction is taken for losses during the settlement of the estate, in respect of any property interest which passed from the decedent to his surviving spouse, such interest is (to the extent of the deductible loss) a "nondeductible interest". Amounts deducted under section 812 (b) (5) for any allowance for the support of the surviving spouse during the settlement of the estate, or under section 812 (b) (2) for commissions allowed to the surviving spouse as executor do not come within the definition of interests which "passed from the decedent to his surviving spouse". As to the valuation, for the purpose of the marital deduction, of any property interest which passed from the decedent to his surviving spouse subject to a mortgage or other incumbrance, see paragraph (b) of § 81.47c.

(d) *Interest in property which another person may possess or enjoy.* Section 812 (e) (1) (B) provides that no marital deduction shall be allowed with respect to certain property interests (referred to generally as "terminable interests") which passed from the decedent to his surviving spouse, in case:

(1) An interest in the same property passed at any time (for less than an adequate and full consideration in money or money's worth) from the decedent to any person other than such spouse (or the estate of such spouse), and

(2) By reason thereof, such person (or his heirs or assigns) may possess or enjoy any part of such property after the termination or failure of the interest therein which passed from the decedent to his surviving spouse.

The foregoing provision is applicable only where interests in the same property passed from the decedent both to his surviving spouse, and to some other person (for less than an adequate and full consideration in money or money's worth), and is applicable irrespective of whether both such interests passed from the decedent at the same time or under the same instrument. Under such circumstances, if the other person to whom an interest passed may, by reason thereof, possess or enjoy any part of the property after the termination or failure of the interest therein which passed from the decedent to his surviving spouse, the latter interest is a "nondeductible interest". As to the meaning of the term "passed from the decedent to a person other than his surviving spouse", see paragraph (b) of § 81.47a.

In determining whether an interest in the same property passed from the decedent both to his surviving spouse and to some other person, a distinction is to be drawn between "property", as such term is used in section 812 (e), and an "interest in property". The term "property" refers to the underlying property in which various interests exist; each such interest is not for this purpose to be considered as "property".

Interests which passed to a person other than the surviving spouse include interests so passing under the decedent's exercise, release, or nonexercise of a nontaxable power to appoint. It is immaterial whether the property interest which passed from the decedent to a person other than his surviving spouse is included in the decedent's gross estate.

The term "person other than his surviving spouse" includes the possible unascertained takers of a property interest, as, for example, the members of a class to be ascertained in the future. As another example, assume that the decedent created a power of appointment over a property interest, which does not come within the purview of paragraph (c) or (d) of § 81.47a. In such a case, the term "person other than his surviving spouse" refers to the possible appointees and possible takers in default (other than the spouse) of such property interest. Whether there is a possibility that the "person other than his surviving spouse" (or the heirs or assigns of such person) may possess or enjoy the property following termination or failure of the interest therein which passed from the decedent to his surviving spouse is to be determined as of the time of the decedent's death.

In the following examples it is assumed that the property interest which passed from the decedent to a person other than his surviving spouse was not for an adequate and full consideration in money or money's worth:

(i) H (the decedent) devised real property to W (his surviving wife) for life, with remainder to A and his heirs. The interest which passed from H to W is a "nondeductible interest" since it will terminate upon her death and A (or his heirs or assigns) will thereafter possess or enjoy the property.

(ii) H devised real property to W for life, and created in W a power, exercisable by will, to appoint the remainder interest to any person. In default of appointment by W, the remainder interest was to go to A and his heirs. Assuming that under the local law W did not take the real property as absolute owner, the interest which passed from H to W is a "nondeductible interest" since such interest will terminate upon her death and A (or his heirs or assigns) may thereafter possess or enjoy the property. (As to cases in which a "deductible interest" may exist where a life interest is coupled with a power to appoint under a trust or insurance contract, see paragraph (c) and (d) of § 81.47a.)

(iii) H bequeathed the residue of his estate in trust for the benefit of W and A. The trust income is to be paid to W for life, and upon her death the corpus is to be distributed to A or his issue. However, if A should die without issue, leaving W surviving, the corpus is then to be distributed to W. The interest which passed from H to W is a "nondeductible interest" since it will terminate in the event of her death if A or his issue survive, and A or his issue will thereafter possess or enjoy the property.

(iv) H, in contemplation of death, purchased for $100,000 a life annuity for W. If the annuity payments made during the life of W should be less than $100,000, further payments were to be made to A. The interest which passed from H to W is a "nondeductible interest" since A may possess or enjoy a part of the property following the termination of the interest of W.

(v) H devised property to W and A as joint tenants with right of survivorship. The interest which passed from H to W is a "nondeductible interest" since, if the tenancy is not severed and A survives W, the interest of W will terminate and A will continue to possess or enjoy the property.

(vi) H, in contemplation of death, transferred a residence to A for life with remainder to W provided W survives A, but if W predeceases A, the property is to pass to B and his heirs. If it is assumed that H died during A's lifetime, and the value of the residence was included in determining the value of his gross estate, the interest which passed from H to W is a "nondeductible interest" since such interest will terminate if W predeceases A and the property will thereafter be possessed or enjoyed by B (or his heirs or assigns). This result is not affected by B's assignment of his interest during H's lifetime, whether made in favor of W or another person, since the term "assigns" (as used in section 812 (e) (1) (B)) includes such assignee. However, if it is assumed that A predeceased H, the interest of B in the property was extinguished, and, viewed as of the time of the subsequent death of H, the interest which passed from him to W is the entire interest in the property and, therefore, a "deductible interest".

(vii) H transferred real property to A, reserving the right to the rentals of the property for a term of 20 years. H died within such 20-year term, bequeathing the right to the remaining rentals to a trust. The terms of the trust satisfy the five conditions stated in paragraph (c) of § 81.47a, so that the property interest which passed in trust is considered to have passed from H to W. Such interest is a "nondeductible interest" since it will terminate upon the expiration of the term and A will thereafter possess or enjoy the property.

(viii) H bequeathed a patent to W and A as tenants in common. In this case, the interest of W will terminate upon the expiration of the term of the patent, but possession or enjoyment of the property by A must necessarily cease at the same time. Therefore, since A's possession or enjoyment cannot outlast the termination of W's interest, the latter is a "deductible interest".

The above-stated provision is to be applied with respect to the property interests which actually passed from the decedent. Subsequent conversions of the property are immaterial for this purpose. Thus, where a decedent bequeathed his estate to his wife for life with remainder to his children, the interest which passed to his wife is a "nondeductible interest," even though the wife agrees with the children to take a fractional share of the estate in lieu thereof, or sells the life estate for cash, or acquires the remainder interest of the children either by purchase or gift.

Section 812 (e) (1) (D) provides an exception to the general rule stated in this paragraph. In general, the object of section 812 (e) (1) (D) is to prevent a property interest from being classified as "nondeductible" where (*a*) the only condition under which it will terminate is the death of the surviving spouse within 6 months after the decedent's death, or the death of such spouse as a result of a common disaster which also resulted in the decedent's death, and (*b*) such condition does not in fact occur. The following examples illustrate the application of the exception provided by section 812 (e) (1) (D):

Example (1). A decedent bequeathed his entire estate to his spouse on condition that she survive him by 6 months. In the event his spouse failed to survive him by 6 months, his estate was to go to his niece and her heirs. The decedent was survived by his spouse. It will be observed that, as of the time of the decedent's death, it was possible that the niece would, by reason of the interest which passed to her from the decedent, possess or enjoy the estate after the termination of the interest therein which passed to the spouse. Hence, under the general rule set forth in this section, the interest which passed to the spouse would be regarded as a "nondeductible interest". If the surviving spouse in fact died within 6 months after the decedent's death, such general rule is to be applied, and the interest which passed to such spouse is a "nondeductible interest". However, if such spouse in fact survived the decedent by 6 months, thus extinguishing the interest of the niece, the case comes within the exception provided by section 812 (e) (1) (D), and the interest which passed to such spouse is a "deductible interest". (It is assumed for the purpose of this example that no other factor which would cause such interest to be "nondeductible" is present.)

Example (2). The facts are the same as in example (1) except that the will provided that the estate was to go to the niece either in case the decedent and his spouse should both die as a result of a common disaster, or in case the spouse should fail to survive the decedent by 3 months. It is assumed that the decedent was survived by his spouse. In this example, the interest which passed from the decedent to his surviving spouse is to be regarded as a "nondeductible interest" in case the surviving spouse in fact died either within 3 months after the decedent's death or as a result of a common disaster which also resulted in the decedent's death. However, if such spouse in fact survived the decedent by 3 months, and did not thereafter die as a result of a common disaster which also resulted in the decedent's death, the exception provided under section 812 (e) (1) (D) will apply.

Where the only condition which will cause the interest taken by the surviving spouse to terminate is of such nature that it can occur only within 6 months following the decedent's death, the exception provided under section 812 (e) (1) (D) will apply, provided the condition does not in fact occur. However, where such condition (unless it relates to death as a result of a common disaster) is one which may occur either within such 6-month period or thereafter, the exception provided under section 812 (e) (1) (D) will not apply.

Where a property interest passed from the decedent to his surviving spouse subject to the condition that she does not die as a result of a common disaster which also resulted in the decedent's death, the exception provided under section 812 (e) (1) (D) will not be applied in the final audit of the return if there is still a possibility that the surviving spouse may be deprived of such property interest by operation of the common disaster provision as given effect by the local law.

(c) *Terminable interest to be acquired by executor or trustee.* Section 812 (e) (1) (B) also provides that no marital deduction may be taken with respect to a life estate or other "terminable interest" which is to be acquired for the surviving spouse, pursuant to directions of the decedent, by his executor or by a trustee. Other examples of "terminable interests" are an annuity, an estate for years, a patent, and a copyright. Section 812 (e) (1) (B) provides that a property interest shall not be considered a "terminable interest" merely because it is the ownership of a bond, note, or similar contractual obligation, the discharge of which would not have the effect of an annuity for life or for a term.

The foregoing provision is applicable only with respect to any property interest which the decedent directed his executor or a trustee to expend, subsequently to his death, in the acquisition of a life estate, annuity, or other "terminable interest" for his surviving spouse. In such a case the property interest which is to be so expended is a "nondeductible interest." The foregoing provision is not applicable, however, in the case of a general authorization to reinvest property, whereunder the executor or trustee may acquire either "terminable interests" or other property interests.

Example. A decedent bequeathed $100,000 to his wife, subject to a direction to his executor to use such bequest for the purchase of an annuity for the wife. The bequest is of a "nondeductible interest."

(f) *Interest payable out of a group of assets.* Section 812 (e) (1) (C) provides that where the assets (included in the decedent's gross estate) out of which, or the proceeds of which, an interest passing to the surviving spouse may be satisfied include a particular asset or assets with respect to which no deduction would be allowed if such asset or assets passed from the decedent to such spouse, then the value of such interest passing to such spouse shall, for the purpose of the marital deduction, be reduced by the aggregate value of such particular assets.

In order for the foregoing provision to apply, two circumstances must coexist, as follows:

(1) The property interest which passed from the decedent to his surviving spouse must be payable out of a group of assets included in the gross estate. Examples of property interests payable out of a group of assets are a general legacy, a bequest of the residue of the decedent's estate or of a portion of the residue, and a right to a share of the corpus of a trust upon its termination.

(2) The group of assets out of which the property interest is payable must include one or more particular assets which, if passing specifically to the surviving spouse, would be "nondeductible interests".

If the above circumstances are both present, the property interest payable out of the group of assets is (except as to any excess of its value over the aggregate value of the particular asset or assets which would not be deductible if passing specifically to the surviving spouse) a "nondeductible interest".

Example. A decedent bequeathed one-third of the residue of his estate to his wife. The property passing under the decedent's will included a right to the rentals of an office building for a term of years, reserved by the decedent under a deed of the building by way of gift to his son. The decedent did not make a specific bequest of the right to such rentals. Such right, if passing specifically to the wife, would be a "nondeductible interest". (See paragraph (d) of this section.) If it is assumed that the value of the bequest of one-third of the residue of the estate to the wife was $85,000, and that the right to the rentals was included in the gross estate at a value of $60,000, then the bequest is, to the extent of $60,000, a "nondeductible interest".

§ 81.47c *Valuation of property interest passing to surviving spouse*—(a) *In general.* The value, for the purpose of the marital deduction, of any "deductible interest" which passed from the decedent to his surviving spouse is to be determined as of the date of the decedent's death, unless the executor elects the optional valuation method in accordance with the provisions of § 81.11, in which case the value of any such interest is to be determined as of such date with adjustment as explained in § 81.11.

(b) *Property interest subject to an incumbrance or obligation.* The marital deduction may be taken only with respect to the net value of any "deductible interest" which passed from the decedent to his surviving spouse, the same principles being applicable as if the amount of a gift to such spouse were being determined. Section 812 (e) (1) (E) provides that where a property interest passed from the decedent to his surviving spouse subject to a mortgage or other incumbrance, or where an obligation is imposed upon the surviving spouse by the decedent in connection with the passing of a property interest, the value of such property interest is to be reduced by the amount of such mortgage, other incumbrance, or obligation. The passing of a property interest subject to the imposition of an obligation by the decedent does not include a bequest, devise, or transfer in lieu of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate. The passing of a property interest subject to the imposition of an obligation by the decedent does, however, include a bequest, etc., in lieu of the interest of his surviving spouse under community property laws unless such interest was, immediately prior to the decendent's death, a mere expectancy. (See par. (b) of § 81.47d.)

The following are illustrative of property interests which passed from the decedent to his surviving spouse subject to the imposition of an obligation by the decedent:

(1) A decedent devised a residence valued at $25,000 to his wife, with a direction that she pay $5,000 to his sister. For the purpose of the marital deduction, the value of the property interest passing to the wife is only $20,000.

(2) A decedent devised real property to his wife in satisfaction of a debt owing to her. The debt is a deductible claim under section 812 (b) (3). Since the wife is obliged to relinquish such claim as a condition to acceptance of the devise, the value of the devise is, for the purpose of the marital deduction, to be reduced by the amount of such claim.

(3) A decedent bequeathed certain securities to his wife in lieu of her interest in property held by them as community property under the law of the State of their residence. The wife elected to relinquish her community property interest and to take the bequest. For the purpose of the marital deduction, the value of the bequest is to be reduced by the value of the community property interest relinquished by the wife.

(c) *Effect of death taxes.* Section 812 (e) (1) (E) provides that in the determination of the value of any property interest which passed from the decedent to his surviving spouse, there shall be taken into account the effect which the Federal estate tax, or any estate, succession, legacy, or inheritance tax, has upon the net value to the surviving spouse of such property interest.

For example, assume that the only bequest to the surviving spouse is of $100,000 and such spouse is required to pay State inheritance tax in the amount of $1,500. If no other death taxes affect the net value of the bequest, such value, for the purpose of the marital deduction, is $98,500.

To take another example, assume that a decedent devised to his wife real property having a value for Federal estate tax purposes of $100,000, and also bequeathed to her a "nondeductible" interest for life under a trust. The State of residence values the real property at $90,000 and the life interest at $30,000, and imposes an inheritance tax (at graduated rates) of $4,800 with respect to the two interests. If it is assumed that such inheritance tax is required to be paid by the wife, the amount thereof to be ascribed to the devise is:

$$\frac{90,000}{120,000} \times \$4,800 = \$3,600.$$

Accordingly, if no other death taxes affect the net value of the bequest, such value, for the purpose of the marital deduction, is $100,000 less $3,600, or $96,400.

If the decedent bequeaths his residuary estate, or a portion thereof, to his surviving spouse, and his will contains a direction that all death taxes shall be payable out of such residuary estate, the value of the bequest, for the purpose of the marital deduction, is based upon the amount of the residue as reduced pursuant to such direction. If the residuary estate, or a portion thereof, is bequeathed to the surviving spouse, and by the local law the Federal estate tax is payable out of the residuary estate, the value of the bequest, for the purpose of the marital deduction, may not exceed the amount thereof as reduced by the Federal estate tax.

(d) *Remainder interests.* Where the income from property is made payable to another individual for life, or for a term of years, with remainder absolutely to the surviving spouse or to her estate, the marital deduction is based upon the present value of the remainder. The present value of the remainder is to be determined in accordance with the rules stated in § 81.10 (i). For example, if the surviving spouse is to receive $50,000 upon the death of a person aged 31 years, the present value of the remainder is $15,631. (See example in § 81.10 (i) (4).) If the remainder is such that its value is to be determined by a special computation (see § 81.10 (i) (3)), a request for a specific factor accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the remainder, and by copies of the relevant instruments may be submitted to the Commissioner who in his discretion may supply the factor requested. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present worth made, in accordance with the principles set forth in § 81.10 (i), by one skilled in actuarial computations.

§ 81.47d *Limitation on amount of marital deduction*—(a) *In general.* The allowable marital deduction is limited to the smaller of the following amounts:

(1) The aggregate value of the "deductible interests" which passed from the decedent to his surviving spouse, as determined under §§ 81.47a to 81.47c.

(2) Fifty per cent of the value of the "adjusted gross estate", as determined under this section. Except as provided in paragraph (b) of this section (relating to community property), the "adjusted gross estate" is to be determined by substracting from the entire value of the gross estate the aggregate amount of the deductions allowed under section 812 (b). (See § 81.29 to 81.40.)

Example. The value of a decedent's gross estate is $200,000 and the aggregate amount of the deductions allowed by section 812 (b) is $30,000. The value of the "adjusted gross estate" is, therefore, $200,000 less $30,000, which is $170,000. It is assumed that the aggregate value of the "deductible interests" which passed from the decedent to his surviving spouse is $100,000. The allowable marital deduction is limited to $85,000 (50 per cent of the value of the "adjusted gross estate").

(b) *Special rule in case involving community property.* If the decedent and his surviving spouse at any time held property as "community property", as hereinafter defined, the "adjusted gross estate" referred to in paragraph (a) of this section is to be determined by subtracting from the entire value of the gross estate the sum of the following values and amounts:

(1) The value of any property included in the gross estate which was at the time of the decedent's death held by him and his surviving spouse as "community property", as hereinafter defined.

(2) The value of property (to the extent included in the gross estate) transferred by the decedent during his life, if at the time of such transfer the property was held by him and his surviving spouse as "community property", as hereinafter defined.

(3) The amount (to the extent included in the gross estate) receivable as insurance under policies upon the life of the decedent to the extent purchased with premiums or other consideration paid out of property then held by him and his surviving spouse as "community property", as hereinafter defined.

(4) An amount, A, which bears the same ratio to B (the aggregate amount of the deductions allowed by section 812 (b)) as C (the value of the gross estate, diminished by the aggregate amount subtracted under subparagraphs (1), (2), and (3) of this paragraph) bears to D (the entire value of the gross estate).

Where a policy of insurance upon the life of the decedent was purchased partly with property held by him and his surviving spouse as "community property," as hereinafter defined, and partly with other property, the amount receivable under such policy is considered, for the purpose of subparagraph (3) of this paragraph, to have been purchased with such "community property" in the proportion that the payments made with such "community property" bear to the total amount paid. If only a portion of the proceeds of a policy is included in the gross estate, only such portion of the proceeds, and only the premiums or other consideration paid for such portion, are to be included in the computation stated in the preceding sentence. (See § 81.27.)

In determining the "adjusted gross estate" under this paragraph, property held by the decedent and his surviving spouse as "community property", at the time of the death of the decedent (for the purpose of subparagraph (1) of this paragraph), at the time of the transfer (for the purpose of subparagraph (2) of this paragraph), or at the time of the payment of insurance premiums or other

consideration (for the purpose of subparagraph (3) of this paragraph), is considered to include:

(i) Any property held by them at such time as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, except such property in which the surviving spouse had at such time merely an expectant interest.

(ii) Separate property acquired by the decedent as a result of a "conversion" (during the calendar year 1942 or after April 2, 1948) of property held by him and his surviving spouse as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, (except such property in which the surviving spouse had at the time of the "conversion" merely an expectant interest) into their separate property.

(iii) Property acquired by the decedent in exchange (by one exchange or a series of exchanges) for separate property acquired as set forth under subdivision (ii) of this subparagraph.

The surviving spouse is regarded as having merely an expectant interest in property held as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, (a) at the time of the decedent's death if the entire value of such property (and not merely one-half thereof) is includible in the decedent's gross estate, and (b) at the time of any transfer, payment of insurance premiums or other consideration, or "conversion" if, in case of the death of the decedent at such time, the entire value of the property involved in such transfer, payment, or "conversion" (and not merely one-half thereof) would, without regard to the provisions of section 811 (e) (2), have been so includible.

The term "conversion" refers to any transfer of property from the marital community, whereby each spouse acquired separate property. Such term thus includes a partition of community property between the decedent and his surviving spouse or a transfer of community property to themselves in joint tenancy, tenancy by the entirety, tenancy in common, or other form of coownership, whether such partition or other conversion was effected by a single transaction or a series of transactions. Where the value of the separate property acquired by the decedent as a result of a conversion did not exceed the value of the separate property thus acquired by the surviving spouse, the entire separate property thus acquired by the decedent is to be considered, for the purposes of this paragraph, as held by him and his surviving spouse as community property. Where the value (at the time of the conversion) of the separate property so acquired by the decedent exceeded the value (at such time) of the separate property so acquired by the spouse, only a part of the separate property so acquired by the decedent (and only the same fractional part of property acquired by him in exchange for such separate property) is to be considered, for the purposes of this paragraph, as held by him and his surviving spouse as community property. The part of such separate property (or property acquired in exchange therefor) which is considered as so held is the same proportion thereof which the value (at the time of the conversion) of the separate property so acquired by the spouse is of the value (at such time) of the separate property so acquired by the decedent.

Example (1). The value of a decedent's gross estate is $300,000, of which $200,000 represents his separate property and $100,000 represents his one-half interest in community property. The decedent's separate property was inherited from his father. The deductions allowed under section 812 (b) total $45,000. In this example, the "adjusted gross estate" is computed as follows:

Value of gross estate		$300,000
Reduction under subparagraph (1)	$100,000	
Reduction under subparagraph (4) ($200,000/300,000 of $45,000)	30,000	
Total reduction		130,000
Adjusted gross estate		170,000

In this example the marital deduction will be $85,000 (one-half the value of the "adjusted gross estate") in case the aggregate value of the "deductible interests" which passed from the decedent to his surviving spouse equals or exceeds such amount.

Example (2). The facts are the same as in example (1) except that the decedent's separate property was not inherited from his father, but was acquired under the following transaction: On November 1, 1942, the decedent and his surviving spouse partitioned certain community property then having a value of $224,000. A portion of such property then having a value of $160,000, was converted into the decedent's separate property, and the remaining portion, then having a value of $64,000, was converted into his spouse's separate property. The portion of the separate property so acquired by the decedent which is considered as held as community property at the time of his death is represented by that proportion of $200,000 (the value, at the time of death, of such separate property) which $64,000 (the value, at the time of the conversion, of the separate property so acquired by his spouse) bears to $160,000 (the value, at the time of the conversion, of the separate property so acquired by the decedent), which proportion equals $80,000. The "adjusted gross estate" is computed as follows:

Value of gross estate		$300,000
Reduction under subparagraph (1) ($100,000 plus $80,000)	$180,000	
Reduction under subparagraph (4) ($120,000/300,000 of $45,000)	18,000	
Total reduction		198,000
Adjusted gross estate		102,000

The burden of establishing the extent to which separate property of the decedent was acquired other than as described in subdivisions (i) and (iii) of this subparagraph rests upon the executor:

§ 81.47e *Proof required.* The executor must submit such proof as is necessary to establish the right of the estate to the marital deduction, including any evidence requested by the Commissioner.

PAR. 17. Section 81.53, as amended by Treasury Decision 5239, is further amended as follows:

(A) By striking out "the three following exceptions" and by inserting in lieu thereof the following: "the four following exceptions."

(B) By inserting at the end thereof the following subparagraph:

§ 81.53 *Deduction of the value of property previously taxed.* • • •

(4) The condition set forth under § 81.41 (a) (6) should be disregarded in determining whether the deduction is available.

PAR. 18. There is inserted immediately preceding § 81.83 the following:

SEC. 365. (REVENUE ACT OF 1948) LIABILITY OF LIFE INSURANCE BENEFICIARIES, ETC.

(a) Section 826 (c) of the Internal Revenue Code (relating to liability of life insurance beneficiaries) is hereby amended by adding at the end thereof the following new sentence: "In the case of such proceeds receivable by the surviving spouse of the decedent for which a deduction is allowed under section 812 (e) (the so-called 'marital deduction'), this subsection shall not apply to such proceeds except as to the amount thereof in excess of the aggregate amount of the marital deductions allowed under such subsections."

(b) Section 826 (d) of the Internal Revenue Code (relating to liability of recipient of property over which decedent had power of appointment) is hereby amended by adding at the end thereof the following new sentence: "In the case of such property received by the surviving spouse of the decedent for which a deduction is allowed under section 812 (e) (the so-called 'marital deduction'), this subsection shall not apply to such property except as to the value thereof reduced by an amount equal to the excess of the aggregate amount of the marital deductions allowed under section 812 (e) over the amount of proceeds of insurance upon the life of the decedent receivable by the surviving spouse for which proceeds a marital deduction is allowed under such subsection."

(c) The amendments made by this section shall be applicable only with respect to estates of decedents dying after December 31, 1947.

PAR. 19. Section 81.79 (b) is amended by inserting immediately preceding the period at the end of the first sentence of the fourth undesignated paragraph thereof the following: "; the portion of the marital deduction allowed under the provisions of section 812 (e) on account of bequests, etc., of such interests to the decedent's surviving spouse".

[F. R. Doc. 48-9765; Filed, Nov. 5, 1948; 9:02 a. m.]

[26 CFR, Part 86]

GIFT TAX; GIFTS OF HUSBAND AND WIFE UNDER REVENUE ACT OF 1948

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1029 and 3791 of the Internal Revenue Code (53 Stat. 157, 467; 26 U. S. C. 1029, 3791) and pursuant to the provisions of the Revenue Act of 1948 (Public Law 471, 80th Congress), enacted April 2, 1948.

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 108 (26 CFR, Part 86) to certain sections of the Revenue Act of 1948 (Pub. Law 471, 80th Cong.), enacted April 2, 1948, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 86.1 the following:

SEC. 371. GIFTS OF COMMUNITY PROPERTY. (Revenue Act of 1948; enacted April 2, 1948.)

Section 1000 (d) of the Internal Revenue Code (relating to gifts of property held as community property) is amended by adding at the end thereof a new sentence to read as follows: "This subsection shall be applicable only to gifts made after the calendar year 1942 and on or before the date of the enactment of the Revenue Act of 1948."

SEC. 374. GIFT OF HUSBAND OR WIFE TO THIRD PARTY. (Revenue Act of 1948; enacted April 2, 1948.)

Section 1000 of the Internal Revenue Code (relating to imposition of gift tax) is hereby amended by adding at the end thereof a new subsection to read as follows:

(f) *Gift of husband or wife to third party*—(1) *Considered as made one-half by each*—(A) *In general.* A gift made after the date of the enactment of the Revenue Act of 1948 by one spouse to any person other than his spouse shall, for the purposes of this chapter, be considered as made one-half by him and one-half by his spouse, but only if at the time of the gift each spouse is a citizen or resident of the United States. This subparagraph shall not apply with respect to a gift by a spouse of an interest in property if he creates in his spouse a power of appointment, as defined in subsection (c) of this section, over such interest. For the purposes of this subsection an individual shall be considered as the spouse of another individual only if he is married to such individual at the time of the gift and does not remarry during the remainder of the calendar year.

(B) *Consent of both spouses.* Subparagraph (A) shall be applicable only if both spouses have signified (in accordance with the regulations provided for in paragraph (2)) their consent to the application of subparagraph (A) in the case of all such gifts made during the calendar year by either while married to the other.

(2) *Manner and time of signifying consent*—(A) *Manner.* A consent under this subsection shall be signified in such manner as is provided under regulations prescribed by the Commissioner with the approval of the Secretary.

(B) *Time.* Such consent may be so signified at any time after the close of the calendar year in which the gift was made, subject to the following limitations:

(i) The consent may not be signified after the 15th day of March following the close of such year, unless before such 15th day no return has been filed for such year by either spouse, in which case the consent may not be signified after a return for such year is filed by either spouse;

(ii) The consent may not be signified after a notice of deficiency with respect to the tax for such year has been sent to either spouse in accordance with section 1012 (a).

(3) *Revocation of consent.* Revocation of a consent previously signified shall be made in such manner as is provided under regulations prescribed by the Commissioner with the approval of the Secretary, but the right to revoke a consent previously signified with respect to a calendar year:

(A) Shall not exist after the 15th day of March following the close of such year if the consent was signified on or before such 15th day; and

(B) Shall not exist if the consent was not signified until after such 15th day.

(4) *Joint and several liability for tax.* If the consent required by paragraph (1) (B) is signified with respect to a gift made in any calendar year the liability with respect to the entire tax imposed by this chapter of each spouse for such year shall be joint and several.

PAR. 2. Section 86.2 (a) is amended as follows:

(A) By inserting immediately after the seventh sentence (in parentheses), the following: "Where a joint income tax return is filed under chapter 1 by husband and wife for a taxable year the payment by one spouse of all or part of the income tax liability for such year is not treated as resulting in a transfer which is subject to gift tax. The same rule is applicable to the payment of gift tax for a calendar year in the case of husband and wife who have consented to the application of section 1000 (f) for such year."

(B) By inserting at the end thereof the following:

(9) Where property held by a husband and wife as community property is used to purchase insurance upon the husband's life and a third person is revocably designated as beneficiary and under the State law the husband's death is considered to make absolute the transfer by the wife, there is a gift by the wife at the time of such death of one-half the amount of the proceeds of such insurance. (For special provisions with respect to transfers of community property after 1942 and on or before April 2, 1948, see paragraph (c) of this section.)

PAR. 3. Section 86.2 (c) is amended as follows:

(A) By inserting in the heading immediately following *"1942"* and preceding the period the following: *"and on or before April 2, 1948"*.

(B) By striking from the first sentence "During the calendar year 1943 and any calendar year thereafter any gift" and by inserting in lieu thereof the following: "Any gift after December 31, 1942, and on or before April 2, 1948,".

(C) By striking from the last sentence of the second undesignated paragraph "on or after January 1, 1943" and by inserting in lieu thereof the following: "after December 31, 1942, and on or before April 2, 1948".

PAR. 4. There is inserted immediately following § 86.3 the following.

§ 86.3a *Gift of husband or wife to third party after April 2, 1948*—(a) *In general.* Section 1000 (f), as added by section 374 of the Revenue Act of 1948, makes provision whereby a gift made after April 2, 1948, by one spouse to a person other than his spouse may, for the purpose of the gift tax, be considered as made one-half by him and one-half by his spouse, but only if at the time of the gift each spouse was a citizen or resident of the United States. For the purposes of section 1000 (f) an individual is to be considered as the spouse of another individual only if he is married to such individual at the time of the gift and does not remarry during the remainder of the calendar year.

The provisions of section 1000 (f) will apply only if both spouses consent. As to the manner and time of signifying such consent, see paragraph (b) of this section. Such consent, if signified, is effective with respect to all gifts made to third parties during the calendar year to which the consent applies, except as follows:

(1) If the consenting spouses were not married to each other during any portion of the calendar year, the consent is not effective with respect to any gift made during such portion of the calendar year.

(2) If either spouse was a nonresident not a citizen of the United States during any portion of the calendar year, the consent is not effective with respect to any gift made during such portion of the calendar year.

(3) The consent is not effective with respect to a gift by one spouse of a property interest if he created in his spouse a power of appointment (as defined in section 1000 (c)) over such property interest.

(4) If one spouse transferred property in part to his spouse and in part to third parties, the consent is effective with respect to the interest transferred to third parties only insofar as such interest is ascertainable at the time of the gift, and hence severable from the interest transferred to his spouse. Section 86.19 (f) indicates the principles to be applied in the valuation of annuities, life estates, terms for years, remainders and reversions.

The consent applies alike to gifts made by one spouse alone and to gifts made partly by each spouse, provided such gifts were to third parties and do not fall within any of the foregoing exceptions. The consent may not be applied only to a portion of the property interests constituting such gifts.

If consent to the application of the provisions of section 1000 (f) is signified as provided in paragraph (b) of this section for any calendar year and not revoked as provided in paragraph (c) of this section, the liability with respect to the entire gift tax of each spouse for such calendar year shall be joint and several.

(b) *Manner and time of signifying consent.* Consent to the application of the provisions of section 1000 (f) with respect to a calendar year shall, in order to be effective, be signified by both spouses. If both spouses file gift tax returns, Form 709, within the time for signifying consent it is sufficient if (1) the consent of both spouses is signified on one of such returns or (2) the consent of one spouse is signified on one

such return and the consent of the other spouse is signified on the other return. If only one spouse files a gift tax return within the time provided for signifying consent, the consent of both spouses shall be signified on such return. However, wherever possible notice of the consent is to be shown on both returns. The consent may be revoked only as provided in paragraph (c) of this section. (As to whether one or both spouses are required to file returns, see § 86.20.) Where one spouse files more than one Form 709 for a calendar year on or before the 15th day of March following the close of such year, the last Form 709 so filed will, for the purpose of determining whether a consent has been signified, be considered as the return.

The consent may be so signified at any time after the close of the calendar year, subject to the following limitations:

(1) The consent may not be signified after the 15th day of March following the close of such year, unless before such 15th day no return has been filed for such year by either spouse, in which case the consent may not be signified after a return for such year is filed by either spouse; and

(2) The consent may not be signified after a notice of deficiency with respect to the tax for such year has been sent to either spouse in accordance with section 1012 (a).

If one spouse dies or becomes legally incompetent within the period during which the consent for any calendar year may be signified, his executor, administrator, guardian, or committee, as the case may be, may signify such consent.

As to the preparation of the return in case consent is signified, see § 86.23.

(c) *Revocation of consent.* If the consent to the application of the provisions of section 1000 (f) with respect to a calendar year was effectively signified or before the 15th day of March following the close of such year, either spouse may revoke such consent by filing in duplicate with the collector of internal revenue a signed statement of revocation; but the right to revoke shall not exist after such 15th day. A consent which was not effectively signified until after the 15th day of March following the close of the calendar year to which it applies may not be revoked.

PAR. 5. Section 86.7 is amended by inserting immediately after the sixth sentence thereof the following: "Where a consent under section 1000 (f) was effectively signified with respect to any preceding calendar year, the aggregate sum of the net gifts for such preceding calendar year is to be determined pursuant to the provisions of such section."

PAR. 6. Section 86.9 is amended by changing the last sentence thereof to read as follows: "(See §§ 86.12 to 86.16d."

PAR. 7. There is inserted immediately preceding § 86.12 the following:

SEC. 372. MARITAL DEDUCTION. (Revenue Act of 1948; enacted April 2, 1948.)

Section 1004 (a) of the Internal Revenue Code (relating to deductions in computing net gifts in the case of a citizen or resident of the United States) is hereby amended by adding at the end thereof a new paragraph to read as follows:

(3) *Gift to spouse*—(A) *In general.* Where the donor transfers during the calendar year (and after the date of the enactment of the Revenue Act of 1948) by gift an interest in property to a donee who at the time of the gift is the donor's spouse—an amount with respect to such interest equal to one-half of its value.

(B) *Life estate or other terminable interest.* Where, upon the lapse of time, upon the occurrence of an event or contingency, or upon the failure of an event or contingency to occur, such interest transferred to the spouse will terminate or fail, no deduction shall be allowed with respect to such interest:

(i) If the donor retains in himself, or transfers or has transferred (for less than an adequate and full consideration in money or money's worth) to any person other than such donee spouse (or the estate of such spouse), an interest in such property, and if by reason of such retention or transfer the donor (or his heirs or assigns) or such person (or his heirs or assigns) may possess or enjoy any part of such property after such termination or failure of the interest transferred to the donee spouse; or

(ii) If the donor immediately after the transfer to the donee spouse has a power to appoint an interest in such property which he can exercise (either alone or in conjunction with any person) in such manner that the appointee may possess or enjoy any part of such property after such termination or failure of the interest transferred to the donee spouse. For the purposes of this clause the donor shall be considered as having immediately after the transfer to the donee spouse such power to appoint even though such power cannot be exercised until after the lapse of time, upon the occurrence of an event or contingency, or upon the failure of an event or contingency to occur.

An exercise or release at any time by the donor, either alone or in conjunction with any person, of a power to appoint an interest in property, even though not otherwise a transfer, shall, for the purposes of clause (i) of this subparagraph, be considered as a transfer by him. Except as provided in subparagraph (E), where at the time of the transfer it is impossible to ascertain the particular person or persons who may receive from the donor an interest in property so transferred by him, such interest shall, for the purposes of clause (i) of this subparagraph, be considered as transferred to a person other than the donee spouse.

(C) Where the assets out of which, or the proceeds of which, the interest transferred to the donee spouse may be satisfied include a particular asset or assets with respect to which no deduction would be allowed if such asset or assets were transferred from the donor to such spouse, then the value of the interest transferred to such spouse shall, for the purposes of subparagraph (A), be reduced by the aggregate value of such particular assets.

(D) *Joint interests.* If the interest is transferred to the donee spouse as sole joint tenant with the donor or as tenant by the entirety, the interest of the donor in the property which exists solely by reason of the possibility that the donor may survive the donee spouse, or that there may occur a severance of the tenancy, shall not be considered for the purposes of subparagraph (B) as an interest retained by the donor in himself.

(E) *Trust with power of appointment in donee spouse.* Where the donor transfers in trust an interest in property, if under the terms of the trust his spouse is entitled for life to all the income from the corpus of the trust, payable annually or at more frequent intervals, with power in the donee spouse to appoint the entire corpus free of the trust (exercisable in favor of such donee spouse, or of the estate of such donee spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), and with no power in any other person to appoint any part of the corpus to any person other than the donee spouse:

(i) The interest so transferred in trust shall, for the purposes of subparagraph (A), be considered as transferred to the donee spouse, and

(ii) No part of the interest so transferred in trust shall, for the purposes of subparagraph (B) (i), be considered as retained in the donor or transferred to any person other than the donee spouse.

This subparagraph shall be applicable only if, under the terms of the trust, such power in the donee spouse to appoint the corpus, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

(F) *Community property.* (i) A deduction otherwise allowable under this paragraph shall be allowed only to the extent that the transfer can be shown to represent a gift of property which is not, at the time of the gift, held as community property under the law of any State, Territory, or possession of the United States, or of any foreign country.

(ii) For the purposes of clause (i), community property (except property which is considered as community property solely by reason of the provisions of clause (iii)) shall not be considered as "held as community property" if the entire value of such property (and not merely one-half thereof) is treated as the amount of the gift.

(iii) If during the calendar year 1942 or after the date of the enactment of the Revenue Act of 1948, property held as such community property (unless considered by reason of clause (ii) as not so held) was by the donor and the donee spouse converted, by one transaction or a series of transactions, into separate property of the donor and such spouse (including any form of co-ownership by them), the separate property so acquired by the donor and any property acquired at any time by the donor in exchange therefor (by one exchange or a series of exchanges) shall, for the purposes of clause (i), be considered as "held as community property."

(iv) Where the value (at the time of such conversion) of the separate property so acquired by the donor exceeded the value (at conversion) of the separate property so acquired by such spouse, the rule in clause (iii) shall be applied only with respect to the same portion of such separate property of the donor as the portion which the value the same portion of such separate property so acquired by such spouse is of the value (as of such time) of the separate property so acquired by the donor.

SEC. 373. TECHNICAL AMENDMENT. (Revenue Act of 1948.)

Section 1004 (c) of the Internal Revenue Code is hereby amended to read as follows:

(c) *Extent of deductions.* The deductions provided in subsection (a) (2) or (3) or in subsection (b) shall be allowed only to the extent that the gifts therein specified are included in the amount of gifts against which such deductions are applied.

PAR. 8. There is inserted immediately following § 86.16 the following:

§ 86.16a *Gifts to spouse after April 2, 1948*—(a) *Allowance of marital deduction.* In determining the amount of net gifts for the calendar year 1949 or for any calendar year thereafter, in the case of a donor who was a citizen or resident of the United States at the time the gift was made, there may be deducted an amount equal to one-half the value of any property interest (except as otherwise provided herein or in §§ 86.16b and 86.16c) transferred by gift to a donee who at the time of the gift was the donor's spouse. Such deduction is also authorized for the calendar year 1948, except with respect to gifts made on or before April 2, 1948. Such deduction is hereinafter referred to as the "marital deduction".

No marital deduction is authorized with respect to a gift in case the donor was, at the time of the gift, a nonresident not a citizen of the United States. However, if the donor was, at the time of the gift, a citizen or resident, he is not deprived of the right to the marital deduction by reason of the fact that his spouse was a nonresident not a citizen.

For convenience the donor's spouse is generally referred to in the feminine gender, but the application of the statute is not so limited.

(b) *Trust with power of appointment in donee spouse.* In the case of property interests transferred by the donor in trust, if the terms of the trust satisfy the five conditions stated in the next sentence, the donor's spouse is (for the purpose of determining the marital deduction) considered as the donee, not only of her beneficial interest therein, but also of the interest therein subject to her power to appoint. The five conditions which must be satisfied by the terms of the trust are as follows:

(1) The donee spouse must be entitled for life to all the income from the corpus of the trust.

(2) Such income must be payable annually or at more frequent intervals.

(3) The donee spouse must have the power, exercisable in favor of herself or of her estate, to appoint the entire corpus free of the trust.

(4) Such power in the donee spouse must be exercisable by such spouse alone and (whether exercisable by will or during life) must be exercisable in all events.

(5) The corpus of the trust must not be subject to a power in any other person to appoint any part thereof to any person other than the donee spouse.

In determining whether the above-stated conditions (1) to (5), are satisfied by the terms of the trust, regard is to be had to the applicable provisions of the law of the jurisdiction governing the administration of the trust. For example, silence of the trust as to the frequency of payment will not be regarded as a failure to satisfy condition (2) in case the applicable law requires payment to be made annually or more frequently.

The donor's spouse is "entitled for life to all the income from the corpus of the trust", within the meaning of section 1004 (a) (3) (E), if the effect of the trust is to give her substantially that degree of beneficial enjoyment of the trust property during her life which the principles of the law of trusts accord to a person who is unqualifiedly designated as the life beneficiary of a trust. Such degree of enjoyment is given only if it was the donor's intention, as manifested by the terms of the trust instrument and the surrounding circumstances, that the trust should produce for the spouse during her life such a periodically distributable income, or that the spouse should have such use of the trust property, as is consistent with the value of the trust corpus and with its preservation. The designation of the spouse as sole income beneficiary for life will be sufficient to qualify the trust unless the terms of the trust considered as a whole evidence an intention to deprive the spouse of the requisite degree of enjoyment. In determining whether a trust evidences such intention the treatment required or permitted with respect to individual items must be considered in relation to the entire system provided for the administration of the trust.

If the over-all effect of the trust is to give to the donor's spouse such enforceable rights as will preserve to her the requisite degree of enjoyment, it is immaterial whether such result is effected by rules specifically stated in the trust instrument, or, in their absence, by the rules for the management of the trust property and the allocation of receipts and expenditures supplied by the State law. For example, where the State law does not provide for amortization of bond premium, a provision in the trust instrument for such amortization by appropriate periodic charges to interest will not disqualify the trust.

Provisions granting administrative powers to the trustee will not have the effect of disqualifying the trust unless the grant of such powers evidences the intention to deprive the spouse of the beneficial enjoyment required by the statute. Such intention will not be considered to exist if the entire terms of the instrument are such that the local courts will impose reasonable limitations upon the exercise of such powers. Among the powers which if subject to such limitations will not disqualify the trust are the power to allocate receipts between income and corpus, the power to determine the charges which shall be made against income and corpus, and the power to apply the income for the benefit of the spouse.

The rules to be applied by the trustee in allocation of receipts and expenses between income and corpus must be considered in relation to the nature and expected productivity of the trust assets, the nature and frequency of occurrence of the expected receipts, and any provisions as to change in the form of investments. Where it is evident from the nature of the trust assets and the rules provided for management of the trust that the allocation to income of such receipts as rents, cash dividends and interest will give to the spouse the substantial enjoyment during life required by the statute, provisions that such receipts as stock dividends and proceeds from the conversion of trust assets shall be treated as corpus will not disqualify the trust. Similarly, provision for a depletion charge against income in the case of trust assets which are subject to depletion will not disqualify the trust, unless the effect is to deprive the spouse of the requisite beneficial enjoyment. A power in the trustee to retain unproductive property will not disqualify if the applicable rules for the administration of the trust require that the property be converted within a reasonable time and that income be given the spouse to compensate for undue delay in such conversion. A power to retain a residence for the spouse or other property for her personal use will not disqualify the trust.

A trust will not qualify if its primary purpose is to safeguard property without providing the spouse with the required beneficial enjoyment. An example is a trust the corpus of which consists substantially of unproductive property which the trustee is required to retain without furnishing a reasonable compensation to the spouse on account of the non-conversion of such property.

If the donee spouse is entitled to only a portion of the trust income, or has power to appoint only a portion of the corpus, the trust fails to satisfy conditions (1) and (3), respectively. However, such conditions may be satisfied by one or more of several separate trusts created by the donor. An undivided interest in property may constitute the corpus of a trust, and a single trust instrument may create more than one trust.

A trust fails to satisfy condition (1) if the income is required to be accumulated in whole or in part, or may be accumulated in the discretion of any person other than the donee spouse, if the consent of any person other than the donee spouse is required as a condition precedent to distribution of the income, if any person other than the donee spouse has the power to alter the terms of the trust so as to deprive such spouse of her right to the income, or if any person other than the donee spouse is entitled to any part of the income during the life of such spouse. A trust will not fail to satisfy condition (1) merely because its terms provide that the right of the spouse to the income shall not be subject to assignment, alienation, pledge, attachment or claims of creditors.

The terms "entitled for life" and "payable annually or more frequently", as used in conditions (1) and (2), require that under the terms of the trust the income referred to must be currently (at least annually) distributable to the spouse or that she must have such command over the income that it is virtually hers. Thus, conditions (1) and (2) are satisfied in this respect if, under the terms of the trust instrument, the spouse has the unfettered right exercisable annually (or more frequently) to require distribution to herself of the trust income, and otherwise the trust income is to be accumulated and added to corpus. Similarly, as respects the income for the period between the last distribution date and the date of the spouse's death, it is sufficient if such income is subject to the spouse's power to appoint. In the case of a trust which may be terminated during the life of the donee spouse, under her exercise of a power of appointment or by distribution of the corpus to her, the trust satisfies condition (1) if such spouse is entitled to the income until the trust terminates.

In order to satisfy condition (3), the power of the donor's spouse to appoint the entire corpus free of the trust must fall within one of the following categories:

(i) A power so to appoint exercisable in her own favor at any time during life

(as for example, an unlimited power to invade).

(ii) A power so to appoint exercisable in favor of her estate.

(iii) A combination of the powers described under (i) and (ii). For example, the donor's spouse may until she attains the age of 50 years have a power to appoint to herself and thereafter have a power to appoint to her estate. However, condition (4) is not satisfied unless irrespective of when the spouse may die any amounts remaining unpaid will at the time of her death be subject to one or the other such power.

The power in the donee spouse must be a power to appoint the corpus to herself as unqualified owner or to appoint the corpus as a part of her estate, that is, to dispose of it to whomsoever she pleases. Thus, if the donee spouse entered into an agreement with the donor to exercise the power only in favor of their issue, condition (3) is not met. The trust will not be regarded as failing to satisfy condition (3) merely because takers in default of the donee spouse's exercise of the power are designated by the donor. The donor may provide that, in default of exercise of the power, the trust shall continue for an additional period.

In order for condition (4) to be satisfied, the power in the donee spouse to appoint the corpus to herself or to her estate must be exercisable without the joinder or consent of any other person. In addition, such power, if exercisable during her life, must be fully exercisable at any time during life, or, if exercisable by will, must be fully exercisable irrespective of the time of her death. An example of a power which will not satisfy condition (4) is a power exercisable by the spouse unless she shall remarry.

The trust will fail to satisfy condition (5) if the donor created a power in the trustee, or in another person, to invade the corpus of the trust for the benefit of any person other than the donee spouse. However, only powers in other persons which are in opposition to that of the donee spouse will cause the trust to fail to satisfy condition (5). For example, assume that a donor created a trust designating his donee spouse as income beneficiary for life and as donee of a power to appoint the corpus. The donor further provided that in the event the donee spouse should die without having exercised the power, the trust should continue for the life of his son with power in such son to appoint the corpus. Since the power in the son could become exercisable only after the death of the donee spouse, the trust is not regarded as failing to satisfy condition (5).

(c) *Remainder interests.* Where the income from property is made payable to the donor or another individual for life, or for a term of years, with remainder absolutely to the donor's spouse or to her estate, the marital deduction is equal to one-half the present value of the remainder. The present value of the remainder (that is, its value as of the date of the gift) is to be determined in accordance with the rules stated in § 86.19 (f). For example, if the donor's spouse is to receive $50,000 upon the death of a person aged 31 years, the present value of the remainder is $15,631. (See example in § 86.19 (f) (6).) If the remainder is such that its value is to be determined by a special computation (see § 86.19 (f) (4)), a request for a specific factor accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the remainder, and by copies of the relevant instruments may be submitted to the Commissioner who in his discretion may supply the factor requested. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present worth made, in accordance with the principles set forth in § 86.19 (f), by one skilled in actuarial computations.

(d) *Limitation on deduction.* Under the provisions of section 1004 (c), as amended by section 373 of the Revenue Act of 1948, the marital deduction is allowable only to the extent that the gifts with respect to which such deduction is authorized are included in the "total amount of gifts made during the calendar year" computed as provided in section 1003. (See § 86.10.) The limitation under section 1004 (c) is effective where less than one-half of the gifts with respect to which the deduction is authorized is included in such "total amount of gifts".

Example. The only gifts made by a donor to his spouse during the calendar year 1948 were a gift of $3,000 in May and a gift of $2,000 in August. The first $3,000 of such gifts is excluded under the provisions of section 1003 in determining the "total amount of gifts made during the calendar year". The marital deduction of $2,500 (one-half of $3,000 plus one-half of $2,000) otherwise allowable is limited by section 1004 (c) to $2,000.

§ 86.16b *Gift of life estate or other terminable interest*—(a) *In general.* The provisions of section 1004 (a) (3) (B) generally prevent the allowance of the marital deduction with respect to certain property interests (referred to generally as "terminable interests") transferred to the donee spouse, in case the transfer was upon the terms described in paragraphs (b), (c), or (d) of this section. In general, the provisions of section 1004 (a) (3) (B) are applicable in the case the donor transferred an interest in property to the donee spouse and also (1) transferred an interest in the same property to another donee, or (2) retained an interest in the same property in himself, or (3) retained a power to appoint an interest in the same property. Under such circumstances, if the other donee, the donor, or the possible appointee, may, by reason of such transfer or retention, possess or enjoy any part of the property after the termination or failure of the interest therein transferred to the donee spouse, no marital deduction may be taken with respect to such transfer to the donee spouse.

For the purposes of this section, a distinction is to be drawn between "property", as such term is used in section 1004 (a) (3), and an "interest in property". The "property" referred to is the underlying property in which various interests exist; each such interest is not, for this purpose, to be considered as "property".

The expression "terminable interest" refers to a life estate, an estate for years, or any other property interest which, upon the lapse of time, upon the occurrence of an event or contingency, or upon the failure of an event or contingency to occur, will terminate or fail.

(b) *Interest in property which another donee may possess or enjoy.* Section 1004 (a) (3) (B) provides that no marital deduction shall be allowed with respect to the transfer to the donee spouse of a "terminable interest" in property, in case:

(1) The donor transferred (for less than an adequate and full consideration in money or money's worth) an interest in the same property to any person other than the donee spouse (or the estate of such spouse), and

(2) By reason of such transfer, such person (or his heirs or assigns) may possess or enjoy any part of such property after the termination or failure of the interest therein transferred to the donee spouse.

The above-stated provision is applicable whether the transfer to the person other than the donee spouse was made at the same time as the transfer to such spouse, or at any earlier time.

Except as provided in paragraph (b) of § 86.16a, where at the time of the transfer it is impossible to ascertain the particular person or persons who may receive a property interest transferred by the donor, such interest shall, for the purpose of section 1004 (a) (3) (B), be considered as transferred to a person other than the donee spouse. This rule is particularly applicable in the case of the transfer of a property interest by the donor subject to a reserved power. (See section 86.3.) Under this rule, any property interest over which the donor reserved a power to revest the beneficial title in himself, or over which the donor reserved the power to name new beneficiaries or to change the interests of the beneficiaries as between themselves, is, for the purpose of section 1004 (a) (3) (B), considered as transferred to a "person other than the donee spouse". Thus, if a donor transferred property in trust, naming his wife as income beneficiary for 10 years, and providing that, upon the expiration of such term, the corpus should be distributed among his wife and children in such proportions as he should determine, the right to the corpus is, for the purpose of the marital deduction, considered as transferred to a "person other than the donee spouse". Or, if the donor had provided that, upon the expiration of the 10-year term, the corpus was to be paid to his wife, but had reserved the power to revest such corpus in himself instead, the right to the corpus is, for the purpose of the marital deduction, considered as transferred to a "person other than the donee spouse".

Under the above-stated rule, the term "person other than the donee spouse" includes the possible unascertained takers of a property interest, as, for example, the members of a class to be ascertained in the future. As another example, assume that the donor created a power of appointment over a property interest, which does not come within the purview of paragraph (b) of § 86.16a. In such a case, the term "person other than the donee spouse" refers to the possible appointees and possible takers in default (other than the spouse) of such property interest.

An exercise or release at any time by the donor (either alone or in conjunction with any person) of a power to appoint an interest in property, even though not otherwise a transfer by him, shall, in determining for the purpose of section 1004 (a) (3) (B) whether he transferred an interest in such property to a person other than the donee spouse, be considered as a transfer by him.

In the following examples it is assumed that the property interest which the donor transferred to a person other than the donee spouse was not for an adequate and full consideration in money or money's worth:

(i) H (the donor) transferred real property to W (his wife) for life, with remainder to A and his heirs. No marital deduction may be taken with respect to the interest transferred to W, since it will terminate upon her death and A (or his heirs or assigns) will thereafter possess or enjoy the property.

(ii) H transferred real property to W for life, and created in W a power, exercisable by will, to appoint the remainder interest to any person. In default of appointment by W, the remainder interest was to go to A and his heirs. Assuming that under the local law W did not take the real property as absolute owner, no marital deduction may be taken with respect to the interest which passed from H to W, since such interest will terminate upon her death and A (or his heirs or assigns) may thereafter possess or enjoy the property. (As to cases in which a marital deduction may be taken where a life interest is coupled with a power to appoint under a trust, see paragraph (b) of § 86.16a.)

(iii) H transferred property in trust for the benefit of W and A. The trust income was payable to W for life, and upon her death the corpus was to be distributed to A or his issue. However, if A should die without issue, leaving W surviving, the corpus was then to be distributed to W. No marital deduction may be taken with respect to the interest transferred to W, since it will terminate in the event of her death if A or his issue survive, and A or his issue will thereafter possess or enjoy the property.

(iv) H purchased for $100,000 a life annuity for W. If the annuity payments made during the life of W should be less than $100,000, further payments were to be made to A. No marital deduction may be taken with respect to the interest transferred to W, since A may possess or enjoy a part of the property following the termination of such interest.

(v) H transferred property to W and A as joint tenants with right of survivorship. No marital deduction may be taken with respect to the interest transferred to W, since, if the tenancy is not severed and A survives W, the interest of W will terminate and A will continue to possess or enjoy the property.

(vi) H transferred property to A for life with remainder to W provided W survives A, but if W predeceases A, the property is to pass to B and his heirs. No marital deduction may be taken with respect to the interest transferred to W.

(vii) H transferred real property to A, reserving the right to the rentals of the property for a term of 20 years. H later transferred the right to the remaining rentals to a trust. The terms of the trust satisfy the five conditions stated in paragraph (b) of § 86.16a, so that the interest transferred in trust is considered as transferred solely to W. No marital deduction may be taken with respect to such interest, since it will terminate upon the expiration of the balance of the 20-year term and A will thereafter possess or enjoy the property.

(viii) H transferred a patent to W and A as tenants in common. In this case, the interest of W will terminate upon the expiration of the term of the patent, but possession and enjoyment of the property by A must necessarily cease at the same time. Therefore, since A's possession or enjoyment cannot outlast the termination of W's interest, the provisions of section 1004 (a) (3) (B) do not disallow the marital deduction with respect to such interest.

(c) *Interest in property which the donor may possess or enjoy.* Section 1004 (a) (3) (B) also provides that no marital deduction shall be allowed with respect to the transfer to the donee spouse of a "terminable interest" in property, in case:

(1) The donor retained in himself an interest in the same property, and

(2) By reason of such retention, the donor (or his heirs or assigns) may possess or enjoy any part of such property after the termination or failure of the interest therein transferred to the donee spouse.

However, section 1004 (a) (3) (D) provides that if a property interest is transferred to the donee spouse as sole joint tenant with the donor or as tenant by the entirety, the interest of the donor in the property which exists solely by reason of the possibility that the donor may survive the donee spouse, or that there may occur a severance of the tenancy, is not for the purposes of section 1004 (a) (3) (B), to be considered as an interest retained by the donor in himself.

Under this provision, the fact that the donor may, as surviving tenant, possess or enjoy the property after the termination of the interest therein transferred to the donee spouse does not preclude the allowance of the marital deduction with respect to the latter interest.

In general, the principles illustrated by the examples under paragraph (b) of this section are applicable in determining whether the marital deduction may be taken with respect to a property interest transferred to the donee spouse subject to the retention by the donor of an interest in the same property.

Example. The donor purchased three annuity contracts for the benefit of his wife and himself. The first contract provided for payments to the wife for life, with refund to the donor in case the aggregate payments made to the wife were less than the cost of the contract. The second contract provided for payments to the donor for life, and then to the wife for life if she survived the donor. The third contract provided for payments to the donor and his wife for their joint lives, and then to the survivor of them for life. No marital deduction may be taken with respect to the gifts consummated by the purchases of the contracts since, in the case of each contract, the donor may possess or enjoy a part of the property after the termination or failure of the interest therein transferred to the wife.

(d) *Interest in property over which the donor retained a power to appoint.* Section 1004 (a) (3) (B) also provides that no marital deduction shall be allowed with respect to the transfer to the donee spouse of a "terminable interest" in property, in case:

(1) The donor had, immediately after such transfer, a power to appoint an interest in the same property, and

(2) Such power was exercisable (either alone or in conjunction with any person) in such manner that the appointee may possess or enjoy any part of such property after the termination or failure of the interest therein transferred to the donee spouse.

For the purposes of section 1004 (a) (3) (B), the donor is to be considered as having, immediately after the transfer to the donee spouse, such a power to appoint even though such power cannot be exercised until after the lapse of time, upon the occurrence of an event or contingency, or upon the failure of an event or contingency to occur. It is immaterial whether the power retained by the donor was a taxable power of appointment under section 1000 (c).

In general, the principles illustrated by the examples under paragraph (b) of this section are applicable in determining whether the marital deduction may be taken with respect to a property interest transferred to the donee spouse subject to retention by the donor of a power to appoint an interest in the same property.

Example. The donor, having a power of appointment over certain property, appointed a life estate therein to his spouse. No marital deduction may be taken with respect to such transfer, since, if the retained power is exercised, the appointee thereunder may possess or enjoy the property after the termination or failure of the interest taken by the donee spouse.

(e) *Interest payable out of a group of assets.* Section 1004 (a) (3) (C) provides that where the assets out of which, or the proceeds of which, an interest transferred to the donee spouse may be satisfied include a particular asset or assets with respect to which no deduction would be allowed if such asset or assets were transferred from the donor to such spouse, then the value of the interest transferred to such spouse shall, for the purpose of the marital deduction, be reduced by the aggregate value of such particular assets.

In order for the foregoing provision to apply, two circumstances must coexist, as follows:

(1) The property interest transferred to the donee spouse must be payable out of a group of assets. An example of a

property interest payable out of a group of assets is a right to a share of the corpus of a trust upon its termination.

(2) The group of assets out of which the property interest is payable must include one or more particular assets which, if transferred by the donor to the donee spouse, would not qualify for the marital deduction.

If the above circumstances are both present, the marital deduction with respect to such property interest may not exceed one-half of the excess, if any, of its value over the aggregate value of the particular asset or assets which, if transferred to the donee spouse, would not qualify for the marital deduction.

§ 86.16c *Gift of community property*—(a) *General.* The marital deduction is allowable with respect to any transfer by a donor to his spouse only to the extent that such transfer can be shown to represent a gift of property which was not, at the time of the gift, held as "community property", as defined in paragraph (b) of this section. The burden of establishing the extent to which a transfer represents a gift of property not so held rests upon the donor.

(b) *Definition of "community property".* For the purpose of paragraph (a) of this section, the term "community property" is considered to include:

(1) Any property held by the donor and his spouse as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, except such property in which the donee spouse had at the time of the gift merely an expectant interest. The donee spouse is regarded as having, at any particular time, merely an expectant interest in property held at such time by the donor and herself as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, if, in case such property were transferred by gift into the separate property of the donee spouse, the entire value of such property (and not merely one-half thereof) would be treated as the amount of the gift.

(2) Separate property acquired by the donor as a result of a "conversion" (during the calendar year 1942 or after April 2, 1948) of property held by him and the donee spouse as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, (except such property in which the donee spouse had at the time of the "conversion" merely an expectant interest) into their separate property.

(3) Property acquired by the donor in exchange (by one exchange or a series of exchanges) for separate property resulting from such a "conversion".

A "conversion" of community property is any transfer of property from the marital community, whereby each spouse acquired separate property. A conversion includes a partition of community property between the donor and the donee spouse or a transfer of community property to themselves in joint tenancy, tenancy by the entirety, or other form of co-ownership, whether such partition or other conversion was effected by a single transaction or a series of transactions. Where each spouse acquired separate property of equal value as a result of a conversion, the entire separate property thus acquired by the donor is to be considered, for the purposes of this section, as held by him and the donee spouse as community property. Where the value (at the time of the conversion) of the separate property so acquired by the donor exceeded the value (at such time) of the separate property so acquired by the donee spouse, only a part of the separate property so acquired by the donor (and only the same fractional part of property acquired by him in exchange for such separate property) is to be considered, for the purposes of this section, as held by him and the donee spouse as community property. The part of such separate property (or property acquired in exchange therefor) which is considered as so held is the same proportion thereof which the value (at the time of the conversion) of the separate property so acquired by the donee spouse is of the value (at such time) of the separate property so acquired by the donor.

Example. On November 1, 1942, the donor and his spouse partitioned certain real property held by them under community property laws. The real property then had a value of $224,000. A portion of such property, then having a value of $160,000, was converted into the donor's separate property, and the remaining portion, then having a value of $64,000, was converted into his spouse's separate property. On August 1, 1948, the donor made a gift to his spouse of the property acquired by him as a result of the partition, which property then had a value of $200,000. The portion of the property transferred by gift which is considered as "community property" is:

$$\frac{64,000}{160,000} \times \$200,000 = \$80,000.$$

The marital deduction with respect to the gift is, therefore, limited to one-half of the difference between $200,000 (the value of the gift) and $80,000 (the portion of the gift considered to have been of "community property"). The marital deduction with respect to the gift is, therefore, $60,000.

§ 86.16d *Proof required.* The donor must submit such proof as is necessary to establish the right to the marital deduction, including any evidence requested by the Commissioner.

PAR. 9. Section 86.20 is amended as follows:

(A) By striking the heading and by inserting in lieu thereof the following: "*Persons required to file return*—(a) *In general.*"

(B) By inserting at the end thereof the following paragraph:

(b) In case of consent under section 1000 (f). Except as otherwise provided herein, the provisions of paragraph (a) of this section are applicable with respect to the filing of a gift tax return or returns for the calendar year 1948 or any subsequent calendar year in the case of a husband and wife who consent (see § 86.3a) to the application of the provisions of section 1000 (f) for such year. In such cases, if both of the consenting spouses are (without regard to the provisions of section 1000 (f)) required under the provisions of paragraph (a) of this section to file returns for such year, returns must be filed by both spouses. If only one of the consenting spouses is (without regard to the provisions of section 1000 (f)) required under the provisions of such paragraph (a) to file a return for such year, a return must be filed by such spouse. In the latter case, if after giving effect to the provisions of section 1000 (f) the other spouse is considered to have made any gift (regardless of value) of a future interest in property or any gift or gifts to any one third-party donee exceeding $3,000 in value then a return for such year must also be filed by such other spouse. Thus, if during any such calendar year the husband made a gift of $5,000 to a son and the wife made no gifts, only the husband is required to file a return for such year. However, if the wife had made a gift of $2,000 to the same son, or if the gift made by the husband had amounted to $7,000, each spouse would be required to file a return in the event consent is signified as provided under section 1000 (f).

PAR. 10. Section 86.21, as amended by Treasury Decision 5608, approved March 19, 1948, is further amended by inserting immediately preceding the last sentence thereof the following sentence: "Where a husband and wife consent (or contemplate consenting) that gifts made by either of them to third-party donees during the calendar year 1948 or any subsequent calendar year shall be considered as made one-half by each spouse, as provided by section 1000 (f), the notice on Form 710 shall, nevertheless, identify the actual donor."

PAR. 11. Section 86.23 is amended by inserting immediately after the sixth sentence thereof the following: "If the return is filed for the calendar year 1948 or for any calendar year thereafter and the donor and his spouse consent (see § 86.3a) to the application of the provisions of section 1000 (f) for such year the return must set forth, to the extent provided thereon, information with respect to transfers made by each spouse."

PAR. 12. Section 86.34 is amended by inserting immediately after the third sentence thereof the following: "If a husband and wife effectively signify consent (see section 86.3a) to the application of the provisions of section 1000 (f) for any calendar year, the liability with respect to the entire gift tax of each spouse for such calendar year shall be joint and several."

[P. R. Doc. 48-9766; Filed, Nov. 5, 1948; 9:02 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 49]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 49 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by December 15, 1948, will be considered by the Board before taking further action on the proposed rule.

The principal reasons for proposing a revision of Part 49 are explained in the explanatory statement.

The proposed revision of Part 49 is set forth below in the proposed rule.

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

(Secs. 205 (a), 601–610, 52 Stat. 984, 1007–1012; 49 U. S. C. 425 (a), 551–560)

Dated: October 23, 1948 at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

Explanatory statement of Part 49. Present Part 49 provides for the transportation by air of certain articles commonly classified as explosives or dangerous articles. Since the carriage of explosives and other dangerous articles is seldom accomplished entirely by air transportation, but generally is combined with some form of surface transportation to bring the items to the aircraft and to take them away after the air lift, it was necessary that applicable Civil Air Regulations governing the transportation of such cargo be coordinated with the Interstate Commerce Commission Regulations which regulate the carriage of such articles by the principal surface carriers. Thus, in promulgating Part 49 in 1945, the Board adopted the various classifications of dangerous articles and the packaging and labeling requirements of the pertinent Interstate Commerce Commission Regulations as effective January 7, 1941.

Part 49 permitted the transportation by air of only a limited number of these articles acceptable for surface transportation. This limitation was due to the fact that in 1945 cargo-only operations had not been developed and, therefore, the additional factor of passenger as well as plane and crew safety had to be considered for each article for which carriage was authorized. It also was believed that a service experience period with a limited number of acceptable articles would be desirable. This service experience indicates that air cargo is seldom, if ever, exposed to more extreme conditions than surface transported cargo. Therefore, in view of the rapid growth of air cargo operations, particularly in aircraft carrying cargo only, and the scientific progress made in the development of new materials within the scope of this part which require rapid transportation and which can be adequately packed for safe transportation by air, the desirability for revising present Part 49 is evident.

In determining what additional items may be safely transported by air the Bureau of Safety Regulation has consulted with the Bureau of Explosives, a nonprofit private organization devoted to establishing safe transportation practices for explosives and other dangerous articles, and transportation experts of the Air Transport Association. On the basis of the known reactions of explosives and other dangerous articles to variations and extremes of temperature, pressure, and shock experienced in transit, certain articles have been selected as safe for carriage by air. With few exceptions these articles include all those which may be shipped by rail express or rail freight, although there are certain limitations prescribed on the amounts of some of these substances which may be shipped in cargo aircraft and additional limitations for aircraft carrying passengers.

While it is believed that the items deemed acceptable in the attached proposed rule are those which may be safely carried, further laboratory tests are being conducted by responsible industry and government agencies, and as results of these tests are made known some additional items may be added to those which may be carried. It will be noted that this procedure is similar to the one followed by the Interstate Commerce Commission. On behalf of the Commission, the Bureau of Explosives analyzes new products and new packaging methods as they are developed in order to permit new items to be shipped by surface transportation and to improve the safety with which existing items are carried. The conditions presently prescribed by the Bureau of Explosives for rail express safely meet actual conditions encountered in air transportation with the possible exception of certain pressure tolerances. With respect to the effect of reduced pressure encountered at high altitudes or rapid changes of pressure on articles the pressure tolerances of which may be critical, the Air Forces are doing further scientific testing at Wright Field. Until these experiments are completed such articles will not be listed as acceptable for air transportation. The conclusions of these tests will be reflected in proposed regulations as soon as the results are made known. The Bureau of Explosives and the Air Transport Association have agreed to furnish the Bureau of Safety Regulation with such information as they may obtain from time to time with respect to the handling of explosives or other dangerous cargo, and the Bureau intends to recommend to the Board appropriate changes in the lists of acceptable articles for air transportation on the basis of this information and such other data as is available to it. In this manner it is believed that lists of acceptable articles may be kept current.

Generally the proposed new part differs from present Part 49 in the following manner. The part will base Civil Air Regulations on the provisions of current ICC Regulations rather than those in effect on a particular date. It will distinguish between articles acceptable on aircraft carrying passengers and articles which may be carried on cargo-only operations. The revised part also will not only permit a proportionately larger number of articles to be carried in cargo-passenger operations but will greatly increase the articles acceptable in cargo-only operations, permitting in the latter case the carriage of practically all articles acceptable for rail express.

For passenger-carrying aircraft, only those items specifically listed in § 49.4 of the proposed rule may be carried. The part specifies the packaging and labeling requirements for each of these items since many of these articles are exempt from the usual ICC Regulations packaging and labeling requirements. New articles to be carried in passenger aircraft would have to be added by amendment of the part.

For cargo-only aircraft, in addition to articles which may be carried in passenger aircraft, any article may be carried which is listed as acceptable for rail express in Part 2 of the ICC Regulations provided that its carriage is not prohibited by § 49.6. From time to time as new articles are added to this list in the ICC Regulations, they may be carried in cargo aircraft: *Provided*, That Part 49 is not amended to prohibit such carriage. In all operations, the revised part would require explosives and other dangerous articles to be packed, labeled, and loaded as specifically provided therein or in accordance with the requirements of the ICC Regulations for rail express. We have proposed that the packing requirements for rail express be used because they are considered more appropriate for air transportation than those applicable to rail freight, as they provide a higher margin of safety against changes in temperature, pressure, and inadvertent damage and shock while in transit.

It is believed that the safety standards established by this proposed revision are adequate for all known extremes of temperature, pressure, and shock encountered in normal flight by United States operated aircraft throughout the world. However, some special operations may require additional safeguards. When such conditions exist, it would be the responsibility of the operator of the aircraft to evaluate these conditions for a particular operation and to require such special packaging and handling as may be necessary to insure safety.

The proposed rule is as follows:

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

§ 49.0 *Applicability of part.* Explosives or other dangerous articles, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, shall not be loaded in or transported by aircraft in the United States, or transported anywhere in aircraft of United States registry except as hereinafter provided.

§ 49.1 *Definitions.* (a) As used in this part the words listed below shall be defined as follows:

(1) *Explosives.* Those liquids, gases, or solids specified as forbidden, Class A, Class B, or Class C explosives by the ICC Regulations.

(2) *Inflammable liquid.* An inflammable liquid is any liquid which gives off inflammable vapors (as determined by

flash point from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F.

(3) *Inyammable solid.* An inflammable solid is a solid substance, other than one classified as an explosive, which is liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from the manufacturing or processing.

(4) *Oxidizing material.* An oxidizing material is a substance, such as a chlorate, permanganate, peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

(5) *Corrosive liquids.* Corrosive liquids are those acids, alkaline caustic liquids, and other corrosive liquids, which, when in contact with living tissue, will cause severe damage of such tissue by chemical action; or which, in case of leakage, will materially damage the aircraft structure or cargo; or which are liable to cause fire when in contact with organic matter or with certain chemicals.

(6) *Compressed gas.* A compressed gas is defined as any material with a gauge pressure exceeding 40 pounds per square inch absolute at 70° F. or any liquid inflammable material having a Reid[1] vapor pressure exceeding 40 pounds per square inch at 100° F.

(7) *Poisonous articles.* Poisonous articles for the purpose of these regulations are divided into four classes defined as follows:

(i) *Extremely dangerous poisons. Class A.* Poisonous gases or liquids of such nature that a very small amount of gas, or vapor of the liquid, mixed with air is dangerous to life. This class includes: Acrolein, chlorpicrin, cyanogen, diphosgene, ethyldichlorarsine, hydrocyanic acid, lewisite, methyldichlorarsine, mustard gas, nitrogen peroxide (tetroxide), phenylcarbylamine chloride, phosgene (diphosgene). (Dilute solutions of hydrocyanic acid of not exceeding 5% strength are classed as poisonous articles, Class B).

(ii) *Less dangerous poisons; Class B.* Poisonous liquids and solids, including pastes and semi-solids, are substances of such nature that they are chiefly dangerous by external contact with the body or by their being taken internally as in contaminated food or feeds.

(iii) *Tear gas or irritating substances; Class C.* Tear gases are liquid or solid substances which upon contact with fire or when exposed to air give off dangerous or intensely irritating fumes, such as brombenzylcyanide, chloracetophenone, diphenylaminechlorarsine, and diphenylchlorarsine, but not including any poisonous article, Class A.

(iv) *Radioactive materials; Class D.* A radioactive material is any material or combination of materials which spontaneously emits ionizing radiation. For the purposes of these rules, radioactive materials are divided into three groups, according to the type of radiation emitted at any time during transportation, as follows:

(a) Group I radioactive materials are those materials which emit gamma radiation alone, or both gamma radiation and radiation of electrically charged material particles or corpuscles.

(b) Group II radioactive materials are those materials which emit neutrons and either or both of the types of radiation characteristic of Group I radioactive materials.

(c) Group III radioactive materials are those materials which emit only electrically charged material particles or corpuscles (i. e., alpha and/or beta radiation).

(8) *"Unit" of gamma radiation.* Unit of gamma radiation is one milliroentgen per hour at a meter for hard gamma radiation, or that amount of gamma radiation which will have the same effect on sensitive photographic film as one milliroentgen per hour at a meter of hard gamma radiation of radium filtered through ½ inch of lead.

(9) *Passenger-carrying aircraft.* Passenger-carrying aircraft are aircraft carrying any individuals who are not assigned to duty on the aircraft.

(10) *Marking.* Marking is the display on the container of the name of the articles inside, as listed in the commodity list of the ICC Regulations.

(11) *Labeling.* Labeling is the display on the container of an appropriate label as specified for a particular class of articles by the ICC Regulations.

(12) *ICC Regulations.* ICC Regulations shall mean the "Interstate Commerce Commission's Regulations for Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight, Express, and Baggage Services, and by Motor Vehicles (Highway), and Water," effective January 7, 1941, as amended from time to time.

§ 49.3 *Packing, marking, and labeling requirements.* (a) Unless otherwise specifically provided in this part explosives or other dangerous articles shipped by air shall be packed, marked, and labeled, as required by Part 2[2] of the ICC Regulations for transportation by rail express: *Provided*, That liquids shall be packed only in inside containers which are securely closed, sufficient in strength to prevent any leakage or distortion of the containers caused by change in temperature or altitude during transit, and so filled as to provide adequate outage. All explosives or other dangerous articles shipped by air shall show the proper shipping name as shown in the commodity list of Part 2 of the ICC Regulations and any instructions that are necessary for safe handling.

(b) *Shipper statement.* No shipper shall offer and no air carrier or other operator of aircraft shall knowingly accept explosives or dangerous articles for carriage by air unless the shipper or his authorized agent has certified that the shipment complies with the requirements of this part. Any operator of aircraft may rely on such a certificate as prima facie evidence that the shipment so certified complies with the requirements of this part.

§ 49.4 *Acceptable explosives and other dangerous articles on aircraft carrying passengers.* No explosives or other dangerous articles shall be carried in passenger-carrying aircraft except as provided below:

(a) Explosives Class C may be carried: *Provided*, That blasting caps, electric blasting caps, and blasting caps with safety fuse shall not be carried. The maximum quantity that may be packed in one outside container is 50 pounds. The maximum quantity which may be packed in one cargo location is 50 pounds. Marking required.

(b) Explosives Class B may be carried if they are intended for use as safety equipment in the operations of the air carrier. Marking required.

(c) Inflammable liquids may be carried: *Provided*, That carbon bisulfide, ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerine in excess of 1% by weight, and zinc ethyl shall not be carried.

(1) Inflammable liquids may be carried in quantities of not more than one quart when packed in inside metal containers, or in quantities of not more than one pint or 16 ounces by weight when packed in inside glass or earthernware containers: *Provided*, That each such container shall be packed in a strong outside container with cushioning and absorbent material where necessary to prevent breakage and leakage. The maximum quantity that may be carried in any one cargo location is 3 gallons. Marking and red label required.

(2) Viscous inflammable liquids, such as cements, mastics, sealers, etc., may be carried in collapsible tubes not exceeding 8 ounces each, packed in strong outside containers with not more than 16 ounces net weight of such liquids in any one outside container. The maximum quantity which may be carried in any one cargo location is 25 pounds. Marking and red label required.

(d) Inflammable solids and oxidizing materials may be carried in accordance with the following requirements, provided that the items listed in subparagraphs (1) through (6) of this paragraph shall be specially handled as provided therein. They shall be packed in quantities of not more than 16 oz. net weight in inside metal or glass containers, suitably cushioned with noninflammable cushioning material where necessary to prevent breakage. The maximum quantity that may be packed in any outside container is 25 lbs. The maximum quantity that may be carried in one cargo location is 25 lbs. Marking and yellow label required.

(1) Liquid or solid organic peroxides may be carried only when packed in inside containers not over one lb. or one pint in capacity, and not more than one such container securely packed with incombustible cushioning in a strong outside container. Acetyl benzoyl peroxide solid and benzoyl peroxide shall not be carried. Not more than 10 such packages may be placed in any one cargo location. (See corrosive liquids for hydrogen peroxide.)

(2) Calcium hypochlorite, dry, containing more than 8.80% available oxygen (39% available chlorine) may be carried only when packed in inside glass or metal containers of not over 5 lb. capacity, each such container shall be packed in strong outside containers of 75 lbs. maximum gross weight. The maximum quantity that may be carried in any one cargo location is 150 lbs.

(3) Matches, stroke-on-box, book, or card in outside fiberboard or wooden boxes, may be carried when marked with name of contents, labeled, and enclosed in tightly closed metal inside containers. The maximum quantity that may be packed in any outside container is 25 lbs. The maximum quantity that may be carried in any one cargo location is 25 lbs.

(4) Picrate of ammonia, picric acid, urea, nitrate, trinitrobenzene, and trinitrotoluene, wet with not less than 10% water, may be carried only in quantities not exceeding 16 oz. in any one outside package when shipped as drugs, medicines, or chemicals and when enclosed in a strong fibre carton properly cushioned in an outside shipping case. Not more than 10 such containers may be placed in any one cargo location.

(5) Pyroxylin plastics may be carried only when securely enclosed in air-tight metal cans or boxes. The maximum quantity that may be carried in any outside containers, 25 lbs. Not more than 100 lbs. may be placed in any one cargo location.

(6) Motion picture film may be carried when packed, marked, and labeled in accordance with ICC Regulations.

(e) Poisonous liquids, Class B, may be carried: *Provided*, That hydrocyanic acid, methyl bromide (motor fuel antiknock compound), phenyldichlorarsine and tetraethyl lead shall not be carried. Quantities of not more than one pint may be packed in glass containers, or not more than one quart in metal containers: *Provided*, That each such container shall be packed in strong outside wooden or fibre board containers. The maximum quantity that may be carried in any cargo location is 10 packages. Marking and poison label required.

(f) Poisonous solids, Class B, Cyamides may be carried only when packed in inside glass, earthenware, or metal containers, or lock-corner sliding lid wooden boxes lined to prevent sifting, of not more than 5 lbs. capacity each; or in chipboard, pasteboard, or fibre cartons, cans, or boxes of not over one pound capacity each when packed in outside containers. The maximum quantity that may be carried in one cargo location is 30 lbs.

(g) Radioactive materials, Class D: Groups I, II and III (liquid, solid, or gaseous) may be carried when packed, marked, and labeled in accordance with ICC Regulations Secs. 366–369. (Also see § 49.7 where certain other types of radioactive materials are exempted from the requirements of this part.)

(h) Acids and other corrosive liquids may be carried provided that bromine, dimethyl sulfate, electrolyte acid or alkaline battery fluid packed with storage batteries, battery chargers, or radio current supply devices, hydrogen peroxide over 5% strength by weight, nitric acid, phosphorous tribromide, phosphorous trichloride, and sulfur chloride shall not be carried. Quantities of not more than one lb. or one pint may be carried in bottles which are enclosed in a metal can in a strong outside package securely packed and padded, with noninflammable absorbent material, where necessary to prevent breakage. Not more than 10 such packages may be carried in any one cargo location. Marking and white label required.

(i) Electric storage batteries, containing electrolyte or corrosive battery fluid, of the nonspillable type, protected against short circuits and completely and securely boxed, may be carried. Marking and labeling required.

(j) Noninflammable compressed gases may be carried: *Provided*, That anhydrous ammonia, chlorine, boron trifluoride, hydrogen bromide, hydrogen chloride, nitrosyl chloride, and sulfur dioxide shall not be carried. Maximum cylinder pressure permited is 1800 psi in ICC-approved cylinders not exceeding 12 inches in diameter by 51 inches long. The maximum quantity that may be carried on one cargo location is 150 lbs. Marking and green label required.

§ 49.5 *Articles which may be carried in all-cargo operations.* In addition to the articles acceptable for transportation under § 49.4, any article packed, marked, and labeled in accordance with the ICC Regulations for transportation by rail express may be carried in quantities not exceeding those prescribed in the commodity list of Part 2 of the ICC Regulations.

§ 49.6 *Prohibited articles.* No explosive or dangerous article listed in Part 2 of the ICC Regulations as an Explosive A, a Poison A, a forbidden article, or an article not acceptable for rail express, nor any item listed in Appendix A of this part shall be carried on aircraft subject to the provisions of this part.

§ 49.7 *Exempted articles.* (a) The articles listed below shall be exempted from the provisions of this part:

(1) Signalling devices,

(2) Equipment necessary for the safe operation of the aircraft,

(3) Small arms ammunition in moderate quantities for personal use of crew members.

(b) Radioactive materials which meet all of the following conditions are exempt from packing, marking, and labeling requirements required by this part:

(1) The package must be such that there can be no leakage of radioactive material under conditions normally incident to transportation.

(2) The package must contain not more than 0.1 millicuries of radium, or polonium, or that amount of strontium 89, strontium 90, or barium 140 which disintegrates at a rate of more than 5 million atoms per second; or not more than that amount of any other radioactive substance which disintegrates at a rate of more than 50 million atoms per second.

(3) The package must be such that no significant alpha, beta, or neutron radiation is emitted from the exterior of the package and the gamma radiation at any surface of the package must be less than 10 milliroentgens for 24 hours.

(c) Manufactured articles other than liquids, such as instrument or clock dials of which radioactive materials are a component part, and luminous compounds, when securely packed in strong outside containers are exempt from packing, marking, and labeling requirements provided the gamma radiation at any surface of the package is less than 10 milliroentgens in 24 hours.

(d) Radioactive materials, such as ores, residues, etc., of low activity, packed in strong, tight containers are exempt from packing and labeling requirements when shipped in planeload lots: *Provided*, The per-package surface intensity of radiation does not exceed 200 milliroentgens per hour or equivalent: *And provided*, The per planeload radiation intensity at one meter from any outside surface of the load does not exceed 10 milliroentgens per hour of gamma radiation or equivalent. There shall be no loose radioactive material in the airplane and the shipment must be braced and lashed so as to prevent leakage or shift of lading under normal conditions of flight.

§ 49.8 *Loading requirements*—(a) *General.* Two or more shipments of explosives or other dangerous articles shall not be carried together in the same cargo location if they are of such a nature that their admixture in the event of spillage of one or more of the shipments could present a substantially more hazardous condition than the spillage of either or both of the shipments without mixing. Articles shall be loaded in accordance with the provisions of the loading chart set forth in section 533 of the ICC Regulations.

(b) *Special requirements for radioactive materials.* (1) Whenever any shipment of materials appears damaged, or is damaged, it will be removed from transportation and segregated as far as possible from human contact. The shipper will immediately be contacted for disposal instructions.

(2) Whenever there is any actual spillage of the contents of any shipment of radioactive materials, there will be no attempt to clean it up. The shipper will immediately be contacted for disposal instructions. If the spillage has occurred in an aircraft, the aircraft will be isolated, the nearest representative of the Administrator or the Board, and the shipper will immediately be contacted, and no one other than properly authorized personnel of the shipper and/or the CAA or CAB will be allowed within the aircraft until it has been decontaminated and made fit for occupancy.

(3) In case of fire, wreck, or other unusual delay, the carrier must notify the shipper and the Administrator or the Board that radioactive material, Class D Poison, was on board.

(4) Radioactive materials Groups I and II (Red label) shall be loaded in the aircraft in accordance with the table set

[1] American Society for Testing Materials tentative method of test for vapor pressure of petroleum products (Reid Method) (D-323-38 T).

[2] Part 2 of the ICC Regulations incorporates the packaging specifications of Part 3 thereof.

forth below provided that not more than 40 units thereof may be carried:

Total No. of Units: [1]	Minimum distance to crew members and passengers (feet) [2]
0–2	1
3–5	2
6–10	3
11–20	4
21–30	5
31–40	6

[1] Total number of units refers to the number found on the red label of a single package entered on the line reading "Radiation Units from Package: No. —." For two or more packages stored together, the total of the numbers of all such packages is meant.

[2] Distance means the number of feet from the center of the nearest radioactive container.

§ 49.9 *Special authority.* In emergency situations or where other forms of transportation are impracticable, deviations from the provisions of this part for a particular flight may be authorized by the Administrator where he finds that the conditions under which the articles are to be carried are such as to permit the safe carriage of persons and cargo.

APPENDIX A—ITEMS NOT TO BE CARRIED BY AIR IN EITHER CARGO OR PASSENGER OPERATIONS UNLESS UNDER CONDITIONS SPECIFICALLY APPROVED BY THE ADMINISTRATOR

The following explosives:	*Classed as*—
A. Ammunition for cannon	Expl. B.
B. Blasting caps including electric blasting caps	Expl. C.
C. Blasting caps with safety fuse	Expl. C.
D. Incendiary grenades	Expl. B.
E. Jet thrust units, Class B	Expl. B.
F. Rocket ammunition, Class B	Expl. B.
And the following dangerous articles:	
Acrelein	Inf. L.
Benzoyl peroxide	Oxy. M.
Burnt cotton (not repicked)	Inf. S.
Burnt fiber	Inf. S.
Carbon bisulfide (disulfide)	Inf. L.
Carbopropexide stabilized	Cor. L.
Charcoal, wood, screenings, other than pinon wood screenings	Inf. S.
Cotton waste, oily, with more than 5% animal or vegetable oil	Inf. S.
Fish scrap or fishmeal containing less than 6% or more than 12% moisture	Inf. S.
Garbage tankage containing less than 8% moisture	Inf. S.
Hair, wet	Inf. S.
Iron mass, spent	Inf. S.
Iron sponge—not properly oxidized	Inf. S.
Iron sponge, spent	Inf. S.
Matches, strike anywhere	Inf. S.
Motion picture film scrap—nitrocellulose	Inf. S.
Nickel carbonyl	Inf. L.
Paper stock, wet	Inf. S.
Rags, oily	Inf. S.
Rags, wet	Inf. S.
Rough ammoniate tankage	Inf. S.
Spent oxide	Inf. S.
Tankage fertilizers	Inf. S.
Tankages, rough ammoniate	Inf. S.
Textile waste, wet	Inf. S.
Waste paper, wet	Inf. S.
X-ray film scrap (nitrocellulose base)	Inf. L.
Zinc ethyl	Inf. L.

[F. R. Doc. 48–9751; Filed, Nov. 5, 1948; 9:00 a. m.]

NOTICES

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE-AGREEMENT NEGOTIATIONS WITH DENMARK, DOMINICAN REPUBLIC, EL SALVADOR, FINLAND, GREECE, HAITI, ITALY, NICARAGUA, PERU, SWEDEN, AND URUGUAY; POSSIBLE ADJUSTMENTS IN PREFERENTIAL RATES ON CUBAN PRODUCTS

Pursuant to section 4 of the Trade Agreements Act approved June 12, 1934, (48 Stat. (pt. 1) 945, ch. 474) as extended and amended by the Trade Agreements Extension Act of 1948 (Pub. Law 792—80th Cong.) and to paragraph 4 of Executive Order 10004 of October 5, 1948 (13 F. R. 5853), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to conduct trade-agreement negotiations with each of the following countries, including in each case areas in respect of which the country has authority to conduct trade-agreement negotiations: Denmark, Dominican Republic, El Salvador, Finland, Greece, Haiti, Italy, Nicaragua, Peru, Sweden, and Uruguay. It is proposed to enter into negotiations with these countries with a view to their accession as contracting parties to the General Agreement on Tariffs and Trade.

There is annexed hereto a list of articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the proposed trade-agreement negotiations with each of the above countries, each of which lists has been approved by the President and transmitted to the United States Tariff Commission, pursuant to paragraph 4 of Executive Order 10004. In the case of an article in one or more of these lists with respect to which the corresponding product of Cuba is now entitled to preferential treatment, a modification of the rate in the negotiations referred to will involve the elimination, reduction, or continuation of the preference, perhaps in some cases with an adjustment or specification of the rate applicable to the product of Cuba.

No tariff concession will be considered in the negotiations with any country on any article which is not included in the annexed list relative to such country unless it is subsequently included in a supplementary public list approved by the President and transmitted to the Tariff Commission. No duty or import tax imposed under a paragraph or section of the Tariff Act or Internal Revenue Code other than the tariff paragraph listed with respect to such article will be considered for a possible decrease, although an additional or separate duty on an article included in an annexed list, which is imposed under a paragraph or section other than that listed, may be bound against increase as an assurance that the concession under the listed paragraph or section will not be nullified.

Pursuant to section 3 of the Trade Agreements Extension Act of 1948, information and views as to the matters specified in that section may be submitted to the United States Tariff Commission in accordance with the announcement of this date issued by the Commission.[1] Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 6 of Executive Order 10004 of October 5, 1948, information and views as to any aspect of the proposals announced in this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.[2] Arrangements are being made to coordinate the hearings to be held by the Tariff Commission and the Committee for Reciprocity Information in order to facilitate the convenience of persons desiring to appear at both hearings. Information and views submitted to the Tariff Commission, except those accepted by the Commission as confidential, will be made available to the Committee for Reciprocity Information although, on account of the statutory requirement as to the investigation by the Tariff Commission, persons and groups who wish to be assured that their information and views will be considered by the Tariff Commission should present them directly to the Commission.

By direction of the Interdepartmental Committee on Trade Agreements this 5th day of November 1948.

WOODBURY WILLOUGHBY,
Chairman.

LISTS OF ARTICLES IMPORTED INTO THE UNITED STATES WHICH IT IS PROPOSED SHOULD BE CONSIDERED IN TRADE AGREEMENT NEGOTIATIONS WITH THE COUNTRIES SPECIFIED THEREIN

Each of the following lists contains descriptions of articles imported into the United States which it is proposed should be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment in the trade agreement negotiations which are proposed with the country specified at the beginning of such list.

For the purpose of facilitating identification of the articles listed, reference is made in each list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930. The descriptive phraseology is frequently limited to a narrower scope than that covered by the numbered tariff paragraph. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions.

In the event that an article which as of September 1, 1948 was regarded as classifiable under a description included in one or more of the lists is excluded therefrom by judicial decision or otherwise prior to the inclusion of such description in a trade agreement, the list or lists will nevertheless be considered as including such article.

[1] See F. R. Doc. 48-9748, United States Tariff Commission, *infra*.

[2] See F. R. Doc. 48-9748, Committee for Reciprocity Information, *infra*.

DOMINICAN REPUBLIC—continued

Tariff Act of 1930 Par.	*Item*
710	Cheese (except cheese having the eye formation characteristic of the Swiss or Emmenthaler type; Gruyere process-cheese; Roquefort and other blue-mold cheeses, in original loaves; Romano, Pecorino, Reggiano, Parmesano, Provolone, Provolette, Sbrinz, and Goya cheeses, in original loaves; Cheddar cheese, not processed otherwise than by division into pieces; Bryndza cheese, in casks, barrels, or hogsheads, weighing with their contents more than 200 pounds each; and Edam and Gouda cheeses)
1670	Dyeing or tanning materials whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, not containing alcohol, and not specially provided for: All articles of vegetable origin used for dyeing, coloring, or staining (except Brazil wood, madder, and saffron, and not including any article specifically mentioned by name in paragraph 1670, Tariff Act of 1930).

EL SALVADOR

10	Balsams, natural and uncompounded, not containing alcohol: Peru. All other (not including copaiba, fir or Canada, tolu, and styrax).
28 (a)	Natural alizarin and natural indigo.
1654	Coffee, except coffee imported into Puerto Rico and upon which a duty is imposed under the authority of section 319.

FINLAND

234 (a)	Granite suitable for use as monumental, paving, or building stone, not specially provided for:
	Hewn, dressed, pointed, pitched, lined, or polished, or otherwise manufactured.
	Unmanufactured, or not dressed, pointed, pitched, lined, hewn, or polished.
355	Knives, forks, steels, and cleavers, of a class or kind provided for in paragraph 355, Tariff Act of 1930:
	With handles or hard rubber, solid bone, celluloid, or any pyroxylin, casein, or similar material (except table, carving, cake, pie, butter, fruit, cheese, and fish knives, forks, steels, and cleavers).
	With handles of materials other than those specifically mentioned in paragraph 355, Tariff Act of 1930, if specially designed for other than household, kitchen, or butchers' use (except hay forks and 4-tined manure forks, 4 inches in length or over, exclusive of handle):
	With handles of wood or wood and steel, or of nickel silver, or of steel other than austenitic.
	Other, if 4 inches in length or over, exclusive of handle.
405	Birch plywood.
412	Manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for:
	Spools wholly of wood, suitable for thread (not including bobbins).
704	Reindeer meat, fresh, chilled, or frozen, not specially provided for.
710	Cheese:
	Having the eye formation characteristic of the Swiss or Emmenthaler type.
	Gruyere process-cheese.
1402	Paperboard, and pulpboard, including cardboard, not plate finished, supercalendered or friction calendered, laminated by means of an adhesive substance, coated, surface stained or dyed, lined or vat-lined, embossed, printed, decorated, or ornamented in any manner, nor cut into shapes for boxes or other articles and not specially provided for (except pulpboard in rolls for use in the manufacture of wallboard: wallboard: insulating board: fiberboard; leather board or compress leather; and strawboard).
1405	Grease-proof and imitation parchment papers which have been supercalendered and rendered transparent or partially so, by whatever name known.
1409	Wrapping paper not specially provided for (except strawboard and straw paper known as wrapping paper, less than 0.012 but not less than 0.008 inch in thickness).

such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions.

In the event that an article which as of September 1, 1948 was regarded as classifiable under a description included in one or more of the lists is excluded therefrom by judicial decision or otherwise prior to the inclusion of such description in a trade agreement, the list or lists will nevertheless be considered as including such article.

DENMARK

Tariff Act of 1930 Par.	*Item*
353	Articles having as an essential feature an electrical element or device, and parts thereof, finished or unfinished, wholly or in chief value of metal, and not specially provided for:
	Internal combustion engines, other than carburetor type, if of the horizontal type and weighing over 5,000 pounds each, and parts thereof.
	Internal combustion engines, other than carburetor type, and not of the horizontal type, weighing over 2,500 pounds each, and parts thereof.
355	Knives, forks, steels, and cleavers, of a class or kind provided for in paragraph 355, Tariff Act of 1930, with handles of silver (other than plated with silver) or other metal than aluminum, nickel silver, iron or steel, all the foregoing not specially designed for other than household, kitchen, or butchers' use.
372	All other machines, finished or unfinished, not specially provided for, and parts thereof wholly or in chief value of metal or porcelain, not specially provided for:
	Internal combustion engines, other than carburetor type, if of the horizontal type and weighing over 5,000 pounds each, and parts thereof.
	Internal combustion engines, other than carburetor type, and not of the horizontal type, weighing over 2,500 pounds each, and parts thereof.
397	Articles or wares not specially provided for, whether partly or wholly manufactured:
	Composed wholly or in chief value of silver.
412	Spring clothespins.
710	Cheese:
	Having the eye formation characteristic of the Swiss or Emmenthaler type.
	Blue-mold, in original loaves (not including Roquefort cheese).
763	Grass seeds and other forage crop seeds: Orchard grass.
764	Other garden and field seeds:
	Cabbage.
	Cauliflower.
802	Compounds and preparations of which distilled spirits are the component material of chief value and not specially provided for.
1405	Gummed papers, not specially provided for.
1511	Cork, commonly or commercially known as artificial, composition, or compressed cork, in the rough and not further advanced than slabs, blocks, planks, rods, sticks, or similar forms.
1527 (a)	Jewelry, commonly or commercially so known, finished or unfinished (including parts thereof): (2) all other, of whatever material composed, valued above $5 per dozen pieces.
1547 (a)	Works of art: (2) Statuary, sculptures, or copies, replicas, or reproductions thereof, valued at not less than $2.50, and not specially provided for.
1558	Articles manufactured, in whole or in part, not specially provided for: Brewers' yeast, not containing alcohol.
1679	Natural flint, natural flints, and natural flint stones, unground.
1751	Rennet, raw or prepared.

DOMINICAN REPUBLIC

501	Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, crete and concentrated molasses, and all mixtures containing sugar and w
502	Molasses and sugar sirups, not specially provided for (except molasses sugar sirups containing soluble nonsugar solids, excluding any foreign stance that may have been added or developed in the product, equal to than 6 per centum of the total soluble solids).
502	Molasses not imported to be commercially used for the extraction of s or for human consumption.

FINLAND—continued

Tariff Act of 1930 Par.	Item
1516	Matches, friction or lucifer, of all descriptions, in boxes containing not more than 100 matches per box.
1536	Manufactures of wax, or of which wax is the component material of chief value, not specially provided for: Ski wax.
1716	Mechanically ground wood pulp, chemical wood pulp, unbleached or bleached.
1772	Standard newsprint paper.

GREECE

38	Extracts, dyeing and tanning, not containing alcohol: Valonia.
53	Oils, vegetable: Olive, not specially provided for.
328	Cylindrical and tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty.
601	Filler tobacco not specially provided for, if unstemmed: Cigarette leaf tobacco (except smoke-cured, having the flavor and aroma characteristics of smoke-cured Latakia leaf tobacco).
742	Currants, Zante or other.
744	Olives of a class or kind of which Greece is a major supplier.
781	Mixed spices, and spices and spice seeds not specially provided for, including all herbs or herb leaves in glass or other small packages, for culinary use: Bay leaves.
1519 (b)	Manufactures of fur (except silver or black fox), further advanced than dressing, prepared for use as material (whether or not joined or sewed together), including plates, mats, linings, strips, and crosses (except plates, mats, linings, strips, and crosses of dog, goat, kid, squirrel, hare, and lamb and sheep other than caracul and Persian lamb): Plates, mats, linings, strips, and crosses, if dyed.
1545	Sponges, not specially provided for (except hardhead or reef and not including sponges commercially known as sheepswool, yellow, grass, or velvet).
1545	Manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for.
1686	Natural gums, natural gum resins, and natural resins, not specially provided for: Mastic.
1732	Oils, expressed or extracted: Olive, rendered unfit for use as food or for any but mechanical or manufacturing purposes.

HAITI

58	Essential and distilled oils, not specially provided for, not mixed or compounded with or containing alcohol: Vetivert oil.
412	Manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for: Trays, bowls, platters, lamp bases, book-ends, and similar household wares, of which mahogany is the component material of chief value.
739	Orange peel, crude, dried, or in brine.
1529 (a)	Articles (except hats and other wearing apparel) wholly or in part of braids.
1530 (e)	Boots, shoes, or other footwear (including athletic or sporting boots and shoes), the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing, whether or not the soles are composed of wood or other materials (except such boots, shoes, or other footwear with soles composed wholly or in chief value of leather or with soles composed wholly or in chief value of india rubber or substitutes for rubber).
1537 (a)	Manufactures of raffia-palm leaf or of which this substance is the component material of chief value, not specially provided for.
1670	Dyeing or tanning materials, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, not containing alcohol, and not specially provided for: Logwood.
1684	Grasses and fibers, not dressed or manufactured in any manner, and not specially provided for: Sisal.
1731	Oils, distilled or essential, not mixed or compounded with or containing alcohol: Lemon-grass.
1789	Turmeric.

ITALY

1	Acids and acid anhydrides: Boric acid and tartaric acid.
9	Cream of tartar.
10	Balsams, natural and uncompounded, not containing alcohol: Styrax.
17	Calomel, corrosive sublimate, and other mercurial preparations.
26	Glycerophosphoric acid, and salts and compounds of glycerophosphoric acid.
35	Aconite, aloes, asafetida, cocculus indicus, jalap, manna; marshmallow or althea root, leaves and flowers; all the foregoing which are natural and uncompounded, but which are advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, and not containing alcohol.
53	Oils, vegetable: Olive, weighing with the immediate container less than forty pounds. Olive, not specially provided for.
58	Oils, distilled or essential, not mixed or compounded with or containing alcohol: Lemon.
67	Barytes oré, ground or otherwise manufactured.
73	Siennas, whether crude or not ground, or washed or ground.
76	Vermilion reds containing quicksilver, dry or ground in or mixed with oil or water.
80	Soap: Castile.
202 (b)	Mantels, friezes, and articles of every description or parts thereof, composed wholly or in chief value of earthen tiles or tiling, except pill tiles.
206	Pumice stone, whether unmanufactured or wholly or partly manufactured; and manufactures of pumice stone or of which pumice stone is the component material of chief value, not specially provided for.
209	Talc, steatite or soapstone, and French chalk: Ground, washed, powdered, or pulverized (except talc, steatite or soapstone valued at not more than $14 per ton, and except toilet preparations). Cut or sawed, in blanks, crayons, cubes, disks, or other forms.
211	Earthenware and crockery ware composed of a nonvitrified absorbent body not wholly of clay, including white granite and semiporcelain earthenware, and cream-colored ware, terra cotta, and stoneware, including clock cases with or without movements, pill tiles, plaques, ornaments, charms, vases, statues, statuettes, mugs, cups, steins, lamps, and all other articles composed wholly or in chief value of such ware; all of the foregoing not tableware, kitchenware, or table or kitchen utensils, if plain white, plain yellow, plain brown, plain red, or plain black, and manufactures in chief value of such ware, not specially provided for, or painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner, and manufactures in chief value of such ware, not specially provided for; any of the foregoing, if valued at not less than $3 per dozen.
214	Earthy or mineral substances wholly or partly manufactured and articles, wares, and materials (crude or advanced in condition), composed wholly or in chief value of earthy or mineral substances, not specially provided for, whether susceptible of decoration or not: Marble chip or granite.
217	Bottles, jars, and covered or uncovered demijohns, and carboys, any of the foregoing, wholly or in chief value of glass, if unfilled and holding not more than one pint, not specially provided for.
231	Smalts, frostings, and all ceramic and glass colors, fluxes, glazes, and enamels, all the foregoing in any form other than ground or pulverized.
232 (a)	Marble (except marble commercially known as black marble) and breccia, in block, rough or squared only, and marble (except marble commercially known as black marble) and breccia, sawed or dressed, over two inches in thickness.
232 (b)	Slabs and paving tiles of marble, breccia, or onyx: Containing not less than four superficial inches, all the foregoing whether or not rubbed in whole or in part and whether or not polished in whole or in part.
232 (c)	Mosaic cubes of marble, breccia, or onyx, not exceeding two cubic inches in size, whether loose or attached to paper or other material.

ITALY—continued

Tariff Act of 1930 Par.	Item
233	Alabaster and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, and articles of which these substances or either of them is the component material of chief value.
234 (b)	Travertine stone, unmanufactured, or not dressed, hewn, or polished.
234 (c)	Freestone, sandstone, limestone, lava, and all other stone suitable for use as monumental or building stone, except marble, breccia, and onyx, not specially provided for, whether manufactured or unmanufactured, and whether or not hewn, dressed, or polished.
235	Slate, slates, slate chimney pieces, mantels, slabs for tables, and all other manufactures of slate (not including roofing slates), not specially provided for.
339	Table, household, kitchen, and hospital utensils, and hollow or flat ware, not specially provided for: Illuminating articles, plated with silver on nickel silver or copper. Plated with silver on metal other than nickel silver or copper. Composed wholly or in chief value of steel or other base metal, not plated with platinum, gold, or silver, and not specially provided for: Household food grinding or cutting utensils other than meat and food choppers.
355	Table, carving, cake, pie, butter, fruit, cheese, and fish knives, and similar forks, and steels therefor, all the foregoing with handles of nickel silver or of steel other than austenitic, if less than four inches in length, exclusive of handle, finished or unfinished, not specially provided for.
357	All scissors and other shears (except pruning and sheep shears), and blades for the same, finished or unfinished, valued at more than $1.75 per dozen.
363	Sword blades (not including swords and side arms), irrespective of quality or use, wholly or in part of metal.
382 (a)	Bronze, or Dutch metal, or aluminum, in leaf.
412	Manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for (except baby carriages; badminton rackets and badminton-racket frames; tennis-racket frames; bobbins and shuttles; boxes, crates, fruit-picking trays, and similar containers, and shooks for making any such containers; broom handles and mop handles, further advanced than rough shaped, not less than ¾ inch in diameter and not less than 38 inches in length; brush backs; canoes and canoe paddles; carriages, drays, trucks, and other vehicles, and parts thereof; clasps, buckles, and buckle slides; clothespins, faucets, spigots, and stocking darners or darning lasts; forks and spoons; golf club shafts and ice-hockey sticks; skis, equipment ordinarily used in conjunction therewith, and parts of skis or of such equipment; snowshoes and toboggans; laminated wall-board; picture and mirror frames; spools wholly of wood, suitable for thread; and wheelbarrows).
505	Adonite, arabinose, dulcite, galactose, inosite, inulin, mannite, d-talose, d-tagatose, ribose, melibiose, dextrose testing above 99.7 per centum, mannose, melezitose, raffinose, rhamnose, sorbite, xylose, and other saccharides (not including levulose, salicin, and lactose).
604	Snuff and snuff flour, manufactured of tobacco, ground dry, or damp, and pickled, scented, or otherwise, of all descriptions.
703	Pork, prepared or preserved: Pork made into sausages of any kind (except fresh pork sausage).
710	Cheese, in original loaves: Romano, Pecorino, Reggiano, Parmesano, Provoloni, and Provolette.
718 (a)	Fish, prepared or preserved in any manner, when packed in oil or in oil and other substances: Anchovies and antipasto, valued at over 9 cents per pound, including the weight of the immediate container.
725	Macaroni, vermicelli, noodles, and similar alimentary pastes, whether or not containing eggs or egg products.
737	Cherries: (3) sulphured, or in brine, with pits, or with pits removed.
739	Orange and lemon peel, crude, dried, or in brine, or candied, crystallized, or glace, or otherwise prepared or preserved.
739	Citrons or citron peel, candied, crystallized, or glace, or otherwise prepared or preserved.

ITALY—continued

Tariff Act of 1930 Par.	Item
740	Figs, prepared or preserved, not specially provided for.
743	Lemons.
761	Edible nuts, not specially provided for: Pignolia, not shelled, or shelled.
764	Other garden and field seeds: Pepper.
767	Lupines.
770	Red onions (except onion sets).
772	Tomatoes, prepared or preserved in any manner.
775	Vegetables (including horseradish), if pickled, or packed in salt or brine (except cucumbers and onions).
775	Pastes, balls, puddings, hash (except corned beef hash) and all similar forms, composed of vegetables, or of vegetables and meat or fish, or both, not specially provided for.
804	Vermouth.
908	Tapestries and other Jacquard-figured upholstery cloths (not including pile fabrics or bed ticking) in the piece or otherwise, wholly or in chief value of cotton or other vegetable fiber.
911 (a)	Quilts or bedspreads, whether or not Jacquard-figured (except quilts or bedspreads not Jacquard-figured but block-printed by hand), and blankets, not Jacquard-figured, all the foregoing wholly or in chief value of cotton, whether in the piece or otherwise.
1001	Hemp and hemp tow, and hackled hemp.
1004 (a)	Single yarns, of hemp or ramie, or a mixture of them.
1005 (a)	Cordage, including cables, tarred or untarred, composed of three or more strands, each strand composed of two or more yarns: (3) wholly or in chief value of hemp.
1009 (a)	Woven fabrics, not including articles finished or unfinished, of hemp or ramie, or of which these substances or either of them is the component material of chief value (except such as are commonly used as paddings or interlinings in clothing), exceeding thirty and not exceeding one hundred threads to the square inch, counting the warp and filling, weighing not less than four and not more than twelve ounces per square yard, and exceeding twelve inches but not exceeding thirty-six inches in width.
1014	Towels, finished or unfinished, wholly or in chief value of hemp or ramie, or of which these substances or either of them is the component material of chief value, not exceeding 120 threads to the square inch, counting the warp and filling.
1115 (b)	Bodies, hoods, forms, and shapes, for hats, bonnets, caps, berets, and similar articles, wholly or in chief value of wool but not knit or crocheted nor made in chief value of knit, crocheted, or woven material; all the foregoing, if not pulled, stamped, blocked, or trimmed, and not including finished hats, bonnets, caps, berets, and similar articles.
1205	Woven fabrics in the piece, not exceeding 30 inches in width, whether woven with fast or split edges, wholly or in chief value of silk, including umbrella silk or Gloria cloth, all the foregoing, if Jacquard-figured, but not bleached, printed, dyed, or colored.
1301	Filaments of rayon or other synthetic textile, grouped, not specially provided for.
1403	Manufactures of papier-mache, not specially provided for (not including masks).
1405	Cloth-lined or reinforced paper.
1406	Labels, flaps, and bands, composed wholly or in chief value of paper lithographically printed in whole or in part from stone, gelatin, metal, or other material, but not printed in whole or in part in metal leaf and not specially provided for, all the foregoing, if not exceeding ten square inches cutting size in dimensions, embossed or die-cut, and if printed in less than eight colors.
1407 (a)	Drawing and similar paper, weighing eight pounds or over per ream and valued at less than 40 cents per pound, not ruled, bordered, embossed, printed, lined, or decorated in any manner.
1410	Book covers wholly or in part of leather, not specially provided for.
1410	All post cards (not including American views), plain, decorated, embossed, or printed except by lithographic process.

ITALY—continued

Tariff Act of 1930 Par.	Item
1504 (a)	Braids, plaits, and laces, composed wholly or in chief value of straw, chip, paper, grass, willow, osier, rattan, real horsehair, cuba bark, or manila hemp, and braids and plaits, wholly or in chief value of ramie, all the foregoing suitable for making or ornamenting hats, bonnets, or hoods: Bleached, dyed, colored, or stained, and not containing a substantial part of rayon or other synthetic textile.
1518	Natural grasses, grains, leaves, plants, shrubs, herbs, trees, and parts thereof, not specially provided for, when bleached; and boas, boutonnieres, wreaths, and all articles not specially provided for, composed wholly or in chief value of any of the foregoing.
1518	Boas, boutonnieres, wreaths, and all articles not specially provided for, composed wholly or in chief value of colored, dyed, painted, or chemically treated natural grasses, grains, leaves, plants, shrubs, herbs, trees, and parts thereof, not specially provided for.
1523	Human hair, cleaned or commercially known as drawn, but not manufactured.
1530 (e)	Boots, shoes, or other footwear (including athletic or sporting boots and shoes), made wholly or in chief value of leather, not specially provided for: Turn or turned, for women and misses (except slippers for housewear and moccasins of the Indian handicraft type, having no line of demarcation between the soles and the uppers).
1538	Manufactures of mother-of-pearl or shell, or of which these substances or either of them is the component material of chief value, not specially provided for; and shells and pieces of shells engraved, cut, ornamented, or otherwise manufactured.
1541 (a)	Musical instruments and parts thereof, not specially provided for: Cymbals and parts thereof; piano accordions; and parts of accordions (except parts, other than reeds, specially designed for concertinas and other accordions having not more than 32 treble buttons and not more than 25 bass buttons).
1547 (a)	Works of art: (2) Statuary, sculptures, or copies, replicas, or reproductions thereof, valued at not less than $2.50, and not specially provided for.
1552	All smokers' articles whatsoever, and parts thereof, finished or unfinished, not specially provided for, of whatever material composed, except china, porcelain, parian, bisque, earthenware, or stoneware: Cigar and cigarette boxes, wholly or in chief value of wood and valued at 50 cents or more each.
1554	Umbrellas, parasols, and sunshades, covered with material other than paper or lace, not embroidered or appliqued.
1554	Handles and sticks for umbrellas, parasols, sunshades, and walking canes, if composed wholly or in chief value of materials other than synthetic resin or compounds of cellulose.
1602	Aconite, cocculus indicus, manna; marshmallow or althea root, leaves and flowers; all the foregoing which are natural and uncompounded and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, not containing alcohol.
1630	Books, pamphlets, and music, in raised print, used exclusively by or for the blind.
1646	Chestnuts (including marrons), not further advanced than crude, dried, or baked.
1649	Citrons and citron peel, in brine.
1670	Dyeing or tanning materials: Sumac, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, not containing alcohol, and not specially provided for.
1722	Vegetable substances, crude or unmanufactured, not specially provided for: Orris root, lavender flowers, and sloe and juniper berries.
1728	Belladonna.
1731	Oils, distilled or essential, not mixed or compounded with or containing alcohol: Bergamot.
1751	Rennet, raw or prepared.

ITALY—continued

Tariff Act of 1930 Par.	Item
1774	Altars, pulpits, communion tables, baptismal fonts, shrines, or parts of any of the foregoing, and statuary (except casts of plaster of Paris, or of compositions of paper or papier-mache), imported in good faith for presentation (without charge) to, and for the use of, any corporation or association organized and operated exclusively for religious purposes.
1788	Truffles, fresh, or dried or otherwise prepared or preserved.
1810	Works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution or to any State or municipal corporation or incorporated religious society, college, or other public institution, not including stained or painted window glass or stained or painted glass windows which are works of art when imported to be used in houses of worship, valued at $15 or more per square foot, and excluding any article, in whole or in part, molded, cast, or mechanically wrought from metal within twenty years prior to importation.
1812	Gobelin tapestries used as wall hangings.

NICARAGUA

10	Balsams, natural and uncompounded, not containing alcohol: Peru. All other (not including copaiba, fir or Canada, tolu, and styrax).
1602	Ipecac, natural and uncompounded and in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, and not containing alcohol.
1670	Dyeing or tanning materials, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, not containing alcohol, and not specially provided for: Fustic wood and Brazil wood.
1803	Wood: (2) Logs: Spanish cedar.
1804	Railroad ties, hewn, not sawed on any side.

PERU

35	Pyrethrum or insect flowers, and derris root, tube or tuba root, and barbasco or cube root, all the foregoing which are natural and uncompounded, but advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, not containing alcohol.
36	Coca leaves.
377	Bismuth.
501	Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, and all mixtures containing sugar and water.
718 (a)	Fish, prepared or preserved in any manner, when packed in oil or in oil and other substances: Tuna. Bonito and yellowtail.
783	Cotton having a staple of one and one-eighth inches or more in length.
1102 (b)	Hair of the alpaca, llama, and vicuna, in the grease, or washed, scoured, on the skin, and sorted, or matchings, if not scoured.
1116 (a)	Oriental, Axminster, Savonnerie, Aubusson, and other carpets, rugs, and mats, not made on a power-driven loom, plain or figured, whether woven as separate carpets, rugs, or mats, or in rolls of any width, all the foregoing, if wholly or in chief value of hair of the alpaca, llama, guanaco, huarizo, suri, misti, or a combination of the hair of two or more of these species.
1609	Cochineal, and extracts thereof, not containing alcohol.
1670	Dyeing or tanning materials, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, not containing alcohol, and not specially provided for: Tara.

PERU—continued

Tariff Act of 1930 Par.	Item
1685	Guano.
1686	Natural gums, natural gum resins, and natural resins, not specially provided for: Leche caspi.
1719	Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for: Vanadium ore or concentrates.
1722	Vegetable substances, crude or unmanufactured, not specially provided for: Barbasco or cube root.
1765	Skins of all kinds, raw, and hides not specially provided for: Goat and kid skins.

SWEDEN

32	Compounds of cellulose, known as vulcanized or hard fiber, made wholly or in chief value of cellulose.
78	Potassium hydroxide or caustic potash.
81	Sodium hydroxide or caustic soda.
218 (f)	Table and kitchen articles and utensils, and all articles of every description not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sand-blasted, silver, stained, or decorated or ornamented in any manner, whether filled or unfilled, or whether their contents be dutiable or free: Articles primarily designed for ornamental purposes, decorated chiefly by engraving and valued at not less than $8 each.
226	Lighthouse lenses of glass or pebble, molded or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, wholly or partly manufactured, with edges unground or with edges ground or beveled.
234 (a)	Granite suitable for use as monumental, paving, or building stone, not specially provided for, unmanufactured, or not dressed, pointed, pitched, lined, hewn, or polished.
301	Granular or sponge iron, whether or not containing vanadium, tungsten, molybdenum, or chromium.
302 (k)	Ferrochrome or ferrochromium containing less than 3 per centum of carbon.
303	Muck bars, pieces thereof except crop ends, bar iron, and round iron in coils or rods, iron in slabs, blooms, loops, or other forms less finished than iron in bars and more advanced than pig iron, except castings; all the foregoing, valued above 2½ cents per pound.
304	Steel ingots, cogged ingots, blooms and slabs, by whatever process made; die blocks or blanks; billets and bars, whether solid or hollow; shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process or operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; concrete reinforcement bars; all descriptions and shapes of dry sand, loam, or iron molded steel castings; sheets and plates and steel not specially provided for: Hollow bars and hollow drill steel, valued above 5 and not above 8 cents per pound and above 12 and not above 16 cents per pound. Steel circular saw plates, regardless of value. Other, valued above 5 and not above 16 cents per pound.
315	Wire rods: Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, or square, or in any other shape, nail rods and flat rods up to six inches in width ready to be drawn or rolled into wire or strips, all the foregoing in coils or otherwise, valued at over 2½ cents per pound.
315	All iron or steel wire rods, which have been tempered or treated in any manner or partly manufactured.
315	All iron or steel bars and rods of whatever shape or section which are cold rolled, cold drawn, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering.

SWEDEN—continued

Tariff Act of 1930 Par.	Item
315	All strips, plates, or sheets of iron or steel of whatever shape, other than polished, planished, or glanced sheet iron or sheet steel, which are cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish or polish better than the grade of cold rolled, smoothed only.
316 (a)	Round iron or steel wire, valued above 6 cents per pound.
316 (a)	All flat wires and all steel in strips not thicker than one-quarter of one inch and not exceeding sixteen inches in width, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced.
316 (a)	All wire of iron, steel, or other metal (except round iron or steel wire valued not above 6 cents per pound) coated by dipping, galvanizing, sherardizing, electrolytic, or any other process with zinc, tin, or other metal.
318	Fourdrinier wires and cylinder wires, suitable for use in paper-making machines (whether or not parts of or fitted or attached to such machines), and woven-wire cloth suitable for use in the manufacture of Fourdrinier wires or cylinder wires.
319 (a)	Forgings of iron or steel, or of combined iron and steel, not machined, tooled, or otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for.
321	Antifriction balls and rollers, metal balls and rollers commonly used in ball or roller bearings, metal ball or roller bearings, and parts thereof, whether finished or unfinished, for whatever use intended.
325	Anvils of iron or steel, or of iron and steel combined, by whatever process made, or in whatever stage of manufacture, weighing 5 pounds or more each.
328	Finished or unfinished iron or steel tubes not specially provided for (not including lap-welded, butt-welded, seamed, or jointed iron or steel tubes, tubes made from plate metal, whether corrugated, ribbed, or otherwise reinforced against collapsing pressure, flexible metal tubing, and rigid iron or steel tubes prepared and lined or coated in any manner suitable for use as conduits for electrical conductors).
339	Table, household, kitchen, and hospital utensils, and hollow or flat ware, not specially provided for, composed of iron or steel and enameled or glazed with vitreous glasses: Sanitary articles; and other than sanitary articles if containing electrical heating elements as constituent parts thereof.
340	Crosscut saws, mill saws, pit and drag saws, steel band saws, finished or further advanced than tempered and polished, hand, back, and all other saws, not specially provided for (not including circular saws).
354	Penknives and pocketknives which have folding blades and steel handles ornamented or decorated with etchings or gilded designs, or both, and valued at more than $6 per dozen.
356	Roll bars, bed plates, and all other stock-treating parts for pulp and paper machinery (not including paper and pulp mill knives).
359	Surgical instruments, and parts thereof, including hypodermic syringes and forceps, composed wholly or in part of iron, steel, copper, brass, nickel, aluminum, or other metal, finished or unfinished (except surgical needles, including hypodermic needles, and except instruments and parts in chief value of glass).
361	Slip joint pliers; and other pliers, pincers, and nippers, and hinged hand tools for holding and splicing wire, finished or unfinished; all the foregoing, valued at more than $2 per dozen.
362	Files, file blanks, rasps, and floats, of whatever cut or kind, seven inches in length and over.
372	Centrifugal machines for the separation of liquids or liquids and solids, not specially provided for (not including cream separators), and parts thereof wholly or in chief value of metal or porcelain, not specially provided for.

SWEDEN—continued

Tariff Act of 1930 Par.	Item
872	All other machines, finished or unfinished, not specially provided for, and parts thereof wholly or in chief value of metal or porcelain, not specially provided for: Wrapping and packaging machines, and parts thereof (except machines for packaging pipe tobacco, and parts thereof; machines for wrapping cigarette packages, and parts thereof; machines for wrapping candy, and parts thereof; and except combination candy cutting and wrapping machines, and parts thereof). Machines for manufacturing chocolate or confectionery, and parts thereof. Food grinding or cutting machines, and parts thereof. Machines for making paper pulp or paper, and parts thereof.
873	Scythes, sickles, grass hooks, and corn knives, and parts thereof, composed wholly or in chief value of metal, whether partly or wholly manufactured.
896	Drills (including breast drills), bits, gimlets, gimlet-bits, countersinks, planes, chisels, gouges, and other cutting tools; all the foregoing, if hand tools not provided for in paragraph 352, Tariff Act of 1930, and parts thereof, wholly or in chief value of metal, not specially provided for.
897	Articles or wares not specially provided for, not plated with platinum, gold, or silver, or colored with gold lacquer, whether partly or wholly manufactured: Portable cooking and heating stoves, designed to be operated by compressed air and kerosene and/or gasoline, and parts thereof not specially provided for, if composed wholly or in chief value of iron, steel, or other base metal.
405	Plywood (except birch plywood and plywood with face ply of Western red-cedar (*thuja plicata*).)
407	Sugar-box shooks, and packing boxes (empty), and packing-box shooks, of wood, not specially provided for.
412	Spring clothespins.
412	Manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for: Clothespins (not including spring clothespins).
763	Grass seeds and other forage crop seeds: Tall oat.
1402	Wallboard, including insulating board, and fiberboard, not plate finished, supercalendered or friction calendered, laminated by means of an adhesive substance, coated, surface stained or dyed, lined or vat-lined, embossed, printed, decorated or ornamented in any manner, nor cut into shapes for boxes or other articles and not specially provided for.
1405	Grease-proof and imitation parchment paper, not specially provided for, by whatever name known (other than grease-proof and imitation parchment papers which have been supercalendered and rendered transparent or partially so, by whatever name known).
1409	Sulphate and sulphite wrapping paper not specially provided for.
1516	Matches, friction or lucifer, of all descriptions.
1604	Agricultural implements: Cream separators valued at not more than $50 each, whether in whole or in parts, including repair parts.
1623	Hard crisp bread made from rye flour and not more than 5 per centum of wheat flour, if any, with yeast as the leavening substance.
1700	Iron ore, including manganiferous iron ore.
1716	Chemical wood pulp, unbleached (except screenings and soda pulp).

URUGUAY

705	Extract of meat, including fluid.
706	Meats, prepared or preserved, not specially provided for (except meat pastes other than liver pastes, packed in air-tight containers weighing with their contents not more than 3 ounces each).
1530 (a)	Hides and skins of cattle of the bovine species (except hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles), raw or uncured, or dried, salted, or pickled.
1603	Agates, unmanufactured.
1625	Blood, dried, not specially provided for.
1627	Bones: Crude, steamed, or ground; bone dust, bone meal, and bone ash; and animal carbon suitable only for fertilizing purposes.
1780	Tankage, unfit for human consumption.

[F. R. Doc. 48-9749; Filed, Nov. 5, 1948; 11:55 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE-AGREEMENT NEGOTIATIONS WITH DENMARK, DOMINION REPUBLIC, EL SALVADOR, FINLAND, GREECE, HAITI, ITALY, NICARAGUA, PERU, SWEDEN, AND URUGUAY; POSSIBLE ADJUSTMENTS IN PREFERENTIAL RATES ON CUBAN PRODUCTS

SUBMISSION OF INFORMATION TO THE COMMITTEE FOR RECIPROCITY INFORMATION

Closing date for application to be heard, November 29, 1948.

Public hearings open, December 7, 1948.

Closing date for submission of briefs, December 7, 1948.

The Interdepartmental Committee on Trade Agreements has issued on this day a notice[1] of intention to conduct trade-agreement negotiations with each of the following countries: Denmark, Dominican Republic, El Salvador, Finland, Greece, Haiti, Italy, Nicaragua, Peru, Sweden, and Uruguay. Annexed to this public notice are lists of articles imported into the United States to be considered for possible concessions in the negotiations with each of the above countries.

It is stated by the Trade Agreements Committee that it is proposed to enter into these negotiations with a view to the accession of the countries named above as contracting parties to the General Agreement on Tariffs and Trade. The Trade Agreements Committee has also announced in such notice that, in the case of an article in one or more of these lists with respect to which the corresponding product of Cuba is now entitled to preferential treatment, a modification of the rate in the negotiations referred to will involve the elimination, reduction, or continuation of the preference, perhaps in some cases with an adjustment or specification of the rate applicable to the product of Cuba.

The Committee for Reciprocity Information hereby gives notice that information and views in writing in regard to the foregoing proposals with respect to any of the named countries (including areas for which any of these countries has authority to conduct trade-agreement negotiations) shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, December 7, 1948, and all applications for oral presentation of views in regard thereto, including a statement as to the import product or products, if any, on which the applicant wishes to be heard, shall be submitted to the Committee for Reciprocity Information not later than 12:00 noon, November 29, 1948.

Such communications shall be addressed to "The Chairman, Committee for Reciprocity Information, Department of Commerce, Washington 25, D. C.". Ten copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to.

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard. The first hearing will be at 10:00 a. m. on December 7, 1948, in the auditorium of Department of Commerce Building at 14th and E Streets, N. W., Washington, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made by or on behalf of those persons who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Persons or groups interested in import products may present to the Committee their views concerning possible tariff concessions by the United States on any product, whether or not included in any of the lists annexed to the notice of intention to negotiate which has been issued by the Trade Agreements Committee, and concerning any other matters relating to the proposed negotiations. Copies of these lists may be obtained from the Committee for Reciprocity Information at the address designated above and may be inspected at the field offices of the Department of Commerce.

[1] See F. R. Doc. 48-9749, Interdepartmental Committee on Trade Agreements, *supra*.

As indicated in the notice of intention to negotiate, no tariff concession will be considered on any product which is not included in a list annexed thereto unless it is subsequently included in a supplementary public list.

Persons or groups interested in export products may present their views regarding any tariff or other concessions that might be requested of any of the foreign governments with which it is proposed to undertake trade-agreement negotiations.

A written statement submitted to the Committee for Reciprocity Information may relate to articles contained in one or more of such lists or to other matters relating to the proposed trade-agreement negotiations with one or more of the countries listed above, and oral statements may also relate to one or more such lists or negotiations, subject to any scheduling that may be made by the Committee in advising as to the time and place of individual appearances.

By direction of the Committee for Reciprocity Information this 5th day of November 1948.

EDWARD YARDLEY,
Secretary.

NOVEMBER 5, 1948.

[F. R. Doc. 48-9748; Filed, Nov. 5, 1948; 11:55 a. m.]

UNITED STATES TARRIF COMMISSION

[Investigation No. 1 Under Section 3 of the Trade Agreements Extension Act of 1948]

FOREIGN TRADE AGREEMENTS

PUBLIC NOTICE OF INVESTIGATION AND PUBLIC HEARING

Final date for filing request to testify: November 29, 1948. Date of start of hearing: December 7, 1948.

The United States Tariff Commission on this 5th day of November, 1948, under and by virtue of section 3 of the Trade Agreements Extension Act of 1948 and pursuant to the Commission's rules of practice and procedure, hereby announces an investigation, including a public hearing, with respect to each import article included in the list of articles received by the Commission from the President on November 5, 1948, in connection with proposed negotiations for trade agreements with

Denmark.	Italy.
Dominican Republic.	Nicaragua.
El Salvador.	Peru.
Finland.	Sweden.
Greece.	Uruguay.
Haiti.	

for the purpose of determining for each said import article (a) the limit to which modification of duties and other import restrictions or imposition of additional import restrictions, or continuance of existing customs or excise treatment may be extended in order to carry out the purpose of the Trade Agreements Act of 1934, as amended, without causing or threatening serious injury to the domestic industry producing like or similar articles; and (b) the minimum increases in duties or additional import restrictions required in cases where increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or similar articles.

The purpose of the investigation and hearing is to assist the Tariff Commission in the preparation of its report to the President on the question of what concessions may be made in the proposed trade agreements without causing or threatening serious injury to domestic industry. Since the statute specifically imposes on the Tariff Commission the obligation of holding its own hearing, persons who wish to be assured that their information will be considered by the Tariff Commission must present it directly to the Commission either at the hearing or in writing before the close of the hearing, in accordance with § 206.4 of the Commission's rules.

List of articles. A copy of the list of articles to be considered in this investigation may be obtained from the United States Tariff Commission, Washington 25, D. C. or from the Commission's office in Room 437, Custom House, New York 4, N. Y. The list is being published in the FEREDAL REGISTER[1] and is also available for reference in the field offices of the Department of Commerce. The investigation will be limited to articles included in the published list.

Hearing. All parties interested will be given opportunity to be present to produce evidence, and to be heard at a public hearing to commence at the office of the Commission in Washington, D. C., at 10 a. m. on the 7th day of December 1948.

Request to testify. For the convenience of parties interested and the orderly presentation of evidence it will be necessary to schedule hearings on the various articles at different times. Accordingly, parties desiring to testify must file a request to that effect and indicate the articles on which they desire to be heard on or before November 29, 1948. The Commission will then notify the parties of the date for presentation of their evidence.

Written statements. Persons unable to attend the public hearings may file written statements of relevant information at any time before the close of the hearings. These statements must be under oath and will be considered the same as oral testimony and, except for confidential data, will be open for inspection.

Rules. Copies of the Commission's rules of procedure are available upon request from the United States Tariff Commission, Washington 25, D. C.

By order of the United States Tariff Commission this 5th day of November 1948.

SIDNEY MORGAN,
Secretary.

[F. R. Doc. 48-9747; Filed, Nov. 5, 1948; 11:55 a. m.]

[1] See F. R. Doc. 48-9749, Interdepartment Committee on Trade Agreements, *supra*.

CIVIL AERONAUTICS BOARD

[Docket Nos. 1932, 1830]

NORTHEAST AIRLINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, over its entire system.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on November 8, 1948, at 10:00 a. m. (e. s. t.), in room 1011, Temporary Building No. 5, south of Constitution Avenue between 16th and 17th Streets, N. W., Washington, D. C., before Examiner R. Vernon Radcliffe.

Dated at Washington, D. C., November 2, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-9732; Filed, Nov. 5, 1948; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9157]

NORTHEASTERN INDIANA BROADCASTING CO., INC. (WKJG)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUE

In re application of Northeastern Indiana Broadcasting Company, Inc. (WKJG), Fort Wayne, Indiana, Docket No. 9157, File No. BMP-3332; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of October 1948;

The Commission having under consideration a petition (styled Petition for Reconsideration of Grant of Construction Permit) filed February 4, 1948, by the Fort Industry Company, licensee of Station WSPD, operating on 1370 kilocycles in Toledo, Ohio, requesting that the Commission reconsider and set aside its action of January 16, 1948, granting without hearing the above-entitled application of Northeastern Indiana Broadcasting Company, Inc. to modify its construction permit (File No. BP-4063) so as to operate Station WKJG at Fort Wayne, Indiana, daytime with a directional pattern other than the one specified in said original construction permit, and the Commission also having under consideration an answer to said petition filed by Northeastern Indiana Broadcasting Company, Inc. (WKJG);

It appearing, that on December 5, 1946, the Commission granted an application of Northeastern Indiana Broadcasting Company, Inc. to construct a new standard broadcast station (WKJG) at Fort Wayne, Indiana, to operate on 1380 kilocycles with 5 kilowatt power, unlimited

time using a directional antenna day and night (File No. BP-4063), that the Fort Industry Company (WSPD) had requested reconsideration of said grant because of interference to its normally protected contour but that the request for reconsideration was subsequently withdrawn; and

It further appearing, that upon completion of the construction of Station WKJG and the making of the required proof of performance it was found that the actual antenna efficiency was higher than had been calculated and that thereupon the above-entitled application for modification of construction permit requesting authorization to operate with a higher antenna efficiency was filed; and

It further appearing, that upon the basis of measurements submitted by the Fort Industry Company (WSPD) in connection with its aforesaid petition for reconsideration filed February 4, 1948, and of proofs of performance filed in July and August, 1948, for Stations WSPD and WKJG respectively, questions of fact are presented upon which the petitioner should be afforded an opportunity to be heard;

It is ordered, That pursuant to section 405 of the Communications Act of 1934, as amended, the aforesaid petition of the Fort Industry Company (WSPD) be, and it is hereby, designated for hearing at 10 a. m. on December 2, 1948 at Washington, D. C., upon the following issue:

To determine whether the operation of the proposed station at Fort Wayne, Indiana (WKJG) under the original construction permit would involve objectionable interference with Station WSPD, Toledo, Ohio, and whether the operation of Station WKJG under the modification application would involve an increase of interference, if any, with Station WSPD, Toledo, Ohio, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

It is further ordered, That the Fort Industry Company, licensee of Station WSPD in Toledo, Ohio, and Northeastern Indiana Broadcasting Company, Inc., licensee of Station WKJG, Fort Wayne, Indiana, be, and they are hereby, made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9744; Filed, Nov. 5, 1948; 9:00 a. m.]

[Designation 27]

DESIGNATION OF MOTIONS COMMISSIONER FOR NOVEMBER 1948

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 27th day of October 1948;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that Rosel H. Hyde, Commissioner, be and he is hereby, designated as Motions Commissioner for the month of November 1948.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9746; Filed, Nov. 5, 1948; 9:00 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1131]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 2, 1948.

Upon consideration of the application filed September 24, 1948, by Northern Natural Gas Company (Applicant), a Delaware Corporation having its principal office at Omaha, Nebraska, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission, and open to public inspection;

It appears to the Commission that: Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for noncontested proceedings, and that this proceeding is a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 7, 1948 (13 F. R. 5872).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the National Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 23, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided however*, That the Commission may after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: November 2, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-9729; Filed, Nov. 5, 1948; 8:46 a. m.]

[Docket No. G-1134]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 2, 1948.

Upon consideration of the application filed October 1, 1948, by Lone Star Gas Company (Applicant), a Texas corporation having its principal place of business at Dallas, Texas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 14, 1948 (13 F. R. 6032).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing will be held on November 16, 1948, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participte as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: November 2, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-9728; Filed, Nov. 5, 1948; 8:46 a. m.]

[Docket No. G-1145]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF APPLICATION

NOVEMBER 1, 1948.

Notice is hereby given that on October 19, 1948, Natural Gas Pipeline Company of America (Applicant), a Delaware corporation, with its principal place of business at Chicago, Illinois, filed an application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing (1) the continued operation of certain facilities in the State of Illinois, and (2) the continued transportation, delivery, and sale of natural gas to Illinois Northern Utilities Company for resale in DeKalb and Sycamore, Illinois, to Central Illinois Electric and Gas Company for resale in the City of Rockford, Illinois, and to Illinois Power Company for resale in LaSalle, Peru, Spring Valley, Oglesby, Jonesville and environs, in Illinois, subject to the jurisdiction of the Commission.

Applicant states it has been operating facilities temporarily authorized "In the Matters of Natural Gas Pipeline Company of America" and "Texoma Natural Gas Company," Docket Nos. G-235-B, 235-C, and 235-D, by Commission orders issued on March 21, 1942, April 17, 1942 and June 23, 1942, respectively, transporting, selling and delivering to Illinois Northern Utilities Company, Central Illinois Electric and Gas Company and Illinois Power Company (formerly Illinois Iowa Power Company), the natural gas requirements of their distribution systems; that it proposes and desires to continue the operation of the said facilities and the transportation, delivery and sale of natural gas to said Companies in accordance with applicable rate schedules on file with the Commission; and that natural gas reserves therefor are adequate.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creating of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Natural Gas Pipeline Company of America is on file with the Commission and is open to public inspection. Any person desiring to be heard or to protest with reference to the application shall file with the Federal Power Commission, Washington, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 and 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-9731; Filed, Nov. 5, 1948; 8:46 a. m.]

[Docket No. E-6136]

FLORIDA PUBLIC UTILITIES CO.

ORDER SETTING DATES ON MATTERS SUBMITTED FOR REHEARING

NOVEMBER 2, 1948.

Upon consideration of the motion filed October 18, 1948, by Florida Public Utilities Company, following the Commission's order of June 16, 1948, which granted a rehearing to be held at a time subsequently to be fixed, by which motion the Company submitted its objections to the orders of April 26 and May 12, 1948, in the above-entitled proceeding for final decision by the Commission on the stipulation heretofore filed October 18, 1948, waived any right to intermediate decision procedure, waived any right to present proposed findings and conclusions, and requested an opportunity to file briefs and make oral argument before the Commission;

The Commission orders that:

(A) The above-mentioned motion of Florida Public Utilities Company be and the same is hereby granted.

(B) Simultaneous briefs be filed on or before December 10, 1948, and oral argument be had before the Commission on December 17, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

Date of issuance: November 2, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-9730; Filed, Nov. 5, 1948; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a, Application No. 1]

KANE TRANSFER CO.

AGREEMENT RELATING TO HOUSEHOLD GOODS CARRIERS' BUREAU

NOVEMBER 2, 1948.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed by: Kane Transfer Company, 2116 5th Street NE., Washington 2, D. C.

Agreement involved. Application for approval of an agreement between and among motor common carriers members of Household Goods Carriers' Bureau, relating to procedures for the joint consideration, initiation or establishment of rates, rules, regulations and practices applicable to the transportation of household goods in interstate or foreign commerce within the limits of the United States.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-9735; Filed, Nov. 5, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1060]

INTERSTATE POWER CO.

ORDER DETERMINING VALUE OF STOCK

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of November A. D. 1948.

The New York Curb Exchange has made application under Rule X-12F-2 (b) for a determination that the Debenture Escrow Certificates issued under an escrow agreement between Interstate Power Company and Chemical Bank & Trust Company dated March 31, 1948 are substantially equivalent to the 6% Gold Debentures, due January 1, 1952, of Interstate Power Company, which heretofore have been admitted to unlisted trading privileges on the applicant exchange.

The Commission having duly considered the matter, and having due regard for the public interest and the protection of investors;

It is ordered, Pursuant to sections 12 (f) and 23 (a) of the Securities Exchange Act of 1934 and Rule X-12F-2 (b) thereunder, that the Debenture Escrow Certificates issued pursuant to escrow agreement dated March 31, 1948 between Interstate Power Company and Chemical Bank & Trust Company are hereby determined to be substantially equivalent to the 6% Gold Debentures, due January 1, 1952, of Interstate Power Company, heretofore admitted to unlisted trading privileges on the applicant exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9721; Filed, Nov. 5, 1948; 8:58 a. m.]

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT & RAILWAYS CO. ET AL.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of November A. D. 1948.

In the matter of the United Light and Railways Company, American Light & Traction Company, et al., File Nos. 59-11, 59-17, and 54-25.

American Light & Traction Company ("American Light"), a registered holding company and a subsidiary of the United Light and Railways Company ("Railways"), also a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of

1935 ("act") with respect to the following transactions:

American Light has entered into credit agreements with certain banks and insurance companies under which, prior to November 17, 1948, American Light proposes to issue and sell $15,000,000 aggregate principal amount of serial Collateral Trust Notes to certain banks and insurance companies and in the amounts shown below:

Name of purchaser	Principal amount of notes to be purchased
Central Hanover Bank & Trust Co	$1,500,000.00
Mellon National Bank & Trust Co	1,500,000.00
The National City Bank of New York	1,500,000.00
New England Mutual Life Insurance Co	2,500,000.00
Massachusetts Mutual Life Insurance Co	3,000,000.00
John Hancock Mutual Life Insurance Co	5,000,000.00
	15,000,000.00

The application states that the proceeds from the sale of said notes are to be used in accordance with the provisions of the section 11 (e) plan filed by American Light and its parent, Railways, approved by order of the Commission dated December 30, 1947, in connection with the offer to purchase at $33 per share, during a 30-day period following a date fixed by American Light, all shares of its outstanding preferred stock tendered pursuant to an offer to be made by American Light for that purpose.

Notice of said filing having been duly given in the form prescribed by Rule U-23 promulgated under the act and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The applicant having requested that the Commission enter an order herein approving the proposed transactions, that said order become effective forthwith, and contain appropriate recitations to the effect that the proposed issuance of Collateral Trust Notes is necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application be granted and that the order granting the same contain the recitals requested and become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and provisions prescribed in Rule U-24, that said application be, and the same hereby is, granted, that the issuance of the Collateral Trust Notes is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and that this order become effective forthwith.

It is further ordered, That the jurisdiction reserved in the Commission's order of December 30, 1947 with respect to the accounting treatment of the proposed transactions be, and it hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9742; Filed, Nov. 5, 1948; 8:59 a. m.]

[File No. 68-105]

LONG ISLAND LIGHTING CO.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of November 1948.

In the matter of J. Donald Halsted, E. M. Nichols and B. F. Grizzle, as a protective committee for the holders of the common stock of Long Island Lighting Company. File No. 68-105.

Notice is hereby given that J. Donald Halsted, E. M. Nichols and B. F. Grizzle, as a protective committee for the holders of the common stock of Long Island Lighting Company, have filed a post-effective amendment to a declaration pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935 ("act").

All interested persons are referred to said post-effective amendment to the declaration which is on file in the offices of this Commission for a statement of the proposal contained therein which is summarized as follows:

As members of a protective committee for the holders of the common stock of Long Island Lighting Company, declarants were permitted to solicit authorizations from such holders in connection with certain proceedings relating to (a) an amended plan of consolidation and recapitalization jointly filed, pursuant to section 11 (e) of the act, by Long Island Lighting Company, a registered holding company, and two of its public-utility subsidiary companies, Queens Borough Gas and Electric Company and Nassau & Suffolk Lighting Company (designated as File No. 54-136), and (b) a proceeding instituted by the Commission pursuant to section 11 (b) (2) of the act directed to Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company, and Long Beach Gas Company, Inc. (designated as File No. 59-83), which proceedings were consolidated for hearing.

The post-effective amendment to the declaration states that declarants will request each holder of the common stock to remit to the committee as a voluntary contribution 5 cents per share as a "defense fund" to help defray the past and future expenditures of the committee. Such expenditures include proposed payments as retainers of $7,500 to Harold G. Aron and $7,500 to Warren & McGroddy, the committee's counsel, and the cost of soliciting proxies and calling and holding a special stockholders' meeting for the election of a board of directors if the Committee decides to attempt to have such a meeting held.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said post-effective amendment to the declaration, that said post-effective amendment shall not become effective except pursuant to further order of this Commission, and that record in the consolidated proceedings relating to the amended plan of consolidation and recapitalization filed pursuant to section 11 (e) of the act (File No. 54-136) and the proceeding instituted by the Commission pursuant to section 11 (b) (2) of the act (File No. 59-83) has a bearing on the matters and questions presented for consideration by the said post-effective amendment to the declaration:

It is hereby ordered, Pursuant to sections 11 (b) (2), 11 (e), 11 (g), 12 (e), and 18 of the act and the rules and regulations promulgated thereunder, that a hearing be held upon said matter on November 12, 1948 at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such day the hearing room clerk will advise as to the room where such hearing will be held. Any person desiring to be heard or otherwise wishing to participate therein shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice on or before November 10, 1948.

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in such matters. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the said post-effective amendment to the declaration, and that on the basis thereof the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed solicitation material contains any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

(2) Whether the proposed solicitation of the common stockholders of Long Island of 5 cents per share of common stock is in the public interest and in the interest of investors and for proper purposes and whether the proposed solicitation and proposed expenditures are in circumvention of any of the provisions of the Act or any rule, regulation, or order promulgated thereunder.

(3) Whether the proposed solicitation is consistent with the applicable standards of the act and rules thereunder, and whether, if such solicitation be permitted, the interest of the public or of investors or consumers requires the imposition of terms and conditions with respect thereto.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the record in the consolidated proceedings in File Nos. 54-136 and 59-83 may be received in evidence at said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9741; Filed, Nov. 5, 1948; 8:59 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12126]

CLAUS CHRISTIAN JESSEN

In re: Trust under will of Claus Christian Jessen, deceased. File No. D-28-10510-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Theodora Jessen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under paragraph three of the will of Claus Christian Jessen, deceased, and presently being administered by the First National Bank of Chicago, Chicago, Illinois, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9752; Filed, Nov. 5, 1948; 9:00 a. m.]

[Vesting Order 12217]

GEORG FRENZ

In re: Bonds owned by Georg Frenz. F-28-5435-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Frenz, whose last known address is Bochum in Westfalen, Diekemp Str. 40, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) Kingdom of Hungary, 6% State Bonds of 30 Crowns face value each, bearing the numbers 037.818/22, presently in the custody of Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, together with any and all rights thereunder and thereto,

b. Eight (8) Kingdom of Hungary, 6% State Bonds of 3 Crowns face value each, bearing the numbers 567.562 and 567.575/81, presently in the custody of Continental Illinois National Bank and Trust Company, of Chicago, 231 South La Salle Street, Chicago, Illinois, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to Georg Frenz, by Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, arising out of an Agency Account, entitled Georg Frenz, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9753; Filed, Nov. 5, 1948; 9:00 a. m.]

[Vesting Order 12222]

MARGARETHE KROPATSCHECK

In re: Bonds and bank account owned by Margarethe Kropatscheck. F-28-28109-A-1, F-28-28109-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarethe Kropatscheck, whose last known address is Iifeld, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

(a) Two (2) United States of Brazil 3¾% External Bonds of 1944, Series 11, of $500 and $1000 face value, bearing the numbers D-182 and M687, respectively, and presently in the custody of Credit Suisse New York Agency, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, St. Gall, together with any and all rights thereunder and thereto,

(b) Two (2) United States of Brazil 3¾% External Bonds of 1944, Series 12, of $250 and $1000 face value, bearing the numbers A21 and M797, respectively, and presently in the custody of Credit Suisse New York Agency, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, St. Gall, together with any and all rights thereunder and thereto,

(c) Two (2) Department of Cauca Valley 20 year 7½% Sinking Fund Gold Bonds of $500 and $1000 face value, bearing the numbers D92 and M531, respectively, and presently in the custody of Credit Suisse New York Agency, 30 Pine Street, New York, New York, in an account entitled Credit Suisse, St. Gall, together with any and all rights thereunder and thereto, and

(d) That certain debt or other obligation of Credit Suisse New York Agency, 30 Pine Street, New York, New York, in the amount of $1,205.66 as of February 1, 1947, presently on deposit in an account entitled "Credit Suisse, St. Gall, Identified: Swiss-German," and any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on ac-

count of, or owing to, or which is evidence of ownership or control by, Margarethe Kropatscheck, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9754; Filed, Nov. 5, 1948; 9:00 a. m.]

[Vesting Order 12227]

ERWIN WULZ

In re: Securities owned by and debt owing to Erwin Wulz. F-28-24892-D-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erwin Wulz, whose last known address is Johannes Strasse 60, Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by one (1) Ambassador East, Inc., 15-Year First Mortgage Income Bond of $500.00 face value, bearing the number D155, and registered in the name of Erwin Wulz, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bond,

b. All rights and interests in and under one (1) stock trust certificate for one (1) share of no par value common capital stock of Ambassador East, Inc., 1301 North State Street, Chicago 10, Illinois, a corporation organized under the laws of the State of Delaware, bearing the number 568 and registered in the name of Erwin Wulz,

c. Five-tenths (5/10ths) of one share of no par value preferred capital stock of Ambassador East, Inc., 1301 North State Street, Chicago 10, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 229 and registered in the name of Erwin Wulz, together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Erwin Wulz, by The First National Bank of Chicago, 38 South Dearborn Street, Chicago 90, Illinois, arising out of a Blocked Funds Account, account number Tr. 21990, entitled Erwin Wulz, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9755; Filed, Nov. 5, 1948; 9:00 a. m.]

[Vesting Order 12247]

LENA ZIEGLER BACH

In re: Certificate of deposit owned by Lena Ziegler Bach, also known as Mrs. John Bach, also known as Lena Ziegler. F-28-28245—A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lena Ziegler Bach, also known as Mrs. John Bach, also known as Lena Ziegler, whose last-known address is Wustenbrunnen Str. #3, Rehau 13a Bayern, United States Zone, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) certificate of deposit of the Chicago City Bank and Trust Company, said certificate numbered 13, of $500 face value, registered in the name of Lena Ziegler and presently in the custody of Chicago City Bank and Trust Company, 815 West 63rd Street, Chicago 21, Illinois, and any and all rights thereunder and thereto, together with any and all rights of exchange thereof for a certificate of beneficial interest for five (5) shares in the aforesaid Chicago City Bank and Trust Company's Trust No. 2226, and any and all rights thereunder and thereto, including particularly any and all rights of liquidation of the aforesaid certificate of beneficial interest.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9757; Filed, Nov. 5, 1948; 9:01 a. m.]

[Vesting Order 12233]

ROHM & HAAS G. M. B. H.

In re: Patents owned by Rohm & Haas G. m. b. H.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rohm & Haas G. m. b. H. is a corporation, partnership, association or other business organization organized under the laws of Germany, with its principal place of business in Darmstadt, Germany, and is a national of a foreign country (Germany);

2. That the property described as follows: All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the United States Letters Patent identified in Exhibit A attached hereto and by reference made a part hereof,

is property of the aforesaid national of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 26, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Patent No.	Date	Inventor	Title
1,829,208	10-27-31	Walter Bauer	Processes of producing acrylic acid esters.
1,864,884	6-28-32	do	Process of producing acrylic acid esters.
1,890,277	12-06-32	do	Process of producing acrylic acid esters.
1,911,219	5-30-33	Walter Bauer, Paul Weisert	Process for the preparation of acrylic acid.
1,951,782	3-20-34	Walter Bauer, Hellmuth Lauth.	Process for making esters of acrylic acid.
1,982,831	12-04-34	Otto Rohm, Walter Bauer	Insulated electrical conductor.
1,982,946	12-04-34	Walter Bauer	Adhesive.
2,007,645	7-09-35	Emil Geisel	Compound glass.
2,021,763	11-19-35	Walter Bauer	Manufacture of artificial products.
2,067,580	1-12-37	Otto Rohm	Method of polymerizing compounds.
2,073,619	3-16-37	Walter Bauer, Adolf Gerlach	Process of producing transformation products of acrylic acid or its derivatives.
2,078,881	4-27-37	Walter M. Munzinger	Process for coating rubber and product.
2,086,093	7-06-37	Hermann Phanson	Process for polymerizing acrylic acid esters and mixtures of acrylic-esters with vinyl-esters.
2,087,466	7-20-37	Walter Bauer, Hellmuth Lauth.	Processes of producing acrylic acid and its esters.
2,091,615	8-31-37	Otto Rohm, Walter Bauer	Process for the manufacture of polymerization products.
2,095,941	10-12-37	Walter Bauer, Adolf Gerlach	Laminated glass and process for preparing.
2,104,168 2,108,181	1-04-38 2-15-38	Otto Rohm, Walter Bauer August Schummer, Ernst Trommsdorff.	Artificial substance. Process for preparing anatomical casts of human and animal organs.
2,127,135	8-16-38	Hermann Phanson	Process for the polymerization of vinyl esters and their derivatives or homologues or mixtures of these substances.
2,129,478 2,132,671 2,137,377	9-06-38 10-11-38 11-22-38	Otto Rohm Walter Bauer Walter Bauer, Paul Weisert	Polymerization process. Condensation products. Laminated glass.
2,153,406	4-04-39	Walter Bauer	Process for the preparation of methacrylic acid.
2,154,639	4-18-39	Otto Rohm, Walter Bauer	Process for the manufacture of polymerization products.
2,160,054	5-30-39	Walter Bauer, Hellmuth Lauth.	Polymerization process.
2,171,727	9-05-39	Carl T. Kautter	Process for the preparation of B methyl acrolein.
2,171,765	9-05-39	Otto Rohm, Ernst Trommsdorff.	Process for the polymerization of methyl methacrylate.
2,171,795	9-05-39	Carl T. Kautter	Distillation of polymerisable materials.
2,190,742	3-12-40	Otto Rohm	Glass substitute and process or preparing.
2,190,709	5-14-40	Ernst Trommsdorff	Organogel.
2,195,355	6-18-40	Otto Grimm, Hans Rach	Treatment of leather.
2,199,246	7-23-40	Walter Bauer, Ernst Trommsdorff.	Process of accelerating polymerization.
2,210,320	8-06-40	Carl T. Kautter, Albert Robert Beinz Grafe.	Manufacture of methacrylonitrile.
2,220,033	10-29-40	Walter et al., Franz Esser	Interpolymer of acrylic nitrile methyl methacrylate and methacrylic amide.
2,250,485	7-29-41	Carl T. Kautter	Process for polymerizing acrylic and methacrylic acid esters.
2,250,958	7-29-41	Carl T. Kautter, Kurt Feuerstein.	Process of embedding color in polymeric materials.
2,263,385	11-18-41	Otto Grimm	Process for dyeing leather.
2-273,700	2-17-42	Kurt Feuerstein	Decorated foil and film.
2,283,579	6-09-42	Erich Groiner	Emulsions.
2,315,675	4-06-43	Ernst Trommsdorff	Sizing of paper.
2,323,781	7-06-43	Franz Kobler	Preparation of allyl alcohol and its homologues.
2,321,935	7-20-43	Carl T. Kautter, Ernst Trommsdorff.	Process for polymerizing derivatives of methacrylic acid.
2,326,078	8-03-43	Ernst Trommsdorff, Gerhard Abel.	Process of polymerizing methacrylic acid.
2,328,900	9-07-43	Otto Grimm, Hans Rach	Process for dyeing fabrics.
2,328,901	9-07-43	Otto Grimm, Hans Rach	Nitrogenous condensation product.
2,363,286	11-21-44	Walter Bauer, Carl T. Kautter.	Vinyl esters of unsaturated acids.

[F. R. Doc. 48-9756; Filed, Nov. 5, 1948; 9:01 a. m.]

[Vesting Order 12255]

HANS HERZOG

In re: Bond owned by Hans Herzog. F-28-29194-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Herzog, whose last known address is 187 Fischbachstrasse, Feucht near Nuernberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation, matured or unmatured, evidenced by one (1) Cities Service Company Refunding 5% Gold Debenture of $1,000.00 face value, bearing number M14209, in bearer form and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under said debenture,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9758; Filed, Nov. 5, 1948; 9:01 a. m.]

[Vesting Order 98, Amdt.]

ROHM & HAAS G. M. B. H. & ROHM & HAAS CO.

In re: Interests of Rohm & Haas G. m. b. H. in an agreement with Rohm & Haas Company dated November 24, 1934 and January 30, 1935.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, Vesting Order 98, as affirmed by § 500.41, as amended, of the rules, Office

REFERENCE NOV 10 '48

of Alien Property, Department of Justice, is hereby amended to read as follows:

1. It is hereby found that Rohm & Haas G. m. b. H. is a corporation, partnership, association or other business organization organized under the laws of Germany, with its principal place of business in Darmstadt, Germany, and is a national of a foreign country (Germany);

2. It is hereby found that the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Rohm & Haas A. G. by virtue of an agreement dated November 24, 1934 and January 30, 1935 (including all modifications thereof and supplements thereto, including, but without limitation, a letter agreement dated July 5, 1939) by and between Rohm & Haas A. G. and Rohm & Haas Company, which agreement relates, among other things, to United States Letters Patent No. 2,285,579,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid national of a foreign country (Germany).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it having been and being deemed necessary in the national interest,

There is hereby vested the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein and in said Vesting Order 98 shall have and had the meaning prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C., on October 26, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9761; Filed, Nov. 5, 1948; 9:01 a. m.]

[Vesting Order 2009, Amdt.]

TONY NESHOFF

In re: Estate of Tony Neshoff, deceased. File No. D-11-61; E. T. sec. 6079.

Vesting Order 2009 dated August 19, 1943, as amended, is hereby further amended as follows and not otherwise: By deleting the name "Teophil Ivanoff T. Neshoff" wherever it appears in said Vesting Order 2009, as amended, and substituting therefor the name "Nesho Todoroff Neshoff."

All other provisions of said Vesting Order Number 2009, as amended, and all action taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9762; Filed, Nov. 5, 1948; 9:01 a. m.]

CARL LUENENSCHLOSS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Carl Luenenschloss, Elizabeth, N. J., 5862; The following securities in the name of Carl Luenenschloss held in Safekeeping Account No. 66-200045, Office of Alien Property, 120 Broadway, New York, New York.

1. Konversionskasse fur Deutsche Auslandsschulden 3% Bonds, Series C, Nos. 01557 to 01566 inclusive and Nos. 00222, 00411, 00495, 00857, 00858, 01001, 01002, 01003, 01159, 01160, 01161, 01453, 01520, 01809, 02336 together with attached coupons.

2. I. G. Farbenindustrie A. G. 6% Bonds of 1928, Nos. 056336, 060074, 065649, 098341, 098342, 056604, 000258, 000259, 028101, 028102, 028103, 028104, 028105, 028106, together with attached coupons.

3. 12 shares capital stock of Standard Oil Company (N. J.) Certificate No. 0696550 and C772993 registered in the name of Carl Luenenschloss.

4. Certificates for twenty preferred shares, 7% Series IV of Deutsche Reichsbahn-Gesellschaft, Certificates No. 0013475-6; 0013477-8; 0013479-80; 0013481-2; 0013483-4; 0013485-6; 0013487-8; 0013489-90; 0013491-2; 0013493-4.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9764; Filed, Nov. 5, 1948; 9:01 a. m.]

SIEGMUND CHAMBRE AND MAX CHAMBRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Siegmund Chambre, Los Angeles, California, 33766. Max Chambre, San Francisco, California, 6289; Two-thirds (⅔) of the all right, title, interest, and claim of any kind or character whatsoever, of Lina Chambre Meyer and Klara Chambre, and each of them, in and to the Trust Estate of Meier Katten, deceased, one-half (½) thereof to each claimant; $3,036.78 in the Treasury of the United States, one-half (½) thereof to each claimant.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9764; Filed, Nov. 5, 1948; 9:01 a. m.]

REFERENCE NOV 10 '48

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 13 NUMBER 219

Washington, Tuesday, November 9, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10014

DIRECTING FEDERAL AGENCIES TO COOPERATE WITH STATE AND LOCAL AUTHORITIES IN PREVENTING POLLUTION OF SURFACE AND UNDERGROUND WATERS

By virtue of the authority vested in me as President of the United States, and pursuant to the policy expressed in section 1 of the Water Pollution Control Act approved June 30, 1948 (Public Law 845, 80th Congress), of recognizing, preserving, and protecting the primary responsibilities and rights of the States in controlling water pollution, I hereby direct the heads of the departments, agencies, and independent establishments of the executive branch of the Government to take such action as may be practicable, in cooperation with State and local authorities concerned with control of water pollution, to insure the disposal of sewage, garbage, refuse, and other wastes accumulated in the course or as a result of Federal activities, and industrial or manufactured foodstuffs and other products destroyed by order or under the supervision of Federal regulatory authorities, in such manner as will conform with programs formulated under State law and applicable to Stat agencies and the public generally for the preservation and improvement of the quality of surface and underground waters.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 3, 1948.

[F. R. Doc. 48-9872; Filed, Nov. 5, 1948; 2:26 p. m.]

EXECUTIVE ORDER 10015

AMENDMENT OF EXECUTIVE ORDER NO. 10010, CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE AKRON & BARBERTON BELT RAILROAD COMPANY AND OTHER CARRIERS, AND CERTAIN OF THEIR EMPLOYEES

By virtue of authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), Executive Order No. 10010 of October 18, 1948, entitled "Creating an Emergency Board to Investigate Disputes between the Akron & Barberton Belt Railroad Company and Other Carriers, and Certain of Their Employees," is hereby amended as follows:

1. The following-named carriers are hereby added to the list of carriers comprising List A attached to and made a part of the said Executive order:

The New York & Long Branch Railroad Company
Wharton & Northern Railroad
Jersey Central Transportation Company
Grand Central Terminals
State University Railroad Company
Woodstock & Blockton Railway Company

2. The railway labor organizations designated in List B attached to and made a part of the said Executive order as "Brotherhood of Railway Carmen of America" and "Hotel and Restaurant Employes' International Alliance and Bartenders' Int. League of America" are hereby designated respectively as "Brotherhood Railway Carmen of America" and "Hotel & Restaurant Employees and Bartenders' International Union."

This order shall be effective as of October 18, 1948.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 5, 1948.

[F. R. Doc. 48-9888; Filed, Nov. 8, 1948; 11:17 a. m.]

TITLE 7—AGRICULTURE

Chapter XXI—Organization, Functions, and Procedure

PART 2202—OFFICE OF BUDGET AND FINANCE

DISCONTINUANCE OF CODIFICATION

The codification of Part 2202 is hereby discontinued. Future amendments to description of organization and functions will appear in the Notices section of the FEDERAL REGISTER.

Dated: October 28, 1948.

[SEAL] RALPH S. ROBERTS,
Acting Director of Finance.

[F. R. Doc. 48-9768; Filed, Nov. 8, 1948; 8:56 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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PART 2205—LIBRARY

DISCONTINUANCE OF CODIFICATION

The codification of Part 2205 is hereby discontinued. Future amendments to the statement of organization and functions will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] RALPH R. SHAW,
The Librarian.

[F. R. Doc. 48-9769; Filed, Nov. 8, 1948; 8:58 a. m.]

TITLE 10—ARMY

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TRANSFER AND REVISION OF REGULATIONS

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PART 261—INFORMATION, SUBMITTALS OR REQUESTS

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter II of Title 12 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. The codification of §§ 261.1 to 261.5 and Appendix A to Part 261, which describe the organization of the Board of Governors of the Federal Reserve System, is hereby discontinued. Future amendments to these provisions will appear in the Notices section of the FEDERAL REGISTER.

2. Sections 261.6 to 261.9 are redesignated §§ 261.1 to 261.4, respectively, and the part headnote is amended to read "Information, Submittals or Requests."

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-9818; Filed, Nov. 8, 1948; 9:04 a. m.]

Subchapter B—Federal Open Market Committee

PART 271—INFORMATION, SUBMITTALS OR REQUESTS

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter II of Title 12 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. The codification of §§ 271.1 to 271.4, which describe the organization of the Federal Open Market Committee, is hereby discontinued. Future amendments to these provisions will appear in the Notices section of the FEDERAL REGISTER.

2. Sections 271.5 to 271.7 are redesignated §§ 271.1 to 271.3, respectively, and the part headnote is amended to read "Information, Submittals or Requests."

FEDERAL OPEN MARKET COMMITTEE,
S. R. CARPENTER,
Assistant Secretary,
Federal Open Market Committee.

[F. R. Doc. 48-9819; Filed, Nov. 8, 1948; 9:04 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter D—Employment Taxes

[T. D. 5665]

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

VENDORS OF NEWSPAPERS AND MAGAZINES

On July 22, 1948, notice of proposed rule making, regarding amendments to the employment tax regulations with respect to certain services performed by vendors of newspapers and magazines, made necessary by Public Law 492, 80th Congress, enacted April 20, 1948, was published in the FEDERAL REGISTER (13 F. R. 4191). No objection to the rules proposed having been received, the amendments set forth below are hereby adopted. The amendments are made in order to conform Regulations 106 (26 CFR, Part 402), relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code), to sections 1 and 3 of Public Law 492, 80th Congress, and Regulations 107 (26 CFR, Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (subchapter C, chapter 9, Internal Revenue Code), to sections 2 and 3 of such Public Law 492. Such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 402.201, the following is inserted:

SECTION 1 OF PUBLIC LAW 492 (80TH CONGRESS), ENACTED APRIL 20, 1948

That (a) • • • section 1426 (b) (15) of the Internal Revenue Code, as amended, • • • [is] hereby amended to read as follows:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or.

(b) The amendment made by subsection (a) • • • to section 1426 (b) (15) of the Internal Revenue Code shall be applicable with respect to services performed after December 31, 1939.

PAR. 2. Section 402.203, as amended by Treasury Decision 5519, approved June 14, 1946, is further amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended, effective January 1, 1940, by section 1 of Public Law 492, 80th Congress, relating to certain vendors of newspapers and magazines."

PAR. 3. Section 402.206, as amended by Treasury Decision 5519, is further amended by striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended, effective January 1, 1940, by section 1 of Public Law 492, 80th Congress, relating to certain vendors of newspapers and magazines."

PAR. 4. Immediately preceding § 402.226, the following is inserted:

SECTION 1 OF PUBLIC LAW 492 (80TH CONGRESS), ENACTED APRIL 20, 1948

That (a) • • • section 1426 (b) (15) of the Internal Revenue Code, as amended, • • • [is] hereby amended to read as follows:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or.

(b) The amendment made by subsection (a) • • • to section 1426 (b) (15) of the Internal Revenue Code shall be applicable with respect to services performed after December 31, 1939.

PAR. 5. Section 402.226 is amended to read as follows:

§ 402.226 *Delivery and distribution of newspapers, shopping news, and magazines*—(a) *In general.* Subparagraph

(A) of section 1426 (b) (15) of the act, as amended by section 1 of Public Law 492, 80th Congress, enacted April 20, 1948, excepts certain services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news. This exception, which is dealt with in paragraph (b) of this section, continues without change the exception contained in section 1426 (b) (15), as added by section 606 of the Social Security Act Amendments of 1939. Subparagraph (B) of section 1426 (b) (15), added by section 1 of Public Law 492, excepts certain services in the sale of newspapers and magazines without regard to the age of the individual performing the services. Such exception is dealt with in paragraph (c) of this section. The exceptions in subparagraph (A) and subparagraph (B) are both applicable with respect to services performed after December 31, 1939.

(b) *Services of individuals under age 18.* Services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, are excepted. Thus, the services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, are excepted. The services are excepted irrespective of the form or method of compensation. Incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(c) *Services of individuals of any age.* Services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, are excepted. The services are excepted whether or not the employee is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the services are excepted without regard to the age of the employee. Services performed other than at the time of sale to the ultimate consumer are not within the exception. Thus, the services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer are not within the exception. However, incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, are considered to be within the exception.

PAR. 6. Immediately preceding § 402.704, the following is inserted:

SECTION 3 OF PUBLIC LAW 492 (80TH CONG.), ENACTED APRIL 20, 1948

If any amount paid prior to the date of the enactment of this Act constitutes an overpayment of tax solely by reason of an amendment made by this Act, no refund or credit shall be made or allowed with respect to the amount of such overpayment.

PAR. 7. Section 402.704, as amended by Treasury Decision 5519, is further amended by inserting at the end of such section the following:

(i) *Prohibition of refund or credit.* No refund or credit is allowable with respect to any amount paid prior to April 20, 1948, the date of the enactment of Public Law 492, 80th Congress (relating to the exception of certain services performed by vendors of newspapers and magazines), which constitutes an overpayment of tax solely by reason of an amendment made by such law. (For provisions relating to services excepted from employment by Public Law 492, 80th Congress, see § 402.226 (c).

PAR. 8. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 403.201, the following is inserted:

SECTION 2 OF PUBLIC LAW 492 (80TH CONGRESS), ENACTED APRIL 20, 1948

(a) Section 1607 (c) (15) of the Internal Revenue Code, as amended, is hereby amended to read as follows:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

(b) The amendment made by subsection (a) shall be applicable with respect to services performed after December 31, 1939, and, as to services performed before July 1, 1946, shall be applied as if such amendment had been a part of section 1607 (c) (15) of the Internal Revenue Code as added to such code by section 614 of the Social Security Act Amendments of 1939.

PAR. 9. Section 403.203, as amended by Treasury Decision 5566, approved June 23, 1947, is further amended as follows:

(A) By striking out in the first sentence thereof the words "and as further amended" and inserting in lieu thereof "and as amended".

(B) By striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended, effective January 1, 1940, by section 2 of Public Law 492, 80th Congress, relating to certain vendors of newspapers and magazines."

PAR. 10. Section 403.206, as amended by Treasury Decision 5566, is further amended as follows:

(A) By striking out in the first sentence thereof the words "and as further amended" and inserting in lieu thereof "and as amended".

(B) By striking out the period at the end of the first sentence thereof and inserting in lieu thereof a comma and the following: "and as further amended, effective January 1, 1940, by section 2 of Public Law 492, 80th Congress, relating to certain vendors of newspapers and magazines."

PAR. 11. Immediately preceding § 403.226, the following is inserted:

SECTION 2 OF PUBLIC LAW 492 (80TH CONGRESS), ENACTED APRIL 20, 1948

(a) Section 1607 (c) (15) of the Internal Revenue Code, as amended, is hereby amended to read as follows:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back;

(b) The amendment made by subsection (a) shall be applicable with respect to services performed after December 31, 1939, and, as to services performed before July 1, 1946, shall be applied as if such amendment had been a part of section 1607 (c) (15) of the Internal Revenue Code as added to such code by section 614 of the Social Security Act Amendments of 1939.

PAR. 12. Section 403.226 is amended to read as follows:

§ 403.226 *Delivery and distribution of newspapers, shopping news, and magazines—*(a) *In general.* Subparagraph (A) of section 1607 (c) (15) of the act, as amended by section 2 of Public Law 492, 80th Congress, enacted April 20, 1948, excepts certain services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news. This exception, which is dealt with in paragraph (b) of this section, continues without change the exception contained in section 1607 (c) (15), as added by section 614 of the Social Security Act Amendments of 1939. Subparagraph (B) of section 1607 (c) (15), added by section 2 of Public Law 492, excepts certain services in the sale of newspapers and magazines without regard to the age of the individual performing the services. Such exception is dealt with in paragraph (c) of this section. The exceptions in subparagraph (A) and subparagraph (B) are both applicable with respect to services performed after December 31, 1939.

(b) *Services of individuals under age 18.* Services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, are excepted. Thus, the services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, are excepted. The services are excepted irrespective of the form or method of compensation. Incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(c) *Services of individuals of any age.* Services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, are excepted. The services are excepted whether or not the employee is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the services are excepted without regard to the age of the employee. Services performed other than at the time of sale to the ultimate consumer are not within the exception. Thus, the services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer are not within the exception. However, incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, are considered to be within the exception. (For provisions relating to services excepted from employment by Public Law 492, 80th Congress, see § 408.226 (c).)

(53 Stat. 178, 188, secs. 1, 2, 3, Pub. Law 492, 80th Cong.; 26 U. S. C. 1429, 1609)

[SEAL] FRED S. MARTIN,
Acting Commissioner of Internal Revenue.

Approved: November 1, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9822; Filed, Nov. 8, 1948; 9:05 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter VII—Department of the Air Force

Subchapter D—Military Education

PART 845—AVIATION INSTRUCTION AT NON-FEDERAL ESTABLISHMENTS

TRANSFER AND REVISION OF REGULATIONS

The material contained in §§ 405.1 to 405.8, Chapter IV of Title 10 is hereby revised and transferred to Chapter VII, Title 34 and is redesignated Subchapter D, §§ 845.1 to 845.7 as follows:

Sec.
845.1 Specific application of the regulations in this part.
845.2 Selection of institutions.
845.3 Responsibilities of institutions.
845.4 Agreements with institutions for instruction.
845.5 Military organization.
845.6 Duties of Air Forces supervisor.
845.7 Termination of status as student.

AUTHORITY: §§ 845.1 to 845.7 issued under sec. 2, 53 Stat. 556, 55 Stat. 577; secs. 207 (f), 208 (e), Pub. Law 253, 80th Cong., 61 Stat. 502, 503; 10 U. S. C. 298a; 5 U. S. C. Supp. 626c; Transfer Order 21, Sept. 4, 1948, 13 F. R. 5383.

§ 845.1 *Specific Application of the regulations in this part.* The regulations in this part apply specifically to aviation instruction given military personnel in regularly established civil flying schools and in civil technical schools.

§ 845.2 *Selection of institutions.* The primary requirement for selection will be the suitability of an institution to accomplish satisfactorily the training projected by the United States Air Force. The following factors when applicable will have special importance:

(a) Geographical location as it influences the cost of Government transportation or other expense and the functioning of the system of supply and repair of Government property.

(b) Capacity for instruction of military personnel insofar as it warrants the maintenance of the requisite governmental supervisory and administrative establishment thereat.

(c) Ability to maintain output of trained military personnel at a uniform rate.

(d) Ability to conduct the desired training without undue hazard to personnel or property.

(e) Conditions affecting health and safety of military personnel, and the preservation and maintenance of Government property.

(f) Availability of suitable housing and messing facilities adjacent to place of instruction.

(g) Adequacy of instructional facilities and methods, and quality of instruction.

(h) Adequacy of facilities for maintenance and preservation of Government property.

(i) Provisions for maintaining the governmental supervisory and administrative establishment.

§ 845.3 *Responsibilities of institutions.* In addition to functions provided for elsewhere in these regulations in this part, institutions will be required to agree to the following prior to the assignment of military personnel thereat for instruction:

(a) To provide adequate and satisfactory housing and messing facilities or make arrangements therefor at a reasonable cost to personnel concerned, for all military students assigned for instruction.

(b) To provide adequate and satisfactory office and other space required by Government administrative personnel in the performance of their assigned duties.

(c) To comply with regulations prescribed by proper civil authorities to insure safety and with such supplementary instructions issued by the Chief of Staff, United States Air Force, or his representatives, in regard thereto and not in conflict therewith as may be deemed necessary in the premises.

(d) To provide that the Government shall not be liable for any injury or damage to persons and property, except Government personnel.

(e) To keep in the office of the school registrar and available to the Chief of Staff, United States Air Force, or his representatives, complete records, pertaining to the training and progress of each military student. Records should be kept as prescribed by the Chief of Staff, United States Air Force.

(f) To give representatives of the Government access to books of account and records at such time as it may be necessary for the Government to determine actual cost of instruction.

(g) To open to inspection by Government representatives, at any time, all facilities employed for the training of military personnel.

§ 845.4 *Agreements with institutions for instruction.* Services of schools will be procured by a contract in writing, made pursuant to the Armed Services Procurement Act of 1947 (Pub. Law 413, 80th Cong. 62 Stat. 21), which will embody the terms and conditions governing the furnishing of the instruction contemplated herein. The cost of tuition for courses of instruction as authorized in the regulations in this part will be established by negotiation.

§ 845.5 *Military organization.* A military detachment will ordinarily be formed at institutions operating under the provisions of the regulations in this part. All administrative and supervisory personnel (commissioned and enlisted),

will be assigned to this detachment and all students will be attached. The senior Air Force officer on duty with the detachment will be designated the Air Force supervisor and will command unless otherwise provided by regulation.

§ 845.6 *Duties of Air Force Supervisor.* (a) The Air Force supervisor will be an intermediary in all relations between the Department of the Air Force and the institution at which he is assigned in matters pertaining to the instruction of military students thereat.

(b) In addition to his duties as commander of his detachment and such other duties as may be assigned by proper authority he will:

(1) Determine the continued adequacy and suitability of contractors' facilities and methods as they apply to the instruction of military students.

(2) Maintain contact with progress of military students and pass upon the eligibility of any student to receive a certificate of graduation.

(3) Determine the proficiency of students in their assignments at any time during the course of instruction.

(4) Be responsible for the discipline of military students at all times.

(5) Suspend the instruction of any military student when such action is necessary.

(6) Insure that no officer or enlisted man is conducting or pursuing any course of instruction at the school without proper authority of the Department of the Air Force.

§ 845.7 *Termination of status as student.* An academic board composed of officers will be appointed as directed by the Chief of Staff, United States Air Force, at each institution which has been designated to give aviation instruction to military personnel. This board will consider all cases that are referred to it by the Air Force supervisor which involve the fitness of a student to continue instruction for any reason whatsoever and will make appropriate recommendations relating to the disqualification, discharge, or reinstatement of any student.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 48-9745; Filed, Nov. 8, 1948; 8:58 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Order 349]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY TO MANAGERS

NOVEMBER 3, 1948.

Section 50.503 is amended by deleting from the section headnote the words "in specified States" and by adding to the list of offices and dates given in the section the following:

§ 50.503 *Managers of certain district land offices.* • • •

Spokane, Wash.	Nov. 10, 1948
Anchorage, Alaska	Nov. 10, 1948

(43 CFR 4.275; R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

MARION CLAWSON,
Director.

[F. R. Doc. 48-9813; Filed, Nov. 8, 1948; 9:03 a. m.]

Subchapter A—Alaska

[Circular 1704]

PART 66—HOMESTEADS ON COAL, OIL AND GAS LANDS

ACTION BY REGISTER ON APPLICATIONS

The first paragraph of § 66.2 as amended by Circular No. 1675 of March 18, 1948, is further amended to read as follows:

§ 66.2 *Action by register on applications.* An application to make homestead entry for lands embraced in an oil and gas lease, or a coal permit or lease, or an application for such a lease, or permit, should be suspended and forwarded to the regional administrators for consideration and instructions.

The last paragraph of the section mentioned is amended to read as follows:

Like notations will be made by the managers on the face of the notices of allowance issued on applications filed under this act. If, prior to the date of the filing of the homestead applications, the land was embraced in an oil and gas lease, or a coal permit or lease, or an application for such a lease, or permit, the notice of allowance should contain substantially the following:

This land is subject to the right of any prior mineral permittee or lessee, or of any prior applicant for a mineral permit or lease, to occupy and use so much of the surface of the lands as may be reasonably required for mineral leasing operations, without liability to the nonmineral entryman or patentee for crop and improvement damages resulting from such mineral activity.

(R. S. 453, 2478; 43 U. S. C. 2, 1201)

ROSCOE E. BELL,
Acting Director.

Approved: November 2, 1948.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

[F. R. Doc. 48-9812; Filed, Nov. 8, 1948; 9:03 a. m.]

Subchapter H—Grazing

PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS OR AFFECTING PUBLIC LANDS IN SUCH DISTRICTS

COLORADO GRAZING DISTRICT NO. 7

CROSS REFERENCE: For addition to the tabulation contained in § 162.1, see F. R. Doc. 48-9816 under Department of the Interior, Bureau of Reclamation, in the Notices section, *infra.* This order modifies the Departmental Order of October 12, 1940, establishing Colorado Grazing District No. 7.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter F—Marine Engineering

[CGFR 48-5]

PART 52—CONSTRUCTION

SUBPART 52.20—HEADS

Correction

In Federal Register Document 48-8731, appearing on page 5704 of the issue for Saturday, October 2, 1948, the section number in the first line should read "52.20-15".

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 7858]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

ELECTRIC WELDING DEVICES USING RADIO FREQUENCY ENERGY

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of October 1948;

The Commission having under consideration petitions proposing that it suspend the effective date of Part 18 of the Commission's rules and regulations as it applies to electric welding devices using radio frequency energy; and

It appearing, that said petitions allege that extensive research has been undertaken designed to bring such welding equipment into conformity with the provisions of Part 18; that such equipment is of strategic importance in welding processes utilized for material manufactured and developed for the national defense; and that such research has not as yet proved wholly successful; and

It further appearing, that additional experimentation looking toward the solution of engineering problems involved in bringing such equipment into conformity with the said rules is now being undertaken and expedited on an industry-wide cooperative basis and that such experimentation may result in the solution of such problems and in the disclosure of valuable engineering data; and

It further appearing, that Part 18 of the Commission's rules and regulations with respect to electrical welding devices using radio frequency energy becomes effective October 30, 1948; that for the reasons set forth above the suspension of Part 18 for a limited period with respect to such devices is warranted; and that because of the imminent effective date of Part 18 for such welding devices, it is impracticable to give notice and invoke the procedure set forth in section 4 of the Administrative Procedure Act; and

It further appearing, that authority for the proposed amendment is contained in sections 301, 303 (f) and (r) of the Communications Act of 1934, as amended:

It is ordered, That effective immediately, Part 18 of the Commission's rules and regulations is amended so that an asterisk footnote is added to § 18.1 (a) as amended to read as follows:

* The effective date of Part 18, with respect to electrical welding devices using radio frequency energy, is April 30, 1949.

(Secs. 301, 303 (f), 48 Stat. 1082, sec. 6 (b), 50 Stat. 191; 47 U. S. C. 301, 303 (f), (r))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9823; Filed, Nov. 8, 1948; 9:05 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

HUNTING IN LOSTWOOD NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Basis and purposes. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the North Dakota Game and Fish Department, it has been determined there is a general surplus of deer in much of North Dakota and that the reduction of the population can be facilitated by opening certain National Wildlife Refuges in the State to the public hunting of deer.

Section 29.572 is amended to read:

§ 29.572 *Lostwood National Wildlife Refuge, North Dakota; hunting.* Deer, coyotes, and fox may be taken during the open season prescribed by the Game and Fish Department of the State of North Dakota for the hunting of deer during the calendar year 1948 on certain lands, hereinafter specified, of the United States within the Lostwood National Wildlife Refuge, North Dakota.

(a) *Area open to hunting.* All the lands of the United States except the area within one-half mile of the headquarters and subheadquarters of the Lostwood Refuge shall be open to such hunting.

(b) *Entry.* Entry on and use of the Refuge are governed by Part 12 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer.

(Sec. 10, 45 Stat. 1222; 16 U. S. C. 715i; Reorg. Plan No. 2 of 1939, 3 CFR, Cum. Supp., 4 F. R. 2731; Regs. Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284; 50 CFR, Cum. Supp. Part 12, as amended.)

Dated: November 3, 1948.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 48-9814; Filed, Nov. 8, 1948; 9:03 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 545]

HOME WORKERS IN NEEDLEWORK INDUSTRIES IN PUERTO RICO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp., 1001), that the Administrator of the Wage and Hour Division, U. S. Department of Labor, proposes to establish the following minimum piece rates for the performance of the following operations by homeworkers:

Hand-crocheting **shade pulls**, cotton thread, not over 30 stitches per ring—48 cents per gross.

Hand-crocheting **shade pulls**, rayon thread, not over 30 stitches per ring—49 cents per gross.

Prior to the final adoption of such minimum piece rates, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 15 days from publication of this notice in the FEDERAL REGISTER.

The proposed rates are to be established under the authority contained in section 6 (a) (5) of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U. S. C. 201).

Signed at Washington, D. C., this 29th day of October 1948.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 48-9734; Filed, Nov. 8, 1948; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MISSOURI BASIN PROJECT, MONTANA

FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 8, 1948.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MISSOURI BASIN PROJECT
CANYON FERRY UNIT

Principal Meridian, Montana

T. 10 N., R. 1 W.,
Sec. 11, NW¼NE¼SW¼, NW¼SW¼.

The above areas aggregate 50 acres.

[SEAL] KENNETH MARKWELL,
Acting Commissioner.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

ROSCOE E. BELL,
Assistant Director,
Bureau of Land Management.

SEPTEMBER 29, 1948.

Notice for filing objections. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Montana, for use in connection with the Canyon Ferry Unit, Missouri Basin Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be

given to all interested parties of record and the general public.

KENNETH MARKWELL,
Acting Commissioner,
Bureau of Reclamation.

[F. R. Doc. 48-9817; Filed, Nov. 8, 1948; 9:04 a. m.]

MISSOURI BASIN PROJECT, MONTANA

FIRST FORM RECLAMATION WITHDRAWAL

JULY 26, 1948.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MISSOURI BASIN PROJECT

MARIAS UNIT

Principal Meridian, Montana

T. 30 N., R. 2 E.,
Sec. 18, Lot 4.
T. 29 N., R. 9 E.,
Sec. 9, E½SE¼;
Sec. 19, Lot 3.
T. 32 N., R. 14 E.,
Sec. 26, Lots 4, 5.

The above areas aggregate 236.41 acres.

[SEAL] G. E. TOMLINSON,
Acting Assistant Commissioner.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

MARION CLAWSON,
Director,
Bureau of Land Management.

AUGUST 25, 1948.

Notice for filing objections. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands for use in connection with the Missouri Basin Project, Montana, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. E. TOMLINSON,
Acting Assistant Commissioner,
Bureau of Reclamation.

[F. R. Doc. 48-9815; Filed, Nov. 8, 1948; 9:03 a. m.]

COLLBRAN PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

JULY 20, 1948.

In accordance with the authority vested in you by the act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the act of June 17, 1902 (32 Stat. 388), and that Departmental Order of October 12, 1940 establishing Colorado Grazing District No. 7 be modified and made subject to the withdrawal effected by this order.

COLLBRAN PROJECT

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 10 S., R. 95 W.,
Sec. 33, SE¼NE¼, NE¼SW¼, E½SE¼;
Sec. 34, S½N½, S½.
T. 10 S., R. 96 W.,
Sec. 32, NE¼NE¼, N½SE¼;
Sec. 33, E½E½, NW¼NE¼, W½W½, NE¼SW¼;
Sec. 34, NW¼NE¼, S½NE¼, NW¼, S½;
Sec. 35, W½.
T. 10 S., R. 97 W.,
Sec. 26, N½NW¼, SW¼NW¼;
Sec. 27, NE ¼, N½SE¼;
Sec. 28, W½NW¼, NW¼SW¼;
Sec. 29, all;
Sec. 36, NW¼NW¼.
T. 10 S., R. 98 W.,
Sec. 25, all;
Sec. 35, E½, S½NW¼, N½SW¼, SE¼SW¼;
Sec. 36, all.

The above areas aggregate 5,040 acres.

[SEAL] KENNETH MARKWELL,
Acting Commissioner.

I concur: October 11, 1948.

MARION CLAWSON,
Director, Bureau of Land Management.

The foregoing recommendation is hereby approved, as recommended, and the Director of the Bureau of Land Management will cause the records of his office and the District Land Office to be noted accordingly.

WILLIAM E. WARNE,
Assistant Secretary,
Department of the Interior.

Notice for filing objections. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Colorado for use in connection with the Collbran Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

OCTOBER 14, 1948.

[F. R. Doc. 48-9816; Filed, Nov. 8, 1948; 9:03 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1599]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 10, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 10S Pulaski	$850,000
Indiana 9L Marshall	190,000
Iowa 14R Humboldt	203,000
Kentucky 30N Shelby	400,000
Louisiana 9T Lafayette	255,000
Minnesota 4H Lake	140,000
North Carolina 53G, H Burke	95,000
Ohio 33K Auglaize	195,000
Pennsylvania 20V Blair	140,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9770; Filed, Nov. 8, 1948; 8:58 a. m.]

[Administrative Order 1600]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 20, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Minnesota 85L Todd	$180,000
New Mexico 14E Mora	80,000
Tennessee 39E Lincoln	330,000
Texas 113E Dickens	435,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9771; Filed, Nov. 8, 1948; 8:58 a. m.]

[Administrative Order 1601]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 20, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 35R Walton	$125,000
Georgia 65N Irwin	335,000
Texas 40R Bowie	690,000
Texas 61N Coleman	550,000
Wisconsin 37R Trempealeau	81,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9772; Filed, Nov. 8, 1948; 8:58 a. m.]

[Administrative Order 1602]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 20, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Illinois 21W Menard	$919,000
Mississippi 38M Warren	71,000
Missouri 27L Andrew	950,000
Missouri 66D, E Webster	180,000
Missouri 68D, E Pulaski	373,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9773; Filed, Nov. 8, 1948; 8:58 a. m.]

[Administrative Order 1603]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 20, 1948.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 26P Fulton	$25,000
Kansas 32V Reno	30,000
Missouri 27M Andrew	12,500

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9774; Filed, Nov. 8, 1948; 8:58 a. m.]

[Administrative Order 1604]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 20, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Minnesota 99G Lake of the Woods	$125,000
Missouri 67D Wright	320,000
Washington 20K Columbia	50,000
Wyoming 21D Carbon	145,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9775; Filed, Nov. 8, 1948; 8:59 a. m.]

[Administrative Order 1605]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 24, 1948.

Inasmuch as Coleman County Electric Cooperative, Inc. has transferred certain of its properties and assets to Taylor Electric Cooperative, Inc., and Taylor Electric Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Coleman County Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 162, dated November 22, 1937, by changing the project designation appearing therein as "Texas 8061 Coleman" in the amount of $100,000 to read "Texas 8061 Coleman" in the amount of $46,245.62 and "Texas 106 Taylor (Texas 8061 Coleman)" in the amount of $53,754.38.

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9776; Filed, Nov. 8, 1948; 8:59 a. m.]

[Administrative Order 1606]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 28, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
North Dakota 34C Slope	$575,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9777; Filed, Nov. 8, 1948; 8:59 a. m.]

[Administrative Order 1607]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 28, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Tennessee 25H Jackson	$600,000
Texas 59N Lamb	185,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9778; Filed, Nov. 8, 1948; 8:59 a. m.]

[Administrative Order 1608]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 28, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Minnesota 18V Douglas	$615,000
Missouri 19P Boone	820,000
Montana 25E, F Sheridan	1,088,000
North Dakota 19W, Y Grand Forks	1,500,000
Oklahoma 16N, R Pontotoc	900,000
Texas 38M Hill	225,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9779; Filed, Nov. 8, 1948; 8:59 a. m.]

[Administrative Order 1609]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 28, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Georgia 51N Newton	$205,000
Georgia 67U Bacon	580,000
Kansas 24K Clay	265,000
Montana 19K Stillwater	160,000
Nebraska 65K, L Wayne District Public	110,000
Texas 119E Kimble	490,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9780; Filed, Nov. 8, 1948; 8:59 a. m.]

[Administrative Order 1610]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 29, 1948.

Pursuant to section 3 (c) of the Rural Electrification Act of 1936 and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each state and the number of such farms for the United States at the beginning of the current fiscal year are as set forth in the following schedule, and I hereby allot from the sum of $200,000,000, being fifty per centum of the total sum made available for the current fiscal year, the respective sums for loans in the several States as hereinafter set forth.

	Farms without central station electric service July 1, 1948	Allotment for loans during the fiscal year ending June 30, 1949
United States	1,839,693	$200,000,000
Alabama	87,587	9,521,920
Arizona	2,565	278,800
Arkansas	80,718	9,852,300
California	7,315	795,240
Colorado	9,609	1,044,640
Connecticut	821	89,260
Delaware	1,422	154,600
Florida	21,184	2,303,000
Georgia	72,484	7,880,520
Idaho	2,202	239,350
Illinois	82,268	8,511,240

	Farms without central station electric service July 1, 1948	Allotment for loans during the fiscal year ending June 30, 1949
Indiana	6,919	$752,180
Iowa	41,578	4,520,100
Kansas	70,031	7,613,340
Kentucky	120,980	13,152,620
Louisiana	57,737	6,276,800
Maine	9,641	1,014,840
Maryland	5,900	641,420
Massachusetts	1,487	161,660
Michigan	5,841	635,080
Minnesota	58,574	6,367,800
Mississippi	161,408	17,873,420
Missouri	114,228	12,300,440
Montana	18,940	2,055,780
Nebraska	62,840	6,828,320
Nevada	1,407	152,960
New Hampshire	1,693	184,060
New Jersey	753	81,860
New Mexico	15,701	1,706,920
New York	9,241	1,000,360
North Carolina	90,967	9,889,360
North Dakota	53,641	5,831,520
Ohio	5,196	564,880
Oklahoma	92,121	10,014,820
Oregon	3,031	329,520
Pennsylvania	17,609	1,914,340
Rhode Island	99	10,760
South Carolina	50,927	5,535,460
South Dakota	52,380	5,695,740
Tennessee	115,108	12,513,820
Texas	127,546	13,866,000
Utah	5,171	562,160
Vermont	4,731	514,220
Virginia	46,924	5,036,960
Washington	5,172	562,280
West Virginia	42,744	4,646,860
Wisconsin	26,397	2,869,720
Wyoming	6,205	674,560

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9781; Filed, Nov. 8, 1948; 8:59 a. m.]

[Administrative Order 1611]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 30, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Florida 17T Jackson	$420,000
Minnesota 70R Big Stone	940,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9782; Filed, Nov. 8, 1948; 8:59 a. m.]

[Administrative Order 1612]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 1, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kentucky 51F Hardin	$315,000
West Virginia 10R Harrison	170,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9783; Filed, Nov. 8, 1948; 9:00 a. m.]

NOTICES

[Administrative Order 1613]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 1, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Iowa 23L Crawford	$453,000
Kentucky 26N Todd	1,130,000
Minnesota 32R Fillmore	480,000
Mississippi 41S Pike	450,000
New Mexico 22C McKinley	70,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9784; Filed, Nov. 8, 1948; 9:00 a. m.]

[Administrative Order 1614]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 1, 1948.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Louisiana 22D Homer	$15,000
North Dakota 32D Oliver	50,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9785; Filed, Nov. 8, 1948; 9:00 a. m.]

[Administrative Order 1615]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 1, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Indiana 37K Jay	$155,000
Minnesota 48S Anoka	375,000
North Carolina 55K Craven	450,000
Tennessee 16N Madison	1,535,000
Tennessee 17H Bolivar Public	450,000
Washington 30K Stevens	435,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9786; Filed, Nov. 8, 1948; 9:00 a. m.]

[Administrative Order 1616]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 8, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Colorado 35H Chaffee	$133,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 48-9787; Filed, Nov. 8, 1948; 9:00 a. m.]

[Administrative Order 1617]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 8, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
South Dakota 18E Clark	$805,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 48-9788; Filed, Nov. 8, 1948; 9:00 a. m.]

[Administrative Order 1618]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 13, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alaska 2H Matanuska	$185,000
Georgia 45N Sumter	1,200,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9789; Filed, Nov. 8, 1948; 9:01 a. m.]

[Administrative Order 1619]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 13, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Arizona 20C Pima	$902,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9790; Filed, Nov. 8, 1948; 9:01 a. m.]

[Administrative Order 1620]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 13, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the

Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 30H Autauga	$215,000
Georgia 74S Jefferson	115,000
Georgia 88R Telfair	105,000
Montana 9P Yellowstone	145,000
North Dakota 29C McKenzie	1,375,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9791; Filed, Nov. 8, 1948; 9:01 a. m.]

[Administrative Order 1621]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 13, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
California 6M, N Modoc	$740,000
Missouri 53N, S Polk	700,000
Pennsylvania 19K Warren	250,000
South Dakota 21F Brown	950,000
Texas 41T Panola	290,000
Texas 83L, M Nueces	208,000
Texas 111M Austin	230,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9792; Filed, Nov. 8, 1948; 9:01 a. m.]

[Administrative Order 1622]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 15, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 7N Mesa	$83,000
Georgia 8K Wilkes	840,000
Minnesota 39S Chippewa	575,000
New Mexico 11F Taos	195,000
Oregon 21M Coos	84,000
South Dakota 7L Lincoln	275,000
Tennessee 49E Fayette	470,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9793; Filed, Nov. 8, 1948; 9:01 a. m.]

[Administrative Order 1623]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 15, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Kentucky 49G Clark	$533,000
Minnesota 71L Blue Earth	250,000
Ohio 31K Holmes	360,000
Pennsylvania 12K Sullivan	175,000
Vermont 7S Orleans	305,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9794; Filed, Nov. 8, 1948; 9:01 a. m.]

[Administrative Order 1624]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 15, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 15R, S. Woodruff	$1,265,000
Oklahoma 1P, R. Kingfisher	1,233,000
Texas 118H Henderson	390,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9795; Filed, Nov. 8, 1948; 9:01 a. m.]

[Administrative Order 1625]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 20, 1948.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
California 35A Sacramento District Public	$1,400,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9796; Filed, Nov. 8, 1948; 9:01 a. m.]

[Administrative Order 1626]

LOAN ANNOUNCEMENT

OCTOBER 22, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nebraska 85D Holt District Public	$279,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-9797; Filed, Nov. 8, 1948; 9:01 a. m.]

[Administrative Order 1627]

LOAN ANNOUNCEMENT

OCTOBER 25, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arizona 13D Navajo	$1,287,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9798; Filed, Nov. 8, 1948; 9:01 a. m.]

[Administrative Order 1628]

LOAN ANNOUNCEMENT

OCTOBER 25, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 36P Randolph	$134,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9799; Filed, Nov. 8, 1948; 9:01 a. m.]

[Administrative Order 1629]

LOAN ANNOUNCEMENT

OCTOBER 25, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 32C Oliver	$1,055,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9800; Filed, Nov. 8, 1948; 9:02 a. m.]

[Administrative Order 1630]

LOAN ANNOUNCEMENT

OCTOBER 28, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Jersey 6G Sussex	$82,700

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-9301; Filed, Nov. 8, 1948; 9:02 a. m.]

[Administrative Order 1631]

LOAN ANNOUNCEMENT

OCTOBER 28, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 33D Latimer	$765,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-9802; Filed, Nov. 8, 1948; 9:02 a. m.]

[Administrative Order 1632]

LOAN ANNOUNCEMENT

OCTOBER 28, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 52L, M Fannin	$560,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-9803; Filed, Nov. 8, 1948; 9:02 a. m.]

[Administrative Order 1633]

LOAN ANNOUNCEMENT

OCTOBER 28, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 21T Lincoln	$500,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-9804; Filed, Nov. 8, 1948; 9:02 a. m.]

[Administrative Order 1634]

LOAN ANNOUNCEMENT

OCTOBER 28, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 77L Davis	$1,493,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-9805; Filed, Nov. 8, 1948; 9:02 a. m.]

[General Memorandum 61]

ALLOCATING OF FUNDS FOR LOANS

CHANGE IN ALLOCATION DESIGNATION

SEPTEMBER 24, 1948.

Norris Rural Public Power District has transferred certain of its properties and assets to Eastern Nebraska Public Power District, and Eastern Nebraska Public Power District has assumed in part the indebtedness to United States of America of Norris Rural Public Power District, arising out of an allocation made by Executive order pursuant to the Emergency Relief Appropriation Act of 1935. Inasmuch as Executive orders cannot be changed by administrative order, for purposes of our records the following changes in the allocation designation shall be made:

(a) Allocation designation in Executive order, dated September 24, 1935, as changed by General Memorandum No. 46, dated June 6, 1940, General Memorandum No. 50, dated December 10, 1940 and General Memorandum No. 51, dated March 21, 1941, is further changed by changing the designation appearing therein as "Nebraska 6077A1 Norris District Public" in the amount of $374,261.61 to read "Nebraska 6077A1 Norris District Public" in the amount of $341,232.31 and "Nebraska 44 Eastern Nebraska District Public (Nebraska 6077A1 Norris District Public)" in the amount of $33,029.30.

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-9806; Filed, Nov. 8, 1948; 9:02 a. m.]

[General Memorandum 62]

ALLOCATION OF FUNDS FOR LOANS

REDUCTION OF ALLOCATION AND CHANGE IN ALLOCATION DESIGNATION

SEPTEMBER 24, 1948.

The allocation specified below was made by Executive order under the Emergency Relief Appropriation Act of 1935. Inasmuch as Executive orders cannot be amended by administrative order, (1) such allocation shall, for the purposes of our records, be deemed to be reduced as follows:

Project designation	Date of Executive order	Amount of allocation	Amount of reduction	Amount of reduced allocation
Kentucky 1 K. R. E. (allocated as Kentucky 1 Jefferson).	Nov. 1, 1935	$71,700	$1,178.73	$70,521.27

(2) and inasmuch as Kentucky Rural Electrification Company has transferred all of its properties and assets to Fleming-Mason Rural Electric Cooperative Corporation and Jackson County Rural Electric Cooperative Corporation, respectively; and Fleming-Mason Rural Electric Cooperative Corporation and Jackson County Rural Electric Cooperative Corporation have each assumed a part of the total indebtedness of Kentucky Rural Electrification Company to United States of America arising out of the above-mentioned allocation, for purposes of our records the following changes in the allocation designation shall be made:

(a) Allocation designation in Executive Order, dated November 1, 1935, as changed by Memorandum to Staff, dated September 15, 1939, and by the above reduction, is further changed by changing the designation appearing therein as "Kentucky 1 K. R. E." in the amount of $70,521.27 to read "Kentucky 1 K. R. E." in the amount of $1,774.24, "Kentucky 3 Jackson (Kentucky 1 K. R. E.)" in the amount of $8,995.54 and "Kentucky 52 Fleming (Kentucky 1 K. R. E.)" in the amount of $59,751.49.

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-9807; Filed, Nov. 8, 1948; 9:02 a. m.]

[General Memorandum 63]

ALLOCATION OF FUNDS FOR LOANS

REDUCTION OF ALLOCATIONS

SEPTEMBER 24, 1948.

The allocations specified below were made by Executive orders under the Emergency Relief Appropriation Act of 1935. Inasmuch as Executive orders cannot be amended by administrative order, such allocations shall, for the purposes of our records, be deemed to be reduced as follows:

Project designation	Date of Executive order	Amount of allocation	Amount of reduction	Amount of reduced allocation
Minnesota 4 Lake	May 13, 1936	$60,000	$30.72	$59,969.28
Nebraska 1 Roosevelt District Public (allocated as "Nebraska 1 Scotts Bluff").	Sept. 24, 1935	310,000	115,000.00 (10/30/36)	194,958.79
			1.21	
Nebraska 2 Gering District Public (allocated as "Nebraska 2 Scotts Bluff").	....do.....	65,000	20,000.00 (10/30/46)	44,737.04
			462.96	
Nebraska 6077B1 Norris District Public (allocated as "Nebraska 7 Gage" changed by General Memorandum No 46, dated June 6, 1940, and General Memorandum No. 51, dated Mar. 21, 1941).	Nov. 19, 1935	440,000	20,000.00	420,000.00
North Carolina 9 T. P. (allocated as "North Carolina 9 New Hanover").	Sept. 24, 1935	142,250	10,972.33	131,277.67
Ohio 31 Holmes	Oct. 1, 1935	209,000	2,692.47	206,307.53
Virginia 22 Caroline	Jan. 7, 1936	366,800	24.89	366,775.61

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 48-9808; Filed, Nov. 8, 1948; 9:02 a. m.]

FOREIGN-TRADE ZONES BOARD

[Public Notice 6]

APPLICATION FOR GRANT TO ESTABLISH, OPERATE AND MAINTAIN FOREIGN-TRADE ZONE AT LOS ANGELES, CALIF.

NOTICE OF HEARING

NOVEMBER 1, 1948.

Pursuant to the provisions of the act of June 18, 1934 (48 Stat. 998–1003; 19 U. S. C. 81a–81u), and the regulations governing the establishment, operation, maintenance and administration of foreign-trade zones in the United States, promulgated in pursuance of said act, a public hearing will be held by an Examiners' Committee, beginning at 9:30 a. m., California daylight time, on November 30, 1948, in the Assembly Hall, Room 150 California State Building, First and Spring Streets, Los Angeles, Calif.

The subject of the hearing is an application by the Board of Harbor Commissioners for the City of Los Angeles for a grant to establish, operate and maintain a foreign-trade zone at Los Angeles. General plans showing the location of the project, may be examined at the office of the Examiners' Committee, 1546 U. S. Post Office and Court House Building, 312 North Spring Street, Los Angeles, Calif., or at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 2036, Commerce Building, Washington, D. C. In brief, these plans contemplate the utilization of a portion of Municipal Pier No. 1 of the Board of Harbor Commissioners for the City of Los Angeles, located between the Main Channel and the East Channel in the Los Angeles Harbor, said portion being designated Berth 60, and having a wharf frontage of 600 feet covered by a shed of 100 feet by 600 feet with approximately 68,000 square feet of floor area, equipped with cargo masts; adjacent to which is a six-story warehouse of which 20,284 square feet and an adjoining administration building of 11,250 square feet has been designated as the initial zone area; with additional covered and uncovered areas available for future expansion.

This public hearing is solely for the purpose of obtaining in the most direct manner the facts useful to the Foreign-Trade Zones Board. The immediate concern of the Examiners' Committee is to determine whether or not the facilities and appurtenances which it is proposed to provide are sufficient. Particular attention is called to the fact that the instant application is the only one to be considered at this time. The question of its suitability is up for discussion, not the suitability of some other zone site.

All interested parties are invited to be present or represented at the hearing: particularly those who may be affected by the proposed grant. An opportunity to be heard (either in person or by duly appointed representatives; either by appearance or by sending a written or telegraphic statement) will be given to persons or groups who have manifested their interest in this application by complying with the following simple requirements:

1. A written or telegraphic request for an opportunity to be heard shall be filed before noon on November 26, 1948, at the office of the Examiners' Committee, Room 1546, U. S. Post Office and Court House Building, 312 North Spring Street, Los Angeles, Calif., or at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 2036, Commerce Building, Washington, D. C., and shall indicate the number of witnesses, the general character of evidence and the approximate amount of time required.

2. Such request shall include (a) the name of any persons seeking to speak at the hearing, and (b) the persons or groups he represents.

In the discretion of the Examiners' Committee, persons who have not complied with the foregoing may be permitted, at any time prior to the closing of the hearing, to file written statements in quadruplicate regarding the application under consideration. Such written statements should be condensed as much as possible.

Representation of interested parties by attorneys or others is permissible, but is not to be regarded as necessary. For accuracy of record, and for file with the report and recommendations of the Examiners' Committee, all important facts and arguments should be submitted in writing; as these, together with the record, will be forwarded for consideration by the Foreign-Trade Zones Board in Washington.

You are requested to communicate the foregoing to any persons known by you to be interested in the matter who, not being known to this Committee, do not receive a copy of this notice.

GEORGE L. BELL,
Chairman Ex Officio, Associate Director, Office of International Trade, Department of Commerce.
THOMAS E. LYONS,
Examiner, Department of Commerce.
WILLIAM JENNINGS BRYAN, Jr.,
Collector of Customs, Los Angeles, Calif.
A. T. W. MOORE,
Colonel, Corps of Engineers, District Engineer, Los Angeles, Calif.

[F. R. Doc. 48-9886; Filed, Nov. 8, 1948; 10:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–51]

NATIONAL POWER & LIGHT CO. ET AL.

SUPPLEMENTAL ORDER APPROVING BASIS FOR EXCHANGE OF SECURITIES UNDER PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of November A. D. 1948.

In the matter of National Power & Light Company, and Lehigh Valley Transit Company, et al.; File No. 54–51 (Application No. 10, Part B).

The Commission having by order dated August 25, 1948 approved an amended plan for the reorganization of Lehigh Valley Transit Company, subject to certain reservations of jurisdiction as more fully set forth in said order; said amended plan having thereafter been approved by the District Court of the United States for the Eastern District of Pennsylvania by order entered September 28, 1948; and

The proponents of said plan having filed Supplemental Application No. 2 fixing the price for the 4½% Preferred Stock of Pennsylvania Power & Light Company, to be offered on an optional exchange basis to holders of Refunding & Improvement Mortgage 5% Bonds of Lehigh Valley Transit Company pursuant to said plan, at $100 per share, and having requested the Commission pursuant to the reservation of jurisdiction contained in the aforesaid order dated August 25, 1948 to approve said optional exchange price for said 4½% Preferred Stock of Pennsylvania Power & Light Company, and it appearing to the Commission that, on the basis of the facts submitted, said optional exchange price provides a fair and equitable basis of exchange and that such approval should be given;

It is ordered, Pursuant to the aforesaid reservation of jurisdiction, that the said optional exchange price of $100 per share for said Preferred Stock of Pennsylvania Power & Light Company be and is hereby approved, and the jurisdiction heretofore reserved with respect thereto is hereby released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9820; Filed, Nov. 8, 1948; 9:04 a. m.]

[File No. 811–454]

GENERAL COAL INVESTMENTS CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of November A. D. 1948.

Notice is hereby given that General Coal Investments Corporation has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company within the meaning of the act.

It appears from the application that pursuant to the General Corporation Law of the State of Delaware the stockholders of General Coal Investments Corporation have duly voted to dissolve the applicant and the said dissolution became effective March 11, 1948, when the corporate existence of General Coal Investments Corporation ceased.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application

which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time after November 19, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested persons may, not later than November 15, 1948, at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9821; Filed, Nov. 8, 1948; 9:04 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6916, 6917]

SCRIPPS-HOWARD RADIO, INC. AND CLEVELAND BROADCASTING CO., INC.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Scripps-Howard Radio, Inc., Cleveland, Ohio, Docket No. 6916, File No. BP-4118; Cleveland Broadcasting Company, Inc., Cleveland, Ohio, Docket No. 6917, File No. BP-4058, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of November 1948;

The Commission having under consideration the proposed decision and the exceptions and request for oral argument filed thereto in the above-entitled proceeding; and

It appearing, that argument on the exceptions was scheduled for November 5, 1948; that on October 29, 1948, this oral argument was continued without date; and that oral argument in this proceeding should, therefore, be scheduled;

It is ordered, That oral argument in the above proceeding be, and it is hereby, scheduled for the 26th day of November 1948, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9826; Filed, Nov. 8, 1948; 9:05 a. m.]

[Docket Nos. 6346, 7117, 7966, 8171, 8199, 8432, 8489, 8490]

INDEPENDENT BROADCASTING CO., INC., ET AL.

NOTICE OF ORAL ARGUMENT

The Commission, on October 28, 1948, directed that oral argument be held before the Commission en banc on the following listed matters, in Room 6121 of the offices of the Commission, on Monday, December 6, 1948.

ARGUMENT NO. 1 (10 o'clock a. m.)

Docket No.				
8489 B3-FH-1146		Independent Broadcasting Co., Inc., Knoxville, Tenn.	CP for new FM station.	
8490 B1-2550 BZ-2571	WIBK	Independent Broadcasting Corp., Knoxville, Tenn.	Lic. to cover CP and authority to determine operating power by direct measurement of antenna power.	

ARGUMENT NO. 2

Docket No.				
6346 B3-P-3446	WNOE	James A. Noe, New Orleans, La.	CP to change freq., incr. power etc.	1060 kc, 5 kw., night, 50kw.day,unlimited.
7117 B3-P-3687	New	Deep South Broadcasting Corp., New Orleans, La.	CP for new station	Do.

ARGUMENT NO. 3

Docket No.				
7966 B1-P-5402 8199 B1P-5791		Atlantic City Broadcasting Corp., Atlantic City, N. J. Strand Broadcasting Corp., Atlantic City, N. J.	CP for new station. do	1230 kc, 250 w., unlimited. Do

ARGUMENT NO. 4

Docket No.				
8171 B1P-5799		East Liverpool Broadcasting Co., East Liverpool, Ohio.	CP for new station	1490 kc, 250 w., unlimited.
8432 B1P-6052		Radio Courier, Inc., East Liverpool, Ohio.	do	Do.

Dated: November 1, 1948.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9824; Filed, Nov. 8, 1948; 9:05 a. m.]

[Docket Nos. 6863, 7762, 7763, 8039, 8063, 8251]

TIMES-STAR PUBLISHING CO. ET AL.

NOTICE OF ORAL ARGUMENT

The Commission, on October 28, 1948, directed that oral argument be held before the Commission en banc on the following listed matters, in Room 6121 of the offices of the Commission, on Monday, November 15, 1948.

ARGUMENT NO. 1 (10 o'clock a. m.)

Docket No.				
7762 B5-P-4418	New	Times-Star Publishing Co., Alameda, Calif.	CP for new station	1220 kc, 1 kw, daytime.
7763 B5-P-4690	New	D & K Broadcasting Co., Palo Alto, Calif.	CP for new station	1220 kc, 250 w., day time.

ARGUMENT NO. 2

Docket No.				
6863 B3-P-4106	New	Valdosta Broadcasting Co., Valdosta, Ga.	CP for new station	910 kc, 5 kw. night, 5kw. day, unlimited.
8063 B3-P-5513	New	Okefenokee Broadcasting Co., Waycross, Ga.	CP for new station	910 kc, 1 kw., unlimited.

ARGUMENT NO. 3

Docket No.				
8039 B3-P-5266	New	Coastal Broadcasting Co., Lakeland, Fla.	CP for new station	1230 kc, 250 w., unlimited.
8251 BP-6037	WSIR	Citrus Belt B'cers., Inc., Winter Haven, Fla.	CP to change freq	1230 kc, 250 w., unlimited.

Dated: November 1, 1948.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9825; Filed, Nov. 8, 1948; 9:05 a. m.]

KYA ET AL.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL[1]

The Commission hereby gives notice that on July 21, 1948 there was filed with it applications (BTC-694 and BTC-693) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Palo Alto Radio Station, Incorporated, licensee of station KYA, San Francisco, California, and KMTR Radio Corporation, licensee of station KLAC, permittee for 5 kw for KLAC, and permittee of KLAC-TV, from Dorothy S. Thackrey to Warner Bros. Pictures, Inc. The proposal to transfer control arises out of a contract of May 19, 1948 pursuant to which Dorothy S. Thackrey will sell all of the issued and outstanding stock of the above two corporations to Warner Bros. Pictures, Inc. for a consideration of $1,045,000, subject to adjustments. Further information as to the arrangements may be found with the applications and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the applications, the Commission has been advised that starting on July 23, 1948, notice of the filing of the application was inserted in the San Francisco Chronicle, a newspaper of general circulation at San Francisco, California in conformity with the above section.

In accordance with the procedure set out in said section, and in accordance with the Commission's memorandum opinion and order in this matter adopted October 28, 1948, no action will be had upon the applications until November 29, 1948. Other persons desiring to apply for the facilities involved may do so until November 29, 1948 upon the same terms and conditions as set forth in the above desired contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9827; Filed, Nov. 8, 1948; 9:05 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12249]

LUDWIG COLSHORN

In re: Debt owing to Ludwig Colshorn. F-28-29169-C-1, F-28-29169-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Colshorn, whose last known address is 134a Hodenhagen, Hanover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ludwig Colshorn, by Adolf Smidt, 342 Madison Avenue, New York 17, New York, in the amount of $2,125.00, as of December 31, 1945, and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9830; Filed, Nov. 8, 1948; 9:05 a. m.]

[Vesting Order 12250]

CHRISTINE CONRAD

In re: Bank account owned by Christine Conrad. F-28-25278-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Christine Conrad, whose last known address is Frierer Strasse 85, Merzig Saar, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of United Federal Savings and Loan Association, 1639 North 12th Street, Milwaukee 5, Wisconsin, in the amount of $238.00, as of December 31, 1945, arising out of an investment share account, account number 180, maintained at the aforesaid United Federal Savings and Loan Association, evidenced by a certificate numbered 15463, issued by said United Federal Savings and Loan Association, together with any and all accruals to the aforesaid debt or other obligation and any and all rights in, to and under said certificate,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christine Conrad, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9831; Filed, Nov. 8, 1948; 9:05 a. m.]

[Vesting Order 12252]

ALBRECHT FORSTMANN

In re: Bank account owned by Albrecht Forstmann. D-28-9339-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and, pursuant to law, after investigation, it is hereby found:

1. That Albrecht Forstmann, whose last known address is Hohenbirker Weg 2, Berlin-Baumschulenweg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Albrecht Fortsmann, by Fidelity Union Trust Company, 755 Broad Street, Newark, New Jersey, arising out of a custodian account, entitled Albrecht Forstmann, maintained at the aforesaid bank, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the

[1] Section 1.321, Part I, Rules of Practice and Procedure.

aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9832; Filed, Nov. 8, 1948; 9:05 a. m.]

[Vesting Order 12253]

S. FRENKEL

In re: Stock owned by S. Frenkel. F-28-23352-D-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Frenkel, the last known address of which is Unter Den Linden 57-58, Berlin, Germany, is a partnership organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred twenty-five (125) shares of $5.00 par value capital stock of Nipissing Mines Co., Ltd., Excelsior Life Building, Toronto, Canada, a corporation organized under the laws of the Province of Ontario, Canada, evidenced by certificates numbered 30997 and 33004 for twenty-five (25) and one hundred (100) shares respectively, registered in the name of S. Frenkel and presently in the custody of The American Express Company, Incorporated, New York Agency, 65 Broadway, New York, New York, in an account in the name of American Express Company, m. b. H., together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or an account of, or owing to, or which is evidence of ownership or control by S. Frenkel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9760; Filed, Nov. 5, 1948; 9:01 a. m.]

[Vesting Order 12257]

KIICHI KAWAHIRA

In re: Cash owned by Kiichi Kawahira. D-39-5765.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiichi Kawahira, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $1,444.63, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kiichi Kawahira, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9833; Filed, Nov. 8, 1948; 9:06 a. m.]

[Vesting Order 12258]

PAULINE KLINKENBERG ET AL.

In re: Interests in bank accounts owned by Pauline Klinkenberg, Elisabeth Klinkenberg and Herman Klinkenberg. F-28-2173-A-1, F-28-2173-C-1, F-28-2173-C-2, F-28-2173-E-1, F-28-2173-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Pauline Klinkenberg, whose last known address is Bachenau u/Heilbronn a/Necker, Germany, Elisabeth Klinkenberg, whose last known address is Mannheim k. 1. 1-3, Nord-Baden, Germany and Herman Klinkenberg, whose last known address is Murgtaler Str. 12, Kuppenheim Kreis Rastatt 1/Baden, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided three-fifths (3/5ths) interest in that certain debt or other obligation of the Chemical Bank & Trust Company, 165 Broadway, New York, New York, arising out of a checking account entitled "Ida Fohmann, The German Society of the City of New York, Agent", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. An undivided three-fifths (3/5ths) interest in that certain debt or other obligation of Investors Savings and Loan Association, 64 Main Street, Millburn, New Jersey, arising out of a savings account, entitled "Estate Ida Fohmann", maintained at the aforesaid association and any and all rights to demand, enforce and collect the same, and

c. An undivided three-fifths (3/5ths) interest in that certain debt or other obligation of the Brick Church Savings and Loan Association, 28 Washington Place, East Orange, New Jersey, arising out of an Installment Share Account, account number 0-5889, entitled "Ida Fohmann", maintained at the aforesaid association, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Pauline Klinkenberg, Elisabeth Klinkenberg and Herman Klinkenberg, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9834; Filed, Nov. 8, 1948; 9:06 a. m.]

[Vesting Order 12261]

HIROSHI MIYAKODA

In re: Bank account owned by Hiroshi Miyakoda. D-39-19205-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hiroshi Miyakoda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of California Bank, 625 South Spring Street, Los Angeles, California, arising out of a savings account, account number 23823, entitled S. Miyakoda in Trust for Hiroshi Miyakoda, maintained at the branch office of the aforesaid bank located at 1401 Third Street, Santa Monica, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hiroshi Miyakoda, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9835; Filed, Nov. 8, 1948; 9:06 a. m.]

[Vesting Order 12264]

ERNA REHM AND WILHELM REHM, JR.

In re: Bank account owned by Erna Rehm and Wilhelm Rehm, Jr. F-28-5800-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erna Rehm and Wilhelm Rehm, Jr., whose last known address is Altenbruch W. Ende 263, By Cuxhaven, Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The National Bank of Palisades Park, 280 Broad Avenue, Palisades Park, New Jersey, arising out of a savings account, account number 742, entitled Erna or Wilhelm Rehm, Jr., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9836; Filed, Nov. 8, 1948; 9:06 a. m.]

[Vesting Order 12268]

FRED TOEDTER AND MARIE TOEDTER

In re: Bank account owned by Fred Toedter and Marie Toedter. F-28-12433-E-1, F-28-12434-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fred Toedter and Marie Toedter, whose last known address is Wesselch, Schneverdingen, Hanover, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, account number 1443, entitled John Bellman, Trustee for Fred and Marie Toedter, maintained at the branch office of the aforesaid bank located at Willows, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Fred Toedter and Marie Toedter, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948,

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9836; Filed, Nov. 8, 1948; 9:06 a. m.]

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9837; Filed, Nov. 8, 1948; 9:06 a. m.]

[Vesting Order 12269]

GERTRUDE VON BEHR-NEGENDANCK

In re: Debt owing to Gertrude von Behr-Negendanck. F-28-26552-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude von Behr-Negendanck, whose last known address is Neverin, Neu Brandenburg Land, Mecklenberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Gertrude von Behr-Negendanck, by Schoellkopf, Hutton & Pomeroy, Incorporated, 70 Niagara Street, Buffalo, New York, in the amount of $82.28, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9838; Filed, Nov. 8, 1948; 9:06 a. m.]

ELIZABETH MARION TABASSO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Elizabeth (also known as Elsie or Edith) Marion Tabasso, 4696, $2,000.45 in the Treasury of the United States.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9841; Filed, Nov. 8, 1948; 9:07 a. m.]

[Return Order 203]

SOCIETE ANONYME DE MERBES-SPRIMONT

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Societe Anonyme de Merbes-Sprimont, Claim No. 6259, September 22, 1948 (13 F. R. 5519); $13,762.02 in the United States Treasury.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 3, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9840; Filed, Nov. 8, 1948; 9:06 a. m.]

[Vesting Order 12270]

MRS. HELENE VON CONTA

In re: Stock owned by and debt owing to Mrs. Helene von Conta, also known as Helene Prym von Conta. F-28-29131-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene von Conta, also known as Helene Prym von Conta, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of $10.00 par value common capital stock of the General Motors Corporation, 1775 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate No. 924-671, registered in the name of Egger & Co. and presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in an account entitled Credit Suisse, Zurich, Switzerland, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $1,238.59 as of July 6, 1948, presently on deposit in an account of Credit Suisse, Zurich, Switzerland, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Helene von Conta, also known as Helene Prym von Conta, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9839; Filed, Nov. 8, 1948; 9:06 a. m.]

[Vesting Order 12275]

AUGUST BUNZEN

In re: Estate of August Bunzen, deceased. File: D-28-12474; E. T. sec. 16689.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

(1) That Louise Bunzen, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

(2) That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in, to and against the estate of August Bunzen, deceased, arising out of and by virtue of that certain decree dated April 17, 1915, of the Superior Court of the State of Washington for King County in an action entitled Louise Bunzen vs. August Bunzen, Numbered 92569 on the docket of said court, including but not by way of limitation all rights, claims, demands and causes of action of any kind or nature whatsoever of the person identified in subparagraph 1 hereof against the estate of August Bunzen, deceased, by reason of the rejection of any claim filed by or on behalf of the said person identified in subparagraph 1 hereof for the payment of any and all amounts due under the said decree dated April 17, 1915, of the Superior Court of the State of Washington, in and for King County,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

(3) That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9759; Filed, Nov. 5, 1948; 9:01 a. m.]

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FEDERAL REGISTER

VOLUME 13 NUMBER 220

Washington, Wednesday, November 10, 1948

TITLE 8—ALIENS AND NATIONALITY

Chapter III—Office of Philippine Alien Property Administration

PART 600—ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

DISCONTINUANCE OF CODIFICATION

In order to conform Chapter III of Title 8 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the codification of Part 600 is hereby discontinued and §§ 600.1 to 600.11 are redesignated sections 1 to 11, respectively. Future amendments to descriptions of organization and delegations of final authority will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] A. A. BERTSCH,
Acting Deputy Administrator.

NOVEMBER 5, 1948.

[F. R. Doc. 48-9844; Filed, Nov. 9, 1948; 8:45 a. m.]

TITLE 10—ARMY

Chapter II—Aircraft

PART 201—USE OF ARMY AIRCRAFT

PART 204—USE OF OTHER THAN GOVERNMENT-OWNED AIRCRAFT

REVOCATION, TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For revocation of Part 204 and revision and transfer of § 201.2, see Title 34, Chapter VII, Part 824, *infra*.

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Subtitle A of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. Part 1, "Personnel Regulations," is revoked.

2. Part 5, "Payment to Participants in the Training program of the United States Coast and Geodetic Survey under the Philippine Rehabilitation Act of 1946," is redesignated as Part 503 of Chapter V of Title 33.

3. The codification of Part 10, "Organization and Functions," Part 11, "Organization and Functions of the Office of the Secretary," and Part 12, "Delegations of Authority," is hereby revoked. Future amendments to description of organization and delegations of authority will appear in the Notices section of the FEDERAL REGISTER.

4. Part 2, "Special Studies and Services by Bureaus of the Department of Commerce," is redesignated Part 1.

5. Part 13, "Procedures for Handling and Settlement of Claims under the Federal Tort Claims Act," is redesignated Part 2.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-9865; Filed, Nov. 9, 1948; 8:54 a. m.]

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 350—DEPARTMENT OF COMMERCE FIELD SERVICE; GENERAL STATEMENT

PART 351—OFFICE OF THE DIRECTOR OF FIELD SERVICE

PART 352—REGIONAL OFFICES

PART 353—DISTRICT OFFICES

PART 354—MAJOR ACTIVITIES OF FIELD OFFICES

PART 355—SERVICES OF FIELD OFFICES

PART 356—LOCATION OF FIELD OFFICES

CODIFICATION DISCONTINUED

In order to conform Chapter III of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the codification of Parts 350 to 356 is

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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hereby discontinued. Future amendments to the statements of organization contained in these parts will be published in the Notices section of the FEDERAL REGISTER.

[SEAL] CARLTON HAYWARD,
Director of the Field Service.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-9864; Filed, Nov. 9, 1948; 8:54 a. m.]

Chapter IV—Foreign-Trade Zones Board

PART 405—CREATION, PURPOSE, ORGANIZATION, FUNCTIONS AND PROCEDURES

CODIFICATION DISCONTINUED

In order to conform Chapter IV of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the codification of Part 405 is discontinued. Future amendments to descriptions of organization will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-9866; Filed, Nov. 9, 1948; 8:54 a. m.]

Chapter VI—Office of Technical Services, Department of Commerce

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter VI of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. The codification of Part 600, "General Organization and Functions," Part 601, "Functions of the Organization Units," and Part 602, "Information and Services Available to the Public," is hereby discontinued. Future amendments to these parts will appear in the Notices section of the FEDERAL REGISTER.

2. Part 603 "Issuance of Licenses Under Foreign Patents Owned by the United States," is redesignated Part 601 and §§ 603.1 to 603.5 thereunder are redesignated §§ 601.1 to 601.5, respectively.

3. As so redesignated, the headnote of § 601.1 is changed from *"Authority"* to *"Scope."*

[SEAL] JOHN C. GREEN,
Director,
Office of Technical Services.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-9867; Filed, Nov. 9, 1948; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52081]

PART 6—AIR COMMERCE REGULATIONS

AIRPORTS OF ENTRY; C. A. A. FIELD, JUNEAU, ALASKA, AND SKY HARBOR SEAPLANE BASE, DULUTH, MINN.

NOVEMBER 3, 1948.

The C. A. A. Field, Juneau, Alaska, and the Sky Harbor Seaplane Base, Duluth, Minnesota, are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. Title 49, sec. 179 (b)), effective November 1, 1948, without time limit.

The list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR, Cum. Supp., 6.12) as amended, is hereby further amended to include the locations and names of these airports. The list of temporary airports of entry in § 6.13, Customs Regulations of 1943 (19 CFR, Cum. Supp. 6.13) as amended, is hereby further amended by deleting the locations, names, and dates and periods of designations of the airports involved.

Notice of the proposed redesignations of these airports as airports of entry without time limit was published in the FEDERAL REGISTER on October 12, 1948 (13 F. R. 5952), pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The redesignations of these airports shall be effective on November 1, 1948, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because of the expiration of the previous designations prior to the expiration of 30 days after the publication hereof. The redesignations of these airports are based on a determination that a sufficient need exists to justify such redesignations and the redesignations are made for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7 (b), 44 Stat. 572, sec. 711, 58 Stat. 714, sec. 5, 60 Stat. 1049; 49 U. S. C. 177 (b))

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-9875; Filed, Nov. 9, 1948; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS FOR THE 1949 AND SUCCEEDING CROP YEARS

Correction

In FEDERAL REGISTER Document 48-9652 appearing at page 6467 of the issue for Wednesday, November 3, 1948, the following corrections should be made:

1. On page 6471, the fourth line of paragraph 21 should read as follows: "of harvest or the time of loss, whichever".

2. On page 6472, the ninth line of paragraph 10 should read as follows: "the insured to cancel the contract as provided".

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 155—SEAFOOD INSPECTION

REPUBLICATION FOR CODIFICATION PURPOSES; MISCELLANEOUS AMENDMENTS

In compliance with Executive Order 9930 of February 4, 1948 (13 F. R. 519), which authorizes and directs the publication of the 1949 edition of the Code of Federal Regulations, Part 155 is hereby republished in codified form.

Notices of proposed rule making embodying amendments to §§ 155.2, 155.5,

155.8, 155.12, 155.30, 155.35, and 155.42 of this part was published in the FEDERAL REGISTER of June 4, 1948 (13 F. R. 2994). No objection having been received to the proposed amendments, they shall become effective on the date of publication of this order in the FEDERAL REGISTER.

Paragraph (b) (4) of § 155.12, *Inspection fees*, and paragraph (b) (4) of § 155.42, *Inspection fees*, are hereby amended to provide a different method of handling advance deposits where service is withdrawn. These amendments shall also become effective on the date of publication in the FEDERAL REGISTER.

The republication of the regulations contains no substantive revisions and is merely to conform to the FEDERAL REGISTER requirements that all regulations which will be in effect on December 31, 1948, be codified in accordance with FEDERAL REGISTER rules.

INSPECTION OF CANNED SHRIMP

Sec.
155.0 Application for inspection service.
155.1 Granting or refusing inspection service; cancellation of application.
155.2 Inspection periods.
155.3 Assignment of inspectors.
155.4 Uninspected shrimp excluded from inspected establishments.
155.5 General requirements for plant and equipment.
155.6 General operating conditions.
155.7 Code marking.
155.8 Processing.
155.9 Examination after canning.
155.10 Labeling.
155.11 Certificates of inspection; warehousing and export permits.
155.12 Inspection fees.
155.13 Suspension, withdrawal, and termination of inspection service.

INSPECTION OF CANNED OYSTERS

155.30 Application for inspection service.
155.31 Granting or refusing inspection service; cancellation of application.
155.32 Inspection periods.
155.33 Assignment of inspectors.
155.34 Uninspected oysters excluded from inspected establishments.
155.35 General requirements for plant and equipment.
155.36 General operating conditions.
155.37 Code marking.
155.38 Processing.
155.39 Examination after canning.
155.40 Labeling.
155.41 Certificates of inspection; warehousing and export permits.
155.42 Inspection fees.
155.43 Suspension, withdrawal, and termination of inspection service.

AUTHORITY: §§ 155.0 to 155.43 issued under 52 Stat. 1040; 21 U. S. C. et seq.

INSPECTION OF CANNED SHRIMP

§ 155.0 *Application for inspection service.* (a) Applications for inspection service on canned shrimp under the provisions of section 702A of the Federal Food, Drug, and Cosmetic Act shall be on forms supplied by the Food and Drug Administration. No application for an initial inspection period filed with the Food and Drug Administration after June 1, preceding such period in any year, shall be considered unless the applicant shows substantial cause for failure to file such application on or before June 1 of such year. A separate application shall be made for each inspection period in each establishment in which the service is applied for. Each application for an initial inspection period shall be accompanied by an advance deposit of $600 as prescribed by § 155.12 (b). Such deposit shall be paid in the manner prescribed by § 155.12 (e).

(b) An application by two or more packers for inspection service in one establishment to be jointly or severally operated by them shall be accompanied by an agreement signed by such packers binding each to be jointly and severally liable for the payment of all fees and deposits required for such establishment by § 155.12.

§ 155.1 *Granting or refusing inspection service; cancellation of application.* (a) The Federal Security Administrator may grant the inspection service applied for when he determines that the establishment covered by such application complies with the requirements of § 155.5.

(b) The Administrator may refuse to grant the inspection service at any establishment for cause. In case of refusal he shall notify the applicant of the reason therefor and shall return to such applicant the payment which accompanied the application, less any expenses incurred by the Administration for preliminary inspection of the establishment, or for other purposes incident to such application.

(c) The applicant, by giving written notice to the Administrator, may withdraw his application for inspection service before July 1 preceding the inspection period covered by the application. In case of such withdrawal, the Administrator shall return to such applicant the payment which accompanied the application, less any salary and other expense incurred by the Administration incident to such application.

§ 155.2 *Inspection periods.* (a) The initial inspection period in each establishment in which inspection service under these regulations is granted shall be 9 months. Extension inspection periods, each of which shall begin at the close of the preceding inspection period, may be granted in such establishment if application therefor, accompanied by a deposit of $500 as prescribed by § 155.12, is made at least two weeks in advance of the close of such preceding inspection period: *Provided*, That upon request of the packer and with the approval of the Administration, such service during any inspection period may be transferred from one establishment to another to be operated by the same packer; but such transfer shall not serve to lengthen any inspection period or to take the place of an extension inspection period. In case of such transfer the packer shall furnish all necessary transportation of inspectors.

(b) Each initial inspection period shall begin on or after July 1, but not later than September 15, of each year. No initial or extension inspection period shall extend beyond June 30 of any year.

(c) The date of the beginning of each initial inspection period shall be regarded as the date specified for the beginning of the service in the application therefor, or such other date as may be specified by amendment to such application and approved by the Administration; but if the Administrator is not prepared to begin the service on the specified date, the date of the beginning of such period shall be regarded as the date on which the service is begun.

(d) Inspection service shall be continuous throughout the inspection periods, except that, where the canning of shrimp is suspended as a result of the enforcement of State conservation laws, the inspection service may be withdrawn for the period of suspension or any part thereof: *Provided*, That written application for such suspension is made at least 2 weeks prior to the beginning of the closed season. An inspection period in which such a withdrawal occurs shall be lengthened to compensate for the time of withdrawal.

§ 155.3 *Assignment of inspectors.* (a) An initial assignment of at least one inspector shall be made to each establishment in which inspection service under §§ 155.0 to 155.13 is granted. Thereafter the Administration shall adjust the number of inspectors assigned to each establishment to the number required for continuous and efficient inspection.

(b) Any inspector of the Administration shall have free access at all times to all parts of the establishment and to all fishing and freight boats and other conveyances catching shrimp for, or transporting shrimp to, such establishment.

§ 155.4 *Uninspected shrimp excluded from inspected establishments.* (a) No establishment to which inspection service on canned shrimp has been granted shall at any time thereafter can shrimp which has not been inspected under §§ 155.0 to 155.13, or handle or store in such establishment any canned shrimp which has not been so inspected; but this paragraph shall not apply to an establishment after termination of inspection service therein as authorized by § 155.13.

(b) All shrimp delivered to or held in an establishment shall be subject to inspection, but certificates of inspection shall be issued under §§ 155.0 to 155.13 only on canned shrimp.

§ 155.5 *General requirements for plant and equipment.* (a) All exterior openings of the cannery shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps or other approved insect-control devices shall be installed.

(b) Picking and packing rooms shall be separate, and fixtures and equipment thereof shall be so constructed and arranged as to permit thorough cleaning. Such rooms shall be adequately lighted and ventilated, and the floors thereof shall be tight and arranged for thorough cleaning and proper drainage. Blanching tanks shall not be located in picking room. Open drains from picking room shall not enter packing or blanching room. If picking and packing rooms are in separate buildings, such buildings shall not be more than 100 yards apart unless adequate provisions are made to enable efficient inspection.

(c) All surfaces of tanks, belts, tables, flumes, utensils, and other equipment with which either picked or unpicked shrimp come in contact after delivery to the establishment, shall be of metal other than lead, or of other nonporous and easily cleanable materials. Metal seams shall be smoothly soldered.

(d) Adequate supplies of steam and of clean, unpolluted running water shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(e) Adequate toilet facilities of sanitary type shall be provided.

(f) An adequate number of sanitary wash basins, with liquid or powdered soap, shall be provided in both the picking and packing rooms. Paper towels shall be provided in the packing room.

(g) Signs requiring employees handling shrimp to wash their hands after each absence from post of duty shall be conspicuously posted in the picking and packing rooms and elsewhere about the cannery as conditions require.

(h) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples, and for the safekeeping of records and equipment.

(i) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the shrimp before delivery to the picking tables.

(j) Suitable containers, flumes, chutes, or conveyors shall be provided for removal of offal from picking room.

(k) Picking tables shall be equipped with flumes supplied with clean, unpolluted water for removing the picked shrimp.

(l) Equipment shall be provided for code marking cans or other immediate containers.

(m) An automatic container-counting device shall be installed in each cannery line.

(n) Each processing retort shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2°. For steam cook such thermometers shall be installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. For water cook such thermometers shall be installed in the door or shell of the retort below the water level. If the thermometer is installed within a fitting such fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least ⅛ inch in diameter. If the thermometer is installed within the door or shell of the retort the bulb shall project at least two-thirds of its length into the principal chamber thereof.

(3) A recording thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2°. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds with scale divisions not greater than 1 pound. Such gauge shall be connected to the chamber of the retort by a short gooseneck tube. The gauge shall be not more than 4 inches higher than the gooseneck.

(5) For steam cook, a blow-off vent of at least ¾-inch inside diameter in the top of the retort.

(6) For steam cook, a ⅛-inch bleeder in top of retort.

§ 155.6 *General operating conditions.* (a) The decks and holds of boats catching shrimp for, or transporting shrimp to, an inspected establishment, and the bodies of other conveyances so transporting shrimp shall be kept in a sanitary condition. When necessary the shrimp shall be iced down immediately after they are caught and shall be kept adequately refrigerated until delivery to cannery.

(b) Canneries, cannery freight boats, and other cannery conveyances shall accept only fresh, clean, sound shrimp.

(c) After delivery of each load of shrimp to the cannery, decks and holds of each boat and the body of each other conveyance making such delivery shall be washed down with clean, unpolluted water and all debris shall be cleaned therefrom before such boat or other conveyance leaves the cannery premises.

(d) Before picking the shrimp shall be washed with clean, unpolluted water and then passed over the inspection belt and culled to remove all shrimp that are filthy, decomposed, putrid, or otherwise unfit for food, and all extraneous material.

(e) Offal from picking tables shall not be piled on the floor, but shall be placed in suitable containers for frequent removal, or shall be removed by flumes, conveyors, or chutes.

(f) Shrimp shall not be picked into cups but shall be picked into flumes which immediately remove the picked meats from the picking tables.

(g) Picked shrimp being transported from one building to another before enclosure in the can or other immediate container shall be properly covered and protected against contamination.

(h) From the time of delivery to the cannery up to the time of final processing, shrimp shall be handled expeditiously and under such conditions as to prevent contamination or spoilage.

(i) The packer shall immediately destroy for food purposes all shrimp in his possession condemned by the inspector as filthy, decomposed, putrid, or otherwise unfit for food. Shrimp condemned on boat or unloading platform shall not be taken into the ice box or picking room.

(j) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(k) All floors and other parts of the establishment, including unloading platforms, and all fixtures, equipment, and utensils shall be cleaned as often as may be necessary to maintain them in sanitary condition.

(l) The packer shall require all employees handling shrimp to wash their hands after each absence from post of duty.

(m) The packer shall require all employees to observe proper habits of cleanliness, and shall not knowingly employ in or about the establishment any person afflicted with infectious or contagious disease.

(n) Offal, debris, or refuse from any source whatever shall not be allowed to accumulate in or about the establishment.

§ 155.7 *Code marking.* (a) Code marks shall be affixed to all cans and other immediate containers before they are placed in the processing retorts. Such marks shall show at least (1) the date of packing, (2) the establishment where packed, and (3) the size of the shrimp when such shrimp were graded for size and are not in containers through which they are clearly visible.

(b) Keys to all code marks shall be given to the inspector.

(c) Each lot shall be stored separately pending final inspection. For the purposes of the regulations in this part all cans or other immediate containers bearing the same code mark shall be regarded as comprising a lot.

§ 155.8 *Processing.* (a) The closure of the can or other immediate container and the time and temperature of processing the canned shrimp shall be adequate to prevent bacterial spoilage.

(b) Keys to all code marks shall be the minimum employed for the containers indicated:

DRY PACK

Kind of container and liner	Size	Time at 240° F.	Time at 250° F.
		Minutes	*Minutes*
Tin:			
1-piece	211 x 400	80	60
3-piece or no liner	211 x 400	70	50
3-piece or no liner	307 x 208	70	50
3-piece or no liner	307 x 400	75	55

WET PACK

Kind of container and size	Time at 240° F.	Time at 250° F.
	Minutes	*Minutes*
Tin:		
211 x 400 (and smaller)	25	13
307 x 208	25	13
307 x 400	25	13
502 x 510	27	16
Glass: 2 to 9 fl. oz. incl	22	14

(c) For steam cook, blow-off vent shall be open during the coming-up period until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire processing period.

(d) The inspector shall identify each record on the thermometer chart with the code mark of the lot to which such record relates and the date of such record. The Administration shall keep such charts for at least 5 years, and upon request shall make them available to the packer.

(e) The packer shall keep for at least one year all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

§ 155.9 *Examination after canning.* (a) Adequate samples shall be drawn by the inspector from each lot of canned shrimp and shall be examined to determine whether or not such canned

shrimp conforms to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, all canned shrimp condemned by the inspector as not complying with § 155.8 (a), or as filthy, decomposed, putrid, or otherwise unfit for food.

§ 155.10 *Labeling.* (a) Labels on canned shrimp packed and certified under §§ 155.0 to 155.13 shall bear the mark "Production Supervised by U. S. Food and Drug Administration," with or without the official establishment number. Such mark shall be plainly and conspicuously displayed in type of uniform size and style on a strongly contrasting uniform background; and shall appear on the principal panel or panels of the label so as to be easily observable in connection with the name of the article.

(b) Two proofs, or one proof and one photostat thereof, or eight specimens of all labeling intended for use on inspected canned shrimp or on or within the cases therefor, shall be submitted to the Administration for approval. If proofs or photostat and proof are submitted, eight specimens of the labeling shall be sent to the Administration after printing. The Administration is hereby authorized to approve labeling for use on or with canned shrimp inspected under §§ 155.0 to 155.13; approval shall be subject to the condition that such labeling shall be so used as to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder. The Administration is also hereby authorized to revoke any such approval for cause. The Administration shall not approve labeling for canned shrimp intended for export under the provisions of § 155.11 (e).

(c) No commercial brand or brand name appearing on labeling approved as authorized under paragraph (b) of this section, and no labeling simulating any such approved labeling, shall be used after such approval on canned shrimp other than that which has been handled, prepared, and packed in compliance with all provisions of §§ 155.0 to 155.13; but this section shall not apply to any packer's labeling after termination of inspection as authorized by § 155.13, or to any distributor's labeling after 3 months' written notice by the owner thereof to the Administration that the use of such labeling on inspected canned shrimp has been discontinued and will not be resumed.

§ 155.11 *Certificates of inspection, warehousing and export permits.* (a) After finding that the canned shrimp comprising any parcel (1) has been handled, prepared, and packed in compliance with all provisions of §§ 155.0 to 155.13, (2) bears labeling approved as authorized under § 155.10 (b), and (3) complies with all the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue a certificate showing that such canned shrimp so complies. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the place where such parcel is stored, the size of the shrimp, the size and kind of containers, the type of pack, the commercial brand name on the labels, the quality grade of the shrimp if it is fancy, and the condition of the shrimp if it is broken. Such certificate shall become void if such labeling is removed, altered, obliterated, or replaced; but such canned shrimp may be relabeled under the supervision of an inspector and recertified if the inspector finds that, after being relabeled, it complies with the requirements laid down by this paragraph for the issuance of a certificate.

(b) Unless covered by certificate, canned shrimp shall be moved from an inspected establishment only for storage authorized under paragraph (c) of this section, or export authorized under paragraph (e) of this section, or for destruction as provided by § 155.9 (b).

(c) Applications to move unlabeled canned shrimp from storage in a warehouse elsewhere than in the establishment where such shrimp was packed shall be on forms supplied by the Administration. The application shall give the name and location of the warehouse in which such canned shrimp is to be stored, and shall be accompanied by an agreement signed by the operator of such warehouse that inspectors shall have free access at all times to all canned shrimp so stored, and that conditions which will preserve the identity of each parcel of such canned shrimp shall be continuously maintained pending issuance of a certificate thereon or removal as authorized by paragraph (d) of this section. If such application is approved and it appears to the inspector that the canned shrimp comprising any parcel (1) has been packed in compliance with §§ 155.0 to 155.13, (2) is not slack-filled, and (3) conforms, except for the absence of labeling, to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue to the applicant, on his request, a warehousing permit covering such canned shrimp. Such permit shall specify the code marks to which it applies, the quantity of the parcel so marked, the places from and to which such parcel is to be moved, the size of the shrimp, the size and kind of containers, the type of pack, and the quality grade of the shrimp if it is fancy, and the condition of the shrimp, if it is broken. When any provision of the agreement is violated the Administration may revoke any permit issued pursuant to such agreement, and may also revoke its approval of the application for warehousing which accompanied such agreement.

(d) Unless covered by certificate, canned shrimp stored under the authority of paragraph (c) of this section shall be moved from the warehouse where stored only for restorage under such authority, or for return upon written permission of the inspector to the establishment where packed, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.9 (b).

(e) Section 801 (d) of the Federal Food, Drug, and Cosmetic Act provides that a food intended for export shall not be deemed to be adulterated or misbranded under the act if it (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping package to show that it is intended for export. An application to export canned shrimp under the provisions of section 801 (d) of the act shall be accompanied by the original or a verified copy of the specifications of the foreign purchaser; if so required by the Administration, evidence showing that such canned shrimp is not in conflict with the laws of the country to which it is intended for export; and, if shipment of labeled canned shrimp is specified or directed, eight specimens of the labeling therefor. If canned shrimp prepared or packed according to such specifications is not in conflict with the laws of such country, the Administration shall direct the inspector to issue to the applicant an export permit covering such canned shrimp comprising any parcel ordered by such purchaser under such specifications, when the inspector finds that such canned shrimp was packed in compliance with the requirements of §§ 155.0 to 155.13 regarding sanitary conditions and processing; is not filthy, decomposed, putrid, or otherwise unfit for food; accords to such specifications, and is labeled on the outside of the shipping package to show that it is intended for export. Such permit shall specify the code marks to which it applies and the quantity of the parcel so marked, and shall show that such canned shrimp was packed under sanitary conditions, is wholesome, and accords to such specifications. The applicant shall furnish to the inspector documentary evidence showing the exportation of all such canned shrimp. Canned shrimp intended for export under this section shall not be stored in any warehouse in the United States elsewhere than in the establishment where such canned shrimp was prepared or packed, except on written permission of the inspector, or of the chief of the Food and Drug Administration Station within whose territory such warehouse is located.

§ 155.12 *Inspection fees.* (a) Except as otherwise provided by the regulations in this part, the fee prescribed for inspection service shall be fifteen (15) cents for each case of canned shrimp packed under such service in excess of the first 1,000 cases. For the purpose of this section a case of canned shrimp shall be 48 No. 1 cans (211 x 400) or the equivalent thereof. Advance deposits of not less than $300 shall be made whenever necessary to prevent arrears in the payment of fees, unless the Administration on an estimate of output authorizes payment in other amounts. Any excess advance deposits so made for the fiscal year shall be returned to the packer by the Administration after the inspection service is closed in the establishment.

(b) (1) In addition to the fee prescribed by paragraph (a) of this section, an initial advance deposit of $600 (which includes a minimum case fee of $200 for inspection service for the first 1,000 cases of canned shrimp packed under the regulations in this part) shall accompany each application for an initial inspection period; thereafter, seven advance monthly deposits of $600 each shall be made on or before the first day of each month, commencing July 1 and continuing through January 1, except that the Commissioner of Food and Drugs may require the full amount of advance deposits prescribed for an initial inspection period by this paragraph to accompany the application of an applicant who has defaulted in payment of any advance deposit due in a prior packing season.

(2) Whenever it is determined, without hearing, by the Commissioner of Food and Drugs that an establishment having the inspection service has been damaged by wind, fire, flood, or other calamity, to such an extent that packing operations cannot be resumed before the end of the fiscal year then current, no advance monthly deposits falling due after such calamity will be required from the operator of such establishment for that fiscal year; but whenever it is determined, without hearing, by the Commissioner of Food and Drugs that an establishment having the inspection service has been so damaged by any such calamity that packing operations must be suspended temporarily, and can be resumed before the end of the fiscal year then current, payment of the advance monthly deposits falling due after such calamity and before the month of resumption of operations shall be postponed until operations are resumed and thereupon shall be paid in equal monthly installments during the period between the time of resumption of operations and June 1 of the fiscal year then current: *Provided*, That in the event of a determination described in this subparagraph the total deposits made by the operator involved shall be charged with the cost of the service made available for the establishment, without regard to the method provided hereinafter for computing charges against deposits, and the balance of the total deposits remaining after such charges shall be returned by the Administration to the operator of the establishment after the completion of the fiscal year.

(3) Each application for an extension inspection period shall be accompanied by a deposit of $500, and at subsequent monthly intervals thereafter additional deposits of $500 shall be made; but if the final deposit is to cover a time of less than 30 days, then such deposit shall be at the rate of $16.67 for each day of such time.

(4) Advance deposits made under this paragraph shall be charged with the cost of the inspection service which has not been provided for by fees under paragraph (a) of this section and the $200 minimum case fee referred to in this paragraph. The deposits by each packer shall be so charged in the same ratio to the total deposits made under this paragraph and under § 155.42 (b) for the inspection of canned oysters as the number of months of inspection service (including number of months, if any, for inspecting canned oysters) rendered in such packer's establishment bears to the total number of months of inspection service for canned shrimp and canned oysters rendered in all establishments. The balance remaining after such charges have been made shall be returned by the Administration to the packers after the completion of the fiscal year. When inspection service is withdrawn from an establishment as authorized by § 155.13 (a), the Administration shall not return to the packer any of the advance deposits made for such establishments; such deposits shall be charged with the cost of the service made available for the establishment, without regard to the method as prescribed in this paragraph, and the balance which would have accrued to such packer shall remain to the credit of the Food and Drug Administration in the special account "Salaries and Expenses, Certification and Inspection Services."

(c) A separate fee shall be paid to cover all expenses, incurred in accordance with the regulations of the Government, for salary, travel, subsistence, and other purposes incident to inspection for the purpose of issuing a certificate of warehousing or export permit on canned shrimp stored or held at any place other than an establishment to which a seafood inspector is then assigned.

(d) When the cannery and the cannery warehouse of an establishment are located at different points of such distance apart that transportation between them is required for the inspector to perform his duties in the establishment, the packer shall furnish such transportation or shall pay an extra fee to cover all expenses therefor.

(e) All payments required by the regulations in this part shall be by bank draft or certified check, collectible at par, drawn to the order of the Treasurer, United States, and payable at Washington, D. C. All such drafts and checks, except those for the payment required by § 155.0, shall be delivered to the inspector and promptly scheduled to the Food and Drug Administration, Federal Security Agency, Washington, D. C., whereupon after making appropriate records thereof they will be endorsed and transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(f) Refunds to the packers making advance deposits will be by check drawn on the Treasury of the United States pursuant to refund vouchers duly certified and approved by the designated administrative officers.

§ 155.13 *Suspension, withdrawal, and termination of inspection service.* (a) The Administration may suspend and the Administrator may withdraw inspection service in any establishment (1) upon failure of the packer to comply with any provision of §§ 155.0 to 155.13, or (2) upon the dissemination by the packer or any person in privity with him of any representation which is false or misleading in any particular regarding the application to any seafood of the inspection service provided by the regulations in this part.

(b) When inspection service is suspended in an establishment, as authorized by paragraph (a) of this section, the Administration shall not lengthen the inspection period in such establishment to compensate for any of the time of suspension.

(c) After inspection service for a fiscal year is closed in an establishment, but before the resumption of packing therein during the next fiscal year, the packer may terminate inspection service under the regulations in this part by giving written notice of such termination to the Administration.

INSPECTION OF CANNED OYSTERS

§ 155.30 *Application for inspection service.* (a) Applications for inspection service on canned oysters under the provisions of section 702A of the Federal Food, Drug, and Cosmetic Act shall be on forms supplied by the Food and Drug Administration. Except as provided in paragraph (b) of this section, no application for an initial inspection period filed with the Food and Drug Administration less than 60 days preceding the opening date of the canning season in any year shall be considered unless the applicant shows substantial cause. The opening date of the canning season in each State shall be the date set by the State agency responsible for controlling the opening date of the canning season in the State in which the plant for which the application is filed is located. A separate application shall be made for each inspection period in each establishment in which the service is applied for. Each application for an initial inspection period shall be accompanied by an advance deposit of $600, as prescribed by § 155.42 (b), except establishments receiving inspection service under the regulations for the inspection of canned shrimp (§§ 155.0 to 155.13), for which establishments no additional advance deposit will be charged. Such deposit shall be paid in the manner prescribed by § 155.42 (e).

(b) An application by two or more packers for inspection service in one establishment to be jointly or severally operated by them shall be accompanied by an agreement signed by such packers binding each to be jointly and severally liable for the payment of all fees and deposits required for such establishment by § 155.42.

§ 155.31 *Granting or refusing inspection service; cancellation of application.* (a) The Federal Security Administrator may grant the inspection service applied for when he determines that the establishment covered by such application complies with the requirements of § 155.35.

(b) The Administrator may refuse to grant the inspection service at any establishment for cause. In case of refusal he shall notify the applicant of the reason therefor and shall return to such applicant the payment which accompanied the application, less any expenses incurred by the Administration for preliminary inspection of the establishment, or for other purposes incident to such application.

(c) The applicant, by giving written notice to the Administrator, may withdraw his application for inspection service before an inspector is assigned to the establishment. In case of such withdrawal, the Administrator shall return to such applicant the payment which accompanied the application, less any salary and other expense incurred by the Administration incident to such application.

§ 155.32 *Inspection periods.* (a) The initial inspection period in each establishment in which inspection service under §§ 155.30 to 155.43 is granted shall be 4 months. Extension inspection periods, each of which shall begin at the close of the preceding inspection period, may be granted in such establishment if application therefor, accompanied by a deposit of $500 as prescribed by § 155.42, is made at least 2 weeks in advance of the close of such preceding inspection period: *Provided*, That upon request by the packer and with the approval of the Administration, such service during any inspection period may be transferred from one establishment to another to be operated by the same packer; but such transfer shall not serve to lengthen any inspection period or to take the place of an extension inspection period. In case of such transfer the packer shall furnish all necessary transportation of inspectors.

(b) Each initial inspection period shall begin on or after October 1 but not later than March 1 of each year. No initial or extension inspection period shall extend beyond June 30 of any year.

(c) The date of the beginning of each initial inspection period shall be regarded as the date specified for the beginning of the service in the application therefor, or such other date as may be specified by amendment to such application and approved by the Administration; but if the Administrator is not prepared to begin the service on the specified date, the date of the beginning of such period shall be regarded as the date on which the service is begun.

(d) Inspection service shall be continuous throughout the inspection periods.

§ 155.33 *Assignment of inspectors.* (a) An initial assignment of at least one inspector shall be made to each establishment in which inspection service under §§ 155.30 to 155.43 is granted. Thereafter the Administration shall adjust the number of inspectors assigned to each establishment to the number required for continuous and efficient inspection.

(b) Any inspector of the Administration shall have free access at all times to all parts of the establishment and to all fishing and freight boats and other conveyances for transporting oysters to such establishment.

§ 155.34 *Uninspected oysters excluded from inspected establishments.* (a) No establishment to which inspection service on canned oysters has been granted shall at any time thereafter can oysters which have not been inspected under §§ 155.30 to 155.43, or handle or store in such establishment any canned oysters which have not been so inspected; but this paragraph shall not apply to an establishment after termination of inspection service therein as authorized by § 155.43.

(b) All oysters delivered to or held in an establishment shall be subject to inspection, but certificates of inspection shall be issued under §§ 155.30 to 155.43 only on canned oysters.

§ 155.35 *General requirements for plant and equipment.* (a) All exterior openings of the cannery, including those of the shucking sheds, shall be adequately screened, and roofs and exterior walls shall be tight. When necessary, fly traps, fans, blowers, or other approved insect-control devices shall be installed.

(b) One or more suitable washing devices and one or more suitable inspection belts shall be installed for the washing and subsequent inspection of the oysters before delivery for steaming or other means of opening.

(c) Shucking sheds and packing rooms shall be separate, and fixtures and equipment thereof shall be so constructed and arranged as to permit thorough cleaning. Such sheds and rooms shall be adequately lighted and ventilated, and the floors thereof shall be tight and arranged for thorough cleaning and proper drainage. Open drains from shucking shed shall not enter packing room. If shucking shed and packing room are in separate buildings, such buildings shall not be more than 100 yards apart, unless, with the approval of the Food and Drug Administration, such conditions are maintained as will enable efficient inspection.

(d) All surfaces of washers, belts, tables, tanks, utensils, and other equipment with which unshucked or shucked oysters come in contact shall be of metal other than lead, or of other smooth, nonporous material that can be readily cleaned. Metal seams shall be smoothly soldered. Shucking tables shall be so constructed as to preclude contamination of working surfaces or products thereon from foot traffic or wheelbarrows or other containers used in delivering steamed oysters to such tables.

(e) Suitable means shall be provided for removal of shells and debris from shucking shed.

(f) Adequate supplies of steam and of clean, unpolluted running water shall be provided for washing, cleaning, and otherwise maintaining the establishment in a sanitary condition.

(g) Adequate toilet facilities of sanitary type shall be provided.

(h) An adequate number of sanitary wash basins, with liquid or powdered soap, shall be provided in both the shucking shed and packing room and shall be located immediately adjacent to entrances. Paper towels shall also be provided in the packing room.

(i) Signs requiring employees handling oysters to wash their hands after each absence from post of duty shall be conspicuously posted in the shucking shed and packing room and elsewhere about the cannery as conditions require.

(j) If steam boxes are used for opening the oysters, they shall be provided with adequate steam inlets, exhausts, drains, a safety valve, and a pressure gauge.

(k) Suitable devices shall be provided for washing the shucked oysters and for their subsequent drainage.

(l) One or more suitable devices shall be provided for the removal of shell and grit from the shucked oysters.

(m) One or more suitable inspection belts shall be installed for the inspection of shucked oysters.

(n) Equipment shall be provided for code marking cans.

(o) Each processing retort shall be fitted with at least the following equipment:

(1) An automatic control for regulating temperatures.

(2) An indicating mercury thermometer of a range from 170° F. to 270° F., with scale divisions not greater than 2°, installed either within a fitting attached to the shell of the retort or within the door or shell of the retort. If the thermometer is installed within a fitting, such fitting shall communicate with the chamber of the retort through an opening at least 1 inch in diameter. Such fitting shall be equipped with a bleeder at least ⅛ inch in diameter. If the thermometer is installed within the door or shell of the retort the bulb shall project at least two-thirds of its length into the principal chamber thereof.

(3) A recording thermometer of a range from 170° F. to 270° F. with scale divisions not greater than 2°. The bulb of such thermometer shall be installed as prescribed for the indicating mercury thermometer. The case which houses the charts and recording mechanism shall be provided with an approved lock, all keys to which shall be in the sole custody of the inspector.

(4) A pressure gauge of a range from 0 to 30 pounds with scale divisions not greater than 1 pound. Such gauge shall be connected to the chamber of the retort by a short gooseneck tube. The gauge shall be not more than 4 inches higher than the gooseneck.

(5) A blow-off vent of at least ¾-inch inside diameter in the top of the retort.

(6) A ⅛-inch bleeder in top of retort.

(p) Suitable space and facilities shall be provided for the inspector to prepare records and examine samples, and for the safekeeping of records and equipment.

§ 155.36 *General operating conditions.* (a) The decks and holds of boats tonging or dredging oysters for any inspected establishment shall be kept in a sanitary condition. Such boats shall be equipped with adequate means for protecting the oysters against contamination with bilge water.

(b) Canneries, cannery boats, and other cannery conveyances shall accept only live, clean, sound oysters taken from unpolluted areas. When necessary, ice or other suitable refrigerant shall be provided to prevent spoilage.

(c) The decks and holds of all boats and the bodies of other conveyances transporting oysters to the cannery shall be kept in sanitary condition.

(d) After delivery of each load of oysters to cannery, decks and holds of each boat and the body of each conveyance

making such delivery shall be washed down with clean, unpolluted water and all debris shall be cleaned therefrom before leaving the cannery premises.

(e) All portions of the establishment shall be adequately lighted to enable the inspector to perform his duties properly.

(f) As often as is necessary to maintain sanitary conditions, unloading platforms and equipment shall be washed with clean, unpolluted water, and all debris shall be cleaned therefrom.

(g) After each delivery to the cannery oysters shall be handled expeditiously and under such conditions as to safeguard against contamination or spoilage.

(h) Before steaming or opening by other means the oysters shall be washed with clean, unpolluted water. After washing, the oysters shall be passed over the inspection belt and culled to remove dirty, muddy, or decomposed oysters and extraneous material. Muddy oysters may be returned to the washer for rewashing.

(i) Shucking knives may be maintained by the individual owner and shall be thoroughly washed with soap and water and chlorinated before use each day. Chlorine solution shall be maintained at a strength of 200 parts per million.

(j) The packer shall immediately destroy for food purposes any oysters in his possession condemned by the inspector as filthy, decomposed, putrid, or unfit for food. Oysters condemned on boat or unloading platform shall not be taken into the cannery but shall be either destroyed or returned to a bedding ground.

(k) The delivery of steamed oysters to shuckers by means of manually rolling, trundling or wheelbarrowing such oysters on or above shucking tables will not be permitted.

(l) When the oysters are opened by steaming, the time and temperature of steaming shall not exceed the minimum time and temperature necessary to open the oysters and slip one eye.

(m) Shells shall be removed from the shucking shed continuously and shall not be allowed to accumulate in or about the cannery or premises in such a manner as to create a nuisance.

(n) Offal, debris, or refuse from any source whatever shall not be allowed to accumulate in or about the cannery or premises.

(o) No shucked oysters shall be returned to the shucker after delivery to the weigher.

(p) The shucked oysters shall be washed by a suitable device and immediately drained. The time of washing shall not exceed the minimum time necessary for cleansing.

(q) When the oysters, at any time after shucking and until enclosed in the can, are transported from one building to another, they shall be protected by properly covered containers.

(r) All floors and other parts of the cannery and all cannery fixtures, equipment, and utensils shall be cleaned as often as is necessary to maintain them in sanitary condition.

(s) The packer shall require all employees handling oysters to wash their hands after each absence from post of duty.

(t) The packer shall require all employees to observe proper habits of cleanliness, and shall not knowingly employ in or about the cannery any person afflicted with infectious or contagious disease.

§ 155.37 *Code marking.* (a) Code marks shall be affixed to all cans and other immediate containers before they are placed in the processing retorts. Such marks shall show at least (1) the date of packing (2) the establishment where packed, and (3) the size of the oysters when such oysters were graded for size.

(b) Keys to all code marks shall be given to the inspector.

(c) Each lot shall be stored separately pending final inspection. For the purposes of the regulations in this part all cans or other immediate containers bearing the same code mark shall be regarded as comprising a lot.

§ 155.38 *Processing.* (a) The closure of the can or other immediate container and the time and temperature of processing the canned oysters shall be adequate to prevent bacterial spoilage.

(b) The following processes shall be the minimum employed for the containers indicated:

Size	Time at 240° F.	Time at 270° F.
211 x 400	23 minutes	13 minutes.
307 x 409	27 minutes	13 minutes.
401 x 411	25 minutes	13 minutes.

(c) The blow-off vent shall be open during the coming-up period until the mercury thermometer registers at least 215° F. Bleeders shall emit steam during the entire processing period.

(d) The inspector shall identify each record on the thermometer chart with the code mark of the lot to which such record relates and the date of such record. The Administration shall keep such charts for at least 5 years, and upon request shall make them available to the packer.

(e) The packer shall keep for at least one year all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

§ 155.39 *Examination after canning.* (a) Adequate samples shall be drawn by the inspector from the lot of canned oysters identified by each code mark to determine whether or not such lot conforms to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder.

(b) The packer shall destroy for food purposes, under the immediate supervision of the inspector, any lot of canned oysters condemned by the inspector as not complying with § 155.38, or as filthy, decomposed, putrid, or otherwise unfit for food.

§ 155.40 *Labeling.* (a) Labels on canned oysters packed and certified under §§ 155.30 to 155.43 shall bear the mark "Production Supervised by the U. S. Food and Drug Administration," with or without the official establishment number. Such mark shall be plainly and conspicuously displayed in type of uniform size and style on a background of strongly contrasting color, and shall appear on the principal panel or panels of the label so as to be easily observable in connection with the name of the article.

(b) Two proofs, or one proof and one photostat thereof, or eight specimens of each label intended for use on inspected canned oysters or on or within the cases therefor, shall be submitted to the Food and Drug Administration for approval. If proofs or proof and photostat are submitted, eight specimens of the label shall be sent to the Administration after printing. The Food and Drug Administration is hereby authorized to approve labels for use on canned oysters inspected under §§ 155.30 to 155.43, if such labels when so used comply with the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder. The Food and Drug Administration may approve for temporary use labels which bear the mark required by paragraph (a) of this section, although such mark is not displayed in the manner prescribed by that paragraph. The Food and Drug Administration is also hereby authorized to revoke any such approval for cause. The Administration shall not approve labels for canned oysters intended for export under the provisions of § 155.41 (e).

(c) No commercial brand or brand name appearing on any label approved under paragraph (b) of this section, and no label simulating one so approved, shall be used thereafter on any canned oysters other than those which have been inspected under §§ 155.30 to 155.43: *Provided*, That this paragraph shall not apply to any packer's label after termination of inspection as provided in § 155.43, or to any distributor's label after 3 months' written notice by the owner thereof to the Food and Drug Administration that its use on inspected canned oysters has been discontinued and will not be resumed.

(d) Canned-oyster labeling authorized by or approved under paragraph (a) or (b) of this section shall be used only as authorized by §§ 155.30 to 155.43. Unauthorized use of such labeling renders the user liable to the penalties prescribed by the Federal Food, Drug, and Cosmetic Act, as amended.

§ 155.41 *Certificates of inspection; warehousing and export permits.* (a) After finding that the canned oysters comprising any parcel (1) have been handled, prepared, and packed in compliance with all provisions of §§ 155.30 to 155.43, (2) bear labeling approved as authorized under § 155.40 (b), and (3) comply with all the provisions of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue a certificate showing that such canned oysters so comply. The certificate shall specify the code marks to which it applies, the quantity of the parcel so marked, the place where such parcel is stored, the size and kind of containers, the commercial brand name on the labels, and the con-

dition of the oysters if they are broken. Such certificate shall become void if such labeling is removed, altered, obliterated, or replaced; but such canned oysters may be relabeled under the supervision of an inspector and recertified if the inspector finds that, after being relabeled, they comply with the requirements laid down by this paragraph for the issuance of a certificate.

(b) Unless covered by certificate, canned oysters shall be moved from an inspected establishment only for storage authorized under paragraph (c) of this section, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.39 (b).

(c) Applications to move unlabeled canned oysters from storage in a warehouse elsewhere than in the establishment where such oysters were packed shall be on forms supplied by the Administration. The application shall give the name and location of the warehouse in which such canned oysters are to be stored, and shall be accompanied by an agreement signed by the operator of such warehouse that inspectors shall have free access at all times to all canned oysters so stored, and that conditions which will preserve the identity of each parcel of such canned oysters shall be continuously maintained pending issuance of a certificate thereon or removal as authorized by paragraph (d) of this section. If such application is approved and it appears to the inspector that the canned oysters comprising any parcel (1) have been packed in compliance with §§ 155.30 to 155.43, (2) are not slack-filled, and (3) conform, except for the absence of labeling, to all requirements of the Federal Food, Drug, and Cosmetic Act, amendments thereto, and regulations thereunder, the inspector shall issue to the applicant, on his request, a warehousing permit covering such canned oysters. Such permit shall specify the code marks to which it applies, the quantity of the parcel so marked, the places from and to which such parcel is to be moved, the size of the oysters, the size and kind of containers, and the condition of the oysters if they are broken. When any provision of the agreement is violated, the Administration may revoke any permit issued pursuant to such agreement, and may also revoke its approval of the application for warehousing which accompanied such agreement.

(d) Unless covered by certificate, canned oysters stored under the authority of paragraph (c) of this section shall be moved from the warehouse where stored only for restorage under such authority, or for return upon written permission of the inspector to the establishment where packed, or for export authorized under paragraph (e) of this section, or for destruction as provided by § 155.39 (b).

(e) Section 801 (d) of the Federal Food, Drug, and Cosmetic Act provides that a food intended for export shall not be deemed to be adulterated or misbranded under the act if it (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping package to show that it is intended for export. An application to export canned oysters under the provisions of section 801 (d) of the act shall be accompanied by the original or a verified copy of the specifications of the foreign purchaser; if so required by the Administration, evidence showing that such canned oysters are not in conflict with the laws of the country to which they are intended for export; and, if shipment of labeled canned oysters is specified or directed, eight specimens of the labeling therefor. If canned oysters prepared or packed according to such specifications are not in conflict with the laws of such country, the Administration shall direct the inspector to issue to the applicant an export permit covering such canned oysters comprising any parcel ordered by such purchaser under such specifications, when the inspector finds that such canned oysters were packed in compliance with the requirements of §§ 155.30 to 155.43 regarding sanitary conditions and processing; are not filthy, decomposed, putrid, or otherwise unfit for food; accord to such specifications, and are labeled on the outside of the shipping package to show that they are intended for export. Such permit shall specify the code marks to which it applies and the quantity of the parcel so marked, and shall show that such canned oysters were packed under sanitary conditions, are wholesome, and accord to such specifications. The applicant shall furnish to the inspector documentary evidence showing the exportation of all such canned oysters. Canned oysters intended for export under this section shall not be stored in any warehouse in the United States elsewhere than in the establishment where such canned oysters were prepared or packed, except on written permission of the inspector, or of the chief of the Food and Drug Administration Station within whose territory such warehouse is located.

§ 155.42 *Inspection fees.* (a) Except as otherwise provided by the regulations in this part, the fee prescribed for inspection service shall be fifteen (15) cents for each case of canned oysters packed under such service in excess of the first 1,000 cases of oysters, or shrimp and oysters where the packer is also receiving inspection service under the regulations for the inspection of canned shrimp. For the purpose of this section, a case of canned oysters shall be 48 No. 1 cans (211 x 400) or the equivalent thereof. Advance deposits of not less than $300 shall be made whenever necessary to prevent arrears in the payment of fees, unless the Administration on an estimate of output authorizes payment in other amounts. Any excess advance deposits so made for the fiscal year shall be returned to the packer by the Administration after the inspection service is closed in the establishment.

(b) (1) In addition to the fee prescribed by paragraph (a) of this section, an initial advance deposit of $600 (which includes a minimum case fee of $200 for inspection service for the first 1,000 cases of canned oysters packed under the regulations in this part) shall accompany each application for an initial inspection period; thereafter, three advance monthly deposits of $600 each shall be made on or before the first day of each following consecutive month: *Provided*, That a packer who is concurrently receiving inspection service under the regulations for the inspection of canned shrimp shall not pay any advance deposits under this paragraph, except that the Commissioner of Food and Drugs may require the full amount of advance deposits prescribed for an initial inspection period by this paragraph to accompany the application of an applicant who has defaulted in payment of any advance deposit due in a prior packing season.

(2) Whenever it is determined, without hearing, by the Commissioner of Food and Drugs that an establishment having the inspection service has been damaged by wind, fire, flood, or other calamity, to such an extent that packing operations cannot be resumed before the end of the fiscal year then current, no advance monthly deposits falling due after such calamity will be required from the operator of such establishment for that fiscal year; but whenever it is determined without hearing, by the Commissioner of Food and Drugs that an establishment having the inspection service has been so damaged by any such calamity that packing operations must be suspended temporarily, and can be resumed before the end of the fiscal year then current, payment of the advance monthly deposits falling due after such calamity and before the month of resumption of operations shall be postponed until operations are resumed and thereupon shall be paid in equal monthly installments during the period between the time of resumption of operations and June 1 of the fiscal year then current: *Provided*, That in the event of a determination described in this subparagraph the total deposits made by the operator involved shall be charged with the cost of the service made available for the establishment, without regard to the method provided hereinafter for computing charges against deposits, and the balance of the total deposits remaining after such charges shall be returned by the Administration to the operator of the establishment after the completion of the fiscal year.

(3) Each application for an extension period shall be accompanied by a deposit of $500 and at subsequent monthly intervals thereafter additional deposits of $500 shall be made; but if the final deposit is to cover a time of less than 30 days, then such deposit shall be at the rate of $16.67 for each day of such time.

(4) Advance deposits made under this paragraph shall be charged with the cost of the inspection service which has not been provided for by fees under paragraph (a) of this section and the $200 minimum case fee referred to in this paragraph. The deposits by each packer shall be so charged in the same ratio to the total deposits made under this paragraph and under § 155.12 (b) for the inspection of canned shrimp as the number of months of inspection service (including number of months, if any, for inspecting canned shrimp) rendered in such packer's establishment bears to the total number of months of inspection service for canned oysters and canned shrimp rendered in all establishments. The balance remaining after such charges have been made shall be returned by the Administration to the packers after the completion of the fiscal year. When inspection service is withdrawn from an establishment as authorized by § 155.43 (a), the Administration shall not return to the packer any of the advance deposits made for such establishments; such deposits shall be charged with the cost of the service made available for the establishment, without regard to the method as prescribed in this paragraph, and the balance which would have accrued to such packer shall remain to the credit of the Food and Drug Administration in the special account "Salaries and Expenses, Certification and Inspection Services."

(c) A separate fee shall be paid to cover all expenses, incurred in accordance with the regulations of the Government, for salary, travel, subsistence, and other purposes incident to inspection for the purpose of issuing a certificate or warehousing or export permit on canned oysters stored or held at any place other than an establishment to which a seafood inspector is then assigned.

(d) When the cannery and the cannery warehouse of an establishment are located at different points of such distance apart that transportation between them is required for the inspector to perform his duties in the establishment, the packer shall furnish such transportation or shall pay an extra fee to cover all expenses therefor.

(e) All payments required by the regulations in this part shall be by bank draft or certified check, collectible at par, drawn to the order of the Treasurer, United States, and payable at Washington, D. C. All such drafts and checks, except those for the payment required by § 155.30 (a), shall be delivered to the inspector and promptly scheduled to the Food and Drug Administration, Federal Security Agency, Washington, D. C., whereupon after making appropriate records thereof they will be endorsed and transmitted to the Chief Disbursing Officer, Division of Disbursement, Treasury Department, for deposit to the special account "Certification and Inspection Services, Food and Drug Administration."

(f) Refunds to the packers making advance deposits will be by check drawn on the Treasury of the United States pursuant to refund vouchers duly certified and approved by the designated administrative officers.

§ 155.43 *Suspension, withdrawal, and termination of inspection service.* (a) The Administration may suspend and the Administrator may withdraw inspection service in any establishment (1) upon failure of the packer to comply with any provision of §§ 155.30 to 155.43, or (2) upon the dissemination by the packer or any person in privity with him of any representation which is false or misleading in any particular regarding the application to any seafood of the inspection service provided by the regulations in this part.

(b) When inspection service is suspended in an establishment, as authorized by paragraph (a) of this section, the Administration shall not lengthen the inspection period in such establishment to compensate for any of the time of suspension.

(c) After inspection service for a fiscal year is closed in an establishment, but before the resumption of packing therein during the next fiscal year, the packer may terminate inspection service under the regulations in this part by giving written notice of such termination to the Administration.

Dated: November 4, 1948.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 48-9842; Filed, Nov. 9, 1948; 8:59 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 611—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM; POLICY

ELIGIBILITY FOR LOW-RENT PROJECTS

§ 611.7. *Exclusion of military disability and death benefits in determining eligibility for low-rent projects—(a) Statement of policy.* (1) Pursuant to the authorization granted in section 502 (b) of Public Law 901, 80th Congress, the PHA has determined that it is equitable and in the public interest, in determining eligibility for admission to and continued occupancy of low-rent projects to exclude amounts paid by the United States Government for disability or death occurring in connection with military service when the total net income of the family, including such disability and death benefits, is insufficient for the family to obtain in the private market adequate housing which is available and suitable to the family's requirements.

(2) This policy is applicable to Public Law 412, Public Law 671 and PWA Projects. It shall apply immediately to all directly operated and leased low-rent projects. Although this policy is not mandatory for locally owned projects under contract before October 5, 1948, local authorities may, at their discretion, immediately adopt this policy with respect to determining eligibility for locally-owned low-rent projects if permitted by local law.

(3) Amounts paid by the United States Government for disability or death occurring in connection with military service may be excluded from net family income only in connection with the determination of eligibility; such amounts are to be included in net family income for determination of the rent to be paid.

(4) Military service as used herein is not confined to service in World War II; therefore this policy is applicable to the family of any person who at any time was or is in military service with one of the branches of the armed forces of the United States where the payment is made for disability or death occurring in connection with such service.

(b) *Local responsibility.* Administering authorities of low-rent projects subject to or operating under this policy will be required to:

(1) Determine periodically the minimum amount of income necessary for families of various sizes and composition to obtain adequate housing available in the private market.

(2) Revise existing management resolutions or programs to reflect this policy.

(3) Ascertain and verify whether the amounts received by the payee from the United States Government are payments made for disability or death occurring in connection with military service. (Sec. 502 (b), Pub. Law 901, 80th Cong.)

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 48-9845; Filed, Nov. 9, 1948; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter V—Coast and Geodetic Survey, Department of Commerce

PART 503—PAYMENT TO PARTICIPANTS IN THE TRAINING PROGRAM OF THE UNITED STATES COAST AND GEODETIC SURVEY UNDER THE PHILIPPINE REHABILITATION ACT OF 1946

REDESIGNATION OF PART

CROSS REFERENCE: For redesignation of Part 503, see Title 15, Subtitle A, Part 5, *supra*.

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter VII—Department of the Air Force

Subchapter B—Aircraft

PART 824—AIR FORCE PARTICIPATION IN CEREMONIES, CELEBRATIONS AND EXHIBITIONS

REVOCATION, TRANSFER AND REVISION OF REGULATIONS

The material contained in Part 204, Chapter II of Title 10 is hereby revoked.

The material contained in § 201.2, Chapter II of Title 10 is hereby revised, transferred and incorporated in Part 824 as follows:

Sec.
824.1 General.
824.2 Definition.
824.3 Requests by public officials.
824.4 Requests by nonprofit civic agencies on occasions of national interest.
824.5 Requests by organizations representing the public in local civic-sponsored events.
824.6 Participation requiring indemnity bond.
824.7 Participation not requiring indemnity bond.
824.8 Bond required.
824.9 Rules for participation.
824.10 Prohibitions.

AUTHORITY: §§ 824.1 to 824.10 issued under R. S. 161; 5 U. S. C. 22.

§ 824.1 *General.* The Chief of Staff United States Air Force and Commanding Officers of United States Air Force Bases may order or authorize participation in ceremonies, celebrations, and exhibitions on selected occasions when desirable for the promotion of interests in commercial aeronautics or the development of airports, landing fields, and airways. Participation may take the form of:

(a) Participation in air demonstrations on carefully selected occasions.

(b) Participation of Air Force troops in parades, public exhibitions, etc.

(c) Furnishing of Air Force aeronautical equipment for public ground exhibitions.

§ 824.2 *Definition.* Air demonstrations are defined as any flying by military aircraft for the purpose of assisting in publicity, fairs, exhibitions, demonstrations, ceremonies, and similar events sponsored by public officials, nonprofit civic agencies or organizations representing the public in local civic-sponsored events.

§ 824.3 *Requests by public officials.* (a) Favorable consideration will be given each request that is submitted by public officials for Air Force participation in such events as, air coverage for parades, celebrations held in honor of veterans organizations, and public events which are a vehicle for stimulation of interest in aviation in general.

(b) The degree of Air Force participation will be governed by availability of qualified personnel and equipment on hand in area of sponsoring community.

(c) Requests to local commanding officers must be forwarded through channels to higher headquarters. Those events complying with the provisions of § 824.5 may be approved or disapproved by the Commanding General of the Major Air Command. All other requests must be forwarded to Headquarters, United States Air Force for approval or disapproval by the Chief of Staff.

§ 824.4 *Requests by nonprofit civic agencies in events of national interest.* (a) Participation by Air Force units on requests originated and sponsored by nonprofit civic agencies for events of national aviation interest is limited to occasions of military significance, with particular reference to their importance from an aviation viewpoint, and to times and conditions which render participation propitious.

(b) Requests to local commanding officers must be forwarded through channels to Headquarters, United States Air Force for approval or disapproval by the Chief of Staff.

§ 824.5 *Requests by organizations representing the public in local civic-sponsored events.* (a) Participation of Air Force Units in cooperation with locally civic-sponsored events, as distinguished from those of distinct national interest, is confined to occasions of military significance with particular reference to their importance from an aviation viewpoint, to times and conditons which render participation propitious and with the following limitations:

(1) The degree of participation will be governed by availability of qualified personnel and equipment available in the area.

(2) There must be no interference with the normal missions of the units.

(3) There must be no additional expense to the government.

(b) No indemnity bond or liability insurance indorsement will be required in events for which no admission is charged and where it is agreed that all regulations of the Civil Aeronautics Administration and Department of the Air Force will be observed.

(c) Requests by organizations to local commanding officers must be forwarded to the Commanding General of the Major Air Command for approval or disapproval.

§ 824.6 *Participation requiring indemnity bond.* Except for those instances which satisfy the requirements of §824.5 demonstration flights from or over other than Government owned or leased fields will not be authorized unless a bond of indemnity as set forth in § 824.8 for damage to property or injury to persons be furnished the Government at least ten days before the exhibition flight.

§ 824.7 *Participation not requiring indemnity bond.* (a) Demonstration flights conducted at places owned or leased by United States Government.

(b) Public exhibition, not involving flight, of Air Force aircraft and equipment regardless of place of exhibition.

(c) Flights of aircraft to and from places of exhibition.

(d) Events within the provisions of § 824.5 (b).

§ 824.8 *Bond required*—(a) *Type.* A liability indorsement to a liability insurance policy will be considered as adequate indemnity bond coverage.

(b) *Amount.* An indemnity or liability insurance indorsement to the extent of $50,000 each person, $500,000 each accident, for personal injury or death and $250,000 for property damage in connection with flying demonstrations is considered adequate for normal Air Force participation.

(c) *Scope of coverage.* (1) The bond or liability policy must state clearly the intent to cover accidents caused by or resulting from the maintenance or use, of aircraft or equipment owned by the United States Government and must also extend to cover the United States Government, its officers or employees acting within the scope of their office or employment.

(2) Coverage need not include bodily injury accidents or death resulting therefrom to officers or employees of the United States and/or damages to or destruction of United States Government aircraft or equipment.

§ 824.9 *Rules for participation.* (a) Airport must be satisfactory.

(b) Organization charging admission and requesting participation must:

(1) When the aircraft require more than normal use of fuel, provide gas and oil of Air Force specifications during the participation and return of aircraft to the base to the extent of filling the tanks on departure.

(2) Defray the personal expenses of participating personnel during the elapsed time they are away from their base.

(3) Provide adequate transportation facilities for participating personnel.

(4) Furnish indemnity bond as set forth in § 824.8.

§ 824.10 *Prohibitions.* (a) Participating aircraft will not be flown in any race nor will they engage in formation acrobatics or other acrobatics except on express approval of the Chief of Staff, United States Air Force.

(b) The word "circus" will not be used in referring to aerial demonstrations and exhibitions, insofar as United States Air Force equipment and personnel are concerned.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 48-9874; Filed, Nov. 9, 1948; 8:57 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

[CGFR 48-57]

CERTAIN OFFICERS OF VESSELS TO BE MEMBERS OF UNITED STATES NAVAL RESERVE

CANCELLATION OF WAIVER

Pursuant to the authority vested in me as Commandant, United States Coast Guard, by the act of March 31, 1947, as amended (Pub. Laws 27, 293, 423, 80th Cong.), and upon the advice of the Chairman, United States Maritime Commission, I hereby find it no longer necessary in the interest of the orderly reconversion of the merchant marine from wartime to peacetime operations to continue in effect beyond December 15, 1948, the general waiver of navigation and vessel inspection laws and regulations which waived compliance of section 302 (g) of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1132 (g)), requiring that all of the deck and engineer officers on the United States Maritime Commission's vessels, if eligible, be members of the United States Naval Reserve:

Therefore, it is ordered, That the waiver of navigation and vessel inspection laws and regulations entitled "Requirement For Certain Officers to be Members of United States Naval Reserve", dated February 27, 1942, and published in the FEDERAL REGISTER February 28, 1942 (7 F. R. 1601, 46 CFR 1943 Supp. 2078), shall be canceled effective December 15, 1948: *Provided,* That no penalty prescribed by law shall be imposed for failure to comply with any provision of law or regulation because of the employment prior to December 15, 1948, of persons allowed under the waiver.

(Pub. Laws 27, 293, 423, 80th Cong.)

Dated: November 3, 1948.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 48-9876; Filed, Nov. 9, 1948; 8:58 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR STEAM ROADS

ROAD AND EQUIPMENT ACCOUNTS AND EXPENSE ACCOUNTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of October A. D. 1948.

The matter of modifying the "Uniform System of Accounts for Steam Railroads, Issue of 1943," being under consideration pursuant to section 20 of the Interstate Commerce Act, as amended, and the modifications which are attached hereto and made a part hereof being deemed necessary for proper administration of the provisions of Part I of the act (24 Stat. 386, 54 Stat. 917, 49 U. S. C. 20(3)): *It is ordered,* That:

(1) Any interested party may on or before November 30, 1948, file with the Commission a written statement of reasons why the said modifications should not become effective as hereinafter ordered and may request oral argument if desired; and,

(2) Unless otherwise ordered, the said modifications shall become effective January 1, 1949; and,

(3) A copy of this order including the attached modifications shall be served upon every steam railroad subject to the act and upon every trustee, receiver, executor, administrator, or assignee of any such steam railroad, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. B. BARTEL,
Secretary.

Modifications of the Uniform System of Accounts for Steam Railroads, issue of 1943.

ROAD AND EQUIPMENT ACCOUNTS

1. In § 10.3 *Grading,* cancel the first sentence of the text and substitute for it the following sentence: "This account shall include the cost of clearing and grading the roadway, and of constructing protection for the roadway, tracks, embankments, and cuts."

Insert the following additional items under "Details of roadbed and items of expense":

Dikes (including those of earthen construction which are intended to function indefinitely).

New channels for streams.

EXPENSE ACCOUNTS

MAINTENANCE OF ROADWAY

2. In § 10.202 *Roadway maintenance,* cancel paragraph (d) *Bank protection* and substitute for it the following:

(d) *Bank protection.* The cost of repairs to riprap, piling, dikes, piers, breakwaters, revetments and retaining walls, which were placed or constructed for bank protection.

[F. R. Doc. 48-9856; Filed, Nov. 9, 1948; 8:52 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF IRISH POTATOES OR IRISH POTATOES AND ONIONS

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra.*

[Gen. Permit ODT 18A, Rev. 45A]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF IRISH POTATOES OR IRISH POTATOES AND ONIONS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, General Permit ODT 18A, Revised-45, shall be superseded, and it is hereby ordered, that:

§ 520.546 *Shipments of Irish potatoes or Irish potatoes and onions.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971), or in Items 470, 475, 495, 500, and 600 of Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of a straight shipment of Irish potatoes or a mixed shipment of Irish potatoes and onions, when, in either case, such carload freight originates at a point located west of a line consisting of the eastern boundary of the State of Minnesota and the Mississippi River south to New Orleans, Louisiana, and is loaded to a weight not less than 40,000 pounds.

This General Permit ODT 18A, Revised-45A, shall become effective November 8, 1948, and shall expire February 28, 1949.

General Permit ODT 18A, Revised-45 (13 F. R. 6424), is hereby revoked as of the effective date of this General Permit ODT 18A, Revised-45A.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 5th day of November 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 48-9879; Filed, Nov. 9, 1948; 8:59 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

HUNTING IN UPPER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the North Dakota Game and Fish Department, it has been determined there is a general surplus of deer in much of North Dakota and that the reduction of the population can be facilitated by opening certain National Wildlife Refuges in the State to the public hunting of deer.

Section 29.919a is amended to read:

§ 29.919a *Upper Souris National Wildlife Refuge, North Dakota; hunting.* Deer, coyotes, and fox may be taken during the open season prescribed by the Game and Fish Department of the State of North Dakota for the hunting of deer during the calendar year 1948 on certain lands, hereinafter specified, of the United States within the Upper Souris National Wildlife Refuge, North Dakota.

(a) *Area open to hunting.* All the lands of the United States except the area within one-half mile of the headquarters and subheadquarters of the Upper Souris Refuge shall be open to such hunting.

(b) *Entry.* Entry on and use of the Refuge are governed by Part 12 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer. (Sec. 10, 45 Stat. 1222, 16 U. S. C. 715i; Reorg. Plan No. II of 1939, 3 CFR Cum. Supp., 4 F. R. 2731; Regulations, Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, as amended.)

Dated: November 3, 1948.

[SEAL] CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 48-9855; Filed, Nov. 9, 1948; 8:52 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G–129]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF ORDER TERMINATING PROCEEDING

NOVEMBER 5, 1948.

Notice is hereby given that, on November 4, 1948, the Federal Power Commission issued its order entered November 2, 1948, terminating proceeding in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–9869; Filed, Nov. 9, 1948; 8:55 a. m.]

[Docket Nos. G–287–A, G–921, G–1073, G–1104, G–1113 and G–1114, G–1122]

EL PASO GAS TRANSFORTATION CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 4, 1948.

In the matters of El Paso Gas Transportation Corporation, Docket No. G–287–A; United Gas Pipe Line Company, Docket No. G–921; Tennessee Gas Transmission Company, Docket No. G–1073; Texas Gas Transmission Corporation, Docket No. G–1104; Southern Natural Gas Company, Docket Nos. G–1113 and G–1114; and Atlantic Seaboard Corporation, Docket No. G–1122.

Notice is hereby given that, on November 3, 1948, the Federal Power Commission issued its findings and orders entered November 2, 1948, issuing certificates of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–9860; Filed, Nov. 9, 1948; 8:53 a. m.]

[Docket No. G–976]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER ON EXCEPTIONS TO INITIAL DECISION

NOVEMBER 4, 1948.

Notice is hereby given that, on November 3, 1948, the Federal Power Commission issued its findings and order on exceptions to initial decision entered November 2, 1948, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–9857; Filed, Nov. 9, 1948; 8:52 a. m.]

[Docket No. G–1098]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDER AUTHORIZING ABANDONMENT OF NATURAL GAS FACILITIES

NOVEMBER 4, 1948.

Notice is hereby given that, on November 3, 1948, the Federal Power Commission issued its findings and order entered November 2, 1948, authorizing abandonment of natural gas facilities in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–9858; Filed, Nov. 9, 1948; 8:52 a. m.]

[Docket No. G–1118]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF ORDER APPROVING WITHDRAWAL OF RATE SCHEDULES AND TERMINATING PROCEEDING

NOVEMBER 5, 1948.

Notice is hereby given that, on November 5, 1948, the Federal Power Commission issued its order entered November 4, 1948, approving withdrawal of rate schedules and terminating proceedings in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–9868; Filed, Nov. 9, 1948; 8:55 a. m.]

[Docket No. G–1121]

KENTUCKY WEST VIRGINIA GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 5, 1948.

Notice is hereby given that, on November 4, 1948, the Federal Power Commission issued its findings and order entered November 2, 1948, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–9870; Filed Nov. 9, 1948; 8:55 a. m.]

[Docket No. G–1146]

INTERSTATE NATURAL GAS CO., INC.

NOTICE OF APPLICATION

NOVEMBER 4, 1948.

Notice is hereby given that on October 25, 1948, an application was filed with the Federal Power Commission by Interstate Natural Gas Company, Inc. (Applicant), a Delaware corporation with its principal place of business at Monroe, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a tap, meter and regulator on Applicant's system, in Ward 4, Baton Rouge Parish, Louisiana, at or near the point where Applicant's pipeline crosses State Route 866.

Applicant proposes by means of the facilities, described above, to sell and deliver natural gas to the Plains-Port Hudson Gas Company, Inc. for the purpose of serving the area in and adjacent to Plains, Louisiana, which has a population of approximately 150 persons. The estimated annual natural gas consumption of this area is 1,440 M. c. f., with an estimated peak demand of 14 M. c. f. per day. The estimated total over-all capital cost of the proposed facilites is $635.

Any interested State commission is requested to notify the Federal Power Commission whether the Application should be considered under the cooperative provisons of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of the Interstate Natural Gas Company, Inc. is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of §§ 1.8 or 1.10, whichever is applicable, of the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–9862; Filed, Nov. 9, 1948; 8:53 a. m.]

[Docket Nos. ID–897, ID–1106]

NEWELL A. CLARK AND DANIEL T. MONTGOMERY

NOTICE OF AUTHORIZATION

NOVEMBER 5, 1948.

Notice is hereby given that, on November 4, 1948, the Federal Power Commission issued its orders entered November 2, 1948, in the above-designated matters, authorizing Applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–9871; Filed, Nov. 9, 1948; 8:55 a. m.]

[Docket No. IT–6057]

DEEPWATER LIGHT AND POWER CO. ET AL.

NOTICE OF ORDER ALLOWING SUPPLEMENTAL RATE SCHEDULES REDUCING RATES TO TAKE EFFECT AND TERMINATING PROCEEDING

NOVEMBER 4, 1948.

In the matter of Deepwater Light and Power Company, Deepwater Operating Company, and Philadelphia Electric Company, Docket No. IT–6057.

Notice is hereby given that, on November 3, 1948, the Federal Power Commission issued its order entered November 2, 1948, allowing supplemental rate schedules to take effect and terminating proceedings in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–9859; Filed, Nov. 9, 1948; 8:53 a. m.]

[Project No. 2009]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF APPLICATION FOR MAJOR LICENSE

NOVEMBER 3, 1948.

Public notice is hereby given pursuant to the provision of the Federal Power Act (16 U. S. C. 791–825r) that Virginia Electric and Power Company of Richmond, Virginia, has filed application for major license for proposed water power project No. 2009 to be located on the Roanoke River in Halifax and Northampton Counties, North Carolina, and consisting of a dam near Roanoke Rapids, North Carolina, in the vicinity of an existing diversion dam; a reservoir extending about 7½ miles upstream with an area of about 4900 acres at normal pond level; a powerhouse integral with the dam containing four generating units with aggregate capacity of about 98,000 horsepower, and appurtenant facilities.

Any protect against the approval of this application or request for hearing thereon with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted before December 10, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–9861; Filed, Nov. 9, 1948; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5663]

E. G. SALES AND MANUFACTURING CO.

ORDER APPOINTING TRIAL EXAMINER

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 3d day of November A. D. 1948.

In the matter of Eleanor Schultz Baden, also known as Eleanor Schultz, and George Baden, as individuals and as copartners trading as E. G. Sales & Manufacturing Company.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Henry P. Alden, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin at a time and place to be later designated by the Trial Examiner.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48–9843; Filed, Nov. 9, 1948; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1958]

CENTRAL AND SOUTHWEST CORP. AND PUBLIC SERVICE CO. OF OKLAHOMA

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of November A. D. 1948.

Central and South West Corporation ("Central"), a registered holding company, and its subsidiary, Public Service Company of Oklahoma ("Public Service"), having filed a joint application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, 9 (a), 10, and 12 (f) thereof and Rule U-43 promulgated thereunder, with respect to (A) the amendment by Public Service of its Articles of Incorporation under which Public Service proposes to (1) change and increase its total authorized number of shares of common stock to 2,000,000 shares of $10 par value, (2) issue shares of the new $10 par value common stock to Central, the holder of its 111,167 shares of outstanding $100 par value common stock, on the basis of 10 shares of new common stock for each share of $100 par value common stock held, (3) issue as a common stock dividend to Central 688,330 additional shares of the new $10 par value common stock, in connection with which Public Service will transfer $6,883,300 from its Earned Surplus Account to its Common Stock Capital Account, and (4) increase the voting rights of the preferred stock of Public Service from one vote to ten votes per share; and (B) the proposed acquisition by Central of 1,111,670 shares of the new $10 par value common stock of Public Service in exchange for the surrender and cancellation by Central of its holdings of the outstanding 111,167 shares of $100 par value common stock of Public Service and the proposed acquisition of 688,330 additional shares of $10 par value common stock of Public Service; and

The Corporation Commission of the State of Oklahoma, by order dated October 25, 1948, having approved the transactions proposed by Public Service; and

Said joint application-declaration having been filed on September 27, 1948, the last amendment thereto having been filed on October 29, 1948, notice of such filing having been duly given in the manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to the said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 of the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application-declaration as amended be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–9853; Filed, Nov. 9, 1948; 8:48 a. m.]

[File No. 70–1961]

DELAWARE COACH CO. AND SOUTHERN PENNSYLVANIA BUS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of November 1948.

Delaware Coach Company ("Coach Company"), a wholly-owned subsidiary of The United Gas Improvement Company, a registered holding company, and Coach Company's wholly-owned subsidiary, Southern Pennsylvania Bus Company ("Bus Company"), having filed a joint declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 with respect to the following transaction:

Delaware Coach Company, on or before December 31, 1948, will advance to Bus Company on open book account without interest an aggregate of $400,000 in cash. The proceeds of the advance will be used by Bus Company, together with other cash, to defray, in part, the cost of rebuilding a garage recently destroyed by fire as well as for the purchase of twelve new buses.

Said joint declaration having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said joint declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration be permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24 that the joint declaration be, and the same hereby is, permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9854; Filed, Nov. 9, 1948; 8:52 a. m.]

[File No. 70-1974]

GEORGIA POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of November 1948.

Georgia Power Company ("Georgia"), a public utility subsidiary of The Southern Company, a registered holding company and a wholly owned subsidiary of The Commonwealth & Southern Corporation, also a registered holding company, having filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-50 promulgated thereunder, with respect to the following proposed transaction:

Georgia proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of its First Mortgage Bonds --% series, due 1978, to be issued under and secured by Georgia's present indenture dated as of March 1, 1941, as supplemented by indentures dated as of March 1, 1941, December 1, 1947 and to be dated as of December 1, 1948. The proceeds from the sale of the new bonds will be used to provide a portion of the funds required by Georgia for the construction or acquisition of property additions to its utility plant.

The application having been filed on October 15, 1948, and an amendment thereto having been filed on October 29, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The proposed issuance and sale of said bonds by Georgia having been expressly authorized by the Georgia Public Service Commission, the State commission of the State in which Georgia is organized and doing business; and

The Commission finding with respect to said application as amended, that the requirements of section 6 (b) are satisfied and that there is no basis for the imposition of terms and conditions other than those hereinafter stated and the Commission also deeming it appropriate to grant applicant's request that the order herein become effective forthwith upon issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the following additional conditions:

(1) That the proposed sale of bonds of Georgia shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all fees and expenses of counsel to be paid in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9852; Filed, Nov. 9, 1948; 8:47 a. m.]

[File No. 70-1980]

ALLENTOWN-BETHLEHEM GAS CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of November 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Allentown-Bethlehem Gas Company ("Allentown"), a gas utility subsidiary of The United Gas Improvement Company, a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Allentown proposes to issue and sell, at par, $1,500,000 principal amount of its 3¼% First Mortgage Bonds due 1968, to the Metropolitan Life Insurance Company and the Penn Mutual Life Insurance Company, in amounts of $750,000 cash. The latter institutions represent that they are purchasing the bonds for investment and not for resale.

The proceeds from the sale of said bonds, together with treasury cash, will be applied by Allentown for construction purposes and to repay short-term bank loans, presently totaling $300,000 incurred for the purpose of financing its construction program.

Allentown's presently outstanding bonded indebtedness consisting of $2,339,000 due 1965 is owned by two savings banks and five life insurance companies, including the above-named institutions. Allentown proposes, with the consent of the holders of at least 85% of its present bonds, to amend its existing mortgage indenture to bring the same into compliance with the standards which this Commission has deemed appropriate pursuant to the Public Utility Holding Company Act of 1935 and the Trust Indenture Act of 1939.

Allentown, for reasons set forth in the application, requests the Commission to except the proposed issuance and sale from the competitive bidding requirements of Rule U-50.

Allentown states that the proposed transaction is subject to the jurisdiction of the Public Utility Commission of the State of Pennsylvania, in which state the company is organized and doing business, and that a copy of such Commission's order approving the issuance and sale of $1,500,000 principal amount of its 3¼% First Mortgage Bonds, due 1968 will be supplied by amendment.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application and that said application should not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered. That a hearing on said application pursuant to the applicable provisions of the act and the rules and regulations thereunder be held on November 18, 1948, at 10:00 a. m., e. s. t., at the office of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission, on or before November 15, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Robert P. Reeder or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed sale of bonds by Allentown shall be excepted from the competitive bidding requirements of Rule U-50.

2. Generally, whether terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers, and, if so, what such terms and conditions should be.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on Allentown. The United Gas Improvement Company and the Public Utility Commission of the State of Pennsylvania, that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER and by general release of the Commission distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9851; Filed, Nov. 9, 1948; 8:47 a. m.]

[File No. 70-1982]

KENTUCKY UTILITIES CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 3d day of November A. D. 1948.

Notice is hereby given that Kentucky Utilities Company ("Kentucky"), a public utility subsidiary of The Middle West Corporation, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). The declarant has designated sections 11 (b) (1) and 12 (d) of the act and Rule U-44 thereunder as applicable to the proposed transactions.

Notice is further given that any person may, not later than November 15, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 15, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration, which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Kentucky proposes to sell to Western Kentucky Gas Company, a nonaffiliated company, all of Kentucky's gas utility properties located in and about the City of Danville, Kentucky, pursuant to a contract dated September 21, 1948. The properties are to be sold for a cash consideration of $155,500 subject to closing adjustments. It is estimated by the company, on the basis of Kentucky's balance sheet at August 31, 1948, that the cash consideration plus closing adjustments will result in net proceeds of approximately $169,000. The proceeds to be received by Kentucky from the proposed sale will be deposited with the Trustee under the company's mortgage dated May 1, 1947, and will be withdrawn, within one year, in accordance with the provisions of said mortgage and will be used for the purpose of making additions and extensions to its electric utility plant and system.

The properties to be sold by Kentucky are stated on the books of the company on the basis of original cost as determined and approved by the Public Service Commission of Kentucky, plus additions and less retirements at cost since date of such determination. At August 31, 1948, the book carrying value of these gas utility properties amounted to $157,644.

The filing indicates that on or about May 1, 1948, the company sent data with respect to the said gas properties to approximately 20 persons or corporations and invited offers. In response thereto three offers were received for the said gas properties and negotiations, conducted at arm's-length, with the interested persons eventuated in the contract with Western Kentucky Gas Company.

The filing states that the proposed sale and acquisition is subject to the jurisdiction of the Public Service Commission of Kentucky.

Kentucky requests that the Commission's order be issued as soon as practicable in order that the proposed sale may be consummated promptly, that said order become effective forthwith, and that it conform to the formal requirements of sections 371, 372, 373, and 1808 (f) of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9848; Filed, Nov. 9, 1948; 8:47 a. m.]

[File No. 70-1984]

CONSOLIDATED NATURAL GAS CO. AND EAST OHIO GAS CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of November 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiary, The East Ohio Gas Company ("East Ohio"). Applicants-declarants have designated sections 7, 10, 12 (d) and 12 (f) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 23, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 23, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

East Ohio proposes to amend its Articles of Incorporation so as to substitute for all of its authorized and outstanding preferred stock, consisting of 100,000 shares of 7% preferred stock of a par value of $100 per share, 100,000 shares of common stock of a par value of $100 per share. Consolidated, as owner of all the outstanding capital stock of East Ohio, consisting of the above preferred stock and 415,000 shares of common stock of a par value of $100 per share, will surrender such preferred stock and acquire the common stock to be issued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9850; Filed, Nov. 9, 1948; 8:47 a. m.]

[File No. 70-1986]

AMERICAN GAS AND ELECTRIC CO.

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of November A. D. 1948.

American Gas and Electric Company ("American Gas"), a registered holding company, having filed an application pursuant to Rule U-100 of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 for exemption from the requirements of Rule U-44 thereof with respect to the following transactions:

Pursuant to a plan under section 11 (e) of the act heretofore approved by the Commission, American Gas has disposed of 880,984 shares of common stock of Atlantic City Electric Company ("Atlantic City") and now owns 269,016 shares of such common stock. In order to comply

with the provisions of such plan American Gas now intends to dispose of such remaining 269,016 shares of Atlantic City common stock by declaring the regular dividend of 25¢ and $^{7}/_{100}$ of a share of common stock of Atlantic City on each share of common stock of American Gas and in addition authorizing the distribution of $^{1}/_{100}$ of a share of the common stock of Atlantic City as an extra dividend, such dividend to be payable on December 15, 1948 to stockholders of record on November 10, 1948, and by paying a similar regular dividend and extra dividend on March 15, 1949 to stockholders of record on February 9, 1949. After payment of such dividend American Gas will hold less than 100 shares of common stock of Atlantic City which it proposes to sell on the "over the counter" market.

It appearing to the Commission that it is not necessary or appropriate in the public interest or for the protection of investors and consumers that such transactions be subject to the requirements of Rule U-44;

It is ordered, Pursuant to the provisions of said Rule U-100 (a) that said application for exemption be and hereby is granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9849; Filed, Nov. 9, 1948; 8:47 a. m.]

[File No. 70-1987]

CAMBRIDGE ELECTRIC LIGHT CO. AND NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 3d day of November 1948.

Notice is hereby given that a joining application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Gas and Electric Association ("New England"), a registered holding Company, and its subsidiary, Cambridge Electric Light Company ("Cambridge"). Applicants-declarants have designated sections 6 (b), and 10 and 12 (f) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 17, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 17, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

New England presently owns all of the outstanding common stock of Cambridge. Cambridge proposes to issue and sell to New England an additional 4,734 shares of common stock of the par value of $25 per share, at a price of $150 per share, or an aggregate of $710,100, the proceeds thereof to be applied to the reimbursement of the Plant Replacement Fund Assets account of Cambridge for expenditures made therefrom for additions and improvements to the company's plant and properties.

Cambridge is subject to the jurisdiction of the Department of Public Utilities of Massachusetts, which department approved the issue and sale of the additional common stock by order dated October 4, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9847; Filed, Nov. 9, 1948; 8:46 a. m.]

[File No. 70-1993]

QUEENS BOROUGH GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of November 1948.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Queens Borough Gas and Electric Company, a subsidiary of Long Island Lighting Company, a registered holding company. Declarant has designated section 6(a) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than November 18, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 18, 1948, said declaration, as filed or as amended, may be permitted to become effective as prodvided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Declarant proposes to issue and sell for cash at principal amount to three commercial banks an aggregate of $1,500,000 principal amount of unsecured notes, each of which will bear interest at the rate of 2½% per annum and will mature October 26, 1949. The proceeds of the sale of the notes are to be used for payment of outstanding notes in an aggregate principal amount of $650,000 which mature November 26, 1948, and other outstanding notes in the aggregate principal amount of $850,000 which mature on January 22, 1949.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order at the earliest date practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9846; Filed, Nov. 9, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR. 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12226]

FRANZ THORBECKE

In re: Stock owned by and debts owing to Franz Thorbecke. F-28-2565-A-1, F-28-2565-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz Thorbecke, whose last known address is Lindenhof, Lindau (B), Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ninety-two (92) shares of $1 par value common capital stock of Merck & Co., Inc., Rahway, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered CO 4976, dated March 27, 1941, registered in the name of Franz Thorbecke, c/o R. E. Gruber, Dover Road, Colonia, New Jersey and presently in the custody of Rudolf E. Gruber, Dover Road, Colonia, New Jersey, together with all declared and unpaid dividends thereon,

b. Forty-six (46) shares of $1 par value common capital stock of Merck & Co., Inc., Rahway, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 638, registered in the name of Franz Thorbecke, c/o R. E. Gruber, Dover Road, Colonia, New Jersey, together with all declared and unpaid dividends thereon,

c. Twenty-three (23) shares of $100 par value 5¼% Cumulative Preferred capital stock of Merck & Co., Inc., Rahway, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 580, registered in the name of Franz Thorbecke, c/o R. E. Gruber, Dover Road, Colonia, New Jersey, together with all declared and unpaid dividends thereon, and any and all rights under a plan of exchange of March 1, 1946, and

d. Those certain debts or other obligations evidenced by the checks described in Exhibit A attached hereto and by reference made a part hereof, arising out of dividend payments on common and preferred stock of Merck & Co., Inc., Rahway, New Jersey, said checks being in the custody of R. E. Gruber, Dover Road, Colonia, New Jersey, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under, including particularly the right to possession of the aforesaid checks and the right to present the same for payment,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Drawer	Payee	Date	Check No.	Amount
Lawyers Trust Co., 111 Broadway, New York, N. Y.	Franz Thorbecke	(Dec. 22, 1939	775D	$38.41
		Jan. 1, 1940	P642D	28.81
		Apr. 1, 1940	798D	19.69
		Apr. 1, 1940	P643D	28.81
		Dec. 27, 1940	797	46.09
		Jan. 1, 1941	P666	28.81
		Apr. 1, 1941	793	23.05
		Apr. 1, 1941	P668	28.81

[1]Stamped duplicate.

[F. R. Doc. 48-9877; Filed, Nov. 9, 1948; 8:58 a. m.]

[Vesting Order 12259]

IDA LEMKE

In re: Stock owned by Ida Lemke. F-28-8011-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Lemke, whose last known address is New Kolin, Flughaven Str. 62, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Four (4) shares of 6% preferred capital stock of Northwestern Public Service Company, Huron, South Dakota, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered CBO-4823, CBO-4824, CBO-4825, and CBO-4826 for one share each, registered in the name of Ida Lemke, together with all declared and unpaid dividends thereon, and any and all rights of redemption thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-9878; Filed, Nov. 9, 1948; 8:58 a. m.]

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FEDERAL REGISTER

VOLUME 13 NUMBER 221

Washington, Thursday, November 11, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

PART 5—SURPLUS PROPERTY DISPOSAL

MISCELLANEOUS AMENDMENTS

Part 5 is amended in the following respects:

1. Section 5.2 is amended to read as follows:

§ 5.2 *Definitions: regulations of War Assets Administrator.* The definitions contained in War Assets Administration Regulation 5 (32 CFR Supps., Part 8305) are adopted for the purposes of this part. [Sec. 103.02, FCA Surplus Property Disposal Manual]

2. Sections 5.4 and 5.21 are deleted.

3. Section 5.36 is amended to read as follows:

§ 5.36 *Authority for payment of public voucher.* Authority is furnished the vice president of the Federal Farm Mortgage Corporation to sign Standard Form No. 1143 in contracting for newspaper space under order of the Secretary of Agriculture dated September 7, 1945. Copies of this order may be used as required in furnishing the publisher with evidence of the authority of the officer in contracting for newspaper space. Ordinarily, the information to be furnished on the advertising order showing the date of authority to advertise should be sufficient evidence to the publisher of the authority of the officer contracting for newspaper space. Ordinarily, in purchasing advertising space from a particular newspaper, arrangements should be made for all publications of a particular notice at the time of submitting the advertising order. This would obviate the necessity of furnishing the same newspaper with additional advertising orders and provide for the payment of one voucher covering the total cost of publications required. [Sec. 307.06, FCA Surplus Property Disposal Manual]

4. Section 5.55 is amended to read as follows:

§ 5.55 *Value to be used in disposals to veterans.* Veterans, or the spouse and children of a deceased veteran or the spouse and children of a deceased serviceman, are given the right to purchase surplus real property at a price fixed by the disposal agency after taking into consideration the character of the property and, if income-producing, the estimated earning capacity thereof. This price is interpreted, for all practical purposes, as being equivalent to the "fair value" as defined by the War Assets Administration. (See § 5.56 for definition and determination of "fair value.") It should be clearly understood that the fair value as established in connection with appraisal report form 1181a is the applicable price for use in sales to veterans as well as other priority purchasers, including: Government agencies, States and local governments, owner-operators, and nonprofit institutions. [Sec. 402.03, FCA Surplus Property Disposal Manual]

5. Section 5.56, paragraph (a), is amended to read as follows:

§ 5.56 *Fair value*—(a) *Definition.* This value is defined as the maximum price a well-informed buyer, acting voluntarily and intelligently, would be warranted in paying if he were acquiring the property for investment or for use with the intention of devoting such property to the best or most productive type of use to which the property is suitable or capable of being adapted. [Sec. 402.04, FCA Surplus Property Disposal Manual]

6. Section 5.58 is amended to read as follows:

§ 5.58 *Appraising the individual tracts.* With respect to section 23 real property acquired by the Government after December 31, 1939, in making appraisals of the individual tracts arrangements should be made for the former owner to accompany the appraiser during his inspection of the property, if practicable. This will give him an opportunity to present to the appraiser any information he may have as to the changes in the property and the effect on the price for which he is entitled to repurchase his farm. The appraiser will assign the market price and the ad-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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justed price for use in connection with disposals to the former owners or tenants. It will not be feasible, ordinarily, to establish the "fair value" until such time as the property becomes available for sale to veterans or lower priority purchasers, unless a Government agency or a State or local government indicates an interest in purchasing. In the latter event the fair value will be established and furnished on one appraisal report covering the specific acreage or property they wish to acquire, which may be all or any part of a project. Unless unusual circumstances prevail, only one appraisal report should be necessary even though the acreage covers several tracts or farms. In the appraisal of a large block including several farms it is necessary to consider the acreage as a whole rather than as several smaller tracts. In other words, the value of the acreage as a whole may not equal necessarily the sum of the values of the individual smaller tracts. [Sec. 404.02, FCA Surplus Property Disposal Manual]

7. Section 5.61, paragraph (a) (7), is amended to read as follows:

§ 5.61 *Appraisal report (Form FCA 1181a SPD).* (a) * * *

(7) *Fair value.* In reporting the "fair value" it will not be necessary to show the current market value on form FCA 1181a. [Sec. 404.05, FCA Surplus Property Disposal Manual.]

8. The first paragraph of § 5.62 is amended to read as follows:

§ 5.62 *Buildings and improvements to be sold separate from land.* When buildings or improvements are to be sold separate from the land the project manager should request the kind of value required for the particular disposal in accordance with the provisions of War Assets Administration Manual W4–2. The appraisal of buildings or improvements for off-site disposal will be in accordance with the instructions outlined in subsections 401 to 404 and 406 to 412 of War Assets Administration Real Property Letter No. 1, dated January 10, 1947, which read as follows: [Sec. 405.01, FCA Surplus Property Disposal Manual.]

9. Section 5.71 is amended to read as follows:

§ 5.71 *Time and method of exercise of State and local government priorities.* State and local governments shall have a period of ten (10) days in which to exercise their priority after the date notice of availability is first published, as provided in § 5.32. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase. When, however, an offer cannot be made because a disposal agency lacks necessary information on price, units, or other matters, it shall be sufficient if the State or local government files a written statement of its desire to acquire the property on one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those who have filed such statements shall be so advised in writing and given fifteen (15) days within which to make an offer. The offer of a State or local government shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price applicant would be willing to pay for the property, and the length of time, if any, needed to acquire funds to purchase the property. The application shall show in detail the contemplated use of the property and set forth that the property is being acquired to fulfill, in the public interest, its legitimate needs. If the applicant shall require time to obtain funds, it shall within the priority period so state and indicate in its application the length of time needed for that purpose. Upon receipt of such application containing such a statement the disposal agency will review the application and determine what time, if any, shall be allowed applicant to obtain such funds and conclude the purchase and will advise the applicant of such determination. [Sec. 502.03, FCA Surplus Property Disposal Manual]

10. Section 5.74 is amended to read as follows:

§ 5.74 *Deed to former owner.* Where a former owner purchases surplus real property in the exercise of his priority, the deed of conveyance shall name only the former owner as grantee. No former owner may exercise his priority acting as agent of, or otherwise in a representative or fiduciary capacity for, another party. A former owner, however, is not prohibited from exercising his priority with the intention of reselling the property. [Sec. 503.06, FCA Surplus Property Disposal Manual]

11. Section 5.91, paragraph (b), is amended to read as follows:

§ 5.91 *Offers to purchase.* * * *

(b) Offers by Government agencies, and offers by State and local governments where funds are not available, shall be made as provided in § 5.70 and § 5.71. All other offers shall be made on the "Offer to Purchase" form accompanied by a reasonable earnest money deposit ordinarily not less than 10 percent of the purchase price, in the form of cash, certified check, or post office money order payable to the Treasurer of the United States. Submission of offers to purchase by anyone entitled to priority shall not preclude any other party from submitting an offer. Unless otherwise authorized by the Administrator and except upon a conveyance of airport property, or war housing or other structures and improvements sold for removal from the site, a State or local government or non-profit institution shall certify that it is acquiring the property for the uses and purposes set forth in its offer and that it is not acquiring the property for the purpose of resale and in no case will it resell the property within 2 years without first obtaining the written consent of the Administrator; or if a lessee, that it will not assign the lease or sublet all of the property, or a portion of the property without the prior written consent of the Administrator. Any deed, lease, or other instrument conveying property subject to reservations, restrictions, or conditions as to the future use, maintenance, or transfer of such property shall unless otherwise authorized by the Administrator recite all representations and agreements pertaining thereto. [Sec. 602.02, FCA Surplus Property Disposal Manual]

12. Section 5.121 is amended to read as follows:

§ 5.121 *Obtaining offers and acceptance of offers.* After all offers from priority holders have been processed, a list of remaining properties shall be prepared and sales negotiated by the project manager in the manner and upon the basis determined to be to the best interest of the Government. At the discretion of the district office additional notices may be published at this time in newspapers or such other publicity given to the availability of property as may be deemed advisable. Notice should be sent to individuals who have expressed a desire to purchase or who have submitted an offer at some period. Depending upon circumstances, sales may be made on the basis of sealed bids, auctions, or private negotiations. In any event offers must be accepted on the basis of the highest obtainable bid provided that no sale shall be made at a price which is less than 75 percent of the fair value as established by appraisal until such offer has been reviewed and approved by the War Assets Administration unless the price offered is the maximum price which may be charged the purchaser. At this time sales may be made to the general public, including any former priority holders. The offers to purchase will be processed and handled in the same manner as indicated in previous sections of the regulations in this part relating to offers from priority holders. Any information submitted, the disclosure of which might tend to subject the offerer to a competitive business disadvantage shall, upon request be held in strict confidence by the disposal agency and by any other Government agency to which it is made available. If equal acceptable offers are received from two or more non-priority offerers, the selection shall be determined by the disposal agency, unless otherwise directed by the Administration, by taking into consideration actual proposals received and the use of the property most desirable in the light of the applicable objectives of the act. [Sec. 607.01, FCA Surplus Property Disposal Manual]

The foregoing amendments have been approved by the Secretary of Agriculture.

(58 Stat. 765; 50 U. S. C. App. and Sup. 1611; War Assets Administration Regulation 1, 12 F. R. 6661; War Assets Administration Regulation 5, 12 F. R. 7423; Order, Secretary of Agriculture, 10 F. R. 4647.)

[SEAL] I. W. DUGGAN, *Governor.*

[F. R. Doc. 48-9908; Filed, Nov. 10, 1948; 8:47 a. m.]

Chapter II—Production and Marketing Administration (Commodity Credit)

PART 245—IRISH POTATOES

SUBPART—1948 PURCHASE PROGRAM

Correction

In Federal Register Document No. 48-9291, appearing at page 6138 of the issue for Thursday, October 21, 1948, the following changes should be made in the table:

1. The price for New York, other, for March, 1949, should read "$3.45".

2. The price for North Dakota for March, 1949, should read "$2.90".

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 29—TOBACCO INSPECTION

POLICY STATEMENT RELEVANT TO INSPECTION SERVICE FOR 1948-49 MARKETING SEASON FOR BURLEY TOBACCO AUCTION MARKETS

§ 29.052 *Policy statement.* Pursuant to the provisions of The Tobacco Inspection Act (7 U. S. C. 511 et seq.), and applicable delegations of authority and regulations issued thereunder by the Secretary of Agriculture (11 F. R. 177A-258, 281-283; 7 CFR 29.1 et seq.) the following policy statement is herewith promulgated:

(a) Tobacco inspection service for each designated Burley tobacco auction market is conditioned at any and all times upon a determination that such inspection service is reasonable. Whenever a determination is made that tobacco inspection service supplied to a designated Burley tobacco auction market is surplus to the requirements of reasonableness, the surplus portion of such inspection may be forthwith withdrawn therefrom. Conversely, whenever a determination is made that tobacco inspection service supplied to a designated Burley tobacco auction market is not sufficient to supply reasonable inspection service thereon, additional tobacco inspection service will be supplied, or in the absence of available qualified tobacco inspectors for such purposes, inspection on such market will be suspended, pursuant to section 5 of the act and the regulations duly issued thereunder. A determination relevant to the reasonableness of tobacco inspection service on any designated Burley tobacco auction market and each sale thereon will consider, among other pertinent factors, the volume of tobacco sold on said market, the number of growers selling tobacco on said market, a showing that producers, buyers and handlers of Burley tobacco participate in each sale on said market to an extent and in a manner comparable with customary participation of such groups in established auction sales of Burley tobacco, and a showing of the number of sets of tobacco inspectors needed to provide tobacco inspection service on that market comparable with the reasonable tobacco inspection service supplied to other designated auction markets.

(b) Burley tobacco available for auction on designated Burley auction markets for the 1948-49 marketing season is approximately the same as the volume sold on such markets during the 1947-48 marketing season, and substantially below the volume sold on such markets during the 1946-47 marketing season. The aggregate number of tobacco inspectors assigned to designated Burley tobacco auction markets for the 1947-48 marketing season supplied reasonable tobacco inspection service on such markets on the basis of consideration of all relevant factors applicable thereto, including the factors hereinbefore set forth, and, as the aggregate number of such inspectors assigned to such markets for the 1948-49 marketing season is equal to the aggregate number assigned to such markets for the 1947-48 marketing season, it is herewith determined that the assignment of additional tobacco inspectors to designated Burley tobacco auction markets for the 1948-49 marketing season is not necessary to supply reasonable tobacco inspection service on such markets for such season.

(c) For the purposes of this section "auction sale" shall be construed to mean the buying and selling of Burley tobacco, offered by farmers, by the auction process which customarily consists of a set of buyers, including at least five to twelve buyers who represent different companies which either will use the tobacco in the manufacture of tobacco products in this country or in foreign countries or will pack and sell the tobacco later for use by manufacturers in this country or foreign countries and who can be expected by reason of their normal purchases and use of tobacco to afford continuing competition for the duration of such sale for tobacco offered by producers thereon in a manner and degree similar to the competition on other designated auction markets; an auctioneer who takes each buyer's bid; a sale starter who makes the opening bid on each lot; and a ticket marker who records the applicable sales data on each lot. (49 Stat. 731; 7 U. S. C. 511 et seq.)

Done at Washington, D. C., this 8th day of November 1948.

[SEAL] FRANK K. WOOLLEY,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 48-9909; Filed, Nov. 10, 1948; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 987—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

§ 987.301 *Limitation of shipments—*(a) *Findings.* (1) Pursuant to Marketing Agreement No. 108 and Order No. 87 (13 F. R. 5549) regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Maine Potato Committee established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) volume shipments of Irish potatoes grown in the State of Maine have already begun, (ii) the limitation of shipments of such potatoes pursuant hereto must be made effective on the date hereinafter set forth to effectuate the declared policy of the act, (iii) the marketing agreement and order did not become effective until September 27, 1948, and the information with respect to the supply of and demand for Irish potatoes indicating the necessity for the limitation hereinafter set forth did not become available until October 28, 1948, and the recommendations of the State of Maine Potato Committee, based upon such information, pursuant to the aforesaid marketing agreement and order, could not, therefore, be made until October 29, 1948, (iv) information regarding the recommendations of the committee has been disseminated to producers and handlers of Irish potatoes grown in the State of Maine and the limitation hereinafter set forth is identical with the recommended limitation, (v) compliance with such limitation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof, and (vi) a reasonable time is permitted, under the circumstances, for such preparation.

(b) *Order.* (1) During the period beginning 12:01 a. m., e. s. t., November 15, 1948, and ending 11:59 p. m., e. s. t., June 30, 1949, no handler shall ship any table stock potatoes of the Bliss Triumph variety unless such potatoes meet the requirements of U. S. No. 1 or better grade, 1⅞ inches minimum diameter, as such grade and size are defined in the U. S. Standards for Potatoes, including the tolerances set forth therein; and no handler shall ship any table stock potatoes of a variety or varieties of potatoes, other than the Bliss Triumph variety, unless such potatoes meet the requirements of U. S. No. 1 or better grade and are not less than 2¼ inches nor more than 4 inches in diameter, as such grades and sizes are defined in the U. S. Standards for Potatoes including the tolerances set forth therein; *Provided*, That, the aforesaid limitation shall not be applicable to shipments of potatoes for export; shipments of potatoes purchased by the Commodity Credit Corporation under the price support program for distribution by the Federal Government; shipments of potatoes for distribution by relief agencies or for consumption by charitable institutions; shipments of potatoes for the purpose of having such potatoes manufactured or converted into nonfood products or for canning; shipments of potatoes for livestock feed; and shipments of seed potatoes, except that the State of Maine Potato Committee may prescribe adequate safeguards applicable to the aforesaid unlimited shipments as provided by § 987.6 (c) of Order No. 87.

(2) The terms used in this section shall have the same meaning as when used in Order No. 87. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch Production and Marketing Administration.

[F. R. Doc. 48-9970; Filed, Nov. 10, 1948; 11:09 a. m.]

TITLE 10—ARMY

Chapter VI—Organized Reserves

TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For the transfer and revision of the regulations in this chapter, see Title 34, Chapter V, Parts 561, 562, and 564, *infra.*

Chapter VIII—Supplies and Equipment

PART 818—VETERINARY INSPECTION

PART 820—PROCUREMENT OF HORSES AND MULES

TRANSFER AND REVISION OF REGULATIONS

CROSS REFERENCE: For the revision and transfer of Parts 818 and 820, see Title 34, Chapter V, Parts 608 and 610, *infra.*

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Incl. Commodity Exchange Commission), Department of Agriculture

PART 140—ORGANIZATION, FUNCTIONS AND PROCEDURE OF THE COMMODITY EXCHANGE AUTHORITY

PART 149—ORGANIZATION, FUNCTIONS AND PROCEDURE OF THE COMMODITY EXCHANGE COMMISSION

DISCONTINUANCE OF CODIFICATION

The codification of Part 140 of this chapter, entitled "Organization, Functions and Procedure of the Commodity Exchange Authority", and of Part 149 of this chapter, entitled "Organization, Functions and Procedure of the Commodity Exchange Commission", is hereby discontinued.

Such material will appear in digest form in the United States Government Organization Manual. Future amendments to descriptions of the organization and functions of the Commodity Exchange Authority or the Commodity Exchange Commission will be classified as notices and will be published under that heading in the FEDERAL REGISTER.

[SEAL] J. M. MEHL,
Administrator, Commodity Exchange Authority.

NOVEMBER 8, 1948.

[F. R. Doc. 48-9889; Filed, Nov. 10, 1948; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, Department of the Army

PART 211—STATE GUARD REGULATIONS

REVOCATION OF PART

Part 211, including §§ 211.1 through 211.11, is hereby revoked.

(R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General, The Adjutant General.

[F. R. Doc. 48-9891; Filed, Nov. 10, 1948; 8:45 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter E—Organized Reserves

TRANSFER AND REVISION OF REGULATIONS

The material contained in Chapter VI, Title 10, is hereby revised and transferred to Chapter V, Title 34, and is redesignated Subchapter E, Parts 561, 562, and 564, as follows:

Part
561 Officers' Reserve Corps.
562 Reserve Officers' Training Corps.
564 Enlisted Reserve Corps.

PART 561—OFFICERS' RESERVE CORPS

APPOINTMENTS

Sec.
561.1 General.
561.2 Appointments.
561.3 Sections of the Officers' Reserve Corps.
561.4 Physical examination.
561.5 Annual physical examination of officers.
561.6 Length of appointment.
561.7 Appointments or enlistments not made from certain classes.
561.8 Action by The Adjutant General.
561.9 Age-in-grade and service-in-grade.
561.10 Appointment of professional and technical experts or specialists in Officers' Reserve Corps.

GENERAL OFFICERS

561.15 Appointment.
561.16 Promotion to Major General.
561.17 Qualifications.
561.18 Reappointment.
561.19 Examining boards.
561.20 Examination.
561.21 Assignment.
561.22 Transfer to Honorary Reserve.

AUTHORITY: §§ 561.1 to 561.22 issued under R. S. 161, sec. 37, 39 Stat. 189, 40 Stat. 73, sec. 32, 41 Stat. 775, sec. 2, 42 Stat. 1033, 48 Stat. 154, sec. 3, 48 Stat. 939; 5 U. S. C. 22, 10 U. S. C. 352, 353.

DERIVATION: WD Cir. 356, 1946; DA Cir. 210, 1948; WD Cir. 139, 1947.

APPOINTMENTS

§ 561.1 *General.* Whenever the term "Organized Reserve Corps" appears in this part, it includes the personnel and units of the Officers' Reserve Corps, the Enlisted Reserve Corps, and the Organized Reserves as provided for in the National Defense Act of 1916, as amended.

§ 561.2 *Appointments.* (a) All persons appointed officers in the Organized Reserve Corps will be commissioned in the Army of the United States under the authority contained in section 37 of the National Defense Act.

(b) At the time of issuance of orders for relief from active duty all officers in the Army of the United States except officers of the Regular Army, active or retired, will be offered appointments in the Officers' Reserve Corps for an initial period of 5 years in the highest grade held at the time of relief from active duty subject to the following provisions:

(1) All male commissioned officers of the Army of the United States except active or retired Regular Army officers, who have not attained their sixtieth birthday, found physically qualified for general service, limited service, or general service with waiver, who have served honorably, and who have not been separated for unsatisfactory service, are eligible for appointment with the following exceptions:

(i) Commissioned officers of the National Guard of the United States who do not hold a higher temporary grade in the Army of the United States.

(ii) Commissioned officers of the Officers' Reserve Corps who do not hold a higher temporary grade in the Army of the United States.

(2) Officers who are eligible for promotion to the next higher grade and who are promoted in the Army of the United States, are thereby removed from the above categories (subparagraph (1) (i) and (ii) of this paragraph) and are eligible for appointment in the higher grade.

(3) Officers eligible for appointment in the Officers' Reserve Corps under the provisions stated in this section, who have not accepted or who do not accept appointment at the time of relief from active duty may apply to The Adjutant General for appointment: *Provided*, Such applications are made prior to July 1, 1947, or within 6 months from date of relief from active duty, whichever is later.

(4) Officers listed in subparagraph (1) (i) and (ii) of this paragraph will be commissioned in the Officers' Reserve Corps at any time after completion of terminal leave and within the time limits specified in subparagraph (3) of this paragraph upon application to The Adjutant General for such appointment.

§ 561.3 *Sections of the Officers' Reserve Corps.* Sections of the Active Reserve to which officers shall be appointed by The Adjutant General, and the staff divisions allotted supervision of these sections at Department of the Army level are:

Section	Abbreviation	Supervision
(a) Adjutant General's Department Reserve.	AGD-Res.	The Adjutant General.
(b) Armored-Cavalry Reserve.	Armd-Cav-Res.	Director of Personnel and Administration, General Staff, United States Army.
(c) Army Security Reserve.	AS-Res.	Director of Intelligence, General Staff, United States Army.
(d) Chaplains Reserve.	Ch-Res.	Chief of Chaplains.
(e) Chemical Corps Reserve.	Cml C-Res.	Chief, Chemical Corps.
(f) Coast Artillery Corps Reserve.	CAC-Res.	Director of Personnel and Administration, General Staff, United States Army.
(g) Corps of Engineers Reserve.	CE-Res.	Chief of Engineers.
(h) Corps of Military Police Reserve.	CMP-Res.	Provost Marshal General.
(i) Field Artillery Reserve.	FA-Res.	Director of Personnel and Administration, General Staff, United States Army.
(j) Finance Department Reserve.	FD-Res.	Chief of Finance.
(k) Infantry Reserve.	Inf-Res.	Director of Personnel and Administration, General Staff, United States Army.
(l) Judge Advocate General's Department Reserve.	JAGD-Res.	The Judge Advocate General.
(m) Medical Department Reserve:		
(1) Army Nurse Corps Reserve.	ANC-Res.	The Surgeon General.
(2) Dental Corps Reserve.	DC-Res.	Do.
(3) Medical Corps Reserve.	MC-Res.	Do.
(4) Medical Service Corps Reserve.	MSC-Res.	The Surgeon General.
(5) Veterinary Corps Reserve.	VC Res.	Do.
(6) Women's Medical Specialist Corps Reserve.	WMSC-Res.	Do.
(n) Military Intelligence Reserve.	MI-Res.	Director of Intelligence, General Staff, United States Army.
(o) Ordnance Department Reserve.	Ord-Rept-Res.	Chief of Ordnance.
(p) Quartermaster Corps Reserve.	QMC-Res.	The Quartermaster General.
(q) Signal Corps Reserve.	SigC-Res.	Chief Signal Officer.
(r) Staff and Administrative Reserve.	SA-Res.	The Adjutant General.
(s) Transportation Corps Reserve.	TC-Res.	Chief of Transportation.
(t) Women's Army Corps Reserve.	WAC-Res.	Director of Women's Army Corps.

§ 561.4 *Physical examination.* Approved Department of the Army policies relating to the postwar Organized Reserve Corps provide that the physical standards for officers and enlisted men of the Organized Reserve Corps will be those prescribed in current Army Regulations and Department of the Army directives. Waivers of physical defects will be authorized only to the extent prescribed for the Regular Army.

§ 561.5 *Annual physical examination of officers*—(a) *Annual physical examination.* An examination of a type and scope as prescribed in current Department of the Army letters of instruction will be made on all officers in the active Reserve.

(b) *By whom made.* The physical examination for officers of the Organized Reserve Corps will be made by a board composed of an equal number of medical officers of the Regular Army and reserve components designated by the major command having administrative jurisdiction.

§ 561.6 *Length of appointment.* Appointments in every case will be for a period of 5 years, but an appointment in force at the outbreak of war or made in war-time will continue in force until 6 months after the termination of the war, should the 5-year period covered by the appointment terminate prior to that time.

§ 561.7 *Appointments or enlistments not made from certain classes.* No person in any of the following categories will be appointed or enlisted in the Organized Reserve Corps, and any member thereof who accepts appointment in any of those categories will be separated from the Organized Reserve Corps:

(a) Commissioned officers of the Regular Army.

(b) Cadets, United States Military Academy.

(c) Midshipmen, United States Naval Academy, and cadets, United States Coast Guard Academy.

(d) Persons on either the active or the reserve list of the Navy, Marine Corps, National Guard, National Guard of the United States, Coast Guard, Public Health Service, and Coast and Geodetic Survey.

§ 561.8 *Action by The Adjutant General.* Upon receipt of the report of the examining board approved by the major command recommending appointment; assignment to the Inactive Reserve from the Active Reserve; reassignment to the Active Reserve; or separation from the Organized Reserve Corps, The Adjutant General will accomplish the appointment or take other appropriate action.

§ 561.9 *Age-in-grade and service-in-grade*—(a) *General.* A mandatory age-in-grade, and a length of service-in-grade provision, as prescribed by the Department of the Army, will be adopted, insuring appropriate age for the actual assignment of every officer. Exceptions to this policy in the case of officers with wartime service will be given due consideration.

(b) *Interim policy, maximum, age-in-grade.* (1) During such period as may be required to reorganize the reserve components, and in any event not to extend beyond 1 January 1951, the assignment of all officers of the Organized Reserve Corps will be limited by those ages set forth below. Assignment will be terminated upon reaching the following birthdays:

Assignment	2d Lt.	1st Lt.	Capt.	Maj.	Lt. Col.	Col.
Air Force units and qualified Air Reserve Officers necessary for balanced Air Reserve Force	31	36	41	44	47	49
All other Air Reserve Officers	36	41	46	49	52	54
Army Ground Forces (including AGF service troops)	30	35	42	47	52	55
All others in the Organized Reserve Corps	40	43	46	51	55	60

(2) No candidate will be given an assignment, who is less than 21 or more than 60 years old; nor, except for the Air Force, unless his age is such that he can serve at least 1 year before assignment would be terminated by the age limitation for each grade as set forth above. For the Air Force no candidate for assignment to a unit as second lieutenant shall be more than 27; as first lieutenant, more than 32; as captain, more than 37; as major, more than 40; as lieutenant colonel, more than 43; as colonel, more than 45.

(c) *Transfer upon retirement.* All officers of the Active Reserve will, upon reaching the statutory retirement age, be transferred to the Honorary Reserve.

§ 561.10 *Appointment of professional and technical experts or specialists in Officers' Reserve Corps*—(a) *Purpose.* It is the policy of the Department of the Army to appoint in the Officers' Reserve Corps persons possessing either professional or technical qualifications which are critically essential and immediately adaptable to the needs of the Army and for whom suitable assignments exist. In order to provide a continuing source of officers possessing specialties in which it is not feasible or economical for the Army to give training, this section establishes the qualifications and outlines the procedures for the commissioning of such specialists in appropriate grades in the Officers' Reserve Corps. Individuals, without prior military service, appointed under the provisions of this section will be required to meet, within a reasonable length of time, the minimum military training requirements established to maintain a commission in the grade and section in which appointed, and in their mobilization assignment.

(b) *Eligibility.* Persons applying for appointment under the provisions of this section must meet the following requirements:

(1) *Age.* (i) Applicants must be at least 21 years of age for initial appointment in the Officers' Reserve Corps.

(ii) Applicants must not have reached the birthday anniversary indicated below, at the time of receipt of initial application by The Adjutant General in the case of applicants for a section of the Medical Department Reserve, other than the Medical Service Corps Reserve, and by the commander designated to receive applications in the case of applicants for other sections of the Officers' Reserve Corps:

	Years
Second lieutenant	30
First lieutenant	33
Captain	37
Major	45
Lieutenant Colonel	51
Colonel	55

(iii) Waivers of age-in-grade limitations will not be granted except in the case of individuals whose services are desired in an affiliated unit. In such cases, and where there is no other qualified individual available, The Adjutant General will consider the granting of a waiver for age up to the following maximum age-in-grade limitations on the date of receipt of initial application: second lieutenant, 38 years; first lieutenant, 41 years; captain, 44 years; major, 49 years; lieutenant colonel, 53 years; and colonel, 58 years.

(2) *Sex.* Only female applicants are eligible for appointment in the Army Nurse Corps Reserve and Women's Medical Specalists Corps Reserve, and only male applicants are eligible for appointment in the other sections of the Officers' Reserve Corps. Provisions for other female specialists may be provided for at a later date.

(3) *Citizenship.* Each applicant must be a citizen of the United States. Applicants who are not citizens of the United States by birth must provide evidence of citizenship. In the case of United States citizenship by naturalization, this will be in the form of a certificate by an officer in the active military service, or by a notary public, as follows:

I certify that I have this date seen the original certificate of citizenship, Number ---------- (or certified copy of the court order establishing citizenship) stating that ---------- was admitted to
(Name)
United States citizenship by the Court of ---------- at ---------- on ----------.
(City and State) (Date)
The following was named in the certificate as a minor child: ----------
(Name)
Age -------

Under no circumstances will facsimilies or copies, photographic or otherwise, of naturalization certificates be made.

(4) *Mental requirement.* Each applicant, except those shown below, must have obtained a score of 110 or higher in the Army General Classification Test (AGCT). College graduates and applicants for appointment in the Medical Department Reserve, less Medical Service Corps Reserve, are exempt from this requirement. Applicants who fail to obtain a score of 110 or higher will not be permitted to continue with the processing.

(5) *Minimum educational requirement.* Each applicant who applies for a specialty, which does not specifically require a college degree, must be at least a graduate of high school or of an accredited preparatory school of equal educational level. Applicants who do not meet the foregoing educational requirements may qualify by passing or having passed the General Educational Development Test (high school level or higher) of the United States Armed Forces Institute. Information on this test may be obtained from the Commandant, United States Armed Forces Institute, Madison 3, Wisconsin, the troop information and education office of any installation, veterans' guidance centers, and in many areas from the State school authorities. It will not be necessary for an applicant to procure high school accreditation from the State in which he resides after passing the aforementioned test. (No waivers of this educational requirement will be granted.)

(6) *Professional or technical and special educational requirements*—(i) *Minimum requirements.* Determination of the grade in which an applicant is to be commissioned is the function of the examining board interviewing the applicant, subject to final approval of The Adjutant General. The grade will be based on the total number of years of qualifying college education and/or experience according to the following scale of minimum requirements for each grade:

Officer grade:	Qualifying college education and/or experience (years)
Second lieutenant	4
First lieutenant	7
Captain	11
Major	16
Lieutenant colonel	21
Colonel	26

(ii) *Sections presently limiting grades.* All concerned are advised that, until further notice, appointments in the grades of major through colonel in the Army Security Reserve and Military Intelligence Reserve sections will not be made, except under unusual circumstances, due to a lack of vacancies in these sections for field grade officers. Those considering applying for field grade appointments in these sections will be governed accordingly.

(iii) *Qualifying education.* Qualifying education means at least a bachelor's degree, awarded by an accredited college or university, and involving the specific degrees or subject matter for each specialty. Qualifying educational training for these specialties will be uniformly credited as follows, with the exceptions as noted. A qualifying bachelor's degree, or certification as a registered nurse, counts as 4 years of the educational-and-experience requirement, regardless of the length of time in which it was acquired. (The Bachelor of Laws Degree, however, will count as 7 years, since it is generally a 3-year course imposed upon a 4-year bachelor's degree prerequisite.) A qualifying master's degree, with its prerequisite undergraduate studies or degree, counts as 5 years of the education-and-experience requirement. A qualifying doctor's degree with its prerequisites counts as 7 years of the requirements. (The Doctor of Medicine Degree including internship counts as 8 years, and the Doctor of Veterinary Medicine Degree counts as 6 years of the total requirements.) At the discretion of the examining board and The Adjutant General, each year of approximately 30 semester credit hours of qualifying graduate study (either leading to an advanced degree, or study beyond the doctorate) may be counted as a year of the total requirement, even though a degree was not obtained.

(iv) *Qualifying experience.* Qualifying experience includes both military and civilian work with a workweek of at least 39 hours, or its time equivalent in part-time employment.

(v) *Ecclesiastical indorsement for appointment into the Chaplain Reserve.* Applicants for appointment into the Chaplain Reserve must present an ecclesiastical indorsement certifying that the applicant is accredited by and in good standing in a recognized religious denomination or organization.

(7) *Moral requirement.* Each applicant must be possessed of high moral character and personal qualifications.

(8) *Physical qualifications.* Each applicant must be physically qualified under the provisions of Army Regulations.

(i) A final type physical examination, less (except when otherwise indicated) chest X-ray, electrocardiogram, audiometer reading, blood serology, lens correction, and microscopic urinalysis, and less pelvic examination for female personnel, will be required. The Report of Physical Examination (W. D., A. G. O. Form 63) may be accomplished and signed by a medical officer of any component of the armed forces of the United States whether he is on active or inactive duty status. In the absence of such medical officer, W. D., A. G. O. Form 63 may be accomplished and signed by any reputable doctor of medicine, without expense to the Government. Only one copy of report of physical examination is required.

(ii) Where the applicant possesses physical defects which fall below the specific physical requirements for military service as outlined in Army Regulations for Reserve appointment, army and oversea commanders are authorized to grant waivers for those physical defects which, in their opinion:

(*a*) Are static in nature.

(*b*) Are not subject to complications or aggravation by reason of military duty.

(*c*) Will not interfere with the satisfactory performance of full military duty.

(*d*) Will not necessitate hospitalization or time-loss from duty.

(9) *Security checks.* Each applicant for appointment in the Military Intelligence Reserve must be screened appropriately for security by area commanders, and each applicant for appointment in the Army Security Reserve must be cleared by area commanders for cryptographic duties in accordance with Army Regulations. Such security checks of applicants for other sections, as may be required or deemed desirable, are within the purview of the area commanders.

(c) *Ineligibles.* The following persons are not eligible for appointment and their applications will not be accepted.

(1) Those who are presently conscientious objectors. If an individual has been a conscientious objector, he will be required to furnish an affidavit which will express his abandonment of such beliefs and principles so far as they pertain to his willingness to bear arms and to give full and unqualified military service to the United States; and, where appropriate, he must have demonstrated that he has changed his views by subsequent military service.

(2) Those who have a record of conviction by any type of military or civil court for other than a minor traffic violation. The Adjutant General (Attn: AGPR–A), may be requested to grant a waiver in the case of other minor violations which are nonrecurrent and which are not deemed prejudicial to performance of duty as an officer. No requests for waivers of convictions involving

moral turpitude or conviction of a felony will be considered.

(3) Those who have been separated from the service:

(i) Under other than honorable conditions.

(ii) For unsatisfactory service.

(iii) By reason of resignation in lieu of court martial or reclassification.

(iv) As a result of court martial or reclassification.

(4) Officers of the Regular Army, United States Air Force, Navy, Marine Corps, or Coast Guard, active or retired.

(d) *Physical examination.* A completed W. D., A. G. O. Form 63 must accompany each application. All Army personnel and installations involved in conducting physical examinations will give any individual who requests a physical examination, for the purpose of applying for an Officers' Reserve Corps appointment, such an examination without requiring any written authorization, and will forward the completed report of physical examination direct to the individual concerned with the least practicable delay.

(e) *Application and allied papers.* The following documents, properly completed, constitute the application and allied papers. Interested individuals may obtain blank forms at any installation, recruiting office, National Guard or Reserve unit, military district headquarters, reserve instructor's office, or by writing to the army commander having jurisdiction over the area in which they reside. In assembling the application prior to forwarding, the applicable requirements listed below will be used as a check list to insure that all necessary information and papers have been included, thus precluding delays which will result from the return of incomplete applications.

(1) W. D., A. G. O. Form 170 (Application for Appointment and Statement of Preferences for Reserve Officers) in quadruplicate.

(i) The branch for which application is being made will be indicated in the block labeled "Section" on the second line of the application form.

(ii) Plain sheets of paper, attached to the application, may be used for inclusion of additional information for which there is insufficient room on the application form.

(iii) The remarks section, item 34, will contain the following statements by the applicant:

(*a*) "I am not a conscientious objector"; "I am not (am) now and have not (have) been a member of any foreign or domestic organization, association, movement, group, or combination of persons advocating a subversive policy or seeking to alter the form of Government of the United States by unconstitutional means"; and "This application is made under the provisions of Circular 210, Department of the Army, 1948, paragraph(s) _____ as a _____ specialist." (List all the paragraph numbers and titles of the specialties for which you believe yourself qualified and for which you wish to be considered.)

(*b*) In addition to the above statements, applicants, for any section of the Medical Department Reserve, will include a statement that "I do (do not) desire immediate extended active duty."

(iv) Instructions 2, 3, and 4 on the application form are not applicable.

(2) W. D., A. G. O. Form 643A, (Personal History Statement) in duplicate. In addition to the completion of this form, applicants will furnish on a plain sheet of paper, attached to the original copy, the following additional information pertaining to each position listed under question 34, employment:

(i) Name of employer.

(ii) Dates of employment (month, year).

(iii) Kind of business (e. g. construction, wholesale wool, mfg. of turbines, etc.).

(iv) Salary or earnings (starting, final, or present).

(v) Description of work performed.

(vi) Number and kind of employees supervised.

(3) W. D., A. G. O. Form 63 (Report of Physical Examination), one copy only.

(4) Documentary evidence of educational level and professional or technical background (photostatic or true copies acceptable). Applicants for appointment in the Judge Advocate General's Department Reserve, Medical Service Corps Reserve, and the Women's Medical Specialist Corps Reserve will furnish transcript of grades received in graduate and/or post-graduate schools or universities.

(5) Photostatic copies of all discharge certificates or certificates of service (where applicable).

(6) A recent photograph of the applicant, head and shoulders type, not less than 4 by 5 inches, if applying for a section of the Medical Department Reserve, less Army Medical Service Corps Reserve.

(7) Evidence of internship in the form of a certificate from a medical institution will be furnished by applicants for appointment in the dietitian subsection of the Women's Medical Specialist Corps Reserve.

(8) WD AGO Form R–5522 to be completed in triplicate by female applicants only.

(9) A certificate, signed by an official of the cognizant service authorized to accept resignations or approve discharges, that the applicant, if a member of the National Guard or the United States Air Force, Navy, Marine Corps, or Coast Guard Reserves, will be separated from his current status if tendered an appointment in the Officers' Reserve Corps.

(10) Ecclesiastical indorsement, if applying for the Chaplain Reserve.

(11) Certificate of admittance to practice law before a specific court and affidavit of legal experience, if applying for the Judge Advocate General's Department Reserve.

(f) *Forwarding application.* Applications and allied papers will be forwarded as follows:

(1) By applicants for appointment in the Medical Department Reserve, less Medical Service Corps Reserve, direct to The Adjutant General, Attention: AGPR–A, Washington 25, D. C.

(2) By applicants for appointment in all other sections of the Reserve, including the Medical Service Corps Reserve, to the commander, in the area in which they reside, designated to receive such applications. The address of such commander may be obtained by contacting the nearest Organized Reserve Corps Headquarters or by writing to the commander having jurisdiction over the area in which the applicant resides.

(g) *Notification of appointment or rejection.* Each applicant will be notified by The Adjutant General, through the area commander, of his appointment or rejection for appointment.

(h) *Eligibility of nonselected applicants to reapply.* Applicants who are not selected by The Adjutant General for appointment are not eligible to reapply until the expiration of a period of 1 year, and only then if the applicant has completed additional training or study in his field of specialization.

GENERAL OFFICERS

§ 561.15 *Appointment—(a) Appointment of officers who served in Army of United States as general officers.* Officers who have served on active duty in the Army of the United States for a period of at least 6 months subsequent to December 7, 1941 (including those now on active duty) and who, during that period, held the grade of general officer, may be recommended for appointment, as general officers in the active reserve in the highest grade held satisfactorily during that period, provided they meet the moral, physical, and age requirements. Applications for appointment may be submitted by letter to The Adjutant General (Attn.: AGPR–P), Washington 25, D. C. Those who are otherwise qualified as indicated above, but do not meet the physical or age requirements may apply for appointment in the Honorary Reserve only.

(b) *Appointment of brigadier generals and major generals from among those officers who did not hold the grade of general officer during World War II.* Officers who have served on active duty for at least 6 months subsequent to December 7, 1941 and who did not hold the grade of general officer during that period, and who meet the requirements in § 561.17 may, after appearance before a board of officers be recommended for appointment as brigadier general or major general in the active reserve to fill existing position vacancies in Reserve units or in staff positions.

§ 561.16 *Promotion to Major General.* Promotion to the grade of major general will be made from those who have served as brigadier generals of the Officers' Reserve Corps for at least 1 year.

§ 561.17 *Qualifications.* Officers must meet the following qualifications for appointment in the active reserve.

(a) *Age.* At the time of appointment a candidate for the grade of brigadier general or major general must have at least 1 year to serve before he reaches the statutory age prescribed for the retirement of Regular Army officers of that grade.

(b) *Physical.* Physical requirements for appointment or promotion of general officers will be those prescribed in AR 40–100 and AR 40–105 (Army Regulations relative to Physical Examinations).

(c) *Professional.* Satisfactory demonstration of qualifications by actual service on active duty in the Army of the United States for at least 6 months subsequent to December 7, 1941 in the grade and position contemplated, or by the satisfactory discharge of duties of corresponding and equal responsibility.

§ 561.18 *Reappointment.* Upon expiration of the 5-year period of his appointment, a general officer occupying an authorized position vacancy in a Reserve unit or in a staff position will, provided he meets the moral, age, and physical requirements be recommended for reappointment in the active reserve for an additional 5-year period. Recommendations by the commanding general of the appropriate major force concerning reappointment will be submitted in time to reach The Adjutant General not less than 90 days prior to expiration of appointment.

§ 561.19 *Examining boards.* Candidates for appointment as general officers for assignment in the active reserve, or for promotion to a higher grade will be examined by a board of officers appointed by the commanding general of the major force or major command to determine their general fitness.

§ 561.20 *Examination—(a) Examination by the board.* The board will thoroughly investigate into the candidates' professional (military knowledge), moral, and physical qualifications and careful'y weight the evidence as to his suitability for the appointment, promotion, and assignment for which he is being considered.

(b) *Physical examination.* A final type physical examination will be given.

(c) *Inquiry into moral character.* The board will inquire into the moral character of the candidate. He will be carefully questioned and may be required to submit in writing such information as the board may desire. The board is authorized to seek verification of the candidate's statements or additional information from reliable sources. The candidate will be informed of any unfavorable statements of fact relative to his moral character and will be given an opportunity to refute or explain such statements.

(d) *Professional examination.* The professional examination will be conducted as prescribed by the president of the board and will include such military knowledge and ability tests as the board may deem necessary.

(e) *Reexamination.* A candidate who has been found disqualified for other than moral reasons may apply for reexamination after a period of 1 year from the prior examination.

§ 561.21 *Assignment.* The assignment of all general officers in the active reserve will be made by The Adjutant General, upon recommendation of the commanding general of the major force or chief of administrative or technical service concerned.

§ 561.22 *Transfer to Honorary Reserve.* A general officer whose service has been honorable will be transferred to the Honorary Reserve when:

(a) He reaches the statutory retirement age prescribed for officers of the Regular Army.

(b) He is found physically disqualified, other than through his own misconduct, and applies for such transfer.

(c) He has completed a total of 20 years' service in any component of the Army of the United States, and applies for such transfer.

PART 562—RESERVE OFFICERS' TRAINING CORPS

ADMINISTRATION AND TRAINING

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ADMINISTRATION AND TRAINING

AUTHORITY: §§ 562.1 to 562.36 issued under 39 Stat. 191, 192, 853; 41 Stat. 776–778; 10 U. S. C. 354, 381–388.

DERIVATION: AR 145–10, May 28, 1931.

§ 562.1 *Objects.* The general object of the courses of instruction of the Reserve Officers' Training Corps is to qualify students for positions of leadership in time of national emergency. The Reserve Officers' Training Corps is primarily an agency for the production of Reserve officers for those arms which are restricted as to their sources of production by the provisions of section 37, National Defense Act, as amended (48 Stat. 154, 939; 10 U. S. C. 351–353). In conjunction with the other agencies named in that section, the Reserve Officers' Training Corps should produce the number of Reserve officers required for those arms in the initial periods of a general mobilization. Students trained in the Reserve Officers' Training Corps who do not pursue to completion the courses required for qualification for a reserve commission are nevertheless entitled to advanced standing in the Citizens' Military Training Camp courses through which they may complete their qualification. Those who do not qualify for commission by any of the means available in time of peace have received military training which will be of value to the Nation in an emergency.

§ 562.2 *Educational value.* The Reserve Officers' Training Corps affords to institutions a means for practical training in organization leadership and discipline which will be of value to their graduated students in an industrial or professional career. The theoretical courses have a content of general educational value.

§ 562.3 *Organization of the Reserve Officers' Training Corps.* The Reserve Officers' Training Corps consists of the training units of the several arms and services established in civil educational institutions. Units are established in accordance with the provisions of the National Defense Act and as provided in the regulations in this part.

§ 562.4 *Department of military science and tactics.* Instruction given at an institution in accordance with programs prescribed by the Department of the Army will be conducted or supervised by a department of military science and tactics, which shall include all Reserve Officers' Training Corps units at the institution.

§ 562.5 *Divisions.* The Reserve Officers' Training Corps is organized into two divisions.

(a) *Senior division.* The senior division consists of such units of the several arms and services as may be organized at approved colleges and universities granting degrees, including State universities and those State institutions that are required to provide instruction in military tactics under the Act of Congress, approved July 2, 1862 (12 Stat. 503; 7 U. S. C. 301–308), and those essentially military schools, not conferring academic degrees, specially designated by the Secretary of the Army as qualified. In-

stitutions at which senior division units are, or shall be, established are classified as follows:

(1) *Class MC.* Military colleges and universities which grant degrees, which graduate students at an average age of not less than 21 years, which require all students to pursue military training throughout the course and to be habitually in uniform, which constantly maintain military discipline, and which have as objectives the development of the student by means of military training and the regulation of his conduct in accordance with disciplinary principles.

(2) *Class CC.* Civil colleges and universities which are not essentially military, but which grant degrees and graduate students at an average age of not less than 21 years.

(3) *Class MI.* Essentially military schools, specially designated by the Secretary of the Army as in Class MI, which do not confer academic degrees and at which the average age of students at graduation is less than 21 years, but which otherwise meet the requirements of Class MC and accept and maintain the course of instruction prescribed in the Department of the Army program of instruction for senior division units.

(b) *Junior division.* The junior division consists of such units as may be organized at approved public or private educational institutions which do not meet the requirements of a senior division class. Institutions at which junior division units are, or shall be, established are classified as follows:

(1) *Class MS.* Essentially military schools, which are not specially designated by the Secretary of the Army as in Class MI, at which the curriculum is not sufficiently advanced to carry with it a degree and the average age of students at graduation is less than 21 years, but which otherwise meet the requirements of Class MC and accept and maintain the course of instruction prescribed in the Department of the Army program of instruction for junior division units at essentially military schools.

(2) *Class CS.* High schools and other educational institutions which do not meet the requirements of any of the classes mentioned above.

§ 562.6 *Conditions for establishment of units.* (a) Before an Infantry, Cavalry, Field Artillery, or Coast Artillery unit of the senior division of the Reserve Officers' Training Corps may be established at an institution, there must be insured to the unit an enrollment of at least 100 physically fit male students who are citizens of the United States and not less than 14 years of age. The minimum enrollment required for other senior units is 50 students.

(b) Before a unit of the junior division may be established at an institution, there must be insured to the unit an enrollment of at least 100 physically fit male students who are citizens of the United States and not less than 14 years of age.

(c) No unit of the Reserve Officers' Training Corps will be established at an institution until the institutional authorities agree to the requirements specified in the form for application, and no such unit will be maintained at any institution the authorities of which fail or neglect to comply with these requirements or to adopt into the institutional curriculum the courses of military training prescribed by the Secretary of the Army.

(d) No unit of the Reserve Officers' Training Corps will be established or maintained at an institution until and unless an officer of the Regular Army is detailed as professor of military science and tactics thereat.

§ 562.7 *Senior and junior divisions at the same collegiate institution.* When an institution of collegiate grade maintains a secondary or preparatory department, both divisions may be authorized. When both divisions have been authorized the prescribed minimum enrollment must be maintained in the units of each division. The enrollment of members of the preparatory department in units of the senior division is prohibited.

§ 562.8 *Application for establishment.* An educational institution desiring to have established thereat one or more units of the Reserve Officers' Training Corps will make application upon the prescribed form to the commanding general of the Army area in which the institution is situated. (See §§ 562.35, 562.36.)

The Army area commander will forward the application submitted by any institution for the establishment of a Reserve Officers' Training Corps unit to the Department of the Army by letter which shall set forth his recommendation for action on the application, or in case his information is insufficient to permit him to act on the application, his recommendation that he be authorized to designate an officer to visit and inspect the institution. Upon approval of this recommendation, and after the completion of such inspection, the inspecting officer will report to the Army area commander whether or not the institution fulfills the requirements of law and regulations governing the establishment of units and will recommend specifically whether the unit should or not be established. The report of inspection in each case will be forwarded to The Adjutant General by the Army area commander with his recommendations.

§ 562.9 *Withdrawal of authority for establishment of a unit.* (a) An institution desiring to withdraw from the Reserve Officers' Training Corps will so state in writing to the Army area commander at least three months prior to the date the withdrawal is to take effect. The Department of the Army may, upon the recommendation of the Army area commander, withdraw authority for the establishment of any unit should it be considered that its work as part of the Reserve Officers' Training Corps is not compatible with the objects for which the corps is established. At any time that the enrollment in a unit falls below the minimum enrollment required by law, or whenever the authorities of an institution request the withdrawal of a unit, or when in the opinion of the professor of military science and tactics a unit should be withdrawn for any other reason, the professor of military science and tactics will make report in writing to the Army area commander, through the head of the institution, including therein the following information: (1) Attitude of the authorities of the institution regarding the failure to meet the requirements of law and regulations respecting enrollment. (2) Attitude of the faculty of the institution toward the Reserve Officers' Training Corps. (3) Attitude of the student body toward the Reserve Officers' Training Corps. (4) A statement of the efforts made by the professor of military science and tactics to overcome difficulties and to maintain a successful unit. (5) His recommendation as to the continuance or withdrawal of the unit in question. (6) Any other facts necessary to arrive at a proper understanding of the situation at the institution. (7) If practicable, he will obtain and attach to the report the signed statement of the head of the institution, indorsing thereon his comments and recommendations.

(b) The Army area commander will make such investigation concerning requests or recommendations for withdrawal of units as he may deem necessary and will forward such requests or recommendations together with his recommendations thereon to The Adjutant General.

§ 562.10 *Land-grant institutions.* The obligations to provide military instruction imposed on land-grant institutions by the act of July 2, 1862 (12 Stat. 503; 7 U. S. C. 301–308), are not altered by the National Defense Act, as amended, nor by the regulations in this part.

§ 562.11 *Supervision.* The Department of the Army is the agency of the Federal Government charged by law with the preparation of regulations and instructions carrying into effect the provisions of the National Defense Act and other Federal statutes relating to the Reserve Officers' Training Corps, and the supervision of the execution of the provisions of pertinent law and regulations.

The supervisory powers of the Department of the Army over the Reserve Officers' Training Corps are delegated to Army area commanders in all matters except those which have been expressly reserved to the Department of the Army in these and other regulations of the Department of the Army. Army area commanders are the immediate representatives of the Department of the Army in all relations with educational institutions maintaining Reserve Officers' Training Corps units. They are charged with promoting the development of the Reserve Officers' Training Corps units of their Army areas within the limits of their powers and pursuant to the policies and instructions of the Department of the Army. They will confer with heads of institutions on matters relating to the conduct of units established thereat, and to measures for their increased efficiency. They are responsible that the requirements of law and regulations relating to the Reserve Officers' Training Corps are effectively carried out. They have exclusive control over the establishment and operation of Reserve Officers' Training Corps camps.

§ 562.12 *Control.* The control of the operation of Reserve Officers' Training Corps units at institutions is vested in the institutional authorities. Civilian heads of institutions exercise the same general control over the department of military science and tactics that they ordinarily exercise over other departments of the institution.

§ 562.13 *Status of officers on Reserve Officers' Training Corps duty.* In their strictly military capacity officers on Reserve Officers' Training Corps duty are subordinates of the army area commander and are subject to his orders. Such orders will not infringe upon the province of institutional regulations. In their academic capacity these officers are subject to institutional regulations. The professor of military science and tactics is responsible that the proper institutional authorities are advised as to the provisions of law and regulations in all matters affecting the conduct of the Reserve Officers' Training Corps units maintained by the institution.

§ 562.14 *Channels of communication.* Communications for the Department of the Army relative to the Reserve Officers' Training Corps should be addressed to The Adjutant General and should be forwarded through the Army area commander concerned. Communications from military authorities to institutions which in any way affect the general administration or educational policy of the institution will be addressed to the head of the institution. Direct communication between superior military authorities and professors of military science and tactics will be limited to subjects of a purely military nature. Communications originating in the Department of the Army will be forwarded through the Adjutant General and the Army area commander concerned.

§ 562.15 *Eligibility to membership.* (a) Eligibility to membership in the Reserve Officers' Training Corps is limited to students at institutions in which units of such corps may be established, who are citizens of the United States, who are not less than 14 years of age, and whose bodily condition is such as to meet the physical requirements specified herein.

Enrollments of students who have passed their twenty-sixth birthday will not be made in the Reserve Officers' Training Corps, except that in Medical Corps units students may be enrolled whose requirements for appointment in the Medical Reserve Corps can be fulfilled before attaining the age of thirty-five. No member of the active personnel of the Army, Navy or Marine Corps of the United States, nor any commissioned officer of the National Guard or Naval Militia, nor Reserve officer of the military forces of the United States is eligible for membership in the Reserve Officers' Training Corps, except that a Reserve officer who is also a medical student may be admitted to a Medical Corps unit. Members of the Naval or Marine Corps Reserve are not eligible for membership in the Reserve Officers' Training Corps. The fact that an applicant is a member of the Regular Army Reserve does not make him ineligible for enrollment providing he is otherwise qualified.

(b) A student holding a certification for appointment as a reserve officer or a student formerly commissioned in the Officers' Reserve Corps will not be enrolled in the Reserve Officers' Training Corps without the express authority of the Army area commander in each case, and then only in a unit of an arm other than that in which he is certified for appointment or was formerly commissioned, as the case may be.

(c) A student will not be enrolled in the Reserve Officers' Training Corps, nor will there be issued to him a Government uniform or commutation therefor, until and unless he meets all the prescribed requirements and has been selected by proper authority to pursue the Reserve Officers' Training Corps course. (See § 562.17.)

§ 562.12 *Physical requirements.* The law regarding physical fitness of applicants for membership in the Reserve Officers' Training Corps requires that students must be "physically fit to perform military duty, or will be so upon arrival at military age". In order that this law may be carried out, each applicant is required to undergo certain physical examinations and to meet certain physical standards, as a prerequisite for enrollment and continuance in the Reserve Officers' Training Corps. Furthermore, each member of a Reserve Officers' Training Corps unit should keep himself physically fit in order that he may meet the physical requirements for commission in the Officers' Reserve Corps upon completion of his training in the Reserve Officers' Training Corps.

§ 562.17 *Training of students ineligible for enrollment.* When desired by institutional authorities, students who are citizens of the United States and who for any reason cannot be enrolled in the Reserve Officers' Training Corps may be permitted to pursue the Reserve Officers' Training Corps course without expense to the Government. Such students will not be included in enrollment reports nor in the enrollment allotment, and cannot be issued Government uniforms or commutation therefor, but may use the arms and equipment issued to the institution.

§ 562.18 *Membership in the National Guard.* Students enrolled in the Reserve Officers' Training Corps are not eligible to continue as members thereof if commissioned in the National Guard. Such students may, however, pursue the course or parts thereof without being regularly enrolled in the Reserve Officers' Training Corps.

A student enrolled in the advanced course will not be discharged from the Reserve Officers' Training Corps prior to graduation therefrom to accept a commission in the National Guard nor be excused from his contracted attendance at a Reserve Officers' Training Corps camp to attend a National Guard camp in lieu thereof.

Members of the Reserve Officers' Training Corps may be enlisted in the National Guard, and while so enlisted may attend National Guard drill and assembly periods, but they will not be excused from any part of the Reserve Officers' Training Corps institutional course, nor from attendance at the required summer camp, to perform National Guard duty or attend National Guard training; there is nothing in this provision, however, to prevent members of the Reserve Officers' Training Corps from attending both Reserve Officers' Training Corps and National Guard camps during the same year, provided such camps come at different periods.

CROSS REFERENCE: For National Guard regulations, see 32 CFR Chapter II.

§ 562.19 *Members of faculty.* With the approval of the authorities of an institution, physically fit members of the faculty or the corps of instructors are authorized to take the courses of training prescribed herein for members of the Reserve Officers' Training Corps. However, it must be understood that participation in these courses does not entitle them to enrollment in the Reserve Officers' Training Corps nor to participation in any Government expenditures therefor. Members of the teaching staff with military experience may be appointed faculty military instructors on the recommendation of the professor of military science and tactics, with the consent of the head of the institution.

§ 562.20 *Discharge and withdrawal of members.* (a) Except in cases involving withdrawal from contract covering payment of commutation of subsistence, the authorities of an institution may, in an exceptional case for sufficient reason upon the recommendation of the professor of military science and tactics discharge a member of the Reserve Officers' Training Corps from such corps and from the necessity of completing the course of military training as a prerequisite for graduation. Cases involving withdrawal from advanced course contracts will be referred to the Army area commander for decision.

(b) Army area commanders are authorized to adjust cases involving the withdrawal of members of the Reserve Officers' Training Corps from, or return to, advanced course contracts upon the merits of the individual cases. Except in cases where withdrawal from the contract is for the convenience of the Government, the student should be required to refund to the Government any sums previously paid to him as commutation of subsistence.

(c) Students who by the end of the first year of the advanced course have not demonstrated proper and sufficient aptitude in the performance of their duties to indicate that their future instruction will qualify them for a commission in the Officers' Reserve Corps, or who fail to complete satisfactorily the camp course of instruction or the second year of the advanced course, or who in the interests of the Government should not be commissioned in the Officers' Reserve Corps, should, with the approval of the Army area commander, be promptly discharged from the Reserve Officers' Training Corps and be permitted, if they have faithfully complied with the provisions of their advanced course con-

tracts, to withdraw from their contracts for the convenience of the Government. Students discharged under the provisions of this paragraph will not be eligible for reenrollment in the Reserve Officers' Training Corps.

(d) The withdrawal of an advanced course student from the institution terminates his obligation to continue the Reserve Officers' Training Corps training unless he later returns to the institution or voluntarily enrolls in the advanced course in another institution under the provisions of § 562.21, in which case he will be required to fulfill the provisions of the contract signed when he enrolled in the advanced course.

§ 562.21 *Credit for Reserve Officers' Training Corps training.* (a) A member of the Reserve Officers' Training Corps who withdraws from an institution and enters another in which a unit of the Reserve Officers' Training Corps of the same division is maintained and who is eligible to enroll therein under the regulations of the institution (and, in the case of an advanced-course student, is duly selected therefor) will be given credit, if he does enroll therein, for that part of the course successfully completed in the first institution.

(b) When a unit is withdrawn from an institution at which other units are maintained, members of the unit withdrawn may transfer to one of the remaining units of the institution and may be commissioned on graduation in the section of the Officers' Reserve Corps for which their entire training best qualifies them. Such transfers between medical units and units of other arms and services are not authorized

§ 562.22 *Training, senior division—* (a) *Content and objectives of courses.* The content and objectives of the several courses of instruction for units of the senior division are governed by the provisions of the Program of Instruction, Senior Division, Reserve Officers' Training Corps at Institutions, published by the Department of the Army.

(b) *Military courtesy.* The observance of military courtesy and customs is required on all occasions when students are under military instruction.

(c) *Basic and advanced courses.* The four years' Reserve Officers' Training Corps course of the senior division is divided into the basic course and the advanced course. The basic course consists of the first two years in the department of military science and tactics which correspond to the freshman and sophomore years of the academic departments. The advanced course consists of the last two years in the department of military science and tactics which correspond to the junior and senior years of the academic departments.

(d) *Curtailment of courses.* There is no authority under the law to compress the basic course into less than two academic years. The Army area commander is authorized to approve applications for curtailment of the advanced course when all of the following conditions exist: when the student will be eligible for graduation from the institution before sufficient time shall have elapsed to enable him to complete the regular advanced course; when the student has completed or agrees to complete all theoretical (classroom) subjects in the advanced course without reduction of the scope prescribed in the program of instruction, and subject to written examination in all subjects, under the supervision of the professor of military science and tactics; when the student agrees to attend the advanced course camp; and when the student, in the opinion of the professor of military science and tactics, possesses exceptional aptitude for leadership and capacity for completing the course in the time available.

Notwithstanding the granting of authority for a curtailment of the course, the student will not be recommended for appointment in the Officers' Reserve Corps unless he has on graduation from the institution fulfilled all the conditions prescribed and has in fact demonstrated his qualifications for commission. A curtailment of the course will not be authorized in the case of any student eligible for enrollment in the advanced course two or more years prior to the date of his graduation from the institution.

(e) *Election of courses.* Students electing the Reserve Officers' Training Corps courses do so for only two years at a time. The first election is for the two years' basic course, after which, if the student be recommended for further training, he may elect the advanced course. Completion of the basic course shall, when entered upon by a student, be a prerequisite for graduation as regards such student, unless he shall be discharged in accordance with the provisions of § 562.20. Completion of the advanced course is a requirement of the student's contract and should be made a requirement for academic graduation by virtue of the fact that the institution has, pursuant to section 40a, National Defense Act, as amended (41 Stat. 777; 10 U. S. C. 385), agreed to adopt into its curriculum the course of instruction (advanced course) prescribed by the Secretary of the Army, which, once entered upon by any student is, under the terms of his contract, a required subject of his institutional course.

(f) *Camps.* Reserve Officers' Training Corps camps will be established annually as prescribed by the Department of the Army. Attendance at one advanced-course camp is required of all students enrolled in the advanced course.

(g) *Admission to advanced course.* When any member of the senior division of the Reserve Officers' Training Corps has completed two academic years of service in that division, and has been selected by the head of the institution and the professor of military science and tactics for advanced training, he may be admitted to the advanced course of the senior division within the limits of the enrollment allotted to the institution.

(h) *Written agreement for admission to advanced course.* A member of the senior division, otherwise qualified, becomes enrolled in the advanced course upon signing a written agreement, upon the form prescribed for that purpose, to fulfill certain conditions as required by law and regulations.

Enrollment in the advanced course will normally take place at or before the beginning of the school year, semester, term, or quarter following the completion of the basic course, and the students enrolled will, under the terms of their contracts, normally pursue the course continuously to completion so long as they continue as students at the institution. Upon the recommendation of the professor of military science and tactics, heads of institutions are authorized to defer enrollment in the advanced course in the case of students who, at the time of becoming eligible for enrollment in the advanced course, will normally require more than two years to complete their academic courses. Similarly they may authorize deferments of unexecuted portions of advanced-course contracts in the case of students who would otherwise complete the advanced course at a period antedating their academic graduation. Such deferments will extend only until such period as will permit the student to complete the advanced course without curtailment. In no case will a deferment be granted which would result in a curtailment of the advanced course or a contraction of the course into a period of less than two years. No student in whose case a deferment has been granted and who fails to apply for enrollment in the advanced course in sufficient time to complete the course without curtailment will be accepted.

No deferment of any portion of the advanced course at institutions beyond the date of graduation from the academic course which the student is pursuing will be authorized. Students in postgraduate or professional courses who completed the basic course of a unit of any arm or service as undergraduates may be authorized to enroll in the advanced course of the same arm or service at any time prior to the commencement of the last two years of their course.

As an inducement to eligibles to enroll in advance for the advanced course, contracts may be prepared and signed prior to the completion of the basic course, but in such event the effective date of enrollment in accordance with the contract, namely, the first day of a subsequent academic year, semester, term or quarter, will be clearly specified. Students who fail to begin the work of the advanced course at the time specified will forfeit all rights under their contracts.

(i) *Credit for previous training.* Students who have received previous military training in a junior division unit or in a school or college conducting military training under an officer of the Army detailed as professor of military science and tactics, will receive such credit toward eligibility for the advanced course as the professor of military science and tactics and the head of the institution may jointly determine. The amount of credit and the manner of its application will thus be determined locally, consideration being given to the general educational policies and plans of the institution and to the military proficiency of the individual student, as evidenced by his record of previous training; but credit shall only be given for time during which the student has received a course of military training substantially equivalent to that prescribed for the corresponding period or periods of training of the senior division. Credit will not be given to a student for military training received prior to his fourteenth birthday. Credit may be given for training received at the United States Military Academy or at the United States Naval Academy, or at the United States Coast Guard Academy, or in the Naval Reserve Officers' Training Corps.

(l) Any student now or hereafter enrolled in the senior division of the Reserve Officers' Training Corps, who has been separated under honorable conditions from active duty in the armed forces of the United States (Army, Navy, Marine Corps, or Coast Guard), will receive credit toward completion of the two academic years of service in that division required for admission to the advanced course and for entitlement to commutation of subsistence, as provided for in section 47d, National Defense Act, as amended, for military training which he has received, while on active duty in the Army, Navy, Marine Corps, or Coast Guard, as follows:

Active duty in the armed forces of the United States:	*Credit for basic course, senior division, ROTC*
1 year or more	2 years.
6 months, but less than 1 year	1 year.
Less than 6 months	No credit.

(j) *Hours of instruction.* The minimum number hours of Reserve Officers' Training Corps instruction required to be given in the basic course is an average of 3 hours per week, and in the advanced course, 5 hours per week, with the exception that the minimum required number of hours for medical, dental, and veterinary units is 90 hours per annum in both the basic and the advanced courses; time spent in preparation for instruction will not be counted in satisfaction of this requirement.

(k) *Meaning of instruction hours.* An hour in the program of instruction represents the customary academic hour of 50 minutes.

(l) *Distribution of instruction hours.* With the approval of the Army area commander the required hours of instruction may be distributed throughout the year in accordance with the conditions existing at the particular institution.

(m) *Courses of instruction.* Courses of instruction will be furnished by The Adjutant General, and all instruction in the Reserve Officers' Training Corps will be conducted in accordance therewith.

(n) *Credit for academic instruction.* Credit on Reserve Officers' Training Corps courses for instruction received in the nonmilitary departments of the institution will be limited to that authorized in the Department of the Army programs of instruction.

(o) *Credit toward a degree.* The credit to be given for the successful completion of courses in the Reserve Officers' Training Corps toward a degree is a matter to be determined by the authorities of each institution. The successful conduct of Reserve Officers' Training Corps units depends in large measure upon the granting of credit on the same basis, hour for hour, for practical and theoretical instruction as is given for laboratory and classroom work in other departments.

(p) *Athletics.* Under such rules as may be adopted by the head of the institution and the professor of military science and tactics, a student engaged in college athletics may be excused from the regular classes in physical training held under the department of military science and tactics during the season in which he is actually engaged in such athletics.

(q) *Band.* Members of the Reserve Officers' Training Corps may be trained and employed as members of the band during a part of the hours allotted to close-order or other formal drills. Members of the band enrolled in the Reserve Officers' Training Corps qualifying for reserve commissions must so qualify by the same standards as are required of other members of the Reserve Officers' Training Corps.

(r) *Absence from instruction.* Absence from training or instruction will be excused only for sickness, injury, or other exceptional reasons. Any student who is absent from any part of the practical or theoretical instruction will be required, according to the practice at the particular institution, to make up the instruction missed thereby before being credited with completion of either the basic or advanced course.

(s) *Military training certificate.* Upon application, a military training certificate (W. D., A. G. O. Form No. 134) will be issued by the professor of military science and tactics to each student (except to those commissioned in the Officers' Reserve Corps or issued certifications for appointment) enrolled in a senior division of the Reserve Officers' Training Corps upon the termination of his instruction therein. This certificate will show the course pursued and the military qualification attained.

§ 562.23 *Training junior division—* (a) *Essentially military school units (Class MS).* Junior division training in essentially military school units will consist of a 4 years' course of theoretical and practical instruction. Its scope will include training equivalent to the basic course, infantry units, senior division, supplemented by appropriate subjects from the advanced course. The program of instruction covering the above 4 years' course is published by the Department of the Army. This training will not be curtailed or compressed.

(b) *High school units and junior units established in other institutions (Class CS).* Military training at institutions maintaining junior units, other than essentially military schools, comprises a three years' course of theoretical and practical instruction substantially equivalent in scope to the basic course of infantry units, senior division. The program of instruction covering this three years' course is published by the Department of the Army. At high schools where the academic course includes the eleventh or twelfth grade, enrollment is limited to the three highest academic classes of the school. In communities where the public school system extends beyond the twelfth grade and the school authorities desire to include military training in the curriculum of the higher schools of the system, enrollment is limited to the four upper classes of the entire system. At all other Class CS institutions, enrollment is limited to the three upper classes of the institution.

(c) *Credit for previous training.* For regulations governing the crediting of training received in the junior division on the courses of senior division units, see § 562.22 (i). Students who have received previous military training in another junior division unit will receive such credit as the professor of military science and tactics and the head of the institution may jointly determine.

(d) *Military training certificate.* Upon application, a military training certificate (W. D., A. G. O. Form No. 134) will be issued by the professor of military science and tactics to each student enrolled in a junior division of the Reserve Officers' Training Corps upon the termination of his instruction therein (except to those commissioned in the Officers' Reserve Corps or issued certifications for appointment). The certificate will show the course pursued and the military qualification attained.

§ 562.24 *Selection of honor military schools.* (a) Based upon the results of the formal inspection, army commanders will forward annually to the Chief, Army Field Forces, as soon as practicable, lists of the essentially military schools within their army areas which are recommended for designation as honor military schools.

(b) The Chief, Army Field Forces, will designate a board of officers to examine and evaluate carefully the recommendations of the army commanders. Upon the completion of this evaluation, the board will recommend to the Secretary of the Army the award of the honor military school rating to those institutions which have maintained an exceptionally high standard of military training and discipline during that school year.

(c) Final approval for the awarding of the honor military school rating will be given by the Department of the Army and announced prior to the close of the school year, whenever possible.

§ 562.25 *Selection of honor high schools.* (a) Based on the results of the formal inspection, army commanders will designate annually as honor high schools such schools in their respective army areas as have attained an exceptionally high standard of training and discipline. In communities where two or more separate high schools are located, each school may be separately considered for the honor rating.

(b) The schools designated as honor high schools in each army area will not be announced by the army commander but will be reported to The Adjutant General annually as early as practicable after the conclusion of annual inspections. The Department of the Army will announce the awarding of the honor high-school rating prior to the close of the school year, whenever possible.

§ 562.26 *Distinguished military student.* (a) A "distinguished military student" is a person designated by the professor of military science and tactics who:

(1) Possesses outstanding qualities of military leadership, high moral character, and definite aptitude for the military service.

(2) Has distinguished himself either academically or by demonstrated leadership through his accomplishments while participating in recognized campus activities.

(3) Has completed or is scheduled to complete the advanced course, Senior Division, ROTC, within one school year, and

(4) Has a standing in military subjects among the upper third of his ROTC class.

(b) Qualified students who will complete the advanced course, Senior Division, ROTC, prior to graduation from a college or university which confers a baccalaureate degree will be notified by the professor of military science and tactics of designation as distinguished military students by letter on the day of successful completion of the advanced course, Senior Division, ROTC.

(c) Qualified students who are scheduled to complete the advanced course, Senior Division, ROTC, and simultaneously to be graduated from a college or university with a baccalaureate degree within one school year may be designated distinguished military students by the professor of military science and tactics at the beginning of the student's last full school year.

(d) The professor of military science and tactics or higher commander must obtain the written opinion of the president or other appropriate official of the institution prior to the announcement of specific students designated as distinguished military students.

(e) A copy of the letter designating each distinguished military student will be forwarded to The Adjutant General, Washington 25, D. C., attention: AGSO–R.

(f) The designation as a distinguished military student of a Senior Division, ROTC unit, other than medical, entitles the individual to be considered in selection of applicants for appointment in the Regular Army and Regular Air Force during his last year of attendance at a college or university which confers a baccalaureate degree on graduation therefrom, provided he is eligible for appointment under other pertinent laws and regulations.

§ 562.27 *Distinguished military graduates.* (a) A "distinguished military graduate" is a person designated by the professor of military science and tactics or by a higher commander who:

(1) Is a distinguished military student.

(2) Has completed the advanced course, Senior Division, ROTC.

(3) Has been graduated from a college or university with a baccalaureate degree, and

(4) Has maintained the standards required of a distinguished military student during the period between designation as a distinguished military student and the date of graduation with a degree from an accredited college or university.

(b) The professor of military science and tactics or higher commander must obtain the written opinion of the president or other appropriate official of the institution prior to the announcement of specific students designated as distinguished military graduates.

(c) Distinguished military students selected for appointment in the Regular Service who maintain these standards until graduation are assured of appointment, provided they are physically qualified. Such distinguished military students will be notified of their selection for a Regular appointment in January or November of each year. Professors of military science and tactics will officially designate as distinguished military graduates all distinguished military students who have maintained prescribed standards throughout the course. Such designation will be accomplished by letter on the day of graduation. This letter will be given each distinguished military graduate and one copy will be forwarded to The Adjutant General, Washington 25, D. C. attention: AGSO–R. The appropriate commander will take this action in the case of students who are attending institutions where there is no professor of military science and tactics.

(d) In order to be considered for designation as distinguished military graduates, distinguished military students in attendance at colleges and universities which do not have a professor of military science and tactics must inform the appropriate higher commander (numbered Air Force or army commander, or senior U. S. Army or U. S. Air Force commander of oversea commands) during the early part of their senior year of the school at which they are in attendance.

§ 562.28 *Honor graduates of honor military schools.* (a) For each year that an essentially military school is designated as an honor military school, the professor of military science and tactics assigned thereto may designate not to exceed three honor graduates.

(b) In this case the term "honor graduate" will apply to graduates of such institutions in the current academic year, who have been members of the Reserve Officers' Training Corps for at least 2 years while at the school, citizens of the United States, who have in their school work shown proficiency in subjects amounting to not less than 15 units prescribed by the regulations for admission to the United States Military Academy and have been selected by the president or other head of the institution for scholastic excellence, and who have been designated by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service. The requirements for admission to the United States Military Academy are shown in detail in the Department of the Army pamphlet, Information Relative to the Appointment and Admission of Cadets to the United States Military Academy, which may be obtained from The Adjutant General.

(c) In case a class MI institution is designated as an honor military school, the honor graduates thereof will be listed in two groups, as follows:

(1) Honor graduates, honor military school.

(2) Class MI honor graduates.

(d) The names of the honor graduates of honor military schools (paragraph (c) (1) of this section), together with the academic standing attained by each and accompanied by a report prepared by the professor of military science and tactics, will be furnished The Adjutant General immediately following graduation. The report of the professor of military science and tactics will contain the military record of each graduate and a brief estimate of his qualifications as a potential officer.

CROSS REFERENCE: For regulations contained in the pamphlet "Information Relative to the Appointment and Admission of Cadets to the United States Military Academy," see Part 575 of this chapter.

§ 562.29 *Honor graduates of class MI institutions.* (a) The professor of military science and tactics at each class MI institution maintaining a Reserve Officers' Training Corps unit may designate annually the honor graduates of such units.

(b) In this case the term "honor graduate" will apply to graduates of such institutions who hold either a commission or a certificate of appointment in the Officers' Reserve Corps, citizens of the United States, who have been selected by the president or other head of the institution for scholastic excellence and who have been designated by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service.

(c) The designation as honor graduate of a class MI institution entitles the individual to be considered in selection of applicants for appointment in the Regular Army, provided he will graduate in the current academic year from an institution which offers a college degree upon satisfactory completion of not less than a 4 years' college course, and has been selected by the president or other head of the institution as an honor graduate for scholastic excellence, and provided further that he is eligible for appointment under other pertinent laws and regulations.

§ 562.30 *Uniforms and insignia.* Graduates holding certificates of eligibility for appointment as second lieutenants in the Officers' Reserve Corps are authorized to wear the prescribed uniform of the organization from which they graduated until they attain the age when they become eligible for such appointment (21 years). The occasions on which the uniform may be worn are the same as those prescribed for Reserve officers not on active duty.

§ 562.31 *Honor graduates of honor military schools as candidates for the United States Military Academy.* In accordance with the provisions of the Act of July 9, 1918 (40 Stat. 894; 10 U. S. C. 1091), honor graduates of honor schools may be appointed as candidates for the United States Military Academy. The term "honor school" mentioned in that act will apply to honor military schools. Honor graduates of honor military schools will be selected for appointment as cadets of the United States Military Academy in the following manner:

(a) The Adjutant General will maintain a roster of honor military schools as determined by annual Department of the Army inspections. At an early date in each year, the Adjutant General will anticipate the vacancies in the Corps of Cadets which are open to honor graduates and will make an equitable distribution of those vacancies among the honor military schools and notify them accordingly. Each designated institution will notify The Adjutant General at a specified time of the names of the selected honor graduates designating them as principal, first alternate, and second alternate. In considering graduates for this designation the institution is not limited to those graduating during the current year.

(b) An honor graduate, designated as principal, of a selected institution will be appointed a cadet of the United Staes Military Academy upon the certificate of the head of the institution that the appointee is an honor graduate of that institution of a year for which the institution was designated an honor military school. All honor graduates are appointed subject to the same tests for mental and physical qualifications as are required of other candidates. In the event that the honor graduate designated as principal does not accept the appointment or fails to qualify for admission, the first alternate will, if qualified, be appointed, and in the event that neither the principal nor the first alternate qualifies, the second alternate will, if qualified, be appointed. The honor graduate must, at date of admission to the United States Military Academy, be between the ages of 17 and 22.

§ 562.32 *Appointment from the senior division.* (a) Graduates of the senior division of the Reserve Officers' Training Corps may be appointed as Reserve officers upon satisfactory completion of the course of training prescribed by law and regulations provided they meet the requirements of pertinent regulations governing appointment in the section of the Officers' Reserve Corps in which commission is sought. The recommendations of the professors of military science and tactics and the head of the institution, concurred in by the chief of the arm or service concerned, will be required in each case. Appointments are made only in the lowest authorized grade of the proper section.

(b) Students of Medical Department units of the Reserve Officers' Training Corps who complete the prescribed course for such units prior to qualifying for their professional degree will not be appointed in the Medical Department sections of the Officers' Reserve Corps until evidence is submitted that such students have actually obtained their professional degree.

(c) During the period of commencement the commissions or certifications for appointment will be formally presented to those entitled to receive them with such ceremony as the head of the institution may prescribe.

§ 562.34 *Appointment in the Regular Army.* The appointment of members or former members of the Reserve Officers' Training Corps as commissioned officers in the Regular Army will be governed by regulations for appointment of commissioned officers in the Regular Army which specify exemptions from educational tests granted to honor graduates of selected institutions maintaining units of the senior division of the Reserve Officers' Training Corps and partial exemptions granted to other graduates and members of the Reserve Officers' Training Corps. The Department of the Army will from time to time advise all concerned relative to the institutions and the number of honor graduates from each who may take advantage of these provisions.

§ 562.35 *Form of application for establishment of Reserve Officers' Training Corps units (senior or junior).* Application in the following form will be submitted by institutional authorities desiring the establishment of units of the Reserve Officers' Training Corps. In applications for establishment of units of the junior division, stike out in paragraph 2 the words "during the first two academic years and to arrange for five hours per week during the balance of such students' course".

---------- 19----

THE ADJUTANT GENERAL,
Washington, D. C.
(Through the Commanding General, ---- Army.)

SIR: 1. By direction of the governing authorities of ---------- University (College or School), I hereby submit application for the establishment of a ---------- unit of the Reserve Officers' Training Corps at this institution.

2. Should this application be accepted by the President, the authorities of this university (college or school) hereby agree to establish and maintain a two-years' compulsory (or elective) course of military training as a minimum for its physically fit male students, which course when entered upon by any student shall, as regards such student, be a prerequisite for graduation, to allot a minimum of an average of three hours per week per academic year to military training and instruction during the first two academic years and to arrange for five hours per week during the balance of such students' course, and to use their endeavors to promote and further the objects for which the training corps is organized. It is understood that the law requires a minimum enrollment in the military course of 100 (or 50, as the case may be) physically fit male students, citizens of the United States and over 14 years of age, in order to maintain the Reserve Officers' Training Corps unit requested.

3. The authorities of this institution also agree to conform to the regulations of the Secretary of the Army relating to issue, care, use, safekeeping, and accounting for such Government property as may be issued to the institution. Further, the institutional authorities agree to appoint or designate by resolution or in bylaws, whichever may be countenanced by statutes or approved methods of procedure governing the institution, an officer of the institution, to be known as military property custodian, who will be empowered to requisition, receive, store, and account for this property and otherwise transact matters pertaining thereto, for and in behalf of the institution.

4. Attached herewith is a statement giving particulars with reference to the institution.

(Head of institution)

§ 562.36 *Statement (To be attached to application for a Reserve Officers' Training Corps unit).*

Name of institution ----------
1. Grade of institution
(a) Land grant? --------
(b) Collegiate? --------
(3) Number of years of academic study necessary for a degree? -----.

2. Number of male students 14 years or more of age now enrolled in the institution, or were at the close of the preceding school year, who in accordance with the provisions of AR 145–10 are eligible for enrollment in the unit (inclose last printed catalogue, if not already furnished).

3. Have you assurance that 100 or more eligible students will enroll in the unit? If so, state estimated number. ----------

4. Will the enrollment in the unit be voluntary (with the students) or required of all students? If required, state number of years or classes required to enroll. ----------

5. State the number of cadet companies now organized. ----------

6. Details (material, dimensions) of storage facilities for arms and equipment. (Stable facilities and shelter for forage and for guns and caissons in case mounted unit is desired.) ----------
----

7. Designation of governing body (board of regents, trustees):
(a) Numbers of members of same ------
(b) Official designation of the head of the institution ----------
----
(Head of Institution)
Date ----------, 19-----.

TRAINING CAMPS

AUTHORITY: §§ 562.58 to 562.69 issued under sec. 34, 41 Stat. 778, 10 U. S. C. 441.
DERIVATION: AR 145–30, Apr. 21, 1948.

§ 562.58 *Supervision and command.* These camps will be conducted by Army commanders and appropriate oversea commanders, and when located at class II installations, with the assistance of the heads of the administrative or technical services represented by the ROTC units, and in accordance with instructions issued by the Department of the Army. All matters pertaining to service-type ROTC summer camps, when conducted at the sites of technical service schools, will be coordinated with heads of administrative or technical services concerned.

§ 562.59 *Number, type, and location of camps.* The number, type, and location of camps will be determined by the Chief, Army Field Forces, and the appropriate commanding generals of the oversea commands concerned, with the approval of the Department of the Army at least 4 months prior to the opening date of such camps.

§ 562.60 *Designation.* Camps will be designated: "The Fort ---------- ROTC Camp," "The Camp ---------- ROTC Camp," etc.

§ 562.61 *Time and duration.* Camp will open ordinarily in June of each year (as soon as practicable after the closing date of educational institutions concerned) and will continue for a period of 6 weeks.

§ 562.62 *Attendance.* (a) The Department of the Army will prescribe the number of students in each Army area and oversea command to attend camps annually.

(b) Camp attendance is required of, and open to, students as indicated below:

(1) Attendance at one camp is required of students enrolled in the advanced course, normally upon completion of the first year of the advanced course.

(2) Students who are required or who elect to pursue technical training or engage in employment of furtherance of such training during the summer following their junior academic year under the general supervision of the authorities of the institution may be authorized by commanders referred to in § 562.58 to attend camp upon completion of the advanced course. Commanders referred to in § 562.58 are authorized to forward to the Department of the Army, for consideration, cases of exceptional merit not specifically covered by this subparagraph and subparagraph (3) of this paragraph.

(3) Students who, after completion of the basic course, have but one more year before graduation from collegiate institutions and for whom curtailment of the advanced course under the provisions of AR 145–10 and § 562.1 to § 562.36 is authorized, may be permitted by commanders referred to in § 562.58 to attend camp upon completion of the advanced course.

(4) Students who have completed the freshman academic year without participation in the Reserve Officers' Training Corps program during that academic year, but who have received credit for the basic course under the provisions of section 47c, National Defense Act, as amended, and the joint resolution of September 8, 1916 (10 U. S. C. 388), may become enrolled in the advanced course upon signing advanced course contracts, and, upon their agreeing in writing to attend Reserve Officers' Training Corps camp, may be permitted to attend such camp prior to their actual entrance into such advanced course.

(5) Attendance is required of students to whom permission to attend a deferred camp has been granted under the provisions of § 562.64.

(6) Students pursuing the ROTC course under the provisions of § 562.17 may be authorized by the commanders referred to in § 562.58 to attend an ROTC camp without expense to the Government other than payment for attendance as authorized by section 47c, National Defense Act. The conditions of attendance will be explained to each student and he will be required to sign a waiver of claim against the United States for any allowance whatsoever based on such attendance, except for payment under the provisions of section 47c, National Defense Act, as amended.

(7) Institutions desiring to send nonveteran students of Senior Division ROTC units to summer camp after completion of the basic course will be required to secure approval to do so from the army commander concerned, prior to the close of the school year.

(8) When the number of students that can be trained is such that all cannot be accommodated, selection for camp training will be made with priority in the following order:

(i) Advanced course students to whom deferred camp attendance was granted the previous year.

(ii) Students compelled to withdraw from a previous camp under the conditions cited in paragraph (d) of this section.

(iii) Advanced course students attending at the normal time, i. e., after satisfactory completion of the first year of the advanced course.

(iv) Students pursuing the ROTC course under provisions of § 562.17, authorized to attend.

(c) Training of the ROTC student is conducted in clearly defined stages according to a progressive scheme of instruction. The camp training supplements and follows in progression the first year of the advanced course at the institution.

(d) Students will not be authorized to attend more than one camp, except in the following cases:

(1) When the student was compelled to withdraw from a camp previously attended and was unable to complete the camp course of instruction because of sickness or cause other than misconduct, fault, or neglect on his part.

(2) When the student, after attending camp, has transferred to a unit of an arm or service other than that of the camp previously attended.

(3) When authorized by the Secretary of the Army, in exceptional cases. In these cases the student, if eligible, will be required to attend the next camp of his unit in accordance with the provisions of his advanced course contract.

(e) Exemption of members of the advanced course from the required camp attendance or the extension of credit toward such attendance for previous military training is not authorized by law.

(f) An opinion of The Judge Advocate General states that the attendance under contract at summer ROTC camp of ROTC students who have completed only their first year basic course is not legally authorized.

§ 562.63 *Camps for units at MI, MS, and CS institutions.* The only camps provided for by these regulations are advanced course camps. The Department of the Army does not maintain camps for the instruction of students in the junior division or for students at class MI institutions, as such. Nevertheless, where such camps are maintained by institutions, the personnel and equipment allotted to such institutions may be used for this purpose, without expense to the Government beyond such expense as would be involved in the maintenance of such personnel and equipment at the institution.

§ 562.64 *Deferred attendance.* (a) When it is not practicable for an advanced course student to attend camp until after the normal period, attendance may be deferred by commanders referred to in § 562.58 to whom application for such deferment, setting forth the reasons which require deferment, will be addressed.

(b) Commanders referred to in § 562.58 will not authorize a change of advanced camp attendance from the normal period to a period subsequent to graduation unless the reasons given are substantial.

(c) A student will not be permitted to defer camp attendance to a time subsequent to the camp which immediately follows his graduation unless he is physically unable to attend that camp, in which case, upon receipt of proper evidence of disability, including the certificate of a reputable physician, the commanders referred to in § 562.58 may authorize the student to defer attendance at camp for an additional year.

(d) The veteran-trainee may be authorized subsistence allowance in the amounts to which he is ordinarily entitled and subject to the $175–$200 limiting proviso of section 2, Public Law 679, 79th Congress, which amends paragraph 6 of part VIII, Veterans' Regulations Numbered 1 (a), as amended, while in approved leave status from his place of training. Such leave may be used to attend Reserve Officers' Training Camp or for any other purpose. It is considered that a trainee does not pursue his regular course of education or training for the period of summer Reserve officer training, and therefore he will not be paid subsistence for this period, unless he has sufficient accrued leave for which he has applied to cover this period of training.

§ 562.65 *Attendance at camp of arm or service other than that in which enrolled.* There will be students in scientific and technical courses whose services will be needed in, and who will wish to be commissioned in, branches not represented by units on their campuses. Commanders referred to in § 562.58 may authorize the attendance of such students at ROTC camps of the appropriate branches, provided such students are enrolled in academic courses prerequisite to enrollment in advanced ROTC as prescribed by Department of the Army publications.

§ 562.66 *Absence from camp.* (a) For unavoidable causes, such as sickness, commanders referred to in § 562.58 may, in each particular case, authorize a short delay in arrival, which in no event is to extend beyond the fifth day of camp. Students will not be admitted to camp later than the fifth day.

(b) In exceptional cases when hardship would otherwise ensue, camp commanders in each particular case may authorize students to be absent from camp for short periods, during which they should ordinarily be present for instruction.

(c) A student, who through absence from camp, fails to receive at least 85 percent of the total scheduled instruction, will not be credited with camp attendance nor will he be considered as fulfilling that part of his advanced course contract which requires camp attendance. Army commanders are authorized to act as final approving authorities on requests from institutions within their areas for waivers of the conditions set forth herein.

§ 562.67 *Dismissal and withdrawal from camp.* (a) Any student who because of demonstrated inaptitude, indifference to training, or who is guilty of misconduct, of whose habits or traits of character indicate that upon completion of the course of instruction prescribed for ROTC units he would not be qualified for a commission in the Officers Reserve Corps, will be dismissed from the camp by the camp commander. Such action by the camp commander will be based upon a thorough and impartial investigation by a board of officers. A full report concerning the dismissal of the student, setting forth the reasons therefor, will be prepared in duplicate. The first copy will be forwarded to the army commander of the appropriate area, or the commander of the oversea command in which the student's unit is located. The second copy will be forwarded to the authorities of the institution in which the student is enrolled. Any student who is compelled, by necessity, to leave the camp through no fault or misconduct of his own may be permitted to withdraw by the commanding officer. Students who are dismissed or who withdraw from camp are entitled to transportation and subsistence as provided hereinafter. Any student who desires to withdraw from the camp for his own convenience will be interviewed by the camp commander, who will endeavor to persuade the student that it is to his advantage to complete the camp training. If the student persists in his desire, he will be permitted to withdraw. The records of students who are dismissed, or who are compelled by necessity, not involving fault or misconduct, to withdraw, will carry the notation, "Dismissed or (Permitted to withdraw) from ---------- advanced ROTC camp on (date) for the convenience of the Government." The notation, "Permitted to withdraw from ---------- advanced ROTC camp on (date) for his own convenience" will be placed on the records of students who are permitted to withdraw for their own convenience.

(b) While dismissal from camp ordinarily will result in discharge from the ROTC, such discharge is not included in the dismissal. The professor of military science and tactics at the institution, after thorough investigation and examination of the report of dismissal, will recommend to the army or oversea commander, through the head of the institution, either that the student be discharged from the ROTC or that he, in an exceptional case, be retained therein, and upon action by the higher authority, designated above, will take steps accordingly. Students permitted to withdraw for their own convenience will be advised that they will be required to refund all commutation of subsistence so far received as a condition precedent to release from contract, and that in the discretion of the institutional authorities they may be required to refund to the institution the unearned portion of advanced course commutation of uniform allowance expended in their behalf.

§ 562.68 *Transportation*—(a) *Transportation authority.* (1) Students will normally be authorized to proceed to designated camps from their institutions, or from their legal residences where the distances from such residences to the camps do not exceed the distances from their institutions to the camps, and to return thereto, by the shortest usually traveled route.

(2) Under exceptional circumstances, army commanders may:

(i) Authorize a student to proceed to the camp designated for his unit from his legal residence when the distance from such residence to the camp is greater than from the institution to the camp. This authorization will be given only to students whose institutions close so early in the year as to make it impracticable for them to proceed directly from the institution to the camp.

(ii) In the interest of economy, authorize a student to attend a camp of an arm or service other than the camp prescribed for his unit. If the camp to be attended is beyond the territorial limits of the Army in which the institution of the student is located, the camp attendance will be arranged by the army commanders concerned, by direct correspondence.

(b) *Travel allowances.* (1) Members of the ROTC will be paid travel allowance at the rate of 5 cents per mile from the place from which the students are authorized to proceed to camp and for the return travel thereto. Payment of the travel allowance for the return journey may be made in advance of the actual performance thereof. W. D., F. D. Form 21 (Reimbursement Voucher, Pay Roll, CMTC, ROTC, will be used as a voucher for payment of travel allowances and copies of orders will be filed therewith.

(2) Return travel allowances is not due to a student until the close of camp. The commanding officer will pay travel allowances to a student upon dismissal or withdrawal if determined by him that such advanced payment is proper and desirable for the good of the service. However, the commanding officer is authorized to withhold travel allowances until the termination of the camp, if he determines such course advisable, and if the student is not present at the close of the camp to refuse payment thereof.

(3) The shortest usually traveled route will be the basis of calculation for travel allowances. Travel allowances for members of the ROTC will be paid from the appropriations for ROTC.

(i) Orders for travel to camp and return therefrom will be issued by army or oversea commanders, or such subordinate authority as they may designate.

(ii) In the case of a student authorized to attend a camp in an Army area other than that wherein the place from which he is directed to proceed is located, the travel order will be issued by the Army commander of the area from which the student is directed to travel, and 3 copies of the order will be sent at once to the Army commander of the appropriate area in which the camp to be attended is located for each student so ordered.

(c) *Students without funds.* Students unable to pay their own railroad fare may be authorized transportation in kind by Army commanders, in which case orders issued will specifically state that transportation requests and meal tickets will be furnished. Transportation request and meal tickets will be forwarded to the student with orders directing him to proceed to camp. Cost of this transportation and subsistence will be borne by ROTC funds allocated to Army commanders.

§ 562.69 *Pay.* Members of the ROTC or other persons authorized by the Secretary of the Army to attend advanced camps shall be paid for attendance at such camps at the rate prescribed for enlisted men of the seventh grade of the Regular Army with less than 3 years service.

PART 564—ENLISTED RESERVE CORPS

Sec.

564.1 Eligibility.
564.2 Grade.
564.3 Enlistment.
564.4 Transfers.
564.5 Qualification.
564.6 Physical examination.
564.7 Orders to active duty.
564.8 Voluntary requests for orders to active duty.
564.9 Separation from service.
564.10 Identification card.
564.11 Change of residence.

AUTHORITY: §§ 564.1 to 564.11 issued under 39 Stat. 195, 41 Stat. 780, 44 Stat. 705; 10 U. S. C. 421, 423–427.

DERIVATION: AR 150–5, FED 13, 1946.

§ 564.1 *Eligibility.* (a) Male warrant officers, flight officers, and enlisted personnel with active Federal service, since September 16, 1940, in the Army, United States Air Force, National Guard, Marine Corps, Marine Corps Reserve, Navy, Naval Reserve, Coast Guard, or Coast Guard Reserve may be enlisted in the Enlisted Reserve Corps; *Provided*, That:

(1) The applicant is a citizen of the United States or has filed legal declaration of intention to become a citizen of the United States.

(2) Relief from active duty or discharge last received was under honorable conditions.

(3) Applicant was not discharged under Army Regulations.

(4) Applicant is not ineligible for enlistment under Army Regulations.

(5) Requirements as to physical standards are met.

(6) Applicant reports a permanent home address within the continental limits of the United States or its possessions.

(7) The applicant has, at time of enlistment, passed his 17th birthday and not reached his 35th birthday; except that an applicant possessing technical skills needed by the Enlisted Reserve Corps who has passed his 35th birthday but has not reached his 45th birthday may, when specifically authorized by the Army commander concerned, be accepted for enlistment.

(b) Male personnel without prior active Federal service who meet the applicable requirements of paragraph (a) of this section may be enlisted in the Enlisted Reserve Corps: *Provided*, That the applicant is specifically enlisted for a unit undergoing training, and agrees in writing for such assignment and training.

§ 564.2 *Grade.* (a) Enlistments will be in the seventh grade except that:

(1) Warrant officers and flight officers may enlist in the first grade providing they enlist prior to the official termination of the war; or after the official termination of the war they enlist within 6 months after relief or discharge from active duty.

(2) Enlisted personnel of the Army, United States Air Force, National Guard, Marine Corps, Marine Corps Reserve, Navy, Naval Reserve, Coast Guard, or Coast Guard Reserve may be enlisted in the grade or equivalent grade (Navy, Naval Reserve, Coast Guard, or Coast Guard Reserve) held at the time of discharge or relief from active duty providing they enlist prior to the official termination of the present war; or after the official termination of the war they enlist within 6 months after relief or discharge from active duty.

(3) Applicants who have successfully completed the following number of years of ROTC instruction and the termination of such instruction was under honorable conditions and for reasons other than academic failure are authorized the following scale of grade eligibility:

(i) Years of Senior ROTC instruction successfully completed:

	Grade
1	6
2	5
3	4

(ii) Grade 6 is authorized where the applicant has graduated from a Junior ROTC unit.

(4) Applicants indicated in § 564.1 (b) may, based on their civilian technical skills, be enlisted in a higher grade upon approval of commanders authorized to make promotion or reductions in the Enlisted Reserve Corps.

(b) With the exception of those enlisted in the Air Force Enlisted Reserve, individuals enlisted in the Enlisted Reserve Corps will be permitted to retain Army ratings such as parachutist, combat infantryman, and similar technical designations authorized by current directives, and appropriate notations will be made on their records to reflect such actions. An individual enlisted in the Air Force Enlisted Reserve who formerly held such a rating may wear the badge of that rating, but the rating will not be valid unless the individual is rerated in United States Air Force orders subsequent to enlistment in the Enlisted Reserve Corps.

§ 564.3 *Enlistment*—(a) *Section for which enlisted.* Enlistments will normally be made in the section of the Enlisted Reserve Corps, elected by the applicant, in which he appears qualified. Enlistments are authorized in the following sections:

(1) Adjutant General's Department Reserve.
(2) Air Force Enlisted Reserve.
(3) Army Security Enlisted Reserve.
(4) Armor Enlisted Reserve (including tank destroyer personnel).
(5) Cavalry Enlisted Reserve.
(6) Chemical Corps Enlisted Reserve.
(7) Coast Artillery Corps Enlisted Reserve.
(8) Corps of Engineers Enlisted Reserve.
(9) Corps of Military Police Enlisted Reserve.
(10) Field Artillery Enlisted Reserve (including tank destroyer personnel).
(11) Finance Department Enlisted Reserve.
(12) Infantry Enlisted Reserve.
(13) Medical Department Enlisted Reserve.
(14) Military Intelligence Enlisted Reserve.
(15) Ordnance Department Enlisted Reserve.
(16) Quartermaster Corps Enlisted Reserve.
(17) Signal Corps Enlisted Reserve.
(18) Staff and Administrative Enlisted Reserve.
(19) Transportation Corps Enlisted Reserve.
(20) Women's Army Corps Enlisted Reserve.

(b) *Period of enlistment.* Enlistments in the Enlisted Reserve Corps will be for a period of 3 years. Any previous enlistments made for "3 years or for the duration of the war plus 6 months, whichever is the longer" are amended to expire 3 years from date of enlistment.

§ 564.4 *Transfers.* Applications for transfer to another section of the Enlisted Reserve Corps may be approved by the commanding general of the Army area: *Provided,* That each transfer is made in grade seven and the applicant is qualified for service in the section requested.

§ 564.5 *Qualification.* All men enlisted in the Enlisted Reserve Corps must be qualified physically and otherwise for military service in accordance with current standards for enlistment or induction.

§ 564.6 *Physical examination.* (a) The standards for physical examination will be those prescribed in AR 40–115, Physical Standards and Physical Profiling for Enlistment and Induction, except, however, the Department of the Army may prescribe special standards for physical examination for enlistments in certain branches of the service or for special types of duty.

(b) When necessary, applicants who are otherwise qualified for enlistment in the Enlisted Reserve Corps may be transported from the recruiting station or examining board to the nearest station where a physical examination may be given, retained thereat, furnished meals and lodging, and returned at Government expense.

§ 564.7 *Orders to active duty*—(a) *Authority.* Men under 18 years of age who were enlisted under the authority contained in regulations issued October 2, 1945 (10 CFR, 1945 Supp., Part 604 note) will not be ordered to active service until they have attained their eighteenth birthday but will be ordered to active service immediately thereafter, except that:

(1) Students in attendance at colleges or secondary schools may, upon their own application, be deferred from being ordered to active duty to complete the term or semester in which they reach their eighteenth birthday, but in no case beyond the age of 18 years and 6 months.

(2) Members of the Enlisted Reserve Corps who are enrolled in the Army Specialized Training Reserve Program will be ordered to active duty at the end of the term in which they reach their eighteenth birthday.

(3) Commanding generals of Army areas are authorized to defer orders to active duty for illness or other cogent reasons but in no case shall the deferment be extended beyond the age of 18 years and 6 months.

(b) Men enlisted under the provisions of § 564.2 (a) and (b) will not be ordered to active duty except as ordered by the Secretary of the Army.

§ 564.8 *Voluntary requests for orders to active duty.* (a) Members of the Enlisted Reserve Corps, unassigned, under 18 years of age, who enlisted under the provisions of regulations issued October 2, 1945 (10 CFR, 1945 Supp., Part 604 note), may, upon attaining their eighteenth birthday, if not ordered to active duty immediately, voluntarily request orders to active duty by submitting in each case a formal request in writing to the commanding general of the service command of residence. Such members of the Enlisted Reserve Corps will be ordered to active duty in the Army of the United States for the unexpired period of their enlistment in the Enlisted Reserve Corps.

(b) Members of the Enlisted Reserve Corps, other than those specified in paragraph (a) of this section, will not be ordered to active duty on their own request except for limited periods of training as may be ordered by the Secretary of the Army with the consent of each reservist concerned.

§ 564.9 *Separation from service*—(a) *Discharge from active duty.* When on active duty the discharge of members of the Enlisted Reserve Corps will be governed by the provisions of Army Regulations.

(b) *Discharge from inactive status.* (1) Except for enlisted men of the Regular Army transferred to the Enlisted Reserve Corps and retired under the provisions of AR 615–395 (Army regulations relative to retirement) and subsequently discharged upon completion of 30 years' service, members of the Enlisted Reserve Corps when on an inactive status may be discharged as follows:

(i) By direction of the President or order of the Secretary of the Army.

(ii) By direction of the Commanding General of an army (ZI), United States Army, Alaska, United States Army, Caribbean, or United States Army, Pacific, or such officer, or officers, as may be designated by them for that purpose.

(*a*) Upon expiration of term of enlistment.

(*b*) On account of physical disability. If an enlisted reservist on inactive status becomes physically disqualified for limited service, he will be discharged.

(*c*) Upon acceptance of a commission in the armed forces, appointment to the U. S. Military, Naval, or Coast Guard Academy, upon receipt of notice of enlistment in the Regular Army or National Guard, or upon receipt of notice of enlistment in the Navy, Marine Corps, or Coast Guard.

(*d*) Upon presentation of conclusive evidence in accordance with the provisions of AR 615–362 (Army regulations relative to discharge) that his membership in the Enlisted Reserve Corps in an inactive status has a material deterrent effect on his earning a livelihood.

(*e*) Because of inaptness or failure to possess the required degree of adaptability for military service.

(*f*) Because of evidence of habits or traits of character which render retention in the service undesirable.

(*g*) Upon conviction by a civil court.

(*h*) At any time within 90 days prior to expiration of enlistment, for the purpose of reenlistment as of day next following day of discharge.

(2) No enlisted reservist will be called to active duty for the purpose of effecting his discharge.

(3) Discharge certificates will be furnished enlisted reservists discharged from inactive status.

§ 564.10 *Identification card.* (a) W. D., A. G. O. Form 166 (Identification Card—Enlisted Reserve Corps) will be prepared and given to the enlisted man at the time of his enlistment or transfer to the Enlisted Reserve Corps to be retained in his possession until called to active duty or discharged.

(b) The reverse side of the identification card contains instructions to the reservist regarding report of change of address.

§ 564.11 *Change of residence.* (a) Immediately upon changing residence, a member of the Enlisted Reserve Corps will notify the commanding general of the Army area, using W. D., A. G. O. Form 167 (Individual Report of Enlisted Reservist), stating his new address.

(b) Enlistment in the Enlisted Reserve Corps does not restrict travel or residence abroad. An enlisted reservist before leaving the United States for a period of 30 days or more will notify the commanding general of the service command of any occupation he expects to follow while abroad, of his foreign address, and of the approximate duration of his absence. Upon his return he will report to the commanding general of the Army area the date of his return and his permanent address. Enlisted reservists who depart for an absence abroad for a period of 6 months or longer will be discharged, unless, for cogent reasons, an exception is made by The Adjutant General.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9893; Filed, Nov. 10, 1948; 8:45 a. m.]

Subchapter G—Procurement

TRANSFER AND REVISION OF REGULATIONS

The regulations contained in Part 818 and Part 820, Chapter VIII, Title 10, are hereby transferred to Part 608 and Part 610, Subchapter G, Chapter V, Title 34, as follows:

PART 608—VETERINARY INSPECTION

Sec.
608.1 Inspection of establishments.
608.2 Correction of defects in establishments.
608.3 Milk plant and dairy farm inspection.

AUTHORITY: §§ 608.1 to 608.3 issued under R. S. 161; 5 U. S. C. 22.
DERIVATION: AR 40–2150, Oct. 9, 1942.

§ 608.1 *Inspection of establishments*—(a) *Award of contracts.* (1) The award of contracts for meat and meat-food products is limited to bidders whose plants operate directly under the supervision of the Bureau of Animal Industry, United States Department of Agriculture, or to bidders handling in establishments approved by the Army Veterinary Corps, meat and meat-food originating in plants under the supervision of the United States Bureau of Animal Industry. The award of contracts for milk, cream, or other fluid milk products (other than canned), and ice cream, will be limited to establishments which have passed an Army sanitary inspection within the calendar month preceding the opening date of the bid or which are certified to by Army Medical Department authorities as approved sources of supply.

(2) Establishments other than those mentioned in subparagraph (1) of this paragraph which supply or propose to supply foods of animal origin will be inspected by a veterinary officer as circumstances and conditions warrant.

(b) *Inspection procedure.* The inspection of establishments will be conducted by an officer of the Veterinary Corps whenever such officer is available. The inspection will be conducted so as to ascertain that the plant and the methods in use conform to recognized principles of sanitation and to such technical instructions and informative guides as may be issued by The Surgeon General.

§ 608.2 *Correction of defects in establishments.* When an establishment is not properly operated or does not maintain a satisfactory standard of sanitation, and correction of these defects cannot be obtained after the matter has been brought to the attention of the proprietor or manager, written recommendation should be made by the responsible veterinary officer, through the surgeon, to the commanding officer that the establishment not be approved as a source of supply for the command.

§ 608.3 *Milk plant and dairy farm inspection*—(a) *Object.* (1) The object of milk plant and dairy farm inspection is to prevent the transmission of disease through the use of an unsafe milk product and to obtain the quality of product specified in the contract. Due to the highly perishable nature of milk and milk products and the fact that they are very favorable media for bacterial growth, it is essential that particular attention and close supervision be given to the production, processing, and handling of these products.

(2) It is not intended that veterinary officers will routinely inspect all dairy farms supplying milk to milk plants having Army contracts. Ordinarily, veterinary officers will determine the character and quality of the raw milk through frequent laboratory examinations of representative samples taken at milk plants and through close contact with local health or other civilian agencies exercising supervision over the raw milk supply. However, in exceptional circumstances where it would be in the interest of the Army to do so, and in cases where milk is procured by an Army post from an individual or firm operating a dairy farm in conjunction with a milk plant, the veterinary officer will make the necessary inspection of the farm.

(b) *Scope.* A sanitary inspection of a milk plant or a dairy farm will include a complete physical examination by a veterinarian of all dairy cows in each herd from which the milk is procured; the sanitary condition and suitability of all buildings, equipment, and utensils; the methods of operation; the apparent health of employees; an investigation of the water supply and of the various ingredients used; and an examination of the various products manufactured or produced in each establishment.

(c) *Action.* Deviation from accepted practices or incorrect procedures of such a nature as to have real bearing on the actual sanitary condition or on the quality of the product must be promptly rectified or the product should be excluded from use by the Army. Since it is impracticable to state exactly at what stage an improper practice or incorrect procedure may render a milk product dangerous to the consuming troops, the decision as to the acceptability or use of these products is left to the responsible Medical Department authority. Any product of such character, or which is handled under such conditions as probably to adversely affect the health of the command will not be used.

PART 610—PROCUREMENT OF HORSES AND MULES

Sec.
610.1 Inspection of animals.
610.2 Duties of seller.

§ 610.1 *Inspection of animals.* Each horse and mule presented for purchase will be minutely inspected on the halter to determine whether the animal complies with the specifications for horses and mules as prescribed by the Department of the Army, and particularly to determine soundness and suitability for the work required of the animal. If the inspection on the halter proves satisfactory, further inspection will be made of riding and pack horses under the saddle, and of draft horses and draft and pack mules in harness, to determine whether they are tractable, manageable, and sound in wind. (R. S. 161, 5 U. S. C. 22) [AR 30–435, May 29, 1942]

§ 610.2 *Duties of seller.* The seller will be required to provide a suitable place for inspection and to furnish such help as may be necessary properly to show the horses and mules presented. He will also be required to provide a suitable place for holding and feeding of the animals pending shipment, and the necessary assistance for the shipment of the animals purchased from him. (R. S. 161, 5 U. S. C. 22) [AR 30–435, May 29, 1942]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-9892; Filed, Nov. 10, 1948; 8:45 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

TONGASS NATIONAL FOREST, ALASKA

CROSS REFERENCE: For an addition to the tabulation contained in § 201.1, see Public Land Order 525 in the Appendix to Chapter I of Title 43, *infra*. This order excludes certain tracts of land from Tongass National Forest and restores them for purchase as homesites or business sites.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1705]

PART 160—GRAZING LEASES

This part is hereby completely revised to read as follows:

Sec.
160.1 Statutory authority.
160.2 Definitions.
160.3 Classes of applicants; preference rights.
160.4 Qualifications of applicants.
160.5 Filing of applications; copies necessary.
160.6 No right conferred by application, prior to lease.
160.7 Protests.
160.8 Leases of withdrawn or reserved lands.
160.9 Action on defective applications.
160.10 Offer and issuance of lease; disposition of protests and conflicting applications.
160.11 Reduction in leased area or number of stock to be grazed.
160.12 Leased lands subject to classification and disposition; compensation to lessee for improvements and damages.
160.13 Rental.
160.14 Term of lease.
160.15 Filing of petitions for renewals.
160.16 Construction and maintenance of improvements.
160.17 Removal of improvements.
160.18 Cancellation of lease.
160.19 Inspection of leased premises.
160.20 Assignment of lease; subleases of leased land not authorized.
160.21 Leases pledged as security for loans.
160.22 Appeals.

AUTHORITY: §§ 160.1 to 160.22 issued under sec. 15, 48 Stat. 1275, sec. 5, 49 Stat. 1976; 43 U. S. C. sec. 315m.

§ 160.1 *Statutory Authority.* Section 15 of the act of June 28, 1934 (48 Stat. 1275), as amended, authorizes the Secretary of the Interior, to lease for grazing purposes, vacant, unappropriated and unreserved public lands outside of established grazing districts in the continental United States only.

§ 160.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Regional Administrator" means the Regional Administrator, Bureau of Land Management.

(d) "Manager" means Manager of the District Land Office. Where there is no District Land Office, it means the Director, Bureau of Land Management.

(e) "Signing Officer" means the Government official who has been duly authorized to issue a grazing lease.

(f) "Field Office" means any office of the Bureau of Land Management, including the District Land Office, near the lands applied for and in the State in which such lands are situated. If there is no District Land Office or other field office in the State, it means the office of the Director, Bureau of Land Management, Washington 25, D. C.

(g) "The act" means the act of June 28, 1934 (48 Stat. 1275), as amended.

§ 160.3 *Classes of applicants; preference rights.* The act, as amended, provides for the issuance of grazing leases to classes of applicants in the following order:

(a) Preference-right leases to applicants who are the owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract embracing 760 acres or less [1] for the whole of such tract, upon the terms and conditions prescribed by the Secretary, provided the preference-right is asserted during a period of 90 days after such tract is offered for leases.[2]

(b) Preference-right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

(c) Leases where no preference-right applicant is involved.

§ 160.4 *Qualifications of applicants.* An applicant for a grazing lease is qualified if the applicant

(a) Is a citizen of the United States, or

(b) Has filed a declaration of intention to become a citizen: *Provided*, That an applicant who has filed such declaration but has not filed a petition for naturalization before a court of competent jurisdiction within seven years from the date of filing the declaration or, having filed such petition, has failed to attain citizenship within a reasonable time thereafter and is unable to show any satisfactory reason for such failure, shall be disqualified to receive a grazing lease or any renewal of an existing lease until he has actually attained citizenship, or

(c) Is a group, association, or corporation which is authorized to conduct business under the laws of the State in which the lands applied for are located and the controlling interest in which is vested in a citizen or citizens or persons who would be qualified as individual applicants under paragraphs (a) and (b) of this section.

§ 160.5 *Filing of applications; copies necessary.* Any application for a lease should be submitted on Form 4–721 and filed in any field office of the Bureau of Land Management in the State in which such lands are situated. If there is no field office in the State, the application should be filed with the Director, Bureau of Land Management, Washington 25, D. C. The application must be filed in triplicate, except where it embraces lands within the jurisdiction of more than one district land office, in which event it must be furnished in quadruplicate. The application must be signed by the applicant, but need not be under oath.[3]

§ 160.6 *No right conferred by application, prior to lease.* The filing of an application will not segregate the land applied for from application by other persons for a grazing lease or from other disposition under the public land laws. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for pending the issuance of a lease. Any such unauthorized use constitutes a trespass.

§ 160.7 *Protests.* Protests against the approval of an application for a lease should be filed in the same manner and number of copies as applications for a grazing lease, contain a complete disclosure of all facts upon which the protest is based, and describe the lands involved in such protest, and should be accompanied by evidence of service of a copy of the protest on the applicant. If the protestant desires to lease all or part of the land embraced in the application against which the protest is filed, the protest should also be accompanied by an application for a grazing lease.

§ 160.8 *Leases of withdrawn or reserved lands.* Leases may be issued for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,[4] if the use of the land for grazing is not inconsistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with the regulations, 43 CFR 295.7 (c). Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed by the Director of the Bureau of Land Management for the protection and use of the land for the purpose for which it was withdrawn or reserved.

§ 160.9 *Action on defective application or where the lands applied for are not subject to grazing leasing.* Upon the filing of any application, the officer receiving it may require any defects in the application to be cured or additional information to be provided. The signing officer may reject any application if the applicant fails to cure defects in the application within the time allowed, which period shall not be less than thirty days from the date of receipt of notice of such defects by the applicant. If the application must be rejected because of the status of the land for which application is made as where land is in an allowed entry, otherwise appropriated or reserved and not subject to lease under the act, or not public land, a manager, if his office has land status, or a signing officer shall reject the application.

§ 160.10 *Offer and issuance of lease; disposition of protests and conflicting applications.* The signing officer, after making provision for the area, term, rental, and allowance of forage for wildlife, and within the discretion of the signing officer, the number of livestock to be grazed, proper grazing season, or reservations for authorized trailing across the land, in the proposed lease, shall forward it, in quadruplicate, on Form 4–722a, to the applicant for execution. After execution, and within a period not less than fifteen days from the receipt of the proposed lease, the applicant will return the proposed lease, together with payment of the first years rental, computed under § 160.13, to the signing officer. If all is found to be regular, a lease will be issued by the signing officer after final action has been taken on any protests or conflicting applications which may have been filed.

Where it is determined that more than one applicant should receive a lease and a division of the lands is necessary, the conflicting applicants will be afforded an opportunity to agree to the division of such lands. If an acceptable adjustment cannot be made by the parties in interest, the matter will be determined by the signing officer in the light of all available information.

After the proposed lease has been transmitted to an applicant, and if such lease is executed by him, any conflicting grazing lease application filed subsequent to such transmission will be rejected as to any lands included in the proposed lease.

§ 160.11 *Reduction in leased area or number of stock to be grazed.* The leased area may be reduced if it is unreasonably excessive for the number of stock owned by the lessee, or if it is determined that such area is required for the protection of sources of water supply to communities, or for camping places, stock driveways, roads and trails, or town sites, or for feeding grounds near communities for the use of domestic livestock or near the slaughtering or shipping points for use of stock to be marketed or for other public purposes. The number of stock authorized to be grazed may also be reduced if it is determined that the leased area lacks sufficient forage to carry such authorized number of stock. In the case of any such reduction, a proportionate decrease will be made in the annual rental charges.

No request of any agency of the Federal Government for the withdrawal of land embraced in a grazing lease for governmental use under this section will be approved unless such agency shall agree to compensate the lessee for the loss suffered by the cancellation, or reduction in the area of the lease by an amount which such agency shall determine to be reasonable and proper.

§ 160.12 *Leased lands subject to classification and disposition; compensation to lessee for improvements and damages.* Lands embraced in a grazing lease are subject to classification, regardless of whether an application for classification of any such lands has been filed, and disposition under the provisions of sections 7 and 14 of the act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315f), or other public land laws: *Provided*, That before any application for such classification and disposition is allowed, evidence is furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed on the lands under the authority of the lease, and, in addition, for increased costs in the lessee's grazing operations during the unexpired term of the lease. In any event the amount allowed because of such increased operating costs shall not exceed an amount equal to three times the annual rental of the lands removed from his leasehold. If the interested parties are unable to reach such an agreement, the amount and time for payment shall be fixed by the signing officer. The failure of the applicant to pay the lessee in accordance with the agreement or the amount fixed by the signing officer, within the time allowed for payment, shall be just cause for cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application.

Where part of the lands embraced in a grazing lease are disposed of as provided by this section, the subsequent annual rental charges will be reduced proportionately to reflect the loss of the lands from the leasehold.

§ 160.13 *Rental.* The lessee shall pay, in accordance with the terms of the lease, an annual rental computed in conformity with the following rate tabulations, unless for sufficient reasons a different rate is authorized by the Director:

GRAZING RENTAL RATE TABULATION

Estimated grazing capacity in acres per animal unit month	Estimated grazing capacity in animal units year-long per section	Yearly lease rate per acre
107.00	0.5	$0.004
53.00	1.0	.002
38.00	1.5	.003
25.00	2.0	.004
20.00	2.5	.005
18.00	3.0	.006
16.00	3.5	.007
14.00	4.0	.008
12.00	4.5	.009
11.00	5.0	.010
10.00	6.0	.012
7.50	7.0	.014
6.50	8.0	.017
6.00	9.0	.019
5.50	10.0	.020
5.00	11.0	.022
4.50	12.0	.025
4.00	13.0	.027
3.75	14.0	.029
3.50	15.0	.030
3.25	16.0	.032
3.00	17.0	.035
2.75	19.0	.040
2.50	21.0	.045
2.25	24.0	.050
2.00	27.0	.055
1.75	30.0	.060
1.50	36.0	.075
1.25	43.0	.090
1.00	53.0	.110
0.50	107.0	.220
0.25	214.0	.440

One cow or one horse or five sheep or five goats constitute one animal unit. The rental charge will not in any case be fixed at less than $1 per annum. The rental may be adjusted to reflect differences in numbers of livestock authorized to be grazed, changes in carrying capacity, and changes in authorized rates of rental at the end of the third year of the lease and at the end of each three-year period thereafter.

§ 160.14 *Term of lease.* A lease may be issued for a period of not more than 10 years. Renewals may be for periods of not more than 10 years, upon such terms and conditions as may then be prescribed.

§ 160.15 *Filing of petitions for renewals.* A lessee who desires to renew a lease should file in triplicate approximately 90 days prior to the expiration of the lease a petition for its renewal on Form 4–725. The petition may include a request for the consolidation of other outstanding grazing leases held by the lessee. The filing of a petition for renewal does not confer on the lessee any preference right to a renewal. The timely filing of a petition will, however, authorize the exclusive grazing use of the lands by the lessee in accordance with the terms of the prior lease pending final action on the petition.

§ 160.16 *Construction and maintenance of improvements*—(a) *Permit required.* After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or construct other improvements for grazing or stock raising purposes, so long as such improvements do not impair the value of the lands or interfere with other uses, provided that a permit or cooperative agreement is obtained under the procedure set forth in this section. The lessee will be required to comply with the

[1] Where the lands applied for include the even-numbered sections within the limits of a railroad grant, even though in the aggregate such lands exceed 760 acres, each such section will be considered as an isolated or disconnected tract within the meaning of this provision. The difference between the higher preference right accorded under this paragraph and the preference accorded under succeeding paragraph (b) is that the applicant is not required to demonstrate that the public lands are necessary for the proper use of the contiguous or cornering lands, except where there are conflicting applications of the same class of applicants.

[2] By Departmental Notice of July 31, 1937, all vacant, unreserved and unappropriated public lands, exclusive of Alaska, not included in an established grazing district, were then offered for lease under section 15; all lands not then subject to lease under section 15 because of their appropriation or reservation, were offered for lease as of the date any such lands first became subject to lease.

[3] 18 U. S. C., sec. 80, makes it a crime for any person knowingly or willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

[4] Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of February 28, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with the principles of section 15 leases, under authority of subsection (1) of section 4, act of December 5, 1924 (43 Stat. 703, 43 U. S. C., sec 501).

provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of fences.

(b) *Applications for permits and cooperative agreements.* Applications for permits, cooperative agreements, or arrangements to construct and maintain range improvements shall set forth the location of such improvements by legal subdivision of the public land survey, the necessity, use, cost, and description of such improvements, item by item, shall designate the time and manner of their construction, the period of use, the method of operation, protection, repair, removal, or other disposition, and shall include any other pertinent information. When necessary to explain properly the improvements and matters connected therewith, the application shall be accompanied by a sketch of the improvements with specifications and a map showing the location of the improvements. Applications for a permit shall be made on Form 4–1115 and shall be filed in triplicate with the signing officer. Application for a cooperative agreement shall be made on Form 4–1119.

(c) *Action on the application.* Action will be taken on the application by the signing officer. If the application is approved, the signing officer will issue a permit or enter into a cooperative agreement for the construction and maintenance of the improvements which have been approved.

§ 160.17 *Removal of improvements.* Upon the expiration of a lease or its earlier termination, the signing officer may, in his discretion and upon a written petition filed by the lessee within 30 days from date of such expiration or termination, require a proposed subsequent lessee, prior to the execution of a new lease, to agree to compensate the lessee for any grazing improvements of a permanent nature that may have been placed upon the leased lands under authority of a section 15 lease executed prior to the effective date of those regulations, and, thereafter, under a permit issued under the said section. The amount of such compensation shall be determined in accordance with the procedure set forth in § 160.12. The failure of the subsequent lessee to pay the lessee in accordance with such agreement shall be just cause for cancellation of the subsequent lessee's lease.

The lessee will be allowed three months from the date of expiration or termination of the lease within which to remove such improvements as are not disposed of in the manner set forth above; if not removed or otherwise disposed of within the said period, such improvements shall become the property of the United States. No improvements may be removed at any time the lessee is in default with respect to the lease.

§ 160.18 *Cancellation of lease.* If the lessee shall fail to comply with any of the provisions of these regulations or of the lease, and such default shall continue for 60 days after service of written notice thereof, or if the lease was issued improperly through error with respect to a material fact or facts, the lease may be terminated and canceled by the signing officer.

§ 160.19 *Inspection of leased premises.* The land described in the lease shall be subject to inspection at all reasonable times by duly authorized representatives of the Department of the Interior. Other Federal agents, as well as game wardens, shall be permitted access to the lands in connection with necessary official business.

§ 160.20 *Assignment of lease; subleases of leased land not authorized.* Proposed assignments of a lease must be filed within 90 days after execution in the office of the signing officer and may be approved by the signing officer. The assignments must contain all of the terms and conditions agreed upon by the parties thereto; must be accompanied by the same showing by the assignee as is required of applicants for a lease; and must be supported by a showing that the assignee agrees to be bound by the provisions of the lease. No assignment will be recognized unless and until approved. Subleases are not authorized.

§ 160.21 *Leases pledged as security for lands.* (a) A lease may be pledged as security for a loan of $500 or more from a lending agency when the loan is made for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may ascertain from the signing officer the status of the grazing lease and other pertinent information concerning the lease.

(b) Upon request of the borrower-lessee, where such extension will be in accordance with applicable law and not contrary to the public interest, the lease may be extended for a period of ten years from the date of the loan subject to such terms and conditions as are then provided by the regulations in this part.

(c) In case the property of the lessee which was the basis for the granting of a preference right is acquired by the lending agency through foreclosure or otherwise, such agency or its tenants on the property, if qualified, or any person who purchases the property from such agency, if qualified, on application, shall be recognized in lieu of the lessee. If in making a sale the lending agency takes back a mortgage on the property, the agency shall be entitled to the same consideration as in the case of the original loan.

(d) Where a lending agency files in the office of the signing officer notice that it has made a loan and has accepted a grazing lease as security therefor, in conformity with the provisions of this section, such agency will be advised of any action taken affecting the lease.

§ 160.22 *Appeals; filing.* An appeal from any decision rendered pursuant to the regulations in this part may be taken to the Director and the Secretary, in accordance with the rules of practice (43 CFR, Part 221). The appeal should be filed with the officer who rendered the decision.

MARION CLAWSON,
Director.

Approved: November 4, 1948.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

[F. R. Doc. 48-9882; Filed, Nov. 10, 1948; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 525]

ALASKA

EXCLUDING CERTAIN TRACTS OF LAND FROM NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS HOMESITES OR BUSINESS SITES

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C. sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites or business sites, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, Washington, D. C., are hereby excluded from the national forest, as hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites or business sites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934, 48 Stat. 809 (U. S. C. title 48, sec. 461):

TONGASS NATIONAL FOREST

U. S. Survey No. 2402, lot 37, 0.83 acres; latitude 65°18'00" N., longitude 131°32'00" W. (Homesite No. 829, Mountain Point Group);

U. S. Survey No. 2403, lot 81, 1.27 acres; latitude 55°19'20" N., longitude 131°30'00" W. (Homesite No. 962, Herring Bay Group);

U. S. Survey No. 2451, lot 5, 4.56 acres; latitude 57°47'04" N., longitude 135 14'00" W. (Homesite No. 616, Tenakee Group);

T. 56 S., R. 68 E., Copper River Meridian,
Sec. 1, W½ lot 7;
Sec. 2, lot 7.
The tract as described contains 17.64 acres.

On the north side of Point Lena Road, 2.75 acres; latitude 58°23'00" N., longitude 134° 44'00" W. (Tract B of Homesite No. 968)

On the northeast shore of Lisianski Inlet, Chichagof Island, 2.01 acres; latitude 57°56' 00" N., longitude 136°15'00" W. (Homesite No. 972)

U. S. Survey 2554, lot M, 1.02 acres; latitude 55°28'00" N., longitude 131°47'00" W. (Homesite No. 720, Clover Pass Group)

On the south side of Windham Bay, 4.71 acres; latitude 57°33'40" N., 133°28'40" W. (Homesite No. 1019)

On Favorite Channel, between U. S. Surveys Nos. 2266 and 2388, Tract 1, 4.89 acres; latitude 58°24'40" N., longitude 134°45'45" W. (Homesite No. 537, Tee Harbor Group)

J. A. KRUG,
Secretary of the Interior.

NOVEMBER 4, 1948.

[F. R. Doc. 48-9881; Filed, Nov. 10, 1948; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

ORGANIZATIONAL AND EDITORIAL AMENDMENTS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of November 1948:

The Commission, having under consideration the necessity for amending Part 1, rules relating to organization and practice and procedure, of its rules and regulations, to reflect changes in internal procedures of the Commission relating to the processing and disposition of applications filed under section 214 of the Communications Act; and

It appearing, that such amendments are designed to improve the internal administration of the Commission and will serve the public interest, convenience, and necessity; and

It further appearing, that the proposed amendments to the rules and regulations are organizational or editorial in nature, and that publication of the notice of proposed rule making pursuant to section 4 (a) of the Administrative Procedure Act is not required; and

It further appearing, that authority for the proposed amendments is contained in section 4 (i) and section 5 (e) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, Part 1 of the Commission's rules and regulations, be, and it is hereby, amended, as set forth below.

(Secs. 4 (i), 5 (e), 48 Stat. 1066, 1068; 47 U. S. C. 154 (i) and 155 (e))

Adopted: November 3, 1948.

Released: November 5, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. In § 1.28, amend paragraph (a) to read as follows:

§ 1.28 *Aviation Division.* * * *

(a) Wiretelegraph Branch processes applications for the extension and supplementation of facilities used in interstate service; is responsible for the engineering aspects presented by applications for authority to discontinue, reduce or impair telegraph service and to acquire or consolidate telegraph properties; performs work required in the investigation of complaints regarding telegraph service and equipment, and handles field investigations relative thereto. Initiates and makes studies and investigations regarding all aspects of quality of telegraph service. Keeps abreast of technical developments in the industry. Prepares memoranda to the Commission concerning the industry and initiates rules and regulations as required. Furnishes expert testimony at hearings.

2. In § 1.28, amend paragraph (b) to read as follows:

(b) Wiretelephone Branch processes applications for the extension, supplementation, and discontinuance of facilities used in interstate service and is responsible for the engineering aspects presented by applications for the acquisition or consolidation of telephone properties; keeps informed and reports on all technical developments relative to the telephone industry; investigates and prepares reports relating to the operation of telephone lines, systems and associated equipment, including the transmission of FM and TV over wire and cables; investigates and prepares reports relating to telephone traffic, including speed of service, routing, capacities and operating methods; and investigates complaints relating to the furnishing of telephone communication service. Furnishes expert testimony at hearings.

3. In § 1.56, paragraph (a), following the words, "participates in recommending disposition of applications," delete the words "for extension of telephone lines or discontinuance of telephone service under section 214 of the Communications Act," and following the words "and for radiotelephone licenses;" add the words "is responsible for the rate and economic aspects and for Bureau coordination of Accounting aspects presented by applications for the extension, supplementation and discontinuance, reduction, or impairment of telephone service and for acquisitions or consolidations of telephone properties;".

4. In § 1.56, paragraph (b), following the words "telegraph traffic surveys;" insert the words "processes applications for authority to discontinue, reduce, or impair telegraph service and is responsible for the rate and economic aspects and for Bureau coordination of accounting aspects presented by applications for extension and supplementation of telegraph lines and for the acquisition or consolidation of telegraph properties;"; following the words "participates in recommending disposition of applications", delete the words, "for extension of telegraph lines or discontinuance of telegraph service under section 214 of the Communications Act,".

5. In § 1.75, paragraph (c), following the words, "relating to such services," delete the words, "reviews and makes recommendations with respect to", and insert in lieu thereof the words "is responsible for the legal aspects presented by".

6. In § 1.107, paragraph (b), amend subparagraph (1) to read as follows:

§ 1.107 *Delegation to Telegraph Committee.* * * *

(b) * * *

(1) All applications or requests under section 214 of Communications Act of 1934, as amended, for certificates or authorizations for the construction, acquisition, operation or extension of telegraph lines, for temporary or emergency telegraph service, for supplementing existing telegraph facilities, or for discontinuance, reduction or impairment of telegraph service, except those covered by §§ 1.142 (i) and 1.147 (a).

7. Add a new § 1.108 to read as follows:

§ 1.108 *Delegation to Telephone Committee.* (a) A Telephone Committee, composed of three Commissioners, designated as such by the Commission, will hear and determine, order, certify, report or otherwise act upon the matters set forth in paragraph (b) of this section;

(b) Except as otherwise ordered by the Commission, the Telephone Committee, or a majority thereof, shall act upon the following matters:

(1) All applications or requests under section 214 of the Communications Act of 1934, as amended, for certificates or authorizations for the construction, acquisition, operation or extension of telephone lines, for temporary or emergency telephone service, for supplementing existing telephone facilities, or for discontinuance, reduction or impairment of telephone service, except those covered by § 1.142 (i).

8. In § 1.142, add new paragraph (i) to read as follows:

§ 1.142 *Authority delegated to Secretary upon securing approval of Engineering Department.* * * *

(i) Applications or requests under section 214 of the Communications Act for a certificate authorizing the construction, acquisition, operation or extension of lines, or for an authorization of temporary or emergency service, or the supplementing of existing facilities, where the total expenditure involved is less than $250,000; all applications or requests for modification of a certificate or authorization issued under section 214 of the Communications Act where such amendment or modification involves a total expenditure of less than $250,000; and applications and requests for authority to discontinue, reduce or impair telephone service filed pursuant to the provisions of §§ 63.63, 63.65, and 63.66 of this chapter.

9. In § 1.145, delete paragraphs (d) and (e).

10. Redesignate § 1.147 as § 1.148; change the number "1.146" appearing therein before the words, "shall be recorded", to read, "1.147"; and add a new § 1.147 to read as follows:

§ 1.147 *Authority delegated to Secretary upon securing the approval of the Bureau of Accounting.* The Secretary, or in his absence, the Acting Secretary, is designated to act upon the following matters upon securing the approval of the Chief Accountant, or his nominee:

(a) Applications under section 214 of the Communications Act for an authorization for temporary or emergency closures or reduction of hours of telegraph offices, and for any closure, or reduction of hours of a telegraph office at a military establishment, for closure of railroad-operated agency offices and for closure of company-operated main offices where substitute service is to be provided by a telephone or teleprinter operated agency office in the same community in those cases where applicable Commission policy has been established; and informal requests for authority to discontinue, reduce, or impair telegraph service filed pursuant to the provisions of §§ 63.63, 63.64, 63.66–63.68 of this chapter.

11. In § 1.525, amend the second and third sentences of paragraph (a) to read as follows: "In accordance with the delegation of authority provided for in §§ 1.107, 1.108 and 1.142, the Telegraph Committee, the Telephone Committee, and the Secretary, respectively, take final action on these matters. In other cases, final action is taken by the Commission. Recommendations on these applications are made by the Bureau of Engineering,

or by the Bureaus of Engineering, Accounting and Law."

12. In § 1.525, paragraph (b), change "Secretary of War" to read "Secretary of the Army".

13. In § 1.526, amend the third and fourth sentences of paragraph (a) to read as follows: "In accordance with the delegation of authority provided for in §§ 1.107, 1.108, 1.142 and 1.147, the Telegraph Committee, the Telephone Committee, and the Secretary, respectively, take final action on these matters. In other cases, final action is taken by the Commission. Recommendations on these applications are made by the Bureau of Accounting where telegraph service is involved, by the Bureau of Engineering where telephone service is involved, or by the Bureaus of Accounting, Engineering and Law."

14. In § 1.526, paragraph (b), change "Secretary of War" to read "Secretary of the Army" in the first and third sentences of the paragraph.

[F. R. Doc. 48-9902; Filed, Nov. 10, 1948; 8:46 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 1635]

LOAN ANNOUNCEMENT

NOVEMBER 1, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 50G Lyon	$400,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-9910; Filed, Nov. 10, 1948; 8:48 a. m.]

[Administrative Order 1636]

LOAN ANNOUNCEMENT

NOVEMBER 1, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 25B Luna	$150,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-9911; Filed, Nov. 10, 1948; 8:48 a. m.]

[Administrative Order 1637]

LOAN ANNOUNCEMENT

NOVEMBER 2, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Maine 12F Washington	$105,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-9912; Filed, Nov. 10, 1948; 8:48 a. m.]

[Administrative Order 1638]

LOAN ANNOUNCEMENT

NOVEMBER 2, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 33M Hendricks	$320,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-9913; Filed, Nov. 10, 1948; 8:48 a. m.]

[Administrative Order 1639]

LOAN ANNOUNCEMENT

NOVEMBER 2, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 13R Brown	$128,000

[SEAL] CLANDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-9914; Filed, Nov. 10, 1948; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 2704, 2705]

CAPITAL AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Capital Airlines, Inc., under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for an amendment of its certificate for route No. 14 so as to authorize scheduled transportation of mail to Flint, Mich.; to serve Saginaw-Bay City, Mich., as an intermediate point; and to reword the certificate to provide nonstop service between Chicago, Ill., and Lansing, Flint, and Saginaw-Bay City, Mich.; and to amend its certificate for route No. 41 so as to remove the restriction which limits operations between Traverse City and Grand Rapids, Mich., to the period from May 1 to October 31 of each year; and to reword and amend the certificate for route No. 41 to include other points presently served by applicant so as to provide a more flexible service on this route.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above entitled proceeding is assigned for hearing on Monday, November 15, 1948, at 10:00 a. m. (eastern standard time), in Room 1011, Temporary Building No. 5, 16th Street and Constitution Ave., N. W., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the parties to this proceeding, particular attention will be directed to the following matters and questions:

1. Whether the proposed service is required by the public convenience and necessity.

2. Whether the applicant is a citizen of the United States and is fit, willing, and able to perform the service for which it is applying and to conform to the provisions of the act and the rules, regulations, and requirements of the Board promulgated thereunder.

Notice is further given that any person desiring to be heard in opposition to the above application must file with the Board on or before November 15, 1948, a statement setting forth the issues of fact or law which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., November 8, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-9901; Filed, Nov. 10, 1948; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6863, 8063]

VALDOSTA BROADCASTING CO., AND OKEFENOKEE BROADCASTING CO.

ORDER CONTINUING ORAL ARGUMENT

In re applications of Valdosta Broadcasting Company, Valdosta, Georgia, Docket No. 6863, File No. BP-4106; E. K. Avriett, Sr., E. K. Avriett, Jr., Ann Avriett, Frank E. Walker, Denver T. Brannen and Theodore Dinkins, d/b as Okefenokee Broadcasting Company, Waycross, Georgia, Docket No. 8063, File No. BP-5513; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of November 1948;

The commission having under consideration a request from Valdosta Broadcasting Company for a continuance of the oral argument in the above-entitled proceeding now scheduled for November 15, 1948; and

It appearing, that counsel for Valdosta Broadcasting Company will be unable to attend oral argument on that date and that this request should, therefore, be granted;

It is ordered, That the oral argument in the above-entitled proceeding be, and it is hereby, continued until December 6, 1948.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-9907; Filed, Nov. 10, 1948; 8:47 a. m.]

[Docket No. 9188]

MACKAY RADIO AND TELEGRAPH CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of application of Mackay Radio and Telegraph Company, Inc. for construction permit for additional transmitters. Docket No. 9188, File No. 890-C4-P-D.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 3d day of November 1948;

The Commission, having under consideration a formal application filed by Mackay Radio and Telegraph Company, Inc., on July 19, 1948 (File No. 890-C4-P-D), as modified by a formal application filed July 27, 1948, and by letter dated October 18, 1948, for a construction permit to install four additional transmitters (Serial Nos. 4808, 4809, 4811, 4812) at its Brentwood, New York, fixed public point-to-point telegraph station; and having also under consideration the Commission's letter to Mackay Radio and Telegraph Company, Inc., dated August 18, 1948, requesting additional information as to the need for the above transmitters, and the reply thereto dated October 18, 1948; and a telegram from Mackay Radio and Telegraph Company, Inc., filed October 20, 1948, requesting telegraphic approval of the above transmitters for the stated reason that the transmitters were "urgently needed for present services";

It appearing, that the above application for a construction permit, as modified, was granted by the Secretary of the Commission on October 22, 1948, pursuant to authority delegated by § 1.145 (f) of the Commission's rules and regulations;

It further appearing, that, operation of the transmitter bearing Serial No. 4808 commenced on October 1, 1948, and that operation of the transmitter bearing Serial No. 4811 commenced on October 13, 1948, which dates were prior to the above grant of the construction permit therefor;

It further appearing, that operation of the transmitters bearing Serial Nos. 4808 and 4811, was conducted without a license therefor, in violation of Section 301 of the Communications Act of 1934, as amended, and in derogation of the public interest intended to be protected thereby;

It is ordered, On the Commission's own motion, on reconsideration, pursuant to §§ 1.102 (b) and 1.726 (c) of the Commission's rules and regulations, that so much of the above construction permit (File No. 890-C4-P-D) granted to Mackay Radio and Telegraph Company, Inc. on October 22, 1948, as pertains to the transmitters bearing Serial Nos. 4808 and 4811, is set aside;

It is further ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that the subject application, as modified, insofar as it pertains to the transmitters bearing Serial Nos. 408 and 4811, is designated for hearing, for the following reasons:

1. To determine all the facts and circumstances in connection with the subject application, and the installation and operation of the above two transmitters without prior authorization therefor from the Commission.

2. To determine in the light of all the facts and circumstances, and in view of the provisions of section 319 of the Communications Act of 1934, as amended, whether public interest, convenience, or necessity would be served by a grant of the subject application.

It is further ordered, That the hearing herein shall be held at the offices of the Commission at Washington, D. C., beginning at 10:00 a. m. on the 29th day of November 1948.

It is further ordered, That J. Fred Johnson, Jr. is assigned to preside at the hearing herein.

Notice is hereby given that § 1.857 of the Commission's rules and regulations is not applicable to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-9906; Filed, Nov. 10, 1948; 8:47 a. m.]

CUBAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 13, 1948.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Cuban broadcast stations modifying appendix containing assignments of Cuban broadcast stations (Mimeograph 47983) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 31, 1941, Cuban Change List Number 45.

CUBA

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
CMKA	La Maya, Oriente	250 w	(1250 kilocycles (cancel notification in change list No. 43).	II	March 1949.
CMKT	do		1520 kilocycles (U)		

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-9904; Filed, Nov. 10, 1948; 8:47 a. m.]

CUBAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 15, 1948.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Cuban broadcast stations modifying appendix containing assignments of Cuban broadcast stations (Mimeograph 47983) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 31, 1941, Cuban Change List Number 46.

CUBA

Call letters	Location	Power	Time designation	Class	Probable date to commence operation
CMKA	Guantanamo, Oriente	250 w	1250 kilocycles (U)	IV	March 1949.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-9903; Filed, Nov. 10, 1948; 8:46 a. m.]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 18, 1948.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian broadcast stations modifying appendix containing assignments of Canadian broadcast stations (Mimeograph 47214–3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941, Canadian Change List No. 45.

CANADA

Call Letters	Location	Power	Radiation	Class	Probable date to commence operation
CKEY	Toronto, Ontario	580 kilocycles, 1 kw.; 5 kw.-LS.	DA-2	III-B	Feb. 1, 1949.
CHFA	Edmonton, Alberta	680 kilocycles (assignment of call letters).			
CKAC	Montreal, Quebec	730 kilocycles, 50 kw	DA-1	II	Now in operation with 10 kw. day 5 kw. night non-DA.
CKOK	Penticton, B. C. (present operation: 1550 kc).	800 kilocycles, 250 w		II	Feb. 1, 1949.
CKLW	Windsor, Ontario	50 kw	DA-2	II	Do.
CKYK	Yellowknife, Northwest Territory.	810 kilocycles (assignment of call letters).			
CJBC	Toronto, Ontario	860 kilocycles, 50 kw		I-A	Now in operation.
CBW	Winnipeg, Manitoba	990 kilocycles, 50 kw		I-A	Do.
CFRB	Toronto, Ontario	1010 kilocycles: 50 kw	DA-2	II	Do.
CBX	Lacombe, Alberta	50 kw	DA-1	I-A	Do.
CKY	Winnipeg, Manitoba	1050 kilocycles (dielectric assignment)		IV	Feb. 1, 1949.
New	Hay River, Northwest Territory.	1230 kilocycles, 100 w			
CKBL	Matane, Quebec	1250 kilocycles, 1 kw	DA-1	III-B	Now in operation.
CKEN	Kentville, N. S.	1490 kilocycles, (assignment of call letters).		IV	Do.
CKEN	do	250 w		I-B	
New	Windsor, Ontario	1550 kilocycles, 10 kw	DA-1	I-A	Do.
CBJ	Chicoutimi, P. Q.	1580 kilocycles, 10 kw	DA-1		

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9905; Filed, Nov. 10, 1948; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6176]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

NOVEMBER 4, 1948.

Notice is hereby given that on November 4, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Community Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Kentucky, Louisiana, New Mexico and Texas with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of $1,500,000 principal amount of promissory notes to be dated during 1948 or during the first four months of 1949 representing short term loans obtained or to be obtained from banking institutions, bearing interest at the rate of 2½% per annum. Two promissory notes of $300,000 each will be issued to the Fort Worth National Bank of Fort Worth, Texas, and the First National Bank of Fort Worth, Texas, to renew outstanding notes which will mature on January 11, 1949, and February 4, 1949, respectively, and $900,000 of promissory notes will be issued and dated at such time or times as short term bank loans are made on or before April 30, 1949; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 20th day of November 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9880; Filed, Nov. 10, 1948; 8:46 a. m.]

FOREIGN-TRADE ZONES BOARD

[Public Notice 7]

APPLICATION FOR GRANT TO ESTABLISH, OPERATE AND MAINTAIN FOREIGN-TRADE ZONE AT SEATTLE, WASH.

NOTICE OF HEARING

NOVEMBER 2, 1948.

Pursuant to the provisions of the act of June 18, 1934 (48 Stat. 998–1003; 19 USC 81a–81u), and the regulations governing the establishment, operation, maintenance and administration of foreign-trade zones in the United States, promulgated in pursuance of said act, a public hearing will be held by an Examiners' Committee, beginning at 10:00 a. m., Pacific Standard Time, on December 3, 1948, in the Customs Court, Room 117, Federal Office Building, 909 First Avenue, Seattle, Washington.

The subject of the hearing is an application by the Port of Seattle Commission for a grant to establish, operate and maintain a foreign-trade zone at Seattle, Washington. General plans showing the location of the project, may be examined at the office of the Examiners' Committee, 809 Federal Office Building, 909 First Avenue, Seattle, Washington, or at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 2036 Commerce Building, Washington, D. C. In brief, these plans contemplate the utilization of a portion of East Waterway Terminal of the Port of Seattle Commission, located on the west margin of East Waterway, an opening of Duwamish River into Elliott Bay, said portion being designated Unit No. 1, having a wharf frontage of 1,500 feet, the initial zone area comprising some 100,000 square feet, of which 68,000 will be covered by Shed #4, Warehouse #3 and an office building. The application states that an additional 126,700 square feet have been allotted for future expansion.

This public hearing is solely for the purpose of obtaining in the most direct manner the facts useful to the Foreign-Trade Zones Board. The immediate concern of the Examiners' Committee is to determine whether or not the facilities and appurtenances which it is proposed to provide are sufficient. Particular attention is called to the fact that the instant application is the only one to be considered at this time. The question of its suitability is up for discussion, not the suitability of some other zone site.

All interested parties are invited to be present or represented at the hearing; particularly those who may be affected by the proposed grant. An opportunity to be heard (either in person or by duly appointed representatives; either by appearance or by sending a written or telegraphic statement) will be given to persons or groups who have manifested their interest in this application by complying with the following simple requirements:

1. A written or telegraphic request for an opportunity to be heard shall be filed before noon on November 29, 1948, at the office of the Examiners' Committee, Room 809 Federal Office Building, 909 First Avenue, Seattle, Washington, or at the office of the Executive Secretary of the Foreign-Trade Zones Board, Room 2036, Commerce Building, Washington, D. C., and shall indicate the number of witnesses, the general character of evidence and the approximate amount of time required.

2. Such request shall include (a) the name of any persons seeking to speak at the hearing, and (b) the persons or groups he represents.

In the discretion of the Examiners' Committee, persons who have not complied with the foregoing may be permitted, at any time prior to the closing of the hearing, to file written statements in quadruplicate regarding the application under consideration. Such written statements should be condensed as much as possible.

Representation of interested parties by attorneys or others is permissible, but is not to be regarded as necessary. For accuracy of record, and for file with the report and recommendations of the Examiners' Committee, all important facts and arguments should be submitted in writing, as these, together with the record, will be forwarded for consideration by the Foreign-Trade Zones Board in Washington.

You are requested to communicate the foregoing to any persons known by you to be interested in the matter who, not being known to this committee, do not receive a copy of this notice.

GEORGE L. BELL,
Chairman Ex Officio, Associate Director, Office of International Trade, Department of Commerce.
THOMAS E. LYONS,
Examiner, Department of Commerce.
HOWARD MACGOWAN,
Collector of Customs, Seattle, Wash.
L. H. HEWITT,
Colonel, Corps of Engineers, District Engineer, Seattle, Wash.

[F. R. Doc. 48-9887; Filed, Nov. 10, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-523, 31-524, 54-106, 54-107, 59-52]

BUFFALO, NIAGARA AND EASTERN POWER CORP. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of November 1948.

In the matters of Buffalo, Niagara and Eastern Power Corporation, File Nos. 54–106; 31–524; Niagara Hudson Power Corporation, File Nos. 54–107; 31–523; Niagara Hudson Power Corporation and its subsidiary companies; Respondents. File No. 59–52.

The Commission by order dated October 4, 1945, having approved a plan of reorganization and consolidation of Buffalo, Niagara and Eastern Power Corporation and certain of its subsidiaries, which plan provided, among other things, for the disposition by Niagara Hudson Power Corporation ("Niagara Hudson"), within one year from November 1, 1945, of all of its interest, direct or indirect, in Buffalo Niagara Electric Corporation, unless such time is extended or the disposition requirements of the order modified or altered; and

Niagara Hudson having filed an application requesting a six-months extension from November 1, 1948, to May 1, 1949, of the time within which Niagara Hudson must dispose of all of its interest, direct or indirect, in Buffalo Niagara Electric Corporation and the subsidiaries thereof as provided by the said plan (the time for compliance with the said order of October 4, 1945, having been subsequently extended by Commission orders dated October 28, 1946, April 22, 1947, October 24, 1947 and May 20, 1948); and

Notice of filing of said request having been duly given and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice of filing, or otherwise, and the Commission not having ordered a hearing thereon; and

It appearing to the Commission, upon the basis of the reasons advanced and representations made by Niagara Hudson, that it is appropriate in the public interest and in the interest of investors and consumers to grant said request:

It is ordered, That Niagara Hudson Power Corporation's request for a six-months extension from November 1, 1948, to May 1, 1949, of the time within which it must dispose of all of its interest, direct or indirect, in Buffalo Niagara Electric Corporation and the subsidiaries thereof, be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9884; Filed, Nov. 10, 1948; 8:46 a. m.]

[File No. 70-1924]

SOUTHWESTERN GAS AND ELECTRIC CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of November A. D. 1948.

In the matter of Southwestern Gas and Electric Company, Arkansas Power & Light Company, the Arklahoma Corporation. File No. 70–1924.

Southwestern Gas and Electric Company ("Southwestern"), a subsidiary of Central and South West Corporation, a registered holding company, and Arkansas Power and Light Company ("Arkansas"), a subsidiary of Electric Power and Light Corporation, a registered holding company, and The Arklahoma Corporation ("Arklahoma"), an affiliate of Southwestern and Arkansas, have jointly filed an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

Arklahoma proposes to sell certain utility equipment, designated as nine capacitors, for a cash consideration of $17,000 each or a total of $153,000; and Arkansas proposes to acquire six of the said capacitors at an aggregate purchase price of $102,000, and Southwestern proposes to acquire three of the said capacitors at a total price of $51,000. It is stated that the gross proceeds from the proposed sale, amounting to $153,000, will be applied toward the retirement of the outstanding First Mortgage Bonds or Arklahoma or for acquisition of the property in the nature of renewals, replacements or additions which may be required for the proper operation of Arklahoma's facilities.

The application-declaration represents that no State commission has jurisdiction over the proposed transactions.

The application-declaration having been filed on August 16, 1948, and an amendment thereto having been filed on October 26, 1948, and notice of such filing having been given in the form and manner prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for hearing with respect to the application-declaration, as amended, within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration that the requirements of the applicable provisions of the act and the Rules thereunder are satisfied and that it is not necessary to impose any terms or conditions, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective, without, however, affecting the jurisdiction of other appropriate regulatory authorities with respect to accounting entries in connection with the proposed transactions, and deeming it appropriate to grant the request of applicants-declarants that the order become effective forthwith upon issuance:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9883; Filed, Nov. 10, 1948; 8:46 a. m.]

[File No. 70-1942]

BROCKTON EDISON CO. AND EASTERN UTILITIES ASSOCIATES

MEMORANDUM OPINION AND ORDER GRANTING APPLICATION-DECLARATION AND PERMITTING IT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of November A. D. 1948.

Brockton Edison Company ("Brockton"), a public utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, and EUA, have filed an application-declaration pursuant to sections 6 (b) and 12 of the Public Utility Holding Company Act of 1935, with respect to the proposed issue and sale by Brockton of $4,000,000 principal amount of First Mortgage and Collateral Trust Bonds, --% Series due 1978. The sale is to be made pursuant to competitive bidding, and the interest rate and the price of the bonds will be determined by such bidding. The net proceeds from the sale are to be used to retire $2,625,000 principal amount of promissory notes of Brockton presently outstanding and to obtain funds for that company's construction requirements. The bonds are to be secured by an Indenture of First Mortgage and Deed of Trust to State Street Trust Company, as trustee, mortgaging and pledging all the assets of Brockton (with certain specified excep-

tions), including its investment in the stock of Montaup Electric Company ("Montaup"), a subsidiary company of Brockton and EUA.

The application-declaration also states that the proposed issue and sale of bonds are subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts, the State in which Brockton is organized and doing business, and that that Department has expressly authorized such proposed issue and sale.

We issued a notice of filing of the application-declaration, which notice stated that any interested person might request a hearing on the matter. Such a request was made by counsel for Roger W. Babson, the owner of 32,850 shares of convertible stock of EUA, who contended, among other things, that the pledge of the Montaup stock would interfere with compliance with section 11 (b) of the act. We heard oral argument on Babson's request for a hearing. After consideration, we ordered that a public hearing be held solely with respect to the issue whether, in the light of the requirements of section 11 of the act, it is appropriate in the public interest and for the protection of investors and consumers that Brockton's holdings of Montaup should be pledged as partial security for the proposed bond issue.

After appropriate notice, a public hearing was held at which Brockton and EUA appeared in support of the application-declaration. No one appeared in opposition,[1] and no proposed findings or briefs have been filed, nor has oral argument been requested. Our findings are based on an independent review of the record.

Description of the companies. Brockton, a Massachusetts corporation, is a public utility operating company engaged in the electric light and power business in certain communities in southeastern Massachusetts. As indicated above, it is a part of the holding company system of EUA, which owns 97.4% of the outstanding capital stock of Brockton. EUA also owns 86.3% of the outstanding capital stock of Blackstone Valley Gas and Electric Company ("Blackstone"), and 36.9% of the common stock of Fall River Electric Light Company ("Fall River"), both of which companies are operating electric utility companies.[2]

Montaup was organized for the limited purpose of furnishing electric energy to its owner companies, Brockton, Fall River and Blackstone. Its agreement with those companies provides in general for a financing and pooling arrangement to supply additional generating capacity for the three owner companies, which serve neighboring areas in Massachusetts and Rhode Island, and to coordinate the operations of all generating facilities of the four companies as a single unified system.

[1] By letter dated October 18, 1948, counsel for Babson informed the Commission that his client had decided it was not advisable for him to participate in the hearing.

[2] Fall River is also a member of the holding company system of New England Electric system, a nonaffiliated holding company.

Montaup has outstanding 15,000 shares of preferred stock and 133,979 shares of common stock, all of which is owned by the three owner companies. Each owner company holds 5,000 shares of preferred stock; the common stock holdings vary with each company's investment, which is based upon the estimated maximum demand for power from Montaup. Brockton owns 25,897 shares of common stock of Montaup, which, together with its preferred stock, give it 33.23% of the stock entitled to vote and 23.42% of the investment in Montaup. Blackstone and Fall River hold 33.44% and 33.33%, respectively, of the stock entitled to vote. Since the by-laws of Montaup provide that no action may be taken by stockholders without the affirmative vote of 70% of the stock entitled to vote, for all practical purposes no action may be taken by Montaup's stockholders unless all three companies are in agreement.

The record shows that Brockton's generating capacity is only approximately half of its peak load demand. Brockton is therefore dependent upon Montaup as its principal source of power. Brockton's volume of business has been on the uptrend in recent years and it is expected to continue so in the near future. There is accordingly no prospect that Brockton's need for power from Montaup will decrease in the foreseeable future.

The Montaup electric system (the generating and transmission facilities of Montaup, Brockton, Blackstone and Fall River) is located in the adjoining states of Massachusetts and Rhode Island. The facilities of all four companies are interconnected by high tension transmission lines. All of the three owner companies are dependent on Montaup as a source of power.

In March 1947, the Commission initiated proceedings pursuant to sections 11 (b) (1) and 11 (b) (2) with respect to EUA, Brockton, Blackstone, Fall River and Montaup.[3] Hearings in connection with these proceedings have been closed but no order has, as yet, been issued.

Purpose of the bond issue. At present, Brockton's debt is in the form of bank notes in the principal amount of $2,625,000. These notes have maturity dates through 1955. Brockton has stated that it is possible that additional money could be borrowed from banks and that the existing bank loans could be renewed on favorable terms. Such financing would be only temporary, however, and would have to be replaced eventually by permanent financing through the issue and sale of bonds or stock. Further, Brockton feels that present interest rates on long term bonds are favorable and wishes by the proposed bond issue to eliminate the risk attendant upon deferring permanent financing to a later date when rates may be higher.

Brockton has made and proposes to make construction expenditures during the period January 1, 1948 to December 31, 1950 totalling approximately $2,873,000. Approximately $500,000 of this total had been spent by July 31, 1948. Brockton expects to obtain the funds for its construction program as follows:

(a) Funds already obtained from the bank notes to be retired	$525,000
(b) Net proceeds of the sale of new bonds after retiring outstanding bank notes	1,338,000
(c) Anticipated retirement reserve accruals and appropriations from net income from operations during 1948-1950	810,000
(d) Anticipated bank borrowings in 1950	200,000

At the hearing testimony was presented on behalf of the company that it was important and desirable that the Montaup stock be included in the security for the proposed issue of bonds. It was stated that it is customary in financing of the kind now proposed to pledge as security substantially all of the physical assets of the borrowing company. The Montaup stock was described as an investment in the principal generating facilities utilized by Brockton in its business, which in effect represents Brockton's principal generating plant. It was asserted that, because of this situation, the pledge of the Montaup stock is as essential to the security of the bonds as is the mortgage of Brockton's own physical property. It was testified that such pledge would improve the amount and quality of the security and would enable the company to sell the bonds at a rate of interest of from ¾% to 1% lower than would have to be paid were the Montaup stock not pledged as partial security.

Exemption under section 6 (b). The third sentence of section 6 (b) of the act provides in part as follows:

> • • • The Commission by rules and regulations or order, subject to such terms and conditions as it deems appropriate in the public interest or for the protection of investors or consumers, shall exempt from the provisions of subsection (a) the issue or sale of any security by any subsidiary company of a registered holding company, if the issue and sale of such security are solely for the purpose of financing the business of such subsidiary company and have been expressly authorized by the State commission of the State in which such subsidiary company is organized and doing business, • • •

The proposed issue and sale of bonds are solely for the purpose of financing the business of Brockton and have been authorized by the State Commission of the State in which Brockton is organized and doing business. The issue and sale of such bonds therefore should be granted exemption, pursuant to section 6 (b) of the act, from the provisions of sections 6 (a) and 7. The only question is whether it is necessary in granting the exemption to impose any terms and conditions.

We have held that we have power to impose terms and conditions, in connection with an exemption under section 6 (b), where they are necessary to avoid a material variance from the basic standards and policies of the act.[4] However, the record contains no showing that any such terms and conditions are necessary in this case. There is no evidence in support of the contention made in connection with the request for a hearing that the pledge of the Montaup stock would interfere with the achievement of the objectives of section 11 (b). On the other hand, the applicants-declarants submitted evidence in support of their proposal and justifying the pledge of the Montaup stock. Counsel for the Division of Public Utilities also took an active part in cross-examination of the witnesses for the applicants-declarants and a full record on the specified issue was made.

[3] Eastern Utilities Associates and Its Subsidiary Companies, — S. E. C. — (1947), Holding Company Act Release No. 7303.

[4] Public Service Company of Indiana, Inc., — S. E. C. — (1947), Holding Company Act Release No. 7554.

We find that the proposed bond issue, including the proposal to pledge the Montaup stock as partial security for the bonds, is not inconsistent with the basic standards and policies of the act. We do not believe that the pledge of the Montaup stock will create any substantial obstacle to compliance with any order or orders which might be issued under section 11 (b).[5] Furthermore, we note that the proposed Indenture of First Mortgage and Deed of Trust under which the bonds will be issued contains specific provisions permitting the release of the Montaup stock, upon compliance with certain conditions, in the event that it becomes necessary to release that stock from the pledge in furtherance of the section 11 (b) proceedings.

After due consideration, we find that it is not necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions with respect to the proposed transactions, except to the extent indicated below.

Other matters. We deem it appropriate to grant the request of the applicants-declarants that the order herein be effective forthwith, and we shall so provide.

Brockton also requested that the ten-day notice period for inviting bids for the purchase of its bonds, as provided in Rule U-50 (b), be shortened so that the bids may be opened on November 9, 1948. Under the circumstances of this case, we conclude that we may appropriately grant the company's request by permitting the notice period for inviting bids to be shortened to not less than six days.

Since the record has not been completed with respect to the fees and expenses to be paid in connection with the proposed issuance and sale of these bonds, we reserve jurisdiction with respect to such fees and expenses.

The sale of the bonds may not be consummated by Brockton until the results of the competitive bidding pursuant to Rule U-50 have been made a part of the record herein and a further order shall have been issued by us, and we reserve jurisdiction to impose such conditions and terms as may then be deemed appropriate in the light of the record so made.

Accordingly, it is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration be and hereby is granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the following additional conditions:

1. The proposed sale of bonds of Brockton shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission on the basis of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

2. Jurisdiction is reserved with respect to all fees and expenses to be paid in connection with the proposed transactions.

It is further ordered, That the ten-day period for inviting bids on the proposed bonds as prescribed in Rule U-50 (b) be and hereby is shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9885; Filed, Nov. 10, 1948; 8:46 a. m.]

[5] Since the proceedings under section 11 (b) (1) and (2) are still pending, we do not in any way express any opinion as to what orders, if any, might be issued in connection with those proceedings, nor do we in any way limit the action which we may take on the basis of the record made in those proceedings.

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14 1946, 11 F. R. 11981.

[Vesting Order 12198]

SCHILLING ESTATE CO. AND GRETCHEN KOTZENBERG

In re: Annuity under agreement of Schilling Estate Company, a Corporation, payable to Gretchen Kotzenberg. File No. F-28-11710-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gretchen Kotzenberg, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those certain debts or other obligations, matured or unmatured, owing to Gretchen Kotzenberg by Schilling Estate Company, 225 Bush Street, San Francisco, California, including particularly but not limited to those debts or other obligations payable to said Gretchen Kotzenberg by said Schilling Estate Company pursuant to its resolution of March 6, 1934 whereby the sum of $900.00 per year is payable to said Gretchen Kotzenberg for life,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

(3) That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-9894; Filed, Nov. 10, 1948; 8:46 a. m.]

[Vesting Order 12202]

SCHILLING ESTATE CO. AND BERTHA RENGERT

In re: Annuity under agreement of Schilling Estate Company, a Corporation, payable to Bertha Rengert. File No. F-28-13327-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Rengert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those certain debts or other obligations, matured or unmatured, owing to Bertha Rengert by Schilling Estate Company, 225 Bush Street, San Francisco, California, including particularly but not limited to those debts or other obligations payable to said Bertha Rengert by said Schilling Estate Company pursuant to its resolution of February 2, 1937 whereby the sum of $504 per year is payable to said Bertha Rengert for life,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9895; Filed, Nov. 10, 1948; 8:46 a. m.]

[Vesting Order 12254]

MINA FUCHS AND ELIZABETH FUCHS

In re: Debt owing to Mina Fuchs and Elizabeth Fuchs, also known as Elisabeth Fuchs. F-28-29148-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Fuchs, also known as Elisabeth Fuchs, whose last known address is French Zone, Germany, and Mina Fuchs, whose last known address is American Zone, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the First National Bank, New Rochelle, New York, payable to Elizabeth Fuchs and Mina Fuchs, dated December 23, 1942, numbered P-902,601 in the amount of $48.79 representing the third (final) dividend on Claim No. 2793 against the insolvent National City Bank of New Rochelle, New Rochelle, New York, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9896; Filed, Nov. 10, 1948; 8:46 a. m.]

[Vesting Order 12256]

PAUL JANSCH

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Paul Jansch, deceased. F-28-29190-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Paul Jansch, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Twenty-five (25) shares of $1 par value common capital stock of Remington Arms Company, Incorporated, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C-12052, registered in the name of Paul Jansch, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Paul Jansch, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Paul Jansch, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9897; Filed, Nov. 10, 1948; 8:46 a. m.]

[Vesting Order 12262]

SHIGERU AND YATSUKA MIYAKODA

In re: Bank accounts and cash owned by Shigeru Miyakoda, also known as S. Miyakoda, and Yatsuka Miyakoda, also known as Y. Miyakoda. D-39-8289-E-3, D-39-8289-E-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeru Miyakoda, also known as S. Miyakoda, and Yatsuka Miyakoda, also known as Y. Miyakoda, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Shigeru Miyakoda, also known as S. Miyakoda, by California Bank, 625 South Spring Street, Los Angeles, California, arising out of a savings account, account number 5410, entitled S. Miyakoda, maintained at the branch office of the aforesaid bank located at 1401 Third Street, Santa Monica, California, and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation owing to Yatsuka Miyakoda, also known as Y. Miyakoda, by California Bank, 625 South Spring Street, Los Angeles, California, arising out of a savings account, account number 15042, entitled Y. Miyakoda, maintained at the branch office of the aforesaid bank located at 1401 Third Street, Santa Monica, California, and any and all rights to demand, enforce and collect the same, and

c. Cash in the amount of $195.00, presently in the possession of the Treasury Department of the United States, in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9898; Filed, Nov. 10, 1948; 8:46 a. m.]

[Vesting Order 12267]

REV. KARL THIELE AND ELIZABETH THIELE

In re: Debt owing to Rev. Karl Thiele and Elizabeth Thiele. F-28-12415-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rev. Karl Thiele and Elizabeth Thiele, whose last known address is Schotmar-i/Lippe, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Rev. Karl Thiele and Elizabeth Thiele by the Sheboygan Savings and Loan Association, Sheboygan, Wisconsin, in the amount of $2,015.57, as of December 31, 1945, representing

twenty (20) installment stock savings shares, evidenced by certificates numbered 19240 and 20244 for five shares each and certificate numbered 1429 for 10 shares, registered in the names of Rev. Karl Thiele and Elizabeth Thiele, his wife (or to the survivor of them), Schotmar-i/Lippe, Germany, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said certificates,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9899; Filed, Nov. 10, 1948; 8:46 a. m.]

[Vesting Order 12272]

HEINZ WENZEL

In re: Bond owned by Heinz Wenzel. F-28-7925-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Wenzel, whose last known address is Preusenhagen #3, Lauenburg, Pom., Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) Missouri Pacific Railway Company 5% First Refunding Mortgage Gold Bond, of $1000 face value, bearing the number M51714, presently in the custody of First National Bank of Houston, P. O. Box 2519, Houston 1, Texas, in a safekeeping account, account No. 7436, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9900; Filed, Nov. 10, 1948; 8:46 a. m.]

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FEDERAL REGISTER

VOLUME 13 NUMBER 222

Washington, Saturday, November 13, 1948

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch)

PART 801—GENERAL SUGAR REGULATIONS

ENTRY OF SUGAR INTO CONTINENTAL UNITED STATES

Basis and purpose. This determination is issued pursuant to the regulations in this part and deals with the entry of sugar into the continental United States. Section 801.52 of General Sugar Regulations, Series 3, No. 2, as amended, states that certification to the Collectors of Customs by the Secretary that the sugar or liquid sugar to be imported is within the applicable quota or allotment established by the Secretary for the area in which such sugar was produced, except as otherwise specified therein, shall not be required as to any quota or portion thereof until the Director of the Sugar Branch determines that such quota or portion thereof is filled to the extent that certification is required to maintain effective quota control. That section also provides that upon publication of such determination in the FEDERAL REGISTER certification by the Secretary shall be required for the remainder of the applicable calendar year.

The 1948 sugar quota for Cuba is 2,895,962 short tons of sugar, raw value. As of October 22, 1948, approximately 2,530,924 short tons, raw value, of sugar for further processing and direct-consumption purposes have been brought into the continental United States from Cuba. Thus, only approximately 365,038 short tons, raw value, or 12.6 percent, of Cuba's total quota remain to be imported during the remainder of the calendar year 1948. In order to assure an orderly and adequate flow of sugar, prevent disorderly marketing, and maintain an effective quota system, it is necessary that the certification prescribed by these regulations be required for raw sugar for further processing hereafter imported from Cuba.

Current stocks of sugar in Cuba are considerably in excess of the quantity required to fill the balance of their 1948 quota for the continental United States. Since only 12.6 percent of Cuba's 1948 quota remains unfilled, it is hereby determined and found that compliance with the 30-day effective date requirement of the Administrative Procedure Act is impracticable and contrary to the public interest and consequently this determination shall become effective when published in the FEDERAL REGISTER in accordance with § 801.52.

Pursuant to the authority contained in § 801.52 of General Sugar Regulations, Series 3, No. 2, as amended (13 F. R. 127, 1076, 2063, 4590), it is hereby determined that the 1948 sugar quota for Cuba, amounting to 2,895,962 short tons of sugar, raw value, has been filled to the extent that certification is required to maintain effective quota control. Accordingly, for the remainder of the calendar year 1948, Collectors of Customs shall not permit the entry into the continental United States from Cuba of any raw sugar for further processing, unless and until the certification described in § 801.52 (a) of such General Sugar Regulations is issued.

(Pub. Law 388, 80th Cong.)

Issued this 8th day of November 1948.

[SEAL] LAWRENCE MEYERS,
Director, Sugar Branch, Production and Marketing Administration.

[F. R. Doc. 48-9957; Filed, Nov. 12, 1948; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tangerine Reg. 76]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.407 *Tangerine Regulation 76*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available informa-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

722 pages—$1.00 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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tion, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 15, 1948, and ending at 12:01 a. m., e. s. t., November 22, 1948, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "standard pack" shall each have the same meaning as is given to the respective term in the United States Standards for Tangerines (13 F. R. 4790). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 10th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9985; Filed, Nov. 12, 1948; 8:56 a. m.]

[Lemon Reg. 300]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.407 *Lemon Regulation 300*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat., 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 14, 1948 and ending at 12:01 a. m., P. s. t., November 21, 1948 is hereby fixed as follows:

(i) District 1: 245 carloads;

(ii) District 2: 5 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 299 (13 F. R. 6551) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9983; Filed, Nov. 12, 1948; 8:57 a. m.]

[Grapefruit Reg. 59]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.320 *Grapefruit Regulation 59*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Administrative Committee established under the said marketing agreement and the said order, and upon other available information, it is hereby found that the limitation of shipments of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., November 14, 1948, and ending at 12:01 a. m., P. s. t., December 19, 1948, no handler shall ship:

(i) Any grapefruit grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, unless such grapefruit are well colored and grade at least U. S. No. 2 grade (as such grades are defined in the revised United States Stand-

ards for Grapefruit (California and Arizona), 12 F. R. 1975); or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States or in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{11}{16}$ inches in diameter ("diameter" to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the said revised United States Standards for Grapefruit (California and Arizona): *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{11}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4\frac{9}{16}$ inches in diameter and smaller.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said marketing agreement and order; and the term "well colored" shall have the same meaning as is given to such term in the aforesaid revised United States Standards for Grapefruit (California and Arizona). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 955.1)

Done at Washington, D. C., this 9th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9973; Filed, Nov. 12, 1948; 8:58 a. m.]

[Orange Reg. 254]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.400 *Orange Regulation 254*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 14, 1948 and ending at 12:01 a. m., P. s. t., November 21, 1948 is hereby fixed as follows:

(i) *Valencia organges.* (*a*) Prorate District No. 1: no movement;

(*b*) Prorate District No. 2: unlimited movement;

(c) Prorate District No. 3: no movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: 200 carloads;

(*b*) Prorate District No. 2: no movement;

(c) Prorate District No. 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2", and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 10th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m. Nov. 14, 1948, to 12:01 a. m., Nov. 21, 1948]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.7631
A. F. G. Porterville	2.3945
A. F. G. Sides	.6184
Ivanhoe Cooperative Association	.6547
Doffiemeyer & Son, W. Todd	.6191
Earlibest Orange Association	1.3361
Elderwood Citrus Association	.8037
Exeter Citrus Association	2.5773
Exeter Orange Growers Association	1.3245
Exeter Orchards Association	1.3964
Hillside Packing Association	1.9504
Ivanhoe Mutual Orange Association	1.1063
Klink Citrus Association	4.5518
Lemon Cove Association	1.9399
Lindsay Citrus Growers Association	2.2131
Lindsay Coop. Citrus Association	1.5360

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Lindsay District Orange Co	1.3678
Lindsay Fruit Association	1.9669
Lindsay Orange Growers Association	.8308
Naranjo Packing House Co	1.0107
Orange Cove Orange Growers	2.0133
Orange Packing Company	1.1165
Orosi Foothill Citrus Association	1.4099
Paloma Citrus Fruit	1.0803
Rocky Hill Citrus Association	1.4836
Sanger Citrus Association	3.4598
Sequoia Citrus Association	1.1638
Stark Packing Corp	2.1395
Visalia Citrus Asociation	1.6409
Waddell & Sons	1.5715
Butte County Citrus Association, Inc	1.1106
James Mills Orchards Co	.3965
Orland Orange Growers	.9205
Andrews Brothers of Calif	.5571
Baird-Neece Corp	1.9387
Beattie Association, Agnes M	.7451
Grandview Heights Citrus Association	2.5680
Magnolia Citrus Association	2.4705
Porterville Citrus Association, The	1.4282
Richgrove-Jasmine Citrus Association	1.5055
Sandilands Fruit Co	1.5154
Strathmore Cooperative Association	1.5440
Strathmore District Orange Association	1.4392
Strathmore Fruit Growers Association	1.1581
Strathmore Packing House Co	1.6395
Sunflower Packing Association, Inc	2.5481
Sunland Packing House Co	2.9221
Terra Bella Citrus Association	1.2564
Tule River Citrus Association	1.3506
Kroelis Brothers, Ltd	1.3666
Lindsay Mutual Groves	1.6781
Martin Ranch	1.5511
Woodlake Packing House	2.3035
Anderson Packing Co., R. M	.8235
Baker Bros	.1363
California Citrus Groves, Inc., Ltd	2.3438
Chess Co., Meyer W	.3216
Edison Groves, Inc	1.1611
Exeter Groves Packing Co	.7112
Furr, N. C	.4260
Harding & Leggett	1.5779
Justman Frankenthal Co	.0195
Marks, W. M	.3374
Panno Fruit Co., Carlo	.3811
Randolph Marketing Co	2.3860
Reimers, Don H	.3882
Rooke Packing Co., B. G	1.4543
Wollenman Packing Co	1.3464
Woodlake Heights Packing Corp	.6545
Zaninovich Bros	.5772

[F. R. Doc. 48-9984; Filed, Nov. 12, 1948; 8:57 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

PART 320—OFFICE OF BUSINESS ECONOMICS; GENERAL ORGANIZATION AND FUNCTIONS

PART 321—OFFICE OF BUSINESS ECONOMICS; FUNCTIONS OF DIVISIONS

PART 322—OFFICE OF BUSINESS ECONOMICS; SERVICES AVAILABLE

CODIFICATION DISCONTINUED

In order to conform Chapter III of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the codification of Parts 320, 321 and 322 is hereby discontinued. Future amendments to the statements of organization contained in these parts will be published in the Notices section of the FEDERAL REGISTER.

[SEAL] M. JOSEPH MEEHAN,
Acting Director, Office of Business Economics.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-9919; Filed, Nov. 12, 1948; 8:53 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 16]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

Part 373 "Licensing Policies and Related Special Provisions," is amended in the following particulars:

1. Section 373.2, *Export licensing general policy*, is amended as follows:

The list of processing code symbols in subparagraph (1) of paragraph (h) *Commodities subject to this export licensing policy* is amended by adding thereto the following: "BLDG".

This part of the amendment shall become effective as of the beginning of the fourth calendar quarter of 1948.

The list of commodities in subparagraph (2) of paragraph (h) is amended by adding thereto the following:

Commodity	Schedule B No.
Other nonmetallic minerals (precious included):	
Diamond grinding wheels	540905
Diamond dust, or powder	540910
Resinoid diamond abrasive wheels	541200
Diamonds suitable only for industrial use	599005
Diamond bearings	599098
Diamonds, rough or uncut, other than industrial	599098
Iron and steel manufactures:	
Diamond saws, except circular	615605
Tools incorporating industrial diamond, n. e. s	617891
Mining, well, and pumping machinery:	
Rock drills (when containing diamonds)	731100
Diamond drill bits and other mining and quarrying machinery, and parts containing diamonds	733900
Metalworking machinery:	
Diamond dies for power-driven metalworking machinery	745503
Metal alloy slugs containing diamonds	748512
Other industrial machinery:	
Diamond penetrators	774020
Diamond penetrator parts	775098
Scientific and professional instruments, apparatus and supplies:	
Diamond disk points and other dental instruments containing diamonds	915000

This part of the amendment shall become effective as of September 29, 1948.

2. Section 373.3, *Special provisions for iron and steel products*, is amended as follows:

Paragraph (g) *Validity period* is amended by adding to the end of the last sentence the following: "; cast-iron pressure pipe, Schedule B No. 606705; and cast-iron pressure pipe fittings, Schedule B No. 606798."

This part of the amendment shall become effective as of September 7, 1948.

A new paragraph (i) is added to read as follows:

(i) *Licensing against fourth calendar quarter, 1948, quotas.* The foregoing provisions of this section (relating to the third calendar quarter, 1948, quotas) shall also apply to licensing of iron and steel products against the fourth calendar quarter, 1948, quotas, except that the submission time schedule for such commodities shall be as follows:

Submission time schedule for iron and stee. products[1]

	At any time	Sept. 10 to Sept. 20	Sept. 25 to Oct. 5	Oct. 10 to Oct. 20	Oct. 25 to Nov. 5
600700	x				
601020, 601030, 601040, 601070, 601090	x				
601605, 601606, 601609, 601705, 601706		x			
602000		x			
602100, 602300 (allsizes)			x		
602200				x	
602600		x			
602800			x		
603000, 603110		x			
603190		x			
603200			x		
603300–603400			x		
603510, 603600				x	
603590				x	
603711, 603718, 603811, 603818					x
604300		x			
604500					x
604600				x	
604700		x			
605000		x			
605100, 605200, 605300			x		
605400				x	
606000, 606100		x			
606200, 606300				x	
606400					x
605500–607798					x
606705–606798		x			
607000					x
607100–607300		x			
607200			x		
607705				x	
608100		x			
608200		x			
608300			x		
608500		x			
608710			x		
609000	x				
609101	x				
609198				x	
609250–609500				x	
610515, 610525, 610535					x
610700		x			
610800		x			
Reject steel	x				
Surplus steel	x				

[1] The five items for which applications may be filed at any time during a calendar quarter fall in three categories, as follows: (1) Closed quota items (pig, scrap, and bale ties) for which the OIT has no export quota. Approvals are dependent upon the action of the Review Committee, to which only exceptional cases are referred; (2) surplus steel, on which there is an overall quantitative quota of 20,000 tons; and (3) reject steel, on which there is an open quota. The provisions of § 373.4, with respect to reject and surplus steel, remain in full effect.

This part of the amendment shall become effective as of August 18, 1948, except that as to Schedule B No. 609900 it shall become effective September 22, 1948.

3. A new § 373.10 is added to read as follows:

§ 373.10 *Special provisions for rice exportations to Cuba.* Rice will be licensed for export to Cuba against allocations for the period July to December, 1948, in accordance with the following provisions:

(a) Each applicant may apply for and receive a license, or licenses, in an amount equal to 10% (rounded to the nearest 1,000 cwt.) of the shipments of rice he made to Cuba during the period July 1, 1947–June 30, 1948, or 1,000 cwt., whichever is greater (but in no case will such licenses be issued for an amount in excess of 40,000 cwt.), *Provided:*

(1) The applicant submits a detailed signed statement of his shipments of rice to Cuba during the period July 1, 1947, to June 30, 1948, including the date of each shipment. Such statement need be submitted only once.

(2) Each license application is accompanied by a copy of an irrevocable letter of credit or a copy of a domestic bank's advice of an irrevocable letter of credit opened for the account of the purchaser or ultimate consignee. Such copy must be officially signed by the issuing or advising bank. A photostatic copy of the original irrevocable letter of credit or original advice of irrevocable letter of credit will be accepted in lieu of the official signed copy. In each case, the applicant must certify the amount of the unused balance of the letter of credit remaining after deducting the amount involved in transactions for which licenses have been issued.

(b) *Additional licenses.* (1) An applicant who has received a license, or licenses, authorizing shipment of 10,000 cwt., or more of rice to Cuba under the provisions set forth in paragraph (a) of this section, may apply for and receive additional licenses upon submission of certified copies of on board ocean bills of lading, bearing the export license number (or numbers) showing that he actually has shipped against the license (or licenses) previously granted under this procedure in an amount equivalent to that for which he is applying.

(2) An applicant who has received a license or licenses authorizing shipment of less than 10,000 cwt., of rice to Cuba under the provisions set forth in paragraph (a) of this section, may apply for an amount up to twice the amount he has shipped, as shown on the certified copies of on board ocean bills of lading to accompany such application, provided such amount does not exceed 10,000 cwt. When an applicant qualifies to receive a license, or licenses, covering an amount up to 10,000 cwt., subsequent license applications shall be submitted in accordance with subparagraph (1) of this paragraph.

(c) *Consideration of applications.* License applications will be considered for validation during August, September, and October, 1948, in the order they are received until 1,600,000 cwt. have been licensed, after which time applications will be held for consideration during November and December, 1948, in the order they were received. License applications accompanied by letters of credit which, by their terms, expire before shipment can be effected, will be returned without action to the applicant.

(d) *Validity period.* Licenses will be validated for a period of 60 days.

This part of the amendment shall become effective as of August 18, 1948.

4. A new § 373.11 is added to read as follows:

§ 373.11 *Special provisions for lumber, Processing Code LUMB.* Applications for licenses to export commodities included on the Positive List with the processing code symbol LUMB must be accompanied by evidence of accepted orders.

This part of the amendment shall become effective as of September 9, 1948.

5. A new § 373.12 is added to read as follows:

§ 373.12 *Special provisions for building materials.* All building materials included on the Positive List with the processing code symbol BLDG will be licensed for export against fourth calendar quarter, 1948, quotas and subsequent calendar quarter quotas in accordance with the following provisions:

(a) License applications will be approved on the basis of accepted order, end-use for which the exportation is intended, export price and country of destination involved, in accordance with the licensing policy set forth in § 373.2.

(b) *Time for submission of applications.* Applications must be submitted during the last ten (10) days of the month preceding the beginning of a new calendar quarter and not later than the first day of the new calendar quarter. Applications against fourth calendar quarter, 1948, quotas received on or after October 1, 1948, or which do not comply with the requirements of this section will not be considered but will be returned without action for resubmission not earlier than the 20th day of the month preceding the beginning of the next calendar quarter.

This part of the amendment shall become effective as of September 9, 1948.

6. A new section 373.13 is added to read as follows:

§ 373.13 *Special provisions for diamonds.* Loose diamonds (except cut gem diamonds) and tools and devices incorporating diamonds will be licensed for export in accordance with the following provisions:

(a) *Definitions.* The commodities covered by this section are more particularly described and defined as follows:

(1) "Loose diamonds (except cut gem diamonds)" are any diamonds not set in any other material.

(i) "Industrial diamonds" are industrial-purpose diamonds in any form, unmounted, including ballas, carbonados, crushing bort, other uncrushed diamonds and diamond fragments, and diamond dust or powder.

(ii) "Cuttable diamonds" are diamonds suitable for cutting into gems and not reserved for industrial use.

(2) "Tools incorporating diamonds" are any tools or industrial devices, including metal slugs, which contain diamonds.

(b) *Basis of licensing.* License applications will be approved in accordance with the general licensing policy set forth in § 373.2.

(c) *Application requirements.* (1) Separate license applications (Form IT-419) must be submitted for each schedule B classification of loose diamonds and tools and devices incorporating diamonds and must contain a complete description of each named commodity or commodities, including any customary trade subclassifications.

(2) Loose diamonds, industrial and cuttable must be listed on the application by one of the following methods:

(i) Separately, giving trade description and the respective carat weight and value of each diamond listed.

(ii) In groups by packets, giving the number of diamonds, the total carat weight, total value, and average value per carat for each group.

(iii) By quantity (as in the case of small sizes, sand, powder, etc.), giving total carat weight, total value, and average value per carat.

(3) Tools incorporating industrial diamonds: (i) Tools, tool parts or devices (including metal slugs) must be listed separately on the application, or by groups of identical tools, giving the name and type of tool and the approximate carat weight of diamonds and/or diamond powder or dust contained therein.

(ii) Diamond dies must be listed as unmounted or encased and the size of hole, carat weight and the unit value per die must be given.

(4) The application must also include a detailed statement regarding the end use of the commodity.

(d) *Export clearance.* Every shipment of loose diamonds in any form (except cut gem diamonds), not including tools incorporating diamonds, irrespective of the means of exportation must be inspected by the nearest Collector of Customs. The Collector of Customs will compare the contents of the shipment with the description on the export license. If the contents and description on the license agree, the shipment will be sealed and shipped under Customs supervision. If the contents of the shipment do not agree with the description set forth on the export license, the Collector of Customs will refuse clearance of shipment for export and will return the export license to the Office of International Trade with a statement of his findings.

This part of the amendment shall become effective as of September 29, 1948.

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: November 5, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-9931; Filed, Nov. 12, 1948; 9:13 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. P. L. 10]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

APPENDIX A

Section 399.1 *Appendix A—Positive List of Commodities* is amended by deleting therefrom the following commodities:

Dept. of Comm. Sched. B No.	*Commodity*
	Electrical machinery and apparatus:
704000	Motors, ⅛ horsepower and over but not exceeding ½ horsepower.
	Medicinal and pharmaceutical preparations:
812300	Insulin.
	Chemical specialties:
	Synthetic gums and resins:
	In powder, flake or liquid form (scrap included):
	Tar acid resins:
825500	Phenol-formaldehyde resins.
825500	Rosin-modified phenolic resins.
	Sheets, plates, rods, tubes, and other unfinished forms:
	Laminated:
826000	Phenol-formaldehyde resins.
	Not laminated:
826100	Phenol-formaldehyde resins.
	Industrial chemicals:
831500	Lauryl alcohol.
837300	Sodium hydroxide or caustic soda, liquid form only.
839900	Chromium salts and compounds (except chemical pigments).

(Sec. 6, 54 Stat. 714, 55 Stat. 206, 56 Stat. 463, 58 Stat. 671, 59 Stat. 270, 60 Stat. 215, 61 Stat. 214, 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

This amendment shall become effective November 9, 1948.

Dated: October 29, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-9932; Filed, Nov. 12, 1948; 9:13 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SOLICITATION OF PROXIES

On July 6, 1948, the Securities and Exchange Commission issued proposals with respect to certain amendments to § 240.14 (Regulation X-14) under the Securities Exchange Act of 1934 which proposals were published in the FEDERAL REGISTER on July 14, 1948. The Commission has now duly considered all comments and suggestions received in connection with the proposed amendments and is taking action in regard thereto as hereinafter set forth. The Commission finds that the action hereinafter specified is necessary or appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act. Such action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 14 (a) and 23 (a) thereof.

I. Section 240.14a-1 (Rule X-14A-1) is amended by adding thereto the following definition of the term "last fiscal year." The purpose of this amendment is to make it clear that where the term is used in § 240.14 (Regulation X-14) it refers to the latest fiscal year of the issuer prior to the date of the meeting.

§ 240.14a-1 *Definitions.* • • •

(f) *Last fiscal year.* The term "last fiscal year" of the issuer means the last fiscal year of the issuer ending prior to the date of the meeting for which proxies are to be solicited.

II. Section 240.14a-4 (Rule X-14A-4) which governs the form of proxies is amended to read as hereinbelow set forth. It has been found that proxies have been misleading in certain cases in that they did not indicate clearly whether or not the solicitation was made on behalf of the management or on behalf of other persons. In order to remedy this situation, the rule is amended to require that there be set forth in bold face type on the form of proxy an indication as to whether or not it is solicited on behalf of the management.

In certain cases § 240.14a-8 (Rule X-14A-8), as hereinbelow amended, will permit the omission of a stockholder's proposal in certain instances. Section 240.14a-4 (Rule X-14A-4) is amended to provide that proposals so omitted need not be referred to in the form of proxy and that the proxy may confer discretionary authority with respect to such proposals.

In order to prevent the premature solicitation of proxies at a time when material information has not yet become available, the amended rule provides that no proxy shall confer authority to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) which is to be held after the date on which the solicitation is made.

The Commission has heretofore taken the position that the solicitation of proxies constitutes an implied representation by the persons making the solicitation that the shares represented by the proxy will be voted. In order to make this representation more explicit, the amended rule requires that the proxy statement shall provide that the shares represented by the proxy will be voted, subject to reasonable specified conditions.

This rule has also been amended and clarified in other minor respects.

The text of the amended rule is as follows:

§ 240.14a-4 *Requirements as to form of proxy.*[1] (a) The form of proxy (1) shall indicate in bold face type whether or not the proxy is solicited on behalf of the management and (2) shall identify clearly and impartially each matter or group of related matters intended to be acted upon, whether proposed by the management or by security holders. No reference need be made, however, to proposals omitted pursuant to paragraph (c) of § 240.14a-8.

[1] See 17 CFR 241.4185 *infra* for interpretative statement accompanying the November 5, 1948 revision of this rule.

(b) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified provided the form of proxy states in bold face type how it is intended to vote the shares represented by the proxy in each such case.

(c) A proxy may confer discretionary authority with respect to other matters which may come before the meeting, provided the persons on whose behalf the solicitation is made are not aware at the time the solicitation is made that any such other matters are to be presented for action at the meeting and provided further that a specific statement to that effect is made in the proxy statement or in the form of proxy. A proxy may also confer discretionary authority with respect to any proposal omitted from the proxy statement and form of proxy pursuant to paragraph (c) of § 240.14a-8.

(d) No proxy shall confer authority (1) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (2) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders.

(e) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited specifies by means of a ballot provided pursuant to paragraph (b) of this section a choice with respect to any matter to be acted upon, the shares will be voted in accordance with the specifications so made.

III. Section 240.14a-8 (Rule X-14A-8) is amended by deleting paragraph (c) thereof and by inserting in lieu of such paragraph two new paragraphs (c) and (d) reading as hereinbelow set forth.

This rule requires the management to include in its proxy material proposals seasonably submitted by security holders which are proper subjects for action by security holders. The Commission has found that in a few cases security holders have abused this privilege by using the rule to achieve personal ends which are not necessarily in the common interest of the issuer's security holders generally. In order to prevent such abuse of the rule, but without unduly restricting the privilege which it grants to security holders, the amendment places reasonable limitations upon the submission of such proposals.

The text of the two new paragraphs is as follows:

§ 240.14a-8 *Proposals of security holders.* • • •

(c) Notwithstanding the foregoing, the management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under the following circumstances:

(1) If it clearly appears that the proposal is submitted by the security holder primarily for the purpose of enforcing a personal claim or of redressing a personal grievance against the issuer or its management, or

(2) If the management has at the security holder's request included a proposal in its proxy statement and form of proxy relating to either of the last two annual meetings of security holders or any special meeting held subsequent to the earlier of such two annual meetings and such security holder has failed without good cause to attend the meeting in person or by proxy or to present the proposal for action at the meeting, or

(3) If substantially the same proposal was submitted to the security holders for action at the last annual meeting of security holders or at any special meeting held subsequent thereto and received less than three percent of the total number of votes cast in regard to the proposal.

(d) Whenever the management asserts that a proposal and any statement in support thereof may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than the date preliminary copies of the proxy statement and form of proxy are filed pursuant to § 240.14a-6 (a), (Rule X-14A-6 (a)), a copy of the proposal and any statement in support thereof, as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its proxy statement and form of proxy and shall advise the security holder as to the reasons for such omission. Compliance with this paragraph shall not be construed as relieving the management of its obligation to comply fully with the foregoing provisions of this section.

IV. Item 3 (b) of Schedule 14A *Information Required in Proxy Statement* has heretofore required that if the solicitation is made otherwise than on behalf of the management, the names of the persons on whose behalf it is made shall be stated. In order to make it clear in such cases that the solicitation is not made on behalf of the management, Item 3 (b) is amended to require a specific statement to that effect.

The text of the amended item is as follows:

Item 3. Persons making the solicitation. • • •

(b) If the solicitation is made otherwise than on behalf of the management, so state and give the names of the persons on whose behalf it is made.

V. Item 7 calls for information as to the remuneration of and other transactions with directors, nominees, officers and certain other persons. Paragraphs (a) and (b) of the item have been revised for the general purpose of making the language of the items more specific in certain respects. The amended paragraph (a) calls for the same breakdown of the various types of remuneration paid to individual directors, nominees

and officers as has heretofore been required with respect to directors and officers as a group.

Paragraph (d) is amended to cal. for information as to the indebtedness of associates of directors, officers and nominees of the issuer as well as for the indebtedness of such directors, officers and nominees themselves.

The text of paragraphs (a), (b) and (d) as amended is as follows:

Item 7. Remuneration and other transactions with directors, nominees, officers and others. * * *

(a) Furnish the following information, in substantially the tabular form indicated, as to the aggregate remuneration directly or indirectly paid or set aside by the issuer and its subsidiaries to, or for the benefit of, the following persons for services in all capacities while acting as directors or officers of the issuer during its last fiscal year.

(1) Each person who was a director of the issuer at any time during such fiscal year and whose aggregate remuneration, exclusive of pension, retirement and similar payments, exceeded $25,000.

(2) Each person who was one of the three highest-paid officers of the issuer during such fiscal year and whose aggregate remuneration, exclusive of pension, retirement and similar payments, exceeded $25,000.

(3) All persons, as a group, who were directors or officers of the issuer at any time during such fiscal year.

(1) Name of individual or identity of group	(2) Capacities in which remuneration was received	(3) Fees, salaries, and commissions	(4) Bonuses and shares in profits	(5) Pension, retirement and similar payments

Instructions. 1. Include in column (5) any amounts paid, set aside or accrued pursuant to any pension, retirement, savings or other similar plan, including premiums paid for life insurance or retirement annuities.

2. The issuer may state, with respect to any person specified, the total remuneration paid to a partnership in which such person was a partner in lieu of an allocation of such person's share in the total remuneration so paid, if by note or otherwise, it is indicated that such has been done. The total amount of such remuneration shall be included in determining whether the aggregate remuneration of such person exceeded $25,000.

3. If the total remuneration shown in columns (3) and (4) for any individual director or officer, or for the directors and officers as a group, exceeds by more than ten percent the corresponding amounts of remuneration of such director, officer or group for the preceding fiscal year, state the amount of the excess of the remuneration shown over the corresponding amount for the preceding fiscal year.

(b) State the annual benefits estimated to be payable in the event of retirement at normal retirement date to each person named in answer to paragraph (a) pursuant to any pension or retirement plan.

Instruction. Except as to persons whose retirement benefits have already vested, the information called for by this paragraph may be given in a table showing the annual benefits payable to persons in specified salary classifications.

(d) State as to each of the following persons who were indebted to the issuer or its subsidiaries at any time since the beginning of the last fiscal year of the issuer, (1) the largest aggregate amount of indebtedness outstanding at any time during such period, (2) the nature of the indebtedness, (3) the amount thereof outstanding as of the latest practicable date, and (4) the rate of interest paid or charged thereon: (i) each person who has been a director or officer of the issuer at any time during such period, (ii) each nominee for election as a director, and (iii) each associate of any such director, officer or nominee.

Instruction. Paragraph (d) does not apply to indebtedness arising from transactions in the ordinary course of business, or to any person whose aggregate indebtedness did not exceed $1,000 at any time during the period specified.

VI. Paragraph (f) of Item 7 of Schedule 14A calls for information as to the aggregate remuneration from the issuer and its subsidiaries of certain persons whose remuneration for services during the last fiscal year exceeded $20,000. In view of the fact that paragraph (a) of the amended item only calls for information of persons whose aggregate remuneration exceeded $25,000 during the last fiscal year of the issuer, the Commission has determined that the amount specified in paragraph (f) should also be correspondingly raised. Accordingly, paragraph (f) is amended by substituting the figure "$25,000" in lieu of the figure "$20,000" heretofore contained therein.

VII. Item 12 of Schedule 14A calls for certain information where action is to be taken with respect to the authorization of issuance of securities otherwise than in exchange for outstanding securities of the issuer. The item is amended to make it clear that it applies to the authorization of securities even though such securities are not to be issued immediately. The amended item also provides that a description of the securities to be authorized or issued need not be given in cases involving only additional shares of common stock of a class already outstanding, although in such cases a statement as to any pre-emptive rights is required.

The text of Item 12 as amended reads as follows:

Item 12. Authorization or issuance of securities otherwise than for exchange. If action is to be taken with respect to the authorization or issuance of any securities otherwise than for exchange for outstanding securities of the issuer, furnish the following information:

(a) State the title and amount of securities to be authorized or issued.

(b) Furnish a desription o fthe securities such as would be required to be furnished in an application on the appropriate form for their registration on a national securities exchange. If the securities are additional shares of common stock of a class outstanding, the description may be omitted except for a statement of the pre-emptive rights, if any.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the issuer, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used.

(d) If the securities are to be issued otherwise than in a general public offering for cash, state the reasons for the proposed authorization or issuance, the general effect thereof upon the rights of existing security holders, and the vote needed for approval.

In view of the fact that certain persons may wish to comply with § 240.14 (Regulation X-14) as hereinabove amended, rather than with § 240.14 (Regulation X-14) as heretofore in existence, the foregoing action shall be effective November 5, 1948. However, any solicitation commenced prior to December 15, 1948, may at the option of the persons on whose behalf it is made be governed by § 240.14 (Regulation X-14) as heretofore in effect.

(Secs. 14 (a), 23 (a), 48 Stat. 895, 901; 15 U. S. C. 78n, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9924; Filed, Nov. 12, 1948; 8:52 a. m.]

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

REQUIREMENTS AS TO FORM OF PROXY

§ 241.4185 *Statement of the Commission accompanying November 5, 1948, revision of § 240.14 of this chapter (Regulation X-14).* The draft of § 240.14a-4 of this chapter (Rule X-14A-4) which was published in the FEDERAL REGISTER on July 14, 1948 and circulated for public comment contained a provision that the form of proxy should contain no recommendation with respect to any matter to be acted upon. Upon further consideration of the matter, after reviewing the comments received, the Commission believes that this proposed change in the text of the existing section would introduce ambiguities that would create administrative difficulties in construction and application of the section. For that reason this provision has been omitted from the amended section. The failure to adopt the change in text is not to be regarded, however, as permitting the use of the proxy form to electioneer for or against propositions to be voted upon by the stockholders. In administering the section in the future no objection will be raised to the inclusion in the form of proxy of a simple statement of the fact that the management favors or opposes any matter to be acted upon pursuant to the proxy. However, in view of the requirement of the section that matters to be acted upon are to be set forth clearly and impartially, the Commission will regard as contrary to the section any statement or device which advocates any proposal, obscures the presentation of any proposal, misleads or confuses the security holder, bring pressure to bear upon him in the exercise of his right of choice or makes it mechanically more difficult for him to vote one way rather than another. Among the devices which the Commission will regard as contrary to the section are arguments or recommendations as to the merits of proposals, emphasis upon the management's position beyond the mere statement of the fact that the management favors or opposes a proposal, the use of arrows or any other visual device designed to direct the stockholders attention to the place on the proxy for voting one way and away from the place for voting the contrary, and the switching of boxes in order to procure the result desired by the management. [Securities Exchange Act Release No. 4185, Nov. 5, 1948]

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 5, 1948.

[F. R. Doc. 48-9925; Filed, Nov. 12, 1948; 9:13 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-108; Order 143]

PART 11—ANNUAL CHARGES

PART 131—FORMS

PAYMENT AND EXEMPTION FROM PAYMENT OF ANNUAL CHARGES FOR LICENSEES

OCTOBER 26, 1948.

In this proceeding the Commission has under consideration amendments to Part 11 of Subchapter B, "Annual Charges", §§ 11.20, 11.24, and 11.27, and to Part 131 of Subchapter D, "Forms", § 131.70 (Chapter I, Title 18, Code of Federal Regulations, as amended) pursuant to authority vested in the Commission of the Federal Power Act, particularly sections 10 (e) and 309 thereof (49 Stat. 843, 858; 16 U. S. C. 803 (e), 825 (h). The proposed amendments involve principally changes in the time for filing annual statement of gross amount of power generated by licensees, makes the period of annual charge coincide with the period of power generation, and provides for additional information to be submitted by State and municipal licensees for computing the exemption to which any such licensee may be entitled under the exemption provisions of section 10 (e) of the act.

General public notice of the proposed amendment of the existing regulations, which were adopted and promulgated by the Commission's Order No. 50, effective June 1, 1938 (Chapter I, Title 18, Code of Federal Regulations), governing the payment of annual charges and exemption from payment of annual charges for licensees, has been given by publication of notice in the FEDERAL REGISTER on June 10, 1948 (13 F. R. 3134-3135), and by mailing notices to all licensees and to State and Federal regulatory agencies.

In response to the general public notice of June 10, 1948 a number of comments were filed by licensees. In general the responses indicate approval of the proposed amendments to § 11.20 since by its terms the amendments will be controlling only where licenses do not specifically provide otherwise. The proposed amendments do not disturb the amount of annual charges which any licensee is now required to pay, except that State and municipal licensees will not be billed for power used by them for State or municipal purposes provided they submit the information required by § 11.20 (b) (2).

Comments and suggestions were filed by some municipal licensees to the proposed amendments to §§ 11.24 and 131.70. Such comments and suggestions are in reality directed to the provisions of Section 10 (e) of the act and would apply as well to our existing rules and regulations. We have considered such comments and suggestions and conclude that they are inconsistent with our interpretation of the act as approved by the courts.

There have been no comments or objections to the proposed amendment to § 11.27 which grants an additional 15 days within which licensees located outside the continental limits of the United States are required to pay annual charges without the penalty provided by section 17 (b) of the act.

Upon consideration of the proposed amendments, comments and suggestions, adoption and promulgation of the proposed amendments with an effective date of January 1, 1949, appear desirable and appropriate.

The Commission, acting pursuant to authority granted by the Federal Power Act, particularly sections 10 (e) and 309 thereof, and finding such action appropriate for carrying out the provisions of said act, orders that:

Section 11.20 entitled "Cost of administration", § 11.24 entitled "Exemption of States and municipalities", and § 11.27 entitled "Payment of charges" of Part 11, "Annual Charges", Subchapter B, Regulations under the Federal Power Act, and § 131.70 entitled "Form of application by municipalities for exemption from payment of annual charges" of Part 131, "Forms," Subchapter D, Approved Forms, Federal Power Act, are hereby amended to read as follows:

§ 11.20 *Costs of administration.* Reasonable annual charges will be assessed by the Commission against individual licensees for reimbursing the United States for the costs of administration of Part 1 of the Federal Power Act as follows unless otherwise specifically provided in the license:

(a) For projects of more than 100 horsepower of installed capacity:

(1) A charge of one cent per horsepower of the horsepower capacity authorized to be installed by the license; and

(2) A charge of two and one-half cents per thousand kilowatt-hours of power generated by each project during the calendar year for which the charge is made.

(b) (1) To enable the Commission to determine such charges annually each licensee (other than State or municipal) shall file with the Commission, on or before February 1 of each year, a statement under oath showing the gross amount of power generated (or produced by non-electrical equipment) by the project during the preceding calendar year, expressed in kilowatt-hours.

(2) To enable the Commission to determine such charges annually and to compute on the bill for annual charges the exemption to which a State or municipal licensee is entitled because of the use of power by the licensee for State or municipal purposes, each State or municipal licensee shall file with the Commission, on or before February 1 of each year, a statement under oath showing the following information with respect to the power generated by the project and the disposition thereof during the preceding calendar year, expressed in kilowatt-hours:

(i) Gross amount of power generated by the project.

(ii) Amount of power used for station purposes and lost in transmission, etc.

(iii) Net amount of power available for sale or use by licensee, classified as follows:

(*a*) Used by licensee,

(*b*) Sold by licensee.

(3) When the power from a licensed project owned by a State or municipality enters into its electric system, making it impracticable to meet the requirements of subparagraph (2) of this paragraph with respect to the disposition of project power, such licensee may, in lieu thereof, furnish similar information with respect to the disposition of the available power of the entire electric system of the licensee.

(c) For projects of 100 horsepower or less of installed capacity the charge shall be $5 per annum, subject to the provisions of § 11.23.

(d) For projects involving transmission lines only the administration charge shall be a minimum of $5 per annum.

(e) For projects not covered by the above paragraphs, reasonable annual charges will be fixed by the Commission after consideration of the facts in each case.

§ 11.24 *Exemption of State and municipal licensees*—(a) *Bases for exemption.* A State or municipal licensee may claim total or partial exemption upon one or more of the following grounds:

(1) The project was primarily designed to provide or improve navigation;

(2) To the extent that power generated, transmitted, or distributed by the project was sold directly or indirectly to the public (ultimate consumer) without profit;

(3) To the extent that power generated, transmitted, or distributed by the project was used by the licensee for State or municipal purposes.

(b) *Projects primarily for navigation.* No State or municipal licensee shall be

entitled to exemption from the payment of annual charges on the ground that the project was primarily designed to provide or improve navigation unless the licensee establishes that fact from the actual conditions under which the project was constructed and was operated during the calendar year for which the charge is made.

(c) *State or municipal use.* A State or municipal licensee shall be entitled to exemption from the payment of annual charges for the project to the extent that power generated, transmitted, or distributed by the project is used by the licensee itself for State or municipal purposes, such as lighting streets, highways, parks, public buildings, etc., for operating licensee's water or sewerage system, or in performing other public functions of the licensee.

(d) *Sales to public.* No State or municipal licensee shall be entitled to exemption from the payment of annual charges on the ground that power generated, transmitted, or distributed by the project is sold to the public without profit, unless such licensee shall show:

(1) That it maintains an accounting system which segregates the operations of the licensed project and reflects with reasonable accuracy the revenues and expenses of the project;

(2) That an income statement, prepared in accordance with the Commission's Uniform System of Accounts, shows that the revenues from the sale of project power do not exceed the total amount of operating expenses, maintenance, depreciation, amortization, taxes, and interest on indebtedness, applicable to the project property. Periodic accruals or payments for redemption of the principal of bonds or other indebtedness may not be deducted in determining the net profit of the project.

(e) *Sales for resale.* Notwithstanding compliance by a State or municipal licensee with the requirements of paragraph (d) of this section, it shall be subject to the payment of annual charges to the extent that electric power generated, transmitted, or distributed by the project is sold to another State, municipality, person, or corporation for resale, unless the licensee shall show that the power was sold to the ultimate consumer without profit. The matter of whether or not a profit was made is a question of fact to be established by the licensee.

(f) *Interchange of power.* Notwithstanding compliance by a State or municipal licensee with the requirements of paragraph (d) of this section, it shall be subject to the payment of annual charges to the extent that power generated, transmitted, or distributed by by the project was supplied under an interchange agreement to a State, municipality, person, or corporation for sale at a profit (which power was not offset by an equivalent amount of power received under such interchange agreement) unless the licensee shall show that the power was sold to ultimate consumers without profit.

(g) *Construction period.* During the period when the licensed project is under construction and is not generating power, it will be considered as operating without profit within the meaning of this section, and licensee will be entitled to total exemption from the payment of annual charges, except as to those charges relating to the use of a Government dam or tribal lands within Indian reservations.

(h) *Optional showing.* When the power from the licensed project enters into the electric power system of the State or municipal licensee, making it impracticable to meet the requirements set forth in this section with respect to the operations of the project only, such licensee may, in lieu thereof, furnish the same information with respect to the operations of said electric power system as a whole.

(i) *Application for exemption.* Application for exemption from payment of annual charges shall be prepared on forms prescribed by the Commission and shall be signed by an authorized executive officer or chief accounting officer of the licensee and verified under oath. An original and three copies of such application shall be filed with the Commission within the time allowed (by § 11.27) for the payment of the annual charges; *Provided, however,* That if the licensee shall within the time allowed for the payment of the annual charges file notice that it intends to file application for exemption, an additional period of 30 days is allowed within which to complete and file the application for exemption.

§ 11.27 *Payment of charges.* Annual charges shall be paid within 30 days of rendition of a bill therefor by the Commission except that licensees located outside the continental limits of the United States shall be allowed a period of 45 days after rendition of the bill.

§ 131.70 *Form of application by State and municipal licensees for exemption from payment of annual charges.* (See § 11.24 of this chapter.) Application by State and municipal licensees for exemption from payment of annual charges must be prepared on this form. The form specifies that in filing application for exemption, the following data and schedules shall be submitted:

1. Name and address of correspondent;
2. Basis for claimed exemption;
3. Generating plants owned or operated by licensee;
4. Transmission lines and distribution lines;
5. KWH of power generated, purchased and interchanged;
6. Power sold or otherwise disposed of (kwh);
7. Power interchange (in detail);
8. Statement of unusual conditions attending the disposition of electric power;
9. Book cost of electric property;
10. Operating revenues;
11. Operating expenses and other deductions from revenues;
12. Affidavit.

Copies of this form are filed with the FEDERAL REGISTER and may be obtained upon request from the Federal Power Commission, Washington 25, D. C.

The said §§ 11.20, 11.24 and 11.27 of Part 11, and § 131.70 of Part 131, as amended herein, are hereby promulgated and prescribed to become effective January 1, 1949.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Secs. 10 (e), 309, 49 Stat. 843, 858; 16 U. S. C. 803 (e), 825 (h))

Date of issuance: November 5, 1948.

By the Commission. Commissioner Draper dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-9976; Filed, Nov. 12, 1948; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 155—SEAFOOD INSPECTION

REPUBLICATION FOR CODIFICATION PURPOSES; MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 48-9842, appearing in the issue for Wednesday, November 10, 1948, at page 6623, change the first line in § 155.8 (b) to read, "The following processes shall be".

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 6—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PACKING OF LIGHTWEIGHT (PREMIUM) KNIVES

In § 6.13 *Poisons, explosives, liquids, medicines, motion picture films* (39 CFR 6.13, 39 CFR, 1946 Supp., 6.13), add a new paragraph (f) reading as follows:

(f) (1) Lightweight knives usually weighing between ½ and 4 ounces with blades not over 10 inches in length nor 1½ inches in width may be accepted for mailing if packed in the following manner:

(2) When blade is not over 3¼ inches in length and ¾ inch in width, a close fitting sheath of 0.018 chipboard or equivalent material longer than blade shall be used together with kraft envelope or equivalent testing not less than 60 points (Mullen or Cady Tester), and not more than ½ inch longer than the knife.

(3) When blade is over 3¼ inches in length but not over 6 inches and not over 1 inch in width, a close fitting sheath of 0.022 kraftboard or equivalent material longer than blade shall be used together with kraft envelope or equivalent testing not less than 60 points and not more than ½ inch longer than knife.

(4) When blade is over 6 inches in length but not over 10 inches and not over 1½ inches in width, a close fitting sheath of 0.028 kraftboard or equivalent material longer than blade shall be used together with kraft envelope or equivalent testing not less than 64 points and not more than ½ inch longer than knife.

(5) The sheaths previously mentioned must be of such a snug fit that they can be removed only with some effort. A sheath that slides off readily is not approved unless it is affixed to the knife blade by means of cement or glue or is securely taped to the knife handle. The envelopes must be securely sealed.

(6) Kitchen set with 2 knives with blades not over 6 inches in length securely fastened by good quality cellulose tape or equivalent to a die cut card or 0.036 chipboard or equivalent larger than the knives and enclosed in a close fitting fiber carton of 0.024 kraftboard or equivalent securely fastened.

(7) Carving set composed of knife and fork taped together with blade not over 9 inches in length with close fitting sheaths of 0.018 chipboard protecting both blade and tines and enclosed in a close fitting fiber carton of 0.034 kraftboard or equivalent securely fastened.

(8) More substantial packing is required for larger knives. They should be cushioned in a strong fiberboard, wooden or metal box with the blades properly encased so that they cannot cut through their covering.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE, *Acting Postmaster General.*

[F. R. Doc. 48-9923; Filed, Nov. 12, 1948; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter Q—Reclamation and Irrigation

[Order 2485]

PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

RECLAMATION AND CULTIVATION

Section 230.60 is amended to read as follows:

§ 230.60 *What constitutes reclamation and cultivation.* To comply with the provisions of the reclamation law as to reclamation and cultivation, the land must be cleared of brush, trees, and other encumbrances, provided with sufficient laterals for its effective irrigation, graded and otherwise put in proper condition for irrigation and crop growth, planted, watered, and cultivated, and during at least 2 years next preceding the date of approval by the official in charge of the project of proof of reclamation, except as prevented by hailstorm or flooding, satisfactory crops must be grown on at least one-half of the irrigable area thereof. A satisfactory crop during any year shall be any one of the following: (a) A crop of annuals producing a yield of at least one-half of the average yield on similar land under similar conditions on the project for the year in which it is grown; (b) a substantial stand of alfalfa, clover, or of other perennial grass substantially equal in value to alfalfa or clover; or (c) a season's growth of orchard trees or vines of which 75 percent shall be in a thrifty condition. The crop production requirements of this section affecting lands embraced in reclamation homestead entries made after January 1, 1949, must be performed and met by the entryman personally, by members of his immediate family residing with him, or by persons employed under his direction supervision and management. The crop production requirements of this section shall be applicable to entryman's successors in interest. (Sec. 4 subsec. C, 43 Stat. 702; 43 U. S. C. 433)

Dated: October 25, 1948.

WILLIAM E. WARNE, *Acting Secretary of the Interior.*

[F. R. Doc. 48-9918; Filed, Nov. 12, 1948; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service; Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

HUNTING IN LOWER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the North Dakota Game and Fish Department, it has been determined there is a general surplus of deer in much of North Dakota and that the reduction of the population can be facilitated by opening certain National Wildlife Refuges in the State to to the public hunting of deer.

Section 29.573a is revised to read:

§ 29.573a *Lower Souris National Wildlife Refuge, North Dakota; hunting.* Deer, coyote, and fox may be taken with firearms and with bow and arrow during the State open season prescribed by the Game and Fish Department of the State of North Dakota for the hunting of deer during the calendar year 1948 on certain lands, hereinafter specified, of the United States within the Lower Souris National Wildlife Refuge, North Dakota.

(a) *Area open to hunting.* All the lands of the United States except the areas within one-half mile of occupied residences on the Lower Souris Refuge shall be open to hunting with firearms. All the lands of the United States south of the Upham-Willow City Road except the areas within one-half mile of occupied residences on the Refuge shall be open to bow and arrow hunting.

(b) *Entry.* Entry on and use of the Refuge are governed by Part 12 of this chapter and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer. (Sec. 10, 45 Stat. 1222; 16 U. S. C. 715i, Reorg. Plan No. II of 1939, 3 C. F. R. Cum. Supp. 4 F. R. 2731; Regs., Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, as amended Apr. 14, 1945, 10 F. R. 4267)

Dated: November 8, 1948.

[SEAL] M. C. JAMES, *Acting Director.*

[F. R. Doc. 48-9915; Filed, Nov. 12, 1948; 8:54 a. m.]

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

HUNTING IN SAND LAKE NATIONAL WILDLIFE REFUGE, SOUTH DAKOTA

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the South Dakota Game, Fish, and Parks Department, it has been determined that there is a surplus of deer on and in the immediate vicinity of the Sand Lake National Wildlife Refuge, the removal of which can best be accomplished by public hunting.

Section 29.800a is amended to read:

§ 29.800a *Sand Lake National Wildlife Refuge, South Dakota; hunting.* Deer, coyote, and fox may be taken during the State open season prescribed by the South Dakota Game, Fish, and Parks Department for the hunting of deer during the calendar year 1948 on certain lands, hereinafter specified, of the United States within the Sand Lake National Wildlife Refuge, South Dakota.

(a) *Area open to hunting.* All the lands of the United States except the areas within one-half mile of the occupied residences on the Sand Lake Refuge shall be open to such hunting.

(b) *Entry.* Entry on and use of the Refuge are governed by Part 12 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer. (Sec. 10, 45 Stat. 1222; 16 U. S. C. 715i; Reorg. Plan No. II of 1939, 3 CFR Cum. Supp., 4 F. R. 2731; Regs., Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, as amended Apr. 14, 1945, 10 F. R. 4267)

Dated: November 8, 1948.

[SEAL] M. C. JAMES, *Acting Director.*

[F. R. Doc. 48-9916; Filed, Nov. 12, 1948; 8:53 a. m.]

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

HUNTING IN SLADE NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the North Dakota Game and Fish Department, it has been determined there is a general surplus of deer in much of North Dakota and that the reduction of the population can be facilitated by opening certain National Wildlife Refuges in the State to the public hunting of deer.

A new section is added as follows:

§ 29.846 *Slade National Wildlife Refuge, North Dakota; hunting.* Deer, coyote, and fox may be taken during the State open season prescribed by the Game and Fish Department of the State of North Dakota for the hunting of deer during the calendar year 1948 on certain lands, hereinafter specified, of the United States within the Slade National Wildlife Refuge, North Dakota.

(a) *Area open to hunting.* All the lands of the United States except the areas within one-half mile of the occupied residences on the Slade Refuge shall be open to such hunting.

(b) *Entry.* Entry on and use of the Refuge are governed by Part 12 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer. (Sec. 10, 45 Stat. 1222; 16 U. S. C. 715i; Reorg. Plan No. II of 1939, 3 CFR Cum. Supp., 4 F. R. 2731; Regs., Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, as amended Apr. 14, 1945, 10 F. R. 4257)

Dated: November 8, 1948.

[SEAL] M. C. JAMES,
Acting Director.

[F. R. Doc. 48-9917; Filed, Nov. 12, 1948; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 445]

MARKET AGENCIES AT FORT WORTH STOCK YARDS, FORT WORTH, TEX.

PETITION FOR MODIFICATION

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) an order was issued on December 9, 1947 (6 A. D. 1130) authorizing the respondents to put into effect the current temporary rates and charges.

On October 28, 1948, respondents filed a telegraphic petition requesting that they be authorized to file new tariffs providing for increases in certain rates as indicated by a proposed joint tariff No. 7 previously received by the Hearing Clerk on October 22, 1948. The rates petitioned for are as follows:

ARTICLE II

CATTLE AND CALVES

	Per head
Bulls: 1 head or more	$1.50
Calves:	
Consignments of 1 head and 1 head only	.60
Consignments of more than 1 head:	
First 15 head in each consignment	.45
Each head over 15 in each consignment	.35
Cattle:	
Consignments of 1 head and 1 head only	1.10
Consignments of more than 1 head:	
First 15 head in each consignment	.95
Each head over 15 in each consignment	.85
Hogs:	
Consignments of 1 head and 1 head only	.50
Consignments of more than 1 head:	
First 40 head in each consignment	.32
Each head over 40 in each consignment	.27
Sheep:	
Consignments of 1 head and 1 head only	.40
Consignments of more than 1 head:	
First 10 head in each 300	.30
Next 50 head in each 300	.17
Next 60 head in each 300	.12
Next 130 head in each 300	.06
Next 50 head in each 300	.05

ARTICLE III

EXTRA SERVICE CHARGES

The following extra service charges are applicable:

On all account sales and/or account purchases where more than three (3) drafts are necessary or requested, a charge of 25¢ per draft in excess of three (3) shall be made: $0.25.

For each additional check, each additional account sale, each proceeds deposit, or bank credit over one (1) per owner: $0.05.

ARTICLE IV

(a) Breeding animals, other than those commonly known as stockers: 5% of each gross sale price, not to exceed $5.00 per head:

(b) At exhibitions: Food animals, stockers, feeders, other than sorts on open market per head:

Cattle and/or calves	$1.00
Swine: Hogs-pigs	.60
Sheep and/or goats	.40

ARTICLE V

For clearing out of stockyards livestock not consigned to or sold by clearing agency to party for whom cleared, one-third the charge as if purchased.

For the resale of any livestock purchased on the market and remaining in the stockyards, rates provided in Article II, will be assessed.

On livestock sold or purchased in the country to be weighed on the Fort Worth Stock Yards through market agency, the same commission charges will apply as though sold or purchased by the market agency on the Fort Worth Stock Yards.

AUTHORIZED COLLECTIONS

Brand inspection (as per tariffs on file)

FIRE INSURANCE

There will be collected on all livestock on the Fort Worth Market, the following charges to cover Fire Insurance, unless otherwise directed by shipper or owner:

Carload receipts by rail: $0.10.

On less than carloads received by rail, drive-in or truck-in rates apply:

Driven-In or Trucked-In

	Per head
Cattle	1/2¢
Calves and hogs	1/5¢
Sheep and goats	1/6¢

The charge on any trucked-in or driven-in shipment shall not exceed 10¢ up to:

30 head of cattle one ownership.
75 head of calves and hogs one ownership.
300 head of sheep or goats one ownership.
Minimum charge one consignment, one cent.

LIVESTOCK TRAFFIC ASSOCIATION

For the purpose of providing funds with which to carry on the work of the Livestock Traffic Association in matters dealing with the railroad and motor truck rates before the Railroad Commission of Texas and Interstate Commerce Commission, the subscribing market agency will collect and pay to the Livestock Traffic Association, the following amounts on all livestock sold at the Fort Worth market:

Cattle (per head)	1¢
Calves, hogs, sheep, goats (per head)	1/2¢
Maximum charge on any one consignment	$1.00
Minimum charge on any one consignment	.01

Provided, That if any shipper objects to the foregoing deductions the charge will be refunded.

NATIONAL LIVESTOCK & MEAT BOARD

For the purpose of providing funds with which to carry on the work of the National Livestock & Meat Board, the market agencies may collect and pay to the National Livestock & Meat Board the following amounts on livestock sold on the Fort Worth market. This deduction is not made at the direction of the Government, and the reasonableness of the amount of the deduction has not been determined by the Government.

	Per head
Cattle	1¢
Calves	1/5¢
Hogs	1/5¢
Sheep	1/6¢

Provided, That if any shipper objects to the foregoing deductions, the charges will be refunded.

The rates petitioned for, if authorized, will provide additional revenue for the respondents so that it appears that public notice of the filing of the petition should be given in order that all interested persons may have an opportunity to be heard in the matter.

Now, therefore, notice is hereby given to the public and to all interested persons of the filing of the petition for increases in the temporary rates currently in effect.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 8th day of November 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-9958; Filed, Nov. 12, 1948; 9:13 a. m.]

[7 CFR, Part 162]

ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT SO AS TO EXEMPT SODIUM FLUORIDE UNDER CERTAIN CONDITIONS FROM COLORATION PROVISIONS OF SAID ACT

NOTICE OF INTENTION TO AMEND REGULATIONS

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) as follows:

Representation has been made to the United States Department of Agriculture that sodium fluoride colored as required by section 3 (a) (4) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 1946 ed. Supp. I 135a (a) (4)) and § 162.12 (c) of the regulations issued under said act (7 CFR 1947 Supp. 162.12 (c)) when used as a fungicide in the manufacture or processing of rubber, glue, and leather goods, imparts undesirable color characteristics to the finished goods, and that coloration of sodium fluoride for such uses is impracticable, serves no useful purpose, and is not necessary for the protection of the public health.

The Secretary of Agriculture pursuant to section 3 (a) (4) of the Federal Insecticide, Fungicide, and Rodenticide Act is therefore considering exempting sodium fluoride from the coloration requirements of said section and § 162.12 (c) of the regulations issued under said act, under certain conditions when it is intended exclusively for such specified uses. It is proposed for this purpose to amend § 162.18 of said regulations (7 CFR 1947 Supp. 162.18) by designating as paragraph (a) of said section the provisions now appearing after the heading "Exemptions" in said section and by adding to said section the following as paragraph (b):

(b) The economic poison sodium fluoride shall be exempt from the coloration requirements of section 3 (a) (4) of the act and § 162.12 (c) when (1) it is intended for use as a fungicide solely in the manufacture or processing of rubber, glue, or leather goods; (2) coloration of said economic poison in accordance with said requirements will be likely to impart objectionable color characteristics to the finished goods; (3) said economic poison will not be present in such finished goods in sufficient quantities to cause injury to any person; and (4) said economic poison will not come into the hands of the public except after incorporation into such finished goods.

Any person who wishes to file written data, views, or arguments on the foregoing proposed amendment may do so by filing them with the Chief of the Insecticide Division, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of November 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-9929; Filed, Nov. 12, 1948; 8:54 a. m.]

[7 CFR, Part 903]

HANDLING OF MILK IN ST. LOUIS, MO., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held at St. Louis, Missouri, on July 7–9, 1948, all dates inclusive, pursuant to a notice issued on June 18, 1948 (13 F. R. 3299, 3485), upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on September 9, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 14, 1948 (13 F. R. 5337).

The material issue presented on the record of the hearing was whether the Class I price differential over the basic formula price should be revised immediately.

Rulings on exceptions. Exceptions to the recommended decision were filed on behalf of Sanitary Milk Producers.

In arriving at the findings and conclusions decided upon in this decision each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions decided upon herein are at variance with the exceptions pertaining thereto such exceptions are overruled.

Findings and conclusions. The pricing provisions of the order, as amended, should be immediately revised to provide for an increase in the Class I price differential of $0.46 per hundredweight for the period from the effective date hereof to and including December 1948 and $0.23 per hundredweight for the period of January through March 1949.

Milk supplied by producers has been insufficient to meet the needs of the market. During all 12 months of each year since 1940, handlers have purchased milk, skim milk, or cream from sources outside the regular St. Louis supply area. While the consumption of fluid milk in the St. Louis market is somewhat less than a year ago, production of producer milk has declined more rapidly than consumption, thus necessitating greater imports than during corresponding periods of the previous year. During the first five months of 1948 St. Louis handlers imported 16,133,948 pounds of approved milk, skim milk, and cream from sources outside the regular St. Louis supply area; whereas, during the corresponding period in 1947 such imports amounted to only 8,612,179 pounds.

The number of producers supplying the St. Louis market has declined from year to year. The average number of producers was 4,115 in 1940; 3,571 in 1945; 3,411 in 1946; and 3,323 in 1947. During the first 6 months of 1948 the number of producers has varied each month from 39 to 89 fewer producers than for the corresponding month of 1947. In addition, the production per farm for each month since July 1947 has shown a decrease as compared with the same month of the previous year.

There are markets with less rigid health requirements purchasing milk from the same supply area as the St. Louis market and paying prices comparable to prices obtained in the St. Louis market. Many producers leaving the St. Louis market have shifted to these markets.

Handlers contended that the basic formula price used in the determination of the Class I price had risen substantially during the past year. While this was true at the time of the hearing it must be recognized that the differential must be maintained at such level that farmers in the supply area will be encouraged to deliver their milk to the St. Louis market rather than manufacturing outlets. The fact that the quantity of producer milk delivered to St. Louis handlers has been insufficient to meet minimum needs for graded milk, and the number of producers and receipts per farm are continuing to decline indicates that the differential has not been sufficiently high. Unless an adequate differential over the basic formula price is maintained the supply of producer milk in the St. Louis market will be further impaired.

In the recommended decision issued by the Assistant Administrator, it was concluded that the producer proposal to effect an immediate amendment to the order, as amended, to provide for an increase of $0.46 in the Class I price differential for the delivery periods of July through December and $0.23 for the delivery periods of January through March,, if during the 12 months immediately preceding the delivery period the total volume of milk delivered by all pro-

ducers was less than 130 percent of the total Class I sales by all handlers, should not be adopted at this time.

Producers in support of their proposal had stated that producer receipts of 130 percent of Class I sales were necessary to supply market requirements of fluid milk, fluid cream, skim milk, buttermilk, flavored milk, and flavored milk drinks.

The recommended decision indicated that any change in the Class I price differential should be adopted only in conjunction with a review of the related classification provisions of the order. It was, therefore, concluded that no action on the proposal for a revision in the Class I price differential would be appropriate at that time.

Producers object to this decision and contend that the denial of the proposed price was contrary to the facts presented on the record in that it did not give due recognition to the emergency now existing in the St. Louis marketing area.

The decision of the Assistant Administrator to the effect that a change in the Class I price differential in the St. Louis market should be adopted only in conjunction with a review of the related classification provisions of the order is herein concurred with. However, this does not preclude price action on a temporary basis. Notice was taken in the recommended decision of a hearing which has since been held in St. Louis on September 20–29, 1948. Prior to action on that record, it is concluded that conditions set out in the record of the emergency hearing justify an increase of $0.46 per hundredweight from the effective date hereof to and including the month of December 1948 and $0.23 per hundredweight for the months of January through March 1949.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect the market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Mo., Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Mo., Marketing Area," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and in the attached order amending the order, as amended, which will be published with this decision.

This decision filed at Washington, D. C., this 9th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held on July 7-9, 1948, all dates inclusive, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. The recommended decision (13 F. R. 5337) was made by the Assistant Administrator of the Production and Marketing Administration on September 9, 1948. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

Delete the period (.) at the end of § 903.4(a)(1) and add the following: ": *Provided*, That from the effective date hereof to and including December 1948 the price of Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus $1.81 per hundredweight; and for the delivery periods of January through March 1949 the price of Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus $1.33 per hundredweight."

[F. R. Doc. 48-9959; Filed, Nov. 12, 1948; 9:02 a. m.]

[7 CFR, Part 973]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held at St. Paul, Minnesota, on May 10, 1948, and at Minneapolis, Minnesota, on May 11 and 12, 1948, after the issuance of notice on April 26, 1948 (13 F. R. 2316).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 2, 1948, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 6, 1948 (13 F. R. 4545). Exceptions were filed on behalf of (1) Aerated Products Company of Minnesota, (2) Dutch Mill Dairy, (3) Minneapolis Milk Dealers Association, St. Paul Milk Company, Sanitary Farm Dairies, and Minnesota Milk Company, (4) Oak Grove Dairy, and (5) Twin City Milk Producers Association. These exceptions have been considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions pertaining thereto to such exceptions are hereby overruled.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 48-7097; 13 F. R. 4545) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following amendment:

Delete the finding and conclusion with respect to issue 3 and substitute therefor the following:

3. Revision of the classes of utilization should be made. Skim milk and butterfat disposed of for consumption in the form of buttermilk, eggnog, aerated cream, ready whipped cream and mixes for toppings and for other uses similar to those of whipped cream, should be included in Class I.

Skim milk and butterfat in cultured buttermilk remain classified in Class I. Natural buttermilk is in general used for the same purposes as cultured buttermilk. Its most common use is as a milk beverage. For this and other uses it is competitive with milk, skim milk and cultured buttermilk. The skim milk and butterfat in natural buttermilk should be included with that in milk, skim milk and cultured buttermilk in Class I.

Skim milk and butterfat in fluid cream are appropriately included in Class I.

One of the well known and long established uses for fluid cream of a relatively high butterfat content is in whipped cream. Fluid cream is also used in eggnog, aerated cream, ready whipped cream and in mixes for toppings and for other uses similar to those of whipped cream.

Drug stores, soda fountains, restaurants and similar establishments in supplying their need for cream toppings may purchase fluid cream and whip it or they may purchase one or more of these products already prepared.

A market has been developed for these products reaching the user in a form which eliminates the necessity for whipping manually. The record indicates the replacement of whipping cream to some extent by these products.

Exceptions alleged that the use of these products has in fact increased the sale and consumption of cream. Such an increase, if established, would not warrant a different classification for butterfat and skim milk contained in such products than for butterfat and skim milk in fluid cream used for similar purposes.

The classification of shrinkage of skim milk and butterfat should be revised.

Under the present order no shrinkage is allowed on the skim milk and butterfat in other source milk. Shrinkage not in excess of 1 percent of the total receipts of skim milk and butterfat, respectively, from producers is classified as Class II milk and shrinkage in excess of these respective amounts is classified as Class I milk.

Total shrinkage of skim milk and butterfat, respectively, should be prorated between receipts of skim milk and butterfat directly from producers' farms and from non pool plants. With respect to shrinkage allocated to skim milk and butterfat received directly from producers' farms, that not in excess of 1 percent of receipts should be prorated over the Class I and Class II use of skim milk and butterfat received directly from producers' farms and that in excess of 1 percent of receipts should continue to be classified as Class I milk. Skim milk and butterfat received from non pool plants are first eliminated from Class II milk. Thus shrinkage allocated to such skim milk and butterfat should be classified as Class II milk.

There are at times surpluses of skim milk too small for economical manufacture. To prevent waste such skim milk is at times used for animal feed and when so used should be classified as Class II milk.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby amended by the attached order, which will be published with this decision.

This decision filed at Washington, D. C., this 9th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Milk in the Minneapolis-St. Paul, Minn., Marketing Area

§ 973.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held at St. Paul, Minnesota, on May 10, 1948, and at Minneapolis, Minnesota, on May 11 and 12, 1948, upon a proposed amendment to the marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order, as hereby amended, will tend to effectuate the declared policy of the act.

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended; and the aforesaid order is hereby amended to read as follows:

§ 973.1 *Definitions.* The following terms shall have the following meaning:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

(d) "Minneapolis-St. Paul, Minnesota, marketing area" hereinafter called the "marketing area" means the territory within the corporate limits of the cities of Minneapolis, Robbinsdale, and Wayzata in Hennepin County; Columbia Heights in Anoka County; St. Paul and White Bear in Ramsey County; West St. Paul and South St. Paul in Dakota County; together with the following townships and all villages therein: Brooklyn, Crystal, St. Anthony, Golden Valley, St. Louis Park, Orono, Excelsior, Minnetonka, Edina, Bloomington, and Richfield in Hennepin County; Fridley in Anoka County; Mounds View, Rose, White Bear, and New Canada in Ramsey County; Grant, Oakdale, Woodbury, Cottage Grove, and Newport in Washington County; and Mendota, West St. Paul, and Inver Grove in Dakota County; all in the State of Minnesota.

(e) "Pool plant" means any milk processing plant during any delivery period within which skim milk or butterfat (1) is disposed of as Class I milk from such plant on wholesale or retail routes (including plant stores) within the marketing area, (2) is transferred as Class I milk from such plant to a plant described in subparagraph (1) of this paragraph unless such transfer is made only during the months of August to November, inclusive, or (3) is transferred as Class I milk from such plant to a plant described in subparagraph (2) of this paragraph unless such transfer is made only during the months of August to November, inclusive. Any such plant shall continue to be a "pool plant" during any delivery period in which skim milk or butterfat is transferred as Class I milk from such plant to another pool plant until August 1 of the year following that in which such transfer was last made.

(f) "Non pool plant" means any milk processing plant during any delivery period when such plant does not meet the requirements set forth in paragraph (e) of this section. Any such plant shall become a "pool plant" during any delivery period within which it meets the requirements set forth in paragraph (e) of this section.

(g) "Person" means any individual, partnership, corporation, association or any other business unit.

(h) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly from such person's farm at a pool plant.

(i) "Handler" means any person, irrespective of whether such person is also a producer, in his capacity as the operator of a pool plant.

(j) "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided*, That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

(k) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(l) "Market administrator" means the person designated pursuant to § 973.2 as the agency for the administration hereof.

(m) "Delivery period" means a calendar month or the portion thereof during which this order is in effect.

§ 973.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof;

(2) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof;

(3) Recommend to the Secretary amendments hereto;

(4) Make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including but not limited to, the following:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary, a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 973.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 973.10;

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Unless otherwise directed by the Secretary publicly disclose within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 20 days after the date on which he is required to perform such acts, has not (i) made reports pursuant to § 973.3 or (ii) made payments pursuant to § 973.8; and may at any time thereafter so disclose any such name if authorized by the Secretary;

(5) Verify each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends; and

(6) Prepare and disseminate to the public such statistics and information concerning the operations hereunder as he deems advisable and as do not reveal confidential information.

§ 973.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 8th day of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by him at each pool plant during the preceding delivery period in the detail and on forms prescribed by the market administrator:

(1) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts from producers (including his own production), producer-handlers, pool plants and nonpool plants and the sources thereof;

(2) The utilization of all skim milk or butterfat disposed of;

(3) The quantities of skim milk and butterfat on hand at the beginning and end of each delivery period; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(c) *Reports as to producers.* Each handler, upon the request of the market administrator, shall, on or before the 25th day of each delivery period submit to the market administrator such handler's producer pay roll for the preceding delivery period which shall show for each producer (1) the total pounds of milk delivered with the average butterfat test thereof, and (2) the net amount of such handler's payments to such producer or to a cooperative association together with the prices, deductions, and charges involved.

(d) *Records and facilities.* Each handler shall permit the market administrator to make such examinations of his operations, equipment, and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (1) the receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing or packaging; (2) the weights and tests for butterfat and for other content of all skim milk or butterfat handled, (3) payments to producers and cooperative associations, and (4) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 973.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by a handler during each delivery period shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour including a mixture of cream and milk or skim milk containing less butterfat than the legal standard for cream), eggnog, aerated cream, ready whipped cream, and mixes for toppings and uses similar to those of whipped cream, all skim milk and butterfat not specifically accounted for pursuant to subparagraph (2) of this paragraph and all shrinkage allocated to Class I milk pursuant to paragraph (c) (3) and (4) of this section.

(2) Class II milk shall be all skim milk disposed of as animal feed and all skim milk and butterfat: (i) Used to produce a milk product other than those specified in subparagraph (1) of this paragraph, (ii) in shrinkage of receipts from nonpool plants, and (iii) in shrinkage of receipts directly from producers' farms which has been allocated to Class II pursuant to paragraph (c) (3) of this section.

(c) *Shrinkage.* The market administrator shall allocate shrinkage over each handler's receipts as follows:

(1) Compute separately the total shrinkage of skim milk and butterfat.

(2) Prorate the resulting amounts respectively, between the receipts of skim milk and butterfat directly from producers' farms and from nonpool plants.

(3) Prorate the shrinkage of skim milk and butterfat, respectively, allocated to skim milk and butterfat received directly from producers' farms, up to 1 percent of such receipts, over the handler's Class I and Class II utilization of skim milk and butterfat received directly from producers' farms.

(4) Add to the handler's Class I utilization of skim milk and butterfat, respectively, any shrinkage allocated to skim milk and butterfat received directly from producers' farms in excess of 1 percent of such receipts.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat purchased or received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise.

(2) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler by transfer shall be classified:

(1) As Class I milk if transferred in the form of milk, skim milk, or cream to another handler (other than a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided*, That, if either or both handlers have received skim milk or butterfat from a nonpool plant, the skim milk or butterfat transferred from a pool plant shall be classified at both plants so as to return the highest class utilization to milk of producers.

(2) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(3) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (i) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and the person who received such milk, on or before the 8th day after the end of the delivery period within which such transfer occurred, (ii) the nonpool plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for the purpose of verification, and (iii) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in the remaining class.

(4) As Class I milk if transferred in the form of milk or skim milk and as Class II milk if transferred in the form of cream to a non pool plant located more than 100 miles from the marketing area.

(f) *Computation of milk in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler.

(g) *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated in the following manner:

(i) Subtract from the total pounds of skim milk in Class II the pounds of skim milk shrinkage allocated to Class II pursuant to paragraph (c) (3) of this section.

(ii) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk received from non pool plants: *Provided*, That if the receipts from non pool plants are greater than the pounds of skim milk remaining in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I.

(iii) Subtract from the remaining pounds of skim milk in each class, respectively, the pounds of skim milk received from other pool plants in accordance with its classification as determined pursuant to paragraph (e) (1) of this section.

(iv) Add to the remaining pounds of skim milk in Class II the amount subtracted pursuant to subdivision (i) of this subparagraph.

(v) If the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from Class II: *Provided*, That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted, an amount equal to the difference shall be subtracted from Class I.

(2) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in subparagraph (1) of this paragraph.

(3) Determine, respectively, the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to subparagraphs (1) and (2) of this paragraph.

§ 973.5 *Minimum prices*—(a) *Class prices.* Each handler shall, subject to the provisions of paragraphs (c) and (d) of this section, pay at the time and in the manner set forth in § 973.8 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant.

(1) *For Class I milk.* The price shall be the basic price determined pursuant to paragraph (b) of this section plus 50 cents during the delivery periods of January to June, inclusive; plus 70 cents during the delivery periods of July and December; and plus $1.00 during the delivery periods of August to November, inclusive.

(2) *For Class II milk.* The price shall be that determined by the market administrator as follows: (i) Multiply by 3.5 the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period in which such milk was received and add 20 percent thereof; (ii) multiply by 7.7 the average price of spray and roller process non fat dry milk solids for human consumption, in carlots f. o. b. manufacturing plants as reported for the Chicago area by the Department of Agriculture for the delivery period during which the milk was received; (iii) add into one sum the amounts obtained in subdivisions (i) and (ii) of this subparagraph; and (iv) subtract 42 cents therefrom.

(b) *Basic prices.* The basic price to be used in determining the price per hundredweight of Class I milk shall be the price for Class II milk computed pursuant to paragraph (a) (2) of this section or that derived from either of the formulas set forth in subparagraphs (1) and (2) of this paragraph, whichever is the highest.

(1) The average of the basic or field prices ascertained to have been paid for

milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Companies and Locations

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) (i) Multiply the average wholesale price per pound of 93-score butter at New York for said delivery period as reported by the Department of Agriculture by six (6); (ii) add 2.4 times the weekly prevailing price of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange, the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this subparagraph; (iii) divide the resulting sum by seven (7); (iv) add 30 percent thereof; and (v) multiply the resulting sum by 3.5.

(c) *Location differential to handlers.* With respect to milk purchased or received at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul and which is classified as Class I milk, the price per hundredweight computed pursuant to paragraph (a) (1) of this section shall be reduced one cent for each full mile that such plant is more than 15 miles distant from such Viaduct. Such deduction shall be based on the shortest highway distance from such pool plant as determined by the market administrator.

For purposes of this paragraph the milk which is classified as Class I milk during each delivery period shall be considered to have been first that which was received from producers at such handler's pool plants located within the marketing area, and then that milk which was received from producers at such handler's other pool plants located nearest to the marketing area.

(d) *Butterfat differentials to handlers.* (1) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to paragraph (a) (1) of this section for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 25 percent and divide the sum obtained by 10.

(2) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to paragraph (a) (2) of this section for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period add 20 percent and divide the sum obtained by 10.

(e) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *And provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 973.6 *Application of provisions*—(a) *Application to producer-handlers.* Sections 973.4, 973.5, 973.7, 973.8, 973.9 and 973.10 shall not apply to the handling of milk by producer-handlers.

(b) *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 973.1 (j), as of the effective date hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing milk that affect their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the receipt of the evidence and shall be retroactive to the effective date hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(c) *Sales of milk by a producer-handler.* A producer-handler who sells or disposes of skim milk or butterfat other than in packaged form to another handler or producer-handler shall be considered a producer with respect to such skim milk or butterfat.

(d) *Handlers who receive milk from two groups of producers.* In the case of a handler who is required by any health authority in the marketing area to separate his producers into two groups and to receive and handle separately the milk received from each group, the market administrator shall compute a uniform price for each group of producers in the manner provided in § 973.7, if the handler files separate reports for each group, and the milk is handled in such a manner and the records of the handler are so kept that the market administrator can verify the utilization of the milk received from each group.

§ 973.7 *Determination of uniform prices to producers*—(a) *Computation of the value of milk received from producers.* The value of the milk received directly from producers' farms during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class price and adding together the resulting amounts: *Provided*, That if any skim milk has been subtracted pursuant to § 973.4 (g) (1) (v), or if any butterfat has been similarly subtracted, there shall be added to the above value an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

(b) *Computation of the uniform price for each handler.* The market administrator shall compute the uniform price per hundredweight for milk purchased or received directly from producers' farms during the delivery period by each handler as follows:

(1) To the value computed pursuant to paragraph (a) of this section add an amount equal to the total value of the location differentials computed pursuant to § 973.8 (c).

(2) From the sum obtained in subparagraph (1) of this paragraph subtract, if the average butterfat content of all milk received by such handler directly from producers' farms is more than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.8 (b) and multiply the result by the total hundredweight of milk received directly from producers' farms.

(3) Adjust the resulting sum by an amount representing the fraction used in adjusting the uniform price for the previous delivery period to the nearest cent.

(4) Divide the result by the total hundredweight of milk received directly from producers' farms.

(5) Adjust the resulting figure to the nearest cent. This shall be known as the uniform price per hundredweight for each handler for milk of 3.5 percent butterfat content delivered to the marketing area.

(c) *Announcement of class prices.* On or before the 6th day after the end of the delivery period the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to § 973.5 (a) and the butterfat differentials computed pursuant to § 973.5 (d) and § 973.8 (b).

(d) *Announcement of uniform prices.* On or before the 15th day after the end of each delivery period the market administrator shall notify each handler and make public announcement of the uniform prices computed pursuant to paragraph (b) of this section.

§ 973.8 *Payments for milk*—(a) *Time and method of payment.* Each handler shall make payment as follows:

(1) On or before the 20th day after the end of the delivery period in which the milk was received, to each producer for milk not caused to be delivered directly from such producers' farms to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 973.7 (b), subject to the differentials set forth in paragraphs (b) and (c) of this section.

(2) On or before the 15th day after the end of the delivery period in which the milk was received, to a cooperative association for milk which it caused to be delivered directly from producers' farms to such handler and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subparagraph (1) of this paragraph, and less the amount of the payment made pursuant to subparagraph (4) of this paragraph.

(3) On or before the 10th day after the end of the delivery period in which the skim milk or butterfat was received, to a cooperative association for skim milk or butterfat purchased or received from such cooperative association at not less than the class prices computed pursuant to § 973.5 (a), subject to the differentials set forth in § 973.5 (c) and (d), and less the amount of the payment made pursuant to subparagraph (4) of this paragraph.

(4) On or before the 20th day of the delivery period in which such skim milk and butterfat was received, to a cooperative association, if it so requests, for skim milk and butterfat which was purchased or received from such cooperative association and for skim milk and butterfat which such cooperative association caused to be delivered directly from producers' farms to the plant of such handler during the first 15 days of such delivery period at the approximate value of such skim milk or butterfat.

(b) *Butterfat differential to producers.* If during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payment prescribed in paragraph (a) (1) and (2) of this section shall add to the uniform price per hundredweight payable to such producer for each one-tenth of 1 percent that the butterfat content in milk is above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of 1 percent that the butterfat content in milk is below 3.5 percent not more than an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period, add 20 percent and divide the resulting sum by ten (10).

(c) *Location differential to producers.* In making payment pursuant to paragraph (a) (1) and (2) of this section for milk received from producers at a pool plant located more than 15 miles from the Minnesota Transfer Viaduct over University Avenue in St. Paul, each handler shall deduct from the uniform price payable to such producers an amount equal to one cent per hundredweight for each full mile that the plant where such milk was received is more than 15 miles distant from such Viaduct.

(d) *Correction of errors in payments to producers.* Errors in making any of the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors. Any correction affecting all producers delivering to any handler during the period in which such error occurred shall be corrected in such manner as the market administrator shall determine to be equitable, either by (1) adjustment of the account of each individual producer who delivered during such period on the basis of a recomputation of the price of such handler, or (2) by addition or subtraction of the amount of such correction to or from the value of all milk received by such handler in the delivery period during which such error was determined, computed as set forth in § 973.7 (a).

(e) *Statement to producers.* In making the payments required by this section, each handler shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of the milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of paragraphs (a) and (d) of this section;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under § 973.10, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

§ 973.9 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler, with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, shall pay to the market administrator, on or before the 18th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

§ 973.10 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 973.8 shall make a deduction of 2 cents per hundredweight or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk purchased or received from said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act" is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, no such deduction shall be made.

§ 973.11 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 973.12 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions hereof or any amendments hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions hereof, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all of the provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with

the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

[F. R. Doc. 48-9960; Filed, Nov. 12, 1948; 9:02 a. m.]

NOTICES

POST OFFICE DEPARTMENT

MERCHANDISE FOR YUKON TERRITORY RESTRICTED DURING WINTER SEASON

The Canadian Postal Administration advises that the transmission of merchandise to the Yukon Territory over the White Horse-Dawson route during the winter season (from October 1, 1948 to May 31, 1949) will, as in former years, be restricted to merchandise for post offices at Carcross, White Horse, and Champagne.

Postmasters will, therefore, decline to accept for mailing until June 1, 1949, merchandise to be transmitted over the White Horse-Dawson route to either Uniter States or Canadian points, except as stated above.

It is added, however, that during the winter season there is a weekly air stage service in operation between White Horse and Dawson via Mayo Landing, White Horse and Port Selkirk via Carmacks, and between Dawson and Stewart River. Parcel post is conveyed over this air stage service to and from these post offices at the air parcel rate of 30 cents for the first pound plus 25 cents for each additional pound or fraction thereof, up to 15 pounds. Parcels originating in the United States addressed for delivery at Dawson, Mayo Landing, Port Selkirk, Carmacks, and Stewart River will be given air transmission to those points in the Yukon, provided postage is paid at the above-mentioned rate. Such parcels will be sent by ordinary means to White Horse for onward air connection.

In addition, Teslin is served semiweekly the year round by motor vehicle service via the Alaska Highway. Parcels for delivery at Teslin are subject to a special rate of 25 cents per pound or fraction.

Parcel post addressed for delivery at Watson Lake, Yukon, will also be accepted for mailing when prepaid at the rate of 30 cents for the first pound and 25 cents for each additional pound or fraction thereof.

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 48-9921; Filed, Nov. 12, 1948; 8:53 a. m.]

MAILING OF AIR PARCEL POST TO OVERSEAS ARMY AND NAVY POST OFFICES DURING PERIOD, NOVEMBER 15 TO DECEMBER 31, 1948

Although the public has been informed that Christmas parcels for members of the armed forces overseas should be mailed prior to November 15, 1948, there are indications that many persons contemplate mailing such gifts at a later date via air parcel post with the idea of securing prompt delivery.

The Departments of the Army and Navy have advised that present air lift capacities to the various overseas areas are being taxed to the utmost and it will not be possible to augment such facilities at this time. Hence, any appreciable increase in mailings of air parcel post to service personnel overseas would result in such matter being transported via surface means with much later date of delivery than intended by the mailer.

Therefore, in order to prevent the mailing of quantities of air parcel post during the Christmas season which cannot be transported with existing air facilities, effective during the period November 15, 1948, to and including December 31, 1948, postal patrons tendering air parcel post matter (air parcels exceeding 8 ounces in weight) addressed to Army Post Offices in care of the postmasters at New York, New York, San Francisco, California, and New Orleans, Louisiana, as well as Navy Post Offices in care of the Fleet Post Offices at New York, New York, and San Francisco, California, shall be informed that no assurance can be given that overseas air transportation can be provided by the armed services, and that if surface transportation must be employed delivery will be delayed accordingly. During the period stated air parcel post addressed as indicated shall be accepted only upon the understanding by the mailer that such matter will be transported overseas by surface means unless air facilities are available at the time.

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 48-9922; Filed, Nov. 12, 1948; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

JULY 14, 1948.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

CENTRAL VALLEY PROJECT

WHISKEY TOWN RESERVOIR SITE

Mount Diablo Meridian

T. 32 N., R. 6 W.,
sec. 8, NW¼NE¼, W½, W½SE¼, SE¼SE¼;
sec. 9, NE¼, E½NW¼, N½SW¼, E½SE¼;
sec. 15, SW¼SW¼, S½SE¼SW¼;
sec. 18, E½;
sec. 20, E½E½, W½NW¼, NW¼SW¼;
sec. 21, NW¼NW¼;
sec. 22, all;
sec. 27, S½NW¼NE¼, SW¼NE¼, SW¼SW¼NW¼, NE¼SE¼NW¼, S½SE¼NW¼, W½NW¼SW¼, NE¼SW¼SW¼, E½SW¼;
sec. 28, E½, N½NW¼.
T. 32 N., R. 7 W.,
sec. 1, S½SE¼SE¼;
sec. 12, N½NE¼.

The above areas aggregate 2,930 acres.

Notice for filing objections. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order, withdrawing certain public lands in the State of California for use in connection with the Central Valley Project, California, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

[SEAL] G. E. TOMLINSON,
Acting Commissioner.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

MARION CLAWSON,
Director.

AUGUST 10, 1948.

[F. R. Doc. 48-9961; Filed, Nov. 12, 1948; 9:13 a. m.]

Fish and Wildlife Service

WISCONSIN

EMERGENCY EXTENSION OF WATERFOWL AND COOT SEASON

Pursuant to authority conferred by § 1.4 of the regulations under the Migratory Bird Treaty Act (50 CFR 1.4), I have determined that by emergency action of the proper State authority in Wisconsin due to forest fire hazards, hunting was prohibited in an extensive area of that State for five and one-half days, which prohibition has resulted in a shortening of the season for hunting wild ducks, geese, and coot in said area. I have determined further that a compensatory extension of the said season for five days will not result in a diminution of the abundance of birds to any greater extent than that contemplated for the original hunting season.

Accordingly, subject to all other provisions of the existing Migratory Bird Treaty Act regulations, the season for hunting wild ducks, geese, and coot is extended from November 14 to November 18, 1948, both dates inclusive, in that portion of the State of Wisconsin described as follows:

All lands and waters within the boundaries of Wisconsin forest protection districts as heretofore established by the State Conservation Commission and, in addition, all lands and waters within the boundaries of Lincoln and Marathon counties.

Dated: November 10, 1948.

(Proc. 2822, Nov. 5, 1948, 13 F. R. 6549.)

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 48-9977; Filed, Nov. 12, 1948; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS

NOTICE OF DATES

NOVEMBER 8, 1948.

The Commission announced that the following dates will constitute the composite week of 1948 for the preparation of program log analyses in connection with renewal applications of all AM and FM broadcast stations whose licenses expire in 1949:

Monday, January 26.
Tuesday, March 30.
Wednesday, April 14.
Thursday, June 17.
Friday, August 27.
Saturday, September 25.
Sunday, November 7.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9933; Filed, Nov. 12, 1948; 9:02 a. m.]

WRQN

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on July 1, 1948 there was filed with it an application (BAL-791) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WRQN from M. F. Brice, W. O. Davis, R. E. Ledford and R. W. Sockwell, d/b as Vidalia Broadcasting Company, to M. F. Brice and R. E. Ledford, d/b as Vidalia Broadcasting Company. The proposal to assign the license arises out of contracts of June 21, 1948 pursuant to which the one-quarter partnership interest of W. O. Davis will be transferred to M. F. Brice for $5,871 in cash and the one-quarter partnership interest of R. W. Sockwell will be transferred to R. E. Ledford upon the same terms. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on October 8, 1948 that starting on October 7, 1948 notice of the filing of the application would be inserted in the Vidalia Advance a newspaper at Vidalia, Georgia in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from October 7, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9934; Filed, Nov. 12, 1948; 9:01 a. m.]

KORN

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on October 29, 1948 there was filed with it an application (BAL-790) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station KORN, Fremont, Nebraska, from Inland Broadcasting Company to Walker Newspapers, Inc. The proposal to assign the license arises out of a contract of September 30, 1948 pursuant to which Inland Broadcasting Company will assign to Walker Newspapers, Inc. the license for station KORN and certain contracts and equipment in connection with the station for a total consideration of $22,000, of which $2,500 has been paid, $7,500 is due on the closing date, and the balance due 120 days thereafter. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commissioner in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on October 29, 1948 that starting on October 29, 1948 notice of the filing of the application would be inserted in the Fremont Guide and Tribune a newspaper of general circulation at Fremont, Nebraska in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from October 29, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9935; Filed, Nov. 12, 1948; 9:01 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

[Docket No. 8626]

NORTHWEST PUBLIC SERVICES

ORDER CONTINUING HEARING

In re application of Roscoe Arthur Day, Jr., Henry H. Alderman and Frederick C. Arpke, d/b as Northwest Public Services, Kelso, Washington, Docket No. 8686, File No. BP-6026; for construction permit.

Whereas, the above-entitled application is presently scheduled to be heard on November 8, 1948, at Kelso, Washington; and

Whereas, the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 29th day of October, 1948, that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, November 10, 1948, at Kelso, Washington.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9936; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket Nos. 7950, 7951, 8114]

EAST TEXAS BROADCASTING CO. (KGKB) AND MIDWEST BROADCASTING CO., INC. (KGGF)

ORDER CONTINUING HEARING

In re applications of James G. Ulmer and James G. Ulmer, Jr., d/b as East

Texas Broadcasting Company (KGKB), Tyler, Texas, Docket No. 7950, File No. BP-4769; Radio Enterprises, Inc. (KELD), El Dorado, Arkansas, Docket No. 8114, File No. BP-5644; for construction permits. The Midwest Broadcasting Company, Inc. (KGGF), Coffeyville, Kansas, Docket No. 7951, File No. BMP-2021; for modification of construction permit.

The Commission having under consideration a petition filed October 26, 1948, by East Texas Broadcasting Company, Tyler, Texas, requesting a continuance in the further hearing presently scheduled for November 8, 1948, at Washington, D. C., upon its above-entitled application for construction permit;

It is ordered, This 29th day of October, 1948, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, November 29, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9937; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket No. 8642]

DIAMOND H. RANCH BROADCASTERS

ORDER CONTINUING HEARING

In re application of Charles E. Halstead, tr/as Diamond H. Ranch Broadcasters, Auburn, California, Docket No. 8642, File No. BP-6171; for construction permit.

The Commission having under consideration a petition filed October 25, 1948, by Diamond H. Ranch Broadcasters, Auburn, California, requesting an indefinite continuance in the hearing presently scheduled for November 10, 1948, at Auburn, California, upon its above-entitled application for construction permit;

It is ordered, This 29th day of October, 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued, indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9938; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket Nos. 8983, 8984]

KWHN BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of KWHN Broadcasting Company, Inc., (KWHN and KWHN-FM), Fort Smith, Arkansas, Docket No. 8983, File No. BL-2816; BZ-2661; Docket No. 8984, File No. BMPH-1782; for AM broadcast license and for extension of completion date of FM station.

The Commission having under consideration a petition filed October 26, 1948, by KWHN Broadcasting Company, Fort Smith, Arkansas, requesting a continuance in the hearing presently scheduled for November 18, 1948, upon the above-entitled applications; and

It appearing, that petitioner has stated that it will file a petition for reconsideration and grant without hearing prior to November 15, 1948;

It is ordered, This 29th day of October, 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, January 17, 1949, at Fort Smith, Arkansas.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9939; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket Nos. 6916, 6917]

SCRIPPS-HOWARD RADIO, INC. AND CLEVELAND BROADCASTING, INC.

ORDER CONTINUING HEARING

In re applications of Scripps-Howard Radio, Inc., Cleveland, Ohio, Docket No. 6916, File No. BP-4118; Cleveland Broadcasting, Incorporated, Cleveland, Ohio, Docket No. 6917, File No. BP-4058; for construction permits.

The Commission having under consideration a petition filed October 27, 1948, by Scripps-Howard Radio, Inc., Cleveland, Ohio, requesting a continuance in the oral argument presently scheduled for November 5, 1948, in the proceeding upon the above-entitled applications for construction permits;

It is ordered, This 29th day of October, 1948, that the petition be, and it is hereby, granted; and that the oral argument in the above-entitled proceeding be, and it is hereby, continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9940; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket No. 8826]

MACKAY RADIO AND TELEGRAPH CO., INC. AND RCA COMMUNICATIONS, INC.

ORDER POSTPONING HEARING

In the matter of Mackay Radio and Telegraph Company, Inc., and RCA Communications, Inc., Docket No. 8826; applications for modifications of licenses to authorize communication with Pakistan.

The Commission, having under consideration a motion filed on October 28, 1948, by Mackay Radio and Telegraph Company, Inc., requesting a postponement for a period of approximately 60 days of the hearing herein, now scheduled to begin November 8, 1948;

It appearing, that RCA Communications, Inc., the other applicant herein, has no objection to the requested postponement;

It is ordered, This 1st day of November, 1948, that the hearing herein now scheduled to commence on November 8, 1948, is postponed to January 10, 1949, at the same time and place as heretofore designated.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9941; Filed, Nov. 12, 1948; 9:01 a. m.]

[Docket Nos. 8638, 8842, 9174]

WINCHESTER BROADCASTING CORP. ET AL.

CORRECTED ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUE

In re applications of Winchester Broadcasting Corporation, Winchester, Virginia, Docket No. 8638, File No. BP-6187; Richard Field Lewis, Jr. (WINC), Winchester, Virginia, Docket No. 8842, File No. BP-6242; for construction permits; and Richard Field Lewis, Jr., Winchester, Virginia, Docket No. 9174, File No. BRH-54; for renewal of license of Radio Station WINC-FM.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of October, 1948;

The Commission having under consideration the above-entitled application for renewal of license of Radio Station WINC-FM, Winchester, Virginia; and

It appearing, that the Commission on February 20, 1948, designated for hearing the application of Winchester Broadcasting Corporation (File No. BP-6187), requesting construction permit for a new standard broadcast station to operate on 1270 kc, 1 kw, daytime only, at Winchester, Virginia, said designation being predicated in part on charges made against Winchester Broadcasting Corporation by Richard Field Lewis, Jr.; and

It further appearing, that on March 18, 1948, the Commission designated for hearing the application of Richard Field Lewis, Jr. (File No. BP-6242) for construction permit to change frequency and power of Station WINC, Winchester, Virginia, from 1400 kc, 250 w, unlimited time, to 950 kc, 500 w, 1 kw-LS, using a directional antenna at night, unlimited time, to be heard in a consolidated proceeding with the aforesaid application of Winchester Broadcasting Corporation, said designation being predicated in part on countercharges made against the said Lewis by the Winchester Broadcasting Corporation, which is scheduled to be heard on April 18, 1949, at Washington, D. C.;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Richard Field Lewis, Jr., for renewal of license of Radio Station WINC-FM, be and it is hereby, designated for hearing in a consolidated proceeding, with the said application of Winchester Broadcasting Corporation for construction permit, and the said application of Richard Field Lewis, Jr., for construction permit, upon the following issue:

(1) To determine the qualifications of the applicant, Richard Field Lewis, Jr., to continue the operation of Station WINC-FM, particularly with reference to the truth or falsity of the above charges made against Winchester Broadcasting Corporation by the said Lewis and of the counter-charges against Lewis by the said Winchester Broadcasting Corporation.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-9942; Filed, Nov. 12, 1948; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1998]

HAROLD A. ARENTSEN

NOTICE OF APPLICATION FOR LICENSE

NOVEMBER 5, 1948.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r), that Harold A. Arentsen, of Seattle, Washington, has filed application for license for water-power Project No. 1998 (an enlargement of constructed Project No. 377), located on Big Port Walter Falls Creek, a tributary of Big Port Walter, on Baranof Island in the First Judicial Division, Alaska, and consisting of a timber dam about 25 feet long and 5 feet high, a wood flume 110 feet long, wood-stave pipe lines with aggregate length of 2,060 feet, a powerhouse containing a 100-horsepower water wheel and a 50-kilowatt generator, 14 water wheels with total capacity of 238 horsepower (one of which is connected to a 19-kilowatt generator) in various parts of the applicant's fish-reduction plant; and appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before December 17, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9920; Filed, Nov. 12, 1948; 8:53 a. m.]

[Project No. 16]

NIAGARA FALLS POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

NOVEMBER 8, 1948.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) that the Niagara Falls Power Company of Niagara Falls, New York, has made application for modification of Amendments Nos. 4, 5, and 6 and Instrument No. 19 of the license for Project No. 16 with respect to the emergency diversion of 12,500 cubic feet per second from the Niagara River for power purposes, to provide for (1) discontinuance of all requirements for separate accounting with respect to revenues and expenses attributable to the sale of power developed from diversion and use of the additional 12,500 c. f. s.; (2) discontinuance of further accruals to the emergency diversion reserve; and (3) discontinuance of hourly readings and monthly reporting of such power development.

Any protest against the approval of this application or request for hearing thereon, with reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before December 16, 1948 to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9890; Filed, Nov. 12, 1948; 8:54 a. m.]

[Docket No. G-1150]

TEXAS EASTERN TRANSMISSION CORP.

ORDER SUSPENDING RATE SCHEDULE

NOVEMBER 5, 1948.

It appearing to the Commission that:

(a) Texas Eastern Transmission Corporation (Texas Eastern) submitted for filing on October 19, 1948, a proposed supplement designated as Supplement No. 2 to its Rate Schedule FPC No. 5, providing for a change in service by increasing the daily contract quantity of natural gas deliverable to the East Ohio Gas Company, New York State Natural Gas Corporation and the Peoples Natural Gas Company (Consolidated companies) from 125,000 M c. f. per day to 200,000 M c. f. per day, with such increased deliveries to be accomplished as rapidly as Texas Eastern can install the necessary facilities to transport such additional quantities.

(b) The proposed supplement referred to in paragraph (a) hereof consists of an agreement dated February 13, 1948, between Texas Eastern and Consolidated companies which purports to effectuate the exercise by Consolidated companies of the options contained in the agreement dated March 26, 1947, between the same parties.

(c) On October 11, 1947, the Commission issued its Opinion No. 157 and order at Docket No. G-880, authorizing the construction and operation by Texas Eastern of certain natural-gas facilities and authorizing the sale and delivery by Texas Eastern of all of the natural gas to be made available therefrom.

(d) On February 15, 1948, Texas Eastern at Docket No. G-1003 filed an application[1] for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas facilities additional to those authorized at Docket No. G-880, in which application and the amendment and supplement thereto reference is made to the agreement of February 13, 1948, between Texas Eastern and Consolidated companies and request is made for authorization to sell and deliver to Consolidated companies all of the natural gas to be made available through construction and operation of the proposed additional facilities.

(e) The Commission, by a telegram dated May 28, 1948, granted to Texas Eastern temporary authorization to construct and operate the facilities described in its application of February 15, 1948, as amended on May 7, 1948, and supplemented on May 25, 1948, to increase its pipe-line capacity from 433 million cubic feet per day to 508 million cubic feet per day, provided that the issuance of such temporary authorization is without prejudice to any action that the Commission may take after full hearing upon the application in Docket No. G-1003.

(f) Pursuant to order of the Commission and after notice first having been given, hearings in Docket No. G-1003 and matters consolidated therewith for hearing, commenced on July 12, 1948, and concluded on August 6, 1948. On October 29, 1948, the Presiding Examiner entered his initial decision in Docket No. G-1003 and related dockets, and the matters in issue therein are now pending before the Commission.

(g) One of the principal issues to be determined at Docket No. G-1003 and dockets consolidated therewith for hearing, is the disposition to be made of the natural gas to be made available through the construction and operation of the facilities described in the application of Texas Eastern therein.

(h) On November 2, 1948, Texas Eastern filed with the Commission an application for temporary authorization to sell and deliver natural gas to Consolidated companies, stating that prior to final decision upon its application at Docket No. G-1003, Texas Eastern will have completed construction of at least a part of the facilities described in said application, and requesting authorization to sell and deliver such additional quantities of natural gas entirely to Consolidated companies under Texas Eastern's Rate Schedule FPC No. 5 and the supplement thereto described in paragraph (a) hereof.

(i) Texas Eastern has been and now is a natural-gas company subject to the jurisdiction of the Commission under the Natural Gas Act, engaged in the transportation of natural gas in interstate commerce and in the sale in interstate commerce of natural gas so transported to various purchasers for resale for ultimate public consumption for domestic, commercial, industrial and other uses.

(j) The rates, charges, classifications, services, rules, regulations, practices and contract requirements to be made, demanded, collected and imposed, as set forth in the aforesaid Supplement No. 2, may be unjust, unreasonable, unduly discriminatory and prejudicial.

(k) The sale and delivery of natural gas by Texas Eastern pursuant to the terms and provisions of the aforesaid Supplement No. 2 is one of the principal issues now pending before the Commis-

[1] Amended May 7, 1948; supplemented May 25, 1948.

sion for determination at Docket No. G–1003.

The Commission finds that: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed rates, charges, classifications and services, as set forth in the aforesaid Supplement No. 2, referred to in paragraph (a) hereof, and that said Supplement should be suspended as hereinafter provided and use deferred pending hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held at a date and place hereafter to be fixed by the Commission concerning the lawfulness of the rates, charges, classifications and services, subject to the jurisdiction of the Commission, as set forth in the aforesaid designated Supplement No. 2, referred to in paragraph (a) hereof and tendered for filing by Texas Eastern Transmission Corporation.

(B) Pending such hearing and decision thereon, Supplement No. 2, referred to in paragraph (a) hereof, and submitted by Texas Eastern Transmission Corporation, be and it hereby is suspended and use deferred of such rates, charges, classifications and services until such time as said supplement may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: November 8, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–9930; Filed, Nov. 12, 1948; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1940]

CENTRAL NEW YORK POWER CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of November 1948.

Central New York Power Corporation ("Central New York"), a subsidiary of Niagara Hudson Power Corporation, a registered holding company, which in turn is a subsidiary of the United Corporation, also a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the following proposed transaction:

Central New York proposes to issue its promissory notes prior to December 31, 1948 in the principal amount of not to exceed $5,000,000, pursuant to the provisions of an amendment dated August 17, 1948, to a loan agreement dated December 19, 1947, between Central New York and certain banks. The proposed promissory notes are to bear interest at the rate of 2½% per annum and are to be due December 31, 1950, subject to the right of Central New York to prepay at any time any part or all of such indebtedness. Pursuant to the provisions of the original loan agreement dated December 19, 1947, Central New York issued its notes in an aggregate principal amount of $10,000,000, bearing interest at the rate of 2¼% per annum.

The $5,000,000 of proceeds to be derived by Central New York from the proposed issuance and sale of the notes are to be used to apply to the cost of construction, extension and improvement of its plant, property and facilities. An amendment to the application states that the issue and sale of the $5,000,000 principal amount of promissory notes was approved by the Public Service Commission of the State of New York by order dated October 27, 1948.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application be granted, and deeming it appropriate to grant the request of applicant that the order become effective as soon as possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–9926; Filed, Nov. 12, 1948; 8:52 a. m.]

[File No. 70–1975]

PACIFIC POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 5th day of November A. D. 1948.

Pacific Power & Light Company ("Pacific"), an electric utility subsidiary of American Power & Light Company, a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 regarding the following proposed transactions:

Pacific proposes to borrow $3,500,000 from Mellon National Bank & Trust Company of Pittsburgh, Pennsylvania and to use the proceeds to finance the construction of new facilities and for the expansion and improvement of its present facilities. It is stated in the declaration that the loans, which mature on August 15, 1949, will be repaid from cash to be derived from permanent financing.

Under the proposed loan agreement Pacific would borrow $1,000,000 on November 15, 1948, $1,500,000 on January 15, 1949, and $1,000,000 on April 15, 1949. The loans would be evidenced by Pacific's unsecured promissory notes bearing interest at the rate of 2⅜% per annum. The loan agreement provides for prepayment in amounts of $500,000 or a multiple thereof without premium or penalty. Provision is made for the payment of a commitment fee computed at the rate of ⅜ of 1% per annum on the unused amount of the commitment from the date when the loan agreement is permitted to become effective until the loans are made. The loan agreement further provides that the company may at any time surrender its right to borrow all or any part of the amounts to be loaned, the amount represented by such surrender to be $500,000 or any multiple thereof.

Said declaration having been filed on October 18, 1948 and notice thereof having been given in the manner and form prescribed by Rule U–23 promulgated under the Public Utility Holding Company Act of 1935, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and not having ordered a hearing with respect to said declaration; and

Pacific having requested that the Commission's order with respect to said declaration issue at the earliest date possible and become effective upon issuance; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest that said declaration be permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said declaration be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–9928; Filed, Nov. 12, 1948; 8:51 a. m.]

[File No. 70–1991]

UPPER PENINSULA POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 5th day of November A. D. 1948.

Notice is hereby given that Upper Peninsula Power Company ("Upper Peninsula"), a subsidiary of both Consolidated Electric and Gas Company and the Middle West Corporation, both registered holding companies, has filed an application with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") for exemption from the provisions of sections 6 (a) and 7 thereof in respect of the issue and sale of securities.

Notice is further given that any interested person may, not later than November 29, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application which he proposes to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 29, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Upper Peninsula proposes to issue and sell to the Travelers Insurance Company at face amount, $400,000 principal amount of its First Mortgage Bonds, 4% Series due 1978, dated December 1, 1948. Such bonds will be issued under and secured by the Indenture of Mortgage dated May 1, 1947 of Upper Peninsula to the City National Bank and Trust Company of Chicago as amended by a Supplemental Indenture to be dated December 1, 1948.

The net proceeds of such sale will be used by Upper Peninsula to retire its presently outstanding $200,000 2½% bank note and any additional notes which may be issued prior to the sale of such bonds, for property additions and betterments, and to provide working capital.

Upper Peninsula states that the issue and sale of such bonds will be expressly authorized by the Michigan Public Service Commission, the state commission of the state in which Upper Peninsula is organized and doing business. Upper Peninsula further states that such issue and sale is exempt from the provisions of Rule U-50 by virtue of the provisions of paragraph (a) (4) thereof and that the proposed retirement of its note is permitted by Rule U-42 (b) (2).

Upper Peninsula estimates total expenses in connection with such issue and sale at $7,500 which includes legal expenses of approximately $6,000 and a finders fee of $500.

Applicant requests that the Commission's order granting said application be issued as expeditiously as possible and become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–9927; Filed, Nov. 12, 1948; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12128]

JULIANE LEVERMANN

In re: Estate of Juliane Levermann, deceased. File No. D–28–12190; E. T. sec. 16494.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha Ostermann, Anna Lissbuettel, Martha Geisler and Minna Fickbohm, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Juliane Levermann, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Phil C. Katz, as Administrator C. T. A., acting under the judicial supervision of the Superior Court of California, in and for the City and County of San Francisco;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48–9943; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12130]

ANNA B. LINDEMANN AND HAWAIIAN TRUST CO., LTD.

In re: Trust under agreement dated September 10, 1931, by and between Anna B. Lindemann, as settlor and the Hawaiian Trust Company, Ltd. File No. F–28–14917 G–2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Mahnz, Lina Mahnz and Margarethe Mahnz, whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the descendants of George Mahnz and Lina Mahnz, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That Gottingen University, whose last known address is Germany, is a corporation, partnership, association or other organization, organized under the laws of Germany, which has or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof and each of them in and to and arising out of or under that certain Trust Agreement dated September 10, 1931, by and between Anna B. Lindemann, as settlor and the Hawaiian Trust Company, Ltd., Honolulu, Territory of Hawaii, as Trustee, presently being administered by said Hawaiian Trust Company Ltd.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof, the descendants of George Mahnz and Lina Mahnz, names unknown, and Gottingen University are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9944; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12241]

CHARLES WILLIAM MILLER AND KARL W. MULLER

In re: Estate of Charles William Miller, also known as Karl W. Mueller and Karl W. Muller, deceased. File No. D-28-11659, E. T. sec. 15864.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Muller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Charles William Miller, also known as Karl W. Mueller and Karl W. Muller, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Francis J. Mulligan, Public Administrator of the County of New York, as Administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9945; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12244]

HELMUTH SCHUMACHER

In re: Estate of Helmuth Schumacher, deceased. File No. D-28-11550; E. T. sec. 15769.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Augusta Behrend, Martha Repenning, Paul Repenning, Martin Repenning, Hans Repenning, Heinrick Repenning, Friedrick Repenning, Max Wiese, Meno Wiese, Carl Wiese, and Mary Moller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Augusta Behrend, the issue, names unknown, of Martha Repenning, the issue, names unknown, of Paul Repenning, the issue, names unknown, of Martin Repenning, the issue, names unknown, of Hans Repenning, the issue, names unknown, of Heinrick Repenning, the issue, names unknown, of Friedrick Repenning, the issue, names unknown, of Max Wiese, the issue, names unknown, of Meno Wiese, the issue, names unknown, of Carl Wiese, and the issue, names unknown, of Mary Moller, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Helmuth Schumacher, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by The Howard Savings Institution, as Executor, acting under the judicial supervision of the Orphans' Court, Essex County, Newark, New Jersey;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 hereof, and the issue, names unknown, of Augusta Behrend, the issue, names unknown, of Martha Repenning, the issue, names unknown, of Paul Repenning, the issue, names unknown, of Martin Repenning, the issue, names unknown, of Hans Repenning, the issue, names unknown, of Heinrick Repenning, the issue, names unknown, of Friedrick Repenning, the issue, names unknown, of Max Wiese, the issue, names unknown, of Meno Wiese, the issue, names unknown, of Carl Wiese, and the issue, names unknown, of Mary Moller, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9946; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12245]

ELISE TIMME

In re: Estate of Elise Timme, deceased. File No. D-28-10549-G-1; Docket No. 2370.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Laura Kretzihmer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country, (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown of Laura Kretzihmer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Elise Timme, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by Morris Blau, as Surviving Executor, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

5. That to the extent that the person identified in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees, and distributees, names unknown of Laura Kretzihmer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9948; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12276]

META BURHOOP

In re: Estate of Meta Burhoop, deceased. File No. D-28-10005; E. T. sec. 14200.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz H. Sieler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Meta Burhoop, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Fred Zott, Sr., 539 Hackensack St., Carlstadt, New Jersey, as Executor, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey.

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9947; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12246]

HENRY TROENDLE

In re: Estate of Henry Troendle, deceased. File No. D-28-12416; E. T. sec. 16633.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherina Troendle, also known as Katherine Trandle, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Henry Troendle, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the County Treasurer of Cook County, Illinois, as Depositary, acting under the judicial supervisor of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9948; Filed, Nov. 12, 1948; 8:49 a. m.]

[Vesting Order 12271]

ARTHUR VON HOLWEDE

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Arthur von Holwede, deceased. D-28-1470-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Arthur von Holwede, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: One hundred eighteen (118) shares of no par value common capital stock of Steinway and Sons, 109 West 57th Street, New York 19, New York, a corporation organized under the laws of the State of New York, evidenced by certificates numbered A668 for one hundred (100) shares and A699 for eighteen (18) shares, registered in the name of Estate of Arthur von Holwede, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Arthur von Holwede, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Arthur von Holwede, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9950; Filed, Nov. 12, 1948; 8:50 a. m.]

[Vesting Order 12279]

ELISE BIGALKE

In re: Interests under gas and oil leases, and bank accounts owned by Elise Bigalke, also known as Elsie Bigalke. F-28-13436-B-1, F-28-13436-C-1, F-28-13436-E-1, F-28-13436-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elise Bigalke, also known as Elsie Bigalke, whose last known address is Voigtsdorferstrasse 5/11, Bad Warmbrunn, Schlesien, Germany, is a resident

[F. R. Doc. 48-9951; Filed, Nov. 12, 1948; 8:50 a. m.]

of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. All rights and interests in and to an undivided 2/1600ths of 52/125ths of one-eighth of the net profits under a certain contract entered into by and between William McKinley Harris, et al., and Phillips Petroleum Company, said contract dated April 26, 1930 and recorded in the office of the County Clerk of Oklahoma County, Oklahoma, said rights and interests evidenced by an assignment from Robert L. Presser to Elise Bigalke, dated January 24, 1935 and recorded in the office of the aforesaid County Clerk in Book 310, Miscellaneous Record, at Page 217, including, but not limited to, the right to receive all payments due and to become due thereunder,

b. All rights and interests in and to an undivided 5/19008ths working interest in certain oil and gas leases, and all rights thereunder or incident thereto, said rights and interests evidenced by, and said oil and gas leases described in, an assignment from Robert L. Presser to Elise Bigalke, dated November 13, 1934 and recorded in the office of the County Clerk of Oklahoma County, Oklahoma, in Book 305, Miscellaneous Record, at Page 236, including, but not limited to, the right to receive all payments due and to become due thereunder,

c. That certain debt or other obligation owing to Elise Bigalke, also known as Elsie Bigalke, by the Phillips Petroleum Company, Bartlesville, Oklahoma, in the amount of $197.39, as of March 31, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation owing to Elise Bigalke, also known as Elsie Bigalke, by the Central Savings Bank, 2100 Broadway, New York, New York, arising out of a savings account, account number 930,672, entitled Elise Bigalke, maintained at the branch office of the aforesaid bank located at 4th Avenue at 14th Street, New York, New York, and any and all rights to demand, enforce and collect the same, and

e. That certain debt or other obligation owing to Elise Bigalke, also known as Elsie Bigalke, by the Chemical Bank & Trust Company, 165 Broadway, New York, New York, entitled Elise Bigalke, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–a and 2–b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–c, 2–d and 2–e hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9952; Filed, Nov. 12, 1948; 8:50 a. m.]

[Vesting Order 11633, Amdt.]

NAOICHI ISHIDA ET AL.

In re: Mortgage participation notes owned by Naoichi Ishida and others.

Vesting Order 11633, dated July 14, 1948, is hereby amended as follows and not otherwise:

By deleting the name Nishiyama appearing in subparagraph 3 thereof and substituting therefor the name Nishijima.

All other provisions of said Vesting Order 11633 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 48-9953; Filed, Nov. 12, 1948; 8:50 a. m.]

[Vesting Order 11886, Amdt.]

LINA STULGIES AND TOKUZO SHIOSAKA.

In re: Stock owned by Lina Stulgies and Tokuzo Shiosaka.

Vesting Order 11886, dated August 20, 1948, is hereby amended as follows and not otherwise:

A. By deleting from the title and from subparagraph 2 thereof the name Tokuzo Shiozaka and substituting therefor the name Tokuzo Shiosaka;

B. By deleting subparagraph 3 thereof and substituting therefor the following;

3. That the property described as follows: Twenty-four (24) shares of $5. par value common capital stock of Warner Bros. Pictures, Inc., 321 West 44th Street, New York 18, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number FO41516 for twelve (12) shares, presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, and certificates numbered 35122 for ten (10) shares and 101035 for two (2) shares, all registered in the name of Miss Lina Stulgies, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Lina Stulgies, the aforesaid national of a designated enemy country (Germany);

C. By deleting subparagraph 4 thereof and substituting therefor the following:

4. That the property described as follows: Eighty (80) shares of $5. par value common capital stock of Warner Bros Pictures, Inc., 321 West 44th Street, New York 18, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number FO41513 for forty (40) shares, presently in the custody of The New York Trust Company, 100 Broadway, New York, New York, and certificate number BCO46711, both registered in the name of Tokuzo Shiosaka, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Tokuzo Shiosaka, the aforesaid national of a designated enemy country (Japan).

All other provisions of said Vesting Order 11886 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9954; Filed, Nov. 12, 1948; 8:50 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 13 NUMBER 223

Washington, Tuesday, November 16, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2823

THANKSGIVING DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

As the traditional day of thanksgiving approaches, our thoughts incline, as in previous years, to the richness of our blessings. The spiritual endowments of our country are undiminished; we may, as always, walk as free men unafraid. Our harvests have been bountiful, our production of goods abundant. Our resources have permitted us to aid the needy and helpless of other lands.

We are privileged to participate in international efforts to advance human welfare. We are profoundly grateful for the existence of an international forum where differences among nations may be submitted to world opinion with a view to harmonious adjustment.

We pray this year not only in the spirit of thanksgiving but also as suppliants for wisdom in our approach to the problems confronting this Nation. Believing in the dignity of man and his right to live in freedom and peace, we ask divine guidance in helping to safeguard these gifts for ourselves and other peoples of the earth.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, in consonance with the joint resolution of Congress approved December 26, 1941, designating the fourth Thursday of November in each year as Thanksgiving Day, do hereby proclaim Thursday, November 25, 1948, as a day of national thanksgiving; and I call upon our citizens to observe that day by giving thanks to Almighty God for the bounties which have been bestowed upon our Nation and by resolving to render generous assistance to the hungry and homeless in other lands, thus renewing our devotion to the cause of good-will among men.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 12th day of November in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-10037; Filed, Nov. 15, 1948; 11:29 a. m.]

EXECUTIVE ORDER 10016

COAT OF ARMS, SEAL, AND FLAG OF THE VICE PRESIDENT OF THE UNITED STATES

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

The Coat of Arms of the Vice President of the United States shall be of the following design:

SHIELD: Paleways of thirteen pieces argent and gules, a chief azure; upon the breast of an American eagle with wings displayed and inverted holding in his dexter talon an olive branch all proper and in his sinister an arrow or, in his beak a yellow scroll inscribed "E PLURIBUS UNUM" sable.

The whole surrounded by thirteen blue stars in the form of an annulet with one point of each star outward on the imaginary radiating center lines.

The Seal of the Vice President of the United States shall consist of the Coat of Arms encircled by the words "Vice President of the United States."

The Color and Flag of the Vice President of the United States shall consist of a white rectangular background of sizes and proportions to conform to military and naval custom, on which shall appear the Coat of Arms of the Vice President in proper colors. The proportion of the elements of the Coat of Arms shall be in direct relation to the hoist, and the fly shall vary according to the customs of the military and naval services.

The Coat of Arms, Seal, and Color and Flag shall be as described herein and as set forth in the illustrations and specifications which accompany this order and which are hereby made a part thereof.

These designs shall be used to represent the Vice President of the United States exclusively.

Executive Order No. 7285 of February 7, 1936, prescribing the official flag of the

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CODIFICATION GUIDE

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Vice President of the United States, is hereby revoked.

HARRY S. TRUMAN

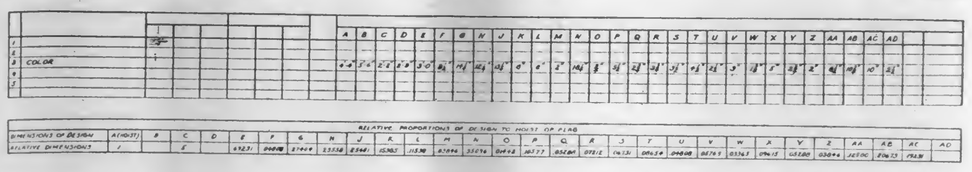
THE WHITE HOUSE,
November 10, 1948.

THE VICE PRESIDENT'S FLAG

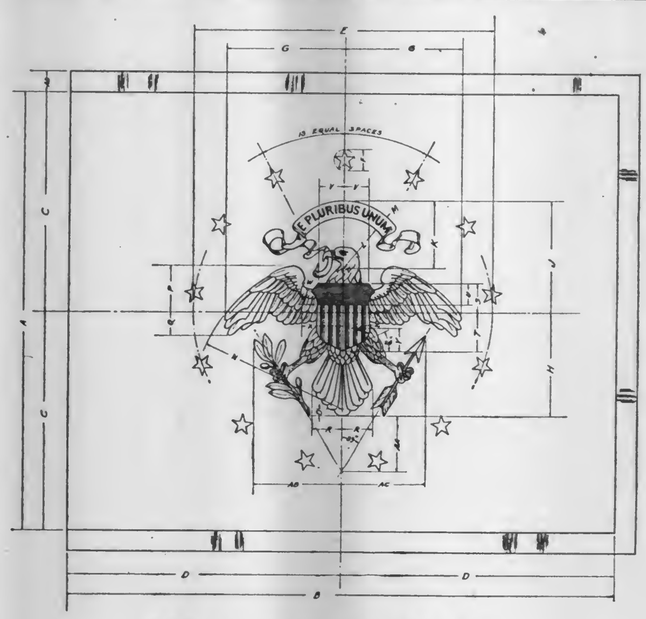
SPECIFICATIONS

Flag base—white.
Stars—blue.
Shield:
Chief—blue.
Stripes—white and red.
Eagle:
Wings, body, upper legs—shades of brown.
Head, neck, tail—white, shaded gray.
Beak, feet, lower legs—yellow.
Talons—dark gray, white high lights.
Arrow—yellow.
Olive branch:
Leaves, stem—shades of green.
Olives—light green.
Scroll—yellow with brown shadows.
Letters—black.
Device to appear on both sides of flag but will appear reversed on reverse side of flag, except that the motto shall read from left to right on both sides.





DIMENSIONS OF DESIGN	A (HOIST)	B	C	D	E	F	G	H	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD
RELATIVE DIMENSIONS	1		E		.9423	.04948	.87964	.83358	.82441	.15305	.11530	.87694	.33696	.04948	.10377	.05284	.07212	.04134	.04634	.04808	.08765	.03363	.09415	.03580	.03694	.10570	.20673	.19839	



[F. R. Doc. 48-10021; Filed, Nov. 12, 1948; 4:50 p. m.]

EXECUTIVE ORDER 10017

AMENDMENT OF THE REGULATIONS GOVERNING THE APPOINTMENT OF POSTMASTERS OF THE FOURTH CLASS

WHEREAS under the regulations now in force the appointment of postmasters of the fourth class may be made upon the basis of investigation and report of a post office inspector in any case in which the compensation of the office is not in excess of $1000 per annum; and

WHEREAS it is deemed desirable and in the public interest that the said limitation of $1000 be raised to $1300:

NOW, THEREFORE, by virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes (5 U. S. C. 631), and for the purpose of carrying out the objective aforesaid, the regulations prescribed or approved by the President governing the appointment of postmasters of the fourth class are hereby amended by substituting "$1300" for "$1000" wherever the latter sum appears in the regulations.

This order supersedes Executive Order No. 9769 of August 14, 1946, entitled "Amendment of the Regulations Governing the Appointment of Postmasters of the Fourth Class."

HARRY S. TRUMAN

THE WHITE HOUSE,
November 10, 1948.

[F. R. Doc. 48-10034; Filed, Nov. 15, 1948; 11:15 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 1—ADMINISTRATIVE REGULATIONS

REARRANGEMENT OF TEXT AND RENUMBERING OF SECTIONS

For the purpose of effecting a more logical arrangement of subject matter and a more consistent system of numbering, Title 7, Subtitle A, Part 1, of the Code of Federal Regulations is renumbered as follows:

SUBPART A—OFFICIAL RECORDS

Sec.
1.1 Availability of information and records.
1.2 Confidential records.
1.3 Records of limited availability.
1.4 Records in adjudications and formal rule-making proceedings.
1.5 Records available to properly interested persons.
1.6 Other information.
1.7 Application for examination or copy of records.
1.8 Authenticated copies.
1.9 Denial of access to record.
1.10 Compulsory process.

SUBPART B—DEPARTMENTAL PROCEEDINGS

1.26 Representation in Departmental Proceedings.

Sec.
1.27 Rule-making procedures.
1.28 Petitions.

SUBPART C—CLAIMS

1.51 Claims based on negligence, wrongful act, or omission.
1.52 Claims for losses incurred by contractors performing contracts with the Government during the war.

The following redesignations are made:

Old Sec. No.	New Sec. No.
	Subpart A—Official Records
2100.3 of Chapter XXI, Part 2100	1.1
2100.3 (a) of Chapter XXI, Part 2100	1.2
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2100.3 (h) of Chapter XXI, Part 2100	1.9
2100.3 (i) of Chapter XXI, Part 2100	1.10
	Subpart B—Departmental Proceedings
1.1579 of Subtitle A, Part 1	1.26
2100.12 of Chapter XXI, Part 2100	1.27
2100.13 of Chapter XXI, Part 2100	1.28
	Subpart C—Claims
2100.11 (a) of Chapter XXI, Part 2100	1.51
2100.11 (b) of Chapter XXI, Part 2100	1.52

Dated: November 10, 1948

[SEAL] W. A. MINOR,
Assistant to the Secretary.

[F. R. Doc. 48-9987; Filed, Nov. 15, 1948; 8:56 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTAS FOR 1949–50 MARKETING YEAR AND APPORTIONMENTS OF NATIONAL MARKETING QUOTAS AMONG SEVERAL STATES

Sec.
726.1 Basis and purpose.
726.2 Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1949.
726.3 Apportionment of the national marketing quota for fire-cured tobacco for the 1949–50 marketing year among the several States.
726.4 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1949.
726.5 Apportionment of the national marketing quota for dark air-cured tobacco for the 1949–50 marketing year among the several States.

AUTHORITY: §§ 726.1 to 726.5 issued under 5 Stat. 40, 41, 42, 43, 46, 47, 202; 53 Stat. 1281; 54 Stat. 392; 56 Stat. 121; 7 U. S. C. 1301 (b), 1301 (c), 1312; 1313 (a), 1313 (c); 1313 (g).

§ 726.1 *Basis and purpose.* Sections 726.1 to 726.5 are issued (1) to announce the reserve supply and the total supply of fire-cured and dark air-cured tobacco for the marketing year beginning October 1, 1948; (2) to establish the national marketing quotas for fire-cured and dark air-cured tobacco for the marketing year beginning October 1, 1949; and (3) to apportion the national marketing quotas among the several States. The Agricultural Adjustment Act of 1938, as amended, provides that whenever the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim not later than December 1, the amount of such total supply and also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed which will make available during the marketing year a supply of tobacco equal to the reserve supply level. The findings and determinations contained in §§ 726.2 to 726.5 have been made on the basis of the latest available statistics of the Federal Government and after due consideration of the views, data, and recommendations received from fire-cured and dark air-cured tobacco producers and others, including views, data, and recommendations presented at a public hearing held in Hopkinsville, Kentucky, on October 14, 1948 (13 F. R. 5681) in accordance with the Administrative Procedure Act (60 Stat. 237).

§ 726.2 *Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1949* [1]—(a) *Reserve supply level.* The reserve supply level for fire-cured tobacco is 209,500,000 pounds calculated as provided in the act from a normal year's domestic consumption of 47,100,000 pounds and a normal year's exports of 42,400,000 pounds.

(b) *Total supply.* The total supply of fire-cured tobacco as of the beginning of the marketing year for such tobacco beginning October 1, 1948, is 231,600,000 pounds consisting of carry-over of 162,500,000 pounds and estimated 1948 production of 69,100,000 pounds.

(c) *National marketing quota.* The amount of fire-cured tobacco which will make available during the marketing year beginning October 1, 1949, a supply of fire-cured tobacco equal to the reserve supply level of such tobacco is 56,900,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 56,900,000 pounds would result in undue restriction of marketings during the 1949–50 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1949, is 68,300,000 pounds.

§ 726.3 *Apportionment of the national marketing quota for fire-cured tobacco for the 1949–50 marketing year among the several States.* The national marketing quota proclaimed in § 726.2 is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Kentucky	25,790
Tennessee	3,875
Indiana	244
Missouri	7
Reserve [1]	150
Total	30,066

[1] Acreage reserved for establishing allotments for farms upon which no dark air-cured tobacco has been grown during the past five years.

[1] Rounded to the nearest one-tenth of a million pounds.

State:	Acreage allotment
Kentucky	25,965
Tennessee	26,736
Virginia	12,296
Illinois	6
Reserve [1]	327
Total	65,330

[1] Acreage reserve for establishing allotments for farms upon which no fire-cured tobacco has been grown during the past five years.

§ 726.4 *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1949* [1]—(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 95,200,000 pounds calculated as provided in the Act from a normal year's domestic consumption of 28,100,000 pounds and a normal year's exports of 8,100,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco as of the beginning of the marketing year for such tobacco beginning October 1, 1948, is 104,500,000 pounds consisting of carry-over of 73,900,000 pounds and estimated 1948 production of 30,600,000 pounds.

(c) *National marketing quota.* The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1949, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 27,700,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 27,700,000 pounds would result in undue restriction of marketings during the 1949–50 marketing year and such amount is hereby increased by twenty percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1949, is 33,200,000 pounds.

§ 726.5 *Apportionment of the national marketing quota for dark air-cured tobacco for the 1949–50 marketing year among the several States.* The national marketing quota proclaimed in § 726.4 is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted to State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Kentucky	25,790
Tennessee	3,875
Indiana	244
Missouri	7
Reserve [1]	150
Total	30,066

[1] Acreage reserved for establishing allotments for farms upon which no dark air-cured tobacco has been grown during the past five years.

Done at Washington, D. C., this 9th day of November 1948.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-9974; Filed, Nov. 15, 1948; 9:01 a. m.]

Chapter XXI—Organization, Functions, and Procedure

PART 2100—OFFICE OF THE SECRETARY

REDESIGNATION OF CERTAIN SECTIONS

CROSS REFERENCE: For redesignation of certain sections in Part 2100, see Part 1, *supra.*

PART 2501—COOPERATIVE EXTENSION SERVICE

DISCONTINUANCE OF CODIFICATION

The codification of Part 2501 is hereby discontinued. Future amendments to descriptions of organization and functions will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] M. L. WILSON,
Director of Extension Work.

[F. R. Doc. 48-9986; Filed, Nov. 15, 1948; 8:56 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PROSPECTUS FOR SALES BY ISSUER TO STOCKHOLDER

On July 19, 1948, the Securities and Exchange Commission published a proposed rule which would permit the use of a special form of prospectus in offerings of securities by an issuer to its existing stockholders. The Commission has now duly considered all comments and suggestions received in connection with the proposed rule and has determined that the rule should be adopted. The Commission finds that the rule is appropriate in the public interest and for the protection of investors and is necessary to carry out the provisions of the act. The rule is adopted pursuant to the provisions of the Securities Act of 1933, particularly sections 10 and 19 (a) thereof.

The new rule provides that, in sales of securities by an issuer to its existing stockholders, a prospectus may consist of copy of the proposed prospectus meeting the requirements of § 230.131 (Rule 131), and a document containing such additional information that both together contain all the information required to be included in a prospectus for registered securities: *Provided*, That both are sent to the stockholders of the issuer, and that the document is sent or given within 20 days after the copy of the proposed form of prospectus was sent or given. The rule is not applicable to sales by an underwriter or dealer.

Under § 230.131 sending or giving to any person, before a registration statement becomes effective, a copy of the proposed form of prospectus filed as a part of such registration statement would not in itself constitute an offer to sell if the proposed form of prospectus contains substantially the information required to be included in a prospectus for registered securities, or substantially that information except for the omission of information with respect to the offering price, underwriting discounts or commission, discounts or commissions to dealers, amount of proceeds, commission rates, call prices, or other matters dependent upon the offering price. This section also requires that the copy contain a prescribed legend and that the registration statement should not be the subject of a proceeding or an order under section 8 (b), 8 (d) or 8 (e) of the act.

The text of the new section (Rule 431) is as follows:

§ 230.431 *Prospectus for sales by issuer to stockholders.* In sales of securities by an issuer to its existing stockholders, a prospectus may consist of a copy of the proposed form of prospectus meeting the requirements of § 230.131 and a document containing such additional information that both together contain all the information required to be included in a prospectus for registered securities: *Provided*, That, (a) the proposed form of prospectus is incorporated by reference into and made a part of the document, (b) a copy of the proposed form of prospectus was sent or given, in compliance with § 230.131, by the issuer to the stockholder to whom the document is subsequently sent or given, and (c) the document is sent or given by the issuer to the stockholder within twenty days after the date on which such stockholder was sent or given a copy of the proposed form of prospectus. However, this section shall not apply to sales by an underwriter or dealer.

The foregoing section shall become effective December 10, 1948.

(Secs. 10 and 19 (a), 48 Stat. 81, 85, 15 U. S. C. 77j, 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

NOVEMBER 4, 1948.

[F. R. Doc. 48-9967; Filed, Nov. 15, 1948; 9:00 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 48-8259, appearing at page 5329 of the issue for Tuesday, September 14, 1948, the following changes are made in § 345.1:

1. The word "section," appearing in the 8th line on page 5330 and in the 62d line on page 5331, should read "subsection."

2. The word "act" should be capitalized wherever it appears.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—SHIP RADIO SERVICE

PART 13—COMMERCIAL RADIO OPERATORS

SHIP SERVICE AND COMMERCIAL RADIO OPERATORS

In the matter of amendment of Parts 8 and 13 of the Commission's rules and regulations, Ship Service, and Commercial Radio Operators, respectively.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of November 1948;

The Commission having under consideration its previous actions of December 15, 1947, March 15, 1948 and June 15, 1948 whereby, under the provisions of section 318 of the Communications Act of 1934, as amended, the requirement of licensed radio operators for ship radar stations licensed in the Ship Service was waived, subject to certain provisions for a continuous over-all period from December 15, 1947, to November 15, 1948, and whereby temporary rules in line with and of the same duration as the aforesaid temporary waiver were promulgated; and having before it a proposal to extend the duration of the aforesaid waiver and temporary rules to April 15, 1949, or the effective date of permanent rules governing operator license requirements for such stations, whichever date is earlier;

It appearing, that on April 5, 1948, the Commission released a notice of proposed rule making setting forth certain proposed permanent rules to govern operator license requirements for ship radar stations licensed in the Ship Service and that on October 22, 1948 the Commission released a further notice of proposed rule making in this matter which also designated the matter for general public hearing and oral argument to be held on November 22, 1948; and

It further appearing, that pending the final adoption of permanent rules governing operator license requirements as aforesaid, it is necessary to continue beyond November 15, 1948 the temporary rules governing operator license requirements for ship radar stations licensed in the Ship Service; and

It further appearing, that because of the temporary nature of the proposed extension, and because of the opportunity which heretofore has been afforded and will be afforded to all interested persons to submit comments on the subject of operator requirements for ship radar stations licensed in the Ship Service, as well as the opportunity which will be afforded to all such persons to participate in the above-mentioned general public

hearing and oral argument, and because the need for the continuance of the temporary rules is urgent, the public notice and procedure provided for in section 4 of the Administrative Procedure Act are found to be impracticable and unnecessary herein, and for the same reasons, and because the extension of the temporary rules in question will continue to relieve a restriction such extension should be made effective immediately; and

It further appearing, that, unless the waiver hereinabove referred to of the requirements of section 318 of the act is extended, the provisions of that section will, after November 15, 1948, require ship radar stations licensed in the Ship Service to be operated by licensed radio operators; and

It further appearing, that under the provisions of section 318 aforesaid, the Commission may waive the requirement of licensed radio operators for ship radar stations licensed in the Ship Service if the Commission first shall find that such a waiver will serve the public interest, convenience, or necessity; and

It further appearing, that under Commission Order 133, dated May 10, 1946, the Commission waived to a limited extent the licensed radio operator requirements of section 318 aforesaid with regard to shipboard radar stations licensed in the Experimental Service; and

It further appearing, that during the interim period preceding the final adoption and effectiveness of permanent rules governing operator license requirements for ship radar stations licensed in the Ship Service, radar stations so licensed can be as well operated by unlicensed personnel as can radar stations licensed in the Experimental Service; and

It further appearing, that under the foregoing circumstances it will serve the public interest and convenience temporarily to waive, to the same extent as now provided in the Experimental Service by Order 133, the licensed radio operator requirements with regard to ship radar stations licensed in the Ship Service; and

It further appearing, that authority to accomplish the aforesaid objective is contained in sections 303 (f), (g), (l), and 318 of the Communications Act of 1934, as amended;

It is ordered, That, effective November 15, 1948 the provisions of section 318, aforementioned, are hereby waived insofar as such provisions require any person to hold a radio operator license issued by this Commission in order to operate ship radar stations licensed by this Commission in the Ship Service, *Provided*, That this waiver shall extend only to the normal operation of such radar stations on board ship and shall not be construed to permit unlicensed personnel to make any adjustments or to do any servicing or maintenance that may affect the proper operation of the station: *Provided further*, That this waiver shall not be construed to affect in any way the responsibility of the station licensee for the proper operation of the station: *And provided further*, That the waiver herein ordered may, in the discretion of the Commission and without advance notice or hearing, be changed or cancelled by order of the Commission, and shall in no event extend beyond the effective date of permanent rules adopted by the Commission governing operator license requirements for ship radar stations licensed in the Ship Service, or beyond April 15, 1949, whichever is earlier;

It is further ordered, That effective November 15, 1948, Parts 8 and 13 of the Commission's rules governing ship service and commercial radio operators respectively, are amended as follows:

1. Footnote 71 to § 8.195 is amended as follows:

a. By deleting in the first sentence the phrase "March 15, 1948, and June 15, 1948" and substituting therefor, the phrase "March 15, 1948, June 15, 1948, and November 15, 1948."

b. By deleting in the last sentence thereof the phrase "November 15, 1948" and substituting therefor the phrase "April 15, 1948."

2. The fourth footnote appended to § 13.1 which footnote commences "By order dated and effective December 15, 1947 * * *", is amended as follows:

By deleting the phrase "March 15, 1948 and June 15, 1948" and substituting therefor the phrase "March 15, 1948, June 15, 1948 and November 15, 1948."

(Sec. 303 (f), (g), (l), 318, 48 Stat. 1082, 1089, 47 U. S. C., 303 (f), (g), (l), 318)

Released: November 10, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10004; Filed, Nov. 15, 1948; 10:36 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service; Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

HUNTING IN ARROWWOOD NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the North Dakota Game and Fish Department, it has been determined there is a general surplus of deer in much of North Dakota and that the reduction of the population can be facilitated by opening certain National Wildlife Refuges in the State to the public hunting of deer.

Section 29.28a is revised to read:

§ 29.28a *Arrowwood National Wildlife Refuge, North Dakota; hunting.* Deer, coyote, and fox may be taken with firearms and with bow and arrow during the 1948 State open season on certain lands, hereinafter specified, of the United States within the Arrowwood National Wildlife Refuge, North Dakota.

(a) *Area open to hunting.* All the lands of the United States except the areas within one-half mile of the occupied residences on the Arrowwood Refuge shall be open to such hunting.

(b) *Entry.* Entry on and use of the Refuge are governed by Part 12 of this chapter and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer. (Sec. 10, 45 Stat. 1222, 16 U. S. C. 715i; Reorg. Plan No. II of 1939, 3 CFR Cum. Supp., 4 F. R. 2731; Regs., Fish and Wildlife Service, Dec. 19, 1940, 5 F. R. 5284, as amended April 14, 1945, 10 F. R. 4267)

Dated: November 9, 1948.

M. C. JAMES,
Acting Director.

[F. R. Doc. 48-9969; Filed, Nov. 15, 1948; 8:59 a. m.]

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

HUNTING IN DES LACS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of Conservation Agents of the North Dakota Game and Fish Department, it has been determined there is a general surplus of deer in much of North Dakota and that the reduction of the population can be facilitated by opening certain National Wildlife Refuges in the State to the public hunting of deer.

The following is added:

§ 29.227a *Des Lacs National Wildlife Refuge, North Dakota; hunting.* Deer, coyote, and fox may be taken during the State open season prescribed by the Game and Fish Department of the State of North Dakota for the hunting of deer during the calendar year 1948 on certain lands, hereinafter specified, of the United States within the Des Lacs National Wildlife Refuge, North Dakota.

(a) *Area open to hunting.* All the lands of the United States except the areas within one-half mile of the occupied residences on the Des Lacs Refuge shall be open to such hunting.

(b) *Entry.* Entry on and use of the Refuge are governed by Part 12 of this chapter and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer.

(Sec. 10, 45 Stat. 1222; 16 U. S. C. 715i; Reorg. Plan No. II of 1939, 3 CFR, Cum. Supp., 4 F. R. 2731; Regs., Fish and Wildlife Service Dec. 19, 1940, 5 F. R. 5284, as amended April 14, 1945, 10 F. R. 4267)

Dated: November 9, 1948.

M. C. JAMES,
Acting Director.

[F. R. Doc. 48-9968; Filed, Nov. 15, 1948; 9:00 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 936]

PLUMS IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING

Consideration is being given to the following proposal, which was submitted by the Control Committee and the Plum Commodity Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR, Cum. Supp., 936.1 et seq.), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, as the agencies to administer the terms and provisions thereof with respect to plums: "Commencing with the marketing season beginning April 1, 1949, the determination of May 6, 1947 (12 F. R. 3059), shall not be applicable to shipments of plums into, in, or through the San Francisco-Sacramento region and the Los Angeles region."

All persons who desire to submit data, views, or arguments with respect to such proposal shall file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the close of business on the fifteenth day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "plums" and "marketing season" shall have the same meaning as is given to each such term in the amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp. 936.1 et seq.)

Issued this 8th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9972; Filed, Nov. 15, 1948; 9:02 a. m.]

[7 CFR, Part 966]

ORANGES GROWN IN CALIFORNIA AND ARIZONA

GENERAL NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF REPORT OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948–1949 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Orange Administrative Committee, established under Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or the State of Arizona, as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $199,857.97 will be necessarily incurred during the fiscal year November 1, 1948 to October 31, 1949, for the maintenance and functioning of the committee under the aforesaid order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles oranges shall pay in accordance with the aforesaid order during the aforesaid fiscal year, the rate of assessment at $0.007 per packed box of oranges, or an equivalent quantity of oranges, handled by him as the first handler thereof during said fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C. not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, the terms "box," "handles," "handled," "handler," "fiscal year," and "oranges" shall have the same meaning as is given to each such term in said order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 966.1 et seq.; 13 F. R. 6235)

Issued this 9th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-9971; Filed, Nov. 15, 1948; 9:02 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Secretary of Defense

[Transfer Order 27]

ORDER TRANSFERRING CERTAIN NONAPPROPRIATED FUNDS FROM DEPARTMENT OF THE ARMY TO THE DEPARTMENT OF THE AIR FORCE

Pursuant to the authority vested in me by the National Security Act of 1947 (act of July 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. It having been mutually determined by the Secretary of the Army and the Secretary of the Air Force that the share of the nonappropriated Fund known and accounted for as the "Civilian Welfare Fund—Department of the Army" which is available for use by or on behalf of the Air Force is 30.13 percent of the adjusted net worth of that Fund as of September 30, 1947, that Fund is to that extent transferred to the Department of the Air Force for the purposes for which those funds were originally made available in the War Department.

2. If at a later time there is any allowance of a claim or credit which existed on September 30, 1947 which would have the effect in law of establishing any different net worth than that determined on September 30, 1947 that difference will be adjusted as a correction according to the same percentage as stated in paragraph 1 above.

3. The funds transferred to the Department of the Air Force and the corresponding funds retained by the Department of the Army will be administered under joint policies to be established by the Secretary of the Army and the Secretary of the Air Force. The Secretary of the Army and the Secretary of the Air Force are authorized to appoint a joint board to assist them in the administration of the funds.

4. The Secretary of the Army, the Secretary of the Air Force or their authorized representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, and records, as the Secretaries of the Army and the Air Force shall from time to time

jointly determine to be necessary, is authorized.

5. It is expressly determined that the transfers herein specified are necessary and desirable for the operation of the Department of the Air Force and the United States Air Force.

6. This order shall be effective as of 12:00 noon on November 1, 1948.

JAMES FORRESTAL,
Secretary of Defense.

NOVEMBER 1, 1948.

[F. R. Doc. 48-9863; Filed, Nov. 15, 1948; 9:01 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

FIRE-CURED AND DARK AIR-CURED TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for fire-cured tobacco and a national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1949. A referendum of farmers who were engaged in the production of the 1948 crop of fire-cured tobacco and a referendum of farmers who were engaged in the production of the 1948 crop of dark air-cured tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quotas and to determine whether such farmers are in favor of or opposed to fire-cured and dark air-cured tobacco marketing quotas for the three-year period beginning October 1, 1949.

Registration. The operator on each farm on which fire-cured or dark air-cured tobacco was produced in 1948 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1948 crop of fire-cured tobacco are eligible to vote in the fire-cured tobacco marketing quota referendum and farmers who were engaged in the production of the 1948 crop of dark air-cured tobacco are eligible to vote in the dark air-cured tobacco marketing quota referendum. Any person who shares in the proceeds of the 1948 crop of fire-cured or dark air-cured tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1948.

2. If several members of the same family participate in the production of the 1948 crop of fire-cured or dark air-cured tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1948 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of fire-cured or dark air-cured tobacco in 1948.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of fire-cured or dark air-cured tobacco in 1948 may obtain a ballot at the most conveniently located polling place and may cast his ballot by signing his name thereto and mailing it to the office of the county committee in which he engaged in the production of tobacco in 1948 not later than the date of the referendum.

4. There shall be no voting by mail (except as provided in paragraph 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1948 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1948 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1948.

7. In the event two or more persons were engaged in producing tobacco in 1948 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

PLACE FOR BALLOTING

The place for voting in the referendum in the ---------- community will be----------

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be OPENED promptly at ---------- o'clock a. m. and CLOSED promptly at ---------- o'clock p. m. on Saturday, November 27, 1948.

(County Agricultural Conservation Committee)

Issued ----------, 1948.

Done at Washington, D. C. this 9th day of November 1948. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-9982; Filed, Nov. 15, 1948; 8:59 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6177]

NEW ENGLAND POWER CO. AND EASTERN MASSACHUSETTS ELECTRIC CO.

NOTICE OF APPLICATION

NOVEMBER 9, 1948.

Notice is hereby given that on November 8, 1948, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by New England Power Company (New England) and Eastern Massachusetts Electric Company (Eastern), corporations organized under the laws of the State of Massachusetts, with their principal business offices at Boston, Massachusetts, seeking an order authorizing the merger of Eastern into and with New England. New England proposes to issue 83,242 additional shares of its Common Stock of an aggregate par value of $1,664,840 in exchange for the outstanding shares of Eastern. All of the operating facilities of Eastern are to be included in the proposed merger; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 26th day of November, 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-9975; Filed, Nov. 15, 1948; 9:02 a. m.]

[Docket No. G-1147]

PANHANDLE EASTERN PIPE LINE CO.

ORDER SUPPLEMENTING ORDER OF OCTOBER 26, 1948, FIXING DATE OF HEARING, REQUIRING PARTIES TO SHOW CAUSE, AND REQUIRING MAINTENANCE OF STATUS QUO PENDING COMMISSION DETERMINATION

NOVEMBER 10, 1948.

It appears to the Commission from the investigation thus far conducted in the above-entitled proceeding and from the record in its Docket Nos. G-706 and G-876 which is incorporated herein by reference, that:

(a) Panhandle Eastern Pipe Line Company (Panhandle) owns and operates, and at all times herein mentioned, owned and operated, an integrated natural-gas pipe-line system originating in the Hugoton natural-gas field of Kansas, Oklahoma and Texas and the Panhandle natural-gas field of Texas, and extending across the States of Oklahoma, Kansas, Missouri, Illinois, Indiana and Ohio and into the State of Michigan.

(b) At all times herein mentioned prior to October 1948, Panhandle owned certain oil and gas leases and gas leases on 96,164.21 acres of land located in Grant and Stevens Counties, Kansas, in the Hugoton natural-gas field, having estimated gas reserves of 700 billion cubic feet or in excess thereof.

(c) On September 23, 1942, the Commission issued its opinion and order in rate proceedings, Docket Nos. G-200 and G-207, establishing, among other things, Panhandle's proper rate base and proper operating revenue deductions for the purposes of such rate proceedings (3 F. P. C. 273, et seq.). Most of the leases described in paragraph (b) hereof were represented by Panhandle in the said rate proceedings to be used and useful in the operation of Panhandle's then existing natural-gas pipe-line facilities in the public service. Based upon said representations and the apparent dedication by Panhandle of such reserves to the service of the public to be supplied from such pipe-line system, the Commission permitted said leases to be included in Panhandle's rate base, and permitted the delay rentals, renewal bonus payments and all other exploration and development costs relating to said leases to be included in Panhandle's operating revenue deductions.

(d) On March 21, 1946, In the Matter of Panhandle Eastern Pipe Line Company, Docket No. G-706, Panhandle filed an application with the Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize it to construct and operate certain facilities referred to as its "Group A" facilities and "Group B" facilities.

(e) On March 5, 1947, In the Matter of Panhandle Eastern Pipe Line Company, Docket No. G-876, Panhandle filed an application with the Commission for a certificate of public convenience and necessity pursuant to said section 7, as amended, to authorize it to construct and operate certain facilities referred to as its "Group C" facilities.

(f) All of such proposed facilities consisted of compressor units, pipe lines, loop pipe lines and appurtenant facilities at points along the route of Panhandle's aforementioned integrated system, and were sought for the purpose of enlarging such system so as to enable Panhandle to deliver additional natural gas for distribution in communities then served by the system.

(g) In support of its application in Docket No. G-706 respecting the "Group A" and "Group B" facilities, Panhandle represented to the Commission that gas reserves held or controlled by it were adequate to justify the issuance of certificates of public convenience and necessity covering such facilities, and that it was able and willing properly to do the acts and to perform the service proposed. Panhandle represented and specified certain acreage in the Hugoton and Panhandle fields as containing such reserves, and included among such acreage the 96,164.21 acres referred to in paragraph (b) hereof, except for 25,065.88 acres, 73.9% of such 96,164.21 acres being thereby included as part of the acreage making up such reserves.

(h) Upon the strength of such representations, and the apparent dedication by Panhandle of such reserves to the service of the public to be supplied from such pipe-line system, the Commission, on June 4, 1946, entered an order whereby it found that Panhandle's gas supply was adequate to meet such deliveries as might result from the proposed operation of the "Group A" facilities, and that Panhandle was able and willing properly to do the acts and perform the service proposed, and whereby it issued a certificate of public convenience and necessity to Panhandle authorizing the construction and operation of said "Group A" facilities.

(i) Upon the further strength of such representations and apparent dedication, the Commission, on November 30, 1946, entered an order whereby it found that Panhandle's gas supply was adequate to meet the requirements of the service to be rendered by means of the proposed "Group B" facilities and that Panhandle was able and willing properly to do the acts and to perform the service proposed, and whereby it issued a certificate of public convenience and necessity to Panhandle authorizing the construction and operation of said "Group B" facilities.

(j) In support of its application in Docket No. G-876 respecting the "Group C" facilities, Panhandle represented to the Commission that gas reserves held or controlled by it were adequate to justify the issuance of the certificate sought, and that it was able and willing properly to do the acts and to perform the service proposed. Panhandle represented and specified certain acreage in the Hugoton and Panhandle fields as containing such reserves, and included among such acreage, all of the 96,164.21 acres referred to in paragraph (b) hereof except for 1,640 acres, 98.3% of such 96,164.21 acres being thereby included as part of the acreage making up such reserves.

(k) Upon the strength of such representations, and the apparent dedication by Panhandle of such reserves to the service of the public to be supplied from such pipe-line system, the Commission, on June 10, 1948, entered an order whereby it found that Panhandle's gas supply was adequate to meet the requirements of the service to be rendered by means of the proposed facilities and that Panhandle was able and willing properly to do the acts and to perform the service proposed, and whereby it issued a certificate of public convenience and necessity to Panhandle authorizing the construction and operation of the "Group C" facilities.

(l) By its representations as described in paragraph (c) hereof Panhandle may have pledged the aforementioned reserves to service of the public by means of its then existing pipe line facilities, and by its representations as described in paragraphs (g), (h), (i), (j) and (k) hereof, Panhandle may have pledged the aforementioned reserves to the aforesaid services and facilities proposed by it and authorized by the Commission, and thereby may have incurred an obligation under the Natural Gas Act to continue to devote them exclusively to said services until determination by the Commission that they are not needed for the services so certificated.

(m) On September 22, 1948, Panhandle organized Hugoton Production Company (Hugoton), a Delaware corporation, which has an authorized capital stock consisting of 1,500,000 shares of $1.00 par value.

(n) On or shortly before October 11, 1948, Panhandle and Hugoton entered, or attempted to enter, into a contract, whereby Hugoton agreed to issue 810,000 shares of its stock to Panhandle, and Panhandle agreed, in consideration thereof, to pay to Hugoton the sum of $675,000 in cash and to transfer, assign and convey to Hugoton the oil and gas leases and gas leases covering the 96,164.21 acres referred to in paragraph (b) hereof, together with certain oil leases covering 640 additional acres. It was further understood and agreed between Panhandle and Hugoton that Hugoton would promptly proceed to develop the acreage to be transferred to it and attempt to negotiate sales of gas therefrom to purchasers other than Panhandle; however, that beginning on January 1, 1965, Panhandle would have the option to purchase all gas produced from these leases at such price as Hugoton could then obtain from others. The parties contemplated that under expected rates of withdrawal of gas from the leases transferred to Hugoton during the period of 1965, Hugoton would produce and sell approximately 300 billion cubic feet of gas.

(o) On October 11, 1948, pursuant to such agreement or purported agreement, Hugoton issued the 810,000 shares of its stock to Panhandle; and the sum of $675,000 in cash was paid by Panhandle to Hugoton, and the aforementioned leases were transferred, assigned and conveyed, or attempted to be transferred, assigned and conveyed, by Panhandle to Hugoton.

(p) Such 810,000 shares of stock comprise all of the outstanding stock of Hugoton, and Hugoton is the wholly-owned subsidiary of Panhandle. All of the officers and directors of Hugoton are officers and directors of Panhandle. The sole office of Hugoton, other than its statutory office in the State of its incorporation, is the executive office of Panhandle in New York, New York. Hugoton has no executive officers or employees other than those employed by and paid by Panhandle. Its present assets consist only of the $675,000 cash and the aforementioned leases.

(q) On October 11, 1948, the Board of Directors of Panhadle declared a dividend in kind at the rate of one-half share of the capital stock of Hugoton for each of 1,620,000 outstanding shares of common stock of Panhandle. Panhandle proposes, on or before November 17, 1948, to pay this dividend to its common stockholders.

(r) The loss of the gas reserves represented by the leases on the 96,164.21 acres referred to in paragraph (b) hereof, may tend to decrease the service life of the aforementioned "Group A," "Group B" and "Group C" facilities.

(s) In the aforementioned orders of the Commission of June 4, 1946, November 30, 1946 and June 10, 1948, issuing certificates of convenience and necessity, the authorization thereby granted, in the instance of each of such orders, was upon the express condition that the certificate should be effective only so long as Panhandle continued the operations thereby authorized in accordance with the pro-

visions of the Natural Gas Act, as amended, and any pertinent rules, regulations or orders theretofore or thereafter issued by the Commission.

(t) By reason of the facts and circumstances hereinbefore set out, it may be that Panhandle could not lawfully transfer to Hugoton said natural gas leases without prior authorization by this Commission based on a finding that the public convenience and necessity permitted such transfer.

The Commission finds that:

Good cause exists for supplementing its order of October 26, 1948, in this proceeding as hereinafter provided, for holding a public hearing upon the matters and issues involved herein, for requiring Panhandle and Hugoton to show cause as hereinafter specified, and for maintaining the status quo pending the Commission's decision upon the question presented.

The Commission orders that:

(A) The order instituting investigation, dated October 26, 1948, In the Matter of Panhandle Eastern Pipe Line Company, Docket No. G–1147, be and the same is hereby supplemented by adding Hugoton Production Company as a party respondent thereto.

(B) A public hearing be held commencing on January 24, 1949, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in these proceedings.

(C) At such hearing, Panhandle and Hugoton show cause, under oath, if any there be, why the Commission should not by order, find, determine and direct:

(i) That Panhandle and Hugoton cancel the contract, or purported contract, referred to in paragraph (n) hereof, and that Panhandle return to Hugoton the aforesaid 810,000 shares of capital stock of Hugoton, and cause Hugoton to return to Panhandle, and that Hugoton return to Panhandle, the leases on the 96,164.21 acres referred to in paragraph (b) hereof, together with the $675,000 in cash received by Hugoton as aforesaid from Panhandle.

(ii) That Panhandle be prohibited from again transferring, assigning or conveying such leases without the consent of the Commission being first had and obtained.

(iii) That Panhandle refrain from paying to its stockholders, as a dividend or otherwise, such 810,000 shares of the capital stock of Hugoton, and refrain from transferring the title to such shares of stock to such stockholders or to any person other than Hugoton.

(D) Pending final determination by the Commission of the questions presented at the hearing, Panhandle refrain from the acts described in paragraph (C) (iii) hereof, and cause Hugoton to refrain from transferring, assigning or conveying the leases, described in paragraph (b) hereof, or any of them, to any person, and from issuing or transferring any of its capital stock to any person.

(E) Pending final determination by the Commission of the question presented at the hearing, Hugoton refrain from transferring, assigning or conveying the leases, described in paragraph (b) hereof, or any of them, to any person, and from issuing or transferring any of its capital stock to any person.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: November 10, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–10003; Filed, Nov. 15, 1948; 10:36 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–1983]

ROCHESTER GAS AND ELECTRIC CORP. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of November 1948.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Rochester Gas and Electric Corporation ("Rochester"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants have designated sections 6 (b) and 12 (b) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

On April 2, 1948, the Commission, subject to certain conditions, granted an application of Rochester which permitted it to issue and sell, and renew for a period of two years from the date of that order, promissory notes each of which was to have a maturity of nine months or less, in an aggregate principal amount which might not exceed $16,000,000. On the same date the Commission permitted a declaration of GPU to become effective so as to permit it to make, from time to time up to January 31, 1951, cash capital contributions to Rochester, the amount of such contributions to be not in excess of (a) $300,000 plus (b) an amount not in excess of the aggregate amount of dividends on Rochester's common stock theretofore declared and paid by Rochester to GPU from and after June 30, 1947. On April 19, 1948, Rochester obtained the authorization of its preferred shareholders to permit it to issue or renew unsecured notes, debentures, or other securities representing unsecured indebtedness which may not mature later than December 31, 1953, in an aggregate principal amount outstanding at ony one time not more than $12,500,000 in addition to the amount which the company might issue under its articles of incorporation without the prior consent of the holders of its outstanding preferred stock, which amount is defined as being ten per centum of the aggregate of the principal amount of its outstanding secured debt and its capital and surplus as stated on the books.

Rochester now requests authorization from this Commission, pursuant to the first sentence of section 6 (b) of the act, to permit it to issue and sell, from time to time, its unsecured notes, each of which will bear interest in an amount not to exceed 3% per annum, will mature not more than nine months after the date of issue thereof, and which (together with all other then outstanding unsecured notes of a maturity of nine months or less) will aggregate in principal amount outstanding at any one time not more than $12,500,000 in addition to the amount of unsecured notes, debentures, or other securities representing unsecured indebetedness which it might issue under its articles of incorporation without the prior consent of the holders of its outstanding preferred stock, and that such exemption with respect to the issuance or renewal of such notes be for a period of two years from the date upon which such authorizations may be granted. As at September 30, 1948, the amount of unsecured notes, debentures, or other securities representing unsecured indebetedness which Rochester might issue under its articles of incorporation without the prior consent of its preferred shareholders was $7,769,978. The proceeds from the issuance of such notes are to be used for new construction or to liquidate notes, the proceeds of which were used for new construction.

GPU as the holder of all the common stock of Rochester requests authority to make, from time to time during the period July 29, 1947 to August 29, 1951, cash capital contributions to Rochester, the amount of such contributions to be not in excess of the sum of (a) $300,000, plus (b) an amount equal to the aggregate amount of dividends on Rochester's common stock theretofore declared and paid by Rochester to GPU from and after June 30, 1947.

Applicants-declarants state that the transactions are not subject to the jurisdiction of any Commission other than this Commission.

Notice is further given that any interested person may, not later than November 18, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 18, 1948, said joint application-declaration, as filed or as further amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–9962; Filed, Nov. 15, 1948; 9:01 a. m.]

[File No. 70–1963]

NORTH AMERICAN LIGHT AND POWER CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 4th day of November 1948.

In the matter of North American Light & Power Company, the Kansas Power and Light Company, and Missouri Power & Light Company.

North American Light & Power Company ("Light & Power"), a registered holding company and a subsidiary of the North American Company, also a registered holding company, and the Kansas Power and Light Company ("Kansas"), and Missouri Power & Light Company ("Missouri"), public utility subsidiaries of Light & Power, having filed a joint application and declaration pursuant to the provisions of sections 6, 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder regarding the following transactions:

(1) Kansas will amend its Articles of Incorporation so as to reduce the par value of its common stock from $10 per share to $5 per share, and to change the total authorized amount of its common stock from 2,000,000 shares of a par value of $10 per share to 4,000,000 shares of a par value of $5 per share.

(2) Kansas will issue 3,100,000 shares of new common stock in exchange for 1,550,000 shares of common stock presently outstanding.

(3) Light & Power will acquire the 3,100,000 shares of new common stock of Kansas in exchange for the 1,550,000 shares of common stock which it holds.

(4) Missouri will amend its Articles of Incorporation so as to reduce the par value of its common stock from $20 per share to $5 per share, and to change the total authorized amount of its common stock from 375,000 shares of a par value of $20 per share to 1,500,000 shares of a par value of $5 per share.

(5) Missouri will issue 1,060,000 shares of new common stock in exchange for 265,000 shares of common stock presently outstanding.

(6) Light & Power will acquire the 1,060,000 shares of new common stock to be issued by Missouri in exchange for 265,000 shares of common stock which it holds.

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, that the aforesaid applicant-declaration, be, and hereby is, granted, and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–9963; Filed, Nov. 15, 1948; 9:01 a. m.]

[File No. 70–1965]

KITTERY ELECTRIC LIGHT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of November 1948.

Kittery Electric Light Company ("Kittery"), a subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of the act of the issue and sale to the Maine Savings Bank of Portland, Maine, of $50,000 principal amount of unsecured 3½% serial notes maturing September 1, 1973, the proceeds therefrom to be used to pay existing notes maturing February 21, 1949 in the principal amount of $10,500 and to provide cash for construction and other corporate purposes; and the issue and sale of such notes having been expressly authorized by the Public Utilities Commission of the State of Maine by order dated September 10, 1948; and

Said application having been duly filed, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the applicable requirements of the act are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48–9964; Filed, Nov. 15, 1948; 9:00 a. m.]

[File Nos. 59–10 and 54–82, 59–39 and 54–50, 70–1833]

NORTH AMERICAN CO. ET AL.

ORDER GRANTING MOTION, DISMISSING APPLICATION-DECLARATION, DENYING PETITION AND PERMITTING WITHDRAWAL OF PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of November A. D. 1948.

In the matter of the North American Company et al., File Nos. 59–10 and 54–82; North American Light & Power Company et al., File Nos. 59–39 and 54–50; the North American Company, Union Electric Company of Missouri, File No. 70–1833.

The North American Company ("North American"), a registered holding company, and its subsidiary, Union Electric Company of Missouri ("Union"), having filed an application-declaration covering the proposed transfer as a capital contribution by North American of its holdings of all of the oustanding capital stock of West Kentucky Coal Company to Union and said application-declaration having been treated as constituting a request that the Commission modify its outstanding order dated April 14, 1942, which directed North American to sever its relationship with West Kentucky Coal Company; and

The Trustees of Central States Electric Corporation et al., stockholders of North American, having filed a motion for the dismissal of the said application-declaration; and

The said Trustees also having filed a petition seeking to restrain the contemplated acquisition by North American of certain securities to be received by it in connection with the pending liquidation of North American's subsidiary registered holding company, North American Light & Power Company; and

North American having filed on May 12, 1948, a notification of withdrawal of its Plan III previously filed as a part of its over-all program for compliance with said order dated April 14, 1942; and

Oral argument having been held on the said motion and petition, and North American and Union having filed, pursuant to the direction of the Commission, an offer of proof summarizing the evidence which they proposed to present in support of their contention that there has been a material change of circumstances sufficient to warrant modification of the Commission's order of April 14, 1942;

The Commission having considered the said offer of proof and having this day issued its findings and opinion, on the basis of the said findings and opinion

It is ordered, That the said motion of the Trustees of Central States Electric Corporation be and it hereby is granted, and that the said application-declaration be and it is hereby dismissed;

It is further ordered, That the said petition of the Trustees of Central States Electric Corporation be and it hereby is, in all respects, denied.

It appearing appropriate that permission be given to North American to withdraw Plan III pursuant to the aforesaid notice of withdrawal;

It is further ordered, That the said Plan III be and hereby is permitted to be withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9965; Filed, Nov. 15, 1948; 9:00 a. m.]

[File No. 70-1973]

ENGINEERS PUBLIC SERVICE CO. (INC.)

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of November A. D. 1948.

Engineers Public Service Company (Incorporated), a registered holding company now in process of liquidation pursuant to a plan approved under section 11 (e) of the Public Utility Holding Company act of 1935, having filed an application pursuant to sections 9 (a) (1) and 10 of said act with respect to the following transaction:

Applicant owns 162,612 shares (approximately 5.5%) of the common stock of Virginia Electric and Power Company. The latter company has proposed to issue to the holders of record of its common stock on November 12, 1948 rights to subscribe to additional common stock on the basis of one additional share for each four shares then held, at a price to be determined on or about said date. Such rights must be exercised on or before 3:30 p. m. on December 1, 1948.

The instant application relates to the acquisition by applicant of its ratable share of such rights on or about November 15, 1948. Thereafter, applicant proposes to sell said rights during the subscription period through or to various members of the New York Stock Exchange at the best market prices obtainable.

The only expense other than regular brokerage commissions will be legal fees, estimated at $500.

Such application having been duly filed, and notice of its filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that there is no State Commission having jurisdiction over the proposed transaction; that the sale of said rights is exempt from section 12 (d) of the act by virtue of Rule U-44 (b); and that it is appropriate in the public interest and in the interests of investors and consumers to grant applicant's request to consummate without delay the proposed transaction:

It is therefore ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed by Rule U-24, that the application be and the same is hereby granted, and that the proposed transaction may be consummated forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9966; Filed, Nov. 15, 1948; 9:00 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12239]

PHILIP HENNE

In re: Trust under will of Philip Henne, deceased. File D-28-4017-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Auguste Egner and Sophie Egner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany).

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the trust created under Paragraph Eighth of the Codicil dated 31st day of August 1935, to the Will dated 10th day of February 1933, of Philip Henne, deceased, presently administered by Anna L. Henne, Belmont Hotel, Chicago, Illinois, and Otto K. Eitel, Bismarck Hotel, Chicago, Illinois, Trustees

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-9979; Filed, Nov. 15, 1948; 8:59 a. m.]

[Vesting Order 12242]

YUKI MORGAN ET AL.

In re: Trust under agreement between Yuki Morgan, settlor and United States Trust Company of New York and William R. Bayes, Trustees, D-39-148; D-39-148-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yuki Morgan whose last known address is Japan is a resident of Japan and a national of a designated enemy country (Japan);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated June 10, 1918 by and between Yuki Morgan, settlor, and United States Trust Company of New York and William R. Bayes, trustees,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-9978; Filed, Nov. 15, 1948; 8:59 a. m.]

[Vesting Order 12243]

WERNER NEUMEISTER

In re: Estate of Werner Neumeister, deceased. File No. F-28-28054; E. T. sec. 15756.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Ilse Ohly, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Werner Neumeister, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Public Administrator of the County of New York, as Administrator, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-9980; Filed, Nov. 15, 1948; 8:59 a. m.]

[Vesting Order CE 460]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN NEW YORK COURTS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in rules of procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Column 1 Name	Column 2 County or Territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Theresa Grisbako	Hungary	Estate of Elizabeth Bower, a/k/a Lizzie Bauer, deceased; in the Surrogate's Court, County of New York, State of New York; Docket No. A-304/1944.	$4,071.83	Treasurer of City of New York, Municipal Bldg. Chambers St., New York 7, N. Y.	$83.90
		Item 2			
Ikes Katolin	do	Same	1,357.00	Same	28.00
		Item 3			
Erwin Kamptner	Austria	Estate of Alma Marie Kamptner, deceased; Surrogate's Court, New York County, N. Y.; File No. P2678/1946.	1,311.45	The German Society of New York, 147 Fourth Ave., New York, N. Y.	21.00
		Item 4			
Elsa Tatra	do	Same	2,295.01	Same	42.00

[F. R. Doc. 48-9956; Filed, Nov. 12, 1948; 8:51 a. m.]

[Vesting Order 12265]

JOSEPHINE REICHMAN

In re: Stock owned by Josephine Reichman. F-28-29170-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josephine Reichman, whose last known address is Rottweil, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Six and one-half (6½) shares of $100 par value common capital stock of The First National Bank of Greenville, Greenville, Mississippi, evidenced by certificate numbered 232, registered in the name of Josephine Reichman, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as

a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-9981; Filed, Nov. 15, 1948; 8:59 a. m.]

[Vesting Order 11901, Amdt.]

SOPHIE BUNDT

In re: Interest in real property, property insurance policies and a claim owned by Sophie Bundt, also known as Sophie Bundtz.

Vesting Order 11901, dated August 30, 1948, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2–c of said Vesting Order 11901 the word Philadelphia and substituting therefor the word Pittsburgh.

All other provisions of said Vesting Order 11901 and all action taken by or on behalf of the Attorney General of the United States in reliance thereon pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-9955; Filed, Nov. 12, 1948; 8:51 a. m.]

[Vesting Order 12248]

BANKGESCHAFT BERGER & CO.

In re: Securities owned by and debts owing to Bankgeschaft Berger & Co., also known as Bankgeschaft Berger Company. F-28-761-A-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bankgeschaft Berger & Co., also known as Bankgeschaft Berger Company, the last known address of which is Behrenstrasse 33, Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account entitled Bankgeschaft Berger & Co. Customers Account for Custody, together with all declared and unpaid dividends thereon,

b. Those certain bonds described in Exhibit B, attached hereto and by reference made a part hereof, and presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account entitled Bankgeschaft Berger & Co. Customers Account for Custody, together with any and all rights thereunder and thereto,

c. Seven (7) certificates of indebtedness of the Conversion Bank of German Foreign Debts, Series I, noninterest bearing, of the face values and numbered as follows:

Number:	*Face value (each)*
0458006/11	10RM
NR0223814	50RM

which certificates of indebtedness are presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account entitled Bankgeschaft Berger & Co. Customers Account for Custody, together with any and all rights thereunder and thereto,

d. Five (5) fractional certificates of the Conversion Office for German Foreign Debts for 3% dollar bonds, Series B, of the face values and numbered as follows:

Number:	*Face value each*
274578/80	$20
B119560	10
B066002	5

which fractional certificates are presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account entitled Bankgeschaft Berger & Co. Customers Account for Custody, together with any and all rights thereunder and thereto,

e. One (1) scrip certificate for Chicago, Rock Island & Pacific Railroad Company 4% First Mortgage Bonds, Series A, of $9.71 face value, bearing the number NSF4411, which scrip certificate is presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account entitled Bankgeschaft Berger & Co. Customers Account for Custody, together with any and all rights thereunder and thereto,

f. One (1) scrip certificate for Chicago, Rock Island & Pacific Railroad Company General Mortgage 4½% Convertible Income Bonds, Series A, of $13.59 face value, bearing the number NSG4426, which scrip certificate is presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account entitled Bankgeschaft Berger & Co. Customers Account for Custody, together with any and all rights thereunder and thereto,

g. One (1) scrip certificate for 48/100ths of one (1) share of $100.00 par value, Series A, 5% cumulative convertible preferred capital stock of Chicago, Rock Island & Pacific Railroad Company, 139 Van Buren Street, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, bearing the number NSP5163, which scrip certificate is presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account entitled Bankgeschaft Berger & Co. Customers Account for Custody, together with any and all rights thereunder and thereto,

h. One (1) scrip certificate for 24/100ths of one (1) share of no par value common capital stock of Chicago, Rock Island & Pacific Railroad Company, 139 Van Buren Street, Chicago, Illinois, a corporation organized under the laws of the State of Delaware, bearing the number 6548, which certificate is presently in the custody of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, in an account entitled Bankgeschaft Berger & Co. Customers Account for Custody, together with any and all rights thereunder and thereto,

i. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a custody cash account, entitled Bankgeschaft Berger & Co. Customers Account for Custody, Berlin, Germany, maintained at the aforesaid Guaranty Trust Company of New York, and any and all rights to demand, enforce and collect the same, and

j. That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of a custody cash account General Ruling Number 6, entitled Bankgeschaft Berger & Co. Customers Account for Custody, Berlin, Germany, maintained at the aforesaid Guaranty Trust Company of New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bankgeschaft Berger & Co., also known as Bankgeschaft Berger Company, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Name and address of corporation	State of incorporation	Type of stock	Par value	Certificate No.	Number of shares	Registered owner
Guanajuato Reduction & Mines Co.		Capital, class A		542	50	Schmidt & Co.
Nash Kelvinator Corp., 14250 Plymouth Rd., Detroit, Mich.	Michigan	Capital	$5	NY/O 17966	6	Do.
The Baltimore & Ohio Railroad Co., 2 Wall St., New York, N. Y.	Maryland and Virginia.	Common	100	A553385	50	Zink & Co.
		Common	100	A553386	2	Do.
		4% noncumulative preferred	100	B123397	1	Do.
The Denver & Rio Grande Western Railroad Co., Equitable Bldg., Denver, Colo.	Delaware	6% cumulative preferred	100	PF15182	6	Do.
Chicago, Rock Island & Pacific Railroad Co., 139 Van Buren St., Chicago, Ill.	do	5% cumulative convertible preferred, series A common.	100	TNPO 8032	10	
			(1)	10068	26	

[1] No par value.

EXHIBIT B

Description of issue	Certificate No.	Face value	Description of issue	Certificate No.	Face value
Village of Niles Center, County of Cook, Ill., improvement 6% bond, series S	9	$1,000	German Consolidated Municipal Loan of German Savings Banks and Clearing Association Sec. 7% sinking fund gold bond	4260	$1,000
Guanajuato Reduction & Mines Co., 1st mortgage 6% gold bonds	A1527	200	Hungarian Land Mortgage Institute, 7½% sinking fund land mortgage dollar bond, series B	BM258	1,000
	A1528	200		BM259	1,000
	A1529	200		BM1384	1,000
	A1852	200		T12827	50
	A2423	200			
St. Louis-San Francisco Railway Co., prior lien mortage 4% gold bonds, series A	D6563	500	Chicago, Rock Island & Pacific Railroad Co., first mortgage 4% bonds, series A	8668	100
	Y7952	250		8669	100
	Y8522	250		8670	100
Canadian Pacific Railway Co., collateral trust 4½% gold bonds	M00637	1,000		8671	100
	M00638	1,000	Chicago, Rock Island & Pacific Railroad Co., 4½% general mortgage convertible income bonds, series A	2664	50
	07573	1,000		9981	100
Conversion Office of German foreign debts, 3% dollar bond	C057342	100		51534	1,000

[F. R. Doc. 48-9949; Filed, Nov. 12, 1948; 8:50 a. m.]

[F. R. Doc. 48-9949; Filed, Nov. 12, 1948; 8:50 a. m.]

NOV 12 '48

NOV 19 '48

FEDERAL REGISTER

VOLUME 13 NUMBER 224

Washington, Wednesday, November 17, 1948

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Under authority of § 6.1 (a) of Executive Order No. 9830, and at the request of the agencies concerned, paragraphs (a) and (b) of § 6.4 are amended as set out below, effective upon publication in the FEDERAL REGISTER.

1. Section 6.4 (a) (1) (vi) is amended by substituting "$800" for "$720". As amended, the subdivision reads as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(1) *Entire Executive Civil Service.* • • •

(vi) NC/PD: Any position in which the appointee will receive compensation aggregating not more than $800 per annum, the duties of which are part-time or intermittent, but such appointments shall not be for job employment. In Washington, D. C., such appointments shall be subject to the prior approval of the Commission. All such employment shall be reported on the regular reports of personnel action; and in addition, unless payment is at a per annum rate of $800 or less, the total service rendered and its distribution shall be shown on reports submitted at the end of each calendar year; if separation occurs prior to the close of a calendar year, report should be submitted at the time of separation. Additional employment of the appointee by another agency, under similar conditions, shall be subject to the prior approval of the Commission.

2. The various exceptions of student assistants contained in § 6.4 are amended by substituting "$925" for "$832" wherever the latter sum appears. The paragraphs and subdivisions so amended will read as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A.* • • •

(2) *State Department.* • • •

(x) NC/PD: Student assistants whose salaries shall not aggregate more than $925 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employment under this subdivision shall not exceed 180 working days in any one calendar year.

• • • • • •

(3) *Treasury Department.* • • •

(xii) NC/PD: Student assistants whose individual salaries shall not aggregate more than $925 a year. Only bona fide undergraduate or graduate students at colleges or universities of recognized standing shall be eligible for appointment under this subdivision. Appointments under this subdivision shall not exceed 90 working days in any one calendar year.

• • • • • •

(5) *Navy Department.* • • •

(xi) NC/PD: Scientific assistants whose salaries shall not aggregate more than $925 a year. Only bona fide students pursuing scientific courses at colleges or universities shall be eligible for appointment under this subdivision. Employment under this subdivision shall not exceed 180 working days in any one year.

• • • • • •

(9) *Department of Agriculture.* • • •

(iv) NC/PD: Student assistants whose salaries shall not aggregate more than $925 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employment under this subdivision shall not exceed 180 working days a year.

• • • • • •

(11) *Department of Commerce.* • • •

(iv) NC/PD: Student assistants whose salaries shall not aggregate more than $925 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employment under this subdivision shall not exceed 180 working days in any one calendar year.

• • • • • •

(42) *Civil Service Commission.* (1) NC/PD: Student assistants whose salaries shall not aggregate more than $925 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Appointments un-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

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der this subdivision shall not exceed 90 working days in any one calendar year.

* * * * *

(47) *National Advisory Committee for Aeronautics.* * * *

(iii) NC/PD: Scientific and professional assistants whose salaries shall not aggregate more than $925 a year. Only bona fide students pursuing scientific courses at colleges or universities shall be eligible for appointment under this subdivision. Employment under this subdivision shall not exceed 180 working days in any one year.

* * * * *

(49) *Economic Cooperation Administration.* * * *

(ii) NC/PD: Student assistants whose salaries shall not aggregate more than $925 a year. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this subdivision. Employments under this subdivision shall not exceed 90 working days a year.

3. The headnote of § 6.4 (a) (9) (xvii) is changed from "Farm Credit Administration" to "Farmers' Home Administration." As amended, the subdivision will read as follows:

§ 6.4 *Lists of positions excepted from the competitive service—*(a) *Schedule A.* * * *

(9) *Department of Agriculture.* * * *

(xvii) Farmers' Home Administration: NC/PD. Temporary, intermittent and seasonal collectors at grades not higher than CAF–5 for not to exceed 180 working days a year.

4. Section 6.4 (a) (46) (iv) is amended to read as follows:

§ 6.4 *Lists of positions excepted from the competitive service—*(a) *Schedule A.* * * *

(46) *Department of the Air Force.* * * *

(iv) NC/PD: Civilian deans and professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

5. A subparagraph numbered (16) is added to § 6.4 (b) as follows:

§ 6.4 *Lists of positions excepted from the competitive service.* * * *

(b) *Schedule B.* * * *

(16) *Department of the Air Force.* (i) Positions assigned exclusively to Air Force Communications Intelligence activities.

(Sec. 6.1 (a), E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-10018; Filed, Nov. 16, 1948; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Grain Sorghums Bulletin 1, Supp 1, Amdt. 2]

PART 263—GRAIN SORGHUMS LOANS AND PURCHASE AGREEMENTS

1948 GRAIN SORGHUMS PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 4784, containing the requirements of the purchase agreement program on grain sorghums produced in 1948, are hereby further amended by deleting the third sentence in § 263.236 *Purchase price.*

(Sec. 4 (b), 55 Stat. 498, sec. 5 (a), Pub. Law 806, 80th Cong., sec. 1 (d), Pub. Law 897, 80th Cong.; 15 U. S. C. 713 (a)–8 (b))

Issued this 12th day of November 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-10019; Filed, Nov. 16, 1948; 8:48 a. m.]

[1948 C. C. C. Barley Bulletin 1, Supp. 1, Amdt. 1]

PART 264—BARLEY LOANS AND PURCHASE AGREEMENTS

1948 BARLEY PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration (13 F. R. 4785), containing the requirements of the purchase agreement program on barley produced in 1948, are hereby amended by deleting the third sentence of § 264.236 *Purchase price.*

(Sec. 4 (b), 55 Stat. 498, sec. 1 (d), Pub. Law 897, 80th Cong., sec. 5 (a), Pub. Law 806, 80th Cong.; 15 U. S. C. 713 (a)–8 (b))

Issued this 12th day of November 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-10020; Filed, Nov. 16, 1948; 8:47 a. m.]

TITLE 10—ARMY

Chapter IX—Transport

REVISION AND TRANSFER OF REGULATIONS

CROSS REFERENCE: For revision and transfer of the material contained in Title 10, Chapter IX, see Title 34, Chapter V, Parts 631 through 633, *infra.*

TITLE 24—HOUSING CREDIT

Chapter V—Federal Housing Administration

Subchapter L—Yield Insurance

PART 590—ELIGIBILITY REQUIREMENTS FOR YIELD INSURANCE

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AUTHORITY: §§ 590.1 to 590.12 issued under sec. 401, Pub. Law 901, 80th Cong.

APPROVAL OF INVESTORS

§ 590.1 *Classification of investors.* Such of the following may become an approved investor as the Commissioner shall find to be qualified by business experience and facilities to afford assurance of the necessary continuity of long-term investment and to have available the necessary capital required for long-term investment in the project and shall approve as eligible for insurance under Title VII of the National Housing Act:

(a) Any natural person;

(b) Any group of not more than ten natural persons;

(c) Any corporation, company, association, trust or other legal entity; or

(d) Any combination of two or more corporations, companies, associations, trusts or other legal entities having all the powers necessary to comply with the requirements of such title.

§ 590.2 *Withdrawal of approval.* Approval of an investor may be withdrawn by notice from the Commissioner at any time for cause deemed sufficient by the Commissioner, but no withdrawal will affect any commitment or contract of insurance theretofore entered into with such investors.

APPLICATION AND COMMITMENT

§ 590.3 *Submission of application.* Any approved investor may submit an application for insurance in connection with an investment which it proposes to make pursuant to the provisions of Title VII of the National Housing Act.

§ 590.4 *Form of application.* The application must be made upon a standard form prescribed by the Commissioner and filed at the local Federal Housing Administration office serving the area in which the property is located.

§ 590.5 *Application and commitment fee.* The application must be accompanied by the investor's check to cover an application fee computed at the rate of one dollar and fifty cents ($1.50) per thousand dollars ($1,000) of the estimated investment stated in the application, to cover the cost of analysis by the Commissioner, and at the time of delivery of the commitment a further sum (referred to as "commitment fee") shall be paid, which, when added to the application fee, will aggregate three dollars ($3.00) per thousand dollars ($1,000) of the estimated investment as specified in the commitment. If the application is refused as a result of preliminary examination by the Commissioner, the fee paid will be returned to the applicant, but no portion of the fee will be returned after further work has been performed following preliminary examination. If the amount of established investment is increased after insurance, the fees herein provided for shall be based upon the amount of such increase.

§ 590.6 *Inspection fee.* An inspection fee computed at the rate of two dollars ($2.00) per thousand dollars ($1,000) of the face amount of the commitment shall be paid as provided for in the commitment.

§ 590.7 *Approval of application.* Upon approval of an application a commitment will be issued upon a form approved by the Commissioner setting forth the terms and conditions upon which the insurance will be granted.

ELIGIBLE PROJECTS

§ 590.8 *Project eligibility requirements.* To be eligible for insurance, a project shall meet the following conditions:

(a) The Commissioner shall be satisfied that there is in the locality or metropolitan area of such project a need for new rental dwellings at rents comparable to the rents proposed to be charged for the dwellings in such project.

(b) The project shall be economically sound and shall contain at least twenty-five (25) dwelling units.

(c) The dwellings in such project shall be acceptable to the Commissioner as to quality, design, size and type.

(d) The investor shall establish in a manner satisfactory to the Commissioner that good and merchantable title in fee simple or under long-term leasehold (under a lease having a term of not less than ninty-nine (99) years which is renewable or under a lease having not less than sixty (60) years to run from the date of commitment to insure under Title VII of the act is executed) satisfactory to the Commissioner to the real estate to be included in the project is vested in the investor free and clear of liens and will so remain as long as the contract of insurance remains in force, and after completion of the project, the investor must establish that there are no outstanding unpaid obligations contracted in connection with the construction or completion of the project.

(e) The project may include, in addition to the dwellings, such stores, com-

mercial or community facilities as the Commissioner shall determine to be necessary or desirable appurtenances to the project.

(f) The investor shall establish in a manner satisfactory to the Commissioner that it has and will make available sufficient funds to complete the project in accordance with the plans and specifications approved by the Commissioner.

RENTS

§ 590.9 *Rental schedule.* No charge shall be made by the investor for the dwelling accommodations offered by the project in excess of that provided in a rental schedule to be filed with the Commissioner and approved by him or his duly constituted representative prior to the opening of the project for rental: *Provided*, That in no event shall the rent proposed to be charged or collected for any dwelling in the project, including charges for heat and other customary services as determined by the Commissioner, exceed one hundred and twenty dollars ($120) per month, nor shall the average rental for all dwellings in the project exceed one hundred dollars ($100) per month.

§ 590.10 *Charges in addition to maximum rental.* The established maximum rental shall be the maximum authorized charge against any tenant for the dwelling accommodations offered exclusive of telephone, gas, electric, and refrigeration services. Charges in addition to such maximum rental may be made against a tenant for telephone, gas, electric, refrigeration, and other facilities and privileges furnished by the investor, but only with the approval of the Commissioner. No additional amounts may be required from a tenant in the nature of security deposits as a condition to occupancy of such units without the prior approval of the Commissioner.

TITLE

§ 590.11 *Title.* At the time the contract of insurance is executed the investor shall furnish to the Commissioner a survey satisfactory to him and a policy of title insurance as provided in paragraph (a) of this section: *Provided, however*, That in the event the investor is unable to furnish such policy for reasons satisfactory to the Commissioner the investor, without expense to the Commissioner, shall furnish evidence of title as prescribed in paragraphs (b), (c) or (d) of this section as the Commissioner may require.

(a) An owner's policy of title insurance issued by a company satisfactory to the Commissioner in such form and amount as may be approved by the Commissioner. Such policy shall run to the investor and the Commissioner as their respective interests may appear and may contain such exceptions, restrictions and limitations as are approved by the Commissioner.

(b) An abstract of title satisfactory to the Commissioner prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner as to the quality of such title signed by an attorney experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America or of any State or Territory thereof.

EFFECTIVE DATE

§ 590.12 *Effective date.* The Administrative rules in this part are effective as to all projects on which a commitment to insure under Title VII is issued on or after November 12, 1948.

PART 591—YIELD INSURANCE—RIGHTS AND OBLIGATIONS OF INVESTOR UNDER INSURANCE CONTRACT

Sec.
591.1 Citation.
591.2 Definitions.
591.3 Premiums.
591.4 Contract of insurance.
591.5 Excess earnings.
591.6 Supervision of investor.
591.7 Payment of claims.
591.8 Debentures.
591.9 Termination and reinstatement of contract of insurance.
591.10 Amendments.
591.11 Effective date.

AUTHORITY: §§ 591.1 to 591.11 issued under sec. 401, Pub. Law 901, 80th Cong.

§ 591.1 *Citation.* The regulations in this part may be cited and referred to as "Regulations of the Federal Housing Commissioner under Title VII of the National Housing Act, issued November 12, 1948".

§ 591.2 *Definitions.* As used in this part, the following terms shall have the meanings respectively ascribed to them below, and unless the context clearly indicates otherwise, shall include the plural as well as the singular number.

(a) The term "Commissioner" shall mean the Federal Housing Commissioner.

(b) The term "act" shall mean the National Housing Act, as amended.

(c) The term "contract of insurance" shall mean the written instrument duly executed by the Commissioner and the investor, setting forth the terms, conditions and provisions of insurance.

(d) The term "investor" shall mean the insured named in the contract of insurance.

(e) The term "project" shall mean a project (including all property, real and personal, contracts, rights and choses in action acquired, owned or held by the investor in connection therewith) of an investor designed and used primarily for the purpose of providing dwellings, the occupancy of which is permitted by the investor in consideration of agreed charges, and may include such stores, offices, commercial, community or other facilities as the Commissioner may approve.

(f) The term "estimated investment" shall mean the estimated cost of the development of the project as stated in the application submitted to the Commissioner for insurance under Title VII of the act and the regulations in this part.

(g) The term "establishment investment" shall mean the amount of the reasonable costs as approved by the Commissioner, incurred by the investor in, and necessary for, carrying out all works and undertakings for the development of the project, and shall include the premium charge for the first operating year and the cost of all necessary surveys, plans and specifications, architectural, engineering, or other special services, land acquisition, site preparation, construction and equipment; a reasonable return on the funds of the investor paid out in the course of the development of the project up to, and including, the initial occupancy date; necessary expenses in connection with the initial occupancy of the project; and the cost of such items as the Commissioner shall determine to be necessary for the development of the project:

(1) Less the amount by which the rents and revenues derived from the project up to, and including, the initial occupancy date exceeded the reasonable and proper expenses as approved by the Commissioner, incurred by the investor in, and necessary for, operating and maintaining said project up to, and including, the initial occupancy date, or

(2) Plus the amount by which such expenses exceeded such rents and revenues as the case may be: *Provided*, That the amount of the established investment so determined and approved by the Commissioner as of the date of initial occupancy of the project shall be subject to adjustment from time to time pursuant to the authority contained in section 712 of the act, and in accordance with the regulations in this part, to provide for increases, in such amounts as the Commissioner determines, if the investor makes capital improvements or additions to the project, or to provide for decreases, in such amounts as the Commissioner determines, if any part of the project is sold or transferred.

(h) The term "physical completion date" shall mean the last day of the calendar month in which the Commissioner determines that the construction of the project is substantially completed and substantially all of the dwellings therein are available for occupancy.

(i) The term "initial occupancy date" shall mean the last day of the calendar month in which ninety per centum (90%) in number of the dwellings in the project on the physical completion date shall have been occupied, but shall in no event be later than the last day of the sixth calendar month next following the physical completion date.

(j) The term "operating year" shall mean the period of twelve (12) consecutive calendar months next following the initial occupancy date and each succeeding period of twelve (12) consecutive calendar months, and the period of the first twelve (12) consecutive calendar months next following the initial occupancy date shall be the first operating year.

(k) The term "gross income" for any operating year shall mean the total rents and revenues and other income derived from, or in connection with, the project during such operating year.

(l) The term "operating expenses" for any operating year shall mean the amounts, as approved by the Commissioner, necessary to meet the reasonable and proper costs of, and to provide for, operating and maintaining the project, and to establish and maintain reasonable and proper reserves for repairs, maintenance, and replacements, and other necessary reserves during such operating year, and shall include necessary expenses for real estate taxes, special assessments, premium charges made pursuant to Title VII of the act and the regulations in this part, administrative expenses, the annual rental under any lease pursuant to which the real property comprising the site of the project is held by the investor, and insurance charges, together with such other expenses as the Commissioner shall determine to be necessary for the proper operation and maintenance of the project, but shall not include income taxes.

(m) The term "net income" for any operating year shall mean gross income remaining after the payment of the operating expenses.

(n) The term "minimum annual amortization charge" shall mean an amount equal to two per centum (2%) of the established investment, except that in the case of a project where the real property comprising the site thereof is held by the investor under a lease, if (notwithstanding the proviso of § 591.3) the gross income for any operating year shall be less than the amount required to pay the operating expenses (including the annual rental under such lease), the minimum annual amortization charge for such operating year shall mean an amount equal to two per centum (2%) of the established investment plus the amount of the annual rental under such lease to the extent that the same is not paid from the gross income.

(o) The term "annual return" for any operating year shall mean the net income remaining after the payment of the minimum annual amortization charge.

(p) The term "insured annual return" shall mean an amount not to exceed two and three-quarters per centum (2¾%) per annum on the outstanding investment and shall be fixed in the commitment to insure or in the contract of insurance.

(q) The term "minimum annual return" for any operating year shall mean an amount equal to three and one-half per centum (3½%) of the outstanding investment for such operating year.

(r) The term "excess earnings" for any operating year shall mean the net income derived from the project in excess of the minimum annual amortization charge and the minimum annual return.

(s) The term "outstanding investment" for any operating year shall mean the established investment less an amount equal to:

(1) The aggregate of the minimum annual amortization charge for each preceding operating year plus

(2) The aggregate of the excess earnings, if any, during each preceding operating year applied, in addition to the minimum annual amortization charge, to amortization in accordance with the provisions of § 591.5,

Provided, That the outstanding investment for any operating year shall be subject to adjustment in such amounts as the Commissioner determines, pursuant to the authority contained in section 712 of the act and the regulations in this part, to provide for a reduction in such outstanding investment for any operating year pending the restoration of damage to the project caused by fire, flood, earthquake, tornado or other casualty.

§ 591.3 *Premiums.* The investor shall pay to the Commissioner an annual insurance premium in an amount equal to one-half of one per centum (½ of 1%) of the outstanding investment for the operating year for which such premium charge is payable without taking into account the excess earnings, if any, applied, in addition to the minimum amortization charge, to amortization of the outstanding investment. Such premium charge shall be payable annually in advance by the investor either in cash or debentures issued by the Commissoner under Title VII of the act at par plus accrued interest: *Provided*, That if in any operating year the gross income shall be less than the operating expenses, the premium charge payable during such operating year shall be waived, but only to the extent of the amount of the difference between such expenses and such income and subject to subsequent payment out of any excess earnings as hereinafter provided in § 591.5.

The first premium covering the first operating year shall be payable on the date the contract of insurance is executed and subsequent annual premiums shall be paid on or before the first day of each succeeding operating year until the project is acquired by the Commissioner or until the contract of insurance is otherwise terminated as hereinafter set forth. At the close of each operating year the premium payable in advance for such operating year may be adjusted to take into account any increase or decrease in the outstanding investment for such operating year pursuant to the authority contained in section 712 of the act and the regulations in this part, and any excess premiums collected shall be refunded to the investor and any deficiencies in the amount of the premium already collected and the amount found to be due for such operating year shall be paid by the investor.

§ 591.4 *Contract of insurance.* Upon compliance satisfactory to the Commissioner with the terms of the commitment to insure, the Commissioner and the investor shall execute the contract of insurance. The Commissioner and the investor shall thereafter be bound by the contract of insurance, subject to the provisions of the regulations in this part which shall form part of each such contract.

§ 591.5 *Excess earnings.* For all of the purposes of any insurance contract, fifty per centum (50%) of the excess earnings, if any, for any operating year may be applied, in addition to the minimum annual return, to return on the outstanding investment but only to the extent that such application thereof does not result in an annual return of more than five per centum (5%) of the outstanding investment for such operating year, and the balance of any such excess earnings shall be applied, in addition to the minimum annual amortization charge, to amortization of the outstanding investment: *Provided*, That if in any preceding operating years the gross income shall have been less than the operating expenses, such excess earnings shall be applied to the extent necessary in whole or in part, first, to the reimbursement of the amount of the difference between such expenses (exclusive of any premium charges previously waived under § 591.3) and such income, and second, to the payment of any premium charges previously waived hereunder.

§ 591.6 *Supervision of investor*—(a) *Maintenance of books and records.* The investor shall establish and maintain such books, records and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the condition and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

(b) *Financial and operating statements.* With respect to each project, the contract of insurance shall provide that after the close of each operating year the investor shall submit to the Commissioner for approval a financial and operating statement covering such operating year in such form as the Commissioner may prescribe. If any such financial and operating statement shall not have been submitted or, for proper cause, shall not have been approved by the Commissioner, payment of any claim submitted by the investor may, at the option of the Commissioner, be withheld, in whole or in part, until such statement shall have been submitted and approved.

(c) *Special information and reports.* The investor shall furnish, at the request of the Commissioner or his agent, specific answers to questions upon which information is desired from time to time relating to the income, assets, liabilities, contracts, operation, rents, or condition of the property and any other information with respect to the investor or the project which may reasonably be required.

(d) *Rents to conform with rental schedule.* The investor shall charge and collect rents for the dwelling units in the project only in accordance with a rent schedule approved by the Commissioner. No change therein nor additional requirements in the nature of security deposits as a condition to occupancy of such units shall be made by the investor without the prior approval of the Commissioner.

(e) *Increases and decreases in established investment.* No capital expenditure for additions or improvements which would have the effect of increasing the established investment or no sale of any portion of the project which would have

the effect of reducing the established investment shall be made without the prior written approval of the Commissioner. In no event shall the investor mortgage or pledge all or any part of the project as security for any debt so long as the contract of insurance remains in force.

§ 591.7 *Payment of claims.* If in any operating year the net income of a project is less than the aggregate of the minimum annual amortization charge and the insured annual return, the Commissioner, upon submission by the investor of a claim for the payment of the amount of the difference between such net income and the aggregate of the minimum annual amortization charge and the insured annual return, and after proof of the validity of such claim, shall pay to the investor in cash from the Housing Investment Insurance Fund the amount of such difference as determined by the Commissioner, but not exceeding in any event an amount equal to the aggregate of the minimum annual amortization charge and the insured annual return.

§ 591.8 *Debentures*—(a) *Commissioner's right to acquire project.* If the aggregate of the amounts paid to the investor pursuant to § 591.7 shall at any time equal or exceed fifteen per centum (15%) of the established investment, the Commissioner thereafter shall have the right, after written notice to the investor of his intention so to do, to acquire, as of the close of any operating year in which such notice is given, such project in consideration of the issuance and delivery to the investor of debentures having a total face value equal to ninety per centum (90%) of the outstanding investment for such operating year. In any such case, the investor shall be obligated to transfer and convey to the Commissioner good and merchantable title to the project undamaged by fire, earthquake, flood, tornado, or waste, and free and clear of all liens, encumbrances, and defects, except such as were approved by the Commissioner at the time the project was insured or may be approved by him at the time of such transfer, and shall furnish to the Commissioner satisfactory continuation of the title evidence approved at the time of insurance to, and including, the transfer to the Commissioner without cost to him. In the event the investor fails to meet the obligation described in the preceding sentence, the Commissioner may, at his option, terminate the insurance contract.

(b) *Investor's right to convey project to Commissioner.* If in any operating year the aggregate of the differences between the operating expenses (exclusive of any premium charges previously waived under § 591.3) and the gross income for the preceding operating years, less the aggregate of any deficits in such operating expenses reimbursed from excess earnings as hereinbefore provided in § 591.5, shall at any time equal or exceed five per centum (5%) of the established investment, the investor shall thereafter have the right, after written notice to the Commissioner of his intention so to do, to convey the project to the Commissioner, as of the close of any operating year in which such notice is given, and to receive from the Commissioner debentures having a total face value equal to ninety per centum (90%) of the outstanding investment for such operating year. In any such case, the investor shall be obligated to transfer and convey to the Commissioner good and merchantable title to the project, undamaged by fire, earthquake, flood, tornado, or waste, and free and clear of all liens, encumbrances and defects, except such as were approved by the Commissioner at the time the project was insured or may be approved by him at the time of such transfer, and shall furnish the Commissioner satisfactory continuation of the title evidence approved at the time of insurance to, and including, the transfer to the Commissioner without cost to him.

(c) *Waste.* The term "waste" as used in paragraphs (a) and (b) of this section means permanent or substantial injury caused by unreasonable use or abuse, and is not intended to include damage caused by ordinary wear and tear.

(d) *Effect of Commissioner's acquisition of project.* Upon the acquisition of a project by the Commissioner pursuant to this section, the insurance contract shall terminate.

(e) *Date and terms of debentures.* The debentures issued under Title VII of the act to any investor shall be issued in accordance with the provisions of section 708 of the act, shall be dated as of the first day of the operating year in which the project for which such debentures were issued was acquired by the Commissioner, shall bear interest at the rate of two and three-quarters per centum (2¾%) per annum, payable semi-annually on the first day of January and the first day of July of each year, and shall mature forty (40) years following the date of issuance thereof.

Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment date on three months' notice of redemption given in such manner as the Commissioner shall prescribe.

Such debentures shall be issued in multiples of fifty dollars ($50) and any difference not in excess of fifty dollars ($50) between the amount of debentures to which the investor is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the investor.

§ 591.9 *Termination and reinstatement of contract of insurance*—(a) *Termination of insurance contract at investor's option.* The investor, after written notice to the Commissioner of his intention to do so, may terminate, as of the close of any operating year in which such notice is given, any contract of insurance, upon payment to the Commissioner of an adjusted premium charge of one per centum (1%) of the established investment but not in excess of the aggregate amount of the premium charges which the investor otherwise would have been required to pay if such contract of insurance had not been so terminated.

(b) *Termination of insurance contract at Commissioner's option.* The Commissioner may, at his option, terminate any insurance contract in the event that:

(1) The investor fails or refuses for a period of thirty (30) days after receipt of a demand by the Commissioner to pay insurance premiums in accordance with the provisions of § 591.3.

(2) The investor sells or transfers all or any part of the project without the approval of the Commissioner.

(3) The investor fails or refuses to comply with the requirements and submit to the supervision of the Commissioner in the manner and to the extent prescribed in § 591.6.

(c) *Reinstatement of insurance contract.* Upon application by the investor and compliance with such terms and conditions as may be required by the Commissioner in connection with the particular transaction any contract of insurance terminated pursuant to paragraph (b) of this section may be reinstated, subject to the investor making payment to the Commissioner of an amount equal to the insurance premiums which would have been due and payable if the contract of insurance had not been terminated.

(d) *Expiration of insurance contract.* Any insurance contract shall expire as of the first day of the operating year for which the outstanding investment amounts to not more than ten per centum (10%) of the established investment.

§ 591.10 *Amendments.* The regulations in this part may be amended by the Commissioner at any time and from time to time in whole or in part but such amendments shall not affect any contract of insurance or any commitment to insure issued prior thereto.

§ 591.11 *Effective date.* The regulations in this part shall be effective as to all contracts of insurance or commitments to insure issued subsequent to the date hereof.

Issued at Washington, D. C., November 12, 1948.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 48-10002; Filed, Nov. 16, 1948; 8:45 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 502—RELIEF ASSISTANCE

COMMERCIAL FREIGHT SHIPMENTS OF SUPPLIES BY VOLUNTARY NON-PROFIT RELIEF AGENCIES

Section 502.11 is added to Part 502, as follows:

§ 502.11 *Commercial freight shipments of supplies by voluntary non-profit relief agencies*—(a) *Scope of section.* Provided herein are the rules under which the Department of the Army, in order to further the efficient use of United States voluntary contributions for relief in the foreign countries hereinafter named, will pay ocean freight charges from United States ports to designated foreign ports of entry on supplies donated to or purchased by United States voluntary non-profit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid (hereinafter called "the Committee"), for distribution in Japan, Korea, and the Ryukyus Islands.

(b) *Agencies within scope of this section.* Any United States voluntary non-profit relief agency may make application to the Chief, Fiscal and Statistical Group, Office of the Food Administrator for Occupied Areas, Department of the Army, Washington 25, D. C., for reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within the foreign countries listed in paragraph (a) of this section, *Provided:*

(1) The agency is registered with and recommended by the Committee to the Department of the Army;

(2) The supplies are within the general program and projects of the agency as previously submitted to and approved by the Committee and are essential in support of such programs and projects;

(3) The agency's representatives to whom the supplies are consigned for distribution abroad are acceptable to the Committee;

(4) The Committee has notified the Department of the Army that:

(i) The agency is not engaged in commercial or political activities;

(ii) Contributions to the agency are eligible for tax exemption under income tax laws;

(iii) The agency is directed by an active and responsible board of American citizens who serve without compensation;

(iv) The accounts of the agency are regularly audited by a certified public accountant;

(v) The agency currently reports its activities and operations to the Committee including its budget and reports of income and expenditures, its transfer of funds, and its exports of commodities and such other information as the Committee may deem necessary, and such reports are open for public inspection;

(vi) The general program and projects by countries of operation of the agency have been approved by the Committee to permit the coordination of private agency programs with each other and with the programs of the Department of the Army in Japan, Korea, and the Ryukus Islands;

(vii) The Government of the country in which the supplies are distributed affords appropriate facilities for the necessary and economic operation of the agency's general program and projects;

(viii) The supplies are free of customs duties, other duties, tolls, and taxes;

(ix) The agency has assumed responsibility for noncommercial distribution of the supplies free of cost to the person or persons ultimately receiving them and distribution of the supplies is supervised by United States citizens, and such operations are appropriately identified as to their American character.

(c) *Manner of payment of ocean freight charges.* The Department of the Army will reimburse agencies qualified hereunder, to the extent of ocean freight charges paid by them for shipments made in conformity with this section: *Provided,* That application for such reimbursement on shipments made during the period July 1, 1948 through November 10, 1948, must be submitted to the Department by December 15, 1948; and on shipments made after the effective date of this section within thirty days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement or unit basis, and free of any other charges.

(d) *Refund by agencies.* Any agency reimbursed hereunder will refund promptly to the Department of the Army upon demand the entire amount reimbursed (or such lesser amount as the Department may demand) whenever it is determined that the reimbursement was improper as being in violation of any of the provisions of the Foreign Assistance Act of 1948, any acts amendatory thereof, or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the Department of the Army.

(e) *Saving clause.* The Secretary of the Army may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this section.

(f) *Effective date.* This section is effective as of November 15, 1948. [Regs. 10 Nov. 1948, SAOSA] (Pub. Law 793, 80th Cong.)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10044; Filed, Nov. 16, 1948; 8:51 a. m.]

Subchapter I—Transport

TRANSFER AND REVISION OF REGULATIONS

The material contained in Chapter IX of Title 10 is hereby revised and transferred to Chapter V, Title 34, and is redesignated Subchapter I, Parts 631 through 633, as follows:

Part
631 General transport regulations.
632 Charter and redelivery of vessels.
633 Transportation of individuals.

PART 631—GENERAL TRANSPORT REGULATIONS

TRANSPORTATION OF SUPPLIES

Sec.
631.1 Shipment of intoxicating liquors.

OVERSEA MOVEMENT OF INDIVIDUALS ON ARMY TRANSPORTS

631.2 Commercial passengers.
631.3 Transportation of individuals.
631.4 Stowaways and workaways.
631.5 Articles of an explosive or highly combustible nature excluded from baggage.
631.6 Transport messes.

AUTHORITY: §§ 631.1 to 631.6 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 55-155, Nov. 27, 1942; AR 55-390, Dec. 16, 1942; AR 55-410, Oct. 6, 1942; AR 55-420, June 2, 1948.

TRANSPORTATION OF SUPPLIES

§ 631.1 *Shipment of intoxicating liquors*—(a) *Laws covering.* The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited. (Const., 21st amendment, sec. 2.) The laws of any State, Territory, or possession of the United States relative to intoxicating liquors are not applicable to the transportation of intoxicating liquors that are the property of the United States and intended as medical supplies for the treatment of the troops or of the animals pertaining to the Army.

(b) *If carrier hesitates to accept or deliver.* If a carrier should hesitate to accept at point of origin and/or deliver at destination a shipment containing intoxicating liquors that are the property of the United States and intended as medical supplies for the treatment of the troops or of the animals pertaining to the Army, the transportation officer at the point of origin and/or at destination, as the case may be, will obtain an appropriate certificate from the proper medical officer setting forth such ownership and intended use of the liquors. The transportation officer will deliver the certificate to the carrier and make record thereof.

OVERSEA MOVEMENT OF INDIVIDUALS ON ARMY TRANSPORTS

§ 631.2 *Commercial passengers.* Army transports will not normally be used for carrying commercial passengers. In an unusual public emergency and where military necessity demands, Army transports may be used for this purpose provided commercial space is not reasonably available. A reasonable charge for such transportation will be made as mutually arranged between the Chief of Transportation and the Maritime Commission.

§ 631.3 *Transportation of individuals*—(a) *General.* Requests for transportation of persons from the continental United States to oversea ports, except for officers and enlisted men of the Army, Navy, and Marine Corps, must contain a statement whether the respective oversea commander has either requested the personnel or approves their entrance into the military area under his jurisdiction.

(b) *Officials and civilians.* Requests for passage of all officials and civilians not provided for in Army Regulations will be directed to the Chief of Transportation for approval and forwarding to the proper port of embarkation for action.

(c) *Female passengers.* No female personnel except Army nurses and authorized Red Cross workers may be taken on outward voyages from the continental United States except when specific authorization has been given by the Chief of Transportation.

(d) *Dependents.* Transportation of dependents of military personnel and civilian employees to oversea departments and bases, including Alaska, by Army transport or otherwise, is prohibited.

(e) *Civilian employees of Government stationed overseas.* Requests for transportation from an oversea post will be submitted by the local representative of the bureau with which the employee is connected, inclosing true copy of orders.

(f) *Secretaries of Young Men's Christian Association.* Secretaries of the Army and Navy Department of the Young Men's Christian Association may be furnished transportation on Army transports upon request of the headquarters of that organization when accommodations are available.

(g) *Panama Canal employees.* Transportation may be furnished on Army transports, when accommodations are available, for male employees of the Panama Canal on outward voyages from the continental United States and for the employees and their immediate families on inward voyages from the Canal Zone upon payment of the same rates as are applicable upon vessels of the Panama Line. Orders for transportation must be obtained through the Governor of the Canal Zone or the Chief of Office, The Panama Canal, Washington, D. C.

(h) *American Red Cross personnel.* Requests will be submitted by Headquarters, American National Red Cross, or the headquarters representative at a port of embarkation.

(i) *Officers and employees of territorial governments.* Requests for transportation from officers and employees of the Hawaiian Government must bear the certificate of the Governor, Territory of Hawaii, that the applicant is an actual officer or employee. Transportation for officers and employees of the Pureto Rican Government from Puerto Rico is arranged through the Governor of Puerto Rico, and from the United States through the Director of Territories and Island Possessions, Department of the Interior. Children and female passengers may not be taken on outward voyages from the continental United States.

§ 631.4 *Stowaways and workaways.* (a) The transport commander, agent, the master, and ship officers will use every precaution to prevent persons boarding Army transports as stowaways.

(b) In order to prevent unauthorized persons from boarding transports in the uniform of enlisted men, the commanding officers of units to embark immediately prior to embarkation will conduct a roll call inspection to see that only members of their organization are present in ranks. Before anchor is weighed if there is any reason to suspect that stowaways or other unauthorized persons are aboard, the transport will be searched by the ship's officers under the direction of the master. The transport commander will form the troops in ranks or otherwise dispose them so as to facilitate a thorough search of every part of the ship.

(c) The transport commander will see that all stowaways, whether alien or claiming American citizenship, and all workaways are reported to the port debarkation officer immediately upon arrival. The port debarkation officer will make necessary arrangements with immigration authorities, and the stowaways or workaways will not be permitted to leave the ship until they have been properly cleared.

(d) In the Philippines, they will be given the option of remaining aboard and returning on the transport or being turned over to the civil authorities for prosecution as vagrants. In other oversea ports they will be confined in a military guardhouse until disposed of in accordance with instructions from the immigration officials.

(e) In addition to the record in the office of the ship transportation officer or transportation agent, the master will cause to be entered in the ship log a record of all stowaways and workaways.

§ 631.5 *Articles of an explosive or highly combustible nature excluded from baggage.* Articles of an explosive or highly combustible nature will be excluded from all property and baggage loaded on transports, and no one will be permitted to have inflammable oils or explosives in his possession.

§ 631.6 *Transport messes*—(a) *Classification.* Each Army transport will, when practicable, have separately established thereon a main galley and a troop galley. The following messrooms will be established, when practicable, on each Army transport and serviced from galleys as indicated:

(1) Saloon mess	Main galley.
(2) Chief petty officers' mess	
(3) Crew mess	
(4) Patient mess (hospital ships only)	
(5) Troop mess	Troop galley.

(b) *Saloon mess.* (1) The persons who may be subsisted in the saloon mess are the transport commander and commissioned staff, all commissioned military passenger personnel, including warrant officers, chief and junior grades and cadets of the United States Army, Air Force, Navy, Coast Guard, and Marine Corps, all civilian ship's officers, cadets and cadet officers of the Maritime Commission, Red Cross workers, and all cabin class passengers.

(2) Where special detached messrooms are provided on transports for use of cabin class passengers in order to relieve crowded conditions of the regular saloon mess, such messrooms will be operated as a part of the regular saloon mess and governed accordingly.

(c) *Troop mess; civilian passengers with "troop" transportation.* All civilian passengers travelling troop class will ordinarily be assigned to the troop mess, but the transport commander or ship administrative officer may, at his discretion, assign any such passenger to any other mess, provided the passenger agrees to pay the increased charge for meals.

(d) *Meals in staterooms or quarters.* No meals or luncheons will be served to passengers, military personnel, ship's officers, or crews of transports in their staterooms or quarters, unless under written authority of the transport surgeon.

(e) *Complaints.* All complaints regarding service, quantity, quality, or palatability of food will be made to the transport commander and reported by him to the Superintendent, Water Division, at the home port with complete report of action taken.

(f) *Payment for subsistence required*—(1) *General.* All persons chargeable for subsistence (except those listed in subparagraph (2) of this paragraph) will pay the ship administrative officer before embarkation at rates prescribed in paragraph (g) of this section. WD AGO Form 14–23 (old FD Form 16) (Schedule of Deposits for Meals Furnished to Officers of the Army and other Passengers and Persons Transported on United States Army Transports) will be prepared in quintuplicate; one completed copy will be filed as an inclosure to the subsistence account.

(2) *Commissioned Army personnel and Red Cross workers.* Commissioned Army personnel and Red Cross workers assigned to duty aboard ship will pay the ship administrative officer at the end of each voyage or immediately upon release from duty aboard the transport. WD AGO Form 14–23, will be prepared in three copies and one completed copy will be filed as an inclosure to the subsistence account. Personnel in this category when absent from the transport while in port, will not be required to pay for meals not taken, provided 1 day advance notice of absenteeism is furnished the ship administrative officer.

(3) *Dependents.* Dependents (including war spouses and children) when transported aboard Army transports, will be required to pay for subsistence, at time of embarkation, at the current prescribed rates.

(4) *Meals not taken.* Deductions will not be allowed for meals not taken during a voyage, or while the transport is in a foreign port, except as provided in subparagraph (2) of this paragraph.

(5) *Entertainment of guests.* When in port, guests may be entertained aboard transports by permission of the transport commander or ship administrative officer, but payment for subsistence so furnished will be made to the ship administrative officer at the current prescribed rate.

(6) *Through passengers remaining on transports.* Passengers traveling aboard Army transports may be accorded the usual accommodations on board, including subsistence.

(g) *Charges for subsistence; general rates.* The following charges will be made for meals furnished aboard Army transports to persons who are not entitled to be subsisted at Government expense:

(1) *Commissioned Army personnel and Red Cross workers.* The daily subsistance charge for commissioned Army personnel and Red Cross workers assigned to duty aboard ship will be the value of the current garrison ration at home port plus 65 percent per person.

(2) *Cabin class passengers.* (i) The daily subsistence charge for adults and children 6 years of age and over will be the value of the current garrison ration at home port plus 65 percent per person.

(ii) The daily subsistence charge for children under 6 years of age will be one-half of the adult rate in subdivision (i) of this subparagraph.

(3) *Troop class passengers.* The daily subsistence charge for troop class passengers will be the value of the current garrison ration at home port plus 20 percent per person.

(4) *Computation.* Five mills (0.005) and over will be considered 1 cent in computing the above subsistence charges.

PART 632—CHARTER AND REDELIVERY OF VESSELS

CHARTER OF VESSELS

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AUTHORITY: §§ 632.1 to 632.19 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 55–515, 1 Sept. 1942; AR 55–520, 1 Sept. 1942.

CHARTER OF VESSELS

§ 632.1 *Commercial vessels.* Commercial vessels as necessary and available will be chartered by an agency of the Government created for that purpose and will be refitted for troop and cargo service in accordance with standard specifications, under the direction of the Chief of Transportation, and assigned to the several ports to supplement the owned service.

§ 632.2 *Charters.* Privately owned vessels when requisitioned or chartered in the usual way by the Government for and on account of the Transportation Corps of the Department of the Army will be taken over under the charter party on the prescribed form.

§ 632.3 *Time charter.* Under this form of charter the owner or other Government agency maintains in seaworthy condition and operates the vessel for the Department of the Army, furnishing at owner's or other Government agency's expense all tools, equipment, supplies, and services, and also employs, pays, and discharges the master, officers, and crew, and is charged with the upkeep of the vessel.

§ 632.4 *Bare-boat charter.* Under this form of charter the United States takes over and operates the vessel, furnishing all provisions, fuel, and water; pays, hires, and discharges the master, officers, and crew, and is charged with the upkeep of the vessel.

§ 632.5 *Rental of vessels by the Government.* Where the Government is in possession of a private vessel under rental agreement with the owners or other Government agency thereof during the time negotiations for its purchase by the Government are in progress, rent for the vessel is properly payable under the rental agreement until approval of purchase agreement by the proper Government official, but in absence of any specific agreement the Government is not required or obligated to pay rent for the vessel subsequent to approval of purchase agreement up to and including date of payment of purchase money. (See 26 Comp. Dec. 738)

§ 632.6 *Owners' obligation as to condition.* Under either form of charter the vessel when accepted by the United States will be, or will forthwith be, made by and at the expense of the owner or other Government agency, tight, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running order and condition; fit for the service in which she has usually been employed. The following instructions must be carefully and thoroughly followed, as neglect in preparing and preserving a complete detailed record of the condition of the vessel at the time she is taken over, together with a complete detailed inventory, may cause great trouble and loss to the Government at the time of redelivery of the vessel to the owner, or other Government agency.

§ 632.7 *Survey.* (a) Upon receiving orders to take over a vessel from a private owner, or other Government agency, the officer charged with this duty, hereinafter called chartering officer, will call upon the owner or other Government agency delivering to him a copy of the requisition order, and arrange with the owner or other Government agency to make a survey of the physical condition of the ship and its machinery. The chartering officer will require the superintending engineer of the Army Transport Service at the nearest port to detail one or more marine experts experienced in the hull and deck departments of ocean-going steam vessels and one or more marine experts, holding license as chief engineer of ocean-going steam vessels and experienced in the operation, repair, and maintenance of the steam-engine department of ocean-going steam vessels, who in conjunction with the chartering officer and the owner or his representative will make a full, complete and detailed survey of the physical condition of the ship, its equipment, and machinery. This survey will specify the condition of each element and unit in the ship, whether excellent, good, fair, or poor, and if any element or unit be found other than excellent will specify in detail in what respect the condition is other than excellent, for example, if the bearing of crank shaft of main engine were found to have been burned out and the metal run, it would not be sufficient to show the main crank shaft as being "poor" but it would be required to have survey show in what respect it was "poor" by specifying the exact condition in detail. Such survey involves the opening up for inspection of all engines, machinery, and auxiliaries for examination, and the testing by operation of all machinery and appliances. The vessel must also be drydocked for survey, and report made on underwater parts including measurement of extent to which tail shaft is down, condition of paint on bottom, and any plates set up or indented, any seams or rivets leaking, and any bilge keels broken, bent, or loose.

(b) This survey will be certified as correct as to the date taken, both by the chartering officer, the superintending engineer or his assistant, and the owner or his representative or other Government agency. In the event the owner or other Government agency does not agree as to any item or items of the survey, or refuses to sign such survey, a detailed statement as to disputed items, signed by the owner or his representative, should be obtained. If the owner or other Government agency refuses or neglects to make such statement, a detailed report as to items not agreed upon will be appended to the report of survey.

(c) Embodied in the report of survey will be a brief statement of the history of the vessel including its name, type, dead-weight tonnage, gross tonnage, passenger capacity; speed in knots per hour; consumption of coal or oil per 24 hours; the service in which the vessel has been engaged; a statement of accidents, groundings, collisions, etc., within the past year; when last drydocked; when last painted from truck to water line; when bottom last scaled and painted; when water tanks last scaled, cleaned, cement washed, and tested for tightness; when tail shafts last drawn; and a copy of United States inspection certificate, copy of hull board report on last drydocking, and copy of classification certificate and when classification expires appended. If the ship has no classification, that fact will be certified by owners.

(d) The report of survey will be accomplished in accordance with a model form to be furnished by the Chief of Transportation.

§ 632.8 *Inventories.* The port steward and transportation purveyor will, in company with the chartering officer, make a complete inventory of the consumable stores, provisions, coal, oil, and water, as well as all furnishings, spares, tools, and supplies on the vessel. This inventory will be checked with the inventory furnished by the owner or other Government agency under terms of the charter and, in case it does not agree in all respects with the owner's or other Government agency's inventory, the owner's or other Government agency's attention will be called to any discrepancies, and if not corrected a full and detailed report of the items of difference should be made.

§ 632.9 *Repairs.* As it is the duty of the owner or other Government agency, as hereinbefore stated, to deliver the vessel to the Government in every respect seaworthy and in good running order and condition, immediately upon the completion of the survey the owner or other Government agency will be notified in writing to accomplish forthwith such repairs as may be necessary to make the vessel seaworthy and place her in good and efficient running order. This notice will contain a detailed statement of the work demanded by the Government and be prepared by the superintending engineer and signed by him as well as by the chartering officer. In the event that the owner or other Gov-

ernment agency does not at once comply with the notice to make the vessel seaworthy and place her in good and efficient running order, or in the event the Government deems it expedient to itself accomplish the repairs necessary to put the vessel in good running order and condition or to make her seaworthy, such work will be directed by the chartering officer to be done under the supervision of the superintending engineer, and charged to the owner or other Government agency, the charges being deducted from the charter hire. An accurate account of the cost of such repairs will be kept.

§ 632.10 *Removal of equipment, etc.* In the event the Government removes from the vessel any of its furnishings, equipment, appliances, furniture, machinery, or installations, the superintending engineer will cause all such articles to be carefully boxed or crated and properly labeled with name of ship and list of contents; and same to be stored in a safe place for preservation against the time of redelivery of vessel to owner, or other Government agency. The superintending engineer will cause lists to be made in quadruplicate, showing all removals and giving the contents of each box or crate with place where stored; one copy of which will be delivered to the Chief of Transportation, one copy to owner of vessel, or other Government agency, one copy placed with the ship's papers, and one copy filed with the officer in command at the port where the removals are made.

§ 632.11 *Execution of charter.* (a) The chartering officer will have the charter executed by the owner or other Government agency and by himself for the United States in triplicate, one copy for the General Accounting Office, Military Division, one copy for the Chief of Transportation, and one copy for the contractor on the ship.

(b) In determining the amount to be inserted in paragraph 14, time form, and paragraph 9, bare-boat form, the owner or other Government agency will be warned and cautioned against stating a false or fictitious value for his vessel; but will state true value of the vessel considering its age, history, and present condition.

§ 632.12 *Disposition of survey, inventory, etc.* The original and three copies of the survey, inventory, and reports connected therewith will be retained by or forwarded to the officer in charge of the designated home port, who will send one copy of each to the Chief of Transportation, one copy to the owner or other Government agency or the vessel, and one copy will be placed with the ship's papers.

§ 632.13 *Change of form of charter.* In the event a boat has been under time charter and she is to be taken over on bare-boat form, all the steps heretofore outlined by way of survey, inventory, etc., will be performed as if the boat were coming into Government service for the first time with no previous Government service.

REDELIVERY OF VESSELS

§ 632.14 *General.* When a vessel under charter is to be redelivered to the owner or other Government agency the Chief of Transportation will advise the officer in charge of the port where redelivery will be made of the fact, designating the date set for redelivery and directing such officer to accomplish the redelivery. Upon receipt of this advice, the officer in charge of the port will advise the owner of the vessel and any other parties interested and will appoint a board of survey and an inventory board in accordance with §§ 632.18 and 632.19. In case the vessel has not yet arrived at the port, he will radio advice to the master of the intention to redeliver the vessel and instruct him to make such preparations for it as can be made before arrival, including inventory and statement of consumable stores.

§ 632.15 *Letter of notification.* (a) The letter to the owner or other Government agency will inform him of the intention to redeliver the vessel as soon as practicable after completion of the present voyage. He will be advised of the probable date of arrival of the vessel at the port, and of the actual date of arrival as soon as it is known.

(b) He should also be advised, in case he should allege damages to the vessel for which the Department of the Army is responsible, to submit in writing, without unnecessary delay, a verified claim giving in detail the items of such damage, with the cost and proof thereof; and that the claim should be complete, represent the entire claim of the owners and should so state; also that it is desirable that the owner or his representative be present during the survey of the vessel by a board convened for the purpose, for free consultation with members of the board in regard to any damages to the vessel while in the service of the Department of the Army and for conference to determine just settlement or the just lump sum to be paid by the Government in lieu of reconditioning the ship.

(c) Form of letter of notification of intention to redeliver:

SIR: You are hereby notified that the Department of the Army will turn over and deliver to you the S. S. ---------- as soon as practicable after completion of the present voyage.

The present voyage will be completed upon the arrival of the vessel at this port, which it is expected will be on ----------. You will be advised of the actual date of arrival as soon as it is known.

Should you deem that in accordance with the terms of the charter, you have any claim against the Department of the Army on account of this vessel while in the service of the Department of the Army, for alleged damages or otherwise, it is requested that you submit, without unnecessary delay, a verified statement giving in detail the items and the amounts involved to recondition the vessel according to the terms of the charter.

The claim should be complete, represent your entire claim, and should so state.

It is requested that either yourself or your representative be present during the survey of the vessel, before redelivery, for free consultation with members of the board in surveying the vessel and for conference in determining a just settlement or a just lump sum to be paid you by the Government in lieu of reconditioning the ship.

(Signature of officer in charge of redelivery.)

§ 632.16 *Prompt redelivery.* In accordance with the terms of the charters of ships in the service of the Department of the Army, upon giving five days' written notice to the owner, or other Government agency, the United States may at any time, when the vessel is at a United States port, cancel the requisition charter without prejudice to the accrued rights of either party. In order that the owners may regain use of the vessel for commercial service as soon as practicable, it is desirable that this notice be served with a view of prompt redelivery of the vessel after the needs of the United States for the actual use of the vessel have been concluded, and when the vessel has been retained in the possession of the United States sufficient time to enable a thorough survey of the vessel to be made with a view of collecting all available evidence from the ship to determine the repairs necessary to recondition the ship, in accordance with the terms of the charter, or lump-sum settlement to be paid in lieu of repairs.

§ 632.17 *Notification of redelivery.* Therefore, when it is seen that the board of survey will complete its survey, findings, and recommendations, and that the vessel will be ready for redelivery on a certain date, the officer in charge of the port will cause a proper notice to be served upon the owner or other Government agency in accordance with the terms of the charter, stating in substance that on and after the date fixed the ship in question will be considered as redelivered to the owner, and that all responsibility therefor on and after such date will be with the owner, or other Government agency, and that the Department of the Army from such date will assume no obligations or liability concerning the vessel. In case of Army vessels manned by the Navy, the Navy Department will be advised of such action and will be requested to effect the actual delivery of the ship at the time designated. The following form of letter will be used for notification of redelivery:

SIR: You are hereby notified that the Department of the Army will turn over and deliver to you the S. S. ---------- at ---------- city of ---------- State of ---------- on the ---- day of ---------- at ---- o'clock, this notice being sufficient in accordance with the terms of the charter.

You are further notified that from and after the above date and hour the said steamship will be at your expense for caretakers, wharfage and all other respects, no liability therefor remaining thereafter against the United States, the vessel being held thereafter subject to the owner's risk without prejudice to accrued rights.

(Signature of the officer in charge or redelivery.)

§ 632.18 *Inventory board.* The inventory board will consist of at least two officers. The duties of the board will be to prepare an inventory and a statement of consumable stores. The itemized inventory and the statement will be delivered to the board of survey for their consideration as prescribed in § 632.19 (a). All articles of equipment on the ship supplied by the Department of the Army to which the Department retains title will be removed. All equipment belonging to the vessel will be inventoried by the inventory board accompanied by a representative of the owner, if practicable.

§ 632.19 *Board of survey—(a) Composition and general functions.* The board of survey will consist of three officers. The board will be provided with the services of any necessary technical advisors. Its duties will be to survey the vessel to determine the actual damages, if any, sustained by it while in the service of the Department of the Army; to estimate the cost of repairs necessary to recondition the vessel in accordance with the terms of the charter, and to determine the lump-sum settlement regarded as just compensation to be paid the owner in lieu of repairs. In preparing their report the board of survey will consider the inventories and statements of consumable stores.

(b) *General procedure.* The board of survey will survey and will come to a finding on each vessel as soon as possible after its arrival at the port, after consideration of any itemized claims for damages submitted by the owner or other Government agency and of all possible evidence obtained relating to the history of the ship and its services prior to allocation to the Department of the Army. It will make a recommendation of the necessary repairs that should be made to place the ship in the same or as good order and condition as that in which she was when delivered to the United States, ordinary wear and tear and damage due to the operation of risks assumed by the owners excepted, and the lump sum regarded as just compensation for the damage occasioned to the vessel that it recommends to be paid in lieu of repairs. When, in the judgment of the board, minor repairs can be made without interference with the survey of the vessel, the matter should be brought promptly to the attention of the officer in charge of the port for necessary action. The board at its discretion may solicit bids for the accomplishment of repairs and consider such bids in arriving at the award determined upon. In case any member of the board disagrees with the majority, he will submit a minority report to be forwarded with the report of the board.

(c) *Testimony.* Testimony should be brief, to the point, provide facts, and not opinions. Interrogation as to a number of items of similar character can oftentimes be grouped together and considered in one question. If the witness says he does not know about the facts he should be interrogated as to who might know. The testimony of officers, crew, or persons who have personal knowledge of the facts will be taken to establish (1) the condition of the ship prior to and during service with the Department of the Army. Testimony as to ship's age and its prior use, such as for carrying sulphur, etc., has an important bearing, as does history as to collisions, etc., (2) how the damage was occasioned and when, i. e., if prior to use by the Department of the Army or by third parties or through collision or accident or what other manner. For example: Testimony has shown that refrigeration repairs were due not to stevedore damage as claimed, but to original defective construction.

(d) *Owners not to participate in board's discussions.* The owners will not be allowed to participate in any discussion between representatives of the Government as to the proper amount to be paid the owners, nor will owners, their lawyers or representatives, be given access to the facts, figures, testimony, and information gathered by the Government officials in the preparation of its case.

(e) *Basis of dealings with owners.* All dealings with the owners should be on the basis of claims submitted by them and should consist of approving or disapproving each item in the light of the facts obtained from the Department of the Army's investigations.

(f) *Lump-sum agreement with owners.* The owner of the vessel or his authorized representative should be consulted by the board of survey with the view of recommending, if practicable, a just lump-sum payment in lieu of repairs that would be accepted by the owner. The owner or his authorized representative should sign a statement on the report as to his willingness to accept the lump-sum payment recommended in final settlement and should give full release of all claims and liabilities covering the use of the vessel while in the service of the Department of the Army, or furnish the board of survey with a statement of his objections, to be forwarded with the report of the board. The release should be on the form prescribed for the purpose.

(g) *Time allowance.* A rule for estimating time allowance or demurrage is to determine the period required to accomplish the repairs on Government account and deduct from this the length of time required to complete repairs to be made on owner's or other Government agency's account. For example: If the Government repairs require 20 days, owner's 10 days, the time allowance should not exceed 10 days. The owner or other Government agency can not object to this deduction on the theory that he does not intend to make these repairs following redelivery. Further, for example: If the Government repairs will require 10 days and the owner's or other Government agency's repairs 20 days, there should be no time allowance granted whatever. The basis for computing demurrage is not charter hire but the prevailing rate of hire that such vessel could earn when released for service. It may be less than charter hire. In case it should be greater that fact should be considered in advance in determining whether the charter should be canceled.

(h) *Form of charter to be considered.* The form of charter should be considered especially with reference to the obligations of the Department of the Army for reconditioning. Under a time charter when a vessel is manned by the owner he is responsible for maintaining the vessel in efficient state and operating it. Repairs which become necessary in that connection are for his account, the Department of the Army being chargeable for such damage as results directly from the carrying of its cargo or troops, and which is not chargeable to wear and tear. The Department of the Army is also chargeable with the reconditioning of alterations made for its convenience. Under bare-boat charter the Department of the Army mans the vessel, and has the use of all equipment and stores and full charge of the operation. In this case the owner is chargeable with the wear and tear incident to the service contemplated under the charter, but the repairs necessary for maintenance and operation, accounts for articles of inventory and stores, and the reconditioning of alterations are chargeable to the Department of the Army. The board of survey should consult the judge advocate, maritime affairs, concerning the determination of the extent of the Government's obligations under the charter.

(i) *Drydocking.* When an inspection of the hull is deemed necessary to enable the board of survey to arrive at a decision as to the repairs necessary for damage claimed by the owners or other Government agency, the officer in charge of the port will arrange for the necessary drydocking, and in the case of Navy manned vessels the Navy Department will be requested to make arrangements for prompt drydockings so that the work of surveying both the inside and the outside of the vessel may proceed simultaneously. If it is found impossible to obtain necessary drydocking facilities, the matter will be reported to the Chief of Transportation for his decision as to whether the board of survey shall delay its findings until drydocking is had or whether the board shall submit a partial recommendation. In every case, however, unless specific instructions to the contrary are given, the report of the board of survey should cover fully in its recommendation the disposition of all claims for damages incurred on the vessel.

(j) *Alterations and additions.* Inquiry should be made as to whether or not any repairs or additions have been made to the vessel by which its condition has been bettered, and if so the value of these betterments so that the proper credit may be taken by the Government in the settlement. For example: Winches may have been installed by the Government and not taken off at redelivery. The mere fact that the removal of such installations might cost more than would be their value after removel is no reason for not crediting the Government with their value if they are left on board and are an improvement to the vessel. In case a money allowance is made to the owners or other Government agency, for their removal, the Government should receive credit for the value they will have after removal, or provision should be made that they be turned over to the proper Government department. In the case of gun mounts, gun crew's quarters, etc., it is particularly necessary to establish by testimony, as nearly as possible, the date of installation in order that the responsibility for removal may be properly placed.

(k) *Seaworthiness.* Inquiry should be made as to whether or not at the time of delivery to the Army repairs were made to render the vessel seaworthy, and for which a reduction should be made by the Department of the Army in any settlement made by the owners. The facts in connection with this should be ascertained and reported together with such information as is obtainable as to whether notice for the necessity of these repairs was brought to the attention of the owners at the time. In some cases the Government has possibly waived its right to collect for these seaworthy repairs but the facts in connection should be shown in the report, and the charter will be followed as to charging them to owner's or other Government agency's account in the absence of other facts.

(l) *Consumable stores and inventory.* The board should examine carefully the survey, the statement of consumable stores and inventory made at the time the vessel was originally taken over. Awards made by the inventory board should be closely scrutinized to avoid duplication of any items by allowing them as restoration on the report of survey.

(m) *Fair wear and tear.* In determining lump sum for damages or in considering just and reasonable repairs to place the vessel in same condition as when received, no payment or repairs will be made where damages result from fair wear and tear.

(n) *Dock trial.* In redelivery the dock trial should be in the presence of old and new engine departments.

(o) *Points to be included in report of board of survey.* The report of the board of survey will include the following:

(1) A brief statement of the time, place, and character of the inspection made by the board of survey in arriving at the conclusions reached in their report.

(2) A brief history of the vessel, showing when and where it was received into the service of the Department of the Army, under what circumstances, and charter arrangements; the use of the vessel in the Army service; the general condition of the vessel at the time of its delivery to the Army compared with condition of redelivery; a statement showing what property and equipment have been installed by the Department of the Army during its use of the vessel.

(3) An itemized statement of the repairs necessary to put the vessel in condition required by charter and the lump sum regarded as just compensation for the damage thus occasioned to the vessel and recommended to be paid in lieu of repairs, giving such detail as will clearly indicate the reason for the action of the survey board.

(4) In case repairs are to be made a statement that these repairs cover only damage done to the vessel while in the service of the Department of the Army and required to place the vessel in the same or as good condition as that in which she was taken over for operation for the Department of the Army, ordinary wear and tear excepted.

(5) In the event that a money payment is recommended by the board covering the time the vessel is undergoing repairs, a statement that such payment covers the loss of services of the vessel during such time repairs are being accomplished. This figure should be arrived at independently of charter hire and in no case should exceed the sum equal to the charter hire for the period which the board estimates necessary to accomplish such repairs.

(p) *Forwarding report of board.* The report of the board of survey will be forwarded to the Chief of Transportation through the officer in charge of the port. The latter will forward with the report any recommendation he may wish to make thereon. If the report is considered complete by the Chief of Transportation it may be referred to the Judge Advocate General for review and legal opinion, in case there are any unusual features or any legal points involved which the latter has not already passed upon. In the event that the report is not complete or in proper shape, the Chief of Transportation will take such action as he may deem necessary to have the report completed. Final action will be taken on all reports by the Chief of Transportation acting for the Secretary of the Army. The Chief of Transportation will also take the necessary steps to cause any payments to be made to the owners which he may approve on these reports.

PART 633—TRANSPORTATION OF INDIVIDUALS

Sec.

633.1 Dependents.
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AUTHORITY: §§ 633.1 to 633.15 issued under R. S. 161, 41 Stat. 604, 49 Stat. 421, 56 Stat. 364, 60 Stat. 126; 5 U. S. C. 22, 10 U. S. C. 756, 756b, 37 U. S. C. 112, 112d.

DERIVATION: AR 55–120, Apr. 26, 1943; AR 55–160, Apr. 26, 1943; TM 55–525, June 1945.

§ 633.1 *Dependents—(a) To whom transportation furnished—(1) Military personnel, permanent change of station—(i) When authorized.* Subject to subdivision (ii) of this subparagraph, and also subparagraph (3) of this paragraph, effective June 1, 1942, when any officer, warrant officer, or enlisted man above the fourth grade is ordered to make a permanent change of station, the United States will furnish transportation in kind from funds appropriated for the transportation of the Army to his new station for his dependents: *Provided,* That if the costs of such transportation exceed that for transportation from the old to the new station, the excess costs will be paid to the United States by the officer, warrant officer, or enlisted man concerned.

(ii) *Restriction.* For military reasons, for the duration of the present war, only one such movement of dependents is authorized on and after September 1, 1942. Present regulations governing the movement of dependents of military personnel returned to civil life through retirement, discharge, or relief from active duty remain in effect and are not modified by the foregoing limitations.

(iii) *Permanent change of station defined.* The words "permanent change of station" as used in subdivision (i) of this subparagraph include the change from home to first station when an officer, warrant officer, or enlisted man, including retired personnel and members of the reserve components of the Army, is ordered to active duty other than training duty and the change from the last station to home in connection with retirement, relief from active duty, or transfer to a reserve component. An enlisted man discharged in order to enable him to accept an appointment as an officer and ordered as such to proceed to another station for duty is an officer ordered to make a permanent change of station within the meaning of this paragraph.

(iv) *Officer candidate—(a) Commissioned graduates.* A commissioned graduate of an officers' candidate school, having dependents as defined in paragraph (b) of this section, may be furnished transportation for such dependents as follows:

(1) Transferred to school as warrant officer or noncommissioned officer of first three grades. From last permanent duty station (from which transferred to the school) to first permanent duty station as a commissioned officer.

(2) Transferred to school as an enlisted man below the first three grades. From the home of record indicated at time of acceptance of commission to the first permanent duty station as a commissioned officer.

(b) Nongraduates. A nongraduating warrant officer or enlisted person of the first three grades, having dependents as defined in paragraph (b) of this section, may be furnished transportation for such dependents from the last permanent duty station (from which transferred to the school) to the new permanent duty station (to which transferred from the school) or as otherwise authorized by this part. Transportation at Government expense for dependents of nongraduate enlisted men below the first three grades is not authorized.

(2) Officers of graduating classes of United States Military Academy. Effective January 19, 1943, for the duration of the war, officers of the graduating classes of the United States Military Academy will be entitled to transportation for their authorized dependents, at Government expense, from the home of the officer concerned or from West Point, New York, as actually performed, to the first permanent station, including a station at a service school of respective arms or services at which they may be assigned for first permanent station. Transportation of dependents is also authorized from the first permanent station to the next permanent station. The transportation herein authorized is not subject to the wartime restriction stated in subparagraph (1) (ii) of this paragraph, except that upon completion of travel of dependents to the second permanent duty station all travel of dependents at Government expense thereafter, will be subject to such restriction.

(3) *Military personnel; evacuation, restricted assignments, temporary duty outside the United States, quarters not available, or indeterminate temporary stations within the United States—(i) When authorized.* Except as provided in subdivision (iv) of this subparagraph, for the period beginning December 8, 1941, and ending 6 months after the termination of the war, or such earlier time as the Congress by concurrent resolution or the President by proclamation may designate, dependents of military personnel may be furnished transportation at Government expense when officers, warrant officers, or enlisted men above the fourth grade are:

(a) Evacuation. On duty at places designated by the Secretary of the Army as within zones from which their dependents should be evacuated, for military reasons, or

(b) Restricted area. Transferred or assigned to permanent duty at places where their dependents are not, for military reasons, permitted to accompany them, or

(c) Outside the United States. Assigned to temporary duty outside the continental United States or in Alaska, away from their permanent stations on orders which do not provide for return to the permanent station, or which do not specify any limit to the period of absence from the permanent station, or

(d) No quarters available. Ordered to a permanent station where the commanding officer has determined that Government quarters for their dependents are not available. In case no Government quarters are available at the post, camp or station to which the military personnel is assigned, the individual concerned will furnish the transportation officer, at the time request is made for transportation of dependents, a certificate, in duplicate, to that effect, from the commanding officer having jurisdiction thereof.

(e) Indeterminate temporary station within the United States. Assigned to temporary duty within the continental United States exclusive of Alaska away from their permanent stations within the continental United States exclusive of Alaska on orders which provide that the individual, or the organization to which the individual is assigned, will not return to the former permanent station but will be ordered to a new station to be determined at a later date.

(ii) Places between which transportation is authorized—(a) Restricted area; outside United States; quarters not available; indeterminate temporary station within United States. Under provisions of subdivision (i) (b), (c) and (d) of this subparagraph, from the last permanent station (or home under subparagraph (1) (iii) of this paragraph to any place in the continental United States exclusive of Alaska that such military personnel may designate, except a place within an area declared by the Department of the Army to be restricted so far as travel of dependents thereto is concerned. Transportation may be furnished from a place other than the last permanent station upon payment of the excess cost, if any.

(b) Evacuation. Under provisions of subdivision (i) (a) of this subparagraph transportation may be furnished from the place within the area ordered to be evacuated where the dependents are when the evacuation order becomes effective regardless of whether such dependents were entitled to transportation at Government expense to the point where located within the evacuation area. Dependents will not be entitled to transportation incidental to evacuation unless they are actually within an area at the time it is ordered to be evacuated. Transportation is authorized to places as prescribed in (a) of this subdivision.

(iii) *Subsequent transfer.* If transportation is furnished as prescribed in subdivision (ii) of this subparagraph and such military personnel is later transferred to a permanent duty station not within a restricted zone, dependents may, subject to subdivision (iv) of this subparagraph, be furnished transportation at Government expense from the place to which they were sent under subdivision (ii) of this subparagraph, to the new permanent duty station, or from any point to the new permanent duty station upon payment of the excess cost, if any.

(iv) *Restriction.* For military reasons, for the duration of the present war, the provisions of this subparagraph are subject to the restriction that only one such movement of dependents is authorized at Government expense on and after September 1, 1942, except that this restriction will not apply to movements which may be authorized by reason of mass evacuation from designated areas as directed by the Secretary of the Army. Mass evacuation in all instances is to be interpreted as an exodus from an area occasioned by a probable invasion, bombing, or other pressing necessity as determined by the Secretary of the Army.

(4) *Civilian employees—(i) When authorized.* Except as provided in subdivision (v) of this subparagraph for the period beginning December 8, 1941, and ending 6 months after the termination of the war, or such earlier time as the Congress by concurrent resolution or the President by proclamation may designate, dependents of a civilian employee may be furnished transportation at Government expense when such employee is:

(a) Restricted area. Transferred to a permanent duty station where dependents are not for military reasons permitted to accompany him, or

(b) Evacuation. On duty at a place designated by the Secretary of the Army as within a zone from which his dependents should be evacuated for military reasons, or

(c) Outside the United States. Transferred to temporary duty outside the continental United States or in Alaska, away from his permanent station on orders which do not provide for return to such station or do not specify any limit to the period of absence therefrom.

(ii) Places between which transportation is authorized—(a) From last permanent station except when evacuated. From the last permanent station to any place in the continental United States exclusive of Alaska, that the employee may designate, except a place within an area declared by the Department of the Army to be restricted so far as travel of dependents thereto is concerned, and except further that transportation may be furnished, in the case of evacuation, from the place within the area to be evacuated where the dependents are when the evacuation order becomes effective, regardless of whether such dependents were entitled to transportation at Government expense to the point where located within the evacuation area. Dependents will not be entitled to transportation incidental to evacuation unless they are actually within the area at the time it is ordered to be evacuated.

(b) From other than last permanent station. If furnished under provisions of subdivision (i) (a) and (c) of this subparagraph, transportation may be furnished from a place other than the last permanent station upon payment of the excess cost, if any.

(iii) *Subsequent transfer.* If transportation is furnished as prescribed in subdivision (ii) of this subparagraph and the employee is later permanently transferred to a duty station not within a restricted zone, dependents may, subject to subdivision (v) of this subparagraph, be furnished transportation at Government expense from the place to which they were sent under subdivision (ii) of this subparagraph, to the new permanent duty station, or from any point to the new permanent duty station upon payment of the excess cost, if any.

(iv) *Regulations applicable.* Regulations applicable to transportation of dependents of military personnel of the Regular Army upon permanent change of station are hereby made applicable to transportation of dependents of civilian employees authorized under this subparagraph except as otherwise provided herein. Transportation of dependents is not authorized upon normal changes of station of civilian employees where the conditions in subdivision (i) of this subparagraph do not exist.

(5) *Dependents of civilian employees dying during assignment outside the United States—(i) When authorized.* Effective as of September 6, 1940, when a civilian employee of the Department of the Army dies during a period of assignment to a post outside the continental limits of the United States, or while in transit to or from such post, or while temporarily absent from duty thereat, the Department of the Army will pay the cost of transportation of the dependents of the decedent to his former home or to such other place in the United States not more distant than the former home as the Chief of Transportation may designate.

(ii) *Conditions.* The costs of transportation of dependents allowable under the foregoing will include the actual costs

of transporting such of the dependents of the decedent as are outside the continental limits of the United States to the designated destination, provided that the costs will not exceed the cost of transportation by the most direct route from the official oversea station of the deceased employee to said destination, and provided that travel is undertaken during the period of 1 year from the date of the decease of the employee.

(iii) *Terms defined.* Terms defined as used in this subparagraph:

(*a*) The word "home" means a fixed or permanent dwelling place synonymous with place of fixed abode as distinguished from a mere temporary residence.

(*b*) "Dependents" includes a lawful widow, children, stepchildren, and adopted children, if unmarried, under 21 years of age, and in fact dependent upon the decedent for support, or if physically or mentally incapable of self-support regardless of age; and dependent parents who were a part of the decedent's household.

(*c*) "Continental United States" means the 48 States and the District of Columbia.

(iv) *Reimbursement.* Reimbursement for allowances herein specified is authorized. Otherwise, such transportation or reimbursement will be furnished under the same regulations as are applicable to the transportation of dependents of personnel of the Regular Army on permanent change of station.

(6) *Transportation otherwise authorized for dependents of deceased military personnel.* Where an officer or enlisted man dies while on duty outside the continental limits of the United States his authorized dependents are entitled to transportation from the duty station overseas at which he dies either to his home or place of burial in the United States. If not authorized by the foregoing statement, transportation is not otherwise authorized for dependents in the case of decease of officers and enlisted men, except in the status of attendant to remains. (See MS Comp. Gen. A 24108, September 19, 1928.) See also § 633.6 reference dependent acting in the capacity of an attendant. Dependents entitled to transportation under this subparagraph are those entitled to transportation in connection with permanent change of station. Transportation must be used within 1 year from date of decease of the officer or enlisted man.

(b) *Dependents defined.* Except as otherwise indicated in paragraph (a) (5) of this section, the term "dependent" as used in these regulations includes: lawful wife, unmarried children under 21 years of age (including stepchildren and adopted children who are in fact dependent), and the father and mother of the person concerned, provided he or she is in fact dependent upon such person for his or her chief support.

(c) *Station of warrant officer, Army Mine Planter Service, defined.* For warrant officers, Army Mine Planter Service, the term "station" as used herein will, in addition to the definition in paragraph (a) (1) (iii) of this section, be interpreted to mean a shore station or the home port of the vessel to which the warrant officer is ordered. A duly authorized change in home port of such vessel will be considered to be a change of station.

§ 633.2 *Applicants for enlistment, and recruits*—(a) *Applicants for enlistment.* (1) Transportation will be furnished to accepted applicants for enlistment from the place of acceptance for enlistment, whether a recruiting station or other place where tentatively accepted by a member of a canvassing party or other authorized representative of the recruiting service, to a recruit depot or other designated place of enlistment.

(2) *Return transportation; when furnished.* Return transportation to the place of acceptance for enlistment will be furnished to applicants for enlistment who are rejected upon final examination, except those who:

(i) Are rejected because of disqualifications for enlistment concealed by them, or

(ii) Refuse to enlist.

(b) *Recruits.* Recruits forwarded from place of enlistment will be furnished the same transportation as enlisted men on change of station.

§ 633.3 *Civilian witnesses before military courts; not in Government employ.* Civilians not in Government employ are paid mileage and will not be furnished with Government transportation; except that, when in the opinion of local commanding officers commercial transportation is inadequate, such civilian witnesses may be transported in Government-owned motor vehicles. When such transportation is furnished, a deduction of 3 cents per mile will be deducted from any payment for mileage otherwise due.

§ 633.4 *Enlisted persons, upon retirement*—(a) *Transportation.* There is no authority of law for issuing a transportation request to an enlisted person upon retirement for any distance for which the law provides that such person receive travel pay at the rate of 5 cents per mile. For sea travel involved in travel between place of retirement and place to which travel is authorized, only transportation in kind shall be allowed for such sea travel, subject to paragraph (b) of this section; *Provided*, That where such person is permitted by the Department of the Army to select as a residence a foreign country under the conditions set forth in current Army regulations, transportation in kind involving sea travel thereto may be furnished only when the action required by said regulations has been taken and it is so stated in competent travel orders.

(b) *Time limit*—(1) *General.* Except as provided in subparagraph (2) of this paragraph, a period ending 1 year after the termination of the wars in which the United States is now engaged or 1 year after the effective date of retirement, whichever is later, is fixed for military reasons as the time during which transportation in kind authorized in paragraph (a) of this section, may be furnished for the commencing of sea travel of retired enlisted persons.

(2) *Exception; hospitalization.* If the individual is confined in a hospital undergoing medical treatment on the effective date of retirement and continuously therefrom in hospitals during the fixed period specified in subparagraph (1) of this paragraph, or beyond, the transportation in kind for sea travel may be furnished for such travel commencing within 60 days from the date of discharge from such medical treatment: *Provided*, That the application for transportation in kind is supported by a statement of the responsible medical officer certifying as to said extent of medical treatment. If transportation in kind is furnished by commercial vessel the original statement, annotated with the serial numbers of the transportation requests issued, will be sent by the transportation officer to the disbursing officer designated to pay the carrier's bill. A copy of the statement will be retained with the transportation officer's copy of the transportation request. No other copies of the statement are necessary.

§ 633.5 *Enlisted personnel upon discharge or relief or release from active duty*—(a) *Normal discharge or relief or release from active duty.* There is no authority of law for issuing a transportation request to an enlisted person on discharge or relief or release from active duty or any distance or which the law provides that such person receive travel pay at the rate of 5 cents per mile. See AR 35-2560.[1]

(b) *Discharge on account of fraudulent enlistment.* Transportation in kind will be furnished under the conditions set forth in AR 615-366.[2]

§ 633.5a *Cadets discharged from the United States Military Academy.* Cadets of the United States Military Academy upon being discharged from the service are not entitled to mileage (AR 35-3070), but are entitled to transportation in kind from the academy to their home, except that a cadet discharged for physical disability while in a hospital under orders is entitled to transportation in kind from the hospital to his home (1 Comp. Gen. 356), and that a cadet who is in a status of leave of absence from the United States Military Academy awaiting the result of a re-examination, and who is found deficient upon re-examination and ordered to be discharged, may be furnished transportation in kind from the point at which he receives notice of discharge to his home: *Provided*, That the cost of such transportation in kind is no greater than that from West Point, New York, to his home.

§ 633.5b *Military personnel separated from active service under conditions other than honorable.* Any member of the military forces who is hereafter separated from active service under conditions other than honorable may be furnished transportation in kind at Government expense from the place of separation from active service to the place at which he entered upon active service or home of record: *Provided*, That no transportation will be furnished under this section to any person who is

[1] Administrative Army Regulations pertaining to travel pay of enlisted men upon discharge.

[2] Administrative Army Regulations pertaining to discharge.

in confinement pursuant to sentence of a civil court at the time of separation from active service.

§ 633.6 *Remains*—(a) *For whom transportation authorized and expenses allowable.* See AR 30-1830 and §§ 536.51 to 536.53 of this chapter.

(b) *From points outside continental limits of United States, including Alaska, to ports of debarkation in continental limits of United States, exclusive of Alaska, for interment therein.* See paragraph (c) of this section.

(1) *Remains.* Government means of transportation will be utilized wherever possible for the shipment of remains from points outside the continental limits of the United States, including Alaska, to ports of debarkation in the continental limits of the United States, exclusive of Alaska. For any distance that the foregoing prescribed means of transportation cannot be used or is considered impracticable shipment may be made by the most economical means of commercial transportation.

(2) *Attendants*—(i) *Relative.* Subject to subparagraph (3) of this paragraph transportation including berth when an extra charge is made therefor may be furnished one relative in the capacity of an attendant to the remains of each person from the place of death or an intermediate point to the port of debarkation in the continental limits of the United States exclusive of Alaska and return to point at which such attendant assumed the custody of remains.

(ii) *Persons in military service.* No military attendant will be furnished for any portion of the journey where a relative acts in that capacity. In any case where the relative attendant will not accompany the remains for the entire distance, a military attendant will be furnished to accompany the remains for that portion of the journey where the remains will not be accompanied by such relative, except as provided in the exception stated below.

Exception: Where the remains are to be shipped by Army facilities for any portion of the distance to the port of debarkation in the continental limits of the United States, exclusive of Alaska, and the commanding officer at the place of death does not have a military attendant available for the complete journey, he will provide a military attendant only to the port of embarkation outside the continental limits of the United States, including Alaska, at which trans-shipment is made on the Army facility. The attendant will deliver the remains and all accompanying papers to the Army representatives at the port who will be responsible for delivering them to the ship transportation agent aboard the Army vessel, or to the flight clerk aboard the Army aircraft when such mode of transportation is utilized. In the event that there are no United States Army representatives at the port, the custody and responsibility of the remains and all accompanying papers will remain with the attendant until such time as he can deliver them to the ship transportation agent, or to the flight clerk, as the case may be.

(3) *Dependents of certain deceased.* Where transportation is furnished for dependents when specifically authorized under the provisions of § 633.1 (a), the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished. See subparagraph (2) of this paragraph.

(c) *From ports of debarkation or place of death to place of interment all within continental limits of United States, exclusive of Alaska*—(1) *Methods.* (i) By express, without an attendant (AR 55-155); or

(ii) As baggage on a transportation request, with an attendant.

(2) *By whom method determined.* The method of shipment will be determined by the commanding officer having jurisdiction of the place at which death occurs or of the port of debarkation, who will conform as far as practicable to the wishes of the relatives.

(3) *When shipped as baggage on transportation request*—(i) *Attendants*—(*a*) *Relative.* Subject to paragraph (b) (3) of this section, transportation and authorized sleeping-car or similar accommodations prescribed in TM 55-525 and § 633.15, may be furnished to a relative in the capacity of an attendant to the remains of each person from place of death or the port of debarkation, or an intermediate point, to the place of interment within the continental limits of the United States, exclusive of Alaska, and return to point at which such attendant assumed the custody of remains.

(*b*) *Persons in military service.* When no relative is furnished transportation from the place of death or the port of debarkation in the United States, one military attendant to the remains of one or more persons to the same destination will be provided from such place or port to the place of interment within the continental limits of the United States, exclusive of Alaska, or to an intermediate point from which a relative will act as attendant for the remaining journey. The selection of the military attendant will rest with the commanding officer, but will in general be of a status corresponding to the former status of the deceased, that is, the attendant for a commissioned officer will be an officer; for a cadet, United States Military Academy, a cadet; for a member of the Army Nurse Corps, an Army nurse; for an enlisted man, an enlisted man, etc.

(ii) *Transfers en route.* The transportation request for remains and attendant will be issued through from point of origin to destination regardless of any transfers involved between carriers' stations en route, but no indorsement will be made on the transportation request to cover such transfers of the remains. The carrier's agent will check the remains through from origin to destination. The baggage agent will make the arrangements for transfer. The attendant will sign a receipt to the baggage agent covering the transfer service, but the attendant will not pay therefor. The bills, if a charge is made for the transfer service, supported by these receipts will be submitted by the accounting department of the carrier to the Finance Officer, U. S. Army, Transportation Division, Washington 25, D. C., for payment of any amount properly due.

(4) *Local delivery at destination.* See AR 30-1830 and §§ 536.50 to 536.53, of this chapter.

(d) *Between points outside continental limits of United States, including Alaska, where through journey involves debarkation and embarkation at ports in continental limits of United States, exclusive of Alaska*—(1) *From place of death to port of debarkation in continental limits of United States, exclusive of Alaska.* All the provisions of paragraph (b) of this section will apply except those set forth in subparagraph (3) of paragraph (b) with respect to dependents. Where transportation is furnished for dependents when specifically authorized under the provisions of the "Missing Persons Act" and AR 55-121 in connection therewith, the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished.

(2) *From port of debarkation to port of embarkation, all within continental limits of United States exclusive of Alaska.* Upon receipt of particulars from the commanding officer at the place of death, the commanding officer of the port of debarkation in the continental limits of the United States, exclusive of Alaska, will make request on the Chief of Transportation for instructions with respect to shipment of the remains to the port of embarkation in the continental limits of the United States, exclusive of Alaska, for further shipment. Upon receipt of instructions from the Chief of Transportation, the commanding officer of the foregoing port of debarkation will issue necessary orders covering the shipment. The commanding officer of the foregoing port of debarkation will furnish the commanding officer at the foregoing port of embarkation with all particulars and request that further orders be issued covering further shipment from that port.

(3) *From port of embarkation in continental limits of United States, exclusive of Alaska, to place of interment outside continental limits of United States, including Alaska.* All the provisions of paragraph (c) of this section will apply, substituting the words "the commanding officer of the port of embarkation in the continental limits of the United States, exclusive of Alaska" for the words "the commanding officer at the place of death" wherever the latter words as quoted appear therein.

(e) *Between points outside continental limits of United States, including Alaska, where through journey does not involve debarkation and embarkation at ports in continental limits of United States, exclusive of Alaska*—(1) *Remains.* Government means of transportation will be utilized wherever possible for shipment of remains. For any distance that the foregoing prescribed means of transportation cannot be used, or are considered im-

practicable, shipment may be made by the most economical means of commercial transportation.

(2) *Attendants.* An attendant will be furnished for the complete journey.

(i) *Relative.* Subject to subparagraph (3) of this paragraph, transportation, including berth when an extra charge is made therefor, may be furnished one relative in the capacity of an attendant to the remains of each person from the place of death or an intermediate point to the place of interment, and return to point at which such attendant assumed the custody of the remains.

(ii) *Persons in military service.* A military attendant will be furnished for any portion of the journey where a relative does not act in that capacity.

(3) *Dependents of certain deceased.* Where transportation is furnished for dependents when specifically authorized under the provisions of the "Missing Persons Act" and AR 55–121 in connection therewith, the commanding officer will determine in each case whether a dependent can act in the capacity of an attendant to the remains. If a dependent acts in that capacity, no other attendant will be furnished for that portion of the journey.

§ 633.7 *Checkable personal baggage*—(a) *Definition.* (1) Checkable personal baggage consists in general of trunks and the hand baggage usually carried by travelers.

(2) Railroad tariffs contain a provision that baggage must be enclosed in receptacles provided with handles or other suitable means for attaching checks. When tendered to carriers for transportation as checked baggage, trunk lockers or other receptacles without handles will either be provided with securely fastened handles or will be bound securely around both lengths with rope.

(b) *Weight of baggage usually carried free.* Tickets issued by carriers usually, though not always, provide for the free carriage of 150 pounds of baggage. (See also paragraph (d) of this section.)

(c) *When less than 100 pounds carried free.* When the tickets obtainable by enlisted men and applicants for enlistment provide for the free carriage of less than 100 pounds of baggage, the transportation request will provide for the transportation of sufficient excess baggage to make a total of free and excess not to exceed 100 pounds per man, except that on commercial aircraft the provisions of paragraph 3 of AR 55–120.[1]

(d) *On transoceanic or Alaska voyages*—(1) *Allowance by the rail carriers and certain steamship lines.* Under the terms and conditions set forth in the Joint Military Passenger Agreement with the rail carriers and certain steamship lines in the continental United States, exclusive of Alaska, a free allowance of 350 pounds of personal baggage on an adult ticket and 175 pounds on a child's half-fare ticket, of all classes, except special coach tickets, will be transported by the carriers parties to that agreement, for the following classes of traffic presenting tickets purchased for cash or issued in exchange for Department of the Army transportation requests, when traveling in the United States on such tickets to or from ports en route to or from oversea points as indicated in subdivisions (i), (ii), (iii), of (iv) of this subparagraph, regardless of whether the passengers use Government or commercial facilities between such ports and oversea points:

(i) En route to or from trans-Pacific points via Atlantic or Gulf ports, or via Pacific ports: All military personnel; authorized dependents of military and civilian personnel for whom transportation is authorized by the Department of the Army; civilian employees (including laborers) of the Department of the Army; and employees of the American Red Cross transported at the expense of the Department of the Army.

(ii) Ordered to or detached from duty at stations in Alaska when traveling to or from a Pacific port: Commissioned officers and warrant officers.

(iii) Ordered to or detached from duty at trans-Atlantic stations when traveling to or from an Atlantic port (see subdivision (vi) of this subparagraph): Commissioned officers and warrant officers.

(iv) En route to or from all points outside the continental limits of the United States not covered by subdivision (i) of this subparagraph, via Atlantic or Gulf ports, or en route to or from points in Alaska via Pacific, Atlantic, or Gulf ports (see subdivision (vi) of this subparagraph). Authorized dependents of military and civilian personnel for whom transportation is authorized by the Department of the Army.

(v) Provisional reduction: The foregoing is based upon the commercial allowance in connection with trans-Pacific transportation, as prescribed in current tariffs, and if such allowance is hereafter reduced, the baggage allowance authorized above will be correspondingly reduced.

(vi) Expiration date of provisions covering free allowance via Atlantic or Gulf ports: Under the terms and conditions of the above-mentioned Joint Military Passenger Agreement, the provisions outlined in subdivisions (iii) and (iv) of this subparagraph covering free allowance via Atlantic or Gulf ports will expire 6 months after the termination of the war as officially proclaimed by the President or the Congress of the United States.

(2) *Allowance by bus carriers.* Under the terms and conditions set forth in the Joint Bus Military Agreement with certain commercial bus carriers in the continental United States, exclusive of Alaska, the same amounts of personal baggage, for the same classes of traffic and under the same conditions as authorized by the rail carriers and set forth in subparagraph (1) of this paragraph, will be transported by the bus carriers parties to that agreement, and on all classes of trans-Atlantic or trans-Pacific traffic not included in subparagraph (1) of this paragraph, free allowance of 200 pounds of personal baggage will be allowed by the bus carriers on an adult ticket and 75 pounds on a child's half-fare ticket, as prescribed in current tariffs, and if such allowance is hereafter reduced, the baggage allowance authorized by the agreement will be correspondingly reduced.

(3) *Method of obtaining the free allowance.* In order to obtain the weight allowance of baggage authorized in subparagraphs (1) or (2) of this paragraph, outbound passengers will present to the baggage agent, at the time the baggage is offered for checking, a through ticket to the port of embarkation and a copy of travel orders or other official document issued by competent United States Government authority, under the authority of which the person is traveling, showing that the traveler is en route to the applicable points designated in subparagraph (1) (i), (ii), (iii), or (iv) of this paragraph, as the case may be, by Government or commercial facilities beyond such port. Similarly, inbound passengers will present to the baggage agent, at the time the baggage is offered for checking, a through ticket from the port of entry to destination and a copy of travel orders or other official document issued by competent United States Government authority, under the authority of which the person is traveling, showing that the traveler has arrived by Government or commercial facilities en route from the applicable points designated in subparagraph (1) (i), (ii), (iii), or (iv) of this paragraph, as the case may be.

(4) *Restrictions.* The foregoing provisions are subject to any restrictions of the Department of the Army which may be currently applicable regarding personal property or equipment which may be taken to or from oversea points or Alaska.

§ 633.8 *Transportation of authorized baggage*—(a) *When shipment authorized*—(1) *Disabled enlisted personnel.* Any enlisted person of the first, second, third, or fourth grade, from his last duty station to his home, who having 10 or more years' service in the Army is discharged on account of disability incurred in the line of duty, but no excess weight will be shipped. See sec. 1, act. of August 29, 1916 (39 Stat. 633; 10 U. S. C. 823)

(2) *Upon decease.* The effects of officers, including officers of the Army of the United States; Reserve officers; Women's Army Corps officers; officers of the National Guard of the United States; Army nurses; dietitians, physical therapy aides, and commissioned technical and professional female personnel of the Medical Department; warrant officers; flight officers; cadets, United States Military Academy; aviation cadets; or enlisted personnel; or civilian employees who die in the service may be shipped from their last duty stations and/or places of storage to such places as may be the homes of their legal heirs. The term "die in the service" as used in this subparagraph includes also death within the period of 1 year after date of retirement of such persons, excepting civilian employees, whose effects had not been previously shipped in connection with their retirement. The term "effects" as used in this subparagraph means household goods and other personal property, including personal effects, and professional books and papers, but without limitation as to weight; but it does not include automobiles. Shipment will not be made in separate lots to any one heir from any one shipping point.

(b) *When shipment not authorized.* Shipment of baggage at Government expense is not authorized in the following cases: upon reinstatement or reappointment, upon resignation or for officers at the time of honorable discharge.

§ 633.15 *Sleeping car and similar accommodations* — (a) *Allowances* — (1) *Through accommodations.* When sleeping-car accommodations are authorized in this part, the transportation requests will be issued for the accommodations authorized, from starting point to destination unless only coach service is operated at the beginning or end of the journey.

(2) *Standard accommodations; persons entitled to.* (i) Subject to the provisions of paragraphs (b) and (c) of this section, regarding patients and their attendants, the following-named persons, when traveling under orders, are entitled at public expense to a lower berth in a standard sleeping car, or a seat in a sleeping car or parlor car: *Provided,* That whenever they travel in groups comprised of such persons on journeys involving night travel, and the number of persons included in a particular group is sufficient to justify the utilization of a special standard sleeping car for their accommodation (see paragraph (e) of this section), each person included in the group will be furnished a lower berth in such car, except that if there are more than a sufficient number of persons to occupy all the lower berths in the entire car, then the remaining persons will be furnished an upper berth each in the same car. Whenever civilian employees entitled to a lower berth in a standard sleeping car, under the provisions of Department of the Army Civilian Personnel Regulations No. 155, are included in a group together with any of the following-named persons, and the total number in the group is sufficient to justify the utilization of a special standard sleeping car(s) for their accommodation, the civilian employees will be furnished berth accommodations on the same basis as that prescribed above for the other persons included in the group.

(*a*) Members of the Reserve Officers' Training Corps while traveling, except by organizations, to and from camps of instruction, when not paid travel allowances.

(*b*) Relative acting as attendant to remains, and return of attendant when required, under the provisions of Army Regulations.

(*c*) Cadets discharged from the United States Military Academy who are authorized to be furnished transportation in kind under the provisions of AR 55–120. (See also subdivision (ii) of this subparagraph.)

(ii) Cadets, United States Military Academy, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth therein. (See subdivision (i) (c) of this subparagraph for cadets discharged from the United States Military Academy.)

(*a*) Sleeping accommodations: Except as provided in (*c*) of this subdivision, when the journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train, cadets traveling individually, or included in groups of 14 cadets or less, will be furnished a berth in a standard sleeping car, a lower if available, otherwise an upper. Groups of 15 cadets or more will be furnished standard sleeping-car accommodations on the basis of sections, 2 cadets to a section (one lower and one upper berth), the "odd number" cadet, if any, to be furnished a lower standard berth.

(*b*) Seating accommodations: Except as provided in (*c*) of this subdivision, for journeys other than those set forth in (*a*) of this subdivision, cadets traveling individually, or included in groups of 14 cadets or less, will be furnished seats in a sleeping car or parlor car. Groups of 15 cadets or more will be furnished coach accommodations only.

(*c*) Exceptions to (*a*) of this subdivision: Cadets traveling as patients will be furnished the accommodations prescribed in paragraphs (b) and (c) of this section.

(iii) Aviation cadets; noncommissioned officers of first grade: Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, aviation cadets and noncommissioned officers of first grade, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth therein.

(*a*) Sleeping accommodations: When the journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train, aviation cadets and noncommissioned officers of first grade traveling individually, or included in groups of 4 persons or less consisting of aviation cadets and/or noncommissioned officers of first grade, will be furnished a berth in a standard sleeping car, a lower if available, otherwise an upper, and groups of 5 persons or more consisting of aviation cadets and/or noncommissioned officers of first grade will be furnished standard sleeping-car accommodations on the basis of sections, 2 persons to a section (one lower and one upper berth), the "odd number" person, if any, to be furnished a lower standard berth. When aviation cadets and/or noncommissioned officers of first grade are included in the same group with any number of enlisted persons below the first grade and/or applicants or rejected applicants for enlistment the sleeping-car accommodations prescribed in subparagraph (3) of this paragraph will be furnished.

(*b*) Seating accommodations: For journeys other than those set forth in (*a*) of this subdivision, aviation cadets and noncommissioned officers of first grade will be furnished with seats in a sleeping car or parlor car when they are traveling individually, or are included in groups of 14 persons or less consisting of aviation cadets and/or noncommissioned officers of first, and/or second and/or third grades. Aviation cadets and noncommissioned officers of first grade will be furnished only coach accommodations when they are included in groups of 15 persons or more consisting of aviation cadets and/or noncommissioned officers of first and/or second and/or third grades, and when they are included in the same group with any number of enlisted persons below the third grade and/or applicants or rejected applicants for enlistment.

(iv) Noncommissioned officers of second and third grades: Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, noncommissioned officers of second and third grades, when traveling under orders, are entitled at public expense to the accommodations prescribed in the following subdivisions on the basis set forth therein.

(*a*) Sleeping accommodations: The foregoing noncommissioned officers will be furnished an upper berth in a standard sleeping car when they are accompanying dependents whose transportation is authorized at public expense, and such authorized dependents are furnished sleeping-car berth accommodations under the provisions of subdivision (vi) of this subparagraph. See subparagraph (3) of this paragraph for accommodations authorized when not accompanying dependents.

(*b*) Seating accommodations: When berth accommodations are not authorized under (*a*) of this subdivision or subparagraph (3) of this paragraph, noncommissioned officers of second and third grades will be furnished with seats in a sleeping car or parlor car when they are traveling individually, or are included in groups of 14 persons or less consisting of aviation cadets and/or noncommissioned officers of first and/or second and/or third grades. Noncommissioned officers of second and third grades will be furnished only coach accommodations when they are included in groups of 15 or more persons consisting of aviation cadets and/or noncommissioned officers of first and/or second and/or third grades, and when they are included in the same group with any number of enlisted persons below the third grade and/or applicants or rejected applicants for enlistment.

(v) Enlisted persons below third grade: Enlisted persons below third grade will be furnished an upper berth in a standard sleeping car, or a seat in a sleeping car or parlor car, when they are accompanying dependents whose transportation is authorized at public expense, and such authorized dependents are furnished berth or seat accommodations under the provisions of subdivision (vi) of this subparagraph. See subparagraph (3) of this paragraph for accommodations authorized when not accompanying dependents.

(vi) Dependents: Wives, dependent children, and dependent fathers and mothers whose transportation is authorized by AR 55–120 are entitled to seats in a sleeping car or parlor car on the basis of one individual seat for each person, or to berths in a standard sleeping car on the following basis, regardless of the accommodations to which the indi-

[1] Administrative regulations of the Department of the Army pertaining to transportation of individuals.

vidual changing station may be entitled under the provisions of this section (dependents, other than wives, children, fathers, or mothers, whose transportation may be authorized under the "Missing Persons Act" by AR 55–121 are entitled to seats in a sleeping car or parlor car, or to berth accommodations in a standard sleeping car on the same basis as prescribed in this section for a dependent father or dependent mother).

(a) One lower berth for:
Wife.
Dependent father.
Dependent mother.
Child alone.
Wife and child under 6 years of age.
Wife and female child over 6 years of age.
Two children, same sex.
Two children, opposite sex, both under 6 years of age.

(b) One section, or separated lower and upper berths for:
Wife and one child, male, over 6 years of age.
Wife and two children.
Two children, opposite sex, one or both over 6 years of age.

(c) When the number of children exceeds two, accommodations for the additional children will be provided on the basis prescribed above for the first two children.

(d) If a lower berth is not available under (a) and (b) of this subdivision, one upper berth may be furnished to each individual.

(e) The foregoing allowance is based on all the dependents traveling together at the same time. If the dependents travel separately and the total allowance becomes exhausted through being furnished the accommodations and/or by claiming monetary allowance in lieu thereof (AR 55–120), no further accommodations may be furnished.

(vii) In certain other cases, as prescribed in this section, standard accommodations may be furnished when other kind of accommodations are not available.

(3) *Tourist accommodations; persons entitled to whenever available.* Subject to the provisions of paragraphs (b) and (c) of this section regarding patients and their attendants, the persons named in this section, when traveling under orders are entitled at public expense to the sleeping-car accommodations in accordance with prescribed regulations when journey exceeds 12 hours and is scheduled to terminate after midnight, or when journey involves spending night on train.

(i) Aviation cadets and noncommissioned officers of first grade when included in the same group with any number of enlisted persons below the first grade and/or applicant or rejected applicants on enlistment.

(ii) Enlisted persons below the first grade when not accompanying authorized dependents (see subparagraph (2) (iv) and (v) of this paragraph).

(iii) Applicants or rejected applicants for enlistment.

(4) *Transportation of aliens and other persons evacuated from military areas.* The lowest class of transportation by the facility used will be furnished aliens or other persons evacuated from military areas pursuant to the provisions of Executive Order No. 9066 (3 CFR Cum. Supp.), except that where transportation is by rail carriers and the journey involves spending two nights or more on the train, sleeping-car accommodations will be furnished as prescribed in subdivisions (i) and (ii) of this subparagraph for the entire distance from point of origin to destination only for all children under 14 years of age and females who may be included in a movement.

(i) Fourteen persons or less: When the total number of children under 14 years of age and females included in a particular movement is 14 or less, sleeping-car accommodations will be furnished in tourist sleeping cars of the regular section type, if available, otherwise in Pullman Company three-tier tourist sleeping cars, if available; otherwise in standard sleeping cars of the regular section type. Each person assigned to space in a Pullman Company three-tier tourist sleeping car will be furnished an individual tier berth, and persons assigned to space in sleeping cars of the regular section type will be furnished berth accommodations on the following basis:

(a) A mother with her child or children under 14 years of age or a woman in charge of a child or children under 14 years of age, as prescribed for a wife and child or children in subparagraph (2) (vi) of this paragraph. (See also (d) and (e) of this subdivision.)

(b) Other women 50 years of age and over, a separate lower berth for each. (See (d) and (e) of this subdivision.)

(c) Other females 14 years of age and over, and under 50 years, two persons to a lower berth, the "odd number" persons, if any, to be furnished an upper berth. If an upper berth is not available for the "odd number" person, she will be furnished a lower berth. (See (d) and (e) of this subdivision.)

(d) Where lower berths or a sufficient number thereof are not available, one upper berth will be furnished each individual to the extent that lower berths are not available on the basis set forth in (a), (b) and (c) of this subdivision.

(e) The alternative allowances (upper or lower berths; tourists or standard accommodations) provided for in this subdivision contemplate furnishing the most economical accommodations available on the train (and connecting trains en route) and authorized. The higher cost berths and accommodations will be utilized only to the extent that those of lower cost are not available.

(ii) Fifteen persons or more: (a) Kind of accommodations to be furnished. When the total number of children under 14 years of age and females included in a particular movement is 15 or more, they will be furnished accommodations in a tourist sleeping car or non-air-conditioned standard sleeping car substituted therefor, of the regular section type; *Provided*, That whenever a special sleeping car of the foregoing kind and type cannot be made available by the carriers, they will be furnished accommodations in the kind and type of special sleeping car which can be made available at the time the movement takes place.

The order of precedence in which special sleeping cars will be furnished by the carriers, according to availability, and the order of precedence in which such cars will be utilized when it is necessary for the carriers to furnish more than one kind of sleeping car for a particular movement, is prescribed in the current Joint Military Passenger Agreement.

(b) *Physically disabled patients not traveling in a mileage status*—(1) *Kind of accommodations.* It will be the policy to furnish accommodations for physically disabled patients, and any authorized attendants while accompanying such patients, in air-conditioned sleeping cars or air-conditioned parlor cars whenever possible under the conditions set forth in this paragraph, in cases where United States Army hospital cars are not used. The term "physically disabled patients" as used in this paragraph includes evacuees under Executive Order No. 9066 (3 CFR Cum. Supp.), but it does not include dependents in view of decision of the Comptroller of the Treasury (27 Comp. Dec. 1042) that no extra traveling expenses occasioned by disability will be paid by the Government in the case of dependents. No air-conditioned accommodations will be requested for attendants while not actually accompanying physically disabled patients but in such circumstance they will be furnished any authorized accommodations to which they be entitled for normal travel under the provisions of this section.

(i) Except as set forth in subdivision (ii) of this subparagraph, physically disabled patients in movements of less than 15 persons (patients, including attendants) will be furnished one lower berth each or one upper berth each, whichever may be determined by the responsible medical officer. For persons (patients) restricted to tourist accommodations whenever available, under the provisions of this section the berths will be requested in sleeping cars, air-conditioned tourist where operated, otherwise air-conditioned standard where operated for the distance that such tourist is not operated. Where no air-conditioned sleeping cars of either kind are operated for any portion of the distance, the berths will be requested for such distance in non-air-conditions standard where operated. For persons (patients) entitled to standard accommodations, under the provisions of this section, the berths will be requested in air-conditioned standard sleeping cars where operated and in non-air-conditioned standard where operated for any portion of the distance that such air-conditioned cars are not operated. The foregoing shall not be construed to require a change of cars other than at the terminus of the car occupied. Whenever the condition of a physically disabled patient warrants the use of a seat and daylight sleeping-car or parlor-car schedules are available and adequate, as determined by the responsible medical officer, each such patient will be furnished a seat in such sleeping car or parlor car, observing the same rules with respect to air-conditioned cars as apply above to furnishing a berth. Attendants will be provided for such physically disabled patients whenever the responsible medical officer determines that such is necessary. Regardless of grade or status, attendants will be furnished accommodations in the same car with the patients, a seat in the case of seat service, or the berth accommodations to which they are entitled under the provisions of this section, in the case of berth service.

(ii) Whenever a physically disabled patient in movements of less than 15 persons (patients, including attendants) may be expected to be noisy, ill-mannered, unpresentable, or otherwise objectionable to the public, or is in such physical condition as to require exclusive accommodations, the responsible medical officer will furnish the transportation officer issuing the transportation request a certificate, in duplicate, stating that the condition of the patient(s) requires exclusive accommodations. Attendants will be provided at all times for such physically disabled patients. Accommodations will be furnished for such physically disabled patients and their attendants in drawing rooms in air-conditioned parlor cars or in roomettes, bedrooms, compartments, or drawing rooms in air-conditioned sleeping cars, where such air-conditioned cars are operated; otherwise such room accommodations will be furnished in nonair-conditioned parlor or sleeping cars, where operated. The responsible medical officer, in coordination with the transportation officer, will determine in each case the number of attendants required, the class of accommodations required (that is, roomettes, bedrooms, compartments, or drawing rooms, whichever is the most economical available and meets the needs), and the total number of persons (physically disabled patients and attendants), not less than two, to occupy each double bedroom, compartment, or drawing room. Superior room accommodations will not be requested in any case where lower class room accommodations are adequate and available.

(c) *Insane patients not traveling in a mileage status*—(1) *Kind of accommodations.* It will be the policy to furnish accommodations for insane patients, and attendants while accompanying such patients, in air-conditioned sleeping cars or air-conditioned parlor cars whenever possible under the conditions set forth in this paragraph, in cases where United States Army hospital cars are not used. The term "insane patients" as used in this paragraph means patients who are insane or who are undergoing observation for insanity or mental disorders. The term includes evacuees under Executive Order No. 9066 (3 CFR Cum. Supp.), but it does not include dependents (27 Comp. Dec. 1042). No air-conditioned accommodations will be requested for attendants while not actually accompanying insane patients but in such circumstances they will be furnished any authorized accommodations to which they may be entitled for normal travel under the provisions of this section.

(d) *Attendants with remains.* Attendants accompanying remains will be furnished the authorized accommodations to which entitled, except that transportation requests for parlor-car or sleeping-car accommodations will not be furnished for officer attendants, or other attendants entitled to the same mileage allowances, traveling in a mileage status.

(e) *Utilization of special sleeping cars or parlor cars.* Special sleeping cars or parlor cars will be utilized only when the expense does not exceed the cost of berths and seats authorized to be furnished. See the current Joint Military Passenger Agreement.

(f) *Receipt for accommodations furnished.* Travelers will be informed of the pertinent requirements of AR 55–110. Whenever the face of the transportation request is indorsed by the transportation officer, "Tourist whenever available," the traveler will be instructed to indorse over his signature in the space provided on the back of the request a statement as to the points between which tourist accommodations are furnished. In case tourist accommodations become available en route and the transportation request cannot be indorsed on account of its having been lifted by the agent or by the first conductor (there having been a change of conductors), then the traveler will promptly forward the statement to the disbursing officer designated to pay the carrier's bill. The statement will also cite the serial number of the transportation request. Travelers will be instructed to advise the foregoing disbursing officer promptly whenever the accommodations used are less than those called for by sleeping-car or parlor-car tickets or transfer tickets.

(g) *Accommodations at variance with transportation request.* Procurement from a carrier on a transportation request of excess space of a lower class than that called for by the request is prohibited, even though no additional cost to the Government is involved; for example, two lower tourist berths in lieu of a double berth in a standard sleeping car or seats in a parlor car in lieu of berths.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48–10045; Filed, Nov. 16, 1948; 8:51 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF VALENCIA ORANGES

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Rev. 42, Amdt. 1]

PART 520—CONSERVATION OF RAIL EQUIPMENT, EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF VALENCIA ORANGES

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, *It is hereby ordered*, That General Permit ODT 18A, Revised–42 (13 F. R. 5916), shall remain in full force and effect until December 31, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971)

Issued at Washington, D. C., this 12th day of November 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 48–10000; Filed, Nov. 16, 1948; 8:45 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Regulations, Part 522—Regulations Applicable to the Employment of Learners.

Caribbean Optical Mfg. Co., Carolina, Puerto Rico; to employ 200 learners in the occupation of assembling sun glasses for a period not in excess of 12 months at not less than 25 cents per hour for the first four months, not less than 30 cents per hour for the second four months, and not less than 35 cents per hour for the third four months. The certificate is effective September 24, 1948, and expires September 23, 1949.

Puerto Rico Hosiery Mills, Inc., Arecibo, Puerto Rico; to employ 100 learners in the full-fashioned hosiery industry, as follows: 35 learners as knitters and 15 as loopers at not less than 20 cents an hour for the first 480 hours; not less than 25 cents an hour for the second 480 hours; and not less than 30 cents an hour for the third 480 hours; and 30 learners as seamers at not less than 20 cents an hour for the first 480 hours and not less than 30 cents an hour for the second 480 hours; and 5 learners as menders at not less than 25 cents an hour for a learning period not to exceed 480 hours; and 15 learners as examiners at not less than 25 cents an hour for a learning period not to exceed 240 hours. This certificate is effective August 30, 1948 and expires February 5, 1949.

Manati Pearl Works, Inc., Manati, Puerto Rico; to employe 139 learners in the pearl button industry, as follows: 40 learners in the occupation of cutters for a learning period not exceeding 640 hours; 8 learners in the occupation of belt grinders for a learning period not exceeding 200 hours; 12 learners in the occupation of Barry machine operators for a learning period not exceeding 200 hours; 10 learners in the occupation of convex grinders for a learning period not exceeding 200 hours; 51 learners in the occupation of hand assorters for a learning period not exceeding 320 hours; 20 learners in the occupation of hand machine operators for a learning period not exceeding 200 hours; and 2 learners in the occupation of polishers for a learning period not exceeding 200 hours. The learners authorized to be employed under this certificate must be paid during their learning periods a rate not less than 75 percent of the applicable minimum rate of pay. This certificate is effective October 19, 1948, and expires April 18, 1949.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C. this 9th day of November, 1948.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 48-9990; Filed, Nov. 16, 1948; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 30764]

CALIFORNIA

CLASSIFICATION ORDER

OCTOBER 26, 1948.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 CFR section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 290 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 96

For lease and sale for all purposes mentioned in the act except business:

T. 1 N., R. 6 E., S. B. M.,
Sec. 14: S½NE¼SW¼, SW¼NW¼SW¼, E½SE¼NW¼SW¼, NE¼SW¼SW¼, N½NW¼SW¼SW¼, N½SE¼SW¼.
Sec. 22: W½SW¼NE¼, SW¼NW¼NW¼, W½SW¼NW¼, NE¼SW¼NW¼, W½SE¼SW¼NW¼, E½SE¼NW¼, N½NE¼NE¼SW¼, SE¼NE¼SW¼, W½NW¼SW¼, W½E½NW¼SW¼, NW¼SW¼, NW½SW¼SW¼, N½SW¼SW¼, S½NE¼SE¼SW¼, NW¼NE¼SE¼, W½SW¼NE¼SE¼, E½E½NW¼SE¼, W½NW¼SE¼.
Sec. 28: S½SE¼NE¼.

2. As to applications regularly filed prior to 8:30 a. m. March 19, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on December 28, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. December 28, 1948, to the close of business on March 28, 1949.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 19, 1948, to the close of business on December 28, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally, commencing at 10:00 a. m. on March 29, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m. March 19, 1948, to the close of business on March 29, 1949.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions extending north and south, with the following exceptions, where the longer dimensions will extend east and west:

SW¼NW¼SW¼ and NW¼SW¼SW¼, Sec. 14; NE¼NE¼SW¼, NE¼SE¼SW¼, SW¼SW¼SW¼, Sec. 22.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 per acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Leases will be subject to such easements for road rights of way as may be necessary to permit ingress or egress by other lessees to or from other lands leased under authority of this order.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

L. I. HOFFMAN,
Regional Administrator.

[F. R. Doc. 48-9988; Filed, Nov. 16, 1948; 9:00 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

OCTOBER 26, 1948.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3) 13 F. R. 4278), I hereby classify under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 CFR section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 160 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 94

For lease only for all purposes mentioned in the act except business:

T. 13 S., R. 1 W., S. B. M.,
Sec. 21, SW¼NW¼, SW¼NE¼, NW¼SE¼;
Sec. 34, NE¼SE¼.

2. As to applications regularly filed prior to 8:30 a. m. March 22, 1946, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the small tract act until 10:00 a. m. on December 28, 1948. At that time such land shall, subject to valid existing rights, become subject to applications as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m. December 28, 1948 to the close of business on March 28, 1949.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., March 22, 1946, to the close of business on December 28, 1948.

4. Any of the land remaining unappropriated shall become subject to application under the small tract act by the public generally, commencing at 10:00 a. m. on March 29, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m. March 22, 1946, to the close of business on March 29, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease.

10. Leases will be subject to such easements for road rights of way as may be necessary to permit ingress or egress by other lessees to or from other lands leased under authority of this order.

11. All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Los Angeles, California.

L. I. HOFFMAN,
Regional Administrator.

[F. R. Doc. 48-9989; Filed, Nov. 16, 1948; 9:00 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8688]

PORTORICAN AMERICAN BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Portorican American Broadcasting Company, Inc., Ponce, Puerto Rico, Docket No. 8688, File No. BR-1082, for renewal of license of Radio Station WPAB.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of November 1948;

The Commission having under consideration the petition of Portorican American Broadcasting Company, Inc., requesting that the place of the hearing upon the above entitled matter be changed from Washington, D. C., to Ponce, Puerto Rico.

It is ordered, That the petition be, and it is hereby granted.

It is further ordered, That the hearing now scheduled for November 17, 1948, be, and it is hereby continued to January 10, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10005; Filed, Nov. 16, 1948; 8:45 a. m.]

[Docket Nos. 7762, 7763]

TIMES-STAR PUBLISHING CO. AND D & K BROADCASTING CO.

ORDER CONTINUING ORAL ARGUMENT

In re applications of Abraham Kofman and Sara F. Kofman, co-partners, doing business as Times-Star Publishing Company, Alameda, California, Docket No. 7762, File No. BP-4418; Millard Kibbe and Donald K. Deming, d/b as the D & K Broadcasting Company, Palo Alto, California, Docket No. 7763, File No. BP-4690; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of November, 1948;

The Commission having under consideration the oral argument now scheduled in the above proceeding for November 15, 1948; and

It appearing, that it would be in the public interest to continue said oral argument to November 26, 1948;

It is, therefore, ordered, On the Commission's own motion, that oral argument in the above-entitled proceeding be, and it is hereby, continued until Friday, November 26, 1948, at 2:00 p. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10006; Filed, Nov. 16, 1948; 8:45 a. m.]

[Docket Nos. 8039, 8251]

COASTAL BROADCASTING CO. AND CITRUS BELT BROADCASTERS, INC. (WSIR)

ORDER CONTINUING ORAL ARGUMENT

In re applications of Coastal Broadcasting Company, Lakeland, Florida, Docket No. 8039, File No. BP-5256; Citrus Belt Broadcasters, Inc. (WSIR), Winter Haven, Florida, Docket No. 8251, File No. BP-5937; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of November 1948;

The Commission having under consideration the oral argument now scheduled in the above proceeding for November 15, 1948; and

It appearing, that it would be in the public interest to continue said oral argument to November 26, 1948;

It is, therefore, ordered, On the Commission's own motion, that oral argument in the above-entitled proceeding be, and it is hereby, continued until Friday, November 26, 1948, at 2:45 p. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10007; Filed, Nov. 16, 1948; 8:45 a. m.]

[Docket Nos. 6971, 6972, 6973]

SCRIPPS-HOWARD RADIO, INC. (WCPO) ET AL.

ORDER DESIGNATING APPLICATIONS FOR FURTHER HEARING ON STATED ISSUES

In re applications of Scripps-Howard Radio, Inc. (WCPO), Cincinnati, Ohio, Docket No. 6971, File No. BP-3898; Queen City Broadcasting, Inc., Cincinnati, Ohio, Docket No. 6972, File No. BP-4103; American Broadcasting Corporation (WLAP), Lexington, Kentucky, Docket No. 6973, File No. BP-4102; for construction permits.

Whereas, On March 4, 1948, the Commission adopted a decision in the above-entitled proceeding granting the application of American Broadcasting Corporation (WLAP), Lexington, Kentucky, and denying the applications of Scripps-Howard Radio, Inc. (WCPO), Cincinnati, Ohio, and Queen City Broadcasting, Inc., Cincinnati, Ohio; and

Whereas, On March 25, 1948, Scripps-Howard Radio, Inc. (WCPO) filed a petition for rehearing directed against that decision requesting that the Commission reconsider the decision and grant its application; and

Whereas, On March 25, 1948, Queen City Broadcasting, Inc., filed a petition for rehearing directed against the Commission's decision in this proceeding requesting (a) that the Commission reverse its decision and grant its application; or (b) that the Commission reopen the record in the proceeding to receive and consider full, complete, and accurate evidence with respect to (1) the radio service available in the Lexington, Kentucky, and Cincinnati, Ohio, areas, specifically, and the States of Ohio and Kentucky, generally, and (2), the proposal of petitioner to protect the primary service area of Station WSAV, Savannah, Georgia, or (c) that the Commission hold further argument on the issues presented by this cause; and

Whereas, On April 2, 1948, WSAV, Inc., intervener in this proceeding, filed a reply to the foregoing petitions for rehearing; and

Whereas, On April 5, 1948, American Broadcasting Corporation (WLAP) filed

oppositions to the foregoing petitions for rehearing; and

Whereas, It appears that the record in this proceeding does not contain sufficient evidence of the areas and populations proposed to be served by the applicants herein, the other services available to such areas and populations, and the interference problems involved, which the Commission can consider in making a determination, and that the record should, therefore, be reopened to receive such evidence; and

Whereas, in view of the foregoing the Commission concludes that the decision should be set aside; that the record in this proceeding should be reopened; and that a further hearing should be held;

Now, therefore, *It is ordered*, This 20th day of October 1948, that the foregoing petitions for rehearing, insofar as they request that the decision in this proceeding be vacated and set aside and that the record in this proceeding be reopened for further hearing, be, and they are hereby, granted; and

It is further ordered, That the Commission's decision of March 4, 1948, in the above-entitled proceeding be, and it is hereby, set aside and vacated, and that the record in this proceeding be, and it is hereby, reopened for further hearing, at Washington, D. C., on the 22d day of November 1948, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed stations would involve objectionable interference with Stations WHKC, Columbus, Ohio, and WSAV, Savannah, Georgia, or with any other existing or proposed broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine on a comparative basis from the record made at the further hearing and the record heretofore compiled in this proceeding, which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10024; Filed, Nov. 16, 1948; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[21-416]

TRADE PRACTICE CONFERENCE PROCEEDINGS FOR MAIL ORDER INSURANCE INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its offices in the city of Washington, D. C., on the 12th day of November 1948.

Notice is hereby given that a Trade Practice Conference will be held by the Federal Trade Commission for the Mail Order Insurance Industry in the Hotel Stevens, Chicago, Illinois, on December 8, 1948, commencing at 10:00 a. m., c. s.t.

Such Mail Order Insurance Industry for which this conference is scheduled is composed of those persons, firms, corporations, associations and organizations engaged in that type of insurance business in which the sale of the insurance is promoted and effected through the use of the mails or other interstate communication or facility without the employment therein, within the state of the purchaser or prospective purchaser, of personal solicitation by licensed agents of the insurance company.

All persons or concerns engaged in such type of insurance business, whether in relation to life, health, accident, liability or other insurance, are cordially invited as members of the industry to attend or be represented at the conference and to take part therein.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, or other trade abuses, may be eliminated and prevented.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-10001; Filed, Nov. 16, 1948; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1087]

UNITED MERCHANTS AND MANUFACTURERS, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of November A. D. 1948.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of United Merchants and Manufacturers, Inc., a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 24, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9994; Filed, Nov. 16, 1948; 8:56 a. m.]

[File No. 7-1089]

SUNRAY OIL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of November A. D. 1948.

The Philadelphia Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the 4½% Cumulative Convertible Preferred Stock, Series "B", $25 Par Value, of Sunray Oil Corporation, a security listed and registered on the New York Stock Exchange and the Los Angeles Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to December 1, 1948, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9993; Filed, Nov. 16, 1948; 8:56 a. m.]

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT AND RAILWAYS CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of November A. D. 1948.

In the matter of The United Light and Railways Company, American Light & Traction Company, et al., File Nos. 59-11, 59-17, 54-25.

American Light & Traction Company ("American Light"), a registered holding company and a subsidiary of The United Light and Railways Company, also a registered holding company, having filed an application-declaration, and amendments thereto, in accordance with the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder with respect to the following transactions:

On December 30, 1947 the Commission entered an order approving a plan filed by American Light and The United Light and Railways Company which provides, among other things, that during the year 1948 American Light will dispose of all of its interest in Detroit Edison. As a step in the consummation of said plan, American Light proposes to sell at competitive bidding, pursuant to the provisions of Rule U-50, the remaining 192,734 shares of the common stock of Detroit Edison owned by American Light. The application-declaration states that the proceeds received from the sale of said stock will be used to reimburse the treasury of American Light for cash expenditures made prior to date of the sale in connection with said section 11 (e) plan. To facilitate the distribution and offering of said stock applicants-declarants request authority to purchase on the New York Stock Exchange and Detroit Stock Exchange such number of shares of Detroit Edison within a specified period as may be necessary or appropriate to stabilize the price of such stock.

Said application-declaration also requests that the bidding period provided by Rule U-50 be shortened from 10 days to 6 days and that the order with respect to said application-declaration become effective forthwith; and

Appropriate notice of said filing of the application-declaration, as amended, and an opportunity to request a hearing with respect thereto having been duly given and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified within said notice, or otherwise, and not having ordered a hearing thereon; and

The record being incomplete with respect to fees and expenses to be paid in connection with the proposed transactions and the Commission having in its order of December 30, 1947, reserved jurisdiction over accounting treatment with respect to the various transactions proposed in said section 11 (e) plan and the Commission deeming it appropriate to continue the jurisdiction heretofore reserved in its order of December 30, 1947, and to reserve jurisdiction over the fees and expenses to be paid in connection with the proposed sale of Detroit Edison stock; and

It appearing that after the proposed transaction American Light will no longer have any stock interest in Detroit Edison, and it further appearing that there will remain an interlocking directorate between American Light and Detroit Edison which applicant has not proposed to sever; and

It appearing necessary for the carrying out of Section 11 that complete divestment of American Light's interest in Detroit Edison should be accompanied by a severance of all interlocking directorates between such two companies; and

The Commission finding that, subject to the requirement that there be a severance of all interlocking directorates between American Light and Detroit Edison, no adverse findings are necessary with respect to the proposed sale of Detroit Edison, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application-declaration, the request for shortening of the bidding period and the acceleration of the effectiveness of the Commission's order, subject to the conditions specified herein:

It is ordered, Subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act, that the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject, however to the condition that the sale by American Light of 192,734 shares of the common stock of Detroit Edison shall not be consummated until the results of competitive bidding have been made a matter of record in these proceedings and a further order entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being hereby reserved for this purpose, and subject to the further condition that American Light and Traction Company file an amendment, prior to consummation of the proposed sale, agreeing that it will take or cause to be taken such action as will result in a severance of all interlocking directorates between it and Detroit Edison not later than the next annual meeting of stockholders of Detroit Edison.

It is further ordered, That the 10 day period for inviting bids as provided in Rule U-50 be, and hereby is, shortened to a period of not less than 6 days, that the jurisdiction heretofore reserved in the Commission's order of December 30, 1947, over the accounting treatment with respect to the transactions proposed in said application-declaration be, and it hereby is continued, and that jurisdiction is hereby reserved with respect to the fees and expenses to be paid in connection with the proposed sale of Detroit Edison stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-9995; Filed, Nov. 16, 1948; 8:56 a. m.]

[File No. 70-1902]

COMMONWEALTH & SOUTHERN CORP. ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE IN PART

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of November 1948.

In the matter of the Commonwealth & Southern Corporation (Delaware), Southern Indiana Gas and Electric Company, the Commonwealth & Southern Corporation (New York), File No. 70-1902.

The Commission having, on August 1, 1947, issued an order pursuant to section 11 (b) (1) of Public Utility Holding Company Act of 1935 (the "act") directing, among other things, that The Commonwealth & Southern Corporation (of Delaware), a registered holding company, hereinafter referred to as "Commonwealth", divest itself of its interest in Southern Indiana Gas and Electric Company ("Southern Indiana"), a direct public utility subsidiary of Commonwealth; and

Commonwealth, Southern Indiana, and The Commonwealth & Southern Corporation (of New York), a mutual service company subsidiary of Commonwealth, hereinafter referred to as "service company", having filed joint applications-declarations under the act concerning, among other things, the proposed sale of common stock of Southern Indiana, the divestment by Commonwealth of its interest in such company and Commonwealth's request for an exemption from the competitive bidding requirements of Rule-50 with respect to such divestment; and

A hearing having been held with respect to such applications-declarations, after appropriate notice, at which various representatives of Commonwealth's security holders appeared but raised no objections to Commonwealth's entering into negotiations for the sale of all of its holdings of the common stock of Southern Indiana, and the Commission having, by its order dated September 9, 1948, granted Commonwealth an exemption from the competitive bidding requirements of Rule U-50 with respect to such proposed sale and having deferred consideration and reserved jurisdiction with respect to all other aspects of the proposed sale; and

Commonwealth, Southern Indiana and service company having filed amendments to the joint applications declarations heretofore filed in this matter pursuant to sections 6 (a), 7, 9 (a), 10, 12 (c), 12 (d) and 12 (f) of the act and Rules U-42, U-43 and U-44 thereunder regarding the following proposed transactions:

(1) Southern Indiana proposes to amend its Articles of Reorganization so as to increase the authorized number of its shares of no par common stock from 500,000 to 1,500,000 shares and thereupon to change the number of shares now outstanding, all of which are presently owned by Commonwealth, from 400,000 shares to 600,000 shares, without any change, however, in the amount of capital represented thereby.

(2) Commonwealth proposes to sell its holdings of the common stock of Southern Indiana to a group of underwriters represented by Smith, Barney & Co. for resale to the public at the best price (which shall be not less than the then book value) and on the most favorable terms obtainable.

(3) Southern Indiana also proposes, concurrently with the sale of its out-

standing common stock by Commonwealth, to issue and sell to the same underwriters (or to Commonwealth for resale to said underwriters at its cost and Commonwealth will resell to said underwriters), under the same contract and at the same price, the least number of additional shares of its no par common stock which will be sufficient to realize proceeds to Southern Indiana of approximately $1,500,000 but not more than $1,750,000.

(4) Southern Indiana further proposes, concurrently with the sale of its common stock, to sell to service company at $100 per share (the approximate book value thereof), the 162 shares of the $100 par value capital stock of service company owned by Southern Indiana. Service company states that it may dispose of the aforesaid 162 shares of its capital stock, at $100 a share, to its remaining stockholders.

(5) The service company proposes, for a period of 12 months following the date of the sale by Commonwealth of common stock of Southern Indiana (unless the period shall be extended by further order of this Commission), to render to Southern Indiana such services as Southern Indiana may from time to time request at the cost thereof, determined in accordance with the usual procedures of the service company with respect thereto, plus 10% of such cost.

The amendments to the said joint applications-declarations having been duly filed, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and

The Commission having also given notice (Holding Company Act Release No. 8605) that a hearing would be held on the issues remaining as to the proposed sale to underwriters of Southern Indiana common stock, if and when a contract was entered into with underwriters regarding such sale, and the Commission having received a request from Alfred J. Snyder, Esq., a representative of stockholders who has entered an appearance herein, for a hearing to be held for the purpose of producing proof, "if any exists, to show, that the price, terms, use of the proceeds and all other factors will benefit the stockholders more than the stock of the company proposed to be sold; that the management of Commonwealth & Southern Corp. is acting in the best interest of its stockholders, and that the price is the best that can be obtained."; and

It appearing to the Commission that the said hearing to be held on the issues remaining as to the proposed sale of Southern Indiana common stock to underwriters, if and when a contract for such sale is entered into, will provide Snyder with adequate opportunity to be heard; and

The Commission finding with respect to all aspects of the proposed transactions, other than the proposed sale to underwriters, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that it is not necessary to impose any terms or conditions other than those set forth below, and the Commission deeming it appropriate to the public interest and in the interest of investors and consumers that the said amended applications-declarations with respect to all aspects of the proposed transactions, other than thte proposed sale to underwriters, be granted and permitted to become effective.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said amended joint applications-declarations be, and the same hereby are, granted and permitted to become effective, except with respect to the proposed sale of Southern Indiana common stock to underwriters, subject, however, to the conditions: (1) That jurisdiction is hereby reserved with respect to all fees and expenses of counsel to be paid in connection with the proposed transactions, and (2) that jurisdiction is hereby further reserved with respect to Commonwealth's request for findings, recitals and provisions pursuant to sections 371 (f) and 1808 (f) of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9999; Filed, Nov. 16, 1948; 8:55 a. m.]

[File No. 70-1962]

PUBLIC SERVICE ELECTRIC AND GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of November 1948.

Public Service Electric and Gas Company ("PEG"), an electric utility subsidiary of The United Corporation, a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 of the General Rules and Regulations promulgated thereunder, with respect to the following proposed transaction:

PEG proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $50,000,000 principal amount of its --% debentures due 1963. The interest rate and the price to the company for the debentures will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100% nor more than 102.75% of the principal amount.

From the proceeds of the sale of the debentures, $30,000,000 will be applied to the retirement of an equal principal amount of bank loans due September 10, 1950, and the balance will be utilized in connection with PEG's construction and improvement program.

The proposed issuance and sale of debentures having been approved by the Board of Public Utility Commissioners of the State of New Jersey; and

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application be granted, and deeming it appropriate to grant the request of applicant that the order become effective not later than November 10, 1948:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed issuance and sale of debentures shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9998; Filed, Nov. 16, 1948; 8:55 a. m.]

[File No. 70-1988]

FRED D. ELLIS AND EDMUND J. HAUGH

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of November A. D. 1948.

Fred D. Ellis and Edmund J. Haugh ("Applicants") having filed a joint application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 regarding the acquisition by them from Northwestern Illinois Gas & Electric Company ("Northwestern"), an exempt holding company, of all of its interest in its subsidiary, Illinois Electric & Gas Company, a public-utility company, consisting of 2,500 shares of common stock, no par value, constituting the entire amount of such stock outstanding, and a 4% note in the unpaid principal balance of $50,000, the consideration to consist of the surrender by Applicants to Northwestern for cancellation of $100,000 aggregate par amount of Northwestern's preferred stock, representing the entire amount of such stock outstanding, and the surrender of $100,000 principal amount of open account indebtedness owing Applicants by Northwestern; and

It appearing from the filing that the legal fees, estimated at $250.00, and the estimated expenses to be incurred in connection with the proposed transaction, are not unreasonable in amount; and

The said application having been filed on October 25, 1948, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Applicants have requested that the effective date of the application be accelerated, and that the order granting said application become effective immediately upon issuance; and

The Commission finding with respect to said application that the requirements of section 10 are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application be granted to become effective forthwith:

It is ordered, Effective forthwith, pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9992; Filed, Nov. 16, 1948; 8:56 a. m.]

[File No. 70-1995]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF VIRGINIA

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 9th day of November 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Delaware Power & Light Company ("Delaware"), a registered holding company, and its public utility subsidiary, Eastern Shore Public Service Company of Virginia ("Eastern Shore"). Applicants-declarants designate sections 6 (b), 9 (a), 12 (d) and 12 (f) of the act and Rules U-43 and U-44 promulgated thereunder as applicable to the proposed transactions:

Notice is further given that any interested person may, not later than December 2, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 2, 1948, said application-declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Eastern Shore will issue and sell from time to time, but not later than December 31, 1950, up to $400,000 principal amount of its 4% promissory notes due October 1, 1973 and 4,000 shares of its common stock of the par value of $100 per share. Delaware will purchase said securities at the principal amount or par value, respectively, and upon the purchase of any notes, Delaware will purchase common stock of an aggregate par value equal to the principal amount of such notes. The proceeds from the sale of said notes and common stock, are to be used to reimburse Eastern Shore's treasury for money previously expended for construction requirements, and to provide funds for future construction expenditures. The notes and stock to be acquired by Delaware will be pledged by it with the Trustee under its mortgage dated October 1, 1943 in accordance with the provisions of the Indenture of Mortgage.

The proposed issuance and sale of securities by Eastern Shore has been submitted to the State Corporation Commission of Virginia for its approval.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9996; Filed, Nov. 16, 1948; 8:56 a. m.]

[File No. 70-1999]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 10th day of November 1948.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 26, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of law or fact raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after November 26, 1948, said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Standard has outstanding $11,603,274.78 principal amount of bank notes bearing interest at the rate of 2½% per annum and payable on April 10, 1949. The notes, which may be prepaid in the manner proposed without premium, were issued pursuant to a Bank Loan Agreement, as amended, between Standard and a group of banks headed by Continental Illinois National Bank and Trust Company of Chicago and The Chase National Bank of the City of New York. Among other things, the Agreement prohibits Standard from paying dividends on any of its outstanding stocks so long as any portion of the bank notes remains unpaid.

Standard proposes to enter into a new bank loan agreement with the same group of banks and to borrow $11,600,000 at 2½% interest, per annum, to be evidenced by new notes and to apply the net proceeds of such loans together with treasury funds in the amount of $3,274.78 to the prepayment of the outstanding notes. The new notes will be dated as of the date of their delivery, will mature one year from that date and will be subject to prepayment at the election of Standard without the payment of a premium.

Standard further proposes to secure the new notes by the pledge of its holdings of shares of common stock of Northern States Power Company, a Minnesota corporation, ("Northern States"), Philadelphia Company and Wisconsin Public Service Corporation ("Wisconsin"). The proposed new bank loan agreement provides, among other things, that Standard may sell any of the pledged shares, in which event the proceeds from such sale must be applied to the reduction of the notes or with the written consent of the holders of at least 60% aggregate principal amount of the notes outstanding, may be used by Standard for investment, within four months after such sale, in securities issued by Northern States, Wisconsin, Louisville Gas and Electric Company, a Kentucky corporation, ("Louisville"), or Oklahoma Gas and Electric Company ("Oklahoma").

The proposed agreement also provides, in substance, that Standard may sell any of its holdings of shares of common stock of Louisville and Oklahoma. If at the time of any such sale the outstanding notes exceed $5,000,000 in the aggregate, the proceeds from such sale may be applied by Standard to reduction of the notes or be invested in securities issued by Northern States, Wisconsin, Louisville or Oklahoma except that the proceeds from the sale of up to 150,000 shares of

common stock of Oklahoma or, in lieu thereof, the proceeds from the sale of such number of shares of the common stock of Louisville having a fair value equal to the fair value of 150,000 shares of common stock of Oklahoma, must be applied to reduction of the notes, forthwith, unless written consent to use such proceeds for investment as above described, is secured from the holders of at least 60% aggregate principal amount of the notes outstanding. Standard represents that its present intention is to apply the proceeds from the sale of 150,000 shares of common stock of Oklahoma, or the equivalent of the common stock of Louisville, as above defined, to reduction of the notes rather than for investment. After the notes have been reduced to less than $5,000,000 there are no restrictions in the proposed agreement regarding use by Standard of the proceeds from any sale of the common stocks of Louisville or Oklahoma.

The declaration states that Standard desires to consummate the proposed transactions in order to permit Standard to (a) retire its present bank notes and thereby be in a position to consider the resumption of the payment of dividends on its Prior Preference Stock by reason of the elimination of the provisions in the present Bank Loan Agreement, as amended, prohibiting such payment and (b) eliminate other burdensome provisions in that Agreement.

Standard requests that the Commission's order permitting the declaration to become effective, forthwith, be issued at the earliest possible time.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-9997; Filed, Nov. 16, 1948; 8:55 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 3 (E)]

DEMERITT CO. ET AL.

PUBLIC NOTICE IN REGARD TO APPLICATION

NOVEMBER 12, 1948.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of Part III, Executive Order 10004 of October 5, 1948.

Name of article	Purpose of request	Date received	Name and address of applicant
Spring clothespins (par. 412, Tariff Act of 1930).	To determine whether clothespins are being imported in such increased quantities as to cause or threaten serious injury to domestic producers.	Nov. 10, 1948	The Demeritt Co., Waterbury, Vt. Diamond Match Co., B-F-D Division, New York, N. Y. Forster Mfg. Co., Inc., Farmington, Maine. Munsing Wood Products Co., Chicago, Ill. National Clothes Pin Co., Inc., Montpelier, Vt. Penley Bros., West Paris, Maine. The Wallace Corp., St. Louis, Mo.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission building, Eighth and E Streets NW., Washington, D. C,, where it may be read and copied by persons interested.

[SEAL] SIDNEY MORGAN, *Secretary.*

[F. R. Doc. 48-10008; Filed, Nov. 16, 1948; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR. Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12281]

ENNO W. ERCKLENTZ

In re: Debt owing to Enno W. Ercklentz. F-28-7024-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Enno W. Ercklentz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Sidney Pollack, 2 West 43rd Street, New York 18, New York, in the amount of $561.86, as of May 22, 1946, representing proceeds from the sale of property stored with Morgan & Brother Fireproof Storage Warehouses, Inc., 510-520 West 21st Street, New York, New York, in lot numbered 19023, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Enno W. Ercklentz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-10010; Filed, Nov. 16, 1948; 8:46 a. m.]

[Vesting Order 12282]

ANNA GROSCH

In re: Bank account owned by Anna Grosch. F-28-13630-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Grosch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anna Grosch, by Pioneer Savings and Loan Association of Bloomfield, 4719 Liberty Avenue, Pittsburgh 24, Pennsylvania, arising out of a share savings account, entitled Anna Grosch, maintained with the aforesaid association, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-10009; Filed, Nov. 16, 1948; 8:46 a. m.]

[Vesting Order 12285]

IKEN, BLOME & KLINGENBERG

In re: Bank account owned by Iken, Blome & Klingenberg. F-28-26443-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Iken, Blome & Klingenberg, the last known address of which is Bremen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Bremen, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Iken, Blome & Klingenberg, by The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of an Unclaimed Deposit Account, entitled Iken, Blome & Klingenberg, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-10011; Filed, Nov. 16, 1948; 8:46 a. m.]

[Vesting Order 12286]

HELEN KUHN AND PAUL SCHWARZ

In re: Bank accounts owned by Helen Kuhn and Paul Schwarz. F-28-27358-E-1, F-28-27600-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helen Kuhn, whose last known address is Weimar, Thueringen, Germany, and Paul Schwarz, whose last known address is Sonderhausen, Thueringen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Central Trust Company, Cincinnati 1, Ohio, arising out of a savings account, account number 69414, entitled Nippert & Nippert, Attorneys in fact for Helen Kuhn, maintained at the aforementioned bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Helen Kuhn, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of The Central Trust Company, Cincinnati 1, Ohio, arising out of a savings account, account number 69413, entitled Nippert & Nippert, Attorneys in fact for Paul Schwarz, maintained at the aforementioned bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paul Schwarz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-10012; Filed, Nov. 16, 1948; 8:46 a. m.]

[Vesting Order 12291]

PHOSPHAT-GESELLSCHAFT, M. B. H.

In re: Debt owing to Phosphat-Gesellschaft, m. b. H. F-28-9024-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Phosphat-Gesellschaft, m. b. H., the last known address of which is Brandstwiete 2-4, Hamburg 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Phosphat-Gesellschaft, m. b. H., by Dunnellon Phosphate Mining Company, P. O. Box 157, Savannah, Georgia, in the amount of $50.77, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-10013; Filed, Nov. 16, 1948; 8:46 a. m.]

[Vesting Order 12296]

LINA TRUELZSCH

In re: Debt owing to Lina Truelzsch. F-28-12449-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Exec-

utive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Truelzsch, whose last known address is Steinpleis/Bei Werdau (Saxony), Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Lina Truelzsch, by Paul Monnig, Round Lake, Illinois, in the amount of $1,916.32, as of December 31, 1945 and any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10014; Filed, Nov. 16, 1948; 8:46 a. m.]

[Vesting Order 12310]

COMMERZ BANK, A. G.

In re: Bank account owned by Commerz Bank, A. G. F-28-170-E-7.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Commerz Bank, A. G., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Commerz Bank, A. G., by First Wisconsin National Bank, 743 North Water Street, Milwaukee 1, Wisconsin, arising out of a demand deposit account, entitled Commerz Bank, A. G., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10015; Filed, Nov. 16, 1948; 8:47 a. m.]

[Vesting Order 12311]

COMMERZBANK AKTIENGESELLSCHAFT

In re: Bank account owned by Commerzbank Aktiengesellschaft, also known as Commerz und Privatbank, and Commerzbank Aktg. F-28-170-E-6.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Commerzbank Aktiengesellschaft, also known as Commerz und Privatbank, and Commerzbank Aktg., the last known address of which is Schliessfach 65, Berlin N. W. 7, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Commerzbank Aktiengesellschaft, also known as Commerz und Privatbank, and Commerzbank Aktg., by The New York Trust Company, 100 Broadway, New York, New York, arising out of a checking account, entitled Commerzbank Aktg., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10016; Filed, Nov. 16, 1948; 8:47 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 13 NUMBER 225

Washington, Thursday, November 18, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10018

TRANSFERRING THE CONTROL AND JURISDICTION OVER CERTAIN TRACTS OF LAND IN PUERTO RICO FROM THE SECRETARY OF THE INTERIOR TO THE SECRETARY OF AGRICULTURE FOR FOREST PURPOSES

By virtue of the authority vested in me by the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and section 32 of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 50 Stat. 525), and as President of the United States, it is ordered that the following-described tracts of land in Puerto Rico, acquired under authority of the said Emergency Relief Appropriation Act of 1935 and Executive Order No. 7057 of May 28, 1935, as amended, which tracts are not primarily suitable for cultivation, be, and they are hereby, subject to valid existing rights, transferred from the control and jurisdiction of the Secretary of the Interior to the control and jurisdiction of the Secretary of Agriculture to be administered for forest purposes in accordance with the provisions of Title III of the said Bankhead-Jones Farm Tenant Act:

1. RURAL: Parcel of land located in Wards Sabana and Pitahaya of the Municipality of Luquillo, Puerto Rico, and which forms part of the Puerto Rico Reconstruction Administration's project named "Zalduondo" containing a net area of 358.33 cuerdas, equivalent to one hundred forty (140) hectares, eighty-three (83) ares and sixty-nine (69) centiares, which is equivalent to 348.01 acres, bounded on the North by Parcel number thirty-two (32) of Zalduondo Project, lands of the same Project divided by an asphalt road of the selfsame farm, parcels numbers 40, 43, 44, 45, 46 and 47 of the aforesaid Zalduondo Project, and by "La Gabina" farm, formerly owned by the Government of Puerto Rico and now property of the Land Authority of Puerto Rico; on the South by "La Crucita" farm, formerly owned by Sucn. Matienzo Roman and at present the property of Mariano Acosta Velarde, also partly by the Pitahaya River which separates lands owned by Rafael Calderon; on the East by lands of Sucn. Marcelino Perez and a nameless brook that divides the lands of Rafael Calderon; and on the West by "La Crucita" farm of Mariano Acosta Velarde, formerly of Sucn. Matienzo Roman, by lands of the Caribbean National Forest, formerly of Henry W. Dooley, by lands of Guillermo Casas, formerly Sucn. Francisco Rodriguez, by lands of Ramon Cruz Corcino and by parcel number 112 of Zalduondo Project.

The aforesaid parcel is segregated from tract "A" of the Zalduondo Farm, which is described as follows:

RURAL: Tract located in Wards Sabana and Pitahaya of the Municipality of Luquillo, Puerto Rico, containing a net area of 1,316.08 cuerdas, equivalent to 517 hectares, 26 ares, 72 centiares and 6409 ten thousands of another, after deducting 140.94 cuerdas equivalent to 55 hectares, 39 ares, 66 centiares and 5018 ten thousandths of another, which correspond to two parcels of land located within this tract, one belonging to Sucn. Rios representing 91.42 cuerdas; another belonging to Sucn. Zalduondo with an area of 48.22 cuerdas and the area taken up by the Sabana Road which crosses the tract on the northeast boundary close to the Sabana River and which road represents 1.30 cuerdas; it is bounded on the North by lands of Aquilino Cantre, Lorenzo Iglesias, Meliton Molina, Francisco Quinones, Sucn. Zalduondo, Balbino Gomez, Carolina Rios, remnants of Rigores Farm owned by Diego Zalduondo, Francisco Diaz, formerly Evaristo Rios, Evaristo Figueroa, formerly Tito Rosa, Avelino Robles, Rosario Figueroa, and other lands belonging to Diego Zalduondo and Eladio Rodriguez; on the South by lands of Sucn. Matienzo, lands of the Municipality of Luquillo, Sucn. Arturo Bird Arias and Rafael Calderon; on the East, by lands of the Insular Government of Puerto Rico, Marcelino Perez, Sucn. Resto divided by a brook, Rafael Calderon, formerly Roque Pena; and on the West by Sabana River, lands of Sucn. Anita Rosado, Zenon Cruz, Sucn. Alfredo Turedo, Ramon Cruz Corcino, Sucn. E. Rodriguez and lands of the Insular Government of Puerto Rico. This tract is crossed approximately through its center by the Pitahaya River in a south-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directed to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

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cast-northwest direction. It is also crossed by various private roads.

This tract was obtained by the Government through purchase from Mr. Diego Zalduondo Veve, as attested by deed number five (5) dated February 11, 1937 before the Notary Carlos del Toro Fernandez.

The above-described land is recorded in the Registry of Property at Luquillo, Puerto Rico, at folio 8, volume 26, farm number 913, inscription 5th.

2. RURAL: Parcel located in Ward Sabana Llana of the Municipality of Rio Piedras and which forms part of the Puerto Rico Reconstruction Administration's Project named "San Just", comprising a net area of 27.9275 cuerdas, equivalent to 10 hectares, 97 ares, 65 centiares and 96 one thousandths; bounded on the North by lands belonging to Domingo Serra; on the South by parcels numbers 218 to 224, inclusive, and parcels numbers 266 to 271, inclusive, of San Just Project and by the Puerto Rico Clay Products Corporation; on the East by lands of Escolastico Diaz and the Puerto Rico Clay Products Corporation; and on the West by lands of Ulises Ortiz and the Puerto Rico Clay Products Corporation.

The aforesaid parcel is segregated from Tract "B" of the San Just Project located in Ward Sabana Llana of the Municipality of Rio Piedras and contains 66 cuerdas and 68 hundredths, equivalent to 26 hectares, 20 ares, 67 centiares and 46 hundredths; it is bounded on the North by lands of Domingo Serra and Sucn. Gertrudis Rollett; on the South by a ridge that divides the Municipality of Trujillo Alto and which in turn separates a part of this tract located in Ward Las Cuevas of the Municipality of Trujillo Alto known as Tract "D"; on the East by lands of Ulises Ortiz and the brook that divides the lands from the part of this tract located in Ward San Anton of the Municipality of Carolina, known as Tract "A"; and on the West by lands of Felicita Rivera, the line of which partly crosses a brook, and also by lands of Epifanio Lorenzo, formerly owned by Gerardo Ruiz, which land is divided by a brook, and also bounded on the West by lands of Evangelista Delgado, formerly owned by Serafina Guadalupe and by lands of Ezequiela Vda. de Carmoega.

This tract was obtained by the Government through purchase from Mr. Theodore S. Heriot who appeared in behalf of and representing Mrs. Helen Wilson Lippitt, as attested by deed number 13, dated March 11, 1937, before the Notary Angel Fiol Negron.

The above-described land is recorded in the Registry of Property at Rio Piedras, Puerto Rico, at folio 41, volume 90, farm number 4735, inscription 6th.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 15, 1948.

[F. R. Doc. 48-10096; Filed, Nov. 16, 1948; 3:52 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter XXI—Organization, Functions and Procedures

Subchapter D—Agricultural Research Administration

PART 2403—BUREAU OF ANIMAL INDUSTRY

DISCONTINUANCE OF CODIFICATION

The codification of Part 2403 of this subchapter is hereby discontinued.

Future amendments to descriptions of organization and functions will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] B. T. SIMMS,
Chief, Bureau of Animal Industry.

NOVEMBER 4, 1948.

[F. R. Doc. 48-10036; Filed, Nov. 17, 1948; 8:54 a. m.]

TITLE 12—BANKS AND BANKING

Chapter IV—Export-Import Bank of Washington

REORGANIZATION OF CHAPTER

In order to conform Chapter IV of Title 12 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the Regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. The codification of Part 401 is hereby discontinued. Future amendments to statements of organization will appear in the Notices section of the FEDERAL REGISTER.

2. Part 402 is redesignated Part 401, and §§ 402.1 to 402.3 are redesignated §§ 401.1 to 401.3, respectively.

3. Part 421 is redesignated Part 402, and §§ 421.1 to 421.11 are redesignated §§ 402.1 to 402.11, respectively.

HENRY P. CRAWFORD,
Counsel.

[F. R. Doc. 48-10022; Filed, Nov. 17, 1948; 8:52 a. m.]

TITLE 15—COMMERCE

Chapter I—Bureau of the Census, Department of Commerce

PART 20—GENERAL ORGANIZATION AND FUNCTIONS

PART 21—DETAILED STATEMENT OF FUNCTIONS BY MAJOR ORGANIZATION UNIT (DOWN TO OPERATING LEVEL)

CODIFICATION DISCONTINUED

In order to conform Chapter I of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the codification of Part 20 and Part 21 is hereby discontinued. Future amendments to statements of organization will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] J. C. CAPT,
Director, Bureau of the Census.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-10042; Filed, Nov. 17, 1948; 8:55 a. m.]

Chapter V—Weather Bureau, Department of Commerce

PART 505—RULES FOR GUIDANCE OF THE PUBLIC

PART 506—AWARD OF FELLOWSHIPS IN METEOROLOGY

Part 505 is amended in the following respects:

1. Section 505.4 is to be changed by the substitution of the following text:

§ 505.4 *Time of release of weather information effecting crops.* Bulletins or radio broadcasts giving agricultural weather information are released at 10:00 a. m. each work-day during the growing season in the affected areas.

Weekly weather and crop bulletins containing a synopsis of weather conditions and their effect on crops and farming operations (which show snow and ice conditions during the season) are re-

leased simultaneously at Washington, D. C. and approximately 45 field stations at 12:00 noon e. s. t. on Tuesday or on Wednesday if Monday or Tuesday is a holiday.

Because of the influence that might be exerted upon the market value of the products of the soil by the information contained in the weather and crop bulletins, the law provides a fine of $10,000 or imprisonment of ten years, or both, for any responsible Government official who wilfully imparts any information of speculative value contained in the bulletins before the times of release to the public. (Sec. 123, 35 Stat. 1110; 18 U. S. C. 214).

2. The following material should be added by the insertion of a new section to be designated § 505.6.

§ 505.6 *Agreements for radio weather broadcasts.* Radio stations often desire to make special arrangements for the broadcast of daily weather forecasts, special warnings, and other weather information under commercial sponsorship. In such cases the Weather Bureau obtains an agreement setting forth conditions under which the broadcasts are to be made. This agreement specifies the regular time schedules of the broadcast; that the information be given exactly as issued by the Bureau; that while it is permissible to announce immediately before and at the conclusion of the weather broadcast that it is furnished by the courtesy of a sponsor, care must be exercised to avoid the implication that the forecasts are made or paid for by the advertiser; and that there shall be nothing in the announcement associated with weather broadcasts to indicate that the Weather Bureau or the Government endorses the sponsor or the product advertised.

No charge is made to the radio stations or the sponsor for weather information intended for public distribution. However, if there are communication tolls or leased wire charges in connection with the delivery of such information to the radio stations, such charges are borne by the radio stations or the sponsor.

Part 506—Award of Fellowships in Meteorology (13 F. R. 2739–2740) should be amended as follows:

1. Section 506.1 should be changed by the insertion of "50 weeks or more" instead of "35 weeks or more" and "15 weeks for studying" instead of "17 weeks for studying". Upon accomplishment of these changes § 506.1 will read as follows:

§ 506.1 *Type of fellowship.* Fellowships shall be of the interne-training type, comprising instruction for a period of 50 weeks or more at certain American universities including the University of California at Los Angeles, the University of Chicago, New York University, and the Massachusetts Institute of Technology, in synoptic, dynamic and physical meteorology, and in addition assignment to a Weather Bureau Station for a period of about 15 weeks for studying the organization and service work of the Weather Bureau.

2. Section 506.2, (a) should be amended by the addition of text as follows: "; or of the Republic of the Philippines;". As a result of this addition the paragraph will read as follows:

§ 506.2 *Qualifications.* Applicants selected for these fellowships shall be:

(a) Bona fide citizens of any of the American republics other than the United States; or of the Republic of the Philippines;

3. Section 506.3 *Award of fellowships* should be replaced by the following material:

§ 506.3 *Award of fellowships.* Fellowships will be awarded by the Chief of the Weather Bureau, and with the approval of the Secretary of Commerce and the Secretary of State or their duly authorized representatives. Philippine candidates for fellowships will in addition be examined and recommended by the Chief of the Philippine Weather Bureau and the President of the Republic of the Philippines. No applicant therefore shall be approved unless his application shall have been transmitted by the Government of the country of which he is a citizen through the diplomatic mission of the United States of America located in the Republic concerned.

4. Section 506.5 is to be amended by the insertion of "sixteen" instead of "twelve," and after change should read as follows:

§ 506.5 *Duration of fellowships.* Fellowships will be awarded for periods of not to exceed sixteen months each.

(R. S. 161, 53 Stat. 1290, 57 Stat. 281; 5 U. S. C. 22, 22 U. S. C. 501, 502)

[SEAL] F. W. REICHELDERFER, *Chief of Bureau.*

Approved:

CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 48-10043; Filed, Nov. 17, 1948; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5264]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FLEMING & SONS, INC., ET AL.

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product or service:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service.* In connection with the offering for sale, sale or distribution in commerce, of the corporate respondent's building paper designated "Wallrite", or any product of substantially similar composition or possessing substantially similar qualities, whether sold under the same name or under any other name, and on the part of said corporate respondent, and on the part of respondent individual, its advertising agent, and on the part of the officers, agents, etc. thereof, representing, directly or by implication, (1) that said product is a nonconductor of heat or cold, or that it affords any protection against heat or cold in excess of retarding the infiltration of wind and air currents; or, (2) that said product is impervious to water or moisture, or that its use will render a house dampproof or prevent the penetration of dampness; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Fleming & Sons, Inc. et al., Docket 5264, October 6, 1948].

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 6th day of October A. D. 1948.

In the Matter of Fleming & Sons, Inc., a Corporation, and Albert Couchman, an Individual Doing Business Under the Name of Couchman Advertising Agency

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the joint answers of the respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision and exceptions thereto filed by counsel supporting the complaint and briefs of counsel in support of the complaint and in opposition thereto (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Fleming & Sons, Inc., a corporation, and its officers, and Albert Couchman, an individual, and said respondents' agents, representatives and employees, directly or through any corporate device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the corporate respondent's building paper designated "Wallrite", or any other product of substantially similar composition or possessing substantially similar qualities, whether sold under the same name or under any other name, do forthwith cease and desist from representing, directly or by implication:

(1) That said product is a nonconductor of heat or cold, or that it affords any protection against heat or cold in excess of retarding the infiltration of wind and air currents;

(2) That said product is impervious to water or moisture, or that its use will render a house dampproof or prevent the penetration of dampness.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-10023; Filed, Nov. 17, 1948; 8:52 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter II—Tennessee Valley Authority

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter II of Title 18 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Commiteee of the FEDERAL REGISTER and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER:

1. The codification of Part 300—Organization, and Part 301—Procedure, is hereby discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

2. Part 302 is redesignated Part 301 and the headnote is amended to read "Procedures"; § 302.3 thereunder is deleted and §§ 302.1, 302.2, and 302.4 are redesignated §§ 301.1, 301.2, and 301.3, respectively.

Issued this 10th day of November 1948.

TENNESSEE VALLEY AUTHORITY,
[SEAL] GEORGE F. GANT, *General Manager.*

[F. R. Doc. 48-10031; Filed, Nov. 17, 1948; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52084]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

ARTISTIC ANTIQUITIES

Section 10.53 (f), Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.53 (f)), is hereby amended to read as follows:

§ 10.53 *Artistic antiquities.* • • •

(f) A claim for the free entry of an article under paragraph 1811 on the basis of antiquity may be made on the entry or filed subsequent thereto at any time before the release of the article from customs custody, if the collector is satisfied that it was not imported for sale, or, if imported for sale, at any time before the examination of the article for the purpose of appraisement or classification has begun. No claim shall be entertained, nor shall evidence as to the antiquity of the article be considered, unless submitted within that time.

(Par. 1811; sec. 201, 46 Stat. 685, sec. 624, 46 Stat. 759; 19 U. S. C. 1201, 1624)

[SEAL] FRANK DOW, *Acting Commissioner of Customs.*

Approved: November 9, 1948.

JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 48-10028; Filed, Nov. 17, 1948; 8:53 a. m.]

[T. D. 52085]

PART 13—SUGARS, SIRUPS, AND MOLASSES; PETROLEUM PRODUCTS; WOOL AND HAIR

WEIGHING, SAMPLING, AND TESTING OF WOOL

Section 13.14 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 13.14 (b)), is hereby amended by substituting the following for the second sentence thereof: "When an original sampling unit has been weighed, sampled, and tested in accordance with this section and a part of such unit is covered by a transfer made pursuant to section 557 (b), Tariff Act of 1930, as amended, the percentages clean content of the part covered by the transfer and of the part not so covered shall be computed on the basis of the original customs weights and test, and the invoice data related to the respective parts. When part of such an original sampling unit is exported from continuous customs custody without having been manipulated as provided for in section 562, Tariff Act of 1930, as amended, the percentage clean content of the part not exported shall be determined, in the discretion of the collector of customs, either on the basis of a new determination by reweighing, resampling, and retesting, or by a computation as described in the preceding sentence, for either the exported or the remaining part."

(Pars. 1101–1104; sec. 1, 46 Stat. 646, 647, sec. 33 (a), 52 Stat. 1090; 19 U. S. C. 1001)

[SEAL] FRANK DOW, *Acting Commissioner of Customs.*

Approved: November 9, 1948.

JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 48-10029; Filed, Nov. 17, 1948; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 2—ENFORCEMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

IMPORTS AND EXPORTS; SHIPPER'S DECLARATION ON FORM 197 OR 198 CONSULAR

The regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act (21 CFR, Cum. Supp. 2.300–2.312) are hereby amended by the deletion of §§ 2.300 and 2.301.

This amendment shall become effective on November 15, 1948.

(Secs. 701 (b), 801, 52 Stat. 1055, 1058; 21 U. S. C. 371 (b), 381)

Dated: October 27, 1948.

[SEAL] OSCAR R. EWING, *Federal Security Administrator.*
JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 48-10030; Filed, Nov. 17, 1948; 8:52 a. m.]

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

DIHYDROSTREPTOMYCIN SULFATE; DIHYDROSTREPTOMYCIN HYDROCHLORIDE

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.108 *Dihydrostreptomycin sulfate, dihydrostreptomycin hydrochloride*—(a) *Potency.* Proceed as directed in § 141.101 (j) and (k).

(b) *Content of streptomycin sulfate or streptomycin hydrochloride*—(1) *Reagents.* (i) 10% ferric chloride stock solution. Dissolve 5 gm. of $FeCl_3.6H_2O$ in 50 ml. 0.1N HCl.

(ii) 0.05% ferric chloride solution. Dilute 0.5 ml. of 10% ferric chloride in 0.1N HCl to 100 ml. with 0.01N HCl. Prepare the solution fresh daily.

(2) *Standard curve.* Prepare a stock aqueous solution of the F. D. A. streptomycin working standard containing 1.0 mg. of streptomycin base per milliliter. Store this standard solution in the refrigerator and use for no longer than 2 weeks. Transfer 2.0, 4.0, 6.0, 8.0, and 10.0 ml. of this standard to each of five tubes (approximately 30-ml. capacity). Add 8.0, 6.0, 4.0, and 2.0 ml. of distilled water to the first four tubes respectively to give each a total volume of 10 ml. To each add 2.0 ml. of 1N NaOH and then heat the tubes in a boiling water bath for 10 minutes. Cool the tubes in ice water for 3 minutes and acidify the solutions with 2.0 ml. of 1.2N HCl. Add 8.0 ml. of chloroform U. S. P. to each tube, stopper, and shake thoroughly for about 1 minute. Allow the layers to separate and then pipette 5.0-ml. aliquots of the chloroform layers into clean dry tubes. To each tube add 10.0 ml. of 0.05% ferric chloride reagent and shake thoroughly for about 1 minute. Allow the layers to separate and swirl to clear the upper aqueous layer of chloroform droplets. Transfer the colored aqueous layer to a 1.0-cm. absorption cell and measure the percent light transmission at 550 mμ in a suitable photoelectric colorimeter. Set the colorimeter at 100% light transmission for the 0.05% ferric chloride solution. Prepare a standard curve on semilog paper, plotting the percent light transmission on the logarithmic ordinate scale and the concentration of streptomycin base on the abscissa.

(3) *Procedure.* Dilute the contents of a 1-gm. vial to 50 ml. with distilled water (dilute vials containing larger quantities to make solutions having the same concentration). Transfer a 10-ml. aliquot of this solution to a tube (approxi-

mately 30-ml. capacity), add 2 ml. of 1N NaOH and heat in a boiling water bath for 10 minutes. Cool in ice water for 3 minutes and acidify the solution with 2 ml. of 1.2N HCl. Add 8.0 ml. of chloroform U. S. P., stopper, and shake thoroughly for about 1 minute. Allow the layers to separate and then pipette a 5.0-ml. aliquot of the chloroform layer into a clean dry tube. Add 10.0 ml. of 0.05% ferric chloride reagent and shake thoroughly for about 1 minute. Set the colorimeter at 100% light transmission for the 0.05% ferric chloride reagent and shake thoroughly for about 1 minute. Set the colorimeter at 100% light transmission for the 0.05% ferric chloride solution and obtain the percent light transmission of the sample. The concentration of streptomycin obtained directly from the standard curve corresponding to the percent light transmission of the sample times 500, divided by the total milligrams per vial obtained by biological assay, equals the percent of streptomycin.

(c) *Sterility*—(1) *Culture medium.* Prepare fluid thioglycollate medium as described in § 141.2 (a).

(2) *Conduct of test.* Add aseptically to each of two tubes containing approximately 15 ml. of fluid thioglycollate medium 1.0 ml. of a 5000-mcg. per milliliter dilution in sterile distilled water of the dihydrostreptomycin under test. Add 0.1 ml. of the 5000-mcg. per milliliter dilution to two additional tubes of thioglycollate medium. Incubate at 37° C. for 4 days. If no tube shows growth the sample is satisfactory. This method will demonstrate only those organisms which are not susceptible to this concentration of dihydrostreptomycin.

(d) *Toxicity, pyrogens, histamine, moisture, pH, clarity.* Proceed as directed in §§ 141.103, 141.104, 141.105, and 141.106.

2. Part 146 is amended by adding the following new section:

§ 146.103 *Dihydrostreptomycin sulfate; dihydrostreptomycin hydrochloride*—(a) Diahydrostreptomycin sulfate is the hydrogenated sulfate salt of a kind of streptomycin or a mixture of two or more such salts. Dihydrostreptomycin hydrochloride is the hydrogenated hydrochloride salt of a kind of streptomycin or a mixture of two or more such salts. Each such drug conforms to all requirements prescribed by § 146.101 for streptomycin sulfate and streptomycin hydrochloride and is subject to all procedures prescribed by § 146.101 for streptomycin sulfate and streptomycin hydrochloride, except that:

(1) Its potency is not less than 600 mcg. per milligram.

(2) Its content of streptomycin sulfate or streptomycin hydrochloride is not more than 3% when calculated as streptomycin base.

This order, which provides for the marketing of a new streptomycin product (dihydrostreptomycin sulfate and hydrochloride) shall become effective upon publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with the interested members of the affected industry and since it would be against public interest to delay the marketing of this new streptomycin product.

(52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C. Sup. 357)

Dated: November 12, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-10047; Filed, Nov. 17, 1948; 8:59 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 42—VISAS: DOCUMENTATION OF ALIENS ENTERING THE UNITED STATES

ADMINISTRATION OF IMMIGRATION QUOTAS AFFECTED BY DISPLACED PERSONS ACT OF 1948

CROSS REFERENCE: For public notice concerning the administration of section 6 of the Immigration Act of 1924 during the two fiscal years July 1, 1948 to June 30, 1950, see Public Notice DA 188 under State Department in the Notices section of this issue. Section 6 of the Displaced Persons Act of 1948 (Pub. Law 774, 80th Cong.) provides in part as follows: "The preferences provided within the quotas by Section 6 of the Immigration Act of 1924 (43 Stat. 155–156; 47 Stat. 656; 45 Stat. 1009; 8 U. S. C. 206), shall not be applicable in the case of any eligible displaced person receiving an immigration visa under this Act * * *." (See §§ 42.250–42.256.)

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

SUSPENSION OF MAIL SERVICE TO MANCHURIA

CROSS REFERENCE: For suspension of regular mail and parcel post service to Manchuria described in § 127.231, see F. R. Doc. 48-9991 in the Notices section, *infra.*

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 62—FILIPINO TRAINEES

MISCELLANEOUS AMENDMENTS

1. Section 62.1 is amended to read as follows:

§ 62.1 *Definitions.* As used in this part, terms shall have the following meanings:

(a) *Program.* The program carried on by and under the supervision of the Surgeon General of the Public Health Service (hereinafter referred to as the Service) for the training of Filipinos in public health methods and administration pursuant to the provisions of sections 305 and 311 (c) and (d) of the Philippine Rehabilitation Act of 1946 as amended by sections 2 and 3 of the act of July 2, 1948, (Public Law 882, 80th Congress).

(b) *Trainee.* A person receiving training or instruction under the program.

(c) *Baggage.* Public property, or private property to be used exclusively for official business, and wearing apparel needed by a trainee while engaged in travel or in receiving training, together with the necessary containers.

(d) *Excess baggage.* Baggage in excess of the weight or of a size greater than that carried free by persons engaged in transportation.

2. Paragraph (c) of § 62.2 is amended to read as follows:

(c) *Baggage charges.* Reimbursement, upon presentation of receipts, or shipping charges for baggage, in either case upon prior individual approval, as follows:

(1) If travel is performed by air, for excess baggage not to exceed 50 pounds in weight, when shipped as excess baggage or by air express.

(2) If travel is performed by means other than air, for a total of 250 pounds in weight, including all baggage carried free.

3. Paragraph (e) of § 62.2 is amended to read as follows:

(e) *Books and equipment.* Not to exceed $75 in the case of a trainee receiving training through study at a school or college, and not to exceed $40 in the case of a trainee receiving training through field work and observation, for books, equipment, and related incidental expenses.

4. Paragraph (g) of § 62.2 is deleted.

5. Paragraph (i) of § 62.2 is amended to read as follows:

(i) *Maintenance.* An amount to be fixed individually for each trainee, but not to exceed $180 per month, beginning with the day upon which a trainee arrives at his first place of study or training, and to be payable for no more than four months to any trainee being trained through field work and observation nor for more than twelve months in the case of any trainee. The allowance authorized by this paragraph shall be payable in semimonthly installments, but upon written application of a trainee, an advance of funds not exceeding the amount of the trainee's maintenance allowance for one month may be made to him, such advance to be deducted from maintenance allowances due to the trainee.

Effective date: The foregoing amendments shall be effective upon the date of their publication in the FEDERAL REGISTER.

(Secs. 305, 311 (c), (d), 60 Stat. 136, 139, secs. 2, 3, 62 Stat. 1224, 1225; 50 U. S. C. App. 1785, 1791)

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: November 10, 1948.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 48-10046; Filed, Nov. 17, 1948; 8:58 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Order 2494]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

Subparagraph (1) of paragraph (a) of § 4.275 is amended to read as follows:

§ 4.275 *Functions with respect to various statutes.* (a) * * *

(1) Applications to lease public lands for grazing purposes under section 15 of the act of June 28, 1934 (48 Stat. 1275; 43 U. S. C. 315m), as amended, and the issuance, modification, renewal, assignment, or cancellation of such leases, the disposition of protests and conflicting applications, the issuance of permits or the execution of cooperative agreements for the construction and maintenance of improvements on lands so leased, and determinations as to the value of such improvements.

The authority granted to the Director by this subparagraph may be redelegated by him to any manager of a district land office, range manager, district forester, forester, cadastral engineer, field examiner, range management assistant, land economist or regional chief, division of grazing of the Bureau of Land Management by an order published in the FEDERAL REGISTER.

(R. S. 161, 453, 2475; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

J. A. KRUG,
Secretary of the Interior.

NOVEMBER 11, 1948.

[F. R. Doc. 48-10026; Filed, Nov. 17, 1948; 8:53 a. m.]

[Order 2495]

PART 4—DELEGATIONS OF AUTHORITY

BUREAU OF LAND MANAGEMENT; DELEGATIONS TO THE DIRECTOR IN SPECIFIED MATTERS

Section 4.276 is revoked, and new subparagraphs are added to paragraph (a) of § 4.275 as follows:

§ 4.275 *Functions with respect to various statutes.* (a) * * *

(84) The remission or refund of grazing fees in cases where because of range depletion due to severe drought or other causes the moneys involved have not been deposited in the Treasury as earned, and in cases involving earned moneys where the parties seeking relief are willing that a credit be allowed on subsequent grazing fees.

(85) The execution and filing in the name of the United States of applications to appropriate water under State laws, where required in connection with stockwatering projects, and to secure easements or rights-of-way upon or over private lands, where improvements are erected.

(86) The acceptance of contributions toward the administration, protection and improvement of lands within or without grazing districts, and the remission or refund of any unexpended balances of such contributions, pursuant to section 9 of the Taylor Grazing Act as amended (62 Stat. 533, 43 U. S. C. sec. 315 (h)).

(87) The acceptance on behalf of the United States of any lands within or without grazing districts as a gift where such action will promote the purposes of a grazing district or facilitate the administration of the public lands, pursuant to section 8a of the Taylor Grazing Act as amended (62 Stat. 533, 43 U. S. C. sec. 315g).

(88) The approval of leases under the Pierce Act (52 Stat. 1033; 43 U. S. C. 315m–1—315m–4, incl.) in accordance with 43 CFR, Part 165 (Cum. Supp. as amended, 1946 Supp.).

(89) The approval of cooperative agreements affected under section 2 of the Taylor Grazing Act (48 Stat. 1269; 43 U. S. C. 315a), in accordance with existing policies.

(90) The hearing and deciding of appeals from the decisions of examiners.

(R. S. 161, 3828, secs. 2, 3, 9, 48 Stat. 1270, 1273, 52 Stat. 1033, 62 Stat. 533, 5 U. S. C. 22, 44 U. S. C. 324, 43 U. S. C. 315a, 315b, 315g, 315k, 315m–1; Reorg. Plan No. 3 of 1946, 11 F. R. 7875; 43 CFR 4.250, 161.9, 161.10 and 161.14)

J. A. KRUG,
Secretary of the Interior.

NOVEMBER 11, 1948.

[F. R. Doc. 48-10027; Filed, Nov. 17, 1948; 8:53 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter IV—Smithsonian Institution

DISCONTINUANCE OF CODIFICATION

In order to conform Title 44 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the codification of Chapter IV of that title is hereby discontinued. Future amendments of the statement of organization of the Smithsonian Institution will be published in the Notices section of the FEDERAL REGISTER.

A. WETMORE,
Secretary.

[F. R. Doc. 48-10033; Filed, Nov. 17, 1948; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 971]

[Docket No. AO-175-A-6]

HANDLING OF MILK IN DAYTON-SPRINGFIELD MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Dayton Room, Dayton-Biltmore Hotel, Dayton, Ohio, beginning at 10:00 a. m., e. s. t., November 22, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement as heretofore approved (10 F. R. 6162, 11 F. R. 6901, 11 F. R. 9423, 12 F. R. 5995, 13 F. R. 2329). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth:

The following amendments have been proposed by The Miami Valley Cooperative Milk Producers Association, Inc.:

1. Amend § 971.5 (b) (1) and (c) (1) to delete the provisos contained therein and to provide that the prices for Class I and Class II milk for a limited period in 1948 and 1949 but not beyond March 1949, shall not be less than the prices in effect for such classes of milk in September 1948.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the market administrator, 434 Third National Bank Building, Dayton, Ohio, or from the Hearing Clerk, United States Department of Agriculture, in Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 12, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-10064; Filed, Nov. 17, 1948; 9:01 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice DA-188]

IMMIGRATION QUOTAS

ADMINISTRATION OF SECTION 6, IMMIGRATION ACT OF 1924, DURING JULY 1, 1948 TO JUNE 30, 1950

In the implementation of the Displaced Persons Act of 1948, the Department is being guided by the following procedure in administering the immigration quotas affected thereby:

1. (a) Fifty per centum of the quota of each nationality for each of the two fiscal years preceding July 1, 1950, shall be made available for the issuance of immigration visas to qualified applicants entitled to preference under section 6 (a) (1) of the Immigration Act of 1924.

(b) The remainder, if any, of the first fifty per centum of each quota shall be made available for the issuance of immigration visas to persons entitled to second preference under section 6 (a) (2) of the Immigration Act of 1924.

(c) Any portion of the first fifty per centum of each annual quota not required for the issuance of immigration visas to classes specified under paragraphs (a) and (b) above, shall be made available for the issuance of immigration visas to qualified applicants within the nonpreference categories, the priorities and dates of registration governing.

2. (a) The second fifty per centum of the quota of each nationality for each of the two fiscal years preceding July 1, 1950 shall be made available for the issuance of immigration visas to qualified displaced persons specified in the Displaced Persons Act of 1948 and for persons whose cases are adjusted under section 19 (c) of the Immigration Act of February 5, 1917, as amended.

(b) The remainder, if any, of the second fifty per centum shall be made available for the issuance of immigration visas to qualified applicants entitled to second preference under section 6 (a) (2) of the Immigration Act of 1924.

(c) Any portion of the second fifty per centum of each annual quota not required for the issuance of immigration visas to the classes listed under sections 2 (a) and (b), shall be made available for the issuance of immigration visas to qualified applicants within the nonpreference categories, the priorities and dates of registration governing.

3. (a) Quota numbers required in connection with the enactment of private acts of Congress may be charged against the first or second fifty per centum of each annual quota, from whichever portion a quota number is more readily available.

4. (a) In applying the foregoing rules it must be considered that the Austrian and German quotas have each been reduced, in effect, by fifty per centum for the two fiscal years ending June 30, 1950, by virtue of section 12 of the Displaced Persons Act of 1948. The "fifty per centum," referred to in sections 1 and 2, above, therefore actually means fifty per centum of the remainder, or twenty-five per centum of the normal Austrian and German quotas, for the two years.

This notice shall become effective immediately upon publication in the FEDERAL REGISTER.

Approved: November 12, 1948.

For the Acting Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Assistant Secretary.

[F. R. Doc. 48-10035; Filed, Nov. 17, 1948; 8:54 a. m.]

POST OFFICE DEPARTMENT

SUSPENSION OF MAIL SERVICE TO MANCHURIA

Effective at once, all regular mail and parcel post service to Manchuria (13 F. R. 956) is suspended.

Articles or parcels addressed to any place in Manchuria are not to be accepted for mailing, and any which may have been accepted but not dispatched from exchange offices will be returned to the senders.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-9991; Filed, Nov. 17, 1948; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORE SPACE RESTORATION NO. 408 AND SMALL TRACT CLASSIFICATION NO. 4

NOVEMBER 5, 1948.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and Departmental Order No. 2325 of May 24, 1947 (43 CFR Sec. 4.275 (56), 12 F. R. 3566), and pursuant to the authority delegated to me by the Director, Bureau of Land Management by Order 319 of July 19, 1948 (43 CFR 50.451 (a) (56), (b) (3), 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights, the 80 rod shore space reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the public lands hereinafter described in the Anchorage, Alaska land district, which are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682 (a)) as amended, for home, cabin, camp and recreational sites:

SMALL TRACT CLASSIFICATION NO. 4
POINT MACKENZIE AREA

T. 13 N., R. 4 W., Seward Meridian, Alaska.
Sec. 3, Lots 3, 4, E½NW¼SW¼, SW¼NW¼ SW¼.
Sec. 10, Lot 1.

The area described contains 93.08 acres.

The lands are located on the north shore of Knik Arm, three miles northwest of Anchorage City Boat Dock on the Ship Creek Estuary, and extends from Point Mackenzie to a point approximately three-quarters of a mile northeast along the shore of Knik Arm. At the present time access to the Point Mackenzie area can be made only by small boat or float plane in summer or ski-mounted plane in winter. The timber cover of the area consists of spruce, birch, aspen and alder. The lower cover consists of scattered but very dense stands of devil's club, usually associated with alder, up to six inches in diameter. There are no public utilities in the area. Water supply can be obtained through the use of wells or sandpoints.

This order shall not otherwise become effective to change the status of such lands or to permit the leasing thereof under the small tract act of June 1, 1938, cited above, until 10:00 a. m. on January 7, 1949. At that time the land shall, subject to valid existing rights, become subject to application, petition, location, or selection, as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from 10:00 a. m. on January 7, 1949, to the close of business on April 7, 1949 to (1) applications under the small tract act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 279) as amended, and by other qualified persons entitled to credit for service under said act, subject to the requirements of applicable law, and (2) applications under any applicable public law, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims, subject to allowance and confirmation. Applications by veterans and other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from December 18, 1948, to January 6, 1949, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on January 7, 1949, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public land laws.* Commencing at 10:00 a. m. on April 8, 1949, any of the lands remaining unappropriated shall become subject to application under the small tract act by the public generally.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from March 19, 1949, to April 7, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on April 8, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificate of discharge, or other satisfactory evidence of their military or naval service. Other persons entitled to credit for service shall file evidence of their right to credit in accordance with 43 CFR 181.36. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

All applications for these lands, which shall be filed in the District Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than 5 years at an annual rental of $5.00, payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase the tract at or after the expiration of one year from the date of the lease is issued, provided the terms and conditions of the lease have been met.

All of the land will be leased in tracts of approximately 5 acres, in accordance with the classification map on file in the district land office, Anchorage, Alaska, designated "Point Mackenzie Small Tract Unit." The tracts where possible are made to conform in description with the rectangular system of survey, being approximately 330 by 660 feet, in compact units.

All inquries relating to these lands shall be addressed to the Acting Manager, District Land Office, Anchorage, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 48-10025; Filed, Nov. 17, 1948; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

TOBACCO INSPECTION AT TOBACCO AUCTION MARKET OF GLASGOW, KY.

NOTICE OF DETERMINATION RELEVANT TO NUMBER OF INSPECTORS

Notice is hereby given that, pursuant to the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.), applicable regulations duly issued thereunder, and the Burley tobacco auction market policy statement issued on November 8, 1948 (13 F. R. 6644), it is herewith found and determined that one set of tobacco inspectors will supply reasonable tobacco inspection service on the Glasgow, Kentucky, tobacco auction market, which was duly designated for free and mandatory inspection under the act (6 F. R. 5478), for the 1948-1949 tobacco marketing season and that, under such circumstances, only one set of tobacco inspectors is assigned to and will operate on such market during such season.

Issued this 15th day of November 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-10063; Filed, Nov. 17, 1948; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6162]

NEW YORK STATE ELECTRIC AND GAS CORP.

NOTICE OF ORDER CONSENTING TO WITHDRAWAL OF RATE SCHEDULE AND TERMINATING PROCEEDING

NOVEMBER 15, 1948.

Notice is hereby given that, on November 10, 1948, the Federal Power Commission issued its order entered November 10, 1948, consenting to withdrawal of rate schedule and terminating proceedings in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10039; Filed, Nov. 17, 1948; 8:55 a. m.]

[Docket No. E-6167]

IOWA ELECTRIC CO.

NOTICE OF ORDER APPROVING AND AUTHORIZING ISSUANCE OF SECURITIES

NOVEMBER 15, 1948.

Notice is hereby given that, on November 10, 1948, the Federal Power Commission issued its order entered November 10, 1948, approving and authorizing issuance of securities in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10040; Filed, Nov. 17, 1948; 8:54 a. m.]

[Docket No. G-882]

TRUNKLINE GAS SUPPLY CO.

NOTICE OF ORDER CONTINUING PROCEEDINGS

NOVEMBER 15, 1948.

Notice is hereby given that, on November 10, 1948, the Federal Power Commission issued its order entered November 10, 1948, continuing proceedings in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10038; Filed, Nov. 17, 1948; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1942]

BROCKTON EDISON CO. AND EASTERN UTILITIES ASSOCIATES

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 10th day of November A. D. 1948.

Brockton Edison Company ("Brockton"), a public utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) thereof and Rule U-50 thereunder, regarding the issue and sale at competitive bidding of $4,000,000 principal amount of its First Mortgage and Collateral Trust Bonds, __% Series, due 1978; and

The Commission having by order dated November 1, 1948, granted said application, as amended, subject to the condition that the proposed issue and sale of bonds not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding, and a further order entered by the Commission in light of the record as so completed and subject to a further reservation of jurisdiction with respect to the payment of all legal fees incurred or to be incurred in connection with the proposed bond financing; and

Brockton having filed a further amendment to its application setting forth the action taken to comply with the requirements of Rule U-50 and stating that pursuant to an invitation for competitive bids, the following bids for said bonds were received:

Name of bidder	Interest rate	Price to company [1]	Annual cost to company
	Percent	Percent	Percent
Kidder, Peabody & Co.	3	100.15	2.9924
Harriman Ripley & Co. Inc.	3⅛	102.046	3.0208
The First Boston Corp	3⅛	101.8399	3.0312
Halsey, Stuart & Co., Inc.	3⅛	101.6999	3.0362
Coffin & Burr, Inc.	3⅛	101.31	3.0501

[1] Plus accrued interest to date of delivery.

The amendment further containing a statement that Brockton has accepted the bid of Kidder, Peabody & Co. for said bonds, as set forth above, and that said bonds will be offered for sale to the public at a price of 100.5% of the principal amount thereof, plus accrued interest, resulting in an underwriter's spread of 0.35% of the principal amount of said bonds or an aggregate amount of $14,000; and

The amendment also having set forth the nature and extent of the legal services rendered for which requests for payment have been made as follows: $8,000 to Gaston, Snow, Rice & Boyd, Boston counsel for Brockton; $2,000 to Keith, Reed & Wheatley, local counsel for Brockton, and $5,000 to Ropes, Gray,

Best, Coolidge & Rugg, counsel for the successful bidder for said bonds, whose fee is to be paid by the successful bidder; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms and conditions with respect to said matters:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said Bonds under Rule U-50 and with respect to legal fees be, and the same hereby is, released, and that said application as further amended, be, and the same hereby is, granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10032; Filed, Nov. 17, 1948; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12237]

THERESA L. FLEISSNER-METZLER

In re: Estate of Theresa L. Fleissner-Metzler, deceased. File No. D-28-2177; E. T. sec. 3087.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Senta Hogenmueller, Hanna Bohn (called Hannie Hogenmueller in will of Theresa L. Fleissner-Metzler, deceased), Frau Maria Freymueller, Emma Freymueller, Fraulein Rosa Riedl, Fraulein Sofie Geiger, Ludwig Schauer, Fraulein Anna Obermeier, Anna Obermeier, Hans Obermeier, Frau (Hans) Obermeier, and Frau Fanny Fuchs, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Theresa L. Fleissner-Metzler, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany);

3. That such property is in the process of administration by Fidelity Union Trust Company, as Executor, acting under the judicial supervision of the Orphans' Court, Essex County, New Jersey;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-10048; Filed, Nov. 17, 1948; 8:59 a. m.]

[Vesting Order 12278]

ALMA MARIE KAMPTNER

In re: Trusts under the will of Alma Marie Kamptner, deceased. File No. D-28-11687; E. T. sec. 15890.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minna von Tshammer, Oscar von Tshammer, Laura Piering, Theodore Piering, Wolf Rudinger Piering, Alma Westfahlen, Otto Scherf, Johann Witt, and Waltraut Piering, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of and the trusts created under the will of Alma Marie Kamptner, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The German Society of the City of New York, as Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-10049; Filed, Nov. 17, 1948; 8:59 a. m.]

[Vesting Order 12283]

N. V. HANDELMAATSCHAPPIJ A. W. WÄTJEN & Co.

In re: Debts owing to N. V. Handelmaatschappij A. W. Wätjen & Co. F-49-1328.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albrecht, Müller-Pearse & Co., the last known address of which is Bremen, Germany is a corporation, partnership, association or other business organization organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Bremen, Germany and is a national of a designated enemy country (Germany);

2. That N. V. Handelmaatschappij A. W. Wätjen & Co. is a corporation, partnership, association or other business organization organized under the laws of the Netherlands, whose principal place of business is located at Rotterdam, the Netherlands, and is or, since the effective date of Executive Order 8389, as amended, has been owned or controlled by or acting or purporting to act directly or indirectly for the benefit of or on behalf of the aforesaid Albrecht Müller-Pearse & Co., and is a national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation owing to N. V. Handelmaatschappij A. W. Wätjen & Co. by Simpson, Lange & Co., Inc., Dallas, Texas, represented on the books and records of said Simpson Lange & Co., Inc. by an account payable in the amount of $166,187.18, together with any and all interest thereon; and any and all rights to demand, enforce and collect the same; and

b. That certain debt or other obligation owing to N. V. Handelmaatschappij A. W. Wätjen & Co. by Knoop Lange & Co., Inc., New Orleans, Louisiana in the amount of $977.41, as of July 31, 1946 together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by N. V. Handelmaatschappij A. W. Wätjen & Co., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That N. V. Handelmaatschappij A. W. Wätjen & Co. is controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is a national of a designated enemy country (Germany); and

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-10050; Filed, Nov. 17, 1948; 8:59 a. m.]

[Vesting Order 12284]

ALFRED HENKE

In re: Debt owing to the personal representatives, heirs, next-of-kin, legatees and distributees of Alfred Henke, deceased. F-28-6374-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next-of-kin, legatees and distributees of Alfred Henke, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The National City Bank of New York, 55 Wall Street, New York, New York, in the amount of $988.75, representing the net amount due and owing by the aforesaid The National City Bank of New York on ten (10) unredeemed The National City Bank of New York Traveler's Checks numbered and in the amounts as set forth below:

D-589573	$100	D-589578	$100
D-589574	100	D-589579	100
D-589575	100	D-589580	100
D-589576	100	D-589581	100
D-589577	100	D-589582	100

which The National City Bank of New York Traveler's Checks are presently in the custody of the aforesaid The National City Bank of New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next-of-kin, legatees and distributees of Alfred Henke, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next-of-kin, legatees and distributees of Alfred Henke, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 48-10051; Filed, Nov. 17, 1948; 8:59 a. m.]

[Vesting Order 12287]

ANNA MILLER AND WILLIAM SCHULDT

In re: Debts owing to Anna Miller, also known as Emma Miller, and William Schuldt. F-28-26364-C-1, F-28-25977-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Miller, also known as Emma Miller, whose last known address is Stralsunde Muhlen Str. 1 Pommern, Germany, and William Schuldt, whose last known address is Stralsund Tippollenhagen 5, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anna Miller, also known as Emma Miller, by the Trust Fund Committee of The Bank of Elmore Company, Elmore, Ohio, in the amount of $143.17, and those nine (9) checks drawn for payment thereof by the aforesaid Trust Fund Committee of The Bank of Elmore, payable to Anna Miller, also known as Emma Miller, dated and in the amounts as set forth below:

Date and Amount

Dec. 4, 1940	$11.93	Oct. 15, 1942	$11.93
Feb. 1, 1941	11.93	May 25, 1943	11.93
Apr. 28, 1941	11.93	Dec. 10, 1943	11.93
Nov. 29, 1941	11.93	Sept. 15, 1944	47.73
Mar. 20, 1942	11.93		

said checks presently in the custody of The Bank of Elmore Company, 147 E. Rice St., Elmore, Ohio, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and all rights in, to and under, including particularly the right to possession and presentation for collection and payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Miller, also known as Emma Miller, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation owing to William Schuldt by the Trust Fund Committee of The Bank of Elmore Company, Elmore, Ohio, in the amount of $143.17, and those nine (9) checks drawn for payment thereof by the aforesaid Trust Fund Committee of The Bank of Elmore, payable to William Schuldt, dated in the amounts as set forth below:

Date and Amount

Dec. 4, 1940	$11.93	Oct. 15, 1942	$11.93
Feb. 1, 1941	11.93	May 25, 1943	11.93
Apr. 28, 1941	11.93	Oct. 10, 1943	11.93
Nov. 29, 1941	11.93	Sept. 15, 1944	47.73
Mar. 20, 1942	11.93		

said checks presently in the custody of The Bank of Elmore Company, 147 E. Rice Street, Elmore, Ohio, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and all rights in, to and under, including particularly, the right to possession and presentation for collection and payment of the aforesaid checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, William Schuldt, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise

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dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10052; Filed, Nov. 17, 1948; 8:50 a. m.]

[Vesting Order 5528, Amdt.]

JOHN MICHAILOFF

In re: Estate of John Michailoff, deceased. File No. D-11-85; E. T. sec. 12960.

Vesting Order 5528, dated January 3, 1946, is hereby amended as follows and not otherwise:

By inserting immediately following the name Yonko Ivanoff, wherever said name appears in Vesting Order 5528, "also known as Yanko Evanoff Penoff," and the names "Denu Michailoff and Anna Michailoff Deneva."

All other provisions of said Vesting Order 5528 and all actions taken by or on behalf of the Alien Property Custodian or Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10061; Filed, Nov. 17, 1948; 9:01 a. m.]

THEODORE HERBERT CARTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Theodore Herbert Carter, New York, N. Y., 5959; $31,999.70 in the Treasury of the United States. Four United States Savings Bonds presently in the custody of the Safekeeping Department, Federal Reserve Bank of New York, described as follows: A United States Savings Bond Series D, due July 1, 1950 for the face amount of $1,000, in the name of Gertrude Wollstein. Two U. S. Savings Bonds Series E, due September 1, 1951 for the face amount of $1,000 each, in the name of Gertrude Wollstein. A U. S. Savings Bond Series G, due January 1, 1954 for the face amount of $1,000, in the name of the Attorney General.

Executed at Washington, D. C., on November 10, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10017; Filed, Nov. 16, 1948; 8:47 a. m.]

[Vesting Order 12316]

IDA MAIER

In re: Bank account owned by and debt owing to Ida Maier. F-28-7755-A-1, F-28-7755-E-½.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Maier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Ida Maier, by Bank of America, National Trust and Savings Association, 300 Montgomery Street, San Francisco 20, California, arising out of a savings account, account number 17307, entitled Ida Maier, maintained at the branch office of the aforesaid bank located at 783 Market Street, San Francisco 3, California, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Ida Maier, by Pacific States Savings and Loan Company and/or Frank C. Mortimer, Building and Loan Commissioner, 745 Market Street, San Francisco, California, in the amount of $1230.81, as of July 13, 1948, identified on the books of said company as Claim No. 9087, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and all rights in and under the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10056; Filed, Nov. 17, 1948; 9:00 a. m.]

[Vesting Order 12288]

SHIGEO NAKATANI

In re: Cash owned by Shigeo Nakatani. F-39-6289.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeo Nakatani, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $961.67, presently in the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Shigeo Nakatani, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10053; Filed, Nov. 17, 1948; 8:59 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 13 NUMBER 226

Washington, Friday, November 19, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 Cotton Loan Instructions, Supp. 4]

PART 256—COTTON LOANS

ADVANCE LOANS

The 1948 Cotton Loan Instructions (1948 C. C. C. Cotton Form 1) (13 F. R. 4338), as amended, are hereby further amended by adding § 256.243 to read as follows:

§ 256.243 *Advance loans.* (a) Commodity Credit Corporation (hereinafter called "CCC") will make advance loans available to producers on warehouse stored cotton in areas where producers are experiencing difficulty in securing loans under the regular 1948 Cotton Loan Program of CCC because of undue delay in the classification of their cotton by Boards of Cotton Examiners of the United States Department of Agriculture. Loans under the program will be available upon the terms and conditions stated in §§ 256.221 to 256.237, and § 256.240, except as follows:

(1) Loans will be available to producers only in those states and counties in which a determination has been made by the appropriate State PMA Committee that a need for the program exists and only during the period in which the Committee determines that the program is needed. Upon making a determination that the program is required, the State PMA Committee will notify the County Agricultural Conservation Committees (hereinafter called "county committees") for the counties in which the loans will be available. When the State PMA Committee determines that the program is no longer required, it will instruct the county committees to discontinue the program.

(2) In order to be eligible for a loan, cotton must not have been classed by a Board of Cotton Examiners and must otherwise meet the requirements specified in paragraph (b) of § 256.221.

(3) The amount of the loan on each bale will be $50.

(4) Loans may be obtained only through county committees. Producers who wish to obtain loans should take the warehouse receipts representing their cotton to the county committees, which will assist the producers in the preparation and execution of 1948 Cotton Producer's Note and Loan Agreements. Producers must execute a separate loan form for each bale of cotton on which a loan is obtained. The Warehouseman's Certificate and Storage Agreement thereon will not be executed by the warehouseman. The Clerk's Certificate thereon will be executed by an approved clerk employed by the county committee, and the county committee will collect a fee from the producer for its services at not to exceed the fee specified in § 256.227. The county committee will disburse the amounts of loans by issuing sight drafts on CCC.

(5) It is anticipated that producers will ordinarily repay their loans by converting them to loans under the regular 1948 Cotton Loan Program of CCC, as provided in paragraph (b) of this section. However, where a producer does not wish to follow this method, he may repay a loan by payment to the county committee from which the loan was obtained of the amount due on the loan. The producer's copy of the note must accompany the payment. The payment should be made by postal money order, cashier's check, or certified check, payable to "Commodity Credit Corporation." Upon receipt of payment, the county committee will mark the note "Paid" and return the note and warehouse receipt to the producer.

(b) When producers obtain the classification by a Board of Cotton Examiners of cotton on which they have received advance loans as provided in paragraph (a) of this section, they may obtain loans on such cotton under the regular 1948 Cotton Loan Program of CCC. The provisions of §§ 256.221 to 256.237, § 256.239, and § 256.240 will be applicable to such loans, except as follows:

(1) Loans may be obtained only through county committees. The producer must take his duplicate copies of the 1948 Cotton Producer's Note and Loan Agreements evidencing the advance loans on his cotton to the county committee from which the advance loans were obtained. The county committee will assist the producer in the preparation and execution of a 1948 Cotton Producer's Note and Loan Agreement to evidence the loan, and an approved clerk

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

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Title 50—Wildlife
Chapter I—Fish and Wildlife Service, Department of the Interior:
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employed by the county committee will execute the Clerk's Certificate thereon. If the producer is listed on the county debt register as indebted to the United States or any agency or corporation thereof, he shall designate such agency or corporation as the payee of the proceeds of the loan to the extent of such indebtedness. Indebtedness owing to CCC shall be given first consideration. Both copies of the loan form, the notes evidencing the advance loans on the cotton, and the warehouse receipts representing the cotton will be transmitted by the county committee to the State PMA committee. The county committee will collect a fee from the producer at the time loan documents are prepared for its services at not to exceed the fee specified in § 256.227.

(2) Upon receipt of loan documents as provided above, the State PMA Committees will disburse the loan proceeds in accordance with the directions of the producer contained in the loan form by issuance of sight drafts on CCC for the difference between the loan value of the cotton and the amount due on the advance loans on the cotton. The State PMA Committee will mark the notes evidencing the advance loans "Paid" and return the duplicate copy of the loan form to the producer. The producer should keep this duplicate copy for future use in repaying the loan or selling his equity in the cotton, which must be done in accordance with the provisions of paragraph (a) of § 256.237. (Sec. 302, 52 Stat. 43, as amended, sec. 4 (a), 55 Stat. 498, as amended, sec. 1 (b), 62 Stat. 1247, 62 Stat. 1070; 7 U. S. C. 1302, 15 U. S. C. 713a–8 (a))

Issued this 16th day of November 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48–10119; Filed, Nov. 18, 1948; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 903—MILK IN THE ST. LOUIS, MO., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the previous findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.); a public hearing was held on July 7 to 9, 1948, all dates inclusive, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. The recommended decision (13 F. R. 5337) was made by the Assistant Administrator of the Production and Marketing Administration on September 9, 1948, and the decision was made by the Secretary on November 9, 1948. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, in-

sure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make the amendment hereafter set forth effective by not later than November 18, 1948, so as to reflect current marketing conditions. Any delay beyond November 18, 1948, in the effective date of this amendment to the order, as amended, will seriously threaten the supply of milk for the St. Louis, Missouri, marketing area. The changes effected by this order amending the order, as amended, do not require substantial or extensive preparation by persons affected prior to the effective date. Accordingly it is concluded that good cause exists for making this amendment effective within less than 30 days after the date of publication. (Sec. 4 (c), Administrative Procedures Act, Pub. Law 404, 79th Cong., 60 Stat. 237)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the St. Louis, Missouri, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1948), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the period (.) at the end of § 903.4 (a) (1) and add the following: ": *Provided*, That from the effective date hereof to and including December 1948 the price of Class I milk shall be the price computed under subparagraph (3) of this paragraph, plus $1.81 per hundredweight; and for the delivery periods of January through March 1949 the price of Class I milk shall be the price computed under subparagraph (3) of this paragraph plus $1.33 per hundredweight.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued in Washington, D. C., this 15th day of November 1948, to be effective on and after the 18th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-10122; Filed, Nov. 18, 1948; 8:58 a. m.]

Chapter XXI—Organization, Functions, and Procedures

PART 2207—OFFICE OF PLANT AND OPERATIONS

DISCONTINUANCE OF CODIFICATION

NOVEMBER 9, 1948.

The codification of Part 2207 is hereby discontinued. Future amendments to descriptions of the organization and functions will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] ARTHUR B. THATCHER,
Chief,
Office of Plant and Operations.

[F. R. Doc. 48-10120; Filed, Nov. 18, 1948; 8:58 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter I of Title 8 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER.

1. The codification of Part 1, and §§ 60.1, 60.2, 90.1, 90.17, 90.49, and 90.50 is hereby discontinued. Future amendments to these provisions, which describe the organization of the Immigration and Naturalization Service, will appear in the Notices section of the FEDERAL REGISTER.

2. The headnote of Subchapter A is amended to read "General Provisions."

3. The headnote of Part 60 is amended to read "Field Officers; Powers and Duties."

4. The headnote of Part 90 is amended to read "Board of Immigration Appeals."

5. The codification of §§ 95.9, 175.63, and 177.62 is hereby discontinued.

WATSON B. MILLER,
Commissioner of
Immigration and Naturalization.

Approved: November 16, 1948.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 48-10090; Filed, Nov. 18, 1948; 8:49 a. m.]

TITLE 15—COMMERCE

Chapter V—Weather Bureau, Department of Commerce

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter V of Title 15 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. The codification of Part 500, "Creation of Agency," Part 501, "Purpose," Part 502, "Organization," Part 503, "Operational Procedure," and Part 504, "Weather Service," is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

2. Part 505, "Rules for Guidance of the Public," is redesignated Part 501, and §§ 505.1 to 505.6 thereunder as amended are redesignated §§ 501.1 to 501.6 respectively.

3. Part 506, "Award of Fellowships in Meteorology," is redesignated Part 502, and §§ 506.1 to 506.6 thereunder are redesignated to §§ 502.1 to 502.6, respectively.

[SEAL] F. W. REICHELDERFER,
Chief of Bureau.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-10041; Filed, Nov. 18, 1948; 8:55 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5667]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXCLUSION OF EARNINGS OF FOREIGN SHIPS AND AIRCRAFT FROM GROSS INCOME

On August 19, 1948, notice of proposed rule making regarding Public Law 514 (80th Congress), approved May 4, 1948, was published in the FEDERAL REGISTER (13 F. R. 4794). No objection to the rules proposed having been received, the following amendments are hereby adopted. Such amendments are necessary in order to conform Regulations 111 (26 CFR Part 29) to Public Law 514.

PARAGRAPH 1. There is inserted immediately preceding § 29.212–1 the following:

PUBLIC LAW 514 (80TH CONGRESS) APPROVED MAY 4, 1948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That (a) section 212 (b) of the Internal Revenue Code (relating to income of nonresident alien individuals) is hereby amended to read as follows:

(b) *Exclusions.* The following items shall not be included in gross income of a nonresident alien individual and shall be exempt from taxation under this chapter:

(1) *Ships under foreign flag.* Earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

(2) *Aircraft of foreign registry.* Earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

* * * * *

SEC. 2. The amendments made by this Act shall be applicable with respect to taxable years beginning after December 31, 1945.

PAR. 2. Section 29.212–2 is amended:

(A) By inserting in the heading after the words "foreign ships" the words "or aircraft", by inserting immediately before the first sentence the subheading "(a) Ships under foreign flag.", and by striking out the word "section" at the end of the first paragraph and inserting in lieu thereof the word "paragraph".

(B) By inserting at the end of such section the following new paragraph:

(b) *Aircraft of foreign registry.* For taxable years beginning after December 31, 1945, so much of the income from sources within the United States of a nonresident alien individual who at any time within the taxable year was engaged in trade or business within the United States as consists of earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States nonresident in such foreign country and to corporations organized in the United States, shall not be included in gross income. Foreign countries which either impose no income tax, or, in imposing such tax, exempt from taxation so much of the income of a citizen of the United States nonresident in such foreign country and of a corporation organized in the United States as consists of earnings derived from the operation of aircraft registered under the laws of the United States are considered as granting an equivalent exemption within the meaning of this paragraph.

A nonresident alien individual not engaged in trade or business within the United States at any time within the taxable year is not required to include in gross income such income from sources within the United States as is derived from the operation of aircraft, whether or not the foreign country under the laws of which such aircraft are registered meets the equivalent exemption requirement of the Internal Revenue Code.

PAR. 3. There is inserted immediately preceding § 29.231–1 the following:

PUBLIC LAW 514 (80TH CONGRESS) APPROVED MAY 4, 1948

* * * * *

(b) Section 231 (d) of the Internal Revenue Code (relating to income of foreign corporations) is hereby amended to read as follows:

(d) *Exclusions.* The following items shall not be included in gross income of a foreign corporation and shall be exempt from taxation under this chapter:

(1) *Ships under foreign flag.* Earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States;

(2) *Aircraft of foreign registry.* Earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

SEC. 2. The amendments made by this act shall be applicable with respect to taxable years beginning after December 31, 1945.

PAR. 4. Section 29.231–3 is amended:

(A) By inserting in the heading after the words "foreign ships" the following: "or aircraft".

(B) By inserting after the word "documented" appearing in the first and second paragraphs the following: "or aircraft registered".

(C) By inserting in the second paragraph after the words "ship or ships" the following "or aircraft".

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 15, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10094; Filed, Nov. 18, 1948; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—American Battle Monuments Commission

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform the material in this chapter to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the Regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER.

1. Codification of Subpart A—Organization, of Part 500, is discontinued. Future amendments to the statement of organization under section 3 (a) (1) of the Administrative Procedure Act will be published in the Notices section of the FEDERAL REGISTER. For the purpose of such amendments §§ 500.1–500.3 are redesignated sections 1–3.

2. Section 500.20 (a) is deleted.

3. The remainder of the material is transferred to Chapter IV of Title 36 and recodified as Parts 401–403 of that title, *infra.*

THE AMERICAN BATTLE MONUMENTS COMMISSION,
ROBERT G. WOODSIDE,
Acting Chairman.

[F. R. Doc. 48-10074; Filed, Nov. 18, 1948; 8:46 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 5, Amdt. 1]

PART 8305—SURPLUS REAL PROPERTY

War Assets Administration Regulation 5, July 30, 1948, entitled "Surplus Real Property" (13 F. R. 4736) is hereby amended as follows:

1. Paragraph (b) of § 8305.4 is amended as follows:

§ 8305.4 *Declarations.* * * *

(b) *Reservations, restrictions, conditions; industrial plants.* (1) In connection with the declaration of shipyards, plants, and equipment hereunder the Secretary of Defense may direct the imposition of such terms, conditions, restrictions and reservations on the disposal of the property as will, in his judgment, be adequate to assure the continued availability of such property for war production purposes as may be required in the interest of national defense.

(2) In the event the disposal agency is unable to dispose of any such industrial plant and equipment subject to such terms, conditions, restrictions, or reservations within a reasonable time, it shall notify the Secretary of Defense, indicating such modifications in the terms, conditions, restrictions, or reservations which, in its judgment, would make possible disposal of the plant. The Secretary of Defense shall thereupon either (i) consider and agree to any or all such proposed modifications; or (ii) direct the transfer of such plant or equipment in the manner prescribed in Public Law 883, 80th Congress.

2. Section 8305.6 is deleted.

3. Section 8305.10 is amended to read as follows:

§ 8305.10 *Revocable leases or permits.* A temporary lease or permit may be granted by the disposal agency having custody of the property to place surplus real property in productive use: *Provided*, That such lease or permit shall be made revocable on not to exceed thirty (30) days' notice by the disposal agency having jurisdiction of the property, and, *Provided further*, That the use and occupation will not interfere with, delay, or retard the disposition of the property. In such cases, an immediate right of entry to such property may be granted pending execution of the formal lease or permit. Unless otherwise authorized by the Administration, the lease or permit shall be for a consideration that is fair and reasonable under all the circumstances, with or without cash consideration, and shall be on such terms and conditions as are deemed appropriate to protect the interests of the United States. In the event the disposal agency has not assumed physical custody and control, and accountability, of the property at the time the permit is to be issued, the issuance of the permit and the grant of immediate right of entry shall be by the owning agency, upon prior written authorization of the Administration.

4. Paragraph (a) of § 8305.11 is amended to read as follows:

§ 8305.11 *Easements*—(a) *To owner of servient estate.* The disposal agency, or the owning agency in the event the disposal agency after the filing of an acceptable declaration has not assumed physical custody and control and accountability of the property at the time,

may, with or without consideration, dispose of an easement to the owner of the land which is subject to the easement when it is determined that the easement has no commercial value and is no longer needed: *Provided*, That, when any such easement was acquired for a substantial consideration such disposal shall be made at a consideration that is fair and reasonable under all the circumstances with due regard for any portion of the purchase price paid for severance damages.

5. Section 8305.20 is amended to read as follows:

§ 8305.20 *Civilian components of the armed forces.* Real property, including improvements and equipment located thereon, may be conveyed or disposed of to the State or local government, in which the property is located, without monetary consideration, except for reimbursement for any costs of disposal including surveys, expenses of removal of any machinery, equipment, or personal property not transferred as part thereof and any other incidental costs incurred by the disposal agency in connection with the transfer. Such transfers shall be made only upon application therefor by the Governor of the State in which the property is situated and upon a certification by such Governor and by the Secretary of the Army, Secretary of the Navy, or Secretary of the Air Force that such property is suitable and needed for use in training and maintaining a civilian component of the armed forces under such Governor's and Secretary's respective jurisdiction. Conveyances of property hereunder shall be made subject to the following terms and conditions:

(a) The property shall be used and maintained for the purpose for which it is conveyed for a period of twenty (20) years: *Provided*, That the Administration may prescribe such other period as it may deem proper in any case: *Provided further*, That in the event such property ceases to be used or maintained for such purpose during such twenty (20) year period or such period as may have been designated by the Administration, title to the property shall, in its then existing condition, and at the option of the War Assets Administration, or its successor, revert to the United States.

(b) Such other additional terms, reservations, restrictions, and conditions as may be included by the War Assets Administration.

6. Section 8305.24 is deleted.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); Reorg. Plan 1 of 1947 (12 F. R. 4534); Pub. Law 289, 80th Cong.; and Public Law 883, 80th Cong.)

This amendment shall become effective November 18, 1948.

JESS LARSON,
Administrator.

NOVEMBER 10, 1948.

[F. R. Doc. 48-10172; Filed, Nov. 18, 1948; 11:27 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

CHESTER RIVER, CRUMPTON, MD., AND BAYOU GROSSE TETE, GROSSE TETE, LA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.241 (f) is hereby amended by adding a subparagraph relating to the Maryland State Roads Commission bridge across Chester River at Crumpton, Maryland, and by combining the two subparagraphs relating to bridges across Grosse Tete Bayou, as follows:

§ 203.241 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the special regulations applicable in each case, are as follows:

• • • • •

Chester River, Md., Maryland State Roads Commission bridge at Crumpton, Md. (From November 1 to March 31, inclusive, between sunrise and sunset, at least six hours' advance notice required. During this period, between sunset and sunrise, the draw need not be opened for the passage of vessels. From April 1 to October 31, inclusive, the regulations contained in § 203.240 shall govern the operation of this bridge.)

• • • • • •

Bayou Grosse Tete, La.; The Texas and Pacific Railway Company bridge at Grosse Tete, and Louisiana Department of Highways bridge near Rosedale, La. (At least 48 hours' advance notice required.)

• • • • • •

[Regs. Oct. 26, 1948, 823.01—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10091; Filed, Nov. 18, 1948; 8:49 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 28—PHOTOGRAPHING

By virtue of the authority vested in the Governor by section 15 of title 2 of the Canal Zone Code, as added by act December 12, 1941 (ch. 569, 55 Stat. 798; 48 U. S. Code, sec. 1337), and having, in the interests of the protection of the Panama Canal and Canal Zone, determined that the parts or features of the Panama Canal and the areas, objects, installations, or structures within the Canal Zone, which are hereinafter described, require protection against the general dissemination of information relating thereto, I hereby prescribe the following regulations which shall take effect on August 20, 1948, and shall on that date supersede the Governor's regulations of July 31, 1942, as amended (35 CFR, Cum. Supp., Part 28) pertaining to the same subject:

Sec.
28.1 Areas, objects, or structures, the photographing, etc., of which is prohibited.
28.2 Photographing, etc., prohibited from airspace above Canal Zone.
28.3 "Competent authority" defined.
28.4 Exceptions as to activities in course of official duties.
28.5 Punishment for violations.

AUTHORITY: §§ 28.1 to 28.5 issued under Canal Zone Code, title 2, sec. 15, as added by Act Dec. 12, 1941, ch. 569, 55 Stat. 798, 48 U. S. C. 1337.

§ 28.1 *Areas, objects, or structures, the photographing, etc., of which is prohibited.* No person shall make any photograph, sketch, drawing, map, or graphical representation of any area, object, structure, or installation in the Canal Zone, which is posted by competent authority with signs prohibiting the photographing, et cetera, thereof, without first obtaining the permission of such competent authority and promptly submitting the product to such authority for such action as may be deemed necessary.

§ 28.2 *Photographing, etc., prohibited from airspace above Canal Zone.* No person shall make any photograph, sketch, drawing, map, or graphical representation of any area in the Canal Zone from the airspace above the Canal Zone, without first obtaining permission from competent authority and promptly submitting the product to such authority for such action as may be deemed necessary.

§ 28.3 *"Competent authority" defined.* The "competent authority" referred to in the regulations in this part shall be the Governor of The Panama Canal, or, if the area, object, structure, or installation involved is within any Army, Naval or Air Force reservation, the officer commanding the respective forces of the U. S. Army, U. S. Navy or U. S. Air Forces (in the Canal Zone) or any officer responsible for the security of the area, object, structure or installation involved.

§ 28.4 *Exceptions as to activities in course of official duties.* None of the provisions of the regulations in this part shall apply to activities which are conducted or performed by persons in the service or employ of the United States in the course of their official duties or which may be specifically authorized by or under the direction of the Commander-in-Chief, Caribbean, the Governor of The Panama Canal, or competent Army, Navy, or Air Force authority.

§ 28.5 *Punishment for violations.* Any person who shall violate any of the regulations established hereby shall be punishable, as provided in section 15 of title 2, Canal Zone Code, by a fine of not more than $1,000, or by imprisonment in jail for not more than one year, or by both.

F. K. NEWCOMER,
Governor.

AUGUST 16, 1948.

[F. R. Doc. 48-10076; Filed, Nov. 18, 1948; 8:47 a. m.]

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter F—Personnel

TRANSFER AND REVISION OF REGULATIONS

The material contained in Chapter VII of Title 10 is hereby revised and transferred to Chapter V, Title 34, and is redesignated Subchapter F, Parts 570 through 582, as follows:

Part
570 Army nurses, dietitians, and physical therapy aides.
571 Recruiting for the Regular Army and Air Force.
572 Contract surgeons and civilian veterinarians.
573 Appointment of commissioned officers, warrant officers, and chaplains.
575 Admission to the United States Military Academy.
576 Care and disposition of the psychotic.
577 Medical and dental attendance.
578 Decorations, medals, ribbons, and similar devices.
580 Women's Army Corps.
581 Personnel Review Boards.
582 Discharge or separation from service.

PART 570—ARMY NURSES, DIETITIANS, AND PHYSICAL THERAPY AIDES

ARMY NURSE CORPS

Sec.
570.1 Army Nurse Corps, Regular Army.
570.2 Army Nurse Corps Section, Officers' Reserve Corps.
570.3 Applicability of other laws and regulations.

WOMEN'S MEDICAL SPECIALIST CORPS

570.21 Composition.
570.22 Mission.
570.23 Appointment and grade.
570.24 Qualifications for commission.
570.25 Applicability of other laws and regulations.
570.26 Reserve Corps.

AUTHORITY: §§ 570.1 to 570.26 issued under 61 Stat. 41, 501; 10 U. S. C. 166–166e, 374–377.
DERIVATION: AR 40-20, Apr. 22, 1948; AR 40-25, Jan. 22, 1948.

ARMY NURSE CORPS

§ 570.1 *Army Nurse Corps, Regular Army—(a) Establishment.* There is established in the Medical Department of the Regular Army an Army Nurse Corps, which shall consist exclusively of qualified female citizens who shall perform such services as may be prescribed by the Secretary of the Army.

(b) *Appointment and grade.* Officers in the Army Nurse Corps, Regular Army, shall be in the grades of second lieutenant to lieutenant colonel, inclusive. Initial Regular Army appointment will be made in the permanent grade of second lieutenant from among personnel holding a commissioned grade in the Army Nurse Corps Reserve.

(c) *Qualifications for commission.* To be eligible for an original appointment in the Army Nurse Corps, an applicant must meet the following requirements:

(1) A female citizen of the United States.

(2) Age 21 to 27, inclusive, on the date of nomination by the President.

(3) A registered nurse licensed by a board of examiners from a State or Territory, a minimum of graduation from an accredited high school giving a 4-year academic course and a graduate of a school of nursing approved by The Surgeon General.

(4) Qualified to meet the physical standards set forth in Army Regulations.

(5) Receive a passing grade on technical examination.

(6) Be unmarried and without dependents under 14 years of age.

§ 570.2 *Army Nurse Corps Section, Officers' Reserve Corps—(a) Establishment.* An Army Nurse Corps Section shall be established in the Officers' Reserve Corps of the Army of the United States. See act 16 April 1947 (Pub. Law 36, 80th Cong.).

(b) *Grades.* Army Nurses appointed pursuant to the act of 22 June 1944 (58 Stat. 324) and honorably separated from the service thereafter may, if otherwise qualified, be appointed in the Army Nurse Corps Section of the Officers' Reserve Corps in the highest grade satisfactorily held by them in active service. Nurses without prior military service originally appointed in the Army Nurse Corps Section of the Officers' Reserve Corps may be appointed in the appropriate grade for which they qualify up to and including lieutenant colonel, in accordance with current directives.

(c) *Period of appointment.* Appointment in the Officers' Reserve Corps will be for a period of 5 years, with privilege of renewal of commission.

(d) *Active duty.* In addition to the obligation to render active service now or hereafter, a member of the Army Nurse Corps, Reserve, may with her consent, be called to active duty by the Secretary of the Army for any period or periods of time according to the needs of the Military Establishment, as determined by the Secretary of the Army.

§ 570.3 *Applicability of other laws and regulations.* Except as otherwise specifically provided or manifestly inappropriate by reason of sex or duties, all laws and regulations now or hereafter applicable to commissioned officers or former commissioned officers of the Regular Army and Officers' Reserve Corps, and to their dependents and beneficiaries, shall in like cases be applicable respectively to commissioned officers or former commissioned officers of the Army Nurse Corps, Regular Army, the Army Nurse Corps Section, Officers' Reserve Corps, and their dependents and beneficiaries. See sections 109 and 115, Public Law 36—80th Congress.

WOMEN'S MEDICAL SPECIALIST CORPS

§ 570.21 *Composition.* The Women's Medical Specialist Corps shall consist of a Dietitian Section, a Physical Therapist Section, and an Occupational Therapist Section, and shall be comprised exclusively of qualified female citizens of the United States.

§ 570.22 *Mission.* The mission of the Women's Medical Specialist Corps is to provide proper dietetic, physical therapy, and occupational therapy services for the Medical Department of the Army.

§ 570.23 *Appointment and grade.* Officers in the Women's Medical Specialist Corps, Regular Army, shall be in the grades of second lieutenant to major, inclusive. Initial appointment will be made in the grade of second lieutenant, from members of the Reserve Corps.

§ 570.24 *Qualifications for commission.* To be eligible for original appointment in the Women's Medical Specialist Corps, an applicant must meet the following qualifications:

(a) *Citizenship.* Female citizen of the United States.

(b) *Age.* Twenty-one to 27 years, inclusive.

(c) *Marital status.* Single, widowed, or divorced, and without dependents under 14 years of age.

(d) *Physical requirements.* The type of physical examination required of applicants and the physical standards for appointment are set forth in Army Regulation (AR 40–100 and AR 40–105).

(e) *Educational requirements* — (1) *Dietitian Section.* Applicant must have a bachelor's degree from an approved college or university with either a major in foods and nutrition or in institution management, and have completed a dietetic internship approved by The Surgeon General.

(2) *Physical Therapist Section.* Applicant must be a graduate of an approved college or university with major emphasis in physical education or biological science, and of a training course in physical therapy approved by The Surgeon General.

(3) *Occupational Therapist Section.* Applicant must be a graduate of an approved college or university, and of a training course in occupational therapy approved by The Surgeon General.

(f) *Professional requirements.* Satisfactory completion of technical examination, as prescribed by The Surgeon General.

§ 570.25 *Applicability of other laws and regulations.* Except as otherwise specifically provided, all laws now or hereafter applicable to male commissioned officers of the Regular Army, to former male commissioned officers of the Regular Army, and to their dependents and beneficiaries, shall in like cases be applicable respectively to commissioned officers of any of the Corps established by the Army-Navy Nurses Act of 1947, and to their dependents and beneficiaries.

§ 570.26 *Reserve Corps.* (a) A Women's Medical Specialist Corps Section, consisting of dietitians, physical therapists, and occupational therapists, shall be established in the Officers' Reserve Corps of the Army of the United States (Pub. Law 36, 80th Cong.). Implementation will be accomplished by Department of the Army circulars.

(b) Except as otherwise specifically provided, all laws and regulations applicable to commissioned officers and former commissioned officers of the Officers' Reserve Corps, and to their dependents and beneficiaries, shall, in like cases, be applicable respectively to commissioned and former commissioned officers of the Women's Medical Specialist Corps Section of the Officer's Reserve Corps.

PART 571—RECRUITING FOR THE REGULAR ARMY AND AIR FORCE

Sec.
571.1 Qualifications for enlistment.
571.2 Period and grades.
571.3 Assignment.
571.4 Transportation.

AUTHORITY: §§ 571.1 to 571.4 issued under 41 Stat. 765; 10 U. S. C. 42.

DERIVATION: D. A. Cir. 66, A. F. letter 35–114, Mar. 12, 1948.

§ 571.1 *Qualifications for enlistment*—(a) *Enlistments and reenlistments, Regular Army and Air Force.* Enlistments and reenlistments for the Regular Army and Air Force will be accomplished in accordance with the provisions of this part and other instructions from the Department of the Army and the Department of the Air Force.

(b) *Definition.* The term "enlistment" as used in this part, unless otherwise specified, includes reenlistment of Regular Army and Air Force personnel, enlistment of former Army of the United States personnel, and original enlistment of personnel without prior Army or Air Force service.

(c) *Age.* The age qualifications for enlistment are:

(1) Seventeen to 34 years inclusive, except as provided below.

(2) Thirty-five years and over but less than 55 years of age, for those men who have had a minimum of 3 years prior active service in the Army, Navy, Air Force, Marine Corps, or Coast Guard (at least 3 months of which must have been Army or Air Force service) terminated by honorable or general discharge, other than under the provisions of Army regulations pertaining to unfitness, inaptitude, or unsuitability (AR 615–368, or 615–369), provided their age, at the time of application for such enlistment, is not greater than 35 plus the length of their prior active Federal service in completed years of honorable service.

(3) For every applicant for enlistment from civilian life who states his age as being under 21 years, or whose personal appearance belies a claim of greater age, the recruiting officer will verify age by requiring the applicant to present a birth certificate or by communicating with the appropriate State Registrar of Vital Statistics.

(4) An applicant who is 17 years of age but has not reached his 18th birthday will be required to furnish written consent of his parents or guardian. If he has neither parents nor guardian, a statement to that effect will be included under "Remarks" on the enlistment record. The written consent will conform to the following:

(i) It will be signed by both parents, but the consent of one parent may be accepted if the other is absent for an extended period of time. Enlistment is not authorized if either party objects.

(ii) The parents or guardian will be required to include a statement of date of birth of the applicant in document giving their consent to his enlistment; also a statement as to length of enlistment for which consent is granted.

(iii) The consent will not include any written or oral qualifications relative to allotments of pay, special training, or service in any particular arm or service or at a certain post or locality.

(iv) If the parents are not personally known to the recruiting officer, he may require verification of signature by a witness known to him, or in absence of such, by notarization. The latter practice will be used only as a final resort.

(v) The original and duplicate of parents' consent will be signed.

(vi) The written consent will be fastened securely to the original and duplicate enlistment records.

(5) Men last discharged from the Army or the Air Force with an honorable discharge or general discharge may be enlisted in the Regular Army or Air Force within 90 days after the date of such discharge, without regard to the maximum age restrictions prescribed in subparagraphs (1), (2), (3), and (4) of this paragraph.

(d) *Citizenship.* A male applicant who is otherwise qualified may be enlisted if he is:

(1) A citizen of the United States.

(2) An alien who can present written evidence that he has made legal declaration of his intention to become a citizen of the United States.

(3) A Puerto Rican who presents satisfactory evidence that he has permanently changed his residence to the continental United States.

(4) An insular Puerto Rican native resident is authorized to enlist in Puerto Rican units of the Regular Army in the Caribbean Defense Command only, under special instructions issued by the Department of the Army.

(5) A Filipino who is a United States citizen.

(e) *Physical qualifications.* Applicants for enlistment must meet fully the physical qualifications for general military service, except that:

(1) *Men serving in an enlisted status.* In especially deserving cases the commanding general of the army or oversea command (or the Chief of Staff, United States Air Force, in the case of Air Force enlistees) may waive physical defects down to the minimum standard of limited military service.

(2) *Men enlisted from civilian life.* Commanding generals of armies or oversea commands may waive physical defects of applicants with prior military service enlisting from civilian life down to the minimum standards for limited military service. In addition, commanding generals of armies or oversea commands may grant waivers for those applicants for enlistment without prior military service, who do not meet the minimum weight requirements for general military service. Commanding generals of armies or oversea commands will not grant waivers for physical defects of applicants without prior military service (other than for weight), or for applicants last discharged by reason of certificate of disability for discharge. Physical waivers other than those specifically provided in this paragraph will be granted only by The Adjutant General in the case of Army enlistees and by the Chief of Staff, United States Air Force, in the case of Air Force enlistees. All requests for waivers of physical defects will be accompanied by report of enlistment physical examination recorded on an enlistment record.

(f) *Classes ineligible for enlistment.* The following personnel are ineligible for enlistment unless the disability or defect is waived as indicated below. Those disabilities or defects for which authority to grant waivers is not listed below will be waived only by The Adjutant General in the case of Army enlistees and by the Chief of Staff, United States Air Force, in the case of Air Force enlistees. Requests for waivers will be forwarded only in those cases which, as a result of complete investigation, the recruiting officer determines to be especially meritorious.

(1) Aliens, except those who have made legal declaration of their intent to become a United States citizen (see paragraph (d) (2) of this section). No waivers will be granted.

(2) Applicants who are over age. The commanding general of each army (ZI) and each oversea command is authorized to grant age waivers to otherwise qualified and desirable applicants for enlistment in the Regular Army only, who have 6 months or more prior active Federal Army or Air Force service provided their age does not exceed 37 plus the number of years of such prior active service.

(3) Men last separated from any branch of the armed forces with other than an honorable discharge or a general discharge, with the exception of general prisoners authorized to enlist under current Department of the Army directives.

(4) Men last discharged under the provisions of AR 615–368 (unfitness) or AR 615–369 (inaptitude or unsuitability). No waivers will be granted.

(5) Men last discharged by reason of physical disability and those who fail to meet the prescribed physical qualifications. Requests for waivers of physical defects will be accompanied by complete report of enlistment physical examination.

(6) Men last discharged by reason of dependency or hardship, unless the cause for which discharged has been removed.

(7) Insane or intoxicated persons. No waivers will be granted.

(8) Deserters and felons. The Adjutant General may authorize the enlistment of deserters in the Regular Army in especially meritorious cases. In such cases investigations will be made and evidence, including letters from at least three reputable citizens who are acquainted with the individual, will be submitted through channels to The Adjutant General to prove that each case is a meritorious one and that an exception should be made. No waivers will be granted for Air Force enlistees.

(9) Men who have been imprisoned under sentence of civil court for other than a felony. The commanding general of each army is authorized to waive this disqualification in the case of applicants for enlistment within the army area who have served only short sentences for minor offenses, but only if in the opinion of the commanding general the applicant will be an asset to the service. A record of adjudication of conduct by a juvenile court in the State of Ohio or by a juvenile court of any other State having a similar law is not a bar to enlistment under section 1118, Revised Statutes. No waivers will be granted for Air Force enlistees.

(10) Men who have criminal charges filed and pending against them alleging a violation of a State, Federal, or Territorial statute but as alternative to further prosecution, indictment, trial, or incarceration for such violation, are granted by a court, a release from the charge on the condition that they apply and are accepted for enlistment in the Regular Army or Air Force. No waivers will be granted.

(11) Men under parole or probation from any civil court. No waivers will be granted.

(12) Men having frequent difficulty with law enforcement agencies, criminal tendencies, a long history of antisocial behavior, questionable moral character, or traits of character which render them unfit to associate with other men. The commanding general of each army (after complete investigation through local law enforcement agencies), may waive this disqualification for Regular Army enlistees. No waivers will be granted for Air Force enlistees.

(13) Men who have an active or chronic venereal disease. No waivers will be granted.

(14) Men who apply for enlistment from civilian life and who claim prior honorable service in the armed forces, but who are unable to produce their discharge certificate or other written evidence of last active service, until verification of such service is received from The Adjutant General.

(15) Enlisted men attending officer-candidate schools. Upon relief from officer candidate schools, having failed to achieve graduation and appointment, former candidates may be discharged and enlisted as provided herein.

(16) Applicants from civilian life who fail to meet the prescribed mental requirements. No waivers will be granted.

(17) Men who are illiterate. No waivers will be granted.

(18) Men discharged from the Army, Navy, Air Force, Marine Corps, or Coast Guard whose total time lost under Article of War 107 (or time lost under similar circumstances in the Navy, Coast Guard, or Marine Corps) was 60 days or more in the case of Army enlistees, or 30 days or more in the case of Air Force enlistees, during their last period of enlistment or period of active service.

(19) Men who have made application for retirement. No waivers will be granted.

(20) Any man receiving disability pension, compensation, or retirement pay benefits from the Veterans' Administration, unless such pension, compensation, or retirement pay is waived by the individual at the time of enlistment.

(21) Any man who is on a retired status from the Regular Army, whether retired for disability or length of service.

(22) Any man receiving retired or retainer pay from the Navy, Marine Corps, or Coast Guard. No waivers will be granted.

(23) For the Air Force only, married men without prior service, except those qualified for enlistment in one of the first three grades under Air Force directives. No waivers will be granted.

(24) Men last discharged under the provisions of paragraphs 4a or b, or 6, AR 615–367 (Resignation).

§ 571.2 *Period and grades*—(a) *Period of enlistment.* (1) Enlistments are authorized in the Regular Army for 2, 3, 4, 5, or 6 years, and in the Air Force for 3, 4, 5, or 6 years, at the option of the individual enlisting. ("Enlistments" as used in this paragraph will mean enlistment in the Regular Army or Air Force, of any man who has not heretofore served in the Regular Army or Air Force.)

(2) Reenlistments are authorized for 3, 4, 5, or 6 years at the option of the individual reenlisting. ("Reenlistment" as used in this paragraph will mean reenlistment in the Regular Army or Air Force, of any man who has previously served in the Regular Army or Air Force regardless of time previous service was performed.)

(b) *Grades in which enlisted; former enlisted men and individuals with no prior service*—(1) *Grade in which enlisted.* Applicants for enlistment in the Regular Army or Air Force will be enlisted in the grades specified below:

(i) Individuals honorably discharged from the Army or the Air Force, except those men discharged under the provisions of AR 615–367 (Resignation) may enlist in the grade held at time of such discharge, provided they enlist for 3, 4, 5, or 6 years within 90 days from date of last discharge. (Reservists recalled to active duty for training purposes are not eligible for enlistment under the provisions of this subdivision even though enlistment is accomplished within 90 days from date of separation from such active duty training status. Reservists recalled to extended duty, as distinguished from training, are eligible for enlistment in a grade to be determined by the appropriate army commander, or the Chief of Staff, United States Air Force, not lower than that authorized by WD Pamphlet 12–16, nor higher than that held at date of release from active duty, provided enlistment is accomplished within 20 days after date of release from active duty.)

(ii) Certain applicants who are not eligible to enlist in the Regular Army or Air Force in a grade higher than the seventh grade under the provisions of subdivision (i) of this subparagraph, may be enlisted in grades commensurate with their prior training and experience as specifically authorized in WD Pamphlet 12–16, except that enlistments of individuals last discharged under the provisions of paragraph 3, AR 615–367, will be accomplished in a grade which is at least one grade lower than that held at time of last discharge.

(iii) Individuals who have had satisfactory active service in the Army, Navy, Air Force, Coast Guard, or Marine Corps of at least 4 months and who are otherwise qualified and acceptable, if not eligible to enlist in a higher grade, will be enlisted in grade six.

(iv) All other applicants, including those last discharged under the provisions of paragraph 5, AR 615–367, except as authorized in paragraph (c) of this section, will be enlisted in grade seven.

(2) *Date of rank.* Men enlisted in grades higher than grade seven, under the provisions of subparagraph (1) (i) of this paragraph, will be given the same date of rank as that held at the time of discharge from active service.

(c) *Grades in which enlisted: former officers, warrant officers, and flight officers*—(1) *Grade in which enlisted.* (i) An applicant for enlistment whose last period of active service in the Army or the Air Force was in the status of commissioned officer or warrant officer, whose release from such status was under honorable conditions, and who enlists for 3, 4, 5, or 6 years within 90 days from date of release from active service, will be enlisted in grade one, except as prescribed in (a), (b), or (c) of this subdivision. (Reservists recalled to active duty for training purposes are not eligible for enlistment under the provisions of this subparagraph even though enlistment is accomplished within 90 days from date of separation from such active duty training status.)

(a) An applicant for enlistment whose last period of active service was in the status of commissioned officer or warrant officer, if enlistment in the Air Force is desired, will be enlisted in a grade to be prescribed by the Chief of Staff, United States Air Force.

(b) In addition to the exception cited in (a) of this subdivision, an applicant for enlistment whose last period of service was in the status of a commissioned officer or warrant officer in the Air Force, if enlisted for assignment other than Air Force is desired, will be enlisted in a grade to be prescribed by the appropriate army commander or head of administrative or technical service concerned. (This does not apply to commissioned officers and warrant officers of the Army on duty with the Air Force.)

(c) In addition to the exceptions cited in (a) and (b) of this subdivision, an applicant whose last period of active service in the status of a commissioned officer or warrant officer commenced subsequent to March 22, 1948, is not eligible for enlistment in grade one under this authority. Enlistment grade will be determined as prescribed in subdivision (ii) of this subparagraph.

(ii) An applicant for enlistment whose last period of active service in the Army or the Air Force was in the status of commissioned officer, warrant officer, or flight officer, whose release from such status was under honorable conditions, and who is not eligible to enlist under the provisions of subdivision (i) of this subparagraph, may be enlisted in a grade commensurate with his prior training and experience as specifically authorized in Army or Air Force directives.

(2) *Reenlistment of men who served on active duty as Reserve officers or who were discharged to accept commissions as officers or appointment as warrant officers.* (i) Any enlisted man of the Regular Army who serves on active duty as a reserve officer of the Army of the United States or who is discharged to accept a commission in the Army of the United States, will be entitled to reenlist in the

Regular Army or Air Force in the permanent grade held in the Regular Army immediately preceding such commissioned service, provided application for reenlistment is made within 6 months after termination of such commissioned service.

(ii) Any enlisted man of the Regular Army who is discharged to accept a temporary appointment as a warrant officer in the Army of the United States will be entitled to reenlist in the Regular Army or Air Force in the permanent grade held in the Regular Army immediately preceding such warrant officer service, provided application for reenlistment is made within 6 months after termination of such warrant officer service.

(iii) Any enlisted man of the Regular Army who is discharged to accept a temporary appointment as a warrant officer in the Army of the United States, and such temporary appointment as a warrant officer is terminated to accept a commission in the Army of the United States, will be entitled to reenlist in the Regular Army or Air Force in the permanent grade held in the Regular Army immediately preceding such warrant officer service, provided application for reenlistment is made within 6 months after termination of such commissioned service.

(iv) Former Regular Army enlisted men who held specialist ratings in the Regular Army immediately preceding the commissioned or warrant officer service will be reenlisted in grades indicated in the conversion table below, if they apply for reenlistment within the time limits specified in subdivisions (i), (ii) and (iii) of this subparagraph, and are otherwise qualified:

Old grade and rating	*Reenlistment grade*
Private first class, specialist first class	Technician, fourth grade, or sergeant.
Private, specialist first class	Do.
Private first class, specialist second class	Do.
Private, specialist second class	Do.
Private first class, specialist third class	Technician, fifth grade, or corporal.
Private, specialist third class	Do.
Private first class, specialist fourth class	Do.
Private, specialist fourth class	Private, first class.
Private first class, specialist fifth class	Private.
Private, specialist fifth class	Private, first class.
Private first class, specialist sixth class	Private.
Private, specialist sixth class	

(v) Conditions governing enlistments under subdivisions (i), (ii), (iii), and (iv) of this subparagraph are as follows:

(*a*) Active service as a commissioned officer or temporary warrant officer terminated honorably.

(*b*) Without regard to any physical disqualification incurred, or having its inception, while on active duty in line of duty.

(*c*) Without regard to whether or not a vacancy exists in the appropriate enlisted grade.

(*d*) All duty as a commissioned or warrant officer in the Army of the United States or any component thereof will be counted as service for all purposes.

§ 571.3 *Assignment*—(a) *Three-, four-, five-, or six-year enlistees; choices of service.* Individuals who enlist in the Regular Army or Air Force for 3-, 4-, 5-, or 6-year periods are authorized certain choices of service published in memorandums issued from time to time by The Adjutant General.

(b) *Enlistment for period less than 3 years.* Individuals who enlist in the Regular Army for any period less than 3 years will not be given a choice of assignment and will be enlisted in the Regular Army Unassigned, except in the case of specially recruited personnel where 2-year enlistments are authorized.

§ 571.4 *Transportation*—(a) *Transportation of accepted applicants.* (1) Transportation at Government expense from place of acceptance to designated place of enlistment will be furnished to an applicant only when he has been tentatively accepted for enlistment.

(2) Return transportation at Government expense to point of acceptance will be furnished only to applicants for enlistment who are rejected upon final examination; *Provided, however,* That return transportation will not be furnished to an applicant for enlistment who is rejected because of disqualification concealed by him at time of acceptance as an applicant.

(b) *Transportation of dependents and/or shipment of household goods.* Enlisted personnel of the first three grades are not entitled to transportation of dependents and enlisted personnel of the first four grades are not entitled to shipment of household goods at Government expense by virtue of discharge granted for the purpose of effecting immediate reenlistment in the Regular Army or Air Force. However, a discharge for the purpose of immediate reenlistment in the Regular Army or Air Force on the day following discharge is not considered a break in active service, so far as such personnel's right to transportation of dependents and/or shipment of household goods is concerned. Such personnel are, therefore, entitled to transportation of dependents and/or shipment of household goods at Government expense where a permanent change of station is involved in connection with reenlistment. Movement of dependents and household goods under such circumstances is also authorized from the place to which dependents were transported or the place at which household goods were stored pursuant to the act of 5 June 1942 (56 Stat. 315; 50 U. S. C. 764), to his present or subsequent permanent duty station. Personnel who enlist after a break in service are excluded from any of the foregoing benefits which accrue to them prior to their discharge.

PART 572—CONTRACT SURGEONS AND CIVILIAN VETERINARIANS

CONTRACT SURGEONS

Sec.
572.1 Authority to employ.
572.2 Duties and privileges.
572.3 Pay and allowances.
572.4 Qualifications.
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EMPLOYMENT AND COMPENSATION OF CIVILIAN VETERINARIANS

572.6 General.
572.7 Compensation for veterinary attendance.
572.8 Compensation for tests and inoculations.
572.9 Compensation for physical examinations.
572.10 Civilian veterinarian practicing on military reservation.

AUTHORITY: §§ 572.1 to 572.10 issued under R. S. 161, 31 Stat. 752; 5 U. S. C. 22; 10 U. S. C. 107.

DERIVATION: AR 40-30, Sept. 1, 1942; AR 40-2030, Aug. 31, 1942.

CONTRACT SURGEONS

§ 572.1 *Authority to employ.* In emergencies civilian physicians may be employed as general (full-time) or special (part-time) contract surgeons under contracts entered into by the commanding generals of service commands for all installations and establishments under their control and in all other cases by The Surgeon General with the approval of the Secretary of the Army.

§ 572.2 *Duties and privileges.* The professional and administrative duties of a contract surgeon are the same as those of an officer of the Medical Corps, except in so far as they are limited by the fact that the contract surgeon does not perform his functions by virtue of military rank or commission. They are entitled to the same protection in their positions, and to the same respect and obedience as are commissioned officers. They are not eligible for detail on courts-martial, but may be detailed on councils of administration and other administrative boards. When subject to military law they may prefer charges.

§ 572.3 *Pay and allowances.* A contract surgeon serving full time receives the same pay and allowances for subsistence and rental as are authorized for officers serving in the second pay period, and is entitled to travel allowances when traveling under proper orders, and to leave of absence as provided for commissioned officers. A contract surgeon serving part time receives only the compensation specifically stipulated in his special contract.

§ 572.4 *Qualifications.* To be eligible for employment as a contract surgeon, the candidate must be a graduate of a reputable medical school legally authorized to confer the degree of M. D., and a licensed practitioner of medicine in good standing at the time the contract is made. He must also possess satisfactory moral, professional, and physical qualifications.

§ 572.5 *Contracts.* It is the policy of the Department of the Army to make or authorize general (full-time) contracts only under exceptional circumstances and upon a full representation of the necessity therefor.

EMPLOYMENT AND COMPENSATION OF CIVILIAN VETERINARIANS

§ 572.6 *General.* (a) When veterinary treatment, including medicine, nursing, and hospital care, is required for a public animal or an authorized private mount actually owned by an officer, and such care and treatment cannot otherwise be had, the commanding officer, on recommendation of the surgeon, may employ the necessary civilian service, and just accounts therefor will be paid from Medical Department appropriations.

(b) Accounts for consultation will not be allowed except in extraordinary cases.

(c) Surgical appliances will be paid for only upon satisfactory evidence of their necessity, and such evidence, except in cases of emergency, should be submitted to the commanding general of the service command for his approval before purchase.

§ 572.7 *Compensation for veterinary attendance.* (a) The compensation allowed to civilian veterinarians for veterinary attendance on public account at garrisoned stations will not exceed the following rates and, if the local charge per visit is less, the account will be rendered at the local rates:

(1) For attending veterinary sick call, five patients, or less, $4.00.

(2) For each patient in excess of five, 50 cents.

(3) For each additional visit to post or sick call on same day, when necessary, $4.00.

(b) Accounts arising at stations under exceptional circumstances, all accounts arising at other places, and accounts for special surgical services will be allowed at reasonable rates approved by the commanding general of the service command.

(c) When there is a large sick report and the service will be required for an extended period, application will be made to the commanding general of the service command for authority to employ a veterinarian by the month.

§ 572.8 *Compensation for tests and inoculations.* (a) The compensation allowed to civilian veterinarians for the administration of the intradermic mallein test for glanders (the only test authorized), the administration of tetanus toxoid, and encephalomyelitis vaccine to public animals or authorized private mounts, for shipment or other purposes when authorized by regulations or orders, will be at the following rates:

	Administration of tests and inoculation	One or more trips to read tests and complete other inoculations
Veterinarian not required to make a special visit:		
1 animal	$0.75	
Each additional animal on same day	.50	
Veterinarian required to make a special visit:		
1 animal	3.25	$3.00
Each additional animal on same day	.50	

(b) Additional compensation, irrespective of the number of animals tested, will be allowed for one return visit at the rate shown in column two of the table in paragraph (a) of this section only when a special visit is necessary for reading the test or completing the inoculation. In cases of doubt, such additional return visits as may be necessary to enable the veterinarian to sign the required veterinary health certificate will be made, but no compensation will be allowed for such additional visits.

(c) No civilian veterinarian will be employed to apply mallein test or to read it who is not legally authorized to apply the mallein tests by the Federal authorities or the authorities of the State in which the test may be required.

§ 572.9 *Compensation for physical examinations.* The compensation allowed to civilian veterinarians for the physical examination of public animals or authorized private mounts will be at the rates shown in the following table. Physical examinations referred to herein are authorized only when animals are being changed from one station to another or upon separation from the service.

	Physical examination
Veterinarian not required to make a special visit:	
1 animal	$0.50
Each additional animal on the same day	.50
Veterinarian required to make a special visit:	
1 animal	3.00
Each additional animal on the same day	.50

§ 572.10 *Civilian veterinarian practicing on military reservation.* A civilian veterinarian desiring to practice veterinary medicine on a military reservation must register his name with the post commander and must agree in writing to observe the rules and regulations relative to the protection of the command against communicable diseases that may be in force at the time or that may be promulgated thereafter.

Whenever a civilian veterinarian is summoned to take charge of a case of disease in any animal at a garrisoned station or in the possession of officers or enlisted men or civilian employees on duty thereat, the person responsible for the animal will at the same time inform the commanding officer, who will notify the station veterinarian or, in the absence of a veterinary officer, the station surgeon.

It will thereafter be the duty of the station veterinarian or, in the absence of a veterinary officer, the station surgeon, to ascertain if possible from the attending veterinarian or by personal examination of the patient, if deemed necessary, the nature of the disease and, if it proves to be communicable and a source of danger to the command, he will assume supervision of the case and will be responsible for all measures of isolation, prevention, and disinfection. The station veterinarian or surgeon will in all cases report the nature of the disease to the post commander in order that the latter may, if the interests of the service demand it, require the patient to be placed under charge of the veterinarian or surgeon.

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

APPOINTMENT IN MEDICAL, DENTAL, VETERINARY MEDICAL SERVICE, ARMY NURSE, AND WOMEN'S MEDICAL SPECIALIST CORPS, REGULAR ARMY

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APPOINTMENT OF CHAPLAINS IN REGULAR ARMY

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APPOINTMENT IN MEDICAL, DENTAL, VETERINARY, MEDICAL SERVICE, ARMY NURSE, AND WOMEN'S MEDICAL SPECIALIST CORPS, REGULAR ARMY

AUTHORITY: §§ 573.1 to 573.6 issued under 35 Stat. 67, 40 Stat. 397, 41 Stat. 774, 49 Stat. 506, 1902; 10 U. S. C. 93, 125, 92, 122, 123, 151, 552b.

DERIVATION: AR 605-20, June 11, 1948.

§ 573.1 *Purpose.* The purpose of §§ 573.1 to 573.6 is to prescribe the procedure for the appointment of commissioned officers in Medical, Dental, Veterinary, Medical Service, Army Nurse, and Women's Medical Specialist Corps, Regular Army. Individuals fully qualified under § 573.2, with the exception of Veterinary and Medical Service Corps applicants, are eligible for immediate appointment. Fully qualified applicants, as provided in § 573.2, for Veterinary and Medical Service Corps appointment are eligible for the competitive tours as provided for from time to time in Department of the Army Circulars.

§ 573.2 *Eligibility.* (a) Each applicant for appointment must:

(1) Be a citizen of the United States. Applicants who are not citizens of the United States by birth must provide evidence of citizenship.

(2) Be of good moral character.

(3) Be found to be physically qualified for Regular appointment by meeting the physical standards prescribed by Army Regulations.

(4) Not be nor have been a conscientious objector.

(5) Not have been separated from any of the armed forces under other than honorable conditions.

(6) Not be nor have been a member of any foreign or domestic organization, association, movement, group or combination of persons advocating subversive policy or seeking to alter the form of Government of the United States by unconstitutional means.

(7) Have a record free of conviction by any type of military or civil court for other than minor traffic violations. Request for waiver may be made in the case of other minor violations which are nonrecurrent and which are not deemed prejudicial to performance of duty as an officer. Granting of a waiver will not be considered in the case of any individual who has been convicted of a crime involving moral turpitude.

(b) Specific requirements for each of the various corps are:

(1) *Medical Corps.* Each applicant at time of appointment must:

(i) Have reached his twenty-first birthday.

(ii) Be a graduate of a medical school acceptable to The Surgeon General and legally authorized to confer the degree of doctor of medicine or its equivalent.

(iii) Have had, subsequent to the completion of the prescribed course of instruction in such medical school, internship acceptable to The Surgeon General, or its equivalent in practical or professional experience as determined by The Surgeon General in each case. Persons who have completed 1 year internship in an Army hospital must be recommended for a regular appointment by the intern board of the hospital in which the applicant served his internship.

(2) *Dental Corps.* Each applicant at time of appointment must:

(i) Have reached his twenty-first birthday.

(ii) Be a graduate of a dental school acceptable to The Surgeon General and legally authorized to confer the degree of dental surgery or its equivalent. Persons who have completed 1 year internship in an Army hospital must be recommended for a regular appointment by the intern board of the hospital in which the applicant served his internship.

(3) *Veterinary Corps.* Each applicant at time of appointment must:

(i) Have reached his twenty-first birthday but not his thirty-second birthday; except that those applicants who have passed their thirty-second birthday may be appointed if the number of years, months, and days elapsed after their thirty-second birthday does not exceed 5 years and is less than or equal to the number of years, months, and days of active Federal commissioned service performed in the Army or Air Force of the United States or any component thereof after December 31, 1947.

(ii) Be a graduate of a veterinary college acceptable to The Surgeon General and legally authorized to confer the degree of doctor of veterinary medicine or its equivalent.

(iii) Be commissioned in the Veterinary Corps Reserve.

(iv) Have been selected for appointment in the Regular Veterinary Corps as a result of a competitive tour.

(4) *Medical Service Corps.* Each applicant at time of appointment must:

(i) Have reached his twenty-first but not his thirtieth birthday; except that those applicants who have passed their thirtieth birthday may be appointed if the number of years, months, and days elapsed after their thirtieth birthday does not exceed 5 years and is less than or equal to the number of years, months, and days of active Federal commissioned service performed in the Army or Air Force of the United States or any component thereof after December 31, 1947.

(ii) Be commissioned in the Medical Service Corps Reserve.

(iii) Have been selected for appointment in the Regular Medical Service Corps as a result of a competitive tour.

(5) *Army Nurse Corps.* Each applicant at time of nomination must:

(i) Have reached her twenty-first but not her twenty-eighth birthday.

(ii) Be a female.

(iii) Be unmarried. If divorced, documentary evidence of such divorce must be submitted.

(iv) Have no dependents under 14 years of age.

(v) Be commissioned in the Army Nurse Corps Reserve.

(vi) Immediately prior to appearing before the evaluation board, have served on extended active duty a period of not less than 6 months. Applicants who will attain the age of 27 years prior to completion of 6 months active duty may request approval from the Department of the Army to submit applications prior to completion of 6 months active duty.

(6) *Women's Medical Specialist Corps.* Each applicant at time of nomination must:

(i) Have reached her twenty-first but not her twenty-eighth birthday.

(ii) Be a female.

(iii) Be unmarried. If divorced, documentary evidence of such divorce must be submitted.

(iv) Have no dependents under 14 years of age.

(v) Be commissioned in the Women's Medical Specialist Corps Reserve.

(vi) Immediately prior to appearing before the evaluation board, have served on extended active duty a period of not less than 6 months. Applicants who will attain the age of 27 years prior to completion of 6 months active duty may request approval from the Department of the Army to submit applications prior to completion of 6 months active duty.

§ 573.3 *Determination of grade*—(a) *Permanent grades.* Appointments will be made in permanent grades as follows:

(1) Appointments in the Army Nurse Corps or Women's Medical Specialist Corps will be made in the grade of second lieutenant.

(2) Appointments in the Veterinary Corps or Medical Service Corps will be made in the grade of second lieutenant, unless the applicant is entitled to a higher grade by service credit as provided in paragraph (c) of this section.

(3) Appointments in the Medical Corps or Dental Corps will be in grades determined by applicant's age and active professional practice, excluding internships, but including residencies, and postgraduate training as follows:

Grade	Medical professional practice	Dental professional practice	Maximum age
	Years	*Years*	*Years*
First lieutenant	No	No	32
Captain	3	4	37
Major	10	11	42
Lieutenant colonel	17	18	48

However, an applicant who possesses particularly outstanding professional qualifications may be, upon approval of The Surgeon General, appointed in a higher grade than that to which entitled under the above provisions.

(4) Initial appointments in the Medical Corps or Dental Corps in the grade of colonel are authorized. Persons appointed in this grade will possess outstanding qualifications for special positions determined by the Surgeon General as requirements necessitate.

(5) No applicant will be appointed to a grade higher than he would have achieved had he entered the Regular Army when he first became eligible, except in extremely exceptional cases as determined by The Surgeon General.

(b) *Temporary grades.* Acceptance of appointment as a commissioned officer in the Regular Army will not, of itself, affect a higher temporary grade in which an officer on extended active duty is serving at the time. Officers not on extended active duty at time of acceptance of appointment as commissioned officers in the Regular Army will serve in grades to be determined by the Department of the Army. In some cases, this may be a higher temporary grade than the Regular Army permanent grade in which appointment is made. However, all higher temporary grades are subject to readjustment under general Department of the Army grade readjustment policies.

(c) *Service credit.* (1) For the purpose of determining grade, position on promotion list, permanent grade seniority, and eligibility for promotion, each person initially appointed and commissioned an officer in the Regular Army in the grade of first lieutenant in the Medical Corps or Dental Corps shall at time of appointment, be credited with an amount of service equivalent to the total period of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States or any component thereof subsequent to 31 December 1947, and prior to such appointment, up to a maximum of 5 years. In addition, for the purposes hereinabove specified, each person appointed and commissioned an officer of the Regular Army in the grade of first lieutenant in the Medical Corps shall at time of appointment, be credited with an amount of service equal to 4 years, and each person appointed and commissioned in the grade of first lieutenant in the Dental Corps shall at time of appointment be credited with an amount of service equal to 3 years.

(2) Any person appointed and commissioned in the Regular Army in grade of captain or higher in the Medical Corps or Dental Corps shall be placed at the bottom of the list in the grade in which appointed and shall ordinarily be credited at the time of appointment with an amount of service equal to the number of years of service of the officer under whose name he is immediately placed.

(3) For the purpose of determining grade, position on promotion list, permanent grade seniority, and eligibility for promotion, each person initially appointed and commissioned an officer in the Regular Army, in the Veterinary Corps or Medical Service Corps, shall at time of appointment, be credited with an amount of service equivalent to the total period of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States or any component thereof subsequent to 31 December 1947, and prior to such appointment, up to a maximum of 5 years of such service. In addition to the foregoing, and for the purposes hereinabove specified, each person appointed and commissioned an officer of the Regular Army in the Veterinary Corps shall at time of appointment, be credited with an amount of service equal to 2 years, and each person appointed and commissioned in the Medical Service Corps, who at the time of appointment holds a degree of doctor of philosophy or comparable degree recognized by The Surgeon General in a science allied to medicine, may be credited at the time of appointment with an amount of service equal to 3 years of such service.

§ 573.4 *Application.* (a) Applications may be submitted at any time on WD AGO Form 62 (Application or Supplemental Information for Commission in the Regular Army), or WD AGO Form 102 (Application for Commission in the Army Nurse Corps or Women's Medical Specialist Corps, Regular Army), in duplicate, both by persons who meet all the requirements of subparagraph (3) of this paragraph and by members of the Veterinary Corps and Medical Service Corps who desire to qualify by entering the competitive tour. Forms for application may be obtained at installations, Office of The Adjutant General and Office of The Surgeon General. The application will be accompanied by:

(1) A recent photograph of the applicant, head and shoulders type, not less than 3 by 5 inches.

(2) Evidence of internship (by Medical Corps applicants).

(3) Certificates based upon personal acquaintance from at least three reputable persons as to character, habits, and evidence of professional attainment. Diplomas and/or certificates evidencing graduation or completion of courses at medical, dental, veterinary, nursing or other professional schools or evidence of citizenship will not be submitted with the application. These must be submitted to the evaluation board for its inspection at the time of the applicant's appearance before it.

(b) Applications by persons in inactive or civilian status will be submitted in duplicate with accompanying papers direct to The Adjutant General, Attention: AGSO-R.

§ 573.5 *Evaluation and selection.* (a) Evaluation boards will be appointed by medical center or general hospital commanders, whichever is applicable. Such board will consist of a minimum of two senior officers of the corps for which the individual is applying and one senior officer of the Medical Corps.

(b) Named general hospitals listed below are designated as the stations in the zone of interior where evaluation boards will be appointed.

McCornack General Hospital, Pasadena, Calif.
Army and Navy General Hospital, Hot Springs, Ark.
Murphy General Hospital, Waltham, Mass.
William Beaumont General Hospital, El Paso, Tex.
Oliver General Hospital, Augusta, Ga.
Brooke General Hospital, Fort Sam Houston, Tex.
Percy Jones General Hospital, Battle Creek, Mich.
Fitzsimons General Hospital, Denver, Colo.
Tilton General Hospital, Fort Dix, N. J.
Letterman General Hospital, Presidio of San Francisco, Calif.
Valley Forge General Hospital, Phoenixville, Pa.
Madigan General Hospital, Tacoma, Wash.
Walter Reed General Hospital, Army Medical Center, Washington 12, D. C.

(c) The evaluation board of officers will:

(1) Establish with each applicant, a mutually satisfactory date for the appearance of the applicant before the board. Persons on active duty will be placed on temporary duty for this purpose. Travel and other expenses incident thereto by applicants not on active duty will not be borne by the Government.

(2) Verify applicant's educational background and citizenship by scrutiny of diplomas and other evidence submitted.

(3) Evaluate applicant by personal interview.

(4) Supervise the execution by applicant of WD AGO PRT 459 (Biographical Information Blank, Form E) for male applicants, or WD AGO PRT 723 (Army Nurse Corps and Women's Medical Specialist Corps Biographical Information Blank) for female applicants.

(d) Each applicant on presenting himself to the board will be accorded the right of challenge. The board will be sworn after the disposal of the challenge. The applicant will then be required to establish conclusively his citizenship and, if an applicant for the Medical Corps or Dental Corps, submit a diploma conferring on him the degree stated in § 573.4, or a proper certificate of graduation in lieu thereof. Should the applicant's diploma or certificate be unavailable temporarily his examination will be continued, subject to its later presentation to the board. Documents submitted by the applicant to establish citizenship and graduation will not be retained by the board. Failure by any candidate to submit proper evidence of citizenship will immediately terminate his examination.

(e) The evaluation for moral character and general fitness will include a review of the application and documents filed therewith, and such additional investigation as will enable the board to form an opinion as to whether the applicant has the moral qualifications, adaptability and aptitude required for appointment. The board will give the applicant opportunity to make any statements he may desire relative to any unfavorable reports received concerning him which can be made known to him without violation of the confidential nature thereof.

(f) No written professional examination will be required of any applicant.

(g) Each candidate will receive a complete final type physical examination which will conform in all respects to the standards for officers of the Regular Army. The findings relative thereto will be arrived at by the full board. The final decision as to the effect of any existing disability, as to waiver or disqualification, will be made in Headquarters, Department of the Army. The board will accordingly continue the examination of any applicant whom it considers physically disqualified for appointment unless he elects in writing to withdraw.

§ 573.6 *Appointment.* (a) The Adjutant General will officially tender appointments to approved applicants who are found to be physically qualified, obtain their acceptance or declination, notify them of their initial station and duty assignment, and transmit such further

instructions and information as may be necessary. For this and other reasons, it is imperative that applicants keep The Adjutant General (Attn: AGSO–R), informed of their current address at all times until assignment orders are received.

(b) Applicants who are not accepted will be so notified by The Adjutant General.

APPOINTMENT OF CHAPLAINS IN REGULAR ARMY

AUTHORITY: §§ 573.23 to 573.37 issued under sec. 24, 41 Stat. 774; 10 U. S. C. 231.
DERIVATION: AR 605–30, Dec. 16, 1941.

§ 573.23 *Grade.* Original appointments as chaplains will be made in the grade of first lieutenant.

§ 573.24 *General information relative to appointments.* The general plan to be followed in making appointment is as follows:

(a) Any person eligible to take the examination may submit an application at any time directly to The Adjutant General.

(b) Applicants regarded as eligible will be authorized to appear for examination for appointment as chaplains.

(c) The examination is to determine whether or not the candidate has the physical, educational, and professional qualifications requisite to the proper performance of the duties of a chaplain in the Regular Army.

(d) The grading of the examination records and the selection of candidates qualified for appointment will be accomplished under the provisions of §§ 573.34 and 573.36. Selections for appointment will be limited by the requirement that chaplains of the Army be distributed to various denominations or organizations, according to the needs of the service.

§ 573.25 *Eligibility for appointment.* To be eligible for original appointment as chaplain, a candidate must be at the time of the examination a male citizen of the United States; between the ages of 23 and 34 years; regularly ordained, duly accredited by and in good standing with some religious denomination or organization which holds an apportionment of chaplain appointments in accordance with the needs of the service; a graduate of both 4-year college and 3-year theological seminary courses; and actively engaged in the ministry as the principal occupation in life and be credited with 3 years' experience therein.

§ 573.26 *Applications*—(a) *Form.* Application for appointment should be made on the prescribed form for application for commission in the Regular Army (WD AGO Form No. 62). This form may be obtained from any military post or station or from The Adjutant General. The information given in the application must include the name of the religious denomination or organization in which the applicant is duly accredited and in good standing. The application must be accompanied by:

(1) Evidence of citizenship if of foreign birth.

(2) Certificate that he has requested the colleges and seminaries attended, that they submit to the Chief of Chaplains, Department of the Army, Washington, D. C., transcripts of all credits earned therein together with records of his relative standing in graduating class or classes. No candidate will be favorably considered until transcripts of college and seminary credits and a statement of the candidate's relative standing in his graduating class or classes have been received. The entire responsibility for having these forwarded to the Chief of Chaplains rests upon the applicant.

(3) Certificates as to character and habits based upon personal acquaintanceship from at least five reputable persons, two of whom are businessmen of the candidate's community.

(4) Evidence of the good standing of the applicant in a religious denomination or organization.

(b) *Forwarding.* An applicant will forward his application directly to The Adjutant General.

(c) *Action on.* The Adjutant General will disapprove the applications of any ineligibles, and will so notify them. Applications and accompanying papers of approved applicants will be promptly sent to the Chief of Chaplains for transmittal to the examining board designated to convene in his office. Applicants selected for examination will be notified by The Adjutant General to present themselves at the office of the Chief of Chaplains at the proper time.

§ 573.27 *Time and place of examination.* Examinations may be held whenever vacancies exist and applicants have been approved therefor. They will be conducted by a board convened in the office of the Chief of Chaplains. Physically disqualified applicants may be permitted to withdraw prior to the mental examination if they so desire.

§ 573.28 *Designation of candidates; convening of board; time and place.* The Adjutant General will prepare and maintain lists of and will designate applicants who are qualified to appear for examination. He will announce the dates for holding the examination in the office of the Chief of Chaplains, Washington, D. C. Examination questions will be delivered to the board by the Chief of Chaplains. Examinations will not be delayed or prolonged in order to accommodate candidates who do not report at the proper time.

§ 573.29 *General procedure of board.* The examining board will meet at the call of the president thereof. At the first meeting of the board, the members thereof will be sworn. Thereafter oaths will be administered only in the event of a change of membership. As each candidate appears before the board, his eligibility for appointment will be determined and he will be informed of the membership of the board and afforded opportunity to challenge any member thereof for cause. In the event of a challenge being sustained, the challenged member will withdraw during the examination of the challenging candidate. Such challenged members will not be replaced unless the board is reduced below four members, two of whom must be medical members. After the organization of the board, the candidate will be informed of the general scope and character of the examination and will be permitted to submit any letters or recommendations, testimonials, or claims for exemption from the mental examination, that he may desire to have considered. Opportunity will be afforded the candidate to have explained any parts of these regulations that are not understood by him. The examination will proceed in the order of physical examination, moral character and general fitness, and mental examination.

§ 573.30 *Physical examination*—(a) *General.* Each applicant will be subjected to a thorough and rigid physical examination, conforming to the standard prescribed by the Department of the Army. A Wassermann test will be made. The physical examination will be made complete in each case, even though a disqualifying defect is discovered, in order to ascertain whether or not any other defect exists. Should there be any doubt as to the disqualifying nature of physical defects, or should such defects be remediable, an applicant should not be deprived of the privilege of appearing for mental examination, if he desires to appear. The cause of physical rejection will be so clearly established and stated as to be conclusive as to the reasonableness and propriety of rejection. All physical defects must be made of record and made known to the applicant.

(b) *Waiving of physical defects.* (1) If the candidate is found to be physically disqualified, or to possess minor physical defects not in any way interfering with his future performance of duty, his examination will proceed with the understanding that final action as to waiver of physical defects rests with the Department of the Army.

(2) A candidate will not be accepted subject to performance of operations for the removal of physical defects, to future improvement in his physical condition, or to future examination.

§ 573.31 *Examination for professional fitness*—(a) *Moral character and general fitness.* (1) The board will inquire into the moral character and general fitness of the applicant. Examination will be made of the certificates regarding habits and moral character forwarded with the candidate's application and whatever additional letters and testimonials he may submit. The board will not confine its inquiry to the recommendations submitted, but will carefully question and judge the applicant and will secure additional information from reliable sources that will be of value in determining his moral character and general fitness for appointment. In addition to his moral character, the board will investigate, observe, and grade the applicant's personality, appearance, tact, bearing, platform appearance, delivery (including voice), and general adaptability to the military service.

(2) Findings as to moral character and as to general fitness will be clearly separated in the report of the board.

(3) If the board finds a candidate disqualified on account of moral character or general fitness he will be so informed and his examination will not be continued unless he so requests. Reasons for rejection must be so clearly stated in the board's report as to establish the reasonableness and propriety thereof.

(4) Any unfavorable reports considered during the examination for moral character and general fitness will be made known to the applicant so far as may be done without violating the confidential nature of such reports, and the applicant will be afforded opportunity to submit such explanation thereof as he may desire.

(b) *Written theses.* (1) Applicants shall be required by the board to write two theses, one on some vital topic of current events, the other dealing with some phase of psychology, sociology, or ethics, as it relates to the work of a clergyman.

(2) Candidates will be given 2 hours for the writing of each thesis.

(3) The examining board will grade the theses on coordination and development of theme, correctness of English, development of interest through style and content, and the mental alertness of the candidate as reflected in the thesis.

(c) *Educational fitness.* The relative standing of the educational fitness of the various candidates will be determined by an examination of their college and seminary transcripts, taking into consideration their relative standing in their graduating classes. Points will count as follows:

Average grade:	Points
70	125
75	150
80	175
85	200
90	225
95	250

(d) *Written examinations.* (1) If, after an examination of college and seminary transcripts of credits, the examining board finds that additional tests should be made, it may require any applicant or applicants to take a written examination, based on any standard college textbook, on one or more of the following subjects:

United States history.
General history.
Modern language (French, Spanish, or German).
Education.
Economics.
Political Science.
Philosophy, Psychology, and ethics.
Sociology.

To qualify for appointment, a grade of not less than 70 must be attained in each subject taken.

(2) Examinations will be written and the candidate will certify on each examination paper that he has received or given no unauthorized assistance during the examination. Questions will be prepared by the Department of the Army. Examinations in any subject will be taken simultaneously by all who are required to take them. Reexaminations will not be permitted. The results of these examinations will be given general consideration in the final selection of applicants for appointment.

§ 573.34 *Awarding of grades.* Examination papers will be graded under the supervision of the Chief of Chaplains.

In awarding grades, an aggregate of 2,500 will be allotted to the several subjects of the examination and will be apportioned as follows:

Subject	Points
Evidence of successful pastoral experience	400
Thesis on an assigned current event:	
Mental alertness	100
Development of interest through style and content	100
Correctness of English	100
Coordination and development of theme	100
Thesis on an assigned subject related to a clergyman's work:	
Mental alertness	100
Development of interest through style and content	100
Correctness of English	100
Coordination and development of theme	100
General fitness:	
Appearance	100
Bearing	100
Personality	100
Tact	100
Platform appearance	100
Delivery including voice	100
Adaptability to military service	200
Educational fitness as determined—	
By college transcript	250
By seminary transcript	250
Total	2,500

No candidate will be passed by the board who does not attain a minimum of 70 per cent in evidence of successful pastoral experience, thesis on current events, thesis relating to a clergyman's work, and general fitness, and a general average of 75 percent, a total of 1,875 points.

§ 573.35 *Order of appointment.* The total points attained by each qualified candidate in the examination will determine his relative order of appointment in accordance with vacancies in the denominational quotas.

§ 573.36 *Selection of appointees.* (a) No person will be appointed without a thorough examination to determine his fitness for appointment. While the selection of appointees will be based largely on examinations, due consideration will be given to any military records on file in the Department of the Army.

(b) Upon the completion of the grading of examination papers, the board of review will transmit its report to the Chief of Chaplains to consider the complete examination reports and any Department of the Army and Army area records of the candidates in connection with the vacancies to be filled.

(c) The report of the board will state the general average of each candidate and will, from such average and the records, determine whether or not each candidate is, in its opinion, qualified for appointment. Qualified candidates will be arranged in the order of averages attained in the examination for appointment. Between candidates having equal averages, priority of selection will be given to candidates holding commissions as chaplains in the Officers' Reserve Corps or in the National Guard. The findings and recommendations of the board and recommendations of the Chief of Chaplains will be transmitted to The Adjutant General for the action of the Secretary of the Army.

§ 573.37 *Appointment; notification of rejection.* The Adjutant General will cause appointments to be tendered in accordance with recommendations approved by the Secretary of the Army, as provided in § 573.36 and will cause proper notification to be sent to candidates who have not been selected. Prior to such notification, no information will be given concerning candidates under consideration. Appointees will be given a reasonable time to accept appointment and to report for duty.

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

AUTHORITY: §§ 573.200 to 573.218 issued under 55 Stat. 728; 10 U. S. C., 484 (note).
DERIVATION: AR 605–10, May 26, 1944.

§ 573.200 *Appointments; general provisions.* (a) The regulations contained in §§ 573.200 to 573.218 (AR 605–10) govern appointments made in the Army of the United States under the provisions of the act of September 22, 1941 (55 Stat. 728; 10 U. S. C. 484 (note)). Such appointments are made for the purpose of providing, during the present emergency, necessary additional officer personnel that cannot be provided by the Regular Army, the National Guard of the United States, and the Officers' Reserve Corps.

(b) The provisions of §§ 573.200 to 573.218 (AR 605–10) are not applicable to temporary appointments in the Army of the United States made under authority other than that contained in the above mentioned act; and nothing contained here prohibits or affects appointments or promotions in other components of the Army of the United States under existing laws and regulations.

§ 573.201 *Duration of appointments.* All appointments are made for the duration of the present emergency and 6 months thereafter, unless sooner terminated.

§ 573.202 *Command and administration.* (a) Except as specifically indicated herein, the command and administration of officers appointed under §§ 573.200 to 573.218 (AR 605–10), including the functions of procurement, assignment, promotion, transfer, and discharge, will be accomplished in accordance with current regulations and instructions of the Department of the Army governing the Officers' Reserve Corps.

(b) Officers of the Army of the United States appointed under §§ 573.200 to 573.218 will, while on active duty, be subject to such laws and regulations for the government of the Army as are applicable to personnel whose permanent retention in the military service is not contemplated by law, and will be entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps.

§ 573.203 *Procurement objective.* (a) Initial appointments in the Army of the United States will be made in such numbers and in such grades as may be specifically authorized from time to time by the Department of the Army for the several arms and service and Department of the Army agencies. These authorizations will constitute procure-

ment objectives for all appointments and will not be exceeded.

(b) The prescribed student training capacity of an officer candidate school constitutes an approved procurement objective for the appointment of all successful graduates of such school.

(c) Procurement objectives for appointments other than graduates of officer candidate schools will normally be approved only for those arms and services and other Department of the Army agencies which require officers for overhead duties that can be performed by persons without general military training.

(d) Procurement objectives will not be approved solely to permit the appointment of a named individual.

§ 573.204 *Age and citizenship requirements.* An officer of the Army of the United States must at the time of appointment be a citizen of the United States or of the Philippine Islands, or a citizen of a cobelligerent or friendly country who otherwise possesses the same qualifications as a citizen of the United States, between the ages of 18 and 60 years.

§ 573.205 *Categories disqualified for appointment.* Any individual in any of the following categories is disqualified for initial appointment in the Army of the United States.

(a) Cadets, United States Military Academy.

(b) Persons qualified and eligible for appointment in the Officers' Reserve Corps under existing regulations.

(c) Persons on either the active or reserve list of the Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey.

(d) Civilian officers or employees of the United States or of the District of Columbia, without the written consent of the head of the department or service concerned.

(e) Persons subject to induction under the Selective Training and Service Act of 1940, as amended, whose induction has been ordered.

(f) Persons whose proposed duties are being or can be performed adequately by available civilian personnel.

(g) Persons whose services will not be immediately available to the Department of the Army upon being appointed to commissioned grade.

(h) Former commissioned officers of the Navy, Marine Corps, Coast Guard, or of any component of the Army of the United States, whose appointment is prohibited by the provisions of paragraph (e) of this section, or whose commissions were terminated because of inefficiency or under other than honorable conditions: *Provided*, That former commissioned officers of these categories who are on active military service in warrant or enlisted status may be appointed upon the approved recommendations of a board of officers convened for the purpose of determining the professional and moral fitness of the particular applicant for appointment. (See also § 573.206 (c).)

§ 573.206 *Grades in which appointed.* Appointments may be made in any grade for which the appointee is qualified and eligible, subject to the following limitations:

(a) Graduates of officer candidate schools will be initially appointed as second lieutenants only.

(b) Appointments in the Medical Corps, Dental Corps, Veterinary Corps, and for duty as chaplains will be limited to first lieutenant to colonel, both inclusive.

(c) (1) If a former commissioned officer of the Army, Navy, Marine Corps, or Coast Guard of the United States applies for a commission after his induction under the Selective Training and Service Act of 1940 he will make application through his immediate commanding officer. If recommended by the examining board, he may be appointed to a grade not higher than that formerly held by him.

(2) If recommended for a commission in the Army prior to his call for induction under the Selective Training and Service Act of 1940 and he is otherwise qualified for the position in accordance with § 573.205, a former commissioned officer may be appointed, irrespective of his age or Selective Service status, to a grade commensurate with his ability.

§ 573.207 *Qualifications for initial appointments.* (a) Normally, applicants for initial appointment will be required to qualify as to military and nonmilitary education under the standards established for appointment to corresponding grade in the Officers' Reserve Corps, except that military and nonmilitary educational requirements may be waived in whole or in part upon the recommendation of the arm or service concerned.

(b) In the case of persons recommended for appointment from civil life as commissioned officers in the Army of the United States, the recommendation must include satisfactory evidence that the recommended individual possesses special qualifications, and that these special qualifications are required in the position to which he is to be assigned if commissioned, and that individuals of the required qualifications are not readily available in the ranks of the Army. (See § 573.205 (f).)

(c) Appointments for Table of Organization positions in approved authorized affiliated units of the Medical Department, Ordnance Department, Corps of Engineers, Quartermaster Corps, or Signal Corps, and appointments for the electronics training group, Signal Corps, that formerly would have been made in the Officers' Reserve Corps, will be made in the Army of the United States. Appointments in affiliated units will not be made unless the person to be appointed is a bona fide officer or employee or member of the organization, institution, or association sponsoring the affiliated unit and is otherwise qualified under the regulations in this part.

(d) When a commander of United States forces outside the continental United States is granted special authority by the Department of the Army to appoint or to recommend the appointment of officers, Army of the United States, the qualifications for appointment will be as indicated in the special Department of the Army instructions authorizing the appointments.

§ 573.208 *Applications for appointment.*—(a) *General.* Except for graduates of officer candidate schools, applications for initial appointment in the Army of the United States will be submitted and processed as follows:

(1) *Form of application.* WD AGO Forms Nos. 0850 and 0850a (Personnel Placement Questionnaire).

(2) *Accompanying papers.* Each application for appointment will be accompanied by:

(i) Report of Physical Examination (WD AGO Form No. 63 or 64, as applicable). (See §§ 573.216 to 573.218.)

(ii) A statement that the recommended appointee is or is not a Selective Service registrant.

(iii) If a Selective Service registrant, a certificate from the appointee's local board giving his Selective Service classification, and certifying that his induction has or has not been ordered.

(iv) If an enlisted man or warrant officer, evidence that he meets the requirements of paragraph 9*b*, AR 605–10,[1] to include report of examining board.

(v) A statement by the recommending authority as to the specific assignment or duty for which the appointment is desired, and indicating the approved procurement objective under which appointment is authorized.

(3) *How forwarded.* Applications, with accompanying papers, will be forwarded through military channels to the Officer Procurement Branch, AGO, Department of the Army, Washington, D. C.

(4) *Final action.* Final action after receipt of papers by the Officer Procurement Service will be in accordance with current instructions to that Branch.

(b) *Graduates, officer candidate schools.* Applications for appointment from individuals selected to attend officer candidate schools will be processed in accordance with current instructions of the Department of the Army governing officer candidate schools.

§ 573.209 *Designation of arm or service.* (a) In the case of appointment of graduates of officer candidate schools, the designation of the school from which graduated will be stated in the notice of appointment.

(b) All other appointments under §§ 573.200 to 573.218 will be without reference to an arm or service, except that, in the case of appointment of a chaplain or for service in the Medical Department, service for which appointed will be stated in the notice of appointment.

§ 573.216 *Physical standards.* The physical standards for appointment and promotion, for retention of commission, and for entry upon active duty of an officer appointed in the Army of the United States under §§ 573.200 to 573.218 (AR 605–10) are those prescribed for the Officers' Reserve Corps in AR 40–100,[1] 40–105,[1] and, when applicable, 40–110,[2] all as supplemented or modified by current Department of the Army instructions.

[1] Administrative regulations of the Department of the Army relative to officers appointed in the Army of the United States.

§ 573.217 *Physical examinations.* Physical examination of applicants for appointment, and of officers appointed in the Army of the United States, will be required and conducted as prescribed for members of the Officers' Reserve Corps in Army Regulations and current Department of the Army instructions supplementary thereto. Examinations of the scope prescribed for Reserve officers ordered to extended active duty are mandatory prior to initial appointment, upon being ordered to active duty, and upon completion of active duty. (See § 573.208 (a)).

§ 573.218 *Waiver of physical defects.* Deviations from normal physical standards that will not interfere with nor prevent the full and satisfactory performance of the duty for which the individual is being appointed or is being ordered to active duty, and that are not of a nature likely to be aggravated to a disabling degree by active military service, may be waived in the manner and under the conditions authorized in current Department of the Army instructions.

APPOINTMENT OF WARRANT OFFICERS

AUTHORITY: §§ 573.300 to 573.319, issued under 54 Stat. 1177, 55 Stat. 651, 652, 1177; 10 U. S. C. 591–599.

DERIVATION: AR 610–10, Sept. 28, 1944.

GENERAL INFORMATION

§ 573.300 *Eligibility.* The following persons are eligible to apply for appointment as warrant officer, junior grade:

(a) Commissioned officers of the Army of the United States (except those commissioned in the Regular Army) and former officers of the Regular Army whose separation from active service was under honorable conditions.

(b) Enlisted men of the Army of the United States and former enlisted men of the Regular Army who were discharged under honorable conditions.

All applicants must be male citizens of the United States between the ages of 21 and 45 years, physically qualified, and have completed at least 1 year's active duty in the Army of the United States on the final date applications are due to be submitted to organization commanders. (See also § 573.310.)

§ 573.302 *Examinations.* General examinations will be conducted under the supervision of Army area commanders.

(a) *Preliminary.* A preliminary examination will be conducted at each post by a board of officers who will examine the applications and reports of physical examination, interview the applicants, and determine whether or not they possess the moral character, general fitness, and educational and technical qualifications necessary to justify their further consideration.

(b) *Final.* A final written examination will be conducted by post commanders under the supervision of army area commanders and in accordance with special instructions issued by the Department of the Army. This examination in general will consist of two parts: First, a general educational examination taken by all applicants; and second, a technical examination to determine the applicant's specialist qualifications.

These examinations will be scored by Army area commanders under instructions issued by the Department of the Army.

§ 573.303 *Appointments.* (a) Successful applicants will be reported by army area commanders to the Department of the Army. From a consolidated report, arranged by classifications and examination scores in both educational and technical tests, the Department of the Army will prepare eligible lists. The scores of both tests will be converted into percentile scores (percentage of cases up to and including a score), and the average of these two percentiles will be the composite score that will determine the order of eligibility within each classification. Appointment will be tendered to successful applicants in such numbers as may be required to fill existing vacancies. An additional number of successful applicants necessary to cover possible vacancies will be carried on eligible lists for appointment until the next succeeding examination for appointment is held. All original permanent appointments as warrant officer, junior grade, will be probationary for a period of 3 years. See § 573.313.

(b) If a successful applicant is serving on active duty as a commissioned officer or chief warrant officer in the Army of the United States and is under age 45 at the time his name is reached on the eligible list for appointment as a warrant officer, junior grade, to fill an existing vacancy, such applicant, if found physically qualified at that time, will be tendered a selection letter advising him of his selection for appointment upon honorable termination of active duty. The recipient of a selection letter whose active service as a commissioned officer or chief warrant officer terminates honorably and who applies for such appointment within 6 months after the termination of his active service will, irrespective of physical disqualification incurred or having its inception while on active duty in line of duty, be given such appointment if a vacancy within the authorized allotment of warrant officers, junior grade, Regular Army, exists at the time he applies for such appointment. To insure the existence of such vacancies, a vacancy will be reserved for the recipient of each selection letter until he applies for such appointment or notifies The Adjutant General of his intention not to enter such application, but not longer than 6 months after the termination of his active service. The date of rank upon appointment is the date of the selection letter, except that if an applicant reaches his 45th birthday after his name has been reached on the eligible list, to fill an existing vacancy, but before completion of the administrative procedures incident to issuance of a selection letter, he will, if physically qualified, be tendered a selection letter specifying the date of rank as the day preceding his 45th birthday.

ELIGIBILITY

§ 573.304 *Age.* All applicants must have attained their 21st birthday and must not have passed their 45th birthday at the time of their appointment, except that applicants holding selection letters under the provisions of § 573.303 (b), and who pass their 45th birthday subsequent to the effective date of their selection letters, may be appointed. If in active military service, applicants may be permitted to apply for appointment provided they are not less than 20 years and 9 months nor more than 44 years and 9 months of age on the date of final examination.

§ 573.305 *Grade.* (a) Permanent appointments in the Regular Army as warrant officer, junior grade, will be tendered only to officers (except Regular Army officers), temporary warrant officers, and noncommissioned officers of the Army of the United States, and to former officers and noncommissioned officers of the Regular Army, whose separation from active service was under honorable conditions.

§ 573.306 *Service requirements.* Permanent appointments in the Regular Army as warrant officers, junior grade, will be tendered only to officers and noncommissioned officers who have completed 3 years' continuous service on active duty in the Army of the United States.

§ 573.307 *Physical standards.* All applicants will be required to meet the physical standards prescribed for appointment as commissioned officers. See paragraph 18, AR 40–105.[1]

§ 573.308 *Education.* The general educational examination is considered to require graduation from an accredited high school, or the equivalent thereof, in order to obtain a qualifying mark. Certain technical examinations are considered to require the equivalent of 2 years of college, business, or trade school, or the equivalent thereof, in order to obtain a qualifying mark. The application of any candidate who received a score of less than 110 on the Army general classification test will be returned disapproved.

§ 573.309 *Civilian experience.* In cases where civilian experience is similar to that of the warrant officer classification for which appointment is being sought, consideration will be given for this experience as a substitute for a portion of the military service requirement prescribed in § 573.306. For details see §§ 573.318 and 573.319.

APPLICATION, EXAMINATION AND APPOINTMENT

§ 573.310 *Submission of application.* Application for appointment will be made on WD AGO Form No. 61 or a legible

[1] Administrative regulations of the Department of the Army relative to standards of physical examination.

[2] Administrative regulations of the Department of the Army relative to standards of physical examination for flying.

facsimile thereof. The application will be accompanied by a completed WD AGO Form No. 63 (Report of Physical Examination) and will be submitted to the applicant's unit or detachment commander. Persons not in active military service will submit their applications to the nearest Army post commander. Applications will be submitted not later than September 30 of each year in which an examination is held. When special examinations are announced by the Department of the Army, the date of submission of applications will be indicated in such announcement.

§ 573.311 *Preliminary examination*—(a) *Action by post commander.* When all applications have been received, the post commander will appoint a board of officers to conduct the preliminary examination. Wherever the appointment of a board is impracticable, report will be made to the army area commander who will make suitable arrangements for the conduct of the preliminary examination.

(b) *Examination by board.* The board will carefully examine all applications and reports of physical examinations. Each applicant will appear before the board and will be interviewd by the members thereof. The applicant's past experience and general adaptability in military service, with particular reference to the appointment which he is seeking, will be carefully investigated. The board will observe the applicant's personality, appearance, bearing, moral character, and general fitness for military service. The purposes of the preliminary examination in general will be to eliminate from further consideration those applicants whose future value to the military service is questionable.

§ 573.312 *Final examinations* — (a) *Action by post commanders.* When an examination is announced by the Department of the Army and Educational and technical examinations will be conducted by the post commander, who will appoint necessary boards of officers to supervise and conduct the final examination in accordance with special instructions issued by the Department of the Army in connection therewith.

(b) *Educatjonal.* The educational examination will be given to all applicants. This examination is designed to ascertain the extent to which the applicant possesses the general education required of warrant officers in the Army. It will test the applicant's powers of comprehension, judgment, and reasoning, and his knowledge of English, United States history, and contemporary affairs. A brief description of the subject matter covered in the educational examination follows:

(1) *Part I; comprehension*—(i) *Section 1; vocabulary.* This section is designed to measure the candidate's knowledge of military terms and general terms widely used in military language.

(ii) *Section 2; reading comprehension.* This section requires the ability to comprehend details and select the principal ideas in portions of Army Regulations quoted.

(iii) *Section 3.* This section measures the ability to read and interpret charts, paragraphs, and indexes widely used in different types of regulations, manuals, and military documents.

(2) *Part II; judgment and reasoning*—(i) *Section 1.* This section measures the ability to reason in arithmetic problems, employing simple computations in addition, subtraction, multiplication, division, including decimals, percentages, and proportions.

(ii) *Section 2.* This section requires the ability to make reasonably sound decisions from a number of given facts in both theoretical and real situations.

(iii) *Section 3.* This section measures the ability to make approximate estimates for common sense interpretation of everyday numerical facts.

(3) *Part III; English expression*—(i) *Section 1.* This section is designed to measure the ability to use correct English and to recognize clear and effectively written expressions. It does not measure the ability to state specific rules of technical grammar, but it measures the ability to apply and recognize correct grammatical principles.

(ii) *Section 2.* This section is designed to measure the ability to arrange sentences properly within a paragraph and to arrange an outline.

(4) *Part IV; History and contemporary affairs.* This section is designed to provide a measure of the candidate's knowledge of and ability to interpret contemporary affairs, and the significance of important events in United States history.

(c) *Technical.* This examination is designed to test the applicant's knowledge and technical qualifications for the position for which he is applying. Separate examinations will be given for the respective classifications listed in AR 610–10. The general scope of the various technical tests is given in §§ 573.318 and 573.319.

§ 573.313 *Final list of applicants* (a) Upon the receipt of all reports from army area commanders the Department of the Army will prepare a final list of successful candidates in order of military grade, length of service, and age.

(b) This list will establish the order from which appointments will be made and where appointments are made on the same day, will establish the seniority of appointees.

§ 573.314 *Permanent appointments.* Permanent appointments as warrant officers, junior grade, United States Army, will be tendered successful applicants in order of their standing on the final lists. Each warrant officer so appointed will be classified according to the administrative or technical specialty for which he was examined and his classification will be designated upon his warrant. Warrant officers will be assigned to duty with the various arms and services with due regard to prior service, classification for which examined, the requirements of the arm or service concerned, and individual preference. All permanent appointments in the Regular Army as warrant officer, junior grade, will be probationary for a period of 3 years.

§ 573.315 *Eligible list.* The names of qualified applicants who are not immediately appointed will be carried on an eligible list until the next succeeding examination, but in no case longer than 1 year. Vacancies occurring subsequent to the final examination and prior to the next succeeding examination may be filled by appointments from this eligible list, subject to physical examination.

§ 573.316 *Temporary appointments.* In time of war or national emergency qualified applicants who do not receive permanent appointments may be given temporary appointments which will remain in effect at the pleasure of the Secretary of the Army, but in no case extend beyond 6 months after the end of the war or period of national emergency.

§ 573.317 *Future examinations.* The fact that an applicant's name has been borne on an eligible list or that an applicant has been tendered a temporary appointment will not exempt such applicants from future examinations for permanent appointment as warrnat officers in the Regular Army.

§ 573.318 *General scope of final examination (technical); administrative-clerical*—(a) *General.* The final examination will cover the following subjects: organization of the Army; organization of the Adjutant General's Department; general duties of The Adjutant General; staff data; military personnel; personnel management and personnel records, recruiting, the wearing of the uniform, pay and allotments, Government life insurance, efficiency reports, military discipline, prisoners, honors and awards, and the deceased; appointment and reduction, leaves, transfers, furloughs, foreign service, physical inspections, and separation from the service; rations and clothing, salvage and laundry activities, transportation of baggage, sale of supplies and services; Army Regulations covering administration of service commands, posts, camps, stations, and exchanges; administration and training of Reserve officers; Army Regulations covering correspondents, safeguarding military information, and strength returns.

(1) *Auditing and accounting.* The organization of the Inspector General's Department; principles and methods of accounting and double-entry bookkeeping, especially a knowledge of profit-and-loss statements, balance sheet, general and Army practices in classifying, debiting, and crediting, posting, and closing accounts; sales of goods and services to enlisted men.

(2) *Judge Advocate General's Department.* Important subject matter covered in the Manual for Courts-Martial, United States Army (1928), including the current circulars and memoranda pertaining thereto, and the Articles of War and other appendices; military personnel; management and records; recruiting; wearing of the uniform; efficiency reports; designation of beneficiaries; awards; leaves, furloughs, passes, delays, transfers, details, assignments, traveling, and separation from the service; general provisions relating to pay; prisoners; the deceased; organization of the Army; general duties with which The Adjutant General is charged; organization and

operation of The Adjutant General's Department; staff data; general provisions for warrant officers; expenses of courts martial, courts of inquiry, military commissions, and retirement boards; administration of posts, camps, and stations; exchanges.

(b) *Fiscal-auditing and disbursement.* The subject matter covered in the entire series of Army Regulations and Department of the Army circulars pertaining thereto which relate to the Finance Department; all Finance Department circulars.

(c) *Supply*—(1) *General.* Procurement of supplies; the Quartermaster Corps; transportation of troops, supplies, and baggage; salvage, laundry, and ice services; unserviceable property; collection and disposal of waste material; rations and subsistence stores; items and price list of supplies; bills of lading; standard quantities of heat, light, and electric power; fire protection; the Finance Department; monetary allowances; property; requisitioning, receipt, issue, sales, and accountability and responsibility; expendable, lost, destroyed, damaged, or unserviceable property; property accounting; correspondence; duty rosters and morning reports; clothing; storage and issue of supplies; types of equipment; marking of clothing, equipment, vehicles, and property; military motor vehicles; printing and binding; authorized abbreviations.

(2) *Scope for final examinations applicable to specific arms and services*—(i) *Supply (Army Air Forces).* Procurement of supplies; the Quartermaster Corps; transportation of troops, supplies, and baggage; salvage and laundry activities; unserviceable property including waste material; rations; the Finance Department; agent officers; general fiscal procedure; allowances; property; requisitioning, transfers, accountability, and responsibility; expendable, lost, destroyed, or unserviceable property, receipt, shipment, and issue; auditing property accounts; military publications; correspondence; military records; duty rosters, service records, preparation of Army pay rolls, final statement; clothing and types of equipment; authorized abbreviations; United States Air Force supply system; procurement and maintenance of equipment; material and labor accounting; general provisions for storage; stores and exchanges; parachute record; aircraft fuel and oil-price list and locations.

(ii) *Supply. (Medical Corps).* General provisions relating to the Medical Corps; medical service of the division and in joint oversea operations; military hygiene and sanitation; sanitary reports; the collection and preparation of pathological and other specimens for shipment to laboratories; the prevention of communicable diseases; records of morbidity and mortality; medical supplies; property; accountability and responsibility, requisitioning, receipt, shipment, and issue; expendable, lost, destroyed, damaged, and unserviceable property; property accounting; procurement, transportation, storage, and issue of supplies; transportation of authorized baggage, correspondence; orders, bulletins, circulars, and memoranda; service records; daily sick reports; burials on the field of battle; types of equipment.

(iii) *Supply (Ordnance Department).* Property; accountability and responsibility; requisitioning, receipt, shipment, issue, and sales; lost, destroyed, damaged, or unserviceable property; property records; auditing property accounts; ordnance property; supplies; procurement, transportation, storage, and issue; bills of lading; fiscal procedure; pay, allowances, and allotments; correspondence; military records; preservation and disposition, preparation of Army pay rolls and model remarks, morning reports and daily sick reports; safeguarding military information; inspections; transportation of individuals; ordnance field service; report of principal items of supplies, annual estimate of funds, and financial administration of maintenance activities.

(iv) *Supply (Signal Corps).* Procurement, transportation, storage, and issue of supplies; salvage and laundry activities; rations, pay, allowances, and allotment; property; accountability and responsibility, receipt, shipment, issue, and requisitioning; post messes; correspondence; orders, bulletins, circulars, and memoranda; Tables of Organization, Tables of Basic Allowances, and Tables of Allowances; duty rosters, service records, morning reports, daily sick reports, personnel rosters, discharge certificate; preparation of Army pay rolls and model remarks; arrest and confinement of personnel; deceased personnel; clothing; authorized abbreviations; telegraph, cable, and radio service; Signal Corps reports; mission, function, and signal communication in general.

§ 573.319 *General scope of final examination (technical); technician specialists*—(a) *Aviation*—(1) *Armament.* General; fixed, for harbor defense, heavy field, and railway artillery; for howitzers and small arms; aircraft bombs and bomb components; hand grenades; unsafe ammunition; ammunition reimbursement prices; packing and marking ammunition, projectiles, propelling charges, aircraft bombs, fuzes, and other components; military explosives and pyrotechnics; transportation of explosives, inflammables, and chemical warfare materials; inspection of property charges and bulk powder; ammunition nomenclature and shipping names; electric armament controls; Browning aircraft machine gun and machine-gun sights; synchronizing; bomb racks, two-target equipment, and flare racks; range regulations for firing ammunition in time of peace; qualification in arms, and ammunition training allowances; lost, destroyed, damaged, and unserviceable property; regulations and safety provisions pertaining to ordnance.

(2) *Bombsight.* Theory of bombing; bombing technique and errors; bombing trainer; theory and operation A. F. C. E. service units; maintenance A. F. C. E.; storage and shipping of bombsights and A. F. C. E.; theory of bombsight, M-series No. 3; maintenance M-series sight; calibration of M-series; gyroscopes and electricity.

(3) *Engineering.* Military aircraft travel and transportation; organizations, channels of communications; parachute record; distribution of Army Air Forces circulars; airplane structure; aircraft electrical systems; induction, fuel, and oil systems; propellers; instruments; sheet metal work; aircraft lathes; milling machines, shapers, and planers; grinding machines; the Link trainer; welding; parachutes, aircraft fabrics, and clothing; issue of personal flying equipment; publication of information on Army and Navy Department airplanes and engines.

(4) *Photographic.* Basic, aerial, ground, mapping, and motion picture photography; general knowledge of map and aerial photograph reading; use of aerial photography in modern warfare; photographic training and operations; use and repair of aircraft cameras; photographic equipment and supplies; the photo-electric cell; filter factors; printing; code designation of United States Air Force photographs; unsatisfactory reports.

(5) *Signal communication.* Signal Corps mission, functions, and signal communication in general; radio and radiotelephone procedure; aircraft radiofrequency assignments; electrical fundamentals; electrical armament controls; knowledge of signal communication radio sets and maintenance equipment.

(6) *Weather.* Synoptic and aeronautical meteorology; physical and dynamical meterology; pilot balloon observations.

(b) *Motor transport; general.* General provisions and principles covering motor transport; operation, maintenance, and repair of military motor vehicles; registration and inventory of motor vehicles; chassis, body, and trailer units; the internal combustion engine; automotive electrical systems; automotive power transmission units and brakes; automotive lubrications, fuel, and carburetors; motor transport inspection; marking of vehicles and other motor transport equipment.

(c) *Munitions (ammunition)*—(1) *General.* General provisions, Ordnance Department; organization and functions of the ordnance field service; ammunition: general, for small arms, automatic guns, trench mortars, howitzers, field guns; seacoast, railway, field artillery, and antiaircraft guns; aircraft bombs; hand grenades; packing and marking ammunition, projectiles, propelling charges, aircraft bombs, fuzes and miscellaneous components; explosives and demolitions; transportation of explosives, inflammables and chemical warfare materials; inspection of property, charges, and bulk powder; ordnance safety provisions; storage and issue of supplies; range regulations for firing ammunition in time of peace; qualification in arms and ammunition allowances.

(2) *Munitions (Chemical Warfare Service).* Chemical warfare tactics and techniques; ordnance; general provisions, regulations, and safety provisions; ammunition; general, for howitzers, seacoast and railway artillery, antiaircraft, and field artillery aircraft bombs, hand grenades; projectiles and propelling charges; explosives and demolitions; transportation of explosives, inflammables, and chemical warfare materials; range regulations for firing ammunition in time of peace; qualification in arms

and ammunition training allowances; inspection of property for condemnation; use of smoke and lacrimators in training; defense against chemical attack; domestic disturbances.

(d) *Signal communication*—(1) *General.* Mission and function of signal communication in general; electrical fundamentals; telegraph, cable and radio service, commercial telephone, telegraph, and electric time service; operation and maintenance of United States military telephone and telegraph systems; radio procedure; electrical armament controls; knowledge of signal communication radio sets and maintenance equipment.

(2) *Signal communication (United States Air Force).* Signal Corps mission, functions, and signal communication in general; radio and radiotelephone procedure; aircraft radio frequency assignments; electrical fundamentals; electrical armament control; knowledge of signal communication radio sets and maintenance equipment.

(3) *Signal communication (Field Artillery).* Signal Corps mission, functions, and signal communication in general; radio procedure; electrical fundamentals; electrical armament controls; knowledge of signal communication radio sets and maintenance equipment; field artillery tactics and technique of signal communication.

(4) *Cryptographic.* The principles and methods of insuring signal security with emphasis on crytographic security; the storage, handling, and transmission of registered documents; methods of using codes and ciphers.

(e) *Signal communication, electronics.* Qualified by reason of special training and/or experience to select a favorable site and supervise installation of the operating unit; make necessary adjustments to put unit in good operating condition, diagnose trouble in the unit as a whole or components or accessories and make or direct actual repairs; make repairs under difficult or unfavorable conditions, determine by tests the cause of defects in equipment and suggest methods for improvement of construction; instruct operators in proper methods of preventive maintenance on the unit components and accessories on more than one type of complex electronic set and associated accessory equipment. Prior training in electrical engineering and successful completion of the course of instruction in the operation, maintenance, and repair of radar equipment in an Army school.

(f) *Tank.* Operation, maintenance, and repair of tanks; machine shop practice; aircraft engines.

(g) *Animal transport.* Practical knowledge of fitting and use of pack saddles and auxiliary harness and equipment, lashing and hitching of all types of loads to pack animals, breaking and training of horses and mules, and care and feeding of riding, draft, and pack animals.

(h) *Topographic.* Practical and technical knowledge of surveying; drafting; map reproduction; aerial photograph reading; photography; photogrammetry; and organization and equipment of topographic units.

(i) *Reconnaissance.* Practical knowledge of surveying, drafting, design, and construction of simple engineering, aerial photograph interpretation, and seacoast and antiaircraft gunnery.

(j) *Parachute maintenance.* Qualified parachute jumper; practical and technical knowledge of parachute rigging, maintenance, and supply; practical knowledge and ability to recognize defects in fabrics and materials used in parachutes.

ARMY MINE PLANTER SERVICE

AUTHORITY: §§ 573.330 to 573.333 issued under 54 Stat. 1177, 55 Stat. 651, 652, 1177, 10 U. S. C. 591–599.

DERIVATION: AR 610–10, Sept. 28, 1944.

§ 573.330 *Grades, Army Mine Planter Service.* Grades in the Army Mine Planter Service for which appointments as warrant officers, junior grade, will be made are: First mate, first assistant engineer, second mate, and second assistant engineer.

§ 573.331 *Examinations; second mate and second assistant engineer; when held.* Competitive examinations for appointment in the grade of second mate and second assistant engineer will be held as vacancies occur and when announced by the Department of the Army.

§ 573.332 *Eligibility requirements; appointment of civilians as second mate or second assistant engineer.* Each candidate for appointment as a warrant officer, junior grade, in the Army Mine Planter Service must be included in at least one of the following groups:

(a) Former warrant officer of the Army Mine Planter Service.

(b) Former ship's officer on Army transport, Army harbor boat, or comparable service in the United States Navy, the United States Coast Guard, or the Merchant Marine.

(c) As second mate, a graduate who has served 2 years in the seamanship class of a nautical school ship and completed two ocean or coastwise cruises before graduation.

(d) Completed the course conducted by the United States Maritime Service for the instruction of unlicensed personnel to prepare them for marine license as third mate or third assistant engineer of ocean steam vessels.

(e) As second assistant engineer, a graduate from the engineering class of a nautical school ship, the term of such engineering class to be based upon a period of 2 years.

(f) Hold, as a minimum requirement, a license issued by the United States Department of Commerce, Bureau of Marine Inspection and Navigation, as third mate, coastwise or ocean steam vessels, or as third assistant engineer of ocean steam vessels.

§ 573.333 *Application, examination, and eligible list*—(a) *Application.* Each candidate for appointment will be required to submit to The Adjutant General, Washington, D. C., through coast artillery district commanders, an application on WD AGO Form No. 61 to take the examination. All data called for in this form will be included.

(b) *Eligible list.* Lists of candidates who are eligible for appointment in the grades of second mate and second assistant engineer will be maintained by The Adjutant General.

(c) *Physical examination.* (See § 573.307.)

(d) *Moral character and general fitness.* (See § 573.302.)

(e) *Educational examination.* (See § 573.312 (b).)

(f) *Technical examination.* A technical examination is required of all candidates seeking original appointment as second assistant engineer or second mate who are unable to submit evidence of possession of the license specified in § 573.332 (f). This examination will be of the same general nature as that prescribed by the Bureau of Marine Inspection and Navigation for licensed officers, third assistant engineer, ocean or coastwise, steam vessels.

WARRANT OFFICERS, MARITIME AND MARITIME ENGINEER TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

AUTHORITY: §§ 573.371 to 573.373 issued under 55 Stat. 652; 10 U. S. C. 591a.

DERIVATION: AR 610–15, Dec. 26, 1945.

§ 573.371 *General.* (a) The classifications warrant officer, maritime and maritime engineer, will apply to temporary warrant officers only.

(b) Warrant officers, maritime, will be appointed to fill vacancies in marine grades as master, first mate, and third mate; and warrant officers, maritime engineer, in marine grades as chief engineer, first assistant engineer, second assistant engineer, and third assistant engineer, in the authorized military crews of tactical boat units and certain Transportation Corps boats.

(c) Examining boards may, in appropriate cases, conduct examinations and make recommendations for changes in the highest marine grade (see paragraph (b) of this section) for which a warrant officer, maritime, or a warrant officer, maritime engineer, is qualified.

§ 573.372 *Eligibility.* Eligibility requirements for appointment as temporary warrant officer, maritime or maritime engineer, will be as follows:

(a) *Leadership.* An applicant must have demonstrated positive qualities of leadership.

(b) *Character.* No applicant who has been sentenced to confinement in a penitentiary, or who has been convicted in any civil or military court for an offense denounced as a felony will be eligible for appointment. Evidence of the applicant's character while in the military service will be considered in forwarding applications.

(c) *Age.* An applicant must have attained his 18th birthday and must not have passed his 60th birthday on the date of appointment.

(d) *Citizenship.* An applicant must be a citizen of the United States or of the Philippine Islands or a citizen of a cobelligerent or friendly country who otherwise possesses the same qualifications as a citizen of the United States.

(e) *Service.* The applicant need not be serving in the Army of the United States nor have had prior service therein.

(f) *Physical.* The standard of final type physical examination will be that required for commission in the Army of the United States. The commanders authorized to appoint temporary warrant officers and those commanders to whom they delegate this authority are authorized to take final action in the granting of waivers for minor physical defects.

(g) *Education and experience.* An applicant must have such education or practical experience as will insure his satisfactory performance of the duties in the classification for which application is made.

§ 573.373 *Appointment.* (a) The appointing authority will issue letters of temporary appointment as warrant officers, junior grade to fill existing vacancies in the appropriate classifications within his command.

(b) Applicants who successfully meet all requirements for appointment but who are not appointed will be issued a certificate of eligibility. These certificates may be accepted at the discretion of appointing authorities in lieu of final examination (technical) at any time within 1 year from the date of last examinations in which the applicant qualified.

PART 575—ADMISSION TO THE UNITED STATES MILITARY ACADEMY

Sec.

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AUTHORITY: §§ 575.1 to 575.21 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: Catalog of Information 1947–48, United States Military Academy, Dec. 1, 1947.

§ 575.1 *Military Academy*—(a) *Mission.* The mission of the Military Academy is to instruct and train the Corps of Cadets to the end that each graduate shall have the qualities and attributes essential to his progressive and continued development throughout a lifetime career as an officer of the Regular Army.

(b) *Direction and supervision.* Direction and supervision of the Military Academy are vested by law in the Department of the Army under such officer or officers as the Secretary of the Army may select, and, in accordance with this provision, the Chief of Staff has been designated as the officer in charge of all matters pertaining to the institution.

§ 575.2 *Admission to the Military Academy; general requirements.* (a) Candidates are eligible for admission from the day they are 17 (or 19 if from the Army of the United States) until the day they become 22[1] years of age, on which latter day they are not eligible. The age requirements for all candidates as well as the service requirements for appointment from the Army of the United States are statutory and cannot be waived.

(b) At the time of proposed admission the candidate's age must be within the prescribed age limits, and he must be a citizen of the United States.[2]

(c) He must be of good moral character.

(d) He must never have been married. Proof of prior marriage will be considered the equivalent of resignation from the Academy.

(e) No candidate shall be admitted who is less than 5 feet 6 inches in height, or who is deformed or afflicted with any disease or infirmity which would render him unfit for the military service, or who has, at the time of presenting himself, any communicable disease.

(f) Each candidate must, on reporting at West Point, present a certificate showing successful vaccination within 1 year; or a certificate of two vaccinations, made at least a month apart, within 3 months.

(g) If accepted, the candidate reports at the Military Academy before 10:30 a. m. on the first weekday in July. New cadets are received at and after 8 a. m. Facilities for the housing and feeding of new cadets are not available prior to 8 a. m. It is advantageous, however, to report as early as possible.

(h) Warrants of appointment are furnished cadets as soon as practicable after their admission.

(i) At the time of admission and before receiving their warrants of appointment candidates are required to take the oath of allegiance (see subparagraph (1) of this paragraph) and to sign in the presence of an officer deputized by the superintendent an engagement to service (see subparagraph (2) of this paragraph).

(1) *Oath of allegiance.*

I ----------, do solemnly swear that I will support the Constitution of the United States and bear true allegiance to the National Government; that I will maintain and defend the sovereignty of the United States paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will at all times obey the legal orders of my superior officers and the rules and articles governing the Armies of the United States (R. S. 1320).

Sworn to and subscribed at ---------- this ------ day of ----------, nineteen hundred and ----------, before me.

(2) *Engagement to service.*

I, ----------, of the State (or Territory) of ----------, aged ------ years, ------ months, do hereby engage (with consent of my parent or guardian) that from the date of my admission as a cadet of the United States Military Academy I will serve in the Army of the United States for 8 years unless sooner discharged by competent authority.

In the presence of ----------.

§ 575.3 *Appointments.* The figures given in § 575.4 indicate the maximum limits of representation at the Military Academy at any one time from the respective sources; consequently, no appointment can be made from any source except to fill a vacancy therefrom. All appointments are made by the President upon the designation of the authorized nominating authorities as outlined in detail in § 575.5. The law governing the appointment and admission of cadets to the Military Academy prescribes that they shall be appointed only within the year preceding the date of their admission. Accordingly, the appointments may be made after the first day of July with a view to admission on the next regular date of entrance, the first weekday of the following July. Candidates whose nominations are received in the Department of the Army on or before February 15, are appointed to undergo the annual entrance examination which is held at various military installations on the first Tuesday in March. Vacancies that occur subsequent to the March examination may be filled by the nomination of candidates to undergo the special examination held at West Point, N. Y., the third Tuesday in June. Only those candidates who are found to be mentally and physically qualified at the March or June examination may be nominated for appointment after the June examination has been held. Nominations of such candidates will be accepted if received in the Department of the Army not later than midnight on June 30 preceding the regular date of admission on July 1. Letters whose post-office marks clearly show that they were placed in the mail prior to midnight of June 30 are held to meet the foregoing requirement.

§ 575.4 *Composition of the Corps of Cadets*—(a) *United States and Territories.* Under an act of Congress approved June 3, 1942 (56 Stat. 306; 10 U.S.C. Sup., 1091c–1091d), the Corps of Cadets shall consist of 2,496[3] cadets, ap-

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[1] Public Law 255, approved December 11, 1945, provides " • • • Any appointee who has served honorably not less than 1 year in the armed forces of the United States during any of the present wars, and who possesses the other qualifications required by law, may be admitted between the ages of 17 and 24 years: *Provided*, That whenever any member of the graduating class shall fail to complete the course with his class by reason of sickness or deficiency in his studies, or other cause, such failure shall not operate to delay the admission of his successor."

[2] Noncitizens may be permitted to attend the United States Military Academy under special laws enacted from time to time (see § 575.4 (c)). Further information may be obtained upon request to The Adjutant General, War Department, Washington 25, D. C.

[3] In addition to the 2,496 cadets designated in § 575.4 (a), 59 Stat. 586; 10 U.S.C. Sup., 1091e, provides that the strength of the Corps of Cadets is "• • • increased by the President from the United States at large from among the sons of persons who have been or shall hereafter be awarded a Medal of Honor in the name of Congress for acts performed while in any of the armed forces of the United States • • •"

pointed in number and from sources as follows:

8 from each State at large	384
4 from each congressional district	1,740
4 from each Territory (Hawaii and Alaska)	8
6 from the District of Columbia	6
4 from natives of Puerto Rico	4
2 from Panama Canal Zone	2
172 from the United States at large [1]	172
180 from among the enlisted men of the Regular Army and of the National Guard, in number as nearly equal as practicable	180
Total	2,496

[1] Of whom 3 are appointed upon the recommendation of the Vice President, 40 are selected from among the honor graduates of those educational institutions designated as "honor military schools," 40 are chosen from among the sons of veterans who were killed in action or have died, or may hereafter die, of wounds received or disease contracted in line of duty during World War I or World War II, and 89 upon the personal selection of the President.

Section 2 of 56 Stat. 306; 10 U.S.C. Sup., 1091d referred to in this paragraph is quoted in § 575.5 (l).

(b) *Filipino cadets.* In addition to the 2,496 designated in paragraph (a) of this section, the Secretary of the Army is authorized to permit not exceeding four Filipinos (one for each entering class) to be designated by the President of the Republic of the Philippines to receive instruction at the United States Military Academy, under the provision of the act of Congress approved May 28, 1908, as amended (35 Stat. 441, as amended; 10 U.S.C. 1093). These students execute an agreement to comply with all regulations for the police and discipline of the Academy, to be studious, and to give their utmost efforts to complete satisfactorily the courses in the various departments of instruction.

(c) *Foreign cadets.* (1) The act of June 24, 1938, as amended by the act of June 26, 1946 (52 Stat. 1034, 60 Stat. 311; 20 U.S.C. 221), authorizes the President of the United States to designate not exceeding 20 persons at a time from the Latin American Republics to receive instruction at the United States Military Academy. Not more than three persons from any one of such republics may receive instruction under authority of that law at the same time. Such persons receive the same pay, allowances and emoluments, including mileage from their homes in proceeding to the Military Academy for initial admission, as cadets appointed from the United States.

(2) Citizens of other foreign countries have been permitted from time to time to attend the Military Academy upon specific authorization of the United States Congress in each case but are not entitled by reason of their graduation therefrom to appointment to any office or position in the United States Army. Applications of foreigners must be submitted to the United States Government through diplomatic channels by the foreign governments concerned and if favorably considered the matter is then presented to the Congress for appropriate action. Requirements for the admission, advancement and graduation of foreign cadets are identical with those for United States cadets. In addition, foreign cadets must be provided with the same amount of funds provided by the United States Government for United States cadets, and not more, nor less, than that amount. The pay and allowances for a cadet are $936 per year plus one ration per day (which varies with the cost of food), to commence the day he enters the Military Academy. A deposit of $300 upon admission is also required.

§ 575.5 *Sources of admission.* Before a candidate can be permitted to undergo the entrance examinations to qualify for admission to the Military Academy, he must hold a letter of appointment issued by the Department of the Army. A letter of appointment is issued only upon receipt in the Department of the army of a nomination from one of the recognized nominating authorities, to whom all applications for appointment must be made. The various sources of admission, together with the nominating authority of each, are fully described in paragraphs (a) to (l) of this section.

(a) *States at large, congressional districts, Territories, District of Columbia, and Puerto Rico.* The nomination of candidates, whether or not based upon preliminary competitive examination, for appointment from these sources, is entirely in the hands of the nominating authority who has the vacancy at his disposal and all applications must be addressed to him. These authorities are: (1) States at large: United States Senators; (2) Congressional districts: Representatives in Congress; (3) Territories: Delegates in Congress; (4) District of Columbia: commissioners thereof; (5) Puerto Rico: the resident commissioner. For each vacancy four candidates may be nominated, one to be named as principal, one as first alternate, one as second alternate, and one as third alternate. The first alternate, if qualified, will be admitted in the event of the failure of the principal; the second alternate, if qualified, will be admitted in the event of the failure of both the principal and the first alternate; and the third alternate, if qualified, will be admitted in the event of the failure of the principal, first, and second alternates. The law requires that candidates appointed from States at large, congressional districts, the Territories, the District of Columbia, or the island of Puerto Rico, must be actual residents thereof respectively.

(b) *Panama Canal Zone.* Appointments are made upon nomination of the Governor of the Panama Canal Zone and are restricted, by law, to the sons of civilians residing in the Canal Zone and the sons of civilian personnel of the United States Government and the Panama Railroad Company. Four candidates may be nominated for each vacancy in the same manner as outlined in paragraph (a) of this section.

(c) *Vice Presidential.* Appointments are made upon the personal selection of the Vice President and from the United States at large, there being no limitation imposed by law as to residence. Four candidates may be nominated for each vacancy in the same manner as outlined in paragraph (a) of this section. These appointments cannot be made until the duly elected Vice President is sworn into office.

(d) *Honor military schools.* Honor graduates of honor military schools are nominated for appointment by the heads of the respective schools and in the following manner: The Adjutant General maintains a roster of honor military schools as determined by annual Department of the Army inspections of educational institutions of the essentially military type. In July each year The Adjutant General anticipates the vacancies in the Corps of Cadets for admission the following year which are open to honor graduates, makes an equitable distribution of those vacancies among the honor military schools and notifies them accordingly. The head of each institution so notified must submit to The Adjutant General at a specified time the nominations of the honor graduates selected. Four candidates may be nominated by each school in the same manner as outlined in paragraph (a) of this section. Each nomination must contain a certification by the head of the institution that the candidate is an honor graduate of a year for which the institution was designated an honor military school. No student may be rated as an honor graduate unless he has shown proficiency in subjects of his school work amounting to not less than the 15 units prescribed by the regulations for admission to the United States Military Academy. However, the institution is not limited to those graduates of the current year. All honor graduates are appointed subject to the same tests for mental and physical qualifications as are required of other candidates.

(e) *Sons of deceased veterans of World Wars I and II.* An act of Congress, approved June 8, 1926, as amended by acts of Congress approved December 1, 1942 and November 24, 1945 (44 Stat. 704, 56 Stat. 1024, 59 Stat. 586; 10 U.S.C. and Sup., 1091a) provides cadetships at the United States Military Academy for the sons of members of the land or naval forces (including male and female members of the Army, Navy, Marine Corps, and Coast Guard, and of all components thereof) of the United States, who were killed in action or have died of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during World War I or II (as each is defined by laws providing service-connected compensation or pension benefits for veterans of those wars and their dependents.) The administration of these appointments has been delegated to the Department of the Army. Application should be made by letter (no form is prescribed) addressed to The Adjutant General, Department of the Army, Washington 25, D. C., showing the full name, date of birth, and address of applicant (complete service address should be given if applicant is in the armed forces), and the name, rank, serial number, and last organization of the veteran parent together with a brief statement concerning the time, place, and cause of death. The claim number assigned to the veteran parent's case by the Veterans' Administration should also be furnished. All candidates from this source must undergo the regular entrance examination competitively since the vacancies available must, under the law, be awarded to those physically qualified candidates who make the highest proficient ratings in the order of merit established by the examination mentioned. Accordingly, candidates appointed under this law cannot qualify thereunder by the submission of educational records in lieu of the regular entrance examination. There is no restriction imposed as to residence.

(f) *Presidential.* These appointments are made upon the personal selection of the President and are reserved for the blood sons and adopted sons, if legally adopted prior to their fifteenth birthday, of members of the Regular Army, Navy, and Marine Corps who are still in the service, retired, or who died while serving therein. The available vacancies are awarded to those physically qualified competitors making the highest proficient ratings in the order of merit established at the annual entrance examination held the first Tuesday in March each year.

Accordingly candidates appointed from this source cannot qualify by the submission of educational records in lieu of the regular entrance examination. Failure of a candidate to report for examination, for any cause, at the time and place authorized will vacate his appointment. The administration of these appointments has been delegated to the Department of the Army. Application by those eligible should be made by letter (no form is prescribed) addressed to The Adjutant General, Department of the Army, Washington 25, D. C., giving the applicant's full name, address, and date of birth (complete service address should be given if applicant is in the armed forces), and the name, rank, and branch of service of the father. In the case of an adopted son, a copy of the order of court decreeing adoption, duly authenticated and certified by the clerk of the court, must accompany the application. There is no restriction imposed as to residence.

(g) *Regular Army and National Guard.* An act of Congress approved May 4, 1916 provides a quota of cadetships at the United States Military Academy to be divided equally between enlisted men of the Regular Army and of the National Guard. On or about June 1, each year, The Adjutant General determines the number of prospective vacancies that will be available from this source for admission with the class entering the Military Academy on July 1, of the following year. The number of candidates selected to compete for admission is four times the number of available vacancies which are awarded annually to those physically qualified competitors making the highest proficient averages in the order of merit established at the March entrance examination as follows: For Regular Army vacancies, from among all Army and Air Force competitors regardless of the command from which selected; for National Guard vacancies, from among all National Guard competitors regardless of the State, Territory, or the District of Columbia, from which selected. In view of the competitive feature involved, failure of a duly appointed Regular Army or National Guard candidate to appear for examination, for any cause, at the time and place authorized will vacate his appointment.

(1) *Regular Army.* The law prescribes that the applicant must have completed as of the date of admission, one full year of active enlisted service in the Army and be in an active enlisted status at that time. It is not essential that the service be continuous; therefore, prior active Army or Air Force enlisted service may be counted in determining an applicant's eligibility. The major Army and Air Force commands are responsible for the selection of candidates, within the quotas alloted to each command, based upon written applications submitted through military channels by those eligible. Each selected candidate is issued a letter of appointment by the Department of the Army authorizing him to report for the regular entrance examination the following March which he must undergo in competition with the entire number of Army and Air Force candidates.

(2) *National Guard.* The law prescribes that an applicant must be an enlisted man of a federally recognized unit of the National Guard at the time of appointment and at the time of his admission to the United States Military Academy. He must also have served as an enlisted man in the National Guard not less than 1 year, as of the date of his admission. It is not essential that the service be continuous; therefore, former service in the National Guard may be counted in determining an applicant's eligibility. Service with a National Guard organization prior to its recognition by the Federal Government may be considered, the date of enlistment of the person concerned governing and not that of the recognition of the unit. Within quotas established by the Department of the Army, applicants are selected by the respective Governors of the States, Territories, and Puerto Rico, and the Commanding General of the District of Columbia National Guard from among successful competitors in a preliminary mental examination of a scope and nature similar to the regular United States Military Academy entrance examination conducted by the Governors and the Commanding General mentioned, between August 1, and November 15, of each year. Each selected candidate is issued a letter of appointment by the Department of the Army authorizing him to report for the regular entrance examination the following March which he must undergo in competition with the entire number of National Guard candidates.

(h) *Sons of Congressional Medal of Honor winners.* An act of Congress, approved November 24, 1945, provides that the number of cadets otherwise authorized by law at the United States Military Academy is increased by such number of cadets as may be appointed by the President from the United States at large from among the sons of persons who have been or who may later be awarded a Medal of Honor in the name of Congress for acts performed while in any of the armed forces of the United States: *Provided,* That such appointees are otherwise qualified for admission. The administration of these appointments has been delegated to the Department of the Army. Application by those eligible should be made by letter (no form is prescribed) to The Adjutant General, Department of the Army, Washington 25, D. C., giving the applicant's full name, address, and date of birth (complete service address should be given if applicant is in the armed forces), and the name, rank, and branch of service of the parent and the date and a brief statement of the circumstances for which the Medal of Honor was awarded. Candidates appointed from this source may qualify in the same manner as a Congressional principal candidate. All who are found fully qualified will be admitted as cadets, regardless of the number, since the law does not impose a limitation as to the total number to be admitted from this source.

(i) *Qualified alternates and qualified candidates.* Section 2, act of Congress, approved June 3, 1942 (56 Stat. 306; 10 U.S.C. Sup., 1091d) provides: "When on the date of admission of a new class the total number of cadets is below the number authorized, the Secretary of the Army may bring the Corps of Cadets to full strength by appointing qualified alternates and candidates recommended by the academic board, two-thirds thereof from qualified alternates and one-third thereof from qualified candidates (competitors): *Provided,* That any appointment made under this section shall be an additional appointment and shall not constitute an appointment otherwise authorized by law. The only candidates who are eligible for consideration are those who have been found mentally and physically qualified in connection with an appointment held for admission the first weekday of July of the year concerned. No application is necessary for consideration by the academic board since all candidates who are fully qualified but who are not entitled to admission under the terms of their appointments are rated relatively according to general merit. The academic board in determining the general merit studies the records of these candidates and makes its selection based upon consideration of the academic grades and other pertinent factors which affect the qualifications of the various candidates to become officers of the Army. Since, under the law, the vacancies in the Corps of Cadets cannot be determined until the date of admission, notices to candidates selected are sent on or shortly after that date authorizing them to report for admission as cadets on July 15."

§ 575.6 *Educational qualifications.* (a) Methods of meeting the educational requirements for admission:

(1) By successfully passing the regular examination (see § 575.8); or

(2) By submitting a satisfactory educational certificate (secondary school) and passing the validating examination (see § 575.9); or

(3) By submitting an educational certificate which does not require the validating examination (see § 575.10).

(b) In addition, there are two basic educational requirements which all can-

didates for admission to the United States Military Academy must meet:

(1) All candidates must take the West Point Aptitude Test. This is a 1-hour test requiring no special preparation and consisting of an elementary mathematics section and a language section.

(2) All candidates must qualify in United States history, either by presenting evidence that they have satisfactorily completed a standard course in United States history or its equivalent (1 year in secondary school or 1 semester in college), or by passing the special examination in United States history.

§ 575.7 *Entrance examinations*—(a) *Time.* The regular Military Academy entrance examination and the examination for validating certain classes of certificates are held beginning on the first Tuesday in March each year. Each candidate designated to take one of these examinations will receive from the Department of the Army a letter of appointment. He must appear for examination at the time and place designated therein before a board of Army officers convened by the Department of the Army. Enlisted men appointed from the Army also receive authority from the Department of the Army to report for examination, and must report at the time and place specified. No other regular mental examination is held during the year. The failure of candidates holding noncompetitive appointments to appear for examination unless prevented by sickness or other unavoidable cause shall vacate the appointment; the failure of candidates holding competitive appointments to report for examination for any cause shall vacate the appointment.

(1) A second validating examination and West Point Aptitude Test is held on the third Tuesday in June at West Point, N. Y., but is offered only for emergency vacancies which remain unfilled or occur after the March examination. Candidates appointed to fill such emergency vacancies must qualify by certificate or by certificate supplemented by the validating examination mentioned above.

(b) *Place.* Boards of officers are convened at certain designated places, listed below, for the purpose of conducting the regular entrance examinations. The place of examination selected by the Department of the Army for each candidate is the one nearest or most convenient to his home or to the school at which he is in regular attendance:

Army and Navy General Hospital, Hot Springs, National Park, Ark.
Army Medical Center, Washington, D. C.
Army Base, Boston, Mass.
William Beaumont General Hospital, El Paso, Tex.
Fort Benning, Ga.
Fort Bragg, N. C.
Fitzsimons General Hospital, Denver, Colo.
Fort Leavenworth, Kans.
Keesler Field, Biloxi, Miss.
Letterman General Hospital, Presidio of San Francisco, Calif.
Fort Lewis, Wash.
March Field, Calif.
Fort McPherson, Ga.
Governors Island, N. Y.
Fort Sheridan, Ill.
Fort Sill, Okla.
Fort Sam Houston, Tex.
Fort Knox, Ky.
Schofield Barracks, T. H.
San Juan, P. R.
Corozal, C. Z.
Fort Richardson, Alaska.

(c) *Examination schedule*—(1) *First day*—(i) *Morning.* All candidates. Report and instructions, 9 a. m. to 11 a. m., 2 hours. West Point Aptitude Test, 11 a. m. to 12 noon, 1 hour.

(ii) *Afternoon.* Only those candidates whose credit in United States history has not been accepted. Special examination in United States history, 2 p. m. to 5 p. m., 3 hours.

(2) *Second day*—(i) *Morning.* Regular examination in mathematics, 9 a. m. to 12 noon, 3 hours. Validating examination in mathematics, 9 a. m. to 10:30 a. m., 1½ hours.

(ii) *Afternoon.* Regular examination in English, 2 p. m. to 5 p. m., 3 hours. Validating examination in English, 2 p. m. to 3:30 p. m., 1½ hours.

(3) *Third day.* Physical examination and physical aptitude test until completed.

§ 575.8 *Admission by regular mental examination*—(a) *General.* All candidates who cannot qualify under §§ 575.9 or 575.10, must take the regular mental examination in mathematics and English. As stated in § 575.6 (b) (2), all candidates must also qualify in United States history.

(1) Candidates holding appointments from competitive sources (see § 575.5 (e), (f) and (g)) cannot qualify under §§ 575.9 or 575.10, since they are appointed to vacancies in the order of merit competitively established as a result of the regular mental entrance examination in mathematics and English (the examination in United States history is not a part of the competition).

(b) *Mathematics.* Candidates will be required to pass a satisfactory examination in those topics of algebra and plane geometry listed in § 575.12 (b) and (d) (Mathematics A and C).

(c) *English.* Candidates will be required to pass a satisfactory examination in English grammar, composition, and literature as described in § 575.12 (g) and (h) (English A and B).

§ 575.9 *Admission by certificate and validating examinations.* The Academic Board will consider and may accept in lieu of the regular mental examination a certificate (see §575.11) with validating examination in mathematics and English in the following cases. (For alternate method of validating secondary school certificates, see §575.10 (a) (2). As stated in § 575.6 (b) (2), all candidates must also qualify in United States history.)

(a) A properly attested certificate (Form II [1]) that the candidate has graduated from a preparatory school or public high school accredited by the United States Military Academy: *Provided,* That in his school work he has shown proficiency in subjects amounting to not less than 15 units of the list given in § 575.11. Of the 15 units, 2 must be in algebra, 1 in plane geometry, 1½ in English grammar and composition, 1½ in English literature, and 1 in United States history. (Lack of this credit does not cause rejection of the certificate but adds the requirement that the special examination in United States history be taken and passed.) The remaining 8 units must be chosen from the list of optional subjects, and must not include commercial or other subjects not listed.

(b) A properly attested certificate (Form II) that the candidate is in actual attendance in his senior year at a preparatory school or public high school accredited by the United States Military Academy, and has satisfactorily completed 3½ years' work at such school: *Provided,* That the certificate shows specifically by subjects and units the work already completed and also that to be completed by graduation: *And provided,* That the course the candidate is pursuing will, when completed, show proficiency in subjects amounting to not less than 15 units prescribed in paragraph (a) of this section. A candidate submitting a certificate showing actual attendance at and prospective graduation from a preparatory or public high school must as a condition of admission continue his course of study and submit his diploma or other formal evidence of graduation at the time of entrance to the United States Military Academy. Failure to submit such evidence of graduation will disqualify the candidate for entrance.

(c) The validating examination, required with all secondary school certificates (Form II) except those accepted under § 575.10 (a) (2), includes the subjects of mathematics (A and C) and English (A and B). This validating examination is not identical with the regular mental entrance examination. It will be of such a nature as to determine the knowledge of a candidate, but not so difficult as to require for the desirable student an intensive special preparation.

(d) A candidate whose certificate (Form II) has been rejected must take the regular mental entrance examination.

§ 575.10 *Admission by certificate.* (a) The Academic Board will consider and may accept without other mental requirement, except that of § 575.6 (b) (West Point Aptitude Test and United States history requirement).

(1) A properly attested college certificate (Form I [1]) that the candidate is, or was upon leaving, a regularly enrolled student in good standing without condition in a university, college, or technical school accredited for admission to the United States Military Academy: *Provided,* That he entered college with the secondary school credits prescribed in § 575.9: *And provided further,* That he has completed successfully at least one semester in college. If he lacks not more than 2 units of the prescribed secondary school credits, required or optional, he may make up this deficiency in college at the rate of one semester of college work to 1 year of secondary school study.

(i) A full record of academic work at college, giving subjects taken and grades attained in each, should be presented on Form I, which must be submitted in all cases where college work covers one semester or more.

[1] Not filed with the Division of the Federal Register.

(ii) The Form I certificate must be accompanied by a Form II certificate covering work in secondary school, and the two certificates will be considered together in determining the candidate's mental qualifications.

(2) A secondary school certificate (Form II) as described in § 575.9, supplemented by a report from the College Entrance Examination Board that the candidate has taken its Scholastic Aptitude Test provided the grades earned on this test are satisfactory. A candidate may no longer elect to qualify mentally by passing that Board's Scholastic Aptitude Test in lieu of the validating examination unless the Scholastic Aptitude Test has been taken prior to the scheduled entrance examination (March or June) for which he has been designated. In cases where this test is taken on or after December 6, 1947, it must include either the Intermediate Mathematics Test or the Comprehensive Mathematics Test in place of the formerly prescribed Mathematical Section.

(b) A candidate whose certificate has been rejected under paragraph (a) of this section, will be required to take the regular entrance examination except in cases where the Academic Board approved his credits under § 575.9, for admission subject to the validating examination.

(1) The Academic Board may reject any certificate (Form I and II) for low grades, or upon any evidence, whether contained in the certificate or not, that creates a reasonable doubt as to the candidate's mental qualifications for admission. A record in the entrance examination of a former year is considered excellent evidence of mental qualifications for admission and is given great weight when certificates are being evaluated. Taking the examination, when unprepared, merely for practice and failing on the same may, therefore, have an adverse effect if entrance by certificate is sought in a later year.

(2) A candidate whose certificate has been accepted under this section is excused from the mental examination but must appear for the physical examination and for the West Point Aptitude Test. He is rejected as mentally unqualified if he fails to pass this aptitude test.

§ 575.11 *Subjects and credits.* The list of subjects and corresponding weights in units is as follows:

(a) *Required.* Every certificate must show evidence of proficiency in these subjects:

	Units
Mathematics, A	2
Mathematics, C	1
History, D, United States history	1
English, A	1½
English, B	1½

(b) *Optional.* The remaining 8 units may be supplied from among the following subjects and no others:

	Units
Mathematics, B	½
Mathematics, D	½
Mathematics, E	½
English, fourth year	1
History, A, ancient history	1
History, B, European history	1
History, C, English history	1
History, world history	1
Economics	1
Sociology	1
Social democracy	1
Problems of American democracy	1
Contemporary problems	1
Citizenship	½
Government	½
Civics (when not included in history D)	½
Latin, first year	1
Latin, second year	1
Latin, third year	1
Latin, fourth year	1
Greek, grammar and composition	1
Any foreign language, first year	1
Any foreign language, second year	1
Any foreign language, third year	1
Any foreign language, fourth year	1
Physics	1
Chemistry	1
General science	1
Biology	1
Botany	1
Zoology	1
Geography	1
Drawing, mechanical or freehand	1
Bookkeeping	1
Physiology	1
Psychology	1
Astronomy	½
Geology	½

§ 575.12 *Definitions and detailed requirements*—(a) *The unit.* A unit represents a year's study in any subject in a secondary school, constituting approximately a quarter of a full year's work. A 4-year secondary school curriculum should be regarded as representing not more than 16 units of work. This statement is designed to afford a standard of measurement for the work done in secondary schools. It takes the 4-year high-school course as a basis, and assumes that the length of the school year is from 36 to 40 weeks, that a period is from 40 to 60 minutes in length, and that the study is pursued for 4 or 5 periods a week; but under ordinary circumstances a satisfactory year's work in any subject cannot be accomplished in less than 120 60-minute hours or their equivalent.

(b) *Mathematics, A, algebra, two units.* (1) The meaning, use, evaluation, and necessary transformations of simple formulas involving ideas with which the pupil is familiar, and the derivation of such formulas from rules expressed in words.

(2) The graph and graphical representation in general. The construction and interpretation of graphs.

(3) Negative numbers; their meaning and use.

(4) Linear equations in one unknown quantity, and simultaneous linear equations involving two unknown quantities, with verification of results.

(5) Problems.

(i) Ratio, as a case of simple fractions; proportion, as a case of an equation between two ratios; variation.

(ii) The essential of algebraic technique.

(iii) Exponents and radicals; simple cases.

(iv) Numerical trigonometry.

(v) Numerical and literal quadratic equations in one unknown quantity.

(vi) The binomial theorem for positive integral exponents with applications.

(vii) Arithmetic and geometric series.

(viii) Simultaneous linear equations in three unknown quantities.

(ix) Simultaneous equations, consisting of one quadratic and one linear equation, or of two quadratic equations of certain types. Graphs.

(x) Exponents and radicals. Logarithms.

(c) *Mathematics, B, advanced algebra, one-half unit.* (1) Theory of equations.

(2) Determinants.

(3) Complex numbers (numerical and geometric treatment), simultaneous quadratics, scales of notation, mathematical induction, permutations and combinations, and probability.

(d) *Mathematics, C, plane geometry, one unit.* (1) The usual theorems and constructions presented in good textbooks, including the general properties of plane rectilinear figures; the circle and measurement of angles; similar polygons; areas; regular polygons and measurement of the circle.

(2) The solution of numerous original exercises, including loci problems.

(3) Applications to the mensuration of lines and plane surfaces.

(e) *Mathematics, D, solid geometry, one-half unit.* (1) The usual theorems and constructions presented in good textbooks, including the relations of planes and lines in space; the properties and measurement of prisms, pyramids, cylinders, and cones; the sphere and the spherical triangle.

(2) The solution of numerous original exercises, including loci problems.

(3) Applications to the mensuration of surfaces and solids.

(f) *Mathematics, E, trigonometry, one-half unit.* (1) Definition of the six trigonometric functions of angles of any magnitude, as ratios. The computation of five of these ratios from any given one. Functions of 0, 30, 45, 60, and 90, and of angles differing from these by multiples of 90.

(2) Determination, by means of a diagram, of such functions as sin (A–90) in terms of the trigonometric functions of A.

(3) Circular measure of angles; length of an arc in terms of the central angle in radians.

(4) Proofs of the fundamental formulas, and of simple identities derived from them.

(5) Solution of simple trigonometric equations.

(6) Theory and use of logarithms, without the introduction of work involving infinite series. Use of trigonometric tables, with interpolation.

(7) Derivation of the Law of Sines and the Law of Cosines.

(8) Solution of the right and oblique triangles (both with and without logarithms) with special reference to the applications.

(g) *English, A, grammar and composition, one and one-half units.* (1) The principles of English grammar.

(2) The rules of English composition.

(3) Proficiency in spelling, punctuation, grammar, and composition acquired by repeated oral and written exercises.

(h) *English, B, literature, one and one-half units.* (1) The study of selected masterpieces in English and American literature.

(2) Familiarity with the nature and characteristics of the different literary forms, such as the essay, the novel, and biography in prose, the lyric and the epic

in poetry, and the comedy and the tragedy in drama.

(3) Knowledge of the history and development of English and American literature, including acquaintance with the chief periods, as the Elizabethan, the Puritan, the Restoration, and the Victorian, with the leading writers of such periods, and with the most important works of each writer.

(i) *History, A, ancient, one unit.* History down to the death of Charlemagne (814 A. D.) with special reference to Greek and Roman history, and with a short introductory study of the more ancient nations.

(j) *History, B, European, one unit.* History from the fall of Rome to the present time.

(k) *History, C, English, one unit.* History of England, emphasizing the important epochs and the greater movements and showing the relations of English history to the history of other countries, especially the United States.

(l) *History, D, American, with or without civil government, one unit.* The history of the United States, and, if civil government is included, a study of the United States Constitution, of the Federal Government, with its powers, organization, and operation, and of the relations between the Federal and State Governments.

(m) *History, world, one unit.* A general survey.

§ 575.13 *General information as to certificates.* (a) All necessary papers, including a set of blank certificate forms, are furnished by The Adjutant General, Washington 25, D. C., to each duly nominated candidate with his letter of appointment. All candidates, of every category, should submit their complete educational records on these forms, whether or not they wish to claim exemption from any examination. Candidates whose schooling has been so irregular or incomplete that the forms do not properly describe it should submit statements of their scholastic work, certified by their teachers or tutors, in as much detail as possible.

(b) Certificates should be submitted not later than February 15. A certificate received between February 15 and the examination will receive consideration; but, in view of the short time left to the Academic Board to investigate its value, no assurance will be given that such certificate can be acted on in time to exempt the candidate from the regular mental examination. Certificates received at West Point too late for full investigation and appraisal before 9 a. m. on the first Tuesday in March of each year will be filed without action thereon. Candidates will be notified of the time and date of the receipt of such certificates.

(c) Candidates who submit certificates on a date which does not allow the Academic Board sufficient time to investigate their value and notify them regarding the final action thereon prior to the day set for the examination should proceed with the regular examination.

(d) Candidates who are informed that their certificates have been accepted, must present themselves at the regular time and place, as herein prescribed, for physical examination and the tests prescribed in § 575.6 (b), and, if required, for the validating examination.

(e) A candidate submitting a secondary school certificate who has taken the College Entrance Examination Board's Scholastic Aptitude Test should have his record in this test forwarded to the Superintendent, United States Military Academy, West Point, N. Y., at the same time as his school certificate. He should state on the latter that this is being done.

(f) A candidate whose certificate qualifications have been approved, provided he completes his regular high-school or preparatory-school course with good grades and graduates, must bring with him, and present on the day he reports for admission his diploma or certificate of graduation, together with a certified statement of the grades attained in his academic work, in order that the Academic Board of the Military Academy may determine whether or not these provisions have been fulfilled.

(g) A candidate who has once satisfactorily fulfilled all the mental requirements for entrance will be regarded as mentally qualified at any subsequent opportunity which may arise for entrance with the same class.

(h) In case a candidate who has submitted a satisfactory certificate for the March examination is not admitted as a result of that examination but received another appointment prior to the June examination, (1) if he did not take the March examination, his certificate will be considered satisfactory for the June examination; (2) if he failed in the March examination, his certificate will be reconsidered in connection with the results of that examination.

(i) Any certificate accepted for entrance with one class is not valid for entrance with a succeeding class unless reapproved. It must be resubmitted, accompanied by a full statement of the candidate's educational work in the interim, and both certificate and statement will be subject to careful scrutiny by the academic board.

(j) A candidate, not an ex-cadet, who has once been declared mentally qualified for entrance upon written examination, either regular or validating, need not undergo a second mental examination in case of any subsequent appointment unless the requirements for entrance have been changed in the meanwhile. A candidate reported not qualified mentally in one or more subjects on one examination will be required to qualify in all subjects at any subsequent examination.

§ 575.14 *Physical (Medical) examination*—(a) *Preliminary.* (1) Each candidate designated as principal or alternate for appointment as a cadet of the Military Academy should ascertain as soon as practicable whether or not he has any physical defect that would disqualify him for admission or any that should be corrected by treatment before presenting himself for examination.

(2) A preliminary physical examination will be authorized by the Department of the Army only upon specific request. Any candidate who holds a letter of appointment issued by the Department of the Army may apply to the office of The Adjutant General, Department of the Army, Washington 25, D. C., for permission to undergo a preliminary examination, and the necessary instructions setting forth the place of examination will be issued. A prospective candidate will also be authorized to undergo a preliminary physical examination upon receipt in the Department of the Army of a request from the Member of Congress who is considering him for nomination with a view to appointment as a candidate. The Member of Congress or the prospective candidate will be informed by the Department of the Army of the result.

(3) It should be clearly understood by the candidate that this examination is a preliminary one only and in no way commits or obligates the Department of the Army to accept a candidate who is found by the regular medical examining board to have a physical defect which is considered to be disqualifying.

(b) *Regular.* The physical examination of a candidate begins after the conclusion of his last mental examination, and is continued daily until completed, but those candidates who upon reporting at the place of examination present evidence (the evidence must be in the form of an official communication from the Department of the Army and must specify exemption from the mental examination of the current year) that they have been excused from the mental examination under the provisions of the certificate privilege, or as the result of having qualified mentally at a previous examination, are usually examined physically as soon as possible after reporting and are not required to wait until the schedule of mental examinations has been completed.

(c) *Physical requirements*—(1) *Hearing.* Auditory acuity of all candidates will be determined by the whispered voice, and by the audiometer using the following frequencies: 256, 512, 1024, 2048, 4096, and 8192. At the time of examination the candidate should be free of upper respiratory infection. Hearing when tested by the whispered voice must be 15/15 in each ear and loss of hearing as determined by the audiometer must not be greater than fifteen (15) decibels in any of the frequencies 512, 1024, 2048 nor greater than thirty (30) decibels in either of the frequencies 4096 or 8192. The following-named conditions are causes for rejection: The total loss of an ear, marked hypertrophy or atrophy, or disfiguring deformity of the organ; atresia of the external auditory canal, or tumors of this part; acute or chronic suppurative otitis media, or chronic catarrhal otitis media; mastoiditis, acute or chronic; existing perforation of the membrana tympani from any cause whatever.

(2) *Vision.* Vision as determined by the visual test types (without a cycloplegic) must not fall below 20/30 in either eye without glasses, correctible with glasses to 20/20 in each eye, when no organic disease in either eye exists. Both eyes must be free from acute or chronic disease. Errors of refraction, if considered excessive, may be a cause for rejection even though the visual acuity falls within acceptable limits. Total hyperopia of more than two diopters or total myopia of more than three quarters (0.75) diopter in any meridian in either eye is cause for rejection. The following-named conditions are also cause for rejection: Manifest disturbance of muscle balance; esophoria of more than 10 prism diopters, exophoria of more than 5 prism diopters, or hyperphoria of more than 1 prism diopter; impairment of the sense of color perception in a pronounced degree; trachoma, or xerophthalmia; chronic conjunctivitis; pterygium encroaching upon the cornea; complete or extensive destruction of the eyelids; disfiguring cicatrices, adhesions of the lids to each other or to the eyeball; inversion or eversion of the eyelids, or lagophthalmus; trichiasis, ptosis, blepharospasm, or chronic blepharitis; epiphora, chronic decryo-cystitis, or lachrymal fistula; chronic keratitis, ulcers of the cornea, staphyloma, or corneal opacities encroaching on the pupillary area and reducing the acuity of vision below the standard noted above; irregularities in the form of the iris, or anterior or posterior synechiae sufficient to reduce the visual acuity below the standard; opacities of the lens or its capsule, sufficient to reduce the acuity of vision below the standard, or progressive cataract of any degree; extensive coloboma of the choroid or iris, absence of pigment, glaucoma, iritis, or extensive or progressive choroiditis, retinitis, detachment of the retina, neuroretinitis, optic neuritis or atrophy of the optic nerve; loss or disorganization of either eye, or pronounced exophthalmus, true nystagmus; or permanent or well-marked strabismus; diplopia, or night blindness; abnormal conditions of the eyes due to disease of the brain; malignant tumors of lids or eyeballs; ashtenopia accompanying any ocular defect.

(3) *Teeth.* No candidate will be accepted unless he has a minimum of 6 serviceable vital masticating teeth (bicuspids and molars) above and 6 below serviceably opposing and also 4 serviceable vital incisor teeth (incisors and cuspids) above and 4 below serviceably opposing. Therefore, the minimum requirement consists of a total of 12 masticating teeth and 8 incisor teeth, all of which must be so opposed as to serve the purpose of incision and mastication. In cases in which insufficiency of teeth may be remedied by the eruption of third molars, if an X-ray of the third molar region determined a normal third molar properly positioned and developed, it may be assumed that it will have a normal eruption, and the candidate may be credited with possession of this tooth.

(i) Vital teeth properly filled with permanent filling material, or well crowned, will be considered serviceable if otherwise acceptable. A one- or two-tooth replacement by a standard method of fixed bridgework will be accepted in lieu of a serviceable vital tooth when the abutment teeth are otherwise acceptable and the bridge well constructed.

(ii) A tooth will not be considered serviceable if it is a deciduous tooth, or if it fails to enter into serviceable occlusion with an opposing tooth, if it has an unfilled cavity, if it supports a defective filling or crown, if it is nonvital, or if there is destruction of the supporting tissues of the tooth, such as results from chronic gingivitis, pyorrhea, etc.

(iii) Causes for rejection are: Failure to meet the standard of minimum requirements outlined in subdivisions (i) and (ii) of this subparagraph; the loss of three adjoining masticating teeth in either side of the upper or lower jaw; disfiguring spaces between anterior teeth, such as result from the extraction of a tooth; marked irregularity of the teeth; and marked malocclusion. No candidate will be accepted until all cavities in the teeth have been filled with proper permanent fillings.

(d) *Physical proportions for height, weight, and chest measurements for all candidates except Filipinos.* The requirements of the following tables of physical proportions are for growing youths and are for guidance in connection with the other data of the examination, a consideration of all of which will determine the candidate's physical eligibility. Mere fulfillment of the requirements of the standard tables does not determine eligibility.

Height (inches)	Weight		Minimum chest measurement at expiration
	Minimum	Maximum	
	Pounds	*Pounds*	*Inches*
66	120	170	30.50
67	124	175	30.50
68	128	180	31.00
69	132	185	31.50
70	136	190	32.00
71	140	195	32.00
72	144	201	32.50
73	148	208	32.50
74	152	214	33.00
75	156	220	33.00
76	160	226	33.50

NOTE: Fractions of an inch will be reduced to the quarter of an inch, but candidates must be at least 66 inches in height. No candidate will be accepted who is more than 76 inches in height. Height to be taken without shoes and weight without clothes.

Medical examiners will recommend rejection of individuals who show poor physical development and those who appear to be undesirable candidates because of excess fat, even though their measurements may come within the figures stated in the above table. In such instances, the report will show in detail the findings upon which recommendation for rejection is based.

Recommendations for waiver of excess weight will be made in cases in which the general appearance and conformation of the candidate and the rest of the examination clearly indicate that he is of the robust type and that there is no tendency to obesity, endocrine imbalance, cardiovascular disease, or other defect which is likely to shorten the period of useful active service normally expected of an Army officer. (See par. 1a (1) (c), AR 40-100.)

(e) *Minimum standards for Filipino applicants.*

Height (inches)	Weight	Chest measurement at expiration
	Pounds	*Inches*
59	100	28½
60	101	28¾
61	102	29
62	103	29¼
63	105	29½
64	107	29¾
65	110	30
66	113	30¼
67	118	30½
68	124	30¾
69	127	31
70	130	31¼

§ 575.14a *Physical aptitude examination.* (a) All candidates must qualify in a Physical Aptitude Examination. This is a 1 hour examination measuring neuromuscular coordination, muscular power, muscular endurance, speed, cardiovascular endurance, and flexibility. The tests will typify the abilities of running, jumping, throwing, climbing, dodging, lifting, pushing, pulling, etc. Each candidate is required to take rubber-soled athletic shoes, socks, undershirt, and long trousers (athletic supporter—optional) with him when he reports for the examinations.

(b) It is recommended that candidates prepare for this examination by engaging in all round vigorous activities such as running, conditioning exercises, competitive games, etc., rather than practicing on specific test items. A candidate may consider himself prepared to meet the minimum standards of physical aptitude if he can achieve performances on physical tests in general not lower than those here listed:

(1) Vertical jump The difference between the height an individual can reach and the height he can jump and reach.	17 inches.
(2) Standing broad jump for distance	6 feet 9 inches.
(3) 3 broad jumps for distance Standing start with 3 continuous broad jumps.	20½ feet.
(4) Pull-ups Chinning oneself on a horizontal bar, grasping bar with back of hand toward face.	3 times.
(5) Dips Raising and lowering oneself on parallel bars by means of the arms. The body is lowered until upper arm passes the horizontal.	3 times.
(6) Push-ups Standard push-ups starting from the leaning rest position.	16 times.
(7) Dodge run A run through a maze placed on a gymnasium floor. This test is described in the book entitled "Achievement Scales in Physical Education Activities for College Men" by F. W. Cozens, Lea & Febinger Publishing Co.	27 seconds.
(8) 300-yard run (indoor track—11 laps to the mile)	46.7 seconds.
(9) 300-yard run This test is a shuttle run on a gymnasium floor between two turning blocks placed 25 yards apart.	65 seconds.
(10) 100-yard run This test is a shuttle run on a gymnasium floor between two turning blocks placed 25 yards apart.	18.9 seconds.
(11) 50-yard run This test is a shuttle run as described under the above 100-yard run.	8.7 seconds.

(12) Bar vault for height. From a standing position vault over a horizontal bar by touching it with only the hands using either flank or front vault.	4 feet 6 inches.
(13) Burpee test for 20 seconds. Continuous movements from the standing position to the squat, to the leaning, rest, to the squat and back to the standing position.	10½ times.
(14) Squat jumps (total number possible). From the squatting position on the right heel with fingers laced on top of head palms downward, and with left foot slightly advanced, spring upward until both knees are straight and both feet clear the floor. While the feet are off the floor advance the right foot and drop to a squat on the left heel. Spring up again and repeat as many times as possible.	28 times.
(15) Sit-ups. The total number of sit-up movements that can be performed with a partner holding the feet.	30 times.
(16) Sit-ups for speed. The number of sit-up movements that can be performed in 30 seconds while lying on a gymnasium mat with toes hooked under a bar.	20 times.
(17) Softball throw for distance using a regulation softball (12-inch circumference)	140 feet.
(18) Basketball throw for distance using a regulation basketball	65 feet.
(19) Medicine ball put. A 6-pound medicine ball is put using the same movement as required for a shot put.	33 feet.
(20) Hop, step, and jump. From a standing position take a hop, a step, and a jump to gain as great a distance as possible.	20 feet.
(21) 100-yard pick-a-back carry. Carrying a partner astride his back one runs 100 yards by shuttling back and forth around stakes placed 25 yards apart. The partner must be within 10 pounds of one's own weight.	27.0 seconds.
(22) Rope climb (7 seconds). Climb a regulation gymnasium rope as high as possible in 7 seconds, using hands and feet or hands alone, starting from a standing position.	10½ feet.

(c) The examination items will be selected from the list in paragraph (b) of this section and candidates may consider themselves qualified to meet the minimum standard of the Physical Aptitude Examination if they can achieve the performances indicated in paragraph (b) of this section. The examination will be graded on the basis of the total score. In other words, failure to achieve a passing score on a single test will not cause failure if a passing grade is achieved on the whole examination. A candidate once found qualified in the physical aptitude examination will not be required to undergo the examination again in connection with any subsequent appointment.

§ 575.15 *Physical conditioning.* (a) A warning is here stressed that passing the Physical (Medical) examination and the Physical Aptitude Examination does not mean that a candidate is sufficiently fit physically or conditioned for the duties he will undergo immediately upon entrance to the Military Academy. Passing these examinations simply means that the candidate has a normal body and has no apparent serious medical defects. It does not insure proper physical fitness to undergo the initial training at the United States Military Academy without considerable difficulty. Because of the nature of the new cadets' training during their first 2 months at the Academy the physical demands are necessarily great. Experience has indicated that those cadets who, prior to admission, have hardened themselves physically, are best able to meet these requirements. The cooperation of parents is enjoined to encourage new cadet candidates to participate in some form of physical exercise prior to their arrival at the Academy.

(b) Much valuable time has been lost from instruction because of poor physical condition, sore feet, muscular soreness, strained arches, and many other physical impairments due to unaccustomed physical exertion. This loss can be avoided if all new cadet candidates begin to condition themselves immediately upon notification of appointment. The conditioning program may include daily exposure to sunlight, running, taking long hikes, swimming, and other types of exercise.

§ 575.16 *Deposit upon entrance.* (a) The cost of the uniform and personal equipment with which the new cadet is provided immediately after admission is approximately $300. This sum must be deposited with the treasurer of the Academy before the cadet is admitted. Parents of candidates are advised to forward the required deposit by draft, payable to the Treasurer, United States Military Academy, who will credit it to the new cadet's account. Cadets who exercise proper economy will have upon graduation a sufficient balance to their credit with the treasurer to purchase the initial supply of uniforms and equipment which they will need as officers.

(b) Candidates are advised, on leaving home for admission, to take with them no more money than is needed for traveling expenses. Any balance in their possession at the time of admission is deposited to their credit with the treasurer. Except for members of the armed forces, who are provided transportation or are allowed mileage as provided in Army Regulations, cadets are allowed 5 cents per mile for traveling expenses from their homes to the Military Academy. Such mileage is credited to the cadet's account after his admission unless he makes a specific written request to the Commandant of Cadets that the mileage allowance be sent to his parents.

§ 575.17 *Degree.* The degree of bachelor of science is conferred at the time of graduation under the provisions of an act of Congress approved May 25, 1933, as amended by the act of Congress approved July 8, 1937 (48 Stat. 73, 50 Stat. 477; 10 U. S. C. 486a), which provides: "That the superintendents of the United States Naval Academy, the United States Military Academy, and the United States Coast Guard Academy may, under such rules and regulations as the Secretary of the Navy, the Secretary of the Army, and the Secretary of the Treasury may prescribe, confer the degree of bachelor of science upon all graduates of their respective academies, from and after the date of the accrediting of said academies by the Association of American Universities: *Provided*, That on and after the date of the accrediting of the said academies by the Association of American Universities the superintendents of the respective academies may, under such rules and regulations as the respective secretaries may make, confer the degree of bachelor of science upon such other living graduates of the said academies as shall have met the requirements of the respective academies for such degree." The United States Military Academy was accredited by the Association of American Universities on October 31, 1925.

§ 575.18 *Promotion after graduation* — (a) *Appointment of officers.* When any cadet of the United States Military Academy (other than foreign cadets) has completed the prescribed course of instruction, he may upon graduation be promoted and appointed a second lieutenant in the Regular Army or United States Air Force, and whenever any such appointment would result in there being a number of active list commissioned officers in the Regular Army or in the United States Air Force in excess of the authorized active list commissioned officer strength, such strength shall be temporarily increased as necessary to authorize such appointment (Sec. 506 (f), Pub. Law 381, 80th Cong.).

(b) *Revocation of commission.* Under the provisions of the act of Congress approved 25 July 1939 (53 Stat. 1074; 10 U. S. C. 484a), authorizing revocation by the Secretary of the Army of the commission of an officer on the active list, initially commissioned after 25 July 1939, who has had less than 3 years of continuous service as a commissioned officer of the Army at the date of revocation, it is prescribed that:

a. In the case of officers serving under revocable commissions • • • the Secretary of War may revoke the commission of any officer whose conduct or performance of duty is such as not to justify his retention as an officer of the Army, or whose retention as an officer of the Army is not justified for other good and sufficient reasons appearing to the satisfaction of the Secretary of War. The action of the Secretary of War is final and conclusive. • • • d. An officer whose commission is revoked under this authority will be entitled only to accrued pay and allowances upon discharge. • • • *f.* These regulations become effective as to all officers originally commissioned in the Regular Army after July 25, 1939.

§ 575.19 *Pay and allowances of cadets.* (a) The pay of the cadet is $936 per annum plus the cost of one ration per day. The latter item varies with the cost of food. The total of such pay and allowances, when added to the new cadet's initial deposit, is sufficient to meet the cadet's actual needs at the Academy.

(b) Except for members of the armed forces who are provided Government transportation or allowed mileage in accordance with Army Regulations, mileage at 5 cents per mile, for traveling expenses from their homes is credited to the account of cadets after their admission to the Academy.

(c) Obtaining money from outside sources is regarded with disfavor, unless it be for purposes specifically authorized in the Budget of a Cadet's Pay or in Regulations, United States Cadet Corps.

§ 575.20 *Uniforms and supplies.* Cadets are required to wear the prescribed uniform. All articles of their uniform and equipment, including bedding, shoes, and underwear, are of a designated pattern, and are sold to cadets at West Point at regulated prices. It is not necessary for candidates to make special preparation for their stay at the academy, although there is no objection to their bringing with them such supplies of handkerchiefs and toilet accessories as they may have. Should a trunk be brought, it should be of the Army trunk locker type, 29¾ by 16 by 12 inches in size, and in good condition. If a candidate does not have such a trunk, he should wait until his arrival at the academy to procure one. Everything needed can be secured from the cadet store at West Point.

§ 575.21 *Communications.* Communications relating to matters connected with the Military Academy should be addressed to The Adjutant General, The Pentagon, Washington 25, D. C.

PART 576—CARE AND DISPOSITION OF THE PSYCHOTIC

Sec.
576.1 Transfer to care of nearest known relative.
576.2 Applicants for enlistment or selectees.

§ 576.1 *Transfer to care of nearest known relative.* (a) A psychotic person requiring institutional care will be transferred to the custody of the nearest known relative upon the relative's request: *Provided*, The patient is not considered actively suicidal or homicidal: *And provided*, The relative produces satisfactory evidence that proper care for the psychotic person concerned will be furnished. This evidence will consist of affidavits from the relative declaring that he or she is willing and has the necessary financial means to provide adequate care and treatment. For disposal of patient's effects and valuables see § 576.2 (c).

(b) Persons who are actively suicidal or homicidal will be disposed of only as follows:

(1) Those entitled to care and treatment by the Veterans' Administration will be:

(i) Disposed of as provided in Army Regulations, if such person or his relatives refuse care and treatment in a Veterans' Administration facility.

(ii) Delivered to an acceptable State, private, or other civilian hospital, upon written request of the nearest known relative and upon authorization from such civilian hospital in cases where the person or his relatives elect to provide civilian hospitalization in lieu of disposition as provided in subdivision (i) of this paragraph.

(2) Those not entitled to care and treatment by the Veterans' Administration will be:

(i) Disposed of as provided in Army Regulations.

(ii) Delivered to an acceptable private hospital, upon written request of the nearest known relative and upon authorization from such private hospital in cases where the person or his relatives elect to provide private hospitalization in lieu of disposition as above. (R. S. 161; 5 U. S. C. 22) [AR. 600-500, Feb. 4, 1946]

§ 576.2 *Applicants for enlistment or selectees.* Applicants for enlistment or selectees discovered to be psychotic after arrival at a military station, and before the completion of their enlistment or induction, will be disposed of as follows:

(a) Those whose release will be unattended by danger to themselves or others will be rejected and disposed of under the regulations governing the disposal of other rejected applicants or selectees.

(b) Those whose psychosis is of a type that would probably make their release dangerous to themselves or others will be delivered to relatives or to the civil authorities designated by law to apply for the commitment of psychotic or insane persons residing in the place where they applied for enlistment or at place of induction. The station commander will provide the necessary escort for such delivery, and issue the necessary travel orders, transportation, and subsistence (in kind or by commutation, as may be most suitable). If they refuse to accept the patient, report will be made to The Adjutant General.

(c) On the day of departure of the patient, his immediate commanding officer will make and sign an inventory, in triplicate, of the patient's effects, money, and valuables. Two copies of the inventory listing the patient's money and valuables, together with the money and valuables, will be turned over, or sent by registered mail to the manager or superintendent of the institution to which the patient is delivered, or to the relative or civilian agency assuming the custody of the patient, with a request that one copy of the inventory be receipted. In the case of a patient transferred to a Veterans' Administration hospital, any money of the patient on deposit in the patients' fund will be transmitted by check drawn by the custodian to the order of "Manager, Veterans' Administration Hospital, ----------, a/c
(Address of facility)
----------." The manager of the Veterans' Administration hospital will acknowledge the receipt of such check by returning a field service receipt to the custodian. If to the knowledge of the immediate commanding officer of the patient a guardian of the patient has been legally appointed, then, in lieu of disposition as above, the patient's money and valuables will be turned over, or forwarded by registered mail to such guardian upon presentation of proper evidence of his or her authority. If such money and valuables are turned over to a guardian a receipt therefor will be obtained; if forwarded by registered mail, a receipt will be inclosed with instructions that it be signed and returned. The other effects of the patient, such as clothing, together with two copies of the inventory of these effects, will accompany the patient as baggage. One copy of the inventory will be receipted by the relative or civilian agency assuming custody of the patient or by a responsible person in the institution to which the patient is delivered and will be returned for file. Prior to the patient's departure, the commanding officer will advise the institution or relative of the fact, stating the time when the patient may be expected to arrive. (R. S. 161; 5 U. S. C. 22) [AR 600-500, Feb. 4, 1946]

(Patient's name and serial No.)

PART 577—MEDICAL AND DENTAL ATTENDANCE

MEDICAL ATTENDANCE

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AUTHORITY: §§ 577.1 to 577.46 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AR 40-505, Dec. 5, 1945; AR 40-590, Jan. 21, 1946; AR 40-600, Oct. 6, 1942; AR 40-510, Oct. 1, 1945.

MEDICAL ATTENDANCE

§ 577.1 *General*—(a) *Definition.* The term "medical attendance" as used in the regulations in this part embraces the treatment by a medical officer or contract surgeon in the Federal service, or by a civilian physician, of sick or injured

persons, and advice and physical examination connected therewith. The term includes furnishing of medicine, nursing, hospital care, and ambulance service. For dental treatment, see §§ 577.40–577.46.

(b) *Agencies for providing medical attendance in the Army.* (1) The principal agencies maintained for providing medical attendance in the Army are:

(i) *At permanent stations.*

Hospitals.	Dispensaries.

(ii) *In the field.*

Aid stations.	Evacuation and surgical hospitals.
Collecting stations.	Dispensaries.
Clearing stations.	
Hospitals (fixed).	

(2) In general, patients proceed to these agencies for observation and treatment. Patients sick in quarters at a station or with a command which has a hospital or dispensary will, if their condition permits, report thereto for examination and treatment as required by the medical officer in attendance. Other patients sick in quarters will be visited by a medical officer as often as he may deem necessary.

(c) *Refusal of treatment.* For provisions relating to the refusal of treatment, see AR 600–10.[1]

§ 577.2 *For whom authorized.* Under the conditions indicated herein the Army, usually through its own facilities, will provide medical attendance to the personnel enumerated in paragraphs (a), (b), and (c) of this section.

(a) *General.* Any person admitted to an Army hospital under the provisions of AR 40–590 or 40–600,[2] while undergoing treatment in such hospital.

(b) *Military.* (1) Officers, Army nurses, Women's Army Corps, other militarized female personnel of the Army, contract surgeons (full time), warrant officers, flight officers, cadets and enlisted men, while in active Federal service, and general prisoners and prisoners of war.

(2) Persons who are on the retired list of the Regular Army and who report in person at any Army dispensary or hospital, provided sufficient accommodations are available for their treatment. Medical officers and contract surgeons will not be required to leave their stations to attend those on the retired list.

(3) Members of the National Guard not in Federal service while in attendance at a Federal training camp, and under certain other conditions as prescribed under appropriate headings in National Guard Regulations.

(4) Members of the Officers' Reserve Corps and of the Enlisted Reserve Corps as provided in subparagraph (1) of this paragraph.

(c) *Civilian.* (1) Members of the Reserve Officers' Training Corps, as prescribed in AR 145–10 and §§ 562.1 to 562.34.

(2) Persons in military custody or confinement and applicants for enlistment while under observation.

(3) Whenever practicable, the wife, dependent children, and servants of persons enumerated in paragraph (b) (1) of this section; also other dependent members of the family when residing with such persons provided they are not legally dependent upon an individual not in the military service.

(4) Civilian employees of the Army (including civilian employees of exchanges) at stations or in the field, where other medical attendance cannot be procured.

(5) Civilian employees of the United States Government who receive personal injuries in the performance of official duty who may report for treatment at an Army dispensary or hospital upon request of the officer under whom they are employed, provided other Government hospitals for the treatment of such employees are not convenient of access.

§ 577.3 *Civilian medical attendance for military patients at public expense—*(a) *General authorization.* Subject to the conditions and limitations specified herein, civilian medical attendance at public expense is authorized for personnel specified in paragraph (b) of this section, when the required attendance cannot be provided from available facilities of the Army or other Federal agency: *Provided,* That this will not apply to military personnel who obtained elective medical treatment in civilian hospitals or by civilian physicians.

(b) *For whom authorized.* Civilian medical attendance at public expense is authorized for the following personnel and none other:

(1) Officers, Army nurses, Women's Army Corps, other militarized female personnel of the Army, contract surgeons (full time), warrant officers, flight officers, cadets, enlisted men, when on a duty status or when absent on authorized leave, sick leave, furlough, or pass. Civilian medical attendance is not authorized for the personnel enumerated when absent without leave.

(2) Prisoners of war, persons undergoing internment, and other persons in military custody or confinement.

(3) An applicant for enlistment while under observation.

(4) Civilian seamen in the service of ships operated by the Department of the Army and Transportation Corps marine officer cadets, for a reasonable time and except for injuries or diseases resulting from their own misconduct. Traumatic injuries and occupational diseases incurred in the course of employment are covered by the United States Employees' Compensation Commission and are not included in this part.

(c) *Ordinary medical attendance.* (1) An individual for whom civilian medical attendance is authorized under paragraph (b) of this section, and who is serving without an immediate local commanding officer, may engage civilian medical attendance without reference to higher authority when the urgency of the situation does not permit obtaining prior approval by higher authority or when he or she is serving beyond the continental limits of the United States, and not under the jurisdiction of an Army area commander. Under all other circumstances such an individual will obtain prior approval from higher authority (see subparagraph (3) of this paragraph). When, under the provisions of this subparagraph, civilian medical attendance is engaged without prior authority, the report required by paragraph (g) of this section will be made.

(2) A local commanding officer may engage or authorize necessary civilian medical attendance for himself or for any person under his jurisdiction under any one of the following conditions:

(i) When the cost will not exceed $100, unless the individual for whom the medical attendance is required is serving beyond the continental limits of the United States and not under the jurisdiction of an Army area commander.

(ii) When the urgency of the situation does not permit obtaining prior approval by higher authority. See paragraph (g) of this section for report required.

(3) Where prior approval by higher authority is required for civilian medical attendance, the authority to grant such approval is vested in the Army area commander. See paragraph (f) of this section.

(d) *Specialist service.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, the engagement at public expense of a civilian specialist is subject to prior approval of the Army area commander.

(2) When it is impracticable to obtain prior approval of the Army area commander or when the services of a civilian specialist are immediately necessary to save life or prevent suffering or distress, such services may be authorized or engaged by the appropriate commanding officer, or by the individual concerned if there is no local commanding officer.

(e) *Consultation.* Accounts for consultation will not be allowed except in extraordinary cases.

(f) *Requests for authority to engage civilian medical attendance.* When medical attendance is required, requests for authority to engage such attendance will normally be made in writing, transmitted through channels, but in emergency may be transmitted by telegraph or radio direct to the approving authority. (See paragraphs (c) (3) and (d) of this section.) The request will include:

(1) *For ordinary medical attendance.*

(i) Character and extent of disability.

(ii) Statement whether disability is or is not chronic.

(iii) Place of duty and duties upon which the individual is engaged.

(iv) Status; duty, furlough, leave, or pass. If not on duty, the exact period of furlough, leave, or pass.

(2) *For specialist service.* (i) Diagnosis in the case.

(ii) Professional procedure considered necessary and estimate of time required for treatment.

(iii) Statement of condition of patient and the practicability of his transfer to an Army or other Federal hospital for the necessary treatment.

(iv) Place of duty and duties upon which the individual is engaged.

(v) Status; duty, furlough, leave, or pass. If not on duty, the exact period of furlough, leave, or pass.

(vi) Estimate of the cost.

(g) *Allowances—*(1) *Compensation allowed to civilian physician.* (i) Ordinary medical attendance on public account at garrisoned stations or camps will not exceed the following rates, and if the local charge per visit is less than these rates the account will be rendered at the local rates: For attending station or sick call, five patients or fewer, $4; for each patient in excess of five, 50 cents; for each additional visit to station or sick call when necessary on the same day, $4.

(ii) Where there is a large sick report and the service may be required for an extended period, and the aggregate charge for a month is likely to exceed $150, application will be made to the Army area commander for authority to employ a physician by the month.

(iii) Accounts arising at stations or camps under exceptional circumstances, all accounts arising at other places, and accounts for special or surgical services will be allowed at rates considered reasonable by the approving authority.

(iv) The compensation allowed to each civilian physician for the physical examination (including urinalysis but excluding serology and chest X-ray) of applicants for enlistment in the United States Army-United States Air Force (excluding civilian components), when such examinations are authorized by regulations or orders, will be $25 a day, unless the number to be examined is so small that it would be more economical to hire him on a basis of $5 for a single examination and $2 for each additional examination on the same day.

(v) Civilian physicians employed, in the absence of a medical officer or contract surgeon, for the physical examination of officers, enlisted men, or other persons under the provisions of regulations or orders from competent authority, will, except as otherwise provided by competent orders and regulations or directed by The Surgeon General, be paid at the rates prescribed in subdivision (iv) of this subparagraph for the examination of applicants for enlistment, and for each authorized vaccination at the rate of $1 for administration of each dose of vaccine.

(2) *Charges for other civilian attendance.* Accounts for civilian hospital service, for special nursing, for medicines, for ambulance service, and for sundry items of civilian medical service will be allowed at reasonable rates approved by the Army area commander.

§ 577.4 *Treatment in hospitals of other Government services—*(a) *For whom authorized.* When Army hospitals are not available, treatment in other Federal hospitals at public expense is authorized for the following personnel, and none other:

(1) Officers, Army nurses, Women's Army Corps, other militarized female personnel of the Army, contract surgeons (full time), warrant officers, flight officers, cadets, and enlisted men, when on a duty status or while absent from duty on authorized leave or absent without leave.

(2) A prisoner in military custody.

(3) An applicant for enlistment while under observation.

(b) *Subsistence.* Subsistence charges will be at the rate prescribed by the individual hospital. Payment for subsistence will not be made to the hospital by the individual concerned. The Surgeon General will collect the subsistence charges from any officer, Army nurse, officer of the Women's Army Corps, other militarized female personnel of the Army in officer status, contract surgeon (full time), warrant officer, flight officer, so hospitalized, and deposit it to the proper appropriations.

§ 577.6 *Physical examination of civilians by medical officer.* In addition to making physical examinations of civilians who are applicants for admission to the Army or who are applicants for admission to or members of Reserve Officers' Training Corps units, medical officers will, without charge, conduct physical examination of civilians as follows.

(a) Upon request of the Civil Service Commission:

(1) In the operation of the civil retirement law: *Provided,* That a medical officer will not be required to leave his proper station for this purpose.

(2) Applicants for annuity who are being hospitalized in Army hospitals. Such reports of these examinations will be made as the Civil Service Commission may indicate, and forwarded direct.

(b) Candidates for foreign service appointments under the Department of State who may report for such examination under proper authorization from that Department.

(c) Medical officers on duty at military stations will conduct physical examinations of candidates for assignment in the Federal classified Civil Service Commission after selection by that agency: *Provided,* That the examinations can be conducted without interference with the military duties of medical officers. Hospitalization in military hospitals for the purpose of examination is not authorized.

(d) (1) Medical officers will conduct without charge, except for materials used, the following examinations, and reports will be forwarded direct to the United States Veterans' Administration.

(i) Former members of the military establishment who are applicants for pensions, provided that a medical officer will not be required to leave his proper station for this purpose.

(ii) Beneficiaries of the United States Veterans' Administration who are patients in Army hospitals, when such examinations are necessary in connection with the establishment of claims for compensation or with the reinstatement of Government insurance.

(2) Medical officers stationed in Alaska will in addition to their other duties act as medical examiners in that territory for the United States Veterans' Administration.

(e) Medical officers on duty at military stations will make such physical examinations of personnel of the Coast Guard, active and retired, as may be requested by the proper authorities of that service in the operation of the act of March 4, 1925 (43 Stat. 1261; 33 U.S.C. 765, 766), or laws that may be enacted supplemental thereto, concerning retirement on account of disability, and will make such reports thereof as the said authorities may desire: *Provided,* That no medical officer will be required to leave his proper station for this purpose, except with his own consent and the approval of his commanding officer, in which case it must be established that the person to be examined is substantially unable to report at the military station for the required examination and that public funds have been set aside by the Coast Guard for the traveling expenses and transportation of the medical officer.

(f) Civilian employees of the United States Government who have received injuries in the performance of official duty will, upon request of the officer under whom they are employed and provided that other Government medical officers are not convenient of access, be examined by medical officers to determine the degree and extent of the injury. Report will be made to the officer requesting the examination: *Provided,* That a medical officer will not be required to leave his proper station for this purpose.

(g) Honorably discharged enlisted men, sailors, and marines applying under the act of Congress, approved July 11, 1919, for positions under the Department of the Army requiring a medical certificate.

(h) Civilian aviators who have been specifically authorized by the Department of Commerce to appear for physical examination for flying by qualified flight surgeons: *Provided,* That such examinations will not interfere with the performance of their military duties.

§ 577.7 *Civilian physicians practicing upon military reservations, posts, or camps.* Regularly licensed civilian physicians may be authorized by the commanding officer to practice medicine upon military reservations, posts, or camps, other than as prescribed in § 577.3 under the following regulations:

(a) The civilian physician will, before entering upon such practice, register over his signature with the commanding officer his name, address, fact of State licensure, agreement to ascertain and observe current rules and regulations relative to the protection of the command against communicable diseases, and his agreement to conform to the established ethics of the civil medical profession. Until such agreement has been made he will not, except in case of emergency, be allowed to practice within the station or command.

(b) When a civilian physician in his practice within a military reservation, post, or camp discovers a case of disease which is or may be communicable, he will promptly report the fact to the commanding officer, who will advise the surgeon and take proper measures for the protection of the command and of other persons.

(c) When a civilian physician is summoned to treat a patient belonging to or present with any command, the patient or the person acting in his or her behalf will at the same time inform the commanding officer, who will notify the surgeon that a civilian physician has been

[1] Administrative regulations of the Department of the Army.

[2] Administrative regulations of the Department of the Army relative to hospitals.

summoned. The surgeon will thereupon ascertain from civilian physician, or by personal examination of the patient if deemed necessary, the nature of the disease and whether it is communicable or is a source of danger to others. In the event that the disease is communicable or is considered by the surgeon to be a source of danger to others, the surgeon will so inform the commanding officer, and will exercise such supervision over the case as he may deem necessary to prevent its spread.

(d) If the patient is an officer, Army nurse, member of the Women's Army Corps, other militarized female personnel of the Army, contract surgeon (full time) warrant officer, flight officer, cadet, enlisted man, general prisoner, or prisoner of war, the civilian physician or the patient in case the medical attendance is obtained other than as provided in this section or in § 577.3 (a), will report the diagnosis of the disease or injury and the attending circumstances to the commanding officer, who will transmit the information to the surgeon:

(1) To enable the Medical Department to have knowledge of communicable diseases for which the patient might consult the civilian physician;

(2) To complete the health records of the individual in the sick and wounded records;

(3) To carry out the scheme of health conservation prescribed in AR 605–110;[1]

(4) To have the information available for promotion and retirement boards; and the patient will not be relieved from the consequences of a failure to report such diagnosis unless he states that the same would tend to incriminate him.

(e) Violation of the regulations in this section by a civilian resident or by a civilian physician will render him liable to exclusion from the military reservation, post, or camp, and by any member of the military forces to appropriate disciplinary action.

(f) Each civilian physician registered to practice within a military reservation, post, or camp will be furnished with a copy of the regulations in this part and also with a copy of any other rules and regulations in force relative to the protection of the command against communicable disease.

§ 577.8 *Private practice by medical officers.* If a citizen residing in the neighborhood of a military station or the residence of an Army medical officer desires the professional services of such officer, and the services of a private practitioner acceptable to him cannot conveniently be obtained, it is regarded as not inconsistent with the regulations governing the Army for such officer to tender his services when this does not interfere with the proper performance of his official duties. Private or civil practice by Army medical officers in civilian communities the needs of which are being satisfactorily met by civilian practitioners will ordinarily be restricted to consultation practice with such civilian practitioners, and to emergency medical or surgical work necessary to save life or limb or prevent great suffering for which civilian practitioners are not immediately available. The establishment by a medical officer of an office for the purpose of engaging in civil practice is prohibited.

§ 577.9 *Issuance of narcotic prescriptions by medical officers to be filled at civilian pharmacies.* Officers of the medical corps of the Army and Navy, in the course of official medical treatment of Army and Navy personnel and members of their families entitled to receive such treatment, are required to issue prescriptions for these patients which may call for narcotic drugs or preparations. Under circumstances where the drug or preparation required by the patient for medical use cannot be furnished from official stocks, it is necessary that it be obtained, pursuant to the official prescription, from drug store duly qualified by registration under the Federal narcotic law to fill narcotic prescriptions.

Such prescriptions, issued in the course of official professional practice only, and prepared on official blanks or stationery (such as printed forms of an Army or Navy hospital or dispensary) and otherwise meeting the requirements of Narcotic Regulations No. 5 (26 CFR, Part 151, as amended) relating to narcotic prescriptions, may be filled by a duly registered druggist although they do not bear a registry number of the issuing practitioner; provided they bear the signature, title, corps, and serial or jacket number of the issuing medical officer. Such prescriptions, when filled, shall be filed with, and retained for the same period as narcotic prescriptions issued by regularly registered practitioners and filled by the druggist.

This procedure shall not apply in the case of prescriptions written by an Army or Navy medical officer in the treatment of a private patient, i. e., a patient not entitled to receive medical treatment from the physician in the latter's capacity as a service medical officer. In prescribing and dispensing narcotic drugs to such private persons, the officer is subject to all the requirements of the Federal narcotic law, including registration and payment of tax, as are imposed upon other physicians conducting private medical practice.

ARMY HOSPITAL REGULATIONS

§ 577.15 *Persons who may be admitted to Army hospitals.* (Provisions of this section do not apply to the Army and Navy General Hospital (see AR 40–600)[1].

(a) *General.* When suitable facilities for hospitalization are available, sick and injured persons enumerated in paragraph (b) of this section may be admitted to Army hospitals.

(b) *List.* (1) The following personnel of the Army:

(i) Officers, male and female (active or retired) (including Philippine Scouts).

(ii) Warrant officers, male and female (active or retired) (including Philippine Scouts).

(iii) Flight officers.

(iv) Army nurses (active or retired).

(v) Cadets of the United States Military Academy.

(vi) Militarized female personnel of the Medical Department.

(vii) Aviation cadets.

(viii) Contract surgeons serving full time.

(ix) Enlisted men and women (including Philippine Scouts).

(x) Retired enlisted men.

The admission of retired personnel on inactive status will be limited to cases which, in the judgment of the commanding officer of the hospital, will be benefited by hospitalization for a reasonable time. Those requiring merely domiciliary care by reason of age or chronic invalidism will not be admitted. Persons entitled to hospitalization under section 5, act of April 3, 1939 (53 Stat. 557), as amended by act of July 25, 1939 (53 Stat. 1079; 10 U. S. C. 456), or under section 1, act of September 26, 1941 (55 Stat. 733; 10 U. S. C. 456a), or the act of September 22, 1941 (55 Stat. 728; 10 U. S. C. 484), and persons on the Emergency Officers Retired List are not admissible to Army hospitals except under the provisions of subparagraphs (19) or (28) of this paragraph (see subparagraphs (2) and (4) of this paragraph concerning persons entitled to hospitalization under the act of June 15, 1936 (49 Stat. 1507), as amended by section 5, act of October 14, 1940 (54 Stat. 1137; 10 U. S. C. 455a–455e)).

(2) The following personnel who suffer personal injury or contract disease while on active duty; or who are injured in line of duty while properly participating in aerial flights as an incident to their military training, but not on active duty; or who require rehospitalization for injuries or diseases incurred in line of duty:

(i) Members of the Officers' Reserve Corps.

(ii) Members of the Enlisted Reserve Corps.

(3) Members of the Enlisted Reserve Corps not on active duty who suffer personal injury or contract disease while undergoing training as students of the Army Specialized Training Reserve Program, including those who require rehospitalization for injuries or diseases so incurred.

(4) The following personnel who suffer personal injury or contract disease in line of duty or who require rehospitalization for such injuries or diseases:

(i) Members of the Citizens' Military Training Camps.

(5) (i) The following personnel of the Navy and/or Marine Corps (whether on active service or on retired, inactive or leave (furlough) status, except as provided in (*f*) and (*g*) of this subdivision:

(*a*) Officers (male and female) of the Navy or Marine Corps.

(*b*) Commissioned warrant officers (male and female) of the Navy or Marine Corps.

(*c*) Warrant officers (male and female) of the Navy or Marine Corps.

(*d*) Navy nurses.

(*e*) Midshipmen of the United States Naval Academy.

(*f*) Enlisted men and women of the Navy or Marine Corps on active service, including aviation cadets and midshipmen of the Naval Reserve.

(*g*) Enlisted men of the Navy and Marine Corps on retired (inactive) status and inactive enlisted personnel transferred to the Fleet Naval Reserve or to the Fleet Marine Corps Reserve after 16 or more years of service.

(ii) The procedure for admission of the above-mentioned personnel will be as follows:

(*a*) *On active service.* On the request of their commanding officer or on their own request if the commanding officer of the hospital concerned deems such admission necessary. Whenever such request has not been received from the commanding officer of such active duty personnel, report of hospitalization should be made immediately to the Bureau of Medicine and Surgery, Navy Department, Washington, D. C.

(*b*) *On inactive status.* On authorization of the proper representative of the Navy Department, or on their own request if their admission be deemed necessary by the commanding officer of the hospital concerned, provided beds are available in the hospital concerned. Whenever such authorization has not been received, report of hospitalization should be made immediately to the Bureau of Medicine and Surgery, Navy Department, Washington, D. C., and authorization requested therefor.

(iii) The admission of patients requiring merely domiciliary care by reason of age or chronic invalidism is not authorized.

(6) Commissioned officers of the United States Public Health Service on active duty, upon the individual officer's own written request when such officers are disabled as the result of sickness or injury.

(7) Civilian employees of the United States Public Health Service on duty at any national quarantine station, or on a national quarantine vessel, or detailed for duty in foreign ports, suffering from sickness or injury, upon written authorization by a responsible officer of the United States Public Health Service.

(8) The following personnel of the United States Coast Guard on active duty, including those on shore duty and those on detached duty, upon written authorization of the responsible Coast Guard officer:

(i) Officers (male and female).

(ii) Commissioned warrant officers (male and female).

(iii) Warrant officers (male and female).

(iv) Cadets.

(v) Enlisted men and women (including Reserve cadets).

(9) The following personnel of the United States Coast and Geodetic Survey, on active duty, including those on shore duty and those on detached duty, upon written authorization of the responsible Coast and Geodetic Survey officer:

(i) Commissioned officers.

(ii) Ship's officers.

(iii) Members of the crews of vessels.

(10) Wives, or dependent husbands, and dependent children of the following Army personnel, and other dependent members of their families (when such other dependent members reside in the home of such Army personnel and are not legally dependent upon an individual not in the military service), requiring hospital treatment or isolation and when accommodations for their care are available:

(i) Officers (male and female).

(ii) Warrant officers.

(iii) Flight officers.

(iv) Aviation cadets.

(v) Enlisted men and women.

Application in each case will be made to the commanding officer of the hospital concerned by the officer, warrant officer, flight officer, aviation cadet, or enlisted man or woman with evidence satisfactory to the commanding officer showing the relationship, dependency, residence, nature of the illness, and need for hospital treatment. Dependents of military personnel should not undertake travel to a military hospital without first ascertaining whether and when accommodations will be available. If the case is under the care or within the province of an attending surgeon of the Army, application will be made by him; otherwise, it will be made direct.

(11) Civilian employees of the United States Government compensable by the United States Employees' Compensation Commission who suffer personal injury while in the performance of official duty, or who acquire a disease as a natural result of such injury, or who acquire an occupational disease in the performance of official duty, entitled to hospitalization or treatment in conformity with instructions issued from time to time by The Surgeon General.

(12) Civilians employed at military stations and paid from hospital subsistence accounts, or from nonappropriated funds under Army Regulations, provided civilian hospital service is not available.

(13) Recently discharged enlisted men and women needing hospital treatment, who arrive in the United States on Government transports, in Army hospitals in the vicinity of the port of debarkation.

(14) Civilian seamen in the service of ships operated by the Department of the Army on presentation of a certificate from the master or other appropriate administrative authority (which may be dispensed with only in emergencies), and Transportation Corps marine officer cadets, not including United States Employees' Compensation Commission beneficiaries in either case, for a reasonable time and except for injuries or diseases resulting from their own misconduct: *Provided*, That, except in emergencies, those entitled to care by the United States Public Health Service will be admitted only when no facilities of that Service are available. A seaman is in the service of a ship, although not on board and not engaged in his duties, as long as he is under the power and jurisdiction of competent Department of the Army authorities. Cases of traumatic injury or occupational disease incurred in the course of employment should be treated as United States Employees' Compensation Commission beneficiaries, and are admissible under subparagraph (11) of this paragraph.

(15) In Army hospitals within the continental limits of United States, American merchant seamen (other than those covered in subparagraph (14) of this paragraph) and American river boatmen, only on authorization of the officer in charge of the United States Public Health Service station where the application for such authorization is made, unless their condition demands immediate relief when, in the discretion of the hospital commander, they may be admitted in advance of receipt of authorization.

(16) In Army hospitals outside the continental limits of the United States in time of war and for 6 months thereafter, the following merchant seamen, including officers (other than those covered in subparagraph (14) of this paragraph) on presentation of a Master's Certificate of Service:

(i) Merchant seamen of vessels owned by or bareboat-chartered to the War Shipping Administration.

(ii) Merchant seamen of vessels time-chartered to the War Shipping Administration.

(17) Enrolled Indians who are beneficiaries of the Indian Service upon written approval by the Office of Indian Affairs, Department of Interior, or, preferably, by the superintendent of the agency to which the Indian belongs, provided beds are available.

(18) The following when on duty at military stations:

(i) Red Cross personnel.

(ii) Other officially recognized welfare workers.

(19) Beneficiaries of the Veterans' Administration in limited numbers in certain designated Army hospitals upon request of the proper representatives of the Veterans' Administration.

(20) Prisoners of war, persons undergoing internment, and other persons in military custody or confinement.

(21) Employees of commercial air lines under contract to the Air Transport Command in Army hospitals and other medical installations outside the continental limits of the United States.

(22) Members of the Civil Air Patrol who suffer personal injury or incur sickness in line of duty while engaged on active duty assignments within the field activities of the Civil Air Patrol under the provisions of United States Air Force regulations.

(23) Applicants for enlistment, selectees and inductees, while under military control.

(24) Civilian employees of the Department of the Army who are not United States Employees Compensation Commission beneficiaries, when serving in territories or possessions of the United States where civilian hospital facilities are not obtainable or when on military missions in foreign countries, for care and treatment until completion of their assignments in such territories or possessions or in such foreign countries, and without cost to the individual except for subsistence. Cases of traumatic injury in line of duty should be treated as United States Employees Compensation Commission beneficiaries.

[1] Administrative regulations of the Department of the Army relative to the physical fitness of commissioned officers.

[1] Administrative regulations of the Department of the Army relating to hospitals.

(25) Senior cadet nurses during the period of their training at Army hospitals.

(26) Members of the United States Soldiers' Home when authorized by the Governor of the Home.

(27) Other civilians, whether or not in the public service, only in case of extreme necessity and when in the opinion of the commanding officer of the hospital, or his authorized representative, admission is necessary to save life or prevent greater suffering. Under these circumstances a written report will be submitted immediately to the post commander.

(28) Such other person as may be designated by the Secretary of the Army.

§ 577.16 *Disposition of patients*—(a) *General.* Unless directed by higher authority, the commanding officer of a hospital will not order a patient discharged or transferred from the hospital until, in such commanding officer's opinion, the discharge or transfer in question would not endanger the life of the patient concerned. The commanding officer may appoint a board composed of three or more medical officers, to be known as a disposition board, to advise him in such cases as he considers necessary. The report of the disposition board will be forwarded with his recommendations to higher authority in appropriate cases. For disposition of the psychotic see §§ 576.1 and 576.2 of this chapter and AR 600-500.[1]

(b) *Discharge.* (1) Pesons other than those in the public service will, in the discretion of the commanding officer of the hospital, be discharged from hospital upon completion of hospital treatment.

(2) Civilians admitted to Army hospitals as patients must, in all particulars, conform to the rules and regulations governing the operation of such hospitals, and, in the event of failure or refusal to comply therewith, the patient at once becomes liable to discharge from the hospital in the discretion of the commanding officer. A patient so discharged from hospital for disregard or disobedience of rules and regulations will be refused admission thereto or to any other Army hospital within 90 days after such discharge, except when, in the opinion of the commanding officer, earlier admission is necessary to save life or to prevent extreme suffering. Whenever beneficiaries of the United States Veterans' Administration are discharged from hospital under the preceding conditions, the commanding officer of the hospital involved will forward to the Director of the United States Veterans' Administration, through the regional manager, a report giving the reasons for the patient's discharge, together with his full name and address, and condition at the time of discharge.

(c) *Transfer.* (1) Patients may be transferred, under proper military authority, from one hospital to another, for observation or to obtain better treatment or hospital accommodations. See AR 40-600.[2]

(2) In the zone of the interior and, where practicable, overseas, the complete original clinical record, including X-ray films, electrocardiograms, and all pertinent laboratory data and progress notes, will accompany the patient to the hospital to which he is transferred.

(d) *Discharge of members of civilian components.* Members of the civilian components, hospitalized or rehospitalized under provisions of § 577.15 (b) (2), (3), or (4) for personal injury or for disease requiring treatment after expiration of the period of active duty during which contracted, will be brought before boards of medical officers for final disposition when hospital treatment is no longer necessary, or when discharged upon their own request before maximum improvement has been reached. The medical boards acting on cases of individuals remaining in hospital subsequent to completion of the period of active duty in which their disability was incurred will recommend the final disposition of the patients, and will incorporate in the proceedings the diagnosis, line of duty status, physical condition on completion of hospitalization, statement that further hospitalization is not required, and a concise medical history of the case. If further medical or surgical treatment will be required after return home, the reasons therefor, and the probable duration of such treatment will be included in the proceedings. Arrangement for such treatment as is required after return home will be made by the local commanding officer in accordance with § 577.3, and with the approval of the Army area commander. The proceedings of the disposition board will be forwarded in duplicate to the Army area commander, stating the date upon which hospitalization was terminated, and, in the case of Reserve personnel, will be accompanied by the report of physical examination made by the board of WD AGO Form No. 63 (Report of Physical Examination). Any claim for injuries sustained while en route to or from, or while at camps of instruction will be acted on by a board of officers convened by the military commander having immediate jurisdiction.

§ 577.17 *Patients' effects*—(a) *General.* These provisions have particular application to and are intended to cover the ordinary requirements of peacetime conditions. In time of war, when large numbers of patients are being received daily, strict adherence to the procedures herein prescribed may be impracticable; therefore, such deviations as the commanding officer of the hospital concerned may deem necessary may be made to assure the safeguarding of patients' effects.

(b) *Responsibility.* The commanding officer of a hospital is responsible that due care is observed in safeguarding the money, valuables, clothing, and other effects of patients admitted to hospital. The registrar ordinarily will be the custodian of money and valuables turned over to the hospital by patients for safekeeping.

(c) *Money and valuables.* Patients will be informed by the admitting officer that the hospital will receive, for safekeeping, money and valuables, including watches, trinkets, personal papers, keepsakes, etc., and that receipts will be given for such articles by an individual authorized by the commanding officer. In case the patient is unconscious, he will be searched by the admitting officer, in the presence of a witness, for money and valuables, which will be receipted for by a commissioned officer and properly safeguarded. Money and valuables will be received and receipted for without condition or other evasion of complete responsibility by the commanding officer or by an officer, warrant officer, or any bonded individual designated by him. Money and valuables of considerable intrinsic value, such as watches and jewelry, will be deposited in a bank or locked in the hospital safe. Articles of lesser value may be stored in locked compartments in a well safeguarded storeroom. When a patient is discharged, transferred, dies, or deserts, his money and other valuables will be disposed of as prescribed for the disposition of effects other than public property.

§ 577.18 *Subsistence and other charges for patients.* (Provisions of this section do not apply to the Army and Navy General Hospital, except as provided in AR 40-600.)

(a) *Subsistence charges; rates.* The following schedule of rates will apply and, except as indicated in footnote 1, will be collected direct from patients:

(1) For persons described in detail in the following subdivisions of § 577.15 (of which the descriptions below are merely convenient summaries), $1 a day:

(i) Officers (Army) (§ 577.15 (b) (1) (i)).

(ii) Warrant officers (Army) (§ 577.15 (b) (1) (ii)).

(iii) Flight officers (Army) (§ 577.15 (b) (1) (iii)).

(iv) Nurses (Army) (§ 577.15 (b) (1) (iv)).

(v) Militarized female personnel (Army) (§ 577.15 (b) (1) (vi)).

(vi) Aviation cadets (Army) (§ 577.15 (b) (1) (vii)).

(vii) Contract surgeons (Army) full time (§ 577.15 (b) (1) (viii)).

(viii) Retired enlisted men (Army), advanced on retired list to commissioned or warrant grades under the provisions of the act of Congress approved 7 May 1932, unless they elect to be subsisted on enlisted status (§ 577.15 (b) (1) (x)).

(ix) Officers' Reserve Corps (when not entitled to subsistence at Government expense) (§ 577.15 (b) (2) (i)).

(x) Officers (Navy and Marine Corps) (§ 577.15 (b) (5) (i) (*a*)).

(xi) Commissioned warrant officers (Navy and Marine Corps) (§ 577.15 (b) (5) (i) (*b*)).

(xii) Warrant officers (Navy and Marine Corps) (§ 577.15 (b) (5) (i) (c)).

(xiii) Nurses (Navy) (§ 577.15 (b) (5) (i) (*d*)).

(xiv) [1] Commissioned officers of United States Public Health Service (§ 577.15 (b) (6)).

(xv) [1] Civilian employees of United States Public Health Service (§ 577.15 (b) (7)).

(xvi) [1] Officers (Coast Guard) (§ 577.15 (b) (8) (i).

(xvii) [1] Commissioned warrant officers (Coast Guard) (§ 577.15 (b) (8) (ii)).

(xviii) [1] Warrant officers (Coast Guard) (§ 577.15 (b) (8) (iii)).

(xix) [1] Cadets (Coast Guard) (§ 577.15 (b) (8) (iv)).

(xx) [1] Commissioned officers (United States Coast and Geodetic Survey) (§ 577.15 (b) (9) (i)).

(xxi) [1] Ship's officers (United States Coast and Geodetic Survey) (§ 577.15 (b) (9) (ii)).

(xxii) Dependents of officers (Army, (§ 577.15 (b) (10) (i)).

(xxiii) Dependents of warrant officers (Army) (§ 577.15 (b) (10) (ii)).

(xxiv) Dependents of flight officers (Army) (§ 577.15 (b) (10) (iii)).

(xxv) Dependents of aviation cadets (Army) (§ 577.15 (b) (10) (iv)).

(xxvi) Merchant Marine officers of vessels time-chartered to War Shipping Administration, outside United States (§ 577.15 (b) (16) (ii)).

(xxvii) Red Cross personnel (in time of peace) (§ 577.15 (b) (18) (i)).

(xxviii) Other welfare workers (§ 577.15 (b) (18) (ii)).

(xxix) Employees of commercial air lines, outside United States (§ 577.15 (b) (21)).

(xxx) Members of Civil Air Patrol (§ 577.15 (b) (22)).

(xxxi) Senior cadet nurses. (§ 577.15 (b) (25)).

(xxxii) Other civilians admitted in emergencies, unless destitute (§ 577.15 (b) (27)).

(xxxiii) Designees of the Secretary of the Army (unless otherwise specified) (§ 577.15 (b) (28)).

(2) For persons described in detail in the following subdivisions of § 577.15 (of which the descriptions below are merely convenient summaries), an amount equal to the commutation rate established in accordance with Army Regulations.

(i) Cadets of United States Military Academy (§ 577.15 (b) (1) (v)).

(ii) Retired enlisted men, Army (including those advanced on retired list to commissioned or warrant grades under the provisions of the act of Congress approved 7 May 1932 who elect to be subsisted on enlisted status) (§ 577.15 (b) 1) (x)).

(iii) Midshipmen of United States Naval Academy (§ 577.15 (b) (5) (i) (e)).

(iv) [2] Enlisted men (Navy and Marine Corps) on retired or inactive status, etc. (§ 577.15 (b) (5) (i) (g)).

(v) [1] Enlisted men and women (Coast Guard) (§ 577.15 (b) (8) (v)).

(vi) [2] Crews of vessels (United States Coast and Geodetic Survey) (§ 577.15 (b) (9) (iii)).

(vii) Dependents of enlisted men and women (Army) (§ 577.15 (b) (10) (v)).

(viii) [1] Civilian employees of the Government compensable by United States Employees' Compensation Commission (§ 577.15 (b) (11)).

(ix) Civilians paid from hospital subsistence accounts or nonappropriated funds (§ 577.15 (b) (12)).

(x) [1] American merchant seamen or river-boatmen in United States (§ 577.15 (b) (15)).

(xi) [1] Merchant seamen (excluding officers) of vessels time-chartered to War Shipping Administration, outside United States (§ 577.15 (b) (16) (ii)).

(xii) [1] Enrolled Indians (§ 577.15 (b) (17)).

(xiii) [1] Beneficiaries of Veterans' Administration (§ 577.15 (b) (19)).

(xiv) Civilian employees of Department of the Army outside continental United States not entitled to United States Employees' Compensation Commission benefits (§ 577.15 (b) (24)).

(xv) [1] Members of United States Soldiers' Home (§ 577.15 (b) (26)).

(b) *Medicine Charges; rates.* Per diem charges of 50 cents for medicines and dressings will be collected from persons admitted to hospitals under the provisions of § 577.15 (b) (12) (21) (27). In the case of expensive medicines, dressings, appliances, etc., additional charges will be made at such increased rate to be determined by the commanding officer of the hospital as will reimburse the United States for their cost.

§ 577.19 *Civilian hospital employees*—(a) *General.* The employment of civilians necessary for the proper care of patients is authorized in annual appropriations "Medical and Hospital Department, Army" under such regulations fixing their number, qualifications, assignment, pay, and allowances as may be prescribed by the Secretary of the Army.

(b) *Qualifications.* The employment of hospital emyployees is subject to the requirements of the Civil Service Commission under the procedure established by the Civil Service Act and rules.

(c) *Appointment, promotion, demotion, suspension, and discharge.* Hospital employees will be appointed, promoted, demoted, suspended without pay, and discharged under the provisions of such regulations as the Secretary of the Army and the Civil Service Commission may from time to time prescribe.

(d) *Rations.* Whenever it is found necessary or deemed desirable, civilian employees, irrespective of their rate of pay, may be either furnished meals at the hospital, or, by special authority of the commanding officer of the medical installation in exceptional circumstances, furnished with a ration in kind: *Provided,* That deductions are taken from their pay for such subsistence or ration, or that reimbursement in cash is received. Civilian employees permitted or required to take meals regularly at the hospital will have appropriate deductions made from their gross compensation. Civilian employees permitted to take an occasional meal at the hospital will make reimbursement to the hospital subsistence account in cash. The cash value of subsistence furnished will be determined by The Surgeon General.

(e) *Quarters.* Such quarters as may be available will be furnished for the use of employees (including senior cadet nurses and Army nurses' aides) and, in time of war, American Red Cross workers, whose constant presence at the hospital is necessary or appropriate.

§ 577.20 *Laundry*—(a) *General.* Efficient hospital administration required that the hospital laundry consist of the following, which will be laundered without charge to the individuals concerned, except as stated herein:

(1) Linen, clothing, and bedding belonging to the Medical Department.

(2) Bulk linen and bedding of enlisted men and women assigned or attached to, or on duty at, the hospital.

(3) Washable clothing of enlisted men and women while patients in the hospital.

(4) White coats and trousers of enlisted attendants.

(5) Washable clothing of civilian attendants when their contracts of employment entitled them to this service.

(6) Washable clothing (including uniforms), bulk linen, and bedding of senior cadet nurses while on duty at, or patients in, the hospital.

(7) Uniforms of American Red Cross workers serving in the hospital; and uniforms, coveralls, and work suits for civilian hospital employees when deemed necessary by the commanding officer for the maintenance of sanitary standards.

(8) Diapers and other linen of infant patients.

(9) Within the limits of available hospital laundry facilities, laundry service for the staff and related medical organizations, detachments at the hospitals, and medical personnel at nearby stations, including staffs and detachments of numbered hospitals when attached for training. Rates chargeable will be prescribed by the Quartermaster General.

(b) *Purchase from commercial sources for Army hospitals and dispensaries within continental United States; when authorized.* When laundry service cannot be procured from Army owned and operated laundries and is not obtainable from Federal prison laundries or laundries of other government agencies, hospitals and dispensaries will employ commercial laundries under instructions from the Army area commander at Class I and II installations and from the commanding general of the appropriate Air Force command at air installations.

§ 577.24 *Army and Navy General Hospital*—(a) *Character of cases treated*—(1) *General.* All medical and surgical cases of a general nature may be admitted to this hospital, except insanity and tuberculosis of the lungs, which may be

[1] Administrative regulatons of the Department of the Army relative to disposition of the psychotic.

[2] Administrative regulations of the Department of the Army relating to hospitals.

[1] Subsistence charges for these personnel will not be collected from the patients but either will be billed by the commanding officer of the medical installation concerned direct to the Surgeon General of the Army or will be otherwise collected in accordance with instructions from time to time issued by The Surgeon General. In the case of enlisted men (Navy and Marine Corps) on retired (inactive) status, etc. (§ 577.15 (b) (5) (i) (*g*)), subsistence charges will be billed to The Surgeon General of the Army only if the admission of such personnel to the hospital has been authorized by the Bureau of Medicine and Surgery, Navy Department, Washington, D. C.; if not so authorized, the subsistence charge will be collected direct from such personnel.

admitted only temporarily in an emergency.

(2) *Special.* While equipped to care for all types of medical and surgical conditions (except as noted in subparagraph (1) of this paragraph), this hospital also has available the Hot Springs mineral waters used in the administration of hydrotherapy, together with excellent physiotherapy and occupational-therapy facilities. These waters have been found to be of special benefit in certain types of disease and injury. The best results are obtained in inflammatory conditions of the joints, neuritis, and neuralgia.

(b) *Classes of persons who may be admitted.* Persons of the following classes may be admitted:

(1) All personnel authorized admission by § 577.15.

(2) Honorably discharged officers, nurses, commissioned warrant officers, warrant officers, cadets, midshipmen, cadet engineers, and enlisted men of the Army, the Navy, the Marine Corps (including National Guard forces, Naval Militia, volunteers, and drafted or selected men in the service of the United States), the Coast Guard, the Coast and Geodetic Survey, and honorably discharged officers of the Public Health Service, when accommodations are available.

(c) *Procedure for admission*—(1) *For beneficiaries of Veterans' Administration.* Beneficiaries of the Veterans' Administration will be admitted upon requests made to the commanding officer of the hospital by the proper representative of the administration.

(2) *Other persons.* Other persons may be admitted upon special authority of the Secretary of the Army or the Surgeon General.

(3) *Admission in advance of authorization.* A patient presenting himself for treatment in advance of authorization may, if the case is one of emergency, be admitted at the discretion of the commanding officer of the hospital, who will report his action to the proper authority for confirmation.

(d) *Disposition of patients.* Retired enlisted men of any of the public services, and civilians, will be discharged from this hospital at their discretion or at the discretion of the commanding officer.

(e) *Charges*—(1) *Subsistence charges.* (i) A subsistence charge of 60 cents a day will be made for an enlisted man on the active list of the Navy, Marine Corps, United States Coast Guard, and Coast and Geodetic Survey, to be paid by the proper superior upon monthly statements submitted by the commanding officer of this hospital direct to the Surgeon General of the Navy, the commandant of the Coast Guard, and the disbursing agent of the Coast and Geodetic Survey, respectively.

(ii) Subsistence charges will be collected from other pay patients as follows:

(*a*) For officers and those subsisted on a like status, at the rates prescribed in § 577.18.

(*b*) For cadets of the United States Military Academy, midshipmen of the United States Naval Academy, and nurses other than those on the active list, at 85 cents per day.

(c) For those subsisted on the status of an enlisted man, at 85 cents per day.

(2) *Medicine charges.* See § 577.18 (b).

(3) *Commutation of rations.* The rations of enlisted men on the active list of the Army, whether on a patient or on a duty status, and civilian employees on duty in the Medical Department at large are commuted at the rate of 60 cents a day, payment thereof to be made by the local disbursing officer.

§ 577.27 *Fitzsimons General Hospital*—(a) *General.* (1) The chief purpose of the Fitzsimons General Hospital, Denver, Colo., is to give treatment under most favorable conditions to patients with tuberculosis.

(2) Medical and surgical cases of a general character may be admitted.

(b) *Admissions*—(1) *Classes of persons who may be admitted.* The admission to this hospital of the following classes of patients is authorized:

(i) All persons enumerated in § 577.15.

(ii) Beneficiaries of the United States Soldiers' Home, Washington, D. C.

(iii) Other persons, upon special authority of the Secretary of the Army or The Surgeon General.

(2) *Procedure for admission.* (i) Beneficiaries of the United States Soldiers' Home, Washington, D. C., are admitted under arrangements approved by the Board of Commissioners of the home.

(ii) Beneficiaries of the United States Veterans' Administration may be admitted direct upon written authority of the proper representative thereof.

(iii) Civilian employees (see § 577.15) may be admitted direct on certificate of the official under whom they are employed, the certificate to state the fact of employment and the circumstances under which the injury was incurred.

(iv) Members of families (defined in § 577.15) may be admitted upon application made direct to the commanding officer of the hospital.

(v) All other nonmilitary persons not otherwise provided for will be admitted only on authority of the Secretary of the Army or The Surgeon General.

(c) *Charges*—(1) *General.* Provisions regarding hospital charges published in § 577.18 will govern charges at this hospital except as otherwise prescribed in subparagraphs (2) and (3) of this paragraph.

(2) *Subsistence charges.* Subsistence charges for cadets of the United States Military Academy and for midshipmen of the United States Naval Academy will be $1 per day.

(3) *Charges for beneficiaries of United States Soldiers' Home, Washington, D. C.* All expenses of maintenance of patients from the Soldiers' Home will be paid by the Board of Commissioners of the home.

DENTAL ATTENDANCE

§ 577.40 *General*—(a) *Definition.* The term "dental attendance" as used in the regulations in this part embraces the medical, surgical, and mechanical treatment of oral diseases, injuries, and deficiencies that come within the field of dental and oral surgery as commonly practiced by the dental profession, the advice relating thereto, and the oral examinations connected therewith given to persons by a dental officer or a civilian dentist. It is that phase of medical attendance which, on account of its technical nature, requires the services of a dentist.

(b) *Agencies for providing dental attendance in the Army.* Dental clinics established in or in connection with agencies provided for medical attendance at permanent stations or in the field are maintained to provide dental attendance.

(c) *Precedence in treatment.* Persons requiring emergency treatment will receive first consideration. Officers, Army nurses, warrant officers, cadets, enlisted men, and contract surgeons (full time) will receive precedence over all others for dental attendance.

(d) *Selection of professional procedures.* Except as otherwise prescribed herein, the selection of professional procedures to be followed in each case, including the use of special dental materials, will be left to the judgment of the dental officer concerned.

(e) *By whom rendered.* While it is intended that dental attendance will ordinarily be rendered by persons in the Dental Corps of the Medical Department or by civilian dentists, medical officers will, in the absence of a dental officer, render dental attendance to the extent that their training and skill justify.

(f) *Other regulations governing dental attendance.* In general §§ 577.1–577.8, relating to medical attendance, will govern dental attendance except as otherwise provided in the regulations in this part.

§ 577.41 *For whom authorized.* Dental attendance is authorized for the same persons and under the same conditions as medical attendance (see §§ 577.1 to 577.8), subject to the provisions of § 577.43 respecting civilian dental attendance.

§ 577.42 *Dental materials*—(a) *General.* Dental materials whether special or otherwise are authorized for use in rendering dental treatment to those entitled to dental attendance.

(b) *Use.* In all cases of common dental disability the Government supplies plastic materials—amalgam and cement—for filling operations; porcelain crowns for tooth crown replacement and vulcanite dentures, with clasps and bars as required, for the replacement of lost teeth. In routine practice these materials will ordinarily be used. All central, lateral, and cuspid teeth will ordinarily be filled with silicate cement. All bicuspid and molar teeth will ordinarily be filled with amalgam.

§ 577.43 *Civilian dental attendance*—(a) *General authorization.* Subject to the conditions and limitations specified in this section, civilian dental attendance at public expense is authorized for personnel enumerated in paragraph (b) of this section, when the required attendance cannot be procured from a dental officer of the Army, from a medical officer, one being available (see § 577.40 (e)), or from a Federal agency other than the Army: *Provided*, That this will not apply to personnel who obtain elective dentistry from civilian dentists.

(b) *For whom authorized.* Civilian dental attendance at public expense is authorized for the following personnel and none other:

(1) Officers, Army nurses, Women's Army Corps, other militarized female personnel of the Army, contract surgeons (full time), warrant officers, flight officers, cadets, enlisted men, when on a duty status or when absent on authorized leave, sick leave, furlough, or pass. Civilian dental attendance is not authorized for the personnel enumerated when absent without leave.

(2) Prisoners of war, persons undergoing internment, and other persons in military custody or confinement.

(3) Applicants for enlistment while under observation.

(c) *Emergency dental attendance.* Prior approval of higher authority is not required for the employment of a civilian dentist for emergency dentistry, which is defined as dental treatment for the relief of pain, or acute septic conditions, or of dental injuries caused by direct violence. Such attendance will be confined to the relief of the immediate emergency. Follow-up procedures are subject to the provisions of paragraph (d) of this section.

(d) *Routine or extensive dental attendance.* (1) Civilian dentists may not be employed at public expense for the treatment of chronic lesions, filling operations, prosthetic replacements, and other prolonged or extensive procedures, such as those required following the relief of an immediate emergency, until specific approval for such employment has been received from the approving authority (see subparagraph (2) of this paragraph): *Provided*, That in the case of military personnel on detail without troops in foreign countries, dental service of this character which is urgently necessary may be procured at reasonable rates without prior approval of higher authority: *Provided further*, That in the case of military personnel on duty with troops outside continental United States, the procurement of dental service of this character will be governed by such directives as the department or force commander, according to jurisdiction, may issue.

(2) Application for authority to employ a civilian dentist in continental United States for routine or extensive dentistry (see subparagraph (1) of this paragraph will be made as follows:

(i) At Army medical centers and general hospitals—to The Surgeon General.

(ii) At Manhattan District, Oak Ridge, Tennessee, and projects at other places under its jurisdiction—to the District Engineer, Manhattan District, Oak Ridge, Tennessee.

(iii) At places in continental United States other than those listed under paragraphs (a) and (b) of this section—to the commanding general of the army concerned or of the Military District of Washington, according to jurisdiction.

(3) In requesting authority to employ a civilian dentist in continental United States, information will be given as follows:

(i) The character and extent of the disability.

(ii) Its origin or causation, and if due to external violence, what the violence was and when it occurred.

(iii) The professional procedures considered necessary to correct it.

(iv) What measures of relief have been taken by the medical officer, or if no measures have been taken, the reasons.

(v) An estimate of the time required for its correction and the probable cost thereof.

(vi) A statement of the duties upon which the patient is engaged and how his absence therefrom, should dental treatment require it, would affect the public interest.

(vii) When the patient was last on duty at a station where the services of a dental officer were available.

(viii) The probable length of tour of duty at the patient's present station.

(ix) Present status, whether duty, leave, or furlough. If on leave or furlough, the day and hour the leave or furlough started and the day and hour of termination should be stated.

(x) The probability of the patient's attendance at one of the next summer training camps, and the camp he will attend, if known.

The approving authority, on receipt of this information, may, as he considers proper, grant or deny the request for civilian dentistry, or recommend that the patient be ordered to a station where he can receive dental services from a dental officer of the Army.

§ 577.44 *Rendition and payment of accounts for services of civilian dentists.* Accounts will be prepared locally in the name of the dentist on WD AGO Forms 8–9 and 8–10 (Public Voucher for Medical Services) and forwarded for settlement to the authority indicated below, who will take such action thereon as is deemed proper under law and regulation, charges to be allowed in reasonable amount only.

(a) For services to personnel at Army medical centers and general hospitals in continental United States, vouchers will be forwarded to The Surgeon General.

(b) For services to personnel, Manhattan District, and projects thereunder, vouchers will be forwarded to the District Engineer, Manhattan District, Oak Ridge, Tennessee, who will request advice and recommendation from The Surgeon General in such cases as present unusual or difficult aspects.

(c) For services to personnel in continental United States other than those listed under paragraphs (a) and (b) of this section, vouchers will be forwarded to the commanding general of the army concerned or of the Military District of Washington, according to jurisdiction, who will request advice and recommendation from The Surgeon General in such cases as present unusual or difficult aspects.

(d) Blank forms will be obtained in accordance with current directives. Charges for civilian dental attendance should not be paid otherwise than by disbursing officers except when absolutely necessary. When, however, payment has been made by an individual other than a disbursing officer, WD AGO Forms 8–17 and 8–18 (Public Voucher-Reimbursement of Medical Bills) for reimbursement, with adequate receipt, will accompany WD AGO Forms 8–9 and 8–10 covering the service.

§ 577.45 *Persons ordered on detached service.* When ordered to permanent detached service from a station where a dental officer is on duty, military personnel will report at once to the dental surgeon for dental examination and necessary treatment. Also, persons who may be performing detached service will, while attending summer training camps and at such other times as they may be where the services of a dental officer are available, report to such officer for examination and necessary treatment. Dental officers will give preference to the care and treatment of such persons.

§ 577.46 *Private practice by dental officers.* The general provisions of § 577.8, relating to private practice of medical officers will govern private practice of dental officers.

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

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578.51 Arrowheads.
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578.53 Miniature service ribbons.
578.54 Lapel buttons.
578.55 Supply of appurtenances.
578.56 Manufacture, sale, and illegal possession.

BADGES

578.60 Badges, general.
578.61 Marksmanship badges.

CROSS REFERENCE: For official designation of World War II, see Title 3, Chapter VII, *supra*.

DECORATIONS FOR INDIVIDUALS

AUTHORITY: §§ 578.1 to 578.11 issued under 40 Stat. 870–872, 41 Stat. 398, 44 Stat. 789; 10 U. S. C. 1403, 1409, 1411, 1429.

DERIVATION: AR 600–45, Sept. 22, 1943.

§ 578.1 *Decorations*—(a) *General.* (1) Decorations are awarded in recognition of and as a reward for extraordinary, unusual, or outstanding acts or services. They are the visible evidence of such acts or services and are cherished accordingly by the recipients. Properly utilized, they are potent incentives to greater effort and instrumental in building and maintaining morale.

(2) Decorations are intended primarily as recognition of war services. The liberal standards established for awards for war services could not be applied in time of peace without depreciating the value of decorations.

(3) The eligibility of any person for the award of a decoration (civilian or military) is determined by his status (civilian or military) at the time the act was performed or the service rendered.

(b) *Department of the Army military decorations.* An Oak-Leaf Cluster is awarded in lieu of an additional decoration and its precedence is that of the decoration it represents. Order of precedence of military decorations is as follows:

(1) Medal of Honor.
(2) Distinguished-Service Cross.
(3) Distinguished-Service Medal.
(4) Silver Star.
(5) Legion of Merit.
(6) Distinguished-Flying Cross.
(7) Soldier's Medal.
(8) Bronze Star Medal.
(9) Air Medal.
(10) Army Commendation Ribbon.
(11) Purple Heart.

(c) *Duplication of awards.* Not more than one decoration will be awarded for the same act of heroism, the same meritorious achievement, or the same period of meritorious service.

§ 578.2 *To whom decorations awarded*—(a) *Medal of Honor.* (1) The Medal of Honor is awarded in the name of Congress to each person who, while an officer, noncommissioned officer or private of the Army, in action involving actual conflict with an enemy, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty. See act 9 July 1918 (40 Stat. 870; 10 U. S. C. 1403).

(2) In order to justify an award of the Medal of Honor, the individual must perform in action a deed of personal bravery or self-sacrifice above and beyond the call of duty, so conspicuous as clearly to distinguish him for gallantry and intrepidity above his comrades, involving risk of life or the performance of more than ordinarily hazardous service, the omission of which would not justly subject him to censure as for shortcoming or failure in the performance of his duty. The recommendations for the decoration will be judged by this standard of extraordinary merit, and incontestable proof of the performance of the service will be exacted.

(3) Description: A bronze five-pointed star 1 9/16 inches in diameter, surrounded by a laurel wreath in green enamel, suspended by two links from a bronze bar bearing the inscription "Valor," and surmounted by an eagle. In the center of the star is the head of Minerva surrounded by the inscription "United States of America." Each ray of the star bears an oak leaf in green enamel. On the reverse of the bar are stamped the words "The Congress to," and on the reverse of the medal are engraved the grade, name, and organization of the recipient, with the place and date of the act for which the medal is awarded. The medal is suspended by a hook to a ring fastened behind the eagle. The hook is attached to a neckband of ribbon 20 inches in length. The neckband is of light blue watered silk 1 3/16 inches in width and midway between the ends of the neckband are 13 white stars arranged in the form of a triple chevron, consisting of two chevrons of 5 stars each and one of 3 stars.

(b) *Distinguished-Service Cross.* (1) The Distinguished-Service Cross is awarded to persons who, while serving in any capacity with the Army, distinguish themselves by extraordinary heroism in connection with military operations against an armed enemy. (See act 9 July 1918 (40 Stat. 870; 10 U. S. C. 1406).)

(2) To warrant an award of the Distinguished-Service Cross a person must perform an act or acts of heroism so notable and involving a risk of life so extraordinary as to set him apart from his comrades.

(3) Description: A cross of bronze 2 inches in height and 1 13/16 inches in width with an eagle on the center, and a scroll below the eagle bearing the inscription "For Valor." On the reverse, in the center of the cross, is a space for the name of the recipient (which is to be engraved within a wreath). The cross is suspended by a ring from a watered silk ribbon 1 3/8 inches in length and 1 3/8 inches in width, composed of a band of red (1/8 inch), white (1/16 inch), blue (1 inch), white (1/16 inch), and red (1/8 inch).

(c) *Distinguished-Service Medal.* (1) The Distinguished-Service Medal is awarded to members of the armed forces who, while serving in any capacity with the Army, distinguished themselves by exceptionally meritorious service to the Government in a duty of great responsibility. (See act July 9, 1918 (40 Stat. 871; 10 U. S. C. 1407, 1408).)

(2) (i) The term "duty of great responsibility" means duty of such a character that exceptionally meritorious service therein has contributed in high degree to the success of a major command, installation, or project.

(ii) The performance of the duty must be such as to merit recognition by the service as clearly exceptional. A superior performance of the normal duties of a position will not alone justify the award.

(iii) The accomplishment of the duty for which the award is recommended should have been completed, or it should have progressed to an exceptional degree if the person rendering the service has been transferred to other duties prior to its full accomplishment.

(3) The Distinguished-Service Medal will be awarded to personnel of foreign nations only under exceptional circumstances.

(4) Description: The coat of arms of the United States in bronze surrounded by a circle of dark blue enamel 1 1/2 inches in diameter, bearing the inscription "For Distinguished Service MCMXVIII." On the reverse is a scroll for the name of the recipient (which is to be engraved) upon a trophy of flags and weapons. The medal is suspended by a bar from a watered silk ribbon 1 3/8 inches in length and 1 3/8 inches in width, composed of a band of scarlet (5/16 inch), a stripe of dark blue (1/16 inch), a band of white (3/8 inch), a stripe of dark blue (1/16 inch) and a band of scarlet (5/16 inch).

(d) *Legion of Merit*—(1) *United States armed forces.* (i) The Legion of Merit, without degree, is awarded to members of the armed forces of the United States who, while serving in any capacity with the Army, distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services. See sec. 2, act July 20, 1942 (56 Stat. 662; 10 U. S. C. 1408b), and E. O. 9260, October 29, 1942.

(ii) The provisions of paragraph (c) (2) (ii) and (iii) of this section apply to the Legion of Merit. It is particularly desired that recognition be given personnel in the enlisted and lower commissioned grades whose services meet the standards prescribed.

(iii) A five-pointed American white star of heraldic form bordered in purplish red enamel 1 7/8 inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star a laurel wreath with modeled crossed arrows pointing outward between each arm of the star and the wreath. On the bronze reverse is a disk (which is to be engraved with the name of the recipient) surrounded by the words "Annuit Coeptis" (He (God) has favored our undertakings) and "MDCCLXXXII," on the scroll the words "United States of America." The pendant is suspended by a silk ribbon 1 7/8 inches in length and 1 3/8 inches in width, composed of a band of purplish red (1 1/4 inches), with edges of white (1/16 inch).

(2) *Armed forces of foreign nations.* (i) The Legion of Merit, in four degrees, is awarded to members of the armed forces of friendly foreign nations who distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services. The degrees are:

(a) Chief Commander.
(b) Commander.
(c) Officer.
(d) Legionnaire.

(ii) The degrees of Chief Commander and Commander are awards comparable to those for which the Distinguished-Service Medal is awarded to members of the United States armed forces, and the degrees of Officer and Legionnaire are for services comparable to those for which the Legion of Merit would be awarded in our forces. A subsequent award in a lesser degree is not authorized. Paragraph (c) (2) (i), (ii) and (iii) of this section applies to the degrees of Chief Commander and Commander. Paragraph (c) (2) (ii) and (iii) of this section applies to the degrees of Officer and Legionnaire.

(iii) Description: (*a*) Chief Commander. A domed five-pointed American white star plaque of heraldic form bordered in purplish red enamel 2 15/16 inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds; backing the star a laurel wreath with pierced crossed arrows pointing outward between each arm of the star and the wreath. The reverse is engraved with the words "United States of America" and the name of the recipient.

(*b*) Commander: A five-pointed American white star of heraldic form bordered in purplish red enamel 2 1/4 inches circumscribing diameter with 13 white stars on a blue field emerging from a circle of clouds, backing the star a laurel wreath with pierced crossed arrows pointing outward between each arm of the star and the wreath. A bronze wreath connects an oval suspension ring to neck ribbon. The reverse of the five-pointed star is enameled in white, bordered in purplish red enamel, in the center of a disk (which is to be engraved with the name of the recipient) surrounded by the words "Annuit Coeptis" and "MDCCLXXXII," on the scroll the words "United States of America." The neck ribbon is 2 1/4 inches in length, 1 15/16 inches in width composed of a band of purplish red (1 13/16 inches) with edges of white (1/16 inch).

(c) Officer: Same as subparagraph (1) (iii) of this paragraph with the addition of an all-bronze device of same design as the pendant, 3/4 inch in diameter, on the center of suspension ribbon.

(*d*) Legionnaire: Same as subparagraph (1) (iii) of this paragraph.

(e) *Silver Star.* (1) The Silver Star is awarded to persons who, while serving in any capacity with the Army, distinguished themselves by gallantry in action not warranting the award of a Medal of Honor or Distinguished-Service Cross. See act 15 December 1942 (56 Stat. 1052; 10 U. S. C., Sup., 1412).

(2) Those individuals who, prior to December 7, 1941, have been cited for gallantry in action in orders issued by the headquarters of a force commanded by a general officer, may make application for the Silver Star to The Adjutant General, Washington 25, D. C.

(3) Description: A bronze star 1 1/2 inches in circumscribing diameter. In the center thereof is a 3/16 inch diameter raised silver star, the center lines of all rays of both stars coinciding. The reverse has the inscription "For gallantry in action" and a space for the name of the recipient (which is to be engraved). The star is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon 1 3/8 inches in length and 1 3/8 inches in width, composed of stripes of blue (3/32 inch), white (3/64 inch), blue (7/32 inch) white (3/64 inch), and blue (3/32 inch).

(f) *Distinguished-Flying Cross.* (1) The Distinguished-Flying Cross is awarded to members of the armed forces who, while serving in any capacity with the Army Air Forces, distinguish themselves by heroism or extraordinary achievement while participating in aerial flight. See act 2 July 1926 (44 Stat. 789, 10 U. S. C. 1429) and E. O. 4601, 1 March 1927.

(2) In order to justify an award of the Distinguished Flying Cross for heroism, the heroism must be evidenced by voluntary action in the face of great danger above and beyond the line of duty while participating in aerial flight.

(3) To warrant an award of the Distinguished Flying Cross for extraordinary achievement while participating in aerial flight, the results accomplished must be so exceptional and outstanding as clearly to set him apart from his comrades who have not been so recognized.

(4) On a bronze 1 1/2 inch cross patee a four-bladed propeller 1 1/16 inches across blades; in the reentrant angles, rays forming a 1 inch square. On the reverse is engraved the name of the recipient. The cross is suspended by a plain straight link from a silk moire ribbon 1 3/8 inches in length and 1 3/8 inches in width, composed of stripes of blue (1/8 inch), white (1/8 inch), blue (11/32 inch), white (1/32 inch), red (3/32 inch), white (1/32 inch), blue 11/32 inch), white (1/8 inch), and blue (1/8 inch).

NOTE: Executive Order 9635, (3 CFR, 1945 Supp.), provides in part as follows:

The time limitations imposed by the first sentence of paragraph 8 of Executive Order No. 4601 of March 1, 1927, prescribing rules and regulations pertaining to the award of the Distinguished Flying Cross, shall not apply to any case in which (1) the act or achievement justifying the award is performed during the period commencing December 7, 1941, and ending with the date of the termination of hostilities in the present war, and (2) the recommendation of an award for such act or achievement is initiated within six months after the latter date. The term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination.

(g) *Soldier's Medal.* (1) The Soldier's Medal is awarded to members of the armed forces who, while serving in any capacity with the Army, distinguish themselves by heroism not involving actual conflict with the enemy and not in aerial flight. See sec. 11, act July 2, 1926 (44 Stat. 789; 10 U. S. C. 1428).

(2) The Soldier's Medal may be awarded to an individual for performance of an act or acts of heroism involving voluntary risk of life under conditions other than those of conflict with an enemy and while not in aerial flight. The same degree of heroism is required as for the Distinguished-Flying Cross.

(3) Description: On a 1 3/8 inch bronze octagon and eagle displayed, standing on a fasces, between two groups of stars of six and seven, above the group of six a spray of leaves. On the reverse is a shield paly of 13 pieces on the chief, the letters "U. S." supported by sprays of laurel and oak, around the upper edge the inscription "Soldier's Medal" and across the face the words "For Valor." In the base is a panel for the name of the recipient (which is to be engraved). The medal is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon 1 3/8 inches in length and 1 3/8 inches in width composed of two outside stripes of blue 3/8 inch in width, the center containing 13 white and red stripes of equal width (7 white and 6 red).

(h) *Purple Heart.* (1) The Purple Heart, established by General George Washington at Newburgh, August 7, 1782, during the Revolutionary War, is awarded to members of the armed forces of the United States and to civilian citizens of the United States, who, while serving with the Army, are wounded in action against an enemy of the United States, or as a direct result of an act of such enemy, provided the wound necessitates treatment by a medical officer.

(2) A wound is defined as an injury to any part of the body from an outside force, element, or agent sustained as the result of a hostile act of the enemy or while in action in the face of the enemy. One award is authorized for each such wound, except that only one award is authorized for two or more wounds received at the same instant. The word "element" refers to weather and permits award to personnel severely frostbitten while actually engaged in combat. Trench foot will not be considered as meriting award. The phrase "at the same instant" prohibits duplicate awards of the Purple Heart for two or more injuries or wounds received from one missile, force, explosion, or agent.

(3) Description: On a purple enameled heart within a bronze border, a profile head in relief of General George Washington in military uniform. Above the enameled heart is the shield of Washington's coat of arms between two sprays of leaves in green enamel. On the reverse below the shield and leaves without enamel, is a raised bronze heart with the inscription, "For Military Merit," with a space for the name of the recipient (which is to be engraved). The entire device is 1 1/16 inches in length. The medal is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon 1 3/8 inches in width and 1 3/8 inches in length, consisting of a purple (pansy) center with 1/8-inch white edges.

(4) Those individuals who, as members of the Army of the United States, prior to December 7, 1941, were awarded a meritorious services citation certificate in World War I, or were authorized to wear a wound chevron, may make application to The Adjutant General, Washington 25, D. C., for award of the Purple Heart in lieu of the meritorious service citation certificate or wound chevron.

(5) Those individuals who, as members of the Army of the United States, prior to December 7, 1941, received wounds in action and whose treatment therefor was made a matter of official record during the period of hostilities or within 6 months thereafter, may make application to The Adjutant General, Washington 25, D. C., for award of the Purple Heart on the basis of such official record.

(6) These individuals who, as members of the armed forces of the United States or as civilian citizens of the United States on or after December 7, 1941, received wounds in action and whose treat-

ment therefor was made a matter of official record during the period of hostilities or within 6 months thereafter, may make application to The Adjutant General, Washington 25, D. C., for award of the Purple Heart on the basis of such official record.

(i) *Air Medal.* (1) The Air Medal is awarded to persons who, while serving in any capacity in or with the Army, distinguished themselves by meritorious achievement while participating in an aerial flight. See E. O. 9158, May 11, 1942, and E. O. 9242–A, September 11, 1942.

(2) The required achievement to warrant award of the Air Medal is less than that for the Distinguished-Flying Cross, but must nevertheless be accomplished with distinction above and beyond that normally expected. The Air Medal may be awarded to recognize single actions of merit or sustained operational activities against the enemy.

(3) Description: A bronze compass rose $1^{11}/_{16}$ inches circumscribing diameter suspended by the pointer and charged with an eagle volant carrying two lightning flashes in its talons. The points of the compass rose on the reverse are modeled with the central portion plain for the name of the recipient (which is to be engraved). The medal is suspended from a moire silk ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width, composed of a band of ultramarine blue ($1/8$ inch), a band of golden orange ($1/4$ inch), a band of ultramarine blue ($5/8$ inch), a band of golden orange ($1/4$ inch), and a band of ultramarine blue ($1/8$ inch) by a ring engaging the pointer.

(j) *Oak-Leaf Cluster*—(1) *Award.* No military decoration will be awarded more than once to any one person, but for each succeeding act of heroism, meritorious achievement, or period of meritorious service justifying an award, a bronze Oak-Leaf Cluster will be awarded in lieu. A silver Oak-Leaf Cluster may be worn in lieu of five bronze Oak-Leaf Clusters.

(2) *Description.* A bronze or silver twig of four oak leaves with three acorns on the stem $^{13}/_{32}$ inch in length for the suspension ribbon and $5/16$ inch in length for the service ribbon.

(3) *Replacement.* The provisions of subparagraph (1) of this paragraph do not preclude the issuance of a duplicate decoration or a replacement to the next of kin or to the person to whom it was awarded whenever the decoration previously presented has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded (see § 578.7).

(k) *Bronze Star Medal*—(1) *Heroism.* (i) The Bronze Star Medal is awarded to persons who, while serving in any capacity with the Army, on or after December 7, 1941, distinguish themselves by heroism in combat against the armed enemy, in operations not involving participation in aerial flight. See E. O. 9419, February 4, 1944 (3 CFR, 1944 Supp.).

(ii) The Bronze Star Medal may be awarded to recognize minor acts of heroism in actual ground combat against the enemy where the award of a Silver Star is not warranted.

(2) *Meritorious achievement or meritorious service.* (i) The Bronze Star Medal is awarded to members of the armed forces who, while serving in any capacity with the Army, on or after December 7, 1941, distinguish themselves by meritorious achievement or meritorious service, not involving participation in aerial flight, in connection with military operations against an enemy of the United States. See E. O. 9419, February 4, 1944 (3 CFR, 1944 Supp.).

(ii) The required meritorious achievement or meritorious service for award of the Bronze Star Medal is less than that required for the Legion of Merit, but must nevertheless be accomplished with distinction. The Bronze Star Medal may be awarded to recognize meritorious service or single acts of merit.

(3) *Description.* (i) A bronze star $1\frac{1}{2}$ inches in circumscribing diameter. In the center thereof is a $3/16$ inch diameter raised bronze star, the center line of all rays of both stars coinciding. The reverse has the inscription "Heroic or meritorious achievement" and a space for the name of the recipient (which is to be engraved). The star is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of stripes of white ($1/32$ inch), red ($9/16$ inch), white ($1/32$ inch), blue ($1/8$ inch), white ($1/32$ inch), red ($9/16$ inch), and white ($1/32$ inch).

(ii) Letter "V" device: A bronze block letter "V" $1/4$ of an inch in height, with serifs at the top of the members.

(4) *Letter "V" device.* The letter "V" device is authorized for wear on the suspension ribbon and the service ribbon of the Bronze Star Medal to indicate that an award was made for heroism (valor) rather than for meritorious achievement or meritorious service. Only one letter "V" will be worn. All additional awards whether for heroism, meritorious achievement, or meritorious service will be designated by Oak-Leaf Clusters. All orders awarding the Bronze Star Medal will specifically state whether the award was for heroism, meritorious achievement, or meritorious service.

(5) *Application on basis of citation.* Those individuals who, as members of the armed forces of the United States, were cited by name on or after December 7, 1941, and prior to September 3, 1945, in orders or in a formal certificate, for meritorious or exemplary conduct in ground combat against the armed enemy, may make application to The Adjutant General, Washington 25, D. C., for award of the Bronze Star Medal on the basis of such citation. A citation in orders for the Combat Infantryman Badge or Medical Badge awarded in the field during the period of actual combat against the armed enemy is considered as a citation for exemplary conduct in ground combat. These citations in orders during the period December 7, 1941, through September 2, 1945, were not automatic, but were based upon recommendations of unit commanders thoroughly familiar with the achievement of the individuals cited and after a careful evaluation of their work.

(l) *Commendation Ribbon.* (1) The Commendation Ribbon is awarded to members of the armed forces who, while serving in any capacity with the Army, on or after December 7, 1941, distinguished themselves by meritorious achievement or meritorious service.

(2) The meritorious achievement or meritorious service required is less exceptional than that required for the Legion of Merit but nevertheless must be accomplished with distinction. Exactly the same degree of meritorious achievement or meritorious service is required as that for which the Bronze Star Medal and/or the Air Medal are awarded. The Commendation Ribbon may be awarded when the operational requirements for award of the Bronze Star Medal or the Air Medal are not fully met. It is particularly desired that the Commendation Ribbon be awarded to outstanding company-grade officers, warrant officers, and enlisted men whose achievement or service meets the standards required. Commendation Ribbon will not be awarded for the same period of service or achievement for which the Bronze Star Medal or Air Medal has been awarded.

(3) Those individuals who, as members of the armed forces of the United States, were commended on or after December 7, 1941 and prior to January 1, 1946 in a letter of commendation or certificate of commendation by a major general, or officer occupying the position vacancy of a major general, for meritorious achievement or meritorious service, may apply for award of the Commendation Ribbon on the basis of such commendation. Applications for Commendation Ribbons based on service with the Army (except Army Air Forces) will be sent to The Adjutant General, Washington 25, D. C., and applications based on service with the Army Air Forces will be sent to the Chief of Staff, United States Air Force, Attention: Awards Branch, Washington 25, D. C.

§ 578.3 *Character of service subsequent to distinguished conduct.* No decoration shall be awarded or presented to any individual whose entire service subsequent to the time he distinguished himself shall not have been honorable. See act 9 July 1918 (40 Stat. 872; 10 U. S. C. 1409). See also sec. 12, act July 2, 1926 (44 Stat. 789; 10 U. S. C. 1429).

§ 578.4 *Time limits.* (a) Except as prescribed in paragraph (b) of this section or when the decoration is to be awarded on the basis of an existing letter, certificate, or citation in orders (see paragraph (e) (2), (h) (4), (h) (5), (h) (6), (k) (5) and (m) (4) of § 578.2), no military decoration will be awarded to any person after more than 3 years from the date of the heroism, meritorious achievement or meritorious service justifying an award, nor unless the recommendation was submitted through military channels within 2 years from the date of the heroism, meritorious achievement, or meritorious service.

(b) As an exception, military decorations may be awarded when the heroism, meritorious achievement, or meritorious service justifying the award was performed between December 7, 1941 and December 31, 1946, both dates inclusive, providing a recommendation is submitted through official channels prior to July 1, 1947.

§ 578.5 *Posthumous awards.* In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the decoration or other device presented to the first of the following representatives as shown by the records of the Department of the Army: Widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

§ 578.6 *Cost of engraving.* The cost of engraving any decoration, either original or replacement, will be borne by the Department of the Army. An authorized replacement will be engraved the same as the original.

§ 578.7 *Replacement.* Whenever a decoration and/or appurtenance is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, it will be replaced without charge upon application to The Adjutant General, Washington 25, D. C.

§ 578.8 *Exhibition purposes.* Upon approval by the Secretary of the Army, samples of decorations awarded by the Department of the Army will be furnished at cost prices, plus transportation and packing charges (except to the Department of the Army or a governmental agency), to museums, libraries, historical, numismatic, and military societies, or institutions of such a public nature as will insure an opportunity to the public to view the exhibits. Except for a Department of the Army or governmental agency exhibit, all sample decorations so furnished will be engraved at the expense of the purchaser with the words "for exhibition purposes only."

§ 578.10 *Medal for Merit*—(a) *General.* The Medal for Merit is awarded to such civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations as have, since the proclamation of an emergency by the President on September 8, 1939, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services; *Provided*, That awards to civilians of foreign nations shall be only for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations. See act July 20, 1942 (56 Stat. 662; 10 U. S. C., Sup., 1408b).

(b) *Recommendations.* (1) Recommendations may be submitted by any individual having personal knowledge of the facts, either as an eyewitness or from the testimony of others who have personal knowledge or were eyewitnesses.

(2) Each case will be submitted separately and will show the exact status of the person who is being recommended, with respect to citizenship, employment, and all other material factors at the time of the rendition of the service on which the recommendation is based. Testimony will be in the form of written statements supported by affidavits.

(c) *Authority to issue and manner of presentation.* The President of the United States has sole authority to make an award of the Medal for Merit and the presentation thereof shall be made by him or at his direction.

(d) *Succeeding awards.* No more than one Medal for Merit shall be awarded to any one person; but for each succeeding service, or act or acts, to justify an award of the Medal for Merit, a bronze Oak-Leaf Cluster will be awarded in lieu thereof.

§ 578.11 *Medal of Freedom*—(a) *Citizens and habitual residents of the United States.* (1) The Medal of Freedom without degree, is awarded to citizens or habitual residents of the United States not in the armed forces who, on or after December 7, 1941, distinguish themselves by meritorious achievement or meritorious service to the United States in the prosecution of the war against an enemy. (See E. O. 9586, July 6, 1945; 3 CFR, 1945 Supp.)

(2) The Medal of Freedom will not be awarded to any citizen or habitual resident of the United States for any meritorious achievement or meritorious service performed within the continental limits of the United States. The degree of meritorious achievement or meritorious service required is the same as that for which the Bronze Star Medal is awarded to members of the armed forces.

(b) *Citizens of foreign nations.* (1) The Medal of Freedom, in four degrees, is awarded to persons, not citizens or habitual residents of the United States nor members of the armed forces, who distinguish themselves by meritorious achievement or meritorious service which has aided the United States in the prosecution of the war against the enemy.

(2) The degree of the Medal of Freedom and corresponding degrees of the Legion of Merit are:

Medal of Freedom	*Legion of Merit*
(i) Gold palm	Chief Commander.
(ii) Silver palm	Commander.
(iii) Bronze palm	Officer and Legionnaire.

(3) The Medal of Freedom without palm is equivalent to the Bronze Star Medal awarded members of the armed forces.

(c) *Description.* (1) The medal of bronze is $1\frac{1}{4}$ inches in diameter. On the obverse is the head, shoulders, and headdress of freedom (taken from the statue on the top of the United States Capitol dome). In the lower portion in an arc is the inscription "Freedom." On the reverse is the "Liberty Bell" without carriage, within a circle composed of the words "United States of America." The medal is suspended by a ring from a silk moire ribbon $1\frac{3}{8}$ inches in length and $1\frac{3}{8}$ inches in width composed of red ($7/16$ inch), white ($1/32$ inch), red ($1/8$ inch), white ($1/32$ inch), red ($1/8$ inch), white ($1/32$ inch), and red ($7/16$ inch).

(2) Palm: A gold, silver, or bronze palm $1\frac{1}{8}$ inches in length.

(d) *Time limits.* See § 578.4.

(e) *Additional awards.* No more than one Medal of Freedom will be awarded to any one person. For each additional meritorious achievement or meritorious service warranting an additional award to a citizen or habitual resident of the United States, an Oak-Leaf Cluster will be awarded in lieu. For each additional meritorious achievement or meritorious service warranting an additional award to a citizen of a foreign nation, the Medal of Freedom in higher degree will be awarded in lieu. A subsequent award in a lesser degree is not authorized.

SERVICE MEDALS

AUTHORITY: §§ 578.26 to 578.56, issued under 34 Stat. 621, 40 Stat. 873, 45 Stat. 500, 47 Stat. 158, 871, 59 Stat. 461; 10 U. S. C. 1413, 1413a, 1415a, 1415b, 1416, 1430c; E. O. 8808, June 28, 1941, E. O. 8809, June 28, 1941, as amended by E. O. 9323, March 31, 1943, 3 CFR.

DERIVATION: AR 600–65, Dec. 20, 1946.

§ 578.26 *Service medals; general*—(a) *Purpose.* The following service medals are awarded to members of the active military service of the United States for performance of specified duty, usually during war or periods of national emergency:

(1) Good Conduct Medal.
(2) Civil War Campaign Medal.
(3) Indian Campaign Medal.
(4) Spanish Campaign Medal.
(5) Spanish War Service Medal.
(6) Army of Cuban Occupation Medal.
(7) Army of Puerto Rican Occupation Medal.
(8) Philippine Campaign Medal.
(9) Philippine Congressional Medal.
(10) China Campaign Medal.
(11) Army of Cuban Pacification Medal.
(12) Mexican Service Medal.
(13) Mexican Border Service Medal.
(14) World War I Victory Medal.
(15) Army of Occupation of Germany Medal.
(16) American Defense Service Medal.
(17) Women's Army Corps Service Medal.
(18) American Campaign Medal.
(19) Asiatic-Pacific Campaign Medal.
(20) European-African-Middle Eastern Campaign Medal.
(21) World War II Victory Medal.
(22) Army of Occupation Medal.

(b) *Character of service required.* Service medals are awarded for honorable active Federal military service only. No service medal will be awarded to any individual who has been dismissed, dishonorably discharged, or deserted subsequent to performance of the specified duty.

(c) *Application.* (1) A member of the Army or the Air Force who is entitled to a service medal for service in the Army (less Air Corps and Army Air Forces) may make application to his immediate commanding officer. The commanding officer will forward the application by indorsement direct to The Adjutant General, Washington 25, D. C., stating whether the individual's records, including discharge certificate or certificate of service, substantiate the claim.

(2) A former member of the Army who is entitled to a service medal for service in the Army (less Air Corps and Army Air Forces) may make application to The Adjutant General, Washington 25, D. C., inclosing a certified or photostatic

copy of his discharge certificate or certificate of service.

(3) Service medals will be awarded posthumously to the next of kin in the following order: widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. The next of kin of an individual entitled to a service medal for service in the Army (less Air Corps and Army Air Forces) may make application to The Adjutant General, Washington 25, D. C., inclosing a certified or photostatic copy of the individual's discharge certificate or certificate of service, if available. The next-of-kin of any individual entitled to a service medal for service in the Air Corps (Army), Army Air Forces, or United States Air Force, may make application to the Chief of Staff, United States Air Force, Washington 25, D. C., Attention: Awards Branch, inclosing certified or photostatic copy of the individual's discharge certificate, or certificate of service, if available.

(4) An individual who is entitled to a service medal for service with the Navy, Marine Corps, or Coast Guard must apply direct to the Chief of Naval Personnel, Navy Department; the Commandant, United States Marine Corps, or the Commandant, United States Coast Guard.

(d) *Supply.* When an application for a service medal has been approved by the Secretary of the Army or the Secretary of the Air Force, the Commanding Officer, Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania, will issue the medal and appurtenances as follows:

(1) *For persons in the Army or the Air Force.* To immediate commanding officers for distribution to those under their command.

(2) *For others.* Directly to them.

(e) *Record.* Eligibility for and/or award of service medals and clasps, service stars, and arrowheads will be noted in Service Records of enlisted men, on qualification cards, on discharge certificates, and on certificates of service and on certificates of retirement.

(f) *Replacement.* Whenever a service medal and/or appurtenance is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom awarded, it will be replaced without charge to military personnel on active duty, and for others at cost price.

(g) *Exhibitions.* Samples of service medals, clasps, service stars, and arrowheads may be furnished at cost price, plus transportation and packing charges, to museums, libraries, military societies, or other institutions of a public character for exhibition purposes. The sample service medals will be engraved at the expense of the purchaser with the words "For exhibition purposes only."

§ 578.27 *Good Conduct Medal.* Established by Executive Order 8809, June 28, 1941, 3 CFR, 1943 Cum. Supp.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is an eagle with wings displayed and inverted standing on a closed book and Roman sword, encircled by the words "Efficiency—Honor—Fidelity." On the reverse is a five-pointed star and a scroll between the words "For Good" and "Conduct," the whole surrounded by a wreath formed by a laurel branch on the left and an oak branch on the right. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a red stripe (1/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), red band (⅝ inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), and red stripe (1/16 inch).

(b) *Requirements.* Exemplary behavior, efficiency, and fidelity in an enlisted status for a period of three continuous years completed after August 26, 1940, or a period of one continuous year between December 7, 1941, and March 2, 1946. Service in commissioned or warrant ranks (except in Regular Army or Regular Air Force), although precluded in counting total service, is not considered as an interruption of continuous service. During the period of service, the following entries on the Service Record (WD AGO Form 24 or 24A) are required:

(1) All character ratings "excellent," except that a rating "unknown" during part of the period is not disqualifying.

(2) All efficiency ratings "excellent" or "superior," except that a rating "unknown" during part of the period is not disqualifying.

(3) No conviction by court-martial.

(c) *Clasp*—(1) *Description.* The clasp is a bronze bar ⅛ inch in width and 1⅜16 inches in length with loops, one loop for each additional period of required service.

(2) *Requirements.* For each loop on the clasp, a period of three continuous years of service in addition to and under same conditions as paragraph (b) of this section.

§ 578.28 *Civil War Campaign Medal.* Established by WD General Orders 12, 1907.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the head of Lincoln, nearly in profile, facing sinister, surrounded by the words "With malice toward none, with charity for all." On the reverse are the words "The Civil War," and below this the dates "1861–1865," surrounded by a wreath formed by a branch of oak on the left and a branch of olive on the right, the stems joined at the bottom by a conventional knot. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a blue band (1⅛16 inch) and a gray band (1⅛16 inch).

(b) *Requirements.* Service between April 15, 1861, and April 9, 1865, or in Texas between April 15, 1861 and August 20, 1866.

§ 578.29 *Indian Campaign Medal.* Established by WD General Orders 12, 1907.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a mounted Indian facing sinister, wearing a war bonnet, and carrying a spear in his right hand. Above the horseman are the words "Indian Wars," and below, on either side of a buffalo skull, the circle is completed by arrowheads, conventionally arranged. On the reverse is a trophy, composed of an eagle perched on a cannon supported by crossed flags, rifles, an Indian shield, spear, and quiver of arrows, a Cuban machete, and a Sulu kriss. Below the trophy are the words "For Service." The whole is surrounded by a circle composed of the words "United States Army" in the upper half and thirteen stars in the lower half. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a red stripe (3/16 inch), red band (½ inch), black stripe (3/16 inch), and red stripe (¼ inch).

(b) *Requirements.* Service in any of the following campaigns

(1) Southern Oregon, Idaho, northern California, and Nevada between 1865 and 1868.

(2) Against the Commanches and confederate tribes in Kansas, Colorado, Texas, New Mexico, and Indian Territory between 1867 and 1875.

(3) Modoc War between 1872 and 1873.

(4) Against the Apaches in Arizona in 1873.

(5) Against the Northern Cheyennes and Sioux between 1876 and 1877.

(6) Nez Perce War in 1877.

(7) Bannock War in 1878.

(8) Against the Northern Cheyennes between 1878 and 1879.

(9) Against the Sheep-Eaters, Piutes, and Bannocks between June and October, 1879.

(10) Against the Utes in Colorado and Utah between September, 1879 and November, 1880.

(11) Against the Apaches in Arizona and New Mexico between 1885 and 1886.

(12) Against the Sioux in South Dakota between November 1890 and January 1891.

(13) Against hostile Indians in any other action in which United States troops were killed or wounded between 1865 and 1891.

§ 578.30 *Spanish Campaign Medal.* Established by WD General Orders 5, 1905.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a conventional castle with the addition of two round-corner towers within a circle composed of the words "War with Spain" in the upper half and in the lower half the date "1898" at the bottom, with a branch of the tobacco plant on the left and a stalk of sugarcane on the right. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a yellow stripe (⅛ inch), blue band (⅜ inch), a yellow band (⅜ inch), blue band (⅜ inch), and yellow stripe (⅛ inch).

(b) *Requirements.* Service ashore in or on the high seas en route to any of the following countries:

(1) Cuba between May 11, 1898, and July 17, 1898.

(2) Puerto Rico between July 24, 1898, and August 13, 1898.

(3) Philippine Islands between June 30, 1898, and August 16, 1898.

§ 578.31 *Spanish War Service Medal.* Established by act of Congress July 9, 1918.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a sheathed Roman sword hanging on a tablet on which is inscribed "For service in the Spanish War." The tablet is surrounded by a wreath. On the reverse is the coat of arms of the United States with a scroll below, all surrounded by a wreath displaying the insignia of the Infantry, Artillery, and Cavalry. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a green stripe (⅛ inch), yellow stripe (¼ inch), green band (⅝ inch), yellow stripe (¼ inch), and green stripe (⅛ inch).

(b) *Requirements.* Service between April 20, 1898, and April 11, 1899, by persons not eligible for the Spanish Campaign Medal.

§ 578.32 *Army of Cuban Occupation Medal.* Established by WD General Orders 40, 1915.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the coat of arms of the Cuban Republic, with wreath and fasces. Around the circumference are the words "Army of Occupation, Military Government of Cuba," and above the shield the dates "1898" and "1902." The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a blue stripe (1/16 inch), red band (⅜ inch), yellow stripe (1/16 inch), blue band (⅜ inch), yellow stripe (1/16 inch), red band (⅜ inch), and blue stripe (1/16 inch).

(b) *Requirements.* Service in Cuba between July 18, 1898, and May 20, 1902.

§ 578.33 *Army of Puerto Rican Occupation Medal.* Established by WD Compilation of Orders, Changes 15, February 4, 1919.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a conventional castle with the addition of two round-corner towers within a circle composed of the words "Army of Occupation, Porto Rico" in the upper half and in the lower half the date "1898" at the bottom, with a branch of the tobacco plant on the left and a stalk of sugarcane on the right. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a red stripe (1/16 inch), blue band (⅜ inch), yellow stripe (1/16 inch), red band (⅜ inch), yellow stripe (1/16 inch), blue band (⅜ inch), and red stripe (1/16 inch).

(b) *Requirements.* Service in Puerto Rico between August 14, 1898, and December 10, 1898.

§ 578.34 *Philippine Campaign Medal.* Established by WD General Orders 5, 1905.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a conventional coconut-palm tree. On the left of it is a lamp of knowledge and on the right the scales of justice. The whole is in a circle composed of the words "Philippine Insurrection," and the date "1899" at the bottom. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a blue stripe (1/16 inch), red band (5/16 inch), blue band (⅜ inch), red band (5/16 inch), and blue stripe (1/16 inch).

(b) *Requirements.* Service in the Philippine Islands under any of the following conditions:

(1) Ashore between February 4, 1899, and July 4, 1902.

(2) Ashore in the Department of Mindanao between February 4, 1899, and December 31, 1904.

(3) In operations against the Pulajanes on Leyte between July 20, 1906, and July 30, 1907, or on Samar between August 2, 1904, and June 30, 1907.

(4) With any of the following expeditions:

(i) Against Pala on Jolo between April and May 1905.

(ii) Against Datu Ali on Mindanao in October 1905.

(iii) Against hostile Moros on Mount Bud-Dajo, Jolo, March 1906.

(iv) Against hostile Moros on Mount Bagsac, Jolo, between January and July, 1913.

(v) Against hostile Moros on Mindanao or Jolo between 1910 and 1913.

(5) In any other action against hostile natives in which United States troops were killed or wounded between February 4, 1899, and December 31, 1913.

§ 578.35 *Philippine Congressional Medal.* Established by act of Congress June 29, 1906.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a group composed of a color bearer holding a flag of the United States and supported by two men with rifles on their shoulders, the three facing dexter. The flag extends to the rim between the words "Philippine" and "Insurrection." Below the group is the date "1899." On the reverse are the words "For patriotism, fortitude, and loyalty" in a wreath composed of a branch of pine on the left and a branch of palm on the right, the stems joined by a conventional knot. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a blue stripe (1/16 inch), white stripe (1/16 inch), red stripe (⅛ inch), white stripe (⅛ inch), blue band (⅝ inch), white stripe (⅛ inch), red stripe (⅛ inch), white stripe (1/16 inch), and blue stripe (1/16 inch).

(b) *Requirements.* Service, meeting all the following conditions:

(1) Under a call of the President entered the Army between April 21 and October 26, 1898.

(2) Served beyond the date on which entitled to discharge.

(3) Ashore in the Philippine Islands between February 4, 1899, and July 4, 1902.

§ 578.36 *China Campaign Medal.* Established by WD General Orders 5, 1905.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the Imperial Chinese five-toed dragon with the head in full face in the middle, within a circle composed of the words "China Relief Expedition," with the dates "1900–1901" at the bottom. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a blue stripe (1/16 inch), a yellow band (1¼ inches), and a blue stripe (1/16 inch).

(b) *Requirements.* Service ashore in China with the Peking Relief expedition between June 20, 1900, and May 27, 1901.

§ 578.37 *Army of Cuban Pacification Medal.* Established by WD General Orders 96, 1909.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the coat of arms of the Cuban Republic with wreath and fasces, supported by two American soldiers with rifles, at parade rest. Above the group are the words "Cuban Pacification," below are the dates "1906–1909." The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a red stripe (⅛ inch), white stripe (⅛ inch), blue stripe (⅛ inch) olive-drab band (⅜ inch), blue stripe (⅛ inch), white stripe (⅛ inch), and red stripe (⅛ inch).

(b) *Requirements.* Service in Cuba between October 6, 1906, and April 1, 1909.

§ 578.38 *Mexican Service Medal.* Established by WD General Orders 155, 1917.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the Mexican Yucca plant in flower, with mountains in the background. Above the yucca plant are the words "Mexican Service" in the upper half and in the lower half the dates "1911–1917" arranged in a circle. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a green stripe (¼ inch), yellow band (⅜ inch), blue band (⅜ inch), yellow band (⅜ inch), and green stripe (⅛ inch).

(b) *Requirements.* Service in any of the following expeditions or engagements:

(1) With the Vera Cruz Expedition in Mexico between April 24, 1914, and November 26, 1914.

(2) With the Punitive Expedition in Mexico between March 14, 1916, and February 7, 1917.

(3) In the following engagements:

(i) Buena Vista, Mexico, December 1, 1917.

(ii) San Bernardino Canon, Mexico, December 26, 1917.

(iii) La Grulla, Texas, January 8 and 9, 1918.

(iv) Pilares, Mexico, March 28, 1918.

(v) Nogales, Arizona, August 27, 1918 or November 1 to 5, 1915.

(vi) El Paso, Texas, and Juarez, Mexico, June 15 and 16, 1919.

(vii) Any other action against hostile Mexicans in which United States troops were killed or wounded between April 12, 1911, and February 7, 1917.

§ 578.39 *Mexican Border Service Medal.* Established by act of Congress July 9, 1918.

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a sheathed Roman sword hanging on a tablet on which is inscribed "For service on the Mexican border." The tablet is surrounded by a wreath. The reverse is the same as that of the Spanish War Service Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a green band (7/16 inch), yellow band (½ inch), and green band (7/16 inch).

(b) *Requirements.* Service between May 9, 1916 and March 24, 1917, or with the Mexican Border Patrol between January 1, 1916, and April 6, 1917, by persons not eligible for the Mexican Service Medal.

§ 578.40 *World War I Victory Medal.* Established by WD General Orders 48, 1919.

(a) *Description.* The medal of bronze is 36 millimeters in diameter. On the obverse is a winged Victory standing full length and full face. On the reverse is the inscription "The Great War for Civilization" and the coat of arms of the United States surmounted by a fasces, and on either side the names of the Allied and Associated Nations. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 36 millimeters in width, composed of two rainbows placed in juxtaposition and having the red in the middle, with a white thread along each edge.

(b) *Requirements.* Service between April 6, 1917, and November 11, 1918, or with either of the following expeditions:

(1) American Expeditionary Forces in European Russia between November 12, 1918, and August 5, 1919.

(2) American Expeditionary Forces in Siberia between November 12, 1918, and April 1, 1920.

(c) *Clasp.* Two types of clasps are authorized.

(1) *Battle clasp* — (i) *Description.* The clasp is a bronze bar ⅛ inch in width and 1½ inches in length with the name of the campaign or the words "Defensive Sector," with a star at each end of the inscription. The bar is placed on the suspension ribbon of the medal.

(ii) *Requirements.* Combat service, one clasp for each campaign. The individual must have been actually present for duty under competent orders in the combat zone during the period in which the organization was engaged in combat. For service in an engagement not included in a named campaign, a defensive sector clasp will be awarded, not more than one clasp being awarded to any individual regardless of the number of such engagements.

(iii) *Service star.* Possession of a battle clasp and/or defensive sector clasp is denoted by bronze service stars worn on the service ribbon, one bronze service star for each clasp.

(2) *Service clasp*—(i) *Description.* The clasp is a bronze bar ⅛ inch in width and 1½ inches in length with the name of the country in which the service was performed. The bar is placed on the suspension ribbon of the medal.

(ii) *Requirements.* Service in France, Italy, Siberia, European Russia, or England, or as a member of a crew of a transport sailing between the United States and that country, by persons not eligible for a battle clasp. Only one service clasp will be awarded to any individual.

§ 578.41 *Army of Occupation of Germany Medal.* Established by act of November 21, 1941 (55 Stat. 781.)

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a profile of General John J. Pershing, facing dexter in uniform of World War I. Around the upper edge are four, five-pointed stars, on the left the inscription "General John J. Pershing," and on the right an unsheathed sword point up within a laurel wreath with the years "1918" and "1923." On the reverse is an eagle with wings displayed and inverted standing on Castle Ehrenbreitstein within a circle composed of the words "U. S. Army of Occupation of Germany" and three, five-pointed stars. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a blue stripe (1/16 inch), red stripe (1/16 inch), white stripe (3/16 inch), (black band (¾ inch), white stripe (3/16 inch), red stripe (1/16 inch), and blue stripe (1/16 inch).

(b) *Requirements.* Service in Germany or Austria-Hungary between November 12, 1918, and July 11, 1923.

§ 578.42 *American Defense Service Medal.* Established by Executive Order 8808 (3 CFR 1943 Cum. Supp.).

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is a female Grecian figure symbolic of defense, holding in her sinister hand an ancient war shield in reverse and her dexter hand brandishing a sword above her head, and standing upon a conventionalized oak branch with four leaves. Around the top is the lettering "American Defense." On the reverse is the wording "For service during the limited emergency proclaimed by the President on September 8, 1939 or during the unlimited emergency proclaimed by the President on May 27, 1941" above a seven-leaved spray. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a golden yellow stripe (3/16 inch), blue stripe (1/24 inch), white stripe (1/24 inch), red stripe (1/24 inch) golden yellow band (¾ inch), red stripe (1/24 inch), white stripe (1/24 inch), blue stripe (1/24 inch), and golden yellow stripe (3/16 inch).

(b) *Requirements.* Service between September 8, 1939, and December 7, 1941, under orders to active duty for a period of 12 months or longer.

(c) *Foreign service clasp*—(1) *Description.* The clasp is a bronze bar ⅛ inch in width and 1½ inches in length with the words "Foreign Service," with a star at each end of the inscription. The bar is placed on the suspension ribbon of the medal.

(2) *Requirements.* Service outside the continental limits of the United States, including service in Alaska, as a member of a crew of a vessel sailing ocean waters, or as a member of an operating crew of an airplane participating in regular and frequent flights over ocean waters.

(3) *Service star.* Possession of a foreign service clasp is denoted by a bronze service star worn on the service ribbon.

§ 578.43 *Women's Army Corps Service Medal.* Established by Executive Order 9365 (3 CFR, 1943 Supp.).

(a) *Description.* The medal of bronze is 1¼ inches in diameter. On the obverse is the head of Pallas Athene in profile facing dexter, superimposed on a sheathed sword crossed with oak leaves and a palm branch within a circle composed of the words "Women's" in the upper half, and in the lower half "Army Corps." on the reverse, within an arrangement of 13 stars, is a scroll bearing the words "For service in the Women's Army Auxiliary Corps" in front of the letters "U S" in lower relief at the top and perched on the scroll is an eagle with wings elevated and displayed, and at the bottom, the dates "1942–1943." The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of an old gold stripe (⅛ inch), moss-tone green band (1⅛ inches), and old gold stripe (⅛ inch).

(b) *Requirements.* Service in both the Women's Army Auxiliary Corps between July 20, 1942, and August 31, 1943, and the Women's Army Corps between September 1, 1943, and September 2, 1945.

§ 578.44 *American Campaign Medal.* Established by Executive Order 9265 (3 CFR 1943, Cum. Supp.).

(a) *Description.* A medal of bronze 1¼ inches in diameter. On the obverse a Navy cruiser under full steam with a B–24 airplane flying overhead with a sinking enemy submarine in the foreground on three wave symbols, in background a few buildings, representing the arsenal of democracy, above this scene the words "American Campaign." On the reverse an American bald close eagle between the dates "1941–1945" and the words "United States of America." The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a blue stripe (3/16 inch), white stripe (1/16 inch), black stripe (3/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), blue stripe (3/16 inch), dark blue stripe (1/24 inch), white stripe (1/24 inch), red stripe (1/24 inch), blue stripe (3/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), black stripe (1/16 inch), white stripe (1/16 inch), and blue stripe (3/16 inch).

(b) *Requirements.* Service within the American Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) On permanent assignment outside the continental limits of the United States.

(2) Permanently assigned as a member of a crew of a vessel sailing ocean waters for a period of 30 days.

(3) Permanently assigned as a member of an operating crew of an airplane actually making regular and frequent flights over ocean waters for a period of 30 days.

(4) Outside the continental limits of the United States in a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(5) In active combat against the enemy and was awarded a combat decoration or furnished a certificate by the commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(6) Within the continental limits of the United States for an aggregate period of 1 year.

(c) *Boundaries of the American Theater*—(1) *Eastern boundary.* From the North Pole, south along the 75th meridian west longitude to the 77th parallel north latitude thence southeast through Davis Strait to the intersection of the 40th parallel north latitude and the 35th meridian west longitude, thence south along the meridian to the 10th parallel north latitude, thence southeast to the intersection of the Equator and the 20th meridian west longitude, thence south along the 20th meridian west longitude to the South Pole.

(2) *Western boundary.* From the North Pole, south along the 141st meridian west longitude to the east boundary of Alaska, thence south and southeast along the Alaska boundary to the Pacific Ocean, thence south along the 130th meridian to its intersection with the 30th parallel north latitude, thence southeast to the intersection of the Equator and the 100th meridian west longitude to the South Pole.

(d) *Service star* — (1) *Description.* The service star is a bronze five-pointed star 3/16 inch in diameter. The service star is placed with one point of each star up in a vertical position on the suspension ribbon of the medal or on the service ribbon.

(2) *Requirements.* Service in the antisubmarine campaign within the American Theater while assigned, or attached, to and present for duty with a unit during the period in which it participated in combat.

§ 578.45 *Asiatic - Pacific Campaign Medal.* Established by Executive Order 9265 (3 CFR 1943 Cum. Supp.).

(a) *Description.* A medal of bronze 1¼ inches in diameter. On the obverse a tropical landing scene with a battleship, aircraft carrier, submarine and aircraft in the background with landing troops and palm trees in the foreground; above this scene the words "Asiatic-Pacific Campaign." The reverse is the same as that of the American Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of an orange stripe (3/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), orange stripe (¼ inch), blue stripe (1/24 inch), white stripe (1/24 inch), red stripe (1/24 inch), orange stripe (¼ inch), white stripe (1/16 inch), red stripe (1/16 inch), white stripe (1/16 inch), and orange stripe (3/16 inch).

(b) *Requirements.* Service within the Asiatic-Pacific Theater between December 7, 1941, and March 2, 1946, under any of the following conditions:

(1) On permanent assignment.

(2) In a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(3) In active combat against the enemy and was awarded a combat decoration or furnished a certificate by the commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(c) *Boundaries of the Asiatic-Pacific Theater*—(1) *Eastern boundary.* Coincident with the western boundary of the American Theater (§ 578.44 (c) (2)).

(2) *Western boundary.* From the North Pole, south along the 60th meridian east longitude to its intersection with the east boundary of Iran, thence south along the Iran boundary to the Gulf of Oman and the intersection of the 60th meridian east longitude, thence south along the 60th meridian east longitude, to the South Pole.

(d) *Service star*—(1) *Description.* See § 578.44 (d) (1) for bronze service star. A silver service star is worn in lieu of five bronze service stars.

(2) *Requirements.* Combat service within the Asiatic-Pacific Theater, one bronze service star for each campaign. The individual must meet any of the following conditions:

(i) Assigned, or attached, to and present for duty with a unit during the period in which it participated in combat.

(ii) Under orders in the combat zone and in addition meets any of the following requirements:

(*a*) Awarded a combat decoration.

(*b*) Furnished a certificate by a commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(*c*) Served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor).

(*d*) Aboard a vessel other than in a passenger status and furnished a certificate by the home port commander of the vessel that he served in the combat zone.

(iii) Was an evadee or escapee in the combat zone or recovered from a prisoner of war status in the combat zone during the time limitations of the campaign. Prisoners of war will not be accorded credit for the time spent in confinement or while otherwise in restraint under enemy control.

(e) *Arrowhead*—(1) *Description.* The arrowhead is a bronze replica of an Indian arrowhead ¼ inch in height and ⅛ inch in width worn with the point up on the suspension ribbon of the medal or on the service ribbon.

(2) *Requirements.* Participation in a combat parachute jump, combat glider landing, or amphibious assault landing within the Asiatic-Pacific Theater under either of the following conditions:

(i) Made a combat parachute jump or combat glider landing into enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

(ii) Went ashore in the assault waves in an amphibious landing on enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

§ 578.46 *European - African - Middle Eastern Campaign Medal.* Established by Executive Order 9265 (3 CFR Cum. Supp.).

(a) *Description.* A medal of bronze 1¼ inches in diameter. On the obverse an LST landing craft and troops landing under fire with an airplane in background below the words "European-African-Middle Eastern Campaign." The reverse is the same as that of the American Campaign Medal. The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a brown stripe (3/16 inch), green stripe (1/16 inch), white stripe (1/16 inch), red stripe (1/16 inch), green stripe (¼ inch), blue stripe (1/24 inch), white stripe (1/24 inch), red stripe (1/24 inch), green stripe (¼ inch), white stripe (1/16 inch), black stripe (1/16 inch), white stripe (1/16 inch), and brown stripe (3/16 inch).

(b) *Requirements.* Service within the European - African - Middle Eastern Theater between December 7, 1941, and November 8, 1945, under any of the following conditions:

(1) On permanent assignment.

(2) In a passenger status or on temporary duty for 30 consecutive days or 60 days not consecutive.

(3) In active combat against the enemy and was awarded a combat decoration or furnished a certificate by the commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(c) *Boundaries of the European-African-Middle Eastern Theater*—(1) *Eastern boundary.* Coincident with the western boundary of the Asiatic-Pacific Theater (§ 578.45 (c) (2)).

(2) *Western boundary.* Coincident with the eastern boundary of the American Theater (§ 578.44 (c) (1)).

(d) *Service star*—(1) *Description.* Same as § 578.45 (d) (1).

(2) *Requirements.* Service within the European - African - Middle Eastern Theater, one bronze service star for each campaign (AR 260–15). The individual must meet any of the following conditions:

(i) Assigned, or attached, to and present for duty with a unit during the period in which it participated in combat.

(ii) Under orders in the combat zone and in addition meets any of the following requirements:

(*a*) Awarded a combat decoration.

(*b*) Furnished a certificate by a commanding general of a corps, higher unit, or independent force that he actually participated in combat.

(*c*) Served at a normal post of duty (as contrasted to occupying the status of an inspector, observer, or visitor).

(*d*) Aboard a vessel other than in a passenger status and furnished a certificate by the home port commander of the vessel that he served in the combat zone.

(iii) Was an evadee or escapee in the combat zone or recovered from a prisoner of war status in the combat zone

during the time limitations of the campaign. Prisoners of war will not be accorded credit for the time spent in confinement or while otherwise in restraint under enemy control.

(e) *Arrowhead* — (1) *Description.* Same as § 578.45 (e) (1).

(2) *Requirements.* Participation in a combat parachute jump, combat glider landing, or amphibious assault landing within the European-African-Middle Eastern Theater under either of the following conditions:

(i) Made a combat parachute jump or combat glider landing into enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

(ii) Went ashore in the assault waves in an amphibious landing on enemy-held territory as an assigned or attached member of an organized force carrying out an assigned tactical mission.

§ 578.47 *World War II Victory Medal.* Established by act July 6, 1945 (Public Law 135—79th Cong.).

(a) *Description.* The medal of bronze is 36 millimeters in diameter. On the obverse is a figure of Liberation standing full length with head turned to dexter looking to the dawn of a new day, right foot resting on a war god's helmet with the hilt of a broken sword in the right hand and the broken blade in the left hand, the inscription "World War II" horizontally placed immediately below center. On the reverse are the inscriptions "Freedom from fear and want" and "Freedom of speech and religion" separated by a palm branch, all within a circle composed of the words "United States of America—1941–1945." The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a double rainbow in juxtaposition (⅜ inch), white stripe (1/32 inch), red band (9/16 inch), white stripe (1/32 inch), and double rainbow in juxtaposition (⅜ inch).

(b) *Requirements.* Service between December 7, 1941 and December 31, 1946, both dates inclusive.

§ 578.48 *Army of Occupation Medal.* Established by section I, WD General Orders 32, 1946.

(a) *Description.* A medal of bronze 1¼ inches in diameter. On the obverse the Remagen Bridge abutments below the words "Army of Occupation." On the reverse Fujiyama with a low hanging cloud over two Japanese junks above a wave scroll and the date "1945." The medal is suspended by a ring from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of a white stripe (3/16 inch), black band (½ inch), red band (½ inch), and white stripe (3/16 inch).

(b) *Requirements.* Service for 30 consecutive days at a normal post of duty (as contrasted to inspector, visitor, courier, escort, passenger status, temporary duty, or detached service) while assigned to any of the following Armies of Occupation:

(1) Army of Occupation of Germany or Austria between May 9, 1945 and a terminal date to be announced later in Germany or Austria. (Service between May 9, 1945 and November 8, 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

(2) Army of Occupation of Italy between May 9, 1945 and September 15, 1947 in the compartment of Venezia Giulia E. Zara or Province of Udine, or with a unit in Italy as designated in General Orders 4, Department of the Army, 1947. (Service between May 9, 1945 and November 8, 1945 will be counted only if the European-African-Middle Eastern Campaign Medal was awarded for service prior to May 9, 1945.)

(3) Army of Occupation of Japan or Korea between September 3, 1945 and a terminal date to be announced later in the four main islands of Hokkaido, Honshu, Shikoku, and Kyushu, the surrounding smaller islands of the Japanese homeland, the Ryukyu Islands, the Bonin-Volcano Islands, or Korea. (Service between September 3, 1945 and March 2, 1946 will be counted only if the Asiatic-Pacific Campaign Medal was awarded for service prior to September 3, 1945.)

(c) *Occupation clasp*—(1) *Description.* The clasp is a bronze bar ⅛ inch in width and 1½ inches in length with the word "Germany" or "Japan." The bar is placed on the suspension ribbon of the medal.

(2) *Requirements.* Service with an Army of Occupation in Europe for the "Germany" clasp or with an Army of Occupation in the Far East for the "Japan" clasp.

§ 578.49 *Service ribbons*—(a) *Description.* The service ribbon is a strip of ribbon identical with that from which the service medal is suspended and ⅜ inch in length.

§ 578.50 *Service stars*—(a) *Description.* The service star is a bronze or silver five-pointed star 3/16 inch in diameter. A silver service star is worn in lieu of five bronze service stars.

§ 578.51 *Arrowheads*—(a) *Description.* The arrowhead is a bronze replica of an Indian arrowhead ¼ inch in height and ⅛ inch in width.

§ 578.52 *Miniature service medals and appurtenances*—(a) *Description.* Miniature service medals and appurtenances are replicas of the corresponding service medals and appurtenances, on a scale of ½.

(b) *Wearing.* Miniature service medals with miniature appurtenances are worn attached to a bar on the left lapel of military and civilian evening clothes only.

§ 578.53 *Miniature service ribbons*—(a) *Description.* Miniature service ribbons are replicas of corresponding service ribbons, on a scale of ½.

(b) *Wearing.* Miniature service ribbons with miniature appurtenances are worn attached to a bar on civilian clothes only.

§ 578.54 *Lapel buttons*—(a) *For all service medals except Victory Medals.* The lapel button is 21/32 inch in width and ⅛ inch in length, in colored enamel, being a reproduction of the service ribbon. Miniature appurtenances may be placed on lapel buttons.

(b) *For World War I Victory Medal.* The lapel button is a five-pointed star ⅝ inch in diameter on a wreath with the letters "U S" in the center. For persons wounded in action, the lapel button is of silver, for all others, of bronze.

(c) *For World War II Victory Medal*—(1) *No lapel button is authorized.* The honorable service lapel button is worn in lieu of a lapel button for the World War II Victory Medal.

(2) *Description of honorable service lapel button.* The gold-color metal lapel button consists of a dexter eagle with wings displayed perched within a ring composed of a chief and thirteen vertical stripes; the dexter wing of the eagle is behind the ring, the sinister wing is in front of the ring.

(3) *Requirements for honorable service lapel button.* Service between September 8, 1939, and December 31, 1946, both dates inclusive.

(d) *Wearing.* Lapel buttons may be worn on civilian clothes only.

§ 578.55 *Supply of appurtenances.* (a) Only the following appurtenances will be supplied by the Department of the Army or Department of the Air Force.

(1) Service stars.
(2) Arrowheads.
(3) Clasps.
(4) Service ribbons.
(5) Lapel button for World War I Victory Medal.
(6) Honorable service lapel button (in lieu of a lapel button for World War II Victory Medal).

(b) An initial issue of the above appurtenances will be made with the corresponding service medals. Replacements for military personnel on active duty will be supplied to commanding officers on requisition in the usual manner. Replacements for others will be made at cost price upon request to The Adjutant General, Washington 25, D. C., or Chief of Staff, United States Air Force, Attention: Awards Branch.

(c) The following appurtenances for service medals will not be sold by the Department of the Army or Department of the Air Force:

(1) Miniature service medals and appurtenances.
(2) Miniature service ribbons.
(3) Lapel buttons, except the lapel button for the World War I Victory Medal and the honorable service lapel button.

§ 578.56 *Manufacture, sale, and illegal possession.* Sections 507.1 to 507.8 of this chapter prescribe:

(a) Restrictions on manufacture and sale of service medals and appurtenances by civilians.

(b) Penalties for illegal possession and wearing of service medals and appurtenances.

BADGES

§ 578.60 *Badges; general*—(a) *Purpose.* Badges are awarded as recognition of attaining a high standard of proficiency in critical military skills.

(b) *Application for badge.* (1) A civilian, including a former member of the Army, who has received an order announcing award of a badge but who has not received such badge may make application to The Adjutant General inclosing a copy of the order.

(2) A civilian who believes himself entitled to a badge but who has not received orders announcing the award may make application to The Adjutant General inclosing a statement in detail why he believes he is entitled to a badge. A former member of the Army will also inclose a certified or photostatic copy of his discharge certificate or certificate of service.

(3) Badges will be awarded posthumously by The Adjutant General to the next of kin in the following order: Widow or widower, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. The next of kin of an individual entitled to a badge may make application to The Adjutant General, Washington 25, D. C., inclosing a certified or photostatic copy of the individual's discharge certificate or certificate of service if available.

(4) A member or former member of the Army who believes himself entitled to an aviation badge or a badge for service with the United States Air Force must apply direct to the Chief of Staff, U. S. Air Force, Attention: Director of Military Personnel.

(c) *Replacement.* Whenever a badge presented in accordance with the regulations in this part is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, it will be replaced without charge to military personnel on active duty, and for others at cost price.

(d) *Exhibition.* Samples of badges may be furnished for exhibition purposes at cost price plus transportation and packing charges to museums, libraries, military societies, or other institutions of a public character. The sample badges will be engraved at the expense of the purchaser with the words "For exhibition purposes only."

§ 578.61 *Marksmanship badges.* (a) Qualification badges for marksmanship are of three types:

(1) Basic qualification.
(2) Excellence in competition.
(3) Distinguished designation.

(b) *Basic qualification badges*—(1) *Description*—(i) *Badge.* Basic qualification badges are of three classes:

(a) *Expert.* A cross patee with a target placed in the center thereof, the whole surrounded by a wreath, of silver, 1.15 inches in width.

(b) *Sharpshooter.* A cross patee with a target placed in the center thereof, of silver, 1 inch in width.

(c) *Marksman.* A cross patee, of silver, 1 inch in width.

(ii) *Bars.* Of silver .2 inch in width and 1 inch in length with rings for attaching to badge or subsequent bar and inscribed with the name of the weapon for which awarded. A bar is authorized for each weapon in which an individual is qualified. Weapons for which bars are authorized are as follows:

(a) Rifle.
(b) Pistol.
(c) Antiaircraft artillery.
(d) Automatic rifle.
(e) Machine gun.
(f) Coast Artillery.
(g) Submarine mines.
(h) Field Artillery.
(i) Tank weapons.
(j) Flamethrower.
(k) Submachine gun.
(l) Rocket launcher.
(m) Grenade.
(n) Carbine.
(o) Recoilless rifle.
(p) Mortar.
(q) Bayonet.
(r) Rifle, small bore.
(s) Pistol, small bore.

(2) *Who may award.* Commanding officers of regiments, groups, and separate battalions, and any commanding officer of the rank of lieutenant colonel or higher may make awards to members of the armed forces of the United States. Awards to civilians will be made only by the Director of Civilian Marksmanship and in accordance with the provisions of AR 850–100 (§§ 543.1 to 543.3 of this chapter).

(3) *Requirements.* Attain the qualification score prescribed in appropriate field manual for the weapon concerned. For any one weapon only one bar and the badge of last qualification may be worn. Only one qualification badge of each class may be worn; qualification in additional weapons will be indicated by bars.

(c) *Excellence in competition badges*—(1) *Description.* Badges for excellence in competition consist of a bar indicating national or area matches, a clasp indicating rifle or pistol competition, and a metal pendant. The parts are fastened together by rings.

(i) *Bars.* Of bronze. For national matches, rectangular 1¼ inches in length and ¼ in width, with oak leaves in the center. For area matches, 1⅜ inches in length and ⅛ inch in width with rounded ends, in the center a plain disk ⅜ inch in diameter.

(ii) *Clasp.* Of bronze, 1⅛ inches in length and ½ inch in height; crossed muskets for rifle matches, crossed pistols for pistol matches.

(iii) *Pendant.* Of bronze 1 5/16 inches in diameter, in the center a crossed Indian bow and arrows within a ring bearing 13 stars and surrounded by a wreath of oak leaves.

(2) *Who may award.* The Adjutant General only.

(3) *Eligibility requirements.* The number of persons to be awarded these badges will depend upon the number of participants and the quality of the competition. In area matches, these badges will be awarded only for excellence in individual competition; in national matches, badges will be awarded both for individual and team competition. The conditions for establishing eligibility will be as prescribed annually by the National Board for Promotion of Rifle Practice in "Rules and Regulations for National (and/or Area) Matches" for that year. Effective immediately, badges for excellence in competition in future matches, will be awarded only to persons whose score in authorized competition constitutes a credit toward the distinguished designation badges. Whether badges for excellence in competition awarded in past matches will count as credit toward a distinguished designation badge will be determined in accordance with regulations in effect at the time such matches were held. Only one badge for excellence in rifle competition and one badge for excellence in pistol competition may be worn at the same time.

(d) *Distinguished designation badges*—(1) *Description.* Badges awarded to persons designated as "Distinguished Marksman" (rifle) or "Distinguished Pistol Shot" consist of a metal pendant indicating the distinguished designation and a bar. The name of the recipient and the year of attainment will be engraved on the reverse of the pendant.

(i) *Distinguished marksman*—(a) *Bar.* Of gold, 1.8 inches in length, superimposed a shield of stars and stripes with the letters "U. S." thereon.

(b) *Pendant.* Of gold, a shield 1.5 inches in length and 1.4 inches in width, in the center an enameled target between the words "Distinguished" and "Marksman."

(ii) *Distinguished pistol shot*—(a) *Bar.* Of gold, 1.55 inches in length, superimposed a shield of stars and stripes with the letters "U. S." thereon.

(b) *Pendant.* Of gold, a shield 1.25 inches in length and 1.075 inches in width, in the center an enameled target between the words "Distinguished" and "Pistol Shot."

(2) *Who may award.* The Adjutant General only.

(3) *Eligibility requirements.* An individual will be designated as a distinguished marksman or distinguished pistol shot when he has been awarded three excellents in competition badges. Badges won prior to 1948 will be counted only if such badge granted credit towards the distinguished designation under the rules of the match in which won. A credit granted by the National Board for the Promotion of Rifle Practice under rules in effect for matches prior to 1948 will be counted in the same manner as excellence in competition badges; each individual who is entitled to such credit and has not been awarded an excellence in competition badge may be awarded such badge upon application.

(e) *Lapel button*—(1) *Description.* The lapel button is 21/32 inch in maximum dimension and on corresponding scale, being a reproduction of the basic qualification badge (without bar), the pendant of the excellence in competition badge, the pendant of the distinguished designation badge, or the motor vehicle driver and mechanic badge (without bar).

(2) *Wearing.* Lapel buttons may be worn on civilian clothes only.

PART 580—WOMEN'S ARMY CORPS

Sec.
580.1 Mission.
580.2 Applicable regulations.
580.3 Composition and organization.
580.4 Duties of director.
580.5 Appointment of officers.
580.6 Courts martial and other boards.
580.7 Promotion and relative rank.
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580.9 Warrant officers.
580.10 Eligibility for enlistment, and reenlistment.
580.11 Enlistment of women in the Women's Army Corps, Regular Army, and in the United States Air Force.

AUTHORITY: §§ 580.1 to 580.11 (with exception cited in parentheses following section

affected) issued under 57 Stat. 371; 50 U. S. C., App., 1551–1555.

DERIVATION: War Department Circular 136, May 11, 1946, except as noted following provision affected.

§ 580.1 *Mission.* The mission of the Women's Army Corps is to make available to the Army the knowledge, skill and special training of the women of the Nation.

§ 580.2 *Applicable regulations.* The provisions of Army regulations, Department of the Army circulars, and other instructions apply to members of the Women's Army Corps, its officers, warrant officers, and enlisted women, except where inappropriate, as modified in this part, or by appropriate Department of the Army directives. Whenever the terms "officer," "warrant officer," and "enlisted man" are used in existing regulations they will be construed to include officers, warrant officers, and enlisted women of the Women's Army Corps.

§ 580.3 *Composition and organization*—(a) *Composition.* The Women's Army Corps will consist of the Director of the Women's Army Corps who will be a colonel in the Army of the United States, and such commissioned officers of lower grade, warrant officers, and enlisted personnel as are authorized by the Secretary of the Army, but will not exceed the number authorized from time to time by the president.

(b) *Organization.* The Corps will be organized into the Office of the Director; such training centers, schools, and other installations as may be required; and such units, detachments, and individuals as may be assigned for duty with the various continental and oversea commands. The Office of the Director, Women's Army Corps, will function directly under the Director of Personnel and Administration, General Staff, United States Army.

§ 580.4 *Duties of director.* In addition to such other duties as may be prescribed, the Director will supervise activities relating to the Women's Army Corps and will be responsible for:

(a) Plans and policies for the utilization, command, morale, and well-being of the Women's Army Corps.

(b) Plans and policies for the procurement, reception, classification, training, supply, assignment, and separation of Women's Army Corps personnel in coordination with the appropriate Department of the Army agencies.

(c) Inspection of units, detachments, and individuals in the zone of interior and overseas. In the exercise of these responsibilities, the director is authorized to consult directly with the commanding generals concerned or their appropriate staff officers.

§ 580.5 *Appointment of officers.* (a) Officers of the Women's Army Corps, except as noted in paragraph (b) of this section will be appointed only from graduates of the Women's Army Corps Officer Candidate School in such numbers as may be specifically authorized by the Secretary of the Army.

(b) Officer candidates will be derived from warrant officers and enlisted women of the Women's Army Corps, who are selected under the provisions of Army Regulations.

(c) The Adjutant General has been charged with initial assignment of graduates of the Women's Army Corps Officer Candidate School. All correspondence pertaining to such personnel will be addressed to The Adjutant General, Attention: Officers' Branch (SPXPO–A–R).

(d) Women's Army Corps officers will be appointed in accordance with the existing regulations pertaining to noncombat appointments in oversea theaters.

§ 580.6 *Courts martial and other boards.* (a) A general or special court to which charges against a member of the Women's Army Corps are referred will include one or more commissioned officers of the Women's Army Corps.

(b) Every board, except one composed entirely of medical officers, which deals with a matter pertaining to the Women's Army Corps will include at least one member of the Women's Army Corps.

§ 580.7 *Promotion and relative rank.* (a) Promotion of Women's Army Corps officers will be made in accordance with current Department of the Army policy governing the temporary promotion of officers in the Army of the United States. Commissioned service in the Women's Army Auxiliary Corps will be included in computing periods of service required for eligibility for promotion. Statutory provisions prohibit promotion of Women's Army Corps officers to the grade of colonel, except in the case of an officer of the Women's Army Corps who is designated by the Secretary of the Army as commanding officer of such corps.

(b) All officers appointed in the Army of the United States and assigned to the Women's Army Corps will take rank in the same manner as other persons who are appointed in the Army of the United States, except that those officers who formerly held appointments as officers in the Women's Army Auxiliary Corps will take rank in the same manner as Reserve officers called into the service of the United States; and for this purpose service in the Women's Army Auxiliary Corps in the grade equivalent to that to which any such officer was appointed in the Army of the United States will be deemed active Federal service.

§ 580.8 *Separation.* WAC officers will be separated from the service under regulations prescribed for the separation of all officers.

§ 580.9 *Warrant officers*—(a) *Provisions for appointment.* The provisions of AR 610–15, entitled "Warrant Officers—Temporary Appointment in the Army of the United States", apply to enlisted personnel of the Women's Army Corps.

§ 580.10 *Eligibility for enlistment and reenlistment*—(a) *General.* Any female citizen of the United States between the ages of 20 and 38 who is of excellent character, who meets the established mental and physical requirements, and who is eligible under the conditions below, may be enlisted or reenlisted in the Army of the United States within authorized quotas.

(b) *Age.* An applicant must have attained her 20th but not her 38th birthday (except as provided in paragraph (g) of this section).

(1) *Completion of enlistment prior to 38th birthday.* No applicant will be given the oath of enlistment who has attained her 38th birthday, regardless of date of application for enlistment.

(2) *Proof of date and place of birth.* Satisfactory proof of date and place of birth should be established by one of the following: birth certificate or photostatic copy thereof; bona fide school, institutional, or baptismal or other church records, showing birth date of applicant; affidavit of physician or midwife attending birth of applicant; affidavit of parent or parents; affidavit of relative or responsible party in those cases where no reasonable doubt of age or place of birth exists.

(c) *Citizenship.* (1) Proof of date and place of birth as required in paragraph (b) (2) of this section, will be considered proof of citizenship in the case of native born citizens.

(2) In cases of naturalized citizens, final naturalization papers must be presented.

(3) In those instances where an applicant became naturalized while a minor through the naturalization of parent or parents, a certificate of derivative citizenship or parents' final papers will be considered proof of citizenship.

(d) *Education.* The minimum educational qualifications will be at least 2 years of high school or equivalent schooling, such as business, vocational, or trade school.

(e) *Physical.* See Army Regulations 40–100.

(f) *Dependents*—(1) *Children.* (i) A woman with a child or children under 14 years of age may be enlisted only under the following conditions: If she has become legally, or in fact, divested of the care, custody, control, and support of such child or children at least 18 months prior to date of her application, established by the submission of proper proof as follows:

(*a*) If by court action, a certified copy of court order or other court action.

(*b*) If not by court action, but in fact, by the affidavits of the prospective recruit and the person or persons exercising care, custody, control, and support of the child or children.

(ii) A woman with a child or children between their 14th and 18th birthdays dependent upon her for partial or chief support is eligible for enlistment. However, dependency benefits under the provisions of the Servicemen's Dependents Allowance Act of 1942, as amended (56 Stat. 381, as amended; 37 U.S.C., Sup., 201–221, 50 U.S.C. 305 (e) (1), 315 (c)), may be claimed only in the case of such children who are dependent upon the applicant for chief support.

(iii) A woman with a child or children between their 18th and 21st birthdays legally or in fact dependent upon such woman for care, custody, control, or support, is not eligible for enlistment.

(2) *Other dependents.* See Army Regulations 35–5520.

(g) *Enlistment of those having previous military service*—(1) *General.* A former member of the WAAC/WAC between the ages of 20 and 50 may be reenlisted in the AUS upon approval of The Adjutant General, provided the records of previous service do not indicate ineligibility for reenlistment and she is otherwise qualified under existing regulations. Ineligibility includes former service terminated under other than honorable conditions.

(2) *Enlistment of former members of another armed service of the United States.* Enlistment of a former member of another armed service of the United States is not authorized without approval of The Adjutant General.

§ 580.11 *Enlistment of women in the Women's Army Corps, Regular Army, and in the United States Air Force*—(a) *General*—(1) *Introduction.* Except as modified in this section, the provisions of Part 570 of this chapter will apply to the enlistment of women in the "Women's Army Corps, Regular Army," and the "Women in the United States Air Force" (regular component of the Air Force of the United States) pursuant to the Women's Armed Services Integration Act of 1948 (act, June 12, 1948 (Pub. Law 625, 80th Cong.)). The titles of the women's components of the Regular Army and the United States Air Force are:

(i) *Women's Army Corps, United States Army.* For the purpose of this section, the Women's Army Corps will be referred to as WAC.

(ii) *Women in the Air Force.* For the purpose of this section, Women in the Air Force will be referred to as WAF.

(2) *Eligibility.* Subject to the provisions of paragraphs 6, 7, 8, and 9, personnel of the following categories who are qualified for general service may be enlisted:

(i) Members of the Women's Army Corps, Army of the United States.

(ii) Women with prior service in any of the armed forces.

(iii) Women with no prior military service.

(3) *Date of application for enlistment.* Applications for enlistment of women presently serving in the Women's Army Corps, Army of the United States, will be accepted immediately. Enlistment of other personnel began on September 27, 1948.

(b) *Qualifications for enlistment*—(1) *Age.* Enlistment is authorized for:

(i) Applicants not less than 18 years of age who have not reached their thirty-fifth birthday. An applicant who is 18 years of age but has not reached her twenty-first birthday will be required to furnish certified written consent of parents or guardian.

(ii) Former members of the WAC over 35 years of age are authorized to enlist: *Provided*, That at the time of application for such enlistment the age does not exceed 35 years plus the length of prior active service in the WAC in completed years of honorable service subsequent to July 1, 1943.

(2) *Physical requirements.* All applicants who are otherwise qualified will be given a physical examination under the provisions of Army Regulations. Applicants for enlistment must meet fully the qualifications for general military service.

(3) *Educational requirement.* Applicants without prior military service who apply for enlistment in the WAC must possess a certificate of graduation from high school or hold a State-recognized equivalent or have successfully completed the General Educational Development Test. Applicants without prior military service who apply for enlistment in the WAF must possess a certificate of graduation from high school.

(4) *Women ineligible for enlistment.* Enlistment is not authorized for those women who are classified as ineligible for enlistment under the provisions of § 570.1 (f) of this chapter so far as those provisions are applicable and with exceptions as noted below.

(i) Waivers for enlistment may be requested from The Adjutant General's Office or from the Chief of Staff, United States Air Force, for women presently on active duty in the WAC, Army of the United States, who have lost time under Article of War 107, provided such enlisted women are recommended by appropriate detachment commanders and immediate section chiefs.

(ii) No waivers will be granted for personnel in the following categories:

(*a*) Women with time lost under Article of War 107 who are not on active duty at time of application for enlistment.

(*b*) Women last separated from any branch of the armed forces with other than an honorable discharge.

(*c*) Married women without prior military service.

(*d*) Women with a dependent or dependents under 18 years of age or a child or children under 18 years of age. The fact that the applicant does not have legal custody of the child or children will not remove the disqualification.

(*e*) Noncitizens of the United States.

(*f*) Deserters and felons.

(*g*) Women who have been imprisoned under sentence of civil court.

(*h*) Women having frequent difficulty with law-enforcement agencies, criminal tendencies, a history of antisocial behavoir, questionable moral character, or traits of character which render them unfit to associate with other women.

(*i*) Women who have an active chronic venereal disease or history thereof.

(c) *Periods of enlistment.* Enlistments are authorized at the option of the individual for 2, 3, 4, 5, or 6 years in the United States Army, or 3, 4, 5, or 6 years in the United States Air Force. Married women and women who marry after enlistment must serve one full year on current enlistment before they will be eligible for discharge by reason of marriage, unless request for discharge is because of pregnancy. All applicants for enlistment must sign the following:

I certify I fully understand that, if married now or during my enlistment, I will be required to serve one full year on current enlistment, unless otherwise eligible for discharge, before I will be eligible for discharge by reason of marriage.

This certification will be signed in the presence of a female recruiter and attached to the original of the enlistment record. (Pub. Law 625, 80th Cong., 62 Stat. 356) [DA Cir. 188, 1948]

PART 581—PERSONNEL REVIEW BOARDS

Sec.
581.1 Army Disability Review Board.
581.2 Army Discharge Review Board.
581.3 Army Board on Correction of Military Records.

§ 581.1 *Army Disability Review Board*—(a) *General provisions*—(1) *Constitution, purpose, and jurisdiction of review board.* (i) The Army Disability Review Board (herein called the review board) is an administrative agency created within the Department of the Army under authority of section 302, Title I, act of 22 June 1944, (58 Stat. 284) as amended by section 4, act of December 28, 1945 (59 Stat. 623) to review, at the request of any officer retired or released from active service, without pay, for physical disability pursuant to the decision of a retiring board or disposition board, the findings and decisions of such board. The review board is charged with the duty, in cases within its jurisdiction, of ascertaining whether an applicant for review who was separated from the service or released to inactive service, without pay, for physical disability, incurred such physical disability in line of duty or as an incident of the service. When the review board determines in an individual case within its jurisdiction that physical disability was so incurred, it is authorized in the manner prescribed by this memorandum, to reverse prior findings in such regard and to make such findings in lieu thereof as are warranted by the evidence or pertinent regulations. Such remedial action is intended primarily to insure that no officer separated from the service or returned to an inactive status without pay, for disability, shall be deprived unjustly of retirement pay benefits, or retired status and retired pay, as the case may be, by reason of erroneous findings.

(ii) The class of officers whose cases are reviewable shall include officers of the Army of the United States, other than officers of the Regular Army, who were discharged or released to inactive service under the conditions prescribed in subdivision (i) of this subparagraph; and former officers of the Regular Army who were wholly retired under section 1252, Revised Statutes.

(iii) The review board is authorized, upon timely application therefor, to review the proceedings and findings of boards referred to in subdivision (i) of this subparagraph; and to receive additional evidence bearing on the causes and service-connection of disabilities in the cases of officers referred to in subdivision (ii) of this subparagraph, whose cases were the subject of findings by a retiring or disposition board, and who were separated from the service or released to inactive service, without pay, by reason of physical disability, whether denial of retirement or retirement pay benefits, as the case may be, was pursuant to the adverse findings of a board, or was pursuant to administrative action in a case where there was favorable action by a board.

(iv) In carrying out its duties under this memorandum such review board shall have the same powers as exercised by, or vested in, the board whose findings and decisions are being reviewed.

(2) *Application for review.* (i) Any officer desiring a review of his case will make a written application therefor on WD AGO Form 0258 (Application for Review of Army Retiring Board Proceedings) which may be obtained from The Adjutant General, Washington 25, D. C. Attention: AGPO-S-D.

(ii) No application for review will be granted unless received by the Department of the Army within 15 years after the date on which such officer was separated from the service or released to inactive service, without pay, for physical disability, or within 15 years after June 22, 1944, whichever date is the later.

(iii) The Adjutant General, upon receipt of an application for review, will note thereon the time of receipt thereof and will, in cases where the jurisdiction for review by the review board is established, assemble the originals or certified copies of all available Department of the Army and/or other records pertaining to the health and physical condition of the applicant, including the record of the proceedings and findings of all retiring and disposition boards in question and the records of all administration and/or executive action taken thereon. Such records, together with the application and any supporting documents submitted therewith, will be transmitted to the president of the review board.

(iv) Upon receipt of an application for review of the findings and decision of a disposition board, The Adjutant General will, in cases where the jurisdiction for review by the review board has been established authorize the applicant to appear at his own expense before a retiring board at a general hospital convenient to his home. If the applicant then goes before a retiring board, and after the usual administrative procedure, is certified for retirement pay benefits, no further review is required. If the approved decision of the retiring board is that the incapacity is not the result of an incident of the service, or if the retiring board finds that no disability exists, or if the officer states he does not desire to appear in person before a retiring board, The Adjutant General, will then refer the case to the review board for review under the provisions of section 302, of the Servicemen's Readjustment Act of 1944, as amended by the act of December 28, 1945 (59 Stat. 623).

(3) *Changes in procedure of review board.* The review board may initiate recommendation for such changes in procedures as established herein as may be deemed necessary for the proper functioning of the review board. Such changes will be subject to the approval of the Secretary of the Army.

(b) *Proceedings of review board*—(1) *Convening of review board.* (i) The review board will be convened at the call of its president and will recess or adjourn at his order. In the event of the absence or incapacity of the president, the next senior member will serve as acting president for all purposes.

(ii) Unless otherwise directed by its president, the review board will convene in Washington, D. C., at the time and place indicated by him.

(iii) The review board will assemble in open session for the consideration and determination of cases presented to it. After the conclusion of such hearing, the review board will as soon as practicable thereafter convene in closed session for determination.

(2) *Hearings.* (i) An applicant for review, upon request, is entitled by law to appear before the review board in open session either in person or by counsel of his own selection. Witnesses shall be permitted to present testimony either in person or by affidavit. As used in the regulations in this part the term "counsel" shall be construed to include members of the Federal bar, the bar of any state, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (49 Stat. 2031), and such other persons who, in the opinion of the review board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses or compensation of counsel for the applicant be paid by the Government.

(ii) In every case in which a hearing is authorized, the secretary will transmit to the applicant and to designated counsel for the applicant, if any, a written notice by registered mail stating the time and place of hearing. Such notice shall be mailed at least 30 days in advance of the date on which the case is set for hearing except in cases in which the applicant waives the right of personal appearance and/or representation by counsel. Such notice shall constitute compliance with the requirement of notice to applicant and his counsel. The record shall contain the certificate of the secretary that written notice was given applicant and his counsel, if any, and the time and manner thereof.

(iii) An applicant who requests a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, or, in writing, waives his right to appear, thereby waives such right.

(iv) In the conduct of its inquiries, the review board shall not be limited by the restrictions of common law rules of evidence.

(v) In the case wherein it is advisable and practicable, the review board may, at the request of the examiner, or upon its own motion, request The Surgeon General to detail one or more medical officers to make physical examination of the applicant, if available, and report their findings resulting from such examination with respect to the matters at issue, either in person or by affidavit. When testifying in person at a hearing, such medical witnesses will be subject to cross-examination. Similarly the medical members of the board may examine the applicant, if available, and testify as witnesses concerning the results of such examination.

(vi) Expenses incurred by the applicant, his witnesses, or in the procurement of their testimony, whether in person, by affidavit or by deposition will not be paid by the Government.

(3) *Continuances.* The review board may continue a hearing on its own motion. A request for continuance by the examiner or by or on behalf of the applicant may be granted, if in the board's discretion, a continuance appears necessary to insure a full and fair hearing.

(c) *Findings, conclusions, and directions*—(1) *Findings, conclusions, and directions of review board.* (i) The review board will make written findings in closed session in each case. Such findings will include:

(*a*) Statement of complete findings of the retiring or disposition board and of administrative action subsequent thereto in the proceedings under review;

(*b*) A finding affirming or reversing the findings of such retiring or disposition board or such administrative action, specifying which of the findings or administrative actions are affirmed and which are reversed.

(ii) In the event the review board reverses any of such original findings or administrative actions, the review board will then make complete findings which shall include the affirmed findings of the original board or of administrative action subsequent thereto. Such complete findings shall include the following:

(*a*) Whether the applicant was permanently incapacitated for active service at the time of his separation from the service or release to inactive service.

(*b*) The cause or causes of the incapacity.

(*c*) The approximate date of origin of each incapacitating defect.

(*d*) The date officer became incapacitated for active service.

(*e*) Whether the cause or causes of the incapacity was or was not an incident of service:

(*f*) Whether the cause or causes of the incapacity had been permanently aggravated by military service.

(*g*) Whether such incapacity for active service was or was not the result of an incident of service.

(*h*) Whether the officer's incapacity was or was not incurred in combat with an enemy of the United States or whether it did or did not result from an explosion of an instrumentality of war in line of duty.

(iii) In the event the review board finds the officer permanently incapacitated for active service and that the incapacity was an incident of service, it will make an additional finding specifying the grade in which the officer is entitled to be retired or to be certified for retirement pay benefits.

(iv) The findings, conclusions, and directions of a majority of the review board shall constitute the findings, conclusions, and directions of the review board, and when made, will be signed by each member of the review board who concurs therein, filed, and authenticated by the secretary.

(d) *Disposition of and action upon proceedings*—(1) *Record of proceedings.* (i) When the review board has concluded its proceedings in any case, the secretary will prepare a complete record thereof. Such record shall include the application for review; a transcript of the hearing, if any; affidavits, papers and documents considered by the review board; all briefs and written arguments filed in the case; the report of the examiner; the findings, conclusions, and directions of the review board; any minority report prepared by dissenting members of the review board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the president of the review board and authenticated by its secretary as being true and complete. In the event of the absence or incapacity of the secretary, the record may be authenticated by a second participating member of the review board.

(ii) All records of proceedings of the review board shall be confidential, except that upon written request from the applicant, his guardian or legal representative, The Adjutant General will furnish a copy of the proceedings of the review board, less any exhibits which it may be found impracticable to reproduce but which will include:

(*a*) A copy of the order appointing the board.

(*b*) The findings of the army retiring board affirmed.

(*c*) The findings of the army retiring board reversed.

(*d*) The findings of the review board.

(*e*) The conclusions which were made by the review board.

(*f*) The directions of the Secretary of the Army.

If it should appear that furnishing such information would prove injurious to the physical or mental health of the applicant, such information will be furnished only to the guardian or legal representative of the applicant. The Adjutant General, subject to the foregoing restrictions, will make available for inspection, upon request of the applicant, his guardian or legal representative, a record of the proceedings of any case reviewed by the review board, but copies of the proceedings of any case heard prior to 4 January 1946 will not be furnished if such copies are not readily available.

(2) *Final action by review board.* When the review board has completed the proceedings and has arrived at its decision, the proceedings, together with the review board's decision, will be transmitted to The Adjutant General for appropriate Department of the Army action. The Adjutant General, in the name of the President of the United States, will indicate on the record of such proceedings and decision the President's approval or disapproval of the action of the review board, and will perform such administerial acts as may be necessary and thereafter will notify the applicant and/or his counsel of the action taken. Written notice, specifying the action taken and the date thereof, will be transmitted by The Adjutant General to the president of the review board to be filed by the secretary as a part of the records of the board pertaining to each case.

(e) *Rehearings*—(1) *Policy on the granting of rehearings.* After the review board has reviewed a case and its findings and decision have been approved, the case will normally not be reconsidered except on the basis of new, pertinent, and material evidence, which if previously considered could reasonably be expected to have caused findings and a decision other than those rendered as the result of the original review. An application for rehearing must be made within a reasonable time after the discovery of the new evidence, mentioned above, and the request for rehearing must be accompanied by such new evidence and by a showing that the applicant was duly diligent in attempting to secure all available evidence for presentation to the review board when his case was previously reviewed and that the reason for the delay in discovering such new evidence was not due to fault or neglect on the part of the applicant.

(2) *Application for rehearing.* Any officer desiring a rehearing of his case will make a written application therefor on WD AGO Form 0413 (Application for Review of Findings of the Army Disability Review Board) which may be obtained from The Adjutant General, Washington 25, D. C., Attention: AGPO-S-D. (Sec. 302, 58 Stat. 287, sec. 4, 59 stat. 623; 38 U. S. C. 693i) [DA Memo 400-80-1, Sept. 15, 1948]

§ 581.2 *Army Discharge Review Board*—(a) *Constitution, purpose, and jurisdiction of the board.* (1) The Army Discharge Review Board is an administrative agency created within the Department of the Army under authority of sec. 301, 58 Stat. 286; 38 U. S. C. 693h, to review, upon its own motion or upon application by or on behalf of the individual concerned, the type and nature of the discharge certificate or other documentary evidence of discharge or dismissal of former members of the Military Establishment. The scope of the inquiry of the board shall be to determine whether the type of discharge received was equitably and properly given. When the board determines in an individual case that the type of discharge was not equitably and properly given, it is authorized, in the manner herein prescribed, to direct The Adjutant General to take appropriate action, that is, to change, correct, or modify any discharge or dismissal, and to issue a new discharge, such direction being subject to review and modification by the Secretary of the Army. Such remedial action is intended primarily to insure that no discharged or dismissed former member of the Military Establishment shall be deprived unjustly of any benefit provided by law for former members of the military service by reason of a type of discharge or dismissal inequitably or improperly given.

(2) The board shall not review a discharge or dismissal given by reason of the sentence of general court-martial.

(3) The board has no authority to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to his discharge or dismissal, or to recall any person to active duty.

(b) *Application for review.* (1) The applicant for review will submit a written request for a review by the board, with the certificate of discharge or dismissal in question, if available, and such other statements or affidavits as he desires to present.

(2) The request should be made on WD AGO Form No. 94, which may be obtained from The Adjutant General, Washington 25, D. C. The request should state in brief: The full name, army serial number, and rank and organization or assignment at date of discharge of the person whose discharge or dismissal is in question; the date and place of discharge; the type and nature of the discharge or dismissal; the basis of the claim for review; what corrective action is desired of the board; whether the applicant desires to appear personally before the board; whether the applicant desires to be represented by counsel before the board; and if so, the name and address of counsel so designated; whether such appearance of applicant, or counsel, or both, is desired to be before the board in Washington, D. C., St. Louis, Missouri, or San Juan Puerto Rico; and the address to which all correspondence in connection with the review is to be sent.

(3) The request will be signed by the applicant or by a surviving spouse, next of kin, or legal representative. Proof of death must accompany the request. If the applicant is mentally incompetent, his or her spouse, next of kin, or legal guardian will sign the request. Such request must be accompanied by legal proof of the mental incompetency.

(4) No application for review will be granted unless received by the Department of the Army prior to 22 June 1959, or within fifteen years after the effective date of the discharge or dismissal of the former service man or woman concerned, whichever date is the later.

(5) The request for review will be forwarded either to:

The Adjutant General
Washington 25, D. C.
or
Personnel Records Center, A. G. O.
4300 Goodfellow Boulevard
St. Louis 20, Missouri.

If the applicant is a resident of Puerto Rico, the request should be forwarded to:

Army Discharge Review Board
Headquarters U. S. Army Forces, Antilles
APO 851, c/o Postmaster, Miami, Florida.

(6) Upon receipt of an application The Adjutant General will assemble the originals or certified copies of all available Department of the Army records pertaining to the former service man or woman named in such application. Such records, together with the application and any supporting documents, will be transmitted to the president of the board.

(c) *Proceedings of Board*—(1) *Convening of board.* The board will be convened at the call of the president and will recess or adjourn at his order. In the event of the absence or incapacity of the president, the next senior member will serve as acting president for all purposes.

(i) Unless otherwise designated by the president, the board will convene in Washington, D. C., at the time and place indicated by him. Panels of the board currently convene in Washington, D. C., St. Louis, Mo., and San Juan, P. R.

(ii) The board will assemble in open or closed session for the consideration and determination of cases presented to it. Cases in which no request for hearing is made by the applicant will be considered in closed session on the basis of all documentary evidence presented to the board; that is, any briefs submitted by or on behalf of the applicant.

(2) *Hearings.* An applicant for review, upon request, is entitled by law to appear before the board in open session either in person or by counsel of his own selection. As used in the regulations in this part, the term "counsel" shall be construed to include members of the Federal bar in good standing, the bar of any state in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (sec. 200, 49 Stat. 2031; 38 U. S. C. 101), and such other persons who, in the opinion of the board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses or compensation of counsel for the applicant be paid by the Government. However, sufficient office space and suitable office facilities will be furnished for the use of paid full-time representatives of recognized veterans' organizations.

(i) In every case in which a hearing is requested the secretary will transmit to the applicant and to designated counsel for the applicant, if any, a written notice stating the time and place of hearing. Such notice shall be mailed at least thirty days prior to the date of hearing. The applicant may waive such time limit and an earlier hearing date may be set by the secretary. The record shall contain the certificate of the secretary that written notice was given applicant and his counsel, if any, and the time and manner thereof.

(ii) An applicant who requests a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, thereby waives his right to be present.

(3) *Conduct of hearing.* (i) Conduct of hearing will be, insofar as practicable, as provided in section II, AR 420–5, except that neither the applicant nor his counsel will have access to any classified reports of investigation or papers related thereto or any document received from the Federal Bureau of Investigation. When it is necessary to acquaint the applicant with the substance of a document, such as above described, the Director of Intelligence, General Staff, U. S. Army, on the request of the board, will prepare a summary of, or extract from, the document deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the public interest. Such summary then may be made available without classification to the applicant or his counsel.

(ii) In the conduct of its inquiries, the board shall not be limited by the restrictions of common law rules of evidence.

(iii) The testimony of witnesses may be presented either in person or by affidavits. If a witness testifies in person he shall be subject to examination by members of the board.

(iv) The board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted, in the board's discretion, if a continuance appears necessary to insure a full and fair hearing.

(v) The board may, at its discretion and for good cause shown, permit an applicant to withdraw his request for review without prejudice at any time before the board begins its deliberations.

(vi) Expenses incurred by the applicant, his witnesses or in the procurement of their testimony, whether in person, by affidavit or by deposition, will not be paid by the Government.

(d) *Composition of Board*—(1) *Members.* The board will consist of five or more officers designated by the Secretary of the Army. The senior member shall be president of the board.

(i) The same five members of the board will sit throughout the open and closed hearing of each individual case.

(ii) Upon request of the president, the Secretary of the Army will detail for service with the board such additional personnel as may be deemed necessary for the proper performance of the duties of the board, including personnel detailed to perform the duties prescribed herein.

(iii) Such additional boards as may be required will be designated by the Secretary of the Army.

(2) *Secretary.* It will be the duty of the secretary to:

(i) Examine applications and, when necessary, obtain from the applicant or from Department of the Army records such additional data as may be required to furnish complete information to the board.

(ii) Maintain custody of all records of the board and all documents transmitted to and filed with it.

(iii) Establish and maintain a docket of all cases to include docket number assigned to each case, date of receipt of application in the Department of the Army, date and nature of all procedural action taken, and final disposition.

(iv) Act as recorder within the meaning of Article of War 114.

(v) Perform such administrative duties as are required in connection with the proceedings of the board or as may be prescribed by the president.

(vi) The Secretary will not collect evidence, present cases to the board, examine witnesses, or serve as counsel for the Government or the applicant.

(3) *Examiners.* It will be the duty of the examiners to examine all Department of the Army records and all contentions and evidence submitted by the applicant and that revealed by the official Department of the Army file pertaining to each case and prepare a written brief containing a complete and impartial summary of the pertinent facts disclosed by such examination. Such brief will be prepared before the board convenes in closed session to consider the case. Such brief shall be informational in character only. The following shall be set forth separately:

(i) Pertinent facts disclosed by Department of the Army records;

(ii) Propositions advanced by the applicant;

(iii) Evidence presented in support of subdivision (ii) of this subdivision.

The restrictions of subparagraph (2) (vi) of this paragraph apply to examiners.

(4) *Reporter.* It will be the duty of the reporter to record the proceedings of the board in open session and the testimony taken before it. Shorthand may be used in the initial instance.

(e) *Findings, conclusions, and directions.* (1) The board will make written findings in closed session in each case. The findings will indicate the salient points on which the board bases its conclusions.

(2) On the basis of its findings in each case the board, in closed session, will prepare written conclusions as to whether corrective action should be taken by the Department of the Army with respect to the discharge under consideration. No corrective action which exceeds the jurisdiction of the board, as defined in paragraph (a) of this section, will be taken.

(3) The findings and conclusions of a majority of the board shall constitute the findings and conclusions of the board.

(4) Minority reports will be in accordance with paragraph 27, AR 420–5.

(5) The president or acting president of the board will, in the name of the Secretary of the Army, issue a directive to The Adjutant General specifying the action to be taken.

(f) *Disposition of proceedings*—(1) *Record of proceedings.* (i) When the board has concluded its proceedings in any case, the secretary will prepare a complete record thereof. Such record shall include the application for review; a transcript of the hearing, if any; affidavits, papers and documents considered by the board; all briefs and written arguments filed in the case; the report of the examiner; the findings and conclusions of the board and the directive to The Adjutant General; any minority report prepared by dissenting members of the board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the president and authenticated by the secretary as being true and complete. In the event of the absence or incapacity of the Secretary, the record may be authenticated by a second participating member of the board.

(ii) All records of proceedings of the board shall be confidential but shall be open to perusal by the Administrator of Veterans' Affairs or his duly authorized representative.

(2) *Transmittal of records and action by The Adjutant General.* The record of proceedings in each case, including a transcript of the testimony before the board, will be transmitted in duplicate by the secretary to The Adjutant General for appropriate Department of the Army action to be taken to carry out the directions of the board. The Adjutant General will perform such administrative acts as may be necessary and thereafter will notify the applicant and his counsel, if any, of the action taken. Written notice specifying the action taken, and the date thereof, will be transmitted by The Adjutant General to the president of the board to be filed by the secretary as a part of the records of the board pertaining to each case. The Adjutant General will, upon written request from the applicant, his guardian or legal representative, furnish a copy of a transcript of the testimony, a copy of the findings and conclusions of the Army Discharge Review Board, and a copy of the directive of the Secretary of the Army. If it should appear that furnishing a copy of the transcript of the testimony and findings and conclusions of the board would prove injurious to the physical or mental health of the applicant, such information will be furnished only to the guardian or legal representative of the applicant.

(g) *Consideration on the Board's own motion.* The board may on its own motion consider and determine a case which appears on the face of the record likely to result in a decision favorable to the former soldier and does so result without the knowledge or presence of the former soldier. If such a case does not result in a decision favorable to the former soldier, it shall be returned to the files with no formal action recorded and will be considered without prejudice if and when an appeal is made by the former soldier in question. If, upon consideration by the board on its own motion, such a case results in a decision favorable to the former soldier, The Adjutant General will be directed to notify the former soldier at his last known address.

(h) *Reconsideration, revision of procedure, and Army-Navy coordination*—(1) *Reconsideration.* When the board has formally considered the case of an applicant for review and its decision has been approved in the name of the Secretary of the Army, it will not open the case for a reconsideration unless the basis of the request for reconsideration indicates additional material evidence likely to result in a decision of the case contrary to the decision at the original hearing and not available to the board at said hearing. If, upon receipt of such evidence, the Board reconsiders the case, it will be governed by the same procedure as prescribed in paragraphs (c) to (f) (2) of this section, for original consideration.

(2) *Changes in procedure of Board.* The board may initiate recommendation for such changes in procedures as established herein as may be deemed necessary for the proper functioning of the board. Such changes will be subject to the approval of the Secretary of the Army.

(3) *Army-Navy Air Force coordination.* Provision will be made by the board for close liaison among the Army, Navy, and the Air Force, to include periodic joint conferences to discuss common problems and to study results of actions taken. Where it is apparent that divergent action is being taken that cannot be reconciled by the respective Army, Navy, and Air Force boards, the Armed Services Personnel Board will be advised.

(Sec. 301, 58 Stat. 286; 38 U. S. C. 693h)
[DA Memo 400–5–3, July 23, 1948]

§ 581.3 *Army Board on correction of Military Records.* (a) The Army Board on Correction of Military Records, hereinafter referred to as the Board, is an administrative agency established in the Office of the Secretary of the Army pursuant to the provisions of section 207 of the Legislative Reorganization Act of 1946 which authorizes the Secretary of the Army to correct any military record where in his judgment such action is necessary to correct an error or to remove an injustice.

(b) Section 131 of the Legislative Reorganization Act cited in paragraph (a) of this section, provides that no bill authorizing or directing the correction of a military record shall be received or considered in either the Senate or the House of Representatives. This legislative mandate gives to the Secretary of the Army the same jurisdiction as heretofore possessed by Congress in this respect.

(c) *Undue delay as bar to relief.* An application for the correction of a military record as provided in section 207 may be refused by the Board on the ground that there has been undue delay in filing the application.

(d) *Application for relief.* (1) The applicant for relief will submit a written request to the Secretary of the Army, Attention: Army Board on Correction of Military Records. The request should be made on WD AGO Form 562, which may be obtained from The Adjutant General, Attention: AGPI, Washington 25, D. C.

(2) The application shall include:

(i) The full name, Army serial number, grade and organization or assignment of the person whose military record is involved.

(ii) A description of the military record sought to be corrected.

(iii) A particular description of the alleged error or injustice sought to be corrected or removed.

(iv) The reasons in support of the relief requested.

(v) The full name and address of counsel if the applicant desires to be so represented.

(vi) A request for a hearing before the Board in Washington, D. C., if the applicant so desires.

(vii) The full name and address of any witness or witnesses whose testimony the applicant may desire the Board to consider at the hearing. The nature of each witness' testimony, or the principal facts concerning which he will testify, should be indicated.

(viii) Any statements or affidavits from persons other than the applicant in support of the request for relief.

(ix) Signature of the applicant.

(3) The application shall be executed under oath or shall contain a provision that the statements submitted in the application, as part of the claim, are made with full knowledge of the penalty provided for making a false statement.

(4) Upon request of the Board, The Adjutant General will assemble the originals or certified copies of all available Department of the Army records pertinent to the relief requested. Such records together with the application and all supporting documents will be transmitted to the Chairman of the Board.

(e) *Proceedings of Board.* (1) The Board will be convened at the call of the Chairman and will recess or adjourn at his order.

(2) The Board will assemble in open or closed session for the consideration and determination of cases presented to it. Cases in which no request for hearing is made by the applicant will be considered in closed session on the basis of all documentary evidence presented to it, and any briefs submitted by or on behalf of applicant.

(3) A reporter will record the proceedings of the Board in open session and the testimony taken before it.

(f) *Hearings.* (1) An applicant for the correction of a military record, upon request, shall be entitled to appear before the Board in open session, either in person or by counsel of his own selection. At the discretion of the Board, the applicant may present witnesses to testify in support of his claim. As used in this section, the term "counsel" will be construed to include members of the Federal bar in good standing, the bar of any State in good standing, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (Pub. Law 844, 74th Cong.), and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the claim of the applicant for review. In no case will the expenses of the applicant or expenses or compensation of witnesses or counsel for the applicant be paid by the Government.

(2) In each case in which hearing is requested the Board will transmit to the applicant and to designated counsel for the applicant, if any, a written notice stating the time and place of hearing. Such notice will be mailed at least 15 days prior to the date of hearing to the applicant and his counsel, if any. It will be the responsibility of the applicant to notify his witnesses, if any. The applicant may waive such time limit and an earlier date may be set by the Board. The record will contain evidence that written notice was given the applicant and his counsel, if any, and the time and manner thereof.

(3) An applicant who requests a hearing and who, after being duly notified of the time and place of hearing, fails without cause to appear at the appointed time, either in person or by counsel, shall be deemed to have waived his right to be present, and the Board will have authority to proceed with the consideration and determination of the case.

(4) The hearing will be conducted so as to insure a full and fair inquiry. Neither the applicant nor his counsel will have access to any classified papers or reports of investigation or papers related thereto or any document received from the Federal Bureau of Investigation. When it is necessary to acquaint the applicant with the substance of a document, such as above described, the Director of Intelligence, General Staff, U. S.

Army, or other appropriate official, on the request of the Board, will prepare a summary of, or extract from, the document deleting all references to sources of information and other matter the disclosure of which, in his opinion, would be detrimental to the public interest. Such summary then may be made available without classification to the applicant or his counsel.

(i) The Board will not be limited by the restrictions of common law rules of evidence.

(ii) In order to justify correction of a military record, it is incumbent on the petitioner to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the alleged entry or omission in the record was in error or unjust under directives, standards, administration, and practice either existing at the time, or subsequently changed in the petitioner's favor, effective retroactively. The directives, standards, administration, and practice in this section contemplated are those stated in statutes, regulations, manuals, directives of the Department of the Army and other appropriate authority, together with interpretations thereof by the courts, the Attorney General, the Comptroller General and of The Judge Advocate General.

(iii) The testimony of witnesses will be under oath administered by the presiding officer or by affidavit. If a witness testifies in person he will be subject to examination by members of the Board.

(iv) The Board may continue a hearing on its own motion. A request for continuance by or on behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

(v) The Board may, at its discretion and for good cause shown, permit an applicant to withdraw his application without prejudice at any time before the Board makes its final recommendation.

(g) *Scope of inquiry.* (1) Unless directed by the Secretary of the Army, the Board shall not review any case involving the sentence of a genera' court-martial or any case wherein final action has been taken by the President of the United States, the Secretary, the Under Secretary, or the Assistant Secretary of the Army. No application will be considered until the applicant has exhausted all remedies afforded him by existing law or regulations.

(2) It shall be adequate ground for denial of any application that effective relief cannot be granted or that a sufficient basis for review has not been established.

(3) The right to apply to the Board for relief shall not operate as a stay of any proceedings taken against the person involved.

(h) *Findings, conclusions, and recommendations.* (1) The Board will make findings in writing in each case. The findings and conclusions of a majority of the Board will constitute the findings and conclusions of the Board.

(2) In case of a disagreement between members of the Board a minority report may be submitted, either as to the findings, or to the recommendations, or to both. The reasons for the minority report will be clearly stated.

(3) The Chairman of the Board will, in the name of the Board, recommend to the Secretary of the Army such action as may be necessary to carry into effect the determinations of the Board.

(i) *Disposition of proceedings.* (1) When the Board has concluded its proceedings in any case, the Board will prepare a complete record thereof. Such record will include the application for relief; a transcript of the hearing, if any; affidavits, papers, and documents considered by the Board; all briefs and written arguments filed in the case; the report of the examiner, if any; the findings and conclusions of the Board and its recommendation for corrective action; any minority report prepared by a dissenting member of the Board; and all other papers and documents necessary to reflect a true and complete history of the proceedings. The record so prepared will be signed by the Chairman as being true and complete.

(2) All records of proceedings of the Board in closed session will be confidential.

(j) *Transmittal of records and action by The Adjutant General.* Upon the approval of the Secretary of the Army, the record of proceedings and recommendations in each case will be transmitted to The Adjutant General or other proper authority for appropriate Department of the Army action. The Adjutant General will perform such administrative acts as may be necessary, and thereafter will notify the applicant and his counsel, if any, of the action taken. Written notice specifying the action taken and the date thereof will be transmitted by The Adjutant General to the Chairman of the Board.

(k) *Changes in procedure of Board.* The Board may initiate recommendation for such changes in procedure as established herein as may be deemed necessary for the proper functioning of the Board. Such changes will be subject to the approval of the Secretary of the Army. (Sec. 207, 60 Stat. 837; 5 U. S. C. 191a, 275, 456a) [WD Memo 400-20-2, Apr. 17, 1947]

PART 582—DISCHARGE OR SEPARATION FROM SERVICE

Sec.
582.1 Discharge because of minority.
582.2 Discharge because of dependency or hardship.
582.3 Discharge for national health, safety, or interest.

§ 582.1 *Discharge because of minority*—(a) *Authority.* (1) Subsection 6 (1) of the Selective Service Act of June 24, 1948 (Pub. Law 759—80th Cong.) provides that notwithstanding any other provisions of law, no person between the ages of 18 and 21 shall be discharged from service in the armed forces of the United States while this title is in effect because such person entered such service without the consent of his parent or guardian.

(2) The act of June 28, 1947 (Pub. Law 128—80th Cong.) provides that no person under the age of 18 years shall be enlisted without the written consent of his parents or guardian, and the Secretary of the Army shall, upon application of the parents or guardian of any such person enlisted without their written consent, discharge such person from the military service with pay and with the form of discharge certificate to which the service of such person, after enlistment, shall entitle him.

(3) Subsection 106 (a) of the Women's Armed Services Integration Act of June 12, 1948 (Pub. Law 625—80th Cong.) provides that no person shall be enlisted in the Women's Army Corps of the Regular Army who has not attained the age of 18 years, and that no person under the age of 21 years shall be enlisted in such corps without the written consent of her parents or guardian, if any. Subsection 106 (b) of the mentioned act provides that the Secretary of the Army, under such regulations as he may prescribe, may terminate the enlistments of any enlisted woman in the Women's Army Corps, and each person whose enlistment is so terminated shall be discharged from the Army.

(b) *Application of laws.* (1) No enlisted man between the ages of 18 and 21 years shall be discharged from the service because he entered such service without the consent of his parent or guardian.

(2) An enlisted man who was under 17 years of age or an enlisted woman who was under 18 years of age at the time of enlistment or induction, will be discharged when it is discovered that such person is under the age of 18 years or 21 years, respectively. Satisfactory evidence as to date of birth is required.

(3) Subject to the provisions of subparagraph (1) of this paragraph, an enlisted man 17 years of age at the time of enlistment and who enlisted without the written consent of his parents or guardian will be discharged upon application of the parents or guardian and presentation of satisfactory evidence as to date of birth. An enlisted man who enlisted when 17 years of age with the written consent of his parents or guardian will not be discharged.

(4) An enlisted woman between the ages of 18 years and 21 years at the time of enlistment and who enlisted without the written consent of her parents or guardian will be discharged upon application of the parents or guardian and presentation of satisfactory evidence as to date of birth: *Provided*, That no such woman will be discharged under this section after reaching the age of 21 years.

(c) *Evidence required.* (1) In support of an application for discharge under the provisions of the regulations in this paragraph, the following evidence of age is required:

(i) A duly authenticated copy of a municipal or other official record of the birth of the individual, or

(ii) If no official record of the birth of the enlisted man can be obtained, an affidavit of the parent or guardian must be furnished stating specifically why an official record cannot be obtained. This affidavit must be accompanied by:

(a) A baptismal certificate, a certified photostatic copy of school records, preferaly the first term of school, or in the affidavit of the physician or midwife in attendance at the birth of the individual or

(b) Affidavits of at least two persons not related to the enlisted man, testifying from their own personal knowledge as to the date of his birth.

(2) In case of an enlistment under an assumed name, the identity of the individual with the person mentioned in the record of birth or the affidavits must be shown by the affidavit of the parent or legal guardian.

(3) Birth or baptismal certificates will be scrutinized carefully for alterations other than those made officially. Care will be taken to note the "date of filing." A delayed birth certificate with a date of filing subsequent to 31 December 1936, or one with no filing date, is not acceptable unless supported by the evidence required by the State to establish the date and place of filing.

(4) If the parents are divorced, the application for discharge must be accompanied by a copy of the court order or other evidence showing the parent submitting application has custody of the enlisted man. If either parent has lost control of the enlisted man by judgment of a court, appointment of a guardian, desertion of family, or waiver, such parent has no right to apply for discharge of the enlisted man.

(5) While a guardian is not usually recognized as such unless legally appointed, nevertheless when a person has assumed support of a minor and performed the duties of guardian for some years after the death of parents, that person is recognized as a guardian even though not formally appointed. (Pub. Law 759, 80th Cong.; 61 Stat. 191; 10 U. S. C. Sup. 628) [AR 615-362, May 14, 1947]

§ 582.2 *Discharge because of dependency or hardship*—(a) *Authority*—(1) *Dependency.* When by reason of death or disability of a member of the family of an individual, occurring after his enlistment, members of his family become principally dependent upon him for care or support, he may, in the discretion of the Secretary of the Army, be discharged.

(2) *Hardship.* When under circumstances not involving death or disability of a member of the family of an individual, where his discharge will materially affect the care or support of his family by alleviating undue hardship, he may, in the discretion of the Secretary of the Army, be discharged.

(b) *Application.* Any individual will be permitted to submit a written application for discharge for dependency or hardship. Such requests will be submitted as follows:

(1) Families of enlisted personnel not physically in the United States may submit requests for dependency or hardship discharge to The Adjutant General, War Department, Washington 25, D. C. Such requests should be supported by evidence required in paragraph (c) of this section.

(c) *Evidence required.* (1) The evidence required for dependency or hardship discharge should normally be in affidavit form. The evidence will show that either:

(i) As the result of the death or disability of a member of his family, the discharge of the individual concerned is necessary for the support or care of a member or members of his family, or

(ii) The individual or his family is undergoing hardships more severe than the hardships normally experienced by all members or families of members of the military service; that this hardship is not of a temporary nature and that the discharge of the individual will eliminate or materially alleviate the condition and that there are no means of alleviation readily available other than by such discharge.

(2) Affidavit or statements by or on behalf of a soldier's dependents, and by at least two disinterested agencies or individuals substantiating the dependency or hardship claim, may be accepted from responsible agencies or individuals having first-hand knowledge of the circumstances involved. If dependency or hardship is the result of the death of a member of a soldier's family occurring after his entrance into the service, a certificate or other valid proof of death should be furnished. If dependency or hardship is the result of disability of a member of the soldier's family occurring after his entrance into the service, a physician's certificate should be furnished showing specifically when such disability occurred and the nature thereof. There should also be furnished the names, ages, occupations, locations, and monthly incomes of members of the soldier's family, and reasons why these members cannot provide the necessary care or support of the soldier's family.

(d) *Policies governing discharges on account of dependency.* (1) The death or disability must be that of a member of the soldier's family and the person becoming dependent thereby must be a member of the soldier's family.

(2) For the purpose of discharge under this section the term "members of the family" includes only the following: Spouse, children, father, mother, brothers, sisters, any person who has stood in loco parentis to the soldier prior to entry into service.

(3) Death or disability occurring in the soldier's family is not sufficient ground for discharge on account of dependency unless it results in making a member of his family dependent upon him for care or support.

(4) When disease or disability of a member of the soldier's family existed prior to enlistment, but becomes aggravated after enlistment to such an extent as to make care or support by the enlisted person necessary, discharge under this section is authorized.

(5) Indebtedness to the Government or to an individual does not prevent discharge when the soldier is otherwise eligible.

(6) When an individual is under charges or in confinement he will not be discharged until his case has been properly disposed of. A sentence of confinement will be fully served unless sooner terminated by remission for mitigating causes arising from the soldier's own good conduct before a discharge for any cause may be given.

(7) When an individual is eligible for discharge under the provisions of this section, discharge will not be disapproved because his services are needed in his organization.

(8) Pregnancy of a soldier's wife is not disability for which discharge may be authorized. This does not preclude discharge on account of disability occurring as the result of pregnancy.

(e) *Policies governing discharges on account of hardship.* (1) Death or disability of dependents is not required as a condition for discharge under hardship conditions.

(2) Except in those cases where it is clearly evident that extreme and unforeseeable hardship conditions affecting members of the individual's family have arisen since his enlistment, a soldier will not be discharged for reasons of hardship. Applications for hardship discharge will be carefully scrutinized and doubtful cases referred to The Adjutant General for final action.

(3) For the purpose of discharge under this section the term "members of the family" includes only the following: Spouse, children, father, mother, brothers, sisters, any person who has stood in loco parentis to the soldier prior to his entry into the service.

(4) Undue hardship exists when the family of the individual concerned must endure real and unwarranted suffering as a result of his military status. Undue hardship does not necessarily exist solely because of altered present or expected income or because the soldier is separated from his family or must suffer the inconveniences normally incident to military service.

(5) Indebtedness to the Government or to an individual does not prevent discharge when the soldier is otherwise eligible.

(6) When an individual is under charges or in confinement he will not be discharged until his case has been properly disposed of. A sentence of confinement will be fully served unless sooner terminated by remission for mitigating causes arising from the soldier's own good conduct before a discharge for any cause may be given.

(7) When an individual is eligible for discharge under this section discharge will not be disapproved because his services are needed in his organization. (39 Stat. 187, 41 Stat. 775; 10 U. S. C. 652) [AR 615-362, May 14, 1947]

§ 582.3 *Discharge for national health, safety, or interest*—(a) *Delegation of authority to order discharge.* Authority to order discharge of individuals for the convenience of the Government is delegated to commanders:

(1) Based upon the individual's importance to national health, safety, or interest when specifically authorized by the Department of the Army. The discharge of an individual for this reason will be authorized only when recommended by a governmental agency authorized to make such a recommendation and determination.

(2) Based upon an individual's claim that, prior to induction, he was denied a procedural right as provided by the Selective Service Act of 1948 and was,

therefore, erroneously inducted. All requests for discharge under this provision will be forwarded to the officer exercising discharge authority and by him to the State Director of the Selective Service System of the State of the applicant's registration for his recommendation. The officer exercising discharge authority will discharge or retain the individual in the service in accordance with the recommendation made by the State Director of the Selective Service System. (R. S. 161; 5 U. S. C. 22) [AR 615-365, Oct. 27, 1948]

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10092; Filed, Nov. 18, 1948; 8:49 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter IV—American Battle Monuments Commission

RECODIFICATION OF CHAPTER

That portion of the material submitted to the Division of the Federal Register by the American Battle Monuments Commission which conforms to the scope of the Code of Federal Regulations, 1949 Edition (see Chapter V of Title 32, *supra*), is reorganized and recodified as set forth below:

PART 401—PROCEDURES

Sec.
401.1 Erection of war memorials outside continental limits of United States.
401.2 Erection of war memorials on federally owned or controlled property in United States or Territories.

§ 401.1 *Erection of war memorials outside continental limits of United States.* American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States should proceed as follows:

(a) Submit general idea of the memorial to the American Battle Monuments Commission, with a request for the tentative allocation of the site desired.

(b) When site is provisionally allocated prepare and submit the design of the monument, together with the inscription, for approval. The design of the monument will then be referred, in accordance with law, by the Commission to the National Commission of Fine Arts for their approval.

(c) After a site is allocated and the design and inscription approved, the American Battle Monuments Commission will take up with the foreign governments concerned the question of securing approval to the erection of the monument.

(d) When the approval of the foreign government is obtained the Commission will cooperate, if the people concerned so desire, in obtaining of ground and the erection of the monument. (Sec. 2, 60 Stat. 317; 36 U. S. C. 123)

§ 401.2 *Erection of war memorials on federally owned or controlled property in United States or Territories.* American or foreign citizens, States, municipalities, or associations desiring to erect war memorials on federally owned or controlled property in the United States or in its Territories and possessions should proceed as follows:

(a) Submit general idea of the memorial to the American Battle Monuments Commission together with statement indicating concurrence in the project by the Executive department having jurisdiction.

(b) When site is definitely assigned, submit to the American Battle Monuments Commission for approval the design of the memorial, together with the inscriptions and description of materials. The design, if approved, will then be referred, in accordance with law, by the American Battle Monuments Commission to the National Commission of Fine Arts for its approval.

(c) If Congressional action is required to obtain grant of the site, all arrangements must be made with the appropriate members of the Congress by the sponsors of the memorial and not by the American Battle Monuments Commission.

(d) The Commission will require evidence that the maintenance of the memorial is assured in perpetuity at the expense of the sponsors and not of the Government. (Sec. 2, 60 Stat. 317; 36 U. S. C. 123)

PART 402—ERECTION OF WAR MEMORIALS IN FOREIGN COUNTRIES BY AMERICAN CITIZENS, STATES, MUNICIPALITIES, OR ASSOCIATIONS

§ 402.1 *Restrictions on erection.* (a) The policy of the Commission shall be to decline to approve any plans for memorials in foreign countries, proposed for erection by States, Municipalities, military organizations or private individuals of the United States, with the exception of memorials that will be useful to the inhabitants of the neighborhood in which they are to be erected, such as bridges, fountains, public buildings, gateways or other public improvements.

(b) No battlefield memorial will be erected to any unit smaller than a division, unless, in the opinion of the Commission, its services were of such a distinguished character as to warrant a separate memorial.

(c) It is the opinion of the Commission that, as a general rule, monuments should be erected to organizations rather than to the troops from a particular locality of the United States, (Sec. 2, 60 Stat. 317; 36 U. S. C. 123)

PART 403—ERECTION OF MEMORIAL MONUMENTS, BUILDINGS AND HEADSTONES IN AMERICAN CEMETERIES LOCATED OUTSIDE THE UNITED STATES AND ITS TERRITORIES AND POSSESSIONS

§ 403.1 *Restrictions on erection.* (a) No memorial monuments or buildings shall be placed in these cemeteries unless the design and site have been approved by the American Battle Monuments Commission. No steps toward the erection of any memorial monument or building in these cemeteries should be taken until the idea has first been approved by the American Battle Monuments Commission.

(b) There shall be no variation in the types of headstones officially adopted for use in American cemeteries located outside the United States and its territories and possessions. (Sec. 2, 60 Stat. 317; 36 U. S. C. 123)

THE AMERICAN BATTLE MONUMENTS COMMISSION,
ROBERT G. WOODSIDE,
Acting Chairman.

[F. R. Doc. 48-10075; Filed, Nov. 18, 1948; 8:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 434, Amdt. 2]

PART 95—CAR SERVICE

FREE TIME ON BOX CARS AT PACIFIC COAST PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of November A. D. 1948.

Upon further consideration of the provisions of Revised Service Order No. 434 (12 F. R. 8680), as amended (13 F. R. 4190), and good cause appearing therefor: *It is ordered*, That:

(a) Revised Service Order No. 434, as amended, be, and it is hereby, further amended by substituting the following paragraph (d) of § 95.434, *Free time on box cars at Pacific Coast ports*, for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 7:00 a. m., May 1, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this order shall become effective at 12:01 a. m., November 15, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10086; Filed, Nov. 18, 1948; 8:48 a. m.]

[S. O. 550, Amdt. 5]

PART 95—CAR SERVICE

EMBARGO OF LAKE-CARGO COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of November A. D. 1948.

Upon further consideration of Service Order No. 550 (11 F. R. 7897), as amended (11 F. R. 8597, 14459; 12 F. R. 2926, 7007), and good cause appearing therefor: It is ordered, that:

Section 95.550, *Embargo of lake-cargo coal; appointment of agent*, of Service Order No. 550, be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof.

(f) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., November 19, 1948, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10082; Filed, Nov. 18, 1948; 8:48 a. m.]

[S. O. 551, Amdt. 5]

PART 95—CAR SERVICE

HAMPTON ROADS, VA., COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of November A. D. 1948.

Upon further consideration of Service Order No. 551 (11 F. R. 7897), as amended (11 F. R. 14469; 12 F. R. 1518, 2926, 7008), and good cause appearing therefor: It is ordered, that:

Section 95.551, *Hampton Roads, Va., coal; appointment of agent*, of Service Order No. 551 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., November 19, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10083; Filed, Nov. 18, 1948; 8:48 a. m.]

[Rev. S. O. 552, Amdt. 3]

PART 95—CAR SERVICE

CONTROL TIDEWATER COAL; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of November A. D. 1948.

Upon further consideration of Revised Service Order No. 552 (12 F. R. 5670, 6926), (13 F. R. 3970), and good cause appearing therefor: It is ordered, that:

Section 95.552, *Control tidewater coal; appointment of agent*, of Service Order No. 552, be, and it is hereby further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a. m., November 19, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)–(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10084; Filed, Nov. 18, 1948; 8:48 a. m.]

[S. O. 562, Amdt. 4]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of November A. D. 1948.

Upon further consideration of the provisions of Service Order No. 562 (11 F. R. 8286), as amended (12 F. R. 47, 2927, 7888), and good cause appearing therefor: *It is ordered*, That:

Service Order No. 562, as amended be, and it is hereby, further amended by substituting the following paragraph (h) of § 97.562, *Rerouting of freight traffic and empty cars; appointment of agent*, for paragraph (h) thereof:

(h) *Expiration date.* This section shall expire at 11:59 p. m., May 25, 1949, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., November 24, 1948; that a copy of this order and direction be served upon the State railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)–(17), 15 (4))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10085; Filed, Nov. 18, 1948; 8:48 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF REFINED SUGAR

CROSS REFERENCE: For an exception to the provisions of § 500.72, see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Rev. 46]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF REFINED SUGAR

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.547 *Shipments of refined sugar.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034,

2386; 13 F. R. 2971), or in Item 871 of Special Direction ODT 18A-1, as amended (8 F. R. 14481; 9 F. R. 117, 7585; 10 F. R. 12456, 12747; 11 F. R. 9084; 10662, 12183; 12 F. R. 105; 13 F. R. 779, 2174, 3278, 5238, 6286), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of refined sugar in any type of container, when such carload freight is billed direct to a customer, and is loaded to a weight not less than 60,000 pounds.

This General Permit ODT 18A, Revised-46, shall become effective November 18, 1948, and shall expire February 28, 1949

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 16th day of November 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 48-10097; Filed, Nov. 13, 1948; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—National Wildlife Refuges; Individual Regulations

PART 24—WEST CENTRAL REGION NATIONAL WILDLIFE REFUGES

DEER HUNTING IN UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGES

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service it has been determined that the population of deer on and in the vicinity of the Upper Mississippi River Wildlife and Fish Refuge is in excess of the available habitat and that, consistent with good wildlife management, the necessary reduction of the deer population can best be accomplished by public hunting.

Section 24.919b is amended to read:

§ 24.919b *Upper Mississippi River Wildlife and Fish Refuge; deer hunting.* Deer may be taken on the hereinafter specified lands within the Upper Mississippi River Wildlife and Fish Refuge during the 1948 open season only for the State wherein the hunting occurs, subject to the following provisions, conditions, restrictions, and requirements:

(a) *Area open to deer hunting.* All of the lands within the Upper Mississippi River Wildlife and Fish Refuge shall be open to the hunting of deer except the areas specifically scheduled in § 24.919a.

(b) *Entry.* Entry on and use of the Refuge are governed by § 24.919 and Part 12 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the Refuge as are designated by posting.

(c) *State laws.* Strict compliance with State laws and regulations is required, and any person who hunts on the Refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license and permit for the taking of deer if such is required by the State laws and regulations. The license and permit will serve as a Federal permit for entry on the Refuge for the purpose of hunting deer.

(d) *Cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event such State regulations are issued, compliance therewith shall be a requisite to lawful entry for the purpose of hunting.

(18 U. S. C. 41, sec. 4, 60 Stat. 1081; sec. 6, 43 Stat. 650; Reorg. Plan No. II of 1939, sec. 4 (f))

Dated: November 15, 1948.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

[F. R. Doc. 48-10073; Filed, Nov. 18, 1948; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 974]

[Docket No. AO-176-A5]

HANDLING OF MILK IN COLUMBUS, OHIO, MARKETING AREA

NOTICE OF HEARING CONCERNING PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Virginia Hotel, Gay and Third Streets, Columbus, Ohio, beginning at 10:00 a. m., e. s. t., November 23, 1948, for the purpose of receiving evidence with respect to proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Columbus, Ohio, milk marketing area (7 CFR, Supps. 974.0 et seq.; 11 F. R. 1081, 9424, 12 F. R. 4245, 13 F. R. 2331, 5021). These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic and emergency conditions which relate to the proposed amendments hereinafter set forth.

The following amendments have been proposed by The Central Ohio Cooperative Milk Producers, Inc.:

1. Amend § 974.5 (b) by deleting the second proviso contained therein and to provide that the prices for Class I, Class II, and Class III milk for a limited period in 1948 and 1949 but not beyond March 1949, shall not be less than the prices in effect for such classes of milk in September 1948.

Copies of this notice of hearing and the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, Room 41, Old Federal Building, Columbus, Ohio, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator.

NOVEMBER 16, 1948.

[F. R. Doc. 48-10077; Filed, Nov. 18, 1948; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR, Part 202]

FORMS OF REPORTS OF FINANCIAL AND OPERATING STATISTICS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board ("Board") has under consideration the proposed addition to the Economic Regulations Part 202, "Accounts, Records and Reports," § 202.1 *Forms of reports of financial and operating statistics* (14 CFR 202.1) of a revision of paragraph (a) and of a new paragraph (d) requiring Alaskan Air Carriers, other than those holding certificates of public convenience and necessity, and Alaskan Pilot Owners, to file certain periodic reports of financial and operating statistics with the Board. These reports will be distinct from the reports now required of Irregular Air Carriers. Scheduled Alaskan Air Carriers are presently required to file reports on Form CAB 41, under § 202.1 (a) unless a waiver has been granted. Where waivers are granted certificated Alaskan Air Carriers, the new report forms must be used. Paragraph (a) is being revised to make it applicable to air carriers holding certificates of public convenience and necessity instead of just to "scheduled air carriers" since it is now intended to apply also to unscheduled air transportation if the carrier holds a certificate as in the case of certificated Alaskan Air Carriers.

The proposed new paragraph (d) is set forth in the attached proposed rule.

This regulation is proposed under authority of sections 205 (a) and 407 of the Civil Aeronautics Act of 1938, as amended. (52 Stat. 984, 1000; 49 U. S. C. 425, 487)

Interested persons may participate in the proposed rule-making through the submission of written data, views or arguments pertaining thereto, in duplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C.: *Provided*, That all Alaskan Air Carriers shall submit their comments to the Director, Alaska Office, Civil Aeronautics Board, Anchorage, Alaska. All relevant matter in communications received on or before December 17, 1948, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

It is proposed to amend the Economic Regulations § 202.1 *Forms of reports of financial and operating statistics*, as follows:

1. By revising paragraph (a) to read as follows:

(a) *Air carriers holding certificates of public convenience and necessity.* Each air carrier holding a certificate of public convenience and necessity shall make periodic financial and statistical reports to the Board using the appropriate schedules of the Report of Financial and Operating Statistics for Air Carriers, CAB Form 41; Interim Operating Statement and Selected Expenses, CAB Form 41 (a), and such amendments thereto as may hereafter be approved by the Board. Such reports shall be made in accordance with, and shall be filed with the Secretary of the Board at such times as are specified in the instructions relating to reporting procedure contained in the Uniform System of Accounts for Air Carriers, effective January 1, 1947, and such amendments thereto as may hereafter be approved by the Board.

2. By adding the following new paragraph (d):

(d) *Alaskan air carriers.* (1) Each Alaskan air carrier which does not hold a certificate of public convenience and necessity, each Alaskan air carrier holding a certificate of public convenience and necessity which has been relieved from complying with the requirements of paragraph (a) of this section, and each Alaskan pilot owner (as defined in § 292.2 of this chapter) for all periods subsequent to June 30, 1948, shall make periodic financial and operating statistical reports to the Board using the appropriate schedules of the Report of Financial and Operating Statistics (Alaska), CAB Form 2790[1] and such amendments thereto as may be approved hereafter by the Board.

(2) The reports required by paragraph (a) of this section with respect to Alaskan air carriers holding certificates of public convenience and necessity and by subparagraph (1) of this paragraph shall be filed with the Director of the Alaska Office, at Anchorage, Alaska, at such times as may be specified by the Director and shall be made in accordance with the instructions of the Director relating thereto.

(3) Data reported by individual Alaskan pilot-owners pursuant to subparagraph (1) of this paragraph shall be available for official use on behalf of the Board, but shall otherwise be withheld from public disclosure except as disclosure may be necessary in connection with use of such data in formal proceedings of the Board.

[1] Filed as part of the original document.

[F. R. Doc. 48-10089; Filed, Nov. 18, 1948; 8:53 a. m.]

[14 CFR, Part 238]

TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES AUTHORIZING INTERSTATE AND OVERSEAS AIR TRANSPORTATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the proposed amendment of the Economic Regulations § 238.3 (f) *Provisions as to scheduled stops* (14 CFR 238.3 (f)) to authorize the scheduling of stops not in excess of two hours with respect to flights carrying only property and mail in addition to the normal crew. This will permit stops of a sufficient duration to permit loading and unloading of property and mail.

At the present time, scheduled stops are limited to 45 minutes, which is believed to be adequate for passenger operations, but insufficient for extensive property handling operations.

The proposed new paragraph § 238.3 (f) is set forth in the attached proposed rule.

This regulation is proposed under the authority of sections 205 (a), and 401 (f) of the Civil Aeronautics Act of 1938, as amended. (52 Stat. 984, 988; 49 U. S. C. 425, 481)

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto, in duplicate, addressed to the Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before December 20, 1948, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

It is proposed to amend the Economic Regulations § 238.3 (14 CFR 238.3) *Terms, conditions and limitations of certificates authorizing interstate and overseas air transportation*, as follows:

1. By amending paragraph (f) (1) to read as follows:

(f) *Provisions as to scheduled stops.* (1) A scheduled stop at a point within the continental United States with respect to a flight carrying any passengers in addition to the crew members, shall not be scheduled to exceed 45 minutes on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

(2) A scheduled stop at a point within the continental United States with respect to a flight carrying only property or mail in addition to the crew members, shall not be scheduled to exceed 2 hours on any flight if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

2. By re-numbering the existing paragraph (f) (2) to (f) (3).

[F. R. Doc. 48-10118; Filed, Nov. 18, 1948; 8:58 a. m.]

[14 CFR, Part 287]

REPRESENTATION OF PRIVATE PARTIES BY PERSONS FORMERLY ASSOCIATED WITH THE BOARD

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board ("Board") has under consideration the proposed amendment of § 287.3 of the Economic Regulations (14 CFR 287.3) to add certain provisions relative to practice before the Board by persons formerly associated with the Board.

Section 287.3 now prohibits certain persons formerly associated with the Board from appearing before the Board in a representative capacity in connection with any proceeding which was pending at the time of such association, within six months after the date of termination of such association. Questions have arisen as to the applicability of this section.

In order (1) to eliminate any future question regarding what constitutes a pending proceeding and (2) to clarify the Board's rules with regard to practice before it by former employees having personal knowledge of particular facts in any proceeding the Board proposes to amend this regulation.

The proposed amendment is set forth in the attached Proposed Rule.

This amendment is proposed under the authority of sections 205 (a), 1001 of the Civil Aeronautics Act of 1938, as amended. (52 Stat. 984, 1017; 49 U. S. C. 425, 641)

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto, in duplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before December 20, 1948, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

It is proposed to amend § 287.3 *Representation of private parties by persons formerly associated with the Board*, as follows:

1. By revising § 287.3 (b) to read as follows:

(b) *Personal knowledge of facts.* No person who has been associated with the Board as a member, officer, or employee shall be permitted at any time to appear before the Board in behalf of, or to represent in any manner, any private party in connection with any proceeding or matter if such person, or any one associated with him, personally considered or acquired particular knowledge of the facts of such proceeding or matter while associated in any capacity with the Board.

2. By adding a new paragraph (c) to read as follows:

(c) *Pending proceeding defined.* For the purposes of this section a proceeding shall be considered as pending from the date of receipt by the Secretary of any formal application, complaint, or petition for the institution of a proceeding by the Board or from the time of any order to show cause or other procedures of the Board evidencing the initiation of a proceeding. A consolidated proceeding shall be considered as pending for the purpose of this section from the date of the first individual proceeding therein.

[F. R. Doc. 48-10117; Filed, Nov. 18, 1948; 8:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 8, 13]

[Docket No. 8913]

SHIP SERVICE AND COMMERCIAL RADIO OPERATORS

ORDER CONTINUING HEARING AND ORAL ARGUMENT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 15th day of November 1948;

The Commission having under consideration the hearing and oral argument in the above-entitled matter scheduled for November 22, 1948, and in that connection having before it requests dated November 8 and 9, 1948, respectively, of the National Federation of American Shipping and the American Waterways Operators, Inc., for postponement of the date of hearing and oral argument;

It is ordered, That said hearing and oral argument be continued until January 24, 1949.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10123; Filed, Nov. 18, 1948; 8:58 a. m.]

FEDERAL SECURITY AGENCY

Public Health Service

[42 CFR, Part 72]

INTERSTATE QUARANTINE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Federal Security Administrator, proposes to amend, as indicated below, the Interstate Quarantine Regulations contained in Part 72, Title 42, Code of Federal Regulations. In this connection, a hearing will be held in Room 4008, Federal Security Building, South, Third and C Streets SW., Washington 25, D. C., on November 30, 1948, beginning at 10:00 a. m. at which interested persons will have an opportunity to present their views. Persons not desiring to appear personally may submit a written statement of their views prior to the date of the hearing.

Under the proposed amendment, § 72.21 would be revised to read as follows:

§ 72.21 *Lather brushes*—(a) *General requirement.* A person shall not transport, or offer for transportation by the owner or operator of a conveyance, nor shall the owner or operator of a conveyance knowingly transport for another person, in interstate traffic lather brushes made from animal hair or bristles unless:

(1) Such brushes have been imported in compliance with the provisions of § 71.151 of this chapter; or

(2) Such brushes have been manufactured in the United States, its territories, or possessions in compliance with the provisions of paragraphs (b), (c), (d), (e), and (f) of this section.

(b) *Treatment.* The hair or bristles used in such brushes, if other than badger hair, shall be subjected to sterilization or to a treatment found by the Surgeon General, upon application of an interested person and the submission by such person of supporting data, to be effective to destroy anthrax spores in the hair or bristles to be treated. Badger hair shall be subject to the requirement of sterilization or other treatment only if the Surgeon General finds, and so notifies the manufacturer, that the hair was secured from areas, or has been stored or handled under circumstances, likely to render it an agent in the spread of communicable disease from one State or possession to another.

(c) *Sterilization.* Sterilization shall consist of:

(1) Exposure to steam under pressure in an autoclave at a minimum temperature of 120° C. (248° F.) for 15 minutes for bristles and 20 minutes for hair; or

(2) Exposure to streaming steam in an autoclave (not under pressure) at 100° C. (212° F.) for 30 minutes for bristles and 40 minutes for hair.

In either case, the steam temperature shall be measured in the exhaust line at its exit from the autoclave by an indicating thermometer found by the Surgeon General to give reasonable assurance of accuracy, and by a recording thermometer adjusted to read no higher at any time than the indicating thermometer. The time of exposure shall be measured from the moment at which the indicating thermometer reaches the specified sterilization temperature. Recording thermometer charts for each sterilization shall be kept readily available. If hair or bristles are sterilized in bundles, the bundles, which shall not exceed 2½ inches in diameter and 5 inches in length, shall be placed on racks in the autoclave in separate layers so as to permit free circulation of steam through all bundles.

(d) *Handling and storage.* Hair or bristles which have been treated, by sterilization or otherwise, shall be marked with the date of treatment, the method used, and name and location of the establishment at which treatment occurred, and shall be so handled and stored as to prevent their contamination or recontamination with anthrax spores.

(e) *Identifying marks.* Lather brushes shall be marked permanently with the name of the manufacturer or with an identifying mark of the manufacturer registered with the Surgeon General.

(f) *Inspection.* Persons engaged in processing or other handling of hair or bristles for use in lather brushes manufactured for transporation in interstate traffic and persons engaged in manufacturing such lather brushes from hair or bristles shall permit authorized representatives of the Surgeon General to make at any reasonable time such inspection of the plants or other places, including the equipment, operations, and products thereof, at which such manufacturing, processing or handling is carried on as may be necessary in the judgment of such representatives to determine compliance with the provisions of this section.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: November 15, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-10124; Filed, Nov. 18, 1948; 9:00 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52086]

CONVERSION OF CURRENCY; URUGUAYAN PESO

COLLECTION OF ESTIMATED DUTIES

NOVEMBER 10, 1948.

Reference is made to T. D. 49899, July 26, 1939, in which it was stated that the Federal Reserve Bank of New York was certifying, pursuant to section 522 (c), Tariff Act of 1930, two rates for the Uruguayan peso, designated "controlled" and "noncontrolled"; that the amount of estimated duties to be deposited should be determined by the use of the controlled rate; that liquidation of entries involving the conversion of the Uruguayan peso should be suspended; and that in the meantime only that rate for the Uruguayan peso to be used in estimating duties would appear in the Treasury Decisions.

Beginning July 30, 1948, the Federal Reserve Bank of New York omitted rates for the Uruguayan peso from the list of rates certified daily to the Secretary of the Treasury. The Bank has advised the Treasury Department that for dates on and after October 18, 1948, it will certify daily four separate rates for the Uruguayan peso, which rates are without descriptive titles but will be identified by the letters (a), (b), (c) and (d), with a notation that the application of the rates depends upon the type of merchandise. The Bank further states that, upon request, it will certify the four rates for dates during the interim period from July 31 to October 15, 1948.

Pending the issuance of instructions for the conversion of the Uruguayan peso into United States dollars for the purposes of appraisement and liquidation, only the highest of the four certified rates (i. e., the rate showing the highest amount of United States money per peso) will be published in the Treasury Decisions and that rate shall be used solely for the purpose of calculating estimated duties.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10093; Filed, Nov. 18, 1948; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

SEILING LIVESTOCK SALES CO.

NOTICE RELATIVE TO POSTED STOCKYARDS

Notice is hereby given that after inquiry and after consideration of all relevant matter presented pursuant to the notice of proposed posting and rule making published in the FEDERAL REGISTER on October 21, 1948 (13 F. R. 6150), it has been ascertained by me, pursuant to section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), that the stockyard known as the Seiling Livestock Sales Company, Seiling, Oklahoma, is a stockyard within the definition of a stockyard contained in section 302 of said act, and is, therefore, subject to the provisions of said act.

The attention of the stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U. S. C. 203 and 207) and other pertinent provisions of said act, and the rules and regulations issued thereunder by the Secretary of Agriculture.

The Packers and Stockyards Act provides for a specified time after the posting of notice at the stockyard for marketing agencies, dealers, and stockyard owners to register and qualify for the operation of their businesses under that act.

There appears to be no good reason to defer the effective date of the foregoing notice in view of that fact. Therefore, it is determined that good cause exists to make this notice, and it shall be, effective immediately, subject to the provisions of the Packers and Stockyards Act.

Done at Washington, D. C., this 15th day of November 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-10121; Filed, Nov 18, 1948; 8:58 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 865, et al.]

ALASKA AIRLINES, INC., ET AL.; ADDITIONAL SERVICE TO BETHEL AND NOME

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Alaska Airlines, Inc., et al., for certificate and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on December 1, 1948, at 10:00 a. m. (eastern standard time) in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 16, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10100; Filed, Nov. 18, 1948; 8:53 a. m.]

[Docket No. 2019 et al.]

ADDITIONAL CALIFORNIA-NEVADA SERVICE

NOTICE OF ORAL ARGUMENT

In the matter of the applications for certificates and amendment of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, authorizing the establishment of new, different and/or additional air transportation services of persons, property and mail in the California-Nevada area.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on December 6, 1948, at 10:00 a. m., eastern standard time, in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 15, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10089; Filed, Nov. 18, 1948; 8:53 a. m.]

[Docket No. 2372]

LESLIE D. EMERY; CHARLEVOIX-ST. JAMES SERVICE

NOTICE OF HEARING

In the matter of the application of Leslie D. Emery, under section 401 of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity authorizing the air transportation of persons, property and mail between the terminal points Charlevoix, Mich. and St. James, Beaver Island, Mich.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on November 29, 1948 at 10:00 a. m. (c. s. t.) in the Perry Hotel, Petoskey, Michigan, before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed service is required by the public convenience and necessity.

2. Whether the applicant is a citizen of the United States and is fit, willing, and able to perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before

November 29, 1948, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., November 15, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-10087; Filed, Nov. 18, 1948; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1110]

WAYNESBORO GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 10, 1948.

Upon consideration of the application filed August 27, 1948, by the Waynesboro Gas Company, a Pennsylvania corporation located in Waynesboro, Pennsylvania, for an order pursuant to section 7 (a) of the Natural Gas Act, as amended, directing the Manufacturers Light and Heat Company to establish a physical connection of its transportation facilities with the distribution system of Waynesboro Gas Company and to furnish natural gas service to that company for distribution in the Borough of Waynesboro, in Franklin County, Pennsylvania, and the reply thereto filed on September 27, 1948, by the Manufacturers Light and Heat Company;

The Commission orders that:

(A) A public hearing be held commencing at 10:00 a. m. (e. s. t.) on December 2, 1948, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented by the application of the Waynesboro Gas Company and answer of the Manufacturers Light and Heat Company.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: November 15, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-10080; Filed, Nov. 18, 1948; 8:48 a. m.]

[Docket No. G-1128]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 12, 1948.

Upon consideration of the application filed September 17, 1948, by Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and that this proceeding is a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 2, 1948 (13 F. R. 5795-96).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: November 15, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-10079; Filed, Nov. 18, 1948; 8:47 a. m.]

[Docket No. G-1129]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 12, 1948.

Upon consideration of the application filed September 20, 1948, by Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that: Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for noncontested proceedings, and that this proceeding is a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 2, 1948 (13 F. R. 5796).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1948, at 9:45 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: November 15, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-10078; Filed, Nov. 18, 1948; 8:47 a. m.]

[Project No. 553]

CITY OF SEATTLE, WASH.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

NOVEMBER 15, 1948.

Public notice is hereby given that the City of Seattle, Washington, licensee for Project No. 553, has filed application for amendment of license for the project to include thereunder, with certain changes and additions, its existing Gorge power development on Skagit River, in Watcom County, Washington, affecting lands of the United States within Mount Baker National Forest.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before December 24, 1948, to the Federal Power Commission, Washington 25, D. C.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 48-10081; Filed, Nov. 18, 1948; 8:48 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5589]

HOUSE OF LECHLER

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 10th day of November A. D. 1948.

In the matter of Erwin F. Lechler, an individual, trading as House of Lechler.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Everett F. Haycraft, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Wednesday, November 17, 1948, at ten o'clock in the forenoon of that day (e. s. t.), in Room 500, 45 Broadway, New York, New York.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-10095; Filed, Nov. 18, 1948; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a, Application No. 2]

WESTERN TRAFFIC ASSOCIATION

APPLICATION FOR APPROVAL OF AGREEMENT

NOVEMBER 16, 1948.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed by: W. H. Dana, Attorney-in-Fact, Room 428, Union Station Building, Chicago 6, Ill., and Chicago, Burlington & Quincy Railroad Company, 547 W. Jackson Boulevard, Chicago 6, Ill.

Agreement involved. An agreement between and among common carriers by railroad and the Pullman Company, members of the Western Traffic Association and regional organizations thereof, relating to rates, fares, classifications, divisions, allowances, charges, rules and regulations, and procedures for the joint consideration, initiation or establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 48-10099; Filed, Nov. 18, 1948; 8:50 a. m.]

OFFICE OF DEFENSE TRANSPORTATION

[Supp. AO. ODT 1-5F]

DELEGATION OF AUTHORITY TO TRANSPORTATION OFFICER, RAILWAY TRANSPORT DEPARTMENT

1. L. F. Cook, Transportation Officer, Railway Transport Department, Office of Defense Transportation, is hereby authorized to execute and issue in her discretion, subject to such terms and conditions as she may prescribe, and in the name of the Director of the Office of Defense Transportation, the special permits contemplated by § 500.73 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971), and the special permits contemplated by General Order ODT 1, Revised, as amended (11 F. R. 8228, 9040, 10616), or as such orders may be hereafter amended, revised, or reissued.

2. The exercise of the powers and authority conferred by this order shall be subject to the general control and supervision of the Director of the Office of Defense Transportation and the Director, Railway Transport Department, Office of Defense Transportation.

This Supplementary Administrative Order ODT 1-5F shall become effective on November 17, 1948.

Supplementary Administrative Order ODT 1-5E (13 F. R. 6007), is hereby revoked as of the effective date of this Supplementary Administrative Order ODT 1-5F.

Issued at Washington, D. C., this 16th day of November 1948.

LEE A. CHRISTIANSEN, *Director, Railway Transport Department, Office of Defense Transportation.*

[F. R. Doc. 48-10098; Filed, Nov. 18, 1948; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.

ORDER ALLOWING BRIEFS TO BE FILED IN REGARD TO COMPROMISE PLAN AND PROPOSED FINDINGS AND OPINION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of November A. D. 1948.

A motion having been filed in this proceeding on November 5, 1948, by certain preferred stockholders referred to as the "Colton Group" requesting the Commission

(1) To enter an order severing the issues in this proceeding as they relate to the debenture holders from the remaining issues and to approve immediate distribution to the debenture holders of their distributive shares as provided by a plan proposed by the Colton Group or as proposed by the Compromise Plan filed herein by Ogden Corporation if its proponents consent;

(2) To require the Division of Public Utilities of the Commission or some other officer of the Commission to issue proposed findings, or an intermediate opinion limited to certain subordination issues raised in the proceeding with respect to certain relative rights of Ogden Corporation and the public holders of the preferred stock of Interstate Power Company;

(3) To allow all parties an opportunity following the issuance of such proposed findings or intermediate opinion to adduce any further material evidence with respect to the subordination issues and thereafter to file briefs with, and to argue before, the Commission the merits of the subordination issues and of the respective plans filed by Ogden Corporation and the Colton Group;

(4) To waive its rule of practice requiring the filing of briefs with respect to the motion and in lieu thereof to grant oral argument;

It appearing that the proposed allocations to debenture holders under the Compromise Plan are so interrelated with the proposed compromise of subordination claims, and with the proposed allowances to preferred stockholders and to Ogden Corporation, that severance of the issues relating to the proposed allowances to debenture holders would not be feasible or appropriate, and that the proponents of the Compromise Plan have objected thereto;

It further appearing that evidence has been taken on the subordination claims at hearings held on due notice to security holders during the past five years, that the Compromise Plan proposes a settlement of such claims, and that the record was closed on November 5, 1948 after it appeared that no one was prepared to go forward with additional evidence;

The several participants in this proceeding having made a full statement of their respective positions with respect to the motion on the record before the Hearing Examiner, and the Commission deeming that its rule of practice requiring briefs in support of said motion

should be waived, and having considered the motion and the record made thereon;

It is ordered, That all participants of the Commission other than the Division of Public Utilities shall be allowed until December 20, 1948 to file briefs on the issues raised by the Compromise Plan; that the Division of Public Utilities of the Commission file proposed findings and opinion regarding the Compromise Plan on or before January 20, 1949; and that all participants be allowed until February 7, 1949 to file reply briefs with respect to said proposed findings and opinion; and that oral argument on said issues be held February 15, 1949, at 10 a. m.

It is further ordered, That to the extent the requests of said motion have not been granted herein they are denied, with leave to the Colton Group to renew said motion in connection with its brief and argument on the issues specified above.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10068; Filed, Nov. 18, 1948; 8:52 a. m.]

[File No. 55-91]

STANDARD GAS AND ELECTRIC CO.

ORDER APPROVING FEE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of November A. D 1948.

The Commission by order dated November 15, 1944, having approved a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 by Standard Gas and Electric Company ("Standard"), a registered holding company, providing, among other things, for the retirement of its then outstanding notes and debentures in the principal amount of $59,000,000, such order having reserved to the Commission jurisdiction as to all fees and expenses to be paid by Standard in connection with the plan; and

Holthusen & Pinkham, attorneys for certain holders of notes and debentures, having filed an application for approval of a counsel fee of $15,000 plus expenses of $378.40 as compensation for its services in connection with the section 11 (e) plan; and

After appropriate notice, a public hearing having been held on this and other applications of representatives of holders of notes and debentures, and oral argument heard; and

The applicant having stated that it is willing to accept a reduced fee of $10,000 plus expenses, as recommended by the Division of Public Utilities of the Commission, and Standard having stated that it has no objection to the payment of such compensation if this Commission approves the application; and

The Commission having considered the record and it appearing that a legal fee in the reduced amount agreed to by Holthusen & Pinkham is not unreasonable: *It is ordered*, That:

(1) The application of Holthusen & Pinkham for a legal fee in the amount of $10,000, plus expenses of $378.40 be and hereby is approved, and Standard Gas and Electric Company be and hereby is directed to pay such fee and expenses.

(2) The jurisdiction heretofore reserved in our order of November 15, 1944, over payment of all other fees and expenses be and hereby is continued in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10071; Filed, Nov. 18, 1948; 8:52 a. m.]

[File No. 70-1971]

NORTHERN VIRGINIA POWER CO. AND THE POTOMAC EDISON CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 10th day of November A. D. 1948.

The Potomac Edison Company ("Potomac"), a registered holding company, and its wholly owned direct subsidiary, Northern Virginia Power Company ("Northern"), having filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder regarding the following transactions:

The issue and sale by Northern from time to time, but prior to December 31, 1949, of 75,000 shares of common stock, par value $100 per share, the sales to be to Potomac at par and to occur as funds are needed by Northern, it being proposed that the first installment, of approximately 13,000 shares, be issued and sold by Northern and acquired by Potomac about November 15, 1948; and, the acquisition by Potomac of the foregoing securities of Northern and the pledge thereof as collateral for Potomac's First Mortgage and Collateral Trust Bonds, Potomac as the owner of all of Northern's presently outstanding securities, 82,000 shares of common stock and 1,500 shares of 7% preferred stock (par value $100 per share), having heretofore pledged those securities:

Notice of the filing of this joint application-declaration having been duly given in the form and manner prescribed by Rule U-23, the Commission not having received a request for a hearing with respect thereto and not having ordered a hearing thereon;

The Commission finding with respect to this joint application-declaration that it meets the applicable statutory standards, that there is no basis for any adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act that this joint application-declaration be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10069; Filed, Nov. 18, 1948; 8:52 a. m.]

[File Nos. 70-1976, 70-1981]

MIDDLE WEST CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of November A. D. 1948.

In the matter of the Middle West Corporation, Wisconsin Power and Light Company, File No. 70-1976; Public Service Company of Indiana, Inc., File No. 70-1981.

The Middle West Corporation ("Middle West"), a registered holding company, and its subsidiary, Wisconsin Power and Light Company ("Wisconsin"), a public utility company, having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a), 7, 9 (a), 10, 11, 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-44 and U-46 promulgated thereunder, and in connection therewith, Public Service Company of Indiana, Inc. ("Indiana"), also a public utility subsidiary of Middle West, having filed a declaration, and amendments thereto, pursuant to sections 6 (a), 7 and 12 (f) of the act and Rule U-43, promulgated thereunder, regarding the following proposed transactions:

Middle West, the owner of 847,292½ shares of $10 par value common stock of Wisconsin and 224,586 shares of no par value common stock of Indiana, proposes to distribute in partial liquidation on November 29, 1948, to its stockholders of record on October 29, 1948, one share of Wisconsin's common stock for each four shares of Middle West common stock held and two shares of Indiana's common stock for each 15 shares of Middle West common stock held.

No fractional shares of common stock of Wisconsin or of Indiana will be issued. In lieu thereof, Middle West proposes to distribute to its stockholders non-dividend and non-voting scrip certificates, in bearer form, which are proposed to be issued by Wisconsin and by Indiana in exchange for the deposit of full shares by Middle West. By their terms, the scrip certificates will become void after December 31, 1953, but prior to said time, when combined in amounts equal to full shares of common stock, may be surrendered to the respective companies for full shares of common stock.

It is estimated that scrip certificates representing about 7,100 shares of Wisconsin and 9,000 shares of Indiana will be issued by these companies respectively. Said shares of common stock, to the extent not delivered against the surrender of scrip certificates, will be cancelled upon the expiration of such scrip certificates.

Middle West further proposes to reserve 3,280 shares of Wisconsin's common stock and 1,750 shares of Indiana's common stock for distribution in respect of 13,118.55 shares of Middle West stock reserved under the plan of reorganization of Middle West Utilities Company, predecessor of Middle West.

In respect of the distribution of full shares of common stock of Wisconsin and Indiana, Middle West reserves the right to fix a reasonable period of time upon the expiration of which all rights of stockholders of Middle West who cannot be located in such period and on behalf of whom no valid claim is made during such period, shall cease and determine, subject, however, to the approval of this Commission with respect to such period of time, the conditions to be complied with and the steps to be taken to make operative the right so reserved.

Middle West further proposes to invite competitive bids for and to sell in separate blocks, in the manner provided by Rule U-50, its remaining holdings of common stock and scrip of Wisconsin and of Indiana not required or reserved for distribution (estimated to be 20,467 shares of Wisconsin and 8,198 shares of Indiana) and its entire holdings of shares of common stock and scrip of Indiana Gas & Water Company, Inc. ("Gas-Water"), a subsidiary of Indiana, (estimated to be 43,853 shares). Middle West requests that, if the proposed sales are not excepted from Rule U-50 by virtue of paragraph (a) (4) thereof, the ten-day notice period for inviting bids provided in Rule U-50 be shortened to not less than six days. It is stated that Middle West will use the proceeds from the sales of the common stocks of Wisconsin, Indiana, and Gas-Water to purchase 125,000 shares of common stock, $10 par value, of its subsidiary, Kentucky Utilities Company, the acquisition of which has heretofore been approved by order of this Commission dated September 29, 1948 (Holding Company Act Release No. 8540).

Middle West's expenses in connection with the proposed transactions are estimated at $17,500, including legal fees of $2,500.

Middle West represents that the transactions proposed herein will effectuate a partial liquidation of the company as authorized by its stockholders and will tend to effectuate the provisions of section 11 (b) of the act.

Said application-declaration of Middle West and Wisconsin having been filed on October 18, 1948, and the last amendment thereto having been filed on November 9, 1948, and said declaration of Indiana having been filed on October 25, 1948, and the last amendment thereto having been filed on November 9, 1948; and notice of said filings having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application-declaration, or said declaration, within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Public Service Commission of Indiana having, on October 28, 1948, issued an order approving the issue and use of scrip certificates by Indiana; and it appearing that no other regulatory body other than this Commission has jurisdiction over any of the proposed transactions; and

The Commission finding that the proposed sales by Middle West of the remaining shares of the common stock of Wisconsin, Indiana and Gas-Water are exempt from the provisions of Rule U-50 by virtue of sub-paragraph (a) (4) thereof, and it appearing that Middle West nevertheless desires to sell said shares pursuant to competitive bidding and in the manner prescribed in said Rule, and it appearing that Middle West intends to maintain competitive conditions with respect to such sales, as required by section 12 (d) of the act, by inviting bids in the manner provided for in Rule U-50, and the Commission deeming it appropriate to reserve jurisdiction over the results of competitive bidding; and

The Commission further finding, subject to the conditions specified below, that the other requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary with respect to said application-declaration, as amended, of Middle West and Wisconsin, and also with respect to said declaration, as amended, of Indiana, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, and said declaration, as amended, be granted and permitted to become effective, subject to such conditions, and that the request of applicants-declarants that the Commission's order be accelerated and become effective forthwith be granted; and

Middle West having requested that the Commission's order granting and permitting to become effective the application-declaration, as amended, conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code as amended, and the Commission deeming it appropriate to grant such request;

It is ordered, That, pursuant to Rule U-23 and the applicable provisions of the act, said application-declaration, as amended, of Middle West and Wisconsin and said declaration, as amended, of Indiana be, and the same hereby are, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and subject to the following further conditions:

1. That the proposed sales of the common stocks of Gas-Water, Wisconsin and Indiana by Middle West shall not be consummated until the results of competitive bidding have been made a matter of record in this proceeding and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose.

2. That jurisdiction is hereby reserved with respect to all accounting entries proposed to be made by Middle West in connection with the transactions herein.

It is further ordered, That jurisdiction be, and hereby is, reserved to take such further action as may be necessary with respect to the determination of the rights of stockholders of Middle West who cannot be located and on behalf of whom no valid claim is made to participate in the distributions of full shares of common stock of Wisconsin and of Indiana proposed to be made by Middle West.

It is further ordered and recited, That the distribution by Middle West to its stockholders of record at the close of business on October 29, 1948, in partial liquidation of The Middle West Corporation, of one share of common stock of Wisconsin of the par value of $10 each for each four shares of common stock of Middle West and two shares of the common stock without par value of Indiana for each 15 shares of common stock of Middle West, outstanding on said date; the distribution of scrip certificates to be issued by Wisconsin and by Indiana, respectively, in lieu of fractional shares of Wisconsin and of Indiana; and the sale of 20,467 shares of common stock of Wisconsin of the par value of $10 each, 8,198 shares of common stock of Indiana without par value and 43,853.92 shares of common stock of Gas-Water of the par value of $10 each at prices to be determined by competitive bidding, and the expenditure of the proceeds from the sale of the common stocks of Wisconsin, Indiana and Gas-Water for the purchase of common stock, par value $10 per share, of its subsidiary, Kentucky Utilities Company, at par, in the manner provided in the application-declaration filed in this proceeding, are, and each is necessary or appropriate to the integration or simplification of the holding company system of Middle West and are necessary or appropriate to effectuate the provision of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10065; Filed, Nov. 18, 1948; 8:46 a. m.]

[File No. 70-1988]

AMERICAN GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of November A. D. 1948.

The Commission having by order dated November 3, 1948 granted the application of American Gas and Electric Company ("American Gas"), a registered holding company, pursuant to Rule U-100 of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 for exemption from the requirements of Rule U-44 thereof

with respect to the proposed distribution by way of dividends of certain shares of the common stock of Atlantic City Electric Company ("Atlantic City"); and

American Gas having requested that the Commission issue a further order containing recitations conforming with the requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof; and

The Commission deeming it appropriate to grant such request:

It is ordered and recited, That the transactions proposed in the application of American Gas, including the transactions specified below, are necessary and appropriate to the integration or simplification of the holding company system, of which American Gas is a member, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(a) The transfer, pursuant to the dividend distributions described in the application of American Gas, of an aggregate number of shares of common stock of Atlantic City equal to $^{3}/_{100}$ths of one share of common stock of Atlantic City on each one share of American Gas on each of the dividend payment dates of December 15, 1948, and March 15, 1949, including therein not more than 179,310 additional shares of common stock of Atlantic City which were not specified in our order of April 7, 1947 (File No. 54-155);

(b) The transfer, pursuant to the sale by American Gas on the over-the-counter market, of such number (not in excess of 100) of shares of common stock of Atlantic City as may be owned beneficially by American Gas after the distributions mentioned in paragraph (a) above;

(c) The issuance by American Gas of scrip certificates for fractions of shares of common stock of Atlantic City in connection with the proposed dividends of American Gas described therein;

(d) The transfer to American Gas by the scrip agent upon the termination of the rights of the holders of outstanding scrip certificates of the cash allocable to such scrip certificates, as described in the plan of American Gas; and

(e) The purchases and sales of scrip certificates and stock certificates by the scrip agent in accordance with the plan of American Gas.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10072; Filed, Nov. 18, 1948; 8:52 a. m.]

[File Nos. 70-1989, 70-1990]

CENTRAL AND SOUTH WEST CORP. ET AL.

MEMORANDUM, FINDINGS AND ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 12th day of November A. D. 1948.

In the matter of Central and South West Corporation, File No. 70-1989; Central and South West Corporation, Central Power and Light Company, Southwestern Gas and Electric Company, File No. 70-1990.

Central and South West Corporation ("Central and South West"), a registered holding company, has filed a declaration, and amendments thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-50 promulgated thereunder; and Central and South West and its subsidiaries, Central Power and Light Company ("Central Power") and Southwestern Gas and Electric Company ("Southwestern") have filed a separate joint application-declaration, and an amendment thereto, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rule U-43 promulgated thereunder. The transactions proposed by applicants-declarants are summarized as follows:

Central and South West proposes to issue and sell 659,606 shares of additional common stock, $5 par value. Said shares of common stock are to be offered to the holders of the company's presently outstanding common stock of record at the close of business on November 18, 1948, in accordance with their preemptive rights, for a period of 15 days, on the basis of one share of additional common stock for each ten shares of common stock held. The subscription price will be the price per share to be determined by competitive bidding for the unsubscribed shares. The rights to subscribe will be evidenced by full share and fractional share subscription warrants in transferable form. Any shares of additional common stock not subscribed for by the common stockholders will be sold by the company to underwriters at competitive bidding pursuant to Rule U-50.

Central and South West requests that the ten-day notice period for inviting bids as provided by Rule U-50 be shortened to a period of not less than six days.

The net proceeds to be received by Central and South West from the issue and sale of the additional shares of common stock will be invested in common stocks of Central Power and Southwestern.

Central Power proposes to amend its Articles of Incorporation so as to increase its authorized common stock amounting to 1,072,100 shares, $10 par value, by such number of shares as will be equal to: (a) 350,000 shares and (b) such number of shares as may be purchased by Central and South West, at par, with approximately 60% of the net proceeds, in excess of $6,000,000, to be received by Central and South West from the proposed sale of its additional shares of common stock. After the adoption of the amendment, Central Power proposes to issue and sell to Central and South West, owner of all of Central Power's outstanding common stock, 350,000 shares of common stock, $10 par value, for cash, at par, and such additional number of shares of common stock as will be authorized by said amendment under clause (b) above.

Southwestern proposes to increase the stated value of the 500,000 outstanding shares, no par value, of its common stock from $6,800,000, as shown on its books, to $9,500,000 by transferring on its books the sum of $2,700,000 from earned surplus to common stock capital account, and thereafter, to amend its Certificate of Incorporation, as amended, so as to increase its total authorized common stock from 500,000 shares, no par value, to 1,500,000 shares, $10 par value, and to change the 500,000 shares, no par value, of its common stock now outstanding into 950,000 shares, $10 par value. After the adoption of the proposed amendment, Southwestern proposes (a) to issue and deliver to Central and South West certificates for 950,000 shares of common stock, $10 par value, of Southwestern upon the surrender for cancellation by Central and South West of certificates representing the outstanding 500,000 shares of common stock, no par value, of Southwestern, and (b) to issue and sell to Central and South West, for cash, at par, 250,000 shares of common stock, $10 par value, of Southwestern and such additional number of shares of its common stock, $10 par value, as may be purchased by Central and South West, at par, with approximately 40% of the net proceeds, in excess of $6,000,000, to be received by Central and South West from the proposed sale of its common stock.

The net proceeds to be received by Central Power and Southwestern from the sales of their common stock will be used by them to finance their construction programs. The record indicates that Central Power's construction budget for the years 1948-1951, inclusive, amounts to $33,438,900, while the construction budget of Southwestern for the same period amounts to $26,234,500. It appears that not only these companies but also the other subsidiaries [1] of Central and South West are engaged in extensive expansion programs. The record discloses that the subsidiaries of Central and South West estimate that they will expend an aggregate of approximately $104,000,000 for construction during the period 1948-1951 inclusive. It is presently contemplated that the construction program will be financed through the issuance of approximately $20,500,000 of debt and $7,000,000 of preferred stock by the subsidiaries, together with the proceeds of $28,000,000 of bonds issued between December 1947 and May 1948, and approximately $6,000,000 to be received from the presently proposed sale of additional common stock. The remaining cash requirements for construction will be supplied through retained earnings and provisions for depreciation and amortization during the 1948-1951 period.

We note that no provision is made in the new money requirements of the subsidiaries for an increase in common stock equity (other than by the instant filing). In approving the present transactions we are doing no more than approving the present increase in equity capital and our action is in no way to be construed as an indication that we are giving any approval to the projected methods of satisfying future capital requirements.

[1] Public Service Company of Oklahoma and West Texas Utilities Company.

Central and South West estimates that its fees and expenses (other than compensation to underwriters) in connection with the issuance of additional common stock will aggregate $110,000, including legal fees of $17,500. The fee of independent counsel for the underwriters has been estimated at $7,000. Central Power and Southwestern estimate that their expenses in connection with the issue and sale of common stock will aggregate $12,000. It is stated that the expenses with respect to the acquisition of the common stocks of Central Power and Southwestern by Central and South West are estimated to be nominal.

The Arkansas Public Service Commission has approved the transactions proposed by Southwestern, and it is stated that no other regulatory body other than this Commission has jurisdiction over any of the proposed transactions.

The said declaration and said application-declaration having been filed on October 29, 1948, and the last amendment thereto having been filed on November 10, 1948, and notice of said filings having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration or application-declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary with respect to said declaration, as amended, of Central and South West, and also with respect to said application-declaration, as amended, of Central and South West, Central Power and Southwestern, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, and said application-declaration, as amended, be granted and permitted to become effective, subject to the terms and conditions set forth below, and the Commission further deeming it appropriate to grant applicants-declarants request that the order be accelerated and become effective upon issuance thereof:

It is ordered, That, pursuant to Rule U-23 and the applicable provisions of the act, said declaration, as amended, of Central and South West and said application-declaration, as amended, of Central and South West, Central Power, and Southwestern be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the additional condition that the proposed issuance and sale of common stock by Central and South West shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in these proceedings and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate, jurisdiction being reserved for such purpose.

It is further ordered, That, in accordance with the request of Central and South West, the ten-day notice period for inviting bids as provided by Rule U-50 be, and the same hereby is, shortened to a period of not less than six days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 78-10066; Filed, Nov. 18, 1948; 8:46 a. m.]

[File No. 70-1992]

WEST PENN ELECTRIC CO. AND THE POTOMAC EDISON CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of November A. D. 1948.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by The West Penn Electric Company ("West Penn Electric"), a registered holding company, and its direct subsidiary, The Potomac Edison Company ("Potomac Edison"), a registered holding company and an operating utility company.

Notice is further given that any interested person may, not later than November 26, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues, if any, of law or fact proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 26, 1948 said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

All interested persons are referred to said joint application-declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Potomac Edison proposes to issue and sell for cash to the general public through underwriters, pursuant to the competitive bidding requirements of Rule U-50, --% Series First Mortgage and Collateral Trust Bonds, due 1977, in the principal amount of $5,500,000 and --% Cumulative Preferred Stock, Series B, par value $100 per share, in the aggregate amount of 30,000 shares. Potomac Edison also proposes to issue and sell 75,000 shares of common stock, without nominal or par value, to West Penn Electric and West Penn Electric proposes to acquire these shares for a total cash consideration of $1,500,000. West Penn Electric now owns all of the outstanding common stock of Potomac Edison, consisting of 375,000 shares.

The net proceeds from the sale of these bonds, preferred stock, and common stock are to be used for the construction of needed property additions and improvements by Potomac Edison and its public utility subsidiaries. It is represented in the filing that the issue and sale of all of these securities is subject to the approval of the Public Service Commission of Maryland.

The filing designates sections 6, 7, 9, 10, 12 (d), and 12 (f) of the act and Rules U-43, U-44, and U-50 as being applicable to the transactions proposed in the joint application-declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10070; Filed, Nov. 18, 1948; 8:52 a. m.]

[File No. 70-1997]

OKLAHOMA GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in Washington, D. C. on the 12th day of November 1948.

Notice is hereby given that an application and a declaration has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Oklahoma Gas and Electric Company, a subsidiary of Standard Gas and Electric Company, a registered holding company. Applicant-declarant designates section 6 (b) of the act and Rules U-23, U-24 and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 26, 1948, at 12:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized below:

Applicant-declarant proposes to issue and sell pursuant to the competitive bidding provisions of Rule U-50, $7,500,000 principal amount of its First Mortgage Bonds, ("New Bonds") Series due December 1, 1978. The New Bonds will be issued under the provisions of an Indenture, dated February 1, 1945, between

applicant-declarant and The First National Bank and Trust Company of Oklahoma City, Trustee, as supplemented by a new Supplemental Trust Indenture dated as of December 1, 1948, on the following basis: $4,000,000 principal amount of New Bonds on the basis of permanent additions and $3,500,000 principal amount of New Bonds on the basis of the retirement of $3,500,000 principal amount of applicant-declarant's outstanding, First Mortgage Bonds, 2¾%, Series of 1947 due February 1, 1975, pursuant to the provisions of Articles V and VI, respectively, of said Indenture. The First Mortgage Bonds, Series of 1947 due February 1, 1975, 2¾%, so retired will be cancelled upon the prepayment of applicant-declarant's presently outstanding Secured Notes ($3,500,000) which such bonds now secure.

Applicant-declarant states that the proceeds from the issuance and sale of the New Bonds will be applied to the prepayment, without premium, of $3,500,000 of 1¾% Secured Notes and $2,000,000 of 2¼% unsecured notes. The balance is to be applied to the payment of construction expenditures.

The invitation for bids provides that each proposal for the purchase of the New Bonds shall specify (a) the coupon rate (which shall be a multiple of ⅛ of 1%) of the New Bonds, and (b) the price (exclusive of accrued interest) to be paid for the New Bonds, which price shall be expressed as a percentage of the principal amount of New Bonds and shall be not less than 100% and not more than 102¾% of the principal amount thereof.

Applicant-declarant requests authority to shorten the ten-day notice period for bids provided for by Rule U-50 to six days, if deemed advisable by applicant-declarant because of market conditions at the time of publication for bids.

Applicant-declarant has filed applications with the Corporation Commission of the State of Oklahoma and the Arkansas Public Service Commission regarding the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-10067; Filed, Nov. 18, 1948; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12289]

ISAMU SAM ODA

In re: Cash owned by Isamu Sam Oda. D-39-19000-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isamu Sam Oda, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $1,009.13, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Isamu Sam Oda, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10102; Filed, Nov. 18, 1948; 8:54 a. m.]

[Vesting Order 12294]

YOSHITAUGU TAGA

In re: Cash owned by Yoshitaugu Taga. F-39-6299.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Yoshitaugu Taga, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $508, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Yoshitaugu Taga, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10101; Filed, Nov. 18, 1948; 8:54 a. m.]

[Vesting Order 12292]

MINORU HAJIME SAKATA

In re: Cash owned by Minoru Hajime Sakata. F-39-6165.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Minoru Hajime Sakata, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $584.78, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Minoru Hajime Sakata, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10103; Filed, Nov. 18, 1948; 8:54 a. m.]

[Vesting Order 12293]

FRANK X. WEITZEL

In re: Stock owned by Frank X. Weitzel. F-28-85-D-1/D-2/D-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank X. Weitzel, whose last known address is Langenhardstrasse 1, Frieburg, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: a. One (1) share of $1 par value common capital stock of Stokely-Van Camp, Incorporated, 941 North Meridian Street, Indianapolis, Indiana, a corporation organized under the laws of the State of Indiana, evidenced by a certificate numbered NO 2367, registered in the name of Frank X. Weitzel, together with all declared and unpaid dividends including stock dividends thereon,

b. Three (3) shares of $1 par value common capital stock of Thomas Young Orchids, Incorporated, Harris and Union Avenues, Bound Brook, New Jersey, a corporation organized under the laws of the State of New Jersey, evidenced by a certificate numbered 1176, registered in the name of Frank X. Weitzel, together with all declared and unpaid dividends thereon, and

c. Three (3) shares of $5 par value common capital stock of Case, Pomeroy & Company, Incorporated, 1 Cedar Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered C 3139, registered in the name of Frank X. Weitzel, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10104; Filed, Nov. 18, 1948; 8:54 a. m.]

[Vesting Order 12299]

KINZO WAKAYAMA

In re: Cash owned by Kinzo Wakayama also known as Ernest Kinzo Wakayama. F-39-6304.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kinzo Wakayama also known as Ernest Kinzo Wakayama, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $3,242.67, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kinzo Wakayama, also known as Ernest Kinzo Wakayama, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10105; Filed, Nov. 18, 1948; 8:54 a. m.]

[Vesting Order 12300]

NOBUO WAKI

In re: Cash owned by Nobuo Waki also known as Nobuo Frank Waki. F-39-6305.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nobuo Waki also known as Nobuo Frank Waki, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $600, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Nobuo Waki also known as Nobuo Frank Waki, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10106; Filed, Nov. 18, 1948; 8:54 a. m.]

[Vesting Order 12302]

FRANZ CARL KOENIG

In re: Estate of Franz Carl Koenig, deceased. File No. D-28-12461; E. T. sec. No. 16873.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Koenig and Jean (John) Koenig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Franz Carl Koenig, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Raymond A. Speiser and Luther A. Fifer, as executors, acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10107; Filed, Nov. 18, 1948; 8:54 a. m.]

[Vesting Order 12303]

JUKICHI MONJI

In re: Rights of Jukichi Monji under insurance contract. File No. F-39-4672-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jukichi Monji, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. WS-62844, issued by the California-Western States Life Insurance Company, Sacramento, California, to Jukichi Monji, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10108; Filed, Nov. 18, 1948; 8:54 a. m.]

[Vesting Order 12304]

MINE MANO ET AL.

In re: Rights of Mine Mano, Makoto Mano, Tadashi Mano and of the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanako Mano, deceased, under insurance contract. File No. D-39-19182-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mine Mano, Makoto Mano and Tadashi Mano, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanako Mano, deceased, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1532-11025, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Mitsuo Mabuchi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hanako Mano, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10109; Filed, Nov. 18, 1948; 8:55 a. m.]

[Vesting Order 12305]

HANGO SUMII AND KAZUE SUMII

In re: Rights of Hango Sumii and Kazue Sumii under insurance contract. File No. D-39-11672-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hango Sumii and Kazue Sumii, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 15,006,914, issued by the New York Life Insurance Company, New York, New York, to Hango Sumii, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Hango Sumii or Kazue Sumii, nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10110; Filed, Nov. 18, 1948; 8:55 a. m.]

[Vesting Order 12307]

PETER WURZEL

In re: Estate of Peter Wurzel, deceased. File No. D-28-8742; E. T. sec. 10629.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adam Wurzel, Philip Wurzel, Matthaus Wurzel, Catherine Wurzel, Christian Wurzel, Peter Wurzel, Eangalberth Wurzel, Gretechel Wurzel, Ezil Wurzel, and Philip Wurzel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Peter Wurzel, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Elizabeth C. Wurzel, as Administratrix, acting under the judicial supervision of the Probate Court, Norfolk County, Massachusetts;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10111; Filed, Nov. 18, 1948; 8:55 a. m.]

[Vesting Order 12326]

ALLRIKE KNOOP ET AL.

In re: Real property, interests in real property, property insurance policies and a claim owned by Allrike Knoop, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allrike Knoop, J. Allmer Knoop, Johanne Knoop, also known as Johann Knoop, and J. Hinrich Knoop, whose last known addresses are Rechtenfleth, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: a. Real property, situated in the City of Baltimore, State of Maryland, particularly described as Parcels Nos. 1 to 9, inclusive, of Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. The reversionary or ground rent interest in and to the real property, situated in the City of Baltimore, State of Maryland, particularly described as Parcels Nos. 10 to 13, inclusive, of Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

c. All right, title and interest of the persons named in subparagraph 1 hereof, in and to the property insurance policies described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the real property described in subparagraph 2-a, and

d. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by the Mercantile Trust Company of Baltimore, Baltimore, Calvert and Redwood Streets, Baltimore, Maryland, arising out of the rents collected on the property described in subparagraphs 2-a and 2-b hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-c and 2-d, hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All those certain lots and parcels of real estate situate, lying and being in the City of Baltimore, State of Maryland, described as follows:

Parcel No. 1. Lot No. 1525 West Baltimore Street, frontage of 22 feet with depth of even width of 120 feet.

Parcel No. 2. 1633 W. Pratt Street, 14' x 67' City Reg. Ward 19, Sect. 12, Block 262, Folio 216, Line 17.

Parcel No. 3. 213 S. Vincent Street, 12'10" x 74' City Reg. Ward 19, Sect. 12, Block 272, Folio 219, Line 7.

Parcel No. 4. 215 S. Vincent Street, 12'10" x 74' City Reg. Ward 19, Sect. 12, Block 262, Folio 219, Line 8.

Parcel No. 5. 217 S. Vincent Street, 12'10" x 74' City Reg. Ward 19, Sect. 12, Block 262, Folio 219, Line 9.

Parcel No. 6. 219 S. Vincent Street, 12'10" x 74' City Reg. Ward 19, Sect. 12, Block 262, Folio 219, Line 10.

Parcel No. 7. 1617 W. Baltimore Street, 14' 6" x 83' City Reg. Ward 19, Sect. 7, Block 210, Folio 101, Line 3. 1618 Frederick Avenue (part of lot 1617 W. Baltimore Street).

Parcel No. 8. 1619 W. Baltimore Street, 14' 6" x 90' City Reg. Ward 19, Sect. 7, Block 210, Folio 101, Line 2. 1620 Frederick Avenue, (part of lot 1619 Baltimore Street).

Parcel No. 9. 113 S. Payson Street, 14' x 57'6" City Reg. Ward 20, Sect. 12, Block 242, Folio 400, Line 14.

Parcel No. 10. Annual ground rent out of property 210 S. Gilmor Street, Lot 12' x 74' City Reg. Ward 9, Sect. 12, Block 262, Folio 218, Line 22.

Parcel No. 11. Annual ground rent out of property 212 S. Gilmor Street, lot 12' x 74' City Reg. Ward 9, Sec. 12, Block 262, Folio 218, Line 22.

Parcel No. 12. Annual ground rent out of property 214 S. Gilmor Street, lot 12' x 74' City Reg. Ward 9, Sect. 12, Block 262, Folio 218, Line 20.

Parcel No. 13. Annual ground rent out of property 216 S. Gilmor Street, lot 12' x 74' City Reg. Ward 9, Sect. 12, Block 262, Folio 218, Line 19.

EXHIBIT B

Name of company and address	Type	Number	Amount	Expiration date	Property covered
Glens Falls Insurance Co., Glens Falls, N. Y.	Plate glass	158953	----------	Nov. 9, 1948	1525 West Baltimore St.
Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa.	Fire and extended coverage.	204567	10,000	Jan. 4, 1950	($7,000 on building, 1525 West Baltimore St. ($3,000 on building, rear of 1525 West Baltimore St., being 1525½ Booth St.
London & Lancashire Co., 108 John St., New York, N. Y.	do	L57210	3,400	June 18, 1950	($1,700 on building, 1618 Frederick Ave. ($1,700 on building, 1620 Frederick Ave.
Do	do	L57209	4,100	do	($2,050 on building, 1617 West Baltimore St. ($2,050 on building, 1619 West Baltimore St.
Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa.	do	207087	2,600	do	($1,300 on building, 1618 Frederick Ave. ($1,300 on building, 1620 Frederick Ave.
Do	do	62743	2,900	do	($1,450 on building, 1617 West Baltimore St. ($1,450 on building, 1619 West Baltimore St.
Do	do	83466	3,000	Jan. 4, 1951	1633 West Pratt St.
Manhattan Fire & Marine Insurance Co., 99 John St., New York, N. Y.	do	163832	2,000	Oct. 1, 1950	113 South Payson St.
Central Insurance Co. of Baltimore, Holiday and Fayette Sts., Baltimore, Md.	do	96067	4,000	June 22, 1951	$1,000 on each of 4 dwellings—213-215-217-219 S. Vincent St., Baltimore, Md.
Liverpool & London & Globe Insurance Co., Ltd., 150 William St., New York, N. Y.	do	252056	3,670	June 20, 1950	For loss of rentals on the above-listed properties.
Indemnity Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa.	Public liability and property damage.	FML 316	----------	Dec. 15, 1950	This policy covers all of the above-listed properties in the limits of $25/50,000 for public liability and $10,000 for property damage.

[F. R. Doc. 48-10112; Filed, Nov. 18, 1948; 8:55 a. m.]

[Vesting Order 12327]

HILDA PFISTERER ET AL.

In re: Household furniture, furnishings and fixtures owned by Hilda Pfisterer, Ella Pfisterer, Albert Pfisterer, Hans Pfisterer and Gerd Pfisterer.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany):

Name and Last Known Address

Hilda Pfisterer, Heidelberg, Germany.
Ella Pfisterer, Heidelberg, Germany.
Albert Pfisterer, Tunskirch O/S, Germany.
Hans Pfisterer, Germany.
Gerd Pfisterer, Germany.

2. That the property described as follows: All those certain household furniture, furnishings and fixtures owned by the persons named in subparagraph 1 hereof, located on the real property in Beverley Shores, Porter County, Indiana, particularly described in Parcel 2 of Exhibit A, attached to Vesting Order 10654, and by reference made a part thereof, including particularly but not limited to those items described in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

9 piece walnut set consisting of:
- 3 chairs.
- 2 arm chairs.
- 1 reclining chair and ottoman.
- 1 davenport.
- 1 extension table.
- 1 magazine table.

1 table lamp.
1 day-bed.
1 ash tray stand.
1 corner hanging gourd decoration.
1 steel cabinet type sink (Model No. 04CN94200).
1 Estate electric cook stove.
1 Gibson electric refrigerator.
1 steel cabinet type kitchen work table.
1 steel wall cabinet (3 shelf).
1 steel wall cabinet (2 shelf).
1 breakfast table (4 x 5½).
3 benches.
1 electric toaster.
1 single walnut bed.
1 single spring.
1 single innerspring mattress.
1 walnut dresser.
1 double folding bed.
1 double folding mattress.
1 medicine cabinet with tube light.
1 walnut double bed.
1 double bed spring.
1 double bed innerspring mattress.
1 walnut dresser.
2 mirrors.
1 odd white chair.
1 ironing board.
1 set of fireplace irons.
Various cooking utensils, dishes, pots, pans, broom, mops, paper towels, bulbs.

[F. R. Doc. 48-10113; Filed, Nov. 18, 1948; 8:56 a. m.]

[Return Order 202]

CHARLES WILLIAM BERTHIEZ

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Charles William Berthiez, Claim No. 31751, September 22, 1948 (13 F. R. 5519); Property described in Vesting Order No. 293 (7 F. R. 9836 November 26, 1942) relating to United States Patent Application Serial No. 415,230 (now United States Letters Patent No. 2,382,392). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10114; Filed, Nov. 18, 1948; 8:56 a. m.]

LEONE COLLEONI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Leone Colleoni, Milan, Italy; 8013; $16,653.45 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Leone Colleoni in and to the trust estate created under the last will and testament of Irene Ann Colleoni, deceased, Empire Trust Company, New York, N. Y., Trustee.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10115; Filed, Nov. 18, 1948; 8:56 a. m.]

ARTHUR FISCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Arthur Fisch, Toronto, Canada, 1343; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,150,057.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-10116; Filed, Nov. 18, 1948; 8:56 a. m.]

[Vesting Order 12315]

ROBERT LIENAU

In re: Debt owing to Robert Lienau. F-28-6464-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Lienau, whose last known address is Lankwitzer Str. 9, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Robert Lienau, by Carl Fischer, Inc., 56-62 Cooper Square, New York 3, N. Y., in the amount of $135.93, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10117; Filed, Nov. 18, 1948; 8:56 a. m.]

[Vesting Order 12312]

ELISABETH FENSKE

In re: Debt owing to Elisabeth Fenske. F-28-27464-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elisabeth Fenske, whose last known address is Feldberg, Mecklenburg, Buergermeisteramt, Germany, Russian Zone of Occupation, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to Elisabeth Fenske by C. A. Goldschmidt, 474 West 238th Street, New York 63, New York, representing a portion of the funds received on May 3, 1940, by the Chase National Bank of the City of New York for credit to an account entitled Karl Goldschmidt or Mrs. Brendina Goldschmidt, together with any and all accruals thereto, and any and all rights to demand, enforce, and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in sub-paragraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10054; Filed, Nov. 17, 1948; 8:59 a. m.]

[Return order 204]

ARNOLD SCHOENBERG

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the deter-

mination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention to Return Published, and Property

Arnold Schoenberg, 116 North Rockingham Avenue, Los Angeles 24, Calif., 5758; September 29, 1948 (13 F. R. 5649), $2,700 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on Nov. 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 48-10062; Filed, Nov. 17, 1948; 9:01 a. m.]

[Vesting Order 12317]

AUGUST METZGER

In re: Bank account owned by August Metzger. F-28-29152-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That August Metzger, whose last known address is Wachbach (14a), Kr. Mergentheim, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to August Metzger by Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a Savings Account, account number 1,007,357, entitled August Metzger, maintained at the branch office of the aforesaid bank located at Fourth Avenue at Fourteenth Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10057; Filed, Nov. 17, 1948; 9:00 a. m.]

[Vesting Order 12319]

REICHS-KREDIT-GESELLSCHAFT, A. G.

In re: Bank account owned by Reichs-Kredit-Gesellschaft, A. G. F-28-226-E-12.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reichs-Kredit-Gesellschaft, A. G., the last known address of which is Postschliessfach N. R. 45, Berlin W. 8, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Reichs-Kredit-Gesellschaft, A. G., by Continental Illinois National Bank and Trust Company of Chicago, 231 South LaSalle Street, Chicago, Illinois, arising out of a banking account, entitled Reichs-Kredit-Gesellschaft, A. G., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10058; Filed, Nov. 17, 1948; 9:00 a. m.]

[Vesting Order 12320]

REICHKREDIT GESELLSCHAFT, A. G.

In re: Bank account owned by Reichkredit Gesellschaft, A. G. F-28-226-E-8.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reichkredit Gesellschaft, A. G., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Reichkredit Gesellschaft, A. G., by The New York Trust Company, 100 Broadway, New York, arising out of a checking account, entitled Reichkredit Gesellschaft, A. G., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10059; Filed, Nov. 17, 1948; 9:00 a. m.]

[Vesting Order 12325]

MARTHA ILLEIN ET AL.

In re: Bank accounts owned by Martha Illein and others. F-28-28870-E-1, F-28-28872-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Illein, Elsa Illein and Anna Illein, whose last known address is Konrad Reuterstrasse 3, Hamburg-Sasel, Germany, and Freida Ritschel, whose last known address is Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Farmers and Mechanics Savings Bank of Minneapolis, 90 South Sixth Street, Minneapolis 2, Minnesota, arising out of a savings account, account number 85240, entitled John J. Kroplin, in trust for Dorathea Illein, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Freida Ritschel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property decribed above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10060; Filed, Nov. 17, 1948; 9:00 a. m.]

NOV 23 '48

NOV 23 '48

FEDERAL REGISTER

VOLUME 13 NUMBER 227

Washington, Saturday, November 20, 1948

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 31—EFFICIENCY RATING BOARDS OF REVIEW

Part 31 is revised and amended to read as set out below.

Sec.
31.1 Establishment and jurisdiction.
31.2 Members.
31.3 Appeals.
31.4 Hearings.
31.5 Decisions.
31.6 Effect of decisions.
31.7 Effective date.

AUTHORITY: §§ 31.1 to 31.7 issued under sec. 7, 54 Stat. 1215; 5 U. S. C. 669; sec. 2, 60 Stat. 752; 5 U. S. C. 669a.

§ 31.1 *Establishment and jurisdiction.* The head of each department and agency having employees subject to the provisions of section 9 of the Classification Act of 1923, as amended, shall establish, with the approval of the Civil Service Commission, one or more boards of review for the purpose of considering and passing upon the merits of efficiency ratings assigned to such employees. The jurisdiction of each board of review shall be specific and exclusive to that of any other such board.

§ 31.2 *Members.* (a) Each board of review shall be composed of a chairman designated by the Civil Service Commission, an employee member designated by election by employees in such manner as shall be determined by the Commission, and a department member designated by authority of the head of the department or agency concerned. One or more alternate members shall be provided for each member, each alternate being designated in the same manner as his principal. Members and alternate members of boards of review shall be designated for two year terms expiring June 30, but may continue to serve until their successors are installed: *Provided*, That they may complete any case ready for decision or in process of oral hearing.

(b) All members and alternate members of boards of review serving agencies in the Executive branch of the Federal government shall be officers or employees of the Executive branch. All members and alternate members of boards of review (except chairmen and alternate chairmen) serving agencies not in the Executive branch shall be designated from the branch of government to which such agencies respectively belong.

§ 31.3 *Appeals.* Each appeal from an efficiency rating shall be submitted in writing to the chairman of the appropriate board of review within 30 days after the date the employee received notice of his rating. Boards of review may waive this requirement for good and sufficient reasons.

§ 31.4 *Hearings.* Information necessary to determine the merits of appealed efficiency ratings shall be presented at oral hearings conducted by the board of review: *Provided*, That the board, with the consent of the appellant, may proceed to a consideration of the appeal without oral hearing on the basis of written information submitted by the parties. The Chairman or an alternate chairman of the board of review shall preside at oral hearings and rule upon all questions arising during such hearings. At oral hearings, the person whose rating is under consideration and his representative, and such representatives of the department or agency as are designated under the authority of the head thereof, shall have an opportunity to be present. In any case, each party shall have an opportunity to submit any information the board of review deems pertinent, and to hear and examine, and reply to, other information received by such board. The record of any prior review of an efficiency rating under consideration shall be deemed to be pertinent by the board of review. A stenographic report of an oral hearing shall be required only when it is determined by the unanimous vote of the board that it is necessary to the best interests of the Government and the employee.

§ 31.5 *Decisions.* After ascertaining the pertinent facts in each case, the board of review shall proceed to determine such increase in the efficiency rating as it deems proper, or sustain the appealed efficiency rating without change. Decisions shall be made by a majority vote. Notices of decisions shall be in writing, shall be sent to the appellants, to the representatives of the

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

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heads of the departments or agencies, and to the Civil Service Commission, and shall contain summary statements of the facts on which the decisions are based.

§ 31.6 *Effect of decisions.* Upon receiving the notice of a decision of a board of review increasing the efficiency rating of an employee, the department or agency shall correct all records of the original rating, shall reconsider any and all administrative actions based on the original rating, and insofar as possible under the law and regulations and in the public interest, redetermine and adjust such administrative actions to conform to the corrected efficiency rating.

§ 31.7 *Effective date.* The regulations in this part supersede the regulations in Executive Order No. 9252, October 9, 1942, shall be effective immediately in the departmental service, and shall be effective in the field services upon the establishment of boards of review with appropriate jurisdiction. Pending the establishment of boards of review with appropriate jurisdiction in the field service, any employee in a field service position subject to the compensation schedules of the Classification Act of 1923, as amended, may appeal his efficiency rating to the chairman of the board of review at his departmental headquarters for consideration on the basis of information submitted in writing.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.
FRANCES PERKINS,
Commissioner.

Approved: October 5, 1948.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 48-10125; Filed, Nov. 19, 1948; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tangerine Reg. 77]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.409 *Tangerine Regulation 77*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 22, 1948, and ending at 12:01 a. m., e. s. t., November 29, 1948, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "standard pack" shall each have the same meaning as is given to the respective term in the United States Standards for Tangerines (13 F. R. 4790). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10200; Filed, Nov. 19, 1948; 9:27 a. m.]

[Grapefruit Reg. 104]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.410 *Grapefruit Regulation 104*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 22, 1948, and ending at 12:01 a. m., e. s. t., November 29, 1948, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 70 grapefruit, packed

in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit of any variety, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10201; Filed, Nov. 19, 1948; 9:27 a. m.]

[Orange Reg. 153]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.408 *Orange Regulation 153*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 22, 1948, and ending at 12:01 a. m., e. s. t., November 29, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any Temple oranges, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler" and "ship" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10197; Filed, Nov. 19, 1948; 9:26 a. m.]

[Lemon Reg. 300, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. and Sup. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) of § 953.407 (Lemon Regulation 300, 13 F. R. 6675), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 14, 1948, and ending at 12:01 a. m., P. s. t., November 21, 1948, is hereby fixed as follows:

(i) District 1: 270 carloads;

(ii) District 2: 5 carloads.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10199; Filed, Nov. 19, 1948; 9:26 a. m.]

[Lemon Reg. 301]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.408 *Lemon Regulation 301*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 21, 1948 and ending at 12:01 a. m., P. s. t., November 28, 1948 is hereby fixed as follows:

(i) District 1: 253 carloads;

(ii) District 2: 7 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 18th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

Storage date: Nov. 14, 1948

[12.01 a. m. Nov. 21, 1948, to 12:01 a. m. Dec. 5, 1948]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.288
American Fruit Growers, Inc., Fullerton	.213
American Fruit Growers, Inc., Lindsay	.000
American Fruit Growers, Inc., Upland	.215
Hazeltine Packing Co	.503
Ventura Coastal Lemon Co	8.699
Ventura Pacific Co	1.942
Total A. F. G	6.860
Klink Citrus Association	.185
Lemon Cove Asssociation	.164
Glendora Lemon Growers Association	3.496
La Verne Lemon Association	.742
La Habra Citrus Association, The	1.805
Yorba Linda Citrus Association, The	.834
Alta Loma Heights Citrus Association	.903
Etiwanda Citrus Fruit Association	.382
Mountain View Fruit Association	.427
Old Baldy Citrus Association	1.053
Upland Lemon Growers Association	6.887
Central Lemon Association	.764
Irvine Citrus Association, The	.521
Placentia Mutual Orange Association	.845
Corona Citrus Association	.272
Corona Foothill Lemon Co	1.703
Jameson Company	.644
Arlington Heights Citrus Co	.487
College Heights Orange and Lemon Association	4.024
Chula Vista Citrus Association, The	.667
El Cajon Valley Citrus Association	.081
Escondido Lemon Association	1.359
Fallbrook Citrus Association	1.315
Lemon Grove Citrus Association	.425
San Dimas Lemon Association	2.728
Carpinteria Lemon Association	3.312
Carpinteria Mutual Citrus Association	2.851
Goleta Lemon Association	8.493
Johnston Fruit Co	4.078
North Whittier Heights Citrus Association	.555
San Fernando Heights Lemon Association	1.238
San Fernando Lemon Association	.196

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Sierra Madre-Lamanda Citrus Association	1.697
Tulare County Lemon & Grapefruit Association	.134
Briggs Lemon Association	2.128
Culbertson Investment Co	1.424
Culbertson Lemon Association	1.198
Fillmore Lemon Association	1.361
Oxnard Citrus Association No. 1	7.672
Oxnard Citrus Association No. 2	.327
Rancho Sespe	.345
Santa Paula Citrus Fruit Association	2.930
Saticoy Lemon Association	4.952
Seaboard Lemon Association	3.724
Somis Lemon Association	3.809
Ventura Citrus Association	1.502
Limoneira Co	1.493
Teague-McKevett Association	.632
East Whittier Citrus Association	.535
Leffingwell Rancho Lemon Association	.589
Murphy Ranch Co	1.417
Whittier Citrus Association	.484
Whittier Select Citrus Association	.220
Total C. F. G. E	85.909
Chula Vista Mutual Lemon Association	.636
Escondido Co-op. Citrus Association	.147
Index Mutual Association	.214
La Verne Co-operative Citrus Association	2.598
Orange Co-operative Citrus Association	.031
Ventura County Orange & Lemon Association	1.994
Whittier Mutual Orange & Lemon Association	.160
Total M. O. D	5.780
California Citrus Growers, Inc., Ltd	.000
Dunning, William A	.059
El Rio Lemon Co	.135
Evans Bros. Packing Co	.026
Flint, Arthur E	.000
Harding & Leggett	.211
Johnson, Fred	.017
Lorbeer, Carroll W. C	.048
MacDonald, Hugh J	.024
Orange Belt Fruit Distributors	.551
Reimers, Don H	.076
San Antonio Orchard Co	.189
Sentinel Butte Corp	.000
Zaninovich Bros., Inc	.115
Total independents	1.451

DISTRICT NO. 2

Total	100.000
Consolidated Citrus Growers	14.238
Phoenix Citrus Packing Co	.000
Total A. F. G	14.238
Arizona Citrus Growers	24.139
Desert Citrus Growers Co	20.457
Mesa Citrus Growers	10.073
Tempe Citrus Co	1.718
Total C. F. G. E	56.387
Leppla Henry Produce Co	20.718
Pioneer Fruit Co	8.428
Total M. O. D	29.146
Morris Bros	.229
Total independents	.229

[F. R. Doc. 48-10198; Filed, Nov. 19, 1948; 9:26 a. m.]

[Orange Reg. 255]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.401 *Orange Regulation 255*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 21, 1948 and ending at 12:01 a. m., P. s. t., November 28, 1948 is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District 1: No movement; (b) Prorate District No. 2: Unlimited movement; (c) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: 700 carloads; (b) Prorate District No. 2: No movement; (c) Prorate District No. 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 19th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

[12:01 a. m. Nov. 21, 1948, to 12:01 a. m. Nov. 28, 1948]

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.6850
A. F. G. Porterville	2.2885
A. F. G. Sides	.5910
Ivanhoe Cooperative Association	.6257
Dofflemyer & Sons, W. Todd	.5917
Earlibest Orange Association	1.2769
Elderwood Citrus Association	.7681
Exeter Citrus Association	2.4632
Exeter Orange Growers Association	1.2658
Exeter Orchards Association	1.3546
Hillside Packing Association	1.8640
Ivanhoe Mutual Orange Association	1.0573
Klink Citrus Association	4.3502
Lemon Cove Association	1.8540
Lindsay Citrus Growers Association	2.1151
Lindsay Coop. Citrus Association	1.4679
Lindsay District Orange Co	1.3073
Lindsay Fruit Association	1.8798
Lindsay Orange Growers Association	.7940
Naranjo Packing House Co	.9659
Orange Cove Citrus Association	2.9231
Orange Cove Orange Growers	1.9241
Orange Packing Co	1.0671
Orosi Foothill Citrus Association	1.3474
Paloma Citrus Fruit Association	1.0325
Rocky Hill Citrus Association	1.4179
Sanger Citrus Association	3.3066
Sequoia Citrus Association	1.1123
Stark Packing Corp	2.0447
Visalia Citrus Association	1.5682
Waddell & Son	1.5019
Butte County Citrus Association, Inc	1.0614
James Mills Orchards Co	.3790
Orland Orange Growers Association, Inc	.8797
Andrews Bros. of California	.5324
Baird-Neece Corp	1.8528
Beattie Association, Agnes M	.7122
Grand View Heights Citrus Association	2.4542
Magnolia Citrus Association	2.3611
Porterville Citrus Association, The	1.3650
Richgrove-Jasmine Citrus Association	1.4388
Sanidlands Fruit Co	1.4483
Strathmore Coop. Association	1.4756
Strathmore District Orange Association	1.3755
Strathmore Fruit Growers Association	1.1068
Strathmore Packing House Co	1.5669
Sunflower Packing Association, Inc	2.4352
Sunland Packing House Co	2.7927
Terra Bella Citrus Association	1.2007
Tule River Citrus Association	1.2909
Kroells Bros., Ltd	1.3060
Lindsay Mutual Groves	1.6037
Martin Ranch	1.4825
Woodlake Packing House	2.2015
Anderson Packing Co, R. M	.7870
Baker Bros	.1303
Calif. Cit. Groves, Inc., Ltd	2.2399
Chess Co., Meyer W	.3582
Edison Groves, Inc	1.1097
Exeter Groves Packing Co	.6522
Furr, N. C	.4072
Ohlanda Ranch	.0250
Harding & Leggett	1.5080
Justman Frankenthal Co	.0188
Lo Bue Bros	1.4043
Marks, W. M	.3225
Panno Fruit Co., Carlo	.3641
Randolph Marketing Co	2.2804
Reimers, Don H	.3710
Rooke Packing Co., B. G	1.3899
Schertz Orange Ranch	.0531

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Wollenman Packing Co	1.2868
Woodlake Hts. Pkg. Corp	.6254
Zaninovich Brothers	.5517

[F. R. Doc. 48-10216; Filed, Nov. 19, 1948; 12:05 p. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Amdt. to Order 144; Docket No. R-107]

MISCELLANEOUS AMENDMENTS

NOVEMBER 12, 1948.

In the matter of amendment of regulations and approved forms under the Natural Gas Act, to prescribe revised rules governing form, composition, filing and posting of rate schedules and tariffs for the transportation or sale of natural gas subject to the jurisdiction of the Commission.

Upon consideration of the Commission's Order No. 144, issued October 30, 1948 (13 F. R. 6371), amending its general rules and regulations.

The Commission orders that: Said order be and it is hereby amended by adding a paragraph thereto as follows:

(D) Section 153.8 of Part 153, all of Part 154, of Subchapter E, and §§ 250.2, 250.3 and 250.4 of Part 250 of Subchapter G, of the Commission's rules and regulations prescribed by Order No. 141, effective January 1, 1948, be and they are hereby declared superseded after November 30, 1948, by the new and amended sections referred to in paragraph (A) hereof.

Date of issuance: November 17, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-10132; Filed, Nov. 19, 1948; 8:46 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Regs. 3, Amdt.]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

LUMP-SUM DEATH PAYMENTS

Regulations No. 3, as amended (20 CFR, 1947 Sup., 403.1 et seq.), are further amended as follows:

1. Section 403.408 (b) (2) is amended to read as follows:

§ 403.408 *Lump-sum death payments.* • • •

(b) *Persons entitled to receive payments.* • • •

(2) *Persons equitably entitled.* If there is no such person as is described in the applicable subdivisions under subparagraph (1) of this paragraph, or if such person dies before receiving payment, the lump sum will be payable to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the burial expenses of the deceased insured individual. The term "person or persons equitably entitled" does not include, among others, any of the following:

(i) The United States Government or any wholly owned instrumentality thereof.

(ii) Any person under contractual obligation to pay the burial expenses of the deceased, to the extent of such obligation.

(iii) Any person paying the expenses of the burial of a member or employee of such person, to the extent of any payment under a plan, system, or general practice.

(iv) Any person furnishing goods or services in connection with the burial of the deceased, to the extent that goods or services are furnished.

(v) Any person who has been, or will be, wholly or partially reimbursed, to the extent of such reimbursement.

(vi) Any individual who has been finally convicted by a court of competent jurisdiction of the felonious homicide of the deceased (see § 403.409).

2. Section 403.408 (b) is further amended by adding after subparagraph (2) new subparagraphs (3), (4), (5), and (6) to read as follows:

(3) *Payment of lump sum to equitably entitled estate.* (i) Where an estate is a person equitably entitled payment will be made to the legal representative of such estate.

(ii) When it appears reasonably certain that a legal representative has not been and will not be appointed, or where the legal representative has been discharged, application may be filed by a relative of the wage earner by blood, marriage, or adoption and payment may be made to such applicant on behalf of the estate if the requirements of subparagraphs (4) and (5) of this paragraph are met.

(4) *Consent of relatives to payment.* (i) Payment of the lump sum may be made as provided in subparagraph (3) (ii) of this paragraph if consents to such payment are obtained from the wage earner's spouse, if readily available, and from all readily available members of the group of relatives closest in kinship to the wage earner, as determined by the following groupings:

(a) Children and children of deceased children;

(b) Parents;

(c) Brothers and sisters and children of deceased brothers and sisters;

(d) All other relatives by blood or adoption, the closeness of relationship being determined according to the law of the wage earner's domicile.

(ii) No consents will be required under this subparagraph in any case where the amount due the estate, if divided equally among the applicant and each of the relatives from whom consents would normally be required, would result in a payment to each such person of $15 or less.

(5) *Agreement to distribute.* Payment of the lump sum may be made as provided in subparagraph (3) (ii) of this paragraph if the applicant promises to distribute the payment to the person or persons entitled thereto under applicable State law and to account therefor to a legal representative if one should be appointed.

(6) *Payment where individual paying burial expenses dies before collecting lump sum.* Where an individual who has paid the wage earner's burial expenses dies before collecting the lump sum, payment may be made on behalf of his estate as in the case where burial expenses were paid from funds belonging to the estate of the wage earner, except that the deceased individual's spouse may be preferred as payee on behalf of the estate in which event consents as required by subparagraph (4) of this paragraph need not be obtained from any other relative of the deceased individual.

3. Section 403.701 (c) (2) is amended to read as follows:

§ 403.701 *Filing of application and other forms.* • • •

(c) *Persons who may execute applications.* • • •

(2) If, however, the applicant (regardless of his age) has a legally appointed guardian, committee, or other legal representative, the application shall be executed by such guardian, committee, or representative. For authority to file application on behalf of an estate which is equitably entitled see § 403.408 (b) (3).

(Sec. 205 (a), 53 Stat. 1358, sec. 1102, 49 Stat. 647; 42 U. S. C. 405 (a), 1302; sec. 4, Reorg. Plan No. 2 of 1946, 11 F. R. 7873; 45 CFR, 1946 Supp., 121)

[SEAL] A. J. ALTMEYER, *Commissioner for Social Security.*

Approved: November 15, 1948.

J. DONALD KINGSLEY, *Acting Federal Security Administrator.*

[F. R. Doc. 48-10143; Filed, Nov. 19, 1948; 8:49 a. m.]

[Regs. 3, Amdt.]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

MAGAZINES AND NEWS VENDORS' SERVICES

Regulations No. 3, as amended (12 F. R. 608) are further amended as follows:

1. Subparagraph (15), paragraph (b), of section 209 of the act as contained in Subpart H preceding § 403.801 is amended to read as follows:

SECTION 209 OF THE ACT

(b) • • •

(15) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution [for amendment to section 209 (b) (15) by Public Law 492 see below]; or

2. The following statutory provisions are added immediately preceding § 403.801:

SECTION 1 OF PUBLIC LAW 492 (80TH CONGRESS), ENACTED APRIL 20, 1948

That (a) section 209 (b) (15) of the Social Security Act, as amended (U. S. C., 1940 edition, Supp. V, title 42, section 409 (b) (15)), • • •, [is] hereby amended to read as follows:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines are to be sold by him at a fixed an arrangement under which the newspapers or magazines are to be sold by him at a fixed price his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or

(b) The amendment made by subsection (a) to section 209 (b) (15) of the Social Security Act shall be applicable with respect to service performed after the date of the enactment of this Act • • •.

3. The statutory provisions immediately preceding § 403.826 are amended to read as follows:

SECTION 209 (B) (15) OF THE ACT

The term "employment" mean • • • any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him • • • except:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or [The amendment made by section 1 of Public Law 492 (80th Congress) redesignated paragraph (15) as subparagraph (A) of paragraph (15) and added subparagraph (B) which shall be applicable with respect to services performed after April 20, 1948, the date of the enactment of that Act.]

4. Section 403.826 is amended to read as follows:

§ 403.826 *Delivery and distribution of newspapers, shopping news, and magazines*—(a) *In general.* Subparagraph (A) of section 209 (b) (15) of the act, as amended by section 1 of Public Law 492, 80th Congress, enacted April 20, 1948, excepts certain services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news. This exception, which is dealt with in paragraph (b) of this section, continues without change the exception contained in section 209 (b) (15), as added by section 201 of the Social Security Act Amendments of 1939. Subparagraph (B) of section 209 (b) (15), added by section 1 of Public Law 492, excepts certain services in the sale of newspapers and magazines without regard to the age of the individual performing the services. Such exception is dealt with in paragraph (c) of this section. The exception in subparagraph (A) is applicable with respect to services performed after December 31, 1939. The exception in subparagraph (B) is applicable only with respect to services performed after April 20, 1948.

(b) *Services of individuals under age 18.* Services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, are excepted. Thus, the services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, are excepted. The services are excepted irrespective of the form or method of compensation. Incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(c) *Services of individuals of any age.* Services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, are excepted. The services are excepted whether or not the employee is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the services are excepted without regard to the age of the employee. Services performed other than at the time of sale to the ultimate consumer are not within the exception. Thus, the services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer are not within the exception. However, incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, are considered to be within the exception.

(Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U. S. C. 405 (a), 1302; sec. 4, Reorg. Plan No. 2 of 1946, 11 F. R. 7873; 45 CFR, 1946 Supp., 121)

[SEAL] A. J. ALTMEYER, *Commissioner for Social Security.*

Approved: November 15, 1948.

J. DONALD KINGSLEY, *Acting Federal Security Administrator.*

[F. R. Doc. 48-10141; Filed, Nov. 19, 1948; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter T—Patents in Fee, Competency Certificates, Sales and Reinvestment of Proceeds

PART 243—DETERMINATION OF COMPETENCY; CROW INDIANS

Sec.
243.1 Purpose of regulations.
243.2 Organization of committee.
243.3 Application and examination.
243.4 Application form.
243.5 Information.
243.6 Factors determining competency.
243.7 Submission of reports.
243.8 Approval of committee action and right of appeal.
243.9 Special instructions.

AUTHORITY: §§ 243.1 to 243.9 issued under sec. 12, 41 Stat. 755, Chap. 414, 46 Stat. 1495.

§ 243.1 *Purpose of regulations.* The regulations in this part govern the procedures of the committee of three members appointed by the Secretary of the Interior in accordance with section 12 of the act of June 4, 1920 (41 Stat. 755-6), and the act of March 3, 1931 (46 Stat. 1495, Chap. 414), to determine the competency of adult members of the Crow Tribe.

§ 243.2 *Organization of committee.* The members of the committee shall meet at the Crow Indian Agency office at a time agreed upon by them and shall select one of their members as Chairman, who shall establish the times and places when the committee shall meet to consider applications from adult members of the Crow Tribe.

§ 243.3 *Application and examination.* The committee shall, upon the application of any adult member of the Crow Tribe whose name appears on the incompetency roll established under the act of June 4, 1920, determine whether such person is competent. The application must be mailed to or filed with the committee on or before January 31, 1949, at the Crow Indian Agency office, Crow Agency, Montana. The committee may request that an applicant appear before the committee for examination.

§ 243.4 *Application form.* The application form shall be prescribed by the committee and shall include, among other things: (a) The name of the applicant; (b) his age, residence, degree of Indian blood, and education; (c) his experience in farming, cattle raising, business, or other occupation (including home-making); (d) his present occupation, if any; (e) a statement concerning the applicant's financial status, including his average earned and unearned income for the last two years from restricted leases and from other sources, and his outstanding indebtedness to the United States, to the tribe, or to others; (f) a description of his property and its value, including his allotted and inherited lands; and (g) the name of the applicant's spouse, if any, and the names of his minor children, if any, together with a statement regarding the land, allotted and inherited, held by each.

§ 243.5 *Information.* The Superintendent of the Crow Indian Agency shall, upon request, furnish to the committee such other information as he may deem to be essential or helpful to a determination of the competency of any applicant.

§ 243.6 *Factors determining competency.* Among the matters to be considered by the committee are the amount of the applicant's indebtedness to the tribe, to the United States Government, and to others; whether he is a public charge or a charge on friends and relatives, or will become such a charge, by reason of being classed as competent; and whether the applicant has demonstrated that he possesses the ability to take care of himself and his property, to protect the interests of himself and his family, to lease his land and collect the rentals therefrom, to lease the land of his minor children, to prescribe in lease agreements those provisions which will protect the land from deterioration through over-grazing and other improper practices, and to assume full responsibility for obtaining compliance with the terms of any lease.

§ 243.7 *Submission of reports.* (a) A report on each application, giving the determination of the committee as to the competency or incompetency of the applicant, shall be prepared and signed by the committee. If there is a difference of opinion among the members of the committee as to whether the applicant is competent or incompetent, both the majority and minority members shall state in the report the reasons for their respective views.

(b) All applications and reports of the committee thereon shall be submitted through the Regional Director of the Bureau of Indian Affairs at Billings for his recommendation to the Commissioner of Indian Affairs. Such submissions shall be completed on or before April 30, 1949.

§ 243.8 *Approval of committee action and right of appeal.* The determination of the committee shall be subject in each instance to approval by the Commissioner of Indian Affairs, with the right of appeal from the Commissioner's decision to the Secretary of the Interior. Such appeal must be made within 30 days from the date of notice to the applicant of the decision of the Commissioner of Indian Affairs.

§ 243.9 *Special instructions.* Special instructions for carrying out these regulations may be prescribed by the Commissioner of Indian Affairs.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

NOVEMBER 15, 1948.

[F. R. Doc. 48-10135; Filed, Nov. 19, 1948; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5669]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

1. On September 9, 1948, notice of proposed rule making, regarding the warehousing of distilled spirits, was published in the FEDERAL REGISTER (13 F. R. 5239).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 185.9, 185.10, 185.28, 185.78, 185.79, 185.81, 185.82, 185.83, 185.88, 185.89, 185.96, 185.97, 185.99, and 185.231 of Regulations 10 (26 CFR, Part 185), approved May 20, 1940, are hereby adopted.

3. These amendments are designed to simplify requirements relating to (1) construction and equipment and changes therein, (2) alternate operation of bottling departments of internal revenue bonded warehouses for bottling distilled spirits in bond and bottling after removal from bond, and (3) the preparation and filing of qualifying documents, and for other purposes. It is not intended by these amendments to require warehousemen to file additional plats and plans, or to change equipment, immediately, in cases where the existing documents and equipment conform essentially to the regulations prior to these amendments. Upon filing new plats and plans and installing new equipment, these new requirements must be observed.

§ 185.9 *Walls.* The walls of warehouse buildings or rooms must be securely and substantially constructed. If wood, corrugated iron or tin is used, the same must be applied over solid sheathing for the first 12 feet of height and over solid sheathing or sheathing spaced not greater than 12 inches from board to board for the remaining height. Where substantial sheet metal is used and the sheets are welded together in such a manner as to constitute a solid wall, sheathing, if used, may be applied in any manner desired. (Secs. 2873, 3176, I. R. C.)

§ 185.10 *Roofs.* The roofs of warehouse buildings must be securely and substantially constructed. Where corrugated iron or tin is used, the same must be applied over sheathing spaced not greater than 12 inches from board to board. Where substantial sheet metal is used and the sheets are welded together in such manner as to constitute a solid roof, sheathing, if used, may be applied in any manner desired. (Secs. 2873, 3176, I. R. C.)

§ 185.28 *Construction of weighing tanks.* Weighing tanks provided for weighing distilled spirits in an internal revenue bonded warehouse shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom, and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words, "Weighing Tank," followed by its serial number and capacity in wine gallons. The beams or dials of weighing tank scales must indicate weight in 5-pound graduations for scales up to and including 25 tons capacity, in 10-pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity and in 20-pound graduations for scales having a capacity of more than 60 tons. The inlet and outlet pipe connections of each weighing tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must also be so constructed that they can be closed and similarly locked. (Secs. 2873, 3176, I. R. C.)

§ 185.78 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. The cardinal points of the compass must appear on each sheet, except those of elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2873, 3176, I. R. C.)

§ 185.79 *Depiction of warehouse premises.* Plats must show the outer boundaries of the warehouse premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning with respect to its distance and bearings from some near and well-known landmark must be shown. The plat must also contain an accurate depiction of the building or buildings comprising the premises and any driveway, public highway or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises on the plat should agree with the description thereof in the application, Form 27-D. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way opposite each other, the different tracts will be depicted separately by courses and distances, in feet and inches, and outlined in a color contrasting with those used for other drawings on the plat. If two or more buildings are to be used, they must be shown in their relative positions and the alphabetical designation of each indicated. If the warehouse consists of a room or floor of a building, an outline of the building, the precise location and the dimensions of the room or floor, and the means of ingress from and egress to a public street or yard, shall be shown. All first floor exterior doors of each building will be shown on the plat. Except as provided in § 185.87, all pipe lines leading to or from the premises, the purpose for which used, and the points of origin and termination, will be indicated on the plat. (Secs. 2873, 3176, I. R. C.)

§ 185.81 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors and the location of all doors, windows, and other openings and how such openings are protected. If the construction of all floors in a single building is identical, a typical floor plan may be filed in lieu of a separate plan for each floor. All storage tanks, weighing tanks, and other tanks used in connection with the receipt, storage, withdrawal, or bottling of distilled spirits, must be shown in their exact location on the floor plans, and their designated use, serial numbers, and capacity indicated. Other equipment of a permanent nature and all areas occupied by racks intended for storage of packages shall be shown. Pipe lines may also be shown, if desired. (Secs. 2873, 3176, I. R. C.)

§ 185.82 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises, the deposit in storage tanks and the removal therefrom. Such diagrams shall clearly depict all equipment in its relative operating sequence and elevation by floors with all connecting pipe lines, valves, flanges, measuring devices and attachments for Government locks. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major equipment such as storage tanks and weighing tanks must be identified on these plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 185.87, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2873, 3176, I. R. C.)

§ 185.83 *Elevational plans of buildings.* The plans shall also include an exterior, elevational view of each exposure of each building or room, showing the type of security afforded the openings. The number of stories and the height of each story will be indicated on the elevational plans. In lieu of drawings, the warehouseman may submit a photograph of each exposure of each building in a size not smaller than 7 by 9 inches. The photographs must be in sufficient detail to clearly depict the buildings from the ground to the roof and must be properly identified. Where photographs are submitted, drawings must be furnished to show the security afforded openings within 12 feet of the ground: *Provided*, That in lieu of such drawings, the photographs may be noted to show the type of security afforded the openings by reference to the appropriate sheet of plans on file, whereon such information is shown. (Secs. 2873, 3176, I. R. C.)

§ 185.88 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the proprietor, the draftsman and the district supervisor substantially in the following form:

(Name of warehouseman)

(Address)
Accuracy certified by:

(Name and capacity—for the proprietor)

(Draftsman)
---------- 19--- Sheet No.---
Approved ----------
(Date)

(District supervisor)
IRBW No. ----

(Secs. 2873, 3176, I. R. C.)

§ 185.89 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2873, 3176, I. R. C.)

§ 185.96 *Changes in premises.* Where the premises are to be extended or curtailed, the proprietor must file with the district supervisor an amended application, Form 27-D, and an amended plat of the premises as extended or curtailed except as herein specifically authorized in the case of alternate operations of the bottling department. If the plans are affected by the extension or curtailment, they must also be amended. The additional premises covered by an extension may not be used for bonded warehouse purposes, and the portion of the warehouse premises to be excluded by curtailment may not be used for other than warehouse purposes, prior to approval of the application, Form 27-D, plat and plans if required, filed in connection therewith. Where an internal revenue bonded warehouse contains a bottling-in-bond department, and the documents required by Regulations 6 (26 CFR, Part 188), governing the alternate operation of a bottling house as a bottling-in-bond department and a tax-paid bottling house are filed, and no change in proprietorship is involved, the filing of additional applications, Form 27-D, covering changes in the temporary status thereof from time to time, will not be required. Where a warehouse building on distillery premises on which a lien for taxes has attached under section 2800 (e), I. R. C., is demolished or altered, the provisions of Regulations 4 and 5 (26 CFR, Parts 183 and 184) relative to the filing of indemnity bonds will be followed. (Secs. 2873, 3176, I. R. C.)

§ 185.97 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the warehouse premises, or where a change is to be made in the use of any portion of such premises, the proprietor shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon approval of the application, the changes will be made under the supervision of a Government officer. The completed changes will be reflected in the next amended application, Form 27-D, and

amended plans filed by the warehouseman, unless the district supervisor requires the immediate filing of an amended application and amended plans. (Secs. 2873, 3176, I. R. C.)

§ 185.99 *Amended notice and plans covering changes in equipment.* Upon completion of changes in equipment which materially affect the accuracy of the Form 27–D or plans, the proprietor must file an amended notice and amended plans. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment (such as general repairs, changes in pipe lines, or the addition or removal of a tank), the proprietor must include such changes in the next amended application and plans filed by him: *Provided*, That the Commissioner or the district supervisor may, at any time, in his discretion, require the immediate filing of an amended application and plans covering any change in equipment. (Secs. 2873, 3176, I. R. C.)

§ 185.231 *Rate of tax.* The law imposes a tax on distilled spirits produced in, or imported into, the United States, at the rate prescribed therein, on each proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond. (Secs. 2800 (a), 3176, I. R. C.)

(53 Stat. 298, as amended, 332, 375; 26 U. S. C. 2800 (a), 2873, 3176)

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 16, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10149; Filed, Nov. 19, 1948; 9:00 a. m.]

[T. D. 5668]

PART 188—BOTTLING OF DISTILLED SPIRITS (OTHER THAN ALCOHOL) IN BOND

MISCELLANEOUS AMENDMENTS

1. On August 12, 1948, notice of proposed rule making, regarding the bottling of distilled spirits in bond, was published in the FEDERAL REGISTER (13 F. R. 4677).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 188.18, 188.30, 188.31, 188.32, 188.33, 188.34, 188.54, 188.97, 188.115, 188.124, and 188.126 of Regulations 6 (26 CFR, Part 188), approved September 19, 1940, are hereby adopted.

3. These amendments are designed to provide standard graduations for beams of weighing tanks; to simplify requirements relating to the alternate operations of bottling departments of internal revenue bonded warehouses for bottling distilled spirits in bond and bottling distilled spirits after removal from bond; to provide for the bottling of different lots of distilled spirits in bond at the same time, under certain conditions; to allow warehousemen to bottle distilled spirits of any distiller's production in bond under a trade name of the warehouseman, if the warehouseman has produced and warehoused spirits in such trade name; and to facilitate the procurement of stamps. It is not the purpose of the amendments to require the installation of additional weighing tanks where such weighing tanks conform with the regulations prior to these amendments.

§ 188.18 *Weighing tanks.* Where weighing tanks are used for dumping, reducing, or bottling spirits, such tanks shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom, and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words "Weighing tank," in addition to its designated use, serial number and capacity in wine gallons in accordance with the provisions of § 188.16 or § 188.17, as the case may be. The beams or dials of weighing tank scales must indicate weight in 5-pound graduations for scales up to and including 25 tons capacity, in 10-pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity and in 20-pound graduations for scales having a capacity of more than 60 tons. (Secs. 2829, 2903, 2904, 3176, I. R. C.)

§ 188.30 *Basic qualification required.* The bottling-in-bond department of an internal revenue bonded warehouse may be operated alternately for bottling distilled spirits in bond under the regulations in this part and bottling distilled spirits after removal from bond, in accordance with Regulations 11 (26 CFR, Part 189). The basic qualification for the establishment of each premises shall be in accordance with applicable provisions of Regulations 10 (26 CFR, Part 185), Regulations 4 and 5 (26 CFR, Parts 183 and 184), where applicable, and Regulations 11 (26 CFR, Part 189). Where it is proposed to operate an established bottling-in-bond department temporarily as a tax-paid bottling house, it will be necessary to file (a) qualifying documents curtailing the bonded premises to exclude the bottling department, (b) qualifying documents establishing the tax-paid bottling house, and (c) a blanket consent of surety, Form 1533, by the principal and surety, extending the terms of bond, Form 1571, to cover the alternate use of the bottling-in-bond department as a tax-paid bottling house. Such blanket consent may be executed in the following form:

To continue in effect the said bond notwithstanding the exclusion of the bottling-in-bond department from time to time for use temporarily as a tax-paid bottling house in accordance with notice, Form 404, filed by the principal.

The basic qualifying documents having once been filed by the proprietor and approved by the Commissioner, the operating status of the bottling department, that is, for bottling in bond or temporarily as tax-paid bottling, shall be approved by the district supervisor on Form 404 in accordance with § 188.32. (Secs. 2871, 2904, 3170, 3176, 4041, I. R. C.)

§ 188.31 *Approval required before resumption.* When it is desired to resume operations of the bottling-in-bond department following the suspension of operations as a tax-paid bottling house, authority therefor must be obtained from the district supervisor on Form 404 before actual resumption of operations. (Secs. 2903, 2904, 3176, I. R. C.)

§ 188.32 *Procedure*—(a) *Suspension.* Where the proprietor of an internal revenue bonded warehouse desires to suspend operations of his bottling-in-bond department in order that it may be operated temporarily as a tax-paid bottling house, he must complete the bottling of all spirits and remove such bottled spirits from the bottling-in-bond department and upon suspension of the bottling-in-bond department, comply with the following requirements:

(1) *Notice, Form 404.* File with the district supervisor Form 404, "Bottling-in-Bond Notice," in triplicate, for authority to suspend bottling-in-bond operations and to use the premises temporarily as a tax-paid bottling house. The form shall be executed in accordance with the instructions printed thereon and disposed of in accordance with § 188.38.

(2) *Communicating doors to be closed.* Close and lock, and keep locked, the communicating doors (if any) between the bottling-in-bond department and the storage portion of the warehouse, in accordance with § 188.6.

(b) *Resumption.* Where the premises have been operated temporarily as a tax-paid bottling house and the proprietor desires to resume operations thereof as a bottling-in-bond department of the internal revenue bonded warehouse, he must comply with the following requirements:

(1) *Notice, Form 404.* File with the district supervisor Form 404, in triplicate, for authority to suspend tax-paid bottling house operations and resume bottling-in-bond operations. The form shall be executed in accordance with instructions printed thereon and disposed of in accordance with § 188.38.

(2) *Completion of bottling.* Complete all bottling of spirits and remove such spirits from the tax-paid bottling house prior to suspension of operations. (Secs. 2871, 2904, 3170, 3176, 4041, I. R. C.)

§ 188.33 *General.* The proprietor must bottle distilled spirits in bond under his real name or the trade name in which the warehouse is operated: *Provided*, That if the proprietor is also a distiller and has produced and warehoused spirits under a trade name, he may, under such trade name, bottle such spirits, and spirits produced by other distillers, upon compliance with the following requirements:

(a) *Permit.* The bottler must be in possession of a Federal Alcohol Administration Act basic permit authorizing the bottling and labeling of distilled spirits under the trade name.

* * * * *

§ 188.34 *Procedure applicable.* The provisions of Regulations 10 (26 CFR, Part 185), respecting action by the district supervisor and Commissioner, respectively, in connection with the establishment, and changes subsequent to establishment, of internal revenue bonded warehouses, are applicable to bottling-in-bond departments of such warehouses: *Provided*, That the district supervisor may, upon the filing of the documents required by §§ 188.30 and 188.32, authorize the change from bottling in bond to tax-paid bottling and vice versa. (Secs. 2871, 2904, 3170, 3176, 4041, I. R. C.)

§ 188.54 *Spirits in process of bottling.* Tax-paid and untax-paid spirits, or spirits bottled for export and spirits bottled for domestic purposes, may not be in the bottling-in-bond department at the same time.

(a) *Single bottling room.* Where the bottling-in-bond department consists of a single bottling room, spirits of two or more distillers, spirits of two or more seasons' or years' production, spirits produced by the same distiller in two or more trade names, or at different distilleries by the same distiller, or two or more kinds of spirits, may not be in the process of bottling in the same bottling room of the bottling-in-bond department at the same time: *Provided*, That where one lot of spirits is in the process of bottling, another lot, or lots, may be dumped and reduced and held in locked tanks until the process of bottling of the first lot has been completed. The process of bottling will be regarded as complete for the purpose of this section when the bottled spirits have been placed in the cases and the cases closed: *Provided further*, That the proprietor shall not dump more spirits than can be bottled expeditiously.

(b) *Exception.* The restriction in paragraph (a) of this section against having two or more lots of different spirits in process of bottling in the same bottling room at the same time, shall not apply where two or more complete bottling units are installed, and bottling operations are so conducted as to prevent any commingling of different lots of spirits in process of bottling. (Secs. 2903, 2904, 3176, I. R. C.)

§ 188.97 *Shipment of stamps.* Where the stamps are to be shipped, the collector will forward the stamps to the storekeeper-gauger named on the Form 403 by registered mail or express. The expense of forwarding the stamps will be borne by the proprietor. The collector may furnish the stamps directly to the proprietor for immediate delivery to the storekeeper-gauger in accordance with § 188.96. The storekeeper-gauger will enter on Form 1606 all bottled-in-bond stamps received from the collector. All stamps in the custody of the storekeeper-gauger will be kept by him in the Government cabinet. (Secs. 2903, 2904, 3176, I. R. C.)

§ 188.115 *Supervision required.* All rebottling, relabeling, and restamping of spirits must be conducted in a bottling-in-bond department under the supervision of a storekeeper-gauger: *Provided*, That the district supervisor may authorize the relabeling or restamping of spirits in an internal revenue bonded warehouse not having a bottling-in-bond department where space and facilities for such activities are available. Spirits of two or more distillers, or spirits produced at different distilleries, or produced under two or more trade names by the same distiller, or of different seasons' or years' production or bottling, may not be reconditioned at the same time, and rebottling operations must be conducted at a time when no other spirits are in the process of bottling. (Sec. 3176, I. R. C.)

§ 188.124 *Qualification of proprietor.* Whenever the proprietor desires to bottle or label distilled spirits under a trade name, he must procure approval of such name in the manner prescribed by § 188.33 prior to bottling or labeling spirits under such name. (Secs. 2903, 2904, 3176, I. R. C.)

§ 188.126 *Bottling.* Before bottling distilled spirits in bond under an approved trade name, the proprietor will execute Form 1515, "Application to Bottle Distilled Spirits in Bond," in triplicate, in accordance with § 188.100, and show in the appropriate place on the form the name under which the spirits are to be bottled. (Secs. 2903, 2904, 3176, I. R. C.)

(53 Stat. 318, 331, 342, as amended, 343, 373, as amended, 375, 495; 26 U. S. C. 2829, 2871, 2903, 2904, 3170, 3176, 4041)

4. This Treasury decision shall be effective on the 31st day after its publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 16, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10150; Filed, Nov. 19, 1948; 9:00 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

EXPIRATION OF GENERAL LICENSE AUTHORIZING BANKING INSTITUTIONS WITHIN BLOCKED ACCOUNTS OF THE PHILIPPINE ISLANDS

NOVEMBER 20, 1948.

Pursuant to § 1.34 of the Federal Register regulations (13 F. R. 5931; 1 CFR 1.34), notification is hereby given that 31 CFR 1943 Cum. Supp., § 131.79 *General License No. 79*, has expired by its own terms.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10148; Filed, Nov. 19, 1948; 9:00 a. m.]

APPENDIX C TO PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

JOINT MEMORANDUM BY COMMONWEALTH OF THE PHILIPPINES AND UNITED STATES TREASURY DEPARTMENT; NOTIFICATION OF EXPIRATION OF CODIFIED MATERIAL

NOVEMBER 20, 1948.

Pursuant to § 1.34 of the Federal Register regulations (13 F. R. 5931; 1 CFR 1.34), notification is hereby given that 31 CFR 1943 Cum. Supp., 131 Appendix C—Joint Memorandum by Commonwealth of the Philippines and United States Treasury pertaining to the release of certain Philippine securities has expired by operation of law.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10145; Filed, Nov. 19, 1948; 9:00 a. m.]

PART 132—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

REVOCATION OF GENERAL LICENSES NOS. H–12 AND H–20

NOVEMBER 20, 1948.

Sections 132.14 *General License No. H–12* and § 132.20 *General License No. H–20*, are hereby revoked.

(Sec. 5 (b), 40 Stat. 415, 966, Sec. 2, 48 Stat. 1, Sec. 301, 55 Stat. 838; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended, E. O. 9193, July 6, 1942, as amended 3 CFR 1943 Cum. Supp.)

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10147; Filed, Nov. 19, 1948; 9:00 a. m.]

APPENDIX B TO PART 132—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

REVOCATION OF PUBLIC CIRCULAR NO. H–1

NOVEMBER 20, 1948.

Public Circular No. H–1 is hereby revoked.

(Sec. 5 (b), 40 Stat. 415, 966, Sec. 2, 48 Stat. 1, Sec. 301, 55 Stat. 838; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended, E. O. 9193, July 6, 1942, as amended, 3 CFR 1943 Cum. Supp.)

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10144; Filed, Nov. 19, 1948; 9:00 a. m.]

PART 142—GENERAL LICENSES ISSUED BY THE UNITED STATES TREASURY REPRESENTATIVE IN THE PHILIPPINE OFFICE, FOREIGN FUNDS CONTROL, UNDER EXECUTIVE ORDER No. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REVOCATION OF PART

NOVEMBER 20, 1948.

Part 142 is hereby revoked.

(Sec. 5 (b), 40 Stat. 415, 966, Sec. 2, 48 Stat. 1, Sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 Stat. U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended, E. O. 9193, July 6, 1942, as amended; 3 CFR 1943 Cum. Supp.)

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10146; Filed, Nov. 19, 1948; 9:00 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NAVIGABLE WATERS IN NEW YORK AND TRIBUTARIES

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), §§ 203.153, 203.154, 203.155, 203.160, 203.165, 203.167, 203.170, 203.173, 203.175, 203.180, 203.185, 203.190, 203.195, 203.197, and 203.205 are hereby revoked, and §§ 203.155, 203.160, 203.165, 203.170, 203.175, 203.180, 203.185, and 203.190 are substituted therefor, as follows:

§ 203.155 *Hutchinson River, N. Y.; bridges.* (a) The owners of or agencies controlling these drawbridges shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draws.

(b) The bridges shall be opened promptly at any time, day or night, when the prescribed signal is given by an approaching vessel which cannot pass under the closed draw.

(c) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels of the United States or of the City of New York, four distinct blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell, and by all other vessels, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately: A white flag by day, a green light by night, swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(d) Trains, automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridges, but all passage over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(e) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time.

§ 203.160 *Harlem River, N. Y.; bridges.* (a) The drawbridges which leave a clear space, between the under sides thereof and the high water of spring tides, of 24 feet, shall not be opened except for vessels propelled by steam with or without vessels in tow; nor shall they be required to be opened at any times other than between 10:00 a. m. and 5:00 p. m.

(b) To the end that the draws of the bridges shall not be required to be opened or operated oftener than necessary between 10:00 a. m. and 5:00 p. m., the pilothouses, flagpoles, and smokestacks of all tugs propelled by steam, with or without vessels in tow, habitually using the river, shall not exceed 24 feet in height above the water line or, if exceeding that height, shall be reduced in height or hinged so that they can conveniently pass underneath the draws when closed.

(c) Any tug passing the draw of any of the bridges as often as once a day for 10 days of any month will be regarded as using the river "habitually" and shall conform to paragraph (b) of this section. A failure to comply with such requirement by any tug after one warning by the owner of or agency controlling any of the bridges shall be sufficient cause for a refusal to open the draw for the accommodation of such tug until such later time as may be convenient to the owner of or agency controlling the bridge.

(d) When a steam vessel wishes to pass a bridge within the time prescribed for opening the draw, it shall signify its intention by three blasts of the whistle. If the draw is ready to be opened, the signal shall be answered by three blasts of the whistle from the bridge; if the draw is not ready for opening, the signal shall be answered by two blasts from the bridge.

(e) The draw shall be opened with the least possible delay upon receiving the prescribed signal except when such signal is given to a railroad bridge five minutes or less before the scheduled arrival of an express passenger train. In such case the draw need not be opened until after the passage of the train unless the bridge tender has information that the train is delayed as much as five minutes.

(f) The draw of the low bridge at the mouth of Spuyten Duyvil Creek shall be opened at all times during the day and night when approached by boats desiring to pass it upon receiving the prescribed signal.

(g) Vessels owned, controlled, or employed by the United States or by the City of New York shall be passed without delay through the draw of any of the bridges at any time, day or night, after giving a signal of four blasts of the whistle.

§ 203.165 *Newton Creek, N. Y.*—(a) *City of New York highway bridge at Vernon Avenue.* The draw of this bridge shall be opened promptly, upon signal, for the passage of all vessels unable to pass under the closed bridge at any time, day or night, except on weekdays between 6:20 and 6:30 a. m., 7:20 and 7:30 a. m., 7:50 and 8:00 a. m., 8:20 and 8:30 a. m., 12:00 noon and 12:10 p. m., 12:50 and 1:00 p. m., 5:10 and 5:20 p. m., and 5:50 and 6:00 p. m.

(b) *City of New York highway bridge across East Branch at Grand Street.* The draw of this bridge shall be opened promptly, upon signal, for the passage of all vessels unable to pass under the closed bridge at any time, day or night, except between 7:30 and 8:30 a. m., 12:00 noon and 12:15 p. m., 12:45 and 1:00 p. m., and 4:30 and 5:30 p. m. on all days other than Sundays and holidays.

(c) *Signals.* Whenever a vessel unable to pass under either closed bridge approaches it, the signal of its desire for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. This signal shall be repeated at intervals until it is answered from the bridge. Upon receiving the signal from the vessel, the operator of the bridge, in case the draw can be opened immediately, shall reply by three blasts of a whistle or horn, or by three loud and distinct strokes of a bell. In case of accident to the machinery or other contingency necessitating delay in opening the draw, the signal from the vessel shall be answered by the operator of the bridge by two blasts of a whistle or horn or by two loud and distinct strokes of a bell.

§ 203.170 *Coney Island Creek, N. Y.; City of New York highway and trolley bridge at Stillwell Avenue.* (a) When a vessel which cannot pass the closed bridge has signified by three blasts of a whistle or horn its intention to pass, the draw shall be opened at any time, day or night, for the passage of the vessel.

(b) After the prescribed signal is given, the draw shall be opened as soon as practicable, but in no case shall the vessel be delayed over 10 minutes at the bridge.

(c) Automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridge, but all passage over the drawspan or through the draw opening shall be such as to expedite both land and water traffic.

§ 203.175 *Jamaica Bay and connecting waterways, N. Y.*—(a) *City of New York highway bridge across Mill Basin on Belt Parkway.* On Sundays from May 15 to September 30, inclusive, and on Memorial Day, Independence Day, and Labor Day, the draw of this bridge shall not be required to open for the passage of vessels between 12:00 noon and 9:00 p. m. (e. d. s. t.): *Provided*, That during the period from two hours before to one hour after the time of predicted high tide for the locality the bridge shall be opened promptly upon proper signal for the passage of vessels unable to pass under the bridge: *Provided further*, That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York.

NOTE: For the purpose of the regulations in this part, high tide at the bridge shall be deemed to occur 15 minutes later than the time of high tide for Sandy Hook as given in the tide tables for the United States, published by the United States Coast and Geodetic Survey, Department of Commerce. The time stated in the tables is Eastern Standard Time and one hour should be added thereto to convert to eastern daylight saving time.

(b) *City of New York highway bridges across North Channel (Grassy Bay) at Jamaica Bay Boulevard, Shellbank Basin at Nolins Avenue, and Hawtree Basin at Nolins Avenue.* (1) On Sundays, holidays, and between 6:00 p. m. and 6:00 a. m., the draws of these bridges shall not be required to open for the passage of vessels: *Provided*, That the draws shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York when operators are present, and when operators are not required to be present the draws shall be opened for the passage of such vessels with the least possible delay upon receipt of verbal or written notice: *Provided further*, That the draws shall be opened for the passage of other vessels unable to pass under a closed bridge on Sundays, holidays, or between 6:00 p. m. and 6:00 a. m., if at least 24 hours' advance notice of the time the opening is required is given, by telephone or otherwise, to the authorized representative of the owner of or agency controlling the bridge. In addition to the posting of a copy of the regulations, required by paragraph (h) of this section, a notice shall be conspicuously posted on both the upstream and downstream sides of these bridges in such manner that it can be easily read at any time stating exactly how the authorized representative may be reached.

(2) When two or more vessels are approaching from opposite directions and intend to pass a bridge, each vessel shall signal for the opening of the draw as prescribed in paragraph (f) of this section. The vessel running with the current shall have the right of way. At slack tide the vessel running in ebb current direction shall have the right of way. When vessels are approaching the bridge from the same direction each vessel shall signal independently for the opening of the draw and shall be navigated in accordance with the applicable pilot rules.

(c) *Long Island Railroad bridge across Broad Channel at Broad Channel Station.* The draw of this bridge shall not be required to open for the passage of vessels between 7:00 and 9:00 a. m. and 5:00 and 7:00 p. m.

(d) *City of New York highway bridge across Beach Channel at Jamaica Bay Boulevard.* On Sundays and holidays from May 15 to September 15, inclusive, the draw of this bridge shall not be required to open for the passage of vessels between 12:00 noon and 9:00 p. m.: *Provided*, That during the period from two hours before to one hour after the time of predicted high tide for the locality the bridge shall be opened promptly upon proper signal for the passage of vessels unable to pass under the bridge: *Provided further*, That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York.

NOTE: For the purpose of the regulations in this part, high tide at the bridge shall be deemed to occur 35 minutes later than the time of high tide for Sandy Hook as given in the tide tables for the United States, published by the United States Coast and Geodetic Survey, Department of Commerce.

(e) The owners of or agencies controlling the bridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draws. Except as otherwise provided in paragraphs (a) to (d) of this section, the draws shall be opened promptly when the prescribed signal for the opening of a draw is received from an approaching vessel which cannot pass under the closed bridge.

(f) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels of the United States or of the City of New York, four distinct blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell, and by all other vessels, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator* — (i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately: A white flag by day, a green light by night, swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(g) Trains, automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridges, but all passage over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(h) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time.

§ 203.180 *Long Island Intracoastal Waterway; Nassau County highway bridges across Reynolds Channel at Long Beach and Atlantic Beach, N. Y.* (a) The owner of or agency controlling these bridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draws.

(b) Except as provided in paragraph (c) of this section, the draws shall be opened promptly when the prescribed signal for the opening of the draw is received from an approaching vessel which cannot pass under the closed draw.

(c) (1) *Atlantic Beach Bridge.* From May 15 to September 30, inclusive, of each year, on Saturdays and Sundays, and on Memorial Day, Independence Day, and Labor Day between 11:00 a. m. and 9:00 p. m., and on weekdays between 4:00 p. m. and 7:00 p. m., openings of the draw will be made, only if necessary, every half-hour on the hour and on the half-hour: *Provided*, That during the period from two hours before to one hour after the time of predicted high tide the bridge shall be opened promptly upon proper signal for the passage of vessels unable to pass under the closed draw: *Provided further*, That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States. The time specified is eastern daylight saving time or eastern standard time, whichever is in force.

NOTE: For the purpose of the regulations in this part, predicted high tide shall be deemed to occur ten minutes earlier than the time of predicted high tide for Sandy Hook as given in the tide tables for the United States published by the United States Coast and Geodetic Survey, Department of Commerce. The time stated in the tables is eastern standard time, and one hour should be added to convert to eastern daylight saving time.

(2) *Long Beach Bridge.* From May 15 to September 30, inclusive, of each

year, on Saturdays and Sundays and on Memorial Day, Independence Day, and Labor Day between 3:01 p. m. and 7:59 p. m., openings of the draw will be made, only if necessary, every half-hour on the hour and on the half-hour: *Provided*, That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States. The time specified is eastern daylight saving time or eastern standard time, whichever is in force.

(d) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels owned, controlled, or employed by the United States, four distinct blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell, and by all other vessels, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately: A white flag by day, a green light by night, swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(e) Automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridges, but all passage over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(f) The owner of or agency controlling the bridges shall provide and keep in good legible condition on each bridge two board gauges painted white, with black figures not less than eight inches high, to indicate the minimum headroom clearance under the closed drawspan at all stages of the tide. The gauges shall be so placed on each bridge that they will be plainly visible to the operator of a vessel approaching the bridge either upstream or downstream.

(g) The bridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Military masts shall be considered as part of the normal superstructure.

NOTE: Upon request, the District Engineer, Corps of Engineers, will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting the waterway with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

(h) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time.

§ 203.185 *Hudson River, N. Y.; bridges at Albany and Troy.* (a) The draw of each of the bridges below the head of tidewater shall be opened promptly at any time, upon receiving the prescribed signal, for the passage of any vessel which cannot pass under the closed draw: *Provided*, That The Delaware & Hudson Railroad Corporation bridge at Troy need not be opened between 6:00 p. m. and 6:00 a. m. unless notice has been given before 6:00 p. m. of the time a vessel may be expected to pass through.

(b) The draw of any bridge shall not be required to remain open for the passage of vessels for a period longer, consecutively, than 15 minutes. Upon being closed it may remain closed for a time sufficient to allow delayed land traffic to pass, but in no case for a period longer, consecutively, than 10 minutes if a vessel desires to pass, unless at the expiration of such period a train in motion having passed the derailing point is approaching the draw, which train shall be permitted to pass before opening of the draw: *Provided*, That no train shall be stopped on the bridge between the derailing points except in a case of great emergency, after which the draw shall be opened promptly for any vessel desiring to pass: *Provided further*, That these limitations shall not apply to any vessel of more than 500 tons burden, to any tug with a tow on a hawser, to single tows which require longer than 15 minutes to pass through the draw, or to vessels downbound during a freshet whose height exceeds an elevation determined upon by the District Engineer, Corps of Engineers.

(c) The length of time that a draw has been opened shall be computed from the time that the drawspan begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(d) Vessels with tows shall not so approach a bridge as to attempt to pass the draw in succession without interval. They shall arrange their approach so as to cause no delay in closing the draw promptly for the relief of land traffic.

(e) The draw of a bridge shall not be required to be opened for the passage of vessels habitually using the river which have stacks, jack staffs, or flagstaffs exceeding 21 feet in height above the water line and which are otherwise capable of clearing the bridge when closed. If such vessels wish to pass the bridge the stacks, jack staffs, or flagstaffs must be so erected that they may be lowered to permit the passage under the bridge. Any tug or vessel passing the draw of a bridge as often as once a day for 10 consecutive days of any month shall be regarded as using the river habitually within the meaning of this paragraph. A failure to comply with such requirement by any tug or vessel after one warning by the owner of or agency controlling any of the bridges shall be sufficient cause for a refusal to open the draw for the accommodation of such tug or vessel until such later time as may be convenient to the owner of or agency controlling the bridge.

(f) Vessels which are owned or controlled by the United States or by the police or fire departments of any of the neighboring cities or villages shall be passed without delay through the draws of any of the bridges on identification of such vessels.

(g) *Signals*—(1) *Call signals for opening of draw.* By vessels bound north: Three long blasts of the whistle or horn. By vessels bound south: Three long blasts followed by one short blast of the whistle or horn. If a vessel desires to pass through more than one bridge the call signal shall be repeated for each bridge. Private signals of towing or steamboat companies which may be mistaken by a bridge tender for call signals shall not be used.

NOTE: As used in the regulations in this part, the term "long blast" means a blast of five seconds' duration, and the term "short blast" means a blast of one second's duration.

(2) *Acknowledging signals by the bridge operator*—(i) *All bridges.* If the draw is to be opened, three long blasts of a whistle or horn. If the draw cannot be opened in time for the vessel to pass through safely, five short blasts of a whistle or horn.

(ii) *Additional visible signals to be displayed by the bridges at Albany.* The day signal shall be displayed at least 15 feet above the fixed day signal at the middle point of the drawspan and so as to be visible from both sides of the bridge. The night signal shall be displayed at least 15 feet above the fixed light at the center of the draw. The "fixed" signals referred to are those required by the regulations for lighting bridges prescribed by the United States Coast Guard (see 33 CFR, Part 403). By day, if the draw is to be opened, the visible signal shall be a round ball not less than three feet in diameter and painted green, and if the draw is not to be opened, the visible signal shall be a lattice-work barrel-shaped sign five feet six inches high and four feet in diameter and painted red. By night, if the draw is to be opened, the visible signal shall be a green light from a standard marine lamp, and if the draw is not to be opened, the visible signal shall be a red light from a standard marine lamp.

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* (a) The owners of or agencies controlling the bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

Arm of Eastchester Bay; City of New York highway bridge between Rodman Neck and City Island. At least 24 hours' advance notice required.

Bronx River; New York, New Haven and Hartford Railroad Company bridge north of Westchester Avenue. At least 24 hours' advance notice required.

Flushing Creek; City of New York highway and rapid transit bridge at Roosevelt Avenue. At least 24 hours' advance notice required: *Provided*, That the draw shall be opened for the passage of vessels owned, controlled, or employed by the United States or by the City of New York at any time, day or night, upon reasonable advance notice. The draw need not be opened for the passage of vessels, other than vessels owned, controlled, or employed by the United States or by the City of New York, between 7:30 a. m. and 9:30 a. m. and between 4:30 p. m. and 6:30 p. m., or for the passage of tug boats, with or without vessels in tow, habitually passing the bridge, which exceed 24 feet in height above the water line, at any time. Any tug passing the bridge once a day for 10 days in any 30-day period will be regarded as habitually passing the bridge. Failure to conform to the height specified by any tug after one warning in writing by the owner of or agency controlling the bridge shall be sufficient cause for refusal to open the draw for the passage of such tug until such time as may be convenient to the owner of or agency controlling the bridge.

Richmond Creek; City of New York highway bridge at Richmond Avenue, Staten Island. At least 24 hours' advance notice required.

Peekskill (Annsville) Creek; New York Central Railroad Company bridge near Peekskill, N. Y. At least 30 days' advance notice, in writing, required. Openings will not be required on Saturdays, Sundays, and holidays, consisting of New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Armistice Day, Thanksgiving Day, and Christmas Day, or on the days preceding and following such holidays. Openings will be between 11:00 a. m. and 2:00 p. m. except that for vessels owned, controlled, or employed by the United States, by the State of New York, or by any political subdivision thereof, the bridge shall be opened at any time, day or night, upon 96 hours' advance notice. Openings shall not be required more than twice in any 30-day period for a vessel that can pass under the bridge at low tide or the construction of which can be altered at reasonable expense so that it can pass under the bridge at low tide; unless the vessel is owned, controlled, or employed by the United States, by the State of New York, or by political subdivision thereof.

Lake Champlain; Vermont Department of Highways bridge across Alburg Passage, between Alburg Tongue and North Hero Island, at South Alburg, Vt. At least one hour's advance notice required.

Lake Champlain; Vermont Department of Highways bridge across entrance to Missisquoi Bay, between Alburg Tongue and Hog Island, at East Alburg, Vt. At least 24 hours' advance notice required.

[Regs. Oct. 28, 1948, 823.01—ENGWR]
(28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10142; Filed, Nov. 19, 1948; 8:49 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 72—INTERSTATE QUARANTINE

GARBAGE DISPOSAL AND RAILWAY CONVEYANCES; FOOD HANDLING FACILITIES

Notice of proposed rule making and public rule-making proceedings have been omitted in the issuance of the following amendments to §§ 72.142 and 72.151 of this Part. Notice and rule making proceedings have been found to be unnecessary because the sole purpose of the amendments is to remove restrictions and eliminate requirements now in effect.

1. Section 72.142 is amended to read as follows:

§ 72.142 *Garbage disposal.* (a) Water-tight, readily cleanable, non-absorbent containers with close-fitting covers shall be used to receive and store garbage.

(b) Can washing and draining facilities shall be provided.

(c) Garbage cans shall be emptied daily and shall be thoroughly washed before being returned for use.

2. Section 72.151 is amended to read as follows:

§ 72.151 *Railway conveyances; food handling facilities.* (a) Both kitchens and pantries of cars hereafter constructed or reconstruted shall be equipped with double sinks, one of which shall be of sufficient size and depth to permit complete immersion of a basket of dishes during bactericidal treatment; in the pantry a dishwashing machine may be substituted for the double sinks. If chemicals are used for bactericidal treatment, 3-compartment sinks shall be provided.

(b) A sink shall be provided for washing and handling cracked ice used in food or drink and shall be used for no other purpose.

(c) Toilet and lavatory facilities for the exclusive use of the dining car employees shall be provided on each train.

(d) Wherever toilet and lavatory facilities required by paragraph (c) of this section are not on the dining car, a lavatory shall be provided on the dining car for the use of the employees. The lavatory shall be conveniently located and used only for the purpose for which it is installed.

(Sec. 361, 58 Stat. 703; 42 U. S. C. 264)

Effective date. The foregoing amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: November 15, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-10140; Filed, Nov. 19, 1948; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 5—FILMING OF MOTION OR SOUND PICTURES ON AREAS UNDER THE JURISDICTION OF THE DEPARTMENT OF THE INTERIOR

FEES

Section 5.4 is amended to read as follows:

§ 5.4 *Fees.* In the areas described in § 5.3, there shall be charges for the taking of motion pictures (including sound pictures) involving professional casts, technical crews, livestock, or sets, as follows:

(a) *On areas administered by the Bureau of Reclamation, the Fish and Wildlife Service, and the Bureau of Land Management.* (1) For filming operations not involving the use of livestock, the charge shall be in accordance with the following schedule:

Charge per day or fraction thereof:	*Number of persons in cast*
$10	0
$10	1 to 5
$25	6 to 25
$50	26 to 75
$75	76 to 150
$100	More than 150

The charge prescribed in this subparagraph shall be made only for days or fractions thereof on which there are actual filming operations. The construction of sets in advance of filming, and cleaning up after the filming has been completed, shall not be regarded as actual filming operations for the purpose of such computation.

(2) In addition to the charge prescribed in subparagraph (1) of this paragraph, there shall be a charge of 25 cents

per day per head for all horses, mules, cattle, sheep, and goats while on the land.

(b) *On areas administered by the National Park Service.* No fee will be imposed for filming operations, provided the permittee gives credit in an appropriate courtesy title to the National Park Service, Department of the Interior, and to the area in which the scenes are photographed, for any photographed scenes used. The regular general admission and other fees for each person, vehicle, etc., to any area administered by the National Park Service are not affected by this paragraph. R. S. 161, 453, 463, 2478; sec. 10, 32 Stat. 390; sec. 3, 39 Stat. 535; sec. 10, 45 Stat. 1224; sec. 2, 48 Stat. 1270; 5 U. S. C. 22; 43 U. S. C. 2; 25 U. S. C. 2; 43 U. S. C. 1201, 373; 16 U. S. C. 3, 7151; 43 U. S. C. 315a.

Issued this 15th day of November 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 48-10133; Filed, Nov. 19, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter III—Inland Waterways Corporation

CODIFICATION DISCONTINUED

In order to conform Title 49 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the codification of Chapter III of that title is hereby discontinued. Future amendments of the material contained in this chapter will be published in the Notices section of the FEDERAL REGISTER.

[SEAL] SOUTH TRIMBLE, Jr.,
Chairman, Advisory Board, Inland Waterways Corporation.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-10139; Filed, Nov. 19, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Parts 101–122]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS, AND TO CERTAIN ORGANISMS AND VECTORS

NOTICE OF PROPOSED REVISION OF REGULATIONS

Notice is hereby given, in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that the Secretary of Agriculture is considering revising the regulations relating to viruses, serums, toxins, and analogous products and certain organisms and vectors (9 CFR, Cum., 1945, and 1947 Supps. Parts 101 through 122) under the Virus-Serum-Toxin Act of March 4, 1913 (21 U. S. C. 151–158) and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111). The purpose of the revision is to clarify, to extend in a few particulars, and to consolidate into one document the present regulations and instructions issued under the Virus-Serum-Toxin Act and section 2 of the act of February 2, 1903. The new regulations will reflect practices that have developed through experience in dealing with problems of production and importation of viruses, serums, toxins and analogous products and importation and transportation of organisms and vectors, during the formative period of the industry. It is proposed to issue the new regulations to read as follows:

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 101—GENERAL PROVISIONS

§ 101.1 *Definitions.* The following words, when used in the regulations in Parts 101 through 122 of this subchapter, shall be construed, respectively, to mean:

(a) *Virus-Serum-Toxin Act.* The act of Congress of March 4, 1913, 37 Stat. 832–833, 21 U. S. C. 151–158.

(b) *Regulations.* The provisions in Parts 101 through 122 of this subchapter.

(c) *Biological products.* All viruses, serums, toxins, and analogous products, such as antitoxins, vaccines, tuberculins, malleins, live microorganisms, killed microorganisms, and products of microorganisms, intended for use in the treatment of domestic animals, including the diagnosis or detection of diseases of such animals.

(d) *Organisms.* All cultures or collections of organisms or their derivatives, which may introduce or disseminate any contagious or infectious disease of animals (including poultry).

(e) *Vectors.* All animals (including poultry) such as mice, pigeons, guinea pigs, rats, ferrets, rabbits, chickens, dogs, and the like, which have been treated or inoculated with organisms, or which are diseased or infected with any contagious, infectious, or communicable disease of animals or poultry or which have been exposed to any such disease.

(f) *Domestic animals.* Domestic animals, including poultry.

(g) *Department.* The United States Department of Agriculture.

(h) *Secretary.* The Secretary of the Department or any officer or employee of the Department to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(i) *Bureau.* The Bureau of Animal Industry of the Department.

(j) *Chief.* The Chief of the Bureau or any officer or employee of the Bureau to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(k) *Division.* The Virus-Serum Control Division of the Bureau.

(l) *Officer in charge of the Division.* The official in charge of the Division or any officer or employee of the Division to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(m) *Inspector.* Any officer or employee of the Bureau who is authorized by the Chief to do any inspection work of the Division.

(n) *Veterinary inspector.* A graduate of a veterinary college accredited by the Civil Service Commission, who is duly appointed and assigned for duty in the Division as a veterinary virus-serum inspector or veterinarian.

(o) *Virus-serum inspector.* A layman appointed and trained to assist a veterinary inspector in the performance of his duties.

(p) *Person.* Any individual, firm, partnership, corporation, company, society, association, or other organized group of any of the foregoing, or any agent, officer, or employee of any thereof.

(q) *Licensed establishment.* An establishment operated by a person holding an unexpired, unsuspended, and unrevoked license issued by the Secretary for the preparation of any biological product under the regulations.

(r) *Licensee.* A person to whom a license to manufacture biological products has been issued under the regulations.

(s) *Permittee.* A person to whom a permit to import or transport biological products or organisms or vectors has been issued under the regulations.

(t) *Official station.* One or more licensed establishments included under a single supervisory unit.

(u) *Inspector in charge.* The veterinary inspector who is assigned by the Chief to supervise and perform official work at an official station and who reports directly to the Chief.

(v) *Veterinary inspection.* An examination made by a veterinary inspector, assisted as needed by a virus-serum inspector, to determine the fitness of animals, establishments, facilities, and procedures used in connection with the preparation of biological products under the regulations.

(w) *Hog-cholera virus.* The clear serum, plasma, or defibrinated blood derived from pigs sick of hog cholera and free from other communicable disease or diseases.

(x) *Hyperimmunizing virus.* Virus prepared for injecting into immune hogs in the production of anti-hog-cholera serum.

(y) *Inoculating virus.* Virus prepared for injecting into pigs in the production of hog-cholera virus.

(z) *Simultaneous virus.* Virus prepared for injection along with anti-hog-cholera serum in the immunization of hogs against hog cholera.

(aa) *Anti-hog-cholera serum.* The clear serum, plasma, or other derivatives of hyperimmune blood containing the protective substances derived from immune hogs which have been hyperimmunized by intravenous injection with hog-cholera virus. Such serum shall consist of not less than 88 percent of true serum and not more than 12 percent of such solutions as are required for clarification of the blood and preservation of the serum. The completed product shall represent not more than 83 percent of the defibrinated hyperimmune blood or not more than 80.51 percent of the whole hyperimmune blood used in its preparation.

(bb) *Immediate or true container.* The unit, bottle, vial, ampul, tube, or other receptacle in which any biological product is customarily distributed.

(cc) *Batch.* The quantity of a biological product thoroughly mixed in a single container and properly identified. (For special definition of "batch" as used in § 119.23, see § 119.23 (a) (10) of this chapter.)

(dd) *Serial number.* The number given each batch of a biological product by the manufacturer to identify the batch with his records of production thereof.

(ee) *Expiration date.* The date placed upon labels affixed to or used in connection with immediate or true containers of biological products by manufacturers thereof to indicate the limit of time during which the manufacturer estimates said products will retain their full strength or potency, when properly stored and handled.

(ff) *"U. S. Released."* Term used in marking a biological product to show that it has been prepared and tested in accordance with the regulations and has been found not to be worthless, contaminated, dangerous, or harmful.

(gg) *Day.* Time elapsing between any regular working hour of one day and any regular working hour of the following day.

(hh) *"Bureau lock."* A Bureau lock or seal or both as the inspector in charge may require.

See also other definitions in § 119.23 of this chapter.

PART 102—LICENSES AND PERMITS TO IMPORT BIOLOGICAL PRODUCTS

LICENSES

Sec.
102.1 Licenses required.
102.2 Biological products; preparing and handling.
102.3 License application.
102.4 Licenses; issuance, number and form.
102.5 Biological products; preparation by another licensee.
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IMPORT PERMITS FOR BIOLOGICAL PRODUCTS

102.26 Import permits required.
102.27 Application for import permit; requirements.
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SUSPENSION OR REVOCATION OF LICENSES AND PERMITS; NOTICES RE DANGEROUS PRODUCTS

102.51 Suspension or revocation of licenses and permits.
102.52 Notices re dangerous biological products.

ASSIGNMENT OF INSPECTORS AND FACILITIES

102.76 Inspections of licensed establishments.
102.77 Facilities.

LICENSES

§ 102.1 *Licenses required.* Every person operating an establishment in the United States in which any biological product is prepared for sale, barter, or exchange in the District of Columbia or in any Territory of, or place under the jurisdiction of, the United States, or for shipment or delivery for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, shall hold an unexpired, unsuspended, and unrevoked license issued by the Secretary, and shall have inspection as provided by the regulations.

§ 102.2 *Biological products; preparing and handling.* All biological products produced in each licensed establishment shall be prepared, handled, stored, marked, received for transportation, and transported as required by the regulations.

§ 102.3 *License application.* (a) The operator of each establishment of the kind specified in § 102.1 shall make application in writing to the Secretary for a license. When a person conducts more than one establishment, a separate application shall be made for a license for each establishment. Whenever subsidiaries are to operate in an establishment for which license application is made, the applicant shall apply for permission for such subsidiaries to operate in the establishment and furnish therewith a complete statement regarding the relationship between the applicant and the subsidiaries. Blank forms of application will be furnished upon request to the Bureau of Animal Industry, Washington, D. C.

(b) Triplicate copies of plans, properly drawn to scale, and of specifications, including plumbing, drainage, and sewage disposal of establishments, together with information regarding all claims to be made on labels and in advertising matter to be used in connection with or relating to all biological products prepared therein, shall accompany the application for a license, unless such plans, specifications, and information have already been furnished.

(c) In case of change of ownership, operation, or location of an establishment while an application is pending, or after a license has been issued, a new application shall be made.

§ 102.4 *Licenses; issuance, number, and form.* (a) Before a license will be issued by the Secretary for any establishment, an inspection shall be made to determine whether the condition, equipment, facilities, and the like, of the establishment, and its methods of preparing, handling, and storing biological products are in conformity with the requirements of the regulations. A license will not be issued unless (1) in the opinion of the Chief, the condition of the establishment and the methods of preparation of biological products are such as reasonably to insure that the products will accomplish the object for which they are intended, and that they are not worthless, contaminated, dangerous, or harmful, (2) the establishment is to be operated under the direct supervision of a person competent, in the opinion of the Chief, by education and experience, to handle all matters pertaining to the disease involved and the preparation and testing of the biological products named in the application, and (3) written assurance is filed with the Bureau that the products for which the license is to be issued will not be so advertised as to mislead or deceive the purchaser and that the packages or containers in which the same are to be marketed will not bear any statement, design, or device which is false or misleading in any particular.

(b) Licenses shall be numbered and shall be in the following form:

UNITED STATES VETERINARY LICENSE NO. -----

BIOLOGICAL PRODUCTS

Washington, D. C., ----------

This is to certify that, pursuant to the terms of the act of Congress approved March 4, 1913 (37 Stat. 832), governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products intended for use in the treatment of domestic animals, ----------
is hereby licensed to maintain at ----------
an establishment for the preparation of -----.

This license is subject to termination as provided in the regulations made under the authority contained in said act, and to suspension or revocation if the licensee violates or fails to comply with said act or the regulations made thereunder.

Secretary of Agriculture

Countersigned:

Chief, Bureau of Animal Industry

(c) Two or more licenses may bear the same number when they are issued for establishments under the same ownership or control, provided a serial letter is added in each case to identify each license and the products produced thereunder.

(d) When a license is issued for an establishment it shall not apply to more than one person at the same location, except that subsidiaries of the licensee, when named in the license, may operate thereunder at the establishment named. The licensee with its subsidiaries will be held responsible for all operations conducted in the licensed establishment.

(e) As of November 1 of each year or whenever requested by the Chief, each licensee shall submit, through the office of the inspector in charge, a list of biological products with all their forms which are to be continued in production. Should the licensee discontinue production of some of the biological products named in his licenses, he shall return to the Division for termination all outstanding licenses covering such products, with a list of products with all their forms

which he will continue to produce. Whenever a number of licenses issued at different times are outstanding they shall be returned to the Chief at his request for consolidation.

(f) Every license outstanding on the effective date of the regulations which is in conflict therewith shall be returned for termination, with an application for a new license.

§ 102.5 *Biological products; preparation by another licensee.* No biological products authorized to be prepared in a licensed establishment shall be prepared in whole or in part by any other licensed establishment unless authorized in advance by the Chief.

§ 102.6 *Separation of establishments.* Each licensed establishment shall be separate and distinct from any unlicensed establishment in which any biological product is prepared or handled.

§ 102.7 *Special licenses.* Special licenses may be issued in particular cases for preparation of biological products for experimental or trial use in the treatment of domestic animals, under such conditions as may be imposed by the Chief and provided that safeguards ample in the opinion of the Chief are set up to protect the public and the livestock industry. Applicants for such licenses shall furnish all information required by the regulations and shall also agree to distribute the product only for such conditional, experimental, or trial use as may be authorized in the license.

§ 102.8 *Instructions to licensee; products not prepared under license.* When a license is issued, the inspector in charge shall furnish the licensee with a copy of the regulations. If the licensee, at the time the license is issued, has in the establishment any biological products which have not theretofore been prepared, and the containers of which have not theretofore been marked, in compliance with the regulations, the identity of the products shall be maintained, and they shall not be shipped or delivered for shipment from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or otherwise dealt with as products prepared under the regulations. The licensee shall adopt and enforce all necessary measures and shall comply with all such directions as the Chief may prescribe for carrying out the regulations. It shall be the responsibility of the licensee, irrespective of Bureau supervision, so to prepare and test such biological product, as set forth in the regulations, that it will not be worthless, contaminated, dangerous, or harmful.

IMPORT PERMITS FOR BIOLOGICAL PRODUCTS

§ 102.26 *Import permits required.* Each person importing biological products shall hold an unexpired, unsuspended, and unrevoked permit issued by the Secretary.

§ 102.27 *Application for import permit; requirements.* (a) Each person desiring to import biological products shall make application in writing to the Secretary for a permit. The application shall specify the port or ports of entry at which the imported products will be cleared through the customs. Blank forms of application will be furnished upon request addressed to the Bureau of Animal Industry, Washington, D. C.

(b) Each application for a permit shall be accompanied by the affidavit of the actual manufacturer presented before an American consular officer, giving the name of the country, and the city, town or other location, where the biological products named therein are prepared, stating that said products are not worthless, contaminated, dangerous, or harmful, and stating whether the products were derived from animals, and, if so derived, the name of the species, and that such animals have not been exposed to any infectious or contagious disease, except as may have been essential in the preparation of the products and as specified in the affidavit.

(c) Each application for a permit shall be accompanied by the written consent of the actual manufacturer that properly accredited employees of the Department shall have the privilege of inspecting, without previous notification, and at such times as may be demanded by the aforesaid employees, all parts of the establishment at which such biological products were prepared, all processes of preparation, and all records relative to the preparation of such products.

(d) Each application for a permit shall be accompanied by information regarding all claims to be made on labels and in advertising matter used in connection with or related to the biological products to be imported, and a description of the methods of producing and testing the products used by the manufacturer. A permit will not be issued for the importation of any biological product unless written assurance is furnished that the product will not be so advertised as to mislead or deceive the purchaser, and that the package or container in which the same is intended to be sold, bartered, exchanged, shipped, or imported will bear or contain no statement, design, or device which is false or misleading in any particular, and unless the product meets the applicable requirements of the regulations in Part 112 of this chapter.

§ 102.28 *Import permits; number; form, and termination.* Permits shall be numbered and shall be in the following form:

UNITED STATES VETERINARY PERMIT NO. ------

BIOLOGICAL PRODUCTS

Washington, D. C., ---------

This is to certify that, pursuant to the terms of the act of Congress approved March 4, 1913 (37 Stat. 832), governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products intended for use in the treatment of domestic animals, ----------, ----------, State of ----------, is hereby authorized, so far as the jurisdiction of the United States Department of Agriculture is concerned, to import ---------- manufactured by ----------, of ----------, into the United States through the port of ---------- during the calendar year of ---------.

This permit is subject to suspension or revocation if the permittee violates or fails to comply with said act or the regulations made thereunder.

Secretary of Agriculture

Countersigned:

Chief, Bureau of Animal Industry

Each permit shall terminate at the end of the calendar year for which it is issued.

SUSPENSION OR REVOCATION OF LICENSES AND PERMITS, AND NOTICES RE DANGEROUS PRODUCTS

§ 102.51 *Suspension or revocation.* (a) A license or permit issued under the Virus-Serum-Toxin Act may be formally suspended or revoked after opportunity for hearing has been accorded the licensee or permittee as provided in Part 123 of this chapter, if the Secretary is satisfied that the license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation contrary to said act of any worthless, contaminated, dangerous, or harmful biological product. Such use may be found to exist if:

(1) The construction of the establishment in which the biological product is prepared is defective, or the establishment is not conducted as required by the regulations;

(2) The methods of preparation of the product are faulty, or the product contains impurities or lacks potency;

(3) The product is so labeled or advertised as to mislead or deceive the purchaser in any particular;

(4) The licensee or permittee has violated or failed to comply with any provision of the Virus-Serum-Toxin Act or the regulations;

(5) The license or permit is otherwise used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation, contrary to the Virus-Serum-Toxin Act, of any worthless, contaminated, dangerous, or harmful biological product.

(b) In case of wilfulness or where the public health, interest, or safety so requires, however, the Secretary may without hearing informally suspend such license or permit upon the grounds set forth in paragraph (a) of this section pending determination of formal proceedings under Part 123 of this chapter for suspension or revocation of the license or permit.

§ 102.52 *Notices re dangerous biological products.* If at any time it appears that the preparation, sale, barter, exchange, shipment, or importation, as provided in the Virus-Serum-Toxin Act, of any biological product by any person holding a license or permit may be dangerous in the treatment of domestic animals, the Secretary may without hearing notify the licensee or permittee, and pending determination of formal proceedings instituted under Part 123 of this chapter for suspension or revocation of the license or permit insofar as it authorizes the manufacture or importation of the particular product, no person so notified shall thereafter so prepare, sell, barter, exchange, ship, deliver for shipment, or import such product.

ASSIGNMENT OF INSPECTORS AND FACILITIES

§ 102.76 *Inspections of licensed establishments.* (a) Any inspector shall be permitted to enter any establishment licensed under the regulations at any hour during the day or night, and such inspector shall be permitted to inspect, without previous notification, the entire premises of the establishment, including all buildings, compartments, and other places, all biological products, and organisms and vectors in the establishment, and all equipment, such as chemicals, instruments, apparatus, and the like, and the methods used in the manufacture of, and all records maintained relative to, biological products at such establishment.

(b) Each inspector will be furnished with a numbered official badge, which he shall not allow to leave his possession. This badge shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the licensed establishment and premises and to any place at any time for the purpose of making an inspection pursuant to paragraph (a) of this section.

§ 102.77 *Facilities.* When required by the Chief or the Inspector in charge, the following facilities, and such others as may be essential to efficient conduct of inspection, shall be provided in each licensed establishment.

(a) Satisfactory pens, equipment, and assistance for conducting tests required in accordance with the regulations in this subchapter;

(b) The following special facilities in establishments producing anti-hog-cholera serum and hog-cholera virus:

(1) Separate laboratory rooms for serum and virus,

(2) A separate room in which animals shall be washed and cleaned,

(3) A separate room in which animals shall be finally prepared for bleeding or hyperimmunizing,

(4) A separate room or adequate facilities for conducting autopsies,

(5) A separate room for preparation and mixing of biological products,

(6) A separate room for washing and sterilizing equipment,

(7) Clean cloths, which shall be kept damp when in use, to be used for covering virus pigs and final bleeders during all operations incident to the collection of blood, and

(8) Dust screens for all outside doors, openings, and unsealed windows;

(c) Suitable rooms and compartments in such places, and containers, and the like, in such numbers as may be necessary for holding biological products: *Provided*, That such rooms and compartments, and containers, and the like shall be capable of being secured under locks or seals furnished by the Bureau, and the keys of said locks shall not leave the custody of the inspectors;

(d) Suitable containers satisfactorily equipped for thoroughly mixing batches of all biological products; and

(e) Automatic recording thermometers or gages equipped for locking or sealing as provided in paragraph (c) of this section, and other thermometers which will register temperatures accurately and satisfactorily for use as required by the regulations.

PART 108—SANITATION AT LICENSED ESTABLISHMENTS

Sec.

108.1 Remodeling and additions; plans and specifications.
108.2 Stables and premises.
108.3 Segregation of animals.
108.4 Location of licensed establishments.
108.5 Precautions.
108.6 Construction.
108.7 Dangerous organisms and products.
108.8 Light and ventilation.
108.9 Dressing rooms and other facilities.
108.10 Drainage and plumbing.
108.11 Water supply.
108.12 Rooms and equipment.
108.13 Hands and clothing.
108.14 Outer premises.
108.15 Flies and other vermin.
108.16 Carcasses, refuse materials, and biological products.
108.17 Smoking or expectorating, etc.

§ 108.1 *Remodeling and additions; plans and specifications.* Triplicate copies of plans properly drawn to scale, and of specifications, including plumbing and drainage, for remodeling licensed establishments and for new structures at licensed establishments shall be submitted to the Chief in advance of construction.

§ 108.2 *Stables and premises.* Stables or other premises for animals used in the production or testing of biological products at licensed establishments shall be properly ventilated and lighted, appropriately drained and guttered, and kept in sanitary condition.

§ 108.3 *Segregation of animals.* Animals infected with or exposed to any dangerous, infectious, contagious, or communicable disease shall be effectively segregated at licensed establishments.

§ 108.4 *Location of licensed establishments.* (a) Licensed establishments shall be so located and so constructed that disease will not spread therefrom, and suitable arrangements shall be made for the disposal of all refuse.

(b) Direct communication to licensed establishments shall not be maintained from public stockyards, abattoir pens, or other places in which animals are received or held for any purpose.

§ 108.5 *Precautions.* All biological products prepared at licensed establishments shall be prepared, handled, and distributed under the Virus-Serum-Toxin Act with due sanitary precautions, and all such biological products to be shipped or delivered under said act shall be securely packed.

§ 108.6 *Construction.* The floors, walls, ceilings, partitions, posts, doors, and all other parts of all structures at licensed establishments shall be of such material, construction, and finish as can be readily and thoroughly cleaned.

§ 108.7 *Dangerous organisms and products.* Rooms or compartments separate from the remainder of the establishment shall be provided at licensed establishments for preparing, handling, and storing virulent or dangerous organisms and products.

§ 108.8 *Light and ventilation.* All rooms and compartments at licensed establishments shall have abundant light and sufficient ventilation to insure sanitary and hygienic conditions.

§ 108.9 *Dressing rooms and other facilities.* (a) Each licensed establishment shall have dressing and toilet rooms and urinals sufficient in number, ample in size, conveniently located, properly ventilated, and meeting all requirements of the regulations as to sanitary construction and equipment. These rooms and facilities shall be separate from rooms and compartments in which any biological product is prepared, handled or stored.

(b) Each licensed establishment shall have modern lavatory accommodations, including running hot and cold water, soap, towels, and the like. These shall be so located in the establishments as to make them readily accessible to all persons handling biological products.

§ 108.10 *Drainage and plumbing.* There shall be an efficient drainage and plumbing system for each licensed establishment and premises thereof, and all drains and gutters shall be properly installed with approved traps and vents.

§ 108.11 *Water supply.* The supply of hot and cold water at licensed establishments shall be ample and clean. Adequate facilities shall be provided for the distribution of water in each establishment and for the washing of all containers, machinery, instruments, other equipment, and animals used in the preparation, handling, or storing of any biological product.

§ 108.12 *Rooms and equipment.* All rooms, compartments, and other places used in connection with the preparation, handling, or storing of any biological product at licensed establishments shall be of such material, construction, and design as can be readily and thoroughly cleaned. All containers, instruments, and other equipment shall be cleaned and sterilized and so handled thereafter as to afford protection from contamination. Containers, instruments, and other apparatus and equipment used for preparing, handling, or storing virulent or dangerous organisms or products shall not be used for handling, preparing, or storing other forms of biological products.

§ 108.13 *Hands and clothing.* (a) All employees of licensed establishments who handle biological products shall keep their hands and clothing clean. The hands of such employees shall not come in contact with any biological product or with any part of sterilized containers, instruments, or other equipment which may come in contact with such products.

(b) Caps, gowns, and other outer clothing worn by persons while handling any biological product shall be of clean, white material whenever practicable. All persons, immediately before entering the operating or laboratory rooms of a licensed establishment, shall change their outer clothing or effectively cover the same with gowns or other satisfactory garments.

§ 108.14 *Outer premises.* The outer premises of licensed establishments, embracing docks, driveways, approaches, yards, pens, chutes, and alleys, shall be drained properly and kept in a clean and orderly condition. No nuisance shall be allowed in any licensed establishment or on its premises.

§ 108.15 *Flies and other vermin.* Every practicable precaution shall be taken to keep licensed establishments free of flies, rats, mice, and other vermin. The accumulation, on the premises of an establishment, of any material in which flies or other vermin may breed is forbidden.

§ 108.16 *Carcasses, refuse materials, and biological products.* All parts of the carcasses of animals producing viruses, all other dead animals and parts and refuse, all materials unsatisfactory for production purposes, all biological products unsatisfactory for marketing, and all worthless, contaminated, dangerous, or harmful biological products, shall be incinerated or otherwise disposed of by licensees as may be required by the Chief.

§ 108.17 *Smoking or expectorating, etc.* Such practices as smoking in laboratories or expectorating on the floors of any room, compartment, or place in which biological products are prepared, handled, or stored at licensed establishments are prohibited.

PART 109—STERILIZATION AT LICENSED ESTABLISHMENTS

Sec.
109.1 Equipment and the like.
109.2 Sterilizers.

§ 109.1 *Equipment and the like.* (a) All containers, instruments, and other apparatus and equipment, before being used in preparing, handling, or storing biological products, at a licensed establishment, except as otherwise prescribed herein, shall be thoroughly sterilized by live steam at a temperature of at least 120° C. for not less than one-half hour, or by dry heat at a temperature of at least 160° C. for not less than one hour. If for any reason such methods of sterilization are impracticable, then a process known to be equally efficacious in destroying microorganisms and their spores may be substituted after approval by the Chief.

(b) Instruments which are found to be damaged by exposure to the degree of heat prescribed in this section, after having been thoroughly cleaned, may be sterilized by boiling for not less than 15 minutes, provided apparatus satisfactory to the inspector in charge is furnished for this purpose.

§ 109.2 *Sterilizers.* Steam and dry-heat sterilizers used in connection with the production of biological products at licensed establishments shall be equipped with automatic temperature-recording gages. Charts used on these gages shall be available at all times for examination by inspectors.

PART 112—LABELS AND SAMPLES

LABELS

Sec.
112.1 Containers.
112.2 Required and permitted information.
112.3 Reference to distributors.
112.4 Review and approval of labels and other material.

SAMPLES

112.26 Collection and handling of samples.
112.27 Selection, marking, and holding by licensee.

LABELS

§ 112.1 *Containers.* (a) Each immediate or true container of biological products prepared at a licensed establishment or imported by a licensee or permittee, in compliance with the regulations and found not to be worthless, contaminated, dangerous, or harmful, shall be labeled as provided in this part.

(b) No container of any biological product which has not been so prepared and found not to be worthless, contaminated, dangerous, or harmful shall bear such a label, except that containers of antihog-cholera serum and hog-cholera virus prepared at licensed establishments, and such other products of such establishments as the Chief may permit, may be labeled before the products are released for marketing; *Provided*, Such labeling is done under the direct supervision of an inspector and the products immediately thereafter are placed under Bureau lock, where they are held until released for marketing. No person shall have access to the compartment in which such labeled products are held under such lock except in the immediate presence of an inspector.

(c) No person shall apply or affix, or cause to be applied or affixed, any label, stamp, or mark to any biological product prepared or received in a licensed establishment or imported except in compliance with the regulations. Suitable tags or labels of a distinct design shall be used for identifying all biological products while in course of preparation at licensed establishments.

§ 112.2 *Required and permitted information.* (a) Labels of biological products prepared at licensed establishments or imported shall include the following:

(1) The true name of the product contained in the package, which name shall be identical with that shown in the license or permit under which the product is prepared or imported and shall be so lettered and placed as to give equal prominence to each word composing it;

(2) The name and address of the licensee or permittee: *Provided*, That when the licensee has more than one establishment, one street address only shall be given, although the general location of each licensed establishment in such case may be stated;

(3) The license or permit number assigned by the Department which shall be shown in one of the following forms, respectively: "U. S. Veterinary License No. ----," or "U. S. Vet. License No. ----"; or "U. S. Veterinary Permit No. ----," or "U. S. Vet. Permit No. ----";

(4) A serial number by which the product can be identified with the manufacturer's records of preparation;

(5) A permitted expiration date affixed before the product is removed from the manufacturer's establishment;

(6) A dosage table and full instructions for the proper use of the product or a statement in the case of very small labels as to where such information is to be found;

(7) The quantity of the contents of each immediate or true container in cubic centimeters, units, grams, or milligrams;

(8) Instructions to protect the product from light and keep it at a temperature of not over 45° F.: *Provided*, That all labels, circulars, and the like for Brucella abortus vaccine and rabies vaccine shall include a warning against freezing and instructions to keep the product under refrigeration at 35° to 45° F.;

(9) In the case of multiple-dose containers, a warning that all of the product should be used at the time the container is first opened;

(10) A statement, in the case of subcutaneous tuberculin, indicating the quantity of Koch's old tuberculin (K. O. T.) in each cubic centimeter, disk, or the like of the product, and recommendations regarding the minimum dose to be administered: *Provided*, That this dose for subcutaneous use shall be not less than the equivalent of 0.5 gram K. O. T.;

(11) The notice "Caution—Burn this container and all unused contents" in the case of biological products composed of viable or dangerous organisms or viruses; which notice shall be prominently placed and lettered and affixed to the immediate or true container of such products; and

(12) All other similar information required by the Chief.

(b) Labels of biological products prepared at licensed establishments or imported may also include any other statement which is not false or misleading.

(c) Labels of biological products prepared at licensed establishments or imported shall not include any statement, design, or device which is false or misleading in any particular or may otherwise deceive the purchaser.

§ 112.3 *Reference to distributors.* When any biological product is to be distributed under the Virus-Serum-Toxin Act by any person other than the one holding a license to produce, or a permit to import, such product, and the name and address of the distributing person are to appear on the labels of the containers thereof a statement shall be made on the labels indicating that such person is the distributor of the biological product. The name and address of the distributor shall not appear in any form or manner indicating that he is the producer of the product or operating under the license or permit shown on the label. The terms "distributor," "distributors," "distributed by," or equivalent terms may be used if prominently and properly placed and lettered, in connection with the name and address of the distributing person: *Provided*, The same are not so used as to be either false or misleading. Reference to the distributing person shall be made by name and address only.

§ 112.4 *Review and approval of labels and other material.* (a) Except as otherwise provided in this section, quadruplicate copies of all labels, circulars, and advertising matter for use on biological products prepared by licensed establishments or imported shall be submitted to the Chief for review and approval before they are placed in use. For the convenience and guidance of licensees and permittees, sketches or proofs of new labels and the like may be submitted in triplicate to the Chief for review and approval, and in this case the preparation of finished labels and the like shall be deferred until copies of such sketches or proofs are returned to the licensee or permittee.

(b) Tags, stickers, and the like used to identify products or materials during process of production or testing, if not false or deceptive, may be used by licensees with the permission of the inspector in charge.

(c) The inspector in charge may permit the use by licensees of approved labels and the like which have been modified as follows:

(1) When all features of the label are proportionately enlarged and the general arrangement including colors remains the same;

(2) When the label is translated into a foreign language without other material change; or

(3) When changes in advertising matter are made which do not involve new claims or statements relative to the product.

(d) As of February 1 of each year or oftener on request by the Chief, licensees shall submit to him, through the office of the inspector in charge, lists of labels and the like which they will continue in actual use. Each shall be properly identified by date of approval, name of product, and number if used.

SAMPLES

§ 112.26 *Collection and handling of samples.* (a) Samples of biological products shall be collected only by authorized officers, agents, or employees of the Department.

(b) Samples may be purchased in the open market, and the marks, brands, or tags upon the package or wrapper thereof shall be noted. The collector shall note the names of the vendor and agent of the vendor who made the sale, together with the date of purchase. The collector shall select representative samples.

(c) All samples or parts of samples shall be sealed by the collector and marked for identification and future reference.

§ 112.27 *Selection, marking, and holding by licensee.* (a) Representative samples of each batch of every biological product except anti-hog-cholera serum, hog-cholera vaccine, and hog-cholera virus shall be selected at random from packages finished for marketing, by designated laboratory employees in each licensed establishment. Each sample shall (1) consist of two or more containers and the package (or packages) shall be sealed, dated, and initialed when taken; (2) be adequate in quantity for appropriate examination and testing; (3) be truly representative of the batch which is to be marketed and be in the true containers; and (4) be held by the licensee at least 6 months after the latest expiration date stated on the labels.

(b) A special compartment or the equivalent shall be set aside by the licensee for the exclusive holding of these samples under refrigeration at 35° to 45° F. The samples shall be stored systematically for ready reference and procurement if and when required.

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

Sec.
114.1 Composition of products.
114.2 Methods.
114.3 Serums, equine and bovine.
114.4 Brucella cultures.
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114.9 Mixing biological products.
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§ 114.1 *Composition of products.* Organisms or viruses used in the production at licensed establishments of bacterins, vaccines, toxins, and the like shall be derived from the causative agents of the diseases or conditions against which the products are to be used, and shall be free from the causitive agents of other diseases or conditions.

§ 114.2 *Methods.* (a) All biological products shall be prepared, handled, stored, marked, treated, and tested by licensees in accordance with methods described in the licensees' outlines provided for under this section, unless other methods are prescribed by the Chief in which case such other method shall be used.

(b) An outline, describing fully the entire process of preparing, handling, storing, marking, treating, and testing each biological product except anti-hog-cholera serum and hog-cholera virus, shall be submitted by each licensee to the Division. Tests that are applicable and necessary to prevent the marketing of an unsatisfactory product shall be made by the licensee. Such tests include sterility, safety, and potency tests and tests for determining agglutination and complement fixation titer, and the like. Each outline shall clearly state a definite expiration date for the product and on what it is based. Each outline to which no objections are made by the Officer in Charge of the Division will be stamped, with the date filed, and copies of such outlines will be returned to the licensee. An outline may be followed only after such action has been taken. An outline so processed must be followed by the licensee unless and until amended in the same manner or the licensee is directed to discontinue following such outline because of objections made to it at any time by the Officer in Charge of the Division. When such objections are made, unless the licensee modifies his outline to meet them, the Officer in Charge of the Division shall notify the Chief who may, after affording opportunity for hearing to the licensee, prescribe the method of preparing, handling, storing, marking, treating, or testing the particular product to be observed by the licensee. Pending such action by the Chief, the licensee may continue to use such outline except that where the public health, interest, or safety so requires, the Officer in Charge may upon notice to the licensee, suspend immediately approval of the outline and thereupon the licensee shall not use such outline in the production of biological products under the Virus-Serum-Toxin Act unless and until subsequent notice of withdrawal of such suspension is given to the licensee.

§ 114.3 *Serums, equine and bovine.* (a) Equine and bovine serums produced at licensed establishments shall be derived from the blood of healthy animals. No serum-producing animal shall be given antigen containing Brucella organisms or their derivatives without approval of the Chief. Detailed records relative to any tests on the animals and to the antigens used in treating serum-producing animals shall be maintained by the licensee.

(b) Serum and aggressin of equine origin produced at licensed establishments shall be heated at 58.5°C. for 60 minutes, with a tolerance of 0.5° above and below that temperature, by methods prescribed in this section, and serum of bovine origin shall be heated in like manner for 30 minutes. Serum shall contain no preservative at the time of heating.

(c) Serum heated as provided in paragraph (b) of this section, shall be cooled immediately thereafter to 12° C. or lower, and thus held until it is properly preserved. It shall be preserved, mixed, and tested by methods described in the licensee's outline.

(d) Units of equine serum heated as provided in paragraph (b) of this section, may be tested for toxicity on one or more horses by injecting, intravenously, each of the test horses with at least 100 cc. of a representative sample thereof. Should the test horses show a reaction due to the serum injected, the product shall not be marketed unless and until the toxic fraction is removed or is shown to be harmless.

(e) Bulbs and other parts of recording thermometers at licensed establishments which are to be placed within heating containers, when not in actual use shall be submerged in a 5-percent phenol solution.

(f) Accurate thermometers at licensed establishments shall be used at frequent intervals to check temperatures of the serum as registered by recording thermometers.

(g) Licensees shall keep detailed records relative to each unit of serum as pasteurized and each batch of serum as prepared for marketing. Recording thermometer charts must bear full information concerning the serum heated and tests made of the equipment.

(h) Metal serum containers, each having a capacity of approximately 50 liters, shall be used in licensed establishments. During the heating process these containers shall be surrounded by a separate water jacket or equivalent so that the entire container, including its lid, is submerged at least 2 inches beneath the surface of the water. Filling must be done at a point which is below the surface of the water at the time of heating. Each serum container shall be

equipped with a motor-driven agitator and a separate automatic recording thermometer, and shall have a lid attached to the container so as to withstand approximately 15 pounds' pressure without leakage, when submerged in water.

(i) The water bath shall have an automatic temperature control to limit the temperature of the water to a maximum of 62° C., an automatic recording thermometer, an indicating thermometer set in a fixed position, and circulating mechanism adequate to insure equal temperatures throughout the bath. The heating unit for the bath shall be separate from the serum-container jacket.

(j) All pasteurizing equipment must be acceptable to the Bureau and meet all necessary tests.

§ 114.4 *Brucella cultures.* Only those cultures of Brucella abortus organisms known to be acceptable to the Bureau shall be used in preparing Brucella abortus vaccine in licensed establishments. Cultures for this purpose will be supplied by the Bureau upon request. Cultures of Brucella suis must not be admitted to or handled in licensed establishments without approval of the Chief.

§ 114.5 *Brucella abortus vaccine; marketing and use.* (a) Licensees' production outlines for Brucella abortus vaccine shall specify, among other things, the minimum number of viable Brucella abortus organisms per cubic centimeter that shall be present in the product until the end of the period of use indicated by the expiration date. The expiration date for the liquid form of this vaccine shall not exceed 3 months from the date of production (harvesting). The liquid form of this product shall be marketed only in single-dose vials of resistant glass of low alkalinity and uniform stability having a capacity of approximately 8 cc. All other glass containers used in preparation of the product shall be of like resistance. Each vial of liquid vaccine for subcutaneous injection shall contain 6 cc. of vaccine (plus or minus 0.25 cc.).

(b) Freshly prepared Brucella abortus vaccine shall contain, when subjected to testing, not less than 60 billion viable Brucella abortus organisms per dose. The vaccine also shall contain not less than 30 billion viable Brucella abortus organisms per dose until the end of the period of use as indicated by the expiration date recorded on all labels used on or in connection with each immediate or true container of the same mixture or batch. Licensees may recommend the vaccine for the immunization of bovine animals over 4 months of age if they are not more than 4 months in pregnancy.

§ 114.6 *Fowl-pox vaccine and laryngotracheitis vaccine.* Licensed establishments shall test each batch of fowl-pox vaccine, including pigeon pox, and laryngotracheitis vaccine as provided in this section to determine whether it is free from the causative agents of extraneous diseases. No batch of these products shall exceed 200 grams.

(a) *Fowl-pox vaccine.* For testing each bath of 200 grams or less of fowl-pox vaccine, 12 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 21 days with fowl-pox vaccine, previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from viruses or septicemic diseases.

(2) Three of the test birds selected shall be injected intratracheally with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the virus of laryngotracheitis and similar diseases.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the virus of coryza and similar diseases.

(4) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(5) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a careful post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous disease.

(b) *Laryngotracheitis vaccine.* For testing each batch of 200 grams or less of laryngotracheitis vaccine, 12 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 14 days with laryngotracheitis vaccine previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field.

(2) Three of the test birds selected shall be treated by applying at least 10 times the field dose of the vaccine to be tested to a scarified area of at least 1 square centimeter on the comb of each bird. The vaccine as tested shall be prepared exactly as the product is to be used in the field.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field.

(4) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(5) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous diseases. No bird shall be used more than once in making tests, and only healthy birds shall be removed from the premises.

(c) Each batch of fowl-pox and laryngotracheitis vaccine shall be tested by the licensee for protective value.

§ 114.7 *Rabies vaccine.* Licensees producing rabies vaccine shall adhere to the following requirements pertaining to the preparation and testing of this product for safety and potency:

(a) The fixed virus of rabies material shall be treated with phenol or by other means permitted by the Chief to render it safe without materially reducing the antigenicity of the vaccine.

(b) Rabies vaccine shall be collected in batches and mixed thoroughly in a single container. The product in the completed batch shall consist not less than 20 percent of fixed virus material unless otherwise authorized by the Chief.

(c) Safety tests shall be made by injecting subdurally laboratory animals with a representative sample of rabies vaccine. Each batch not in excess of 100,000 cc. completed for marketing shall be tested by thus injecting each of not less than two rabbits with not less than 0.2 cc. and each of not less than five mice with 0.03 cc. for each 20,000 cc. or fraction thereof. The test animals shall be held under observation for at least 14 days.

(d) Each batch of completed vaccine not in excess of 100,000 cc. shall be tested by the licensee for protective value. Each batch to be marketed shall show a protective titer of at least 1,000 m. l. d. when tested on suitable mice against the permitted standard challenge virus.

(e) Rabies vaccine, prepared for marketing, which contains the living virus of rabies or which is worthless, contaminated, dangerous, or harmful, shall not be marketed and shall be destroyed under the provisions of § 108.16 of this chapter.

§ 114.8 *Tetanus antitoxin.* (a) All containers of tetanus antitoxin prepared by licensees for marketing in the United States shall contain not less than 1,500 units and be labeled to recommend not less than this quantity as a minimum prophylactic dose.

(b) When tetanus antitoxin is prepared by licensees for export, 500 units may be recommended on the label as a minimum prophylactic dose provided the labeling clearly indicates that the products is for export. There shall be printed conspicuously on each label the word "export," with the name and address of the distributor located in the foreign country.

(c) The immunity unit for measuring the strength of tetanus antitoxin shall be 10 times the least quantity of antitetanic serum necessary to save the life of a 350-gm. guinea pig for 96 hours against the dose of standard toxin permitted under the regulations.

§ 114.9 *Mixing biological products.* Each batch of biological product, when in liquid form, shall be mixed thoroughly in a single container and be constantly agitated during bottling operations at licensed establishments. Serial numbers in sequence, with any other markings that may be necessary for ready identification of the batch, shall be applied to identify it with the records of preparation and labeling.

§ 114.10 *Phenol determination.* As an aid in meeting requirements for the preservation of anti-hog-cholera serum and hog-chlorea virus with phenol, employees of the Division trained in making the field phenol test will instruct licensed-establishment employees fully in the technique of making this test. A general description and directions for making the field phenol test known as the "P–2 Test" are available on application to the Division. The necessary reagents for such use will be supplied by the Bureau through inspectors in charge on request. Licensees shall use the field phenol test on all batches of preserving solutions and hog-cholera virus. Division inspectors will make such check tests as may be warranted.

§ 114.11 *Temperature and light.* Biological products at licensed establishments shall be protected at all times against light and detrimental temperatures. Furthermore, such products, after completion, shall be kept under refrigeration at 35° to 45° F.

§ 114.12 *Bureau tests.* Whenever deemed necessary, a licensee may be required by the inspector in charge to withhold biological products from the market until representative samples have been tested by the Bureau and the batches concerned released by the Bureau for marketing. These samples shall be taken only by Bureau employees.

PART 115—RETESTING

§ 115.1 *Reinspection and retests.* All biological products, the containers of which bear United States veterinary license numbers or United States veterinary permit numbers or other marks required by these regulations may be inspected at any time or place. If, as a result of such inspection, it appears that any such product, even though prepared in a licensed establishment or imported under permit issued by the Secretary, is worthless, contaminated, dangerous, or harmful, the Secretary shall give notice thereof to the manufacturer or importer and to any jobbers, wholesalers, dealers, or other persons known to have any of such product in their possession. Unless and until the Secretary shall otherwise direct, no persons so notified shall thereafter sell, barter, or exchange any such product in any place under the jurisdiction of the United States or ship or deliver for shipment any such product from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia. However, failure to receive such notice shall not excuse any person from compliance with the Virus-Serum-Toxin Act.

PART 116—RECORDS AND REPORTS

RECORDS

Sec.
116.1 Maintenance of records.
116.2 Special record requirements.
116.3 Completion of records.

REPORTS

Sec.
116.10 Inspection reports.
116.11 Licensees to furnish information.
116.12 Charts.

RECORDS

§ 116.1 *Maintenance of records.* Permanent, detailed records of the results of tests for purity and potency and of the methods of preservation of each batch of biological products shall be kept by each licensee. Biological products prepared in foreign countries shall be eligible for importation into the United States only if the foreign manufacturer of such products also maintains such records. Permanent, detailed records in form satisfactory to the Chief shall be maintained by each licensee, each distributor, and each importer, showing the sale, shipment, or other disposition made of the biological products handled by such person.

§ 116.2 *Special record requirements.* Licensees preparing anti-hog-cholera serum and hog-cholera virus shall observe the following requirements:

(a) *Work sheets*—(1) *Virus pigs.* Work sheets for virus pigs shall show the tag number, date of admission to the premises, date of inoculation, and serial number and dose of virus used. Such work sheets shall show the temperature and physical condition of each pig when this is required by the regulations. They shall also show whether the virus collected from each pig was used in hyperimmunizing virus, simultaneous virus, or inoculating virus, or was destroyed. In the case of pigs intended for the production of simultaneous virus, the work sheet shall be prepared by the licensee in triplicate and the second carbon copy shall be furnished the inspector on the date of inoculation, except when the group is not designated as containing simultaneous virus pigs until the third day after the date of inoculation. In the latter case the work sheet shall be prepared in triplicate on the third day after inoculation to show the tag number and other information required by the regulations for each pig in the group and the second carbon copy shall then be furnished to the inspector. In any case, when the original and first carbon copies are completed, the first carbon copy shall be delivered to the inspector. All groups of pigs from which simultaneous virus will be selected shall be held in pens separate from other pigs.

(2) *Hyperimmunization of immune hogs.* Work sheets for hyperimmunization of immune hogs shall show the temperature and the tag number of each animal, actual weight at time of hyperimmunization, and the serial number and dose of virus injected. The net quantity injected into each group of animals and the number of the group to which each animal belongs also shall be recorded. This work sheet shall be prepared in duplicate, and the carbon copy shall be furnished to the inspector.

(3) *Bleeding of hyperimmune hogs.* Work sheets for bleeding of hyperimmunized hogs shall show the group number of the hogs, the temperature and tag number of each animal, and the class of bleeding. The work sheet shall be prepared in duplicate and furnished to the inspector in advance of actual bleeding of the animals shown thereon. Upon receipt of the work sheet, the inspector shall check it with his records, and if he finds that the animals shown thereon are eligible for bleeding he shall supervise the taking and recording of their temperatures. The temperature of each animal shall be recorded on the work sheet by an employee of the licensed establishment. The inspector shall indicate on the work sheet those animals that are rejected, return the original copy to the licensee, and retain the duplicate.

(4) *Serum preparation.* Work sheets for the clarification of anti-hog-cholera serum shall show the number of the group to which the hogs belong, and the class and total number of bleedings involved, with the information required in this subparagraph relating to each working unit, as defined in § 119.23 (a) (3) of this chapter. The information relating to the working unit shall include the total quantity of whole or defibrinated blood used and the total quantity of clarifying solutions. The quantity of each clarifying solution shall be recorded separately. The quantity of serum recovered (gross), the total quantity of preserving solution used, and the total quantity of preserved serum shall be recorded separately for each group. The quantity of preserved serum contained in each storage container and the number of the container shall be shown on the work sheet. This work sheet shall be prepared in quadruplicate and three carbon copies shall be furnished to the inspector.

(5) *Work sheets, specimens.* A sample form of the work sheets used in licensed establishments in connection with virus pigs, the hyperimmunization of immune hogs, the bleeding of hyperimmune hogs, and the preparation of anti-hog-cholera serum shall be filed with the Division. A statement shall accompany each form showing in detail the manner in which it will be prepared and used.

(b) *Permanent records.* (1) Licensees shall maintain all permanent production records in ink or the equivalent. These records shall include a record of all pigs, used to produce hog-cholera virus. The information on this record shall be substantially the same as that shown on the work sheets as provided in paragraph (a) of this section, and in addition it shall include the date on which each pig was killed and the serial number of the batch of virus produced. Such records shall contain information as to the total quantity in each batch of hyperimmunizing, simultaneous, or inoculating virus produced. All such records shall clearly show the particular animal or group of animals from which each batch of the product is derived. The quantity collected and the total quantity after phenolization shall be separately recorded.

(2) Records showing the hyperimmunization of immune hogs and the bleeding of hyperimmune hogs shall be maintained in permanent form.

(3) Charts of the automatic temperature-recording thermometers used in connection with the heating and cooling of anti-hog-cholera serum shall be filed as a part of the Bureau station records.

(4) Complete records of the preparation and mixing of all virus and serum into batches and the bottling, testing, and labeling thereof shall be maintained as permanent records.

(5) Work sheets prepared like those used by inspectors will be deemed to meet the requirements of this part. Work sheets shall be filed by licensed establishments for reference, and if they are made in ink or the equivalent and otherwise are satisfactory they will be accepted as the permanent records.

§ 116.3 *Completion of records.* Records required by this part must be completed by the licensee before any portion of a batch of any product may be marketed.

REPORTS

§ 116.10 *Inspection.* Reports of the work of inspection carried on in licensed establishments shall be prepared and forwarded to the Division by the inspector in charge in such form and manner as may be required by the Chief.

§ 116.11 *Licensees to furnish information.* Each licensee shall furnish inspectors with accurate information needed by them for making their reports pursuant to § 116.10 and shall also submit such reports as may be required by the Chief.

§ 116.12 *Charts.* Each licensee shall furnish the Division, through the inspector in charge, copies of charts of all tests made of each batch of anti-hemorrhagic-septicemia serum, anti-swine-erysipelas serum, anti-encephalomyelitis serum, encephalomyelitis vaccine, and rabies vaccine and charts for such other products as may be required by the Chief before any of the batch is marketed.

PART 117—ANIMALS

Sec.

117.1 Opportunity to range in contact.
117.2 Contact pens.
117.3 Contact calves.
117.4 Time held in contact.
117.5 Contact calves; holding and removal.
117.6 Certificates.
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117.8 Treatment.
117.9 Hyperimmune hogs; time range with contact calves.
117.10 Removal of animals.
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117.12 Disinfection before removal.
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§ 117.1 *Opportunity to range in contact.* All cattle, hogs, sheep, and goats, except animals admitted by certificate as provided in § 117.6, offered for admission to the premises of licensed establishments shall be afforded opportunity to range in contact with other animals as prescribed in the regulations.

§ 117.2 *Contact pens.* Licensees shall provide suitable pens to be known as contact pens through which all hogs, cattle, sheep, and goats shall pass before they shall be admitted to other parts of the premises of a licensed establishment, except that animals admitted under certificate as provided in § 117.6 need not pass through such pens.

§ 117.3 *Contact calves.* (a) Licensees shall provide healthy calves in thrifty condition, ranging from 3 to 12 months of age, and weighing less than 650 pounds for use as contact animals in contact pens. They shall be referred to as contact calves.

(b) Each contact calf shall have its left ear pierced with a hole not less than three-fourths inch in diameter and shall have a serially numbered metal tag attached to its right ear.

§ 117.4 *Time held in contact.* (a) Except as otherwise provided in § 117.6, each lot of 200 or less sheep or goats and each lot of 20 or less cattle at licensed establishments shall be held in the contact pens for at least 2 days in contact with not less than 2 contact calves, and each animal shall be allowed free range and contact with said contact calves and the other animals in the lot.

(b) Except as otherwise provided in § 117.6, each lot of 200 or less hogs at licensed establishments shall be held in the contact pens for at least 1 day in contact with not less than 2 contact calves, except that in the case of pigs used in testing the potency and purity of anti-hog-cholera serum, 6 hours will be sufficient. Each animal shall be allowed free range and contact with said contact calves and the other animals in the lot. Hogs immune to hog cholera may be removed from the contact pens for hyperimmunization at any time while being held as aforesaid: *Provided*, They are returned to said pens immediately after this operation.

§ 117.5 *Contact calves; holding and removal.* (a) All surviving contact calves shall be held in the contact pens of licensed establishments for at least 1 month from date of admission to contact pens as contact calves.

(b) Removal of contact calves from contact pens shall be so arranged that one animal of each group of 2 will be replaced at the expiration of 1 month and the other at the expiration of 2 months.

(c) Removal of contact calves from contact pens shall be so accomplished that the animals furnished for the purpose may be used for the maximum time permitted by the preceding paragraphs of this section. A contact calf shall not be used as such more than once, but may be used for testing simultaneous virus after release as a contact animal. Contact calves shall be segregated from incoming animals for 14 days immediately before removal from the premises.

(d) Contact calves shall be subjected to thorough veterinary inspection as frequently as may be practicable in order to detect evidence of vesicular disease or other diseases. Whenever any animals on the premises show evidence of being affected with vesicular disease, rinderpest, or any other highly communicable disease, immediate and proper steps shall be taken by the licensee and the inspector in charge to prevent further dissemination of disease and to notify the Chief of the situation. In these circumstances the pen group or section group of animals shall be regarded as a unit for disposal and no attempt made to separate such group in any way unless and until a positive diagnosis is made and a definite plan of disposal agreed upon. Whenever presence of any of these conditions is suspected, removal of animal products shall be suspended and full report made to the Bureau by telephone, telegram, or air mail.

§ 117.6 *Certificates.* (a) Animals admitted to the premises of any licensed establishment which produces anti-hog-cholera serum and hog-cholera virus and which procures no animals from public stockyards, abattoir pens, or similar places need not be held in contact with contact calves as provided in § 117.2 if (1) the animals are for use in the production of anti-hog-cholera serum or hog-cholera virus, and (2) the licensee furnishes to the inspector in charge at the licensed establishment a certificate as provided for in paragraph (c) of this section.

(b) Pigs for special tests authorized by the Chief admitted to the premises of any licensed establishment need not be held in contact with contact calves as provided in § 117.2 if the pigs are handled as prescribed by the Chief and if the licensee furnishes to the inspector in charge at the licensed establishment a certificate as provided for in paragraph (c) of this section.

(c) Each certificate provided for in paragraphs (a) and (b) shall be signed by an authorized representative of the licensed establishment, and shall be in the following form:

_____, 19____

This is to certify that _____ (specify number and kind of animals) _____ which are offered for admission to the licensed establishment of the _____ Co. are from the farm or premises of _____, in the State of _____, County of _____, Township of _____, and to the best of our knowledge and belief were on said farm or premises at least 21 days prior to this date, and were not exposed to any infectious, contagious, or communicable disease, and no new stock was brought onto said farm or premises during that time. The said animals have not been in or transported through any public stockyards, abattoir pens, or similar places, nor have they been exposed to any infectious, contagious, or communicable disease since their removal from said farm or premises.

(Signed) _____ Co.,
Per _____

§ 117.7 *Examination and identification.* (a) All animals presented for admission to the premises of establishments licensed to prepare anti-hog-cholera serum or hog-cholera virus shall be subjected to veterinary inspection as soon as practicable after they are received in order to determine their physical condition. No such animal shall be removed from contact pens at such establishments without veterinary inspection and permission of the supervising inspector.

(b) After examination as provided in paragraph (a) of this section, if the animals are permitted to remain upon the premises of the licensed establishment and to enter the holding pens of the establishment, they shall be given serially numbered metal tags, either prior to or at the time of inoculation or hyperimmunization.

(c) All tags used for the identification of animals shall be attached to the ears of the animals in a manner satisfactory to the inspector in charge. The tags so attached shall be the means of assisting in identifying the animals as long as they remain on the premises.

(d) All tags which are used to identify animals shall be furnished and attached by the licensee, and when said tags are not in use they shall be held under Bureau lock: *Provided*, That, when required by the Chief, tags furnished by the Division shall be used.

(e) The left ear of each animal used in testing the purity and potency of biological products shall, if of sufficient size, be pierced, when the test is begun, with a hole of not less than three-fourths inch in diameter, except that when pigs or calves are used in testing hog-cholera virus for purity as prescribed in the regulations, their right ears shall be pierced as aforesaid. Animals bearing marks of the above-prescribed character shall not be presented for use in testing the purity and potency of biological products, except that contact calves and serum-treated pigs in anti-hog-cholera serum tests, after release as prescribed in the regulations, may be used, once for testing hog-cholera virus for purity, provided they are healthy and their right ears then are pierced as aforesaid. Furthermore, animals with either ear removed or so mutilated as to prevent the detection of these identifying marks shall not be used in any test, if the missing or mutilated ears are needed to determine the suitability of the animals for test purposes as described herein.

§ 117.8 *Treatment.* (a) Animals used in the production or testing of biological products at licensed establishments shall not be treated with biological products other than those which are incidental to the preparation and testing of the products prepared from or tested on said animals, except with the approval of and in such manner as may be prescribed by the Chief.

(b) Contact calves shall not be immunized against diseases to which they are susceptible, with the exception of hemorrhagic septicemia. Such calves, if permitted by the inspectors in charge, may be treated with hemorrhagic-septicemia bacterin and anti-hemorrhagic-septicemia serum.

§ 117.9 *Hyperimmune hogs; time range with contact calves.* (a) If in any specific case hyperimmune hogs are the only production animals held upon the premises of a licensed establishment, they shall be caused to range in contact with calves in the manner prescribed in § 117.2 for a period of at least 10 days prior to their being subjected to carotid or final bleeding. All animals with which hyperimmune hogs have been held in contact as provided in this section shall be held on the premises of the licensed establishment and under the observation of inspectors for at least 14 days after the hyperimmune hogs have been killed.

(b) If at any time hyperimmune hogs are subjected to tail bleeding only, those surviving shall be held under the supervision of inspectors for at least 14 days after the last tail bleeding, but subsequently shall be killed and subjected to post mortem examination as provided by the regulations.

§ 117.10 *Removal of animals.* Hogs, cattle, sheep, or goats shall not be removed from the premises of establishments licensed to produce anti-hog-cholera serum or hog-cholera virus without the written permission of the inspector in charge. Removal of animals from the premises of licensed establishments will be permitted by the inspector in charge under the following conditions, provided it is accomplished in such a manner as will preclude the dissemination of disease:

(a) Animals that are not in a healthy condition as determined by veterinary inspection, except when affected with a communicable disease, may be removed from licensed establishments for immediate slaughter in an abattoir operated under Federal inspection pursuant to the Meat Inspection Act (21 U. S. C. and Sup. 71 et seq.) if they are transported thereto by truck, wagon, or similar means, and not by rail: *Provided*, They are properly marked for identification and the inspector in charge of meat inspection is given due notice in advance. If such an abattoir is not accessible, the slaughter of said animals may be conducted if any convenient nonfederally inspected establishment provided the licensee signifies willingness in writing to dispose of the carcasses in compliance with the Meat Inspection Act and under the provisions of the meat inspection regulations (9 CFR, Chapter I, Subchapter A, as amended), and veterinary inspection as directed by the inspector in charge.

(b) Hogs that are in a healthy condition as determined by veterinary inspection may be removed from licensed establishments provided they are or have been treated or vaccinated and disinfected as prescribed in the regulations. Such hogs need not be treated or vaccinated or disinfected when removed for immediate slaughter at an abattoir operated under Federal inspection pursuant to the Meat Inspection Act (21 U. S. C. and Sup. 71 et seq.) or when removed to a public stockyard from which no hogs are permitted to be removed, without treatment or vaccination and disinfection under supervision of a Federal inspector, for purposes other than immediate slaughter. When hogs are removed to abattoirs or public stockyards without treatment or vaccination and disinfection as aforesaid, the licensee shall furnish the Bureau with a certificate from the consignee of the animals at the abattoir or public stockyards showing their slaughter therein or receipt thereby, respectively. If the animals are not disinfected, they shall not be transported by rail or driven over public highways which are not traversed by animals from stockyards or similar places.

(c) Calves that are in a healthy condition as determined by veterinary inspection may be removed from licensed establishments after disinfection as described in § 117.12 (a). When removed to an abattoir without passing through stockyards or over public highways which are not traversed by animals from public stockyards or similar places, the animals need not be so disinfected, provided the licensee furnishes the inspector in charge a statement from the consignee of the animals certifying that the animals will be slaughtered in an abattoir named in the certificate.

(d) Pigs which survive inoculation and exposure to hog-cholera virus for the production of hog-cholera virus, and surviving control pigs in tests of anti-hog-cholera serum, may be removed from licensed establishments not earlier than 14 days subsequent to the time of inoculation and exposure as aforesaid, provided they are healthy, as determined by veterinary inspection, are treated as described in § 117.11 and are disinfected as set forth in § 117.12, except that when removed for immediate slaughter or to public stockyards or to feed lots approved by the Chief, said animals need not be so treated or disinfected. Other surviving pigs in tests of anti-hog-cholera serum and hog-cholera virus may be removed at the conclusion of the test period, subject to the conditions prescribed in this paragraph.

(e) Hyperimmune hogs or those similarly treated may be removed from licensed establishments not earlier than 14 days subsequent to the time of hyperimmunization or inoculation: *Provided*, They are healthy, as determined by veterinary inspection, and are disinfected as prescribed in § 117.12, except that when removed for immediate slaughter or to public stockyards they may be removed after 10 full days and need not be so disinfected.

§ 117.11 *Hogs; treatment prior to removal.* All hogs which require treatment or vaccination as provided in § 117.10 shall be treated with either serum alone or by the simultaneous-inoculation method, as follows:

(a) When serum alone is used, it shall have been prepared and released for marketing at an establishment holding a license from the Secretary and the dose employed shall conform to that required by the regulations.

(b) When the simultaneous-inoculation method is used, the serum and virus used shall have been prepared at an establishment holding a license from the Secretary and the doses shall be not less than those required by the regulations. After receiving this treatment they shall be held under the supervision of an inspector for a period of at least 14 days.

§ 117.12 *Disinfection before removal.* All animals which require disinfection as provided in § 117.10 shall be treated as follows:

(a) The feet, legs, and soiled portions of the body of calves to be removed from the licensed establishments shall be cleaned and disinfected with a 2 percent aqueous solution of cresol compound, U. S. P., or substitute therefor approved by the Chief and the animals shall then be held in noninfectious pens on the

premises of the establishment until they are dry before being loaded for transportation.

(b) Hogs shall be disinfected in a 2-percent aqueous solution of cresol compound, U. S. P., or substittue therefor approved by the Chief, and shall be held in noninfectious pens on the premises for at least 3 hours before being loaded for transportation, and after disinfection they shall not be exposed to infectious pens, chutes, and the like. Hogs transported in trucks, wagons, or by similar means may be removed as soon after disinfection as they are observed by the inspector to be dry.

§ 117.13 *Other requirements.* All animals used in licensed establishments in the preparation or testing of veterinary biological products shall meet such requirements consistent with the regulations in this subchapter as may be prescribed by the Chief to prevent the preparation and sale of any worthless, contaminated, dangerous, or harmful biological products.

PART 118—HOG-CHOLERA VIRUS

GENERAL REQUIREMENTS

Sec.

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118.2 Temperatures and inspection.
118.3 Inoculation virus.
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HYPERIMMUNIZING VIRUS

118.25 Inoculations of hyperimmunizing virus.
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SIMULTANEOUS VIRUS

118.30 Inoculations of simultaneous virus.
118.31 Sickness and records thereof.
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118.38 Purity test for simultaneous virus.
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118.40 Test and retest.
118.41 Swine erysipelas.
118.42 Marking "U. S. Released."
118.43 Expiration date.
118.44 Minimum dosage and use.

GENERAL REQUIREMENTS

§ 118.1 *Supervision.* No operations incident to the production of hog-cholera virus in a licensed establishment shall be conducted without the knowledge or supervision of an inspector. The licensee shall notify the inspector in charge or his assistant a reasonable time in advance whenever any operations, including overtime work, are to be conducted in the licensed establishment.

§ 118.2 *Temperatures and inspection.* Pigs which are used in the production of hog-cholera virus at a licensed establishment shall be healthy, and the temperature of each animal shall be accurately taken and permanently recorded by the licensee immediately before inoculation when in the opinion of the inspector in charge this is necessary to determine the health of the animals. Each animal shall be subjected to thorough veterinary inspection immediately prior to inoculation. Temperatures of all pigs shall be accurately taken and recorded by the licensee each day subsequent to the fourth day after inoculation and at such other times as the inspector in charge may require. The temperatures of pigs that are slow or visibly sick on any working day shall be taken and recorded in like manner.

§ 118.3 *Inoculation virus.* Pigs for the production of inoculation virus at a licensed establishment shall weigh not less than 40 pounds nor more than 125 pounds each and shall be inoculated only with highly virulent hog-cholera virus. No hog-cholera virus shall be used for inoculating pigs for the production of inoculating virus, hyperimmunizing virus, or simultaneous virus for inoculating pigs in serum tests, unless it has been produced not more than 60 days prior to use and since its completion has been held only in containers of the borosilicate or equal type. These containers shall be of high resistance and low alkalinity, shall be properly marked for identification, shall be guaranteed by the manufacturer to be acceptable to the Bureau, and shall meet the tests developed by the Bureau for determining these qualities. Other virus may be made suitable for inoculation purposes only by passing it through pigs as prescribed in § 121.3 of this chapter. Virus derived from these pigs may be used for hyperimmunization if the animals react as prescribed in § 118.4.

§ 118.4 *Bleeding.* Pigs from which blood is to be collected for the production of hog-cholera virus at a licensed establishment shall be bled only after they have had veterinary inspection and have manifested well-marked and increasingly grave symptoms of hog-cholera only, attended with progressively abnormal temperatures common to the acute type of this disease, and have been released by the inspector.

§ 118.5 *Post mortem examinations.* All pigs from which simultaneous virus is derived at licensed establishments shall be subjected to post mortem veterinary inspection. Post mortem examination of hyperimmunizing virus pigs shall be made by trained and competent employees of the licensee. However, in all cases the examinations will be conducted under veterinary inspection, and the inspector shall observe the examination of as many pigs as possible.

§ 118.6 *Recording of symptoms.* A properly applied and recorded "slow" mark on a day preceding a Sunday or holiday may be regarded as equivalent to visible sickness provided the temperature of each slow pig is taken and recorded and provided the temperature is markedly abnormal. In other circumstances the slow mark should not be regarded as equivalent to visible sickness, but should be regarded as a mark applicable to that transitional stage between normal behavior and distinct visible sickness.

§ 118.7 *Autopsies.* Autopsies shall be conducted at licensed establishments on a sufficient number of virus pigs that succumb to obtain all possible information as to the cause of death. Licensed-establishment employees shall perform the labor incident to these examinations under the supervision of an inspector.

§ 118.8 *Early visible sickness; disposition.* Pigs that become visibly sick within 3 days after they have been examined for admission to the premises of a licensed establishment as prescribed by § 117.7 of this chapter, or within 4 days when the third day falls on a Sunday or holiday, must be rejected and either shall be destroyed or handled as prescribed by § 117.10 of this chapter.

§ 118.9 *Defibrination and chilling.* All virus shall be defibrinated promptly after collection at a licensed establishment and immediately thereafter chilled and maintained at a temperature of not to exceed 45° F.

§ 118.10 *Disposition of virus when condition unsatisfactory.* (a) Virus derived from pigs which on post mortem examination do not show lesions sufficient for the inspector to make a positive diagnosis of hog cholera, when considered with the ante mortem behavior of the animal, or from pigs which are found to be affected with any other infectious, contagious, or communicable disease or in such condition as to render the virus contaminated, shall be destroyed as provided in § 108.16 of this chapter under the supervision of an inspector. Virus passed by the inspectors may be destroyed as aforesaid at the discretion of the licensee.

(b) Virus derived from pigs which are found to be affected with tuberculosis shall not be marketed but shall be destroyed, as provided in § 108.16 of this chapter, under the supervision of an inspector, unless the lesions are slight or localized and are calcified or encapsulated.

(c) Samples of blood from pigs which on post mortem examination show evidence of concurrent affection with other disease, except highly communicable diseases referred to in § 117.5 of this chapter, together with well-defined lesions of hog cholera, may be released by the inspector to the licensee for bacteriological examination. Blood free from highly communicable diseases as aforesaid which is deemed satisfactory by the licensee after bacteriological examination may be used for hyperimmunizing purposes.

§ 118.11 *Removal of hog-cholera virus.* Hog-cholera virus shall not be removed from the premises of a licensed establishment unless the virus has been prepared and handled in accordance with the provisions of the regulations.

§ 118.12 *Filling and labeling containers.* No immediate or true container of hog-cholera virus shall be filled in whole or in part, and no label shall be affixed to such container, except under the supervision of an inspector.

HYPERIMMUNIZING VIRUS

§ 118.25 *Inoculations for hyperimmunizing virus.* For use in the production of hyperimmunizing virus, licensees shall inoculate healthy young pigs weighing not more than 160 pounds each with at least 2 cc. of highly virulent hog-cholera virus: *Provided*, That when hog cholera from pen infection is manifested by the animals after the fourth day subsequent to admission to the premises of the licensed establishment, they need not be so inoculated.

§ 118.26 *Requirements for hyperimmunizing virus.* Hyperimmunizing virus shall be collected at licensed establishments only from pigs which are observed on veterinary inspection to be visibly sick with hog cholera and which manifest well-marked and increasingly grave symptoms thereof attended with progressively abnormal temperatures common to the acute type of this disease.

SIMULTANEOUS VIRUS

§ 118.30 *Inoculations for simultaneous virus.* For use in the production of simultaneous virus, licensees shall inoculate young healthy pigs of good quality with at least 2 cc. each of highly virulent virus. Such pigs when inoculated shall weigh not less than 40 pounds nor more than 125 pounds.

(b) Pigs which are eligible only for the production of hyperimmunizing virus shall be inoculated and held in separate pens from those to be used for simultaneous virus. Such separation shall be made on or before the third day after inoculation and such pigs held thereafter in separate pens until released by the inspector.

§ 118.31 *Sickness and records thereof.* Simultaneous virus shall not be collected at licensed establishments from pigs which become visibly sick on or before the third day, or subsequent to the seventh day, after the time of inoculation. The physical condition of all pigs from which simultaneous virus is to be collected shall be recorded daily on and after the third day subsequent to inoculation.

§ 118.32 *Requirements for simultaneous virus, etc.* (a) Simultaneous virus and other hog-cholera virus intended for the inoculation of pigs for any purpose shall be collected at licensed establishments only from pigs which are observed by an inspector to be visibly sick with hog cholera within 7 days after the time of inoculation and which manifest well-marked and increasingly grave symptoms of hog cholera attended with progressively abnormal temperatures common to the acute type of this disease.

(b) Simultaneous virus shall be prepared in licensed establishments in batches of not to exceed 50,000 cc. The defibrinated blood in each batch shall not exceed 45,000 cc. and shall be mixed thoroughly in a single container before phenolization. All simultaneous virus shall be constantly agitated during the bottling operation.

§ 118.33 *Samples of simultaneous virus.* The following representative samples of simultaneous virus shall be taken at licensed establishments and properly identified by an inspector: (a) At time of mixing but before phenolization, (1) "purity test sample" of not less than 30 cc. in a single container, (2) "test sample A" of not less than 5 cc. in a single container; (b) After mixing and phenolization, (1) "phenol test sample" of not less than 30 cc. in one container, (2) one reserve sample of 30 cc. to be forwarded to the Bureau in event the pigeon or mouse test is unsatisfactory and to be returned to the licensee if tests of the sample are satisfactory, (3) "test sample B" of not less than 5 cc. in a single container; (c) At time of bottling, a "stock sample" of at least 30 cc. in one container. All "A" and "B" test samples shall be held at approximately 75° F. under Bureau lock until used. All other samples shall be held under Bureau lock at 35° to 45° F.

§ 118.34 *Phenolization.* Simultaneous virus blood which has been thoroughly mixed after withdrawal of the purity test sample and test sample A shall have added to it a sufficient quantity of a 5-percent solution of phenol so that the virus will contain one-half of 1-percent phenol by volume. This phenolization must be accomplished with accuracy and in a manner which will prevent undesirable changes in the product.

§ 118.35 *Holding of simultaneous virus.* Simultaneous virus which has been mixed and phenolized at licensed establishments as provided in the regulations, together with the virus-stock sample, shall be held under Bureau lock as provided under § 102.77 (c) of this chapter until the tests required by the regulations have been completed and have shown the virus to be free from contamination: *Provided*, That simultaneous virus which will not reach its destination before tests are concluded or which is exported to a foreign country may be released prior to the conclusion of said tests.

§ 118.36 *Disposition of samples of simultaneous virus.* At least one container of the stock sample of simultaneous virus shall be held at the licensed establishment unopened in the manner provided in § 102.77 (c) of this chapter for at least 3 months after the latest expiration date shown upon the labels affixed to the immediate or true containers of the product corresponding to the sample.

§ 118.37 *Test animals.* Two healthy calves, with mouths free from abrasions, as described in § 117.3 of this chapter, or three healthy pigs immunized by the simultaneous treatment against hog cholera for at least 14 days, shall be furnished for intravenous injection with the purity test sample. These animals shall be given veterinary inspection immediately before the test is begun. All animals used for the testing of simultaneous virus shall be injected only under the supervision of an inspector and shall be marked as provided in the regulations. All test animals shall be given veterinary inspection as frequently as practicable during the test period to determine whether any symptoms or lesions of a vesicular or other disease develop.

§ 118.38 *Purity test of simultaneous virus.* Each of the animals selected for testing the purity of simultaneous virus at licensed establishments shall be injected with 15 cc. of the purity-test sample into either the auricular or the jugular vein within 1 day after the first virus in the batch is collected.

§ 118.39 *Holding test animals.* Animals inoculated for the purpose of determining the purity of simultaneous virus at licensed establishments as provided in § 118.38 shall be held under the observation of a Division employee at least 7 days. Should foot-and-mouth disease appear in the United States the said animals shall be held under the observation of inspectors for at least 10 days.

§ 118.40 *Test and retest.* If none of the animals which are treated with hog-cholera virus as prescribed in § 118.38 manifests symptoms of any infectious, contagious, or communicable disease, or if only one animal develops hog cholera, the test will be declared "satisfactory for purity," and the product released for marketing; *Provided*, It is otherwise satisfactory under the provisions of the regulations. Should any of the animals in the test succumb or should more than one develop hog cholera, another test may be made as in the first instance, except that not less than 15 cc. of the phenolized virus shall be used for the inoculation of each animal.

§ 118.41 *Swine erysipelas.* Representative samples of each batch or serial of simultaneous virus shall be tested at licensed establishments as follows to determine its freedom from swine erysipelas (Erysipelothrix rhusiopathiae):

(a) Within 1 day after the first virus in the batch is collected, at least 1 cc. of test sample A shall be injected intramuscularly into each of three or more young pigeons or 0.2 cc. of such sample shall be injected subcutaneously into each of five or more suitable mice susceptible to swine erysipelas. These test animals and birds shall be held under the observation of an inspector for 10 or more days after being injected with the virus under test.

(b) Three or more days after phenolization of the batch of virus, at least 1 cc. of test sample B shall be injected intramuscularly into each of three or more young pigeons or 0.2 cc. of such sample shall be injected subcutaneously into each of five or more suitable mice susceptible to swine erysipelas. These test animals and birds shall be held under the observation of an inspector for 7 or more days after being injected with the virus under test.

(c) If all test animals and birds injected with test sample A survive for 10 days or more, and all test animals and birds injected with test sample B survive for 7 days or more, after injection, the batch or serial represented by the samples may be marketed if it otherwise conforms to the requirements of the regulations.

(d) Should any of the inoculated animals or birds die during the test, the product shall not be released for marketing and the reserve 30-cc. sample shall be forwarded to the Bureau.

(e) All animals and birds, after being used once in the tests provided in this section, shall be killed and their carcasses, and all virus blood and simultaneous virus which are contaminated with Erysipelothrix rhusiopathiae shall be destroyed by incineration or tanking as provided in § 108.16 of this chapter.

§ 118.42 *Marking "U. S. Released."* Each immediate or true container of simultaneous hog-cholera virus produced at licensed establishments which has been tested and found not to be worthless, contaminated, dangerous, or harmful, may have a cap affixed which, if approved by the Chief, may bear the words "U. S. Released." These caps shall be affixed to the aforesaid containers only under the supervision of an inspector and shall be held under Bureau lock except when needed for this purpose. No simultaneous virus shall be released for marketing unless and until all information required by the regulations has been affixed to the containers thereof under supervision of an inspector. All simultaneous virus on which the expiration date has expired shall be destroyed as prescribed in § 108.16 of this chapter.

§ 118.43 *Expiration date.* The expiration date placed on the label of each immediate or true container of simultaneous virus produced at licensed establishments shall be one of the following:

(a) A date within 90 days after the first blood in the batch was collected: *Provided*, That the simultaneous virus is stored and marketed in containers acceptable to the Bureau;

(b) A date within 120 days after the first blood in the batch was collected when the product is marketed in containers described in § 118.3 and is to be exported to a foreign country and the containers thereof are labeled distinctively.

§ 118.45 *Minimum dosage and use.* Labels affixed to or used in connection with each immediate or true container of simultaneous virus produced at licensed establishments shall bear a dosage table in which the doses recommended are not less than those appearing in the following table:

Weight:	*Minimum dose (cc.)*
Pigs weighing 45 pounds or less	1
Pigs weighing more than 45 pounds	2

Each label shall bear instructions to use the virus only with anti-hog-cholera serum.

PART 119—ANTI-HOG-CHOLERA SERUM

GENERAL REQUIREMENTS

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GENERAL REQUIREMENTS

§ 119.1 *Supervision of production of anti-hog-cholera serum.* No operation incident to the production of anti-hog-cholera serum at a licensed establishment shall be conducted without the knowledge or supervision of an inspector. The licensee shall notify the inspector in charge or the supervising inspector a reasonable time in advance whenever any such operations, including overtime work, are to be conducted in the licensed establishment.

§ 119.2 *Production principle.* Pigs that develop hog cholera of a well-marked and progressive type attended with progressively abnormal temperatures produce hog-cholera virus of high virulence, and when hogs properly immunized against hog cholera for a sufficient length of time are injected intravenously with massive quantities of such virus their blood serum possesses superior protective properties against hog cholera. Therefore, these facts should form the basis of all methods of producing anti-hog-cholera serum and hog-cholera virus as well as of all the regulations governing their production.

HYPERIMMUNE HOGS

§ 119.3 *Required period of immunity.* Anti-hog-cholera serum shall be derived at licensed establishments only from hyper-immune hogs which have been immune to hog cholera for at least 90 days prior to hyperimmunization.

§ 119.4 *Health, weight, and temperature when hyperimmunized.* Hogs which are used to produce anti-hog-cholera serum at licensed establishments shall be healthy at the time of hyperimmunization, and this fact shall be determined by a thorough veterinary inspection. The temperature and weight of each animal in a given group shall be determined and recorded accurately by the licensee before hyperimmunization of the group.

§ 119.5 *Dosage of virus.* All hogs which are used to produce anti-hog-cholera serum at licensed establishments shall receive, for hyperimmunization, a single intravenous injection of at least 5 cc. of hog-cholera virus for each pound of the animal's weight when injected.

§ 119.6 *Temperatures before bleeding.* The temperatures of the hogs in each group or lot used to produce anti-hog-cholera serum at licensed establishments shall be determined under normal handling conditions and recorded accurately by the licensee either on the afternoon before, or on the day of, bleeding and at such other times as the inspector may require. There shall be provided clean, light quarters equipped with a satisfactory chute and all other facilities for expediting temperature taking and veterinary inspection.

§ 119.7 *Inspection before bleeding.* All hogs which are used to produce anti-hog-cholera serum at licensed establishments shall be subjected to a thorough veterinary inspection before each bleeding. Groups containing any hogs that are lame or otherwise suspected of being affected with a vesicular disease shall be given special examination for vesicles and the like after thorough cleansing of their feet, including examination of the coronary bands, snouts, and lips. Only those hogs which are found to have a temperature of less than 104° F. and are free from any infectious, contagious, or communicable diseases or other abnormal conditions shall be bled for serum. No hyperimmune hog in a lot or group of like origin having a significant number of high temperatures or showing other abnormalities indicative of an infectious or communicable disease shall be subjected to bleeding until such conditions of the lot or group as a whole no longer exist.

§ 119.8 *Bleeding and examination.* (a) Anti-hog-cholera serum shall be derived at licensed establishments only from hyperimmune hogs which have been subjected to not more than four successive bleedings, except that additional bleedings may be authorized by the Chief in emergencies. The first bleeding shall take place not earlier than the eleventh day after hyperimmunization; subsequent bleedings shall not take place more frequently than once in 7 days; and the last bleeding shall be made on a date not later than 40 days after hyperimmunization: *Provided*, That, in emergencies, final bleeding may be deferred when specifically authorized by the Chief.

(b) Autopsies shall be performed at licensed establishments on hyperimmune hogs that succumb in order to obtain, if possible, information as to the cause of death. Employees of the licensed establishment, under the supervision of an inspector, shall perform the labor incident to these examinations.

(c) Anti-hog-cholera serum derived at licensed establishments from final bleedings shall be kept separate from other serum until it has been determined by post mortem examination that the hog from which the serum is derived was not so affected with any infectious, contagious, or communicable disease or in such condition as to render the serum worthless, contaminated, dangerous, or harmful.

§ 119.9 *Constitutional symptoms.* Anti-hog-cholera serum derived at licensed establishments from hogs which, after hyperimmunization, manifest symptoms indicative of an affection of a constitutional character other than those usually observed immediately following hyperimmunization shall not be mixed with other serum, unless after due consideration of the prevailing conditions, this action is permitted by a veterinary inspector. Such serum, if collected only from hogs as prescribed in § 119.8, may be prepared separately and tested as prescribed in the regulations and if, as a result of these tests, the product is found satisfactory, it may be marketed. Otherwise, the serum shall be destroyed as provided in § 108.16 of this chapter under the supervision of an inspector.

§ 119.10 *Post mortem examination.* (a) All hogs from which anti-hog-cholera serum is derived at licensed establishments shall be subjected, after final bleeding, to a thorough post mortem examination by an inspector. If, as a result of such inspection, it is found that any hog is so affected with any infectious, contagious, or communicable disease or is in such condition as to render the serum worthless, contaminated, dangerous, or harmful, the serum collected from such hog shall be destroyed by the licensee, as provided in § 108.16 of this chapter under the supervision of an inspector.

(b) If serum-producing hogs at a licensed establishment become exhausted as a result of tail bleeding, dressing of the animals may be permitted provided they are given veterinary inspection immediately before throat bleeding and provided the animals bleed properly. The carcasses of such hogs may be dressed for food if disposition thereof is made in accordance with the meat inspection regulations (9 CFR Chapter I, Subchapter A, as amended). The blood of such animals may be used for serum if the tail and throat bleeding operations are such that no more time elapses between tail bleeding and throat bleeding than is necessary for removing the animals from the tail-bleeding station and restraining them at a regular throat-bleeding station.

ANTI-HOG-CHOLERA SERUM PREPARATION PROCEDURE

§ 119.20 *Heating; time and conditions.* All anti-hog-cholera serum produced at licensed establishments shall be heated under the supervision of an inspector in such a manner as to subject the product and the entire container thereof to a temperature of 58.5° C. for 30 minutes with a tolerance of 0.5° above and below that temperature, by methods prescribed by the Chief.

§ 119.21 *Heating containers.* Metal containers of a capacity not to exceed 50 liters shall be used in heating anti-hog-cholera serum at licensed establishments. Such containers shall be equipped with satisfactory agitators, and facilities for cooling and preserving the product shall also be provided. All serum shall be handled prior to heating so that practically all "foam" is eliminated before beginning the heating process and shall be properly agitated while being heated, cooled, and preserved. Each container of serum at time of heating shall be so submerged that the water line in the bath will be at least 2 inches above the upper surface of the lid. No container or other equipment intended for heating, cooling, preserving, and storing serum shall be used unless it is acceptable to the inspector in charge.

§ 119.22 *Heating and cooling; instructions.* The temperature of the bath in which serum is heated at licensed establishments shall not be permitted to exceed 62° C. The temperature of the serum shall be reduced as rapidly as possible to 12° C. or lower after heating. The temperatures of the serum and the water in the bath shall be accurately determined and recorded by the use of automatic recording thermometers. A separate recording thermometer shall be used for each container of serum during the heating and cooling operations. Such parts of heating and cooling equipment as it may be necessary to seal to insure that actual temperatures of the product and the water bath are properly recorded shall be sealed effectively by an inspector. Bulbs and other parts of thermometers which are placed within the serum container shall be submerged in a 5-percent phenol solution, or substitute permitted by the Chief, at all times when not in use for taking temperatures.

§ 119.23 *Instructions for preparation of anti-hog-cholera serum—(a) Definitions.* When used in this section, the following terms shall be construed to have the meanings hereby assigned.

(1) *Group number.* The number used to identify a group of hyperimmune hogs not in excess of 175, the blood of which is clarified and identified as one lot or as a fraction of a lot.

(2) *Class of bleeding.* The bleedings of hyperimmune hogs. First, second, third, and throat or carotid bleedings shall be identified by the letters A, B, C, and D, respectively.

(3) *Working unit.* The net quantity of hyperimmune blood in each container used as a basis of clarification.

(4) *Preserved serum.* True serum and permitted clarifying solutions recovered in the centrifugation of hyperimmune blood, preserved in compliance with the regulations.

(5) *Completed serum.* A combination of the different classes of preserved serum mixed in batches in such proportions as will equalize the potency of said classes.

(6) *Finished serum.* Completed serum which is bottled, tested, and fully labeled for marketing.

(7) *Number.* The number of hyperimmunes in any group, subjected to bleeding, to supply blood of a given class.

(8) *Weight.* The total weight, at the time of hyperimmunization, of all the hogs in the group that are bled in each class.

(9) *Lot number.* The identification number of the preserved serum produced from blood collected from one or more groups consisting of a total of not more than 175 hyperimmune hogs.

(10) *Batch.* Preserved serum mixed in a single container as required by the regulations.

(11) *Division rate.* The proportion which the total quantity of preserved serum of each class of bleedings bears to the total quantity in a lot.

(12) *Remainder.* The unused preserved serum of all classes remaining after one or more batches have been prepared from a lot.

(b) *General provisions.* (1) The composition of each lot of anti-hog-cholera serum shall be recorded by the licensee on a form acceptable to the Chief.

(2) The average yield of blood per pound for each class of bleedings shall be entered in the hyperimmune record in connection with the weight for the class.

(3) The quantity of blood treated with clarifying solutions in a single container shall not exceed 25,000 cc. All clarifying solutions shall be added to the working unit.

(4) All of the preserved anti-hog-cholera serum produced from the blood collected from a given group of hogs shall be placed in the same lot.

(c) *Rules and factors for computing yields of anti-hog-cholera serum.* The following rules and factors shall be used by licensed establishments in computing yields of anti-hog-cholera serum. When defibrinated hyperimmune blood is used, the total quantities in the lot shall constitute the basis for making the following computations.

(1) To find the quantity of true serum in the lot, subtract the sum of the quantities of clarifying solutions and preserving solution from the total quantity of preserved serum.

(2) To find the percentage of true serum recovered from the defibrinated blood, divide the total quantity of true serum by the total quantity of defibrinated blood used.

(3) To find the maximum production permissible when the true serum recovered represents 73.04 percent or less of the defibrinated blood used, divide the total quantity of true serum by 0.88.

(4) To find the maximum production permissible when the true serum recovered represents more than 73.04 percent of the defibrinated blood, multiply the total quantity of defibrinated blood used by 0.83. In determining the concentration of phenol solution to be selected in preserving "Serum recovered

(gross)" prepared from defibrinated blood, the following table shall be used:

Serum recovered (gross) compared with defibrinated blood	True serum recovered compared with defibrinated blood	Preserving solutions (phenol) required
Percent	*Percent*	*Percent*
77.4666	73.6666	7.5
78.85	74.85	10
82.0459	78.0459	50

The figures in such table show the maximum yields that may be preserved with the different solutions without exceeding 83 percent of the defibrinated blood used, provided the clarifying solutions are exactly 4 percent of this blood. The figures for "Serum recovered (gross)" will vary as the clarifying solutions are permitted to vary from 4 percent.

(5) To find the division rates for the different classes of bleedings, divide the preserved serum in each class by the total quantity of preserved serum in the lot. Each rate shall be expressed as a decimal fraction and contain either three or six figures. A division rate of three figures may only be used, provided the last three of six figures are regarded as 1 and added to the third figure when they represent 501, or more and disregarded when they represent 500, or less. For example, 0.195501 shall be recorded and used as 0.196 and 0.184500 shall be recorded and used as 0.184.

(6) To find the percentage of true serum in the completed serum of a lot, divide the total net quantity of true serum used by the total quantity of preserved serum mixed.

(7) To find the percentage of completed serum as compared with the total quantity of defibrinated blood, divide the total quantity of completed serum by the total quantity of defibrinated blood used.

(8) To find the total weight of hyperimmune hogs used or bled, find the combined weights taken at the time of hyperimmunization for the hogs actually bled for each class of bleedings.

(9) To find the yield of defibrinated blood per pound of hyperimmune hogs, divide the total quantity of defibrinated blood collected from each class of bleedings of hyperimmune hogs by the total weight of the animals bled. The sum of these results for all bleedings combined will represent the yield of defibrinated blood per pound.

(10) To find the yield of completed serum per pound of hyperimmune hogs, divide the total quantity of completed serum by the total pounds of hyperimmune hogs used.

(d) *Preparing batches.* The following instructions shall be observed by licensed establishments in preparing batches of anti-hog-cholera serum:

(1) When not more than one batch of completed serum is to be prepared from the lot: Determine the net quantity of preserved serum mixed and the loss in handling.

(2) When two or more batches not to exceed 300,000 cc. each of completed serum equal or approximately equal in size are to be prepared from the lot: Divide the quantity of preserved serum of each class of bleedings in the lot by the number of batches that are to be prepared. The quotient will show the quantity of preserved serum of each class required for each batch. Proceed in the preparation of each batch as outlined in this section.

(3) When one or more batches of completed serum and a remainder are to be prepared from the lot: Determine the quantity of preserved serum of each class of bleedings required to make a batch of approximately 300,000 cc. of completed serum, and multiply the total quantity of preserved serum required by the division rate for each class. The results will show the quantity of preserved serum of each class required. Proceed with the preparation of the batch as outlined in this section. Proceed with the preparation of as many additional batches approximating 300,000 cc. each as may be possible from the lot as outlined in this section. The unused portions of a lot when they aggregate less than 300,000 cc. may be mixed together and tested and marketed as a batch, or shall be identified as "Remainder of Lot No. ----" and be made a part of the next batch mixed.

(4) When more than one batch of completed serum is to be prepared from the lot and a remainder is to be used: Determine the quantity of preserved serum of each class required to make a fraction of a batch of completed serum which, when added to the remainder, will approximate 300,000 cc., by subtracting from 300,000 cc., the quantity of preserved serum derived from the remainder. The difference will show the theoretical quantity of preserved serum that may be added to the remainder to make a batch of approximately 300,000 cc. of completed serum. Proceed with the preparation of the fraction of the batch as outlined in this section. Add the remainder to the completed fraction of the batch to find the quantity of completed serum in the batch. Proceed with the preparation of as many additional batches approximating 300,000 cc. each as may be possible from the lot as outlined in this section.

(5) When only one batch of completed serum is to be prepared from the lot and a remainder is to be used: Prepare the fractional part of the batch as outlined in this section. Add the remainder to the fraction to find the quantity of completed serum in the batch.

(6) Batches larger than 300,000 cc.: Such batches shall be prepared by mixing in a single container all preserved serum derived from one or more properly identified whole groups totaling not more than 175 hogs.

§ 119.24 *Batches; determination of quantity.* Anti-hog-cholera serum which is to constitute a batch or portion thereof may be strained into a single container, after which the quantity should be accurately determined.

§ 119.25 *Phenolization.* (a) Anti-hog-cholera serum produced at licensed establishments shall have added thereto a sufficient quantity of a 7½ percent solution of phenol to make the completed serum consist one-half of 1 percent of phenol by volume: *Provided*, That either a 10 percent phenol solution or a solution containing equal parts by weight of phenol and ether may be used when yields or methods require this as a means to keep the total quantity of serum produced from a given quantity of blood within requirements of the regulations. When a 10 percent phenol solution is used, at least 10 percent of its volume shall be glycerin.

(b) To preserve serum properly, the following procedure shall be observed:

(1) When a 7.5 percent solution is used, divide the quantity of serum by 14.

(2) When a 10 percent solution is used, divide the quantity of serum by 19.

(3) When the phenol-ether solution, mentioned above, is used, divide the quantity of serum by 86.

(c) Phenolization of anti-hog-cholera serum must be accomplished with accuracy, and in a manner which will prevent the occurrence of undesirable changes in the product. In every case the concentration and quantity of each solution used in preserving the serum shall be recorded by the licensee.

§ 119.26 *Mixing and holding.* Anti-hog-cholera serum, prior to testing, at licensed establishments shall be thoroughly mixed in a single container into batches of not more than 300,000 cc. composed of proper proportions of the different classes of bleedings as provided in the regulations: *Provided, however*, That larger batches may be prepared by mixing in a single container all serum derived from one or more properly identified whole groups of hyperimmune hogs totaling not more than 175 hogs. Until the serum is released by an inspector, it shall be held under Bureau lock except when being processed.

§ 119.27 *Samples.* After a batch of anti-hog-cholera serum is thoroughly mixed in a single container, at a licensed establishment, a representative sample consisting of at least 300 cc. shall be collected in three containers of not less than 100 cc. each, to be known as the "serum test sample." This sample shall be taken, properly labeled, marked by an inspector, and held under Bureau lock. One of the three containers shall be marked "stock sample" and held under Bureau lock for at least 6 months after the latest expiration date shown on the labels affixed to the immediate or true containers of the serum of which this sample is a part.

§ 119.28 *Disposition of samples.* Unused samples of anti-hog-cholera serum prepared at licensed establishments on which the expiration date has passed 6 months previously may be labeled and marked in the regular manner, provided this procedure is approved by the inspector in charge and the serum is at that time tested and found satisfactory for potency and purity, and such labeling and marking is done within 3 years after the oldest serum in the batch is collected. When these conditions are not met, and it is desired to market the serum, the samples shall be mixed and assigned a serial number. This mixture may be tested alone or it may be mixed with other untested serum and tested as prescribed in the regulations: *Provided*, That the samples shall not constitute more than 50 percent of the serum contained in the final mixture. The expiration date to be affixed to the containers of mixtures of unused samples shall not exceed 1 year from the date of conclusion of a satisfactory test for potency.

TESTING ANTI-HOG-CHOLERA SERUM

§ 119.50 *Tests required.* All anti-hog-cholera serum produced at licensed establishments shall be tested for purity and potency as prescribed by the regulations. Special tests may be authorized by the Chief under § 114.2 of this chapter.

§ 119.51 *Test pigs.* Licensees shall furnish all pigs used in testing anti-hog-cholera serum. Eight healthy pigs, susceptible to hog cholera and weighing not less than 40 pounds nor more than 90 pounds each, shall be used for testing each batch of serum consisting of 300,000 cc. or less. Batches consisting of more than 300,000 cc. shall be tested on 11 healthy pigs in lieu of 8. The inspector supervising the test shall indicate the pigs which shall receive anti-hog-cholera serum with hog-cholera virus and those which shall receive the virus only.

§ 119.52 *Dosage in tests.* Each pig furnished at licensed establishments for testing anti-hog-cholera serum shall be injected with 2 cc. of hog-cholera virus. Three pigs in each test shall receive no serum and shall serve as controls. The remaining pigs in the test shall receive 15 cc. each of the serum to be tested. The virus and serum injections shall be made simultaneously, the virus being injected in the left axillary space, and the serum in the right. Each of the pigs in the test shall be injected with virus of the same serial number, the virus to be selected and administered by an inspector.

§ 119.53 *Handling test pigs.* All surviving pigs used for testing a batch of serum at a licensed establishment shall be subjected to the same conditions throughout the test period and shall be held in a single pen or inclosure throughout this period, except that when it is evident that a particular serum test will be declared "no test" or "unsatisfactory for potency," the test pigs, with the permission of the supervising inspector, may be removed from the original test pen and placed with other pigs of the same class in a common pen for the purpose of releasing pen space for other tests.

§ 119.54 *Observation and holding period; test pigs.* The period for holding surviving pigs under the observation of an inspector, at licensed establishments, while being used for testing the potency and purity of anti-hog-cholera serum as described in the regulations, shall be not less than 14 days immediately following their inoculation for this purpose and as much longer as the inspector in charge deems necessary to render proper judgment on the results of the tests. Such pigs shall not be removed from the test unless and until released by the supervising inspector, who will permit their removal only after they have served their purpose in the prescribed tests.

§ 119.55 *Temperatures; test pigs.* The temperature of each pig used in a test of anti-hog-cholera serum at licensed establishments shall be taken and recorded shortly before such test is started. Temperatures of control pigs and "slow" or sick serum-treated pigs in serum tests, except known "unsatisfactory tests" and "no tests," shall be taken and recorded daily throughout the test period on regular work days and such other days as the inspector in charge may direct when it appears desirable for proper disposition of the test. When pigs in tests do not manifest "slowness" or symptoms of sickness, their temperatures need not be taken except when required by the inspector in charge to determine more accurately the physical condition of the animals under observation.

§ 119.56 *Virus required.* Simultaneous virus or its equivalent, as described in § 118.3 of this chapter, in sufficient quantities to meet the needs shall be furnished by licensed establishments for use as the inspector in charge may deem advisable for inoculating pigs in serum tests. Hog-cholera virus furnished by the Bureau shall be used in inoculating pigs in tests whenever the inspector in charge deems this procedure advisable, and whenever conditions in previous tests of any batch of serum have indicated some deficiency in either the virus or serum used.

§ 119.57 *Principle for judging results of tests.* The following principle and the rules in § 119.58 are to be used as guides in judging the results of serum tests at licensed establishments:

It is practically impossible in many cases to differentiate accurately between hog cholera, pneumonia, and other conditions affecting hogs without the aid of an autopsy as well as laboratory techniques and experiments to determine the causative agent responsible for the condition. Therefore, when healthy pigs are selected for testing anti-hog-cholera serum any abnormal condition in the pigs subsequent to their inoculation shall be regarded as due either to the virus used or, in serum-treated pigs, to the fact that the serum does not protect, unless the condition is definitely known or can be shown to be due to some other cause.

§ 119.58 *Rules for judging results of test.* The following rules shall apply at licensed establishments in judging anti-hog-cholera serum tests described in the regulations.

(a) *Control pigs.* The purpose of control pigs in serum tests is to furnish information as to the virulence of the virus used for inoculating the animals and to indicate whether the pigs furnished are susceptible to hog cholera. As an aid in determining the fulfillment of this purpose the following conditions shall obtain:

(1) At least two of the control pigs shall become visibly sick of hog cholera subsequent to the third day of the test period or the fourth day, if the third day falls on a Sunday or holiday, and within 7 days after the test is begun.

(2) At least two of the control pigs which become sick as described in subparagraph (1) of this paragraph shall manifest well-marked and increasingly grave symptoms of hog cholera attended with progressively abnormal temperatures common to the acute type of this disease.

(3) At least two of the control pigs which become sick as described in subparagraphs (1) and (2) of this paragraph shall show lesions upon post mortem examination sufficient for the inspector to make a positive diagnosis of hog cholera, when considered with the ante mortem behavior of these animals.

(b) *Test; conditions under which serum to be declared "satisfactory for potency."* Serum will be declared "satisfactory for potency" when at least two of the control pigs react as described in paragraph (a) of this section and either of the following conditions obtains:

(1) All the serum-treated pigs remain well throughout the test period.

(2) One or more of the serum-treated pigs become visibly sick after the time of inoculation and all fully recover before the test animals are released by the inspector. Such sick pigs, however, will not be regarded as fully recovered until they have been in an apparently normal condition for at least 3 consecutive days.

(c) *Test; conditions under which serum to be declared "unsatisfactory for potency."* Serum will be declared "unsatisfactory for potency" when at least two of the control pigs react as described in paragraph (a) of this section and the following condition obtains:

One or more of the serum-treated pigs became visibly sick subsequent to the third day after the time of inoculation, or the fourth day, if the third day falls on a Sunday or holiday, and fail to recover fully before the test animals are released by the supervising inspector.

(d) *Test; conditions under which serum to be declared "no test for potency."* Serum will be declared "no test for potency" when any one of the following conditions obtains, but such action will not prevent a retest under the provisions of the regulations:

(1) One or more of the serum-treated pigs become visibly sick on or before the third day after the time of inoculation, or the fourth day, if the third days falls on a Sunday or holiday, and fail to recover within the test period.

(2) Two or more of the control pigs become visibly sick on or before the third day after the time of inoculation, or the fourth day, if the third day falls on a Sunday or holiday.

(3) Two or more of the control pigs do not manifest symptoms of hog cholera as described in paragraph (a) of this section.

(4) Two or more of the control pigs do not show lesions of hog cholera upon post mortem examination as described in paragraph (a) of this section.

(5) Two or more of the control pigs manifest symptoms of hog cholera within 7 days as described in paragraph (a) of this section but do not become sick to the degree described in said paragraph.

(6) Any of the serum-treated pigs develop, during the test period, symptoms of any infectious, contagious, or com-

municable disease (other than hog cholera) which is not caused by the serum used.

(7) A condition obtains in any of the test pigs which is not otherwise covered in this section.

(e) *Test; when serum to be declared "satisfactory for purity."* Serum will be declared "satisfactory for purity" when the following condition obtains:

Not more than one of the serum-treated pigs in a test develops an abscess at the site of the serum injection and no symptoms of any infectious, contagious, or communicable disease other than hog cholera are manifested by any of the animals in the test.

(f) *Test; conditions under which serum to be declared "unsatisfactory for purity."* Serum will be declared "unsatisfactory for purity" when either of the following conditions obtains:

(1) Abscesses which are not definitely known to be due to causes other than the serum used develop at the sites of the serum injections in more than one of the serum-treated pigs.

(2) During the test period any of the serum-treated test pigs develop symptoms of any infectious, contagious, or comunicable disease (other than hog cholera) which is due to the serum used.

(g) *Test; conditions under which serum to be declared "no test for purity."* Serum will be declared "no test for purity" when any one of the following conditions obtains, but such action will not prevent a retest under the provisions of the regulations.

(1) Two or more of the serum-treated pigs succumb within 14 days after the time of inoculation.

(2) Any of the serum-treated pigs develop, during the test period, symptoms of any infectious, contagious, or communicable disease (other than hog cholera) which is not caused by the serum used.

(3) A condition obtains in any of the test pigs which is not otherwise covered in this section.

§ 119.59 *Retests when serum found "unsatisfactory for potency."* When a test of anti-hog-cholera serum, prepared at a licensed establishment, has shown it to be "unsatisfactory for potency," the serum may be tested again as prescribed in § 119.51. Should this retest show the serum to be "unsatisfactory for potency" it may be so retested again, and if still found "unsatisfactory for potency" the serum shall be destroyed or otherwise disposed of as prescribed by the Chief.

§ 119.60 *Tests for purity.* Should abscesses develop at the sites of the serum inoculations in any of the pigs used at licensed establishments for testing serum as provided in this part, the following rules shall apply:

(a) Judgment of the results of tests made on pigs to determine the potency of anti-hog-cholera serum will be rendered irrespective of conditions found which are regarded as an index to the purity of the product.

(b) If anti-hog-cholera serum upon testing is declared "satisfactory for purity," and it is found necessary to subject the batch of serum to a retest to determine its potency, judgment concerning the purity of the product shall be based on the first test unless evidence is found subsequent to such test which indicates that the serum is contaminated.

§ 119.61 *Retests for purity.* (a) When anti-hog-cholera serum prepared at a licensed establishment has once been found "unsatisfactory for purity," as defined in § 119.58, it may be tested again for purity on eight pigs, provided each pig receives a single injection, in the axillary space, of at least 20 cc. of the product.

(b) When anti-hog-cholera serum produced at a licensed establishment has twice been found "unsatisfactory for purity," as defined in § 119.58, but is "satisfactory for potency," as provided in § 119.58, it may be tested again to ascertain whether it is contaminated with pus-producing organisms by treating 50 hogs on the premises of the licensed establishment. The serum shall be administered under the supervision of an inspector, and each hog treated shall receive a single injection, in the axillary space, of not less than 25 cc. of the product to be tested. Serum tested as provided in this paragraph shall be destroyed or otherwise disposed of or used as prescribed by the Chief.

§ 119.62 *Purity test animals; holding period.* Animals used for testing serum as provided in § 119.61 at licensed establishments shall be held under the supervision of an inspector for at least 14 days, and be carefully examined at the sites of inoculations to determine whether the serum has caused abscess formation.

§ 119.63 *Minimum dosage.* When anti-hog-cholera serum produced at licensed establishments, upon testing as provided in the regulations, is found "satisfactory for potency" and "satisfactory for purity," the product may be marketed if it is recommended for use in doses not less than those appearing in the following table:

Weight:	*Minimum dose (cc.)*
Sucking pigs	16
Pigs 20 to 40 pounds	24
Pigs 40 to 90 pounds	28
Pigs 90 to 120 pounds	36
Hogs 120 to 150 pounds	44
Hogs 150 to 180 pounds	52
Hogs 180 pounds and over	60

§ 119.64 *Marking anti-hog-cholera serum "U. S. Released."* Each immediate or true container of anti-hog-cholera serum produced at a licensed establishment, and which has been tested and found not to be worthless, contaminated, dangerous, or harmful may have a cap affixed which, if approved by the Chief, may bear the words "U. S. Released." These caps shall be affixed to the aforesaid containers only under the supervision of an inspector and shall be held under Bureau lock except when needed for this purpose.

§ 119.65 *Expiration date.* The expiration date shown on labels of anti-hog-cholera serum produced at licensed establishments shall not exceed 3 years from the date on which the first serum of the batch is collected, except as provided in § 119.66.

§ 119.66 *Extension of expiration date.* Should the expiration date of any batch of anti-hog-cholera serum produced at licensed establishments expire before the serum is used, the serum may be retested, and if found "satisfactory for potency" and "satisfactory for purity," as defined in § 119.58 (b) and (e), the expiration date may be extended for 1 year from the date of conclusion of the retest for potency. Should a batch of anti-hog-cholera serum not be found "satisfactory for potency" or "satisfactory for purity" before the expiration of 3 years from the date of collection of the oldest serum in the batch, or should it not be so found in time to allow it to be used before the expiration of said 3 years, the expiration date will be limited to 6 months from the date of conclusion of a satisfactory test for potency.

§ 119.67 *Requirements for filling and labeling.* No immediate or true container of anti-hog-cholera serum shall be filled in whole or in part, and no label shall be affixed to such a container at licensed establishments, except under the supervision of an inspector.

§ 119.68 *Conditions for release and removal.* Anti-hog-cholera serum shall not be removed from the premises of a licensed establishment unless it has been prepared as required by the regulations, and no such serum shall be released for marketing unless and until all the information required by the regulations has been affixed to the containers thereof under the supervision of an inspector.

PART 121 — ADMISSION OF BIOLOGICAL PRODUCTS AND MATERIALS TO LICENSED ESTABLISHMENTS

Sec.
121.1 Requirements re admission of biological products, etc., to licensed establishments.
121.2 Bureau virus and serum.
121.3 Virus from outbreaks.
121.4 Transportation between licensed establishments.

§ 121.1 *Requirements re admission of biological products, etc., to licensed establishments.* Except as specifically authorized by the regulations, no biological product which has not been prepared, handled, stored, and marked in accordance with the regulations and no biological product which is worthless, contaminated, dangerous, or harmful shall be brought onto the premises of any licensed establishment.

§ 121.2 *Bureau virus and serum.* Hog-cholera virus and anti-hog-cholera serum prepared by the Bureau will be admitted to licensed establishments for use as prescribed in the regulations or as may be approved by the Chief.

§ 121.3 *Virus from outbreaks.* Hog-cholera virus procured from outbreaks of hog cholera on farms that are free from other communicable diseases will be admitted to licensed establishments by the inspector in charge when requested by the licensee for use in propagating a new strain of virus for inoculating purposes. Before such virus is used in the production of simultaneous virus or hyperimmunizing virus, it shall be injected into pigs weighing from 40 to 90 pounds to determine whether the purity and virulence of the product are satisfactory. The virus shall be passed through pigs as provided in the regulations until its virulence and purity are satisfactory; otherwise, the product shall be destroyed as provided in § 108.16 of this chapter.

§ 121.4 *Transportation between licensed establishments.* Anti-hog-cholera serum and hog-cholera virus, spleens, and other organs, collected in licensed establishments, and suitable for use under the regulations, may be transported from one licensed establishment to another or between units of the same establishment provided these products are properly packed. Such products and materials must be packed or iced so that a proper temperature will be maintained during transportation. The containers shall be sealed by an authorized inspector, and such seals shall be broken only by such an inspector at the point of destination; otherwise, the products and materials shall be refused admission at the licensed establishment to which transported.

PART 122—ORGANISMS AND VECTORS

Sec.
122.1 Permits required.
122.2 Application for permits.
122.3 Suspension or revocation of permits.

§ 122.1 *Permits required.* No organisms or vectors shall be imported into the United States or transported from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia without a permit issued by the Secretary and in compliance with the terms thereof: *Provided*, That no permit shall be required under this section for importation of organisms for which an import permit has been issued pursuant to Part 102 of this chapter or for transportation of organisms produced at establishments licensed under Part 102 of this chapter. As a condition of issuance of permits under this section, the permittee shall agree in writing to observe the safeguards prescribed by the Chief for public protection with respect to the particular importation or transportation. Permits shall be numbered and shall be in the following form:

UNITED STATES VETERINARY PERMIT NO. ------

ORGANISMS OR VECTORS

Washington, D. C. ----------

Under authority of Act of Congress approved February 2, 1903 (32 Stat. 792, 21 U. S. C. 111) and Act of Congress approved March 4, 1913 (37 Stat. 832–833, 21 U. S. C. 151–158), ---------- is hereby authorized, so far as the jurisdiction of the Department of Agriculture is concerned, to (import or transport) ---------- from ---------- to ---------- via ----------.

This permit is issued under authority contained in § 122.1, Subchapter E, Chapter I, Title 9 CFR, and on the basis of the signed agreement of the perinittee to use the organisms and their derivatives, or vectors, only for the purpose specified therein, and to dispose of them as directed by the U. S. Bureau of Animal Industry.

Secretary of Agriculture

Countersigned:

Chief, Bureau of Animal Industry

§ 122.2 *Application for permit.* The Secretary may issue, at his discretion, a permit as specified in § 122.1 when proper safeguards are set up as provided in § 122.1 to protect the public. Application for such a permit shall be made in advance of shipment, and each permit shall specify the name and address of the consignee, the true name and character of each of the organisms or vectors involved, and the use to which each will be put.

§ 122.3 *Suspension or revocation of permits.* (a) Any permit for the importation or transportation of organisms or vectors issued under this part may be formally suspended or revoked after opportunity for hearing has been accorded the permittee, as provided in Part 123 of this chapter, if the Secretary finds that the permittee has failed to observe the safeguards and instructions prescribed by the Chief with respect to the particular importation or transportation or that such importation or transportation for any other reason may result in the introduction or dissemination from a foreign country into the United States, or from one State, Territory or the District of Columbia to another, of the contagion of any contagious, infectious or communicable disease of animals (including poultry).

(b) In cases of wilfulness or where the public health, interest or safety so requires, however, the Secretary may without hearing informally suspend such a permit upon the grounds set forth in paragraph (a) of this section, pending determination of formal proceedings under Part 123 of this chapter for suspension or revocation of the permit.

Any person who wishes to submit written data, views, or arguments concerning the proposed regulations may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within 21 days after the date of publication of this notice in the FEDERAL REGISTER.

Witness my hand and the seal of the U. S. Department of Agriculture. Done at Washington, D. C., this 17th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-10166; Filed, Nov. 19, 1948; 9:04 a. m.]

Production and Marketing Administration

[7 CFR, Part 930]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held at Toledo, Ohio, on November 4, 1948 upon a proposed amendment to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

Preliminary statement. The proposed amendment upon which the hearing was held was submitted by the Northwestern Cooperative Sales Association, Inc.

The material issues presented on the record of hearing were:

(1) The establishment of price levels below which prices for Class I and Class II milk would not be permitted to decline during the next few months but not beyond February 1949;

(2) The need for emergency action which warrants immediate effectuation of a revision in the order.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing.

(1) The Class I milk and Class II milk prices should not be less than $4.70 per hundredweight and $4.10 per hundredweight, respectively, from the effective date of this amendment through January 1949. For the month of February 1949, the Class I milk price should be not less than $4.48 and the Class II milk price should be not less than $3.88.

Prices of Class I and Class II milk under the Toledo order declined 73.6 cents per hundredweight between July and October of this year. This decline was the result of declines in the market prices for the major milk products and in prices paid farmers by milk manufacturing plants. Such prices are, in the alternate, the base upon which Class I and Class II prices are computed pursuant to the order. Such declines occurred during months when both farm prices for the fluid milk market and for condensery milk could be expected to increase seasonally. Data in the record for 1943–1947 indicate seasonal increase in local condensery prices in most years between July and October. The average July to October increase in this period was approximately 8.8 percent. Conversely, local condensery prices for October 1948 declined slightly more than 14.7 percent from the July level. A similar decline

occurred in the other condensery price series employed by the order. This contraseasonal movement of prices, occurring at a time of the year when production costs normally increase, has caused considerable uncertainty as to price movements and levels in the next few months in the Toledo milkshed. There are indications also that a further decline in Class I and Class II prices at Toledo may result in the loss of some milk to the major competing markets of Detroit and Cleveland where price levels are somewhat above Toledo this fall.

It was proposed that the Class I and Class II prices be held until the end of February 1949 at minimum levels equivalent to those for the month of September 1948. In this connection, it may be noted from the record that there has been a substantial increase in the amount of milk received from producers in recent months as compared with the corresponding period of 1947. During May to September producer receipts increased more than 2,300,000 pounds over the same five-month period in 1947. On the other hand gross Class I utilization increased only 642,000 pounds. The increase in producer receipts was nearly 3.7 times greater than the increase in gross Class I utilization. The decrease in other source milk needed for Class I was 1,749,000 pounds, declining from 3,669,000 pounds in May–September 1947 to 1,920,000 in May–September 1948. Producer numbers in September 1948 were 5.1 percent higher than in September 1947. From these data, it appears that at the producer price levels in effect substantial gains in milk production relative to fluid milk needs have been made this year. However, the amount of inspected milk will not be sufficient to meet the entire Class I and Class II requirements of all handlers this fall.

Conditions are generally more favorable to milk production in the milkshed this fall as compared with a year ago. There has been a substantial decline in protein feed prices recently. However, beef cattle and hog prices remain relatively high compared with milk prices. In spite of a decrease in protein feed prices with the harvesting of 1948 feed crops and the availability of record quantities of feed per animal, milk production costs are being maintained at relatively high levels by current hay prices, prevailing wage levels for farm labor and recent increases in farm machinery prices. The favorable ratio shown between milk prices and feed prices for recent months follows a long period characterized by an unfavorable ratio. Because of support price programs in operation, it appears unlikely that further declines of a substantial nature in feed prices will occur during the coming winter months. The decline of about 16.9 per cent in the basic formula price which has taken place since July endangers the more favorable milk-feed ratio of the last few months. Further decreases currently in the Class I and Class II prices by this means conceivably could destroy the temporary advantage gained and tend to discourage milk deliveries.

In view of the increases which have taken place in production in relation to production during the same periods last year in relation to sales of Class I milk, it is not considered appropriate to increase prices to the level which prevailed in September. Instead, it is concluded that a further contraseasonal decline through the operation of the current formula should be prevented by maintaining minimum Class I and II prices at approximately the October level for the coming months of December 1948 and January 1949. In order to mitigate the possibility of a contraseasonal price situation as the spring production season approaches, it is concluded further that the minimum Class I and Class II prices should be maintained at a somewhat lower level for February 1949 (22 cents per hundredweight less).

(2) An emergency exists which requires that prompt action be taken to amend the order to effectuate the findings and conclusions set forth above without allowing for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto.

The testimony showed that under prevailing conditions a further decline in the Class I and Class II prices at this time would have a serious impact upon returns for milk produced for the marketing area. Any delay beyond December 1, 1948, in effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome inspected milk for the Toledo market, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued and made effective by December 1, 1948, unless the recommended decision and the filings of exceptions thereto are omitted.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Determination of representative period. The month of September 1948 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Toledo marketing area, in the manner set forth in the attached amending order is approved or favored by producers who during such representative period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 17th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area [1]

§ 930.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held on November 4, 1948 upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings and determinations are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and the findings and determinations made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 930.5 (a) (1) the proviso contained therein and substitute therefor the following: "*Provided,* That such Class I milk price shall be not less than $4.70 from the effective date of this amendment through January 31, 1949; and not less than $4.48 for the delivery period of February 1949."

2. Add to § 930.5 (a) (2) the following proviso: "*Provided,* That such Class II milk price shall be not less than $4.10 from the effective date of this amendment through January 31, 1949; and not less than $3.88 for the delivery period of February 1949."

[F. R. Doc. 48-10163; Filed, Nov. 19, 1948; 9:03 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 965]

HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held at Cincinnati, Ohio, on November 3, 1948, upon a proposed amendment to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area.

Preliminary statement. The proposed amendment upon which the hearing was held was submitted by The Cooperative Pure Milk Association and the Cincinnati Sales Association.

The material issues presented on the record of hearing were:

(1) The establishment of price levels below which prices for Class I and Class II milk would not be permitted to decline during the next few months but not beyond March 1949;

(2) The need for emergency action which warrants immediate effectuation of revisions in the order.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

(1) The Class I milk and Class II milk prices should not be less than $5.40 per hundredweight and $4.95 per hundredweight, respectively, from the effective date of this amendment through January 1949. For the month of February 1949, the Class I milk price should be not less than $5.18 and the Class II milk price should be not less than $4.73.

Prices of Class I and Class II milk under the Cincinnati order declined 64 cents per hundredweight between July 1–31 and October 1–15 this year. This decline was the result of a corresponding decline in the condensery price level (prices paid farmers by 5 milk manufacturing plants in Ohio) which was the effective "basic formula price" computed pursuant to the order. Such decline occurred during months when both farm prices for the fluid milk market and for condensery milk could be expected to increase seasonally. Data in the record for 1943–1947 indicate seasonal increases in condensery prices between July and October in most years. The average July to October increase in this period was approximately 10.1 percent. Conversely, prices for the October 1–15 period in 1948 declined slightly more than 13.7 percent from the July level. This contraseasonal movement of prices, happening at a time of the year when production costs normally increase, has caused considerable uncertainty as to price movements and levels in the next few months in the Cincinnati milkshed.

It was proposed that the Class I and Class II prices be held until the end of March 1949 at minimum levels equivalent to those for the month of September 1948. In this connection, it may be noted from the record that there has been a substantial increase in the amount of milk received from producers in recent months as compared with the corresponding period of 1947. During May to September producer receipts increased more than 4,600,000 pounds over the same five-month period in 1947. On the other hand gross Class I utilization increased only 460,000 pounds. The increase in producer receipts was nearly 10 times greater than the increase in Class I utilization. Producer numbers in August 1948 had increased over the level of August 1947 by 5.5 per cent. In September 1948 producer numbers were 9.5 per cent higher than in the previous September. From these data, it appears that at the producer price levels in effect substantial gains in milk production relative to fluid milk needs have been made this year. However, it appears that the amount of inspected milk will not be sufficient to meet the entire Class I and Class II requirements of all handlers this fall.

Conditions are generally more favorable to milk production in the milkshed this fall as compared with a year ago. There has been a substantial decline in protein feed prices recently. However, beef cattle and hog prices remain relatively high compared with milk prices. In spite of a decrease in protein feed prices with the harvesting of 1948 feed crops and the availability of record quantities of feed per animal, milk production costs are being maintained at relatively high levels by current hay prices, present wage levels for farm labor and recent increases in farm machinery prices. The unfavorable ratio shown between milk prices and feed prices for recent months follows a long period characterized by an unfavorable ratio. Because of support price programs in operation, it appears unlikely that further declines of a substantial nature in feed prices will occur during the coming winter months. The decline of about 16.9 per cent in the basic formula price which has taken place since July endangers the more favorable milk-feed ratio of the last few months. Further decreases currently in the Class I and Class II prices by this means conceivably could destroy the temporary advantage gained and tend to discourage milk deliveries.

In view of the fact that production has increased over last year and has increased greatly more than the increase in sales of Class I milk, it is not considered appropriate to increase prices to the level which prevailed in September. Instead it is concluded that a further contraseasonal decline through the operation of the current formula should be prevented by maintaining minimum Class I and Class II prices at approximately the October 1–15 level for the coming months of December 1948 and January 1949.

In order to mitigate the possibility of a contraseasonal price situation as the

spring production season approaches, it is concluded further that the minimum Class I and Class II prices should be maintained at a somewhat lower level for February 1949 (22 cents per hundredweight less) and that the formula should operate without restriction after such month.

(2) An emergency exists which requires that action be taken promptly to amend the order to effectuate the findings and conclusions set forth above without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto.

The testimony showed that under prevailing conditions a further decline in the Class I and Class II prices at this time would have a serious impact on returns for milk produced for the marketing area. Any delay beyond December 1, 1948, in effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome milk for the Cincinnati marketing area, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued and made effective by December 1, 1948, unless the recommended decision and the filing of exceptions thereto are omitted.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of handlers who are subject to the marketing order. Every point covered in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions set forth herein. To the extent that the findings and conclusions proposed in the briefs are not consistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Determination of representative period. The month of September 1948 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Cincinnati marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such representative period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 17th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area

§ 965.1 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held on November 3, 1948, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 965.6 (a) (1) the proviso contained therein and substitute therefor the following: "*Provided*, That such price for Class I milk shall be not less than $5.40 from the effective date of this amendment through January 31, 1949; and not less than $5.18 for the delivery period of February 1949."

2. Delete from § 965.6 (a) (2) the proviso contained therein and substitute therefor the following: "*Provided*, That such price for Class II milk shall be not less than $4.95 from the effective date of this amendment through January 31, 1949; and not less than $4.73 for the delivery period of February 1949."

[F. R. Doc. 48-10165; Filed, Nov. 19, 1948; 9:04 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 972]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO THE ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held at Huntington, West Virginia, on November 1, 1948, upon a proposed amendment to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tri-State marketing area.

Preliminary statement. Material issues presented at this hearing were as follows:

(1) The establishment of price levels below which Class I and Class II milk prices would not be permitted to decline during the next few months but not beyond March 1949.

(2) The need for emergency action.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence introduced at the hearing:

(1) The Class I milk price should not be less than $5.00 per hundredweight at Huntington district plants and $4.80 per hundredweight at other plants of handlers from the effective date of this amendment through January 1949; the Class II milk price should not be less than $4.70 per hundredweight at Huntington district plants and $4.50 per hundredweight at other plants of handlers for the same period. For the month of February 1949, the Class I milk price should be not less than $4.78 at Huntington district plants and not less than $4.58 at other plants of handlers; for such month the Class II milk price should be not less than $4.48 at Huntington district plants and not less than $4.28 at other plants of handlers.

Prices of Class I and Class II milk under the Tri-State order declined 71.5 cents per hundredweight between July 1–31 and October 1–15 this year. This decline was the result of a corresponding decline in the condensery price level (prices paid farmers by 18 milk manufacturing plants in Wisconsin and Michigan) which was the effective "basic formula price" computed pursuant to the order. Such decline occurred at a time of the year when both farm prices for the fluid milk market and for condensery milk could be expected to increase seasonally. Data in the record for 1940–1947 show seasonal increases in condensery prices each year between July and October. The average July to October increase in this period was approximately 10.5 percent. Conversely, prices for the October 1–15 period in 1948 declined slightly more than 16 percent from the July level. This contraseasonal movement of milk prices, occurring at a time of the year when production costs normally increase, has caused considerable uncertainty as to price movements and levels in the next few months in the milkshed supplying the Tri-State marketing area. There are indications also that a further decline in Class I and Class II prices in the Tri-State marketing area may result in a loss of milk to the major competing fluid milk market of Charleston, West Virginia, where the farm price level has advanced rather than declined since July.

It was proposed that the Class I and Class II prices be held until the end of March 1949 at minimum levels equivalent to those for the month of September 1948. In this connection, it may be noted from the record that there has been a substantial increase in the amount of milk received from producers in recent months as compared with the corresponding period of 1947. During May to September producer receipts increased more than 4,100,000 pounds over the same five-month period in 1947. On the other hand Class I utilization (gross) increased 1,400,000 pounds. The increase in producer receipts was nearly 2.9 times greater than the increase in Class I utilization. The decrease in other source milk needed for Class I was 909,000 pounds, declining from 1,571,000 pounds in May–September 1947 to 662,009 pounds in May–September 1948. Producer numbers in September 1948 were 9 percent higher than in the previous September. From these data, it appears that at the producer price levels in effect substantial gains in milk production relative to fluid milk needs have been made this year. However, it is apparent that the amount of inspected milk is not sufficient to meet the entire Class I and Class II requirements of all handlers this fall.

Conditions are generally more favorable to milk production in the milkshed this fall as compared with a year ago. There has been a substantial decline in protein feed prices recently. However, beef cattle and hog prices remain relatively high as compared with milk prices. Also, in spite of a decrease in protein feed prices, with the harvesting of 1948 feed crops and the availability of record quantities of feed per animal, milk production costs are being maintained at relatively high levels by high hay prices, current wage levels for farm labor, and recent increase in farm machinery prices. The favorable ratio shown between milk prices and feed prices for recent months follows a long period characterized by an unfavorable ratio. Because of support price programs in operation, it appears unlikely that further declines of a substantial nature in feed prices will occur during the coming winter months. The decline of about 16 percent in the Class I and Class II prices which has taken place since July endangers the more favorable ratio of the last few months. Further decreases in the Class I and Class II prices at this time conceivably could destroy the temporary advantage gained and tend to discourage milk deliveries.

In view of the increases which have occured in production in relation to the same periods last year and in relation to sales of Class I milk, it is not considered appropriate to increase prices to the level which prevailed in September. Rather, a further contraseasonal decline through the operation of the current formula should be prevented by maintaining minimum Class I and II prices at approximately the October 1–15 level for the coming months of December 1948 and January 1949. In order to mitigate the possibility of a contraseasonal price situation as the spring production season approaches, it is concluded that the minimum Class I and Class II prices should be maintained at a somewhat lower level for February 1949 (22 cents per hundredweight less) and that the formula should operate without restriction after such month.

(2) An emergency exists which requires that action be taken promptly to amend the order to effectuate the above findings and conclusions without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the Act imperatively and unavoidably requires the omission of such recommended decision and filing of exceptions thereto.

The testimony showed that under prevailing conditions a further decline in the Class I and Class II prices at this time would have a serious impact on returns for milk produced for the marketing area. Any delay beyond December 1, 1948, in effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome milk for the Tri-State marketing area, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued and made effective by December 1, 1948, unless the recommended decision and the filing of exceptions thereto are omitted.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reach-

ing the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Determination of representative period. The month of September 1948 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Tri-State marketing area, in the manner set forth in the attached amending order is approved or favored by producers who during such representative period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Tri-State Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Tri-State Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 17th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area[1]

§ 972.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held on November 1, 1948, upon a certain proposed amendment to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings and determinations are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and the findings and determinations made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 972.5 (b) the proviso contained therein and substitute therefor the following: "*Provided*, That such price for Class I milk shall not be less than $5.00 at Huntington district plants and $4.80 at other plants from the effective date of this amendment through January 31, 1949; and not less than $4.78 at Huntington district plants and $4.58 at other plants for the delivery period of February 1949."

2. Delete from § 972.5 (c) the proviso contained therein and substitute therefor the following: "*Provided*, That such price for Class II milk shall not be less than $4.70 at Huntington district plants and $4.50 at other plants from the effective date of this amendment through January 31, 1949; and not less than $4.48 at Huntington district plants and $4.28 at other plants for the delivery period of February 1949."

[F. R. Doc. 48-10164; Filed, Nov. 19, 1948; 9:03 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Order 1]

DELEGATIONS OF AUTHORITY TO ENTER INTO CONTRACTS AND LEASES

1. By virtue of the discontinuance of the codification of material relating to organization and procedures of the Fish and Wildlife Service, and pursuant to the notice published October 15, 1948, in the FEDERAL REGISTER (13 F. R. 6066), the existing delegations of the Director, Fish and Wildlife Service, are hereby continued as modified, as follows:

SEC. 60 *Delegations of authority by Director*—(a) *Contracts for procurement.* Pursuant to the authority contained in Secretary's Order No. 2336, dated June 19, 1947 (43 CFR 4.100 (d)), the officials and employees designated herein are authorized to enter into contracts for construction, supplies or services, limited to the amounts indicated in each case, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. The officials and employees so authorized may with respect to any such contract issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized. All other delegations or redelegations relating to the same subject matter are revoked.

(1) Headquarters Organization: Chief, Division of Administration, and Chief, Branch of Finance and Procurement, unlimited as to amount; and Purchasing Officer, Branch of Finance and Procurement, $10,000.

(2) Regional Offices: Region 1, Regional Director, Assistant Regional Director, Administrative Officer, and Assistant Administrative Officer; Regions 2 to 5, Regional Director, Assistant Regional Director, and Administrative Officer; and Region 6, Regional Director and Administrative Officer, $10,000.

(3) Other Field Offices: Administrator, Deputy Administrator, and Administrative Officer, Philippine Fishery Program, Manila, Luzon, Republic of the Philippines, and Director, Assistant Director, and Administrative Officer, Pacific Oceanic Fishery Investigations, $10,000.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(b) *Leases for space in real estate.* Pursuant to the authority contained in Secretary's Order No. 2360, dated September 15, 1947 (43 CFR 4.102 (e)), the officials and employees designated herein are authorized to enter into leases for space in real estate outside the District of Columbia, limited to the amounts indicated in each case, in conformity with applicable regulations, statutory requirements and the said Order of the Secretary No. 2360, and subject to the availability of funds. The officials and employees so authorized may with respect to any existing or future such lease, modify, renew, or terminate the same if such action is legally permissible or authorized. All other delegations or redelegations relating to the same subject matter are revoked.

(1) Headquarters Organization: Chief, Division of Administration, and Chief, Branch of Finance and Procurement, unlimited as to amount; and Purchasing Officer, Branch of Finance and Procurement, $10,000.

(2) Regional Offices: Region 1, Regional Director, Assistant Regional Director, Administrative Officer, and Assistant Administrative Officer; Regions 2 to 5, Regional Director, Assistant Regional Director, and Administrative Officer; and Region 6, Regional Director and Administrative Officer, $10,000.

(3) Other Field Offices: Administrator, Deputy Administrator, and Administrative Officer, Philippine Fishery Program, Manila, Luzon, Republic of the Philippines, and Director, Assistant Director, and Administrative Officer, Pacific Oceanic Fishery Investigations, Honolulu, T. H., $10,000; General Manager, Assistant General Manager, Administrative Officer, Purchasing Assistant, Pribilof Islands, Seattle, Washington, $5,000; Liaison Officer, Philippine Fishery Program, San Francisco, California, and Manager, Pocatello Supply Depot, Pocatello, Idaho, $1,000.

Dated: November 15, 1948.

M. C. JAMES,
Acting Director.

[F. R. Doc. 48-10134; Filed, Nov. 19, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3307]

NORTHWEST AIRLINES, INC.; REMOVAL OF GREAT FALLS AND KALISPELL RESTRICTIONS

NOTICE OF HEARING

In the matter of the application of Northwest Airlines, Inc., for amendment of its certificate of public convenience and necessity for route No. 3 so as to remove restrictions preventing services to (a) Great Falls on flights serving Butte, Billings, Bozeman, or Helena, Montana, and (b) Kalispell on flights serving Bozeman, Butte, Helena, or Missoula.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the above application is assigned for hearing on November 30, 1948, at 10:00 a. m. (e. s. t.) in Room 2065, Temporary Building 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the proposed amendments of certificates are required, in whole or in part, by the public convenience and necessity.

2. Whether the applicant is a citizen of the United States and is fit, willing, and able to perform the proposed new transportation properly and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person, other than the parties of record, desiring to be heard in this proceeding shall file with the Board on or before November 30, 1948, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., November 16, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10151; Filed, Nov. 19, 1948; 9:01 a. m.]

[Dockets Nos. 3415, 3416]

MT. MCKINLEY AIRWAYS, INC., AND GOLDEN NORTH AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the non-certificated operations of Mt. McKinley Airways, Inc., Docket No. 3415, and Golden North Airways, Inc., Docket No. 3416.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceedings is assigned to be held on November 29, 1948, at 10:00 a. m. (e. s. t.), in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 17, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10152; Filed, Nov. 19, 1948; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1090]

DELHI OIL CORP.

NOTICE OF FINDING UPON APPLICATION FOR STATUS DETERMINATION AND DECLARATORY ORDER

NOVEMBER 16, 1948.

Notice is hereby given that, on November 12, 1948, the Federal Power Commission issued its finding upon application for status determination and declaratory order entered November 10, 1948, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10126; Filed, Nov. 19, 1948; 8:45 a. m.]

[Docket No. G-1140]

GENERAL CRUDE OIL CO.

NOTICE OF FINDING UPON APPLICATION FOR STATUS DETERMINATION

NOVEMBER 16, 1948.

Notice is hereby given that, on November 12, 1948, the Federal Power Commission issued its finding upon application for status determination entered November 10, 1948, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10127; Filed, Nov. 19, 1948; 8:45 a. m.]

[Project No. 341]

J. M. FREEMAN

NOTICE OF ORDER AUTHORIZING ISSUANCE OF NEW LICENSE

NOVEMBER 16, 1948.

Notice is hereby given that, on November 12, 1948, the Federal Power Commission issued its order entered November 10, 1948, authorizing issuance of new license (minor) in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10128; Filed, Nov. 19, 1948; 8:45 a. m.]

[Project No. 734]

WESTERN COLORADO POWER CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (TRANSMISSION LINE)

NOVEMBER 16, 1948.

Notice is hereby given that, on November 15, 1948, the Federal Power Commission issued its order entered November 10, 1948, authorizing amendment of license (transmission line) in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10129; Filed, Nov. 19, 1948; 8:45 a. m.]

[Project No. 1907]

THOMAS R. ARMSTRONG, ET AL.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

NOVEMBER 16, 1948.

In the matter of Thomas R. Armstrong, Frank S. Fisher and Ruby Lera Fisher, Project No. 1907.

Notice is hereby given that, on November 15, 1948, the Federal Power Commission issued its order entered November 10, 1948, approving transfer of license (minor) in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10130; Filed, Nov. 19, 1948; 8:45 a. m.]

CITIES SERVICE GAS CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIABLE IN ACCOUNT 107, GAS PLANT ADJUSTMENTS

NOVEMBER 16, 1948.

Notice is hereby given that, on November 12, 1948, the Federal Power Commission issued its order entered November 10, 1948, approving and directing disposition of amounts classifiable in Account 107, Gas Plant Adjustments, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10131; Filed, Nov. 19, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1670]

PITTSBURGH, CINCINNATI, CHICAGO AND ST. LOUIS RAILROAD CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of November A. D. 1948.

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from registration and listing the Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company Consolidated Mortgage Guaranteed 3½% Bonds Series E due August 1, 1949, of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company.

The application alleges that (1) the above security was issued under a consolidated mortgage dated October 1, 1890, to the Farmers' Loan and Trust Company of New York, Trustee, now known as City Bank Farmers Trust Company; (2) the applicant exchange has been notified from time to time of the retirement of this security through operation of a sinking fund and otherwise; (3) the Trustee of this issue, under date of October 6, 1948, certified to the applicant exchange the cancellation of $470,000 principal amount of these bonds through operation of the sinking fund; (4) this retirement reduced the outstanding principal amount of this security to $74,000; (5) the outstanding amount of this security has been so reduced as to make further dealings therein on the applicant exchange inadvisable; (6) dealings in this security on the applicant exchange were suspended by action of the exchange at the opening of the trading session on October 22, 1948; and (7) the rules of the New York Stock Exchange with respect to the striking of a security from registration and listing have been complied with.

Upon receipt of a request, prior to December 10, 1948, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10136; Filed, Nov. 19, 1948; 8:47 a. m.]

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT & RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER CONTINUING JURISDICTION WITH RESPECT TO PROPOSED SALE AND PERMITTING SALE AND TRANSFER OF SHARES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of November A. D. 1948.

In the matter of the United Light and Railways Company, American Light & Traction Company, et al.; File Nos. 59-11, 59-17 and 54-25.

American Light & Traction Company ("American Light"), a registered holding company, having filed an application-declaration and amendments thereto, in accordance with the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules promulgated thereunder, with respect to the proposed sale, pursuant to the competitive bidding requirements of Rule U-50 of 192,734 shares of the common stock of the Detroit Edison Company ("Detroit Edison") and the use of the proceeds received from such sale; and

The Commission by order dated November 9, 1948, having granted and permitted to become effective said application-declaration with respect to the proposed sale of 192,734 shares of Detroit Edison common stock, subject to the condition that the sale not be consummated until the results of competitive bidding shall have been made a matter of record in the proceeding and a further order shall have been entered by the Commission in the light of the record so completed, for which purpose jurisdiction was reserved, and subject to the further condition that American Light, prior to the consummation of the proposed sale, file an amendment agreeing that it will take or cause to be taken such action as will result in a severance of all interlocking directorates between it and Detroit Edison, and the Commission having reserved jurisdiction with respect to the fees and expenses to be paid in connection with the proposed sale of Detroit Edison stock and having continued the reservation of jurisdiction contained in its order of December 30, 1947, over the accounting treatment with respect to the proposed sale; and

American Light having filed an amendment stating that in accordance with the order of the Commission dated November 9, 1948 it offered said stock for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Name of Bidder	Price per share to company
Blyth & Co	$19.546
The First Boston Corp	19.53999
Coffin & Burr, Inc., and Spencer Trask & Co	19.4499
Otis & Co	18.93

The amendment further stating that the bid of Blyth & Company has been accepted, and that the purchasers propose to offer the stock to the public at $20.125 per share resulting in an underwriting spread of $.579 per share which is equal to 2.96% of the price to the company and 2.88% of the public offering price; and

American Light having filed further amendments agreeing to take or cause to be taken such action as will result in a severance of all interlocking directorates between it and Detroit Edison not later than the next annual meeting of stockholders of Detroit Edison and stating that the fees and expenses to be paid by the company will aggregate $10,050 of which $7,500 represents legal fees to three separate counsel and that the fee of Chadbourne, Hunt, Jaeckel & Brown, New York, counsel for the prospective bidders, will be $4,000 which amount will be paid by the successful bidder; and

It appearing that the estimated fees and expenses proposed to be paid by American Light in connection with the sale of the Detroit Edison common stock aggregating $10,050, including counsel fees payable, $4,500 to Sidley, Austin, Burgess & Harper, $500 to Fischer, Brown, Sprague, Franklin and Ford, and $2,500 to Sullivan and Cromwell and the fees of independent counsel, estimated at $4,000 to be paid by the successful bidder to Chadbourne, Hunt, Jaeckel & Brown are not unreasonable; and

The Commission having examined and considered the record herein and finding that the applicable standards of the act and the rules and regulations thereunder with respect to the sale of said stock have been complied with, and observing no basis for imposing terms and conditions with respect to the price to be received for said stock or the underwriting spread and the allocation thereof:

It is ordered, Subject to the terms and conditions prescribed by Rule U-24, that the application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith and that the jurisdiction heretofore reserved with respect to the price to be received by American Light for the 192,734 shares of common stock of Detroit Edison Company, the underwriters' compensation and the fees and expenses to be incurred and paid in connection with said sale, be, and hereby is, released; and

It is further ordered, That the reservation of jurisdiction with respect to the accounting treatment in connection with the proposed sale be, and hereby is, continued.

It is further ordered and recited, That the sale and transfer by American Light of 192,734 shares of Capital Stock of Detroit Edison (represented by Certificate Nos. K-116, K-119, K-138, K-144 and K-146) at the price of $19.546 per share are necessary or appropriate to the integration or simplification of the holding company system of which American Light is a member, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10137; Filed, Nov. 19, 1948; 8:47 a. m.]

[File No. 70-1956]

SIOUX CITY GAS AND ELECTRIC CO. AND IOWA PUBLIC SERVICE CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 16th day of November 1948.

Sioux City Gas and Electric Company ("Sioux City"), a registered holding company and a public utility company, and its subsidiary, Iowa Public Service Company ("Iowa"), also a public utility company and a registered holding company, having filed a joint application-declaration and amendments thereto, pursuant to sections 6 (a), 7, 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 (the "act"), and Rules U-43 and U-50 thereunder, regarding, among other things, the proposed issuance and sale by Iowa, pursuant to the competitive bidding requirements of Rule U-50, of $3,000,000 principal amount of its First Mortgage Bonds, to be dated as of November 1, 1948 and to mature in 1978, and the issuance and sale of 109,866 additional shares of its authorized but unissued $15 par value common stock at a price of not less than $15 per share by means of the issuance of transferable subscription warrants to its common stockholders; and

The Commission having by order dated October 21, 1948, granted and permitted to become effective said joint application-declaration as amended subject, however, to the conditions, among others, that the proposed issuance and sale of bonds and common stock of Iowa should not be consummated until the results of the competitive bidding for the bonds and the subscription price for the common stock of Iowa had been made a matter of record in this proceeding and a further order had been entered by this Commission in the light of the record so completed and the Commission having further reserved jurisdiction with respect to the payment of any and all fees and expenses incurred, or to be incurred, in connection with the proposed issuance and sale of the securities of Iowa; and

Sioux City and Iowa having filed a further amendment herein stating that a subscription price of $15 per share of common stock of Iowa has been fixed and that, pursuant to the invitation for competitive bids, the following bids for the bonds have been received:

Group headed by—	Coupon rate	Price to company	Annual cost of money
	Per cent	*Percent*	*Percent*
Halsey, Stuart & Co. Inc.[1]	3¼	101.07999	3.193778
The First Boston Corp	3¼	101.0799	3.193783
Otis & Co	3¼	100.579	3.219758
Harriman Ripley & Co., Inc.[1]	3¼	100.342	3.232111
Kidder, Peabody & Co.[1]	3¼	100.3099	3.233787
Glore, Forgan & Co	3¼	100.3097	3.233798
Equitable Securities Corp	3¼	100.303	3.234148
Salomon Bros. & Hutzler [1]	3¼	100.1997	3.239544

[1] Sole member of group.

Said amendment having further stated that Iowa has accepted the bid of Halsey, Stuart & Co. Inc., as set out above, and that such bonds will be offered for sale to the public at a price of 101.93% of the principal amount thereof plus accrued interest, resulting in an underwriting spread of 0.85001% of the principal amount of said bonds; and

It appearing to the Commission that the fees and expenses proposed to be paid in connection with the financing of Iowa are not unreasonable, said fees and expenses including counsel fees as follows:

Winthrop, Stimson, Putnam & Roberts (New York counsel for Iowa)	$8,500
Sifford & Wadden (local counsel for Iowa)	2,000
Hughes, Hubbard & Ewing (counsel for the underwriters)	5,000

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to said matters:

It is ordered, That the jurisdiction heretofore reserved with respect to the subscription price of the common stock and the matters to be determined as the result of competitive bidding in connection with the sale of the said bonds under Rule U-50, be, and the same hereby is, released and that the said joint application-declaration of Sioux City and Iowa as further amended herein be, and the same hereby is, granted and permitted to become effective forthwith, subject however to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to the payment of any and all fees and expenses incurred, or to be incurred, in connection with the issuance and sale of the securities of Iowa, be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10138; Filed, Nov. 19, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12238]

EDWARD C. HEGELER

In re: Trust u/w of Edward C. Hegeler, deceased. File D-28-7396-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joachim Krache, Horst Krache, Wolfgang Temme, Margarethe Louise Catherine Barkhausen, Anna Johanna Marie Barkhausen Dittman, Heinrich Georg Barkhausen, Elizabeth Paula Emma Barkhausen Mollier, Emma Meta Obkircher, Theodore Choulant, Liddy Schotte, Oscar Schotte, Alexander Schotte, Wilhelm Schotte, Maria Roche and Martha Wohlfarth, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children or heirs, devisees and legatees, names, unknown of Margarethe Louise Catherine Barkhausen, of Anna Johanna Marie Barkhausen Dittman, of Heinrich Georg Barkhausen, of Elizabeth Paula Emma Barkhausen Mollier, of Emma Meta Obkircher, of Theodore Choulant, of Liddy Schotte, of Maria Roche and of Martha Wohlfarth, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Edward C. Hegeler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Continental Illinois National Bank and Trust Company of Chicago, as Substitute Trustee, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of La Salle;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraphs 1 and 2

hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-10153; Filed, Nov. 19, 1948; 9:01 a. m.]

[Vesting Order 12322]

DR. MAX CARL SWOBODA

In re: Stock and bonds owned by and debt owing to Dr. Max Carl Swoboda. F-28-646-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Max Carl Swoboda, whose last known address is Sulzbach Inn, Niederbayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Ten (10) shares of no par value preferred Series A capital stock of Eastern States Corporation, 10 Light Street, Baltimore, Maryland, a corporation organized under the laws of the State of Maryland, evidenced by certificates numbered A 0955 and A 0960 for the five (5) shares each, registered in the name of Schoellkopf, Hutton & Pomeroy, Inc., and presently in the custody of Schoellkopf, Hutton & Pomeroy, Inc., 70 Niagara Street, Buffalo, New York, together with all declared and unpaid dividends thereon,

b. Eleven (11) German Government International 5½% Loan 1930 Gold Bonds, of $1,000 face value each, bearing the numbers C 56624, C 56801, C 62877, C 66933, C 71028, C 74513, C 78421, C 80100, C 89219, C 89220, and C 91997, each in bearer form, presently in the custody of Schoellkopf, Hutton & Pomeroy, Inc., 70 Niagara Street, Buffalo, New York, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to Dr. Max Carl Swoboda, by Schoellkopf, Hutton & Pomeroy, Inc., 70 Niagara Street, Buffalo, New York, in the amount of $1,653.50 as of December 31, 1945, arising out of a credit balance in an account with the aforesaid Schoellkopf, Hutton & Pomeroy, Inc., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dr. Max Carl Swoboda, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10154; Filed, Nov. 19, 1948; 9:01 a. m.]

[Vesting Order 12351]

WILLY ELBEL ET AL.

In re: Interests in oil and gas leases and claims owned by Willy Elbel, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany):

Names and Last Known Addresses

Willy Elbel, Rudolstadter-Str. 16, Bad Blankenberg, Thuer, Germany.

Alma Gelmroth, also known as Alma Gelmorth, Altremdaerstrasse, Remba, b/Rudolstadt, Thuer, Germany.

Elsa Hanschmann, also known as Ella Hanschman and as Elsa Hanschman, Glascheutterstrasse-14, Dresden-19, Germany.

Hans Kloecker, also known as Hans Kloeker, Rudolstaedter-39, Bad Blankenberg, Thuer, Germany.

Karl Schumann, Breitanberda b/Remda, Thuer, Germany.

Ida Schwarz, also known as Ida Schwartz, Altremdaerstrasse Remda, Rhuer, Germany.

Max Zuerner, also known as Max Zurner, Muehlbachgasse-86, Remda, b/Rudolstadt, Thuer, Germany.

G. R. Oswald Elbert, Fritz-Teuterstrasse 17, Dresden-Neustadt, Germany.

2. That the property described as follows:

a. An undivided thirteen six-hundredths (13/600ths) interest in seven-eighths (7/8ths) of the entire production in or under an oil and gas lease, known as the Kincaid Moseley lease, which lease was executed November 3, 1930, by and between Beulah Milas and King Milas, her husband, et al., Lessors, and Dr. W. D. Northcutt, Lessee, recorded in the Office of the County Clerk of Gregg County, Texas, December 29, 1930, Volume 61, Pages 615-616 of Deed Records, covering real property situated in the County of Gregg, State of Texas, particularly described in Exhibit A, attached hereto and by reference made a part hereof,

b. All those certain debts or other obligations owing to Willy Elbel, Alma Gelmroth, also known as Alma Gelmorth, Elsa Hanschmann, also known as Ella Hanschman and as Elsa Hanschman, Hans Kloecker, also known as Hans Kloeker, Karl Schumann, Ida Schwarz, also known as Ida Schwartz and Max Zuerner, also known as Max Zurner by W. W. Williams, Trustee, c/o Trapp and Blankenship, 1816 Petroleum Building, Oklahoma City, Oklahoma, arising out of income collected from their respective interests in the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Willy Elbel, Alma Gelmroth, also known as Alma Gelmorth, Elsa Hanschmann, also known as Ella Hanschman and as Elsa Hanschman, Hans Kloecker, also known as Hans Kloeker, Karl Schumann, Ida Schwarz, also known as Ida Schwartz and Max Zuerner, also known as Max Zurner, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. An undivided four six-hundredths (4/600ths) interest in and to seven-eighths of the entire production in or under a certain oil and gas lease, known as the Beulah Milas lease, which lease was executed March 14, 1931, by and between Beulah Milas and King Milas, her husband, Lessors, and W. D. Northcutt, Lessee, recorded in the Office of the County Clerk of Gregg County, Texas, May 29, 1931, Volume 84, Pages 356-358 of Deed Records, covering real property situated in the County of Gregg, State of Texas, particularly described in Exhibit B, attached hereto and by reference made a part hereof,

b. All those certain debts or other obligation owing to G. R. Oswald Ebert and Ida Schwarz, also known as Ida Schwartz, by W. W. Williams, Trustee, c/o Trapp and Blankenship, 1816 Petroleum Building, Oklahoma, City, Oklahoma, arising out of income collected on their respective interests in the

property described in subparagraph 3-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, G. R. Oswald Ebert and Ida Schwarz, also known as Ida Schwartz, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain tract of land situated in the County of Gregg, State of Texas, described as follows, to wit:

Being a part of the John Ruddle, Head Right Survey, about 8-miles west of the City of Longview, Texas, described as follows to-wit:

Beginning at the S. W. corner, of the Rufus Moseley, 55 acre tract, a stake;

Thence N. 317.4 vrs. to Ella Anderson's S. W. corner, stake for corner;

Thence E. 140.2 vrs. to Beulah Miles, N. W. corner a stake for corner;

Thence S. 317.4 vrs. to the S. line of the 55 acre tract mentioned above;

Thence W. 140.2 vrs. to the place of beginning, containing 7.88 acres of land, more or less.

EXHIBIT B

All that certain tract of land situated in the County of Gregg, State of Texas, described as follows, to-wit:

Being the land that Beulah Milas inherited from her father, Rufus Moseley, a part of the John Ruddle H. R. Survey, about 8 miles West of the City of Longview, and described by metes and bounds by beginning at the S. E corner of Ella Anderson 7.85 acre tract, stake; Thence S. 317.4 vrs. stake, S. W. corner of India Anderson 15.7 acre tract; Thence W. 140.2 vrs. stake in S line of 55 acre tract; Thence N. 317.4 vrs. to stake in S line of Ella Anderson tract; Thence E 140.2 vrs. to place of beginning, containing 7.85 acres. Being same land set apart to Beulah Milas in Partition Deed between Herbert Moseley et al, dated Jan. 19, 1926, duly recorded in Vol. 52, Page 96, Deed Records of Gregg County, Texas, being a part of the John Ruddle H. R. Survey, in Gregg County, Texas.

[F. R. Doc. 48-10155; Filed, Nov. 19, 1948; 9:02 a. m.]

[Vesting Order 6713 Amdt.]

CONRAD MANDEL ET AL.

In re: Interest in real property, property insurance policies and a claim owned by Conrad Mandel, John Mandel, Henry Mandel, and Elizabeth Pez.

Vesting Order 6713, dated June 21, 1946 is hereby amended as follows and not otherwise:

By deleting the name Maria Merle, wherever it appears in said Vesting Order 6713;

By deleting from subparagraph 1-a of said Vesting Order 6713, Bottendorf, Germany, as the last known address of Maria Merle;

By deleting subparagraph 2-a of said Vesting Order 6713, and substituting therefor the following:

a. An undivided 4/7ths interest in real property situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibits A and B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

All other provisions of said Vesting Order 6713 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10157; Filed, Nov. 19, 1948; 9:02 a. m.]

MARIA SCARAMELLINI PIRONDINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Maria Scaramellini Pirondini, San Casciano, Sondrio, Italy; 31981; $9,496.79 in the Treasury of the United States. Real property situated in Logan County, Colorado, particularly described as follows: The South Half (S½) of Section Five (5), Township Eight (8) North, Range Fifty-two, (52), West of the 6th P. M., Logan County, Colorado, except that part of the N½ of SE¼ of said Section 5, Township 8 North, Range 52 West of the 6th P. M. described as follows, to wit: Commencing at the Northeast corner of said SE¼ of Section 5, Township 8 North, Range 52 West of the 6th P. M. as the point of beginning, thence South 89°30' West 2087 feet to the Easterly right-of-way line of the Pawnee Extension Company ditch; thence Southerly along the Easterly right-of-way line and parallel with the center line of the Pawnee Extension Company ditch a distance of 930 feet to a point; thence South 85°55' East 2478 feet to the section line, thence North 922 feet to the place of beginning; also All that part of the S½ of NE¼ of Section 5, Township 8 North, Range 52, West of the 6th P. M. lying on the Westerly side of the right-of-way of the Pawnee Extension Company ditch as now constructed upon and across the said South Half of the Northeast Quarter above described. Six shares of The Farmers' Pawnee Canal Company, Sterling, Colorado, Capital Stock—par value $5.00 per share, evidenced by Certificate Number 444 registered in the name of Maria Scaramellini-Pirondini fu Dell'Anna. Ten shares of The Pawnee Extension Company, Sterling, Colorado, Capital Stock—par value $100 per share, evidenced by Certificate Number 44 registered in the name of Maria Scaramellini-Pirondini fu Dell'Anna. The above certificates now in custody Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

Executed at Washington, D. C., on November 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10162; Filed, Nov. 19, 1948; 9:03 a. m.]

[Vesting Order CE 461]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN COURTS OF MINNESOTA AND RHODE ISLAND

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained

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or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6).

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Sarah Crandall Wiltse Werner	Germany	Trust under the will of Caroline H. Addison in District Court of the Fourth Judicial District, State of Minnesota.	Income from trust under the will of Caroline H. Addison, deceased.	Northwestern National Bank of Minneapolis, Minn., trustee.	$85 00
		Item 2			
Do	do	Trust under the will of Sarah S. Wiltse, deceased in Surrogate's Court of County of Nassau, State of New York.	Income from trust under the will of Sarah S. Wiltse deceased.	Franklin S. Wiltse, trustee under the will of Sarah S. Wiltse, deceased R. F. D. Saylesville, R. I.	95 00

[F. R. Doc. 48-10166; Filed, Nov. 19, 1948; 9:02 a. m.]

ANGELO DI PAOLO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Angelo Di Paolo, a/k/a Angelo De Paolo, Teramo, Italy, 5900; $3,062.95 in the Treasury of the United States. General Trust Mortgage Fund Participation Certificate No. 614 issued by West Branch Bank and Trust Company, Williamsport, Pennsylvania, Successor Trustee to Lycoming Trust Company, Williamsport, Pennsylvania, presently in custody of the Depository Section, Operations Branch, Office of Alien Property, Washington, D. C.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10159; Filed, Nov. 19, 1948; 9:02 a. m.]

FUEL REFINING CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Fuel Refining Corp., 225 West 34th Street, New York, N. Y.; 904; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent Nos. 1,603,792, 1,619,535, 1,829,608, 2,043,945, 2,049,272, 2,082,215, 2,108,610, and in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent No. 1,577,487, and in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to United States Letters Patent Nos. 2,158,666, 2,159,359, 2,195,466, 2,199,513. This return shall not be deemed to include the rights of any licensees under the above patents.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10161; Filed, Nov. 19, 1948; 9:02 a. m.]

MADDALENA S. CERNUSCHI AND GIOVANNI CERNUSCHI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Maddalena S. Cernuschi and Giovanni Cernuschi, Bergamo, Italy, 17607; $9,011.13 in the Treasury of the United States. All that lot or parcel of land lying or being in Washington, D. C., described as follows: Lot numbered six hundred and fifty (650), in John Mitchell's subdivision of part of "Mount Pleasant", as per plat recorded in the Office of the Surveyor for the District of Columbia, in Liber 38 at folio 126, improved by premises Nos. 3201, 3203 and 3205 Mount Pleasant Street, according to Survey by the Surveyor for the District of Columbia and recorded in Survey Book 41, page 249, in the Office of said Surveyor, the aforesaid premises now known as 3201½, 3203 and 3205 Mount Pleasant Street. Together with right of way over three feet alley way adjoining said lot numbered Six hundred and fifty (650) on the North-westerly side as provided by Agreement recorded in Liber 3270 at folio 135, and subject to a perpetual right of way over the rear 3.70 feet of said lot numbered six hundred and fifty (650) for alley purposes, in favor of the owners of lots numbered Six hundred and Forty-nine (649) and Six hundred and fifty (650) in said subdivision as shown on said Survey, together with the improvements, rights, and privileges, and appurtenances to the same belonging.

Executed at Washington, D. C., on November 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10160; Filed, Nov. 19, 1948; 9:02 a. m.]

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FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 13 NUMBER 228

Washington, Tuesday, November 23, 1948

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

PART 2—REVISION, REOPENING, REVIEW OF SETTLEMENTS

PART 4—ACCOUNTS AND CLAIMS

PART 12—ORGANIZATION AND DESIGNATIONS OF EMPLOYEES TO ACT AS OR FOR THE COMPTROLLER GENERAL OF THE UNITED STATES

PART 13—DECISIONS OF THE COMPTROLLER GENERAL OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

NOVEMBER 17, 1948.

1. Section 2.1 is amended to read as follows:

§ 2.1 *Applications for review; time; requirements.* (a) Settlements made after July 1, 1921, will be reviewed, in the discretion of the Comptroller General, upon the written application of:

(1) A claimant whose claim has been settled.

(2) A disbursing officer whose accounts have been settled.

(3) A certifying officer responsible under the act of December 29, 1941, 55 Stat. 875.

(4) The head of the department or Government establishment to which the claim or account relates.

(5) Upon the motion of the Comptroller General.

(b) Applications for review should state the error or incorrectness of the settlement. An application in general terms will not be sufficient ordinarily to induce the discretion to review, and particularly not where claimant is represented by attorney or agent.

(c) It shall be necessary, unless otherwise directed by the Comptroller General on the presentation of proper facts in the particular case, that the warrant or check issued upon a settlement must not be cashed where its amount includes any item as to which reveiw is applied for, but should accompany the application for review. (Secs. 309 311 (f), 42 Stat. 25; 31 U. S. C. 49, 52 (f))

2. Sections 4.2 and 4.3 are amended to read as follows:

§ 4.2 *Filing of claims.* Claims may be filed with the Claims Division, General Accounting Office, Washington 25, D. C., except that claims of common carriers for transportation services rendered for the account of the United States should be filed with the Transportation Division, General Accounting Office, Washington 25, D. C., and claims pertaining to postal matters including transporting the mails should be filed with the Postal Accounts Division, General Accounting Office, Asheville, North Carolina. No particular form for filing claims, except that prescribed in connection with claims for amounts due deceased persons, is required.

§ 4.3 *Information relating to claims.* Information relating to claims may be obtained by claimants or their authorized representatives by addressing the same division with which the matter was originally filed or the General Accounting Office, 5th and F Streets, N. W., Washington 25, D. C. Interviews will be accorded claimants or their authorized representatives at Room 201, at the latter address. (Sec. 309, 311 (f), 42 Stat. 25; 31 U. S. C. 49, 52 (f))

3. The codification of Parts 12 and 13 is hereby discontinued. Future amendments to these provisions will appear in the Notices section of the FEDERAL REGISTER.

LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 48-10167; Filed, Nov. 22, 1948; 8:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

ELEVATOR OPERATOR POSITIONS EXCLUDED FROM APPORTIONMENT

Effective November 16, 1948, § 2.110 (a) (2) (vi) is amended by the addition of the position of Elevator Operator to positions excluded from apportionment. As amended, the subdivision reads as follows:

§ 2.110 *Apportionment.* (a) • • •

(2) • • •

(vi) Positions of operating engineman, fireman, oiler, general helper, laborer,

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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foreman of laborers, gardner, grounds keeper, animal keeper, chauffeur, truck driver, elevator operator, and telephone operator.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

NOTE: Because of the number and importance of pending cases which would be affected by this amendment, the Commission finds good cause exists for making the amendment effective November 16, 1948.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 48-10250; Filed, Nov. 22, 1948; 9:43 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH, OREGON, AND MODOC AND SISKIYOU, CALIFORNIA

LIMITATION OF SHIPMENTS

§ 959.302 *Limitation of shipments; Regulation No. 2—(a) Findings.* (1) Pursuant to Order No. 59 (7 F. R. 365) regulating the handling of potatoes grown in the Counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the Administrative Committee established under said marketing order, and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of potatoes grown in the area are already being made in volume for the current season and such shipments will continue in seasonal volume for the next several months, (ii) the limitation of shipments of said potatoes pursuant hereto must be made effective on the date hereinafter set forth to effectuate the declared policy of the act, (iii) information with respect to recommendations of the aforesaid Administrative Committee did not become available until after their meeting on November 17, 1948, (iv) information regarding recommendations of the committee has been disseminated to producers and handlers of potatoes grown in the area and the limitation hereinafter set forth is identical with the recommended limitation, (v) compliance with such limitation does not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof, and (vi) a reasonable time is permitted under the circumstances for such preparation.

(b) *Order.* (1) During the period beginning November 29, 1948 and ending June 30, 1949, both dates inclusive, no handler shall ship potatoes subject to regulation pursuant to Order No. 59 which are of sizes less than 2 inches in diameter or which are of sizes less than 4 ounces in weight, subject to tolerance for size determined in accordance with the U. S. Standards for Potatoes.

(2) Size determinations pursuant hereto shall be in accordance with the U. S. Standards for Potatoes.

(3) Terms used herein shall have the same meaning as when used in Order No. 59 or as when used in the U. S. Standards for Potatoes (12 F. R. 3651). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 19th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 48-10283; Filed, Nov. 22, 1948; 9:29 a. m.]

Chapter XXI—Organization, Functions, and Procedure

PART 2204—OFFICE OF INFORMATION

DISCONTINUANCE OF CODIFICATION

The codification of Part 2204 is discontinued. Future amendments to descriptions of organization and functions will appear in the Notices section of the FEDERAL REGISTER.

[SEAL] KEITH HIMEBAUGH,
Director of Information.

[F. R. Doc. 48-10170; Filed, Nov. 22, 1948; 8:47 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[Allocations Reg. 2, Direction 4A as Amended Nov. 22, 1948]

PART 336—REGULATIONS APPLICABLE TO OPERATION OF THE ALLOCATIONS AND EXPORT PRIORITIES SYSTEM

USE AND EFFECT OF CERTIFIED EXPORT ORDERS FOR NITROGENOUS FERTILIZER MATERIALS (1948–49 EXPORT PROGRAM)

Direction 4A, as amended October 28, 1948, is hereby further amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of nitrogenous fertilizer materials for defense, for private account and for export; and the following direction is deemed necessary and appropriate in the public interest and to promote the national defense and to effectuate the policies set forth in the legislation under which this direction is administered.

Purpose

(a) *Purpose.* This direction explains how the Office of Domestic Commerce, Department of Commerce, will give export priorities assistance for carrying out the 1948–49 nitrogenous fertilizer materials export program. This includes assistance to exporters for getting the materials for export and also assistance to converters for getting anhydrous ammonia needed to fill orders from exporters, if the converters do not produce anhydrous ammonia themselves. The 1948–49 export program is for the shipment of nitrogenous fertilizer materials containing 61,287 short tons of nitrogen, broken down by countries as shown in Table 1 below. The program is based upon international distribution recommendations made by the International Emergency Food Committee of the United Nations. Under these recommendations the United States participation consists of the exports mentioned above (which are the same as for last year) and of imports representing 199,004 short tons of nitrogen (an increase of 11,000 short tons over last year). One-half of the export requirements are to be supplied from Army production, pursuant to Public Law 606, 80th Congress and Public Law 793, 80th Congress.

Assistance for Exporters

(b) *How exporters get assistance.* Export priorities assistance for exporters will consist of authorization to place CXN certified export orders for their materials, which will give such orders the preferential status explained in paragraph (f) below. Except for exports to Canada, this authorization will be issued, upon behalf of ODC, by the Office of International Trade in connection with the issuance of the related export licenses, and exporters desiring to obtain such priorities assistance should apply by letter to the Office of International Trade, Department of Commerce, Washington 25, D. C., Ref.: AR 2, Direction 4A. In these cases authorization to use the symbol CXN will not be given except where an export license is also given. For priorities assistance on exports to Canada, exporters should apply by letter to the ODC.

(c) *How exporters use the symbol CXN.* (1) When an exporter has been authorized in writing by the Office of International Trade to use the symbol CXN on purchase orders for specified quantities of nitrogenous fertilizer materials, he should place on his purchase order the symbol CXN, the export license number given by the Office of International Trade, and the country of destination. In addition, he should furnish to his supplier a certificate, signed manually or as described in Allocations Regulation 1, in substantially the following form:

I certify, subject to the penalties of Section 35A of the United States Criminal Code, that the nitrogenous fertilizer materials covered by this purchase order are within the quantity which the Department of Commerce has authorized me to purchase by orders identified with the symbol CXN for shipment to the specified country of destination, under the export license number specified.

In the case of CXN authorizations for export to Canada, the exporter will not supply an export license number and should delete from his certificate the words "under the export license number specified."

(2) Exporters who have received authorization to place CXN certified orders for ammonium nitrate should communicate with the ODC for instructions as to placing such orders. These instructoins will be based upon the quantities and time schedules for ammonium nitrate to be made available by the Department of the Army under existing law. CXN certified orders for other types of nitrogenous fertilizer materials authorized may be placed with producers of the particular materials or agents of such producers. When an order bearing the

symbol CXN and the certificate is placed with a producer's agent, it has the same effect as though it had been placed with the producer.

Assistance for Converters

(d) *How converters get assistance.* Export priorities assistance for converters will consist of authorization by ODC to place certified orders for anhydrous ammonia needed to fill CXN certified orders received by them from exporters. A "converter" is a person who produces nitrogenous fertilizer materials but does not make any of the nitrogen used in such production.

When a converter has received a CXN certified export order, he should notify the ODC by letter, stating the name of the purchaser, the export license number, the country of destination, the quantity of material ordered, the quantity of anhydrous ammonia needed, and the date by which it should be delivered in order to fill the CXN export order. The ODC will then issue to the converter an authorization to place certified orders for an approved quantity of anhydrous ammonia to the extent available, and will specify whether the ammonia is to be obtained from commercial sources or from Army Ordnance plants.

(e) *How converters use export preference certificates.* When a converter has been authorized, in writing, to place a certified export order for specified quantities of anhydrous ammonia, he should place on his purchase order, a certificate, signed manually or as prescribed in Allocations Regulation 1, in substantially the following form:

I certify, subject to the penalties of Section 35A of the United States Criminal Code, that the anhydrous ammonia covered by this purchase order is within the quantity which the Office of Domestic Commerce has authorized me to purchase by certified export orders in accordance with Direction 4A to Allocations Regulation 2.

Effect of Certified Export Orders

(f) *Effect of certified export orders.* Any purchase order for fertilizer material or for anhydrous ammonia certified under this direction and placed with a commercial supplier must be treated as a certified export order under Allocations Regulation 2, and must be accepted, scheduled and delivered accordingly. The rules of Allocations Regulation 2 apply, except to the extent that this direction is inconsistent with these rules. Paragraph (g) below contains certain special rules which limit the effect of such certified orders under this direction. In the case of certified purchase orders placed with the Department of the Army, the certification serves to identify the orders as eligible for materials to be made available by that Department under existing law.

(g) *Limitation on the effect of certified orders.* The effect of certified export orders is subject to the following limitations intended to minimize their impact upon domestic needs. These limitations apply in all cases, except where otherwise directed by ODC because of special circumstances.

(1) *Time limit on placing certified orders.* Purchase orders for the export of fertilizer materials certified under this direction must be placed with the supplier of the material (a converter or other manufacturer) no later than the close of business on December 15, 1948. Purchase orders certified under this direction for anhydrous ammonia, required to manufacture the certified export order for the fertilizer materials, must be placed with a producer of anhydrous ammonia no later than the close of business on December 31, 1948. All authorizations heretofore issued by OIT and ODC to place certified orders either for the purchase of nitrogenous fertilizer materials or for the purchase of anhydrous ammonia are hereby revalidated, irrespective of the deadline date in effect at the time the authorization was issued. Certified purchase orders for the export of fertilizer materials placed after the close of business on December 15, 1948 and certified orders for anhydrous ammonia placed after the close of business on December 31, 1948, need not be treated as certified orders by the person with whom they are placed.

(2) *Limit to 30% of production in any month.* No commercial supplier need deliver against certified orders in any month more than 30% of his total production of the particular type of material in that month. A certified purchase order calling for more than such 30% of the supplier's total production may not be totally rejected by the supplier for that reason. The order must be accepted and filled up to an amount which, either alone, or when added to other certified orders totals the 30% limit. Any balance over and above such amount need not be treated as part of the certified order.

(3) *Ceiling on orders against producers.* Except in the case of a converter, no producer of nitrogenous compounds (including anhydrous ammonia) or other nitrogenous fertilizer materials need accept purchase orders certified under this direction calling for more nitrogen than 3.25% of his total production of nitrogen (in all forms) during the fertilizer year July 1, 1947–June 30, 1948, if he was in production during the whole of that year. A certified purchase order for nitrogenous compounds (including anhydrous ammonia) or other nitrogenous fertilizer materials, which calls for more than 3.25% of the producer's total production of nitrogen (in all forms) during the fertilizer year July 1, 1947–June 30, 1948, may not be totally rejected by the producer for that reason. It must be accepted and filled by him up to an amount which, either alone or when added to other certified orders totals the 3.25% limit. Any balance over and above such amount need not be treated as part of the certified order.

If such producer of nitrogenous compounds was not in production during the whole of that year, he may request the ODC to establish an appropriate ceiling based on production estimates, in order to limit his general obligation to accept and fill certified orders placed with him.

(4) *Producers from by-product hydrogen.* Because of specialized industrial conditions, persons who produce anhydrous ammonia from by-product hydrogen resulting from electrolytic-cell operations need not accept certified orders under this direction.

Revalidation of Certified Orders Already Placed

(h) *Revalidation of certified orders already placed.* Irrespective of the deadline date of October 31, 1948 specified in Direction 4A to AR 2, as issued on July 22, 1948, any certified purchase order for the export of fertilizer materials and any certified order for anhydrous ammonia, which has been placed with a commercial supplier prior to the date of issue of this Direction 4A as amended (November 22, 1948), must be treated by the supplier as a certified export order and must be accepted, scheduled and delivered accordingly, subject to the limitations specified in paragraphs (g) (2) and (g) (3) above.

General Provisions

(i) *Assistance in finding suppliers.* If any exporter authorized to use the symbol CXN is unable to find a supplier to accept his order, he may apply to the ODC which will, wherever possible, refer him to other suppliers who have available supplies.

(j) *Delegations.* The Office of International Trade, Department of Commerce, may, upon behalf of the ODC, authorize exporters to use the symbol CXN under this direction on purchase orders for nitrogenous fertilizer materials for export (except exports to Canada) but only to the extent under the conditions authorized by the ODC in writing and transmitted to the Office of International Trade. The Office of International Trade may exercise this authority through such of its officials as the Director of that Office may determine.

(k) *Appeals.* Any person who considers that compliance by himself with this direction would work an exceptional and unreasonable hardship on him may appeal to the Office of Domestic Commerce for relief. The appeal must be prepared and presented in conformity to the provisions of Allocations Regulation 3.

(l) *Reports*—(1) *From persons placing certified orders.* Whenever any person places a certified order under this direction, he must immediately notify ODC, in writing, of the names of the suppliers, the tonnages ordered, and the months specified for delivery.

(2) *From producers.* Producers (including converters) of nitrogenous compounds (including anhydrous ammonia) or of nitrogenous fertilizer materials must file such reports as may be required, with the ODC, subject to the approval of the Bureau of the Budget.

(m) *Communications.* Except as otherwise specifically stated above, all communications regarding this order, and all reports under this order, should be addressed to the Chemicals Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref: AR 2, Dir. 4A.

NOTE: The reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 188, 606, 793, 80th Cong.; E. O. 9841, Apr. 23, 1947, 12 F. R. 2645; Materials Control Reg. 1, as amended May 7, 1948, 13 F. R. 2508)

Issued this 22d day of November 1948.

OFFICE OF DOMESTIC COMMERCE,
RAYMOND S. HOOVER,
Issuance Officer.

TABLE I, 1948–49 NITROGENOUS FERTILIZER MATERIALS EXPORT PROGRAM

Country of destination:	*Export quantities (short tons of nitrogen)*
Canada	1,102
China and Formosa	17,471
France and Empire	12,015
Greece	8,858
India	4,409
Netherlands	10,050
Netherlands East Indies	1,249
Philippines	3,417
Latin America	7,716
Total export program	61,287

[F. R. Doc. 48-10284; Filed, Nov. 22, 1948; 9:43 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter IV—Southwestern Power Administration, Department of the Interior

PART 500—ORGANIZATION AND PROCEDURE

ASSISTANT ADMINISTRATOR, ACTING ADMINISTRATOR AND ACTING ASSISTANT ADMINISTRATOR

CROSS REFERENCE: For additional information concerning organization of the Southwestern Power Administration, see F. R. Doc. 48-10169 in the Notices section, *infra*.

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Regs. 8, Amdt.]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

MAGAZINE AND NEWS VENDORS' SERVICES

Correction

In Federal Register Document 48-10141, appearing on page 6839 of the issue for Saturday, November 20, 1948, the following correction to amendatory paragraph 2 should be made: Paragraph (B) should read as follows:

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or

TITLE 24—HOUSING CREDIT

Chapter VI—Public Housing Administration

PART 610—LOW-RENT HOUSING AND SLUM CLEARANCE PROGRAM: PROCEDURES

REQUIREMENTS FOR URBAN LOW-RENT HOUSING AND SLUM CLEARANCE

Section 610.413[1] is hereby amended, effective immediately, to read as follows:

§ 610.413 *Insurance and bonds during management*—(a) *Coverages.* The required coverages are: fire and extended coverage; earthquake in localities where such insurance is commonly carried; workmen's compensation; owners', landlords' and tenants' public liability (excluding property damage); automobile, owned and non-owned, boiler (if boilers have been installed); burglary and inside robbery; outside robbery; and fidelity bonds. Other types of insurance may be obtained only with the prior written approval of the PHA.

(b) *Limitations.* The Local Authority shall obtain insurance from financially sound and responsible insurance companies for each development in the coverages, types, and amounts or limits prescribed by the PHA. Such insurance shall be payable in such manner, with such insurers, and at such costs as may be approved by the PHA.

Fire and extended coverage insurance and owners', landlords' and tenants' public liability insurance purchased by the Local Authority shall be obtained after inviting competitive bids. In inviting such bids, the Local Authority shall not discriminate against either stock or mutual companies. Insurance shall be awarded to the lowest bidder provided the lowest bid is reasonably within range of the lowest net costs known to be available to the Local Authority. With the prior approval of the PHA, the Local Authority may award the insurance to other than the lowest bidder if the award is made on a bid which is also reasonably within range of the lowest net costs known to be available to the Local Authority, and if the Local Authority determines that such an award is in the best interest of the low-rent housing program in the community. Net cost is construed to mean the estimated cost after deducting from the gross deposit premium any anticipated dividend based on the dividend-paying record of the company for the previous ten years.

Certified duplicate copies of all policies and bonds shall be submitted to the PHA not less than 30 days prior to the effective date thereof for review to determine compliance with these requirements.

(c) *Public liability claims.* Insurance companies shall not be permitted to defend any public liability claim on the ground of immunity of the Local Authority. (50 Stat. 888, as amended; 42 U. S. C. 1401 et seq.)

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 48-10181; Filed, Nov. 22, 1948; 9:01 a. m.]

[1] Part 610, formerly Part 601, appeared in 10 F. R. 7321.

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 49]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule A, item 96a, is amended to describe the counties in the Defense-Rental Area as follows: "In Montgomery County, Union Township and all of New Market."

This decontrols all of the Crawfordsville, Indiana, Defense-Rental Area except Union Township and all of New Market.

2. Schedule A, item 163, is amended to describe the Counties in the Defense-Rental Area as follows: "Adams and Pike."

This decontrols Amite and Wilkinson Counties, State of Mississippi, in the Centreville, Mississippi, Defense-Rental Area.

3. Schedule A, item 333c, is amended to describe the Counties in the Defense-Rental Area as follows: "In Cache County, the Cities of Logan, North Logan, Logan Heights, Providence, Hyde Park and Smithfield."

This decontrols all of the Logan, Utah, Defense-Rental Area except the Cities of Logan, North Logan, Logan Heights, Providence, Hyde Park and Smithfield.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective November 23, 1948.

Issued this 18th day of November 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 49 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the portions of the Defense-Rental Areas specified below no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met:

1. All of the Crawfordsville, Indiana, Defense-Rental Area, except Union Township and all of New Market.

2. Amite and Wilkinson Counties, State of Mississippi, in the Centreville, Mississippi, Defense Rental Area.

3. All of the Logan, Utah, Defense-Rental Area, except the Cities of Logan, North Logan, Logan Heights, Providence, Hyde Park and Smithfield.

This amendment is therefore being issued to decontrol said portions of said Defense-Rental Areas in accordance

[1] 13 F. R. 5706, 5788, 5783, 5937, 6246, 6263, 6411, 6556.

with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-10194; Filed, Nov. 22, 1948; 8:52 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 49]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule A, item 96a, is amended to describe the counties in the Defense-Rental Area as follows: "In Montgomery County, Union Township and all New Market."

This decontrols all of the Crawfordsville, Indiana, Defense-Rental Area except Union Township and all of New Market.

2. Schedule A, item 163, is amended to describe the Counties in the Defense-Rental Area as follows: "Adams and Pike."

This decontrols Amite and Wilkinson Counties, State of Mississippi, in the Centreville, Mississippi, Defense-Rental Area.

3. Schedule A, item 333c, is amended to describe the Counties in the Defense-Rental Area as follows: "In Cache County, the Cities of Logan, North Logan, Logan Heights, Providence, Hyde Park and Smithfield."

This decontrols all of the Logan, Utah, Defense-Rental Area except the Cities of Logan, North Logan, Logan Heights, Providence, Hyde Park and Smithfield.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (c), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (c))

This amendment shall become effective November 23, 1948.

Issued this 18th day of November 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 49 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the portions of the Defense-Rental Areas specified below no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met:

1. All of the Crawfordsville, Indiana, Defense-Rental area, except Union Township and all of New Market.

2. Amite and Wilkinson Counties, State of Mississippi, in the Centreville, Mississippi, Defense-Rental Area.

3. All of the Logan, Utah, Defense-Rental Area, except the Cities of Logan, North Logan, Logan Heights, Providence, Hyde Park and Smithfield.

This amendment is therefore being issued to decontrol said portions of said Defense-Rental Areas in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-10193; Filed, Nov. 22, 1948; 8:52 a. m.]

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[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5670]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

DISTRIBUTIONS BY PERSONAL HOLDING COMPANIES

On July 29, 1948, notice of proposed rule making, relating to distributions by personal holding companies, was published in the FEDERAL REGISTER (13 F. R. 4361). No objections to the rules proposed having been received, the following amendments to Regulations 111 (26 CFR, Part 29) are hereby adopted. Such amendments are necessary in order to conform Regulations III to Public Law 113 (80th Congress, 1st Session), approved June 25, 1947, relating to distributions by personal holding companies.

PARAGRAPH 1. There is inserted immediately preceding § 29.115–1 the following:

PUBLIC LAW 113 (EIGHTIETH CONGRESS, FIRST SESSION), APPROVED JUNE 25, 1947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 115 (a) of the Internal Revenue Code is amended to read as follows: "In the case of a corporation which, under the law applicable to the taxable year in which the distribution is made, is a personal holding company, or which, for the taxable year in respect of which the distribution is made under section 504 (c) or section 506 or a corresponding provision of a prior income-tax law, is a personal holding company under the law applicable to such taxable year, such term also means any distribution (whether or not a dividend as defined in the preceding sentence) to its shareholders, whether in money or in other property, to the extent of its subchapter A net income, less the sum of the following:

"(1) The net operating loss credit provided in section 26 (c) (1);

"(2) The dividend carry-over provided in section 27 (c); and

"(3) The deduction for amounts for retirement of indebtedness provided in section 504 (b)."

SEC. 2. The amendment made by section 1 shall be effective for all taxable years beginning after December 31, 1943.

SEC. 3. No interest shall be allowed or paid in respect of any overpayment of tax resulting from the foregoing amendment.

PAR. 2. Section 29.115–1, as amended by Treasury Decision 5377, approved June 6, 1944, is amended as follows:

(A) By striking out the second paragraph and inserting in lieu thereof the following:

§ 29.115–1 *Dividends.* • • •

In the case of a corporation which, under the law applicable to the taxable year in which a distribution is made, is a personal holding company or which, for the taxable year in respect of which a distribution is made under section 504 (c), relating to dividends paid within 2½ months after the close of the taxable year, or section 506, relating to deficiency dividends, or corresponding provisions of a prior income-tax law, was under the applicable law a personal holding company, the term "dividend", in addition to the meaning set forth in the first sentence of section 115 (a), also means the following distributions to its shareholders:

(1) A distribution within a taxable year of the corporation, and of a shareholder, both of which taxable years begin prior to January 1, 1944, is a dividend (except as hereinafter indicated) to the extent of the corporation's subchapter A net income for the taxable year in which, or, in the case of a distribution under section 504 (c) or section 506, the taxable year in respect of which, the distribution is made.

(2) A distribution within a taxable year of the corporation, or of a shareholder, where either taxable year begins after December 31, 1943, is a dividend to the extent of the corporation's subchapter A net income less the sum of the net operating loss credit provided in section 26 (c) (1), the dividend carry-over provided in section 27 (c), and the deduction for amounts for retirement of indebtedness provided in section 504 (b), for the taxable year in which, or, in the case of a distribution under section 504 (c) or section 506, the taxable year in respect of which, the distribution is made. Thus, in the case of a distribution in April, 1944, by a corporation reporting on a calendar year basis to a shareholder reporting on the basis of a fiscal year ending June 30, 1944, the taxable year of the corporation begins after December 31, 1943, and the April, 1944, distribution is a dividend, in the case of the corporation and the shareholder alike, only to the extent of the corporation's subchapter A net income reduced by the specified credits. Similarly, in the case of a distribution in April, 1944, by a corporation reporting on the basis of a fiscal year ending June 30, 1944, to a shareholder reporting on the calendar year basis, the taxable year of the shareholder begins after December 31, 1943, and the April, 1944, distribution will constitute a dividend, in the case of the corporation and the shareholder alike, only to the extent of the corporation's subchapter A net income reduced by the specified credits.

No interest shall be allowed or paid in respect of any overpayment of tax resulting from the amendment to section 115 (a) made by Public Law 113 (80th Congress). For treatment of any distribution made prior to October 21, 1942, which is a dividend solely by reason of the last sentence of section 115 (a) prior to its amendment by Public Law 113, see § 29.504–3.

The term "dividend" does not include distributions under section 115 (c), relating to distributions in liquidation, section 115 (e), relating to distributions by personal service corporations, or section 115 (f), relating to stock dividends, or certain distributions by insurance companies (see section 115 (a)). In all other cases the term includes any distribution to shareholders to the extent made out of accumulated or current earnings or profits.

(B) By striking out example (3) and inserting in lieu thereof the following:

Example (3). In 1944, a deficiency in personal holding company tax was established against the O Corporation for the taxable year 1940 in the amount of $34,430 based on an undistributed subchapter A net income of $42,000 which consisted of a subchapter A net income of $52,000 minus a deduction of $10,000 for amounts used for retirement of indebtedness provided in section 504 (b). The O Corporation complied with the provisions of section 506 and in December 1944 distributed $42,000 to its stockholders as "deficiency dividends". The distribution of $42,000 is a taxable dividend since it does not exceed $42,000 (subchapter A net income of $52,000 for 1940, the taxable year with respect to which the distribution was made, minus the deduction for retirement of indebtedness of $10,000). It is immaterial whether the O Corporation is a personal holding company for the taxable year 1944 or whether it had any income for that year.

Example (4). At the beginning of the taxable year 1946, the P Corporation, a personal holding company, had a deficit in earnings and profits of $200,000. During that year it made earnings and profits of $55,000. For that year, however, it had a subchapter A net income of $100,000, a net operating loss credit under section 26 (c) (1) of $10,000 and a deduction for retirement of indebtedness under section 504 (b) of $10,000. During such taxable year it distributed to its shareholders $100,000. The distribution of $100,000 is a taxable dividend to the extent of $80,000 (subchapter A net income of $100,000 minus the net operating loss credit of $10,000 and the deduction for retirement of indebtedness of $10,000). No interest shall be allowed or paid in respect of any overpayment of tax resulting from the inclusion in taxable income by any shareholder of his proportionate share of the distribution of $100,000.

Example (5). If the facts were the same as in example (4) except that the P Corporation had earnings and profits for the taxable year 1946 of $90,000, the distribution of $100,000 would be a taxable dividend to the extent of $90,000 since its earnings and profits for that year, $90,000, exceed $80,000 (subchapter A net income of $100,000 minus the net operating loss credit of $10,000 and the deduction for retirement of indebtedness of $10,000).

PAR. 3. Section 29.27 (i)–1, as amended by Treasury Decision 5458, approved June 15, 1945, is amended by striking out examples (1) and (2) and inserting in lieu thereof the following examples:

§ 29.27 (i)–1 *Nontaxable distributions.* • • •

Example (1). A, B, and C are shareholders of the Y Corporation, a personal holding company, which makes its returns on the basis of a fiscal year ending July 31. A is an educational corporation exempt from income tax under section 101. On July 15, 1944, the Y Corporation distributed $90,000 in cash to its shareholders, $30,000 to each. The Y Corporation had a deficit in earnings and profits as of the beginning of its taxable year in the amount of $200,000, but had a subchapter A net income for the taxable year in the amount of $90,000. Its earnings and profits for the taxable year were only $50,000. It was entitled under section 26 (c) (1) to a net operating loss credit of $30,000. B makes his return on the calendar year basis, but C makes his return on the basis of a fiscal year ending July 31. Since B is subject to taxation under the income tax provisions of the Code with respect to taxable receipts realized in July 1944, and since his taxable year began after December 31, 1943, the $30,000 distribution received by him from the Y Corporation will constitute a taxable dividend in his hands only to the extent of $20,000, the amount of $30,000 reduced by a proportionate part of the net operating loss with respect to the distribution on July 15, accordingly, will be entitled to an allowance for dividends paid in the amount of $80,000 with respect to the distribution on July 15.

Example (2). If the facts in the preceding example are the same, except that C makes his return on the calendar year basis, the Y Corporation is entitled to an allowance for dividends paid in the amount of $70,000 with respect to the distribution on July 15.

PAR. 4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(53 Stat. 32; 26 U. S. C. 62)

GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 17, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10195; Filed, Nov. 22, 1948; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Order 348]

PART 50—ORGANIZATION AND PROCEDURE

DELEGATIONS OF AUTHORITY TO THE REGIONAL ADMINISTRATORS, MANAGERS, AND CLASSES OF EMPLOYEES IN SPECIFIED MATTERS

NOVEMBER 15, 1948.

1. *Delegations to regional administrators.* A new subparagraph (1) is added to paragraph (a) of § 50.451, to read as follows:

§ 50.451 *Functions with respect to various statutes* (a) • • •

(1) Applications to lease public lands for grazing purposes under section 15 of the act of June 28, 1934 (48 Stat. 1275; 43 U. S. C. 315m), as amended, and the issuance, modification, renewal, assignment, or cancellation of such leases, the disposition of protests and conflicting applications, the issuance of permits or the execution of cooperative agreements for the construction and maintenance of improvements on lands so leased, and determinations as to the value of such improvements. The authority granted to the Director by this subparagraph may be redelegated by him to any employee of the Bureau of Land Management by an order published in the FEDERAL REGISTER. (R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

2. *Delegations to the managers.* A new subparagraph (1) is added to paragraph (a) of § 50.501 to read as follows:

§ 50.501 *Functions with respect to various statutes* (a) • • •

(1) (See § 50.601)

3. *Delegation to classes of employees in specified matters.* A new section is added as follows:

§ 50.601 *Grazing leases; permits and cooperative agreements in connection with lands under section 15 grazing leases.* The managers of district land offices, district graziers, and district foresters may act, with respect to areas designated by the regional administrator, as signing officers in relation to the following classes of matters in accordance with applicable regulations and procedures, without obtaining the approval of the Director or regional administrator, unless the Director or regional administrator in any particular matter determines otherwise, subject in any event to an appeal to the Director and from his decision to the Secretary in accordance with the rules of practice:

Applications to lease public lands for grazing purposes under section 15 of the act of June 28, 1934 (48 Stat. 1275; 43 U. S. C. 315m), as amended, and the issuance, modification, renewal, assignment, or cancellation of such leases, the disposition of protests and conflicting applications, the issuance of permits or the execution of cooperative agreements for the construction and maintenance of improvements on lands so leased, and determinations as to the value of such improvements.

MARION CLAWSON,
Director.

[F. R. Doc. 48-10168; Filed, Nov. 22, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 953]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

GENERAL NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948–1949 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established under Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, as the agency to administer the terms and provisions thereof; (1) that the Secretary of Agriculture find that expenses not to exceed $124,845 will be necessarily incurred during the fiscal year November 1, 1948, to October 31, 1949, for the maintenance and functioning of the said committee under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles lemons shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid fiscal year, the rate of assessment at one and one-half cents ($0.015) per box of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during said fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handler," "handles," "handled," "box," and "lemons" shall each have the respective meaning as when used in the amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766, 13 F. R. 6235)

Done at Washington, D. C., this 18th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10202; Filed, Nov. 22, 1948; 8:53 a. m.]

[7 CFR, Part 989]

[Docket No. AO-198]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR and Supps., 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of raisins produced from raisin variety grapes grown in California. Such hearing will be held at 1401 Fulton Street, 10th Floor Auditorium, Fresno, California, beginning at 9:30 a. m., P. s. t., December 13, 1948. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

This public hearing will be held for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the provisions of the proposed marketing agreement and order which is hereinafter set forth and any appropriate modifications thereof. The Raisin Working Committee, a committee of California raisin producers and handlers, proposed the following marketing agreement and order regulating the handling of raisins produced from raisin variety grapes grown in California and requested a hearing thereon (the provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed marketing order):

§ 989.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(c) "Person" means an individual, partnership, corporation, association, or any other business unit.

(d) "Area" means the State of California.

(e) "Raisin variety grapes" means grapes of the Thompson Seedless (or Sultanina), Muscat of Alexandria (or Muscat), Muscatel Gordo Blanco (or Muscat), Black Corinth (or Zante Currant), White Corinth (or Zante Currant), or Seedless Sultana (or Sultana) variety, grown in the area.

(f) "Raisins" means any raisin variety grapes from which a part of the natural moisture has been removed.

(g) "Bleached raisins" means any raisins which have been produced by soda dipping, with or without oil, or by such soda dipping and bleaching, whether sun-dried or dehydrated.

(h) "Golden Bleached raisins" means bleached raisins the production of which includes sulphur-bleaching and artificial dehydration.

(i) "Natural condition raisins" means raisins which have been produced by sun-drying or drying by artificial heat, with or without bleaching, but which have not been otherwise processed or prepared for market.

(j) "Packed raisins" means raisins which have been cleaned, sorted, stemmed, seeded, and placed in any container customarily used in the marketing of raisins or in any container suitable or usable for such marketing.

(k) "Varietal type" means natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) Sultana, natural (sun-dried) layer Muscat, Golden Bleached, Sulphur Bleached, Soda Dipped, or Valencia raisins.

(l) "Pack" means to perform the function of a packer.

(m) "Packer" means any person who acquires raisins and cleans, sorts, stems, seeds, or packs them for market as raisins.

(n) "Producer" is synonymous with "grower" and means any person engaged in the business of producing raisins.

(o) "Dehydrator" means any person who produces raisins by dehydrating raisin variety grapes by means of artificial heat.

(p) "Processor" means any person who acquires raisins and produces any product in which raisins are an ingredient or converts them, or any part thereof, to a different form and markets and/or distributes such product or the product of such conversion.

(q) "Handler" means any packer, dehydrator, or processor.

(r) "Acquire" means to obtain possession of raisins by dehydrating raisin variety grapes by means of artificial heat or by receiving raisins from producers and includes, but is not limited to, raisins received under a contract or arrangement for toll packing, toll dehydrating, or toll processing, whether or not received or placed in a pool with other raisins, and raisins received by a cooperative association, and, in the case of a handler producing raisins, includes all raisins produced by him when they are placed in sweat boxes or other containers in which raisins are customarily stored prior to packing or processing or in such containers as are suitable or usable for such storage.

(s) "Board" means the Raisin Advisory Board established pursuant to § 989.2.

(t) "Committee" means the Raisin Administrative Committee established pursuant to § 989.3.

(u) "Ton" means a short ton of 2,000 pounds.

(v) "Crop year" is synonymous with "fiscal period" and means the twelve month period beginning August 15 of any year and ending August 14 of the following year, both dates inclusive.

(w) "District" means any one of the geographical areas specified in paragraph (a) (1) of § 989.2.

(x) "File" means receipt by the Secretary or by a telegraph company as shown by the time of filing recorded by such company or by a post office as shown by the postmark affixed by such office.

§ 989.2 *Raisin Advisory Board*—(a) *Establishment, membership, and term of office.* (1) A Raisin Advisory Board is hereby established consisting of 46 members, of whom 36 shall be producers, seven shall be packers, two shall be dehydrators, and one shall be a processor. The 36 producers shall be selected in the number and for the counties and districts as set forth in Exhibit A which is attached hereto and made a part hereof. For each member of the Board there shall be an alternate member who shall have the same qualifications as the member for whom he is the alternate. No person shall be selected or continue to serve as a member or alternate member of the Board who is not actively engaged either in the business of the group which he represents or as an officer, agent, or employee of a business unit engaged in such business.

(2) One-third of the producer members and producer alternate members of the Board initially selected hereunder by the Secretary shall hold office for a period beginning on the first day of June 1949 and ending on the last day of May 1950 and until the respective successor is selected and has qualified. One-third of the producer members and producer alternate members of the Board initially selected hereunder by the Secretary shall hold office for a period beginning on the first day of June 1949 and ending on the last day of May 1951 and until the respective successor is selected and has qualified. One-third of the producer members and producer alternate members of the Board initially selected hereunder by the Secretary shall hold office for a period beginning on the first day of June 1949 and ending on the last day of May 1952 and until the respective successor is selected and has qualified. The persons to hold office as producer members and producer alternate members for the respective terms of office specified above shall be determined by the drawing of lots by those persons selected by the Secretary as producer members and alternate members pursuant to paragraph (c) of this section. The term of office of succeeding producer members and producer alternate members of the Board shall be three years, but each such member and alternate member shall continue to serve until the respective successor is selected and has qualified. All members and alternate members shall be nominated and selected as hereinafter provided.

(3) The term of office of the packer members, packer alternate members, dehydrator members, dehydrator alternate members, processor members, and processor alternate members shall be three years. The initial term of such members and alternate members shall begin on the first day of June 1949 and end on the last day of May 1952.

(b) *Nomination.* (1) Nominations for each of the initial producer, packer, dehydrator, or processor members and alternate members of the Board may be submitted to the Secretary by producers, packers, dehydrators, or processors, respectively; and such nominations may be made by means of meetings of groups of such persons. Such nominations shall be filed with the Secretary not later than 15 calendar days after the effective date hereof but may be filed prior thereto. In the event nomination for a member or alternate member of the Board is not filed pursuant to and within the time specified herein, the Secretary may select such member or alternate member without regard to nomination but such selection shall be on the basis of the producer, packer, dehydrator, and processor representations set forth in paragraph (a) (1) of this section.

(2) Nominations for successor members and alternate members of the Board shall be made as hereinafter set forth:

(i) The Board shall give public notice of a meeting, or meetings, of producers, packers, dehydrators, and processors, respectively, for the purpose of making nominations for members and alternate member positions to be filled on the Board.

(ii) Only producers who produced raisins during the then current crop year in the district for which nominations are to be made may nominate, or vote for, any producer member or producer alternate member for such district. Any producer who produced raisins during the then current crop year in any of the districts may be nominated to represent any district as producer member or producer alternate member of the Board. Producers eligible to participate in a nomination, as herein specified, may nominate one or more eligible producers for each producer member position to be filled on the Board and one or more eligible producers as alternate for each person nominated for a producer member position. Each producer shall cast only one vote with respect to each nomination in which he is eligible to participate. The person receiving the most votes with respect to each producer member or producer alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(iii) Only packers who packed raisins during the then current crop year may nominate, or vote for, packer members or packer alternate members. Packers eligible to participate in a nomination may nominate one or more packers for each packer member position to be filled on the Board and one or more packers as alternate for each person nominated for a packer member position. Each packer shall cast only one vote with respect to each nomination in which he is eligible to participate. The person receiving the most votes with respect to each packer member or packer alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(iv) Only dehydrators who dehydrated raisins during the then current crop year may nominate, or vote for, dehydrator members or dehydrator alternate members. Dehydrators eligible to participate in a nomination may nominate one or more dehydrators for each dehydrator member position to be filled on the Board and one or more dehydrator as alternate for each person nominated for a dehydrator member position. Each dehydrator shall cast only one vote with respect to each nomination in which he is eligible to participate. The person receiving the most votes with respect to each dehydrator member or dehydrator alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(v) Only processors who processed raisins during the then current crop year may nominate, or vote for, processor members or processor alternate members. Processors eligible to participate in a nomination may nominate one or more processors for the processor member position to be filled on the Board and one or more processors as alternate for each person nominated for a processor member position. Each processor shall cast only one vote with respect to each nomination in which he is eligible to participate. The person receiving the most votes with respect to the processor member or processor alternate member position shall be the person to be certified to the Secretary as the nominee for each such position.

(vi) Each vote cast shall be on behalf of the person voting, his agents, subsidiaries, affiliates, and representatives. Voting at each meeting shall be in person. The result of each ballot at each such meeting shall be announced at that meeting.

(vii) All such nominations shall be certified by the Board to the Secretary on or before the tenth day of May immediately preceding such crop year.

(c) *Selection.* In selecting the members of the Board, the Secretary shall select producer, packer, dehydrator, and processor members and alternate members in the number and with the qualifications hereinabove specified. Such selections may be made from the nominations certified pursuant to paragraph (b) of this section or from other producers, handlers, dehydrators, and processors, but each such selection shall be made on the basis of the producer, packer, dehydrator, and processor representations set forth in paragraph (a) (1) of this section.

(d) *Failure to nominate.* In the event nomination for a member or alternate member on the Board is not certified pursuant to, and within the time specified in this section, the Secretary may select such member or alternate member without regard to nomination but such selection shall be on the basis of the producer, packer, dehydrator, and processor representations set forth in paragraph (a) (1) of this section.

(e) *Acceptance.* Each person selected by the Secretary as a member or as an alternate member of the Board shall, prior to serving on the Board, qualify by filing with the Secretary a written acceptance within 15 calendar days after being notified of his selection.

(f) *Alternate members.* An alternate for a member of the Board shall act in the place and stead of such member (a) during his absence, and (b), in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member, of the Board to qualify, or in the event of removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's term shall be nominated and selected in the manner set forth in this section insofar as such provisions are applicable. If nomination to fill any vacancy is not made within 20 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, but on the basis of the producer, packer, dehydrator, and processor representations set forth in paragraph (a) (1) of this section.

(i) *Duties.* The duties of the Board shall consist of the conducting of meetings for the purpose of filling vacancies on the Board and the certifying of nominations made for such purpose to the Secretary, the making of nominations to the Secretary, as provided in § 989.3, for member and alternate member positions of the Raisin Advisory Committee, and the making of recommendations to such committee with respect to operations hereunder.

(j) *Procedure.* (1) Except as otherwise provided herein, all decisions of the Board shall be by majority vote of the members present. The presence of not less than 19 producer members and not less than five members other than producer members shall be required to constitute a quorum.

(2) The Board shall give to the Secretary the same notice of meetings of the Board as it gives to its members.

§ 989.3 *Raisin Administrative Committee*—(a) *Establishment.* A Raisin Administrative Committee is hereby established, to administer the terms and provisions hereof, consisting of 14 members of whom eight shall be producers, four shall be packers, one shall be a dehydrator, and one shall be a processor. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member for whom he is the alternate. No person shall be selected or continue to serve as a member or alternate member of the committee who is not actively engaged either in the business of the group which he represents or as an officer, agent, or employee of a business unit engaged in such business.

(b) *Term of office.* Members and alternate members of the committee shall serve for terms of one year ending the last day of May, but each such member and alternate member shall continue to serve until the respective successor is selected and has qualified. Nominations for initial members and alternate members of the committee shall be submitted by the Board to the Secretary not later than 15 calendar days after the establishment of the Board. Nominations for successor members and alternate members of the committee shall be submitted by the Board to the Secretary not later than the last day of May immediately preceding the crop year with respect to which they are submitted.

(c) *Nomination.* The producer members of the Board, and producer alternate members when acting as members, shall nominate from among such producer members and producer alternate members, eight persons for producer positions on the committee, one of whom shall be a producer who has produced raisin variety grapes which were used in the production of bleached raisins and seven of whom shall be producers of raisins other than bleached raisins, and an alternate for each such person. The packer members of the Board, and packer alternate members when acting as members, shall nominate from among such packer members and packer alternate members, four persons for packer member positions on the committee, and an alternate for each such person. The dehydrator members of the Board, and dehydrator alternate members when acting as members, shall nominate from among such dehydrator members and dehydrator alternate members, one person for the dehydrator member position on the committee, and an alternate for such person. The processor member, or processor alternate member when acting as member, shall nominate from among such processor member and processor alternate member, one person for the processor member position on the committee and an alternate for such person.

(d) *Failure to nominate.* In the event any of the groups entitled hereunder to submit nominees to the Secretary shall fail to do so within twenty calendar days after the time hereinbefore specified, the Secretary may select each such member or alternate member of the committee without regard to nominations, but each such selection shall be on the basis of the producer, packer, dehydrator, and processor representations set forth in paragraph (a) of this section.

(e) *Acceptance.* Each person selected by the Secretary as a member or as an alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary, within fifteen calendar days after being notified of such selection, a written acceptance thereof.

(f) *Alternate members.* An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence and (b), in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member, of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such member's or alternate member's unexpired term shall be nominated and selected in the manner set forth in this section, insofar as such provisions are applicable. If nomination to fill any such vacancy is not made within twenty calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations.

(h) *Compensation and expenses.* The members of the Raisin Administrative Committee and the Raisin Advisory Board, and the alternate members when acting as members, shall serve without compensation, but shall be allowed their necessary expenses as approved by the committee.

(i) *Powers.* The committe shall have the following powers:

(1) To administer the terms and provisions hereof;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.

(j) *Duties.* The committee shall have, among other things, the following duties:

(1) To act as intermediary between the Secretary and any producer, packer, dehydrator, or processor;

(2) To keep minutes, books, and other records which will clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(3) To make, subject to approval by the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to raisins which are necessary in connection with performance of its official duties;

(4) To submit to the Secretary, at his request, such available information with respect to raisins and raisin variety grapes as he may request;

(5) To select from among its members a chairman and other officers, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(6) To appoint or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of each such person;

(7) Prior to the beginning of each crop year, and not later than the fifteenth day of July, to submit to the Secretary a budget of its anticipated expenses and the proposed assessments for such crop year, together with a report thereon;

(8) To cause the books of the committee to be audited by one or more certified public accountants, at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request; and the report of each such audit shall show, among other things, the receipt and expenditure of funds pursuant hereto; and at least two copies of each such audit report shall be submitted to the Secretary; and

(9) To prepare monthly statements of the financial operations of the committee and make such statements, together with the minutes of the meeting of said committee, available for inspection by producers, packers, dehydrators, and processors at the office of such committee.

(k) *Obligation.* Upon the removal, resignation, disqualification, or expiration of the term of office of any member or alternate member of the committee, such member or alternate member shall account for all receipts and disbursements and deliver to his successor, to the committee, or to a designee of the Secretary all property (including, but not limited to, all books and records) in his possession or under his control as member or alternate member, and he shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designee full title to such property and funds, and all claims vested in such member or alternate member. Upon the death of any member or alternate member of the committee, full title to such property, funds, and claims vested in such member or alternate member shall be vested in his successor or, until such successor has been selected and has qualified, in the committee.

(l) *Procedure.* (1) All decisions of the committee shall be by majority vote of the members present. The presence of nine members shall be required to constitute a quorum.

(2) The committee shall give to the Secretary the same notice of meetings of the committee as it gives to its members.

§ 989.4 *Regulation*—(a) *Marketing policy.* (1) Prior to the beginning of each crop year and not later than July 5, the committee shall hold a meeting to formulate and adopt a proposed marketing policy for the marketing of raisins in the next succeeding crop year. Reasonable notice, through newspapers having general circulation in the area, shall be given to producers and handlers of each such meeting and each such meeting shall be open to them.

(2) Not later than ten days after the holding of each such aforesaid meeting, the committee shall prepare a detailed report setting forth the proposed marketing policy with respect to the handling of raisins during such crop year and shall file such report with the Secretary, together with all data and information used by the committee in the formulation of such proposed marketing policy, including the recommendations of the Raisin Advisory Board in respect thereto, if any are made. In the event the committee subsequently deems it advisable to modify such proposed marketing policy, because of changed demand or supply conditions, it shall file a report with the Secretary showing each modification and the reasons therefor.

(3) The committee shall give reasonable notice to producers and handlers of the contents of each such report submitted to the Secretary. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by producers and handlers.

(b) *Recommendations for designation of percentages.* (1) If the committee concludes that the supply and demand conditions for raisins make it advisable to designate the percentage of raisins acquired by handlers in any crop year, which shall be (i) free tonnage, (ii) reserve tonnage, and (iii) surplus tonnage, respectively, it shall recommend such percentages to the Secretary. The committee may recommend such percentages separately for each varietal type or any group of varietal types. Such percentages for each varietal type or group of varietal types shall, when taken together, equal 100. Together with any such recommendation, the committee shall submit the findings and information on the basis of which such recommendation was made. In the event the committee subsequently deems it desirable to modify, suspend, or terminate any designation by the Secretary of such percentages, it shall submit to the Secretary its recommendation and the information on the basis of which such modification, suspension, or termination is recommended.

(2) In determining the percentages of raisins acquired by handlers in any crop year, to be designated as free tonnage, reserve tonnage, and surplus tonnage, respectively, the committee shall give due consideration to the following factors: (i) the supply of raisins, comprising the estimated carryover of raisins from preceding crop years held by producers and handlers and the estimated tonnage of raisins to be produced in such crop year; (ii) the current prices being received for raisins by producers and handlers; (iii) the trend and level of consumer income; and (iv) present and prospective price trends, as well as other pertinent economic and marketing factors relative to raisins. Such percentages shall not apply to raisins produced prior to August 14, 1949, and held by or for the account of a producer.

(3) The committee shall give reasonable notice, through newspapers having general circulation in the area, to handlers and producers, of each meeting to consider the recommendation of the percentages to be designated pursuant to this section, and of each recommendation submitted to the Secretary.

(4) The first recommendation with respect to any crop year beginning after August 14, 1949, shall be filed with the Secretary not later than the preceding July 15.

(c) *Regulation by the Secretary.* (1) Whenever the Secretary finds from the recommendations and supporting information supplied by the committee, and any other available information, that to designate the percentages of raisins acquired by handlers during such crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, would tend to effectuate the declared policy of the act, he shall so designate the percentage of raisins acquired by handlers during such crop year which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively. Any such percentages designated with respect to the crop year ending on August 14, 1950, shall not apply to raisins produced during the preceding crop year and held by or for the account of a producer. In the event the Secretary finds from the recommendations and supporting information supplied by the committee and any other available information, that modification, suspension, or termination of any such designation will tend to effectuate the declared purpose of the act he shall so modify, suspend, or terminate such designation.

(2) The Secretary may designate separately for each varietal type or group of varietal types the percentages of such varietal type or group of varietal types acquired by handlers in any crop year which shall be considered as free tonnage, reserve tonnage, and surplus tonnage.

(3) The Secretary shall notify the committee of each such percentage so designated. The committee shall give reasonable notice thereof to all handlers and producers, including, but not limited to, written notice by registered mail to all handlers on record with the committee.

(d) *Free tonnage.* The percentage of each varietal type or groups of varietal types acquired by a handler which pursuant to the provisions hereof, is designated as "free tonnage", may be disposed of by him free of any restrictions hereunder.

(e) *Reserve tonnage.* (1) Reserve tonnage acquired by each handler shall be held by him for the account of the committee, and subject to the restrictions hereof.

(2) Each handler shall hold in proper storage all reserve tonnage acquired by him until title has been transferred to him or until delivery to another person has been accomplished pursuant to instructions of the committee. The committee may, at any time, require a handler to deliver to it, or to any one designated by it at such handler's warehouse, after reasonable notice, part or all of the reserve tonnage held by him. The committee may require that such delivery consist of natural condition raisins or it may arrange for such delivery to consist of packed raisins.

(3) Reserve tonnage delivered by any handler to the committee, or any person designated by it, whether in the form of natural condition or packed raisins, shall meet such minimum grade requirements as may be prescribed by the committee with the approval of the Secretary. Pending the prescribing of such minimum requirements, reserve tonnage delivered by any handler to the committee, or any person designated by it, in packed form shall meet the minimum requirements for the respective varieties and types set forth in Exhibit B which is attached hereto and made a part hereof.

(4) The committee may dispose of reserve tonnage by sale, gift, or otherwise: *Provided*, That no sale of reserve tonnage consisting of bleached raisins may be made by the committee prior to November 1 of the crop year in which it was acquired by handlers and no sale of reserve tonnage consisting of raisins other than bleached raisins may be made by

the committee prior to December 1 of the crop year in which it was acquired by handlers.

(5) Effective on and after June 1 of any crop year, all reserve tonnage not disposed of by the committee prior to that date, shall be subject to the provisions hereinafter provided with respect to the sale and disposition of surplus tonnage.

(6) Prior to June 1, reserve tonnage of any varietal type or group of varietal types shall not be sold at a price below that which the committee concludes reflects the price received by producers for free tonnage of the same varietal type or group of varietal types purchased by handlers at the time of any offer for sale of reserve tonnage by the committee. In the event that no such purchases of free tonnage were made by handlers at such time, the committee may establish the minimum price of any varietal type or group of varietal types of reserve tonnage on the basis of (i) the prices received by producers for other varietal types at such time, (ii) the prices received by handlers for such varietal type or group of varietal types in packed form, or (iii) from other available price information. Each price so established by the committee governing the sale of reserve tonnage to any handler shall be approved by the Secretary prior to such sale: *Provided*, That, the foregoing provisions of this paragraph shall not apply to any reserve tonnage on which a loan has been obtained nor to reserve tonnage which has become subject to subparagraph (5) of this paragraph.

(7) In connection with any offer by the committee to sell reserve tonnage to handlers prior to June 1, each handler shall be given the first right to purchase his pro rata share of such offer: *Provided*, That, all reserve tonnage disposed of by him pursuant to paragraph (g) of this section shall be included in such pro rata share. In the event that any handler declines or fails to purchase any or all of such share, the remaining portion thereof shall be reoffered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to such respective purchases. Any balance remaining unsold after such reoffer shall be withdrawn from the particular offer to sell.

(8) Handlers shall be paid for receiving and storing reserve tonnage held for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary.

(9) The net proceeds from the disposition of reserve tonnage of each varietal type or group of varietal types shall be distributed by the committee to producers on the basis of the volume of their respective contribution to the reserve tonnage of such varietal type or group of varietal types. Such distribution in connection with the reserve tonnage contributed by a cooperative marketing association shall be made to such association.

(10) Additional procedures relating to the disposition of reserve tonnage not inconsistent with the provisions herein specified may be established from time to time by the committee with the approval of the Secretary.

(f) *Surplus tonnage.* (1) Surplus tonnage acquired by each handler shall be held by him for the account of the committee, and subject to the restrictions hereof.

(2) Each handler shall hold in proper storage all surplus tonnage acquired by him until title has been transferred to him or until delivery to another person has been accomplished pursuant to instructions of the committee. The committee may, at any time, require a handler to deliver to it, or to any person designated by it, at such handler's warehouse, after reasonable notice, part or all of the surplus tonnage held by him. The committee may require that such delivery consist of natural condition raisins or it may arrange for such delivery to consist of packed raisins.

(3) Surplus tonnage delivery by any handler to the committee, or any person designated by it, whether in the form of natural condition or packed raisins, shall meet such minimum grade requirements as may be prescribed by the committee with the approval of the Secretary. Pending the prescribing of such minimum requirements, surplus tonnage delivered by any handler to the committee, or any person designated by it, in packed form shall meet the minimum requirements for the respective varieties and types set forth in Exhibit B which is attached hereto and made a part hereof.

(4) The committee may dispose of surplus tonnage by sale, or otherwise: *Provided*, That, such disposition shall be limited to outlets which the committee finds will not interfere significantly with the marketing of raisins. The committee shall dispose of all surplus tonnage held by it or for its account on or before May 1, by not later than May 1 of each crop year, and all reserve tonnage held by it or for its account on or before that date, by not later than August 1 of such crop year: *And provided further*, That, for any raisins which become surplus tonnage after May 1 of such crop year, the committee shall dispose of such surplus tonnage within 60 calendar days after the date such tonnage becomes surplus tonnage, and for any raisins which become reserve tonnage after August 1 of such crop year, the committee shall dispose of such reserve tonnage within 60 calendar days after the date such tonnage becomes reserve tonnage.

(5) In connection with any offer of surplus tonnage by the committee for sale to handlers or for contract packing by handlers, each handler shall be given the first right to purchase or pack his pro rata share of such offer: *Provided*, That, all surplus tonnage disposed of by him pursuant to paragraph (g) of this section shall be included in such pro rata share. In the event that any handler declines or fails to purchase, or contract for packing, any or all of such share, the remaining portion of such share shall be reoffered by the committee to all handlers who purchased, or contracted for packing, all of their respective shares of such offer, in proportion to such respective shares.

(6) Nothing in subparagraph (5) or (6) of this paragraph shall restrict, or be deemed to restrict, any sale by the committee to the United States Government or any agency thereof.

(7) Handlers shall be paid by the committee for receiving and storing surplus tonnage held for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary.

(8) The net proceeds from the disposition of surplus tonnage of each varietal type or group of varietal types shall be distributed by the committee to producers on the basis of the volume of their respective contributions to such surplus tonnage of each varietal type or group of varietal types. Such distribution in connection with the surplus tonnage contributed by a cooperative marketing association shall be made to such association.

(9) Additional procedures relating to the disposition of surplus tonnage not inconsistent with the provisions herein specified may be established, from time to time, by the committee with the approval of the Secretary.

(g) *Possession or control of reserve and surplus tonnage.* Each handler is required to have in his possession or under his control, at all times, a quantity of raisins equal to the aggregate quantity of reserve tonnage and surplus tonnage referable hereunder to his acquisitions, except that the committee shall have the authority to waive such requirement for any period ending not later than November 15. The committee may establish other reasonable and necessary terms and conditions upon which such waiver may be granted and such terms and conditions may include, but are not limited to, requiring a performance bond from handlers.

(h) *Damaged raisins.* In the event the committee concludes, and such conclusion is confirmed by the Secretary, that a portion of the raisin pack has been damaged by rain or other natural causes, the committee may, with the approval of the Secretary, establish regulations and procedures that will permit the disposition of such damaged raisins free from the provisions hereof.

§ 989.5 *Reports and books and records*—(a) *Report of carryover.* On or before July 5 of each crop year each handler shall file with the committee a written report, under oath, of all natural condition raisins and packed raisins, separately, held by him on the first day of July showing the quantity of each varietal type, and the location thereof.

(b) *Other reports.* Each handler shall file with the committee a certified report, covering each week during any period in which reserve and surplus percentages are in effect, showing, with respect to his acquisitions of each varietal type during the week covered by each such report, (1) the total quantity acquired, (2) the reserve and surplus tonnages, separately, referable to such acquisitions which are on his premises or under his control, (3) the location of such reserve and surplus tonnages, and (4) cumulative totals of such acquisitions from the beginning of the then current crop year to and including the end of such week. Each such weekly report shall be filed not later than Wednesday of the week following the week which is covered by such report. Upon request of the committee, made with the approval of the Secretary, every handler shall furnish to the committee, in such manner and at such times as it prescribes, such other information as will enable the committee to perform its duties and to exercise its powers hereunder.

(c) *Records.* Each handler shall maintain such records of all raisins acquired by him as the committee may prescribe. Such records shall include, but are not limited to, the source, total acquisition, total sales, and total other disposition of each varietal type or group of such types regulated hereunder.

(d) *Verification of reports.* For the purpose of checking and verifying such reports made by handlers, the committee, through its duly authorized agents, shall have access to any premises wherever raisins may be held by a handler, and, at any time during regular business hours, shall be permitted to inspect any raisins so held by such handler and any and all records of such handler with respect to the holding or disposition of all raisins which may be held or which may have been disposed of by him. Each handler shall furnish all labor and equipment necessary to facilitate such inspections as the committee may make of his holding of any such raisins. Each handler shall store reserve and surplus tonnage raisins in such a manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to the respective lots of raisins held or theretofore disposed of.

§ 989.6 *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the committee and the Board and for such purposes as the Secretary, pursuant to the provisions hereof, determines to be appropriate. The recommendation of the committee as to the expenses for each such crop year, together with all data supporting such recommendation, shall be submitted to the Secretary on or before July 15 preceding the crop year in connection with which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as hereinafter provided.

(b) *Assessments.* Each handler shall pay to the committee, on demand, the sum of twenty cents (20¢) for each ton of raisins acquired by him after the effective date hereof. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all raisins acquired during such crop year to secure sufficient funds to cover any later finding by the Secretary relative to the expense of the committee. Each handler shall pay such additional assessment to the committee on demand. In order to provide funds to carry out the functions of the committee and the Board, any handler may make advance payments to the committee to be credited toward such assessments as may be levied hereunder against the respective handler during the then current crop year.

(c) *Expenses of reserve and surplus tonnage operations.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and are likely to be incurred by the committee in discharging its obligations, pursuant hereto, with respect to reserve and surplus tonnage. All such expenses shall be deducted from the proceeds obtained by the committee from the sale or other disposal of such reserve and surplus tonnage.

(d) *Accounting.* (1) If, at the end of any crop year, the assessments collected for such crop year exceed the expenses incurred with respect to such crop year, each handler's share of such excess shall be credited to him against the operations of the following crop year, unless such handler demands payment thereof, in which case his share shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses.

(e) *Funds.* All funds received by the committee pursuant to the provisions hereof shall be used solely for the purposes herein authorized and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the committee and its members and alternate members to account for all receipts and disbursements.

§ 989.7 *Personal liability.* No member or alternate member of the committee nor any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, employee, or agent, except for acts of dishonesty.

§ 989.8 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 989.9 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 989.10 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof and during any period of suspension hereof except with respect to acts done under and during the existence hereof.

§ 989.11 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 989.12 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions hereof, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers of raisins who during the preceding marketing year have been engaged in the production for market of raisins in the State of California: *Provided*, That, such majority have during such period produced for market more than 50 percent of the volume of such raisins produced for market within said State; but such termination shall be effective only if announced on or before August 14 of the then current marketing year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed

upon the members of the said committee and upon said joint trustees.

§ 989.13 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 989.14 *Amendments.** Amendments hereto may be proposed from time to time, by any party hereto or by the committee. After due notice and hearing and upon the execution of the proposed amendments by any two or more handlers, who during the preceding crop year handled not less than two-thirds of the raisins handled during such crop year, the Secretary may approve such amendments and they shall become effective at such time as the Secretary may designate.

§ 989.15 *Counterparts.** This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all such signatures were contained in one original.

§ 989.16 *Additional parties.** After the effective date hereof, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 989.17 *Order with marketing agreement.** Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of raisins in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 775, Berkeley 1, California.

Dated November 18, 1948, Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

EXHIBIT A—PRODUCER MEMBERS OF THE RAISIN ADVISORY BOARD

Three members for Kings County,
Five members for Tulare County,
Three members for Kern County and all counties in California south of Kern County,
Three members for Madera County,
Three members for Merced County,
Three members for Stanislaus County,
One member for San Joaquin County and all counties in California north of San Joaquin County.
One member for each of the following districts in Fresno County:

CLOVIS DISTRICT 1

All of 12–20 in Fresno County, all of 11–20 and 11–21 in Fresno County, all of 12–21, 12–22, Sections 1, 2, 11, 12, 13, 14, of 13–20, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36 of 13–21, Sections 4, 5, 6, 7, 8, 9, 18, 19, 30 and 31 of 13–22.

KERMAN DISTRICT 2

All of 13–14, 13–15, 13–16, 13–17, in Fresno County and Sections 30 and 31 of 13–18, all of 14–14, 14–15, 14–16, 14–17, 14–18 and the West two-thirds of 14–19, all of 15–14, 15–15, 15–16, 15–17, 15–18.

BIOLA DISTRICT 3

All of 13–18 lying in Fresno County except Sections 30 and 31, all of 12–19 lying in Fresno County and all of 1319 except Sections 25, 26, 27, 28, 33, 34, 35, and 36.

FRESNO DISTRICT 4

Sections 25, 26, 27, 28, 33, 34, 35 and 36 in Section 13–19; all of 13–20 except Sections 1, 2, 11, 12, 13, and 14, Sections 19, 20, 29, 30, 31, 32 of 13–21, the East two-thirds of 14–19, all of 14–20, and Sections 5, 6 and 7 of 14–21.

SANGER DISTRICT 5

The East half and Sections 16, 17, 20, 21, 28, 29, 32, 33 of 13–22, all of 13–23 lying West of East Channel of Kings River, all of 14–23 lying West of East Channel of Kings River and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 35 and 36 of 14–22.

LONE STAR DISTRICT 6

All of 14–21 except Sections 5, 6, and 7 and 36.

EASTON-OLEANDER DISTRICT 7

The North half of 15–19 and the North two-thirds of 15–20 except Section 19, and Sections 6, 7, 18, 19 of 15–21.

FOWLER DISTRICT 8

South half of Section 1 and all of Sections 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 26, 27, 28, 29, and 33 of 15–21 and Section 18–15–22.

DEL REY DISTRICT 9

Sections 29, 30, 31, 32, 33, and 34 of 14–22 and Section 36 of 14–21 and N½ of Section 1–15–21 and all of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 16 and 17 of 15–22.

PARLIER DISTRICT 10

All of Section 4 East of Kings River, Sections 5, 6, 7, 8, and all of Sections 9 and 16 and 21 East of Kings River and Sections 17, 18, 19, 20, 29, 30, 31, 32 in 15–23, Sections 1, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, and 35 and 36 of 15–22 and Sections 5 and 6 of 16–23.

REEDLEY DISTRICT 11

All of 13–24 East of East Channel of Kings River, all of 13–23 East of East Channel of Kings River, all of 14–23 East of East Channel of Kings River, all of 14–24, 14–25 and all of 15–23 East of East Channel of Kings River, Sections 28 and 33 West of Kings River in 15–23 and all of 15–24.

KINGSBURG DISTRICT 12

Sections 11, 12, 13, 14, 15, 21, 22, 23, and portion of 24, 25, and 26 and Sections 27, 28, 33, and portion of Section 34 of 16–22, Section 7 and portion of Sections 8 and 18 of 16–23. Portion of 4, 5, and 8 of 17–22.

SELMA DISTRICT 13

Sections 25, 34, 35, and 36 of 15–21, Sections 19, 20, 28, 29, and 30, 31, 32, 33, 34, of 15–22, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 29, 30, 31, 32, of 16–22 and the East half of 16–21 and the North third of 17–21 and Sections 6 and 7–17–22, Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and part of 24 in 17–21.

MONMOUTH DISTRICT 14

Sections 25, 26, 27, 34, 35, 36 of 15–20, Sections 30, 31, 32 of 15–21, the West half of 16–21 and the East half of 16–20.

CARUTHERS DISTRICT 15

All of South half of 15–19, Sections 19, 28, 29, 30, 31, 32, 33 of 15–20 all of 16–15, 16–16, 16–17, 16–18, 16–19 and the West half of 16–20, all of 17–16, 17–17, 17–18, 17–19 and 17–20, 18–16, 18–17, 18–18 and 19–17, 19–18, 20–17, and all of 20–18 north of Fresno County line.

EXHIBIT B—MINIMUM GRADE REQUIREMENTS FOR PROCESSED RAISINS

DEFINITION

Processed raisins are dried grapes of the Vinifera varieties Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, Sultana, Black Corinth, or White Corinth which have been properly stemmed, capstemmed, and cleaned.

TYPES AND VARIETIES

Type I Thompson Seedless (Sultanina):
(a) Unbleached (sun-dried).
(b) Golden Bleached.
Type II Muscat:
(a) Seeded (seeds removed).
(b) Unseeded (loose).
(c) Soda Dipped Unseeded (Valencia).
Type III Sultana.
Type IV Zante Currants:
(a) Black Zante (Black Corinth).
(b) White Zante (White Corinth).

MOISTURE

Type IIa (Muscat Seeded Raisins) shall contain not more than 19 percent, by weight, of moisture. All other types of raisins specified above shall contain not more than 18 percent, by weight, of moisture.

GRADE

Thompson Seedless raisins shall possess similar varietal characteristics, possess a fairly good typical color in Thompson Seedless Unbleached raisins, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following requirements:

Not more than 35 capstems and not more than 3 pieces of stem per pound of raisins may be present;
Not more than 3 percent by weight of raisins may be poorly developed, blowovers;
Not more than 5 percent by weight of raisins may be damaged;
Not more than 15 percent by weight of raisins may be visibly sugared; and
Not more than 5 percent by weight of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That not more than 2 percent by weight may be affected by decay.

Muscat raisins shall possess similar varietal characteristics, possess a fairly good typical color with not more than 20 percent by weight of dark reddish-brown berries in Muscat Soda Dipped Unseeded (Valencia) raisins, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following requirements:

Not more than 20 capstems and not more than 3 pieces of stem per pound of raisins may be present;
Not more than 20 seeds per pound of raisins in Muscat Seeded raisins may be present;
Not more than 3 percent by weight of raisins may be poorly developed, blowovers;
Not more than 5 percent by weight of raisins may be damaged;
Not more than 15 percent by weight of raisins may be visibly sugared; and
Not more than 5 percent by weight of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That not more than 2 percent by weight may be affected by decay.

Sultana raisins shall possess similar varietal characteristics, possess a fairly good typical color, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following requirements:

Not more than 65 capstems and not more than 3 pieces of stem per pound of raisins may be present;
Not more than 3 percent by weight of raisins may be poorly developed, blowovers;
Not more than 5 percent by weight of raisins may be damaged;
Not more than 15 percent by weight of raisins may be visibly sugared; and
Not more than 5 percent by weight of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That not more than 2 percent by weight may be affected by decay.

Zante currants shall be generally pliable, generally meaty and plump, fairly well developed, possess a good, typical color, and meet the following requirements:

Not more than 2 percent by weight of capstems and not more than 3 pieces of stem per pound may be present;
Not more than 2 percent by weight may be poorly developed, hard, immature berries, blowovers, or shells;
Not more than 3 percent by weight may be damaged;
Not more than 10 percent by weight may be visibly sugared; and
Not more than 2 percent by weight may be "B" berries.

COLOR OF THOMPSON SEEDLESS SULFUR BLEACHED AND GOLDEN BLEACHED RAISINS

Extra choice color. Fairly uniform amber color which may range from light yellow or greenish yellow to amber or greenish amber and with not more than 10 percent by weight of definitely dark berries.

Explanation of terms. "Capstems" mean small woody stems exceeding ⅛ inch in length which attach the raisins to the branches of the bunch.

A "piece of stem" means a portion of the branch or main stem.

"Seeds" refer to the whole, fully developed seeds which have not been removed during the processing of Type II (a), Muscat Seeded raisins.

"Poorly developed, blowovers" refers to berries that are immature, contain very little meat, are light in weight, and those that have very coarse wrinkles.

"Damaged" raisins means raisins affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, edibility, keeping or shipping quality of the raisins. In Type II (a), Muscat Seeded raisins, mechanical injury resulting from normal seeding operations is not considered damage.

"Visibly sugared" means the accumulation of crystallized fruit sugars on or near the surface which is readily apparent.

"Mold" means mold filaments or spores (often characterized by a condition wherein the skin of the raisin appears to have been dissolved, leaving a slimy or sticky appearance, and often resulting in a positive reaction when submerged in a 3 percent hydrogen peroxide solution).

"Affected by insect infestation" means that the raisins show the presence of insects, insect fragments, or excreta. No live insects are permitted.

"Plump and meaty" means that the currants are not thin or angular with coarse wrinkles.

"'B' berries" mean currants affected with mold or decay, which show a positive reaction when immersed in a 3 percent hydrogen peroxide solution.

The foregoing requirements are those specified in United States Standards for Grades of Processed Raisins, with respect to Grade C for raisins other than Zante currants, and in United States Standards for Grades of Dried Zante Currants, with respect to Grade B for Zante currants.

[F. R. Doc. 48-10196; Filed, Nov. 22, 1948; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Southwestern Power Administration

[Order 2498]

DUTIES OF ASSISTANT ADMINISTRATOR, ACTING ADMINISTRATOR, AND ACTING ASSISTANT ADMINISTRATOR

SECTION 1. *Assistant Administrator.* The Assistant Administrator of the Southwestern Power Administration shall assist the Administrator generally in the performance of his duties and functions, and, under the supervision and direction of the Administrator, shall be responsible for the administrative functions of the Administration.

SEC. 2. *Acting Administrator.* (a) The Assistant Administrator of the Southwestern Power Administration shall perform the duties and exercise the powers of the Administrator in case of the death, resignation, absence, or sickness of the Administrator.

(b) The Chief of the Division of Operations of the Southwestern Power Administration shall perform the duties and exercise the powers of the Administrator in case of the death, resignation, absence, or sickness of the Administrator and the Assistant Administrator.

(c) The Chief of the Division of Engineering of the Southwestern Power Administration shall perform the duties and exercise the powers of the Administrator in case of the death, resignation, absence, or sickness of the Administrator, the Assistant Administrator, and the Chief of the Division of Operations.

(d) The Chief Counsel of the Southwestern Power Administration shall perform the duties and exercise the powers of the Administrator in case of the death, resignation, absence, or sickness of the Administrator, the Assistant Administrator, the Chief of the Division of Operations, and the Chief of the Division of Engineering.

(e) The Controller of the Southwestern Power Administration shall perform the duties and exercise the powers of the Administrator in case of the death, resignation, absence, or sickness of the Administrator, the Assistant Administrator, the Chief of the Division of Operations, the Chief of the Division of Engineering, and the Chief Counsel.

(f) The Chief of the Division of Administration and Personnel of the Southwestern Power Administration shall perform the duties and exercise the powers of the Administrator in case of the death, resignation, absence, or sickness of the Administrator, the Assistant Administrator, the Chief of the Division of Operations, the Chief of the Division of Engineering, the Chief Counsel, and the Controller.

SEC. 3. *Acting Assistant Administrator.* The Administrator of the Southwestern Power Administration may designate officials of the Administration to serve as Acting Assistant Administrator in case of the death, resignation, absence, or sickness of the Assistant Administrator.

J. A. KRUG,
Secretary of the Interior.

NOVEMBER 15, 1948.

[F. R. Doc. 48-10169; Filed, Nov. 22, 1948; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

OFFICE OF HEARING EXAMINERS

AMENDMENT TO ORGANIZATIONAL STATEMENT

Pursuant to the authority vested in me by the Administrative Procedure Act (Secs. 3, 12, 60 Stat. 238, 244) the statement of the Central Organization of the Office of Hearing Examiners (formerly § 2209.1, Chapter XXI, Title 7) is amended to read as follows:

The address of the Office of Hearing Examiners is United States Department of Agriculture, Washington 25, D. C. The office is composed of the hearing examiners who preside at hearings subject to sections 7 and 8 of the Administrative Procedure Act (60 Stat. 237), and perform related duties, and their assistants. The work of the office is supervised by a Chief Hearing Examiner who designates the hearing examiner to preside at the hearing and perform such duties in specific proceedings. Among the hearings over which hearing examiners preside are hearings in proceedings under the Agricultural Marketing Agreement Act (7 U. S. C. 601 et seq.), rate making and

disciplinary proceedings under the Packers and Stockyards Act, 1921 (7 U. S. C. 181 et seq.), disciplinary proceedings under the Commodity Exchange Act (7 U. S. C. 1 et seq.), the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a et seq.), and the Federal Seed Act (7 U. S. C. 1551 et seq.), and proceedings under the Grain Standards Act (39 Stat. 492; 7 U. S. C. 71 et seq.) upon request by the Administrator of the Production and Marketing Administration.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

November 17, 1948.

[F. R. Doc. 48-10171; Filed, Nov. 22, 1948; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

WHITE MOUNTAIN BROADCASTING CO.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on November 8, 1948 there was filed with it an application (BTC-696) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of White Mountain Broadcasting Company, licensee of station WMOU, Berlin, New Hampshire from Arthur C. Bell, Leon C. Bell, Arthur J. Bergeron, Carl E. Morin, George Brassard, Willard D. Buber and Albert N. Morris to John W. Guider. The proposal to transfer control arises out of a contract of October 5, 1948 pursuant to which Arthur C. Bell, Leon C. Bell, Arthur J. Bergeron, Carl E. Morin, George Brassard, Willard D. Buber and Albert N. Morris will sell and John W. Guider will buy 305 shares of the common stock of the licensee corporation, for the sum of $22,875.00. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 8, 1948 that starting on November 10, 1948 notice of the filing of the application would be inserted in the Berlin Reporter, a newspaper of general circulation at Berlin, New Hampshire in conformity with the above section and the Commission's direction to the applicant of October 12, 1948.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 10, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10189; Filed, Nov. 22, 1948; 8:51 a. m.]

WKLV

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on September 1, 1948 there was filed with it an application (BAL-796) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WKLV, Blackstone, Virginia from Frank W. Wagner to Nottoway Broadcasting Company, Incorporated. The proposal to assign the license arises out of a contract of August 19, 1948 pursuant to which Frank W. Wagner proposed to assign station WKLV and its assets to Nottoway Broadcasting Company, Incorporated, in return for 145 shares (approximately 35%) of $50 par value, common voting stock of the assignee corporation and the assumption by the latter of the outstanding liabilities of the station. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321, which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 10, 1948 that starting on September 24, 1948 notice of the filing of the application would be inserted in the Courier-Record, a newspaper published at Blackstone-Crewe, Virginia, and in the Richmond Times Dispatch, a newspaper of general circulation at Richmond, Virginia in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from September 24, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10190; Filed, Nov. 22, 1948; 8:52 a. m.]

KUGN AND KUGN-FM

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on November 4, 1948 there was filed with it an application (BAL-793) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license for AM station KUGN and permit for KUGN-FM, Eugene, Oregon, from Valley Broadcasting Company to KUGN, Inc. The proposal to assign arises out of contracts of August 14 and September 29, 1948 pursuant to which B. N. Phillips has agreed to sell his one-half interest in the assignor partnership to O. E. Berke and P. R. Berke for $50,000 in cash plus 5% interest from August 1, 1948. Thereafter the partnership will convey all partnership assets to KUGN, Inc. in return for all the capital stock of the assignee. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 4, 1948 that starting on November 4, 1948 notice of the filing of the application would be inserted in the Eugene Register Guard a newspaper of general circulation at Eugene, Oregon in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 4, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10191; Filed, Nov. 22, 1948; 8:52 a. m.]

KCSB

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on November 5, 1948, there was filed with it an application (BAL-794) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of KCSB, San Bernardino, California from Woodrow Miller, d/b as San Bernardino Valley Broadcasters, to Town Crier Broadcasters, Inc. The proposal to assign the license arises out of a contract of October 1, 1948, pursuant to which Woodrow Miller has agreed to sell all personal property and broadcasting equipment, including the good will, used in the operation of KCSB, to Town Crier Broadcasters, Inc. for the sum of $19,000 payable as follows: $1,000 upon the execution of the contract; $8,000 within thirty days after approval of the Federal Communications Commission is obtained; and the balance of $10,000, secured by a mortgage on the equipment and property of KCSB, in monthly installments of $100 with 4% interest on the unpaid balance. As part of the contract, Seller agrees to lease to Buyer the land and buildings used in the operation of KCSB for a monthly payment of $83.33, plus 2% of the net earnings of the station before taxes. The lease will be for five years with Buyer holding an option to renew for an additional five years. Seller also agrees to make improvements in the land and buildings up to $3,000 and Buyer agrees to pay an increased monthly rental of 1% of the cost of the improvements beginning the first month after the improvements have been made. The contract also provides that Seller will satisfy all existing accounts payable due at the time of closing and that Buyer will exercise diligence in attempting to collect the outstanding accounts receivable and to turn over 75% thereof to Seller, retaining 25% for self. In the event Buyer is unwilling or unable to go through with the sale after approval of the Federal Communications Commission is obtained, the down payment of $1,000 may be retained by Seller as liquidated damages. In the event the assignment is consummated and Buyer thereafter defaults in payments due under the contract, Buyer agrees to seek permission of the Federal Communications Commission to retransfer the station to Seller. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 5, 1948, that starting on November 10, 1948, notice of the filing of the application would be inserted in a newspaper of general circulation at San Bernardino, California in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 10, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10192; Filed, Nov. 22, 1948; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[MC-C-985]

PERISHABLE PROTECTIVE SERVICES AND CHARGES

NOTICE OF HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 21st day of September A. D. 1948.

The said division having under consideration the matter of charges for perishable protective service and of the failure of motor common carriers to establish and maintain charges for perishable protective service separate and apart from the line-haul rates and charges in connection with the transportation, in interstate or foreign commerce, of commodities that require perishable protective service between points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming, on the one hand, and, on the other hand, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted by the said division, upon its own motion, into and concerning the reasonableness and lawfulness otherwise of the charges for perishable protective service maintained by motor common carriers of property, and of the regulations and practices of motor common carriers of property insofar as said carriers do not publish and maintain charges for perishable protective service separate and apart from their line-haul rates, applicable to the transportation, in interstate or foreign commerce, of property that requires perishable protective service between the points referred to in the preceding paragraph of this order, with a view to making such findings and orders in the premises as the facts and circumstances shall appear to warrant;

It is further ordered, That all motor common carriers of property subject to the Interstate Commerce Act which participate in the transportation of property between the points referred to in this order, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents; and that notice to the public be given by posting a copy of this order in the Office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of Federal Register, Washington, D. C.

And it is further ordered, That this proceeding be, and it is hereby, assigned for hearing before Examiner Henry C. Lawton on the 11th day of January, A. D. 1949, at 9:30 o'clock a. m., United States standard time, at the Hotel Cleveland, Cleveland, Ohio.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10173; Filed, Nov. 22, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP. (DEL.)

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 17th day of November, 1948.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by the Commonwealth & Southern Corporation (Commonwealth), a registered holding company. The applicant-declarant designates sections 11 and 12 (c) of the act and Rule U-46 thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than November 29, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by the said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 29, 1948 such application-declaration, as filed or as amended, may be permitted to become effective or may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of the Commission, for a statement of the transaction therein proposed which is summarized as follows:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of $1.50 per share or an aggregate of approximately $2,161,870 on the shares of its outstanding preferred stock. The dividend was declared on November 16, 1948, and is payable on the 28th day after the date of the order of this Commission permitting such payment, or on January 3, 1949, whichever date is the later, to stockholders of record at the close of business on the 10th day after the date of such order (or if such 10th day is not a business day, the first business day following such 10th day) or on December 10, 1948, whichever date is the later.

The applicant-declarant requests that the Commission's order be issued herein on or before December 1, 1948 and that it become effective forthwith upon issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10176; Filed, Nov. 22, 1948; 8:48 a. m.]

[File No. 70-1960]

NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of November A. D. 1948.

The hearing officer who presided at the hearings in these proceedings has certified to us for decision the question whether the applicants-declarants herein are entitled to have the hearing officer prepare a recommended decision.

These proceedings involve a joint application-declaration by the North American Company ("North American"), a registered holding company, and its subsidiary, Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility company, filed pursuant to applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder. The application-declaration proposes a reclassification of the authorized common stock of Union so as to increase the aggregate number of such shares from 3,300,000 to 12,000,000. Thereupon Union proposes to issue and North American proposes to acquire 9,782,500 shares of the new common stock in exchange for 2,795,000 shares representing the presently outstanding common stock of Union, all of which is owned by North American. Since the publicly held preferred stock of Union has 12.06% of the voting power in Union, the stock of Union held by North American represents 87.94% of the voting power. It is asserted that the proposed transactions would increase North American's voting power to 96.2% and enable North American to file consolidated federal income tax returns for Union and its subsidiaries, thereby effecting a reduction in federal income taxes payable by the companies.

Applicants-declarants have argued that they are entitled to a recommended decision by the hearing officer under both the Administrative Procedure Act and "general rules of administrative due process." We cannot agree.

No requirement that there be such a recommended decision in these proceedings is imposed by either our rules of practice or the Administrative Procedure Act. Section 8 (a) of the Administrative Procedure Act provides that "• • • in rule making or determining applications for initial licenses," a recommended decision by a hearing officer may be dispensed with and "• • • in lieu thereof, the agency may issue a tentative decision or any of its responsible officers may recommend a decision. • • •" Under the definitions of "rule making" and "license" contained in sections 2 (c) and (e) of the Administrative Procedure Act,[1] it is clear that these proceedings fall into the category of "rule making or determining applications for initial licenses." And Rule IX of our rules of practice does not impose any intermediate decision requirement beyond that imposed by section 8 (a) of the Administrative Procedure Act.

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(e) *License and licensing.* "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission. "Licensing" includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license.

The Administrative Procedure Act undertook to codify the basic requirements of what applicants-declarants appear to refer to as "administrative due process," and our rules of practice attempt to carry out the requirements of that act. We are not aware that these or any other procedural standards would be violated by denial of the instant request.

While we have accorded procedural safeguards which, though not specifically required, are shown to be appropriate to a full and fair determination of contested issues, we find here no situation warranting the exercise of our discretion in favor of granting the request of applicants-declarants. The hearings did not involve any issues which are accusatory or disciplinary in nature or the determination of which requires passing upon the credibility of witnesses. The present proceedings relate merely to securing the approval by this Commission with respect to a stock reclassification desired by applicants-declarants, which does not have any material effect on other investors, and which has not been opposed. The preparation of a recommended decision by the hearing officer in this case would unduly delay our decision and would not be conducive to any greater clarification of the issues than might be achieved through the filing of a recommended decision by the Director of the Division of Public Utilities. In view of the nature of the proceedings, the issues, and the evidence taken at the hearings, it is clear that a recommended decision by the hearing officer is neither necessary nor appropriate to the affording of adequate decisional procedure to applicants-declarants, and we shall accordingly deny their request.

However, in view of the request that has been made for an intermediate decision in this case, and in view of applicants-declarants' stated desire for prompt disposition of this matter,[2] we are of the opinion that the alternative procedure specified in section 8(a) of the Administrative Procedure Act and Rule IX(c) of our rules of practice is the appropriate one to be followed in this case, namely, that a recommended decision should be prepared by the Director of the Division of Public Utilities, and that applicants-declarants should have an opportunity to file exceptions and briefs with respect to such recommended decision. In view of applicants-declarants' stated desire that approval of the proposed transactions be granted by December 1, 1948, we shall instruct the Director of the Division of Public Utilities to file his recommended decision by November 17, 1948, and shall allow the applicants-declarants until November 24, 1948, to file exceptions to such recommended decision and briefs in support of such exceptions.

For the foregoing reasons,

It is ordered, That the request of North American and Union for the preparation and filing by the hearing officer of a recommended decision in these proceedings be and it is hereby denied; and

The Director of the Division of Public Utilities is instructed to prepare and file on or before November 17, 1948 a recommended decision on the application-declaration; and

Applicants-declarants are granted opportunity to file on or before November 24, 1948 exceptions and briefs relating to such recommended decision.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10177; Filed, Nov. 22, 1948; 8:48 a. m.]

[File No. 70-1977]

AMERICAN GAS AND ELECTRIC CO. AND AMERICAN GAS AND ELECTRIC SERVICE CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of November A. D. 1948.

American Gas and Electric Company ("American Gas"), a registered holding company, and its wholly owned service company subsidiary, American Gas and Electric Service Corporation ("Service Corporation"), having filed a joint application-declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7 and 10 thereof with respect to the following transactions:

For the stated purpose of supplying Service Corporation with adequate capital for its operations it is proposed to finance Service Corporation by increasing its authorized capital stock from 1,000 shares of the par value of $100 per share, of which 100 shares are issued and outstanding and owned by American Gas, to 10,000 shares of the par value of $100 per share, and by issuing 7,750 shares of said stock to American Gas against payment therefor of $200,000 in cash and the surrender and cancellation of $575,000 principal amount of open account indebtedness owned by Service Corporation to American Gas which open account indebtedness arose from advances of cash in that amount heretofore made by American Gas to Service Corporation without interest.

The application-declaration having been filed on October 19, 1948 and an amendment thereto having been filed on November 4, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration, as filed or as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied, that no adverse findings are necessary, and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate that the said application-declaration, as amended, be granted and permitted to become effective forthwith;

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10175; Filed, Nov. 22, 1948; 8:48 a. m.]

[File No. 70-1982]

KENTUCKY UTILITIES CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of November A. D. 1948.

Kentucky Utilities Company ("Kentucky"), a subsidiary of the Middle West Corporation, a registered holding company, having filed a declaration and an amendment thereto pursuant to sections 11 (b) (1) and 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder, with respect to the following transactions:

Kentucky proposes to sell to Western Kentucky Gas Company, a nonaffiliated company, all of Kentucky's gas utility properties located in and about the City of Danville, Kentucky, pursuant to a contract dated September 21, 1948, for a cash consideration of $155,500 subject to closing adjustments. The proceeds to be received by Kentucky from the proposed sale will be deposited with the Trustee under the company's mortgage dated May 1, 1947, and will be withdrawn, within one year, in accordance with the provisions of said mortgage and will be used for the purpose of making additions and extensions to its electric utility plant and system.

The declaration, as amended, contains an order of the Public Service Commission of Kentucky authorizing the proposed sale and purchase; and

Said declaration having been filed on October 25, 1948, and the last amendment thereto having been filed on November 16, 1948, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable sections of the act and the rules and regulations thereunder are satisfied and finding it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith; and

The Commission finding that Kentucky is engaged primarily in the electric utility business; that said gas utility properties are the only remaining natural gas properties, are not connected with the company's manufactured gas properties and are not capable of integration with the electric utility properties owned and operated by Kentucky; and that the proposed use of the proceeds of sale will contribute to the development of an integrated electric utility system; and

Kentucky having requested that the Commission's order permitting the declaration to become effective conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code, as amended, and the Commission deeming it appropriate to grant this request:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

It is further ordered and recited, That the sale by Kentucky Utilities Company of its gas utility properties (except a certain specified building and equipment) located in or in the vicinity of the City of Danville in the Commonwealth of Kentucky for an amount in cash equal to the aggregate of (a) $155,500, (b) the amount of net additions made by Kentucky Utilities Company to said properties between December 31, 1947 and the date of closing, (c) the cost to Kentucky Utilities Company of materials and supplies on hand or on order pertaining to said property at the date of closing, and (d) the adjusted amount of the 1948 ad valorem tax on said properties, and the expenditure within 24 months of the consummation of the said sale, of an amount equal to the proceeds received from said sale, for property consisting of additions and extensions to its electric utility plant and system, are necessary or appropriate to the integration or simplification of the holding company system of which Kentucky Utilities Company is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) (1) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10174; Filed, Nov. 22, 1948; 8:48 a. m.]

[File No. 70-1985]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 17th day of November A. D. 1948.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Public Service Company of New Hampshire ("New Hampshire"), a public-utility subsidiary of New England Public Service Company, a registered holding company. Applicant has designated the first sentence of section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 2, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 2, 1948, said application, as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application and amendment which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

New Hampshire proposes to issue or renew from time to time until September 30, 1949, or until the company shall have received at least $4,000,000 from permanent financing, whichever shall first occur, short-term notes, i.e., notes having a maturity of nine months or less, up to a maximum amount (together with all other outstanding short-term notes) of $6,275,000. The company proposes to issue such notes as funds are required in order to continue its construction program and to meet its other cash needs. The company had outstanding at November 1, 1948, short-term notes aggregating $2,100,000. The application states that the company believes that under present conditions it will be able to borrow such funds at an interest rate of not exceeding 2½% per annum, but that it has no commitment from any bank as to the interest rate. The appli-

[1] Section 2 of the Administrative Procedure Act defines "rule and rule making" and "license and licensing" as follows:

(c) *Rule and rule making.* "Rule" means the whole or any part of any agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of any agency and includes the approval or prescription for the future of rates, wages, *corporate or financial structures or reorganizations thereof*, prices, facilities, appliances, services or allowances therefor or of valuations, cost, or accounting, or practices bearing upon any of the foregoing. "Rule making" means agency process for the formulation, amendment, or repeal of a rule. (Italics added.)

[2] Applicants-declarants' request that we give the proposed transactions prompt approval seems somewhat inconsistent with their demand for an intermediate decisional procedure which would necessarily take longer than were we to decide the matter initially.

cation further states that in case the interest rate on any of the promissory notes should exceed 2½% per annum, the company will file an amendment to its application stating the name of the bank, the terms of the note and the rate of interest at least five days prior to the execution and delivery of said note, and unless the Commission shall notify the company to the contrary within said five day period, the amendment shall become effective at the end of said period. The company estimates that it will receive $6,750,000 from permanent financing by September 30, 1949, and that the proceeds from such permanent financing will be used to repay the short-term notes then outstanding and the balance for further expenditures on the company's construction program and for other corporate purposes.

The application states that the proposed transactions are not subject to the jurisdiction of the New Hampshire Public Service Commission, the regulatory commission of the state in which the company is organized and doing business, except to the extent that a note issued in renewal of a previously outstanding note matures more than twelve months after the date of issue of the first note evidencing the original loan. The application further states that all notes evidencing loans originally made prior to September 30, 1948, will be paid and discharged out of the proceeds of the company's Series D bonds issued in October 1948.

The amount of notes proposed to be issued by the company is in excess of 5% of the principal amount and par value of other outstanding securities of the company. The company requests authorization pursuant to the first sentence of section 6 (b) of the act to issue such notes.

The application states that there are no expenses to the company in connection with the proposed transactions other than legal and other incidental expenses, estimated at not more than $500, in connection with the preparation and filing of the application.

The company requests that the Commission's order be made effective forthwith upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10179; Filed, Nov. 22, 1948; 8:49 a. m.]

[File No. 70-1994]

NORTHERN STATES POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of November A. D. 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by Northern States Power Company ("Northern States"), a Minnesota corporation which is a registered holding company and also a public utility operating company. Northern States designates sections 9 (a) and 10 of the act as applicable to the proposed transaction.

All interested persons are referred to said application on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Northern States proposes to acquire from McLeod Cooperative Power Association ("Seller"), a Minnesota corporation, certain utility assets owned by Seller consisting principally of the existing electric distribution and street lighting systems located in the Village of New Auburn, Sibley County, Minnesota, together with all equipment of and appurtenances to each of said systems and all franchises, permits, contracts, leases, easements and rights of way under which said property is held or operated, including Seller's service contracts (which Northern States agrees to assume); but excluding Seller's cash on hand or in banks, accounts receivable, customers' deposits and refundable advances, prepaid insurance, and certain specific items of physical property as described in the sales agreement dated October 18, 1948. The purchase price is $13,540, subject to adjustments as provided in said agreement.

The estimated original cost of said property at August 31, 1948 is $15,465, and the estimated depreciation on a straight line basis is $4,231. Northern States proposes, upon consummation of the transaction, to charge to its earned surplus the electric plant acquisition adjustment of $2,306. No fees or commissions are involved. The expenses of Northern States in the matter are estimated at $500.

The property to be acquired serves electric energy at retail to approximately 126 customers in said Village of New Auburn. The energy is presently supplied at wholesale to the Seller by Northern States, whose electric properties completely surround the property to be acquired. Northern States will supply the new customers at its regularly scheduled rates, which are somewhat lower than the rates presently charged.

The application states that the proposed transaction is not under the jurisdiction of any State commission or any other Federal commission.

It is desired that the order of the Commission authorizing the transaction be made effective as soon as possible.

Notice is further given that any interested person may, not later than November 26, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 26, 1948, said application may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10178; Filed, Nov. 22, 1948; 8:49 a. m.]

[File No. 812-569]

NEWMONT MINING CORP. ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its offices in Washington, D. C., on the 17th day of November A. D. 1948.

In the matter of Newmont Mining Corporation, Empire Star Mines Company, Limited, and Northern Empire Mines Company, Limited; File No. 812-569.

Notice is hereby given that Newmont Mining Corporation of 14 Wall Street, New York, New York, a closed-end non-diversified management company registered under the Investment Company Act of 1940, has filed an application pursuant to section 17 (b) of the act for an order exempting from the provisions of section 17 (a) of the act a proposed transaction whereby Empire Star Mines Company, Limited ("Star"), an affiliated person of the Applicant and of Northern Empire Mines Company, Limited ("Northern") would purchase from the Applicant 41,605 shares of the capital stock of Northern, an affiliated person of the Applicant and of Star, for $62,407.50 in United States funds.

It appears from the application that Star, a Delaware corporation, has 116,300 shares of capital stock outstanding, of which the Applicant owns 43,325 shares, approximately 37%. Northern, an Ontario corporation, has 400,000 shares of capital stock outstanding, of which 270,530 shares, or 67.6%, are owned by Star and 41,605 shares, or 10.4%, are owned by the Applicant. Said 41,605 shares of Northern were acquired by the Applicant as a dividend paid by Star on March 15, 1938 to its stockholders of record as of March 1, 1938. The fair market value of the Northern stock at the time the dividend was received was $6 per share in United States funds, a total of $249,630 for the shares received by the Applicant.

It further appears that Northern was organized in 1932 for the primary purpose of developing and operating the Northern Empire Mine in the Little Long Lac District in Ontario. The life of this mine was considerably curtailed by a barren diabase sill encountered at a depth of about 1,000 feet replacing the vein on its dip for a vertical distance of about 700 feet. The ore beneath the sill has been worked out, and the mine was abandoned in August 1941.

Since November 1943, Northern's mining activities have been limited to the neighboring Undersill Mine (owned by Undersill Gold Mining Company in which Northern has a 75% interest) in which the same sill has interrupted the vein. Work beneath this sill has disclosed only a limited amount of commercial ore, and further development has been suspended until completion of similar work by owners of adjoining property. It is possible that work in the Undersill Mine may never be resumed. The working capital of Northern has been invested in Canadian Government and corporate securities. If operations are not resumed, Northern will be liquidated. The estimated present net liquidating value per share of Northern based on the Canadian market for securities held but making no allowance for the notes and shares of Undersill Gold Mining Company amounts to $2.38 per share in Canadian funds. Trading in shares of Northern on the Toronto Stock Exchange and over the counter in New York is inactive. The present "bid" in Toronto is $1 per share and the present "asked" is $2.25 per share. The last sales on the Toronto Exchange involved 200 shares on October 15, 1948 at $1.05 per share. The last sales over the counter in New York were at $1.25 per share, Canadian funds, on September 15, 1948.

The Applicant wishes to sell and Star wishes to purchase the 41,605 shares of Northern held by Applicant at $1.50 per share United States funds, or a total of $62,407.50. It is alleged that the Applicant would have difficulty in selling so large a block of shares in the market and desires to decrease its present holdings of blocked Canadian funds, and, therefore, desires to effect the proposed sale for United States funds. Star is willing to purchase such shares to enlarge its control of Northern and to facilitate liquidation if and when undertaken.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after November 29, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than November 26, 1948, at 5:30 p. m., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10180; Filed, Nov. 22, 1948; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12306]

USABURO SUZUKI

In re: Estate of Usaburo Suzuki, deceased. File D-39-17410; E. T. sec. 9593 (H-102).

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mii Suzuki and Soichiro (Shoichiro) Suzuki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the sum of $938.07 was paid to the Attorney General of the United States by Albert K. Kimura, administrator of the Estate of Usaburo Suzuki, deceased;

3. That the said sum of $938.07 was accepted by the Attorney General of the United States on September 21, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $938.07 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid, nationals of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10182; Filed, Nov. 22, 1948; 8:51 a. m.]

[Vesting Order 12363]

KARL JUNGBLUTH

In re: Trust Agreement dated July 12, 1928, between Karl Jungbluth, donor, and The Farmer's Loan and Trust Company, trustee. (File D-28-10498-G-1).

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Jordan, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated July 12, 1928, by and between Karl Jungbluth, donor, and The Farmers' Loan and Trust Company, trustee, presently being administered by City Bank Farmers Trust Company, Trustee, 22 William Street, New York 15, New York,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10183; Filed, Nov. 22, 1948; 8:51 a. m.]

[Vesting Order 12301]

WENZEL ASCHENBRENNER

In re: Estate of Wenzel Aschenbrenner, Deceased. (File No. D-28-12122; E. T. sec. 16328).

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Theresia Aschenbrenner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Wendel Aschenbrenner, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Theresia Schaefer, as executrix, acting under the judicial supervision of the Orphans' Court of Montgomery County, Norristown, Pennsylvania;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10184; Filed, Nov. 22, 1948; 8:51 a. m.]

[Vesting Order 12313]

ISAO HARRY HASEGAWA

In re: Cash owned by Isao Harry Hasegawa. F-39-6272.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Isao Harry Hasegawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $520.00, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Isao Harry Hasegawa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10185; Filed, Nov. 22, 1948; 8:51 a. m.]

[Vesting Order 12314]

KENICHI HASHIMOTO

In re: Cash owned by Kenichi Hashimoto. D-39-19209-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kenichi Hashimoto, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $572.35, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kenichi Hashimoto, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10186; Filed, Nov. 22, 1948; 8:51 a. m.]

MICHAELA MOUTZOURIDOU

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Michaela Moutzouridou, Athens, Greece, 6869; All right, title, interest and claim of any kind or character whatsoever of Fritz Lustgarten in and to the estate of Sigmund Lustgarten, deceased.

Executed at Washington, D. C., on November 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10158; Filed, Nov. 19, 1948; 9:02 a. m.]

[Vesting Order 12318]

HIDEAKI OSHIMO

In re: Cash owned by Hideaki Oshimo. D-39-19208-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hideaki Oshimo, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $611.96, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hideaki Oshimo, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10187; Filed, Nov. 22, 1948; 8:51 a. m.]

[Vesting Order 1798, Amdt.]

SAMUEL HARLAN, JR.

In re: Trust under Deed of Samuel Harlan, Jr. dated January 2, 1878. (File No. D-28-2374; E. T. sec. 3336.)

Vesting Order 1798 dated July 14, 1943 is hereby amended as follows and not otherwise.

By inserting immediately following the name Sarah Maria Jobahaza, wherever it appears in said Vesting Order 1798, the words also known as Maria Josefa von Dory Jobahaza.

All other provisions of said Vesting Order 1798 and all actions taken by or on behalf of the Alien Property Custodian or Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BRAZELON,
Assistant Attorney General
Director, Office of Alien Property..

[F. R. Doc. 48-10188; Filed, Nov. 22, 1948; 8:51 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 13 NUMBER 229

Washington, Wednesday, November 24, 1948

TITLE 6—AGRICULTURAL CREDIT

Subtitle A—Office of the Secretary

PART 01—DEBT SETTLEMENT

TRANSFER OF PART

CROSS REFERENCE: For transfer and redesignation of Part 01, and amendment thereto, see Title 7, Subtitle A, Part 3, *infra*.

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

FIELD ORGANIZATION IN VIRGIN ISLANDS

Section 300.1, in Title 6, Code of Federal Regulations as amended (6 CFR, 1946 Supp., 300.1; 6 CFR, 1947 Supp., 300.1), is amended by adding to paragraph (c) thereof a subparagraph, numbered (7), reading as follows:

§ 300.1 *General functions and organization of the Farmers Home Administration.* • • •

(c) *Field organization.* • • •

(7) *Territorial subdivisions in Virgin Islands.* In the Virgin Islands, for the purposes of title I, title II, and the related provisions of title IV of the Bankhead-Jones Farm Tenant Act, as amended, each of the areas identified below is designated a subdivision to be deemed synonymous with the term "county" as the term is used in said titles. Each such subdivision consists of, and is co-extensive with the geographical limits of, the area set forth opposite the name of the subdivision.

VIRGIN ISLANDS

NAME OF SUBDIVISION AND AREA COMPRISING SUBDIVISION

Christiansted: All of Saint John Island, all of Saint Thomas Island, and that portion of Saint Croix Island which is bounded on the north, south, and east by the sea, and is bounded on the west by the estates of Sweet Bottom, Fountain, River, Hermitage, Blue Mountain, Colquhoun Mt. Pleasant, and Bethlehem.

Frederiksted: That portion of Saint Croix Island which is not included in the area comprising Christiansted Subdivision.

(60 Stat. 1062; Pub. Law 249, 80th Cong., 61 Stat. 493)

Issued this 19th day of November 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-10223; Filed, Nov. 23, 1948; 8:52 a. m.]

Subchapter G—Farm Ownership

PART 364—REGULATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS

In Puerto Rico, for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified in the order of the Acting Secretary of Agriculture issued October 19, 1948 (13 F. R. 6232), are determined to be as herein set forth; and the table of counties, average values, and investment limits for Puerto Rico, contained in § 364.11, of Title 6, of the Code of Federal Regulations, as amended (6 CFR, 1946 Supp., 364.11 (11 F. R. 13611); 6 CFR, 1947 Supp., 364.11; 13 F. R. 6194), is hereby superseded by the following table.

PUERTO RICO

County	Average value	Investment limit
Adjuntas	$8,000	$8,000
Aguadilla	14,500	12,000
Angeles	8,000	8,000
Arecibo	10,000	10,000
Arroyo	8,000	8,000
Barranquitas	10,000	10,000
Bayamon	12,000	12,000
Caguas	12,000	12,000
Camuy	10,000	10,000
Canovanas	12,000	12,000
Carolina	12,500	12,000
Cayey	12,000	12,000
Ciales	8,000	8,000
Comerio	8,000	8,000
Corozal	12,500	12,000
Fajardo	12,000	12,000
Humacao	14,000	12,000
Jayuya	10,000	10,000
Juana Diaz	8,000	8,000
Juncos	12,000	12,000
Lares	10,000	10,000
Manati	8,000	8,000
Mayaguez	10,000	10,000
Orocovis	8,000	8,000
Ponce	12,000	12,000
Rio Piedras	9,000	9,000
San German	12,000	12,000

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

722 pages—$1.00 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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County	Average value	Investment limit
San Lorenzo	$10,000	$10,000
San Sebastian	8,000	8,000
Utuado	8,000	8,000
Vega Baja	12,000	12,000
Yabucoa	18,000	12,000
Yauco	12,000	12,000

(Secs. 3 (a), 41 (f), 60 Stat. 1074, 1066; 7 U. S. C. 1003 (a), 1015 (i))

Issued this 19th day of November 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-10224; Filed, Nov. 23, 1948; 8:51 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 3—DEBT SETTLEMENT

REDESIGNATION AND AMENDMENT TO REGULATIONS

Part 01 of Subtitle A of Title 6 if hereby redesignated Part 3 of Subtitle A of Title 7 and §§ 01.1 through 01.10 redesignated 3.1 through 3.10, respectively.

Section 3.5 (formerly 01.5) is amended to read as follows:

§ 3.5 *Delegations of authority.* The heads of any administration or other agency having jurisdiction over any of the acts or programs listed in § 3.10 (including those of Commodity Credit Corporation and Federal Crop Insurance Corporation) are hereby authorized, within their respective jurisdictions, to exercise any or all of the functions prescribed by this part. The head of each of such agencies may delegate and authorize the redelegation of any of the functions vested in him by this part: *Provided*, That the determination of any settlement shall not be delegated beyond the head of the highest field office having jurisdiction, except that in the case of the Production and Marketing Administration such delegation shall not be beyond the head of the highest field office having immediate jurisdiction over the act or program involved, and except that in the case of the Farmers Home Administration, such authority may also be delegated to Assistant State Directors and Chiefs, Production Loan Operations, in State offices of that administration.

(Sec. 1, 58 Stat. 836; 12 U. S. C. 1150)

Executed this 19th day of November 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-10226; Filed, Nov. 23, 1948; 8:51 a. m.]

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 41—STANDARD CONTAINERS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of the so-called United States Standard Container Act of 1916 (39 Stat. 673; 48 Stat. 930; 15 U. S. C. 251–256) and of the so-called United States Standard Container Act of 1928 (45 Stat. 685; 15 U. S. C. 257–257i), the regulations thereunder (7 CFR and Supps. Part 41) are hereby amended in the manner hereinafter set forth to be and become effective upon publication in the FEDERAL REGISTER. These amendments are designed to reflect the current organizational set-up of the Department and the authority of the Director of the Fruit and Vegetable Branch, Production and Marketing Administration, with respect to these regulations.

1. Delete paragraphs (c), (d), (e), and (f) of § 41.2 *Definitions: general* and insert in lieu thereof the following:

(c) "Department" means the United States Department of Agriculture;

(d) "Secretary" means the Secretary of the Department or any officer or employee of the Department who has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead;

(e) "Administration" means the Production and Marketing Administration of the Department;

(f) "Administrator" means the Administrator of the Administration or any officer or employee of the Administration to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead;

(g) "Branch" means the Fruit and Vegetable Branch of the Administration;

(h) "Director" means the Director of the Branch or any officer or employee of the Branch to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in his stead.

2. Delete § 41.5 and insert in lieu thereof the following:

§ 41.5 *Director.* The Director shall perform, for and under the supervision of the Secretary and Administrator, such duties as the Secretary or Administrator may require in the administration and enforcement of the acts and the regulations of this part.

3. Delete the words "Chief of Branch" wherever they appear in §§ 41.7, 41.8, 41.9, 41.11, and 41.12 and insert in lieu thereof the word "Director."

(39 Stat. 673, 48 Stat. 930, 45 Stat. 685; 15 U. S. C. 251–256, 257–257i)

Done at Washington, D. C., this 19th day of November 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-10210; Filed, Nov. 23, 1948; 8:47 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 2]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS FOR THE 1949 AND SUCCEEDING CROP YEARS

The Cotton Crop Insurance Regulations for Continuous Contracts for the 1949 and Succeeding Crop Years (13 F. R. 5261, 6475) are hereby amended as follows:

1. Section 419.16 is amended to change paragraphs (a) and (b) of section 8 of the Commodity Coverage Policy to read as follows:

8. *Life of contract, cancelation thereof.* (a) Subject to the provisions of paragraph (d) of this Section, the contract shall be in effect for the 1949 crop year and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancelation for any year may be made by either party giving written notice to the other party on or before the applicable cancelation date (set forth in section 32) preceding the planting of the crop for which cancelation is to become effective. Any notice of cancelation given by the insured to the Corporation shall be submitted in writing to the county office.

(b) If the insured cancels the contract, he shall not be eligible for cotton crop insurance for the next succeeding crop year unless he subsequently files an application for insurance on or before the final date for cancelation preceding such crop year.

2. Section 419.16 is amended to change section 32, *Date Table*, of the Commodity Coverage Policy to provide a cancelation date of December 31 for Lubbock County, Texas and January 31 for all other states and counties.

3. Section 419.17 is amended to change paragraphs (a) and (b) of section 8 of the Monetary Coverage Policy to read as follows:

8. *Life of contract, cancelation thereof.* (a) Subject to the provisions of paragraph (d) of this section, the contract shall be in effect for the 1949 crop year and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancelation for any year may be made by either party giving written notice to the other party on or before the applicable cancelation date (set forth in section 32) preceding the planting of the crop for which cancelation is to become effective. Any notice of cancelation given by the insured to the Corporation shall be submitted in writing to the county office.

(b) If the insured cancels the contract, he shall not be eligible for cotton crop insurance for the next succeeding crop year unless he subsequently files an application for insurance on or before the final date for cancelation preceding such crop year.

4. Section 419.17 is amended to change section 32, *Date Table*, of the Monetary Coverage Policy to provide a cancelation date of December 31 for Lubbock County, Texas and January 31 for all other States and counties.

(52 Stat. 73–75, 77, 61 Stat. 718; 7 U. S. C., 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on October 26, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: November 19, 1948.

A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-10227; Filed, Nov. 23, 1948; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF., AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE ASSESSMENT FOR 1948–49 FISCAL PERIOD

On October 16, 1948, notice of proposed rule making was published in the FEDERAL REGISTER (13 F. R. 6085) regarding the budget of expenses and the fixing of the rate of assessment for the 1948–49 fiscal period under Marketing Agreement No. 96 and Order No. 55 (7 CFR, Cum. Supp. 955.1 et seq.) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that:

§ 955.203 *Budget of expenses and rate of assessment for the 1948–1949 fiscal period.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1948, and ending July 31, 1949, both dates inclusive, of the Administrative Committee, established under the aforesaid marketing agreement and order, will amount to $16,275 and the rate of assessment to be paid by each handler who first ships fruit shall be one and one-half cents ($0.015) per standard box of fruit (as such box is defined in the aforesaid agreement and order) shipped by such handler as the first shipper thereof during the said fiscal period; and such rate of assessment is hereby approved as each such handler's pro rata share of the aforesaid expenses.

(b) It is hereby further found and determined that it is impracticable and contrary to the public interest to postpone the approval of the aforesaid rate of assessment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that: (1) The rate of assessment is applicable, pursuant to the marketing agreement and order, to all shipments of grapefruit made during the fiscal period beginning August 1, 1948, and ending July 31, 1949, both dates inclusive; (2) the aforesaid Administrative Committee has been operating since August 1, 1948, at a deficit; (3) it was not practicable (i) due to the immaturity of the fruit, for the Administrative Committee to complete its estimate of the production of California-Arizona grapefruit and submit the proposed budget of expenses and rate of assessment, based thereon for the 1948–1949 fiscal year, prior to early October 1948, and (ii) for notice of the proposed budget and rate of assessment to be issued prior to October 15, 1948; (4) a reasonable time was allowed, in such notice, in which all interested persons were permitted to submit relevant views, data, and arguments; (5) in order for the regulatory assessments to be collected, it is essential that the publication of the assessment rate be issued immediately, effective at the time hereinafter specified, so as to enable the Administrative Committee to perform its requisite duties and functions under the aforesaid marketing agreement and order; and (6) a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(c) The provisions hereof shall become effective at 12:01 a. m., P. s. t., November 24, 1948.

(d) As used in this section the terms "standard box," "handler," "ship," and "fruit" shall have the same meaning as is given to each such term in said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 7 CFR, Cum. Supp., 955.1 et seq.)

Done at Washington, D. C., this 19th day of November 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-10208; Filed, Nov. 23, 1948; 8:47 a. m.]

PART 987—IRISH POTATOES GROWN IN MAINE

DETERMINATION RELATIVE TO BUDGET OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1948–49 FISCAL PERIOD

The State of Maine Potato Committee, established under Marketing Agreement No. 108 and Order No. 87 (13 F. R. 5549), regulating the handling of Irish potatoes grown in the State of Maine, is the agency authorized to administer the terms thereof, among which the provisions of § 987.3 authorize said committee to incur such expenses and collect such assessments as the Secretary finds may be necessary. The State of Maine Potato Committee has presented a proposed budget of expenses and a proposed rate of assessment for the current fiscal period ending June 30, 1949. After consideration of all relevant matters, including the proposed budget of expenses and the proposed rate of assessment submitted by the State of Maine Potato Committee, it is hereby found and determined that:

§ 987.201 *Budget of expenses and rate of assessment.* The expenses necessary to be incurred by the State of Maine Potato Committee, established pursuant to the aforesaid marketing agreement and order, to enable such committee to perform its functions pursuant to provisions of the aforesaid marketing agreement and order and regulations duly issued thereunder during the fiscal period ending June 30, 1949, will amount to $44,000. The rate of assessment to be paid by each handler who first ships potatoes shall be eighty cents per railroad carload, or truckload of a net weight of 30,000 pounds or more, or fifty cents per truckload of at least 10,000 pounds but less than 30,000 pounds net weight, or 25 cents per truckload of less than 10,000 pounds net weight, during the fiscal period ending June 30, 1949, and such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that:

(a) Harvesting of the 1948 crop of potatoes grown in the State of Maine has been completed and said crop is now being shipped;

(b) Regulations limiting shipments of potatoes grown in the State of Maine are now in effect (13 F. R. 6644), and expenses are being incurred by the State of Maine Potato Committee in connection with the administration of the marketing agreement and order and such regulations;

(c) Handlers of the aforesaid potatoes are required by the marketing agreement and order to pay the expenses of the State of Maine Potato Committee for each fiscal year, each first handler's pro rata share of such expenses to be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof and the total quantity of potatoes handled by all handlers as the first handlers thereof during such fiscal year;

(d) The State of Maine Potato Committee has immediate and urgent need for assessment funds to satisfy current expenses and immediate fixing of the assessment rate to be paid by each first handler of potatoes as aforesaid will satisfy such need and permit such handlers to pay assessments on virtually all potato shipments as consummated;

(e) The delay resulting from giving preliminary notice, engaging in public rule making procedure, and postponing the effective date hereof for 30 days after publication in the FEDERAL REGISTER would jeopardize or preclude successful operation of the marketing agreement and order and regulations issued thereunder because of lack of administrative funds; and

(f) Compliance herewith will not require any special preparation on the part of persons affected hereby.

Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 108 and Order No. 87. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 19th day of November 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-10209; Filed, Nov. 23, 1948; 8:47 a. m.]

Chapter XXI—Organization, Functions and Procedures

PART 2206—OFFICE OF PERSONNEL

DISCONTINUANCE OF CODIFICATION

The codification of Part 2206 (7 CFR, Subtitle C, Chapter 21) is hereby discontinued. Future amendments to organizational statements will hereafter appear in the notices section of the FEDERAL REGISTER.

T. ROY REID,
Director of Personnel.

[F. R. Doc. 48-10238; Filed, Nov. 23, 1948; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. Serial No. ER-135]

PART 202—ACCOUNTS, RECORDS, AND REPORTS

FORMS OF REPORTS OF FINANCIAL AND OPERATING STATISTICS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of November 1948.

Section 202.1 (b) of the Economic Regulations authorizes the Director of the Bureau of Economic Regulation to waive certain reporting requirements of such section with respect to air carriers engaged in scheduled air transportation.

It is the purpose of this amendment to remove this delegation from the Economic Regulations. By another amendment adopted concurrently herewith, its scope is being expanded and it is being placed in the Organizational Regulations where it appropriately belongs.

Since this amendment contains a rule of agency organization and practice, notice and public procedure hereon is not required.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 202.1 of the Economic Regulations (14 CFR 202.1) as follows, effective December 23, 1948:

1. By repealing paragraph (b).

2. By re-designating the existing paragraphs (c) and (d) as paragraphs (b) and (c).

(Secs. 205 (a), 407 (a), 52 Stat. 984, 1000; 49 U. S. C. 425, 674)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10285; Filed, Nov. 23, 1948; 9:02 a. m.]

[Reg., Serial No. ER-134]

PART 228—FREE AND REDUCED-RATE TRANSPORTATION

FREE TRAVEL FOR POSTAL EMPLOYEES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 17th day of November 1948.

The purpose of this amendment is to add the Fourth Assistant Postmaster General to the list of postal officers who are to be carried free when traveling by air on official business relating to the transportation of mail by aircraft.

The Board finds that the Fourth Assistant Postmaster General has important duties in connection with the transportation of mail by aircraft; that this amendment is minor in nature, and that notice and public procedure hereon are therefore unnecessary.

In consideration of the foregoing the Civil Aeronautics Board hereby amends subparagraph (3) of § 228.1 (a) of the Economic Regulations (14 CFR § 228.1 (a)) effective December 22, 1948:

§ 228.1 *Free travel for postal employees*—(a) *Postal employees to be carried free.* * * *

(3) The Third Assistant Postmaster General; the Fourth Assistant Postmaster General; the Assistant Postmaster General who at the time is charged with the duty of the general management of post offices; the Assistant Postmaster General who at the time is assigned the supervision of Air Postal Transport, his Confidential Assistant, his Under Second Assistant, and his four Deputy Second Assistants; the Solicitor of the Post Office Department and the Assistant Solicitor, and any attorney in the Office of the Solicitor who at the time is assigned by

the Solicitor to handle matters relating to the transportation of mail by aircraft; the Chief Inspector and the Assistant Chief Inspector.

(Secs. 205 (a), 405 (m); 52 Stat. 984; 49 U. S. C. 425, 485)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-10253; Filed, Nov. 23, 1948; 8:58 a. m.]

[Reg. Serial No. OR-9]

PART 301—ORGANIZATION, DELEGATIONS OF AUTHORITY, AND PUBLIC INFORMATION

DELEGATIONS OF AUTHORITY; WAIVERS, MODIFICATIONS AND INTERPRETATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of November 1948.

Section 202.1 of the Economic Regulations authorizes the Director of the Bureau of Economic Regulation to waive certain reporting requirements of such section with respect to air carriers engaged in scheduled air transportation. No similar authorization exists with respect to the reporting requirements for irregular air carriers, noncertificated cargo carriers and air freight forwarders, and any other carriers operating pursuant to exemption.

It is the purpose of this amendment to expand the Director's authority with regard to the waiver of the reporting requirements applicable to these other types of carriers making reports in order to assure proper administrative flexibility in connection with the filing of such reports. Since such a provision more appropriately belongs in the Organizational Regulations as a delegation of authority rather than in Part 202 relating to substantive requirements, it is being accomplished by an amendment to § 301.2, and a companion amendment adopted concurrently herewith, repeals the present paragraph § 202.1 (b), *supra*.

Since this amendment constitutes a rule of agency organization and practice, notice and public procedure hereon is not required.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 301.2 of the Organizational Regulations (14 CFR 301.2) as follows, effective December 23, 1948:

1. By adding thereto a new paragraph (f) reading as follows:

§ 301.2 *Delegations of authority.* • • •

(f) *Waiver, modification and interpretation of reports.* The Director, Bureau of Economic Regulation is authorized to waive, modify, or interpret any of the reporting requirements of § 202.1 of the Economic Regulations and to establish detailed uniform practices in connection with the submission of the reports required therein; *Provided*, That upon application by any air carrier affected by such action of the Director, any waiver, modification, interpretation or established practice shall be submitted to the Board for review.

(Secs. 205 (a), 407 (a), 52 Stat. 984, 1000; 49 U. S. C. 425, 674)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-10252; Filed, Nov. 23, 1948; 8:58 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[3d Gen. Rev. of Export Regs., Amdt. 22]

PART 371—GENERAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Section 371.7a *Authenticated shipper's export declaration* is amended in the following particulars: [1]

1. Subparagraph (3) of paragraph (a) *Procedure for authentication* is amended to read as follows:

(3) Unless the exporter shall otherwise state in writing in the power of attorney set forth in the shipper's export declaration, or in a general power of attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee, filed with the collector of customs, the forwarding agent named by the exporter in said power of attorney or other form shall be deemed to be the true agent of the exporter for export control and customs purposes.

2. Subparagraph (7) of paragraph (a) is amended to read as follows:

(7) No person shall submit to the collector of customs for authentication any shipper's export declaration unless such person is the licensee or his carrier, the duly authorized forwarding agent of the licensee, or a duly authorized officer or employee of either.

3. Subparagraph (10) of paragraph (a) is amended to read as follows:

(10) Collectors of customs shall not, except in case of hardship or emergency, authenticate any shipper's export declaration showing evidence of change, alteration or amendment, but shall require clean copy. Where demonstrated cases of hardship or emergency exist in which collectors of customs find it desirable to make exception, collectors may approve on the face of the declaration specific changes, alterations, or amendments. The duly authorized forwarding agent or carrier for an exporter may insert or correct in declarations presented by him required items of information peculiarly within his own knowledge, such as the designation of the actual exporting carrier, the actual date of exportation, or the actual Schedule B number to which the commodity described in the declaration unambiguously refers; but nothing herein shall relieve such forwarding agent or carrier from liability for any misrepresentation of facts so inserted or corrected. The forwarding agent or carrier making such insertion or correction must specifically identify the same in writing on the face of the declaration.

This amendment shall become effective as of October 15, 1948, except that collectors of customs may until November 1, 1948, authenticate shipper's export declarations where they are otherwise satisfied that (1) the forwarder is the authorized agent of the exporter, (2) the person executing the declaration has authority to do so, and (3) compliance with the provisions of § 371.7a as herein amended, with respect to filing of designations, would create hardship.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: November 18, 1948.

FRANCIS MCINTYRE, *Assistant Director, Office of International Trade.*

Explanatory statement. A. Under the export control regulations (13 F. R. 4069 et seq.), the exporter to whom a license is issued or who undertakes to export under a general license has always been legally responsible for the proper use of that license and for the due performance of all its terms and provisions. And this responsibility continues even when he acts through a freight forwarder or other forwarding agent. Recent experience in the administration of export controls indicated, however, that it was often difficult to establish that relationship as a matter of record and fix responsibility when violations occurred. Amendment No. 3 to the export control regulations (13 F. R. 4147) and the OIT form "Power of Attorney—Designation of Forwarding Agent" [1] were designed to remedy that situation.

Said form, which was prepared for this purpose, was not mandatory but only suggested. Power-of-attorney terminology was used to accord with common business practice in establishing agency relationships, and by way of interpretation considerable flexibility was permitted. Nevertheless, there are situations where firms have found compliance with some of the required formalities in the execution of a general power of attorney, such as corporate seal, special resolution of the board of directors, etc. to be unduly onerous.

Accordingly, the regulations are herein amended, as above set forth, to permit, alternatively to the power of attorney form, the use of any written form of designation, provided it is subscribed and sworn to before a notary public or other person authorized to administer oaths, by a duly authorized officer or employee of the licensed exporter. Such designation must, of course, clearly indicate that the firm or person named is authorized to represent the licensed exporter for export control and customs purposes. The extent of the authority in this designation, as in the power of attorney, may be restricted, however, with respect to time, country, commodity, specific license, or other matter. It is also intended to permit the use of such documents to designate one or more employees, or other persons, such as an export manager or agent, to, in turn, appoint as many freight forwarders or other forwarding agents as may be required.

In addition, by the above amendment specific reference to carriers has been made in those parts of the regulations dealing with the submission of the shipper's export declaration in order to make clear that carriers, not otherwise acting as forwarding agents, may deliver executed declarations without specific authorization therefor. The amendment also extends to such carriers the privilege of making certain specified insertions or corrections in the declaration prior to authentication.

SUMMARY OF INTERPRETATIONS [1]

A. *Applicability of Amendment No. 3*

1. Q. Do the provisions of Amendment No. 3 to the export control regulations (13 F. R. 4147), with respect to presentation of additional copies of shipper's export declarations, and with respect to procedure for authentication of declarations, filing of powers of attorney or other forms of designations of forwarding agent, and use of authenticated declarations (announced in Current Export Bulletin 471), apply to Canada?

A. No, unless the particular exportation from the United States is destined for a third country, for which a license is required, and the shipment is via Canada.

2. Q. Do the above provisions of the regulations, announced in CEB 471, apply to general license shipments?

A. Yes. General license shipments have always been subject to Customs scrutiny and are covered by the new regulations, along with shipments under validated license, in order to curb possible abuse of the general license privileges.

3. Q. Are the export control regulations announced in CEB 471 applicable to exportations regulated by U. S. governmental agencies other than the OIT, such as the Atomic Energy Commission and the Department of State?

A. No.

4. Q. What is the effect of making the shipper's export declaration an "export control document"?

A. A shipper's export declaration has always been an official document of the United States Government so that, for example, the penalties relating to making false statements on Government documents were always applicable to the use of that document. The only effect of the new export control regulations announced in CEB 471 (and CEB 467) in this respect has been to bring shipper's export declarations under the export control laws as well as under the laws of the United States relating to Government documents generally and shipper's export declarations in particular.

5. Q. Is the use of a power-of-attorney form hereinafter referred to mandatory?

A. As now provided in the amendment set forth above, it is only an optional form.

6. Q. May the exporter designate more than one forwarding agent?

A. Yes. It is not intended that the power of attorney or other authorization designating a forwarding agent should constitute such agent the sole and exclusive forwarding agent of the exporter for all exportations. Exporters may execute powers of attorney or authorizations for any and all of the forwarding agents whom they employ.

7. Q. Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in this country), must the seller designate such forwarding agent as his agent for export control and customs purposes?

A. Exporters have in some such cases expressed reluctance to designating such forwarders as their agents, because they do not regularly deal with them, or because they may not wish thereby to disturb contractual relations with their own forwarders. It is assumed that the underlying problem here is the exporter's unwillingness to give any general authorization to such agent. It is, therefore, suggested that the form of designation on the shipper's export declaration be used which would limit the authority granted to the particular transaction involved. It should also be noted that in some such cases the solution to the problem may lie in having the agent for the foreign buyer apply for the license. (Part B of Explanatory Statement to Amendment No. 1, 13 F. R. 4099; also contained in CEB 467, page 2, paragraph B.)

B. *Powers of attorney*

8. Q. Must an exporter use the OIT form of power of attorney designating a forwarding agent, or may he give such authority by other and more limited powers of attorney?

A. The language of the OIT form of power of attorney is not mandatory. As announced in CEB 471, Amendment No. 3 to the export control regulations (as well as the above amendment) specifically provides that it may be made more restrictive by the exporter; likewise, an exporter may restrict the power of attorney set forth in the shipper's export declaration. Of course, no limitation may be made which would relieve the exporter from responsibility for carrying out the exportation authorized by the license which he holds.

9. Q. May the exporter vary the language of the acknowledgment set forth in the OIT forms of power of attorney?

A. Yes. The forms were drafted to permit use by exporters who are individuals, partnerships, corporations, associations, or quasi-governmental bodies. The acknowledgment forms may be modified to fit the legal status of the exporter.

10. Q. May exporters authorize forwarding agents to sign and swear to declarations and to present them to collectors of customs for authentication by executing the designation appearing on the face of the shipper's export declarations?

A. Yes. The exporter may execute the designation appearing on the shipper's export declaration, which is applicable only to the transaction referred to in the declaration. The power of attorney or other written authorization may be used where the same forwarding agent handles numerous shipments and it is impracticable to execute a specific designation on the declaration for each transaction.

C. *Who should execute*

11. Q. Who is deemed to be a "duly authorized officer or employee" for the purpose of signing and swearing to shipper's export declarations?

A. There is and can be no fixed rule in this respect. In general, such corporate officers as the president, vice president, treasurer, and secretary of a corporation, any partner of a partnership, and any responsible head of any other form of private or quasi-governmental organization will be deemed to have the requisite authority. Assistant officers will, in general, be accorded a like assumption. Such employees as export managers who, by their official titles, are apparently vested with power to deal with exportations, will also be deemed to have authority to execute the designation appearing on the face of a declaration and to sign and swear to such declarations.

D. *Proof of authority*

12. Q. Under what circumstances must Customs be furnished with supporting evidence of authority of persons executing powers of attorney or other authorizations?

A. Customs may in any case require proof of the authority of any such person signing a power of attorney or other authorization. In general, however, Customs will require such proof only when there is some reason to doubt the authority of the person involved.

E. *Miscellaneous*

13. Q. Must a forwarding agent have an office at the port of exportation or otherwise be known to the collector at such port?

A. No. A forwarding agent need not have an office at every port of exportation. If a forwarding agent signs and swears to a declaration which is intended for clearance of an exportation through a port where he has no office, he should furnish to the collector at such port his power of attorney or other authorization from the exporter. He should also furnish to the person who will arrange physically to present the declaration to the collector an authorization in writing for that purpose.

14. Q. May a forwarding agent who does not have an office at the port of exportation redelegate to another forwarding agent his authority to sign and swear to declarations and to present declarations for authentication at such port?

A. Yes; provided that the power of attorney or other authorization from the exporter permits such redelegation or there is presented to the collector written evidence of consent of the exporter to such redelegation.

15. Q. If a forwarding agent has a power of attorney or other authorization filed with a collector in one port, must he file additional original documents with collectors in other ports through which he may effect exportations?

A. No. It is only necessary to file the original documents in one port. Photostatic copies thereof, certified by the collector of such port, may be transmitted by the forwarding agent to other ports where needed unless the authorization is otherwise specifically limited by the exporter.

16. Q. How should forwarding agents and exporters handle such matters as changes of weights, measurements, quantities, etc., which must frequently be made on declarations after authentication?

A. In general, as announced in CEB 471, parts D and E, Amendment No. 3 to the export control regulations permit certain types of amendments and insertions to be made in declarations before and after authentication. A forwarding agent, however designated on the declaration or by separate document, may make such changes, unless specifically precluded from doing so by the exporter in his designation. Collectors of customs are empowered to permit such amendments upon written authorization therefor by the collectors set forth on such authenticated declaration. Collectors will exercise discretion to allow amendments of this character. Where the amendments have the effect of converting a declaration into one for a substantially different shipment, however, a new declaration will have to be prepared. Unless otherwise limited by the exporter, the power of attorney or other authorization given to a forwarding agent is deemed also to authorize him to prepare substitute declarations reflecting such changes.

[F. R. Doc. 48-10237; Filed, Nov. 23, 1948; 8:57 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 17]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

CERTIFICATION OF ACCEPTED ORDER

Section 373.2 *Export licensing general policy* is amended by adding to paragraph (b), *Evidence of accepted order*, a new subparagraph (3) to read as follows:

[1] An Explanatory Statement accompanying and interpretative of this amendment appears at the end hereof. The statement is also contained in Current Export Bulletin 488, dated October 15, 1948, issued by the Department of Commerce, Office of International Trade.

[1] This form was published in Current Export Bulletin 482, dated September 15, 1948. Copies of the Bulletin were filed with the Division of the Federal Register simultaneously with this amendment.

[1] This summary was also published in Current Export Bulletin 488.

(3) *Certification as to accepted order.* The requirement of subparagraph (b) as to submission of clear evidence of an accepted order covering the transaction between the applicant and buyer is discontinued with respect to license applications covering the following commodities:

Iron and steel products (excluding surplus and reject iron and steel products).
Caustic soda (applications for licenses against fourth calendar quarter, 1948, quotas).
Calf and kip skins, Schedule B Nos. 020602, 020604, 020702, and 020704.
Soda ash.

The applicant for export license covering the above commodities must, however, certify on the face of the application, or on an attachment thereto, that he does have an accepted order for the commodities covered in the application, as follows:

As a material representation in connection with this application _____ (applicant's reference _____, I (we) certify that it represents a number) request to export commodities which, subject only to conditions beyond the control of either the applicant or named purchaser, the named purchaser has contracted to buy from the applicant, and the applicant has contracted to sell to the named purchaser, at the price stated in the application. The documents or records evidencing this contract will be kept for the duration of export control and will be made available to the Office of International Trade upon demand.

If the above certification is made on an attachment to the license application, it must be signed by the applicant or an officer or a duly authorized agent of the applicant.

This amendment shall become effective as of October 13, 1948, with respect to iron and steel products and caustic soda, and with respect to calf and kip skins and soda ash, as of November 9, 1948.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: November 16, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-10232; Filed, Nov. 23, 1948; 8:53 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 18]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

VALIDITY PERIOD AND EXTENSIONS OF EXPORT LICENSES

Section 373.3, *Special provisions for iron and steel products,* is amended in the following particulars:

1. Paragraph (g), *Validity period,* is amended by adding thereto the following unnumbered paragraph:

Licenses to export iron and steel products which have been amended to change the country of destination pursuant to § 373.3 (h) (1) will be valid for only 90 days from such amendments date.

2. Paragraph (h), *Amendments and extension,* is amended to read as follows:

(h) *Amendments and extensions.* (1) Save for exceptional circumstances, requests for amendments to increase the quantity specified on a license or to substitute another commodity for the one licensed will not be granted. Where no change of country destination is involved, requests for amendment of consignee or purchaser will be considered provided a full and detailed explanation is submitted. Requests for amendments of licenses covering iron and steel products which involve a change in the country of destination will be considered by the Office of International Trade: *Provided,* The granting of such request does not result in an unjustifiable increase either in the quota set aside for the new destination or in the exporter's participation in such quotas. Requests for amendments of licenses involving a change in the country of destination must show that shipment under the original license could not be effected, imposing unusual hardship upon the exporter. It must also be shown that failure to ship results from circumstances which have arisen in the original country of destination with respect to foreign exchange and dollar shortage or with respect to other factors preventing the foreign purchaser from securing the necessary import documents. In connection with the request the following must be submitted:

(i) The original license;

(ii) A letter from the original consignee in the foreign country showing that he has been unable to consummate the transaction, and reasons therefor;

(iii) A new license application including the necessary certification required by § 373.2 (b);

(iv) Evidence that the applicant has the material on hand or proof that the material can be obtained within 30 days subsequent to the date of filing the request for amendment.

(2) No extensions of the validity period will be granted with respect to export licenses amended to change the country of destination pursuant to subparagraph (1) of this paragraph. Requests for extension of the validity period of export licenses which have not been so amended will be considered in cases of material ready for shipment only for the limited period of time necessary to clear such shipment.

This amendment shall become effective as of November 9, 1948.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: November 16, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-10233; Filed, Nov. 23, 1948; 8:53 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 19]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

Part 373, Licensing Policies and Related Special Provisions, is amended in the following particulars:

1. Section 373.2, *Export licensing general policy,* is amended in the following particulars: Subparagraph (2) of paragraph (h), *Commodities subject to this export licensing policy* is amended by adding to the list of commodities therein the following:

Commodity:	Schedule B No.
Calf skins, dry	020602
Calf skins, wet (include slunk skins)	020604
Kip skins, dry	020702
Kip skins, wet	020704

This part of the amendment shall become effective as of November 9, 1948.

2. Section 373.4, *Special provisions for surplus and reject steel,* is amended in the following particulars:

Subparagraph (1), *Validity period,* of paragraph (g), *License limitations,* is amended to read as follows:

(1) *Validity period and amendments involving a change in the country of destination.* The validity period of all individual licenses authorizing the exportation of surplus steel or reject steel will be stated on the license. All such licenses shall be valid for a period of ninety (90) days from the date of validation, unless otherwise stated. Applications for extension of the validity period will not be granted save where warranted in unusual circumstances. The provisions of § 373.3 (h) shall be applicable to requests for amendments involving a change in the country of destination shown on licenses to export surplus and reject steel.

This part of the amendment shall become effective as of November 9, 1948.

3. A new § 373.14 is added to read as follows:

§ 373.14 *Special provisions for caustic soda.* Caustic soda will be licensed for export against fourth calendar quarter 1948 quotas in accordance with the licensing policy set forth in § 373.2 and the following special provisions.

(a) *Time for submission of applications.* Applications for licenses to export caustic soda to the following destinations may be submitted at any time during the fourth calendar quarter:

British Guiana.	Lebanon.
British West Indies.	Mozambique.
Burma.	Netherlands East Indies.
Costa Rica.	New Zealand.
Curacao.	Nicaragua.
Dominican Republic.	Panama.
Ecuador.	Paraguay.
El Salvador.	Saudi Arabia.
French Oceania.	Siam.
French West Indies.	Southern Rhodesia
Guatemala.	Surinam.
Haiti.	Turkey.
Honduras.	

All other license applications must be submitted during the period October 15 through November 1, 1948. Applications received subsequent to this period will be returned to the applicants without action; such applications may be resubmitted for consideration against first calendar quarter 1949 quotas in accordance with the time schedule for that quarter.

(b) *Price changes on resubmitted license applications.* If an applicant desires to change the price on a license application which he is resubmitting, he shall strike out the former price shown on the application, enter the new price, write the words "amended by", and sign and set forth the date of the change. The price change may be made on the duplicate copy only and must be signed by the applicant or, on his behalf, by any person who at the time is authorized to sign the application itself.

(c) *Validity period and extensions.* Export licenses for caustic soda will generally be issued for a validity period of three months, unless otherwise stated on the license. Licenses will not be extended more than once, nor for more than sixty (60) days. Requests for extension must be accompanied by a statement explaining why the applicant was unable to make shipment within the validity period of the license.

This part of the amendment shall become effective as of October 13, 1948.

4. A new § 373.15 is added to read as follows:

§ 373.15 *Special provision for calf and kip skins.* Calf and kip skins. Schedule B Nos. 020602, 020604, 020702 and 020704, will be licensed for export against export quotas for the fourth calendar quarter, 1948, and subsequent calendar quarters in accordance with the licensing policy set forth in § 373.2 and the following special provisions:

(a) *Export quotas.* Beginning with the fourth calendar quarter, 1948, a portion of the quarterly export quota will be allotted for licensing in each of the three months in the quarter.

(b) *Time for submission of applications*—(1) *Monthly quota allotments for November, 1948, and subsequent months.* Applications for licenses to export calf and kip skins against monthly allotments for November and December, 1948, must be submitted during the first twenty days of such months. Applications for licenses against current monthly allotments subsequent to December, 1948, must be submitted during the first ten days of the current month. Applications received after the submission periods specified above will be returned to the applicants without action; such applications may be resubmitted for consideration against export quota allotments for subsequent months.

(2) *Pending license applications.* Pending applications that were not considered for licensing against the October, 1948, allotment will be considered against the November, 1948, allotment together with applications received during the first twenty days of November.

(c) *Validity period.* Export licenses for calf and kip skins will generally be issued for a validity period of six months, unless otherwise stated.

This part of the amendment shall become effective as of November 9, 1948.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: November 17, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-10234; Filed, Nov. 23, 1948; 8:53 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 20]

PART 374—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

CHEMICALS AND MEDICINES; SODA ASH

Section 374.7, *Special provisions concerning applications to export certain commodities,* is amended in the following particulars:

Subparagraph (4), *Soda ash,* is deleted from paragraph (a), *Chemicals and medicinals.*

This amendment shall become effective as of November 9, 1948.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: November 16, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-10235; Filed, Nov. 23, 1948; 8:53 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. 21]

PART 374—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

APPLICATIONS FOR EXPORT LICENSES

Section 374.14 *Applications for licenses to export to South Korea, Japan, Marcus Island and Germany,* is amended in the following particulars:

Section 374.14 (b) is amended to read as follows:

(b) Except as provided in this paragraph, license applications covering proposed exportations to the combined American and British Zones of Germany must contain (under item 5 of Form IT 419) the import permit number or the contract number assigned by the Joint Export-Import Agency in Germany covering the proposed shipment.

License applications to export bona fide trade samples, other than samples of streptomycin, cigarettes, and other tobacco products, to the combined American and British Zone of Germany need not contain the import number or the contract number assigned by the Joint Export-Import Agency provided the applicant clearly indicates on the license application that the commodities involved are samples only, and provided the quantities of samples involved are not excessive in relation to the nature of the commodities. As used herein, the term "sample" means all commercial and industrial specimens.

This amendment shall become effective November 22, 1948.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: November 16, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-10236; Filed, Nov. 23, 1948; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5531]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL PRESSURE COOKER CO. ET AL.

§ 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To enter into exclusive and tying dealing agreements—By cutting off supplies or threats of:* § 3.30 (b 5) *Cutting off competitors' or others' access to customers or market—Interfering, generally, with distributive outlets:* § 3.30 (g) *Cutting off competitors' or others' access to customers or market—Withholding supplies or goods from competitors' customers:* § 3.39 *Dealing on exclusive and tying basis:* § 3.72 (f 25) *Offering unfair, improper and deceptive inducements to purchase or deal—Inducement conditioned on unlawful practice.* In connection with the offering for sale, sale or distribution in interstate commerce of pressure cookers, pressure canners, and the component parts thereof and accessories thereto, (1) selling or making any contract for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use or deal in the pressure cookers or pressure canners, or component parts thereof or accessories thereto, of a competitor or competitors of the corporate respondent; (2) enforcing or continuing in operation or effect any condition, agreement or understanding in or in connection with any existing sales contract which condition, agreement or understanding is to the effect that the purchaser of said products shall not use or deal in the pressure cookers or pressure canners, or component parts thereof or accessories thereto, of a competitor or competitors of the corporate respondent; (3) offering favorable shipment allocations, or any other inducement, to distributors or other purchasers or prospective purchasers of such products on the condition, agreement or understand-

ing that such distributors or other purchasers or prospective purchasers shall not use or deal in the pressure cookers or pressure canners, or component parts thereof or accessories thereto, of a competitor or competitors of the corporate respondent; (4) refusing, or directly or by implication threatening to refuse, to deliver such products to distributors or other dealers who are not willing to purchase or contract for the purchase of such products on the condition, agreement or understanding that they shall not use or deal in the pressure cookers or pressure canners, or component parts thereof or accessories thereto, of a competitor or competitors of the corporate respondent; or, (5) directly or indirectly inducing or attempting to induce any distributor of such products, or other customer of the corporate respondent, to cease or refrain from using or dealing in the pressure cookers or pressure canners, or component parts thereof or accessories thereto, of a competitor or competitors of the corporate respondent; prohibited. (Sec. 3, 38 Stat. 731, 15 U. S. C., Sec. 14; Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, National Pressure Cooker Company et al., Docket 5531, Oct. 20, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 20th day of October A. D. 1948.

In the Matter of National Pressure Cooker Company, a Corporation, Lewis E. Phillips, A. A. De Bonville, Morton Phillips, Ed H. Wittenberg, (Erroneously Described in the Complaint as Ed Whitenberg), Margaret M. Whelihan, (Erroneously Described in the Complaint as Morgan M. Whelehan) and J. Phillips

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' joint and several answer thereto, and a stipulation as to the facts entered into by and between the respondents, by their counsel, and Richard P. Whiteley, Chief Trial Counsel of the Commission, in which it was provided, among other things, that, subject to the approval of the Commission, the statement of facts contained therein may be taken as the facts in this proceeding in lieu of all evidence, and that the Commission may proceed upon said statement of facts to make its report, stating its findings as to the facts, including inferences which it may draw from the stipulated facts, and its conclusion based thereon, and enter its order disposing of the proceeding without the filing of briefs or other intervening procedure; and the Commission, having approved said stipulation and having made its findings as to the facts and its conclusion that said respondents have violated section 3 of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), and the provisions of section 5 of the Federal Trade Commission Act:

It is ordered, That the respondent National Pressure Cooker Company, a corporation, and its officers, and the respondents Lewis E. Phillips, A. A. De Bonville, Morton Phillips, Ed H. Wittenberg and J. Phillips, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in interstate commerce of pressure cookers, pressure canners, and the component parts thereof and accessories thereto, do forthwith cease and desist from:

(1) Selling or making any contract for the sale of any such products on the condition, agreement or understanding that the purchaser thereof shall not use or deal in the pressure cookers or pressure canners, or component parts thereof or accessories thereto, of a competitor or competitors of the corporate respondent;

(2) Enforcing or continuing in operation or effect any condition, agreement or understanding in or in connection with any existing sales contract which condition, agreement or understanding is to the effect that the purchaser of said products shall not use or deal in the pressure cookers or pressure canners, or component parts thereof or accessories thereto, of a competitor or competitors of the corporate respondent;

(3) Offering favorable shipment allocations, or any other inducement, to distributors or other purchasers or prospective purchasers of such products on the condition, agreement or understanding that such distributors or other purchasers or prospective purchasers shall not use or deal in the pressure cookers or pressure canners, or component parts thereof or accessories thereto, of a competitor or competitors of the corporate respondent;

(4) Refusing, or directly or by implication threatening to refuse, to deliver such products to distributors or other dealers who are not willing to purchase or contract for the purchase of such products on the condition, agreement or understanding that they shall not use or deal in the pressure cookers or pressure canners, or component parts thereof or accessories thereto, of a competitor or competitors of the corporate respondent;

(5) Directly or indirectly inducing or attempting to induce any distributor of such products, or other customer of the corporate respondent, to cease or refrain from using or dealing in the pressure cookers or pressure canners, or component parts thereof or accessories thereto, of a competitor or competitors of the corporate respondent.

It is further ordered, For reasons appearing in the findings as to the facts, that the complaint herein be, and it hereby is, dismissed as to the respondent Margaret M. Whelihan.

It is further ordered, That the respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-10219; Filed, Nov. 23, 1948; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.[1], Amdt. 50]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. Schedule B, Item 34, is hereby revoked effective as of November 13, 1948.

2. A new Item 34 is hereby incorporated in Schedule B, to read as follows:

34. Provisions relating to Oklahoma County, a portion of the Oklahoma City Defense-Rental Area, State of Oklahoma:

Increase in Maximum Rents Based Upon the Recommendation of the Local Advisory Board and the Order of the Emergency Court of Appeals. Pursuant to the provisions of, and subject to the limitations contained in, the Housing and Rent Act of 1947, as amended, the maximum rents for housing accommodations in Oklahoma County, Oklahoma, a portion of the Oklahoma City, Oklahoma, Defense-Rental Area, are hereby increased, effective as of November 13, 1948, as follows:

a. For all housing accommodations for which the maximum rent was first determined under Section 4 (a) or 4 (b) of the Rent Regulation for Housing, issued pursuant to the Emergency Price Control Act of 1942, as amended, the increased maximum rent shall be the amount of such first determined maximum rent plus 20 percent thereof and plus or minus (as the case may be) the amount of all subsequent adjustments made by order which were based upon difference in rental value as of March 1, 1942 or upon the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

b. For all other housing accommodations for which an order was entered prior to October 15, 1948 under the applicable rent regulation fixing the maximum rent on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942, the increased maximum rent shall be the amount of the maximum rent fixed by such order plus 20 percent thereof and plus or minus (as the case may be) the amount of all subsequent adjustments made by order which were based upon difference in rental value as of March 1, 1942.

c. Any maximum rent which is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942, plus 20 percent shall be eligible for adjustment on the basis of such generally prevailing rent plus 20 percent, on the filing of an individual petition for adjustment under § 825.5 (a) (11).

All provisions of §§ 825.1 to 825.12 insofar as they are applicable to the Oklahoma City Defense-Rental Area are hereby amended to the extent necessary to carry these provisions into effect.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (e), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (e))

[1] 13 F. R. 5709, 5788, 5783, 5937, 6246, 6283, 6411, 6556.

This amendment shall become effective as of November 13, 1948.

Issued this 19th day of November 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 50 to the Controlled Housing Rent Regulation

Effective October 15, 1948, Amendment No. 44 was issued granting a rent increase in Oklahoma County, Oklahoma, a portion of the Oklahoma City, Oklahoma, Defense-Rental Area. This amendment was based upon a recommendation, made by the Local Advisory Board for Oklahoma County, for a rent increase of 25 per cent applicable to freeze date rents and those established at freeze date comparability, the amount of certain types of adjustments to be included only after applying the 25 per cent increase. Amendment No. 44 granted a rent increase of 15 per cent which was made applicable to current maximum rents including all except certain types of adjustments.

After issuance of Amendment No. 44, the recommendation of the Local Advisory Board, together with other related documents, was filed with the Emergency Court of Appeals, pursuant to section 204 (e) (4) of the Housing and Rent Act of 1947, as amended. On November 13, 1948, the Emergency Court of Appeals approved the recommendation of the Local Advisory Board to the extent of a rent increase of 20 per cent, such rent increase to be applied in the manner provided by the Court order.

Accordingly, this amendment is being issued, effective as of November 13, 1948, to effectuate the recommendation of the Local Advisory Board to the extent and in the manner approved by the Emergency Court of Appeals.

[F. R. Doc. 48-10255; Filed, Nov. 23, 1948; 8:58 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 50]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respects:

1. Schedule B, Item 35, is hereby revoked effective as of November 13, 1948.

2. A new Item 35 is hereby incorporated in Schedule B, to read as follows:

35. Provisions relating to Oklahoma County, a portion of the Oklahoma City Defense-Rental Area, State of Oklahoma:

Increase in Maximum Rents Based Upon the Recommendation of the Local Advisory Board and the Order of the Emergency Court of Appeals. Pursuant to the provisions of, and subject to the limitations contained in, the Housing and Rent Act of 1947, as amended, the maximum rents for housing accommodations in Oklahoma County, Oklahoma, a portion of the Oklahoma City, Oklahoma, Defense-Rental Area, are hereby increased, effective as of November 13, 1948, as follows:

a. For all housing accommodations for which the maximum rent was first determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, the increased maximum rent shall be the amount of such first determined maximum rent plus 20 percent thereof and plus or minus (as the case may be) the amount of all subsequent adjustments made by order which were based upon difference in rental value as of March 1, 1942 or upon the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942.

b. For all other housing accommodations for which an order was entered prior to October 15, 1948 under the applicable rent regulation fixing the maximum rent on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942, the increased maximum rent shall be the amount of the maximum rent fixed by such order plus 20 percent thereof and plus or minus (as the case may be) the amount of all subsequent adjustments made by order which were based upon difference in rental value as of March 1, 1942.

c. Any maximum rent which is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on March 1, 1942 plus 20 percent shall be eligible for adjustment on the basis of such generally prevailing rent plus 20 percent, on the filing of an individual petition for adjustment under § 825.85 (a) (8).

All provisions of §§ 825.81 to 825.92 insofar as they are applicable to the Oklahoma City Defense-Rental Area are hereby amended to the extent necessary to carry these provisions into effect.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (e), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (e))

This amendment shall become effective as of November 13, 1948.

Issued this 19th day of November 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 50 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

Effective October 15, 1948, Amendment No. 44 was issued granting a rent increase in Oklahoma County, Oklahoma, a portion of the Oklahoma City, Oklahoma, Defense-Rental Area. This amendment was based upon a recommendation, made by the Local Advisory Board for Oklahoma County, for a rent increase of 25 per cent applicable to freeze date rents and those established at freeze date comparability, the amount of certain types of adjustments to be included only after applying the 25 per cent increase. Amendment No. 44 granted a rent increase of 15 per cent which was made applicable to current maximum rents including all except certain types of adjustments.

After issuance of Amendment No. 44, the recommendation of the Local Advisory Board, together with other related documents, was filed with the Emergency Court of Appeals, pursuant to section 204 (e) (4) of the Housing and Rent Act of 1947, as amended. On November 13, 1948, the Emergency Court of Appeals approved the recommendation of the Local Advisory Board to the extent of a rent increase of 20 per cent, such rent increase to be applied in the manner provided by the Court order.

Accordingly, this amendment is being issued, effective as of November 13, 1948, to effectuate the recommendation of the Local Advisory Board to the extent and in the manner approved by the Emergency Court of Appeals.

[F. R. Doc. 48-10256; Filed, Nov. 23, 1948; 8:59 a. m.]

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

SPECIAL ANCHORAGE AREAS

Pursuant to the provisions of section 1 of the act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.1 (b) is hereby amended by the addition thereto of two subparagraphs designating areas in Bowery Bay, New York, and Indian River Bay, Delaware, as special anchorage areas wherein vessels not more than 65 feet in length, when at anchor, shall not be required to carry or exhibit anchor lights, as follows:

§ 202.1 *Special anchorage areas.*

* * *

(b) The areas hereinafter described are designated as special anchorage areas. (All bearings are referred to true meridian.)

* * * * *

THE PORT OF NEW YORK

* * * * *

Flushing Bay, north area. That portion of East River Anchorage No. 10 (as described in § 202.25 (b)). * * *

Flushing Bay, south area. That portion of East River Anchorage No. 10 (as described in § 202.25 (b)). * * *

Bowery Bay. That portion of East River Anchorage No. 10 (as described in § 202.25 (b)), on the west side of Bowery Bay, southward of a line ranging from the Aero Beacon on the Administration Building of LaGuardia Field to the easterly corner of the Consolidated Edison Company of New York, Inc., bulkhead on the north side of the entrance to Steinway Creek, southeastward of the east rack of Log Pond adjacent to Steinway Creek, northwestward of the New York City Sewage Disposal Plant pier near the foot of 42nd Street, Astoria, New York, and westward of a line ranging 9° from the northwest corner of the sewage plant pier to the tank on Rikers Island.

* * * * *

INDIAN RIVER BAY, DEL.

Beginning at a point bearing 174°, 300 feet, from a point on the southerly edge of the project channel 5,500 feet westerly from the State highway bridge across Indian River Inlet; thence 174°, 600 feet; thence 264°, 800

feet; thence 354°, 600 feet; and thence 64°, 800 feet, to the point of beginning.

* * * * *

[Regs. Nov. 3, 1948, 800.212—ENGWR]
(54 Stat. 150; 33 U. S. C. 180)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10229; Filed, Nov. 23, 1948; 8:52 a. m.]

PART 202—ANCHORAGE REGULATIONS

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917, chapter XIX of the Army Appropriation Act of July 9, 1918, and section 7 of the River and Harbor Act of March 4, 1915 (33 U. S. C. 1, 3, and 471), the following regulations contained in Part 6, 33 CFR, Chapter I (which were adopted and continued in full force and effect by the Secretary of the Army by an order published in the FEDERAL REGISTER June 5, 1947, 12 F. R. 3664), are hereby revoked, the revocation of § 6.5–20 to be effective December 31, 1948:

SUBPART C—ANCHORAGE AND RESTRICTED AREAS

FIRST NAVAL DISTRICT

Sec.	
6.1–10	Anchorage for vessels without lights. [Revoked.]

FIFTH NAVAL DISTRICT

6.5–10	Hampton Roads and the Harbors of Norfolk and Newport News, Virginia. [Revoked.]
6.5–15	Chesapeake Bay; Lynnhaven Roads, anchorage grounds. [Revoked.]
6.5–20	Baltimore, Maryland. [Revoked, effective December 31, 1948.]
6.5–25 to 6.5–275, inclusive.	[Revoked.]
6.5–325	Maryland-Virginia Seacoast, Sinepuxent and Chincoteague Bays, target danger areas. [Revoked.]
6.5–330	Restricted firing area in waters adjacent to Fort John Custis, Cape Charles, Va. [Revoked.]
6.5–335	Virginia seacoast; Dam Neck Firing Range, danger zones, restricted areas. [Revoked.]

TWELFTH NAVAL DISTRICT

6.12–15	San Luis Obispo Bay, California, special anchorage area. [Revoked.]

2. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), §§ 202.30 and 202.40 are hereby amended, and § 202.38 is hereby prescribed, as follows:

§ 202.30 *Annapolis Harbor, Md.*—(a) *The anchorage grounds*—(1) *Naval anchorage for deep draft vessels.* In Chesapeake Bay, bounded on the north by latitude 38°58′; on the east by a line bearing 203°05′ from latitude 38°58′, longitude 76°24′; on the south by latitude 38°56′30″; and on the west by a line bearing 139° from Greenbury Point Shoal Light. This anchorage is reserved for deep-draft naval vessels. Berths in the area will be assigned on application to the Commandant, Severn River Naval Command.

NOTE: All bearings in this section referred to true meridian.

(2) *Middle Ground anchorage.* In Severn River, beginning at a point bearing 126°, 800 yards, from the mast at the intersection of the northeast and southeast seawalls of the Naval Academy grounds; thence 79°20′, 485 yards, to Annapolis Harbor Buoy 13; thence 144°, 220 yards; thence 153°10′, 715 yards; thence 270°, 175 yards; and thence 313° 30′, 1,060 yards, to the point of beginning.

(3) *South anchorage.* In Severn River, begining at a point on the shoreline of Horn Point, Eastport, bearing 270° from Annapolis Harbor Buoy 5; thence 90° to Annapolis Harbor Buoy 5; thence 313°30′, 1,040 yards; thence 259°20′, 710 yards, to a point bearing 189°30′, 615 yards, from the mast at the intersection of the northeast and southeast seawalls of the Naval Academy grounds; and thence 180° to the shoreline at Eastport. No vessels shall anchor within 100 feet of any wharf, marine railway, or other structure without permission of the owner thereof.

(4) *Naval anchorage for small craft.* In Severn River, beginning at a point on the prolongation of the line of the northeast seawall of the Naval Academy grounds, 80 feet from the face of the southeast seawall of the Naval Academy grounds; thence 81°, 470 yards, to Annapolis Harbor Buoy 15; thence 125°45′, 580 yards; thence 259°20′, 1,035 yards; thence 310°, 230 yards; and thence 40°, parallel to the southeast seawall of the Naval Academy grounds, 400 yards, to the point of beginning. Except in case of emergency, no vessel shall be anchored in this area without permission of the Commandant, Severn River Naval Command. Anchorages will be assigned upon request to the station ship at the Naval Academy.

(5) *Anchorage A.* In Spa Creek, beginning at a point bearing 214°, 420 yards, from the mast at the intersection of the northeast and southeast seawalls of the Naval Academy grounds; thence 130°, 200 yards; thence 246°20′, 230 yards; thence 234°, 130 yards; thence 257°, 115 yards; thence 50°30′, 100 yards; thence 42°30′, 125 yards; and thence 34°, 200 yards, to the point of beginning.

(6) *Anchorage B.* In Spa Creek, beginning at a point bearing 204°, 660 yards, from the mast at the intersection of the northeast and southeast seawalls of the Naval Academy grounds; thence 144°, 22 yards; thence 204°45′, 140 yards; thence 214°, 195 yards; thence 331°, 160 yards; and thence 54°, 285 yards, to the point of beginning.

(b) *The regulations.* (1) Except in case of emergency, no vessel shall be anchored in the area to the north and east of the Annapolis Channel bounded on the east by Greenbury Point; on the south by a line bearing 270° from the southern tip of Greenbury Point; on the west by the Annapolis channel; and on the north by the southern boundary of the cable area and the shoreline of the Government reservation and Carr Creek.

(2) Except in case of emergency, no vessel shall be anchored in Annapolis Harbor to the westward of the dredged channel and northward of Annapolis Harbor Buoy 5 (off Horn Point, Eastport) outside of the established anchorage areas, except in Spa Creek and the area to the southward of the Naval anchorage for small craft. No vessel shall be so anchored that any part of the vessel extends at any time within this area. Any vessel anchoring, under great emergency, within this area shall be placed as close to an anchorage area as practicable, and shall move away immediately after the emergency ceases.

(3) No vessel shall be anchored in the cable and pipe-line area, lying between the Naval Academy and the Naval Engineering Experiment Station and having the following limits: Eastern limit, from mast at the landward end of Reina Mercedes Pier approximately 67° to white "Cable Crossing" sign at the Experiment Station; western limit, from "Cable Crossing" sign on the point at Fort Severn Beach 233° to America Dock, Naval Academy.

(4) Except in case of emergency, no vessel shall be anchored, without permission of the Commandant, Severn River Naval Command, in the Naval Academy Drill area described as follows: That portion of the Severn River lying to the northeastward of the Naval Academy, bounded on the north by the State Highway Bridge and on the south by the northern limit of the cable and pipe-line area, excluding that area off the eastern shoreline inclosed by a line extending approximately 131° between the eastern abutment of the State Highway Bridge and the outboard end of the pier on Ferry Point. This drill area also includes the lower part of Dorseys Creek below the Naval Academy Drawbridge. Requests to anchor in this drill area shall be made to the station ship at the Naval Academy.

(5) The restrictions in this section do not apply to the anchoring or marking by buoys of apparatus used for the purpose of taking sea food, except within the cable and pipe-line area described in subparagraph (3) of this paragraph.

(6) The regulations in this section shall be enforced by the Commandant, Severn River Naval Command, and the Superintendent, United States Naval Academy, and such agencies as they may designate.

§ 202.38 *York River, Va.; naval anchorages*—(a) *The anchorage grounds*—(1) *Anchorage 1.* Between Tue Marshes Lighthouse and Yorktown, beginning at latitude 37°14′57″, longitude 76°23′03.5″; thence to latitude 37°14′27″, longitude 76°23′03″; thence to latitude 37°13′54″, longitude 76°25′39″; thence to latitude 37°13′42.5″, longitude 76°27′40.5″; thence to latitude 37°14′11″, longitude 76°29′11.5″; thence to latitude 37°14′23″, longitude 76°29′11.5″; thence to latitude 37°14′22.5″, longitude 76°25′43.5″; and thence to the point of beginning.

(2) *Anchorage 2.* Between Yorktown and the Naval Mine Depot, beginning at latitude 37°15′34″, longitude 76°31′25″; thence to latitude 37°15′25″, longitude 76°31′39.5″; thence to latitude 37°16′21.5″, longitude 76°32′46″; thence to latitude 37°17′07.5″, longitude 76°34′17″; thence to latitude 37°17′55″, longitude 76°35′14.5″; thence to latitude 37°18′05″, longitude 76°35′01″; thence to latitude 37°17′20″, longitude 76°34′07″; thence to latitude 37°16′33.5″, longitude 76°32′34″; and thence to the point of beginning.

(b) *The regulations.* These anchorages are reserved for the exclusive use of naval vessels and, except in cases of emergency, no other vessel shall anchor therein without permission from local naval authorities, obtained through the Captain of the Port, Norfolk, Virginia. Movement of vessels through the anchorages will not be restricted.

§ 202.40 *Hampton Roads, Va., and adjacent waters*—(a) *Hampton Roads*—(1) *Anchorage A, Hampton Bar (temporary).* South of a line running from latitude 37°00′45″, longitude 76°20′36″, across the mouth of Hampton Creek to latitude 37°00′47″, longitude 76°19′56″; southwest of the westernmost bridge across Mill Creek; and shoreward of a line described as follows: Beginning at latitude 37°00′04″; longitude 76°18′50.5″; thence to latitude 36°59′19″, longitude 76°18′59.5″; thence to latitude 36°59′11″, longitude 76°19′11″; and thence to latitude 37°00′00″, longitude 76°22′08″.

(i) No vessel shall be anchored in such manner as to swing within 200 feet of either of the dredged channels leading to Hampton and Phoebus.

(ii) This anchorage is reserved for the use of vessels while undergoing examination by quarantine, customs, or immigration authorities. Upon completion of these examinations vessels shall move promptly to a regular anchorage.

(iii) The master of every mechanically-propelled vessel using this anchorage shall keep the vessel in condition to move promptly under its own power upon notification by the Captain of the Port, and when any such vessel is in charge of a pilot the pilot shall remain on board until the vessel is safely anchored in a regular anchorage. No sailing vessel using this anchorage shall be left unattended by a tugboat while undergoing examination by quarantine, customs, or immigration authorities, except when its stay is likely to be of several hours' duration when it shall be anchored in the western part of the anchorage out of the way of other vessels before the tug and pilot leave.

(iv) No master of a vessel awaiting or undergoing quarantine inspection shall release any part of the crew until the vessel has been passed by the proper quarantine officials and safely anchored or moored in a regular anchorage.

(2) *Anchorage B, Hampton Flats (naval).* Shoreward of a line described as follows: Beginning at latitude 37°00′00″, longitude 76°22′08″; thence to latitude 36°59′11″, longitude 76°19′11″; thence to latitude 36°57′59.5″, longitude 76°20′54″; and thence to latitude 36°58′56″, longitude 76°23′47″.

(i) Vessels shall not be anchored within 425 yards of Anchorage F–1 when that anchorage is occupied by a vessel carrying explosives.

(ii) This anchorage is reserved for the use of naval vessels, but in the absence of the fleet the Captain of the Port may, in his discretion, permit it to be used by merchant vessels. Upon receiving word that any part of the fleet is expected, the Captain of the Port may cause a sufficient area in this anchorage to be vacated to accommodate the number of vessels scheduled to arrive.

(3) *Anchorage C, Newport News Bar.* Shoreward of a line described as follows: Beginning at latitude 36°58′56″, longitude 76°23′47″; thence to latitude 36°57′59.5″, longitude 76°20′54″; thence to latitude 36°57′35″, longitude 76°21′31″; thence along the north side of Newport News Channel to latitude 36°57′20″, longitude 76°24′38″; and thence to the radio tower at approximately latitude 36°57′47.5″, longitude 76°24′40.5″.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide across the southwest corner of the anchorage for the operation of the Norfolk-Newport News ferry, except that in an emergency this fairway may be used for the anchoring of naval vessels.

(ii) When Anchorage F–1, which lies within Anchorage C, is not occupied by vessels carrying explosives, it may be used as a general anchorage in the same manner as other portions of Anchorage C. It shall be vacated promptly upon notice from the Captain of the Port when a vessel carrying explosives, of a draft too great to permit it to use Anchorage F, desires to anchor therein. Vessels shall not be anchored within 425 yards of Anchorage F–1 when that anchorage is occupied by a vessel carrying explosives.

(iii) This anchorage is a general anchorage for all vessels, but when fleet operations are scheduled the Captain of the Port may, in his discretion, permit it to be used by naval vessels. Upon receiving word that any part of the fleet is expected, the Captain of the Port may cause a sufficient area in this anchorage to be vacated to accommodate the number of vessels scheduled to arrive.

(4) *Anchorage D.* Beginning at a point on the west side of Norfolk Harbor Channel at latitude 36°57′34″, longitude 76°20′19.5″; thence to latitude 36°56′08″, longitude 76°22′23″; thence to latitude 36°56′00″, longitude 76°22′50″; thence to latitude 36°56′09.5″, longitude 76°23′33.5″; thence to a point on the south side of Newport News Channel at latitude 36°57′27.5″, longitude 76°21′41″; and thence along the south side of Newport News Channel and a line in prolongation thereof to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of the Norfolk-Newport News ferry.

(ii) This anchorage shall be used by deep-draft vessels, wind-bound vessels from Lambert Point and Sewall Point, and vessels awaiting turn for docking. Other vessels may use this anchorage when permitted by the Captain of the Port.

(5) *Anchorage E, Newport News Middle Ground.* Beginning at a point on the south side of Newport News Channel at latitude 36°57′27.5″, longitude 76°21′41″; thence to latitude 36°56′09.5″, longitude 76°23′33.5″; thence to latitude 36°57′11″, longitude 76°25′02.5″; and thence to and along the south side of Newport News Channel to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of the Norfolk-Newport News ferry.

(6) *Anchorage H.* Beginning at a point on the west side of Norfolk Harbor Channel at latitude 36°57′34″, longitude 76°20′19.5″; thence along the west side of Norfolk Harbor Channel to latitude 36°56′00″, longitude 76°20′27″; thence to latitude 36°56′00″, longitude 76°22′50″; thence to latitude 36°56′08″, longitude 76°22′23″; thence to the point of beginning.

(i) Vessels shall be anchored so as to leave a clear fairway 200 yards wide through this anchorage for the operation of the Norfolk-Newport News ferry.

(7) *Anchorages for vessels carrying explosives*—(i) *Anchorage F (for shallow-draft vessels).* Beginning at latitude 36°56′03″, longitude 76°23′50″; thence to latitude 36°54′30″, longitude 76°23′55.5″; thence to latitude 36°54′30″, longitude 76°24′59″; thence to latitude 36°56′44′, longitude 76°24′50″; thence to the point of beginning.

(ii) *Anchorage F–1 (for deep-draft vessels).* Within Anchorage C and having a northeast boundary coincident with a portion of the northeast boundary of Anchorage C, beginning at latitude 36°58′06″, longitude 76°21′13″; thence to latitude 36°57′49.5″, longitude 76°21′36″; thence to latitude 36°57′47.5″, longitude 76°22′04″; thence to latitude 36°57′56″, longitude 76°22′30″; thence to latitude 36°58′19.5″, longitude 76°21′56″; thence to the point of beginning.

(iii) Vessels are forbidden to anchor within 425 yards of Anchorage F or between the northeast boundary of Anchorage F and the southwest boundary of Anchorage E.

(iv) When Anchorage F–1 is not occupied by vessels carrying explosives it may be used as a general anchorage in the same manner as other portions of Anchorage C, except that it shall be vacated promptly upon notice from the Captain of the Port when a vessel carrying explosives of a draft too great to permit it to use Anchorage F desires to anchor. When Anchorage F–1 is occupied by a vessel carrying explosives, vessels shall not anchor in Anchorages B and C within 425 yards of Anchorage F–1. No vessel carrying explosives shall be anchored in Anchorage F–1 so as to swing within 500 yards of the Newport News Channel.

(v) Vessels carrying explosives or other dangerous cargo, including inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances, shall be within Anchorage F or F–1 when anchored, except as provided in subparagraph (7) (x) of this paragraph. Anchorage F is reserved for this special purpose and shall not be used by vessels carrying other classes of cargo except in cases of great emergency or by special permit from the Captain of the Port.

(vi) A written permit shall be obtained from the Captain of the Port before a

vessel carrying explosives, or on which explosives are to be loaded, may proceed to an explosives anchorage; and no vessel shall occupy a berth in such an anchorage except by authority of such a permit which may be revoked at any time.

(vii) Vessels used in connection with loading or unloading explosives in anchorage areas, including tugs and stevedore boats, shall carry a written permit from the Captain of the Port. Such permits shall be shown whenever required by him or by his properly authorized agents.

(viii) Whenever any vessel not mechanically self-propelled anchors in an explosives anchorage while carrying explosives, the Captain of the Port may require the attendance of a tug upon such vessel when in his judgment such action is necessary.

(ix) Vessels carrying explosives shall comply with the general regulations in paragraph (h) of this section when applicable.

(x) The District Engineer, Corps of Engineers, may authorize a vessel carrying explosives for use on river and harbor works or on other work under permit issued by the District Engineer to anchor in or near the vicinity of such work without a permit from the Captain of the Port. The District Engineer will prescribe the quantities of such explosives allowed on such vessel and the conditions under which they are to be stored and handled, and will furnish the Captain of the Port with a copy of such instructions.

(b) *James River*—(1) *Anchorage G.* At the mouth of the river opposite Newport News; east of a line running from Barrel Point, latitude 36°54′53″, longitude 76°28′51″, across the mouth of Batten Bay to Candy Island, latitude 36°56′18″, longitude 76°29′05″; and shoreward of a line described as follows: Beginning at Fishing Point, latitude 36°57′50″, longitude 76°29′38″; thence to latitude 36°59′03″, longitude 76°27′56″; thence to latitude 36°58′37″, longitude 76°26′41″; thence to latitude 36°57′50″, longitude 76°26′04″; thence to latitude 36°57′08.5″, longitude 76°25′27″; thence to latitude 36°57′11″, longitude 76°25′04″; thence to latitude 36°55′52.5″, longitude 76°25′09.5″; and thence to latitude 36°54′00″, longitude 76°28′59″.

(2) *Anchorage G–1.* On the northeast side of the river downstream from the James River Bridge, and shoreward of a line described as follows: Beginning at latitude 36°59′41″, longitude 76°26′40″; thence to latitude 37°00′15″, longitude 76°27′52″; and thence to latitude 37°00′45″, longitude 76°27′17″.

(3) *Anchorage G–2.* On the northeast side of the river upstream from the James River Bridge, and shoreward of a line described as follows: Beginning at latitude 37°00′58″, longitude 76°27′23″; thence to latitude 37°00′24″, longitude 76°28′06″; thence to latitude 37°01′55″, longitude 76°31′19″; and thence to latitude 37°03′06″, longitude 76°30′29″.

(c) *East of Norfolk Harbor Channel*—(1) *Anchorage K–1.* Shoreward of a line described as follows: Beginning at the shoreward end of the jetty north of Army Base Pier No. 2, latitude 36°55′13″, longitude 76°19′42″; thence along the jetty to latitude 36°55′14″, longitude 76°19′46.5″; thence along the jetty to latitude 36°55′10″, longitude 76°19′49.5″; thence to a point on the east side of Norfolk Harbor Channel at latitude 36°55′06″, longitude 76°20′22″; thence northerly along the east side of Norfolk Harbor Channel to latitude 36°55′36.5″, longitude 76°20′20″; and thence to latitude 36°55′38″, longitude 76°19′47″.

(2) *Anchorage K–2.* South of a line running from Tanner Point, latitude 36°54′13″, longitude 76°19′25″, across the mouth of Lafayette River to latitude 36°54′14″, longitude 76°18′43″; and shoreward of a line described as follows: Beginning at latitude 36°52′56″, longitude 76°19′08″; thence to a point on the east side of the dredged area alongside Norfolk Harbor Channel at latitude 36°53′04.5″, longitude 76°19′58.5″, thence northerly along the side of the dredged area to latitude 36°53′27″, longitude 76°20′02″; thence northwesterly along the side of the dredged area to latitude 36°53′31″, longitude 76°20′06″; thence northerly along the east side of Norfolk Harbor Channel to latitude 36°54′45.5″, longitude 76°20′19″; and thence to latitude 36°54′49″, longitude 76°19′40.5″.

(i) Anchorage is prohibited in the dredged channel to Lafayette River.

(3) *Anchorage K–3 (for yachts and pleasure craft).* That part of Lafayette River upstream from Anchorage K–2 and downstream from a line crossing the river below the Hampton Boulevard bridge from latitude 36°54′27.5″, longitude 76°18′22.5″, to latitude 36°54′11″, longitude 76°18′18″.

(i) Anchorage is prohibited in the dredged channel in Lafayette River.

(d) *Elizabeth River*—(1) *Anchorage H–1, West Norfolk (temporary).* On the west side of the river, south of Craney Island, and shoreward of a line described as follows: Beginning at latitude 36°52′59″, longitude 76°21′05.5″; thence along the southeast boundary of the pipeline area across the mouth of Craney Island Creek to latitude 36°53′05″, longitude 76°20′49″; thence to latitude 36°52′53″, longitude 76°20′30.5″; thence to latitude 36°52′53″, longitude 76°20′23.5″; thence to latitude 36°52′57.5″, longitude 76°20′24″; thence to a point on the west side of Norfolk Harbor Channel at latitude 36°52′59.5″, longitude 76°20′10″; thence southerly along the west side of the channel to latitude 36°52′15″, longitude 76°20′03″; thence southeasterly along the southwest side of the channel to latitude 36°52′03″, longitude 76°19′45.5″; thence to latitude 36°51′32.5″, longitude 76°20′15.5″; and thence to latitude 36°51′43″, longitude 76°20′32″.

(i) No vessel shall remain anchored in this anchorage awaiting loading for a period longer than 48 hours, except when non-availability of loading facilities, inclement weather, ice conditions, or other conditions reasonably require a longer period in awaiting turn for docking.

(ii) No vessel after receiving its load shall remain more than 12 daylight hours in this anchorage, i. e., vessels loaded during the afternoon or night shall clear the anchorage prior to the hour of darkness of the following day.

(2) *Anchorage L.* On the northeast side of Elizabeth River, south of Lambert Point, and shoreward of a line described as follows: Beginning at latitude 36°52′06.5″, longitude 76°19′04.5″; thence to latitude 36°51′56.5″, longitude 76°19′20″; thence to latitude 36°52′13″, longitude 76°19′44.5″; and thence to latitude 36°52′21″, longitude 76°19′34″.

(3) *Anchorage M.* On the northeast side of Elizabeth River, opposite Pinner Point, and shoreward of a line described as follows: Beginning at latitude 36°51′29.5″, longitude 76°18′37″; thence to latitude 36°51′32″, longitude 76°18′45.5″; thence to latitude 36°51′42″, longitude 76°19′00″; and thence to latitude 36°51′52″, longitude 76°18′47.5″.

(4) *Anchorage N–1, Smith Creek (for yachts and pleasure craft)*—(i) *Mowbray Arch.* Between Mowbray Arch and a line described as follows: Beginning at Ghent Bridge 150 feet from Mowbray Arch and continuing westerly the same distance therefrom to the intersection of the prolongation of the east side of Colonial Avenue; thence in a straight line to a point on the south side of Mill Street prolonged and 70 feet from Mowbray Arch; thence parallel to and 70 feet from Mowbray Arch to the south side of Pembroke Avenue prolonged; thence along the prolongation of the south side of Pembroke Avenue to a point 50 feet from Mowbray Arch; and thence in a straight line to a point on the south side of Fairfax Avenue prolonged and 40 feet from Mowbray Arch.

(ii) *The Hague.* Between the wall on the west side of the Hague and a straight line joining a point 40 feet easterly thereof in the south side of Fairfax Avenue prolonged with a point 70 feet easterly from the wall in a line perpendicular to the wall at the south end thereof.

(iii) No floats, rafts, lighters, houseboats, or other craft laid up for any reason shall be permitted within these anchorages, except by permission of the Captain of the Port.

(iv) No vessel shall anchor or moor alongside any wharf or pier in Smith Creek so as to extend more than 40 feet beyond the pierhead line except in the authorized anchorages.

(5) *Anchorage O, Hospital Point.* On the southwest side of Elizabeth River, adjacent to the Portsmouth Naval Hospital, and shoreward of a line described as follows: Beginning at latitude 36°50′57″, longitude 76°18′43″; thence to a point on the southwest side of Norfolk Harbor Channel at latitude 36°51′05″, longitude 76°18′23″; thence southeasterly along the side of the channel to latitude 36°50′49.5″, longitude 76°18′00″; thence southeasterly along the side of the channel to latitude 36°50′33.5″, longitude 76°17′50.5″; and thence to latitude 36°50′27″, longitude 76°17′55″.

(6) *Anchorage P, Port Norfolk.* On the southwest side of Elizabeth River, between Pinner Point and Western Branch Channel, and shoreward of a line described as follows: Beginning at latitude 36°51′25″, longitude 76°19′59″; thence to latitude 36°51′44.5″, longitude 76°19′47″; thence to a point on the southwest side of Norfolk Harbor Channel at latitude 36°52′01″, longitude 76°19′42.5″; thence southeasterly along the side of the channel to latitude 36°51′32″, longitude 76°19′01″; and thence to latitude 36°51′18″, longitude 76°19′16″.

(e) *Eastern Branch of Elizabeth River*—(1) *Anchorage Q, Berkley.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50′20″, longitude 76°17′12.5″; thence to latitude 36°50′24″, longitude 76°17′14.5″; thence to latitude 36°50′22.5″, longitude 76°16′58.5″; and thence to latitude 36°50′13″, longitude 76°16′59″.

(2) *Anchorage R*—(i) *Section 1.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50′11″, longitude 76°16′17″; thence to latitude 36°50′18″, longitude 76°16′19″; thence to latitude 36°50′20″, longitude 76°16′05″; and thence to latitude 36°50′14.5″, longitude 76°16′03″.

(ii) *Section 2.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50′15″, longitude 76°15′48.5″; thence to latitude 36°50′21″, longitude 76°15′50.5″; thence to latitude 36°50′17″, longitude 76°15′18″; and thence to latitude 36°50′11″, longitude 76°15′20″.

(iii) *Section 3.* South of the channel, shoreward of a line described as follows: Beginning at latitude 36°50′10″, longitude 76°15′15″; thence to latitude 36°50′15.5″, longitude 76°15′12.5″; thence to latitude 36°50′10.5″, longitude 76°14′50″; and thence to latitude 36°50′08″, longitude 76°14′51″.

(iv) No vessel shall anchor within 200 feet of permanent improvements.

(3) *Anchorage S*—(i) *Section 1.* On the north side of the river, upstream from the Virginian Railway bridge, and shoreward of a line described as follows: Beginning at latitude 36°50′23″, longitude 76°14′18″; thence to latitude 36°50′18.5″, longitude 76°14′18″; thence to latitude 36°50′14″, longitude 76°14′35″; and thence to latitude 36°50′19.5″, longitude 76°14′33″.

(ii) *Section 2.* On the north side of the Eastern Branch, below the mouth of Broad Creek, and shoreward of a line described as follows: Beginning at latitude 36°50′22.5″, longitude 76°13′50″; thence to latitude 36°50′19.5″, longitude 76°14′12.5″; and thence to latitude 36°50′24″, longitude 76°14′13″.

(iii) Anchorage is prohibited within 200 feet of permanent improvements.

(f) *Willoughby Bay*—(1) *Anchorage J–1 (for yachts and pleasure craft).* East of the west end of Willoughby Spit, shoreward of a line running from latitude 36°57′54″, longitude 76°17′46″, to latitude 36°57′50.5″, longitude 76°17′49″.

(2) *Anchorage J–2 (for yachts and pleasure craft).* South of Willoughby Spit, shoreward of a line described as follows: Beginning at latitude 36°57′42″, longitude 76°16′21.5″; thence to latitude 36°57′44.5″, longitude 76°17′27″; thence to latitude 36°57′48″, longitude 76°17′43″; and thence to latitude 36°57′55.5″, longitude 76°17′44″.

(g) *Lower Chesapeake Bay south of Thimble Shoal Channel*—(1) *Anchorage L-A (naval).* Between Cape Henry and Little Creek, beginning at latitude 36°57′11.0″, longitude 76°03′03.0″; thence to latitude 36°55′41.0″, longitude 76°03′14.5″; thence to latitude 36°56′22.0″, longitude 76°05′53.5″; thence to latitude 36°57′01.5″, longitude 76°05′59.0″; thence to latitude 36°57′57.0″, longitude 76°09′35.0″; thence to latitude 36°58′47.0″, longitude 76°09′08.5″; thence to the point of beginning.

(i) This anchorage is reserved primarily for the use of naval vessels, but in the absence of the fleet the Captain of the Port may, in his discretion, permit it to be used by merchant vessels. Movement of vessels through the area will not be restricted.

(2) *Anchorage L-C.* Northwest of Anchorage L-A, beginning at latitude 36°59′14″, longitude 76°10′56.5″; thence to latitude 36°58′18.3″, longitude 76°10′54″; thence to latitude 36°58′59″, longitude 76°13′32.5″; thence to latitude 36°59′56″, longitude 76°13′36.3″; thence to the point of beginning.

(i) This anchorage is primarily for the use of merchant vessels but the Captain of the Port may, in his discretion, permit it to be used by naval vessels, the commercial conditions at the time being given due consideration. No vessels shall occupy any berth in this anchorage without first obtaining permission from the Captain of the Port.

(3) *Anchorage L-E (for naval amphibious craft).* Southwest of Anchorage L-A, east of the Little Creek thorofare, and shoreward of a line described as follows: Beginning at Little Creek Harbor Jetty 1 light (approximately latitude 36°55′57.0″, longitude 76°10′36.0″); thence to latitude 36°58′04.0″, longitude 76°10′02.0″; thence to latitude 36°57′31.5″, longitude 76°07′55.0″; thence to latitude 36°55′25.0″, longitude 76°08′28.5″.

(i) This anchorage is reserved for the exclusive use of naval vessels and, except in case of emergency, no other vessel shall anchor therein without permission from local naval authorities, obtained through the Captain of the Port, Norfolk, Virginia. Movement of vessels through the anchorage will not be restricted.

(h) *General regulations.* (1) Except in cases of great emergency, no vessel shall be anchored in Hampton Roads or adjacent waters outside of the anchorage areas established in this section or within a cable or pipe line area shown on a Government chart, nor be moored, anchored, or tied up to any pier, wharf, or other vessel in such manner as to obstruct or endanger the passage of any vessel.

(2) No vessel shall occupy for a longer period than 30 days, unless a permit is obtained from the Captain of the Port for that purpose, any anchorage for which the time of occupancy is not otherwise prescribed in this section. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels shall occupy an anchorage except in an emergency, and then only for such period as may be permitted by the Captain of the Port.

(3) Whenever, in the opinion of the Captain of the Port, such action may be necessary, that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors.

(4) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall, before release or reduction of the crew, be anchored with two anchors with mooring swivel unless the Captain of the Port shall waive the requirement of a mooring swivel.

(5) Anchors shall be placed well within the anchorage areas, so that no portion of the hull or rigging will at any time extend outside the boundaries of the anchorage area.

(6) Any vessel anchoring under circumstances of great emergency outside an anchorage area shall be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any other vessel, and shall move away immediately after the emergency ceases, or upon notification by the Captain of the Port.

(7) Upon application, a berth in an anchorage, if available, will be assigned to any vessel by the Captain of the Port. He may grant revocable permits for the habitual use of the same berth, and no vessel shall occupy a berth habitually except under authority of such a permit.

(8) Upon approval of the District Engineer, Corps of Engineers, the Captain of the Port may permit wrecking plant or other vessels legally engaged in recovering sunken property or in laying or repairing legally established pipe lines or cables, or plant engaged in dredging operations, to anchor in channels. Such permission is not necessary for plant engaged upon works of river and harbor improvement under the supervision of the District Engineer, but the District Engineer will notify the Captain of the Port in advance of all such proposed work.

(9) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vessel anchored or moored within or outside an anchorage area, including any vessel which is so moored or anchored as to obstruct navigation or interfere with range lights.

(10) A vessel upon being notified to shift its position shall get under way at once or signal for a tug and shall change position as directed with reasonable promptness.

(11) Nothing in this section shall be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the laws relating to lights and fog signals or other navigation laws.

3. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.30 (a) is hereby redesignated § 204.30, subparagraphs (1)

to (13), being renumbered paragraphs (a) to (m), §§ 204.30 (b) to (g), and §§ 204.36 and 204.50 are hereby revoked, and §§ 204.32, 204.34, 204.36, 204.38, 204.40, 204.42, 204.44, 204.46, 204.50, and 204.52 are hereby substituted therefor, as follows:

§ 204.30 *Chesapeake Bay; United States Army Proving Ground Reservation, Aberdeen, Md.*—(a) *Restricted area defined.* • • •

(b) *Authority delegated Commanding Officer.* • • •

(c) *Penalty.* • • •

(d) *Entrance into restricted waters by the public over week ends and on National holidays.* • • •

(e) *Entrance at night into restricted waters by the public between February 1 and June 15.* • • •

(f) *Entrance at night into restricted waters by the public between January 1 and January 31 and between June 16 and December 31 provided night firing over water is not to be conducted.* • • •

(g) *No limitations on dates night firing may be conducted over land.* • • •

(h) *Permits required from the Commanding Officer to set fixed nets in restricted waters.* • • •

(i) *Identification signs required at each location of fixed nets.* • • •

(j) *Removal of pound net poles or stakes.* • • •

(k) *Restrictions on fishermen.* • • •

(l) *Fishing with any type of net prohibited in all creeks.* • • •

(m) *Compliance with Federal, State, and county laws required.* • • •

§ 204.32 *Chesapeake Bay, in vicinity of Chesapeake Beach, Md.; firing range, Naval Research Laboratory*—(a) *The danger zone*—(1) *Area A.* Beginning at the intersection of the south property line at the Naval Research Laboratory (about latitude 38°39'12") and the shore running thence 90°, 1,000 yards; thence due north to a point bearing 90° from the intersection of the north property line (about latitude 38°39'40") and the shore; and thence 270° to the shore.

(2) *Area B.* The sector of a circle bounded by radii of 9,600 yards bearing 31° (to Bloody Point Bar Light) and 137°30' (to Buoy N 16 F), respectively, from the center at the southeast corner of building No. 3; excluding Area A.

(3) *Area C.* The segment of a circle inclosed by the arcs of two circles having radii of 9,600 yards and 13,200 yards, respectively, and bounded by the extended radii marking the north and south limits of Area B.

NOTE: All bearings referred to true meridian.

(b) *The regulations.* (1) No vessel shall enter or remain in Area A at any time.

(2) No vessel shall enter or remain in Area B or Area C between the hours of 1:00 p. m. and 5:00 p. m. daily except Sundays, except that through navigation of commercial craft will be permitted in Area C at all times, but such vessels shall proceed on their normal course and shall not delay their progress.

(3) Advance notice will be given of the date on which the first firing practice is conducted, and such notice will be published in "Notice to Mariners." The area will be in use through the year and no further notice is contemplated that firing is continuing.

(4) Prior to the conduct of each firing practice a patrol vessel will patrol the range to warn navigation. "Baker" will be flown from a conspicuous point on the patrol vessel and from a prominent position on shore.

(5) The regulations in this section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

§ 204.34 *Chesapeake Bay, south of Sharps Island, Md.; restricted area, U. S. Navy*—(a) *The danger zone.* The waters within a circle having a radius of 200 yards with its center approximately 300 yards south of Sharps Island at latitude 38°36'53", longitude 76°21'56".

(b) *The regulations.* (1) No vessel shall enter or remain in the restricted area at any time except as authorized by the enforcing agency.

(2) This section shall be enforced by the Commanding Officer, U. S. Naval Air Station, Patuxent River, Maryland, and such agencies as he may designate.

§ 204.36 *Chesapeake Bay, in vicinity of Bloodsworth Island, Md.; shore bombardment, air bombing, air strafing, and rocket firing area, U. S. Navy*—(a) *The danger zone.* All waters of Chesapeake Bay and Tangier Sound within an area bounded as follows: Beginning at latitude 38°08'15", longitude 76°10'00"; thence to latitude 38°12'00", longitude 76°10'00"; thence to latitude 38°12'00", longitude 76°07'00"; thence to latitude 38°13'00", longitude 76°06'00"; thence to latitude 38°13'00", longitude 76°04'00"; thence to latitude 38°12'00", longitude 76°02'00"; thence to latitude 38°12'00", longitude 76°00'00"; thence to latitude 38°08'15", longitude 76°00'00"; thence to the point of beginning.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in the restricted area when notified by an enforcing authority to keep clear or when firing is or will soon be in progress, except as provided in subparagraph (5) of this paragraph.

(2) Advance notice will be given of the dates and times of all firings and such notice will be published in the local "Notice to Mariners". The area will be in use intermittently throughout the year. On days when firing is conducted, firing will take place normally between sunrise and sunset, except that occasional night firing may be conducted between sunset and 12:00 midnight.

(3) Prior to the commencement of firing each day, surface or air search of the entire area will be made for the purpose of locating and warning all craft and persons not connected with the firing, and a patrol will be maintained throughout the duration of firing.

(4) Warning that firing is or soon will be in progress will be indicated during daylight by a red flag prominently displayed from a tower on Adam Island, and at night by a searchlight beam pointed into the sky. All persons, vessels, and other craft shall clear the area when these signals are displayed or when warned by patrol vessels or by aircraft employing the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(5) During hours when firing is in progress and warning signals are displayed, no fishing or oystering vessels or other craft not directly connected with the firing shall navigate within the restricted area, except that deep-draft vessels proceeding in established navigation lanes and propelled by mechanical power at a speed greater than five knots normally will be permitted to traverse the area. Permission for such deep-draft vessels to enter and traverse the area will be indicated during daylight by dipping the red warning flag to half-mast, and at night by flashing the warning searchlight.

(6) When firing is not in progress and warning signals are not displayed, oystering and fishing boats and other craft may operate within the restricted area.

(7) All projectiles, bombs, and rockets will be fired to land on Bloodsworth Island or Pone Island, but Naval authorities will not be responsible for damage by such projectiles, bombs, or rockets, or by Navy or Coast Guard vessels, to nets, traps, buoys, pots, fish pounds, stakes, or other equipment which may be located within the restricted area.

(8) The regulations in this section shall be enforced by the Commandant, Fifth Coast Guard District, and such agencies as he may designate.

§ 204.38 *Atlantic Ocean and Sinepuxent and Chincoteague Bays, Md.; target areas, U. S. Navy*—(a) *The danger zones.* (1) Waters of the Atlantic Ocean and Sinepuxent Bay within a circle having a radius of 1,000 yards with its center on Assateague Island at latitude 38°12'42", longitude 75°09'00" (bearing approximately 19°30' true, 1,700 yards, from North Beach Coast Guard Station).

(2) Waters of the Atlantic Ocean and Chincoteague Bay within a circle having a radius of 1,000 yards with its center on Assateague island at latitude 38°06'42", longitude 75°11'15" (bearing approximately 196°30' true, 10,900 yards, from North Beach Coast Guard Station and approximately 355° true, 8,200 yards, from the Six-Fathom Light Fl. W. Buoy "4A" situated off Green Run Bay).

(b) *The regulations.* (1) No vessel shall enter the restricted areas for other than operations under Naval control or for target maintenance purposes.

(2) This section shall be enforced by the Commandant, Naval Air Bases, Fifth Naval District, and such agencies as he may designate.

§ 204.40 *Potomac River*—(a) *United States Naval Torpedo Testing Range, Piney Point, Md.*—(1) *The danger zone*—(i) *The prohibited area.* That portion of the Lower Potomac River bounded as follows: Beginning at latitude 38°00'51", longitude 76°20'40", which point is marked by Torpedo Testing Range Lighted Bell Buoy A; thence northeasterly to Point Lookout Shoal Bell Buoy 2; thence northerly to Point Lookout Light; thence northerly and westerly along the shores of Cornfield Harbor past Cornfield Point to the mouth of Potter Creek; thence northwesterly to Grays Point

Buoy "2GP"; thence northwesterly to a point at the mouth of a creek on St. Georges Island, the position of said point being latitude 38°06'20", longitude 76°28'08"; thence southerly, westerly, and northerly along the shores of St. Georges Island to latitude 38°06'37", longitude 76°28'45"; thence northwesterly to Piney Point Light; thence southwesterly to latitude 38°07'08", longitude 76°32'44", which point bears 303°16'41" true, 1,000 yards, from Torpedo Testing Range Lighted Bell Buoy D; thence 123°16'41" true to the point of beginning.

The prohibited area is crossed by three passages as follows:

Passage No. 1: A passage 600 yards wide between a line running from latitude 38°02'36", longitude 76°24'04", to latitude 38°05'27", longitude 76°24'21", and a line running from latitude 38°02'50", longitude 76°24'30", to latitude 38°05'32", longitude 76°24'43".

Passage No. 2: A passage 800 yards wide between a line running from latitude 38°03'08", longitude 76°25'04", to latitude 38°05'48", longitude 76°25'56", and a line running from latitude 38°03'28", longitude 76°25'42", to latitude 38°05'56", longitude 76°26'30".

Passage No. 3: Beginning at Piney Point (latitude 38°08'01", longitude 76°31'45"); thence 221°, 700 yards; thence 90°, 1,250 yards; thence 301° to the point of beginning.

(ii) *The restricted area.* An area adjacent to the prohibited area, bounded as follows: Beginning at Piney Point Light, Piney Point, Maryland; thence northwesterly to spar buoy "19DW"; thence southerly to Spar Buoy "19W"; thence southeasterly to Potomac River Lighted Buoy "5A"; thence southeasterly along a line through spar buoy "18AW" to spar buoy "18W"; thence southeasterly along a line through Spar buoys "17W", "16AW" to spar buoy "16W"; thence northerly to Point Lookout Shoal Bell Buoy 2; thence southwesterly to Torpedo Testing Range Lighted Bell Buoy A; thence northwesterly along a line through Torpedo Testing Range Lighted Bell Buoys B, C, and D to latitude 38°07'08", longitude 76°32'44", which point bears 303°16'41" true, 1,000 yards, from Torpedo Testing Range Lighted Bell Buoy D; and thence northeasterly to Piney Point Light, the point of beginning.

(2) *The regulations.* (i) The presence of any vessel in the prohibited area is prohibited unless prior permission has been granted by the enforcing officer, except that Passages No. 1, No. 2, and No. 3 may be used to traverse the area when firing is not in progress. Vessels shall keep under way at all times while operating in Passages No. 1, No. 2, and No. 3.

(ii) Between the hours of 7:00 a. m. and 4:00 p. m. daily except Sundays and legal holidays, and at other times and on other days when the Torpedo Testing Range is being operated, no vessel shall enter or remain in the restricted area if specifically forbidden to do so by the officer in charge of the Range or his duly accredited representative. Passage of traffic in this area will not be unreasonably interfered with or restricted.

(iii) Between the hours of 7:00 a. m. and 4:00 p. m. daily except Sundays and legal holidays, and at other times and on other days when the range is being operated, all vessels are forbidden to anchor within the restricted area except in cases of great emergency. Any vessel anchoring under circumstances of great emergency shall move away as soon as the emergency permits.

(iv) Any vessel upon being notified by proper authority to shift its position or course shall change position or course as directed with reasonable promptness.

(v) During periods when the range is in operation any vessels in danger or any vessels interfering with operations will be met by representatives of the officer in charge, suitably warned, and given necessary instructions and orders relating to navigating the restricted area. The torpedo testing barge will fly "International B" at a yard arm when testing operations are in progress. Government vessels, seaplanes, or other craft patrolling the zone will fly or expose a red flag.

(vi) Vessels in passage up or down the Potomac River in the restricted area shall keep to the south part of the channel insofar as practicable.

(vii) The speed of vessels passing within 1,000 yards of the torpedo testing barge during testing operations shall not exceed 10 knots.

(viii) Nothing in this section shall prevent the setting of fish traps within the restricted area, under permits granted by the Department of the Army, nor shall the passage of fishing vessels to and from authorized traps be unreasonably interfered with or restricted.

(ix) The regulations in this section shall be enforced by the Commanding Officer, Piney Point Torpedo Testing Range, Piney Point, Maryland.

(b) *United States Naval Proving Ground, Dahlgren, Va.*—(1) *The danger zones*—(i) *Lower zone.* The entire portion of the lower Potomac River between a line from Point Lookout, Maryland, to Smith Point, Virginia, and a line from Blakiston Island Shoal Buoy 4A (off Blakiston Island) to Hollis Marsh. This zone, in which long-range and aerial machine gun firing is normally conducted at infrequent intervals, embraces the Naval Torpedo Testing Range at Piney Point, Maryland, which is subject to special additional restrictions (see paragraph (a) of this section).

(ii) *Middle zone.* Beginning at the intersection of the Potomac River Bridge with the Virginia shore; thence to Lower Cedar Point Light; thence to latitude 38°19'06", longitude 76°57'07", which point is about 3,300 yards east-southeast of Lower Cedar Point Dredge Channel Range Front Light; thence to Line of Fire Buoy O, 1,500 yards southwest by west of Swan Point; thence to Line of Fire Buoy M, 1,700 yards south of Potomac View; thence to Line of Fire Buoy K, about 1,300 yards south by west of the lower end of Cobb Island; thence to Blakiston Island Shoal Buoy 4A, abreast of Blakiston Island abandoned light house; thence southwesterly to Hollis Marsh; thence northwesterly to Line of Fire Buoy J, about 3,000 yards off Popes Creek, Virginia; thence to Line of Fire Buoy L, 3,500 yards off Church Point; thence to Line of Fire Buoy N, 800 yards off Colonial Beach; thence to Line of Fire Buoy P, 1,000 yards off Bluff Point; thence to the Main Dock at the Naval Proving Ground. Firing is normally conducted in this zone daily except Saturdays, Sundays, and national holidays.

(iii) *Upper zone.* Beginning at Mathias Point, Virginia; thence north to Mathias Point Shoal Light; thence north by east to Mathias Point Beacon; thence east-southeast to Popes Creek Flats Lighted Buoy 26; thence east-southeast to Buoy 24 abreast of Popes Creek, Maryland; thence to the Maryland shore on an extension of the line connecting Buoys 26 and 24; thence southerly with the Maryland shore to a line passing through Persimmon Point Shoal Beacon to the Virginia shore, parallel to the Potomac River Bridge; thence northerly with the Virginia shore to the point of beginning. Aerial bombing and strafing is normally conducted in this zone at infrequent intervals.

(2) *The regulations.* (i) Firing normally takes place between the hours of 8:00 a. m. and 4:00 p. m. daily except Saturdays, Sundays, and national holidays, with infrequent night firing between 4:00 p. m. and 10:30 p. m. During a national emergency, firing will take place between the hours of 6:00 a. m. and 10:30 p. m. daily except Sundays.

(ii) When firing is in progress, no fishing or oystering vessels shall operate within the danger zone affected unless so authorized by the Naval Proving Ground's patrol boats. Oystering and fishing boats or other craft may cross the river in the danger zone only after they have reported to the patrol boats and received instructions as to when and where to cross. Deep-draft vessels using dredged channels and propelled by mechanical power at a speed greater than five miles per hour, may proceed directly through the danger zones without restriction except when especially notified to the contrary.

(iii) The regulations in this section shall be enforced by the Captain of the Port and the Commanding Officer of the United States Naval Proving Ground and such agencies as they may designate. Patrol boats and planes will fly or expose a square red flag in clearing a danger zone.

(c) *Accotink Bay, Accotink Creek, and Pohick Bay; United States Military Reservation, Fort Belvoir, Va.*—(1) *The danger zone.* The waters of Accotink Bay, Accotink Creek, and Pohick Bay, Virginia, within and adjacent to the target ranges of the United States Military Reservation, Fort Belvoir, as follows: All of Accotink Bay; all of Accotink Creek below the bridge which crosses Accotink Creek approximately 400 yards south of U. S. Highway No. 1; and that portion of Pohick Bay bordering its north shore. The mouth of Accotink Bay and that portion of Pohick Bay within the danger zone will be marked by the Post Commander with suitable warning buoys.

(2) *The regulations.* (i) When firing affecting the area is in progress, the Post Commander will post guards at such locations that the waters in the danger zone may be observed and arrange signals whereby these guards may stop the firing should any person be seen in the danger zone. When firing is in progress,

the Post Commander will cause to be displayed both on the east shore of Accotink Bay at its mouth and near the danger zone boundary on Accotink Creek a red streamer which shall be visible to a person in a boat near those points.

(ii) Persons desiring to cross the waters in the danger zone shall first determine whether a red streamer is displayed on the east shore of Accotink Bay at its mouth or near the danger zone boundary on Accotink Creek. If the red streamer is displayed, it will indicate that firing is in progress and that the waters in the danger zone are covered by rifle fire, and the area shall not be entered until the streamer is lowered.

(iii) The Post Commander is hereby authorized by using such agencies and equipment necessary to stop all boats at the boundary of the danger zone and prohibit their crossing the area until convenient to the firing schedule to do so.

§ 204.42 *Chesapeake Bay, Smith Point to Cedar Point; aerial gunnery range, and ground firing range and seaplane landing area, U. S. Naval Air Station, Patuxent River, Md.*—(a) *The danger zones*—(1) *Aerial gunnery range.* The waters of Chesapeake Bay south of a line between Cedar Point, Maryland, and the southern tip of Barren Island; west of a line between the southern tip of Barren Island and Shanks Island, Virginia; north of a line between Shanks Island and Smith Point Light, Virginia; and east of lines from Smith Point Light to a point one and one-half miles due east of Point Lookout Light (horn), thence due north to Point No Point Light, and thence northwesterly to Cedar Point, Maryland.

(2) *Ground firing range and seaplane landing area.* The waters off the western shore of Chesapeake Bay within an area bounded as follows: Beginning at Cedar Point, Maryland; thence southeasterly to latitude 38°16', longitude 76°20'15"; thence southwesterly to latitude 38°13'42", longitude 76°21'42"; thence northwesterly to latitude 38° 15'05", longitude 76°23'36"; and thence due west to the shoreline.

(b) *The regulations.* (1) No vessel or other craft, with the exception of specifically authorized military and naval vessels, shall enter or remain in the ground firing range and seaplane landing area. No vessel or other craft, except military and naval vessels engaged in scheduled gunnery and training exercises, shall enter or remain in the aerial gunnery range during its use for firing practice except as provided in subparagraphs (5) and (7) of this paragraph.

(2) Advance notice will be given of the date on which the first firing practice is conducted, and such notice will be published in the "Notice to Mariners." The range will be in use throughout the year, and no further notice is contemplated that firing is continuing.

(3) Prior to the conduct of firing practice the area will be patrolled by Navy aircraft to insure that no watercraft are within the danger area, and any watercraft in the vicinity will be warned by means of signals that firing practice is to take place. The patrol aircraft will employ the method of warning known as "buzzing," which consists of low flight by the airplane and repeated opening and closing of the throttle.

(4) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall remain outside the area until the conclusion of firing practice.

(5) Through navigation of commercial craft proceeding on established steamer lanes shall be permitted traverse of the aerial gunnery range at all times. Such vessels shall proceed on their normal course and shall not delay their progress.

(6) The area known as the ground firing range and seaplane landing area will be opened to oystermen for oyster dredging operations during each day of the month of January of each year from 12:00 noon to nightfall. No firing will be conducted in this area during this time.

(7) Military and naval vessels will conduct gunnery and training exercises in the aerial gunnery range. Where there is apparent conflict between surface craft with attendant planes and planes operating under the control of the Naval Air Test Center, Patuxent River, planes are expected to keep clear.

(8) The regulations in this section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

§ 204.44 *Chesapeake Bay, in vicinity of Tangier Island; Naval guided missiles test operations area*—(a) *The danger zone*—(1) *Prohibited area.* A circle 1,000 yards in radius with its center at latitude 37°47'54", longitude 76°03'48".

(2) *Restricted area.* A circle three nautical miles in radius with its center at latitude 37°47'54", longitude 76°03'48", excluding the prohibited area.

(b) *The regulations.* (1) Vessels or other craft shall not enter or remain in the prohibited area at any time unless authorized to do so by the enforcing agency.

(2) Except as otherwise provided in subparagraph (6) of this paragraph, vessels or other craft shall not enter or remain in the restricted area when firing is or will soon be in progress unless authorized to do so by the enforcing agency.

(3) Advance notice will be given of the date on which the first firing is to be conducted and such notice will be published in "Notice to Mariners." Thereafter, the danger zone will be in use intermittently throughout the year and no further notice is contemplated that firing is continuing.

(4) Warning that firing is or will soon be in progress will be indicated by a red flag displayed from one of six dolphin platforms on the perimeter of the prohibited area, and by patrol vessels within the danger zone or by aircraft employing the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle. Surface or air search of the entire area will be made prior to the commencement of firing on each scheduled day. During periods of firing a patrol vessel will remain in the approaches to the restricted area and maintain continuous contact with the firing planes to warn when the area is not clear.

(5) Upon observing the warning flag or upon receiving a warning by any of the patrol vessels or aircraft, vessels or other craft shall immediately vacate the restricted area and remain outside the area until the conclusion of firing for the day.

(6) The regulations in this section shall not deny traverse of portions of the restricted area by commercial craft proceeding in established steamer lanes, but when firing is or will soon be in progress all such craft shall proceed on their normal course through the area with all practicable speed.

(7) All projectiles, bombs, and rockets will be fired to land within the prohibited area, but the Department of the Navy will not be responsible for damage by such projectiles, bombs, or rockets to nets, traps, buoys, pots, fishpounds, stakes, or other equipment which may be located within the restricted area.

(8) The regulations in this section shall be enforced by the Commanding Officer, Naval Aviation Ordnance Test Station, Chincoteague, Virginia, and such agencies as he may designate.

§ 204.46 *Chesapeake Bay, south of Tangier Island; Naval firing range*—(a) *The danger zone.* Beginning at latitude 37°47'00", longitude 75°58'00"; thence to latitude 37°43'42", longitude 75°55'30"; thence to latitude 37°27'00", longitude 76°02'48"; thence to latitude 37°27'00", longitude 76°10'00"; thence to latitude 37°47'00", longitude 76°10'00"; thence to latitude 37°44'30", longitude 76°00' 30"; and thence to the point of beginning.

(b) *The regulations.* (1) Any vessel propelled by mechanical means or by sail at a speed greater than five knots may proceed through the danger zone to and from points without, but not from one point to another point within, the area, except when especially notified to the contrary.

(2) All vessels, other than naval craft, are forbidden to anchor within the danger zone except in cases of great emergency. All vessels anchoring under circumstances of great emergency within the area shall leave the area immediately after the emergency ceases or upon notification by the enforcing agency.

(3) Fishing, oystering, clamming, crabbing, and other aquatic activities are forbidden within the limits of the danger zone, except that existing fishing structures licensed by the State of Virginia may be maintained and operated provided the owners thereof obtain written permits from the enforcing agency designated in subparagraph (5) of this paragraph.

(4) Day and night firing over the range will be conducted intermittently by one or more vessels, depending on weather and operating schedules. When firing is in progress, adequate patrol by naval craft will be conducted to prevent vessels from entering or remaining within the danger zone.

(5) This section shall be enforced by the Commandant, Fifth Naval District, Norfolk Naval Station, Norfolk, Virginia, and such agencies as he may designate.

§ 204.50 *Chesapeake Bay off Fort Monroe, Va.; restricted area, U. S. Army Submarine Mine Depot and Naval Ordnance Laboratory*—(a) *The danger zone.* Beginning at latitude 37°00'30", longitude 76°18'05"; thence to latitude 37°00'38", longitude 76°17'42"; thence to latitude 37°01'00", longitude 76°17'15"; thence to latitude 37°01'00", longitude 76°16' 11"; thence to latitude 36°59'43", longitude 76°16'11"; thence to latitude 36° 59'18", longitude 76°17'52"; thence along a curve approximately 300 yards off the north shore of Fort Wool to latitude 37°59'09", longitude 76°18'21"; thence to latitude 36°59'02", longitude 76°18'39.5"; thence to latiture 37°00'00", longitude 76°18'54"; thence to latitude 36°59'57", longitude 76°18'42.5"; thence to latitude 36°59'58.5", longitude 76°18' 27"; thence to latitude 37°00'03", longitude 76°18'26"; thence to the Fort Monroe seawall and northward along the seawall to the point of beginning.

(b) *The regulations.* (1) Anchoring, trawling, fishing, and dragging are prohibited in the danger zone, and no object, either attached to a vessel or otherwise, shall be placed on or near the bottom.

(2) This section shall be enforced by the Commanding Officer, U. S. Army Submarine Mine Depot, Fort Monroe, Virginia, and such agencies as he may designate.

§ 204.52 *Atlantic Ocean south of entrance to Chesapeake Bay; firing range*—(a) *The danger zone.* A sector extending seaward for a distance of 12,000 yards between two radial lines bearing 30° true and 75° true, respectively, from a point on the shore at latitude 36°46' 48", longitude 75°57'24"; and an adjacent sector extending seaward for a distance of 15 miles between two radial lines bearing 75° true and 150° true, respectively, from the same shore position.

(b) *The regulations.* (1) Fishing vessels may enter the danger zone only between the hours of midnight and 8:00 a. m. and shall be clear of the area by 8:00 a. m. Other vessels shall proceed through the area with caution and shall remain therein no longer than absolutely necessary for purposes of transit.

(2) On days when firing is in progress, red flags will be displayed at conspicuous locations on the beach. During night firing a red flag, illuminated by a vertical white light, will be shown from the tower controlling the fire.

(3) This section shall be enforced by the Commanding Officer, Antiaircraft Training and Test Center, Dam Neck, Virginia, and such agencies as he may designate.

4. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), §§ 207.110, 207.120, 207.130, 207.140, and 207.150 are amended, and §§ 207.125, 207.152, 207.154, 207.155, 207.156, 207.157, 207.158 and 207.162 are prescribed, governing the use, administration, and navigation of waters in the Chesapeake Bay area, as follows:

§ 207.110 *Magothy River, Md.; speed.* No boat shall at any time proceed at a greater speed than eight statute miles per hour in that portion of the Magothy River between Gibson Island Beach and a line extending due north from the most northerly part of Holland Point and crossing the Magothy Narrows.

§ 207.120 *South River, Md., and its tributaries; speed.* No boat shall at any time between May 1 and September 15, inclusive, proceed at a greater speed than eight statute miles per hour in that portion of the South River above the Maryland State Roads Commission bridge at Edgewater, Maryland, or in the tributaries emptying therein, including Warehouse, Gingerville, Beards, and Broad Creeks.

§ 207.125 *Patuxent River, Md.; restricted areas, Naval Air Test Center, Patuxent River, Md.* (a) Except in the gut off the tip of Point Patience, no craft shall approach closer than 75 yards to the beaches, shoreline, or piers of the area formerly occupied by the United States Naval Mine Warfare Test Station, or of Naval Air Station property. Civilian craft shall not approach rafts, barges, and platforms closer than 100 yards.

(b) Diving tenders will exhibit two red conical shapes, arranged vertically, base to base, when underwater diving takes place from naval small craft. At such times civilian craft shall stay at least 200 yards clear of these vessels and proceed at a speed not greater than five knots when within 1,000 yards thereof.

(c) On occasions, seaplane landings and take-offs will be practiced in the seadrome area north of the Naval Air Station, Patuxent River. This area includes those waters of the Patuxent River between Town Point and Hog Point shoreward of a line described as follows: Beginning at a point on the shore just west of Lewis Creek, bearing 161°30' true, 2,000 yards, from Point Patience Light; thence to a point bearing 130° true, 1,850 yards, from Point Patience Light; thence to a point bearing 247°30' true, 3,650 yards from Drum Point Light; thence to a point bearing 235° true, 2,060 yards, from Drum Point Light; thence to a point bearing 129° true, 700 yards, from Drum Point Light; thence to a point bearing 137° true, 1,060 yards, from Drum Point Light; and thence to a point on the shore west of Harper Creek entrance, bearing 158°30' true, 1,900 yards, from Drum Point Light. Operations will be indicated by day by a square white flag with square blue center, and by night by one green light for operations in an easterly direction, or by two vertical green lights for operations in a westerly direction, all signals to be exhibited from Patuxent River Boathouse seawall at the Naval Air Test Center. In addition, crash boats will patrol the landing lanes during the operations, and by night float lights will mark the landing lanes. At such times as the above signals are exhibited the following restriction will apply to boating in the waters adjacent to the Naval Air Station in the area westward of Fishing Point: Boating will be confined to areas not less than 75 yards nor more than 500 yards from the beaches of the Air Center; will proceed across the seaplane operating area only in accordance with instructions from crash boats; will not enter the seaplane basins; and will not use the areas adjacent to seaplane basins (boats may cross entrances when no signal is exhibited).

(d) The regulations in this section shall be enforced by the Commanding Officer, Naval Air Station, Patuxent River, Maryland, and such agencies as he may designate.

§ 207.130 *York Spit Channel, Chesapeake Bay; navigation.* The use of this channel shall be restricted to vessels and other watercraft passing up or down the bay, and no vessel or other watercraft shall cross the channel or enter it at any point other than at its ends and in the direction of its axis. Any vessel having entered the channel shall follow the course thereof for its entire length.

§ 207.140 *Thimble Shoal Channel, Chesapeake Bay; navigation.* (a) The use of this channel shall be restricted to vessels, tows, and other watercraft drawing 20 feet or more at the time of navigating the channel: *Provided*, That this restriction shall not apply to passenger-carrying vessels.

(b) Watercraft permitted to use the channel under paragraph (a) of this section shall proceed through at a reasonable speed so as not to endanger other vessels or interfere with any work in connection with maintaining, surveying, or buoying the channel. Vessels shall not anchor in the channel except in cases of emergency, such as fog or accident, which would render progress unsafe or impossible.

(c) This section shall not be construed as prohibiting necessary use of the channel by Government boats while on Government duty, or its use in emergencies by pilot boats, whether steam or sail, or by police boats.

§ 207.150 *Hampton Roads and the harbors of Norfolk and Newport News, Va.; navigation and explosives regulations for vessels other than common carriers carrying explosives.* * * *

§ 207.152 *James River off the entrance to Skiffes Creek, Va.; Army small-craft testing area*—(a) *The restricted area.* Beginning at latitude 37°10'00", longitude 76°37'28"; thence to latitude 37°09'13", longitude 76°37'48"; thence to latitude 37°09'13", longitude 76°38' 08"; thence to latitude 37°10'00", longitude 76°37'55"; and thence to the point of beginning.

(b) *The regulations.* (1) No vessels other than Department of the Army vessels shall enter the restricted area except as provided in subparagraph (2) of this paragraph.

(2) Nothing in this section shall prevent the setting of fish traps within the restricted area under regulations of the Department of the Army, nor will the passage of fishing vessels to and from authorized traps be unreasonably interfered with or restricted.

(3) Vessels anchored in the area shall be so anchored as not to obstruct the arc of visibility of Deep Water Shoals Light.

(4) This section shall be enforced by the Commanding General, Fort Eustis, Virginia, and such agencies as he may designate.

§ 207.154 *Southern Branch of Elizabeth River; speed.* In that part of the Southern Branch of Elizabeth River between the junction of the Southern and Eastern Branches of the Elizabeth River and the Norfolk and Portsmouth Belt Line Railroad Bridge, no vessel shall move at a speed exceeding six knots.

§ 207.155 *Hampton Roads, off Norfolk Naval Station; Navy restricted area*—(a) *The restricted area.* Beginning at latitude 36°56'41.5", longitude 76°19'44"; thence to latitude 36°56'45.5", longitude 76°20'14"; thence to latitude 36°57'21", longitude 76°20'11"; thence to latitude 36°57'17", longitude 76°19'35"; and thence to the point of beginning.

(b) *The regulations.* (1) No commercial vessels other than those moving to and from piers at the Norfolk Naval Station shall enter the restricted area.

(2) This section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

§ 207.156 *Hampton Roads and Willoughby Bay, Norfolk, Va.; seaplane restricted area*—(a) *The area.* Beginning at latitude 36°57'22", longitude 76°18'02.5"; thence to latitude 36°57'29", longitude 76°19'01"; thence to latitude 36°58'41.5", longitude 76°18'42"; thence to latitude 36°58'37.5", longitude 76°18'16"; thence to latitude 36°58'01", longitude 76°18'23"; thence to latitude 36°57'48", longitude 76°18'07.5"; thence to latitude 36°57'45.5", longitude 76°17'58.5"; thence to latitude 36°57'42", longitude 76°16'21.5"; and thence southerly, easterly, and northerly along the shore of Willoughby Bay to the point of beginning.

(b) *The regulations.* (1) Vessels shall not moor or anchor within the area. Fishing, oystering, clamming, crabbing, and other aquatic activities are prohibited within the area.

(2) All vessels moving through that portion of the area in Willoughby Bay shall navigate as near the shore of Willoughby Spit as practicable, and shall pass through as quickly as practicable.

(3) All vessels moving in the area shall immediately proceed to leave the area when warned by aircraft employing the "buzzing" method, which consists of low flight by an airplane and repeated opening and closing of its throttle.

(4) This section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

§ 207.157 *Chesapeake Bay, Lynnhaven Roads; Navy amphibious training area*—(a) *The restricted area.* Beginning at latitude 36°55'47", longitude 76°11'04.5"; thence to latitude 36°59'15", longitude 76°10'08"; thence to latitude 36°58'39.5", longitude 76°07'51"; thence to latitude 36°55'27.5", longitude 76°08'42"; thence westerly along the shore and across the mouth of Little Creek to the point of beginning.

(b) *The regulations.* (1) No fishpound stakes or structures shall be allowed in the restricted area.

(2) No vessel shall approach within 300 yards of any naval vessel or within 600 yards of any vessel displaying the red "baker" burgee.

(3) This section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

§ 207.158 *Chesapeake Bay entrance, south side; restricted area for Naval Bureau of Ordnance field tests*—(a) *The restricted area.* The water area within the following boundaries: West boundary, longitude 76°00'00"; north boundary, latitude 36°59'00"; east boundary, longitude 75°55'00"; south boundary, latitude 36°53'00".

(b) *The regulations.* (1) Anchoring, trawling, fishing, and crabbing are prohibited in the restricted area.

(2) This section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

§ 207.162 *Pasquotank River, N. C.; seaplane restricted area*—(a) *The restricted area.* That part of Pasquotank River bounded as follows: Beginning at latitude 36°17'39.5", longitude 76°11'21"; thence southeasterly along the line of seven-foot depth to latitude 36°16'18", longitude 76°07'16"; thence to latitude 36°15'14.5", longitude 76°07'44.5"; thence northwesterly along the line of seven-foot depth contour to latitude 36°17'19", longitude 76°11'20.5"; and thence to the point of beginning.

(b) *The regulations.* (1) Vessels shall not anchor or moor within the restricted area.

(2) All vessels moving through the restricted area shall navigate as near the northeast shore of the river as practicable, and shall pass through the area as quickly as practicable.

(3) Fishing, crabbing, oystering, clamming, and other aquatic activities are prohibited within the restricted area.

(4) This section shall be enforced by the Commanding Officer, Coast Guard Air Station, Elizabeth City, North Carolina, and such agencies as he may designate.

[Regs. Oct. 26, 1948, 800.212—ENGWR] (38 Stat. 1053, 40 Stat. 266, 892; 33 U. S. C. 1, 3, 471)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10231; Filed, Nov. 23, 1948; 8:52 a. m.]

PART 207—NAVIGATION REGULATIONS

OHIO AND UPPER MISSISSIPPI RIVERS AND TRIBUTARIES; LOCK SIGNAL LIGHTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.300 (e) (2), prescribing a visual lock signal system to supplement sound signals at locks where density of traffic or other local conditions make it advisable, is hereby amended to read as follows:

§ 207.300 *Ohio River, Mississippi River above Cairo, Ill., and their tributaries; use, administration, and navigation.* • • •

(e) *Signals.* • • •

(2) *Lock signal lights.* At locks where density of traffic or other local conditions make it advisable, the sound signals from the lock will be supplemented by signal lights. Flashing lights (showing a one-second flash followed by a two-second eclipse) will be located on or near each end of the land wall to control use of a single lock or of the landward lock of double locks. In addition, at double locks, interrupted flashing lights (showing a one-second flash, a one-second eclipse, and a one-second flash, followed by a three-second eclipse) will be located on or near each end of the intermediate wall to control use of the riverward lock. Navigation will be governed as follows:

Red Light. Lock cannot be made ready immediately. Vessel shall stand clear.

Amber Light. Lock is being made ready. Vessel may approach but under full control.

Green Light. Lock is ready for entrance.

NOTE: During the conversion period required to install flashing red, amber, and green lights, the following signal lights may continue to be used at some locks: A flashing green light located on or near each end of the land wall to indicate that a single lock or the landward lock of double locks is ready for entrance. In addition, at double locks, a flashing amber light located on or near each end of the intermediate wall to indicate that the riverward lock is ready for entrance.

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[Regs. Nov. 8, 1948, 800.211—ENGWR] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10223; Filed, Nov. 23, 1948; 8:52 a. m.]

§ 203.714 *San Joaquin River and its tributaries, Calif.* • • •

(i) *Snodgrass Slough; Southern Pacific Company railroad bridge and Sacramento County Highway bridge.* From 8:00 a. m. to 5:00 p. m., daily, at least 24 hours' advance notice required. From 5:00 p. m. to 8:00 a. m., the draws need not be opened for the passage of vessels except in cases of extreme emergency.

[Regs. Nov. 3, 1948, 823.01—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10230; Filed, Nov. 23, 1948, 8:52 a. m.]

PART 207—NAVIGATION REGULATIONS

OHIO AND UPPER MISSISSIPPI RIVERS AND TRIBUTARIES; LOCK SIGNAL LIGHTS

POSTPONEMENT OF EFFECTIVE DATE

The revised regulations for distress signals and specifications for distress signals were published in the FEDERAL REGISTER dated October 31, 1947, 12 F. R. 7072 et seq., and these regulations provided that distress signals not bearing the date of manufacture shall not be carried after January 1, 1949, and that distress signals meeting the revised Coast Guard specifications be manufactured. In the FEDERAL REGISTER dated October 30, 1948, 13 F. R. 6411 et seq., it was proposed to further amend these regulations to allow an additional alternate to existing requirements and to publish the minimum standard specification for hand orange smoke distress signals. These amendments were published without prior general notice of their proposed issuance in order to have available to vessel operators an additional source of supply. Comments were submitted and an appeal has been made setting forth reasons why a public hearing should be held before the amendments to the regulations regarding distress signals be made effective. *It is, therefore, ordered,* That a public hearing shall be held by the Merchant Marine Council on November 30, 1948, at 9:30 a. m., in Room 4120, Coast Guard Headquarters, 1300 E Street NW., Washington, D. C., to consider all comments, data, and views, on the regulations published in the FEDERAL REGISTER October 30, 1948, 13 F. R. 6411–6415, and all appeals presented to the Commandant, United States Coast Guard, as provided in Coast Guard Federal Register Document CGFR 48–53, Federal Register Document 48–9576.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405 and 4417a, as amended, 46 U. S. C. 375, 391a, and section 101 of Reorganization Plan No. 3 of 1946, the amendments to the regulations regarding distress signals as published in the FEDERAL REGISTER, October 30, 1948, 13 F. R. 6412–6415, are postponed until all comments and appeals may be considered and action taken thereon, and a notice will be published in the FEDERAL REGISTER setting forth either the effective date of the amendments or the revised text of the regulations.

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 261—TRESPASS

DISCONTINUANCE OF CODIFICATION

EDITORIAL NOTE: The codification of § 261.50 is discontinued. Orders formerly affecting the tabulation contained in § 261.50 will continue to be published in the Notices section. See F. R. Doc. 48–10222, under Department of Agriculture, Forest Service, *infra.*

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR 48–62]

DISTRESS SIGNALS

POSTPONEMENT OF EFFECTIVE DATE

The revised regulations for distress signals and specifications for distress signals were published in the FEDERAL REGISTER dated October 31, 1947, 12 F. R. 7072 et seq., and these regulations provided that distress signals not bearing the date of manufacture shall not be carried after January 1, 1949, and that distress signals meeting the revised Coast Guard specifications be manufactured. In the FEDERAL REGISTER dated October 30, 1948, 13 F. R. 6411 et seq., it was proposed to further amend these regulations to allow an additional alternate to existing requirements and to publish the minimum standard specification for hand orange smoke distress signals. These amendments were published without prior general notice of their proposed issuance in order to have available to vessel operators an additional source of supply. Comments were submitted and an appeal has been made setting forth reasons why a public hearing should be held before the amendments to the regulations regarding distress signals be made effective. *It is, therefore, ordered,* That a public hearing shall be held by the Merchant Marine Council on November 30, 1948, at 9:30 a. m., in Room 4120, Coast Guard Headquarters, 1300 E Street NW., Washington, D. C., to consider all comments, data, and views, on the regulations published in the FEDERAL REGISTER October 30, 1948, 13 F. R. 6411–6415, and all appeals presented to the Commandant, United States Coast Guard, as provided in Coast Guard Federal Register Document CGFR 48–53, Federal Register Document 48–9576.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405 and 4417a, as amended, 46 U. S. C. 375, 391a, and section 101 of Reorganization Plan No. 3 of 1946, the amendments to the regulations regarding distress signals as published in the FEDERAL REGISTER, October 30, 1948, 13 F. R. 6412–6415, are postponed until all comments and appeals may be considered and action taken thereon, and a notice will be published in the FEDERAL REGISTER setting forth either the effective date of the amendments or the revised text of the regulations.

Subchapter D—Tank Vessels

PART 33—LIFESAVING APPLIANCES

EQUIPMENT; LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

The effective date of the amendment to § 33.3–1 (e) published in the FEDERAL REGISTER October 30, 1948, 13 F. R. 6412, is postponed until further notice.

Subchapter G—Ocean and Coastwise, General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

The effective date for the amendments to §§ 59.11 (e) and 59.52 (a) published in the FEDERAL REGISTER October 30, 1948, 13 F. R. 6412, is postponed until further notice.

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

The effective date of the amendments to §§ 60.9 (e) and 60.45 (a) published in the FEDERAL REGISTER October 30, 1948, 13 F. R. 6412, is postponed until further notice.

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

The effective date for the specification in § 160.037 is postponed until further notice.

Regulations in effect. As the amendments published in the FEDERAL REGISTER October 30, 1948, merely allowed an additional alternate to previous requirements for distress signals the postponement of the effective date of these amendments does not alter previous requirements which require 12 approved hand red flare distress signals in a watertight container and 4 approved floating orange smoke distress signals, or 12 approved hand combination flare and smoke distress signals in a watertight container in lifeboats and life rafts. The service use for distress signals shall be limited to a period of three years from date of manufacture. Distress signals not bearing date of manufacture shall not be carried after January 1, 1949.

Dated: November 19, 1948.

MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 48–10220; Filed, Nov. 23, 1948; 8:50 a. m.]

TITLE 47—TELECOMMUNICATIONS

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

DISCONTINUANCE OF CODIFICATION OF SUBPARTS A, B AND C

CROSS REFERENCE: For discontinuance of the codification of Subparts A, B, and C of Part 1 and for statements of the organization of the Commission, delegations of authority, and places for submitting applications and other requests and securing public information, see F. R. Doc. 48–10211, under Federal Communications Commission in the Notices section, *infra.*

PART 8—SHIP RADIO SERVICE

PART 13—COMMERCIAL RADIO OPERATORS

NOTICE OF ERRATUM

In the matter of amendment of Parts 8 and 13 of the Commission's rules and regulations governing the ship service and commercial radio operators respectively.

The Commission's order of November 10, 1948, in the above entitled matter, which appeared in the November 16, 1948, issue of the FEDERAL REGISTER at page 6705, should be corrected to read at paragraph (1) (b) of the second ordering clause:

(b) By deleting in the last sentence thereof the phrase "November 15, 1948" and substituting therefor the phrase "April 15, 1949".

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–10279; Filed, Nov. 23, 1948; 9:02 a. m.]

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND THEIR AFFILIATES

ANNUAL REPORT FORM O APPLICABLE TO CLASS A AND CLASS B WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of November 1948;

The Commission, having under consideration proposals to delete Schedule 331, "Analysis of maintenance expenses", and Schedule 332, "Analysis of conducting-operations expenses", of Annual Report Form O applicable to Class A and Class B wire-telegraph and ocean-cable carriers, (§ 43.21);

It appearing, that the proposed deletions are designed to simplify present reporting requirements and will represent a relaxation of such reporting requirements; and

It further appearing, that the nature of the proposed changes are such as to render unnecessary the notice and procedure provided for in section 4 of the Administrative Procedure Act;

It further appearing, that authority to make the above changes is contained in section 219 of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, Annual Report Form O is amended by deleting the requirements for the information set forth in Schedule 331, "Analysis of maintenance expenses", and Schedule 332, "Analysis of conducting-operations expenses".

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48–10281; Filed, Nov. 23, 1948; 9:02 a. m.]

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND THEIR AFFILIATES

ANNUAL REPORT FORM R APPLICABLE TO CLASS A AND CLASS B RADIOTELEGRAPH CARRIERS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of November, 1948;

The Commission, having under consideration proposals to delete Schedule 331, "Analysis of maintenance expenses," of Annual Report Form R applicable to Class A and Class B Radiotelegraph carriers (§ 43.21);

It appearing, that the proposed deletion is designed to simplify present reporting requirements and will represent a relaxation of such reporting requirements; and

It further appearing, that the nature of the proposed change is such as to render unnecessary the notice and procedure provided for in section 4 of the Administrative Procedure Act;

It further appearing, that authority to make the above change is contained in section 219 of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, Annual Report Form R is amended by deleting the requirement for the information set forth in Schedule 331, "Analysis of maintenance expenses."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10282; Filed, Nov. 23, 1948; 9:02 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 27]

IMPORTED MEAT AND MEAT FOOD PRODUCTS

NOTICE OF PROPOSED AMENDMENT OF REGULATIONS

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture is considering amending § 27.2 of the Federal Meat Inspection Regulations (9 CFR Supp. 27.2; 13 F. R. 215) issued under section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) by adding Poland to the list of countries specified therein from which certain product (meat, meat food product, and meat byproduct) may be imported into the United States as provided in said regulations.

Any person who wishes to submit written data or arguments concerning the proposed amendment may do so by filing them with the Chief of the Meat Inspection Division, Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 19th day of November 1948.

Witness my hand and seal of the United States Department of Agriculture.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-10325; Filed, Nov. 23, 1948; 8:51 a. m.]

Production and Marketing Administration

[7 CFR, Part 955]

[Docket No. A0143-A1]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF SAN GORGONIO PASS

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707), and in accordance with the amended rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR and Supps. 900.1 et seq.), notice is hereby given of a public hearing to be held with respect to proposed amendments to Marketing Agreement No. 96 and Order No. 55 (7 CFR, Cum. Supp., 955.1 et seq.), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. Such hearing will be held in Room 212, United States Court House, First Avenue and Van Buren Street, Phoenix, Arizona, beginning at 10:00 a. m., m. s. t., December 13, 1948, and in Coachella Valley Water District Auditorium C, Coachelle, California, beginning at 10:00 a. m., p. s. t., December 15, 1948. These proposals have not received the approval of the Secretary of Agriculture.

This public hearing will be held for the purpose of receiving evidence with respect to the economic and marketing conditions relating to all aspects of the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

At a duly authorized meeting of the Administrative Committee established pursuant to the marketing agreement and order, a resolution was adopted authorizing the submission of a petition for a public hearing to be held to consider amendments to the marketing agreement and order which would permit (1) the establishment of separate grade and size regulations for white grapefruit and pink grapefruit and (2) the regulation of grapefruit shipments by minimum standards of maturity and quality whenever the seasonal average price of grapefruit exceeds the parity level. The amendments hereinafter set forth have been proposed by the Administrative Committee as the means of effectuating the foregoing:

1. Delete paragraph (b) of section 1 of the marketing agreement and of § 955.1 of the order and substitute therefor the following:

(b) "Act" means the Agricultural Marketing Agreement Act of 1937, as amended and further amended by Public Law 305, 80th Cong., approved August 1, 1947. (7 U. S. C. 601 et seq.; 61 Stat. 202, 707)

2. Add to section 1 of the marketing agreement and to § 955.1 of the order the following new paragraph:

(k) "Variety" or "varieties" means any one or more of the following classifications or groupings of grapefruit: (1) white seeded grapefruit; (2) white seedless grapefruit; (3) pink seedless grapefruit; and (4) pink seeded grapefruit.

3. Delete section 4 of the marketing agreement and § 955.4 of the order and substitute therefor the following:

Grade and size regulations—(a) *Marketing policy.* Before submitting any recommendation to the Secretary for the regulation of the shipment of any variety of fruit during any fiscal period, the Administrative Committee shall prepare a report setting forth a marketing policy with respect to the shipment of any variety of fruit which the committee deems advisable for the current shipping season. Additional reports shall be submitted, from time to time, in the event that it is deemed advisable to adopt new marketing policies in view of changed demand and supply conditions with respect to any variety of fruit. The Administrative Committee shall publicly announce the issuance of any such report and copies thereof shall be made available for inspection by any producer or handler at the Office of the Administrative Committee.

(b) *Recommendation for regulation.* (1) It shall be the duty of the Administrative Committee to investigate the supply and demand conditions for grades and sizes of each variety of fruit. Whenever the committee finds that such conditions make it advisable to regulate the shipment of particular grades or sizes of any variety of fruit during any period, it shall recommend the particular grades or sizes thereof deemed advisable by it to be shipped during such period; and any such recommendation may include a proposal that shipments of any variety of fruit to Canada shall be limited to sizes different from the proposed size limitation applicable to shipments in interstate commerce. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

(2) In determining the grades and sizes of any variety of fruit deemed advisable to be regulated in view of the prospective demand therefor, the committee shall give due consideration to the following factors: (i) Market prices, including market prices by grades and sizes of each variety of fruit; (ii) the fruit of each variety on hand in market areas, as evidenced by supplies en route and on track at the principal markets; (iii) available supply, maturity, and conditions of each variety of fruit in the producing area, including the grade and size composition of each variety of fruit remaining in the producing area; (iv) supplies from competitive areas producing citrus fruits and other competitive fruit; and (v) trend in consumer income.

(3) In order to effectuate the declared policy of the act, the Administrative Committee may recommend that the Secretary prescribe minimum standards of quality and maturity regulating the shipment of each variety of fruit, and thereafter, except as otherwise provided herein, no handler shall ship any variety of fruit which does not meet the minimum standards of quality and maturity as prescribed by the Secretary. The provisions hereof relating to the minimum standards of quality and maturity within the meaning of section 2 (3) of the act and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the seasonal average price for grapefruit is in excess of the parity level specified in section 2 (1) of the act.

(c) *Regulation by the Secretary.* Whenever the Secretary shall find, from the recommendations and information submitted by the Administrative Committee, or from other available information, that to limit the shipment of any variety of fruit to particular grades and sizes thereof would tend to effectuate the declared policy of the act, he shall so limit the shipments of such variety of fruit during a specified period, and any such regulation may provide that shipment of any variety of fruit to Canada shall be limited to sizes different from the size limitation applicable to the shipments in interstate commerce. The Administrative Committee shall be informed immediately of any such regulation issued by the Secretary, and the said committee shall promptly give adequate notice thereof to handlers.

(d) *Notice of meeting.* The Administrative Committee shall give public notice of at least forty-eight hours of any meeting to be held for the purpose of making any recommendation pursuant to this section.

(e) *Inspection and certification.* During any period in which the Secretary has regulated the shipment of any variety of fruit pursuant to this section, each handler shall, prior to making each shipment of any variety of fruit, cause such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Promptly thereafter, such handler shall submit to the Administrative Committee a copy of the inspection certificate issued thereon: *Provided*, That this provision shall not be applicable to a handler who ships any variety of fruit which has been so inspected and a copy of such inspection certificate has been submitted to the Administrative Committee.

4. Delete section 5 of the marketing agreement and § 955.5 of the order and substitute therefor the following:

Reports—(a) *Shipping manifest report.* The Administrative Committee may require information from each handler regarding the grade, size, and variety of each standard box contained in each individual shipment made by such handler, and may require such information to be delivered to the said committee within twenty-four hours after such shipment is made, in such manner as the said committee may prescribe and upon forms prepared by it.

(b) *Disposition report.* The Administrative Committee may, from time to time, require each handler to furnish the following information with respect to fruit: (1) Quantity of each variety shipped in interstate commerce and to Canada; (2) quantity of each variety shipped by express and parcel post; (3) quantity of each variety shipped for distribution to persons on relief, including donations for charitable purposes; (4) quantity of each variety sold for consumption in fresh form within the State of origin; (5) quantity of each variety exported to countries other than Canada; (6) quantity of each variety sold or otherwise disposed of for canning or for manufacturing into by-products; and (7) quantity of each variety disposed of otherwise.

(c) *Other reports.* Upon request of the Administrative Committee, made with the approval of the Secretary, every handler shall furnish to such committee, in such manner and at such times as it prescribes, such other information as will enable it to perform its duties and to exercise its powers hereunder.

5. Delete section 7 of the marketing agreement and § 955.7 of the order and substitute therefor the following:

Compliance. Except as provided herein, no handler shall ship any variety of fruit, the shipment of which has been prohibited by the Secretary in accordance with the provisions hereof, and no handler shall ship any variety of fruit except in conformity with the provisions hereof.

The Fruit and Vegetable Branch, Production and Marketing Administration, has proposed that consideration be given to such other changes in the provisions of the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with the proposed amendments contained in this notice of hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from the Fruit and Vegetable Branch, Production and Marketing Administration, 1206 Santee Street, 12th Floor, Los Angeles 15, California.

Done at Washington, D. C., this 18th day of November 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-10217; Filed, Nov. 23, 1948; 8:50 a. m.]

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR, Parts 33, 59, 60, 160]

[CGFR 48-63]

DISTRESS SIGNALS

MERCHANT MARINE COUNCIL PUBLIC HEARING; NOTICE OF PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing in Room 4120, Coast Guard Headquarters, 13th and E Streets, N. W., Washington, D. C., on November 30, 1948, at 9:30 a. m., to consider comments and appeals on proposed alternates for distress signals in lifeboats and life rafts.

2. The proposed changes in the regulations together with authorities for making such changes were published in the FEDERAL REGISTER October 30, 1948, 13 F. R. 6411-6415, as set forth in Coast Guard Federal Register Document CGFR 48-53, Federal Register Document 48-9576. Comments have been received and appeals have been made to the proposed requirements published as amendments to 46 CFR 33.3-1 (e), 59.11 (e), 59.52 (a), 60.9 (e), 60.45 (a), and 160.037-1 to 160.037-7, inclusive.

3. Copies of the proposed changes in the regulations may be obtained upon request to the Commandant (CMC), United States Coast Guard, Washington 25, D. C. Comments on the regulations are requested and may be submitted in writing or presented orally or in writing at the hearing. The written comments should be submitted as soon as possible so that they will be received prior to November 30, 1948, in order to insure consideration at the hearing and before final recommendations are made concerning the proposed changes.

Dated: November 19, 1948.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 48-10221; Filed, Nov. 23, 1948; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

[Docket Nos. 8736, 8975, 9175]

NOTICE OF ISSUANCE OF ILLUSTRATIVE TV AND FM CHANNEL STUDIES AND DATES AND PLACE OF ENGINEERING CONFERENCES

PROPOSED RULE MAKING

In the matter of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8975 and 8736; and amendment of the Commission's rules, regulations and standards concerning the television and frequency modulation broadcasting services, Docket No. 9175.

I. In accordance with the provisions of section IV of the Commission's notice of further proposed rule making in the above-entitled matters, issued on October 15, 1948, notice is hereby given of dates and place of the proposed engi-

neering conferences and of the issuance of TV and FM Channel Studies.

II. Said conferences will be held in the U. S. Department of Commerce Auditorium, 14th Street between E Street and Constitution Avenue, N. W., Washington, D. C., on November 30, December 1, and December 2, 1948, commencing at 10:00 a. m. As indicated in section IV (D) of the notice of October 15, 1948, on November 30, 1948 the conference will consider tropospheric effects, terrain effects and antennas. As indicated in section IV (E) of said notice, on December 1, 1948 the conference will consider the items stated therein with respect to VHF television broadcasting. Finally, as indicated in section IV (F) of said notice, on December 2, 1948 the conference will consider the items listed therein with respect to FM broadcasting. Any unfinished business remaining at the end of a particular conference day will be considered as the first order of business on the following day.

III. The following studies which have been prepared for illustrative purposes only and not as proposals are now available for distribution, and may be obtained by written or oral request at the Commission's Office of Information:

(A) Two studies entitled "Effects of Tropospheric Interference on TV Broadcast Coverage."

(B) Study entitled "Effects of Tropospheric Interference on FM Broadcast Coverage."

IV. The following summaries of the above studies have been prepared in order to apprise persons not requesting copies thereof of the significance of these studies in the present proceedings.

(A) The studies of tropospheric interference consists of two sets of maps. Group I is a channel study of 12 Northeastern states showing the effect of ground wave and tropospheric interference on the areas of stations allocated in accordance with the Commission's Notice of Proposed Rule Making of May 5, 1948, as amended in the Commission's Supplemental Notice of July 15, 1948. Group II is a channel study of the same area showing the effect of tropospheric and ground wave interference on presently operating stations and C. P.'s, but with other allocations spaced so as to protect the 500 uv/m contour 90% of the time. Metropolitan allocations are based on 50 kw/500 ft. and Community allocations on 1 kw/500 ft. in the center of the principal city. While in some cases presently authorized channels have been changed, none has been deleted. Further, there has been no change in the channels of presently operating stations.

(B) Service contours as affected by ground wave interference and by tropospheric interference for 1% and 10% of the time are mapped for station assignments on two representative class B channels and one class A channel. (Class A assignments are mapped only for the northeastern quarter of the United States.) These maps provide an indication of the degree of interference occurring with various station separations, powers and antenna heights. Curves are presented to show co-channel interference-limited service ranges and percentages of gross area served, as functions of station separation. Two families of curves are included to show the 99% service contours of 20 kw, 500 ft. stations with various co-channel and adjacent channel separations.

V. All interested parties are invited to submit written data, views, or arguments with respect to the subject matter treated in the above studies on or before November 30, 1948. An original and 14 copies of all written material filed shall be furnished the Commission.

Adopted: November 18, 1948.

Released: November 18, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10213; Filed, Nov. 23, 1948; 8:48 a. m.]

[47 CFR, Part 3]

[Docket No. 8967]

MULTIPLE OWNERSHIP OF AM, FM, AND TELEVISION BROADCAST STATIONS

ORDER SCHEDULING ORAL ARGUMENT

In the matter of the amendment of §§ 3.35, 3.240, and 3.640 of the rules and regulations relating to multiple ownership of AM, FM and television broadcast stations.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of November 1948;

The Commission having under consideration written comments filed with respect to the notice of proposed rule-making of August 19, 1948 (13 F. R. 5060), relating to the multiple ownership of AM, FM and television broadcast stations; and

It appearing, that comments have been received requesting oral argument with respect to the proposals contained in said notice of proposed rule making;

It is ordered, That the Commission will hear said argument on January 17, 1949, at 10:00 a. m. in Room 6121, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10280; Filed, Nov. 23, 1948; 9:02 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-412]

TRADE PAMPHLET BINDING INDUSTRY, NEW YORK CITY TRADE AREA

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 19th day of November 1948.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the Trade Pamphlet Binding Industry of the New York City trade area, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than December 14, 1948. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., December 14, 1948, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street N. W., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-10249; Filed, Nov. 23, 1948; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52089]

PRODUCTS OF SAAR

MARKING OF COUNTRY OF ORIGIN

NOVEMBER 18, 1948.

The Department of State has informed the Treasury Department that the United States Government has recognized the de facto separation of the Saar from Germany and the incorporation of its economy with that of France subject to confirmation by the final Peace Treaty. This de facto recognition of the economic union does not imply any recognition of the political incorporation of the Saar Territory with that of France, which action has not been attempted.

Articles manufactured or produced in the Saar shall be regarded as manufactures or products of "France-Saar Economic Union" for the purposes of the marking provisions of the Tariff Act of 1930, as amended.

Products of the Saar shall hereafter be marked to indicate that "France-Saar Economic Union" is the country of origin, except that marking to indicate Germany as the country of origin of products of the Saar may be accepted on articles arriving in the United States before the expiration of 90 days after the publication of this decision in the weekly Treasury decisions.

T. D. 47639 (1) is superseded, and the entry for the Saar in item 3 of Bulletin of Marking Rulings-3 shall be changed to conform with this decision.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 48-10254; Filed, Nov. 23, 1948; 8:58 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

DESOTO NATIONAL FOREST

ORDER FOR REMOVAL OF TRESPASSING SHEEP

Whereas, a number of sheep are trespassing and grazing on lands fenced for reforestation purposes on the DeSoto National Forest in Mississippi; and

Whereas, these sheep are injuring and causing mortality to pine trees on these fenced National Forest Lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), the following order for the occupancy, use, protection, and administration of the fenced areas in the DeSoto National Forest in Mississippi is issued:

Temporary Closure From Livestock Grazing

(a) The fenced areas on the DeSoto National Forest are hereby closed to the grazing of sheep for the period beginning November 15, 1948, and ending November 14, 1958.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all sheep found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such sheep shall be given by posting notices in public places or advertising in a newspaper of general circulation in the localities in which the DeSoto National Forest is located.

Done at Washington, D. C., this 19th day of November 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-10222; Filed, Nov. 23, 1948; 8:51 a. m.]

Production and Marketing Administration

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

APPROVAL OF BUDGET OF EXPENSES OF WALNUT CONTROL BOARD FOR MARKETING YEAR BEGINNING AUGUST 1, 1948

Notice was published in the FEDERAL REGISTER (13 F. R. 6085) issue of October 16, 1948, that consideration was being given to the approval of a proposed budget of expenses for the Walnut Control Board (the administrative agency for operations under this regulatory program) in the sum of $59,800 for the marketing year beginning August 1, 1948, as had been recommended by said Board pursuant to a resolution adopted by it at a duly called meeting held by it at Los Angeles, California, on August 26, 1948. Such approval action is taken pursuant to the authority contained in § 987.7 (a) of the marketing agreement and order (13 F. R. 4344) regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

An opportunity was afforded interested persons to file written data, views, or arguments with respect to the proposed budget, and the time for doing so has now expired. After considering all relevant matters in that connection, it is hereby found and determined that the expenses reasonably and likely to be incurred by the said Walnut Control Board for its maintenance and functioning during the marketing year beginning August 1, 1948, should not exceed $59,800, and the incurring of such expenses not in excess of that amount for the said marketing year is approved.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 208, 707; § 987.7 (a), 13 F. R. 4344)

Done at Washington, D. C., this 19th day of November 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

[F. R. Doc. 48-10207; Filed, Nov. 23, 1948; 8:46 a. m.]

Rural Electrification Administration

[Administrative Order 1640]

LOAN ANNOUNCEMENT

NOVEMBER 7, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 37F Hawkins	$550,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10239; Filed, Nov. 23, 1948; 8:54 a. m.]

[Administrative Order 1641]

LOAN ANNOUNCEMENT

NOVEMBER 8, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pennsylvania 24H Bedford	$400,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10240; Filed, Nov. 23, 1948; 8:54 a. m.]

[Administrative Order 1642]

LOAN ANNOUNCEMENT

NOVEMBER 8, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 85L, M Wise	$550,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10241; Filed, Nov. 23, 1948; 8:54 a. m.]

[Administrative Order 1643]

LOAN ANNOUNCEMENT

NOVEMBER 9, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 37E McPherson	$63,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10242; Filed, Nov. 23, 1948; 8:54 a. m.]

[Administrative Order 1644]

LOAN ANNOUNCEMENT

NOVEMBER 9, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 33N Hancock	$253,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 48-10243; Filed, Nov. 23, 1948; 8:54 a. m.]

[Administrative Order 1645]

LOAN ANNOUNCEMENT

NOVEMBER 9, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the

Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 62K Ida	$267,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-10244; Filed, Nov. 23, 1948; 8:54 a. m.]

[Administrative Order 1646]

LOAN ANNOUNCEMENT

NOVEMBER 10, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Maryland 4AC St. Mary's	$621,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-10245; Filed, Nov. 23, 1948; 8:54 a. m.]

[Administrative Order 1647]

LOAN ANNOUNCEMENT

NOVEMBER 10, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 59N Olmsted	$1,175,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-10246; Filed, Nov. 23, 1948; 8:55 a. m.]

[Administrative Order 1648]

LOAN ANNOUNCEMENT

NOVEMBER 10, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Dakota 20L Grand Forks	$6,197,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-10247; Filed, Nov. 23, 1948; 8:55 a. m.]

[Administrative Order 1649]

LOAN ANNOUNCEMENT

NOVEMBER 10, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alabama 37E Morgan	$1,985,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 48-10248; Filed, Nov. 23, 1948; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 576, 994, 3109]

CONTINENTAL AIR LINES, INC., AND BRANIFF AIRWAYS, INC.; CONTINENTAL ROUTE CONSOLIDATION CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Continental Air Lines, Inc., pursuant to section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for an amendment of its existing certificates of public convenience and necessity for routes Nos. 29, 43, and 60, so as to consolidate them into one route, Dockets Nos. 576 and 994, and of the application of Braniff Airways, Inc., for amendment of its certificate of public convenience and necessity covering route No. 9 so as to remove the restriction covering flights between Tulsa, Okla., and Denver, Colo., Docket No. 3109.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be heard January 10, 1949, at 10 a. m., eastern standard time, in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 19, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-10251; Filed, Nov. 23, 1948; 8:58 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

STATEMENTS OF ORGANIZATION, DELEGATIONS OF AUTHORITY, AND PLACES FOR SUBMITTING APPLICATIONS AND OTHER REQUESTS AND SECURING PUBLIC INFORMATION

In the matter of amendment of Subparts A, B, and C of Part 1 of the Commission's rules and regulations.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of November 1948:

The Commission having under consideration Subparts A, B, and C of Part 1 of the Commission's rules and regulations dealing with Organization of the Commission, Delegations of Authority, and Places for Submitting Applications and Other Requests and Securing Public Information; and having under consideration the necessity for amending these Rules to reflect (1) changes of nomenclature with respect to organizational units within the Commission to make the names of these units consistent with suggestions of the Senate Committee on Expenditures in the Executive Departments, and (2) changes in organization and procedures of the Commission; and

It appearing, that in accordance with the regulations of the Administrative Committee of the Federal Register, effective October 12, 1948 (13 F. R. 5929), codification of the above described subparts of Part 1 of the Commission's rules and regulations is required to be discontinued; and

It further appearing, that in view of the nature of these amendments, the procedure set out in section 4 (a) of the Administrative Procedure Act is not applicable; and

It further appearing, that these regulations are issued pursuant to the authority of sections 4 (i), 5, and 303 (r) of the Communications Act of 1934, as amended, and are designed to improve the internal administration of the Commission and will serve the public interest, convenience, and necessity;

It is ordered, That, effective immediately, codification of Subparts A, B, and C of Part 1 of the Commission's rules and regulations is discontinued, and the Statements of Organization of the Commission, Delegations of Authority, and Places for Submitting Applications and Other Requests and Securing Public Information, are adopted as set forth below. (Future amendments to this material will be published in the Notices section of the FEDERAL REGISTER.)

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

STATEMENT OF ORGANIZATION OF THE COMMISSION [1]

GENERAL

SECTION 0.1 *Statutory authority.* The Federal Communications Commission is created by the Communications Act of 1934, as amended. This act is printed in Title 47 of the United States Code beginning with section 151. Pamphlet copies of the act may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D. C. for 15 cents.

SEC. 0.2 *Commissioners.* (a) The Federal Communications Commission is composed of seven members appointed by the President, subject to Senate confirmation, one of whom the President designates as Chairman.

(b) From time to time the Commission designates a Vice Chairman who acts as Chairman in the Chairman's absence. In the absence of both the Chairman and Vice Chairman, the Commissioner most senior in terms of service, who is present, acts as Chairman, unless otherwise provided by the Commission.

(c) There are two standing committees of Commissioners, the Telegraph Committee and the Telephone Committee, each composed of three Commissioners. Certain telegraph and telephone matters are from time to time referred to these Committees by the Commission for report and study.

SEC. 0.3 *Offices.* All offices of the Commission unless otherwise hereinafter described are located in the New Post Office Building, Thirteenth Street and Pennsylvania Avenue NW., Washington 25, D. C. All meetings of the Commission unless otherwise directed by the Commission, are held at the above address.

SEC. 0.4 *General description of Commission organization.* The Commission is divided into the following principal units:

(a) Bureau of the Secretary.
(b) Bureau of Engineering.
(c) Bureau of Accounting.
(d) Bureau of Law.
(e) Bureau of Administration.
(f) Hearing Division.
(g) Office of Information.

BUREAU OF THE SECRETARY

SEC. 0.11 *Secretary.* The Secretary of the Commission is custodian of its official records. He is responsible for the preparation of Commission minutes which are the official record of action taken by the Commission, the processing of the correspondence and official papers, the administrative examination of applications, and certain functions relating to the internal management of the Commission. All orders, permits, licenses, or other instruments of authorization made, issued, or granted by the Commission are signed by the Secretary in the name of the Commission and authenticated by the seal of the Commission, unless otherwise specifically directed by the Commission. In the Bureau of the Secretary are the following units:

(a) License Division.
(b) Service Division.
(c) Records Division.
(d) Minute Branch.
(e) Library Branch.

SEC. 0.12 *License Division.* The License Division is divided into the following branches:

(a) Broadcast License Branch, which examines all applications and supporting data relating to all classes of radio stations in the broadcast services; issues orders and authorizations approved by the Commission affecting broadcast stations in nondocket cases; and maintains records of stock ownership of broadcast applicants and licensees.

(b) Commercial License Branch, which examines all applications and supporting data relating to all classes of nonbroadcast radio stations, assigns call letters to all classes of radio stations (including broadcast), issues amateur operator and station licenses, maintains records concerning all classes of nonbroadcast radio stations, amateur and commercial operators; examines all applications and supporting data relating to telephone and telegraph extensions or abandonment of facilities, and interlocking directorates; and issues orders, authorizations, and certificates approved by the Commission in the above class of cases in non-docket cases.

(c) Tabulating Branch, which maintains statistical data and listings for various bureaus of the Commission.

SEC. 0.13 *Service Division.* The Service Division consists of the following branches: Procurement Branch, Duplicating Branch, Stenographic Branch, Telephone Branch. These branches perform functions relating only to internal management.

SEC. 0.14 *Records Division.* The Records Division is divided into the following branches:

(a) Mail and Files Branch, which receives, opens, dates, and times stamps all incoming mail; summarizes, classifies, and indexes such correspondence and routes it to the appropriate bureau; maintains the Commission's correspondence file; and dispatches outgoing mail.

(b) Docket Branch, which maintains dockets of all Commission hearings; notifies all parties in interest of action taken by the Commission in docket cases; serves parties in docket cases when service by the Commission is required; and issues orders, notices, and decisions approved by the Commission in docket cases.

(c) Messenger Branch: The functions of this branch relate to internal management.

SEC. 0.15 *Minute Branch.* The Minute Branch prepares agenda for Commission meetings; takes notes at meetings of actions on all matters and notifies appropriate organizational units of action taken; prepares minutes of Commission action and maintains custody of all approved Commission minutes.

SEC. 0.16 *Library Branch.* The Library Branch maintains the main library of the Federal Communications Commission.

BUREAU OF ENGINEERING

SEC. 0.21 *Chief Engineer.* The Chief Engineer as head of the Bureau of Engineering supervises all Commission activities concerning engineering matters including activities in connection with the North American Regional Broadcasting Engineering Committee. The Bureau of Engineering is divided into the following divisions:

a. Standard Broadcast Division.
b. FM Broadcast Division.
c. Television Broadcast Division.
d. Marine Radio and Safety Division.
e. Public Safety and Special Services Division.
f. Aviation Division.
g. Common Carrier Division.
h. Field Engineering and Monitoring Division.
i. Laboratory Division.
j. Technical Information Division.
k. Frequency Allocation and Treaty Division.
l. Radio Operator and Amateur Division.

SEC. 0.22 *Standard Broadcast Division.* The Standard Broadcast Division is responsible for all engineering matters pertaining to broadcast stations operating in the band 550 to 1600 kilocycles. It is divided into the following branches:

(a) Allocations Branch, which is concerned with the over-all allocation of standard broadcast frequencies; maintains complete records of United States and foreign assignments of standard broadcast stations; and prepares maps, charts, tables, and conducts studies regarding frequency allocations for standard broadcast stations.

(b) Applications I Branch, which reviews and reports on applications to construct or modify standard broadcast facilities; prepares engineering specifications for appropriate authorizations; and formulates recommendations for additions and improvements to the engineering standards concerning standard broadcast stations.

(c) Applications II Branch, which reviews and reports on applications for renewal of license or for change of ownership of standard broadcast stations, and applications for experimental and developmental stations in the standard broadcast service; studies and coordinates the experimental programs of experimental and developmental stations of the standard broadcast service; and, based upon appropriate data, gives type approval for transmitting and monitoring equipment submitted by manufacturers.

(d) Hearings Branch, which prepares and presents engineering testimony and exhibits in hearings involving standard broadcast applications and reviews and reports on records in such cases.

SEC. 0.23 *FM (Frequency Modulation) Broadcast Division.* The FM (Frequency Modulation) Broadcast Division is responsible for all engineering matters pertaining to stations in the FM and associated services (non-commercial educational, facsimile, remote pickup, studio-transmitter, and developmental). It is divided into the following branches:

(a) Allocations Branch, which is concerned with the over-all allocation of frequencies assigned to FM and associated services and maintains complete records of such assignments; prepares maps, charts, tables, and conducts studies regarding frequency allocations to these services.

(b) Applications I Branch, which reviews and reports on applications to construct or modify FM stations and stations in the associated services, and prepares engineering specifications for appropriate authorizations.

(c) Applications II Branch, which reviews and reports on applications for renewal of license or for change of ownership of FM broadcast stations and associated services and applications for experimental and developmental stations in the FM broadcast services, studies and coordinates the experimental programs of experimental and developmental stations of such services; based upon appropriate data, gives type approval for transmitting and monitoring equipment submitted by manufacturers; and formulates recommendation for additions and improvements to the engineering standards concerning these stations.

(d) Hearings Branch, which prepares and presents engineering testimony and exhibits in hearings involving FM applications and associated services and reviews and reports on records in such cases.

[1] This statement is issued pursuant to sec. 8 (a) (1) of the Administrative Procedure Act.

SEC. 0.24 *Television Broadcast Division.* The Television Broadcast Division is responsible for all engineering matters pertaining to the television broadcast service, adjunct services, and international broadcast stations. It is divided into the following branches:

(a) Allocations Branch, which is concerned with the over-all allocations of frequencies assigned to the television (commercial and experimental) service, adjunct services, and international broadcast services; maintains complete records of United States and foreign assignments for such services; and prepares maps, charts, tables, and conducts studies regarding frequency allocations for such services.

(b) Applications I Branch, which reviews and reports on applications to construct and modify television (commercial and experimental) stations, adjunct services, and international broadcast stations, and prepares engineering specifications for appropriate authorizations.

(c) Applications II Branch, which reviews and reports on applications for renewal of license or for change of ownership of television (commercial and experimental) stations, adjunct services, and international broadcast stations and associated services and applications for experimental and developmental stations in the television broadcast service; studies and coordinates the experimental programs of experimental and developmental stations of such services; based upon appropriate data, gives type approval for transmitting and monitoring equipment submitted by manufacturers; and formulates recommendations for additions and improvements to the engineering standards concerning these stations.

(d) Hearings Branch, which prepares and presents engineering testimony and exhibits in hearings involving television broadcast, adjunct services, and international broadcast applications and reviews and reports on records in such cases.

SEC. 0.25 *Marine and Safety Division.* The Marine Radio and Safety Division is divided into the following branches.

(a) Systems-Facilities Branch, which studies ship disasters and makes engineering reports and recommendations on all phases of marine radio communication. Examines and prepares reports on applications for permits to construct, license, or modify licenses and construction permits for stations in the Ship, Coastal and Marine Relay Services, Special Press Service, and Fixed Public Service in Alaska; applications for exemptions of ships from radio installation and operator provisions of law and treaty and requests for special temporary authorizations. Recommends appropriate action on violation reports.

(b) Technical Branch, which formulates engineering plans for the allocation and assignment of frequencies to the various classes of stations in the Ship, Coastal and Marine Relay Services, Fixed Public Service in Alaska, and Mobile Press Stations in the Special Press Service; prepares equipment and performance standards and makes recommendations with respect to type approval of equipment.

SEC. 0.26 *Public Safety and Special Services Division.* The Public Safety and Special Services Division is divided into the following branches:

(a) Public Safety Services Branch, which is responsible for development, regulation and enforcement of the Public Safety Radio Services including police, fire, forestry-conservation, highway maintenance and special emergency radio stations. Reviews applications for licenses and prepares engineering reports; investigates interference problems.

(b) Land Transportation Services Branch, is responsible for development, regulation and enforcement of the Land Transportation Services, which includes Railroad Radio, Transit Utilities, Inter-City Bus, Inter-City Truck and Taxicab Services. Reviews applications for licenses and prepares engineering reports; investigates interference problems.

(c) Industrial Radio Services Branch, which is responsible for development, regulation and enforcement of Industrial Radio Services, which includes Power, Petroleum, Forest Products, and Special Industrial Radio Services. Reviews applications for licenses and prepares engineering reports; investigates interference problems.

(d) Experimental and Miscellaneous Services Branch, which is responsible for the development and coordination of experimental programs; the review of applications and the preparation of data and presentation of expert advice and testimony on applications or results obtained by experimentation relative to the establishment of new services. This branch is also responsible for administration of all matters pertaining to the industrial heaters, medical diathermy and similar apparatus, and for administration of the rules and regulations governing the operation of restricted radiation devices.

SEC. 0.27 *Aviation Division.* The Aviation Division is divided into the following branches:

(a) Domestic and Territorial Branch, which reviews and reports on applications for permits to construct or modify stations in the domestic and territorial aviation service and prepares and presents engineering testimony and exhibits at hearings.

(b) International Branch, which reviews and reports on applications for permits to construct or modify stations in the international aviation service; prepares and presents engineering testimony and exhibits at hearings; and conducts special studies relating to international aviation.

(c) Technical Branch, which formulates engineering plans for the allocation and assignment of frequencies to the various classes of domestic and international aviation stations; studies equipment specifications; prepares performance standards; and issues type approval for such equipment.

SEC. 0.28 *Common Carrier Division.* The Common Carrier Division is divided into the following branches:

(a) Wiretelegraph branch processes applications for the extension and supplementation of facilities used in interstate service; is responsible for the engineering aspects presented by applications for authority to discontinue, reduce or impair telegraph service and to acquire or consolidate telegraph properties; performs work required in the investigation of complaints regarding telegraph service and equipment, and handles field investigations relative thereto. Initiates and makes studies and investigations regarding all aspects of quality of telegraph service. Keeps abreast of technical developments in the industry. Prepares memoranda to the Commission concerning the industry and initiates rules and regulations as required. Furnishes expert testimony at hearings.

(b) Wiretelephone Branch processes applications for the extension, supplementation, and discontinuance of facilities used in interstate service and is responsible for the engineering aspects presented by applications for the acquisition or consolidation of telephone properties; keeps informed and reports on all technical developments relative to the telephone industry; investigates and prepares reports relating to the operation of telephone lines, systems and associated equipment, including the transmission of FM and TV over wire and cables; investigates and prepares reports relating to telephone traffic, including speed of service, routing, capacities and operating methods; and investigates complaints relating to the furnishing of telephone communication service. Furnishes expert testimony at hearings.

(c) Radio Branch, which is divided into the following sections:

(1) International Services Section, which is responsible for the engineering aspects in the processing of applications for new stations, equipment, frequencies, and points of communication in the International Fixed Public and Fixed Public Press Radiocommunications Services. With regard to these services makes studies of frequency utilization; coordinates with the Frequency Allocation and Treaty Division of the Commission on the use of frequencies by government and non-government agencies with the view of minimizing interference; makes studies of quality of service rendered to the public; prepares exhibits and participates in hearings; participates in international telecommunication conferences; and maintains adequate current records of all outstanding authorizations and availability of international communication service for the public.

(2) Domestic Services Section, which is responsible for the engineering aspects in the processing of applications for new stations, equipment, frequencies, and services in the domestic use of radio facilities. Prepares studies of frequency utilization, quality of service to the public, and technical advancements to extend and improve domestic utilization of radio facilities; prepares exhibits and furnishes expert testimony at hearings; investigates complaints relating to the adequacy of public radio services; and maintains adequate current records of all outstanding authorizations and availability of domestic radio service for the public.

(d) Rate Branch, which is responsible for conducting engineering investigations and studies and furnishing engineering advice, assistance, and recommendations in connection with rates, charges, and related regulations and practices of common carriers furnishing domestic and foreign telephone and telegraph services by wire, ocean cable, and radio (fixed and mobile), including rate structure considerations; contracts and agreements; depreciation practices, rates and reserve requirements; inventories, continuing property records and original cost determinations; cost analyses and allocations; separation methods and procedures; operating results and traffic analyses; and preparation and presentation of technical testimony and exhibits at formal hearings.

(e) Field Offices, which conduct field engineering investigations and studies, and collect, analyze, and summarize information relating to common carriers furnishing domestic and foreign communication services by wire, ocean cable, and radio. Common carrier field offices are located at:

Room 604, 90 Church Street, New York 7, N. Y.

Room 515, First National Bank Building, Atlanta 3, Ga.

Room 316, U. S. Customhouse, 555 Battery Street, San Francisco 26, Calif.

SEC. 0.29 *Field Engineering and Monitoring Division.* The Field Engineering and Monitoring Division directs the activities and formulates policies and procedures for all the Commission's engineering offices, primary monitoring stations and secondary monitoring stations. The addresses of these offices are to be found in section 0.40. The Division is divided into the following branches:

(a) Administrative Branch, which is responsible for administrative statistical and clerical duties such as workload statistical reports, personnel records and reports, service functions, distribution and mailing, maintenance and records.

(b) Inspection and Operator Examination Branch, which directs all engineering activities in connection with the inspection of radio equipment on board United States and foreign passenger and cargo vessels, land radio stations, including aircraft; supervises the conduct of examinations, grading and issuance of commercial radio operators' licenses; conducts and grades examinations and issues licenses for commercial radio operators for the Washington district at Room 2113, Temporary L Bldg., supervises the grading of amateur radio operator examinations submitted by all field offices; reviews inspection reports and citations; designs, constructs and distributes code tapes to all field offices and maintains records of inspections, citations, and operator examinations.

(c) Monitoring Branch, which provides surveillance of the radio spectrum to insure compliance with treaties, the Communications Act, and Commission standards in operations of radiotelegraph and radiotelephone circuits of all types; maintains complete case records of illegal stations including locations, calls, frequencies, technical characteristics and other significant information, and prepares and presents evidence on illegal operation or other violations in criminal prosecutions.

(d) Technical Operations Branch, which is responsible for all technical equipment and plant activities of primary and secondary monitoring stations, investigative units, district field offices, field suboffices, ship offices and mobile laboratories; conducts special technical investigations, field intensity surveys, field intensity recordings; gathers technical data to substantiate proposed rules and decisions of the Commission; studies the needs for new apparatus which may be required for field use for direction finding, monitoring, frequency measurement, radio station inspection and designs and/or writes specifications for manufacturing of such equipment by commercial concerns.

SEC. 0.30 *Laboratory Division.* The Laboratory Division is responsible for the development, investigation and completion of a variety of field studies, surveys and tests, resulting in the accumulation of engineering data or statistics in any of the broad fields of the communications art; designs and assembles apparatus for special tests and studies; determines capabilities of newly developed equipment and develops, designs, and constructs equipment for use in connection with field and monitoring activities of the Commission; and makes recommendations concerning type approval of diathermy equipment and other types of equipment. It is located near Laurel, Maryland, but all inquiries regarding the division should be addressed to the Secretary of the Commission.

SEC. 0.31 *Technical Information Division.* The Technical Information Division is composed of a Propagation Expert and Consultant, Information Utilization Branch, Information Projects Branch, and Information Analysis Branch. This Division is responsible for the analysis, coordination and dissemination of information relating to the scientific and advanced engineering phases of communications. It acts as an operational research group and technical consultant to the Commission and to the other divisions of the Bureau of Engineering.

SEC. 0.32 *Frequency Allocation and Treaty Division.* The Frequency Allocation and Treaty Division is divided as follows:

(a) Frequency Utilization and Requirements Branch, which studies the utilization of frequencies by the several radio services to establish their allocation requirements; keeps informed of the state of the radio art as it pertains to the use of frequencies in all parts of the radio spectrum, proposing adjustments in the domestic table of frequency allocations when necessary; studies other allocation problems involving two or more services, makes appropriate recommendations relative thereto.

(b) Interdepartment Radio Advisory Committee Branch, which makes certain engineering studies and effects coordination of frequency assignments by the IRAC[1] and the Commission. It includes the IRAC Secretariat which maintains the file of applications by government agencies and performs all secretarial functions for the IRAC, and maintains the official IRAC Station List, which shows all assignments made to government stations. It also includes the Washington Provisional Frequency Board Liaison Committee Secretariat, which maintains the secretariat of the WPFBLC[2]; furnishes information as to United States circuit requirements to the United States representative to the Provisional Frequency Board[4] and furnishes various reports and technical studies for use by the WPFBLC and the United States representative to the PFB.

(c) Treaty Branch, which conducts such studies and coordination as are required to insure consistency of Commission rules, regulations and other actions with international regulations to which the United States is signatory; prepares and forwards correspondence involving Inter-American Radio Office notifications, North American Regional Broadcasting Agreement material, and material relating to other conferences involving specific radio services; is responsible for engineering recommendations relevant to the preparation and determination of international policy relating to definitions, designations of emissions, harmonic and parasitic emissions, frequency tolerances and general symbols and abbreviations, procedure for interference cases and infraction reports, call sign formation and allocation, provisions relating to the organization and functioning of the CCIR and general provisions and restrictions relating to various radio services.

(d) Frequency Registration and Notification Branch, which maintains the Commission's Master Frequency Record of assignments made; notifies United States frequency assignments to the Bureau of the International Telecommunication Union[5]; plans and arranges for the execution of the transition required

[1] The Interdepartment Radio Advisory Committee is composed of representatives of various government agencies which use radio in their operation. It makes recommendations to the President with respect to the assignment of frequencies to all Federal Government radio stations. (See sec. 305 of the Communications Act.)

[2] The Washington Provisional Frequency Board Liaison Committee functions as a liaison organization between the Provisional Frequency Board at Geneva and parties in the United States with an interest in the activities of the PFB.

[4] The Provisional Frequency Board is established under a resolution adopted by the International Radio Conference (Atlantic City, 1947) to prepare an engineered draft International Frequency List, necessary in order to implement the Atlantic City table of frequency allocations.

[5] The Bureau acts as the Secretariat for the International Telecommunications Union, an organization of countries which are parties to the International Telecommunications Convention (Madrid, 1932). The Bureau maintains the master list of frequency registrations, publishes documents relating to telecommunications, and receives and disseminates information and notifications relating to telecommunications.

to maintain the Commission authorizations and its Master Frequency Record (with respect to frequency, call letters, power, emission, frequency tolerance, etc.) in a form not in conflict with international regulations; plans and develops such files as are necessary for the rapid and efficient licensing of radio stations. After the International Frequency Registration Board[*] starts to function this Branch will conduct studies of the radio spectrum occupancy for the purpose of obtaining for United States non-government and government users, wherever possible, registration dates (as distinguished from notification dates), thereby assuring protection from harmful interference under the Atlantic City Radio Regulations, rather than a "priority" as provided under the Cairo General Radio Regulations.

(e) Conference Information Service Branch, which maintains and distributes up-to-date general information regarding all international radio conferences, in which the Commission has a direct interest, to the Commission and its staff; attends preparatory meetings and international conferences, preparing summaries and reports for use of the Commission; maintains a catalogued, authentic library of radio treaty material and documents; makes technical translations of foreign and international correspondence and publications; and organizes training of foreign telecommunications representatives sent to Washington in accordance with Part 65 of the Commission's rules (47 CFR Part 65).

SEC. 0.33 *Radio Operator and Amateur Division.* The Radio Operator and Amateur Division is divided into the following branches:

(a) Radio Operator Branch, which is concerned with the initiation and coordination of engineering recommendations regarding changes in rules, regulations and policies governing the qualifications, duties or requirements of all radio operators other than amateur; assists in preparing releases and instructions in accordance with rules, regulations and policies so established; prepares written examinations for such radio operator licenses and prepares Study Guides to aid persons in preparing for those examinations; considers applications for radio operator licenses referred by other divisions; reviews citations for violation of rules and regulations by radio operators; distributes and accounts for aircraft radiotelephone operator authorizations which are separately issued by Commission representatives or agents; interviews and confers with individuals, representatives of industry and labor groups, to consider and advise in matters affecting the broad phase of radio operator licensing.

(b) Amateur Radio Service Branch, which initiates and coordinates proposed rules, regulations and policies governing both amateur operators and amateur stations, and initiates and coordinates recommendations for revisions to international treaties and agreements; prepares written examinations and study guides for amateur operators; studies technical developments in the Amateur Service and promotes utilization of new techniques, equipment and methods of operation of amateur stations; studies and makes recommendations regarding applications for amateur operator and station licenses referred to it by the Bureau of the Secretary; makes recommendations with regard to method of handling violations of the amateur rules; prepares and coordinates recommendations covering special requests by amateur licensees; conducts special engineering studies and interviews and confers with individual inquirers and representatives of amateur organizations advising them on various phases of the Amateur Radio Service.

(c) Citizens Radio Service Branch, which reviews and reports on all applications to construct or modify citizens radio stations and prepares and presents engineering testimony and exhibits at hearings; initiates recommendations regarding rules and regulations; studies and coordinates the activities of citizens radio stations and formulates recommendations for technical engineering standards; fosters the development of new techniques and issues type approval for radio transmitters; initiates recommendations involving general policies regarding citizens radio services, assignment of frequencies to the various classes of citizens radio stations and institution of rule making procedures; reviews citations for violations of rules and regulations; prepares releases and instructions relating to Citizens Radio Service; conducts special studies, interviews and confers with individuals, representatives of industry and citizens groups to consider and advise on various phases of the Citizens Radio Service.

SEC. 0.40 *Location of Engineering Field Offices and Monitoring Stations.*

Radio district	Address of the engineer in charge	Territory within district	
		States, etc.	Counties
1	1600 Customhouse, Boston 9, Mass.	Connecticut	All counties.
		Maine	Do.
		Massachusetts	Do.
		New Hampshire	Do.
		Rhode Island	Do.
		Vermont	Do.
2	748 Federal Bldg., 641 Washington St., New York 14, N. Y.	New Jersey	Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren.
		New York	Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester.
			New Castle.
3	1006 U. S. Customhouse, Philadelphia 6, Pa.	Delaware	Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.
		New Jersey	Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York.
		Pennsylvania	Kent and Sussex.
4	508 Old Town Bank Bldg., Gay St. and Fallsway, Baltimore 2, Md.	Delaware	All.
		District of Columbia	All counties.
		Maryland	Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren.
		Virginia	Barbour, Berkeley, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur.
		West Virginia	All except District 6.
5	Room 402, New Post Office Bldg., Norfolk 10, Va.	North Carolina	All except District 4.
	Ship Office: Room 106, U. S. Post Office Bldg., Newport News, Va.	Virginia	
6	411 Federal Annex, Atlanta 3, Ga.	Alabama	All except District 8.
		Georgia	All counties.
		North Carolina	Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey.
		South Carolina	All counties.
		Tennessee	Do.
	Suboffice: P. O. Box 77, 214-218 Post Office Bldg. Savannah, Ga.		

[*] The International Frequency Registration Board is established under Article 6 of the International Telecommunication Convention Convention (Atlantic City, 1947): "(a) To effect an orderly recording of frequency assignments made by the different countries so as to establish, in accordance with the procedure provided for in the Radio Regulations, the date, purpose and technical characteristics of each of these assignments, with a view to ensuring formal international recognition thereof; (b) To furnish advice to Members and Associate Members with a view to the operation of the maximum practicable number of radio channels in those portions of the spectrum where harmful interference may occur."

Radio district	Address of the engineer in charge	Territory within district	
		States, etc.	Counties
7	P. O. Box 150, 312 Federal Bldg., Miami 1, Fla.	Florida	All except District 8.
	Suboffice: 409-410 P. O. Bldg., Tampa, Fla.		
8	409 Audubon Bldg., New Orleans, 16, La.	Alabama	Baldwin and Mobile.
		Arkansas	All counties.
		Florida	Escambia.
		Louisiana	All counties.
		Mississippi	Do.
	Ship Office: 324 U. S. Courthouse Bldg., and Customhouse, Mobile 10, Ala.	Texas	City of Texarkana only.
9	324 U. S. Appraisers Bldg., 7300 Wingate St., Houston 11, Tex.	Texas	Angelina, Aransas, Atascosa Austin, Bandera,, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Hays, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kendall, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina Montgomery, Nacogdoches, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Tyler.
	Suboffice: P. O. Box 1537 (329 Post Office Bldg.) Beaumont, Tex. Ship Office: 406 Post Office Bldg., Galveston, Tex.		
10	P. O. Box 5238, 500 U. S. Terminal Annex, Dallas 2, Tex.	New Mexico	All counties.
		Oklahoma	Do.
		Texas	All except District 9 and the city of Texarkana.
11	539 U. S. Post Office and Courthouse Bldg., Temple and Springs Sts., Los Angeles 12, Calif.	Arizona	All counties.
		California	Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino San Diego, San Luis Obispo, Santa Barbara, and Ventura.
		Nevada	Clark.
	Suboffice: 230 U. S. Customhouse and Courthouse, Union and F Sts., San Diego 1, Calif. Ship Office: Room 326 U. S. Post Office and Courthouse Bldg., San Pedro, Calif.		
12	323-A Customhouse, San Francisco 26, Calif.	California	All except District 11.
		Nevada	All except Clark.
13	406 Central Building, Portland 5, Oreg.	Idaho	All except District 14.
		Oregon	All counties.
		Washington	Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat.
14	801 Federal Office Bldg., Seattle 4, Wash.	Idaho	Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latch, Lewis, Nez Perce, Shoshone.
		Montana	All counties.
		Washington	All except District 13.
15	521 Customhouse, Denver 2, Colo.	Colorado	All counties.
		Utah	Do.
		Wyoming	Do.
		Nebraska	Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.
		South Dakota	Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, and Washington.
16	208 Uptown Post Office and Federal Courts Bldg., 5th and Washington Sts., St. Paul 2, Minn.	Minnesota	All counties.
		Michigan	Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.
		South Dakota	All counties except District 15.
		North Dakota	All counties.
		Wisconsin	All counties except District 18.
17	838 U. S. Courthouse, Kansas City 6, Mo.	Iowa	All except District 18.
		Kansas	All counties.
		Missouri	Do.
		Nebraska	All counties except District 15.
18	246 U. S. Courthouse Bldg., Chicago 4, Ill.	Illinois	All counties.
		Indiana	Do.
		Iowa	Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa Muscatine, Scott, Washington, and Winneshiek.
		Wisconsin	Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago
		Kentucky	All counties except District 19.
19	1029 New Federal Bldg., Detroit 26, Mich.	Kentucky	Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe, and Woodford.
		Ohio	All counties.
		Michigan	All counties except District 16.
		West Virginia	All counties except District 4.
	Suboffice: 541 Federal Bldg., Cleveland 11, Ohio.		
20	328 Post Office Bldg., Buffalo 3, N. Y.	New York	All except District 2.
		Pennsylvania	All except District 3.
21	699 Stangenwald Bldg., Honolulu 1, T. H.	Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands.	
22	P. O. Box 2057, 322-323 Federal Bldg., San Juan 12, P. R.	Puerto Rico	
		Virgin Islands	
23	P. O. Box 1421, 7-8 Shattuck Bldg., Juneau, Alaska.	Alaska	
	Suboffice: P. O. Box 644, Room 52 U. S. P. O. and Courthouse Bldg., Anchorage, Alaska.		

The offices of the Regional Managers of the Field Engineering and Monitoring Division, Bureau of Engineering, are located at the following addresses:

North Atlantic Region: 506 Federal Building, 641 Washington Street, New York 14, N. Y.

Great Lakes Region: 1029 New Federal Building, Detroit 26, Mich.

South Atlantic Region: 411 Federal Annex, Atlanta 3, Ga.

Gulf States Region: 332 U. S. Appraisers Building, 7300 Wingate Street, Houston 11, Tex.

North Pacific Region: 801 Federal Office Building, Seattle 4, Wash.

Alaska Region: P. O. Box 644, Room 52 U. S. Post Office and Courthouse, Anchorage, Alaska.

South Pacific Region: 323-A Customhouse, San Francisco 26, Calif.

Hawaiian Region: P. O. Box 1142, Lanikai, Oahu, T. H.

Central States Region: 876 U. S. Courthouse, Chicago 4, Ill.

The Primary Monitoring Stations of the Bureau of Engineering are located at the following addresses:

Federal Communications Commission, Allegan Monitoring Station, P. O. Box 89, Allegan, Mich.

Federal Communications Commission, Central Frequency Monitoring Station, P. O. Box 788, Grand Island, Nebr.

Federal Communications Commission, Kingsville Monitoring Station, P. O. Box 632, Kingsville, Tex.

Federal Communications Commission, Dover Road, P. O. Box 308, Millis, Mass.

Federal Communications Commission, 2700 West Edinger, P. O. Box 744, Santa Ana, Calif.

Federal Communications Commission, P. O. Box 31, Laurel, Md.

Federal Communications Commission, P. O. Box 989, Livermore, Calif.

Federal Communications Commission, 2310 NE. 148 Avenue, P. O. Box 5165, Portland 16, Oreg.

Federal Communications Commission, P. O. Box 4, Powder Springs, Ga.

Federal Communications Commission, P. O. Box 1142, Lanikai, Oahu, T. H. (Fort Hase military reservation).

Secondary monitoring stations of the Bureau of Engineering are located at the following addresses:

Federal Communications Commission, Searsport, Maine. Mail address: P. O. Box 44, Belfast, Maine.

Federal Communications Commission, P. O. Box 499, Twin Falls, Idaho.

Federal Communications Commission, P. O. Box 3, North Scituate, R. I.

Federal Communications Commission, 2215 Wellesley Avenue, P. O. Box 37, Station A, Spokane, Wash.

Federal Communications Commission, P. O. Box 347, South Miami, Fla.

Federal Communications Commission, P. O. Box 99, Lexington, Ky.

Federal Communications Commission, P. O. Box 1448, Muskogee, Okla.

Federal Communications Commission, P. O. Box 300, Bay St. Louis, Miss.

Federal Communications Commission, P. O. Box 2961, Juneau, Alaska.

Federal Communications Commission, P. O. Box 719, Anchorage, Alaska.

Federal Communications Commission, P. O. Box 2987, San Juan, P. R.

BUREAU OF ACCOUNTING

SEC. 0.51 *Chief Accountant.* (a) The Chief Accountant as head of the Bureau of Accounting supervises all Commission activities concerning accounting matters. The following units are included in the Bureau of Accounting:

(1) Accounting Regulations Division.
(2) Broadcast Division.
(3) Field Division.
(4) Rates Division.
(5) Economics and Statistics Division.

SEC. 0.52 *Accounting Regulations Division.* The Accounting Regulations Division is divided into the following branches:

(a) Development and Compliance Branch, which is responsible for the accounting activities under sections 215, 219, 220, and 221 of the Communications Act of 1934, as amended, and other related sections which pertain to the formulation, amendment and interpretation of accounting rules and regulations, the revision of annual and other report forms, the classification of carriers, research with respect to accounting principles; and review of annual and other reports filed by carriers to ascertain whether carriers are complying with accounting instructions.

(b) Original Cost and Depreciation Branch, which is responsible for the accounting activities under sections 213, 219, 220 (b), and 221 of the Communications Act of 1934, as amended, and other related sections which pertain to the original cost requirements to be applied to property of communications carriers; classification of investment accounts and the property of carriers; prescription of classes of property which are depreciable, non-depreciable or amortizable; prescription of depreciation and amortization rates; the maintenance of continuing property records by carriers; all matters involving plant accounting; and matters relating to the accounting under pension plans adopted by carriers.

SEC. 0.53 *Broadcast Division.* The Broadcast Division is divided into the following branches:

(a) Applications Branch, which reviews and makes recommendations with respect to applications in the broadcast services, except those for renewal of licenses; analyzes and interprets financial statements and accounts to determine if applicants and licensees are financially qualified to carry out proposals for new facilities, modification of existing facilities, purchase of existing facilities, and changes in ownership or control; plans and conducts field investigations of the accounts and records of broadcast applicants and licensees.

(b) Renewal and Annual Reports Branch, which is responsible for the analysis of annual financial reports of all broadcast stations and networks to ascertain whether their operation complies with Commission financial standards; investigates cases of suspected fraud or misrepresentation, and suspected unlawful monopolies; examines broadcast license renewal applications and prepares recommendations thereon; and designs and revises the financial data portions of annual report and application renewal forms and instructions pertaining thereto.

(c) Hearing Branch, which is responsible for the accounting phases of broadcast applications and cases designated for hearing, including determination of issues, study of petitions, and preparation of accounting testimony and exhibits.

SEC. 0.54 *Field Division.* The Field Division is responsible for the conduct of continuing investigations, audits and examinations of the accounts and records of communication carriers, holding companies and affiliated manufacturing, supply, servicing and management companies which are subject to the jurisdiction of the Federal Communications Commission as provided for under the Communications Act of 1934, as amended.

SEC. 0.55 *Location of Accounting Field Offices.* The field offices of the Accounting Bureau are located at:

90 Church Street, Room 624, Federal Office Building, New York 7, N. Y.

815 Oliver Street, Room 407, Old Customshouse, St. Louis 1, Mo.

Room 515 First National Bank Building, Atlanta 3, Ga.

316 Customhouse, 555 Battery Street, San Francisco 26, California.

SEC. 0.56 *Rates Division.* The Rates Division is divided into the following branches:

(a) Tariffs and Telephone Rates Branch, which handles matters relating to the construction, filing and posting of schedules of charges for interstate and foreign communication services; handles telephone rate, service, and traffic matters; reports rate changes to the Commission and recommends action with respect to charges and practices of telephone carriers; institutes telephone traffic surveys; participates in recommending disposition of applications for cable landing licenses, and for radiotelephone licenses; is responsible for the rate and economic aspects and for Bureau coordination of accounting aspects presented by applications for the extension, supplementation and discontinuance, reduction or impairment of telephone service and for acquisitions or consolidations of telephone properties; participates in handling the technical phases of treaties and agreements with foreign administrations and carriers relating to telephone matters; and maintains a public reference room in which schedules of charges for interstate and foreign communication service are available for public inspection. (The public reference room is located in Room 1747, Temporary Building T, 14th Street and Constitution Avenue, N. W., Washington, D. C.)

(b) Telegraph Rates Branch, which handles telegraph rate, service, and traffic matters; reports rate changes to the Commission and recommends action with respect to charges and practices of telegraph carriers; institutes telegraph traffic survey; processes applications for authority to discontinue, reduce, or impair telegraph service and is responsible for the rate and economic aspects and for Bureau coordination of accounting aspects presented by applications for extension and supplementation of telegraph lines and for the acquisition or consolidation of telegraph properties; participates in recommending disposition of applications for cable landing licenses, and for radiotelegraph licenses; participates in handling the technical phases of treaties and agreements with foreign administrations and carriers relating to telegraph matters; and effects settlements of traffic balances due foreign telecommunication administrations and companies for telegraph messages transmitted between ships of American registry and foreign coastal stations and for such messages transmitted from offices in the United States to all ships through foreign coastal stations.

SEC. 0.57 *Economics and Statistics Division.* The Economics and Statistics Division is divided into the following branches:

(a) Common Carrier Branch, which receives, examines, and prepares published summaries of annual, monthly and special reports filed by communication carriers and holding companies; analyzes and interprets economic data concerning the common carrier communication industry, analyzes trends in volume of communication traffic, forecasts growth in the industry; studies public needs for communication services and their availability in particular geographic areas; and maintains a public reference room in which public reports filed with the Commission by companies subject to its jurisdiction are available for public inspection. (The public reference room is located in Room 1742, Temporary Building T, 14th Street and Constitution Avenue, N. W., Washington, D. C.)

(b) Broadcast Branch, which receives, examines, and prepares published summaries of annual and special reports filed by broadcast stations and networks; analyzes and interprets economic data concerning the broadcast industry; tabulates data for special analyses required by the Commission in connection with hearings and other proceedings; and studies economic trends in new uses of radio in broadcasting.

(c) Special Studies Branch, which compiles and analyzes economic and statistical data on safety and miscellaneous uses of radio; prepares special analyses required by the Commission in connection with hearings and other proceedings; studies economic trends in new uses of radio for safety and miscellaneous purposes; and makes special statistical and economic studies as assigned.

BUREAU OF LAW

SEC. 0.71 *General Counsel.* The General Counsel as head of the Bureau of Law is responsible for all Commission activities relating to legal matters. In the Bureau of Law are the following units:

(a) Office of General Counsel.
(b) Litigation and Administration Division.
(c) Broadcast Division.
(d) Common Carrier Division.
(e) Safety and Special Services Division.

SEC. 0.72 *Office of General Counsel.* In the General Counsel's office are the following sections:

(a) Technical Section, which serves as professional consultant to the Commission regarding patents, patent licenses, and related intangible holdings of telephone, telegraph, broadcasting, and cable communications companies.

(b) Administrative Section, which is responsible for the administrative control and coordination of work assignments, production records, and files of the Bureau of Law.

SEC. 0.73 *Litigation and Administration Division.* The Litigation and Administration Division is divided into the following branches:

(a) Litigation and Legislation Branch, which conducts litigation in which the Commission is a party; reviews proposed Commission decisions on petitions for rehearing; prepares drafts of proposed legislation; studies and prepares opinions and comments upon proposed legislation referred to Commission for study; and performs research and study in connection with preparation of testimony for congressional committees.

(b) Administration Branch, which has special assignments of a legal character in interpreting the Communications Act and Commission regulations, preparing opinions and recommendations thereon; examines network contracts filed by stations with the Commission to determine if they comply with the chain network regulations; and handles legal problems in connection with all matters relating to internal management.

(c) Field Branch, which supervises the activities of the field offices of the Bureau of Law. The field offices advise the field offices of the other bureaus concerning legal matters; conduct investigations; and represent the Bureau of Law in the field. These offices are located at:

90 Church Street, New York 7, N. Y.

100 McAllister Street, San Francisco 2, Calif.

SEC. 0.74 *Broadcast Division.* The Broadcast Division is divided into the following branches:

(a) New and Changed Facilities Branch (Standard), which reviews and prepares reports, legal opinions, and recommendations with respect to applications for new standard broadcast stations and changes in the facilities of existing stations; and represents the Commission at hearings affecting such applications and prepares reports thereon.

(b) New and Changed Facilities Branch (FM), which reviews and prepares reports, legal opinions, and recommendations with respect to applications for FM facilities and changes in facilities of existing stations; and represents the Commission at hearings affecting such applications and prepares reports thereon.

(c) Television Broadcast Branch, which reviews and prepares reports, legal opinions, and recommendations with respect to applications for television facilities and changes in facilities of existing stations; and represents the Commission at hearings affecting such applications and prepares reports thereon.

(d) Renewals and Revocations Branch, which reviews and prepares legal opinions, reports, and recommendations with respect to renewal applications for radio station licenses in the broadcast services and proceedings looking toward the revocation of radio station licenses in the broadcast service; investigates complaints; and represents the Commission at hearings affecting such renewal and revocation matters and prepares reports thereon.

(e) Transfers Branch, which reviews and prepares legal opinions, reports, and recommendations with respect to applications for assignment of license or transfer of control of broadcast stations; and represents the Commission at hearings involving such matters and prepares reports thereon.

(f) Review Branch, which reviews the records of hearings, proposed findings and conclusions, decisions of presiding officers and such additional material as comprise the records of a proceeding; prepares review reports and, in accordance with Commission directives, its decisions; and is responsible for coordinating all hearings and prehearing conferences, and for scheduling the times and places for such hearings and conferences.

(g) Motions and Rehearings Branch, which reviews and prepares legal opinions, reports recommendations with respect to motions and petitions in cases designated for formal hearing in broadcast matters and reviews, prepares reports, legal opinions, and recommendations with respect to petitions for rehearing or reconsideration of actions taken by the Commission and prepares rules and regulations concerning the broadcast services.

SEC. 0.75 *Common Carrier Division.* The Common Carrier Division is divided into the following branches:

(a) Rate Branch, which is responsible for all legal matters relating to rate regulation of common carriers subject to the Communications Act; conducts investigations and hearings relating to rate matters; reviews and makes recommendations with respect to formal and informal complaints with regard to rates and charges; prepares Commission reports, orders, rules and regulations affecting rates; makes studies of rate phases of all common carrier applications; and handles the legal phases of tariff problems and accounting matters affecting rates.

(b) International Branch, which is responsible for all legal matters other than rates relating to wire, cable, and radio communication service between the United States and all foreign countries; reviews and makes recommendations with respect to applications relating to international radio and cable circuits; makes studies of the legal phases of problems relating to international merger, international telecommunications treaties; the distribution of international telegraph traffic, and other matters affecting Commission policy in the international field; makes preparations for international telecommunications conferences; analyzes foreign traffic contracts and concessions; drafts instruments of authorization and cable landing licenses; conducts investigations and hearings affecting international services; and prepares Commission reports, orders, rules and regulations relating to such services.

(c) Domestic Wire Branch, which is responsible for all legal matters, other than rates, relating to regulation of wire telephone and wire telegraph services within the United States; conducts investigations and hearings affecting such services and prepares Commission reports, orders, rules and regulations relating to such services, is responsible for the legal aspects presented by applications for extensions and discontinuance of telephone and telegraph service, applications for merger and consolidation of domestic telephone and telegraph companies, applications for interlocking directorates, and petitions for classification of carriers; handles formal and informal complaints relating to domestic telephone and telegraph service.

(d) Domestic Radio Branch, which is responsible for legal matters, other than rates, relating to all common carrier radiotelephone and radiotelegraph services in the United States (including Alaska) and experimental radio services looking toward common carrier operations, including analysis and review of applications for radio relay systems, common carrier mobile services, domestic fixed public, coastal and marine relay services, rural telephone and short distance toll radio services, and all common carrier aspects arising in the ship, emergency, and miscellaneous services; conducts investigations and hearings affect-

ing such services; and prepares Commission reports, orders, rules, and regulations relating to such services.

SEC. 0.76 *Safety and Special Services Division.* The Safety and Special Services Division is divided into the following branches:

(a) Aviation and General Mobile Branch, which reviews and prepares legal opinions, reports, and recommendations (other than those involving common carrier operations) with respect to applications for radio station authorizations in the aviation service, both in the established and experimental stages and in the experimental general mobile service; reviews and makes recommendations with respect to formal and informal petitions and complaints; conducts investigations and hearings with respect to these services; drafts proposed legislative amendments and prepares Commission reports, orders, rules, and regulations affecting these services.

(b) Marine, Operator, and Amateur Branch, which is responsible for all legal matters (other than those involving common carrier operations) relating to radio installations and operations aboard ships, whether voluntary or required by Title III, Part II, of the Communications Act of 1934, as amended, and the International Convention for the Safety of Life at Sea, and to land radio installations communicating with or sending signals to radio stations aboard ship, both in the experimental and established stages; to radio installations and operations in the Amateur Radio Service; and to all licensed radio operators, both amateur and nonamateur, whether performing service aboard ships, aircraft, or on land, participates in the enforcement of the requirements of the International Convention for the Safety of Life at Sea; reviews and makes recommendations to the Commission with respect to formal and informal petitions and complaints in marine, amateur, and operator matters; conducts investigations and hearings relating to marine, amateur, and operator matters; and as affecting such matters prepares Commission reports, orders, rules, and regulations.

(c) Emergency, Experimental, and Miscellaneous Branch, which reviews and prepares legal opinions, reports, and recommendations with respect to applications for radio station authorizations (other than those involving or looking toward common carrier operations) in the Emergency Services (police, fire, forestry, and special emergency stations), the Miscellaneous Services (geological, mobile, press, relay press, motion picture, and provisional radio stations), the Utilities Radio Service, the Railroad Service, the Experimental Service; conducts investigations and hearings affecting these services; reviews and makes recommendations with respect to formal and informal complaints; and prepares Commission reports, orders, rules, and regulations affecting these services.

BUREAU OF ADMINISTRATION

SEC. 0.81 *Bureau of Administration.* Under the supervision of the Executive Officer, reviews in cooperation with Bureau heads the programs and procedures of the Commission, and plans, directs, coordinates and manages Commission activities relating to personnel, budget, and planning. In the Bureau of Administration there are the following divisions:

(a) Budget and Fiscal Division, under the supervision of the Budget Officer, is responsible for all budget and finance activities of the Commission, and has the following branches: Budget Branch and Fiscal Branch.

(b) Personnel Division, under the supervision of the Personnel Officer, is responsible for all personnel matters in the Commission, and has the following branches: Classification Branch and Employment, Placement and Training Branch.

(c) Planning Division, under the supervision of the Planning Officer, is responsible for the organizational and procedural aspects of the Commission's operation.

HEARING DIVISION

SEC. 0.91 *Hearing Division.* Under the supervision of the Commission, is composed of presiding officers who preside at hearings as directed by the Commission and in accordance with the provisions of the Administrative Procedure Act; who prepare recommended and initial decisions; and who perform such additional duties as are not inconsistent with their duties and responsibilities as presiding officers.

OFFICE OF INFORMATION

SEC. 0.96 *The Office of Information.* Headed by the Director, is responsible for press and public relations including the preparation and distribution of news releases, periodic reports and general information relating to Commission activities.

STATEMENT OF DELEGATIONS OF AUTHORITY[1]

GENERAL

SECTION 0.101 *Authority for delegation.* (a) Under the authority of section 5 of the Communications Act that portion of the work, business, or functions of the Federal Communications Commission hereinafter specified is assigned and referred to the respective Board of Commissioners, individual Commissioners, and employees of the Commission, hereinafter designated, for action thereon in accordance with the Communications Act of 1934, as amended, rules and regulations, orders and established policies of the Commission.

(b) Any board or individuals to whom authority is delegated shall have power and authority to consider and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it, and in respect thereof shall have all the jurisdiction and power conferred by law upon the Commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken in respect to any matters assigned or referred shall have the same force, and effect, and may be made, evidenced and enforced in the same manner as if made or taken by the Commission.

SEC. 0.102 *Reconsideration with regard to action taken under delegation of authority.* (a) Any person affected by an order, decision, or report or other action taken or made under any delegation of authority made herein may file a petition for reconsideration within 20 days after public notice is given of the action complained of, and every such petition shall be passed upon by the Commission. Appeals from action of the Motions Commissioner must be taken within 2 days in accordance with § 1.745 of the rules and regulations (47 CFR 1.745).

(b) Within 20 days after public notice has been given of any action taken or made under any delegation of authority; either the Commission or the person making or taking such action may set it aside on their own motion.

SEC. 0.105 *Description of Board.* (a) Whenever the Chairman or Acting Chairman of the Commission determines that a quorum of the Commission is not present or able to act, he may convene a Board of Commissioners.

(b) The Board shall be composed of all Commissioners present and able to act.

SEC. 0.106 *Authority delegated.* (a) Such Board of Commissioners is authorized to act with respect to all work, business, or functions of the Federal Communications Commission arising under the Communications Act of 1934, as amended, except that portion of the work, business, or functions of the Federal Communications Commission specifically delegated to individual Commissioners or employees. This authority shall not extend to the institution of investigations upon the Commission's own motion, or to rendering a final decision in such matters, or without consent of the parties thereto, to final action in contested proceedings involving the taking of testimony at public hearings, or to investigations specifically required by the Communications Act of 1934, as amended.

(b) Any actions taken by the Board shall be recorded in the same manner as action taken by the entire Commission.

SEC. 0.107 *Delegation to Telegraph Committee.* (a) A Telegraph Committee composed of three Commissioners, designated as such by the Commission, will hear and determine, order, certify, report or otherwise act upon the matters set forth in paragraph (b);

(b) Except as otherwise ordered by the Commission, the Telegraph Committee, or a majority thereof, shall act upon the following matters:

(1) All applications or requests under section 214 of the Communications Act of 1934, as amended, for certificates or authorizations for the construction, acquisition, operation or extension of telegraph lines, for temporary or emergency telegraph service, for supplementing existing telegraph facilities, or for discontinuance, reduction or impairment of telegraph service, except those covered by sections 0.142 (i) and 0.147 (a) of this Statement.

[1] This statement is issued pursuant to sec. 3 (a) (1) of the Administrative Procedure Act.

(c) Any action taken by the Telegraph Committee shall be recorded each week in writing and filed in the official minutes of the Commission.

SEC. 0.108 *Delegation to Telephone Committee.* (a) A Telephone Committee, composed of three Commissioners, designated as such by the Commission, will hear and determine, order, certify, report or otherwise act upon the matters set forth in paragraph (b);

(b) Except as otherwise ordered by the Commission, the Telephone Committee, or a majority thereof, shall act upon the following matters:

(1) All applications or requests under section 214 of the Communications Act of 1934, as amended, for certificates or authorizations for the construction, acquisition, operation or extension of telephone lines, for temporary or emergency telephone service, for supplementing existing telephone facilities, or for discontinuance, reduction or impairment of telephone service, except those covered by section 0.142 (i).

DELEGATION TO MOTIONS COMMISSIONER

SEC. 0.111 *Designation of Motions Commissioner.* A Motions Commissioner will be named from time to time by the Commission to hear and determine, order, certify, report or otherwise act upon the matters set forth in section 0.112. In the absence of the Motions Commissioner or his inability to act, the Chairman or the Acting Chairman may designate for a specified period another Commissioner to act as Motions Commissioner. During such period as all Commissioners may be absent from Washington, or otherwise unable to act, the Commission may designate for a specified period a member of the staff to exercise the authority delegated by section 0.112.

SEC. 0.112 *Authority delegated.* Except as otherwise ordered by the Commission, the Motions Commissioner shall act upon the following matters:

(a) The designation of hearing officers to preside at hearings and the time and place of such hearings.

(b) All petitions or motions to reinstate applications theretofore dismissed without prejudice following the filing by applicant of a petition to amend without submitting simultaneously the said amendment, pursuant to § 1.365 (c) (47 CFR 1.365 (c)).

(c) All motions, petitions, or matters in cases previously designated for hearing by the Commission, including motions for further hearing and for consolidation and severance, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission, and those requesting change or modification of a final order made by the Commission.[2] However, when one or more members of the Commission have been designated to preside at a hearing, all such motions, petitions or matters in such case or cases so designated for hearing, shall thereafter be handled by him or them, and such Commissioner or Commissioners shall be authorized and empowered to fix the time and place such hearings shall be held. In the absence of the individual Commissioner designated to preside at a hearing, or his inability to act or pass upon such preliminary matters, they shall be referred to the Motions Commissioner.

(d) All applications or requests for special temporary standard broadcast authorizations except those covered by sections 0.121 and 0.144, and these applications shall be first referred to the Bureaus of Law and Engineering for recommendation thereon, and then referred to the Motions Commissioner.

(e) Petitions requesting the dismissal of other pending petitions filed by the same party.

(f) Petitions containing requests, all of which have become moot.

SEC. 0.113 *Record of action taken.* Any action taken by the Motions Commissioner shall be recorded each week in writing and filed in the official minutes of the Commission.

DELEGATION TO CHIEF ENGINEER

SEC. 0.121 *Authority delegated to Chief Engineer.* The Chief Engineer or, in his absence, the Acting Chief Engineer of the Commission, is designated to act upon applications, requests, and other matters as follows:

(a) For temporary operation without specified items of equipment, or with temporary, substitute, or auxiliary equipment as specified below:

(1) For operation without an approved frequency monitor;

(2) For operation without an approved modulation monitor;

(3) For operation without thermometer in automatic temperature control chamber;

(4) For operation without antenna ammeter, plate voltmeter, or plate ammeter;

(5) For operation with substitute antenna ammeter, plate voltmeter, or plate ammeter;

(6) For operation with temporary antenna system;

(7) For operation with auxiliary transmitter as main transmitter.

(b) For operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application.

(c) For new or modified equipment or antenna system where formal application is not required.

(d) For specifications for painting and lighting antenna towers.

(e) For relocation of transmitter at the address specified in the outstanding authorization.

(f) For operation with reduced power or time under §§ 3.57, 3.71, and 3.261 of the rules and regulations (47 CFR 3.57, 3.71, 3.261).

(g) For operation of all classes of broadcast stations except standard broadcast stations on a temporary basis for periods not to exceed the normal license period with reduced power, or to make other changes in operation or authorized equipment for technical reasons.

(h) For approval of types of equipment as to compliance with outstanding rules and standards.

(i) For equipment and program tests, or extensions thereof, except those falling under section 0.141.

(j) For extensions of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(k) Representations of compliance with technical requirements specified in authorizations, orders, rules or releases of the Commission (except formal applications).

(l) For operation with licensed, new, or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location.

(m) For special operation necessary to facilitate equipment, program, and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(n) For special temporary authority in emergency cases, at times outside of the regular office hours of the Commission and requiring immediate action during those hours.[3]

(o) For operation by broadcast station licensees during daytime for specified periods with their nighttime facilities in order to check measurements and operation which, as a practical matter, may not be accomplished during nighttime.

(p) For assignment from time to time of the frequency or frequencies, power, emission, and type of equipment to be employed by any Experimental or Developmental radio station, so as to provide the maximum results from the experimentation with the minimum of interference.

(q) For addition, modification, or coordination of programs of research or experimentation of any experimental or developmental radio station, so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(r) For special temporary authority to provide an interim FM broadcast service provided such requests are from FM conditional grantees or holders of FM construction permits.

SEC. 0.122 *Action with respect to International Broadcasting.* The Chief Engineer, or, in his absence, the Acting Chief Engineer, acting in coordination with the Commission's representative on the Interdepartment Committee for International Radio Broadcasting Facilities, is authorized to take the following action:

(a) To issue special service authorizations for the use of frequencies assigned to international broadcast service to international broadcast stations

[2] For the procedure followed in connection with Motions Docket Matters see §§ 1.741 to 1.745 (47 CFR 1.741–1.745).

[3] By action of the Commission November 21, 1946, the Engineer in Charge at Honolulu is authorized to issue Special Temporary Authorizations for a term of 30 days to cover the operation of government surplus aircraft from Hawaii to the United States.

and to those stations which are being used by the State Department for international broadcasting and for multiple-address press and facsimile services.

(b) To prescribe and to change from time to time the hours during which the frequencies assigned by these special service authorizations may be used.

(c) To prescribe and to change from time to time the hours during which each international broadcast station may use the frequencies licensed to it.

(d) To issue a temporary authorization permitting a licensee of an international broadcast station temporarily to substitute another frequency for a frequency specified in the applicant's regular license, where operation on such regularly licensed frequency is subject to serious interference. In authorizing any such substitution of frequencies the Chief Engineer, or, in his absence, the Acting Chief Engineer, shall, where feasible, authorize the use of a frequency in the same megacycle band as the frequency specified in the regular license.

SEC. 0.123 *Record of actions taken.* Action on formal applications taken by the Chief Engineer, or, in his absence, by the Acting Chief Engineer, in accordance with sections 0.121 and 0.122 shall be recorded each week in writing and filed in the official minutes of the Commission.

DELEGATION TO CHIEF ACCOUNTANT

SEC. 0.131 *Authority delegated to Chief Accountant.* The Chief Accountant, or, in his absence, the Acting Chief Accountant, of the Commission is designated to act upon:

(a) Administration, interpretation, and application of regulations promulgated by the Commission pursuant to section 220 of the Communications Act, relating to accounts, records, and memoranda to be kept by carriers subject to the jurisdiction of the Commission.

(b) Applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to sections 211 and 219 of the Communications Act.

(c) Administration, interpretation, and application of orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks or chains, including applications for extensions of time in which to file financial and statistical statements and reports.

(d) All matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to section 203 of the Communications Act, and in connection with the administration of this section insofar as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof.

SEC. 0.132 *Authority to issue orders; record of actions taken.* Where appropriate, in acting upon the matters referred to in § 1.131 (47 CFR 1.131), the Chief Accountant, or, in his absence, the Acting Chief Accountant, is authorized to make orders in letter form for the signature of the Secretary of the Commission. Action taken on formal applications in accordance with section 0.131 shall be recorded each week in writing and filed in the official minutes of the Commission.

DELEGATION TO SECRETARY

SEC. 0.141 *Authority delegated to Secretary.* The Secretary of the Commission, or, in his absence, the Acting Secretary of the Commission, is designated to act upon the following matters:

(a) Applications for amateur station licenses.

(b) Applications for new, or modified, ship station licenses, or for special temporary authority to operate ship stations[1] except applications which request—

(1) Authority to operate on a frequency or frequencies which are not currently available in accordance with the frequency allocation plan of the Commission;

(2) Authority to communicate with aircraft stations;

(3) Authority to operate a life boat transmitter when no other transmitting equipment is to be authorized in the same license;

(4) Authority to use A–4 emission or special emission under the provisions of § 8.69 of the rules (47 CFR 8.69);

(5) Authority to operate transmitting equipment on a cable marker buoy pursuant to § 8.65 of the rules (47 CFR 865);

(6) Authority to communicate with amateur stations;

(7) Authority to operate for a period in excess of three months transmitting equipment which has not been approved by the Bureau of Engineering;

(8) A license or modification of license where the Bureau of Law or the Bureau of Engineering notifies the Secretary that the applicant is involved in any discrepancy, violation or hearing concerning any treaty, law, or regulation governing radio or wire communication;

(9) Authority to operate for a period in excess of three months a station where the applicant is a corporation controlled by another corporation;

(10) Authority to operate a ship telephone station open to public correspondence where a charge will be made by the ship station licensee for the service.

(c) Applications for new licenses, modification of licenses, special temporary authorizations for a period not to exceed 3 months, and consent to assignment of licenses for aircraft radio stations on board nonscheduled aircraft[2] where:

(1) The applicant requests only A–1, A–2, or A–3 emission or any combination thereof;

(2) The applicant requests frequencies currently available in accordance with the frequency allocation plan of the Commission;

(3) The equipment involved is listed among types of equipment stated by the Bureau of Engineering to be capable of meeting the pertinent requirements of the Commission's rules; or

(4) The applicant, if a corporation, is not controlled by another corporation.

(d) Applications by persons, who are already licensees, for new licenses, or modification of licenses and special temporary authorizations for a period not to exceed 3 months, for scheduled aircraft stations where:

(1) The applicant requests only frequencies in accordance with §§ 9.312, 9.321, 9.432 and 9.443 of the rules (47 CFR 9.312, 9.321, 9.432, 9.443);

(2) The applicant does not request authority to communicate with a station in any other service;

(3) The equipment involved is listed among types of equipment stated by the Bureau of Engineering to be capable of meeting the pertinent requirements of the Commission's rules; and

(e) Requests by licensees or permittees for cancellation of their station licenses, construction permits or other authorization except those stations which render a common carrier service or standard, FM, television, or international broadcast stations.

(f) Applications for renewal of amateur radio operator licenses or authorizations.

(g) Except for specific applications concerning which the Bureau of Engineering or the Bureau of Law shall notify the Secretary, applications for license or modification of license to cover construction permits, where the permittee has complied with all the terms of the construction permit and no additional authority not covered by the permit is requested, in the following categories of cases;

(1) All classes of stations in the Emergency Services;

(2) All classes of stations in the Aviation Services;

(3) All classes of stations in the Railroad Radio Service;

(4) All classes of stations in the Miscellaneous Services;

(5) All Class 1 Experimental Stations, and Class 2 Experimental Stations operating in established services;

(6) All classes of stations in the Public Coastal and Fixed Public Services in Alaska;

(7) All classes of stations in the Utility Radio Service.

(h) All applications for renewal of licenses, other than those for stations rendering a common carrier service (except those listed in subsection (7) below), where the renewal is in accordance with the terms of the previous license, or the sole difference is that the authority requested is less than that previously granted, in the following categories of cases:

(1) All classes of stations in the Emergency Services;

(2) All classes of stations in the Aviation Services;

(3) All classes of stations in the Railroad Radio Service;

(4) All classes of stations in the Miscellaneous Services, except provisional stations in the Intermittent Service;

(5) All classes of stations in the Utility Radio Service;

(6) All classes of stations in the Ship Service;

(7) Stations in the Alaskan coastal and Alaskan fixed public services.

(i) Applications for consent to assignment of licenses or for consent to transfer of control of remote pick-up or ST broadcast stations, when the Commission has on a prior date consented to a like assignment or transfer of control of the standard broadcast station with which the remote pick-up stations are affiliated.

(j) Except for specific applications concerning which the Bureau of Engineering or the Bureau of Law shall notify the Secretary, applications for extension of the expiration dates of construction permits and applications for extension of the period of equipment and service tests, in the following categories of cases:

(1) All classes of stations in the Emergency Services;

(2) All classes of stations in the Aviation Services;

(3) All classes of stations in the Railroad Radio Service;

(4) All classes of stations in the Miscellaneous Services;

(5) All classes of stations in the Public Coastal and Fixed Public Services in Alaska;

(6) All classes of stations in the Utility Radio Service.

(k) All applications for restricted radiotelephone permits for use by operators of itinerant aircraft radio stations.

(l) Applications for mobile stations (other than those rendering a common carrier service) in the Emergency Services, Miscellaneous Services, Railroad Service and Utility Radio Service where the applicant already holds licenses or construction permits for stations of the type applied for; provided, however, that such action shall be restricted to cases:

(1) Where there is no question as to the eligibility of the applicant;

(2) Where the applications request frequencies currently available to the particular applicant in accordance with the frequency allocation plan of the Commission.

(m) Requests for assignment of call letters to new radio stations and for changes in the call letters of existing stations.

(n) Applications for new or modified ship radar station licenses in the Ship Service or for special temporary authorization in the Ship Service to operate a ship radar station where: (1) equipment involved is listed among types of equipment stated by the Bureau of Engineering to be capable of meeting the pertinent requirements of the Commission's rules.

SEC. 0.142 *Authority delegated to Secretary upon securing approval of Bureau of Engineering.* The Secretary, or, in his absence, the Acting Secretary, is designated to act upon the following matters upon securing the approval of the Chief Engineer or his nominee, with the exception of applications for restricted radiotelephone permit for use by operators of itinerant aircraft radio stations.

(a) Formal applications for broadcast services as follows:

(1) For construction permit, modification of construction permit, and modification of license, involving only a change in equipment with an additional cost not in excess of $1,000;

(2) To install frequency control equipment;

(3) Relating to auxiliary equipment;

(4) For authority to determine operating power of broadcast stations by direct measurement of antenna power;

(5) For construction permit or modification of license involving relocation locally of a control point of transmitter site not involving any substantial change in service area.

(b) The following applications for commercial radio operator licenses:

(1) All applications for new licenses except where it appears that the applicant has been convicted of a crime for which the sentence imposed was more than 1 year imprisonment or a $500 fine;

(2) All applications for renewal and modified licenses except where it appears that the applicant has been convicted of a crime for which the sentence imposed is more than 1 year imprisonment or a $500 fine. This exception does not apply to those cases where the same crime or crimes have been disclosed in previous applications for operator license granted by the Commission.

(c) All applications for new or modified amateur radio operator licenses or authorizations.

(d) Applications for new ship station licenses, for modification of ship station licenses, and for special temporary authority to operate a ship station where these applications request authority to operate transmitting equipment on a cable marker buoy pursuant to § 8.65 of the rules (47 CFR 8.65).

(e) Applications for construction permit, modification of construction permit and modification of license which involve only a change in equipment, except applications involving stations in the broadcast services and except applications falling under section 0.141.

(f) All applications for new licenses, modifications of license, special temporary authorizations for a period not to exceed three months and consent to assignment of licenses for aircraft stations on board nonscheduled aircraft, except where the applications fall within the provisions of section 0.141, and where the applicant is not a corporation controlled by another corporation.

(g) Applications in any acceptable form filed at Commission Field Offices located in the Territory of Alaska for special temporary operator license authorization, in lieu of regular commercial radio operator license, when it is shown that there is a need for such an authorization for use in connection with the protection of life or property during an emergency period.

(h) Applications for new or modified ship radar station licenses in the Ship Service or for special temporary authorization in the Ship Service to operate a ship radar station except those falling under section 0.141 (n) of this Statement.

(i) Applications or requests under section 214 of the Communications Act for a certificate authorizing the construction, acquisition, operation or extension of lines, or for an authorization of temporary or emergency service, or the supplementing of existing facilities, where the total expenditure involved is less than $250,000; all applications or requests for modification of a certificate or authorization issued under section 214 of the Communications Act where such amendment or modification involves a total expenditure of less than $250,000; and applications and requests for authority to discontinue, reduce or impair telephone service filed pursuant to the provisions of §§ 63.63, 63.65, and 63.66 of the rules and regulations (47 CFR 63.63, 63.65, 63.66).

SEC. 0.143 *Authority delegated to Secretary upon securing approval of Bureau of Law.* The Secretary, or, in his absence, the Acting Secretary, is designated to act upon the following matters upon securing the approval of the General Counsel or his nominee:

(a) Broadcast service applications for modification of licenses involving only change of the name of the licensee, where ownership or control is not affected.

(b) Requests for inspection of records under the provisions of section 0.206.

(c) All requests for withdrawal of papers in accordance with § 1.768 (47 CFR 1.768).

(d) Applications filed by attorneys for admission to practice before the Commission.

(e) The execution of contracts or leases in the name of the Commission.

(f) Applications under section 212 of the Communications Act for authority to hold the position of officer or director of more than one carrier subject to the act.

(g) The extension of the time previously ordered by the Commission within which transfers of control or assignments of licenses be effectuated.

(h) Extensions of time within which briefs and comments may be filed with respect to proposed rule making.

SEC. 0.144 *Authority delegated to Secretary upon securing approval of the Bureaus of Law and Engineering.* The Secretary, or, in his absence the Acting Secretary, is designated to act upon the following matters upon receiving the approval of the General Counsel and Chief Engineer or their respective nominees:

(a) Applications for the utility, railroad, aviation, emergency, ship and miscellaneous services, and for State guard stations in the war emergency radio services, except those rendering a common carrier service and those falling under sections 0.141 and 0.142.

(b) Applications for Class 1 and Class 3 experimental stations and all applications for Class 2 experimental stations in established services and in the proposed General Mobile, Rural Radiotelephone, Industrial, and Citizens Services and Highway Maintenance and radar navigational aid stations, except (1) those falling under sections 0.121 and 0.141, and (2) those rendering or proposing to render a common carrier service.

[1] See sections 0.142, 0.144, and 0.145 for delegations of authority covering other applications in the Ship Service.

[2] See sections 0.142, 0.144, and 0.145 for delegations of authority covering other applications in the aviation services.

(c) All broadcast service applications as follows:

(1) For extensions of time within which to commence and complete construction;

(2) For authorization to rebroadcast when Commission authorization is required under Parts 3 and 4 of the Commission's rules and regulations (47 CFR Parts 3, 4);

(3) To withdraw authorizations for equipment and service or program tests where subsequent to the issuance of the original authorizations it appears that the terms of the construction permit have not been met.

(d) Applications or requests for emergency and renewal exemptions of ships, and initial exemptions of ships of less than 100 gross tons, pursuant to the provisions of section 352 (b) of the Communications Act and article 28 of the Safety Convention.

(e) Proposals by FM broadcast stations to deviate from time schedules.

(f) Applications and requests for waiver of rules, regulations, and orders of the Commission relating to the proper time for filing of renewals of Commercial and Amateur Radio Operator Licenses.

(g) Applications for new, renewal or modified commercial radio operator licenses except those falling under sections 0.141 and 0.142.

(h) Applications or requests for temporary operation by radio station licensees with a licensed operator of lesser grade than normally required or for waiver of other technical requirements for operators.

(i) Requests by licensees or permittees for cancellation of their station licenses, construction permits or other authorization covering standard, FM, or television broadcast stations.

(j) Applications and requests for waiver of §§ 3.30 (a) and 3.205 (a) of the Commission's rules and regulations (47 CFR 3.30 (a), 3.205 (a)) to permit identification of a broadcast station as a station located in a borough or city which the station is designed to serve where the location of the main studio has been approved at a transmitter site which is situated at a point outside the borders or corporate limits of such borough or city.

(k) Applications for remote pick-up, ST, and experimental TV relay broadcast stations.

(l) Applications from FM broadcast stations requesting authority to transmit multiplex facsimile in accordance with § 3.266 of the Commission's rules (47 CFR 3.266).

SEC. 0.145 *Authority delegated to Secretary upon securing the approval of the Bureaus of Law, Engineering, and Accounting Departments.* The Secretary, or, in his absence, the Acting Secretary, is designated to act upon the following matters upon securing the approval of the General Counsel, Chief Engineer and Chief Accountant, or their respective nominees:

(a) Applications for experimental class 2 stations both in established services and in the proposed General Mobile Service, the proposed Rural Radio Telephone Service, and the proposed Short Distance Toll Service, which render or propose to render a common carrier service, except those falling under sections 0.121 and 0.141.

(b) Applications for the aviation, ship, miscellaneous, United States and Alaskan coastal and marine relay services, and Alaskan fixed public services, except those falling under sections 0.112, 0.121, 0.141, 0.142, and 0.144.

(c) Applications for special temporary authorizations other than those falling under sections 0.112, 0.121, 0.141, 0.142, and 0.144.

(d) Applications from existing licensees for instruments of authorization for the agriculture, fixed public or fixed public press radio services, except applications involving:

(1) New points of communication, not already authorized to a station of the licensee at some other location or not already authorized by an outstanding construction permit; unless the application for a new point of communication is for (i) transmission of addressed program material, as set forth in § 6.51 (47 CFR 6.51), in connection with special news events, or (ii) control of the transmission and reception of addressed program and facsimile material in connection with special news events;

(2) Changes in transmitter location other than local in character;

(3) Assignment of additional frequencies not already assigned to a station of the licensee at some other location;

(4) The establishment of a new type of service.

(e) All broadcast service applications involving only a change in equipment with an additional cost in excess of $1,000, for construction permit, modification of construction permit, and modification of license.

(f) Applications in the broadcast service for license following construction where the applicant has complied with all the terms of the construction permit.

SEC. 0.146 *Authority delegated to the Secretary upon securing the approval of the Bureaus of Law and Accounting.* The Secretary, or the Acting Secretary, is designated to act upon the following matters upon securing the approval of the General Counsel and Chief Accountant, or their respective nominees:

(a) Applications or requests for extensions of the time prescribed in § 43.51 of the rules and regulations (47 CFR 43.51) for the filing of documents specified therein.

(b) Broadcast service applications which fall within the provisions of § 1.323 of the Commission's rules and regulations (47 CFR 1.323).

(c) Broadcast service applications for consent to assignments of licenses from individuals to corporations owned and controlled by such individuals, or from corporations to the individual stockholders controlling such corporations, provided there are no substantial changes in the interests of the respective assignors.

SEC. 0.147 *Authority delegated to Secretary upon securing the approval of the Bureau of Accounting.* The Secretary, or in his absence, the Acting Secretary, is designated to act upon the following matters upon securing the approval of the Chief Accountant, or his nominee:

(a) Applications under section 214 of the Communications Act for an authorization for temporary or emergency closures or reductions of hours of telegraph offices, and for any closure, or reduction of hours of a telegraph office at a military establishment, for closure of railroad-operated agency offices and for closure of company-operated main offices where substitute service is to be provided by a telephone or teleprinter operated agency office in the same community in those cases where applicable Commission policy has been established; and informal requests for authority to discontinue, reduce, or impair telegraph service filed pursuant to the provisions of §§ 63.63, 63.64, 63.66–63.68, inclusive, of the Commission's rules and regulations (47 CFR 63.63, 63.64, 63.66–63.68).

SEC. 0.148 *Record of actions taken.* All actions taken by the Secretary in accordance with sections 0.141–0.147 shall be recorded each week in writing and filed in the official minutes of the Commission.

SEC. 0.151 *Authority delegated to Engineer in Charge of port offices.* The Engineer in Charge of each port office (or in his absence, the Acting Engineer in Charge) is designated to act upon the following matter:

(a) Applications for waiver of the requirement of six months' previous service contained in section 353 (b) of the Communications Act of 1934, as amended, and in paragraphs (c) (3) and (d) (2) of § 13.61 of the rules and regulations (47 CFR 13.61).

SEC. 0.152 *Record of actions taken.* Action taken on applications in accordance with section 0.151 shall be recorded each week and a copy thereof forwarded to the Secretary of the Commission to be filed in the official minutes of the Commission.

STATEMENT OF PLACES FOR SUBMITTING APPLICATIONS AND OTHER REQUESTS AND SECURING PUBLIC INFORMATION [1]

SECTION 0.201 *Main offices.* The main offices of the Federal Communications Commission are located in the New Post Office Building at Thirteenth and Pennsylvania Avenue NW., Washington 25, D. C., and the public may secure information or make submittals or requests to the Commission by coming in person to these offices (or the offices listed below) or by addressing the Federal Communications Commission, Washington 25, D. C. The hours of the Commission are from 8:30 a. m. to 5 p. m., Monday through Friday, except on legal holidays.

SEC. 0.202 *Other offices in Washington, D. C.* Other offices of the Commission in Washington, D. C., are maintained at Temporary Building T, 14th and Constitution Avenue NW.; and Temporary Building L, South of the Reflection Pool at Lincoln Memorial.

SEC. 0.203 *Field offices.* The location of the Bureau of Engineering field offices

[1] This Statement is issued pursuant to sec. 3 (a) (1) of the Administrative Procedure Act.

are shown in sections 0.28 (e) and 0.40, those of the Bureau of Accounting in section 0.55, and those of the Bureau of Law in section 0.73.

SEC. 0.204 *Public reference rooms.* Five public reference rooms are maintained by the Commission where the public may inspect any material which is available for public inspection in accordance with section 0.206. These rooms are as follows:

(a) Broadcast and Docket Reference Room is located in Room 8454, New Post Office Building. Here the public may inspect all broadcast applications and files relating thereto as well as dockets relating to all Commission matters which have been designated for hearing.

(b) Commercial License Reference Room is located in Room 1628, Temporary Building T, 14th Street and Constitution Avenue NW. Here the public may inspect all applications and files relating thereto concerning nonbroadcast radio station applications (except amateur) and nonradio applications by common carriers.

(c) Amateur License Reference Room is located at Room 1723, Temporary Building T, 14th Street and Constitution Avenue NW., Washington, D. C. Here the public may inspect all applications and files relating thereto concerning amateur radio station applications. In addition a complete file is maintained relating to commercial and amateur radio operators. More complete information concerning applications filed by commercial and amateur radio operators outside of the Washington district may be obtained from the appropriate Bureau of Engineering district offices listed in section 0.40.

(d) Common Carrier Reference Room is located at Room 1742, Temporary Building T, 14th Street and Constitution Avenue NW., Washington, D. C. Here the public may inspect all annual and other reports filed by common carriers pursuant to section 219 (a) of the Communications Act and the schedules for all charges for interstate and foreign wire or radio communications filed pursuant to section 203 of the act.

(e) Contracts Reference Room is located in Room 7226, New Post Office Building. Here the public may inspect all contracts, agreements, or arrangements between carriers filed pursuant to section 211 (a) of the Communications Act, except those marked confidential.

SEC. 0.205 *Information office.* The information office is located in Room 7232, New Post Office Building. It maintains a file of current news releases, public notices, proposed decisions and final decisions issued by the Commission which are available for inspection. Extra copies when available are furnished to interested persons upon request.

SEC. 0.206 *Inspection of records.* Subject to the provisions of sections 4 (j), 213 (f), 412, and 606 of the act, the files of the Commission shall be open to public inspection as follows:

(a) Tariff schedules required to be filed under section 203 of the act; valuation reports, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213 of the act; and annual and monthly reports required to be filed under section 219 of the act.

(b) Contracts, agreements, or arrangements between carriers, filed pursuant to section 211 (a) of the act, except such contracts relating to foreign wire or radio communications which are marked confidential by the Commission: *Provided, however,* That the Commission will give appropriate consideration to a petition filed by any person showing that any such contract, agreement, or arrangement relates to foreign wire or radio communication; that its publication would place American communication companies at a disadvantage in meeting the competition of foreign communication companies; and that public interest would be served by keeping its terms confidential.

(c) All applications and amendments thereto filed under title II and title III of the act, including all documents and exhibits filed with and made a part thereof, and all communications protesting or endorsing any such applications, authorizations, and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission. The information filed under § 1.341 (47 CFR 1.341) and network and transcription contracts filed pursuant to § 1.342 (47 CFR 1.342) shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee, or licensee, for good cause shown, designate any of the material in this subsection as confidential.

(d) In the discretion of the Commission, other files, including those excepted in subsections (a), (b), and (c) hereof, upon written request describing in detail the documents to be inspected and the reasons therefor.

(e) For provisions relating to inspection of files relating to Presidential licenses for submarine cables, see Appendix No. 1 to Part 1 of the Commission's rules and regulations (47 CFR Part 1, App. 1).

SEC. 0.207 *Certified copies; requests for; costs.* Copies of any documents subject to inspection under the provisions of section 0.206 will be prepared and certified by the Secretary, under seal, on written request, specifying the exact documents, the number of copies desired, and the date on which the same will be required. Such request must be made so as to permit a reasonable time for the preparation of such copies and any cost incurred in the preparation of such copies must be prepaid by the person making application therefor.

SEC. 0.208 *Reports of violations.* Reports of violations of the Communications Act or of the Commission's rules and regulations may be submitted direct to the Commission in Washington or to any field office.

SEC. 0.209 *Place of filing of applications for radio authorizations.*

Class of station	Method of filing	Number of copies
(a) All classes of Alaskan stations, except broadcast and amateur.	Via Inspector in charge, radio district No. 14, Seattle, Wash.	3
(b) Aircraft	Direct to Washington, D. C.	1
(c) Geophysical	do	1
(d) Ship	do	1
(e) Standard broadcast, FM broadcast, international broadcast and television.	do	3
(f) All other classes of applications for radio stations including portable (except amateur).	do	2

SEC. 0.210 *Applications for ship radio inspection.* Applications for ship radio inspection shall be forwarded to the office of the district in which the ship is located. In order to expedite action for ships docked in Mobile, Ala., this form may be submitted direct to the Mobile, Ala., office located at 320 United States Courthouse and Customhouse, Mobile 10, Ala.

SEC. 0.211 *Application for exemptions and waivers under Part II of Title III.* (a) Applications filed under the provisions of section 352 (b) for exemption from the requirements of Part II, Title III of the Communications Act of 1934, as amended, shall be filed at the Commission's office in Washington, D. C.

(b) Applications filed under the provisions of section 353 (b) for waiver of the requirements of that section shall be filed at the office of the Commission's Engineer in Charge at or in the vicinity of the port from which the vessel for which the waiver is requested is scheduled to depart. Prior to filing an application for such waiver, the applicant must have exhausted all known sources of ship radio operators within a reasonable distance. The determination of what sources will be considered to be within a reasonable distance will be made by a reference, among other factors, to the date when efforts were commenced by the applicant to secure a fully qualified radiotelegraph operator in relation to the date when the applicant first became aware of the scheduled (or approximate) sailing date of the vessel concerned.

SEC. 0.212 *Nonradio common carrier applications.* All such applications shall be filed at the Commission's office in Washington, D. C.

SEC. 0.213 *Applications for amateur station and operator license and/or commercial operator license.* (a) Application for amateur station and operator license shall be filed in the appropriate engineering field office listed in section 0.40 if the personal appearance of the applicant for operator examination is required. In all other cases, including examination for class C privileges, the application should be sent to Washing-

ton. Only one copy of the application is required.

(b) Application for commercial operator license shall be filed with any engineering field office listed in section 0.40 under whose supervision the applicant desires to be examined.

(c) Radio operator examinations are given frequently under announced schedules at the Commission's office at Room 2065, Temporary Building L (South of the Reflection Pool at Lincoln Memorial), Washington, D. C., and at each of the Commission's field offices listed in section 0.40. Examinations are also given frequently, by appointment, at the Commission's offices at the following points: Cleveland, Ohio; Savannah, Ga.; San Diego, Calif.; Tampa, Fla.; Juneau, Alaska; Anchorage, Alaska.

Examinations are also given at less frequent intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices for such locations. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY EXAMINATIONS

Birmingham, Ala.	Milwaukee, Wis.
Charleston, W. Va.	Nashville, Tenn.
Cincinnati, Ohio	Oklahoma City, Okla.
Columbus, Ohio	Omaha, Nebr.
Corpus Christi, Tex.	Pittsburgh, Pa.
Davenport, Iowa	St. Louis, Mo.
Des Moines, Iowa	Salt Lake City, Utah
Fort Wayne, Ind.	San Antonio, Tex.
Fresno, Calif.	Schenectady, N. Y.
Grand Rapids, Mich.	Sioux Falls, S. Dak.
Indianapolis, Ind.	Syracuse, N. Y.
Knoxville, Tenn.	Tulsa, Okla.
Little Rock, Ark.	Williamsport, Pa.
Memphis, Tenn.	Winston-Salem, N. C.

SEMIANNUAL EXAMINATIONS

Albuquerque, N. Mex.	Butte, Mont.
Amarillo, Tex.	Cumberland, Md.
Bakersfield, Calif.	El Paso, Tex.
Bangor, Maine	Hartford, Conn.
Billings, Mont.	Hilo, T. H.
Bismarck, N. Dak.	Jacksonville, Fla.
Boise, Idaho	Klamath Falls, Oreg.
Las Vegas, Nev.	Roanoke, Va.
Lihue, T. H.	Spokane, Wash.
Mobile, Ala.	Tucson, Ariz.
Phoenix, Ariz.	Wichita, Kans.
Portland, Maine	Wilmington, N. C.
Reno, Nev.	

ANNUAL EXAMINATIONS

Kaunakakai, T. H.	Wailuku, T. H.
Lanai, T. H.	

Arrangements have also been made, with the cooperation of other Federal agencies, for classes A and B examinations in outlying areas, as follows:

Alaska: United States Signal Corps station.
Guam: District Communications Officer, United States naval station.
Hawaii: At not exceeding one point on any island, by the engineer in charge (Honolulu).

(d) Applications for aircraft radiotelephone operator license in connection with itinerant aircraft radio may also be obtained from approximately 2,000 Civil Aeronautics Administration flight examiners; the licenses themselves may under certain conditions be obtained from these flight examiners. For information as to the location of these examiners, inquiry should be made at airports and aviation training school. Issuing officers are authorized to charge a maximum of $1 for issuing each authorization. The authorization may also be issued free of charge in the regular procedure described above in this section.

SEC. 0.214 *Miscellaneous submittals or requests.* Persons desiring to make requests or submittals of a general nature should communicate with the Bureau of the Secretary of the Commission. Those who wish to apply for employment should communicate with the Personnel Officer. Both offices are in Washington, D. C.

SEC. 0.215 *Where to obtain forms.* All forms for use in submitting applications for radio authorizations, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the engineering field offices listed in section 0.40.

[F. R. Doc. 48-10211; Filed, Nov. 23, 1948; 8:57 a. m.]

[Docket No. 9106]

CLASS B FM BROADCAST STATIONS; SALISBURY, MD., AND GEORGETOWN, DEL.

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

In the matter of Amendment of Revised Tentative Allocation Plan for Class B FM Broadcast Stations to delete Channel No. 268 from Salisbury, Maryland, and to add Channel 268 to Georgetown, Delaware.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of November 1948;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations by deleting Channel 268 from Salisbury, Maryland, and adding Channel 268 to Georgetown, Delaware; and

It appearing, that notice of proposed rule making setting forth the above amendment was issued by the Commission on September 13, 1948, and was duly published in the FEDERAL REGISTER which notice provided that interested parties might file statements or briefs with respect to said amendment on or before October 18, 1948; and

It further appearing, that no comments or briefs with respect to the said amendment have been received; and

It further appearing, that the adoption of the said amendment would make possible a more equitable and efficient utilization of FM frequencies in the vicinity of Georgetown, Delaware, and Salisbury, Maryland;

It is ordered, That, effective December 28, 1948, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended so that the allocation of Channel 268 to Salisbury, Maryland, is deleted therefrom and so that the allocation of Channel 268 to Georgetown, Delaware, is included therein.

Released: November 18, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10214; Filed, Nov. 23, 1948; 8:49 a. m.]

[Docket No. 9150]

CLASS B FM BROADCAST STATIONS; HARRISBURG, PA., AND BLOOMSBURG, PA.

ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of Revised Tentative Allocation Plan for Class B FM Broadcast Stations to delete Channel No. 293 from Harrisburg, Pennsylvania, and to add Channel No. 293 to Bloomsburg, Pennsylvania.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of November 1948;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations by deleting Channel No. 293 from Harrisburg, Pennsylvania and adding Channel No. 293 to Bloomsburg, Pennsylvania; and

It appearing, that notice of proposed rule making setting forth the above amendment was issued by the Commission on September 13, 1948 and was duly published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with repect to the said amendment on or before October 18, 1948; and

It further appearing, that no comments or briefs with respect to the said amendment have been received; and

It further appearing, that the adoption of the said amendment would make possible a more equitable and efficient utilization of FM frequencies in the vicinity of Bloomsburg and Harrisburg, Pennsylvania;

It is ordered, That, effective December 28, 1948, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended so that the allocation of Channel No. 293 to Harrisburg, Pennsylvania is deleted therefrom and so that the allocation of Channel No. 293 to Bloomsburg, Pennsylvania is included therein.

Released: November 18, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10215; Filed, Nov. 23, 1948; 8:49 a. m.]

[Docket No. 9193]

KMPC ET AL.

ORDER FOR PUBLIC HEARING

In the matter of KMPC, Station of the Stars, Inc. Licensee of Radio Station KMPC, Los Angeles, California; WJR, The Goodwill Station, Inc. Licensee of Radio Station WJR, Detroit, Michigan; and WGAR Broadcasting Company, Licensee of Radio Station WGAR, Cleveland, Ohio.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 12th day of November 1948;

It appearing: (1) That on February 28, 1948, the Radio News Club filed with the Commission a complaint alleging that G. A. Richards, officer, director and stockholder of KMPC, Station of the Stars, Inc., WJR, The Goodwill Station, Inc., and WGAR Broadcasting Company, licensees of Stations KMPC, Los Angeles, California, WJR, Detroit, Michigan, and WGAR, Cleveland, Ohio respectively, on various occasions issued instructions to members of the news staff and other members of the staff of KMPC, to the effect that news concerning specified individuals, groups and events should be slanted, distorted, suppressed, altered or otherwise treated in a fashion specified by said G. A. Richards in order to promote his private views and interests with respect to public figures and issues of political, social and economic importance; that the complaint further alleged that said G. A. Richards, on at least one occasion, caused the dismissal of a member of the news staff of KMPC because of his failure and refusal to present specified items of news and news comment in a manner prescribed by said G. A. Richards, and designed to reflect the opinions and views of said G. A. Richards; that the complaint further alleged that said G. A. Richards issued instructions directing that specified editorials from newspapers, selected by himself, should be broadcast over the facilities of KMPC, and that such instructions were given because the editorials selected represented the views of said G. A. Richards; that the complaint was accompanied by letters and other documents which are purported to have been written or otherwise issued by said G. A. Richards, and which purported to substantiate the complaint; and

(2) That G. A. Richards, at all times when such instructions were alleged to have been given, was the president of each of said licensees and is now and has at all such times been controlling stockholder of KMPC, Station of the Stars, Inc. and WGAR Broadcasting Company, and, together with members of his family, controlling stockholders of WJR, The Goodwill Station, Inc.; and

(3) That on March 19, 1948, the Commission authorized and subsequently conducted an investigation of the matters alleged in said complaint with respect to the conduct of said G. A. Richards in relation to each of the said licensees; and

(4) That on August 12, 1948, the Commission furnished said G. A. Richards with a copy of said complaint and copies of documents referred to therein with the request that he submit his sworn statement covering the charges contained in said material; and

(5) That pursuant to said request, on September 13, 1948, G. A. Richards through counsel submitted to the Commission his sworn statement with respect to the matters alleged in the complaint; and

(6) That the foregoing information submitted by the Radio News Club, by the affidavit submitted by G. A. Richards and additional information obtained during the course of said investigation tending to substantiate the information submitted by Radio News Club raises substantial questions with respect to the qualifications of the above mentioned licensee and of G. A. Richards, controlling stockholder thereof; and

It further appearing necessary and desirable that a public hearing be held for the purpose of obtaining testimony of any persons who may have knowledge of the matters hereinbefore described and to afford to said licensees and to G. A. Richards full opportunity to testify with respect to such matters;

Now, therefore, it is ordered, Pursuant to section 403 of the Communications Act of 1934, as amended, that a public hearing be held before Commissioner E. M. Webster at a time and place to be hereafter designated by order of said Commissioner upon the following issues:

1. Whether G. A. Richards has at any time while he was an officer and principal stockholder of the licensees of Stations WGAR, Cleveland, Ohio; KMPC, Los Angeles, California; and WJR, Detroit, Michigan, issued instructions or directives to officers or employees of said licensees:

(a) To present news broadcasts in a manner designed to give a biased or a one-sided presentation of the news;

(b) To broadcast false news concerning particular issues or persons;

(c) To broadcast editorials of daily newspapers as news items without identification of such editorials as such;

(d) To discriminate in favor of the interests of any political party, parties, or candidates as against the interests of other political parties or candidates;

(e) To discriminate in any manner in the programming of Stations KMPC, WJR, and WGAR, in favor of the private, political, social and economic views and interests of G. A. Richards.

2. To what extent, if any, officers or employees refused to carry out instructions or directives, if any, of the nature specified in Issue No. 1, and what disciplinary action, if any, was taken or caused to be taken by G. A. Richards against any officers or employees who may have refused to carry out such instructions and directives.

3. To what extent, if any, the facilities of said stations, or any of them, have been used to carry out said instructions or directives.

4. To determine, in the light of any facts adduced under the foregoing issues, whether further proceedings under the Communications Act of 1934, as amended, particularly sections 307, 309 (a) or 312 (a) thereof are warranted with respect to the licenses of radio stations KMPC, WJR and WGAR or any of them.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10212; Filed, Nov. 23, 1948; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-859, G-1039, G-1149]

TEXAS GAS TRANSMISSION CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

NOVEMBER 17, 1948.

In the matters of Texas Gas Transmission Corporation, Docket No. G-859; Texas Eastern Transmission Corporation, Docket No. G-1089; National Gas & Oil Corporation, Docket No. G-1149.

Upon consideration of the application filed November 1, 1948, by National Gas & Oil Corporation, an Ohio corporation with its principal office at Newark, Ohio, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Texas Eastern Transmission Corporation (Texas Eastern) to establish physical connection of its transportation facilities with the facilities of National, and directing Texas Eastern or Texas Gas Transmission Corporation (Texas Gas) or both of them to sell natural gas to National, as described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

(a) It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such application;

(b) Good cause exists for consolidating the proceedings to be had in Docket No. G-1149 with consolidated proceedings now in progress in Docket Nos. G-859 and G-1089 for the purpose of hearing; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (c. s. t.) on November 22, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., respecting the matters involved and the issues presented by the application of National Gas & Oil Corporation;

(B) The public hearing provided for in paragraph (A) above be and the same is hereby consolidated for hearing with the matters involved in Docket Nos. G-859 and G-1089;

(C) Interested State commissions may participate as provided by Rules 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: November 18, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-10208; Filed, Nov. 23, 1948; 8:46 a. m.]

[Docket Nos. G-1019, G-1067, G-1092]

EL PASO NATURAL GAS CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF JOINT HEARING

NOVEMBER 17, 1948.

In the matters of El Paso Natural Gas Company, Docket No. G-1019; San Juan Pipe Line Company, Docket No. G-1067; and Pacific Gas and Electric Company, Docket No. G-1092.

Upon consideration of the motion filed October 18, 1948, to consolidate and set for hearing the aforesaid dockets and applications of El Paso Natural Gas Company (El Paso), San Juan Pipe Line Company (San Juan), and Pacific Gas and Electric Company (Pacific) under said dockets for certificates of public convenience and necessity pursuant to

section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as described in such applications on file with the Commission and open to public inspection; and the request filed July 29, 1948, by the Arizona Corporation Commission to cooperate in the hearing on the application filed by San Juan Pipe Line Company; and

It appearing to the Commission that:

(a) El Paso in Docket No. G–1019 proposes by its application, among other things, the construction and operation of additional facilities to transport and sell approximately 400,000,000 cubic feet of natural gas to Pacific at a point on the border line of California and Arizona near Needles, California, of which volume 150,000,000 cubic feet is to be purchased from San Juan and 250,000,000 cubic feet in the Permian Basin in New Mexico and Texas. Due notice of the filing of this application has been given, including publication in the FEDERAL REGISTER on July 21, 1948 (13 F. R. 4158, 4159). On November 15, 1948, El Paso filed a further amendment to its application wherein the total over-all capital cost of the proposed facilities are estimated to be $52,456,032.

(b) San Juan in Docket No. G–1067 proposes by its application, among other things, the construction and operation of facilities to transport and sell approximately 150,000,000 cubic feet of natural gas to El Paso at a point approximately 20 miles east of Needles, California, in Mohave County, Arizona. This volume of gas is to be purchased by San Juan in the San Juan County, New Mexico. Due notice of the filing of this application has been given, including publication in the FEDERAL REGISTER on July 21, 1948 (13 F. R. 4160).

(c) Pacific in Docket No. G–1092 proposes by its application, among other things, the construction and operation of facilities to transport and sell the natural gas purchased from El Paso to its customers in northern and central California. Due notice of the filing of this application has been given, including publication in the FEDERAL REGISTER on August 13, 1948 (13 F. R. 4702).

(d) For a more detailed statement of fact and law asserted, interested parties may refer to said applications and other pleadings filed in the above-entitled dockets which may be inspected at the office of the Federal Power Commission, Washington, D. C.

(e) The Arizona Corporation Commission has advised the Commission that San Juan has not made application to render natural gas service in the State of Arizona.

(f) The aforesaid applications are parts of an integrated plan and the request for consolidation should be granted.

The Commission orders that:

(A) The aforesaid proceedings in Docket Nos. G–1019, G–1067, and G–1092 be and the same are hereby consolidated.

(B) A public hearing be held with respect to the matters involved and the issues presented in the consolidated proceedings beginning on December 6, 1948, at 10:00 a. m. (e. s. t.) in the Commission's Hearing Room at 1800 Pennsylvania Avenue, N. W., Washington, D. C., at which time all applicants will present direct evidence in support of the respective applications, further direct evidence and cross-examination to be deferred to a time to be hereafter fixed by the Commission to be heard in San Francisco, California.

(C) The Arizona Corporation Commission and all other interested State commissions be and they hereby are permitted to participate in these consolidated proceedings in accordance with the provisions of § 1.37 (e) and §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: November 18, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R., Doc. 48-10216; Filed, Nov. 23, 1948; 8:50 a. m.]

[Docket No. G–1146]

INTERSTATE NATURAL GAS CO., INC.

ORDER FIXING DATE OF HEARING

NOVEMBER 17, 1948.

Upon consideration of the application filed on October 25, 1948, by Interstate Natural Gas Company, Inc. (Applicant), a Delaware corporation having its principal place of business at Monroe, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as more fully described in such application on file with the Commission, and open to public inspection;

It appears to the Commission that: Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for noncontested proceedings, and that this proceeding is a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 10, 1948 (13 F. R. 6634).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on December 7, 1948, at 9:30 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested States commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: November 18, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-10205; Filed, Nov. 23, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1241]

ENGINEERS PUBLIC SERVICE CO.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of November A. D. 1948.

The Boston Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from registration and listing the common stock, $1.00 par value, of Engineers Public Service Company.

The reasons for striking this security from registration and listing on this exchange that are stated in the application are: (1) Engineers Public Service Company was dissolved on June 30, 1947; (2) all its assets have already been distributed to its preferred and common stock holders with the exception of a small amount of cash and common stock of Virginia Electric and Power Company; (3) after deduction of a bank loan of $900,000, there remains a net value for these assets of approximately $1,864 000; (4) there are now outstanding approximately 1,909,968 shares of common stock of Engineers Public Service Company; (5) the value of the assets of this corporation remaining undistributed is approximately $1.00 per share; and (6) in addition, Engineers Public Service Company has a contingent claim to any portion remaining of an escrow fund set up to provide for the payment of a sum due the preferred shareholders if they should be successful in litigation now pending.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The rules of the Boston Stock Exchange with respect to striking a security from registration and listing have been complied with.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That the application of the Boston Stock Exchange to strike the Common Stock, $1.00 Par Value, of Engineers Public Service Company from registration and listing be, and the same is, hereby granted, effective at the close

of the trading session on December 15, 1948.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10204; Filed, Nov. 23, 1948; 8:46 a. m.]

[File No. 70-1970]

NEW BEDFORD GAS AND EDISON LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 17th day of November 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New Bedford Gas and Edison Light Company ("New Bedford"), a subsidiary of New England Gas and Electric Association, a registered holding company. Applicant has designated section 6 (b) of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than December 1, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 1, 1948, said application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided by Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

New Bedford proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $5,000,000 principal amount of unsecured notes, due 1973, at an interest rate not to exceed 3¼%. The proceeds from the sale of such notes will be used to pay bank borrowings owing to the First National Bank of Boston in the amount of $2,500,000, and the balance thereof will be used to restore to the Plant Replacement Fund Assets account amounts borrowed for the purpose of financing extensions, additions and improvements to New Bedford's plant and property.

The application states that the proposed issuance of notes by New Bedford is a part of the financing program of the New England Gas and Electric System, which program includes the sale, if feasible, of additional common shares of New England Gas and Electric Association to the extent of 124,600 shares in any year beginning with 1949 in which the total requirements of the system for new capital exceed $5,000,000. The application further states that New England Gas and Electric Association proposes in January, 1949, to issue to its shareholders rights to acquire 124,600 common shares on the basis of one new common share for each ten common shares now held, and that the prospectus in connection with this proposed financing is now in preparation.

New Bedford is subject to the jurisdiction of the Department of Public Utilities of Massachusetts, which Department approved the issue and sale of its said notes by order dated October 4, 1948.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10203; Filed, Nov. 23, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12206]

ANTON WOYTAS

In re: Estate of Anton Woytas, deceased. File No. D–28–12446; E. T. sec. 16662.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrude Eitel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof in and to the estate of Anton Woytas, deceased, is properly payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter W. Roedel, as executor, acting under the judicial supervision of the Surrogate's Court of Suffolk County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 48-10257; Filed, Nov. 23, 1948; 8:59 a. m.]

[Vesting order 12277]

JOHN CORDES

In re: Trust under the will of John Cordes, deceased. File No. D–28–3832–G–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That (Katharine M. A.) Amalie Annen, nee (Dobbels) Dubbels, Pastor I. R. August Cordes, Mrs. Susanna Hartung, nee (Dobbels) Dubbels, Pastor Henning (Dobbels) Dubbels, Pastor Hans Furgen (Dobbels) Dubbels, Maria Barbara (Dobbels) Dubbels, Frau Anne Murken, Hans Cordes, and Elsa Fortriede, whose last known address was, on August 10, 1948, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. The sum of $17,381.27,

b. One (1) certificate of deposit issued by The First National Bank of Chicago, Chicago, Illinois, numbered 17305, registered in the name of Tyson and Company, for one (1) Chicago City Railway Company First Mortgage 5% Gold Bond, of $1,000 face value, bearing the number 22294, together with all rights thereunder and thereto,

c. Five (5) shares, of no par value capital stock of Chicago Beach Hotel, Inc., a corporation organized under the laws of the State of Illinois, evidenced by certificate number 1432, registered in the name of Tyson and Company, together with all declared and unpaid dividends thereon, and

d. Three hundred (300) shares of $100 par value capital stock of Yukon District Gold Mining Company, Limited, a corporation organized under the laws of the Dominion of Canada, evidenced by certificate number 31, registered in the name of John Cordes, together with all declared and unpaid dividends thereon,

was paid, transferred, assigned and delivered to the Attorney General of the United States by The Trust Company of Chicago, Successor Trustee, of the Trust under the Will of John Cordes, deceased;

3. That the property described in subparagraph 2 hereof was accepted by the Attorney General of the United States on August 10, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the property described in subparagraph 2 hereof is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof were not within a designated enemy country on August 10, 1948, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10258; Filed, Nov. 23, 1948; 8:59 a. m.]

[Vesting Order 12330]

HANS ALBERT

In re: Debt owing to Hans Albert. F-28-4316-C-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Albert, whose last known address is #13-A Burkardroth, Ueber, Bad-Kissingen, Bavaria, USA Zone, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hans Albert, by Otis Elevator Company, 260 Eleventh Avenue, New York, New York in the amount of $6,638.75, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, hel don behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10259; Filed, Nov. 23, 1948; 8:59 a. m.]

[Vesting Order 12331]

JULIO C. BAHLCKE

In re: Debt owing to Julio C. Bahlcke also known as Julio Edgar Bahlcke. F-28-17510-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julio C. Bahlcke also known as Julio Edgar Bahlcke, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Julio C. Bahlcke also known as Julio Edgar Bahlcke by The Studebaker Export Corporation, 635 South Main Street, South Bend, Indiana, in the amount of $543.35, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10260; Filed, Nov. 23, 1948; 8:59 a. m.]

[Vesting Order 12335]

COMMERZ UND PRIVAT BANK AKT.

In re: Bank account owned by Commerz und Privat Bank Akt. F-28-170-E-9.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Commerz und Privat Bank Akt., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Commerz und Privat Bank Akt., by The Royal Bank of Canada, New York Agency, 68 Williams St., New York 5, New York, arising out of an account, entitled Commerz und Privat Bank Akt., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10261; Filed, Nov. 23, 1948; 8:59 a. m.]

[Vesting Order 12336]

KARL FLECK

In re: Bank account owned by Karl Fleck. F-28-29208-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Fleck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Karl Fleck, by The Firestone Bank, 1115 South Main Street, Akron, Ohio, arising out of a savings account, account number 109354, entitled Karl Fleck, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Atorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10262; Filed, Nov. 23, 1948; 8:59 a. m.]

[Vesting Order 12337]

GERLING-KONZERN ALLGEMEINE VERSICHERUNGS-AKTIENGESELLSCHAFT

In re: Debt owing to Gerling-Konzern Allgemeine Versicherungs-Aktiengesellschaft, also known as Gerling-Konzern. F-28-11701-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gerling-Konzern Allgemeine Versicherungs-Aktiengesellschaft, also known as Gerling-Konzern, the last known address of which is Koln, Postfach 353, Germany, is a corporation, partnership, association or other business organizations, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Johnson & Higgins of California, 311 California Street, San Francisco, California, in the amount of $1,588.11, as of December 31, 1945, representing a credit balance held by the aforesaid Johnson & Higgins of California for the account of Gerling-Konzern Allgemeine Versicherungs-Aktiengesellschaft, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Gerling-Konzern Allgemeine Versicherungs-Aktiengesellschaft, also known as Gerling-Konzern, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10263; Filed, Nov. 23, 1948; 8:59 a. m.]

[Vesting Order 12338]

ARTHUR E. GRIX AND MARGARET E. GRIX

In re: bank account owned by Arthur E. Grix also known as Arthur Ernest Francis Grix and Margaret E. Grix also known as Margaret Grix. F-28-25535-C-1, F-28-25535-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arthur E. Grix also known as Arthur Ernest Francis Grix and Margaret E. Grix also known as Margaret Grix, whose last known address is Friedrichstrasse 49a, Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Arthur E. Grix also known as Arthur Ernest Francis Grix and Margaret E. Grix also known as Margaret Grix, by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a Compound Interest account, account number 333661, entitled Arthur E. Grix and/or Margaret Grix, maintained at the branch office of the aforesaid bank located at 17 East 42nd Street, New York 17, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 48-10264; Filed, Nov. 23, 1948; 9:00 a. m.]

[Vesting Order 12340]

FR. HESSER MASCHINENFABRIK-AKTIENGESELLSCHAFT

In re: Debt owing to Fr. Hesser Maschinenfabrik-Aktiengesellschaft. F-28-8291-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fr. Hesser Maschinenfabrik-Aktiengesellschaft, the last known address of which is Stuttgart-Bad, Cannstatt, Germany, is a corporation organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Stuttgart-Bad, Cannstatt, Germany, and is a national of a designated enemy country (Germany).

2. That the property described as follows: That certain debt or other obligation owing to Fr. Hesser Maschinenfabrik-Aktiengesellschaft by the Package Machinery Company, East Longmeadow, Massachusetts, in the amount of $11,029.35 as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce, and collect the aforesaid debt or obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 48-10265; Filed, Nov. 23, 1948; 9:00 a. m.]

[Vesting Order 12343]

WILLIAM LEMBKE AND LINA LEMBKE

In re: Bank account owned by William Lembke and Lina Lembke. F-28-12956-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Lembke and Lina Lembke, whose last known address is Hoexter an der Weser, Wilhelm Haarman Str. 15, Westfalen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Old Phoenix National Bank, Medina, Ohio, arising out of a savings account, account number 15501, entitled William Lembke or Lina Lembke, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, William Lembke and Lina Lembke, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10266; Filed, Nov. 23, 1948; 9:00 a. m.]

[Vesting Order 12344]

HEINZ MEYER

In re: Debt owing to Heinz Meyer. F-28-17283-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinz Meyer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Heinz Meyer, by Mecke & Company, 82 Wall Street, New York 5, New York, in the amount of $493.73, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 48-10267; Filed, Nov. 23, 1948; 9:00 a. m.]

[Vesting Order 12345]

REICHS KREDIT GESELLSCHAFT AKT.

In re: Bank account owned by Reichs Kredit Gesellschaft Akt. F-28-226-E-6.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Reichs Kredit Gesellschaft Akt., the last known address of which is

Berlin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Reichs Kredit Gesellschaft Akt., by Citizens National Trust and Savings Bank of Los Angeles, 457 South Spring Street, Los Angeles, California, arising out of a checking account, entitled Reichs Kredit Gesellschaft Akt., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10268; Filed, Nov. 23, 1948; 9:00 a. m.]

[Vesting Order 12346]

KATSU RITCHEY

In re: Debt owing to Katsu Ritchey. F-39-4762-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katsu Ritchey, whose last known address is Nagasaki, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Katsu Ritchey, by The Union Labor Life Insurance Company, 570 Lexington Avenue, New York, New York, in the amount of $500.00, as of December 31, 1945, representing the proceeds under Claim No. 9209, said claim arising from a Group Life Insurance Policy No. G 128A-508 issued by the aforesaid The Union Labor Life Insurance Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and any and all rights in and under the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10269; Filed, Nov. 23, 1948; 9:00 a. m.]

[Return Order 190, Amdt.]

FUJI NISHIDA AND CHIKAYE NISHIDA

Return Order No. 190, dated September 13, 1948, is hereby amended to correct the spelling of the Claimant's name in Claim No. 24703.

This claim should read as follows:

Claimant, Claim No. and Property

Fuji Nishida, guardian of Chikaye Nishida, P. O. Box 38, Hilo, Hawaii, T. H.; 24703; $14.56.

All other provisions of said Return Order No. 190 and all actions taken by or on behalf of the Attorney General of the United States of America in reliance thereon, pursuant thereto, and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10270; Filed, Nov. 23, 1948; 9:01 a. m.]

[Return Order 207]

MART FRYBERG

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim Number, Notice of Intention to Return Published, and Property

Mart Fryberg, 149 West 85th Street, Borough of Manhattan, New York, N. Y.; 26451; October 6, 1948 (13 F. R. 5847); $675.10 in the Treasury of the United States. A 20% interest in all future royalties accruing from the exploitation of a composition entitled "Die Dorfmusik".

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10271; Filed, Nov. 23, 1948; 9:01 a. m.]

PETER KUNCIS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Peter Kuncis, Lafayette, Colo.; A-281; property described in Vesting Order No. 16 (7 F. R. 4400, June 11, 1942) relating to United States Letters Patent No. 2,257,803.

Executed at Washington, D. C., on November 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10272; Filed, Nov. 23, 1948; 9:01 a. m.]

ANNA ROSENFELD KLEIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Anna Rosenfeld Klein, or, Szaboles Megye, Hungary, 7548; $614.67 in the Treasury of the United States.

Executed at Washington, D. C., on November 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10274; Filed, Nov. 23, 1948; 9:01 a. m.]

THOMAS HORTY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Thomas Horty, St. Paul, Minnesota, 32170; $10,278 in the Treasury of the United States.

Executed at Washington, D. C., on November 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10276; Filed, Nov. 23, 1948; 9:01 a. m.]

DOMENICA LETO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No. and Property and Location

Domenica Leto a/k/a Domenica Palermo Leto Allessandria, Sicily, Italy; 32969; $36,246.43 in the Treasury of the United States. 100 shares Lafayette Building Association, Lafayette, La., Full Paid Share Certificates (par value, $25.00 per share), presently in custody of the Safekeeping Department of the Federal Reserve Bank, New York, N. Y. All right, title, interest and claim of any kind or character whatsoever of Domenica Leto, also known as Domenica Palermo Leto, in and to the estate of Maria Letto Varisco, deceased.

Executed at Washington, D. C., on November 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10277; Filed, Nov. 23, 1948; 9:01 a. m.]

WILHELM HANSEN MUSIK-FORLAG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Wilhelm Hansen Musik-Forlag, Gothersgade 9-11, Copenhagen K. Denmark, 31039; Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 3995 (9 F. R. 1370, November 4, 1944), relating to compositions exploited by Associated Music Publishers under contracts with the claimant dated November 25, 1933 and February 4, 1935, including royalties pertaining thereto in the amount of $8185.80:

Executed at Washington, D. C., on November 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10275; Filed, Nov. 23, 1948; 9:01 a. m.]

OLAF NORLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Olaf Norli, d/b/a Olaf Norli Bokhandel Forlag, Universitetsgt. 24, Oslo, Norway, 36273; Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 4031 (9 F. R. 13780, November 17, 1944), relating to the literary work, "The People of Juvik" in six volumes: Volume 1, "The Trough of the Wave", Volume 2, "The Blind Man", Volume 3, "The Big Wedding", Volume 4, "Odin in Fairyland", Volume 5, "Odin Grows Up", Volume 6, "The Storm" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $43.92.

Executed at Washington, D. C., on November 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10278; Filed, Nov. 23, 1948; 9:01 a. m.]

MRS. LUCIE KLEIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Mrs. Lucie Klein, Stuttgart, Germany, 6470; all right, title, interest and claim of Lucie Klein in and to the trust estate being administered by the Chicago Title and Trust Company, Chicago, Illinois, identified on the books of said company as Trust No. 27871, arising by reason of a trust agreement executed June 29, 1931, by and between Lucie Klein and Bella Schmal, as settlors, and the Chicago Title and Trust Company, as trustee. $24,840.99 in the Treasury of the United States.

Executed at Washington, D. C., on November 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10273; Filed, Nov. 23, 1948; 9:01 a. m.]

FEDERAL REGISTER

VOLUME 13 NUMBER 230

Washington, Thursday, November 25, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Grain Sorghums Bulletin 1, Amdt. 4]

PART 263—GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENTS

1948 GRAIN SORGHUMS PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 3880, 4659, 5524, 5807, governing the making of loans on grain sorghums produced in 1948, are hereby further amended as follows:

The county loan rates in paragraph (c), *County loan rates*, of § 263.224 *Loan rates*, are amended as follows:

1. To the schedule of county rates for California add the following:

County:	Rate
Los Angeles	$2.80

2. The county loan rates for Curry, Quay and Roosevelt Counties in New Mexico are deleted and the following rates substituted in lieu thereof:

County:	Rate
Curry	$2.25
Quay	2.23
Roosevelt	2.22

3. To the schedule of county rates for South Dakota add the following:

County:	Rate
Jones	$2.28

4. The county loan rate for Hartley County, Texas, is changed from $2.22 to $2.24.

Issued this 19th day of November 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Vice President,
Commodity Credit Corporation.

[F. R. Doc. 48-10286; Filed, Nov. 24, 1948; 8:45 a. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[No. 1199]

PART 203—OPERATION

LOANS AND INVESTMENTS

NOVEMBER 22, 1948.

Resolved that, notice having been given pursuant to paragraph (c) of § 201.2 of the rules and regulations for the Federal Savings and Loan System (24 CFR 201.2 (c)), Part 203 of said regulations (24 CFR, Part 203) is hereby amended effective November 25, 1948, by deleting therefrom the provisions of §§ 203.4, 203.10, 203.11, 203.12, 203.13 (b), 203.20, and 203.21 (24 CFR 203.10, 203.11, 203.12, 203.13 (b), 203.20, and 203.21) and inserting therein the following:

§ 203.10 *Real estate loans*—(a) *Definitions.* As used in this section:

(1) The term "loans on the security of first liens" on improved real estate means loans on the security of any instrument (whether a mortgage, deed of trust, or land contract) which makes the interest in the real estate described therein (whether in fee or in a leasehold extending or renewable automatically for a period of at least 50 years) specific security for the payment of the obligation secured by such instrument, provided the instrument is of such nature that, in the event of default, the real estate described in such instrument could be subjugated to the satisfaction of such obligation with the same priority as a first mortgage or a first deed of trust in the jurisdiction where the real estate is located.

(2) The term "home" means real estate upon which there is located a dwelling or dwellings for not more than four families.

(3) The term "combination of home and business property" means real property which is used in part for business purposes and in part for residence purposes for not more than four families, provided the use as a residence is of a bona fide character.

(4) The term "other improved real estate" means real estate other than a

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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home or combination home and business property which, because of its state of improvement, produces sufficient income to maintain the property and retire the loan in accordance with the terms thereof.

(5) The term "improved real estate" means real estate which is, or which from the proceeds of the loan will become, a home, combination of home and business property, or other improved real estate.

(6) The term "installment loan" means any loan repayable in regular periodic payments, equal or unequal, sufficient to retire the debt, interest and principal, within the contract period: *Provided, however,* That the loan contract shall not require any subsequent periodic payment to be greater than any previous periodic payment.

(7) The term "insured loan" means a loan that is insured, or as to which the mortgagee is insured, or as to which a commitment for any such insurance has been made under the provisions of either the National Housing Act or the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

(8) The term "guaranteed loan" means a loan that is guaranteed or as to which a commitment to guarantee has been made under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended.

(b) *Lending powers under sections 13 and 14 of Charter K*—Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of this section are hereby approved by the Board:

(1) *Homes or combination of homes and business property*—(i) *Monthly installment loans.* Installment loans may be made on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, repayable monthly within 20 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided,* That, when the members of such an association have authorized loans to be made for an amount exceeding 75 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(*a*) 80 percent of the value, if the loan is not an insured or guaranteed loan;

(*b*) The maximum percentage of the value acceptable to the insuring agency, if an insured loan;

(*c*) 80 percent of the value, plus the amount guaranteed if a guaranteed loan.

(ii) *Other installment loans.* Loans of any type that such an association may make on a monthly installment basis may also be made with interest payable at least semi-annually and with regular periodic principal installments payable at least annually in an amount sufficient to retire the debt, interest and principal, within 5 years, or, subject to the limitations of paragraph (h) of this section (for which purpose all such loans as are not fully repayable within 5 years shall be deemed "Non-installment Loans"), within 15 years: *Provided,* That insured or guaranteed loans may be repayable upon such terms as are acceptable to the insuring or guaranteeing agency.

(iii) *Loans without full amortization.* Loans of any type that such an association may make on a monthly installment basis may also be made without full amortization of principal: *Provided,* That, except for insured or guaranteed loans, interest shall be payable at least semi-annually and any such loan may be made for an amount not in excess of 50 percent of the value and for a term of not more than 5 years: *And provided further,* That, if the members have authorized loans to be made without full amortization up to such higher percentage,

such loans may be made for an amount not in excess of 60 percent of the value and for a term of not more than 3 years.

(2) *Other improved real estate*—(i) *Monthly installment loans.* Installment loans may be made on other improved real estate for an amount not in excess of 50 percent of the value thereof, repayable monthly within 20 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided,* That, when the members of such an association have authorized loans to be made upon such security for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(*a*) The maximum percentage acceptable to the insuring agency, if an insured loan;

(*b*) 75 percent of the value of five-family or six-family residential property;

(*c*) 60 percent of the value of residential property for more than six families but for not more than twelve families;

(*d*) 66⅔ percent of the value of property used primarily for residential purposes: *Provided,* That the loan is an installment loan repayable monthly within a period of 15 years;

(*e*) 60 percent of the value of real estate which is improved by an income-producing structure thereon: *Provided,* That the loan is an installment loan repayable monthly within a period of 15 years;

(*f*) The percentage of value that such an association may otherwise lend under this sub-paragraph plus the amount guaranteed, if a guaranteed loan: *Provided,* That any percentage of value may be loaned if at least 20 percent of the loan is guaranteed.

(ii) *Other loans.* Loans of any type that such an association may make on a monthly installment basis may also be made upon any other plan of repayment: *Provided,* That, except for insured or guaranteed loans, interest shall be payable at least semi-annually and any such loan may be made for an amount not in excess of 50 percent of the value and for a term of not more than 5 years: *And provided further,* That, if the members have authorized loans to be made without full amortization up to such higher percentage of the value of other improved real estate used primarily for residential purposes, such loans may be made for an amount not in excess of 60 percent of the value thereof and for a term of not more than 3 years.

(c) *Lending powers under sections 11 and 12 of Charter E.* Any Federal association which has Charter E may, under sections 11 and 12 thereof, make monthly installment loans, repayable in not less than 5 nor more than 20 years, on the security of first liens on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, and on other improved real estate for a amount not in excess of 50 percent of the value thereof.

(d) *Lending powers under other charter provisions.* Any Federal association that has amended Charter K by the addition thereto of § 14.1 as set out in these rules and regulations and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon authorization by its board of directors and without further action by its members, make the following types of loans and the use by any such association of the applicable loan plans, practices, procedures, and maximum lending percentages is hereby approved by the Board:

(1) Any loan that a Federal association which has Charter K may make under paragraph (b) of this section;

(2) Any guaranteed loan on the security of a lien, other than a first lien, on real estate: *Provided,* At least 20 percent of the loan is guaranteed.

(e) *Participation loans.* Any Federal association may participate with other lenders in making loans of any type that such an association may otherwise make: *Provided,* That:

(1) The real estate security is located within such association's regular lending area;

(2) Each of the lenders is either an instrumentality of the United States Government or is insured by the Federal Savings and Loan Insurance Corporation or by the Federal Deposit Insurance Corporation.

(f) *Purchase of loans.* Any Federal association may purchase loans of any type that it may make: *Provided,* That no loan may be purchased from an affiliated institution without the prior approval of the Board, or from a director, officer, or employee of such association, or from any person or firm regularly serving such association in the capacity of attorney-at-law: *And provided further,* That if such an association increases its savings accounts as a part of any such purchase it shall obtain such approval as is required by § 301.17 of the rules and regulations for insurance of accounts.

(g) *Lending area.* The regular lending area of a Federal association consists of the area within a radius of fifty miles from such association's home office and, in the case of a Federal association which is converted from a State-chartered institution, that territory beyond fifty miles from its home office in which such association made loans while operating under State charter. Any Federal association may make loans in its regular lending area and, within the 15-percent-of-assets limitation as defined in paragraph (h) of this section, in other territory: *Provided,* That such association shall comply with § 301.11 of the rules and regulations for insurance of accounts. Each converted association that desires to continue to make loans beyond fifty miles from its home office in territory in which it made loans while operating under State charter shall file with the Board a map showing the territory within which such association made loans while operating under State charter. For the purpose of this paragraph a county is the unit of "territory" in which a converted association made loans beyond a radius of fifty miles from its home office while operating under State charter.

(h) *Real estate loans and investments subject to 15-percent-of-assets limitation.* Any Federal association may make loans of the types enumerated in subparagraphs (1) through (4) of this paragraph on the security of first liens on improved real estate only when the resulting aggregate amount of the following investments does not exceed 15 percent of the association's assets:

(1) Loans in excess of $20,000, after deducting each part of any such loan, if secured by a blanket mortgage, which is apportionable in an amount not exceeding $20,000 to each home or combination of home and business property which is a part of the security.

(2) Loans on other improved real estate.

(3) Loans on improved real estate located beyond the association's regular lending area.

(4) Non-installment loans.

(5) Real estate owned, except

(i) Property owned and occupied by the association as an office;

(ii) Homes or combination of homes and business property which are located within the regular lending area and which have a book value of not more than $20,000 each;

Provided, That any guaranteed loan, at least 20 percent of which is guaranteed, made by any Federal association that has amended Charter K by the addition thereto of § 14.1 as set out in these rules and regulations, or by any Federal association which has a charter in any other form not inconsistent with the provisions of this section, is exempt from the limitations of this paragraph.

(i) *Loans to directors, officers, or employees.* A Federal association may not make any real estate loans to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except loans on the security of a first lien on the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney or firm.

(j) *Appraisals.* No loan shall be made by any Federal association until at least two qualified persons designated by its board of directors shall have submitted a signed appraisal of the real estate security; or, if an insured or guaranteed loan, until two qualified persons designated by the board of directors (one of whom may be the appraiser accepted by the insuring or guaranteeing agency) shall have concurred in or approved, in writing, the valuation assigned to the real estate security by the appraiser accepted by the insuring or guaranteeing agency: *Provided,* That any Federal association which has amended its Charter by the addition thereto of § 14.1 as set out in these rules and regulations and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, when authorized by its board of directors, make any loan after a qualified person designated by such board of directors shall have submitted a signed appraisal of the real estate security and may make any insured or guaranteed loan on the basis of a valuation of the real estate security furnished to such Federal association by the insuring or guaranteeing agency.

(k) *Initial loan charges.* No director, officer, or employee of a Federal association, and no person or firm regularly serving such association in the capacity of attorney-at-law, may receive from the association or from any other source any fee or other compensation of any kind in connection with the procuring of any particular loan from or by such association. Borrowers may be required to pay the necessary initial charges in connection with the making of a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, closing of the loan, and other necessary incidental services and costs in such reasonable amounts as may be fixed by the board of directors; such necessary initial charges may be collected by the association from the borrower and paid to any persons, including any such director, officer, employee, attorney or firm rendering such services. Upon the closing of the loan, the association shall furnish the borrower a loan settlement statement showing in detail the charges or fees the borrower has paid or obligated himself to pay to the association or to any other person in connection with such loan; and a copy of such loan settlement statement shall be retained in the records of the association.

(l) *Loan contract.* Each loan shall be evidenced by note, bond, or other instrument and shall be secured by such security instrument as is in keeping with sound lending practices in the locality. The loan contract shall provide for full protection to the Federal association and shall be recorded; it shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs, and it may provide for an assignment of rents and for such other protection as may be lawful or appropriate. Such Federal association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans; all such payments may, when lawful, be added to the unpaid balance of the loan. A Federal association may require life insurance to be assigned to it by its borrowers as additional collateral for loans on the security of real estate; such association may advance premiums on any such life insurance and, when lawful, may add the premium so advanced to the unpaid balance of the loan. A Federal association may require that the equivalent of one-twelfth of the estimated annual taxes, assessments, insurance premiums, and other charges on real estate security, or any of them, be paid in advance to such association in addition to interest and principal payments on its loans, to enable the association to pay such charges as they become due from the funds so received. A Federal association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which such association has loans or which is owned by it. All loan instruments shall comply with applicable provisions of law, governmental regulations, and the Federal association's charter.

(m) *Loan payments.* Payments on the principal indebtedness of all loans on real estate security shall be applied direct to the reduction of such indebtedness. Payments on all monthly installment loans, other than construction loans, insured loans, and guaranteed loans, shall begin not later than sixty days after the advance of the loan; insured loans and guaranteed loans may be repayable upon terms acceptable to the insuring or guaranteeing agency and the Board hereby approves for use by any Federal association a loan plan wherein payments on any construction loans that such association may otherwise make under this section shall begin not later than 6 months after the date of the first advance. The Board hereby approves for use by any Federal association, except Federal associations that have Charter E, a loan plan wherein the association may require the payment of not more than six months' advance interest on the amount of any prepayment on a loan when the aggregate amount of such prepayments in any one year equals or exceeds twenty percent of the original principal amount of the loan: *Provided*, That the loan contract makes express provision therefor.

(n) *Reserve for uncollected interest.* A "Reserve for Uncollected Interest" shall be maintained equivalent to all interest in default more than 90 days.

§ 203.11 *Loans on savings accounts.* Any Federal association may make loans on the security of its savings accounts, whether or not the borrower is the owner of such account: *Provided*, That the association obtains a lien upon, or a pledge of, such savings account as security therefor. No such loan may exceed the withdrawal amount of the savings account securing the loan or the maximum percentage thereof which the association is authorized by its charter to lend upon such security, whichever is less, and no such loan may be made when the association has any application for withdrawal which has been on file more than 30 days and not reached for payment.

§ 203.12 *Unsecured loans.* Any Federal association that has amended Charter K by the addition thereto of § 14.1 as set out in these rules and regulations and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon adoption of such a loan plan by its board of directors, make or purchase:

(a) Any unsecured loan at least 20 percent of which is guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended;

(b) Simple-interest, discount, or gross-charge loans for property alteration, repair, or improvement (except business loans provided by section 503 of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, and not secured by lien on real estate) without the security of a lien upon such property: *Provided*, That:

(1) The net proceeds of any such loan do not exceed $1,500;

(2) The property is located in such association's regular lending area as defined in § 203.10 (g) of these rules and regulations;

(3) Each such loan is evidenced by one or more negotiable notes, bonds, or other written evidences of debt;

(4) The resulting aggregate amount of all such loans does not exceed an amount equal to 15 percent of such association's assets;

(5) Each such loan is repayable in regular monthly installments within a period of 5 years.

And provided further, That any such loan for property alteration, repair, or improvement that is accepted for insurance under the provisions of the National Housing Act, as now or hereafter amended, or for insurance or guarantee under the provisions of the Servicemen's Readjustment Act of 1944, as now or hereafter amended, may be repayable upon such terms and within such period as are acceptable to the insuring or guaranteeing agency and in an amount not exceeding $2,500: *Provided*, That no Federal association may make any unsecured loan to a director, officer, or employee of the association, or to any person or firm regularly serving the association in the capacity of attorney-at-law, except for the alteration, repair, or improvement of the home or combination of home and business property owned and occupied by such borrowing director, officer, employee, attorney or firm.

Resolved that the general purposes intended by the foregoing being relief from certain restrictions, the clarification and simplification of interpretative rules and the giving of adequate time to Federal associations to prepare for action pursuant thereto as desired at their next annual meetings, together with the fact that new restrictions constitute only a very minor part of the whole, requiring no time nor preparatory action by such associations, all constitute good cause for not deferring the effective date hereof beyond that above set forth.

(Sec. 5 (a), (d), 48 Stat. 132, 133; 12 U. S. C. 1464 (a), (d); Reorg. Plan No. 3 of 1947, 12 F. R. 4981)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 48-10309; Filed, Nov. 24, 1948; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5671]

PART 189—BOTTLING OF TAX-PAID DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

1. On September 9, 1948, notice of proposed rule-making regarding the bottling of tax-paid distilled spirits, was published in the FEDERAL REGISTER (13 F. R. 5240).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 189.7, 189.14, 189.16, 189.22, 189.35, 189.36, 189.38, 189.39, 189.40, 189.43, 189.44, 189.48, 189.58, 189.62, 189.69, and 189.100 of Regulations 11 (26 CFR, Part 189), approved May 20, 1940, are hereby adopted.

3. These amendments are designed to provide standard graduations for beams of weighing tanks; to simplify requirements dealing with the preparation, filing, and consideration of certain documents required for the qualification and operation of tax-paid bottling houses; to establish procedure for the receipt of distilled spirits by pipe line from a distillery contiguous to, or in the immediate vicinity of, a tax-paid bottling house, for bottling; and to facilitate procurement of stamps. It is not intended by these amendments to require proprietors of tax-paid bottling houses to file additional plats and plans, or to change equipment, immediately, in cases where the existing documents and equipment conform essentially to the regulations prior to these amendments. Upon changing the premises or equipment, and filing new plats and plans, these new requirements must be observed.

§ 189.7 *Buildings or rooms.* The tax-paid bottling house must be so constructed and equipped as to be suitable for the bottling of spirits. Except as provided in § 189.9, and as to necessary openings for the passage of approved distilled spirits, utility and similar pipe lines, as provided by the regulations in this part, Regulations 4 (26 CFR, Part 183), and Regulations 15 (26 CFR, Part 190), the room or building must be completely separated from contiguous buildings or rooms by solid, unbroken partitions and floors of substantial construction. If the tax-paid bottling house is in the same building in which is located an internal revenue bonded warehouse or rectifying plant, the two premises must have no means of interior communication with each other, except by approved pipe lines, and as specifically provided herein. Where a tax-paid bottling house has heretofore been established under the same roof or in the same building with an internal revenue bonded warehouse or a rectifying plant, with interior communication between the two premises, it may continue to operate in such location if the revenue will not be jeopardized. When a bottling-in-bond department is operated temporarily as a tax-paid bottling house, as provided by the regulations in this part and Regulations 6 (26 CFR, Part 188), communication between the bottling house and warehouse within the building may continue. (Secs. 2871, 3176, I. R. C.)

§ 189.14 *Weighing tanks.* Where weighing tanks are used for gauging spirits, such tanks shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words, "Weighing Tank," followed by its serial number and capacity in wine gallons. The beams or dials of weighing tank scales must indicate weight in 5-pound graduations for scales up to and including 25 tons capacity, in 10-pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity, and in 20-pound graduations for scales having a capacity of more than 60 tons. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.16 *Storage tanks.* If distilled spirits are received in tank cars or by pipe line, suitable storage tanks must be provided within which to store such spirits, unless the spirits are run directly into bottling tanks as provided in § 189.58. Each storage tank shall be constructed of metal, and shall be of uniform dimensions from top to bottom. Each such tank shall be mounted on accurate scales, or equipped with a suitable measuring device whereby the actual contents will be correctly indicated. There shall be painted on each tank the words, "Storage Tank," followed by its serial number and capacity in wine gallons. Stopcocks must be provided and so arranged as to control completely the flow of spirits, both into and out of the tank. A suitable board shall be provided on each storage tank for the attachment of Forms 1520 and 1440, as hereinafter prescribed. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.22 *Pipe lines.* Pipe lines used for the conveyance of tax-paid rectified spirits from bottling tanks in a contiguous rectifying plant to bottling tanks in the tax-paid bottling house, must be constructed, secured, painted, and marked in accordance with the requirements of Regulations 15 (26 CFR, Part 190). Pipe lines used for the conveyance of tax-paid distilled spirits from the cistern room of a distillery to the bottling tanks or storage tanks in the tax-paid bottling house, must be constructed, secured, painted, and marked in accordance with the requirements of Regulations 4 (26 CFR, Part 183). Pipe lines used for the conveyance of distilled water to contiguous establishments operated under the internal revenue laws and regulations, must be independent ones, without any connection with any other pipe, tank, vessel, or utensil on the tax-paid bottling house premises, except the distilled water storage tank: *Provided*, That where distilled water is to be so conveyed from two or more distilled water storage tanks, the pipe line may be connected with such tanks by permanent manifold connections. Such pipe lines must be constructed of metal, and exposed to view throughout their entire lengths. The metal pipe lines in the tax-paid bottling house used for conveying the following substances shall be kept painted in the colors indicated:

Black	Spirits.
White	Water.
Aluminum	Steam.
Orange	Air.
Purple	Refrigerants.

These colors are intended for such pipe lines only, and are prescribed for the purpose of distinguishing such pipe lines from each other, and from all other pipe lines on the premises which are painted, but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed, is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.35 *Preparation.* Every plat and plan shall be drawn to scale, and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2816, 3176, I. R. C.)

§ 189.36 *Depiction of premises.* Plats must show the outer boundaries of the tax-paid bottling house premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building or buildings comprising the premises and any driveway, public highway, or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27-E. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way, opposite each other, the different tracts will be depicted separately, in feet and inches. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor exterior doors of each building on the premises will be shown on the plat. If the tax-paid bottling house consists of a room or a floor of a building, an outline of the building, the precise location and dimensions of the room or floor, and the means of ingress from, and egress to, a public street or yard shall be shown. Except as provided in § 189.42, all pipe lines leading to or from the premises, the purpose for which used, and points of origin and termination will be indicated on the plat. (Secs. 2871, 3176, I. R. C.)

§ 189.38 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors and the location of all doors, windows, and other openings, and how such openings are protected. If a portion of a building is used, such as a room or floor, the floor plans will include only that portion and shall also show the means of ingress and

egress to the street. All apparatus and equipment must be shown in their exact location on the floor plans and their designated use indicated. Pipe lines may be shown, if desired. In the case of water stills, tanks and similar equipment, the serial number and capacity shall also be shown. (Secs. 2871, 3176, I. R. C.)

§ 189.39 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises until the cased spirits are removed from the bottling room. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence and elevation by floors with all connecting pipe lines, valves, flanges, measuring devices and attachments for Government locks. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major equipment, such as dump tanks, bottling tanks, filters, etc., must be identified on these plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 189.42, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2871, 3176, I. R. C.)

§ 189.40 *Pipe lines to rectifying plant or distillery.* The plans shall show pipe lines, if any, connecting the tax-paid bottling house with a rectifying plant or with the cistern room of a distillery for the transfer of tax-paid distilled spirits for bottling. The plans will show the relative location of the bottling house and the distillery or rectifying plant and also the bottling tank or storage tank to which such pipe lines are connected. (Secs. 2871, 3176, I. R. C.)

§ 189.43 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the proprietor, the draftsman, and the district supervisor, substantially in the following form:

_____
(Name of proprietor)
_____
(Address)
Accuracy certified by:
_____
(Name and capacity—for the proprietor)
_____
(Draftsman)
_____, 19-- Sheet No. ----
(Date)
Approved_____
(Date)
_____
(District supervisor)
(Date)
(District supervisor)
TPBH No. ----

(Secs. 2871, 3176, I. R. C.)

§ 189.44 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2871, 3176, I. R. C.)

§ 189.48 *Procedure applicable.* The action by the district supervisor in connection with the establishment, and changes subsequent to establishment, of tax-paid bottling houses will be in accordance with the procedure, insofar as applicable, prescribed by the regulations governing the establishment, and changes subsequent to establishment, of the proprietor's distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse: *Provided*, That where a bottling-in-bond department is operated alternately as a tax-paid bottling house, the district supervisor may authorize change in operations in accordance with Regulations 6 (26 CFR, Part 188). (Secs. 2871, 3176, I. R. C.)

§ 189.58 *Deposit in bottling house.* When spirits are received, the same must be deposited in the tax-paid bottling house. When distilled spirits are received at a tax-paid bottling house in a railroad tank car, or by pipe line from a distillery contiguous to or in the immediate vicinity of, the tax-paid bottling house, the same must be transferred or conveyed into storage tanks, unless the spirits are transferred or conveyed directly from the tank car or pipe line to bottling tanks. Distilled spirits may be shipped in tank cars to a tax-paid bottling house only where the bottling house is equipped with suitable railroad siding facilities. (Secs. 2871, 3176, I. R. C.)

§ 189.62 *Disposition of gauge report.* When distilled spirits received in a tank car or by a pipe line from a distillery are run into a storage tank, the report of gauge, Form 1520, in the case of spirits other than alcohol, and Form 1440 in the case of alcohol, sent to the proprietor of the tax-paid bottling house by the shipper, shall be attached to such storage tank. The proprietor shall enter the date and quantity of removals from the storage tank in a blank space on the report of gauge. The report of gauge shall be kept on the tank until such time as the quantity covered by such report has been withdrawn from the tank. The report shall then be filed by the proprietor, available for inspection by Government officers. If the distilled spirits are transferred directly from the tank car or by a pipe line from the distillery, into a bottling tank, the proprietor shall make a note to that effect on the report of gauge and file it. The requirements of this section shall not preclude bottling of the distilled spirits prior to receipt of Forms 1520 or 1440 when the distilled spirits are received by tank car. (Secs. 2871, 3176, I. R. C.)

§ 189.69 *Unstamped spirits.* When a stamp has been lost or mutilated by accident so that the required portion thereof cannot be returned, an affidavit setting forth all the facts in the case will be made by the proprietor and attached to each copy of Form 230. Where spirits received in tank cars bearing certificate of taxpayment, Form 1595, or spirits received by pipe line from the cistern room of a distillery, or rectified spirits by pipe line from a contiguous rectifying plant, or where spirits in stamped bottles are to be dumped, an explanatory statement will be made in the columns provided for the description of stamps on Form 230, as "Form 1595, Serial No. ---, dated ---, heretofore submitted," or "Form 1520 dated ------, pipe line transfer on Form 1595, Serial No. ----," or "See Form 237, S/N ---- Dated ------," or "In stamped bottles," as the case may be. (Secs. 2871, 3176, I. R. C.)

§ 189.100 *Shipment of stamps.* Where the stamps are to be shipped, the collector will forward the stamps to the Government officer by registered mail or express. The expense of forwarding the stamps by registered mail or express will be borne by the proprietor. The collector may furnish the stamps directly to the proprietor for immediate delivery to the Government officer in accordance with § 189.99a. (Sec. 3176, I. R. C.)

4. This Treasury decision shall be effective on the 31st day after its publication in the FEDERAL REGISTER.

5. This Treasury decision is issued under the authority contained in sections 2816, 2829, 2871, and 3176, Internal Revenue Code (53 Stat. 312, 318, 331, 375; 26 U. S. C. 2816, 2829, 2871, 3176).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 19, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10308; Filed, Nov. 24, 1948; 8:50 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order No. 16]

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

REQUIREMENTS CONCERNING OFFICERS, CREW, EQUIPMENT, AND PASSENGERS

Rule 35, codified herein as § 4.33, is amended to read as follows:

§ 4.33 *Officer on bridge when vessel moving.* When a vessel is moving in Canal Zone waters, otherwise than as covered by section 4.31, the master of the vessel or his qualified representative shall be present at all times on the bridge, to keep the pilot informed concerning the individual peculiarities in the handling of the vessel, so that the pilot may be better able to control the navigation and movement of the vessel. (Sec. 5, 37 Stat. 562, sec. 10, 42 Stat. 1008, 47 Stat. 578; 48 U. S. C. 1318; E. O. 9746, July 1, 1946, 11 F. R. 7329)

KENNETH C. ROYALL,
Secretary of the Army.

NOVEMBER 18, 1948.

[F. R. Doc. 48-10291; Filed, Nov. 24, 1948, 8:47 a. m.]

[Circular 737]

PART 31—OPERATION, USE AND MAINTENANCE OF THATCHER FERRY

By virtue of the authority vested in the Governor, subject to the approval of the Secretary of the Army, by section 342 of title 2 of the Canal Zone Code, the following regulations governing the operation, use and maintenance of Thatcher Ferry, near the Pacific entrance of the Panama Canal, are hereby prescribed, effective October 1, 1948:

Sec.
31.1 Regulations applicable to Thatcher Ferry and its appurtenances.
31.2 Driving onto or upon ramp.
31.3 Parking on ferryboat.
31.4 Maximum weight of vehicles.
31.5 Conduct of passengers.
31.6 Smoking prohibited.
31.7 Fishing prohibited.
31.8 Explosives.
31.9 Punishment for violations.

AUTHORITY: §§ 31.1 to 31.9 issued under 46 Stat. 388.

§ 31.1 *Regulations applicable to Thatcher Ferry and its appurtenances.* The regulations in this part shall apply to Thatcher Ferry, which is maintained, near the Pacific entrance of the Panama Canal, between La Boca, on the eastern shore of the Canal, and Thatcher Highway, extending from the ferry landing on the western shore of the Canal, and to the operation, use and maintenance of such ferry and of its equipment, wharves, docks and approaches.

§ 31.2 *Driving onto or upon ramp.* No person shall drive a vehicle onto a ferry ramp, either from shore or from a ferryboat, until a signal to do so is given by the employee designated for the purpose, or shall operate a vehicle onto or upon a ferry ramp otherwise than slowly and with caution.

§ 31.3 *Parking on ferryboat.* A person driving a vehicle onto a ferryboat shall park the vehicle in the place and manner directed by the Master of the ferryboat or his representative, and shall turn off the motor and lights and apply the parking brakes of such vehicle.

§ 31.4 *Maximum weight of vehicles.* No vehicle weighing in excess of 20 tons (40,000 pounds), including load, shall be driven onto or upon a ferryboat or ramp.

§ 31.5 *Conduct of passengers.* (a) A pedestrian passenger shall board a ferryboat only at the time and in the manner directed by the Master or his representative, and shall proceed without delay to the area designated by the Master or his representative and remain therein until authorized to leave or to disembark.

(b) No passenger, pedestrian or vehicular, shall leave the immediate vicinity of the place to which he, or the vehicle in which he boarded the ferryboat, has been directed; shall lean against or climb or sit upon any vehicle other than the one in which he boarded the ferryboat; shall sit or stand upon any railing; or shall interfere in any way with the operation or mooring of the ferryboat.

(c) No person shall board any ferryboat after it has begun to leave its mooring in the ferry slip, or shall leave a ferryboat before it has been moored and disembarkation has been authorized by the Master or his representative.

§ 31.6 *Smoking prohibited.* No person shall smoke, on deck or in any vehicle, while on board a ferryboat.

§ 31.7 *Fishing prohibited.* No person shall fish from any ferryboat, ramp, or slip structure.

§ 31.8 *Explosives.* No person shall bring aboard a ferryboat any Class I explosives (as defined in paragraph 19 of the regulations prescribed by the Governor on October 1, 1946, governing the storage, transportation, handling, and use of explosives on all work under the control of The Panama Canal and the Panama Railroad Company), commercial shipment of fireworks or pyrotechnics, gasoline in tank trucks, or gasoline in excess of 50 gallons in portable containers: *Provided, however*, That such explosives may be transported by ferry if specially authorized by the Superintendent, Dredging Division, The Panama Canal, when transportation over Miraflores Bridge or by other facilities is impracticable. No person shall bring aboard any gasoline in a portable container unless the container is a standard, substantial gasoline drum with a screw bung, or a metal can with a screw top, and is free from leaks, and unless an air space of at least two per centum of the total capacity of the container is left for expansion of the contents.

§ 31.9 *Punishment for violations.* Any person who shall violate any of the provisions of the regulations in this part shall be punishable, as provided in section 342 of title 2 of the Canal Zone Code, by a fine of not more than $100, or by imprisonment in jail for not more than thirty days, or by both.

Effective date. The regulations in this part shall become effective October 1, 1948.

F. K. NEWCOMER,
Governor.

Approved: November 18, 1948.

KENNETH C. ROYALL,
Secretary of the Army.

[F. R. Doc. 48-10292; Filed, Nov. 24, 1948; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 48-58]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

HYDROCHLORIC ACID IN BULK

A notice regarding proposed changes in the regulations for transportation of hydrochloric acid in bulk was published in the FEDERAL REGISTER dated August 11, 1948 (13 F. R. 4638), and a public hearing was held by the Merchant Marine Council on September 28, 1948, at Washington, D. C.

The purpose of this amendment to the regulations is to effect editorial changes and to permit certain practices to be employed by the industry in the construction or repair of tanks designed to carry hydrochloric acid in bulk, eliminate the requirements for radiographic and stress relief tests in the construction of tanks used in the transportation of hydrochloric acid in bulk, and to further change the regulations so that consistent practices in the construction of containers for the transportation of commercial acids in bulk will be allowed.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by R. S. 4405, 4472, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 170, 375, 50 U. S. C. 1275, and section 101 of Reorganization Plan No. 3 of 1946, 11 F. R. 7875, the following amendment to the regulations is prescribed and shall become effective on and after date of publication of this document in the FEDERAL REGISTER since it allows consistent practices to be followed in the construction of containers for the transportation of commercial acids in bulk:

Section 146.23-13 is amended to read as follows:

§ 146.23-13 *Hydrochloric acid in bulk.* (a) Hydrochloric acid may be transported in bulk on board cargo vessels when laden in rubber or other approved lined tanks (pressure-vessel type) independent of the structure of the vessel. Tanks shall be designed for a pressure of not less than 50 pounds per square inch, and shall be constructed, inspected, and tested in compliance with the requirements for Class II arc-welded, unfired pressure vessels, as set forth in Parts 50 to 57, inclusive, of Subchapter F (Marine Engineering) of this chapter, or in compliance with the requirements of Interstate Commerce Commission specification 103B or 103BW. (See also § 146.02-18.)

(b) An application for approval to engage in the transportation of hydrochloric acid in bulk on board vessels shall be made to the Commandant of the Coast Guard. Such application shall include plans of the structure of the vessel; plans of the design of the tank (except Interstate Commerce Commission approved tanks) showing thereon complete data covering materials to be used and method of fabrication; plans of the design indicative of the manner in which the tank is to be installed and secured on board the vessel; plans showing layout of piping, valves, and fittings forming part of the tank, and also piping, valves, and fittings to be installed on the vessel for use in loading or unloading hydrochloric acid in or from the tank. Plans shall be in sufficient detail to provide complete information with reference to the vessel, the tank, and the system of piping, valves, and other appurtenances.

(c) Independent tanks shall be so fitted as to provide sufficient space between the tank and any fixed structural part of the vessel, or in lieu thereof, the installation shall be such as it will be practicable to move said tanks, for inspection of the structure of the vessel and the tanks.

(d) Prior to the installation of the rubber or other approved lining, hydrochloric acid tanks shall have their interior surfaces prepared to receive the lining. Welds shall be chipped or ground smooth. The interior surface shall be thoroughly cleaned and maintained free of foreign matter during the lining

process. The rubber or other approved lining shall be of a type resistant to hydrochloric acid and shall be bonded to the plating. Piping forming the loading or discharge line, if of steel, shall be lined with rubber or other approved material to withstand the action of the lading. Flange connections shall be adequately protected from acid coming in contact therewith by means of rubber or other approved lining.

(e) (1) Piping, valves, and fittings used in the loading or unloading of hydrochloric acid shall be of material that will withstand the severe corrosive action of the acid.

(2) Piping may be one of the following materials:

(i) Steel pipe, with approved lining, not less than 2" inside diameter before lining.

(ii) Strong, acid resistant, pressure-suction type hose.

(iii) Hard rubber pipe.

(3) The flange connections, if of steel, shall be adequately protected from acid coming in contact therewith by means of rubber or other approved lining.

(f) (1) When air pressure is used for unloading acid, the air line shall include fittings installed in the following order:

(i) An "ell" having a flange on one end to connect with the air inlet flange on the tank with a full faced soft rubber gasket. The opposite end of the "ell" may consist of a flange or ordinary pipe connection to take either a pipe or flexible hose.

(ii) When desired an acid-resistant flexible hose of optional length may be installed between the "ell" and the fixed air piping leading to the compressor.

(iii) A bleeder valve to release air pressure.

(iv) A pop valve set to blow at 30 pounds pressure.

(v) An air gauge.

(vi) A pressure-reducing valve set at 30 pounds.

(vii) An air shutoff valve.

(viii) A water separator or trap.

(2) When it is desired to install these fittings as part of the shore system, the only portion of this assembly that is required to be part of the vessel's equipment shall consist of the "ell", the bleeder valve to release air pressure, the pop valve set to blow at 30 pounds per square inch pressure, and and air shutoff valve which shall be located at the dome of each tank.

(g) (1) Upon satisfactory completion of tests and inspection the following marking, at least 3/8" high, shall be stamped into the metal of the tank, or stamped into a noncorrodible name plate permanently attached to the tank by means of welding.

(Name and address of fabricator)

---- p. s. i. ---- p. s. i.
(Design pressure) (Shop test pressure)

(Inspector's number, initials, and CG symbol)

(Fabricator's serial number)

----U. S. gallons
(Water capacity)

(Date of manufacture)

(2) In addition to the markings required by this subparagraph and by the regulations in Parts 50 to 57, inclusive, in Subchapter F (Marine Engineering) of this chapter, the legend "Hydrochloric acid only" shall be stenciled or painted in block letters (such stenciling or lettering to be at least 2" high) upon the dome or upper portion of the tank in a position plainly visible under operating conditions. Lettering must be maintained legible at all times.

(h) Tanks approved for the transportation of hydrochloric acid shall not be used for the transportation of any other commodity, except upon specific authorization of the Commandant of the Coast Guard.

(j) Spent hydrochloric acid or hydrochloric acid adulterated by other chemicals, inhibitors, oils, solvents, water, etc., shall not be accepted or transported in bulk on board vessels in containers approved for the transportation of hydrochloric acid, except upon specific authorization of the Commandant of the Coast Guard.

(k) Loading or unloading of hydrochloric acid may be accomplished by use of acid pump, siphon, or compressed air method. Gravity loading is also permissible, provided the tank on the vessel is not subjected to a pressure greater than 30 pounds per square inch.

(l) Filling and discharge pipe connections shall be kept disconnected at the tank and the outlets shall be blanked off at the tank, except when actually loading or unloading the tank: *Provided, however*, That such piping need not be disconnected when an efficient stop valve is fitted in the line in a location as close to the tank as is practicable.

(m) Filling or discharge connections shall not be detached until pressure in the tank and in the line has been completely released.

(n) If air pressure is used in either filling or discharging the lading of the tank, said air pressure shall not be in excess of 30 pounds per square inch at any time.

(o) Compressed air used for unloading shall be as free as possible from oil, moisture, or other foreign matter. To insure this the air supply shall be taken from the top of the air receiver (reservoir). This reservoir shall be drained at regular intervals. Compressor shall be disconnected from air lines at all times except when actually being used to fill or discharge contents of tank. The air lines shall be thoroughly blown out in a reverse direction before making connections to discharge acid. The open end of the air line at the point of connection to the shore system and tank shall be blanked off when not in use.

(p) Tools used in the operation of loading or unloading of the acid shall be kept clean and so used as to prevent damage to the lining of dome closures, piping, or fittings. A hammer or chisel shall not be used for loosening dome fittings, for connecting or disconnecting the filling, discharge, or air lines, or upon the tank at any time while it is filled with acid or is under discharge pressure.

(q) Gauging rods, if used, shall be of wood. The lower end of such rods shall be equipped with a soft rubber plug.

(r) Tools, bolts, nuts or other material dropped in a tank through dome openings shall be removed from the tank before the next loading.

(s) Organic solvents, oils, and greases, even in the most minute quantity, shall never be used where they come in contact with the coated surfaces of the tank, dome, opening covers, or discharge lines. To lubricate nuts or bolts, a mixture of flake graphite and glycerol shall be used.

(t) Tanks shall normally be kept closed to prevent sunlight from coming in contact with the lining. Connecting flanges of lined pipe shall, "when broken," be protected from the action of sunlight.

(u) The interior of the tank shall be protected from the weather. Water or other liquids shall not be introduced into tanks, except upon permission of competent authority. Persons shall not be permitted to enter tanks, except upon permission of competent authority.

(v) Before an Interstate Commerce Commission tank is first placed in service, the vessel owner shall furnish the Commandant of the Coast Guard a report certifying that the tank and its equipment comply with all the requirements of Interstate Commerce Commission specification 103B or 103BW. (R. S. 4405, 4472, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 170, 375, 50 U. S. C. 1275, and section 101 of Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

Dated: November 17, 1948.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. Coast Guard.
Acting Commandant.

[F. R. Doc. 48-10307; Filed, Nov. 24, 1948; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 946]

HANDLING OF MILK IN THE LOUISVILLE, KY., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND TO A PROPOSED ORDER, AMENDING THE ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Supps., 900.1 et seq.), a public hearing was held at Louisville, Kentucky, on November 5, 1948, pursuant to a notice issued on October 30, 1948 (13 F. R. 6424).

Preliminary statement. The proposed amendment upon which the hearing was held was submitted by the Falls Cities Cooperative Milk Producers' Association.

The material issues presented on the record of the hearing were whether:

1. The pricing provisions of Order No. 46, as amended, should be amended to provide Class I and Class II milk prices for a limited period in 1948 and 1949, but not beyond March 1949, at not less than the prices in effect for such classes in September 1948.

2. An emergency exists which warrants immediate effectuation of the proposed amendment to the order, as amended.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Falls Cities Cooperative Milk Producers' Association and the handlers who would be subject to the proposed marketing agreement and to the order, as amended, and as hereby proposed to be further amended. The briefs contained statements in the nature of suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinafter set forth. To the extent that any of the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions of this decision.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The Class I and Class II milk prices should not be less than $5.16 and $4.61 per hundredweight, respectively, from the effective date of this amendment through January 1949, and such prices for the month of February 1949 should not be less than $4.94 and $4.39 per hundredweight, respectively.

Under the present pricing provisions of the order the price for Class I and Class II milk is determined by adding specified differentials to the basic formula price.

Prices for Class I and Class II milk under the Louisville order declined 73 cents per hundredweight from July to October of this year. This decline was the result of lower prices paid by condenseries for milk for manufacturing uses and lower wholesale prices for butter which together determined the basic formula price for Class I and Class II milk under the Louisville order during this period. This decline in basic prices and in Class I and Class II prices to $4.965 and $4.415, respectively, has occurred during months when farm prices of milk for both the fluid market and for manufacturing uses would normally be expected to increase seasonally.

The producer proposal would provide that the price of Class I and Class II milk through March 1949 would not be less than the September 1948 price for such milk; $5.493 and $4.943, respectively. Producers contend that a contraseasonal movement of milk prices is not justified in view of the continuing high cost of producing milk. While there has been a substantial drop in the price of grain and other concentrates during recent months this drop in the price of concentrates has been offset to a considerable extent by increasing hay prices in the Louisville area. This increase in hay prices is a local situation brought about by a severe drought which affected much of the milkshed area, substantially reducing hay yields and deriorating pastures, thus forcing farmers to open silos and start feeding hay much earlier than usual. Many producers in the milkshed, which is not normally considered a hay deficit area, already are buying hay and at prices which have increased as much as 25 percent in the past thirty days and more in relation to prices a year ago. The costs of labor, machinery, equipment, and other supplies which dairy farmers must buy are at least as high as, or higher than, the costs of the same items in earlier months. Roughages and labor make up a relatively greater portion of the producers' costs as cows are taken off of pasture and handled in the barn during the fall and winter months. Thus a number of the costs incurred in the production of milk in the Louisville milkshed have increased at the same time milk prices have declined. A continuation of the present relationship of milk prices to costs will seriously threaten the supply of milk for the Louisville market. The testimony indicated that with the relatively high prices for beef, farmers will curtail or even liquidate their herds. With the relatively large corn crop in the area producers are likely to turn to hog production under the prevailing favorable hog-corn ratio.

The contraseasonal movement of milk prices, happening at a time of the year when production costs normally increase, has caused considerable uncertainty as to price movements and levels during the next few months in the Louisville milkshed. For five years a fall production premium plan has been in operation in this market for the primary purpose of increasing the supply of milk during the fall and winter months. To allow a drastic contraseasonal movement of prices at this time would tend to nullify the effect of the fall production premium plan. Although prices in October and prospective November prices have declined to unfavorable levels the stabilization of prices at a somewhat higher level beginning December 1 will provide producers the necessary assurance to carry them through the heavy feeding period of the year and will contribute to the seasonal pricing program of the market.

The record shows that Class I sales in the marketing area are running substantially above sales during the same period in 1947. During September Class I sales were 8.22 percent above sales during August 1948 and 4.64 percent above September 1947. At the same time production during September was only 1.25 percent above production a year ago and the seasonal decline in production during September as compared to August was 8.03 percent as compared to a decline of only 3.70 percent in the same period last year.

There is a substantial quantity of milk produced for manufacturing purposes in the Louisville supply area. It is generally accepted in the market that over a period of time fluid milk prices must maintain a relationship with manufacturing milk prices. If manufactured milk prices become established on a somewhat lower level it is to the best interest of the Louisville market at this time to make an adjustment to a lower level gradually as production normally tends to increase. At this time it is impossible to determine whether the recent drop in condensary prices and the general weakening of wholesale prices of dairy products represents a general decline in the level of prices or a temporary maladjustment in such prices. Even if it is a decline in the level of prices, it is not felt, under the present circumstances of continuing high production costs and generally short supply in the Louisville market, that a drastic contraseasonal movement of prices should prevail.

In view of the above-stated facts it appears reasonable that prices during December 1948 and January 1949 should not fall below the $5.16 level for Class I milk and $4.61 for Class II milk.

While costs have remained relatively high, nevertheless, the historical relationship between manufacturing milk

prices and prices to producers in the Louisville market indicates that a higher price than proposed herein could result in uneconomical marketing responses. The Class I and Class II prices in February 1949 should not decrease more than 22 cents from the corresponding prices in January. Producers will be assured that Class I prices will be higher than the October level of $4.96 for the months of December through January 1949 and of a gradual adjustment to a lower level of prices in early 1949 if such level then prevails. The establishment of fixed minimum prices for Class I and Class II milk through February 1949 is necessary to assure an adequate supply of pure and wholesome milk for the Louisville market. It is also particularly important to the maintenance of present herds for future supplies, and is necessary to promote orderly marketing and is in the public interest.

(2) An emergency exists which requires that action be taken promptly to amend the order, as amended, to effectuate the findings and conclusions set forth above without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto. The testimony shows that under the prevailing conditions the decline in Class I and Class II prices is now seriously threatening the supply of milk for the marketing area. Any delay beyond December 1, 1948, in effectuating the needed changes in the order, as amended, would seriously threaten an adequate supply of pure and wholesome milk for the Louisville market, and would be contrary to the public interest.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to §§ 2 and 8c of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect the market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the Louisville, Kentucky, marketing area," and "Order amending the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 19th day of November 1948.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

Order,[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area*

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held November 5, 1948, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect the market supply of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the period (.) at the end of § 946.4 (b) (1) and add the following: ": *Provided,* That for the delivery periods from the effective date of this ordered through January 1949 the price for Class I milk shall not be less than $5.16; and that for the delivery period of February 1949 the price for Class I milk shall not be less than $4.94:"

2. Delete the period (.) at the end of § 946.4 (b) (2) and add the following: ": *Provided,* That for the delivery periods from the effective date of this order through January 1949 the price for Class II milk shall not be less than $4.61; and that for the delivery period of February 1949 the price for Class II milk shall not be less than $4.39."

[F. R. Doc. 48-10287; Filed, Nov. 24, 1948; 8:46 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[9 CFR, Part 203]

NORTHWEST OKLAHOMA CATTLEMEN'S ASSOCIATION, INC.

INSPECTION OF LIVESTOCK

The Northwest Oklahoma Cattlemen's Association, Inc., Woodward, Oklahoma, pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 217), has made written application to the Secretary of Agriculture for authorization to charge and collect at posted stockyards a reasonable and non-discriminatory fee for the inspection of brands, marks and other identifying characteristics of livestock originating in or shipped from the counties of Beaver, Cimarron, Ellis, Dewey, Harper, Major, Roger Mills, Texas, Woods and Woodward in the State of Oklahoma for the purpose of determining the ownership of such livestock, and the Secretary proposes to issue such an authorization to the Northwest Oklahoma Cattlemen's Association, Inc., in accordance with the provisions of the act referred to.

Therefore, notice is hereby given that any interested person who desires to do so may submit, within 15 days after the publication of this notice, any data, views, or argument, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 19th day of November 1948.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 48-10306; Filed, Nov. 24, 1948; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

TOBACCO INSPECTION AT TOBACCO AUCTION MARKET OF GLASGOW, KY.

NOTICE OF DETERMINATION RELEVANT TO NUMBER OF INSPECTORS

Pursuant to the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.), and applicable regulations duly issued thereunder, it is hereby found that the tobacco auction market at Glasgow, Kentucky, which was duly designated for free and mandatory inspection under the act (6 F. R. 5478), and which has operated with two sets of tobacco inspectors assigned thereto for more than two full tobacco auction seasons ending with the tobacco auction season last past, has, in reliance on such prior assignments and with the expectation that two sets of tobacco inspectors would be assigned to such market for the ensuing tobacco marketing season of 1948–1949, perfected banking arrangements, purchased supplies, hired personnel, and scheduled tobacco deliveries, which actions cannot be rescinded prior to the beginning of such 1948–1949 tobacco auction season without extensive disruption of the Glasgow tobacco auction market and the incurrence of financial loss.

Wherefore, notice is hereby given that two sets of tobacco inspectors will be assigned to the Glasgow, Kentucky, tobacco auction market for the 1948–1949 tobacco marketing season, or such portion thereof as the volume of tobacco auctioned on such market warrants, and all prior notices of the assignment of inspectors to this market are modified accordingly.

[SEAL] RALPH S. TRIGG,
Administrator, Production and Marketing Administration.

NOVEMBER 19, 1948.

[F. R. Doc. 48-10289; Filed, Nov. 24, 1948; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, RECONVERSION AND REPAIR OF MERCHANT VESSELS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919 (after consultation with representatives of the steel producing industry and of the shipbuilding industries, of the U. S. Maritime Commission, and the National Military Establishment, and after expression of the views of industry, labor and the public generally at an open public hearing held on October 21, 1948), has determined that the following plan of voluntary action is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395:

1. *What this plan does.* This plan is in furtherance of a proposed program of the United States Maritime Commission for the construction, reconversion, and repair of merchant vessels. It sets up the procedure under which steel producers (hereinafter called producers) agree voluntarily to make steel products available to builders, reconverters and repairers of merchant vessels who comply with the provisions of this plan (hereinafter called participating builders), for use in the construction, reconversion, or repair of certain merchant vessels. For the purpose of this plan, the term "Merchant Vessels" means commercial steel self-propelled passenger, dry cargo, and passenger-cargo ships (other than tankers) which are (a) of 1,000 DWT or larger, (b) designed for, or employed in, ocean-going, coastal or Great Lakes use, and (c), in the case of vessels to be constructed or substantially altered, specifically designated by the U. S. Maritime Commission as being within the scope of this plan. The plan does not include provision for construction or repair of yard, way, or dock facilities.

2. *Agreement by steel producers.* Beginning with the month of January 1949 and continuing during the period this plan remains in effect, producers will make available, out of their own production or that of their producing subsidiaries or affiliates, to participating builders a total of 10,190 net tons of steel products per month, distributed by types approximately as follows:

Type:	Net tons per month
Structural Shapes	939
Bars	165
Pipe	296
Plate—under 5/8"	3,303
Plate—5/8" and over	2,294
Sheets—black	126
Sheets—galvanized	266
[1] Miscellaneous—for repairs	2,801
Total net tons per month	10,190

[1] Classification to be determined later.

Producers will, from time to time, however, upon request of the Secretary of Commerce, give consideration to making additional quantities available.

3. *Determination of quantities to be furnished by respective producers.* Unless otherwise specified in its acceptance of this plan, the quantities to be made available by each producer, as its commitment under this plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. Producers will take credit against their commitments under this plan only for quantities delivered to participating builders on orders certified in accordance with paragraph 9 below.

4. *Contractual arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective producers, or their producing subsidiaries and affiliates, with the respective participating builders. No request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers, the delivery of steel products, the allocation of business among participating builders, or any limitation or restriction on the productions or marketing of any steel products. This plan does not authorize nor approve any fixing of prices, and participation in this plan does not affect the prices or terms and conditions on which any steel products are actually sold and delivered.

5. *Limitations as to types, sizes and quantities.* A producer need make available under this plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from steel producers.* Each producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under the plan.

7. *Reports from participating builders.* Each participating builder will submit the following to the Secretary of Commerce:

(a) *Requirements report.* A report showing the quantities and types of (i) Merchant Vessels (as defined in paragraph 1 above) scheduled for construction, reconversion, or repair during each month under this plan, and (ii) steel products required therefor. The quantities and types of steel products to be made available monthly under the plan to individual participating builders will be determined by the Secretary of Commerce after consultation with the Merchant Vessel Industry Task Committee, subject to such revision, if any, from time to time, as may be deemed necessary by the Secretary of Commerce after consultation with that Committee.

(b) *Monthly steel consumption report.* A monthly report showing the total quantities and types of steel products (i) received by the participating builder from all sources during the preceding month for the construction, reconversion, or repair of Merchant Vessels and (ii) consumed by it during that preceding month for that purpose. Such a report should accompany the requirements report explained in paragraph 7 (a) above and, in addition, should subsequently be submitted within ten days after the end of each month during which the participating builder obtains steel products under this plan.

(c) *Other reports.* Such other relevant reports as may be requested from time to time by the Secretary of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942).

8. *Obligations of participating builders.* By participation in this plan, each participating builder shall be obligated as follows: To use all products obtained under this plan solely for and in the construction, reconversion, or repair of Merchant Vessels (as defined in paragraph 1 above); not to resell or transfer any products so obtained under this plan in the form received by the participating builder; and not to build up, beyond current needs, any inventories of products obtained, or end products manufactured, under this plan. If a participating builder becomes unable to use, for the purposes of this plan, any products obtained under the plan, he shall be further obligated to hold them subject to such other use or disposition (including re-allocation to other consumers or return to the producer from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

9. *Procedure for placing orders under this plan.* Purchase orders under this plan are to be placed with participating producers, or their producing subsidiaries or affiliates. Each such purchase order shall bear the following certification by the participating builder:

DEPARTMENT OF COMMERCE VOLUNTARY PLAN, UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, RECONVERSION AND REPAIR OF MERCHANT VESSELS

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely for and in the construction, reconversion or repair of Merchant Vessels, and that this order is placed under, and in strict compliance with, the above Voluntary Plan, with which the undersigned is familiar and in which the undersigned is a participant.

By: _____
(Title of duly authorized officer)

_____
(Date)

10. *Procedure for, and effect of, becoming a participant.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers and of builders, reconverters, and repairers of Merchant Vessels by the Secretary of Commerce, any such producer, builder, reconverter, or repaier may become a paticipant in this plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the antitrust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers, builders, reconverters, and repairers as notify the Secretary of Commerce in writing that they will comply with such requests.

11. *Effective date and duration.* This plan shall become effective upon the date of its final approval by the Secretary of Commerce. It shall cease to be effective at the close of business on February 28, 1949, unless the time limitation of March 1, 1949 now specified in section 2 (b) of Public Law 395, 80th Congress, is extended or otherwise changed by legislative action in a form which permits continuation of this plan, in which event this plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified). However, the plan may be terminated on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram, or publication in the FEDERAL REGISTER.

12. *Withdrawal from plan.* Any producer or participating builder may withdraw from this plan by giving not less than 60 days written notice to the Secretary of Commerce.

13. *Clarifying interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this plan shall be binding upon all participants notified of such interpretation.

Approved: November 5, 1948.

CHARLES SAWYER,
Secretary of Commerce.

Approved: November 3, 1948.

TOM C. CLARK,
Attorney General.

NOVEMBER 8, 1948.

GENTLEMEN: A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for Construction, Reconversion and Repair of Merchant Vessels has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience, I am enclosing a suggested form[1] for your use in evidencing your acceptance of this request for compliance by you with the Plan.

Similar requests are being sent to other members of your industry.

This request will not be effective for the purpose of granting immunity from the antitrust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, 80th Congress, unless you agree in writing to comply with the plan.

In accordance with paragraph 3 (a) of the Plan, the Secretary of Commerce will determine your allocation of steel products under the Plan.

It is essential, in carrying out the proposed plan, that I know as promptly as possible how many shipbuilders and repairers desire to participate in the Plan. I trust, therefore, that I may receive your favorable response on or before November 15, 1948. If I do not receive your acceptance by that date, I shall assume that you do not wish to participate.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOVEMBER 8, 1948.

GENTLEMEN: A Voluntary Plan, under Public Law 395, 80th Congress, for the Allocation of Steel Products for the Construction, Reconversion and Repair of Merchant Vessels, has been approved by the Attorney General. Acting by delegation from the President under Executive Order 9919, I have determined that the Plan is practicable and is appropriate to the successful carrying out of the policies set forth in Public Law 395, and have approved the Plan. A copy of the Plan is enclosed.

In accordance with the provision of Paragraph 3 of the Plan, an initial determination has been made by me with respect to the monthly quantities of each type of steel product which should be made available by each steel producer who is expected to become a participant in the Plan.

By virtue of the terms of Public Law 395 and Executive Order 9919, I hereby request compliance by you with the Plan. For your convenience I am enclosing a suggested form[1] for your use in evidencing your acceptance of this request for compliance by you with the Plan. The enclosed form specifies the monthly quantities of each type of steel product which it has been initially determined by me with the advice of the Industry Task Committee, in accordance with Paragraph 3 of the Plan, should be made available by you during the period this Plan shall remain in effect.

Similar requests are being directed to all other steel producers who are expected to become participants in the Plan.

This request will not be effective for the purpose of granting immunity from the antitrust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, unless you promptly agree in writing to comply with the Plan.

I trust that your favorable response to this request will be promptly communicated to me.

Sincerely yours,

CHARLES SAWYER,
Secretary of Commerce.

NOTE: The above request for compliance with the Department of Commerce Voluntary Plan for Allocation of Steel Products for Construction, Reconversion, and Repair of Merchant Vessels listed on an attachment filed with the original document.

[1] Filed with the original document.

[F. R. Doc. 48-10290; Filed, Nov. 24, 1948; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-704, G-1143]

TRANS-CONTINENTAL GAS PIPE LINE CO., INC. AND TRANS-CONTINENTAL GAS PIPE LINE CORP.

NOTICE OF OPINION NO. 165-A AND ORDERS

NOVEMBER 19, 1948.

Notice is hereby given that, on November 18, 1948, the Federal Power Commission issued its Opinion No. 165-A and orders entered November 17, 1948, amending prior order in Docket No. G-704 and issuing certificate of public convenience and necessity in Docket No. G-1143.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10288; Filed, Nov. 24, 1948; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12203]

FRANZ JOSEPH SCHEUERMANN

In re: Estate of Franz Joseph Scheuermann, deceased. File No. D-28-12192; E. T. Sec. 16405.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Franz J. Scheuermann, Eduard Scheuermann, Maria Grimm, Clothilde Baier, Katharina Breunig, also known as Katharina Breuing, Rosa Roschner, Maria Gruber, Josef Schafer, and Adolf Schafer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Franz Joseph Scheuermann, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10293; Filed, Nov. 24, 1948; 8:47 a. m.]

[Vesting Order 12204]

MARY SEHNHOLTZ

In re: Estate of Mary Sehnholtz, deceased. File No. D-28-12150; E. T. Sec. 16349.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gretchen Streithorst, whose last known address was, on April 27, 1948, Germany, was on such date a resident of Germany and a national of a designated enemy country (Germany);

2. That the sum of $500.00 was paid to the Attorney General of the United States on November 18, 1947, by Herman W. Weilandt, as Executor of the estate of Mary Sehnholtz, deceased;

3. That the sum of $500.00 was accepted by the Attorney General of the United States on April 27, 1948, pursuant to the Trading With the Enemy Act, as amended;

4. That the said sum of $500.00 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof was not within a designated enemy country on April 27, 1948, the national interest of the United States required that such person be treated as a national of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10294; Filed, Nov. 24, 1948; 8:47 a. m.]

[Vesting Order 12260]

MERCK, FINCK & CO.

In re: Stock, bonds and bank account owned by, and debts owing to, Merck, Finck & Co. F-28-411-A-1, F-28-411-A-2, F-28-411-A-3, F-28-411-A-4, F-28-411-E-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Merck, Finck & Co., the last known addresses of which are Pfandhausstrasse 4, Munich, Germany, and Taubenstrasse 22, Berlin W8, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal places of business in Munich and Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: a. Two (2) shares of $1.00 par value common capital stock of The Pennroad Corporation, Delaware Trust Building, Wilmington 28, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered W2106, registered in the name of Ladenburg, Thalmann & Co., and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with all declared and unpaid dividends thereon.

b. Three (3) shares of $50.00 par value common capital stock of the Pennsylvania Railroad Company, Broad Street Station Building, Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered N521081, registered in the name of Ladenburg, Thalmann & Co., and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with all declared and unpaid dividends thereon,

c. Twenty-five (25) shares of no par value common capital stock of the Radio Corporation of America, R. C. A. Building, Rockefeller Plaza, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced

by a certificate numbered 201639, registered in the name of Ladenburg, Thalmann & Co., and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with all declared and unpaid dividends thereon,

d. Four (4) Conversion Office for German Foreign Debts 3% Dollar Funding Bonds, in bearer form, of the face value and bearing the numbers set forth below:

$1,000	M012677
20 each	B268876/7
10	B121981

and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with any and all rights thereunder and thereto.

e. Three (3) Wuertemberg 7% Bonds, in bearer form, of the face value and bearing the numbers set forth below:

$1,000	M5984
500 each	D610/11

and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with any and all rights thereunder and thereto,

f. Two (2) Wuertemberg 7% Bonds, Series S, in bearer form, of $1,000 face value each, bearing the numbers M7202 and M7203, respectively, and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with any and all rights thereunder and thereto,

g. Twelve (12) coupons, detached from Wuertemberg Associated Municipalities 7% Bonds, numbered M5361 and M5362, said coupons numbered 23 to 28 inclusive, and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with any and all rights thereunder and thereto,

h. One (1) Conversion Office for German Foreign Debts Coupon, bearing the number 8, and presently in the custody of Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, together with any and all rights thereunder and thereto,

i. That certain debt or other obligation owing to Merck, Finck & Co., by Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, in the amount of $66.88, as of September 30, 1948, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

j. Twenty (20) shares of common capital stock of The Cherokee Oil & Gas Co., evidenced by certificates numbered 355 for 16 shares and 581 for 4 shares, respectively, registered in the name of J. Nadelmann, and presently in the custody of H. Cassel & Co., 61 Broadway, New York 6, New York, in an account entitled "Merck Finck & Co. Clients securities account," together with all declared and unpaid dividends thereon,

k. That certain debt or other obligation owing to Merck, Finck & Co., by H. Cassel & Co., 61 Broadway, New York 6, New York, in the amount of $126.02, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

l. Five (5) Kingdom of Hungary State Loan Sinking Fund Gold 4½% Bonds, in bearer form, of $1000 face value each, bearing the numbers M0308, M1408, M0269/70 and M2955, respectively, and presently in the custody of the Bank of the Manhattan Company, 40 Wall Street, New York, New York, together with any and all rights thereunder and thereto,

m. That certain debt or other obligation owing to Merck, Finck & Co., by the Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Merck, Finck & Co., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

n. Ten (10) shares of common capital stock of The Cherokee Oil & Gas Co., evidenced by certificates numbered 362 and 577, respectively, registered in the name of Moritz Wolfsohn, and presently in the custody of Ernest Gottlieb, Room 2205, 61 Broadway, New York 6, New York, as liquidator of Amsterdamsch Effecten-en Bankierskantoor N. V., Willemstad, Curacao, In Liquidation, together with all declared and unpaid dividends thereon, and

o. One (1) receipt for 10 shares of capital stock of Cherokee-Warren Oil & Gas Co., evidenced by a certificate numbered 354, said receipt presently in the custody of Ernest Gottlieb, Room 2205, 61 Broadway, New York 6, New York, as liquidator of Amsterdamsch Effecten-en Bankierskantoor N. V., Willemstad, Curacao, In Liquidation, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Merck, Finck & Co., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-10295; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12293]

SAICHIRO SAKURAI AND Y. TAKAKUWA & Co.

In re: Debts owing to Saichiro Sakurai and to Y. Takakuwa and Company. F-39-6052-C-1, F-39-3683-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saichiro Sakurai, whose last known address is c/o Takakuwa Shoten, Osaka, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That Y. Takakuwa and Company, the last known address of which is Kobe, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Kobe, Japan, and is a national of a designated enemy country (Japan);

3. That the property described as follows: That certain debt or other obligation owing to Saichiro Sakurai by Shujiro Takakuwa, doing business as Oimatsu Shoten, 752 Richards Street, Honolulu, T. H., arising out of an open trade account, in the amount of $166.25, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Saichiro Sakurai, the aforesaid national of a designated enemy country (Japan);

4. That the property described as follows: That certain debt or other obligation owing to Y. Takakuwa and Company, by Shujiro Takakuwa, doing business as Oimatsu Shoten, 752 Richards Street, Honolulu, T. H., arising out of an open trade account, in the amount of $264.41, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Y. Takakuwa and Company, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L, BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10297; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12290]

CHOKICHI OKADA

In re: Stock and a bank account owned by Chokichi Okada, also known as C. Okada, as Joseph C. Abe and as Joseph Chokichi Abe. F-39-442-A-1, F-39-442-D-1, F-39-442-C-1, F-39-442-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chokichi Okada, also known as C. Okada, as Joseph C. Abe and as Joseph Chokichi Abe, whose last known address is Amakusa-gun, Kumamoto Prefecture, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: a. Six (6) shares of $20 par value common capital stock of The Provision Company, Ltd., P. O. Box 1834, Honolulu 5, T. H., a corporation organized under the laws of the Territory of Hawaii, evidenced by Certificate Number 64 for one (1) share and Certificate Number 67 for five (5) shares, registered in the name of C. Okada, and presently in the custody of George Okada, 1442 Emma Street, Honolulu 39, T. H., together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Chokichi Okada, also known as C. Okada, as Joseph C. Abe and as Joseph Chokichi Abe, by Bishop National Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 40941, entitled C. Okada, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10298; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12295]

SETSU TAKAMORI

In re: Bonds owned by Setsu Takamori. F-39-1705-A-1, F-39-1705-A-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Setsu Takamori, whose last known address is Hiroshima, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Eight (8) Toyo Takushoku Kabushiki Kaisha (Oriental Development Company, Limited) Thirty Year External Loan 6% Gold Debenture Bearer Bonds, of $1,000 face value each, due March 1953, bearing the numbers M 3586, M 6271, M 7063, M 7064, M 7065, M 7497, M 10451 and M 12826, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10299; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12364]

PHILIPP MEID

In re: Estate of Philipp Meid, deceased. File No. D-28-11686; E. T. Sec. 15893.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peter Meid, Anna Hechler, Gretchen Rachel, and Gretchen Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Philipp Meid, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country, (Germany);

3. That such property is in the process of administration by Winfield De Witt, as Executor, acting under the judicial supervision of the Surrogate's Court, County of Queens, New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10304; Filed, Nov. 24, 1948; 8:49 a. m.]

DEC 1 '48

[Vesting Order 12321]

KATSU SUZUKI AND FLORENCE KIKUE SUZUKI

In re: Bank account owned by Katsu Suzuki and Florence Kikue Suzuki. D-39-18082-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katsu Suzuki and Florence Kikue Suzuki, each of whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of Bank of Hawaii, King and Bishop Streets, Honolulu, T. H., arising out of a savings account, Account Number 140452, entitled Katsu Suzuki and Florence Kikue Suzuki, Either or Survivor, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katsu Suzuki and Florence Kikue Suzuki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10299; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12323]

LOUISE VOLLMER

In re: Debt owing to Louise Vollmer. F-28-29163-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louise Vollmer, whose last known address is Gottesauer Str. 35, Karlsruhe, Baden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by a check drawn by the Comptroller of the Currency on the First National Bank, Joliet, Illinois, payable to Louise Vollmer, dated January 29, 1942, numbered P-548175 and in the amount of $318.13, said check representing the fifth (final) dividend on Claim No. 4824 against the Will County National Bank of Joliet, Joliet, Illinois, presently in the custody of the Division of Insolvent National Banks, Office of the Comptroller of the Currency, Treasury Department, Washington, D. C., together with all rights in, to and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid check, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10300; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12332]

ALBERT BIER AND CATHERINE BIER

In re: Bonds owned by Albert Bier and Catherine Bier, also known as Katherine Bier. F-28-791-D-1, F-28-13435-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Albert Bier and Catherine Bier, also known as Katherine Bier, whose last known address is Kirchaich cei Eitmann am Main, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by one (1) 8904-148th Street Corporation Second Mortgage 6% Bond of $1,730 principal amount, bearing the number 48, registered in the name of Albert and Catherine Bier, and all rights to demand, enforce and collect the same, together with any and all rights in, to and under said bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Albert Bier and Catherine Bier, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by one (1) 8904-148th Street Corporation Second Mortgage 6% Bond of $865 principal amount, bearing the number 67, registered in the name of Katherine Bier, and all rights to demand, enforce and collect the same, together with any and all rights in, to and under said bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Katherine Bier, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10302; Filed, Nov. 24, 1948; 8:49 a. m.]

DEC 1 '48

PART I

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 13 NUMBER 231

Washington, Saturday, November 27, 1948

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Orange Reg. 154]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.411 *Orange Regulation 154*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. and Sup. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 29, 1948, and ending at 12:01 a. m., e. s. t., December 20, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," and "Regulation Area II" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of November 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10408; Filed, Nov. 26, 1948; 10:31 a. m.]

[Tangerine Reg. 78]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.412 *Tangerine Regulation 78*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the afore-

(Continued on next page)

This issue is in two parts, the second of which consists of a complete revision of the regulations of the Veterans' Administration, Title 38, Chapter I, Parts 1–36.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. and Sup. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 29, 1948, and ending at 12:01 a. m., e. s. t., December 20, 1948, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "standard pack" shall each have the same meaning as is given to the respective term in the United States Standards for Tangerines (13 F. R. 4790). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of November 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10406; Filed, Nov. 26, 1948; 10:31 a. m.]

[Grapefruit Reg. 105]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.413 *Grapefruit Regulation 105*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. and Sup. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 29, 1948, and ending at 12:01 a. m., e. s. t., December 20, 1948, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit of any variety, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of November 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10405; Filed, Nov. 26, 1948; 10:31 a. m.]

[Lemon Reg. 301, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Lemon Regulation 301, as amended—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. and Sup. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 29, 1948, and ending at 12:01 a. m., e. s. t., December 20, 1948, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit of any variety, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of November 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10405; Filed, Nov. 26, 1948; 10:31 a. m.]

[Lemon Reg. 301, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Lemon Regulation 301, as amended—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. and Sup. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., November 21, 1948, and ending at 12:01 a. m., P. s. t., November 28, 1948, is hereby fixed as follows:

(i) District 1: 278 carloads;

(ii) District 2: 7 carloads.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of November 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10409; Filed, Nov. 26, 1948; 10:32 a. m.]

[Lemon Reg. 302]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.409 *Lemon Regulation 302*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq.; 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 28, 1948 and ending at 12:01 a. m., P. s. t., December 5, 1948 is hereby fixed as follows:

(i) District 1: 268 carloads;

(ii) District 2: 7 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 301 (13 F. R. 6836), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of November 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10407; Filed, Nov. 26, 1948; 10:31 a. m.]

[Orange Reg. 256]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.402 *Orange Regulation 256*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 28, 1948, and ending at 12:01 a. m., P. s. t., December 5, 1948, is hereby fixed as follows:

(i) *Valencia oranges.*

(*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: Unlimited movement;

(*c*) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.*

(*a*) Prorate District No. 1: 1,250 carloads;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of November 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

(Orange Regulation Period No. 256)

[12:01 a. m. Nov. 28, 1948, to 12:01 a. m. Dec. 5, 1948]

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.5938
A. F. G. Porterville	2.0464
A. F. G. Sides	.6314
Ivanhoe Cooperative Association	.6005
Dofflemyer & Sons, W. Todd	.6935

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Earlibest Orange Association	1.2501
Elderwood Citrus Association	.8745
Exeter Citrus Association	2.5258
Exeter Orange Growers Association	1.2882
Exeter Orchards Association	1.5459
Hillside Packing Association	1.6766
Ivanhoe Mutual Orange Association	1.0128
Klink Citrus Association	4.7646
Lemon Cove Association	2.0229
Lindsay Citrus Growers Association	2.5001
Lindsay Coop. Citrus Association	1.4392
Lindsay District Orange Co	1.1095
Lindsay Fruit Association	1.8272
Lindsay Orange Growers Association	.7812
Naranjo Packing House Co	1.0693
Orange Cove Citrus Association	2.9490
Orange Cove Orange Growers	1.9199
Orange Packing Company	1.2023
Orosi Foothill Citrus Association	1.3747
Paloma Citrus Fruit Association	1.0965
Rocky Hill Citrus Association	1.6379
Sanger Citrus Association	3.6710
Sequoia Citrus Association	1.1651
Stark Packing Corp	1.9649
Visalia Citrus Association	1.5863
Waddell & Son	1.7005
Butte County Citrus Association, Inc.	1.3632
James Mills Orchards Co	.4885
Orland Orange Growers Association, Inc.	1.1339
Andrews Bros. of California	.5491
Baird-Neece Corp	1.8832
Beattie Association, Agnes M	.7213
Grand View Heights Cit. Association	2.3793
Magnolia Citrus Association	2.1965
Porterville Citrus Association, The	1.3795
Richgrove-Jasmine Citrus Association	1.4930
Sanidlands Fruit Co	1.5672
Strathmore Coop. Association	1.5926
Strathmore Dist. Orange Association	1.4162
Strathmore Fruit Growers Association	1.0823
Strathmore Packing House Co	1.4803
Sunflower Packing Association, Inc.	2.3363
Sunland Packing House Co	2.7333
Terra Bella Citrus Association	1.0867
Tule River Citrus Association	1.2808
Kroelis Bros., Ltd	1.4288
Lindsay Mutual Groves	1.5643
Martin Ranch	1.2103
Woodlake Packing House	2.3219
Anderson Packing Co., R. M	.4722
Baker Brothers	.1259
California Citrus Groves, Inc., Ltd	1.7281
Chess Co., Meyer W	.3618
Edison Groves, Inc	.7659
Exeter Groves Packing Co	.6583
Furr, N. C	.5243
Ghianda Ranch	.0322
Harding & Leggett	1.4628
Justman Frankenthal Co	.1524
Lo Bue Bros	.8234
Marks, W. & M	.3799
Panno Fruit Co., Carlo	.2013
Randolph Marketing Co	2.0423
Reimers, Don H	.3332
Rooke Packing Co., B. G	1.0221
Webb Packing Co., Inc	.5625
Wollenman Packing Co	.9868
Woodlake Heights Packing Corp	.4566
Zaninovich Bros	.6904

[F. R Doc. 48-10411; Filed, Nov. 26, 1948; 10:32 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

EDITORIAL CHANGES INCIDENT TO PREPARATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter I of Title 21 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F. R. 519), the following editorial changes are made, effective upon publication in the FEDERAL REGISTER:

1. The codification of Part 1, Organization and Procedures, is discontinued. Future amendments to statements of organization will be published in the Notices section of the FEDERAL REGISTER.

2. Part 2, Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act, is redesignated Part 1.

3. The headnote to Part 10 is amended to read "General Regulations Relating to Definitions and Standards for Food."

Dated: November 22, 1948.

[SEAL] OSCAR R. EWING,
Administrator.

[F. R. Doc. 48-10326; Filed, Nov. 26, 1948; 8:50 a. m.]

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

WHEAT FLOUR AND RELATED PRODUCTS

In the matter of amending the definitions and standards of identity for flour, enriched flour, bromated flour, enriched bromated flour, self-rising flour, enriched self-rising flour, phosphated flour, whole wheat flour, bromated whole wheat flour, and whole durum wheat flour:

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 401, 701; 52 Stat. 1046, 1055; 21 U. S. C. 341, 371), and upon the basis of substantial evidence received at the hearing held pursuant to notice published in the FEDERAL REGISTER on August 26, 1948 (13 F. R. 4964), no exceptions having been filed to the tentative order issued by the Federal Security Administrator and published in the FEDERAL REGISTER on November 2, 1948 (13 F. R. 6456), the following order is hereby made:

Findings of fact.[1] 1. By order published in the FEDERAL REGISTER on May 27, 1941 (6 F. R. 2579; 21 CFR, Cum. Supp. 15.00, 15.10, 15.20, 15.30, 15.50, 15.60, 15.70, 15.80, 15.90, and 15.100), as amended (13 F. R. 4231), the standards of identity for flour, enriched flour, bromated flour, enriched bromated flour, self-rising flour, enriched self-rising flour, phosphated flour, whole wheat flour, bromated whole wheat flour, and whole durum wheat flour provided for the use of nitrogen trichloride as an optional bleaching ingredient, under prescribed conditions.

2. Since the promulgation of these standards it has been found that flour treated with nitrogen trichloride has caused in dogs certain toxic manifestations known as canine hysteria. Experiments by qualified investigators have shown that flour treated with large quantities of nitrogen trichloride is toxic to some animals in addition to dogs. Although the experimental work on humans is limited, no adverse effect as a result of foods prepared from flours treated with nitrogen trichloride has been found. (R. 13–16, 37–39, 41–44, 47–48, 63, 70–71, 83–86, 90, 103–105, 107–109, 112–115, 130–136, 160–161, 165–167, 208–210, 217–218, 283–290, 297–298, 323–327, 350–376, 479; Ex. 2, 3, 5, 10, 16, 18)

3. Chlorine dioxide has a bleaching and artificial aging effect on flour similar to that of nitrogen trichloride. The mechanism of its action has not been established, but it appears that the chlorine dioxide releases oxygen when in contact with flour and that the oxygen is the bleaching agent. Experiments by qualified investigators have shown that flours treated with chlorine dioxide, or products baked from flours treated with chlorine dioxide, do not cause canine hysteria, and no symptoms of any toxicity have been detected in the several other species, including man, that have been studied. (R. 44–48, 53–64, 67–82, 86–90, 92, 110–111, 118–125, 130–136, 139–143, 152, 153, 157–160, 165–175, 177–183, 199, 207–222, 231, 235–236, 238–240, 243–244, 246, 248, 250–252, 255, 257–258, 261, 267–272, 283–285, 290–291, 299–301, 350–376, 386–392, 398, 405–410, 430–436, 482; Ex. 6, 10, 11, 13, 14, 15, 16, 18, 20, 21, 23)

4. Only enough chlorine dioxide is used to accomplish the purposes of bleaching and artificial aging, as excessive quantities impair the baking quality of the flour. (R. 235–240, 242–244, 247–250, 254, 379–384, 387–394, 397–398, 405–410; Ex. 14, 19, 20, 21)

5. When used under the controls now prescribed for bleaching and artificially againg flour, chlorine dioxide is suitable for the purpose of bleaching and artificially aging flour, enriched flour, bromated flour, enriched bromated flour, self-rising flour, enriched self-rising flour, phosphated flour, whole wheat flour, bromated whole wheat flour, and whole durum wheat flour. (R. 195–198, 200, 254–257, 267–277, 386–398, 420–427; Ex. 22)

6. In addition to the carriers or diluents prescribed for use with the optional bleaching ingredient benzoyl peroxide, it has been found that other substances or mixtures of these substances with each other or with those now prescribed are also suitable for such use. Such substances are dicalcium phosphate, tricalcium phosphate, starch, sodium aluminum sulfate, and calcium carbonate. The total amount of the diluent or carrier used should not exceed six parts by weight for one part by weight of benzoyl peroxide. (R. 496–500, 503–505, 524–525. 527–531, 535, 537, 548, 554, 558)

7. Consumers generally recognize that the word "bleached" when applied to flour distinguishes between bleached and unbleached flour. The term "bleached" describes the ingredient or ingredients added to flour through the bleaching process, including chlorine dioxide, or products resulting from the use of chlorine dioxide, and benzoyl peroxide with its carriers. (R. 232–233, 277, 396–400, 412–413, 484–485, 496–497, 514)

Conclusions. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for flour (§ 15.00), enriched flour (§ 15.10), bromated flour (§ 15.20), enriched bromated flour (§ 15.30), self-rising flour (§ 15.50), enriched self-rising flour (§ 15.60), and phosphated flour (§ 15.70) by deleting nitrogen trichloride as an optional ingredient and substituting therefor chlorine dioxide, and by amending the requirements as to the ingredients which may be used with benzoyl peroxide as indicated in finding 6; and to amend the definitions and standards of identity for whole wheat flour (§ 15.80), bromated whole wheat flour (§ 15.90), and whole durum wheat flour (§ 15.100) by deleting nitrogen trichloride as an optional ingredient and substituting therefor chlorine dioxide.

It is therefore ordered, That the amendments be made so that the definitions and standards of identity read as follows:

1. Section 15.00 is amended to read as follows:

§ 15.00 *Flour, white flour, wheat flour, plain flour; identity; label statement of optional ingredients.* (a) Flour, white flour, wheat flour, plain flour, is the food prepared by grinding and bolting cleaned wheat other than durum wheat and red durum wheat; to compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted barley flour so used is not more than 0.25%. One of the cloths through which the flour is bolted has openings not larger than those of woven wire cloth designated "149 micron (No. 100)" in Table 1 of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. The flour is freed from bran coat, or bran coat and germ, to such extent that the percent of ash therein, calculated to a moisture-free basis is not more than the sum of ½% of the percent of protein therein, calculated to a moisture-free basis, and 0.35. Its moisture content is not more than 15%. Unless such addition conceals damage or inferiority of the flour or makes it appear better or of greater value than it is, one or any combination of two or more of the following optional bleaching ingredients may be added in a quantity not more than sufficient for bleaching or, in case such ingredient has an artificial aging effect, in a quantity not more than suf-

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

ficient for bleaching and such artificial aging effect:

(1) Oxides of nitrogen.
(2) Chlorine.
(3) Nitrosyl chloride.
(4) Chlorine dioxide.

(5) One part by weight of benzoyl peroxide mixed with not more than six parts by weight of one or any mixture of two or more of the following: potassium alum, calcium sulfate, magnesium carbonate, sodium aluminum sulfate, dicalcium phosphate, tricalcium phosphate, starch, calcium carbonate.

(b) When any optional bleaching ingredient issued, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purposes of this section:

(1) Ash is determined by the method prescribed in the book "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Edition, 1940, page 212, under "Method I—Official." (Ed. note: 6th Ed., 1945, p. 238.) Ash is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of ash, and multiplying the quotient by 100.

(2) Protein is 5.7 times the nitrogen as determined by the method prescribed in such book on page 26, under "Kjeldahl-Gunning-Arnold Method—Official." (Ed. note: 6th Ed., 1945, p. 27.) Protein is calculated to a moisture-free basis by subtracting the percent of moisture in the flour from 100, dividing the remainder into the percent of protein, and multiplying the quotient by 100.

(3) Moisture is determined by the method prescribed in such book on page 211, under "Vacuum Oven Method—Official." (Ed. note: 6th Ed., 1945, p. 237)

2. No change in wording is necessary in § 15.10 *Enriched flour;* § 15.20 *Bromated flour;* § 15.30 *Enriched bromated flour;* § 15.50 *Self-rising flour;* § 15.60 *Enriched self-rising flour;* § 15.70 *Phosphated flour,* since the bleaching ingredients are fixed by § 15.00.

3. Section 15.80 is amended to read as follows:

§ 15.80 *Whole wheat flour, graham flour, entire wheat flour; identity; label statement of optional ingredients.* (a) Whole wheat flour, graham flour, entire wheat flour, is the food prepared by so grinding cleaned wheat other than durum wheat and red durum wheat that, when tested by the method prescribed in paragraph (c) (2) of this section, not less than 90% passes through a No. 8 sieve and not less than 50% passes through a No. 20 sieve. The proportions of the natural constituents of such wheat, other than moisture, remain unaltered. To compensate for any natural deficiency of enzymes, malted wheat, malted wheat flour, malted barley flour, or any combination of two or more of these, may be used; but the quantity of malted wheat flour so used is not more than 0.5%, and the quantity of malted barley flour so used is not more than 0.25 percent. The moisture content of whole wheat flour is not more than 15%. Unless such addition conceals damage or inferiority of the whole wheat flour or makes it appear better or of greater value than it is, the optional bleaching ingredient chlorine dioxide, chlorine, or a mixture of nitrosyl chloride and chlorine, may be added in a quantity not more than sufficient for bleaching and artificial aging effects.

(b) When any optional bleaching ingredient is used, the label shall bear the word "Bleached." Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the word "Bleached" shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter; except that where such name is a part of a trade-mark or brand, other written, printed, or graphic matter, which is also a part of such trade-mark or brand, may so intervene if the word "Bleached" is in such juxtaposition with such trade-mark or brand as to be conspicuously related to such name.

(c) For the purposes of this section:

(1) moisture is determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Edition, 1940, page 211, under "Vacuum Oven Method—Official." (Ed. note: 6th Ed., 1945, p. 237.)

(2) The method referred to in paragraph (a) of this section is as follows: Use No. 8 and No. 20 sieves, having standard 8-inch full height frames, complying with the specifications for wire cloth and sieve frames in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Fit a No. 8 sieve into a No. 20 sieve. Attach bottom pan to the No. 20 sieve. Pour 100 gm. of the sample into the No. 8 sieve. Attach cover and hold the assembly in a slightly inclined position with on hand. Shake the sieves by striking the sides against the other hand with an upward stroke, at the rate of about 150 times per minute. Turn the sieves about ⅙ of a revolution each time in the same direction, after each 25 strokes. Continue shaking for 2 minutes. Weigh the material which fails to pass through the No. 8 sieve and the material which passes through the No. 20 sieve.

4. No change in wording is necessary in § 15.90 *Bromated whole wheat flour;* and § 15.100 *Whole durum wheat flour,* since the bleaching ingredients are fixed by § 15.80.

Effective dates. Chlorine dioxide is a gaseous substance whose practical use as a bleaching ingredient is made possible by the employment of certain machines for generating the chlorine dioxide gas, mixing it with air, and bringing measured amounts of the gaseous mixture in contact with the flour to be treated. The manufacture and installation of suitable machines to replace those used for bleaching with nitrogen trichloride will be time-consuming. Such change-over must be started immediately, in order to make possible the elimination of nitrogen trichloride as a bleaching agent for the various flours at the earliest practicable time. The necessity for beginning the change-over immediately creates an emergency condition which requires that the recognition of chlorine dioxide as an optional ingredient be made effective on the date of publication of this order in the FEDERAL REGISTER.

The time required fully to effect the change-over necessitates that a somewhat longer period be allowed before deleting nitrogen trichloride from the standard as an optional ingredient. No unusual conditions exist with respect to the use of additional diluting agents in conjunction with benzoyl peroxide.

Wherefore, it is ordered, That with respect to the definitions and standards of identity for flour (§ 15.00), enriched flour (§ 15.10), bromated flour (§ 15.20), enriched bromated flour (§ 15.30), self-rising flour (§ 15.50), enriched self-rising flour (§ 15.60), and phosphated flour (§ 15.70), insofar as the amendments hereby promulgated provide for designating chlorine dioxide as an optional bleaching ingredient, they shall become effective immediately upon publication of this order in the FEDERAL REGISTER; insofar as such amendments provide for carriers in addition to those previously permitted as carriers for benzoyl peroxide, they shall become effective ninety (90) days after the publication of this order in the FEDERAL REGISTER; and insofar as such amendments provide for deleting nitrogen trichloride from the permitted optional bleaching ingredients, they shall become effective August 1, 1949.

It is further ordered, That with respect to the definitions and standards of identity for whole wheat flour (§ 15.80), bromated whole wheat flour (§ 15.90), and whole durum wheat flour (§ 15.100), insofar as the amendments hereby promulgated provide for designating chlorine dioxide as an optional bleaching ingredient, they shall become effective immediately upon publication of this order in the FEDERAL REGISTER; and insofar as such amendments provide for deleting nitrogen trichloride from the permitted optional bleaching ingredients, they shall become effective August 1, 1949.

(Secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371)

Dated: November 19, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-10330; Filed, Nov. 26, 1948, 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter II—The Tax Court of the United States [1]

PART 701—RULES OF PRACTICE

PART 702—FORMS [2]

MISCELLANEOUS AMENDMENTS

1. Section 701.1 is amended by adding the word "time" to the title, by changing the letter "c" in "clerk", in the first sentence, to capital "C", and by adding the following new paragraph:

Time, as provided in this and other sections and in orders and notices of the Court, means standard time in the city mentioned except when advanced time is substituted therefor by law. (See § 701.61.)

2. Section 701.2 is amended by changing "secretary" in the second sentence of the third paragraph to "Clerk"; by changing "§ 701.8" in the fifth paragraph to "§ 701.7 (b)", and by adding to the last paragraph: "(See § 701.24.)"

3. Section 701.4 (e) is amended by changing the reference at the end of the paragraph to read as follows: "(See §§ 701.6 and 701.7 (c) (4) (i) and § 702.2.)"

4. Section 701.4 (f) is amended to read as follows:

§ 701.4 *Form and style of papers.* * * *

(f) The signature, either of the petitioner or of his counsel, shall be subscribed in writing to the original of all pleadings, motions, and briefs, and shall be in individual and not in firm name, except that the signature of a petitioner corporation shall be in the name of the corporation by one of its active officers, thus: "John Doe, Inc., by Richard Roe, President." The name and the mailing address of the petitioner or counsel actually signing shall be typed or printed immediately beneath the written signature.

5. Section 701.5 numbering is changed to § 701.6 and the numeral "6" in the reference at the end of the section is changed to "7."

6. Section 701.6 numbering is changed to § 701.7, and is amended to read as follows:

§ 701.7 *Initiation of a proceeding; petition; filing; fee; form*—(a) *Petition*—(1) *Filing.* A proceeding shall be initiated by filing with the Court a petition consisting of an original and four complete, accurately conformed, clear copies, either printed or typed. (See §§ 701.4 and 701.6.)

(2) *Improper petition; dismissal.* Failure of a petition to comply with this section and with §§ 701.4 and 701.6 shall be ground for dismissal of the proceeding for failure properly to prosecute.

See also section 272 (a) and (c), Internal Revenue Code, in regard to absolute statutory time limit on filing.

(b) *Fee for filing petition.* The fee for filing a petition with the Court shall be $10, payable at the time of filing. Make checks, money-orders, etc. payable to The Treasurer of the United States.

(c) *Form of petition.* (1) The petition shall be substantially in accordance with § 702.2.

(2) It shall be complete in itself so as fully to state the issues.

(3) No telegram, cablegram, radiogram, telephone call or similar communication will be recognized as a petition.

(4) The petition shall contain:

(i) A caption in the following form:

THE TAX COURT OF THE UNITED STATES

Docket No. --

Petitioner
v.
Commissioner of Internal Revenue,
Respondent

PETITION

(ii) Proper allegations showing jurisdiction in the Court.

(iii) A statement of the amount of the deficiency (or liability, as the case may be), determined by the Commissioner, the nature of the tax, the period for which determined, and the collection district in which the return was filed.

(iv) Clear and concise assignments of each and every error which the petitioner alleges to have been committed by the Commissioner in the determination of the deficiency. Issues in respect of which the burden of proof is by statute placed upon the Commissioner will not be deemed to be raised by the petitioner in the absence of assignments of error in respect thereof. Each assignment of error shall be numbered.

(v) Clear and concise numbered statements of the facts upon which the petitioner relies as sustaining the assignments of error, except those assignments of error in respect of which the burden of proof is by statute placed upon the Commissioner.

(vi) A prayer, setting forth relief sought by the petitioner.

(vii) The signature of the petitioner or that of his counsel. (See § 701.4.)

(viii) A verification by the petitioner: *Provided,* That where the petitioner is sojourning outside the United States or is a nonresident alien, the petition may be verified by a duly appointed attorney in fact, who shall attach to the petition a copy of the power of attorney under which he acts and who shall state in his verification that he acts pursuant to such power, that such power has not been revoked, that petitioner is absent from the United States, and the grounds of his knowledge of the facts alleged in the petition. As used herein the term "United States" includes only the States and the District of Columbia. A notary public is not authorized to administer oaths, etc., in matters in which he is employed as counsel. (See Title 1, ch. 5, D. C. Code 1940, and 26 Op. A. G. 236.)

The verification shall contain a statement that the fiduciaries signing and verifying have authority to act for the taxpayer.

Where the petitioner is a corporation, the person verifying shall state in his verification that he has authority to act for the corporation.

The signature and the verification to the petition shall be considered the certificate of those performing these acts that there is good ground for the petition, the proceeding has not been instituted merely for delay, and it is not frivolous.

(ix) A copy of the notice of deficiency (or liability, as the case may be), shall be appended to the petition. If a statement has accompanied the notice of deficiency, so much thereof as is material to the issues set out in the assignments of error likewise shall be appended. If the notice of deficiency refers to prior notices from the Bureau, which are necessary to elucidate the determination, such parts thereof as are material to the issues set out in the assignments of error shall likewise be appended. (See § 702.2.)

7. Sections 701.7 and 701.8, old sections, are eliminated, as they are incorporated in new § 701.7.

8. Section 701.9 numbering is changed to § 701.5 and the title is amended to read: *Filing of all documents.*

9. Section 701.11 is amended to read as follows:

§ 701.11 *Docket.* Upon receipt of the petition, the proceeding will be entered upon the docket and assigned a number and the parties notified thereof. This docket number shall be placed by the parties on all papers thereafter filed in the proceeding and referred to in all correspondence with the Court.

10. Section 701.17, third paragraph, is amended to read as follows:

Upon motion made, the Court may, in its discretion, at any time before the conclusion of the hearing, permit a party to a proceeding to amend the pleadings in stated particulars to conform to the proof.

11. Section 701.19 is amended to read as follows:

§ 701.19 *Motions.* (a) Motions must be timely, must fully set forth the alleged reasons for the action sought and must be prepared in the form and style prescribed by § 701.4.

(b) Motions will be acted upon as justice may require and may, in the discretion of the Court, be placed upon the motion calendar for argument. See § 701.27 (a) and (c), and § 701.30 (b). The Clerk will serve a copy of each motion upon the opposite party. (See § 701.22.)

(c) The filing of a motion shall not constitute cause for postponement of a hearing from the date set. (See also § 701.27 (c) on motions for continuance.)

(d) If a motion, other than one relating to the receipt of evidence during trial, is made orally during trial, the maker thereof shall promptly reduce it to writing and file it with the Court unless the Division sitting directs otherwise.

(e) No motion for rehearing, further hearing, or reconsideration may, except by special leave, be filed more than 30 days after the opinion has been served; and no motion to vacate or revise a decision may, except by special leave, be filed more than 30 days after the decision has been entered. Motions covered by this paragraph shall be separate and not joined to or made a part of any other motion.

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[1] Herein redesignated (formerly Chapter III).

[2] Herein redesignated (formerly Part 711).

12. Section 701.20 is amended to read as follows:

§ 701.20 *Extensions of time.* (a) An extension of time (except for the absolute time limit on filing of the petition, see section 272 (a) and (c), Internal Revenue Code, and except as otherwise provided in the rules in this part) may be granted by the Court within its discretion upon a timely motion filed in accordance with the rules in this part setting forth good and sufficient cause therefor or may be ordered by the Court upon its own motion.

(b) If a motion is filed or an order issued in respect to the adequacy of any petition, the time prescribed in § 701.14 shall begin to run from the date upon which the Court takes final action with respect to the motion or the order unless the Court orders otherwise. The time for reply shall be similarly extended in the case of a motion or an order with respect to the adequacy of an answer unless the Court orders otherwise.

(c) Any extension of time for filing a brief shall correspondingly extend the time for filing all other briefs yet to be filed in that proceeding unless the Court orders otherwise. (See §§ 701.19, 701.22 and 701.35.)

For continuances see § 701.27 (c).

13. Section 701.21 is amended by adding the reference: "(See § 701.17 (a) (2).)"

14. Section 701.23 is amended to read as follows:

§ 701.23 *Substitution of parties; change of names*—(a) *Successor fiduciaries; certificate needed.* A motion shall be filed to substitute parties who are successor fiduciaries and shall be supported by a certificate of the proper court or official showing the appointment and qualification of the party who seeks to be substituted. (See §§ 701.4 and 701.19.)

(b) *Change in name; certificate needed.* A motion shall be filed to amend the pleadings to show a change in the names of a corporation or other party and shall be supported by a proper official certificate or copy of the decree or other document by which the change was effected, duly certified by the official having its custody. (See §§ 701.4 and 707.19.)

(c) *Waiver of certificate.* No certificate need be filed, unless required by Court order, if the respondent consents to a change as described in paragraphs (a) and (b) of this section.

(d) *Court order.* The Court, on motion of a party or upon its own motion, may order the substitution of proper parties upon the death of a petitioner, where a mistake in the name or title of a party appears, or for other cause.

15. Section 701.24 is amended to read as follows:

§ 701.24 *Counsel; appearance; withdrawal; substitution; changed address*—(a) *Entry of appearance.* (1) Counsel enrolled to practice before this Court may enter his appearance by subscribing the initial petition.

(2) Counsel may later enter his appearance only by filing in duplicate, an entry of appearance which shall be signed by counsel individually, shall show his mailing address, and shall state that he is enrolled to practice before this Court. Form 305 should be obtained from the Court and used.

(3) Counsel not properly enrolled to practice before this Court will not be recognized except by special leave of the Court granted at a hearing and then only where it appears that counsel can and will promptly become enrolled. (See §§ 701.2, 701.4 (f) and 701.7 (c) (4) (vii).)

(b) *Withdrawal of counsel.* Counsel of record in any proceeding desiring to withdraw, or any petitioner desiring to withdraw counsel of record, must file a motion with the Court requesting leave therefor reciting that notice thereof has been given to the client or to the counsel being withdrawn, as the case may be. The Court may, in its discretion, deny such motion.

(c) *Substitution of counsel.* New counsel may be substituted by conforming to the provisions of paragraphs (a) (2) and (b) of this section. (See §§ 701.2, 701.4, 701.19 and 701.27 (c).)

(See § 701.22 (b) in regard to substitution of "first counsel of record" for purposes of service.)

(d) *Change of address.* Notice of any change in the mailing address of either counsel or petitioner shall be filed promptly with the Court, in duplicate. Separate notices shall be filed for each proceeding.

Counsel may not act also as notary. (See § 701.7 (c) (4) (viii).)

16. Section 701.25 is eliminated as it is incorporated in § 701.27.

17. Section 701.26 is amended by changing the title to read: *"Place of hearing on merits; requests and designation"*, and by deleting from the section the sixth paragraph.

18. Section 701.27 is amended to read as follows:

§ 701.27 *Hearings; calendars; place, time, notice, attendance, continuances*—(a) *Calendars of hearings on motions and other procedural and subsidiary matters.* (1) If it is necessary for the Court to hear the parties on matters other than the merits, the proceeding will be listed for such hearing on a motion calendar which is called in Washington, D. C., unless good cause for holding the hearing elsewhere is shown in a timely motion to the Court. Ordinarily such calendars will be set for call at 9:30 a. m. (see § 701.1) on Wednesdays throughout the year, but due notice of the time and place in each case will be given to the parties by the Clerk. (See § 701.22.)

(2) *Attendance at hearings on motion calendar.* If a party fails to appear at the call of the motion calendar, the Court will hear the proceeding ex parte. However, a memorandum or brief stating the position of the petitioner upon the pending motion will be accepted, when the failure of the petitioner to appear is justified by distance, shortness of time, or other good reason stated in such memorandum or brief.

(3) Where the motion or order is directed to defects in a pleading, prompt filing of a proper pleading correcting the defects may obviate the necessity of a hearing thereon.

(b) *Calendars of hearings on the merits.* (1) Each proceeding, when at issue, will be placed upon a calendar for hearing on the merits in accordance with § 701.26 and the Clerk, not less than 30 days in advance, will notify the parties of the place where and the date and time when it will be called.

(2) *Calendar call.* Each proceeding appearing on such a calendar will be called at the time and place scheduled. The cases will be called usually in the order listed, and counsel or the parties will state their estimate of the time required for trial or file stipulations in lieu of trial. The proceedings for trial will thereupon be heard in due course, but not necessarily in the order listed.

(3) *Attendance at hearings on the merits.* The unexcused absence of a party or his counsel when a proceeding is called for hearing on the merits will not be the occasion for delay. The proceeding may be dismissed for failure properly to prosecute or the hearing may proceed and the case be regarded as submitted on the part of the absent party or parties.

(4) The Court may require appearance for argument or it may accept briefs in lieu of personal appearance.

(c) *Continuances; motions; merits.* (1) Court action on proceedings set for hearing on motions or merits will not be delayed by a motion for continuance unless it is timely, sets forth good and sufficient cause and complies with all applicable rules in this part.

(2) Conflicting engagements of counsel or the employment of new counsel will never be regarded as good ground for a continuance unless set forth in a motion filed promptly after the notice of hearing has been mailed or unless extenuating circumstances are shown which the Court deems adequate. (See § 701.20.)

(d) *Reserve calendar.* A proceding once at issue may, upon motion, be placed on an inactive list called the reserve calendar. Good cause must be shown, as, for example, that the proceeding will be governed by the decision in a case pending in a higher court. The proceeding may be placed later on a hearing calendar by motion of either party or by the Court on its own motion when the reason for inaction no longer exists.

19. Sections 701.28 and 701.29 are eliminated as they are incorporated in § 701.27.

20. Section 701.30 (b) is amended by inserting at the end of the sentence, the reference: "(See § 701.27 (a).)"

21. Section 701.35 is amended by adding to the first paragraph: "(See § 701.20 (c).)" and by adding to the second paragraph: "Briefs must be signed. (See § 701.4 (f).)"

22. Section 701.44 (c) is amended to read as follows:

§ 701.44 *Subpoenas.* • • •

(c) *For production of documents.* If evidence other than oral testimony is required, such as documents or written data, the application shall set forth in tabular form the specific matter to be produced and sufficient facts to indicate

that each item is reasonably necessary to establish the cause of action or defense of the applicant.

23. Section 701.48 (c) and (e) are amended to read as follows:

§ 701.48 *Commissioners of the Tax Court.* • • •

(c) Unless otherwise directed the parties shall have 30 days from the closing of proof in the case for filing proposed findings of fact. Such findings of fact shall be prepared in the manner and form prescribed in the first paragraph of § 701.35 (b).

Upon the filing by the parties of their proposed findings of fact, the commissioner shall prepare and file a report of his findings of fact based upon the evidence in the case, and a copy thereof shall be served upon each party.

Within 20 days from the filing of the commissioner's proposed findings of fact the parties shall file exceptions to all findings to which they object, which exceptions will be considered by the Division to which the case is assigned.

• • • • •

(e) Upon motion of either party made not later than at the time of filing the final brief, or upon its own motion, the Division to which the case is assigned may in its discretion direct oral argument and set a date therefor.

24. Section 701.50 is amended by changing the fifth sentence as follows: "The Clerk will serve a copy thereof upon the opposite party, will place the matter upon a motion calendar for argument in due course, and will serve notice of the argument upon both parties."

25. Section 701.51 numbering is given to a new section which read as follows:

§ 701.51 *Estate tax deduction developing after trial.* If the parties in an estate tax proceeding are unable to agree under § 701.50 or under a remand upon a deduction involving expenses incurred at or after the trial, the petitioner may move to reopen the case for further hearing on that issue provided it is raised in the petition or by amendment thereto.

26. Section 701.52 numbering is given to old § 701.51 which is amended to read as follows:

§ 701.52 *Preparation of record on review; costs.* (a) Immediately after the contents of a record on review have been settled or agreed to, the Clerk will notify the petitioner of the costs and charges for the preparation, comparison, and certification of said records; such charges to be determined in accordance with the provisions of Section 1133, Internal Revenue Code, and the act of September 27, 1944, 58 Stat. 743.

(b) No transcript will be certified and transmitted to the appellate court until the costs and charges therefor have been paid. (For name of payee, see § 701.7 (b).)

(c) A petitioner for review who requests the Clerk to certify but not to prepare documents for transmission to a United States Court of Appeals shall furnish the Clerk with the copies of the documents to be certified, if duplicates are not already in the record. (See §§701.4 (g) and 701.31 (b).)

(For statutory provisions relating to Court Review of Tax Court decisions see Subchapter B, Section 1140 et seq., I. R. C. For forms of bonds, see §§ 702.7 and 702.8. The rules of the appellate court to which the appeal is being taken should be consulted.)

27. In paragraph (b) of § 701.64, change the reference at the end of the first sentence by striking "§§ 701.4, 701.5, 701.7 and 701.8" and substituting "§§ 701.4, 701.6 and the pertinent parts of § 701.7." In subparagraph (8) amend by striking "§ 701.6 (h)" and substituting "§ 701.7 (c) (4) (viii)."

28. Section 702.2 is amended by changing "(See §§ 701.4, 701.5a, 701.6, 701.7, and 701.8)" to "(See §§ 701.4, 701.5, 701.6 and 701.7)."

29. Section 702.3 is amended by adding "[1]" to the title; by inserting under the title the following: The Tax Court of the United States; by inserting under the caption: Application for subpoena; and adding the footnote, as follows:

[1] Application for a subpoena duces tecum shall be so identified in its title, and shall be in form similar to the above, and shall set forth the additional information required by § 701.44 (c).

30. Section 702.5a is amended by adding to the title "[1]" and by adding the footnote, at the foot of the page, as follows:

[1] When the applicant seeks to take depositions upon written interrogatories the title of the application shall so indicate and the application shall be accompanied by an original and five copies of the proposed interrogatories. The taking of depositions upon written interrogatories is not favored, except when the depositions are to be taken in foreign countries, in which latter case any depositions taken must be upon written interrogatories, except as otherwise directed by the Court for cause shown. (See § 701.46.)

31. Section 702.7 is a new form, which reads as follows:

§ 702.7 *Bond with corporate surety.* The following is a satisfactory form of bond for use in case bond with a corporate surety approved by the Treasury Department is to be furnished to stay the assessment and collection of tax involved in an appeal from a decision of the Tax Court.

THE TAX COURT OF THE UNITED STATES
Washington, D. C.

Docket No. --

Petitioner
v.
Commissioner of Internal Revenue,
Respondent

BOND

Know all men by these presents that we ---------- as principal, and ----------, as surety, are held and firmly bound unto the above-named Commissioner of Internal Revenue and/or the United States of America, in the sum of $---------- (double the deficiency or such sum as the Tax Court has fixed upon petitioner's prior motion), to be paid to the said Commissioner of Internal Revenue and/or the United States of America for the payment of which well and truly to be made we bind ourselves and each of us and our successors and assigns jointly and severally firmly by these presents. Sealed with our seals and dated the ---------- day of ----------, in the Year of our Lord One Thousand Nine Hundred and ----------

Whereas, the above named ---------- is filing or is about to file with The Tax Court of the United States, a petition for review of the said Court's decision in respect of the tax liability of the above petitioner for the taxable year or years ----------, by the United States Court of Appeals for the ---------- Circuit to reverse the decision rendered in the above-entitled cause.

Now, therefore, the condition of this Obligation is such, that if the above-named ---------- shall file its petition for review and shall prosecute said petition for review to effect and shall pay the deficiency as finally determined, together with any interest, additional amounts or additions to the tax provided for by law, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

By ----------
(Title)

Attest:
[CORPORATE SEAL] ----------
(Secretary)

By ----------
(Title)

Attest:
[CORPORATE SEAL] ----------
(Secretary)

32. Section 702.8 is a new form, which reads as follows:

§ 702.8 *Bond; approved collateral.* A satisfactory form of bond for use in case an appellant desires to furnish approved collateral (Treasury Department Circular #154), instead of furnishing a corporate surety bond, and also forms of powers of attorney covering the pledged collateral are shown below:

THE TAX COURT OF THE UNITED STATES
Washington, D. C.

Docket No. --

Petitioner
v.
Commissioner of Internal Revenue,
Respondent

BOND

Know all men by these presents that ---------- is held and firmly bound unto the above-named Commissioner of Internal Revenue and/or the United States of America in the sum of ---------- ($----------) Dollars, to be paid to the said Commissioner of Internal Revenue and/or the United States of America, for the payment of which, well and truly to be made, the ---------- binds itself and its successors, firmly by these presents. Sealed with our seal and dated the ------ day of ----------, in the year of our Lord One Thousand Nine Hundred and ------

Whereas, the above-named ---------- is filing or is about to file with The Tax Court of the United States, a petition for review of the said Court's decision in respect to the tax liability of the above petitioner for the taxable year or years ---------- by the United States Court of Appeals for the ---------- Circuit to reverse the decision rendered in the above-entitled cause.

Now, therefore, the condition of this obligation is such that if the above-named ---------- shall file its petition for review and shall prosecute said petition for review to effect and shall pay the deficiency as finally determined, together with any interest, additional amounts or additions to the tax provided for by law, then this obli-

gation shall be void, otherwise the same shall be and remain in full force and virtue.

The above-bounden obligor, in order the more fully to secure the Commissioner of Internal Revenue and/or the United States in the payment of the aforementioned sum, hereby pledges as security therefore bonds/notes of the United States in a sum equal at their par value to the aforementioned sum, to wit: ---------- dollars ($----------), which said bonds/notes are numbered serially and are in the denominations and amounts, and are otherwise more particularly described as follows: ----------

---------- which said bonds/notes have this day been deposited with the Clerk of The Tax Court of the United States and his receipt taken therefor.

Contemporaneously herewith the undersigned has also executed and delivered an irrevocable power of attorney and agreement in favor of the Clerk of The Tax Court of the United States, authorizing and empowering him, as such attorney to collect or sell or transfer or assign the above-described bonds/notes so deposited, or any part thereof, in case of any default in the performance of any of the above-named conditions or stipulations.

Title of coupon bonds/notes	Total face amount	Denomination	Serial No.	Interest dates

Title of bonds/notes registered in name of and assigned in blank	Total face amount	Denomination	Serial No.	Interest dates

such bonds/notes having been deposited by it, pursuant to authority conferred by Section 1126 of the Revenue Act of 1926, approved Feb. 26, 1926, and subject to the provisions thereof, as security for the faithful performance of any and all of the conditions or stipulations of a certain obligation entered into by it with the Commissioner of Internal Revenue and/or the United States under date of ----------, which is hereby made a part thereof, and the undersigned agrees that, in case of any default in the performance of any of the conditions and stipulations of such undertaking, its said attorney shall have full power to collect said bonds/notes or any part thereof, or to sell, assign, and transfer said bonds/notes or any part thereof without notice, at public or private sale, or to transfer or assign to another for the purpose of effecting either public or private sale, free from an equity of redemption and without appraisement or valuation, notice and right to redeem being waived, and the proceeds of such sale or collection, in whole or in part to be applied to the satisfaction of any damages, demands, or deficiency arising by reason of such default, as may be deemed best, and the undersigned further agrees that the authority herein granted is irrevocable.

And said corporation hereby for itself, its successors and assigns, ratifies and confirms whatever its said attorney shall do by virtue of these presents.

In witness whereof, the ----------, the corporation hereinabove named, by ----------

(Name and title of officer)

duly authorized to act in the premises, has executed this instrument and caused the seal of the corporation to be hereto affixed this ---------- day of ----------, 19---.

[CORPORATE SEAL] ----------

By ----------

Before me, the undersigned, a notary public within and for the county of ----------, in the State of ----------, personally appeared ----------

(Name and title of officer)

and for and in behalf of said ----------, corporation, acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this ------ day of ----------, 19----.

[NOTARIAL SEAL] ----------

(Notary Public)

My commission expires ----------

[CORPORATE SEAL] ----------

By ----------

(Title)

(Secretary)

Approved by ----------

(Judge, The Tax Court of the United States)

Date:

33. Section 702.8a is a new form, which reads as follows:

§ 702.8a *Power of attorney and agreement.*

Know all men by these presents, that ----------, a corporation duly incorporated under the laws of the State of ----------, and having its principal office in the city of ----------, State of ----------, in pursuance of a resolution of the Board of Directors of said corporation, passed on the -------- day of ----------, 19----, a duly certified copy of which resolution is hereto attached, does hereby constitute and appoint the Clerk of The Tax Court of the United States as attorney for said corporation, for and in the name of said corporation to collect or to sell, assign, and transfer certain United States Liberty bonds, Treasury notes, or other United States bonds/notes, the property of said corporation, described as follows:

Title of coupon bonds/notes	Total face amount	Denomination	Serial No.	Interest dates

Title of bonds/notes registered in name of and assigned in blank	Total face amount	Denomination	Serial No.	Interest dates

such bonds/notes having been deposited by me (us) pursuant to authority conferred by Section 1126 of the Revenue Act of 1926, approved Feb. 26, 1926, and subject to the provisions thereof, as security for the faithful performance of any and all of the conditions or stipulations of a certain obligation entered into by me (us) with the Commissioner of Internal Revenue and/or the United States under date of ----------, which is hereby made a part thereof, and I (we) agree that, in case of any default in the performance of any of the conditions and stipulations of such undertaking, my (our) said attorney shall have full power to collect said bonds/notes or any part thereof, or to sell, assign, and transfer said bonds/notes or any part thereof without notice, at public or private sale, or to transfer or assign to another for the purpose of effecting either public or private sale, free from any equity of redemption and without appraisement or valuation, notice and right to redeem being waived, and the proceeds of such sale or collection, in whole or in part to be applied to the satisfaction of any damages, demands, or deficiency arising by reason of such default, as may be deemed best, and I (we) further agree that the authority herein granted is irrevocable.

And for myself (ourselves), my (our several) administrators, executors, and assigns, I (we) hereby ratify and confirm whatever my (our) said attorney shall do by virtue of these presents.

In witness whereof, I (we) hereinabove named, have executed this instrument and affixed by (our) seal this ------- day of ----------, 19--.

[SEAL] ----------

Before me, the undersigned, a notary public within and for the county of ----------, in the State of ----------, personally appeared ----------

(Name of appellant)

and acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this ---- day of ----------, 19----.

[NOTARIAL SEAL] ----------

(Notary Public)

My commission expires ----------

34. Section 702.8b is a new form, which reads as follows:

§ 702.8b *Power of attorney and agreement by individual appellants.*

Know All Men by These Presents, that I, (we) ----------, do hereby constitute and appoint the Clerk of The Tax Court of The United States as attorney for me (us), and in my (our) name to collect or to sell, assign and transfer certain United States Liberty bonds, Treasury notes, or other United States bonds/notes, being my (our) property described as follows:

Title of coupon bonds/notes	Total face amount	Denomination	Serial No.	Interest dates

Title of bonds/notes registered in name of and assigned in blank	Total face amount	Denomination	Serial No.	Interest dates

my (our) said attorney shall do by virtue of these presents.

In witness whereof, I (we) hereinabove named, have executed this instrument and affixed by (our) seal this ------- day of ----------, 19--.

[SEAL] ----------

Before me, the undersigned, a notary public within and for the county of ----------, in the State of ----------, personally appeared ----------

(Name of appellant)

and acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this ---- day of ----------, 19----.

[NOTARIAL SEAL] ----------

(Notary Public)

My commission expires ----------

Effective date: December 15, 1948.

(53 Stat. 160, sec. 504 (a), (c), 56 Stat. 957; 26 U. S. C. 1111)

By the Court.

[SEAL] BOLON B. TURNER,
Presiding Judge,
The Tax Court of the United States.

[F. R. Doc. 48-10328; Filed, Nov. 26, 1948; 8:49 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[3d Gen. Rev. of Export Regs., Amdt. 23]

PART 372—GENERAL LICENSES

EXPORTATION OF CERTAIN COMMODITIES NOT INCLUDED ON POSITIVE LIST

Section 372.8 *General license "GRO"*, is amended in the following particulars:

Paragraph (b), the list of specified commodities exportable under general license "GRO" to all destinations, is amended in the following particulars:

1. The entry for certain paper products, Schedule B Nos. 473600–479900, is amended by changing the commodity description so that the entry reads as follows:

Dept. of Comm. Sched. B No.	*Commodity*
	Paper, related products, and manufactures:
473600–479900	Other paper products except the following: masonite insulating board, Schedule B Nos. 473600 and 473800; filter paper, 474100; and heavy fiber shipping containers of corrugated or solid container board, 478100.

This part of the amendment shall become effective as of November 23, 1948.

2. The entry for lamps and illuminating devices, except electric, Schedule B Nos. 979100–979900, is amended by changing the commodity description so that the entry reads as follows:

Dept. of Comm. Sched. B No.	*Commodity*
979100–979900	Nonelectric lamp and illuminating devices, except incandescent mantles.

This part of the amendment shall become effective as of November 16, 1948.

3. The following entries are added to the list:

Dept. of Comm. Sched. B No.	*Commodity*
	Meat products:
004000	Poultry and game, fresh or frozen.
004900	Sausage casings; (bladders, bungs, middles, rounds or weasands) other than hog or beef sausage casings (report hog sausage casings in 004600 and beef sausage casings in 004700).
	Other edible animal products:
009200	Eggs, in the shell.
009303	Egg albumen.
009305–009398	Other egg products, dried, frozen, or otherwise preserved.
	Furs and manufactures:
071100–074998	Furs, undressed, dressed or dyed.
075300	Fur wearing apparel.
075800	Fur waste, fur pieces, and damaged fur skins.
075900	Fur manufactures, n. e. s.
	Other inedible animals and animal products:
094205, 094298	Casein glue and other glue of animal origin.
099923, 099925	Mother-of-pearl shells, and other unmanufactured shells.
	Vegetables and preparations, edible:
124100–124990	Vegetables, and vegetable juices, canned.
125000	Pickles, cucumber.
125100	Ketchup, chili sauce, and other tomato table sauces.
125210	Mayonnaise and salad dressings.
125295	Olives.
125298	Sauces and relishes, n. e. s.
125300	Vinegar.
125600	Yeast, except liquid.
125901	Dehydrated soups.
125902	Dehydrated vegetables.
125998	Vegetable preparations, n. e. s. (report farinaceous substances in 125905 and soybean flour, edible in 125911).
	Nuts and preparations:
137400	Apricot and peach pits and kernels.
137610–137995	Other nuts and preparations, except peanuts (report peanuts shelled in 137510, and peanuts, not shelled in 137550).
	Sugar and related products:
161910–162900	Sugar (include raw sugar) and molasses.
164200–164700	Honey; glucose, liquid and dry (not pharmaceutical dextrose or glucose); and sirup for table use (report pharmaceutical dextrose or glucose in 813500).
	Drugs, herbs, leaves, and roots, crude:
220500	Ginseng.
220600	Mandrake root.
220988	Crude drugs, herbs, leaves, and roots, n. e. s. except belladonna leaves and roots, coca leaves, crude ergot, crude opium, digitalis leaves and seeds, ergot of rye, ipecac root, nux vomica, nux vomica seeds, stramonium flowering tops and dried leaves, pyrethrum roots, and jimson weed (report cascara bark in 220100, cinchona bark in 220904, hyoscymus henbane in 220911, pyrethrum (insect flowers) in 220919).
	Miscellaneous vegetable products, inedible:
299993	Vegetable ivory or tagua nuts.
	Cotton manufactures:
309000, 309120–312900.	Cotton wearing apparel, except work gloves, mitts, and gauntlets, Schedule B No. 309110.
	Wool manufactures:
366200	Carpets and rugs of wool.
367500–368950	Wool wearing apparel.
	Silk and manufactures:
374100–375900	Silk wearing apparel.
	Synthetic fibers and manufactures:
385201–385320	Outerwear, women's and children's.
385410	Women's and children's hosiery, nylon.
385490	Women's and children's hosiery, of other synthetic textiles.
385600	Men's socks.
385710–385770	Underwear and sleeping and lounging garments, knit or woven (men's, women's and children's included).
385850	Braids, fringes, and narrow trimmings, except hat braids (report hat braids of synthetic textiles in 394050).
	Miscellaneous textile products:
392100–394010, 394200–395800.	Corsets, brassieres, girdles, except rubber and rubberized (report rubber or rubberized corsets, etc. in 204300); neckties, hats, caps, etc., except hat braids, strips and sheets, wholly or partly of synthetic textiles, Schedule B No. 394050.
396300	Artificial or ornamental flowers, fruits, vegetables, grasses, grains, leaves, stems or parts thereof (all materials).
	Wood unmanufactured:
	Logs and hewn timber:
	Hardwoods:
400993	Other hardwood logs and hewn timber except balsa, beech, birch, maple, gum, oak, poplar, dogwood and persimmon.

Dept. of Comm. Sched. B No.	Commodity
	Miscellaneous commodities, n. e. s.—Continued
982800, 982900	Tobacco pipes (all materials), and other smoker's articles except pocket and electric lighters (report pocket lighters of all materials except metal in 962900; pocket lighters of metal except solid gold or platinum in 962600; pocket lighters of gold or platinum in 962000; and electric lighters in 707398).
983100	Umbrellas and parasols.
984098	Notions, cheap novelties, n. e. s. except slide fasteners (zippers).
985300	Shoe findings, except leather and rubber (report shoe findings of leather and rubber under appropriate leather classifications (060000-069900) or appropriate rubber classifications (201400-209990) according to type of findings).
987100	Coin-operated commodity-vending machines.
990000	Household and personal effects.

This part of the amendment shall become effective as of November 16, 1948.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: November 22, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-10333; Filed, Nov. 26, 1948; 8:57 a. m.]

[3d Gen. Rev. of Export Regs., Amdt. P. L. 11]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

SEEDS EXCEPT OILSEEDS AND SAWMILL PRODUCTS (LUMBER)

Section 399.1 *Appendix A—Positive List of Commodities,* is amended in the following particulars:

1. The following commodity is added to the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	QLV dollar value limits
240600	Seeds except oilseeds: Grass and field seeds: Timothy	Pound	SEED 2	25

Shipments of the above commodity removed from general license which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this part of the amendment may be exported under the previous general license provisions.

This part of the amendment shall become effective as of November 29, 1948.

2. The following commodity is deleted from the Positive List:

Dept. of Comm. Sched. B No.	Commodity	Unit	Processing code and related commodity group	QLV dollar value limits
412400	Sawmill products (lumber): Boards, planks and scantlings, less than 5" in least dimensions: Hardwoods: Oak.			

This part of the amendment shall become effective as of November 22, 1948.

(Sec. 6, 54 Stat. 714; 55 Stat. 206; 56 Stat. 463; 58 Stat. 671; 59 Stat. 270; 60 Stat. 215; 61 Stat. 214; 61 Stat. 321; Pub. Law 395, 80th Cong.; 50 U. S. C. App. and Sup. 701, 702; E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Dated: November 22, 1948.

FRANCIS MCINTYRE,
Assistant Director,
Office of International Trade.

[F. R. Doc. 48-10332; Filed, Nov. 26, 1948; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 526]

CALIFORNIA

TRANSFERRING JURISDICTION OVER OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described parcel of land, title to which has been acquired by the United States, comprising the Post Office Site at Long Beach, California, is reported to be subject to drainage of its oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said parcel of land; and

Whereas, in order to facilitate such action, it is advisable that jurisdiction over the oil and gas deposits in such land be transferred to the Department of the Interior; and

Whereas such transfer has the concurrence of the Administrator, Federal Works Agency:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described parcel of land is hereby transferred from the Federal Works Agency to the Department of the Interior:

A tract of land lying and being in the City of Long Beach, County of Los Angeles, State of California, bounded on the West by American Avenue, on the North by a 10-foot public alley known as Roble Way, on the East by a 16-foot public alley known as Alamo Court and on the South by Third Street and comprising all of Lots 18, 20, 22, 24, 26 and 28 in Block 78 in the said City of Long Beach, Los Angeles County, California, as per map recorded in Book 19, pages 91 et seq., of Miscellaneous Records of said county.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such land.

3. The jurisdiction of the Department of the Interior over such land shall be subject to the primary jurisdiction of the Federal Works Agency over the land for Post Office purposes.

4. All moneys received as royalties under leases, or otherwise, on account of the oil and gas extracted from such land shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

5. Any lease which may issue involving the oil and gas rights in the lands described herein shall contain a provision that no use shall be made of the surface of the land in connection with the removal of such deposits.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

NOVEMBER 17, 1948.

[F. R. Doc. 48-10311; Filed, Nov. 26, 1948; 8:46 a. m.]

[Public Land Order 527]

TEXAS

TRANSFERRING JURISDICTION OVER OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described parcel of land, title to which has been acquired by the United States, comprising the Naval Auxiliary Airfield No. 55, Corpus Christi, Texas, is reported to be subject to drainage of its oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said parcel of land; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such land be transferred to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Navy:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943 it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described parcel of land is hereby transferred from the Department of the Navy to the Department of the Interior:

All of the lands situated and being in Kleberg County, Texas, and more particularly described as follows:

Beginning at the northwest corner of Lot 44, Section 25, Theo. F. Koch Subdivision Riviera Lands No. 1 for the northwest corner of this tract; thence, along the north line of said Lot 44, N. 88°02' E. 1320.0 feet to the northwest corner of same; thence continuing easterly along the north line of Lot 43 of said Section 25 to a point, the northeast corner of said Lot 43; thence, southerly along the east line of said Lot 43 and the east line of Lots 48 and 52 of said Section 25 to the southeast corner of said Lot 52 on the shoreline of Laguna de los Olinos; thence, southwesterly along the south lines of Lot 52 and Lot 51 of said Section 25 and following along said shoreline with its meanderings to a point which is the southwest corner of said Lot 51 and the southeast corner of Lot 50 of said Section 25; thence, along the south line of said Lot 50 and the meanderings of the shoreline of said Laguna de los Olinos, S. 66°15' W., 486.9 feet to a point; thence following the shoreline of said Laguna de los Olinos with its meanderings to include the peninsula as follows: S. 66°15' W., 225.5 feet to a point; thence S. 61°45' W., 1300.0 feet to a point; thence S. 65°45' W., 800.0 feet to a point; thence N. 45°00' E., 300.0 feet to a point; thence N. 67°45' E., 1300.0 feet to a point; thence N. 37°15' W., 332.1 feet to a point; thence, leaving the shoreline N. 2°02' W., 3923.2 feet to the place of beginning and containing a total of 221.50 acres, as shown on drawing entitled "Location Sketch for Outlying Field No. 55 to Auxiliary Field P-4, Kingsville, Texas," dated February 26, 1943, filed with the declaration of taking in condemnation proceedings entitled "United States v. 221.50 acres of land, more or less, in Kleberg County, Texas, W. A. Govett, et al", Civil No. 228, in the District Court of the United States for the Southern District of Texas, Corpus Christi Division.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such land,

3. The jurisdiction of the Department of the Interior over such land shall be subject to the primary jurisdiction of the Department of the Navy over the land for naval purposes.

4. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such land shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

5. Any lease which may be issued involving the oil and gas rights in the lands described herein shall contain a provision reserving to the United States the right to revoke the same in the event the field should be required for war or national defense purposes.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

NOVEMBER 17, 1948.

[F. R. Doc. 48-10312; Filed, Nov. 26, 1948; 8:46 a. m.]

[Public Land Order 528]

ARIZONA

REVOKING PUBLIC LAND ORDER NO. 22 OF AUGUST 6, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS A BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 22 of August 6, 1942, withdrawing public lands for the use of the War Department as a bombing range, which was revoked in part by Public Land Order No. 54 of November 5, 1942, is hereby revoked as to the remaining public lands hereinafter described.

The jurisdiction over and use of such lands granted to the War Department by Public Land Order No. 22 shall cease upon the signing of this order. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on January 19, 1949. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from January 19, 1949, to April 20, 1949, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from December 30, 1948, to January 18, 1949, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on January 19, 1949, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on April 21, 1949, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from April 15, 1949, to April 20, 1949, inclusive, and all such applications, together with those presented at 10:00 a. m. on April 21, 1949, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Phoenix, Arizona shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Phoenix, Arizona.

The lands affected by this order are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 6 S., R. 2 E.,
Sec. 25, lots 7, 8, 17, 18, 19, 20, S½NW¼, SW¼.
T. 10 S., R. 6 E.,
Sec. 30.

The areas described aggregate 1118.20 acres.

These public lands are generally level desert.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

NOVEMBER 17, 1948.

[F. R. Doc. 48-10310; Filed, Nov. 26, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter C—Water Carriers

[Ex Parte No. 146]

PART 315—EXEMPTION OF CONTRACT CARRIER OPERATIONS

OIL FIELD EQUIPMENT, MARSHLANDS, LOUISIANA AND TEXAS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 17th day of November A. D. 1948.

It appearing, that by order of August 26, 1941, (49 CFR, Cum. Supp., 315.1) as subsequently modified, (49 CFR, 1944 and 1947 Supps., 315.1) contract carriers by water are exempted from the requirements of Part III of the Interstate Commerce Act, until the further order of the Commission, insofar as they are engaged in leasing or chartering vessels for the purpose of transporting machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum, to and from points in the marshland oil fields of Louisiana and Texas;

It further appearing, that contract carriers by water lease or charter vessels for the purpose of transporting machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum, to and from points in the marshland oil fields of Alabama, Florida, and Mississippi; and that on April 20, 1948, The American Waterway Operators, Inc., petitioned the Commission to amend the said order of August 26, 1941, to exempt the operations of such contract carriers by water, which petition is supported by a number of water carriers and oil companies;

And it further appearing, that such operations by contract carriers by water are not competitive with other means of transportation or with common carriers by water, that such contract carriers by water are not engaging in destructive competitive practices, and that the regulation of such class of contract carriers by water is not necessary to effectuate the national transportation policy of the act:

It is ordered, That the above-entitled proceeding be, and it is hereby, reopened for further consideration. *It is further ordered*, That:

§ 315.1 *Oilfield equipment, Gulf States marshlands.* Contract carriers by water, insofar as they engage in leasing or chartering vessels for the purpose of transporting machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum, to and from points in the marshland oil fields of Alabama, Florida, Mississippi, Louisiana and Texas be, and they are hereby, exempted from the requirements of Part III of the Interstate Commerce Act until the further order of the Commission.

And it is further ordered, That the said order of August 26, 1941, as subsequently modified, be, and it is hereby, superseded and canceled as of the date this order becomes effective; and that this order shall take effect on December 20, 1948.

(54 Stat. 930; 49 U. S. C. 902 (e))

By the Commission, Division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10329; Filed, Nov. 26, 1948; 8:51 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

SHIPMENTS OF CITRUS FRUITS

CROSS REFERENCE: For an exception to the provisions of § 500.72 see Part 520 of this chapter, *infra*.

[General Permit ODT 18A, Rev. 47]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

SHIPMENTS OF CITRUS FRUITS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, Executive Order 9729, as amended, Executive Order 9919, and General Order ODT 18A, Revised, as amended, it is hereby ordered, that:

§ 520.548 *Shipments of citrus fruits.* Notwithstanding the restrictions contained in § 500.72 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386; 13 F. R. 2971), or in items numbered 255 to 360, inclusive, of Special Direction ODT 18A–2A, as amended (9 F. R. 118, 4247, 13008; 10 F. R. 2523, 3470, 14906; 11 F. R. 1358, 13793, 14114; 12 F. R. 8025; 13 F. R. 1831, 3208, 3763, 4151, 5074, 5812), any person may offer for transportation and any rail carrier may accept for transportation at point of origin, forward from point of origin, or load and forward from point of origin, any carload freight consisting of any citrus fruit or fruits, when such carload freight is loaded to a weight not less than the applicable tariff carload minimum weight.

This General Permit ODT 18A, Revised–47, shall become effective November 25, 1948, and shall expire February 28, 1949.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 23d day of November 1948.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 48-10331; Filed, Nov. 26, 1948; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 19623]

WASHINGTON

RESTORATION ORDER NO. 1244 UNDER FEDERAL POWER ACT

NOVEMBER 19, 1948.

Pursuant to the determination of the Federal Power Commission (DA–100, Washington) and in accordance with 43 CFR 4.275 (a) (16) (Departmental Order No. 2238 of August 16, 1946, 11 F. R. 9080), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the land hereinafter described, having been withdrawn for Power Site Classification No. 215 on December 6, 1928, is hereby restored for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075), as amended by the act of August 26, 1935 (49 Stat. 846, 16 U. S. C. 818), and subject to the stipulation that if and when the land is required wholly or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with the proposed development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States, its permittees or licensees:

WILLAMETTE MERIDIAN

T. 21 N., R. 14 E.,
Sec. 8, NE¼NE¼.

The area described contains 40 acres.

This order shall become effective at 10:00 a. m. on January 21, 1949.

MARION CLAWSON,
Director.

[F. R. Doc. 48-10313; Filed, Nov. 26, 1948; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

PROPOSED VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR MANUFACTURE OF ORE CARS

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Tuesday, December 7, 1948, at 2:30 p. m., e. s. t., in the Auditorium on the fifth floor of the National Archives Building, Pennsylvania Avenue between Seventh and Ninth Streets NW., Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for the manufacture of ore cars. A draft of the plan is set forth in Exhibit A hereto.

In view of the essentiality of the program represented by this plan, it is proposed to provide for continued assistance beyond February 28, 1949, which will be the termination date specified in the plan itself, as required by Public Law 395. Provision for continuation consists of two procedures developed in consultation with the Attorney General. First, the termination provisions in the plan provide for extension beyond next February in the event that the authority now contained in Public Law 395 is appropriately extended. Second, the Secretary of Commerce proposes to make a request for unilateral action by participants in carrying on the program after that date under the "carry-over" provisions of Public Law 395. A draft of the proposed request is set forth as Exhibit B hereto.

Both Exhibits A and B are subject to revision at or after the public hearing.

The proposed plan has been formulated after consulting with representatives of the industries involved and of the interested government agencies, including the Munitions Board of the National Military Establishment.

Any person desiring to participate in said public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Friday, December 3, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—PLAN

PROPOSED VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR MANUFACTURE OF ORE CARS

[Preamble—To be inserted in final draft]

1. *What This Plan Does.* Manganese has been designated by the Munitions Board as a strategic and critical material and a program for the procurement of that material for stockpiling has been established in accordance with applicable law, including Public Laws 520 and 521, 79th Congress. In furtherance of that procurement program and in aid of American industry, this Plan sets up the procedure under which steel producers (hereinafter called Producers) agree voluntarily to make certain steel products available, at producers' mills, to Canadian Car and Foundry Company, Limited, Montreal, Canada (hereinafter called the Participating Manufacturer), for use in the manufacture of 2,000 ore cars (bogie wagons) for the Union of South Africa Railways, to be used in the transportation of manganese-bearing ore from South African mines to tidewater.

2. *Agreement by Steel Producers.* During the period this Plan remains in effect, Producers will make available, out of their own production or that of their producing subsidiaries or affiliates, to the Participating Manufacturer, a total of 2,576 net tons of steel products per month, distributed by types approximately as follows:

Type:	Net tons per month
Ship channels	380
Bulb Angles	154
Sheets 58" wide	296
Plates—ASTM	962
Plates—U. S. S. *Man-ten*	784
Total net tons per month	2,576

Producers will, from time to time, however, upon request of the Secretary of Commerce, give consideration to making additional quantities available, or to accelerating the monthly deliveries provided for above.

3. *Determination of Quantities to be Furnished by Respective Producers.* Unless otherwise specified in its acceptance of this Plan, the quantities to be made available by each Producer, as its commitment under this Plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. Producers will take credit against their commitments under this Plan only for quantities delivered to the Participating Manufacturer on orders certified in accordance with paragraph 9 below.

4. *Contractual Arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective Producers, or their producing subsidiaries and affiliates, with the Participating Manufacturer. This plan does not authorize nor approve any fixing of prices, and participation in this Plan does not affect the prices of terms and conditions on which any steel products are actually sold and delivered.

5. *Limitations as to Types, Sizes and Quantities.* A Producer need make available under this Plan only those products which are

within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this Plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from Steel Producers.* Each Producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under the Plan.

7. *Reports from Participating Manufacturer.* The Participating Manufacturer will submit such reports as may be requested from time to time by the Secretary of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942).

8. *Obligations of Participating Manufacturer.* By participation in this Plan, the Participating Manufacturer shall be obligated as follows: To use all products obtained under this Plan solely for and in the manufacture of ore cars for Union of South Africa Railways; not to resell nor transfer any products so obtained under this Plan in the form received by the said Participating Manufacturer; and not to build up, beyond current needs, any inventories of products obtained under this Plan. If the Participating Manufacturer becomes unable to use, for the purposes of this Plan, any products obtained under the Plan, it shall be further obligated to hold them subject to such disposition (including return to the producer from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

9. *Procedure for Placing Orders Under This Plan.* Purchase orders under this Plan are to be placed with participating Producers, or their producing subsidiaries or affiliates. Each such purchase order shall bear the following certification by the Participating Manufacturer:

DEPARTMENT OF COMMERCE VOLUNTARY PLAN, UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR MANUFACTURE OF ORE CARS

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely for and in the manufacture of ore cars for Union of South Africa Railways, and that this order is placed under, and in strict compliance with, the above Voluntary Plan, with which the undersigned is familiar and in which the undersigned is a participant.

CANADIAN CAR AND FOUNDRY COMPANY, LIMITED,

By ----------
(Title of duly authorized officer)

(Date)

10. *Procedure for, and Effect of, Becoming a Participant.* After approval of this Plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers and of the participating Manufacturer by the Secretary of Commerce, any such producer, and the Participating Manufacturer, may become a participant in this Plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the antitrust laws and the Federal Trade Commission Act, as provided in Section 2 (c) of Public Law 395, only with respect to such participants as notify the Secretary of Commerce in writing that they will comply with such requests.

11. *Effective Date and Duration.* This Plan shall become effective upon the date of its final approval by the Secretary of Commerce. It shall cease to be effective at the close of business on February 28, 1949, unless the time limitation of March 1, 1949 now specified in Section 2 (b) of Public Law 395, 80th Congress, is extended or otherwise changed by legislative action in a form which permits continuation of this Plan, in which event this Plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified). However, the Plan may be terminated on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days notice by letter, telegram, or publication in the FEDERAL REGISTER.

12. *Withdrawal from Plan.* Any Producer or the Participating Manufacturer may withdraw from this Plan by giving not less than 60 days written notice to the Secretary of Commerce.

13. *Clarifying Interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this Plan shall be binding upon all participants notified of such interpretation.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—REQUEST

PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR MANUFACTURE OF ORE CARS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry, and after expression of the views of industry, labor and the public generally at an open public hearing held on December 7, 1948, has determined that, in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for the manufacture of ore cars, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products to such manufacturer after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the abovementioned voluntary plan continue to make approximately 2,576 net tons of steel products available monthly, during the period March 1, 1949 through June 30, 1949, on certified orders from Canadian Car and Foundry Company, Limited; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That Canadian Car and Foundry Company, Limited, place purchase orders hereunder only for the quantities and types of steel products established for it by the Secretary of Commerce; that it put identifying certifications on such purchase orders; and that it use all steel products obtained hereunder solely for the manufacture of ore cars for Union of South Africa Railways.

In the event that an amendment to the abovementioned voluntary plan extending its effectiveness beyond February 28, 1949, takes effect pursuant to appropriate legislation, this request will be superseded by said extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-10417; Filed, Nov. 26, 1948; 11:18 a. m.]

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR OIL TANKERS

NOTICE OF PUBLIC HEARING ON PROPOSED CONTINUATION AND OTHER MATTERS

Notice is hereby given that a public hearing will be held on Wednesday, December 8, 1948, at 2:00 p. m., e. s. t., in the Auditorium on the fifth floor of the National Archives Building Pennsylvania Avenue, between Seventh and Ninth Streets, NW., Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to (1) the proposed continuation, beyond February 28, 1949, of the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for oil tankers, approved by the Attorney General on September 17, 1948 and by the Secretary of Commerce on September 21, 1948 and subsequently published in the FEDERAL REGISTER (13 F. R. 5868) and (2) several proposed changes in the operational details of the plan.

The proposed continuation involves two procedures. One would remain effective if the present authority contained in Public Law 395 is not extended. The other would become effective if the present authority contained in Public Law 395 is appropriately extended. The two procedures are represented by documents attached hereto as Exhibits A and B. They are in draft form and are subject to revision at or after the public hearing.

Under one procedure (Exhibit B), it is proposed that the Secretary of Commerce will make a request, with the approval of the Attorney General, for unilateral action by steel producers in continuing deliveries for the program during the six-month period of March 1, 1949 through August 31, 1949, in accordance with section 2 (f) of Public Law 395.

Under the other procedure (Exhibit A), it is proposed to amend the existing plan to provide that, in the event of statutory extension, the plan itself will automatically continue in effect during the seven-month period March 1, 1949, through September 30, 1949, which would round out the full third calendar quarter.

Exhibit A also contains the proposed changes in the operational details of the plan.

The proposed actions have been formulated after consulting with representatives of the steel producing and oil tanker industries and with interested Government agencies, including the Department of the Interior, the National Military Establishment, and the Department of Justice.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Friday, December 3, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—AMENDMENT

PROPOSED AMENDMENT TO VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR OIL TANKERS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and the oil tanker building and repairing industry, and after expression of the views of industry, labor and the public generally at an open public hearing held on December 8, 1948, has determined that, in order to carry out the program begun under the voluntary plan (13 F. R. 5863) entered into by steel producers to furnish certain steel products to builders and repairers of oil tankers, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in the said Public Law 395, and (1) steel producers make further deliveries of steel products to such builders and repairers beyond February 28, 1949 and (2) that certain changes be made in the existing plan to cover this and other matters.

Therefore, the above-mentioned voluntary plan is amended as follows:

1. By adding the following at the end of paragraph 7 (*Reports from Participating Builders*):

"In addition to the other reports provided for in this paragraph, each participating builder will, not later than the first day of each month, submit to the Secretary of Commerce, by letter or telegram, a report on the quantities and kinds of steel products covered by certified orders placed by it under this plan and accepted by participating steel producers for delivery in the second succeeding month."

2. By inserting the following after the first sentence of paragraph 9 (*Procedure for Placing Orders under this Plan*):

"Purchase orders shall be placed not less than 60 days before the first of the month in which delivery is required."

3. By inserting the following at the end of paragraph 8 (*Obligations of Participating Builders*):

"Participation in the benefits of this plan shall at all times be contingent upon each participating Builder's continued strict compliance with the provisions hereof. In the event of any actual or prospective non-compliance by any participating Builder, the Secretary of Commerce may, after written notice to the participating Builder, take such action as he deems warranted with respect to the Builder's participation in the plan, including partial or total suspension or termination of participation privileges and notification to the participating steel producers not to make any or certain further shipments under the plan to such Builder."

4. By inserting the following sentence after the certification in paragraph 9 (*Procedure for Placing Orders under this Plan*):

"In addition, certifications on orders placed after December 31, 1948 shall carry the following additional sentence:

"The undersigned further certifies that the quantities ordered herewith, when added to all other quantities certified by the undersigned under the plan for the same delivery month, do not exceed the undersigned's allocations under the plan for that month.' "

5. By adding the following at the end of paragraph 11 (*Effective Date and Duration*):

"However, if the time limitation of March 1, 1949 now specified in subsection 2 (b) of Public Law 395 is extended or otherwise changed by legislative action in a form which permits the continuation of this plan, the plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified), subject to other applicable provisions in this plan regarding earlier termination by the Secretary of Commerce and withdrawal by any individual participant. During the continuation period, steel products shall be made available at the rate of approximately 40,380 net tons per month, distributed by types as specified in paragraph 2 of this plan."

After approval of this amendment by the Attorney General and by the Secretary of Commerce, and after any steel producer, oil tanker builder, or oil tanker repairer has made a written acceptance of a request by the Secretary of Commerce for compliance herewith, this amendment shall become effective as to such steel producer, such builder, or repairer and shall be subject to the terms and conditions set forth in the original voluntary plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—REQUEST

PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR OIL TANKERS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and the oil tanker building and repairing industry, and after expression of the views of industry, labor and the public generally at an open public hearing held on December 8, 1948, has determined that, in order to carry out the program begun under the voluntary plan (13 Federal Register 5868) entered into by steel producers to furnish certain steel products to builders and repairers of the oil tankers (as defined in the plan), it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products to such builders after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make approximately 40,380 net tons of steel products available monthly, during the period March 1, 1949 through August 31, 1949, on certified orders from builders for construction and repair of oil tankers; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That builders and repairers of oil tankers place purchase orders hereunder only for the quantities and types of steel products established for them individually by the Secretary of Commerce; that they put identifying certifications on such purchase orders; and that they use all steel products obtained hereunder solely for the construction or repair of oil tankers.

In the event that an amendment to the above-mentioned voluntary plan extending its effectiveness beyond February 28, 1949 takes effect pursuant to appropriate legislation, this request will be superseded by said extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval]

[F. R. Doc. 48-10418; Filed, Nov. 26, 1948; 11:18 a. m.]

PROPOSED VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR MINING MACHINERY

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on Tuesday, December 7, 1948, at 10:00 a. m., e. s. t., in the Auditorium on the fifth floor of the National Archives Building, Pennsylvania Avenue between Seventh and Ninth Streets NW., Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to the proposed voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for mining machinery. A draft of the plan is set forth in Exhibit A hereto.

In view of the essentiality of the program represented by this plan, it is proposed to provide for continued assistance beyond February 28, 1949, which will be the termination date specified in the plan itself, as required by Public Law 395. Provision for continuation consists of two procedures developed in consultation with the Attorney General. First, the termination provisions in the plan provide for extension beyond next February in the event that the authority now contained in Public Law 395 is appropriately extended. Second, the Secretary of Commerce proposes to make a request for unilateral action by participants in carrying on the program after that date under the "carry-over" provisions of Public Law 395. A draft of the proposed request is set forth as Exhibit B hereto.

Both Exhibits A and B are subject to revision at or after the public hearing.

The proposed plan has been formulated after consulting with representatives of the steel and mining machinery industries and of the interested government agencies, including the Department of the Interior and the National Military Establishment.

Any person desiring to participate in said public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Friday, December 3, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

EXHIBIT A—PLAN

PROPOSED VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR MINING MACHINERY

1. *What this Plan does.* This Plan sets up the procedure under which steel producers (hereinafter called Producers) agree voluntarily to make steel products available to mining machinery manufacturers who comply with the provisions of this Plan (hereinafter called participating Manufacturers), for use in the manufacture of certain types of mining machinery, mining equipment, and repair parts therefor (hereinafter collectively called mining machinery). The Plan is limited to the types of mining machinery which are listed in the attached Schedule and which are designed or intended for use in the extractive mining and quarrying of minerals

(other than petroleum and gas) or the smelting and refining of nonferrous ores.

2. *Agreement by steel producers.* During the period this Plan remains in effect, Producers will, out of their own production or that of their producing subsidiaries or affiliates, make available to participating Manufacturers a total of 26,400 net tons of steel products per month (or such other total as may later be agreed upon as the quantity needed to make the program represented by this Plan effective). The 26,400 net tons will be distributed by types approximately as follows (appropriate adjustments in the break-down will be made if the total quantity is changed in order to meet the program requirements):

Type	Net tons per month		
	Carbon steel	Alloy steel	Total
Hot rolled sheets	3,525	210	3,735
Hot rolled strip	16	-------	16
Cold rolled sheets	14	-------	14
Plates under 3/8 inch	4,000	40	4,040
Plates over 3/8 inch	2,640	485	3,125
Hot rolled bars	3,800	3,300	7,100
Cold rolled bars	210	20	230
Structural shapes	6,305	255	6,560
Pipe	375	-------	375
Tubing	720	-------	720
Slabs	335	150	485
Total net tons per month	21,960	4,440	26,400

3. *Determination of quantities to be furnished by Respective Producers.* Unless otherwise specified in its acceptance of this Plan, the quantities to be made available by each Producer, as its commitment under this Plan, will be such as the Secretary of Commerce, after consulting the Steel Task Committee of the Office of Industry Cooperation of the Department of Commerce, determines to be fair and equitable. However, upon request of the Secretary of Commerce from time to time, each Producer will give consideration to making additional quantities available. Producers will take credit against their commitments under this Plan only for quantities delivered on orders certified in accordance with Paragraph 9 below.

4. *Contractual Arrangements.* Such products will be made available under such contractual arrangements as may be made by the respective Producers, or their producing subsidiaries and affiliates, with the respective participating Manufacturers. No request or authorization will be made by the Department of Commerce relating to the allocation of orders or customers, the delivery of products, the allocation of business among participating Manufacturers, or any limitation or restriction on the production or marketing of any products. This Plan does not authorize nor approve any fixing of prices, and participation in this Plan does not affect the prices or terms and conditions on which any product is actually sold and delivered.

5. *Limitations as to Types, Sizes and Quantities.* A Producer need make available under this Plan only those products which are within the type and size limitations of the mill or mills which it may select for the fulfillment of its commitment under this Plan. The quantities which it may have undertaken to make available in any month may be reduced, or at its option their delivery may be postponed, in direct proportion to any production losses during the month due to causes beyond its control.

6. *Reports from Steel Producers.* Each Producer will, if requested by the Office of Industry Cooperation of the Department of Commerce (subject to approval of the Bureau of the Budget under the Federal Reports Act of 1942), submit to that office periodic reports of the total quantities, by types, of products shipped, and accepted for shipment, under the Plan.

7. *Reports from Participating Manufacturers.* Each participating Manufacturer will submit the following to the Secretary of Commerce:

(a) *Requirements Report.* A report showing the quantities and types of (i) mining machinery (as designated in paragraph 1 above) scheduled for production during each month under this Plan and (ii) steel products required for that scheduled production. If multiple end-use items normally made for stock shipment are involved, the production and requirements figures should include, for these items, only such quantities which are consistent with what regular trade experience records for 1947 show to be the percentage of the Manufacturer's production of such items which normally goes into mining end use. The basis of such computation should be explained. The quantities and types of steel products to be made available monthly under the Plan to individual participating Manufacturers will be determined by the Secretary of Commerce after consultation with the Mining Machinery Manufacturers Industry Task Committee, subject to such revision, if any, from time to time, as may be deemed necessary by the Secretary of Commerce after consultation with that Committee.

(b) *Monthly Steel Consumption Report.* A monthly report showing the total quantities and types of steel products (i) received by the participating Manufacturer from all sources during the preceding month for the manufacture of mining machinery and (ii) put in process by him during that preceding month for that purpose. Such a report should accompany the requirements report explained in paragraph 7 (a) above and, in addition, should subsequently be submitted within ten days after the end of each month during which the participating Manufacturer obtains steel products under this Plan.

(c) *Other Reports.* Such other relevant reports as may be requested from time to time by the Secretary of Commerce (subject to the approval of the Bureau of the Budget under the Federal Reports Act of 1942).

8. *Obligations of Participating Manufacturers.* By participation in this Plan, each participating Manufacturer shall be obligated as follows: to use all products obtained under this plan solely for and in the manufacture of mining machinery (as designated in paragraph 1 above); not to resell or transfer any products so obtained under this Plan in the form received by the participating Manufacturer except to subsidiaries, affiliates, subcontractors, or fabricators for manufacture or fabrication of sub-assembly products when specifically provided for in the allocation authorization; not to build up, beyond current needs, any inventories of products obtained, or end products manufactured, under this Plan; and to take appropriate steps to assure that mining machinery manufactured from steel products obtained under this Plan, particularly multiple-use machinery, are directed solely to mining uses. If a participating Manufacturer becomes unable to use, for the purposes of this Plan, any products obtained under this Plan, he shall be further obligated to hold them subject to such other use or disposition (including reallocation to other consumers or return to the producer from whom purchased) as shall be authorized by the Office of Industry Cooperation of the Department of Commerce.

Participation in the benefits in this Plan shall at all times be contingent upon each participating Manufacturer's continued strict compliance with the provisions hereof. In the event of any actual or prospective noncompliance by any participating Manufacturer, the Secretary of Commerce may, after written notice to the participating Manufacturer, take such action as he deems warranted with respect to the Manufacturer's participation in the plan, including partial or total suspension or termination of participation privileges and notification to the participating steel producers not to make any or certain further shipments under the Plan to such Manufacturer.

9. *Procedure for Placing Orders Under this Plan.* Purchase orders under this Plan are to be placed with participating producers or their producing subsidiaries or affiliates and shall be placed not less than 60 days before the first of the month in which delivery is required. Each such purchase order shall bear the following certification by the participating Manufacturer:

DEPARTMENT OF COMMERCE VOLUNTARY PLAN FOR ALLOCATION OF STEEL PRODUCTS FOR MINING MACHINERY

The undersigned certifies to the seller and to the Department of Commerce that the products specified in this order will be used solely for and in the manufacture of mining machinery, and that this order is placed under, and in strict compliance with the above Voluntary Plan, with which the undersigned is familiar and in which the undersigned is a participant. The undersigned further certifies that the quantities ordered herewith, when added to all other quantities certified by the undersigned under the Plan for the same delivery month, do not exceed the undersigned's allocations under the Plan for that month.

(Name of company)

By ---
(Duly authorized officer)

(Date)

10. *Procedure for, and Effect of, Becoming a Participant.* After approval of this plan by the Attorney General and by the Secretary of Commerce, and after requests for compliance with it have been made of steel producers and mining machinery manufacturers by the Secretary of Commerce, any such producer or manufacturer may become a participant in this Plan by advising the Secretary of Commerce, in writing, of its acceptance of such request. Such requests for compliance will be effective for the purpose of granting certain immunity from the antitrust laws and the Federal Trade Commission Act, as provided in section 2 (c) of Public Law 395, only with respect to such producers and manufacturers as notify the Secretary of Commerce in writing that they will comply with such requests.

11. *Effective Date and Duration.* This Plan shall become effective upon the date of its final approval by the Secretary of Commerce. It shall cease to be effective at the close of business on February 28, 1949, unless the time limitation of March 1, 1949 now specified in Section 2 (b) of Public Law 395, 80th Congress, is extended or otherwise changed by legislative action in a form which permits continuation of this Plan, in which event this Plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified). However, the Plan may be terminated on such earlier date as may be determined by the Secretary of Commerce, upon not less than 60 days' notice by letter, telegram, or publication in the FEDERAL REGISTER.

12. *Withdrawal from Plan.* Any Producer or participating Manufacturer may withdraw from this Plan by giving not less than 60 days' written notice to the Secretary of Commerce.

13. *Clarifying Interpretations.* Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this Plan shall be binding upon all participants notified of such interpretation.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

SCHEDULE

TYPES OF MINING MACHINERY WITHIN SCOPE OF ABOVE PLAN

(This listing excludes all types designed or intended for petroleum and gas use or for use as housing or erection materials for surface plants.)

A. Machinery designed specifically for mining

1. *Crushers.* Stationary mine and smelter type for crushing or grinding. Coal pulverizers are not included.
2. *Underground mine haulage.* Coal and ore cars; mine locomotives (under 20 tons); self-propelled shuttle cars.
3. *Coal cutting machines and cutting machine trucks.*
4. *Portable underground mine conveyors.* All types, including duck bills.
5. *Underground mine hoists.* Slope and shaft.
6. *Underground mine loaders and muckers.*
7. *Ore dressing and coal preparation machinery and equipment.*
8. *Non-ferrous smelting and refining machinery and equipment.*
9. *Specialized underground mining equipment.* Equipment designed specially for underground mining use and not covered in other items in this schedule. This includes such items as aerial tramways; cages and skips; automatic mine doors; dredges; miner's lamps.
10. *Mining drills.* Electric coal drills; blasting and prospecting auger drills for strip-pit coal; diamond and calyx core drills.

B. Other related machinery intended for mining end-use

1. *Conveyors.* All types (belt, bucket elevator, general purpose screen and feeder, car haul) for (a) mechanical handling of ores and minerals in surface plants or (b) permanent installation for primary transportation underground.
2. *Compressors.* Portable or stationary.
3. *Mine fans and blowers.*
4. *Ore cars.* Railroad-type for open-pit mining.
5. *Pumps.* Centrifugal: sump; rotary.
6. *Rock drills.* Drifters; stopers; jackhammers; paving breakers; wagon drills; drill jibs; blast hole drills; drill bit sharpeners.
7. *Power shovels and draglines.*
8. *Miscellaneous equipment.* Other equipment intended for mining use although not designed specially for such use. This includes such items as cement-making; refractory and quarrying equipment; machine tools; welders; metallizing units.

EXHIBIT B—REQUEST

PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR MINING MACHINERY

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing and mining machinery manufacturing industries and of the interested government agencies, and after expression of the views of industry, labor and the public generally at an open public hearing held on December 7, 1948, has determined that, in order to carry out the program begun under the voluntary plan entered into by steel producers to furnish certain steel products for manufacturers of mining machinery, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products to such manufacturers after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make available monthly approximately 26,400 net tons of steel products (or such other total as may have been agreed upon under the said plan as the quantity needed to make the program effective), during the period March 1, 1949, through August 31, 1949, on certified orders from manufacturers of mining machinery; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That manufacturers of mining machinery place purchase orders hereunder only for the quantities and types of steel products established for them individually by the Secretary of Commerce; that they put identifying certifications on such purchase orders; and that they use all steel products obtained hereunder solely for the manufacture of mining machinery of the types listed in the Schedule attached to the above-mentioned voluntary plan.

In the event that an extension of the effectiveness of the above-mentioned voluntary plan beyond February 28, 1949, takes effect pursuant to appropriate legislation, this request will be superseded by said extended Plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-10419; Filed, Nov. 26, 1948; 11:18 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

ORGANIZATION AND FUNCTIONS[1]

The following description of the organization, functions and procedures, etc. of the Food and Drug Administration is published pursuant to § 1.45 (a) of the Federal Register Regulations (13 F. R. 5929).

I. *Organization*—A. *Creation and authority.* The name Food and Drug Administration was first provided by the Agricultural Appropriation Act of 1931, approved May 27, 1930 (46 Stat. 392), although the law-enforcement functions had been carried on under different organizational titles since January 1, 1907, when the Food and Drugs Act of 1906 (34 Stat. 3915; 21 U. S. C. 1, secs. 1–15) became effective. The Food and Drug Administration and its functions necessary for the enforcement of the five acts named in II were transferred from the Department of Agriculture to the Federal Security Agency, effective June 30, 1940, in accordance with the provisions of the President's Reorganization Plan IV.

B. *Washington headquarters.* The central organization of the Food and Drug Administration consists of the Offices of the Commissioner, Deputy Commissioner, and Associate Commissioners of Food and Drugs and the following administrative and technical divisions, the functions of which are indicated by their names:

Division of Business Operations.
Division of Cosmetics.
Division of Field Operations.
Division of Food.
Division of Litigation.
Division of Medicine.
Division of Microbiology.
Division of Penicillin, Control and Immunology.
Division of Pharmacology.
Division of Program Research.
Division of State Cooperation.
Division of Vitamins.

The offices of the Commissioner, Deputy Commissioner, and Associate Commissioners of Food and Drugs and the Divisions of Business Operations, Field Operations, Litigation, Medicine, Program Research, and State Cooperation are in the Federal Security Building, Fourth Street and Independence Avenue, SW., Washington 25, D. C. The other divisions are in the South Agriculture Building, Twelfth and C Streets, SW., Washington 25, D. C.

C. *Field service.* The field organization of the Food and Drug Administration consists of sixteen inspection districts. The district headquarters, subdistricts, and inspection stations are as follows:

ATLANTA DISTRICT: Room 416, Federal Annex, Atlanta 3, Ga.

Inspection Stations: U. S. Engineers Building No. 1, 2d Floor, Custom House Wharf, Charleston 40, S. C. (P. O. Box 711). Room 233, Post Office Building, Charlotte 1, N. C. (P. O. Box 1516). Room 334, Custom House and Post Office Building, Jacksonville 1, Fla. (P. O. Box 4937). Pier 2, Municipal Docks, c/o U. S. Custom Inspectors, Miami 17, Fla. (P. O. Box 2776). Room 117, U. S. Appraiser's Stores, Platt and Water Streets, Tampa 1, Fla. (P. O. Box 1166).

BALTIMORE DISTRICT: Room 800, U. S. Appraiser's Stores, Gay and Lombard Streets, Baltimore 2, Md.

Inspection Stations: Room 342, State Capitol Building, Charleston 23, W. Va. (P. O. Box 641). Room 415-B, U. S. Post Office and Court House, Norfolk 10, Va. (P. O. Box 1222). Room 304, Post Office Building, Roanoke, Va. (P. O. Box 941). Room 4175, South Agriculture Building, Washington 25, D. C.

BOSTON DISTRICT: Room 805, U. S. Appraiser's Stores, 408 Atlantic Avenue, Boston 10, Mass.

Inspection Stations: Room 11, U. S. Customs Building, 312 Fore Street, Portland 3, Maine. Room 509, Main Post Office Building, Providence 3, R. I. Room 312, Federal Building, Springfield 3, Mass.

BUFFALO DISTRICT: Room 415, Federal Building, South Division and Ellicott Streets, Buffalo 3, N. Y.

Subdistrict: Room 303, Old Post Office Building, Fourth and Smithfield Streets, Pittsburgh 19, Pa.

Inspection Station: Room 56, Federal Building, Rochester, N. Y.

CHICAGO DISTRICT: Room 1211, Post Office Building, Van Buren and Canal Streets, Chicago 7, Ill.

Inspection Stations: Room 908, Federal Building, 231 West Lafayette Boulevard, Detroit 26, Mich. Room 363, Post Office Building, Milwaukee 2, Wis.

CINCINNATI DISTRICT: Room 501 Post Office Building, Cincinnati 2, Ohio.

Inspection Stations: Room 2, New Post Office Building, Cleveland 13, Ohio. Room 302, Old Post Office Building, Columbus 15, Ohio. Room 211, State Board of Health Building, 1098 West Michigan, Indianapolis, Ind. Room 205-A, U. S. Courthouse, Nashville 3, Tenn.

[1] The regulations published under § 1.1 et seq. of Chapter I have been decodified.

DENVER DISTRICT: Room 531, U. S. Custom House, Denver 2, Colo.

Inspection Station: Room AO/B, Federal Building, Salt Lake City 1, Utah.

KANSAS CITY DISTRICT: Room 323, U. S. Court House, 811 Grand Avenue, Kansas City 6, Mo.

Inspection Stations: Room 104, Municipal Building, 3400 Northeastern Avenue, Oklahoma City 2, Okla. Room 413, Federal Office Building, Omaha 2, Nebr.

LOS ANGELES DISTRICT: Room 514, California Medical Building, 1401 South Hope Street, Los Angeles 15, Calif.

Inspection Stations: Pier A, Berth 5, Long Beach, Calif. Room 305, Federal Office Building, Phoenix, Ariz. Room 121, U. S. Customs and Courthouse Building, San Diego 1, Calif.

MINNEAPOLIS DISTRICT: Room 201, Federal Office Building, Washington and Third Avenue South, Minneapolis 1, Minn.

Inspection Station: Room 227, Old Federal Building, Des Moines 9, Iowa.

NEW ORLEANS DISTRICT: Room 223, U. S. Custom House, 423 Canal Street, New Orleans 16, La.

Subdistrict: Room 1018, Federal Building, Houston 14, Tex. (P. O. Box 4240)

Inspection Stations: Room 203, Social Security Building, Third Avenue and Twenty-third Street, NW., Birmingham 1, Ala. (P. O. Box 1649). Room 535, U. S. Terminal Annex, Dallas 2, Tex. (P. O. Box 5449). Shreveport, La. (P. O. Box 4267, Centenary Station).

NEW YORK DISTRICT: Room 1200, U. S. Appraiser's Stores, 201 Varick Street, New York 14, N. Y.

Inspection Stations: Room B-99, Federal Building, Newark 1, N. J. (P. O. Box 204). Room 208, Post Office Building, Waterbury 51, Conn.

PHILADELPHIA DISTRICT: Room 1204, New Custom House, Second and Chestnut Streets, Philadelphia 6, Pa.

ST. LOUIS DISTRICT: Room 1007, New Federal Building, 1114 Market Street, St. Louis 1, Mo.

Inspection Stations: Room 326, U. S. Custom House, Memphis 1, Tenn. Room 315, Post Office Building, Springfield, Ill. (P. O. Box 12). Room 402, Post Office Building, Springfield, Mo.

SAN FRANCISCO DISTRICT: Room 512, Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.

Inspection Stations: Room 308, Post Office Building, Fresno, Calif. Room 340 (c/o Bur. of Plant Industry), Post Office Building, 9th and I Streets, Sacramento, Calif.

SEATTLE DISTRICT: Room 501, Federal Office Building, Seattle 4, Wash.

Subdistrict: Room 315, U. S. Custom House, Portland 9, Oreg.

Inspection Stations: 215 Federal Building, Butte, Mont. (P. O. Box 247). Room 321, Federal Building, Spokane 8, Wash.

II. *Functions and procedures—A. Law enforcement.* The Food and Drug Administration, acting under the supervision of the Federal Security Administrator, through the Commissioner for Special Services, administers the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 301 et seq.), the Federal Tea Act (21 U. S. C. 41 et seq.), the Federal Caustic Poison Act (15 U. S. C. 401 et seq.), the Federal Import Milk Act (21 U. S. C. 141 et seq.), and the Federal Filled Milk Act (21 U. S. C. 61 et seq.). In the enforcement of these acts and related duties, the following procedures have been established:

1. Evidence acquired through examinations and investigations by the Food and Drug Administration of violations of any of the acts listed above, on which criminal, libel for condemnation, or injunction proceedings are contemplated under the authority of such act, is referred by the Federal Security Administrator to the Department of Justice with recommendation for the institution of such proceedings.

2. Any interested person may propose to the Federal Security Administrator the issuance, amendment, or repeal of any regulation authorized by any law listed above. The request should describe the representative capacity, if any, of the applicant and set forth the proposal in general terms, and should state reasonable grounds therefor. Proceedings on proposals with respect to regulations under section 507 (f) or 701 (e) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 357 (f) and 371 (e)) are prescribed in those sections and in the rules of practice for hearings under section 701 (e) which appear in the Code of Federal Regulations. Proposals with respect to regulations on which no hearing is required are announced for informal public hearing or for the submission of written comments, unless such proposals are clearly noncontroversial, relate solely to the internal management of the Agency, or involve interpretive rules, statements of policy, procedure, or practice.

3. Procedure governing imports under the Federal Food, Drug, and Cosmetic Act is prescribed in the Code of Federal Regulations; procedure governing imports under the Federal Caustic Poison Act is prescribed by 21 CFR, Part 175. Appeals from decisions under either act of officers of districts are informal and may be made by letter or in person by the importer or his representative.

4. Procedure governing the filing of applications with respect to new drugs pursuant to section 505 (b) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355 (b)) is prescribed by the Code of Federal Regulations. Copies of the form to be followed in preparing applications may be obtained from the Commissioner of Food and Drugs, the Division of Medicine, and the districts. Procedure for the conduct of hearings under section 505 (d) and (e) of the act (21 U. S. C. 355 (d) and (e)) is stated in notices of such hearings.

5. Procedure governing the importation of merchandise subject to the Federal Tea Act is prescribed in 21 CFR, part 170, as amended. Forms may be obtained from the Commissioner of Food and Drugs, the New York and San Francisco Districts, and from any Collector of Customs.

6. Procedure governing the importation of milk and cream under the Federal Import Milk Act is prescribed by 21 CFR, Part 185. Forms may be obtained from the Commissioner of Food and Drugs and from Veterinary Director General, Health of Animals Division, Department of Agriculture, Ottawa, Canada. Canadian shippers may obtain from the Veterinary Director General information as to the Canadian officials who are available to supervise tests and examinations.

7. Procedure governing the certification of coal-tar colors under the Federal Food, Drug, and Cosmetic Act is prescribed in 21 CFR, Part 135, as amended. Specimen forms for use as guides in preparing requests for certification of batches of straight colors, color mixtures, and repacked colors may be obtained from the Commissioner of Food and Drugs, the Division of Cosmetics, and the districts.

8. Procedure for the certification under the Federal Food, Drug, and Cosmetic Act of drugs composed wholly or partly of insulin is prescribed by 21 CFR, Part 144, as amended. Specimen forms for use as guides in preparing requests for certification of insulin-containing drugs, may be obtained from the Commissioner of Food and Drugs and the Division of Pharmacology.

9. Procedure for the certification under the Federal Food, Drug, and Cosmetic Act of drugs composed wholly or partly of penicillin or streptomycin is prescribed in 21 CFR, parts 141 and 146. Specimen forms for use as guides in preparing the applications and requests for certification or exemption from certification may be obtained from the Commissioner of Food and Drugs and the Division of Penicillin Control and Immunology.

10. Procedure governing the service of inspection of establishments packing sea food under the Federal Food, Drug, and Cosmetic Act and applications therefor is prescribed in the case of canned shrimp and canned oysters by 21 CFR, Part 155. Forms for application for such service, its renewal or extension may be obtained from the Commissioner of Food and Drugs and the Atlanta or New Orleans District.

11. Informal conferences may be arranged for discussion of any subject pertaining to the functions of the Food and Drug Administration, although the scope of discussion of pending court cases is necessarily limited. Such conferences are particularly encouraged in connection with the formulation of proposals to issue, amend, or repeal regulations. The Food Standards Committee usually holds informal public hearings, after appropriate notice, on proposals to formulate definitions and standards of identity for food to be announced for formal public hearings.

III. *Delegations of authority.* A. Final authority of the Federal Security Administrator is delegated:

1. To the Commissioner, Deputy Commissioner, and Associate Commissioners of Food and Drugs to make determinations of probable cause contemplated by section 304 (a) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 334 (a)).

2. To officers of the districts of the Food and Drug Administration to determine whether articles offered for import are in compliance with the Federal Food, Drug, and Cosmetic Act and the Federal Caustic Poison Act. Decisions by such officers are subject to review successively by the Commissioner of Food and Drugs and the Federal Security Administrator.

3. To the Commissioner of Food and Drugs and to such officer of the Food and Drug Administration whom he may designate to act on his behalf for the purpose of making determinations with respect to disclosure of official records and information in accordance with 21 CFR 196.1.

B. Final authority of the Commissioner of Food and Drugs is delegated:

1. To the Chief and the Assistant Chief of the Division of Pharmacology to sign on behalf of the Commissioner certificates issued by the Food and Drug Administration for drugs composed wholly or in part of insulin.

2. To the Chief of the Division of Cosmetics to sign on behalf of the Commissioner certificates issued by the Food and Drug Administration for coal-tar colors.

3. To the Deputy Commissioner and Associate Commissioners of Food and Drugs, the Chief and Assistant Chief of the Division of Penicillin Control and Immunology to act on behalf of the Commissioner for the purposes of the regulations governing the certification of batches of penicillin- and streptomycin-containing drugs.

4. To the Deputy Commissioner and Associate Commissioners of Food and Drugs and the Director of Litigation to make determinations with respect to disclosure of official records and information in accordance with 21 CFR 196.1.

IV. *Availability of information—A. Public records.* Public records pertaining to the functions of the Food and Drug Administration, including records of formal and informal public hearings on proposals to issue, amend, or repeal regulations, are available for inspection at the Office of the Commissioner of Food and Drugs.

B. *Official records.* Disclosure of official records and information on investigations by the Food and Drug Administration pursuant to its law-enforcement program is subject to the procedure described in 21 CFR 196.1.

C. *Making submittals and requests.* 1. The following should be directed to the Federal Security Administrator, and mailed to the Commissioner of Food and Drugs: a. Applications for the issuance, amendment, or repeal of any regulation authorized by law.

b. Applications with respect to new drugs submitted pursuant to section 505 (b) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355 (b)).

c. Applications for permits under the Federal Import Milk Act.

2. Requests for certification of batches of coal-tar colors, drugs composed wholly or partly of insulin, and drugs composed wholly or partly of penicillin or streptomycin should be directed to the Commissioner of Food and Drugs.

3. Applications for the granting of sea food inspection service at establishments packing canned shrimp or canned oysters should be directed to the Atlanta District or the New Orleans District.

D. *Inspection of orders and opinions.* 1. Final orders and opinions involving detention of importations under the Federal Food, Drug, and Cosmetic Act, the Federal Caustic Poison Act, and the Federal Tea Act are available for inspection at the offices of the Food and Drug Administration where issued, except those which are designated for good cause to be confidential and not cited as precedents.

2. Final orders and opinions of the Administrator issued under section 505 (d), (e), and (f) of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 355 (d), (e), (f)) involving new-drug matters are available for inspection at the Office of the Commissioner of Food and Drugs, except those which are designated for good cause to be confidential and not cited as precedents.

E. *General information.* General information pertaining to the functions of the Food and Drug Administration may be obtained from any of the offices listed in section 851 C. Responses to letters directed to inspection stations are likely to be delayed, since inspectors assigned to such stations are frequently absent on official travel. Earlier responses to inquiries concerning the legality of new products or processes or to suggestions involving change in policy are ordinarily obtained by directing such requests and suggestions to the Commissioner of Food and Drugs.

Dated: November 22, 1948.

[SEAL] JEWELL W. SWOFFORD,
Commissioner for Special Services.

Approved: November 22, 1948.

OSCAR R. EWING,
Administrator.

[F. R. Doc. 48-10327; Filed, Nov. 26, 1948; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-51]

NATIONAL POWER AND LIGHT CO. ET AL.

SUPPLEMENTAL APPLICATION NO. 1; SUPPLEMENTAL ORDER APPROVING PROPOSED CHARTER AMENDMENTS AND BY-LAWS UNDER PLAN

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of November A. D. 1948.

In the matter of National Power & Light Company, Lehigh Valley Transit Company, et al. File No. 54-51. Application No. 10, Part B.

The Commission having by order dated August 25, 1948 approved, under section 11 (e) of the Public Utility Holding Company Act of 1935, an amended plan for the reorganization of Lehigh Valley Transit Company ("Transit"), subject to certain reservations of jurisdiction with respect to, among other things, the terms and conditions of the new common stock proposed to be issued, and said amended plan thereafter having been approved by the District Court of the United States for the Eastern District of Pennsylvania by order dated and entered September 28, 1948; and

A supplemental application, designated as Supplemental Application Number One, having been filed by the proponents of said plan proposing that the charter of Lehigh Valley Transit Company be amended in certain respects, the substance of which amendments may be summarized as follows: (1) That the maximum number of shares of stock which the company may have authorized and outstanding be 750,000 shares which shall be without nominal or par value, (2) that the common stock shall be entitled to cumulative voting in the election of directors, (3) that the common stock shall have limited preemptive rights to subscribe for new common stock or securities convertible into common stock unless there shall be a public offering of such stock, and (4) that the consideration received from the sale of common stock without par value shall be entered in the capital stock account; and said supplemental application also proposing certain amendments to the by-laws of Transit; and it appearing that application is being made by Transit to the Pennsylvania Public Utility Commission and that the foregoing proposed amendments will not become effective until approved by that Commission; and

It appearing to the Commission that the proposed amendments meet the applicable standards of the act and that no adverse findings are necessary thereunder, and that it is not necessary to impose any terms and conditions in connection therewith, and it further appearing to the Commission that the said supplemental application should be granted effective forthwith;

It is ordered, Pursuant to the applicable provisions of the Act and in accordance with the aforesaid reservations of jurisdiction contained in the order of August 25, 1948, that the said supplemental application be, and hereby is, granted and that the jurisdiction heretofore reserved in this respect be, and hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10320; Filed, Nov. 26, 1948; 8:47 a. m.]

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

ORDER DENYING MOTION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of November A. D. 1948.

In the matter of the Middle West Corporation, Central and South West Utilities Company, and American Public Service Company. File No. 54-81.

Albert E. Turner, as a representative of certain prior lien stockholders of Central and South West Utilities Company ("Central") and of certain preferred stockholders of American Public Service Company ("American"), having filed a motion requesting the Commission to reconsider its Order denying Turner's request for an allowance of $20,609 for services and requesting a rehearing with respect to his application for an allowance for services rendered in the proceedings relating to the merger and reorganization of American and Central under section 11 (e) of the Public Utility Holding Company Act of 1935;

The Commission on October 1, 1948, having issued its memorandum findings, opinion and order (Holding Company Act Release No. 8547) with respect to allowances of fees and expenses incurred in connection with the plan in which the

request of Turner for an allowance was denied;

The Commission having duly considered Turner's motion and being of the opinion that (1) full opportunity has been given to Turner to present all the facts relating to his claim for an allowance, (2) Turner has testified as to the extent of such services, and (3) the reasons advanced by Turner in support of his motion afford no new, relevant or material basis for an allowance and no showing sufficient to justify the reopening of the record with respect to his request for allowance;

Wherefore it is ordered, That the said motion of Turner requesting reconsideration of the Commission's order dated October 1, 1948, with respect to the denial of Turner's application for allowance of fees and expenses and for a rehearing in connection with the said application for allowance for services be, and the same hereby is, in all respects, denied.

By the Commission.

[SEAL] NELLYE A THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10316; Filed, Nov. 26, 1948; 8:47 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE COMPANY ET AL.

SUPPLEMENTAL ORDER GRANTING ADDITIONAL TIME TO STABILIZE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of November A. D. 1948.

Electric Bond and Share Company, ("Bond and Share"), a registered holding company, having previously filed an application-declaration regarding the sale of 350,000 shares of its holdings of common stock of Carolina Power & Light Company ("Carolina"), plus any additional shares of such common stock which might be purchased in connection with stabilization operations; and

Bond and Share in connection with its proposed stabilizing operations having requested permission to acquire not more than 17,500 shares of the common stock of Carolina by purchases on the New York Stock Exchange for a period of not more than fourteen days commencing with the date of the Commission's order authorizing such purchases or until the time of the execution of a purchase contract between Bond and Share and the underwriters, whichever should be earlier; and

The Commission having by interim order dated October 22, 1948, granted said application solely with respect to the acquisition by Bond and Share of not in excess of 17,500 shares of the common stock of Carolina for the purpose of stabilizing the market, such acquisitions to be effectuated up to but not on or after November 6, 1948; and

Bond and Share by supplemental application having requested that the Commission issue a further order authorizing the continuance of such purchases for the purpose of stabilization during the period commencing with the effective date of the Commission's order herein granting such supplemental application and ending either on the date of the execution of a purchase contract between Bond and Share and the underwriters or on the fourteenth day after the commencement of such period, whichever date shall be earlier; and

The Commission having considered said supplemental application and being of the opinion that some additional time may be granted, such time, however, to be limited to a period commencing with the effective date of the Commission's order herein and ending either at the time of the execution of a purchase contract between Bond and Share and the underwriters or at the close of the New York Stock Exchange on November 22, 1948, which ever shall be earlier;

It is ordered, Pursuant to the applicable provisions of the Public Utility Holding Company Act, that, effective forthwith, the aforesaid supplemental application regarding additional time within which Bond and Share may acquire shares of the common stock of Carolina for the purpose of stabilization, be and the same hereby is, granted, to the extent of authorizing stabilization until the close of the New York Stock Exchange on November 22, 1948 or until the signing of a purchase contract between Bond and Share and the underwriters, whichever is earlier, subject in all other respects to the provisions of the aforesaid order of October 22, 1948 and to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10315; Filed, Nov. 26, 1948; 8:46 a. m.]

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of November A. D. 1948.

In the matter of Electric Bond and Share Company, et al. File Nos. 54-127, 59-3, and 59-12. Application relating to sale of stock of Carolina Power & Light Company.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Electric Bond and Share Company ("Bond and Share"), a registered holding company. Applicant-declarant designates section 12 (d) of the act and Rule U-44 thereunder as applicable to the proposed transactions:

Notice is further given that any interested person may, not later than December 1, 1948, at 5:30 p. m. e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 1, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file with this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Bond and Share proposes to dispose of approximately 72,612 shares of the common stock of Carolina Power & Light Company ("Carolina") by distributing as a dividend to its stockholders 1/10 of a share of such stock for each share of Bond and Share common stock held. Such distribution is for the purpose of partial compliance with the provisions of Plan II-A of Bond and Share heretofore approved by the Commission requiring the disposition by Bond and Share of all of its 423,408 shares of the common stock of Carolina.

The proposed stock dividend will be payable on December 21, 1948 to stockholders of record at the close of business on December 2, 1948. No certificates or scrip for fractional shares will be issued, but in lieu thereof, cash at the rate of $0.50 per share will be paid on each share of common stock of Bond and Share.

Bond and Share proposes to charge to earned surplus an amount equal to the aggregate market value based on closing prices on December 2, 1948 of the shares of Carolina common stock distributed plus the aggregate amount of cash distributed in lieu of fractional shares.

The amount of 72,612 shares proposed to be declared as a dividend is based on the company's estimate of the present distribution of its common stock. Subsequent stock transfers up to the time of the record date may change such distribution and may require a greater or less number of shares than the 72,612 shares proposed to be distributed. Bond and Share, therefore, requests permission to acquire on the New York Stock Exchange or on the open market, if necessary, not in excess of 1,000 additional shares of Carolina common stock if that portion of Bond and Share's holdings of Carolina's common stock in excess of 72,612 shares has been previously sold, or, in the event that the shares distributed as a result of the proposed stock dividend amount to less than 72,612, to sell the balance in the open market. It is estimated that the amount so required to be sold will not exceed 2,000 shares.

Bond and Share also requests that the order of the Commission shall contain findings and recitations conforming to the requirements of section 1808 (f) and Supplement R of the Internal Revenue Code, as amended.

Bond and Share requests that the Commission's order herein be issued on or before December 2, 1948, and that it become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10322; Filed, Nov. 26, 1948; 8:48 a. m.]

[File No. 70-1900]

SOUTHERN NATURAL GAS CO. ET AL.

ORDER GRANTING JOINT APPLICATION-DECLARATION AND PERMITTING IT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of November A. D. 1948.

In the matter of Southern Natural Gas Company, Birmingham Gas Company, Alabama Gas Company. File No. 70-1900 Southern Natural Gas Company ("Southern"), a registered holding company, and Alabama Gas Company ("Alabama") and Birmingham Gas Company ("Birmingham"), direct operating subsidiary companies of Southern, having filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 and certain rules and regulations promulgated thereunder, regarding a merger of Alabama into Birmingham and related transactions as follows: (1) The assumption by Birmingham of note obligations of Alabama aggregating $2,790,000 face amount and maturing up to 1956; (2) the refinancing of these notes together with $550,000 face amount of similar notes of Birmingham into $3,340,000 face amount of 2¾% notes maturing up to 1956; (3) an alteration in the voting and certain other rights of the outstanding preferred stock of Birmingham; (4) a request that this Commission remove an existing restriction on the payment of common stock dividends by Birmingham; (5) the issue and sale by Birmingham to Southern of 448,371 shares of common stock of Birmingham and the acquisition thereof by Southern in payment for the common stock of Alabama to be acquired by Birmingham; (6) an offer by Southern to the public holders of Birmingham's common stock to exchange one share of common stock of Southern for two shares of stock of Birmingham and, provided the merger is consummated, an undertaking on the part of Southern to distribute to the public holders of the common stock of Birmingham not electing to exchange their holdings for Southern's common stock a cash payment, as soon as practicable after the consummation of the merger, of 90¢ for each full share of Birmingham then held; (7) the issuance by Southern of the common stock required in effectuating the provisions of Clause (6) herein; and (8) the adoption by the resulting company, after the acquisition of the assets of Alabama in connection with the merger thereof into Birmingham and the proposed capitalization changes in Birmingham, of the name Alabama Gas Corporation;

Southern having requested that such order or orders as the Commission shall issue approving the exchange of its common stock for the common stock of Birmingham determine that such exchange is necessary or appropriate to the integration or simplification of the holding company system of which Southern, Birmingham, and Alabama are members and request that such order or orders conform to the requirements of sections 371, and 1808 (f) of the Internal Revenue Code, as amended, and contain the recitals and specifications described therein;

A public hearing on these matters having been held after appropriate notice and the Commission having considered the record and having made and filed its Findings and Opinion wherein it was found that the applicable statutory standards had been satisfied and that no basis existed for making any adverse findings with respect to said joint application-declaration and deeming it appropriate in the public interest and in the interest of investors and consumers that it be granted and permitted to become effective and further deeming it appropriate to grant the request of Birmingham that the restrictive condition, with respect to the payment of dividends on its common stock, be removed;

It is hereby ordered, That the joint application-declaration as amended be and the same hereby is granted and permitted to become effective, forthwith, subject, however, to the terms and conditions prescribed in Rule U-24;

It is further ordered, That the condition restricting the declaration or payment by Birmingham of dividends on its common stock contained in the order of this Commission dated August 10, 1944 (File No. 70-920) be, and the same hereby is, rescinded; and

It is further ordered and recited, That the issue and exchange by Southern Natural Gas Company of not to exceed 9,419 shares of its common stock for publicly held stock of Birmingham Gas Company, at the rate of one share of Southern Natural Gas Company common stock for two shares of common stock of Birmingham Gas Company, are necessary and appropriate to the integration or simplification of the Southern Natural Gas Company holding company system, of which Birmingham Gas Company is a member, and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10319; Filed, Nov. 26, 1948; 8:47 a. m.]

[File No. 70-1938]

BUFFALO NIAGARA ELECTRIC CORP.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of November 1948.

Buffalo Niagara Electric Corporation ("Buffalo Niagara"), a subsidiary of Niagara Hudson Power Corporation, a registered holding company, which in turn is a subsidiary of The United Corporation, also a registered holding company, having filed an application, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the following proposed transaction:

Buffalo Niagara proposes to issue prior to January 1, 1949, promissory notes in a principal amount not to exceed $5,000,000, pursuant to the provisions of an amendment dated August 17, 1948, to a Loan Agreement dated December 19, 1947, between Buffalo Niagara and certain banks. The proposed promissory notes are to bear interest at the rate of 2½% per annum and to be due December 31, 1950, subject to the right of Buffalo Niagara to prepay at any time any part or all of such indebtedness. Pursuant to the provisions of the original loan agreement, Buffalo Niagara issued its notes in an aggregate principal amount of $10,000,000 bearing interest at the rate of 2¼% per annum.

The $5,000,000 of proceeds to be derived by Buffalo Niagara from said promissory notes are to be applied to the cost of the construction, extension, and improvement of its plant, property, and facilities. An amendment to the application states that the issue and sale of the $5,000,000 principal amount of promissory notes was approved by the Public Service Commission of the State of New York by order dated November 8, 1948.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application be granted, and deeming it appropriate to grant the request of applicant that the order become effective as soon as possible:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10321; Filed, Nov. 26, 1948; 8:47 a. m.]

[File No. 70-1962]

PUBLIC SERVICE ELECTRIC AND GAS CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its

office in the city of Washington, D. C., on the 22d day of November 1948.

Public Service Electric and Gas Company ("PEG"), a public utility subsidiary of the United Corporation, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rule U-50 thereunder, regarding the issue and sale at competitive bidding of $50,000,000 principal amount of its debentures due 1963; and

The Commission having by order dated November 10, 1948, granted said application, as amended, subject to the condition that the proposed issue and sale of debentures not be consummated until the results of competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding, and a further order entered by the Commission in light of the record as so completed and subject to a further reservation of jurisdiction with respect to the payment of all fees and expenses incurred or to be incurred in connection with the proposed sale of debentures; and

PEG having filed a further amendment to its application setting forth the action taken to comply with the requirements of Rule U-50, and stating that pursuant to an invitation for competitive bids, the following bids for said debentures were received:

Name of bidder	Interest rate	Price to company	Annual cost to company
	Percent		
Halsey, Stuart & Co., Inc.	3	100.68	2.943598
Morgan, Stanley & Co., Inc.	3	100.6799	2.943606
The First Boston Corp.	3	100.59999	2.955175
Kuhn, Loeb & Co. and Lehman Bros.	3	100.409	2.96602

The amendment further containing a statement that PEG has accepted the bid of Halsey, Stuart & Co., Inc., for said debentures, as set forth above, and that said debentures will be offered for sale to the public at a price of 101.209% of the principal amount thereof, resulting in an underwriter's spread of 0.529% of the principal amount of said debentures; and

The amendment also having set forth, inter alia, the nature and extent of the services rendered for which requests for payment have been made as follows: $25,000 to Drinker, Biddle & Reath, counsel for PEG; $12,500 to Drexel & Co., financial advisor to PEG; and $17,500 to Davis, Polk, Wardwell, Sunderland & Kiendl, counsel for the successful bidder for said debentures, whose fee is to be paid by the successful bidder; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing terms and conditions with respect to said matters:

It is ordered, That jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said debentures under Rule U-50 and with respect to fees and expenses be, and the same hereby is, released, and that said application, as further amended, be, and the same hereby is, granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10325; Filed, Nov. 26, 1948; 8:48 a. m.]

[File No. 70-1978]

NORTHERN NATURAL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in Washington, D. C., on the 19th day of November 1948.

Northern Natural Gas Company ("Northern Natural"), a registered holding company, has filed a declaration and amendments thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder with respect to the following transactions:

Northern Natural proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, $6,000,000 principal amount __%, Serial Debentures, dated November 1, 1948, due 1966–1969, to be issued under an Indenture with the Harris Trust and Savings Bank, as Trustee. The interest rate on said Debentures (to be a multiple of ⅛ of 1%) and the price (exclusive of interest) to be received by Northern Natural (to be not less than 99% and not more than 102¾% of the principal amount of said Debentures) are to be determined by competitive bidding. Declarant states that the net proceeds from such sale will be used in part to replenish working capital and, in part, for the payment of its 1949 construction costs, estimated in the amount of $12,940,000.

The Nebraska State Railway Commission has issued its order authorizing Northern Natural to issue and sell said Debentures, and the State Corporation Commission of the State of Kansas has issued a Memorandum stating that it will issue a certificate upon receipt of the results of competitive bidding.

Said declaration having been filed on October 20, 1948, and amendments thereto having been filed on the 1st and 15th of November 1948, and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commissioner not having received a request for hearing with respect to said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith, subject to the following reservations of jurisdiction:

It is ordered, Pursuant to Rule U-23 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject to the further condition that the proposed sale of debentures by Northern Natural shall not be consummated until the results of competitive bidding pursuant to Rule U-50 have been made a matter of record herein and a further order shall have been entered with respect thereto, which order may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction is hereby reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all legal fees and expenses, including those of counsel for the successful bidder, and accounting and engineering fees and expenses.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10317; Filed, Nov. 26, 1948; 8:47 a. m.]

[File No. 70-1979]

ALABAMA POWER CO.

ORDER GRANTING APPLICATION AND RESERVING JURISDICTION OVER FEES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of November 1948.

Alabama Power Company ("Alabama"), a public utility subsidiary of The Southern Company, a registered holding company and a wholly owned subsidiary of the Commonwealth & Southern Corporation, also a registered holding company, having filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-50 promulgated thereunder with respect to the following proposed transaction:

Alabama proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of its First Mortgage Bonds __% Series, due 1978, to be issued under and secured by Alabama's present indenture dated as of January 1, 1942 as supplemented by indentures dated as of October 1, 1947 and to be dated as of December 1, 1948. The proceeds of the sale of the new bonds will be used to provide a portion of the funds required by Alabama for the construction or acquisition of property additions to its utility plant.

The application having been filed on October 21, 1948, and an amendment thereto having been filed on November 5, 1948, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said application, as amended, within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The proposed issuance and sale of said bonds by Alabama having been expressly authorized by the Alabama Public Service Commission, the State commission of the State in which Alabama is organized and doing business; and

The Commission finding with respect to said application, as amended, that the requirements of section 6 (b) are satisfied and that there is no basis for the imposition of terms and conditions other than those hereinafter stated and the Commission also deeming it appropriate to grant applicant's request that the order herein become effective forthwith upon issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the following additional conditions:

1. That the proposed sale of bonds of Alabama shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

2. That jurisdiction be reserved with respect to all fees and expenses of counsel to be paid in connection with the proposed transaction.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10318; Filed, Nov. 26, 1948; 8:47 a. m.]

[File Nos. 70-1989, 70-1990]

CENTRAL AND SOUTH WEST CORP. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER COMPETITIVE BIDDING AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of November A. D. 1948.

In the matter of Central and South West Corporation, File No. 70-1989, Central and South West Corporation, Central Power and Light Company, Southwestern Gas and Electric Company, File No. 70-1990.

Central and South West Corporation ("Central and South West"), a registered holding company, and Central Power and Light Company and Southwestern Gas and Electric Company, subsidiaries of Central and South West, having filed a declaration and an application-declaration, and amendments thereto, pursuant to sections 6, 7, 9 (a), 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-50 promulgated thereunder, regarding, inter alia, the issuance and sale, by Central and South West, at competitive bidding of 659,606 shares of additional common stock, subject to a preemptive rights offering to holders of the company's presently outstanding common stock, such rights to be evidenced by subscription warrants; and

The Commission having, by order dated November 12, 1948, granted and permitted to become effective said declaration and said application-declaration, as amended, subject to the condition that the proposed issue and sale of common stock by Central and South West not be consummated until the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record so completed; and

Central and South West having, on November 18, 1948, filed a further amendment to its declaration setting forth the action taken to comply with the requirements of Rule U-50 and stating that, pursuant to its invitation for competitive bids, the following bids were received:

Underwriting group headed by—	Price to company per share [1]	Underwriters' compensation	Aggregate net proceeds
Lehman Bros., Lazard Freres & Co., Blyth & Co., Inc.	$10.25	$257,400.00	$6,503,561.50
Smith, Barney & Co., Harriman Ripley & Co., Inc.	10.25	408,955.72	6,352,005.78
Carl M. Loeb, Rhoades & Co.	10.00	355,500.60	6,240,560.00

[1] The price to the company establishes the subscription price to stockholders.

The amendment further stating that Central and South West has accepted the bid of the underwriting group headed by Lehman Brothers and Lazard Freres & Co., as set forth above; and it appearing that the underwriting agreement provides that said underwriters will purchase from the company at the subscription price indicated above such of the shares as are not purchased upon the exercise of subscription warrants, and that if any such shares are sold by the underwriters prior to the expiration of 30 days following the date of expiration of the subscription offer at a price in excess of $10.75 per share, the underwriters will pay to the company, in addition to the subscription price, one-half of such excess; and

The Commission having considered the record as so completed by said amendment and finding that the applicable standards of said act and rules and regulations promulgated thereunder have been satisfied, and finding no basis for imposing terms and conditions with respect to the price to be paid for said common stock and the underwriters' compensation;

It is ordered, Subject to the terms and conditions prescribed in Rule U-24, that the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding for said common stock under Rule U-50 be, and the same hereby is, released, and that said declaration and said application-declaration, as further amended, be and the same hereby are granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10314; Filed, Nov. 26, 1948; 8:46 a. m.]

[File No. 70-2004]

PENNSYLVANIA ELECTRIC CO. AND ASSOCIATED ELECTRIC CO.

NOTICE OF FILING

At a regular sesion of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 22d day of November 1948.

Notice is hereby given that Associated Electric Company ("Aelec"), a registered holding company, and its subsidiary, Pennsylvania Electric Company ("Penelec"), have filed, pursuant to the Public Utility Holding Company Act of 1935, a joint application. Applicants have designated section 6 (b), 9 (a), and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 6, 1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 6, 1948, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said joint application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Penelec will issue and sell 80,000 shares of its $20 par value common stock to Aelec for an aggregate consideration of $1,600,000 in cash. The proceeds from the sale of the stock will be applied to the general construction program of Penelec.

Applicants state that the Pennsylvania Public Utility Commission has jurisdiction over the issue and sale by Penelec of the 80,000 shares of its common stock.

Applicants request that the Commission enter its order at the earliest date practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10324; Filed, Nov. 26, 1948; 8:48 a. m.]

[File No. 811-318]

GENERAL SHAREHOLDINGS CORP.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of November A. D. 1948.

Notice is hereby given that Tri-Continental Corporation, the Corporation surviving the merger between Tri-Continental Corporation and General Shareholdings Corporation, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that General Shareholdings Corporation has ceased to be an investment company within the meaning of the act.

It appears from the application that an Agreement of Merger dated as of August 3, 1948, between Tri-Continental and General, providing for the merger of General into Tri-Continental as the corporation surviving the merger, became effective in accordance with its terms on October 1, 1948, and thereupon, as provided in Article II of said Agreement of Merger, the separate existence and corporate organization of General, except insofar as continued by statute, ceased.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time after December 16, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 14, 1948, at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10323; Filed, Nov. 26, 1948; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12324]

SIMON VUKAS AND GURTRUDE KAPPEL VUKAS

In re: Stock and bank accounts owned by Simon Vukas and Gurtrude Kappel Vukas, also known as Gertrude Kappel Vukas and as Gertrude Kappel. F-28-7488-E-1, F-28-7488-E-2, F-28-7488-E-3, F-28-7488-E-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gurtrude Kappel Vukas, also known as Gertrude Kappel Vukas and as Gertrude Kappel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That Simon Vukas, who there is reasonable cause to believe is, or on or since the effective date of Executive Order 9389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

3. That the property described as follows: One hundred (100) shares of $10.00 par value common capital stock of General Motors Corporation, evidenced by a certificate numbered D293-226, registered in the name of Simon Vukas, and presently in the custody of Jane J. Hawley, Weylin Hotel, 40 East 54th Street, New York 22, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Simon Vukas, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a Compound Interest Account, account number 28-4, entitled Gertrude Kappel Vukas and/or Simon Vukas, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a Compound Interest Account, account number 28-3, entitled Gertrude Kappel In Trust for Simon Vukas, her husband, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York 15, New York, arising out of a Checking Account, entitled Simon or Gertrude K. Vukas, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of The Bowery Savings Bank, 110 East 42nd Street, New York 17, New York, arising out of a Savings Account, account number 201028, entitled Gertrude Vukas In Trust For Simon Vukas, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

e. That certain debt or other obligation of The Bowery Savings Bank, 110 East 42nd Street, New York 17, New York, arising out of a Savings Account, account number 200371, entitled Simon Vukas In Trust for Gertrude K. Vukas, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

f. That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a Savings Account, account number 72714, entitled Gertrude Kappel Vukas in trust for Simon Vukas, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

g. That certain debt or other obligation of Central Savings Bank in the City of New York, 2100 Broadway, New York 23, New York, arising out of a Savings Account, account number 72713, entitled Simon Vukas in trust for Gertrude Kappel Vukas, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

h. That certain debt or other obligation of Emigrant Industrial Savings Bank, 5 East 42nd Street, New York 17, New York, arising out of a Savings Account, account number 118282, entitled Simon Vukas for wife Gurtrude Kappel, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

i. That certain debt or other obligation of Emigrant Industrial Savings Bank, 5 East 42nd Street, New York 17, New York, arising out of a Savings Account, account number 114552, entitled Gertrude Kappel for husband Simon Vukas, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Simon Vukas and Gurtrude Kappel Vukas, also known as Gertrude Kappel Vukas and as Gertrude Kappel, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10301; Filed, Nov. 24, 1948; 8:48 a. m.]

[Vesting Order 12334]

A. CHRISTOPHERSON ET AL.

In re: Stock owned by A. Christopherson and others. F-28-23274-D-1, F-28-23275-D-1, F-39-4661-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That A. Christopherson and Ernestine Christopherson, whose last known address is Herderstr 4, Bremen, Germany, and Theodor Mahncke, whose last known address is Altona, Elbe, Bahrenfeld, Chaussee 102, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Tikamdas Hassaram, whose last known address is c/o Messrs. Hotchand Khemchand, P. O. Box 213, Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: Seven (7) shares of no par value common capital stock of MacFadden Publications Incorporated, 205 East 42nd Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 8717, registered in the name of A. Christopherson and Mrs. Ernestine Christopherson as joint tenants, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, A. Christopherson and Ernestine Christopherson, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: Forty (40) shares of no par value common capital stock of MacFadden Publications Incorporated, 205 East 42nd Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 1809, registered in the name of Theodor Mahncke, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Theodor Mahncke, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: Two (2) shares of no par value $6.00 cumulative preferred stock of MacFadden Publications Incorporated, 205 East 42nd Street, New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered 4644, registered in the name of Tikamdas Hassaram, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Tikamdas Hassaram, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

7. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10303; Filed, Nov. 24, 1948; 8:49 a. m.]

[Vesting Order 12155, Amdt.]

ANNA BECK

In re: Debt owing to Anna Beck. F-28-25157-C-1.

Vesting Order 12155, dated October 5, 1948, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 of said Vesting Order 12155, and substituting therefor the following:

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, of the Superintendent of Banks for the State of Ohio as Liquidator of the Guardian Trust Company, P. O. Box No. 6537, Cleveland, Ohio, arising out of Claim No. 7-160-Savings Account No. 59117 against the aforesaid The Guardian Trust Company, a portion of which is represented by five checks dated and in the amounts as set forth below:

June 1, 1937	$99.80
Nov. 5, 1940	24.75
Aug. 11, 1942	49.90
Sept. 1, 1944	49.90
Aug. 1, 1946	24.75

said checks representing the third, fourth, fifth, sixth, and seventh dividend payments on the said Claim No. 7-160-Savings Account No. 59117, against the aforesaid The Guardian Trust Company and presently in the custody of the Superintendent of Banks for the State of Ohio, Cleveland, Ohio, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to, and under, including particularly, but not limited to, the right to possession and presentation for collection and payment of the aforesaid checks, and any and all rights in, to, and under the aforesaid claim, including the right to receive any future payments thereunder,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany).

All other provisions of said Vesting Order 12155 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10305; Filed, Nov. 24, 1948; 8:49 a. m.]

[Vesting Order 12235]

MARGARET BONDURANT ET AL.

In re: Trust under agreement of Margaret Bondurant and Katherine Pittelkau with Winsor Calkins, trustee. File No. D-28-12048; E. T. sec. 16233.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Conrad (Konrad) Zwickel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to and arising out of or under that certain trust agreement dated December 20, 1938, by and between Margaret Bondurant and Katherine Pittelkau, settlors, and Winsor Calkins, trustee, presently being administered by Winsor Calkins, as trustee, 210 Tiffany Building, Eugene, Oregon, is property within the United States owned or con-

trolled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-10334; Filed, Nov. 26, 1948; 8:57 a. m.]

[Vesting Order 12236]

ELIZABETH BOWER

In re: Estate of Elizabeth Bower, also known as Lizzie Bauer, deceased. File No. D-34-804; E. T. sec. 12420.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mihal Klettner and Mary Bauer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Elizabeth Bower, also known as Lizzie Bauer, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, County of New York, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-10335; Filed, Nov. 26, 1948; 8:57 a. m.]

[Vesting Order 12240]

MAX KADE AND BANKERS TRUST CO.

In re: Trust agreement dated June 28, 1921 between Max Kade, settlor, and Bankers Trust Company, trustee and amendment thereto dated December 30, 1925. File D-28-8345-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma (Anna) Jaeger and Karl Kade, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue of Carl Kade, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated June 28, 1921, by and between Max Kade, settlor, and Bankers Trust Company, trustee and amendment thereto dated December 30, 1925, presently being administered by Bankers Trust Company, trustee, 16 Wall Street, New York, New York, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the issue of Carl Kade, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-10336; Filed, Nov. 26, 1948; 8:57 a. m.]

[Vesting Order 12280]

ADOLPH BOEHM

In re: Stock owned by Adolph Boehm. F-28-40-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Boehm, whose last known address is c/o Herren Schroder Gebruder & Co., Brodschrangen 35, Hamburg 11, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interest in Prudential Investors, Incorporated (Dissolved), c/o Schroder Trust Company, Transfer Agent, 46 William Street, New York 5, New York, evidenced by a certificate numbered TCO 18392 for fifty (50) shares of no par value common capital stock of the aforesaid company, registered in the name of Adolph Boehm, including particularly any and all declared and unpaid dividends on the aforesaid stock, and any and all liquidating dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 2, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10337; Filed, Nov. 26, 1948; 8:57 a. m.]

[Vesting Order 12352]

MARY BECK

In re: Rights of Mary Beck under insurance contract. File No. D-28-10912-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mary Beck, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 59 472 414, issued by the Metropolitan Life Insurance Company, One Madison Avenue, New York, New York, to Frances Maguire Wilkens, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10338; Filed, Nov. 26, 1948; 8:57 a. m.]

[Vesting Order 12355]

CARL RICHARD BRUNO BRAUN

In re: Estate of Carl Richard Bruno Braun, deceased. File No. D-28-10883, E. T. sec. 15340.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johanna Braun, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Carl Richard Bruno Braun, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the city of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court of Queens County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General
Director, Office of Alien Property.

[F. R. Doc. 48-10339; Filed, Nov. 26, 1948; 8:57 a. m.]

[Supp. Vesting Order 12356]

MRS. HACHEN DENIAU

In re: Estate of Mrs. Hachen Deniau, also known as Hanchen Deniau, deceased. File No. D-28-9149; E. T. sec. 11821.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Amanda Putsche, Fritz Stubbe, Elfriede Wegner, Max Strathus, and Gerd Leitzmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Harry Leitzmann, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Mrs. Hachen Deniau, also known as Hanchen Deniau, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Chester D. Gunn, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, County of San Diego;

and it is hereby determined:

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10340; Filed, Nov. 26, 1948; 8:57 a. m.]

[Vesting Order 12357]

KATHERINE FREY DICKERSON

In re: Estate of Katherine Frey Dickerson, deceased. File No. D-28-12465; E. T. sec. 16675.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elsa Frey, Frederick Schmidt, George Schmidt, Alfred Frey, Elsa Frey (Rude), Roselle Frey (Wentz), and Friedle Frey (Vaubenberger), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Katherine Frey Dickerson,

deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Oakley Dickerson, as Executor, acting under the judicial supervision of the Surrogate's Court, Suffolk County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10341; Filed, Nov. 26, 1948; 8:58 a. m.]

[Vesting Order 12358]

FRIDA EFFTA

In re: Rights of Frida Effta under insurance contracts. File Nos. F-28-28589-H-1, H-2, H-3, and H-4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order, 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frida Effta, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policy Nos. 71953922, 72191396, 75799472, and 75799473, issued by the Metropolitan Life Insurance Company, New York, New York, to Frida Effta, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10342; Filed, Nov. 26, 1948; 8:58 a. m.]

[Vesting Order 12359]

WOLFGANG ESCHHOLZ

In re: Rights of Wolfgang Eschholz under insurance contract. File No. F-28-27672-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wolfgang Eschholz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5100-EW-199, issued by the Travelers Insurance Company, 700 Main Street, Hartford, Connecticut, to Wolfgang Eschholz, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10343; Filed, Nov. 26, 1948; 8:59 a. m.]

[Vesting Order 12361]

HENRY HAMBRECHT

In re: Estate of Henry Hambrecht, deceased. File No. D-66-1580, E. T. sec. 9884.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Hambrecht, William Hambrecht, and Sanchen Hambrecht, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Henry Hambrecht, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by William A. Hambrecht, as Executor, acting under the judicial supervision of the Surrogate's Court, Nassau County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10344; Filed, Nov. 26, 1948; 8:58 a. m.]

[Vesting Order 12362]

TADASHI IRIYE

In re: Rights of Tadashi Iriye, also known as Tadashi Watanabe under insurance contract. File No. F-39-6087-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tadashi Iriye also known as Tadashi Watanabe, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due to or become due under a contract of insurance evidenced by policy No. 70019, issued by the West Coast Life Insurance Company, San Francisco, California, to Tadashi Iriye also known as Tadashi Watanabe, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10345; Filed, Nov. 26, 1948; 8:58 a. m.]

[Vesting Order 12367]

SHIGEO OKUTANI

In re: Rights of Shigeo Okutani under insurance contract. File No. F-39-4484-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shigeo Okutani, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8963175, issued by the New York Life Insurance Company, New York, New York, to Shigeo Okutani, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10346; Filed, Nov. 26, 1948; 8:58 a. m.]

[Vesting Order 12370]

KURT KARL SCHAEFFER

In re: Rights of Kurt Karl Schaeffer under insurance contract. File No. F-28-24641-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kurt Karl Schaeffer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 204975, issued by the West Coast Life Insurance Company, San Francisco, California, to Kurt Karl Schaeffer, together with the right to demand, receive, and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10347; Filed, Nov. 26, 1948; 8:58 a. m.]

[Vesting Order 12371]

HEINRICH SCHWEITZER

In re: Rights of Heinrich Schweitzer under insurance contract. File No. F-28-3870 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Schweitzer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 6 080 397, issued by the New York Life Insurance Company, New York, New York, to Heinrich Schweitzer, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, admin-

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istered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10348; Filed, Nov. 26, 1948; 8:58 a. m.]

[Vesting Order 12373]

SABINE VOGEL

In re: Rights of Sabine Vogel under insurance contract. File No. D-28-10787-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sabine Vogel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 98775, issued by the Workmen's Benefit Fund, Brooklyn, New York, to Philipp Vogel, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10349; Filed, Nov. 26, 1948; 8:59 a. m.]

[Vesting Order 12375]

HANNAH WILD

In re: Rights of Hannah Wild under insurance contract. File No. F-28-24652-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hannah Wild, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5449997-A, issued by the Metropolitan Life Insurance Company, 1 Madison Avenue, New York, New York, to George F. Wild, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10350; Filed, Nov. 26, 1948; 8:59 a. m.]

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PART II

FEDERAL REGISTER

VOLUME 13 NUMBER 231

Washington, Saturday, November 27, 1948

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

REVISION OF REGULATIONS

Subsequent to the original codification, effective June 1, 1938, of Title 38—Pensions, Bonuses and Veterans' Relief, Chapter I—Veterans' Administration, of the Code of Federal Regulations, extensive changes in Veterans' Administration organization and regulations have occurred. In order to facilitate use of the material contained therein, Chapter I has been completely revised and is reprinted in this issue of the FEDERAL REGISTER.

This revision consists of all Veterans' Administration material (except descriptions of organization and locations of field establishments) currently effective as of November 1, 1948, which is required by the provisions of the Federal Register Act, as amended, and the Administrative Procedure Act to be published in the FEDERAL REGISTER and the Code of Federal Regulations.

Descriptions of organization and locations of field establishments, which are no longer subject to codification, will be subsequently published in the Notices section of the FEDERAL REGISTER.

CARL R. GRAY, Jr.,
Administrator of Veterans' Affairs.

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AUTHORITY: §§ 1.1 to 1.526 issued under secs. 1, 5, 43 Stat. 607, 608, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 2, 11, 11a, 421, 426: interpret sec. 7, 48 Stat. 9; 38 U. S. C. 707. Exception is noted at end of section affected.

DELEGATIONS OF AUTHORITY

§ 1.1 *Delegation of authority to employees to issue subpenas, etc.* (a) Deputy administrators, acting deputy administrators, assistant deputy administrators, managers of regional offices and centers having regional office activities, and such other employees to whom such authority is delegated by the Adminis-

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trator through "Administrator's Authorization Orders" shall have the power to issue subpenas for (by countersigning VA Form 2–4003) and compel the attendance of witnesses within a radius of 100 miles from the place of hearing and to require the production of books, papers, documents, and other evidence. Discretion will be used in the exercise of this power which will not be used except when necessary or when the evidence cannot be obtained efficiently in any other way.

(b) Any person required by such subpena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. In case of disobedience to any such subpena, the aid of any district court of the United States or the District Court of the United State in and for the District of Columbia may be invoked in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which the inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any officer, agent, or employee of any corporation or to any other person, issue an order requiring such corporation or other person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

§ 1.2 *Delegations of authority to Veterans' Administration personnel.* (a) Employees who are assigned duties which may be determined as necessitating delegated authority will be given such authority in writing through the medium of appropriate numerical series of authorization orders before being permitted to perform such duties. Any employee receiving delegated power to act, will be without authority to have any other person perform any of the duties under his delegation of authority or to sign for him, any paper covered under such authority. The Administrator will sign all delegations of authority to individuals, which, under the provisions of the acts governing the Veterans' Administration, require that specific legal authority to perform such duties be directly delegated by the Administrator. The Administrator will also sign such other authorities as he may determine necessary. All delegations of authority, not requiring direct authority from the Administrator, will be signed either by the solicitor or by the assistant administrator concerned.

(b) When it is necessary to amend the authority already delegated to an employee, the amendment will be made by the issuance of a new authorization order which will be prepared to contain a statement of the complete authority delegated to him and will cancel the old order so that no employee will have more than one authorization order of the same series in effect at any one time. Upon receipt of the new order, the employee will immediately return his old order for cancelation. Each employee will have available a copy of his delegated authority and a copy will be placed in his personnel file.

(c) When an employee to whom an authorization order has been issued leaves the service, is transferred from one station to another, or his duties are modified so as to make unnecessary the authority, his delegated authority is thereupon terminated and his authorization order will be returned for cancelation. Termination of delegated authority will be through the medium of an appropriate cancelation order in the same series and will bear the same number as the original authorization order with the added letter "A". The Administrator will sign all cancelation orders of the Administrator's authorization order series. All other series of cancelation orders will be signed by the solicitor or assistant administrator for the employees under their charge. Each office or service will maintain a complete set of copies of the active authorization orders and cancelation orders issued to employees under its charge.

(d) All authorization and cancelation orders referred to in §§ 1.1 to 1.4, inclusive, after being signed, will be sent to the regulations and procedure divisions for photostating, appropriate distribution in central office, and the maintenance of the file of original orders. The director of finance will forward copies to other Government agencies when necessary.

(e) Any employee, who is performing duties under a delegation of authority which may have been issued by memorandum, letter, or otherwise, but which should be and is not a part of any of the numerical authorization order series, will be reissued a delegation of authority covering such duties under the proper authorization order series. On and after June 30, 1937, all delegations of authority of the kind referred to herein, issued to employees of central office at any time, which are not within one of the numerical series of authorization orders, will be null and void.

§ 1.3 *Delegations of authority to central office personnel.* (a) All delegations of authority to employees of central office will be made a part of an authorization order series either of the Administrator, the solicitor, any assistant administrator, or of one of the several services, as may be applicable. All orders in the various series will be prepared naming the employee, the title of his position and his organizational assignment, and specifying exactly the authority thereby delegated to him, and will be signed in the manner specified herein. Authorization orders will be issued in numerical sequence within the series applicable to the organizational assignment of the employee and in the manner specified herein. Once a delegation of authority has been issued to an employee, it will remain in effect only so long as the employee's duties require performance under the authority, or until it is superseded by an amended order or is canceled.

(b) Delegations of authority in the "Administrator's Authorization Order" series will be issued to the assistant administrators; to the solicitor; to the chairman, board of veterans appeals; to the executive assistant to the administrator; to the employees under the chairman, board of veterans appeals; to the employees under the executive assistant; and to such other employees as may be especially determined. All such authorization orders and cancelation orders will be signed by the Administrator. For employees under the chairman, board of veterans appeals, or under the executive assistant, the orders will be signed as being recommended by the officer concerned before submission to the Administrator for approval and signature.

(c) Delegations of authority in Authorization Order series of the solicitor, of the assistant administrators, and of the services will be issued to employees under the solicitor, the assistant administrator concerned, or the service concerned, as applicable. If it is necessary that the authority be delegated to any of these employees by the Administrator as provided in § 1.2 (a), the order will be signed as being recommended by the solicitor or by the assistant administrator concerned before submission to the Administrator for approval and signature. If it is not necessary that the authority be delegated by the Administrator, the order will be signed by the solicitor for his employees and for employees in a service by the director of such service as being recommended by him before submission to the assistant administrator for approval and signature. All cancellation orders in the respective series will be signed by the solicitor or by the assistant administrator upon recommendation of the directors of services for their respective series.

§ 1.4 *Delegation of authority to employees in central office and the field to make findings of fact, etc.* (a) Employees in the field by virtue of the authority delegated to them by the Administrator will have the power to make findings of fact, determinations of existing law, Veterans' Administration regulations and precedents established thereunder, as applicable to pension and compensation cases, and to make decisions as to the rights of claimants to benefits and awards under the laws relating to the Veterans' Administration.

(b) Recommendations for the delegation of authority to a field employee to make such findings of fact, etc., will be made through the manager to the assistant administrator for claims, who will cause to be prepared an appropriate authorization order with recommendation thereon, over his signature for approval by the Administrator. This delegated authority will be made through the medium of a numerical series of orders known as "Pension Field Authorization Orders." When an employee is relieved of the duties requiring the delegated authority, the manager will immediately return his authorization order to the assistant administrator for claims. The assistant administrator thereupon will issue a cancellation order over his own signature, sending the original copy to the budget and planning service for photostating and distribution in central office.

(c) Delegations of authority to employees in central office to make findings of fact, etc., will be in accordance with § 1.2 (a) and (c).

THE FLAG OF THE UNITED STATES FOR BURIAL PURPOSES

§ 1.10 *Eligibility for and disposition of the United States Flag for burial purposes—*(a) *Eligibility for burial flags—*(1) *Persons eligible.* (i) A veteran of any war discharged under conditions other than dishonorable.

(ii) A person discharged from the Army, Navy, Marine Corps, or Coast Guard under conditions other than dishonorable after serving at least one enlistment or discharged for disability incurred in line of duty.

(iii) *Any person who has died while in the military or naval service of the United States after May, 27, 1941, and prior to the end of the wars in which the United States is now engaged.* This phrase authorizes and requires the furnishing of a flag only in those cases where the Department of the Army or Navy, as the case may be, does not furnish a flag immediately. The only cases wherein a flag is not supplied immediately are those of persons dying while serving in the Army and whose remains are interred outside the continental limits of the United States.

(b) *Disposition of burial flags.* (1) When a flag is actually used to drape the casket of a deceased veteran, it must be delivered to the next of kin following interment.

(2) The phrase "next of kin" for the purpose of disposing of the flag used for burial purposes is defined as follows, with preference to entitlement in the order listed:

(i) Widow or widower.

(ii) Children, according to age, the sons having preference over the daughters (minor child may be issued a flag on application signed by guardian).

(iii) Father, including adopted, stepfather, and foster father.

(iv) Mother, including adopted, stepmother, and foster mother.

(v) Brothers or sisters, including brothers or sisters of the half blood.

(vi) Uncles or aunts.

(vii) Nephews or nieces.

(viii) Others—cousins, grandparents, etc. (but not in-laws).

(3) The flag used for burial purposes will not be presented to friends for their retention.

(53 Stat. 999, 57 Stat. 590, 591, 58 Stat. 301; 36 U. S. C. 183, 184, 38 U. S. C. 697c, ch. 12 note)

RELEASE OF INFORMATION CONCERNING CLAIMANTS AND BENEFICIARIES (FROM RECORDS OF THE VETERANS' ADMINISTRATION)

§ 1.500 *General.* Files, records, reports, and other papers and documents pertaining to any claim filed with the Veterans' Administration, whether pending or adjudicated, will be deemed confidential and privileged, and no disclosure thereof or information therefrom will be made except in the circumstances and under the conditions set forth in §§ 1.501–1.526, inclusive.

§ 1.501 *Release of information by the Administrator when such release would serve a useful purpose.* The Administrator of Veterans' Affairs or his designate may release information, statistics, or reports to individuals or organizations when in his judgment such release would serve a useful purpose.

§ 1.502 *Disclosure of the amount of monetary benefits.* The monthly monetary rate of pension, compensation, retirement pay, subsistence allowance, or readjustment allowance of any beneficiary shall be made known to any person who applies for such information.

§ 1.503 *Disclosure of information to a veteran or his duly authorized representative as to matters concerning the veteran alone.* Information may be disclosed to a veteran or his duly authorized representative as to matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the veteran. If the veteran be deceased, matters concerning him may be disclosed to his widow, children, or next of kin if such disclosure will not be injurious to the physical or mental health of the person in whose behalf information is sought or cause repugnance or resentment toward the decedent.

§ 1.504 *Disclosure of information to a widow, child, or other claimant.* Information may be disclosed to a widow, widower, child, or other dependent parent or other claimant, or the duly authorized representative of any of these persons as to matters concerning such person alone when such disclosure will not be injurious to the physical or mental health of the person to whom the inquiry relates. If the person concerning whom the information is sought is deceased, matters concerning such person may be disclosed to the next of kin if the disclosures will not be injurious to the physical or mental health of the person in whose behalf the information is sought or cause repugnance or resentment toward the decedent.

§ 1.505 *Genealogy.* Information of a genealogical nature when its disclosure will not be detrimental to the memory of the veteran and not prejudicial, so far as may be apparent, to the interests of any living person or to the interests of the Government may be released by the Veterans' Administration or in the case of inactive records may be released by the Archivist of the United States if in his custody.

§ 1.506 *Disclosure of records to Federal Government departments and State unemployment compensation agencies.* All records or documents required for official purposes by any department or other agency of the United States Government or any State Unemployment Compensation Agency acting in an official capacity for the Veterans' Administration shall be furnished in response to an official request, written or oral, from such department or agency. If the requesting department or agency does not indicate the purpose for which the records or documents are requested and there is doubt as to whether they are to be used for official purposes, the requesting department or agency will be asked to specify the purpose for which they are to be used.

§ 1.507 *Disclosures to Members of Congress.* Members of Congress shall be furnished in their official capacity in any case such information contained in the Veterans' Administration files as may be requested for official use. However, in any unusual case, the request will be presented to the Administrator or the solicitor, or the deputy administrator or chief attorney of a branch office for personal action. When the requested information is of a type which may not be furnished a claimant, the Member of Congress shall be advised that the information is furnished to him confidentially in his official capacity and should be so treated by him. (See Vet. Reg. No. 11, 38 U. S. C. ch. 12.)

§ 1.508 *Disclosure in cases where claimants are charged with or convicted of criminal offenses.* (a) Where incompetent claimants are charged with, or convicted of, offenses other than those growing out of their relationship with the Veterans' Administration and in which it is desired to disclose information from the files and records of the Veterans' Administration, the chief attorney or the solicitor, if he deems it necessary and proper, may disclose to the court having jurisdiction so much of the information from the files and records of the Veterans' Administration relating to the mental condition of such beneficiaries, the same to be available as evidence, as may be necessary to show the mental condition of the accused and the time of its onset. This provision, however, does not alter the general procedure for handling offenses growing out of relations with the Veterans' Administration.

(b) When desired by a United States district court, the chief attorney or the solicitor may supply information as to whether any person charged with crime served in the military or naval service of the United States and whether the Veterans' Administration has a file on such person. If the file is desired either by the court or by the prosecution or defense, it may be produced only in accord with these regulations.

§ 1.509 *Disclosure to courts in proceedings in the nature of an inquest.* The solicitor, chief attorneys of branch and regional offices, and managers of hospitals are authorized to make disclosures to courts of competent jurisdiction of such files, records, reports, and other documents as are necessary and proper evidence in proceedings in the nature of an inquest into the mental competency of claimants and other proceedings incident to the appointment and discharge of guardians, curators, or

conservators to any court having jurisdiction of such fiduciaries in all matters of appointment, discharge, or accounting in such courts.

§ 1.510 *Disclosure to insurance companies cooperating with the Department of Justice in the defense of insurance suits against the United States.* Copies of records from the files of the Veterans' Administration will, in the event of litigation involving commercial insurance policies issued by an insurance company cooperating with the Department of Justice in defense of insurance suits against the United States, be furnished to such companies without charge; *Provided*, the claimant or his duly authorized representative has authorized the release of the information contained in such records. If the release of information is not authorized in writing by the claimant or his duly authorized representative, information contained in the files may be furnished to such company if to withhold same would tend to permit the accomplishment of a fraud or miscarriage of justice. However, before such information may be released without the consent of the claimant, the request therefor must be accompanied by an affidavit of the representative of the insurance company, setting forth that litigation is pending, the character of the suit, and the purpose for which the information desired is to be used. If such information is to be used adversely to the claimant, the affidavit must set forth facts from which it may be determined by the solicitor or chief attorney whether the furnishing of the information is necessary to prevent the perpetration of a fraud or other injustice. The averments contained in such affidavit should be considered in connection with the facts shown by the claimant's file, and, if such consideration shows the disclosure of the record is necessary and proper to prevent a fraud or other injustice, information as to the contents thereof may be furnished to the insurance company or copies of the records may be furnished to the court, Workmen's Compensation, or similar board in which the litigation is pending upon receipt of subpena duces tecum addressed to the Administrator of Veterans' Affairs, deputy administrator, or the manager of the office in which the records desired are located. In the event the subpena requires the production of the file, as distinguished from the copies of the records, no expense to the Veterans' Administration may be involved in complying therewith, and arrangements must be made with the representative of the insurance company causing the issuance of the subpena to insure submission of the file to the court without expense to the Veterans' Administration.

§ 1.511 *Judicial proceedings generally.* (a) Where a suit has been threatened or instituted against the Government, other than for insurance under section 19 of the World War Veterans' Act, 1924, as amended, or section 617, National Service Life Insurance Act, as amended, or a prosecution against a claimant has been instituted or is being contemplated, the request of the claimant or his duly authorized representative for information, documents, reports, etc., shall be acted upon by the solicitor in central office or the chief attorney in the branch office or in the field station who shall determine the action to be taken with respect thereto. In cases involving insurance litigation (suits for insurance filed under section 19 of the World War Veterans' Act, 1924, as amended, or section 617, National Service Life Insurance Act, as amended), the request shall be acted upon by the Director of the Service having jurisdiction over the subject matter in central office or branch office. Where the files have been sent to the Department of Justice in connection with any such suit, the request will be referred to the Department of Justice, Veterans' Affairs Section, Washington, D. C., for attention. In all other cases where copies of documents or records are desired by or on behalf of parties to a suit, whether in a court of the United States or any other, such copies shall be furnished as provided in paragraph (d) of this section; otherwise to the court only, and on an order of the court or subpena duces tecum addressed to the Administrator of Veterans' Affairs, deputy administrator of the branch office, or the manager of the field station in which the records desired are located requesting the same. The determination as to the action to be taken upon any order received in this class of cases shall be made by the service having jurisdiction over the subject matter in central office or branch office, or the division having jurisdiction over the subject matter in the field station, except in those cases in which the records desired are to be used adversely to the claimant, in which latter event the order of the court or the subpena will be referred to the solicitor in central office or to the chief attorney in the branch office or in the field station for disposition.

(b) Where the process of a United States court requires the production of documents or records (or copies thereof) contained in the Veterans' Administration file of a claimant, such documents or records (or copies) will be produced in the court out of which process has been issued. Where original records are produced, they must remain at all times in the custody of a representative of the Veterans' Administration, and, if offered and received in evidence, permission should be obtained to substitute a copy so that the original may remain intact in the file. Where the subpena is issued praecipe of a party litigant other than the United States, such party litigant must prepay the costs of copies in accordance with fees prescribed by § 1.526 (g) and any other costs incident to production.

(c) Where copies of documents or records are requested by the process of any State or municipal court, the process when presented must be accompanied either by authority from the claimant concerned to comply therewith or by an affidavit of the attorney of the party securing the same, setting forth the character of the pending suit, the purpose for which the documents or records sought are to be used as evidence, and, if adversely to the claimant, information from which it may be determined whether the furnishing of the records sought is necessary to prevent the perpetration of a fraud or other injustice. Where the process received is accompanied by authorization of the claimant to comply therewith, copies of the records requested shall be furnished to the court upon the payment of the prescribed fee by the party who caused the process to be issued. Where the process shows that the records are to be used adversely to the claimant, the averments contained in the affidavit shall be considered in connection with the facts shown by the claimant's file, and, if such consideration shows the disclosure of the records is necessary and proper to prevent a fraud or other injustice, the records requested shall be furnished in response to the court's process upon the payment of the fee as prescribed by the schedule of fees by the party who caused the process to be issued; otherwise, the court shall be advised that Veterans' Administration records are confidential and privileged. Where the process received requests the production of the complete Veterans' Administration file of a claimant and compliance is deemed necessary and proper under this paragraph, no expense to the Veterans' Administration may be involved in complying therewith and arrangements must be made with the attorney of the party causing issuance of the process to insure the submission of the file to the court without expense to the Veterans' Administration. The file must remain at all times in the custody of a representative of the Veterans' Administration, and, if there is an offer and admission of any record or document contained therein, permission should be obtained to substitute a copy so that the original may remain intact in the file.

(d) Requests received from attorneys or others for copies of records for use in suits in which the Government is not involved, not accompanied by a subpena or court order, will be handled by the service or division having jurisdiction over the subject matter. If the request is such as can be complied with under § 1.503 or § 1.504, the records requested will be furnished upon receipt of the required fee. If, however, the records cannot be furnished under such sections, the applicant will be advised of the procedure to obtain copies of records for court use as set forth above.

(e) In suits by or against the Administrator under section 509, title III, Servicemen's Readjustment Act of 1944, as amended, the files pertaining to the guaranteed or insured loan may be made available by the solicitor or the chief attorney subject to the usual rules of evidence.

§ 1.512 *Disclosure of loan guaranty information.* In general, the facts in loan guaranty files will be made available to any party privy to a guaranteed or insured loan if deemed proper by a loan guaranty officer or chief attorney. Information in the claims folder, insurance or other file will be released to lenders or prospective lenders only in accord with the regulations in this part: *Provided*, That the fact of adjudication of incompetency by court or rating board may be made known in appropriate circumstances to a lender or prospective lender.

§ 1.513 *Disclosure of information contained in military and naval service and related medical records received by the Veterans' Administration from the National Military Establishment.* (a) *Service records.* Information received by the Veterans' Administration from the Departments of the Army, Navy, Air Force, and the Treasury Department relative to the military or naval service of a claimant is furnished solely for the official use of the Veterans' Administration, but such information may be disclosed under the limitations contained in §§ 1.501 to 1.526.

(b) *Medical records.* Information contained in the medical records (including clinical records and social data) may be released under the following conditions:

(1) Complete transcript of résumé of medical records on request to:

(i) The Department of the Army.

(ii) The Department of the Navy (including naval aviation and United States Marine Corps).

(iii) The Department of the Air Force.

(iv) The Treasury Department (Coast Guard).

(v) Selective Service (in case of registrants only).

(vi) Federal or State hospitals or penal institutions when the veteran is a patient or inmate therein.

(vii) United States Public Health Service, or other governmental or contract agency in connection with research authorized by, or conducted for, the Veterans' Administration.

(viii) Registered civilian physicians, on the request of the individual or his or her legal representative, when required in connection with the treatment of the veteran. (The transcript or résumé should be accompanied by the statement "it is expected that the information contained herein will be treated as confidential, as is customary in civilian professional medical practice.")

(ix) The veteran on request, except information contained in the medical record which would prove injurious to his or her physical or mental health.

(x) The next of kin on request of the individual, or legal representative, when the information may not be disclosed to the veteran because it will prove injurious to his or her physical or mental health, and it will not be injurious to the physical or mental health of the next of kin or cause repugnance or resentment toward the veteran; and directly to the next of kin, or legal representative, when the veteran has been declared to be insane or is dead.

(xi) Health and social agencies, on the authority of the veteran or his duly authorized representative.

(2) In addition to the above, the Department of Justice, the Treasury Department, and the Post Office Department may, on request, be given pertinent information from medical records for use in connection with investigations conducted by these departments. Each such request shall be considered on its merits, and the information released should be the minimum necessary in connection with the investigation conducted by these departments.

(3) Compliance with court orders calling for the production of medical records in connection with litigation or criminal prosecutions will be effected in accordance with § 2.511.

§ 1.514 *Disclosure to private physicians and hospitals other than Veterans' Administration.* When a beneficiary elects to obtain medical attention from a private practitioner or in a hospital other than a Veterans' Administration hospital, there may be disclosed to such private practitioner or head of such hospital (State, municipal, or private) such information as to the medical history, diagnosis, findings or treatment, as is requested, provided there is also submitted a written authorization from the beneficiary, or in the event he is incompetent, from his representative or his nearest relative, for release of desired data. The said information will be supplied without charge directly to the private physician or hospital head and not through the beneficiary. In forwarding this information, it will be accompanied by the stipulation that it is released with the consent of the patient and then only on condition that it is to be treated as a privileged communication. However, such information may be released without charge and without consent of the patient, his representative, or nearest relative when a request for such information is received from the superintendent of a State hospital for psychotic patients, or from a commissioner, department of mental hygiene or comparable State agency.

§ 1.515 *To commanding officers of State soldiers' homes.* When a request is received in a Veterans' Administration regional office, center, or hospital from the commanding officer of a State soldiers' home for information other than information relative to the character of the discharge from a Veterans' Administration center or hospital concerning a veteran formerly domiciled or hospitalized therein, the provisions of § 1.500 are applicable, and no disclosure will be made unless the request is accompanied by the authorization outlined in § 1.503. However, managers of regional offices, centers, and hospitals, upon receipt of a request from the commanding officer of a State soldiers' home, for the character of the discharge of a veteran from a period of hospital treatment or domiciliary care as a beneficiary of the Veterans' Administration, will comply with the request, restricting the information disclosed solely to the character of the veteran's discharge from such treatment or care. Such information will be disclosed only upon receipt of a specific request therefor from the commanding officer of a State soldiers' home.

§ 1.516 *Disclosure of information to undertaker concerning burial of a deceased veteran.* When an undertaker requests information believed by him to be necessary in connection with the burial of a deceased veteran, such as the name and address of the beneficiary of the veteran's adjusted service certificate or Government insurance policy; name and address of the next of kin; rank or grade of veteran and organization in which he served; character of the veteran's discharge; or date and place of birth of the veteran and it appears that the undertaker is holding the body awaiting receipt of the information requested, the undertaker, in such instances, may be considered the duly authorized representative of the deceased veteran for the purpose of obtaining said information. In ordinary cases, however, the undertaker will be advised that information concerning the beneficiary of an adjusted service certificate or Government insurance policy is confidential and cannot be disclosed; the beneficiary will be advised immediately of the inquiry, and the furnishing of the desired information will be discretionary with the beneficiary. In no case will the undertaker be informed of the net amount due under the certificate or policy or furnished information not specifically mentioned herein.

§ 1.517 *Disclosure of vocational rehabilitation and education information to educational institutions cooperating with the Veterans' Administration.* The assistant administrator for vocational rehabilitation and education or his designate is authorized to release information available only in vocational rehabilitation and education records regarding individual veterans to educational institutions cooperating with the Veterans' Administration in the vocational rehabilitation and education of veterans of World War II, for the purpose of making studies, inquiring into the rehabilitation of veterans, counseling techniques and training courses utilized to achieve such rehabilitation: *Provided*, That any data or information obtained shall not be published without the approval of the assistant administrator for vocational rehabilitation and education or his designate and that such data or information shall not identify any individual.

§ 1.518 *Addresses of claimants.* (a) It is the general policy of the Veterans' Administration to refuse to furnish addresses from its records to persons who desire such information for purposes of debt collections, canvassing, or harassing a claimant.

(b) The address of a Veterans' Administration claimant as shown by Veterans' Administration files may be furnished to duly constituted police or court officials upon official request and the submission of a certificate copy either of the indictment returned against the claimant or of the warrant issued for his arrest. Such request shall be forwarded for disposition to the operating service having jurisdiction over the subject matter or possession of the file.

(c) When an address is requested that may not be furnished under §§ 1.500 to 1.526, the person making the request will be informed that a letter enclosed in an unsealed envelope bearing sufficient postage, without return address, with the name of the addressee thereon will be forwarded by the Veterans' Administration, but this provision will be applicable only when it does not interfere unduly with the functions of the service or division concerned. In no event will letters be forwarded to aid in the collection of debts.

§ 1.519 *Lists of Claimants.* Lists of claimants will not be furnished except as the Administrator may direct.

§ 1.520 *Confidentiality of social data.* Persons having access to social data will be conscious of the fact that the family, acquaintances, and even the veteran himself have been willing to reveal these data only on the promise that they will be held in complete confidence. There will be avoided direct, ill-considered references which may jeopardize the personal safety of these individuals and the relationship existing among them, the patient, and the social worker, or may destroy their mutual confidence and influence, rendering it impossible to secure further cooperation from these individuals and agencies. Physicians in talking with beneficiaries will not quote these data directly but will regard them as indicating possible directions toward which they may wish to guide the patient's self-revelations without reproaching him for his behavior or arousing natural curiosity or suspicion regarding any informant's statement. The representatives of service organizations and duly authorized representatives of veterans will be especially cautioned as to their grave responsibility in this connection.

§ 1.521 *Special restrictions concerning Social Security Records.* All information received from the Social Security Administration except that furnished in connection with the operation of Public Law 719, 79th Congress, will be treated as strictly confidential and will not be disclosed to anyone other than an employee of the Veterans' Administration entitled to such information in the discharge of his official duties. When not being reviewed by an authorized employee, the correspondence containing the information will be placed in a large envelope, sealed, and securely fastened on the left side of the case file. There will be placed in this envelope a sheet of paper on which the employee sealing the envelope will endorse his name, designation, and date of sealing and which will be similarly endorsed by all other employees who subsequently have occasion to refer to such information. A new envelope will be used each time the information is examined, and the following notation will be typed on each envelope so used: "Confidential under section 1106, Social Security Act, as amended (53 Stat. 1398, 42 U. S. C. A. 1306). Not to be opened by any person other than an employee of the Veterans' Administration charged with the duty of examining claims and then not in the presence of any person not so authorized. This envelope contains confidential information which shall not be revealed under penalty of law to anyone other than an employee of the Veterans' Administration charged with the duty of examining this case, and it will at all times be kept sealed, except as herein provided."

§ 1.522 *Determination of the question as to whether disclosure will be prejudicial to the mental or physical health of claimant.* Determination of the question when disclosure of information from the files, records and reports, will be prejudicial to the mental or physical health of a claimant, beneficiary, or other person in whose behalf information is sought will be made by the chief medical director, central office; branch medical director, branch office; chief medical officer in the regional office or center; or the clinical director of a hospital, or their physician designates.

§ 1.523 *Veterans' Administration installation from which authorized disclosure will be made.* Where disclosure of information from the files, records, reports, and other papers and documents pertaining to claims filed with the Veterans' Administration is not restricted, such disclosure shall be made by the service division, or activity in central office, branch office, regional or Veterans' Administration office, hospital, or center having possession of the individual record or file from which the information is to be disclosed.

§ 1.524 *Persons authorized to represent claimants.* A duly authorized representative will be any person authorized in writing by the claimant to act for him, or his legally constituted fiduciary, if the claimant is incompetent. Where for proper reasons no legally constituted fiduciary has been or will be appointed, his wife, his children, or, if the claimant is unmarried, either of his parents shall be recognized as the fiduciary of the claimant.

§ 1.525 *Inspection of records by or disclosure of information to recognized representatives of organizations.* (a) (1) The accredited representatives of any of the organizations recognized under section 200, Public No. 844, 74th Congress (act of June 29, 1936), holding appropriate power of attorney may inspect the Veterans' Administration file of any claimant upon the condition that only such information contained therein as may be properly disclosed under §§ 1.500 through 1.526 will be disclosed by him to the claimant or, if the claimant is incompetent, to his legally constituted fiduciary. All other information in the file shall be treated as confidential and will be used only in determining the status of the cases inspected or in connection with the presentation to officials of the Veterans' Administration of the claim of the claimant. The managers of field stations and the directors of the services concerned in central office and branch office will each designate a responsible officer to whom requests for all files must be made.

(2) When power of attorney does not obtain, the accredited representative will explain to the designated officer of the Veterans' Administration the reason for requesting information from the file, and the information will be made available only when in the opinion of the designated officer it is justified; in no circumstances will such representatives be allowed to inspect the file; in such cases a contact report will be made out and attached to the case, outlining the reasons which justify the verbal or written release of the information to the accredited representative. In any case where there is an unrevoked power of attorney, no persons or organizations other than the one named in the power of attorney shall be afforded information from the file; and when any claimant has filed notice with the Veterans' Administration that he does not want his file inspected, such file will not be made available for inspection.

(b) (1) Inspection of folders by accredited representatives shall be in space assigned for such inspection; however, where space or other local problems make it impractical to assign space for this purpose the assistant administrator or comparable official concerned in central office or the deputy administrator or manager at the particular office affected may permit inspection of folders at the desks of the accredited representatives in the office(s) which they regularly occupy. Deputy administrators and managers and directors of the services concerned in central office will designate and assign, in or near the space occupied by accredited representatives, one or more employees to whom the folders will be charged and who will at all times know and have a record of the location of such folders during the time they are made available for inspection by the accredited representatives.

(2) When it is necessary that folders which are being inspected by accredited representatives be carried elsewhere within the installation for purposes of official discussion or presentation of claims, such folders shall be carried by Veterans' Administration employees, however, where it is not feasible to use Veterans' Administration employees for these purposes, the deputy administrator or manager or the director of the service concerned in central office may permit the folders to be carried by the accredited representatives, *Provided*, the designated Veterans' Administration employee to whom the folders are charged is at all times kept informed of their location.

(3) No person other than a Veterans' Administration employee in the performance of his official duties may inspect an insurance file except:

(i) An authorized representative of the insured, or, after maturity of the insurance by death of the insured, of the designated beneficiary, shall, if holding valid power of attorney, be permitted to inspect the file containing the basic papers concerning the insurance for the purpose of assisting the insured in adjusting any phase of the insurance or the insured or designated beneficiary in perfecting a claim for any benefit under the policy.

(ii) Unless otherwise authorized by the insured or the beneficiary, as the case may be, such authorized representative shall not release information as to designated beneficiary to anyone other than the insured or to the beneficiary after death of the insured. Otherwise, information in the insurance file shall be subject to the provisions of §§ 1.500 to 1.526.

(4) Clinical records and medical files, including files for outpatient treatment, may be inspected by accredited representatives only to the extent such records or parts thereof are incorporated in the claims folder, or are made available to Veterans' Administration personnel in the adjudication of the claim. Records or data in clinical or medical files which are not incorporated in the claims folder or which are not made available to Veterans' Administration personnel for adjudication purposes will not be inspected by anyone other than those employees of the Veterans' Administration whose duties require same for the purpose of clinical diagnosis or medical treatment.

(5) Under no circumstances shall any paper be removed from a file, except by a Veterans' Administration employee, for purpose of having an authorized photostat made. Copying of material in a file shall not be permitted except in connection with the performance of authorized functions under the power of attorney.

(6) In any case involving litigation against the Government, whether contemplated or initiated, inspection, subject to the foregoing, shall be within the discretion of the Solicitor or chief attorney, except that in insurance suits under the World War Veterans Act, 1924, as amended, or the National Service Life Insurance Act, 1940, as amended, inspection shall be within the discretion of the official having jurisdiction of the claim. Files in such cases may be released to the department of justice, but close liaison will be maintained to insure their return intact upon termination of the litigation.

(c) Deputy administrators and managers and the directors of the services concerned in central office will be responsible for the administrative compliance with and accomplishment of the foregoing within their jurisdiction, and any violations of the prescribed conditions for inspection of files will be brought to the immediate attention of the Administrator.

(d) Any person holding power of attorney or accredited representative of a recognized organization holding such power of attorney shall be supplied with a copy of each notice to the claimant respecting the adjudication of the claim. If a claimant dies before action on the claim is completed, the person or organization holding power of attorney may continue to act until the action is completed except where the power of attorney is filed on behalf of the dependent.

(e) When in developing a claim the accredited representative of a recognized organization finds it necessary to call upon a local representative to assemble information or evidence, he may make such disclosures to the local representative as the circumstances of the case may warrant, provided the power of attorney to the recognized organization contains an authorization permitting such disclosure.

§ 1.526 *Copies of records and papers.* (a) Any person desiring a copy of any record or document in the custody of the Veterans' Administration, which is subject to be furnished under §§ 1.501–1.526, inclusive, must make written application for such copy to the Veterans' Administration installation having custody of the subject matter desired, stating specifically (1) the particular record or document the copy of which is desired and whether certified or uncertified; (2) the purpose for which such copy is desired to be used.

(b) When copies of a record or document are furnished under §§ 1.506, 1.507, 1.510 and 1.514, such copies shall be supplied without charge.

(c) Where only one or a relatively few copies of papers from a claimant's file are desired by the veteran or a dependent for use in securing one of the governmental benefits or in connection with a claim for commercial insurance, the workmen's compensation or similar benefit, the necessary copies may in the discretion of the manager, deputy administrator, or staff member in central office having jurisdiction in the matter be supplied without charge.

(d) When information, statistics, or reports are released or furnished under §§ 1.501 or 1.519, the fee charge, if any, will be determined upon the merits of each individual application.

(e) In those cases where it is determined that a fee shall be charged, the applicant will be advised to deposit the amount of the lawful charge for the copy desired. The amount of such charge will be determined in accordance with the schedule of fees prescribed in this regulation. The desired copy will not be delivered until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned to the applicant. When a deposit is received with an application, such deposit will be returned to the applicant should the application be denied.

(f) Copies of reports or records received from other Government departments or agencies will not be furnished except as provided in § 1.513.

(g) Schedule of fees:

Written copies, per 100 words	$0.25
Photostat copies, per sheet	.25
Certifications, each	.25

(h) Those Veterans' Administration installations not having photostat equipment are authorized to arrange with the nearest Veterans' Administration installation having such equipment to make the necessary authorized photostatic copies of records or documents.

PART 3—VETERANS CLAIMS

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AUTHORITY: §§ 3.0 to 3.139 issued under sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707. §§ 3.141 to 3.178 issued under sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707; interpret secs. 8, 9, 43 Stat. 1306, 1307, sec. 3, 48 Stat. 9; 38 U. S. C. 473–491, 703. §§ 3.184 to 3.347 issued under sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707. §§ 3.350 to 3.359 issued under sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707; interpret secs. 1, 2, 45 Stat. 735, 736, sec. 10, 48 Stat. 10; 38 U. S. C. 581, 582, 710. §§ 3.1000 to 3.1221 issued under sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707. Statutes giving special authority are cited in parentheses at the end of affected sections.

SERVICE REQUIREMENTS

§ 3.0 *World Wars I and II.* (a) The beginning and termination dates of World War I are April 6, 1917, and November 11, 1918, but as to service in Russia, the ending date is April 1, 1920. Except as to emergency officers retirement pay, re-enlistment in the military or naval service on or after November 12, 1918, and before July 2, 1921, where there was prior active service between April 6, 1917, and November 11, 1918, shall be considered as World War I service under the laws providing compensation or pension for World War I veterans and their dependents. (38 U. S. C. Ch. 12, Reg. 1 (a) Part 1; section 5, Public No. 304, 75th Congress.)

(b) World War II shall comprise the period from December 7, 1941, to twelve o'clock noon, December 31, 1946, both dates inclusive (sec. 9 (a), Pub. Law 144, 78th Cong.). (By virtue of Part II, Veterans' Regulation No. 1 (a), as amended by Public Law 359, 77th Congress, disabilities incurred or aggravated in an enlistment or employment entered into after twelve o'clock noon, December 31, 1946, and suffered prior to the official termination of the war, are compensable at Regulation No. 1 (a), Part I, as amended, rates.) (Sec. 4, 48 Stat. 9, sec. 5, 50 Stat. 661, sec. 9a, 57 Stat. 556; 38 U. S. C. 424a, 704, ch. 12 note.)

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men*—(a) *Field clerks, Quartermaster's Corps.* Field clerks, Quartermaster's Corps, are included as enlisted men.

(b) *Army field clerks.* Army field clerks had the same military status as field clerks, Quartermaster's Corps, and are included as enlisted men.

(c) *Philippine Scouts and others.* Philippine Scouts, the Insular Force of the Navy, Samoan Native Guard and Samoan Native Band of the Navy are within the terms of the acts, except that neither the Philippine Scouts nor the Insular Force of the Navy were, or are included in Article II of the War Risk Insurance Act. However, Philippine Scouts enlisted under section 14 of Public Law 190, 79th Congress, approved October 6, 1945, are subject to the limitations contained in Public Law 391, 79th Congress. Benefits are accordingly limited to compensation payable for service-connected disability or death. Members of the organized military forces of the Government of the Commonwealth of the Philippines are included for purposes of the laws administered by the Veterans' Administration providing for the payment of compensation on account of service-connected disability or death from and after the dates and hours, respectively, that they were called into service of the armed forces of the United States by orders issued from time to time by the General Officer, United States Army, designated by the Secretary of War (sec. 2, (a) (12), Public No. 127, 73d Cong. and Public Law 301, 79th Cong.). Service of such Commonwealth forces in the United States armed forces was terminated as of June 30, 1946, by the military order of the President dated July 1, 1946. (Therefore, such Philippine Army service rendered on or after July 1, 1946, is not service in the United States armed forces within the purview of the laws administered by the Veterans' Administration.) Compensation payable to members of the organized military forces of the Government of the Commonwealth of the Philippines, under the conditions set forth above, and to Philippine Scouts who enlisted under section 14, Public Law 190, 79th Congress, shall be paid at the rate of one Philippine peso for each dollar authorized to be paid under the laws providing for such compensation.

(d) *Students in aviation camps.* Students in aviation camps who were enlisted men are included.

(e) *Commissioned officers, Public Health Service.* Officers of the Public Health Service who were detailed for duty with the Army or Navy are included as officers in the active service. On or after November 11, 1943, commissioned officers of the Public Health Service, regular and reserve, who are (1) detailed for duty with the Army, Navy, or Coast Guard; (2) serving in time of war outside the continental limits of the United States or in Alaska, regardless of whether the disability or death was suffered prior or subsequent to November 11, 1943; *Provided, however,* That benefits may not be awarded for any period prior to November 11, 1943; or (3) who perform active service in time of war and following the issuance of an Executive order declaring the commissioned corps of the Public Health Service a part of the military forces of the United States, are also included. In regard to (3) above, the Executive order was published on June 29, 1945, effective July 29, 1945; hence, on and after the latter date and for the duration of World War II the above described commissioned officers of the Public Health Service, with respect to active service performed, shall be considered as in active military or naval service and included within the acts administered by the Veterans' Administration (sec. 212, Pub. Law 410, 78th Cong.; Executive Order No. 9575).

(f) *Male nurses, enlisted.* Male nurses who were enlisted men of the Medical Department are included.

(g) *Retired officers or men ordered to active duty.* Officers and men on the retired list who were ordered to active duty by the War Department or Navy Department were in active service and are included.

(h) *Personnel of Lighthouse Service.* The personnel of the Lighthouse Service transferred to the service and jurisdiction of the War and Navy Departments by Executive order pursuant to the act of August 29, 1916, are included.

(i) *Army Nurse Corps, Navy Nurse Corps and female dietetic and physical therapy personnel.* Members of the Army Nurse Corps (female) and the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department. Female dietetic and physical therapy personnel (exclusive of students and apprentices) appointed with relative rank on or after December 22, 1942 (Public Law 828, 77th Cong.), or commissioned on or after June 22, 1944 (Public Law 350, 78th Cong.).

(j) *Alien beneficiaries.* A veteran discharged for alienage during a period of hostilities is ineligible for benefits, unless he can establish that it was not pursuant to his own request. However, such a veteran, if discharged for alienage after the termination of hostilities and if his service was honest and faithful is not barred from benefits if he is found to be otherwise entitled thereto.

(k) *Members of training camps authorized by law.* Members of training camps authorized by section 54 of the National Defense Act, are included. Members of the National Guard ordered to active duty for training are not, under section 112 of the National Defense Act of June 3, 1916, as amended June 15, 1933, entitled to compensation. Reserve officers and members of the enlisted reserves of the United States Army, Navy, or Marine Corps, ordered to active duty, including duty for training, are entitled to compensation under Public No. 159, 75th Congress. However, such benefits shall not be payable prior to the date of claim or June 23, 1937, whichever is the later. Reserve personnel of the Navy and Marine Corps suffering disability while on active duty for training purposes, are compensable after June 30, 1925, and prior to June 23, 1937, under the United States Employees Compensation Act. From and after June 23, 1937, such personnel have an election between United States employees compensation and compensation under Public No. 159, 75th Congress. In the event an Army reservist is or becomes eligible for the benefits of the United States Employees Compensation Act (Public No. 179, 76th Congress, approved July 15, 1939, and Public No. 747, 76th Congress, approved July 18, 1940), and is also eligible for, or is in receipt of compensation based upon military service, he shall elect which benefit to receive. On or after April 3, 1939, all officers, warrant officers, and enlisted men of the Army of the United States, other than the officers and enlisted men of the regular Army, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, and who suffer disability in line of duty from disease or injury incurred while so employed shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by section 5, Public No. 18, 76th Congress. Reserve officers who may have a right to benefits under section 5, Public No. 18, 76th Congress, for disability incurred prior to July 15, 1939, who filed claim within one year from July 18, 1940, have an election under Public No. 747, 76th Congress, but reserve officers who are entitled to benefits under section 5, Public No. 18, 76th Congress, for disability incurred on or subsequent to July 15, 1939, do not have such an election. On and after September 26, 1941, reserve officers, Army of the United States, who were called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days on or subsequent to February 28, 1925, other than for service with the Civilian Conservation Corps, and who are now disabled from disease or injury contracted or received in line of duty while so employed, shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by Public Law 262, 77th Congress.

(l) *Cadets and midshipmen.* Cadets and midshipmen suffering from disabilities incurred in the line of duty while assigned to duties constituting war service, which includes practice cruises at sea but excludes practice maneuvers at West Point, during the period of one of the hostilities enumerated in Veterans' Regulation No. 1 (a), as amended, (38 U. S. C. ch. 12), are entitled to compensation for such disability at the rate provided in Veterans' Regulation No. 1 (a), Part I, as amended, if otherwise entitled. Cadets and midshipmen who are disabled by reason of a wound or injury received or a disease contracted while pursuing the prescribed course of instruction at the academies and in line of duty are entitled to compensation at the rate prescribed in Veterans' Regulation No. 1 (a), Part II, if otherwise entitled. Midshipmen assigned to practice cruises or cadets or midshipmen otherwise actually assigned to active duty for a total of at least ninety days during a period of hostilities enumerated in Veterans' Regulation No. 1 (a), as amended, who are now suffering from a disability permanent and total in degree, but which is not connected with any period of service, are entitled to a pension at the rate prescribed in Veterans' Regulation No. 1 (a), Part III, if otherwise entitled. Service as a cadet at the United States Military Academy or as a midshipmen at the United States Naval Academy or as a cadet at the United States Coast Guard Academy on or after December 7, 1941, and before twelve o'clock noon, December 31, 1946, shall be considered active military or naval service in World War II for the purposes of laws administered by the Veterans' Administration (Sec. 10, Public Law 144, 78th Cong.)

(m) *Under Public No. 2, 73d Congress and Public Law 300, 78th Congress.* (1) Persons who on or after April 6, 1917, and prior to November 12, 1918, applied for enlistment or enrollment in the active service who were provisionally accepted and ordered to report to a place for final acceptance or who were drafted and after reporting pursuant to call of their local draft board, or who were called into the Federal service as members of the National Guard but before enrollment for Federal service suffered an injury or disease in line of duty, are included.

(2) (i) Any person who on or after August 27, 1940, and prior to twelve o'clock noon, December 31, 1946, has applied or shall hereafter apply for enlistment or enrollment in the active [illegible]

or naval forces and who was or shall be provisionally accepted and directed or ordered to report to a place for final acceptance into such military or naval service, or who was or is selected for service and after reporting pursuant to the call of his local board and prior to rejection, or who after being called in the Federal service as a member of the National Guard but before being enrolled for the Federal service suffered or shall suffer an injury or a disease in line of duty and not the result of his own wilful misconduct, is included: *Provided*, That payments of compensation under the terms of this subparagraph shall not be effective prior to May 11, 1944.

(ii) The provisions of Public Law 300, 78th Congress, attach whenever a person is acting pursuant to an order of his draft board, including an order to report to the board for a preinduction examination. The protection covers any injury or disease which is or was acquired during time spent away from home or en route home in connection with such order and as a result thereof. An injury or disease which is or was suffered on the trip when reporting for active duty or final induction is covered. The injury or disease to be pensionable must be attributable to some cause or factor relating to his activity in connection with complying with proper orders. These provisions do not extend to such persons as to disease or injury suffered during the period of inactive duty or period of waiting after passing final physical examination and prior to beginning the trip to report for induction. Such protection also applies to a member of the National Guard after he reports to a designated rendezvous pursuant to proper call.

(n) *Women citizens of the United States.* Women citizens of the United States who were taken from the United States by the United States Government and who served in base hospitals, overseas, including reconstruction aides and stenographers who served so, are included.

(o) *Commissioned officers of the Coast and Geodetic Survey.* Pursuant to section 2, Public Law 786, 77th Congress, commissioned officers of the Coast and Geodetic Survey who are assigned, (1) during the period of World War II to duty on projects for the War Department or the Navy Department in areas outside the continental United States or in Alaska, or (2) in coastal areas of the United States, determined by the War or Navy Department to be of immediate hazard, shall while on such duty be considered as performing active military or naval service: *Provided*, (3) Commissioned officers of the Coast and Geodetic Survey serving in the Philippine Islands on December 7, 1941, will be considered as in the active military or naval service from and including that date: *Provided*, That compensation under this act may not be awarded concurrently with United States employees compensation; *And provided further*, That benefits may not be awarded prior to December 3, 1942.

(p) *Commissioned officers and enlisted personnel of the women's Army Corps.* On and after July 1, 1943, commissioned officers and enlisted personnel of the Women's Army Corps, from the date of commission or enlistment, shall be entitled to the same rights, privileges and benefits as members of the Officers' Reserve Corps or enlisted men of the United States Army, respectively. (Public Law 110, 78th Congress.)

(q) *Commissioned or enlisted members of the Women's Reserve of the Navy, Marine Corps or Coast Guard.* On or after November 8, 1943, commissioned or enlisted members of the Women's Reserve of the Navy or Marine Corps, and on or after December 23, 1943, commissioned or enlisted members of the Women's Reserve of the Coast Guard are entitled to pension for disability incurred in or aggravated by active service in the Navy, Marine Corps or Coast Guard in line of duty.

(r) *Coast Guard.* Personnel of the United States Coast Guard who served on or after January 28, 1915. (Acts of July 2, 1930, and July 18, 1941.) (*Provided*, That no award of disability compensation under Public Law 182, 77th Congress, to former personnel of the United States Coast Guard who served on or after January 28, 1915, and prior to July 2, 1930, shall be effective prior to the date of receipt on or after July 18, 1941, of an acceptable application, formal or informal, as required in disability claims generally.)

(s) Personnel of the National Guard or the National Guard of the United States, while in the active service of the United States.

(t) Pay clerks in the Navy.

(u) Paymaster clerks while serving under a commission from the Secretary of War.

(v) Members of the Naval Academy Band on and after April 12, 1910.

(w) Men inducted for training and service under Public No. 783, 76th Congress. (Section 3 (d), Public No. 783, 76th Congress.)

(x) *Public No. 140, 73d Congress.* Any officer (including warrant and reserve officers) or enlisted man who served according to the provisions of that act and during the period specified therein.

(y) Paymaster clerks in the Marine Corps.

(Sec. 1, 46 Stat. 847, secs. 2, 4, 48 Stat. 9, 456, 508, 50 Stat. 305, 55 Stat. 598, 733, secs. 1, 2, 56 Stat. 1020, 1038, 1072, sec. 10, 57 Stat. 371, 556, 586, sec. 212, 58 Stat. 219, 324, 669, 60 Stat. 223; 10 U. S. C. 336, 28 U. S. C. 375, 33 U. S. C. 855a, 34 U. S. C. 857a, 37 U. S. C. 113 note, 38 U. S. C. 121, 238, 238c–e, 704, 730, ch. 12 note, 42 U. S. C. 213, 48 U. S. C. 1232, 50 U. S. C. 301, 50 App. U. S. C. 1591–1598)

§ 3.2 *Persons not included in the acts*—(a) *Cadets and Cadet Engineers, Coast Guard.* Cadets at the Coast Guard Academy and Cadet Engineers in the Coast Guard who were not assigned to active service are not included unless they served as cadets at the Coast Guard Academy on or after December 7, 1941, and before twelve o'clock noon, December 31, 1946. (See § 3.1 (l).)

(b) *Russian Railway Service Corps.* Men in the Russian Railway Service Corps are not included.

(c) *Draftsmen in the Engineer Corps.* Draftsmen in the Engineer Corps were civilian employees in the Military Establishment obtained by the Department through the Civil Service and are not included.

(d) *Field clerks, Engineer Corps.* The so-called field clerks in the Engineer Corps were civilian employees who had no military status and are not included.

(e) *Civilian field clerks, Signal Corps.* Civilian field clerks, Signal Corps, were civilian employees in the Military Establishment and are not included.

(f) *Postal agents in France.* Postal agents sent to France by the Post Office Department to handle field mail for the troops were civilian employees and are not included.

(g) *Organized military forces of the government of the Commonwealth of the Philippines.* Service in such organizations on or after July 1, 1946, is not service in the United States armed forces within the purview of the laws administered by the Veterans' Administration. (Military order of the President dated July 1, 1946.)

(h) *Temporary members of the Coast Guard Reserve.* Members of such Reserve are not within the purview of the laws governing the Veterans' Administration. (Sec. 4, 48 Stat. 9; 38 U. S. C. 704.)

JURISDICTION

§ 3.3 *Jurisdiction of adjudication division.* Within the jurisdiction of field adjudication activities, the adjudication division in each regional office or center, under the direction of an adjudication officer, will be responsible for the preparation and adjudication of claims for disability compensation or pension and determining, upon proper request, service connection for the condition or conditions for which out-patient treatment only is requested; for determining whether the character of discharge is a bar to benefits, including benefits under Titles II, III and V of Public Law 346, 78th Congress, as amended, and hospital treatment, domiciliary care, and out-patient treatment for service-connected disabilities under Public No. 2, 73d Congress, as amended, in doubtful cases; for determining whether disabilities are service-connected and compensable for purposes of vocational rehabilitation; for determining whether the injury or disability for which discharged, in those instances where the veteran served, less than ninety days, was incurred or aggravated in line of duty for the purposes of Titles II, III and V, Public Law 346, 78th Congress, as amended; for the preparation and adjudication of claims involving Public Law 314, 78th Congress. (Sec. 7, 48 Stat. 9, 58 Stat. 230; 38 U. S. C. 707, 26c)

§ 3.4 *Jurisdiction of authorization unit.* The authorization unit will have jurisdiction over the determination of basic eligibility for monetary benefits in claims under the jurisdiction of the field office; the development of claims in conformity with established Veterans' Administration policy; the adjudication of all claims upon completion of rating action; the maintenance of such follow-up procedure as may be required (this does not apply to follow-up of requested physical examinations); the development and certification of appeals; the certification, upon proper request, of data for consideration in determining eligibility for domiciliary care or hospital or out-patient treatment; the determination whether the character of discharge is a bar to benefits including benefits under Titles II, III and V of Public Law 346, 78th Congress, as amended, and hospital treatment, domiciliary care, and out-patient treatment for service-connected disabilities, under Public No. 2, 73d Congress, as amended, in doubtful cases; the furnishing of technical information, through correspondence or otherwise, to veterans or their representatives in explanation of action taken upon individual claims, and the carrying out of such duties in relation to the foregoing and adjudication matters, general or otherwise, as may be properly assigned by central office or the branch office. (Sec. 7, 48 Stat. 9; 38 U. S. C. 707)

§ 3.5 *Jurisdiction of rating board.* (a) The rating boards are vested with authority to determine questions of service connection of disability flowing from diseases and injuries (including such determinations for purposes of Public Law 346, 78th Congress, as amended), in cases in which the jurisdiction is temporarily or permanently vested in the field office concerned; to determine the necessity for, type of, sufficiency of, and appropriate date of examinations and re-examinations, including hospitalization for observation, for rating purposes; to determine and to evaluate the disability resulting from each and from all such diseases and injuries and to determine whether any such disease or injury is due to the wilful misconduct or misconduct of the veteran; to determine the competency or incompetency of claimants in proper cases; to determine whether the veteran was insane at time of commission of offense resulting in discharge otherwise precluding entitlement to benefits; to determine whether children of veterans are insane, idiotic or otherwise helpless by reason of mental or physical condition; to determine entitlement under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress and under paragraph 4, Part VII, Veterans' Regulation No. 1 (a), as amended. (38 U. S. C. ch. 12)

(b) The rating boards will have original jurisdiction to rate claims involving disability compensation or pension under the jurisdiction of the field office.

(c) All decisions will be rendered in executive session only after group deliberation participated in by each of the three rating specialists, and will represent a group decision, for the completeness and accuracy of which each of the signatory members will be responsible. The decision of two concurring members will constitute the decision of the board.

(d) In the event of a dissenting opinion by a rating specialist or a member of the central disability board, no payment will be made based upon the decision, until it has been authoritatively determined whether an appeal will be taken. If appeal from any decision is taken by any of the officials designated in § 19.7 of this chapter, no change in payments, based on the decision appealed from, will be made until a decision is rendered by the board of veterans appeals and the case file is returned to the appropriate activity.

(e) If it is decided that an appeal is to be taken by one of the officials designated in § 19.7 of this chapter the claimant or his representative will be promptly informed concerning the question at issue and concerning his right of appearance or representation before the rating board or the board of veterans' appeals. As provided in Veterans' Administration adjudication procedures, the formal hearing in the field office will be in lieu of a formal hearing before the board of veterans' appeals, except in the unusual case when a special appearance by the veteran or his representative before the board of veterans appeals may be considered necessary. The hearing will not be accepted to serve as a basis for reversal of the majority decision, but such action as may be indicated will be taken where new and material evidence is submitted or where the further development of evidence would appear to be advisable on information submitted by or in behalf of the claimant. A transcribed record of the hearing will be filed. If, upon being informed of the administrative appeal, the claimant or his representative elects to present additional evidence or argument in support of the administrative appeal, such election will be deemed to be an appeal, and the two appeals will be merged and considered in accordance with the provisions of § 3.328. (Sec. 7, 48 Stat. 9; 38 U. S. C. 707)

§ 3.6 *Decisions to conform to existing laws, regulations, and defined policies.* All decisions will conform strictly to the laws, regulations, Administrator's Decisions and defined policies as enunciated by the Administrator. All opinions of the solicitor which constitute a precedent are embodied either in Administrator's Decisions or opinions which are approved by the Administrator. Conclusions reached in individual cases are frequently influenced by peculiar facts or local statutes and, consequently, will not be followed as precedents. However, where it is apparent beyond question that the situation is identical, such conclusions may be followed as a matter of consistency in the adjudication of claims under the law or regulations applicable. (Sec. 7, 48 Stat. 9; 38 U. S. C. 707)

§ 3.7 *Information on all decisions to be furnished to veterans.* The claimant will, in all cases in which he appears personally before a rating board, be informed by the board of the decision reached and the reason therefor. The claimant will also be advised upon completion of adjudicative action based upon the decision, of the provisions thereof, and his entitlement, or non-entitlement thereunder and of his right of appeal, and of the time within which appeal must be taken. While failure to receive written notice of right to, and time for, appeal will not extend the time for filing appeal, it will not preclude an administrative review in a meritorious case upon a proper authorization. Claims which involve this provision will be forwarded with a summary of the facts and a recommendation by the adjudication officer or assistant adjudication officer, in field cases, to the director, claims service, branch office, or, in central office cases, by the chief or assistant chief of the division concerned to the director, veterans' claims service, or the director, dependents and beneficiaries claims service, depending upon the subject matter, for appropriate action. (Sec. 7, 48 Stat. 9; 38 U. S. C. 707)

§ 3.8 *Finality of decisions.* The decision of a duly constituted rating board, in a case properly before the board, will be final and binding upon all field offices of the Veterans' Administration and will not be subject to revision except by duly constituted appellate authorities or except as provided in § 3.9. (Sec. 9, 48 Stat. 10; 38 U. S. C. 709)

§ 3.9 *Revision of rating board decisions.* (a) No rating board will reverse or amend, except upon new and material evidence, a decision rendered by the same or any other rating board, or by any appellate authority, except where such reversal or amendment is clearly warranted by a change in law or by a specific change in interpretation thereof specifically provided for in a Veterans' Administration issue; *Provided*, That a rating board may reverse or amend a decision by the same or any other rating board where such reversal or amendment is obviously warranted by a clear and unmistakable error shown by the evidence in file at the time the prior decision was rendered, but in each such case there shall be attached to each copy of the rating a signed statement by the rating board definitely fixing the responsibility for the erroneous decision. (See also § 3.101.) Where the severance of service connection is considered warranted on the facts of record, see paragraph (d) of this section.

(b) Whenever a rating board may be of the opinion that a revision or an amendment of a previous decision is warranted on the facts of record in the case at the time the decision in question was rendered, a difference of opinion being involved rather than a finding of clear and unmistakable error, the complete file will be forwarded to the director, claims service, branch office, accompanied by a complete and comprehensive statement of the facts in the case and a detailed explanation of the matters supporting the conclusions that a revision or amendment of the prior decision is in order. All cases in which difference of opinion on the same factual

basis involves a rating agency in central office, or exists between rating agencies in different branch office territories, will be submitted directly by the director, claims service, branch office, to the assistant administrator for claims, attention of the director, veterans' claims service. A rating decision will not be effected in any such case pending the return of the case file following branch or central office consideration. The effective date of the rating authorizing benefits in such cases will be the date of administrative determination, except where otherwise provided.

(c) Determinations in effect on March 19, 1933, will not be reversed in those cases comprehended within the provisions of sections 27 and 28, Public No. 141, 73d Congress, except as provided in these sections. These cases, therefore, will not be referred to the branch office, under paragraph (b) of this section upon a difference of opinion. In the event clear and unmistakable error is discovered the rating board will take action as provided in paragraph (a) of this section.

(d) Authority to sever service connection upon the basis of clear and unmistakable error (the burden of proof being upon the Government), even in those instances where veterans are pursuing courses of vocational rehabilitation training under Veterans' Regulation 1 (a), Part VII, as amended (38 U. S. C. ch. 12), is vested in regional offices and centers. Service connection will not be severed in any case on a change of diagnosis in the absence of the certification hereinafter provided. Accordingly, in reports of examinations submitted for rating purposes, where a change in diagnosis of a service-connected disability is made, the examining physician or physicians, or other proper medical authority, will be required to certify, in the light of all accumulated medical evidence, that the prior diagnosis on which service connection was predicated, was not correct. This certification will be accompanied by a summary of the facts, findings and reasons supporting the conclusion reached. When the examining physician or physicians, or other proper medical authority, are unable to make the certification provided herein, service connection will be continued by the rating agency. Where this certification is made, the case will be carefully considered by the rating agency and in the event it is determined in consideration of all the accumulated evidence that service connection should be continued, a decision to that effect will be rendered, citing this regulation as authority. If, in the light of all the accumulated evidence, it is determined that service connection may not be maintained, it will be severed. The claimant will be immediately notified in writing of the contemplated action and the detailed reasons therefor and will be given a reasonable period, not to exceed sixty days from the date on which such notice is mailed to his last address of record, for the presentation of additional evidence pertinent to the question. This procedure is for application except (1) in case of fraud; (2) in case of a change in law; (3) in case of a change of interpretation of law specifically provided in a Veterans' Administration issue; or (4) where the evidence establishes the service connection to be clearly illegal. (See Veterans' Administration adjudication procedures.)

(e) When the reduction of an award for a service-connected disability is considered warranted by a change in physical condition, the rating agency will prepare an appropriate rating extending the present evaluation sixty days from the date of rating, followed by the reduced evaluation. In all such cases award action and approval will be processed at the time of rating but the date of submission and approval entered on the award form will be the date following expiration of the sixty-day period following the date of rating. The reduction or discontinuance of the award shall become effective, in accordance with Veterans' Regulation No. 2 (a), Part I, paragraph III (b) (38 U. S. C. ch. 12), on the last day of the month in which the approval of the award is effective. In view of the time limitation the veteran will be promptly notified in writing at the time that such award action and approval are processed that the reduction or discontinuance will be effective as provided above, without further notice, if additional evidence is not submitted within the sixty-day period. If the veteran submits additional evidence within the sixty-day period, the rating and all award or approval action processed in accordance with the foregoing shall be reconsidered and confirmed, modified or canceled as required. The rating sheet will bear the following notation: "R. & P. R–1009 (E), as amended." (Sec. 7, 48 Stat. 9; 38 U. S. C. 707)

§ 3.10 *Adjudication of applications.* Applications for disability compensation or pension will be adjudicated in the appropriate field station when the applicant's entire military or naval service was subsequent to July 15, 1903, or Coast Guard service subsequent to January 27, 1915, except when jurisdiction is otherwise vested in central office under § 3.1025. (Sec. 7, 48 Stat. 9; 38 U. S. C. 707)

§ 3.11 *Adjudication of applications of veterans residing without the continental limits of the United States.* Applications for disability compensation or pension received from veterans who reside outside the continental limits of the United States, with the exception of the Territory of Alaska, Hawaii, Puerto Rico, or the Republic of the Philippines will be adjudicated in the claims division, veterans claims service, central office. Accordingly, these applications will be forwarded to central office. This provision does not apply to transients inasmuch as residence beyond the continental limits of the United States must be satisfactorily established. However, such residence will be presumed if three consecutive monthly checks are received at the same address. (38 U. S. C. ch. 12, Reg. 10.) (Sec. 7, 48 Stat. 9; 38 U. S. C. 707)

§ 3.12 *Adjudication of Applications of Employee-Claimants.* Applications for disability compensation or pension, presented by veterans in the employ of the Veterans' Administration will be adjudicated in the claims division, veterans claims service, central office. Accordingly, all such applications will be transferred by field offices to central office when an employee-claimant in either the classified or unclassified service or a member-employee has been continuously employed for ninety days provided that no adjudication is necessary during such period. If any adjudication is necessary in the case of an employee-claimant during the ninety-day period, such claim will be transferred to central office immediately. (See Veterans' Administration general procedures.)

§ 3.13 *Adjudication of applications of veterans residing in Washington, D. C.* Applications for disability compensation or pension, submitted by veterans residing in Washington, D. C., other than in the United States Soldiers Home, will be adjudicated in the regional office, Washington, D. C.

AERIAL TRANSPORTATION OF MAIL

§ 3.14 *Public No: 140, 73d Congress.* Compensation at the rates provided by Veterans' Regulation No. 1 (a), Part I (38 U. S. C. ch. 12), is payable to any officer (including warrant and reserve officers), of any enlisted man or his dependents where injury or death occurs while serving pursuant to the provisions of Public No. 140, 73d Congress. In the event of injury of any such officer or enlisted man the degree of disability resulting therefrom will be evaluated in accordance with the applicable Schedule for Rating Disabilities promulgated pursuant to Public No. 2, 73d Congress. The officer or enlisted man may elect to receive either the compensation under Veterans' Regulation No. 1 (a), Part I, or the benefits provided by section 5 of Public No. 140, 73d Congress. (48 Stat. 508).

DELEGATION OF AUTHORITY

§ 3.24 *Delegation of authority to certain employees.* (a) All adjudication officers, assistant adjudication officers, authorization officers, employees designated to act as authorization officers, attorney reviewers, employees designated to act as attorney reviewers, and claims reimbursement authorizers, are hereby delegated authority to make findings and decisions thereon under the applicable laws, regulations, precedents, and instructions, as to rights of claimants to benefits under all laws administered by the Veterans' Administration governing the payment of monetary benefits to veterans and their dependents.

(b) The chairman, central committee on waivers and forfeitures, alternate chairman, central committee on waivers and forfeitures, and chairmen and alternate chairmen, committee on waivers, are hereby delegated authority to take final action in the waiver of the recovery of payments from any person pursuant to the provisions of title 38, sections 33, 453, 507 (a), and 809, U. S. C., as amended, subject to any limitations imposed by current regulations and instructions.

(c) The authority delegated by paragraphs (a) and (b) of this section, also the authority heretofore delegated to the designated employees individually, will terminate upon separation from service or change to a position not designated in paragraphs (a) and (b) of this section. Notice of termination of delegated authority as above provided will be sent immediately to the finance officer or payees accounts division, finance service, by the manager or responsible official in central office. Upon receipt of notice of termination of authority, the signature card provided for in § 3.25 will be removed from the file of authorized signature cards and dead-filed.

§ 3.25 *Verification of signatures of employees delegated authority under § 3.24 (a) and (b).* To insure proper certification of signature of employees delegated authority by § 3.24 (a) and (b), a 3 x 5 card containing the employee's actual signature and designation, dated, and certified by the proper official (signature cards for adjudication officers will be certified by the manager; authorization officers by the adjudication officer, etc.), will be prepared for each person delegated authority by § 3.24 (a) and (b). This card will be delivered to the finance officer or payees accounts division, finance service. A similar card will be certified to the finance officer for each adjudicator.

FILING OF CLAIMS AND SUPPORTING EVIDENCE

§ 3.26 *Application for benefits.* (a) A properly completed and executed VA Form 526, 526a, or 526b, upon receipt by the Veterans' Administration, constitutes an application for benefits indicated below and will be adjudicated under the applicable laws:

VA Form 526, Veteran's Application for Compensation for Disability Resulting From Service in the Active Military or Naval Forces of the United States.

VA Form 526a, Application for compensation Under Section 31, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and section 2, Paragraph 4, Public Law 16, 78th Congress.

VA Form 526b, Veteran's Application for Pension for Disability Not the Result of Service in the Active Military or Naval Forces of the United States.

Under Executive Order 6017, February 7, 1933, appearing in title 22, page 161, Code of Federal Regulations of the United States of America, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration, and therefore a formal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative.

(b) Applications for compensation, pension, or burial allowance, other than claims for pension under the general law, predicated on service prior to April 21, 1898, need not be sworn to but shall be acceptable on the claimant's own certification, shown to have been made with knowledge of the penalties provided by law for false or fraudulent claims, statements, etc.

§ 3.27 *Informal claims.* Any communication from or action by a claimant or his duly authorized representative, or some person acting as next friend of a claimant who is not sui juris, which clearly indicates an intent to apply for disability or death compensation or pension may be considered an informal claim. To constitute an informal claim, the communication must specifically refer to and identify the particular benefit sought. When an informal claim is received and a formal application is forwarded for execution by the claimant, such application shall be considered as evidence necessary to complete the initial application, and, unless a formal application is received within 1 year from the date it was transmitted for execution by the claimant, no award shall be made by virtue of such informal claim. If received within 1 year in such instances, it will be considered filed as of the date of receipt of the informal claim by the Veterans' Administration. However, a communication received from a service organization, pension attorney, or pension agent may not be accepted as an informal claim, if a power of attorney was not executed at the time the communication was written. In cases not covered by this rule, where the probability of an informal claim appears to be indicated but the facts are too obscure or complicated for determination, the file will be referred to the director, claims service, in branch office cases, or the director of the service concerned in central office cases, for decision upon the facts in the particular case. When benefits are being resumed under § 3.299 and an informal claim has been filed for a disability incurred or aggravated in the second period of service, the requirements of the third and fourth sentences of this paragraph are not for application. Under Executive Order 6017, February 7, 1933, appearing in title 22, page 161, Code of Federal Regulations of the United States of America, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration, and therefore an informal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative.

§ 3.28 *Abandoned claims.* In an original claim or a claim for increase in which no response has been made within 1 year after the request for the evidence or order for physical examination by the Veterans' Administration, the claimant's failure or disregard will constitute abandonment of the claim and sufficient grounds for its rejection. After the expiration of 1 year, further action may not be taken unless a new application is received. Should the claim be finally established, pension or compensation shall commence from the date of filing the new application. (38 U. S. C. ch. 12. Reg. 2 (d).) (Sec. 9, 48 Stat. 10; 38 U. S. C. 709)

REQUIREMENTS FOR SUBMISSION OF EVIDENCE

§ 3.30 *Written and oral testimony to be under oath; administration of oaths by employees.* (a) All written testimony, whether lay or medical, submitted by or in behalf of a claimant in support of service-connection as proof that the claimant is entitled to such benefits will be submitted under oath. Claimants, their legal representatives, and witnesses in their behalf, appearing before any rating or appellate body for the purpose of presenting oral testimony, will be duly sworn.

(b) Employees detailed in accordance with section 300, Public No. 844, 74th Congress, may administer the oaths when their services are available without extra cost to the Government. (Sec. 300, 49 Stat. 2033; 38 U. S. C. 131)

§ 3.31 *Physicians' statements and lay affidavits.* (a) Statements are sometimes submitted to the Veterans' Administration which show that a physician has rendered professional care and treatment to a claimant but fail adequately to diagnose the disease or injury involved, the period and nature of the treatment rendered, or other facts necessary to enable the Veterans' Administration to determine whether the care and treatment is associated with the alleged service-incurred disease or injury. It would be unfair to the claimant arbitrarily to dismiss these statements as inconclusive without first undertaking to obtain from the physician or other person additional information, if possible. It is to the mutual interest of the claimant and of the Veterans' Administration to clarify any indefinite, inconclusive or incomplete statement through correspondence, and whenever necessary through personal contact, with the physician or other person submitting the statement.

(b) The adjudication personnel responsible for evaluating evidence will request amplification, clarification, or explanation of the evidence presented to them, if such action is considered necessary to an intelligent and equitable adjudication of the claim, but it is not intended that physicians' or laymen's statements will be routinely subjected to investigation.

(c) Full credence shall be given to the evidence submitted in proper form in support of claims for disability compensation, unless there is sound basis for doubt as to the conditions set forth in the physician's or layman's statement, by reason of other conflicting evidence or otherwise. A mere belief that a statement or affidavit is made from memory, without some sound basis therefor, is not sufficient ground for questioning its integrity. If conflicting evidence develops, the field office will reconcile the conflict by correspondence, and travel will not be resorted to for this purpose unless it is absolutely essential, and accurate and positive information cannot be obtained in any other manner.

(d) Where the veteran was engaged in combat with the enemy in active service with a military or naval organization of the United States during a war, campaign or expedition, satisfactory lay or other evidence of service incurrence or aggravation of a disease or injury will be accepted as sufficient proof establishing that fact if consistent with the circumstances, conditions, or hardships of such service, notwithstanding there is no official record of such incurrence or aggravation, *Provided*, That service connection is not rebutted by clear and convincing evidence. The benefit of every reasonable doubt will be resolved in favor of such veterans and the reasons for granting or denying service connection in each such case shall be recorded in full. (Public Law 361, 77th Cong. 55 Stat. 847; 38 U. S. C. 726) See § 3.77 (b).

§ 3.32 *Evidence required from a foreign country and release of original documents from files of the Veterans' Administration for authentication.* (a) (1) Except as provided in subparagraphs (2) and (3) of this paragraph, where an affidavit or document is executed by or before an official in a foreign country, the signature of that official must be authenticated either (i) by a United States consular officer in that jurisdiction or (ii) by the Department of State. Affidavits or other documents emanating from foreign countries or jurisdictions where the United States has no consular representative may be authenticated in one of the following manners:

(i) By a consular agent of a friendly government. The signature and seal of the official of that country may be authenticated by a diplomatic or consular officer of a friendly government stationed in that country, whereupon the signature and seal of the official of the friendly government may be authenticated by the Department of State as provided below:

(ii) By the nearest American consul. The document may be forwarded to the nearest American consul who will attach a certificate showing the result of his investigation concerning its authenticity, and such certificate, if favorable, will be accepted by the Veterans' Administration.

(2) Authentication shall not be required:

(i) On documents submitted through and approved by the Deputy Minister of Veterans' Affairs, Department of Veterans' Affairs, Ottawa, Canada; or

(ii) When it is indicated that the attesting officer is authorized to administer oaths for general purposes and the paper bears his signature and seal; or

(iii) When the document is executed before a Veterans' Administration employee authorized to administer oaths as provided by § 3.30 (b) located in a foreign country; or

(iv) When a copy of a public or church record from any foreign country purports to establish birth, marriage, divorce or death: *Provided*, It bears the signature and seal of the custodian of such record and there is no other evidence in the file which would serve to create doubt as to the correctness of the information shown on the record; or

(v) When a copy of a public or church record from one of the countries comprising the United Kingdom, namely: England, Scotland, Wales or Northern Ireland, purports to establish birth, marriage or death, provided it bears the signature or seal or stamp of the custodian of such record and there is no other evidence in the file which would serve to create doubt as to the correctness of the information shown on the record.

(3) The authenticity of notarizations of affidavits prepared in the Republic of the Philippines may be certified by a Veterans' Administration representative of the regional office or a Veterans' Administration office located in the Philippines who is authorized to administer oaths as provided by § 3.30 (b).

(b) When documents received require authentication, they will be forwarded to the Department of State through the head of the activity concerned in central office, and subsequently through the office of foreign relations service, for the purpose of authentication. The Department of State will be informed that any expense which may accrue incident to the authentication must be borne by the claimant. The name and address of the person submitting the document and information as to the purpose for which it is to be used will be furnished. (In compliance with the recommendation of the State Department, the use of the word "visaed" in connection with papers submitted in proof of claims will be avoided as it is often misunderstood by the applicants in whose minds the word is associated with visas granted immigrants.)

When a document which requires authentication is transmitted to the Veterans' Administration by the embassy or legation of a foreign country it will be returned, if not properly authenticated, through the head of the activity concerned in central office, and subsequently through the office of foreign relations service, to such embassy or legation for authentication and for submittal through the Department of State for further authentication. Documents emanating from China and Japan will not be returned direct to the embassies of these countries for authentication. The documents will be forwarded to the Department of State, through the office of foreign relations service, with a request for proper authentication by that Department.

(c) Where it is indicated that evidence from a foreign country to establish relationship, age or death would not be accessible to the claimant and evidence of record tends to establish the facts in issue, the case file, together with a complete statement of facts, will be submitted to the director of claims in a branch office, or the director, veterans claims service, or director, dependents and beneficiaries claims service, in central office, whichever is appropriate, with a recommendation that a finding of relationship, age, or death be made.

§ 3.33 *Value of service records for evidence of discharge.* For the purpose of securing authoritative information in regard to discharge, with the view to making pension or compensation payments, if merited, the possession by the Veterans' Administration of any one of the following documents will furnish proof of such discharge and will be accepted by the Veterans' Administration at face value as credible evidence. An actual certificate of discharge; an authoritative notice from the Adjutant General's Office or from the Navy Department as to the facts of such discharge; or lastly, any copy or abstract of the certificate of discharge which has been certified by a notary public or any other person who has the authority under law to administer oaths. In any case in which such evidence or a photostat of the certificate of discharge is received, it will be accepted as authoritative proof of the data shown therein, for the purpose of making awards of disability or death benefits. These data need not be verified where they alone are sufficient to determine entitlement to disability or death compensation or pension benefits, unless there is some reason to question the genuineness of the document or accuracy of the information contained therein. This does not preclude the securing of additional information which may not be disclosed on the certificate of discharge or copy.

PROOF OF RELATIONSHIP AND DEPENDENCY

§ 3.40 *Definitions as to relationship.* Definitions as to relationship used in the World War Veterans' Act, 1924, as amended, are applicable under sections 26, 27, and 28 of Public No. 141, 73d Congress. On or after July 13, 1943, the date of enactment of Public Law 144, 78th Congress, the definitions of parent, father, mother, and child for the purposes of Public No. 141, 73d Congress, as amended by Public Law 144, 78th Congress, are those given in §§ 3.41 and 3.42. (Sec. 3, 43 Stat. 607, secs. 7, 8, 57 Stat. 555–556; 38 U. S. C. 424, ch. 12 note)

§ 3.41 *Definition of mother or father under Public No. 2, 73d Congress, Public No. 141, 73d Congress, Public No. 484, 73d Congress, Public No. 269, 74th Congress, Public Law 16, 78th Congress, as amended, and Public Law 346, 78th Congress.* (a) These terms mean a natural mother or father of a veteran, or mother or father of a veteran through legal adoption. The phrase "natural mother" means the biological female parent, whether the veteran was legitimate or illegitimate. In establishing relationship where the dependency of a mother is for consideration the submission of evidence of birth will suffice, as evidence of the mother's marriage in establishing relationship under these circumstances would serve no useful purpose. Where the dependency of a father, as defined in paragraph VII of Veterans' Regulation No. 10 (38 U. S. C. ch. 12) is involved, evidence establishing the parentage, through marriage or otherwise, will be required. On or after July 13, 1943, for the purposes of Public No. 2, 73d Congress, and Public No. 141, 73d Congress, as amended by Public Law 144, 78th Congress, the terms "parent," "father," and "mother" include a father, mother, father through adoption, mother through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than one year (not including stepparent, unless such stepparent stood in loco parentis): *Provided*, that not more than one father and one mother, as defined, shall be recognized in any case, and preference shall be given to such father or mother who actually exercised parental relationship at the time of or most nearly prior to the date of entry into active service by the person who served. (Section 1, Public Law 144, 78th Congress, and section 1500, Public Law 346, 78th Congress.)

(b) The father of an illegitimate child will be considered to be within the meaning of the word "father" as used in the War Risk Insurance Act, or the World War Veterans' Act, 1924, as amended, upon proof of the existence of the family relationship usual between parent and child at the time the latter entered the service. (Sec. 3, 48 Stat. 1281, 49 Stat. 614, sec. 8, 57 Stat. 556; 38 U. S. C. 368, 505, ch. 12 note.)

§ 3.42 *Definition of child for purposes of Public No. 2, 73d Congress, Public No. 141, 73d Congress, Public No. 484, 73d Congress, Public No. 269, 74th Congress, Public Law 16, 78th Congress, as amended, and Public Law 346, 78th Congress.* The term "child" means a legitimate child or a child legally adopted, unmarried and under the age of eighteen years, unless prior to reaching the age of eighteen the child becomes or has become permanently incapable of self-support by reason of mental or physical defect. Apportioned compensation or pension may be continued under Public No. 2, 73d Congress, as amended by Public No. 78, 73d Congress, after the age of eighteen years but not after the age of twenty-one years on behalf of any child pursuing a course of instruction approved by the Administrator. On or after July 13, 1943, for the purposes of Public No. 2, 73d Congress, and Public No. 141, 73d Congress, as amended by Public Law 144, 78th Congress, the term "child" means a person unmarried and under the age of eighteen years, unless prior to reaching the age of eighteen years the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child; a child legally adopted; a stepchild if a member of the man's household; an illegitimate child, but as to the father, only if acknowledged in writing, signed by him, or if he has been judicially ordered or decreed to contribute to the child's support or has been prior to his death judicially decreed to be the putative father of such child, or if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of such child; as to the mother, proof of birth is all that is required: *Provided*, That the payment of pension shall be continued after the eighteenth birthday and until completion of education or training (but not after such child reaches the age of twenty-one years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute or university, particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn. (Sec. 1, Public Law 144, 78th Cong., and sec. 1500, Public Law 346, 78th Cong.) Sec. 3, 48 Stat. 1281, 49 Stat. 614, sec. 1, 57 Stat. 554; 38 U. S. C. 368.)

§ 3.43 *Legitimacy of child.* The question of the legitimacy of a child is dependent upon the laws of the State involved.

§ 3.44 *Veteran's child adopted by another person.* A child of a veteran adopted out of the family of the veteran is, nevertheless, a "child" within the meaning of that term as defined in paragraph VI, Veterans' Regulation No. 10 (a) (38 U. S. C. ch. 12), except that no apportionment will be authorized other than in the additional amount specifically provided by the World War Veterans' Act, 1924, as re-enacted by Public No. 141, 73d Congress, to be paid on account of the child.

§ 3.45 *Evidence to establish relationship of child, for compensation, pension, and subsistence allowance purposes—*(a) *Legitimate child.* Where it is necessary to determine the legitimacy of a child, evidence will be required to establish the legality of the marriage of the mother of the child to the veteran or to show that the child is otherwise legitimated by State laws (see § 3.43), together with evidence of birth as outlined in § 3.46. Where the legitimacy of a child is not a factor, evidence to establish legitimacy will not be required, provided evidence is on file which meets the requirements of paragraph (b) sufficient to warrant recognition of the relationship of the child without regard to legitimacy.

(b) *Illegitimate child.* (1) As to the mother of an illegitimate child, proof of birth is all that is required. As to the father, proof of relationship of an illegitimate child shall consist of:

(i) An acknowledgment in writing signed by him;

(ii) Evidence that he has been judicially ordered or decreed to contribute to the child's support;

(iii) Evidence that he has been, prior to the date of death of the veteran, judicially decreed to be the putative father of the child; or

(iv) Other evidence satisfactory to the Administrator that the veteran is the putative father of the child, which may include but is not limited to:

(a) A certified copy of the public record of birth showing that the veteran was named as father of the child;

(b) Statements of persons who know that the veteran accepted the child as his; or

(c) Information obtained from public records, such as school or welfare agencies, which shows that the veteran was reputed to be the father of the child.

(2) The sufficiency of evidence will be determined in accordance with the facts in the individual case.

(3) Where none of the evidence outlined in subparagraphs (1) (i), (ii), or (iii) of this paragraph has been submitted, and evidence is on file which is considered adequate to establish the reputed paternity of an illegitimate child as contemplated by subparagraph (1) (iv) of this paragraph, a brief summary of the facts, including a description of the supporting evidence and a recommendation that a finding of fact of relationship be made, will be submitted for the approval of the appropriate official, as follows:

(i) In regional office cases, the adjudication officer or the chief, vocational rehabilitation and education division;

(ii) In branch office cases, the director, claims service;

(iii) In central office cases, the chief, claims division, the chief, adjudicating division, or the director, registration and research service.

§ 3.46 *Evidence of birth.* Evidence of birth tending to establish age or relationship for the purpose of payment of any benefits under any law administered by the Veterans' Administration should consist of one of the following types of evidence in the following order of preference: *Provided*, that if the name of the person appearing on the copy of a record is not the same as that appearing on the records of the Veterans' Administration, an affidavit will be required identifying the person having the changed name as the person whose name appears in the record:

(a) A certified copy or abstract of the public record of birth or a certified copy of the church record of baptism, the certification to be made by the custodian of such records. A public birth record established more than four years after the birth shall be accepted as proof of age or relationship provided it is not inconsistent with material of record with the Veterans' Administration, or if it shows on its face that it is based upon evidence which would itself be acceptable under any of the other paragraphs of this section. A record of baptism performed more than four years after birth shall not be accepted as proof of age or relationship unless it is consistent with material of record with the Veterans' Administration, which shall include at least one reference to age or relationship made at a time when such reference was not essential to establishing title to the benefit being claimed.

(b) Official report from service department as to birth which occurred while the veteran was in service.

(c) Affidavit of the physician or midwife in attendance at birth.

(d) Copy of Bible or other family record certified to by a notary public or

other officer with authority to administer oaths for general purposes, who should state in what year the Bible or other book in which the record appears was printed, whether the record bears any erasures or other marks of alteration, and whether from the appearance of the writing he believes the entries to have been made recently or at the time reputed.

(e) Affidavits of two or more persons, preferably disinterested, who shall state their ages, showing the name, date and place of birth of the person whose age or relationship is being established, and that to their own knowledge such person is the child of such parents (naming the parents), and stating the source of their knowledge.

(f) Other evidence which is adequate to establish the facts in issue, including census records, original baptismal records, hospital records, insurance policies, school, employment, immigration or naturalization records.

§ 3.47 *Claims based on attained age.* (a) (1) In claims for pension where the age of the veteran is material and his statements of age agree with that shown at enlistment by official records, such statements may be accepted. If his statements do not agree with the service department report, the youngest age will be accepted, subject to the submission of acceptable evidence as outlined in § 3.46.

(2) In claims for pension where the age of a widow of a veteran is material (i. e., where the claim is predicated upon service rendered prior to July 16, 1903), her statements of her age will be accepted provided such statements agree with those shown on documents executed by her and filed in the Veterans' Administration prior to the time her age became a factor in determining her entitlement to pension or the rate of her pension. If her statements of age do not agree with those shown on such documents the youngest age will be accepted. In the absence of statements as described or in the event the statements do not agree with information shown on documents of record, proof of the date of birth as outlined in § 3.46 will be required.

(b) Where it is necessary to disallow an original claim due to lack of attainment of the minimum age, the claimant should be notified of his right to file a supplemental claim after reaching a pensionable age.

§ 3.48 *Secondary evidence of birth or marriage.* The classes of evidence to be requested for the purpose of establishing age or relationship or marriage are indicated in §§ 3.46 and 3.50 in the order of preference. Failure to furnish the higher class, however, does not preclude the acceptance of a lower class if the evidence furnished is sufficient to prove the point involved. Photostats of original documents or of certified copies of records may be accepted if the original would be acceptable.

§ 3.49 *Validity of marriage.* (a) All marriages shall be proved as valid according to the law of the place where the parties resided at the time of marriage, or at the time and place where the parties resided when rights to compensation or pension accrued.

(b) Jurisdiction to determine the legality of marriage for pension or compensation purposes, in questionable cases, is conferred on the Administrator of Veterans' Affairs. A marriage may not be recognized as valid until it is shown that prior marriages have been dissolved. The burden of proof as to any fact essential to establish entitlement to compensation or pension, by reason of marital status, is on the claimant.

§ 3.50 *Proof of marriage.* Marriage should be established by one of the following types of evidence in the following order of preference:

(a) Copy of the public record of marriage, duly certified or attested, or by an abstract of the public record, containing sufficient data to identify the parties, the date and place of the marriage and the number of prior marriages by either party if shown on the official record, issued by the officer having custody of the record or one duly authorized to act for him, bearing the seal of such office, or otherwise properly identified, or a certified copy of the church record of marriage.

(b) Official report from service department as to marriage which occurred while the veteran was in service.

(c) The affidavit of the clergyman or magistrate who officiated.

(d) By the production of the original certificate of marriage accompanied by proof of its genuineness and the authority of the person to perform the marriage.

(e) By the affidavits of two or more eye witnesses to the ceremony.

(f) In jurisdictions where marriages other than by ceremony are recognized, the affidavits of one or both of the parties to the marriage, if living, supplemented by the affidavits of two or more witnesses who know that the parties lived together as husband and wife and were so recognized and who shall state how long in their knowledge such relation continued, and such other evidence as may be required by the laws of the particular State to establish a valid informal or common-law marriage.

(g) The termination of all prior marriages of each party is to be shown by duly certified copies of final decrees of divorce or annulment, or by proof of death as provided in § 3.55.

(h) For the purpose of discontinuing compensation or pension payments to a widow or remarried widow, and determining the entitlement of children of the veteran, a statement by the widow or remarried widow setting forth the date of remarriage and her present name shall be accepted; *Provided*, That where there is reason to believe that the remarriage may have occurred at an earlier date, formal proof of the remarriage as outlined in the preceding paragraphs shall be required.

§ 3.51 *Effect of divorce decree granted outside the marital domicile.* Divorce decrees, regular on their face, granted either within the matrimonal domicile or outside thereof, not protested by either party after notice, will be accepted for compensation or pension purposes in determining marital status. In any case wherein a divorce decree, granted outside of the matrimonial domicile is presented for the purpose of changing compensation or pension payments, against the protest of one party to the marriage resident within the matrimonial domicile, if it be indicated from the record that the party to whom the decree was granted was not a bona fide resident of the State wherein the decree was granted, the decree will not be accepted as effecting a change in the marital status of the parties for the purpose of compensation or pension benefits without evidence being submitted satisfactory to the Veterans' Administration showing the bona fide domicile of the plaintiff to the divorce action within the jurisdiction of the court granting the decree. In any case wherein the decree is unquestioned and no reason appears for the further inquiry, or where any question as to the effectiveness of the decree is raised, and the Veterans' Administration is satisfied that plaintiff was domiciled within the jurisdiction of the court, a divorce decree will be accepted as changing the marital status notwithstanding the fact that one of the parties to the decree was not a resident of the State wherein the decree was granted and notwithstanding the fact that the State wherein he or she resided would not, according to its own law, give effect to the decree as granted. See Veterans' Administration adjudication procedures.

§ 3.52 *Proof of annulment.* Where the marriage or remarriage of a claimant who seeks benefits as an unmarried or unremarried person has been annulled, such person must submit as part of the evidence certified copies of:

(a) The petition to the court for annulment;

(b) The answer, if any;

(c) A transcript of the testimony, if available; and

(d) The court decree of annulment.

§ 3.55 *Proof of death.* Where a claim is filed on account of the death of a person, the proof of death shall be established as follows:

(a) By a copy of the public record of the State or community where death occurred, certified to by the custodian of such records; or by a duly certified copy of a coroner's report of death or a verdict of a coroner's jury of the State or community where death occurred, provided such report or verdict properly identified the deceased.

(b) Where death occurs in a hospital or institution under the control of the United States Government, by a death certificate signed by the medical officer in charge or by furnishing the evidence required under paragraph (a) of this section.

(c) Where death occurs while deceased was on the retired list, in an inactive duty status, or in the active service in the regular establishment of the United States Army, United States Navy, United States Marine Corps, or United States Coast Guard, by an official report of death from the Department of the Army or Navy, or Treasury Department, or by furnishing the evidence required under paragraph (a) of this section.

(d) Where death occurs in a United States Army hospital or in a United States Naval hospital, while the deceased was on the retired list, in an inactive duty status, or in the active service under the United States Army, United States Navy, United States Marine Corps, or United States Coast Guard, by a death certificate signed by the medical officer in charge thereof or by furnishing the evidence required under paragraph (a) of this section.

(e) Where death occurs abroad, by a United States consular report of death, bearing the signature and official seal of the United States consul or by a certified copy of the public record of death authenticated by the United States consul or other agency of the State Department.

(f) If the evidence called for in paragraphs (a) through (e) of this section cannot be obtained, the reason must be shown. If such reason is satisfactory, the fact of death may be established by the affidavit of persons who have personal knowledge thereof and have viewed the body of the deceased and know it to be the body of the person whose death is being established, setting forth all the facts and circumstances concerning the death, including the place, date, time, and cause thereof.

(g) In cases wherein proof of death, as defined in paragraphs (a) through (f) of this section, cannot be furnished, officials specifically authorized to do so by the Administrator of Veterans' Affairs may make a finding of fact of death where death is otherwise shown by competent evidence. The best evidence, which from the nature of the case must be supposed to exist, must be furnished in these cases.

§ 3.56 *Contact with other Government departments through central office.* Whenever procurement of information involves forwarding a request to another Government department, other than the service departments, State headquarters and draft boards of the Selective Service System of the various States, Railroad Retirement Board and Civil Service Commission, communication will be made through the proper activity in central office. No certification is required for copies of records requested from other Federal agencies. However, copies of official records submitted to the Veterans' Administration as evidence in connection with any claim and obtained from other than the above sources must be duly certified under the official seal of the custodian of the records.

§ 3.57 *Conditions which determine dependency.* (a) Dependency will be held to exist if the father or mother of the veteran does not have an income sufficient to provide reasonable maintenance for such father or mother and members of his or her family under legal age and for dependent adult members of the family if the dependency of such adult member results from mental or physical incapacity. "Reasonable maintenance" includes not only housing, food, clothing, and medical care sufficient to sustain life, but such items beyond the bare necessities, and as well as other requirements reasonably necessary to provide those conveniences and comforts of living suitable to and consistent with the parents' reasonable mode of life. "Members of the family" will be considered to mean those persons whom the father or mother is under moral or legal obligation to support.

(b) (1) In determining the amount of income, consideration will be given to (i) net income from property owned, or business operated, by the mother or father; (ii) earnings of the mother or father and other members of their family under legal age; (iii) actual contributions of any character to the family expenses by the adult members; (iv) so-called social security benefits, i. e., old age assistance and old age and survivors' insurance; (v) family allowances received pursuant to Public Law 625, 77th Congress, as amended by Public Law 174, 78th Congress.

(2) In determining whether other members of the family under legal age are factors in necessary expenses of the mother or father, consideration will be given to any income from business or property (including trusts) actually available, directly or indirectly, to the mother or father for the support of the minor but not to the corpus of the estate or the income of the minor which is not so available.

(3) In determining dependency, amounts received from the following named sources, by the father or mother or other member of the family, will be disregarded, viz., (i) as designated beneficiary or otherwise of any insurance under the War Risk Insurance Act, the World War Veterans' Act, 1924, as amended, or the National Service Life Insurance Act or any amendments to either; (ii) any pension or compensation under laws administered by the Veterans' Administration; (iii) benefits under the World War Adjusted Compensation Act or the Adjusted Compensation Payment Act, or any amendments to either; (iv) the 6 months pay made to the designated beneficiary thereof pursuant to 10 U. S. C. 903, 903 (a) and 456; 34 U. S. C. 943, 944 and 855c–2; (v) payments pursuant to Mustering-Out Payment Act, 1944, Public Law 225, 78th Congress; (vi) donations or assistance from charitable sources.

(4) In addition to considering income of a father or mother, consideration will be given to the corpus of such claimant's estate if under all the circumstances it is reasonable that the same or some part thereof be sold and the proceeds consumed for the claimant's maintenance.

(c) The fact that the veteran has made habitual contributions to his father or mother, or both, is not conclusive evidence that dependency existed but shall be considered in connection with all other evidence.

(d) The remarriage of a mother or father does not, per se, bar entitlement but is prima facie evidence that dependency has ceased.

(e) (1) In the absence of evidence indicating the contrary, dependency will be held to exist when the monthly income from sources proper to consider does not exceed:

(i) $80 for a mother or father (not living together).

(ii) $135 for a mother and father (living together).

(iii) The amounts stated in subdivision (i) or (ii) of this subparagraph plus $35 for each additional member of the family whose support is to be considered under the criteria indicated in paragraphs (a) and (b) of this section.

It must be definitely understood that the amounts stated are not controlling in any case but are to be used only as prima facie evidence. Each claim is subject to adjudication upon the facts thereof in the light of the governing legal principles summarized in this section. The above monetary guides are not for application in a foreign country. (55 Stat. 665; 38 U. S. C. 357b, 472b)

DETERMINATIONS AS TO BASIC ENTITLEMENT

§ 3.59 *Active service under Public No. 2, 73d Congress.* (a) In determining rights pursuant to Veterans' Regulation No. 1 (a), (38 U. S. C. ch. 12), active service shall be accepted as exclusive of unauthorized leave of absence which materially interferes with the performance of military duties or of periods of agricultural, industrial, or indefinite furlough. The definition of "active service" shall be subject to the provisions of paragraphs VIII and IX, Veterans' Regulation No. 10, as amended by Public No. 648, 75th Congress, and Public Law 439, 78th Congress, as they relate to "misconduct" and the definition of "line of duty." (38 U. S. C. ch. 12, Reg. 1 series).

(b) Service for 90 days or more, required by Part I, paragraph 1 (c), and service for 6 months or more, required by Part II, paragraph I (b), Veterans' Regulation No. 1 (a), will mean continuous, active service, as defined in paragraph (a) of this section, during one or more enlistment periods. For the purpose of Part I, Veterans' Regulation No. 1 (a), such active service must have been during an enlistment or enlistments shown to have begun prior to the termination of a service period specified by Part I, Veteran's Regulation No. 1 (a). The service requirements in claims for pension for disabilities not the result of service are defined in Part III, paragraph 1 (d), of Veterans' Regulation No. 1 (a), and paragraph 3, Veterans' Regulation No. 1 (c), as modified by Public No. 344, 74th Congress. A veteran in active service on April 6, 1917, who was discharged therefrom without serving 90 days during the World War as defined by existing regulations, will be given, if otherwise in order, the benefit of the provisions of paragraph 1 (c), Part I, Veterans' Regulation No. 1 (a), if he had 90 days continuous service.

§ 3.60 *Active service requirements of Veterans' Regulation No. 1 (a), Part III, (38 U. S. C. ch. 12).* Where the military service extended into or beyond the period of hostilities, there must be 90 days continuous service so extending in order to meet the requirements of Part III, Veterans' Regulation No. 1 (a), as amended, but the requirements of active service for a total of 90 days or more during one of the enumerated wars can be composed of two or more periods of service, if all such periods are within the war period. Service is exclusive of the furloughs enumerated in § 3.59, time under arrest, in the absence of acquittal, time for which the soldier or sailor was determined to have forfeited pay by reason of absence without leave, and time spent in desertion or while undergoing sentence of court martial. Time in a hospital, on sick furlough, or as a prisoner by the enemy is included. (52 Stat. 754; 38 U. S. C. ch. 12 note)

§ 3.61 *Validity of enlistment a prerequisite to enlistment*—(a) *In desertion at time of enlistment.* A veteran in desertion who re-enlisted and served honorably is not barred from pension, if otherwise entitled by reason of his honorable service, unless the re-enlistment was affirmatively voided by the Service Department.

(b) *Misrepresentation of age.* Title 10, U. S. C. A., in paragraphs 654 and 654a, provides that a person who enlisted in the Army between April 6, 1917, and November 11, 1918, and was discharged for fraudulent enlistment on account of misrepresentation of age shall be considered to have been honorably discharged. The same provisions are extended by title 34, U. S. C. A., paragraph 204, to a person who enlisted in the Navy or Marine Corps between April 6, 1917, and November 11, 1918. Public No. 467, 74th Congress (March 3, 1936), provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who served as an enlisted man between April 6, 1917, and November 11, 1918, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom if his service otherwise was such as would have entitled him to an honorable discharge. These provisions of Public No. 467, 74th Congress, are extended by Public No. 412, 76th Congress (February 9, 1940), to discharged sailors of the United States Navy and discharged marines of the United States Marine Corps, their widows and dependent children. Paragraph 655, as amended by Public No. 108, 75th Congress, provides that a person who enlisted in the Army between April 21, 1898, and July 4, 1902, both dates inclusive, and who was discharged for fraudulent enlistment on account of minority or misrepresentation of age shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge. If the discharge was for fradulent enlistment on account of misrepresentation of age by the veteran's statement alone, benefits may be awarded from January 5, 1927, if otherwise entitled; but where the individual was discharged because of fraudulent enlistment on account of minority, benefits, if otherwise in order, are payable from May 25, 1937. The determination whether the veteran should be considered to have been honorably discharged under the several provisions of this section will be made by the appropriate service department, and such determination will be binding on the Veterans' Administration. (49 Stat. 1159, 54 Stat. 21; 10 U. S. C. 654b; 34 U. S. C. 405, 697)

§ 3.63 *Service-connection, sound condition at the time of entrance into service, aggravation and natural progress under Public No. 2, 73d Congress, as amended, Veterans Regulation 1 (a), Part I and Part II (38 U. S. C. ch. 12).* (a) Service-connection connotes many factors. In general and fundamentally it means establishment of the incurrence of injury or disease or aggravation of a pre-existing injury or disease resulting in disability coincidentally with the period of active military or naval service. This may be accomplished by the presentation of affirmative facts showing the inception or aggravation of an injury or disease during active service or through the operation of statutory or regulatory presumptions. Determinations as to service-connection, in general, should be based on review of the entire evidence of record in the individual case with due consideration extended to the defined and consistently applied policy of the Veterans' Administration to administer the law under a broad and liberal interpretation consistent with the facts shown in each case. When, after careful consideration of all procurable and assembled data, a reasonable doubt arises regarding service-connection, such doubt will be resolved in favor of the veteran. Particular consideration should be accorded combat duty and other hardships of service.

(b) For the purposes of paragraph 1 (a), Part I, Veterans' Regulation No. 1 (a), as amended July 13, 1943 (38 U. S. C. ch. 12), every person employed in active service shall be taken to have been in sound condition when examined, accepted and enrolled for service except as to defects, infirmities or disorders noted at the time of the examination, acceptance and enrollment or where clear and unmistakable evidence demonstrates that the injury or disease existed prior to acceptance and enrollment and was not aggravated by such service. Relative to notation at enlistment, only those defects, infirmities and disorders recorded at the time of examination are to be considered as noted. History of the preservice existence of defects, infirmities or disorders recorded at the time of examination for acceptance and enrollment does not constitute a notation of such conditions but will be considered together with all other material evidence in determinations as to the inception of such defects, infirmities or disorders.

(c) Ninety days or more service is not necessary under paragraph 1 (b), Part I, Veterans Regulation No. 1 (a), as amended July 13, 1943 (38 U. S. C. ch. 12), and the provisions thereof are applicable to all war service as defined in paragraph 1 (a), as amended.

(d) "Clear and unmistakable" means obvious or manifest. Accordingly, evidence which makes it obvious or manifest, that the injury or disease under consideration existed prior to acceptance and enrollment for service will satisfy the requirements of the statute. The requirement of the law is that claims to which the above-cited presumptions apply be denied only on the basis of evidence which clearly and unmistakably demonstrates that the disease did not originate in service, or, if increased in service, was not aggravated thereby.

(e) Determinations concerning the inception of injury or disease not noted at enlistment under paragraph 1 (b), Part I, Veterans' Regulation No. 1 (a), as amended July 13, 1943 (38 U. S. C. ch. 12), should not be based on medical judgment alone as distinguished from accepted medical principles or on history alone without regard to clinical factors pertinent to the basic character, origin and development of such injury or disease. Adjudicative action under this regulation should be based on a thorough analysis of the entire evidentiary showing in the individual case and a careful correlation of all material facts with due regard to accepted medical principles pertaining to the history, manifestations, clinical course and character of such injury or disease. History conforming to accepted medical principles pertaining to such injury or disease should be given due consideration in conjunction with basic clinical data concerning the manifestation, development and nature of such injury or disease, and accorded probative value consistent with accepted medical and evidentiary principles in relation to other competent evidence in each case. All material evidence relating to the incurrence, symptoms and course of the injury or disease, including official and other records made prior to, during or subsequent to service, together with all other lay and medical evidence concerning the inception, development and manifestations of such injury or disease, should be taken into full account subject to the limitations contained in section 105, Public Law 346, 78th Congress.

(f) There are certain medical principles so well and universally recognized as definitely to constitute fact, and when in accordance with these principles existence prior to entrance into service is established, no further additional or confirmatory facts are necessary. For example, with notation or discovery, during service, of residual conditions, such as scars, healed fractures, absent or resected parts of organs, supernumerary parts, congenital malformations, fibrosis evidencing formerly active tuberculosis, with no evidence of the pertinent antecedent active injury or disease during service, the established facts are so convincing as to impel the conclusion that the residual condition existed prior to entrance into active service, without further proof of this fact. Similarly, manifestation of lesions or symptoms of chronic disease from date of enlistment, or so close to that date that the disease could not have originated in so short a period, will be accepted as clear and unmistakable proof that the disease existed prior to entrance into active service. Likewise, manifestation of disease within less than the minimum incubation period after enlistment will be accepted as showing inception prior to service.

(g) The application of the foregoing instructions carrying into effect the principles and intent of section 9 (b), Public Law 144, 78th Congress, will be in full accord with the principles involving clear and unmistakable evidence and burden of proof enunciated in Public No. 141, 73d Congress.

(h) The development of evidence in connection with claims heretofore or hereafter adjudicated under the provisions of section 9 (a) and (b), Public Law 144, 78th Congress, will be accomplished when deemed necessary. Development should not be undertaken when the evidence present is sufficient for a proper determination of the question of service connection. In initially rating disability of record at the time of discharge, the records of the service department, including the reports of examination at enlistment and the clinical records during service, will ordinarily suffice. Rating of combat injuries or other conditions which obviously had their inception in service may be accomplished without awaiting copy of the examination at enlistment.

(i) Under Regulation 1 (a), Part I, paragraphs 1 (a), (b), and (d), as amended July 13, 1943, (38 U. S. C. ch. 12), injury or disease, apart from misconduct disease, noted prior to service or shown by clear and unmistakable evidence, including medical facts and principles, to have had inception prior to enlistment will be conceded to have been aggravated where such disability underwent an increase in severity during service unless such increase in severity is shown by clear and unmistakable evidence, including medical facts and principles, to have been due to the natural progress of the disease. Aggravation of a disability noted prior to service or shown by clear and unmistakable evidence, including medical facts and principles, to have had inception prior to enlistment may not be conceded where the disability underwent no increase in severity during service on the basis of all the evidence of record pertaining to the manifestations of such disability prior to, during and subsequent to service. (Subject to the limitations of sec. 105, Pub. Law 346, 78th Cong., as amended.) Sudden pathological developments involving pre-existing diseases such as hemoptysis, spontaneous pneumothorax perforation of gastro-duodenal ulcer, coronary occlusion or thrombosis, cardiac decompensation, cerebral hemorrhage, and active recurrent rheumatic fever occurring in service establish aggravation unless it is shown by clear and unmistakable evidence that there was no increase in severity during service. Recurrences, acute episodes, symptomatic fluctuations, descriptive variations and diagnostic evaluations of a preservice injury or disease during service or at the time of discharge are not to be construed as establishing increase of disability in the absence of sudden pathological development or advancement of the basic chronic pathology during active service such as to establish increase of pre-existing disability during service. The usual effects of medical and surgical treatment in service, having the effect of ameliorating disease or other conditions incurred before enlistment, including post-operative scars, absent or poorly functioning parts or organs, will not be considered service-connected unless the disease or injury is service-connected, i. e., aggravated by service otherwise than by the usual effects of treatment. In many cases a blind eye has been enucleated during service either for improvement of the veteran's general appearance or to prevent the spread of infection to the other eye. It will be borne in mind that the degree of disability resulting from enucleations may be no greater than that due to undeveloped, atrophied, scarred or discolored eyes and eyes affected by active pathology at the time of enlistment. In such cases, keeping in mind section 9 (b), Public Law 144, 78th Congress, service connection for the condition causing the enucleation is not in order unless the eye condition was aggravated by service. Unless in such cases service connection or aggravation for the eye condition is established, there can be no entitlement to the special monthly compensation for the loss of the eye. The mere fact of enucleation will not establish aggravation. Service connection will depend on whether the cause of enucleation is considered as service-incurred or aggravated. In determining aggravation by service due regard will be given the places, types and circumstances of the veteran's service and particular consideration will be accorded combat duty and other hardships of his service. The development of symptomatic manifestations of a pre-existing injury or disease during or proximately following action with the enemy or following a status as a prisoner of war will establish aggravation.

(j) Determinations involving the consideration of sound condition at time of entrance into service, for the purposes of Part II, paragraph 1 (b) of Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12), will be based upon the evidence of record and such evidence as may be secured in any case where for any reason additional evidence may be considered to be necessary for the purpose of such determinations. Evidence of the existence of a condition at the time of or prior to entrance into service shall mean any evidence which is of record and which is of a nature usually accepted as competent to indicate the time of existence or inception of disease or injury. In the exercise of medical judgment for the purpose of such determinations, rating agencies shall take cognizance also of the time of inception or manifestation of disease or injuries after the date of entrance into service, as disclosed by service records, and shall consider other entries or reports of proper military and naval authorities as they may relate to the existence of a condition at the time of or prior to enlistment or enrollment. Such records shall be accorded the weight to which they are entitled in consideration of other evidence and sound medical reasoning. The opinion of qualified physicians of the Veterans' Administration may be solicited whenever it is considered to be necessary or appropriate in any case.

(k) For the purposes of Part II, Veterans' Regulation No. 1 (a), paragraph 1 (a), (38 U. S. C. ch. 12), a pre-existing injury or disease will be considered to have been aggravated by active military or naval service where there is an increase in disability during active service, unless there is a specific finding that the increase in disability is due to the natural progress of the disease. A specific finding that the increase in disability is due to the natural progress of a disease will be met, for the purposes of Part II, paragraph 1 (a), of Regulation 1 (a), by a finding of a constituted rating agency of the Veterans' Administration based upon available evidence of a nature generally acceptable as competent to show that an increase in severity of a disease or injury, or of the disabling effects thereof, or acceleration in progress of a disease was that normally to be expected by reason of the inherent character of the condition, aside from any extraneous or contributing cause or influence peculiar to military service. (Sec. 1, 48 Stat. 8, sec. 9, 57 Stat. 556; 38 U. S. C. 701, ch. 12 note)

§ 3.64 *Character of discharge under Public No. 2, 73d Congress, as amended, and under Public Law 346, 78th Congress.* (a) To be entitled to compensation or pension under Veterans' Regulation No. 1 (a), as amended (38 U. S. C. ch. 12), the period of active service upon which claim is based must have been terminated by discharge or release under conditions other than dishonorable. In other words benefits under Public No. 2, 73d Congress, and Public Law 346, 78th Congress, are barred where the person was discharged under dishonorable conditions. The requirement of the words "dishonorable conditions" will be deemed to have been met when it is shown that the discharge or separation from active military or naval service was (1) for mutiny, (2) spying, or (3) for an offense involving moral turpitude or wilful and persistent misconduct: *Provided, however,* That where service was otherwise honest, faithful and meritorious a discharge or separation other than dishonorable because of the commission of a minor offense will not be deemed to constitute discharge or separation under dishonorable conditions.

(b) In addition to the question of the character of the discharge there should also be borne in mind the provisions of section 300 of Public Law 346, 78th Congress, under which benefits under any laws administered by the Veterans' Administration are barred, as to the particular period of service, where a person is discharged or dismissed by reason of the sentence of a general court-martial, or is discharged on the ground that he was a conscientious objector who refused to perform military duties or refused to

wear the uniform or otherwise to comply with lawful orders of competent military authorities, or as a deserter, or in the case of an officer where his resignation is accepted for the good of the service. However, in the case of any such person, if it be established to the satisfaction of the Administrator that at the time of the commission of the offense such person was insane, he shall not be precluded from benefits to which he is otherwise entitled under the laws administered by the Veterans' Administration. However, veterans in receipt of pension or compensation on the date of the enactment of Public Law 346, 78th Congress, pursuant to the interpretation of prior laws, are not affected by the requirements of either section 300 or section 1503, Public Law 346, 78th Congress.

(c) The acceptance of an undesirable or blue discharge to escape trial by general court-martial will, by the terms of section 1503, Public Law 346, 78th Congress, be a bar to benefits under Public No. 2, 73d Congress, as amended, and Public Law 346, 78th Congress, as it will be considered the discharge was under dishonorable conditions.

(d) An undesirable or blue discharge issued because of homosexual acts or tendencies generally will be considered as under dishonorable conditions and a bar to entitlement under Public No. 2, 73d Congress, as amended, and Public Law 346, 78th Congress, as amended. However, the facts in a particular case may warrant a different conclusion, in which event the case should be submitted to the director, claims service, branch office, for attention and consideration. (As to the effect of alienage see § 3.1 (j).) (Sec. 1503, 58 Stat. 301; 38 U. S. C. 697c)

§ 3.65 *Wilful misconduct.* (a) A disabling condition will be considered to be the result of wilful misconduct for the purpose of all adjudications under Veterans' Regulation No. 1 (a), as amended (38 U. S. C. ch. 12), and sections 27 and 28, Public No. 141, 73d Congress, as amended, when it is shown to have been incurred under conditions or in a manner set forth by Veterans' Regulation No. 10, paragraph VIII, as amended by Public Law 439, 78th Congress, without regard to any prior determinations respecting the manner of its incurrence. A finding in any case that a disabling condition is of wilful misconduct nature, as defined by Veterans' Regulation No. 10, paragraph VIII, as amended by Public Law 439, 78th Congress, will bar any right to pension or compensation under Veterans' Regulation No. 1 (a), as amended (38 U. S. C. ch. 12), and sections 27 and 28, Public No. 141, 73d Congress, as amended.

(b) (1) Pension shall not be payable under Part III, Veterans' Regulation No. 1 (a), as amended (38 U. S. C. ch. 12), for any disability due to the claimant's own wilful misconduct or vicious habits. In the construction of the term "vicious habits" the words "vicious" and "habits" must be taken together and so taken, a corrupt or immoral act is not a vicious habit if it is not repeated to such an extent as to become a regular and fixed mode of action; a single incident, however vicious, is not a vicious habit.

(2) For the purpose of adjudications under section 31, Title III, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and Veterans' Regulation No. 1 (a), Part VII, paragraph 4, Public No. 2, 73d Congress, as amended, the definition established by precedents under section 213, World War Veterans' Act, 1924, as amended, for wilful misconduct will be applied.

(c) In determining whether an act is due to wilful misconduct the precedents under the World War Veterans' Act, 1924, as amended, are for application except as to venereal diseases meeting the requirements of section 2, Public Law 439, 78th Congress. Generally, these precedents are to the effect that an act to be one of "wilful misconduct" must be "malum in se" or "malum prohibitum" if involving conscious wrongdoing or known prohibited action. (Mere technical violation of police regulations or ordinances will not per se constitute "wilful misconduct" but are factors for consideration in the light of the attendant circumstances.)

(d) Venereal diseases not meeting the requirements of section 2, Public Law 439, 78th Congress, that is, not incurred in service or if incurred in service where there was failure to report and receive treatment will be held to be due to wilful misconduct unless affirmatively shown to have been innocently acquired. Venereal diseases meeting the requirements of section 2, Public Law 439, 78th Congress, will not be deemed due to wilful misconduct. For compliance with the cited provision of law, there are three requirements, all of which must be met, for a finding of service incurrence in line of duty and rebuttal of the presumption of wilful misconduct in venereal disease cases not shown to have been innocently acquired during service; (1) the initial infection must have been incurred in active service, as provided in § 3.50 (a); (2) the person must have reported promptly to proper authority the earliest manifestation of the venereal disease; and (3) the person must have submitted to the treatment prescribed and continued such treatment until the approved conclusion thereof. An affirmative determination as to each of the three foregoing requirements of law will be necessary for findings of service incurrence in line of duty and rebuttal of the presumption of wilful misconduct. If any one of the three requirements is not met, a finding of service incurrence in line of duty and rebuttal of the presumption of wilful misconduct may not be made for the purpose of Public Law 439, 78th Congress. Where the reports furnished by the service department, together with all other evidence of record, considered in accordance with accepted medical principles, are adequate for adjudication in conformity with the foregoing, it will not be necessary to secure additional information from the service department. If the available service record is found incomplete and insufficient for adjudicative action, additional information may be requested from the service department on Form 3101 series. Where found indicated the syphilitic register or a photostatic copy should be obtained. Where found indicated, inquiry should be made of the service department as to whether or not the serviceman was subjected to disciplinary action for failure to report the incurrence of venereal disease during service or to accept treatment therefor. Where there is a question as to time of incurrence of the venereal disease, that is, after entry into service or prior thereto, consideration will be accorded medical principles pertaining to the incubation period in relation to the initial or acute manifestations of the disease and the period and course of the clinical evolution of the secondary and late residuals manifested, as reflected by the facts of record in the individual case. Medical principles establishing that the disease was incurred prior to entry into service will meet the clear and unmistakable evidence requirements of section 9 (b), Public Law 144, 78th Congress. However, as to venereal diseases, attention is invited to the well-accepted and established medical principles which hold generally that increase in severity of manifestations of venereal disease is due to the natural progress thereof and it will be so determined (and such criteria constitutes clear and unmistakable evidence) except where the facts of record indicate the increase in manifestations was precipitated by trauma or by the conditions of the veteran's service, in which event the increase in manifestations will be determined to be aggravation. (For conditions under which compensation is payable under the World War Veterans' Act, as amended, to World War I veterans for disability due to wilful misconduct see §§ 3.138 and 3.139.) (Sec. 4, 48 Stat. 9, 58 Stat. 752; 38 U. S. C. 704, ch. 12 note)

§ 3.66 *"Line of duty" under Veterans' Regulation No. 1 (a), Parts I and II, as amended (38 U. S. C. ch. 12).* (a) Veterans' Regulation No. 1 (a), as amended, Parts I and II, requires that a disabling condition for which compensation is claimed, shall have been incurred in line of duty except in cases where a right to compensation is preserved by Veterans' Regulation No. 4. The records of service departments will be accepted in determining line of duty status of diseases and injuries, unless considerations set forth in Veterans' Regulation No. 10, paragraph VIII, as amended by Public Law 439, 78th Congress, and the legal presumptions of the various laws, may warrant a different finding. Any evidence which is properly admissible or acceptable according to the practice of the Veterans' Administration, and which is of a nature competent to demonstrate that the incurrence of disability was or was not in line of duty, according to conditions specified in Veterans' Regulation No. 10, paragraph VIII, as amended by Public Law 439, 78th Congress, may be used as a basis for adjudications, despite any official military or naval record with respect to manner of incurrence. These determinations will be made by the officials of the Veterans' Administration charged with the responsibility of deciding claims for monetary or other benefits in the administration of laws in which line of duty is a factor. For the purpose of ascertaining line of duty status for periods of time prior to June 16, 1938, continuous periods of leave will be considered as one extended leave in determining whether a leave of absence is of such duration as to interfere materially with the routine performance of duty. The provisions of Veterans' Regulation No. 10, paragraph VIII, as amended by Public Law 439, 78th Congress, will be observed carefully in effecting all adjudication where a question of incurrence of disease or injury in line of duty is pertinent; provided that on or after June 16, 1938, the date of approval of Public No. 648, 75th Congress, the fact that the injury was suffered or the disease was contracted while the person on whose account benefits are claimed was on authorized leave (irrespective of the duration of such leave) will not of itself bar a finding that the disability or death resulting therefrom was incurred in line of duty. In cases in which a determination is required as to whether disability was incurred while "avoiding duty by * * * absenting himself without leave materially interfering with the performance of military duties," consideration is to be given to the evidence, including the report of the Service Department, as to the fact and extent of interference with performance of duty. Generally, it is to be concluded that material interference does not result from brief absence for a period during which no specific duty assignment was made or would have been made if the person had not been absent without leave, unless a specific duty assignment was avoided by absence without leave.

(b) Whenever the veterans claims service, the dependents and beneficiaries claims service, or the insurance service has made a determination of the question of line of duty status for the purpose of compensation, pension or insurance, under the provisions of §§ 3.66 and 3.1046 such determination shall be binding upon any of these services for any of the purposes mentioned, unless it be clearly and unmistakably in error. This determination shall not be subject to question by reason of a difference of opinion, except as to whether such determination is clearly and unmistakably erroneous, in which case such question shall in field cases be referred to the deputy administrator, branch office, and in central office cases, to the executive assistant administrator, for his personal determination. (Sec. 1, 48 Stat. 8; 38 U. S. C. 701)

§ 3.67 *Disability of veteran (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war (Public Law 359, 77th Congress).* (a) For an injury or disease received in active service subsequent to March 4, 1861, in line of duty, (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war, the veteran shall be entitled to the wartime rates provided by 38 U. S. C. ch. 12, Reg. 1 (a) Part I.

(b) (1) "As a direct result of armed conflict" shall mean any situation in which a member or members of the military or naval forces incur death, injury or disease in line of duty as a direct result of the use of any instrumentality employed as a weapon in a war, offensive or defensive, expedition or occupation, battle, skirmish, raid, invasion, rebellion, insurrection, guerrilla warfare, et cetera. The concept "armed conflict" relates to the actual use of firearms or other instrumentalities of war, e. g., submarines or military aircraft, by a belligerent nation or faction, with which the United States is not at war, under circumstances endangering the lives or safety of members of the United States forces. Thus, if a ship is torpedoed, or subjected to aerial attacks, by the action of a belligerent nation, with resultant death or disability affecting members of the United States forces, the death or disability is attributed to armed conflict. A person injured by instrumentalities of war under the control of any belligerent nation or faction, or subjected to exposure as a result of their operations, incurs any resultant disability as a result of armed conflict.

(2) Clearly, the application of the foregoing definition would include death, injury or disease incurred as the direct result of the bombing of the U. S. S. "Panay," the torpedoing of the U. S. S. "Kearney," and the sinking of the U. S. S. "Reuben James." Also included would be death, injury or disease incurred by personnel of the military or naval forces of the United States assigned for duty with the military or naval forces of another nation, such as observers, if the direct result of armed conflict. Similarly, within the meaning of the phrase would be an incident or event whereby death, disease or injury was incurred as the direct result of the hostile operations of a vessel or aircraft, friendly or not friendly to the United States. Death, injury or disease will be considered as resulting directly from armed conflict when the primary, contributory or proximate cause thereof results directly from armed conflict as defined herein.

(c) (1) "Extra hazardous service, including such service under conditions simulating war," comprehends service in peactime which is more hazardous than normal peacetime service. Service under conditions simulating war is extra hazardous, and other service will be considered extra hazardous, if performed (i) under conditions recognized as exceptionally dangerous, (ii) or involving risks beyond those ordinarily encountered in routine peacetime duties. Examples of service recognized as falling within the first category, as being exceptionally dangerous, include the following: While actually engaged in aircraft, submarine or diving and dangerous testing operations of instrumentalities of war in differentiation from service involving their routine peacetime use. Every injury or disease resulting directly from or aggravated by these operations, from preparation for flight to the final landing, as of an airplane, or from the casting off to the final berthing, as of a submarine, is considered as incurred in extra hazardous service. Servicing the aircraft while the propeller revolves, or loading or unloading explosives from aircraft is considered extra hazardous. Testing or demonstrating explosives, and demolition work with explosives, are considered extra hazardous. Other examples are duty on convoy or patrol vessels and while manning guns on merchant vessels. Service falling within the second category, as involving risks beyond those ordinarily encountered in routine peacetime duties, includes among others, the following: Under climatic or other conditions which subject the person to excessively high or low temperatures and predispose to disease, or upon exposure to any conditions which he would not customarily or ordinarily be called upon to endure in ordinary peacetime service. Individual service of exceptional risk or danger, as extinguishing a serious fire or conflagration, serving where explosives are stored in quantity, rescues, at sea, from drowning, or from burning buildings, may be considered extra hazardous, if the element of risk or danger above and beyond the routine of the service is clearly apparent. It is particularly to be noted that accidents with firearms or other instrumentalities of war on land or sea, unless directly traceable to the performance of duties incident to extra hazardous service as above outlined, are considered as involving only the routine risk or danger of the soldier or sailor.

(2) Campaigns, expeditions, and occupations are one type of service which may involve armed conflict, and usually contain extra hazardous service. A person on an expedition, injured at drill, target practice, practice march, work in the barracks, tents, or shops, would not generally be considered as injured incident to extra hazardous service. But, if such functions were performed under extra hazardous conditions, due to the locality, nearness of the enemy, without the usual and ordinary safeguards, etc., the conditions of the law may be met. Endemic diseases, and diseases arising out of exposure, on expeditions, may likewise be a basis of entitlement under Public No. 359. The diseases recognized as endemic to tropical service on the basis of present information are amebic and bacillary dysentery and malaria. The general test with regard to expeditions is: Did the injury or disease arise directly out of the performance, under orders, of military or naval duty peculiar to, or advancing the purpose thereof and under circumstances more dangerous than in normal peacetime service; if so, the circumstances are, as a rule, extra hazardous. Attention is invited to R. & P. A.–36–54 inclusive, relating to expeditions, etc.[1]

(3) The act specifies, "extra hazardous service, including such service under conditions simulating war." The expanding Army and Navy in 1940–41, from the standpoint of their training and operations, are to be regarded as under emergency conditions in relation to national defense in the face of threatened war. In the hearings on the bill, the representative of the War Department stated that men on maneuvers take practically the same risks they take during time of war. The representative of the Navy Depart-

[1] Not filed with the Division of the Federal Register.

ment stated that every man at sea today (in 1941) is engaged in service under conditions simulating war. The haste of this organization and training, the introduction of new methods of combat training, the inclusion of large numbers of men who would not expect to serve their country under arms except in time of war, are intended to be given special recognition in the act.

(4) Maneuvers such as those of 1940–41 and the operations of ships at sea during the same period are considered as having been performed under conditions simulating war and were extra hazardous.

(5) Any injury, or death resulting therefrom, incurred while engaged in extra hazardous service, if in line of duty and not the result of some cause independent of the extra hazardous service will be held within the contemplation of the law.

(6) It will be seen that the innumerable combinations of circumstances which may exist in connection with the incurrence of death, injury or disease clearly preclude a line of definite demarcation between service which is extra hazardous and that which is attended by what might be considered the ordinary hazards of peacetime service in the armed forces. Each claim will be adjudicated on the facts adduced therein and determinations will be reached through an adequate understanding of the purpose to be achieved and the exercise of sound judgment. (55 Stat. 844; 38 U. S. C. ch. 12 note)

§ 3.68 *Definition of "explosion of an instrumentality of war."* This term, as used in section 212, Public No. 212, 72d Congress, as amended by Public No. 743, 76th Congress, signifies a sudden explosion or a violent bursting of an instrumentality of war, such as the explosion of a bomb, hand grenade, shrapnel, bullet, etc., and is not applicable to disabilities incurred as a result of crashes or collapses of instrumentalities of war. (Sec. 1, 48 Stat. 8; 38 U. S. C. 701)

§ 3.69 *Forfeiture—(a) Public No. 2, 73d Congress.* Section 15 of this act, and section 9, Public No. 304, 75th Congress, provide for the forfeiture of pension or compensation to a person who knowingly makes false statements in connection with a claim.

(b) *Prior forfeiture bars payments under Public No. 2, 73d Congress, as amended.* By reason of section 11, Public No. 2, 73d Congress, and paragraph 2, section 14, of the act of August 9, 1921, a claimant whose rights were forfeited under section 504, World War Veterans' Act, is not entitled to benefits under Public No. 2, 73d Congress, as amended. However, when disability compensation based upon service-connected disability has been forfeited by a veteran because of submission of false or fraudulent evidence, compensation payable except for the forfeiture, from and after date of suspension of payments to the veteran, shall be paid to his wife, child or children, and/or dependent parents, such payments not to exceed the amount payable in case such veteran had died from such service-connected disability. Payment in such case may not be made for any period prior to October 17, 1940, as provided in section 9, of Public No. 866, 76th Congress. No compensation shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed. Where payments were suspended prior to October 17, 1940, because of forfeiture, a claim, which may be informal, for benefits under section 9, Public No. 866, 76th Congress, will be necessary. In those cases where payments are suspended on or subsequent to October 17, 1940, because of forfeiture of rights by a veteran because of submission of false or fraudulent evidence, action to determine the rights of the veteran's dependents of record will be taken without the requirement of an application by the veteran's wife, child or children, and/or dependent parents.

(c) *No forfeiture of pensions for violation of hospital rules.* Pension or compensation benefits are not subject to deductions because of violations of hospital rules.

(d) *Forfeiture for treasonable acts.* Any person shown by evidence satisfactory to the Administrator of Veterans' Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies shall forfeit all accrued or future benefits under laws administered by the Veterans' Administration pertaining to gratuities for veterans and their dependents; *Provided*, That any part of such benefits may be apportioned and paid to the dependents of such person, not exceeding the amount to which each dependent would be entitled if such person were dead. (Section 4, Public Law 144, 78th Congress, act of July 13, 1943.) (Sec. 15, 48 Stat. 11, sec. 9, 50 Stat. 662, sec. 9, 54 Stat. 1196, sec. 4, 57 Stat. 555; 38 U. S. C. 510, 555'a, 715, 715a, 728)

SCREENING BY AUTHORIZATION UNIT; EXAMINATIONS

§ 3.75 *Preliminary action by authorization unit.* (a) Upon receipt of an original application for disability compensation, or pension in the adjudication division, it will be referred to the authorization unit for review and development in accordance with established procedure. All reasonable assistance will be extended a claimant in the prosecution of his claim and all sources from which information may be elicited should be thoroughly developed prior to the submission of the case to the rating board. The application of this policy should not be highly technical and rigid. It is incumbent upon the claimant to establish his case in accordance with the law. Every legitimate assistance will be rendered a claimant in obtaining any benefit to which he is entitled and he will be given every opportunity to substantiate his claim. Information and advice to claimants will be complete and will be given in words that the average man can understand.

(b) The authorization unit will determine whether there exists a statutory or regulatory bar to entitlement prior to the presentation of the case to the rating board. In making determinations as to line of duty or willful misconduct other than as to specific diseases and their sequelae, the responsible personnel of the authorization unit will be guided by the general policy of resolving all reasonable doubts in favor of the claimant. (Sec. 1, 48 Stat. 8; 38 U. S. C. 701)

§ 3.76 *Original examinations for disability compensation or pension.* In original claims for disability compensation or pension, either for peacetime or wartime service, service-connected or otherwise, an examination will not be authorized unless and until evidence is of record, either from the service departments, or in the form of affidavits, indicating the reasonable probability of a valid claim. If, after the development of the case, it is indicated that probability of a valid claim exists, an examination may be requested. Where the claimant appears in person and preliminary inquiry establishes the reasonable probability of a valid claim, an immediate physical examination may be requested. (38 U. S. C. ch. 12, Reg. 1 series.) Where claim is filed within six months from date of discharge, it will be rated initially on the records of the service department unless it would appear that error might result from such rating. In making examinations first priority is to be accorded pending cases filed more than six months after discharge and in those wherein it is impossible to rate upon service records. (See § 3.185.) (Sec. 1, 48 Stat. 8; 38 U. S. C. 701)

ESTABLISHMENT OF SERVICE CONNECTION AND APPLICATION OF RATING PRINCIPLES

Service Connection

§ 3.77 *Direct and presumptive service connection.* (a) Under Public No. 2 and Public No. 141, 73d Congress, the payment of disability compensation or pension is authorized in cases where it is established that disabilities are shown to have been directly incurred in or aggravated by active military or naval service within the dates prescribed under each act and under Public No. 344, 74th Congress, provided that such incurrence or aggravation is not the result of the wilful misconduct of the veteran. Under Public No. 141, 73d Congress, disability compensation is also authorized for disabilities presumptively service connected under the conditions hereinafter specified. Under Public No. 2, 73d Congress, disability pension is payable for disabilities directly incurred in or aggravated in line of duty in active peacetime service during an enlistment on and after April 21, 1898. Under Public No. 196, 76th Congress (July 19, 1939), any World War veteran suffering from paralysis, paresis, or blindness, or who is helpless or bedridden, as the result of any disability and who was in receipt of compensation therefor on March 19, 1933, may be restored to the compensation roll on or after July 19, 1939, where such disability was incurred in service directly or presumptively under the laws and interpretations covering this class of cases prior to March 20, 1933, if otherwise entitled, notwithstanding such disability is considered to have been incurred as the result of the wilful misconduct of the veteran. On or after October 17, 1940, under section 7 of Public No. 866, 76th Congress (October 17, 1940), any World War veteran, if otherwise entitled, may be paid disability compensation for such disability, found to have been incurred in service, directly or presumptively under the laws and interpretations covering this class of cases prior to March 20, 1933, although he was not on the rolls as of March 19, 1933.

(b) In determinations involving the question of service connection due consideration shall be given to the places, types, and circumstances of service as shown by the service record, the official history of each organization in which the veteran served, his medical records, and all pertinent medical and lay evidence (Public No. 361, 77th Cong.). See § 3.31. (Secs. 1, 2, 49 Stat. 869; 38 U. S. C. 704a, 724)

§ 3.79 *Presumption of soundness under Public No. 141, 73d Congress.* (a) The presumption of soundness at enlistment under section 200 of the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, is for application except in cases where the evidence clearly and unmistakably discloses that the disease, injury, or disability had its inception before the period of active military or naval service.

(b) Where clear and unmistakable evidence shows that a disability had its inception before the period of active service, service connection on the ground of aggravation will be conceded in case there is any increase in the disability resulting from the disease or injury manifested on the record during active service. (Sec. 11, 46 Stat. 995, sec. 27, 48 Stat. 524; 38 U. S. C. 471, 471a)

§ 3.80 *Service connection for chronic diseases.* (a) Under Veterans' Regulation No. 1 (a), Part I, paragraph I (c), (38 U. S. C. ch. 12) pursuant to Public No. 2, 73d Congress or under Public No. 141, 73d Congress, a chronic disease becoming manifest to a degree of ten percent or more within one year from the date of separation from active wartime service or within one year after the date prior to which a disability must have been incurred as provided in Veterans' Regulation No. 1 (a), or Public No. 141, 73d Congress, whichever is the earlier, will be considered as having been incurred in service when the conditions specified in Veterans' Regulation No. 1 (a), Part I, paragraph I (c), or Public No. 141, 73d Congress, are met. The factual basis may be established by medical evidence, competent lay evidence, or both. Medical evidence should set forth the physical findings and symptomatology elicited by examination within the one year period; and lay evidence should not merely contain conclusions based upon opinion, but describe the material and relevant facts as to the veteran's disability observed during such period. Where there is affirmative evidence to show that the chronic disorder is due to an intercurrent disease or injury suffered between the date of separation from active service and the onset of the chronic disorder, service connection under this paragraph will not be accorded. When service connection is established subsequent manifestations of the same chronic disease, unless clearly attributable to intercurrent causes, at no matter how remote a date, are service-connected. This rule does not mean that any manifestation of joint pain, any abnormality of heart action or heart sounds, any urinary findings of casts, or any cough, in service, will permit service connection of arthritis, disease of the heart, nephritis, or pulmonary disease, first shown as a clear-cut clinical entity at some later date. For the showing of chronic disease in service there is required a combination of manifestations sufficient to identify the disease entity and sufficient observation to establish chronicity at the time, not merely isolated findings or diagnosis including the word "chronic." When the etiological identity is perfect, as leprosy, tuberculosis, syphilis, etc., there is no requirement of evidentiary showing of continuity. Continuity of symptomatology is required only where the condition noted during service is not in fact shown to be chronic or where the diagnosis of chronicity may be legitimately questioned. When the fact of chronicity during service is not, in the opinion of the adjudicating agency, adequately supported, then there may be reason to require some showing of continuity after discharge to support the claim. Hospital confirmation of such diagnoses made after discharge from service is not routinely required; however, the veteran may well be held at the regional office, hospital or center for recheck on the following day, particularly for recheck of blood pressure, urinalysis, and further laboratory procedures, if in order. When hospitalization is required it should not be longer than absolutely necessary for confirmation of the diagnosis.

(b) Evidence which may be considered in rebuttal of service incurrence of a chronic disease will be any evidence of a nature usually accepted as competent to indicate the time of existence or inception of disease, and medical judgment will be exercised in making determinations relative to the effect of intercurrent injury or disease. The expression "affirmative evidence to the contrary", appearing in Veterans' Regulation No. 1 (a), Part I, paragraph I (c), will not be taken to require a conclusive showing, but such showing as would in sound medical reasoning and in the consideration of all evidence of record, support a conclusion that the disease in question was not incurred in service within the meaning of Veterans' Regulation No. 1 (a), Part I, (38 U. S. C. ch. 12).

(c) The consideration of service incurrence provided for chronic diseases will not be interpreted to permit any presumption as to aggravation, but the fact of aggravation of disease or injury will be accepted only upon a showing of increase in disability from such condition during active service as required by Veterans' Regulation No. 1 (a), Part I, paragraph I (d), (38 U. S. C. ch. 12). (Sec. 1, 48 Stat. 8; 38 U. S. C. 701)

§ 3.86 *Chronic diseases under Public No. 2, 73d Congress.* The service connection of chronic diseases under Veterans' Regulation No. 1 (a), (38 U. S. C. ch. 12), pursuant to Public No. 2, 73d Congress, is restricted to the following:

Anemia, primary.
Arteriosclerosis.
Arthritis.
Cardiovascular-renal disease, including hypertension (this term applies to combination involvements of the type of arteriosclerosis, nephritis and organic heart disease, and since hypertension is an early symptom long preceding the development of those diseases in their more obvious forms, a disabling hypertension within the one-year period will be given the same benefit of service connection as any of the chronic diseases listed).
Diabetes mellitus.
Encephalitis lethargica residuals.
Endocarditis (this term is intended to cover all forms of valvular heart disease).
Endocrinopathies.
Epilepsies.
Hodgkin's disease.
Leukemia.
Leprosy.
Myocarditis.
Nephritis (nephrolithiasis is not a chronic disease within the meaning of this regulation but with a properly diagnosed nephritis, shown within one year from the date of discharge from service or the date prior to which a disability must have been incurred as provided in Veterans Regulation No. 1 (a), whichever is the earlier, a coexisting or subsequently developing nephrolithiasis may be considered as a part of the same condition).
Organic diseases of the nervous system (this term is intended to include the same disabilities as those listed on pages 110 and 111 of the Schedule for Rating Disabilities, 1945 Edition, as organic diseases of the central nervous system and residuals of these diseases).
Psychoses.
Thromboangiitis Obliterans (Buerger's Disease) (effective Sept. 26, 1947).
Tuberculosis, active.
Tumors, malignant, or of the brain.
Osteitis deformans (Paget's disease).

No conditions other than those listed above will be considered chronic diseases except upon approval by the Administrator of Veterans' Affairs. For the purposes of determining the existence of a ten percent degree of active tuberculosis within one year of discharge, or the date prior to which a disability must have been incurred as provided in Veterans' Regulation No. 1 (a), whichever is the earlier, active pulmonary tuberculosis diagnosticated by approved methods during the second year will be held to have preexisted the diagnosis six months in minimal (incipient) cases; nine months in moderately advanced cases; and twelve months in far advanced cases. (Sec. 1, 48 Stat. 8; 38 U. S. C. 701)

§ 3.88 *Chronic constitutional diseases under Public No. 141, 73d Congress.* The diseases listed on page 75, Schedule of Disability Ratings, 1925, and those included in Extension 6 to such Schedule, as well as the conditions enumerated in the second proviso of section 200 of the World War Veterans' Act, 1924, as amended, are subject to the one-year presumption of service connection provided for chronic constitutional diseases. (Sec. 11, 46 Stat. 995, sec. 27, 48 Stat. 524; 38 U. S. C. 471, 471a)

§ 3.89 *Presumptive service connection for diseases listed in the second proviso, section 200, World War Veterans' Act, 1924, as amended.* The presumption of incurrence for the diseases listed in the second proviso, section 200, World War

Veterans' Act, 1924, as amended, applies under Public No. 141, 73d Congress, except where clear and unmistakable evidence discloses that the disease, injury, or condition had inception before or after the period of active military or naval service. The presumption is not applicable in cases where the disability is due to the wilful misconduct of the veteran. (Sec. 11, 46 Stat. 995, sec. 27, 48 Stat. 524, 58 Stat. 752; 38 U. S. C. 471, 471a, ch. 12 note)

Service Connection for Neuropsychiatric Diseases

§ 3.90 *Presumptive service connection for neurophychiatric diseases.* Where it is shown (by reports of physical examination, or acceptable medical or lay affidavits) that disability from neuropsychiatric disease, spinal meningitis, paralysis agitans, or encephalitis lethargica existed to a ten percent degree or more, in accordance with the Schedule for Rating Disabilities, 1945 Edition, prior to January 1, 1925, and where evidence does not show clearly and unmistakably that such disability had its inception prior or subsequent to the period of active military or naval service, a rating will be made that the disability from neuropsychiatric disease, spinal meningitis, paralysis agitans, or encephalitis lethargica is presumed to have been incurred in military service in accordance with the terms of the second proviso of section 200 of the World War Veterans' Act, 1924, as amended, as reenacted by Title III, Public No. 141, 73d Congress; *Provided*, That the veteran had active military or naval service between April 6, 1917, and November 11, 1918, inclusive, or prior to April 2, 1920, with the United States military forces in Russia. Rebuttal of the presumption will be in order where there is clear and convincing evidence that the disability arose from intercurrent trauma, organic disease not itself connected with service, or intercurrent infection arising subsequent to discharge and not as a result of military service. (See also § 3.89.) (Sec. 11, 46 Stat. 995, sec. 27, 48 Stat. 524, 60 Stat. 319; 38 U. S. C. 471, 471a, 736–738)

§ 3.91 *Interpretation of spinal meningitis.* Spinal meningitis will be interpreted as cerebrospinal fever, or cerebrospinal meningitis, i. e., the infectious disease due to the meningococcus, affecting primarily the cerebrospinal meninges. It will also be taken to include other primary forms of meningitis, such as primary pneumococcic or streptococcic meningitis, where the cerebrospinal meninges are involved alone or as a part of a generalized pneumococcic or streptococcic septicaemia.

§ 3.92 *Presumption of service connection for spinal meningitis.* The presumption of service connection will not be invoked where particular forms of meningitis are secondary to diseases or injuries not themselves service connected, such as (a) the pneumococcic form which is secondary to intercurrent pneumonia endocarditis, or disease or injury of the cranium or its fossae; (b) the pyogenic form, following intercurrent infections elsewhere in the body or occurring as a terminal condition in chronic maladies; (c) the miscellaneous forms, such as the meningitis secondarily supervening in intercurrent typhoid, diphtheria, influenza, etc. Disability from inflammation of the spinal meninges occurring in cerebrospinal syphilis will be rated with the misconduct provision of the law in mind.

§ 3.93 *Presumptive service connection for amoebic dysentery.* Where it is shown (by a report of physical examination, or acceptable medical or lay affidavits) that a veteran had amoebic dysentery developing a ten percent degree of disability or more prior to January 1, 1925, in accordance with the Schedule for Rating Disabilities, 1945 Edition, and where it is not shown by clear and unmistakable evidence that such disability was incurred prior to or subsequent to enlistment or acceptance into active military or naval service, a rating will be made that the amoebic dysentery is presumed to have been incurred in service. (Sec. 11, 46 Stat. 995, sec. 27, 48 Stat. 524, 60 Stat. 319; 38 U. S. C. 471, 471a, 736–738)

§ 3.94 *Neuropsychiatric diseases included.* The neuropsychiatric diseases included in the second proviso, section 200, World War Veterans' Act, 1924, as amended, include the following:

(a) *Psychoses.* Manic-depressive, dementia praecox, paranoid, associated with organic diseases or injuries.

(b) *Psychoneuroses and neuroses.* Neurasthenia, psychasthenia hysteria, anxiety neurosis, occupational neurosis, compulsion neurosis, tics.

(c) *Vaso-motor and trophic disorders.* Raynaud's disease, anglo-neurotic oedema, erythro-melalgia, Buerger's disease (thromboangitis obliterans, endarteritis obliterans).

(d) *Neurological diseases.* Diseases of the cranial and peripheral nerves, diseases of the spinal cord, diseases of the pons, medulla and basal ganglia, diseases of the cerebellum, diseases of the meninges, diseases of the brain (embolism, hemorrhage into the brain, thrombosis, hydrocephalus, tumors, abscess, muscular dystrophies, and myopathies, chorea, athetosis, tremors, paralysis agitans, multiple sclerosis). (See § 3.139 in considerations under Publics No. 196 and No. 866, 76th Cong.)

(e) *Endocrinopathies.* Diseases of the thyroid gland (except neoplasms, simple enlargements and abscesses), diseases of the parathyroid glands, diseases of the pituitary (hypopituitarism, Froehlich's syndrome, dystrophia adiposogenitalis; hyperpituitarism-acromegaly), diseases of the gonads, diseases of the adrenal glands, polyglandular syndromes.

(f) *The epilepsies.* (Sec. 11, 46 Stat. 995, sec. 27, 48 Stat. 524; 38 U. S. C. 471, 471a)

§ 3.95 *Service connection for gastric or duodenal ulcer (peptic ulcer) under Public No. 2, 73d Congress.* (a) Effective February 8, 1947, wartime service connection is in order under Public No. 2, 73d Congress, as amended, for gastric or duodenal ulcer (peptic ulcer) diagnosed subsequent to wartime service, if the following requirements are met:

(1) The veteran had wartime service of 90 days or more;

(2) The evidence, including medical principles, does not show inception of the ulcer prior to wartime service;

(3) (i) The ulcer was properly diagnosticated within six months from the date of termination of active wartime service; or

(ii) The ulcer was properly diagnosticated more than six months but within one year from the date of termination of active wartime service, with satisfactory evidence of continuity of characteristic symptoms during the first six months after termination of active wartime service.

(b) A proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.

(c) In a case where the record of the service department or other competent evidence shows the manifestation of symptomatology of a gastric or duodenal ulcer (peptic ulcer) during service, and the nonexistence thereof prior to such service, it is, of course, unnecessary to resort to the application of the criteria herein contained for the purpose of establishing service connection.

(d) The criteria herein contained do not apply to a case in which the evidence shows that the ulcer pre-existed service or became manifest more than one year after termination of active wartime service. Such cases are to be handled in the same manner as claims for service connection for other conditions. (Sec. 11, 46 Stat. 995, sec. 27, 48 Stat. 524, 60 Stat. 319; 38 U. S. C. 471, 471a, 736–738)

Service Connection for Tuberculous Diseases

§ 3.96 *Presumptive service connection for active tuberculosis.* Where an active tuberculous disease of ten percent degree or more in accordance with the Schedule for Rating Disabilities, 1945 Edition, is shown to have developed prior to January 1, 1925, such active tuberculous disease will be considered as incident to service in accordance with the second proviso of section 200 of the World War Veterans' Act, 1924, as amended, as reenacted under Title III, Public No. 141, 73d Congress; *Provided*, That the claimant had active military or naval service between April 6, 1917, and November 11, 1918, inclusive, or prior to April 2, 1920, with the United States military forces in Russia. (See § 3.89.)

§ 3.97 *Evidence necessary to show active pulmonary tuberculosis.* The showing of active tuberculous disease of ten percent degree or more prior to January 1, 1925, will be contingent upon reports of physical examination, or acceptable medical or lay affidavits, citing the facts that would demonstrate the existence of such condition. Lay affidavits when relevant, competent, and material, will be given due consideration in connection with the other evidence submitted; such affidavits to be acceptable must be confined to statements of fact and not of opinion.

§ 3.99 *Findings establishing a diagnosis of active pulmonary tuberculosis.* In all cases in which a determination is to be made of the development of active tuberculosis to a ten percent degree of disability or more prior to January 1, 1925, as provided in section 200 of the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, the following standards will be applied: Active pulmonary tuberculosis, diagnosticated by approved methods will be held to have preexisted the diagnosis six months in minimal (incipient) cases; nine months in moderately advanced cases, and twelve months in far advanced cases.

Proximate Results

§ 3.101 *Secondary condition.* Disability which is proximately due to or the result of a properly service-connected disease or injury is compensable, unless such disability is shown to be the result of a nonservice-connected intervening cause. When service connection is thus established for a secondary condition the secondary condition will be considered a part of the original condition for all purposes. (38 U. S. C. ch. 12, Reg. 3 (a))

Wartime Service Connection for Malaria and Chronic Diseases Characteristically Tropical in Origin.

§ 3.102 *Wartime service connection.* (a) Conditions which may be considered under paragraphs b (2) and (3) of this section are restricted to the following: amebic dysentery; bacillary dystentery; filariasis (Bancroft's type); leishmaniasis, including kala-azar; schistosomiasis; trypanosomiasis; yaws; and malaria.

(b) Wartime service connection for the above enumerated conditions may be granted where:

(1) There is available an official record of the presence of the disease during wartime service, without clear and unmistakable evidence, including medical principles, of the existence of the disease prior to such service.

(2) Such chronic disease is shown by proper diagnosis, made within one year from date of termination of active wartime service, in cases of veterans who had such service in the tropics, or in a locality having a high incidence of the disease under consideration, and the record is without evidence of inception prior or subsequent to war service; provided, that residence during the year following this service was not in the tropics or in a region where the particular disease is endemic.

(3) A notation was made at discharge of a history of the presence of the disease during wartime service, in cases of veterans who had such service in the tropics or in an area having high incidence of the particular disease, and the history is not negatived by evidence of inception prior or subsequent to war service; provided the claim is filed within one year from date of discharge.

(c) In making a determination under paragraphs (b) (2) or (3) of this section, allowing service connection for any of these conditions other than malaria, it is necessary that the condition under consideration be shown to have been properly diagnosed on Veterans' Administration examination (38 U. S. C. ch. 12).

Service Connection for Dental Disabilities

§ 3.104 *Required period of service.* Compensation may be awarded for a dental condition under Veterans' Regulation No. 1 (a), Part I, (38 U. S. C. ch. 12) and Title III, Public No. 141, 73d Congress, where active service was performed on or after April 6, 1917, and prior to November 12, 1918, or prior to April 2, 1920 for persons who served with the United States military forces in Russia, or on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, or (under Veterans' Regulation No. 1 (a) only) where active service was performed in the Spanish American War, Boxer Rebellion, Philippine Insurrection or World War II as defined by §§ 3.1000 (a), 3.1001 (a), 3.1002 (a), 3.1017 (a), and 3.0 (a) and (b). For the purposes of Veterans' Regulation No. 1 (a) the veteran must have been discharged under conditions other than dishonorable, and under Public No. 141, 73d Congress, not dishonorably discharged, and the disability must have been incurred in or aggravated by active service during the defined periods and not due to wilful misconduct. However, where incurrence of the disability is shown prior to the beginning date of the war concerned or where the enlistment commenced subsequent to the termination thereof, service connection may be established only in accordance with 38 U. S. C. ch. 12, Reg. 1 (a), Part II. (Sec. 1, 48 Stat. 8, 524, sec. 5, 50 Stat. 661; 38 U. S. C. 424a, 473a, 701)

§ 3.105 *Dental determinations.* Determinations relative to the origin or aggravation in active service of dental conditions will be in accordance with the requirements of Part I, paragraph I (a), and Part II, paragraph I (a), respectively, of the Veterans' Regulation No. 1 series, as amended (38 U. S. C. ch. 12), and section 28, Title III, Public No. 141, 73d Congress.

(a) When a period of six months or over of continuous active service during a wartime enlistment which began prior to November 12, 1918, or prior to April 2, 1920, for persons who served with the United States military forces in Russia, or which began on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, or before 12 o'clock noon, December 31, 1946, is shown, service connection may be considered as having been established under the World War Veterans' Act, 1924, as amended, reenacted by Public No. 141, 73d Congress, or Veterans' Regulation No. 1 (a), Part I, paragraph I (a), as amended, for World War II service, for any dental disability except such as were recorded at time of enlistment subject to the provisions of § 3.107 (a), existed prior thereto, or otherwise rebutted, shown to have existed within a year from date of discharge from those periods of service. If the claimant was or is discharged after July 2, 1921, or after the date of termination of World War II the one year period for the establishment of such service connection will begin on July 2, 1921, or the date of termination of World War II. Service connection will not be considered as having been established when the evidence clearly shows that the disabilities or conditions existed or were recorded at the time of enlistment subject to the provisions of § 3.107 (a) or originated subsequent to discharge from causes not related to service. (Secs. 1, 28, 43 Stat. 8, 524, sec. 9, 57 Stat. 556; 38 U. S. C. 701, 722, ch. 12 note)

§ 3.106 *Evidence to establish service connection.* Service connection for dental disabilities will be established by service records, documentary evidence in the form of reports of examinations (dental or physical), affidavits of dentists or physicians, or affidavits of fact from two or more disinterested parties. The disability must be shown to have been incurred in or aggravated by service as provided herein. Affidavits by dentists or physicians must give the claimant's full name, the date he was first examined or treated, if any, and contain a complete and detailed statement of the symptoms observed and diagnosis made. The name or number of all defective or missing teeth noted and the character and extent of any pathological condition of the investing tissues observed should be included. If exact dates cannot be given, the expression "on or about", an approximate date, may be considered. Vague expressions, such as "sometime after discharge", or "since discharge", will not be accepted. Affidavits from disinterested parties must show the circumstances under which knowledge of the claimant's disability was obtained and as far as possible describe the symptoms and location of the disability observed.

§ 3.107 *Service connection where dental disability is not of compensable degree.* Determinations relating to the origin or aggravation in active service of dental conditions not of compensable degree where claim is made for treatment will be in accordance with §§ 3.105 and 3.106, and current instructions covering service connection and aggravation under Veterans' Regulation No. 1 (a), Part I, as amended (38 U. S. C. ch. 12). However, the statutory presumption provided in section 200 of the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, or Veterans' Regulation No. 1 (a), Part I, paragraph I (b), as amended, as to soundness of condition at time of entrance into active service will not be applicable in cases of dental conditions not of compensable degree.

(a) The furnishing of treatment or prosthesis for non-compensable dental conditions during service will not be considered per se as aggravation of a dental condition shown to have existed prior to entrance into active service. However, service connection by aggravation will be conceded where a tooth is noted at time of enlistment as defective but was restor-

able and is extracted during service or where pyorrhea is noted at enlistment but during service necessitates extraction of a tooth or teeth. Conversely, service connection by aggravation will not be conceded if the tooth at enlistment was classified as defective but was not restorable.

(b) Effective principles relating to the establishment of service connection for dental diseases and injuries by reason of their relationship to other associated service-connected diseases or injuries will be observed in the adjudication of claims based upon dental conditions where a determination to that effect is properly in order.

§ 3.108 *Adjudication of application for dental treatment.* A formal application by or in behalf of a veteran is not required where claim is made for dental treatment only. Whenever an application for dental treatment is received, the application will be forwarded by the responsible medical activity to the adjudication officer, field office, or chief, claims division, veterans claims service, central office, where an official request for active service data will be prepared and forwarded in accordance with existing procedure. When the service data are received, the claim will be considered by the rating board for determination of service connection. The ratings in such cases will be made upon the regular rating sheets.

§ 3.110 *Severance of service connection in dental cases.* When service connection for a dental condition, compensable or non-compensable, is considered clearly and unmistakeably erroneous, the procedure provided in § 3.9 (a) will be for application.

Service Connection for Disability or Death the Result of Examinations, Training, Hospitalization, or Medical or Surgical Treatment

§ 3.121 *Compensation for disability or death the result of training, hospitalization, or medical or surgical treatment under section 31, Title III, Public No. 141, 73d Congress, the result of examinations under section 12, Public No. 866, 76th Congress, or the result of training under paragraph 4, Part VII, reg. 1 (a), as amended (38 U. S. C. ch. 12).* For the purposes of the sections referred to:

(a) Where any veteran suffers or has suffered a disease or an injury, or the aggravation of any existing disease or injury as the result of training, hospitalization, or medical or surgical treatment, awarded under any of the laws granting monetary or other benefits to World War veterans, or as the result of having submitted to examination under authority of any of the laws granting monetary or other benefits to World War veterans, and not the result of his wilful misconduct, when such disease, injury or aggravation results in additional disability to or the death of such veteran, the benefits of Public No. 2, as amended, Public No. 78 and Public No. 141, 73th Congress, will be awarded in the same manner as if such disability, aggravation or death was service connected within the meaning of such laws. The benefits of this section will be in lieu of the benefits, if payable, under the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended.

(b) The benefits granted under section 31, Title III, Public No. 141, 73d Congress, will not be awarded, unless application is made therefor within two years after such injury or aggravation was suffered, or such death occurred, or after the passage of Public No. 141, 73d Congress, whichever is the later date, except that in cases where payments being made as of March 19, 1933, under section 213, World War Veterans' Act, 1924, as amended, were discontinued as a result of the review pursuant to section 17, Public No. 2, a new claim will not be necessary but all cases falling within this category will be reviewed and any payments hereunder will be effective as of March 28, 1934.

(c) No benefits under section 12, Public No. 866, 76th Congress, on account of disability or death resulting from disease or injury incurred or aggravated in submitting to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, other than those referred to in section 31 of Public No. 141, 73d Congress, shall be awarded effective prior to the date of application on or after October 17, 1940, and unless the application be made therefor within two years after such injury or aggravation was suffered, or such death occurred, or after October 17, 1940, whichever is the later date: *Provided*, that in claims for death benefits the effective date of the award will be October 17, 1940, or the day following the date of death, whichever is the later, if application is filed within one year of the veteran's death.

(d). No benefits under paragraph 4, Part VII, Veterans' Regulation No. 1 (a), as amended, on account of disability or death resulting from an injury or aggravation of an injury incurred in pursuing a course of vocational rehabilitation shall be awarded prior to the date of application on or after March 24, 1943, and unless application is made therefor within two years after such injury or aggravation was suffered or such death occurred or after March 24, 1943, whichever is the later date: *Provided*, That in claims for death benefits the effective date of the award will be March 24, 1943, or the day following the date of death, whichever is the later, if application is filed within one year of the veteran's death. (Sec. 31, 48 Stat. 526, sec. 12, 54 Stat. 1197, sec. 2, 57 Stat. 43; 38 U. S. C. 501a, 501a–1, ch. 12 note)

§ 3.123 *Initial determinations and adjudicative action under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress, and under paragraph 4, Part VII, Reg. 1 (a),* as amended. (38 U. S. C. ch. 12.) Disability compensation will be payable only when it is determined (1) that there is additional disability, and (2) that such additional disability resulted from disease or injury or an aggravation of an existing disease or injury suffered as the result of training, hospitalization, medical or surgical treatment, or examination under authority of any of the laws granting monetary or other benefits to World War veterans. The following principles will be observed:

(a) The determination that additional disability exists will be based upon a comparison of the beneficiary's physical condition immediately prior to the disease or injury on which the claim for compensation is based, with the subsequent physical condition resulting from the disease or injury. Where it is determined that there is additional disability resulting from a disease or injury or an aggravation of an existing disease or injury suffered as the result of training, hospitalization, medical or surgical treatment, or examination, compensation will be payable only for the additional disability in accordance with the terms of the effective Schedules of Disability Ratings, the terms of the General Law (act of July 14, 1862) where service was prior to April 21, 1898, and the terms of the various service pension acts. This comparison will be made separately for each body part involved. As applied to medical or surgical treatment, the physical condition prior to the disease or injury will be the condition which the specific medical or surgical treatment was designed to relieve; as applied to examinations, the physical condition prior to the disease or injury will be the condition at time of beginning the physical examination as a result of which the disease or injury was sustained.

(b) In determining whether such additional disability results from a disease or an injury or an aggravation of an existing disease or injury suffered as the result of training, hospitalization, medical or surgical treatment or examination, the following considerations will govern:

(1) It will be necessary to show that the additional disability is actually the result of such disease or injury or an aggravation of an existing disease or injury and not merely coincidental therewith.

(2) Compensation will not be payable for the continuance or natural progress of diseases or injuries for which the training, or hospitalization, etc., was authorized.

(3) The mere fact that aggravation occurred will not suffice to make the additional disability compensable in the absence of proof that it resulted from disease or injury or an aggravation of an existing disease or injury suffered as the result of training, or hospitalization, etc.

(4) Compensation is not payable for either the usual or the unusual after-results of approved medical care properly administered, in the absence of a showing that the disability proximately resulted through carelessness, accident, negligence, lack of proper skill, error in judgment, etc. The question as to what is an accident, for the purpose of determining entitlement to benefits under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress, and under paragraph 4, Part VII, Veterans' Regulation No. 1 (a), as amended (38 U. S. C. ch. 12), is one for determination by the adjudicating agencies.

(5) Compensation will not be payable for the residuals of medical care or treatment given outside of a Government hospital or clinic unless such medical care or treatment was specifically authorized under one of the acts referred to in these regulations, or unless it is held to be adjunct treatment in connection with other treatment specifically authorized.

(6) The claimant's wilful misconduct or failure to follow instructions in connection with training, hospitalization, medical or surgical treatment, or examination, will bar him from the receipt of compensation hereunder except in the case of incompetent claimants. (Sec. 31, 48 Stat. 526, sec. 12, 54 Stat. 1197, sec. 2, 57 Stat. 43; 38 U. S. C. 501a, 501a–1, ch. 12 note)

§ 3.124 *Combination of ratings under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress, and under paragraph 4, Part VII, Reg. 1 (a), as amended (38 U. S. C. ch. 12).* Where two or more disabilities exist, including the disability determinable under section 31, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, or paragraph 4, Part VII, Veterans' Regulation No. 1 (a), as amended, the several disabilities will be evaluated under the Schedule of Disability Ratings, 1945, and combined. For the purpose of section 31, section 12 and paragraph 4, Part VII, Veterans' Regulation No. 1 (a), as amended, ratings will not be combined with ratings for diseases or injuries not due to service. Consequently, where benefits are currently payable for a nonservice-connected disability and benefits are found payable under section 31, section 12 or paragraph 4, payments under these sections will not be authorized unless it is a greater benefit. Where a veteran with wartime service has suffered a compensable disability and a service-connected compensable disability due to war or peacetime service, the evaluation of disability will be combined. (Sec. 31, 48 Stat. 526, sec. 12, 54 Stat. 1197, sec. 2, 57 Stat. 43, 60 Stat. 319; 38 U. S. C. 501a, 501a–1, 736–738, ch. 12 note)

Principles Governing Statutory Ratings

§ 3.130 *Statutory award for loss of use of creative organ.* Under the last paragraph of section 202 (3) of the World War Veterans' Act, as amended July 3, 1930, as reenacted by Public No. 141, 73d Congress, any veteran shown to have suffered the loss of the use of a creative organ as the result of an injury received in the active service in line of duty between April 6, 1917, and November 11, 1918, shall be entitled to a statutory award of $30 per month, independently of any other compensation which may be payable under said act: *Provided, however*, That if such disability was incurred while the veteran was serving with the United States military forces in Russia, the dates herein stated shall extend from April 6, 1917, to April 1, 1920. This statutory award shall be payable from the date the loss of the use of the creative organ is shown to exist, subject to the provisions of Veterans' Regulation No. 2 (a), Part I (38 U. S. C. ch. 12), and when payable shall be added to any other compensation payable to the veteran. (Sec. 13, 46 Stat. 998, sec. 28, 48 Stat. 524, sec. 2, 60 Stat. 910; 38 U. S. C. 471a–3, 473, 722)

§ 3.131 *Principles for determining entitlement to the statutory award for loss of use of a creative organ.* The following principles governing a rating as to entitlement to the statutory award provided by section 202 (3), World War Veterans' Act, 1924, as amended July 3, 1930, as reenacted by Public No. 141, 73d Congress, for the "loss of use of a creative organ" will be observed:

(a) The loss of use must first be established. Avulsion of one or both testicles or ovaries will suffice for this purpose, as will atrophy when it is demonstrated by proper diagnostic methods that no procreative function remains in the atrophied organ.

(b) The loss being apparent or the loss of use having been properly demonstrated, the additional statutory award of $30 monthly will be authorized when it is established by the official records of the service departments or other competent evidence that the loss or loss of use is the result of trauma incurred in the line of duty in the military service between the specified dates or had its inception in and therefore is directly attributable to disease incurred in the line of duty in the military service within the dates specified; *Provided, however*, That the statutory award will not be granted when the antecedent disease is service connected by statutory presumption.

(c) The statutory award will be granted for loss or loss of use of a creative organ resulting from gunshot wounds or other accidental trauma sustained in service or resulting from operations performed in service for the relief of other conditions, the creative organ becoming incidentally involved. In this regard, however, undescended testicles removed by operation will be considered as devoid of spermatogenesis unless laboratory examinations at the time of the orchidectomy determined the presence of viable spermatozoa.

(d) Loss or loss of use traceable to an operation performed subsequent to service, if the operation is one of election, will not entitle to the statutory award. If, however, the operation after discharge was required for the correction of a specific injury caused by a preceding operation in service and resulted in the loss or loss of use of a creative organ the statutory award may be granted.

(e) Atrophy resulting from mumps followed by orchitis in service is service connected. Mumps, however, not complicated by orchitis will not suffice as the antecedent cause of subsequent atrophy.

(f) Cases wherein there is uncertainty as to whether the veteran is entitled to the statutory award for the loss or loss of use of a creative organ, and all cases of women veterans where this question is involved, will be submitted to the director, claims service, branch office, for determination. (Sec. 13, 46 Stat. 998, sec. 28, 48 Stat. 524, sec. 2, 60 Stat. 910; 38 U. S. C. 471a–3, 473, 722)

§ 3.132 *Payment of statutory award of $60 per month for arrested tuberculosis.* Under the third paragraph of section 202 (7), World War Veterans' Act, 1924, as amended July 2, 1926, as reenacted by Public No. 141, 73d Congress, any veteran having had a service-connected active tuberculous disease of compensable degree, which has reached a condition of complete arrest, whose aggregate disabilities, including that resulting from tuberculosis, evaluated in percentage terms in accordance with the Schedule for Rating Disabilities, 1945 Edition, entitle him to a monthly award of compensation of less than $60, shall be entitled to a statutory award of not less than $60 per month as compensation in full for all disabilities including that resulting from tuberculosis. However, for any period during which the veterans' disabilities, including that resulting from the tuberculous disease, evaluated in accordance with the Schedule for Rating Disabilities, 1945 Edition, entitled him to an aggregate award of $60 or more per month, the provisions of this paragraph regarding the statutory award for arrested tuberculosis will be met by awarding the veteran the amount determined in accordance with the schedule and extensions thereto. (Sec. 9, 44 Stat. 794, sec. 27, 28, 48 Stat. 524, sec. 2, 60 Stat. 319, 910; 38 U. S. C. 471a, 471a–3, 473, 722, 736–738)

Determinations of Active Pulmonary Tuberculosis

§ 3.133 *Effect of diagnoses of active tuberculosis.* (a) Service department diagnoses of active pulmonary tuberculosis will be accepted unless, after considering all the evidence including that favoring or opposing tuberculosis, and favoring or opposing activity, a board of medical examiners or the chief medical officer certify that such diagnoses were incorrect. Doubtful cases may be referred to the branch medical director, in field cases or to the chief medical director in central office cases.

(b) Diagnoses of active pulmonary tuberculosis by the medical authorities of the Veterans' Administration as the result of examination, observation or treatment, will be accepted for rating purposes. Reference to the chief medical officer will be in order in questionable cases and if necessary to the branch medical director in field cases or to the chief medical director in central office cases.

(c) Diagnoses of active pulmonary tuberculosis by private physicians will not be accepted to show the disease initially manifest after discharge from active service unless confirmed by acceptable clinical, X-ray and laboratory studies or by a finding of active tuberculosis based upon acceptable hospital observation or treatment.

§ 3.135 *Determination of arrest in tuberculosis.* (a) A veteran determined to have had active pulmonary tuberculosis, will be held to have reached a condition of complete arrest when there is compliance with the criteria of arrested pulmonary tuberculosis as defined by the National Tuberculosis Association and adopted by the Veterans' Administration, viz: "All constitutional symptoms absent. Sputum, if any must be concentrated and found microscopically negative for tu-

bercle bacilli. Lesions stationary and apparently healed, according to X-ray examination. No evidence of pulmonary cavity. These conditions shall have existed for a period of six months, during the last two of which the patient has been taking one hour's walking exercise twice daily, or its equivalent."

(b) Arrest of extra-pulmonary forms of tuberculosis will be considered to have been reached when there is a healed lesion. If there are two or more foci of such tuberculosis, one of which is active, the statutory award for arrest will not be made until the tuberculous process has reached arrest in its entirety.

(c) Service connection of disability predicated upon a diagnosis of active tuberculosis by the service departments and consequent statutory awards and ratings in effect March 19, 1933, are entitled to the protection afforded under sections 27 and 28, Public No. 141, 73d Congress, and Public Law No. 458, 79th Congress.

§ 3.136 *Rating of arrest in non-pulmonary tuberculosis.* Disabilities in different body parts or organs resulting from arrested tuberculosis will be separately evaluated and combined for rating purposes in accordance with the Schedule of Disability Ratings, 1945 and Extensions thereto. The rating of disability from non-pulmonary forms of arrested tuberculosis will be in accordance with the terms of the Schedule of Disability Ratings, 1945, and Extensions thereto, as applied to resulting ankylosis, limitations of motion of joints, degree of fixation or angulation of the vertebral column, etc. Where, by surgical intervention, it has been possible completely to extirpate a tuberculous focus, as in nephrectomy, adenectomy, orchidectomy, amputation of a part, etc., leaving no other tuberculous focus, the rating and statutory award of not less than $60 per month for arrested tuberculosis will be applicable in accordance with the foregoing, subject to the provisions of § 3.225.

§ 3.137 *Rating of reactivation in cases of arrested tuberculosis.* In rating tuberculous disabilities to which the statutory award is not applicable, as when the diagnosis for the period of the disability upon which the rating is based is expressed in terms reflecting activity, the rating of the disability for such period shall be made in accordance with the applicable Schedule or Schedules of Disability Ratings, and extensions. If a period of complete arrest is interrupted by activity, the payment for arrested tuberculosis will cover only the period of arrest and will be terminated as of the date of determined reactivation, from which a rating will be made consistent with the physical findings pending reattainment of complete arrest.

Restoration or Grant of Benefits for Claimants Suffering from Paralysis, Paresis, or Blindness, or Who Are Helpless or Bedridden Due to Wilful Misconduct

§ 3.138 *Application of Publics Nos. 196 and 866, 76th Congress.* (a) On and after July 19, 1939, the date of enactment of Public No. 196, 76th Congress, any World War I veteran suffering from paralysis, paresis, or blindness, or who is helpless or bedridden as the result of any disability, and who was in receipt of compensation therefor on March 19, 1933, and on or after October 17, 1940, the date of enactment of Public No. 866, 76th Congress, any World War I veteran suffering from paralysis, paresis, or blindness, or who is helpless or bedridden as the result of any disability may be awarded compensation under the laws and interpretations governing this class of cases prior to the enactment of Public No. 2, 73d Congress, subject to the limitations, except as to wilful misconduct, contained in sections 27 and 28 of Public No. 141, 73d Congress, as amended: *Provided*, That compensation authorized under section 26 of Public No. 141, 73d Congress, will not be reduced or discontinued as a result of the application of the enactment: *And provided further*, That no payment of disability compensation under Public No. 866, 76th Congress, will be made for any period prior to the date of application therefor, which may be informal where there is of record a formal application, Veterans' Administration Form 8–526.

(b) In the application of the limitations contained in sections 27 and 28 of Public No. 141, 73d Congress, except as to wilful misconduct, it will be borne in mind that all reasonable doubts will be resolved in favor of the veteran. The delimiting dates of World War I under existing legislation will be applied; for the purposes of Publics Nos. 196 and 866, 76th Congress, the ending date of World War I will, therefore, be April 1, 1920, for those who served with the United States military forces in Russia, or July 2, 1921, for those who reenlisted on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918. (See § 3.0 (a).)

(c) The compensation award or disability rating in the case of any World War I veteran restored to the rolls or determinable under Public No. 196, 76th Congress, or granted disability benefits under section 7 of Public No. 866, 76th Congress, will be adjusted at any time upon the happening of a change in any of the contingencies upon which the current status is predicated, such as a change in family relationship, a change in physical condition, etc., as disclosed by competent evidence or a report of physical examination, and the effective date of the adjustment will be in accordance with the applicable regulations. (Sec. 7, 54 Stat. 1196, 53 Stat. 1067; 38 U. S. C. 703b)

§ 3.139 *Principles for observance in application of Public Nos. 196 and 866, 76th Congress.* (a) In interpreting the diseases specified in the first proviso of section 200 of the World War Veterans' Act, as amended, "paralysis" will be taken to mean the more massive motor or sensory losses, involving one or both of the upper or lower extremities, resulting from lesions of the central nervous system which are regarded as due to wilful misconduct. For example, the hemiplegia consequent upon cerebral hemorrhage in syphilitic cerebral arteritis; also the ataxic gait of tabes dorsalis; the spastic paraplegia of primary lateral sclerosis; the flaccid or spastic paralysis of myelitis; gait disturbances in disseminated sclerosis; the paralysis of limbs in syphilitic meningo-myelitis, etc. The rating in these cases will date from the onset of the station or gait disturbances to a degree which reduces earning capacity in accordance with the provisions of section 202 (4), second paragraph, of the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress. Localized palsies of cranial or peripheral nerves, due to wilful misconduct, will not be considered "paralysis" within the meaning of the first proviso of section 200.

(b) "Paresis" will be interpreted as general paralysis of the insane or paretic dementia.

(c) Visual disability due to syphilitic lesions of the second cranial (optic) nerve, or to gonorrheal ophthalmia, will be considered as "blindness" when 5/200 or less vision in both eyes is present after proper correction.

(d) By "helpless" will be understood a condition requiring the assistance of other persons, though not necessarily rendering the claimant in constant need of a nurse or attendant.

(e) By "bedridden" will be understood that condition which, through its essential character, actually requires that the claimant remain constantly in bed. The fact that a claimant has voluntarily taken to bed, or that a physician has prescribed rest in bed for a greater or lesser part of the day in order to promote convalescence or cure, will not necessarily mean that such claimant is to be regarded as helpless or bedridden, his further right to the additional allowance for an attendant or nurse will be considered in the same manner as for any other case.

(f) The ratings for cases held to be actually helpless or bedridden will date from the onset of such conditions.

(g) While the conditions specified in the first proviso of section 200 of the World War Veterans' Act, 1924, as amended, are usually of a permanent nature, the law does not require the individual case to be one of permanent disability in order that the benefits of the said proviso shall be applicable.

(h) Except for cases comprehended within these interpretations, all other disabilities due to wilful misconduct will continue to be rated in accordance with current regulations. Cases falling under the first proviso of section 200 of the World War Veterans' Act, as amended, as reenacted by Public No. 141, 73d Congress, may be connected directly or presumptively (under the second proviso of said section) with the active military or naval service.

Application of Rating Schedule

§ 3.141 *Use of 1925 and 1945 Rating Schedules.* (a) The Schedule for Rating Disabilities, 1945, applies to disabilities for which service-connection is granted or continued under Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12), including wartime and peacetime service-connection, or Public No. 141, 73d Congress, or where there is entitlement

to consideration under part III, Veterans' Regulation No. 1 (a), as amended by Veterans' Regulation No. 1 (c) and to disabilities considered as service connected under section 31, title III, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and paragraph 4, part VII, Veterans' Regulation No. 1 (a), as amended.

(b) Ratings under the Schedule of Disability Ratings, 1925, in effect April 1, 1946, will be continued in the absence of change in the physical or mental condition of the veteran: *Provided*, That if there is increase in the severity of the condition, the rating in effect on April 1, 1946, under the 1925 schedule will not be reduced and that statutory awards and ratings under the World War Veterans' Act, 1924, as amended, reenacted by Public No. 141, 73d Congress, will be granted or continued.

(c) When one and not the other of the two schedules applies, only the rating of the applicable rating schedule will be cited. When both apply, concurrent ratings are required under both schedules, with separate evaluations under a single diagnosis and rating code. (60 Stat. 319; 38 U. S. C. 736–738)

§ 3.142 *Special action where evaluations provided under the Rating Schedule, 1945, are considered inadequate or excessive.* (a) Exceptional cases to which the application of the 1945 Schedule is not understood, or with regard to which evaluation under this schedule is considered inadequate or excessive, may be submitted by the adjudication officer for advisory opinion or for reevaluation to the Director, Claims Service, branch office. He will return the case with appropriate instructions if he finds that provisions of the schedule have not been properly applied or that proper development has not been accomplished, or will forward the case to the Assistant Administrator for Claims, Attention: Director, Veterans' Claims Service, Central Office. Questionable special monthly compensation cases will be similarly submitted. Severe disabilities considered total, but for which current procedure does not authorize a total rating will be transferred direct to the Assistant Administrator for Claims, Attention: Director, Veterans' Claims Service in accordance with Veterans' Administration claims procedures. Where total disability is claimed and a submission hereunder is contemplated, a Veterans' Administration Form 8–527, Employment Statement, will be obtained and other indicated development of the evidence accomplished prior to the release of the records by the custodial office. The submission in any case comprehended by this regulation will include the claims folder, a recent medical examination, and definite recommendation from the submitting agency concerning evaluation of every disability under the schedule as interpreted by the submitting agency, and concerning schedular changes deemed advisable by reason of the particular situation encountered. However, cases will not be withdrawn from appellate channels for submission under this regulation, except as the Board of Veterans Appeals may join in reference of such cases with their recommendation. (38 U. S. C. ch. 12, Reg. 3 (a))

(b) Rating agencies are authorized to assign total disability ratings under Veterans' Regulation No. 1 (a), parts I and II (38 U. S. C. ch. 12), as authorized by paragraph 16, page 5, 1945 Rating Schedule, regardless of the age of the veteran; and under Veterans' Regulation No. 1 (a), part III, subject to the age requirements of paragraph 17, page 6, 1945 Rating Schedule. In favorable determinations of permanence of total disability in cases of veterans under forty years of age, the rating agency must assure itself, by deliberative consideration in which all three members of the board participate, that there is reasonable certainty of continuance of this degree of disability throughout life. Single disabilities of the extremities, even though severe, such as amputations, should not be taken to produce permanent and total disability until it is shown after hospitalization and convalescence that the veteran has been unable to secure employment on account of the disability and through no fault of his own. With these younger men, the fact that injuries, including single or multiple fractures, or diseases such as pulmonary tuberculosis, coronary thrombosis, or malignant growths, appear resistant to treatment, or have involved, or are likely to involve, long periods of treatment or industrial inactivity, does not indicate permanence of total disability unless the end result of treatment is more likely than not to be total disability. The general rules regarding permanence, as applied to total disability ratings, are set forth in §§ 3.167 and 3.168. Employment as a member employee, or similar employment other than in Veterans' Administration centers obtainable only in competition with disabled individuals, will not be considered as evidence of employability.

§ 3.148 *Effective dates of evaluations, 1945 Schedule, in original ratings.* (a) The Schedule for Rating Disabilities, 1945 edition, is the only schedule applicable for the evaluation of disability on or after April 1, 1946, except when a statutory award or rating under the World War Veterans' Act, 1924, as amended, as restored by Public No. 141, 73d Congress, as amended, is in order, in which event the statutory award or rating will be continued or made in the manner provided for initial ratings. In initial ratings the effective dates of evaluations under the 1945 Schedule will be: (1) The dates following the date of discharge from active service or the date evidence shows entitlement, whichever is later, if the claim is filed within one year from the date of discharge, for periods both prior and subsequent to April 1, 1946; (2) The date of receipt of claim or the date evidence shows entitlement, whichever is later, if the claim was not filed within one year from date of discharge. Initial rating is defined as the first rating made in a case in which determination as to entitlement to disability compensation or pension for any disability under Public No. 2, 73d Congress, and the regulations issued pursuant thereto, as amended, has not heretofore been made. This definition includes those service-connected cases initially rated on or after April 1, 1946, either compensable or noncompensable, in which the 1945 Schedule was not applied.

(b) In other than initial ratings, all ratings as the result of the review required by the second sentence, section 1, Public Law 458, 79th Congress: Date following date of discharge, date evidence shows entitlement, or April 1, 1946, whichever is later, if claim was filed within one year from date of discharge from active service; ratings for periods prior to April 1, 1946, will be under the 1925 or 1933 Schedules; date of receipt of claim, date evidence shows entitlement, or April 1, 1946, whichever is later, if claim was not filed within one year from date of discharge; ratings for periods prior to April 1, 1946, will be under the 1925 and 1933 Schedules.

(c) The provisions of Public Law 458, 79th Congress, do not preclude change from a temporary rating in effect April 1, 1946, under the 1925 Schedule, to a permanent rating under the same schedule without change affecting the degree of disability.

(d) When service-connection, World War II, is granted under Veterans' Regulation 1 (a), part I, paragraph 1 (c) (38 U. S. C. ch. 12) the effective date of evaluation of disability will be determined as above outlined, except when claim is filed more than a year from date of discharge, the effective date of the evaluation of disability will be shown as of a date within the year from date of discharge. (60 Stat. 319, 38 U. S. C. 736–738)

§ 3.149 *Effective dates of evaluation, 1945 Schedules, in claims for increase.* (a) Evaluations under the 1945 Schedule and extensions in claims for increase will be effective from the date of the receipt of the evidence, i. e., affidavits of physicians or other evidence submitted by the veteran showing an additional disability, or an increase in the condition for which he is receiving compensation; or the date of the official report of physical examination made in a Veterans' Administration hospital, or by a designated examiner in connection with compensation, pension, or treatment pursuant to proper authority. The effective date of the evaluation will not, however, necessarily control award action. (See § 3.216)

(b) Increased ratings due solely to the application of the 1945 Schedule in the cases reviewed should be effective from April 1, 1946, if the case was initially rated prior to April 1, 1946; otherwise as provided in § 3.148 (a). (60 Stat. 319; 38 U. S. C. 736–738)

§ 3.150 *General principles as to effective disability evaluations under the Schedule for Rating Disabilities, 1945 Edition.* Within the limits mentioned in §§ 3.148 and 3.149, the question of evaluating disabilities based on applications for monetary benefits must be determined on the facts in the individual case for consideration. If the disability is static in nature and the information in connection therewith furnished in the Veterans' Administration Form 8–526 or in the service records (claim filed within one year from date of discharge) is sub-

stantiated by a subsequent examination, the precentage evaluations in accordance with the terms of the rating schedule will be applicable from the date of claim or date following date of discharge. Where the disease or injury is not static in nature but is disclosed on examination within such a reasonable time after the filing of the claim or date of discharge from service (claim filed within one year from date of discharge) that the exercise of sound medical judgment would permit a determination that the condition was existent at the time the claim was filed, or at the time of discharge, the effective date of the evaluations assigned in accordance with the terms of the rating schedule will be the date of claim or the date following the date of discharge. Accordingly, when in the exercise of sound medical judgment the evidence is considered sufficient to establish an evaluation of the disability from the date of application, original or for increase, or date of discharge from the service (claim filed within one year of discharge), an appropriate rating will be made and payments authorized effective from the date of application, or date of discharge, if otherwise in order. (Sec. 17, 57 Stat. 560; 38 U. S. C. 732)

§ 3.155 *Combined ratings.* (a) When there are two or more ratable disabilities, combined ratings, following the tables and rules prescribed in the 1945 Schedule, are authorized.

(b) Under Veterans' Regulation No. 1 (a), part IV (38 U. S. C. ch. 12), a combined rating under the 1945 Schedule is authorized as between ratings for one or more disabilities resulting from wartime service and ratings for one or more disabilities resulting from peacetime service.

(c) For the purpose of determining the existence of permanent and total disability under Veterans' Regulation No. 1 (a), Part III, evaluations for diseases or injuries service connected under Veterans' Regulation No. 1 (a), Parts I and II (38 U. S. C. ch. 12), may be combined with evaluations for diseases or injuries not shown to be connected with active military or naval service.

(d) Pursuant to section 202 (15), World War Veterans' Act, 1924, as amended, reenacted by Public No. 141, 73d Congress, a veteran of World War I, as defined by Public No. 141, 73d Congress, suffering from a disability of compensable degree connected with World War I service, who is entitled to compensation for a service-connected disability by reason of other military or naval service, is entitled to the evaluation and combination of his compensable service-connected disabilities in accordance with the Schedule for Rating Disabilities, 1945 edition, *Provided, however,* That in the absence of a change in the severity of the condition previously evaluated under the 1925 Schedule, these evaluations will be continued and the greater benefit awarded.

(e) The statutory allowance provided by section 202 (3) World War Veterans' Act, 1924, as amended, and reenacted by Public No. 141, 73d Congress, even though predicated upon a "no percent" rating under the 1925 Schedule of Disability Ratings, may be added to the compensation payable for disability incurred in World War II and paid as one award.

(f) Where there is doubt as to whether a veteran, who served during a war period and a peacetime enlistment, is entitled to combination and payment at wartime rates because of disabilities connected with peacetime service, or there is doubt as to the manner of combination, the case will be submitted to the Director, Claims Service, branch office, for review and appropriate advice.

§ 3.156 *Special combination ratings, 1945 Schedule.* Whenever a veteran is suffering from two or more separate permanent disabilities of such character as clearly to interfere with his normal employability, even though none of the disabilities may be of compensable degree under the 1945 Schedule, the rating agency is authorized to apply a ten percent rating, but not in combination with any other rating. In instances of this character where there is a service-connected wartime disability and also a service-connected peacetime disability, the evaluation will be made under 38 U. S. C. ch. 12, Reg. 1 (a), Parts I and IV.

§ 3.157 *Separate combined ratings, direct and presumptive.* Where the rating involves both direct and statutory presumptive service connections, under Title III, Public No. 141, 73d Congress, two combined ratings under the 1945 Schedule will be entered, one showing the evaluation of all directly service-connected diseases or injuries, and the other covering all directly and presumptively service-connected diseases or injuries.

§ 3.158 *Rating of noncompensable disabilities under 1945 Schedule.* For the purpose of the 1945 Schedule a disability under any diagnostic classification which does not meet the minimum Rating Schedule standard under that classification will be rated as no percent, except for purposes of Civil Service preference, in which event an evaluation of less than ten percent may be made. (60 Stat. 319; 38 U. S. C. 736–738)

§ 3.159 *Rating of disabilities aggravated by active service.* In cases involving aggravation by active service, the rating will reflect only the degree of disability over and above the degree existing at the time of entrance into the active service, whether the particular condition was noted at the time of entrance into the active service, or is determined upon the evidence of record to have existed at that time. It is necessary, therefore, in all cases of this character to deduct from the present degree of disability the degree, if ascertainable, of the disability existing at the time of entrance into active service, in terms of the 1945 Schedule, except that if the disability is total (100 percent) no deduction will be made. The resulting difference will be recorded on the rating sheet. If the degree of disability at the time of entrance into the service is not, ascertainable in terms of the Schedule, no deduction will be made.

(b) Where a disease or injury incurred in peacetime service is aggravated during wartime service, or conversely, where a disease or injury incurred in wartime service is aggravated during peacetime service the entire disability flowing from the disease or injury will be considered incurred in war service and rated accordingly.

(c) The special monthly compensation or statutory allowances are payable whether the injury or disease basically was incurred in or aggravated by active service. (60 Stat. 319; 38 U. S. C. 736–738)

§ 3.165 *Statutory permanent and total ratings under the World War Veterans' Act, 1924, as amended, as reinstated by section 28, Public No. 141, 73d Congress.* Disability from an injury or disease will be rated as permanent total under the following conditions:

(a) *Statutory.* Statutory permanent total ratings are authorized by section 202, World War Veterans' Act, 1924, as amended, and as reinstated by section 28, Public No. 141, 73d Congress by reason of "Loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech or becoming permanently helpless or permanently bedridden." The organic loss of speech will mean the loss of the ability to express oneself, both by voice and whisper, because of organic changes in the organs involved.

§ 3.166 *Total disability ratings under Public No. 2, 73d Congress, and the 1945 Schedule.* (a) Total disability will be considered to exist when there is present any impairment of mind or body which is sufficient to render it impossible for the average person to follow a substantially gainful occupation; *Provided,* That permanent total disability shall be taken to exist when the impairment is reasonably certain to continue throughout the life of the disabled person.

(b) The following will be considered to be permanent total disability: The permanent loss of the use of both hands, or of both feet, or of one hand and one foot, or of the sight of both eyes, or becoming permanently helpless or permanently bedridden.

(c) Other provisions relative to total disability ratings are contained in the 1945 Schedule.

(d) The authority granted the Administrator under Veterans' Regulation No. 1 (b) (38 U. S. C. ch. 12) for purposes of Part III, Veterans' Regulation No. 1 (a), to classify as permanent total those diseases and disorders, the nature and extent of which, in his judgment, will justify such a determination, will be exercised on proper submission under § 3.142.

(e) With actual progressive deterioration of the vision, so that the disabled person becomes blind in both eyes, or so nearly blind as to qualify under the 1945 Schedule a permanent and total rating will not be withheld, notwithstanding that the underlying diagnosis is a congenital defect, provided the other requirements for the benefit are met. It is to be borne in mind that the essential requirement in this regard is actual reduction of the vision, so that the person, formerly able to see well, or fairly well, has become, as a result of physical changes, occupationally blind. (60 Stat. 319; 38 U. S. C. 736–738)

§ 3.167 *Permanent total disability ratings generally.* (a) Permanence of total disability may be conceded when it is reasonably certain that the disability will remain unimproved throughout the life of the disabled person, and with actually totally incapacitating diseases and injuries of long standing, when the probability of permanent improvement under treatment is remote.

(b) The age of the disabled person (over 55) may be considered in determining permanence. Permanent total disability ratings may not be granted as a result of any incapacity resulting from acute infectious disease, accident, or injury, unless there is present one of the recognized combinations of permanent loss of use of extremities or sight, or the person is in the strict sense permanently helpless or bedridden, or when it is reasonably certain that a subsidence of the acute or temporary symptoms will be followed by irreducible totality of disability by way of residuals. (38 U. S. C. ch. 12, Reg. 3 (a))

§ 3.168 *Ratings of total disability on history.* In the case of disabilities which have undergone some recent improvement, a rating of total disability may be made under Public No. 2, 73d Congress, without regard to the rating schedule: *Provided* (a) That the disability must in the past have been of sufficient severity to warrant a total-disability (b) that it must have required extended, continuous or intermittent hospitalization, or have produced total industrial incapacity for at least one year, or be subject to recurring, severe, frequent or prolonged exacerbations, and (c) that it must be the opinion of the rating agency that despite the recent improvement of the physical condition, the veteran will be unable to effect an adjustment into a substantially gainful occupation. Due consideration will be given to the frequency and duration of totally incapacitating exacerbations since incurrence of the original disease or injury, and to periods of hospitalization for treatment, in determining whether the average person could have reestablished himself in a substantially gainful occupation.

§ 3.169 *Insurance and compensation or pension ratings.* A rating of permanent and total disability for insurance purposes will have no effect on ratings for compensation or pension.

§ 3.170 *Continuance of total disability ratings.* Total disability ratings made pursuant to the criteria established under the prior general and service pension laws, the War Risk Insurance Act, as amended, or the World War Veterans' Act, 1924, as amended, for pension, disability allowance, or disability compensation purposes, when warranted by the severity of the condition, and not granted purely because of hospitalization or home treatment, and total ratings made pursuant to existing legislation will not be reduced, in the absence of clear error, without physical examination showing material improvement in physical condition. Examination reports showing material improvement must be evaluated in conjunction with all the facts of record and consideration must be given particularly to whether the veteran attained improvement under the ordinary conditions of life, i. e., while actually at work, or whether the symptoms have been brought under control by prolonged rest, or generally, by following a regimen which precludes work, and if the latter, reduction from total disability rating will not be considered pending reexamination after a period of employment (three to six months).

§ 3.171 *Continuance of total disability ratings in tuberculosis cases.* Total ratings of long standing for active tuberculosis will not be reduced pending attainment of definite arrest, or at least the subsidence of any marked symptoms under the ordinary conditions of life, i. e., while employed. The fact of attaining inactivity or arrest following prolonged total disability on account of active tuberculosis will not in itself be taken as establishing that the improvement can be maintained under the ordinary conditions of life.

§ 3.172 *Stabilization of disability evaluations.* (a) The approved policy of the Veterans' Administration requires that all rating agencies handle cases affected by change of medical findings or diagnosis, wherein service connection or entitlement is in effect, including claims under Veterans' Regulation No. 1 (a), Part III (38 U. S. C. ch. 12), so as to produce the greatest degree of stability of disability evaluations consistent with the laws and regulations governing disability compensation and pension. In pursuance of this vital policy it is essential that the entire record of examinations and the medical-industrial history be reviewed to ascertain whether the recent examination is full and complete, including all special examinations indicated as a result of general examination and the entire case history. This applies especially to hospital examinations incident to treatment of intercurrent diseases and exacerbations, including bedside examinations, examinations by designated physicians, and examinations in the absence of, or without taking full advantage of, laboratory facilities and the cooperation of specialists in related lines. Examinations less full and complete than those on which payments were authorized or continued, will not be used as the basis of reduction. The type of disease, and the relationship between the former diagnosis and findings and the new diagnosis and findings must be closely examined. Ratings on account of diseases subject to temporary or episodic improvement, e. g., manic-depressive or other psychosis, epilepsy, psychoneurosis, coronary sclerosis (coronary occlusion or the anginal syndrome), bronchial asthma, gastric or duodenal ulcer, many skin diseases, etc., will not be reduced on any one examination except in those instances where all the evidence of record clearly warrants the conclusion that permanent improvement of physical or mental condition has been demonstrated. Ratings on account of diseases which become comparatively symptom free (findings absent) after prolonged rest, e. g., phlebitis, myocardial or coronary insufficiency, active pulmonary tuberculosis, etc., will not be reduced on examinations reflecting the results of bed rest. When the new diagnosis reflects mental deficiency or psychopathic inferiority only, the possibility of only temporary remission of the psychosis, psychoneurosis, or other superimposed disease will be borne in mind. When syphilis of the central nervous system or alcoholic deterioration are diagnosed following a long prior history of psychosis, psychoneurosis, epilepsy, or the like it is rarely possible to exclude persistence, in masked form, of the preceding innocently acquired manifestations. With new diagnosis or findings reflecting change from organic etiology to functional etiology, as organic disease of the heart, to neurocirculatory asthenia, vaso-motor instability, or psychoneurosis, or as arthritis to psychoneurosis under similar circumstances, substantially the same degree of disabality may persist under the new diagnosis as under the old one. Even though material improvement in the physical or mental condition is clearly reflected, the rating agency will consider whether the evidence makes it reasonably certain that the improvement will be permanent and can be maintained under the ordinary conditions of life, i. e., while employed, or, if unemployed, while actively seeking employment. This instruction does not alter the long established policy of the Veterans' Administration of placing disability ratings on a permanent basis whenever existing conditions will permit.

(b) If, after according due consideration to all the evidence developed by the several items discussed in the preceeding paragraph, doubt remains, the rating agency will continue the rating in effect, citing the former diagnosis with the new diagnosis in parenthesis and following the appropriate code there will be added the reference "Rating continued pending reexamination ------ months from this date, § 3.172." The rating board will determine upon the basis of the facts in each individual case whether 18, 24 or 30 months will be allowed to elapse before the reexamination is made.

(c) The above provisions apply to permanent ratings, or to those which on account of their long continuance at the same level (five years or more) are on a parity with permanent ratings. Such provisions of regulations and procedure are not for application in the cases of veterans so recently discharged from the service that their disability has not been stabilized. Accordingly, in these new cases and particularly when temporary disability, which is likely to improve, is under consideration reexaminations disclosing improvement of the physical or mental condition will warrant reduction of the rating.

§ 3.173 *Determinations of incompetency or competency.* (a) Rating agencies are authorized to pass upon the mental condition and degree of disability of claimants in accordance with paragraph (B), section 1, Public Law 662, 79th Congress.

(b) The constituted rating agencies of the Veterans' Administration are au-

thorized to make official determinations, in accordance with approved rating form and practice, of incompetency and/or insanity of veterans, for the purpose of existing laws, regulations and official instructions relating to the payment of monetary benefits.

(c) In the exercise of this function rating agencies will make no determination of incompetency or insanity in any case without a definite expression regarding the question upon the part of the responsible medical authorities. The expression of medical opinion will be in accordance with the principles in § 3.174. The finding by two qualified specialists in neuropsychiatry will be required as a basis for the ratings relative to incompetency or insanity in all cases when the services of two qualified specialists are available; however, where an examination or opinion of two neuropsychiatrists cannot be conveniently or economically obtained, the opinion of one who is a specialist in neuropsychiatry, reported in the manner now provided, may be accepted as sufficient for such a rating determination, subject to the provisions of § 3.174. A finding and report as specified herein will be required where a beneficiary who has been rated insane or incompetent, reaches a state of improvement warranting consideration of the question of his recovery of reason or restoration of competency.

(d) In cases of incompetency where the insanity is not connected with service this fact must be brought out in the rating. Where the insanity is service connected, and a finding of incompetency is made, then this conclusion should be in consonance with the clinical picture of the type and degree of disability as presented in the symptomatology and there should be a consistent relation between the percentage of disability and the holding of "insane-incompetent."

(e) (1) In World War II cases the determination of the service department that a veteran is incompetent may be confirmed by the rating board only in the event the records show conclusively that the veteran is wholly incapable of disbursing the funds he is to receive from the Veterans' Administration in a reasonably prudent manner. In other words it must be clear that due to the utter lack of consideration of values or complete disregard of his own or his dependents' needs he would wantonly dissipate his funds. Where there is any doubt as to whether he is capable of administering his funds such doubt will be resolved in favor of his competency and an award will be made to him. However, where the veteran is maintained in a Veterans' Administration hospital or center, unless assured that the veteran has made a marked recovery since examination in the armed service, and that his release from the hospital or center may be anticipated in a relatively short time, and that he will be able to handle his funds as a competent patient while hospitalized, an opinion of incompetency would be justified and consistent with the purpose of hospitalization, and should be so expressed in the report of examination. The rating boards will bear in mind the consistency of a rating of incompetency of a hospitalized veteran with a mental disability evaluated as 100 percent.

(2) If the veteran upon discharge from the service is not admitted to a Veterans' Administration hospital or center or other institution for treatment of mental diseases, the case will be rated upon the records of the service department. If upon application of the rule stated in subparagraph (1) of this paragraph the rating agency concludes the veteran is incompetent he will be so rated and the case will be referred to the chief attorney as provided in paragraph 73a (1) (a) and (b) of M8-5 and § 14.200 of this chapter. The chief attorney will proceed to develop information as to the veteran's social, economic and industrial adjustment since discharge from the service, pursuant to Veterans' Administration medical procedures. Upon review of the evidence thus developed if the chief attorney concurs in the rating of incompetency he will proceed to effect the appointment of a fiduciary or, if the veteran is married, to recommend release of payments to the veteran's wife as provided in § 14.201 of this chapter. If the chief attorney determines that the veteran is sufficiently competent to administer the funds payable, the evidence will be referred to the rating agency with a statement as to his conclusion, the evidence will be reevaluated, the veteran will be rated competent and a rating commensurate with the degree of disability assigned. If upon review of the complete evidence it is found that the evaluation previously assigned may be confirmed during any given period the rating will reflect this fact and will also include an evaluation commensurate with the degree of disability from the date improvement is shown by the evidence. The award will be executed in accordance with the rerating. If, however, it is determined from a review of the evidence that the evaluation previously assigned may not be confirmed, the rerating will reflect an evaluation commensurate with the degree of disablement retroactively effective from the appropriate beginning date and the award executed accordingly. Reexaminations will not be routinely required in connection with the above described procedure, but may be called for if in the opinion of the rating agency such action is clearly necessary. In the case of a veteran suffering from mental disability who is being or has been discharged from a hospital subsequent to his release from service and is rated incompetent following the rule stated in subparagraph (1) of this paragraph the instructions contained in this section will be followed. The provisions of this paragraph are applicable to all veterans having mental disabilities.

§ 3.174 *Definition of insanity and incompetency.* For general purposes an insane person or lunatic may be defined as one who, while not mentally defective or constitutionally psychopathic, except when a psychosis has been engrafted upon such basic condition, exhibits, due to disease, a more or less prolonged deviation from his normal method of behavior, and who is thereby rendered incapable of managing his own affairs or transacting business with ordinary prudence; or who is dangerous to himself, to others, or to property; or who interferes with the peace of society; or who has so departed (become anti-social) from the accepted standards of the community to which by birth and education he belongs, as to lack the adaptability to make further adjustment to the social customs of the community in which he resides. (See Veterans' Administration medical procedures.)

§ 3.176 *Determination of need for nurse or attendant or regular aid and attendance under Public No. 141, 73d Congress, Reg.-No. 1 (a), (38 U. S. C., ch. 12), Public No. 2, 73d Congress, and the laws reenacted by Public No. 269, 74th Congress as amended.* (a) The following will be accorded consideration in determining the need for nurse or attendant or regular aid and attendance; inability of claimant to dress or undress himself, or to keep himself ordinarily clean and presentable; frequent need of adjustment of any special prosthetic or orthopedic appliances which by reason of the particular disability cannot be done without aid (this will not include the adjustment of appliances which normal persons would be unable to adjust without aid, such as supports, belts, lacing at the back, etc.); inability of the claimant to feed himself through loss of coordination of upper extremities or through extreme weakness; inability to attend to the wants of nature; or incapacity, physical, or mental, of the claimant to protect himself from hazards or dangers incident to his daily environment. "Total blindness" as defined by the schedules, as well as "bedridden," will be a proper basis for the determination. For the purpose of this paragraph "bedridden" will be that condition which through its essential character, actually requires that the claimant remain in bed. The fact that claimant has voluntarily taken to bed or that a physician has prescribed rest in bed for the greater or lesser part of the day to promote convalescence or cure will not suffice.

(b) Determinations that the veteran is so helpless, solely by reason of service-connected compensable diseases or injuries as to Public Nos. 2 and 141, 73d Congress, or without regard to service connection under the laws reenacted by Public No. 269, 74th Congress, as amended, as to be in need of a nurse or attendant or regular aid and attendance will not be based solely upon an opinion that the claimant's condition is such as would require him to be in bed. They must be based on the actual requirement of personal assistance from others. If the claimant is able to be out of bed and can walk around entirely unassisted by others he cannot generally be regarded as meeting the requirements of the law and regulations; however, the other enumerated types of personal assistance must be considered.

(c) The above contemplates a person totally disabled and in need of a nurse or attendant, under the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, or regular aid and attendance, under Veterans' Regulation No. 1 (a), as amended, (38 U. S. C. ch. 12), or the laws reenacted by Public No. 269, 74th Congress, as amended. The rates for regular aid and attendance in Veterans' Regulation No. 1 (a), as amended, or laws reenacted by Public No. 269, 74th Congress, as amended, are not to be added to any other rate provided therein.

§ 3.177 *When beneficiary is hospitalized at his own expense.* Where a beneficiary is hospitalized at his own expense in a private institution the same criteria will be necessary in determining the need for a nurse or attendant as would be required were he at his home and the hospitalization will not be considered as a fact indicating the existence of the need.

§ 3.178 *Family or relative may serve as nurse or attendant.* The performance of the necessary nursing or attendant's service by a relative of the beneficiary or other member of his household will not prevent the granting of the additional allowance.

Reexaminations

§ 3.184 *Claimants required to report when requested.* Every person applying for or in receipt of compensation or pension for disability shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a duly authorized medical examiner of the Veterans' Administration, including a period of observation in a hospital, if necessary. This will not be construed as in any way modifying the policy of assigning permanent ratings, whenever proper, under existing procedure. For failure to report, see §§ 3.251 and 3.266.

§ 3.185 *Reexaminations for Disability Rating Purposes.* (a) Reexaminations will be requested in cases in which it is indicated by evidence of record that there has been a material decrease in disability since the last examination, and in cases where there is evidence, pertinent to the individual case, that the disability is likely to improve materially in the future. The disability of a veteran, resulting from a tuberculous disease, will be rerated upon the basis of a physical reexamination held six weeks prior to the expiration of the six months period or the three years period of a temporary total rating granted under the conditions enumerated in sections 202 (2) and 202 (3) of the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress.

(b) Scheduled future examinations for compensation purposes in service-connected cases under Public No. 2, 73d Congress, or Public No. 141, 73d Congress, will not be requested following initial examination by the Veterans' Administration in static disability cases or when the lesions and symptoms have been shown to have persisted at approximately the same level by two examinations at least five years apart.

(c) (1) In World War II cases future requests for examination will be made, first, in "convalescent rating from date of discharge" cases under the revised, 1945, rating schedule, in six months; second, in cases rated fifty percent or more which are likely to improve, generally, in from one to two years; third, in all other cases, including static disabilities in from two to five years, depending on the percentage rating, the highest rated earliest. It is not intended that a second examination be authorized in a case involving only static disability, found to be such on the first examination by the Veterans' Administration. Examinations scheduled for future dates may be rescheduled earlier if the facilities permit. Second and later examinations by the Veterans' Administration, when required, will be scheduled, generally, in from one to five years, according to the likelihood of early improvement.

(2) Examinations for disability rating purposes should be as full and complete as possible under existing circumstances. They should always cover conditions rated "mm" or "nn" without prior examinations by the Veterans' Administration. They should include in all instances a brief medical and industrial history bringing the employment record up to date from date of discharge or date of last examination. Except in bedside examinations at the veteran's home, height, weight, general appearance, nutrition, muscular development, carriage, posture, and gait should be reported on at the time of each examination. Examiners should constantly bear in mind that they are communicating, on paper, the results of their examination to other physicians who will generally not see the veteran.

(3) Examinations in prisoner of war cases. Early examinations in prisoner of war cases should be given special attention. They will be requested "at once" whenever the records are considered inadequate for rating purposes, whenever the veteran complains regarding his initial rating, or whenever he complains regarding adequacy of an initial examination. Such "at once" examinations will be given priority over all others, except emergency cases. Neuropsychiatric examinations should never be omitted. The examiners should feel a special obligation to ascertain and report any causes of reduced efficiency whether or not expressible in formal diagnostic nomenclature. A common complaint is that although weight has been regained, weakness and fatigability continue. This should be reported on as accurately as possible. Retinitis is not uncommon following malnutrition. With history of intestinal disease, or unexplained underweight condition, tests for intestinal parasites should be routine. The existence of any chronic disease which may be associated with the circumstances of imprisonment should be carefully checked and reported on.

(4) Examinations in psychoneurosis cases. In these cases the examiner should record the veteran's complaints and subjective symptoms separately from the examiner's objective findings, observations and analysis of the case. A study of the longitudinal view of the case should be made. The examiner should note any change in behavior pattern attributable to the disease, or their absence, and report on these or their absence. In any case where it has been established that the veteran suffered from a psychoneurosis of combat origin, a change of diagnosis to one reflecting psychopathic personality should not be proposed without full consideration of the veteran's combat experience and effects thereof. Where any veteran with combat experience has manifested symptomatology initially classified as "combat fatigue," "exhaustion," or under any other of a number of special terms, a subsequent reclassification as psychopathic personality should not be made or continued without the same full consideration. By proper direction of his questions, as to time and circumstances of onset, the examiner should ensure that these become a part of the report of examination. In making an examination the examiner should familiarize himself with all earlier diagnosis in the case and assure himself that changes are fully explained and justified. The examiner should endeavor as far as possible to return a correct diagnosis on initial examination by the Veterans' Administration, as well as on subsequent examinations. Particular care is necessary when there are combinations of symptoms in part referable to organic diseases and in part referable to psychoneurotic reactions. Conference of examiners is usually advisable under these circumstances to determine whether one diagnosis may cover all the symptoms or for the allocation of the symptoms to the separate diagnosis.

(d) In nonservice-connected cases under Part III, Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12), wherein a permanent total rating may be in effect, or be hereafter granted, based on other than obviously static disabilities, reexamination will be conducted within thirty months of the date the permanent total rating was first granted. Further examination will not be requested routinely and will only be accomplished if considered necessary based upon the particular facts of the individual case. In cases in which the permanent total disability is confirmed by reexamination or by the history of the case, or with obviously static disabilities, further reexaminations will not be requested.

§ 3.186 *Reexaminations in claims for increased pension or compensation.* Where a claim is filed for increased pension or compensation, a reexamination may be authorized only when the claim is supported by competent evidence indicating that an increased rating may be warranted by reason of an increase in disability or the reasonable probability thereof. (38 U. S. C. ch. 12, Reg. 1 series.)

§ 3.189 *Rating of change in diagnosis of diagnostic center.* (a) Where the findings of a field station of the Veterans' Administration differ from the findings of a diagnostic center as to degree in severity of condition within one year from the date of the diagnostic center findings, the rating agency of original or appellate jurisdiction will reconcile such difference with the diagnostic center in accordance with Veterans' Administration medical procedures. However, upon physical reexamination after lapse of the one-year period indicated the rating agency is authorized to rate a case, without such reconciliation, on the degree of severity shown under the 1945 Rating Schedule and regulations.

(b) The rating agency of original or appellate jurisdiction is not authorized to accept at any time for rating purposes the findings of a field office differing with the prior findings of a diagnostic center with respect to the etiology or differential diagnosis of a disability without reconciliation of such difference with the diagnostic center under Veterans' Administration medical procedures.

DISALLOWANCE AND AWARDS

§ 3.200 *Disallowance of claims.* (a) When, upon review by the authorization unit, it is determined that there exists a statutory or regulatory bar to entitlement, the claim will be disallowed; otherwise no claim for disability compensation or pension will be disallowed prior to consideration by the rating board and the assignment of an appropriate rating. In every instance where a disallowance is effected, the veteran or his duly authorized representative will be informed of the action taken.

(b) Where an application for benefits is based upon the same conditions for which a claim was formerly disallowed and new and material evidence is not submitted, the veteran will be informed that in view of the determination previously made, it will be necessary to deny the claim in the absence of changes in the law or regulations.

§ 3.201 *Adjudication of claims involving compensation or pension based upon new and material evidence presented after prior disallowance.* (a) New and material evidence, relating to the same factual basis (such as, in the case of a living veteran, the same disease or injury) as that of the disallowed claim, submitted subsequent to the final disallowance of the claim, will constitute a new claim and have all the attributes thereof: *Provided,* That the evidence or the accompanying communication meets the requirements as to what shall constitute an informal claim under § 3.27 and will be handled as follows:

(b) Where the benefits claimed were denied previously by an adjudicating agency of original jurisdiction and where no appeal to the Board of Veterans' Appeals has been filed within the period provided for appeal, or where the benefits claimed were denied previously by a decision of the Board of Veterans' Appeals, the claims folder together with the evidence will be referred to the appropriate adjudicating agency of original jurisdiction which will determine whether the evidence is new and material and, if determined to be so, will proceed with adjudication upon the basis of all the evidence.

(c) For the purpose of this paragraph a formal application will not be required, but where informative data comprehended in the questions enumerated in the appropriate application form are considered essential to further adjudicative action in the claim, the informative data will be required.

(d) Awards pursuant to claims comprehended under paragraphs (a), (b) and (c) of this section will be governed by the provisions of the Veterans' Regulation No. 2 series (38 U. S. C. ch. 12), effective laws, and § 3.212 relating to the effective dates of awards based upon original claims.

(e) Decisions of adjudicating agencies of original jurisdiction do not become final until the expiration of the time within which an appeal may be filed. Accordingly, evidence received prior to the expiration of the appeal period will be considered by the adjudicating agency of original jurisdiction and an appropriate determination made.

(f) Where the new and material evidence consists of a supplemental report from the service department and it is received subsequent to the expiration of the appeal period or, in the event of an appeal, subsequent to the decision of the Board of Veterans' Appeals, the supplemental report from the service department will be considered under Veterans' Regulation No. 2 (d) (38 U. S. C. ch. 12), the appropriate rating and award accomplished under the applicable instructions and if in the opinion of the rating board, the evidence warrants the payment of retroactive benefits the claims folder will be forwarded accompanied by a recommendation, in field cases, to the Director, Claims Service, branch office, and in central office cases, to the Director, Veterans' Claims Service, or the Director, Dependents and Beneficiaries Claims Service, for determination of the retroactive feature pursuant to Veterans' Regulation No. 2 (c). The retroactive evaluation of disability resulting from disease or injury subsequently service connected on the basis of new evidence from a service department must be adequately supported by medical evidence and where the additional records received from the service department clearly support the assignment of a specific rating over a part or the entire period of time involved a retroactive evaluation will be assigned accordingly except as it may be affected by the filing date of the original claim. Decisions made by the officials to whom authority is herein given to make determinations under Veterans' Regulation No. 2 (c) (38 U. S. C. ch. 12), are subject to appeal to the Board of Veterans' Appeals. (Sec. 9, 48 Stat. 10; 38 U. S. C. 709)

§ 3.205 *What constitutes new and material evidence.* Evidence which is solely cumulative or repetitious in character will not serve as the basis for reconsideration of the previous decision. When evidence relates to the same specific fact to which proof was before adduced of a like character it is cumulative but not when it relates to a new fact respecting the general question or point in issue. To constitute material evidence the facts offered must relate and go to the issue, or have a legitimate and effective influence or bearing on the decision in question.

§ 3.212 *Effective dates of awards of disability compensation.* (a) Initial awards of disability compensation will be payable in accordance with the provisions of Veterans' Regulation No. 2 (a), Part I, paragraph I, (38 U. S. C. ch. 12) as amended by section 17, Public Law No. 144, 78th Congress, provided an appropriate claim therefor has been filed and, if incomplete, the necessary evidence to complete such claim is submitted within one year from the date of request therefor.

(b) Where, upon reconsideration by a rating agency of original jurisdiction in accordance with § 3.201, a favorable decision is rendered the effective date of an award for monetary benefits will be the date of receipt by the Veterans' Administration of the application for reconsideration, or the date of receipt of the evidence which establishes entitlement, whichever is the later.

(c) The effective dates of awards of disability compensation will coincide with the effective dates of evaluations as set forth in § 3.143 (a) and (b). (Sec. 1, 48 Stat. 8, sec. 17, 57 Stat. 560; 38 U. S. C. 701, 732)

§ 3.213 *Effective dates of awards pursuant of Part III, Reg. No. 1* (c) (*38 U. S. C. ch. 12*). Awards pursuant to Part III, Veterans' Regulation No. 1 (c), will be effective as of the date of the receipt of a claim or the date upon which permanent total disability arose, whichever is the later. (Sec. 1, 48 Stat. 8; 38 U. S. C. 701)

§ 3.214 *Effective dates of awards of increased disability compensation.* The effective date of an award of increased disability compensation will be in accordance with the provisions of paragraph II, Part I, Veterans' Regulation No. 2 (a) (38 U. S. C. ch 12).

(a) *By reason of dependents.* Increased disability compensation payable by reason of dependents under title III, Public No. 141, 73d Congress, will be effective as of the date of the receipt of the claim or the date of receipt of the evidence which establishes entitlement, whichever is the later, subject to the provisions of § 3.255 (c) in cases of institutionalization. The evidence necessary to complete the application for dependency allowance must be submitted within 1 year from the date of request for such evidence; otherwise the allowance for the dependents may not be paid by virtue of that application.

(b) *By reason of regulatory or schedular provisions.* (1) The effective date of increased compensation due to the promulgation of the 1945 schedule is controlled by § 3.149.

(2) The effective date of an award, original, increased or reopened, resulting from an amendment of the 1945 schedule or the promulgation of an administration issue, will be the date of receipt of the claim, original, increased or reopened, but in no event prior to the date of the amendment or administration issue; *Provided,* That if the amendment or issue is applied on the initiative of the administration the effective date will be the date of administrative determination. The date of administrative determination is the date the rating sheet is signed. Except in unusual cases, the rating sheets will be typed and signed the same day the work sheet is prepared by the rating board.

(c) *Where the basic right to entitlement has been barred.* Retroactive increases or additional benefits will not be awarded after the basic right to entitlement has been barred, such as by reason of forfeiture or severance of service connection. (Sec. 9, 48 Stat. 10; 38 U. S. C. 709)

§ 3.216 *Application for increase based upon changed physical condition.* A formal application for increased disability compensation or pension will not be required, and an informal application or request when accompanied by evidence of a changed physical condition will suffice.

(a) *Increase based upon report of physical examination.* Where an increase in disability is shown by an official report of physical examination made by a full-time, part-time, or designated physician of the Veterans' Administration in connection with compensation, pension, or treatment pursuant to proper authority, the report of physical examination will be accepted as a claim and payment of the increase may be made effective as of the date of examination. This principle likewise is for application to claims under Veterans' Regulation No. 1 (a), Part III, paragraph I (a) (38 U. S. C. ch. 12).

(b) *Statement by private physician.* A statement by a private physician showing increased disability submitted by or on behalf of a veteran for the purpose of obtaining increased benefits may be accepted as an informal claim and payments awarded from the date of receipt of the evidence, if otherwise in order, provided that the findings contained therein are subsequently verified by an official Veterans' Administration examination.

(c) *Physical examination reports, clinical records and transcripts of records received from state, county, municipal and recognized private institutions and contract hospitals.* Generally, physical examination reports, clinical records and transcripts of records from State, county, municipal, and recognized private institutions and contract hospitals relative to veterans undergoing treatment or domiciled therein, whether by the Veterans' Administration or otherwise, will be accorded the same consideration for the purpose of rating claims for compensation or pension as though the records were received from a Veterans' Administration field station. These records, however, must present the essentials upon which ratings are to be founded, that is, the disabling conditions must be adequately identified; sufficient findings must be reported to permit proper evaluation of the condition, and they must be certified by chief medical officers or their physician designates. As to private institutions, the hospitals listed in the hospital number of "The Journal" of the American Medical Association (usually published in April of each year) and followed by the symbol consisting of a shaded triangle are recognized. This symbol indicates that the hospital has been approved by the American College of Surgeons as meeting unconditionally its minimum requirements for general standardization. If the name of the private hospital at which the veteran was examined or treated does not appear on the approved list, the chief medical officer or his physician designate will be requested to advise whether the hospital meets the minimum requirements for the care and treatment of Veterans' Administration patients and for hospital facilities as prescribed in current directives of the department of medicine and surgery. Depending upon the advice of the chief medical officer or his physician designate, the report will be accepted or corroborative examination by the Veterans' Administration requested. It is to be understood that such records, in those instances where maintenance is not at the expense of the Veterans' Administration, should not be accepted as claims for increase if they are routinely submitted, but only where there is an indication that they are being submitted for the purpose of claiming increased benefits. (Sec. 4, 48 Stat. 9; 38 U. S. C. 704)

§ 3.217 *Right of election of benefits payable.* Where a claimant has a right to benefits under both Public No. 2, 73d Congress, and Public No. 141, 73d Congress, he may elect to take under either law, regardless of whether it is the greater or lesser benefit and even though the election results in reducing the benefits payable to his dependents. (Sec. 4, 48 Stat. 9; 38 U. S. C. 704)

§ 3.218 *Award where identical amounts are involved.* In order to avoid unnecessary awards action where the monetary benefits under existing legislation are the same in the amounts payable, the monetary benefit previously awarded will be continued. (Sec. 4, 48 Stat. 9; 38 U. S. C. 704)

§ 3.225 *Computation of awards predicated upon ratings involving both direct and statutory presumptive service-connection.* (a) Awards based upon the evaluation of disabilities all of which are directly service-connected by way of aggravation or incurrence in active military or naval service only, will be for the full amount payable under the rating. Awards predicated upon the evaluation of disabilities all of which are service-connected by statutory presumption only under section 27, Public No. 141, 73d Congress, will be for the amount of 75 percent of the compensation which otherwise would be payable under the rating. Awards predicated upon ratings involving both direct and statutory presumptive service-connected diseases or injuries will be computed as follows: The amount of compensation payable in accordance with the Schedule of Disability Ratings, 1945, and Extensions thereto, will be determined for the directly service-connected diseases or injuries, and three-fourths of the difference between this amount and the amount otherwise payable for all diseases or injuries service-connected directly or by statutory presumption will be added to the amount payable for the directly service-connected diseases or injuries. This sum will be the monthly payment to be awarded.

(b) A $60 award on account of nurse or attendant will be assumed to be predicated on the major (i. e., highest rated) disability or statutory combination, and the amount to be paid will depend on the service-connection status of the disability.

(c) When the statutory award of $60 on account of arrested tuberculosis is predicated upon service-connection by statutory presumption, the minimum award will be $45 per month. This award does not enter into combination ratings or awards.

(d) The statutory award of $30 per month (section 202 (3), World War Veterans' Act, 1924, as amended) does not apply to disabilities which are service-connected by statutory presumption.

§ 3.228 *Computation of annual income for the purposes of Veterans Regulation 1 (a), Part III (38 U. S. C. ch. 12), or section 1 (c) of Public No. 198, 76th Congress (Act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress*—(a) *Basic rule.* Annual income will be computed on the basis of the total income for the entire calendar year. Where the equities indicate, however, such annual income may be computed monthly or proportionately on the basis of the rate of income. Under any method of calculation, the question is whether the actual income exceeds the statutory income limitation.

(b) *Benefits excluded from computation.* In determining annual income, benefits received from the following sources will not be considered:

(1) Any payments by the United States Government because of disability or death under laws administered by the Veterans' Administration.

(2) Mustering-out pay.

(3) The 6-months' death gratuity.

(4) For the purposes of paragraph II (a), Part III, of Veterans' Regulation 1 (a), as amended, overtime compensation or additional compensation to Government employees under Public Law 49, 78th Congress, or amounts payable under Public Laws 106 and 390, 79th Congress, other than increases in basic rates of compensation, which the act expressly provides, shall be considered a part of basic compensation. For the purposes of section 11, Public Law 144, 78th Congress, this compensation is not excluded from computation of annual income.

(c) *Income included in computation.* In determining annual income, payments and benefits received from the following sources will be considered:

(1) Total income from sources such as wages, salaries, bonuses (except World War adjusted compensation), earnings, emoluments, investments or rents from whatever source derived, or income from a business or profession.

(i) Salary is not determined by the amount the employee actually receives in cash but includes deductions made under a retirement act or plan and amounts withheld by virtue of income tax laws. The value of salary received in kind (including a fair value for maintenance) also constitutes income.

(ii) In computing income from a business or profession, the gross income may be reduced by the necessary expenses of carrying on the same, such as cost of goods sold or expenditures for rent, repairs, taxes, upkeep, and other operating expenses.

(2) Family allowances authorized by service personnel under Public Law 625, 79th Congress.

(3) Subsistence allowance under title II, Public Law 346, 78th Congress.

(4) Commercial insurance consisting of lump sum or installments of life, disability, accident, health, or similar insurance. (See paragraph (f) of this section.)

(5) Compensation paid by the Bureau of Employees' Compensation, Federal Security Agency, or a State compensation or industrial board or commission.

(6) Civil service retirement benefits, Federal Old Age and Survivors' Insurance, or railroad retirement benefits: *Provided*, That where the benefit is received by a former worker based on his own employment, no part of such payments will be considered "annual income" until the full amount of his personal contribution (as distinguished from amounts contributed by the employer and not by the worker) has been received by him: *And provided further*, That such benefits received by a widow on the basis of her husband's employment will be considered as annual income as received.

(7) Social security benefits (Federal Old Age and Survivors' Insurance benefits are subject to the proviso contained in subparagraph (6) of this paragraph).

(8) Gifts.

(9) Proceeds of bequests and inheritances received in the settlement of estates: *Provided*, That property received by inheritance or otherwise will not be considered as "annual income" until such property, or other property acquired in lieu thereof, by exchange or barter, has been converted into cash.

(10) Charitable donations from any source.

(d) *Proportionate computations.* Income will be computed on a proportionate basis where:

(1) The income of the claimant exceeds $1,000 (or $2,500, whichever is applicable).

(i) In the claim of a veteran, from the date he became permanently and totally disabled.

(ii) In the claim of a widow, from the date of the veteran's death.

(2) The income of the veteran or widow exceeds $1,000 but is not in excess of $2,500.

(i) From the date the status of a veteran changes in the course of a calendar year from that of a married person (or a person with a minor child or children) to that of an unmarried person (or a person without a minor child or children).

(ii) From the date the status of a widow changes in the course of a calendar year from that of a widow with a child so that she becomes a widow without a child.

(iii) From the date the status of a widow changes in the course of a calendar year from that of a widow without a child so that she becomes a widow with a child. (Where the change of status arises incident to the birth of a posthumous child, the widow will be considered as a widow without a child for the period prior to the date of the child's birth.)

(iv) In determining entitlement under the circumstances outlined in the preceding subparagraphs, the proportionate computations will be applied to each period separately and will not be combined to afford an aggregate applicable to the entire calendar year. The amount of income received within each separate period will determine entitlement to pension for that period.

(e) *Total income considered.* Except as provided in paragraphs (d) (1) (i) and (d) (2) (iii) of this section, where pension is payable from the date of filing claim, the claimant's income will not be determined on a proportionate basis, but the income for the full calendar year will be considered.

(f) *Commercial insurance* — (1) *Received by purchaser.* Where an annuity or payment of endowment insurance is received by the purchaser, no part of the payments received will be considered annual income until the full amount of the consideration has been received, after which the full amount of such payments will be considered income.

(2) *Received by beneficiary.* (i) Where the beneficiary received commercial life insurance in a lump sum or had the right to elect settlement in a lump sum, the insurance will be considered to have been received in a lump sum in the calendar year in which the veteran died.

(ii) Where insurance is received by a beneficiary in the manner specified by an option elected by the insured, other than in a lump sum, it will be considered income for the calendar year in which the money is actually received.

(3) *Interest on life insurance.* Where it is considered that life insurance has been received in a lump sum in the calendar year in which the veteran died and payments are actually received in some other manner, no part of the payments received in succeeding years will be considered income until an amount equal to the lump-sum face value of the policy has been received, after which the full amount of such payments will be considered income.

(g) *Income received in installments.* (1) Where income is being received at a rate which indicates that the total income for the entire calendar year will not exceed the statutory income limitation, the claim may be allowed.

(2) Where income is being received at a proportionate rate which indicates that the total income for the entire calendar year will exceed the statutory limitation, the claim will be disallowed: *Provided*, That where such rate will not be received for the entire 12 months (as, for example, in the case of a school teacher paid for 9 months of the year) and the total amount received will not exceed the statutory limitation, the claim may be allowed.

(h) *Deferred determinations.* Where there is doubt as to whether the anticipated income will exceed the statutory limitation, payment of pension will not be made before the end of the calendar year, when the total income received during such year may be determined. Where a determination as to entitlement is deferred in accordance with this subparagraph, pension may be payable from the first of that calendar year if notice that the claimant's income did not exceed the statutory limitation is received at any time within the succeeding calendar year. Any necessary evidence must be received in the Veterans' Administration within 1 year after the date of request. If notice is not received within the period prescribed, payments may not be made for any period prior to the date of receipt of a new claim (formal or informal).

(i) *Reduction of income.* Where a claim has been disallowed or payments discontinued because the claimant's annual income is in excess of the statutory limitation, pension may be payable from the first of the succeeding calendar year if notice is received during that year that the claimant's actual or anticipated income will not exceed $1,000 (or $2,500, whichever is applicable) and the necessary evidence is furnished within 1 year after the date of request; otherwise, pension may not be paid for any period prior to the date of receipt of a new claim (formal or informal).

(j) *Community property laws.* In determining the income of a veteran, the community property laws of the several States are not for application. (Secs. 1, 4, 48 Stat. 8, 9, 59 Stat. 295, 60 Stat. 216; 5 U. S. C. 901, 902 note, 38 U. S. C. 701, 704)

§ 3.232 *Section 202 (15), World War Veterans' Act, 1924, as amended, reenacted by Public No. 141, 73d Congress. (See § 3.155 (d).)*

(a) Awards will be computed in accordance with § 3.225. For the purposes of this computation, peacetime disabilities combined with wartime disabilities will be considered as directly service-connected wartime.

(b) Section 3.155 (d) will not be construed as denying the veteran the greater benefit to which he may be entitled by reason of disabilities not connected with service.

§ 3.235 *Statutory awards, section 202, World War Veterans' Act. 1924, as amended, as re-enacted by Public No. 141, 73d Congress.* The statutory awards provided in section 202 of the World War Veterans' Act, 1924, as amended, are payable under section 27 or 28, title III, Public No. 141, 73d Congress, as follows:

(a) Under section 202 (2), compensation under a rating of temporary total disability for a period of 6 months following discharge from a hospital after treatment therein for a period of 1 year for a tubercular disease of a compensable degree and after a condition of complete arrest thereof has been reached.

(b) Under section 202 (3):

(1) First paragraph, the statutory rates for specified conditions as provided therein.

(2) Second paragraph, compensation under a temporary total rating for a period of 3 years following discharge from a hospital after treatment therein for a tuberculous disease of a compensable degree for a period of 1 year and after it has been determined that a condition of arrest will not be reached by further hospitalization.

(3) Third paragraph, the additional compensation of $30 monthly for the loss of the use of a creative organ or the additional compensation of $42 monthly for the loss of the use of one or more feet or hands, independent of any other compensation (Pub. No. 866, 76th Cong., and Pub. L. 662, 79th Cong.).

(c) Under section 202 (5), an allowance not exceeding $60 per month for a nurse or attendant.

(d) Under section 202 (7), an award of not less than $60 per month to a person shown to have had an active tuberculous disease of a compensable degree which has reached a condition of complete arrest; and compensation under the minimum rating of 25 percent for arrested or apparently cured tuberculosis.

(e) Where any of the statutory allowances are predicated upon diseases or injuries service connected by statutory presumption the monthly amounts will be determined in accordance with the provisions of § 3.225. (Secs. 27, 28, 48 Stat. 524, sec. 6, 54 Stat. 1196, sec. 2, 60 Stat. 910; 38 U. S. C. 471a, 471a–3, 473, 722)

§ 3.236 *Special monthly compensation specified by or fixed pursuant to paragraph II, Parts I and II, Veterans' Regulation 1 (a), (38 U. S. C. ch. 12), as amended by Public Laws 182, 659, and 662, 79th Congress.* (a) Special monthly compensation provided by subparagraph (k), Parts I and II, Veterans' Regulation 1 (a), as amended, is applicable but once in any one case, when payable in addition to the compensation provided in paragraph II, Parts I and II, subparagraphs (a) to (j). In other words, if the veteran has suffered the anatomical loss of one eye and one hand, his monthly compensation under Public No. 2, 73d Congress, as amended, will be increased by $42 and not by $84 or by $31.50 and not by $63, if the disabilities were incurrred in wartime service or peacetime service, respectively. The additional allowance may be based upon an anatomical loss or loss of use included in the requirements for the basic rate. The additional allowances under subparagraph (k) are now payable in addition to compensation payable under subparagraphs (l) to (n) and such additional allowance is payable for each anatomical loss, loss of use, or blindness of one eye having only light perception, when existing in addition to the requirements for these basic rates, provided the total does not exceed $360 in part I cases or $270 in part II cases. For example, a war veteran who has suffered the loss of use of both hands, one foot, and one eye (light perception only) will be compensated at $240 plus two allowances of $42 each or $324 under the second part of subparagraph (k).

(b) *Helplessness.* (1) The maximum rate, as a result of including helplessness as one of the entitling multiple disabilities, is intended to cover, in addition to obvious losses and blindness, conditions such as transverse myelitis with loss of use of both legs and loss of anal and bladder sphincter control; also the loss of use of two extremities with absolute deafness and nearly total blindness or with severe multiple injuries producing total disability outside the useless extremities, these conditions being construed as loss of use of two extremities and helplessness.

(2) The rate of $282 provided under subparagraph (m) on account of helplessness requiring regular aid and attendance applies only in cases entitled on acount of blindness of both eyes. A veteran having suffered the loss, or loss of use, of both hands, feet, or one hand and one foot, and having no other compensable disability will be rated according to the level of amputation or loss of use; entitlement to a higher rate on account of helplessness requiring regular aid and attendance must be based on such need resulting from pathology other than the anatomical loss or loss of use of two extremities; when so based, i. e., upon pathology other than the anatomical loss or loss of use of two extremities, the rate will uniformly be $360 (or $270) monthly.

(c) *Intermediate rates fixed pursuant to law.* The authority contained in subparagraph (p) to allow the next higher rate or an intermediate rate will be administered as follows:

(1) With the anatomical loss, or loss of use, of one hand or one foot, and anatomical loss, or loss of use, of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, the rate will be $261 (or $195.75).

(2) With the anatomical loss, or loss of use, of one extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $300 (or $225).

(3) With the anatomical loss, or loss of use, of one hand or one foot, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $282 (or $211.50).

(4) With the requirements for any of the rates provided in subparagraphs (l) to (n), inclusive of Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12), and additional disability independently ratable at 50 percent or more, the rate will be intermediate, i. e., half-way, between the rate authorized for the subparagraph whose requirements are met, and the next higher rate authorized in subparagraphs (m) to (o).

(5) With the requirements for any of the rates provided in subparagraphs (l) to (n), inclusive, and additional disability independently ratable, apart from any consideration of individual unemployability, at 100 percent, the rate will be the next higher rate authorized in subparagraphs (m) to (o).

(6) Other cases in which any of the rates are deemed inadequate will be handled in accordance with § 3.142.

(d) *Ratings for specific conditions*— (1) *Rating of binocular blindness of different degrees.* (i) With blindness of one eye with 5/200 visual acuity or less, and blindness of the other eye having only light perception, the rate will be $261 (or $195.75).

(ii) With blindness of one eye having only light perception, and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $300 (or $225).

(iii) With blindness of one eye having 5/200 visual acuity or less, and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $282 (or $211.50).

(2) *Rating of blindness of both eyes having no light perception.* The rate under subparagraphs (n), $318 (or $238.50) per month, will be assigned when there is a total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement.

(3) *Entitlement under subparagraphs (o) of Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12).* Entitlement to the maximum rate of $360 (or $270) per month on account of entitlement to two of the rates provided in one or more of subparagraphs (l) to (n), inclusive, must be based upon separate and distinct disabilities so entitling.

If the loss, or loss of use of two extremities or being permanently bedridden renders the person helpless, increase to $360 (or $270) per month is not in order on account of this helplessness. Under no circumstances will the combination of "being permanently bedridden" and "being so helpless as to require regular aid and attendance" without separate and distinct anatomical loss, or loss of use of two extremities, or blindness, be taken as entitling to $360 (or $270) per month. The fact, however, that two separate and distinct entitling disabilities, such as anatomical loss or loss of use of both hands and of both feet result from a common etiological agent, for example, one injury, or rheumatoid arthritis, will not preclude entitlement to the maximum rate. (Sec. 1, 48 Stat. 8, sec. 6, 53 Stat. 1070, 59 Stat. 533, sec. 2, 60 Stat. 904, 910; 38 U. S. C. 471a–3, 701, ch. 12 note)

§ 3.237 (a) *Additional allowance for nurse or attendant.* If and while a veteran is so helpless on account of a service-connected compensable condition as to be in need of a nurse or attendant (see §§ 3.176, 3.177, and 3.178), there will be allowed in addition to the compensation payable under Title III, Public No. 141, 73d Congress, the sum of $50 per month on and after March 28, 1934, or $60 per month on or after September 1, 1946, or an increased statutory rate under Public No. 2, 73d Congress, as amended.

(b) *Reductions during hospitalization.* Where a veteran in receipt of additional or increased compensation based upon the need for a nurse or attendant, regular aid or attendance, or frequent and periodical aid or attendance, other than on account of transverse myelitis or paraplegia involving paralysis of both lower extremities together with loss of anal and bladder sphincter control, as a result of severe traumatic lesions of the spinal cord, is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is being furnished with nursing or attendant's service, the award of compensation will be the amount authorized by the rating decision exclusive of any additional or increased amount on account of the need for a nurse or attendant, regular aid and attendance, or frequent and periodical aid and attendance. In the excepted case a uniform rate of $360 (or $270) per month will be maintained, without de-

duction on account of being furnished aid and attendance in kind. Due to the different additional amount to which veterans may be entitled under Public Law 182, 79th Congress, as amended, on account of helplessness requiring regular aid and attendance, and consequent different amounts of reductions when being furnished regular aid and attendance in kind, when institutionalized by the Veterans' Administration, married, and having dependents, it is necessary to give careful attention to the exact basis of entitlement:

(1) The general rule as to reductions of special monthly compensation of $240 (or $180) per month or more based upon the need for regular aid and attendance when the veteran, married or having dependents, is being furnished nursing or attendant's service while receiving hospital treatment, institutional or domiciliary care by the Veterans' Administration is that reduction will be in the additional amount based upon the need for regular aid or attendance.

(2) In determining the rate of special monthly compensation first consideration will be given to anatomical loss or losses of use of extremities, blindness, having 5/200 visual acuity or less, anatomical loss of both eyes, or being permanently bedridden, and if, based on these considerations, there is entitlement to one of the rates under subparagraphs (l), (m), or (n), of Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12) or to two of these rates entitling under subparagraphs (o), no reduction is in order on account of being furnished nursing or attendant's service. If there is such entitlement based on these enumerated conditions, it is immaterial whether the veteran is also so helpless as to be in need of regular aid and attendance, and no reduction is in order on this account.

(3) It is only when entitlement to the rate under subparagraphs (l) singly, or with another entitlement to the rate under subparagraphs (l), (m), or (n), so as to qualify under (o), is based solely upon being so helpless as to be in need of regular aid and attendance, i. e., in the absence of other entitling conditions, that reduction on this account is in order.

(4) The reduction in the case of a veteran entitled only under subparagraphs (l) on account of helplessness will be in the amount of $102 (or $76.50).

(5) When any veteran is entitled to one of the rates under subparagraphs (l), (m) or (n) by reason of anatomical losses or losses of use of extremities, blindness, having 5/200 visual acuity or less, or anatomical loss of both eyes, and is also entitled to another rate under subparagraphs (l) on account of being so helpless as to be in need of regular aid and attendance, no condition being considered twice in the determination, the rate of pension while not being maintained and furnished aid and attendance in kind will be $360 (or $270) per month. This amount is subject to reduction to $282 (or $211.50) or $318 (or $238.50) per month according to which the veteran is entitled apart from helplessness. No case will arise in which reduction from $360 to $240 will be in order, for the reason that the condition entitling to the second rate on account of rendering the person helpless will necessarily be totally disabling, thus entitling, if the basis entitlement is under subparagraphs (l) or (m), to one of the rates specified in the preceding sentence. Note that if the basic entitlement is under subparagraphs (n) the additional disability rendering the person helpless is necessarily ratable at 100 percent; consequently the rate of pension will be $360 (or $270) per month whether or not being furnished aid and attendance in kind.

(6) In the special case of entitlement under subparagraphs (m) only on account of blindness of both eyes, rendering him so helpless as to be in need of regular aid and attendance, the reduction will be $42 (or $31.50) per month.

(7) Additional pension of $42 (or $31.50) per month under subparagraphs (k), or on account of 50 percent disability or 100 percent disability in excess of the conditions entitling under subparagraphs (l), (m), or (n) is not subject to reduction on account of being furnished nursing or attendant's service.

The reduced rate of compensation in such instances will be effective as of the beginning of the maintenance of the disabled veteran in an institution by the Veterans' Administration. The compensation in all cases contemplated herein is subject to the limitations contained in § 3.255.

(c) *Resumption of full rate.* In every case where a beneficiary who is receiving an allowance or increased compensation for a nurse or attendant is admitted to a hospital for treatment as a beneficiary of the Veterans' Administration, a report will be forwarded to the rating board, field office, or the central disability board, claims division, veterans claims service, showing the inclusive date of hospital treatment. Where the additional allowance or increased compensation for a nurse or attendant has been properly authorized to patients with amputations, or in those cases wherein the basic condition requiring a nurse or attendant is essentially permanent as defined in § 3.162, or in terminal cases, a redetermination by the rating board following dehospitalization is not required for reinstatement of this benefit. Upon receipt of the necessary notice that such veteran is no longer being maintained in an institution by the Veterans' Administration, appropriate awards action for the purpose stated above will be accomplished at once and in such instances it will not be necessary to await receipt of the hospital report prior to resuming the additional allowance or increased compensation. In other cases not involving amputations or conditions essentially permanent the additional allowance or increased compensation for a nurse or attendant may be reawarded only upon a determination by the rating board that the veteran concerned is in further need of such services. The additional allowance or increased compensation for nurse or attendant is not to be reinstated for the purpose of applying the provisions of § 3.9 (e), which are applicable only to the proper running award. Where the veteran is not hospitalized and evidence is received indicating there is no further need for nurse or attendant, the provisions § 3.9 (e) are for application. (Secs. 27, 28, 48 Stat. 524, 59 Stat. 533, sec. 2, 60 Stat. 910; 38 U. S. C. 471a, 471a–3, 722, ch. 12 note)

§ 3.238 *Additional allowance not payable if condition requiring it is not service connected.* The additional allowance for a nurse or attendant is to be granted only when the disability is entirely the result of a service-connected disease or injury. (See § 3.176.)

§ 3.245 *Rates of pay for disability or death the result of training, hospitalization, or medical or surgical treatment under section 31, Public No. 141, 73d Congress, examination under section 12, Public No. 866, 76th Congress, and paragraph 4, Part VII, Veterans' Regulation No. 1 (a), as amended.* Where the disease, injury, death, or the aggravation of an existing disease or injury resulted from submitting to an examination under authority of any of the laws granting monetary or other benefits to World War veterans, or from training, hospitalization, or medical or surgical treatment awarded under any of the laws granting monetary or other benefits to World War veterans (World War I and World War II), the compensation to be awarded will be determined as follows:

(a) *World War service.* In claims of veterans with World War (I or II) service as defined in Public No. 2, as amended, Public No. 141, 73d Congress, Public No. 344, 74th Congress, or Public No. 304, 75th Congress, and regulations and instructions issued pursuant thereto, the compensation to be awarded will be in accordance with the rates provided in the Veterans' Regulation No. 1 series, Part I, (38 U. S. C. ch. 12) and the Schedule for Rating Disabilities, 1945.

(b) *Service connection to be direct.* Under section 31, Title III, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and paragraph 4, Part VII, Veterans' Regulation No. 1 (a), as amended, service connection for additional disabilities incurred in the manner therein specified will be direct. Veterans with disabilities presumptively due to World War I service, who acquire additional disabilities as the result of training, hospitalization, or medical or surgical treatment, or as the result of having submitted to an examination under authority of any of the laws granting monetary or other benefits to World War I veterans will be paid benefits for such additional disabilities at 100 percent of the rates provided therefor in the Schedule of Disability Ratings, 1945, and Extensions thereto, if otherwise entitled.

(c) *For other than World War services.* See §§ 3.1085 to 3.1089, inclusive. (Sec. 31, 48 Stat. 526, sec. 12, 54 Stat. 1197, sec. 2, 57 Stat. 43; 38 U. S. C. 501a, 501a–1, 701, ch. 12 note)

§ 3.247 *Entitlement to or continuation of award to child after reaching age of eighteen years when permanently incapable of self-support.* (a) A child of a veteran, within the appropriate definition of child, who, prior to reaching the age of eighteen years, becomes or has become permanently incapable of self-support by reason of mental or physical defect, will be entitled to receive or to continue to receive as a child an award of compensation or pension under Public No. 2 or Public No. 141, 73d Congress, after reaching the age of eighteen years, provided entitlement thereto is otherwise established.

(b) The requirement that the child must have become permanently incapable of self-support by reason of mental or physical defect prior to reaching the age of eighteen years is not applicable to a child on the rolls March 19, 1933, as a helpless child under the precedents then in effect, inasmuch as it has a protected right to such benefits by virtue of the provisions of section 20, Public No. 78, 73d Congress, as amended by section 28, Public No. 141, 73d Congress. (Sec. 3, 43 Stat. 607, secs. 1, 7, 57 Stat. 554, 555; 38 U. S. C. 424, 727, ch. 12, ch. 12 note)

§ 3.248 *Continuance of award to child pursuing a course of instruction after it reaches the age of eighteen years.* When an unmarried child of a veteran entitled to disability compensation, pension, or emergency officers retired pay under Public No. 2, Public No. 78, 73d Congress, as amended, or Public No. 141, 73d Congress, as amended by Public Law 144, 78th Congress, is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university particularly designated by it and approved by the Veterans' Administration, payment of an apportioned share of compensation, pension or emergency officers retired pay may be continued or made to, for, or on behalf of the child after it has reached the age of eighteen years, but not after it has reached the age of twenty-one years. (Effective Dates of Payments to a Child After it Reaches Eighteen Years of Age and is Pursuing a Course of Instruction—See § 4.98) (Sec. 9, 48 Stat. 10, secs. 1, 7, 57 Stat. 554, 555, 38 U. S. C. 709, 727, ch. 12, ch. 12 note).

§ 3.250 *Reduction or discontinuance of disability compensation or pension.* The effective date of the reduction or discontinuance of awards of disability compensation or pension will be in accordance with the provisions of Veterans' Regulation No. 2 (a), Part I, paragraph III (38 U. S. C., ch. 12), except as otherwise provided. Reduction or discontinuance because of ceasing school attendance shall be effective upon the last day which the child attended school, but in no event will pension or compensation be paid for a period beyond the day preceding the child's twenty-first birthday (Sec. 9, 48 Stat. 10, 38 U. S. C. 709).

§ 3.251 *Failure to report for physical examination.* (a) Upon the failure of a veteran without adequate reason to report for physical examination, requested for disability compensation or pension purposes, the award of disability compensation or pension in course of payment to him will be suspended as of the date of last payment. The reason given for suspension will be "Failure to report for examination." Any award of compensation or pension concurrently being paid to dependents will also be suspended. (Resumption of Payments—See § 3. 266.)

(b) Upon the failure of a veteran to report for physical examination, requested as a result of a claim for increased disability compensation or pension, the claim for the increase will be considered as abandoned. No further action thereupon will be taken unless and until a new claim for the increase is filed, and payments on the basis of the new application will be governed by the provisions of Veterans' Regulation No. 2 (a), Part I, paragraph II (38 U. S. C. ch. 12).

§ 3.255 *Reduction when disabled person is in a Veterans' Administration institution or other institution at the expense of the Veterans' Administration. (Section 1, Public Law 662, 79th Congress.)* (a) Where any veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration other than for Hansen's disease, any pension, compensation or retirement pay otherwise payable other than the additional allowance or increased compensation for aid and attendance shall continue without reduction until the first day of the seventh calendar month following August, 1946, or the month of admission of such veteran for treatment or care, whichever is the later. If treatment or care extends beyond that period, the pension, compensation, or retirement pay, if $30 per month or less, shall continue without reduction, but if greater than $30 per month, the pension, compensation, or retirement pay shall not exceed 50 per centum of the amount otherwise payable, or $30 per month, whichever is the greater. The pension, compensation, or retirement pay of any veteran leaving against medical advice or as the result of disciplinary action shall, upon a succeeding readmission for treatment or care, be subject to reduction, as herein provided, from the date of such readmission. The provisions of the preceding sentence, are not retroactive. Accordingly, where hospital treatment or domiciliary care being furnished a veteran by the Veterans' Administration was terminated by the veteran against medical advice or as the result of disciplinary action prior to August 8, 1946, the date of approval of Public Law 662, 79th Congress, such veteran is not subject to the reduction provided therein upon a succeeding admission subsequent to August 8, 1946.

(b) Where any veteran having neither wife, child nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and shall be rated by the Veterans' Administration in accordance with regulations as being incompetent by reason of mental illness, the pension, compensation or retirement pay for such veteran shall be subject to the provisions of paragraph (a) of this section: *Provided further,* That in any case where the estate of such incompetent veteran derived from any source equals or exceeds $1,500, further payments of such benefits will not be made until the estate is reduced to $500. Payment will be discontinued effective as of the date of admission or the first day of the month following receipt of evidence showing the estate equals or exceeds $1,500, whichever is later, or in the event of a readmission where upon the prior admission the payments were discontinued because the veteran had an estate of $1,500, the discontinuance will be effective as of the date of the readmission, or if not so discontinued, the discontinuance will be effective the first day of the month following receipt of evidence showing the estate equals or exceeds $1,500.

(c) Any veteran subject to the provisions of paragraphs (a) and (b) of this section shall be deemed to be single and without dependents in the absence of satisfactory proof to the contrary; and in no event shall increased compensation, pension or retirement pay be granted for any period more than one year prior to the receipt of satisfactory evidence showing that the veteran has a wife, child or dependent parent. In those instances where the required proof of dependents is not of record, statements, on Veterans' Administration Form 10–404 or otherwise, as to dependency status, will constitute a prima facie showing thereof. The veteran will be informed of the necessary additional evidence and that in the event it is not submitted within sixty days award will be adjusted on the basis of a veteran without dependents, effective as provided in paragraph (a) of this section. (Sec. 1, 60 Stat. 908; 38 U. S. C. 739, ch. 12 note)

§ 3.256 *Adjustment of award of veteran upon termination of institutionalization by the Veterans' Administration.* (a) Where a veteran whose pension, compensation or retirement pay has been reduced or discontinued as provided in § 3.255 (a) is discharged from treatment or care upon certification of the officer in charge of the hospital, institution, or home, that maximum benefits have been received, or release is approved, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran is discharged or released from the hospital or institution, and the award will include such additional amount as will equal the total sum by which the pension, compensation or retirement pay has been reduced; when the reduction or discontinuance has been effected pursuant to the provisions of § 3.255 (b), payment of the amount equal to the amount by which the pension, compensation, or retirement pay was reduced, will be awarded six months following the finding of competency, or in the event treatment or care is terminated by the veteran against medical advice, or as the result of disciplinary action, on or after August 8, 1946, payment of the amount by which the pension, compensation, or retirement pay was reduced will be awarded the veteran at the expiration of six months after the termination of treatment or care. Where a veteran in the last category is subsequently readmitted and continues such treatment or care until discharged upon certification by the officer in charge of the hospital, institution, or home in which treatment or care was furnished, that maximum benefits have been received or that release is approved, he shall be paid in a lump sum such additional amount as would equal the total sum by which his pension, compensation, or retirement

pay has been reduced under § 3.255 (a) subsequent to such readmission.

(b) While a veteran is on trial visit or other temporary absence from a Veterans' Administration hospital or center, no adjustment of his award by reason thereof will be made for any period of less than thirty days, inclusive of the day on which he left the institution. If the veteran is discharged without returning to the institution, the award will be adjusted in accordance with paragraph (a) of this section. The report of such absence will be made to the office having custody of the case file in accordance with effective procedure. (Sec. 1, 60 Stat. 908; 38 U. S. C. 739, ch. 12 note)

§ 3.265 *Reduction not authorized without reexamination.* The protection afforded by section 28, Public No. 141, 73d Congress, will not be withdrawn and compensation reduced or discontinued by reason of a new evaluation without physical examination, except that a physical examination will not be requested where there is on file a recent report that accurately reflects the current disability, is adequate for rating purposes, and meets the particular requirements of the applicable provisions of the Rating Schedules. A change in the combined rating incident to rerating from a temporary to a permanent basis (not involving change in the percentage evaluation of any disability) may be effected without reexamination. This requires that evaluations under the 1925 Schedule and awards based thereon in effect April 1, 1946, will be continued until change in physical or mental condition warrants amendment of the 1925 Schedule rating, at which time the rating will be under the 1945 Schedule only, as well as the award based thereon, except when a statutory award or rating under the World War Veterans' Act, 1924, as amended, as restored by Public No. 141, 73d Congress, as amended, is in order, in which event the statutory award or rating will be continued, or made in the manner provided for initial ratings under the 1945 Rating Schedule. It is to be distinctly understood that the application of the foregoing shall not result in a diminution of the compensation being paid on April 1, 1946, in any instance where the changed condition results in a greater degree of disability, whether viewed under the 1925 or 1945 Schedule. (60 Stat. 319, 38 U. S. C. 736)

§ 3.266 *Resumption of discontinued award where veteran subsequently reports for physical examination.* If, after suspension of his award, the veteran should subsequently report for physical examination and the evidence clearly establishes to the satisfaction of the rating agency concerned that during the period of his failure to report the disability in fact existed to a compensable degree, an award may be approved effective the date of suspension. However, if the evidence discloses a change in physical condition and that the disability is no longer compensable in degree, no action will be taken to reopen the award during the period of suspension. Where the disability is ratable in a lesser degree, the award under the reduced rating will be effective as of the date of suspension. Where the disability is ratable in a greater degree, the award at the increased rate may be made effective the date of physical examination by the Veterans' Administration, and from the date of suspension, the effective rate payable on the date of suspension will be awarded.

§ 3.267 *Resumption of awards discontinued under section 1, Public Law 662, 79th Congress.* Where payments to or in behalf of an incompetent beneficiary have been discontinued pursuant to the provisions of § 3.255 (b), the award will not be reopened unless and until an accounting is received, disclosing that the estate is reduced to $500 or less, whereupon payments at the rate provided in §3.255 (a), will be resumed effective as of the first of the month in which the notice is received: *Provided*, That if the disabled person is discharged from the institution before the estate is reduced to $500, or it is determined that he has a dependent or dependents or for any other reason does not meet the requirements of section 1, Public Law 662, 79th Congress, the award will be reopened in accordance with the facts found to exist. In the computation of the $1500 or $500 limitation there will be included money belonging to the disabled person in "Funds Due Incompetent Beneficiaries," in the possession of his fiduciary, if there is one, and/or in the possession of the chief officer of the institution. (Sec. 1, 60 Stat. 908; 38 U. S. C. 739, ch. 12 note)

§ 3.270 *Readjustment of awards to incompetent veterans under section 1, Public Law 662, 79th Congress.* (a) Where payments of compensation or pension were properly discontinued because the estate of the incompetent veteran equaled or exceeded $3,000 (limitation under section 202 (7) of the World War Veterans' Act, 1924, as amended) or $1,500, as the case may be, and there exists only a claim against a defunct bank or other institution, or the entire estate is the subject of litigation or consists of investments which have an undetermined value, and there is no income to provide for clothing and other needs and comforts for the veteran, the chief attorney may permit the present guardian to submit a sworn statement setting forth the facts and estimating what the said claim or chose in action would sell for in the open market. If, based upon such showing, the chief attorney is satisfied that the value of the estate, as so determined, does not exceed $500, he will prepare a certificate to that effect and forward it to the proper adjudicating agency in the field, or the central office. Upon receipt of the certificate, the adjudicating agency will award, effective the first day of the month in which the action is taken such payments as are in order.

(b) Upon settlement of the claim, or termination of the litigation, the chief attorney will again review the case, and, if the estate is then in excess of $1,500 will forward an appropriate certification to the adjudicating agency.

(c) If a special case arises which does not fall within the provision of this paragraph, or where money is urgently needed for the veteran, the complete facts should be reported to the office of the solicitor. (Sec. 1, 60 Stat. 908; 38 U. S. C. 739, ch. 12 note)

§ 3.275 *Payments; to whom made.* (a) The disability pension or compensation payable to a minor or a person mentally incompetent under the pension laws, Public No. 2, 73d Congress, Public No. 78, 73d Congress, or Public No. 141, 73d Congress, or the retirement pay to which an incompetent veteran is entitled may be paid to the guardian, curator or conservator, if one is serving, or to the person otherwise legally vested with the care of the beneficiary or his estate, or when payments have been suspended or withheld from a guardian, to a person having actual custody of the minor or incompetent, in accordance with the provisions of section 21 of the World War Veterans' Act, 1924, as amended by Public No. 262, 74th Congress, subject to §§ 3.276, 3.310 and 3.315. However, in any case of an incompetent veteran having no guardian, payment of compensation, pension, or retirement pay may be made in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents (sec. 2, Pub. Law 144, 78th Cong.).

(b) Benefits due a minor or incompetent adult Indian who is a recognized ward of the Government, for whom no legal guardian or other fiduciary has been appointed, may be paid to the proper superintendent or other bonded officer of the Indian Service designated by the Secretary of the Interior to receive funds, for the use of such beneficiary, in accordance with the provisions of Public No. 373, 72d Congress. (Sec. 21, 43 Stat. 613, 47 Stat. 907, sec. 1, 49 Stat. 607, sec. 2, 57 Stat. 554; 25 U. S. C. 14, 38 U. S. C. 450)

§ 3.276 *Institutional awards.* When an incompetent or insane disabled person entitled to disability compensation, pension or retirement pay is a patient in a hospital or institution, payments on his account may be made by means of an institutional award in accordance with the following:

(a) When no guardian has been appointed or when payments to an unsatisfactory guardian have been stopped or suspended.

(b) When a guardian neglects or refuses to furnish the chief officer of the hospital or institution with funds required for the disabled person's comforts and desires not included in the regular support, care, treatment, and maintenance of the disabled person provided by the institution.

(c) When a guardian requests that an institutional award be made or continued.

(d) In either event, in accordance with the provisions of section 1 (b) of Public Law 662, 79th Congress, there may be paid to the chief officer in behalf of the disabled person up to but not in excess of $30, depending upon the disability rating, per month, or in the event the veteran has dependents and more is payable under his disability rating or there are funds to his credit in "Funds Due Incompetent Beneficiaries," such additional amount as may be needed will be allowed, on the basis of a certification by the chief officer of the hospital or institution with respect to the need and the amount required and a certification by the chief attorney concerned as to the neglect or refusal of the guardian to supply necessary funds. Accordingly, in such cases there may be awarded to the chief officer of the hospital or institution (for definition of chief officer see § 3.277) as provided above, any amount necessary for the disabled person's comforts and desires not included in the regular support, care, treatment, and maintenance of the disabled person provided by the hospital or institution. Any benefits payable on account of the disabled person not paid to the chief officer of the institution or to the guardian or not apportioned to a dependent or dependents will be paid into the "Funds Due Incompetent Beneficiaries." Any excess funds in the hands of the chief officer of an institution other than a Veterans' Administration hospital or center at the end of each accounting period, which he may deem unnecessary for expenditure for the benefit of a disabled person, will be returned to the Veterans' Administration or to the guardian, if one is serving.

(e) Where no guardian has been or is to be appointed, or when payments to an unsatisfactory guardian have been stopped or suspended, as indicated in paragraph (a) of this section, apportionment to dependents will be under § 3.315. (Sec. 1, 60 Stat. 908; 38 U. S. C. 739, ch. 12 note)

§ 3.277 *"Chief officer" defined.* The term "chief officer" will include and apply to all boards of control, trustees, boards of administration, commissions, other person or persons in charge of such institutions and the bonded officials thereof who are authorized by the laws of the United States, or of the respective States, to receive and disburse moneys for the benefit and in behalf of the inmates of such institutions. All awards made to a contract institution will be made to the bonded official thereof.

§ 3.278 *Funds available to beneficiary on a trial visit or upon discharge.* (a) The amount which shall have been paid the chief officer of an institution to be expended for the benefit of an incompetent or insane beneficiary may be made available by the chief officer for the use of the incompetent or insane patient while on a trial visit from the institution. Any part of the accrued funds, which in the judgment of the chief officer is thought necessary, may be paid to a beneficiary who is without a guardian, when departing upon a trial visit, provided he is regarded as competent to disburse the money with ordinary prudence. If, at the time of his departure upon a trial visit, there is any doubt as to the competency of the beneficiary to disburse properly such funds, or for any other good reason the chief officer considers it inadvisable to give the money to the beneficiary himself, a proper amount may be paid to the person into whose custody the beneficiary is released on a trial visit for the benefit of the beneficiary, and the person to whom the money is given for the benefit of the beneficiary will be required to account therefor to the chief officer of the institution.

(b) The foregoing rule will be applied in similar cases when a beneficiary without a guardian is discharged from the institution. At the time of discharge of the beneficiary, the chief officer will report the circumstances to the chief attorney for the purpose of initiating proceedings to secure the appointment of a guardian. At the same time the chief officer may request a recommendation from the chief attorney as to the amount considered necessary to provide for the beneficiary pending settlement of the guardianship phase. Payment may be made in the amounts and manner recommended by the chief attorney. The chief officer will request the recommendation of the chief attorney sufficiently in advance of the anticipated date of discharge in order to obviate delays.

§ 3.281 *Disappearance of incompetent veterans; payment to dependents*—(a) *Under Veterans' Regulation No. 1 (g) (38 U. S. C. ch. 12).* Where an incompetent veteran receiving or entitled to receive compensation under either part I or Part II of the Veterans' Regulation No. 1 series, disappears or has disappeared and for 90 days or more thereafter his whereabouts remain unknown to the members of his family and the Veterans' Administration, there will be paid to the dependents of the veteran the amounts authorized for surviving dependents under the Veterans' Regulation No. 1 series, Parts I and II, respectively, effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or April 1, 1935 (effective date of Veterans' Regulation No. 1 (g)), whichever is the later: *Provided*, That in no event will the monthly amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance: *Provided further*, That the amounts authorized for surviving dependents of World War veterans under Part I of Veterans' Regulation No. 1 series will be the amounts authorized by section 14 (a) and (b), Public Law 144, 78th Congress, as amended. The provisions of this subparagraph are applicable only to the cases of incompetent veterans receiving or entitled to receive compensation under either Part I or Part II of the Veterans' Regulation No. 1 series (38 U. S. C. ch. 12).

(b) *Under section 8 of Public No. 304, 75th Congress.* Where an incompetent World War veteran receiving or entitled to receive compensation under Public No. 141, 73d Congress, disappears or has disappeared and for 90 days or more thereafter his whereabouts remain unknown to the members of his family and the Veterans' Administration there will be paid to the dependents of the veteran the amount of compensation payable to dependents of deceased veterans who die from war service-connected disabilities effective as of the day following the discontinuance of the veteran's award, date of veteran's disappearance, or August 16, 1937, whichever is the later. From August 1, 1943, as provided in section 14 (c) of Public Law 144, 78th Congress, the rates for dependents will be those authorized by section 14 (a) of that act, as amended. However, in no event will the amount paid to dependents hereunder exceed the amount payable to a veteran at the time of his disappearance.

(c) Awards to dependents will be prepared in accordance with effective awards procedure and will bear the notation "Veterans' Regulation No. 1 series, Part VI," where compensation is payable under Part I or Part II of the Veterans' Regulation No. 1 series, or "Section 8 of Public No. 304, 75th Congress," where compensation is payable under Public No. 141, 73d Congress. Apportionment of payments shall be in accordance with § 4.1591 of this chapter.

(d) Where a veteran's whereabouts become known to the Veterans' Administration after an award to dependents has been made as provided herein, the award to the dependents will be discontinued, effective the last day of the month in which the award action is taken, and appropriate action will be taken to adjust the veteran's award in accordance with the facts found.

(e) Awards to dependents under Veterans' Regulation No. 1 (g), Part VI (38 U. S. C., ch. 12), or section 8, Public No. 304, 75th Congress, will not be continued for more than seven years from date of disappearance of the veteran in any case where the facts are such as to bring into effect the presumption of death provided in Public Law 591, 77th Congress. (Secs. 1, 4, 48 Stat. 8, 9, sec. 8, 50 Stat. 662, 38 U. S. C. 472e, 701, 704)

§ 3.286 *Determination of marital status, custody of child or children, or continuance of dependency.* When in any case wherein compensation, pension, or retirement benefits are being paid, it is deemed necessary to determine the current facts in regard to the marital status of the veteran, custody of child or children, or dependency of parent or parents, the necessary evidence will be requested and, when received, appropriate adjustment will be made in accordance with the facts disclosed pursuant to the provisions of law and the regulations and instructions based thereon. If the necessary information is not received within a reasonable time from the date of request therefor appropriate action will be taken to effect an adjustment on the basis of a single man without dependents, or through a discontinuance of benefits to the payee or payees, wife, child or children, or dependent parent or parents, as may be required by the facts. If the necessary evidence or information is thereafter received within one year from the date of request therefor, a readjustment may be made or the payment of benefits resumed, if otherwise in order, from the effective date of the adjustment or discontinuance previously necessitated by the non-receipt of the desired data. If the necessary evidence or information is not received within one year from the date of request therefor, the adjustment or resumption of payments will not be authorized prior to the date of receipt of the evidence or information. For the applicable rule in cases of institutionalization, see § 3.255 (c).

§ 3.292 *Award action upon failure to return questionnaire; as to income under Part III, Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12.)* At the expiration

of the appropriate follow-up period if the questionnaire, either FL–619 or FL–619a, is not returned, the award will be discontinued effective the date of last payment and the veteran notified as to the reason for the discontinuance.

§ 3.293 *Restoration of award upon receipt of questionnaire.* If the questionnaire, either Form 619 or 619a, is returned within one year from the date of issuance, the award will be resumed, if otherwise in order, effective the date of discontinuance. If the questionnaire is not returned within one year, the awafd will be resumed, if otherwise in order, the date of receipt of the questionnaire.

§ 3.296 *Concurrent payment of benefits to same person.* (a) On and after July 13, 1943, the provisions of this paragraph are applicable to all laws administered by the Veterans' Administration. Not more than one award of pension, compensation or emergency officers or regular retirement pay, shall be made concurrently to any person based on his own service. The receipt of pension or compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension or compensation on account of the death or disability of any other person. Pension, compensation or retirement pay on account of his own service shall not be paid while the person is in receipt of active service pay, but the receipt of active service pay shall not bar the payment of pension or compensation on account of the death or disability of any other person (sec. 15, Pub. Law 144, 78th Cong.).

(b) For the purposes of Veterans' Regulation No. 1 (a), Part II, paragraph I (38 U. S. C. ch. 12), as amended by Public No. 159, 75th Congress (act of June 23, 1937), and as modified by section 304 of Public No. 732, 75th Congress (act of June 25, 1938), compensation shall not be paid concurrently with active duty pay or United States Employees Compensation. Where a naval reservist who is eligible for compensation is also eligible for the benefits of the United States Employees Compensation Act he shall elect which benefit he shall receive.

(c) Except where expressly prohibited by law (such as in sections 211 and 212 of the World War Veterans' Act, 1924, as amended, and section 31 of Public No. 141, 73d Congress), compensation or pension under the Veterans' Administration may be paid concurrently, if otherwise in order, with compensation under the United States Employees Compensation Act of September 7, 1916, as amended.

(d) New awards of naval allowance under sections 4756 and 4757, Revised Statutes, may not be awarded concurrently with other pensions or compensation. However, this provision does not apply to a continuation of those concurrent awards of naval allowances which were in effect on July 13, 1943, nor to renewals or continuation of such prior awards. (Sec. 15, 57 Stat. 559; 38 U. S. C. ch. 12 note)

§ 3.297 *Awards to custodians of incompetent or minor beneficiaries.* Where possible under State statutes, a legal custodian may be recognized in any claim otherwise requiring the appointment of a fiduciary because of the incompetency or minority of the claimant, subject to the limitations as to amounts set forth in § 14.205 of this chapter.

§ 3.298 *Payment of compensation or pension to minors discharged from the military service.* The minority of a person who has been discharged from the military or naval forces of the United States will not preclude direct payment of either compensation or pension to such person (sec. 21 (1), World War Veterans' Act as amended by Public No. 262, 74th Cong.). (Sec. 1, 49 Stat. 607, 38 U. S. C. 450)

§ 3.299 *Action where veteran returns to active duty status.* Compensation or pension may not be paid concurrently with the receipt of active service pay and where any person in receipt of compensation or pension returns to active duty status with any of the armed forces of the United States, or active service in the United States Coast Guard, benefits will be suspended effective the day preceding re-entrance, if known, or the date of last payment. In the latter instance the correct date on which the veteran re-entered active duty status will be ascertained and a corrected Stop (or Suspended) Payment Notice, Veterans' Administration Form 521, or amended award then executed as of the correct date. Where a member of the organized reserves, before entering upon active duty, surrenders or relinquishes the benefit which he is receiving, a Stop (or Suspended) Payment Notice, Veterans', Administration Form 521, will be executed as of the date of last payment. Official information showing the date upon which the veteran actually re-entered active duty will be secured and there will be executed a corrected Stop (or Suspended) Payment Notice of amended award, whichever is in order. When it becomes necessary to discontinue payments of disability compensation, pension, or retirement pay because the veteran has re-entered active military or naval service, the representatives, including duly accredited service organization or attorney of record, will be informed by being furnished copy of the letter to the veteran notifying him of the discontinuance of payments. Payments may be resumed the day following release from active duty, provided the person is otherwise entitled. The determination of service connection upon which the award of benefits was originally made will not be disturbed. The resumption of payment of compensation as to amount, will be at a rate commensurate with the degree of disability found to exist at the time of restoration of the award. The appropriate form of the 3101 Series will be secured and the claim will be adjudicated upon a basis including the pertinent facts in the most recent period of active service. However, in instances where veterans of the military or naval forces also served during the present war and are discharged by reasons other than disability, such as to accept employment in an essential war industry, any examination indicated with reference to the condition for which disability benefits were formerly authorized may be conducted immediately upon presentation of the original discharge certificate. An effort should be made to see that the examination is completed by the time pertinent service data are received, and final adjudication should then be accomplished. A certified copy or abstract of the veteran's discharge certificate will be made and placed in the case file and the original certificate returned to the veteran. If a disability is incurred or aggravated in the second period of service, the benefits payable on account thereof cannot be paid unless a claim therefor is filed. (See § 3.27.) (Sec. 15, 57 Stat. 559; 38 U. S. C. ch. 12 note)

§ 3.300 *Military and naval retirement pay.* Under existing law, the only prohibitions against receipt of pension, compensation, emergency officers or regular retirement pay by a veteran on account of his own service are: (a) That not more than one award of such benefits shall be made concurrently, and (b) that such benefits shall not be paid while the person is in receipt of active service pay. (See § 3.296.) Therefore, an officer or enlisted man entitled to retirement with pay (retainer pay is in the nature of reduced retirement pay), who is also entitled to compensation or pension, may elect which of the benefits he desires to receive. Such election does not bar him from making a subsequent election of the other benefit to which he is entitled. The provisions of section 212, Public No. 212, 72d Congress, as amended, do not apply to compensation or pension, and do not in any way preclude such election. This interpretation may be applied retroactively if the claimant was not advised of his rights of election and the effect thereof, but in no event prior to July 13, 1943. Moreover, any person in receipt of regular retirement pay may by filing with the department by which such retired pay is paid a waiver of a part of such retired pay, equal in amount to the pension or compensation to which he is otherwise entitled, receive such pension or compensation concurrently with the balance of his retired pay (Public Law 314, 78th Cong.). However, such a retired person, who on the day of his retirement elected under section 212, Public No. 212, 72d Congress, to take the salary of his civilian office rather than the retired pay to which he would have been entitled but for his appointment to the civilian office, may not receive pension or compensation under Public Law 314, 78th Congress. (See Veterans' Administration Adjudication Procedures.) (Sec. 15, 57 Stat. 559, 58 Stat. 230; 38 U. S. C. 26c, ch. 12 note)

§ 3.301 *Civil Service retirement annuitants.* There is no applicable prohibition in the act of July 14, 1862, as amended, the Service Pension Acts, Public No. 2, 73d Congress, Public No. 141, 73d Congress, amendments thereto, or regulations thereunder, to the payment of the compensation, pension or emergency officers retirement pay to which a veteran has been found entitled, notwithstanding the receipt by him of a retirement annuity under the act of May

29, 1930, as amended. When there is information of record in the file of a veteran to whom compensation, pension, or emergency officers retirement pay has been or is being awarded that he is receiving or has applied for civil service annuity, the Civil Service Commission will be informed as to the nature, amount, and effective date of the benefit being paid, that is, compensation, pension, or emergency officers retirement pay, the law under which such payment is made, whether the benefit is by reason of age, service-connected disability or disability not incident to service, the dates of enlistment and discharge with respect to the period of service upon which the payment is based, and the character of discharge from such period of service.

§ 3.302 *Right of election.* Where a person has a right to benefits under two or more laws, he may elect to take under any law, regardless of whether it is the greater or lesser benefit, and even though his election results in reducing the benefits of his dependents. Any person who elects to receive monetary benefits under any law, places the right under another law in suspense and may at any time, on election, cause the suspension to be lifted by again electing monetary benefits under the other law.

CROSS REFERENCE: Awards to pension attorneys or agents. See Veterans' Administration Legal Procedures.

APPORTIONMENTS

§ 3.310 *Apportionments authorized.* Disability pension, disability compensation, emergency officers retirement pay, and on and after October 17, 1940, service pension and pension for service prior to April 21, 1898, amounting to more than $30 monthly, will be apportioned according to the table provided in § 3.311, except where otherwise authorized or provided herein:

(a) When the disabled person and his wife are not living together by reason of estrangement.

(b) Where the child or children are not in the custody of the disabled person.

(c) Where action is being effected toward the appointment of a fiudciary for an incompetent or insane beneficiary.

(d) In those cases where an incompetent veteran with a wife, child, or dependent parent, and for whom no guardian or other legal fiduciary has been appointed, is maintained in an institution by the United States or a political subdivision thereof, the disability pension payable under Veterans Regulation No. 1 (a), Part III (38 U. S. C. ch. 12), unless paid in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents, will be apportioned, if otherwise in order, in accordance with the schedule set out below. Prior to authorizing an apportionment of disability pension as provided herein adequate development will be accomplished for the purpose of determining the need therefor and the evidence to establish the marital status, relationship, and dependency in the case of a parent, will be secured. In any case where there is doubt as to the propriety of the contemplated action or where, after all feasibly available evidence is secured, there is doubt as to the marital status or relationship, the case will be submitted, together with a full statement of the pertinent facts, to the director, claims service, branch office, for an advisory opinion or such other action as may be deemed appropriate.

Where there is (are):

	Monthly
A wife but no child or where all children are in her custody: Portion to wife	$50.40
A child but no wife: Portion for child	39.60
Two or more children but no wife: Portion for children (to be divided equally between them)	50.40
A dependent parent but no wife or child: Portion for parent	39.60
Two dependent parents but no wife or child: Portion for parents (to be divided equally between them)	50.40

Any increase in pension by reason of the veteran having attained the age of sixty-five or having been rated permanently and totally disabled and in receipt of pension for a continuous period of ten years or more will be added to the amount allowed the dependents as hereinabove described. There will be paid to the manager, if a Veterans' Administration hospital or center, or such other proper official in charge of the institution any sum remaining unawarded. When the apportionments provided herein are believed to work a hardship upon one or more parties in interest, recourse then may be had to the provisions of § 3.315 for a special apportionment under the approved procedure relating thereto.

Running awards not consistent with the foregoing provisions will not be automatically reviewed for such purpose but will be adjusted when the particular case otherwise requires award action.

(e) Where it is determined that an institutional award in behalf of an incompetent or insane beneficiary is in order, pending action on a special apportionment under § 3.315. (38 U. S. C. ch. 12, Reg. 6 (c), as amended) (Sec. 4, 48 Stat. 9, sec. 3, 54 Stat. 1195, sec. 1 (B), 60 Stat. 908 38 U. S. C. 49a note, 704, 739, ch. 12 note).

§ 3.311 *Table of apportionments.* (a) Apportionments will be as follows:

	Portion for disabled person	Portion for wife where children are in her custody	Portion for children not in custody of wife or veteran
Disabled person and—	*Percent*	*Percent*	*Percent*
Wife but no child	70	30	
Wife and 1 child	60	40	[2]20
Wife and 2 children	55	45	[2]25
Wife and 3 or more children	50	50	[2]30
No wife but 1 child	80		20
No wife but 2 children	70		[2]30
No wife but 3 or more children	65		[2]35

[1] Equally divided.
[2] Percentage for child or children will be deducted from percentage for wife and children.

(b) When the wife is living separate and apart from the disabled person, and the child or children are living with her and the wife is entitled to an apportioned share of disability compensation, service pension or emergency officers retirement pay, both on account of herself and the child or children, the benefit as provided in paragraph (a) of this section will be paid to the wife in one monthly amount on account of herself and such child or children in her custody.

(c) Where the evidence of record shows that the veteran and his wife are separated, the whereabouts of the wife is unknown, and all reasonable means to locate the wife have been unsuccessful or where she states in writing that she desires no share of the award, or fails for 90 days or more to respond to correspondence from the Veterans' Administration informing her of her rights, which is not returned unclaimed, there will be no apportionment on her account unless the rating is on a temporary basis, in which event there will be reserved for the wife only that amount authorized by the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, to be paid on her account at such time as her whereabouts may be ascertained. If there are children not in the veteran's custody the award will be apportioned according to the table provided in paragraph (a) of this section on the basis of the disabled person and child or children until such time as the whereabouts of the wife may be ascertained or she expresses a desire to claim her share of the award. In such event the award will be reapportioned on the basis of the disabled person, wife and child or children.

(d) If and while a claimant is rated temporarily disabled, that part of the benefit which is payable to him by virtue of his having a dependent father or mother, or both, will be apportioned and paid directly to the dependent when it appears that the claimant has neglected or refused to contribute to his, her, or their support in substantially the amount which he, she, or they would receive if apportionment were made: *Provided*, That no apportionment will be made where the duly appointed guardian under orders of the court of appointment makes or has made like contribution for the support of the parent or parents. (Section 1 (b), Public Law 662, 79th Congress.) (Sec. 4, 48 Stat. 9, Sec. 1 (B), 60 Stat. 908; 38 U. S. C. 704, 739, ch. 12 note)

§ 3.312 *Apportionment not authorized.* No apportionment will be authorized:

(a) Where the wife of a disabled person has been found guilty of conjugal infidelity by a court of competent jurisdiction, except the additional amounts specifically authorized by the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, to be paid on her account.

(b) (1) Where the child of the disabled person has been legally adopted other than by the disabled person, except the additional amount specifically authorized by the World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress, to be paid on account of the child. This provision is not applicable to death benefits.

(2) Where the child is not in the custody of the disabled person by reason of the child's entry into the active military or naval service, even though by

reason of his minority the veteran's compensation is still payable at a higher rate, and irrespective of whether compensation was apportioned for the child prior to his entry into the active military or naval service.

(c) Unless and until relationship and dependency is established in accordance with the requirements of the particular law and regulations and instructions issued pursuant thereto, under which the monetary benefit is payable.

(d) Where the disabled person or his guardian is rendering support which, in view of the circumstances present in the individual case, is considered fair and reasonable.

(e) Under § 3.310, where the monetary benefit payable is $30 monthly, or less.

(f) Under § 3.310, where the monetary benefit is payable under Part III, of the Veterans' Regulation No. 1 series (38 U. S. C. ch. 12), except as provided in § 3.310 (d).

(g) Of any amount in excess of the rate for total disability or of the additional amount authorized by the last paragraph of section 202 (3), or section 202 (5), World War Veterans' Act, 1924, as amended, or the additional amount payable under Veterans' Regulation No. 1 (a), Part I, paragraph II (k), or Part II, paragraph II (k) (38 U. S. C. ch. 12). Where pension is being paid under Public No. 323, 71st Congress (act of June 9, 1930), no amount in excess of $75 monthly will be subject to apportionment, where pension is being paid under Public No. 541, 75th Congress, no amount in excess of $60 monthly will be subject to apportionment, and where pension is being paid on or after April 1, 1944, under Public Law 242, 78th Congress, no amount in excess of $75 monthly will be subject to apportionment.

(h) Where the wife, child, father or mother of the disabled veteran is shown by evidence satisfactory to the Administrator of Veterans' Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies. (Sec. 4, 48 Stat. 9, sec. 3, 54 Stat. 1195, sec 1 (B), 60 Stat. 908; 38 U. S. C. 49a note, 704, 739, ch. 12 note)

§ 3.314 *Action to be taken where payments have not been made under apportionments.* In apportioning disability pension, service pension, disability compensation, or emergency officers retirement pay, the provisions of §§ 3.310 to 3.317, will be applicable to all cases coming within the purview thereof where apportionments or division of pensions have been made but in which payments have not been made to the dependents for all periods affected. In the case of a divison of pension, the Act of March 3, 1899, will be applicable for all periods prior to October 17, 1940. (Sec. 4, 48 Stat. 9, sec. 3, 54 Stat. 1195; 38 U. S. C. 49a note, 704)

§ 3.315 *Special apportionments.* Where it is clearly shown by competent evidence that the application of the provisions of §§ 3.276, 3.310, and 3.311 or the fact that no apportionment is authorized under § 3.312, will result in undue hardship upon the disabled person or any one of his dependents and relief can be afforded without undue hardship to the other persons in interest, the complete case file will be forwarded by the authorization officer or the attorney reviewer with appropriate recommendation as to the exact manner of the proposed relief, to the adjudication officer, assistant adjudication officer, or the chief, or assistant chief, claims division, who will determine without regard to the provisions of §§ 3.276, 3.310, 3.311, and 3.312, the disability pension, service pension, disability compensation or emergency officers retirement pay, which will be apportioned and the exact amount to be apportioned to each individual in interest. Should an appeal from such apportionment be received the case file will be referred to the adjudication officer, assistant adjudication officer, or the chief, or assistant chief, claims division, in order that the special apportionment from which the appeal is taken may be reconsidered in the light of any additional evidence developed in connection with the appeal. When it is found that no change is warranted, Veterans' Administration Form P–8d, properly prepared, will be approved. Thereafter regular appellate procedure will be for application. (Veterans' Administration appeal procedure) (Sec. 4, 48 Stat. 9, sec. 3, 54 Stat. 1195; 38 U. S. C. 49a note, 704)

§ 3.316 *Effective date of apportionments.* The effective date of an apportionment will be the first day of the month next succeeding that in which the notice of estrangement or that the child or children are not in the custody of the disabled person, is received in the Veterans' Administration, and the disabled person's award will be immediately adjusted in order to make payable to him or her only the apportioned amount to which he or she would be entitled under §§ 3.310 and 3.311. *Provided,* That in initial awards benefits or apportionments will be granted over the entire period covered by the initial awards in accordance with the facts found, except that pension payable under section 30, Title III, Public No. 141, 73d Congress, for periods prior to June 30, 1934 (the effective date of Veterans' Regulation No. 6 (c)), will be awarded in accordance with the instructions in effect prior to that date. The effective date of an apportionment under § 3.310 (c) and (d) will be the date on which the veterans' award is suspended or the date from which an institutional award in his behalf is made: *Provided,* That in initial awards apportionments as authorized herein will be granted over the entire period covered by the initial awards in accordance with the facts found. (38 U. S. C. ch. 12, Reg. 6 (c)) (Sec. 4, 48 Stat. 9, sec. 3, 54 Stat. 1195; 38 U. S. C. 49a note, 704)

§ 3.317 *Discontinuance of apportionments; effective dates.* Where disability pension, disability compensation, service pension or emergency officers retirement pay is apportioned between the veteran and his dependents and payments have been or are being made to the dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefit to the dependent shall be the date of last payment and the award to the veteran will be adjusted accordingly; except that in the event of death, the date of death; divorce, the date preceding the date of divorce; in the case of a child, the date preceding the eighteenth, or twenty-first birthday, or cessation of school attendance, or the date preceding the date of marriage, will be the effective date. Where a minor child of a disabled person being paid apportioned disability compensation, pension or emergency officers retirement pay enters the active military or naval service, such apportioned award will be discontinued as of the date of last payment and, effective as of the next day, such child's apportioned share will be added to the disability compensation, pension or emergency officers, retirement pay otherwise payable to the veteran. Where the estranged wife of a disabled veteran is receiving apportioned disability compensation, pension or emergency officers retirement pay in behalf of herself and a minor child and such minor child enters the active military or naval service, the apportioned share for the estranged wife will be continued in the same amount as was payable prior to the child's entry into active service, such increased amount to continue during the child's minority or until the cessation of the condition upon which the apportionment was made. The provisions of the two sentences immediately above are also for application when retirement pay under section 5, Public No. 18, 76th Congress, is apportioned while the veteran is being furnished hospital treatment, institutional or domiciliary care by the United States or any political subdivision thereof. (Sec. 4, 48 Stat. 9, sec. 3, 54 Stat. 1195; 38 U. S. C. 49a note, 704)

APPEALS

§ 3.328 *Merger of administrative appeals in veterans' appeal.* If an administrative appeal is entered and there is also entered prior to the release of the case folder to the chairman of the board of veterans appeals, an appeal by the claimant or his accredited representative, the administrative appeal will be considered as merged in the claimant's appeal and the case will be handled in accordance with procedure governing appeals by claimants or their accredited representatives. In the event the case file is received by the board of veterans appeals by reason of an administrative appeal, but prior to the rendition of appellate decision in such a case there is received in the board of veterans appeals an appeal entered by the claimant or his accredited representative, the administrative appeal will be considered as merged in the claimant's appeal and the procedure governing appeals by claimants or their accredited representatives will be for application. An administrative appeal will not be merged with a claimant's appeal if the matters in issue refer to the application of different statutes and the regulations issued pursuant thereto. (Secs. 9, 20, 32, 48 Stat. 10, 309, 526; 38 U. S. C. 709, 722)

§ 3.329 *Restriction as to change in payments pending determination of administrative appeals.* In the event of an administrative appeal by the manager or the adjudication officer in a field office, or the chief, claims division, in cases adjudicated by the central disability board, no change in payments based on the result of the review or determination will be made until a decision is rendered by the board of veterans appeals. (Secs. 9, 20, 32, 48 Stat. 10, 309, 526; 38 U. S. C. 709, 722)

§ 3.330 *Finality of unappealed decisions.* A decision of a rating board unappealed within one year shall be final. (Secs. 9, 20, 32, 48 Stat. 10, 309, 526; 38 U. S. C. 709, 722)

§ 3.333 *Submission of additional evidence within the appeal period.* Additional material and pertinent evidence may be submitted within the appeal period, and if submitted, will be considered by the rating agency of original jurisdiction and an appropriate determination made. The submission of additional evidence will not extend the period in which an appeal may be taken. The appeal period in any event begins to run as of the date of notice of the initial decision. (38 U. S. C. ch. 12, Reg. 2 (a).) (Secs. 9, 20, 32, 48 Stat. 10, 309, 526; 38 U. S. C. 709, 722)

CROSS REFERENCE: *Submission of cases requiring decision by special review board.* See § 19.1 of this chapter.

ADJUDICATION UNDER PRIOR LEGISLATION

§ 3.341 *Rating decisions made and signed prior to March 20, 1933.* Where in original claims and claims for increase of pension, compensation, or emergency officers retirement pay, filed prior to March 20, 1933, a favorable rating decision predicated upon the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, has been signed, monetary benefits authorized by such decision may be awarded and paid in accordance with the provisions of such prior laws and the Veterans' Administration issues applicable. (Public No. 78, 73d Congress.) (Sec. 20, 48 Stat. 309; 38 U. S. C. 722)

§ 3.342 *Rating decisions made subsequent to March 20, 1933, but based on evidence received prior to March 20, 1933.* Original claims and claims for increase of pension, compensation or emergency officers retirement pay filed prior to March 20, 1933, may be adjudicated on the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, and monetary benefits awarded and paid in accordance with the provisions of such prior legislation and the Veterans' Administration issues applicable. The condition that a claim may be adjudicated on the "proofs and evidence" received by the Veterans' Administration prior to March 20, 1933, will be met when there was filed with the Veterans' Administration prior to March 20, 1933, proofs and evidence establishing prima facie entitlement to the benefits sought. The condition of law that proofs and evidence necessary to the adjudication of a claim must have been received by the Veterans' Administration prior to March 20, 1933, will be considered as having been met when the only evidence lacking on March 20, 1933, was such as the following: *Provided,* That such evidence is of record at the time of the adjudication of the claim:

(a) Letters testamentary, letters of administration, and letters of guardianship.

(b) See § 3.347.

(c) Official records from the War or Navy Department.

(d) Where an award has been approved and payments of compensation were commenced prior to March 20, 1933, any apportioned or additional compensation withheld pending the receipt of necessary evidence such as proof of relationship may be awarded to the veteran or to the dependents even though such evidence is received after March 20, 1933.

However, only one adjudicative action and one appeal may be taken in this class of case. (Public No. 78, 73d Congress) (Sec. 20, 48 Stat. 309; 38 U. S. C. 722)

§ 3.343 *Appeals entered prior to March 20, 1933.* Where in original claims and claims for increase of pension, compensation, or emergency officers' retirement pay, rating or appellate action has been taken adversely to the veteran, but the claim has been continuously prosecuted, a proper appeal has been entered prior to March 20, 1933, the appeal will be considered by the board of veterans' appeals on the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, and monetary benefits awarded and paid, if in order, in accordance with the provisions of such prior legislation and the Veterans' Administration issues applicable. (Public No. 78, 73d Congress) (Sec. 20, 48 Stat. 309; 38 U. S. C. 722)

§ 3.344 *Affirmative claim as a prerequisite to entitlement.* Sections 3.341, 3.342, and 3.343, comprehend only those cases in which there is an affirmative claim by the veteran or his representative received by the Veterans' Administration prior to March 20, 1933, which may be (a) an original claim in which no rating action has been taken prior to March 20, 1933, (b) an original claim in which rating action had been taken but which had been continuously prosecuted without final disallowance prior to March 20, 1933, (c) a request for reconsideration which had not been denied on March 20, 1933, and which from the date of receipt has the attributes of an original claim, and (4) claims for increase. (Sec. 20, 48 Stat. 309; 38 U. S. C. 722)

§ 3.345 *Limitation of payments.* Payments of pension, compensation, or emergency officers' retirement pay which are in order under §§ 3.341, 3.342, and 3.343, will be made only to include June 30, 1933. Such claims shall be subject to review without the filing of further claim under the provisions of section 17, Public No. 2, 73d Congress, and the regulations issued pursuant thereto. (Sec. 17, 48 Stat. 11; 38 U. S. C. 718)

§ 3.346 *Administrative reopening of claims.* No provision is made in paragraph 2 of section 20, Public No. 78, 73d Congress, for the reopening or review of any other type or class of claims for pension, compensation, or emergency officers' retirement pay. No claims, therefore, which were reopened and reconsidered on the initiative of the Veterans' Administration and in which the veteran or his representative made no request for reconsideration prior to March 20, 1933, will be considered. (Sec. 20, 48 Stat. 309; 38 U. S. C. 722)

§ 3.347 *Clarifying evidence.* In claims under §§ 3.341, 3.342 and 3.343, where additional evidence is required for the purpose of inquiring into the veracity of a witness or the authenticity of the documentary evidence, the additional evidence may be obtained after March 20, 1933, if the evidence necessary to establish entitlement to the benefits sought was received prior to March 20, 1933. However, any evidence essential to the allowance of the claim or to enlarge the proofs and evidence on file prior to March 20, 1933, may not be considered if not received prior to that date. Documentary or other specific proof of relationship or other fact shown prima facie in the record prior to March 20, 1933, received on or after that date will be deemed to constitute an enlargement of the proofs and evidence on file prior to March 20, 1933.

EMERGENCY OFFICERS RETIREMENT CLAIMS

§ 3.350 *Adjudication of benefits in emergency officers retirement claims.* After a determination as to entitlement or nonentitlement is made by the board of veterans appeals, and after the approval of the necessary award action by the claims division, veterans claims service, claims for emergency officers retirement will be decentralized to the proper regional office or center, except where jurisdiction is vested in central office as provided in § 3.1025 and will thereafter be adjudicated by the adjudication division in the field offices for the purpose of awarding or apportioning emergency officers retirement payments, pension, or compensation: *Provided,* That where denial is made by the board of veterans appeals in its capacity as a body of original jurisdiction in claims for emergency officers retirement pay, decentralization will be effected upon the expiration of a period of one year from the date on which notice of the decision is dispatched to the claimant, if in the meantime an appeal is not filed: *And provided further,* That where denial is made by the board of veterans appeals on appeal, decentralization will be withheld for a period of six months from the date on which notice of the decision is sent to the claimant. Payment Card, Veterans' Administration Finance Form 1071, will be retained in central office. (Sec. 10, 48 Stat. 10; 38 U. S. C. 710)

§ 3.351 *Service required to establish title to emergency officers retirement pay.* A person must have served as a commissioned officer in one of the branches of the service between April 6, 1917, and November 11, 1918, or if he served in Russia between April 6, 1917, and April 1, 1920, before he would be entitled to continue to receive retirement pay under Public No. 2, 73d Congress.

CROSS REFERENCE: *Retroactive payments of emergency officers retirement benefits.* (See §§ 3.341 to 3.347.)

§ 3.352 *Protection afforded benefits being paid on March 20, 1933; payments not limited to $360 per month.* The phrase "entitled to continue to receive retirement pay at the monthly rate now being paid him" contained in section 10, Title I, Public No. 2, 73d Congress, and Veterans' Regulation No. 5, does not include the additional allowance for nurse or attendant which was being paid the retired officer on March 20, 1933, since such allowance was not a part of the retirement pay. Section 28, Public No. 141, 73d Congress, was not intended nor designed to protect an award for a nurse or attendant to those retired officers who continued to receive retirement pay under section 10, Title I, Public No. 2, 73d Congress. Any retired emergency officer in receipt of retired pay on March 20, 1933, will be deemed to have been in receipt of compensation or pension. That part of Public No. 2, 73d Congress, as amended, providing $360 as the maximum rate of compensation which may be paid for disability, has no application to emergency officers retirement payments.

CROSS REFERENCES: *Right of election between emergency officers retirement pay, compensation and pension.* (See § 3.300.)
Forfeiture. (See § 3.69.)

§ 3.353 *Disability incurred while serving as enlisted man or commissioned officer.* Whether the disability was incurred while serving as an enlisted man or as a commissioned officer, an emergency officer, if otherwise eligible, is entitled to continue to receive retirement pay if he served as a commissioned officer between the dates specified in § 3.351 and the disability was incurred during an enlistment or enrollment entered into between such dates.

§ 3.354 *Difference between retirement pay and active service pay.* There may be paid to a retired emergency officer concurrently with active service pay, the difference between his retirement pay as such officer and his active service pay as a member of the armed forces.

CROSS REFERENCE: *Apportionment of emergency officers retirement pay.* (See §§ 3.310 to 3.317.)

§ 3.355 *Physical examinations on emergency officers retirement claims.* Physical examinations in connection with emergency officers retirement claims will be made only upon central office request initiated by the chairman, board of veterans appeals, and communicated to the field station concerned by the chief medical director, department of medicine and surgery: *Provided,* That physical examinations for compensation or pension benefits will be authorized by the adjudication agency having jurisdiction of the claim. (Sec. 1, 48 Stat. 8; 37 U. S. C. 701)

§ 3.356 *Subsequent findings of combat incurrence by adjudicating agencies of original jurisdiction.* (a) Where a claim for retirement has been allowed or denied by the board of veterans appeals, no other rating agency will thereafter make an initial finding in such claim that any disability was incurred in combat with an enemy of the United States. If a rating agency is of the opinion that the veteran has a disability which was incurred in combat, the claim will be transmitted to the board of veterans appeals with appropriate recommendation. The initial rating action taken by the board of veterans appeals in these cases will be subject to appeal within the time prescribed by regulations.

(b) Where a veteran receiving emergency officers retirement benefits enters Federal employment, and there has been no determination as to whether the disability for which he was retired was incurred in combat or was due to the explosion of an instrumentality of war, any action to adjust the payments required by § 3.358 (a) will be accomplished and the claims folder submitted to the board of veterans appeals for appropriate determination of that phase of the claim.

§ 3.357 *Subsequent findings of thirty per centum or more by adjudicating agencies of original jurisdiction.* Where a claim for emergency officers retirement has been denied by the board of veterans appeals, no rating agency will thereafter make a rating of thirty per centum or more for a single disability or for a combination of disabilities effective on or before May 24, 1929, but if such rating is deemed to be indicated, the claim will be submitted to the board of veterans appeals with appropriate recommendation.

§ 3.358 *Public No. 212, 72d Congress, as amended.* (a) Effective July 1, 1932, section 212 of Public No. 212, 72d Congress, as amended, which is permanent legislation, prohibits the concurrent payment of retirement pay and salary from the United States Government or the municipal government of the District of Columbia, or any corporation, the majority of the stock of which is owned by the United States, except under certain specified conditions. However, such prohibition is inapplicable if the disability for which retired was incurred in combat with an enemy of the United States. On and after July 15, 1940, the above restriction is also inapplicable if the disability for which retired resulted from an explosion of an instrumentality of war in line of duty. A finding by the board of veterans appeals that a disability is the direct result of the performance of duty, or that on all the evidence of record it is clearly shown that the disability for which retirement was granted was incurred in or aggravated by active service in fact in line of duty without benefit of any statutory or regulatory presumption of any kind, does not of itself meet the requirements of Public No. 212. There must be a specific finding of combat incurrence of a disability for which retirement was granted or a specific finding that the disability resulted from an explosion of an instrumentality of war in line of duty during enlistment or employment as provided in Veterans' Regulation No. 1 (a), Part I, paragraph I (38 U. S. C. ch. 12). If a retired officer is also an employee of the United States within the purview of section 212, Public No. 212, 72d Congress, as amended, and his retired pay is at a rate equal to or in excess of $3,000 per annum, he must elect which form of payment he desires during the period of such incumbency. If the rate of the retired pay and the rate of civilian compensation, when combined, are equal to or less than $3,000 per annum, he is entitled to both. On the other hand, if the civilian compensation is at a rate of less than $3,000 and the retired pay is also at a rate of less than $3,000, he is entitled to the full amount of his civilian pay and to such additional amount from the retired pay as will make a total payment annually of $3,000. (Comptroller General—June 25, 1942, B–24989.) If the retired pay is at a rate of less than $3,000 and the civilian pay is at a rate in excess of $3,000, there is no right of election, the civilian pay must be paid and even though it is a part-time position and the salary actually paid is less than $3,000 per annum, there is no right to any portion of the retired pay. (Comptroller General—August 17, 1932, 12 Comp. Gen. 256.) The claim of a part-time employee should be adjudicated on the "rate" of pay for the position rather than on the part-time pay received. It is, therefore, necessary to ascertain from the department or establishment where the veteran is employed, the annual rate of pay for the position held. Section 212, Public No. 212, 72d Congress, as amended, is applicable to persons receiving fees from the Federal Government only when such fees are paid in connection with employment in "a civilian office or position, appointive or elective, under the United States Government or Municipal Government of the District of Columbia, or under any corporation, the majority of the stock of which is owned by the United States." However, when the fees are based on services furnished under contract, i. e., when the person receiving same is not an "employee," section 212, Public No. 212, 72d Congress, as amended, is not for application. For example, employment by the Veterans' Administration of former officers of the armed forces retired for disability as consultants upon a fee basis pursuant to section 14 (a) of Public Law 293, is not in contravention of section 212 of Public No. 212, 72d Congress, inasmuch as such consultants do not occupy an "office or position" within the meaning of those terms as used in the cited statute notwithstanding that the term "compensation" as used therein is sufficiently broad to include fees. (Decision of Compt. Gen. B–62616, January 17, 1947)

(b) In the preparation of awards involving Federal employees, subject to section 212, Public No. 212, 72d Congress, as amended, the amount of Federal salary received, including the Civil Service Retirement and Federal income tax deductions, will be shown on the award under "Remarks." Amounts received by Government employees as overtime compensation or additional compensation under Public Law 49, 78th Congress, or amounts payable under Public Laws 106 and 390, 79th Congress, other than increases in basic rates of compensation, which the Act expressly provides shall be considered a part of basic compensation, shall not be considered in determining the amount of a person's annual income or annual rate of compensation for the

purposes of section 212, Public No. 212, 72d Congress, as amended.

(c) A veteran whose emergency officers retirement pay was suspended by reason of this Act is entitled to benefits provided by Public Nos. 2 and 141, 73d Congress, without the necessity of filing a new claim: *Provided, however,* That if he has rights to continuation of emergency officers retirement pay under Public No. 2, 73d Congress, he cannot receive other benefits without a specific election. (Sec. 212, 47 Stat. 406, sec. 3, 54 Stat. 761, 59 Stat. 295, 60 Stat. 216; 5 U. S. C. 59a, 901, 902 note)

§ 3.359 *Statutory allowance not payable.* Retired emergency officers and retired enlisted men and officers of the regular service are not entitled to the statutory allowances, including the additional allowance for a nurse or attendant, payable in addition to compensation.

SERVICE REQUIREMENTS (VETERANS CLAIMS, CENTRAL OFFICE SECTION)

Beginning and Ending Dates of Wars (All Dates Inclusive)

CROSS REFERENCE: *World Wars I and II.* (See § 3.0.)

§ 3.1000 *Spanish - American War*—(a) *As to Public No. 2 and Public No. 141, 73d Congress.* April 21, 1898, to August 12, 1898.

(b) *As to laws reenacted by Public No. 269, 74th Congress.* April 21, 1898, to April 11, 1899. (Sec. 1, 41 Stat. 982, secs. 1, 2, 44 Stat. 382, sec. 1, 46 Stat. 492, secs. 4, 30, 48 Stat. 9, 525, 49 Stat. 614; 38 U. S. C. 362, 364, 364a, 365, 366, 368, 704)

§ 3.1001 *Boxer Rebellion*—(a) *As to Public No. 2 and Public No. 141, 73d Congress.* June 20, 1900, to May 12, 1901.

(b) *As to laws reenacted by Public No. 269, 74th Congress.* June 16, 1900, to May 12, 1901. (Sec. 1, 41 Stat. 982, secs. 1, 2, 44 Stat. 382, sec. 1, 46 Stat. 492, secs. 4, 30, 48 Stat. 9, 525, 49 Stat. 614; 38 U. S. C. 362, 364, 364a, 365, 366, 368, 704)

§ 3.1002 *Philippine Insurrection*—(a) *As to Public No. 2, and Public No. 141, 73d Congress.* August 13, 1898, to July 4, 1902 (to July 15, 1903, if there was service in the Moro Province).

(b) *As to laws reenacted by Public No. 269, 74th Congress.* April 12, 1899, to July 4, 1902 (as to veterans only, to July 15, 1903, if there was service in the Moro Province). (Sec. 1, 41 Stat. 982, secs. 1, 2, 44 Stat. 382, sec. 1, 46 Stat. 492, sec. 30, 48 Stat. 525, 49 Stat. 492; 38 U. S. C. 362, 364, 364a, 365, 366, 368)

§ 3.1003 *Indian Wars.* (See also § § 3.1000, 3.1014 and 3.1021.) All campaigns recognized by the War Department, including those cited in the act of March 4, 1917, as amended by the act of March 3, 1944, between January 1, 1817, and December 31, 1898. (Sec. 1, 44 Stat. 1361, sec. 1, 58 Stat. 108; 38 U. S. C. 381)

§ 3.1004 *Civil War.* April 12, 1861, to April 13, 1865. Extended in certain instances. (See § 3.1022.) (Sec. 1, 46 Stat. 529; 38 U. S. C. 274)

Persons Included, in Addition to Officers and Enlisted Men; Other Than Those Mentioned in the Act of July 14, 1862, and Other Controlling Laws

§ 3.1006 *Public No. 2, 73d Congress.* (See also § 3.1.) (a) Personnel of the Revenue Cutter Service while serving under the direction of the Secretary of the Navy in cooperation with the Navy.

(b) Contract surgeons, except as to Part III, Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12.) (Sec. 2, 26 Stat. 182, 36 Stat. 297, sec. 1, 46 Stat. 847, secs. 4, 30, 48 Stat. 9, 525, 50 Stat. 305, sec. 304, 52 Stat. 1181, sec. 3, 54 Stat. 885, 55 Stat. 598, 733, 57 Stat. 371; 34 U. S. C. 855c, 38 U. S. C. 12, 238, 238c, 328, 366, 704, ch. 12 note, 50 U. S. C. 301, App. 303)

§ 3.1007 *Public No. 141, 73d Congress, and Public No. 269, 74th Congress, and Reg. No. 1 (f) (38 U. S. C. ch. 12).* Same as § 3.1006 as to service during the wars enumerated in the laws reenacted by these acts, except as to service pension for contract surgeons. (Secs. 1, 4, 30, 48 Stat. 8, 9, 525, 49 Stat. 614; 38 U. S. C. 366, 368, 701, 704)

§ 3.1009 *Indian wars.* (*See also §§ 3.1003, 3.1014 and 3.1021.* The act of March 3, 1927, includes only officers and enlisted men employed in the military arm of the State, Territory or United States, and no class of civilian employees is included. (Sec. 1, 44 Stat. 1361, sec. 1, 58 Stat. 108; 38 U. S. C. 381)

§ 3.1010 *Civil War (act of June 9, 1930).* (a) A substitute accepted and mustered in as a substitute for another person.

(b) Personnel of vessels of the Revenue Cutter Service while cooperating, under orders from the President, with the Regular Navy.

(c) Midshipmen who served aboard a ship that was part of the naval establishment during the Civil War on cruising practice for 90 days or more.

(d) Pay clerks in the Navy.

(e) Army nurses (act of August 5, 1892), employed by the Surgeon General, who rendered actual service as nurses in attendance upon the sick or wounded in a hospital for a period of six months or more. The determination of whether actual service as a nurse was rendered is made by the Veterans' Administration and not by the Surgeon General of the Army. Such services as scrubbing floors, cleaning windows, making up cots, and bringing food to the sick and wounded in a hospital are not services as "nurse in attendance upon the sick or wounded." (Sec. 1, 27 Stat. 348, sec. 1, 38 Stat. 800, sec. 1, 46 Stat. 529; 5 U. S. C. 41, 38 U. S. C. 274, 311a)

CROSS REFERENCE: *Act of July 14, 1862, as amended.* (See § 3.1006.)

Persons Not Included

CROSS REFERENCE: *Public No. 2, 73d Congress.* (See § 3.2.)

§ 3.1013 *Public No. 141, 73d Congress, and No. 269, 74th Congress, and Reg. No. 1 (f) (38 U. S. C. ch. 12).* See § 3.2 and in addition: Contract surgeons, except as to pension under the act of July 14, 1862, as amended and reenacted. (Sec. 30, 48 Stat. 525, 49 Stat. 614; 38 U. S. C. 366, 368)

§ 3.1014 *Indian Wars.* (a) Civilian employees and others not specifically named in the act of March 3, 1927. See also § § 3.1003, 3.1009 and 3.1021.

(b) Members of the Confederate Army who served against Indians. See also § 3.1021. (Sec. 1, 44 Stat. 1361, sec. 1, 58 Stat. 108; 38 U. S. C. 381)

§ 3.1015 *Civil War; service pension.* (a) Acting assistant or contract surgeons.

(b) Civilian pilots.

(c) Provost marshals, deputy provost marshals or enrolling officers.

(d) Cadets in the Military Academy and midshipmen not on practice cruises.

(e) Voluntary substitute who served and was discharged in the name of the soldier.

(f) Civilian clerks in the Quartermaster's Department. (Sec. 1, 46 Stat. 529, 38 U. S. C. 274)

CROSS REFERENCE: *Act of July 14, 1862, as amended.* (See § 3.2.)

Computation of Service; Spanish-American War, Boxer Rebellion, or Philippine Insurrection

CROSS REFERENCE: *World Wars I and II.* (See § 3.59.)

§ 3.1017 *Public No. 2, 73d Congress.* (See also § 3.59.) (a) Service is exclusive of leave under G. O. 130, War Department. As to enlistments subsequent to August 12, 1898, participation in the Boxer Rebellion or the Philippine Insurrection must be shown. For service extending into or beyond the period of hostilities, see § 3.60.

(b) Without regard to length of service, any veteran of the Spanish-American War, Boxer Rebellion or Philippine Insurrection, as defined by the laws in force on March 19, 1933, who is over 62 years of age and who was on the pension rolls on March 20, 1933, is entitled to a pension in the amount of $15.00 monthly unless the amount of pension he was receiving on March 20, 1933, was less than $15.00 monthly, in which event he shall receive the lesser amount. A veteran not on the rolls on March 20, 1933, must have rendered the service required by paragraph (a) of this section. (Sec. 1, 48 Stat. 8; 38 U. S. C. 701)

§ 3.1018 *Public No. 141, 73d Congress, and No. 269, 74th Congress.* For service pension, service is to be computed only from the date of enlistment or the beginning of the war period, whichever is the later date. Service in the Moro Province before July 15, 1903, is pensionable, as to veterans only, whether the pensioner was on the rolls March 19, 1933, or filed claim subsequent to that date. Service is exclusive of unauthorized leaves of absence and furloughs enumerated in § 3.59, except that leave under G. O. 130, War Department, is included as pensionable service under the acts of May 1, 1926 and June 2, 1930. Time under arrest, in the absence of acquittal or permission to resign without trial and conviction (time for which the soldier or sailor was determined to have forfeited pay by reason of absence without leave), time spent in

desertion or while undergoing sentence of court martial, should be deducted. Time in a hospital, on sick furlough or as a prisoner by the enemy is included. Records of the War or Navy Department are conclusive with respect to military or naval service as the basis of a pension claim, unless changed by special act of Congress. Title to pension, except under the act of June 5, 1920, is conditioned upon service during the period of any one of the wars named (Spanish-American War, Boxer Rebellion, or Philippine Insurrection), and fragmentary periods of service in two or more of these activities, which combined comprise the aggregate 70 days or 90 days, will not suffice. (However, under Public No. 594, 76th Congress, approved June 11, 1940, continuous active service entered into during the war with Spain, the Philippine Insurrection, or the China Relief Expedition shall be included although part of such continuous service extented into either the Philippine Insurrection or the China Relief Expedition.) Under section 30, Public No. 141, 73d Congress, service on a vessel after August 12, 1898, is pensionable if the veteran was subject to orders requiring his disembarkation and participation in the Philippine Insurrection and military or naval service in the Philippine Insurrection or Boxer Rebellion is computed from the date of embarkation for the Philippine Islands or China. (Sec. 1, 44 Stat. 382, sec. 1, 46 Stat. 492, secs. 1, 30, 48 Stat. 8, 525, 49 Stat. 614, 54 Stat. 301; 38 U. S. C. 351a, 364, 365, 366, 368, 701)

§ 3.1019 *Veterans' Regulation No. 1 (f) (38 U. S. C. ch. 12).* There is no provision for pension for service of less than 90 days, unless discharge was for disability incurred in line of duty, and no entitlement to wartime rates, if enlistment was later than August 12, 1898, for disability incurred in service in Guam, Cuba, or Puerto Rico. An enlistment entered into in Guam, Cuba, or Puerto Rico is not pensionable under this section, even where the veteran was ordered to the United States and returned under orders, to one of the islands. Service on ships in water adjacent to these islands is included. (Sec. 30, 43 Stat. 525; 38 U. S. C. 366)

§ 3.1020 *Public No. 541, 75th Congress (Act of May 24, 1938).* Service is to be computed only from the date of enlistment or the beginning of the war period, whichever is the later date. All leaves of absence and furloughs under General Orders numbered 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service. However, service in the Moro Province after July 4, 1902, and prior to July 15, 1903, may not be used as a basis for pension under this act nor will other than honorable separation from an enlistment beginning after July 4, 1902, deprive the veteran of pension. (52 Stat. 440; 38 U. S. C. 370)

§ 3.1021 *Indian wars.* (See also §§ 3.1003, 3.1009, and 3.1014) For service pension pursuant to the act of March 3, 1927, as amended, service of 30 days or more or the duration of a campaign cited in the act of March 4, 1917, even though such campaign was of less than thirty days' duration, is required in any military organization whether such person was regularly mustered into the service of the United States or not but whose service was under the authority or by the approval of the United States or any State or Territory in any Indian war or campaign, or in connection with, or in the zone of any active Indian hostilities in any of the States or Territories of the United States from January 1, 1817, to December 31, 1898, inclusive, the determination as to what constitutes the zone of active Indian hostilities to be made by the Administrator of Veterans' Affairs. The expression "active Indian hostilities" means actual hostilities such as necessitated the employment of the military arm of the State, Territory, or the United States in their suppression, and service in a military organization against Indians, without authority or even against orders of its Government, if subsequently approved either tacitly or openly, is pensionable. Service in an organization against Indian or white outlaws, or service in the Confederate Army against Indians is not pensionable, but service against Indians rendered by other troops of any of the States that seceded from the Union is included. Where the War Department is unable to locate a record of alleged service, other evidence may be admitted to prove that the requisite service was rendered, but a purported list of members, not filed with the Adjutant General of a State until a date remote from the period of the hostilities may not be accepted as genuine and a sufficient finding that a claimant rendered the required service. (Sec. 1, 44 Stat. 1361, sec. 1, 58 Stat. 108; 38 U. S. C. 381)

§ 3.1022 *Civil War.* (a) In determining the period of 90 days service within the meaning of the Civil War service acts, no deduction will be made on account of ordinary or veteran furlough. Deductions will be made for absence without leave, while in desertion, in confinement because of violation of military or naval regulations or under treatment in a hospital because of misconduct or an intentional self-inflicted wound, or otherwise absent for such reason. Service performed prior to muster into the Federal service is State service and not pensionable. Service of a draftee is computed only from the date he was accepted by the Board of Enrollment. Service of less than 90 days is included if discharge was for a disability incurred in the service in line of duty. (See § 3.1040 (b).)

(b) Enlistments in volunteer organizations (white or colored) entered into in loyal States on or before April 13, 1865, and in other States, the Territories, and the District of Columbia, on or before June 1, 1865, were enlistments for the Civil War, and service rendered thereunder (in volunteer organizations) is pensionable within the meaning of the service acts.

(c) Enlistments in volunteer organizations entered into in the loyal States after April 13, 1865, and in the other States, the Territories, and the District of Columbia after June 1, 1865, were not enlistments for the Civil War, and service rendered thereunder is not pensionable within the meaning of the service acts unless, first, it is shown to have had some connection with the suppression of the rebellion; or unless, second, the presumption arises that it had some connection by reason of the service being rendered in hostile territory; namely, the State of Tennessee prior to and including June 13, 1865; the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, Alabama, Louisiana, and Arkansas, prior to and including April 2, 1866; or the State of Texas prior to and including August 20, 1866. When a soldier enlisted in a volunteer organization in a loyal State after April 13, 1865, but rendered service in a disloyal State, such service in the disloyal State need not have covered the period of 90 days if the total service was 90 days or more.

(d) Service in the regular establishment under an enlistment prior to April 12, 1861, is to be computed from April 12, 1861. Service rendered up to and including July 1, 1865, under enlistments in the regular Army, without regard to the date of enlistment, is pensionable under the service acts, but service rendered in the regular Army after that date, to be pensionable, must be shown to have had some connection with the suppression of the rebellion. If such service was rendered in the disloyal States named in paragraph (c) of this section, it is presumed to have been rendered in connection with the suppression of the rebellion and is pensionable under the acts named as long as the service rendered was in the disloyal States. Service rendered up to and including July 1, 1865, under enlistments in the Navy, is pensionable under the service acts, but service rendered after July 1, 1865, to be pensionable thereunder must be shown to have had some connection with the suppression of the rebellion. If such service was in waters adjacent to disloyal States, as mentioned in paragraph (c) hereof, it is presumed to have been in connection with the suppression of the rebellion and is pensionable under the acts named as long as the service rendered was on vessels in such waters. (Sec. 1, 46 Stat. 529; 38 U. S. C. 274)

§ 3.1023 *Special act.* A special act of Congress, reciting that a person is considered to have been mustered into the service on a named date and honorably discharged on a subsequently named date, is sufficient regardless of whether the War Department has any record of such service. A special act in specifying actual periods of presumed service, in the absence of a War or Navy Department record, is pensionable only at the rate provided therein.

§ 3.1024 *Service to date of disbandment or actual discharge.* (a) Section 4701, Revised Statutes, provides that the periods of service of all persons entitled to the benefits of the pension laws shall be construed to extend to the time of disbanding the organization to which they belonged or until their actual discharge for other cause than the expiration of the service of the organization.

(b) The word "construed" is held to mean "presumed" in the ordinary legal acceptation of the term. This construction is applicable to all pension claims, including claims for increase and original claims under the service acts. The soldier is to be credited with all the time of service up to the date of discharge or date of disbandment. It is not required that he should show in the first instance where he was to the time of disbandment, but the presumption stated in the law shall be held to apply; however, should it appear in fact that he was not with his command or in the service, then the presumption would be overcome. (R. S. 4701; 38 U. S. C. 31)

JURISDICTION

§ 3.1025 *Jurisdiction of the claims division, central office.* Within the jurisdiction of the claims division, central office, including the central disability board, will be included claims for disability compensation, pension, and retirement pay of the following classes:

(a) Where there was any service prior to July 16, 1903.

(b) Where the veteran is an employee in either the classified or unclassified service or a member employee who has been continuously employed for ninety days in the Veterans' Administration. See § 3.12.

(c) Where rights have been forfeited under any act.

(d) Where the veteran is a claimant for retirement under section 5, Public No. 18, 76th Congress, as amended, except:

(1) Where all service was after July 15, 1903;

(2) Following the initial adjudication of a claim comprehended in subparagraph (1) of this paragraph and decentralization of such claim, the field office having jurisdiction thereover is authorized to complete all subsequent adjudication actions not requiring contact with the War Department relative to retirement, such as apportionments, adjustments under section 1, Public Law 662, 79th Congress. Claims requiring contact with the War Department or where there is doubt as to the proper action, will be referred to the director, veterans claims service, central office, for appropriate action.

(e) Where the veteran resides without the continental limits of the United States other than within the territory assigned to regional offices in Alaska, Hawaii, Puerto Rico and the Philippines.

(f) In cases under the jurisdiction of the division, claims under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress and under paragraph 4, Part VII, Veterans' Regulation No. 1 (a), as amended (38 U. S. C. ch. 12).

(g) Emergency officers retirement as provided by § 3.350.

(h) In cases under the jurisdiction of the division, determination whether the veteran was insane at the time of commission of the offense resulting in discharge otherwise precluding entitlement to benefits.

(i) Where the applicant's entitlement to pension under the General Law, the act of 1862, including the amendments thereto, is an issue.

(j) Where the protection provided by Public No. 788, 74th Congress, relative to the General Law rate is for application.

(k) Where there is entitlement under the Revised Statutes. (See secs. 4756 and 4757 R. S.)

(l) Where there is entitlement pursuant to special acts.

(m) Residents of United States Soldiers Home, Washington, D. C.

(n) Claims involving sections 4 and 5, Public Law 144, 78th Congress, as amended by Public Law 622, 79th Congress.

(o) In cases under the jurisdiction of the division where retired persons, as contemplated by Public Law 314, 78th Congress, file application for monetary benefits under any of the laws administered by the Veterans' Administration.

(p) In cases under the jurisdiction of the division, determinations whether the character of discharge is a bar to benefits, including benefits under Titles II, III and V of Public Law 346, 78th Congress, and hospital treatment, domicillary care, and out-patient treatment for service-connected disabilities, under Public No. 2, 73d Congress, as amended, in doubtful cases.

(q) In cases under the jurisdiction of the division, determinations, when required, whether disabilities are service connected and compensable for purposes of vocational rehabilitation.

(r) In cases under the jurisdiction of the division, determinations whether injury or disability for which discharged, where there was service of less than ninety days, was incurred in service in line of duty for the purposes of Titles II, III and V, Public Law 346, 78th Congress.

(s) Determining, upon proper request, service connection for the condition or conditions for which out-patient treatment only is requested.

(t) Applications for automobiles and other conveyances for disabled veterans filed by retired officers, Veterans' Administration employees and foreign residents under Public Law 663, 79th Congress.

(u) Any claim not otherwise under the jurisdiction of central office referred by competent authority for action. (Sec. 1b, 46 Stat. 1016, secs. 7, 8, 48 Stat. 9, 58 Stat. 230; 38 U. S. C. 9, 26c, 707, 708)

FILING OF CLAIMS AND SUPPORTING EVIDENCE

Application for Pension and Compensation

CROSS REFERENCES: *Informal claims based on service after April 20, 1898.* (See § 3.27)
Execution of papers in foreign country. See § 3.32.
Abandoned claims. (See § 3.28.)
When new and material evidence constitutes new claim. (See § 3.201.)

§ 3.1030 *Identification of beneficiaries under special acts.* If a beneficiary in a special act has no claim before the Veterans' Administration such beneficiary must file formal application before pension may be awarded. (Secs. 7, 8, 48 Stat. 9; 38 U. S. C. 707, 708)

PROOF OF RELATIONSHIP AND DEPENDENCY

Public No. 2, 73d Congress, Public No. 141, 73d Congress, as Amended, and Public No. 269, 74th Congress, as Amended

CROSS REFERENCES: *Child.* (See § 3.42.)
Mother or father. (See § 3.41.)
Proof of birth or relationship. (See § 3.46.)
Proof of marriage. See § 3.50.
Proof of death. (See § 3.55.)
Dependency. (See § 3.57.)
Validity of marriage. (See § 3.49.)
Validity of divorce. (See § 3.51.)

DETERMINATIONS AS TO BASIC ENTITLEMENT

§ 3.1038 *Enlistment.* (See § 3.61.) Validity of enlistment is a prerequisite to entitlement to pension or compensation of all classes.

§ 3.1039 *Type of discharge required.* (See § 3.64.)

(a) *Special act to correct military record.* Where a special act does not grant pension directly but gives the claimant a status so that he is eligible to apply for and be allowed a pension, he is in the same position as he would have been if he had served honorably. (26 Stat. 1432, sec. 3, 43 Stat. 1303, secs. 300, 1503, Stat. 286, 301, R. S. 4692, 4693; 38 U. S. C. 151, 152, 447, 693g, 697c)

CROSS REFERENCE: *Character of discharge and line of duty under Public No. 2, 73d Congress.* (See §§ 3.64 and 3.66.)

§ 3.1040 *Types of discharges for service pension (Spanish-American War, Boxer Rebellion, Philippine Insurrection, Civil War, and Indian Wars)*—(a) *Honorable discharge.* An honorable discharge is a prerequisite for service pension, including pension on the basis of Indian war service, such pension being based upon the fulfillment of a contract for service as contemplated by the soldier's enlistment, and a person discharged under other than honorable conditions for concealing his minority at time of enlistment is not entitled to such pension, except as provided in § 3.61 (b). Pension is not payable unless the veteran was honorably discharged from all periods of service in the particular war concerned, except as provided in § 3.1041

(b) *Discharge for disability.* Service pension is payable on the basis of Civil War service and on the basis of Spanish-American War service, including the Boxer Rebellion and the Philippine Insurrection (acts May 1, 1926, and June 2, 1930), if service was less than 90 days: *Provided,* The veteran was discharged for disability incurred in the service in line of duty. Such disability need not have been incurred during the period of the war but may have been incurred in the service during the same enlistment, prior to one of the wars named.

(c) *Character of discharge under the act of July 14, 1862, as amended.* A discharge from the service in which disabilities are alleged to have been incurred is essential to title under the act of July 14, 1862, as amended, but the character of discharge is not material unless a person is discharged or dismissed by reason of the sentence of a general court martial, or is discharged on the ground that he was a conscientious objector who refused to perform military duties or refused to wear the uniform or otherwise to comply with lawful orders of competent military authorities, or as a deserter, or in the case of an officer where his resignation is accepted for the good of the service. However, in the case of any such person, if it is established to the satisfaction of the Administrator that at the

time of the commission of the offense such person was insane, he shall not be precluded from benefits to which he is otherwise entitled under the laws administered by the Veterans' Administration. Veterans in receipt of pension or compensation on the date of the enactment of Public Law 346, 78th Congress, pursuant to the interpretation of prior laws, are not affected by the requirements of either section 300 or section 1503, Public Law 346, 78th Congress. (See § 3.1042.) (Sec. 1, 44 Stat. 382, 1361, sec. 1, 46 Stat. 492, 529, sec. 300, 58 Stat. 286, R. S. 4692, 4693; 38 U. S. C. 151, 152, 274, 364, 365, 381, 693g)

§ 3.1041 *Joint Resolutions of July 1, 1902, and June 28, 1906*—(a) *Civil War Veterans.* Prior to the Joint Resolution of July 1, 1902, pension for Civil War service was barred if the veteran had deserted from any period of service during or extending into the war, or if all service during the war was not honorable. The Joint Resolution of July 1, 1902, provides that any veteran of the Civil War who was honorably discharged from the last contract of service during the Civil War shall be considered as honorably discharged from all service during that war if he served faithfully for six months in the last enlistment and did not receive any bounty or gratuity, other than from the United States, by virtue of the last enlistment, in excess of that to which he would have been entitled if he had completed the prior contract which did not terminate honorably. This was amended by Joint Resolution of June 28, 1906, to include an honorable discharge from any subsequent service during the Civil War. The service of "not less than six months under any subsequent enlistment, appointment or commission" mentioned in section 2 of the Joint Resolution of June 28, 1906, is not limited to service of six months under one particular enlistment but means subsequent service of at least six months under one or more enlistments. The honorable discharge must have been from a subsequent enlistment and does not apply where the dishonorable discharge was from the last enlistment but the veteran was discharged honorably from a prior enlistment.

(b) *Subsequent service must have been faithful.* The Joint Resolutions of July 1, 1902, and June 28, 1906, do not apply where the subsequent service was not faithful: e. g., where the veteran deserted in the subsequent service, but was given an honorable discharge therefrom or where the charge of desertion in the subsequent enlistment was removed and an honorable discharge issued subsequent to the Civil War. A record of desertion is prima facie evidence that the entire service of the claimant was not faithful within the meaning of these acts and evidence designed to show that such record was erroneous must be filed in and considered by the Department in which the record was made. As a general proposition where a soldier's service was of such character that he is obliged to resort, years subsequent to the close of the war, to an application to the War Department under general remedial statutes in order to complete his record and to secure discharge, that fact necessarily implies that his entire service was not faithful.

(c) *Bounty.* The excess of bounty referred to in the Joint Resolutions of July 1, 1902, and June 28, 1906, is that bounty other than from the United States, actually received on account of that "subsequent" service, the length and character of which is invoked to cure the defect in "all previous contracts of service," under the terms of the acts. The fact that excess of bounty was received by reason of a still later service is immaterial.

§ 3.1042 *Desertion*—(a) *The act of April 26, 1898, as amended May 11, 1908.* Section 6 of the act of April 26, 1898, as amended by the act of May 11, 1908, provides that where a soldier deserts, all rights to disability pension are forfeited, whether desertion was in time of peace or war. This act is applicable to all laws reenacted by section 30, Public No. 141, and Public No. 269, 74th Congress. This provision is expressly limited to soldiers and has no application to sailors, marines or death pensioners. It is immaterial whether the service was terminated by an honorable discharge upon remission of sentence for the desertion after trial and conviction or that the proceedings were set aside for irregularity but desertion from an enlistment entered into subsequent to the service during which the injury was incurred or subsequent to the war during which the requisite service to convey entitlement to service pension was rendered, is not a bar to pension on the previous service. Conviction and sentence by court martial are not material but forfeiture for periods prior to June 22, 1944, will attach in case of desertion even where the soldier voluntarily surrenders, is restored to duty without a trial and was thereafter honorably discharged. An act of Congress, removing a charge of desertion, pursuant to which an honorable discharge was issued by the War Department, as of the date of the occurrence previously recorded as desertion, erases all effects of the desertion, and an act of Congress providing that in the administration of the pension laws an individual shall be considered as honorably discharged, but not specifically removing a charge of desertion, will entitle the person to a pension, if otherwise in order, notwithstanding the acts of April 26, 1898, and May 11, 1908, if the legislative history discloses that it was the intent to grant a pension. The act of April 26, 1898, does not apply to pension predicated on service which terminated prior to that date: *Provided*, That on and after the approval of Public Law 346, 78th Congress, June 22, 1944, where the veteran is restored to duty and subsequently honorably discharged, he may be awarded a pension under the renacted Spanish-American War laws, if otherwise entitled thereto.

(b) *Deserter's release.* The act of April 11, 1890, providing for release of deserters, which amended the 103d Article of the Rules and Articles of War, merely bars prosecution for desertion under military laws. It neither releases a soldier from his contract of service nor terminates his status as a deserter. His title to pension is nevertheless forfeited by the act of April 26, 1898.

(c) *Desertion while a minor.* The enlistment contract of a minor is not void but voidable. In order to void his enlistment on the ground of infancy he must have recourse to lawful methods, and desertion is not a lawful method. (Act of May 11, 1908, 26 Stat. 54, sec. 6, 30 Stat. 365, sec. 300, 58 Stat. 286; 38 U. S. C. 693g)

CROSS REFERENCE: *Forfeiture.* (See § 3.69.)

§ 3.1043 *No forfeiture under pension laws in force March 19, 1933.* Under the pension laws in effect March 19, 1933, including those reenacted by Publics No. 141, 73d Congress, and No. 269, 74th Congress, there is no provision for a forfeiture of disability pension other than section 6 of the act of April 26, 1898, as amended by the act of May 11, 1908, prior to July 13, 1943. However, from July 13, 1943, see the provisions of § 3.69 (d). (35 Stat. 110, sec. 4, 57 Stat. 555; 10 U. S. C. 905, 38 U. S. C. 728)

§ 3.1044 *Misconduct*—(a) *Section 30, Public No. 141, 73d Congress, and Reg. No. 1 (f)* (38 U. S. C. ch. 12). As to the so-called service acts as reenacted, pension is barred because of misconduct only if wilful, as defined in the precedents under the World War Veterans' Act, 1924, as amended. Carelessness does not constitute wilful misconduct.

(b) *Public No. 269, 74th Congress.* As to pension under the service acts reenacted by Public No. 269, 74th Congress, payment is barred only if disability resulted from vicious habits (see § 3.65 (b) (1), except that this restriction is not included in the act of June 2, 1930, under which there is no bar as to misconduct or vicious habits).

(c) *Indian wars.* Vicious habits do not constitute a bar under the act of March 3, 1944.

(d) *Civil War.* Misconduct or vicious habits do not constitute a bar under the act of June 9, 1930. (Sec. 1, 46 Stat. 492, 529, secs. 1, 2, 30, 48 Stat. 8, 9, 525, 49 Stat. 614, sec. 1, 58 Stat. 108; 38 U. S. C. 274, 365, 366, 368, 381, 701, 702)

CROSS REFERENCE: *Public No. 2, 73d Congress.* (See § 3.65.)

§ 3.1046 *Line of duty.* (See § 3.66).
(a) "Line of duty" is a technical phrase which is defined in paragraph VIII, Veterans' Regulation No. 10 (38 U. S. C. ch. 12), as amended by Public No. 643, 75th Congress, approved June 16, 1938, and Public Law 439, 78th Congress.

(b) Findings of the service departments relative to the line of duty status of diseases and injuries will not be binding on the Veterans' Administration. (Sec. 4, 48 Stat. 9, 52 Stat. 754, 58 Stat. 752; 38 U. S. C. 704, ch. 12, note, 46 U. S. C. 672b)

SERVICE CONNECTION AND EVALUATION

Determinations of service connection

CROSS REFERENCES: *Jurisdiction of the central disability board.* (See § 3.1025.)
Policy as to cooperation with and assistance to veterans and beneficiaries. (See § 3.7.)
Physicians' statements and lay affidavits. (See §§ 3.30 and 3.31.)
Credibility of evidence. (See § 3.31 (c).)
Controlling policy and procedure. (See § 3.6.)

Amendments, reversals, and severance of service connection. (See § 3.9.)
Public No. 2, 73d Congress. (See § 3.77.)
Presumption of soundness. (See §§ 3.59 and 3.63.)
Chronic diseases. (See §§ 3.80 and 3.86.)
Natural progress under Veterans Regulation No. 1 (a) (38 U. S. C. ch. 12). (See § 3.100.)
Proximate results. (See § 3.101.)

§ 3.1055 *Public No. 141, 73d Congress.* (a) Determination of service connection in claims of veterans of the War with Spain, the China Relief Expedition (Boxer Rebellion), and the Philippine Insurrection, pursuant to Public No. 141, 73d Congress, is to be made on the basis of the act of July 14, 1862, as amended, and only as to injury sustained or disease contracted during the Spanish-American War, the Boxer Rebellion or the Philippine Insurrection, as defined in §§ 3.1000 (a), 3.1001 (a) and 3.1002 (a).

(b) As to disease contracted or injury incurred in the military or naval service subsequent to the termination of war periods the act of July 14, 1862, as amended, was not revived or reenacted by section 30, Public No. 141, 73d Congress.

(c) All ratings under section 30, Public No. 141, 73d Congress, will be terminated as of August 12, 1935, the day prior to the date of approval of Public No. 269, 74th Congress, which repealed section 30. (Sec. 30, 48 Stat. 525, 49 Stat. 614, R. S. 4692, 4693; 38 U. S. C. 151, 152, 366, 368)

§ 3.1056 *Public No. 269, 74th Congress.* (a) Under Public No. 269, 74th Congress, effective August 13, 1935, determination of service connection in claims of veterans of the War with Spain, the China Relief Expedition (Boxer Rebellion) and the Philippine Insurrection will be made on the basis of all laws in effect on March 19, 1933, granting pensions to veterans of the Spanish American War, including the Boxer Rebellion and the Philippine Insurrection.

(b) The phrase "all laws in effect on March 19, 1933," includes with respect to service connection, the act of July 14, 1862, and amendments.

(c) The act of July 14, 1862, as amended, was not revived or reenacted as to those cases in which the disease was contracted, or the injury was incurred in service subsequent to the Spanish American War (including the Philippine Insurrection or Boxer Rebellion), as defined in §§ 3.1000 (b), 3.1001 (b), and 3.1002 (b). (49 Stat. 614, R. S. 4692–4696; 38 U. S. C. 151–154, 368)

§ 3.1057 *Service prior to April 21, 1898.* (a) As to veterans of the Indian wars, Civil War, and peacetime service prior to April 21, 1898, determination of service connection will be made on the basis of the act of July 14, 1862, and amendments, pursuant to which compensation is payable only for injury or disease actually incurred or contracted (as-distinguished from aggravated) in active military or naval service, in line of duty.

(b) Amendments to the basic act of July 14, 1862, provide that all applicants for compensation shall be presumed to have had no disability at the time of enlistment but that such presumption may be rebutted. (Act of March 3, 1885)

(c) Injuries are not accepted as established merely on a record of treatment in service, for the reason that they may or may not have been received in line of duty, but if shown by the service record as in line of duty, and the origin of the disease is so obscure as to preclude an assurance that it would have developed had the claimant remained a civilian, the doubt will be resolved in his favor. Acceptable evidence to show origin in service in line of duty shall always be based upon actual personal knowledge of the nature and extent of the injury as well as the circumstances under which the injury was incurred. (23 Stat. 362, 60 Stat. 524, R. S. 4692–4696; 38 U. S. C. 24, 151–154, 700)

Evaluation Under Public No. 2 and Public No. 141, 73d Congress

CROSS REFERENCES: *Effective date of 1933 Schedule.* (See §§ 3.148 and 3.149.)
Hospitalization and home treatment. (See § 3.165 (b) (2).)
Non-incapacitating degree. (See § 3.158 (b).)
Compensable rating based on two non-compensable conditions. (See § 3.156.)
Aggravation. (See § 3.159.)

Evaluation Under the Laws in Force on March 19, 1933, Which Were Not Repealed, as to Service Prior to April 21, 1898, and as Reenacted by Public No. 141, 73d Congress, and Public No. 269, 74th Congress

§ 3.1061 *Evaluation of disability.* As to disability resulting from injury or disease of service origin, evaluation will be made in accordance with the act of July 14, 1862, as amended (the General Law: sections 4692–4696, R. S., as amended), on the basis of the average impairment of earning capacity. Rating under the act of July 14, 1862, as amended, does not depend upon the ability of the individual veteran to perform manual labor. (Sec. 30, 48 Stat. 525, 49 Stat. 614, R. S. 4692–4696; 38 U. S. C. 151–154, 366, 368)

§ 3.1062 *General Law rates*—(a) *Rates fixed by or pursuant to law.* Rates of compensation under the act of July 14, 1862, as amended and as reenacted, for service-connected disability specified by or fixed pursuant to law follow:

Rates apply also to service other than during the S. A. W., including the B. R. and P. I., except for total disability of both hands or feet.	Rates under the "General Law" as amended and as reenacted by Pub. No. 269, 74th Cong.	Rates under Pub. Law 469, 78th Cong.	Adjusted rates under the "General Law" as amended and as reenacted by Pub. No. 141, 73d Cong., not applicable after Aug. 12, 1935
Loss of sight of both eyes	$125	$129.50	$93.75
Loss of both hands	100	104.50	75.00
Total disability of both hands	80	84.50	60.00
Total disability of both hands (S. A. W., B. R. and P. I. only)	100	104.50	75.00
Loss of both feet	100	104.50	75.00
Total disability of both feet	80	84.50	60.00
Total disability of both feet (S. A. W., B. R. and P. I. only)	100	104.50	75.00
Loss of 1 hand and 1 foot	100	104.50	75.00
Total disability in 1 hand and 1 foot	100	104.50	75.00
Loss of 1 hand or 1 foot and a portion of the other hand or foot	85	(1)	63.75
Loss of 1 hand or 1 foot	80	(1)	60.00
Total disability of 1 hand or 1 foot	80	(1)	60.00
Loss of both arms or both legs	125	129.50	93.75
Total disability of both arms or both legs	125	129.50	93.75
Loss of an arm at or above the elbow or a leg at or above the knee	90	(1)	67.50
Total disability of arm or leg	90	(1)	67.50
Regular aid and attendance	72	76.50	54.00
Frequent and periodical aid and attendance	50	(1)	37.50
Incapacity to perform manual labor	30	34.50	22.50
Disability equivalent to loss of hand or foot	24	(1)	18.00
Total deafness	40	(1)	30.00
Ankylosis of ankle	12	(1)	9.00
Ankylosis of wrist	12	(1)	9.00
Loss of sight of 1 eye	12	(1)	9.00
Loss of 1 eye	17	(1)	12.75
Loss of palm of hand and all fingers and thumb remaining	17	(1)	12.75
Loss of thumb, index, middle and ring fingers	17	(1)	12.75
Loss of thumb, index and middle fingers	17	(1)	12.75
Loss of thumb and little fingers	15	(1)	11.25
Loss of thumb, index and little fingers	17	(1)	12.75
Loss of thumb and index fingers	15	(1)	11.25
Loss of thumb	12	(1)	9.00
Loss of thumb and metacarpal bone	15	(1)	11.25
Loss of all the fingers, thumb and palm remaining	17	(1)	12.75
Loss of index, middle and ring fingers	17	(1)	12.75
Loss of middle, ring and little fingers	15	(1)	11.25
Loss of index and middle fingers	12	(1)	9.00
Loss of little and middle fingers	12	(1)	9.00
Loss of little and ring fingers	10	(1)	7.50
Loss of ring and middle fingers	10	(1)	7.50
Loss of index and little fingers	10	(1)	7.50
Loss of index finger	6	(1)	6.00
Loss of all the toes of 1 foot	15	(1)	11.25
Loss of great, second and third toes	12	(1)	9.00
Loss of great toe and metatarsal	12	(1)	9.00
Loss of great and second toes	12	(1)	9.00
Loss of great toe	8	(1)	6.00
Chopart's amputation of foot with good results	17	(1)	12.75
Pirogoff's modification of Syme's	17	(1)	12.75
Inguinal hernia which passes through the external ring	15	(1)	11.25
Inguinal hernia which does not pass through the external ring	12	(1)	9.00
Double inguinal hernia, each of which passes through the external ring	17	(1)	12.75
Double inguinal hernia, 1 of which passes through the external ring and other does not	15	(1)	11.25
Double inguinal hernia, neither of which passes through the external ring	12	(1)	9.00
Femoral hernia	15	(1)	11.25
Nearly total deafness of 1 ear	6	(1)	6.00

See footnote at end of table.

Rates apply also to service other than during the S. A. W., including the B. R. and P. I., except for total disability of both hands or feet.	Rates under the "General Law" as amended and as reenacted by Pub. No. 269, 74th Cong.	Rates under Pub. Law 469, 78th Cong.	Adjusted rates under the "General Law" as amended and as reenacted by Pub. No. 141, 73d Cong., not applicable after Aug. 12, 1935
Total deafness of 1 ear	$10	(1)	$7.50
Slight deafness of both ears	6	(1)	6.00
Severe deafness of 1 ear and slight of the other	10	(1)	7.50
Nearly total deafness of 1 ear and slight of the other	15	(1)	11.25
Total deafness of 1 ear and slight of the other	20	(1)	15.00
Severe deafness of both ears	22	(1)	16.50
Total deafness of 1 ear and severe of the other	25	(1)	18.75
Deafness of both ears existing in a degree nearly total	27	(1)	20.25

Degree of deafness listed above will be determined as follows:
Slight deafness of 1 ear; inability to hear ordinary conversation at 6 feet.
Severe deafness of 1 ear; inability to hear loud conversation at 3 feet.
Nearly total deafness of 1 ear; inability to hear the loudest distinct conversation at 1 foot.
Total deafness of 1 ear, inability to hear the loudest conversation.

[1] From June 1, 1944, the rate under Pub. Law 469, 78th Cong. is determined by ascertaining the rate under § 3.1062 (b) based upon the evaluation of the disability as provided thereby, computing 15 per centum of this amount, and adding this to the rates specified in § 3.1062 (a).

(b) *Disability not specified or fixed by or pursuant to law.* Disability resulting from disease or injury not covered by the foregoing table will be evaluated on the basis of the average impairment of earning capacity, in accordance with the following table of rates:

	Rates under the "General Law" as amended and reenacted by Pub. No. 269, 74th Cong.	Rates under Pub. Law 469, 78th Cong.	Adjusted rates under the "General Law" as amended and reenacted by Pub. No. 141, 73d Cong., not applicable after Aug. 12, 1935
No percent	$6	$6.60	$6.00
10 percent	8	9.20	6.00
15 percent	10	11.50	7.50
20 percent or more but less than 25 percent	12	13.80	9.00
25 percent or more but less than 35 percent	14	16.10	10.50
35 percent or more but less than 50 percent	17	19.55	12.75
50 percent or more but less than 75 percent	24	27.60	18.00
75 percent or more but less than total	30	34.50	22.50
Total (100 percent)			

The General Law Rates are not increased by Public Law 659, 79th Congress. (Sec. 30, 48 Stat. 525, 49 Stat. 614, 58 Stat. 797, R. S. 4692–4696; 38 U. S. C. 151–154, 366, 368, 471a–2)

§ 3.1063 *Combination.* (a) Combination of non-specific General Law rates: These rates may be combined by the process of addition of the monetary equivalents, but no payments may be made on a combination in excess of $19.55 monthly under Public Law 469, 78th Congress, unless the rate over $19.55 can be considered as analogous to a specific condition or to total incapacitation. Should the addition of two or more monetary equivalents result in a rate not specified above, the next higher will be paid provided the result equals or exceeds the mean of two rates.

(b) Specific rates may not be combined but payment should be made on the basis of the greater. (22 Stat. 453, 58 Stat. 797; 38 U. S. C. 165, 471a–2)

§ 3.1064 *Aggravation.* Mere aggravation in the service of a pre-existing disease is not compensable. (60 Stat. 524, R. S. 4694; 38 U. S. C. 153, 700)

§ 3.1065 *Effective dates of increases.* Increase in service-connected disability under the act of July 14, 1862, as amended and reenacted will be evaluated from date of receipt of acceptable evidence, medical or otherwise, showing increased disability, corroborated by an official physical examination, if deemed necessary. (Sec. 3, 21 Stat. 30; 38 U. S. C. 57)

§ 3.1066 *Decreases.* Decrease in disability under the act of July 14, 1862, as amended and reenacted, will be evaluated as of the date when definite improvement is shown. (Sec. 3, 21 Stat. 30; 38 U. S. C. 57)

Evaluation Under Public No. 269, 74th Congress

§ 3.1068 *Definition of disability.* (a) Disability without regard to service connection under Public No. 269, 74th Congress, will be evaluated in comparison with the degree of disability existing by reason of total inability to perform manual labor.

(b) Manual labor is defined as work of a useful character requiring physical or mental effort, but does not necessarily mean work such as work with a pick and shovel. (Sec. 1, 46 Stat. 492, 49 Stat. 614; 36 U. S. C. 365, 38 U. S. C. 368)

§ 3.1069 *Ratings; effective dates of increases.* (a) Evaluation will be made on the following bases: 10%, 25%, 50%, 75%, 100%, aid and attendance.

(b) Increases will be evaluated from date of receipt of acceptable evidence, medical or otherwise, showing increased disability, corroborated by an official physical examination, if deemed necessary. (Sec. 3, 21 Stat. 30, sec. 5, 46 Stat. 493; 38 U. S. C. 57, 365d)

§ 3.1070 *Reductions.* (a) Aside from reductions based on the express limitations contained in section 30, Public No. 141, 73d Congress, service act pension ratings in effect on March 19, 1933, in cases of veterans of the War with Spain, China Relief Expedition (Boxer Rebellion) and Philippine Insurrection may be reduced under the section and act cited on the basis of new and additional evidence added to the veteran's records subsequent to March 19, 1933, but such reductions shall be made only by reason of improvement in the aggregate disablement existing in each case, independent of misconduct. A diagnostic change as to one or more of the various conditions entering into rating consideration, without improvement in aggregate disablement, independent of misconduct, shall not warrant reduction of the rating percentage in effect on March 19, 1933.

(b) Reduction will not be made unless there is in the file convincing proof which, in accordance with the methods in effect on March 19, 1933, governing the determination of the inability to perform manual labor, pertaining to such cases, clearly shows a material change in the disabling condition. When it is apparent that the rating in force was based upon the estimated degree of inability of the individual to perform manual labor, and not upon an average basis, the object of rerating will be to reflect as accurately as possible, in the manner existent before March 20, 1933, the individual inability to perform manual labor, bearing in mind that, if this inability has been established, it is only exceptionally regained in later life, and practically never at the more advanced ages. Reductions in such ratings should not be effected routinely merely because of improvement as a result of operative or other hospital treatment, and are in order, in general, only when the evidence of record as to actual employment shows clearly and unmistakably that an ability to perform manual labor has been actually regained.

(c) Each rating constituting a reduction shall be accompanied by a detailed statement of reasons for the reduction, including a comparison in detail of the condition shown in the examination report or reports on which the rating percentage in effect on March 19, 1933, was based and those shown in the examination report or reports added to the veteran's record subsequent to March 19, 1933, on which the reduced rating is based. (21 Stat. 30, sec. 30, 48 Stat. 525; 38 U. S. C. 57, 366)

§ 3.1071 *Act of March 3, 1927, Indian Wars, as amended by Public Law 245, 78th Congress*—(a) *Definition of disability.* In claims of veterans of the Indian wars under Public No. 723, 69th Congress (act of March 3, 1927, as amended), evaluation of disability will be made without regard to service connection on the basis of aggregate permanent mental or physical incapacity, for the performance of manual labor, proportioned to the degree of inability to earn support.

(b) *Ratings.* Evaluation will be made on the following basis: 1/10, 1/4, 1/2, 3/4, total, and regular aid and attendance. (Sec. 1, 44 Stat. 1361, 58 Stat. 108; 38 U. S. C. 381)

§ 3.1073 *Act of June 9, 1930, Civil War.* In claims of veterans of the Civil War, under Public No. 323, 71st Congress (act of June 9, 1930), evaluation of disability will be made, without regard to service connection, on the basis of physical or mental disablement resulting in helplessness or blindness or need of regular aid and attendance of another person by reason of being nearly helpless or blind. Under this section evaluation will be made specifically as to whether the veteran is shown to be or not to be in need of regular aid and attendance of another person and determination in rating action will also be made as to the effective date, in the event need of regular aid and attendance is established. The effective date will be the date of inception of the requisite condition, as shown by the evidence, or June 9, 1930, whichever is the later date. (Sec. 1, 46 Stat. 529; 38 U. S. C. 274)

Aid and Attendance

CROSS REFERENCE: *Public No. 2, 73d Congress, Public No. 141, 73d Congress, and Public No. 269, 74th Congress, as amended.* (See § 3.176.)

§ 3.1080 *Pension laws in force on March 19, 1933, and as reenacted by Section 30, Public No. 141, 73d Congress, and Public No. 269, 74th Congress.* As to increase of pension of all classes based upon the need of regular aid and attendance, the increased rating shall be effective from the date of inception of the requisite condition, as shown by the evidence or the date of the act authorizing the payment, whichever is the later date. (Sec. 30, 48 Stat. 525, 49 Stat. 614, R. S. 4692–4696; 38 U. S. C. 151–154, 366, 368)

§ 3.1081 *Frequent and periodical aid and attendance.* (a) The rate of pension when a veteran is so disabled by reason of service-connected disease or injury as to require the frequent and periodical, though not regular and constant, personal aid and attendance of another person pursuant to the act of July 14, 1862, as amended, may be authorized when it is shown that the need for aid or attendance is a personal one and predicated upon the actual requirements of personal assistance from another person. It must be shown that there is need for aid at frequent and periodic intervals, such as assistance to the disabled person to dress and undress or bathe and keep ordinarily clean and presentable or retire and arise from bed or feed himself or attend to the wants of nature or dress inaccessible wounds or injuries or make periodic adjustments of prosthetic or orthopedic appliances, which by reason of the particular disability cannot be done without aid (this will not include the adjustment of appliances which normal persons would not be able to adjust without aid, such as support belts, lacing at the back, etc.), or protect himself from hazards of dangers incident to his daily environment. If the evidence presented shows that the need of an attendant is occasional or precautionary, the increased rate of pension may not be awarded. The fact that a person takes rest periods daily, is under the supervision of a nurse, or has a physician in attendance, does not conclusively show that such person needs or requires the frequent and periodic aid and attendance of another person.

(b) Need for frequent and periodic aid and attendance must result from permanent service-incurred disability and not from temporary disability.

(c) Aid of another person required only during occasional adjustment of a steel leg brace does not warrant authorization of the rate of pension for frequent and periodic aid and attendance.

(d) Rating based upon frequent and periodic aid and attendance shall be made effective from the date of receipt of evidence showing entitlement thereto. (27 Stat. 149; 38 U. S. C. 175)

Combination of Ratings (See also § 3.155.)

§ 3.1082 *Peacetime and wartime disabilities.* A percentage rating made in accordance with § 3.1062 for disability connected with service prior to the Spanish-American War may be combined under the provisions of Veterans' Regulation No. 1 (a), Part V (38 U. S. C. ch. 12) with a rating for disability connected with service during the Spanish-American War. (Sec. 1, 48 Stat. 8; 38 U. S. C. 701)

Claims and Rating Requirements

§ 3.1085 *Section 31, Public No. 141, 73d Congress, Section 12, Public No. 866, 76th Congress, and Reg. No. 1 (a), Part VII, Paragraph 4 (38 U. S. C. Ch. 12) Public No. 2, 73d Congress, as amended by Public Law 16, 78th Congress.* See §§ 3.5, 3.27, 3.121, 3.123 and 3.124. (Sec. 31, 43 Stat. 526, sec. 12, 54 Stat. 1197, 57 Stat. 43; 38 U. S. C. 501a–1, 701)

CROSS REFERENCE: *Rates; World War service.* See § 3.245.

§ 3.1087 *Rates; Spanish-American War, Philippine Insurrection, and Boxer Rebellion service.* In claims of veterans with Spanish-American War, Philippine Insurrection or Boxer Rebellion service, as defined in Public No. 2 or Public No. 141, 73d Congress, regulations issued pursuant thereto, the compensation to be awarded will be in accordance with the rates provided in Veterans' Regulation No. 1 (a), Part I (38 U. S. C. ch. 12), and the Schedule for Rating Disabilities, 1945, or Public No. 269, 74th Congress, as amended, whichever is the greater monetary benefit. (Sec. 1, 48 Stat. 8, 49 Stat. 614, 60 Stat. 319, 524; 38 U. S. C. 368, 700, 701, 736)

§ 3.1088 *Rates; peacetime service.* In claims of veterans with peacetime service only subsequent to August 12, 1898, the compensation to be awarded will be in accordance with the rates provided in Veterans' Regulation No. 1 series, Part II, as amended, and the Schedule for Rating Disabilities, 1945. (Secs. 1, 4, 48 Stat. 8, 9, 60 Stat. 319, 524; 38 U. S. C. 700, 701, 704, 736)

§ 3.1089 *Rates; service prior to April 21, 1898.* In claims of veterans with service prior to April 21, 1898, including veterans of the Civil and Indian Wars, the compensation to be awarded will be in accordance with the rates provided in Veterans' Regulation No. 1 series, Part I or II, (38 U. S. C. ch. 12), dependent upon whether the service was wartime or peacetime, and the Schedule for Rating Disabilities, 1933, or in accordance with the rates provided by the act of July 14, 1862, as amended (the General law), or in accordance with the rates provided by the various service pension acts, whichever is the greater monetary benefit. (Secs. 1, 4, 48 Stat. 8, 9, 60 Stat. 524, R. S. 4692–4696; 38 U. S. C. 151–154, 700, 701, 704)

CROSS REFERENCES: *Combination with ratings for service-connected disability.* See § 3.124.

Jurisdiction under section 31, Public No. 141, 73d Congress, Section 12, Public No. 866, 76th Congress, and Reg. 1 (a), Part VII, Paragraph 4, (38 U. S. C. ch. 12) *Public No. 2, 73d Congress, as amended by Public Law 16, 78th Congress.* See §§ 3.5 and 3.1025 (f).

Determinations under section 31, Public No. 141, 73d Congress, Section 12, Public No. 866, 76th Congress, and Reg. 1 (a), Part VII, Paragraph 4 (38 U. S. C. ch. 12), Public No. 2, 73d Congress, *as amended by Public Law 16, 78th Congress.* See § 3.123.

Direct service connection granted under Section 31, Public No. 141, 73d Congress, Section 12, Public No. 866, 76th Congress, and Reg. 1 (a), Part VII, Paragraph 4 (38 U. S. C. ch. 12), *Public No. 2, 73d Congress, as amended by Public Law 16, 78th Congress.* See § 3.245 (b).

Medical Examinations

§ 3.1095 *Medical examinations*—(a) *Examinations in original claims for pension or compensation.* See also §§ 3.76 and 3.185. In original claims for pension under Public No. 269, 74th Congress, examination will not be authorized unless the application is accompanied by evidence indicating the presence of a disability permanent in character. Where the application shows the claimant has attained a beneficial age, examination will not be authorized unless the application is accompanied by evidence indicating the claimant may be entitled by reason of disability to a pension in an amount greater than that paid on account of attained age.

(b) *Examinations in claims for increase of pension or compensation.* See § 3.186.

(c) *Re-examinations to be requested when necessary.* See § 3.185.

(d) *Examinations of employee-claimants.* Examinations of employees of the Veterans' Administration shall be made in a Veterans' Administration hospital or home or regional office elsewhere than at the place of employment except as otherwise approved by the chief, claims division. (48 Stat. 8, 509, 49 Stat. 614, sec. 12, 54 Stat. 1197; 38 U. S. C. 368, 473a, 501a–1, 701)

AWARDS, AMENDMENTS, AND DISCONTINUANCES

Original Awards

CROSS REFERENCE: *Public No. 2, 73d Congress.* See also § 3.212.

§ 3.1100 *Effective date pursuant to Reg. 1 (a) (38 U. S. C. ch. 12).* Pension pursuant to Veterans Regulation No. 1 (a), Part III, paragraph I (g) shall be awarded:

(a) Effective as of the date of receipt of a claim therefor if the veteran's name was not on the pension rolls on March 20, 1933.

(b) Effective as of the date of receipt of a claim therefor if the veteran attained the age of 62 years subsequent to the removal of his name from the pension rolls as the result of the review of his case under the act of March 20, 1933, and did not take action to revive the former claim prior to the attainment of his 63d birthday.

(c) Effective as of the date of his 62d birthday where the veteran attained the age of 62 years subsequent to the removal of his name from the pension rolls as the result of the review of his case under the act of March 20, 1933, but took action to revive the former claim prior to the attainment of his 63d birthday.

(d) Without the filing of a claim therefor, if his name was on the pension rolls on March 20, 1933, and he attained the age of 62 years prior to the completion of the review of his case under the act of March 20, 1933. (Secs. 1, 4, 48 Stat. 8, 9; 38 U. S. C. 701, 704)

§ 3.1101 *Effective date pursuant to Reg. 1 series, paragraph 1 (h) (38 U. S. C. ch. 12).* Pension pursuant to Part III, paragraph I (h) of Veterans' Regulation No. 1 series, shall be awarded:

(a) Effective as of the date of receipt of a claim therefor if the veteran's name was not on the pension rolls on March 20, 1933.

(b) Effective as of the date of receipt of a claim therefor where he attained the age of 55 years subsequent to the removal of his name from the rolls as the result of the review of his case under the act of June 16, 1933, and did not take action to revive the former claim prior to the attainment of his 56th birthday.

(c) Effective as of the date of his 55th birthday where he attained the age of 55 years subsequent to the removal of his name from the rolls as the result of the review of his case under the act of June 16, 1933, but took action to revive the former claim prior to the attainment of his 56th birthday.

(d) Without the filing of a claim therefor if his name was on the pension rolls on March 20, 1933, and he attained the age of 55 years prior to the completion of the review of his case under the act of June 16, 1933. (Secs. 1, 4, 48 Stat. 8, 9; 38 U. S. C. 701, 704)

§ 3.1102 *Effective date pursuant to Reg. 1 (c) (38 U. S. C. ch. 12).* Pension pursuant to Veterans' Regulation No. 1 (c), paragraphs 3 and 4, shall be awarded:

(a) Effective as of January 19, 1934, without the filing of a claim therefor if it is demonstrated that the required degree of disability existed on January 19, 1934.

(1) If the veteran's name was on the rolls on March 19, 1933, or January 19, 1934.

(2) If a claim for compensation or pension filed prior to January 19, 1934, had not been disallowed or abandoned prior to that date, and provided the claim was revived by written notice at any time prior to January 19, 1935.

(b) Effective as of the date of receipt of a claim therefor or the date upon which the required disability arose, whichever is the later, if not comprehended by paragraph (a) (1) or (2) of this section. (Secs. 1, 4, 48 Stat. 8, 9; 38 U. S. C. 701, 704)

§ 3.1104 *Section 30, Public No. 141, 73d Congress.* Pension pursuant to this section of Public No. 141, 73d Congress, which may not be awarded to continue beyond August 12, 1935, shall commence from the date of receipt of claim therefor when entitlement is otherwise shown, but not prior to March 28, 1934. In those cases which were on the rolls on March 19, 1933, or March 27, 1934, commencement shall be from March 28, 1934. (Sec. 30, 48 Stat. 525, sec. 2, 49 Stat. 614; 38 U. S. C. 366, 369)

§ 3.1105 *Adjusted rates.* Service pension under Public No. 141, 73d Congress, is payable at adjusted rates as follows:

	Act June 5, 1920, 90 days service	Act May 1, 1926, 90 days service or disability discharge	Act June 2, 1930, 90 days service or disability discharge	Act June 2, 1930, 70 days service
Disability:				
1/10	$9.00	$15.00	$15.00	$9.00
1/4	11.25	18.75	18.75	11.25
1/2	13.50	22.50	26.25	13.50
3/4	18.00	30.00	37.50	18.00
Total	22.50	37.50	45.00	22.50
Aid and attendance		54.00	54.00	37.50
Age:				
62	9.00	15.00	22.50	9.00
68	13.50	22.50	30.00	13.50
72	18.00	30.00	37.50	18.00
75	22.50	37.50	45.00	22.50

(Sec. 30, 48 Stat. 525, 38 U. S. C. 366)

§ 3.1106 *Veterans' Regulation No. 1 (f).* Pension pursuant to this regulation shall commence from the date of receipt of claim therefor when entitlement is otherwise shown, but not prior to February 8, 1935. In those cases which were on the rolls on March 19, 1933, or February 7, 1935, commencement shall be from February 8, 1935. For rates see § 3.1105. (Secs. 1, 4, 30, 48 Stat. 8, 9, 525; 38 U. S. C. 366, 701, 704)

§ 3.1107 *Public No. 269, 74th Congress*—(a) *Effective date.* Commencement shall be from August 13, 1935, or the date of claim, whichever is the later, when entitlement is otherwise shown, as to claims filed on or after March 20, 1933, and not finally adjudicated. Any claim filed subsequent to March 19, 1933, under Public No. 2 or Public No. 141, 73d Congress, disallowed or abandoned may, upon written notice from the claimant or his representative, be revived at any time prior to August 13, 1936, and when entitlement is otherwise shown, payments under the provisions of the act of August 13, 1935, may commence from the date of the act.

(b) *Public No. 541, 75th Congress.* Veterans' Administration Form 526b is prescribed as the form on which claims under this act will be filed. However, where there is already on file a formal application for service pension and benefits are being paid, any writing signed by the veteran or in his behalf, claiming increased pension, will constitute a valid application under this act. Pension on account of attainment of age of sixty-five years will be effective from the date of receipt of a claim filed on or after the attainment of the beneficial age and on or after May 24, 1938. The rate for regular aid and attendance will be payable from the date of receipt of a claim, executed on or after May 24, 1938, and after the requisite condition is shown to exist. (49 Stat. 614, 52 Stat. 440; 38 U. S. C. 368, 370)

§ 3.1108 *Rates of pension: Spanish-American War, Philippine Insurrection and/or Boxer Rebellion.* (a) Service pension is payable at rates as follows:

Item	Act of June 5, 1920, 90 days service (1)	Act May 1, 1926, 90 days service or disability discharge (3)	Act June 2, 1930, 90 days service or disability discharge (3)	Act June 2, 1930, 70 days service	Act May 24, 1938, 90 days service or disability discharge (4)	Act. Mar. 1, 1944, 90 days service or disability discharge
Disability:						
1/10	[1] $12.00	$20.00	$20.00	$12.00		
	[2] 14.40	24.00	24.00	14.40		
	[3] 17.28	28.80	28.80	17.28		
1/4	[1] 15.00	25.00	25.00	15.00		
	[2] 18.00	30.00	30.00	18.00		
	[3] 21.60	36.00	36.00	21.60		
1/2	[1] 18.00	30.00	35.00	18.00		
	[2] 21.60	36.00	42.00	21.60		
	[3] 25.92	43.20	50.40	25.92		
3/4	[1] 24.00	40.00	50.00	24.00		
	[2] 28.80	48.00	60.00	28.80		
	[3] 34.56	57.60	72.00	34.56		
Total	[1] 30.00	50.00	(3) 60.00	30.00		(3) $75.00
	[2] 36.00	60.00		50.00		
	[3] 43.20	72.00		60.00		(3) 90.00
Aid and attendance		[1] 72.00	(4) 72.00	50.00		
		[2] 86.40	(4) 86.40	60.00	(4) $100.00	
		[3] 103.68	(4) 103.68	78.00	(4) 120.00	
Age:						
62	[1] 12.00	20.00	20.00	12.00		
	[2] 14.40	24.00	36.00	14.40		
	[3] 17.28	28.80	43.20	17.28		
65	(1)			50.00	(4) 60.00	(4) 75.00
	(2)			60.00		(4) 90.00
	(3)			78.00		
68	[1] 18.00	30.00	(4) 40.00	18.00		
	[2] 21.60	36.00	(4) 48.00	50.00		
	[3] 25.92	43.20	(4) 57.60	60.00		
72	[1] 24.00	40.00	(4) 50.00	24.00		
	[2] 28.80	48.00	(4) 60.00	50.00		
	[3] 34.56	57.60	(4) 72.00	60.00		

See footnotes at end of table.

Item	Act of June 5, 1920, 90 days service (1)	Act May 1, 1926, 90 days service or disability discharge (3)	Act June 2, 1930, 90 days service or disability discharge (3)	Act June 2, 1930, 70 days service	Act May 24, 1938, 90 days service or disability discharge (4)	Act. Mar. 1, 1944, 90 days service or disability discharge
Age—Continued						
75	[1] $30.00	$50.00	(3) $60.00	$30.00		(3) $75.00
	[2] 36.00	60.00		50.00		
	[3] 43.20	72.00		60.00		(3) 90.00

[1] Rates prior to Sept. 1, 1946.
[2] Rates from Sept. 1, 1946; Public Law 611, 79th Cong.
[3] Rates from Sept. 1, 1947; Public Law 270, 80th Cong.

NOTE: The foregoing rates are subject to the provisions of § 3.255. Where a veteran is furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is furnished with nursing or attendant's service, the award of pension will be the amount authorized by the rating decision or the attainment of beneficial age, exclusive of any additional amount on account of the need of regular aid and attendance. This rate of pension in such instances will be effective as of the beginning of the maintenance of the disabled veteran by the Veterans' Administration.

(1) While there was provision in the act of May 1, 1926, for increase to the rates provided in that act of persons being paid under the earlier act there are certain claims based upon fragmentary periods of service in two or more of the activities, namely, Spanish-American War, Philippine Insurrection, and (not or) the China Relief Expedition, the total of which is 90 days or more. Such service is treated as though it comprised a single campaign. These cases which do not meet the service requirements of the later acts are pensionable at the rates provided by the act of June 5, 1920, as amended.

(2) Increases from the rates provided by the act of May 1, 1926, to those provided by the act of June 2, 1930, are effective from the date of application. If a claim is encountered where the rates provided by the act of May 1, 1926, as amended, are in effect, the veteran will be notified of his right to file a claim for increase under the currently applicable law.

(3) The $60 rate for total disability and for age 75 years based upon 90 days service under the act of June 2, 1930, was increased to $75 monthly effective from April 1, 1944, by Public Law 242, 78th Congress. The $75 rate was not increased by Public Law 611, 79th Congress, but was increased by Public Law 270, 80th Congress.

(4) For effective date of increases under the act of May 24, 1938, see § 3.1107 (b). Veterans whose pension is based upon 90 days' service in the Moro Province between July 5, 1902, and July 15, 1903, are not entitled to the rates for age 65 or aid and attendance as provided by the act of May 24, 1938, as amended but the rates for 90 days' service as provided by the act of June 2, 1930, as amended, are applicable. (41 Stat. 982, 44 Stat. 382, 46 Stat. 492, 52 Stat. 440, 58 Stat. 107, secs. 1, 2, 3, 60 Stat. 863, sec. 1, Pub. Law 270, 80th Cong.; 38 U. S. C. 362, 364, 365, 365b, 365c, 370, 370e)

§ 3.1109 *Indian wars.* Pension or increased pension pursuant to the act of March 3, 1927, as amended by Public Law 245, 78th Congress, shall commence from the date of claim therefor or the date of entitlement, whichever is the later. The rate for regular aid and attendance as to persons applying for pension after March 3, 1944, is payable from the date of inception of the requisite condition as shown by the evidence, but not earlier than the date of the original application for pension under Public Law 245, 78th Congress. Public Law 398, 80th Congress, provides for a twenty percent increase in rates effective from March 1, 1948, but does not effect the foregoing provisions as to basic entitlement. (Sec. 1, 44 Stat. 1361, sec. 1, 58 Stat. 108, Pub. Law 398, 80th Cong.; 38 U. S. C. 381)

§ 3.1110 *Rates of pension: Indian wars.* Pension is payable at rates as follows:

Item	Rates on and after Sept. 1, 1937		Rates from date of claim filed on or after Mar. 3, 1944	
	To Feb. 29, 1948	From Mar. 1, 1948	To Feb. 29, 1948	From Mar. 1, 1948
Degree of Disability:				
1/10	$20.00	$24.00	$20.00	$24.00
1/4	25.00	30.00	25.00	30.00
1/2	35.00	42.00	35.00	42.00
3/4	45.00	54.00	50.00	60.00
Total	55.00	66.00	60.00	72.00
Regular aid and attendance	72.00	86.40	100.00	120.00
Age:				
62	25.00	30.00	30.00	36.00
65			60.00	72.00
68	35.00	42.00		
72	45.00	54.00		
75	55.00	66.00		

NOTE: The foregoing rates are subject to the provision that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration and to the provisions of § 3.255.

(Sec. 1, 44 Stat. 1361, sec. 1, 58 Stat. 108, Pub. Law 398, 80th Cong.; 38 U. S. C. 381)

§ 3.1111 *Civil War.* Pension pursuant to the act of June 9, 1930, shall commence from the date of claim therefor or the date of entitlement, whichever is the later. (Secs. 1, 2, 46 Stat. 529, sec. 2, Pub. Law 270, 80th Cong.; 38 U. S. C. 274, 275)

§ 3.1112 *Rates of pension: Civil War.* (a) Pension is payable at rates as follows:

Minimum rate	Helpless or blind or so nearly helpless or blind as to require the regular aid and attendance of another person
$75.00 [1]	$100.00
$90.00 [1]	120.00

[1] Rates prior to Sept. 1, 1947.
[2] Rates from Sept. 1, 1947; Public Law 270, 80th Cong.

NOTE: The foregoing rates are subject to the provision that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration and to the provisions of § 3.255.

(b) The rate for Army nurses, under the act of August 5, 1892, as amended by the act of July 3, 1926, is $50.00 monthly, to September 1, 1947, and $60.00 monthly from September 1, 1947. (Secs. 1, 2, 46 Stat. 529, sec. 2, Pub. Law 270, 80th Cong.; 38 U. S. C. 274, 275)

§ 3.1113 *Rates payable for disability incurred in service prior to April 21, 1898.* Veterans of the regular establishment who served prior to April 21, 1898, who incurred disability in such service and who meet the other requirements of the act of July 14, 1862, as amended, are entitled to compensation at the rates provided in § 3.1062 (a) and (b). Effective July 1, 1940, such veterans are entitled to the rates of compensation prescribed by paragraph II of Part II of Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12), as amended, or § 3.1062 (a) and (b), subject to the right of election. (Sec. 17, 48 Stat. 11, 54 Stat. 237, 60 Stat. 524; 38 U. S. C. 700, 717, 718, ch. 12 note)

§ 3.1114 *Peacetime service subsequent to April 20, 1898.* The protection afforded by Public No. 788, 74th Congress, will be extended to the claims of veterans who were on March 19, 1933, receiving compensation under the War Risk Insurance Act, as protected by section 602 of the World War Veterans' Act, 1924, as amended, for a disability incurred prior to April 6, 1917, where the veteran was also in the active service on April 6, 1917, or for a disability incurred subsequent to July 2, 1921, where such disability would also have been compensable on March 19, 1933, under the General Law (act of July 14, 1862), by awarding, effective July 1, 1936, seventy-five per centum of the rate payable under the General Law where that benefit is greater than the amount payable under Public No. 2, 73d Congress. In this class of cases a claim for compensation under the War Risk Insurance Act will be accepted for the purpose of awarding the benefits under Public No. 788, 74th Congress, as a claim for compensation under the General Law, and such claims will be forwarded to the director, veterans claims service, central office. (48 Stat. 8, 49 Stat. 614, 1910, 60 Stat. 524; 38 U. S. C. 368, 700, 701, 703a)

§ 3.1115 *Act of July 14, 1862, as amended.* Commencement shall be from the date of filing application under which disability is first shown to exist to a ratable degree. (49 Stat. 614, R. S. 4692–4696; 38 U. S. C. 151–154, 368)

§ 3.1116 *Act of April 3, 1939 (Public No. 18, 76th Congress), and act of September 26, 1941 (Public Law 262, 77th Congress.)* Commencement shall be from the date determined by the Secretary of War, or by someone designated by him in the War Department. (Sec. 5, 53 Stat. 557, 55 Stat. 733; 10 U. S. C. 456, 456a, 38 U. S. C. 12)

Amended Award

CROSS REFERENCE: *Increases.* (See also §§ 3.214 and 3.216.)

§ 3.1117 Under the laws providing compensation for persons who served prior to April 21, 1898, the effective date of an award of increased compensation because of increased disability or need of frequent and periodical attendance will

be from the date of receipt in the Veterans' Administration of the evidence by which the condition warranting the increase is shown to exist, but not earlier than the date of claim therefor nor prior to the date of enactment of the law upon which the benefit is based. Under the laws reenacted by Public No. 269, 74th Congress, the effective date of an award of increased disability will be from the date of receipt in the Veterans' Administration of the evidence by which the condition warranting the increase is shown to exist, but not earlier than the date of claim therefor nor prior to the date of reenactment of the law upon which the benefit is based; increased pension because of need of regular aid and attendance will be from the date of inception of the requisite condition, as shown by the evidence, or the date of the act authorizing the payment, whichever is the later date. (Secs. 2, 4, 46 Stat. 492, 493, 49 Stat. 614, 60 Stat. 524; 38 U. S. C. 365a, 365c, 368, 700)

§ 3.1125 *Automatic increase.* The acts of May 1, 1926, and June 2, 1930, contain no provision for the automatic increase of a pension allowed under the act of July 14, 1862, as amended, and one who is not on the pension roll under the so-called service acts must establish entitlement to pension under these acts before he can be allowed payments thereunder, which shall commence from the date of filing claim. (Sec. 5, 46 Stat. 493, 49 Stat. 614; 38 U. S. C. 365d, 368)

§ 3.1126 *Application of act of June 2, 1930.* In those claims in which pension was being paid on March 19, 1933, at the rates provided in the act of May 1, 1926, pension may be awarded at the rates provided in the act of June 2, 1930, from the date of application for increase but not prior to March 28, 1934. (Sec. 5, 46 Stat. 493, 49 Stat. 614; 38 U. S. C. 365d, 368)

§ 3.1127 *Attained age.* Increase on account of attained age will be effective from the birthday on which the age is attained but not prior to the date of the act granting the benefit. (Sec. 5, 46 Stat. 493, 49 Stat. 614; 38 U. S. C. 365d, 368)

§ 3.1128 *Claim required for transfer from General Law rates to service pension rates.* In those claims in which compensation was being paid on March 19, 1933, at the rates provided in the act of July 14, 1862, as amended, service pension may be awarded under Public No. 269, 74th Congress, at the rates provided in the act of June 2, 1930, from the date of application but not prior to August 13, 1935. (49 Stat. 614, 60 Stat. 524; 38 U. S. C. 368, 700)

CROSS REFERENCE: *Failure to report for examination shall be considered as an abandonment of a claim for increase.* See § 3.251 (b).

Where the basic right to entitlement has been barred. See § 3.214 (c).

§ 3.1135 *Section 30, Public No. 141, 73d Congress; Public No. 269, 74th Congress; Indian wars; Civil War; and peacetime prior to April 21, 1898.* (a) The act of December 21, 1893, requiring due notice of not less than 30 days of the decision to annul, vacate, modify, or set aside, on the basis of evidence in file when the original determination was made, an award of pension, was reenacted by section 30 of Public No. 141, 73d Congress, and Public No. 269, 74th Congress, and is for application to pension payable pursuant to section 30, Public No. 141, 73d Congress, and Public No. 269, 74th Congress, as well as pension payable for service prior to April 21, 1898.

(b) The act of December 21, 1893, does not apply where the claimant is shown to be without entitlement to pension before the delivery of the initial check in payment under the award, nor to suspensions, reductions or terminations which would normally be effected upon the happening of a contingency which in itself under existing law affects or terminates pension rights, such as death, re-entry into the active military or naval service, remarriage of a widow or mother, forfeiture (including O. N. A. C.), admission into a Veterans' Administration hospital or center, or State or United States Soldiers Home, nor to temporary suspensions to guardians or others in connection with any guardianship action.

(c) Notice of reduction, suspension or termination will be given the pensioner by registered letter containing a full and true statement of the reasons necessitating such action. It will be stated in the letter that the pensioner will be given a period of thirty days (sixty days to pensioners in foreign countries) from the date of receipt of the letter by him within which to show cause why the action contemplated should not be taken. The pensioner will be informed that any evidence submitted must be duly sworn to before some officer authorized to administer oaths for general purposes. (See also § 3.32.) If reply is not received within the period designated in the notice, as shown by the date appearing on the returned registered receipt, the pension will be reduced, suspended or terminated as the case may be, effective on the last day of the month in which the reduction, suspension or termination is approved. If reply is received within the designated period, it will be carefully considered to determine whether cause has been shown for receding from the contemplated action. If the contemplated action is not receded from, the pension will be reduced, suspended or terminated as in cases where no reply is received, provided that no reduction, suspension or termination will be effective prior to the last day of the month in which the designated period expires. In any event the pensioner will be informed of the action taken. (Sec. 3, 28 Stat. 18, sec. 30, 48 Stat. 525, 49 Stat. 614; 38 U. S. C. 56, 366, 368)

CROSS REFERENCES: *Suspension for failure to report for examination.* See §§ 3.251 and 3.266.

Suspension for failure to return questionnaire. See § 3.292.

Information to be furnished veterans of all decisions. See § 3.7.

§ 3.1140 *Restoration and renewal. (See also §§ 3.266, 3.267, 3.286, and 3.293.)* Section 4719, R. S., which is for application to pension payable under the laws reenacted by Public No. 269, 74th Congress, and for service during Indian and Civil Wars and peacetime prior to April 21, 1898: *Provided*, That the pensioner's name should be stricken from the rolls because of the pensioner's failure after three years to claim his pension. For restoration there must be filed evidence specifically accounting for the failure to claim the pension, and evidence showing the continuity of the disability on account of which pension was allowed, unless the injury or disease was of static nature. The reasons for failure to claim for the intervening period must be satisfactorily shown and it must also be shown that the right to pension had not legally terminated in some of the ways or for some of the causes specified or by necessary implication included in the pension laws as terminating pension. (49 Stat. 614, R. S. 4719; 38 U. S. C. 53, 368)

CROSS REFERENCE: *Determination of continuance of dependency pursuant to Section 400, Public No. 844, 74th Congress.* See § 3.286.

§ 3.1141 *Fiduciary awards.* (a) The disability pension or compensation payable to a minor or a person mentally incompetent under the former pension laws, Public No. 2, 73d Congress; Public No. 78, 73d Congress; Public No. 141, 73d Congress; Public No. 269, 74th Congress, or retirement pay, may be paid to the guardian, curator or conservator, if one be appointed, or to the person otherwise legally vested with the care of the claimant or his estate, or when payments have been suspended or withheld from a guardian, to a person having actual custody of the minor or incompetent, in accordance with the provisions of section 21 of the World War Veterans' Act, 1924, as amended by Public No. 262, 74th Congress, and section 2, Public Law 144, 78th Congress, and section 1 (B), Public Law 662, 79th Congress, subject to §§ 3.276, 3.310, and 3.315.

(b) In the case of an incompetent veteran having no guardian, payment of compensation, pension, or retirement pay may be made in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents. See §§ 3.275 (a) and 14.201 of this chapter.

(c) The pension due or becoming due any person who is a patient at St. Elizabeth's Hospital will be paid to a guardian of such person in accordance with the general practice applicable to the appointment and recognition of guardian. The pension payable under section 1, Public Law 662, 79th Congress, to a veteran who has no wife, child, or dependent parents, and who is a patient at St. Elizabeth's Hospital, will be paid through means of an institutional award if there be no guardian, following § 3.276. Pension payable to dependents of veterans who are patients at St. Elizabeth's Hospital will be paid only to a guardian or conservator of such dependent, except that awards now being paid to the superintendent thereof will be continued while such dependent remains a patient.

(d) Benefits due minor or incompetent adult indians. (See § 3.275 (b).) (Sec. 1, 49 Stat. 607, sec. 1, 60 Stat. 908; 38 U. S. C. 450, 739, ch. 12 note)

CROSS REFERENCE: *Institutional awards.* See § 3.276.

§ 3.1145 *Special acts.* When the rate, commencement and duration of a pension allowed by special act are fixed by such act, they are not subject to be varied by the provisions and limitations of the pension laws but when not thus fixed the rate and continuance of the pension is subject to variance in accordance with the pension laws. Commencement shall date from the passage of the special act. (R. S. 4720; 38 U. S. C. 28)

CROSS REFERENCE: *Agents and attorneys.* See §§ 14.626 and 14.663 of this chapter.

Restrictions

CROSS REFERENCES: *Foreign residence.* See § 3.11.

Computation of salary. See §§ 3.228 and 3.229.

Combat injury. See § 3.67.

Explosion of an instrumentality of war. See § 3.68.

Income. See § 3.228.

§ 3.1163 *Public No. 2, 73d Congress.* Income in excess of the statutory maximum is a bar to the payment of pension under Veterans' Regulation No. 1 (a), Part III (38 U. S. C. ch. 12), except under paragraph 1 (g). (Sec. 1, 48 Stat. 8; 38 U. S. C. 701)

§ 3.1164 *Section 30, Public No. 141, 73d Congress, and Reg. No. 1 (f) (38 U. S. C. ch. 12).* Income itself is not a bar, but non-exemption from Federal income tax for the preceding year precludes pension through December 31, 1934. (Sec. 1, 4, 30, 48 Stat. 8, 9, 525; 38 U. S. C. 366, 701, 704)

§ 3.1166 *Economy reductions* — (a) *Indian wars.* Ten per centum from July 1, 1933, to June 30, 1934; five per centum from July 1, 1934, to March 31, 1935.

(b) *Civil War.* Same as paragraph (a) hereof. (These percentage reductions apply to the amount of the pension awarded and are to be applied before the application of reduction because of residence in a State or National Home.)

(c) *Special acts and emergency officers retirement pay.* Fifteen per centum from July 1, 1933, to January 31, 1934; ten per centum from February 1, 1934, to June 30, 1934; and five per centum from July 1, 1934, to March 31, 1935. (Sec. 1, 45 Stat. 735, sec. 3, 15, 48 Stat. 9, 307; 38 U. S. C. 581, 703)

CROSS REFERENCES: *Concurrent payment of two pensions.* See § 3.296.

Concurrent with naval pension allowance. See § 3.296(d).

§ 3.1171 *Concurrent with special acts.* Where a pension is granted by a special act, which fixes the rate and commencement, the rate thereunder cannot be increased nor can any other pension be paid, in the absence of the veteran's election, unless the special act expressly states that the pension granted thereby is in addition to pension which the pensioner is entitled to receive under any public pension law. (R. S. 4720; 38 U. S. C. 28)

CROSS REFERENCES: *Concurrent with Civil Service retirement annuity.* See § 3.301.

Concurrent with military or naval (including Fleet Reserve) retirement pay. See § 3.300.

Concurrent with death pension. See § 3.296.

Where pension laws in force March 19, 1933, as reenacted, are involved. See § 3.296.

Right of election. See also § 3.302.

§ 3.1181 *Maintenance by Veterans' Administration.* Reductions in service pension while a veteran is being maintained by the Veterans' Administration as mentioned in §§ 3.1108, 3.1110, and 3.1112, will be continued during furloughs or other temporary absences for periods of less than thrity days, unless discharged without readmission in which event the award will be adjusted, if otherwise in order, effective as of the day the veteran left the institution. See § 3.256. (Sec. 1, 60 Stat. 908; 38 U. S. C. 739, ch. 12 note)

CROSS REFERENCES: *Adjustments of awards.* See § 3.256.

Admissions for examination or observation. See § 3.259.

Public No. 2, 73d Congress, Reg. 1 (f) (38 U. S. C. ch. 12), and Public No. 141, 73d Congress. See § 3.255.

Public No. 269, 74th Congress, and Public No. 541, 75th Congress. See § 3.255.

Indian War, Civil War, and peacetime prior to April 21, 1898. See § 3.255.

§ 3.1188 *Special acts.* Pension payable under special acts is subject to reduction pursuant to § 3.255. (Sec. 1, 60 Stat. 908; 38 U. S. C. 739, ch. 12 note)

§ 3.1189 *Reduction based upon maintenance in State Homes; U. S. Soldiers Home, Washington, D. C.; and U. S. Naval Home*—(a) *Public No. 269, 74th Congress.* See §§ 3.255 and 3.1181. (b) *Indian wars.* See § 3.1110. (c) *Civil War.* See § 3.1112. (49 Stat. 614, sec. 1, 60 Stat. 908; 38 U. S. C. 368, 739, ch. 12 note)

CROSS REFERENCES: *Discontinuance because of maintenance of insane veteran.* See §§ 3.255 and 3.267.

Interpretation of phrase "being furnished hospital treatment." See § 3.258.

Adjudication under prior legislation. See §§ 3.341 to 3.347.

Apportionment

§ 3.1221 *Public No. 18, 76th Congress (act of April 3, 1939), and Public Law 262, 77th Congress (act of September 26, 1941).* Retirement pay under these acts may not be apportioned unless the veteran is being furnished hospital treatment, institutional or domiciliary care by the United States or any political subdivision thereof. See § 3.317. (49 Stat. 614, sec. 5, 53 Stat. 556, sec. 1, 60 Stat. 908; 10 U. S. C. 369a, 38 U. S. C. 368, 739, ch. 12 note)

CROSS REFERENCE: *Effective date of apportionments.* See § 3.316.

Discontinuance of apportionments; effective dates. See § 3.317.

Apportionment. See §§ 3.310 to 3.317.

Appeals

CROSS REFERENCES: *Appeals.* See §§ 3.328 to 3.333 and §§ 19.0 to 19.5 of this chapter.

Adjudication of claims involving compensation or pension based upon new and material evidence presented after prior disallowance. See § 3.201.

Appeals entered prior to March 20, 1933. See § 3.343.

Emergency Officers Retirement Claims

CROSS REFERENCE: *Emergency officers retirement claims.* See §§ 3.350 to 3.359.

PROVISIONAL REGULATIONS

§ 3.1500 *Procurement of automobiles and other conveyances for disabled veterans.* (a) Total cost, $1,600.

(1) The total sales price of the delivered conveyance, including the following, will not exceed $1,600:

(i) Cost of conveyance within Office of Price Administration ceilings.

(ii) Cost of special attachments and devices, if any, deemed necessary by the state or other proper licensing agency or a Veterans' Administration contact representative in States of South Dakota, Wyoming, or Louisiana, to operate the vehicle in a manner consistent with his own safety and the safety of others.

(iii) Any tax which is reflected in total sales price. (A payment, such as for state or municipal license plates, will not be included in the total sales price.)

(iv) Equipment such as radio, heater, etc., should the veteran desire such equipment.

(2) New or used conveyances costing more than $1,600. In no case will the Veterans' Administration assume responsibility for payment of $1,600 as part of the sales price. The total sales price must not exceed $1,600.

(3) Special attachments and devices. Such special attachments and devices as are deemed necessary to the safe and lawful operation of the conveyance will be listed in sections IVa or IVb, Application Form, and must be installed in the conveyance prior to delivery.

(4) Payment for new or used car to be made to seller only. Under the provisions of Public Law 663, the eligible applicant will not be reimbursed for a conveyance, new or used, which he has already obtained. Payment will be made to the seller only in all cases, regardless of whether arrangement for purchase was made prior or subsequent to the enactment of Public Law 663.

(b) Policy on license. (1) Public Law 663 specifically states that "no veteran shall be given an automobile or other conveyance under the provisions of this paragraph until it is established to the satisfaction of the Administrator that such veteran will be able to operate such automobile or other conveyance in a manner consistent with his own safety and the safety of others and will be licensed to operate such automobile or other conveyance in the state of his residence or other licensing authority."

(2) In States which have operator's license laws. The Veterans' Administration will assume the responsibility of furnishing State, local, or other proper licensing agencies information regarding the applicant's disability. This information will be entered in section III, application form, by the regional office adjudication division or claims division, veterans' claim service, central office except in such cases as it is deemed advisable to submit the information, which clearly is of a confidential nature, under separate cover to the above agencies. It is the veteran's responsibility to obtain an operator's license if he does not have one, and to present this license, together with his application form, Veterans' Administration form 4502, to a local or other proper licensing agency for execution of Section IVa, "Certificate".

(3) States which do not have operator's license laws. In the States of South Dakota, Wyoming and Louisiana a local Veterans' Administration contact repre-

sentative will determine whether in his opinion the veteran is able to operate the conveyance safely with the aid of special attachments and devices. For the purpose of such determination he may consult with and secure the opinion of the chief medical officer, adjudication officer, chief, vocational rehabilitation and education officers or any other staff officer. The adjudication division in such cases will furnish the Veterans' Administration contact representative, under separate cover, a statement of any information of a confidential nature as to the veteran's physical or mental status, it deems necessary. Section IVb of Veterans' Administration form 4502 will be executed by a local Veterans' Administration contact representative rather than section IVa in these cases.

It is to be understood that under the language of the act the administrative determination that the veteran will be able to operate such automobile or other conveyance does not impose any liability on the employee making the determination or the Federal Government. (Pub. Law 663, 79th Cong., Title I, sec. 101, 60 Stat. 915, 38 U. S. C. 252) [Insts. 1 and 1 (a), Pub. Law 663, 79th Cong.]

§ 3.1501 *Assistance to certain veterans in acquiring specially adapted housing which they require by reason of their service-connected disabilities*—(a) *Processing of applications*—(1) *Availability and execution of application.* VA Form 4555 will be furnished to the veteran, or his representative, upon request. The application should be executed by the veteran and forwarded direct to the regional office where his claims folder is located. If no claim has been filed for benefits from the Veterans' Administration, the application should be forwarded to central office, Veterans' Administration, Washington 25, D. C.

(2) *Jurisdiction to execute certificate of eligibility.* Jurisdiction to execute VA Form 4555a, Certificate of Basic Eligibility, is vested solely in the claims division, veterans' claims service, central office. Therefore, when an application is received by a regional office or center it should, unless the veteran is hospitalized at the time of making application, be immediately attached to the claims folder and transferred to central office. In the excepted class, the upper portion of VA Form 4555b, Certificate of Medical Feasibility, should be executed before the application and principal claims folder are forwarded to central office. Central office will retain jurisdiction over the claims folder until the specially adapted housing applied for by the veteran has been furnished and the transaction is closed or the claim has been disallowed, at which time the folder will be decentralized.

(3) *Conditions precedent to execution of certificate of basic eligibility.* (i) Subsection (g), section 1, Title I, Public No. 2, 73d Congress, approved March 20, 1933, as amended, grants benefits under Public Law 702, 80th Congress, to any person who served in the active military or naval service of the United States who is entitled to compensation under the provisions of Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), for permanent and total service-connected disability due to spinal-cord disease or injury with paralysis of the legs and lower part of the body, subject to the provisions and limitations of Veterans' Regulation 1 (a), as amended, Part IX.

(ii) It will be noted that benefits are not restricted to World War II veterans nor to veterans of wartime service. It is only necessary that the veteran be entitled to compensation under Veterans' Regulation 1 (a), as amended, for disability incurred in, or aggravated by, service on or after April 21, 1898.

(iii) Permanent and total disability due to spinal-cord disease or injury with paralysis of the legs and lower part of the body is defined as paralysis of both lower extremities produced by lesion of the spinal-cord resulting from disease or injury thereof, such as to preclude locomotion without aid of braces, crutches, canes, or a wheelchair, accompanied by paralysis of the sphincters of anus and bladder. Physical re-examination of a veteran may be ordered when in the discretion of the Central Disability Board the most recent report of physical examination on file is not considered sufficient to portray the present degree of his disability for the purpose of Public Law 702, 80th Congress.

(iv) (*a*) If the veteran is found to be eligible, the certificate of basic eligibility will be executed, and the application will be referred to the department of medicine and surgery for consideration of the question of the veteran's medical feasibility.

(*b*) In the event the chief, claims division, or his designate, finds that he cannot execute the certificate of basic eligibility, he will prepare a letter to the veteran over the name of the director, veterans' claims service, listing the reasons for disapproval of the application and advising him of his right to appeal.

(*c*) In the event that consideration of the claim in the claims service will be delayed, such as obtaining examination or information from the service department, the veteran will be notified of the reasons for delay.

(4) *Jurisdiction to execute certificate of medical feasibility.* Jurisdiction to execute Veterans' Administration Form 4555b, Certificate of Medical Feasibility, is vested solely in the chief medical director, or his designate. When the file is referred to the department of medicine and surgery if the certificate of the examiners has not previously been executed, as provided in paragraph (a) (2) of this section, the chief medical director, or his designate; will arrange for an examination.

(5) *Conditions precedent to execution of certificate of medical feasibility.* (i) In general, a certificate of medical feasibility will be issued to an eligible applicant except when the health or future well-being of the applicant would be further jeopardized by his occupancy of a "specially adapted house" or because discharge from the hospital is medically contraindicated.

(ii) When the applicant is hospitalized in a Veterans' Administration hospital or center and is suffering from a service-connected disability due to spinal-cord disease or injury with paralysis of the legs and the lower part of the body, the manager will appoint a board which will include the chief of service responsible for the patient, a neurologist, a urologist, and a physiatrist for the purpose of examining the applicant and for the preparation of Veterans' Administration Form 4555b.

(iii) When an applicant with the condition set forth in paragraph (a) (5) (ii) of this section is not currently undergoing hospitalization, the examination and report referred to in subdivision (ii) of this subparagraph will be accomplished at the nearest Veterans' Administration hospital, center, or regional office having a qualified urologist, neurologist, and physiatrist on its staff.

(iv) When an applicant with a condition as set forth in paragraph (a) (5) (ii) of this section is currently undergoing hospitalization in a non-Veterans' Administration hospital or is confined to his home and is unable to travel, the manager of the nearest Veterans' Administration hospital or regional office having a qualified urologist, neurologist, and physiatrist on its full-time or consulting staffs will detail a team including these specialists for the purpose of performing the examination and completing the report referred to in subdivision (ii) of this subparagraph.

(v) The report of the examining team with whatever supporting data are considered necessary to uphold the recommendation will be forwarded to the chief medical director who will issue a certificate of medical feasibility in appropriate cases.

(6) *Action to be taken when certifications of eligibility and medical feasibility have been approved.* When the certificate of basic eligibility and medical feasibility are certified favorably, the folder will be referred to the loan guaranty service which will notify the veteran of the action taken and furnish him with a supplemental application, Veterans' Administration Form 4555c, and appropriate descriptive information as to the procedure to be followed in obtaining the financial assistance authorized by Public Law 802, 80th Congress. (Instruction 1, Pub. Law 702, 80th Cong.)

§ 3.1502 *Presumption of service-connection for chronic and tropical diseases*—(a) *Provisions of section 1, Public Law 748.* Section 1, Public Law 748, 80th Congress, amends Veterans' Regulation 1 (a) (38 U. S. C. ch. 12) to provide that:

(1) If the conditions of subparagraph (c), paragraph I, Part I, are met and subject to the limitations thereof, the following chronic diseases, in addition to those listed in § 3.86 and the following tropical diseases, will be considered as having been incurred in wartime service, if manifest to a degree of 10 percent or more within 1 year from the date of separation from active wartime service or within 1 year after the pertinent date prior to which a disability must have been incurred as provided in Veterans' Regulation 1 (a) (38 U. S. C. ch. 12), whichever is the earlier.

(i) *Chronic diseases.*

Bronchiectasis.
Calculi of the kidney, bladder, or gall bladder.
Cirrhosis of the liver.
Coccidiomycosis.
Osteomalacia.
Scleroderma.
Raynaud's disease.
Tumors of the peripheral nerves.
Ulcer peptic (gastric or duodenal).

(ii) *Tropical diseases.*

Cholera.	Onchocerciasis.
Dysentery.	Oroya fever.
Filariasis.	Dracontiasis.
Leishmaniasis.	Pinta.
Leprosy.	Plague.
Loiasis.	Schistosomiasis.
Malaria, including black water fever.	Yaws.
	Yellow fever.

(2) The resultant disorders or diseases originating because of therapy, administered in connection with the above-cited tropical diseases or as a preventative of these diseases, will be considered as having been incurred in service if the conditions set forth in paragraph (a) of this section are met.

(3) Section 1, Public Law 748, 80th Congress, also provides that service incurrence will be established under subparagraph (a), paragraph I, Part I, Veterans' Regulation 1 (a) (38 U. S. C. ch. 12), for any of the above-cited tropical diseases when shown to exist at a time when standard and accepted treatises indicate that the incubation period of the diseases commenced during active service.

(b) *Provisions of section 2, Public Law 748.* Section 2, Public Law 748, 80th Congress, amends Veterans' Regulation 1 (a) (38 U. S. C. ch. 12), Part II, paragraph I, as amended, by adding a new subparagraph (d) thereto, providing that:

(1) Where a person served in the military or naval service for 6 months or more, was honorably discharged therefrom, and one of the tropical diseases listed below becomes manifest to a degree of 10 percent or more within 1 year from date of separation from service, such tropical diseases shall be deemed to have been incurred in active service for the purposes of Veterans' Regulation 1 (a) (38 U. S. C. ch. 12), Part II, paragraph I (a), unless shown by clear and unmistakable evidence to have had its inception prior or subsequent to such service. The tropical diseases encompassed by the legislation are:

Cholera.	Onchocerciasis.
Dracontiasis.	Oroya fever.
Dysentery.	Pinta.
Filariasis.	Plague.
Leishmaniasis.	Schistosomiasis.
Leprosy.	Yaws.
Loiasis.	Yellow fever.
Malaria, including black water fever.	

(2) The resultant disorders or diseases originating because of therapy administered in connection with the tropical diseases listed in subparagraph (1) of this paragraph or as a preventative of these diseases will be considered as having been incurred in service if the conditions set forth in paragraph (b) (1) of this section are met.

(3) Section 2, Public Law 748, 80th Congress, also provides that service incurrence will be established under subparagraph (a), paragraph I, Part II, Veterans' Regulation 1 (a) (38 U. S. C. ch. 12), for any of the tropical diseases listed in subparagraph (1) of this paragraph when shown to exist at a time when standard and accepted treatises indicate that the incubation period commenced during active service.

(c) *Rebuttal of presumption of service-connection.* The expression "clear and unmistakable evidence" appearing in Veterans' Regulation 1 (a), Part II, paragraph I (d), shall be construed to be synonymous with the expression "affirmative evidence to the contrary" contained in Veterans' Regulation 1 (a), Part I, paragraph I (c). As to tropical diseases incurred in either wartime or peacetime service, the fact that the veteran had no service in the tropics or in a locality having a high incidence of the disease may be considered as evidence to rebut the presumption. The record must be negative as to inception prior or subsequent to service, and residence during the year following this service must not have been in the tropics or in a region where the particular disease is endemic. It is further necessary in disability claims that the conditions other than malaria be properly diagnosed on Veterans' Administration examination. The known incubation period for such diseases should be used as a factor in the rebuttal of service-connection, that is, to show inception prior or subsequent to active service.

(d) *Effective dates of awards and evaluations.* The effective dates of awards and evaluations will be in accordance with the provisions of controlling regulations: *Provided*, That in no event will benefits under Public Law 748, 80th Congress, be awarded prior to the date of enactment thereof. It should be borne in mind that benefits may be in order prior to the date of enactment of Public Law 748, 80th Congress, when the requirements of § 3.95 as to peptic ulcer and § 3.102 as to amebic dysentery, bacillary dysentery, filariasis (Bancroft's type), leishmaniasis, including kala-azar, schistosomiasis, trypanosomiasis, yaws, and malaria, are met. (Instruction 1, Pub. Law 748, 80th Cong.)

§ 3.1503 *Instructions relating to adjustment of awards under Public Law 876, 80th Congress.* (a) Public Law 876, 80th Congress, approved July 2, 1948, is quoted as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective the first day of the first month following the passage of this Act, paragraph II of part II of Veterans' Regulation Numbered I (a), as amended, is amended to read as follows:

II. For the purposes of part II, paragraph I (a) hereof, if the disability results from injury or disease, the compensation shall be equal to 80 per centum of the compensation now or hereafter payable for the disability, had it been incurred in or aggravated by active military or naval service during a period of war service as provided in part I of this regulaton.

(b) Adjustments under this enactment are effective August 1, 1948, and will be, as far as possible, automatically made from the finance records without individual adjudications. This adjustment includes those cases wherein payments are being made based on disabilities incurred in, or aggravated by, service other than in time of war under Part II, Veterans' Regulation I (a), as amended (38 U. S. C. ch. 12), and which are based only on the regular rates shown in paragraph (c) of this section. Automatic adjustments will not be made in those cases receiving wartime rates under Public Law 359, 77th Congress; Public Law 788, 74th Congress; the General Law (act of July 14, 1862); nor on cases involving statutory increases.

(c) The rates of compensation provided by Public Law 876, 80th Congress, are as follows:

Percent	Old rate	New rate
10	$10.35	$11.04
20	20.70	22.08
30	31.05	33.12
40	41.40	44.16
50	51.75	55.20
60	62.10	66.24
70	72.45	77.28
80	82.80	88.32
90	93.15	99.36
100	103.50	110.40

Automatic adjustments will be made by finance activities only on those cases being paid at the above "old rates."

(1) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of one foot or one hand, or blindness of one eye having only light perception, the rates of compensation provided above shall be increased by $33.60 per month; and in the event of anatomical loss or loss of use of one foot, or one hand, or blindness of one eye having only light perception, in addition to the requirement for any of the rates specified in subparagraphs (l) to (n), inclusive, set forth in subparagraph (2) of this paragraph, the rate of compensation shall be increased by $33.60 per month for each such loss or loss of use but in no event to exceed $288.00 per month.

(2) Where entitlement under Part II, paragraph II (l) to (o) is established, the rate of compensation will be as follows:

Subparagraph (l)	$192.00
Subparagraph (m)	225.60
Subparagraph (n)	254.40
Subparagraph (o)	288.00
Subparagraph (p)	(1)

[1] Present intermediate rates will be increased from $195.75 to $208.80, $211.50 to $225.60, $225.00 to $240.00.

The above rates are basic rates and do not reflect any allowances for dependents as provided by section 2, Public Law 877, 80th Congress.

(d) In automatically adjusting the accounts of veterans whose awards have been apportioned, including special apportionments, the increased amount will be prorated among the payees in accordance with the existing apportionment.

(e) In cases where an institutional award has been authorized, any increase in the veteran's award will be deposited in funds due incompetent beneficiaries, provided deposits are being currently made into this fund; otherwise such adjustment will be accomplished by award action. Where there is an institutional award and the balance is being paid to a guardian or other fiduciary, the increased amount will be paid to the guardian or fiduciary.

(f) The increased rates authorized by Public Law 876, 80th Congress, will be effective from August 1, 1948. In new or reopened awards where the effective date of entitlement is prior to August 1, 1948, the former rates will apply to that date and the new rates from August 1, 1948. If the award shows entitlement only from or after August 1, 1948, the new rates will be applicable from the beginning date of the award. When adjusting awards pursuant to this instruction, there will be entered on VA Form 8–553 a notation specifying Public Law 876, 80th Congress, as authority for the award. (Instruction 1, Pub. Law 876, 80th Cong.)

§ 3.1504 *Instructions relating to awards of additional compensation for a dependent or dependents.* (a) For the purposes of Public Law 877, 80th Congress, approved July 2, 1948, the following instructions are issued:

(1) Section 1 provides "That any person entitled to compensation at wartime rates for disability incurred in or aggravated by active service as provided in part I, or paragraph I (c), part II, Veterans' Regulation Numbered 1 (a), as amended, or the World War Veterans' Act 1924, as amended, and restored with limitations by Public Law 141, Seventy-third Congress, March 28, 1934, as amended, and whose disability is rated not less than 60 per centum, shall be entitled to additional compensation for dependents in the -- monthly amounts" set forth in subparagraph 4 of this paragraph. Section 1 includes veterans of the Spanish American War, the Philippine Insurrection, the Boxer Rebellion, World War I, World War II, and also those of the regular establishment entitled to compensation at wartime rates under the provisions of Public Law 359, 77th Congress.

(2) Section 2 provides "That any person entitled to compensation at peacetime rates for disability incurred in or aggravated by active service as provided in paragraph II, part II, Veterans' Regulation Numbered 1 (a), as amended, except paragraph I (c) thereof, and whose disability is rated not less than 60 per centum, shall be entitled to additional compensation for dependents in the -- monthly amounts" set forth in subparagraph 4 of this paragraph. Section 2 includes veterans of the regular establishment other than those entitled to wartime rates of compensation under Public Law 359, 77th Congress.

(3) Section 3 provides that "The additional compensation for a dependent or dependents * * * shall not be payable to any veteran during any period he is in receipt of an increased rate of compensation or of subsistence allowance on account of a dependent or dependents under any other law administered by the Veterans' Administration: *Provided*, That he may elect to receive whichever is the greater." For example, a veteran entitled to additional amounts of compensation under the act would receive such rates plus the rate of subsistence allowance for a veteran without dependents under Public Laws 16 or 346, 78th Congress, or his present compensation, without additional compensation provided by the act, plus the subsistence allowance rate for self and dependent, whichever is the greater.

(4) *Rates of additional dependency compensation*—(i) *Veteran rated totally disabled.*

	War-time	Peace-time
Wife, but no child	$21.00	$16.80
Wife, 1 child	35.00	28.00
Wife, 2 children	45.50	36.40
Wife, 3 or more children	56.00	44.80
No wife, 1 child	14.00	11.20
No wife, 2 children	24.50	19.60
No wife, 3 or more children	35.00	28.00
Dependent parent or parents, each (in addition to above amounts)	17.50	14.00

(ii) If, and while, a veteran is rated partially disabled, but not less than 60 percent, the amount of additional compensation for dependents shall be in an amount having the same ratio to either the applicable wartime or peacetime rate as the determined degree of disability bears to total disability; thus, for example, where a 60 percent disability evaluation, based on wartime service, is in effect and the veteran has a wife but no child, 60% of $21.00, i. e., $12.60 will be authorized as additional dependency compensation; under identical circumstances, where a peacetime rate, only, is in order, 60 percent of $16.80, i. e., $10.08, will be authorized. When the percentage rating is other than multiples of 10 percent under Public Law 141, 73d Congress, the exact percentage will be used in the computations.

(iii) Where presumptive service connection is in order under section 27, Public No. 141, 73d Congress, although only 75 percent of the war-time rates is payable for the basic disability compensation, the full additional compensation provided in subdivisions (i) and (ii) of this subparagraph is allowable.

(5) *Effective date*—(i) *In original claim.* Where the veteran asserts on his application for disability compensation that he has a wife, child or children or dependent parent, he will be informed of the necessity of submitting satisfactory evidence of relationship and in the case of a parent or parents, of dependency, and that until such evidence is received in the Veterans' Administration additional compensation for the dependents will not be authorized. Pending receipt of the evidence the veteran will be paid as a single person, provided, however, that where the Veterans' Administration Form 8–526 shows the veteran and his wife are separated or a child or children are not in his custody, or where the veteran and his wife have been previously married, the award will be apportioned on the basis of the appropriate family status and the apportioned share for the wife, child or children withheld until receipt of the necessary evidence. If satisfactory evidence of relationship and dependency is received within one year from the date of request therefor, additional compensation will be authorized effective in accordance with the date of receipt application for disability compensation but in no event prior to September 1, 1948, the effective date of Public Law 877, 80th Congress. If such evidence is received after one year from the date of request therefor, the effective date of additional compensation for dependents will be the date of the receipt by the Veterans' Administration of the evidence showing entitlement thereto.

(ii) *In claim for increase.* Generally, the effective date of an increase based on a dependent will be the date the evidence establishing the relationship and dependency is received in the Veterans' Administration. However, where evidence of relationship and dependency is furnished within three months after September 1, 1948, the effective date of Public Law 877, 80th Congress, in a case where there is of record a claim for or specific reference to dependents, payment of additional compensation for the dependent will be authorized from that date, but in no event earlier than that date. Action to authorize increased compensation on account of dependents will not be taken in any case until the proof of such relationship and dependency is received.

(6) *Apportionments.* The basic disability compensation, plus additional compensation for dependents provided by Public Law 877, 80th Congress, where the service connected disability or disabilities are 60 percent or more disabling, is subject to apportionment in accordance with the provisions of §§ 3.310–3.317. The additional compensation for dependents will be reserved or paid as an apportioned award to a wife, child or dependent parent when the conditions are the same as those set forth in §§ 3.311 (c), (d), 3.312 (a) and (b) (1). Where apportionments are involved and subsistence allowance and compensation or pension are being received concurrently, the provisions of § 21.93 of this chapter are for application.

(7) *Institutional awards.* In cases where an institutional award has been authorized and no guardian has been appointed, none of the increases on account of dependents provided by Public Law 877, 80th Congress, will be reflected in the institutional award but such increases will be paid to the apportionee or apportionees in the full amount which is payable on his or their account. If a guardian has been appointed and is providing for the veteran's dependents, the increase will be paid to him. (Instruction 1, Pub. Law 877, 80th Cong.)

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AUTHORITY: §§ 4.0 to 4.207 issued under sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707. Statutes giving special authority are cited in parentheses at the end of affected sections.

FILING OF CLAIMS AND SUPPORTING EVIDENCE

§ 4.0 *Application for death benefits*—(a) *Formal claims.* A specific claim on the form prescribed by the Administrator of Veterans' Affairs must be filed by the widow, child or children and/or dependent mother or father applying for pension or compensation or by the claimant for accrued benefits. A claim for compensation under the General Law based on service prior to April 21, 1898, must be executed before a notary public or other officer authorized to administer oaths for general purposes, or before an employee of the Veterans' Administration to whom authority to administer oaths has been delegated by the Administrator. In the event the claimant's application is not complete at the time of original submission, the Veterans' Administration will notify the claimant of the evidence necessary to complete the application and if such evidence is not received within one year from the date of request therefor, pension or compensation may not be paid by virtue of that application (Veterans' Regulation No. 2 (d), Part I, par. I (a) (2)) (38 U. S. C. ch. 12); *Provided,* That a claim for pension or compensation filed by a widow or by the next friend or guardian of a child or by a parent will also be considered as a claim for any accrued amount due: *Provided further,* That a claim filed by a widow in which additional pension or compensation is claimed on account of a child or children in her custody, who herself does not have title, will be accepted as a valid claim on behalf of the child or children.

(b) *Informal claims.* The provisions of § 3.27 of this chapter are for application under any law authorizing the payment of death pension or death compensation where the claim is based upon service rendered on or after April 21, 1898 (sec. 1, Pub. Law 144, 78th Cong.).

(c) *New and material evidence.* For the purposes of any law authorizing the payment of death pension or death compensation based on service rendered on or after April 21, 1898, new and material evidence relating to the same factual basis as that of a finally disallowed claim shall be accepted as a claim in determining the commencing date of an award, when such evidence or accompanying communication meets the requirements of an informal claim. (38 U. S. C. ch. 12, Veterans' Reg. 2 (d), Part I, par. I (a) (3), sec. 1, Pub. Law 144, 78th Cong.) See §§ 3.201 and 3.205 of this chapter. (17 Stat. 566, 567, secs. 1, 2, 27 Stat. 272, secs. 9, 20, 48 Stat. 10, 309; 38 U. S. C. 42, 151, 152, 709, 722)

CROSS REFERENCES: *Appeals.* See Part II, Veterans' Reg. No. 2 series (38 U. S. C., ch. 12), and §§ 3.328 to 3.333 of this chapter.

Execution of papers in a foreign country. See § 3.32 of this chapter.

Written and oral testimony to be under oath; administration of oath by employees. See § 3.30 of this chapter.

§ 4.1 *General Law, application and scope; service act, definition*—(a) *General Law; application and scope.* The term "General Law" includes all those laws commencing with the act of July 14, 1862, relating to the payment of pensions based on disability or death due to service and in line of duty, incurred since March 4, 1861, excepting World War legislation and the veterans' regulations issued pursuant to the act of March 20, 1933. The General Law is presently effective to include all service rendered prior to April 21, 1898; and in cases based on service in the War with Spain, Boxer Rebellion or Philippine Insurrection, to include July 4, 1902.

(b) *Service Act; definition.* The term "Service Act" means any public act of Congress granting pension because of service alone, or because of service and disability or age or death; under which it is not requisite that the injury, disease or death shall have been the result of service.

DEFINITIONS OF RELATIONSHIP

§ 4.2 *General law.* For the purposes of the general law the following definitions of relationship shall govern in the adjudication of claims for death compensation.

(a) *Widow.* The term "widow" shall mean a person who was married to the veteran at any time prior to the death of the veteran. As to awards approved on or after March 1, 1944, based on service rendered on or after April 21, 1898, continuous cohabitation as described in § 4.16 must be established. (Public Law 242, 78th Congress, act of March 1, 1944.) In claims based on service rendered prior to April 21, 1898, continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899, unless the marriage was entered into prior to or during service. (30 Stat. 1380.)

(b) *Child.* (1) The term "child" shall mean a legitimate child under the age of sixteen. Children born before the marriage of their parents, if acknowledged by the father before or after the marriage, shall be deemed legitimate (section 4704 R. S.). State laws as to legitimacy are not applicable. The payment of compensation may be further continued after the age of 16 to or for a child who was insane, idiotic or otherwise physically or mentally helpless at the date of attaining the age of 16 years and the helpless condition exists at the date of filing claim. Payments of compensation continue during the period of helplessness. Marriage is not a bar to the payment of compensation to a child under the age of 16 years, or to a helpless child under an award approved prior to April 1, 1944. As to awards approved on or after April 1, 1944, compensation may not be paid to a helpless child who has married (Pub. Law 280, 78th Cong.) (See § 4.84.)

(2) For the purposes of the General Law as reenacted by Public No. 269, 74th Congress, the term "child" shall mean the same as in subparagraph (1) of this paragraph including a child as defined in § 4.14 (c): *Provided,* That payment of pension to or for a child entitled solely as a result of the definition contained in § 4.14 (c) may not be made for any period prior to July 13, 1943 (Pub. Law 144, 78th Cong.).

(c) *Mother-father.* (1) The term "mother" or "father" shall mean a natural mother or father of the veteran or mother or father of the veteran through legal adoption if, when adopted, the child becomes to all legal intents and purposes the child of the adoptive parents. The father must have been legally married to the mother of the veteran on whose account claim is made.

(2) For the purposes of the general law as reenacted by Public No. 269, 74th Congress, the term "mother" or "father" shall mean the same as in subparagraph (1) of this paragraph, including a mother or father as defined in § 4.14 (d): *Provided,* That payment of compensation to or for a parent entitled solely as a result of the definition contained in § 4.14 (d) may not be made for any period prior to July 13, 1943 (Pub. Law 144, 78th Cong.).

(Sec. 10, 17 Stat. 570, sec. 1, 22 Stat. 345, secs. 1, 3, 26 Stat. 18, 30 Stat. 1380, sec. 1, 39 Stat. 1199, sec. 2, 44 Stat. 1362, secs. 1, 7, 8, 57 Stat. 554, 555, 556, sec. 4, 58 Stat. 107, 186; 38 U. S. C. 37, 44–47, 49, 75, 174, 191, 192, 202, 364h, 375, 381a, 727, ch. 12 note)

§ 4.3 *Peacetime service subsequent to April 20, 1898.* For the purposes of adjudicating claims for death compensation under Public No. 2, 73d Congress (act of March 20, 1933), as amended, the following definitions of relationship shall govern:

(a) *Widow.* The term "widow" shall mean a person who was married to the veteran prior to the expiration of ten years subsequent to his discharge from the enlistment during which the injury or disease, on account of which claim is being filed, was incurred (Veterans' Regulation No. 10 (b), par. 1, (38 U. S. C. Ch. 12)), and, as to awards approved on or after October 1, 1948, who lived continuously with him from the date of marriage to the date of his death, as provided in § 4.16.

(b) *Child.* The term "child" shall mean the same as defined in § 4.14 (c). (Pub. Law 144, 78th Cong.)

(c) *Parent; father; mother.* The term "parent", "father" and "mother" shall mean the same as defined in § 4.14 (d). (Pub. Law 144, 78th Cong.) (Sec. 4, 48 Stat. 9, secs. 1, 7, 8, 57 Stat. 554, 555, 556, secs. 2, 4, 58 Stat. 107, 797; 38 U. S. C. 364a, 364h, 704, 727, Ch. 12 note, Pub. Law 762, 80th Cong.)

§ 4.4 *Indian wars.* For the purposes of the acts of March 4, 1917 (39 Stat. 1199), and March 3, 1927 (44 Stat. 1361), as amended, the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow.* (1) The term "widow" shall mean a person who was married to the veteran prior to March 4, 1917. However, the $60 rate provided for in the act of March 3, 1944, as amended, is payable only when the unremarried widow was the wife of the veteran during his Indian war service (Public Law 245, 78th Congress and Public Law 398, 80th Congress). (See § 4.80.) Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899. (30 Stat. 1380.) (See § 4.16.)

(2) As to claims filed under Public Law 245, 78th Congress, after March 3, 1944, the term "widow" shall mean a person as defined in subparagraph (1) of this paragraph or a person who:

(i) Was married to the veteran ten or more years prior to the date of his death;

(ii) Lived with the veteran continuously from the date of marriage to the date of his death, as provided in § 4.16;

(iii) Is 60 years of ago or over;

(iv) Has not remarried;

(v) Is in dependent circumstances. In determining dependency, the criteria outlined in § 3.57 of this chapter for determining the dependency of a parent shall be applied. (Pub. Law 245, 78th Cong.)

(b) *Remarried widow.* The term "remarried widow" shall mean a person who was married to the veteran prior to March 4, 1917, and who otherwise meets the requirements of paragraph (a) (1) of this section and whose subsequent or successive marriage or marriages has or have been dissolved either by death of the husband or husbands or by divorce without fault on her part (44 Stat. 1361). A remarried widow has no title under the provisions of Public Law 245, 78th Congress (act of March 3, 1944).

(c) *Child.* The term "child" is as defined in § 4.2 (b) (1). (30 Stat. 1380, sec. 2, 44 Stat. 1362, secs. 7, 8, 57 Stat. 555, 556, sec. 3, 58 Stat. 109, Pub. Law 398, 80th Cong.; 38 U. S. C. 44–47, 49, 75, 192, 381a, 381e, ch. 12 note)

§ 4.6 *Civil War.* For the purposes of any service pension law granting pension to widows, remarried widows and children of veterans of the Civil War, the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow.* (1) The term "widow" shall mean a person who was married to the veteran prior to June 27, 1905. However, the $60 rate provided for in the act of July 3, 1926, as amended by the act of July 30, 1947, is payable only when the widow was the wife of the veteran during his Civil War service. Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899. (30 Stat. 1380.) (See § 4.16.)

(2) As to claims filed under Public Law 471, 78th Congress, after December 8, 1944, the term "widow" shall mean a person who:

(i) Was married to the veteran ten or more years prior to the date of his death;

(ii) Lived with the veteran continuously from the date of marriage to the date of his death as provided in § 4.16;

(iii) Is 60 years of age or over;

(iv) Has not remarried;

(v) Is in dependent circumstances. In determining dependency, the criteria outlined in § 3.57 of this chapter for determining the dependency of a parent shall be applied. (Pub. Law 471, 78th Cong.)

(b) *Remarried widow.* (1) For the purposes of the act of May 1, 1920 (Public No. 190, 66th Congress), as amended, the term "remarried widow" shall mean a person who married the veteran prior to June 27, 1905, and who otherwise meets the requirements of paragraph (a) (1), of this section, and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce on any ground except adultery on her part. (Pub. No. 323, 71st Cong., act of June 9, 1930.)

(2) For the purposes of the act of July 3, 1926 (Public No. 454, 69th Congress), the term "remarried widow" shall mean a person who was the wife of the veteran during the period of his service in the Civil War and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce.

(3) A remarried widow has no title under the provisions of Public Law 471, 78th Congress (Act of December 8, 1944).

(c) *Child.* The term "child" is as defined in § 4.2 (b) (1). (Sec. 3, 26 Stat. 182, 30 Stat. 1380, secs. 2, 3, 39 Stat. 845, sec. 4, 41 Stat. 586, sec. 2, 44 Stat. 806, sec. 3, 46 Stat. 529, sec. 1, 58 Stat. 797, Pub. Law 270, 80th Cong.; 38 U. S. C. 44–47, 49, 75, 192, 205, 281, 283, 285, 288, 291, 291b, 293)

§ 4.8 *Spanish-American War, Boxer Rebellion and Philippine Insurrection; Public No. 2, 73d Congress, as amended.* For the purposes of Public No. 2, 73d Congress (act of March 20, 1933), as amended, the following definitions of relationship shall govern in the adjudication of claims for death compensation or pension:

(a) *Widow.* The term "widow" of a veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, shall mean a person who was married to the veteran prior to September 1, 1922, provided that as to awards approved on or after March 1, 1944, continuous cohabitation as described in § 4.16 must be established (Veterans Regulation No. 10 (b), par. 1, (38 U. S. C. Ch. 12), and Public Law 242, 78th Congress, act of March 1, 1944).

(b) *Child.* The term "child" shall mean the same as defined in § 4.14 (c). (Pub. Law 144, 78th Cong.)

(c) *Parent-father-mother.* The term "parent", "father", and "mother" shall mean the same as defined in § 4.14 (d). (Pub. Law 144, 78th Cong.). (Sec. 4, 48 Stat. 9, secs. 1, 7, 8, 57 Stat. 554, 555, 556, secs. 2, 4, 58 Stat. 107, Pub. Law 270, 80th Cong.; 38 U. S. C. 364a, h, 704, 727, ch. 12 note)

§ 4.12 *Spanish-American War, Boxer Rebellion and Philippine Insurrection; service acts as reenacted by Public No. 269, 74th Congress, and as amended.* For the purposes of Public No. 166, 69th Congress (act of May 1, 1926) as reenacted by Public No. 269, 74th Congress (act of August 13, 1935), and amended by Public Law 144, 78th Congress (act of July 13, 1943), Public Law 242, 78th Congress (act of March 1, 1944), and Public Law 762, 80th Congress (act of June 24, 1948), the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow.* (1) The term "widow" of a veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, shall mean a person who was married to the veteran prior to January 1, 1938. As to awards approved on or after March 1, 1944, and increases in pension under section 3, Public Law 242, 78th Congress, continuous cohabitation as described in § 4.16 must be established: *Provided,* That where the widow is entitled solely by virtue of the provisions of section 2, Public Law 242, 78th Congress, pension shall not be paid for any period prior to April 1, 1944. However, the $60 rate is payable only when the widow was the wife of the veteran during his war service as defined in §§ 3.1000 (b), 3.1001 (b), 3.1002 (b), of this chapter. (Pub. Law 242, 78th Cong., act of March 1, 1944.) (See § 4.117.)

(2) As to claims under Public Law 762, 80th Congress which precludes payments for any period prior to June 24, 1948, the term "widow" shall mean a person who:

(i) Was married to the veteran ten or more years prior to the date of his death;

(ii) Lived with the veteran continuously from the date of marriage to the date of his death, as provided in § 4.16;

(iii) Is 60 years of age or over;

(iv) Has not remarried;

(v) Is in dependent circumstances. In determining dependency, the criteria outlined in § 3.57, of this chapter, for determining the dependency of a parent shall be applied. (Pub. Law 762, 80th Cong.)

(b) *Remarried widow.* The term "remarried widow" of a veteran of the Spanish-American War, Boxer Rebellion or Philippine Insurrection shall mean a person who married the veteran prior to January 1, 1938 (Pub. Law 242, 78th Cong., act of March 1, 1944), and who otherwise meets the requirements of paragraph (a) (1), of this section, and whose subsequent or successive marriage or marriages has or have been dissolved either by the death of the husband or husbands, or by divorce on any ground except adultery on the part of the wife. (Pub. Law 166, 69th Cong., act of May 1, 1926). A remarried widow has no title under the provisions of Public Law 762, 80th Congress (act of June 24, 1948). (Pub. Law 762, 80th Cong.)

(c) *Child.* For the purposes of the laws re-enacted by Public No. 269, 74th Congress, the term "child" shall mean the same as in § 4.2 (b) (1) and (2). (Pub. Law 144, 78th Cong.) (30 Stat. 1380, sec. 1, 40 Stat. 903, sec. 1, 42 Stat. 834, sec. 2, 44 Stat. 382, sec. 30, 48 Stat. 525, 49 Stat. 614, secs. 2, 4, 58 Stat. 107; Pub. Law 762, 80th Congress; 38 U. S. C. 44–47, 49, 75, 192, 355, 356, 364a, h, 366, 367, 368, 369)

§ 4.14 *World War I.* For the purpose of adjudicating claims for death pension or compensation under any law granting such benefits to dependents of deceased World War I veterans, the following definitions of relationship shall govern:

(a) *Widow.* For periods on or after May 13, 1938, and prior to December 14, 1944, the term "widow" of a World War I veteran shall mean a woman:

(1) Who was married prior to May 13, 1938, to the person who served: *Provided,* That the widow

(2) Must have lived continuously with the person who served from the date of marriage to the date of his death (this requirement was originally contained in section 4, Pub. Law 304, 75th Cong.), as provided in § 4.16, and

(3) Must not have remarried since the death of the person who served. (Sec. 3, Pub. Law 514, 75th Cong.)

(b) *Widow.* For periods on or after December 14, 1944, the term "widow" of a World War I veteran shall mean a woman who was married to the person who served:

(1) Prior to December 14, 1944, or

(2) Ten or more years prior to the date of his death, and

(3) Must have lived continuously with the person who served from the date of marriage to the date of his death, as provided in § 4.16, and

(4) Has not remarried since the veteran's death;

(5) *Provided,* That where the widow has been legally married to the veteran more than once, the date of original marriage will be used in determining whether the statutory requirement as to date of marriage, as outlined in subparagraphs (1) and (2) of this paragraph, has been met. (Sec. 3, Pub. Law 483, 78th Cong.)

(c) *Child.* For the purposes of Public No. 2, 73d Congress, section 28, Public No. 141, 73d Congress, Public No. 484, 73d Congress, and amendments thereto, the term "child" shall mean a person unmarried and under the age of eighteen years, unless prior to reaching the age of eighteen the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child, a child legally adopted, a stepchild if a member of the man's household at the time of his death, an illegitimate child, but as to the father, only (1) if acknowledged in writing signed by him or (2) if he has been judicially ordered or decreed to contribute to such child's support, or (3) if he has been prior to date of death of the veteran, judicially decreed to be the putative father of such child, or (4) if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of such child; as to mother proof of birth is all that is required: *Provided,* That the payment of pension or compensation shall be continued after the age of eighteen years and until completion of education or training (but not after such child reaches the age of twenty-one years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn. (Secs. 1 and 7, Pub. Law 144, 78th Cong.)

(d) *Parent; father; mother.* For the purposes of Public No. 2, 73d Congress, and Public No. 141, 73d Congress, as amended, the terms "parent," "father," and "mother" include a father, mother, father through adoption, mother through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than one year: *Provided,* That in claims based upon foster relationship, such relationship must have commenced prior to the veterans' majority: *Provided further,* That not more than one father and one mother, as defined, shall be recognized in any case, and preference shall be given to such father or mother who actually exercised parental relationship at the time of or most nearly prior to the date of entry into active service by the person who served. (Sections 1 and 8, Pub. Law 144, 78th Cong.) If the person who last occupied the relationship of parent does not establish entitlement, a person who had previously occupied such relationship is not thereby made eligible to pension or compensation benefits. Public Law 144, 78th Congress, does not affect awards to persons who were on the rolls July 13, 1943. (Secs. 3, 4, 28, 48 Stat. 9, 524, 1281, secs. 7, 8, 57 Stat. 555, 556, sec. 3, 58 Stat. 804, Pub. Law 762, 80th Cong.; 38 U. S. C. 505, 505a, 704, 722, ch. 12 note)

§ 4.15 *World War II.* For the purpose of adjudicating claims for death compensation or pension predicated on service rendered during World War II in an enlistment entered into prior to or on December 31, 1946, the following definitions of relationship shall govern:

(a) *Widow.* The term "widow" of a veteran of World War II shall mean a woman who was married to the veteran:

(1) Prior to or on December 31, 1956; and

(2) Must have lived continuously with the person who served from the date of marriage to the date of his death as provided in § 4.16 (this requirement is applicable to awards approved on or after February 1, 1945), and (Pub. Law 762, 80th Cong.), and

(3) Has not remarried since the veteran's death;

(4) *Provided,* That where the widow has been legally married to the veteran more than once, the date of original marriage will be used in determining whether the statutory requirement as to date of marriage as outlined in subparagraph (1) of this paragraph has been met.

(b) *Child.* The term "child" of a veteran of World War II shall mean the same as defined in § 4.14 (c).

(c) *Parent, father, mother.* The terms "parent", "father" and "mother" of a veteran of World War II shall mean the same as defined in § 4.14 (d). (Secs. 6, 7, 8, 57 Stat. 555, 556, secs. 4, 6, 58 Stat. 230, 804, Pub. Law 762, 80th Cong.; 38 U. S. C. 507b, 735, ch. 12 note)

§ 4.16 *Continuous cohabitation.* The requirement of any law administered by the Veterans' Administration that there must have been continuous cohabitation from the date of marriage to the date of death of the veteran will be considered as having been met when the evidence shows there was no separation due to the fault of the widow. If the parties by mutual consent lived apart for purposes of convenience, health, business, or any other reason which did not show an intent on the part of the widow to desert her husband, the continuity of the cohabitation will not be considered as having been broken. Temporary separations which naturally occur in the ordinary course of life, including those caused for the time being through fault on the part of either party, will not break the continuity of the cohabitation. State laws will not control in determining questions of desertion. Due weight will be given to findings of fact in court decisions made during the life of the veteran on issues subsequently involved in the application of this paragraph, but such findings will not be conclusive as to determinations to be made by the Veterans' Administration. (30 Stat. 1380, secs. 1, 3, 4, 58 Stat. 107, 109, 797; 38 U. S. C. 44–47, 49, 75, 192, 293, 364h, 381e)

EVIDENCE REQUIRED IN ESTABLISHING PROOF OF BIRTH, RELATIONSHIP, MARRIAGE, DEATH AND DEPENDENCY

CROSS REFERENCE: *Proof of birth or relationship.* (See § 3.46 of this chapter.)

§ 4.17 *Proof of marriage.* Proof of marriage shall be shown by evidence as provided in § 3.50 of this chapter, except that in the claim of a widow and/or child or children of a colored or Indian veteran, who enlisted prior to March 4, 1873, and whose death was due to service in line of duty, no evidence of marriage, other than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory or habitually recognized each other as man and wife and were so recognized by their neighbors and lived together to date of enlistment, if death was in service, otherwise to date of death, will be required. (Sec. 4705, R. S., U. S. C. Title 38, sec. 198) (R. S. 4705; 38 U. S. C. 198)

CROSS REFERENCE: *Proof of death.* (See § 3.55 of this chapter.)

§ 4.18 *Unexplained absence for seven years.* (a) In the event evidence as provided in § 3.55 of this chapter cannot be furnished, if satisfactory evidence is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of seven years, and that after diligent search no evidence of his existence after date of disappearance has been found or otherwise received, the death of such absentee as of the date of the expiration of such period may be considered as sufficiently proved. No State law providing for presumption of death shall be applicable to claims for benefits under laws administered by the Veterans' Administration: *Provided,* That, except in a suit brought pursuant to the provisions of section 19 of the World War Veterans' Act, 1924, as amended, or section 617 of the National Service Life Insurance Act of 1940, as amended, the finding of death made by the Administrator of Veterans' Affairs shall be final and conclusive. (See Public No. 591, 77th Congress (act of June 5, 1942); also act of March 13, 1896.)

(b) A determination of whether the evidence furnished is satisfactory will be made by those officials specifically authorized by the Administrator of Veterans' Affairs in the same manner as is provided in § 3.55 (c) of this chapter for a finding of fact of death. (56 Stat. 325; 38 U. S. C. 32a)

§ 4.19 *Cause of death, direct or contributory.* (a) The death of a veteran will be considered as having been due to a service-connected disability when the evidence establishes that such disability was a principal or contributory cause of death. In determining whether the service-connected disability contributed to death, it is not sufficient to show that it was merely concurrent or coexistent, but rather it must be shown that it contributed substantially or materially; that it combined to cause death; that it aided or lent assistance to the production of death. It is not sufficient to show that it casually shared in producing death, but rather it must be shown that there was a causal connection. When, after careful consideration of all procurable and assembled data, a reasonable doubt arises as to whether a service-connected disability was the principal or contributory cause of death, such doubt shall be resolved in favor of the claimant.

(b) The issue involved will be determined by exercise of sound judgment, without recourse to speculation, after a careful analysis has been made of all the facts and circumstances surrounding the death of the veteran, including particularly autopsy reports. If additional evidence, or clarification or amplification of evidence of record, is considered necessary full development will be accomplished. This may be done by field examination, if necessary. (Sec. 5, 43 Stat. 608; 38 U. S. C. 426)

CROSS REFERENCE: *Conditions which determine dependency.* (See § 3.57.)

PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

§ 4.20 *Death of veteran due to service; general law.* (a) For the purposes of sections 4702 and 4707, Revised Statutes, as amended, the widow, child or children, or dependent mother or dependent father of any person embraced within sections 4692 and 4693, Revised Statutes, or the remarried widow of any such person who served in the Civil War, or in an Indian war, who died of a disability contracted in the service in line of duty, regardless of the character of discharge, shall be entitled to receive pension at the monthly rates specified in §§ 4.120, 4.122 (b) or 4.124, except that in no event shall the rates provided in § 4.120 (c) be allowed for any period prior to July 1, 1938, except further, that in no event shall the rates provided in § 4.122 (b) or § 4.124 be allowed for any period prior to December 19, 1941.

(b) Persons entitled to pension under the provisions of the General Pension Law for death resulting from service prior to April 21, 1898, shall be entitled to receive pension on and after July 1, 1938, at the monthly rates specified in § 4.122 (d) and on and after August 1, 1942, at the monthly rates specified in § 4.122 (e): *Provided,* That this regulation shall not be so construed as to reduce any pension under any act, public or private, nor shall it be so construed as to enlarge or abridge conditions of entitlement. (Secs. 1, 2, 3, 56 Stat. 731; 38 U. S. C., ch. 12 note)

§ 4.22 *Sections 4702 and 4707, Revised Statutes.* Sections 4702 and 4707, Revised Statutes, as amended, were repealed by Public No. 2, 73d Congress (act of March 20, 1933), insofar as they relate to pension based on service rendered subsequent to April 20, 1898, but have been re-enacted as to service rendered during the War with Spain, the Philippine Insurrection or the Boxer Rebellion by Public No. 141, 73d Congress (act of March 28, 1934), and Public No. 269, 74th Congress (act of August 13, 1935). The beginning and ending dates of these wars are set forth in §§ 3.1000, 3.1001 and 3.1002.

§ 4.24 *Death of Indian war veteran; act of March 3, 1927.* For the purposes of the act of March 3, 1927 (44 Stat. 1361), the widow, remarried widow, child or children of a person who served thirty days in any Indian war or campaign, or in connection with, or in the zone of any active Indian hostilities from January 1, 1817, to December 31, 1898, inclusive, and whose service was honorably terminated, the cause of death of the veteran being immaterial, shall be entitled to receive pension at the monthly rates specified in § 4.130.

§ 4.26 *Death of Indian War veteran; act of March 3, 1944.* (a) For the purposes of this act the widow, remarried widow, child or children of a person who served thirty days or more, or for the duration of one of the campaigns cited in section 1 of the act of March 4, 1917, even though such campaign was of less than thirty days duration, in any military organization, whether such person was regularly mustered into the service of the United States or not, but whose service was under the authority of or by the approval of the United States or any State or territory in any Indian war or campaign, or in connection with, or in the zone of, any active Indian hostilities in any of the States or territories of the United States from January 1, 1817, to December 31, 1898, inclusive, and whose service was honorably terminated, the cause of death being immaterial, shall be entitled to receive pension at the monthly rates specified in § 4.130.

(b) If a pension has been granted to an insane, idiotic or otherwise helpless child of the veteran or to a child or children of the veteran under sixteen years of age, the widow shall not be entitled to the pension authorized by section 3, Public Law 245, 78th Congress, until the pension to the child or children terminates, unless such child or children be a member or members of her family and cared for by her; and when these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children shall cease; except that in the event the amount being paid to such child or children is less than the amount authorized to the widow, then the difference between said amounts shall be paid to the widow. (Sec. 3, 58 Stat. 109; 33 U. S. C. 381e)

§ 4.28 *Death of Civil War veteran; acts of May 1, 1920, July 3, 1926, June 9, 1930, and December 8, 1944.* (a) For the purposes of this act the widow, remarried widow, child or children of a veteran who served at least ninety days during the Civil War, as provided for in § 3.1022 of this chapter, and was honorably discharged from all contracts of service during the period of said war; or, if the service was less than ninety days, and the veteran was discharged for or died in the service of a disability incurred in the service in line of duty, shall be entitled to receive pension at the monthly rates specified in § 4.132. As to the requirement for an honorable discharge from all contracts of service, see § 3.1040 (a) of this chapter (Joint Resolution of July 1, 1902, as amended by the act of June 28, 1906.)

(b) If pension has been granted to an insane, idiotic or otherwise helpless child of the veteran or to a child or children of the veteran under sixteen years of age, the widow shall not be entitled to pension until the pension to the child or children terminates, unless such child or children be a member or members of her family and cared for by her; and when these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children shall cease; except that in the event the amount be-

ing paid to such child or children is less than the amount authorized to the widow, then the difference between such amounts will be paid to the widow. (32 Stat. 447, sec. 4, 41 Stat. 586, sec. 2, 44 Stat. 806, sec. 3, 46 Stat. 529, secs. 1, 2, 58 Stat. 797, 798; 38 U. S. C. 288, 291, 291b, 293, 294)

§ 4.30 *Death of veteran due to wartime service; Public No. 2, 73d Congress*—(a) *Spanish-American War.* For the purposes of Public No. 2, 73d Congress (act of March 20, 1933), the surviving widow, child or children and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, as provided for in Veterans' Regulation No. 1 (a), Part I, paragraph I (38 U. S. C. ch. 12), shall be entitled to receive compensation at the monthly rates specified in § 4.124.

(b) *World War I.* For the purposes of Public No. 2, 73d Congress (act of March 20, 1933), the surviving widow, child or children and dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during World War I, as provided for in Veterans' Regulation No. 1 (a), Part I, paragraph I (38 U. S. C. ch. 12), shall be entitled to receive compensation at the monthly rates specified in § 4.124. Effective August 16, 1937, service prior to July 3, 1921, during an enlistment entered into after November 11, 1918, shall be considered as World War I service: *Provided*, The person who served also served after April 5, 1917, and prior to November 12, 1918, and death occurred or was due to a disability incurred or to the aggravation of a disease or injury suffered, during the re-enlistment and prior to July 3, 1921. (Section 5, Pub. No. 304, 75th Cong.)

(c) *World War II.* For the purposes of Public No. 2, 73d Congress, as amended, the surviving widow, child or children and dependent father or mother of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during World War II in an enlistment entered into prior to twelve o'clock noon December 31, 1946, as provided for in Veterans' Regulation No. 1 (a), Part 1, paragraph I (38 U. S. C. ch. 12), as amended by section 9, Public Law 144, 78th Congress, shall be entitled to receive compensation at the monthly rates specified in § 4.124. (Secs. 1, 4, 48 Stat. 8, 9, sec. 5, 50 Stat. 661, sec. 1, 55 Stat. 665, sec. 9, 57 Stat. 556; 38 U. S. C. 357b, 424a, 701, 704, ch. 12 note)

§ 4.32 *Death of veteran due to peacetime service; Public No. 2, 73d Congress, as amended, and accessory acts.* (a) For the purposes of Public No. 2 (act of March 20, 1933), the surviving widow, child or children and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service subsequent to April 20, 1898, other than in a period of war service, as provided for in Veterans' Regulation No. 1 (a), Part II, paragraph I (38 U. S. C. ch. 12), as amended by Public No. 159, 75th Congress (act of June 23, 1937), shall be entitled to receive pension at the appropriate peacetime rates specified in § 4.122.

(b) For the purposes of Public No. 159, 75th Congress (act of June 23, 1937), as amended by Public No. 732, 75th Congress (act of June 25, 1938), the surviving widow, child or children and dependent mother or father of any deceased person who dies or has died as a result of physical injury (sickness or disease shall not be regarded as an injury) incurred in line of duty while performing active naval service, subsequent to June 15, 1933, shall be entitled to receive pension at the appropriate peacetime rates specified in § 4.122.

(c) If death resulted from an injury received in line of duty in actual combat in a military expedition of military occupation, the dependents shall be entitled to the wartime rates specified in §§ 4.122 (a) and (b) and 4.124 (38 U. S. C. ch. 12, Reg. 1 (a), Part II, paragraph 1 (c), and section 1, Public No. 242, 77th Congress (act of August 21, 1941)). (See also § 3.67.)

(d) For the purposes of Public No. 497, 71st Congress (act of July 2, 1930), and Public No. 182, 77th Congress (act of July 18, 1941), the surviving widow, child or children, or dependent mother or father of any deceased officer or enlisted man of the United States Coast Guard, who died as a result of injury or disease incurred in or aggravated by active service in line of duty, on or after January 28, 1915 (except service during World War II), shall be entitled to receive pension at the appropriate peacetime rates specified in § 4.122. For the purposes of Public No. 359, 77th Congress (act of December 19, 1941), if death resulted from an injury or disease received in active service under the conditions indicated in § 4.33, the dependents shall be entitled to the wartime rates specified in § 4.122 (b) or § 4.124. (Sec. 2, 46 Stat. 847, secs. 1, 4, 48 Stat. 8, 9, 50 Stat. 305, sec. 1, 55 Stat. 665, sec. 1, 56 Stat. 731; 38 U. S. C. 238a, 357b, 701, 704, ch. 12 note)

§ 4.33 *Death of veteran (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war (Public Law 359, 77th Congress).* If death resulted from an injury or disease received in active service subsequent to March 4, 1861, in line of duty, (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war, the dependents shall be entitled to the wartime rates specified in § 4.122 (b) or § 4.124. (Vet. Reg. 1 (a), Part II, para. I (c) (38 U. S. C. ch. 12) as amended by the act of December 19, 1941, Public No. 359, 77th Congress). (Sec. 1, 55 Stat. 844; 38 U. S. C. ch. 12 note)

§ 4.34 *Death of veteran not due to service; Public No. 2, 73d Congress.* For the purposes of Public No. 2, 73d Congress (act of March 20, 1933), the surviving widow and/or child or children of any deceased person who served in the active military or naval service during either the Spanish-American War, the Boxer Rebellion or the Philippine Insurrection, and whose service therein was as defined in Veterans' Regulation No. 1 (a), Part III, paragraph I (38 U. S. C. ch. 12), as amended by Veterans' Regulation No. 1 (c), shall be entitled to receive pension at the monthly rates specified in § 4.136.

(a) For the purposes of this paragraph pension shall not be paid to any unmarried person whose annual income exceeds $1,000, or to any married person or any person with minor children whose annual income exceeds $2,500. (38 U. S. C. ch. 12, Reg. 1 (a), Part III, paragraph II (a).) (See also § 3.228.) (Sec. 1 48 Stat. 8; 38 U. S. C. 701)

§ 4.36 *Death while performing duty in the transportation of the mails by air, Public No. 140, 73d Congress.* (a) For the purposes of section 4, Public No. 140, 73d Congress (act of March 27, 1934), in case any officer (including warrant and reserve officers), or enlisted man was killed while performing duty in the transportation of the mails by air during the period from February 10, 1934, to March 26, 1935, inclusive, a pension shall be paid to his dependents at the rate prescribed in § 4.122 (a) and/or (b), or § 4.124.

(b) Reserve officers performing duty under Public No. 140, 73d Congress (act of March 27, 1934), shall be deemed to be in the active military service and if injured or killed such officer and/or his dependents and beneficiaries shall be entitled to the same benefits as in the case of officers of the Regular Army and/or their dependents and beneficiaries.

(c) The beneficiary shall elect to receive benefits under either paragraph (a) or (b) of this section. (Section 4, act of March 27, 1934) See also §§ 3.1008 and 3.1060 of this chapter. (Secs. 4, 5, 48 Stat. 508, sec. 1, 55 Stat. 844; 38 U. S. C. ch. 12 note)

§ 4.38 *Death due to service, directly or presumptively; Section 28, Title III, Public No. 141, 73d Congress.* For the purposes of section 28, Title III, Public No. 141, 73d Congress (act of March 28, 1934), and section 3 of Public No. 304, 75th Congress (act of August 16, 1937), the surviving widow, child or children and dependent parents of a World War veteran who dies or has died from disease or injury and service connection for such disease or injury has been reestablished on or after March 28, 1934, as service connected under section 200 of the World War Veterans' Act, 1924, as amended, or which would have been established under said section 200, had the veteran been living on March 19, 1933, and reestablished on or after March 28, 1934, shall be entitled to receive compensation at the monthly rates specified in §§ 4.122 (a) or (b) and 4.123, (section 28, Pub. No. 141, 73d Cong., and section 3, Pub. No. 304, 75th Cong.).

(a) Death compensation is not payable under section 28, unless the veteran entered the active military or naval service prior to November 12, 1918, or unless the veteran entered active military service subsequent to November 11, 1918, and served with the United States military forces in Russia prior to April 2, 1920: *Provided*, That effective August 16, 1937, service, rendered prior to July 2, 1921, during an enlistment entered into after November 11, 1918, shall be considered as World War I service provided the veteran also served after April 5, 1917, and prior to November 12, 1918, provided death occurred, or was due to a disability incurred, or to the aggravation of a disease or injury suffered during the reenlistment and prior to July 2, 1921. (Section 28, Public No. 141, 73d Congress; section 2, Public No. 344, 74th Congress; and section 5, Public No. 304, 75th Congress.) (Secs. 200, 201, 43 Stat. 615, 616, sec. 28, 48 Stat. 524, sec. 2, 49 Stat. 869, secs. 3, 5, 50 Stat. 660, 661; 38 U. S. C. 424a, 471, 472, 472b, 722, 724)

§ 4.39 *Death compensation payable by virtue of Public No. 196, 76th Congress (act of July 19, 1939), or under that act as amended by sections 7 and 8, Public No. 866, 76th Congress (act of October 17, 1940).* (a) For the purposes of the second proviso of section 1, Public No. 196, 76th Congress (act of July 19, 1939), on and after July 19, 1939, the surviving widow and child or children of a World War I veteran who was in receipt of compensation on March 19, 1933, for paralysis, paresis or blindness or who on that date was in receipt of compensation because of being helpless or bedridden from a service-connected disability and who died from such disease or injury shall be entitled to receive compensation at the monthly rates specified in § 4.140 subject to the conditions of § 4.14 as to definitions of the terms "widow" and "child", § 4.48 (f) as to annual income restrictions, and § 4.75 (a) as to date of commencement, and § 3.0 of this chapter as to service.

(b) For the purposes of Public No. 196, 76th Congress, as amended by sections 7 and 8, Public No. 866, 76th Congress (act of October 17, 1940), on and after October 17, 1940, the surviving widow, child or children of a World War I veteran, regardless of whether he was in receipt of compensation on March 19, 1933, and regardless of the cause of death, who dies or has died and service connection for any disease, injury or condition mentioned in paragraph (a) of this section is or would have been established under the laws or interpretations governing this class of cases prior to March 20, 1933, regardless of the date of death, shall be entitled to receive compensation at the monthly rates specified in § 4.140 subject to the conditions of § 4.14 as to definitions of the terms "widow" and "child", § 4.48 (f) as to annual income restrictions, and § 4.75 (a) as to date of commencement, and § 3.0 of this chapter as to service.

(c) Determinations of whether a veteran was suffering from paralysis, paresis, or blindness or was helpless or bedridden at the time of death will be made under the criteria contained in § 3.139 of this chapter. In making a determination of helplessness, the duration or length of time thereof is not a material factor. (Sec. 1, 53 Stat. 1067, secs. 7, 8, 54 Stat. 1196, sec. 4, 58 Stat. 230; 38 U. S. C. 507b, 703b, 703b note)

CROSS REFERENCE: *Death due to training, hospitalization or medical or surgical treatment; section 31, title III, Public No. 141, 73d Congress (act of March 28, 1934).* (See §§ 3.121 and 4.126 of this chapter.)

§ 4.47 *Act of May 1, 1926 (Public No. 166, 69th Cong.) as amended by the act of June 11, 1940 (Public No. 594, 76th Cong.); act of March 1, 1944 (Pub. Law 242, 78th Cong.); act of June 24, 1948 (Pub. Law 762, 80th Cong.).* For the purposes of these acts, the widow, remarried widow, child, or children of a veteran who served 90 days or more during the Spanish-American War, Boxer Rebellion or Philippine Insurrection, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, including all leaves of absence and furloughs under General Orders numbered 130, August 29, 1898, War Department; or, regardless of the length of service, if the veteran was discharged for or died in service of a disability incurred in the service in line of duty shall be entitled to receive pension at the monthly rates specified in § 4.134, when § 3.1007 of this chapter as to persons included, § 3.1018 of this chapter as to service, and § 3.1040 of this chapter as to character of discharge, are met.

(a) When a pension has been granted under the act of May 1, 1926, as amended by the acts of June 11, 1940, and March 1, 1944, to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of 16 years, a widow or remarried widow shall not be entitled to a pension until the pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her; and, upon the granting of pension to such widow or remarried widow, payment of pension to such child or children shall cease: *Provided*, That where an unremarried widow becomes entitled to pension by reason of section 2, Public Law 242, 78th Congress (act of March 1, 1944), the pension payable to such widow and child or children not in her care and custody may be apportioned as prescribed in § 4.91 effective from the date of commencement of the award to the widow.

(b) If pension has been granted to a child or children of the veteran, the widow shall not be entitled to the pension authorized by section 1, Public Law 762, 80th Congress, until the pension to the child or children terminates, unless such child or children be a member or members of her family and cared for by her; and when these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children shall cease; except that in the event the amount being paid by such child or children is less than the amount authorized to the widow, then the difference between said amounts shall be paid to the widow. (Sec. 2, 44 Stat. 382, 54 Stat. 301, secs. 2, 3, 4, 58 Stat. 107; 38 U. S. C. 351a, 364a, 364g, 364h, Pub. Law 762, 80th Cong.)

§ 4.48 *Death of World War I veteran from disease or injury not the result of military service (Public No. 484, 73d Congress), act of June 26, 1934, as amended)*—(a) *Basic entitlement.* (1) For periods on and after July 19, 1939, and prior to December 14, 1944, for the purpose of section 1 (b), Public No. 198, 76th Congress, the widow, child, or children, as defined in § 4.14, of a person who served with the United States military or naval forces in World War I before November 12, 1918, or before April 2, 1920, if service was in Russia, and who was honorably discharged after having rendered active service of 90 days or more (or having served less than 90 days, was discharged for disability incurred in the service in line of duty) and who dies or has died from a disease or disability not service-connected and at the time of death had a disability as defined in § 4.176 (b), directly or presumptively service-connected based on service in World War I after April 5, 1917, and before July 3, 1921, for which compensation would be payable if 10 per centum or more in degree, shall be entitled to receive pension at the monthly rates specified in § 4.140: *Provided*, That for the purpose of section 1 (a), Public No. 198, 76th Congress, pension shall be payable regardless of the length of the veteran's service if at the date of death he had such a disability which was 10 per centum or more disabling: *Provided further*, That on and after June 22, 1944, pension shall be payable under the conditions prescribed where the veteran was discharged or released from active service under conditions other than dishonorable. (Sec. 1503, Pub. Law 346, 78th Cong.)

(2) On and after December 14, 1944, for the purpose of section 1, Public Law 483, 78th Congress, the widow, child, or children of any deceased person who served in World War I before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, and

(i) Who was discharged or released from active service under conditions other than dishonorable after having served ninety days or more, or

(ii) Who was discharged for disability incurred in the service in line of duty, or

(iii) Who at time of death was receiving or entitled to receive compensation or retirement pay for World War I service-connected disability, shall be entitled to receive pension at the monthly rates specified in § 4.140.

(b) *Income limitation; for periods on and after July 19, 1939.* For periods on and after July 19, 1939, no payment of pension shall be made under the provisions of Public No. 484, 73d Congress, as amended, to any widow without a child, to any child whose annual income exceeds $1,000.00, or to a widow with a child or children whose annual income exceeds $2,500.00: *Provided*, That on and after July 13, 1943, where payments to a widow are disallowed or discontinued by reason of annual income, payment to a child or children of the deceased veteran may be made as though there is no widow. The provisions of § 3.228 of this chapter will govern determinations under this subparagraph, but in no event will any payments by the United States Government because of disability or death under laws administered by the Veterans' Administration be considered. (Sec. 11, Pub. Law 144, 78th Cong.)

(c) *"Person who served," definition of.* The term "person who served" includes both men and women commissioned, enrolled, enlisted, or drafted who were finally accepted for active service, including members of training camps authorized by law and such other persons as have been heretofore recognized by statute as having a pensionable or compensable status. (See § 3.1 and 3.1006 of this chapter.)

(d) *Misconduct.* Death resulting from misconduct of the person who served is not a ground for denial of pension under the provisions of Public No. 484, 73d Congress, as amended.

(e) *Absence for 7 years.* For periods on and after June 5, 1942, and prior to December 14, 1944, pension under Public No. 484, 73d Congress, as amended, may be awarded to persons, otherwise entitled, in instances where the death of the veteran is presumed by applying the provisions of Public Law 591, 77th Congress, relating to the continued and unexplained absence of a person from his home and family for a period of 7 years, provided the veteran had a service-connected disability such as would, by its nature, be known to have existed to a degree which would bring it within the provisions of Public No. 484, 73d Congress, as amended, at the time presumption of death arose. For periods on and after December 14, 1944, as to claims where Public Law 483, 78th Congress, is applicable, the showing of a service-connected disability shall not be required except as stated in paragraph (a) (2) of this section. The date of death in such cases is the date determined to be the end of the 7-year period. (See §§ 4.18 and 4.76 (a).) (56 Stat. 325, secs. 1, 11, 14, 57 Stat. 554, 556, 558, secs. 1, 2, 3, 1503, 58 Stat. 230, 301, 803, 804; 38 U. S. C. 32a, 503, 503c, 504, 505a, 697c, 727, 731)

§ 4.49 *Death of World War II Veteran from disease or injury not the result of service, who at time of death had a service-connected disability (Public Law 312, 78th Congress, Act of May 27, 1944, and Public Law 483, 78th Congress, Act of December 14, 1944).* On or after May 27, 1944, for the purposes of section 4, Public Law 312, 78th Congress, the widow, child, or children, as defined in § 4.15 of a person who served during World War II in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, and who was honorably discharged after having rendered active service of 90 days or more (or having served less than 90 days, was discharged for disability incurred in such service in line of duty) and who dies or has died from a disease or disability not connected with such service, and at the time of death had a service-connected disability as defined in § 4.178 (b) based on service in World War II after December 6, 1941, and before July 26, 1947, for which compensation would be payable if 10 per centum or more in degree shall be entitled to receive pension at the monthly rates specified in § 4.140: *Provided*, That pension shall be payable without regard to the length of the veteran's service if at the date of death he was receiving or entitled to receive compensation or retirement pay for a disease or disability as specified above which was 10 per centum or more disabling: *Provided further*, That

(a) The income limitations set forth in § 4.48 (b) shall be applicable in determining entitlement to pension under this law.

(b) On or after June 22, 1944, pension shall be payable under the conditions prescribed where the veteran was discharged or released from active service under conditions other than dishonorable (section 1503, Public Law 346, 78th Congress, sections 5 and 6, Public Law 483, 78th Congress).

(c) Computation of the 90 days service may include continuous service in an enlistment entered into prior to December 7, 1941, and continuing into the World War II period, or in an enlistment entered into prior to twelve o'clock noon, December 31, 1946, and continuing into the following period. (Secs. 4, 6, 300, 1503, 58 Stat. 230, 286, 301, 804; 38 U. S. C. 507b, 693g, 697c, 735)

§ 4.50 *Concurrent payment of two benefits to the same person.* As to the application of section 15, Public No. 144, 78th Congress, see § 4.51.

(a) For the purposes of the General Law, the Service Pension Acts granting pension to widows and children and dependent parents of veterans of the Civil and Indian wars, and the pension laws reenacted by Public No. 141, 73d Congress (act of March 28, 1934), and Public No. 269, 74th Congress (act of August 13, 1935), not more than one pension shall be allowed at the same time to the same person.

(b) (1) Death pension under Veterans' Regulation No. 1 (a), Part III (38 U. S. C. ch. 12); death pension under section 30, Title III, Public No. 141, 73d Congress (act of March 28, 1934); death pension under Public No. 269, 74th Congress (act of August 13, 1935); death pension predicated on service rendered prior to April 21, 1898; and compensation under Public No. 484, 73d Congress (act of June 28, 1934), as amended, except as barred to members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) by section 211 of the World War Veterans' Act, 1924, as amended, or to a person receiving active service or retirement pay by section 212 of the World War Veterans' Act, 1924, as amended, may be paid concurrently with compensation under the United States Employees Compensation Act (act of September 7, 1916), as amended.

(2) Pension may not be paid the widow, child or dependent parents of naval reservists because of death resulting from physical injury due to naval service rendered between July 1, 1925, and June 15, 1933, inasmuch as jurisdiction over the payment of benefits covering this period is vested exclusively in the United States Employees Compensation Commission. (Sec. 14, act of February 28, 1925; 34 U. S. C. 762)

(3) Death pension or death compensation may not be paid a widow, child or dependent parent under section 31, Title III, Public No. 141, 73d Congress (act of March 28, 1934), as amended, concurrently with compensation granted under the United States Employees Compensation Act (act of September 7, 1916), as amended.

(c) (1) Payment of death pension under Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12) and disability pension under Veterans' Regulation No. 1 (a) is barred by Veterans' Regulation No. 10, paragraph XIII.

(2) Payment of disability pension under the reenacted act of June 2, 1930, and death pension under the reenacted act of May 1, 1926, is barred.

(3) A mother may not be paid a pension under the General Law as reenacted by section 30, Title III, Public No. 141, 73d Congress, and Public No. 269, 74th Congress, and pension as widow of a veteran of the Civil War.

(4) Death pension under Veterans' Regulation No. 1 (a), Part II (38 U. S. C. ch. 12), and disability pension under Veterans' Regulation No. 1 (a), Part I, or under the reenacted act of June 2, 1930, may not be paid concurrently.

(5) Death pension to the remarried widow of a Spanish War veteran under the act of May 1, 1926, and death compensation under Public No. 484, 73d Congress, as amended, to the widow of a World War I veteran, may not be paid concurrently.

(6) Death pension to a widow under Public No. 2, 73d Congress, and death pension to the remarried widow of a Spanish War veteran under the reenacted act of May 1, 1926, are not payable concurrently.

(d) Under the provisions of Public No. 2, 73d Congress (act of March 20, 1933), not more than one pension or award of compensation shall be payable to any one individual, except that the receipt of pension or compensation by a widow, child, or parent on account of the death of any person shall not bar the payment of pension or compensation on account of the death of any other person (Veterans' Regulation No. 10, paragraph XIII (38 U. S. C. ch. 12)); however, for periods prior to September 1, 1941, the increased rate of death compensation authorized by section 3, Public No. 304, 75th Congress (act of August 16, 1937), or section 5, Public No. 198, 76th Congress (act of July 19, 1939), may not be awarded concurrently with compensation or pension which may be payable under other laws because of the service and death of another person. Accordingly, for periods prior to September 1, 1941, when the maximum amount of compensation payable under Veterans' Regulation No. 1 (g) on account of the service and death of more than one person exceeds the maximum provided on account of the death of one person by section 3, Public No. 304, 75th Congress, or by section 5, Public No. 198, 76th Congress, the awards will be authorized at the rates prescribed by Veterans' Regulation No. 1 (g).

On and after September 1, 1941, the increased rates provided by section 5, Public No. 198, 76th Congress (act of July 19, 1939), as amended, shall be paid to those persons entitled to pension or compensation on account of the death, disability, or service of more than one person, if otherwise entitled. (Pub. Law 242, 77th Cong. (act of August 21, 1941))

(e) (1) For the purposes of Veterans' Regulation No. 1 (a), Part II, paragraph I, as promulgated June 6, 1933 (38 U. S. C. ch. 12), pension shall not be paid concurrently with active duty pay but may be paid concurrently with United States Employees Compensation.

(2) For the purposes of Veterans' Regulation No. 1 (a), Part II, paragraph I (38 U. S. C. ch. 12), as amended by Public No. 159, 75th Congress (act of June 23, 1937), and Public No. 732, 75th Congress (act of June 25, 1938), which relate to conditions of title of reserve officers and members of the enlisted reserves of the United States Army, Navy, or Marine Corps, pension shall not be paid concurrently with active duty pay or United States Employees Compensation.

(3) For the purposes of the General Law, the service pension laws, Veterans' Regulation No. 1 (a), Part I, Part II (38 U. S. C. ch. 12) (except as amended by Public No. 159, 75th Congress, and Public No. 732, 75th Congress), and Part III; section 28, Public No. 141, 73d Congress, as amended; and Public No. 484, 73d Congress, as amended, the payment of United States Employees Compensation shall not operate as a bar to the payment of death pension or compensation (section 7, act of September 7, 1916; Acting Comp. General, October 3, 1938).

(f) (1) Pension or compensation benefits under Public No. 2, 73d Congress, or Public No. 484, 73d Congress, shall not be paid concurrently to a claimant as widow of one veteran and as the remarried widow of another veteran.

(2) A widow may be paid additional compensation under provisions of Public No. 484, 73d Congress, as amended, on account of a stepchild of her deceased husband, during the period they are being paid death compensation under Veterans' Regulation No. 1 (g) (38 U. S. C. ch. 12) because of the service-connected death of her former husband who served in the World War.

(3) A mother may be paid pension under Veterans' Regulation No. 1 series (38 U. S. C. ch. 12) but not under the re-enacted laws on account of the service of a son in the Spanish-American War, concurrently with pension as widow of a Civil War soldier.

(4) A widow may be paid pension based on the service of her husband in the Civil War and pension under a special act of the Congress or under the Veterans' Regulation No. 1 series (38 U. S. C. ch. 12) based on the service of a son who served in the Spanish-American War, the period of the latter service being covered by 38 U. S. C. ch. 12.

(5) Death pension under Veterans' Regulation No. 1 (a), Part III (38 U. S. C. ch. 12), is payable concurrently with death compensation based on service during the World War.

(g) As to circumstances under which both disability and death pension or compensation may be paid to the same person, see also §§ 3.296 to 3.302, and 3.1171 of this chapter. (Sec. 20, 17 Stat. 573, sec. 7, 39 Stat. 743, secs. 30, 31, 48 Stat. 525, 526, 49 Stat. 614; 5 U. S. C. 757, 38 U. S. C. 25, 366, 367, 368, 369, 501a, ch. 12 note)

§ 4.51 *Concurrent payments of two benefits to the same person on and after July 13, 1943.* On and after July 13, 1943, the provisions of this paragraph are applicable to all laws administered by the Veterans' Administration. Not more than one award of pension, compensation, or emergency officers' or regular retirement pay, shall be made concurrently to any person based on his own service. The receipt of pension or compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension or compensation on account of the death or disability of any other person. Pension, compensation, or retirement pay on account of his own service shall not be paid while the person is in receipt of active service pay, but the receipt of active service pay shall not bar the payment of pension or compensation on account of the death of any other person. (Sec. 15, Pub. Law 144, 78th Cong.) (Sec. 15, 57 Stat. 559; 38 U. S. C. ch. 12 note)

§ 4.52 *Right of election—(a) General.* A person entitled to receive pension or compensation under more than one law on account of the death of the same person may elect to receive the benefit which is most advantageous. Any person who elects to receive pension or compensation under one of two or more laws, places the right under the other law or laws in suspense and may at any time cause the suspension to be lifted by making another election. However, the election by the widow settles the question as to which statute is applicable and her election controls not only her claim but those of the children as well. See also §§ 3.217, 3.218 and 3.302 of this chapter.

(b) *Change of award from one law to another law.* Except where otherwise specifically provided, where payments of death compensation or pension are being made to a widow, child, or dependent parent of a deceased veteran under one law, the right to receive benefits under another law being in suspension, and a higher rate of compensation or pension becomes payable under the other law, benefits shall be payable at the higher rate commencing the date of receipt of a claim (formal or informal) constituting an election.

§ 4.53 *Application of liberalizing Veterans' Administration issues.* Except where otherwise specifically provided, death compensation or pension which is payable pursuant to the provisions of an amended regulation or a Veterans' Administration issue containing liberalizing criteria approved by the Administrator or by his direction shall not be paid for any period prior to the date of such regulation or issue.

§ 4.54 *Renouncement of pension.* Any person entitled to pension or compensation under any law or veterans regulation administered by the Veterans' Administration may renounce his right thereto. The application renouncing the right shall be in writing over the person's signature and upon filing of such application, payment of such benefits and the right thereto shall be terminated, and he shall be denied any and all rights thereto effective as of the date of last payment. The renouncement provided for herein shall not preclude the person from filing a new application for pension or compensation at a future date, but such application shall have the attributes of an original application and no payment will be made for any period prior to the date of receipt thereof. (38 U. S. C. ch. 12, Reg. 10 (c) paragraph xxi, as amended by section 3, Pub. Law 144, 78th Cong.)

§ 4.56 *Foreign residence.* No person entitled to pension or compensation under the provisions of Public No. 2, 73d Congress (act of March 20, 1933), who resides outside the continental limits of the United States, exclusive of Hawaii, Alaska, Puerto Rico, Virgin Islands, and the Panama Canal Zone, shall, while so residing, receive more than 50 percent of the amount of pension or compensation otherwise provided for the period ended February 4, 1935, date of cancellation of such provision of the law. (38 U. S. C. ch. 12, Reg. 10 (d)) Except as provided in § 4.110, awards of death pension or compensation awarded prior to March 20, 1933, based on service rendered subsequent to April 20, 1898, are subject to 50 percent reduction from July 1, 1933, to February 5, 1935. (Veterans' Reg. 4) The rates of compensation awarded under Public No. 484, 73d Congress (act of June 28, 1934), are not subject to the 50 percent reduction. (Sec. 4, 48 Stat. 9; 38 U. S. C. 704)

§ 4.58 *Government employees right to pension.* For the purposes of Public No. 2, 73d Congress (act of March 20, 1933), no person holding an office or position, appointive or elective, under the United States Government or the Municipal Government of the District of Columbia, or under any corporation, the majority of the stock of which is owned by the United States, shall be paid a pension so long as he continues to draw a salary from such employment, except (a) those persons so employed whose pension is protected by the provisions of the act; however, the rate of pension as to this class shall not exceed $6.00 per month; (b) those unmarried persons whose salary or compensation for service as such employee is in an amount not in excess of $1,000 per annum computed monthly, or any married persons or any person with minor children whose salary or compensation for service as such employee is in an amount not in excess of $2500 per annum computed monthly; and (c) widows of veterans: *Provided*, That effective on and after August 25, 1937, no award of death compensation or pension shall be subject to reduction or discontinuance under this paragraph. (Public No. 357, 75th Congress (act of August 25, 1937)) (Sec. 4, 48 Stat. 9, 50 Stat. 798; 38 U. S. C. 704)

§ 4.59 *Awards of death compensation and pension affected by Public Law 719, 79th Congress.* Where the Veterans' Administration has been notified by the Federal Security Agency that payments to any individual have been authorized pursuant to the provisions of section 201, Public Law 719, 79th Congress, the Veterans' Administration shall notify Federal Security Agency of any determina-

tion that death compensation or pension is payable to any dependent of the veteran: *Provided*, That any payments certified by Federal Security Agency pursuant to the provisions of section 201, Public Law 719, 79th Congress, covering any period on or after the first of any month for which death compensation or pension would be payable to or for the same person by the Veterans' Administration not exceeding the amount of any death compensation or pension otherwise payable for periods prior to the date of approval of the award, shall be deemed to have been paid by the Veterans' Administration. (Sec. 201, 60 Stat. 979; 42 U. S. C. 410)

Remarried Parents

§ 4.60 *Entitlement to compensation or pension of a parent who has remarried.* (a) Remarriage of a dependent mother or father is not a bar to the payment of death compensation or pension on or after July 30, 1941, under any law administered by the Veterans' Administration (Pub. Law 193, 77th Cong.).

(b) Under Public No. 2, 73d Congress (act of March 20, 1933), remarriage of a dependent mother or father after the death of the veteran is a bar to payment of death compensation or pension under Public No. 2, 73d Congress (act of March 20, 1933), for any period prior to July 30, 1941 (Pub. Law 193, 77th Cong., act of July 30, 1941).

(c) Under Public No. 78, 73d Congress (act of June 16, 1933), or Public No. 141, 73d Congress (act of March 28, 1934), remarriage of a dependent mother or father is not a bar to the payment of death compensation where payments are being made under an award protected by the provisions of section 20, Public No. 78, 73d Congress (act of June 16, 1933); or under the provisions of section 28, Title III, Public No. 141, 73d Congress (act of March 28, 1934): *Provided*, That no payment may be authorized under such act prior to March 28, 1934. (Sec. 201, 43 Stat. 616, secs. 4, 20, 28, 48 Stat. 9, 309, 524, sec. 1, 55 Stat. 608; 38 U. S. C. 472, 704, 722, 725)

§ 4.62 *Redetermination of dependency to be made upon remarriage.* In any case in which remarriage occurs a new determination of dependency will be made immediately and if the remarried parent is found to be no longer dependent, payments will be discontinued as of the date of last payment. (Public Law 193, 77th Congress, act of July 30, 1941) Determination of continuance of dependency and discontinuance for nondependency or failure to file dependency evidence, see § 3.286 of this chapter. (Sec. 1, 55 Stat. 608; 38 U. S. C. 725)

COMMENCEMENT OF ORIGINAL AWARDS OF DEATH PENSION OR COMPENSATION

§ 4.68 *General law.* Original awards of death pension under the General Law (sections 4702 and 4707, Revised Statutes, as amended), as to service prior to April 21, 1898, shall commence:

(a) *Widows.* The day following the date of the veteran's death if claim is filed within one year from the date of death, otherwise from the date of filing of a formal application, except that if payment is barred under the provisions of 4706, Revised Statutes, then payment should begin the day following the date that the youngest child by the widow and the veteran shall have attained the age of sixteen years.

b) *Remarried widows.* The date of filing formal application (R. S. 4708, as amended by the act of March 3, 1901 (31 Stat. 1445), and the act of February 26, 1903 (32 Stat. 920)).

(c) *Children.* (1) The day following the date of the veteran's death, if claim is filed within one year from the date of death, otherwise from the date of filing of a formal application: *Provided*, There be no widow, or if the widow has died without any payment of pension having been made to her.

(2) Date of remarriage of a pensioned widow, except when the widow has continued to receive pension after her remarriage and the child or children have resided with and been supported by her, their pension shall commence from the date of last payment to the widow.

(3) The day following the date of the veteran's death, if claim is filed within one year from the date of death, otherwise from the date of filing of a formal application, or from date of last payment to a pensioned widow if payment to the widow is barred under the provisions of section 4706, Revised Statutes.

(4) The date of commencement of open and notorious adulterous cohabitation by a widow who has forfeited title under the act of August 7, 1882 (22 Stat. 345), except that the date shall be from the date of last payment to the widow if payment of pension has been made to her since the commencement of such cohabitation.

(d) *Helpless children where entitlement arises solely by virtue of Public Law 280, 78th Congress.* Pension or additional pension payable to or for a helpless child within the purview of § 4.2 (b) (1) (ii) shall commence (1) April 1, 1944, in those cases where the death of the veteran occurred prior to April 1, 1944, and an application was pending on that date or filed on or after that date and within one year following the date of death; (2) the day following the date of death where the death of the veteran occurred on or after April 1, 1944, and application is filed within one year following the date of death; (3) the date of filing application, if application is not filed within one year following the date of death, but in no event prior to April 1, 1944.

(e) *Dependent mothers and fathers.* Original awards of death pension shall commence the day following the date of the veteran's death, if claim is filed within one year from the date of death, otherwise from the date of filing of a formal application.

(f) *Under section 30, Title III, Public No. 141, 73d Congress, and Public No. 269, 74th Congress.* No award under the General Law for death resulting from service in the War with Spain, Boxer Rebellion, or Philippine Insurrection shall commence prior to March 28, 1934, under section 30, Title III, Public No. 141, 73d Congress (act of March 28, 1934), or prior to August 13, 1935, under Public No. 269, 74th Congress (act of August 13, 1935). For the purposes of the General Law, as reenacted by the act of March 28, 1934 (section 30, Title III, Public No. 141, 73d Congress), and the act of August 13, 1935 (Public No. 269, 74th Congress), when claim was filed prior to August 5, 1939, the date of commencement shall be as prescribed in § 4.68 (a) to (e). When claim is filed on or after August 5, 1939, the date of commencement shall be as prescribed in § 4.72 (c). (Secs. 12, 13, 17 Stat. 571, sec. 1, 22 Stat. 345, 25 Stat. 173, secs. 1, 3, 26 Stat. 182, sec. 1, 31 Stat. 1445, sec. 30, 48 Stat. 525, 49 Stat. 614, 58 Stat. 186; 38 U. S. C. 37, 91, 94, 191, 200, 203, 204, 205, 281, 366, 367, 368, 369)

§ 4.70 *Service Acts, Civil War.* Original awards of death pension under the service acts relating to the Civil War (act of May 1, 1920, 41 Stat. 585; act of July 3, 1926, 44 Stat. 806; act of June 9, 1930, 46 Stat. 529; act of December 8, 1944, Pub. Law 471, 78th Cong.) shall commence:

(a) (1) *Widows.* The date of filing formal application: *Provided*, That where title is derived solely under the provisions of Public Law 471, 78th Congress (act of December 8, 1944), pension shall commence from the date of filing claim after December 8, 1944.

(2) *Remarried widows.* The date of filing formal application. Remarried widows have no title under Public Law 471, 78th Congress.

(b) *Children.* The date of filing formal application, except that if the widow is barred under the provisions of section 4706, Revised Statutes, or has forfeited title under the act of August 7, 1882 (22 Stat. 345), pension shall commence from the date of last payment to the widow if payment of pension has been made to her: *Provided*, That where pension or additional pension is payable to or for a helpless child solely by virtue of the provisions of Public Law 280, 78th Congress (see § 4.2 (b) (1) (ii)), pension shall commence (1) April 1, 1944, where application was pending on that date; (2) date of filing application, if application is filed on or after April 1, 1944. (Sec. 6, 41 Stat. 587, sec. 2, 58 Stat. 186, 798; 38 U. S. C. 37, 294, 321)

§ 4.71 *Service Act, Indian Wars.* Original awards of death pension under the service act relating to the Indian wars (act of March 3, 1927, 44 Stat. 1361), as amended, shall commence:

(a) (1) *Widows.* The date of filing formal application: *Provided*, That where title is derived solely under the provisions of Public Law 245, 78th Congress (act of March 3, 1944), pension shall commence from the date of filing claim after March 3, 1944.

(2) *Remarried Widows.* The date of filing formal application. Remarried widows have no title under Public Law 245, 78th Congress.

(b) *Children.* The date of filing formal application, except that in case of death or remarriage of a pensioned widow or forfeiture of her title, their payments shall commence from the date of such death, remarriage or forfeiture: *Provided*, That where pension or additional pension is payable to or for a helpless child solely by virtue of the provisions of Public Law 280, 78th Congress (see § 4.2 (b) (1) (ii)), pension shall commence (1) April 1, 1944, where application was pending on that date; (2) date of filing application, if application is filed on or after April 1, 1944. (Sec. 2, 44 Stat. 1362, sec. 3, 58 Stat. 109, 186; 38 U. S. C. 37, 381a, e)

§ 4.72 *Service acts, war with Spain, Boxer Rebellion, and Philippine Insurrection.* Original awards of death pension under the service acts (except awards authorized solely by virtue of Public No. 594, 76th Congress), relating to the war with Spain, Boxer Rebellion and Philippine Insurrection (act of May 1, 1926, 44 Stat. 382, as reenacted by Public No. 269, 74th Congress, act of August 13, 1935), shall commence:

(a) *Where claim was filed prior to August 5, 1939*—(1) *Widows.* The date of filing formal application;

(2) *Remarried widows.* (Under Public No. 269, 74th Congress, only.) The date of filing formal application.

(b) *Children.* The date of filing formal application, except that, under the act of May 1, 1926, in case of death or remarriage of a pensioned widow or forfeiture of her title to pension, their payments shall commence from the date of such death, remarriage or forfeiture, but if the widow is estopped to deny remarriage, their payments shall commence the day following the date of last payment to the widow. This exception shall be for application in any case wherein the widow is receiving, or has heretofore made or shall hereafter make application for, pension under the act of May 1, 1926, and who thereafter elects or has heretofore elected to receive benefits in lieu thereof, under some other law.

(c) *Where claim was filed on or after August 5, 1939.* (1) For the purposes of Public No. 279, 76th Congress (act of August 5, 1939), when the veteran died prior to August 5, 1939, and claim is filed on or after that date, but within one year following the date of death of the veteran, the award shall be effective August 5, 1939, the date of enactment of the act. If application is not filed within one year from the date of death, the award shall be effective the date of filing the application.

(2) When the veteran died on or after August 5, 1939, and claim is filed within one year following the date of death, the award shall be effective the day following the date of death. If application is not filed within one year from the date of death, the award shall be effective the date of filing application.

(d) No award shall commence prior to March 28, 1934, under section 30, Title III, Public No. 141, 73d Congress, or prior to August 13, 1935, under Public No. 269, 74th Congress.

(e) Original awards of death pension not authorized except by virtue of Public No. 594, 76th Congress (act of June 11, 1940), shall, as to those persons on the rolls and as to claims pending on the date of enactment of that act, be effective June 11, 1940. In all other cases awards of pension authorized under that act shall be effective from the date of filing the application, but in no event prior to June 11, 1940.

(f) As to awards of pension or additional pension to or for a helpless child solely by virtue of the provisions of Public No. 280, 78th Congress, see § 4.68 (d). (Sec. 1, 40 Stat. 903, sec. 4, 42 Stat. 835, secs. 2, 4, 44 Stat. 382, 383, sec. 30, 48 Stat. 525, 49 Stat. 614, 54 Stat. 301, 58 Stat. 186; 38 U. S. C. 37, 351a, 355, 359, 364a, c, 366, 367, 368, 369)

§ 4.73 *Public No. 2, 73d Congress, and section 31, Public No. 141, 73d Congress; Spanish-American War, Philippine Insurrection, and Boxer Rebellion.* Original awards of death pension under Public No. 2, 73d Congress (act of March 20, 1933), and section 31, Public No. 141, 73d Congress, shall commence as follows:

For the purposes of Public No. 2, 73d Congress, and section 31, Title III, Public No. 141, 73d Congress, the effective date of an award of death pension based on service in the war with Spain, Boxer Rebellion, or Philippine Insurrection, shall be fixed in accordance with the facts found where claim was filed prior to August 5, 1939, except that no award of death pension shall be effective prior to the date of the veteran's death, date of the happening of the contingency upon which death pension is allowed, or the date of receipt of application therefor, whichever is the later date: *Provided*, That the benefits granted under section 31, Title III, Public No. 141, 73d Congress, shall not be awarded unless application is made therefor within two years after the date of death: *Provided further*, That for the purposes of Public No. 279, 76th Congress, if application is filed on or after August 5, 1939, and within one year from the date of death, the effective date shall be August 5, 1939, or the day following the date of death, whichever is the later. If claim is not filed within one year from the date of death, the award shall be effective the date of filing the application. (Secs. 4, 31, 48 Stat. 9, 526, 53 Stat. 1209; 38 U. S. C. 357a, 501a, 704)

§ 4.74 *Public No. 2 and sections 28 and 31, Public No. 141, 73d Congress, as amended*—(a) *World War I; service-connected death.* (1) The date of commencement of original awards of death compensation under the provisions of Veterans' Regulation No. 1 (a), Part I, as amended (38 U. S. C. ch. 12), or sections 28 or 31, Public No. 141, 73d Congress, as amended, shall be the day following the date of death if application is filed within one year after the date of death, otherwise the date of filing application: *Provided, however*, That the date of commencement shall be fixed in accordance with the facts found, but not prior to the date of the happening of the contingency upon which death compensation is allowed. (38 U. S. C. ch. 12, Reg. 2 (d) and section 6, Public No. 304, 75th Cong.)

(2) Compensation payable solely as a result of the definition of the term "widow" contained in section 3, Public No. 483, 78th Congress, shall commence the day following the date of death or December 14, 1944, whichever is the later, if application is filed within one year after the date of death; otherwise the date of filing application, but in no event prior to December 14, 1944. A claim pending on December 14, 1944, shall be considered a claim under this law.

(b) *Veterans' Reg. 1 (a), Part II, as amended by Veterans' Reg. No. 1 (g) (38 U. S. C. ch. 12) and Publics No. 159 and 732, 75th Congress, and Publics No. 182, 193, 359, and 690, 77th Congress.* Original awards of death pension under Veterans Regulation No. 1 (a), Part II, as amended by Veterans' Regulation No. 1 (g), paragraph 2, and Publics No. 159 and 732, 75th Congress, and Publics No. 182, 193, 359 and 690, 77th Congress, shall commence as follows:

(1) (i) To dependents of persons (except as otherwise provided in this paragraph) whose deaths resulted from injury or disease incurred in or aggravated while in service, the effective date of an award of death pension shall be fixed in accordance with the facts found except that no award of death pension shall be effective prior to the date of the veteran's death, date of the happening of the contingency upon which death pension is allowed or the date of receipt of application therefor, whichever is the later date: *Provided*, That if application is filed on or after July 30, 1942, and within one year from the date of the veteran's death, the effective date of an award of death pension shall be July 30, 1942, or the day following the date of death, whichever is the later, otherwise from the date of filing application. The increased rates authorized solely under Public No. 690, 77th Congress (act of July 30, 1942), shall not be awarded from a date earlier than August 1, 1942.

(ii) For the purposes of Public No. 182, 77th Congress (act of July 18, 1941), granting pension to the dependents of officers and enlisted men of the United States Coast Guard for peacetime service on or after January 28, 1915, and prior to July 2, 1930, no award of death pension shall be effective prior to the receipt on or after July 18, 1941, of an application for such benefits. On or after July 30, 1942, the proviso contained in subparagraph (1) (i) of this paragraph is for application.

(iii) For the purposes of any act as amended by Public No. 193, 77th Congress (act of July 30, 1941), no award of death pension to a dependent mother or father who has remarried shall commence prior to the receipt on or after July 30, 1941, of an application for such benefits. On or after July 30, 1942, the proviso contained in subparagraph (1) (i) of this paragraph, is for application.

(2) (i) To dependents of reserve officers and members of the enlisted reserves of the Army of the United States who served prior to June 15, 1933, and of the Navy and Marine Corps who served prior to July 1, 1925, whose deaths resulted from injury or disease incurred in or aggravated while in such active service, in line of duty: The date of filing application or, when pertinent, the date following the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded and the claimant has elected to receive pension. (Dependents of Naval or Marine Corps reservists are not entitled to pension for

death due to causes incurred between July 1, 1925 and June 15, 1933.) Where application is filed on or after July 30, 1942, and no payment of United States Employees Compensation has been made and the claimant has elected to receive pension, then the proviso contained in subparagraph (1) (i) of this paragraph is for application.

(ii) To dependents of reservists (reserve officers and members of the enlisted reserves of the Army of the United States, and of the United States Navy and Marine Corps) whose deaths resulted from injury or disease incurred in or aggravated while in active service in line of duty on or after June 15, 1933, including service for training purposes: The date of filing application or the date following the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded and the claimant has elected to receive pension, but not prior to June 23, 1937. Where application is filed on or after July 30, 1942, and no payment of United States Employees Compensation has been made and the claimant has elected to receive pension, then the proviso contained in subparagraph (1) (i) of this paragraph is for application.

(iii) For the purposes of Public No. 159, 75th Congress, as amended by Public No. 732, 75th Congress, pension payable to dependents of reservists of the Naval reserve or Marine Corps reserve (Army reserves not included), whose deaths resulted from injury (sickness or disease not regarded as an injury) received in line of duty on or after June 15, 1933, while performing active duty with or without pay, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties, shall commence on the date of filing application or the date following the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded and the claimant has elected to receive pension, but not prior to July 1, 1938. Where application is filed on or after July 30, 1942, and no payment of United States Employees Compensation has been made and claimant has elected to receive pension, then the proviso contained in subparagraph (1) (i) of this paragraph is for application.

(c) *Awards based on new and material evidence.* For the purposes of Veterans' Regulation No. 2 (d) (38 U. S. C. ch. 12) awards pursuant to claims allowed upon new and material evidence relating to the same factual basis as that of a finally disallowed claim shall commence from the date of receipt of such evidence or accompanying communication when such evidence or accompanying communication meets the requirements as to what constitutes an informal claim under current precedents and instructions. (See §§ 3.201 and 3.205 of this chapter.)

(d) *Commencement of awards to children.* For the purposes of the Veterans Regulations (38 U. S. C. ch. 12), Public No. 141, 73d Congress (excepting section 30), as amended, Public No. 484, 73d Congress, as amended, Public No. 304, 75th Congress, as amended, awards to children for whom a widow is in receipt of pension or compensation, when her pension or compensation is terminated upon the happening of the contingency upon which it is limited, shall commence from the date following the termination of the widow's award, without the necessity of filing an application. (Secs. 1, 4, 9, 28, 31, 48 Stat. 8, 9, 10, 524, 526, sec. 6, 50 Stat. 305, 661, sec. 2, 55 Stat. 599, 608, sec. 4, 56 Stat. 732; 38 U. S. C. 238d, 472d, 501a, 701, 704, 709, 722, 725, ch. 12, note)

§ 4.75 *Death compensation payable by virtue of Public No. 196, 76th Congress (act of July 19, 1939), as amended by sections 7 and 8, Public No. 866, 76th Congress (act of October 17, 1940).* The commencing date of pension or compensation under this act shall be the same as provided in § 4.74 (a). (Sec. 2, 53 Stat. 1067, 38 U. S. C. 703b, note)

§ 4.76 *Public No. 484, 73d Congress, as amended, nonservice-connected death*—(a) *World War I.* (1) The date of commencement of original awards of death pension under the provisions of Public No. 484, 73d Congress, as amended, shall be the day following the date of death if application is filed within one year after the date of death, otherwise the date of filing application: *Provided, however,* That the date of commencement shall be fixed in accordance with the facts found, but not prior to the date of the happening of the contingency upon which death pension is allowed. (38 U. S. C. ch. 12, Reg. 2 (d) and section 6, Public No. 304, 75th Cong.)

(2) Pension payable solely by reason of the conditions of entitlement contained in section 1, Public Law 483, 78th Congress, or as a result of the definition of the term "widow" contained in section 3, Public Law 483, 78th Congress, shall commence the day following the date of death or December 14, 1944, whichever is the later, if application is filed within one year after the date of death, otherwise the date of filing application, but in no event prior to December 14, 1944. A claim pending on December 14, 1944, shall be considered a claim under this law.

(b) *World War II (Public Law 312, 78th Congress).* The date of commencement of original awards of death pension payable solely as a result of the provisions of section 4, Public Law 312, 78th Congress (see § 4.49), shall be the day following the date of death of the veteran or May 27, 1944, whichever is the later, if application is filed within one year from date of death; otherwise from date of filing application, but in no event prior to May 27, 1944. A claim pending on May 27, 1944, shall be considered a claim under this law. (Secs. 4, 5, 48 Stat. 9, 1282, sec. 1, 49 Stat. 2031, sec. 6, 50 Stat. 661, secs. 3, 4, 58 Stat. 230, 804; 38 U. S. C. 471a–1, 472d, 503 note, 504 notes, 507, 508, 704)

§ 4.77 *Death pension or compensation payable solely by virtue of certain amendatory laws*—(a) *Public Law 144, 78th Congress.* The date of commencement of original awards of death pension or compensation, payable solely as a result of the provisions of Public Law 144, 78th Congress, shall be the day following the date of death of the veteran or July 13, 1943, whichever is the later, if application is filed within one year from date of death; otherwise from date of filing application. In no event, however, shall the rates of pension or compensation authorized by section 14 of the act be payable for any period prior to August 1, 1943.

(b) *Public Law 242, 78th Congress.* The date of commencement of original awards of death pension payable solely as a result of the provisions of Public Law 242, 78th Congress, shall be the day following the date of death of the veteran or April 1, 1944, whichever is the later, if application is filed within one year from date of death; otherwise from date of filing application, but in no event prior to April 1, 1944. A claim pending on March 1, 1944, shall be considered a claim under this law.

(c) *Death pension payable solely by virtue of Public Law 762, 80th Congress.* The date of commencement of original awards of death pension payable solely as a result of the provisions of Public Law 762, 80th Congress, shall be the day following the date of death of the veteran or June 24, 1948, whichever is the later, if application is filed within one year from date of death; otherwise from date of filing application, but in no event prior to June 24, 1948. A claim pending on June 24, 1948 shall be considered a claim under this law. (Sec. 16, 57 Stat. 559, 58 Stat. 107, 38 U. S. C. 364a, 364g, 364h, 365, 370, 731 note)

§ 4.78 *World War II; Public No. 2, 73d Congress, as amended.* (a) Where the death of a person occurs as the result of service in World War II, except as to circumstances within the purview of paragraph (b) of this section, an original award of death compensation shall commence the day following the date of death if claim is filed within one year after that date; otherwise, the date of filing claim (section 4, Public Law 690, 77th Congress, and section 16, Public Law 144, 78th Congress).

(b) Effective December 7, 1941, where a report of death or finding of death has been made by the Secretary of War or the Secretary of the Navy and the person was reported missing or missing in action, interned in a neutral country, captured by an enemy, beleaguered or besieged, as contemplated by Public Law 490, 77th Congress as amended, or the claim for death compensation was filed more than one year after the date of (actual) death, an original award of death compensation shall commence:

(1) The day following the date fixed by the Secretary as the date of death (actual) in such report: *Provided,* That claim is filed within one year after the date the report of death is made; otherwise the date of filing claim; however, in no event shall death compensation be paid to a dependent for any period prior to the date the report of death was made, for which such dependent has received or is entitled to receive an allowance, allotment, or service pay of the deceased. (Pub. Law 419, 78th Cong.)

(2) The day following the date of death (presumptive) fixed by the Secretary in such finding: *Provided,* That claim is filed within one year after the date the finding of death is made; otherwise the date of filing claim. (Sec. 4, 56 Stat. 732, sec. 16, 57 Stat. 559, 58 Stat. 728; 38 U. S. C. 731 note, 733, ch. 12 note)

§ 4.79 *Additional allowance for posthumous child*—(a) *When effective from date of the child's birth.* (1) For the purposes of all laws granting compensation or pension to widows or children of veterans of any war or the Regular Establishment, except as provided in subparagraph (2) of this paragraph, the additional allowance on account of a posthumous child shall be effective as of the date of birth of such child upon receipt of proof of birth in conformity with the requirements of § 3.46 of this chapter: *Provided,* Mention of the expected child was made in the application for death benefits filed by the widow or the other children.

(2) In those cases in which death compensation or pension is payable from the day following the date of the veteran's death (section 6, Public No. 304, 75th Congress, and Public No. 279, 76th Congress), regardless of whether mention of the expected child was made by the widow in her original claim, and notice of the birth of such child is received within one year of the date of the veteran's death, the additional allowance for such posthumous child will be effective from the date of the child's birth.

(b) *When effective from the date of receipt of claim.* In all other cases not covered by paragraph (a) of this section, the additional allowance on account of the posthumous child will be effective from the date of receipt of claim for such child. (Sec. 6, 50 Stat. 661, 53 Stat. 1209, sec. 4, 56 Stat. 732; sec. 16, 57 Stat. 559; 38 U. S. C. 357a, 472d, 731 note, ch. 12 note)

EFFECTIVE DATES OF INCREASE OF DEATH PENSION OR COMPENSATION

§ 4.80 *Civil and Indian Wars.* Under the provisions of the acts of June 9, 1930 (46 Stat. 529) and March 3, 1944 (Public No. 245, 78th Congress), increased pension on account of age of widows and remarried widows shall commence from the seventieth birthday: *Provided,* That as to widows of Indian war veterans in receipt of pension on March 3, 1944, the increased rates payable under Public Law 245, 78th Congress, by reason of attained age or because the widow was the wife of the soldier during his war service shall commence from the date of filing claim after March 3, 1944. (Sec. 2, 58 Stat. 109; 38 U. S. C. 381c)

§ 4.81 *General Law.* (a) Where a person was on the rolls July 1, 1938, under the provisions of the General Pension Law, for death resulting from service prior to April 21, 1898, pension at the rate provided in § 4.122 (d) (Public No. 758, 75th Congress, act of June 28, 1938) shall be authorized effective July 1, 1938, in any case where such rate exceeds that being paid the beneficiary on June 30, 1938, provided entitlement thereto is otherwise established.

(b) Where a person was on the rolls December 19, 1941, under the provisions of the General Pension Law, pension at the rate provided in § 4.122 (b) or § 4.124 (Public Law 359, 77th Congress) shall be authorized effective December 19, 1941, provided entitlement thereto is otherwise established.

(c) Where a person was on the rolls August 1, 1942, under the provisions of the General Pension Law, for death resulting from service prior to April 21, 1898, pension at the rate provided in § 4.122 (e) (Public Law 690, 77th Congress, act of July 30, 1942) shall be authorized effective August 1, 1942, in any case where such rate exceeds that being paid the beneficiary on July 31, 1942, provided entitlement thereto is otherwise established. (52 Stat. 1214, sec. 1, 55 Stat. 844, sec. 1, 56 Stat. 731; 38 U. S. C. 35, ch. 12 note)

§ 4.82 *Public No. 2, and Sections 28 and 31, Title III, Public No. 141, 73d Congress, Section 3, Public No. 304, 75th Congress, Section 5, Public No. 198, 76th Congress, or Public Laws 242, 359, 667, 690, 77th Congress, and Public Law 242, 78th Congress.* The effective date of an award of increased pension or compensation payable under Public No. 2, 73d Congress, sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, Public Laws 242, 359, 667, and 690, 77th Congress, and Public Law 242, 78th Congress, shall be fixed in accordance with the facts found, except that:

(a) No award of increased pension or compensation may be effective prior to the date of receipt of the evidence showing entitlement thereto; except that a widow who attains an age at which an increased rate is provided under Veterans' Regulation No. 1 (g) (38 U. S. C. ch. 12) or under section 3 of Public No. 304, 75th Congress, or under section 5 of Public No. 198, 76th Congress, or under section 1 of Public Law 690, 77th Congress, or under section 3 of Public Law 242, 78th Congress, shall be entitled to receive such increase effective on the date of attainment of the age at which an increase is authorized if evidence establishing the date of birth is on file on the date of attainment of such age or is received within one year from the date of the prescribed anniversary of the date of birth: *Provided,* That in original claims where the claimant has shown that she was past the age at which the minimum rate is payable at the date of filing her claim, the increased rate provided on account of age may be authorized as of the beginning date of the award or as of the date she attained the required age whichever is the later: *Provided,* Satisfactory proof of the fact and date of birth is received within one year from the date of request therefor: *Provided further,* That in no event will the increase be awarded from a date prior to the date authorized in the law or regulation invoked: *Provided further,* That any increase authorized for periods prior to September 1, 1941, under section 3 of Public No. 304, 75th Congress, or section 5, Public No. 198, 76th Congress, must be made subject to the conditions of subparagraph (c) hereof: *Provided further,* That any increase authorized for periods beginning on or after September 1, 1941, under Public Law 242, 77th Congress, must be made subject to the conditions of paragraph (f) of this section. (See § 4.52.)

(b) For the purposes of paragraph (a) of this section, increased pension or compensation shall be taken to mean any award of pension or compensation amending, reopening, or supplementing a previous award, authorizing any payments not theretofore authorized to the particular individual involved. (38 U. S. C. ch. 12, Reg. 2 (a) Part I par. II)

(c) Subject to the provisions of paragraphs (a) and (b) of this section, where the widow or parent of a World War veteran, including a veteran who served as provided in section 5, Public Law 304, 75th Congress, was on the rolls on August 16, 1937, compensation at the rates provided in section 3, Public Law 304, 75th Congress, shall be effective August 16, 1937; or if the widow was on the rolls July 19, 1939, the increased rate shall be effective July 19, 1939: *Provided,* That the rate of compensation shall be as prescribed in subparagraph (1), (2) or (3) of this paragraph if the widow or parent was in receipt of Government insurance on August 16, 1937, or July 19, 1939, or thereafter, whichever date is applicable.

(1) (i) The rates under section 3, Public No. 304, 75th Congress, shall not be payable while the combined monthly rates of compensation and yearly renewable term, automatic, or United States Government life (converted) insurance; or compensation and compensation; or compensation and pension, equal or exceed the rates prescribed in section 3, *supra.* (§ 4.123)

(ii) The rates under section 5, Public No. 198, 76th Congress, shall not be payable while the combined monthly rates of compensation and yearly renewable term, or automatic insurance; or compensation and compensation; or compensation and pension payable equal or exceed the rates prescribed in section 5, supra. (§ 4.124.)

(2) If the combined monthly rates of compensation and insurance; or of compensation and compensation; or of compensation and pension payable under the laws in effect prior to August 16, 1937, do not equal or exceed the rates prescribed in section 3, Public No. 304, 75th Congress, or in section 5 of Public No. 198, 76th Congress, the amount of compensation payable while the insurance or concurrent compensation or pension is payable shall be that which equals the difference between the amount of the monthly instalment of insurance or concurrent compensation or pension and the rate of compensation otherwise payable under section 3, Public No. 304, 75th Congress, or section 5, Public No. 198, 76th Congress, as the case may be, subject to the increase at the full rate prescribed in the applicable law from the day following the ending date of the insurance award or of the discontinuance of payments of compensation or pension under the concurrent award. United States Government life (converted) insurance is not to be included in the computation of the combined monthly rates from and after

July 19, 1939, (the date of enactment of Public No. 198, 76th Congress).

(3) Rates and increases of compensation rates shall be paid under Veterans' Regulation No. 1 (g) (38 U. S. C. ch 12) on or after August 16, 1937, or on or after July 19, 1939, in those cases in which the greater amount of compensation is payable under such regulation, without regard to the amount of insurance, concurrent awards of compensation or pension being paid.

(d) (1) Widows or parents in World War cases placed on the compensation rolls effective on or after August 16, 1937, shall be paid for any period over which they may be entitled to compensation at the rates and increases of rates prescribed under paragraph (c) of this section, except that no rate prescribed under section 3, Public No. 304, 75th Congress, in excess of the rate provided under Veterans' Regulation No. 1 (g) (38 U. S. C. ch. 12) shall be effective prior to September 1, 1937.

(2) Widows or parents in World War I cases placed on the compensation rolls effective on or after July 19, 1939, shall be paid for any period over which they may be entitled to compensation at the rates and increased rates prescribed under paragraph (c) of this section except that no rate prescribed under section 5, Public No. 198, 76th Congress, in excess of the rate provided under section 3, Public No. 304, 75th Congress, shall be effective prior to August 1, 1939.

(e) For the purpose of paragraphs (c) and (d) of this section the term "on the rolls" shall include those who are placed on the rolls effective as of a date prior to August 16, 1937, or prior to July 19, 1939, whichever date is for application.

(f) Awards of service-connected benefits for periods beginning on or after September 1, 1941, to widows or parents of veterans of World War I, Spanish-American War, Philippine Insurrection, or Boxer Rebellion, or of veterans whose death resulted from service as comprehended by paragraph I, (c), Part II, Veterans' Regulations No. 1 (a), (38 U. S. C. ch. 12).

(1) On and after September 1, 1941, the rates provided by section 5, Public No. 198, 76th Congress, are payable to the widows and parents of veterans of World War I, the Spanish-American War, Philippine Insurrection, and Boxer Rebellion and of veterans whose deaths resulted from service as comprehended by paragraph I (c), Part II, Veterans' Regulation No. 1 (a), (38 U. S. C. ch. 12) subject to the provisions of subparagraphs (2), (3), and (4) of this paragraph.

(2) During the period beginning September 1, 1941, and ending July 31, 1942, the rates payable under section 5, Public No. 198, shall not be payable while the combined monthly rates of compensation or pension and of yearly renewable term, automatic insurance or National Service Life Insurance payable, equal or exceed the rates prescribed in section 5, *supra*. (§ 4.124.)

(3) If during the period beginning September 1, 1941, and ending July 31, 1942, the combined monthly rates of compensation or pension payable under the laws in effect prior to August 16, 1937, and insurance do not equal or exceed the rates prescribed in section 5 of Public No. 198, 76th Congress, the amount of compensation or pension payable during such period while the insurance is payable shall be that which equals the difference between the amount of the monthly installment of insurance and the rate of compensation or pension otherwise payable under section 5, Public No. 198, 76th Congress, subject to the increase at the full rate prescribed therein from the date following the ending date of the insurance award, or August 1, 1942, whichever is the earlier.

(4) On and after August 1, 1942, in no event shall monthly payments of yearly renewable term or automatic, or National Service Life Insurance serve to reduce the amounts of compensation or pension otherwise payable under existing compensation or pension laws. (Pub. Law 667, 77th Cong.)

(g) Awards of service-connected benefits for periods beginning on or after December 19, 1941, to widows, children, or parents of veterans whose death resulted from service since March 4, 1861, as comprehended by paragraph I (c), Part II, Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12), as amended by the act of December 19, 1941 (Pub. Law 359, 77th Cong.).

(1) On and after December 19, 1941, the rates provided by section 5, Public No. 198, 76th Congress, as amended, are payable to the widows, children, and parents of veterans whose death resulted from service since March 4, 1861, as comprehended by paragraph I (c), Part II, Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12), as amended by Public Law 359, 77th Congress (act of December 19, 1941), subject to the provisions of subparagraphs (2) and (3) of this paragraph and paragraph (f) (4) of this section.

(2) During the period beginning December 19, 1941, and ending July 31, 1942, the rates payable under section 5, Public No. 198, 76th Congress, as amended, shall not be payable while the combined monthly rates of compensation or pension and of yearly renewable term, or automatic insurance, or National Service Life Insurance payable, equal or exceed the rates prescribed in section 5, *supra*. (§ 4.124.)

(3) If during the period beginning December 19, 1941, and ending July 31, 1942, the combined monthly rates of compensation or pension and insurance do not equal or exceed the rates prescribed in section 5 of Public No. 198, 76th Congress, as amended, the amount of compensation or pension payable during such period while the insurance is payable shall be that which equals the difference between the amount of the monthly installment of insurance and the rate of compensation or pension otherwise payable under section 5, Public No. 198, 76th Congress, as amended, subject to the increase at the full rate prescribed therein from the date following the ending date of the insurance award, or August 1, 1942, whichever is the earlier. In no event, however, will the rates payable be less than those authorized by paragraph I, Veterans' Regulation No. 1 (g) (38 U. S. C. ch. 12), (Secs. 1, 4, 28, 31, 48 Stat. 8, 9, 524, 526, sec. 3, 50 Stat. 660, sec. 5, 53 Stat. 1070, sec. 3, 55 Stat. 844, secs. 2, 10, 56 Stat. 659, 731, sec. 3, 58 Stat. 107; 38 U. S. C. 364g, 472b–1, 501a, 701, 704, 722, ch. 12 note)

EFFECTIVE DATES OF REDUCTIONS AND DISCONTINUANCES OF DEATH PENSION AND COMPENSATION

§ 4.84 *General law and service acts.* Awards of compensation or pension shall be reduced or discontinued as follows under:

General law (sections 4702 and 4707, Revised Statutes, as amended);

Service acts, relating to the Civil War, act of May 1, 1920 (41 Stat. 585); act of July 3, 1926 (44 Stat. 806); act of June 9, 1930 (46 Stat. 529); and act of December 8, 1944 (Pub. Law 471, 78th Cong.);

Indian wars, act of March 3, 1927 (44 Stat. 1361); and act of March 3, 1944 (Pub. Law 245, 78th Cong.);

War with Spain, Boxer Rebellion, and Philippine Insurrection, act of May 1, 1926 (44 Stat. 382), as reenacted by Public No. 269, 74th Congress (act of August 13, 1935); Public Law 242, 78th Congress (act of March 1, 1944); Public Law 762, 80th Congress (act of June 24, 1948);

Act of July 13, 1943, Public Law 144, 78th Congress; and

Act of April 1, 1944, Public Law 280, 78th Congress.

(a) *Termination by limitation*—(1) *Widows and remarried widows.* (i) Death compensation or pension payable to a widow or remarried widow shall terminate the day of death or the day preceding remarriage. If the widow is receiving additional compensation or pension for a child or children based on service rendered prior to April 21, 1898, the date of termination of such additional compensation or pension shall be the date of death of the child or the day preceding the child's sixteenth birthday. If the widow is receiving additional compensation or pension for a child or children based on service rendered on and after April 21, 1898, the date of termination of such additional compensation or pension shall be the date of death, or the day preceding the child's eighteenth birthday, or the day preceding marriage in those cases in which the additional compensation or pension is payable solely by reason of the definition of the term "child" contained in section 7, Public Law 144, 78th Congress: *Provided*, That the discontinuance of additional compensation or pension for a child or children because of school attendance shall be effective as provided in § 4.98 (g). Additional death compensation or pension being paid on behalf of any child by reason of permanent incapacity for self-support shall be discontinued effective the date of last payment when a determination has been made that such condition no longer exists. Additional compensation or pension for a helpless child who marries shall be discontinued as of the date preceding the marriage, except that where the award was approved under the general law or a service act prior to April 1, 1944, based on a finding that the child was helpless prior to attaining the age of 16 years the presumption that helplessness ceases on marriage may be overcome by positive proof of continuing helplessness.

(ii) Overpayment to widow: When a widow has continued to receive compensation or pension after her remarriage and the veteran's child or children under the age of 16 years or helpless child or children have resided with and been supported by her, the effective date shall be the date of last payment.

(iii) Abandonment of children by widow: The effective date shall be the date of last payment to a widow whose compensation or pension is suspended by reason of abandonment of children under § 4.100.

(iv) Adulterous cohabitation: The effective date shall be from the commencement of open and notorious adulterous cohabitation when forfeiture has been incurred under § 4.102. (Act of August 7, 1882 (22 Stat. 345))

(2) *Children.* (i) Death compensation or pension payable to a child based on service rendered prior to April 21, 1898, shall be discontinued effective the date of death or the day preceding the child's sixteenth birthday. Death compensation or pension payable to a child based on service rendered on and after April 21, 1898, shall be discontinued effective the date of death; or the day preceding the child's eighteenth birthday, or the day preceding marriage in those cases in which the child is entitled solely by reason of the definition of the term "child" contained in section 7, Public Law 144, 78th Congress: *Provided*, That the discontinuance of compensation or pension because of school attendance shall be effective as provided in § 4.98 (g).

(ii) Cessation of helplessness: The date of last payment when a determination has been made that helplessness no longer exists.

(iii) Payment to child's mother as remarried widow: From the day preceding the commencement of compensation or pension to a remarried widow when the veteran's child or children under the age of 16 years or helpless in receipt of compensation or pension are members of her family and cared for by her.

(iv) Marriage of helpless child: Payments to or for a helpless child who marries shall be discontinued as of the date preceding the marriage, except that where compensation or pension has been allowed on the basis of a finding that the child was helpless prior to attaining the age of 16 years and the award was approved prior to April 1, 1944, the presumption that the helpless condition has ceased may be overcome by positive proof of continuing helplessness. (Pub. Law 762, 80th Cong.)

(b) *Mother or father; discontinuance for death or cessation of dependency.* From the date of death or, if no longer dependent, from the date dependency ceased to exist. (Rev. Stat. 4707 as amended by the act of June 27, 1890, Rev. Stat. 4708)

(c) *Discontinuance for residence in enemy-controlled territory.* See § 4.86 (l). (Secs. 8, 12, 13, 14, 17 Stat. 569, 570, 571, sec. 1, 22 Stat. 345, secs. 1, 3, 26 Stat. 182, sec. 4, 41 Stat. 586; sec. 2, 44 Stat. 382, 1362, sec. 1, 57 Stat. 554, 58 Stat. 108, 196, 797, Pub. Law 762, 80th Cong.; 38 U. S. C. 23, 37, 191, 200, 203–205, 231, 288, 364a, 381, 381a, 381c, e, f, 471a–2, 727)

CROSS REFERENCES: *Discontinuance under the act of December 21, 1893 (thirty-day notice).* (See § 3.1135 of this chapter.)

Renouncement. (See § 4.54.)

§ 4.86 *Public No. 2, 73d Congress (act of March 20, 1933), as amended; sections 28 and 31, Title III, Public No. 141, 73d Congress (act of March 28, 1934), as amended; Public No. 484, 73d Congress (act of June 28, 1934), as amended; and Pub. Law 301, 79th Cong. (act of February 18, 1946).* Where death pension or compensation has been awarded under the provisions of Public No. 2, 73d Congress, or section 28 or 31, title III, Public No. 141, 73d Congress, or Public No. 484, 73d Congress, as amended, the effective date of reduction or discontinuance of such death pension or compensation shall be in accordance with the facts found, except that:

(a) *Reduction or discontinuanee as to rates.* When reduction or discontinuance is effected as to rates, such reduction or discontinuance shall be effective the last day of the month in which the reduction or discontinuance is approved. (38 U. S. C. ch. 12, Reg. 2 (a) Part I, par. III (b).)

(b) *Remarriage or death of widow.* (1) Discontinuance of pension or compensation because of remarriage or death of a widow shall be effective the date next preceding the date of her remarriage, or upon the date of her death (38 U. S. C. ch. 12, Reg. 2 (a) part I, par. III (d)), except

(2) Discontinuance of pension or compensation because the widow is estopped to deny remarriage shall be effective the date of last payment.

(c) *Child reaching eighteen, marrying, dying or entering military or naval service.* (1) Discontinuance of pension or compensation because of a child's reaching the age of 18 years, or being married, or dying shall be effective the date next preceding the eighteenth birthday or next preceding the date of marriage, or will be effective upon the date of death: *Provided*, That where an award to a widow is subject to reduction because of one of these contingencies, her award will be payable at the reduced rate effective the date of the child's eighteenth birthday, the date of marriage, or the day following the date of the child's death. (38 U. S. C. ch. 12, Reg. 2 (a), part I par. III (c).)

(2) In those cases in which a child enters active military or naval service prior to his eighteenth birthday and an additional amount on behalf of the child is included in a widow's award, the additional amount will continue to be paid to her. In those cases in which payments are being made to a fiduciary for a child, payments to the fiduciary will continue. Otherwise, payment of any amounts due will be made to the child, after ascertaining his current address. No further claim need be executed by the child.

(d) *Helpless child; school child.* Pension or compensation to or for an unmarried child who is over the age of 18 years shall be discontinued:

(1) If permanently incapable of self-support by reason of physical or mental defect, the date of last payment when a determination has been made that helplessness no longer exists;

(2) The last day upon which the child attended school, when the child has been pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university particularly designated by him and approved by the administrator. (See § 4.98 (c) and (g) and § 4.120.)

(e) *Widow's award; school child.* (1) Where an additional allowance is being paid to a widow for a child or children and information is received showing a definite date that a child has died, married, or discontinued school, an amended award will be approved immediately reducing payments to the widow accordingly, as provided by paragraphs (c) and (d) of this section. If a definite date is not shown, the award to the widow will be discontinued as of the date of last payment and information furnished that payments will not be resumed until the necessary evidence to show death, marriage, or termination of schooling has been submitted, except that if the notice shows the month but not the exact date of the happening of the contingency the award will be adjusted as of the first day of such month.

(2) When an amended award is approved under the criteria set forth in the paragraph (e) (1) of this section, evidence will be requested to establish the exact date of death, marriage, or discontinuance of school attendance, and information furnished the widow that unless the evidence is received within 30 days her award will be discontinued. A diary will be maintained to insure appropriate action being taken at the expiration of the 30-day period.

(3) If the evidence establishes a different date of death, marriage, or discontinuance of school attendance, the award will be amended further to reflect the correct date of the happening of the contingency.

(f) *Mother or father, death or cessation of dependency.* Pension or compensation to a dependent mother or father shall be discontinued as of the date of death, or, if no longer dependent, as of the date of last payment. Determination of continuance of dependency and discontinuance for nondependency or failure to file dependency evidence, see § 3.286 of this chapter.

(g) *Income limitations under Veterans' Regulation No. 1 (a), Part III (38 U. S. C. ch. 12) and Public No. 484, 73d Congress (act of June 28, 1934), as amended.* (1) Whenever the annual income of any unmarried person in receipt of death pension under Veterans' Regulation No. 1 (a), Part III, or Public No. 484, 73d Congress (and as amended by Public No. 844, 74th Congress, Public No. 304, 75th Congress, Public No. 514, 75th Congress, Public No. 198, 76th Congress, Public Law 312, 78th Congress, and Public Law 483, 78th Congress), exceeds $1,000, or the annual income of any married person or any person with minor children in receipt of such pension exceeds $2,500, the award of pension shall be discontinued from the date of last payment.

(2) A follow-up will be maintained with respect to questionnaires forwarded to payees for the purpose of determining the amount of annual income, as follows: If at the expiration of 30 days, or 60 days if payee resides without the continental limits of the United States, the questionnaire is not returned, another will be forwarded; if the questionnaire is not returned at the expiration of the second 30 days, or 60 days if the payee resides without the continental limits of the United States, the award will be discontinued as of the date of last payment. (See also §§ 3.228, 3.293, 3.1163 of this chapter and Veterans' Administration adjudication procedure.

(h) *Fraud.* Where, subsequent to the approval of an award, fraud is shown to have been committed prior to the approval of such award by the person receiving pension or compensation or with his or her knowledge, the effective date of discontinuance shall be as of the effective date of the award to such person. If the fraud was committed subsequent to the approval of the award the effective date of discontinuance shall be as of the date of commitment of the fraud.

(i) *Beneficiary resident in enemy-controlled territory.* In a claim for accrued benefits, where a claim and evidence to show that neither the claimant nor the deceased person was guilty of any of the offenses enumerated in section 4, Public Law 144, 78th Congress, was not filed prior to August 8, 1947, discontinuance of death pension or compensation under section 5 of Public Law 144, 78th Congress, shall be effective July 12, 1943, on an award to any person not a citizen of the United States who was located in the territory of or under the military control of an enemy of the United States or of any of its allies. As to recommencement of payments, see § 4.88 (e).

(j) *Commonwealth Army of the Philippines.* In those cases in which an award was approved prior to February 18, 1946, predicated upon service in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United States pursuant to the military order of the President of the United States dated July 26, 1941, awards of death benefits predicated upon nonservice-connected death shall be discontinued effective February 17, 1946, and awards of death benefits predicated upon service-connected death at a dollar rate shall be reduced to authorize payment effective February 18, 1946, at the rate of one Philippine peso for each United States dollar authorized under the law. (Public Law 301, 79th Congress.) (Secs. 1, 4, 9, 28, 32, 48 Stat. 8, 9, 10, 524, 526, secs. 3, 5, 11, 57 Stat. 554, 555, 556, sec. 5, 58 Stat. 804, 60 Stat. 874; 38 U. S. C. 503 (c), 701, 704, 709, 722, 729, 729a, 734, ch. 12 note)

CROSS REFERENCES: *Renouncement.* (See § 4.54.)

Receipt of active service or retirement pay. (See § 3.299 of this chapter.)

§ 4.88 *Recommencement of death pension or compensation.* Death pension or compensation previously discontinued will be recommenced as follows:

(a) *Recommencement after discontinuance under section 4706, Revised Statutes.* A widow whose pension has been discontinued under section 4706, Revised Statutes, shall be restored to the rolls from the sixteenth birthday of the youngest child of such widow and the veteran, provided her title has not been forfeited under the act of August 7, 1882.

(b) *Recommencement after discontinuance because of income.* (1) In any case where a widow's award has been discontinued because of income and title is re-established by reason of the school attendance or helplessness of a child, the effective date of recommencement of benefits to the widow will be governed by the rules prescribed by § 4.98 or § 4.86 (d), as the case may be.

(2) In any case where a widow's, or child's award has been discontinued because of income and title is re-established by reason of reduction in income, the effective date of recommencement will be governed by § 3.228 of this chapter.

(c) *Recommencement after discontinuance for failure to file dependency evidence or information.* See § 3.286 of this chapter.

(d) *Recommencement after discontinuance because of failure to file annual income questionnaire.* See Veterans' Administration adjudication procedure.

(e) *Recommencement of awards to foreign beneficiaries.* In any claim where payments of death pension or compensation have been discontinued under section 5, Public Law 144, 78th Congress, because a beneficiary who was not a citizen of the United States was a resident in the territory of or under the military control of an enemy of the United States or of any of its allies, or where checks to which the beneficiary was entitled were placed in the special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Funds" or covered into miscellaneous receipts pursuant to the provisions of Public No. 828, 76th Congress, payment of such amounts shall be made upon the filing of a new claim accompanied by evidence satisfactory to the Administrator of Veterans Affairs showing that the claimant was not guilty of any of the offenses enumerated in section 4 of Public Law 144, 78th Congress: Mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies: *Provided*, That a claim as required by this paragraph filed prior to August 7, 1946, shall be considered a claim for the purposes of Public Law 622, 79th Congress: *Provided further*, That where an award is subject to discontinuance under the provisions of § 4.68 (i), no pension or compensation shall be paid for any period prior to the date of receipt of such claim: *Provided further*, That no payments shall be made to a citizen or subject of Germany or Japan while residing in Germany or Japan (Pub. Law 622, 79th Cong.). See § 4.86 (i) as to discontinuance of payments. (Sec. 12, 17 Stat. 570, sec. 9, 48 Stat. 19 sec. 3, 57 Stat. 554, 60 Stat. 874; 38 U. S. C. 200, 709, 729a, ch. 12 note)

EFFECTIVE DATES OF READJUSTMENT IN RATES TO DEPENDENTS

§ 4.90 *Readjustment after contingency. Public No. 166, 69th Congress (act of May 1, 1926), as reenacted by Public No. 269, 74th Congress (act of August 13, 1935), and as amended, Public No. 2, 73d Congress (act of March 20, 1933), as amended, sections 28 and 31, Public No. 141, 73d Congress (act of March 28, 1934), as amended, and Public No. 484, 73d Congress (act of June 28, 1934), as amended.* (a) In any claim under the above cited acts in which death pension or compensation is being paid the widow and other dependents of a person who served and an adjustment in the rates payable becomes necessary because of the death, remarriage, or forfeiture of title of one or more of the beneficiaries, readjustment will be made without the filing of a formal application. The rates for the remaining beneficiary or beneficiaries shall be the amount which would have been payable if they had been the sole original beneficiaries and will become effective the day following the date of discontinuance of payments under the prior award, provided the evidence necessary to effect an adjustment or resumption of payments is received in the Veterans' Administration within 1 year from the date of request therefor; if the evidence is not received within 1 year from the date of request therefor, payments will be authorized from the date of receipt of the evidence. (See § 3.286 of this chapter.)

(b) (1) If a widow with a child or children has been paid compensation or pension subsequent to her remarriage at a rate in excess of that to which the child or children were entitled in their own right, an amended award will be made to the widow authorizing payment to her in her own right of the amount to which she was entitled for herself and child or children until the date next preceding the date of her remarriage and the amount to which the child or children would have been entitled if an award had been made to them from that date to the date of last payment to the widow. Thereafter, if in order, an award will be made to or in behalf of the child or children.

(2) If the rate payable for children in their own right is in excess of that paid to the widow, her award will be discontinued effective date of last payment and the award to the children will be made to commence the date of the widow's remarriage. The rate payable will be the difference between the amount paid to the widow and the amount payable for children in their own right, the available balance being proportionately divided. The full rate to which each child is entitled will be awarded commencing the day following the date of last payment to the widow. (Secs. 4, 9, 48 Stat. 9, 10; 38 U. S. C. 704, 709)

APPORTIONMENT OF DEATH PENSION OR COMPENSATION

§ 4.91 *Apportionment—(a) Conditions under which apportionment may be made.* Death compensation or pension payable under any law or veterans regulation administered by the Veterans' Administration shall be apportioned where the child or children of a deceased person who served are not in the actual or constructive custody of the widow, except that no apportionment of death compensation or pension payable to the widow for herself and child or children will be made for any child who enters the active military or naval service of the United States (§ 4.86 (c)); or, where the child or children are separated from the widow, due to her incompetency, and a fiduciary has been appointed for the widow, who is providing properly for the children from the widow's estate or income voluntarily or pursuant to a decree of a court of competent jurisdiction. The apportionment of a widow's pension or compensation will not be considered a reduction thereof.

(b) *Effective dates of apportionment.* (1) The effective date of the apportionment will be the first day of the month next succeeding that in which notice was received in the Veterans' Administration that the child or children are not in the actual or constructive care and custody of the widow: *Provided*, That where prior to the initial award to the widow the lack of custody in the widow is shown, the compensation or pension will be apportioned in accordance with the facts found for all periods affected: *Provided*, That where there was a running award on October 17, 1940, under the laws granting pensions to dependents of persons who served prior to April 21, 1898, or under the laws re-enacted by Public No. 269, 74th Congress, the notice hereinabove referred to must be received in the Veterans' Administration subsequent to October 17, 1940: *Provided further*, That pension payable under such laws shall not, in any event, be apportioned for any period prior to October 17, 1940.

(2) The rates of apportionment outlined in this paragraph, subject to the provisions of § 4.92, apply to all periods affected both prior and subsequent to the date the award, either original or amended, is approved.

(c) *Rates payable—(1) General—(i) Compensation.* For periods on and after September 1, 1948, in awards of death compensation at the rates provided by Public Law 868, 80th Congress, the rate payable for the widow shall be $60 monthly where the death of the veteran was due to wartime service or $48 monthly where the death of the veteran was due to peacetime service, and the remainder of the amount which would be payable to the widow if all children were in her custody will be equally divided among the children. The amount payable on behalf of any child or children in the widow's custody will be added to the widow's share. For periods prior to September 1, 1948, and where compensation is payable at a protected rate under section 20, Public No. 78, 73d Congress or section 28, Public No. 141, 73d Congress, the rule outlined in subdivision (ii) of this subparagraph shall apply.

(ii) *Pension.* Public No. 484, 73d Congress as amended and Veterans Regulation No. 1 (a), Part III (38 U. S. C. Ch. 12). Apportionment of death shall be computed as follows: The share for all children for whom claim is filed will be that amount to which they would be entitled if there were no widow. The widow's share will be the difference between the children's share and the total amount payable on account of the widow and all children for whom claim is filed. In all instances, the amount payable to or for the children will be divided equally among the children. The share for any children in the widow's custody will be added to the widow's share. If, in the application of this rule, the widow's share would be increased to an amount greater than the amount to which she would be entitled if there were no children, then her share will be the amount to which she would be entitled if there were no children, and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share. If, however, in the application of this rule, the widow's share would be reduced to an amount lower than 50 percent of that to which she would be entitled if there were no children, then her share will be 50 percent of the amount to which she would be entitled if there were no children, and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share.

(iii) *Civil War pension.* When pension is payable under Public No. 190, 66th Congress (act of May 1, 1920), as amended, including Public Law 270, 80th Congress (act of July 30, 1947), the apportioned monthly rates shall be as follows:

	On and after Oct. 17, 1940	On and after Sept. 1, 1947
Widow	$21.00	$25.20
Child	15.00	18.00
Each additional child	6.00	7.20
Total amount for children equally divided.		

The additional monthly payment of $10.00 provided by the acts of May 23, 1928, and June 9, 1930, which was increased to $12.00 effective Sept. 1, 1947, by the act of July 30, 1947 (Pub. Law 270, 80th Cong.), because of attained age of a widow shall be added to the widow's share.

(iv) *Indian war pension.* When pension is payable under Public No. 723, 69th Congress (act of March 3, 1927) as amended, including Public Law 398, 80th Congress (act of January 19, 1948), the apportioned monthly rates shall be as follows:

	On and after Oct. 17, 1940	On and after Mar. 1, 1948
Widow	$21.00	$25.20
Child	15.00	18.00
Each additional child	6.00	7.20
Total amount for children equally divided.		

The additional monthly payment of $10.00 provided by the act of Mar. 3, 1944 (Pub. Law 245, 78th Cong.), which was increased to $12.00 effective Mar. 1, 1948, by the act of January 19, 1948 (Pub. Law 398, 80th Cong.), because of attained age of a widow shall be added to the widow's share.

(v) *Spanish-American War (Including Boxer Rebellion and Philippine Insurrection) Pension. Service act, reenacted by Public No. 269, 74th Congress and amended.* When pension is payable under Public No. 166, 69th Congress (act of May 1, 1926), as reenacted by Public No. 269, 74th Congress, and as amended, including Public Law 270, 80th Congress (act of July 30, 1947), the apportioned monthly rates shall be as follows:

	On and after Oct. 17, 1940	On and after Sept. 1, 1946	On and after Sept. 1, 1947
Widow	$21.00	$28.00	$33.60
Child	15.00	18.00	21.60
Each additional child	6.00	6.00	7.20
Total amount for children equally divided			

The additional monthly payment of $10 provided by the act of March 1, 1944 (Pub. Law 242, 78th Cong.), because of attained age of a widow which applies only for the period from April 1, 1944, through August 31, 1946, shall be added to the widow's share.

(2) *Rate for additional beneficiary.* In any case wherein death compensation or pension is being currently paid and claim is filed by or for an additional dependent of the veteran, who is entitled to an apportioned share, no reduction will be made in the current award for any period prior to the first of the month next succeeding that in which the changed award is approved. The amount payable during such period to or for the additional dependent will be the difference between the amount of compensation or pension currently being paid and the total amount payable by reason of including the additional dependent. On and after the first day of the month next succeeding that in which the changed award is approved the total amount of compensation or pension will be apportioned as provided in paragraph (c) (1) of this section.

(d) *Special apportionments.* In any case wherein it is clearly shown by competent evidence that the application of the foregoing provisions of these regulations will result in undue hardship upon the widow or children, and relief can be afforded without undue hardship to other persons at interest, the assistant administrator for claims, in central office, or the director of claims service in a branch office shall determine, without regard to the foregoing provisions of these regulations, the exact amount to be apportioned to each individual in interest. The director, dependents and beneficiaries claims service, in central office cases, or the chief, dependents and beneficiaries claims division, in branch office cases, will make appropriate recommendation to the official authorized to make determinations in such cases. (Secs. 3, 4, 20, 28, 48 Stat. 9, 309, 524, 1281, sec. 3, 54 Stat. 1195; 38 U. S. C. 49a note, 505, 704, 722; Pub. Law 868, 80th Cong.)

§ 4.92 *Changing prior apportionments; discontinuance of apportionments, effective dates*—(a) *Changing prior apportionments*—(1) *When change may be made.* If an award has been made pursuant to a prior apportionment regulation, and a retroactive increase in the total amount payable is in order, the awards will be adjusted in accordance with § 4.91 (c), effective as of the commencement date of the prior apportionment or the date of the increase in the total amount payable, whichever is the later: *Provided*, No overpayment to any payee will result. If an overpayment to any payee will result, the amount of the retroactive increase will be divided equally among the children from the effective date of such increase to the last day of the month in which the action is taken, thereafter applying the rates prescribed in § 4.91 (c).

(2) *When change may not be made.* If an award has been properly made pursuant to a prior apportionment regulation and payment is being made to any payee pursuant to such award, the award will not be disturbed retroactively except as provided in subparagraph (1) of this paragraph. Any adjustment made necessary by reason of a change in regulations will be made effective as of the first day of the month next succeeding that in which the changed award is approved.

(b) *Discontinuance of apportionments, effective dates.* In those cases where death compensation or pension is apportioned between the widow and a child or children and payments have been or are being made to such dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefit to the child or children shall be the date of last payment, and the award to the widow will be adjusted accordingly: *Provided*, That in the event of death the effective date shall be the date of death: *Provided further*, That upon attainment by a child of an age (16, 18 or 21) after which compensation or pension is no longer payable the effective date shall be the day preceding the date of attainment of such age: *Provided further*, That upon marriage of a child the effective date shall be the date preceding the date of marriage: *Provided further*, That when a child discontinues a course of instruction the effective date will be the last day of attendance. (38 U. S. C. ch. 12, Reg. 6 (c).) (Sec. 3, 54 Stat. 1195; 38 U. S. C. 49a note)

§ 4.93 *Awards where all beneficiaries do not file a claim on the same date; fractions of one cent.* (a) *Awards where some but not all dependents apply.* In any case where claim is or has been filed by or on behalf of one or more dependents, but is not filed by or on behalf of all dependents who may be entitled, the awards (original or amended) for those dependents who have filed claim will be made for all periods affected at the rates and in the same manner as though there were no other dependents.

(b) *Computation of rate for additional beneficiary.* In any case wherein death compensation or pension is being currently paid and claim is filed by or for an additional dependent, a retroactive adjustment in the current award will be made, provided no overpayment will result. If an overpayment would result, the current award will be reduced as of the first of the month next succeeding that in which the changed award is approved, and the amount payable prior to the date of reduction to or for such additional dependent will be the difference between the amount of compensation or pension currently being paid and the total amount payable by reason of including the additional dependent. On and after the first day of the month next succeeding that in which the changed award is approved, the additional dependent will be entitled to his full share. (For apportioned awards, see § 4.91 (c) (2).)

(c) *Fractions of 1 cent, in awards.* In all cases where the amount to be paid under any award involves a fraction of a cent, the fractional part will be excluded.

PAYMENT OF PENSION OR COMPENSATION TO A CHILD WHEN IT REACHES 16 OR 18 YEARS OF AGE

Payment of Pension or Compensation Based Upon Helplessness

§ 4.94 *Helpless child.* For the purpose of the laws authorizing the payment of death compensation or pension, the term "helpless child" shall mean a child who was permanently incapable of self-support by reason of physical or mental defect at the date of attaining the age of 16 or 18 years, whichever is applicable, and at the date of filing claim. The requirement that a child be "insane, idiotic, or otherwise mentally or physically helpless" as a prerequisite to the continuance of benefits after a child attains the age of 16 years will be considered as having been met when the evidence shows that the child is permanently incapable of self-support by reason of physical or mental defect. (Sec. 4, 41 Stat. 586, sec. 2, 44 Stat. 382, 1362, sec. 7, 57 Stat. 555, sec. 1, 58 Stat. 186; 38 U. S. C. 37, 288, 364 a, 381 a, ch 12 note)

§ 4.95 *After age 18.* Pension or compensation otherwise payable on behalf of a helpless unmarried child will be continued from the child's eighteenth birthday without the filing of a formal claim, provided helplessness is alleged prior to or within 1 year after the date on which the child attains the age of 18 years, and evidence establishing entitlement is received within 1 year from the date of request by the Veterans' Administration. If helplessness is not alleged prior to or within 1 year after the child attains the age of 18 years, such benefits will be continued from the date of receipt in the Veterans' Administration of a communication from or on behalf of the child, alleging helplessness, provided evidence establishing entitlement is received within 1 year from the date of request by the Veterans' Administration. (Sec. 7, 57 Stat. 555; 38 U. S. C., ch. 12 note)

§ 4.96 *After age 16*—(a) *Service prior to April 20, 1898.* Pension or compensation on behalf of a helpless unmarried child may be continued from the child's sixteenth birthday without the filing of a formal claim, provided helplessness was alleged in the original application; otherwise a formal application will be required.

(b) *Service in Spanish-American War, Boxer Rebellion, or Philippine Insurrection*—(1) *Helplessness at 16.* Pension or compensation may be continued on behalf of a legitimate unmarried child who became helpless prior to attaining the age of 16 years, without the filing of a formal claim, provided helplessness is alleged prior to or within 1 year after the date on which the child attains the age of 16 years, and evidence establishing entitlement is received within 1 year from the date of request by the Veterans' Administration. If helplessness is not alleged prior to or within 1 year after the child attains the age of 16 years, such benefits will be continued from the date of receipt in the Veterans' Administration of a communication from or on behalf of the child alleging helplessness, provided evidence establishing entitlement is received within 1 year from the date of request by the Veterans' Administration. Pension under the act of May 1, 1926, as re-enacted, will be payable at the rate set forth in § 4.134 (a) (1) or (2) (i). Compensation will be payable at the rate set forth in § 4.124. (Sec. 4, 41 Stat. 586, sec. 2, 44 Stat. 382, 1362, sec. 1, 58 Stat. 186; 38 U. S. C. 37, 288, 364a, 381a)

(2) *Helplessness at 18.* Where the child's entitlement to pension under the act of May 1, 1926, as re-enacted, arises pursuant to sections 1 and 7, Public Law 144, 78th Congress, the rate payable will be that set forth in § 4.134 (a) where there is a widow, or the rate set forth in § 4.134 (a) (2) (ii) where there is no widow. Compensation will be payable at the rate set forth in § 4.124.

(c) *Public Law 280, 78th Congress (act of April 1, 1944).* The continuance of pension or compensation is authorized under the provisions of Public Law 280, 78th Congress, without regard to whether the child was under or over the age of 16 years at the date of the veteran's death, if helplessness existed at the date of attaining the age of 16 years and exists at the date of filing claim. These benefits terminate upon marriage, except that awards approved prior to April 1, 1944, are not subject to this provision. The application of this law is restricted to claims based on service rendered prior to April 20, 1898, or based on service rendered in the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, where the child meets the definition of a child contained in the act of May 1, 1926, as re-enacted, and without reference to section 7, Public Law 144, 78th Congress.

Payment of Pension or Compensation Based on School Attendance

§ 4.98 *Effective dates.* Except as outlined in § 4.0 pertaining to original claims, the effective dates of payments on account of school attendance will be as follows:

(a) *When child reaches age of 18 years while pursuing an approved course.* Payments of pension or compensation under authority of § 4.94 (b) will be effective on the child's eighteenth birthday, if at that time the child is pursuing a course of instruction as provided in § 4.94, and evidence showing the pursuance of such course is received within 1 year from the date the child attained the age of 18 years. If a child who is pursuing a course attains the age of 18 years before the evidence showing pursuit of an approved course is received, the award will be terminated in accordance with regulations; but will be reopened and continued pursuant to the provisions of this paragraph if such evidence is received within the year specified. If such evidence is not received within 1 year, the effective date of the award will be the date of receipt of evidence showing pursuit of an approved course.

(b) *When child is not pursuing an approved course on eighteenth birthday.* If the child was not pursuing an approved course of instruction at the time it attained the age of 18 years but subsequently actually commences an approved course of instruction and evidence thereof is received within 1 year of the commencement of the course, the effective date of the award will be the date of commencement of attendance: *Provided*, That if such evidence is not received within 1 year, the effective date of the award will be the date of receipt of evidence showing pursuit of an approved course: *Provided further*, That if the child attains the age of 18 years during a vacation period immediately following a period of school attendance and enters school at the end of the vacation period, payment of pension or compensation will be authorized from the date the child attains the age of 18 years, as provided in § 4.98 (a).

(c) *Holiday or vacation periods*—(1) *Continuance during holidays or vacation period.* In a claim where evidence is submitted showing that the child was attending a course of instruction in an approved institution at the close of a regular school term and intends to resume attendance at the next regular term, either in the same or a different institution, the award will be continued during the intervening holiday or vacation period, if all other requirements are met: *Provided*, That where the child does not actually resume attendance, the award will be discontinued as of the day preceding the date of such failure to pursue a course or as of the date of last payment, whichever is the earlier: *Provided further*, That payments will not be authorized retroactively for the vacation period where the child fails to resume attendance at the end of such period.

(2) *Evidence received during vacation period.* Where evidence is received during a holiday or vacation period, awards continuing or resuming payments will not be withheld until the vacation period has elapsed and commencement of the course has been reported by the school but will be approved without delay if otherwise in order.

(3) *Notice during vacation period that course will not be commenced.* Upon receipt of notice during a vacation or holiday period that a child will not commence or resume attendance at the next regular term, the ending date of the school award will be the date of last payment but not prior to the date of expiration of the last regular term nor subsequent to the day preceding the date of commencement of the next regular term.

(4) *Report of failure to commence or resume course*—(i) *If award has been made.* If notice as described in the preceding subparagraph has not been received, and it is ascertained after the close of the holiday or vacation period that the child has failed to commence or resume an approved course at the next regular term, or if the required evidence of attendance is not received from the school within 10 days after the date of follow-up request after the date of commencement, payments will be discontinued effective the day preceding the date on which the course was to have been commenced or resumed or the date of last payment, whichever is the earlier: *Provided*, That if the reason for the failure to commence or resume the course was the marriage of the child, the ending date will be the day preceding the marriage: *Provided further*, That if no payments have been made, the award will be reduced or discontinued from its effective date but not prior to the date of expiration of the last regular term.

(ii) *If award has not been made.* If notice as provided in subparagraph (3) of this paragraph or report of failure to commence or resume a course following a vacation or holiday period is received before an award has been made, pursuant to approval of a course of instruction, benefits that may be payable by reason of prior pursuit of an approved course will not be authorized through the vacation or holiday period.

(5) *Resumption of payments after discontinuance for failure to submit notice of commencement.* Payments reduced or discontinued pursuant to subparagraph (4) (i) of this paragraph for failure to submit VA Form 674b within 10 days from the date of request therefor, will be resumed, if otherwise in order, from the effective date of such reduction or discontinuance upon receipt within 1 year from that date of VA Form 674b showing attendance at the commencement of term for which such benefits were denied.

(6) *Ending dates of school awards.* If VA Forms 8–674 and 8–674a show the year, month, and day on which it is expected the course will be terminated, the ending date of the school award will be the earliest date shown. If one form shows only the month and year and the other shows a definite date in an earlier month, the definite date will be accepted. In all other instances, the earliest month shown in either form will be accepted, and the ending date of the school award will be the last day of the preceding month.

(d) *Discontinuance and recommencement of a course.* If a course of instruction is discontinued at any time and thereafter recommenced, the effective date of the renewed award will be the date of recommencement of attendance, provided the evidence of resumption of attendance is received within 1 year. If evidence of the commencement of the course is not received within 1 year, the effective date of the award will be the date of receipt of evidence showing pursuit of an approved course.

(e) *Transfers to other institutions.* In those cases in which payments have been or are being made on the basis of a course in an institution which meets with the approval of the Veterans' Administration and it is shown that during all or a portion of such period the child was pursuing a different course in the same institution or a course in another institution, action of approval or disapproval thereof may be taken at any time, and, if approved, payments previously made covering the period of attendance in such course will not be disturbed.

(f) *Apportionment.* In any case wherein death pension or compensation is currently being paid and an apportioned award is to be made for a child who commences or recommences an approved course of instruction, the rate payable to or for such child from the eighteenth birthday, date of commencement of school attendance, date of application, or the date of receipt of such evidence, whichever is applicable under paragraphs (a), (b), (c), or (d) of this section, to the first of the month next succeeding that in which the changed award is approved shall be only the difference between the amount of pension or compensation currently being paid and the total amount payable by reason of including such child among the dependents for whom benefits are being paid. On and after the first of the month next succeeding that in which the changed award is approved, the pension or compensation will be apportioned as provided in § 4.91 (c).

(g) *When child marries, ceases to attend course, or reaches age of 21 years.* Payments of pension or compensation under this paragraph will terminate upon the date preceding the date of marriage or, except as provided in § 4.98 (c), upon the last day which the child attended school, but in no event will pension or compensation be paid for a period beyond the day preceding the child's twenty-first birthday. (Sec. 7, 57 Stat. 555; 38 U. S. C., ch. 12 note)

(h) *Evidence requirements*—(1) *General.* The requirement that evidence of school attendance must be filed will be considered as having been met when notice of such school attendance, meeting the requirements of an informal claim, is received, provided the necessary formal evidence on VA Forms 8–674 and 8–674a is filed within 1 year from the date of request.

(2) *Accrued benefits only.* When a claim for accrued benefits is filed by or on behalf of a veteran's child over 18 but under 21 years of age who was pursuing a course of instruction at the time of the payee's death and payment of accrued benefits only is involved, evidence of school attendance will consist of VA Form 674c executed jointly by the child and the school official. When the payee's death occurred during a school vacation period, the requirements will be considered to have been met if the child was carried on the school rolls on the last day of the regular school term immediately preceding the date of the payee's death.

FORFEITURES

§ 4.100 *Abandonment of children by widow.* For the purposes of the General Law, the service pension acts granting pension to widows and children of veterans of the Civil and Indian Wars, and the laws re-enacted by section 30, title III, Public No. 141, 73d Congress (act of March 28, 1934), and Public No. 269, 74th Congress (act of August 13, 1935), if any person has died, or shall hereafter die, leaving a widow entitled to a pension by reason of his death and a child or children under 16 years of age by such widow, and it shall be duly certified under seal by any court having probate jurisdiction, that satisfactory evidence has been produced before such court, upon due notice to the widow, that she has abandoned the care of such child or children, or that she is an unsuitable person, by reason of immoral conduct to have the custody of the same, on presentation of satisfactory evidence thereof to the Administrator of Veterans' Affairs, no pension shall be allowed to such widow until such child or children shall have attained the age of 16 years, and the said child or children shall be pensioned in the same manner, and from the same date, as if no widow had survived such person, but if in any case payment of pension shall have been made to the widow, the pension to the child or children shall commence from the date to which her pension has been paid. (R. S. 4706; 38 U. S. C. 200)

§ 4.102 *Open and notorious adulterous cohabitation.* For the purposes of the General Law, the service pension acts granting pension to widows of Civil and Indian War veterans, and the pension laws re-enacted by Public No. 141, 73d Congress (act of March 28, 1934), and Public No. 269, 74th Congress (act of August 13, 1935), the open and notorious and adulterous cohabitation of a widow who is a pensioner shall operate to terminate her pension from the commencement of such cohabitation. (R. S. 4702; 38 U. S. C. 191 and 199)

§ 4.104 *Forfeitures incurred prior to March 20, 1933.* (a) For the purposes of Public No. 2, 73d Congress (act of March 20, 1933), all penalties or forfeitures incurred prior to March 20, 1933, under the acts repealed by section 17 thereof, will be given the same effect as if said repeal had not been made, and any person who forfeited rights to benefits under any such acts shall not be entitled to any benefits under title I of Public No. 2, 73d Congress (act of March 20, 1933, section 11).

(b) A forfeiture under section 4706, Revised Statutes, is a limited forfeiture only, and such forfeiture does not bar a widow from receiving pension under Public No. 2, 73d Congress (act of March 20, 1933), after the youngest child attains the age of 16 years. (Sec. 12, 17 Stat. 570, sec. 11, 48 Stat. 10, R. S. 4706; 38 U. S. C. 200, 717 note)

§ 4.106 *Failure to claim pension for three years.* For the purposes of the General Law, the service pension acts granting pension to widows of Civil and Indian War veterans, and the pension laws re-enacted by section 30, title III, Public No. 141, 73d Congress (act of March 28, 1934), and Public No. 269, 74th Congress (act of August 13, 1935), the failure of any pensioner to claim pension for 3 years after the same shall have become due shall be deemed presumptive evidence that such pension has legally terminated by reason of the pensioner's death, remarriage, or otherwise, and the pensioner's name shall be stricken from the list of pensioners, subject to the right of restoration to the same on a new application by the pensioner, or, if the pensioner is dead, by the widow or minor children entitled to receive the accrued pension, accompanied by evidence satisfactorily accounting for the failure to claim such pension. (R. S. 4719; 38 U. S. C. 53)

§ 4.107 *Forfeiture of benefits by a veteran as it relates to claims for death compensation.* Forfeiture of benefits by a veteran under the provisions of section 504, World War Veterans' Act, 1924, as amended, or section 15 of Public No. 2, 73d Congress, shall not preclude (a) payments of death compensation benefits for service-connected death or (b) payments of death compensation benefits, on and after October 17, 1940, under Public No. 484, 73d Congress, as amended: *Provided*, That no compensation or pension shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed. (Section 9, Public No. 866, 76th Congress, act of October 17, 1940) In forfeiture cases, death compensation benefits under Public No. 484, as amended, may not be awarded for any period prior to October 17, 1940. (Sec. 9, 54 Stat. 1196; 35 U. S. C. 555a, 715a)

§ 4.108 *Forfeiture for treasonable acts.* Any person shown by evidence satisfactory to the Administrator of Veterans Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies shall forfeit all accrued or future benefits under laws administered by the Veterans' Administration pertaining to gratuities for veterans and their dependends: *Provided*, That any part of such benefits may be apportioned and paid to the dependents of such person, not exceeding the amount to which each dependent would be entitled if such person were dead. (Section 4, Pub. Law 144, 78th Cong., act of July 13, 1943) (Sec. 4, 57 Stat. 555; 38 U. S. C. 728)

CROSS REFERENCE: *Other forfeitures.* See § 3.69.

PROTECTED AWARDS; DEATH CASES

§ 4.109 *Awards for service-connected death prior to March 20, 1933.* Pursuant to section 17 of Public No. 2, 73d Congress (act of March 20, 1933), and of section 20, Title I, Public Law 78, 73d Congress (act of June 16, 1933), in death pension or compensation claims allowed prior to March 20, 1933, based on a finding that the veteran died as the result of a service-connected disability, it will be presumed that the prior decision, holding that the disease or injury causing the death of the veteran was the result of active service or was not the result of the veteran's misconduct or that the discharge was not dishonorable or that the relationship was properly established, was a proper decision and that every award to or for any individual as the widow, child, or dependent parent of a deceased veteran of the World War who was in active service on or after April 6, 1917, and before July 3, 1921, was a proper award, and no reduction or discontinuance thereof will be made except by reason of marriage or death of the widow or child, or death or cessation of dependency of the parent, or the attainment of the age of eighteen years or twenty-one years or cessation of school attendance of the child. This presumption will be effective in all instances in the absence of an affirmative showing that the prior decision was clearly and unmistakably erroneous under the criteria in effect when it was rendered. (38 U. S. C. ch. 12, Reg. 4) (Sec. 4, 17, 48 Stat. 9, 11, sec. 20, 48 Stat. 309; 38 U. S. C. 704, 718, 722)

§ 4.110 *Awards under section 28, Title III, Public No. 141, 73d Congress.* For the purposes of section 28, Title III, Public No. 141, 73d Congress (act of March 28, 1934), in no event shall death compensation being paid under the World War Veterans' Act, 1924, as amended, on March 19, 1933, be reduced or discontinued, whether the death of the veteran on whose account compensation is being paid was directly or presumptively connected with service, except for fraud misrepresentation of a material fact or unmistakable error as to conclusion of fact or law. (Sec. 28, Public No. 141) (Sec. 28, 48 Stat. 524; 38 U. S. C. 722)

§ 4.111 *Protection of awards to widows of World War I veterans granted prior to August 16, 1937.* In no event shall section 4 of Public No. 304, 75th Congress (act of August 16, 1937), be construed so as to require a reduction or discontinuance of death compensation to widows of deceased World War veterans to whom death compensation payments were authorized prior to the date of enactment of such act. All widows properly on the rolls on the date of enactment of such act shall be entitled to the increased rates authorized in section 3 of such act.

§ 4.112 *Awards under War Risk Insurance Act.* Awards made under the War Risk Insurance Act, where title did not exist under the World War Veterans' Act, 1924, as amended, are protected as to title but are not protected as to rate. (Sec. 602, 43 Stat. 630, secs. 17, 20, 48 Stat. 11, 309; 38 U. S. C. 571, 718, 722)

§ 4.114 *Protection under Veterans' Reg. No. 1 (c) (38 U. S. C. ch. 12).* For the purposes of Veterans' Regulation No. 1 (c), the surviving widow of any deceased person who died as a result of injury or disease incurred in or aggravated by active Coast Guard, military or naval service, in line of duty, who was on March 20, 1933, being paid, except for fraud, mistake or misrepresentation, a pension under general or service pension laws at a rate in excess of the rate authorized under Veterans' Regulation No. 1 (a), Part II, paragraph III, shall from and after January 19, 1934, until death or remarriage, be entitled to be paid a pension at the rate authorized under the prior General Law but not more than $30.00 per month. (38 U. S. C. ch. 12, Reg. 1 (c), par. IV.) (Sec. 4, 48 Stat. 9; 38 U. S. C. 704, ch. 12, Reg. 1 (a), Part II, par. IV)

§ 4.116 *Determination of service-connected death cause in claims of widows and dependents of the Spanish-American War veterans allowed service connection under Veterans' Reg. No. 12 (38 U. S. C. ch. 12).* (a) When the presumption of service connection of a disease or injury authorized in Veterans' Regulation No. 12 has resulted in the final allowance of the claim of a veteran of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, at the wartime pension rates under Veterans' Regulation No. 1 (a), and the veteran has subsequently died as a result of the presumptively connected disease or injury, the claim of the widow, child or dependent parent of the veteran will be adjudicated and benefits allowed under § 4.122 (a) and/or (b) or § 4.124 (Veterans' Regulation No. 1 (a), Part I), unless it is determined that service connection under Veterans' Regulation No. 12 was granted through clear or unmistakable error, or unless the presumption is clearly rebutted by evidence filed subsequent to the allowance of service connection.

(b) When the presumption of service connection granted during the lifetime of the veteran is clearly rebutted by evidence in the file, received either prior or subsequent to the veteran's death, or where it is determined that the service connection under Veterans' Regulation No. 12 was granted through clear and unmistakable error, that part of the claim based on presumptive service connection will be disallowed. (38 U. S. C. ch. 12, Reg. 12) (Sec. 4, 48 Stat. 9; 38 U. S. C. 704, ch. 12, Reg. 12)

§ 4.117 *Protection of awards to widows of veterans of the Spanish-American War, Boxer Rebellion or Philippine Insurrection granted prior to March 1, 1944.* The provisions of section 4, Public Law 242, 78th Congress, providing that no pension or increase in pension shall be allowed to the widow of a veteran of the War with Spain, Philippine Insurrection or the China Relief Expedition under any law unless there was continuous cohabitation from the date of marriage to the date of the death of the person who served except where there was a separation which was due to the misconduct of or procured by the person who served without the fault of the widow, shall not be construed so as to discontinue any pension granted prior to March 1, 1944. (Sec. 4, 58 Stat. 107; 38 U. S. C. 364h)

RATES OF DEATH PENSION AND COMPENSATION

Rates of Compensation for Death Due to Service

§ 4.122 *Death due to peacetime service—(a) Peacetime rate.* (1) Where death resulted from active military or naval service rendered subsequent to March 4, 1861, during time of peace (except as to those instances falling within the purview of paragraph (b) of this section), the following rates are payable:

	Per month	
	Aug. 1, 1943, to Aug. 31, 1948	On and after Sept. 1, 1948
Widow	$38.00	$60.00
Widow with 1 child	49.00	80.00
Each additional child	10.00	12.00
Children where there is no widow, total payable equally divided:		
1 child	19.00	46.40
2 children	28.00	65.60
3 children	36.00	84.80
Each additional child	8.00	16.00
Dependent mother or father	30.00	48.00
(Or both), each	20.00	28.00

(2) As to the widow, child or children, the total payable under subparagraph (1) of this paragraph shall not exceed $75.00 for periods prior to August 8, 1946. No limitation as to the amount payable is applicable for periods on and after that date. (Pub. Law 673, 79th Cong.)

(3) The foregoing rates for the period prior to September 1, 1948 are contained in Public Law 690, 77th Congress and section 14 (b), Public Law 144, 78th Congress. The rates on and after September 1, 1948 are authorized by Veterans' Regulation No. 1 (a), Part II, par. III, (38 U. S. C. ch. 12), as amended by section 3, Public Law 868, 80th Congress.

(b) *Wartime rate.* Where death resulted from active military or naval service rendered subsequent to March 4, 1861, during time of peace and from an injury or disease received in line of duty (a) as a direct result of armed conflict or (b) while engaged in extra hazardous service, including such service under conditions simulating war, the rates outlined in § 4.124 are payable. (Veterans' Regulation No. 1 (a), Part II, par. I (c), (38 U. S. C. ch. 12), as amended by Pub. Law 359, 77th Cong. and Pub. Law 868, 80th Cong.)

(c) *Philippine Scouts.* Awards based on service rendered by Philippine Scouts who were enlisted under section 14, Public Law 190, 79th Congress, approved October 6, 1945 (see § 3.1 (c)) shall be paid at the rate of one Philippine peso for each United States dollar authorized to be paid under the law providing for such compensation (Public Law 391, 79th Congress). (55 Stat. 944, sec. 1, 56 Stat. 731, sec. 14b, 57 Stat. 559, 60 Stat. 223, 931 Pub. Law 868, 80th Cong.; 10 U. S. C. 336; 38 U. S. C. 504, 731, ch. 12 note)

§ 4.124 *Death due to wartime service.* (a) (1) Where death resulted from active military or naval service rendered during the Civil War, the Indian wars, the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, World War I, or World War II, the following rates are payable:

	Per month		
	Aug. 1, 1943, to Aug. 31, 1946	Sept. 1, 1946, to Aug. 31, 1948	On and after Sept. 1, 1948
Widow	$60.00	$60.00	$75.00
Widow with one child	65.00	78.00	100.00
Each additional child	13.00	15.60	15.00
Children where there is no widow, total payable equally divided:			
1 child	25.00	30.00	58.00
2 children	38.00	45.60	82.00
3 children	48.00	57.60	106.00
Each additional child	10.00	12.00	20.00
Dependent mother or father	45.00	54.00	60.00
(Or both), each	25.00	30.00	35.00

(2) As to the widow, child or children, the total payable under subparagraph (1) of this paragraph shall not exceed $100 for periods prior to August 8, 1946. No limitation as to the amount payable is applicable for periods on and after that date. (Pub. Law 673, 79th Cong.)

(3) The foregoing rates for periods prior to September 1, 1948 are contained in section 5, Public No. 198, 76th Congress, as amended by section 10, Public Law 667, 77th Congress; section 14 (a), Public Law 144, 78th Congress; and section 2, Public Law 662, 79th Congress. The rates in section 5, Public No. 198, 76th Congress, originally applied only to World War I cases but were specifically made applicable to cases pertaining to the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, under the terms of Public Law 242, 77th Congress, and became applicable to cases pertaining to the other wars by reason of the provisions of Veterans' Regulations No. 1 (a), Part II, par. 1 (c) (38 U. S. C. ch. 12), as amended by Public Law 359, 77th Congress. The rates on and after September 1, 1948, as to cases pertaining to Spanish-American War, Boxer Rebellion and Philippine Insurrection, World War I and World War II are contained in Veterans' Regulation No. 1 (a), Part I, par. IV (38 U. S. C. ch. 12), by section 1, Public Law 868, 80th Congress, and are applicable to cases pertaining to other wars by virtue of the provisions of section 2, Public Law 868, 80th Congress.

(b) Awards based on service rendered with the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the armed forces of the United State pursuant to the military order of the President of the United States dated July 26, 1941, and awards, based on service rendered by Philippine Scouts who were enlisted under section 14, Public Law 190, 79th Congress, approved October 6, 1945 (see § 3.1 (c) of this chapter) shall be paid at the rate of one Philippine peso for each United States dollar authorized to be paid under the law providing for such compensation. (Pub. Laws 301 and 391, 79th Cong.) (Sec. 5, 53 Stat. 1070, sec. 14a,

57 Stat. 558, 60 Stat. 908, 931 Pub. Law 868, 80th Cong.; 38 U. S. C. 471a–3, 472b, 504, 731, 739, ch. 12 note)

§ 4.125 *Rates under Public No. 140, 73d Congress, for death resulting from carrying the mail by air.* The rates payable under this act are the same as those provided in § 4.124. (48 Stat. 508, 60 Stat. 908; 38 U. S. C. 471a–3, 739, ch. 12 note)

§ 4.126 *Death due to Veterans' Administration hospital treatment, etc.*—(a) *Rates under section 31, Title III, Public No. 141, 73d Congress, or section 12, Public No. 866, 76th Congress.* Where death occurred under the conditions set forth in section 31, Title III, Public No. 141, 73d Congress, or section 12, Public No. 866, 76th Congress, the rates payable (1) where the veteran served in a war are those authorized in paragraph (1), Veterans' Regulation 1 (g), (38 U. S. C. ch. 12), subject for periods on and after September 1, 1946, to the increases provided by section 2, Public Law 662, 79th Congress, or (2) where the veteran served during peacetime are those authorized in paragraph 2, Veterans' Regulation 1 (g); *Provided*, That for periods on and after September 1, 1948 the rates outlined in §§ 4.122 or 4.124, whichever is applicable, shall be payable. Nothing contained herein shall prevent the payment of a higher rate under a service or other act where authorized.

(b) *Section 2, Public Law 16, 78th Congress (par. 4, Part VII, Veterans' Regulation No. 1 (a) (38 U. S. C. ch. 12)).* Where the death of a veteran of World War II occurred under the conditions set forth in section 2, Public Law 16, 78th Congress (paragraph 4, Part VII, Veterans' Regulation No. 1 (a)), the rates payable are those outlined in § 4.124. (Sec. 31, 48 Stat. 526, sec. 12, 54 Stat. 1197, sec. 2, 57 Stat. 43, 60 Stat. 908 Pub. Law 868, 80th Cong.; 38 U. S. C. 471a–3, 501a–1, 739, ch. 12 note)

Rates of Pension for Death Not the Result of Service

§ 4.130 *Indian wars.*

	Per month	
	Prior to Mar. 1, 1948	On and after Mar. 1, 1948 (act of Jan. 19, 1948)
(a) Widows:		
Act of Mar. 3, 1927	$30.00	$36.00
Act of Mar. 3, 1944	30.00	36.00
70 years of age or over	40.00	48.00
Wife during service	50.00	60.00
Additional for each child	6.00	7.20
(b) Remarried widows:		
Act of Mar. 3, 1927	30.00	36.00
Additional for each child	6.00	7.20
(c) Children:		
Act of Mar. 3, 1927—one child	36.00	43.20
(Additional for each child, equally divided)	6.00	7.20

(44 Stat. 1361, sec. 3, 58 Stat. 109, Pub. Law 393, 80th Cong.; 38 U. S. C. 381, 381a, b, c, d, e)

§ 4.132 *Civil War.*

	Per month	
	Prior to Sept. 1, 1947	On and after Sept. 1, 1947 (act of July 30, 1947)
(a) (1) Widows and remarried widows:		
Act of May 1, 1920	$30.00	$36.00
Act of July 3, 1926 (wife during period of service)	50.00	60.00
Act of June 9, 1930 (over 70 years of age)	40.00	48.00
Additional for each child	6.00	7.20
(2) Widows—Act of Dec. 8, 1944	30.00	36.00
70 years of age or over	40.00	48.00
(b) Children:		
Act of May 1, 1920—one child	36.00	43.20
(Additional for each child, equally divided)	6.00	7.20

(Sec. 4, 41 Stat. 586, sec. 2, 44 Stat. 806, sec. 1, 45 Stat. 714, sec. 3, 46 Stat. 529, sec. 2, Pub. Law 270, 80th Cong.; 38 U. S. C. 288, 291, 291a, b)

§ 4.134 *Spanish-American War, including the Boxer Rebellion and Philippine Insurrection.* (a) Rates under the act of May 1, 1926, as re-enacted by Public No. 269, 74th Congress; sections 1 and 7, Public Law 144, 78th Congress; Public Law 242, 78th Congress; Public Law 611, 79th Congress; Public Law 270, 80th Congress.

(1) *Widows and remarried widows.*

	On and after Apr. 1, 1944	On and after Sept. 1, 1946	On and after Sept. 1, 1947
Under 65 years of age	$30.00	$40.00	$48.00
65 years of age or over	40.00	40.00	48.00
Wife during service	50.00	50.00	60.00
Additional for each child	6.00	6.00	7.20

Where there is a widow or remarried widow, the additional amount for a child is applicable as to each child within the purview of either § 4.2 (b) (i) or § 4.14 (c). (See § 4.12 (c).)

(2) *Children, where there is no widow.* (i) The rates for children who are eligible by reason of the definition of the term "Child" contained in § 4.2 (b) (1) (see § 4.12 (c)), are as follows:

	On and after Aug. 13, 1935	On and after Sept. 1, 1946	On and after Sept. 1, 1947
1 child	$36.00	$46.00	$55.20
Each additional child, total equally divided	6.00	6.00	7.20

The rate for a child or children entitled under this subdivision is not affected by any payments made to a child or children under subdivision (ii) of this subparagraph over the same period of time.

(ii) The rates for children who are eligible solely as a result of the definition of the term "Child" contained in § 4.14 (c) (see § 4.12 (c)), shall be as follows:

	On and after June 1, 1944	On and after Sept. 1, 1946	On and after Sept. 1, 1947
1 child	$18.00	$21.60	$25.92
2 children	27.00	32.40	38.88
3 children	36.00	43.20	51.84
Each additional child	4.00	4.80	5.76
Total amount payable for all children equally divided.			

The rate for a child or children entitled only under this subdivision over any period of time that a child or children are entitled under subparagraph (i) will be the share to which such child or children would be entitled, if all of the children were awarded pension under this subdivision.

(b) *Rates under Veterans' Reg. 1 (a), Part III (38 U. S. C. ch. 12).*

	Per month
Widow but no child	$15.00
Widow and 1 child	20.00
(With $3 monthly for each additional child)	
No widow but 1 child	12.00
No widow but 2 children (equally divided)	15.00
No widow but 3 children (equally divided)	20.00
(With $2 monthly for each additional child, total amount to be equally divided)	

The total pension payable under this subparagraph shall not exceed $27.00 monthly for periods prior to August 8, 1946. No limitation as to the amount payable is applicable on or after that date. (Pub. Law 673, 79th Cong.)

(Sec. 1, 40 Stat. 903, sec. 1, 42 Stat. 834, sec. 2, 44 Stat. 382, sec. 1, 57 Stat. 554, sec. 2, 58 Stat. 803, secs. 2, 4, 60 Stat. 864, 910, 931, sec. 1, Pub. Law 270, 80th Cong.; 38 U. S. C. 355, 356, 364a, 364g–1, 471a–3, 504, 727, 731, ch. 12 note)

§ 4.140 *World War I and World War II.* Rates under Public No. 484, 73d Congress (act of June 28, 1934), as amended; Public Law 312, 78th Congress; sections 1 and 6, Public Law 483, 78th Congress; section 2, Public Law 662, 79th Congress:

	Per month	
	On and after June 1 1944	On and after Sept. 1, 1946
Widow	$35.00	$42.00
Widow with one child	45.00	54.00
Each additional child	5.00	6.00
Children where there is no widow, total payable equally divided:		
1 child	18.00	21.60
2 children	27.00	32.40
3 children	36.00	43.20
Each additional child	4.00	4.80

The total payable shall not exceed $64.00 for periods prior to December 14, 1944, and $74.00 for periods on or after December 14, 1944 and prior to August 8, 1946 (sec. 2, Pub. Law 483, 78th Cong.) No limitation as to the amount payable is applicable for periods on and after that date. (Pub. Law 673, 79th Cong.) (Secs. 2, 6, 58 Stat. 803, 804, secs. 1, 2, 60 Stat. 910, 931; 38 U. S. C. 471a–3, 504, 731, 735)

CROSS REFERENCE: *Apportionment.* (See § 4.91.)

ACCRUED AMOUNTS DUE AND UNPAID AT DEATH

§ 4.160 *Under section 21, Public Law 144, 78th Congress*—(a) *Basic entitlement.* Except as provided in §§ 4.162 and 4.165, pension, compensation, or retirement pay authorized under laws administered by the Veterans' Administration, to which a person was entitled prior to the date of his death, and not paid during his lifetime, and due and unpaid for a period not to exceed one year prior to death under existing ratings or decisions, or those based on evidence in the file at date of death, shall, upon the death of such person, be paid as hereinafter set forth:

(1) Upon the death of a person receiving an apportioned share of the veterans' pension, compensation, or retirement pay, all or any part of such unpaid amount, to the veteran or to any other dependent or dependents as may be determined by the Administrator of Veterans' Affairs.

(2) Upon the death of a veteran, to the surviving spouse, or if there be no surviving spouse, to the child or children, dependent mother or father, in the order named: *Provided*, That where at the date of death of a veteran an apportioned share is being paid to or has been withheld on behalf of another person, the apportioned amount remaining unpaid for periods prior to the date of the veteran's death shall be payable to the apportionee: *Provided further*, That where it is determined subsequent to the veteran's death that an increased amount is payable pursuant to the provisions of section 12, Public Law 144, 78th Congress, the apportionee shall be entitled to receive his proportionate share in his own right, subject to the limitation that the increased benefit shall not be payable for more than one year prior to the date of the veteran's death: *Provided further*, That the amount payable to or on behalf of an apportionee shall not be subject to any time limitation as to the date of filing of a claim by the apportionee.

(3) Upon the death of a widow or remarried widow, to the veteran's child or children.

(4) Upon the death of a child, to the surviving child or children of the veteran, entitled to death compensation or pension.

(5) In all other cases, only so much of the unpaid pension, compensation, or retirement pay may be paid as may be necessary to reimburse a person who bore the expense of last sickness and burial: *Provided, however*, That no part of any of the accrued pension, compensation, or retirement pay shall be used to reimburse any political subdivision of the United States for expense incurred in the last sickness or burial of such person.

(6) Payment of the benefits authorized by this paragraph will not be made unless claim therefor be received in the Veterans' Administration within one year from the date of death of the beneficiary or one year after July 13, 1943, whichever is later, and such claim is perfected by the submission of the necessary evidence within one year from the date of the request therefor by the Veterans' Administration: *Provided, however*, That a claim for compensation or pension by an apportionee, widow, child, or dependent parent shall be deemed to include claim for any accrued benefits. (Section 12, Public Law 144, 78th Congress.)

(b) *Asset checks.* A check received by a payee in payment of pension, compensation, or retirement pay shall, in the event of the death of the payee on or after the last day of the period covered by such check, become an asset of the estate of the deceased payee. (Sec. 12, Pub. Law 144, 78th Cong.)

(c) *Definitions.* For the purpose of paying accrued benefits under this section, the following definitions are for application:

(1) The term "spouse" shall mean the legal widow or widower of the veteran irrespective of the date of marriage. Continuous cohabitation is not a factor.

(2) The term "child" is as defined in § 4.14 (c) and includes an unmarried child who became helpless prior to attaining 18 years of age as well as an unmarried child over the age of eighteen but not over 21 years of age, who was pursuing a course of instruction within the meaning of § 4.98 (a) at the time of the payee's death, provided only that upon the death of a child in receipt of pension or compensation, any accrued shall be payable to the surviving child or children of the veteran entitled to death pension or compensation.

(3) The term "dependent mother or father" is as defined in § 4.14 (d): *Provided*, That the mother or father is dependent within the meaning of § 3.57 of this chapter at the date of the veteran's death.

(4) The term "evidence in the file at date of death" as used in paragraph (a) of this section will be considered to have been met when there is on file at the date of the veteran's death:

(i) Notwithstanding §§ 3.30 (a) and 4.31 (a) of this chapter, evidence including unsworn statements, which is essentially complete and of such weight as to establish service connection or degree of disability for disease or injury when substantiated by other evidence in file at date of death or when considered in connection with the identifying, verifying or corroborative effect of the death certificate.

(ii) In the case of a veteran whose award is subject to reduction under section 13, Public Law 144, 78th Congress, or section 1, Public Law 662, 79th Congress, by reason of hospital treatment, institutional or domiciliary care by the Veterans' Administration, or by the United States or any political subdivision thereof, prima facie proof of dependents or of other factors affecting entitlement, such as statements on VA Form 8–404, provided satisfactory evidence is furnished in support of the claim for accrued benefits.

(d) *Claims under prior laws.* (1) Where claim for the accrued amount due under the laws in effect on or after March 20, 1933, was not filed prior to July 13 or where claim was filed prior to that date and disallowed either in whole or in part because of prior regulatory restrictions, a claim received prior to July 14, 1944, will be adjudicated under the provisions of this section.

(2) A claim pending on July 13, 1943, will be considered a claim under this section.

(e) *Readjustment allowance and subsistence allowance.* Readjustment allowance and subsistence allowance under the provisions of Public Law 346, 78th Congress, as amended, and subsistence allowance under the provisions of Public Law 16, 78th Congress, as amended by Public Law 268, 79th Congress, remaining due and unpaid at the date of the veteran's death, shall be payable under the provisions of this section: *Provided*, That readjustment allowance shall be payable only under the provisions of paragraphs (a) and (c) of this section. (Sec. 12, 57 Stat. 557, 58 Stat. 284, sec. 7, 59 Stat. 626; 38 U. S. C. 693 note, 729, ch. 12 note)

§ 4.162 *Lump sums payable at death of veteran where award was reduced by reason of hospital treatment, institutional or domiciliary care by the Veterans' Administration.* The provisions of this section shall apply only to the payment of amounts actually withheld on a running award pursuant to the provisions of section (1) (A) (1), Public Law 662, 79th Congress, and to the payment of amounts deposited in funds due incompetent beneficiaries for periods on and after August 8, 1946, which are payable in a lump sum after the veteran's death. Accrued benefits, including any amounts in funds due incompetent beneficiaries for periods prior to August 8, 1946 but excluding such lump sums actually withheld for periods on and after that date, are payable in accordance with the provisions of § 4.160.

(a) *Basic entitlement.* In the event the death of any veteran whose award of disability pension, compensation or retirement pay was reduced pursuant to the provisions of section (1) (A) (1), Public Law 662, 79th Congress, occurs while the veteran is receiving hospital treatment, institutional or domiciliary care, or prior to payment of any lump sum authorized by that section, such lump sum, as well as amounts deposited in funds due incompetent beneficiaries for periods on and after August 8, 1946, shall be paid in the following order of preference:

(1) To the widow or widower.

(2) If the decedent left no widow or widower, or the widow or widower be dead at time of settlement, then to the adult or minor children in equal parts.

(3) If no widow, widower, or child survives at times of settlement, then to the father and mother in equal parts, or all to the survivor.

(4) If no widow, widower, child, father, or mother survives at time of settlement, then to the veteran's brothers and sisters in equal parts.

(5) In all other cases, only so much of the lump sum may be paid as may be necessary to reimburse a person who bore the expenses of last sickness and burial, but no part of the lump sum shall be used to reimburse any political subdivision of

the United States for expenses incurred in the last sickness and burial of the veteran.

(b) *Claim.* No payment shall be made under this section unless claim therefor shall be filed with the Veterans' Administration within 5 years after the death of the veteran: *Provided,* That if any person so entitled be under legal disability at the time of the veteran's death, the 5-year period shall run from the date of termination or removal of the legal disability.

(c) *Lump sum withheld after discharge from institution.* The provisions of paragraphs (a) and (b) of this section shall apply in the event of the death of:

(1) Any veteran prior to receiving a lump sum which was withheld because treatment or care was terminated by him against medical advice or as the result of disciplinary action (sec. (1) (A) (1), Pub. Law 662, 79th Cong.).

(2) Any veteran who was formerly rated incompetent and a lump sum was withheld because a period of 6 months had not expired following a finding of competency (sec. 1 (B), Pub. Law 662, 79th Cong.).

(d) *Asset checks.* The provisions of § 4.160 (b) shall apply in any case in which a check for a lump sum, as described herein, is received by the payee. (Sec. 1 (a), (2), 60 Stat. 908; 38 U. S. C. 739, ch. 12 note)

§ 4.165 *Accrued benefits payable to foreign beneficiaries.* (a) Except as provided in paragraph (b) and (c) of this section, in case of the death of the payee of any check in payment of pension, compensation, or emergency officers retirement pay accruing under laws administered by the Veterans' Administration, while the amount thereof remains in the special deposit account established by Public No. 828, 76th Congress, such amount shall be payable under the provisions of section 3 of this act; *Provided,* That the accrued amount shall be payable only if the person on whose behalf checks were issued and the person claiming the accrued amount have not been guilty of any of the offenses mentioned in section 4, Public Law 144, 78th Congress.

(b) In case of the death of any person primarily entitled prior to receiving the full amount of benefits withheld pursuant to the provisions of Public No. 828, 76th Congress, as amended, or not paid because of the provisions of section 5, Public Law 144, 78th Congress, payment shall be made under the provisions of § 4.160 except as to the 1-year limitation on the period covered by the award, if a claim for this amount together with satisfactory evidence that neither the claimant nor the deceased person was guilty of any of the offenses mentioned in section 4, Public Law 144, 78th Congress, shall have been filed prior to August 8, 1947: *Provided,* That a claim filed prior to August 7, 1946, shall be considered a claim under this law. In any case in which payment of the accrued benefit may not be made under the provisions of this paragraph, the provisions of paragraph (a) of this section shall apply (Pub. Law 622, 79th Cong.).

(c) No payments shall be made under § 4.165 to German or Japanese citizens or subjects while residing in Germany or Japan. (Sec. 3, 54 Stat. 1087, secs. 4, 5, 57 Stat. 555; 60 Stat. 874; 31 U. S. C. 125, 38 U. S. C. 728, 729, 729a)

DEATH RATINGS

§ 4.170 *Revision of rating decisions.* (a) The dependents pension boards in branch offices and the central dependents pension board will be governed, generally, by the provisions of § 3.9 (a) (b) (c) and (d) of this chapter in the reversal or amendment of prior rating decisions.

(b) The submissions required by § 3.9 (b) of this chapter will be made to the director, dependents and beneficiaries claims service.

(c) Authority to sever service-connection upon the basis of clear and unmistakable error is vested in agencies of original jurisdiction in central office and branch offices.

(d) Contemplated reversal or amendment of prior rating decisions, which would result in a reduction or discontinuance of a running award of death compensation or pension, will require the same notice to the claimant provided by § 3.9 (d) of this chapter subject to the same exceptions outlined therein. (Sec. 7, 43 Stat. 9; 38 U. S. C. 707)

§ 4.173 *Service-connection in death cases for coronary occlusion or coronary thrombosis.* (a) When the death certificate shows that a veteran died from coronary occlusion or coronary thrombosis within 1 year after termination of active wartime service, whether designated as acute or not and without qualification as to etiology, war service-connection may be granted under Public No. 2, 73d Congress, as amended, for such condition as the terminal manifestation of a chronic disease, coronary arteriosclerosis, subject to the provisions of §§ 3.80 and 3.86 of this chapter, without further development of evidence unless otherwise contraindicated: *Provided, however,* That the medical certification of the death certificate is signed by a physician or is signed by a coroner who is not a physician with a certified transcript of the proceedings of the coroner's inquest (which should be obtained) showing that the finding of coronary occlusion or coronary thrombosis was based on the testimony of a physician; or, in consideration of the transcript, such decision on the question of service-connection, including the further development of evidence if necessary, may be rendered as may be warranted by all facts disclosed.

(b) The rules enunciated in §§ 3.214 (b) (1) and (2) of this chapter are equally applicable in death cases. Accordingly, awards based on the provisions of paragraph (a) of this section will in no event be effective prior to December 31, 1946, the date such criteria were originally issued. (Sec. 4, 48 Stat. 9; 38 U. S. C. 704)

§ 4.176 *World War I; establishment of service-connected disability of less than 10 per centum (Public No. 484, 73d Congress, Act of June 28, 1934, as amended, Public No. 198, 76th Congress, act of July 19, 1939)*—(a) *Basic entitlement.* On and after July 19, 1939, the existence of a directly or presumptively service-connected disease or injury at death and the determination of a disability resulting from such disease or injury for which compensation would be payable if 10 per centum or more in degree may be based upon evidence filed at any time subject to the limitations contained in paragraph II, Part II, Veterans' Regulation No. 2 (a), and paragraph 1, I (a) (3), Veterans' Regulation No. 2 (d). Any disability that may be properly service-connected either directly or presumptively under the provisions of Public No. 2, 73d Congress, as amended, sections 26, 27, and 28 (excluding section 31), Public No. 141, 73d Congress, as amended, or under the law in effect at time of death, based on World War I service as defined in § 3.0 (a) of this chapter, will be considered service-connected for the purpose of Public No. 484, 73d Congress, as amended.

(b) *Definition of term "disability," as used herein.* Subject to establishment of war service-connection as outlined in paragraph (a) of this section, the term "disability" shall comprehend:

(1) Any disease or injury existing at death for which the Schedule of Disability Ratings, 1925, and extensions thereto, prescribes an evaluation of 1 per centum or more disability under any occupational variant.

(2) The following diseases or injuries without necessity of affirmative evidence of existence at death:

(i) Arthritis, traumatic.

(ii) Creative organ, loss of use of, or a disease or injury with resultant orchitis followed by a definitely atrophied testicle as distinguished from an anatomical variation from normal.

(iii) A disease included in §§ 3.86 through 3.88 of this chapter. Not included are the tropical diseases listed in section 1, Public Law 748, 80th Congress, except leprosy.

(iv) Hemorrhoids, even if followed by hemorrhoidectomy, unless adequate examination of the pile-bearing area has clearly shown complete and permanent elimination of the hemorrhoidal condition.

(v) Scars resulting from lacerated wounds, not of combat origin, if service-department records or other evidence shows the character of injury and duration of treatment such as to warrant a conclusion that there was loss of deep fascia or muscle substance. Included are any through and through gunshot wounds.

(vi) Systolic murmur, if organic and not functional.

(vii) Varicose veins, irrespective of effects of excision, litigation, injection of foreign material, or wearing of prosthetic appliances.

(viii) Weak feet, pes planus, claw foot, pes cavus, symptomatic during service.

(ix) A wound or injury incurred in action with an enemy of the United States or as the result of an act of such an enemy, as shown by official records or other competent evidence: *Provided,* That the wound or injury required medical treatment during service or resulted in a scar or other permanent residual. Included are: Gunshot and other wounds; gas inhalation, gas burns, or gas poisoning; shell shock; injuries received in accidents, explosions, and the like; burns; fractures and dislocations from falls and the like; laceration by barbed wire entanglements; and similar injuries.

(x) A wound or injury incurred in action with an enemy of the United States or as the result of an act of such an enemy, as shown by official records, and there is no record that such wound or injury required medical treatment during service or resulted in a scar or other permanent residual: *Provided,* That a wound chevron or Purple Heart was issued for the condition: *Provided further,* That the indication of treatment established by issuance of the wound chevron or Purple Heart is not rebutted by other evidence.

(3) Any of the following conditions, if shown to exist at death:

(i) Abdominal adhesions, symptomatic.

(ii) Colitis, chronic, symptomatic.

(iii) Cystitis, chronic, symptomatic.

(iv) Eardrum, dry perforation of, without loss of hearing.

(v) Enteritis, chronic, symptomatic.

(vi) Enterocolitis, chronic, symptomatic.

(vii) Eye conditions, chronic, symptomatic.

(viii) Fractured bones, residuals of, slight, symptomatic.

(ix) Hernia, abdominal wall, no truss or belt prescribed as contradistinguished from the existence of an enlarged abdominal ring or the nonsymptomatic residuals of a herniotomy.

(x) Laryngitis, chronic, symptomatic.

(xi) Otitis media, chronic, symptomatic.

(xii) Pharyngitis, chronic, symptomatic.

(xiii) Pleurisy, chronic, symptomatic.

(xiv) Scars, postoperative, incisional, mildly symptomatic, manifesting slight pain and tenderness on objective demonstration or poorly nourished with ulceration.

(xv) Scars of face and neck with slight disfigurement resulting from lacerated wounds not of combat origin.

(xvi) Sinusitis, chronic, symptomatic.

(xvii) Tonsillitis, chronic, symptomatic.

(xviii) Varicocele, symptomatic.

(4) When a compensable evaluation of disability from malaria is not in effect at death or all available evidence is considered insufficient under current criteria to warrant a compensable evaluation at that time, a disability at death may nevertheless be considered as existing for the purposes of Public Law 312, 78th Congress, as amended, in the event there is medical evidence of the existence of malaria within 2 years prior to death and in addition there is acceptable lay evidence of a relapse within the 12-month period preceding death.

(c) *Caution on service-connection.* Paragraph (b) of this section is definitive of disability only and should not in any instance be used or cited as authority for service-connection which must be established in accordance with the laws and regulations governing the period of service involved.

(d) *Cases not covered.* Where there is no provision for evaluation of the disease or injury as a disability and the condition is not a disability within the meaning of paragraph (b) of this section but it is clear that the disease or injury constituted a definitely ascertainable disability, the rating agency or the Board of Veterans Appeals, as the case may be, will outline the evidence and influencing reasons relied on to show the existence of disability: *Provided, however,* That dependents pension boards in branch offices will make recommendatory ratings in such cases which will be forwarded to central office for review and final rating by the central dependents pension board, dependents and beneficiaries claims service. (Sec. 1 (b), 53 Stat. 1069; 38 U. S. C. 503; Public Law 748, 80th Congress)

§ 4.178 *World War II—Establishment of service-connected disability of less than 10 percentum (section 4, Public Law 312, 78th Congress, act of May 27, 1944, as amended, section 6, Public Law 483, 78th Congress, act of December 14, 1944)*—(a) *Basic entitlement.* On and after May 27, 1944, the existence of a service-connected disease or injury at death and the determination of a disability resulting from such disease or injury for which compensation would be payable if 10 per centum or more in degree may be based upon evidence filed at any time subject to the limitations contained in paragraph II, Part II, Veterans' Regulation 2 (a), and paragraph 1, I (a) (3) Veterans' Regulation 2 (d) (38 U. S. C. ch. 12). Any disability that may be properly service-connected under the provisions of Part I, Veterans' Regulation 1 (a), Public No. 2, 73d Congress, as amended, based on World War II service as defined in § 3.0 (b) of this chapter, will be considered service-connected for the purpose of section 4, Public Law 312, 78th Congress, as amended.

(b) *Definition of term "disability."* The term "disability," as used herein, shall comprehend any disease or injury existing at death for which service-connection is established in accordance with laws applicable to World War II based upon service rendered in an enlistment entered into prior to 12 o'clock noon, December 31, 1946, and the disease or injury was incurred prior to midnight July 25, 1947, and which constitutes a disability as defined by the regulations and rating criteria applicable to Public No. 484, 73d Congress, as amended.

(c) *Citation to be made.* This regulation shall be cited as the authority for the determination of the existence of a disability of less than 10 per centum under section 4, Public Law 312, 78th Congress, or Public Law 483, 78th Congress.

(d) *Cases not covered.* Where there is no provision for an evaluation of the disease or injury as a disability and the condition is not a disability within the meaning of the instructions issued defining the term "disability" as used in section 1 (b), Public No. 198, 76th Congress, or section 6, Public Law 483, 78th Congress, but it is clear that the disease or injury constituted a definitely ascertainable disability, the rating agency or the Board of Veterans Appeals, as the case may be, will outline the evidence and influencing reasons relied on to show the existence of a disability: *Provided, however,* That dependents pension boards in branch offices will make recommendatory ratings in such cases which will be forwarded to central office for review and final rating by the central dependents pension board, dependents and beneficiaries claims service. (Secs. 4, 6, 58 Stat. 230, 804; U. S. C. 507b, 735)

§ 4.180 *Rating schedules to be used in evaluation of disability, 10 per centum or more.* (a) In any case where an evaluation of 10 per centum or more is necessary to confer entitlement under Public No. 484, 73d Congress, as amended, or section 4, Public Law 312, 78th Congress, as amended, the degree of disability will be evaluated in accordance with the Schedule of Disability Ratings in effect at the time of death or the Schedule for Rating Disabilities, 1945.

(b) In paragraph (a) of this section, the burden of proof shall be upon the claimant to show that the required degree of disability existed at death subject to the provisions of § 4.182. (Secs. 1, 4, 28, 48 Stat. 9, 524, 1281, sec. 6, 58 Stat. 804, secs. 1, 2, 60 Stat. 319, 320; 38 U. S. C. 503, 704, 722, 735, 736, 737)

§ 4.182 *Interpretation of "at time of death was receiving or entitled to receive compensation or retirement pay" for purpose of Public No. 484, 73d Congress (act of June 28, 1934), as amended, or section 4, Public Law 312, 78th Congress (act of May 27, 1944), as amended.* (a) In the case of any deceased person who served in World War I or World War II, an evaluation of 10 per centum or more disability in effect at death established by a proper rating agency based on service-connected disease or injury, as defined in §§ 4.176 (a) and 4.178 (a), will be accepted as showing that such person was receiving or entitled to receive compensation or retirement pay, regardless of the particular Rating Schedule under which evaluated, except for fraud or where there was no legal basis for an award, as distinguished from errors such as those involving judgment, medical opinion, or diagnosis.

(b) In cases coming within the protective provisions of paragraph (a) of this section, the rating agency will prepare the rating in accordance with the correct facts and proper application of the law reflecting therein reduced evaluation or severance of service-connection under § 4.170, as may be warranted, but followed by the legend "veteran was receiving or entitled to receive compensation or retirement pay for war service-connected disability at time of death within the meaning of § 4.182 (a)." (Sec. 1, 48 Stat. 1281, secs. 1, 6, 58 Stat. 803, 804; 38 U. S. C. 503, 735)

§ 4.184 *Disabilities not included under §§ 4.176, 4.178, 4.180 or 4.182.* There may not be considered in determining entitlement under Public No. 484, 73d Congress, as amended, or section 4, Public Law 312, 78th Congress, as amended:

(a) Disabilities incurred or aggravated as the result of training, hospitalization, or medical or surgical treatment under section 31, Public No. 141, 73d Congress, the result of examinations under section 12, Public No. 866, 76th Congress, or the result of training under paragraph 4, Part VII, Veterans' Regulation 1 (a) (38 U. S. C. ch. 12), as amended (Public Law 16, 78th Congress, as amended).

(b) (Disabilities incurred or aggravated in service in the organized military forces of the Commonwealth of the Philippines under title II, Public Law 301, 79th Congress. (Sec. 1, 48 Stat. 1281, secs. 1, 6, 58 Stat. 803, 804; 38 U. S. C. 503, 735)

BURIAL AND FUNERAL EXPENSES AND TRANSPORTATION OF BODIES OF VETERANS

§ 4.192 *Payment of burial expenses of deceased war veterans and veterans of the regular establishment*—(a) *Death prior to March 20, 1933.* Where a veteran of any war who was not dishonorably discharged died prior to March 20, 1933, under conditions which warrant the payment of, or reimbursement for, burial, funeral and transportation expenses, payment or reimbursement may be made in accordance with the laws in effect prior to March 20, 1933, if claim therefor was filed within three months from June 16, 1933, the date of enactment of Public No. 78, 73d Congress.

(b) *Death on or after March 20, 1933.* When a veteran of any war as defined in § 4.194 dies or is buried on or after March 20, 1933, an amount not to exceed $100 ($150 as to claims adjudicated on or after July 24, 1946, the date of approval of Public Law 529, 79th Congress) may be allowed for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, if otherwise entitled under the provisions of §§ 4.192 to 4.207.

(c) *Death on or after October 5, 1940.* When a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability dies after discharge and on or subsequent to October 5, 1940, a sum not exceeding $100 ($150 as to claims adjudicated on or after July 24, 1946) may be allowed for burial and funeral expenses and transportation of the body to the place of burial.

(d) *Limitation as to time for filing and perfecting claim.* (1) All claims for reimbursement or direct payment of burial and funeral expenses and transportation of the body must be filed within two years subsequent to the date of permanent burial or cremation of the veteran by the person entitled or by some person acting for him; e. g., burial or cremation on December 1, 1944, claim filed December 1, 1946, is timely filed. In the event the claimant's application is not complete at the time of original submission, the claimant and the person acting for him, if any, will be notified of the evidence necessary to complete the application and if such evidence is not received within one year from the date of the request therefor no allowance may be paid: *Provided*, That if within the two-year period from date of permanent burial or cremation, the claim is disallowed because the evidence to complete it was not received within one year from request therefor, and a new claim (formal or informal) is filed within such two-year period, the claimant will be notified of the evidence necessary to complete the claim and if such evidence is received within one year from the date of request therefor the allowance may be paid if the claimant is otherwise entitled.

(2) Where the death or burial of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed because the evidence necessary to complete the claim was not timely filed, or was filed within the regulatory period and disallowed in whole or in part because of a payment made by a lodge, union, fraternal organization, society, beneficial organization, insurance company, or because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services, a claim, formal or informal, filed within two years after October 17, 1940, or on or before October 17, 1942, shall be adjudicated under the provisions of §§ 4.192 to 4.207 inclusive: *Provided*,

(3) Where a claim for the statutory burial allowance, based on the death of a veteran on or after March 20, 1933, has been denied for any of the reasons outlined in subparagraph (2) of this paragraph, and such claim was otherwise payable under then existing law and regulations, such claim may be reconsidered under present existing law and regulations upon receipt, on or before October 17, 1942, of written request therefor from the claimant or his representative (Public, No. 866, 76th Congress, act of October 17, 1940). (Secs. 17, 20, 48 Stat. 11, 309, sec. 2 (a), 54 Stat. 1193, 60 Stat. 654; 38 U. S. C. 718, 722, ch. 12 note)

§ 4.194 *"Veteran of any war"; definition of*—(a) *Persons included.* The term "veteran of any war" for the purpose of adjudicating claims for direct payment of, or reimbursement for burial, funeral and transportation expenses incurred in behalf of deceased veterans where death was on or subsequent to March 20, 1933, will include:

(1) Civil War, any member of the active military or naval service of the United States, discharged under conditions other than dishonorable, who served during the Civil War subsequent to April 11, 1861, and prior to May 27, 1865, including those persons who served as members of State organizations participating in the Civil War for whose services the State has been reimbursed by the United States Government. Nothing herein shall be construed to exclude from the definition any person who was receiving pension as a Civil War veteran under the Civil War service pension laws or who was not entitled to pension under such Civil War pension service laws solely because of length of service or as to whom any Special Act of Congress has been enacted which provides that such person shall be considered as having rendered military service during the Civil War. Civil War nurses are included in this definition if in receipt of pension for Civil War service;

(2) Indian wars, any veteran of any Indian war, as formerly contemplated by the provisions of section 201 (1) of the World War Veterans' Act, 1924, as amended, and regulations, precedents, and instructions issued pursuant thereto, or a person who at time of his death was receiving a pension in accordance with the provisions of the laws governing the payment of a pension as a veteran of an Indian war. Pension conferred by a Special Act does not in itself confer right to the burial allowance unless such act specifically provides that the person shall be considered as having rendered military service during the Indian wars;

(3) Spanish American War (includes Philippine Insurrection and Boxer Rebellion), any officer or enlisted man who was employed in the active military or naval service of the United States on or after April 21, 1898, and before July 5, 1902, who was discharged under conditions other than dishonorable, including those women who served as Army nurses under contract or who served in the Nurse Corps (female), and also including contract surgeons of the Army who served overseas during this period: *Provided, however*, That if the person was serving with the United States military forces engaged in the hostilities in the Moro Province, Philippine Islands, the ending date will be extended to include July 15, 1903;

(4) World War I, any officer, enlisted man, member of the Army Nurse Corps (female), Navy Nurse Corps (female), discharged under conditions other than dishonorable, who was employed in the active military or naval service of the United States on or after April 6, 1917, and before November 12, 1918: *Provided, however*, That if the person was serving with the United States military forces in Russia the ending date will be extended through April 1, 1920 (the provisions of section 5, Public No. 304, 75th Congress, are not applicable to burial claims);

(5) World War II, any person discharged or released from active duty under conditions other than dishonorable, who served in the active military or naval service of the United States on or after December 7, 1941, and before the termination of hostilities in World War II, twelve o'clock noon, December 31, 1946: *Provided*, That the term "active military or naval service" as used herein shall include active duty as a member of the Women's Auxiliary Corps, Women's Army Corps (WAAC and WAC), Women's Reserve of the Navy and Marine Corps, and the Women's Reserve of the Coast Guard.

(6) Any enlisted man or officer of the Army, Navy, Marine Corps, or Coast Guard in retirement status at the date of death if shown to have served during the period of any war. Where death occurs on or after March 28, 1934 (except as provided in paragraph (b) of this section) and the other requirements of this section have been met, the character of discharge will not bar payment of the burial allowance if the veteran was in receipt of pension, compensation, or emergency officers' retirement pay at the time of his death. (38 U. S. C. ch. 12 Reg. 9 (c))

(b) *Dishonorable conditions.* (1) A person discharged or dismissed by reason of the sentence of a general court martial, or discharged on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise comply with lawful orders of competent military authority, or as a deserter, or in the case of an officer where his resignation is accepted for the good of the service, shall be barred from entitlement to the burial allowance based upon the period of service from which so discharged or dismissed.

(2) The requirement of the words "dishonorable conditions" will be deemed to have been met when it is shown that the discharge or separation from active military or naval service was (i) for mutiny, (ii) spying, or (iii) for an offense involving moral turpitude of wilful and persistent misconduct: *Provided, however*, That where service was otherwise honest, faithful, and meritorious, a discharge or separation other than dishonorable because of the commission of a minor offense will not be deemed to constitute discharge or separation under dishonorable conditions and under such circumstances the burial allowance will, if all other conditions are present, be allowable.

(c) *Persons not included.* Except as provided in § 4.196 (c), a discharged or rejected draftee or selectee; a member of the National Guard who reported to camp in answer to the President's call for World War service, but who, when medically examined, was not finally accepted for active military service; or an alien who does not come within the purview of § 3.1 (j) of this chapter is not a "veteran of any war" within the meaning of that term as defined in paragraph (a) of this section, even though such person may have been in receipt of compensation or pension. (38 U. S. C., ch. 12, Reg. 9 (c)) (Secs. 14, 17, 30, 48 Stat. 8, 9, 11, 525, sec. 9 (a) 57 Stat. 556, sec. 1503, 58 Stat. 301, 60 Stat. 654; 38 U. S. C. 366, 367, 697c, 701, 704, 718, ch. 12 note)

§ 4.195 *"Veteran" (other than "veteran of any war"); definition of*—(a) *Persons included.* The term "veteran" (other than a "veteran of any war") for the purpose of adjudicating claims for the direct payment of, or reimbursement for, burial, funeral, and transportation expenses incurred in behalf of deceased veterans where death occurred on or subsequent to October 5, 1940, will include: (1) A veteran discharged or retired from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in, or aggravated by, service in line of duty, or (2) a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability.

(b) *Discharge for disability incurred in line of duty.* For veterans discharged or retired from the Army, Navy, Marine Corps, or Coast Guard for disability, who are not in receipt of pension for service-connected disability, the official records of the Service Department showing that the disability on account of which the veteran was discharged or separated from his service was incurred in line of duty will be accepted for the purpose of determining eligibility to the burial allowance, notwithstanding the fact that the Veterans' Administration has made a determination in connection with a claim for monetary benefits that the disability was incurred not in line of duty.

(c) *Exceptional cases.* In those exceptional cases where the official records of the Service Department show discharge because of expiration of period of enlistment or any other reason save disability but also show a disability incurred in line of duty during the said enlistment and on account of which the veteran was under treatment at the time of discharge, or where not under treatment therefor at time of discharge, said disability is considered in medical judgment to be or to have been of such character, duration, and degree as to have justified a discharge for disability incurred in line of duty had the period of enlistment not expired or other reason for discharge been given; the adjudicating agency, upon consideration of the facts of record, is authorized to determine whether such facts were sufficient to have warranted a discharge for disability incurred in line of duty, and if determined to have been so warranted, the burial allowance may be authorized, provided entitlement is otherwise established.

(d) *Controverting evidence.* Where claim for the burial allowance would be or has been disallowed on the basis of the official records of the Service Department showing that the disability was not incurred in line of duty and evidence is submitted to the Veterans' Administration which permits of a different finding, the decision of the Service Department will not be binding upon the Veterans' Administration which will be free to make its own determination of line of duty incurrence upon the evidence so submitted: *Provided*, That the burden of proof will rest upon the claimant. Such controverting evidence will be considered by those employees authorized to make finding of fact and law in burial claims except that in any case under this paragraph or paragraph (c) of this section where a medical question is involved, the case will be referred to a rating agency of original jurisdiction for determination as to whether the disability for which the veteran was discharged was incurred in line of duty or for determination as to whether the facts of record would, in those cases where discharge was for other reasons, save disability, have warranted a discharge for disability incurred in line of duty. (Secs. 1, 4, 48 Stat. 8, 9, 54 Stat. 963; 38 U. S. C. 701, 704, ch. 12 note)

§ 4.196 *Death occurring while traveling under prior authorization or while properly hospitalized by the Veterans' Administration.* (a) When a person while traveling under proper prior authorization and at the expense of the Veterans' Administration, either to or from a specified destination, for the purpose of examination, treatment, or care, dies en route, burial, funeral, and transportation expenses will be provided in all respects as though death occurred while properly hospitalized by the Veterans' Administration.

(b) When death occurs within the continental limits of the United States, on or after March 20, 1933, in a Veterans' Administration center, hospital, or other institution to which properly admitted for hospital or domiciliary care under authority of the Veterans' Administration, will be paid the actual cost, not to exceed $100 ($150 as to claims adjudicated on or after July 24, 1946), of burial and funeral, and the body will be transported to the place of burial within the continental limits of the United States or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as a beneficiary of the Veterans' Administration for hospital or domiciliary care. Where death occurs while hospitalized under authority of the Veterans' Administration in a territory or possession of the United States, there will be paid, not to exceed $100 ($150 as to claims adjudicated on or after July 24, 1946), the actual cost of burial and funeral, and the body will be transported to the place of burial within such territory or possession (Public No. 866 76th Congress). If death occurs within the continental limits of the United States in an institution to which properly admitted under authority of the Veterans' Administration for hospital or domiciliary care and burial is to be made without the continental limits of the United States (except Alaska as set forth in the first sentence of this paragraph), transportation will be allowed to the port of embarkation or to the border limits of the United States where burial is in Canada or Mexico. The provisions of this paragraph will also apply in the adjudication of any claim pending on October 17, 1940, and in any claim which is reopened under the provisions of § 4.192 (d) (2) and (3).

(c) Reimbursement shall be allowed for burial, funeral, and transportation expenses in the case of a discharged or rejected draftee; a member of the National Guard who reported to camp in answer to the President's call for World War I service, but who, when medically examined, was not finally accepted for active military service; who dies in an institution to which properly admitted for hospital or domiciliary care under authority of the Veterans' Administration. (See § 4.194 (c).)

(1) Reimbursement shall be allowed for burial, funeral, and transportation expenses in the case of a veteran discharged under conditions other than dishonorable from a period of service other than war service who dies in an institution to which properly admitted under authority of the Veterans' Administration for hospital or domiciliary care in the same manner as a veteran of a war.

(2) Where death of a person occurs in a Veterans' Administration center or hospital and it is determined that such person was not properly entitled to hospital treatment, no reimbursement of burial, funeral, and transportation expenses will be allowed. (See 38 U. S. C. ch. 12, Reg. 6 (c) and Veterans' Administration supply procedure concerning disposition of bodies of persons not entitled to statutory burial allowance.)

(d) A veteran member or patient of a Veterans' Administration center, hospital, or other institution to which properly admitted under authority of the Veterans' Administration for hospital or domiciliary care, who dies away from such center, hospital, or other institution from which he has been granted a pass (a "pass" does not exceed 72 hours) or who has been absent without leave from such center, hospital, or other institution for not to exceed 24 hours, may be considered to have died in the center, hospital, or other institution. (Sec. 17, 48 Stat. 11, sec. 2, 54 Stat. 1193; 38 U. S. C. 718, ch. 12 note)

§ 4.198 *Evidence required in case of unclaimed bodies.* If the body of a deceased veteran is unclaimed, there being located no relatives or friends of the deceased veteran who will claim the body, the amount provided for the burial allowance will be available for burial of the deceased upon the submission of a properly completed Application for Burial Allowance, VA Form 8–530, accompanied by a comprehensive statement made by the manager or other official acting in his stead covering all relevant facts in the case and showing specifically to what extent efforts were made to locate relatives or friends. The burial allowance will not be awarded, however, in any instance where an award would result in an escheat of any part of the estate.

§ 4.199 *Assets.* Where death occurred on or after March 20, 1933, and before June 29, 1936 (effective date of Pub. No. 844, 74th Cong.), the burial allowance unless payable under the provisions of § 4.196, shall not be allowed if the veteran's net assets at the time of death, exclusive of debts and accrued pension, compensation, or insurance due at time of death, equal or exceed the sum of $1,000. (Sec. 17, 48 Stat. 11, sec. 401, 49 Stat. 2034; 38 U. S. C. 34, 718)

§ 4.200 *Filing of claim for unauthorized burial, funeral, and transportation expenses*—(a) *Execution of claim.* Claims for burial, funeral, and transportation expenses must be submitted on VA Form 8–530, Application for Burial Allowance, and should be executed by:

(1) The undertaker where bill is unpaid. (See § 4.212.)

(2) The individual who used personal funds to pay burial, funeral, and transportation expenses.

(3) The executor or administrator of the estate of the veteran or of the estate of the person who paid the expense of the veteran's burial. If no administrator or executor is appointed, then by some person acting for such estate who will make distribution of the burial allowance to the person or persons entitled under the laws governing the distribution of intestate estates in the State of the decedent's personal domicile.

In addition to the VA Form 8–530, claims for burial, funeral, and transportation expenses should be supported by a statement of account (preferably on the billhead of the undertaker), showing the cost of the service rendered and the name of the deceased veteran. Receipt must be furnished to cover charges for cremation, grave digging, grave space, firing squads, and for items not ordinarily carried in an undertaker's stock, or for services performed by persons other than the undertaker or his regular employees where these items and services are listed on an unpaid bill supporting a claim for the burial allowance and the other allowable items or services are not sufficient to cover the amount to be awarded. All statements of account, where paid, must show by whom payment was made and be receipted in the name of the undertaking firm or individual owner, who received payment.

(b) *Proof of death.* Proof of the fact of death shall be established in accordance with the provisions of § 3.55 of this chapter.

(c) *Waiver by distributees.* In any instance where the burial, funeral, and transportation expenses of a deceased veteran have been paid from the funds of the veteran's estate or some other deceased person's estate and the identity and right of all persons to share in that estate have been established, the amount of the statutory burial allowance payable to heirs may be awarded to one heir upon the unconditional written consent of all other heirs. No payment will be authorized where there are no heirs and the money, if paid, would escheat. (Sec. 17, 48 Stat. 11, sec. 2 (a), 54 Stat. 1193; 38 U. S. C. 718, ch. 12 note)

§ 4.202 *Nonallowable expenses of burial, funeral, and transportation*—(a) *Accessory items.* Cost of State tax and items of food and drink (domestic or foreign cases) will not be allowed.

(b) *Duplicate items.* Payment may not be made for duplicate items of service such as casket, clothing, etc., previously furnished by any Federal agency.

§ 4.203 *Transportation; death while properly hospitalized by Veterans' Administration or while traveling under prior authorization*—(a) *Items allowable as part of transportation where shipment is by common carrier.* In adjudicating claims where death of a person occurs in an institution to which properly admitted under authorization of the Veterans' Administration for hospital or domiciliary care or while traveling under prior authorization of the Veterans' Administration either to or from a specified destination as contemplated by § 4.196 (a) and the remains are shipped by common carrier, the following items will be considered as part of transportation expense, the cost of which will be allowed in addition to the statutory allowance.

(1) Original pick-up of remains at facility or place where death occurred while traveling under prior authorization (§ 4.196 (a)). A reasonable amount will be allowed for this "pick-up" but it will not exceed the usual and customary charge made to the general public for the same service.

(2) Procuring permit for shipment.

(3) Outside shipment. (If the box purchased for interment purposes was also used for a shipping box, an allowance of $25.00 may be made on the cost of the box as a part of transportation expense, in addition to the statutory allowance of $100.00 or $150.00 as provided in § 4.196, and any balance on such box may be included in the burial allowance of $100.00 or $150.00, whichever is applicable.)

(4) Sealing outside case (tin or galvanized iron). (Where a vault, steel or concrete, is used as a shipping case and also for burial, an allowance of $25.00 may be made on the cost of the vault as a part of transportation expense, in addition to the statutory burial allowance of $100 or $150 as provided in § 4.196, and any balance on such vault may be included in the burial allowance of $100 or $150, whichever is applicable.)

(5) Hearse to common carrier.

(6) Transportation by common carrier.

(7) One removal by hearse direct from common carrier plus one subsequent removal by hearse to place of burial.

(b) *Items allowable as part of transportation where remains are transported overland by hearse.* In adjudicating claims where death of a person occurs in a Veterans' Administration hospital, or domiciliary activity of a center, or other institution to which properly admitted under authority of the Veterans' Administration for hospital or domiciliary care, or while traveling under prior authorization of the Veterans' Administration, either to or from a specified destination as contemplated by § 4.196 (a), and the remains are transported overland by hearse, the following items will be considered as a part of transportation expense, the cost of which will be allowed in addition to the statutory allowance:

(1) (i) Original pick-up of remains from the Veterans' Administration hospital, domiciliary activity of a center, or other institution to which properly admitted under authority of the Veterans' Administration for hospital or domiciliary care or place where death occurred while traveling under prior authorization (§ 4.196 (a)) prior to transfer to place of burial, and

(ii) Reasonable cost of subsequent removal from the place to which transported on original pick-up under subdivision (i) of this subparagraph, to place of burial. The reasonableness of transportation charges against the Veterans' Administration accomplished by means other than by common carrier will be determined by employees authorized to make findings of fact and law in burial claims, but the amount to be allowed shall not exceed the charge made the general public for the same service. (Sec. 2 (a), 54 Stat. 1193, sec. 102, 58 Stat. 284; 38 U. S. C. 695b, ch. 12 note)

§ 4.204 *Payments on burial by lodge, union, burial association, State, county, political subdivision, or Federal agency.* (a) Nothing in §§ 4.192 to 4.207 inclusive, shall be construed to cause the disallowance of a claim by the Veterans' Administration because of any payment made on burial and funeral (including transportation) by a State, county, or other political subdivision, Workmen's Compensation Commission, State Industrial Accident Board, employer, burial association or Federal agency, unless the amount of expenses incurred is absorbed by the amount actually paid for burial and funeral (including transportation) purposes by such agencies: *Provided*, That no claim shall be allowed for more than the difference between the entire amount of expenses incurred, and the amount paid by any or all of the foregoing agencies: *Provided further*, That in no instance shall the amount allowed exceed $100 ($150 as to claims adjudicated on or after July 24, 1946, the date of approval of Pub. Law 529, 79th Cong.). Nothing herein shall be construed to cause the denial of, or a reduction in, the amount of burial allowance otherwise payable because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services.

(1) Contributions by lodge, union, fraternal organization, society or beneficial organization, insurance company: Any contributions made by lodge, union, fraternal organization, society or beneficial organization or insurance company by reason of the death of a veteran will not constitute a bar to the payment of the statutory burial allowance, except where such funds would revert to the funds of the lodge, union, fraternal organization, beneficial association or organization.

(b) In no event shall the burial allowance be paid when the veteran died while in the active service of the Army, Marine Corps, Coast Guard or Navy, except that with regard to the Navy this proviso is not effective in cases of veterans having previously been discharged or retired from service as defined in §§ 4.194 and 4.195 where burial services were rendered prior to July 1, 1941; or while on active duty with the National Guard as authorized by section 38, National Defense Act, or while a member of the National Guard when en route to or from or during attendance at encampment, maneuvers, or other exercises or at service schools authorized by sections 94, 97, and 99 of the National Defense Act or while on active duty with the Organized Reserves, Reserve Officers Training Camp, Citizens Military Training Camp or similar organizations, or while enrolled in the Civilian Conservation Corps, or while in employment covered by the United States Employees Compensation Act, or other similar laws providing for the payment of expenses of funeral, transportation and interment out of funds appropriated by the Federal Government. Claims for statutory burial allowance shall not be denied solely because of a provision in any Federal law or regulation permitting the application of funds due or accrued to the credit of the deceased toward the expenses of funeral, transportation and interment as distinguished from a provision specifically prescribing a definite allowance for such purpose. (Sec. 2 (a), 54 Stat. 1193; 38 U. S. C. ch. 12 note)

§ 4.205 *Cost of services furnished by the Veterans' Administration to be deducted, reimbursement for cost of flags; forfeiture.* (a) In the adjudication of claims filed under § 4.196 the cost of services (burial and funeral) furnished by the Veterans' Administration will be deducted from the burial allowance.

(b) Subsequent to April 14, 1933, no reimbursement may be allowed for burial flags privately purchased by relatives, friends, or other parties (38 U. S. C. ch. 12, Reg. 9 (c)).

(c) Forfeiture of benefits by a veteran under the provisions of section 504, World War Veterans' Act, as amended, or section 15 of Public No. 2, 73d Congress, shall not preclude payment of the statutory burial allowance where the death of the veteran occurred on or subsequent to October 17, 1940. (Sec. 9, Pub. No. 866, 76th Congress.) (Sec. 2 (a), 54 Stat. 1193; 38 U. S. C. ch. 12 note)

§ 4.206 *Burial in national cemeteries; allowances provided.* The allowances provided in § § 4.192, 4.196 and 4.198 will apply to the burial of the veterans mentioned therein, in a National Cemetery under the provisions of section 4878 of the Revised Statutes of the United States, when the following conditions have been met

(a) Such burial is desired by the person or persons entitled to the custody of the body for purposes of interment.

(1) In case the body is unclaimed by relatives or friends and there are no known assets, the official named in paragraph (c) of this section when notified, will immediately complete arrangements for burial in a National Cemetery.

(b) Permission for such burial has been received from the proper officers having jurisdiction over burials in National Cemeteries.

(c) Approval is obtained from and all arrangements are made with the manager of the region in which the death occurred. (Sec. 17, 48 Stat. 11; 38 U. S. C. 718)

§ 4.207 *Official representation at funeral.* When requested by the person entitled to the custody of the body of a deceased beneficiary of the Veterans' Administration, official representation at the funeral will be granted provided an employee is available for this purpose and that this representation will entail no expense to the Veterans' Administration. (Sec. 17, 48 Stat. 11; 38 U. S. C. 718)

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

APPLICATIONS

Sec.
6.0 Under section 300, World War Veterans' Act, 1924, as amended.
6.1 Under section 310, World War Veterans' Act, 1924, as amended.

EFFECTIVE DATE

6.5 Insurance applied for by person entering active military or naval service.
6.6 Insurance applied for under section 310, World War Veterans' Act, 1924, as amended.

AGE

6.12 Misstatement of age.

PREMIUMS

Sec.
6.13 Premium rate.
6.14 Premiums on United States Government life insurance.
6.15 Due date of premiums.
6.16 Payment of premiums; insured in the active military, naval, or Coast Guard service.
6.17 Payment of insurance premiums by mail.
6.20 Deduction of insurance premiums from disability compensation, retirement pay, or pension.
6.21 Effective date of authorization for deduction of insurance premiums from disability compensation, retirement pay, or pension.
6.22 Premiums to be deducted from disability compensation, retirement pay, or pension, treated as paid, for purpose of preventing lapse.
6.23 Termination of the authorization to deduct insurance premiums from disability compensation, retirement pay, or pension.
6.24 Deduction of premiums on total disability insurance.
6.25 Waiver of payment of premiums on the due date.
6.26 Application for waiver of payment of premium on due date.
6.27 Period covered by waiver of payment of premiums on due date.
6.28 Premiums paid while waiver is effective.
6.29 Premiums and interest to be an indebtedness against the insurance.
6.30 Lapse after expiration of waiver.

GRACE PERIOD

6.35 Establishment of grace period.
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POLICIES

6.40 Forms of policies.
6.41 Form to be used in applying for converted insurance.
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AUTHORITY: §§ 6.0 to 6.205 issued under secs. 5, 300, 301, 43 Stat. 608, 624, secs. 1, 2, 46 Stat. 1016; 38 U. S. C. 11, 11a, 426, 511, 512, 707. Statutes giving special authority are cited in parentheses at the end of affected sections.

APPLICATIONS

§ 6.0 *Under section 300, World War Veterans' Act, 1924, as amended.* Persons entering the active military or naval service under the War Department, Navy Department, or Coast Guard service may apply for the United States Government life insurance provided for by section 300 of the World War Veterans' Act, 1924, as amended, within 120 days after enlistment, entrance into, or employment in the active service and before discharge or resignation. The amount of insurance granted to one person may not be more than $10,000 or less than $1,000 in multiples of $500. Applications for such insurance should be made on forms prescribed by the Veterans' Administration, but any statement in writing sufficient to identify the applicant, and the amount and plan of insurance, and a remittance to cover the first monthly premium thereon, will be acceptable as an application for insurance.

§ 6.1 *Under section 310, World War Veterans' Act, 1924, as amended.* Veterans of the World War who applied or were eligible to apply for yearly renewable term (wartime) insurance or United States Government life (converted) insurance may apply for United States Government life insurance as authorized by section 310 of the World War Veterans' Act, 1924, as amended May 29, 1928, in amounts not to exceed $10,000 nor less than $1,000 in multiples of $500: *Provided*, That the amount of insurance granted under section 310, plus any amount in force under premium paying conditions, or in force as extended insurance, plus any amount carried under a previous policy and surrendered for cash, or surrendered for paid-up insurance, shall not exceed $10,000. Applications for such insurance should be made on forms prescribed by the Veterans' Administration but a statement in writing sufficient to identify the applicant and the amount and plan of insurance, together with a report of physical examination and a remittance sufficient to cover the first monthly premium thereon, will be considered an application for insurance. (Sec. 15, 45 Stat. 970; 38 U. S. C. 512a)

EFFECTIVE DATE

§ 6.5 *Insurance applied for by person entering active military or naval service.* The effective date of United States Government life insurance applied for by persons entering the active military or naval service under the War Department, Navy Department, or Coast Guard service will be established as of the date on which valid application and tender of premium are made and forwarded to the Veterans' Administration; but not later than 120 days from the date of the applicant's enlistment, entrance into, or employment in the active service and while on active duty. If the first premium is to be paid by allotment of pay as in the Navy, Marine Corps, and Coast Guard, or by deduction from pay, as in the Army, the effective date of the insurance will be the first day of the month following the month in which said allotment or authorization for deduction is executed, but not later than the first day of the month following the expiration of the period of 120 days from date of the applicant's enlistment, entrance into or employment in the active service and while on active duty: *Provided*, The amount of premium is deducted from the applicant's service pay in accordance with the allotment or authorization.

(a) The effective date of a United States Government life insurance policy granted to a person entering the active military or naval service under the War Department, Navy Department, or Coast Guard service may be established upon written request by the applicant as of any day of a month prior to the month in which the application and tender of premiums are made to the Veterans' Administration, as set out above: *Provided*, That such date is not prior to the date of entrance into the active service, and that there be paid (1) an amount equal to the full reserve on the insurance at the end of the month prior to the month in which the application is made, and (2) the full premium on the amount and plan of insurance for the month in which application is made.

§ 6.6 *Insurance applied for under section 310, World War Veterans' Act, 1924, as amended.* The effective date of United States Government life insurance applied for under section 310 of the World War Veterans' Act, 1924, as amended May 29, 1928, by veterans of the World War who applied or were eligible to apply for yearly renewable term (wartime) insurance or United States Government life (converted) insurance will be established as of the first day of the month in which application for insurance is made to the Veterans' Administration, unless the applicant expressly makes written request at the time of applying to have the insurance become effective as of the first day of the month following the month in which application for insurance is made. However, upon the request of the applicant, the United States Government life insurance policy may be issued effective as of the first day of any month prior to the month in which application is made: *Provided*, That such date is not more than six months prior to the first day of the month in which application is made or prior to May 29, 1928: *Provided further*, That there be paid (a) an amount equal to the full reserve on the insurance at the end of the month prior to the month in which application is made, and (b) the full premium for the month in which the application is made.

AGE

§ 6.12 *Misstatement of age.* If the age of the insured under a United States Government life insurance policy has been understated, the amount of the insurance payable under the policy shall be such exact amount as the premium paid would have purchased at the correct age; if overstated, the excess of premiums paid shall be refunded without interest. Guaranteed surrender and loan values will be modified accordingly. The age of the insured will be admitted by the Veterans' Administration at any time upon satisfactory proof.

PREMIUMS

§ 6.13 *Premium rate.* United States Government life insurance is granted at the premium rate for the age nearest birthday anniversary of the applicant at the time the policy becomes effective in accordance with the premium rates published in Veterans' Administration Form 740 entitled "Premium Rates and Policy Values on U. S. Government Life Insurance."

§ 6.14 *Premiums on United States Government life insurance.* United States Government life insurance is granted in consideration of and subject to the terms and conditions set forth in the policy and further consideration of the payment of the monthly premium due and payable on the day the policy takes effect and on the same day of each succeeding month during the lifetime of the insured or for the period for which premiums are due and payable as provided by the terms and conditions of the policy contract.

§ 6.15 *Due date of premiums.* Premiums on United States Government life insurance are due and payable monthly in advance in legal tender of the United States of America to the Treasurer of the United States in the city of Washington, District of Columbia. Premiums may be paid annually, semi-annually, or quarterly in advance, in which case the premium payable will be the sum of the monthly premiums for the period discounted at 3½ percent per annum. The discounted premiums for these periods are stated on the first page of the policy. At maturity by death or otherwise, the discounted value at 3½ percent per annum of the premiums paid in advance beyond the current calendar month shall be refunded to the insured, if living; otherwise to the beneficiary. If any premium be not paid when due, the policy shall cease and become void except as otherwise provided.

§ 6.16 *Payment of premiums, insured in the active military, naval, or Coast Guard service.* Premiums on United States Government life insurance may be paid by persons in the active military, naval, or Coast Guard service (a) by direct remittance to the Veterans' Administration, or (b) by allotment of service pay.

§ 6.17 *Payment of insurance premiums by mail.* When it appears by proof satisfactory to the Administrator of Veterans' Affairs that the person to whom insurance has been granted under the War Risk Insurance Act or the World War Veterans' Act, 1924, as amended, or any person authorized to act on his behalf, has deposited in the mail within the grace period allowed by regulation for payment of a premium an envelope, properly addressed to the Veterans' Administration, Washington, D. C., or to a regional office of the Veterans' Administration, containing money, check, draft, or money order, in payment of a premium, such insurance will not lapse for nonpayment of such premium within the grace period: *Provided*, That if tender is by check or draft, such check or draft is honored on presentation for payment.

§ 6.20 *Deduction of insurance premiums from disability compensation, retirement pay, or pension.* The insured under a United States Government life insurance policy; or under yearly renewable term insurance, may authorize the monthly deduction of premiums from disability compensation, retirement pay, or pension that may be due and payable to him under any laws administered by the Veterans' Administration, in accordance with the following provisions:

(a) The authorization must be in writing over the signature of the insured, and whenever practicable on such forms as may be prescribed by the Veterans' Administration.

(b) The monthly disability compensation, retirement pay, or pension so due and payable must be equal to, or in excess of, the amount of the insurance premium figured on a monthly basis.

(c) The authorization will be effective on the first day of the month next following the month in which it is received by the Veterans' Administration, unless the insured elects to have the authorization become effective on the first day of a succeeding month.

(d) The authorization may be canceled by the insured at any time by notice in writing to the Veterans' Administration. Such cancellation will be effective on the first day of the month following the month in which it is received by the Veterans' Administration.

(e) If the benefits payable to the insured are apportioned under the regulations of the Veterans' Administration now in effect or hereafter issued, the deduction authorized by the insured shall be from that portion awarded to the insured under such regulations.

§ 6.21 *Effective date of authorization for deduction of insurance premiums from disability compensation, retirement pay, or pension.* When premium deductions are authorized by the insured under United States Government life insurance

or under yearly renewable term insurance, in accordance with the provisions of Veterans' Administration regulations, the Veterans' Administration will make monthly deductions from the disability compensation, retirement pay, or pension, due and payable to the insured, of an amount sufficient to pay the monthly premium on the insurance. Such deductions shall begin with the month in which the authorization is effective and continue so long as the disability compensation, retirement pay, or pension due and payable to the insured is sufficient to pay the monthly insurance premium, unless the authorization is sooner canceled or otherwise terminated.

§ 6.22 *Premiums to be deducted from disability compensation, retirement pay, or pension, treated as paid, for purpose of preventing lapse.* When premium deductions are authorized by the insured under United States Government life insurance or under yearly renewable term insurance, in accordance with the provisions of Veterans' Administration regulations, the insurance premium will be treated as paid for the purpose only of preventing lapse of the insurance, although such deduction is not in fact made, if upon the due date of the premium there is due and payable to the insured an amount of disability compensation, retirement pay, or pension sufficient to provide the payment. Any premium authorized to be deducted from disability compensation, retirement pay or pension due and payable to the insured and not actually paid, shall be deducted from any amount of current disability compensation, retirement pay, or pension that may become due and payable to the insured. The amounts so deducted for premiums shall be deposited and covered into the Treasury to the credit of the military and naval insurance appropriation or the United States Government life insurance fund, as may be proper.

§ 6.23 *Termination of the authorization to deduct insurance premiums from disability compensation, retirement pay, or pension.* Deduction of insurance premiums on United States Government life insurance or on yearly renewable term insurance shall cease and the authorization shall terminate if the disability compensation, retirement pay, or pension becomes insufficient to provide the premium, or if disability compensation, retirement pay or pension is no longer due and payable to the insured. The insurance shall lapse after the termination or cancelation of the authorization to deduct premiums from disability compensation, retirement pay, or pension, unless the premium be otherwise paid within the grace period. The insured will be notified, by letter directed to his last address of record, of the termination of the authorization to deduct premiums; but the failure to give such notice or the failure to receive such notice, shall not prevent lapse of the insurance.

§ 6.24 *Deduction of premiums on total disability insurance.* An authorization to deduct premiums on a contract of United States Government life insurance in accordance with the provisions of §§ 6.20, 6.21, 6.22, and 6.23 will be deemed to include the premiums on any contract of total disability insurance that may be attached to said contract of United States Government life insurance, and the provisions of said sections shall be applicable jointly and inseparably to both contracts as though they were one contract.

§ 6.25 *Waiver of payment of premiums on the due date.* Subject to the conditions hereinafter set out, the yearly renewable term insurance and United States Government life insurance shall be deemed not to lapse by reason of the nonpayment of premiums on the due date thereof and unless paid by the insured; payment of such premiums on the due date thereof shall be waived in the cases of the following persons:

(a) Those who are confined in a hospital as patients of the Veterans' Administration for a compensable disability during the period while so confined.

(b) Those who are rated temporarily totally disabled by reason of an injury or disease entitling them to compensation, during the period of such total disability and while they are so rated.

(c) Those who are mentally incompetent and for whom no legal guardian has been appointed and who allowed their insurance to lapse while mentally incompetent. An application for waiver shall not be required in such cases and such waiver is to be retroactive to cover the premiums for the period of incompetency. (Sec. 306, 43 Stat. 626; 38 U. S. C. 514)

§ 6.26 *Application for waiver of payment of premium on due date.* If the privilege of waiver of payment of insurance premiums on the due date thereof is desired by any person whose cases comes within the provisions of § 6.25 (a) and (b) and not within the provisions of § 6.25 (c), then written application shall be made by the applicant during his lifetime and such waiver shall not include the premium for any month prior to the month in which the application is made. (Sec. 306, 43 Stat. 626; 38 U. S. C. 514)

§ 6.27 *Period covered by waiver of payment of premiums on due date.* The waiver of the payment of premiums on yearly renewable term insurance and United States Government life insurance on the due date thereof in accordance with the provisions of Veterans' Administration regulations, shall operate for full calendar months as follows:

(a) Beginning with the month of confinement to a hospital as a bureau patient for a compensable disability and ending with the last day of the last month during the half or major fraction of which the insured is confined in a hospital as a bureau patient for a compensable disability.

(b) Beginning with the month in which the temporary total disability rating is made effective and ending with the last day of the last month during the half or major fraction of which the insured is rated temporarily totally disabled.

(c) Beginning with the month in which the rating shows the person to have become mentally incompetent and ending with the last day of the last month during the half or major fraction of which the insured continues to be so rated and until the guardian has notified the Veterans' Administration of his qualification, but not later than six months after appointment as guardian. (Sec. 306, 43 Stat. 626; 38 U. S. C. 514)

§ 6.28 *Premiums paid while waiver is effective.* Where a person entitled to waiver of the payment of insurance premiums on the due date, pays any amount on account of the premiums waived on his insurance, such amount shall not be refunded but his right to waiver of premiums during such period shall not terminate and a new application shall not be required. (Sec. 306, 43 Stat. 626; 38 U. S. C. 514)

§ 6.29 *Premiums and interest to be an indebtedness against the insurance.* In all cases where the payment of premiums on yearly renewable term insurance and United States Government life insurance on the due date thereof has been waived as provided by bureau regulations the premium so waived shall bear interest at the rate of 5 percent per annum, compounded annually, from the due date of such premium, and if not paid the amount shall be an indebtedness against the policy to be deducted from the proceeds of insurance in any settlement thereunder or from the cash value when such value is taken in cash or used for the purpose of purchasing paid-up or extended insurance or making a loan: *Provided, however,* That the unpaid premiums with interest shall not be considered such an indebtedness as is set forth in paragraph 5 (D) of the contract of Government converted insurance, to cause the policy to cease and become void if the amount (premiums with interest) is greater than the cash surrender value, so long as premiums are paid by the insured or the payment on the due date thereof is waived by regulations of the Veterans' Administration. (Sec. 306, 43 Stat. 626; 38 U. S. C. 514)

§ 6.30 *Lapse after expiration of waiver.* Yearly renewable term insurance and United States Government life insurance will lapse after the termination of a waiver of the payment of premiums on the due date thereof as provided in § 6.27, if premiums are not paid on the due date or within the grace period of 31 days. (Sec. 306, 43 Stat. 626; 38 U. S. C. 514)

GRACE PERIOD

§ 6.35 *Establishment of grace period.* For the payment of any premium under a United States Government life insurance policy, a grace period of thirty-one days without interest will be allowed, during which time the policy will remain in force; but if the policy shall become a claim within the grace period, the unpaid premium shall be deducted from the amount of insurance payable.

§ 6.36 *Computation of grace period.* For the purpose of determining whether a premium tendered on United States Government life insurance shall be accepted and a regular receipt issued therefor, the grace period for the payment of the premium shall be computed so as to include 31 days from and after the date on which the premium was due. The postmark date will govern the date on which the premium was tendered. The monthly premium when paid shall be deemed to carry such insurance in force for the calendar month for which the premium was due. If a premium is not paid during the grace period, the effective date of the lapse shall be the due date of the premium in default.

POLICIES

§ 6.40 *Forms of policies.* The forms of policies of insurance described and designated below, bearing the signature of and now on file in the office of the Administrator of Veterans' Affairs are hereby prescribed for use in granting United States Government life insurance applied for in accordance with the provisions of the World War Veterans' Act and amendments thereto. Contracts of insurance are hereby authorized to be made in accordance with the terms and conditions set forth in the forms of policies described and designated as follows:

Ordinary life policy (Form 741).
Fire year level premium term policy (Form 735).
Twenty-payment life policy (Form 747).
Thirty-payment life policy (Form 748).
Twenty-year endowment policy (Form 749).
Thirty-year endowment policy (Form 750).
------ year endowment policy (Form 751).
The five-year level premium term policy (Form 735) is substituted for the five-year convertible term policy (Form 745).
Additions to or modifications of said policies may hereafter be made by the Administrator of Veterans' Affairs.

§ 6.41 *Form to be used in applying for converted insurance.* Applications to convert yearly renewable term insurance into the forms of United States Government life insurance described and designated in regulations of the Veterans' Administration in those instances where yearly renewable term insurance may be converted subsequent to July 2, 1927, shall contain provisions equivalent in effect to those set forth in the form on file in the office of the Administrator of Veterans' Affairs, and described and designated as application for conversion of Government war risk insurance, Form 739.

§ 6.42 *Forms of application and policies to be used in converting yearly renewable term insurance subsequent to July 2, 1927.* Contracts for the conversion of yearly renewable term insurance, which may be converted subsequent to July 2, 1927, as provided for in section 301 of the World War Veterans' Act, 1924, as amended, are hereby authorized to be made in the terms and conditions set forth in the forms of application and policies described and designated in regulations of the Veterans' Administration.

§ 6.45 *Incontestability of United States Government life insurance.* A United States Government life insurance policy shall be incontestable from the date of issuance or reinstatement, except for fraud, nonpayment of premiums, or on the ground that the applicant was not a member of the military or naval forces of the United States, and the policy is issued free of restrictions as to travel, residence, occupation, or military or naval service. However, no insurance shall be payable for death inflicted as a lawful punishment for crime or military offense, except when inflicted by the enemy: *Provided,* That the cash value, less any indebtedness, on the date of such death shall be paid to the designated beneficiary if living, or if there be no designated beneficiary alive at the death of the insured, the said value shall be paid to the estate of the insured. (Sec. 24, 46 Stat. 1001; 38 U. S. C. 518)

CHANGE IN PLAN

§ 6.47 *To a policy at a higher rate of premium as of original effective date.* A United States Government life insurance policy on any plan of insurance may be exchanged for a policy of the same amount, bearing the same date and based on the same age, on any plan of insurance issued by the Veterans' Administration at a higher rate of premium, upon payment of the difference between the reserve on the new policy and the reserve on the old policy. Such exchange will be made without medical examination and upon complete surrender of the policy while in force.

§ 6.48 *To a policy at a lower rate of premium as of original effective date.* A United States Government life insurance policy may be exchanged within five years from the effective date for a policy of the same amount, bearing the same date, and based on the same age, on any plan of insurance issued by the Veterans' Administration at a lower rate of premium, except the 5-year level premium term policy: *Provided,* The applicant is in good health and so states in his application and submits a report of a complete medical examination and such other evidence relative to his physical and mental condition as may be required by the Administrator of Veterans' Affairs and on such forms as the Administrator of Veterans' Affairs may prescribe. The old policy must be in force under premium paying conditions and must be surrendered with all rights and claims thereunder. The difference between the reserve on the old policy and the reserve on the new policy, less any indebtedness, may be used to cover payment of future premiums or withdrawn in cash at the option of the insured. If the old policy has been in force for less than 12 months, the difference in reserve may be used only for the purpose of paying future premiums on the insurance and such premiums shall not be subject to withdrawal by the insured.

§ 6.51 *To a policy at a higher rate of premium as of a current effective date.* A United States Government life insurance policy on the 5-year convertible term plan or the 5-year level premium term plan may be exchanged for a policy of the same amount on any plan of insurance issued by the Veterans' Administration at a higher rate of premium, upon payment of the current monthly premium at the attained age of the insured for the plan of insurance selected. The reserve (if any) on the policy will be allowed as a credit on the current monthly premium. Such exchange will be made without medical examination, upon complete surrender of the policy while in force and within five years from the effective date of the policy.

BENEFICIARY OF UNITED STATES GOVERNMENT LIFE INSURANCE

§ 6.55 *Proof of relationship.* Whenever it is necessary for a claimant to prove relationship to a veteran, the procedure outlined in § 3.42 of this chapter will be followed.

§ 6.56 *Payment to estate of insured.* If no beneficiary be designated by the insured as beneficiary under a United States Government life insurance policy, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured the present value of the remaining unpaid installments.

§ 6.57 *Payment to estate of beneficiary.* If the designated beneficiary under a United States Government life insurance policy survives the insured and dies before receiving all the installments payable and applicable, then there shall be paid to the estate of such beneficiary the present value of the remaining unpaid monthly installments.

§ 6.60 *Change of beneficiary.* The insured under United States Government life insurance shall have the right at any time, and from time to time and without the consent or knowledge of the beneficiary, to change the beneficiary. A change of beneficiary must be made by written notice to the Veterans' Administration over the signature of the insured and shall not be binding on the United States unless received and indorsed on the policy by the Veterans' Administration. A change of beneficiary must be forwarded to the Veterans' Administration by the insured or his agent and must be accompanied by the policy. A change of beneficiary may be indorsed during the lifetime of the insured or after his death, and when so indorsed said change shall be effective as of the date the insured signed the written notice of change of beneficiary. The United States shall be protected in all payments made to the beneficiary last of record and before receipt of notice of a change of beneficiary, and no payments so made shall be paid again to the changed beneficiary. The insured may exercise any right or privilege given under the provisions of a United States Government life insurance policy without the consent of the beneficiary. An original designation of a beneficiary may be made by the last will and testament, but no change of beneficiary may be made by the last will and testament.

§ 6.62 *Assignment, claims of creditors and taxation.* The proceeds of a United States Government life insurance policy shall not be assignable, except that any person to whom this insurance shall be payable may assign his interest in this insurance to any other beneficiary within the class permitted by the World War Veterans' Act or any amendments or supplements thereto. No such assignment of a United States Government life insurance policy shall be binding upon the

United States unless in writing and until filed in the Veterans' Administration, Washington, D. C. The United States assumes no responsibility for the validity of any assignment. The proceeds of a United States Government life insurance policy shall not be subject to the claims of creditors of the insured or creditors of any beneficiary to whom the proceeds may be awarded, except claims of the United States arising under the War Risk Insurance Act or the World War Veterans' Act. The proceeds of insurance are exempt from all taxation. (Sec. 3, 49 Stat. 609; 38 U. S. C. 454a)

OPTIONAL SETTLEMENT

§ 6.63 *Mode of payment at death or disability.* United States Government life insurance is payable in monthly installments of $5.75 for each $1,000 insurance in the event of total permanent disability of the insured or of his death unless one of the optional settlements is selected as provided in § 6.68; then, in the event of the death of the insured, the insurance is payable in accordance with the optional settlement so selected.

§ 6.64 *Selection, recording, revocation, and election.* The insured under a United States Government life insurance policy may select one of the optional settlements set forth in § 6.68, but notice of the selection shall not be valid unless and until it is recorded in the Veterans' Administration. The insured may revoke his selection of the optional settlement, but the revocation shall not be valid unless and until it is recorded in the Veterans' Administration. If the insured does not select one of the optional settlements, then he shall be deemed to have made no election, and the insurance shall be payable in 240 monthly installments, unless an election under option 2, 3 or 4 is made by the beneficiary.

§ 6.65 *Election of optional settlement by beneficiary.* If the insured under a United States Government life insurance policy has not selected one of the optional settlements then at the death of the insured the designated beneficiary may elect to receive settlement under option 2, 3 or 4, as provided in § 6.68, but such an election by the beneficiary shall not be valid unless and until it is recorded in the Veterans' Administration. If the insured has selected an optional settlement then at the death of the insured the designated beneficiary may elect to receive the proceeds of insurance in installments spread over a greater period of time than that selected by the insured and in accordance with the following provisions:

(a) If the insured has selected option 1, the beneficiary may elect to receive payment under option 2, 3 or 4.

(b) If the insured has selected option 2 with monthly installments not in excess of 120, the beneficiary may elect to receive payment in a greater number of installments under option 2, or may elect to receive payment under option 3 or 4.

(c) If the insured has selected option 2 with monthly installments in excess of 120, the beneficiary may elect to receive payment in a greater number of installments under option 2, or may elect to receive payment under option 3.

(d) If the insured has selected option 3, and named no contingent beneficiary, the beneficiary may elect to receive payment under option 4.

(e) If the insured has selected option 4, the beneficiary may elect to receive payment under option 3.

If the insured has selected settlement under option 1, a beneficiary who has elected to receive payment under option 2, 3 or 4 may elect to receive the commuted value of any remaining unpaid installments certain (240 less the number paid in case of option 3, or 120 less the number paid in the case of option 4). Settlement under any one of the options or payment to the beneficiary of said commuted value shall be in full and complete discharge of all liability under the contract.

§ 6.67 *Values for optional settlements.* The value for optional settlements shown in a United States Government life insurance policy are based on an insurance of $1,000 without indebtedness. If there is an indebtedness under a United States Government life insurance policy, or if the insured has received any payments on account of total and permanent disability, the values will be decreased accordingly. If the policy provides for a larger amount of insurance than $1,000 the values will be increased proportionately.

§ 6.68 *Options.* The optional settlements under a United States Government life insurance policy in lieu of the monthly installments of $5.75 per thousand are as follows:

Option 1. Insurance payable in one sum. Settlement under this option will be made only when selected by the insured during his lifetime or by his last will and testament. When such selection has been made, the face amount will be payable in one sum at the maturity of the policy by death.

Option 2. Insurance payable in elected installments. The installments noted below will be payable for an agreed number of months (not less than 36) to the designated beneficiary, but if such beneficiary dies before the agreed number of monthly installments have been paid, the remaining unpaid monthly installments will be payable in accordance with the beneficiary provisions of the policy.

Number of monthly installments:	Amount of installment for each $1,000 of insurance
36	$29.19
48	22.27
60	18.12
72	15.35
84	13.38
96	11.90
108	10.75
120	9.83
132	9.09
144	8.46
156	7.94
168	7.49
180	7.10
192	6.76
204	6.47
216	6.20
228	5.97
240	5.75

Option 3. Insurance payable in installments throughout life. The installments noted below will be payable throughout the lifetime of the designated beneficiary, but if such designated beneficiary dies before 240 such installments have been paid, the remaining unpaid monthly installments will be payable in accordance with the beneficiary provisions of the policy.

Age of beneficiary at time of death of the insured (years):	Amount of installment for each $1,000 of insurance
10	$3.67
15	3.75
20	3.84
25	3.96
30	4.11
35	4.30
40	4.52
45	4.79
50	5.07
55	5.35
60	5.56
65	5.70
70	5.75
75	5.75

Amounts of monthly installments for other ages will be calculated in accordance with the same formula as used in calculating the above table.

Option 4. Insurance payable in installments throughout life. The installments noted below will be payable throughout the lifetime of the designated beneficiary, but, if such designated beneficiary dies before 120 such installments have been paid, the remaining unpaid monthly installments will be payable in accordance with the beneficiary provisions of the policy.

Age of beneficiary at time of death of the insured (years):	Amount of installment for each $1,000 of insurance
10	$3.78
15	3.86
20	3.97
25	4.11
30	4.28
35	4.50
40	4.79
45	5.17
50	5.67
55	6.30
60	7.07
65	7.92
70	8.74
75	9.40
80	9.77
85	9.83

Amounts of monthly installments for other ages will be calculated in accordance with the same formula as used in calculating the above table.

§ 6.69 *Election of payments on matured endowments.* The insured under a United States Government life insurance policy issued on the endowment plan may, at the date of the maturity as an endowment, elect to receive payment in monthly installments under option 2 in lieu of payment in one sum. He shall have the right to designate the beneficiary or beneficiaries to receive any remaining unpaid installments at his death. If the insured dies before receiving all such monthly installments and no designated beneficiary survives, the present value of the remaining unpaid installments shall be paid to the estate of the insured, provided such payment would not escheat. If the designated beneficiary of a matured endowment survives the insured, the present value of any remaining unpaid installments shall be paid to such beneficiary in one sum, unless the insured or such beneficiary has elected to continue the installments under the option selected by the insured for payment of the endowment.

LAPSE

§ 6.71 *Lapse for nonpayment of premium.* If any premium be not paid when due, the United States Government life insurance policy shall cease and become void, except as otherwise provided in the policy contract.

§ 6.72 *Nonlapse while insured is in active military, naval, or Coast Guard Service.* Except as provided in § 6.73, United States Government life insurance will not lapse while the insured is in the active military, naval, or Coast Guard service of the United States, if an allotment of active service pay had been established to cover premiums for such insurance.

§ 6.73 *Lapse while insured is in active military, naval, or Coast Guard Service.* United States Government life insurance will lapse and terminate while the insured is in the active military, naval, or Coast Guard service of the United States:

(a) If the insured fails to designate a method of payment of premiums at the time of applying, or at any time elects to pay premiums on said insurance otherwise than by allotment of pay and such premiums are not paid prior to expiration of the grace period.

(b) If the service department shall discontinue the allotment and premium is not otherwise paid prior to expiration of the grace period.

§ 6.74 *Lapse at discharge or resignation from active service.* When the insured under a United States Government life insurance policy shall provide for payment of premiums by allotment of pay, any previously authorized method of payment of premiums shall be deemed to be revoked. The insurance will lapse upon termination of the allotment because of discharge or resignation from the active service unless the premium be paid prior to expiration of the grace period.

REINSTATEMENT

§ 6.78 *Provision for reinstatement.* Subject to the provisions of paragraph 3 of the present United States Government life insurance policy or a similar paragraph in any policy that may be issued under the World War Veterans' Act, 1924, or any amendment or supplement thereto, United States Government Life Insurance which has lapsed, or may hereafter lapse, may be reinstated upon evidence of the insurability of the applicant satisfactory to the Administrator of Veterans' Affairs and under the conditions stated in §§ 6.79, 6.80, 6.81, 6.90, and 6.92.

Reinstatement: The policy, if it has not been surrendered for a cash value, may be reinstated at any time after lapse upon evidence of the insurability of the insured satisfactory to the Administrator of Veterans' Affairs, and upon the payment of all premiums in arrears, with interest from their several due dates at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually, and the payment or reinstatement of any indebtedness which existed at the time of such default, with interest. However, if such indebtedness with interest would exceed the reserve of the policy at the time of application for reinstatement of said policy, then the amount of such excess shall, except as provided in § 6.81, be paid by the insured as a condition of the reinstatement of the indebtedness and of the policy.

§ 6.79 *Health requirements.* United States Government life insurance may be reinstated:

(a) Within three calendar months including the calendar month for which the unpaid premium was due, provided the applicant is in as good health as he was at the due date of the premium in default, and the application and tender of premiums are made within the said three months.

(b) After the expiration of the three calendar months mentioned in paragraph (a) provided the applicant is in good health.

§ 6.80 *Application and medical evidence.* The applicant for reinstatement of United States Government life insurance must furnish during his lifetime, and before becoming totally and permanently disabled, and within the three calendar months including the calendar month for which the unpaid premium was due, a written application signed by him which shall state that he is in as good health as at date of lapse, or after the expiration of the three calendar months, a written application signed by him that he is in good health, in accordance with the requirements of the particular case; and in addition the applicant shall furnish such evidence relative to his physical condition as may be required by the Administrator of Veterans' Affairs, and on such forms as may be prescribed: *Provided*, That if the insurance becomes a claim after tender of the amount of the premiums required but before full compliance with the requirements of this paragraph, and the applicant was in the required state of health at the date that he made the tender of the amount of premiums, and that there is a satisfactory reason for his noncompliance, the director, underwriting service, may, if the applicant be dead, waive any or all of the requirements of this paragraph, or, if the applicant be living, allow compliance with this paragraph, as of the date the required amount of premiums was received by the Veterans' Administration.

§ 6.81 *Indebtedness at time of reinstatement.* The United States Government life insurance shall not be deemed to be reinstated until satisfactory evidence of good health has been furnished and approved as required, and until all premiums in arrears have been paid with interest, and any indebtedness existing at the time of default has been paid or reinstated as set forth in the policy: *Provided*, That any indebtedness on account of unpaid service premiums and premiums waived under authority of section 306 of the World War Veterans' Act, 1924, as amended, may be reinstated, even though the amount of such indebtedness exceeds the reserve of the policy; and such indebtedness unless otherwise paid shall be deducted from the proceeds of insurance in any settlement thereof, or from the cash value when such value is taken in cash or used for the purpose of purchasing paid-up or extended insurance or making a loan: *Provided further*, That the amount of such unpaid premiums with interest shall not be considered an indebtedness as is set forth in paragraph 5 (D) of the contract of Government life insurance to cause the policy to cease and become void if the amount (premiums with interest) is greater than the cash surrender value of an insurance without indebtedness, so long as current premiums are being paid by the insured when due or the payment on the due date thereof is being waived as provided by Veterans' Administration regulations.

§ 6.82 *Reinstatement in the month following the date of lapse.* Where a premium on United States Government life insurance is not paid within the grace period, but is tendered not more than 15 days after the date of expiration of the grace period, such premium may be regularly applied as premium for the unpaid month, provided the insured at the time of tendering the delayed premium is in as good health as he was on the due date of the premium in default and furnishes a statement to that effect not more than 31 days after the date such delayed premium was tendered.

§ 6.83 *Reinstatement while applicant is in the active military or naval service.* If the insured is in the active military, naval, or Coast Guard service, the United States Government life insurance, if it has not been surrendered for a cash value, may be reinstated at any time by the payment of all premiums in arrears with interest from their several due dates at the rate of 5 percent per annum compounded annually, and the payment or reinstatement of any indebtedness which existed at the time of lapse, in accordance with the terms and conditions of the policy contract and under the following conditions:

(a) Within 3 calendar months including the calendar month for which the unpaid premium was due, provided the applicant is in as good health as he was on the due date of the premium in default.

(b) After the expiration of the period mentioned in paragraph (a) of this section provided the applicant is in good health and so states in his application, and submits a report of a complete medical examination and such other evidence relative to his physical and mental condition and insurability as may be required by the Administrator, and on such forms as the Administrator may prescribe.

§ 6.85 *Reinstatement of policies in force under extended insurance.* A lapsed United States Government life insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with interest are made not less than 5 years prior to the date such extended insurance would expire: *Provided*, That in any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period, such policy may be reinstated upon application and payment of the premiums with interest, and

health statement or other medical evidence will not be required.

§ 6.88 *Insurance previously terminated by reason of the insured's discharge from the service under other than honorable conditions.* Where United States Government life insurance or yearly renewable term insurance has heretofore been terminated because of the discharge or dismissal of the insured from the military or naval service on the grounds of mutiny, treason, spying, any offense involving moral turpitude, or willful and persistent misconduct, or that he was an enemy alien, conscientious objector, or deserter, or that he concealed the fact that he was a minor at time of his enlistment:

(a) If the insured becomes, or has become, totally and permanently disabled, or dies, or has died, in circumstances and other conditions which mature, or would have matured, such insurance, and requires, or would have required, payments thereunder except for such discharge or dismissal from the service, such insurance will be deemed to be, or to have been, in force at the time of such total permanent disability or death, and claims thereunder will be paid in the same manner and under the same conditions as other valid insurance claims.

(b) In other such cases the insurance will be deemed to have lapsed at the expiration of the grace period ensuing upon the insured's separation from the service, and may be reinstated in the same circumstances, under the same conditions, and upon the same terms as apply to other cases of reinstatement of lapsed insurance. Any amount previously paid, upon termination of such insurance, to or on account of any such insured person, as cash value of a United States Government life insurance policy, shall be deducted from the payment of any insurance claim herein provided for; and the repayment of any such previously paid cash value of United States Government life insurance shall be an additional prerequisite of any reinstatement hereunder. (Sec. 23, 43 Stat. 613; 38 U. S. C. 447)

PHYSICAL EXAMINATIONS AND INSPECTIONS

§ 6.90 *Examinations for insurance purposes.* (a) It is deemed necessary in order properly to safeguard the interests of the Government to require a physical examination by a full-time or part-time salaried physician at a field station of the Veterans' Administration in the following instances, subject to the provisions of Veterans' Administration Insurance Procedures: (1) When an application has been filed by a person for payment of insurance benefits on account of total or total and permanent disability; (2) when requested by the disability insurance claims service in central office for the purpose of review, as provided by regulation, of claims in which insurance benefits are being paid, to determine if the person has recovered the ability to follow a gainful occupation; (3) when requested by the disability insurance claims service in order to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date. Examination will be made without charge to the claimant.

(b) Physical examinations required of applicants for insurance, under sections 310 and 311, or either, of the World War Veterans' Act, 1924, as amended, or for reinstatement of insurance, may be made free of charge to the applicant by a full-time or part-time salaried physician at a field station of the Veterans' Administration upon the request of the applicant, or upon the specific request of the underwriting service in central office in connection with an application for reinstatement of insurance when deemed necessary by that office in order properly to safeguard the interests of the Government. Physical examinations required of applicants for insurance, under sections 310 and 311, or either, of the World War Veterans' Act, 1924, as amended, or for reinstatement of insurance, may be made at applicant's own expense by a physician duly licensed for the practice of medicine by a State, Territory of the United States, or the District of Columbia, who is not related to the applicant by blood or marriage, associated with him in business or pecuniarily interested in the issuance or reinstatement of the policy. Examinations made in a foreign country by a physician, duly licensed for the practice of medicine and otherwise acceptable, may be accepted if submitted through the American Consul. The Administrator of Veterans' Affairs may require such further medical examination or additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the applicant at the time of the application.

§ 6.91 *Examinations and inspections for insurance purposes where applicant or claimant, by reason of his physical or mental condition, is unable to appear at a Veterans' Administration office.* If an individual is unable to travel, because of physical or mental condition, the manager of a field station may, on his own initiative or at the request of the insurance service in central office concerned authorize at Government expense examination at the home of the person to be examined in those instances in which, as provided by § 6.90, examination by a full-time or part-time salaried physician is deemed necessary properly to safeguard the interests of the Government. Examination at the home of an applicant for reinstatement of insurance can be authorized at Government expense only by the underwriting service in central office. (Sec. 6, 45 Stat. 965; 38 U. S. C. 459c)

§ 6.92 *Expenses incident to examinations for insurance purposes.* (a) Necessary transportation expenses incident to physical examination at field stations may be furnished subject to the governing provisions of § 17.100 of this chapter in the following instances: (1) When, upon filing of an application for payment of insurance benefits, an applicant is ordered to report for examination by the Veterans' Administration to determine the existence of total or total and permanent disability; (2) when an individual receiving payments of insurance benefits is ordered to report for the examination by the Veterans' Administration to determine if he has recovered the ability to follow a gainful occupation; (3) when an individual is ordered to report for examination by the Veterans' Administration to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date.

(b) Necessary transportation expenses may be furnished subject to the governing provisions of § 17.100 of this chapter incident to a physical examination at a field station of the Veterans' Administration of an applicant for reinstatement of insurance provided that the applicant was ordered to report for the examination at the specific request of the underwriting service in central office.

(c) Such expenses will be borne by the United States and will be paid from the appropriation, "Salaries and Expenses, Veterans' Administration". Transportation, meal and lodging requests in connection with reporting to and returning from the place of examination will be furnished the applicant or claimant provided prior authority has been given for the travel. Travel incident to such an examination by salaried employees of the Veterans' Administration will be in accordance with the Standardized Government Travel Regulations. If such examination is made by a medical examiner on a fee basis, the fee will be based on the Schedule of Fees for Medical Services, Veterans' Administration, in force at the time the examination is made.

(d) Transportation expenses will not be furnished for examinations on applications for reinstatement of insurance or on applications for payment of insurance benefits on account of total or total and permanent disability where the applicants were not ordered to report for the examination by the Veterans' Administration, or on applications for new insurance. (Sec. 6, 45 Stat. 965; 38 U. S. C. 459c)

DIVIDENDS

§ 6.95 *How paid.* A United States Government life insurance policy shall participate in and receive such dividends from gains and savings as may be determined by the Administrator of Veterans' Affairs. Any dividends so apportioned may be taken in cash, and if not so taken, shall be left on deposit to accumulate at such rate of interest as the Administrator of Veterans' Affairs may determine, but a rate never less than 3½ percent compounded and credited annually and payable, if not previously withdrawn, at the maturity of the policy to the person entitled to its proceeds.

LOANS

§ 6.100 *Policy loan; other than 5-year convertible term policy.* At any time after the expiration of the first policy year and before default in payment of any subsequent premium, and upon the execution of a loan agreement satisfactory to the Administrator, the United States will lend to the insured on the sole security of his United States Government life insurance policy, any amount which shall not exceed 94 percent of the cash value, and any indebtedness shall be deducted from the amount advanced on such loan. The loan shall bear interest at a rate not to exceed 6 percent per annum, payable annually, and at any time before default in the payment of the premium, the loan may be repaid in full or in amounts of $5 or any multiple thereof. Failure to pay either the amount of the loan or the interest thereon shall not avoid the policy unless the total indebtedness shall equal or exceed the cash value thereof. When the amount of the indebtedness equals or exceeds the cash value the policy shall cease and become void.

§ 6.101 *Policy loan; 5-year convertible term policy.* At any time after the expiration of the sixth policy year and before default in payment of any subsequent premium and upon execution of a loan agreement satisfactory to the Administrator, the United States will lend to the insured on the sole security of his United States Government life insurance policy on the 5-year convertible term plan any amount which shall not exceed 94 percent of the cash value, and any indebtedness shall be deducted from the amount advanced on such loan. The loan shall bear interest at a rate not to exceed 6 percent per annum, payable annually, and at any time before default in payment of premium, the loan may be repaid in full or in amounts of $5 or any multiple thereof. Failure to pay either the amount of the loan or the interest thereon shall not avoid the policy unless the total indebtedness shall equal or exceed the cash value thereof. When the amount of the indebtedness equals or exceeds the cash value, the policy shall cease and become void.

§ 6.102 *Rate of interest on policy loans on and after July 19, 1939.* Section 7 of Public No. 198, 76th Congress, 1st Session, approved July 19, 1939, is quoted as follows:

> On and after the date of enactment of this act, the rate of interest charged on any loan secured by a lien on United States Government life (converted) insurance shall not exceed 5 per centum per annum.

On and after July 19, 1939, and except as provided below, the interest on all policy loans then outstanding or thereafter granted will be at the rate of 5 per centum per annum.

On and after August 1, 1946, the interest on all policy loans then outstanding or thereafter granted will be at the rate of 4 per centum per annum. (Sec. 7, 53 Stat. 1070; 38 U. S. C. 512b–1)

EXTENDED TERM INSURANCE

§ 6.105 *Provision for extended term insurance.* (a) After the expiration of the first policy year and upon default of a premium within the grace period, if a United States Government life insurance policy on any plan other than five-year level premium term has not been surrendered for cash or for paid-up insurance, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the extended term insurance becomes effective. The extended term insurance shall be with right to dividends, payable in cash only, and with right to total permanent disability benefits. The number of monthly installments payable upon due proof of total permanent disability or death of the insured under such extended term insurance will be the same as would then be payable under the policy. Extended term insurance under this provision shall not have a cash or loan value. This paragraph shall be effective from and after August 2, 1948.

§ 6.106 *Extended insurance in case of total permanent disability.* In case total permanent disability occurs during the period of extended insurance under a United States Government life insurance policy and payments are made on account of such disability and recovery from such disability also takes place, then (a) if the recovery takes place before the end of the period of extended insurance, the insurance shall be reduced accordingly, and the insurance as reduced, shall be continued in force; (b) if the recovery takes place after the end of the period of extended insurance, all rights and claims hereunder shall cease, except as to the privilege to reinstate.

PAID-UP INSURANCE

§ 6.110 *Provision for paid-up insurance.* If a United States Government life insurance policy has not been surrendered for cash, upon default in the payment of any premium due after the expiration of the first policy year, and upon written request of the insured and complete surrender of the policy with all claims thereunder within three calendar months after the due date of the premium, the United States will issue paid-up insurance for such amount as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the paid-up insurance becomes effective. The paid-up insurance shall be with right to dividends and with right to total permanent disability benefits. The number of monthly installments payable upon due proof of total permanent disability or death of the insured under such paid-up insurance will be the same as would then be payable under the policy. The insured may at any time surrender the paid-up policy for its cash value or obtain a loan on such paid-up insurance.

§ 6.111 *Paid-up insurance in case of total permanent disability.* If one or more monthly installments be paid on account of total permanent disability incurred under a paid-up insurance, then there shall be paid to the beneficiary upon the surrender of policy at the death of the insured the remaining unpaid installments (240, less the number paid). If an optional settlement has been selected, payments shall be made accordingly.

CASH VALUE

§ 6.115 *Cash value, other than 5-year level premium term policy.* Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 6.105, shall become effective at the completion of the first policy year on any plan of United States Government life insurance other than the 5-year level premium term plan; all values, reserves, and net single premiums being based on the American Experience Table of Mortality, with interest at the rate of 3½ percent per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full or waived, shall be the reserve together with any dividend accumulations. For each month after the first policy year, for which month a premium has been paid or waived, the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the policy with all claims thereunder, made by the insured while the policy is in force, but not later than three calendar months from the due date of the premium in default, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of the premiums for at least one year.

§ 6.116 *Cash value; five-year convertible term policy.* The cash value, paid-up insurance, extended insurance, and policy loan provisions under a United States Government life insurance policy on the 5-year convertible term plan shall be effective at any time after the comple-

tion of the sixth policy year, all values, reserves, and net single premiums being based on the American Experience Table of Mortality with interest at the rate of 3½ percent per annum. The cash value at the end of the sixth policy year and at the end of any policy year thereafter for which premiums have been paid in full shall be the reserve together with any dividend accumulations. For each month after the sixth policy year for which month the premium has been paid the reserve at the end of the preceding year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the policy with all claims thereunder made by the insured while the policy is in force but not later than three calendar months from the due date of the premium in default the United States will pay to the insured the cash value of the policy less any indebtedness.

§ 6.117 *Values for first five years; five-year convertible term policy.* After a United States Government life insurance policy on the 5-year convertible term plan has been in force by the payment of premiums for 12 months and before the expiration of the 5-year term period the reserve, if any, together with any dividend accumulations less any indebtedness may be paid to the insured in cash or used to purchase paid-up term insurance for the unexpired portion of the 5-year term period provided the insured makes written request therefor and surrenders the policy before the expiration of the grace period. If the insured does not make written request and surrender of the policy before the expiration of the grace period, then the reserve if any, plus any dividend accumulations, less any indebtedness will be used as a net single premium to purchase extended term insurance from the due date of the premium in default, but not to extend beyond the termination of the 5-year term period.

INDEBTEDNESS

§ 6.118 *Collection of unpaid premiums.* When it becomes necessary to collect and deduct unpaid premiums and interest due under yearly renewable term or United States Government life insurance pursuant to the World War Veterans' Act, 1924, and amendments, such unpaid premiums and interest shall be deducted from the amount of the insurance (commuted value of the installments then due and payable), thus reducing the amount of each monthly installment in the proportion that the amount of the indebtedness bears to the amount of insurance.

§ 6.119 *Collection of any indebtedness.* At the maturity of a United States Government life insurance policy by total permanent disability or death, any indebtedness, unless paid off in cash, shall be liquidated by reducing the amount of each monthly installment in the proportion which the indebtedness bears to the commuted value of monthly installments as may then be payable under the policy, excluding dividend accumulations. If the policy is payable in one sum at death, any indebtedness shall be deducted from the amount payable under the policy.

TOTAL PERMANENT DISABILITY BENEFITS

§ 6.120 *Total permanent disability benefits.* Upon due proof of the total permanent disability of the insured while a United States Government life insurance policy is in force, the monthly installments, except as otherwise provided, shall be payable to the insured and continue to be so payable during total permanent disability so long as he lives, and payment of all premiums due after receipt of such proof during total permanent disability shall be waived.

§ 6.121 *Definition of total permanent disability.* Total permanent disability as referred to in a United States Government life insurance policy, is any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation and which is founded upon conditions which render it reasonably certain that the total disability will continue throughout the life of the disabled person. The total permanent disability benefits may relate back to a date not exceeding six months prior to receipt of due proof of total permanent disability and any premium paid after receipt of due proof of total permanent disability, and within the six months shall be refunded without interest: *Provided*, That where the insured becomes or has become totally and permanently disabled while outside the continental limits of the United States and because of war conditions could not feasibly file claim therefor, such benefits may relate back to the beginning date of such disability, but not prior to December 7, 1941: *Provided*, That claim therefor is filed within one year after discharge, or the insured's return to the continental limits of the United States, or prior to July 1, 1947, whichever is the earlier.

§ 6.122 *Disabilities deemed to be total and permanent.* Without prejudice to any other cause of disability, the permanent loss of the use of both feet, or both hands, or both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total and permanent disability under United States Government life insurance, and monthly installments of insurance for any of these specifically enumerated causes of total and permanent disability shall accrue from the date of such total and permanent disability, and any premiums paid after the date of such total and permanent disability shall be refunded without interest. Organic loss of speech will mean the loss of the ability to express oneself, both by voice and whisper, because of organic changes in the organs involved. (The provisions of this section shall not be applicable to contracts of United States Government life insurance originally issued subsequent to December 15, 1936.) (Sec. 9, 44 Stat. 794, sec. 7, 50 Stat. 661; 38 U. S. C. 473, 512c)

§ 6.123 *Recovery from total permanent disability.* Notwithstanding proof of total permanent disability may have been accepted as satisfactory, the insured shall at any time, on demand, furnish proof satisfactory to the Administrator of Veterans' Affairs of the continuance of such total permanent disability, and if the insured shall fail to furnish such proof, all payments of monthly installments on account of such total permanent disability under a United States Government life insurance policy shall cease and all premiums thereafter falling due shall be payable in conformity with the policy. Thereafter the premium to be paid, and the cash values, paid-up insurance values, and loan values shall be reduced so that the resulting premium and values shall bear the same proportion to the premiums and values, respectively specified on the policy, that the commuted values of the remaining installments (240 installments, less the number paid), bears to the commuted value of 240 installments. The extended insurance values shall be modified accordingly. (See § 6.181.)

DEATH BENEFITS

§ 6.125 *Due proof of the death of the insured.* Upon due proof of the death of the insured while a United States Government life insurance policy is in force, the monthly installments, without interest, which have accrued since the death of the insured, the first installment being due on the date of the death of the insured, shall be paid to the beneficiary designated, and thereafter the payment of the monthly installments shall continue to be so payable until 240 installments in all, including any paid to the insured during his lifetime on account of total permanent disability, shall have been paid; but if 240 or more installments shall have been paid to the insured on account of total permanent disability, no death benefit shall be payable. If optional settlement 1, 2, or 3 has been selected, payment shall be made accordingly, subject to deduction on account of total permanent disability payments.

§ 6.126 *Death by suicide.* Payment of claims arising under yearly renewable term insurance and United States Government life insurance validly granted in accordance with any of the provisions of Article IV of the War Risk Insurance Act, or in accordance with any of the provisions of Title III of the World War Veterans' Act, now included under said titles or hereafter enacted, where said insurance was in force at the time of the death of the insured, shall not be refused or contested on the ground that death was by suicide, sane or insane.

§ 6.127 *Evidence to establish death of the insured.* Whenever a claim is filed on account of the death of a person insured under yearly renewable term insurance or United States Government life insurance, the proof of death shall be established in accordance with the procedure outlined in § 3.55 of this chapter.

YEARLY RENEWABLE TERM INSURANCE

§ 6.130 *Premium.* The monthly premium on yearly renewable term insurance shall be due and payable on the 1st day of the calendar month and, if paid when due or within the grace period, the premium shall be deemed to carry the insurance in force for the then current calendar month. If a premium be not paid when due or within the grace period, the insurance shall lapse and terminate as of the due date of the premium.

§ 6.131 *Grace period.* The premium on yearly renewable term insurance due and payable on the 1st day of any calendar month may be paid at any time within 31 days from and excluding the 1st day of said month, which period of 31 days shall constitute a grace period for the payment of the premium. The insurance shall remain in force during the grace period but if the insured becomes totally and permanently disabled or dies during such grace period the unpaid premiums will be deducted from the amount of insurance. If a premium is not paid when due or within the grace period, the effective date of lapse shall be the due date of the premium in default.

§ 6.132 *Annual increase in premium rate.* The yearly renewable term insurance was issued at the monthly premium rate for the age nearest birthday of the insured when the insurance became effective. The monthly premium rate on the insurance shall increase on July 1 of each year to the rate for an age one year older, according to the schedule of premium rates set forth on the reverse side of Treasury Department Form 2–A, Bureau of War Risk Insurance, entitled "Application for Insurance."

§ 6.133 *Age understated; insurance in force.* If the age of the insured under yearly renewable term insurance has been understated and the insurance is in force and has not matured, the insured shall be notified to pay the premium arrearage due with interest at the rate of 5 percent per annum in order to maintain the amount of insurance originally applied for. If the insured has not paid the arrearage within 60 days after notice, the amount of insurance shall be reduced to the greatest amount which is a multiple of $500 below the exact amount of insurance purchased by the premium being paid. In such cases the excess premiums over those necessary for the purchase of the reduced amount of insurance (in multiples of $500) shall be returned to the insured without interest.

§ 6.134 *Age understated; at maturity.* If there has been a misstatement of the age of the insured under yearly renewable term insurance and the insurance has matured, the amount of insurance payable shall be such exact amount not in excess of $10,000 which the premium paid would have purchased at the correct age irrespective of whether such amount of insurance is a multiple of $500.

§ 6.135 *Age overstated; in force or at maturity.* If the age of the insured under yearly renewable term insurance has been overstated and premiums have been paid which would have purchased insurance in excess of $10,000, then the excess premiums without interest shall be returned to the insured if living, otherwise to the beneficiary.

§ 6.136 *Insured incompetent.* In any case where on July 2, 1927, conversion of yearly renewable term insurance into United States Government life insurance was impracticable or impossible due to the mental condition of the insured, such yearly renewable term insurance may be continued in force so long as such mental condition continues, by the payment of premiums as they become due or prior to the expiration of the grace period, or by a waiver of the payment of the premium on the due date thereof only as provided by § 6.25. Where the yearly renewable term insurance has been so continued in force after July 2, 1927, because of the mental condition of the insured, there shall be allowed the insured an additional period of two years from the date he recovers from his mental disability in which to convert the yearly renewable term insurance, provided the insurance does not lapse due to nonpayment of premium.

§ 6.137 *Insured disappeared.* In any case where the insured under yearly renewable term insurance has disappeared and his whereabouts are unknown and such disappearance continued after July 2, 1927, and evidence satisfactory to the Administrator of the disappearance of the insured is furnished by the interested party or parties, and the yearly renewable term insurance granted to the insured in accordance with the provisions of the War Risk Insurance Act, as amended, and continued under the World War Veterans' Act, 1924, as amended, is in force by the payment of premiums to include the month of June, 1927, such yearly renewable term insurance may thereafter be continued in force by the payment of premiums each month as they become due, or prior to the expiration of the grace period, during the continued disappearance of the insured. If the whereabouts of the insured become known to the party or parties in interest the Veterans' Administration shall be immediately notified and the insured shall have two years from date of reappearance within which to apply for the conversion of his yearly renewable term insurance, provided, the insurance does not lapse due to nonpayment of premiums.

§ 6.138 *Evidence of disappearance.* Evidence of disappearance of the insured under yearly renewable term insurance must be furnished by the beneficiary of record or anyone who may be interested in continuing the insurance protection on behalf of possible beneficiaries. Such evidence must be in the form of affidavits submitted by at least two persons who are in a position to know of the insured's disappearance by reason of their relationship, friendship, or business association with the insured, or if such affidavits are not procurable then affidavits will be accepted from any other persons in a position to know the facts. The affidavits should state what efforts, if any, have been made to locate the insured. The affidavits must be submitted on such forms as may be prescribed by the Administrator and must be sufficient to establish as a fact that the insured disappeared on or before July 2, 1927. The parties in interest will be required to obligate themselves to notify the Veterans' Administration if and when they receive information as to the insured's whereabouts.

§ 6.139 *Total permanent disability.* Any impairment of mind or body which renders it impossible for the disabled person (insured under yearly renewable term insurance) to follow continuously any substantially gainful occupation shall be deemed to be total disability. Total disability shall be deemed to be "permanent" whenever it is founded upon conditions which render it reasonably certain that it will continue throughout the life of the person suffering from it. Whenever it shall be established that any person to whom any installment of insurance has been paid on the ground that the insured has become totally and permanently disabled, has recovered the ability to continuously follow any substantially gainful occupation the payment of installments of insurance shall be discontinued forthwith and no further installments thereof shall be paid so long as such recovered ability shall continue. (40 Stat. 409; 34 U. S. C. 241)

§ 6.140 *Disabilities deemed to be total and permanent.* Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, shall be deemed to be total and permanent disability under yearly renewable term insurance and automatic insurance. Monthly installments of insurance for any of these specifically enumerated causes of total and permanent disability shall accrue from the date of such total and permanent disability, and any premiums paid after the date of such total and permanent disability shall be refunded without interest. (Sec. 7, 50 Stat. 661; 38 U. S. C. 512c)

§ 6.141 *Total permanent disability award terminated.* When an insured under yearly renewable term insurance is receiving insurance benefits on account of a total and permanent disability award and such award is terminated, the insured may, if he so desires, renew the payment of premiums on the reduced amount of term insurance (the commuted value of the remaining unpaid installments).

§ 6.142 *Continuance and conversion.* The first premium on the reduced amount of yearly renewable term insurance will be due and payable on the first day of the month following the month in which the last installment paid under the total and permanent disability award became due, and subsequent premiums will be due and payable on the first day of each month thereafter until the said reduced amount of yearly renewable term insurance is converted or expires as hereinafter provided. All of the reduced amount of yearly renewable term insurance, or any part thereof in multiples of $500 may be continued in force by the payment of premiums as they become due for two years from the due date of the first premium payable after termination of the total and permanent disability award, during which period the said term insurance may be converted into one or more of the plans of the United States Government life

insurance, but if all or any part of such term insurance be not so converted, the same shall cease and terminate.

§ 6.143 *Period allowed for resumption of payment of premiums after termination of a total permanent disability award.* The yearly renewable term insurance shall not lapse during the period between the termination of the total and permanent disability award and thirty-one days from date of notice to the insured advising him of the reduced amount of insurance and the amount of the premium, but if any premium or premiums due and payable during that time be not paid within thirty-one days from date of said notice or within thirty-one days from the due date of the first premium, whichever is the later date, or if any subsequent premium be not paid on the due date or within the grace period of thirty-one days thereafter, the insurance shall lapse but may be reinstated as provided in § 6.144. A letter mailed by the Veterans' Administration to the insured at his last known address informing him of the termination of the insurance award and the amount and due date of the premium on the reduced amount of insurance will be sufficient notice within the provisions of this regulation. The non-receipt of such letter will not excuse the non-payment of premium.

§ 6.144 *Reinstatement of insurance after termination of a total permanent disability award.* Yearly renewable term insurance may be reinstated in whole or in part at any time within the period of two years from the due date of the first premium payable after termination of the total permanent disability award by the tender of an amount sufficient to pay all premiums from date of lapse with interest at the rate of five per centum per annum, compounded annually from the due date of each premium, and by furnishing a report of a physical examination and such other evidence as to the applicant's physical and mental condition as may be required by the Administrator and on such forms as may be prescribed, *Provided*, That the applicant is not totally and permanently disabled, *And provided, further*,

(a) That the applicant is in as good health as he was on the due date of the premium in default, or

(b) If not in as good health, that his disability is the result of an injury or disease or an aggravation thereof suffered or contracted in the military or naval service during the period of the World War.

§ 6.145 *Change of beneficiary.* The insured under yearly renewable term insurance shall have the right at any time, and from time to time, and without the consent or knowledge of the beneficiary, to change the beneficiary within the class of beneficiaries permitted by the World War Veterans' Act or any amendment or supplement thereto. A change of beneficiary to be effective shall be made either (a) by the last will and testament of the insured, or (b) by notice in writing to the Veterans' Administration signed by the insured or by his duly authorized agent. Whenever practicable such notices shall be given on blanks prescribed by the Veterans' Administration. No change of beneficiary shall be effective until the same has been received and recorded in the Veterans' Administration. Payments of installments of the insurance shall be made to the beneficiaries last of record in the Veterans' Administration until the change of beneficiary has been received and recorded.

CLAIMS ALLEGING INSURANCE CONTRACT WHERE THERE IS NO APPLICATION FOR INSURANCE ON FILE

§ 6.150 *Claims alleging insurance contract where there is no application for insurance on file.* In those cases where claim is made alleging that a person made valid application for yearly renewable term (War Risk) insurance or United States Government life insurance and that the insurance is subject to reinstatement, or that such insurance matured by reason of the total and permanent disability or death of the person at a time when the insurance was in force, and in case of death that there was a valid designation of beneficiary, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government will be considered by the director of insurance and if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained a record of insurance will be established in accordance with such finding. However, if the director of insurance decides that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or decides that if insurance had been applied for as alleged the same would not be valid or not subject to reinstatement, or decides that the said person did not become permanently and totally disabled or die at a time when the insurance would have been in force if insurance had been applied for, or in case of death that there was no valid designation of beneficiary, the claimant will be so informed and will be notified that unless he desires to appeal to the Administrator a disagreement exists as to the matters in controversy as contemplated by the provisions of section 19 of the World War Veterans' Act, 1924, as amended, as far as the Veterans' Administration is concerned. Further, the claimant will be informed that an appeal may be taken from the decision to the Administrator of Veterans' Affairs by giving notice in writing within sixty days from the date of the letter advising of the unfavorable decision.

PAYMENT OF INSURANCE BENEFITS TO MINORS FOLLOWING DISCHARGE FROM THE MILITARY OR NAVAL FORCES

§ 6.153 *Payment of insurance benefits to minors following discharge from the military or naval forces.* The minority of a person who has been discharged from the military or naval forces of the United States will not preclude direct payment of either Government life insurance or National Service Life Insurance to such person. (Section 21 (1), World War Veterans' Act as amended by Public No. 262, 74th Congress.) (Sec. 21 (1), 49 Stat. 607; 38 U. S. C. 450)

DEFINITION OF "GOOD HEALTH"

§ 6.155 *Definition.* The words "Good Health" when used in connection with insurance, mean that the applicant is, from clinical or other evidence, free from disease, injury, abnormality, infirmity, or residual of disease or injury to a degree that would tend to weaken or impair the normal functions of the mind or body or to shorten life. (Sec. 15, 45 Stat. 970, sec. 25, 46 Stat. 1002; 38 U. S. C. 512a, 512b)

ARMED FORCES LEAVE BONDS

§ 6.156 *Assignment for insurance purposes.* (a) Pursuant to authority contained in the Armed Forces Leave Act of 1946, approved August 9, 1946 (Pub. Law 704, 79th Cong.), as amended by Public Law 254, 80th Congress, approved July 26, 1947, any bond issued thereunder to a person holding United States Government life insurance (or National Service Life Insurance) may be assigned by such person to the Veterans' Administration for the purpose of making payments on such insurance, as follows:

(1) Tender of premiums on existing insurance.

(2) Tender of premiums in connection with application for new insurance.

(3) Tender of premiums in connection with application for reinstatement of lapsed insurance.

(4) Payment of the difference in reserve when converting term insurance or when changing from one permanent plan to another having a higher reserve value.

(5) Payment, wholly or in part, of any policy loan made prior to July 31, 1946, with interest to that date.

(b) The assignment will be for the full amount of the bond and the bondholder will be credited with an amount equal to the principal of the bond plus interest accruing to the end of the month in which the assignment is made. The date of assignment shall be the date of delivery of the bond on valid assignment to the Veterans' Administration. Where delivery is effected by mail, the date of assignment shall be the date of deposit in the mail, provided the envelope in which the bond is enclosed is properly addressed and delivered to the Veterans' Administration without return to the sender.

(c) The proceeds of the bond will be used to make payment on the insurance as directed by the insured, subject to the provisions of paragraph (a) of this section, and any balance over the amount necessary to make such payment will be refunded to the insured if living, otherwise to his estate, provided there will be no escheat.

(d) Provisions of the regulations and of the policy for cash value, paid-up insurance and extended term insurance, as well as those relating to policy loans, shall be applicable to any insurance on which payments have been made by assignment of Armed Forces Leave Bonds.

(e) The assignment may be made by the veteran's agent when acting under a special power of attorney or letter of authority containing definite and specific instructions regarding the use of the proceeds of the bond. If the veteran is incompetent, the assignment may be made by his legal guardian or if there be no legal guardian and such veteran is hospitalized or receiving domiciliary care at a field station of the Veterans' Administration or a State hospital or other institution, the assignment may be made by the Manager of the field station or head of the State hospital or institution, as would be appropriate in the particular case, provided there are no other funds available for payment of the premiums. The Manager of the field station or head of a State hospital or other institution may make such assignment only for the purpose of paying premiums on the existing insurance. The guardian may make the assignment for the purpose of paying premiums on the existing insurance, repaying a loan with interest on such insurance, and, if authorized to do so by the court, when converting to a permanent plan.

(f) This section shall be effective as of September 2, 1947. (60 Stat. 963, Public 254, 80th Cong.; 37 U. S. C. 32 note)

TOTAL DISABILITY PROVISION FOR UNITED STATES GOVERNMENT LIFE INSURANCE

§ 6.159 *Withdrawal of the total disability provision authorized by section 311 of the World War Veterans' Act, 1924, as amended May 29, 1928 (§ 6.160).* Section 311 was added to the World War Veterans' Act, 1924, as amended, by section 16 of the amendment approved May 29, 1928 (45 Stat. 970). Section 25 of the amendment to the World War Veterans' Act, 1924, as amended, approved July 3, 1930, amended and superseded section 311 and thereby terminated as of July 3, 1930, the authority for issuing the total disability provision incorporated in § 6.160. However, as to the total disability provision which was issued and made a part of certain United States Government Life Insurance policies on applications submitted prior to July 3, 1930, the said § 6.160 will remain in full force and effect. (Sec. 25, 46 Stat. 1002; 38 U. S. C. 512b)

§ 6.160 *Rights and privileges.* The total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended May 29, 1928 (45 Stat. 970), is as follows:

(a) Under the authority of section 311 of the World War Veterans' Act as amended May 29, 1928, the following disability provision is hereby added to and becomes a part of policy K-------, effective ----------, on the life of ----------.

(b) In consideration of the application therefor and evidence of good health, and payment of the additional monthly premium of $------- payable under the same terms and conditions as the regular monthly premium on the insurance contract, until the maturity of this policy by death, total permanent disability or as an endowment, or until receipt of proof of total disability for twelve consecutive months or longer, the United States hereby agrees to pay disability benefits of $5.75 per month for each $1,000 insurance as shown on the face of the policy, upon receipt of due proof, before default in payment of any premium; that the insured hereunder is totally disabled, and has been so totally disabled for a period of twelve consecutive months or more. Monthly payments shall continue during the continuance of such total disability, and during the period of such payments all premiums on such insurance, including the premiums for this disability provision, shall be waived and any premiums tendered for such period shall be refunded to the insured, if living, otherwise, to the beneficiary. Such payment of benefits and waiver of premiums shall be effective as of the date of the beginning of total disability.

(c) The payment of a monthly income by reason of the total disability of the insured in accordance with this provision may be concurrent with or independent of the insured's right to receive total permanent disability benefits under the policy. Neither the payment of a monthly income under this provision nor the payment of total permanent disability benefits under the policy shall reduce the amount of the monthly income payment payable for total disability under this provision, or the amount of the monthly installment payable for total permanent disability under the policy.

(d) Total disability as referred to herein is any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation. The Administrator of Veterans' Affairs shall have the right to require proof of the continuance of such total disability at any time or times during the first two years after receipt of proof of total disability, but not more frequently thereafter than once a year. If the insured shall fail to furnish satisfactory proof thereof, no further premiums will be waived and no further monthly disability payments will be made hereunder on account of such disability.

(e) In the event it is found that the insured is no longer totally disabled, the payment of benefits and the waiver of premiums shall cease and the insured shall be privileged to continue the amount of insurance as provided by the terms of the policy as modified by this regulation upon payment of the monthly premium, and the total disability provision upon payment of the monthly premium specified in this agreement.

(f) The waiver of premiums and the payment of the monthly income, as herein provided shall be in addition to all other benefits and privileges under the policy including the participation in such dividends on the policy as may be determined by the Administrator of Veterans' Affairs.

(g) Any installments due and payable under this provision if not paid during life of insured shall be paid to the beneficiary under the policy.

(h) No benefits shall be payable under this provision for disabilities occurring after surrender of policy or after policy has matured as an endowment or while protection is afforded under extended insurance provision of the policy.

(i) Upon surrender and acceptance of paid-up insurance for less than the face value of such policy, a total disability provision may be included in such paid-up insurance policy, providing for a monthly disability benefit of $5.75 for each $1,000 insurance. Such disability provision will not be included in any paid-up insurance policy of less than $1,000 face value.

(j) This provision may be reinstated after lapse, together with the policy, by compliance with the same terms and conditions provided for reinstatement of the policy of insurance to which this agreement is attached. This includes the payment of all premiums in arrears with interest at 5 per centum per annum, compounded annually.

(k) This agreement takes effect on the ------ of ---------- 19-----

All claims arising under the provisions of section 311 of the World War Veterans' Act, 1924, as amended May 29, 1928, will be settled in accordance with the provisions of § 6.160, as hereby amended. (Sec. 16, 45 Stat. 970; 38 U. S. C. 512b)

§ 6.161 *Authority for the total disability provision provided in section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930.* The total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930 (title 38, section 512b, U. S. C.), is subject in all respects to the provisions of the World War Veterans' Act, 1924, of any amendments thereto, and all regulations under the World War Veterans' Act, 1924, now in force or hereafter adopted; all of which together with the insured's application, report of physical examination, tender of premium, and the total disability provision shall constitute the contract. (Sec. 25, 46 Stat. 1002; 38 U. S. C. 512b)

§ 6.162 *Application for total disability provision authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930.* Applications for the total disability provisions for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930 (title 38, section 512b, U. S. C.), and the report of physical examination shall be on such forms as may be prescribed by the Veterans' Administration, but any statement in writing sufficient to identify the applicant and the amount of insurance applied for, together with a report of a physical examination and remittance sufficient to cover the first monthly premium will be sufficient as an application for the total disability provision. (Sec. 25, 46 Stat. 1002; 38 U. S. C. 512b)

§ 6.163 *Effective date of the total disability provision authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930.* The total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930 (title 38, section 512b, U. S. C.), will be effective:

(a) The first day of the month in which all requirements are complied with, or

(b) The first day of the month following the month in which all requirements are complied with, if so requested by the applicant at the time of applying, or

(c) The same date as the effective date of the Government life insurance policy, if both the policy and the total disability provision are applied for at the same time, or

(d) If the United States Government life insurance policy is dated back, or has already been issued and bears a date other than the first day of a month, the total disability provision will be effective as of the corresponding day in the month in which all requirements are complied with unless the applicant requests that it become effective as of the corresponding day in the following month. (Sec. 25, 46 Stat. 1002; 38 U. S. C. 512 b)

§ 6.164 *Total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930.* The total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, is as follows:

UNITED STATES GOVERNMENT LIFE INSURANCE

TOTAL DISABILITY PROVISION

Age of insured ------ Monthly ---------
Quarterly --------
Attached to Policy Semiannual ------
No. K---------- Annual ---------

Provision for waiver of premiums and payment of monthly income attached to and made a part of United States Government life insurance policy No. K------ in the amount of $------ issued on the life of ----- ---------- hereafter designated as the insured.

If the insured becomes totally disabled as the result of disease or injury and is continuously so disabled for a period of four consecutive months or more before attaining the age of sixty-five years and before default in payment of any premium and if due proof satisfactory to the Administrator of Veterans Affairs (hereinafter referred to as the Administrator) of such disability and the continuance of such disability is furnished before default in payment of a premium on this provision or within one year from the due date of the premium in default, the United States of America will:

(a) Waive the payment of each premium on the policy and on this provision, beginning with the first monthly premium falling due after the monthly income becomes payable and continuing as long as such monthly income is paid. Any premiums tendered for the period covered by the waiver will be refunded to the insured if living, otherwise to the designated beneficiary.

(b) Pay to the insured a monthly income at the rate of $5.75 for each $1,000 insurance as shown on the face of the policy, on any multiple of $500. Such payments shall be effective as of the first day of the fifth consecutive month of continuous total disability and shall continue to be so payable during such total disability. Any monthly income payments due the insured by reason of total disability and not paid during his lifetime, shall be paid to the beneficiary under the policy.

Total disability as referred to herein is any impairment of mind or body which continuously renders it impossible for the disabled person to follow any substantially gainful occupation. The monthly income payments may relate back to a date not exceeding six months prior to receipt of due proof of such total disability but not prior to the first day of the fifth consecutive month of continuous total disability: *Provided*, That where the insured becomes or has become totally disabled while outside the continental limits of the United States and because of war conditions could not feasibly file claim therefor, such benefits may relate back to the first day of the fifth consecutive month of continuous total disability, but not prior to December 7, 1941: Provided claim therefor is filed within one year after discharge or the insured's return to the continental limits of the United States, or prior to July 1, 1947, whichever is the earlier. Without prejudice to any other cause of disability, the loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, or becoming permanently helpless or permanently bedridden, shall be deemed to be total disability, and monthly income payments for any of these specifically enumerated causes of total disability may be paid from the first day of the fifth consecutive month of such continuous total disability. However, such anatomical and functional loss shall not be deemed to be a total disability under a total disability provision originally issued subsequent to December 15, 1936.

Notwithstanding the fact that proof of total disability may have been accepted as satisfactory, the Administrator shall have the right to require proof of the continuance of such total disability at any time or times during the first two years after receipt of proof of total disability, but not more frequently thereafter than once a year. If the insured shall fail to furnish evidence satisfactory to the Administrator of the continuance of such total disability, or if it appears to the Administrator that the insured is able to engage in an occupation or perform work for compensation or profit, no further monthly income payments will be made and no further waiver of the payment of premiums will be granted, and thereafter premiums on the policy and on this provision will become due and payable as provided in the policy and in this provision.

The payment of a monthly income by reason of the total disability of the insured in accordance with this provision may be concurrent with or independent of the insured's right to receive total permanent disability benefits under the policy. Neither the payment of a monthly income under this provision nor the payment of total permanent disability benefits under the policy shall reduce the amount of the monthly income payment payable for total disability under this provision or the amount of the monthly installment payable for total permanent disability under the policy.

If the policy shall lapse, or be surrendered for a cash value or for extended insurance, or mature as an endowment, then this provision shall cease and no further premium will be payable. If the policy shall become paid up at the end of the premium-paying period, then this provision may be continued in force by the payment of monthly premiums as herein provided. If the policy be surrendered prior to the expiration of the premium-paying period for paid-up insurance in an amount of not less than $1,000, the insured may continue this provision in multiples of $500 by the payment of the required premiums as they become due. If the amount of paid-up insurance is less than $1,000, this provision shall cease, and no further premium will be payable.

The waiver of premiums and the payment of the monthly income, as herein provided, shall be in addition to all other benefits and privileges under the policy, including the participation in such dividends on the policy as may be determined by the Administrator of Veterans' Affairs.

This provision may be canceled by the insured at any time upon written request to the Veterans' Administration accompanied by the policy and this provision for endorsement. This provision shall terminate and be of no further force and effect if any premium on the policy or on this provision be not paid when due or within the grace period of 31 days thereafter. If a premium be not paid as stipulated, then this provision shall cease and terminate but may be reinstated upon evidence of good health satisfactory to the Administrator of Veterans' Affairs, and upon the payment of all premiums in arrears with interest at the rate of 5 percent per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 percent per annum, compounded annually. If the application and the premiums with interest are submitted within 3 months after the due date of the premium in default, reinstatement may be effected upon evidence satisfactory to the Administrator showing the applicant to be in as good health as he was on the due date of the premium in default.

This provision is issued under authority of section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930, and is subject to the provisions of the World War Veterans' Act, 1924, as amended, and amendments and supplements thereto, and to the regulations of the Veterans' Administration now in force or hereafter published. The terms and conditions of the policy which are not contrary to or inconsistent with the terms and conditions of this provision are hereby expressly made a part of this provision.

This provision is issued in consideration of the application, evidence of good health, and the payment of a premium of ---------- dollars and ---------- cents in addition to the premium on the policy, said premium to be paid on the day and date this provision takes effect and on the same day of each month thereafter or within the grace period of 31 days.

This provision takes effect on the ------ day of ---------- 19-----.

ADMINISTRATOR OF VETERANS' AFFAIRS.
Countersigned at Washington, D. C.
Examined and issued ----------
19-----.
---------- D. No. --------
(Registrar)

(Sec. 25, 46 Stat. 1002, Sec. 7, 50 Stat. 661; 38 U. S. C. 512b, 512c)

FIVE-YEAR LEVEL PREMIUM TERM PLAN

§ 6.170 *Renewal of United States Government life insurance on the 5-year level premium term plan.* Pursuant to the provisions of an amendment approved April 15, 1947, amending section 301 of the World War Veterans' Act of 1924, as amended (Pub. Law 34, 80th Cong., approved April 15, 1947), all or any part of United States Government life insurance on the 5-year level premium term plan, in any multiple of $500 and not less than $1,000 may be renewed without medical examination for a second, third, fourth, or fifth 5-year period upon application therefor and payment of the premium at the 5-year level premium term rate required at the attained age of the insured, before the expiration of the current 5-year period, except as provided below. The renewal of insurance for a second, third, fourth, or fifth 5-year period will become effective as of the day following the expiration of the preceding 5-year period, and the premium for such renewal will be at the 5-year level premium term rate for the attained age of the applicant on that day: *Provided*, That no insurance may be renewed under the amendment approved April 15, 1947, to section 301 of the World War Veterans' Act, 1924, as amended, by any person who has exercised his optional right to change to another plan of insurance. If the fourth 5-year period shall have expired between January 24, 1947, and September 15, 1947, and if all premiums have been paid for said period, the insurance may be renewed for another 5-year period upon application therefor and payment of the back premiums on or before September 15, 1947. The renewal of the insurance in accordance with the law and regulations will be evidenced by the following certificate:

UNITED STATES GOVERNMENT LIFE INSURANCE

CERTIFICATE OF RENEWAL

5-Year Level Premium Term Insurance

Policy number K----- Monthly $------
Age of insured------ Quarterly $------
Amount of insurance
$---------- Semiannual $------
Name of insured----- Annual $------

Pursuant to the provisions of the amendment approved April 15, 1947, to section 301 of the World War Veterans' Act, 1924, as amended, and in consideration of the payment of the monthly premium at the rate for the attained age of insured in the amount as stated above on the day this certificate becomes effective and on the same day of each month thereafter for a period of 60 months, the insurance under said policy, of which this agreement becomes a part, is renewed as 5-year level premium term insurance for the period beginning ----------, 19----, and ending ----------, 19----.

The insurance renewed is subject to the conditions, benefits, and privileges contained in the policy except that any nonforfeiture provisions and any table of guaranteed surrender values of the policy shall be null and void. The insurance under this certificate ceases on the ending date shown above.

Effective as of ----------, 19-----.

CARL R. GRAY, JR.,
Administrator of Veterans' Affairs.

Countersigned at Washington, D. C.
Examined and issued ----------,
19-----.

(Registrar)

(Pub. Law 34, 80th Cong.)

§ 6.175 *Grace for payment of premiums; 5-year level premium term policy.* For the payment of any premium under a United States Government life insurance policy on the 5-year level premium term plan, a grace of 31 days without interest will be allowed, during which time the policy will remain in force, but, if the policy shall become a claim within the grace period, the unpaid premiums shall be deducted from the amount of insurance payable. A 5-year level premium term policy shall cease and become void at the end of the 60-month period.

§ 6.176 *Reinstatement; 5-year level premium term policy.* A United States Government life insurance policy on the 5-year level premium term plan may be reinstated at any time after lapse and within the 60-month period upon evidence of the insurability of the insured satisfactory to the Administrator of Veterans' Affairs and upon the payment of all premiums in arrears, with interest from their several due dates at the rate of 5 percent per annum, and the payment of any indebtedness which existed at the time of such default, with interest at the rate of 6 percent per annum.

§ 6.177 *Dividends; 5-year level premium term policy.* A United States Government life insurance policy on the 5-year level premium term plan shall participate in and receive such dividends from gains and savings as may be determined by the Administrator of Veterans' Affairs. Any dividends so apportioned shall be paid in cash.

§ 6.178 *Indebtedness at maturity of policy; 5-year level premium term policy.* At the maturity of a United States Government life insurance policy on the 5-year level premium term plan by total permanent disability or death, any indebtedness, unless paid off in cash, shall be liquidated by reducing the amount of each monthly installment in the proportion which the indebtedness bears to the commuted value of monthly installments, as may then be payable under the policy. If the policy is payable in one sum at death, any indebtedness shall be deducted from the amount payable under the policy.

§ 6.179 *Recovery from disability; 5-year level premium term policy.* Notwithstanding proof of total permanent disability may have been accepted as satisfactory, the insured under a United States Government life insurance policy on the 5-year level premium term plan shall at any time, on demand, furnish proof satisfactory to the Administrator of Veterans' Affairs of the continuance of such total permanent disability. If the insured shall fail to furnish such proof, all payments of monthly installments on account of such total permanent disability shall cease, and all premiums thereafter falling due shall be payable in conformity with the 5-year level premium term policy. Thereafter the premium to be paid shall be reduced so that the resulting premium shall bear the same proportion to the premium specified on the policy that the commuted value of the installments (240 less the number paid) bears to the commuted value of 240 installments. If recovery from total permanent disability takes place after the expiration of the term period, the insurance may be continued in accordance with § 6.180.

§ 6.180 *Continuance of insurance after termination of total and permanent rating and award, where such termination is effective after the expiration of the term period.* If United States Government life insurance on the 5-year level premium term plan (or on the 5-year convertible term plan) matures or has matured by reason of total and permanent disability and the insured recovers from such disability after expiration of the term period, the reduced amount of insurance (commuted value of remaining unpaid installments) or any part thereof in multiples of $500 and not less than $1,000 may be continued without medical examination on the level premium term plan or on any permanent plan, as the insured may elect, and subject to the following provisions:

(a) Such insurance may be renewed for a second, third, fourth, or fifth term period, depending upon the number of 5-year term periods which have elapsed since the insurance was originally issued. Upon application for renewal and payment of premiums at the rate required for the attained age of the insured on the policy anniversary renewal date for the current 5-year period, a certificate of renewal will be issued effective on the policy anniversary renewal date.

(b) Such insurance may be converted to any of the permanent plans upon application therefor and payment of premiums at the rate required for the then attained age, and a policy will be issued to the insured effective as of the date on which the first premium became payable.

(c) There will be no insurance in force unless and until the first premium is paid. The first premium on the reduced amount of insurance for the plan selected is payable on the 1st day of the month following the month for which the last installment under the total and permanent disability rating was paid to the insured, but may be paid within 31 days from the date of notice advising of the amount of insurance and the monthly premium rate. Thereafter, subsequent premiums will be payable in accordance with the terms and conditions of the policy.

§ 6.181 *Grace period for payment of first premium payable on United States Government life insurance and total disability insurance after termination of a total and permanent disability insurance award and a total disability insurance award.* United States Government life insurance and total disability insurance shall not lapse during the period between the termination of a total and permanent disability insurance award or the termination of a total disability insurance award and 31 days from the due date of the first premium payable after such termination or 31 days from date of receipt of notice at the insured's last address of record advising of the termination of the award and the amount and due date of the first premium so payable, whichever is the later date. If the premium or premiums be not paid within said 31 days, the insurance policy and the total disability provision shall lapse in accordance with the terms and conditions thereof and shall otherwise be subject to the terms and conditions of said policy and provision. A letter by registered mail with return receipt requested will be mailed to the insured at his last address of record advising of the due date of the first premium payable after termination of the award, and of the amount of insurance, and the amount due as premiums. The receipt of such letter at the insured's last address of record will be sufficient notice within the provisions of this regulation, and the failure of the insured to furnish a correct current address at which mail will reach him promptly shall not be grounds for an extension of time under this paragraph.

DETERMINATION OF LIABILITY UNDER SECTION 302, WORLD WAR VETERANS ACT, 1924, AND UNDER SECTION 607, NATIONAL SERVICE LIFE INSURANCE ACT, 1940

§ 6.190 *Establishment of committee on extra hazards of service.* There is hereby established in the insurance service, central office, a committee on extra hazards of service (section 302, World War Veterans' Act, 1924, and section 607, National Service Life Insurance Act, 1940), hereafter referred to as the committee, which will be in charge of a chairman who shall be responsible to the director of insurance for the proper functioning of such committee. The committee shall be composed of the chairman and such regular members, alternate members and other personnel as may be found necessary for the purpose of executing the duties and functions

assigned thereto. (Sec. 302, 43 Stat. 625, sec. 607, 54 Stat. 1012; 38 U. S. C. 513, 807)

§ 6.191 *Jurisdiction of the committee.* The committee is vested with exclusive jurisdiction in determining liability under section 302, World War Veterans' Act, 1924, and under section 607, National Service Life Insurance Act, 1940. (Sec. 302, 43 Stat. 625, sec. 607, 54 Stat. 1012; 38 U. S. C. 513, 807)

§ 6.192 *Definition of "disease or injury traceable to the extra hazard of the military or naval services".* In cases wherein, pursuant to the provisions of the War Risk Insurance Act and the amendments thereto or of the World War Veterans' Act and the amendments thereto, a determination has been made that a disease or injury has been suffered or contracted in the active military or naval service during the World War, and notwithstanding such disease or injury the insured has been permitted under the provisions of said War Risk Insurance Act or of said World War Veterans' Act to reinstate or to convert insurance into United States Government life insurance, the subsequent death or total permanent disability of the insured, if found to be traceable to the said disease or injury, shall, for the purpose of determining liability under section 302 of the World War Veterans' Act, be held to be the result of disease or injury traceable to the extra hazard of the military or naval service.

In other cases, disease or injury may be found to be traceable to the extra hazard of the military or naval service when it appears from the evidence that the said disease or injury was in fact caused by or is traceable to, the performance of duty in the military or naval service.

INSURANCE CLAIMS COUNCIL

§ 6.200 *Establishment of insurance claims council.* There is hereby established in the insurance service, central office, an insurance claims council which will be in charge of a chief who shall be responsible to the director of insurance for the proper functioning of such council. The council shall be composed of such other personnel as may be found necessary for the purpose of carrying on the duties and functions assigned thereto.

§ 6.201 *Duties of the insurance claims council.* (a) The insurance claims council is vested with original and, except where there is filed within the time limit an application for review on appeal to the Administrator of Veterans' Affairs (see § 6.204), final jurisdiction in determining total and permanent disability for the purpose of automatic insurance, United States Government life insurance, and yearly renewable term insurance.

(b) The insurance claims council is vested with original and, except where there is filed within the time limit an application for review on appeal to the Administrator of Veterans' Affairs (see § 6.204), final jurisdiction in determining total disability as provided by the total disability provision attached to a United States Government life insurance policy.

(c) The insurance claims council is vested with original and, except where there is filed within the time limit an application for review on appeal to the Administrator of Veterans' Affairs (see § 6.204), final jurisdiction in rendering decisions terminating total and permanent disability and total disability for insurance purposes, whether such total and permanent disability had been determined by the Veterans' Administration or by judgment of a court.

(d) In rendering decisions as to the existence or non-existence of total and permanent disability as provided in an insurance contract, or total disability as provided in a total disability provision of an insurance contract, the insurance claims council will be governed by the definition in effect and applicable to the contract of insurance or to the total disability provision upon which the claim is based.

(e) The insurance claims council is authorized to determine the acceptability of applicants insofar as their mental and physical conditions are concerned, for insurance under sections 310 and 311 or either, of the World War Veterans' Act, 1924, as amended, and section 602, National Service Life Insurance Act of 1940, and of all applicants for reinstatement of lapsed insurance, and under all circumstances to make such determination as may be necessary for insurance purposes. The insurance claims council is also authorized to select and designate qualified physicians in such localities in the United States as may be necessary for the purpose of examining such applicants.

(f) The insurance claims council is authorized to determine the need for reexaminations for the purpose of ascertaining whether the insured has recovered his ability to continuously follow a substantially gainful occupation after an award has been made for permanent and total disability or total disability benefits for insurance; and the council is further authorized to request medical examinations, social survey reports, investigations and reports of industrial history for that purpose.

(g) The insurance claims council is vested with jurisdiction concurrent with rating agencies to determine, in connection with any insurance claim, the question of competency or incompetency of the insured subject to the provisions of Veterans' Administration medical procedures.

(h) Subject to the provisions of Veterans' Administration medical procedures and § 3.173 of this chapter, the insurance claims council is vested with jurisdiction to determine the question of mental incompetency for the purpose of determining whether payment of premiums on insurance may be waived under the provisions of section 306, World War Veterans' Act, 1924, as amended, where compensation, pension or emergency officers retirement pay is not currently being paid by reason of military or naval service.

(i) Subject to the provisions of §§ 8.0 to 8.69 of this chapter, the insurance claims council is vested with jurisdiction to determine the existence of total disability in connection with waiver of premiums under section 602 (n), National Service Life Insurance Act of 1940, and is authorized to require the reexamination of persons who have been granted waiver of premiums whenever such reexamination is considered necessary by the insurance claims council.

§ 6.202 *Claim for disability benefits under insurance.* A claim for permanent and total disability benefits under a contract of insurance is any writing which alleges permanent and total disability at a time when the contract was in force or which uses words showing an intention to claim permanent and total disability insurance benefits. However, the claimant may be required to furnish a statement in support of his claim on forms provided by the Veterans' Administration, and such additional information concerning his industrial activities and physical and mental condition as may be required by the Veterans' Administration. (Sec. 4, 46 Stat. 992; 38 U. S. C. 445)

§ 6.203 *Effective dates in decision by insurance claims council.* If the insurance claims council determines total and permanent disability to exist for the purpose of automatic insurance, yearly renewable term insurance, or United States Government life insurance, or finds total disability to exist for the purpose of a total disability provision of the insurance contract, such decision will include the date on which such disability began, and, in cases involving United States Government life insurance or the total disability provision, the decision will include the date of receipt of due proof.

§ 6.204 *Appeal from decision by insurance claims council.* Where the insurance claims council finds that total disability or permanent and total disability does not exist as alleged, such denial shall be final. However, a veteran or his authorized representative shall have the right to file an application for review on appeal to the Administrator of Veterans' Affairs within one year from the date of mailing of notice of the decision of the insurance claims council. Any new and material evidence must be submitted within a period of one year or prior to the consideration of the appeal. Such appeal must be in writing and otherwise comply with the regulations governing apeals to the Administrator. An application for review on appeal filed with the activity which entered the denial which is postmarked prior to the expiration of the one year period will be accepted as having been filed within the time limit.

§ 6.205 *Ratings for insurance benefits not applicable for pension or disability compensation.* Since decisions of the insurance claims council determining the existence or non-existence of total, or total permanent disability for insurance purposes and decisions of rating agencies determining the existence or the non-existence of total, or total permanent disability for pension or compensation purposes are based upon distinctly dissimilar standards, it follows that the former cannot be determinative for pension or compensation purposes and the latter cannot be determinative for insurance purposes.

PART 7—SOLDIERS' AND SAILORS' CIVIL RELIEF

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

Sec.
7.0 Form of application for benefits.
7.1 Form of report by insurer.
7.2 Form of certificate.
7.3 The insured.
7.4 The policy.
7.5 The premium.
7.6 The insurer.
7.7 Calculation of values.
7.8 Application.
7.9 Benefits.
7.10 Indemnity.
7.11 Monthly difference report by insurer.
7.12 Certificate.
7.13 Maturity.
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7.15 Beneficiary or assignee.
7.16 Termination.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1942

7.20 The insured.
7.21 The policy.
7.22 The premium.
7.23 The insurer.
7.24 Amount of insurance.
7.25 Calculation of values.
7.26 Application.
7.27 Benefits.
7.28 Indemnity.
7.29 Maturity.
7.30 Settlement.
7.31 Policy under protection of act.
7.32 Election by insurer.
7.33 Beneficiary or assignee.
7.34 Termination.

AUTHORITY: §§ 7.0 to 7.34 issued under secs. 400–408, 54 Stat. 1163–1166, 56 Stat. 773; 50 App. U. S. C. 540–548.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

§ 7.0 *Form of application for benefits.* In accordance with the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942, the form of application for benefits to be executed by the insured while in the active military service, who is the owner and holder of a policy of life insurance, or by a person designated by the insured, or by a beneficiary if the insured is outside the continental United States, Alaska and the Panama Canal Zone, is hereby prescribed as follows:

Form approved
Budget Bureau No. 76–R006.1

Veterans' Administration Insurance Form 380
Revised February 1943

APPLICATION FOR BENEFITS

Soldiers' and Sailors' Civil Relief Act Amendments of 1942

Use an application (and copy) for each insurance policy, or certificate of membership, to be brought under the provisions of the act.

Send this application to the insurance company, association, or society.

Send copy of application to the Veterans' Administration, Washington, D. C.

To _____
(Name of insurance company, association, or society, etc.)

Address _____
(Principal place of business or office where premiums are paid)

Face amount of insurance $_____

Effective date of insurance _____

Policy number _____

The insured under the above identified policy issued by the above named insurer, hereby makes application to have said policy protected in accordance with the provisions of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942, and to that end agrees to such modifications of the terms of the policy as may be required to give the act full force and effect with respect to such policy. The insured further agrees that the United States shall be protected in the amount of any premiums and interest guaranteed on the above numbered policy. Any amount paid by the United States to the insurer on account of this policy will become a debt due the United States to be collected by deduction from any amount due the insured by the United States or as otherwise authorized by law.

1. Name of insured _____
(First) (Middle) (Last)
2. Home address _____
Address to which premium notices are sent _____
3. Date of birth ____ 4. Place of birth ____
5. Date of last entrance into active service _____
6. Identification number _____
Branch of service: Army ___ Navy ___
Marine Corps _____ Coast Guard _____
7. Due date of last premium paid on policy _____
8. Name and address of office or person to whom paid _____
9. Next premium will be due and payable on _____
10. For period of _____
(State whether weekly, monthly, quarterly, semiannually or annually)
11. Is there any indebtedness on this policy due the insurer? Answer ("Yes" or "No") _____. If "Yes," give date of last loan _____, and amount $_____, to the best of your information and belief.
12. Is the policy pledged or assigned to any person, firm, corporation, etc., other than the insurer, as security for an indebtedness? Answer ("Yes" or "No") _____. If "Yes," give the date _____, amount $_____, and name and address of assignee.
13. Give the name and address of person, firm, corporation, etc., who is now in possession of the policy.
14. Have you made a similar application to have another policy (or policies) protected by the provisions of the Act? Answer "Yes" or "No" _____. If "Yes," give the following information about each policy.
Name of insurer _____
Amount of insurance _____

Application by the insured must be witnessed by the insured's Commanding Officer, or by a commissioned officer of equal or higher rank than the insured. If the insured is on detached service, the application may be witnessed by the person who has custody of the insured's service record.

The undersigned witnessing officer does hereby certify that the insured is on active duty in the military service of the United States.

Signed at _____ this _____ 194__

_____
(Signature of witnessing officer)

_____ _____
(Rank) (Organization)

_____
(Signature of insured)

_____ _____
(Rank) (Organization)

If this application is made by a person designated by the insured or by a beneficiary if the insured is outside the continental United States, Alaska and the Panama Canal Zone, it must be signed both in the name of the insured and by the agent or the beneficiary in his own name. When application is made by person designated by the insured, the instrument or other writing authorizing such action must be attached to the application executed by the agent.

Evidence that the insured is in the military service will be procured by the Veterans' Administration.

§ 7.1 *Form of report by insurer.* In accordance with the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942, a report by the insurer of the receipt and filing of an application for benefits made by the insured will be executed and delivered to the Veterans' Administration in form and substance as follows:

Veterans' Administration Insurance Form 381
Revised February 1943

REPORT BY INSURER

Soldiers' and Sailors' Civil Relief Act Amendments of 1942

A report on each policy will be made by the insurer to the Veterans' Administration, Insurance Service, Washington, D. C., immediately upon receipt of an application from the insured.

From: _____
Name and address of company: _____
To: Veterans' Administration, Insurance Service, Washington, D. C.

The insurer hereby reports the receipt of an application from insured for protection of his policy under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942.

1. Date of insured's application: _____
2. Date received by insurer: _____
3. Policy No._____
4. Name of insured: _____
5. Home address: _____
6. Effective date of insurance: _____
7. Face amount of insurance, $_____
8. Date of birth: _____
9. Place of birth: _____
10. Plan of insurance: _____
11. Age at issue: _____
12. Amount of annual premium: $_____
13. Due date of last premium paid on policy: _____
14. Due date of first premium to be protected under Article IV: _____
15. If application for insurance was signed subsequent to October 6, 1942, give the date on which contract was made and first premium paid:_____
16. Furnish statement of the cash surrender value on the basis of a policy free of indebtedness, as of the due date of the first premium to be guaranteed. If the cash surrender value includes an amount other than the published cash or loan value of the policy, itemize amounts.
17. Furnish statement of all indebtedness, if any, due the insurer under this policy, with interest calculated to the due date of the first premium to be guaranteed. Itemize amounts.
18. What rate of interest is provided by the policy for policy loans? _____%.
19. If it appears that the policy has been assigned to a person, firm, or corporation other than the insurer, give a statement of the facts as shown by the records of your office.
20. Does the policy, application for insurance, certificate of membership, constitution, by-laws or other governing rules and regulations of the insurer contain any provision regarding service by the insured with the military or naval forces of the United States, travel or residence in the tropics or in foreign countries; or any restriction or limitation of coverage in event the insured engages in aviation, submarine service or any other specified hazardous duty, occupation, or activity? (A) As to primary death benefit (Answer "Yes" or "No") _____. (B) As to any benefits in addition to the primary death benefit (Answer "Yes" or "No") _____. If

"Yes" as to either, attach hereto a copy of the provision unless a copy has already been furnished to the Veterans' Administration.

21. Is the premium on this policy (exclusive of any benefits in addition to the primary death benefit) at the standard rate as published by the insurer? (Answer "Yes" or "No") ---------- If "No," give facts about the additional premium: ----------

22. What information does the insurer have about present whereabouts of policy?------

23. Name of beneficiary as shown on records at home office of insurer at this time.

The insurer hereby certifies the above to be a correct statement regarding the policy as shown on the records at its principal office or place where such records are maintained.

It is understood and agreed that before any dividend is paid or any loan or settlement of any kind or character is made by the insurer while the policy is under the protection of the Act the written consent of the Veterans' Administration will be obtained.

Under section 402 of the Act Amendments of 1942 the insurer is deemed to have agreed to such modification of the policy as may be required to give the Act full force and effect with respect to such policy.

Signed at this ---------- 19-----

(Name of company, association, or organization)

By ----------
(Name and official capacity)

§ 7.2 *Form of certificate.*

Veterans' Administration Insurance Form 388

THE UNITED STATES OF AMERICA

Certificate Issued Under Authority of Article IV, Section 407, of the Soldiers' and Sailors' Civil Relief Act of 1940

Issued to ----------
the insurer, in the amount ----------
dollars, bearing interest at the rate of three per centum per annum from the effective date of this Certificate.

This Certificate representing premiums on policies entered on the monthly difference report for the month of issue, shall be redeemable by the United States of America subject to the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (Public No. 861, 76th Congress, 3d Session).

This Certificate shall not be transferred except with the approval of the Administrator of Veterans' Affairs, and shall remain with the insurer until settlement is made in accordance with the Act.

Issued in the City of Washington, District of Columbia, effective as of the ------ day of ---------- 194---

---
Administrator of Veterans' Affairs.

Recorded under number -------- on this ---------- 194---

Registrar.

§ 7.3 *The insured.* The term "insured" includes any person on active duty with the military and naval forces of the United States (including Coast Guard service) who is the insured under, and the owner of, a policy as hereinafter defined. The term "holder" shall mean the insured under a policy who has an interest in the policy.

(a) The phrase "persons in military service" as used in section 401 and amplified by the definition of the term "persons in military service," and the term "period of military service", in section 101, (1) and (2), Article I, shall include any person certified by the War Department, the Navy Department, or the Coast Guard Service as being on active duty with the land and naval forces of the United States. A statement over the signature of the commanding officer or a commissioned officer of equal or higher rank than the insured, on the application by the insured, may be accepted as a certification. If the insured is on detached service, the application may be witnessed by the person who has custody of the insured's service record. (See § 7.8 (a).)

§ 7.4 *The policy.* The term "policy" includes any contract of life insurance on the level premium or legal reserve plan, and any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association, on which a premium was paid before date of approval of the act or not less than thirty days before entry on active duty, and is not void or voidable by reason of military service (including any limitation or restriction upon the insured's engaging in or pursuing certain types of activities which a person might be required to engage in by virtue of his being in the military service). Policies of United States Government life insurance and National Service Life Insurance are not included within the provisions of the act.

(a) The provisions of the act shall not apply to a policy which would be void or voidable on account of the military or naval service of the insured; nor to a policy under which the death benefit would not be payable or the amount of the death benefit would be reduced in event of death while in the military or naval service. Any provision in a policy that may limit or eliminate a benefit other than the death benefit, shall not, because of such provision, place the policy outside the protection of the act if the death benefit under the policy is not altered in any way by the fact that the insured is in the military or naval service. A policy that requires the payment of an additional amount as premium by reason of the fact that the insured is in the military or naval service, such premium to be paid only by those in such service, will not be entitled to the protection afforded by the act.

(b) A policy may not be brought under the protection of the act if it is subject to a loan or other indebtedness equal to or greater than fifty per centum of the cash surrender value.

(c) The provisions of the act are not applicable to insurance in excess of five thousand dollars on the life of one insured, and a policy (or policies) for a face value exceeding that amount will be divided at the request of the Veterans Administration; however, this shall not delay insurance of the face value of $5,000 from receiving the protection afforded policies under the act, because of administrative procedure or any difficulties encountered in procuring possession of an outstanding policy. If applications are made by an insured on policies exceeding a face value of $5,000 (one or more policies with one or more insurers), without indicating a preference, the Veterans Administration will reject the policy (or policies) having the lesser cash surrender value, and may direct an insurer to divide the insurance into two policies.

(d) An annuity contract, if it provides payment of a substantial death benefit in the nature of life insurance, may be included within the provisions of the act if otherwise eligible. Group insurance carried through or by the means of an association, will not be included unless an individual and separate contract of insurance is completely released to the insured and thereafter comes within the provisions of the act as a policy.

(e) The term "face value" will mean the amount of insurance payable only as a death benefit as stated on the face of the policy, or if not so stated it will mean the commuted value of the installments payable as a death benefit, calculated in accordance with the terms of the policy, on the hypothesis of the death of insured as of the date of application for protection under this act: *Provided*, That any indebtedness, or any extra benefits (such as double indemnity, paid-up additions, etc.,) that may be added to or taken from the amount payable as the death benefit, will not be used in calculating the face value of a policy.

§ 7.5 *The premium.* The term "premium" includes the amount specified in the policy to be paid by the insured at regular intervals, and membership dues or assessments in an association.

(a) The premium on a policy will be calculated on an annual basis, and if the annual premium is not stated on the policy, the insurer will make a calculation of the premiums for payment in advance and discounted at not less than $3\frac{1}{2}$ per centum, subject to approval by the Veterans' Administration.

(b) The automatic loan provision or other such benefit in a policy shall not operate to avoid the provisions of the act in relation to any premium that became payable not more than thirty-one days prior to date of application, and thereafter while policy is protected by the provisions of the act.

(c) The phrase "contracts of insurance in force under their terms" as used in section 402 will mean a policy in force under premium paying conditions at time of application by the insured, or on which a premium is not more than thirty-one days in arrears: *Provided*, A policy on which premiums are due and unpaid for a period of not more than one year, at the time of application, if reinstated by the insurer and placed in force under premium paying conditions, may be brought within the provisions of the act if otherwise eligible.

§ 7.6 *The insurer.* The term "insurer" includes any corporation, partnership, or other form of association which secures or provides insurance under a policy, and is required by law to maintain a reserve, or has made provision for collecting from all persons insured a premium to cover the special war risk of those in the military service.

(a) The provisions of section 414 will apply only to insurance companies or associations which are authorized by the laws of the United States or any State thereof, to grant and issue a policy and

are subject to the jurisdiction of the Courts of the several States and the United States.

§ 7.7 *Calculation of values.* (a) The term "cash surrender value" as used in section 402 shall be that amount which the insured would have been entitled to receive, on a policy free of indebtedness, upon complete surrender of all rights under the policy as of the date of application for benefits of the act.

(b) The term "cash surrender value" as used in section 410 and section 411 will include dividend accumulations, the value of any paid-up additions, and other amounts that would have been available to the insured upon complete surrender of all rights under the policy.

(c) The term "indebtedness" will include any loan, lien, or other obligation under the policy due by the insured that would be deducted by the insurer at the time of making settlement under the policy as a death claim.

(d) The use of the terms "interest" and "rate of interest" will follow the usual practice and procedure of the insurer but the rate of interest shall not exceed the rate fixed for policy loans. If no rate of interest on indebtedness is specifically fixed in the policy, the rate shall be the rate fixed for policy loans in other policies issued by the insurer at the time the policy brought under the act was issued. Any rate of interest not specifically fixed in the policy will be subject to approval by the Veterans' Administration.

§ 7.8 *Application.* The provisions of the act will be available only upon application as to each policy made by the insured on a form prescribed by the Veterans' Administration. The form will set forth that the application therein made is a consent by the insured to such modifications of the terms of the contract of insurance as are made necessary by the provisions of the act, and the insurer by receiving and filing the application, shall be deemed to have assented thereto to the extent to which the policy is within the provisions of the act.

(a) The form of application for benefits as prescribed by regulations will be identified as Veterans' Administration Insurance Form 380. A separate form of application will be made by the insured for each policy to be brought under the provisions of the act. An informal application will be supplemented by an application on the prescribed form. The original of the application for benefits will be mailed or delivered by the insured to the insurer at its principal office or to the office or agency to which the last premiums on the policy have been paid. The copy of the application for benefits will be mailed or delivered by the insured to the Veterans' Administration, Insurance Service, Washington, D. C.

(b) When an application for benefits is received by an insurer, a report thereof will be made within thirty days to the Veterans' Administration, Insurance Service, Washington, D. C., on the form prescribed by regulations for that purpose and identified as Veterans' Administration Insurance Form 381. The insurer may submit with the report a statement setting forth any additional information deemed necessary to the adjudication of the application, and any facts and reasoning as to why the policy should or should not be protected under the act.

(c) Upon receipt of a report from the insurer on Form 381, the director of insurance will determine if the policy is entitled to the protection of the act, and the insurer and the insured will be notified of the decision.

§ 7.9 *Benefits.* Any policy which has been brought within the provisions of the act shall not lapse or be forfeited for the nonpayment of a premium during the period of military service of the insured or one year after the expiration thereof, but this guarantee shall not extend for more than one year after the date when this act ceases to be in force.

(a) For the period during which a policy is protected by the provisions of the act, any dividends, return of premiums, or other such monetary benefits arising out of the contract or by reason thereof, will be held subject to disposal or to be applied as may be approved by the Veterans' Administration.

(b) A policy shall not be removed from the protection of the act by reason of a payment made to the insurer by or on behalf of the insured, but any tender of a premium (in whole or in part) shall be applied on the indebtedness established under authority of the act against the policy, and entered as a credit in the monthly difference report.

§ 7.10 *Indemnity.* The United States shall have a first lien upon any policy receiving the benefits of the act, subject only to any prior lien and no loan or settlement or payment of dividend may be made by the insurer which will prejudice the security of the Government's lien. Before any dividend is paid or any loan or settlement of any kind or character is made on a policy while protected by the provisions of the act, the written consent of the Veterans' Administration must be obtained.

§ 7.11 *Monthly difference report by insurer.* The form of the monthly difference report will be identified as Veterans' Administration Insurance Form 382, and will be rendered within fifteen days after the end of each calendar month. This form will be completed in accordance with instructions contained therein.

§ 7.12 *Certificate.* Upon audit and approval of a monthly difference report (Form 382), the Administrator of Veterans' Affairs will issue to and in the name of the insurer, a certificate of indebtedness for an amount sufficient to cover the Government's obligation as shown by said report. Said certificate will be issued effective as of the first day of the month following the month covered by the report and will bear interest at the rate of three per centum per annum.

§ 7.13 *Maturity.* In the event a policy protected by the provisions of the act is terminated by death of the insured, the amount of any unpaid premiums, with interest at the rate provided for policy loans, shall be deducted from the proceeds of the policy, and shall be included in the next monthly difference report of the insurer as premiums paid.

(a) The phrase "shall be terminated by death" will not include a termination or maturity of a policy as a disability claim, and the policy will continue under the provisions of the act as if there had been no maturity, but the Government shall not be liable for any premiums that the insured would have been relieved of paying under any provisions for payment of premiums in the policy.

(b) If a policy matures as a death claim, or protection under the act is otherwise terminated before expiration of the period fixed by the act, the insurer will immediately notify the Veterans' Administration and will make a complete statement of the account on that particular policy. After audit and approval of the account by the director of insurance, the amount of indebtedness collected by the insurer will be entered as a credit in the monthly difference report. If a policy is not removed from the protection of the act prior to expiration of the period fixed by the act, at that time the insurer shall submit to the Veterans' Administration a statement of account in detail on that particular policy, showing the Government's obligation and the credits, if any, then available. If there is a balance due by the Government to the insurer, a settlement in favor of the insurer will be certified. However, before such settlement is made with an insurer covering the policies on a monthly difference report, or if all policies on a report are released from operations of this act, then the director of insurance shall demand return of the certificate issued to cover the amount of said report.

§ 7.14 *Settlement.* If within one year after the termination of his period of military service the insured does not pay to the insurer all past due premiums with interest at the rate provided for policy loans, the policy shall immediately lapse and become void, and the insurer shall thereupon become liable to the Government for the cash surrender value of the policy: *Provided*, That if the insured is in the military service when the act ceases to be in force, such lapse shall occur and surrender value be payable at the expiration of one year after the date when the act ceases to be in force.

§ 7.15 *Beneficiary or assignee.* In administering the provisions of Article IV of the act, all matters pertaining thereto shall be confined to the interest of the insured, the insurer, and the Government; therefore, it will not be necessary to procure the consent of a beneficiary, or an assignee, or any person, who may have a right or interest, either vested or inchoate, in the proceeds of the policy, as a prerequisite to bringing a policy within the provisions of the article.

§ 7.16 *Termination.* Section 604 provides that the act shall remain in force until May 15, 1945: *Provided*, That should the United States be then engaged in a war, the act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1942

§ 7.20 *The insured.* The term "insured" includes any person on active duty with the military and naval forces of the United States (including Coast Guard) and any member of the Women's Army Auxiliary Corps, whose life is insured under and who is the owner and holder of and has an interest in a policy as hereinafter defined.

(a) The phrase "person in military service" as used in section 400 (c) is defined in section 101, Article I of the act approved October 17, 1940, as amended by section 19 of Public 554, approved May 14, 1942, to be any member of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy and any member of the Women's Army Auxiliary Corps, and the term "military service" as hereinafter used shall mean service in the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard and the Women's Army Auxiliary Corps. A statement over the signature of the Commanding Officer or a commissioned officer of equal or higher rank than the insured, on the application by the insured, may be accepted as a certification that the insured is a person in the military service. If the insured is on detached service, the application may be witnessed by the person who has custody of the insured's service record. If application is made by a person designated by the insured, or is made by the beneficiary, evidence that the insured is a person in the military service will be procured by the Veterans' Administration from the service department.

§ 7.21 *The policy.* The term "policy" includes any contract of life insurance on a life or endowment or term plan, and any benefit contract in the nature of life insurance arising out of membership in any fraternal or beneficial association, which was made and on which a premium was paid before date of approval of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 (October 6, 1942), or not less than thirty days before the date the insured entered into the military service. A policy is not eligible for protection under the act if it contains any provision excluding or restricting liability for death arising from or in connection with military service, or any activity which the insured may be called upon to perform in connection with his military service, or requires the payment of an additional premium because of military service. The provisions of the act are not applicable to policies of United States Government life insurance and National Service life insurance.

(a) Any provision in a policy that may limit or eliminate a benefit other than the primary death benefit will not, because of such provision, place the policy outside the protection of the act if it is otherwise eligible for profection.

(b) A policy must be in force on a premium paying basis at the time of application for benefits under the act.

(c) An annuity contract, if it provides payment of a substantial death benefit in the nature of life insurance, may be included within the provisions of the act if otherwise eligible. Group insurance will not be included unless an individual and separate contract of insurance is completely released to the insured and thereafter comes within the provisions of the act as a policy.

(d) The phrase "Face amount of insurance" as used in the regulations in this part will mean the amount of insurance payable as a death benefit and if a policy provides for instalment payments as a death benefit they will be calculated in accordance with the terms of the policy on the hypothesis of the death of the insured on the due date of the first premium to be guaranteed by the Government: *Provided*, That any indebtedness, or any accruals (such as paid-up additions, dividend accumulations, etc.) that may be added to or taken from the amount payable as the death benefits will not be used in calculating the face amount of a policy.

§ 7.22 *The premium.* The term "premium" includes the amount specified in the policy as the stipend to be paid by the insured at regular intervals during the period therein stated, and membership dues and assessments in an association.

(a) The premium on a policy will be calculated on an annual basis, and if the annual premium is not stated on the policy, the insurer will make a calculation of the premiums for payment in advance and discounted at not less than 3½ percentum, subject to approval by the Veterans' Administration.

(b) Premiums will not be guaranteed for any additional death benefit insurance which together with the amount of the primary death benefit would result in a payment in excess of $10,000 in the event of death of the insured, nor will premiums be guaranteed for benefits additional to the primary death benefit if liability for such additional benefits is excluded or restricted by military service or any activity which the insured may be called upon to perform in connection with his military service: *Provided*, That in the event the premiums for primary and additional benefits are not separable under the terms of the policy the entire premium will be guaranteed if the policy is otherwise eligible for protection under the law.

(c) An automatic loan provision or other such benefit in a policy shall not be operative during the period of protection under the act to avoid the provisions of the act in relation to any premium that became payable not more than thirty-one days prior to date of application, and thereafter while the policy is protected by the provisions of the act.

§ 7.23 *The insurer.* The term "insurer" includes any firm, corporation, partnership, or association chartered or authorized to engage in the insurance business and to issue a policy by the laws of a State of the United States or the United States and is subject to the jurisdiction of the courts of the several States or the United States.

§ 7.24 *Amount of insurance.* The provisions of the act are not applicable to insurance in excess of ten thousand dollars on the life of one insured, and a policy (or policies) which provides insurance in excess of that amount will be divided at the request of the Veterans' Administration; however, this shall not delay insurance in the amount of ten thousand dollars from receiving the protection afforded policies under the act because of administrative procedure or any difficulties encountered in procuring possession of an outstanding policy. If applications are made by an insured on policies for an amount exceeding ten thousands dollars (one or more policies with one or more insurers), without indicating a preference, the policy which affords the best security to the Government will be given preference by the Veterans' Administration.

§ 7.25 *Calculation of values.* (a) The term "cash surrender value" shall include any dividend accumulations, the value of any paid-up additions, and any other amounts available as a credit under the policy less the indebtedness with interest accumulations to the day on which the policy ceases to be under the protection of the act.

(b) The term "indebtedness" will include any loan, lien, or other obligation under the policy due by the insured that would be deducted by the insurer at the time of making settlement under the policy.

(c) The use of the terms "interest" and "rate of interest" will follow the usual practice and procedure of the insurer but the rate of interest shall not exceed the rate fixed for policy loans. If no rate of interest on indebtedness is specifically fixed in the policy, the rate shall be the rate fixed for policy loans in other policies issued by the insurer at the time the policy brought under the act was issued. Any rate of interest not specifically fixed in the policy will be subject to approval by the Veterans' Administration.

§ 7.26 *Application.* (a) The benefits of the act are not available except upon application by the insured or by a person designated by the insured or by the beneficiary if the insured is outside the continental United States (not including Alaska and the Panama Canal Zone). Any writing signed by the insured designating a person, firm, or corporation to make application for benefits under the act shall be sufficient authority for the making of such application for the insured by such agent. When application is made by person designated by the insured, the instrument or other writing authorizing such action must be attached to the application executed by the agent. The form will set forth that the application therein made is a consent by the insured to such modifications of the terms of the contract of insurance as are made necessary by the provisions of the act. The insured and the insurer will execute such other forms as may be advisable and will furnish such reports concerning the policy as may be deemed necessary. The insurer will be deemed to have agreed to such modifications of the policy as may be required to give the act full force and effect with respect to such policy.

(b) The form of application for benefits as prescribed by regulations will be identified as Veterans' Administration Insurance Form 380. An informal application will be supplemented by an application on the prescribed form. The original of the application for benefits will be mailed or delivered to the insurer at its principal office or to the office or agency to which the last premium on the policy has been paid. The copy of the application for benefits will be mailed or delivered to the Veterans' Administration at Washington, D. C.

(c) When an application for benefits is received by an insurer, a report thereof will be made within thirty days to the Veterans' Administration at Washington, D. C., on the form prescribed for that purpose and identified as Veterans' Administration Insurance Form 381. The insurer may submit with the report a statement setting forth any additional information deemed necessary to the adjudication of the application, and any facts and reasoning as to why the policy should or should not be protected under the act.

(d) Upon receipt of a report from the insurer on Insurance Form 381, the director of insurance will determine if the policy is entitled to the protection of the act, and the insurer and the insured will be notified of the decision.

§ 7.27 *Benefits.* Any policy found to be entitled to protection under the provisions of the act will not lapse or otherwise terminate or be forfeited for the nonpayment of a premium or the nonpayment of any indebtedness or interest during the period of military service of the insured and two years after the expiration of such service, but this guarantee will not extend for more than two years after the date when the act ceases to be in force.

(a) For the period during which a policy is protected by the provisions of the act, any dividends, return of premiums, or other such monetary benefits arising out of the contract or by reason thereof, will be held subject to disposal or to be applied as may be approved by the Veterans' Administration.

(b) A policy will not be removed from the protection of the act by reason of a payment made to the insurer by or on behalf of the insured, but any tender of a premium (in whole or in part) shall be applied on the indebtedness established under authority of the act against the policy: *Provided*, That nothing herein shall prevent an insured from continuing payment to the insurer of premiums to cover any additional benefits (such as double indemnity, waiver of premium, etc.) where such premiums may not be included in the amount guaranteed by the Government.

§ 7.28 *Indemnity.* The United States shall have a lien upon any policy receiving the benefits of the act, subject only to any prior lien and no loan or settlement or payment of dividend may be made by the insurer which will prejudice the security of the Government's lien. Before any dividend is paid or any loan or settlement of any kind or character is made with the insured on a policy while protected by the provisions of the act, the written consent of the Veterans' Administration must be obtained.

§ 7.29 *Maturity.* (a) If a policy protected by the provisions of the act is terminated by death of the insured, the amount of any unpaid premiums, with interest at the rate provided for policy loans, will be deducted from the proceeds of the policy, and will be reported by the insurer to the Veterans' Administration.

(b) The phrase "maturity of a policy as a death claim or otherwise" (section 405, Soldiers' and Sailors' Civil Relief Act Amendments of 1942), will not include a termination or maturity of a policy as a disability claim, and the policy will continue under the provisions of the act as if there had been no maturity, but the Government shall not be liable for any premiums that the insured would have been relieved of paying under any provisions for payment of premiums in the policy.

(c) If a policy matures as a claim, except a death claim, or if protection under the act is otherwise terminated before expiration of the period fixed by the act, the amount of any unpaid premiums, with interest at the rate provided for policy loans, will be deducted and the insurer will immediately notify the Veterans' Administration and will make a complete statement of the account as to that particular policy.

(d) If a policy is not removed from the protection of the act prior to the expiration of the period of protection, at that time the insurer will submit to the Veterans' Administration a complete statement of the account as to that particular policy.

(e) The statement of account will show the amount of indebtedness by reason of the premiums with interest and the credits, if any, then available and will be subject to audit and approval by the director of insurance. The statement of account will include the rate of interest charged on all indebtedness, the dates of debit and credit entries, and such other information as may be deemed necessary in making an audit of the account. If there is a balance due by the United States to the insurer, payment in favor of the insurer will be certified.

§ 7.30 *Settlement.* The payment of premiums and interest thereon at the rate fixed in the policy for policy loans while the policy is protected under the provisions of the act is guaranteed by the United States, and if the amount so guaranteed is not paid to the insurer prior to the expiration of the period of protection the amount then due will be treated by the insurer as a loan on the policy. However, if at the expiration of the period of protection the cash surrender value of the policy is less than the amount guaranteed, the policy shall cease and terminate and the United States will pay to the insurer the difference between the cash surrender value of the policy and the amount guaranteed. If the insured is in the military service when the act ceases to be in force, the period of protection of a policy under the act will expire two years after the date when the act ceases to be in force and settlement will be made as above provided. Any amount paid by the United States to an insurer on account of a policy protected under the provisions of the act will become a debt due the United States by the insured on whose account payment was made and such amount will be collected by deduction from any amount due said insured by the United States or as otherwise authorized by law.

§ 7.31 *Policy under protection of act.* A policy placed under the protection of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 and which was under the protection thereof on October 6, 1942, by reason of a finding having been made prior to that date, will remain subject to the provisions of said act and the regulations published under authority thereof except that the policy will be subject to the benefits and privileges governing the period of protection and settlement as provided in sections 403, 404, and 405 of Article IV of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942. If a policy was protected under the provisions of said act of 1940 and the period of protection terminated prior to October 6, 1942, the provisions of Article IV of the amendments of 1942 and the regulations published under the authority thereof are not applicable to the policy except that any premium which the Government has guaranteed under such policy will be for settlement in accordance with the mode of settlement elected by the insurer as provided in section 408 of the amendments of 1942.

§ 7.32 *Election by insurer.* Any insurer holding certificates issued under authority of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 on account of policies protected under said Article, may surrender such certificates to the United States on or before January 4, 1943, and elect to receive the guarantee of premiums and the mode of settlement for such policies as provided by Article IV of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942. The insurer desiring to take such action shall state that, pursuant to the provisions of section 408 of Article IV of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942, it elects to receive the guarantee of unpaid premiums and interest thereon and the mode of settlement as provided by said amendments, in lieu of the method of settlement and the requirement for accounts and reports prescribed by Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, and that it therefore surrenders to the United States all certificates of indebtedness issued to it by the Administrator of Veterans' Affairs under said act, giving the numbers of certificates surrendered and attaching same to the release signed by the insurer. The insurer will also submit to the Veterans' Administration at the earliest practicable date a schedule of all policies which were covered under Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, giving name of insured, face amount of policy, policy number and date of appli-

cation for protection under said act. In the case of policies as to which the period of protection expired prior to October 6, 1942, if the insurer has elected to accept the provisions of section 408 (2) of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 within the time specified therein, the insurer will submit the statement of account provided by paragraphs (d) and (e) of § 7.29 and in case there is a balance due by the United States to the insurer, payment in favor of the insurer will be certified. If the insurer does not elect to accept the provisions of section 408 (2) of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942, on or before January 4, 1943, then the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 and the regulations in this chapter, will govern the accounting as between the insurer and the Government.

§ 7.33 *Beneficiary or assignee.* In administering the provisions of Article IV of the act, all matters pertaining thereto shall be confined to the interest of the insured, the insurer, and the Government; therefore, it will not be necessary to procure the consent of a beneficiary, or an assignee, or any person, who may have a right or interest, either vested or inchoate, in the proceeds of the policy, as a prerequisite to placing a policy under the protection of the act. Any existing right of an insured to change a beneficiary designation or select an optional settlement for a beneficiary while the policy is under the protection of the act is not affected by the provisions of the act.

§ 7.34 *Termination.* Section 604 of Soldiers' and Sailors' Civil Relief Act of 1940, provides that the act shall remain in force until May 15, 1945; *Provided*, That should the United States be then engaged in a war, the act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter.

PART 8—NATIONAL SERVICE LIFE INSURANCE

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AUTHORITY: §§ 8.0 to 8.108 issued under secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818. Statutes giving special authority are cited in parentheses at the end of affected sections.

APPLICATIONS

§ 8.0 *Eligibility.* (a) Persons in the active service in the land or naval forces of the United States on October 8, 1940, and persons entering such service after that date (including those selected for training and service in the land or naval forces of the United States under the Selective Training and Service Act of 1940) under orders to active duty for a period of not less than thirty-one days, upon written application by any such person and payment of premiums while in such active service, shall be granted National Service Life Insurance, on one or more of the following plans, in an amount of not more than $10,000 or less than $1,000 in multiples of $500, in accordance with subparagraphs (1) and (2) of this paragraph: five-year level premium term, ordinary life, twenty-payment life, thirty-payment life, twenty-year endowment, endowment at age sixty, and endowment at age sixty-five: *Provided*, That no policy may be issued for less than $1,000. Such insurance must become effective while the applicant is in active service and in accordance with the provisions of § 8.2 (a). No person may carry at any one time a combined amount of insurance in excess of $10,000 under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, and the National Service Life Insurance Act of 1940, as amended. Application for National Service Life Insurance should be made on forms prescribed by the Administrator, but any statement in writing which in substance meets the requirements of this section shall be considered as an application provided that the first monthly premium is paid, advanced or authorized to be deducted or allotted from pay at time of such application.

(1) Every person who is commissioned and ordered into, or who is examined, accepted, and enrolled in the active service in the land or naval forces after October 8, 1940, shall be granted such insurance without medical examination, provided application therefor is made while the applicant is in the active service and within 120 days after entrance into such service. Entrance into active service shall include a re-entrance, but the provisions of section 602 (a) of the act shall not apply where the re-entrance is a continuation of previous active service without interruption.

(2) Any person in the active service not eligible for insurance under subparagraph (1) of this paragraph, shall be granted such insurance upon application made at any time while in the active service, provided the applicant is in good health at the time of such application and furnishes evidence thereof satisfactory to the Administrator of Veterans' Affairs.

(b) Applications for insurance under section 602 (c) (2) of the National Service Life Insurance Act, as amended August 1, 1946. Persons who were in the active service between October 8, 1940, and September 2, 1945, both dates inclusive, may be granted National Service Life Insurance on one or more of the plans specified in paragraph (a) of this section in an amount of not more than $10,000 nor less than $1,000, in multiples of $500, upon compliance with the conditions stated below: *Provided*, That no policy may be issued for less than $1,000.

(1) Written application therefor by any such person.

(2) Payment of the first monthly premium.

(3) Proof, satisfactory to the Administrator, that the applicant is in good health.

(4) The amount of insurance here granted plus the amount of any other insurance (National Service Life—United States Government life—War Risk) in force under premium-paying conditions or as extended insurance, shall not exceed $10,000.

(5) No person who has surrendered his National Service Life Insurance for a cash value or for paid-up insurance shall be entitled to apply for insurance under this paragraph to the extent of the amount of insurance so surrendered.

Service in the Philippine Commonwealth Army during the period stated above shall not be considered active service for the purpose of granting new insurance under section 602 (c) (2) of the act, as amended.

Where application is made prior to January 1, 1950, the application will not be denied on the ground that the applicant is not in good health by reason of any disability, less than total in degree, resulting from or aggravated by active service between October 8, 1940, and September 2, 1945.

An application for insurance hereunder should be made on the form prescribed therefor, but any written statement which in substance meets the requirements of this section may be considered an application. (Sec. 602 (b), 54 Stat. 1009, sec. 2, 60 Stat. 781, sec. 1, Public Law 5, 80th Cong.; 38 U. S. C. 802, 802 note)

§ 8.1 *Definition of "good health".* The words "good health" when used in connection with insurance, mean that the applicant is, from clinical or other evidence, free from disease, injury, abnormality, infirmity, or residual of disease or injury to a degree that would tend to weaken or impair the normal functions of the mind or body or to shorten life.

The existence of "good health" shall not be denied in connection with any application for reinstatement of insurance, or for new insurance if such application is submitted prior to January 1, 1950, and if the disability or disabilities, less than total in degree, resulted from or were aggravated by active military or naval service between October 8, 1940, and September 2, 1945, both dates inclusive.

EFFECTIVE DATE

§ 8.2 *Effective date*—(a) *Insurance applied for by persons in active service.* The effective date of a National Service Life Insurance policy granted under section 602 (a), (b), (c) (1) or (d) (1) of the National Service Life Insurance Act of 1940, as amended, shall not be established prior to October 8, 1940, nor prior to the entrance of the applicant into active service. The effective date of the policy shall not be established later than the first day of the month following the date of application, or after termination of active service.

(1) Subject to the foregoing limitations the effective date of a National Service Life Insurance policy may be established upon written request by the applicant as follows:

(i) As of the date on which valid application and tender of premiums are made: *Provided*, That a premium advanced by the service department under the provisions of Public Law 451, 77th Congress, and regulations of the department promulgated thereunder shall be deemed to be a tender of the first premium.

(ii) As of the first day of month in which valid application and tender of premiums are made.

(iii) As of the first day of month following that in which valid application is made and premium tendered or allotment of pay established.

(iv) As of the first day of any month, but not more than six months, prior to the month in which valid application and tender of premium are made: *Provided*, That there be paid (*a*) an amount equal to the full reserve on the insurance at the end of the month prior to the month in which application is made, and (*b*) the full premium on the amount of insurance for the month in which application is made.

(2) Unless otherwise specified by the applicant, the effective date of National Service Life Insurance shall be established as follows:

(i) As of the date on which valid application and tender of premium are made: *Provided*, That a premium advanced by the Service Department under the provisions of Public Law 451, 77th Congress, and regulations of the Department promulgated thereunder shall be

deemed to be a tender of the first premium.

(ii) If the first premium be not tendered or advanced as provided above, such insurance shall be effective as of the first day of the month following the month in which valid application is made, and allotment of pay established.

(b) *Insurance applied for by persons who had service between October 8, 1940, and September 2, 1945.* The effective date of a policy issued under section 602 (c) (2) of the National Service Life Insurance Act, as amended, may be established upon written request of the applicant as follows:

(1) As of the date on which valid application and tender of premium are made.

(2) As of the first day of the month in which valid application and tender of premium are made.

(3) As of the first day of the month following the month in which valid application and tender of premium are made.

(4) As of the first day of any month, but not more than six months, prior to the month in which valid application and tender of premium are made: *Provided*, That there be paid (i) an amount equal to the full reserve on the insurance at the end of the month prior to the month in which application is made, and (ii) the full premium on the amount of insurance for the month in which application is made.

Unless otherwise specified by the applicant the effective date of National Service Life Insurance shall be established as of the date on which valid application and tender of premiums are made. (Sec. 602b, 54 Stat. 1009, 57 Stat. 64, sec. 2, 60 Stat. 781, sec. 1, Pub. Law 5, 80th Cong.; 38 U. S. C. 802, 802 note)

PREMIUMS

§ 8.3 *Premium rates.* National Service Life Insurance is granted at the premium rate for the age nearest birthday anniversary of the applicant at the time the policy becomes effective in accordance with the premium rates published in VA Insurance Form 1535.

§ 8.4 *Premiums on National Service Life Insurance.* National Service Life Insurance is granted in consideration of and subject to the terms and conditions set forth in the policy and in further consideration of the payment of the monthly premium due and payable on the day the policy takes effect and on the same day of each succeeding month during the lifetime of the insured or for the period for which premiums are due and payable as provided by the terms and conditions of the policy contract.

§ 8.5 *Due date of premiums.* Premiums on National Service Life Insurance are due and payable monthly in advance in legal tender of the United States of America to the Treasurer of the United States in the city of Washington, District of Columbia. Premiums may be paid annually, semiannually, or quarterly in advance, in which case the premium payable will be the sum of the monthly premiums for the period discounted at 3 per centum per annum. The discounted premiums for these periods are stated on the first page of the policy. At maturity the discounted value at 3 percentum per annum of the premiums paid in advance beyond the current month shall be refunded to the beneficiary. If any premium be not paid when due, the policy shall cease and become void except as otherwise provided.

§ 8.6 *Payment of premiums; insured in the active military, naval, or Coast Guard service.* Premiums on National Service Life Insurance may be paid by persons in the active military, naval, or Coast Guard service (a) by direct remittance to the Veterans' Administration, or (b) by allotment of service pay.

§ 8.7 *Payment of insurance premiums by mail.* When it appears by proof satisfactory to the Administrator of Veterans' Affairs that the person to whom insurance has been granted under the National Service Life Insurance Act of 1940, or any person authorized to act on his behalf, has deposited in the mail within the grace period allowed by regulation for payment of a premium an envelope, properly addressed to the Veterans' Administration, Washington, D. C., or to a regional office or facility of the Veterans' Administration, containing money, check, draft or money order, in payment of a premium, such insurance will not lapse for nonpayment of such premium within the grace period: *Provided*, That such envelope is delivered to the Veterans' Administration without return to the sender; and, *Provided further*, That if tender is by check or draft, such draft is honored on presentation for payment.

§ 8.8 *Deduction of insurance premiums from compensation, retirement pay or pension.* The insured under a National Service Life Insurance policy may authorize the monthly deduction of premiums from disability compensation, death compensation, retirement pay, disability pension, or death pension, that may be due and payable to him under any laws administered by the Veterans' Administration in accordance with the following provisions:

(a) The authorization must be in writing over the signature of the insured, or his legal representative, and whenever practicable on such forms as may be prescribed by the Veterans' Administration. If insured is incompetent and has no legal representative and has a wife to whom benefits are being paid pursuant to sections 2 or 13, Public No. 144, 78th Congress, and § 14.201 (a) of this chapter, she may authorize payment of insurance premiums through the deduction system. If insured is incompetent and has no legal representative and an institutional award has been made in his behalf, the authorization may be executed by the manager of the facility in which the insured is hospitalized or receiving domiciliary care, and in appropriate cases by the chief officers of State hospitals or other institutions to whom similar awards may have been approved.

(b) The monthly disability compensation, death compensation, retirement pay, disability pension or death pension so due and payable must be equal to, or in excess of, the amount of the insurance premium figured on a monthly basis.

(c) The authorization will be effective on the first day of the month in which it is received by the Veterans' Administration, unless the insured elects to have the authorization become effective on the first day of a succeeding month.

(d) The authorization may be canceled by the insured at any time by notice in writing to the Veterans' Administration. Such cancelation will be effective on the first day of the month following the month in which it is received by the Veterans' Administration.

(e) If the benefits payable to the insured are apportioned under the regulations of the Veterans' Administration now in effect or hereafter issued, the deduction authorized by the insured shall be from that portion awarded to the insured under such regulations.

§ 8.9 *Effective date of authorization for deduction of insurance premiums from compensation, retirement pay, or pension.* When premium deductions are authorized by the insured under National Service Life Insurance in accordance with the provisions of the regulations in this chapter, the Veterans' Administration will make monthly deductions from the disability compensation, death compensation, retirement pay, disability pension, or death pension, due and payable to the insured, of an amount sufficient to pay the monthly premium on the insurance. Such deductions shall begin with the month in which the authorization is effective and continue so long as the disability compensation, death compensation, retirement pay, disability pension, or death pension, due and payable to the insured is sufficient to pay the monthly insurance premium, unless the authorization is sooner canceled or otherwise terminated.

§ 8.10 *Premiums to be deducted from compensation, retirement pay, or pension, treated as paid, for purpose of preventing lapse.* When premium deductions are authorized by the insured under National Service Life Insurance, in accordance with the provisions of the regulations in this chapter, the insurance premium will be treated as paid for the purpose of preventing lapse of the insurance, although such deduction is not in fact made, if upon the due date of the premium there is due and payable to the insured an amount of disability compensation, death compensation, retirement pay, disability pension, or death pension sufficient to provide the payment. Any premium authorized to be deducted from disability compensation, death compensation, retirement pay, disability pension, or death pension, due and payable to the insured and not actually paid, shall be deducted from any amount of current disability compensation, death compensation, retirement pay, disability pension, or death pension that may become due and payable to the insured. The amounts so deducted for premiums shall, except as otherwise provided in § 8.102, be deposited and covered into the Treasury to the credit of the National Service Life Insurance Fund.

§ 8.11 *Termination of the authorization to deduct insurance premiums from compensation, retirement pay, or pension.* Deduction of insurance premiums on National Service Life Insurance shall cease and the authorization shall terminate if the disability compensation, death compensation, retirement pay, disability pension, or death pension, becomes insufficient to provide the premium, or if disability compensation, death compensation, retirement pay, disability pension, or death pension, is no longer due and payable to the insured. If authorization was executed by the manager of a Veterans' Administration hospital or home or chief officer of a State hospital or other institution to make deductions from an institutional award, the authorization will cease and terminate at the termination of the institutional award, and if subsequent premiums are to be paid by deduction from monthly benefit payments, another authorization must be executed by the insured or his legal representative or his wife. (See § 8.8 (a).) The insurance shall lapse after the termination or cancelation of the authorization to deduct premiums from disability compensation, death compensation, retirement pay, disability pension, or death pension, unless the premium be otherwise paid within the grace period. The insured will be notified, by letter directed to his last address of record, of the termination of the authorization to deduct premiums; but the failure to give such notice or the failure to receive such notice, shall not prevent lapse of the insurance.

GRACE PERIOD

§ 8.14 *Establishment of grace period.* For the payment of any premium under a National Service Life Insurance policy, a grace period of thirty-one days without interest will be allowed, during which time the policy will remain in force; but if the policy shall mature within the grace period, the unpaid premium or premiums shall be deducted from the amount of insurance payable.

§ 8.15 *Computation of grace period.* For the purpose of determining whether a premium tendered on National Service Life Insurance shall be accepted and a regular receipt issued therefor, the grace period for the payment of the premium shall be computed so as to include thirty-one days from and after the date on which the premium was due. But if the last day of the grace period falls on Sunday or a legal holiday the premium will be accepted if tendered on the next following business day. The postmark date will govern the date on which the premium was tendered. The monthly premium when paid within the grace period shall be deemed to carry such insurance in force for the month for which the premium was due. If a premium is not paid prior to the expiration of the grace period, the effective date of the lapse shall be the due date of the premium in default.

LAPSE

§ 8.16 *Lapse for nonpayment of premium.* If any premium be not paid when due, the National Service Life Insurance policy shall cease and become void, except as otherwise provided in the policy.

§ 8.17 *Nonlapse while insured is in active military, naval, or Coast Guard service.* Except as provided in § 8.18, National Service Life Insurance will not lapse while the insured is in the active military, naval, or Coast Guard service of the United States, if an allotment of active service pay had been established to cover premiums for such insurance.

§ 8.18 *Lapse while insured is in active military or naval service.* National Service Life Insurance will lapse and terminate while the insured is in the active military or naval service of the United States:

(a) If the insured fails to designate a method of payment of premiums at the time of applying or at any time elects to pay premiums on said insurance otherwise than by allotment of pay and such premiums are not paid prior to expiration of the grace period.

(b) Except as provided in § 8.20, if the service department shall discontinue the allotment and premium is not otherwise paid prior to expiration of the grace period.

§ 8.19 *Lapse at discharge or resignation from active service.* When the insured under a National Service Life Insurance policy shall provide for payment of premiums by allotment of pay, any previously authorized method of payment of premiums shall be deemed to be revoked. The insurance will lapse upon termination of the allotment because of discharge or resignation from the active service unless the premium be paid prior to expiration of the grace period.

§ 8.20 *Nonlapse of insurance during active service prior to date of enactment of Public Law 589, 79th Congress.* (a) Where the insured provided for payment of the premiums by authorizing in writing the deduction of premiums from his service pay, insurance shall be deemed not to have lapsed while he remained in active service, prior to the date of enactment of Public Law 589, 79th Congress, approved August 1, 1946, provided the deduction of premiums was discontinued because (1) the insured was discharged to accept a commission; or (2) the insured was absent without leave, if restored to active duty; or (3) the insured was sentenced by court martial, if he was restored to active duty, required to engage in combat, or killed in combat. If the insured died while the insurance was continued in force as provided above, payment of the benefits shall be made directly from the National Service life insurance appropriation, and any premiums due on such insurance shall be deducted from the proceeds of the insurance.

(b) The provisions of the foregoing paragraph shall not apply to any insurance forfeited under section 612 of the National Service Life Insurance Act, as amended.

REINSTATEMENT

§ 8.22 *Reinstatement of National Service Life Insurance.* Subject to the provisions of the National Service Life Insurance Act, as amended, and regulations issued thereunder, any insurance which has lapsed or may hereafter lapse and which has not been surrendered for a cash value or for paid-up insurance, may be reinstated upon written application signed by the applicant, and, except as hereinafter provided, upon payment of all premiums in arrears, with interest from their several due dates, provided such applicant at the time of application and tender of premiums is in the required state of health as shown in paragraph (a) or (b) of § 8.23, whichever is applicable, and submits evidence thereof at the time of application and tender of premiums as may be satisfactory to the Administrator of Veterans Affairs: *Provided*, That interest on premiums in arrears shall be at the rate of five per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of four per centum per annum, compounded annually: *Provided further*, That the payment or reinstatement of any indebtedness against any policy must be made, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy: *Provided further*, That a lapsed National Service Life Insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with interest are made not less than five years prior to the date such extended insurance would expire: *Provided further*, That in any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period such policy may be reinstated upon application and payment of the premiums with interest, and health statement or other medical evidence will not be required: *And provided further*, That National Service life insurance on the level premium term plan may be reinstated by written application of the insured accompanied by evidence of insurability and tender of two monthly premiums, but such insurance when reinstated without payment of all premiums in arrears with interest shall have no reserve value. Except as provided in § 8.84, application for reinstatement of level premium term insurance accompanied by evidence of insurability and tender of premiums must be submitted prior to the expiration of the five-year term period.

When the insured under a National Service life insurance policy on the level premium term plan makes inquiry prior to the expiration of the grace period disclosing a clear intent to continue insurance protection, such as a request for information concerning premium rates or conversion privileges, etc., an additional reasonable period not exceeding sixty days may be granted for payment of premiums due; but the premiums in any such case must be paid during the lifetime of the insured. (Sec. 9, 60 Stat. 785, sec. 3, P. L. 5, 80th Cong.; 38 U. S. C. 802)

§ 8.23 *Health requirements.* National Service Life Insurance on any plan may

be reinstated if application and tender of premiums are made:

(a) On or before July 31, 1948, or within three months after lapse, whichever is later, provided the applicant be in as good health on the date of application and tender of premiums as he was on the due date of the premium in default and furnishes evidence thereof satisfactory to the Administrator.

(b) Subsequent to July 31, 1948, and after expiration of the three-month period mentioned in paragraph (a) of this section, provided applicant is in good health (§ 8.1) on the date of application and tender of premiums and furnishes evidence thereof satisfactory to the Administrator of Veterans' Affairs. (Sec. 9, 60 Stat. 785, sec. 3, P. L. 5, 80th Cong.; 38 U. S. C. 802)

§ 8.24 *Application and medical evidence.* The applicant for reinstatement of National Service Life Insurance, during his lifetime and before becoming totally disabled, must submit a written application signed by him and furnish evidence of health as required in § 8.23 at the time of application satisfactory to the Administrator of Veterans' Affairs and upon such forms as the Administrator shall prescribe or otherwise as he shall require. Applicant's own statement of comparative health may be accepted as proof of insurability for the purpose of reinstatement under § 8.23 (a), but, whenever deemed necessary in any such case by the Administrator, report of physical examination may be required. Applications for reinstatement submitted after expiration of the applicable period mentioned in § 8.23 (a), must be accompanied by report of physical examination made in accordance with the provisions of § 8.64: *Provided*, That if the insurance becomes a claim after the tender of the amount necessary to meet reinstatement requirements but before full compliance with the requirements of this section, and the applicant was in a required state of health at the date that he made the tender of the amount necessary to meet reinstatement requirements, and that there is satisfactory reason for his noncompliance, the Director, Underwriting Service, in Central Office cases, and the Director, Insurance Service, in branch office cases, may, if the applicant be dead, waive any or all requirements of this section (except payment of the necessary premiums) or, if the applicant be living, allow compliance with this section as of the date the required amount necessary to reinstate was received by the Veterans' Administration.

§ 8.25 *Reinstatement in the month following date of lapse.* Where a premium on National Service life insurance is not paid within the grace period but is tendered not more than 15 days after the date of expiration of the grace period, such premium may be regularly applied as premium for the unpaid month, provided the insured at the time of tendering the delayed premium is in as good health as he was on the due date of the premium in default and furnishes a statement to that effect not more than 31 days after the date such delayed premium was tendered.

DIVIDENDS

§ 8.26 *Dividends.* A National Service life insurance policy shall participate in and receive such dividends from gains and savings as may be determined by the Administrator of Veterans' Affairs. Any such dividends shall be paid in cash except that at the written request of the insured they may be left to accumulate on deposit provided the policy is in force on a basis other than extended term insurance or level premium term insurance. Payment of dividends shall be without interest except when left to accumulate on deposit in accordance with the insured's written request. Interest on dividend accumulations will be credited annually at such rate as the Administrator may determine. Dividend accumulations and unpaid dividends shall not be available for the payment of insurance premiums except at the written request of the insured made before default in payment of a premium. Any unpaid dividend on a lapsed policy will be paid in cash to the insured, if living, otherwise to his estate. Dividend accumulations will be used in addition to the reserve on the policy for the purpose of computing the period of extended term insurance or the amount of paid-up insurance as provided in §§ 8.29 (a) and 8.30, respectively. Upon maturity of the policy, any dividend accumulations not previously withdrawn and any unpaid dividends will be payable in cash to the person currently entitled to receive payments under the policy. (Sec. 2, Pub. Law 5, 80th Cong.)

CASH VALUE AND POLICY LOAN

§ 8.27 *Cash value; other than 5-year level premium term policy.* Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 8.29 (b), shall become effective at the completion of the first policy year on any plan of National Service life insurance other than the 5-year level premium term plan; all values, reserves, and net single premiums being based on the American Experience Table of Mortality, with interest at the rate of 3 per centum per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve together with any dividend accumulations. For each month after the first policy year, for which month a premium has been paid or waived, the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the policy with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness: *Provided*, The policy has been in force by payment or waiver of the premiums for at least one year. (Sec. 2, Pub. Law 5, 80th Cong.)

§ 8.28 *Policy loan; other than five-year level premium term policy.* (a) At any time after the expiration of the first policy year and before default in payment of any subsequent premium, and upon the execution of a loan agreement satisfactory to the Administrator, the United States will lend to the insured on the security of his National Service life insurance policy, on any plan other than five-year level premium term, any amount which will not exceed 94 percent of the reserve, and any indebtedness on the policy shall be deducted from the amount advanced on such loan. Except as prescribed in paragraph (b) of this section the loan shall bear interest at the rate of 5 per centum per annum, payable annually; and at any time before default in the payment of the premium, the loan may be repaid in full or in amounts of $5 or any multiple thereof. Failure to pay either the amount of the loan or the interest thereon shall not avoid the policy unless the total indebtedness shall equal or exceed the cash value thereof. When the amount of the indebtedness equals or exceeds the cash value the policy shall cease and become void.

(b) On and after August 1, 1946, the interest on all policy loans then outstanding or thereafter granted will be at the rate of 4 per centum per annum. (Sec. 2, Pub. Law 5, 80th Cong.)

EXTENDED TERM AND PAID-UP INSURANCE

§ 8.29 *Provision for extended term insurance; other than five-year level premium term policies.* (a) After the expiration of the first policy year and upon default in the payment of a premium within the grace period, if a National Service life insurance policy on any plan other than five-year level premium term has not been surrendered for cash or for paid-up insurance, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the extended term insurance becomes effective. The extended term insurance shall not have a loan value, but shall have a cash value.

(b) Upon default in payment of a premium within the grace period and after the effective date of paragraph (b) of this section, on any plan of National Service life insurance other than five-year level premium term, if the policy has been in force by payment or waiver of the premiums for not less than three months nor more than 11 months, the policy shall be extended automatically as term insurance for an amount of insurance equal to the face value of the policy less any indebtedness for such time from the due date of the premium in default as the reserve of the policy less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of months from that date to the date extended term insurance becomes effective. Extended term insurance under this provision shall not have a cash or loan value. Paragraph (b) of this section shall be effective from and after August 2, 1948. (Sec. 2, Pub. Law 5, 80th Cong.)

§ 8.30 *Provision for paid-up insurance; other than five-year level premium term policies.* If a National Service life insurance policy on any plan other than five-year level premium term has not been surrendered for cash, upon written request of the insured and complete surrender of the policy with all claims thereunder, after the expiration of the first policy year and while the policy is in force under premium-paying conditions, the United States will issue paid-up insurance for such amount as the cash value less any indebtedness will purchase when applied as a net single premium at the attained age of the insured. For this purpose the attained age is the age on the birthday anniversary nearest to the effective date of the policy plus the number of years and months from that date to the date the paid-up insurance becomes effective. Such paid-up insurance will be effective as of the expiration of the period for which premiums have been paid and earned; and, any premiums paid in advance for months subsequent to that in which the application for paid-up insurance is made shall be refunded to the insured. The paid-up insurance shall be with right to dividends. The insured may at any time surrender the paid-up policy for its cash value or obtain a loan on such paid-up insurance.

CHANGE IN PLAN

§ 8.32 *Plans of National Service Life Insurance.* Subject to the conditions stated in §§ 8.33 and 8.34, National Service life insurance on the five-year level premium term plan may be converted to the following plans of insurance: Ordinary Life, Twenty Payment Life, Thirty Payment Life, Twenty Year Endowment, Endowment at Age Sixty, and Endowment at Age Sixty-five. (Sec. 2, Pub. Law 5, 80th Cong.)

§ 8.33 *Exchange of a five-year level premium term policy as of a current effective date.* National Service life insurance on the level premium term plan which is in force may be exchanged, effective as of the date any premium becomes due within the term period, for insurance of the same amount on any other plan issued by the Veterans' Administration under the National Service Life Insurance Act, 1940, as amended, upon payment by the insured (except where premium waiver is effective) of the current monthly premium at the attained age of the insured for the plan of insurance selected. The reserve (if any) on the policy will be allowed as a credit on the current monthly premium except where premium waiver is effective: *Provided*, That conversion to an endowment plan may not be made while the insured is totally disabled. The exchange will be made without medical examination except when deemed necessary to determine whether an applicant for exchange to an endowment plan is totally disabled, and upon complete surrender of the policy while in force by payment or waiver of premiums. Except as provided in § 8.84, conversion of the term policy must be effected within the five-year term period, and if not exchanged or converted prior to the expiration of such period all protection thereunder shall cease. (Sec. 2, Pub. Law 5, 80th Cong.)

§ 8.34 *Exchange of a level premium term policy as of a date prior to the current month.* National Service life insurance on the level premium term plan which is in force may be exchanged effective as of the date any premium has become due within the term period, for insurance of the same amount on any other plan issued by the Veterans' Administration under the National Service Life Insurance Act, 1940, as amended, upon payment by the insured of the difference between the reserve on the new policy and the reserve on the old policy and payment by the insured (except where premium waiver is effective) of the current monthly premium at the attained age of the insured as of the effective date of the new policy: *Provided*, That conversion to an endowment plan may not be made while the insured is totally disabled. The exchange will be made without medical examination except when deemed necessary to determine whether an applicant for exchange to an endowment plan is totally disabled, and upon complete surrender of the policy while in force by payment or waiver of premiums: *Provided*, Waiver of the premiums on the new policy shall not be effective prior to the date such policy change was made. Except as provided in § 8.84, conversion of the term policy must be effected within the five-year term period, and if not exchanged or converted prior to the expiration of such period all protection thereunder shall cease. (Sec. 2, Pub. Law 5, 80th Cong.)

§ 8.35 *Exchange to a policy bearing the same effective date and having a higher reserve value.* If the insured be not totally disabled, National Service life insurance on any plan other than five-year level premium term may be changed to insurance of the same amount, as of the same date and based on the same age, on any plan of insurance issued by the Veterans' Administration under the National Service Life Insurance Act of 1940, as amended, having a higher reserve value, upon payment by the insured of the difference between the reserve on the new policy and the reserve on the old policy. Such exchange will be made without medical examination except when deemed necessary to determine whether the insured be totally disabled and upon complete surrender of the policy while in force by payment of premiums.

§ 8.36 *Exchange to a policy bearing the same effective date and having a lower reserve value.* National Service life insurance may be exchanged within five years from the effective date for insurance of the same amount, bearing the same date, and based on the same age, on any plan of insurance issued by the Veterans' Administration having a lower reserve value except to the five-year level premium term plan: *Provided*, The applicant is in good health at the time of application and furnishes evidence thereof satisfactory to the Administrator upon such forms as the Administrator shall prescribe, or otherwise as he shall require. The old policy must be in force under premium-paying conditions and must be surrendered with all rights and claims thereunder. The difference between the reserve on the old policy and the reserve on the new policy, less any indebtedness, may be used to cover payment of future premiums or withdrawn in cash at the option of the insured. If the old policy has been in force for less than twelve months, the difference in reserve may be used only for the purpose of paying future premiums on the insurance and such premiums shall not be subject to withdrawal by the insured prior to the expiration of the first policy year. (Sec. 2, Pub. Law 5, 80th Cong.)

PREMIUM WAIVERS AND TOTAL DISABILITY

§ 8.40 *Requirements for waiver of premiums.* Upon written application by the insured payment of premiums may be waived during the continuous total disability of the insured which continues or has continued for six or more consecutive months, provided such disability commenced (a) subsequent to date of application for insurance, (b) while the insurance was in force under premium-paying conditions, and (c) prior to the insured's sixtieth birthday: *Provided*, This section shall not apply to any premium waiver authorized under sub-section 602 (d) (3) of the act, as amended. The insured shall be required to furnish proof satisfactory to the Administrator showing continuous total disability for at least six consecutive months, and may be denied benefits for failure to cooperate: *Provided further*, That in the event of death of the insured without filing application for waiver, such application may be filed by the beneficiary with evidence of the insured's right to waiver under the conditions of this section on or before August 1, 1947, or within one year after death of the insured, whichever is the later; or, if the beneficiary be insane or a minor, such beneficiary may file application for waiver with evidence of the insured's right to waiver under the conditions of this section, within one year after removal of such legal disability.

§ 8.41 *Effective date of premium waiver.* (a) Upon written application of the insured waiver of premiums may be granted effective as of the date six months continuous total disability commenced, but, except as hereafter provided, waiver in such cases shall not be effective as to any premium which became due more than one year prior to receipt of such application in the Veteran's Administration: *Provided*, That the Administrator may grant waiver of premiums in excess of such one year period in any case in which he finds that the insured's failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the insured's control: *Provided further*, That upon written application of the insured made on or before August 1, 1947, the Administrator shall grant waiver of any premium which became due not

more than five years prior to the date of enactment of the Insurance Act of 1946 (Pub. Law 589, 79th Cong., approved August 1, 1946), if otherwise authorized under the provisions of section 602 (n) of the act, as amended.

(b) Upon written application of the beneficiary as provided in § 8.40, waiver of premiums may be granted effective as of the date six months continuous total disability commenced, but, except as hereafter provided, waiver in such cases shall not be effective as to any premium which became due more than one year prior to the date of insured's death: *Provided*, That the Administrator may grant waiver of premiums in excess of such one year period in any case in which he finds that the insured's failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the insured's control: *Provided further*, That upon written application of the beneficiary made on or before August 1, 1947, the Administrator shall grant waiver of any premium which became due not more than five years prior to the date of enactment of the Insurance Act of 1946 (Pub. Law 589, 79th Cong., approved August 1, 1946), if otherwise authorized under the provisions of section 602 (n) of the act, as amended.

(c) Premiums tendered to cover a period which the waiver is effective shall be refunded without interest.

§ 8.42 *Discontinuance of premium waiver.* (a) The Administrator may require proof of continuance of total disability at any time he may deem same necessary. In the event it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding, and the insurance may be continued by payment of premiums, the due date of the first premium payable being the next regular monthly due date of the premium under the policy. The insurance shall not lapse prior to the date of expiration of the grace period allowed for the payment of such premium or prior to the expiration of thirty-one days after date of notice to the insured of the termination of the premium waiver, whichever is the later date. Such notice shall be sent by registered mail, return receipt requested, and sufficient notice will be deemed to have been given when such letter has been placed in the mails by the Veterans Administration: *Provided*, That the Administrator may grant an additional period of not more than 31 days for payment of the premiums in any case in which it is shown that the failure to make payment within 31 days after notice as defined above was due to circumstances beyond the insured's control; but the premiums in any such case must be paid during the lifetime of the insured. The failure of the insured to furnish a correct current address at which mail will reach him promptly shall not be grounds for a further extension of time for payment of premiums under this paragraph.

(b) In the event a finding that insured is no longer totally disabled is made at the same time a finding is made of total disability entitling the insured to a waiver of premiums while so disabled, the waiver of premiums shall cease as of the date on which total disability ceased and continuance of the insurance in such cases shall be subject to the timely payment of the premiums as they become or have become due and payable. The due date of the first premium payable subsequent to the date total disability ceased is the next regular due date of the premium under the policy, and if such premium was not paid within 31 days after the due date, the insurance lapsed.

(c) If the insured shall fail to cooperate with the Administrator in securing any evidence he may require to determine whether total disability has continued, the premium waiver shall cease effective as of the date finding is made of such failure to cooperate, and the insurance may be continued by payment of the premiums within 31 days after notice of termination as provided in paragraph (a) of this section.

§ 8.43 *Total disability.* Total disability as referred to herein is any impairment of mind or body which continuously renders it impossible for the insured to follow any substantially gainful occupation. Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the total loss of hearing of both ears, or the organic loss of speech, shall be deemed total disability for insurance purposes.

§ 8.44 *National Service Life Insurance issued pursuant to section 602 (d) (3) (A), National Service Life Insurance Act, as amended.* In any case where a veteran has National Service Life Insurance in force by the payment of premiums in a sum in excess of $5,000 and his application for waiver of premiums under section 602 (n) is denied because of a finding that he became totally disabled prior to the issuance of the insurance and is entitled to waiver of premiums under section 602 (d) (3), National Service Life Insurance Act, as amended, he will be advised of his right to surrender any of such insurance in excess of $5,000 and obtain a policy of insurance in the amount allowable under section 602 (d) (3) of the National Service Life Insurance Act, as amended, that is, an amount of insurance not in excess of $5,000, which together with any other United States Government life insurance or National Service life insurance then in force, will not exceed in the aggregate $10,000. He will also be advised that he may continue the remaining National Service life insurance in force by the payment of premiums. Application for gratuitous insurance must be made within the statutory time limit. (Sec. 1, 56 Stat. 657, sec 2, 58 Stat. 762; 38 U. S. C. 802)

BENEFICIARIES

§ 8.46 *Beneficiary designations.* The insured shall have the right to designate as beneficiary any person or persons, firm, corporation or other legal entity (including the estate of the insured) individually or as trustee, for insurance maturing on or after the date of enactment of Public Law 589, 79th Congress, approved August 1, 1946: *Provided*, That as to any insurance which matured prior to August 1, 1946 designated beneficiaries shall be restricted to persons within the permitted class of designated beneficiaries, as follows: Wife (husband), child (including an adopted child, stepchild, illegitimate child), parent (including parent through adoption, stepparent, and persons who stood in loco parentis to the insured for a period of not less than one year prior to entry into active service), brother or sister (including those of the half blood) of the insured.

A beneficiary designation shall be made by notice in writing to the Veterans' Administration signed by the insured. A beneficiary designation, but not a change of beneficiary, may be made by last will and testament duly probated. A stepparent, stepchild or illegitimate child cannot be paid insurance which matured prior to August 1, 1946, unless specifically designated as a beneficiary by the insured. A designation of beneficiary need not be made in the application for insurance, but may be made at a later date. (Sec. 602 (g), 54 Stat. 1010, sec. 8, 56 Stat. 659, sec. 4, 60 Stat. 782; 38 U. S. C. 802)

§ 8.47 *Beneficiary changes.* The insured shall have the right at any time, and from time to time, and without the knowledge or consent of the beneficiary to cancel the beneficiary designation, or to change the beneficiary, but a change of beneficiary to a person not within the permitted class of beneficiaries set forth in § 8.46 shall not be effective as to insurance which matured prior to August 1, 1946. A change of beneficiary to be effective must be made by notice in writing signed by the insured and forwarded to the Veterans' Administration by the insured or his agent, and must contain sufficient information to identify the insured. Whenever practicable such notices shall be given on blanks prescribed by the Veterans' Administration. Upon receipt by the Veterans' Administration, a valid designation or change of beneficiary shall be deemed to be effective as of the date of execution: *Provided*, That any payment made before proper notice of designation or change of beneficiary has been received in the Veterans' Administration shall be deemed to have been properly made and to satisfy fully the obligations of the United States under such insurance policy to the extent of such payments. (Sec. 602 (g), 54 Stat. 1010, sec. 8, 56 Stat. 659, sec. 4, 60 Stat. 782; 38 U. S. C. 802)

§ 8.48 *Class and order of payment to other than designated beneficiary.* If no beneficiary was designated by the insured for insurance which matured prior to the enactment of Public Law 589, 79th Congress, approved August 1, 1946, or if the designated beneficiary of such insurance did not survive the insured or dies or has died prior to completion of payment of the installments certain payable under the provisions of the act and the terms of the policy, the installments of insurance remaining unpaid shall be paid to persons in the permitted class of beneficiaries and in the order named:

(a) Widow (widower) of the insured.

(b) Child or children of the insured (including adopted children), in equal shares.

(c) Parent or parents who last bore such relationship to the insured (including parent through adoption and persons who stood in loco parentis to the insured for a period of not less than one year prior to entry into active service), in equal shares,

(d) Brothers and sisters of the insured (including those of the half blood), in equal shares. (Sec. 602 (g), 54 Stat. 1010, sec. 8, 56 Stat. 659, sec. 4, 60 Stat. 782; 38 U. S. C. 802)

DEATH BENEFITS

§ 8.49 *Limitations on entitlement and payment.* Any payment of insurance made to a person represented by the insured to be within the permitted class of beneficiaries shall be deemed to have been properly made and to satisfy fully the obligations of the United States under such insurance policy to the extent of such payments. The following provisions are applicable only to insurance which matured prior to the enactment of Public Law 589, 79th Congress, approved August 1, 1946. No person shall have a vested right to any installment or installments of the insurance and no installment of insurance shall be paid to the heirs, creditors, or legal representatives as such of the insured or of any beneficiary. If no person within the permitted class survives to receive the insurance or any part thereof, no payment of the unpaid installments shall be made, except that if the reserve of a converted policy, together with dividend accumulations, less any indebtedness under such policy, exceeds the amount paid to the beneficiaries, such excess shall be paid to the estate of the insured unless the estate of the insured would escheat under the laws of his place of residence, in which event no payment shall be made.

When the amount of an individual monthly payment is less than $5, such amount may in the discretion of the Administrator, be allowed to accumulate without interest and be disbursed annually. (Sec. 1, 58 Stat. 762, sec. 5 (b), 60 Stat. 783, sec. 602 (k), 54 Stat. 1010; 38 U. S. C. 802)

§ 8.50 *Payment to first beneficiary where insurance matured prior to August 1, 1946.* Upon due proof of the death of the insured prior to the enactment of Public Law 589, 79th Congress, approved August 1, 1946 and while a National Service life insurance policy is in force, the monthly installments without interest, which have accrued since the death of the insured (the first installment being due on the date of the death of the insured) and the monthly installments which thereafter become payable in accordance with the provisions of the policy shall be paid, as provided in § 8.75 to the beneficiary or beneficiaries entitled.

§ 8.51 *Payment after death of first beneficiary where insurance matured prior to August 1, 1946.* Upon due proof of death of the first beneficiary after payment has been made of at least one installment of insurance which matured prior to August 1, 1946 thereafter monthly installments in the same amount, shall be paid to the person or persons entitled as beneficiary until all of the installments certain shall have been paid.

The foregoing provision, if payment of the insurance had originally commenced prior to September 30, 1944, is subject to the present beneficiary's right to change the mode of payment as provided in § 8.77 (b).

PROOF OF DEATH, AGE, OR RELATIONSHIP

§ 8.52 *Proof of death.* Where a claim is filed for National Service Life Insurance on account of the death of a person such death may be established as follows:

(a) By a copy of the public record of the State or community where death occurred, certified to by the custodian of such records; or by a duly certified copy of a coroner's report of death or a verdict of a coroner's jury, of the State or community where death occurred, provided such report or verdict properly identified the deceased.

(b) Where death occurs in a hospital or institution under the control of the United States Government, by a death certificate signed by the medical officer in charge, or by furnishing the evidence required under paragraph (a) of this section.

(c) Where death occurs while deceased was on the retired list, in an inactive duty status, or in the active service in the regular establishment of the United States Army, United States Navy, United States Marine Corps, or United States Coast Guard, by an official report of death from the War, Navy, or Treasury Departments, or by furnishing the evidence required under paragraph (a) of this section.

(d) When death occurs in a foreign country, by a United States consular report of death, bearing the signature and official seal of the United States consul, or by a certified copy of the public record of death authenticated by the United States consul, or other agency of the State Department.

(e) If the evidence called for in paragraphs (a), (b), (c), or (d) of this section cannot be obtained, the reason must be shown. If such reason is satisfactory, the fact of death may be established by the affidavits of persons who have personal knowledge thereof and have viewed the body of the deceased and know it to be the body of the person whose death is being established, setting forth their source of knowledge and all the facts and circumstances concerning the death, including the place, date, time, and cause thereof.

(f) In cases wherein proof of death, as defined in paragraphs (a) to (e), inclusive, of this section, cannot be furnished, officials specifically authorized to do so by the Administrator of Veterans' Affairs may make a finding of fact of death where death is otherwise shown by competent evidence. The best evidence, which from the nature of the case may be supposed to exist, must be furnished in these cases.

§ 8.53 *Presumption of death.* If evidence satisfactory to the Administrator is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of seven years, during which period no evidence of his existence has been received, the death of such individual as of the date of the expiration of such period may, for the purpose of the act, be considered as sufficiently proved: *Provided*, No State law providing for presumption of death shall be applicable to claims for National Service life insurance.

NOTE: *Evidence to establish age or relationship.* See § 3.46 of this chapter.

NOTE: *Validity and proof of marriage.* See §§ 3.49 and 3.50 of this chapter.

COLLECTION OF ANY INDEBTEDNESS

§ 8.55 *Collection of any indebtedness.* Any indebtedness against a National Service Life Insurance policy which has not been paid off in cash prior to maturity shall be liquidated by reducing the amount of each monthly instalment in the proportion which the indebtedness bears to the face amount of the insurance.

AGE

§ 8.56 *Misstatement of age.* If the age of the insured under a National Service Life Insurance policy has been understated, the amount of the insurance payable under the policy shall be such exact amount as the premium paid would have purchased at the correct age; if overstated, the excess of premiums paid shall be refunded without interest. Guaranteed surrender and loan values will be modified accordingly. The age of the insured will be admitted by the Veterans' Administration at any time upon satisfactory proof.

ASSIGNMENTS

§ 8.59 *Assignments.* The proceeds of a National Service life insurance policy shall not be assignable except that the person designated as beneficiary may assign all or any part of his interest in the insurance to the insured's widow, widower, child, father, mother, grandfather, grandmother, brother or sister, provided the designated contingent beneficiary, if any, joins the beneficiary in the assignment and such assignment is delivered to the Veterans' Administration before any payments of the insurance have been made to the beneficiary.

Payment to the assignee shall be made in accordance with the option selected by the insured unless the insured selected Option 3 or 4. In the latter event the assignee will be paid in such number of equal monthly installments under Option 2, as most nearly conforms to the number of installments certain payable under the insured's election, or in 240 equal monthly installments, whichever is the lesser.

TAXATION AND EXEMPTION

§ 8.60 *Taxation and exemption.* (a) Payments of National Service life insurance as such are exempt from taxation, but such exemption does not extend to any property purchased in part or wholly out of such payments. Payments of insurance to a beneficiary under the provisions of the act are exempt from claims of creditors, and are not liable to at-

tachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary.

(b) The exemption shall apply against the United States or any agency thereof: *Provided*, The United States shall be entitled to collect by set-off or otherwise out of benefits payable to any beneficiary under a National Service life insurance policy, the amount of any indebtedness due the United States by such beneficiary because of overpayments or illegal payments made to such beneficiary under laws administered by the Veterans' Administration: *Provided further*, In the settlement of any claim arising out of the National Service Life Insurance Act of 1940, the United States shall be entitled to deduct the amount of unpaid premiums, or loans, or interest on such premiums or loans; or indebtedness arising from overpayments of dividends, refunds, loans, or other insurance benefits; or any other indebtedness existing under the particular insurance contract. (Sec. 5, 54 Stat. 1195; 38 U. S. C. 454a)

INSURANCE FORFEITURE

§ 8.61 *Insurance forfeiture.* Any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the land or naval forces of the United States or refuses to wear the uniform of such forces, shall forfeit all rights to insurance. No insurance shall be payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States; but, the cash surrender value, if any, of such insurance on the date of death of the insured shall be paid to the designated beneficiary, if living, or otherwise to the beneficiary or beneficiaries within the permitted class in the order specified in section 602 (h) (3) of the act: *Provided*, That such cash surrender value shall not be paid in cases in which all rights to insurance have been forfeited pursuant to the provisions of the first sentence of this section.

INCONTESTABILITY

§ 8.62 *Incontestability.* Subject to the provisions of § 8.61 all National Service life insurance policies heretofore or hereafter issued, reinstated or converted shall be incontestable from the date of issue, reinstatement or conversion except for fraud, nonpayment of premium or on the ground that the applicant was not a member of the military or naval forces of the United States.

EXAMINATIONS

§ 8.64 *Examination of applicants for insurance or reinstatement.* Where physical or mental examination is required of an applicant for National Service life insurance, or of an applicant for reinstatement of National Service life insurance, such examination may be made by a medical officer of the United States Army, Navy, or Public Health Service, or may be made free of charge to him by a full-time or part-time salaried physician at a regional office or hospital of the Veterans' Administration. Such examination may also be made, at the applicant's own expense, by a physician duly licensed for the practice of medicine by a State, Territory of the United States or the District of Columbia, who is not related to the applicant by blood or marriage, associated with him in business, or pecuniarily interested in the issuance or reinstatement of the policy. Examinations made in a foreign country by a physician duly licensed for the practice of medicine and otherwise acceptable, may be accepted if submitted through the American Consul. The Administrator of Veterans' Affairs may require such further medical examination or additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the applicant at the time of the application.

§ 8.65 *Examination in connection with premium waiver.* Physical examination in connection with premium waiver may be made by a medical officer of the United States Army, Navy, or Public Health Service, or may be made at Government expense by a full-time or part-time salaried physician at a regional office or hospital of the Veterans' Administration. If an insured is unable to travel, because of physical or mental condition, the manager of a regional office or hospital may, on his own initiative or at the request of central office, authorize at Government expense examination at the residence of the insured. The Administrator of Veterans' Affairs may require such further medical examination or such additional medical evidence as may be deemed necessary and proper to establish the physical and mental condition of the insured.

§ 8.66 *Expenses incident to examinations for insurance purposes.* Necessary transportation expenses incident to physical or mental examinations for insurance purposes at regional offices or hospitals shall be furnished when the insured is ordered to report for examination at the specific request of the director of the insurance service concerned or the manager of a regional office or hospital: *Provided*, Such expenses will be borne by the United States and will be paid from the appropriation, "Salaries and Expenses, Veterans' Administration." Transportation, meal and lodging requests in connection with reporting to and returning from the place of examination will be furnished the applicant provided prior authority has been given for the travel. Travel incident to such an examination by salaried employees of the Veterans' Administration will be in accordance with the Standardized Government Travel Regulations. If such an examination is made by a medical examiner on a fee basis, the fee will be based on the Veterans' Administration Schedule of Fees for Medical Services in force at the time the examination is made.

EXTRA HAZARDS

§ 8.69 *Definition of "Disease or injury traceable to the extra hazards of the military or naval service."* A disease or injury may be found to be traceable to the extra hazards of the military or naval service when it appears from the evidence that the said disease or injury was in fact caused by or is traceable to, the performance of duty in the land or naval forces (including the Coast Guard) of the United States.

CLAIMS ALLEGING INSURANCE CONTRACT WHERE THERE IS NO APPLICATION FOR INSURANCE ON FILE

§ 8.70 *Claims alleging insurance contract where there is no application for insurance on file.* In those case where claim is made alleging that a person made valid application for National Service life insurance and that the insurance is subject to reinstatement or a waiver of payment of premiums is in order, or that the insurance matured by reason of the death of the insured at a time when the insurance was in force and that there was a valid designation of beneficiary, and where there is no application for insurance on file, the claimant will be required to submit all available evidence concerning the alleged application for insurance in such manner and on such forms as may be deemed necessary. The evidence submitted by the claimant and the evidence as disclosed by records in possession of the Government will be considered by the director, underwriting service, and if found sufficient to establish as a fact that the said person did apply for insurance and if the other allegations of said claim are sustained a record of insurance will be established in accordance with such finding. However, if the director, underwriting service, decides that the evidence is not sufficient to establish as a fact that the said person applied for insurance as alleged, or decides that if insurance has been applied for as alleged the same would not be valid or not subject to reinstatement, or decides that the said person did not die at a time when the insurance would have been in force if insurance had been applied for, or in case of death that there was no valid designation of beneficiary, the claimant will be so informed and will be notified that unless he desires to appeal to the Administrator a disagreement exists, as to the matters in controversy as contemplated by the provisions of section 617 of the National Service Life Insurance Act of 1940, as amended, as far as the Veterans' Administration is concerned. Further, the claimant will be informed that an appeal may be taken from the decision to the Administrator of Veterans' Affairs by giving notice in writing within 60 days from the date of the letter advising of the unfavorable decision.

PARENTS, BROTHERS AND SISTERS OF ILLEGITIMATES

§ 8.71 *Parents, brothers, and sisters of illegitimates.* If the insured was born an illegitimate and not legitimatized before his death, the terms "parent," "father," "mother," "brother," and "sister" employed in the National Service Life Insurance Act, as amended, shall include as to relationship by consanguinity:

(a) The mother.

(b) The father, only if he shall establish that he can meet "in loco parentis" requirements of the act.

(c) Brothers or sisters, only if children of the same mother.

OPTIONAL SETTLEMENT

§ 8.75 *Mode of payment where insurance matured prior to August 1, 1946.* National Service life insurance which matured prior to the date of the enactment of Public Law 589, 79th Congress, approved August 1, 1946, shall be payable in the following manner:

(a) If the first beneficiary is under 30 years of age at the time of the death of the insured, in 240 equal monthly installments at the rate of $5.51 per month for each $1,000 of insurance.

(b) If the first beneficiary is 30 or more years of age at the time of death of the insured, in equal monthly installments for life, with 120 months certain (option 3, § 8.79).

(c) In lieu of the mode of payment shown in paragraphs (a) and (b) of this section, the insured or the first beneficiary may elect settlement as a refund life income (option 4, § 8.79).

§ 8.76 *Selection and revocation of option.* The insured under a National Service life insurance policy may, during his lifetime, make his selection of the optional settlement set forth in § 8.79, but such selection shall not be valid unless and until notice thereof is received in the Veterans' Administration. The insured may select a different optional settlement for the contingent beneficiary from that selected for the principal beneficiary, but, if the principal beneficiary entitled to settlement in one sum survives the insured or if the principal beneficiary not entitled to settlement in one sum survives the insured and receives any payment, the option selected for the contingent beneficiary shall have no force or effect, except as provided below: That where the insured has selected a lump-sum settlement for the contingent beneficiary and the principal beneficiary, not entitled to settlement in one sum, dies after payment has commenced but before all installments certain have been paid, the present value of the remaining unpaid installments certain shall be paid to the contingent beneficiary in one sum, unless such contingent beneficiary elects to continue to receive the remaining unpaid installments certain as they become due and payable. The insured may, during his lifetime, revoke his selection of the optional settlement, but the revocation shall not be valid unless and until notice thereof is received in the Veterans' Administration.

§ 8.77 *Election of optional settlement by beneficiary*—(a) *Insurance maturing on or after August 1, 1946.* If the insured under a National Service life insurance policy has not selected one of the optional settlements and dies on or after August 1, 1946, the insurance shall be payable in 36 equal monthly installments, but the designated beneficiary may elect to receive settlement under option 2, 3, or 4. Such an election shall not be valid unless and until it is received in the Veterans' Administration. If the insured has selected an optional settlement, then at the death of the insured the designated beneficiary may elect to receive payment in installments spread over a greater period of time than that selected by the insured; thus:

(1) If the insured has selected option 1, the beneficiary may elect to receive payment under option 2, 3, or 4.

(2) If the insured has selected option 2 with monthly installments not in excess of 120, the beneficiary may elect to receive payment in a greater number of installments under option 2 or may elect to receive payment under option 3 or 4.

(3) If the insured has selected option 2 with monthly installments in excess of 120, the beneficiary may elect to receive payment in a greater number of installments under option 2 or may elect to receive payment under option 4, provided the number of installments certain payable under option 4 are not less than the number selected by the insured.

(4) If the insured has selected option 3, the beneficiary may elect to receive payment under option 4.

(5) If the insured has selected option 4 and named no contingent beneficiary, the beneficiary may elect to receive payment under option 3.

A change in the mode of settlement is not authorized after payment has commenced, but, where the insured has selected settlement under option 1, a beneficiary who has elected to receive payment under option 2, 3 or 4 may elect to receive the commuted value of any remaining unpaid installments certain. Settlement under any one of the options or payment to the beneficiary of said commuted value shall be in full and complete discharge of all liability under the contract.

Options 3 and 4 shall not be available if the beneficiary be a firm, corporation, legal entity (including the estate of the insured), or trustee.

Settlement under option 4 is not available to any beneficiary who is 69 or more years of age at the time of the death of the insured.

If the option selected by the insured or the designated beneficiary requires payment to any one beneficiary of monthly installments of less than $10, the amount payable to such beneficiary shall be paid under option 2 in such maximum number of monthly installments as are a multiple of 12 and will provide a monthly installment of not less than $10.

If the present value of the amount payable at the time any person initially becomes entitled to such payment is not sufficient to provide at least 12 monthly installments of not less than $10 each, such amount shall be payable in one sum.

(b) *Insurance matured prior to August 1, 1946.* If the insured under a National Service life insurance policy has not selected one of the optional settlements and died prior to August 1, 1946, payment will be made as provided in § 8.75, unless the first beneficiary elects settlement under option 4 (refund life income). If the insured selected settlement under the mode of payment provided in § 8.75, then at his death the beneficiary, if less than 69 years of age at the death of the insured, may elect to receive payment under option 4, but such an election shall not be valid unless and until it is received in the Veterans' Administration. If the insured selected option 4, payment will be made accordingly.

Except as provided below, a change in the mode of settlement is not authorized in any case in which payment has commenced, and settlement under any one of the options shall be in full and complete discharge of all liability under the contract: *Provided*, That where payments were commenced on or after September 30, 1944, but before the beneficiary was advised of the right of election, change in the mode of settlement may be effected if such beneficiary so elects within a reasonable period, ordinarily not more than 60 days, after notice has been sent regarding optional settlement: *Provided further*, That in any case in which payments were commenced prior to September 30, 1944, the beneficiary, whether or not the first beneficiary, may, within 2 years after the enactment of Public Law 589, 79th Congress, approved August 1, 1946, elect a refund life income (option 4) payable in monthly installment adjusted as of the date of maturity of the insurance and based upon the age of the original payee at such maturity date, credit being allowed for payments made under the present mode of settlement.

§ 8.78 *Values for optional settlements.* The values for optional settlements on National Service Life Insurance are based on an insurance of $1,000 without indebtedness. If there is an indebtedness under a National Service Life Insurance policy, the values will be decreased accordingly. If the policy provided for a larger amount of insurance than $1,000 the values will be increased proportionately.

§ 8.79 *Options.* The optional settlements under a National Service Life Insurance policy maturing on or after the date of enactment of Public Law 589, 79th Congress, approved August 1, 1946, are as follows:

Option 1; insurance payable in one sum. Settlement under this option will be made only when selected by the insured. When such selection has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured.

Option 2; insurance payable in elected installments. The installments noted below will be payable for an agreed number of months (not less than 36) to the designated beneficiary, but, if the designated beneficiary dies before the agreed number of monthly installments have been paid, the remaining unpaid monthly installments will be payable as provided in §§ 8.89, 8.90, or 8.91, whichever may be applicable:

Number of monthly installments:	*Amount of each monthly installment*
36	$28.99
48	22.03
60	17.91
72	15.14
84	13.16
96	11.63
108	10.53
120	9.61
132	8.86
144	8.24
156	7.71
168	7.26
180	6.87

Number of monthly installments—Con.	Amount of each monthly installment
192	$6.53
204	6.23
216	5.96
228	5.73
240	5.51

Option 3; insurance payable in installments throughout life. The monthly installments noted below will be payable throughout the lifetime of the designated beneficiary; but, if such beneficiary dies before 120 of such installments have been paid, the remaining unpaid monthly installments will be payable as provided in §§ 8.89, 8.90, or 8.91, whichever may be applicable.

OPTION 3

Age of beneficiary at date of death of insured:	Amount of each monthly installment per $1,000 of insurance payable to original beneficiary
10 and under	$3.45
11	3.46
12	3.48
13	3.50
14	3.52
15	3.54
16	3.56
17	3.58
18	3.60
19	3.63
20	3.65
21	3.68
22	3.70
23	3.73
24	3.76
25	3.79
26	3.83
27	3.86
28	3.90
29	3.93
30	3.97
31	4.01
32	4.06
33	4.10
34	4.15
35	4.20
36	4.26
37	4.31
38	4.37
39	4.43
40	4.50
41	4.57
42	4.64
43	4.72
44	4.80
45	4.89
46	4.98
47	5.08
48	5.18
49	5.28
50	5.39
51	5.51
52	5.63
53	5.76
54	5.90
55	6.03
56	6.18
57	6.33
58	6.49
59	6.65
60	6.81
61	6.98
62	7.15
63	7.32
64	7.50
65	7.67
66	7.84
67	8.02
68	8.19
69	8.35
70	8.51
71	8.66

OPTION 3—Continued

Age of beneficiary at date of death of insured—Continued	Amount of each monthly installment per $1,000 of insurance payable to original beneficiary
72	$8.80
73	8.94
74	9.06
75	9.18
76	9.28
77	9.37
78	9.44
79	9.50
80	9.55
81	9.58
82	9.60
83	9.61
84	9.61
85	9.61

Option 4; refund life income. The amount of the installments noted below will be payable monthly throughout the lifetime of the designated beneficiary, but, if such beneficiary dies before payment of the number of installments certain noted below, the remaining unpaid monthly installments payable for such period certain as may be required in order that the sum of the installments certain (including a last installment of such reduced amount as may be necessary) shall equal the face value of the contract less any indebtedness, will be payable as provided in §§ 8.89, 8.90, or 8.91, whichever may be applicable. The law does not authorize settlement under this option in any case in which less than 120 installments may be paid; if the beneficiary is 69 or more years of age at the time of the death of the insured, payment will be made as provided in option 3.

OPTION 4

[Beneficiaries of any age up to and including 68: Payable for life of first beneficiary with number of installments stated below guaranteed]

Age of beneficiary at date of death of insured	Number of guaranteed monthly installments	Amount of each monthly installment per $1,000 insurance payable to original beneficiary	Age of beneficiary at date of death of insured	Number of guaranteed monthly installments	Amount of each monthly installment per $1,000 insurance payable to original beneficiary
[1] 10	304	[1] $3.29	40	235	$4.26
11	303	3.31	41	232	4.32
12	302	3.32	42	228	4.39
13	300	3.34	43	225	4.45
14	298	3.36	44	222	4.52
15	296	3.38	45	218	4.60
16	295	3.40	46	214	4.68
17	293	3.42	47	211	4.76
18	291	3.44	48	207	4.85
19	290	3.46	49	203	4.94
20	288	3.48	50	199	5.04
21	285	3.51	51	195	5.14
22	284	3.53	52	191	5.25
23	281	3.56	53	187	5.36
24	279	3.59	54	183	5.48
25	277	3.62	55	179	5.60
26	274	3.65	56	175	5.73
27	272	3.68	57	171	5.87
28	270	3.71	58	166	6.03
29	267	3.75	59	162	6.18
30	265	3.78	60	158	6.34
31	262	3.82	61	154	6.52
32	260	3.86	62	150	6.69
33	257	3.90	63	145	6.90
34	254	3.95	64	141	7.10
35	251	3.99	65	137	7.32
36	248	4.04	66	133	7.55
37	245	4.09	67	129	7.79
38	241	4.15	68	124	8.07
39	239	4.20			

[1] For age 10 and under, same monthly installment is paid.

MATURITY BY DEATH DURING TOTAL DISABILITY OF LESS THAN SIX MONTHS' DURATION

§ 8.81 *Maturity by death during total disability of less than 6-months' duration.* In the event of the death of the insured within 6 months after becoming totally disabled, insurance will be deemed in force if such disability commenced (a) subsequent to the date of application for insurance, (b) while the insurance was in force under premium-paying conditions, and (c) prior to the insured's 60th birthday, and continued without interruption until the insured's death: *Provided*, That proof of the foregoing facts, satisfactory to the Administrator of Veterans' Affairs is filed by the beneficiary with the Veterans' Administration on or before September 30, 1945, or within 1 year after the insured's death, whichever is the later date: *Provided further*, That if the beneficiary be insane or a minor, the proof of such facts may be filed within 1 year after removal of such disability: *And provided further*, That the amount of the unpaid premiums shall be a lien against and deducted from the proceeds of the insurance. (Sec. 3, 58 Stat. 762; 38 U. S. C. 802)

AUTOMATIC EXTENSION OF FIVE-YEAR LEVEL PREMIUM TERM INSURANCE

§ 8.84 *Five-year level premium term insurance as extended by Public Law 118, 79th Congress.* National Service life insurance on the 5-year level premium term plan issued on or before December 31, 1945, and not exchanged or converted to another plan may be continued for an additional 3-year period dating from the expiration of the original 5-year term, and the premiums the insured is required to pay for term insurance during such additional period shall be the same as were required during the original 5-year term; insurance will be deemed to have been issued on or before December 31, 1945, if such insurance was applied for and made effective on or before that date: *Provided*, That such term insurance may be exchanged or converted effective as of the date any premium becomes or has become due during the 5-year term period as extended by Public Law 118, 79th Congress, but in all other respects conversion will be effected in accordance with the requirements of §§ 8.33, 8.34, or 8.37, whichever may be applicable: *Provided further*, That any such term insurance which has lapsed or may hereafter lapse may be reinstated at any time prior to the expiration of the 5-year term period as extended, but in all other respects reinstatement will be effected in accordance with the requirements of §§ 8.22, 8.23, and 8.24: *And provided further*, That if any such policy be not exchanged or converted to a permanent plan prior to the expiration of the 5-year term period as extended, or renewed as provided in § 8.85, all protection thereunder shall cease (59 Stat. 315, 38 U. S. C. 802 note, Pub. Law 838, 80th Cong.).

RENEWAL OF FIVE-YEAR LEVEL PREMIUM TERM INSURANCE

§ 8.85 *Renewal of National Service life insurance on the 5-year level premium term plan.* Pursuant to the provisions of an amendment approved June 29, 1948, amending subsection 602 (f) of the National Service Life Insurance Act of 1940, as amended (Pub. Law 838, 80th Cong., approved June 29, 1948), all or any part of National Service life insurance on the 5-year level premium term plan, in any multiple of $500 and not less than $1,000, issued before January 1, 1948, may be renewed without medical examination for an additional 5-year period, upon application therefor and payment of the premium at the 5-year level premium term rate required at the attained age of the insured, before the expiration of the first term period: *Provided*, That in any case in which the insured is shown by evidence satisfactory to the Administrator to be totally disabled at the expiration of the level premium term period of his insurance under conditions which would entitle him to continued insurance protection but for such expiration, such insurance, if subject to renewal under this regulation, shall be automatically renewed for an additional period of five years at the premium rate for the then attained age. The renewal of insurance for an additional 5-year period will become effective as of the day following the expiration of the preceding term period, and the premium for such renewal will be at the 5-year level premium term rate for the attained age of the applicant on that day: *Provided*, That no insurance may be renewed by any person who has exercised his optional right to change to another plan of insurance. (Pub. Law 838, 80th Cong.)

SETTLEMENT OF INSURANCE MATURING ON OR AFTER AUGUST 1, 1946

§ 8.88 *Payment to designated beneficiaries where insurance matures on or after August 1, 1946.* National Service life insurance maturing on or after the date of enactment of Public Law 589, 79th Congress, approved August 1, 1946, is payable to the designated beneficiary in 36 monthly installments unless one of the optional settlements as provided in § 8.79 has been selected by the insured or the designated beneficiary. The monthly installments, without interest, which have accrued since the death of the insured (the first installment being due on the date of the death of the insured) and the monthly installments which thereafter are payable in accordance with the option selected shall be paid to the designated beneficiary or beneficiaries.

§ 8.89 *Payment to estate of insured.* If no person is designated beneficiary by the insured, or if the designated beneficiary (including a contingent beneficiary) does not survive the insured, or if the designated beneficiary (including a contingent beneficiary) not entitled to a lump-sum settlement survives the insured and dies before payment has commenced, the face amount of insurance less any indebtedness shall be paid to the insured's estate in one sum: *Provided*, That in no event shall there be any payment to such estate of any sums which, if paid, would escheat. If the designated beneficiary (including the contingent beneficiary) not entitled to a lump-sum settlement survives the insured and dies after payment has commenced but before receiving all the benefits due and payable, the present value of the remaining unpaid installments certain shall be paid in one sum to the insured's estate: *Provided*, That in no event shall there be any payment to such estate of any sums which, if paid, would escheat. This provision shall not apply to any insurance which matured prior to August 1, 1946.

§ 8.90 *Payment to estate of beneficiary.* If the designated beneficiary of National Service life insurance maturing on or after August 1, 1946, is entitled to settlement in one sum but dies before receiving payment, or has elected payment in monthly installments under option 2, 3, or 4, and dies before receiving all of the installments due and payable thereunder, the present value of the remaining unpaid installments certain shall be payable to the estate of such beneficiary: *Provided*, That, in no event shall there be any payment to such estate of any sum which, if paid, would escheat.

§ 8.91 *Payment to contingent beneficiary.* (a) If the principal beneficiary of National Service life insurance maturing on or after August 1, 1946, not entitled to a lump-sum settlement survives the insured and dies after payment has commenced but before all installments certain have been paid, the remaining unpaid installments certain shall be paid to the surviving contingent beneficiary as they become due, unless the insured has selected a lump-sum settlement for the contingent beneficiary. In that event, the present value of the remaining unpaid installments certain shall be paid to the contingent beneficiary in one sum, unless such contingent beneficiary elects to continue to receive the remaining unpaid installments certain as they become due and payable.

(b) If the principal beneficiary of National Service life insurance maturing on or after August 1, 1946, does not survive the insured or if the principal beneficiary not entitled to a lump-sum settlement survives the insured but dies before payment has commenced, the insurance shall be paid to the contingent beneficiary in accordance with the provisions of § 8.77.

§ 8.92 *Election of payments on matured endowments.* The insured under a National Service life insurance policy issued on the endowment plan may, at the date of the maturity as an endowment, elect to receive payment in monthly installments under option 2 in lieu of payment in one sum. He shall have the right to designate the beneficiary or beneficiaries to receive any remaining unpaid installments at his death. If the insured dies before receiving all such monthly installments and no designated beneficiary survives, the present value of the remaining unpaid installments shall be paid to the estate of the insured, provided such payment would not escheat. If the designated beneficiary of a matured endowment survives the insured the present value of any remaining unpaid installments shall be paid to such beneficiary in one sum, unless the insured or such beneficiary has elected to continue the installments under the option selected by the insured for payment of the endowment.

OPTIONAL SETTLEMENTS FOR MINORS AND INCOMPETENTS

§ 8.93 *Selection of optional settlements for minors and incompetents.* The National Service Life Insurance Act of 1940, as amended by Public Law 589, 79th Congress, approved August 1, 1946, provides that: "When an optional mode of settlement of insurance heretofore or hereafter matured is available to a beneficiary who is a minor or incompetent, such option may be exercised by his fiduciary, person qualified under Public Law 373, Seventy-second Congress, February 25, 1933 (47 Stat. 907; 25 U. S. C. 14), or person recognized by the Administrator as having custody of the person or the estate of such beneficiary, and the obligation of the United States under the insurance contract shall be fully satisfied by payment of benefits in accordance with the mode of settlement so selected."

TOTAL DISABILITY INCOME PROVISIONS

§ 8.95 *Authority for the total disability income provision provided in the National Service Life Insurance Act of 1940, as amended August 1, 1946.* The total disability income provisions for National Service life insurance authorized by section 602 (v) of the National Service Life Insurance Act, 1940, as amended August 1, 1946, is subject in all respects to the provisions of the National Service Life Insurance Act, 1940, or any amendments thereto, and all regulations under the National Service Life Insurance Act now in force or hereafter adopted, all of which together with the insured's application, report of physical examination, tender of preminum, and the total disability income provision shall constitute the contract.

§ 8.96 *Application for total disability income provision and application for reinstatement thereof.* (a) Application for the total disability income provision under National Service Life Insurance, authorized by section 602 (v) of the National Service Life Insurance Act of 1940, as amended August 1, 1946, and the report of physical examination should be on such forms as may be prescribed by the Veterans' Administration, but any statement in writing sufficient to identify the applicant and the amount of insurance applied for, together with a satisfactory report of a physical examination and remittance to cover the first monthly premium will be sufficient as an application for the total disability income provision. Total disability insurance with benefits at the rate of $5 per month will be granted for each $1,000 of

National Service Life Insurance in force in full multiples of $500, but not to exceed the amount of life insurance, other than extended insurance, in force under the policy at the time of the application, upon compliance with the above requirements: *Provided*, The applicant is in good health: *Provided further*, That in any case in which the applicant while not totally disabled and prior to January 1, 1950, furnishes proof satisfactory to the Administrator that his inability to furnish proof of good health is the result of an injury or disability actually service incurred between October 8, 1940, and September 2, 1945, both dates inclusive, the requirement of proof of good health shall be waived.

(b) A total disability income provision which is lapsed may be reinstated if the insured meets the same requirements as those for reinstatement of the policy to which the total disability income provision is attached; except that in no event shall the requirement of a health statement or other medical evidence be waived in connection with the reinstatement of the total disability income provision. (Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

§ 8.97 *Effective date of total disability income provision authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946.* The total disability income provision will be made effective as follows:

(a) If the National Service life insurance policy and the total disability income provision are applied for at the same time and all requirements are complied with, the total disability income provision shall, except as provided in paragraph (b) of this section be effective as of the same date the policy became effective.

(b) If the National Service life insurance policy is dated back, or has been previously issued, and the application is made on other than a due date of the monthly premium on the policy and all requirements are complied with, the total disability income provision shall be effective as of the last prior monthly premium due date.

§ 8.98 *Total disability income provision for National Service Life Insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946.* The total disability income provision for National Service Life Insurance authorized by the National Service Life Insurance Act of 1940, as amended August 1, 1946, is set forth in VA Form 9–1667, "National Service Life Insurance Total Disability Income Provision." (Secs. 601–618, 54 Stat. 1008–1014, secs. 1–16, 60 Stat. 781–789; 38 U. S. C. 512d, 801–818)

§ 8.99 *Basic rates.* The following basic rates are promulgated for the inclusion of the disability income provision in a National Service life insurance policy:

ADDITIONAL PREMIUM PER $1,000 OF INSURANCE

Age	5-yr. term—OI.—End. 60-End. 65				20-payment life			
	Mo.	Qr.	S–A.	A.	Mo.	Qr.	S–A.	A
15	$0.16	$0.48	$0.95	$1.89	$0.24	$0.72	$1.43	$2.84
16	.16	.48	.95	1.89	.24	.72	1.43	2.84
17	.16	.48	.95	1.89	.24	.72	1.43	2.84
18	.16	.48	.95	1.89	.25	.75	1.49	2.95
19	.17	.51	1.01	2.01	.26	.75	1.49	2.96
20	.17	.51	1.01	2.01	.26	.78	1.55	3.08
21	.18	.54	1.07	2.13	.26	.78	1.55	3.08
22	.19	.57	1.13	2.25	.27	.81	1.61	3.20
23	.19	.57	1.13	2.25	.27	.81	1.61	3.20
24	.20	.60	1.19	2.37	.28	.84	1.67	3.31
25	.21	.63	1.25	2.49	.28	.84	1.67	3.31
26	.21	.63	1.25	2.49	.29	.87	1.73	3.43
27	.22	.66	1.31	2.60	.30	.90	1.79	3.55
28	.23	.69	1.37	2.72	.30	.90	1.79	3.55
29	.24	.72	1.43	2.84	.31	.93	1.85	3.67
30	.25	.75	1.49	2.96	.31	.93	1.85	3.67
31	.25	.75	1.49	2.96	.32	.96	1.91	3.79
32	.26	.78	1.55	3.08	.32	.96	1.91	3.79
33	.28	.84	1.67	3.31	.33	.99	1.97	3.91
34	.29	.87	1.73	3.43	.33	.99	1.97	3.91
35	.30	.90	1.79	3.55	.34	1.02	2.03	4.03
36	.31	.93	1.85	3.67	.35	1.05	2.09	4.14
37	.32	.96	1.91	3.79	.35	1.05	2.09	4.14
38	.34	1.02	2.03	4.03	.36	1.08	2.15	4.26
39	.35	1.05	2.09	4.14	.36	1.08	2.15	4.26
40	.37	1.11	2.21	4.38	.37	1.11	2.21	4.38
41	.39	1.17	2.33	4.62	.39	1.17	2.33	4.62
42	.41	1.23	2.44	4.85	.41	1.23	2.44	4.85
43	.43	1.29	2.56	5.09	.43	1.29	2.56	5.09
44	.45	1.35	2.68	5.33	.45	1.35	2.68	5.33
45	.47	1.41	2.80	5.56	.47	1.41	2.80	5.56
46	.49	1.47	2.92	5.80	.49	1.47	2.92	5.80
47	.52	1.56	3.10	6.16	.52	1.56	3.10	6.16
48	.55	1.65	3.28	6.51	.55	1.65	3.28	6.51
49	.57	1.71	3.40	6.75	.57	1.71	3.40	6.75
50	.60	1.80	3.58	7.10	.60	1.80	3.58	7.10
51	.63	1.89	3.76	7.46	.63	1.89	3.76	7.46
52	.67	2.01	4.00	7.93	.67	2.01	4.00	7.93
53	.70	2.09	4.17	8.29	.70	2.09	4.17	8.29
54	.73	2.18	4.35	8.64	.73	2.18	4.35	8.64
55	.77	2.30	4.59	9.12	.77	2.30	4.59	9.12
56	.81	2.42	4.83	9.59	.81	2.42	4.83	9.59
57	.85	2.54	5.07	10.06	.85	2.54	5.07	10.06
58	.89	2.66	5.31	10.54	.89	2.66	5.31	10.54
59	.94	2.81	5.61	11.13	.94	2.81	5.61	11.13

Age	20-year endowment				30-payment life			
	Mo.	Qr.	S–A.	A.	Mo.	Qr.	S–A.	A
15	$0.07	$0.21	$0.42	$0.83	$0.19	$0.57	$1.13	$2.25
16	.07	.21	.42	.83	.19	.57	1.13	2.25
17	.07	.21	.42	.83	.19	.57	1.13	2.25
18	.07	.21	.42	.83	.20	.60	1.19	2.37
19	.07	.21	.42	.83	.20	.60	1.19	2.37
20	.08	.24	.48	.95	.20	.60	1.19	2.37
21	.08	.24	.48	.95	.21	.63	1.25	2.49
22	.09	.27	.54	1.07	.21	.63	1.25	2.49
23	.09	.27	.54	1.07	.22	.66	1.31	2.60
24	.10	.30	.60	1.18	.22	.66	1.31	2.60
25	.10	.30	.60	1.18	.23	.69	1.37	2.72
26	.11	.33	.66	1.30	.23	.69	1.37	2.72
27	.12	.36	.72	1.42	.24	.72	1.43	2.84
28	.13	.39	.78	1.54	.24	.72	1.43	2.84
29	.14	.42	.83	1.66	.24	.72	1.43	2.84
30	.15	.45	.89	1.78	.25	.75	1.49	2.96
31	.16	.48	.95	1.89	.25	.75	1.49	2.96
32	.18	.54	1.07	2.13	.26	.78	1.55	3.08
33	.19	.57	1.13	2.25	.26	.78	1.55	3.08
34	.21	.63	1.25	2.49	.27	.81	1.61	3.20
35	.23	.69	1.37	2.72	.28	.84	1.67	3.31
36	.25	.75	1.49	2.96	.29	.87	1.73	3.43
37	.28	.84	1.67	3.31	.30	.90	1.79	3.55
38	.30	.90	1.79	3.55	.31	.93	1.85	3.67
39	.34	1.02	2.03	4.03	.32	.96	1.91	3.79
40	.37	1.11	2.21	4.38	.33	.99	1.97	3.91
41	.39	1.17	2.33	4.62	.34	1.02	2.03	4.03
42	.41	1.23	2.44	4.85	.35	1.05	2.09	4.14
43	.43	1.29	2.56	5.09	.36	1.08	2.15	4.26
44	.45	1.35	2.68	5.33	.37	1.11	2.21	4.38
45	.47	1.41	2.80	5.56	.39	1.17	2.33	4.62
46	.49	1.47	2.92	5.80	.41	1.23	2.44	4.85
47	.52	1.56	3.10	6.16	.43	1.29	2.56	5.09
48	.55	1.65	3.28	6.51	.45	1.35	2.68	5.33
49	.57	1.71	3.40	6.75	.47	1.41	2.80	5.56
50	.60	1.80	3.58	7.10	.49	1.47	2.92	5.80
51	.63	1.89	3.76	7.46	.52	1.56	3.10	6.16
52	.67	2.01	4.00	7.93	.55	1.65	3.28	6.51
53	.70	2.09	4.17	8.29	.57	1.71	3.40	6.75
54	.73	2.18	4.35	8.64	.60	1.80	3.58	7.10
55	.77	2.30	4.59	9.12	.63	1.89	3.76	7.46
56	.81	2.42	4.83	9.59	.67	2.01	4.00	7.93
57	.85	2.54	5.07	10.06	.70	2.09	4.17	8.29
58	.89	2.66	5.31	10.54	.73	2.18	4.35	8.64
59	.94	2.81	5.61	11.13	.77	2.30	4.59	9.12
					.81	2.42	4.83	9.59
					.85	2.54	5.07	10.06
					.89	2.66	5.31	10.54
					.94	2.81	5.61	11.13

INSURANCE PROVIDED BY SPECIAL LEGISLATION

§ 8.100 *Insurance benefits authorized under section 602 (c) (3) of the act, as amended August 1, 1946.* Any person in the active service between October 8, 1940, and September 2, 1945, both dates inclusive, who, while in such service and while performing full military or naval duty, made written application for insurance which was denied solely because of his condition of health, and who thereafter during such period of active service shall have incurred a total and permanent disability in line of duty or died in line of duty, shall be deemed to have applied for and to have been granted insurance for such amount which, when added to any other insurance in force under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, or the National Service Life Insurance Act of 1940, as amended, shall not in the aggregate exceed $10,000.

Total permanent disability as referred to herein is any impairment of mind or body, which had continuously rendered it impossible for the disabled person to follow any substantially gainful occupation from the date of incurrence of such disability to the date of death. Without prejudice to any other cause of disability, the permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the total loss of hearing of both ears, or the organic loss of speech, shall be deemed total and permanent disability for the purpose of insurance under this provision. The right to insurance under this provision may not be determined prior to the death of such person.

No rights, benefits or privileges, except the privilege of designating or changing the beneficiary, shall accrue to any such person during his lifetime; no policy or certificate of insurance shall be issued and no premiums shall be required for the purpose of continuing any such insurance in force.

Insurance when authorized under this provision shall be effective from the date such person applied for insurance while in the active service and shall be deemed to have been continued in force to the date of his death.

Upon the death of such person, insurance authorized under this provision shall be deemed to have matured and payment will be made to the party or parties entitled to payment and in the manner provided in the National Service Life Insurance Act of 1940, as amended August 1, 1946, and regulations issued pursuant thereto.

There shall be deducted from the proceeds of such insurance the amount of the premiums payable thereon from the date of application to date of total and permanent disability or to date of death, if total and permanent disability in line of duty was not incurred.

Payments of insurance benefits under this provision shall be made directly from the National Service Life Insurance Appropriation.

NATIONAL SERVICE LIFE INSURANCE APPROPRIATIONS

§ 8.102 *Crediting of premiums to and payment of benefits from National Service Life Insurance Appropriation.* All premiums collected for insurance granted or reinstated pursuant to the second sentence of section 602 (c) (2) of the act, as amended, or section 602 (v) (1) of the act, as amended (first proviso) shall be credited directly to the National Service life insurance appropriation.

Any payment of benefits on insurance granted or deemed to have been granted pursuant to the foregoing provisions of the act, as amended; section 602 (c) (3) of the act, as amended (second sentence); and, any payment of benefits on insurance continued in force as provided in section 602 (m) (2) of the act, as amended, shall be made directly from the National Service life insurance appropriation.

ARMED FORCES LEAVE BONDS

§ 8.104 *Assignment of armed forces leave bonds for insurance purposes.* (a) Pursuant to authority contained in the Armed Forces Leave Act of 1946, approved August 9, 1946 (Pub. Law 704, 79th Cong. as amended by Pub. Law 254, 80th Cong., approved July 26, 1947) any bond issued thereunder to a person holding National Service life insurance (or United States Government life insurance) may be assigned by such person to the Veterans' Administration for the purpose of making payments on such insurance as follows:

(1) Tender of premiums on existing insurance.

(2) Tender of premiums in connection with application for new insurance.

(3) Tender of premiums in connection with application for reinstatement of lapsed insurance.

(4) Payment of the difference in reserve when converting term insurance or when changing from one permanent plan to another having a higher reserve value.

(5) Payment wholly or in part, of any policy loan made prior to July 31, 1946, with interest to that date.

(b) The assignment will be for the full amount of the bond and the bondholder will be credited with an amount equal to the principal of the bond plus interest accruing to the end of the month in which the assignment is made. The date of assignment shall be the date of delivery of the bond on valid assignment to the Veterans' Administration. Where delivery is effected by mail, the date of assignment shall be the date of deposit in the mail, provided the envelope in which the bond is enclosed is properly addressed and delivered to the Veterans' Administration without return to the sender.

(c) The proceeds of the bond will be used to make payment on the insurance as directed by the insured, subject to the provisions of paragraph (a) of this section, and any balance over the amount necessary to make such payment will be refunded to the insured if living, otherwise to his estate, provided there will be no escheat.

(d) Provisions of the regulations and of the policy for cash value, paid-up insurance and extended term insurance, as well as those relating to policy loans, shall be applicable to any insurance on which payments have been made by assignment of Armed Forces leave bonds.

(e) The assignment may be made by the veteran's agent when acting under a special power of attorney or letter of authority containing definite and specific instructions regarding the use of the proceeds of the bond. If the veteran is incompetent the assignment may be made by his legal guardian or if there be no legal guardian and such veteran is hospitalized or receiving domiciliary care at a field station of the Veterans' Administration, or a State hospital or other institution, the assignment may be made by the manager of the field station or head of the State hospital or institution, as would be appropriate in the particular case, provided there are no other funds available for payment of the premiums. The manager of the field station or head of a State hospital or other institution may make such assignment only for the purpose of paying premiums on the existing insurance. The guardian may make the assignment for the purpose of paying premiums on the existing insurance, repaying a loan with interest on such insurance, and if authorized to do so by the court, when converting to a permanent plan.

(f) This section shall be effective as of September 2, 1947. (60 Stat. 963, P. L. 254, 80th Cong.; 37 U. S. C. 32 note)

NATIONAL SERVICE LIFE INSURANCE POLICY FORMS

§ 8.108 *Forms of policies.* The forms of policies of insurance, described in paragraphs (a) to (f) of this section, are hereby prescribed for use in granting National Service life insurance applied for in accordance with the provisions of the National Service Life Insurance Act of 1940, amendments and supplements thereto, and regulations promulgated pursuant thereto. Contracts of insurance authorized to be made in accordance with the terms and conditions set forth in the forms and policies described below, are subject in all respects to the provisions of the National Service Life Insurance Act of 1940, amendments and supplements thereto, and all regulations promulgated pursuant thereto, all of which together with the insured's application, required evidence of health, including physical examination, if required, and tender of premium shall constitute the contract. *Provided*, Any such policy that has been or is hereafter issued or reinstated under any provision of the National Service Life Insurance Act, as amended, which provides for premiums being credited to other than the National Service Life Insurance fund shall not participate in any gains or savings of such fund.

(a) VA Form 9–1660: Five Year Level Premium Term Policy.

(b) VA Form 9–1661: Ordinary Life Policy.

(c) VA Form 9–1662: Twenty Payment Life Policy.

(d) VA Form 9–1663: Thirty Payment Life Policy.
(e) VA Form 9–1664: Twenty Year Endowment Policy.
(f) VA Form 9–1665: Endowment Policy.

PART 10—ADJUSTED COMPENSATION

ADJUSTED COMPENSATION; GENERAL

Sec.
10.0 Adjusted service pay entitlement.
10.1 Issuance of duplicate adjusted service certificate without bond.
10.2 Evidence required of loss, destruction or mutilation of adjusted service certificate.
10.3 Issuance of duplicate adjusted service certificate with bond.
10.4 Loss, destruction, or mutilation of adjusted service certificate while in possession of Veterans' Administration.
10.15 Designation of more than one beneficiary under an adjusted service certificate.
10.16 Conditions requisite for change in designation of beneficiary.
10.17 Designation of beneficiary subsequent to cancelation of previous designation.
10.18 Approval of application for change of beneficiary heretofore made.
10.20 "Demand for payment" certification.
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10.25 Payment of death claim on adjusted service certificate without bond.
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10.28 Proof of death evidence.
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10.33 Determination of dependency.
10.34 Proof of age of dependent mother or father.
10.35 Claim of mother entitled by reason of unmarried status.
10.36 Proof of marital cohabitation under section 602 or section 312 of the act.
10.37 Claim of widow not living with veteran at time of veteran's death.
10.38 Proof of age of veteran's child.
10.39 Mental or physical defect of child.
10.40 Payment on account of minor child.
10.41 Definition of "child".
10.42 Claim of child other than legitimate child.
10.43 Claim by guardian of child of veteran.
10.44 Evidence required to support claim of mother or father.
10.45 Definition of "widow".
10.46 Authentication of statements supporting claims.
10.47 Use of prescribed forms.

PAYMENTS

10.50 Section 601 and section 603 payments made on first day of calendar quarter.
10.51 Payments to minor child.
10.52 Duplication of payments prohibited.
10.53 Payment on duplicate certificate.

AUTHORITY: §§ 10.0 to 10.53 issued under 43 Stat. 124; 38 U. S. C. 616: Interpret secs. 401, 501, 502, 601–603, 607, 43 Stat. 125, 126, 128–130, secs. 3 (a), 13, 44 Stat. 827, 830, secs. 2, 4, 5, 45 Stat. 947–949, secs. 1, 2 (a), 2 (b), 3, 47 Stat. 724, 725; 38 U. S. C. 616, 618, 621, 622, 623, 631, 640, 642, 647a, 649, 661, 662, 663, 667.

ADJUSTED COMPENSATION; GENERAL

§ 10.0 *Adjusted service pay entitlement.* A veteran entitled to adjusted service pay is one whose adjusted service credit does not amount to more than $50 as distinguished from a veteran whose adjusted service credit exceeds $50 and who therefore is entitled to an adjusted service certificate.

§ 10.1 *Issuance of duplicate adjusted service certificate without bond.* If the veteran named in an adjusted service certificate issued pursuant to the provisions of section 501 of the World War Adjusted Compensation Act, without bad faith, has not received such certificate, or if prior to receipt by the veteran such certificate was destroyed wholly or in part or was so defaced as to impair its value, or, if after delivery it was partially destroyed or defaced so as to impair its value but can be identified to the satisfaction of the Administrator, a duplicate adjusted service certificate will be issued upon application and a bond of indemnity will not be required: *Provided,* That if the adjusted service certificate was destroyed in part or so defaced as to impair its value, the veteran or person entitled to payment thereon will be required to surrender to the Veterans' Administration the original certificate or so much thereof as may remain.

§ 10.2 *Evidence required of loss, destruction or mutilation of adjusted service certificate.* The veteran named in an adjusted service certificate issued pursuant to the provisions of section 501 of the World War Adjusted Compensation Act, or the person entitled to payment thereon will be required to furnish evidence of the non-receipt of the adjusted service certificate, or of its receipt in a mutilated or defaced condition, or of the loss or destruction in whole or in part or defacement of the certificate after its receipt, as the case may be. The evidence must be sufficient to establish to the satisfaction of the Administrator that neither the veteran nor the person entitled to payment thereon, or any person for or on their behalf, received the adjusted service certificate, or that at the time of its receipt it was mutilated or defaced to such an extent as to impair its value, or that after receipt of the certificate it was lost or destroyed in whole or in part or defaced, but without bad faith on the part of the veteran, and that every effort has been made to recover the lost certificate. Unless determination is otherwise made by the Administrator the evidence must be in the form of a written statement sworn to by the veteran or person entitled to payment thereon and witnessed by at least two persons who shall state, under oath, that they personally know the affiant, that they have read his or her statement and that it is true to the best of their knowledge and belief. These statements should be supplemented by affidavits of any persons having personal knowledge of additional facts and circumstances concerning the matter, and the Administrator may require any additional evidence deemed necessary.

§ 10.3 *Issuance of duplicate adjusted service certificate with bond.* An indemnity bond will be required as a prerequisite to the issuance of a duplicate adjusted service certificate in all cases where the certificate was lost after receipt by the veteran, or after receipt by the veteran was defaced or mutilated and cannot be identified to the satisfaction of the administrator: *Provided,* The loss, defacement, or mutilation was without bad faith on the part of the veteran or the person entitled to payment thereon. The bond must be in the manner and form prescribed by the Veterans' Administration and for an amount equal to the face value of the certificate, with surety or sureties residents of the United States and satisfactory to the Administrator, with condition to indemnify and save harmless the United States from any claim on account of such certificate. If the certificate was defaced or mutilated the veteran or person entitled to payment thereon will be required to surrender to the Veterans' Administration the certificate or so much thereof as may remain.

§ 10.4 *Loss, destruction or mutilation of adjusted service certificate while in possession of Veterans' Administration.* A new adjusted service certificate will be issued without bond in lieu of the certificate which has been lost or destroyed, or has been mutilated, defaced or damaged so as to impair its value, while in possession of the Veterans' Administration.

§ 10.15 *Designation of more than one beneficiary under an adjusted service certificate.* A veteran to whom an adjusted service certificate has been issued pursuant to the provisions of section 501 of the World War Adjusted Compensation Act may name more than one beneficiary to receive the proceeds of his adjusted service certificate, and may from time to time with the approval of the Administrator change such beneficiaries. The designated beneficiaries shall share equally unless otherwise specified by the veteran. Wherever the word "beneficiary" appears in the law and Veterans' Administration regulations it shall be interpreted to include beneficiaries.

§ 10.16 *Conditions requisite for change in designation of beneficiary.* A change of beneficiary of an adjusted service certificate to be valid must be made:

(a) By notice signed by the veteran, or his duly authorized agent, and delivered or properly mailed to the Veterans' Administration during the lifetime of the veteran. Such change shall not take effect until approved by the Administrator and after such approval the change shall be deemed to have been made as of the date the veteran signed said written notice and change, whether the veteran be living at the time of said approval or not.

(b) Or by last will and testament of the veteran, duly probated. Such change shall not be effective until received by the Veterans' Administration and approved by the Administrator and after such approval the change shall be deemed to have been made as of the date of death of the veteran: *Provided,* That a change of beneficiary signed subsequent to the date upon which the will was executed and delivered in accordance with paragraph (a) of this section shall if approved in accordance with regulations take precedence over the designation by will.

Provided however, That any payment made to a beneficiary of record, before notice of change of beneficiary has been received in the Veterans' Administration and approved by the Administrator, shall not be made again to the changed beneficiary.

§ 10.17 *Designation of beneficiary subsequent to cancellation of previous designation.* The designation of a beneficiary made subsequent to the cancellation of a previous designation of beneficiary, shall be considered as a change in beneficiary, and shall be subject to the approval of the Administrator and subject to the conditions and requirements respecting change in beneficiary as outlined in § 10.16.

§ 10.18 *Approval of application for change of beneficiary heretofore made.* Any application for a change of beneficiary heretofore made may be approved if it meets the requirements set out in §§ 10.16 and 10.17.

§ 10.20 *"Demand for payment" certification.* Certification to the execution of "demand for payment" forms appearing on the reverse side of adjusted service certificates issued pursuant to the World War Adjusted Compensation Act, as amended, is required in accordance with instructions printed on said forms. Such certification if made in the United States or possessions will be accepted if made by and bearing the official seal of a United States postmaster, an executive officer of an incorporated bank or trust company, notary public, or any person who is legally authorized to administer oaths in a State, Territory, District of Columbia or in a Federal judicial district of the United States. If the demand for payment be executed in a foreign country, the same shall be certified by an American consul, a recognized representative of an American embassy or legation or by a person authorized to administer oaths under the laws of the place where execution of demand is made, provided there be attached to the certificate of such latter officer a proper certification by an accredited official of the State Department of the United States that the officer certifying to the execution of the demand for payment was authorized to administer oaths in the place where certification was made.

§ 10.22 *Payment to estate of decedent.* Wherever the face value of an adjusted service certificate, issued pursuant to the World War Adjusted Compensation Act, as amended, becomes payable to the estate of any decedent and the amount thereof is not over $500 and an administrator has not been or is not to be appointed, such amount will be paid to such person or persons as would, under the laws of the State of residence of the decedent, be entitled to his personal property in case of intestacy.

§ 10.24 *Payment of death claim on lost, destroyed or mutilated adjusted service certificate with bond.* If the veteran named in an adjusted service certificate, issued pursuant to the provisions of section 501 of the World War Adjusted Compensation Act, is deceased, and if, after receipt by the veteran, the adjusted service certificate was lost, destroyed, or so defaced as to impair its value and cannot be identified to the satisfaction of the Administrator of Veterans' Affairs, the person entitled to payment thereon will be required to furnish an indemnity bond in the manner and form prescribed by the Veterans' Administration and for an amount equal to the face value of the certificate, with surety or sureties residents of the United States and satisfactory to the Administrator of Veterans' Affairs with condition to indemnify and save harmless the United States from any claim on account of such certificate, before payment will be made of the proceeds of the certificate and a duplicate adjusted service certificate will not be issued.

§ 10.25 *Payment of death claim on adjusted service certificate without bond.* If the veteran named in the adjusted service certificate, issued pursuant to the provisions of section 501 of the World War Adjusted Compensation Act, is deceased, and if the certificate was lost or destroyed wholly or in part or was so defaced as to impair its value prior to receipt by the veteran, or was partially destroyed or defaced after receipt by the veteran, but can be identified to the satisfaction of the Administrator of Veterans' Affairs, payment will be made of the proceeds of the certificate, a bond of indemnity will not be required, and a duplicate adjusted service certificate will not be issued: *Provided,* The person entitled to payment thereon surrenders the defaced or mutilated certificate or so much thereof as may remain.

§ 10.27 *Definitions.* For the purpose of §§ 10.28 to 10.47, the word "act" as used herein refers to the World War Adjusted Compensation Act, as amended; the word "Veteran" refers to that term as defined in section 2 of title I of said act; the word "Director" refers to the Administrator of Veterans' Affairs.

§ 10.28 *Proof of death evidence.* Evidence required in establishing proof of death under the act, as amended, shall conform with the requirements set forth in the regulations of the Veterans' Administration.

§ 10.29 *Claims for benefits because of elimination of preferred dependent.* A dependent, in subsequent position in the order of preference as defined in section 601 of title VI of the act, as amended, who makes claim for the benefits of the act in consequence of the death of a dependent who made application and who stood in preferential position as defined in section 601 of the act, as amended, shall be required to furnish, in support of such claim, proof of death of said dependent. Proof of death of said dependent shall be in accordance with the requirements for proof of death as outlined in the regulations of Veterans' Administration. A dependent who makes claim for the benefits of the act because of remarriage of a widow who did not make and file application before remarriage shall be required to furnish in support of such claim proof of remarriage of said widow. Proof of remarriage of said widow shall be in accordance with the requirements for proof of marriage as outlined in regulations of the Veterans' Administration.

§ 10.30 *Proof of remarriage.* A dependent who is receiving payments under section 601 of title VI of the act, as amended, and who remarries after making and filing application, shall be required to furnish proof of remarriage in accordance with the requirements for proof of remarriage as outlined in regulations of the Veterans' Administration.

§ 10.31 *Dependency of mother or father.* Claims of a mother or father for the benefits to which either may be entitled under the World War Adjusted Compensation Act, as amended, shall be supported by a statement of fact of dependency made under oath by the claimant and witnessed by two persons.

§ 10.32 *Evidence of dependency.* Evidence of a whole or entire dependency shall not be required. The mother or father shall be considered dependent for the purposes of the act when it is established as a fact that the mother or father of a deceased veteran did not have sufficient means from all sources for a reasonable livelihood at the time of the death of the veteran or at any time thereafter and on or before January 2, 1935. In those cases where because of continued and unexplained absence for seven years the veteran is declared deceased under section 312 (a) of the act as amended May 29, 1928, the mother or father shall be considered dependent when it is established that the mother or father did not have sufficient means from all sources for a reasonable livelihood at the beginning of such 7-year period or at any time thereafter and before the expiration of such period.

§ 10.33 *Determination of dependency.* A determination of the existence of the alleged dependency will be made upon consideration of all facts relating to dependency, and upon such investigation of such facts as may be warranted. The following facts as existing at the time of the death of the veteran, or at any time thereafter and on or before January 2, 1935, or where it is established that the veteran is deceased as provided in section 312 (a), at the beginning of such 7-year period or at any time thereafter and before the expiration of such period, shall be taken into consideration in determining dependency in a given case:

(a) Claimant's age.
(b) Amount contributed to claimant by deceased veteran.
(c) Value of all real and personal property owned by claimant.
(d) Total monthly expenses of the claimant and total monthly income.
(e) The fact that claimant did or did not receive an allotment of pay or allowance during the veteran's military or naval service.
(f) Incapability of self-support by reason of mental or physical defect.
(g) Any other fact or facts pertinent to the determination of dependency.

§ 10.34 *Proof of age of dependent mother or father.* The mother or father of a veteran to be entitled to the pre-

sumption of dependency within the meaning of section 602 (c) or section 312 (c) of the act, as amended, shall be required to submit proof of age in accordance with the requirements as set forth in regulations of the Veterans' Administration.

§ 10.35 *Claim of mother entitled by reason of unmarried status.* Claim of a mother for the benefits to which she may be entitled by reason of her unmarried status as outlined in section 202 (c) or section 312 (c) 3 of the act, as amended, shall be supported by a statement of fact, under oath, of such status, together with one of the following:

(a) Certified copy of public record of death of the husband.

(b) Certified copy of court record of divorce decree.

§ 10.36 *Proof of marital cohabitation under section 602 or section 312 of the act.* In order to prove marital cohabitation within the meaning of that term as used in section 602 (a) or section 312 (c) 1 of the act, as amended, claimant shall be required to establish:

(a) A valid marriage, such marriage to be shown by the best evidence obtainable in accordance with the provisions of regulations of the United States Veterans' Administration.

(b) The fact of living together as man and wife, with such fact to be established by:

(1) Statement of the widow or widower showing that he or she and the veteran lived together as man and wife and also showing the place or places of residence during such marital cohabitation and the approximate time of such residence; or

(2) Statement of two competent persons showing that they personally knew the claimant and veteran and that they had personal knowledge that said claimant and veteran lived together as man and wife and were recognized as such.

(c) The fact that the marital status existed at the time of the death of the veteran or where it is established that the veteran is deceased, as provided in section 312 (a) 1 of the act, as amended, at the beginning of such 7-year period, such fact to be established by:

(1) Statement by claimant that he or she and the veteran had not been divorced and that there had been no annulment of the marriage.

(2) Statement of claimant that he or she was not remarried at the time of making application.

(3) Statement of two competent persons showing that they personally knew the claimant and the veteran; that they personally knew of the marriage relationship between claimant and veteran; that to the best of their knowledge and belief there had been no divorce and no annulment of the marriage and that claimant was not remarried at the time of making and filing application.

§ 10.37 *Claim of widow not living with veteran at time of veteran's death.* If a veteran and widow were not living together at the time of the death of the veteran the widow will be required to establish:

(a) That the living apart was not due to her willful act, and

(b) Actual dependency upon the veteran at the time of his death or at any time thereafter and before January 2, 1935.

(1) A determination of what shall constitute a willful act, as used in section 602 (a) of the act, as amended, will be made upon consideration of all facts relating to such act and upon such investigation of such facts as may be deemed warranted. For the purpose of this section, the fact that a veteran lived apart from the widow because of any act by the widow involving desertion or moral turpitude will be construed as the willful act of the widow. Cause of separation and time and duration of separation at the time of the death of the veteran shall be taken into consideration in determining a willful act.

(2) A determination of the existence of actual dependency will be made under the criteria set forth in §§ 10.32 and 10.33 with respect to dependency of a mother or father.

§ 10.38 *Proof of age of veteran's child.* A child of a veteran shall be required to submit proof of age in accordance with the requirements set forth in the regulations of the United States Veterans' Administration.

§ 10.39 *Mental or physical defect of child.* If claim is made under section 602 (b), (2), of title IV of the act as amended, alleging that a child over 18 years of age was incapable of self-support at the death of the veteran or that he became incapable of self-support subsequent to the death of the veteran but on or before January 2, 1935, or that he was incapable of self-support at the disappearance of the veteran or became incapable of self-support after the disappearance of the veteran and before the expiration of the period of seven years mentioned in section 312 (c), (2), of the act, it will be necessary to furnish evidence as to the mental or physical condition of the child at the time it is alleged he became incapable of self-support.

(a) Where incapability of self-support by reason of the mental defect of the child is alleged, the following evidence will be required:

(1) Certified copy of court order or decree declaring the child to be mentally incompetent; or

(2) A report of a licensed physician setting forth all of the facts as to the child's mental condition; or

(3) The affidavit of the person having custody and control of the child, setting forth all of the available information as to the child's mental condition. The affidavit must be substantiated by two competent disinterested persons who shall state that they personally know the child, that they have read the affidavit made by the person having custody and control of the child, and that the information therein set forth is true to the best of their knowledge and belief.

(b) Where incapability of self-support by reason of physical defect of the child is alleged, the following evidence will be required:

(1) Report of a licensed physician setting forth all of the facts as to the child's physical condition; and

(2) Affidavit of the child regarding his physical condition and the affidavits of two competent disinterested persons, who shall state that they personally know the claimant, that they have read his affidavit and that the same is true to the best of their knowledge and belief.

§ 10.40 *Payment on account of minor child.* Payments to a minor child shall be made to the legally constituted guardian, curator or conservator, or to the person found by the director to be otherwise legally vested with the care of the child.

§ 10.41 *Definition of "child".* The term "child" as used in these regulations includes:

(a) A legitimate child;

(b) A child legally adopted;

(c) A stepchild, if a member of the veteran's household at the time of the death of the veteran, or

(d) An illegitimate child, but as to the father only, if acknowledged in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support or has been judicially decreed to be the putative father of such child.

§ 10.42 *Claim of child other than legitimate child.* A claim of a child legally adopted by the veteran upon whose service the claim is based shall be supported by a certified copy of the court record of such adoption. A claim of a stepchild of a veteran shall be supported by an affidavit of his or her legal guardian, stating that at the time of the death of the veteran said stepchild was a member of the veteran's household. The fact, as stated in such affidavit, and the signature of the guardian thereto, shall be attested by the court having jurisdiction over the guardian, or by two competent persons to whom the child was personally known at the time of the death of the veteran. A claim of an illegitimate child of a veteran upon whose service claim is based, shall be supported by:

(a) A statement by the veteran in writing acknowledging his parentage of such child; or

(b) Certified copy of order or decree of a court ordering the veteran to contribute to such child's support; or

(c) Certified copy of a decree of a court holding the veteran to be the putative father of such child.

§ 10.43 *Claim by guardian of child of veteran.* A claim made by a legal guardian on behalf of his or her ward, a child of a veteran, shall be supported by an affidavit of said guardian, in the capacity of guardian, setting forth the names, ages, and addresses of all living children of the deceased veteran, or, if there be no living child other than the claimant child, statement of that fact shall be made. The signature of the guardian to such required affidavit shall be attested by the court having jurisdiction of the guardian and ward, or by two competent persons to whom the child is personally known.

§ 10.44 *Evidence required to support claim of mother or father.* The term "mother" and "father" as referred to in the order of preference as outlined in section 601 of the act, as amended, includes stepmothers, stepfathers, mothers and fathers through adoption, and persons who, for a period of not less than one year, have stood in the place of a mother or father to the veteran at any time prior to the beginning of his service. In addition to the evidence of dependency required from a natural mother or father, a claim of a stepmother or stepfather shall be supported by evidence of marriage to the natural parent of the veteran. This evidence shall be in accordance with the requirements of proof of marriage as set forth in regulations of the United States Veterans' Administration. A claim of a mother or father through adoption shall be supported by a certified copy of the court record of such adoption. A claim by a person who claims to have stood in the place of a mother or father shall be supported by evidence of such relationship satisfactory to the Veterans' Administration. Such evidence shall comprise:

(a) An affidavit of the claimant containing a complete detailed statement of the alleged relationship and

(b) Affidavits of two competent witnesses to whom claimant was personally known at the time of the death of the veteran, said witnesses certifying to the truth of the statement as made by the claimant.

§ 10.45 *Definition of "widow."* The term "widow" as used in these regulations includes widower.

§ 10.46 *Authentication of statements supporting claims.* All statements, except those of licensed examining physicians under § 10.39 (a) (2) and (b) (1), required by §§ 10.28 to 10.44 shall be subscribed and sworn to before an officer vested with authority to administer oaths, in the place where such statements are made. Signatures executed in foreign countries or places shall be certified by an American consul, a recognized representative of an American consul, a recognized representative of an American embassy or legation or by a person authorized to administer oaths under the laws of the place where such statements are made, provided there be attached to the certificate of such latter officer a proper certification by an accredited official of the State Department of the United States that the officer certifying to the execution of the signature was authorized to administer oaths in the place where certification was made.

§ 10.47 *Use of prescribed forms.* Statements required by these regulations should be submitted on forms provided by the United States Veterans' Administration, when conveniently available.

PAYMENTS

§ 10.50 *Section 601 and section 603 payments made on first day of calendar quarter.* Cash payments and the first installment of installment payments authorized in sections 601 and 603, respectively of title VI of the World War Adjusted Compensation Act, as amended, will be made as of the first day of the calendar quarter following the finding by the director that the applicant is a dependent entitled to the benefits of the act, but in no case shall any such payments be made before March 1, 1925: *Provided, however,* That payments authorized by section 608 of title VI of the act, as amended, shall be paid in a lump sum to the preferred dependent without reference to payments under section 603 of title VI of the act, as amended.

§ 10.51 *Payments to minor child.* Payments to minor child through legal guardian, natural guardian, or self. (See § 10.40.)

§ 10.52 *Duplication of payment prohibited.* Duplication of payments shall not be made in case of change of beneficiary. (See § 10.16.)

§ 10.53 *Payment on duplicate certificate.* Issuance of duplicate adjusted service certificates; and payment of claims based upon lost, destroyed, or mutilated, adjusted service certificates. (See §§ 10.1 to 10.4 and 10.24 to 10.26, respectively.)

PART 11—LOANS BY BANKS ON AND PAYMENT OF ADJUSTED SERVICE CERTIFICATE

LOANS BY BANKS ON ADJUSTED SERVICE CERTIFICATES UNDER SECTION 502 OF THE WORLD WAR ADJUSTED COMPENSATION ACT

Sec.
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11.76 To whom loan may be made.
11.77 By whom loans may be made.
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11.83 Additional loans by reason of 50 percent loan value.
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VETERANS ADMINISTRATION LOANS ON ADJUSTED SERVICE CERTIFICATES UNDER SECTION 502 OF THE WORLD WAR ADJUSTED COMPENSATION ACT, AS AMENDED

11.96 By whom loans may be made.
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APPLICATION FOR PAYMENT ON ACCOUNT OF ADJUSTED SERVICE CERTIFICATE UNDER THE ADJUSTED COMPENSATION PAYMENT ACT, 1936

11.111 Form of application.
11.114 Identification.
11.117 Missing applications.

AUTHORITY: §§ 11.75 to 11.117 issued under 43 Stat. 124; 38 U. S. C. 616; interpret secs. 401, 501, 502, 601–603, 607, 43 Stat. 125, 126, 128–130, secs. 3 (a), 13, 44 Stat. 827, 830, secs. 2, 4, 5, 45 Stat. 947–949, secs. 1, 2 (a), 2 (b), 3, 47 Stat. 724, 725, 49 Stat. 1099; 38 U. S. C. 616, 618, 621, 622, 623, 631, 640, 642, 647a, 649, 661, 662, 663, 667, 686, 686a–c, 687, 687a–c, 688, 688a, b.

LOANS BY BANKS ON ADJUSTED SERVICE CERTIFICATES UNDER SECTION 502 OF THE WORLD WAR ADJUSTED COMPENSATION ACT

§ 11.75 *Certificates.* Adjusted service certificates are dated as of the 1st day of the month in which the applications were filed, but no certificates are dated prior to January 1, 1925. Loans on the security of such certificates may be made at any time after the date of the certificate. The fact that a certificate is stamped or marked "duplicate" does not destroy its value as security for a loan.

§ 11.76 *To whom loan may be made.* Only the veteran named in the certificate can lawfully obtain a loan on his adjusted service certificate and neither the beneficiary nor any other person than the veteran has any rights in this respect. The person to whom the loan is made must be known to the lending bank to be the veteran named in the certificate securing such note. The consent of the beneficiary is not required, the act providing that a loan on the security of the certificate may be made "with or without the consent of the beneficiary thereof." Loans may be made to veterans adjudged incompetent only through the guardians of such veterans and pursuant to specific order of the court having jurisdiction. Certified copy of court order must be submitted if note be presented for redemption by the Veterans' Administration.

§ 11.77 *By whom loans may be made.* Any national bank or any bank or trust company incorporated under the laws of any State, Territory, possession, or the District of Columbia, hereinafter referred to as any "bank," is authorized to loan to any veteran upon his promissory note secured by his Adjusted Service Certificate any amount not in excess of the loan value of the certificate at the date the loan is made. Each certificate contains on its face a table for determining the loan value of the certificate, but it is provided by amendment to the World War Adjusted Compensation Act dated February 27, 1931, that the loan value of any certificate shall at no time be less than 50 percent of the face value. Upon the making of such loan, the lending bank shall promptly notify the Veterans' Administration of the name of the veteran, the A-number shown immediately after the name, the number of the certificate, the amount, the rate of interest, and date of loan: However, this requirement may be waived by the Administrator of Veterans' Affairs.

§ 11.80 *Sale or discount of note by holding bank.* Any bank holding a note secured by an Adjusted Service Certificate may sell the note to any bank authorized to make a loan to a veteran and deliver the certificate to such bank. In case a note secured by an Adjusted Service Certificate is sold or transferred, the bank selling, discounting or rediscounting the note is required by law to notify the veteran promptly by mail at his last known post office address. No Adjusted Service Certificate is negotiable or assignable, or may serve as security for a loan, except as provided in section 502 of the World War Adjusted Compensation Act, as amended. Any negotiation, assignment or loan made in violation of section 502 of the World War Adjusted Compensation Act is void. In case of sale, discount or rediscount by the bank which made the loan, the note or notes should be accompanied by the affidavit required by § 11.85.

§ 11.81 *Rediscounts with Federal Reserve Banks.* Upon the endorsement of any bank, which shall be deemed a waiver of demand, notice and protest by such bank as to its own endorsement exclusively, and subject to regulations to be prescribed by the Federal Reserve Board, any such note secured by an Adjusted Service Certificate and held by a bank is made eligible for discount or rediscount by the Federal reserve bank of the Federal reserve district in which such bank is located, whether or not the bank offering the note for discount or rediscount is a member of the Federal Reserve System and whether or not it acquired the note in the first instance from the veteran or acquired it by transfer upon the endorsement of any other bank: *Provided*, That at the time of discount or rediscount such note has a maturity not in excess of nine months, exclusive of days of grace, and complies in all other respects with the provisions of the law, the regulations of the Federal Reserve Board and the regulations in this part.

§ 11.83 *Additional loans by reason of 50 percent loan value.* (a) It will be the policy of the Veterans' Administration to redeem all loans made in accordance with the law and regulations made pursuant thereto, when such loans are made in good faith to the veteran to whom the certificate was issued. If, while his certificate is held by a bank as security for a loan, the veteran applies for the increased loan value authorized by the amendment to the World War Adjusted Compensation Act dated February 27, 1931, whether or not the loan has matured, the veteran and the bank will be informed fully of the provisions of this section and that the bank may make the loan for the additional amount or, upon request of the veteran, may send the note and certificate to the Administrator of Veterans' Affairs. The Administrator shall, if the loan was legally made, accept such certificate and note, and pay to the bank in full satisfaction of its claim the amount of the unpaid principal due it and the unpaid interest at the rate authorized by the World War Adjusted Compensation Act, as amended, up to the date of the check issued to the bank. If the veteran has not filed application for final settlement of his adjusted service certificate under the provisions of the Adjusted Compensation Payment Act, 1936, and demand is made upon the bank to present the note and certificate for redemption prior to the maturity date of the loan and during the lifetime of the veteran, interest will be payable up to the date the check is issued to the bank, or, if demanded by the bank, up to the maturity date of the loan.

(b) If, however, an application for final settlement is filed and the bank is notified to present the note and certificate to the Administrator and does so within fifteen days after the mailing of such notice interest will be payable to the date the check is issued to the bank. If the bank fails to forward the note and certificate within fifteen days after the mailing of the notice, interest shall be paid only up to the fifteenth day after the mailing of such notice.

§ 11.84 *Redemption because of veteran's death.* If the veteran dies before the maturity of the loan, the amount of the unpaid principal and the unpaid interest shall be immediately due and payable. In such case, or if the veteran dies on the day the loan matures or within six months thereafter, the bank holding the note and certificate shall, upon notice of the death, present them to the Administrator, who shall pay to the bank, in full satisfaction of its claim the amount of the unpaid principal and unpaid interest, at the rate authorized by the World War Adjusted Compensation Act, as amended, accrued up to the date of the check issued to the bank; except that if, prior to the payment, the bank is notified of the death by the Administrator and fails to present the certificate and note to the Administrator within 15 days after the notice such interest shall be paid only up to the fifteenth day after such notice.

§ 11.85 *Condition requisite for redemption.* In order to be eligible for redemption by the Veterans' Administration, the note and certificate must be accompanied by an affidavit of a duly authorized officer (the capacity in which the officer serves must be shown) of the lending bank showing that the said bank has not charged or collected, or attempted to charge or collect, directly or indirectly, any fee or other compensation in respect of the loan, or any other loan made by the bank under the provisions of section 502 of the World War Adjusted Compensation Act, except the rate of interest specified in the section of the act cited; that the person who obtained the loan is known to the lending bank to be the person named in the Adjusted Service Certificate; and that notice required by § 11.77 was promptly given. In case the note was sold or discounted by the lending bank, there should be incorporated in the affidavit a statement that the veteran was notified promptly of the transfer by mail to his last known address. In case the note was resold or rediscounted by any other bank, affidavit shall be made by a duly authorized officer of such bank that proper notice of such resale or rediscount was promptly mailed to the veteran at his last known address. The proper execution of the appropriate affidavit on Form 6615 or 6615a will be considered as a compliance with the requirements of this section. A single affidavit setting forth the full particulars may be accepted to cover any number of veterans' notes submitted for redemption at one time. The affidavit must be executed before a judge of the United States court, a United States commissioner, a United States district attorney, a United States marshal, a collector of internal revenue, a collector of customs, a United States postmaster, a clerk of court of record under the seal of the court, an executive officer of an incorporated bank or trust company, under his official designation and the seal of the bank or trust company, or a notary public under his seal, or a diplomatic or consular officer of the United States, under his official seal.

DISPOSITION OF NOTES, SECURED BY ADJUSTED SERVICE CERTIFICATES REDEEMED FROM BANKS BY THE VETERANS' ADMINISTRATION UNDER SECTION 502 OF THE WORLD WAR ADJUSTED COMPENSATION ACT AS AMENDED

§ 11.88 *Cancelation of note.* When a veteran's note is redeemed by the Veterans' Administration, the note will be canceled and both the note and certificate will be retained in the files of the Veterans' Administration until such time as settlement is made.

§ 11.89 *Notification of veteran.* When a note is redeemed notification will be sent to the veteran at his last known address, advising him that the Veterans' Administration holds his note, and outlining the conditions governing repayment.

§ 11.91 *Repayment of loans.* Should the veteran so desire, he may repay the amount due on his note in full or in installments.

§ 11.93 *Failure to redeem.* (a) If the veteran fails to redeem his certificate before its maturity there will be deducted from the face value of the certificate the amount of the unpaid principal of the note of the veteran and the unpaid interest thereon through September 30, 1931.

(b) If the veteran failed to redeem his certificate and died prior to January 27, 1936, there will be deducted from the face value of the certificate the amount of the unpaid principal of the veteran's note and the unpaid interest thereon to the date of his death. If the veteran died on or after January 27, 1936, the amount to be deducted when making settlement will be the unpaid principal of the veteran's note and the unpaid interest thereon through September 30, 1931.

VETERANS' ADMINISTRATION LOANS ON ADJUSTED SERVICE CERTIFICATES UNDER SECTION 502 OF THE WORLD WAR ADJUSTED COMPENSATION ACT, AS AMENDED

§ 11.96 *By whom loans may be made.* Loans will be made by the Veterans' Administration, Washington, D. C., to any veteran, upon his promissory note secured by his adjusted service certificate, in any amount in even dollars not less than $10 and not in excess of the loan value of the certificate at the date the loan is made. Each certificate contains on its face a table for determining the loan value of the certificate but at no time is the loan value less than fifty per centum of the face value.

§ 11.99 *Identification.* (a) Before a loan is made on an adjusted service certificate, the person applying therefor will be identified as the person entitled to the certificate offered as security. Such identification, if made in the United States or possessions, will be accepted if the certification is made by a United States postmaster or assistant postmaster over an impression of the post office cancelation stamp; a commissioned officer of the regular establishment of the Army, Navy, or Marine Corps; a member of the United States Senate or the House of Representatives, an officer, over his official title, of a post, chapter, or other comparable unit of an organization recognized under section 500 of the World War Veterans' Act, 1924, as amended, or under Veterans' Regulation No. 10 (38 U. S. C. ch. 12), or an officer over his official title, of the State or national body of such organization, or any person who is legally authorized to administer oaths in a State, Territory, District of Columbia, or in a Federal judicial district, of the United States. If the identification is made in a foreign country, it will be certified by an American consul, a recognized representative of an American Embassy or Legation, or by a person authorized to administer oaths under the laws of the place where identification is made; *Provided*, There be attached to the certificate of such latter officer a proper certification by an accredited official of the State Department of the United States that such officer was authorized to administer oaths in the place where certification was made. A manager of a Veterans' Administration facility is authorized to identify patients, members or employees of the facility over which he has charge. No identification will be made by any employee of the Veterans' Administration in his official capacity, other than by a manager of a facility as authorized above. However, such other employees of the Veterans' Administration as are specifically designated in writing to do so by the managers of regional offices, facilities or insular offices of the Veterans' Administration, or the head of an activity in central office, may identify applicants during official hours and upon the premises of the Veterans' Administration, such identifications by the employee so designated to be in his individual capacity and from his personal knowledge that the applicant is the person he claims to be. Official records on file with the Veterans' Administration may be used by the employee making such identification. No employee under the jurisdiction of the assistant administrator of finance in central office, or the finance activity of a field station of the Veterans' Administration will be so designated.

(b) Any veteran whose adjusted service certificate is held by the Veterans' Administration as security for a loan made on a note properly signed by such veteran, may be identified by comparison of the handwriting of his signature on his previous note with his signature on his note submitted for an additional loan, and the execution of the certificate of identification required above waived.

§ 11.100 *Form of note.* The form of note used in making loans secured by adjusted service certificates shall follow Form 1185.

§ 11.102 *Term of note.* All loans will be for a period of one year and if not paid will be automatically extended from year to year for periods of one year in the amount of the principal plus interest accrued to the end of the immediately preceding expired loan year, which total amount shall automatically become a new principal each year provided a loan may be paid off at any time by the payment of principal and accrued interest, but in no event will interest accruing after September 30, 1931, be deducted in final settlement of a certificate except as provided in § 11.93 (b).

§ 11.104 *Disposition of notes and certificates.* All notes and certificates shall be held in the custody of the Veterans' Administration, Washington, D. C.

APPLICATION FOR PAYMENT ON ACCOUNT OF ADJUSTED SERVICE CERTIFICATE UNDER THE ADJUSTED COMPENSATION PAYMENT ACT, 1936

§ 11.111 *Form of application.* Application must be made on Veterans' Administration Adjusted Compensation Form 1701.

§ 11.114 *Identification.* Before settlement is made on an Adjusted Service Certificate, the person applying therefor will be identified as the person identified to the settlement for which an application is made. If made in the United States or possessions, certification will be accepted if made by a United States postmaster or assistant postmaster over an impression of the post office cancellation stamp; a commissioned officer of the regular establishment of the Army, Navy or Marine Corps; commissioned officers of the Reserve Corps on active duty with Civilian Conservation Corps camps; a member of the United States Senate or the House of Representatives; an officer, over his official title, of a post, chapter, or other comparable unit of an organization recognized under Veterans' Regulation No. 10 (38 U. S. C. Ch. 12), or an officer over his official title, of the State or national body of such organization, or any person who is legally authorized to administer oaths in a State, Territory, possession, District of Columbia, or in a Federal judicial district, of the United States. If the identification is made in a foreign country, it will be certified by an American Consul, a recognized representative of an American Embassy or Legation, or by a person authorized to administer oaths under the laws of the place where identification is made; provided there be attached to the certificate of such latter officer a proper certification by an accredited official of the State Department of the United States that such officer was authorized to administer oaths in the place where certification was made.

(a) Fingerprint impressions shall be required on the application and shall be imprinted thereon in the presence of the persons identifying the veteran. In the case of veterans who are mentally incapacitated and application is being executed by a representative of the veteran, the veteran's fingerprints will be obtained if possible. If this cannot be done, as also in the case of an individual whose fingers are all missing, a statement of explanation will be required.

§ 11.117 *Missing applications.* Where the records of the Veterans' Administration show that an application, disclosing an intention to claim the benefits of this act, has been filed and the application cannot be found, such application shall be presumed, in the absence of affirmative evidence to the contrary, to have been valid when originally filed, the determination as to the correctness of this assumption shall be made by the assistant administrator of finance.

PART 12—DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS

DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON STATION UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON STATION

Under Public No. 734, 75th Congress (38 U. S. C., 16j)

Sec.
12.0 Definitions.
12.1 Designate cases; competent veterans.
12.2 Designate cases; incompetent veterans.
12.3 Deceased veterans' cases.
12.4 Disposition of effects and fund to designate; exceptions.
12.5 Non-designate cases.
12.6 Cases of living veterans.
12.7 Cases not applicable to provisions of §§ 12.0 to 12.6.
12.8 Unclaimed effects of veterans.
12.9 Rights of designate; sales instruction; transportation charges.
12.10 Proceeds of sale.
12.12 Miscellaneous provisions.
12.13 Posting of notice of the provisions of Public No. 734, 75th Congress (38 U. S. C. 16–16j).

DISPOSITION OF PERSONAL FUNDS AND EFFECTS LEFT UPON PREMISES OF THE VETERANS' ADMINISTRATION BY NON-VETERAN PATIENTS, EMPLOYEES AND OTHER PERSONS, KNOWN OR UNKNOWN

12.15 Inventory of property.
12.16 Action on inventory and funds.
12.17 Unclaimed effects to be sold.
12.18 Disposition of funds and effects left by officers and enlisted men on the active list of the Army, Navy or Marine Corps of the United States.

Under Public Law 382, 77th Congress, December 26, 1941, Amending the Act of June 25, 1910 (24 U. S. C. 136)

12.19 Provisions of Public Law 382 (38 U. S. C. 17–17j).
12.20 Posting of notice provisions of Public Law 382.
12.21 Action upon death of veteran.
12.22 Disposition of personal property.
12.23 Recognition of valid claims against the General Post Fund.

AUTHORITY: §§ 12.0 to 12.23 issued under sec. 10, 52 Stat. 1192, 55 Stat. 868; 38 U. S. C. 16i, 17–17j, 17 note.

DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON STATION UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON STATION.

Under Public No. 734, 75th Congress (38 U. S. C. 16j)

§ 12.0 *Definitions.* (a) As used in respect to the disposition of property of veterans dying at Veterans' Administration hospitals or other field stations, or who are discharged or who elope, or are absent without leave therefrom, and in respect to property found thereat, the term "funds" means all types of United States currency and coin, checks payable to the decedent except checks drawn on the Treasurer of the United States which have never been negotiated, and includes deposits to the credit of the veteran in the account "Personal Funds of Patients," and each competent veteran will be so advised. The term "effects" means and embraces all other property

of every description, including insurance policies, certificates of stock, bonds and notes the obligation of the United States or of others, and all other papers of every character except checks drawn on the Treasurer of the United States, as well as clothing, jewelry and other forms of property, or evidences of interest therein. Checks drawn on the Treasurer of the United States which have never been negotiated will be returned to the issuing office for disposition.

(b) "Field stations" as used in §§ 12.1 to 12.13 includes hospitals, centers, homes, supply depots and other offices over which the Veterans' Administration has direct and exclusive administrative jurisdiction, and excludes State, county, city, private and contract hospitals and hospitals or other institutions operated by the United States through agencies other than the Veterans' Administration. At institutions other than field stations as herein defined funds or effects as defined in paragraph (a) of this section, will be disposed of under the laws governing such institutions, except that, if death occurs in a United States Naval Hospital the funds and effects will be for disposition under the laws of the State of the veteran's last legal domicile. In either event if the veteran died intestate without heirs or next of kin his personal property vests in the United States for the benefit of the General Post Fund under the provisions of §§ 12.19 to 12.23.

§ 12.1 *Designate cases; competent veterans.* (a) Each competent veteran now being cared for or who is hereafter admitted to receive care as such at a Veterans' Administration field station, unless it be detrimental to his health, will be requested and encouraged to designate on the prescribed Form 4–1170, Designation of Person to Receive Personal Effects, in duplicate, the person to whom he desires the Veterans' Administration to deliver his funds and effects in event of death. He may also designate an alternate to whom delivery will be made if the first designate fails or refuses to accept delivery. It should be clearly understood that the delivery of such funds or effects will constitute only a delivery of possession thereof, and such delivery is not intended to affect in any manner the title to such funds or effects or determine the person ultimately entitled to receive same from the person to whom delivery is made (hereinafter in these regulations termed the "designate"). The person designated may not be an employee of the Veterans' Administration unless such employee be the wife (or husband), child, grandchild, mother, father, grandmother, grandfather, brother or sister of the veteran. The veteran, or if he becomes incompetent his guardian, may in writing change or revoke such designation at any time. The information which said Form 4–1170 is intended to elicit with respect to living relatives of the veteran will be obtained in every case, and at that time the veteran's attention will be called to his agreement therein contained with respect to disposition of his property.

(b) Veterans will be encouraged to place in the custody of their relatives articles of little or no utility value to them during their period of care at a Veterans' Administration field station, and to retain in their possession only such funds and effects as are actually required and necessary for their immediate convenience.

§ 12.2 *Designate cases; incompetent veterans.* (a) An incompetent veteran will not be informed concerning the designation of a person to receive funds or effects; but if he has a guardian the guardian will be requested to make such designation of himself or another person to receive possession of the funds and effects upon the incompetent's death. The guardian will execute the same form of designation as a competent veteran but will sign same with the veteran's name "By----------, Guardian of his Estate".

(b) No effort will be made to obtain a designation by or on behalf of an incompetent veteran who has no guardian.

§ 12.3 *Deceased veterans' cases.* (a) Immediately upon the death or the absence without leave of any beneficiary at a field station, as defined in § 12.0 (b), a survey and inventory of the funds and effects of such beneficiary will be taken in the following manner:

(1) If the death or absence without leave occurred during hospitalization a complete, careful survey and inventory (Form 10–2687, Inventory Report of Personally-Owned Effects of Beneficiary) will be made under the supervision and in the presence of the ward physician, officer of the day, or the charge nurse, and the supply officer, deputy supply officer, clothing storekeeper or general storekeeper of all the personal effects (including those in the custody of the supply officer, jewelry being worn by the deceased person, or jewelry and other effects in pockets of clothing he may have been wearing), and all funds found and moneys on deposit in "Personal Funds of Patients." In the event death occurred during other than official working hours the officer of the day and/or the charge nurse will collect and inventory all funds and personal effects on the person of the deceased beneficiary and on the ward, will carefully, safeguard such property and, upon completion of the tour of duty, will turn the funds over to the manager or his designated representative and will deliver the effects to the supply officer.

(2) If the death or absence without leave occurred while the beneficiary was assigned to barracks, or while receiving hospitalization and at time of death or absence without leave any effects are in the barracks, a like survey and inventory will be made by the domiciliary officer, assistant domiciliary officer, company commander or company sergeant and the supply officer, deputy supply officer, clothing storekeeper or general storekeeper.

(3) The inventory report will be executed in triplicate, original and two copies. All will be signed by each employee making the inventory, and disposed of as hereinafter provided.

(4) Personally-owned clothing or other effects (such as tooth brushes, false teeth not containing gold, etc.,) which are unserviceable by reason of wear or tear or insanitary condition, and clothing that had been supplied by the Government, will not be included in this inventory; instead, the board, as constituted above, will list the unserviceable personally-owned articles on a separate list, describing briefly their condition, and will recommend their disposition in a separate report to the manager on Form 10–2687a, Inventory Report of Unserviceable Personally-owned Effects of Beneficiary. The manager, if approving this recommendation, will order destruction or utilization in occupational therapy, or as wipe rags, etc., of such unserviceable articles and, when they are so destroyed or utilized, will have entered on the papers the date and nature of the disposition. The completed papers will then be placed in the correspondence file of the beneficiary. Clothing that had been supplied by the Government will be reconditioned if possible and returned to stock for issue to other eligible beneficiaries. When Government-owned clothing cannot be reconditioned it will be disposed of as provided in Veterans' Administration supply procedures.

(5) When the nearest relative requests that the deceased beneficiary be clad for burial in clothing he personally owned, instead of burial clothing to be supplied under the undertaker's contract, such request will be honored. A receipt in such cases will be obtained from the undertaker, specifying the articles of clothing so used. Adjustment of the undertaker's bill in the case will correspondingly be made.

(6) In accomplishing such inventories, detailed description will be given of items of material value or importance, for example:

Watch; Yellow metal (make, movement and case number if available without damage to watch).

Ring; Yellow metal (probably gold plated or stamped 14 K. setting if any).

Discharge Certificate.

Adjusted Service Certificate; (Number).

Bonds or Stocks; (Name of company, registered or non-registered identifying number, recited par value, if any).

Bank Books or other asset evidence; (Name of bank or other obligor, apparent value, identifying numbers, etc.)

Clothing; (Brief description and statement of condition). Etc.

(b) Upon completion of the survey and inventory the effects will be turned over to the supply officer for safekeeping. Any funds found which apparently were the property of the deceased will be turned over to the manager, or his designated representative, who shall receipt therefor (Finance Form 4–1123, Receipt for Cash and Personal Checks), and deliver immediately to the agent cashier, who shall deposit same in the account "Personal Funds of Patients." If the funds include an unendorsed personal check this will be held by the agent cashier for safekeeping, pending disposition thereof.

§ 12.4 *Disposition of effects and fund to designate; exceptions.* (a) Upon authorization by the manager or his designated representative, all funds, as defined in § 12.0, and effects will be delivered or sent to the designate of the deceased veteran if request therefor be made after death and within 90 days following the mailing of notice to such designate (see § 12.9 (a)), unless:

(1) The executor or administrator of the estate of the deceased veteran shall have notified the manager or his designated representative of his desire and readiness to receive such funds or effects, in which event the manager or his designated representative will authorize delivery of all funds and effects to such executor or administrator, upon receipt of appropriate documentary evidence of his qualifications and in exchange for appropriate receipts, or

(2) Subsequent to the naming of a designate the veteran became incompetent and his guardian revoked such designation, in which event the manager or his designated representative will deliver all funds and effects to his guardian in exchange for appropriate receipts subject to the limitation contained in paragraph (d) of this section, or

(3) Designate was the wife (or husband) of the veteran at the time of designation and information at the disposal of the field station indicates that she (or he) was thereafter divorced and the veteran was incompetent at or subsequent to the time of divorce, or

(4) Notwithstanding there is a designate, it is probable that title would pass to the United States under the provisions of §§ 12.19 to 12.23 issued pursuant to the act of June 25, 1910 (24 U. S. C. 136), as amended by the act of December 26, 1941 (38 U. S. C. 17–17j), or under the act of July 1, 1902 (24 U. S. C. 139), or would escheat to the United States under the act of August 12, 1935 (38 U. S. C. 450), or

(5) The manager or his designated representative determines that there is reasonable ground to believe that the transfer of such possession to the designate probably would be contrary to the interests of the person legally entitled to the personal property, or there are any other special circumstances raising a serious doubt as to the propriety of such delivery to the designate.

In any case in which the manager does not deliver the funds and effects, because of the provisions of subparagraphs (3), (4) and (5) of this paragraph, he will develop all facts and refer the matter to the chief attorney of the regional office having jurisdiction over the area where the hospital is located for advice as to the disposition which legally should be made of such funds and effects.

(b) The supply officer, when authorized by the manager or his designated representative, will deliver or ship the effects. If shipped at Government expense, the shipment shall be made in the most economical manner but in no case at a cost in excess of $10.00. If such expenses will exceed $10.00, the excess amount shall be paid by the consignee, either to the manager in advance, or to the carrier if it accepts the shipment without full prepayment of charges. There will be no obligation on the Government, initially or otherwise, to pay such expenses in excess of $10.00.

(c) When possession of funds or effects is transferred to a designate, the attention of the designate will again be directed to the fact that possession only has been transferred to him and that such transfer does not of itself affect title thereto, and that such designate will be accountable to the owner of said funds and effects under applicable laws.

(d) Upon receipt from the proper chief attorney of an appropriate certification that the guardianship was in full force and effect at the time of the veteran's death and that the guardian's bond is adequate, funds and effects of an incompetent veteran may be immediately delivered or sent to such guardian, inasmuch as the guardian had a right to possession, and he will be accountable therefore to the party entitled to receive the decedent's estate. If, however, it appears probable that decedent died without a valid will and left no person surviving entitled to inherit, the funds will not be paid to the former guardian but will be deposited in the General Post Fund. The effects will be sold, used or destroyed at the discretion of the manager or his designated representative.

§ 12.5 *Non-designate cases.* If there exists no designate at the time of death at a field station of a veteran admitted as competent, or the designate fails or refuses to claim the funds and effects as defined in § 12.0 (a) within 90 days following the mailing of notice to such designate, the manager will take appropriate action to dispose of the funds and effects to the person or persons legally entitled thereto, i. e. the executor or administrator of the decedent, or if no notice of such an appointment has been received, to the decedent's widow, child, grandchild, mother, father, grandmother, grandfather, brother or sister in the order named. Subject to the applicable provisions of §§ 12.3 and 12.4, such delivery may be made at any time before the sale contemplated by § 12.9 to the designate or other person entitled under the facts of the case. However, delivery shall be made only to the person entitled to priority unless each of those entitled to priority as to the claimant waives in writing his or her prior right to possession. The guardian of a minor or incompetent may waive his ward's prior right to possession.

§ 12.6 *Cases of living veterans.* (a) Except as provided in § 12.8, effects of veterans absent without leave or who have been discharged or have eloped (and who are not to be returned to the field station) will be disposed of as follows:

(1) To the owner if competent, or if deceased to his administrator or executor or as directed in writing by such owner, or his executor or administrator.

(2) To the guardian of the owner if the latter be incompetent, or if deceased to his administrator or executor, or as directed in writing by such guardian, executor or administrator.

(3) To the incompetent owner if he has no guardian; delivery, however, to the incompetent owner may be withheld and may be made to the person who is caring for such incompetent if in the judgment of the manager or his designated representative such delivery is to the incompetent's best interest.

NOTE: The Government will not pay expense of transportation of effects of competent or incompetent veterans discharged, absent without leave, or who have eloped.

(b) Funds of veterans absent without leave or who have been discharged or have eloped (and who are not to be returned to the field station) will be disposed of in accordance with finance procedures.

§ 12.7 *Cases not applicable to provisions of §§ 12.0 to 12.6.* The provisions of §§ 12.0 to 12.6 shall be inapplicable to property known to be that of any person dying in or discharged or absent without leave from a Veterans' Administration field station other than a veteran admitted as such to such field station.

§ 12.8 *Unclaimed effects of veterans.* (a) In the case of any property of a veteran who was in receipt of hospital or domiciliary care, heretofore or hereafter left at a Veterans' Administration field station, the owner of which is discharged or absent without leave or who has eloped and is not to be returned to a Veterans' Administration field station, or has died after departure therefrom, or in case the whereabouts or identity of any owner of any property thereat be unknown, such property, unless it shall be disposed of under the provisions of §§ 12.4 and 12.6 shall be sold, used, destroyed or otherwise disposed of as the manager or his designated representative shall determine the circumstances in the case may warrant. Any sale of such property shall be conditioned upon the 90-day notice provided in section 6 of the act of June 25, 1938 (38 U. S. C. 5–16e).

(b) If the circumstances are such that retention of any property as is mentioned in paragraph (a) of this section, or of any property of unknown ownership found on the premises would endanger the health or life of patients or others on the premises (by reason of contagion, infection, or otherwise) such property shall be forthwith destroyed on order of the manager or his designated representative and proper record of the action taken will be made.

(c) If there be no known claimant of any such property and if it may be used at the field station for the benefit of the members or patients for such purposes as the General Post Fund is intended to serve, and if the value is inconsequential, the manager or his designated representative may authorize the retention and use of such property at the field station.

(d) Any such property which is not destroyed or used as provided in paragraphs (b) and (c) of this section shall be sold in the manner provided in §§ 12.9 and 12.10, after notice as therein provided unless, prior to sale, claim be made for any such property by someone legally entitled thereto.

§ 12.9 *Rights of designate; sales instruction; transportation charges.* (a) Upon death of a veteran admitted as such to a field station the manager or his designated representative wil icanse notice (Parts I and V of Form 4–1171) to be sent to the designate: *Provided however,* That if the manager or his designated representative has information of the death of the primary designate notice shall be sent to the alternate designate

and all the provisions of the regulations in this part respecting the designate will be deemed to apply to the alternate. If the designate is a minor or a person known to be incompetent, delivery of the funds or effects will be made only to the designate's guardian or custodian upon qualification. The right of the designate to receive possession ceases when he refuses to accept delivery or if he fails to respond within 90 days after Form 4–1171 was mailed. When the right of a designate ceases, Form 4–1171 will be forwarded immediately to the alternate designate whose rights then become identical with those forfeited by the first designate, and the rights of the alternate designate shall terminate at the expiration of 90 days after the Form 4–1171 was mailed to him. Delivery will not be made to a designate until he submits a signed statement to the effect that he understands that the delivery of such funds and effects constitutes a delivery of possession only and that such delivery is not intended to affect in any manner the title thereto. Such notice shall fully identify the decedent and state the fact that he designated the addressee to receive possession of such property; that the right to receive possession thereof does not affect the ownership but that the designate will be responsible for the ultimate disposition thereof to those who, under applicable law, are entitled to the decedent's property; and will request prompt advice as to whether the designate will accept such property and that if he will, he furnish shipping instructions, upon receipt of which the property will be shipped at the expense of the Government. However, prior to dispatching such notice it will be definitely determined that the shipping expense will not exceed $10.00. If such expense will exceed $10.00 the excess cost will be ascertained and the notice will include a statement of the amount of such excess shipping cost with request that the amount thereof be remitted at the time shipping instructions are furnished. In estimating the shipping expense it will be assumed that shipment to the designate will be to the same address as that to which the notice is sent. Each notice, however, shall contain a statement that in no event will the Government pay shipping expense in excess of $10.00. The notice will include a copy of the inventory of the property which it is proposed to deliver to the designate.

(b) Upon receipt of appropriate shipping instructions the property will be shipped, transportation charges prepaid, by mail, express, or freight as may be appropriate under the circumstances and most economical to the Government. The expense of such shipment, chargeable to the Government, in no case to exceed $10.00, is payable from the appropriation "Salaries and Expenses."

(c) The living owner of any property left or found at a field station will be promptly notified thereof. In no case will transportation charges be paid by the Government on property shipped to a living veteran. In such cases shipment shall be made as requested by the owner of the property (or his guardian) upon receipt or necessary transportation charges which will be prepaid, unless the owner requests shipment with charges collect and the carrier will accept such shipment without liability for such charges, contingent or otherwise, upon the Government.

(d) If the designate refuses or, upon the lapse of ninety days, has failed to take possession or request shipment of decedent's property (paragraph (a) of this section), or if 90 days have elapsed after the finding of any property and the owner (known or unknown) has failed to request same, the manager or his designated representative will authorize destruction, use or sale.

(e) If sale of the property is authorized the manager will take necessary action to ascertain the names and addresses, of the owners; or, in the event of the owner's decease, of his executor or administrator, widow, child, grandchild, mother, father, grandmother, grandfather, brother, or sister.

(f) When in possession of the necessary information the manager will cause proper notice of sale (Form 4–1171) to be mailed. Such notice in all cases shall disclose the identity, if known, of the decedent whose property is to be sold and contain a copy of the inventory of such property. A copy of such notice (Form 4–1171), after Parts I, IV, and V thereof are completed, shall be mailed to the owner, if known, or if deceased to the decedent's executor or administrator, if known, and also to the widow (or widower), child, grandchild, mother, father, grandmother, grandfather, brother and sister, if known. If more than one relative of the degree named is known, copy will be mailed to each. If the owner is living, Parts IV and V only of Form 4–1171 will be completed.

(g) Copy of such notice (Form 4–1171, Parts IV and V) will also be posted by a responsible employee more than twenty-one years of age at:

(1) The field station where the death occurred or property shall have been found,

(2) The place where property is situated at the time such notice is posted, and

(3) The place where probate notices are posted in the county wherein the sale is to be had.

(h) In addition to showing the name of the owner, if known (alive or deceased), and the inventory of the property to be sold, such notice shall state the hour and day when and the precise place where the sale will occur and that the same will be at public auction for cash upon delivery without warranty, express or implied, and that such sale is pursuant to the act of June 25, 1938 (38 U. S. C., 16–16j); and shall also state that any person legally entitled to said property may claim the same at any time prior to sale thereof and in the event of such claim by a proper person the property will not be sold but will be delivered to the person lawfully entitled thereto. Said notice shall also contain a statement substantially to the effect that if sold the net proceeds of sale may be claimed by the person who is legally entitled at any time within five years after the date of notice; or in case of property the ownership of which was not originally known, within five years after its finding; otherwise such proceeds will be retained in the General Post Fund, subject to disbursement for the purposes of such fund.

(i) The person (or persons) posting said notice of sale (Form 4–1171) shall make appropriate affidavit on a copy thereof as to his action in that respect and the manager or his designated representative will also certify on the same copy as to the persons to whom copies of such notice were mailed and the mailing dates. The copy on which appear the affidavit and certificate as to service of the notice will be retained in the station file pertaining to the disposition of such property.

§ 12.10 *Proceeds of sale.* After proper notice as prescribed, sale of any such property which it is proper to sell, will be made by public auction by the manager (or any employee designated by him) at the time and place stated in the notice of sale. The property will be sold to the highest bidder (no employee except member employees of the Veterans' Administration shall purchase any of this property) and forthwith delivered and the amount of the bid collected and deposited to the credit of "General Post Fund, Veterans' Administration." Care will be taken to segregate the property of each owner and separate account will be maintained as to the proceeds of sale thereof. Property not disposed of by public auction will be included in the next sale or will be used or destroyed as the value thereof warrants at the discretion of the manager.

§ 12.12 *Miscellaneous provisions.* If it is shown that some person other than the veteran has title to property in a veteran's possession at the time of death, nothing contained in §§ 12.0 to 12.12 shall be construed as prohibiting delivery of such property to the owner. A life insurance policy may be delivered to the beneficiary therein named if the insured is deceased, notwithstanding the veteran has designated a person to whom possession of his property at the field station is to be transferred. In no case will funds or effects be delivered to a minor, or to an incompetent person other than as provided in § 12.9 (a) and (c), but where any such person is entitled to title or possession delivery may be made to his guardian.

§ 12.13 *Posting of notice of the provisions of Public No. 734, 75th Congress (38 U. S. C. 16–16j).* In order that all persons who bring property on premises of the Veterans' Administration may be advised of the existence of the act of June 25, 1938 (38 U. S. C. 16–16j), and that it affects such property, notice thereof (Form 4–1182), shall be permanently posted in at least one prominent place on the premises of each field station where persons are likely to see such notice.

DISPOSITION OF PERSONAL FUNDS AND EFFECTS LEFT UPON PREMISES OF THE VETERANS' ADMINISTRATION BY NON-VETERAN PATIENTS, EMPLOYEES AND OTHER PERSONS, KNOWN OR UNKNOWN

§ 12.15 *Inventory of property.* Immediately upon the death at a Veterans'

Administration field station of a person who was not admitted as a veteran, or immediately after it is ascertained that any such person has absented himself from such field station, a survey and inventory of the personal funds and effects of such deceased or absent person will be made in the manner prescribed in § 12.3 (a).

§ 12.16 *Action on inventory and funds.* (a) The manager will dispose of the personal funds and effects as promptly as possible. No expense will be incurred by the Government for shipment of the effects.

(b) In making disposition of funds and effects the manager will release the funds to the owner if living and will release the effects to him or as directed by him, provided that if he is incompetent and has a guardian the funds and effects will be released to such guardian. If the owner is deceased, and left a last will and testament probated under the laws of the place of his last legal domicile or under the laws of the State, territory, insular possession, or dependency, within which the field station may be, the personal property of such decedent situated upon such premises will be released to the executor. If such person left on said premises funds or effects not disposed of by a will probated in accordance with the provisions of this paragraph, such property shall be released to the administrator, if one has been appointed.

(c) In those cases where there is neither an administrator nor an executor the funds and effects will be released to the person entitled to inherit the personal property of the decedent under the intestacy laws of the State where the decedent was last domiciled.

(d) Where disposition of the funds and effects cannot be accomplished under the provisions of paragraphs (b) and (c) of this section, the funds, at the expiration of 90 days will be deposited to the General Post Fund and the effects will be disposed of in accordance with the provisions of §§ 12.8, 12.9, and 12.10.

§ 12.17 *Unclaimed effects to be sold.* (a) Personal effects of persons referred to in § 12.15 which remain unclaimed for 90 days after the death or departure of the owner shall be sold in the manner provided by § 12.8. The owner, his personal representative, or next of kin may reclaim any such property upon request therefor at any time prior to the sale.

(b) Any unclaimed funds and the proceeds of any effects sold as unclaimed will be deposited to the General Post Fund subject to be reclaimed within five years after notice of sale, by or on behalf of any person or persons who, if known, would have been entitled to the property prior to the sale.

§ 12.18 *Disposition of funds and effects left by officers and enlisted men on the active list of the Army, Navy or Marine Corps of the United States.* (a) The manager will notify the commanding officer of the death or absence of such patient and will deliver to the commanding officer, without expense to the Veterans' Administration, the funds and effects of the deceased or absent officer, or enlisted man procuring a receipt therefor.

(b) If the funds and effects are not delivered to the commanding officer within seven days after the death or absence without leave of an officer, or enlisted man, the funds will be deposited to the Special Deposit Account. If not disposed of at the expiration of 90 days after the date of death or absence the funds will be transferred to the General Post Fund and the effects will be handled in accordance with regulations governing the disposition of unclaimed effects left by veterans. The funds and the proceeds derived from the sale of the personal effects will be paid to the person lawfully entitled thereto, providing claim is made within five years from the date of notice of sale, or in the case of legal disability within five years after termination of legal disability.

Under Public Law 382, 77th Congress, December 26, 1941 Amending the Act of June 25, 1910 (24 U. S. C., 136)

§ 12.19 *Provisions of Public Law 382 (38 U. S. C. 17–17j).* (a) Whenever any veteran (admitted as a veteran) shall die in any Veterans' Administration hospital, center or home or in any Federal, State or private hospital or other institution, while being furnished care or treatment therein by the Veterans' Administration without leaving a will and without leaving any spouse, heirs or next of kin entitled to his personal property, all such property, including money and choses in action, shall immediately vest in and become the property of the United States as trustee for the sole use and benefit of the General Post Fund, subject to claim as elsewhere provided.

(b) "Personal property" as used herein shall include cash, funds on deposit in Personal Funds of Patients, bank accounts, certificates of stock, bonds and notes the obligation of the United States or of others, money orders, checks, insurance policies the proceeds of which are payable to the veteran or his estate, postal savings certificates, and all other papers of every character; also clothing, jewelry and all other forms of personalty, or evidences of interest therein.

§ 12.20 *Posting of notice provisions of Public Law 382.* (a) Form 10–P–10, Application for Hospital Treatment or Domiciliary Care, includes notice to the applicant that effective as of March 26, 1942, the acceptance of care or treatment by any veteran shall constitute acceptance of the provisions of the act. Similar notice shall be given to each veteran receiving care as of March 26, 1942, by posting notice in a prominent place in each building wherein patients or members are housed. Such notices shall be posted immediately and kept posted.

(b) Since the provisions of the law are applicable to all veterans receiving care at the expense of the Veterans' Administration (whether in contract, Federal, State or private hospital) it shall be the responsibility of the Veterans' Administration officer authorizing admission of a veteran to other than a Veterans' Administration hospital, center or home, to cause the chief officer of such institution to post in a conspicuous place, in all buildings where veterans are housed, the provisions of § 12.19 (a), or if he declines to post such provisions, notify the patients individually and supply a statement from each acknowledging notice. Such provisions supersede in part the provisions of Form 10–P–10, executed prior to March 26, 1942.

§ 12.21 *Action upon death of veteran.* Upon the death of a veteran at a Veterans' Administration hospital, center or home while receiving care or treatment therein, and who it is believed leaves no will or heirs or next of kin entitled to his personal property, regardless of whether Form 4–1170, executed by the veteran, names a designate, an inventory of the funds and effects, Form 10–2687, will be promptly prepared and supplemented by all information or evidence available as to personal property owned by the veteran in addition to that left at the place of death; similar action will be taken when the death of such a veteran hospitalized by the Veterans' Administration occurs at a contract hospital, Army, Navy, Marine or other hospital. Such inventories and information together with any bank books, stocks, bonds, or other valuable paper as enumerated in § 12.19 (b), left in the effects of the veteran, will be delivered to the manager of the Veterans' Administration hospital, center or home having jurisdiction, for disposition in accordance with existing regulations.

§ 12.22 *Disposition of personal property.* (a) Any assets heretofore or hereafter accruing to the benefit of the General Post Fund other than money, stocks, bonds, bank deposits, and similar assets, but including jewelry and other personal effects, will be sold in accordance with existing regulations, except that articles of personal adornment which are obviously of sentimental value shall, if unclaimed, be retained for five years from the date of death of the veteran, unless for sanitary or other reasons their retention is deemed unsafe. Possession of effects other than those located on the premises of the Veterans' Administration will be obtained, except that if transportation, storage, etc., is involved, determination will be made as to whether expenditure therefor is warranted. Proceeds of the sale will be deposited to the credit of the General Post Fund.

(b) Stocks, bonds, postal savings certificates, money orders, bank deposit evidence (pass books, checks, time deposit certificates, etc.), and similar assets, actual or potential, will be promptly forwarded to the payees accounts service, central office, together with a copy of the inventory on which listed, in order that appropriate action may be taken to convert such assets into cash for deposit in the General Post Fund. Statement will be furnished that other papers listed on the inventory, if any, were examined and nothing of value found, if such is a fact. Funds on deposit in Personal Funds of Patients will be deposited to the General Post Fund. Any claims against the estate of the deceased veteran will be filed with, or if received elsewhere, will be forwarded to the payees accounts service.

§ 12.23 *Recognition of valid claims against the General Post Fund.* Effective December 26, 1941, the assets of the estate of a veteran theretofore or there-

after deposited to the General Post Fund are subject to the valid claims of creditors presented to the Veterans' Administration within one year from the date of death or otherwise as provided by any applicable law. Any heir, next of kin, legatee or other person found to be legally entitled to the personal property of the veteran may claim same within five years from the date of the veteran's death. If claimant is under any legal disability (as a minor, incompetent, etc.) at the date of the veteran's death the five-year period begins upon the termination of removal of legal disability. Such claims are for settlement by the payees accounts service. In the event of doubt as to entitlement or the necessity of legal proceedings to obtain assets for the benefit of the General Post Fund the case will be referred to the solicitor for appropriate action. Any necessary court costs or expenses will be paid from the appropriation Salaries and Expenses.

PART 14—LEGAL SERVICES, SOLICITOR'S OFFICE

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SUBPART A—ADMINISTRATIVE

AUTHORITY: §§ 14.0 to 14.26 issued under sec. 5, 43 Stat. 608; secs. 1, 2, 46 Stat. 991, 1016; sec. 7, 48 Stat. 9; sec. 1, 49 Stat. 607; 38 U. S. C. 2, 11, 11a, 426, 707, Sup. 450.

ORGANIZATION AND FUNCTIONS OF THE OFFICE OF THE CHIEF ATTORNEY, BRANCH OFFICES, AND THE OFFICE OF CHIEF ATTORNEY, REGIONAL OFFICES OR CENTERS

§ 14.0 *Activities.* The legal activities in addition to the solicitor's office, central office, will consist of the office of chief attorney in each branch office and the office of chief attorney in each regional office or center.

§ 14.1 *Functions of chief attorney, branch office.* The major functions of the office of the chief attorney, branch office, are as prescribed by Veterans' Administration Organization Order No. 27, March 4, 1946. In performing such functions the chief attorney, branch office, will be guided by the following:

(a) In reporting to the deputy administrator concerning the operations of the office of chief attorney in the field stations under the jurisdiction of the branch office, the chief attorney, branch office, will conform with instructions for chief attorneys, branch offices.

(b) (1) Correspondence from the chief attorney in the field stations addressed to the branch office in accord with Veterans' Administration legal regulations and other instructions will relate generally to:

(i) Policy and procedure matters.

(ii) Requests for advisory opinions on factual cases involving application of State or Federal laws.

(2) The chief attorney, branch office, will respond to such correspondence and furnish advice in accordance with such laws based on approved precedents, controlling interpretations and existing policies and procedures, but will refer to central office through the deputy administrator cases in which:

(i) Precedent questions on new policy or procedure or amplification of present policy and procedure are involved.

(ii) Doubtful matters arise relating to application of State or Federal laws or regulations and instructions, or affecting policy of Veterans' Administration.

(iii) There is a conflict of State laws or application of laws of States outside of the jurisdiction of the branch office.

(iv) Differences of views on technical professional matters between chief attorneys, field stations, and chief attorneys, branch offices not resolved at branch level.

(v) Appeals in litigated cases to appellate courts are involved (not district or other courts where trial is de novo).

(vi) State legislation is under consideration.

(vii) Correspondence with State Department, or Department of Justice (escheats, post fund, foreign cases) is concerned.

(viii) There may be a conflict of professional views with a chief attorney, regional office or center, not within jurisdiction of chief attorney, branch office, or where two or more chief attorneys, branch offices, are involved when the conflict cannot be resolved between the deputy administrators concerned.

(ix) Opinion of solicitor is desired or deemed advisable by chief attorney, branch office.

The chief attorney, branch office, will forward to the solicitor a copy of each legal opinion, not routine correspondence, addressed to the chief attorney. In forwarding questions involving application of paragraph (b) (2) (i) to (ix) of this section, the chief attorney, branch office, will give his views on the question involved.

(c) In furnishing legal advice to the deputy administrator and staff the chief attorney will be guided by and conform with existing precedents, opinions of the solicitor and Administrator's decisions. When no precedent exists the question will be submitted to the solicitor for an opinion or instruction.

(d) The office of the chief attorney, branch office, will include an adequate library and will maintain files as follows:

(1) Precedent or working files.
(2) Index of all files.
(3) Correspondence diary.

§ 14.21 *Duties of chief attorney, regional office or center.* The duties of the chief attorney, regional office or center, will be as follows:

(a) *Guardianship services.* (1) As specified in regulations in this part, determine and certify legality of appointment of guardians or other fiduciaries. In all cases within the jurisdictional limitations of §§ 14.200 to 14.217, to investigate and determine whether, under the law of the state, the person having custody of the claimant is legally vested with the care of the claimant or his estate within the meaning of section 21 of the World War Veterans' Act, 1924, as amended, or section 313 of the World War Adjusted Compensation Act, as

amended, and prepare the certification required by such paragraphs. Maintain a complete cross-reference index of all administration issues and all issued legal precedents affecting the operation of the administration. Responsible for all legal and guardianship activities and such other activities as are comprehended herein. Cooperate with all services to the end that minor and mentally incompetent claimants receive all benefits to which they may be entitled under the laws administered by the administration; and that the interests of minor and mentally incompetent beneficiaries, receiving benefits through fiduciaries properly appointed or constituted, will be safeguarded. Supervise the activities of such fiduciaries in the administration of their trust, see that bonds are furnished in appropriate amounts and with satisfactory sureties, secure certified copies of accounts rendered to the court, check all such accounts, and bring to the attention of the appointing court all cases wherein such fiduciary is found to be delinquent in any such matters or otherwise unsuitable. Secure accountings to the administration where accounts are waived by the court or not required annually under the state law, and at such other times as may be deemed necessary. Secure accounts from all custodians, and check same as to accuracy and with regard to appropriate expenditures of wards' funds.

(2) Survey the social and economic conditions of all minor or incompetent beneficiaries of the administration within his regional territory. Cooperate with the courts in the commitment of incompetent beneficiaries and appointment of guardians for minor or incompetent beneficiaries, or when authorized, to secure appointment of such guardians. Cooperate with chief attorneys of other offices in all cases wherein mutual aid and collaboration are essential. This refers to cases wherein the beneficiary is in one regional territory and the guardian, or appointing court, in another. Represent the administrator in any action taken under section 21 (2), World War Veterans' Act, 1924, as amended (38 U. S. C. 450), where satisfactory adjustment cannot be otherwise obtained; notify the appropriate service or division of central or branch office or division or unit of regional office to stop payment of any and all running awards therein, giving full reasons for such action. Cooperate with the chief medical officer to insure that no action will be taken that will be detrimental to a beneficiary, and that such beneficiary is not deprived of any rights other than by due process of law. If any beneficiary has been wrongfully committed, or has a guardian who was illegally appointed, or if a beneficiary duly adjudged incompetent is restored to sanity, to take such action as may be necessary and practical to have such beneficiary discharged and guardian removed, and may give advice and aid to the beneficiary in having himself adjudged sane, or sanity legally restored. Cooperate with the manager of hospital or chief medical officer with regard to commitment of patients and discharge of committed patients and to cooperate with such administration officers and state authorities in cases where such beneficiaries elope from hospitals. Keep a record of all action taken in each guardianship case handled, a record of accounts, and such other records as will enable him to supply the data necessary for the monthly, quarterly, and semiannual reports. His files and records will be kept in such order that they will be available at all times for checking by the field supervisor. Cooperate with all interested welfare agencies and secure their interest and cooperation in carrying out the administration's policy respecting minors and incompetents. Present to the state or local bar association, welfare organizations, or state legislature, suggestions relative to legislation or other matters.

(b) *Field examinations.* Is responsible for all field examinations (investigations) specified in § 14.50 and such others as may be assigned.

(c) *Legal services.* (1) Representative of the solicitor, and thereby legal advisor to the manager of the office to which assigned and other field stations of the Veterans' Administration located within the area allocated to that office.

(2) Cooperate with the United States attorneys in civil and criminal actions arising under the laws administered by the Veterans' Administration.

(3) Pass upon all contracts or leases referred to him by the manager. Pass upon requests for information on matters contained in administration files as provided in existing instructions, and be completely responsible for action in connection with subpenas for production of administration records in court. To make such examination as may be needed in connection with cases wherein violation of Federal penal statutes is suspected, and to collaborate with the United States attorneys in the prosecution of such cases.

(4) Advises and takes action as required or authorized in cases involving loans guaranteed or insured by the United States pursuant to Public Law 346, 78th Congress, as amended (38 U. S. C. 694j). Is attorney for the Administrator of Veterans' Affairs for all purposes of section 509, title III, of that act and, as such is authorized to represent the Administrator in any legal action or other legal matter under said title subject to statutes and executive orders concerning claims of the United States.

§ 14.24 *Organization of the office of regional chief attorney.* There will be a chief attorney's office in each regional office and center with regional office activities in the United States and its insular and territorial possessions, which shall be composed as follows: chief attorney; assistant attorney or attorneys; field examiner or examiners; fiduciary accounts analysts; stenographer-secretary; and such clerical and stenographic personnel as may be necessary.

§ 14.26 *Duties of personnel of chief attorney's office.* The personnel of the chief attorney's office will have such duties as are hereinafter prescribed, and such other duties as may be assigned them.

SUBPART B—FIELD EXAMINATIONS

AUTHORITY: §§ 14.50 to 14.54 issued under sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 991, 1016, sec. 7, 48 Stat. 9, sec. 1, 49 Stat. 607; 38 U. S. C. 2, 11, 11a, 426, 707, Sup. 450.

§ 14.50 *Types of field examinations.* Field examinations will be of the following types: Examinations in guardianship and custodianship cases; examination of offenses against the Federal laws; examination of accidents alleged to be due to negligence of Veterans' Administration employees and accidents causing damage to Veterans' Administration property (this refers only to torts wherein a liability arises against or in favor of the Government); examination into claims cases, including compensation, adjusted compensation, pensions, vocational rehabilitation and education; retirement pay; insurance cases, guaranty or insurance of loans and other benefits under the Servicemen's Readjustment Act of 1944, as amended; examinations directed by the manager or deputy administrator on general administrative matters; and examinations requested by a United States district attorney or other representative of the Department of Justice, in civil and criminal cases.

§ 14.52 *Preparation of requests for field examinations.* All adjudicating and other agencies are directed to observe the provisions of the Field Examination Manual and the following instructions concerning requests for field examinations. Field Examination Request, VA Form 2-3537a, will be prepared in each case in duplicate, one copy retained in file, the original being signed by the official making the request and forwarded to the regional chief attorney, whose office is to make the field examination. If an additional copy of the field examination report is desired by the requesting agency this will be indicated by supplying an additional copy of the request. If simultaneous field examinations are to be made in different offices, sufficient additional copies will be made so that a copy may be sent each office concerned. The statement of facts should be sufficiently complete to give the receiving office, and the field examiner to whom the field examination request is assigned, a clear understanding of the situation. The points to be developed must be specific and as complete as circumstances permit. If documents are in question, they should be attached to the VA Form 2-3537a. The complete file will be forwarded with the VA Form 2-3537a when, in the opinion of the requesting official, such action is necessary to satisfactorily accomplish the field examination. Any field examination request not prepared in the manner outlined above will be returned by the chief attorney to the official making the request for compliance with the foregoing instructions.

§ 14.54 *Authorization and functions of field examiners.* Field examiners are authorized to examine into the correctness of claims and to administer oaths and affirmations in connection with claims arising under the laws administered by the Veterans' Administration when required and in taking testimony or depositions. Field examiners will perform all

field examination work assigned to the office of the chief attorney, regional office, in accordance with regulations, and such other duties as are assigned by the chief attorney or manager.

SUBPART C—GUARDIANSHIP SERVICES

AUTHORITY: §§ 14.60 to 14.369 issued under sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 991, 1016, sec. 7, 48 Stat. 9, sec. 1, 49 Stat. 607; 38 U. S. C. 2, 11, 11a, 426, 707, Supp. 450.

§ 14.60 *Cooperation with associated agencies.* Every effort will be made to notify the appropriate officer of an interested agency of all cases of minors needing aid and attention which is beyond the scope of the duty of the Veterans' Administration. (See §§ 14.296 and 14.368.)

§ 14.61 *Use of penalty envelopes.* Requests have been made by some of the guardianship attorneys of the American Legion for penalty envelopes to be used in their correspondence with the regional office relative to the appointment and discharge of guardians and to the checking of guardianship accounts. The statutes governing the use of penalty envelopes, embodied in section 485, Postal Laws and Regulations, restrict the use of such envelopes to departments and officers of the Government of the United States for the purpose of transmitting in the mails, free of postage, matters "relating exclusively to the business of the Government of the United States," persons other than such officers being prohibited from using them except when properly furnished by an officer of the Government with a request for official information as provided in section 3 of the act of July 5, 1884 (23 Stat. 158), paragraph 5, section 485, Postal Laws and Regulations, which reads as follows:

> Any department or officer authorized to use the penalty envelopes may enclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information and endorsement relating thereto.

Chief attorneys, will therefore be governed accordingly in forwarding penalty envelopes to attorneys rendering gratuitous legal service to Veterans' Administration beneficiaries.

§ 14.62 *State legislation.* The question of State legislation pertaining to Veterans' Administration beneficiaries is a complex matter. Chief attorneys will cooperate with the affiliated organizations and with local and State bar associations to the end that deficiencies of the State laws relative to guardianship and other matters may be removed. In order to insure carefully planned and coordinated legislation relative to such matters, all proposed legislation coming to the attention of the chief attorney will be submitted to the solicitor through the chief attorney, branch office, for review. Deficiencies in State laws will be brought to the attention of solicitor, through the chief attorney, branch office, with a request for advice or suggestions as to needed remedial legislation, and no action to commit the Veterans' Administration regarding any proposed legislation will be taken without the approval of the solicitor. Chief attorneys will express their views on the proposed State legislation in transmitting same to the solicitor. All such legislation enacted should be reported to the solicitor through the chief attorney, branch office, in order that information regarding same may be supplied chief attorneys, regional offices and chief attorneys, branch offices, in other States.

PROCEDURE TO BE FOLLOWED IN RECOGNIZING LEGAL CUSTODIAN, APPOINTMENT OF A GUARDIAN FOR A MINOR OR MENTALLY INCOMPETENT BENEFICIARY, AND THE MAKING OF INSTITUTIONAL AWARDS

§ 14.200 *Notification to chief attorney.* In order that the chief attorney may supervise, in cooperation with the other services, all Veterans' Administration activities in his region having to do with the welfare of minors or mental incompetents, when any benefit is payable by the Veterans' Administration to a person mentally incompetent or to a minor other than a veteran who has been discharged from the military forces of the United States or a minor widow, the director of the veterans claims service, director of the dependents and beneficiaries claims service, director of the disability insurance claims service, central office, the director of claims service and director of insurance service, branch offices, the adjudication officer, or chief, vocational rehabilitation and education division, field stations, will notify the chief attorney of the region wherein the minor or incompetent resides of the necessity for the appointment of a fiduciary or the determination of a legal custodian, as the case may be, and request that such appointment be made as speedily as possible.

§ 14.201 *Form of notification.* The director of the veterans claims service, director of the dependents and beneficiaries claims service, director of disability insurance claims service, central office, or director of claims service and director of insurance service, branch offices, the adjudication officer, or chief, vocational rehabilitation and education division, field stations, will notify the chief attorney by letter or memorandum, advising the name and date of birth of the beneficiary, name and address of the parent or nearest next of kin of the beneficiary, if available from the records, and the amount of the initial payment and monthly payments to be made. If the beneficiary resides in another regional area, it will be the duty of the chief attorney receiving the letter or memorandum above provided to communicate the information contained therein to the chief attorney of the regional office or hospital concerned.

(a) Section 21 (4) of the World War Veterans' Act, 1924, as amended, repeals the act of August 8, 1882 (22 Stat. 373; U. S. C. title 38, section 44), and provides that in case of any incompetent veteran having no guardian, payment of compensation, pension or retirement pay may be made, in the discretion of the Administrator, to the wife of such veteran for the use of the veteran and his dependents.

(b) In cases coming within section 21 (4) of the World War Veterans' Act, 1924, as amended, the director, veterans claims service, central office, or adjudication officer, field station, will notify the chief attorney of the office having jurisdiction over the territory in which the veteran resides furnishing information as to the name and address of the veteran and his wife, the amount of the initial payment and monthly payments to be made. The chief attorney will investigate each case to determine whether the wife is properly qualified to administer the funds payable, whether she will agree to use the funds for the benefit of the veteran and his dependents, and whether all conditions justify payment of the compensation, pension or retirement pay to the veteran's wife; or whether, in the best interests of the veteran and his dependents a guardian should be appointed to receive and administer the funds payable. If the chief attorney determines that payments shall be made to the wife, a complete report will be forwarded to the director of the veterans claims service or adjudication officer, field station, accompanied by the evidence disclosing the facts, with a recommendation that payments be made to the wife. If the chief attorney determines that the facts justify the appointment of a guardian, he will take action promptly to effect the appointment and will forward the evidence thereof, together with his certification as to the legality of the appointment and adequacy of bond, to the director of the veterans claims service or adjudication officer, field station. For the purpose of determining whether the funds paid to the wife are being applied as intended and whether the payments should continue to the wife, or whether in the interests of the veteran and his dependents action should be taken to have a guardian appointed, or whether the veteran has recovered and should be rerated as to competency, a social survey will be accomplished each year. The case will be diaried for this purpose on the Account Due Card, VA Form 2-3526. A record of these cases will be maintained on the locator index, VA Form 2-3525, filed alphabetically. A correspondence file on each case will be maintained.

§ 14.202 *Diary and follow-up by originating service and notice by regional chief attorney.* The case file will be diaried by the director of the veterans claims service, director of the dependents and beneficiaries claims service, director of disability insurance claims service, central office, or director of claims service and director of insurance service, branch office, adjudication officer, or chief, vocational rehabilitation and education division, field station, to come up for attention sufficiently far in the future to enable the chief attorney to secure a certified copy of the letters of appointment of the guardian or arrange for the determination of a legal custodian. If action is not then completed, a proper follow-up will be maintained on the chief attorney. It will be the duty of the chief attorney to secure and furnish the officer requesting the appointment of the fiduciary a certified copy of the letters of appointment of the guardian with VA Form 2-4704, Certificate of Legality of Appointment and Adequacy of Bond, or

VA Form 2–555, Certificate of Legal Custody. The chief attorney will notify the officer requesting the appointment at the earliest moment possible, as to whether or not there will be a guardian appointed, or a determination as to a legal custodian in the case. The chief attorney will also notify the above-mentioned officers if there is to be a delay in the appointment of a fiduciary, the reason for such delay, and the probable date of appointment.

§ 14.203 *Chief attorney to use discretion in determining type of fiduciary.* The chief attorney will use discretion in determining whether a guardian or a legal custodian will be recognized. The amount of money involved will not be the only factor considered in the determination of a legal custodian. The appointment of a guardian will be required when such action is deemed necessary to protect the interests of both the minor or incompetent and the Veterans' Administration. The practicability of the appointment of a guardian, as well as the depletion of the estate by the cost of administration of the estate by such fiduciary, will be carefully considered before requiring the appointment of a guardian. The chief attorney will also use discretion, where the appointment of a guardian is deemed necessary both from the standpoint of the ward as well as the Veterans' Administration, in advising with the court in the selection of the person to serve in this capacity.

§ 14.205 *Amount of benefits payable by Veterans' Administration to legal custodian or custodian-in-fact, payments to bonded officer of Indian reservations.* When a claimant under legal disability is found entitled to any benefit payable by the Veterans' Administration, the accrued amount of which at the time of the execution of VA Form 2–555, Certificate of Legal Custody, is $700 or less, or the monthly rate of which is $65 or less, or if the finding is in favor of two or more claimants under legal disability and the accrued amount is $1,000 or less, or the combined monthly rates for two claimants amount to $90 or less, for three claimants $115 or less, plus monthly payments of $20 for each additional claimant, and no legal guardian or committee has been appointed, the awards shall be made upon proper finding to the person legally vested with the responsibility or care of such claimant or claimants: *Provided*, That the best interests of the claimant or claimants will be served thereby and the legal custodian is properly qualified.

(a) In any case wherein payments to a fiduciary have been withheld or suspended, the chief attorney will determine whether payment of all or any part of funds so withheld is necessary for the support and welfare of the beneficiary or of his dependents. If such needs cannot be met by an institutional and/or apportioned award under governing instructions applicable thereto and the minor or incompetent beneficiary is in the actual custody of some reliable person, the chief attorney will secure the evidence of such actual custody, together with a signed agreement—and if necessary a bond—of said person to receive and use for the sole benefit of such beneficiary moneys due on his account, and will certify such custody in accordance with § 14.206: *Provided*, That instead of the information called for by paragraph (a) (4) of § 14.206, the certificate will contain a statement showing why payments to the fiduciary have been withheld or suspended; and in addition will set out the period of time payments are to be made to the custodians-in-fact and the amount thereof.

(b) If benefits are due an incompetent adult or a minor Indian who is a recognized ward of the Government and for whom no guardian has been appointed, the chief attorney will secure from the proper superintendent or other bonded officer designated by the Secretary of the Interior to receive funds under the provisions of Public, No. 373, 72d Congress (25 U. S. C. 14), a certification showing that (1) the said beneficiary is a ward of the Government, (2) that no guardian or other fiduciary has been appointed, (3) that the officer has been designated by the Secretary of the Interior in accordance with said act, (4) that he is properly bonded, and (5) that he will receive, handle, and account for such benefits in accordance with existing law and the regulations of the Department of the Interior. VA Form 2–555 will not be prepared in such cases; instead, the chief attorney, if he approves the certification, will forward it to the proper adjudication agency for payment under said act. The limitations of this section will not apply to these cases, nor will accounts be required of such officers by the chief attorney.

§ 14.206 *Evidence of custodianship.* (a) The chief attorney will secure a certificate on VA Form 2–4703 executed by the proposed legal custodian, supported by the certificates of two disinterested persons, setting forth the following:

(1) Relationship of proposed legal custodian to the minor or incompetent claimant.

(2) The person legally vested with the responsibility or care of the claimant's estate and the relationship between such person and the claimant.

(3) The State which is the legal residence of custodian and claimant.

(4) That no guardian, curator, or conservator has been appointed; or that no guardian, curator or conservator has been constituted under the laws of such State of the claimant's residence, as the case may be.

(5) That the person named as custodian is charged with the responsibility and care of the claimant and is exercising same. (The certificate of the two witnesses must state that the proposed custodian is a fit person to have the custody and care of the claimant and is qualified in every respect to receive, disburse, and account for amounts payable on account of the claimant.)

(6) That the claimant is living and in such custody at the time.

(7) The period during which such custody has extended (showing dates).

(8) If the claimant is not in the actual custody of the person claiming to be legal custodian, the reason for such separation and the arrangement under which the claimant resides in some other place should be given, together with the name and address of the person having charge of such claimant.

(b) In addition thereto, the chief attorney will, upon request of the adjudication agency, secure, through the interested parties, certified copies of the following papers, when necessary, under the seal of the custodian of the original records:

(1) Birth certificate or other proof of birth of claimant (if the claimant is a minor).

(2) Decree of divorce, if any, of legal custodian and veteran.

(3) Decree of adoption, if any, of claimant.

(4) Inquisition papers of unsoundness of mind of claimant, or restoration to sanity.

§ 14.207 *Recognition of legal custodian.* (a) Section 21, World War Veterans' Act, 1924, as amended by Public No. 262, 74th Congress, third proviso, is as follows:

> That where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State of residence of the claimant, the Administrator shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

(b) This section of the World War Veterans' Act, 1924, as amended, provides that the Administrator shall determine the person legally vested with the care of the claimant or his estate. This determination is delegated to the chief attorney inasmuch as the question is legal and dependent upon State statutes or court decrees. A study of the State statutes is necessary to determine the person who is legally vested with the care of the claimant. The natural parent is usually recognized as being legally responsible for the care of a minor child unless such relationship has been disturbed by judicial decree. Reference should be made to the State statutes to determine a stepparent's legal responsibility, both during the life of the natural parent and after death of such natural parent. If the natural parent (female) has remarried, some jurisdictions have placed a responsibility upon the stepfather to care for and support the minor children of his spouse, and if such responsibility exists, protective measures must be taken to assure that the Government funds appropriated for the benefit of the minor are actually used for this minor, in addition to the benefits due from the stepparent. When the status of loco parentis exists the person standing in that relationship to the claimant, or the person vested with custody by judicial decree, may be recognized as legal custodian. Extreme care will be taken in considering a custodial award for an incompetent.

(c) In view of the responsibility that is placed upon the chief attorneys, the greatest possible degree of care must be exercised in determining such matters in connection with possible custodianship cases.

§ 14.210 *Bond of custodian.* The chief attorney, regional office or center, the solicitor, or the chief attorney, branch office, as the case may be, may require the person recognized as legal custodian of a claimant or as custodian in fact under the provisions of section 21 (3), World War Veterans' Act, 1924, as amended, and § 14.205 (a), to furnish bond before payments are made to such person on behalf of the claimant. Said bond shall run to the Administrator of Veterans' Affairs for the use and benefit of ----------
(Name of ward)

§ 14.211 *Certificate of legal or actual custody.* VA Form 2–555, Certificate of Legal Custody, or VA Form 2–555c, Certificate of Actual Custody, will be prepared and signed by the chief attorney who has secured the data upon which said certificate is based and forwarded to the adjudication agency which requested the appointment. No certificate will be issued where it is shown that the person to whom it is proposed to make payments is not a fit person to have custody of the claimant.

§ 14.216 *Branch chief attorney authorized to waive limitation as to amount of award.* The chief attorney, branch office, may waive limitation as to the amount of the award specified herein whenever satisfied that the best interests of the claimant will be served thereby, and determine the person entitled to receive payment for the claimants, and in such cases the payments will be made to such person. Such exceptional cases will be brought specially to the attention of the chief attorney, branch office. In these cases the chief attorney will prepare the certificate of custody in duplicate, for the signature of the chief attorney, branch office, retaining one copy and forwarding the original and accompanying affidavits, etc., to the office of the chief attorney, branch office. After action thereon has been taken by the chief attorney, branch office, the evidence of custodianship will be returned to the proper field station or forwarded to the proper service, central or branch office. Such cases being handled by an insular office not within the jurisdiction of a branch office, or in which the beneficiary whose claim is adjudicated in central office resides in a foreign country will be referred to the solicitor for consideration of waiver of the limitation as to the amount of the award.

§ 4.217 *Certificate of custody authority for payment.* The certificates of custody issued under the provisions of § 14.211 will be authority for payment to the person designated therein as custodian only while there is no legal guardian, curator, or conservator, and while the other requirements of custody and responsibility exist; except that in cases falling under section 21 (3), World War Veterans' Act, 1924, as amended, the certificate authorized by the provisions of § 14.205 (a) will be authority for payment to the custodian in fact for the period stated therein, unless it is determined that payments may be resumed to the fiduciary prior to the expiration of such period.

§ 14.219 *Chief attorney to determine need for appointment of fiduciary.* In any case the chief attorney will determine in accordance with § 14.203 whether a fiduciary should be appointed; and if so, will make arrangements to have the proper person or institution take the necessary steps to secure such appointment. The Veterans' Administration may institute legal action for original appointments of a guardian in such cases. If no guardian is to be appointed the requesting officer will be duly advised.

§ 14.220 *Chief attorney to sign certificates required by Uniform Veterans' Guardianship Act, or similar State Legislation, as representative of the Administrator.* In accordance with the authority granted to the Administrator under section 7, Public No. 2, 73d Congress (38 U. S. C. 707), chief attorneys are hereby authorized to sign, as representative of the Administrator, certificates required by the Uniform Veterans' Guardianship Act, or similar State legislation adopted in lieu thereof.

§ 14.221 *Suitable fiduciary.* After the investigation, should the chief attorney decide that a guardian should be appointed, he will notify the interested parties and will suggest that a bank or trust company, or if none available, a fit individual, be appointed. If the person recommended by the interested parties is not suitable every effort will be made to secure the endorsement of a suitable institution or person. The chief attorney may make recommendation to the court as to the qualifications of the proposed guardian. Banks and trust companies are favored as guardians of the estate, and near relatives as guardians of the person or of person and estate, if ward be a minor.

§ 14.222 *Policy in recognizing banks and trust companies.* The chief attorney, before recognizing State banks and trust companies, will be assured that the financial responsibility of such bank or trust company is without question. The chief attorney will submit a complete report to the chief attorney, branch office, in all cases of closing of banks acting as guardians, or of banks in which guardianship funds are on deposit; and will also report the action that has been, or will be, taken to safeguard the interests of the ward or wards.

COMMITMENT OF MENTALLY INCOMPETENT BENEFICIARIES, APPOINTMENT OF GUARDIANS FOR INCOMPETENT AND MINOR BENEFICIARIES, AND PAYMENT OF EXPENSES IN CONNECTION WITH SUCH APPOINTMENT

§ 14.223 *Chief attorney to render assistance to courts.* The chief attorney will render all assistance possible to the courts in commitment cases. To this end there is authority for production of Veterans' Administration records, in court in such proceedings.

§ 14.224 *Costs for commitment of insane veterans.* Upon certification by the manager or chief medical officer of a regional office or Veterans' Administration hospital, that commitment of an insane male or female veteran to a Veterans' Administration hospital or to a contract hospital is necessary in order to afford, or continue, authorized care, the chief attorney is hereby delegated authority to authorize in advance court costs and other necessary expenses to accomplish such commitment. Further authority is hereby delegated to the chief attorney to authorize in advance the payment of court costs and other necessary expenses incident to the restoration to sanity of veterans who were committed at the instance of the Veterans' Administration or the costs of whose commitment were paid by the Veterans' Administration. This authority is to be applied in those States, the laws of which require court proceedings for restoration to sanity and in cases in which the veteran is discharged from the hospital upon the premise that further medical care or treatment is not required. Costs or attorney fees will not be reimbursed without authorization of the chief attorney, branch office.

(a) In those cases where the beneficiary is admitted upon proper authorization from one State to a hospital located in another State, as for example when a patient is sent from Connecticut to the Veterans' Administration Hospital, Northampton, Mass., or from Missouri to the Veterans' Administration Hospital, Danville, Ill., and commitment is necessary in the State wherein the hospital is located, the chief attorney of the office in whose area the hospital is located will authorize the cost of commitment, and the finance officer in that office will approve and forward for payment, vouchers covering the costs as authorized. In some States such veterans, if insane or incompetent, may be retained for a temporary period only and thereafter must be committed if they are to remain in the hospital. It is intended and desired that the chief attorney within whose area the hospital is located will cooperate fully with the manager of that hospital in all matters pertaining to the commitment of such veterans, and that the chief attorney will authorize the costs thereof, if same are payable by the Veterans' Administration. In order, however, that he may have sufficient information on which to act, it is necessary that the sending office either forward the claims folder, unless a guardian has been appointed, so as to be received by the office within whose area the hospital is located within 10 days after the veteran is hospitalized, or that the chief attorney of the sending office notify the chief attorney of the office within whose territory the hospital is located of the fact that the veteran has been transferred for hospitalization and that he is deemed to be incompetent or insane. Upon receipt of claims folder or such information the chief attorney will cooperate with the manager of the hospital in regard to any commitment that may be necessary. In such cases the manager of the hospital will take up the question of commitment with the local chief attorney. If veteran is committed pursuant to the provisions of the Uniform Veterans' Guardianship Act, or similar statute, by a court of the State in which the veteran is located, to a Veterans' Administration hospital in another State, recommitment in the latter State will not be necessary nor will costs thereof be paid by the Veterans' Administration.

(b) In some States the law provides that court costs in connection with ad-

judication of insanity for commitment should be borne by the State, county, or other municipality in which the insane person resides or is located. Usually it is also provided that the amount thereof may be charged to or recovered from the estate of the incompetent or relatives. If there is any provision of law, or administrative regulation issued pursuant to law, whereby such costs are chargeable to the veteran or may be taxed against his estate, his guardian or legal representative, the Veterans' Administration will pay the amount thereof regardless of his ability to pay such costs. When such costs are legally the liability of the State or municipality and may not be assessed against the veteran the chief attorney will not authorize payment of such costs by the Veterans' Administration. Any question arising in such States will be reported to the chief attorney, branch office.

§ 14.225 *When Veterans' Administration physicians may testify in lunacy proceedings; employment of private physicians.* When costs are authorized pursuant to § 14.224 or 14.227 the services of Administration physicians will be available for the purpose of testifying in proceedings incident to the adjudication of insanity of veterans who are beneficiaries of the Administration, and when required for Administration purposes, either for commitment or appointment of a guardian, or both, subject to the following limitations:

(a) When such testimony is precluded by State law, as where the statute provides that an insane person may not be committed to an institution on the testimony of officials connected with such institution.

(b) If some relative of the veteran, other than the one who requested the commitment, objects to the proceedings, or files a contest, Veterans' Administration physicians will not testify voluntarily.

(c) If any party in interest causes a subpoena to be issued requiring a Veterans' Administration physician to testify in adjudication proceedings, he should comply therewith. Veterans' Administration physicians may testify on behalf of a veteran in a proceeding brought for the purpose of determining his competency in order that his civil rights may be restored. Veterans' Administration physicians may, if permitted by State law, sign interrogatories or certificates of insanity; and upon the discharge as sane of any veteran committed under the Uniform Veterans' Guardianship Act, or similar State legislation, the manager of a Veterans' Administration hospital may supply the committing court with a certificate of sanity as contemplated by the statute.

(d) If travel is necessary in the performance of the duty contemplated by § 14.225, the manager will authorize same for the Veterans' Administration physician stationed at the regional office or at the hospital, and will encumber his budget accordingly. Physicians will not be ordered from their stations if, in the opinion of the head of the station, their services cannot be spared for the time necessary to permit them to testify. Travel orders for the purposes of § 14.225 will not require travel to or from any point more than 100 miles beyond the limits of the regional area and no travel order will be issued unless the Veterans' Administration desires the testimony of the Veterans' Administration physician for the purposes stated.

(e) When Veterans' Administration physicians are not available for the purposes of this section, or where the expense involved in utilizing a Veterans' Administration physician would be greater than the cost of employing a psychiatrist for such purposes, the manager, upon the recommendation of the chief attorney and the concurrence of the chief medical officer, may employ such psychiatrist subject to the following limitations:

(1) Whenever it becomes necessary under the provisions of this paragraph to utilize the services of a physician not in the employ of the Veterans' Administration, the expenses incident thereto will be paid under the authority contained in §§ 14.224 and 14.227 to 14.229 in accordance with the following:

(i) For preliminary examination, the fees prescribed by the Schedule of Fees, Veterans' Administration Medical Procedures will be authorized, and where it is not possible to have the veteran examined at the physician's office, the expenses provided by Veterans' Administration Medical Procedures will be authorized.

(ii) The fee to be allowed such physicians for testifying in court will be limited to the fee prescribed by the State law, local practice, or procedure. In those jurisdictions wherein no fee is prescribed by the State law, local practice, or procedure, but the fee is left to the discretion of the court, the fee allowed by the court will be paid, and every effort will be made to keep such fee to the minimum. If the court does not fix the amount of the fee, the physician will be allowed a fee for attendance at court in the same amount as is allowed for an attorney by the schedule of fees, § 14.252.

§ 14.226 *Authorizing transportation necessary for appointment of a guardian for, or for commitment of, a veteran beneficiary.* In any case wherein the insane veteran for whom a guardian should be appointed or who should be committed, is in a hospital and under the law of the State wherein the hospital is located a guardian cannot be appointed locally, or, if commitment be necessary, such commitment may not be had locally, it may become necessary to have the veteran returned temporarily to his home in order that proper legal process may be served preliminary to the necessary legal proceedings. In such case if the hospital is not more than 100 miles beyond the limits of the regional area the chief attorney may authorize the costs in accordance with existing regulations, including such necessary travel of the veteran and an attendant or attendants, if necessary. If the hospital is more than 100 miles beyond the regional area limits the chief attorney will secure prior authority from the chief attorney, branch office. In any event, the chief medical officer or the clinical director of the hospital where the veteran is located will determine whether the veteran is able to travel for such purposes. It is re-emphasized that such travel will not be authorized unless there be no other legal method of appointing a guardian, or committing the veteran, as the case may be.

§ 14.227 *Costs for appointment of guardians; when authorized at Veterans' Administration expense.* Costs for appointment of guardians pursuant to section 21 of the World War Veterans' Act, 1924, as amended, which applies to all benefits payable by the Veterans' Administration, will be authorized only in cases wherein:

(a) Benefits payable are small and such costs would unduly deplete the estate. In applying the above, chief attorneys may authorize costs and perform legal services incident to the appointment of a guardian in any case wherein the total amount of benefits payable at date of award on which request for appointment of guardian is based does not exceed the amount prescribed by Public Law 662, 79th Congress (38 U. S. C. 739), for the discontinuance of payments; in any exceptional case not falling within this limit, but wherein the chief attorney is of the opinion costs should be paid, a full report may be made to the chief attorney, branch office, with a request that costs be authorized. Costs will not be authorized or paid in any case if the proposed guardian is not satisfactory.

(b) Costs must be advanced, and there is no immediate estate from which same may be paid. If case does not fall within paragraph (a) of this section, recovery of costs so advanced will be made from benefits payable.

(c) Appointment caused by Veterans' Administration, and it develops that no benefits are payable and no estate from which costs may be paid.

§ 14.228 *Chief attorneys delegated power to authorize costs incident to appointment of guardians.* Subject to the provisions of § 14.227, chief attorneys are hereby delegated authority to authorize incurrence of such costs, and payment thereof; and may render necessary legal services in such cases. If in any case not comprehended by § 14.227, the chief attorney believes that circumstances warrant payment of costs by the Veterans' Administration, he will report the facts with request for special authority from the chief attorney, branch office, to incur costs, and will state the amount of such costs and other expenses involved. The necessary legal expenses in connection with the appointment of a guardian do not include the premium on the fiduciary's bond. Such premium is an administrative expense which must be borne by the guardian or by the estate, depending upon the provisions of the State law.

§ 14.229 *Court costs; what may be included as.* In all cases where the Veterans' Administration pays the expenses incident to the appointments of guardians under the provisions of § 14.227 the costs of procuring certified copies of letters of guardianship and guardians' bonds will be paid by the Veterans' Administration as a part of the necessary court costs, while in those cases where the costs of appointments are payable by the estate of minor or incompetent beneficiaries the costs of securing certified copies of such documents will not be paid by the Veterans' Administration unless desired in connection with an investigation authorized by section 21 (2) of the World War Veterans' Act, 1924, as amended. In all cases such authorization will be subject to the following further limitations:

(a) Court costs will include only those chargeable under the statutes and must be certified by the clerk of the court.

(b) Attorneys' fees, within the limitations of the schedule of fees, § 14.252, may be paid if authorized under the provisions of § 14.237.

(c) Such expenses for appointment of a substitutionary guardian will be paid only when the former guardian was removed, or was caused to resign, at the instance of the administration, or, in the event of the death of a guardian, when the appointment of a new guardian is necessary to receive the benefits payable by the administration.

(d) Vouchers for payment of above expenses will refer to this section, and if special authority has been secured in any case, to the approval letter of the chief attorney, branch office, as authority therefor.

(e) Expenses in connection with the supervision of the administration of such estates by such fiduciaries, as used in section 21 (2), World War Veterans' Act, 1924, as amended, is interpreted to authorize only payment of administration expenses incurred in such connection, and not expenses of fiduciaries.

§ 14.230 *Chief attorney not to file petition for inquisition in lunacy unless requested by veteran or relative, civil official, etc.* The chief attorney will not file or cause to be filed a petition for an inquisition in lunacy for commitment or for the appointment of a guardian unless he has a written signed statement from the incompetent veteran's nearest relative or from the veteran himself. In the event there is no near relative and if the veteran is not mentally capable of authorizing such action, the chief attorney may file the petition if signed by a civil official or representative of a cooperating agency. No employee of the Veterans' Administration will sign such a petition unless authorized by the solicitor. The chief attorney will render the legal services in commitment cases when costs are authorized to be paid by the Veterans' Administration as provided in § 14.224. In guardianship cases the chief attorney will notify the veteran's nearest relative. The person selected as the proposed guardian, a civil official or a representative of a cooperating agency of the action that should be taken, and that the chief attorney will, if so requested, file the petition without cost if veteran is not entitled to sufficient benefits to justify employment of an attorney. Thereafter he will take no definite action relative to the filing of a petition unless and until such written request therefor is received.

§ 14.231 *Determination as to correctness of costs.* It will be the duty of the chief attorney in all cases under his jurisdiction to take all administrative action devolving on the Veterans' Administration incident to the commitment of mentally incompetent veterans, or other legal action under section 21 (2), as amended, and as authorized herein. The chief attorney will obtain such information as is necessary to determine that the costs charged are correct, just, and necessary, and in accordance with the provisions of §§ 14.223 to 14.229. Payments will be made in accordance with finance procedure.

§ 14.232 *Authorization by chief attorney of commitment and appointment costs.* The chief attorney will be responsible for the issuance of all authorizations for the commitment of mentally incompetent veterans when required for purposes of authorized care and for court expenses incident to appointment of a guardian when such action is at the instance of the Veterans' Administration as outlined in §§ 14.224, 14.227 or 14.229.

§ 14.233 *Chief attorney to check court cost vouchers.* The chief attorney will see that the voucher is executed properly showing the court costs or expenses incident to such action and the amount and for what purpose the charge is made, that the charges are correct, just, and necessary, and in accordance with § 14.224, § 14.227 or § 14.229. The "necessary costs" must, in the absence of a judicial finding as to their amount, be correct, just, and proper.

§ 14.234 *Chief attorney to notify proper person of need for appointment of guardian.* If commitment is not necessary for authorized care but the appointment of a guardian is required, the chief attorney will notify the proper person as to what action is necessary. No one outside the Veterans' Administration will be notified of the fact that an award is pending the qualification of a fiduciary except as provided in § 14.221. The purpose of this procedure is to enable the Veterans' Administration to avoid appointment of unsuitable persons as guardians, and enable the chief attorney to take necessary action to authorize costs incident to such appointment if in order.

§ 14.235 *When chief attorney may prepare appointment papers or furnish advice.* The chief attorney may prepare all necessary legal papers in those cases wherein expenses are hereinbefore authorized (§§ 14.224, 14.227, and 14.229). In other cases, he may give such help and advice as may be necessary and advisable, and may assist the guardian in securing necessary legal services at nominal cost whenever possible.

§ 14.236 *Chief Attorney to Authorize Costs for Removal of Guardians.* Where it is necessary to institute action under section 21 (2), World War Veteran's Act, 1924, as amended, to remove a guardian, and have another appointed, the legal expenses in connection therewith, including court costs, may be paid. Chief attorneys will institute action to remove a guardian only in case of actual embezzlement or misappropriation of funds, or where an absolutely necessary adjustment cannot otherwise be made. Where practicable, payments will be made in such cases by means of institutional and apportioned awards, or otherwise they may be made to a custodian-in-fact. As provided in § 14.328, the legal expenses will be authorized by the chief attorney, but strictly in accordance with §§ 14.227 to 14.235. If required by State law or rule of court such costs and expenses may be advanced. When expenses are authorized by the chief attorney for the removal of a guardian it does not follow necessarily that such expenses shall be borne by the Veterans' Administration. Of course, it is intended that the chief attorney may pay such filing fee and other costs as may be necessary, but under the practice and procedure in most jurisdictions the costs of such action may be taxed against the unsuccessful party, that is, in these cases, the guardian who is found delinquent and therefore is removed. They should not, of course, be taxed against the estate of the ward. If such costs having been paid by the Veterans' Administration are recovered from the guardian they should in every instance be covered into the Treasury of the United States as miscellaneous receipts. The chief attorney will be responsible for seeing that such costs are recovered, if possible.

§ 14.237 *Branch Chief Attorney Empowered to Authorize Employment of Local Attorney.* In any case wherein legal action at the expense of the Veterans' Administration is authorized, if the legal services cannot be performed by the chief attorney or his assistant, by reason of distance, time, and cost of travel involved, etc., the chief attorney will secure authority from the chief attorney, branch office, to employ a local attorney to handle the case. If the guardian to be removed is in one jurisdiction, and the appointment of the new guardian is desirable and legal in another jurisdiction, the chief attorneys within the respective jurisdictions will be jointly responsible for the legal action involved, and will cooperate so as to insure a satisfactory adjustment. After appointment, the chief attorney within the jurisdiction of the appointing court will maintain the principal guardianship file. The other chief attorney, however, will attend to the final accounting, etc., of the removed guardian. The policy of the Veterans' Administration is to have the guardians appointed, in the first instance, where the beneficiary resides permanently, and thereafter not to change guardians except for the most cogent reasons. In such cases every effort will be made to prevent the charging of a commission by the new guardian on the corpus of the estate transferred.

(a) In asking for authority to employ a local attorney under this paragraph the chief attorney should give sufficient information to enable the chief attorney, branch office to determine what would be the approximate cost should the service be performed by the chief attorney, and in addition should state the name of the attorney whom he desires to employ and should indicate whether the attorney will perform the service for

a fee within the limitations of the schedule of fees. An attorney should not be employed to file a petition for an inquisition in lunacy except under the provisions of § 14.230. In other words, the chief attorney should not employ an outside attorney to perform the services which the chief attorney is not authorized to perform.

§ 14.238 *Appointment of guardian where claimant resides or is hospitalized.* The chief attorney will endeavor to secure the appointment of a guardian in the jurisdiction in which the claimant resides, or in which he is hospitalized, if in accordance with the State law.

§ 14.244 *Cooperation of chief attorney and chief medical officer relating to incompetents.* Before any steps are taken toward commitment of any incompetent beneficiary, or appointment of a guardian therefor, contact must be had with the chief medical officer, regional office or hospital to insure that such action is necessary. The chief attorney, through the chief medical officer, may request such examinations as may be necessary to establish the facts as to the competency or incompetency of the beneficiary. Close cooperation is essential. Any legal action desired by the medical service may be initiated through the chief attorney, and the latter will consult with the medical service in all cases involving the physical and mental welfare of the beneficiary.

§ 14.245 *Chief attorney to be notified of movement of hospitalized veterans.* The chief attorney will maintain close liaison with the managers of Veterans' Administration hospitals, officers in charge of other Federal hospitals, and superintendents of State and contract institutions, to the end that the chief attorney will be notified of admissions, commitments, trial visits, elopements and discharges of incompetent veterans. VA Form 10–2622, Information Regarding Movement of Persons Receiving Hospital Treatment, will be used by the managers of Veterans' Administration hospitals for this purpose, and more particularly in relation to the prescribed procedure to avoid interruptions of payments in cases of incompetent veterans on trial visits. This form will be sent by the manager to the chief attorney in whose area the hospital is located, who when indicated will forward the form to the chief attorney of the area in which the veteran is then residing. In the cases of eloped patients, every facility of the Veterans' Administration will be made available to the chief attorney in endeavoring to have such patients returned to the hospital in accordance with prescribed procedure.

§ 14.246 *Chief attorney to receive notice of discharge of committed cases.* The chief attorneys will solicit a like cooperation from the officers in charge of these institutions, to the end that no committed case will be discharged without the chief attorney being notified so that any court action necessary may be taken. In cases in which continued hospitalization is considered necessary by the manager, and the guardian or nearest relative desires that the beneficiary remain at the Veterans' Administration hospital or contract hospital, the manager will request the chief attorney to authorize commitment expenses. If commitment direct to the Veterans' Administration hospital is possible under the State law, the chief attorney will authorize such expenses and will assist in securing the commitment, subject to § 14.224.

§ 14.250 *Illegal commitment.* If it is discovered that a beneficiary has been illegally committed, and it is necessary to have him legally committed in order to give, or continue authorized care, steps will be taken at once to secure legal commitment.

§ 14.251 *Supervision of fiduciaries; legal services.* (a) Legal services, if desired by the guardian, may be supplied by chief attorneys' offices if the estate or income is not sufficient to justify the employment of an attorney and as provided in § 14.329.

(b) In any case falling within the provisions of § 14.366, where the guardian does not in due course institute the necessary action to terminate the guardianship, and the veteran requests the chief attorney to represent him, or in any such case where there is in question the proper administration of the veteran's estate, the chief attorney may file the necessary action and supply legal services. Costs, unless assessed against the guardian, should be charged to the estate of the veteran.

§ 14.252 *Schedule of attorneys' fees payable by Veterans' Administration.* Attorneys' fees payable under the authority of § 14.237 must be not in excess of the amounts stated below:

(a) Appointment of fiduciary for incompetent beneficiary:

(1) Where adjudication of incompetency or insanity is necessary:	
(i) Drawing petition and other necessary legal papers and court orders and including appearance:	
(*a*) No contest as to adjudication or appointment	$25.00
(*b*) Contest (jury trial, or other claiming precedence in appointment)	50.00
(ii) Each additional necessary appearance:	
(*a*) Simple motion	10.00
(*b*) Jury trial or other contest:	
(*1*) Per hour	10.00
(*2*) Per full court day	35.00
(2) Where adjudication not necessary (as in cases wherein beneficiary has been adjudged incompetent or insane):	
(i) Necessary legal papers, court orders, and appearance	15.00
(ii) If contest, add	20.00
(iii) Each additional necessary appearance:	
(*a*) Simple action	10.00
(*b*) Jury trial or other contest:	
(*1*) Per hour	10.00
(*2*) Per full court day	35.00

(b) Appointment of fiduciary for minors:

(1) Petition, court orders, and appearance	$15.00
(2) If contest, add	20.00
(3) Each additional necessary appearance:	
(i) Simple motion	10.00
(ii) Jury trial or other contest:	
(*a*) Per hour	10.00
(*b*) Per full court day	35.00

(c) Discharge or removal of fiduciary for incompetent or minor beneficiary, when such action is necessary and has been authorized by the solicitor:

(1) Preparing petition, or citation, and other legal papers and orders, and including appearance:	
(i) No contest (fiduciary willing to resign or be removed)	$25.00
(ii) Contest (fiduciary opposes removal)	50.00
(iii) Each additional necessary appearance:	
(*a*) Simple motion	10.00
(*b*) Jury trial or other contest:	
(*1*) Per hour	10.00
(*2*) Per full court day	35.00

NOTE: Any service rendered the retiring fiduciaries as preparation or/and filing of final account should be charged to the fiduciary, unless otherwise required by State law. Service rendered the estate, as collecting or securing assets of the estate or resisting claims against same, should be charged against the estate, and proper allowance made therefor by the court. No such service will be paid for by the Veterans' Administration.

(d) Appointment of substitute fiduciaries, or of fiduciaries in succession where necessary or authorized: Fees same as in (a) or (b) above, and to be in addition to those allowed for removal of fiduciary if attorney acts in both capacities.

(e) Citation to account or and show cause why fiduciary should not be removed:

(1) Preparation of legal papers, orders, and including appearance	$15.00
(2) For each additional necessary appearance:	
(i) Simple motion	10.00
(ii) Jury trial or other contest:	
(*a*) Per hour	10.00
(*b*) Per full court day	35.00

NOTE: If fiduciary is removed, apply (c) above.

(f) If the State law requires the appointment of a guardian ad litem the statutory fee, or fee fixed by the court, may be paid as a part of the necessary court costs in cases wherein such costs are payable by the Veterans' Administration under the provisions of this paragraph.

(g) In exceptional cases amounts in excess of those prescribed by the schedule, or without reference thereto, may be allowed in the discretion and upon the written authorization of the chief attorney, branch office, or solicitor.

§ 14.260 *Determination of need for Institutional award and Notification to Adjudicating Agency.* The chief attorney will, upon receipt of VA Form 8–592, Request for Appointment of a Fiduciary, Custodian or Guardian, from the adjudication agency, determine the need for the appointment of a guardian or the adjudication of a case under the orders governing the making of institutional awards. In case the chief attorney deems an institutional award advisable, appropriate recommendation will be made to the adjudicating agency.

(a) When under prescribed procedure (Veterans' Administration Adjudication procedures) an institutional award and apportionment to dependents, if any, have been made in advance of reference to the chief attorney, upon receipt of VA Form 8–592, the chief attorney will make any necessary determination as to whether the institutional award and apportionment satisfactorily provide for the veteran and dependents, or as to whether payments should be made to the wife under § 14.201 (a). If the wife, or other dependents, reside in an area of a different regional office, the chief attorney will forward VA Form 8–592 to the chief attorney of that office. If the chief attorney determines that a special apportionment is proper he will submit any necessary information, with his recommendation as to the amount to be paid the dependents, to the adjudicating agency in the regular procedure. Any adjustment with reference to the institutional award will be taken up by or with the chief attorney in the area in which the hospital is located: If payments are made to the wife, the chief attorney having jurisdiction of the area in which the wife resides is the principal chief attorney for purposes of § 14.201 (a). In cases of this nature adjudicated in central office, or branch offices, VA Form 8–592 wil be forwarded to the chief attorney in the area in which the veteran is hospitalized and a separate VA Form 8–592 to the chief attorney in the area in which the dependents are located, if different from that in which the veteran is hospitalized.

§ 14.262 *Limitation of wards to individual guardians.* Where an individual is acting as guardian of the estate, or as guardian of the person and estate of the ward, except where such individual is acting as guardian for minors of the same family, the policy of the Veterans' Administration is to limit the number of beneficiaries on whose account payment shall be made to not more than five, and the cooperation of the courts will be sought to that end.

(a) Where an individual is acting as guardian of the estate, or of the person and estate of five wards, except minors of the same family, the chief attorney will not certify his appointment in any additional case.

(b) In those instances in which an individual has heretofore been recognized by the Veterans' Administration as guardian of the estate, or as guardian of the person and estate of more than five beneficiaries, except for minors of the same family, the chief attorney will take no further action if the administration of the estates, or of the persons and estates, is satisfactory in every respect. If conditions are not satisfactory, the chief attorney will notify the guardian accordingly, will advise him of the provisions of section 21 (1), World War Veterans' Act, as amended by Public No. 262, 74th Congress, with respect to the Administrator's discretionary authority to refuse payments, and will request the guardian to reduce the number of guardianships to not to exceed five or to remove the unsatisfactory conditions. The chief attorney will then report the facts, and results if any obtained, to the chief attorney, branch office, together with a recommendation as to what further action should be taken.

(c) If the appointment of the guardian is illegal in one or more cases, as in those States having a statute limiting the number of wards, the guardian will be removed in such cases.

(d) The policy stated herein will not be applied to public officials, who by reason of their office, are appointed as guardians in accordance with the State laws when such appointments are as to the office and not as to the individual incumbent of the position, such as clerks of courts and other similar officials, provided that separate guardianship bonds are filed in the case of each beneficiary in compliance with § 14.317.

§ 14.263 *Determination and certification of legality of appointment and adequacy of bond.* Before certifying as to the legality of an appointment, the chief attorney will determine whether the court had proper jurisdiction, ascertain if the proceedings were regular in every respect in accord with the State law, and see that the papers are in due form. He will then prepare and forward VA Form 2–4704, Certificate of Legality of Appointment and Adequacy of Bond, with the letters of guardianship to the adjudicating agency requesting the appointment for the purpose of payment. It will not be necessary to forward certified copy of bond, except in administration cases, but such bond will be filed in the guardianship file for ready reference thereto when accountings are rendered. Where the appointment is found to be invalid or the bond insufficient, appropriate action will be taken by the chief attorney to have same corrected.

§ 14.265 *Appointment to be certified when no evidence of invalidity.* If the guardianship appointment and all other records relative thereto are valid upon their face, and there is no evidence in the file indicating invalidity of such appointment, and there is no information available in the office of the chief attorney to the effect that the appointment is invalid, the appointment will then be certified.

§ 14.266 *Action by chief attorney when there is evidence of invalid appointment.* If the investigation of the files indicates that the appointment on its face is invalid, or if there is no evidence on the face of the appointment indicating its invalidity, but other evidence in file or information to the knowledge of the chief attorney indicates that the appointment is invalid, corrective steps shall be taken to bring about a valid and legal appointment.

§ 14.267 *When appointment invalid, action by chief attorney if beneficiary has moved to another jurisdiction.* If the beneficiary has moved from the jurisdiction and an appointment of a fiduciary can be legally made in the State of his present residence, the chief attorney in the jurisdiction of the court of appointment will take the initiative with the chief attorney having jurisdiction over the present residence of the beneficiary to effect a legal appointment.

§ 14.268 *Action by chief attorney when appointment invalid and beneficiary still in his jurisdiction.* If the beneficiary is still in the jurisdiction of the court of appointment, the necessary action will be taken to bring about a legal appointment, bearing in mind the possibility of having the present invalid appointment legalized by court order.

§ 14.270 *Action by chief attorney when family attorney procures appointment.* The chief attorney will make arrangements in current appointments where he is not preparing the papers to obtain copies of petitions and such other papers from the family attorney as will enable him to certify as to the legality without reviewing the court records subsequent to the appointment.

§ 14.271 *Medical officer to advise chief attorney when hospitalized veteran needs guardian.* To avoid duplication of work by hospitals and regional offices, and to enable the chief attorney to have at his command complete data before taking action in any case, officers in charge of Veterans' Administration hospitals will communicate directly with the proper chief attorney whenever it is found that a claimant who is in the hospital under his control is in need of a guardian. All available information bearing upon the case, particularly that with reference to the proper person to be selected as guardian, will be furnished by the hospital to the chief attorney.

§ 14.274 *Testamentary guardians.* The recognition of testamentary guardians is dependent upon State statutes.

§ 14.275 *Natural guardians; in the United States.* The common-law rule giving to guardians by nature power over the person only, and not over the property of the ward, is enacted by statute in most of the States; and where not so enacted, it is binding authority in every State recognizing the common law. (Woerner, American Law of Guardianship.)

§ 14.276 *Natural guardians, in the insular and territorial possessions of the United States and in Foreign countries.* In some of the insular and territorial possessions of the United States and in many foreign countries, natural guardians are recognized as guardians of both the person and the estate. (Laws of Insular and Territorial Possessions and of Foreign Countries.)

(a) Under section 21 (1) of the World War Veterans' Act, 1924, as amended, natural guardians may be recognized when it is shown by the laws of the insular and territorial possessions of the United States or by the laws of foreign countries that natural guardians are the constituted guardians by the laws of the State or country.

(b) A claim made by the natural guardian on behalf of a veteran's child for whom a legal guardian has not been appointed, shall be supported by the same statements as those required of a legal guardian. Accompanying such statements, the natural guardian shall set forth his or her relationship to the child and all other facts on which he or she bases the right to act as natural guardian of the child.

§ 14.277 *Effecting recovery of overpayments or illegal payments to fiduciaries, and "post fund" cases.* When it has been determined that there has been an overpayment or an illegal payment

and the particular case has been acted upon by the proper committee on waivers and all efforts to effect recovery from the fiduciary for the estate of the living or deceased person in accordance with the finance procedure have been unsuccessful, the finance officer in the regional office or Veterans' Administration hospital will forward a complete statement of the facts with reference to the overpayment or illegal payment to the chief attorney for attention. The chief attorney will immediately communicate with the fiduciary in an effort to secure a refund of the overpayment or illegal payment and will assist the fiduciary in obtaining any order of the court necessary for this purpose. The chief attorney, if necessary, will make informal contacts with the court of appointment with a view to effecting an order of the court directing the fiduciary to return the amount of the overpayment or illegal payment, but in no instance will the chief attorney institute a suit by filing a petition in the name of the United States for this purpose. When all reasonable efforts on the part of the chief attorney to effect recovery have been unsuccessful, a full and complete report will be submitted to the office of the solicitor, through the chief attorney, branch office, setting forth the facts pertaining to the overpayment or illegal payment, the efforts made to effect recovery, the balance of the estate in the hands of the fiduciary and the ability of the fiduciary to make the refund, in order that the particular claim may be referred to the Department of Justice for appropriate attention. A similar procedure will be followed with respect to overpayments or illegal payments under the jurisdiction of central office or branch offices and the director of finance services will refer such cases to the office of the solicitor in central office cases and the chief attorney, branch office, in branch office cases, for reference to the chief attorneys.

(a) *"Post fund" cases.* Act of June 25, 1910, as amended by Public Law 382, 77th Congress (38 U. S. C. 17). (See § 12.23 of this chapter.)

SUPERVISION OF CUSTODIANS, GUARDIANS, ETC., AND CHIEF OFFICERS OF INSTITUTIONS

§ 14.282 *Rights of wards.* The duty of the chief attorney is not to check the work of the Veterans' Administration with regard to the rights of its wards, but to cooperate with each of the other divisions concerned in establishing those rights. The chief attorney will determine that the guardian, or other responsible person, has filed a claim for all possible benefits. In those cases in which benefits are paid by the Veterans' Administration to an administrator or executor of the estate of a deceased beneficiary, the chief attorney will see that the guardian of any beneficiary receiving other payments direct from the Veterans' Administration, who is entitled to share in the distribution of the estate of the deceased beneficiary, files claim with the administrator or executor for the share to which the beneficiary under guardianship is entitled, and that such funds when received are accounted for by the guardian.

§ 14.290 *Principal attorney.* Cooperation with other chief attorneys is absolutely essential when the ward, or beneficiary, is in the territory of one regional office, while the guardian or proposed guardian, and the appointing court are in the territory of another regional office or of other regional offices. For proper operation of guardianship procedure, however, it is essential that the guardianship file, accounting records, etc., be maintained in the office within whose territory the court having jurisdiction is situated. The chief attorney within the jurisdiction of the court will be the principal in all such cases. He may secure from the chief attorney where the ward resides such social survey reports and other data as may be necessary. In the event he cannot secure an accounting from a nonresident guardian, he may secure from the chief attorney where the guardian resides such information as may be necessary to enable him to check the account and make proper representation to the court. In forwarding the information requested, the chief attorney where the ward or guardian resides may make such recommendation as may seem proper, but the determination of the case will remain with the chief attorney within the jurisdiction of the court. If payments are to be suspended, or if action against, or for removal of, the guardian is to be instituted, such action will be taken only by him.

(a) If the guardianship appointment has been, or is to be, made in a foreign country, other than the Republic of the Philippines, or in one of the possessions of the United States, other than Alaska, Hawaii, and Puerto Rico, or if the appointment is in this country, but the ward or his dependents reside in any foreign country or other possession, cooperation will be with the office of the solicitor.

(b) In making requests on chief attorneys of other regional offices, the chief attorney will keep in mind the limitations under which such work must be performed, and will, as far as possible, make such requests conform to the established program of the other office.

§ 14.291 *Award information to chief attorney.* The adjudication officer in the office having jurisdiction of the claims folder will supply the chief attorney with detailed information each time any change is made in an existing award to an incompetent or minor beneficiary, in whose behalf payments are going forward to a legal guardian or custodian, or wife of an incompetent veteran. In those cases where the guardian, custodian or wife was appointed or recognized in another jurisdiction, the chief attorney is charged with the duty of immediately forwarding such information to the chief attorney having principal jurisdiction over the guardian, custodian or wife. Unless this information is furnished simultaneously with the change made in the award, the principal chief attorney is unable to supervise properly the guardian or custodian and the accountings made or determine any required action in cases of payments to a wife of an incompetent veteran. Chief attorneys will take proper action to establish the necessary procedure in their offices for the furnishing of this information to the principal chief attorney immediately upon the change of any award existent in the case of a beneficiary having a guardian or custodian, or in which payments are being made to a wife of an incompetent veteran.

(a) A similar procedure will be followed in cases under the jurisdiction of central office or branch office to insure that notices of changes in awards will be supplied the chief attorney having principal jurisdiction over the guardian, custodian or wife of an incompetent veteran.

§ 14.293 *Chief attorney to coordinate services to accomplish social surveys.* In accomplishing the social and economic survey of awards, the chief attorney will utilize the social workers, coordinating same with the chief medical officer and will avail himself of and coordinate the services of cooperating agencies. The chief attorney will maintain close contact with the chief medical officer to insure that duplication will be avoided.

§ 14.294 *Veterans' Administration employee to make initial social survey.* A social survey will be made initially in each case by a Veterans' Administration employee; thereafter they will be made only as necessity requires. Arrangements should be made to secure intermediate reports from responsible individuals or social agencies.

§ 14.295 *Social surveys to be obtained on patients in State and private institutions only.* Social surveys will be made if veteran is in State or private institution; but not if veteran is in a Government institution.

§ 14.296 *Duty of chief attorney to obtain social survey.* Subject to the above, chief attorneys are charged with the duty of securing social survey reports in all guardianship and legal custodianship cases and cases in which payments are being made to a wife of an incompetent veteran; and to see that funds are properly applied to the beneficial interest of the ward.

(a) The policy as stated is to secure a complete survey, initially, on every ward on whose account payments are being made. As a result of the conditions found, cases fall naturally into two general classes. One, those in which it may naturally be expected that the satisfactory conditions will continue indefinitely, and two, those wherein unsatisfactory conditions are shown to exist.

(b) With regard to the former, the chief attorney is authorized thereafter to waive the social survey in connection with subsequent annual accountings if satisfied that conditions are satisfactory. He secures information in various ways, sometimes through informal contacts, often through some local official or member of a cooperative agency. If any question arises, however, he must necessarily secure a social survey showing the exact facts.

(c) The second class is much more difficult. If the adjustment indicated is one that can be accomplished through the guardian or the court the chief attorney takes such action as may be necessary. This usually involves financial matters and may require, in extreme cases, the removal of the guardian and the appointment of a satisfactory successor. Frequent follow-up is often necessary to insure that the adjustment is actually accomplished. These contacts are usually made by field examination personnel or social workers.

(d) Frequently, however, the adjustment indicated as desirable involves a real social problem, one requiring intensive and extensive study and follow-up by a qualified social agency. This may be either a public or a private organization. Such cases which involve action beyond any authority of the Veterans' Administration are referred to welfare agencies for such intensive case work as may be necessary or possible. To avoid duplication of effort, and any consequent apparent harassment through too numerous visits, the Veterans' Administration generally follows up on such cases only after the particular agency advises the chief attorney that the case is no longer an active one. Of course, in exceptional cases a survey is secured if and when needed. Usually the reports of the agency are sufficient.

§ 14.300 *Account books.* Suitable account books and forms wherein to render accounts will be supplied fiduciaries. (But not to banks unless requested.)

(a) Prior to distributing these books, the provisions of the law of the particular State pertinent to guardianship will be prepared by the chief attorney and recorded in the space allotted for that purpose.

§ 14.301 *Disposition of account books.* After the account book, properly executed, has been received by the chief attorney from the fiduciary in those cases wherein legal services are authorized, a careful audit of all items made, and the accounting submitted to the court, a summary of the account consisting of all information and data required should be made for the chief attorney's records on VA Form 2-4707, Summary of Account. When the records have been completed in this respect and the account book is not further required, it will be returned to the fiduciary. Any irregularities observed in the account book should be called to the attention of the fiduciary, together with any instructions which the chief attorney may deem necessary. The fiduciary should be advised that the account book should be retained by him until he has been discharged and his final accounting approved by the court.

(a) *Certified copies of guardians' accounts.* If the chief attorney states the account for the guardian he may retain a copy; otherwise, and especially in those States wherein the law requires that the chief attorney be supplied with a copy of the guardian's account, the chief attorney will insist upon being supplied therewith. If the cost of certification is excessive, the chief attorney may dispense with same providing he is satisfied the copy supplied is a true copy of the account as filed, or otherwise is able to verify same by comparison with the public records.

§ 14.305 *Accounting not required.* The maintenance of a guardianship file and an accounting record, and the securing of an accounting from the legal custodian or other fiduciary will not be required in cases in which the only payment to the legal custodian or other fiduciary on a monthly basis does not exceed $5, or in cases in which the only benefit payable is an accrued amount in a lump sum of $100 or less, or in cases where the accrued amount payable is $100 or less and the monthly payments do not exceed $5. All active cases falling within these provisions will be closed at the time the next accounting is due or after all unsatisfactory guardianship matters in any such cases have been finally adjusted. New appointments of fiduciaries in cases falling within the above provisions will be counted as received and released during the same month by the chief attorney on the monthly report submitted to central office. In States in which accountings of guardians are not waived by the courts and copies thereof are furnished the chief attorney under the provisions of the Uniform Veterans Guardianship Act, or similar legislation, the chief attorney will continue supervision over the guardian and the provisions of this section will not be applicable in such cases.

§ 14.310 *Accounts of custodians.* Except in those cases where accountings are not required as explained in § 14.305, the chief attorney will secure an annual accounting, using VA Form 2-4706a, Accounting Form for Use by Legal Custodians of Minor and Incompetent Beneficiaries of the Veterans' Administration, from each custodian within the territory of his regional office. Custodians-in-fact recognized under the provisions of section 21 (3), World War Veterans' Act, as amended, and § 14.205 (a) will be required to render accounts for any period of time they receive payments, showing the actual application of the funds received for the benefit of the beneficiary. If payments are made or resumed to the fiduciary, a copy of the custodian's-in-fact account may be supplied the appointing court if desired by any party in interest.

§ 14.311 *Suspension of payments to custodians.* If the custodian refuses to render an account, or if the account rendered is unsatisfactory and an adjustment cannot be secured, the chief attorney will have payments suspended until a guardian is duly appointed.

§ 14.312 *Legal custodian may be required to furnish bond.* In any case, the chief attorney, regional office or center, the solicitor or chief attorney, branch office, may require that such custodian furnish a sufficient bond with satisfactory security. (See § 14.210.)

§ 14.313 *Annual report of custodian.* A written annual report from the legal custodian to whom payments are being made will be required. Such report will be secured by the chief attorney of the regional office in whose area the custodian resides, and will contain a statement showing the facts as required in paragraphs (a) (2), (3), (4), (5) and (8) of § 14.206, and in addition will set forth the total amount received, disbursed, balance on hand, and bond, if any.

§ 14.314 *Location of legal custodial file.* Should the legal custodian move to another area, the custodial file will follow the custodian, and the responsibility for the supervision of the accounts of the custodian will be vested in the chief attorney in whose area the custodian resides.

§ 14.315 *Management and use of estates of incompetents.* Guardians of insane beneficiaries should expend funds received for the comfort and care of their wards. While the estate should be protected in every way, the comfort of the insane beneficiary and his dependents is the primary object. Where merely unwise expenditures have been made, involving no fraud, the chief attorney will take such action regarding an adjustment as will be to the best interest of the beneficiary and his dependents. In case of unwise investments, every effort will be made to safeguard the interests of the ward.

§ 14.316 *Management and use of estates of minors.* Guardians of minor wards, and custodians, will be urged to accumulate an estate for the ward, if possible. This is particularly true where some person is responsible for, and able to supply, immediate needs. The object of supervision is to see that the funds are used, or conserved, for the benefit of the minor.

§ 14.317 *Bonds and sureties.* (a) In exercising supervision over the administration of estates of minor and incompetent beneficiaries of the Veterans' Administration by their fiduciaries, as authorized by the acts of Congress, it will be the policy of the Veterans' Administration to require corporate surety bonds in each guardianship case in which the fiduciary is an individual. In cases of corporate fiduciaries corporate bonds will be required except in those States the laws of which specifically exempt corporate fiduciaries from furnishing bonds and do not vest discretion in the courts with respect to requiring bonds. The adjustments in this matter of furnishing corporate surety bonds may be made at such time as the annual accounting is rendered to the Veterans' Administration and/or the court. In cases where in guardians neglect or refuse to furnish corporate bonds as requested by the chief attorney, the chief attorney may decline to open or continue payments to such guardians until and unless the appointing court has passed formally on the question whether such bond should be supplied.

(b) In any case where it is impossible for the fiduciary to obtain a corporate surety bond, or where the amount of the estate or of benefits payable is so small as not to justify the expense of a corporate surety bond (as in cases in which the estate does not exceed $1,500 and in which payments are not continuing, or would all be used as received for the support of the ward), the chief attorneys are authorized to accept bonds with at least

two personal sureties upon receipt of definite evidence that each such surety owns real property, over and above all liens and encumbrances, at least equal to the penal sum of the bond and qualifies in accordance with the requirements of the State law in which the guardianship is pending. In such instances, and those wherein the court declines to require a corporate surety bond, the fiduciary will be required to furnish with each accounting definite evidence as to the financial status of the personal sureties and, where any question arises as to the ability of such personal sureties to meet any probable liability, the chief attorneys will investigate their responsibility and will promptly authorize suspension of payments as provided in § 14.363 (a), until satisfied that the personal sureties are responsible, as provided in this paragraph. If such an investigation discloses that the personal sureties do not meet the requirements stated herein, corporate surety bonds will be secured if possible. Additional or increased bonds will be required at each accounting period commensurate with the value of the estate and the chief attorneys will be responsible for seeing that action is taken with the court to assure that adequate bond with good surety or sureties is in effect.

(c) If any surety company is placed in receivership or ceases to do business in the particular State, the chief attorney will take the necessary action to have proper bonds substituted in each case. In the case of receivership, bankruptcy, or other proceedings to conserve the assets, or wind up the affairs of a corporate surety, the chief attorney will ascertain the termination date for filing claims with local and general receivers or other designated officials and see that all adjudicated and contingent claims are filed in time to receive proper classification and allowances.

§ 14.320 *Joint control agreements.* With reference to joint control agreements the Veterans' Administration will take no part in effecting such agreements, inasmuch as it is thought that this is a matter for the determination of the bonding company and the contracting fiduciary.

§ 14.321 *Investments; inspection of assets.* (a) The chief attorney will see that funds held by the fiduciary are invested in accordance with State laws if there be any provisions thereof governing such investments. If asked to recommend investments he will inform the fiduciary as to legal investments under the appropriate State laws, if any, but will state that the Veterans' Administration cannot recommend anything but United States Government bonds.

(b) In accomplishing the policy of the Veterans' Administration with reference to investments, extreme care must be exercised by all employees in the chief attorney's office in advising fiduciaries relative to investments:

(1) No preference shall be given to any bond dealer, or investment broker, nor any recommendation with reference thereto.

(2) As between investments legal for trust funds, no preference or recommendation shall be made by the chief attorney's office, except of United States Government bonds, as stated above.

(3) If a specific investment is made legal by State statute the chief attorney will advise fiduciaries or the courts with respect to any known doubtful or undesirable characteristics which might jeopardize the safety of the beneficiary's estate.

(4) Each fiduciary will be advised by the chief attorney to furnish definite information to his office as to the class of securities in which it is proposed to invest surplus funds, before making such investment; and where petitions are filed with the court for authority to inves., the chief attorney will arrange with the guardian and/or the court to furnish his office a copy thereof before or at the time the same is submitted to the court. If investment is made in real estate or mortgages thereon, in jurisdictions where such investments are legal, the chief attorney will see that the petition for authority to invest sets forth a complete description of the property, the name of the seller or mortgagor, and all other information necessary to a determination that the investment is proper, the security adequate, and that same is being made in accordance with the law of the jurisdiction. In making such investments, the chief attorney will see that the fiduciary follows strictly the provisions of law with reference to appraisal of the property, examination of the title by his attorney or title company, etc., in order that the court may be fully informed before authorizing same. In the event the chief attorney is not furnished a copy of the petition and the investment is first noted in the fiduciary's accounting, the chief attorney will see that such investments are properly set out in the account, with complete information as to the property, etc., as above outlined. When there is any doubt as to the propriety of such investment, the chief attorney will make an investigation and obtain such facts and information as will enable the court properly to pass upon the matter and will object to such investments when it is shown that the security is inadequate, or when any self-dealing by the fiduciary may be involved, or when such investments may not be legal or in the best interest of the beneficiary. The chief attorney should ascertain that each deed, as well as mortgages and other lien instruments and extensions thereof, is promptly filed and recorded. If possible, arrangements should be made to have the fiduciary furnish the chief attorney at the time such deed, mortgage or extension is filed for record a certificate from the county clerk, register of deeds, or other recording official, to the effect that the instrument has been filed for record, giving the date of filing and the volume and page number of the record of the county. When this procedure is not effective the information should be obtained from the fiduciary by correspondence or by a field examiner when in the vicinity of the court on other business. In those States, the laws of which do not specifically permit investments in mortgage participation certificates, or mortgage bonds, or other obligations secured otherwise than by the entire estate in a first lien on real property encumbered to secure such loan, the chief attorney will object to investments therein. In those jurisdictions, the laws of which specifically authorize the types of investments last mentioned, no objection will be interposed thereto, if made in conformity with the applicable statutory requirements and there is no objectionable element of self-dealing by the fiduciary or otherwise.

(5) Where investments are made in bonds, the fiduciary will be required to furnish information as to serial numbers, kind of bonds, rate of interest, the date of maturity and security, if any. In the case of United States Government bonds it is highly desirable that such investments be in the form of registered bonds and the bonds should be registered, unless for good cause shown such registration would be undesirable or unnecessary. The advisability of registering such bonds is stated in paragraph 5, Regulations of United States Treasury Department. (Department Circular No. 300, July 31, 1923 as amended) as follows:

> Registration protects the owner of a United States bond from loss or theft, and holders generally are urged wherever practicable to take advantage of the privilege of registration, particularly in cases where adequate facilities are not available for the safekeeping of coupon bonds. No relief can be given in case of the loss or theft of a coupon bond, but in case of the loss or theft of a registered bond, unless assigned in blank or for exchange for coupon bonds without instructions restricting delivery, the Treasury Department will give relief to the owner in accordance with the provisions of paragraphs 83 to 85 of these regulations. Holders of registered bonds receive interest checks drawn on the Treasurer of the United States in payment of interest as it falls due, and their names are all recorded on the books of the Treasury Department.

The chief attorney will advise each fiduciary to keep such bonds in a safe depository under the control of the fiduciary, in order to avoid loss through theft or otherwise. At the time the annual accounting is furnished the Veterans' Administration or filed with the court, the chief attorney will require that the fiduciary furnish definite evidence to the Veterans' Administration or the court, that the bonds or other securities in which the funds have been invested are so deposited under the control of the fiduciary. VA Form 2-4709, Certificate as to Securities, may be used for this purpose. In the event of the failure of the fiduciary to furnish such evidence, the chief attorney will make appropriate investigations and take such formal court action as may be required to protect the interests of the beneficiary. This provision contemplates that an annual inspection of the securities in each estate under guardianship will be made by the chief attorney's office; provided that the requirements of this provision as to inspection of the assets shall be considered to have been met:

(i) If the guardian exhibits the securities in his possession to the court or an officer or appointee thereof and furnishes a certificate from the court or the clerk thereof to that effect;

(ii) If there is furnished a certification from an official of the depository, non-associated with the guardian, with which the securities are deposited for safekeeping;

(iii) If a certificate is furnished by a surety company or its agent showing that the securities are in the possession of such surety company or have been exhibited to the company or its representative by the guardian;

(iv) If a sworn statement showing the securities have been exhibited to him is submitted by an official of the bank or trust company acting as guardian, such official being one other than the trust officer or other official verifying the account filed with the court or the Veterans' Administration.

(6) The chief attorney will require each legal custodian to invest, except as qualified in paragraph (d) of this section, in United States Government bonds all funds received from the Veterans' Administration not needed for the current or contemplated support of the beneficiary.

(e) The chief attorney will formally object to a fiduciary's failure to invest surplus funds and appropriately invoke action by the court thereon. Similarly, objection will be made to illegal investments attempted to be made, or shown in current accounts. Whenever the fiduciary attempts to take credit for any loss due to an illegal or questionable investment, or in cases of final accountings, the chief attorney will formally object thereto for the purpose of having the question of liability settled by the court. This will apply likewise to funds on deposit in a closed bank or other depository, where there is any legal objection or question as to liability. Extreme care must be exercised in those jurisdictions holding that a current or intermediate accounting is res adjudicata, or that approval of an intermediate accounting constitutes an approval of the investments appearing therein.

(d) (1) In connection with the matter of investments questions have been raised as to the policy of the Veterans' Administration with respect to the investment of surplus funds on deposit in banks which are members of the Federal Deposit Insurance Corporation authorized by the Banking Act of 1933, 12 U. S. C. 264, or building and loan associations insured by the Federal Savings and Loans Insurance Corporation, 12 U. S. C. 1725. Generally speaking, the law cited will not be material in those States, the statutes of which specifically require investment of trust funds in designated securities, and guardians or other fiduciaries should comply with the State statutes as to investments.

(2) In those jurisdictions where, in addition to specifying the types or kinds of securities in which fiduciaries may invest trust funds, discretion is vested in the court of appointment or the fiduciary of choosing within the specified types or in making other investments, the chief attorney need not except to an order of the court permitting or requiring fiduciaries to leave trust funds on deposit in banks or building and loan associations which conform to the provisions of the law above mentioned and within the amounts protected thereby.

(3) The fact that the deposit is insured in accordance with the Federal laws above mentioned does not affect the status of the deposit, but merely provides limited indemnifications upon loss by failure of the depository.

(4) In those States requiring investment of trust funds in "securities" a deposit in a bank is not such an investment as conforms to such requirement. Such deposits, in order to draw interest, must be time or savings deposits not payable on demand. Hence, they are not as available for immediate needs as are Government bonds, which also usually yield a higher return. These facts should be brought to the attention of the guardian and court in proper cases.

(e) Filing of claims for funds in closed bank, priorities, etc., is the responsibility of the fiduciary. The duty of the chief attorney is to see that the ward's estate is protected against any claim for credit for loss occasioned by failure of the fiduciary properly to carry out his fiducial duties, and to cooperate by giving such general advice and suggestions as may be appropriate.

(f) From the above it will be noted that the Veterans' Administration policy with respect to bonds and investments should be made effective in the highest degree, to the end that beneficiaries' estates will be currently conserved. Any factors or events preventing accomplishment of this program should be reported to the solicitor through the chief attorney, branch office, for determination of any need for further legislative consideration.

§ 14.322 *Accounting by guardians; forms to be used.* Except in cases where accountings are not required as explained in § 14.305, accountings will be obtained at least once a year by the chief attorney from all guardians of Veterans' Administration beneficiaries appointed by the courts within the territory of his office. These accountings will be obtained direct from the guardian. When the State courts require accounting once a year the chief attorney will advise the guardian 30 days prior to the date his account is due in the court of appointment, and forward at the same time three copies of VA Form 2-4706 series. The original may be used by the guardian in submitting his account to the court, and a copy forwarded to the chief attorney duly certified by the clerk of the court as a true copy of the account filed with the court, together with a certification from the bank or trust company in which the estate of the ward is deposited showing a balance, and certificate regarding inspection of assets as provided in § 14.321 (b) (5). The third copy may be retained by the guardian. VA Form 2-4706c will be used in lieu of VA Form 2-4706, in those regional areas where the use of VA Form 2-4706 is not practicable. In case these VA Forms 2-4706 or 2-4706c cannot be used in the court, the chief attorney will prepare a form suitable to meet the requirements of the State statute or will use regular form supplied by court, and will require that the guardian forward a copy of the form of account as submitted to the court with the certificates of bank balance and inspection of assets at the same time the original is filed with the court. As stated above, accountings will be secured in all cases at least once a year, unless waived pursuant to existent instructions.

§ 14.324 *Arrangements in calling accounts.* The arrangements in calling for the accounts in all cases will be such as to have the date that the Veterans' Administration desired an account coincide with the date on which such accounts are required by the court.

§ 14.325 *Notice to chief attorney of the filing of petitions for account, etc.* Where the State laws permit, arrangements will be made with the courts whereby notices of filing of all petitions, accounts, etc., and of hearings on same, relative to guardianship cases wherein the Veterans' Administration is interested, will be sent to the chief attorney. If this is done, the court will be notified in due time whether the Veterans' Administration has any objections to offer. Minor objections may be brought to the attention of the court informally; other matters by formal exception or objection. If there be no objection a stamp may be used, reading, "No objection, approval recommended."

§ 14.326 *Action upon receipt of account; action where funds escheat to United States.* As soon as the account is received in the office of the chief attorney, it will be attached to the correspondence file and forwarded to the fiduciary accounts analyst, who will analyze the account. Receipt of the account will be duly recorded on the account due card, VA Form 2-3526, and the card will be filed as a diary for the succeeding year. If the account is proper in every respect, the same may be stamped, as stated in § 14.325. While accounts are examined and briefed by fiduciary accounts analysts, they will be passed upon finally only by the chief attorney or other attorney.

(a) In cases falling under the provisions of Public Law 662, 79th Congress, the chief attorney will determine whether the account shows that the veteran's estate derived from any source equals or exceeds $1,500 and if so, will immediately notify the adjudicating agency of such fact; and in those cases in which the award has been discontinued under the provisions of Veterans Regulation No. 6 (a), paragraph VI (B), as amended (38 U. S. C., ch. 12), or Public Law 662, 79th Congress, the chief attorney will determine whether the account shows that such estate has been reduced to $500, and if so, will immediately notify the adjudicating agency of such fact. The value of the assets of the insane veteran's estate derived from any source will be determined in accordance with the following principles:

(1) Real estate, the assessed value for tax purposes, except where the State law provides it shall be assessed at a specified percentage of its market value, in which event the market value will be ascertained and used. For example, the State law provides real estate shall be assessed for the purpose of taxation at 75 percent of market value, the market value for the purpose of this legislation will be one

and one-third times the assessed value. Of course, if the State law provides real estate shall be assessed at its market value then the assessed value will be used. If real estate is encumbered, or the veteran is a co-owner, his equity or proportionate interest only should be used in determining the value of his estate. Where the application of this principle would result in hardship such as the forced sale of an unfair valuation of the real estate, particularly noninCome-producing real estate, the facts will be reported to the chief attorney, branch office, for consideration.

(2) United States savings bonds, war bonds, adjusted service bonds, and other appreciation bonds, the current value including accrued interest will be used.

(3) Bonds and stocks, the current price listed on recognized stock exchange will be the value to be used.

(4) The following will not be included as assets:

(i) Adjusted service certificate.

(ii) Insurance policy having cash surrender or loan value.

(iii) Personal property such as furniture and household equipment, working tools, livestock, and jewelry.

NOTE: Cash in the estate will be considered notwithstanding it was derived from any of above excluded items.

(b) In the event of the death of a beneficiary under guardianship, the chief attorney will secure from the guardian a final account showing the amount, if any, of funds held by the guardian derived from payments of compensation, pension, retirement pay, automatic or term war risk insurance, or gratuitous or five-year convertible term National Service Life Insurance for the purpose of determining whether the estate will escheat to the United States pursuant to the last proviso of section 21 (3) of the World War Veterans' Act, 1924, as amended (38 U. S. C. 450). The chief attorney will ascertain whether administration will be had on the estate of the deceased veteran, and also whether there are any heirs. If there are no heirs, he will report the facts to the appropriate adjudication service of central or branch office, and, in the case of an institutional award, to the chief officer of the institution. In such cases, the balance held by the chief officer of the institution will be returned to the Treasury in accordance with finance procedure, and any other funds held by the Veterans' Administration or in the "Funds Due Incompetent Beneficiaries" to the veteran's credit will be likewise deposited in the Treasury. In cases in which there are no heirs coming within the last proviso of section 21 (3) of the World War Veterans' Act, 1924, as amended, the chief attorney, wherever possible, will endeavor to effect the return of the estate in the hands of the particular fiduciary to the United States, in connection with the final accounting of the fiduciary, or in any manner which may be possible under local procedure and practice, and will submit a report of all such cases to the office of the solicitor through the chief attorney, branch office. The chief attorney will not institute suit by filing a petition in the name of the United States for this purpose, but when such action becomes necessary the matter will be submitted to the Department of Justice by the solicitor upon receipt of the report from the chief attorney. The chief attorney will cooperate with the United States attorney, upon request, in any endeavor to effect the collection of such funds.

§ 14.327 *Information to satisfy discrepancies in accounts.* In all cases in which the account cannot be passed without objection by the chief attorney, it will be incumbent upon him to obtain information to satisfy the discrepancies and to make such arrangements as are necessary with the guardian and/or the court to have the account restated and thus prevent unnecessary court appearances for the purpose of filing exceptions. Exceptions will be filed only when arrangements cannot be made with the court and the guardian to have the account restated prior to the date of settlement.

§ 14.328 *Chief attorney authorized to file exceptions and to institute other legal proceedings.* Chief attorneys are vested with authority to institute necessary legal proceedings to cite guardians to account, to file exceptions to their accounts to cite guardians to file bonds, to require investments, to petition the court to vacate or modify orders or to remove guardians, or to institute other action necessary to secure proper administration of the estate by the fiduciary, and to incur the necessary court costs, including witness fees, and other expenses in connection therewith.

§ 14.329 *Branch chief attorney to authorize costs of legal action under second proviso of section 21 (2) of the World War Veterans' Act, as amended (38 U. S. C. 450).* (a) The chief attorney, branch office, upon receipt of a report from the chief attorney showing the necessity for instituting legal procedure in accordance with the second proviso of paragraph 2, section 21, World War Veterans' Act, as amended, may authorize the chief attorney to take such action and to incur necessary costs.

(b) Any such costs paid by the Veterans' Administration will be recovered if possible from the adverse party, and deposited into the Treasury as miscellaneous receipts.

§ 14.330 *Action where account cannot be approved or proper administration of estate may not be secured.* In cases in which the account cannot be passed because objectionable under § 14.327, the exceptions filed should be sufficient, if sustained, to show the incompetency of the guardian, and unless the court by its own motion will automatically remove the guardian, or proper administration of the estate may not be secured otherwise, the chief attorney is authorized to institute action to remove the guardian, to secure the appointment of a qualified successor, and to pay the costs in connection therewith. In case the account or other evidence shows that there has been misappropriation or embezzlement of funds, or other violation of section 2, Public No. 262, 74th Congress, the chief attorney will submit the case to the United States attorney. It will be incumbent upon the chief attorney in all cases to have the substitute guardian proceed against the guardian and surety.

§ 14.331 *Commissions of guardians, and attorneys' fees.* Adjustments will be made informally, if possible, to avoid excessive allowances, expenditures, attorneys' fees or guardians' commissions. When necessary, formal objections will be filed to illegal fees or commissions in excess of those allowed by law. The Veterans' Administration policy is that commissions should be reasonable for services performed, and that except in the event of unusual services such commissions should not exceed 5 percent of the income.

§ 14.332 *Guardians' commissions under the Uniform Veterans Guardianship Act.* In order that the chief attorneys, in those States which have adopted the Uniform Veterans Guardianship Act, may cooperate more effectively with the courts in carrying out the intent and purposes of said act, the following instructions will apply.

(a) Upon receipt of a notice that the guardian has filed a petition alleging unusual services and praying for an allowance in excess of 5 percent of the income during the accounting period, the chief attorney will determine whether the petition should or should not be contested. He will then notify the court, before the date when hearing may be had, of the position of the Veterans' Administration on the matter. If no objection is to be raised, the court will probably proceed without a hearing. If objections are to be raised by the Veterans' Administration it will be necessary for the chief attorney to be represented at the hearing.

(b) In any case wherein the chief attorney desires to recommend an appeal, a full report should be made by letter in accord with the provisions of § 14.333 (b).

§ 14.333 *Appeals, cost of, may be paid.* It is obvious that to be successful in an appeal the ground work must be well laid. In the first instance the petition, or other legal paper filed should show the exact basis whereon the action of the Veterans' Administration is predicated, and that such action is pursuant to the Federal law, and a function necessary to the discharge of the responsibility placed upon the Administrator by the Congress. If there be any State statute applicable, and this is true in many States, advantage should be taken thereof, and such statute should be relied upon as well as the Federal statute.

(a) It is obvious too that, from the point of view of establishing a precedent, an appeal should be taken in no case unless the facts are such as to bring the case strictly within the language of the act, i. e., the fiduciary is not "properly executing or has not properly executed the duties of his trust or has collected or paid, or is attempting to collect or pay fees, commissions, or allowances that are inequitable or in excess of those allowed by law for the duties performed or expenses incurred, or has failed to make such payments as may be necessary for the benefit of the ward or the dependents

of the ward," and the court has arbitrarily allowed fees, commissions, or allowances that are inequitable or are in excess of those allowed by law for the duties performed or expenses incurred. The conditions adopted by the Veterans' Administration pursuant to section 21, World War Veterans' Act, 1924, as amended, are that commissions in excess of 5 percent of the income received during the accounting period are inequitable unless unusual services, i. e., services beyond those ordinarily required of a guardian, have been performed.

(b) No appeal to a district or other court where the trial is de novo will be filed and no costs in connection therewith authorized without prior approval of the chief attorney, branch office. No appeal to an appellate or supreme court will be filed and no costs in connection therewith authorized without prior approval of the solicitor—these to be referred by the chief attorney through the chief attorney, branch office, to the solicitor. In any case wherein the court overrules the petition or motion filed by the chief attorney, under the provisions of section 21, World War Veterans' Act, 1924, as amended, and an appeal is believed necessary to protect the estate of the Veterans' Administration beneficiary, the chief attorney will report all the facts to the chief attorney, branch office, and will make a definite recommendation regarding whether an appeal should be taken. The statement will show the termination of the appeal period, i. e., the date by which the appeal must be filed and the probable cost of the appeal.

(c) If after consideration of such report and recommendation, an appeal is authorized, the chief attorney will immediately take the necessary action to perfect the appeal. In the event printing costs must be incurred in the preparation of the appeal, appropriate requisition should be submitted to the supply service, central office, as soon as the cost of printing is ascertained, in order that authority may be granted therefor, the cost of the printing being chargeable to central office allotment. In such cases, if appeal bond is required, the chief attorney, as the attorney for the Administrator of Veterans Affairs, is authorized to sign such bond for the Administrator. If time permits the chief attorney will supply the chief attorney, branch office, with the record (if same must be printed) and with the proposed brief before filing; otherwise copies will be forwarded immediately after filing. The chief attorney will maintain a docket on such cases.

§ 14.334 *Accounts of banks and trust companies.* Relative to accounts rendered the Veterans' Administration by banks and trust companies, advice is given that bank and trust companies acting as fiduciaries of Veterans' Administration beneficiaries will not be required to submit receipts, vouchers, or canceled checks with accountings rendered the Veterans' Administration provided the books and records kept by such banks and trust companies are open to inspection at all reasonable times by accredited representatives of the chief attorney's office.

§ 14.339 *Claims of creditors.* (a) Section 3, Public No. 262, 74th Congress, applies to payments made to or on account of a beneficiary under the laws relating to veterans and exempts such payments, either before or after receipt by the beneficiary, from the claims of creditors, and provides that same shall not be liable to attachment, levy or seizure by or under any legal or equitable process whatever. The language of the section has been construed by the Supreme Court of the United States to the effect that such exemption does not extend to property in which the proceeds of such payments are or may be invested. (Bryant v. Carrier, 306 U. S. 545)

(b) The statute makes no distinction between claims of creditors arising before or after the appointment of a fiduciary, or before or after adjudication of insanity. Proper expenses incurred by the fiduciary, after appointment, and in accordance with law are obviously not comprehended by the statute. The fiduciary should invoke the defense of this statute against all other claims of creditors including judgment creditors. If he does not do so, the chief attorney will raise the issue by proper plea. If, after being advised fully as to the facts and the law, the court allows payment of the claim or debt out of such funds, the chief attorney will protect the record for possible review of the court's decision and submit a report to the chief attorney, branch office, with a recommendation as to any further action considered advisable provided that if payment of the claim would be advantageous to the ward the chief attorney need not except to any order of the court so finding.

§ 14.340 *Taxation of funds in hands of fiduciary.* Payments made to or on account of a beneficiary under any of the laws relating to veterans are exempt from taxation. Property purchased wholly or in part out of such payments is not exempt from taxation. The fiduciary should invoke this defense against any tax assessment upon money received from the Veterans' Administration. If the amount in issue is inconsequential, litigation ordinarily would not be justified because of the expense involved.

§ 14.343 *Accounts of managers of Veterans' Administration hospitals or centers.* The manager of a Veterans' Administration hospital or center shall, in the case of each patient or member for whom payments have been received from a guardian, account for the receipts and disbursements of such funds for such person, when such accounts are required by the chief attorney having supervision of the fiduciary.

§ 14.344 *Chief attorney to request account from manager.* In such cases the chief attorney will notify the manager when the account is required—i. e., either annually or at such time as the information is necessary for purposes of checking guardian's account. VA Form 2–4706b, Hospital Account Form, may be used for this purpose and will show all receipts and disbursements. The vouchers and receipts will not accompany the accounting but may be inspected by the chief attorney or a representative of his office, if necessary.

§ 14.347 *Chief attorney to check accounts.* The manager of a Veterans' Administration hospital or center before returning to a guardian any excess funds, either while the veteran remains therein or when he is discharged therefrom, will obtain from the principal chief attorney information as to whether such funds may be released to the guardian. The principal chief attorney's advice will be predicated upon the present status of the guardianship. If payments have been suspended to the guardian, or if the guardian is not satisfactorily accounting for the funds already received or bond is insufficient, the unexpended balance will be withheld until the irregularities have been adjusted. The chief attorney will then furnish the manager with information that the funds may be released to the guardian and will forward an executed VA Form 2–4704, Certificate of Legality of Appointment and Adequacy of Bond.

§ 14.348 *Chief officer of hospital to check with chief attorney before returning funds to guardian.* With respect to funds paid by the Veterans' Administration under institutional awards or as pensions to the chief officers of institutions not under the control and jurisdiction of the Veterans' Administration, the chief officers thereof will secure information from the chief attorney similarly as required by § 14.347, prior to returning such funds to guardians.

(a) When United States Government institutions, other than those under the jurisdiction of the Veterans' Administration, have on hand excess funds to be disposed of in accordance with this paragraph by returning same to a guardian, such institutions will be furnished a photostat of the papers of the appointment of the guardian if same are on file in the Veterans' Administration. Under the ruling of the Comptroller General of the United States, dated September 17, 1929 (A–28639), the photostats will be sufficient to justify payment thereof by the chief officer to the legal guardian. If such institutions have funds of a deceased patient, they will likewise be furnished a photostat of the papers of the appointment of an administrator or other legal representative if the originals are on file in the Veterans' Administration.

§ 14.352 *Accounts of chief officers of private or State hospitals.* The chief officer of an institution other than a Government institution shall render an account annually to the Veterans Administration for funds received from the Veterans' Administration on account of an incompetent beneficiary. The chief attorney will request an accounting annually of such institutions for such funds only, and may effect arrangements for the assignment of Veterans' Administration personnel to assist in the rendition of such accountings.

REMOVAL OF LEGAL CUSTODIANS

§ 14.355 *Grounds for removal.* A legal custodian will be removed when the chief attorney having supervision of such custodian has evidence disclosing that the conditions upon which the legal custodian is recognized no longer exist, or that

the legal custodian is not properly performing the duties of his trust. Thereupon arrangements will be made for recognizing a proper fiduciary.

REMOVAL AND DISCHARGE OF GUARDIANS

§ 14.363 *Grounds for removal.* In cases falling under section 21 (2), World War Veterans' Act, as amended, the chief attorney is authorized to make such arrangements as will best conserve the interests of the ward, and which meet with the approval of the court, as stated in § 14.330, and to have payments suspended pending adjustment.

(a) *Authority of chief attorney to suspend payments.* The chief attorney is empowered to authorize suspension in such cases, pending adjustment. The notice to suspend payments will be forwarded by him to the proper adjudication agency of the office making such payments, or to the proper service in the branch or central office. The chief attorney should submit separate requests for suspension of compensation or pension and for suspension of insurance.

(b) *Chief attorney to supply evidence of appointment to adjudicative services.* Pending decentralization of insurance payments in cases in which payments of compensation or pension are to be or are being made by a regional office and insurance payments are to be or are being made by a branch office or central office, and a guardian has been appointed, or action has been taken to remove a guardian and for the appointment of a successor, the evidence thereof should be immediately forwarded with VA Form 2-4704 to the regional office and at the same time a separate VA Form 2-4704 should be forwarded to the office paying the insurance, with a statement advising that the evidence of the appointment of the guardian or of the discharge of the former guardian and of the appointment of the successor guardian has been forwarded to the adjudication officer of the regional office. The purpose of this instruction is to obviate the necessity for duplicate copies of the aforementioned evidence and to permit payment of the different benefits by the offices or services concerned as soon as practicable. In cases in which evidence has been presented to the regional office of restoration of the veteran to competency and termination of the guardianship, information to that effect should be furnished at the same time to the insurance service in cases in which insurance is also being paid.

§ 14.365 *Authority of chief attorney to appear in State courts for the Administrator.* The chief attorney is authorized to appear in State courts as attorney for the Administrator of Veterans' Affairs in any case comprehended by section 21 of the World War Veterans' Act, as amended (38 U. S. C. 450), and in compliance with the provisions thereof.

§ 14.366 *Discharge of guardian upon restoration of sanity.* After the beneficiary has recovered and is rated competent, the discharge of a guardian and the restoration of full civil rights is dependent upon State statutes. Generally, no steps should be taken to have a guardian discharged until the beneficiary has demonstrated to the satisfaction of the Veterans' Administration that he has adjusted socially and industrially. When it is determined that the guardian should be discharged, he will be notified to that effect. If the guardian in due course takes no action to terminate the guardianship the chief attorney will consult with the veteran and, upon his request, may render legal services as provided in § 14.251 (b).

§ 14.367 *Discharge of guardian upon termination of minority.* When a minor beneficiary becomes of age, the guardian should be discharged. He will be notified to that effect. If in due course of time the guardian does not secure his discharge, the beneficiary will be notified and may take such action as is proper under State law. The guardian will, in any event, file a final accounting with the Veterans' Administration. The discharge of a guardian obtained by a general release from his ward does not relieve him from the responsibility of filing a final accounting with the Veterans' Administration.

§ 14.368 *Use of services of American Red Cross, ex-service organizations, and other cooperating welfare agencies involving mentally incompetent beneficiaries of the Veterans' Administration.* The governing instructions concerning incompetent beneficiaries under guardianship and providing for treatment in hospitals, as well as their commitment thereto, contemplate the use of every facility of the Veterans' Administration to provide properly for the welfare of such beneficiaries and the protection of all concerned, with whom they come in contact. The extent to which the services of the representatives of the various welfare agencies, cooperating with the Veterans' Administration in this work, are applied is not enumerated in detail herein; but it is desired that the fullest cooperation be extended to these representatives and whenever there is any suspicion that the particular beneficiary in whose behalf these services are being utilized is, by reason of his mental infirmity, potentially or actually dangerous, every precaution under local conditions should be taken to assure adequate protection to all concerned. It is believed that greater cooperation between the responsible officers of the regional offices and the representatives of various welfare agencies will result in maintaining proper supervision over this type of beneficiary and will result in the furnishing of information which will enable such representatives to be apprised of potentially or actually dangerous beneficiaries. When there is any suspicion on the part of the representatives of any welfare agency as to an alleged dangerous beneficiary, and information to this effect is communicated to the chief attorney of the nearest regional office, the chief attorney, in addition to furnishing all proper available information, will proceed under instructions governing the operation of his office to determine whether there is need for, or possibility of, securing commitment of such beneficiary to a Veterans' Administration hospital, or that appropriate action is taken by the responsible relatives, legal representatives, interested parties, or civil authorities.

In addition, the chief attorney should cooperate closely with and advise the guardian of the person of such a beneficiary as to the necessity for maintaining closer supervision over his ward not only for the protection of the community at large but for the protection of the ward and to avoid possible civil or criminal liability for the result of his actions.

§ 14.369 *Authority of the chief attorney to order advertising or publication of notices in guardianship or commitment proceedings.* Whenever in applying the provisions of §§ 14.223 to 14.238, inclusive, or in any action necessary to cite a fiduciary to account, or in filing exceptions to an accounting, or in any proceeding incident to removal of a fiduciary instituted by the chief attorney, or any other guardianship proceeding, it is necessary to publish any notice or other advertising in any newspaper or other publication in complying with the provisions of the State laws or local procedure, authority to order such advertising or notice is hereby delegated to the chief attorney as the representative of the Administrator pursuant to section 7, Public No. 2, 73d Congress (38 U. S. C. 707).

SUBPART D—LEGAL SERVICES

AUTHORITY: §§ 14.500 to 14.621 issued under sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 991, 1016, sec. 7, 48 Stat. 9, sec. 1, 49 Stat. 607; 38 U. S. C. 2, 11, 11a, 426, 707, Sup. 450. Statutes giving special authority are cited in parentheses at the end of affected sections.

§ 14.500 *Request for opinions.* Requests for opinions construing Federal statutes and regulations will be made only by the Administrator, an assistant administrator, or the person acting for him. (See § 14.504.) Request for an opinion on domestic relations questions will, in the field, be addressed by the adjudication officer; chief, vocational rehabilitation and education division; the director of claims service; or the director, vocational rehabilitation and education service; to the appropriate chief attorney, branch office. (See § 14.502.) In central office such submission will be made by the director, veterans claims service or director, dependents and beneficiaries claims service, to the solicitor.

§ 14.501 *Submissions.* All submissions will set forth the question upon which an opinion is desired together with a detailed and accurate statement of facts. Except as to cases involving domestic relations matters and submissions forwarded by the Administrator or the executive assistant administrator, files, correspondence and other papers will not be transmitted. The assistant administrator or other comparable official will be held responsible for the accuracy and completeness of the submission.

§ 14.502 *Domestic relations questions.* The chief attorney, branch office, may render an opinion on the following domestic relations questions:

(a) Where the issue is whether there has been a valid marriage under the common law and the evidence shows there was no impediment as to either party.

(b) Where the issue is whether there has been a valid marriage and there was an impediment as to only one of the parties with continued cohabitation after the removal of the impediment.

(c) Legitimacy of children when the issue is determinable under similar conditions.

(d) The claimant, any interested party, or the office submitting the question, shall have the right to request review by the solicitor of any legal opinion of a chief attorney, branch office, on any of the foregoing matters.

In all other domestic relations submissions the chief attorney, branch office, will, after a determination has been made that the facts have been fully developed, forward the submission and the file to central office for an opinion. Any case wherein the rights of contesting claimants require a legal opinion the question will be referred to the central office.

The chief attorney, branch office, will forward copies of all opinions rendered on domestic relations questions to the central office where they will be routed to the solicitor.

§ 14.503 *Precedents.* (a) Except as provided in §§ 14.502 and 14.621, all precedent opinions will emanate from the office of the solicitor. All opinions which formulate Veterans' Administration policy dependent upon construction of Federal statutes and regulations require adoption by the Administrator before they are released or administrative action taken thereon. The foregoing does not apply to opinions of the solicitor concerning application of the statutes or regulations to specific factual situations. Such opinions, while not precedents in the sense of requiring adoption by the Administrator, are binding on all employees concerned.

(b) Administrator's decisions, which are conclusive as to all persons, are available to the public in printed volumes purchasable from the Government Printing Office. These volumes may be inspected at any Veterans' Administration office. Recent Administrator's decisions which have not been published in bound volumes are also available in such offices.

(c) Opinions of the solicitor in individual claims (compensation, pension, insurance loans, vocational rehabilitation, readjustment allowance, etc.) are available in the individual claims folders to those entitled to inspect such folders. (See § 2.525 of this chapter.) Opinions of the solicitor of a general nature (administration, fiscal, personnel, contracts, etc.) which are digested and indexed are available in the office of the solicitor and are distributed to all chief attorneys. Opinions of the solicitor are not available for general distribution but in specific instances when, in the opinion of the solicitor, the public interest justifies or requires, copies may be supplied persons or agencies interested in the general subject covered by the opinion requested.

§ 14.504 *Submissions from the field.* Requests from deputy administrators for legal opinions will be addressed to the central office. Upon receipt in the central office, such requests will be routed to the assistant administrator in charge of the activity in central office having jurisdiction of the subject matter. If in order, a submission will be made by such official to the solicitor and the opinion will be forwarded to said official for his information and transmittal to the field. Chief attorneys, branch offices, may request technical assistance on any matter within their jurisdiction.

§ 14.505 *Legal advice or assistance.* The deputy administrators or directors of services, and managers or chiefs of divisions may request legal advice or assistance from the chief attorney, branch office, or the chief attorney, regional office or center, respectively. Managers of hospitals and homes may request legal advice or assistance from the chief attorney, regional office, within whose area the institution is situated. Such advice or assistance may be given within the limitations prescribed herein, that is, the chief attorney, branch office, or the chief attorney, regional office or center, will confine his advice to established precedents and procedure. In central office any official authorized by the head of the activity may consult informally with the solicitor or attorneys in the solicitor's office on any matter as to which he may require legal advice or guidance.

LITIGATION

§ 14.514 *Suits against United States or Veterans' Administration officials.* (a) When a suit is filed against the United States, or the Administrator involving any activities of the Veterans' Administration, except as provided in paragraph (b) of this section, or a suit is filed against any employee of the Veterans' Administration in which is involved any official action of the employee, a copy of the petition will be forwarded to the solicitor, Veterans' Administration, who will take necessary action to cooperate with the Department of Justice in connection with such litigation.

(b) In litigation involving loan guaranty activities the regional or branch chief attorney is authorized to enter the appearance of the Administrator of Veterans' Affairs to "actions for debt and foreclosure" or actions similar in substance (including "title actions"), this includes claims for debt, secured and unsecured, in bankruptcy, receivership, or probate proceedings. The entry of appearance will be by the regional chief attorney, without prior reference to the solicitor or the branch chief attorney, normally within the time that an appearance would be required if there were proper service of process. In all other types of cases the regional chief attorney will not enter an appearance or file any pleading on behalf of the Administrator except in imperative emergency and, then, preserving all rights possible, until authorization is received from the branch chief attorney or the solicitor after submission of all relevant facts. Generally, in the excepted cases, the branch chief attorney may authorize the regional chief attorney to enter an appearance except that the branch chief attorney will not authorize an appearance in any case in which the relief sought apparently would result in the Administrator being subjected to personal liability or to injunction, mandatory or otherwise, or to mandamus or other writ or order that would, or might interfere with his exercise of the functions and the discretion required by Federal legislation or executive order. In such excepted cases, or in any doubtful cases, the branch chief attorney, or if urgency requires, the regional chief attorney, will request instructions from the solicitor submitting copy of so much of the pleadings or other papers together with a sufficient recital of the facts as will make clear the background, the issues, and the relief sought. The submission also will include names and addresses of adverse parties and attorneys so that immediate action may be taken if injunctive relief seems proper. Where necessary in any case to preserve rights which might be lost by default if there had been proper service of process, appropriate action will be taken by a special appearance, or, in jurisdictions where a special appearance does not serve the purpose, or under state statute or decisions will constitute a general appearance for a later date, by an appearance through amicus curiae to obtain an extension of time, preferably thirty days or more, in which to appear and plead without prejudice. If not feasible to obtain an extension, the chief attorney will explain to adverse counsel by letter—and personally, if desirable—the necessity of deferring all action, and will see that the proper judge receives a signed copy of the letter before default day. The letter will point out that there is no valid service of process on the Administrator of Veterans' Affairs but will not base the delay on that alone.

(c) Except in an emergency, no attorney for the Veterans' Administration will initiate appellate court action without prior approval of the solicitor or the branch chief attorney. (If the branch chief attorney conducts the litigation, authorization to seek appellate review will be secured from the solicitor.) This limitation does not preclude filing a motion for new trial, giving notice of appeal, reserving bills of exception, or other preliminary action to protect the right to obtain review, or taking proper action as appellee (respondent), without prior reference to the branch chief attorney or the solicitor, except when time limit prevents, the regional chief attorney will make his recommendations to the branch chief attorney (in duplicate), as to seeking appellate review of any adverse judgment or other action. If time limit requires, the original recommendation may be made directly to the solicitor and a carbon copy forwarded to the branch chief attorney. Except for action required in an emergency (e. g., time limit, etc.), the branch chief attorney will not act on cases referred directly to the solicitor until receipt of information from the solicitor.

(d) The recommendation for review will be limited to cases that ought to be won, except in a few instances in which it may be important to obtain an early authoritative settlement of a law question even if adverse to Veterans' Admin-

istration views. The letter recommending appellate review will include: a summary of law points to be reviewed; citation of applicable statutes and cases, including the pertinent local cases; special reasons for recommending appellate action; statement as to the requirements for printing the record and briefs; any applicable time limitation for action; estimated expense incident to the appeal. The letter will also state whether the loan guaranty official desires or does not desire appellate review or does not desire to make any recommendation in respect thereto. Except where the branch chief attorney conducts the litigation he is authorized to disapprove, without prior reference to the solicitor, any recommendation for appellate review. In any such case he is also authorized to approve recommendation and authorize review if the estimate of costs, including printing, does not exceed $300, irrespective of result. If he approves a recommendation to seek appellate review he may also approve proper expenditures for costs incident thereto, including printing. If the regional and branch chief attorneys recommend appellate review where estimated costs, including printing, will exceed $300, prior approval of the solicitor is necessary.

§ 14.543 *Cases affecting Veterans' Administration generally.* Chief attorneys will establish and maintain such close liaison with the State and Federal courts as to insure that notice will be afforded the Veterans' Administration on all cases affecting the Veterans' Administration. Such information will be forwarded to the solicitor promptly in every case.

§ 14.545 *Habeas corpus writs.* Any manager, or other employee at a field station of the Veterans' Administration who is served with writ of habeas corpus concerning any beneficiary of the Veterans' Administration in his custody or with any other legal process involving his official actions, in addition to taking such steps as, in his judgment, are necessary to protect himself, will immediately notify the chief attorney of the region in which he is situated, who shall promptly forward to the solicitor through the branch chief attorney, full and complete information with respect to the suit, supplementing the same with further information as to the litigation progress.

PROSECUTION

§ 14.560 *Procedure where violation of penal statutes is involved.* (a) The actual submission to the appropriate United States Attorney of a violation or suspected violation of the penal provisions of the statutes of the United States will be made by the chief attorney, regional office or center, within whose jurisdiction the offense is believed to have been committed. Where the file or record which contains evidence of a penal offense is located in central office the matter will be referred to the solicitor for development and reference to the proper chief attorney. Where the file or record is maintained in a branch office same will be referred to the chief attorney, branch office, for development and determination as to whether prosecution is indicated and reference to the proper chief attorney of the regional office or center. The files or records in a regional office or in any other office of the Veterans' Administration will be referred to the chief attorney of the regional office or center having jurisdiction over such office, for development, determination and submission to the United States Attorney if in order.

(b) In all instances where there is evidence or indication of a violation of the penal provisions of the statutes the case will be fully and carefully developed, supplemental investigations being made if necessary. If a prima facie case is disclosed the matter must be submitted to the appropriate United States Attorney. The Department of Justice is charged with the duty and responsibility of interpreting and enforcing criminal statutes and the final determination as to whether the evidence is sufficient to warrant prosecution in any case is a matter for that department. The function of any administrative official is to marshal all available evidence and when the evidence is sufficient to make a prima facie case of a violation of the statutes to transmit the same to the United States Attorney for such action as the Department of Justice, acting through the United States Attorney, may deem necessary. If the United States Attorney decides to prosecute, the chief attorney will cooperate with him.

§ 14.561 *Administrative action prior to submission.* Before a submission is made to the United States attorney the solicitor, where the file is in central office, the chief attorney, branch office, where the file is in a branch office, and the chief attorney, regional office or center, where the file is in the regional office, will see that necessary administrative or adjudicatory (forfeiture, etc.) action has been taken. In cases involving prosecution under titles III (38 U. S. C. 693) and V (38 U. S. C. 694) Servicemen's Readjustment Act, and in urgent cases such as breaches of the peace, disorderly conduct, trespass, robbery, or where the evidence may be lost by delay or prosecution barred by the statute of limitations, submission to the United States attorney may be made immediately.

§ 14.563 *Collections or adjustments.* When it is determined that a submission is to be made to the United States attorney, no collection or adjustment will be made without his advice. However, if, pending the submission, or even subsequent thereto pursuant to a prior demand the potential defendant or other person should forward or tender payment same may be accepted. If the United States attorney determines that prosecution is not indicated or when prosecution has ended, the file will be returned to the appropriate office with a report as to the action taken at which time necessary adjustments will be made.

§ 14.583 *Crimes or offenses on reservations.* There appears to be no specific statute providing punishment in a case where a patient of a Veterans' Administration hospital or home refuses to leave upon direction of the manager. Such refusal on the part of the patient would ordinarily, under the common law or the local police regulations or State statutes, be considered a trespass, breach of peace, or disorderly conduct, and being so would constitute an offense against the United States by reason of the terms of section 468, title 18, United States Code. Procedure for causing the arrest of the offending patient may be under the provisions of section 208 of the World War Veterans' Act, 1924, as amended, provided the Administrator has designated a person or persons at a particular hospital or home to make arrests. Procedure for causing the arrest of the offending patient may also be under the provisions of section 591, title 18, United States Code.

§ 14.584 *Arrests.* Where such a situation arises at a hospital or home located without the jurisdiction of the District of Columbia, the manager, prior to causing the arrest of the patient who refuses to leave after having been duly discharged will first inquire of any of the officers mentioned in section 591, title 18, United States Code, as to the usual mode of process against offenders in the local jurisdiction wherein the station is situated who are guilty of disorderly conduct, and then proceed accordingly. Every effort should be made to have the patient leave on his own initiative before resorting to this final and drastic measure of causing his removal by arrest. (Sec. 10, 43 Stat. 1308; 38 U. S. C. 497)

TORTS

§ 14.600 *Liability.* (a) The United States is not liable for wrongs inflicted by its officers or employees, occurring while engaged in official duties, except in accordance with specific legislation imposing such liability. The act of August 2, 1946 (Federal Tort Claims Act, title IV, Pub. Law 601, ch. 753, 2d sess. 79th Cong.) 60 Stat. 812; U. S. C. title 28, sections 921-946, prescribes a uniform procedure for handling of claims against the United States, for money only, accruing on and after January 1, 1945, on account of damages to, or loss of, property or on account of injury or death caused by the negligence or wrongful act or omission of any employee of the Government while acting within the scope of his employment. Part 2 of the act relates to the administrative determination and settlement of such claims" * * * where the total amount of the claim does not exceed $1000 * * *". Parts 3 and 4 provide for the presentation of a claim for a sum not exceeding $1000 to the Federal agency out of whose activity it arises or the filing of a suit against the United States for any amount in a Federal Court. The claim or suit must be filed within one year from the date the claim accrues or within one year of the passage of the act. Part 4 further provides that as to a claim not exceeding $1000 presented to a Federal agency suit may be brought after final administrative disposition of the claim and that the time to institute suit shall be extended for a period of six months from the date of mailing of notice to the claimant by such Federal agency advising of the disposition of the claim or from the date of its withdrawal, if the time for filing suit would otherwise expire before the end of such period.

(b) In part 4 of the act there is specifically enumerated the types of claims for which the Government is not liable under this law.

§ 14.602 *Collisions.* (a) A report of any collision involving a Veterans' Administration vehicle which results in damage to private property or injury or death to a person, will be made immediately by the driver of the Veterans' Administration vehicle on Standard Form 26, Driver's Report—Accident, Motor Transportation. This form, together with Standard Form 27, Investigating Officer's Report—Accident, Motor Transportation, will be forwarded to the chief attorney of the appropriate branch office by the chief attorney, regional office, as soon as a complete investigation of the accident has been made.

(b) All drivers of Government motor vehicles and employees concerned with investigation and report of accidents and claims will be furnished with Standard Forms 26 and 27 and will comply strictly with instructions contained therein.

§ 14.603 *Damage or loss due to other causes.* Any occurrence resulting in damage to, or loss of, property or in personal injury or death due apparently or allegedly to the negligence or wrongful act or omission of an employee of the Government acting within the scope of his office or employment, coming to the attention of the deputy administrator or the manager of any station, will be referred promptly to the appropriate chief attorney for complete investigation and report.

§ 14.604 *Investigation.* An employee will be designated at each activity to investigate occurrences involving damage to or loss of privately-owned property or injury or death apparently or allegedly resulting from the negligence of an employee of the Veterans' Administration. At a branch office or regional office this employee will be designated by the chief attorney. At all other stations the employee to make such investigations will be designated by the manager. Where possible, the employee designated as the investigating officer will be one who has had some experience in the investigation of accident or casualty cases. In cases involving substantial damage or serious personal injury and in cases wherein a claim in an amount less than $1,000 is submitted, the complete file, including the investigation report and summaries and citations of applicable local laws, regulations and decisions, will be forwarded to the chief attorney, branch office, by the chief attorney, regional office. If the claim presented is in excess of $1,000 the chief attorney, regional office, will notify the claimant that the Veterans' Administration is without jurisdiction to consider the claim since, under the Federal Tort Claims Act (title IV, Pub. Law 601), 79th Cong.; U. S. C., title 28, secs. 921-946) jurisdiction is limited to claims "where the total amount of the claim does not exceed $1,000."

§ 14.605 *Report.* The chief attorney, branch office, will review all the evidence and prepare a concise, complete report, including a summary of the evidence, his findings of the essential ultimate facts, citations of applicable local laws, regulations and decisions, and his conclusion of law as to the liability or nonliability of the United States.

§ 14.606 *Determination of Liability.* (a) When the chief attorney, branch office, determines that there is no liability on the part of the United States, he will promptly notify the claimant of the disallowance of the claim, explaining the reasons therefor, and advise the claimant of the right to appeal to the solicitor within sixty days and of the right afforded by the act to file suit. In the event appeal is not made to the solicitor within sixty days, the date of expiration of said period will be considered as the date of final administrative disposition of the claim for the purpose of the statute of limitations provided in section 420 of the act.

(b) In cases wherein the chief attorney, branch office, determines liability on the part of the United States under the act, and cases of appeal from an adverse decision by the chief attorney, branch office, the report required by § 14.605, will be transmitted, along with a statement regarding a fair and reasonable amount for reimbursement, to central office, attention, the solicitor. The solicitor will review said report and make the final administrative determination regarding allowance of the claim. If the claim is disallowed, the solicitor will notify the claimant accordingly and advise of the right afforded by the act to file suit.

(c) If suit is instituted, the investigation report and all other evidence in the case will be made available to the Department of Justice, and the local chief attorney will cooperate as may be requested by the United States attorney.

(d) In any cases administratively settled, the solicitor will approve the attorney fee, if any, to be paid out of the award. Any member of the bar in good standing and who represents the claimant shall be recognized in presenting claims under the Federal Tort Claims Act.

§ 14.608 *Damage to or loss of Government property.* Where damage to or loss of Government property under the jurisdiction of the Veterans' Administration results from the negligence of a person other than an employee of the United States acting within the scope of his employment, investigation will be made as provided in § 14.602 if the loss or damage results from collision or as provided in § 14.603 if the loss or damage is due to other causes. The chief attorney, branch office, or chief attorney, regional office, if so directed, will request payment of the amount of damage from the person liable therefor. If the chief attorney is unable to secure voluntary payment of the claim a report similar to that provided in § 14.605, together with a statement as to why payment is denied will be transmitted to central office, attention the solicitor.

§ 14.609 *Damage to or loss of patients' property.* The authorization for payment of damage to or loss of personal property of hospitalized patients caused by the negligence of an officer or employee of the Government contained in the act of December 28, 1922 (42 Stat. 1066; 31 U. S. C. sec. 215), is repealed by the act of August 8, 1946, *supra*, and claims for such losses are for settlement under the Tort Claims Act. The procedure for the development of such claims will be that set forth in Veterans' Administration medical procedures.

§ 14.610 *Damage or loss caused by fire.* Section 31, World War Veterans' Act, 1924, as amended (44 Stat. 792; 38 U. S. C. 458), providing for the reimbursement of beneficiaries hospitalized or who have been hospitalized in Veterans' Administration hospitals for any loss of personal effects sustained by fire while such effects are or were stored in designated locations in Veterans' Administration hospitals, is not repealed. The procedure for handling this class of claims is governed by the provisions of §§ 17.75, 17.76 and 17.77 of this chapter.

LOAN ACTIVITIES

Power of Attorney and Delegation of Authority Under Title III, Public Law 346, 78th Congress, as Amended, to Loan Guaranty Officers

§ 14.620 *Power of attorney and delegation of authority*—(a) *Forms, Power of Attorney, Title III, Public Law 346, 78th Congress, as amended.* VA Form 2-23, Power of Attorney and Delegation of Authority, and VA Form 2-24, Revocation of Power of Attorney, are prescribed for use of loan guaranty officials to supply formal evidence of the authority of designated persons to perform the functions and exercise the powers delegated to them by § 36.4342 of this chapter pursuant to section 504, Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 694d).

(b) *Execution of power of attorney and delegation of authority.* The Deputy Administrator will designate two appropriate employees in each regional office to be named in appropriate instruments commonly referred to as "Power of Attorney," VA Form 2-23. The loan guaranty officer, if any, will be one designee. Four copies of VA Form 2-23 will be filled in by the regional chief attorney for each designee. One copy will be retained and three forwarded to the branch chief attorney for forwarding, if approved, to the Solicitor, who will secure execution and acknowledgment of two copies by the Administrator. One copy will be retained in central office file. The two executed copies will be returned direct to the regional chief attorney.

(c) *Revocation of power of attorney.* Any such power of attorney will be revoked promptly when, in the discretion of the Deputy Administrator, cause therefor arises; and in any event upon the designee's separation from the position of a loan guaranty officer, or from the service, and all executed copies of VA Form 2-23 designating such person will be canceled and forwarded to the Office of the Solicitor. The regional chief attorney upon notification will prepare VA Form 2-24 accordingly, and secure execution and acknowledgment thereof in like manner. It will be recorded in each county, if any, in which the power of attorney was recorded.

(d) *Recordation.* VA Form 2–23 or VA Form 2–24 may be filed for record when in the judgment of the chief attorney it is appropriate to do so. If not so filed in the appropriate county, any interested person may be supplied a copy duly certified by the Veterans' Administration, or a photostat, for use in connection with loan guaranty matters, and may have the original recorded by the chief attorney upon payment of the recording fee therefor, or by including the amount thereof in the purchase price of the property, as may be agreed.

(e) *Recordation fee.* Authority is hereby granted for payment of recordation fee if recordation is requested by loan guaranty officer or approved by the chief attorney. Payment contemporaneously with filing for record may be accomplished by advance of cash in accord with Veterans' Administration finance procedures. (Sec. 8, 59 Stat. 626; 38 U. S. C. 694)

§ 14.621 *Authority of solicitor and chief attorneys.* The solicitor and each chief attorney is the attorney of the Administrator of Veterans' Affairs for all purposes of section 509, title III, Servicemen's Readjustment Act, as amended (38 U. S. C. 694j), and as such is authorized to represent the Administrator in any court action, or other legal matter, under said title, subject to statutes and executive orders concerning claims of the United States. Each chief attorney is authorized to contract for the employment of attorneys on a fee basis for conducting any action arising under guaranty or insurance of loans, or for examination and other proper services with respect to titles to and liens on real and personal property, when such employment is deemed by him to be appropriate. (Sec. 8, 59 Stat. 626; 38 U. S. C. 694)

SUBPART E—RECOGNITION OF ORGANIZATIONS, ACCREDITED REPRESENTATIVES, ATTORNEYS, AGENTS, RULES OF PRACTICE AND INFORMATION CONCERNING FEES, PUBLIC NO. 844, 74TH CONGRESS

AUTHORITY: §§ 14.626 to 14.663 issued under sec. 5, 43 Stat. 608, secs. 1, 2, 46 Stat. 991, 1016, sec. 7, 48 Stat. 9, secs. 201–203, 49 Stat. 2032; 38 U. S. C. 2, 11, 11a, 426, 706, 707, Sup. 102–104.

§ 14.626 *Requirements for recognition of organizations.* The American Red Cross, American Legion, Disabled American Veterans, Grand Army of the Republic, United Spanish War Veterans, Veterans of Foreign Wars, and such other organizations as the Administrator of Veterans' Affairs shall approve, may be recognized in the presentation of claims under the laws administered by the Veterans' Administration when the proper officers thereof make application for recognition on the form prescribed and furnished by the Veterans' Administration, and as a part of such application, agree and certify that neither the organization nor its representatives will charge claimants any fee or compensation whatsoever for their services. In general, no additional organizations will be recognized after January 1, 1947, except (1) State or Governmental services, or (2) organizations granted a charter or recognition by act of Congress.

(a) In requesting recognition, the following information will be supplied:

(1) Statement outlining the purpose of the organization and need thereof, and the manner in which the veteran or his dependent would be benefited by such recognition;

(2) Names, titles, and addresses of officers;

(3) Number of posts or chapters and States in which located and total paid-up membership;

(4) Names, titles, and addresses of full-time paid employees who are qualified to act as accredited representatives;

(5) Copy of last financial statement of the organization;

(6) Copy of the constitution or charter and by-laws of the organization.

§ 14.627 *Requirements for recognition of accredited representatives.* Recognized organizations shall file with the Administration on the prescribed form furnished by the Veterans' Administration the names of any officers whom they desire recognized as accredited representatives thereof and the Veterans' Administration office or offices at which recognition is to be extended in the presentation of claims. In proposing a candidate for recognition as a representative, the organization, through its appropriate officer, shall certify to the following: (1) That the applicant is a citizen of the United States, of good character and reputation; is qualified by training or experience to assist in the presentation of claims; and that he is a member or employee of the organization; (2) that he is not employed in any civil or military department or agency of the United States; (3) whether the applicant is a veteran, and if so, that he was honorably discharged from the active service.

(a) The application (Form P–21, Revised) may be filed with the central office or directly with the branch or regional office where the applicant is to serve.

(b) An application received in the central office will be sent to the branch or regional office designated. The deputy administrator or regional manager, as the case may be, will secure sufficient facts, by field investigation, if necessary, to justify a determination whether the applicant is qualified. If the deputy administrator or the manager determines that the applicant is qualified, he will issue a form letter (FL 2–3, Notice to Veteran's Representative of Recognition), sending the original to the applicant, and two copies to central office for notation and forwarding to the organization. If the approval is by the manager of a regional office, an additional copy will be forwarded to the appropriate branch office. In like manner, if approval is by the deputy administrator for the branch office and all regional offices in the branch area, copies will be forwarded to each regional office and two copies to central office. Branch and regional offices will establish intra-office procedures for notification of interested services. A record of accredited representatives will be maintained at each office. If the case is one of doubtful aspect, the entire matter will be referred to the central office, attention of the solicitor, through the appropriate branch office.

(c) Recognition will be canceled at the request of the organization, and the deputy administrator or manager may suspend any recognition for cause, sending a report, through channels, to the central office, attention of the solicitor, for final determination. In cases of extraordinary violation involving criminal action, cancelation may be effected immediately by the field office subject to review by central office. Where recognition is canceled or suspended in accordance with the above, notice thereof (FL 2–5, Cancelation of Recognition as Veteran's Representative, or letter of suspension) will be supplied in the same manner, as above stated, with respect to notice of recognition.

(d) Nominations of accredited representatives of national service organizations and of the American Red Cross will be accepted only if approved by the national certifying officer of such organization.

(e) Letters of general recognition issued by the central office to national and field officers of recognized organizations will constitute authorization for their recognition in claims matters in all branch and regional offices of the Veterans' Administration and letters of recognition issued by a deputy administrator will constitute authorization for the accredited representative to present claims in the branch office only, or in the branch office and all regional offices in that area as required by his service organization.

(f) While accredited representatives are recognized for claims work at branch and regional offices their accreditation imparts the privilege of recognition in Veterans' Administration hospitals and centers in matters connected with such claims work.

§ 14.628 *Powers of attorney.* (a) Before an organization may be recognized in an individual claim, there must be filed a power of attorney duly executed by the claimant specifically conferring upon the organization the authority to represent the claimant in the presentation of his claim and to receive any information in connection therewith on the form prescribed and furnished by the Veterans' Administration which power of attorney shall be presented to the Veterans' Administration office concerned to be filed in the claimant's folder. The power of attorney must be signed by the claimant, or if the claimant be under guardianship, by the guardian. An organization which has filed a power of attorney in the case of a veteran may, in the event of death of the veteran, be recognized for a reasonable period thereafter as to claims in the course of prosecution at the time of such death, unless a new power of attorney is filed.

(b) Upon receipt and approval of the power of attorney, the organization named therein shall be recognized as the sole agency for the presentation of the claim covered thereby, and no other organization, agent or attorney shall be recognized in the presentation of that claim or any phase thereof. The power of attorney given by the claimant may be revoked by him at any time and a subsequent power of attorney substituted, designating another organization, agent or attorney; a subsequently executed power of attorney shall constitute a revocation of any existing power of attorney. Likewise, a power of attorney may be revoked by the organization named therein.

(c) In certifying a case to the board of veterans appeals wherein a power of attorney has been executed by the claimant in favor of an attorney or representative of a recognized organization, the certifying officer will include a statement showing that such attorney or attorney-in-fact is on the accredited list.

§ 14.629 *Recognition of attorneys and agents.* (a) Claim agents will continue to be recognized and certified only by the office of the solicitor.

(b) Recognition of attorneys is hereby decentralized to the deputy administrators, branch offices, and the managers of regional offices, the functions to be a part of the duties of the chief attorney, branch office, or the chief attorney, regional office, respectively. Any member in good standing of the bar of a State, territory or possession of the United States, or of the bar of the District of Columbia will, upon application on VA Form 2–3186, Application for Recognition as Attorney, be certified as entitled to recognition provided he has never been convicted (including plea of guilty or nolo contendere) of a serious penal offense, including any violation of any penal provisions respecting fees.

(c) In general the procedures of paragraphs (a), (b) and (c) of § 14.628 will apply, insofar as pertinent, to recognition of attorneys.

(d) Any cause considered sufficient to reject the application of an attorney or to cancel recognition previously granted, will be reported in full, through channels, to the central office, attention the solicitor, for final determination; except that recognition shall be automatically canceled if an attorney is convicted of charging illegal fees contrary to the provisions of the Federal Statutes (secs. 101–103, sec. 551, T. 38 U. S. C., or similar provision). There shall also be applied the provisions of sec. 6 (a), Public Law 404, 79th Congress. (See also §§ 14.630–14.635.)

§ 14.630 *Attorneys affiliated with organizations.* The policy of the Veterans' Administration precludes the recognition as an attorney or agent, any person who is an officer or employee, appointive or elective, of any veteran, welfare, or State, county, or municipal organization engaged in assisting claimants in presenting claims before the Veterans' Administration without fee or emolument, except that any person holding such office whose duties do not include actual assistance in the presentation of claims before the Veterans' Administration may be recognized but will be precluded while holding such office from receiving a fee for services rendered as an attorney or agent in the presentation and prosecution of claims for benefits administered by the Veterans' Administration. Furthermore, it is contrary to the policy to permit an attorney or agent to transact claims business from or at an office from or at which a veteran or welfare organization, or an agency of a State or other political subdivision, carries on its work incident to assisting claimants in presenting claims before the Veterans' Administration or to use the stationery of such organization or agency in transacting his claims business.

§ 14.631 *Knowledge of laws.* An applicant for recognition as attorney will be presumed to have such knowledge of the law and regulations as to qualify him to render substantial service and may be recognized by the chief attorney of a branch or regional office if his application shows he meets the requirements of § 14.632. Any duly recognized attorney will, for the purpose of receiving appropriate information in a specific case, be accorded such recognition by central office or any branch or regional office to which he presents a duly certified or attested copy of his notification of recognition as attorney, together with the original or similarly exemplified copy of power of attorney.

§ 14.632 *Character and citizenship.* Any person of good moral character and of good repute who is an attorney at law in good standing and a citizen of the United States, or who has declared his intention to become such a citizen, may be recognized if not prohibited by law, and represent claimants before the Veterans' Administration, by presenting for that privilege, to the manager or to the deputy administrator, a properly executed application on the form prescribed by the Administrator, VA Form 2–3186, Application for Recognition as Attorney. Attorneys who are citizens of the Republic of the Philippines may be recognized under similar criteria in the presentation of claims before the Veterans' Administration office in the Philippines.

§ 14.633 *Agents; requirements for recognition.* Any competent person of good moral character and of good repute who is a citizen of the United States, or who has declared his intention to become such a citizen and who is not engaged in the practice of law, may be recognized as an agent, if not prohibited by law, and represent claimants before the Veterans' Administration by presenting to the Administrator of Veterans' Affairs, Washington, D. C., a properly executed application on the form prescribed by the Administrator, VA Form 3187, Application for Recognition as Agent. Applicants for recognition as agents may be required to prove their fitness to render substantial service by undergoing a written examination testing their knowledge of the laws administered by the Veterans' Administration and regulations promulgated thereunder, as to which separate instructions will be issued.

§ 14.634 *Notification of recognition of attorneys by field stations.* When an attorney has been recognized a 3 x 5 card will be prepared showing his name, address and date of recognition. Copies of this card will be forwarded to (a) office of the solicitor, (b) chief attorneys of branch and regional offices within that area, (c) the director, claims service, of the branch office within that area, (d) the adjudication officers of regional offices within that area, and (e) to any other office in which the attorney requests that his recognition be recorded.

§ 14.635 *Suspension and revocation of recognition.* Whenever the Administrator of Veterans' Affairs has knowledge or information that an attorney or agent recognized by the Veterans' Administration is or has engaged in unlawful, unprofessional or dishonest practice, or is incompetent, or has violated or refused to comply with the laws, regulations and rules governing his recognition before the Veterans' Administration, or who shall in any manner deceive, mislead, or threaten any claimant or prospective claimant by word, circular, letter or advertisement, the Administrator shall give the accused attorney or agent due notice with a statement of the charge or charges against him, which statement shall be sufficiently specific to permit the accused intelligently to make answer thereto, and shall cite said attorney or agent to show cause within 30 days, which time limit may be extended by the Administrator, why his recognition should not be suspended or revoked. Where deemed proper, the recognition of an attorney or agent may be temporarily suspended without notice, pending action as herein provided.

§ 14.636 *Time allowed in answering charges preferred.* If said attorney or agent shall fail to file an answer or other pleading, within the time specified, such charge or charges will be taken as confessed and judgment may be rendered as upon default.

§ 14.637 *Answer to charges.* If an answer, under oath, is filed denying the charges, or so explaining them as to raise an issue thereon, a time and place shall then be set for the taking of testimony. The testimony shall be taken at as convenient a place as possible for both the Government and the defendant and notice shall be served on the defendant informing him of the time and place at which testimony will be taken for the Government, in order that he may be present and cross-examine the witnesses. Testimony shall be reduced to writing and be signed by the witnesses, unless otherwise stipulated, and may be taken before any officer authorized to administer oaths for general purposes or before any officer or agent of the Veterans' Administration designated for that purpose. After the testimony has been taken, it will be considered; and if the charge or charges be sustained the Administrator will suspend or revoke the recognition of such attorney or agent, or take such other action thereon as the facts warrant.

§ 14.638 *Acts subjecting recognized attorneys or agents to suspension or revocation.* The recognition of any attorney or agent will be subject to suspension or revocation, who knowingly commits or is guilty of any of the following acts, to wit: (a) Presents or prosecutes a fraudulent claim against the United States or the Veterans' Administration; (b) demands or accepts any unlawful compensation for preparing, presenting or prosecuting any claim before the Veterans' Administration or for advice or consultation concerning such a

claim; (c) with intent to defraud has in any manner deceived, misled, or threatened any claimant or prospective claimant by word, circular, letter, or advertisement; (d) who, in the presentation or prosecution of, or in connection with, any matter or business pending before said Veterans' Administration, has as his associate, or employs as his agent, subagent or correspondent, any person who has been guilty of any of the above-mentioned acts, or who has been denied recognition, or has had his recognition suspended or revoked by the Veterans' Administration, or who himself acts as the associate, agent, subagent, or correspondent of any such person; or who is otherwise and in any manner whatever guilty of dishonest or unprofessional conduct.

§ 14.639 *Rules of recognition.* No person other than an accredited representative of a recognized organization shall be recognized in the preparation, presentation or prosecution of any claim under statutes administered by the Veterans' Administration, unless he has been recognized as an attorney or agent pursuant to these regulations, except (a) that any person may be recognized for the purpose of a particular claim upon filing with the office where such claim folder is located a proper power of attorney and a statement signed by such person and the claimant that no fee or compensation of whatsoever nature shall be charged or paid for the services rendered, and except (b) in claims for insurance benefits under a contract in which the Government admits liability on the contract, there is no issue or contest as to the designated beneficiary, and it is reasonably apparent that the attorney or agent will not charge a fee. In the first class of cases the attorney should be advised by form letter FL 2–16, Recognition Information to Attorneys and Individuals, regarding the requirements of being recognized in a particular claim or generally. In the latter class of cases a paragraph substantially as follows should be incorporated in the letter acknowledging receipt of the claim:

The evidence submitted by you in connection with the claim for insurance benefits in the instant case has been received and an adjudication of the claim for benefits will be made as expeditiously as possible. It is understood, of course, that you are not entitled to any fee for services performed by you in connection with the preparation and presentation of this claim, inasmuch as you have not been regularly recognized to present claims before the Veterans' Administration by the Administrator of Veterans' Affairs.

§ 14.640 *Power of attorney.* Only a duly executed power of attorney confers upon an agent or attorney the right to prepare, present and prosecute a claim before the Veterans' Administration. Upon receipt of a duly executed power of attorney, the agent or attorney named therein will be informed of the status of the claim, and will be recognized as the sole agent for the preparation, presentation and prosecution of the claim covered thereby so long as the power of attorney is effective.

§ 14.641 *Formalities of power of attorney.* A power of attorney, in order to be recognized as good and valid must be signed by the claimant or his guardian and be acknowledged before an officer authorized to administer oaths for general purposes or before an employee of the Veterans' Administration to whom authority to administer oaths has been delegated.

§ 14.642 *Diligence or neglect on part of attorney or agent.* An agent or attorney shall be required to exercise due diligence in all claims in which he is recognized. Neglect to prosecute a claim for six months or failure to furnish evidence called for by the Veterans' Administration within ninety days shall be held, in default of cause shown, presumptive evidence of the abandonment of all attorneyship rights in the claim.

§ 14.643 *Notification of rejection of claim; termination of interest of attorney or agent in claim*—(a) *Notification of rejection of claim.* Upon the rejection of a claim the agent or attorney of record and the claimant shall be notified of such rejection and the reason therefor and if within ninety days from the date of such notice no motion for reconsideration or appeal from the ruling made has been filed by the attorney or agent or claimant, the attorney or agent in default of cause shown shall be deemed to no longer represent the claimant and the claimant may employ any other duly qualified agent, attorney or other representative.

(b) *Termination of interest of attorney or agent in claim.* Where a claim is allowed in whole or part and a fee paid to the attorney or agent, his interest in the claim will be deemed to have terminated, unless the circumstances indicate that the claimant desires to have the attorney further represent him.

§ 14.644 *Revocation of power of attorney and discharge of attorney or agent.* The claimant shall have the privilege of exercising his right at any stage of the claim to revoke a power of attorney and discharge his attorney or agent upon a showing of cause deemed good and sufficient by the Administrator.

§ 14.645 *Willful withholding of application for pension.* The willful withholding of an application for pension or evidence by an agent or attorney for any cause shall render the recognition of such agent or attorney liable to suspension or revocation.

§ 14.646 *Change of guardianship during pendency of claim.* A change of guardian in any case during pendency of a claim shall not affect the question of attorneyship and fee, but no fee shall be allowed to a guardian who prosecutes the claim of his ward or to a firm of attorneys of which the guardian is a member.

§ 14.647 *Transfer, assignment, or substitution of attorneyship.* A transfer, assignment, or substitution of attorneyship shall not be recognized and no agent or attorney shall have the right to make an assignment of any claim in which he has been recognized.

§ 14.648 *Requesting aid or assistance through members of Congress, et al., regarding claims.* Every agent or attorney who shall, directly or indirectly, request of any member of either house of Congress, or of any United States Government official or representative (other than one whose duty it is under the law to supervise and administer the laws, rules and regulations and/or instructions governing benefits under statutes administered by the Veterans' Administration), or any organization recognized by the Veterans' Administration, aid or assistance in the prosecution of a claim, or who shall, directly or indirectly request or advise a claimant to seek such aid in the prosecution of a claim, shall be subject to inquiry respecting his competency to fully represent a claimant and shall be considered as having forfeited his right to any fee in such case.

§ 14.649 *Supplying Veterans' Administration forms.* Attorneys and agents shall not be furnished with supplies of Veterans' Administration forms but will be required to have them printed at their own expense and in strict accordance with the official forms prescribed by the Veterans' Administration. An attorney or agent may insert a power of attorney in his form over claimant's signature in words substantially as follows: "I hereby appoint _____ as my attorney to prosecute this claim." The power of attorney in order to be valid must fully comply with § 14.641. Every attorney, agent, or other person recognized as entitled to present claims before the Veterans' Administration shall submit to the Administrator, in duplicate, copies of all proposed forms and letterheads intended for use in connection with business before the Veterans' Administration and the Veterans' Administration will notify such attorney or agent of its approval or disapproval. The use by an attorney or agent of the characters "U. S.," or the words "United States," as a part of his title or the title of his business shall not be permitted. Agents will not designate themselves as attorneys at any time except in a power of attorney. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not of itself improper, but solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional and will render the recognition of an attorney or agent liable to suspension or revocation.

§ 14.650 *Expenses incurred by attorney or agent in the prosecution of claims.* When an agent, attorney, or other person incurs any expense in the prosecution of a claim, he must file a sworn itemized account of such expense with the Veterans' Administration to be retained in the claims file as part of the permanent record and secure the approval thereof before demanding or receiving reimbursement from the claimant by the director of the service handling the claim, or his designate, if the claim is adjudicated in central office, or by the adjudication officer, or his designate, if the claim is adjudicated in the field, provided that in all claims other than those involving compensation and pension the approval shall be made in central office as above indicated. Notice of the action taken in all cases shall be transmitted to the attorney concerned by the service handling the claim.

§ 14.651 *Solicitation of fees.* Attorneys or agents shall not, directly or indirectly, solicit, contract for, charge or receive, or attempt to solicit, contract for, charge or receive, any fee or compensation whatsoever for advice or consultation concerning the laws administered by the Veterans' Administration and the regulations, rules based thereon, or for service to claimants thereunder, except such fee or compensation as is herein provided, whether a claim has been or is thereafter filed, or no claim is filed for the person in whose behalf such advice or consultation is given or held or service rendered. Any agent or attorney who shall so do shall thereby subject his recognition by the Veterans' Administration to suspension or revocation, and be subject to the applicable penal provisions of the law.

§ 14.655 *Amount of fees.* Except where prohibited by law and except in those cases where the person has been recognized in a particular claim, or has been recognized in an insurance claim without having been regularly recognized as an agent or attorney by the Administrator of Veterans' Affairs, and except in accrued claims and burial claims, a fee of $10 in an original claim for monetary benefits under the statutes administered by the Veterans' Administration and a fee of $2 in a claim for increase for such benefits, will be payable to the agent or attorney of record in an allowed claim. In the excepted cases referred to above no fee whatsoever may be paid to or charged by an agent or attorney.

§ 14.656 *Fees based on revaluation of claims.* When a claim involving monetary benefits has been allowed and for any reason the monetary benefits so allowed are reduced or held terminated, or the claimant has been cited to show cause why they should not be reduced or terminated, proceedings looking to the continuation of such monetary benefits originally allowed will be considered a claim for monetary benefits and a fee of $10 will be payable in the event the monetary benefits originally allowed are continued, such fee to be deducted from the amount of monetary benefits subsequently payable.

§ 14.657 *Approval of fees by Veterans' Administration.* The fee provided in § 14.655 shall be due and payable only upon the approval of the claim by the Veterans' Administration and then only in the event the attorney or agent has rendered material service in the prosecution of the claim. The filing of the claim may be considered as rendering material service if the attorney or agent is not in neglect but renders all the service necessary to complete the same, that is, where the attorney or agent has done all that he was called upon to do, or could do, even if it be the filing of the application alone, he is entitled to be paid the attorney's fee if one be provided in such case.

§ 14.658 *Method of payment of fees.* At the time of allowance of the claim an award of the attorney's fee, if same is found due, will be made and paid by deduction from the monetary benefit allowed, but only to the attorney or agent of record at the time of allowance. The attorney to be entitled must have been regularly recognized by the Veterans' Administration and in good standing at the time of such award.

§ 14.659 *Appeals from denial of fees.* Consideration as to the entitlement of an attorney or agent to a fee in any claim wherein a fee has been denied will not be entertained unless an appeal from the action taken by the Veterans' Administration denying the fee is filed in the Veterans' Administration within one year from the date of such action.

§ 14.663 *Banks or Trust Companies acting as guardians for veterans.* Banks or trust companies, corporate entities, acting as guardians for claimants, may be represented before adjudicating agencies as authorized representatives of claimants by an officer or employee thereof, including a regularly employed attorney, if such employee or attorney represents the corporation in its fiduciary capacity but no fee may be allowed for such services under § 14.646.

PART 17—MEDICAL

APPOINTMENTS

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AUTHORITY: §§ 17.30 to 17.148 issued under secs. 6, 7, 1, 29, 48 Stat. 9, 301, 525, sec. 1, 49 Stat. 729, ch. 109, 53 Stat. 652; 38 U. S. C. 11a (3), 445a, 445b 706, 706a, 707. Statutes giving special authority are cited in parentheses at the end of affected sections.

APPOINTMENTS

§ 17.30 *Refusal of treatment by unnecessarily breaking appointments.* A patient under outpatient medical or dental treatment who breaks an appointment, without a reasonable excuse for such action, will be informed that a repetition of the offense will be deemed to be a refusal of Government treatment. If such patient breaks a second appointment, without at least 24 hours notice, or a reasonable excuse, it will be deemed that he has refused Government treatment. Thereafter no further treatment will be furnished until he has made a specific formal application therefor and has satisfactorily evinced a willingness to accept Government treatment and to cooperate with the Government agency providing the treatment, by keeping his appointments, or by giving at least 24 hours notice where an appointment must necessarily be broken. Where an appointment is broken without notice and satisfactory reasons are shown for the breaking of the appointment, and it is also satisfactorily shown that circumstances attending the breaking of the appointment were such that notice could not be given, the patient will not be deemed to have refused treatment. Nothing in this section will be construed to prevent a patient from receiving the benefit of treatment for an emergency condition that may arise during the time when he has been determined to be "Not entitled to treatment" as a result of refusal. (Sec. 204, 43 Stat. 622; 38 U. S. C. 493)

EMERGENCY HOSPITALIZATION

§ 17.35 *General authority for emergency hospital treatment.* (a) All potential beneficiaries having prima facie entitlement therefor, who are in need of emergency hospital treatment, may be provided therewith, and such emergency hospital treatment may, if necessary, be continued until a definite decision is reached as to the eligibility of the applicant for medical treatment. This authority for emergency hospitalization carries authority to supply Government transportation and necessary meals and lodging en route to the facility designated for the emergency admission.

(b) Emergency hospitalization may also be provided applicants who have not completed a prescribed period of exclusion from hospitalization, imposed because of infraction of facility discipline; but Government transportation (and necessary meals and lodging en route) will not be supplied these applicants, unless they execute affidavit that they are unable to defray the expense of travel to the facility designated.

(c) The provisions of paragraph (b) of this section are also applicable to a member of a State Soldiers Home, on whose behalf the said home is receiving Federal aid payments, who is discharged therefrom for disciplinary reasons.

MEDICAL TREATMENT IN FOREIGN COUNTRIES

§ 17.36 *Eligibility for medical treatment in foreign countries.* No person shall be entitled to receive domiciliary, medical or hospital care, including treatment, who resides outside of the continental limits of the United States or its territories or possessions, except that the chief medical director may authorize hospitalization, including medical treatment, determined necessary for diseases or injuries adjudicated as incurred in or aggravated by active military or naval service in a period of war, for applicants temporarily sojourning or temporarily residing in a foreign country, who are citizens of the United States. (Sec. 4, Pub. No. 866, 76th Cong.) (Sec. 4, 54 Stat. 1195; 38 U. S. C. ch. 12 note)

HOSPITALIZATION AND DOMICILIARY CARE

§ 17.45 *Persons entitled to hospital observation and physical examination.* Hospitalization for observation and physical (including mental) examination may be effected when requested by an authorized official, or when found necessary in physical examination of the following persons:

(a) Claimants or beneficiaries of the Veterans' Administration, for purposes of disability compensation, pension, emergency officers retirement pay, medical feasibility for vocational training under Public Law 16, 78th Congress, and Government insurance.

(b) Claimants or beneficiaries referred from a facility to a diagnostic center for study to determine the clinical identity of an obscure disorder, or for advice as to treatment.

(c) Employees of the Veterans' Administration when necessary to determine their mental or physical fitness to perform official duties.

(d) Claimants or beneficiaries of other Federal agencies: (1) Bureau of War Risk Litigation, Department of Justice—plaintiffs in Government insurance suits; (2) United States Civil Service Commission—annuitants or applicants for retirement annuity, and such examinations of prospective appointees as may be requested; (3) Bureau of Employees Compensation—to determine identity, severity or persistence of disability; (4) Railroad Retirement Board—applicants for annuity under Public No. 162, 75th Congress; (5) other Federal agencies.

(e) Pensioners of nations allied with the United States in World War I and World War II, upon authorization from accredited officials of the respective governments. (Sec. 10, 44 Stat. 797, sec. 6, 46 Stat. 472, sec. 3, 57 Stat. 45, 60 Stat. 526; 5 U. S. C. 710–714, 38 U. S. C. ch. 12 (note), 488 note, 488a, 492)

§ 17.46 *Persons entitled to hospital treatment or domiciliary care.* Hospital treatment or domiciliary care may be provided:

(a) Subject to the eligibility provisions of §§ 17.47 and 17.48, for:

(1) Persons discharged or released from active military or naval service under other than dishonorable conditions.

(2) Persons retired from active military or naval service including members of the Fleet Naval Reserve or Marine Corps Reserve on retainer pay, who had served honorably during a war period (Public No. 198, 76th Cong., as amended by Pub. Law 365, 77th Cong.).

(3) Persons retired from the Army of the United States under Public No. 18, 76th Congress, as amended by Public Law 262, 77th Congress,

(4) Persons retired from the Army, Navy, Marine Corps or Coast Guard, Regular Establishment, not having had war service who elect to receive compensation under laws administered by the Veterans' Administration in lieu of retirement pay (Pub. Law 314, 78th Cong.).

(b) Not subject to the eligibility provisions of §§ 17.47 and 17.48, for:

(1) Persons in active service with the United States Army (Public No. 177 and Public No. 852, 76th Cong.), or United States Navy or Marine Corps (Public No. 675, 70th Cong.), when duly referred with authorization therefor, may be supplied hospital treatment. Emergency treatment may be rendered such persons upon their own application, when absent from their commands: *Provided*, That covering formal authorization be procured as promptly as possible after the emergency treatment is begun.

(2) Hospital treatment may be provided, upon authorization, for beneficiaries of the Public Health Service, Bureau of Employees Compensation and other Federal agencies.

(3) Pensioners of nations allied with the United States in World War I and World War II, may be supplied hospital treatment when duly authorized.

(c) Emergency hospital treatment may be provided for:

(1) Persons having no prima facie eligibility therefor, as a humanitarian service.

(2) Persons admitted because of presumed discharge or retirement from the armed forces, but subsequently found to be ineligible as such.

(3) Employees (not potentially eligible as ex-members of the armed forces) and members of their families, when residing on reservations of field stations of the Veterans' Administration, and when they cannot feasibly obtain emergency treatment from private facilities.

(d) Persons comprehended under the provisions of paragraphs (b) and (c) of this section may be supplied hospitalization after the needs of emergency applicants under paragraph (a) of this section are fully met. Charges at prescribed rates will be made for the services rendered. (Sec. 1, 39 Stat. 742, ch. 85, 45 Stat. 1090, sec. 4, 53 Stat. 557, 1042, 1069, sec. 5, 54 Stat. 1137, ch. 425, 612, 55 Stat. 733, 850, 58 Stat. 230, 60 Stat. 526; 5 U. S. C. 751, 10 U. S. C. 298b, 455e, 24 U. S. C. 31, 32 U. S. C. 164d, 38 U. S. C. 12, 26c, 488 (note), 488a, 706b)

§ 17.47 *Eligibility for hospital treatment or domiciliary care of persons discharged, released or retired from active military or naval service.* Within the limits of Veterans' Administration facilities, hospital treatment or domiciliary care may be furnished the following applicants in the specified order of preference:

(a) Hospital treatment for: (1) Persons who served in the active military or naval forces during the period of World War I as defined in paragraphs I and IV, Veterans' Regulation No. 10, as amended (38 U. S. C., ch. 12); or in any war prior to the Spanish-American War; or during the Spanish-American War, Philippine Insurrection, or Boxer Rebellion from April 21, 1898, to July 4, 1902 (or to July 15, 1903, if the service was in Moro Province), or on or after December 7, 1941, and before twelve o'clock noon December 31, 1946, including those who had active duty as a member of the Women's Army Auxiliary Corps, Women's Army Corps, Women's Reserve of the Navy and Marine Corps and the Women's Reserve of the Coast Guard—when discharged under other than dishonorable conditions from a period of war service, and when suffering from an injury or disease incurred or aggravated in line of duty in that period of active military or naval service, and for which they are medically determined to be in need of hospital treatment.

(2) Persons retired from active military or naval service including members of the Fleet Naval Reserve or Marine Corps Reserve on retainer pay, who had honorable service in a period of war, as defined in subparagraph (1) of this paragraph, and are medically determined to need hospital treatment for an injury or disease that was incurred in line of duty in active military or naval service (Public No. 198, 76th Cong.; Pub. Law 365, 77th Cong.).

(3) Persons included in paragraph III, Part I, Veterans' Regulation No. 1 (a), (38 U. S. C. ch. 12), who are suffering from injuries or diseases incurred in line of duty, for which they are receiving disability compensation, and for which they are in need of hospital treatment.

(4) Persons included in Public Law 300, 78th Congress, who, on or after December 7, 1941, and before twelve o'clock noon December 31, 1946, suffered an injury or disease in line of duty for which they are receiving disability compensation and for which they are in need of hospital treatment.

(b) Hospital treatment for:

(1) Persons who were discharged or released under other than dishonorable conditions from active military or naval service for disability incurred or aggravated in line of duty or who are in receipt of compensation for service-connected or service-aggravated disability, when suffering from injuries or diseases incurred or aggravated in line of duty in such active service, and for which they are medically determined to be in need of hospital treatment. Cadets and midshipmen discharged from the academies at West Point, New London, and Annapolis who meet these requirements as to character of discharge or receipt of compensation are eligible under this paragraph, regardless of the requirement as to active military or naval service. (See also sec. 10, Pub. Law 144, 78th Cong.)

(i) For applicants not in receipt of compensation for service-connected or service-aggravated disability, the official records of the Army or Navy, respectively, relative to findings of line of duty for its purposes, will be accepted in determining eligibility for hospital treatment under this paragraph; except that where the official records of the Army or Navy show a finding of disability not incurred or aggravated in line of duty and evidence is submitted to the Veterans' Administration which permits of a different finding, the decision of the Army or Navy will not be binding upon the Veterans' Administration, which will be free to make its own determination of line of duty incurrence or aggravation upon the evidence so submitted. It will be incumbent upon the applicant to present such controverting evidence and, until he so acts and a determination favorable to him is made by the Veterans' Administration, the finding of the Army or Navy will control and hospitalization will not be authorized. Such controverting evidence, when received from an applicant, will be referred to the adjudicating agency which would have jurisdiction if the applicant were filing claim for pension or disability compensation, and the determination of such agency as to line of duty, which is promptly to be communicated to the manager of the field station receiving the application for hospitalization, will govern his disapproval or approval of admission, other eligibility requirements having been met. Where the official records of the Army or Navy show that the disability on account of which a veteran was discharged or released from his peacetime service under other than dishonorable conditions was incurred or aggravated in line of duty, such showing will be accepted for the purpose of determining his eligibility for hospitalization, notwithstanding the fact that the Veterans' Administration has made a determination in connection with a claim for monetary benefits that the disability was incurred or aggravated not in line of duty. See also Public No. 648, 75th Congress, defining line of duty, whether on active duty or authorized leave, relative to applicants whose only military or naval service was in a period other than wartime.

(ii) When the applicant is in receipt of compensation for a service-connected or service-aggravated disability, inquiry will not be made as to the character of discharge from service.

(iii) In those exceptional cases where the official records of the Army or Navy show discharge or release under other than dishonorable conditions because of expiration of period of enlistment or any other reason save disability, but also show a disability incurred or aggravated in line of duty during the said enlistment; and the disability so recorded is considered in medical judgment to be or to have been of such character, duration, and degree as to have justified a discharge for disability had the period of enlistment not expired or other reason for discharge or release been given, the chief medical director, upon consideration of a clear, full statement of the circumstances submitted to him is authorized to approve admission of the applicant for hospital treatment, provided other eligibility requirements are met. A typical case of this kind would be one where the applicant was under treatment for the said disability recorded during his service at the time discharge was given for reason other than disability.

(2) Persons retired from the Army of the United States under Public No. 18, 76th Congress, as amended by Public Law 262, 77th Congress, who had service only in a period other than wartime and who are suffering from a disease or injury incurred or aggravated in line of duty which is medically determined to require hospital treatment.

(3) Persons defined in § 17.46 (a) (4) who are in need of hospital treatment for that disease or injury for which they are receiving disability compensation.

(4) Persons included in Public Law 300, 78th Congress, who on or after August 27, 1940, and prior to December 7, 1941, suffered an injury or disease in line of duty for which they are receiving disability compensation and for which they are in need of hospital treatment.

(c) Hospital care for:

(1) Persons who were discharged or released from active military or naval service under other than dishonorable conditions for disability incurred or aggravated in line of duty, or who are in receipt of compensation for service-connected or service-aggravated disability, when suffering from nonservice-connected diseases or injuries requiring hospitalization. See also paragraph (b) (1) (i), (ii), (iii) of this section which apply here, and to subparagraph (2) of this paragraph.

(2) Domiciliary care for persons enumerated in subparagraph (1) of this paragraph, when suffering from a permanent disability or tuberculous or neuropsychiatric ailment and who are incapacitated from earning a living and who have no adequate means of support. If a member is discharged on his own request or at the expiration of seven days following an authorized pass or leave of absence, it will be presumed he no longer regards himself as incapacitated from earning a living. Under such circumstances he will not be furnished hospitalization or domiciliary care until the expiration of one month from the date of such discharge, except when requiring readmission in a medical emergency.

(3) Retired personnel of the classes comprehended by paragraph (b) (2) of this section may be supplied hospital treatment in a hospital or center under the direct and exclusive jurisdiction of the Veterans' Administration, if beds are available, and such applicants agree to pay the per diem rate to cover subsistence, which is set by the Administrator of Veterans' Affairs.

(d) Hospital treatment or domiciliary care for:

(1) Persons who serve in the active military or naval forces, including those who had active duty as a member of the women's army auxiliary corps, regardless of length of service, during a period of war as defined in paragraph (a) (1) of this section, who were (i) discharged or released from active duty under other than dishonorable conditions; (ii) who swear that they are unable to defray the expense of hospitalization or domiciliary care (including the expense of transportation to and from a Veterans' Administration facility); and (iii) who are suffering from a disability, disease or defect which, being susceptible of cure or decided improvement, indicates need for hospital care, or which, being essentially chronic in type and not susceptible of cure, or decided improvement by hospital care, is producing disablement of such degree and of such probable persistency as will incapacitate from earning a living for a prospective period, and thereby indicates need for domiciliary care. Except for applicants presenting emergent conditions, consideration in admissions under this subparagraph may be given to the length or character of service.

(2) Persons retired from active military or naval service including members of the Fleet Naval Reserve or Marine Corps Reserve on retainer pay, who had honorable service in a period of war, as defined in paragraph (a) (1) of this section, and who meet the other eligibility requirements of subparagraph (1) of this paragraph (Public No. 198, 76th Cong.; Pub. Law 365, 77th Cong.).

(3) If a member is discharged on his own request or at the expiration of seven days following an authorized pass or leave of absence, it will be presumed he no longer regards himself as incapacitated from earning a living. Under such circumstances he will not be furnished hospitalization or domiciliary care until the expiration of one month from the date of such discharge except when requiring readmission in a medical emergency. (Sec. 4, 53 Stat. 557, 1069, ch. 425, 612, 55 Stat. 733, 850, sec. 10, 57 Stat 556, 58 Stat. 219, 230; 10 U. S. C. 298b, 28 U. S. C. 375, 38 U. S. C. 12, 26c, 706b, 730)

§ 17.48 *Definitions applicable in determining eligibility for hospital treatment or domiciliary care.* (a) Under § 17.47 (c) (2):

(1) A "permanent disability" will be taken to mean such impairment of mind or body as may reasonably be expected to continue throughout the remainder of the applicant's life, or any condition listed in § 3.86 of this chapter. A permanent disability must be such as would materially interfere with the following of any substantially gainful occupation. This must be for medical determination, which shall not be influenced by the applicant's inability—due to industrial conditions, lack of personal initiative, or any other reason than disability due to disease or injury—to secure gainful employment. The infirmities resulting from advancing years when taken collectively, while not considered a disease entity, may be interpreted to be within the meaning of "disease" as used herein. A person who, at the time of his application for domiciliary care has been rated 75 percent or more disabled for pension or disability compensation purposes will be held to be prima facie incapacitated within the meaning of this paragraph.

(2) A permanent disability, as contemplated, is exemplified in chronic, severe types of general medical diseases, such as myocarditis, valvulitis, cardiovascular disease, nephritis, arthritis, etc., and in blindness, loss of parts or use of parts, etc. But injuries or diseases such as reparable hernia, chronic appendicitis, cholecystitis, cholelithiasis, nephrolithiasis, etc., are not essentially permanent, as contemplated, in that surgical intervention may remove the disability.

(3) "No adequate means of support": When an applicant is receiving an income of $100 or more per month from any source, this fact will be considered prima facie evidence that he has adequate means of support, except when he is in fact contributing in whole or part from such income to the support of a wife, child, mother or father. If the applicant alleges he is contributing to the support of dependents other than these, the alleged circumstances will be submitted to the Manager for decision as to eligibility for admission.

(b) Under § 17.47 (d):

(1) "Any disability, disease or defect" will comprehend any acute, subacute or chronic disease (of a general medical, tuberculous or neuropsychiatric type) or any acute, subacute or chronic surgical condition, susceptible of cure or decided improvement by hospital care; or any condition which, not susceptible of cure or decided improvement by hospital care, indicates need for domiciliary care. Domiciliary care, as the term implies, is the provision of a home, with such incidental medical care as is needed. To be entitled to domiciliary care the applicant must consistently have a disability, disease or injury which, chronic in type and not susceptible of cure or decided improvement by hospitalization, is producing disablement of such degree and probable persistency as will incapacitate from earning a living for a prospective period. Defects such as constitutional psychopathic inferority or mental deficiency, without superimposed psychosis or psychoneurosis, will not indicate hospital treatment, but will entitle to domiciliary care, other requirements being met, if such defects are producing material social and industrial inadaptability.

(2) "Unable to defray expenses of hospitalization or domiciliary care (including transportation to and from a Veterans' Administration facility):" The affidavit of the applicant of VA Form 10–P–10 that he is unable to defray the expenses of hospitalization or domiciliary care (including transportation to and from a Veterans' Administration facility) will constitute sufficient warrant to furnish hospitalization or domiciliary care (including Government transportation to cover transportation to the facility) but, having in mind the penal provisions of the law governing the making of false sworn statements, managers will report to central office any and all cases in which they suspect false statements as to inability to defray the expenses of hospitalization or domiciliary care (including transportation). Such reports will include all the facts, with comment and recommendation.

(c) Persons applying for hospital treatment under paragraph (c) or (d) of § 17.47 and who are potentially entitled to other hospital treatment or to reimbursement for the costs of hospital treatment because of membership in a union, fraternal organization, or group hospitalization plan under commercial insurance companies' policies covering illness or injury; or as beneficiaries of a State Industrial Commission or Employees Compensation Commission, etc., will not be furnished hospital treatment without charge therefor to the extent of such reimbursement. Action will be taken to effect collection from the persons, companies, organizations or agencies (other than Federal) in the amounts determined payable under the terms of the applicable insurance policy, plan, agreement or other undertaking.

§ 17.50 *Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans' Administration.* For the purposes of Veterans Regulation No. 10 (b), Paragraph XIX (38 U. S. C. ch. 12), defining "Veterans' Administration facilities" and section 1500, Public 346, 78th Congress, granting authority to the Administrator of Veterans' Affairs "To enter into contracts or agreements with private or public agencies or persons for necessary service, including personal services, as he may deem practicable," the following provisions will govern in authorizing admissions to facilities other than those under the direct and exclusive jurisdiction of the Veterans' Administration:

(a) Hospitalization will not be authorized in Government facilities other than those over which the Veterans' Administration has direct and exclusive jurisdiction until agreement covering such service has been approved. Such agreements, will not be entered into until careful consideration has been given to the best interests of both the Government and beneficiaries.

(b) (1) Private facilities will not be used for hospitalization of beneficiaries except when facilities under direct and exclusive jurisdiction of the Veterans' Administration or other Government facilities under agreement are not feasibly available, or when the physical or mental condition of beneficiaries will not allow of their transfer thereto from a private, State, or municipal hospital. Male beneficiaries in need of treatment of an emergent condition (i) arising from a service-connected disorder; or (ii) which in medical judgment requires treatment to prevent interruption of training authorized under Public Law 16, 78th Congress, may be authorized hospitalization in any private, State, or municipal hospital, preferably one under contract. In such medically emergent cases authorization of admission to a private, State, or municipal hospital may be given, subject to the conditions stipulated in subparagraph (2) of this paragraph and, when so given, will be authority for payment of vouchers covering the cost of such hospitalization. Hospitalization of male beneficiaries in a private, State, or municipal hospital under contract may also be authorized for treatment of (i) a nonemergent service-connected condition; (ii) that condition determined as incurred or aggravated in line of duty in active Federal service and for which the applicant was discharged under conditions other than dishonorable, provided service connection for such disability has not been denied by the Veterans' Administration and (iii) a nonemergent nonservice-connected condition which in medical judgment requires treatment to prevent interruption of training authorized under Public Law 16, 78th Congress, provided facilities under direct and exclusive jurisdiction of the Veterans' Administration or other Government facilities under agreement are not feasibly available.

(2) The chief medical officer or his designate, of the regional office or center having jurisdiction of the territory in which the concerned private, State, or municipal hospital, contract or noncontract, is located, when informed of the emergent condition of the entitled beneficiary in time to authorize the hospital admission or when requested to issue authorization to cover a hospital admission already effected, will at once notify the superintendent of such hospital as follows: (i) That payment cannot be made by the Veterans' Administration for any hospital service or supplies furnished prior to the date that request for authorization for admission was made. (Except that where such request for authorization was dispatched to the Veterans' Administration within seventy-two hours after the date and hour of admission, the effective date of authorization will be the admission date. Otherwise the date of request for authorization will be the postmark date of a letter request, dispatch date of a telegraph request or the date a telephonic request is received); (ii) that, if the hospital concerned is under contract with the Veterans' Administration, all services and supplies furnished the beneficiary must be charged for and paid only at rates in accordance with the terms of the contract; (iii) that, if the hospital concerned is not under contract, all services and supplies can be paid for only at rates considered reasonable and not in excess of those customarily charged the general public for similar services in the hospital where rendered; (iv) that, when possible, prior authority will be requested by the hospital for the furnishing of services or supplies other than those included in a contract, or other than those comprehending ordinary items; (v) but when the procurement of such prior authority is not possible, or when the emergent condition of the beneficiary is too urgent for delay, the hospital may furnish such necessary services or supplies, with the understanding that charges therefor will be subject to determination as to their reasonable necessity by the chief medical officer or his designate. (See also §§ 17.40 to 17.48.)

(c) In the territories and insular possessions of the United States, preference will be given to Federal hospitals, and contracts will be made with private territorial or insular hospitals only when Federal hospitals are not available. Authorization of hospitalization in such territories and possessions is restricted to hospitals under agreements or contracts and admissions to private hospitals not under contract will not be authorized without prior approval of the chief medical director or his designate: *Provided*, That when immediate hospitalization is necessary for treatment of an emergent service-connected condition in a war veteran admission to a noncontract hospital may be authorized if no Federal or contract private hospital be feasibly available, and that the stipulations specified in paragraph (b) (2) of this section are communicated to the superintendent of such noncontract private hospital. While admission to private hospitals in the territories and insular possessions will in general be restricted to applicants who had service in a war, such hospitals may also be used for applicants who had peacetime service only, if needed for treatment of an emergent service-connected condition. The use of such private hospitals is prohibited for applicants who had peacetime service only, if required for treatment of a disease or injury not attributable to military or naval service, or for a service-connected condition that is not medically emergent.

(d) The general principles to be observed in utilization of facilities other than those over which the Veterans' Administration has direct and exclusive jurisdiction will be as follows: Other Government facilities under agreements or private facilities under contracts will be used for the hospitalization of beneficiaries requiring hospital treatment in accordance with the foregoing instructions, only when facilities under direct and exclusive jurisdiction of the Veterans' Administration are not feasibly available, or when the urgency of the applicant's medical condition, the relative distance of the travel involved, or the nature of the treatment required in the individual case, make it necessary or economically advisable to utilize such other institutions instead of a facility under direct and exclusive jurisdiction of the Veterans' Administration.

Except where prior approval of the chief medical director or his designate is required under the provisions of this paragraph, admissions to other Government, private, State, or municipal hospitals may be authorized by managers of regional offices and centers with regional office activities through chief medical officers or their designates.

(e) Women war veterans, needing treatment, in a medical emergency, for a condition either service connected or not service connected, may be authorized admission to a private hospital not under contract, if a Government or private contract facility is not feasibly available. In these medically emergent cases the authority for admission to a private hospital not under contract will also be authority for payment of vouchers covering necessary services or supplies furnished in accordance with the stipulations specified in paragraph (b) (2) of this section.

(f) Managers of regional offices and centers with regional office activities through chief medical officers or their designates, are empowered to authorize admission to private hospitals, under contract, of women war veterans suffering from nonservice-connected diseases or injuries, as well as service-connected conditions, in a medical emergency or otherwise: *Provided*, That a Government facility is not feasibly available; the condition of such beneficiary, if already so hospitalized, will not safely allow of her transfer to a Government facility; or the relative travel involved in admission to a Government facility, the medical condition existing, or the nature of the treatment required, make it advisable or economical to utilize the contract facility.

(g) Pregnancy and parturition will not entitle to hospitalization, either in facilities under direct and exclusive jurisdiction of the Veterans' Administration, or in other Government, private, municipal, or State hospitals, unless complicated by a pathological condition.

(h) The prior approval of the chief medical director or his designate must be secured for the use of private, State, or municipal facilities covered by contracts, and located either within the continental limits of the United States or in the insular possessions or territories, for the hospitalization in such facilities of beneficiaries in excess of the number of beds contracted for, except where immediate hospitalization is indicated for treatment of a medically emergent service-connected disease or injury. The number of beds set apart by agreements with other Government facilities, for treatment of Veterans' Administration beneficiaries may be exceeded during any month as necessitated with the consent of the commanding officer of the hospital concerned: *Provided*, That the utilization thereof be correspondingly reduced in other months, so that the average monthly use of such beds, at the end of the fiscal year, will not have exceeded the total allocation.

(i) An applicant whose eligibility for hospitalization (whether for observation or treatment, or whether for a service-connected or nonservice-connected condition) had been determined, whose admission to a Veterans' Administration facility had been authorized and who had been supplied transportation therefor, but who, while en route to the designated facility (or en route from it after completion of service and regular discharge, with transportation furnished to a designated point), develops an unavoidable and unforseen medical emergency that forbids continuance of such travel and requires admission to a private hospital or treatment by a private physician, will be entitled to such necessary services at the expense of the Government, including any extra transportation costs (ambulance or otherwise) that were actually necessitated in the circumstances.

(1) If the chief medical officer or his designate of the territory concerned is informed of such emergency hospital admission or such physician's treatment before or shortly after the beginning of the services, authorization for the services, followed by payment of bills therefor, may be made in accordance with the terms of paragraph (b) (2) of this section.

(2) If the chief medical officer or his designate had not authorized such hospitalization or such physician's services, he may nevertheless certify for payment bills from the hospital superintendent or the attending physician, provided determination is made of the actual necessity for the items of service rendered, and payment is at fees considered reasonable and not in excess of those customarily charged the general public for similar services in the hospital where rendered.

(3) Subject to the same controlling conditions as in subparagraph (2) of this paragraph, the chief medical officer or his designate may authorize reimbursement of the beneficiary or his representative if either had paid bills submitted by the superintendent of the hospital or by the physician who had attended the beneficiary, and had submitted those receipted bills.

(j) Payment or reimbursement for emergency medical treatment and hospitalization through facilities other than governmental as provided in paragraph (i) of this section, may be authorized where a veteran granted vocational rehabilitation pursuant to the provisions of Public Law 16, 78th Congress, is furnished transportation and ordered to report to a designated school, proceeds in accordance with said orders and becomes ill while en route, if there is no intervening factor for which he is responsible which would affect or change his status. (Sec. 1500, 58 Stat. 300; 38 U. S. C. 697)

§ 17.51 *Travel for hospitalization in medical emergencies.* Prior authority must always be obtained for travel incident to hospital treatment or domiciliary care. Ordinarily such authority will be issued when a veteran is notified of approval of his application, and transportation, meal and lodging requests, as necessitated, are sent to him or his representative. But when an applicant's condition is medically emergent, authority for travel may be extended by telephone or telegraph, subject to the procedure provided therefor.

OUT-PATIENT TREATMENT

§ 17.60 *Out-patient treatment.* (a) Out-patient treatment, medical or dental, including necessary medicines, prosthetic appliances and other supplies, may be rendered to the following applicants under the conditions stated:

(1) Persons discharged or released from active military or naval service, including those who had active duty as a member of the Women's Army Auxiliary Corps and officers retired for disability under the provisions of the Emergency Officers Retirement Act (Public No. 506, 70th Cong., as amended) who served during a period of war as defined in § 17.47 (a) (1) and who are in need of treatment for a disease or injury adjudicated by the Veterans' Administration as incurred or aggravated in such war service.

(2) Persons included in paragraph III, Part I, Veterans' Regulation No. 1 (a), and paragraph IV, Part II, Veterans' Regulation No. 1 (a) (approved May 11, 1944) (38 U. S. C. ch. 12), who are in need of treatment for an injury or disease incurred in line of duty and for which they are receiving disability compensation.

(3) Persons retired under the provisions of Public No. 18, 76th Congress, as amended by Public Law 262, 77th Congress, who are in need of treatment for a disease or injury determined as incurred or aggravated in line of duty in active service.

(4) Retired members of the Regular Establishment who have elected, under Public Law 314, 78th Congress, to receive compensation for a service-connected condition and who are in need of treatment for such condition.

(5) Persons who were discharged or released under other than dishonorable conditions from active military or naval service for disability incurred or aggravated in line of duty in active service or who are in receipt of compensation for service-connected or service-aggravated disability. A formal claim for disability compensation will not be required of an applicant eligible for out-patient treatment by reason of discharge for disability incurred or aggravated in line of duty; and a denial of a claim for disability compensation will not debar out-patient treatment for such disability. (See determination of line of duty, § 17.47 (b) (1) (i) and (iii).)

(6) Persons pursuing a course of vocational training authorized under Public Law 16, 78th Congress, who are in need of treatment to avoid interruption of such training.

(7) Persons properly referred by authorized officials of other Federal agencies for which the Administrator of Veterans' Affairs may agree to render such service under conditions stipulated by him and pensioners of nations allied with the United States in World War I and World War II when duly authorized. Charges for treatment of patients of the classes specified herein will be at prescribed rates.

(8) Employees of the Veterans' Administration, their families, and the general public in emergencies, subject to conditions stipulated by the Administrator of Veterans' Affairs. Charges for treatment of patients specified herein will be at prescribed rates.

(b) While out-patient treatment is primarily authorized only for service-connected or service-aggravated conditions, adjunct out-patient treatment for a nonservice-connected condition which is associated with and held to be aggravating disability from a disease or injury service connected or service aggravated may be also authorized in accordance with prescribed principles for persons defined in subparagraphs (a) (1) through (5) of this section. The opinion of the branch medical director may be requested in any individual case where advice as to the propriety of furnishing adjunct treatment is desired. (53 Stat. 557, ch. 425, 55 Stat. 733, sec. 3, 57 Stat. 21, 45, 58 Stat. 219, 230, 60 Stat. 526; 10 U. S. C. 298b, 28 U. S. C. 375, 38 U. S. C. 12, ch. 12 (note), 26c, 488 note, 488a)

§ 17.62 *Charges for persons ineligible for services at Veterans' Administration expense.* Charges for medical services, dental services, or domiciliary care, including necessary medicines, orthopedic or prosthetic appliances, and other supplies furnished by the Veterans' Administration to persons not entitled thereto under laws bestowing such benefits to veterans will be made at such rates as may be fixed by the Administrator of Veterans Affairs.

HOSPITAL DISCHARGE OF ACTIVELY TUBERCULOUS PATIENTS

§ 17.65 *Statutory discharge*—(a) Beneficiaries with active tuberculosis, the disability from which has been adjudicated as attributable to service in World War I who have been hospitalized for a continuous period of 1 year under proper medical supervision; whose condition, it is adjudged, will not reach arrest by further hospitalization; and whose discharge from hospital treatment will not be prejudicial to themselves or their families, will be potentially eligible for the statutory hospital discharge authorized in section 202 (3), World War Veterans' Act, 1924, as provided by Public No. 141, 73d Congress.

(b) Actively tuberculous patients whose discharge from hospital treatment is not disapproved by the chief medical officer or clinical director will be so discharged if proper investigation by the office concerned discloses the following necessities of home environment: A sanitary domicile where reasonable comforts and care can be provided, such as a well-ventilated room or porch, good food, fresh air, etc.; relatives or friends who can assume the obligations of continued nursing care, who know how properly to safeguard themselves from infection by proper disposition of the patient's sputum, and who can furnish, on forms supplied by the Veterans' Administration, the information necessary for administrative supervision, feasibility of keeping infants and young children from infection by the patient; facilities to provide for not less than 18 hours a day in bed or in a "curing chair."

(c) Discharge, not under Public, No. 141, 73d Congress, where there has not been 1 year's continuous hospitalization. Beneficiaries suffering from active tuberculosis who have not had 1 year's continuous hospitalization under proper medical supervision but who fulfill all other conditions specified in paragraph (a) of this section may be permitted discharge from hospital treatment for "maximum benefit" but not under the provisions calling for the post-hospital statutory award in section 202 (3), World War Veterans' Act, 1924, as provided by Public No. 141, 73d Congress. If there is probability of further improvement of these patients by hospitalization, it will be continued.

DISCIPLINARY CONTROL OF BENEFICIARIES RECEIVING HOSPITAL TREATMENT OR DOMICILIARY CARE

§ 17.66 *Authority for disciplinary action.* (a) The good conduct of beneficiaries receiving hospitalization for observation and examination or for treatment, or receiving domiciliary care in facilities under direct and exclusive jurisdiction of the Veterans' Administration, will be maintained by corrective and disciplinary procedure formulated by the Veterans' Administration. Such corrective and disciplinary measures, to be selectively applied in keeping with the comparative gravity of the particular offense, will consist, in respect to hospital patients, of the withholding for a determined period of pass privileges, exclusion from entertainments, or disciplinary discharge; and, in respect to domiciled members, such penalties as confinement to barracks or grounds, deprivation of privileges, performance of extra duty without pay for a stated period, enforced furlough, or dropping from rolls.

(b) Discharge for infraction of hospital discipline will carry the accompanying penalty of exclusion from rehospitalization except in a medical emergency, and from domiciliation, for a prescribed period, with denial of Government transportation to cover return travel upon such discharge or to cover rehospitalization in a medical emergency, unless the offender executes affidavit of inability to defray the expenses of such travel. Likewise, exclusion from domiciliary care for a stated period will exclude an offender from hospital treatment (except in a medical emergency) for such stated period.

(c) The penalties prescribed in paragraph (b) of this section will be applicable to those persons receiving hospitalization in other Government or private facilities as beneficiaries of the Veterans' Administration and members of State soldiers' homes on whose behalf said home is receiving Federal aid payments, who are discharged therefrom for an offense similar in nature for which the Veterans' Administration would give an irregular discharge if such persons had been patients or members in a Veterans' Administration hospital or center. (Sec. 11, 43 Stat. 611; 38 U. S. C. 439)

REIMBURSEMENT FOR LOSS BY FIRE OF PERSONAL EFFECTS OF HOSPITALIZED PATIENTS

§ 17.75 *Conditions of custody.* When the personal effects of a patient who has been or is hospitalized in a Veterans' Administration hospital or center were or are duly delivered to a designated location for custody and loss of such personal effects has occurred or occurs by fire, either during such storage or during laundering, reimbursement will be made as provided in §§ 17.76 and 17.77. (Sec. 5, 44 Stat. 792; 38 U. S. C. 458)

§ 17.76 *Submittal of claim for reimbursement.* The claim for reimbursement for personal effects damaged or destroyed will be submitted by the patient to the supply officer. The patient will separately list and evaluate each article with a notation as to its condition at the time of the fire, i. e., whether new, worn, etc. The date of the fire will be stated. It will be certified by a responsible official that each article listed was stored in a designated location at the time of loss by fire or was in process of laundering. He will further state whether the loss of each article was complete or partial, permitting of some further use of the article. The supply officer will certify that the amount of reimbursement claimed on each article of personal effects is not in excess of the fair value thereof at time of loss. The certification will be prepared in triplicate, signed by the responsible officer who made it, and countersigned by the manager of the hospital or center. After the above papers have been secured, voucher will be prepared, signed, and certified, and forwarded to the finance officer for his approval, payment to be made in accordance with finance procedure. The original list of property and certificate are to be attached to voucher. (Sec. 5, 44 Stat. 792; 38 U. S. C. 458)

§ 17.77 *Claims in cases of incompetent patients.* Where the patient is insane and incompetent, he will not be required to make claim for reimbursement for personal effects lost by fire as required under the provisions of § 17.76. The responsible official will make claim for him, adding the certification in all details as provided for in § 17.76. After countersignature of this certification by the manager, payment will be made as provided for in § 17.76, and the amount thereby disbursed will be turned over to the manager for custody. (Sec. 5, 44 Stat. 792; 38 U. S. C. 458)

NOTE: *Accounts of sales and collections.* See Veterans' Administration Medical Procedures.

TRANSPORTATION OF CLAIMANTS AND BENEFICIARIES

§ 17.100 *Purposes.* Transportation at Government expense may be supplied eligible claimants and beneficiaries of the Veterans' Administration for these purposes:

(a) *Admissions for hospitalization or domiciliary care.* (1) Hospital admission of applicants under § 17.47 (a) and (b), for treatment of service-connected conditions.

(2) Hospital admission of applicants under § 17.47 (c) and (d) for treatment of nonservice-connected conditions, provided such applicants, except those whose admission is arranged to prevent interruption of training authorized under Public No. 16, 78th Congress, as amended have made sworn statement upon application, Form P–10, that they are unable to defray expense of transportation.

(3) Hospital admission for observation and examination.

(4) Admission for domiciliary care of applicants under § 17.47 (c) (2) and (d), provided applicants have made sworn statement of inability to defray expense of transportation.

(b) *Readmissions for hospital treatment or domiciliary care.* (1) Hospital readmissions, when medically determined necessary to observe progress, modify treatment or diet, etc.

(2) The furnishing of transportation incident to readmission for domiciliary care will require prior consent of the branch medical director or his designate.

(3) No transportation will be furnished a person whose period of exclusion from hospital treatment or domiciliary care for infraction of discipline has not expired, except when emergent hospital treatment is required, and the applicant executes affidavit that he is unable to defray the expense of transportation to accomplish travel for readmission for such emergent hospital treatment.

(c) *Inter-station transfers for treatment, diagnosis or domiciliary care.* Prior consent of the branch medical director or his designate will be had for transfers of patients en bloc within the branch area, and of both branch medical directors or their designates if interbranch transfers are involved. Transfers from hospital treatment to domiciliary care, will require prior consent of the branch medical director or his designate.

(d) *Discharge from hospitalization or domiciliary care.* (1) Upon completion of hospitalization for treatment, or for observation and examination, and regular discharge, return transportation to the point from which the beneficiary had proceeded; or to another point if no additional expense be so caused the Government.

(2) A patient in a terminal condition may be discharged to his home, or transferred to a hospital suitable and nearest his home, regardless, whether travel so required exceeds that covered in proceeding to hospital of original admission.

(3) The furnishing of transportation to effect discharge of a member from domiciliary care will require prior consent of the branch medical director or his designate.

(4) No return transportation will be supplied a patient who receives an irregular discharge from hospital treatment, unless he executes an affidavit of inability to defray expense of return transportation.

(e) *Out-patient physical examination.* Subject to exceptions defined in paragraph (g) of this section.

(f) *Out-patient treatment.* For service-connected conditions, including adjunct treatment thereof, and for nonservice-connected conditions to prevent interruption of training authorized under Public Law 16, 78th Congress, as amended, subject to exceptions defined in paragraph (g) of this section.

(g) *Limitations.* (1) Claimants or beneficiaries residing in the city or town where their out-patient examination is to be made or out-patient treatment rendered, or in such proximity to such city or town that it may be considered their place of residence, will not be furnished transportation for such out-patient service, except that a station vehicle may be used or expense of common carrier transportation allowed, when the fare involved exceeds ten cents each way, and the deputy administrator of the branch area involved approves the exercise of this special authority at selected points.

(2) Transportation for out-patient treatment will not be supplied an applicant whose period of exclusion from hospital treatment or domiciliary care for a disciplinary offense has not expired.

(3) No return transportation will be supplied a claimant or beneficiary who has not completed an out-patient service, unless he executes an affidavit that he is unable to defray the expense of such travel.

(h) *Advance authority required.* All travel for the purposes set forth in paragraphs (a) to (f) of this section must be authorized in advance. In emergent hospital admissions, such prior authority may be given by telephone or telegraph, subject to confirmation in writing by the authorizing employee.

(i) *Accessories of transportation.* The accessories of transportation, meals and lodging en route, pullman accommodations and accompaniment by an attendant or attendants may be authorized when determined necessary for the travel.

(j) *Furnishing transportation and other expenses incident thereto.* In furnishing transportation and other expenses incident thereto, as defined, the Veterans' Administration may (1) issue requests for transportation, meals and lodging; or (2) reimburse the claimant, beneficiary or representative for payment made for such purpose, upon due certification of vouchers submitted therefor; or (3) make mileage allowance.

(k) *Transportation of other than Veterans' Administration beneficiaries.* Transportation of beneficiaries of other Federal agencies, incident to medical services rendered upon requests of those agencies, will not be furnished by the Veterans' Administration. Transportation requests incident to medical services rendered Canadian and British Imperial pensioners will be subject to reimbursement by the Department of Veterans Affairs, Canada. (Sec. 2, 54 Stat. 1193, 60 Stat. 526, 38 U. S. C. ch. 12 (note), 488 note, 488a)

ORTHOPEDIC AND PROSTHETIC APPLIANCES

§ 17.115 *Types, fitting and training, and eligibility to appliances and repairs thereto.* (a) Orthopedic or prosthetic appliances furnished entitled beneficiaries of the Veterans' Administration will be of approved types. Repairs or replacements of appliances of approved types may be made, as provided, when necessitated in medical judgment, because of wear, loss not due to negligence of the beneficiaries, or for other sufficient reasons.

(b) Dental prostheses are not comprehended as orthopedic and prosthetic appliances.

(c) Beneficiaries supplied prosthetic appliances will be additionally entitled to fitting and training in the use of the appliances; and such service may be obtained under contract, if determined necessary by the branch medical director of the area involved, or his desig-

nate. (Sec. 104, title I, Pub. Law 346, 78th Cong., as amended)

(d) Artificial limbs and other prosthetic or orthopedic appliances of a permanent type may be purchased, made or repaired for, and special clothing made necessary by wear of such appliances may be furnished to:

(1) Out-patients entitled to and in need of such appliances, etc., (i) for a disease or injury which is service connected; or (ii) for an associated condition, not attributed to military or naval service, but held to be aggravating the disability from a service-connected disease or injury (adjunct treatment).

(2) Hospitalized patients; when medically held needed for (i) a service-connected condition; (ii) an associated disease or injury held to be aggravating disability from a service-connected disorder (adjunct treatment); (iii) a disease or injury, not attributed to military or naval service, for which hospitalization had been authorized; or (iv) for a condition, also not service connected, that is associated with and held to be agravating disability from the disease or injury for which the patient had been admitted to hospital (auxiliary treatment). Repair or replacement of a previously supplied artificial limb will not be considered invariably necessitated because of surgical treatment of a stump in itself, e. g., for ulcer or neuroma. But when, because of reamputation or other treatment, or a disease process resulting in atrophy, sufficient change in the contour of the stump occurs, alteration or replacement of a socket or other part of the artificial limb, or, if necessary, the furnishing of a new limb, will be authorizable. Like authority may be exercised when, upon hospitalization of a beneficiary for treatment of a stump, it is medically determined that the artificial limb he had been wearing is defective or improperly fitted, and is creating the necessity for treatment of the stump. Alteration of the appliance or, if clearly necessary, the furnishing of a new artificial limb, may then be held a proper part of the patient's treatment.

(3) Domiciled members, when medically held needed for (i) a service-connected condition; (ii) a disease or injury not service connected, but held to be aggravating disability from a service-connected condition (adjunct treatment); (iii) appliances, not considered for furnishing under subdivisions (i) or (ii) of this subparagraph may nevertheless be procured or repaired for domiciled members, when medically determined necessary as an incident of domiciliary care.

(4) Persons pursuing a course of training under Public No. 16, 78th Congress, when medically determined as essential to prevent interruption of such training. (Sec. 104, 58 Stat. 285, sec. 2, 59 Stat. 623; 38 U. S. C. 693d)

§ 17.116 *Retired personnel.* (a) (1) Pursuant to the provisions of Public No. 308, 78th Congress, approved May 23, 1944, an artificial limb or other appliance will be supplied or repaired when medically determined necessary, for any officer or enlisted man retired from the Army, Navy, Marine Corps, or Coast Guard who had lost a limb or the use thereof through injury or disease incurred or contracted in line of duty in the military or naval service at any time.

(2) No commutation in lieu of such artificial limb or other appliance will be payable on or after May 23, 1944.

(3) "Other appliances" will be taken to mean braces, etc., for support of a part in which function has been lost or much impaired.

(4) Such artificial limbs or other appliances or repairs thereto will be supplied at field stations in accordance with the general procedure pertaining to the furnishing of orthopedic and prosthetic appliances.

(b) Persons defined in paragraph (a) (1) of this section who are furnished an artificial limb or other appliance will be additionally entitled to fitting and training in the use thereof. (Sec. 104, title I, Pub. Law 346, 78th Cong.) (Sec. 104, 58 Stat. 225, 285; 38 U. S. C. 693d, 706b)

§ 17.118 *Guide dogs or mechanical and electronic equipment for blind beneficiaries.* (a) Pursuant to the provisions of Public Law 309, 78th Congress, approved May 24, 1944, blind ex-members of the armed forces entitled to disability compensation or pension for a service-connected disability may be furnished a trained seeing-eye or guide dog. In addition, they may be supplied the necessary travel expenses to and from their places of residence to the point where adjustment to the seeing-eye or guide dog is available and meals and lodging during the period of adjustment, provided they are required to be away from their usual places of residence during the period of adjustment.

(b) Mechanical and electronic equipment considered as aiding in overcoming the handicap of blindness may also be supplied beneficiaries defined in paragraph (a) of this section. (VA medical procedures.) (58 Stat. 226; 38 U. S. C. 251)

DENTAL SERVICES

§ 17.120 *Authorization of dental examinations.* When a detailed report of dental examination is essential for a determination of eligibility for benefits, a chief, dental service, or other empowered official may authorize dental examinations for the following classes of claimants or beneficiaries:

(a) Those having a dental disability adjudicated as incurred or aggravated in military or naval service in war or peacetime, or those requiring examination to determine whether the dental disability is service connected.

(b) Those having service-connected disability from disease or injury other than dental, but with an associated and not service-connected dental condition that is considered to be aggravating the basic service-connected disorder.

(c) Those for whom a dental examination is ordered as a part of a general physical examination.

(d) Those requiring dental examination during hospital treatment or domiciliary care.

(e) Those held to have suffered dental injury or aggravation of an existing dental injury, as the result of examination, hospitalization, or medical or surgical (including dental) treatment that had been awarded.

(f) Those requiring dental examination for determination of necessity of dental treatment to prevent interruption of vocational training authorized under Public Law 16, 78th Congress:

(g) Those for whom a special dental examination is authorized by the medical director.

§ 17.123 *Authorization of dental treatment.* Dental treatment may be authorized for the following classes of beneficiaries:

(a) *Class I.* Those having service-connected compensable or pensionable dental or oral disabilities.

(b) *Class II.* Those having service-connected non-compensable or non-pensionable dental or oral disabilities.

(c) *Class III.* Those having a dental condition, not service connected, but medically determined to be aggravating disability from an associated systemic disorder that is either service connected or not service connected (see adjunct and auxiliary treatment).

(d) *Class IV.* Those receiving domiciliary care who require dental treatment.

(e) *Class V.* Those pursuing a course of vocational training authorized under Public Law 16, 78th Congress, who require dental treatment to prevent interruption of training. (See also §§ 17.30 and 17.60.)

§ 17.124 *Emergency dental treatment.* Emergency dental treatment may be authorized by a chief medical officer, clinical director, chief of service, or other full-time physician or dentist of the Veterans' Administration for beneficiaries as provided in Veterans' Administration medical procedures. Emergency dental treatment will comprehend the alleviation of pain or extreme discomfort, the adequate remediation of a dental or oral condition which is determined to be immediately endangering the life or health of the individual. Such emergency treatment which may be furnished an applicant whose prima facie eligibility therefor has been shown, but whose claim for benefits has not yet received favorable adjudication, will not in itself entitle the applicant to further dental treatment that may be indicated unless and until his eligibility for such continuous treatment is duly determined.

§ 17.129 *Extent of dental treatment.* The type and extent of dental treatment in any individual case will be determined by a dental officer of the Veterans' Administration in accordance with the following principles:

(a) In Class I (see § 17.123), any dental treatment indicated as reasonably necessary to retain masticatory function may be authorized.

(b) (1) In Class II, any treatment indicated as necessary for the correction of wartime service-connected dental disabilities may be authorized as well as for peacetime service-connected dental disabilities, provided the applicant was discharged under conditions other than dishonorable on account of a disability incurred in line of duty, or is in receipt of pension for a service-incurred disability. When diseased teeth (the disability from which is service connected) are to be replaced by means of artificial dentures, all other diseased teeth in the same maxilla may be extracted, if necessary, and the dentures may be constructed accordingly. This principle will also apply when extraction is indicated for mechanical reasons. But in constructing bridges for missing teeth, the loss of which has not been attributed to military or naval service, only mechanical necessity will permit consideration of such missing teeth in designing the bridge.

(2) When service connection has been established only for teeth missing from one maxilla, and artificial dentures for both jaws are determined necessary to meet proper treatment indications, extractions of teeth in the opposing maxilla may be made.

(3) Missing third molar teeth, loss of which has been attributed to military or naval service, will not be replaced; nor will such circumstances be held to call for replacement of other missing teeth whose loss is not service connected.

(c) In Class III, treatment will be rendered, as adjunct or auxiliary measures, for only those dental conditions which, in sound professional judgment, are having a direct and material detrimental effect upon an associated basic disease.

(d) In Class IV, sufficient treatment will be rendered domiciliary members to keep their mouths in hygienic and comfortable condition, with sufficient masticatory surface to maintain health.

(e) In Class V, treatment other than emergency, will consist only of such measure as may be reasonably necessary to prevent the interruption of an authorized course of vocational training.

§ 17.135 *Replacement of dental prosthesis.* (a) Dental prosthesis (i. e., fillings, bridges and dentures), furnished for treatment of service-connected dental disease or injury, which have been broken or become unserviceable through legitimate wear and deterioration, may be replaced, provided the condition is still shown to be service connected by the final dental rating promulgated under current rating instructions. Usually prosthesis, especially fillings and fixed bridges, should give at least two years service, and this should be considered in these cases. In average cases in which fillings and fixed bridges inserted by designated dentists fail within two years, due to faulty technique or engineering, the claimant, if practicable, will be referred back to the designated dentist who rendered the treatment, who will be required to adjust the defective prosthesis; if this cannot be done, or if the designated dentist declines to make good the defect, determnation will be made by the chief, dental service, as to the advisability of requesting a refund. In considering such cases due consideration will be given to the veteran's physical condition, and any unusual or extenuating conditions which obtain in his mouth.

When the chief, dental service, is of the opinion that a refund is in order he will prepare a brief of the facts in the case, attaching thereto copies of pertinent documents, and submit it to the finance officer with a recommendation that refund in a specified amount be effected, if possible.

(b) Dental prosthesis, such as bridges and dentures, furnished for treatment of a service-connected dental disease or injury, when lost, destroyed, or otherwise disposed of by a veteran, may be replaced upon the authority of the chief medical officer or his designate. The field station concerned will obtain affidavits of the veterans and, if possible, of other persons familiar with the circumstances of the loss, destruction, etc. The chief medical officer or his designate may require any other additional evidence considered necessary to show good faith and lack of carelessness on the part of the veteran, and may deny replacement if circumstances warrant.

(c) Dental prosthesis such as bridges and dentures furnished as adjunct or auxiliary relief, when requiring replacement through legitimate wear or deterioration, will be replaced upon determination as to the present necessity of replacement as adjunct or auxiliary relief.

(1) If the veteran applies for replacement, on an out-patient basis, of prosthesis previously furnished as adjunct treatment and cannot produce such prosthesis, the procedure as prescribed in paragraph (b) of this section will govern in determining eligibility thereto.

(2) If the prosthesis is indicated as adjunct or auxiliary treatment on an in-patient basis, the chief, dental service, will satisfy himself that the prosthesis previously furnished was not destroyed, lost or otherwise disposed of due to the carelessness or neglect of the beneficiary. If he is of the opinion that the loss was occasioned by the carelessness or neglect of the beneficiary, the decision as to replacement will be made by the chief medical officer or clinical director, as required in paragraph (b) of this section.

(d) Dental prosthesis, such as bridges and dentures furnished veterans receiving domiciliary care in a Veterans' Administration facility as Class IV (domiciliary) treatment, may be replaced when unserviceable through fair wear and deterioration. If veteran requests replacement of prosthesis previously furnished him by the Veterans' Administration and is unable to produce the prosthesis or presents same in a mutilated condition, the chief, dental service, will secure all evidence available and present it to the chief medical officer or clinical director for a determination as to whether the prosthesis was lost through the carelessness and neglect of the veteran or wilfully mutilated by him. If such determination is made, replacement will be made only upon payment of the cost of the prosthesis by the veteran either in cash, or by labor at the facility for which he will be credited at the rate of fifty cents per day. The cost of the appliance will be computed at twenty-five percent of the fee basis value shown in schedule of Fees—Dental, Veterans' Administration procedures.

(e) Dental prosthesis, such as bridges and dentures furnished vocational trainees, will be replaced in accordance with the same procedure as prescribed in paragraph (c) of this section and subject to the provisions of § 17.129 (e).

REIMBURSEMENT OR PAYMENT FOR EXPENSES OF UNAUTHORIZED MEDICAL SERVICES

§ 17.140 *Adjudication of claims.* (a) Claims for reimbursement or payment of expenses of medical services obtained without prior authorization of the Veterans' Administration as hereinafter comprehended, will be adjudicated in the office of the branch medical director except in cases under the jurisdiction of central office which will be adjudicated in the office of the chief medical director.

(b) Chief medical officers of regional offices and centers with regional office activities upon receiving such claims will be required to develop them as hereinafter instructed (§ 17.148 (a) and (b)), before forwarding them to the office of the branch medical director or the chief medical director, central office. Claims for services rendered in foreign countries will be developed in the out-patient administration division, central office.

(c) Claims not exceeding $500 in amount will be reviewed and approved or disapproved by the chief or assistant chief of the out-patient division of each branch office or by the chief or assistant chief of the out-patient administration division, office of the chief medical director, central office. If the claim exceeds $500 in amount the recommendation for approval will be submitted by the chief or assistant chief, out-patient division in the branch office, to the branch medical director or by the assistant medical director for auxiliary services, central office, to the chief medical director or his designate.

(d) Claims, as defined in § 17.141 will be subject to one review after an adverse decision, upon appeal to the Administrator. Appeals must be entered within one year from the date of notification to the claimant or his representative of the original adverse decision and the claimant or representative will be so advised. No claim that had been finally denied prior to March 20, 1933, will be reopened or reconsidered. A claim will be deemed to have been finally denied when (1) original adjudication or appellate action was taken adversely, and proper appeal was not entered prior to March 20, 1933, or within one year from the date on which the claimant was notified of the adverse action, whichever is the later date; or (2) when the claim was finally denied on appeal prior to March 20, 1933 (Public No. 307, 74th Congress). (Ch. 616, 49 Stat. 724; 38 U. S. C. 483a)

§ 17.141 *Classes of claims comprehended.* Claims for reimbursement of or payment for medical treatment (including the necessary travel incidental thereto) obtained without prior authorization from the Veterans' Administration, except as provided in paragraphs (d) and (e) of this section will be considered under the following conditions:

(a) The claim must be for treatment of a service-connected disease or injury only; or for the adjunct relief of an associated non-service-connected condition determined as aggravating the dis-

ability from the basic service-connected disorder.

(b) As to unauthorized treatment rendered prior to March 20, 1933, the claims will be limited to cases falling within the final proviso of section 202 (9), World War Veterans' Act, 1924, as amended, viz.: (1) The treatment must have been rendered in a medical emergency; (2) Government facilities must have been not feasibly available; (3) delay would have been hazardous; all of these three elements must have existed, and if any one was lacking reimbursement or payment will not be authorized; (4) claim must have been filed with the Veterans' Administration prior to March 20, 1933, as required by Public No. 307, 74th Congress, act of August 23, 1935.

(c) As to unauthorized treatment rendered subsequent to March 19, 1933, the eligibility criteria defined in paragraph (b) (1), (2), and (3) of this section will apply; and, in addition, it must be shown by a decision of an adjudicative agency that the disability from the disease or injury for which treatment had been rendered was service-connected, or determined by the medical officers designated in § 17.140 (c) as aggravating such service-connected disability.

(d) As to claims for reimbursement of or payment for medical treatment for a nonservice-connected disease or injury, rendered a beneficiary receiving vocational training under Public Law 16, 78th Congress, the eligibility criteria defined in paragraph (b) (1), (2), and (3) of this section will apply; and in addition it must be shown that the treatment was necessary to prevent interruption of training.

(e) As to claims for reimbursement of or payment for repairs of prosthetic appliances used by beneficiaries for treatment of a service-connected disability, or a nonservice-connected disability determined as aggravating the basic service-connected disability and for repairs of prosthetic appliances used and required by beneficiaries to prevent interruption of the pursuit of a course of training authorized under Public Law 16, 78th Congress, the following eligibility criteria in lieu of those defined in paragraph (b) (1), (2), and (3) of this section will apply:

(1) The repairs were secured from locally available sources.

(2) The cost of the repairs does not exceed $35.00.

(3) There is a showing that the repairs were necessary and that it was more expedient to have such repairs made through private arrangements.

Reimbursement or payment as herein provided will be made in the amount claimed unless determined unreasonable, in which event only a reasonable amount for the service rendered will be paid. Reimbursement or payment will not be made for expense incurred by a beneficiary for transportation. (Ch. 616, 49 Stat. 724; 38 U. S. C. 483a)

§ 17.142 *Conditions controlling claims.* When the unauthorized treatment was rendered prior to June 7, 1924, no payment or reimbursement will be made for any period over which compensation had not been awarded for the service-connected disability. When the unauthorized treatment was rendered subsequent to June 7, 1924, payment or reimbursement, in accordance with the provisions of section 202 (9), World War Veterans' Act, 1924, as amended, may be allowed regardless of the compensability of the beneficiary's service-connected disability but in no case more than one year prior to the date of filing claim under section 210, World War Veterans' Act, 1924, as amended. (Comptroller General's Decision A–20304, Nov. 2, 1927.) (Ch. 616, 49 Stat. 724; 38 U. S. C. 483a)

§ 17.143 *Definitions.* (a) The term "beneficiary" as used in §§ 17.140 to 17.148 means:

(1) In claims for payment for or reimbursement of expenses incurred in procuring unauthorized treatment prior to March 20, 1933, any veteran of World War I, not dishonorably discharged, who after filing claim for disability compensation (application for which includes application for treatment) is determined by the Veterans' Administration to have had a service-connected disability entitling to treatment through the Veterans' Administration.

(2) As to claim for unauthorized treatment rendered subsequent to March 19, 1933, any veteran who at the time of such treatment was suffering from a service-connected disability.

(b) "Emergency," as used in §§ 17.140 to 17.148, means treatment of a condition which, in sound medical judgment, will not permit of delay without endangering the claimant's health or life.

(c) "No facilities are or were then feasibly available," as used in §§ 17.140 to 17.148, means that an attempt to use such facilities beforehand would not have been reasonably sound, wise or practicable, or that treatment had been or would have been denied. In applying this definition, the distance from a Veterans' Administration center; the location of the patient; the sex and color; the nature and degree of his disability; the available means of transportation; the season and weather conditions then prevailing; the type of medical personnel or equipment requisite; and the time the services were rendered, are elements to be given consideration.

(d) "Delay would be or would have been hazardous," as used in §§ 17.140 to 17.148, means the risk of possible disastrous consequences attendant upon an endeavor by the claimant to secure treatment through governmental agencies, under any or all circumstances. (Ch. 616, 49 Stat. 724; 38 U. S. C. 483a)

§ 17.144 *Adjunct treatment.* Reimbursement of or payment for adjunct treatment (see § 17.141 (a) and (c)) will be allowed only when such treatment was rendered in an emergency. For such adjunct treatment rendered prior to June 7, 1924, no payment or reimbursement will be made for any period over which compensation had not been awarded for the basic service-connected disease or injury. For adjunct treatment rendered subsequent to June 7, 1924, and where claim was filed prior to March 20, 1933, payment or reimbursement therefor may be allowed regardless of the compensability of the beneficiary's basic service-connected disease or injury, but in no case more than one year prior to the date of filing claim under section 210 of the World War Veterans' Act, 1924, as amended (Public No. 307, 74th Cong.). For adjunct treatment rendered subsequent to March 19, 1933, payment or reimbursement may be allowed regardless of the compensability of the beneficiary's basic service-connected disease or injury. (Ch. 616, 49 Stat. 724; 38 U. S. C. 483a)

§ 17.145 *Statement to support claims*—(a) *Nursing services.* To support a claim for unauthorized medical service when a nurse had been employed, a statement will be required from the attending physician showing necessity for such nurse, and whether she was a registered graduate or a so-called "practical nurse." When for any good reason, it is not practicable to procure such statements and in the judgment of the physician reviewing the claim as prescribed in § 17.140 (c) the need for a nurse is sufficiently established, the latter may so certify. Payment for service of a "practical nurse" will be allowed only in the exceptional cases wherein a registered graduate nurse could not be engaged.

(b) *Room and board.* Where in claims for services rendered prior to May 15, 1947, the fee charged for room and board exceeds $3 per diem, the excess will not be allowed unless there is submitted a statement from the attending physician or superintendent of the hospital concerned that the veteran's condition demanded the use of a semi-private or private room, or in the judgment of the reviewing physician the necessity therefor is sufficiently established by the evidence of record, in which event fees of $4.00 and $5.00, respectively, may be allowed. However, this provision will not prohibit approval of a fee exceeding $5.00 in exceptional and meritorious cases.

(c) *Visits made outside of a city or town.* All claims involving additional fees for visits made outside of a town or city limits prior to May 15, 1947, should show the time consumed by the physician in actual travel as required by the Schedule of Fees, Veterans' Administration, medical procedures in effect at the time such services were rendered.

(d) *Prescriptions, drugs and laboratory services.* When reimbursement is claimed for prescriptions, copies of the prescriptions must be supplied, or in lieu thereof, when it is impossible to obtain the prescriptions, an itemized statement from the druggist showing the kind and quantity of medicines furnished may be accepted. All bills for drugs and laboratory services must be fully itemized. No lump sum charges are allowable. (Ch. 616, 49 Stat. 724; 38 U. S. C. 483a)

§ 17.146 *Allowable fees.* (a) In the adjudication of claims for unauthorized medical treatment rendered prior to May 15, 1947, the Schedule of Fees, Veterans' Administration, medical procedures will govern as to allowance for items except as provided in § 17.141 (e). If the schedule of fees in effect at the time the treatment was rendered did not provide a fee for the particular service, the schedule in effect at the time the claim is being considered will be applied. If the particular service is not covered by the schedule in effect, a fee not in excess of what is reasonable and customarily charged in the community concerned, may be allowed.

(b) In the adjudication of claims for unauthorized medical treatment rendered subsequent to May 15, 1947, fees charged for services may be allowed provided they are considered reasonable and not in excess of those customarily charged the general public for similar services in the locality where rendered. Claims for accommodations in a semi-private or private room must be supported by a statement from the attending physician or superintendent of the hospital concerned that the veteran's condition demanded the use of a private or semi-private room, unless in the judgment of the reviewing physician the necessity therefor is established by the evidence of record. (Ch. 616, 49 Stat. 724; 38 U. S. C. 483a)

§ 17.147 *Treatment not dependent upon preference of a patient.* No reimbursement or payment of unauthorized medical treatment will be made when procured by a claimant through private sources in preference to available government facilities. (Decisions Comptroller General, Jan. 31, 1924.) No payment or reimbursement will be made for any unauthorized medical service (including incident necessary travel) under conditions other than specified in §§ 17.140 to 17.148. (Ch. 616, 49 Stat. 724; 38 U. S. C. 483a)

§ 17.148 *Development of claims.* (a) Guided by the controlling provisions of §§ 17.140 to 17.147, inclusive, the chief, out-patient administration division, central office; the chief medical officer, regional offices and the physician in charge of regional office medical activities at centers or their physician designate will advise claimants whether they have or have not prima facie eligibility to reimbursement or payment of unauthorized medical expenses. If the claim is patently inadmissible (e. g., if made for treatment of a nonservice-connected disability, etc.) the claimant will be so advised and the claim will not be developed. But if the basic facts indicate prima facie eligibility, the employees aforementioned will instruct the claimant as to the submission of VA Form 10–583, if not originally filed and all the supporting exhibits. After these have been checked as satisfactory they will be forwarded with the claimant's files (claims and medical treatment) to the branch office of jurisdiction or to central office if it has been determined that the case is under the jurisdiction of that office, for adjudication. In claims comprehended under § 17.141 (e), a résumé of the pertinent evidence of record will suffice in lieu of the files.

(b) Formal application for reimbursement or payment of unauthorized medical services will be made on VA Form 10–583, Claim for Cost of Unauthorized Medical services. This form will be executed by each creditor who has rendered service for which payment has not been received; or by each person who has paid, from his personal funds, the cost of the unauthorized medical treatment. The claim must be supported by completely itemized bills or statements of account. When a claim is presented by a creditor, it is further required that a statement be supplied, signed by the patient or his representative, certifying to the amounts due and unpaid.

(c) All claims other than those patently inadmissible will be briefed by the claims examiner (medical) in central office and branch offices prior to their submittal, with supporting exhibits and the beneficiaries' files to the employees defined in § 17.140 (c) for approval or disapproval. The brief will contain a complete description of the claim, all pertinent facts explanatory of the data required in Veterans' Administration Form 10–608, Public Voucher, and an explanation of the audit of the amounts claimed and amounts allowable.

(d) Upon approval of claims an award will be prepared on adjudication VA Form 10–608, Public Voucher, in quadruplicate. The original VA Form 10–608 will be signed in the spaces provided by the claims examiner (medical) as "medical claims adjudicator" and the employee designated in § 17.140 (c) acting in the capacity of medical claims authorizer. The original (VA Form 10–608) and two copies (VA Form 10–608a) will be forwarded to the branch director of finance service for certification for payment in branch office cases or to the office of the assistant administrator for finance if central office has jurisdiction. In view of such certification surety bonds will not be required for medical claims authorizers. The remaining copy (VA Form 10–608a), VA Form 10–583, the approved brief of facts, all bills, supporting exhibits and correspondence will be filed in the case file. The payee and all interested persons will be fully informed of the action taken.

(e) In problem or doubtful claims the advice of the chief medical director may be solicited by the submission of a brief of the pertinent facts, and a concise statement of the question at issue. (Ch. 616, 49 Stat. 724; 38 U. S. C. 483a)

PART 19—BOARD OF VETERAN'S APPEALS

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AUTHORITY: §§ 19.0 to 19.7 issued under 48 Stat. 8; 38 U. S. C. 701; interpret sec. 9, 48 Stat. 10, sec. 20, 48 Stat. 309, sec. 28, 48 Stat. 524; 38 U. S. C. 709, 722.

JURISDICTION

§ 19.0 *General appellate jurisdiction.* All questions on claims involving benefits under the laws administered by the Veterans' Administration shall be subject to one review on appeal to the Administrator of Veterans' Affairs, decisions in such cases to be made by the board of veterans' appeals. Jurisdiction to render final decisions on questions so reviewed on appeal is vested in the board of veterans' appeals, in accordance with part II, Veterans' Regulation No. 2 (a) (38 U. S. C., ch. 12).

§ 19.1 *Subject matter of appeals.* More specifically, the board's appellate jurisdiction covers questions of entitlement to compensation and pension for service-connected disabilities; pension for disability without regard to service-connection; death compensation and pension; vocational rehabilitation, including need therefor; education; insurance, including maturity of contracts, waiver of premiums, and legal beneficiary; reimbursement for unauthorized medical expenses; burial allowances; disability suffered as the result of examination or hospitalization or incident to vocational training; emergency officers retirement benefits; basic eligibility to loans and readjustment allowances; adjusted compensation; waiver or recovery of compensation overpayments; forfeiture of rights; and all related mixed questions of fact and law such as character and type of service, attorney fees, marital relations, dependency, validity of claims, division of pension, apportionment, reduction and increase in compensation or pension benefits, and similar questions.

§ 19.2 *Time within which appeals must be filed.* Applications for review on appeal to the Administrator of Veterans' Affairs shall be filed within 1 year from the date of mailing notification of the result of initial review or determination except in simultaneously contested claims where one is allowed and one rejected, in which event the time allowed for filing an application for review on appeal shall be 60 days from date of mailing notice of the original action to the claimant to whom the action is adverse. In such cases, the activity concerned will promptly notify all parties in interest of the original action taken specifying the time limit in which appeals may be filed.

§ 19.3 *Right to a hearing.* A claimant who has executed a formal appeal to the Administrator and whose appeal has been certified by the office of original jurisdiction shall be entitled to appear without expense to the Government at a formal hearing before a section of the board of veterans' appeals or, at his discretion, before a rating board acting as a hearing agent for the board of veterans' appeals, with such witnesses, recognized attorneys, or representatives as he may designate.

§ 19.4 *Form of decision.* Decisions of the board will be in written form setting forth specifically the question considered by the board, the essential facts and the reasons for the board's decision.

§ 19.05 *Finality of decisions of the board of veterans' appeals.* The board's determinations are final except for the correction of error therein or when, in the opinion of the board, a contrary conclusion is justified on the basis of additional official information furnished by the Departments of the Army or Navy. Decisions of the board of veterans' appeals made while a section of the board is sitting in a branch office or regional

office shall have the same effect as those rendered by the board in Washington. However, when a claim has been finally disallowed by the board, a subsequent claim on the same factual basis, if supported by new and material evidence, shall have the attributes of a new claim.

§ 19.06 *Jurisdiction to correct errors.* The board of veterans' appeals has authority to correct errors in any question in issue. If the board finds a clear and unmistakable error on any question not in issue, such error will be brought to the attention of the proper service by a memorandum from the chairman of the board. The failure so to do may not be taken as a certification or decision by the board that error does not exist in any previous determination of a question involved in a claim unless such question is specifically in issue.

§ 19.07 *Administrative appeals; employees authorized to file appeals.* Pursuant to the authority contained in paragraph VI, Part II, Veterans' Regulation No. 2 (a), an assistant administrator, the solicitor, or a deputy administrator is hereby authorized to file an appeal from any decision within 1 year from the date of such decision, or within 1 year from the date of mailing of notice of such decision, whichever is the later date. The directors of the various services and chiefs of divisions of the central office, and the directors of the corresponding services of the branch offices, and the chief, veterans' claims division, the chief, dependents and beneficiaries claims division, claims service, and the chief, disability insurance claims division, insurance service, branch office, are authorized to file an appeal from any decision originating within their established jurisdiction within 6 months of the date of such decision or within 6 months from the date of mailing of notice of such decision, whichever is the later date. The manager of a regional office, the adjudication officer, and the chief, vocational rehabilitation and education division, are authorized to file an appeal from any decision within 60 days from the date of such decision or within 60 days from the date of mailing of notice of such decision, whichever is the later date.

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AUTHORITY: §§ 21.1 to 21.735 issued under secs. 1, 2, 46 Stat. 1016, 57 Stat. 43, secs. 300, 1500, 1501, 1502, 1503, Title II, 58 Stat. 266, 287, 291, 300, 301, secs. 5, 6, 7, 10, 11 (a), 59 Stat. 542, 624, 626, 631, secs. 1, 2, 3, 60 Stat. 124, 934; 38 U. S. C. 11, 11a, 693g, 697, 697a, b, c, f, g, 701, ch. 12 notes, secs. 1, 2, 3, Public Laws 115, 239, 338, 377, 411, 512, 60th Congress.

SUBPART A—REGISTRATION AND RESEARCH

JURISDICTION, APPLICATIONS AND APPEALS

§ 21.0 *Jurisdiction of registration and research service.* (a) The registration and research activity in the field offices, in all cases except those properly within the jurisdiction of the central office (see paragraph b of this section), shall be the agency of original jurisdiction with complete responsibility for determinations of basic eligibility and entitlement to education or training and authorization of subsistence allowance payments under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12) including cases involving military or naval service with the Canadian Government. The registration and research activity in the field office shall also be responsible for authorizations of subsistence allowance payments under Part VII, Veterans' Regulation 1 (a), as amended.

(b) Registration and research service, central office, shall be the agency of original jurisdiction with complete responsibility for determinations in the following cases:

(1) Veterans who served with the military or naval forces of a government allied with the United States in World War II (except Canadian service which is under the jurisdiction of the field offices).

(2) Veterans pursuing education or training under Part VIII in institutions located in foreign countries.

(3) Veterans resident outside the continental limits of the United States pursuing correspondence courses with institutions located within the United States.

(4) Veterans who are Philippine Nationals residing in the United States and who served in the Army of the Philippine Commonwealth, the Philippine Scouts, the Philippine Scouts enlisted under section 14, Public Law 190, 79th Congress (enlisted men and commissioned officers), and all Philippine guerrillas. (Cases involving Philippine Nationals who served in the military or naval forces of the United States shall be handled in the field offices.) (See § 21.15 (f).)

(5) Veterans residing in United States Territories and possessions not under the jurisdiction of any regional office.

(c) All actions having to do with applications and determinations of eligibility and entitlement to vocational rehabilitation or education or training on the part of veterans who are employees of the Veterans' Administration will be taken by the respective field offices and authorizations of subsistence allowance, original and supplemental, will be effected in the field office in the same manner as in cases of other applicants for these benefits, with the same principles and procedures governing.

(d) The registration officer will be responsible as authorizing officer and will execute all Certificates of Eligibility and Entitlement and all original and amended authorizations of subsistence allowance over his signature.

§ 21.1 *Finality of action.* (a) The decision of a duly constituted registration and research activity of original jurisdiction as to an issue properly within its jurisdiction will be final and binding upon all field offices of the Veterans' Administration and is not subject to revision on the same evidence except by duly constituted appellate authority or as provided hereinafter. A determination by a registration and research activity of original jurisdiction will not be reversed or amended by the same or any other vocational rehabilitation and education agency of original jurisdiction except where such reversal or amendment is clearly warranted by a change in law or by specific change in interpretation thereof formally provided in a Veterans' Administration issue; except that such a reversal or amendment may be made by a vocational rehabilitation and education agency of original jurisdiction where it is obviously warranted by a clear and unmistakable error, as defined below, shown by the evidence in file at the time the prior decision was rendered, and in any such case there shall be placed in the record a signed statement by the responsible staff official definitely fixing the responsibility for the determination found to be erroneous.

(b) When a revision or amendment of a prior decision is deemed justified as a matter of opinion or judgment upon the facts of record at the time the questioned decision was rendered, the complete file will be forwarded to the director, vocational rehabilitation and education service, branch office, accompanied by a complete and comprehensive statement of the facts in the case and justification of the conclusion that revision of the prior decision is in order. Differences of opinion involving original agencies in different branch areas will be submitted by the director, vocational rehabilitation and education, branch office, to the director, registration and research service, central office, for resolution. Such references will in every case be made without any action toward amendment or revision of the questioned decision.

(c) "Error" means error of fact of law, predicated clearly and unmistakably upon the evidence which was of record when the questioned action was taken. It does not mean mere difference of opinion or judgment.

§ 21.2 *Application for a course of education or training.* Applications for education or training under Part VIII, Veterans Regulation 1 (a), as amended, (38 U. S. C. ch. 12), shall be made by submitting a properly executed VA Form 7–1950, Veterans' Application for a Course of Education or Training. The original, a certified copy, or a photostatic copy of the appropriate discharge document should be submitted with VA Form 7–1950. The receipt of VA Form 7–1950 in the Veterans' Administration is a prerequisite to the determination of eligibility and entitlement under this title, and in no instance will any action to authorize payment of subsistence allowance be completed prior to the filing of the formal application.

(a) If an application is not complete at the time of the original submission, the veteran will be notified of the evidence necessary to complete the application, and, if such evidence is not received within 1 year from the date of request therefor, benefits may not be paid by virtue of the application. (See 38 U. S. C., ch. 12, Reg. 2 (d), Part 1, par. 1 (2), Public No. 2, 73d Cong.)

(b) Any communication from or action by a claimant or his duly authorized representative which clearly indicates an intent to apply for benefits under this title may be considered an informal application thereunder if followed promptly by a formal application, VA Form 7–1950, properly executed. (§ 3.27 of this chapter defines informal claims generally; see also § 3.28 of this chapter.)

(c) The act of a veteran in enrolling in an approved institution does not, in itself, constitute an informal application, since there is no authority whereby the Veterans' Administration may impute to a veteran an intention to become a beneficiary under the statute, merely because of his enrollment. There must be a clear and established action upon his part or a communication, identifiable in the record, showing an intention to claim education or training before it may be held that an informal application has been established. In addition, a valid informal application must be followed promptly by a formal application.

(d) The institution by receiving an application is acting as agent of the Veterans' Administration solely for the purpose of transmitting it to the Veterans' Administration office of jurisdiction. Therefore, the Veterans' Administration will accept the date the application was received by the institution provided it is transmitted to and received by the Veterans' Administration within a period of 30 days. Otherwise, the date of receipt by the Veterans' Administration will be the governing date. Payments of monetary benefits are contingent upon an official finding as to eligibility in every case.

(e) If a formal application is not presented prior to cessation of a course, benefits shall not be allowed by virtue of such course without regard to any question of the prior existence of an informal application. Benefits shall be allowed only for the course pursued in the period immediately preceding the date of receipt of a formal application and then only if a valid informal application is established to cover the course.

§ 21.3 *Application for change of course and/or change of institution.* Whenever the veteran requests a change

of course and/or change of institution which requires prior approval by the Veterans' Administration, the effective date of the veteran's new status will be the date the veteran's request for change was received by the Veterans' Administration, or the date his course or institution was changed, whichever is later.

§ 21.4 *Appeals.* Questions involving determinations made in registration and research as to rights and benefits to education or training will be subject to review on appeal to the Administrator of Veterans' Affairs, and a letter of notification to the veteran will advise him of this right and of the time limit in which an appeal must be filed. Appeals from vocational rehabilitation and education determinations will be handled as to reception, development, certification, recording, and forwarding in exact accordance with published Veterans' Administration regulations and instructions governing appeal matters.

SERVICE REQUIREMENTS

§ 21.15 *Active service, what constitutes.* The veteran must have served in the active military or naval service on or after September 16, 1940, and prior to July 26, 1947, or prior to the termination of the first enlistment or re-enlistment under section 11 (a), Public Law 190, 79th Congress, including enlistments extended within the period October 6, 1945, to October 5, 1946, inclusive. As to the Navy (including the Marine Corps), an extension of such an enlistment occurring after October 6, 1946, does not extend the end of the war for the purposes of section 11 (a), Public Law 190, 79th Congress, but as to the Army, in the case of such an extension to a 3-year enlistment, whether before or after October 6, 1946, the termination of the war for the purpose of section 11 (a), Public Law 190, 79th Congress, will be the date of discharge or release from active duty in such enlistment (38 U. S. C. ch. 12, Reg. 1 (a), Part 8, par. 1).

(a) *Determinations of active service.* The determination of what constitutes active military or naval service for the purposes of Part VIII will be governed by the principles set out in §§ 3.59 and 3.60 of this chapter insofar as they are applicable, bearing in mind that although a particular service status may confer rights to disability pension or compensation, it may not necessarily meet the active service requirements of Part VIII for eligibility to education or training.

(b) *WAC.* The Women's Army Corps was established on July 1, 1943, as a component of the Army. All periods of active service in the WAC prior to the termination of the war are to be included in determining eligibility and entitlement under Part VIII. Service in the Women's Army Auxiliary Corps may not be included in such determinations.

(c) *WAVES, WR of Marine Corps, and SPARS.* The Women's Reserve of the Naval Reserve, the Women's Reserve of the Marine Corps Reserve, and the Women's Reserve of the Coast Guard Reserve from their activation dates were established as branches or components of the Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve, respectively. All periods of active service in these women's branches or components of the armed forces of the United States, prior to the termination of the war, are to be included in determining eligibility and entitlement.

(d) *Commissioned officers of the Public Health Service.* See § 3.1 (e) of this chapter for criteria as to active service for these persons.

(e) *Commissioned officers of the Coast and Geodetic Survey.* See § 3.1 (o) of this chapter for criteria as to active service for these persons.

(f) *Philippine Scouts, Philippine Guerrillas, and other Philippine Nationals.* For general study with reference to service by Philippine Scouts, guerrillas, and other nationals, see § 3.1 (c) of this chapter.

(1) Philippine Scouts, except those having enlisted pursuant to section 14, Public Law 190, 79th Congress, are in a service which is a component part of the United States Army, and veterans of this service are American veterans for all purposes, regardless of their nationality or citizenship, and as such they are not restricted in the matter of rights and benefits but are entitled to all rights and benefits provided to the same extent as other American veterans. This includes education and training under Part VIII.

(2) Philippine Scouts enlisted under section 14, Public Law 190, 79th Congress, are eligible only for the benefits specified in the enabling act. Education or training under Part VIII, as amended, was not included among these benefits.

(3) Members of the Organized Military Forces of the Government of the Commonwealth of the Philippines who were placed in the service of the armed forces of the United States pursuant to and in compliance with the military order of the President of the United States dated July 26, 1941, are eligible only for the benefits specified in Public Law 301, 79th Congress, February 18, 1946. Education and training under Part VIII, as amended, was not included among those benefits.

(g) *Service with Allied Military Governments (section 1506, Public Law 346, 78th Congress, as amended).* Questions concerning asserted service in other governments for the purpose of this legislation (except Canadian cases) should be submitted to registration and research service, central office, for determination.

(h) *Reserve training.* Members of the organized reserve who were called into active duty status for a period of 30 days or more on or before July 25, 1947, the official termination of World War II, may, by such service, have established basic eligibility and/or increased their period of entitlement. If the call for such service was for less than 30 consecutive days duration, such duty is training duty and not active service for the purpose of Part VII or Part VIII, as amended.

§ 21.16 *Service which does not constitute active service.* The Congress has generally restricted veterans' benefits to persons who were in active service in the military or naval establishments, consistently adhering to the principle of not granting the same relief or benefits to civilians as are provided for persons who have been in the active military or naval service. In the paragraphs below are listed examples of persons whose services were not active service within the meaning of the law. This listing is not exclusive.

(a) *WAAC.* Service in the Women's Army Auxiliary Corps may not be included in determining the period of active military service.

(b) *Temporary members of the Coast Guard Reserve.* Service as a temporary member of the Coast Guard Reserve is not active military or naval service within the meaning of Part VIII, Veterans' Regulation 1 (a), as amended, (38 U. S. C. ch. 12), and, therefore, such service does not confer entitlement to educational or training benefits. (See § 3.1 (r) of this chapter.)

(c) *American Field Service.* Members of the American Field Service served with but not in the armed forces and were auxiliary units, quasi-military in character.

(d) *Women's Auxiliary Service pilots, etc.* Women's Auxiliary Service pilots, civilians serving in the Army transports, civilian pilots of the Air Transport Command, civilian instructors of the Air Forces, war correspondents, members of the United States Merchant Marine Service, Army Specialists' Corps, the Civilian Air Patrol, Women's Air Service pilots, and certain Red Cross personnel, served with but not in the armed forces. Therefore, such service does not qualify as active service.

(e) *OSS.* Office of Strategic Services personnel, unless members of the military or naval service, served with but not in the armed forces.

(f) *Rejected draftees.* Rejected draftees had no active service.

§ 21.17 *Discharge or release.* The person must have been discharged or released from active military or naval service under conditions other than dishonorable. (Exception: persons on terminal leave or being hospitalized pending final discharge, including persons ordered to their homes to await disposition by retirement boards.)

(a) *Personnel awaiting retirement.* An officer or enlisted man hospitalized with a view to retirement, who is ordered to his home to await disposition by a retirement board, is encompassed by section 1507, Public Law 346, 78th Congress (added by Pub. Law 268, 79th Cong.), and if otherwise eligible is entitled to all the benefits provided by section 1507 of that act.

(b) *Fleet reserve members.* Persons released from active service and in receipt of retainer pay, if otherwise eligible, are entitled to education or training under Part VIII, Veterans Regulation 1 (a), as amended, (38 U. S. C. ch. 12).

(c) *Two or more discharges.* Veterans having had two or more periods of war service, one of which terminated under dishonorable conditions will be entitled only to credit for that period of active service which terminated in a discharge under other than dishonorable conditions.

(d) *Underage enlistments.* Veterans whose enlistments were canceled because the enlistees were under age are entitled to eligibility credit for active service in such an enlistment.

(e) *Persons re-enlisted in armed forces.* Any person who meets the eligibility requirements for the benefits provided by Part VIII may assert a claim therefor, and entitlement will not be barred because such person has re-entered the active military or naval service. Active service credit will continue to accrue after re-entry into service until July 26, 1947, or until expiration of the individual's enlistment or re-enlistment if contracted under the conditions specified in section 11 (a), Public Law 190, 79th Congress. However, this additional service may not be included in computation of entitlement until it has been terminated discharge or release from active service under conditions other than dishonorable or by the attainment of a status as specified in section 1507, Public Law 346, 78th Congress (added by Pub. Law 268, 79th Cong.).

(f) *Discharge for purpose of changing status.* A discharge during service on or after September 16, 1940, and prior to July 26, 1947, which did not interrupt the performance of active service but was for the purpose of accepting a commission, appointment as a warrant officer or for any other change of status will not meet the requirements of Part VIII for a "discharge or release from active service" unless at the time of such discharge or release for change in status the person involved was eligible for release under the point system, length of service system, or any other criteria then in effect. If the veteran was not eligible for release, the entire active service will be held to constitute one period of service, and eligibility for education and training may not be established until the final discharge occurs. It is pointed out that the governing principle is whether the person was, at the time the change in status occurred, otherwise eligible for actual discharge or release from active service and was so discharged or released. In all cases of this type, the veteran must present a discharge or other certificate evidencing separation from the service.

(g) *Character of discharge changed by board of review.* Discharge under other than honorable conditions followed by an honorable discharge pursuant to the findings of a board of review under authority of section 301, Public Law 346, 78th Congress, confers basic eligibility if other statutory criteria are satisfied.

(h) *General statement on conditions of separation from service.* (See secs. 300 and 1503, Pub. Law 346, 78th Cong.). Under section 300, benefits under any laws administered by the Veterans' Administration are barred for any period of service from which a person is discharged or dismissed by reason of the sentence of a general court martial, or is discharged on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority, or as a deserter, or in the case of an officer where his resignation is accepted for the good of the service. Further, under section 1503, benefits under Public Law 2 and Public Law 346, are barred where the person was discharged under dishonorable conditions. The requirement of the words "dishonorable conditions" will be deemed to have been met when it is shown that the discharge or separation from active military or naval service was (1) for mutiny, (2) spying, or (3) for an offense involving moral turpitude or wilful and persistent misconduct: *Provided, however,* That where service was otherwise honest, faithful, and meritorious, a discharge or separation other than dishonorable because of the commission of a minor offense will not be deemed to constitute discharge or separation under dishonorable conditions. (See in addition § 3.64 (c) and (d) of this chapter.)

ELIGIBILITY UNDER PART VIII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12)

§ 21.30 *Conditions.* Any veteran of World War II is eligible for a course of education or training in an approved educational or training institution for a period of 1 year plus time spent in active military or naval service not to exceed a total of four calendar years, providing the following conditions prevail:

(a) That the person served in the active military or naval service on or after September 16, 1940, and prior to July 25, 1947 (except in cases properly within the exceptional provisions of sec. 11 (a) Pub. Law 190, 79th Cong.).

(b) That the person has been discharged or released from active military or naval service under conditions other than dishonorable (except persons who are hospitalized pending final discharge or release from active military or naval service or who have been placed in a terminal leave status).

(c) That the person shall have served 90 days or more, exclusive of any period he was assigned for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of his civilian course and was pursued to completion (see § 21.33 (c)) or the time he was assigned as a cadet or midshipman at one of the service academies (see § 21.33 (b)), or, if less than 90 days, that he shall have been discharged or released from active service by reason of an actual service-incurred injury or disability. (This last provision requires determination of service incurrence without applying presumptive provisions of Public No. 2, 73d Cong., as amended.)

(d) That the person makes application for and initiates the course of education or training before July 26, 1951, or within 4 years from the date of his first discharge after July 25, 1947.

§ 21.31 *Basic evidence.* Eligibility for education or training and the extent of entitlement shall be predicated upon the best available evidence of official character.

(a) *Length and character of military service.* The length and character of military service shall be determined on the basis of official evidence from the appropriate service department which may be:

(1) Copy of veteran's discharge certificate or release from active duty as furnished regularly by the service department at the time of the service person's discharge or release from the active service or as furnished by the veteran at the time the application is filed.

(2) A certified copy or photostatic copy of discharge or release from active duty as submitted by the claimant with his application for benefits.

(3) An official report from the service department received in response to an appropriate request on VA Form 3101 series.

(4) Copy of applicant's terminal leave orders which reflect at least 8 days of terminal leave, the exact date of expiration of terminal leave, and the date he is to be discharged. (Cases under sec. 1507, title VI, Pub. Law 346, 78th Cong., as amended by sec. 10, Pub. Law 268, 79th Cong.)

(5) A statement from the proper official of the station or hospital in which an applicant is receiving treatment pending final discharge (sec. 1507 cases). This statement will reflect at least the applicant's date of entry into active service and the probable date of his discharge.

(6) An original, certified, or a photostatic copy of the orders authorizing an applicant to leave a station or hospital and to proceed to his home in order to await action by a retirement board (sec. 1507 cases).

(7) The eligibility and extent of entitlement of a veteran who served with the military or naval forces of an Allied Government will be determined on the basis of the facts shown (cases under sec. 1506, title VI, Pub. Law 346, 78th Cong., as amended by sec. 10, Pub. Law 268, 79th Cong.). Such shall include an affidavit stating (i) the applicant was a citizen of the United States at the time of enlistment in the allied service, (ii) that he was a resident of the United States at the time of filing application, and (iii) that he has not applied for and received the same or similar educational benefits from the Allied Government with which he served during World War II.

(b) *Questionable discharges.* In all cases where the discharge is neither honorable nor dishonorable and it is not clear whether the circumstances under which the veteran was discharged or released from active duty under other than honorable conditions might bar eligibility to education or training, the cases will be referred by memorandum to the adjudication division, field office, or claims division, veterans' claims service, central office, for appropriate certification prior to initiating further action toward the issuance of Certificate of Eligibility and Entitlement to education or training. (See secs. 300 and 1503, Pub. Law 346, 78th Cong.)

(c) *Discharges for disability.* When an application for education or training is received and the veteran had fewer than 90 days' service within the purview of Part VIII, Veterans' Regulations 1 (a), as amended, (38 U. S. C. ch. 12), but was discharged for disability, the vocational rehabilitation and education activity will refer the claim to the adjudication division (field office cases) or the claims

division, veterans' claims service (central office cases) for development of disability service data and a formal memorandum rating as to whether such discharge was by reason of an actual service-incurred injury or disability.

§ 21.32 *Ninety days or more required service.* The 90 days or more active service requirement will be met if the 90-day period of service extends into or beyond the period September 16, 1940, to July 26, 1947. There must be 90 days continuous active service so extending, but the requirements as to active service for a total of 90 days or more may be satisfied by two or more periods of service. If a person had two or more periods of active service, a part of each of which was within the statutory wartime period, all such service may be counted in combination for credit toward the 90-day requirement. When the 90-day requirement has been met, entitlement to education or training will be based only upon the extent of active service on or after September 16, 1940, and prior to July 26, 1947 (except for enlistees properly within the exceptional provisions of sec. 11 (a), Pub. Law 190, 79th Cong.).

§ 21.33 *Required deductions from active service credit*—(a) *Periods for which pay was forfeited for any disciplinary reasons.* In the computation of service under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), there shall be excluded periods of agricultural, industrial, or indefinite furlough; time under arrest, in the absence of acquittal; time for which the soldier or sailor was determined to have forfeited pay by reason of absence without leave, and time spent in desertion or while undergoing sentence of court martial. Time lost through intemperate use of drugs or alcoholic liquor or through disease or injury the result of person's own misconduct shall not be excluded in such computation.

(b) *Cadet or midshipman.* The time spent as a cadet or midshipman at one of the service academies (U. S. Military Academy, West Point, New York; U. S. Naval Academy, Annapolis, Maryland; U. S. Coast Guard Academy, New London, Connecticut).

(c) *ASTP or NCTP.* In considering the application of the statute regarding the exclusion of periods of assignment for courses of education or training under the Army Specialized Training Program or the Navy College Training Program, determinations will be made in the individual cases in accordance with the following principles:

(1) *Continuation of his civilian course.* (i) Any course in the ASTP or the NCTP (V–12) which was a continuation of the civilian course of education of a trainee prior to his entrance into the active service will meet the statutory definition "continuation of his civilian course." If the course in the ASTP or NCTP (V–12) was not in fact a continuation of the civilian course of the trainee but presented deviations therefrom by reason of the requirements of the service department, the rule is not for application and exclusion of the period represented by such course is not in order. However, a deviation from the civilian course shall not be considered to have occurred unless the ultimate educational objective was changed; that is, deviation merely by reason of acceleration of a course, or by inclusion of certain elective subjects, or other minor curricular changes for whatever purpose will not remove the course from the definition "continuation of his civilian course" so long as the general educational objective is not altered or changed.

(ii) The definition "continuation of his civilian course" shall have been met when education or training under the ASTP or NCTP (V–12) was applied for upon volition by the service person. In the absence of a showing to the contrary, there is a prima facie presumption that education or training under the ASTP and the NCTP (V–12) was upon application of the service person and the burden of proof for overcoming this presumption will be upon the applicant if he contends that such education or training was not voluntarily applied for. However, even where such presumption is overcome by the applicant, his case will still be subject to consideration under subdivision (i) of this subparagraph as to whether the course was a continuation of his civilian course. (Attention is invited to the general directive issued personally by General Marshall in the spring of 1943, necessitating army-wide screening of personnel in continental United States for transfer to the ASTP as an assigned military duty. This may be considered for evidential development when indicated in the individual case.)

(2) *And was pursued to completion*—(i) *Completion of curriculum to which assigned.* A course in either of the service programs was pursued to completion upon substantial fulfillment of the immediate educational objective, that is the completion of the terminal (or last) term of the curriculum of the civilian course. For example, a premedical course will have been pursued to completion upon completion of the final (5th) semester or term of the course approved during the war for admittance to a course in medicine. A course in medicine will have been completed upon the completion of the academic work required for an MD degree. A course in engineering will have been completed upon the completion of the final term of academic work ordinarily required for the granting of the first baccalaureate degree.

(ii) *Election of option to continue course as civilian.* Where any course in the ASTP or NCTP (V–12) was terminated on election of the service person to be separated from the active service as a result of an offered option, to continue his course of education as a civilian, the case is within the definition "and was pursued to completion."

(3) *Not pursued to completion.* A course in the ASTP or NCTP (V–12) will not be held to have been "pursued to completion" for the purposes of this act when in any case the course was terminated under the following conditions:

(i) *Curtailment of ASTP, March and April 1944.* Separated from the ASTP as the result of the curtailment of the program during the period March and April 1944, prior to completion of curriculum assigned.

(ii) *Termination of training for reasons other than specified in subparagraph (2) (i) and (ii) of this paragraph.* All cases of termination of education or training under ASTP or NCTP (V–12) prior to completion of the scheduled curriculum established by the ASTP or the NCTP under any conditions other than those specified in subparagraphs (2) (i) and (2) (ii) of this paragraph (even where such training was within the definition "continuation of his civilian course" as defined in the foregoing). For example:

(*a*) Subdivisions (i) and (ii) of this subparagraph would apply to a considerable number of ASTP trainees separated from the program in March and April 1944 for assignment to regular enlisted service and would also apply to another large group separated from the program at the end of 1945, when the ASTP engineering curriculum was terminated, and trainees were assigned to military duties prior to completion of the scheduled curriculum to another group separated from the service on termination of the Navy V–12 program in June 1946, and to other groups of veterans who, upon exercise of an offered option, elected assignment to regular active duty rather than release from the active service, upon discontinuance of courses in medicine, dentistry, etc.

(*b*) Also, cases of termination of education or training in either program by reason of scholastic failure, lack of officer qualifications, physical disqualification, or "special graduates."

(*c*) Cases of certain advanced course ROTC students who were assigned to the ASTP about August 1943, pending vacancies in officer candidate schools.

(*d*) NROTC students who were commissioner prior to the completion of the regular established schedule in March 1944.

ELIGIBILITY UNDER PART VII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12)

CROSS REFERENCE: *Election of Benefit.* See § 21.54.

21.40 *Conditions for vocational rehabilitation.* A veteran of World War II may be eligible for vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), provided he meets the following conditions:

(a) Active military or naval service after September 15, 1940, and prior to the termination of World War II (July 25 1947, Pub. Law 239, 80th Cong.). This includes persons who served in the active military or naval service of any government allied with the United States in World War II, provided they were citizens of the United States at the time of entrance into such active service, were residents of the United States at the time of filing their application, had not received the same or similar benefits from the government with whose military forces they served: *Provided further,* That the period of active service between September 15, 1940, and July 26, 1947, was at a time when that government was at war with the common enemies.

(b) A discharge or release from active service under conditions other than dishonorable and under conditions other than those specified in section 300, Public Law 346, 78th Congress, as amended. The requirement for actual discharge does not apply to those persons who are applicants for the benefit while hospitalized, pending final discharge or release from active military or naval service, or who are on terminal leave (sec. 1507, Pub. Law 346, 78th Cong., added by sec. 10, Pub. Law 268, 79th Cong.).

(c) A compensable disability incurred in or aggravated by active service on or after September 16, 1940, and prior to the termination of World War II (July 25, 1947, Pub. Law 239, 80th Cong.)

(d) Need for vocational rehabilitation to overcome the handicap due to such disability.

ENTITLEMENT UNDER PART VIII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12)

§ 21.50 *Entitlement*—(a) *General.* A veteran who meets the eligibility requirements set forth herein shall be entitled to education or training at an approved educational or training institution for a period of 1 year plus a period equal to the number of years, months, and days of his active military or naval service occurring on or after September 16, 1940, and prior to the termination of the war (July 25, 1947, or the expiration of enlistment or re-enlistment entered into under sec. 11 (a), Pub. Law 190) exclusive of periods assigned for a course of education or training under ASTP or NCTP, or the time assigned as a cadet or midshipman at one of the service academies, determined in accordance with § 21.33. The entire period of entitlement shall not exceed a total of four calendar years. When the veteran's period of entitlement has been established, he shall be given notification of the exact period in years, months, and days of full-time training to which he is entitled.

(b) *Special considerations involving training in other government-sponsored training programs.* Certain courses of training which are financed by funds derived in whole or in part from Federal appropriations are available to veterans as well as to other persons. These programs are distinct and separate from the training programs established for eligible veterans under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C., ch. 12). Among such programs of training are courses provided under the U. S. public health program for persons receiving fellowship, salaries, or stipends from State or other grant-in-aid funds derived wholly or part from Federal appropriations and training under the U. S. Maritime Commission training program. Included also are student or resident trainees in hospitals, clinics, medical or dental laboratories owned or operated by the Federal Government and the District of Columbia, e. g. medical and dental internes and residents-in-training, student nurses, student dieticians, and student physiotherapists (E. O. 9750, U. S. CSC Reg. of August 7, 1946, and Pub. Law 330, 80th Cong.). Another type of such training is that provided for physician and dentist trainees pursuing training in the residency program of the department of medicine and surgery in the Veterans' Administration.

(1) It has been determined as a matter of statutory construction that the training and education provided under Part VIII, was not intended to duplicate training in the case of a veteran who is already being given a course of training under other United States Government appropriations. Accordingly, a veteran pursuing training in any program similar to those enumerated in this paragraph may not pursue concurrently education or training under Part VIII, and none of the benefits provided thereunder are legally payable (neither subsistence allowance nor tuition, books, supplies, equipment, or related expenses).

(2) The principles set forth in the foregoing do not apply, however, in the cases of veteran-trainees participating under Part VII or Part VIII in the Veterans' Administration training program for clinical psychologists and social workers who may receive subsistence allowance in appropriate amounts on the basis of the training provided them in educational institutions, even though they are being paid from Government funds for services rendered the Veterans' Administration consisting of part-time work in Veterans' Administration stations where neuropsychiatric cases are treated. Neither do they operate to disturb or interfere with training on the job under Part VII or Part VIII in certain Federal agencies and establishments which have been approved by central office. Also, there is no legal objection to concurrent payment of benefits under Part VIII and Public Law 584, 79th Congress (Fulbright Act).

§ 21.51 *Continuing entitlement.* (a) If a veteran satisfactorily completes a course of education or training in an approved institution, entered into prior to expiration of the 4-year limitation contained in section 1, Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), he will have satisfied the statutory requirement as to the time within which education or training must be initiated. He may not, however (except in cases properly within the exceptional provisions of sec. 11 (a), Pub. Law 190, 79th Cong.), re-enter training after July 25, 1951, unless the Administrator approves a change of course pursuant to existing criteria concerning change of course and subject to available remaining eligibility.

(b) In accordance with Part VIII, as amended, entitlement to a period of education or training is subject to the provision that a veteran, having elected a course of education or training and having commenced the pursuit of such course, continues to maintain satisfactory work throughout the period in accordance with the regularly prescribed standards and practices of the institution.

(c) Where the evidence of record establishes that a veteran by reason of his unsatisfactory conduct will be no longer retained as a student or would not be readmitted as a student by the institution in accordance with the regularly prescribed standards and practices of the institution, there will be no further entitlement to education or training under the law.

(d) Where the evidence of record establishes that a veteran's progress is not satisfactory for a continuance in training according to the regularly prescribed standards and practices of the institution, there will be no further entitlement to education or training under the law, unless:

(1) A finding of fact may be made that the education or training institution at which the veteran is enrolled is unsuited to provide satisfactory instruction or that there are other compelling factors beyond the control of the trainee warranting transfer to another institution and such transfer is approved.

(2) Upon application by the veteran for a change of course, the record warrants a finding of fact that his failure to make satisfactory progress is not in fact due to his misconduct, neglect, or lack of application, in which case the veteran's request for a change of course may be approved.

§ 21.52 *Charges against entitlement*—(a) *General.* Charges against a veteran's period of entitlement will be made in actual years, months, and days for the period during which the veteran is carried in a training status, including periods of authorized leave.

(b) *Part-time training.* For the purpose of ascertaining the rate at which the veteran's full-time entitlement will be exhausted, part-time courses of study will be measured only in fractions of ¾, ½, and ¼, determined in accordance with the standards herein prescribed for the type of training course being pursued. Fractions of ½ day or more will be counted as a full day and fractions of less than ½ day will not be counted.

(1) For undergraduate courses in collegiate institutions which use a standard unit of credit recognized by accrediting associations, determinations will be based on the number of standard semester hours for which the veteran is registered for credit. Less than 12 but not less than 9 semester hours per semester, or the equivalent, will be counted as three-fourths time. Less than nine but not less than six semester hours per semester, or the equivalent, will be counted as one-half time. Less than six semester hours per semester, or the equivalent, will be counted as one-fourth time.

(2) For graduate courses or advanced professional courses such as medicine, the determination will be made in the individual case in accordance with the policy of the institution. A certification by a responsible official of the institution stating that the course being followed is considered as three-fourths time, half time, or one-fourth time will be accepted.

(3) For courses in all other schools, including high schools, determinations will be based on clock hours of required attendance at the school. Less than 25 but not less than 18 clock hours of required attendance per week will be counted as three-fourths time. Less than 18 but not less than 12 clock hours

of required attendance per week will be counted as one-half time. Less than 12 clock hours of required attendance per week will be counted as one-fourth time.

(4) For on-the-job training, determinations will be based on the number of hours per week which the trainee is required to devote to training, according to a specific schedule which the employer-trainer will be required to furnish. Less than 36 but not less than 27 hours per week will be counted as three-fourths time. Less than 27 but not less than 18 hours per week will be counted as one-half time. Less than 18 hours per week will be counted as one-fourth time.

(5) For combinations of institutional and on-the-job training, each component type will be measured in accordance with the appropriate standard in subparagraphs (1), (2), (3) and (4) of this paragraph and the two fractions will be combined.

(6) For flight training, determinations will be based on the clock-hours of required attendance at the school, with ground instruction valued at one clock hour attendance for each required hour of classroom ground instruction and flight instruction valued at two clock hours for each hour of flying time.

(c) *Correspondence courses.* A veteran who elects a course by correspondence only shall have charged against his period of entitlement one-fourth of the elapsed time in following such course.

(d) *Courses costing in excess of the rate of $500 for an ordinary school year.* An eligible person pursuing a course for which he elects to have payments made in excess of $500 for a full-time course for an ordinary school year shall have charged against his period of entitlement the length of the school year and an additional period representing 1 day of eligibility for each $2.10 in that part of the cost which is in excess of $500. For courses being pursued on a part-time basis under this provision of the law, there shall be charged against the veteran's period of entitlement the usual charge for a part-time course and an additional period of 1 day of eligibility for each $2.10 in that part of the cost which is in excess of the relevant proportion of $500 applicable to a part-time course. For example, a veteran pursues a full-time course during the school year which begins on September 24 and ends on June 7, the cost of which amounts to $542. There shall be regularly charged against the veteran's entitlement the period from September 24 to June 7, 8 months and 14 days, but because of the $42 of cost in excess of $500, an additional period of 20 days ($42 divided by $2.10) shall be charged against his entitlement making a total charge of 9 months and 4 days. As a further example, a veteran pursues a half-time course beginning September 24 and ending June 7, the cost of which is $292. There shall be regularly charged against his entitlement 4 months and 7 days (one-half of 8 months and 14 days) and an additional period of 20 days because of the $42 of cost in excess of $250, the normal maximum cost of a half-time course. This makes a total charge against the veteran's eligibility of 4 months and 27 days (38 U. S. C. ch. 12, Reg. 1 (a), part 8, sec. 5).

(e) *Short, intensive, postgraduate or training course of less than 30 weeks.* An eligible person pursuing a short, intensive, postgraduate or training course of less than 30-weeks duration shall have charged against his period of entitlement the proportion of an ordinary school year (34 weeks or 238 days) which the cost of the course bears to $500. Thus, there will be charged against the veteran's period of entitlement 1 day for each $2.10 ($500 divided by 238) of the cost of the course but the total charge against the period of eligibility shall not be less than the number of days a full-time course is pursued. For example, for a 6-weeks course costing $252 there would ordinarily be charged against the veteran's entitlement 42 days (1 month and 12 days) but because of the cost there will be charged against his entitlement 120 days (4 months and no days), arrived at by dividing $252 by $2.10 (38 U. S. C. ch. 12, Reg. 1 (a), Part 8, sec. 3b).

§ 21.53 *Extension of entitlement.* In view of the positive terms of paragraph 2, Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), by section 5 (b) of Public Law 268, 79th Congress, in those cases where normal expiration of a veteran's entitlement is established as of a date following the expiration of a major portion of a quarter or semester, the date of expected expiration of entitlement will be fixed as of the ending date of such quarter or semester. Due caution will be taken in all cases to avoid extension of entitlement in cases of "excess cost" courses and courses not offered on a term or semester basis, which extension may not in any case exceed the limitations imposed herein.

(a) *If enrollment is for the quarter or semester in a course of 30 weeks or more.* (1) Whenever the period of eligibility ends during a quarter or semester and after a major portion of such quarter or semester has expired, such period shall be extended to the termination of such unexpired quarter or semester provided the customary charge for tuition does not exceed the rate of $500 for an ordinary school year.

(2) In case the customary charge exceeds the rate of $500 for an ordinary school year and the veteran has executed a VA Form 7–1950a, Application for a Course of Education or Training Where the Customary Charges Are in Excess of the Rate of $500 for an Ordinary School Year, the period of eligibility will be extended either to the end of the quarter or semester or for a period of time during which the charge to the Veterans' Administration for tuition, fees, books, supplies, equipment, and other necessary expenses equals $125, whichever is the lesser. The period the entitlement is to be extended may be determined as follows:

(i) Find the total charge by the institution for 1 week by dividing the total charge for the quarter or semester by the number of weeks in the quarter or semester.

(ii) Divide $125 by the cost per week found in subdivision (i) of this subparagraph.

(iii) The result will be the weeks and fractions of weeks which will be the maximum period for which the period of eligibility and entitlement can be extended.

(b) *If enrollment is for a course of 30 weeks or more in an institution which does not subdivide the year.* (1) When a veteran-trainee is enrolled in and attending an educational institution which does not divide its course into quarters or semesters and his period of eligibility ends after half of the period or year of instruction is completed or after 9 weeks, whichever is the lesser in time, the period of eligibility shall be extended either to the end of the course or for not to exceed nine additional weeks, whichever is the lesser in time, provided the trainee is enrolled for and pursuing a course for which the customary charge does not exceed the rate of $500 for an ordinary school year.

(2) When the institution does not divide its course into quarters or semesters and the charge for the course exceeds the rate of $500 for an ordinary school year and VA Form 7–1950A has been executed, the period of eligibility will be extended either to the end of the course or the year or for a period of time during which the charge to the Veterans' Administration for tuition, fees, books, supplies, equipment, and other necessary expenses equals $125, whichever is the lesser. The period the entitlement is to be extended may be determined as follows:

(i) Find the total charge by the institution for 1 week by dividing the total charge for the course or the year by the number of weeks in the course or the year.

(ii) Divide $125 by the cost per week found in subdivision (i) of this subparagraph.

(iii) The result will be the weeks and fractions of weeks which will be the maximum period for which the period of eligibility and entitlement can be extended.

(iv) If, as in flight training, the cost per week cannot be found because instruction is charged by the hour, the extension of period of entitlement will be limited to that period for which the charge to the Veterans' Administration will not exceed $125.

(c) *If enrollment is for a course of less than 30 weeks.* The rules set forth in subdivisions (i) and (ii) of paragraph (b) (2) of this section will apply for a veteran-trainee except that in no case can the Veterans' Administration pay more than the total of $500 for a course of less than 30 weeks.

§ 21.54 *Election of benefit.* (a) Any person whose eligibility for education or training under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), has been established in accordance with § 21.30 and who also has eligibility for vocational rehabilitation training under Part VII, as amended, may elect either benefit or may be provided an approved combination of courses: *Provided*, That the total period of any such combination of courses shall not exceed the maximum period or limitations under either Part VII or Part VIII, as amended, whichever affords the greater period of eligibility. An approved combination of courses under these laws may not be construed to mean concurrent pursuit under both laws. This provision of the law offers the veteran the right to elect whether he will take training under either Part VII or Part VIII, as amended, and further specifies that the Veterans' Administration may provide him with a combination of courses involving training under one act supplemented with training under the other. However, it is wholly within the discretion of the Veterans' Administration whether any combination of courses is to be provided in any case for the veteran.

(b) For the purposes of election between Parts VII and VIII, a presumption of eligibility under Part VII will attach (if need has not been officially determined to exist or not to exist) when there is of record an official finding by duly constituted claims authority that the veteran has a World War II service-connected compensable disability. This presumption may be rebutted in any case only through filing by the veteran of VA Form 7–1900 and a subsequent determination that need for training does not exist.

§ 21.55 *Entrance into training.* (a) A veteran who has satisfied the entrance requirements of an approved educational or training institution which will accept or retain him as a student in any field or branch of knowledge which he elects and which institution finds him qualified to undertake or pursue may be entered into education or training by the institution selected by him if:

(1) A claim on VA Form 7–1950 having been filed and eligibility having been determined, he presents a Certificate of Eligibility and Entitlement to an approved institution showing his entitlement to a course of education or training (in years, months, and days).

(2) No claims on VA Form 7–1950 having been filed with the Veterans' Administration and the veteran enters into an approved institution under conditions satisfactory to the institution, in which case it will be necessary that VA Form 7–1950 be executed and forwarded to the appropriate regional office of the Veterans' Administration in order that eligibility may be determined.

(3) In any case in which VA Form 7–1950 is filed through an approved institution, upon determination of eligibility the institution will be advised of the action taken.

(b) Persons who were discharged from the armed forces prior to July 26, 1947, must initiate their courses of education or training before July 26, 1951.

(c) Persons, including enlistees under section 11 (a), Public Law 190, 79th Congress, who were in service after July 25, 1947, must initiate their courses of education or training within 4 years from the date of their first discharge after July 25, 1947, or termination of enlistment, whether separated from active service or re-enlisting.

(d) Education or training will not be afforded beyond July 25, 1956, to persons who were discharged from the armed forces prior to July 26, 1947.

(e) Education or training will not be afforded beyond July 25, 1956, to persons who continue on active duty in the armed forces after July 25, 1947, but whose present term of voluntary enlistment did not commence between October 6, 1945, and October 5, 1946, inclusive.

(f) Education or training will not be afforded beyond 9 years after the termination of a person's enlistment or reenlistment contracted for between October 6, 1945, and October 5, 1946, inclusive.

DOMESTIC RELATIONS DETERMINATIONS

§ 21.70 *Jurisdiction over determinations.* (a) Determinations of domestic relations questions other than those indicated in § 14.502 of this chapter may be made by the vocational rehabilitation and education activity in regional office and central office cases where, as contemplated by the last sentence of § 3.6 of this chapter, the circumstances involved are identical with those in a case in which a formal opinion has been rendered by the solicitor or by a chief attorney of a branch office. Except as provided in § 21.73 (b), determinations made by the vocational rehabilitation and education activity will be approved in cases under the jurisdiction of the regional office by the chief, vocational rehabilitation and education division, and in cases under the jurisdiction of central office, by the chief of the division concerned.

(b) Within the limitations described in paragraph (a) of this section, determinations may be made by the vocational rehabilitation and education activity of domestic relations questions, including the legality of adoption except where the letters of adoption are not regular on their face or circumstances surrounding the adoption suggest that the procedure was not accomplished in conformity with the law of the State involved.

(c) Current determinations of relationship and dependency and domestic relations questions made in accordance with existing instructions by either the vocational rehabilitation and education activity or the adjudication activity will be binding one upon the other in the absence of clear and unmistakable error.

CROSS REFERENCES: *Requirements for submission of evidence.* See §§ 3.30 through 3.40 of this chapter.

Definitions and proof of relationship and dependency. See §§ 3.40 through 3.57 of this chapter.

§ 21.71 *Evidence requirement to establish marital status.* Where a claim involves the establishment of a valid marriage, the claimant will be required to furnish the evidence required under Veterans' Administration regulations. If such evidence cannot be furnished, the claimant will be required to explain the reason. This explanation will be considered evidence, and the time limit for the submission of evidence will be applicable.

§ 21.71 *Determinations where evidence of marital status is incomplete.* Claims will not be disallowed merely because a claimant is unable to furnish satisfactory evidence of the dissolution of prior marriages of either spouse. In such instances, after all facts affecting the validity of the marriage are established by the best obtainable evidence, a determination of the validity of the marriage will be made on the evidence of record by the vocational rehabilitation and education activity or the case will be referred to the chief attorney of the branch office or the solicitor for consideration.

§ 21.73 *Common-law marriages.* (a) When a common-law marriage is alleged, the claimant will be required to establish a prima facie case of marriage by submitting an affidavit setting out in detail all of the facts and circumstances concerning the alleged common-law marriage such as the agreement between the parties at the inception of their cohabitation, the period of cohabitation, places and dates of residence, and whether or not children were born as the result of such relationship. This affidavit should also show whether the parties were members of any church or organization as husband and wife, had jointly entered into any business transaction, or jointly executed any legal document, or had held title jointly to any real estate. There should also be required similar affidavits of two or more persons who know as the result of personal observation the reputed relationship which existed between the parties of the alleged common-law marriage, including the periods of cohabitation, places of residence, whether the parties held themselves out as husband and wife, and whether they were generally accepted as such in the communities in which they lived. In the event that children were born as a result of such cohabitation, the claimant should furnish the birth certificates of such children.

(b) In any case in which it is shown that the parties to an alleged common-law marriage have at all times during their cohabitation resided only in jurisdictions which do not now recognize common-law marriages and have not recognized such marriages since the time of the inception of their cohabitation, the claim based on common-law marriage may be disallowed by the adjudicating office without submission.

§ 21.74 *Illegitimate children of veterans.* (a) Section 7, Public Law 144, 78th Congress, amending paragraph VI of Veterans' Regulation 10 series (38 U. S. C. ch. 12), provides among other things that the term "child" shall include an illegitimate child, but as to the father, only (1) if acknowledged in writing signed by him, or (2) if he has been judicially ordered or decreed to contribute to the child's support, or (3) if he has been, prior to his death, judicially decreed to be the putative father of such child, or (4) if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of such child (§§ 3.42, 3.45 and 3.46 of this chapter).

(b) Determinations of relationship in all the above instances will be made in the vocational rehabilitation and education divisions of the regional offices or centers. In cases in which none of the conditions of paragraph (a) (1), (2), or (3) of this section have been met and evidence has been submitted which is considered adequate to establish the reputed paternity of an illegitimate child, as contemplated by condition in paragraph (a) (4) this section, a brief summary of the facts, including a description of the supporting evidence, will be submitted to the director, registration and research service, for vocational rehabilitation and education in central office cases, or the chief, vocational rehabilitation and education division, in field cases for a finding as to relationship. Evidence of reputed paternity may consist of, but is not limited to, a certified copy of the public record of birth showing that the veteran was named as father of the child; statements of persons who know that the veteran accepted the child as his; or information obtained from public records, such as school or welfare agencies, which shows that the veteran was reputed to be the father of the child. The sufficiency of such evidence will be determined in accordance with the facts in the individual case.

(c) As to the mother of an illegitimate child, proof of birth is all that is required.

§ 21.75 *Submission of questions for original opinion.* Requests for legal opinions concerning domestic relations of doubtful legality involving circumstances other than those outlined in § 21.70 (a) and (b) will be made in memorandum form, setting forth the question upon which an opinion is desired, together with a complete and accurate statement of the facts involved. The request, accompanied by the claims folder, will be addressed in regional office cases by the chief, vocational rehabilitation and education division, to the director, vocational rehabilitation and education service, branch office, for reference as necessary to the chief attorney, branch office; in branch office cases by the director, vocational rehabilitation and education service, to the chief attorney, branch office; in central office cases, by the director, registration and research service for vocational rehabilitation and education, to the solicitor.

§ 21.76 *Dependency of child of female veteran.* A minor child of a female veteran may be considered her dependent for the purpose of subsistence allowance under Part VII and Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12). Such child may be considered a dependent of the female veteran where her husband, who is also a veteran, is in training under Part VII or Part VIII and is in receipt of subsistence allowance based on the wife and the same child.

APPORTIONMENT OF SUBSISTENCE ALLOWANCE

§ 21.90 *Apportionment; general.* Where in order under the conditions specified in §§ 3.310 to 3.317 of this chapter, subsistence allowance payable on account of training will be apportioned at the rates provided in § 3.311 of this chapter. If the application of the above provision should in any case work a hardship upon the veteran or any of his dependents and relief can be afforded without undue hardship to other persons in interest, the chief, registration and research section, will determine in cooperation with the adjudication officer, subject to regular appellate rights, the exact amount to be apportioned to each individual in interest. Current determinations of relationship or dependency made in accordance with existing instructions by either the adjudication activity or by the vocational rehabilitation and education activity will be binding one upon the other in the absence of clear and unmistakable error.

CROSS REFERENCES: *Apportionments authorized.* See § 3.310 of this chapter.

Table of apportionments. See § 3.311 of this chapter.

Special apportionments. See § 3.315 of this chapter.

Discontinuance of apportionments: Effective dates. See § 3.317 of this chapter.

§ 21.91 *Apportionment of subsistence allowance not authorized.* Where the evidence of record shows that the veteran and his wife are separated, the whereabouts of the wife unknown, and all reasonable means to locate the wife have been unsuccessful, or where she states in writing that she desires no share of the award or fails for 90 days or more to respond to correspondence from the Veterans' Administration informing her of her rights, which is not returned unclaimed, there will be no apportionment and no additional subsistence allowance shall be payable on her account. (Also see §3.312 of this chapter)

§ 21.92 *Apportionment to minor child legally adopted outside of veteran's family.* Where a veteran in training under Public Laws 16 or 346, 78th Congress, as amended, claims and establishes as a dependent or dependents a minor child or children legally adopted outside of his family, only such additional amount of subsistence allowance on account of the existence of such child or children will be apportioned in favor of the child or children. The veteran is not entitled in his own right to whatever additional amount of subsistence allowance is payable because of the existence of such child.

§ 21.93 *Effective date of apportionment.* (a) In order to avoid overpayments and disparities in effective dates of apportionments of subsistence allowance and compensation or pension—where the two benefits are being received concurrently—the vocational rehabilitation and education division upon receipt of notice of estrangement or that a child or children are not in the custody of the claimant will execute the proper VA Form of the 1907 series to authorize an apportionment of subsistence allowance, if in order, effective as provided in § 3.316 of this chapter. The case folder with the proper form will be promptly forwarded to the adjudication division through the administrative division for action on apportionment of compensation or pension, if in order, whereupon both award actions will be submitted simultaneously by the adjudication division to the finance division. Conversely, if notice requiring apportionment of compensation or pension is received by the adjudication division, action taken by that division will likewise be forwarded to vocational rehabilitation and education division for necessary action and submission to finance. When, for good reason, the activity to which the authorization is referred may not be able to complete its action in time to avoid a discrepancy in effective dates of apportionment of the separate benefits, that agency will take its action in accord with established principles and return the record intact to the agency of first jurisdiction for reconciliation of its former action with that of the secondary activity.

(b) Apportionments of initial awards of either benefit will be for the entire period as provided in § 3.316 of this chapter, that is, from the commencement date of allowance of the benefit.

AUTHORIZATION OF SUBSISTENCE ALLOWANCE UNDER PART VIII, VETERANS' REGULATION NO. 1 (A), AS AMENDED (38 U. S. C. CH. 12)

§ 21.100 *Effective dates of original claim for subsistence allowance.* (a) The effective beginning date of an authorization of subsistence allowance shall be the date of application for education or training, the date of entrance into training or reentrance after a period of interruption or discontinuance, or the date of approval of the institution course, or establishment by the appropriate agency of the State or by the Veterans' Administration, whichever is the later. There is no legal authority to authorize subsistence allowance prior to the effective date of the approval of an educational or training institution or establishment.

(b) All authorization actions accomplished by the registration and research section entering veterans into education or training (full-time or part-time institutional training, on-the-job or apprenticeship training, etc.) will authorize subsistence allowance at the rate provided for a person without a dependent or dependents, unless satisfactory evidence of dependency accompanies his application or is of record which warrants an authorization of subsistence allowance on account of dependency. If evidence of dependency accompanies the veteran's application or is of record, the appropriate rate reflecting such dependency will be authorized.

(c) Where the veteran asserts on his application for education or training that he has a dependent or dependents, he will be informed of the necessity to submit satisfactory evidence of such dependency and that until such evidence is received in the Veterans' Administration, subsistence allowance on the basis of dependency will not be authorized. If satisfactory evidence of such dependency is received within 1 year of the date of request therefor, subsistence allowance payable because of the dependency will be authorized effective as of the date of entrance into training or the receipt of the application if received at a later date. If such evidence is received after 1 year of the date of request therefor, the effective date of an authorization in subsistence allowance on account of dependency will be as of the date of the receipt by the Veterans' Administration of the evidence showing entitlement thereto.

§ 21.101 *Effective date of claim for increase in rate of subsistence allowance.* The effective date of an increase in subsistence allowance on account of a dependent will be the date the evidence establishing the dependency is received in the Veterans' Administration.

§ 21.102 *Effective closing dates of an authorization of subsistence allowance.* The effective closing date of an authorization of subsistence allowance shall be determined by the type of training being pursued in accordance with the criteria set forth below:

(a) *Schools, colleges, and universities.* The effective closing date shall be be the closing date of the course (this date may be extended if the veteran applies for and is granted leave) or the closing date of the period of enrollment as certified by the school (this date may be extended if the veteran applies for and is granted leave), or the expiration date of the veteran's entitlement, whichever is the earlier, except that in institutions of higher learning the following shall apply:

(1) When the period of enrollment as certified by the school is for an ordinary school year and the interval between consecutive terms or semesters is in no case greater than 15 calendar days' duration, the authorization of subsistence allowance shall terminate as of the date 15 calendar days following the closing date of the school year as shown by the catalog of the institution. If the certification by the institution is for the ordinary school year plus a summer term and no interval between two consecutive terms is in excess of 15 calendar days in duration, the authorization of subsistence allowance shall terminate as of the date 15 calendar days following the closing date of the summer term as shown by the school catalog. If the certification by the school is for four quarters and no interval between quarters exceeds 15 calendar days in duration, the authorization of subsistence allowance shall terminate as of the date 15 calendar days after termination of the fourth quarter as shown by the school catalog. If the certification by the school is for a single term, single quarter, or single summer session, the authorization of subsistence allowance shall terminate as of the date 15 calendar days following the closing date of such certified term as shown by the school catalog. The provisions of this subparagraph apply even though the closing of the term constitutes the completion of the course for which the veteran was enrolled.

(2) If any interval between terms (within a period of certified enrollment) is in excess of 15 calendar days, the authorization of subsistence allowance shall terminate as of the date 15 calendar days following the end of the term immediately preceding such interval, as shown by the school catalog, and shall recommence as of the date of the commencement of the term immediately following such interval as shown by the school catalog, e. g., the school year begins September 5, 1947, the spring term ends June 5, 1948, the summer term commences June 25, 1948, and the summer term ends August 10, 1948; subsistence allowance will be authorized thus:

Monthly payment	Starting date	Ending date
$75.00	Sept. 5, 1947	June 20, 1948
$0	June 21, 1948	June 24, 1948
$75.00	June 25, 1948	Aug. 25, 1948

(3) Leave for veterans enrolled in institutions of higher learning will not be authorized for any period in addition to the extensions of training status herein provided.

(4) In no event will the extension authorized herein be applicable where a veteran interrupts training at any time prior to the end of a term, but authorization in such case shall terminate training status as of the date of the interruption.

(b) *Apprenticeship or other on-the-job training.* The effective closing date shall be the ending date of the training as established by the training agreement or the expiration date of the veteran's entitlement, whichever is the earlier.

(c) *Institutional-on-farm.* The effective closing date shall be March 31 of the next succeeding year, the closing date of the course, or the expiration date of the veteran's entitlement, whichever is the earlier.

§ 21.103 *Effective dates of adjustments and discontinuances of subsistence allowance.* Reduction or discontinuance of an award of subsistence allowance shall be effective:

(a) In the event of death of a dependent, as of the date of death.

(b) In the event of divorce, the date preceding the date of divorce.

(c) In case of a child, the date preceding the eighteenth anniversary of date of birth or if attending school after age 18, the date of cessation of school attendance or the date preceding the twenty-first anniversary of the date of birth, whichever is the earlier; the date preceding date of marriage; in case of cessation of incapacity to support self by reason of mental or physical defect last day of month in which reduction is approved.

(d) All other reductions, discontinuance, or changes in rate of subsistence allowance shall be in accordance with the facts found in any case, subject to the governing regulations and procedures applicable to waivers and recoveries, except: Reductions in rates of subsistence allowance because of facts found in the reports of compensation from productive labor shall not be made prior to the first day of the calendar month in which the report is due or the first day of the calendar month in which the evidence warranting a reduction is received, whichever is the earlier.

§ 21.104 *Rates of subsistence allowance*—(a) *$75, $105, or $120 per month.* On or after April 1, 1948, the subsistence allowance rates of $75 per month for a veteran without a dependent, $105 per month for a veteran with one dependent, or $120 per month for a veteran with two or more dependents apply to those veteran-students pursuing courses of full-time and part-time institutional training as defined below. (Rates in effect prior to April 1, 1948, were $65 per month for a veteran without a dependent and $90 per month for a veteran with a dependent or dependents.) On or after August 8, 1946, all subsistence rates are subject to the statutory ceiling limitation on combinations of subsistence allowance and compensation for productive labor, as provided in § 21.105.

(1) *Full-time institutional training.* (i) In undergraduate courses in collegiate institutions which use a standard unit of credit recognized by accrediting associations, 12 semester hours or more will be considered a course of full-time institutional training.

(ii) For graduate courses or advanced professional courses such as medicine, the determination will be made in the individual case in accordance with the policy of the institution and a certification by a responsible official of the institution.

(iii) In all other schools, including high schools, 25 or more clock hours of required attendance at the school will be considered a course of full-time institutional training.

(2) *Part-time institutional training.* Part-time institutional training will be measured only in fractions of three-fourths, one-half and one-fourth for purposes of determining the amounts of subsistence allowance payable.

(i) In undergraduate courses in collegiate institutions which use a standard unit of credit recognized by accrediting associations, the number of standard semester hours per semester or the equivalent, for which the trainee is registered for credit will determine the extent of the part-time course, as outlined below:

(*a*) Three-fourths time; less than 12 but not less than 9 semester hours.

(*b*) One-half time; less than 9 but not less than 6 semester hours.

(*c*) One-fourth time; less than 6 but not less than 3 semester hours.

(*d*) No subsistence allowance will be paid for less than three semester hours per semester, or the equivalent.

(ii) For graduate courses or advanced professional courses such as medicine, the determination will be made in the individual case in accordance with the policy of the institution. A certification by a responsible official of the institution stating that the course being followed is considered as three-fourths time, one-half time, or one-fourth time will be accepted and subsistence allowance will be paid accordingly.

(iii) In courses in all other schools, including high schools, the number of clock hours of required attendance at the school will determine the extent of the part-time course as outlined below:

(*a*) Three-fourths time; less than 25 but not less than 18 clock hours of required attendance per week.

(*b*) One-half time; less than 18 but not less than 12 clock hours of required attendance per week.

(*c*) One-fourth time; less than 12 but not less than 6 clock hours of required attendance per week.

(d) No subsistence allowance will be paid for less than 6 clock hours of required attendance per week.

(iv) For courses in flight schools, the determination of the subsistence allowance to be paid will be based on the clock hours of required attendance at the school in accordance with existing instructions, with ground instruction valued at 1 clock-hour attendance for each required hour of classroom ground instruction, and flight instruction valued at 2 clock hours for each hour of flying time. (The counting as 2 hours of actual attendance of each 1 hour of actual flying time is based on the fact that by common requirement and experience the flight student spends at the school the additional allowed time before and after actual flying, receiving instruction, advice, etc., from the instructor or in performing duties necessary to starting actual flying or completing the lesson period after flying.)

(b) *$65 or $90 per month.* The subsistence allowance rates of $65 or $90 apply to apprentice or other on-the-job training, institutional on-farm training, and combination or cooperative courses requiring less than the normal full-time classroom instruction. On or after April 1, 1948, for a veteran who pursues a part of his course in an educational institution, the extent of such training will be determined in accordance with the criteria set out in paragraph (a) (2) of this section, and subsistence allowance in addition to the basic rates of $65 and $90 will be payable to the extent of the appropriate fractional part (¾, ½, ¼) of the difference between the basic rates of $65 or $90 and $75, $105, or $120, whichever is applicable. These rates are subject to the following limitations:

(1) For on-the-job training, the number of hours per week which the trainee is required to devote to training, according to a specific schedule which the employer-trainer will be required to furnish, will determine the maximum payment of subsistence allowance.

(i) Full-time; 36 or more hours per week.

(ii) Three-fourths time; less than 36 but not less than 27 hours per week.

(iii) One-half time; less than 27 but not less than 18 hours per week.

(iv) One-fourth time; less than 18 but not less than 9 hours per week.

(v) No subsistence allowance will be paid for less than 9 hours required on-the-job training per week.

(2) Where the veteran is receiving compensation for productive labor, performed as part of his apprentice or other training on the job, the amount of subsistence when added to his current monthly salary or wage based upon the standard workweek exclusive of overtime, shall not be in excess of the standard beginning salary or wage payable to a journeyman workman in the occupation or trade in which training is being given, similarly based upon the standard workweek exclusive of overtime. The trained worker or journeyman wage will be fixed as the rate of wage or salary to be attained at the end of the course, but in no case shall the period be longer than the first 4 years of the veteran's training, if an apprentice course, or 2 years, if other training on the job.

(3) The rate of subsistence allowance, but in no case greater than $65 or $90 per month, shall be such that when added to the compensation received by the trainee for productive labor, the sum shall not exceed the statutory ceiling as provided in § 21.105.

§ 21.105 *Statutory limitation.* On or after August 8, 1946, but prior to April 1, 1948, the rate of subsistence allowance plus compensation for productive labor received by a veteran pursuing a course of education or training under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), shall not exceed $175 per month if without a dependent or $200 per month if he has a dependent or dependents. On or after April 1, 1948, the rate of subsistence allowance plus compensation received for productive labor by a veteran pursuing a course under Part VIII shall not exceed $210 per month for a veteran without a dependent, $270 per month for a veteran with a dependent, or $290 per month for a veteran with two or more dependents.

§ 21.106 *Compensation for productive labor, definition of.* Compensation for productive labor means wages, salary, commission, bonus, or other payments received by a veteran by reason of his employment, whether self-employed or otherwise, and regardless of whether such employment is related to his training.

(a) For the purpose of Part VIII, Veterans' Regulation 1 (a), as amended, (38 U. S. C. ch. 12), the term "wages" means only so much of the compensation as is derived from productive labor based on the standard workweek for the particular trade or industry in the immediate community in which the veteran is employed. If there is not a uniform practice for a trade or industry within a community, the standard workweek in the establishment in which the veteran is employed shall be considered in computing the rates payable. Any compensation received for productive labor performed beyond the standard workweek is not to be considered as compensation to be reported. (On or after August 8, 1946, and prior to April 1, 1948, the term "wages" included as compensation customarily scheduled overtime in the establishment where the veteran was employed.)

(b) When lodging, meals, laundry, or other services are furnished a person in training, the reasonable value of such services will constitute a part of the wages or salary for the purpose of determining the rate of compensation for productive labor, except that, if living quarters or meals are furnished to the employee-trainee for the convenience of the employer-trainer, the value thereof need not be computed and added to the compensation otherwise received by the employee-trainee for these purposes. A certification by the employer-trainer to this effect will be accepted by the Veterans' Administration for the purpose of subsistence allowance authorizations.

(c) All advancements, drawing accounts, allowances, commissions, bonuses, wages, or salaries paid to a veteran pursuing training in the field of insurance or other fields where the manner of employment compensation is similar are considered as compensation from productive labor. Any money advanced or paid as reimbursement to the veteran for his own actual training expenses incurred in connection only with the training phase of his course and which is not income from productive labor to be retained by the trainee as such is excepted and should not be reported as compensation for productive labor. Such training expense money must maintain a separate entity as expense as distinguished from income and particularly reported as such. Only such amounts as are actually expended for necessary expenses incurred in connection with the pursuit of the approved training program may be considered as such expense in determining the trainee's income from productive labor.

(d) Advertising and promotional expenses incurred by the trainee for the purpose of increasing sales (and hence his income) shall, in general, not be considered as necessary expense incurred in connection with the training phase of the veteran's program. They will not be deductible from amounts received or advanced by the employer-trainer but will be included in the computation and reporting of compensation for productive labor within the meaning of the law.

(e) In general, only those sums reportable by the trainee and/or trainer-employer as expense rather than income to the Bureau of Internal Revenue for income tax purposes shall be considered as training expense as distinguished from compensation for productive labor.

(f) Christmas gifts in reasonable amounts where such gifts are made by a firm or business establishment in the same amount to each employee-veteran and nonveteran alike, without regard to the length of service or wage or salary paid to the individual employee, need not be reported as income for productive labor.

(g) Where by reason of the type of the employment, compensation for productive labor is seasonal or irregular the veteran's over-all compensation over a period of not exceeding 12 months should be prorated in determining the monthly rate to be applied. This contemplates that the cases of veterans who are pursuing courses where the compensation is shown to be seasonal or irregular will be individualized and the rate of subsistence allowance fixed in accordance with the best established facts concerning the monthly pro rata amount of annual income.

§ 21.107 *Periodic reports of compensation for productive labor.* (a) Rates of subsistence allowance payable will be determined for any periods upon the best available evidence including the veteran's estimate of anticipated compensation to be received from productive labor, his report of the actual compensation received during the immediately preceding period, the employer's certification as to the compensation paid during the immediately preceding period, and/or that expected to be paid for the current period. The rate having thus been fixed will remain effective for the current period or until there is of record evidence warranting a change in rate. Changes in the rate will be effective in accordance with the facts found, but reductions in rate shall not be made effective prior to the first day of the calendar month in which the report is due or the first day of the calendar month in which the evidence warranting a reduction is received, whichever is the earlier.

(b) In the case of veterans pursuing full-time training in institutions of higher learning (universities, colleges, professional or technological schools, teachers colleges and normal schools, and junior colleges which offer instruction on the basis of standard units of credit recognized by national or regional accrediting associations), the rate of payment of subsistence allowance will be authorized for the period of enrollment and will remain unchanged for such period in the absence of any subsequent evidence justifying an amendment to the rate. No further report of earnings will be required, except as to changes therein.

(c) For veterans pursuing part-time courses in institutions of higher learning or full- or part-time courses in schools other than institutions of higher learning as defined above operating on a term or semester basis, the report will be required at intervals of not greater than once a term or semester showing compensation from productive labor.

(d) For veterans enrolled in full- or part-time courses in all other institutions not on a term or semester basis and for veterans enrolled in on-the-job training, periodic reports will be required at 4-month intervals.

(e) Cases reviewed at 4-month intervals will be reviewed in accordance with the following schedule: All cases in which the C-number ends in 0 or 1 will be reviewed January, May, and September; ending in 2 or 3 will be reviewed in February, June, and October; ending in 4, 5, or 6 will be reviewed in March, July, and November; ending in 7, 8, or 9, in the months of April, August, and December.

(f) For veterans enrolled in institutional on-farm training, authorizations of subsistence allowance will be made in accordance with the provisions of § 21.109.

(g) In determining whether the proviso to paragraph 6, section 2, Public Law 679, 79th Congress, will affect payments, the total of compensation received from productive labor will be prorated over an entire period of reporting (not exceeding 12 months in length) to determine whether the rate of the sum of subsistence and compensation exceed the $175 or $200 limitation. Where adjustment in the rate of subsistence allowance is in order, the appropriate rate will likewise be a uniform amount for the entire period covered by the report.

§ 21.108 *Subsistence allowance for cooperative training.* From evidence of record, the number of weeks of the school portion of the program, the number of weeks in on-the-job training, and the number of clock hours of semester hours of training pursued during the school portion of the program will be determined. The appropriate rate of subsistence allowance to be authorized will be determined by multiplying the number of semester hours or clock hours pursued in the school portion of the program by the number of weeks spent in school. This product is divided by the number of weeks in a complete cycle of training consisting of the school and the on-the-job portions of the program. For example: A veteran is enrolled in a cooperative program consisting of 13 weeks in school during which 25 clock hours of course work is pursued; 7 weeks are devoted to training on the job, resulting in a cycle of 20 weeks of training; 25 x 13 equals 325 clock hours; 325 clock hours divided by 20 weeks equals 16 clock hours per week or ½-time school training during the 20-week cycle. Therefore, subsistence allowance to be authorized in the case of a veteran without a dependent is $65 plus $5 (½ of the $10 increase, Pub. Law 512, 80th Cong.) or $70 per month authorized throughout the 20-week cycle of training, subject to ceiling provisions of the law. In applying the ceiling provisions, the total compensation for productive labor will be reported and prorated over the entire cycle.

§ 21.109 *Determination of subsistence allowance for institutional on-farm training.* When a veteran having entitlement under the law elects to pursue a course of institutional on-farm training and such course has been approved by the appropriate agency of the State and the Veterans' Administration is notified that he has commenced training in such course, the Veterans' Administration will pay full subsistence allowance if the training institution certifies that the veteran is pursuing a full-time course in accordance with the standards laid down in Public Law 377, subject to the statutory limitations as provided in § 21.105.

(a) *Compensation for productive labor.* Compensation for productive labor for a veteran who performs part of his course on a farm under his own control will be derived from the farm accounting record system kept as a part of the course of instruction and shall be determined on a calendar-year basis as follows:

(1) Cash receipts (From sale of crops, livestock, and livestock products.)	$_____
(2) Increase in inventory	$_____
(3) Value of family living furnished by the farm (Food, fuel, and shelter.)	$_____
(4) Total farm income (Add items 1, 2, and 3.)	$_____
(5) Cash farm operating expenses	$_____
(6) Decrease in inventory	$_____
(7) Value of family labor used in farm production (Excluding veteran's own labor.)	$_____
(8) Total farm expenses (Add items 5, 6, and 7.)	$_____
(9) Net farm income (Item 4 minus item 8.)	$_____
(10) Interest on capital investments	$_____
(11) Veteran's income from productive labor (Item 9 minus item 10.)	$_____

The amount shown under item 11 as "Income from productive labor" will be the amount reported by the veteran and certified by the instructor as representing the veterans' compensation for productive labor. In the case of the veteran who performs part of his course as the employee of another compensation for productive labor reported to the Veterans' Administration shall include all wages paid by the farmer-trainer whether in cash or kind including allowances for food, fuel, and shelter for the use of the trainee and his family as determined by the veteran, the farmer-trainer, and the instructor.

(b) *Estimate of anticipated compensation.* At the time a veteran begins his course of institutional on-farm training, the anticipated compensation for productive labor for one calendar year will be developed by the veteran (the farmer-trainer) and the instructor and approved and certified by the institution and forwarded through channels, as designated by the State approval agency, to the regional office of the Veterans' Administration. Where the veteran performs part of his course on a farm under his own control, the estimate will represent the veteran's and the instructor's judgment as to the income that may be expected from productive labor on the particular farm during a calendar year in accordance with the instructions in paragraph (a) of this section. Subsistence allowance not to exceed $65 or $90 will be authorized at a rate which, when added to the monthly pro rata amount of compensation for productive labor, will not exceed the statutory limitation as provided in § 21.105. The authorization of subsistence allowance will show an ending date as of March 31 of the succeeding year.

(c) *Annual report.* On or before March 1 of each year thereafter (see paragraph (b) of this section) a report will be rendered on VA Form 7-1922, Report of Income—Institutional On-Farm Training, showing the compensation received for productive labor for the preceding calendar year and the anticipated income for the succeeding calendar year as derived from the records in the veterans' farm and home accounts and certified to by the veteran and the institution as being to the best of their knowledge and belief a correct statement in support of the veteran's claim for subsistence allowance. If the total amount of subsistence payments and compensation for productive labor for the period covered by the report exceeds the statutory limit prorated over such period, the excess rate shall be recovered by pro rata reduction of the payment rate established for the succeeding period based upon estimated income which estimate should not be less than the actual income for the preceding period. If the established rate was less than the amount authorized by statute, the deficiency will be adjusted by a single payment award. At the end of the course, a report will be made of income received since the latest prior report, and a single adjustment will be made accordingly. Any overpayment must be repaid. Reports at 4-month intervals will not be required. Subject to available entitle-

ment, the course may be completed without subsistence allowance notwithstanding the income equals or exceeds the statutory limit.

§ 21.110 *Correspondence course.* (a) No subsistence allowance will be paid a veteran enrolled only in a correspondence course. However, a veteran who is pursuing a correspondence course which is prescribed as part of a resident course requiring attendance may be paid subsistence allowance for that part of the course which requires attendance at the institution. This may apply either to resident training in a school or on the job. If a veteran is enrolled for a combination correspondence and resident course which entails attendance, subsistence allowance may be paid by the regional office that has jurisdiction over the case for only the time of actual attendance during the resident portion of the course.

(b) An eligible veteran who elects to take a course of training by correspondence only may not be enrolled prior to the effective date of the contract between the institution and the Veterans' Administration covering the specific course or the date the veteran files his formal or informal application for a Certificate of Eligibility and Entitlement, whichever is the later.

§ 21.111 *Subsistence allowance concurrently with domiciliary or hospital care.* When a veteran has been determined to be eligible for domiciliary care under existing laws and regulations, he may receive domiciliary care coincident with either vocational rehabilitation training under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), or education or training under Part VIII, Veterans' Regulation 1 (a), as amended. The payment of subsistence allowance to a veteran while he is receiving domiciliary care would constitute a duplication of benefits which may not be legally authorized. A veteran hospitalized may receive subsistence allowance only when in a leave status.

§ 21.112 *Payment of subsistence allowance to persons in the military or naval service.* (a) Veterans who have re-entered active military or naval service are being furnished subsistence, medical care, uniforms, pay, etc., out of funds appropriated by the Congress. Therefore, veterans who are in active military or naval service, as distinct from those who are on training duty, are not entitled to subsistence allowance while in such service.

(b) The various types of military service are set forth below together with statements of policy governing the payment of subsistence allowance:

(1) Persons on terminal leave or hospitalized pending final discharge from the active military or naval forces may not receive subsistence allowance in any amount by reason of the specific prohibition of section 1507, Public Law 346, 78th Congress, as amended by Public Law 268, 79th Congress.

(2) Members of the Army Reserve, Naval Reserve, National Guard, ROTC, or NROTC who receive annual training where a single period of training ordinarily does not exceed 60 days, such as "summer camp" or "annual cruise":

(i) Subsistence allowance will not be authorized during such a period of training except for a concurrent period of leave granted from Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), training.

(ii) The amount of military pay received by a trainee for a period of time when he was receiving annual military training concurrently with leave under Part VIII is to be reported by the trainee and considered by the Veterans' Administration as compensation for productive labor.

(3) Members of the Army Reserve, Naval Reserve, or National Guard ordered to active duty as distinguished from training duty described in subparagraph (2) of this paragraph:

(i) Subsistence allowance will not be authorized inasmuch as such persons are being furnished subsistence, etc., out of funds appropriated by Congress.

(ii) Determinations as to whether pay and allowances are compensation for productive labor is not necessary.

(4) Members of the active military or naval establishments who have established eligibility to and are pursuing courses of education or training under Part VIII by reason of a discharge or release from a prior period of active service:

(i) Subsistence allowance will not be authorized inasmuch as such persons are being furnished subsistence, etc., out of funds appropriated by Congress.

(ii) Determination as to whether pay and allowances are compensation for productive labor is not necessary.

(5) Members of the Army Reserve, Naval Reserve, or National Guard who receive drill or flight pay for short periods of training given each week or month and members of the advanced course of NROTC or ROTC who draw commutation in lieu of subsistence while in that specialized training:

(i) The receipt of such drill pay, flight pay, or commuted rations does not preclude the payment of subsistence allowance.

(ii) Remuneration received by the trainee for such training is not compensation from productive labor.

(6) Persons receiving training under Public Law 729, 79th Congress, known as the Navy "Holloway Plan," are not entitled to receive concurrently any benefits under Part VIII.

(7) Persons receiving training as a cadet or midshipman at one of the service academies are not entitled to receive concurrently any benefits under Part VIII.

§ 21.113 *Overpayments of subsistence allowance.* Where a veteran has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of subsistence allowance, the registration and research activity may not thereafter re-enter the veteran into training. In any such instance, the registration and research activity will be responsible for giving proper notification to the veteran and the institution.

AUTHORIZATION OF SUBSISTENCE ALLOWANCE UNDER PART VII, VETERANS REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12)

§ 21.130 *Effective dates.* (a) The effective date of an authorization of subsistence allowance on account of vocational rehabilitation shall be the date of entrance into vocational rehabilitation training or re-entrance if interrupted.

(b) All authorization actions entering veterans into vocational rehabilitation training will authorize subsistence allowance at the rate provided for a person without a dependent or dependents, unless satisfactory evidence of dependency is of record which warrants an authorization of subsistence allowance on account of dependency. If satisfactory evidence of dependency existing at the time of entrance into training is received within 1 year of the date of the request therefor, subsistence allowance payable because of the dependency will be authorized effective as of the date of entrance into training.

(c) The effective dates of an increase in subsistence allowance on account of a dependent will be the date the evidence establishing the dependency is received in the Veterans' Administration.

(d) The effective dates of reductions or discontinuances of subsistence allowance will be:

(1) In event of death, as of the date of death.

(2) In event of divorce, the date preceding the date of divorce.

(3) In case of a child, see § 21.103 (a).

(4) Interruption of course, date following date of interruption.

(5) Discontinuance of course, date following date of discontinuance.

(6) Employability determined, the first day of the third month following the month in which employability was determined.

(e) The effective dates of adjustments of subsistence allowance will be:

(1) By reason of wages or salary received while pursuing an apprentice or on-the-job training course: The first adjustment in monthly amount payable will be effective the first day of the second month following the month in which the veteran entered training; and subsequent adjustments, the first day of the second month following the month in which wages justifying the adjustment were paid.

(2) By change in disability ratings: The date reported as the effective date in change of disability rating for payment of compensation.

(3) Other adjustments: In accordance with the facts found.

§ 21.131 *Minimum payment of subsistence allowance plus compensation or other benefits.* (a) Prior to August 4, 1947, while pursuing vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), and for 2 months after his employability is determined, each veteran shall be paid the amount of subsistence allowance specified in paragraph 6 of Part VIII: *Provided*, That the minimum payment of such allowance, plus any pension or other benefit, shall be, for a person without a dependent, $105 per month; and for a person with a dependent, $115 plus the following amounts for additional dependents; (1) $10 for one child and $7 additional for each additional child, and (2) $15 for a dependent parent.

(b) On or after August 4, 1947, while pursuing vocational rehabilitation training under Part VII and for 2 months after his employability is determined, each veteran shall be paid the amount of subsistence allowance specified in paragraph 6 of Part VIII: *Provided*, That the minimum payment of such allowance, plus any compensation or other benefit shall be:

(1) Where the service-connected disability is rated less than 30 percent for a person without a dependent, $105 per month; and for a person with a dependent, $115, plus the following amounts for additional dependents:

(i) $10 for one child and $7 additional for each additional child.

(ii) $15 for a dependant parent.

(2) Where the service-connected disability is rated 30 percent or more for a person without a dependent, $115 per month; and for a person with a dependent, $135 plus the following amounts for additional dependents:

(i) $20 for one child and $15 additional for each additional child.

(ii) $15 for a dependent parent.

§ 21.132 *Determination of minimal amounts payable.* In all cases the wife will be considered the first dependent in computing the combined minimum amount of disability compensation and subsistence allowance. Where a veteran has no wife but claims a child or children and a parent or parents as dependents, the minimum combined amount of disability pension or disability compensation (including special statutory allowances) and subsistence allowance will be computed so as to give the greater amount in each case.

§ 21.133 *Rates of subsistence allowance—(a) $75, $105, or $120 per month—full-time institutional training.* On or after April 1, 1948, the monthly amount of subsistence allowance payable to the veteran enrolled under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), in a course of institutional training, as defined in § 21.104, will be the normal rate of $75, $105, or $120 per month, or more if necessary, to bring the sum of subsistence allowance and disability pension or disability compensation (including special statutory allowances) to the amount established as a minimum by the provisions of Public Law 338, 80th Congress. (Rates in effect prior to April 1, 1948, were $65 per month for a veteran without a dependent or $90 per month if he has a dependent or dependents.)

(b) *$65 or $90 per month.* (1) The monthly amount of subsistence allowance payable to the veteran enrolled in courses of apprentice or other on-the-job training, institutional on-farm training, and combination or cooperative courses requiring less than the normal full-time classroom instruction, will be the normal rate of $65 or $90 monthly, or more of necessary, to bring the sum of subsistence allowance and disability pension or disability compensation (including special statutory allowances) to the amount established as a minimum by the provisions of Public Law 338, 80th Congress. On or after April 1, 1948, for a veteran who pursues a part of his course in an educational institution, the extent of such training will be determined in accordance with the criteria set out in § 21.104 (a) (2), and subsistence allowance in addition to the basic rates of $65 and $90 will be payable to the extent of the appropriate fractional part (¾, ½, ¼) of the difference between the basic rates of $65 or $90 and $75, $105, or $120, whichever is applicable.

(2) (i) In accordance with his agreement to train veterans on-the-job under Part VII, the employer will report in writing to the Veterans' Administration each month the amount of wage, compensation, or other income paid by him during the month, directly or indirectly, including a reasonable value of items for family living such as food, fuel, and shelter when such is furnished by the employer-trainer, to each veteran training on the job in his establishment under this law. In the event an employer-trainer refuses or persistently fails to render a report, the responsible training officer will make personal contact with the employer-trainer in an effort to effect adjustment. If his effort fails, he will report the facts to the chief, education and training section, who will advise the employer-trainer and the trainee of the requirements of the law and that it will be necessary to remove the veteran from training in that establishment if the employer-trainer's failure to cooperate in this regard continues.

(ii) Subsistence allowance, when added to the trainee's monthly rate of wage or salary based upon the standard workweek exclusive of overtime, shall not be in excess of the standard beginning rate of wage or salary, exclusive of overtime payable to a journeymen or trained worker in the trade or occupation in which training is being given, similarly based upon the standard workweek exclusive of overtime. The trained worker or journeyman wage will be fixed as the rate of wage or salary to be attained at the end of the course, but in no case shall the period be longer than the first 4 years of the veteran's training, if an apprentice course, or 2 years, if other training on the job. This principle applies regardless of the amount of subsistence allowance which would be indicated as payable in order to achieve the minimum payments of $105 or $115, etc., specified under Public Law 338, 80th Congress.

(c) *Renunciation of disability compensation.* Where a veteran found eligible for vocational rehabilitation under Part VII renounces his right to disability compensation before or after entrance into training, he can receive only the amount of subsistence allowance authorized by paragraph 6 Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12).

(d) *Reduction to zero of disability compensation.* Where the disability rating of a veteran pursuing a course under Part VII is reduced to zero, he is entitled to the minimum payment provided for veterans with disabilities rated less than 30 percent in the first proviso of paragraph 3, Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12) by Public Law 338, 80th Congress.

§ 21.134 *Specialized restorative training.* Subsistence allowance will not be authorized for restorative training.

§ 21.135 *Loans from vocational rehabilitation revolving fund.* (a) A veteran is eligible for loans authorized under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), upon establishment and certification of need for vocational rehabilitation and agreement between him and the training officer as to the course of training.

(b) No advancement from the revolving fund of more than $100 shall be made at any one time and in no case shall the total advancements exceed $100. Advancements to be made in multiples of $10 shall be made only upon a showing of necessity and then only to the extent of such need. No interest will be charged on the funds advanced, and no additional advancement shall be made to a trainee until the money previously advanced has been repaid in full, except in meritorious cases. In such cases, the officer recommending the additional advancement will submit with the application a memorandum of explanation setting forth the reasons why such advancement is recommended.

(c) The finance officer will accept the recommendation of the designated officer in the vocational rehabilitation facility unless information is of record indicating that such a recommendation should not be accepted. However, there will be no deviation from the recommendation of the designated officer in the vocational rehabilitation division without prior consultation with that officer.

CROSS REFERENCE: *Subsistence allowance concurrently with domiciliary or hospital care.* See § 21.111.

§ 21.185 *Application of the provision of Public Law 862, 80th Congress, prohibiting expenditure of Government funds for courses avocational or recreational in character—(a) Law.* Public Law 862, 80th Congress, by which funds were appropriated for the activities of the Veterans' Administration for the fiscal year 1949 contains the following proviso and limitation:

Provided, That no part of this appropriation for education and training under title II of the Servicemen's Readjustment Act, as amended, shall be expended for tuition, fees, or other charges, or for subsistence allowance, for any course elected or commenced by a veteran on or subsequent to July 1, 1948, and which is determined by the Administrator to be avocational or recreational in character. For the purpose of this proviso, education or training for the purpose of teaching a veteran to fly or related aviation courses in connection with his present or contemplated business or occupation, shall not be considered avocational or recreational.

(b) *Veterans' responsibility.* The legislative history reveals that the underlying spirit and intent of the educational and training provisions of the Servicemen's Readjustment Act is to provide an opportunity to each veteran whose education or training was interrupted by reason of his entrance into the service

to resume his education or training as a trainee and thereby aid him to attain knowledge or skill which presumably he could have attained but for his service in the armed forces. It is the intent of the law that the veteran have the right to elect his course of education or training at any approved educational or training institution at which he chooses to enroll which will accept or retain him as a student or trainee in any field or branch of knowledge which such institution finds him qualified to undertake or pursue. The prohibition of the appropriation act for 1949 is in accord with and reemphasizes the underlying spirit and intent of the educational and training provisions of the Servicemen's Readjustment Act. Therefore, veterans should not seek to pursue courses for avocational or recreational purposes but only courses which will contribute to the veteran's vocational or occupational advancement or educational objective.

(c) *Policy*—(1) *Courses of education.* A course of education elected by a veteran in an approved public or private elementary or secondary school, or an institution of higher learning, for which academic credit is awarded toward the veteran's educational objective, shall not be considered avocational or recreational in character: *Provided*, That any course listed in subparagraphs (7) and (8) of this paragraph which is provided by an approved public or private elementary or secondary school, or an institution of higher learning, shall be subject to the regulations set forth in subparagraphs (7) and (8) of this paragraph.

(2) *Courses of vocational training.* A course of vocational training elected by a veteran in an approved vocational, trade, business, or technological school shall not be considered avocational or recreational in character except those courses so determined pursuant to the provisions of subparagraphs (7) and (8) of this paragraph.

(3) *Courses of institutional-on-farm training.* A course of institutional-on-farm training which has been elected by a veteran and approved in accordance with the provisions of Public Law 377, 80th Congress, shall not be considered avocational or recreational in character.

(4) *Courses of apprenticeship training.* A course of apprenticeship training elected by a veteran in an approved training establishment shall not be considered avocational or recreational in character.

(5) *Courses of other training on the job.* A course of other training on the job elected by a veteran in a training establishment approved in accordance with the provisions of Public Law 679, 79th Congress, shall not be considered avocational or recreational in character, except those courses so determined pursuant to the provisions of subparagraphs (7) and (8) of this paragraph.

(6) *Courses of advanced flight training.* A flight instructor course, an instrument rating course, a multiengine class-rating course, or an airline transport pilot course elected by a veteran in an approved school shall not be considered avocational or recreational in character for a veteran who satisfies the regional office that he possesses a valid commercial pilot's license and the medical certificate which he is required to possess in order to obtain the license or certificate for which the course is pursued.

(7) *Elementary flight, private pilot, and commercial pilot flight courses.* An elementary flight or private pilot course or a commercial pilot course elected by a veteran in an approved school shall not be considered avocational or recreational in character if the veteran submits to the regional office (i) complete justification that such course is in connection with his present or contemplated business or occupation and (ii) satisfactory evidence that he is physically qualified to obtain the type of license which will enable him to attain his employment objective. Such justification and evidence must be submitted to and approved by the regional office prior to his entrance into training. An elementary flight, private pilot, or commercial pilot course, or part thereof, which is provided by an institution of higher learning as a voluntary elective course for which academic credit is given as partial fulfillment of the institution's standard credit-hour requirement for the veterans' degree objective, shall be subject to the provisions contained in this subparagraph and as heretofore held by the Veterans' Administration shall be considered as separate courses. Flight courses which are required by the institution as a part of the institution's standard credit-hour requirement for the veteran's degree objective shall not be considered avocational or recreational in character when the institution certifies to the Veterans' Administration that the veteran is required to pursue such course for credit in order to complete his degree requirement.

(8) *Other courses.* (i) Other courses include:

(*a*) Dancing courses; photography courses; glider courses; bar-tending courses—courses of mixology; personality-development courses; entertainment courses; all single-subject courses which are not a part of a general education or training program leading to an educational or employment objective; and all other courses which are well-known to managers of regional offices as being frequently pursued in their areas for avocational or recreational purposes.

(*b*) Music courses—instrumental and vocal; public-speaking courses; and courses in sports and athletics such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, and bowling.

NOTE: These courses shall not be construed to refer to those applied music, physical education, or public speaking courses which have always been considered and offered by institutions of higher learning for credit as an integral part of a course leading to an educational objective.

(ii) If a veteran desires to pursue any of the courses listed in subdivision (i) (*a*) and (*b*) of this subparagraph, under the provisions of Public Law 346, 78th Congress, as amended, complete justification that such course is in connection with his present or contemplated business or occupation must be submitted to and approved by the regional office prior to entrance into training.

(d) *Application of law and policy.* (1) This section does not affect any course which was commenced by a veteran prior to July 1, 1948. This section does apply to those courses referred to in paragraphs (c) (7) and (8) of this section, which are commenced on or subsequent to July 1, 1948.

(2) Each manager shall notify immediately by registered mail (return receipt requested) all schools or training establishments in his regional office area which have heretofore furnished or may hereafter desire to furnish to veterans courses referred to in paragraphs (c) (7) and (8) of this section, that the Veterans' Administration is not authorized to expend any part of its appropriation for tuition, fees, or other charges, or for subsistence allowance for any such course commenced or recommenced by a veteran on or subsequent to July 1, 1948, unless the veteran shows to the satisfaction of the Veterans' Administration that such a course is in connection with his present or contemplated business or occupation and prior to entrance into training the veteran and the school or training establishment are notified by the Veterans' Administration that it has been so determined.

(3) Determination as to whether the justification is adequate will be made by the chief, registration and research section, or his designate: *Provided*, That before final determination is made in any doubtful case or the course is finally disapproved, the veteran will be informed by the registration and research section that this justification does not appear adequate and that he may request advisement and guidance before final determination is made. In any case where advisement and guidance is provided, the advisement and guidance procedures relating to Part VIII will be applied and the opinion of the vocational adviser as to whether the course is in connection with the present or contemplated business or occupation of the veteran will be acceptable evidence for the resolution of the question. Instruction 1, Pub. Law 862, 80th Cong.)

SUBPART B—EDUCATION AND TRAINING

EDUCATION AND TRAINING UNDER PART VII, VETERANS' REGULATION 1 (a), AS AMENDED (38 U. S. C. CH. 12)

The Course of Vocational Rehabilitation

§ 21.200 *Definition.* A course of vocational rehabilitation, for purposes of Part VII, Veterans' Regulations 1 (a), as amended (38 U. S. C. ch. 12), is a course of training designed to render a veteran satisfactorily employable in the selected occupation. The course of vocational rehabilitation will not necessarily be confined to vocational training. It may consist of or include education or training in elements of a particular occupation or it may consist of or include education or training designed to correct or remove the handicap of the disability or even the disability itself or a part of it, as for example: training for the correction of speech defects, lip reading for the deafened veteran, etc.

§ 21.201 *Types of courses.* In prescribing the type of course for a particular veteran, that type or combination of types of courses will be selected which will render the veteran most satisfactorily employable in the selected occupation. For purposes of Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12) the types of courses of vocational rehabilitation are:

(a) *School course.* A course which is pursued at an institution or a part thereof devoted exclusively to educational or training purposes. These courses would include not only those offered by schools but would include also those offered by such parts of a business or industrial establishment as are operated within the plant as training situations devoted exclusively to educational or training purposes as distinguished from the regular production activities of the establishment.

(b) *Training-on-the-job course.* A course which is pursued at an establishment devoted primarily to productive agricultural, business, industrial, or professional activities rather than to giving courses of instruction. In such course, the training is pursued toward a specified occupational objective, and the learning method is primarily by being told and shown and by observing and assisting, gradually increasing the participation in the productive activities, and doing more and more of the productive work with increasing independence of instruction as the course progresses.

(c) *Combination course.* A course which is a combination of training on the job and training in school, including related instruction and/or instruction in additional skills, pursued concurrently. Three variations of combination courses are cited as follows:

(1) *Training on the job and in school.* A course which is primarily training on the job with supplemental related instruction, usually in school.

(2) *Cooperative course.* A course which is pursued primarily at a school; the objective commonly is attainable through school instruction alone, and the training-in-the-job portion of the course is strictly supplemental to the school course. This arrangement is characteristic of cooperative courses on the collegiate level and junior college level and in some technical high schools. Commonly the division of time between the school portion of the program and the training-on-the-job portion is such that the student devotes at least one-half of the total time to the school portion, and the periods in school and training on the job are relatively long such as a full term in school and an alternate term on the job, although shorter periods are also in practice. In some localities there are arrangements where part of each day is spent in school and part on the job and other arrangements where a full day is spent on the job and part time is spent in school one or more times a week. These arrangements sometimes are referred to as cooperative courses. Although the institution offering such a course is quite free to call the course a cooperative course without let or hindrance from the Veterans' Administration, this type of situation may not be considered as a cooperative course for purposes of Part VII but rather as a combination course—training on the job and in school—as in subparagraph (1) of this paragraph. Such a determination will be made despite the fact that the veteran is enrolled, at least nominally, with the school for the on-the-job-training as well as the training in school.

(3) *Institutional on-farm course.* For purposes of Part VII, a course which is primarily training on a farm combined with related group instruction both furnished by an educational institution or other training agency and which has the following constituents:

(i) Organized group instruction in agricultural and related subjects of at least 200 hours per year (not less than 8 hours in any 1 month and sufficiently more in other months to aggregate the required 200 hours per year) at an agricultural school or other educational agency.

(ii) Individual instruction on a farm by the agricultural school or other educational agency.

(iii) An individual training program designed to restore employability, carefully planned and developed by the Veterans' Administration in collaboration with the agricultural school or other educational agency to suit the needs of the individual veteran and with full consideration to:

(*a*) The size and character of the farm on which the veteran is to receive the on-farm part of his course.

(*b*) The need for making the veteran proficient, in the type of farming for which he is training—in planning, producing, marketing, farm mechanics, conservation of farm resources, conservation of food, farm financing, farm management, and the keeping of farm and home accounts.

(iv) The course, in addition, shall satisfy the requirements of either of the following:

(*a*) The course may provide for the veteran to perform part of his course on a farm under his own control, in which case:

(*1*) The course shall consist of not less than 100 hours of individual instruction per year, not less than 50 hours of which shall be on such farm (with at least two visits by the instructor to such farm each month).

(*2*) The individual instruction shall include instruction and home-study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

(*3*) The individual instruction on the farm shall be given by the veteran's school instructor.

(*4*) The farm shall be under the control of the veteran (whether by ownership, lease, management agreement, or other tenure arrangement) at least until the completion of the course.

(*5*) Such farm shall be of a size and character which, together with the group instruction part of the course, will occupy the full time of the veteran, will permit instruction in all aspects of the management of a farm of the type for which the veteran is being trained and, if the veteran intends to continue operating such farm at the close of his course, will assure him a satisfactory income under normal conditions.

(*b*) The course may provide for the veteran to perform part of his course as an employee on the farm of another, in which case:

(*1*) The course on the employer-trainer's farm shall consist of not less than 50 hours of individual instruction per year by the school instructor (with at least one visit by the instructor to such farm each month).

(*2*) The individual instruction on the farm shall be given by the veteran's school instructor.

(*3*) The employer-trainer's farm shall be of a size and character which, together with the group instruction part of the course, will occupy the full time of the veteran and will permit instruction in all aspects of the management of a farm of the type for which the veteran is being trained.

(*4*) The employer-trainer shall agree to instruct the veteran in various aspects of farm management in accordance with the individual training program developed for the veteran by the Veterans' Administration in collaboration with the instructor and the employer-trainer.

(d) *Specialized restorative training course.* A course which is designed to overcome or minimize the handicap of a specific physical or mental disability, thereby restoring or aiding in restoring the employability of a disabled veteran. Examples of specialized restorative training courses are: courses in speech correction, braille reading, braille writing, lip reading, and personal adjustment.

(1) Specialized restorative training may be prescribed under part VII when all of the following conditions maintain:

(i) The handicap of the veteran's disability detrimentally affects satisfactory employability or the successful pursuit of vocational training.

(ii) The physical and mental condition of the veteran is such that specialized restorative training may be pursued satisfactorily.

(iii) There is good promise that the specialized restorative training will overcome or minimize the handicap of the veteran's disability.

(2) The pursuit of specialized restorative training on a full-time basis is usually impractical. Accordingly, such training ordinarily should be prescribed as a part of a full-time course of vocational rehabilitation and be pursued concurrently with the vocational training. However, when there is a need for specialized restorative training and there is good promise that the successful completion of such a course of training, by itself, will restore the employability of the veteran, such training may be furnished under Part VII as a full-time course, in accordance with § 21.202. Specialized restorative training may be furnished on a part-time basis if it is determined that such part-time course is essential to accomplish rehabilitation by enabling the veteran to attain or retain employment in an occupation suitable to his ability, aptitudes, and interests.

(3) When it is found that an employment objective cannot be specified because of certain conditions of disability, the veteran may be furnished, as a beginning or preliminary part of an over-all course of vocational rehabilitation under Part VII, such course of specialized restorative training as will give good promise of rendering the veteran capable of pursuing vocational training. This will be done with the view to determining, immediately after the successful completion of the specialized restorative training, an employment objective and the vocational part of the course of vocational rehabilitation.

(4) Payment of subsistence allowance to veterans pursuing specialized restorative training is based upon the following:

(i) When specialized restorative training is prescribed as a part of a full-time course of vocational rehabilitation and is pursued concurrently with the vocational training, the full subsistence allowance is payable, if otherwise in order.

(ii) When specialized restorative training is prescribed as a beginning or preliminary part of an over-all course of vocational rehabilitation, in order to render a veteran capable of pursuing vocational training, provided the veteran is considered to be in full-time training and full subsistence allowance is payable, if otherwise in order.

(iii) When specialized restorative training is prescribed for the purpose of enabling the veteran to retain employment in the occupation in which he is currently employed, subsistence allowance may be paid in an amount not to exceed the difference between the veteran's current monthly salary or wage and the salary or wage which assuredly will be paid him upon completion of the prescribed course of specialized restorative training. In order for any subsistence allowance to be paid, there must be full assurance that the higher salary or wage will be realized by the veteran upon completion of the course.

(iv) When specialized training is prescribed as the total course of vocational rehabilitation for the purpose of enabling a veteran to retain employment in the occupation in which he is currently employed and there will be no advancement in salary upon completion of the training, no subsistence allowance is paid.

(e) *Sheltered workshop course.* A course of training on the job or combination of training on the job and supplemental instruction which is usually provided through a charitable, religious, educational, governmental, or philanthropic organization which is not operated for the purpose of profit but for the primary purpose of providing vocational training, rehabilitation, and employment for the physically and/or mentally handicapped. Such a course of vocational rehabilitation provides the disabled veteran with training under conditions in which the trainee is relatively sheltered from competition with the able-bodied and from requirements to meet production standards which would be a handicap to the restoration of employability in ordinary situations. A sheltered workshop course will be prescribed only in those cases in which the veteran's employability cannot be restored through pursuit of a course of training in a school or training-on-the-job establishment under ordinary conditions, but training under sheltered workshop conditions gives good promise of maximum results in the particular case or promise of the best results possible in the particular case.

(f) *Correspondence course.* A course conducted by mail, consisting of one or more written lesson assignments furnished by a school and requiring submittal of written lessons by the trainee. Such lessons usually are corrected and graded by the school and returned to the trainee. For obvious reasons a correspondence course generally is not a satisfactory method of accomplishing the vocational rehabilitation of a disabled veteran under the provisions of the law and Veterans' Administration policies and procedures. Accordingly, correspondence courses are to be avoided: *Provided however,* That a correspondence course may be prescribed when such a course is necessary to supplement training on the job; or when in the rare case there is clear indication that the veteran possesses such characteristics of ability to pursue the course under the conditions imposed by correspondence instruction and that he has those characteristics of industriousness and perseverance as to give good promise of successful pursuit of correspondence instruction and when it is established that the successful pursuit of the correspondence course definitely will accomplish rehabilitation, the correspondence course is the only practicable means for accomplishing the necessary training for the objective which has been chosen to restore employability, and it is clear that the veteran will be able to pursue the correspondence course as a full-time training program subject to what is considered a full-time training program as determined in § 21.202.

(g) *Independent instructor course.* A course which is pursued with an instructor who, independently of jurisdiction or direction of a training institution or establishment, furnishes and conducts the course. An independent instructor course will be prescribed only when, due to the nature of the veteran's disability, pursuit of the course of vocational rehabilitation at a training institution or establishment is impracticable. Such courses shall be planned carefully by the Veterans' Administration in collaboration with the instructor, shall be as fully definite as, and shall contain all the elements contained in the individual training program of any veteran pursuing an institutional course—in school or on the job.

§ 21.202 *Devotion of full time to training.* (a) Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), provides for payment of subsistence allowance in nothing less than full amount, except as provided in § 21.201 (d). Accordingly, training under Part VII should constitute the veteran's principal and full-time endeavor. It is expected that the veteran will devote his undivided attention and effort to the course of vocational rehabilitation and that the course will require the major part of each school or workday or at least such part thereof as is commonly applied to training or employment in the particular occupation for which the veteran is in training: *Provided,* That under particular conditions specialized restorative training may be provided on a part-time basis as set forth in § 21.201 (d).

(b) The actual time in terms of hours which a veteran-trainee will be expected to devote to his training may be varied to conform to his physical capacity for pursuing the course. If employability may be restored through the pursuit of a course of training but, based upon the opinion of the assigned medical consultant, it is determined that the maximum time that should be applied by the veteran to such course is less than that stated in paragraph (a) of this section, the veteran may be inducted into a reduced-time training program as provided in either subparagraph (1) or (2) of this paragraph:

(1) Based upon the opinion of the assigned medical consultant, it is determined that the amount of time to be devoted by the veteran to the training program is as great as the veteran's disability will ever permit. Such course will be regarded as a full-time course in the individual case and may be approved: *Provided,* That it can be completed in the statutory period and provided further that no appropriate course to which the trainee can apply a greater time is available for use under the circumstances in the case.

(2) Based upon the opinion of the assigned medical consultant, it is determined that, due to the nature of the trainee's disability, he may not devote as many hours to training as does the ordinary trainee; and (i) the veteran's individual training program requires as many hours per day for training as, based upon the opinion of the assigned medical consultant, it is determined that his disability will permit; (ii) there is good promise that work tolerance will increase more rapidly if the veteran is engaged in the training activities for a suitable employment objective than if he were not engaged in such activities; and (iii) the hours of such reduced-time training program will be increased gradually, coincident with the increase in the veteran's work tolerance, until he is pursuing a normal training program. In each case, expert medical advice should be sought before any increase in the number of hours of training time is made.

(c) Training on the reduced-time basis provided for as in paragraph (b) (2) of this section shall not be continued beyond 3 months unless work tolerance has increased and the time devoted to training has been correspondingly increased as contemplated in paragraph (b) of this section.

§ 21.203 *Part-time training.* Specialized restorative training may be prescribed as a part-time course under the conditions set forth in § 21.201 (d).

§ 21.204 *Maximum duration of the course.* The maximum duration of a course of vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), may not exceed the period necessary to restore employability nor may a veteran be placed into or be continued in training at a time more than 9 years after the official termination of World War II. The maximum duration of the course may not exceed a period of 4 years except under conditions set forth in § 21.206.

§ 21.205 *Adjusting the duration of the course.* (a) Although Certificate B, VA Form 7–1902f, provides for indicating the estimated length of the course, that fact will not control the length of the course. It is the function and responsibility of the education and training section to prescribe and provide the course of training necessary to restore employability in the occupation which has been determined by the advisement and guidance section. The duration of the course will be determined by the education and training section.

(b) The length of the course may be that indicated on certificate B or it may be for a longer or shorter period depending upon the actual needs in the case. Generally, the initial determination of the length of the course should be a minimum length. If vocational rehabilitation cannot be effected within that period, the period can be adjusted on the basis of facts which develop as the veteran proceeds with his course. If on the same basis of facts developed as the course proceeds the employability can be restored within a shorter period than initially planned, adjustment to shorten the course should be made.

§ 21.206 *Courses in excess of four years.* The purpose of vocational rehabilitation is to restore employability lost by virtue of a handicap due to service-incurred disability. The original intent of Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), to accomplish the restoration of employability within 4 years was not materially altered by Public Law 268, 79th Congress, December 28, 1945.

(a) *Conditions for approval of training in excess of four years.* (1) Training in excess of 4 years may be considered necessary to fulfill the purpose of vocational rehabilitation and may be approved only when:

(i) The vocational handicap resulting from the veteran's disablement is such that no course of training which does not exceed 4 years will restore him to employability consistent with his disability and aptitudes.

(ii) Circumstances beyond the control of the veteran necessitate the extension beyond a period of 4 years of a training program which was originally planned for completion within 4 years.

(iii) The vocational handicap resulting from the veteran's disablement is such that a course of training which does not exceed 4 years will restore him to employability consistent with his disability but because of special circumstances in the individual case of the veteran, it is determined through comprehensive advisement procedure that an objective requiring training in excess of 4 years is the only suitable objective as indicated by:

(*a*) The background and experience of the veteran being of such nature as to offer conclusive evidence that the objective is one which the veteran had previously set for himself.

(*b*) The veterans having completed, prior to his separation from active duty in the armed forces, not less than 24 standard semester hours or their equivalent of a course of education definitely identified as preparatory for or leading to the designated objective. To be so identified, the portion of the course which the veteran has completed must have included unit subjects commonly accepted by professional schools as prerequisite to professional study for the particular occupational objective.

(*c*) The quality of the work completed by the veteran being such as to warrant the presumption that he will be successful in attaining the objective (to justify a favorable finding under this subdivision the work completed in those subjects which relate directly to the proposed objective shall have been of sufficiently high quality to promise acceptance of the veteran as a student in the particular desired professional school or type of school.)

(*d*) The results of selected tests which not only confirm the choice of objective but indicate high probability of success in attaining that objective.

(2) It is evident that a veteran applying for vocational rehabilitation for whom it would be necessary to provide all preparatory, preprofessional and professional courses would not meet the requirements of subparagraph (1) (iii) (*b*) and (c) of this paragraph. If such a veteran meets the requirements of subparagraph (1) (iii) (*a*) and (*d*) of this paragraph but is unable to fulfill the requirements of subparagraph (1) (iii) (*b*) and (c) of this paragraph, he may defer his induction into training under Part VII until such time as he, independently of the Veterans' Administration, has pursued a sufficient portion of a course to enable him to attain the designated objective within a total period of 4 years or less. A veteran contemplating such a course of action must be informed that the entire question of need for vocational rehabilitation will be reconsidered at such time as he applies for induction into training under Part VII. He should also be informed of the possibility that, while he is pursuing training independently of the Veterans' Administration, his disability rating may be reduced to less than a compensable degree, with attendant loss of entitlement for training under Part VII.

(3) When a veteran is already pursuing a course of vocational rehabilitation training under Part VII and, at the time of the original advisement, expressed a desire to pursue a course of training for an occupational objective requiring a period of training exceeding 4 years but was inducted into training for an intermediate and closely related objective in the same occupational field not requiring training in excess of 4 years and the veteran now requests a reconsideration of his case under the policies herein stated with a view to changing his objective to the one originally desired, the revaluation procedure will be applied, taking into consideration the provisions set forth in subparagraph (1) (iii) (*a*), (*b*), (c), and (*d*) of this paragraph.

(4) A veteran already pursuing a course of education or training under Part VIII, who applies for and is found entitled to vocational rehabilitation under Part VII, and who does not meet the conditions set forth in subparagraph (1) (iii) of this paragraph, but who does meet the requirements of subparagraph (1) (iii) (*a*) and (*d*) of this paragraph and is unable to fulfill the requirements of subparagraph (1) (iii) (*b*) and (*c*) of this paragraph may interrupt his education or training with the knowledge of the Veterans' Administration and after pursuing, independently of the Veterans' Administration, a sufficient portion of a course to enable him to attain the designated objective within a total period of 4 years or less may be inducted into training under Part VII, subject to reconsideration of the question of need. A veteran contemplating such a course of action must be informed that the entire question of need for vocational rehabilitation will be reconsidered at such time as he re-applies for induction into training under Part VII. He should also be informed of the possibility that, while he is pursuing training independently of the Veterans' Administration, his disability rating may be reduced to less than a compensable degree, with attendant loss of entitlement for training under Part VII.

(b) *Training on the job in excess of four years.* In no case will paragraph (a) (1) (iii) of this section be applicable to on-the-job training courses which require more than 4 years. If, through application of the advisement procedure, it is indicated that a veteran, who does not meet the conditions set forth in paragraph (a) (1) (i) of this section should be rehabilitated through training on the job for an employment objective ordinarily requiring more than 4 years of training, he may be inducted into the course: *Provided:*

(1) That sufficient credit is allowed for knowledge, skills, or experience previously acquired by the particular veteran to enable him to complete the course without exceeding a total of 4 years of training under Part VII or under both parts, or

(2) That where a veteran has not acquired knowledge, skills, or experience which may be credited toward completion of the course or where the knowledge, skills, or experience acquired by a veteran are insufficient for the veteran to be allowed enough credit to enable him to complete the course in 4 years or less, there is clear indication that he will be employable and rehabilitated after completing a period of training not exceeding 4 years under Part VII or under both parts. Such determination is based on the fact that the law requires the restoration of employability rather than the completion of a course which satisfies fully the requirements for journeyman status, and in the case of any veteran inducted into training under this subparagraph employability will be considered as having been restored and thus the veteran will be considered rehabilitated inasmuch as the veteran will be in employ-

ment at a living wage in the occupation for which training was prescribed and provided, with the probability of continued employment in the same occupation as evidenced by satisfactory pursuit of the course and the usual increases in earnings. Where a veteran is to be inducted into training under the provisions of this subparagraph, there shall be inserted on VA Form 7–1902f, in the appropriate space, the employment objective (Dictionary of Occupational Titles) which was selected as a result of the application of the advisement procedures followed by "four years" in parentheses. The following statement will be inserted on VA Form 7–1902f, Certificate B: "There is clear indication that this veteran will be employable and will be rehabilitated after pursuing training for the above objective for a period not exceeding an aggregate of 48 months, under Part VII or under both parts, or less, depending upon the veteran's previous experience and training, and the veteran has a definite understanding of this statement and its effect."

(c) *Authority for approval of courses in excess of four years.* (1) Under the conditions set forth in paragraph (a) (1) (i), (ii), and (iii) of this section, managers of regional offices are hereby authorized to approve or disapprove courses of training in excess of 4 years, basing such action upon the recommendation of a committee composed of the chief, vocational rehabilitation and education division, the chief, education and training section, and the chief, advisement and guidance section, or their assistants. Each case will be prepared and presented to the committee by that section of the vocational rehabilitation and education division having responsibility for the case at the time that the request for approval of training in excess of 4 years is to be presented. The presentation will contain all pertinent information including an indication of whether paragraph (a) (1) (i), (ii), or (iii) of this section is the basis on which the recommendation is made and a clear showing of the facts which establish the case under the particular subdivision. The committee will submit a written recommendation to the manager setting forth the facts and consideration upon which such recommendation is based, accompanied by the rehabilitation and education file of the veteran and the endorsement or comments of each member of the committee indicating his concurrence or nonconcurrence. The manager of the regional office will make the final determination in each case arising under paragraph (a) (1) (i), (ii), and (iii) of this section, subject, of course, to the veteran's right of appeal. Upon conclusion of the action in each case, the recommendation and related papers will be filed in the veteran's rehabilitation and education file, and a notation of the action taken will be made on certificate B.

(2) Subject to other applicable provisions of the law, any training which is afforded in excess of 4 years as provided herein will be at the expense of the government and subsistence allowance is payable.

(3) The committee will maintain a precedent file of the actions taken in various types of cases.

§ 21.207 *Repetition of a course.* (a) A veteran having completed a course under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. Ch. 12), according to the standards and practices of the institution and having subsequently failed to pass an examination to qualify for license to practice a profession or trade is not entitled to enroll in and pursue again at the expense of the Government the course which he has already completed, except in the unusual case, where, to accomplish rehabilitation, the necessity to repeat the course is imperative. It would appear a remote possibility that the veteran who has already once completed the course must necessarily repeat the course in order to be considered rehabilitated.

(b) An eligible veteran who has completed a course of training under Part VII may pursue a review course under that part provided the review course is a separate and distinct course specifically organized and established as a review course, and, therefore, does not constitute a repetition of a course which the trainee has already completed. Such a course to be recognized as a review course commonly may be identified by the common characteristics of such a course; namely, concentration of content, intensified application to the pursuit, and the short period required for the course compared to the time required for the primary course. Representative of courses in this category are bar review courses for preparing veterans who have already completed the prescribed course in law for taking the bar examination.

(c) Inasmuch as the purpose of vocational rehabilitation is to restore employability, a Part VII trainee may be authorized not only to pursue such a course for the purpose stated but to repeat a review course where such repetition is imperatively necessary for the purpose of vocational rehabilitation. Under the particular methods sometimes employed by licensing boards, it occasionally happens that applicants fail to obtain licensure despite the attainment of grades in the examination which would ordinarily be considered satisfactory if the grading of examinations were based upon the normal distribution of scores or other commonly accepted methods and a definite percentage were established as a criterion for failure. The Veterans' Administration, therefore, should permit a veteran in training under Part VII to repeat a review course when there is good promise that such repetition will enable him to pass the examination with such standing as will insure attainment of licensure. If there is poor promise that to repeat the course would insure licensure, repeating the course should be denied and the case should be regarded as requiring revaluation in accordance with appropriate Veterans' Administration Vocational Rehabilitation and Education procedures. In such cases, the occupational objective may be changed to an objective consistent with type and amount of training already accomplished, as for example, the employment objective of a veteran training to become a lawyer might be changed to law clerk and the veteran be declared rehabilitated.

(d) The determination as to the number of repetitions of review courses which may be approved in the case of a particular Part VII veteran will be based upon the foregoing which provides for the merits of the individual case to govern.

Selecting the Training Facility

§ 21.210 *Basis for selection.* The training officer will select a satisfactory training facility for each Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), veteran assigned to him based upon the requirements of the prescribed course modified by the assets, qualifications, and limitations of the particular veteran including those imposed by his disability.

§ 21.211 *Factors to be considered in selecting the facility—*(a) *Criteria which must be met by the training facility.* Trainees are to be placed only in training facilities with which there is an agreement or contract and which:

(1) Have space, equipment, instructional material, and instructor personnel adequate in kind, quality, and amount for the desired training in the particular case.

(2) Have fully accepted the obligation to give training in the significant constituent parts of the training program which have been prepared for the particular veteran.

(3) Will modify the program, when necessary, to compensate for the limitations resulting from the veteran's particular disability or other characteristics.

(4) Provide courses which meet the customary requirements in the locality for employment in the particular occupation in which training is given and which meet the requirements for license or permit to practice the occupation, if such is required.

(5) Provide continuous training without interruption except for normal holidays and vacation periods for all veteran trainees placed with them.

(6) Provide daytime instruction for the trainee unless instruction in necessary subjects cannot be obtained in the locality during the working hours of the day.

(7) Organize training into definite instructional steps or units which will permit and necessitate progressive training.

(8) Encourage rapid progress of each trainee rather than limit progress of such individual by the progress of the group.

(9) Will not, during the period of training, continue trainees on productive operations beyond the point of efficient training.

(10) Indicate willingness to cooperate with the Veterans' Administration in the supervision of the trainee by the Veterans' Administration training officer and by executing report forms covering the trainee's attendance, performance, and progress in training.

(b) *Additional considerations.* In selecting the facility, the preference of the veteran and the accessibility of the facility to the veteran will be given due consideration.

(c) *Ownership or control by relatives.* (1) A training-on-the-job establishment in which the veteran or a close family relative of the veteran has control ordinarily will not be considered an appropriate training facility for training that veteran on the job if another facility in which such control does not exist, and which is satisfactory, is equally available. A facility in which the veteran or a close family relative holds such control shall not be selected, unless it is shown beyond any reasonable doubt that the social and economic relationship of teacher to the veteran, who will be the pupil, will be satisfactory for the efficient promotion of learning activities.

(2) The possibility of abuse and fraud developing in such cases is self-evident. If the veteran trainee is in control, there is possibility that he may influence his employees to his own advantage. Where a close family relative is in control, collusion is possible. This has long been recognized under similar circumstances as is evidenced by the fact that insurance companies will not permit physicians to examine members of their own families for life insurance; that many school systems will not permit employment of teachers who are related to members of the board; that personnel officers customarily ask whether or not an applicant for employment is related to the person who has submitted a recommendation or testimonial, etc. In the face of the recognized possibility of abuses in situations of this nature, it is obvious that enrollment for training with close relatives or where the veteran is in control must be subjected to more than ordinary scrutiny by the Veterans Administration. On the other hand, it must be recognized that in many cases the training opportunity offered will be bona fide and of excellent quality. Accordingly, the way must be left open for such cases.

The Individual Training Program

§ 21.212 *Preparation and content.* (a) Prior to or immediately upon the induction into training of each Part VII, Veterans' Regulation 1 (a), as amended, (38 U. S. C. ch. 12), veteran, there shall be prepared for the veteran by the training officer, in collaboration with the training institution a detailed course of training, the individual training program, which is designed to qualify the veteran for the selected occupation. It will be an individual training program written in such definite terms and consisting of elements so clearly appropriate to the chosen employment objective that the successful completion of the individual training program will in itself establish the fact of satisfactory employability in the chosen objective. The individual training program shall contain no subject matter which does not clearly contribute to rendering the trainee satisfactorily employable in the chosen occupation and shall contemplate only such minimum length of training period as is necessary.

(b) The preparation of the individual training program is based upon existence of a complete or master training program. The complete or master training program is a listing, in appropriate sequence, of all of the major units of work which together constitute the particular occupation and under each major unit of work a listing of all of those things which have to be done and known in order to be competent in that unit of the occupation. The individual training program will be the complete or master training program for the selected occupation, appropriately modified by crossing off any items which, for good and proper reasons, are not intended to be included in the individual training program of the particular veteran.

(c) The individual training program, in order to take care of the peculiar requirements f the veteran may include items over and above the complete training program for a particular occupation, for example, a complete training program for a lawyer commonly would not include the subject stenography, but for the purposes of a particular veteran, stenography might be necessary and might properly be made a part of his individual training program. The individual training program will be recorded on the VA Form of the 7–1905 series provided for that purpose. The original will be placed in a file set up and maintained within the education and training section where the record will receive periodic postings of the veteran's progress and serve the other purposes which are indicated in § 21.247.

§ 21.213 *Individual training program for a school course.* (a) When a school course has been prescribed for a particular veteran and the school which has been selected offers a well-established curriculum or course which without modification will qualify the particular veteran for the selected occupation, that course commonly will be the individual training program for the veteran.

(b) When the particular veteran does not require training in certain unit subjects or courses in the established course of the school because of previous training or experience, these unit subjects or courses will be excluded from the individual training program.

(c) When the school does not offer an established course that will qualify the particular veteran for the selected occupation but offers unit subjects or courses which may be organized into a course that will qualify the veteran for the selected occupation, those unit subjects or courses, when carefully organized in collaboration with the school and the veteran, will become the individual training program for the veteran.

(d) The individual training program for a school course shall include:

(1) The title of the specific job objective or course and the appropriate Dictionary of Occupational Titles code number.

(2) The required unit subjects or courses grouped, in appropriate sequence, for each semester, school term, or school year.

(3) A statement of the major and the minor unit courses which are required together with the credit hour values for each and the total credits required for graduation or completion of the course; and indicating for each unit course whether it is a required major or minor or whether it is an elective; and showing also the number of credits in elective courses which may properly be included in the over-all course and in each school term.

(4) The credit values for each unit subject or course in terms of semester hours, quarter hours, or other unit employed by the institution.

(5) Any extra requirements for the satisfactory completion of the school course for which no credit is given, such as a special comprehensive examination or a thesis in addition to those required for the unit subjects or courses, should be noted and made part of the individual training program.

§ 21.214 *Individual training program for training on the job.* (a) When a course of training on the job has been prescribed for a particular veteran and the establishment which has been selected offers a fully adequate course of training which, without modification, will qualify the veteran for the selected occupation, that course commonly will be the individual training program for the veteran.

(b) When the veteran does not require training in certain units of work in the established course of the establishment because of previous training or experience, those units shall be excluded from the individual training program.

(c) When the particular needs of the veteran or when the work schedule of the establishment makes it necessary, the established training program should be modified or rearranged to fit the circumstances: *Provided,* Such modification or rearrangement will not eliminate any unit of instruction deemed essential to satisfactory employability in the selected occupation.

(d) When the selected training-on-the-job establishment does not already offer a fully adequate course of training for the selected occupation, the training officer will make a job analysis (see § 21.216) to obtain the information necessary for the preparation of a complete or master training program for use in developing the individual training program.

(e) The individual training program for a training-on-the-job course shall include:

(1) The title of the specific job objective and the appropriate Dictionary of Occupational Titles code number.

(2) The major kinds of work which together make up the chosen occupation and under each of these types the units of instruction listed in appropriate sequence in terms of the separate elements of work tasks, job operations, processes, skills, knowledges, and occupational information which together constitute each major element of the program.

(3) The estimated training time or estimated maximum and minimum training time required for completion of each unit of instruction in clock hours. Note: The maximum time will be that estimated to be the greatest amount of time which any trainee, whose progress can be rated as satisfactory, should require to com-

plete the unit of instruction. The minimum time will be that estimated to be the least amount of time during which a trainee could be expected to complete the unit of instruction.

(4) The length of the course.

(5) The wage or salary to be paid at the beginning of the training program, at each successive step in the program, and the minimum entrance wage or salary paid by the establishment to employees already trained in the kind of work for which the veteran is to be trained.

Any special examination, progress tests, etc., to indicate satisfactory completion of units of instruction as well as any license, certificate, or diploma required of a qualified workman will be noted and made a part of the individual training program.

§ 21.215 *Individual training program for combination school and training-on-the-job courses.* When a combination of school and training on the job has been prescribed, the individual training program shall include the unit subjects or unit courses for the school portion of the course recorded on VA Form 7–1905b and the units of instruction for the training-on-the-job portion of the course recorded on VA Form 7–1905a.

§ 21.216 *Job analysis defined.* For the purposes of Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), job analysis will consist of ascertaining by observation and study, and recording for future use, the important items of information relating to the performance of a specific job. It is the process of ascertaining the work tasks which comprise the job as it exists, the skills, knowledges, abilities, and responsibilities which the worker must acquire or assume for successful performance of the tasks and of the physical and mental demands of the job as a whole.

Inducting the Veteran Into Training

§ 21.220 *Conditions to be met before induction into training.* Regional managers are authorized to induct a veteran into training in an institution or other establishment for the purpose of pursuing a course of vocational rehabilitation which has been prescribed in accordance with the provisions of Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12). (See §§ 21.40 and 21.701 (a).)

(a) When vocational advisement has been rendered, including the completion of the vocational advisement record, with the recording of all pertinent information, the selection of the employment objective, and the execution of VA Form 7–1902f (Certificate B) to show the concurrence of the veteran, the medical adviser or consultant, the vocational adviser, the chief, advisement and guidance section, or designate, and the chief, education and training section, or designate.

(b) When there has been obtained and is waiting to be utilized a training facility which, on the basis of adequate investigation by the training facilities section, is clearly qualified as to space, equipment, instructional material and personnel to give the required course and has agreed to cooperate fully with the Veterans' Administration in accomplishing records of the trainee's attendance, performance and progress in training and in the case of training on the job, to report to the Veterans' Adminstration monthly as required by the law, any payments of money to the trainee.

(c) When an adequate individual training program for the veteran as required by § 21.212 has been approved and recorded on the appropriate VA Form 7–1905.

(d) When there is no circumstance known to have intervened to change the determination concurred in by the designated medical officer that training is medically feasible and that it is practicable to provide the appropriate training to restore employability.

§ 21.221 *Additional conditions to be met prior to induction into training in a school.* Veteran trainees will not be entered into training in a school under Part VII, Veteran's Regulation 1 (a), as amended (38 U. S. C. ch. 12), until a contract or a memorandum agreement with the school has been negotiated by the training facilities section. Where a veteran's interests and rights under Part VII will be jeopardized by withholding him from training because of the absence of a contract and the contract cannot be completed immediately and there is no question of the merits of the school being adequate and indications are that the contract eventually will be completed, the chief, education and training section, will make urgent request upon the chief, training facilities section, to effect immediately the necessary memorandum agreement to permit the induction of the veteran. In no event will a veteran be inducted into training in a school without a written memorandum agreement.

§ 21.222 *Additional conditions to be met prior to induction into training on the job.* When the prescribed course or portion of the course of vocational rehabilitation which the veteran is to enter consists of training on the job, in addition to the conditions cited in § 21.220, the following conditions must be met prior to the induction of the veteran into training on the job:

(a) The training establishment has agreed to pay the veteran for the entire period of training or any part of the period of training a salary or wage rate commensurate with the value of the veteran's productive labor and not less than that customarily paid to a nonveteran trainee in the same or similar training situation.

(b) The veteran clearly understands and is agreeable to the Veterans' Administration policy which provides that when the combined income from any wages or other compensation paid by the employer-trainer to the trainee during the month, directly or indirectly, and the subsistence allowance exceeds the standard, minimum entrance wage paid by the employer-trainer to a journeyman or a trained worker in the same occupation and in the same establishment, the subsistence allowance will be reduced in that amount which the combined income exceeds the journeyman or trained worker rate.

(c) The salary or wage rate for productive labor incident to training is not less than that prescribed by the Fair Labor Standards Act of 1938, Public Law 718, 75th Congress, except under the conditions set forth in § 21.223 (a).

§ 21.223 *Authority to induct veterans into training on the job at subminimum wage rates.* (a) The Fair Labor Standards Act of 1938, Public Law 718, 75th Congress, requires an employer, as a statutory obligation, to pay to any person, not specifically exempt, who is suffered or permitted to work in commerce or in the production of goods for commerce or in some occupation necessary to such production, without regard to other source of income, a minimum wage of 40¢ per hour, or a subminimum hourly wage rate which the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor may approve for handicapped workers under section 14 of the act. Similarly, the Walsh-Healey Public Contracts Act, Public Law 846, 74th Congress, requires that all persons employed by a contractor on work subject thereto be paid not less than the applicable minimum wages as determined by the Secretary of Labor. When the hours of employment-training exceed 40 in any one workweek (or 8 in any 1 day, if the work performed is subject to the Public Contracts Act), employees not otherwise exempt must be paid not less than time and one-half the regular rate of pay for all hours worked in excess of 40 in any workweek. Employees are covered by the act not only when they are producing goods for commerce but also when they are engaged in an occupation necessary to the production of goods for commerce. This means that many more employees are covered by the act than the average person would at first suppose. If, for example, the trainee handles or works on goods, any part of which flows in commerce, he is deemed to be in a covered occupation during the workweeks in which such work is performed, even though his production may be comparatively insubstantial. However, if the trainee works entirely on scrap material which is segregated and no part of which flows into interstate commerce, he is not covered by the act. Chiefs of vocational rehabilitation and education divisions should clear questions of coverage in all doubtful cases with the Wage and Hour and Public Contracts Divisions' Regional Directors before induction into training.

(b) When a prospective employer-trainer, as a condition precedent to his acceptance of a Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12) trainee for training on the job, indicates he will not meet the minimum wage requirements of the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act, the use of such training facility will not be favorably considered unless:

(1) Other opportunities for the desired training neither exist nor are available in the veteran's community.

(2) The trainee's disabilities preclude initial entrance into training at the minimum wage otherwise applicable.

(c) A trainee may not be inducted at subminimum wage rates into training on the job subject to the act unless and until a certificate has first been issued permitting such induction and prescribing a rate to be paid. In the absence of such certificate, the employer-trainer is liable to the penalties prescribed in the act including the possibility of an employee's suit under section 16 (b) of the act. Such suit, when sustained, makes the employer-trainer liable for the amount of all unpaid minimum wages and unpaid overtime compensation due, and an additional equal amount as liquidated damages. The subsistence allowance paid the trainee by the Veterans' Administration may not be considered as applying to or offsetting the amount that will be due the worker from the employer-trainer.

(d) When, after investigation, the conditions in paragraph (b) of this section are found to exist, the chief, vocational rehabilitation division, is authorized to approve induction into training on the job at subminimum rates. To accomplish this purpose, the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, has delegated to chiefs, vocational rehabilitation and education divisions, authority to issue to a prospective employer-trainer a temporary certificate for each trainee valid for a period of not longer than 3 months from the date of issuance, authorizing the training on the job of a trainee at an hourly wage rate not less than 75 percent of the applicable minimum wage unless after investigation a different wage rate appears to be clearly justified. The chief, vocational rehabilitation and education division, is responsible also for making all revisions in the temporary certificate during this 3-months' period, i. e., he may issue a superseding certificate revising the rate but he may not extend the date of expiration beyond the original 90-day period. In exceptional and unusual cases, the chief, vocational rehabilitation and education division, may authorize induction at lower rates. A certificate, however, should not necessarily be issued at a rate as low as 75 percent of the minimum. In each case the rate should be set at a figure designed adequately to reflect the individual trainee's earning capacity. The language of the act is held to preclude any idea of total exemption from paying wages. The chief, vocational rehabilitation and education division, may experience difficulty in determining the rate to be set in the certificate since in many cases there will be no previous earning record for the trainee and hence no objective criteria available for judging the trainee's productivity. The chief will have to use his best judgment in such cases, leaving opportunity to adjust the rate upward or downward as later facts may indicate. As stated above, no part of the subsistence allowance paid to the trainee by the Veterans' Administration may be considered as wages due the trainee. This situation should be made clear to the employer-trainer at the time of placement.

(e) Payments made on a piece-rate basis to a trainee in training on the job must be at the piece rate paid nonhandicapped employees in the same occupation but in no case less than the hourly wage rate set forth in the certificate.

(f) The chiefs, vocational rehabilitation and education divisions or the employees acting in that capacity, will authenticate special certificates.

§ 21.224 *Release of information.* (a) When, for the purpose of making or carrying out arrangements for the training or employment of a veteran, it is necessary to release information regarding the disability or other matters to a person or establishment requested by the Veterans' Administration to provide training or employment for the veteran, the information directly pertinent to the purpose may be released to the appropriate party, provided the veteran authorizes such release by signing the following statement:

I hereby authorize the Veterans' Administration to release to any person, institution, or establishment such information regarding me, including that relating to my disability, as is considered by the Veterans' Administration officials to be needed by such persons or establishments for the purpose of developing or carrying out arrangements for my training or employment.

(b) Ordinarily, the veteran will have authorized the release of information regarding disability or other matters by signing VA Form 1902, Vocational Advisement Record, which contains the above-quoted statement under item F.1, page 4. However, where the veteran objected to the release of such information at the time of advisement and the statement was crossed out on VA Form 1902, information regarding his disability or other matters may not be released unless the veteran reconsiders and signs the statement. Care must be taken not to reveal any confidential information which has no significance to the veteran's training in terms of enabling the training institution better to serve the veteran in the pursuit of his course. With the release of any information which the trainee has authorized, there shall be included special notice that the information is strictly confidential, is furnished solely for it to serve the purpose of enabling the training institution better to serve the veteran in the pursuit of his course, and under no circumstances is to be released to any other parties.

Furnishing Supplies

§ 21.230 *Definition.* As referred to in §§ 21.230 to 21.244, the term "supplies" will include books, tools, supplies, equipment, etc.

§ 21.231 *Legal basis.* The furnishing of supplies for training purposes is authorized under section 3 of Public Law 16, 78th Congress, as amended.

§ 21.232 *Authority.* Subject to the limitations set forth in §§ 21.230 to 21.244, regional managers are authorized to furnish, through contract with the training institution or through direct purchase in accordance with current regulations governing the procurement of and accounting for trainee's property, supplies of such kind and in such minimum amounts as are necessary to the satisfactory pursuit of a course of vocational rehabilitation in a particular institution.

§ 21.233 *Prevention of abuse.* The furnishing of supplies is fraught with possibilities of marked abuse. Accordingly, the entire matter of furnishing such articles is to be so administered as to avoid and prevent abuses. Care is to be exercised to make certain that articles will not furnish to the veteran-trainee which duplicate those which have been previously furnished by the Veterans' Administration or which otherwise are in his possession. There should be indication by the regional office that the trainee's folder has been consulted to determine whether articles have been previously furnished. The provisions of the law and the instructions authorizing the furnishing of supplies are not to be construed as authorization for furnishing supplies except under the most careful checks as to what is required by the training institution of all trainees. Special attention should be given to detect a tendency on the part of any institution or establishment to pad its lists of supplies because the supplies may be paid for by the Government. It is to be emphasized and always borne in mind that the trainee is not to be allowed to determine what supplies will be furnished. An understanding of the law and Veterans' Administration policy on this point and cooperation on the part of the institution or establishment should be encouraged and developed to the end that the institution or establishment will approve for the trainee only those items which it requires other students or trainees to personally possess in order to pursue the training. The training officer will be held responsible for determining, in individual cases, that the list of supplies to be furnished to the trainee by the Veterans' Administration has been determined by responsible officials of the institution rather than by the trainee himself and has been determined on the basis of actual training needs. The chief, education and training section, and supervising training officers will give due supervisory attention to this element of administering the program.

§ 21.234 *General limitations.* (a) The kinds, quality, and amount of supplies that may be furnished to any trainee will be limited to those commonly required by the institution to be owned personally by other trainees not under Veterans' Administration jurisdiction pursuing the same course in the particular institution. Articles which are commonly on hand as equipment of the training institution for use of all students, trainees, or employees are not to be regarded as supplies required to be owned by trainees and will not be furnished. (See § 21.241 (b) on furnishing special equipment necessary because of the nature of the trainee's disability.)

(b) In those instances where supplies are available in several prices, grades, or qualities, the Veterans' Administration will furnish only articles of such quality or grade as the training institution requires all trainees to have, whether veteran or nonveteran. When it is clear to the regional manager that such quality

or grade is greater than necessary for purposes of a particular trainee, he is authorized to limit the quality or grade to that which will meet the needs of the particular case.

(c) All the supplies necessary for pursuit of a particular course of training will not be furnished at the beginning of the course. Rather the supplies will be furnished as their need becomes clearly evident and imminent. On the other hand, arrangements must be made whereby supplies will be available to the trainee when they are needed.

(d) The Veterans' Administration is obligated only to furnish serviceable equipment. There is no requirement that all items furnished to a trainee shall be new or of any particular manufacturer's brand. There is the obligation that any article furnished shall be in excellent working condition and of such type and quality as the needs of the course demand. Consideration should be given to the issuance of items which are in stock before placing an order for new equipment.

(e) The Veterans' Administration will not replace at Government expense articles which have been issued to a trainee and which are lost, stolen, misplaced, or damaged beyond repair when it is determined by the regional manager that such loss or damage occurred through fault on the part of the trainee, including lack of due care. If any such articles which are indispensable to further pursuit of the course are lost, misplaced, or damaged beyond repair and it is determined by the regional manager that the loss or damage was due to fault on the part of the trainee, it will be necessary for the trainee to effect replacement of the articles. If the trainee is willing but financially unable to effect the replacement, an advancement for this purpose may be made from the vocational rehabilitation revolving fund subject to the provisions of § 21.253 (b). Where a trainee refuses to effect replacement of articles indispensable to further training after the manager has determined that the loss was due to fault on the part of the trainee, it will be necessary to discontinue training for lack of cooperation.

(f) The Veterans' Administration will not reimburse a trainee who personally buys supplies. Payment for supplies is made to the training institution or to the vendor from whom they are purchased by the Veterans' Administration. If the institution chooses to return to the veteran the amounts charged him and paid by him so that the charges by the training institution stand as an unpaid obligation of the Veterans' Administration to the institution, payment may be made if otherwise in order.

(g) When a particular article is furnished for use in more than one subject and the same article is required for use in other subjects or in another quarter or semester or school year, the article furnished will be made to serve for all such requirements and will not be duplicated for such purpose at government expense.

§ 21.235 *Authority to furnish supplies to trainees in school training.* (a) Under the authority set forth in § 21.232 and subject to the limitations contained in §§ 21.230 to 21.244 the regional manager is authorized to furnish a veteran pursuing a course of vocational rehabilitation in a school with supplies required by the school to be personally owned by every other student pursuing the same course.

(b) It is the general policy to have schools furnish supplies wherever practicable inasmuch as such practice will facilitate service to the veteran. If the school cannot be induced to furnish supplies, they will be furnished by the Veterans' Administration in the manner prescribed in this section for furnishing supplies for training on the job.

§ 21.236 *Authority to furnish supplies to trainees in training on the job.* Under the authority set forth in § 21.232 and subject to the limitations contained in §§ 21.230 to 21.244, the regional manager may furnish a veteran pursuing a course of vocational rehabilitation on the job with necessary supplies when the aggregate cost of the articles is not in excess of $100. When the aggregate cost of the articles will be in excess of $100, they may be furnished under one of the following conditions:

(a) When the items needed appear on an approved list in Veterans' Administration vocational rehabilitation and education procedures for the trade or occupation for which the trainee is pursuing training. If an item required by the training establishment is not on the approved list, the regional office may substitute that item for a corresponding item on the approved list provided the item substituted will serve the same general purpose and the cost is less than or approximates the usual cost of the item for which substitution is made.

(b) When a request to furnish supplies in excess of $100 has been submitted to the appropriate branch office and the approval of the branch office has been obtained. Each request to the branch office for authority to furnish supplies in excess of $100 must be supported by a statement including at least the following:

(1) Employment objective and code.

(2) Indication of the brand, catalog number, and the price of each item for which, or the equivalent of which, approval is requested (to facilitate identifying the item desired).

(3) An itemized list of supplies so far furnished or on order for the trainee and the cost.

(4) A definite statement that the institution or establishment requires all the requested items to be personally owned by all students taking the same course.

§ 21.237 *Furnishing supplies to veterans pursuing residency courses in hospitals.* (a) Since residency courses are entered upon only by qualified physicians and since qualified physicians, in pursuit of their medical courses and/or in their general practice, ordinarily own the common diagnostic instruments and certain of the texts applicable to general medicine, only books and equipment which are peculiar to the specialty for which the physician-veteran is preparing himself will ordinarily be furnished.

(b) For the doctor-veteran pursuing a residency course in a hospital, the Veterans' Administration may pay for such supplies necessary and required for training purposes, as are certified by the physician or physicians responsible for giving the course as being required to be personally possessed by every physician, veteran, or nonveteran pursuing the same course: *Provided:*

(1) That such books, supplies, and equipment are not furnished or loaned by the institution.

(2) That in no case will any book or item of equipment be paid for when such article is already in the possession of the veteran.

Adequate assurance will be obtained that the veteran does not own or have available for his use any item requested.

§ 21.238 *Furnishing supplies for training on the job following school training.* When a veteran's course consists of training in a school followed by a period of training on the job following completion of the school portion of his course and it is clear that supplies not previously furnished are going to be needed at the beginning of the on-the-job portion of the course, steps shall be taken sufficiently in advance to insure that the supplies will be available when needed. In no event, however, are the supplies to be issued prior to induction into training on the job or prior to a clear indication of their need as provided in § 21.234 (c).

§ 21.239 *Furnishing tools.* (a) In the furnishing of tools, the Veterans' Administration will not furnish a full set of tools such as a trained worker would acquire over a period of years, or such as to enable him to pursue employment after completion of the course, but rather there will be furnished the trainee, as needed, those tools normally required to pursue the course of training.

(b) The Veterans' Administration will not furnish such items as shop tools or shop equipment which are normally provided by the establishment. Tools and equipment in this category are those usually provided by training establishments to be used by their employees when needed and are not required to be the personal property of each.

(c) With particular reference to that training which consists of or includes training on the veteran's farm or other type of establishment owned or controlled by the veteran, it is to be noted that the veteran's farm or establishment, in order to be acceptable as a place of training, must be equipped to give the training as well as otherwise qualified. Accordingly, any supplies furnished in such cases will be limited to classes of items which are furnished veterans pursuing courses at any other training-on-the-job establishment. This will limit the supplies to be furnished to those hand tools and instruments which are required for the teaching of special skills and will preclude furnishing supplies which are commonly on hand as part of the farm equipment or specialized equipment for particular crops or activities.

§ 21.240 *Furnishing clothing.* (a) One of the purposes of the subsistence allowance is to enable the trainee to provide himself with clothing. Therefore, items which are worn in lieu of ordinary clothing will not be classed as articles of training equipment or training supplies. Consequently, gymnasium clothing, laboratory coats and trousers, nurses or technicians uniforms, school or military uniforms, coveralls, and other similar articles will not be provided, notwithstanding the fact that it may be a requirement of the training establishment that clothing of a certain type or style shall be worn by all students, trainees, or employees. Protective articles such as laboratory aprons, rubber gloves, etc., which are worn primarily for the purpose of protecting the wearer from physical harm as distinguished from protecting his personal clothing may be furnished when they are required for all students taking the same course.

(b) There are many schools, such as military academies, in which veterans may be trained and in which veteran-trainees would be required to wear clothing of a particular style or pattern. Such clothing might constitute the major portion of the wardrobe of the veteran and if the Government were to furnish the required clothing it would mean that the Government would pay for all of the outer clothing such a trainee would wear. Similarly, there are veterans training on the job as policemen, firemen, automobile mechanics, and many other occupations in which clothing of a particular type and style is a requirement of the training institution. The furnishing of such clothing in such cases would mean that the Government would pay for all of the work clothes of trainees. Obviously, it is necessary to draw a line between items which will be furnished and items which will not be furnished. Wherever such a line is drawn, there are bound to be borderline cases which are denied, and which action may be difficult to defend under the general policy that the Veterans' Administration will furnish those items for training which are required by the institution for all students pursuing the same course. The practicable place to draw the line with respect to furnishing clothing is between items which are not worn in lieu of other clothing and which because of the nature of the course are necessary to protect the health or well-being of the individual and those which are worn in the place of the veteran's principal attire.

(c) Gymnasium pants and gymnasium shoes are worn in lieu of other clothing. When such items are worn, the veteran's street clothes are hanging in a locker and at such time they are not subject to wear. If the student is a physical education major, it is presumed that his street clothes will be saved from wear for a great portion of every day just as the automobile mechanic's clothes are protected while he is attired in the uniform coveralls required by the garage in which he is being trained. Inasmuch as gymnasium clothing is less expensive than street clothing, the veteran whose training course permits him to wear such clothing actually has an economic advantage over the veteran whose courses require him to wear dress clothes at all times.

§ 21.241 *Furnishing special items.* (a) Musical instruments, cameras and their accessories, tennis rackets, golf clubs, and similar items which are susceptible of use for personal purposes and any other expensive items will not be furnished unless indispensable to particular major or minor unit courses essential to accomplishing the employment objective and the regional manager has satisfied himself that the veteran possesses sufficient interest, aptitude, and talent to promise success in the occupational objective. These latter conditions will be considered to have been met when approved advisement procedures have been followed and the course has been prescribed on that basis. Such items will not be furnished for elective courses.

(b) Special equipment such as fountain pens, desks sets, reading lamps, brief cases, typewriters, etc., ordinarily will not be furnished. Braille writers and recording machines for blinded veterans ordinarily will be furnished under Public Law 309, 78th Congress. Under exceptional circumstances, however, such items over and above those required by the training institution to be owned personally by all students pursuing the same course may be furnished to trainees under Part VII, subject to the prior approval of the appropriate branch office when a bona fide need is established because of a permanent physical disability of such a character that the equipment is necessary to enable the trainee to undertake and pursue successfully a course of vocational rehabilitation. When any item is furnished a veteran under the provisions of this paragraph, a complete record of each such item will be placed in the veteran's claims folder, also in the training subfolder, as a basis for avoiding the furnishing, in the future, of items which have already been supplied. The record of each item will include identifying data such as name of article, type, model, serial number, size, name of manufacturer, etc. Items not required for training purposes but necessary to overcome the handicap of blindness from a general viewpoint should be requisitioned under Public Law 309, 78th Congress. Branch offices may submit doubtful cases to the director, education and training service, central office, for a determination.

§ 21.242 *Furnishing supplies after completion of vocational rehabilitation.* Supplies which have been approved for a veteran pursuing a course of vocational rehabilitation but which could not be furnished prior to the completion of the course, due to the inability to obtain delivery, may be furnished after completion of the course provided there is clear indication that action was taken early in the veteran's pursuit of the course to obtain the supplies and provided that the veteran is actually pursuing employment in the occupation for which he was trained.

§ 21.243 *Recovery of training supplies.* (a) Supplies furnished a trainee are deemed released to him and should not be marked to indicate ownership by the United States. A trainee will not be required to return expendable supplies nor will he be required to return nonexpendable supplies or to pay the reasonable value thereof in the event he fails to complete his course of vocational rehabilitation unless it be determined that his failure to do so was because of fault on his part and in making such determination the trainee will be given the benefit of every reasonable doubt. Determination of the presence or absence of fault will be made by the chief, vocational rehabilitation and education division, subject to approval or disapproval by the regional manager, and the findings will be filed in the training folder.

(b) In cases which the manager finds to be meritorious, even though the veteran may have been at fault, such items as are being used by the veteran in bona fide employment need not be recovered. Similarly a veteran may be allowed to retain items which have already served their purposes as implements of training and the retention of which would improve the veteran's chance for making practical use of knowledge or skills acquired from the training courses completed, as for example, a text book used in a unit course he has successfully completed or a set of drafting instruments furnished for drafting courses which he has finished.

(c) The veteran will be deemed to be at fault if his training is discontinued:

(1) When he withdraws from the institution at the request of the institution; or

(2) When he abandons his training without prior or concurrent notice to the Veterans' Administration; or

(3) Following consistently unsatisfactory reports of conduct or progress; or

(4) When the failure to complete the course is due to his negligence or misconduct.

(d) Supplies which have been recovered from trainees are delivered to the custody of the supply officer. Every effort shall be made to utilize recovered supplies in the custody of the supply officer.

Supervision of the Individual Trainee

§ 21.245 *General.* Once a veteran has been inducted into training, it is indispensable to the administration of the individual case that the Veterans' Administration continuously know the status of the veteran's training situation. The process of finding out the status of the training situation, the process of effecting necessary adjustments in the training situation, and the process of maintaining adequate records of the facts in each case constitute supervision.

§ 21.246 *Purpose of supervision.* The purpose of supervision is to ascertain whether the training situation of a veteran in training under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), is satisfactory, whether the trainee is maintaining satisfactory conduct with respect to attendance, deportment and progress in his course, and whether the course of training continues to promise restoration of the veteran's employability.

§ 21.247 *Records of supervision.* The recorded facts concerning the training situation as determined through supervision of the trainee by the training officer are the chief basis upon which the Veterans' Administration judges the progress of the trainee and determines that the training situation of each trainee is satisfactory or that adjustment of the training situation is necessary to meet the needs of the individual veteran. The recorded facts are also the basis upon which the chief of the section can evaluate the performance of the individual training officer and thus be enabled to determine the efficiency of the Veterans' Administration service in administering the affairs of the individual trainee. Records of supervision must be used to improve the program in each individual case and also the vocational rehabilitation program as a whole. They must be studied and acted upon with a view to making the most of the training officer and the entire education and training section more effective.

§ 21.248 *Function of the training officer in supervision.* (a) In discharging his responsibility of supervising the trainee, the training officer, from the beginning of the training, shall do all he can to encourage, on the part of the trainee, development of an attitude of confidence and self-reliance which will facilitate the veteran's progress through the course of training to a status of satisfactory employability. In his duties as supervisor of the training of the trainee, the training officer, to the extent practicable, shall inform and assist the trainee in all matters affecting his training, be continually on the alert for circumstances preventing proper progress, and exert every effort to remove any disadvantageous factors, thus promoting the rehabilitation and employability of the veteran.

(b) Supervision of the trainee by the training officer will proceed on the basis of intimate and adequate knowledge of the training situation.

§ 21.249 *Frequency of supervision.* (a) Although frequency of supervision is of less importance than its quality and adequacy, there must be at all times such frequency, quality, and adequacy of supervision as to indicate in objective terms whether the current status of the veteran's training situation is satisfactory or unsatisfactory as to each of the elements noted in § 21.248. The report of supervision will be recorded on the appropriate VA Forms of the 7–1905 series.

(b) Under ordinary circumstances, a veteran in training on the job and the employer-trainer should be contacted directly by the training officer once every 30 days and more often when necessary. Where it is known that without question the training situation of a particular trainee is thoroughly satisfactory, supervision visits may be at less frequent intervals. However, a report on each trainee in such a training situation, showing clearly the basis upon which it is known that without question the training situation of a particular veteran is thoroughly satisfactory, shall be made by the training officer on VA Form 7–1905d, Special Report of Training, whenever a supervision visit is not made on the scheduled date for the visit.

§ 21.250 *Adjustments in the training situation.* As training progresses, there should be continued consciousness on the part of the training officer of the fact that each trainee, upon completion of his training program, must become employable in the occupation for which he is training, and the training officer shall ask himself repeatedly and often whether the trainee is progressing satisfactorily toward rehabilitation and whether he will be definitely employable upon completion of the course which he is pursuing.

(a) Whenever it becomes clear that completion of the course will not render the veteran employable, corrective action should be undertaken to the end that the veteran's training assuredly will render him employable or it is definitely determined that he cannot be rendered employable through any course of vocational rehabilitation which is available.

(b) When a trainee indicates dissatisfaction with his course of vocational rehabilitation or when the training institution recommends a change or discontinuance of the veteran's course, the training officer should contact the instructor or faculty adviser of the veteran and arrange personal discussion with the trainee and/or an appropriate representative of the institution, individually or jointly, and effect, if possible, a satisfactory correction of the difficulty through a minor adjustment in the course or an adjustment on the part of trainee as to attitude, performance, etc. If the dissatisfaction or difficulty cannot be corrected through a minor adjustment, all pertinent facts concerning the situation, together with appropriate recommendations, should be submitted to the chief, education and training section. When the seriousness of the situation so indicates, the chief, education and training section, should bring the case to the attention of the chief, vocational rehabilitation and education division. The training officer should give the institution all possible cooperation toward accomplishing the adjustment of the veteran to the training situation and should assist the trainer or instructor in understanding the need for, and in adopting, any special procedures which may be necessary due to the particular disability of the veteran.

§ 21.252 *Change of employment objective.* When a trainee indicates to the training officer a desire to change his employment objective, the training officer should discuss the matter with the trainee and determine the merits of the case. If it is clear that the change of employment objective should not be made, the training officer should endeavor to effect a satisfactory understanding with the trainee. If the trainee persists in his expressed desire, the training officer should advise the veteran to make his request in a written statement to the Veterans' Administration describing the change desired and the reasons for desiring it. The request should be given by the trainee to his training officer, but if not so given, the request should be referred to the training officer upon receipt. The training officer should then present to the chief, education and training section, or designate, a written statement of the merits of the case together with his recommendation of action to be taken. The chief will determine whether a modification of the course without a change of employment objective will make the course satisfactory to the veteran without affecting adversely the adequacy of the course to accomplish rehabilitation. If such a modification does not make the course satisfactory, the case should be referred for revaluation in accordance with applicable vocational rehabilitation and education instructions.

§ 21.253 *Additional considerations incident to supervision.* When there comes to the attention of the training officer a trainee who needs advice or assistance in matters concerning other services of Veterans' Administration and which affect indirectly the success of vocational rehabilitation, the training officer shall render such assistance as is appropriate and feasible. Any information the training officer gives or services he renders shall be based upon and in accordance with the appropriate following paragraphs and applicable provisions of Veterans' Administration regulations.

(a) *Medical treatment of beneficiaries receiving vocational rehabilitation.* (1) Beneficiaries receiving vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12) will be entitled to such treatment as is medically determined necessary to prevent interruption of their training. Treatment under this principle may be given not only for disease or injury for which the training was authorized but for any intercurrent condition, regardless of its relation to former military or naval service.

(i) Treatment medically determined necessary to prevent interruption of training and authorized in a hospital or outpatient unit, including dental service and furnishing of prosthetic and orthopedic appliances, will be rendered whenever feasible in field stations of the Veterans' Administration. Other Federal hospitals allocated to certain regional offices and centers with regional office activities may be utilized when a bed in a hospital under direct and exclusive jurisdiction of the Veterans' Administration is not feasibly available. Admission to a civilian hospital may be authorized in a medical emergency when travel of the ill or injured trainees to a Federal hospital is interdicted. When the condition of a trainee will not permit of his reporting at an outpatient unit of the Veterans' Administration, his treatment by a designated physician or private physician of his community may be authorized in accordance with prescribed procedure. Civilian hospitals under contract will be utilized whenever practicable, but those not under contract may be used if necessitated, at fees in accordance with the Veterans' Administration schedule of fees. The handling of prescriptions, supplying of medicines, and surgical dressings, etc., will be as provided for outpatients in general.

(ii) The field station having vocational rehabilitation activities and supervision of the ill or injured trainee will ordinarily furnish his treatment as provided above. But if the trainee's place of residence is closer to another field station, request may be made upon the latter station to conduct the medical service, subject to this limitation: That if such service is transferred to a field station having no regional office activities, the trainee's condition must be such as will permit him to report at such station, since the station will have no list of designated physicians and cannot authorize home treatment.

(iii) Dental service necessary to prevent interruption of training will ordinarily comprehend relief of pain by extraction of teeth, treatment of dental abscess, etc. When treatment other than emergency is required, the prior approval of the medical director will be obtained by submitting a report of the dental examination, information concerning the training objective, and the unexpired time of the approved training program.

(iv) Transportation incident to hospitalization or outpatient treatment of trainees will be supplied by the field station that is to render it, subject to the provisions of § 17.100 (g) of this chapter relative to residence of outpatients in the city or town, or in proximity to the city or town, where the service is to be furnished.

(2) It is intended that managers shall be permitted to provide medical treatment not only for the purpose of preventing any discontinuance of instruction whatsoever but also for the purpose of hastening a trainee's return to training when a cessation of instruction has become necessary because of injury or illness. Accordingly, medical treatment may be authorized for a reasonable period to enable the trainee to return to and continue his course of rehabilitation or to permit of a determination of whether or not interruption of training will be necessary. Under such conditions, sick leave will be granted under the provisions of § 21.262 (a), and the trainee will be continued in training status throughout the period of authorized leave. A trainee in receipt of medical services under these conditions will not be removed from training status without coordinating with the medical division so that appropriate arrangements may be made to cover the future status of the case from the standpoint of medical treatment.

(b) *Loans from vocational rehabilitation revolving fund.* (1) Paragraph 8, Part VII, as amended, authorizes to be appropriated the sum of $3,000,000 to be utilized by the Veterans' Administration, in accordance with rules and regulations to be prescribed by the Administrator of Veterans Affairs, as a revolving fund for the purpose of making advancements, not exceeding $100 in any case, to veterans commencing or undertaking courses of vocational rehabilitation under this act.

(2) No advancement of more than $100 shall be made at any one time and in no case shall the total advancements exceed $100. Advancements to be made in multiples of $10 shall be made only upon a showing of necessity and then only to the extent of such need. No interest will be charged on the funds advanced, and no additional advancement shall be made to a trainee until the money previously advanced has been repaid in full, except in meritorious cases. In such cases, the officer recommending the additional advancement will submit with the application a memorandum of explanation setting forth the reasons why such advancement is recommended.

(3) Advancements from the revolving fund will be made in accordance with Veterans' Administration vocational rehabilitation and education procedures.

(c) *Use of VA Form 4–572, request for change of address.* The training officer shall inform each trainee that, if the trainee changes his address he must execute VA Form 4–572, Request for Change of Address, and give it to his training officer or send it to the Veterans' Administration regional office having jurisdiction, in order that compensation and subsistence checks may be sent to the new address and when the veteran's new address will be in a territory under the jurisdiction of another regional office in order that the claims folder may be transferred to the appropriate regional office.

§ 21.254 *Effect of strikes on status of Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainees.* (a) If a trainee voluntarily absents himself from training to participate in strike activities against his place of training, he shall be offered training in another adequate training institution and if he accepts, he may be continued in training status for such period as may be covered by ordinary leave which may be granted under the provisions of § 21.261 (a). If the trainee refuses training in another training institution, discontinuance shall be immediate.

(b) A trainee who, although not participating in the strike activities, is prevented from pursuing training because of a strike against his place of training, shall be placed in another suitable place of training insofar as possible whenever it is apparent that the strike will not be resolved within a reasonable period of time. When another suitable place of training cannot be arranged or when it is apparent that the strike will be resolved within a reasonable length of time, the trainee may be granted such ordinary leave as is provided in § 21.261 (a). If the provisions of § 21.261 (a) are found to be inadequate in the individual case, consideration may be given to granting hardship leave under the terms of § 21.-262 (b). It is to be noted that leave under § 21.262 (b) is granted only when all accrued ordinary leave has been exhausted and when failure to grant leave would cause personal hardship to the trainee.

§ 21.255 *Continuing Part VII trainees in institutions, approval of which under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), has been withdrawn.* When the State approving agency revokes its approval under Part VIII of an institution at which a Part VII, Veterans Regulation 1 (a), as amended, (38 U. S. C. ch. 12), trainee is pursuing a course of vocational rehabilitation, it will be necessary to determine whether the training situation at the institution is such as to warrant continuing the Part VII trainee in it. The mere fact that approval has been revoked by the State approving agency in itself does not constitute basis for withdrawing a Part VII trainee from training. However, the institution should be carefully reconsidered by the Veterans' Administration to the extent of determining whether the conditions for which approval was withdrawn are of such character as to make the institution unacceptable under Veterans' Administration standards for making contracts or agreements or otherwise improper for use for purposes of Part VII training.

Leaves of Absence

§ 21.260 *Introduction.* Pursuant to the provisions of paragraph 7, Public Law 16, as amended, a veteran who is following a course of vocational rehabilitation under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), may be granted leave of absence where such leave will not materially interfere with the pursuit of his course. Leaves of absence will be approved under the conditions set forth in §§ 21.261 to 21.265.

§ 21.261 *Ordinary leave.* Ordinary leave will accrue at the rate of 2½ days per month during the entire time a veteran is in training status, including that time during which he is on approved leave of absence. Leave will not be accumulated to an amount in excess of 30 days. Accumulated leave will not be forfeited through interruption of training status and may be carried over from one period of training to another and from one 12-successive-months period of training to another.

(a) *Granting of ordinary leave.* Managers are authorized to approve ordinary leave of absence which will not exceed the amount of leave accumulated to the credit of the trainee and which in no case will exceed an aggregate of 30 days in each 12 successive months of training: *Provided,* That the granting of such leave will not, in the opinion of the manager, materially interfere with the pursuit of the prescribed course.

(b) *Charging of ordinary leave.* Approved absences covering a period less than the standard school or workweek of the training institution or establishment will be charged at the rate of 1 day for each school or working day of absence from the institution. Approved absences covering a period of one calendar week or more will be charged at the rate of 5 days for each seven consecutive days of absence. No charge against leave will be made for absences on those days within a period of training on which the school or training establishment grants total exemption from attendance to all students or trainees similarly circumstanced. For veterans enrolled in educational institutions, this will include school holidays and short intermissions between successive terms or periods of

instruction within the ordinary school year, provided that the veteran was enrolled for the two successive terms.

(c) *Credit for leave accumulated under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12).* When a veteran who is pursuing a course of education or training under Part VIII is found entitled to vocational rehabilitation under Part VII, such leave which has accumulated to his credit under Part VIII shall be credited to his ordinary leave upon induction into training under Part VII.

§ 21.262 *Additional leave under exceptional circumstances.* Managers are authorized to approve leave of absence in addition to that allowable by § 21.261 under the following conditions, provided the manager is reasonably certain that the veteran will return to the pursuit of his course within the period for which the manager is authorized to grant leave.

(a) *Personal illness.* When required by reason of bona fide illness of the trainee, sick leave, without regard to ordinary leave, may be granted, not to exceed a total of 30 days in each 12 successive months of training status beginning with the date of the veteran's entrance into training. Sick leave will be charged to include all of the elapsed time from the beginning of absence from training until the veteran returns to training, including Saturdays, Sundays, and holidays.

(b) *Personal hardship.* (1) After all accrued ordinary leave has been exhausted, additional leave, not to exceed 30 days in each 12 successive months of training status beginning with the date of the veteran's entrance into training, may be granted for reasons other than personal illness, when failure to do so would cause personal hardship to the trainee. Satisfactory reasons under this category might include illness or death in the trainee's immediate family or other compelling conditions beyond the veteran's control, which, in the opinion of the manager, make it necessary that the trainee be permitted to absent himself from training.

(2) Leave in addition to the sick leave permitted by paragraph (a) of this section not to exceed 30 days in each 12 successive months of training status beginning with the date of the veteran's entrance into training, and without regard to ordinary leave, may be granted when it could not be foreseen that the illness would require more than 30 days of absence and when the manager is of the opinion that training will be resumed within the additional 30-day period. However, it should be borne in mind that the basic 30 days' sick leave provided for in paragraph (a) of this section generally should be a sufficient allowance for personal illness and that a greater period of absence from training would interfere with the course.

(3) In no case shall any combination of leave under subparagraphs (1) and (2) of this paragraph be granted in excess of 30 days during each 12 successive months of training. Such leave will be charged to include all of the elapsed time from the beginning of absence from training to the return of the veteran to training, including Saturdays, Sundays, and holidays.

§ 21.263 *Maximum leave allowable.* Leave in excess of that authorized under §§ 21.261 and 21.262 will not be approved. Whenever, in an individual case, it becomes evident to the manager that the veteran will not be able to resume his training course upon the expiration of the period of leave he is authorized to approve under this instruction, the veteran will be removed from training status.

§ 21.264 *Leave following effective date of rehabilitation.* Inasmuch as veteran is not considered to be pursuing a course of vocational rehabilitation during the two months following the effective date of rehabilitation, leave may not be granted during that period even though subsistence is paid. In no case shall the date of rehabilitation be extended beyond the date of the completion of the veteran's course of training for the purposes of allowing the veteran to exhaust his accumulated ordinary leave.

§ 21.265 *Unauthorized absences.* Trainees should be instructed that they will be expected to apply for and obtain approval for leave of absence in advance. However, when a veteran has absented himself from his place of training under conditions which would make his obtaining advance approval from the Veterans' Administration impracticable and when the responsible officials of the training establishment and the manager agree that the absence has not materially interfered with the course of training, the manager is authorized to excuse the absence and to make charges against the veteran's leave in accordance with the policy stated above. When such absence from training is not satisfactorily explained, the manager will take such action as is deemed necessary, including forfeiture of subsistence allowance for the period of absence.

Travel of vetefans

§ 21.266 *Intraregional travel of trainees.* Managers are authorized to effect the transportation of veterans under their jurisdiction at Government expense within the regional territory, when the manager or the chief, vocational rehabilitation and education division, has determined that such travel is necessary in the discharge of the Government's obligation in the case, and the veteran is instructed to perform the travel for any of the following purposes:

(a) To report to the chosen training facility for the purpose of starting training.

(b) To return to his bona fide home from the place of training when training cannot be provided for a period of 30 calendar days or more, provided transportation from his home to the place of training was at Government expense; this will include summer vacation periods when training is not available but will not include periods when suitable training is available but the veteran elects to return to his home. Where a trainee is authorized to travel at Veterans' Administration expense under the authority of this paragraph, return transportation from the trainee's home to the place of training for the purpose of continuing training also may be authorized.

(c) To return from the place of training, upon discontinuance by the Veterans' Administration of the course of vocational rehabilitation for any reason except fraud on the part of the veteran, to the point from which the veteran was transported at Veterans' Administration expense—if a veteran voluntarily discontinues training, travel at Veterans' Administration expense to return from the place of training to the point from which the veteran was transported may not be authorized except where the voluntary discontinuance (not mere interruption) of training by the veteran is determined to be for reasons beyond the veteran's control.

(d) To report to a place of prearranged satisfactory employment upon the completion of vocational rehabilitation for the purpose of beginning work.

(e) To return to his bona fide home from the place of training when, upon completion of vocational rehabilitation, satisfactory employment is not available.

§ 21.267 *Interregional transfers for training.* (a) *Induction into a facility outside the regional area.* Managers are authorized to effect the transfer of veterans for training under Part VII to the jurisdiction of other regional offices within the limits of the continental United States at Government expense when any such transfer is necessary for the purposes of the Veterans' Administration in accomplishing vocational rehabilitation in the chosen employment objective. Such transfer at Government expense will be limited to the nearest satisfactory training facility, except that where regional territorial lines do not coincide with State border lines, transfers may be effected at Government expense to induct the veteran into training in any satisfactory training facility located within the State of the veteran's residence, despite the existence of satisfactory training facilities within the regional territory. Interregional transfers which involve travel at Government expense between points within the continental limits of the United States and points within the insular possessions and territories will be effected only upon the prior approval of the deputy administrator having jurisdiction over the regional territory from which the transfer is requested. Interregional transfers to or from the Philippine Islands at Government expense will be effected only upon the prior approval of central office.

(b) *Transfers not at Government expense.* The transfer of a veteran for his own convenience, to enable him to attend a training facility other than one located in the State or the regional territory of his residence, will be acquiesced in by managers of regional offices upon the written request of the veteran: *Provided, however,* That any such transfer will not be at the expense of the Government. When there is a satisfactory training facility within such regional territory or State of the veteran's residence or when there is no satisfactory training facility within such regional territory or State but such facility is available in an adjoining territory, and the veteran desires induction into training elsewhere because of personal preference, as for example, his desire to obtain particular climatic conditions or his wish to attend a particular university, the transfer will be considered as being for the convenience of the veteran. If, after a training facility has been selected for a veteran, a transfer of the veteran for his own convenience is effected and an additional transfer to a satisfactory training facility is necessitated thereby, the expense of such additional transfer which will be paid by the Government will not be in excess of the expense which would have been necessary to transfer the veteran to the originally selected training facility.

§ 21.268 *Interregional transfers when training cannot be provided for 30 calendar days or more.* (a) When training cannot be provided for a period of 30 calendar days or more, managers are authorized to effect the transfer, at Government expense, of a trainee from the place of training to the trainee's bona fide home within the regional office territory from which he was transported at Government expense for the purpose of pursuing training; this will include summer vacation periods when training is not available but will not include periods when suitable training is available but the veteran elects to return to his home.

(b) When a trainee is authorized to travel to his home at Government expense under the authority of paragraph (a) of this section, return transportation at Veterans' Administration expense, from the trainee's home to the place of training for the purpose of continuing training, also may be authorized.

§ 21.269 *Interregional transfers of veterans to return to points from which transported.* Managers are authorized to effect the transfer of veterans from the place of training, upon discontinuance by the Veterans' Administration of the course of vocational rehabilitation for any reason except fraud on the part of the veteran, to the point from which the veteran was transported at Veterans' Administration expense to pursue training. If a veteran voluntarily discontinues training, travel at Veterans' Administration expense to return from the place of training to the point from which the veteran was transported may not be authorized except where the voluntary discontinuance (not mere interruption) of training by the veteran is determined to be for reasons beyond the veteran's control.

§ 21.270 *Interregional transfers of rehabilitated veterans to accept prearranged employment.* Managers are authorized to effect the transfer of veterans at Government expense within the limits of the continental United States for the purpose of enabling a veteran to report to a place of prearranged satisfactory employment to begin work when, upon completion of the course of vocational rehabilitation, there is no satisfactory opportunity for employment in the occupation for which the veteran was trained within the regional territory of the veteran's residence or when such a transfer will be to the definite advantage of the Government.

§ 21.271 *Interregional transfers of rehabilitated veterans when satisfactory employment is unavailable.* Managers are authorized to effect the transfer of veterans at Government expense for the purpose of returning a veteran from the place of training to his bona fide home within the regional office territory from which he was transported at Government expense for the purpose of pursuing training when, upon completion of vocational rehabilitation, satisfactory employment is unavailable.

§ 21.272 *Transfer for a qualifying examination.* Managers are authorized to effect the transportation at Government expense of a veteran from the place of training to, and return from, a place at which an examination is administered in the trade or profession for which he has been trained, when the passing of such an examination is necessary to practice the trade or profession for which he has been trained; *Provided,* That the transportation shall be limited to points within the State in which the veteran has pursued his training or if the veteran returns to the State from which he was sent to pursue training, he may be sent at Government expense to a place within that State to take the examination, and if there is more than one place at which the examination may be taken, the transportation shall be limited to the nearest place.

§ 21.273 *Authority to approve travel.* Managers are authorized to approve necessary travel at Government expense and to issue transportation, meal, and lodging requests in accordance with the provisions of Veterans' Administration Regulations for the purpose of carrying out the provision of §§ 21.266 to 21.273. The chief, vocational rehabilitation and education division, is authorized to act for the manager in exercising any authorities stated in this section.

§ 21.274 *Authorization for travel of attendants for claimants and beneficiaries under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* (a) Regional managers are authorized to provide the services of an attendant to accompany a claimant or beneficiary while such claimant or beneficiary is traveling for the purposes set forth above, when, and only when, in the judgment of the chief, vocational rehabilitation and education division such services are necessitated by the severity of the disability of the claimant or beneficiary.

(b) In any case in which there is doubt as to the necessity for such services, the chief, vocational rehabilitation and education division, will be guided by the recommendations of the medical consultant, based on the latter's review of the medical evidence in the veteran's claims folder.

(c) Persons not in regular civilian employment of the Federal Government may be authorized to act as such attendants and will be furnished common-carrier transportation, meal, and lodging requests. Such persons will be paid a fee, except when they are relatives of the claimant or beneficiary, but they may not be paid mileage allowance. (A relative, for this purpose, will comprehend a spouse, parent, son or daughter, brother or sister, uncle or aunt, niece or nephew, by blood or marriage.) Persons in the regular civilian employment of the Federal Government may be authorized to act as such attendants and, when so assigned, will be entitled to transportation and expenses incident thereto. They may be allowed per diem in lieu of subsistence in accordance with the provisions of Standardized Government Travel Regulations, upon issuance of authorization therefor, and will not be supplied meal and lodging requests. No fee will be paid to civilian employees of the Federal Government who act as attendants under authority of this paragraph.

(d) The fees for nonemployee attendant service will be as follows: A maximum of $8.00 for 24 hours; $5.00 for the first 8 hours or fraction thereof; $1.50 for the next 8 hours or fraction thereof, up to 16 hours; $6.50 for exactly 16 hours; and $8.00 for any period beyond 16 hours and up to 24 hours. For service in excess of 24 hours, the same fractional rates will apply. Less than maximum fees will be authorized if satisfactory service at lower rates can be obtained in the community.

(e) Traveling expenses and fees of attendants authorized pursuant to this paragraph will be recorded in the allotment accounts for the following programs and objects of expenditures:

Program	Object	Item of expenditure
5100	021	Travel expenses of Veterans' Administration employees serving as attendants, including transportation and per diem.
5900	022	Transportation, meal, and lodging requests furnished nonemployee attendants.
5100	070	Fees paid nonemployee attendants.

Tutoring

§ 21.278 *General.* (a) Tutoring at Government expense may be provided under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), when it is indicated that in order for a veteran to be successfully rehabilitated, there is need for special assistance beyond that given to other students pursuing the same or comparable courses. This determination is based on the fact that under Part VII, the Veterans' Administration has a definite responsibility to restore employability lost by a handicap due to service-incurred disability.

(b) Ordinarily, the selected employment objective should be one which the veteran may attain successfully by pursuing the regular unit courses of instruction given to other students following the same course. As a general principle, therefore, private tutoring at Government expense should be authorized under Part VII only in exceptional cases; e. g., when a veteran requires the services of a tutor in order to make up work because of illness or other unavoidable absence from class for a period of time, or when the services of a tutor will enable a veteran to make up specified prerequisites without unnecessary delay in

the pursuit of his course of vocational rehabilitation.

Reader Service

§ 21.279 *Reader service under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), for veterans with visual impairment.* (a) When reader service is necessary for the successful pursuit of a course of vocational rehabilitation by a veteran with visual impairment, such service may be furnished in accordance with the policy and procedure set forth herein.

(b) Every trainee in school training whose vision is so impaired as to make it impossible or inadvisable for him to use his eyes for reading will be furnished with reader service. This group of trainees will include those whose best corrected vision is 20/200 or less in both eyes, or whose central vision is greater than 20/200 but whose field of vision is limited to such an extent that the widest diameter of the visual field subtends an angle no greater than 20 degrees, and those with impaired vision, whose condition or prognosis indicates that the residual sight will be affected detrimentally by the use of his eyes for reading.

(c) The suitability of any prospective reader with regard to personality, and background of education and experience should be scrutinized to determine that the reader is a person who has some insight into the problems of a newly blinded adult and who can provide, as an incidental part of his work, assistance to the trainee in becoming oriented to the school or training establishment. A reader for a veteran training on the job should be an individual whose vocational interest lies in the occupational field in which the veteran is being trained. For the school trainee, a superior student taking the same courses as the veteran usually can provide excellent reader service. If such a student is not available, an upper-class student or a graduate student studying in the same major field as the veteran should be satisfactory. In order that the quality and quantity of the service may be adequate in different subjects, in some instances it may be advisable to provide more than one reader for the trainee. A member of the trainee's family should not be employed as a reader unless it is impossible to secure satisfactory service through any other source.

(d) The functions of a reader should be more than simply to read mechanically. His services should serve a twofold purpose:

(1) To read printed material with a degree of intelligence commensurate with the importance of the subject matter.

(2) To test the veteran's understanding of what has been read.

Termination of Training

§ 21.280 *Categories.* Terminations of training are classified in three categories: rehabilitation, interruption, and discontinuance.

§ 21.281 *Status "rehabilitated".* Terminations of a trainee under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), shall be considered employable and declared "rehabilitated," and the necessary steps will be taken to effect such action as soon as any one of the following conditions exists:

(1) When the trainee has completed the prescribed course of training as outlined in the individual training program.

(2) When a trainee while in training accepts employment in the general field in which he is being trained other than that employment which is incident to his training, and his earnings approximate those of the average trained worker in the occupation, and the employment is of such a kind which to pursue fulltime would be not incompatible with the trainee's disability, thus demonstrating attainment of employability at a satisfactory level. In such cases so declared rehabilitated as have not actually completed the prescribed course of training, it is to be noted that the veterans are free to continue the course under Part VIII, Veterans' Regulation 1 (a); as amended, (38 U. S. C. ch. 12), provided they have entitlement remaining.

(b) At all times trainees shall be made aware of the prospective date of rehabilitation, and as a particular trainee's date of rehabilitation approaches, he should be made constantly aware of such date. Whenever feasible all trainees who are to be declared rehabilitated shall be given 60 days written notice prior to the effective date of such action.

(c) When a trainee discontinues training under § 21.2[illegible] (a), (b), or (c), and investigation later discloses that the trainee has accepted employment in the occupation for which he was being trained and medical or other acceptable evidence indicates that the employment is of a kind which to pursue fulltime would be not incompatible with the trainee's disability, the trainee will be placed in status "Rehabilitated" effective on the last date of instruction for purposes of the office record. In such cases, the veteran shall not receive written notice of rehabilitation and shall not be paid the subsistence allowance ordinarily paid for 2 months following the determination of employability. As indicated, this action is for record purposes only, and the veteran's re-entrance into training under the conditions provided for in § 21.286 will not be jeopardized by this recording.

§ 21.282 *Status "interrupted".* A veteran once inducted into training under Part VII, Veterans' Regulation 1 (a), as amended, (38 U. S. C. ch. 12), will be expected to pursue his training program to completion without interruption insofar as it is possible for him to do so. Wherever possible, continuous training shall be provided for all trainees, including training during the summer. A trainee will be placed in status "Interrupted," effective on the day following the last day of attendance, or, if the trainee has applied for leave of absence, the day following the last day of approved leave, when training is interrupted for one of the following reasons:

(a) Training at the present institution or otherwise is not available during vacation periods chargeable to leave under §§ 21.260 to 21.265.

(b) Extended personal illness when all leave which may be granted to the trainee under leave regulations has been exhausted and there is good promise that the trainee will resume training.

(c) Any other absences from training in which it is indicated that the trainee will return to training and there is no basis for discontinuance.

§ 21.283 *Status "discontinued."* (a) A trainee under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), shall be placed in status "Discontinued" when it is clearly determined that any one of the following conditions exist:

(1) When all reasonable efforts have failed to train the veteran to the point of employability.

(2) When it is determined by competent medical examination that a trainee will be absent from training to undergo hospital or home treatment for an indefinite period with indication that he will not return to training.

(3) When the trainee fails to avail himself properly of the training provided; or when his misconduct prevents progress toward his employment objective or ultimate placement in employment; or when he willfully violates the regulations of the institution or establishment in which placed for training or his conduct is insubordinate or disorderly at any place of training; or when he voluntarily withdraws from training for reasons other than physical condition or excused interruptions.

(4) When it is established that the determination of eligibility or need for vocational rehabilitation is based on fraud, error of law, confusion of names, or misfiling of papers; or that the trainee never had a service-connected disability; or that fraud was practiced in any application for training or for subsistence allowance.

(b) In all cases of discontinuance of training, the training officer shall ascertain and record the facts together with evidence justifying the discontinuance.

Re-entrance Into Training

§ 21.285 *Authority.* Regional managers are authorized to re-enter veterans into training under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), subject to the conditions set forth herein.

§ 21.286 *Re-entrance after rehabilitation.* When, subsequent to an official declaration of rehabilitation, a veteran requests further training under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), his written request upon receipt will be routed to the education and training section and will be processed in the following manner. The veteran's request will be referred for review to a training officer, preferably the one who was responsible for the supervision of the veteran while he was in training. The training officer will prepare a summary statement setting forth the facts and circumstances which should be considered in the case based on a review of the subject veteran's complete advisement and training record and any additional information, such as statements from the veteran's teachers, supervisors, foremen, employer, etc., which the training officer believes will be pertinent to consideration of the veteran's request, and including his recommendations. The veteran's file, including the above statement and any additional recommendations, will be referred by the chief, education and training section to the advisement and guidance section to determine whether need for training continues to exist and whether the original employment objective is suitable. If need is re-established and a suitable employment objective is agreed upon, it will be the responsibility of the education and training section to prepare a training program to provide for the minimum amount of additional training needed to restore employability and to re-enter the veteran into training.

§ 21.287 *Re-entrance after interruption.* When training has been interrupted for one of the reasons set forth in § 21.282, and the veteran presents himself for re-entrance into training at the appointed time, re-entrance will be accomplished even though there has been a reduction in the veteran's disability rating to less than a compensable degree during the period of interruption. The case of a veteran who fails to report for re-entrance at the appointed time will be handled in accordance with the principles governing re-entrance into training after discontinuance, as set forth in § 21.288.

§ 21.288 *Re-entrance after discontinuance.* When a veteran, whose training was discontinued under one of the conditions set forth in § 21.283, applies for re-entrance into training under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), due consideration will be given to the facts in the individual case, and if the facts warrant, the veteran may be re-entered into training provided need for vocational rehabilitation is re-established.

§ 21.289 *Right of appeal.* When an application for re-entrance into training is denied for any reason the veteran shall be advised of his right of appeal to the board of veterans' appeals and of the time limit in which an appeal must be filed. (See paragraph III, Part II, Veterans' Regulation 2 (a), as amended by Veterans' Regulation 2 (c).) The following paragraph is suggested for the purpose of informing the veteran with some measure of uniformity, of his right of appeal and of the time limit in which an appeal must be filed. It is believed that such a statement with changes to fit the circumstances will eliminate many appeals and improve administrative practices in connection therewith:

If there is evidence available to you which in your opinion would warrant a different decision, such evidence should be immediately submitted to this office for reconsideration of your claim. If you have no further evidence to submit but have substantial reason to believe that the decision is not in accordance with the law and the facts in your case, you may appeal to the Administrator of Veterans' Affairs at any time within one year from the date of this letter. In the event you feel that appellate consideration is justifiable, further correspondence relating to the matter should be addressed to this office.

Placement Into Employment

§ 21.290 *Veterans' Administration responsibility under the law.* (a) The primary responsibility of the Veterans' Administration under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), is to restore employability lost by virtue of the handicap of a service-incurred disability—to fit the disabled veteran for employment consistent with the degree of disablement. Additionally, pursuant to the provisions of paragraph 5 of Part VII, the Veterans' Administration is charged with the power and duty to cooperate with and employ the facilities of other governmental and State employment agencies for the purpose of placing into gainful employment veterans trained under the provisions of Part VII.

(b) Although Part VII merely requires that employability be restored, the best proof that employability has been restored is a showing that a veteran actually has been placed in suitable employment. Accordingly, every training program should have as its goal the actual employment of the veteran in the selected employment objective. When the method of training consists of training on the job or when training in a school is followed by training on the job, the course is commonly entered with the expectation that it will terminate with employment in the establishment in which the training is being provided. When the entire course of training is given in a school, employment following the completion of the course may be more or less automatic through placement services provided by the school for its graduates. In any case, however, the training officer who is responsible for supervision of the veteran should constantly direct his efforts to the end that the veteran will be employed immediately when the training program has been completed. Nevertheless, there will be cases in which, for one reason or another, employment will not be immediately available. It will be under such conditions that the responsibility of the Veterans' Administration for cooperating with and employing the facilities of other governmental and State employment agencies will need to be exercised.

§ 21.291 *Designation of training officer to coordinate employment activities.* In order to discharge the above responsibility in the most effective manner, there shall be designated within the education and training section of each regional office, on a full- or part-time basis, depending upon the workload, one senior training officer, whose primary responsibility will be to maintain a liaison between the Veterans' Administration and the employment services of other Government departments, the State, and the community in order that those services may be utilized to the fullest extent in providing employment for rehabilitated veterans upon the completion of their prescribed courses. Not less than 90 days prior to the anticipated date of rehabilitation, training officers will report to the training officer designated to coordinate employment activities the name of each trainee for whom employment arrangements have not been made. If the complete training record is not available to the designated training officer, the report will include a résumé of information pertinent to the matter of employment and in any case the report will include any such information which is not already on record in the file. It will be the responsibility of the training officer designated to contact such public employment agencies as can be of service in the individual case as well as any prospective employers whom he has reason to believe might have need for a person having the trainee's qualifications. It should be borne in mind, however, that this procedure does not relieve the training officer responsible for the veteran's training of his responsibility to continue his efforts to effect the veteran's employment at the completion of training.

§ 21.292 *The veteran's responsibility for his employment.* (a) Training officers will take care to inform each trainee under their supervision that the Veterans' Administration will have discharged its obligation under the law when it has been determined that he has been trained to employability and that despite the fact that the Veterans' Administration will exert all reasonable effort to place the trainee in employment, that it is not to be construed as signifying that such effort alone can be relied upon to effect his placement without any effort on his part to do the essential things commonly expected of anyone who is seeking employment.

(b) Refusal on the part of a rehabilitated veteran to accept an employment opportunity in line with his training, or leading with reasonable certainty and within a reasonable time into the employment nearest in line with his objective, shall be recorded in the trainee's folder. Refusal to accept satisfactory employment opportunities without sufficient reason may be made the basis for discontinuing employment assistance to the veteran.

§ 21.293 *Follow-up after placement into employment.* A follow-up procedure after placement into employment following a declaration of rehabilitation will not be indicated in the vast majority of cases. Theoretically, the employment objective will have been so carefully chosen and the course of training will have been so well-rounded and thorough that completion of the course will in itself be proof that employability has been restored. There will be a small percentage of cases, however, wherein the facts as they develop during the period of training will demonstrate an element of uncertainty as to whether employability will actually be restored by the completion of the prescribed course. Most of these difficulties should be corrected as they come to light by adjusting and modifying the program so that the uncertainties will have been eliminated by the time the course is completed. This is the principal purpose of supervision by training officers. Despite these safeguards, there may still remain a few instances when it will be necessary to observe, for a time, the veteran's performance in actual employment when he is without the benefit of Federal assistance

in order to discover with certainty whether he is able to carry on in competition with able-bodied workers. A follow-up procedure for rehabilitated veterans is not to be routine but in those extraordinary cases a minimum period of follow-up will be permitted to facilitate the veteran's adjustment to employment in order to discover in advance any indications that failure is imminent. Thus, it may be possible to bring about a correction of the difficulties and to prevent a loss of previous rehabilitation efforts.

EDUCATION AND TRAINING UNDER PART VIII, VETERANS' REGULATION 1 (a), AS AMENDED (38 U. S. C., CH. 12)

Courses of Education and Training

§ 21.300 *Definition of course of education or training.* The education or training to which a veteran is eligible and entitled under paragraphs 1 and 2 of Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), is defined in paragraph 3 of Part VIII as "such course of education or training, full-time or the equivalent thereof in part-time training" as the veteran may elect to pursue "at any approved educational or training institution at which he chooses to enroll."

(a) Based on the particular terms as used in Part VIII, only one course at one institution may be pursued at any one time, except as otherwise provided in this section and §§ 21.301 to 21.309. The one course may consist of such curriculum, program of study, or combination of unit courses or subjects as are prescribed or recommended by the institution as constituting the course or the one course may consist of a single unit course or subject. Single subjects taken independently of an organized sequence of subjects presumably will be taken as part-time training. On the same basis, the course will be directed toward a predetermined objective not necessarily vocational in nature. In-school courses such an objective may be educational, as obtaining a high school diploma or a college degree; or it may be vocational, as preparing for the occupation of teacher or other professional occupation, or as preparing for the occupation of plumber or other trade. In school courses, the educational or vocational objective also may be stated in terms such as "a four-year course of study, the first two years of which are to be preparatory to specializing in a field of study which may be determined at the initiation of the course or which will be determined with the school at or before the completion of the preparatory portion of the course." In training on the job, based upon provisions of paragraph 11 (b) of Part VIII, the objective will be vocational. Very different unit courses or subjects may form a part of the elected course provided they are prescribed or recommended by the institution as necessary or desirable functional parts of the course or as elected parts of the veteran's course for which credit is granted. This would permit a veteran to include as a part of his course not only the required major or minor unit courses and such elective courses as are necessary or desirable functional parts of his course but also such other elective unit courses as are clearly established as available to other students enrolled for similar over-all courses. For example, a course of stenography or typing, although not usually functional as part of a course for the objective lawyer, where a veteran plans to practice law in such a way as to make the use of stenography or typing a practical benefit or even a necessity, such unit course or courses may well be a part of the veteran's one over-all course. Likewise, while a course of Spanish ordinarily would not be a functional part of a course in refrigeration, where the veteran planned to practice the occupation refrigeration mechanic in Latin America, if that fact and the facts of his plan were established, then the course in Spanish could well form a part of his over-all course, still subject to prescription or recommendation of the institution offering the refrigeration course. The one course often may consist of training on the job supplemented by related studies in a school or college. There is also the cooperative course involving alternate periods of work in school or college and in a business or industrial establishment. Such cases will require concurrent enrollment in two institutions and may well be approved.

(1) Concurrent enrollment in two institutions ordinarily will not be allowed, but may be allowed when:

(i) The one complete course as contemplated by Part VIII is not available at the principal training institution at which the veteran is enrolled.

(ii) The principal institution prescribes or recommends the course of training and approves the enrollment in the second institution.

(iii) The training furnished by the second institution is part of the veteran's one elected course and can be scheduled satisfactorily.

(iv) Books, supplies, and equipment furnished the veteran in connection with his course of training at the principal institution and which may be used in the second institution are not duplicated.

§ 21.301 *Types of courses of education and training.* For purposes of part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), the types of courses of education and training are:

(a) *School course.* A course which is pursued at an institution or a part thereof devoted exclusively to educational or training purposes. The courses would include not only those offered by schools but would include also those offered by such parts of a business or industrial establishment as are operated within the plant as training situations devoted exclusively to educational or training purposes as distinguished from the regular production activities of the establishment.

(1) *Noncredit course.* A unit course or unit subject pursued without credit at an accredited collegiate institution, which various educational institutions refer to as "audit" course, an "auditor" course, and "auditing" course, a "hearer" course, etc. Such unit courses or unit subjects may be prescribed or recommended by the institution as a part of an enrollee's course or may constitute the enrollee's entire course.

(b) *Training-on-the-job course.* A course which is pursued at an establishment devoted primarily to productive agricultural, business, industrial, or professional activities rather than to giving courses of instruction. In such course the training is pursued toward a specified occupational objective and the learning method is primarily by being told and shown and by observing and assisting, gradually increasing the participation in the productive activities and doing more and more of the productive work with increasing independence of instruction as the course progresses. For purposes of Part VIII, as amended, there are two categories of training on the job, as follows:

(1) *Apprentice training courses.* For the purposes of Part VIII, as amended, apprentice training courses are those which are under the supervision of a State apprenticeship agency, a State apprenticeship council, or the Federal Apprentice Training Service and those which, although not under the supervision of a State apprenticeship agency, a State apprenticeship council, or the Federal Apprentice Training Service nevertheless are recognized and approved as apprentice training courses by the State approving agency or are approved by the Administrator as apprentice training courses, the approval being based upon the fact that the courses possess the following characteristics:

(i) The course leads to an occupation the performance of the duties of which requires the use of skills which commonly are learned through training on the job and in which occupation the obtaining of an appointment to a job is based upon having been trained on the job rather than being based on such elements as length of service, normal turn-over, personality, and other personal characteristics.

(ii) The course is definitely identified as an apprentice training course by the establishment offering it.

(iii) The course meets the requirements and criteria of paragraph 11, excepting subparagraph 11 (b) 2, c of Part VIII.

(iv) The course provides for a well-defined, written agreement between the establishment and the trainee setting forth the terms and conditions of training.

Subparagraphs 11 (b) (1) and 11 (b) 2 of Part VIII do not apply to apprentice training courses but, the course or program of the veteran will be judged on the basis of the requirements and criteria in subparagraphs 11 (b) 1 and 11 (b) 2 of Part VIII, except that the criterion in subparagraphs 11 (b) 2 c of Part VIII shall not apply. Where deficiencies are found, a reasonable opportunity will be given the establishment to make correction.

(2) *Other training on the job.* For purposes of Part VIII, as amended, courses of other training on the job are those courses which, in addition to meeting the definition indicated in this paragraph, pursuant to subparagraphs 11 (b), 11 (b) 1, and 11 (b) 2 of Part VIII, as amended, have the characteristics and meet the conditions which follow:

(i) The training content of the program is adequate to qualify the veteran for appointment to the job for which he is to be trained.

(ii) There is reasonable certainty that the job for which the veteran is to be trained will be available to him at the end of the training period.

(iii) The job is one to which progression and appointment are based upon skills learned through organized training on the job as scheduled in course or program and not on such factors as length of service and normal turn-over.

(iv) The wages to be paid the veteran for each successive period of training are not less than those customarily paid in the establishment and the community to a learner in the same job and who is not a veteran and are in conformity with State and Federal laws and applicable bargaining agreements.

(v) The job customarily requires a period of training of not less than 3 months and not more than 2 years of full-time training.

(vi) The length of the training period is no longer than that customarily required by the establishment and other establishments in the community to provide the trainee with the required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the trainee will need to learn in order to become competent on the job for which he is being trained.

(vii) Provision is made for related instruction for the individual veteran who may need it. For purposes of Part VIII, related instruction to qualify as such and warrant the payment of tuition must provide the veteran with theory and/or technical information directly related to and functional in the practice of the occupation for which the veteran is being trained. Instruction in subjects which are not directly related to and functional in the practice of the occupation for which the veteran is pursuing training on the job will not be considered related training for purposes of Part VIII, and tuition for such will not be paid.

(viii) There is in the establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job.

(ix) Adequate records are kept to show the progress made by the veteran toward his job objective and a periodic report showing the conduct and progress made in the course of training on the job will be provided to the Veterans' Administration.

(x) Appropriate credit is given the veteran for previous job experience, whether in the military service or elsewhere, his beginning wage adjusted to the level to which such credit advances him, and his training period shortened accordingly. No course of training will be considered bona fide if given to a veteran who is already qualified for the job objective by training, by experience, or by a combination of training and experience.

(xi) A copy of the training program as approved by the State agency is provided to the veteran and to the Veterans' Administration by the employer.

(xii) Upon completion of the training, the veteran is given a certificate by the employer indicating the length and type of training provided and that the veteran has completed the course of training on the job satisfactorily.

(c) *Combination course.* A course which is a combination of training on the job and training in school, including related instruction and/or instruction in additional skills, pursued concurrently. Three variations of combination courses are cited as follows:

(1) *Training on the job and in school.* A course which is primarily training on the job with supplemental related instruction, usually in school.

(2) *Cooperative course.* A course which is pursued primarily at a school; the objective commonly is attainable through school instruction alone, and the training-on-the-job portion of the course is strictly supplemental to the school course. This arrangement is characteristic of cooperative courses on the collegiate level and junior college level and in some technical high schools. Commonly the division of time between the school portion of the program and the training-on-the-job portion is such that the student devotes at least one-half of the total time to the school portion, and the periods in school and training on the job are relatively long, such as a full term in school and an alternate term on the job, although shorter periods are also in practice. In some localities, there are arrangements where part of each day is spent in school and part on the job and other arrangements where a full day is spent on the job and part time is spent in school one or more times a week. These arrangements sometimes are referred to as cooperative courses. Although the institution offering such a course is quite free to call the course a cooperative course without let or hindrance from the Veterans' Administration, this type of situation may not be considered as a cooperative course for purposes of Part VIII, but rather as a combination course, training on the job and in school, as in subparagraph (1) of this paragraph. Such a determination will be made despite the fact that the veteran is enrolled, at least nominally, with the school for the on-the-job training as well as the training in school.

(3) *Institutional on-farm course.* For purposes of Part VIII, a course which is specifically defined in paragraph 11 (c) of Part VIII.

(d) *Correspondence course.* A course conducted by mail, consisting of one or more written lesson assignments furnished by a school and requiring submittal of written lessons by the trainee. Such lessons usually are corrected and graded by the school and returned to the trainee.

§ 21.302 *Full-time training for purposes of Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12).* (a) In collegiate institutions, either undergraduate or graduate, which use a standard unit of credit recognized by accrediting associations. (These institutions will include those which are members of recognized national or regional educational accrediting associations and those which, although not members of such accrediting associations, grant standard units of credit acceptable at full value and without examination by collegiate institutions which are members of national or regional educational accrediting associations.)

(1) Full-time training pursued during the regular school year (Commonly from the beginning of the fall term through the end of the spring term) will consist of what the institution considers to be full-time for all students in the same course or for the particular veteran but for purposes of paying subsistence allowance will consist of not less than a program of 12 standard semester hours of credit per semester or the equivalent of 12 standard semester hours of credit per semester in quarter hours, term hours, or in other measures of credit used by a particular institution.

(2) When a veteran enrolls so late in a school term that he can be accepted only for less than the full standard program of the institution and hence for that term will not earn credit for a full minimum program, nevertheless such veteran will be considered to be in full-time training provided the institution considers him to be in full-time training and provided further that his program consists of not less than a weekly schedule of 12 required standard class sessions or their equivalent in laboratory or field work, research, or other types of prescribed activity.

(3) Full-time training pursued, other than during the regular school year, will consist of what the institution considers to be full time for all students in the same course or for a particular veteran but not less than a weekly schedule of 12 required standard class sessions or their equivalent in laboratory or field work, research, or other type of prescribed activity whether or not the veteran is registered for or earns full credit for the period involved, for example: A veteran who is enrolled in a short summer session requiring attendance at 12 standard class sessions per week will be considered in full-time training although he may be registered for or earn as little as two or three semester hours credit for the period involved.

(b) In graduate or advanced professional collegiate institutions which use a standard unit of credit recognized by accrediting associations, as defined in paragraph (a) of this section, when an enrollee is pursuing a course which consists of or includes research or a comparable prescribed activity for which standard units of credits are not given, he will be considered to be pursuing full-time training when the responsible official of the institution so certifies subject, however, to such review by the chief, education and training section, as the case may warrant and to such revision as is determined in collaboration with the institution.

(c) In all other schools, including high schools, full-time training will consist of 25 or more clock hours of required attendance per week.

(d) In establishments providing training on the job, full-time training will consist of the standard workweek of the

establishment at which the training is pursued but not less than 36 hours per week.

(e) In a combination of on-the-job training and school training, the fraction of full-time training represented by the portion of each kind of training will be determined in the manner set forth in § 21.303. The fractional parts of each kind of training will then be combined to indicate the fraction of full-time training represented by the combination of the two kinds of training. To be considered full-time training, the fractional parts so combined must total not less than one.

(f) Decreases in amount of credit of required hours of attendance during a course which result in a veteran's pursuing less than full-time training as defined herein will require an adjustment to be made in the subsistence allowance and in the charge against entitlement.

§ 21.303 *Part-time training for purposes of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* Part-time training is that which occupies the enrollee for less than full time as defined in § 21.302. The following instructions will govern with reference to part-time courses:

(a) *When authorized.* Part-time training may be elected by a veteran who wishes to pursue such a program of training. The veteran may pursue part-time training for such aggregate length of time as will equal the total full-time training to which he is entitled, for example: A veteran who is entitled to 2 years of full-time training would be entitled to pursue one-half full-time training for a total of 4 years. Likewise, he would be entitled to pursue three-fourths full-time training for 2 years and 8 months.

(b) *Measurement of part-time training.* For purposes of Part VIII, part-time training is measured only in the fractions three-fourths (¾), one-half (½), and one-fourth (¼) of full-time training. The fractions will be determined in accordance with the standards herein prescribed for the type of education or training course being pursued.

(1) *Collegiate institutions.* (i) For undergraduate courses in collegiate institutions which use a standard unit of credit, recognized by accrediting associations, as defined in § 21.302 (a), determination of the fraction of full-time training represented by the part-time training in a given case will be based on the number of standard semester hours or their equivalent in quarter hours, term hours, or other measure of credit used by the institution for which the enrollee is registered for credit. Less than 12 but not less than nine semester hours per semester, or their equivalent, will be counted as three-fourths full-time training. Less than nine but not less than six semester hours per semester, or their equivalent, will be counted as one-half full-time. Less than six semester hours per semester, or their equivalent, will be counted as one-fourth full time. Although entitlement is charged, no subsistence allowance is paid for less than three semester hours per semester, or their equivalent.

(ii) For graduate courses or advanced professional courses in collegiate institutions the determination will be made in the individual case in accordance with the policy of the institution and a certification by a responsible official of the institution stating that the course being followed is considered as three-fourths time, half-time, or one-fourth time will be accepted subject, however, to such review by the chief, education and training section, as the case may warrant and to such revision as is determined in collaboration with the institution.

(2) *Other schools.* In all other schools, including high schools, determinations will be based on clock hours of required attendance at the school. Less than 25 but not less than 18 clock hours of required attendance per week will be counted as three-fourths time. Less than 18 but not less than 12 clock hours of required attendance per week will be counted as one-half time. Less than 12 clock hours of required attendance will be counted as one-fourth time. Although entitlement is charged, no subsistence allowance is paid for less than six clock hours of required attendance per week.

(3) *Business or industrial establishments.* In business or industrial establishments, determinations will be based on the actual number of hours worked during the standard work-week of the establishment in which the training is offered. Less than 36 but not less than 27 hours will be counted as three-fourths time. Less than 27 but not less than 18 hours will be considered as one-half time. Less than 18 hours will be considered as one-fourth time. Although entitlement is charged, no subsistence allowance is paid for less than 9 hours per week.

(4) *Combination courses.* For combination courses consisting of school training and on-the-job training pursued concurrently, the fraction of each type of training will be determined in accordance with the appropriate standard stated above and the two fractions will be combined to indicate the fraction of full-time training represented by the combination course which is being pursued.

(c) *Certified statement used in determining fractional part of full time course.* The certified statement from the training institution insofar as it furnishes the needed information may be used for determining what fractional part of a full-time course the veteran is pursuing, subject, however, to such review and check by the chief, education and training section, as the case may warrant.

§ 21.304 *Measurement of noncredit courses for purposes of Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12).* (a) For the purpose of determining, under §§ 21.302 (a) and (b), and 21.303 (a) and (b), what fractional part of full-time training is being pursued, enrollees pursuing noncredit courses, as defined in § 21.301 (a) (1), which require all of the work prescribed for students enrolled for credit, excepting credit examinations, will be considered as obtaining full credit hours for the course.

(b) For the same purpose, enrollees pursuing such courses only on the basis of attendance and listening at class will be considered as obtaining one-half full credit hours for the course.

§ 21.305 *Repetition of a course.* (a) A veteran having completed a course under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), according to the standards and practices of the institution and having subsequently failed to pass an examination to qualify for license to practice a profession or trade, is not entitled to enroll in and pursue again at the expense of the Government, the course which he has already completed except as provided in paragraph (b) of this section. However, an eligible veteran who has completed a course of education or training under Part VIII may pursue a review course under that part provided the review course is a separate and distinct course specifically organized and established as a review course and, therefore, does not constitute a repetition of a course which the enrollee has already completed. Such a course to be recognized as a review course commonly may be identified by the common characteristics of such a course; namely, concentration of content, intensified application to the pursuit, and the short period required for the course compared to the time required for the primary course. Representative of courses in this categody are bar review courses for preparing veterans who have already completed the prescribed course in law, for taking the bar examination.

(b) Subject to the limitations set forth in paragraph (c) of this section, a Part VIII veteran may be authorized not only to pursue a review course for the purposes stated in paragraph (a) of this section, but to repeat a review course when such repetition is imperatively necessary in order to accomplish the veteran's vocational or educational objective and there is good promise that such repetition will enable him to pass the examination with such standing as will insure attainment of licensure. If there is poor promise that to repeat the course would insure licensure, repeating the course should be denied.

(c) For purposes of the limitations of paragraph 3 (b) of Part VIII on payments when the principal course pursued under Part VIII is a short course of less than 30 weeks in length and the review course is a review in whole or in part of that short course of less than 30 weeks, the maximum amount which may be paid for the total course, the short course of less than 30 weeks plus the review course and any repetitions of the review course, cannot exceed $500 under the terms of paragraph 3 (b) of Part VIII. However, when the principal course pursued under Part VIII is 30 weeks or more in length and is followed by a review course of less than 30 weeks, the $500 limitation imposed by paragraph 3 (b) of Part VIII will apply only to the cost of the review course. In the latter case, however, the number of times a veteran may be authorized to pursue a review course under Part VIII, including the initial pursuit of the review course plus any approved repetitions, either in whole or in part, as provided for under paragraph (b) of this section, will be limited to a total expenditure of $500.

(d) The provisions of this paragraph have no reference to and do not preclude the repetition of a unit course or unit subject where the veteran has failed the subject or course and the school or training establishment requires him to repeat the unit course or unit subject as a requisite for continuing in his elected course, or otherwise.

§ 21.306 *Changing a course of education or training.* (a) When a veteran enrolls in a course of education or training under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), it is contemplated that he will complete the course before changing to another course. However, pursuant to the first proviso of paragraph 3 (a) of Part VIII, a veteran may change his course of education or training only for reasons satisfactory to the Administrator. A change of course commonly may be considered to be for satisfactory reasons when:

(1) The veteran is not making satisfactory progress in his present course and the failure is not due to his own misconduct, his own neglect, or his own lack of application; or

(2) The course to which the veteran desires to change is more in keeping with his aptitude, previous education, training, or other such pertinent facts; or

(3) The educational or training institution at which the veteran is enrolled is unsuited to providing satisfactory instruction in the course for which he is enrolled and transfer to an approved institution that is suited to offer satisfactory instruction in the course for which he is enrolled is not feasible or practicable; or

(4) The veteran has changed his place of residence for good and sufficient reasons and there is no satisfactory approved educational or training institution available which offers the course for which he was enrolled in the previous institution.

(b) Definition of a "change of course." A change in educational or vocational objective is considered to constitute a change of course.

§ 21.307 *Changes within the course not considered to be changes of course.* (a) For purposes of Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), the following are not considered to be changes of course and may be effected by the institution at which the veteran is pursuing the course of education or training without the prior approval of the Veterans' Administration: *Provided, however,* That the institution shall notify the Veterans' Administration immediately upon effecting each such action and with the notification shall furnish the Veterans' Administration complete information as required in paragraph (b) of this section:

(1) *Course adjustment.* A change of one or more unit subjects or unit courses without changing the enrollee's major vocational or educational objective, including the dropping of a unit course without replacing it with another, or the adding of a unit course, or a change in the sequence in which unit subjects or unit courses are undertaken.

(2) *Advancement or progression.* Advancement or progression to a more advanced phase of the course from the preparatory phase of the course of education or training as contemplated under § 21.300 (a), for example: from pre-professional to professional; from pre-engineering with no indication of what branch of engineering to a specialized field of engineering; from premedical to dental or from predental to medical; from liberal arts to journalism; etc.

(b) Because of the fact that changes within the course often affect the amount of tuition to be paid or the amount of subsistence allowance to be paid, the notification of such changes as those in paragraph (a) (1) or (2) of this section, will state at least all the details of the change, the names of the unit courses added and/or the unit courses dropped, together with the credits of each if a collegiate institution or the clock hours if not a collegiate institution, and the details of any change in charges.

§ 21.308 *Change of course for satisfactory reasons.* A change of course for satisfactory reasons will be made in accordance with the following policies:

(a) Public high schools and institutions of higher learning will be authorized by the regional manager to effect a change of course for a veteran pursuing a course of education or training at such an institution without the prior approval of the Veterans' Administration where the reason for the change is as indicated in § 21.306 (a) (1) or (2): *Provided,* That such a change shall be effected only at the completion of the semester, term, quarter, or other period for paying tuition: *And provided further,* That the institution shall agree to notify the Veterans' Administration immediately upon effecting each such action and with the notification will furnish the Veterans' Administration complete information as required in paragraph (e) of this section.

(b) Other schools whose educational programs and standards of administering their programs are of excellent character and which provide vocational counseling service considered to be adequate by the chief, vocational rehabilitation and education division, also may be authorized to effect changes of course for veterans pursuing courses of education at such schools without the prior approval of the Veterans' Administration where the reason for the change is as indicated in § 21.306 (a) (1) or (2): *Provided,* That such a change shall be effected only at the completion of the term or other period for paying tuition: *And provided further,* That the school shall agree to notify the Veterans' Administration immediately upon effecting each such action and with the notification shall furnish the Veterans' Administration complete information as required in paragraph (e) of this section.

(c) Training-on-the-job establishments whose training programs and standards of administering their programs are of excellent character and which provide vocational counseling service considered to be adequate by the chief, vocational rehabilitation and education division, may be authorized to effect changes of course for veterans pursuing courses of training at such establishment without the prior approval of the Veterans' Administration where the reason for the change is as indicated in § 21.306 (a) (1) or (2): *Provided,* That the establishment shall agree to notify the Veterans' Administration immediately upon effecting each such action and with the notification shall furnish the Veterans' Administration complete information as required in paragraph (e) of this section.

(d) A change of course for a veteran pursuing a course of education or training at an institution in a category other than those named in paragraphs (a), (b), or (c) of this section and a change of course for a reason other than those indicated in § 21.306 (a) (1) or (2) will require prior approval by the Veterans' Administration. In such cases, requests for change of course will be made in writing to the Veterans' Administration on VA Form 7–1905e, by the veteran, setting forth full information concerning the proposed change, including the reasons for desiring to make it, or by letter containing the same or equal information. The institution at which the veteran is pursuing his present course will furnish, in the appropriate section of Veterans' Administration Form 7–1905e, the items of information called for. All requests for change of course within the scope of this paragraph will be received by the education and training section which will be responsible for approving or disapproving such requests as expeditiously as possible and for notifying the registration and research section of the action taken in each case. Upon receipt of the request for a change of course from a veteran in the category contemplated by this paragraph, an investigation will be made by the education and training section to determine that the reasons given are according to the facts.

(1) Where the institution or establishment at which the veteran is or was pursuing his elected course certifies that the veteran's conduct and progress are or were satisfactory, the education and training section will approve or disapprove the request without referral.

(2) Where the institution or establishment at which the veteran is or was pursuing his elected course certifies that the veteran's conduct or progress is or was unsatisfactory, the education and training section will refer the request, together with complete pertinent information relating to the request, to the advisement and guidance section for recommendation. Recommendations regarding the request for a change of course are made by advisement and guidance personnel in accordance with the procedure set forth for counseling veterans in the "Manual of Advisement and Guidance." That procedure includes concurrence by the chief, education and training section, or designate, in the recommendations through the execution of certificate C to indicate that there is no

objection to the training plan developed with the veteran through the counseling procedure. In those cases wherein it may be found to be impracticable for the veteran to appear personally for counseling, if information in addition to that which has been obtained previously is required, such information is obtained by advisement and guidance personnel, and the facts in the case are considered by a vocational adviser and a training officer who will make a joint recommendation with regard to approval or disapproval of the request for change of course. If in any case the chief, education and training section, or designate, does not concur in the recommendation made by advisement and guidance personnel and if agreement cannot be reached as to a joint determination, both sections will make their recommendations simultaneously to the chief, vocational rehabilitation and education division, for decision. After a decision has been made regarding the request for a change of course, the case will be returned to the education and training section which will notify the veteran of the action taken.

(3) The institution or establishment will be required to notify the Veterans' Administration immediately upon effecting a change of course authorized under paragraph (d) (1) or (2) of this section and with the notification shall furnish the Veterans' Administration complete information as required in paragraph (e) of this section.

(e) Because of the fact that a change of course may affect the amount of tuition or the amount of subsistence allowance to be paid by the Veterans' Administration, when a change of course is effected by the institution, under paragraphs (a), (b), (c), or (d) of this section, the notification to the Veterans' Administration of the change will state at least all the details of the change; including especially a description of the change, the name of the course from which and to which the change has been made; together with the credits attaching to each if a collegiate institution, or the clock hours if not a collegiate institution; and the details of any change in charges, where applicable.

(f) When an enrollee otherwise would have to be discontinued pursuant to the provisions of the second proviso of paragraph 3 (a) of Part VIII and the reason for the veteran's unsatisfactory progress is one of those reasons in § 21.306 (a) (1) or (2), the Veterans' Administration, upon receipt of evidence clearly indicating the desirability of such action, may initiate action to the extent of looking to a change of course.

§ 21.309 *Transfer from one institution to another.* Transfer from one institution to another must receive the prior approval of the Veterans' Administration office having jurisdiction over the territory in which the veteran is enrolled. Application should be made by the enrollee on VA Form 7-1905e, Request for Change of Course and/or Place of Training, or by letter containing the requisite information. If the information submitted in support of the veteran's application indicates that the transfer does not involve a change of course and the institution at which the veteran is pursuing his present course certifies that the veteran's conduct and progress are satisfactory, the request for transfer will be approved, and the issuance of a supplementary certificate will be in order provided that in the case of school enrollees such transfers shall be effected only at the completion of the semester, term, quarter, or other period for paying tuition and shall be subject to statutory limitations as to rate of cost for a school year. If the information supporting the veteran's request indicates that a change of course is involved, the request will be processed in accordance with the policies for approving requests for change of course under § 21.308. If it is indicated that an enrollee's conduct or progress is unsatisfactory, one of the following steps may be taken depending upon the facts in the individual case: (a) If it is determined by the education and training section that the educational or training institution at which the veteran is enrolled is unsuited for providing satisfactory instruction or that there are other compelling reasons for the transfer beyond the control of the enrollee, transfer to another institution will be approved; (b) the enrollee's request may be disapproved—the enrollee to continue at his present institution provided the institution will retain him; (c) the enrollee's education or training may be discontinued; or (d) the enrollee may be allowed to request a change of course.

Furnishing Supplies

§ 21.310 *Definition.* As referred to in §§ 21.310 through 21.325, inclusive, the term "supplies" will include books, tools, supplies, equipment, etc.

§ 21.311 *Legal basis.* The furnishing of supplies for training purposes is authorized under paragraph 5 of Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12).

§ 21.312 *Authority.* Subject to the limitations set forth in §§ 21.310 to 21.325, regional managers are authorized to furnish, through the school or training establishment or through direct purchase in accordance with current regulations governing the procurement of and accounting for trainee's property, supplies of such kind and in such minimum amounts as are necessary to the satisfactory pursuit of a course of education or training in a particular institution.

§ 21.313 *Prevention of abuse.* The furnishing of supplies is fraught with possibilities of marked abuse. Accordingly, the entire matter of furnishing such articles is to be so administered as to avoid and prevent abuses. Care is to be exercised to make certain that articles will not be furnished to the veteran-trainee which duplicate those which have been previously furnished by the Veterans' Administration or which otherwise are in his possession. There should be indication by the regional office that the trainee's folder has been consulted to determine whether articles have been previously furnished. The provisions of the law and the instructions authorizing the furnishing of supplies are not to be construed as authorization for furnishing supplies except under the most careful checks as to what is required by the training institution of all trainees. Special attention should be given to detect a tendency on the part of any institution or establishment to pad its lists of supplies because the supplies may be paid for by the Government. It is to be emphasized and always borne in mind that the trainee is not to be allowed to determine what supplies will be furnished. An understanding of the law and Veterans' Administration policy on this point and cooperation on the part of the institution or establishment should be encouraged and developed to the end that the institution or establishment will approve for the trainee only those items which it requires other students or trainees to personally possess in order to pursue the training. The training officer will be held responsible for determining, in individual cases, that the list of supplies to be furnished to the trainee by the Veterans' Administration has been determined by responsible officials of the institution rather than by the trainee himself and has been determined on the basis of actual training needs. The chief, education and training section, and supervising training officers will give due supervisory attention to this element of administering the program.

§ 21.314 *General limitations.* (a) The kinds, quality, and amount of supplies that may be furnished to any trainee will be limited to those commonly required by the institution to be personally owned by other trainees not under Veterans' Administration jurisdiction pursuing the same training in the particular institution. Articles which are commonly on hand as equipment of the training institution for use of all students, trainees, or employees are not to be regarded as supplies required to be owned by trainees and will not be furnished.

(b) In those instances where supplies are available in several prices, grades, or qualities, the Veterans' Administration will furnish only articles of such quality or grade as the training institution requires all trainees to have, whether veteran or nonveteran. When it is clear to the regional manager that such quality or grade is greater than necessary for purposes of a particular trainee, he is authorized to limit the quality or grade to that which will meet the needs of the particular case.

(c) Not all the supplies necessary for pursuit of a particular course of training should be furnished at the beginning of the course. Rather the supplies should be furnished as their need becomes clearly evident and imminent. On the other hand, arrangements must be made whereby supplies will be available to the trainee when they are needed.

(d) The Veterans' Administration is obligated only to furnish serviceable equipment. There is no requirement that all items furnished to a trainee shall be new or of any particular manufacturer's brand. There is the obligation that any article furnished shall be in excellent working condition and of such type and quality as the needs of the course demand. Consideration should be given to the issuance of items which are in stock before placing an order for new equipment.

(e) The Veterans' Administration will not replace at Government expense, articles which have been issued to a trainee and which are lost, stolen, misplaced, or damaged beyond repair.

(f) The Veterans' Administration will not reimburse a trainee who personally buys supplies. Payment for supplies is made to the training institution or to the vendor from whom they are purchased by the Veterans' Administration. If the institution chooses to return to the veteran the amounts charged him and paid by him so that the charges by the training institution stand as an unpaid obligation of the Veterans' Administration to the institution, payment may be made if otherwise in order.

(g) When a particular article is furnished for use in more than one subject and the same article is required for use in other subjects or in another quarter or semester or school year, the article furnished will be made to serve for all such requirements and will not be duplicated for such purpose at Government expense.

§ 21.315 *Authority to furnish supplies to trainees in school training.* (a) Under the authority set forth in § 21.312 and subject to the limitations contained in §§ 21.310 to 21.325, the regional manager is authorized to furnish a veteran pursuing a course of education in a school with supplies required by the school to be personally owned by every other student pursuing the same course.

(b) It is the general policy to have schools furnish supplies wherever practicable inasmuch as such practice will facilitate service to the veteran. If the school cannot be induced to furnish supplies, they will be furnished by the Veterans' Administration in the manner prescribed in this subpart for furnishing supplies for training on the job.

§ 21.316 *Authority to furnish supplies to trainees in training on the job.* (a) Under the authority set forth in § 21.312 and subject to the limitations contained in §§ 21.310 to 21.325, the regional manager may furnish a veteran pursuing a course of training on the job with necessary supplies when the aggregate cost of the articles is not in excess of $100.

(b) Supplies for enrollees pursuing courses of training on the job will be purchased under the approved methods of purchase from the on-the-job-training establishment or other commercial sources, whichever is preferable from the standpoint of getting to the veteran the supplies which are necessary to his training, without delays which will or may interfere with entrance into training or progress in training. However, due consideration will be given to the interests of the Government as to cost and quality. When the aggregate cost will be in excess of $100, the articles may be furnished under one of the following conditions:

(1) When the items needed appear on an approved list in vocational rehabilitation and education procedures for the trade or occupation for which a trainee is pursuing training. If an item required by the training establishment is not on the approved list, the regional offices may substitute that item for a corresponding item on the approved list provided that the item substituted will serve the same general purpose and the cost is less than or approximates the usual cost of the item for which substitution is made.

(2) When a request to furnish supplies in excess of $100 has been submitted to the branch office and the approval of the branch office has been obtained. Each request to the branch office for authority to furnish supplies in excess of $100 must be supported by a statement including at least the following:

(i) Job objective and code.

(ii) Indication of the brand, catalog number, and the price of each item for which, or the equivalent of which, approval is requested (to facilitate identifying the item desired).

(iii) An itemized list of supplies so far furnished or on order for the trainee and the cost.

(iv) A definite statement that the institution requires all the requested items to be personally owned by all students taking the same course.

§ 21.317 *Furnishing supplies to veterans pursuing residency courses in hospitals.* (a) Since residency courses are entered upon only by qualified physicians and since qualified physicians, in pursuit of their medical courses and/or in their general practice, ordinarily own the common diagnostic instruments and certain of the texts applicable to general medicine, only books and equipment which are peculiar to the specialty for which the physician veteran is preparing himself will ordinarily be furnished.

(b) For the doctor veteran pursuing a residency course in a hospital the Veterans' Administration may pay for such supplies necessary and required for training purposes as are certified by the physician or physicians responsible for giving the course as being required to be personally possessed by every physician, veteran or nonveteran, pursing the same course, *Provided:*

(1) That such books, supplies, and equipment are not furnished or loaned by the institution.

(2) That in no case will any book or item of equipment be paid for when such article is already in the possession of the veteran.

Adequate assurance will be obtained that the veteran does not own or have available for his use any item requested.

§ 21.318 *Furnishing supplies for training on the job following school training.* When a veteran's course consists of training in a school followed by a period of training on the job following completion of the school portion of his course and it is clear that supplies not previously furnished are going to be needed at the beginning of the on-the-job portion of the course, steps shall be taken sufficiently in advance to insure that the supplies will be available when needed. In no event, however, are the supplies to be issued prior to induction into training on the job, or prior to a clear indication of their need as provided in § 21.314 (c).

§ 21.319 *Furnishing supplies in noncredit courses.* The Veterans' Administration may furnish to an enrollee pursuing a noncredit course, as defined in § 21.301 (a) (1), those supplies required by the school to be owned personally by all students in the same course when the enrollee is required to perform all of the work which all students enrolled for credit must perform in the course excepting taking credit examinations. Supplies may not be furnished to enrollees in "noncredit" courses which require only attendance and listening at class.

§ 21.320 *Furnishing tools.* (a) In the furnishing of tools, the Veterans' Administration will not furnish a full set of tools such as a trained worker would acquire over a period of years or such as to enable him to pursue employment after completion of the course but rather there will be furnished the trainee, as needed, those tools normally required to pursue the course of training.

(b) The Veterans' Administration will not furnish such items as shop tools or shop equipment which are normally provided by the establishment. Tools and equipment in this category are those usually provided by training establishments to be used by their employees when needed and are not required to be the personal property of each.

(c) With particular reference to that training which consists of or includes training on the veteran's own farm or other type of establishment owned or controlled by the veteran, it is to be noted that the veteran's farm or establishment, in order to be acceptable as a place of training must be equipped to give the training as well as otherwise qualified. Accordingly, any supplies furnished in such cases will be limited to classes of items which are furnished veterans pursuing courses at any other training-on-the-job establishment. This will limit the supplies to be furnished to those hand tools and instruments which are required for the teaching of special skills and will preclude furnishing supplies which are commonly on hand as part of the farm equipment or specialized equipment for particular crops or activities.

§ 21.321 *Furnishing clothing.* (a) One of the purposes of a subsistence allowance is to enable the trainee to provide himself with clothing. Therefore, items which are worn in lieu of ordinary clothing will not be classed as articles of training equipment or training supplies. Consequently, gymnasium clothing, laboratory coats and trousers, nurses or technicians uniforms, school or military uniforms, coveralls, and other similar articles will not be provided, notwithstanding the fact that it may be a requirement of the training establishment that clothing of a certain type or style shall be worn by all students, trainees, or employees. Protective articles, such as laboratory aprons, rubber gloves, etc., which are worn primarily for the purpose of protecting the wearer from physical harm as distinguished from protecting his personal clothing may be furnished when they are required for all students taking the same course.

(b) There are many schools, such as military academies, in which veterans may be trained and in which veteran-trainees would be required to wear clothing of a particular style or pattern. Such clothing might constitute the major portion of the wardrobe of the veteran, and if the Government were to furnish the required clothing, it would mean that the Government would pay for all of the outer clothing such a trainee would wear. Similarly, there are veterans training on the job as policemen, firemen, automobile mechanics, and many other occupations in which clothing of a particular type and style is a requirement of the training institution. The furnishing of clothing in such cases would mean that the Government would pay for all of the work clothes of such trainees. Obviously, it is necessary to draw a line between items which will be furnished and items which will not be furnished. Wherever such a line is drawn, there are bound to be borderline cases which are denied and which action may be difficult to defend under the general policy that the Veterans' Administration will furnish those items for training which are required by the institution for all students pursuing the same course. The practicable place to draw the line with respect to furnishing clothing is between items which are not worn in lieu of other clothing and which because of the nature of the course are necessary to protect the health or well-being of the individual and those which are worn in the place of the veteran's principal attire.

(c) Gymnasium pants and gymnasium shoes are worn in lieu of other clothing. When these items are worn, the veteran's street clothes are hanging in a locker at such times they are not subject to wear. If the student is a physical education major, it is presumed that his street clothes will be saved from wear for a great proportion of every day just as the automobile mechanic's clothes are protected while he is attired in the uniform coveralls required by the garage in which he is being trained. Inasmuch as gymnasium clothing is less expensive than street clothing, the veteran whose training course permits him to wear such clothing actually has an economic advantage over the veteran whose courses require him to wear dress clothes at all times.

§ 21.322 *Furnishing special items.* (a) Musical instruments, cameras and their accessories, tennis rackets, golf clubs, and any other expensive items which are susceptible of use for personal amusement and recreation will not be furnished unless the item is indispensable to particular major or minor unit courses essential to pursuit of the overall course and the regional manager has satisfied himself that the veteran possesses sufficient interest, aptitude, and talent to promise success in the completion of the course. These conditions will be considered to have been met when veterans under Part VIII, Veterans' Regulation 1 (a), as amended, (38 U. S. C. ch. 12) have elected to receive and have been provided with approved advisement and guidance and the findings clearly indicate that the veteran possesses sufficient interest, aptitude, and talent to promise success in the completion of the course.

(b) Items which are commonly used for personal purposes, such as fountain pens, desk sets, reading lamps, typewriters, brief cases, etc., will not be furnished.

§ 21.323 *Furnishing supplies after completion of education or training.* Supplies which have been approved for a veteran pursuing a course of education or training but which could not be furnished prior to completion of the course due to the inability to obtain delivery, may be furnished after completion of the course, provided there is a clear indication that action was taken early in the veteran's pursuit of the course to obtain the supplies and provided that the veteran is actually pursuing employment in the occupation for which he was trained.

§ 21.324 *Furnishing books, supplies, and equipment to trainees in institutional on-farm training.* The farm on which a veteran receives that part of his course of institutional on-farm training must be equipped with the necessary supplies and equipment which will permit the trainee, even though he is in control of the farm, to pursue successfully institutional on-farm training. Therefore, under no circumstances shall the Veterans' Administration pay for any equipment or supplies which a person may require in order to operate the farm. The Veterans' Administration will pay for only those books and incidental supplies required for the veteran to pursue that part of his course in organized group instruction. Such books and supplies will be limited to those required to be owned personally by all students in such course. Farm equipment or tools will not be furnished since it is considered that these are articles which a farm must have in order to meet the provisions of Public Law 377, 80th Congress.

§ 21.325 *Recovery of training supplies.* (a) Supplies furnished a trainee are deemed released to him and should not be marked to indicate ownership by the United States. A trainee will not be required to return expendable supplies nor will he be required to return non-expendable supplies or to pay the reasonable value thereof in the event he fails to complete his course of education or training unless it be determined that his failure to do so was because of fault on his part and in making such determination the trainee should be given the benefit of every reasonable doubt. Determination of the presence or absence of fault will be made by the chief, vocational rehabilitation and education division, subject to approval or disapproval by the regional manager, and the findings will be filed in the training folder.

(b) In cases which the manager finds to be meritorious, even though the veteran may have been at fault, such items as are being used by the veteran in bona fide employment need not be recovered. Similarly, a veteran may be allowed to retain items which have already served their purpose and the retention would improve the veteran's chance for making practical use of knowledge or skills acquired from the courses completed. As for example, a text book used in a course he has successfully completed or a set of drafting instruments furnished for drafting courses which he has finished.

(c) The veteran will be deemed to be at fault if his training is discontinued:

(1) When he withdraws from the institution at the request of the institution; or

(2) When he abandons his training without prior or concurrent notice to the Veterans' Administration; or

(3) When his course is discontinued following consistently unsatisfactory reports of conduct or progress; or

(4) When the failure to complete the course is due to his negligence or misconduct.

(d) When an enrollee voluntarily discontinues his training after pursuing training for less than three months and/or because his subsistence allowance has been discontinued due to the ceiling established in paragraph 6 of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), having been reached, he will be considered to have failed to complete the course because of fault on his part and his case is not to be considered meritorious under the provisions of paragraph (b) of this section. In such cases, however, the veteran will be allowed to retain those items which already have served their purposes, provided that any item so retained shall not again be furnished upon re-entrance into training into any authorized course under Parts VII or VIII.

(e) Supplies which have been recovered from trainees are delivered to the custody of the supply officer. Every effort shall be made to utilize recovered supplies in the custody of the supply officer.

Leaves of Absence

§ 21.340 *Introduction.* Pursuant to the provisions of paragraph 6, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), a veteran, while enrolled in and pursuing a course of education or training under Part VIII, may be granted leave of absence where such leave will not materially interfere with the veteran's progress in his course. The provisions of §§ 21.341 to 21.348 pertain solely to leave of absence for Part VIII enrollees pursuing courses at training-on-the-job establishments or at schools other than institutions of higher learning. They do not apply in any particular to enrollees pursuing courses at institutions of higher learning. The policy governing leaves of absence for enrollees in institutions of higher learning is set forth in § 21.346.

§ 21.341 *Accrual of leave.* Leave will accrue at the rate of 2½ days per month during the entire time a veteran is enrolled in and pursuing a course of education or training, including that time during which he is on approved leave of absence, except that no leave will accrue after completion of the course or for periods of leave following which the veteran fails to resume training. Leave will not be accumulated to an amount in excess of 30 days. Accumulated leave will not be forfeited through interruption of the course. It may be carried over from one period of enrollment to another. Unused accumulated leave to a veteran's credit upon completion of an elected course may be granted immediately after completion of the course if applied for by the veteran preferably at least 30 days preceding the end of the course. If unused accumulated leave is not applied for and taken immediately upon completion of the course, it may remain credited to the veteran and used by him upon subsequent enrollment in another course under either Part VII or Part VIII, Veterans Regulation 1 (a) as amended (38 U. S. C. ch. 12).

§ 21.342 *Granting of accrued leave.* Managers are authorized to approve leave of absence which will not exceed the amount of leave accumulated to the credit of the individual and which in no case will exceed 30 days in each 12 successive months of enrolled status beginning on the date of the veteran's commencement of his training: *Provided*, That according to the standards and practices of the school or training-on-the-job establishment, the granting of such leave will not materially interfere with the veteran's progress in his course. Enrollees pursuing school courses and desiring leave at the end of a school year must apply for such leave at least 30 days before the end of the school year.

§ 21.343 *Granting of advance leave.* Ordinarily, enrollees should not be permitted to overdraw their accrued leave. The manager, however, is authorized to approve leave of absence in excess of the veteran's accrued leave provided that such leave is required by reason of personal illness, illness in the enrollee's immediate family, or other compelling conditions beyond the control of the enrollee, and when denial of such leave would result in undue personal hardship to the veteran, and, provided further, that the aggregate amount of leave granted shall not exceed 30 days in each 12 successive months of enrolled status beginning on the date of the veteran's commencement of his training. Extreme caution should be observed in approving advance leave since a monetary recovery may be necessary in the case of an enrollee who discontinued training at a time when his leave account is overdrawn.

§ 21.344 *Charging of leave.* An approved absence covering a period of less than the standard school or work-week of the training institution or establishment will be charged against leave at the rate of one day for each school or working day of absence from the institution. An approved absence covering a period of one calendar week or more will be charged at the rate of five days for each seven consecutive days of absence. No charge against leave will be made for absences on regular holidays. Regular holidays are those days within a period of training on which the school or training establishment grants total exemption from attendance to all students or enrollees in the same course. For enrollees pursuing courses in schools, this will include school holidays and short intermissions between terms or periods of instruction within the ordinary school year (not vacation periods between school years): *Provided*, That the veteran was enrolled for the two successive terms.

§ 21.345 *Unauthorized absences.* Enrollees should be instructed that they will be expected to apply for and obtain, in advance, approval for leave of absence. However, when a veteran has absented himself from his place of training under conditions which would make his obtaining of advanced approval from the Veterans' Administration impracticable; and when the responsible officials of the training establishment have certified that the absence did not constitute and was not due to unsatisfactory conduct and did not materially interfere with the veteran's progress in his course, the manager is authorized to excuse the absence and to make charges against the veteran's accumulated leave in accordance with the policy stated above. When such absence is not satisfactorily explained, the regional office manager will take such action as is deemed necessary, including forfeiture of subsistence allowance for the days of absence.

§ 21.346 *Leaves of absence for veterans in institutions of higher learning.* (a) A veteran enrolled in and pursuing a course of education or training in two consecutive terms, the current term and the next ensuing term, at an institution of higher learning and who has been in regular attendance through to the end of the term (semester, quarter, or summer session) just concluding or concluded shall be considered to be in training status while pursuing his course and during not to exceed fifteen consecutive days of any period between the two consecutive terms in which the veteran is enrolled but such a veteran shall not be entitled to any leave in addition to those periods except such other days within terms as are granted by the institution to other students. During any period of enrollment the veteran shall be considered to be in attendance unless absent under circumstances which the institution considers to constitute unsatisfactory conduct or progress and the institution so indicates to the Veterans' Administration. Subject to remaining statutory entitlement, the training status of a veteran who fails to attend the next succeeding term of the institution in which he is enrolled will be terminated 15 days from the date of the closing of the preceding term unless the veteran's training is interrupted prior to the expiration of the term or unless the veteran at a time not later than 30 days preceding the regularly scheduled end of the term notifies the Veterans' Administration in writing that he desires his training status to be interrupted at the end of such term or semester.

(b) In the case of a part-time student, the extension of training status specified in paragraph (a) of this section, will be for the fifteen consecutive days and subsistence allowance and charges against entitlement will continue unchanged at the corresponding part-time rate.

(c) The extension of training status referred to above will not be applicable in any case where the veteran interrupts training or is discontinued at any time prior to the end of a term. In such cases training status will be terminated as of the effective date of the interruption.

(d) Leave will not be authorized for any period in addition to the extension of training status herein provided.

§ 21.347 *Leave for veterans pursuing a course of institutional on-farm training.* A veteran who pursues a course of institutional on-farm training shall be entitled to that leave which the approved institution grants to other students but not in excess of 30 days provided such leave does not interfere with the progress of the trainee. No attendance reports need be made to the regional office.

§ 21.348 *Charges against entitlement because of leave.* The veteran's entitlement is charged for all time during which he is paid subsistence allowance. Also, incident to the provisions of the second proviso, paragraph 2, Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), it may be to the advantage of the veteran to conserve his entitlement. Therefore, except as provided in § 21.346, for enrollees in institutions of higher learning, the veteran who is absent from training for reasons which would warrant approval of such absence and the charging of leave therefor should not be routinely charged with leave but rather should be given an opportunity to choose between leave of absence and interruption of training for the period of absence.

Tutoring

§ 21.350 *General.* (a) When a veteran, who is enrolled in and pursuing a course of education or training under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), requires special tutoring not generally required for the successful pursuit and completion of the course by other students in the institution to meet the regularly prescribed standards of the institution, such tutoring will not be provided at Government expense inasmuch as such a cost cannot be considered as either "customarily charged" or "generally required" as set forth in paragraph 5, Part VIII. Similarly, if an institution finds that a veteran does not meet the established entrance requirements but accepts him as a student subject to his receiving special tutoring during the pursuit of his course, such tutoring will not be provided at Government expense.

(b) Tutoring, as referred to above, does not apply to individualized or tutorial methods of instruction which are employed by some institutions for all students pursuing the same course inasmuch as any required or elective unit course listed in the official publication of the institution may be taken by the veteran regardless of the method of instruction employed by the institution. Neither does it apply to those situations where the institution makes adjustments in its course to meet the needs of veterans in the form of special classes which become part of the course.

Termination of Training

§ 21.351 *Termination of training categories.* Terminations of training under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), are classified in four categories: Course completed, interrupted, discontinued and entitlement exhausted.

§ 21.352 *Status "course completed."* An enrollee under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), shall be placed in status "Course Completed" when he has pursued his elected course to its completion: *Provided*, That if there is definite indication that the enrollee will enroll in another course, he will be terminated and carried in status "Interrupted."

§ 21.353 *Status "interrupted".* An enrollee will be placed in status "Interrupted" for all temporary absences from training except absences on approved leave of absence and absences on regular holidays as provided for in paragraph 6 of Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), (see § 21.344).

§ 21.354 *Status "discontinued".* (a) An enrollee under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), shall be terminated and placed in status "Discontinued" when it is determined that any one of the following conditions exists:

(1) The enrollee is in status "Interrupted" and it is indicated that he will not return to training. This condition is assumed to exist when an enrollee has been in status "Interrupted" for 4 months.

(2) The conduct or progress of the enrollee is unsatisfactory, according to the regularly prescribed standards and practices of the institution and an adjustment in the case such as changing the course of instruction or transferring to another approved institution, does not promise accomplishment of the purposes of Part VIII.

(3) It is established that the determination of eligibility under Part VIII is based on fraud, error of law, confusion of names, or misfiling of papers, or that the enrollee never met the requirements of eligibility, or that fraud was practiced in any application for education or training, or for subsistence allowance.

(b) In cases of discontinuance of training, under paragraphs (a) (2), or (3) of this section, the training officer shall ascertain and record the facts together with evidence justifying the discontinuance of the course.

§ 21.355 *Status "entitlement exhausted".* (a) An enrollee under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), is placed in "entitlement exhausted" status when his entitlement has been exhausted: *Provided*, That wherever the period of eligibility ends during a quarter or semester and after a major part of such quarter or semester has expired and the enrollee continues successfully to pursue his course, such period is extended to the termination of such unexpired quarter or semester.

SUBPART C—TRAINING FACILITIES

APPROVAL OF INSTITUTIONS AND TRAINING ESTABLISHMENTS UNDER PUBLIC LAW 16, 78TH CONGRESS, FOR PART VII, VETERANS REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12), TRAINEES

§ 21.400 *Manager, regional office, authorized to approve institutions.* The manager of a regional office is authorized, with the exception of correspondence courses, to approve public or private educational institutions in his territory for providing courses of training to carry out the purpose of Public Law 16, 78th Congress, subject to the following conditions:

(a) *Inspection and accreditation.* The chief, vocational rehabilitation and education division, will certify to the manager on the basis of adequate investigation that the institution is clearly qualified as to space, equipment, instructional material, and personnel to give the required course or courses and has agreed to cooperate fully with the Veterans' Administration by reporting trainees' attendance, performance, and progress in training.

(1) Adequate investigation will include a personal investigation of the institution or establishment by a qualified member of the training facilities section, followed by a written report to the chief, vocational rehabilitation and education division, stating the facts favorable and unfavorable.

(2) If an educational institution is accredited by one of the following recognized national or regional educational accrediting associations, such accreditation may be accepted, if desired, in lieu of a personal inspection:

American Association of Teachers' Colleges.
American Association of Theological Schools.
American Bar Association.
American Council on Pharmaceutical Education.
American Osteopathic Association.
Association of American Universities.
Council on Dental Education, American Dental Association.
Council on Medical Education and Hospitals, American Medical Association.
International Association of Boards of Examiners in Optometry.
Middle States Association of Colleges and Secondary Schools.
National Association of Schools of Music.
National League of Nursing Education.
New England Association of Colleges and Secondary Schools.
North Central Association of Colleges and Secondary Schools.
Northwest Association of Secondary and Higher Schools.
Southern Association of Colleges and Secondary Schools.

(3) If a manager desires to use other associations in lieu of personal inspection, prior approval of the association by central office is required.

(b) *Use of State approved schools for Part VII, Veterans' Regulation 1 (a), as amended, (38 U. S. C. ch. 12), when the institution has not been refused approval for use under Public Law 346, 78th Congress, as amended, for Part VIII, Veterans' Regulation 1 (a), as amended, trainees.* If it is desired to place a disabled veteran in a school, the name of which is not on the list of institutions approved by the State approving agency for education and training for Part VIII, the manager will request a statement from the State approving agency indicating whether it has refused to approve the school. If the school has not been disapproved under Part VIII, the manager may proceed to approve it. If the State approving agency has disapproved a school for use for Part VIII trainees and despite this the manager wishes to use such institution for Part VII trainees, he will request authority of central office, via the deputy administrator, to do so. In so doing, the manager will explain why the institution is disapproved and why, in spite of its disapproval by the State approving agency, the institution should be approved by central office. The deputy administrator will review the report and forward it to central office with appropriate recommendation. Authority to approve an institution for use for Part VII trainees will not constitute approval for its use under Part VIII.

§ 21.401 *Authority to approve and to make arrangements with establishments for training on the job.* The manager, assistant manager, or chief, vocational rehabilitation and education division, of a Veterans' Administration field office having regional office activities is authorized to make arrangements and agreements with establishments, private and public, within his regional territory, to furnish apprentice training or other training on the job as a means of accomplishing the vocational rehabilitation of disabled veterans as provided by Public Law 16, 78th Congress, under the following conditions:

(a) When, on the basis of adequate investigation, the establishment shows excellent promise of efficiently training the veteran to a point of satisfactory employability in the chosen employment objective. The factors which are to be considered as constituting excellent promise of satisfactory training will include:

(1) Existence in the establishment of space, equipment, instructional material, and instructor personnel, adequate in kind, quality, and amount for the desired training in the particular case.

(2) Full acceptance by the establishment of the obligation to give training in all of the constituent parts of the training program which has been prepared for the particular veteran.

(3) Willingness on the part of the establishment to cooperate with the Veterans' Administration in the supervision of the trainee by the Veterans' Administration training officer and to execute report forms covering the trainee's attendance, performance, and progress in training.

(b) When the establishment agrees to furnish to the Veterans' Administration monthly, a statement in writing, as required by paragraph 3, section 2, Public Law 16, 78th Congress, showing wages, compensation, or other income paid directly or indirectly by the establishment to a veteran in training during the month as a wage compensation or other income.

(c) When the establishment indicates a willingness to enter into written agreement of the matters covered by paragraphs (a) and (b) of this section, by signing in duplicate an agreement captioned Agreement to Train on the Job Disabled Veterans of World War II (VA Form 7-1904).

(d) Provisions of the Fair Labor Standards Act of 1938, Public Law 718, 75th Congress, require an employer, as a statutory obligation, to pay to any person, not specifically exempt, who is suffered or permitted to work in commerce or in the production of goods for commerce, without regard to other source of income, a minimum wage of 40 cents per hour or a subminimum hourly wage rate which the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, may approve for handicapped workers under section 14 of the act. Similarly, the Walsh-Healey Public Contracts Act, Public Law 846, 74th Congress, requires that all persons employed by a contractor on work subject thereto be paid not less than the applicable minimum wages as determined by the Secretary of Labor. When the hours of employment-training exceed 40 in any one workweek (or 8 in any 1 day, if the work performed is subject to the Public Contracts Act), the overtime provisions of the acts are applicable.

(e) When a prospective employer-trainer, as a condition precedent to his acceptance of a trainee for training on the job, indicates he will not meet the minimum wage requirements of the Fair Labor Standards Act and the Walsh-Healey Public Contracts Act, the use of such training establishment will not be favorably considered unless:

(1) Other opportunities for the desired training do not exist or are not available in the veteran's community.

(2) The trainee's disabilities preclude initial entrance into training at the minimum wage otherwise applicable.

(f) When, after investigation, the above conditions are found to exist, the chief, vocational rehabilitation and education division, is authorized to approve induction in training on the job at subminimum rates. To accomplish this purpose, the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, has delegated to the vocational rehabilitation officers of the field stations having regional office activities authority to issue to a prospective employer a temporary certificate for each trainee valid for a period of not longer than 3 months from the date of issuance, authorizing the employment-training of a trainee at an hourly wage rate not less than 75 percent of the applicable minimum wage unless after investigation a different wage rate appears to be clearly justified. In exceptional and unusual cases, the chief, vocational rehabilitation and education division, may authorize employment-training at lower rates. A certificate, however, should not necessarily be issued at a rate as low as 75 percent of the minimum. In each case, the rate should be set at a figure designed adequately to reflect the individual trainee's earning capacity.

(g) Payments made on a piece rate basis to a trainee in training on the job must be at the rate paid nonhandicapped employees in the same occupation, but in no case less than the hourly wage rate set forth in the certificate.

§ 21.402 *Establishments-inclusion of joint apprenticeship committees.* For the purposes of Public Law 16, 78th Congress, joint labor-management committees may be recognized as training institutions when it is found that the establishments which any such committee utilizes for training are actually qualified to provide a satisfactory course of training on the basis of adequate space, equipment, and instructor-personnel and that the joint committee is performing the functions delegated to it in a satisfactory manner. (See comment regarding use of such committees under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), and § 21.412 (d)).

§ 21.403 *When to make approvals; Public Law 16, 78th Congress.* Institutions and establishments will be approved for education or training as the need develops for a definite course or courses. This does not mean that it is necessary to wait until a particular veteran is ready for induction. There must be reasonable assurance, however, that the institution or establishment will be utilized. Approval may cover any number or all of the courses or job objectives offered by an institution or establishment which it is expected will be utilized even though the need for such courses is not present at the time the proposal is made.

§ 21.404 *Approval must precede induction into training.* Trainees will not be entered into training until an institution or establishment has been approved by the Veterans' Administration.

EDUCATIONAL AND TRAINING INSTITUTIONS UNDER PUBLIC LAW 346, 78TH CONGRESS, FOR PART VIII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12), TRAINEES

§ 21.412 *Institutions and training establishments for education and training-inclusion of schools, colleges, and business, industrial, and other establishments.* (a) Educational institutions will be considered as schools or colleges, as distinguished from training institutions, when that part of the institution in which the veteran is enrolled as a student is operated solely to give courses of instruction to students. Such schools and colleges may be public or private and will include those listed in paragraph 11, section 400, title II, Public Law 346, 78th Congress, as amended.

(b) Training institutions to be used for training on the job will consist of business, agricultural, and industrial enterprises, governmental agencies, educational and medical institutions, or other establishments which provide apprentice training or other training on the job, including especially those under the supervision of any State apprenticeship council, State apprenticeship agency, or Federal Apprentice Training Service, when the enrollee's course leads to the development of the desired skills and knowledges.

(c) Public Law 346, 78th Congress, as amended by Public Law 679, 79th Congress, prescribes the following with respect to "other training on the job":

(1) Any establishment desiring to undertake an on-the-job-training program will be required to submit to the appropriate State approving agency a written application setting forth the course of training for each job objective for which a veteran is to be trained.

(2) The appropriate approving agency of the State or the Administrator may approve the application of the establishment when such establishment is found upon investigation to have met or made provision for meeting the following criteria:

(i) The training content of the program is adequate to qualify the veteran for appointment to the job for which he is to be trained.

(ii) There is reasonable certainty that the job for which the veteran is to be trained will be available to him at the end of the training period.

(iii) The job is one in which progression and appointment to the next higher classification are based upon skills learned through organized training on the job and not on such factors as length of service and normal turn-over.

(iv) The wages to be paid the veteran for each successive period of training are not less than those customarily paid in the establishment and the community to a learner in the same job and who is not a veteran and are in conformity with State and Federal laws and applicable bargaining agreements.

(v) The job customarily requires a period of training of not less than 3 months and not more than 2 years of full-time training.

(vi) The length of the training period is no longer than that customarily required by the establishment and other establishments in the community to provide the trainee with the required skills, and to arrange for the acquiring of job knowledge, technical information, and other facts which the trainee will need to learn in order to become competent on the job for which he is being trained.

(vii) Provision is made for related instruction for the individual veteran who may need it.

(viii) There is in the establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job.

(ix) Adequate records are kept to show the progress made by the veteran toward his job objective, and a periodic report showing the conduct and progress made in the course of training on the job will be provided for the Veterans' Administration.

(x) Appropriate credit is given the veteran for previous job experience, whether in the military service or elsewhere, his beginning wage adjusted to the level to which such credit advances him and his training period shortened accordingly. No course of training will be considered bona fide if given to a veteran who is already qualified by training and experience for the job objective.

(xi) A copy of the training program as approved by the State agency is provided to the veteran and to the Veterans' Administration by the employer.

(xii) Upon completion of the training, the veteran is given a certificate by the employer indicating the length and type of training provided and that the veteran has completed the course of training on the job satisfactorily.

(d) The Administrator has determined that joint apprenticeship committees or similar labor-management committees may be recognized as educational or training institutions within the meaning of paragraph 4, Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), provided the appropriate agencies of the States in which such committees function have so recognized them.

(1) Whenever in a given craft a joint labor-management committee has been charged with the responsibility for controlling the training of persons in standard apprentice courses, such committee may be considered to be the training institution provided it has been approved by the appropriate State agency. The committee's assigned responsibility may include the acceptance of an applicant for apprenticeship training, the determination of the establishment or establishments in which the training is to be provided, the arranging for the placement of the applicant in the chosen establishment, the determination that the establishment provides the prescribed course in accordance with the accepted standards, and that the applicant continues diligently to apply himself to the course and efficiently to accomplish its purposes. The existence of such an arrangement presumes that it is with the full agreement of management and labor and that the arrangement has become the accepted means through which all applicants are started on and carried through a standardized course of apprentice training.

(2) As a rule, such joint committees do not actually give education in the strict sense of the term since the education is being provided by business establishments. It may be presumed for the time being, however, that the appropriate agencies of the respective States will have determined in advance that each joint committee which it approves is actually performing the functions for which it was established in an efficient manner and is arranging for training in establishments which are adequately equipped and staffed to provide complete and well-rounded courses of instruction. It is on this assumption that the Administrator determined that joint apprenticeship committees may be recognized as qualified and equipped to provide suitable training to veterans under Public Law 346, 78th Congress, as amended, in those States in which recognition has been granted.

APPLICATION OF THE PROVISIONS OF THE SERVICEMEN'S READJUSTMENT ACT, TITLE II, AS AMENDED BY PUBLIC LAW 377, 80TH CONGRESS, APPROVED AUGUST 6, 1947

§ 21.413 *Policy governing approval of institutional on-farm courses.* (a) The appropriate agency of the State shall determine whether an educational or training institution is qualified to furnish institutional on-farm training and whether the courses which such institutions furnish are in accordance with the standards prescribed in Public Law 377, 80th Congress. Authority given the Administrator to approve institutions initially will be exercised only under extraordinary circumstances.

(b) A list of the training institutions approved by the appropriate agency of the State together with the courses of instruction approved by the appropriate agency of the State will be transmitted by such agency to the Manager of each regional office of the Veterans' Administration in the State. An appropriate certified statement that institutions and courses approved prior to September 1, 1947, comply with Public Law 377 will be acceptable.

(c) The State approving agency shall be responsible for assuring that all courses for institutional on-farm training which have been approved continue to meet the requirements of Public Law 377, and, when the agency finds that such courses do not meet the requirements of such law, it will notify the Veterans' Administration immediately in order that subsistence allowance and tuition payments for any veteran pursuing such course may be discontinued effective as of the date of such finding by the State approving agency. Where it is found by a Veterans' Administration Manager that the State approving agency fails to discontinue a course which does not meet the requirements of Public Law 377, the manager shall take immediate action to discontinue subsistence allowance and tuition payments in the case of any veteran pursuing such a course.

(d) The term "farm or other agricultural establishment" shall mean those places where the farm is operated for the purpose of raising and harvesting fruits and vegetables and crops and/or the breeding and management of poultry and livestock. Training which is given on farms as herewith defined shall be classified as institutional on-farm training and such training shall conform to the provisions of Public Law 377. Institutional on-farm training will not apply to training in those establishments which are engaged exclusively in either the processing, distribution, or sale of agricultural products, or combination thereof, such as dairy processing plants, grain elevators, packing plants, hatcheries, stockyards, and florist shops. These must qualify under Public Law 679, 79th Congress.

(e) The approved institution which is offering the approved course of institutional on-farm training in accordance with the provisions of Public Law 377 shall permit only those veterans to enter such courses where it finds and reports to the Veterans' Administration:

(1) In the case of the veteran who performs part of his course on a farm under his own control:

(i) That the farm is properly equipped.

(ii) The size and quality of the farm is such that it will be a satisfactory facility for his training and productive enough to insure the trainee an income sufficient under normal conditions for reasonable living at least by the end of the training program.

(iii) The course meets the particular needs of the individual veteran in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farm management, and the keeping of farm and home accounts.

(iv) That the veteran is assured control of such farm at least until the completion of his course.

(2) In the case of the veteran who performs part of his course as the employee of another:

(i) That the farm is properly equipped.

(ii) That the farm is of a size and character which will occupy the full time of the veteran and permit instruction in all aspects of the management of a farm of the type for which the veteran is being trained.

(iii) That the course meets the particular needs of the individual veteran in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farm management, and the keeping of farm and home accounts.

(iv) That his employer has agreed to instruct him in various aspects of farm management in accordance with the training schedule developed for the veteran by his instructor working in cooperation with his employer.

(f) No course of institutional on-farm training will be approved for a veteran who is already qualified by training and experience for the course objective.

(g) The duration of an approved course shall be as long as, but no longer than, necessary to attain the objective of the course outlined to meet the particular needs of the individual veteran. (The 2-year limitation of Pub. Law 679 does not apply to training under this program.)

(h) A course of institutional on-farm training shall provide for continuous training for the duration of the course and shall be pursued on a full-time basis as defined by Public Law 377.

(i) The approved institution offering the approved course of institutional on-farm training shall be responsible for supervising the veteran while in training and evaluating his accomplishments and for determining and notifying the Veterans' Administration immediately when the veteran-trainee's conduct or progress is not satisfactory, such as to raise a question as to the desirability of his continuance as a trainee or when the veteran ceases to be in attendance.

(j) A veteran who has applied for a course of institutional on-farm training shall not be permitted to begin his course for the purpose of receiving subsistence allowance or the payment of tuition until his individual course which meets his needs has been outlined and approved by the approved school; nor will the veteran be permitted to enter a class which has already been organized and the course of instruction has begun unless the approved institution is satisfied that the veteran will be able to complete the approved course, and not impede the progress of other trainees, in the time allotted to such class.

(k) The number of veterans who may be processed into training under a self-proprietorship or self-control arrangement on a single farm ordinarily will be limited to one. However, in a particular case, where an approved training institution and the Veterans' Administration have found that conditions are so highly favorable as to assure the success of two veterans for training and subsequent self-employment on the same farm, two, but not more than two, may be processed into or continued in training on a single farm: *Provided*, The training situation with reference to each veteran meets in every respect the criteria set forth in Public Law 377, 80th Congress, and this section: *And provided further*, That there is furnished documentary evidence that the two veterans have entered into a bona fide partnership agreement which provides for equal authority between the partners in the management and operation of the farm. Under no circumstances will a veteran be processed into training as an employee-trainee on the farm of another person who is himself enrolled as a trainee. Where it is proposed to train more than one veteran on a farm under an employer-trainer or where the employer-trainer is a near relative, the institution should exercise extreme care to determine that a bona fide training situation will exist for the individual veteran.

(l) A veteran who pursues a course of institutional on-farm training shall be entitled to that leave which the approved institution grants to other students but not in excess of 30 days provided such leave does not interfere with the progress of the trainee. No attendance reports need be made to the regional office.

§ 21.414 *Application.* A veteran desiring to elect a course of institutional on-farm training shall fill out VA Form 7–1921, Application for Course of Institutional On-Farm Training, and transmit such application to that institution which has been designated by the appropriate agency of the State responsible for offering institutional on-farm training courses in his locality. Upon receipt of this application, this institution will determine the course of training which the veteran needs and the type of farming for which he needs training after giving due consideration to the size and character of his farm. The institution will indicate its approval on this form and transmit it through channels designated by the State approval agency to the proper regional office of the Veterans' Administration. Upon the receipt of this form by the Veterans' Administration, it will determine whether the veteran meets the eligibility requirements of Public Law 346, as amended, and, if the veteran is eligible, the Veterans' Administration will notify the institution through the channels designated by the State approval agency of the beginning date of his subsistence allowance and the period of his entitlement. The effective date of entrance into training will be that date on the application certified to by the approved institution as the beginning date of his course. If the veteran fails to begin the approved course of training, the institution will report this fact to the regional office of the Veterans' Administration through the channels designated by the State approval agency in order that subsistence allowance may not be paid to the veteran.

§ 21.415 *Review.* (a) All veterans who are now pursuing institutional on-farm training courses under Public Law 346, 78th Congress, will be required to fill out VA Form 7–1921 in accordance with the procedure outlined in § 21.414 in order to determine whether such courses which are now being pursued are in accordance with the provisions of Public Law 377, 80th Congress, or this may be done by blanket certification by the approving agency or approved institution for all cases which on September 1, 1947, conform to the provisions of Public Law 377.

(b) In those States having or instituting approved institutional on-farm training courses, all courses in on-the-job farm training must be reviewed by the appropriate agency of the State in order to determine that such courses are in accordance with the provisions of Public Law 377 and certification made by the approved institution that such courses have been approved by the appropriate agency of the State as meeting the provisions of Public Law 377. If, in any individual case, such course cannot be made to comply with the requirements of Public Law 377, it may nevertheless be pursued to completion under the provisions of Public Law 679, 79th Congress; but in no event will new enrollments in such States be made in farm training except in accord with the provisions of Public Law 377 and these regulations. The review required in this paragraph and certification to the Veterans' Administration must be accomplished as soon after September 1, 1947, as is possible but in no event later than January 1, 1948.

(c) In reviewing the cases of veterans now pursuing courses of institutional on-farm training or on-the-job farm training, the provisions of § 21.413 (d) will be applied.

EDUCATIONAL AND TRAINING INSTITUTIONS

§ 21.418 *Approval and disapproval of educational institutions and business or industrial establishments by State approving agency or Administrator.* Institutions and establishments in which education or training is provided must be approved by the appropriate State approving agency in which they are located, or by the Administrator of Veterans' Affairs, as being qualified and equipped to furnish education or training in accordance with Public Law 346, 78th Congress, as amended.

(a) The appropriate State approving agency, or agencies, designated by the governor will have sole authority to approve educational or training institutions within its State, other than Federal agencies and establishments and except as provided in paragraph (b) of this section.

(b) Authority given the Administrator to approve additional educational or training institutions will be exercised only under extraordinary circumstances. In requesting the Administrator's approval of such institutions or establishments, the manager will submit a report through the branch office setting forth the circumstances necessitating the request and showing that a complete investigation has been made which indicates that the institution is qualified and equipped to offer the desired courses in accordance with the standards set up for approving a training facility for use under Public Law 16, 78th Congress, and that in the case of "other training on the job," the establishment meets the requirements of Public Law 679, 79th Congress. The branch office will forward the report to the Assistant Administrator for Vocational Rehabilitation and Education, Washington 25, D. C., together with the recommendation of the branch office relative to approval or disapproval.

(c) When the manager of a Veterans' Administration regional office receives a notice from a State approving agency that a course of training or an institution or establishment in which veterans are enrolled has been removed from the approved list by the State approving agency, prompt action will be taken as follows:

(1) Where the disapproval is of a school:

(i) The manager will request a statement from the state approving agency as to the reasons for the removal of the institution from the approved list and determine whether there is a likelihood that such institution will be reapproved within a reasonable length of time.

(ii) The chief, training facilities section, will assign a training facilities officer or cause a qualified employee to visit the institution for the purpose of determining whether the evidence indicates a definite intention and effort on the part of the institution to correct the inadequacies which necessitated revocation of its approval as well as the ability of the institution to correct such inadequacies within a reasonable length of time.

(iii) The manager will, upon recommendation of the chief, vocational rehabilitation and education division, set a specified date, not to exceed 60 days from the date of revocation of approval, after which no further payments by the Veterans' Administration are to be made to the institution or to the veterans in training therein, unless reapproval is received in the Veterans' Administration regional office by the expiration date.

(iv) The manager will submit a full report to the deputy administrator on the action of the State approving agency. The deputy administrator will forward the report to the Assistant Administrator for Vocational Rehabilitation and Education, Veterans' Administration, Washington 25, D. C., and when conditions warrant such action, the deputy administrator will request the Administrator's authority to continue subsistence allowances and other payments, if any, beyond the 60-day period.

(v) The institution will be notified by letter that the Veterans' Administration

will discontinue all payments to the institution as of the expiration date unless a notice of reapproval from the State approving agency is received in the Veterans' Administration regional office by the expiration date.

(vi) Each veteran in training in the institution will be notified by letter that payments to him by the Veterans' Administration will terminate as of the expiration date unless he effects a transfer to an approved institution or establishment by the expiration date or unless a notice of reapproval from the State approving agency is received in the Veterans' Administration regional office by the expiration date.

(vii) In the event the institution is also approved for training under Public Law 16, the manager will determine whether the Veterans' Administration will revoke its approval of the institution, and if such action is taken, the institution and each Public 16 veteran in training therein will be notified of such action and every effort will be made to effect the prompt transfer of each veteran to another approved institution offering the same course of training so that the training of each veteran may be continued without interruption.

(2) Where the disapproval is of a training-on-the-job establishment:

(i) The same procedure will be followed as in the case of institutions when the revocation of approval by the State approving agency is based upon reasons other than failure to meet the criteria of paragraphs 11 (b), 1 and 2, Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12). (See § 21.412 (c).)

(ii) Each veteran enrolled in the establishment will be notified that, in view of the revocation of approval by the State approving agency, the Veterans' Administration will discontinue all payments to the veteran unless he effects immediate transfer to an approved institution or establishment.

(iii) When the revocation of approval by the State approving agency is based upon failure to meet the criteria of paragraphs 11 (b), 1 and 2, Veterans' Regulation 1 (a), as amended, the provisions of paragraph 11 (b), 3 of that law will apply.

§ 21.419 *Relation to State approving agency.* "No department, agency, or officer of the United States, in carrying out the provisions of this part, shall exercise any supervision or control, whatsover, over any State educational agency, or State apprenticeship agency, or any educational or training institution, * * *" (Veterans' Regulation No. 1 (a), as amended by paragraph 8, Part VIII, title II, Pub. Law 346, 78th Cong.). Therefore, no supervision or control may be exercised by any representative of the Veterans' Administration over any State approving agency. In all dealings with State approving agencies, Veterans' Administration personnel will refrain from any intimation which may be construed as an attempt to supervise or control the agency.

(a) Cooperation, when requested, will be given State approving agencies by Veterans' Administration branch and regional office personnel wherever possible. Such information as may be desired by the State approving agency concerning any educational or training institution and any standards being used in connection with selecting training facilities under Public Law 16, 78th Congress, will be supplied upon request. It must not be assumed by the State approving agency, however, that the Veterans' Administration will be responsible for approving such institutions under Public Law 346, 78th Congress, as amended.

(b) Full information concerning the inadequacy of any approved institution or establishment which has been called to the attention of the manager will be immediately presented to the appropriate State approving agency and the branch office for whatever action it or the branch office deems desirable.

§ 21.420 *Extent of supervision of schools or colleges.* (a) Pursuant to the terms of Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), schools and colleges being utilized for purposes of education or training will not be subject to any supervision or control whatsoever by the Veterans' Administration. It is presumed and expected that the designated State approving agency will approve only such institutions as are fully qualified and equipped to give good courses of instruction and are otherwise satisfactory on the basis of current inspection, well-established service, and reputation to furnish effective education and training. It is also presumed that approved institutions will accept only veterans who are qualified to pursue the courses they select. It is also presumed that the State approving agencies themselves will maintain such supervision over approved institutions as may be needed.

(b) Representatives of the Veterans' Administration, as required by law, will carefully refrain from assuming any responsibility for any training program elected by a veteran enrolled under authority of title II, Public Law 346, 78th Congress, and from overseeing or directing any of the practices of any school or college insofar as they relate to a veteran enrolled under that law. However, assistance of an advisory nature may be given when requested by the institution.

(c) The following will not be considered as supervising or controlling the institutions:

(1) Requests for information concerning the component parts of a course offered by a school or college.

(2) Obtaining such information as is necessary to determine whether an institution is qualified or equipped to furnish training.

(3) Determination of wages or salaries to be paid.

(4) Determination as to adequacy of space, equipment, and instructional personnel.

(5) Verification of charges made by the institution to the Veterans' Administration.

§ 21.421 *Related training taken in another regional area when claims and R&E folders are located in regional office having jurisdiction over principal trainer.* (a) When a veteran in training under Public Law 346, 78th Congress, takes related training in an adjacent area of another regional office, the claims folder and the R&E folder will be retained in the regional office having jurisdiction of the area in which the principal trainer is located. The training facilities section in the regional office having jurisdiction over the area in which the principal trainer is located, upon notification by the registration and research section, will determine whether the institution at which it is proposed to give a related instruction is approved by the appropriate State-approving agency. If no evidence of such approval is available, the training facilities section in the regional office having jurisdiction over the principal trainer will request the training facilities section in the regional office having jurisdiction over the secondary trainer to determine whether the secondary institution has been approved or disapproved by the appropriate State agency. If the secondary institution has never previously been approved or disapproved by the State agency, the training facilities section will take such measures as necessary to initiate State agency survey and decision and any required contractual arrangements. A certification as to the approved or disapproved status of the secondary trainer will be provided by the training facilities section in the secondary regional office to its counterpart in the regional office having jurisdiction of the principal trainer.

(b) When it is determined that the institution which is to provide the related instruction is approved as a trainer, the training facilities section will notify the registration and research section of this fact. The registration and research section thereupon will issue the necessary authorizing letters in accordance with the regulations in this part. VA Form Letter 7–15, which authorizes enrollment of the veteran in related instruction, will be amended to include the following phrase: "Vouchers, reports of progress, and all correspondence will be forwarded directly to the above regional office of the Veterans' Administration."

(c) The regional office having jurisdiction over the area in which the principal trainer is located will have responsibility for the training of the veteran and for the payment, if any, for the related instruction. Where payment is to be made, this regional office will secure a photostatic or certified copy of the contract with the institution or a copy of its catalog that shows the rates which the Veterans' Administration will be required to pay. The regional office having jurisdiction over the institution which provides related instruction will be required only to perform such checking and notification as to the approved status of the secondary institution as is described above and to conduct such supervision contacts as may be requested by the regional office having jurisdiction over the principal trainer.

(d) When a veteran in training under Public Law 16, 78th Congress, is provided related training in an adjacent area of another regional office, payment for the related training will be made in accordance with the procedures prescribed in

paragraph (c) of this section, insofar as they are applicable.

TRAINING IN FEDERAL AGENCIES FOR PARTS VII AND VIII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12), TRAINEES

§ 21.425 *Policies and regulations.* In accordance with the Veterans' Administration Administrator's Decision 576, August 7, 1944, "Authority for Vocational Training On-the-job in Federal Agencies With and Without Compensation," authority for the vocational training of veterans under both Public Laws 16 and 346, 78th Congress, by Federal agencies is permitted.

AUTHORIZATION FOR PAYMENT OF ALLOWABLE EXPENSES OF EDUCATION AND TRAINING FOR PARTS VII AND VIII, VETERANS REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12), TRAINEES

§ 21.433 *Payment to institutions.* The manager of a Veterans' Administration regional office is authorized to pay the approved institution for each eligible veteran enrolled therein for a full-time or part-time course of education or training, the proper charge for tuition and incidental fees or other allowable expense, and for such books, supplies, and equipment issued to the trainee, as are generally required for the successful pursuit and completion of the course by other students in the institution for the period covered by the properly certified voucher or invoice, subject to the provisions of §§ 21.442 through 21.448 for part VII trainees, and §§ 21.468 through 21.476, 21.484, 21.485, 21.493 through 21.495, 21.503 through 21.520, 21.529, 21.531, 21.539, 21.540, 21.548, 21.549, and 21.557 through 21.559, for part VIII trainees.

§ 21.434 *Payment to other than institutions.* The manager is authorized to pay for certain services rendered by other than an institution for Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainees when such services are authorized as a part of the prescribed vocational rehabilitation program for such Part VII trainees. Ordinarily such services will be covered by a separate contract. (See §§ 21.457 through 21.460.)

AMOUNTS PAYABLE FOR VOCATIONAL REHABILITATION OF PART VII, VETERANS REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12), TRAINEES

§ 21.442 *Authority.* The provisions of Public Law 16, 78th Congress, as amended, permit the payment of any expenses necessary to accomplish the vocational rehabilitation of a Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainee.

§ 21.443 *Basis of payments for residence courses—(a) Tuition and fees.* Contracts covering courses of vocational rehabilitation for Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), trainees shall provide for payments based on the charges customarily made other students pursuing the same courses, except as follows:

(1) The amount to be paid for Part VII trainees shall not exceed the amount determined as fair and reasonable and payable for Part VIII, Veterans' Regulation 1 (a), as amended, trainees where such determination is required for Part VIII trainees.

(2) A contract with a nonprofit institution, which is exceeding its normal program and is required to furnish additional facilities, personnel, or supplies to provide education and training for Part VII trainees, may provide for payment of tuition on one of the following bases (see § 21.446):

(i) $15 a month, $45 a quarter, or $60 a semester.

(ii) An amount equivalent to the nonresident fee of the institution.

(iii) Estimated cost of teaching personnel and supplies for instruction determined in accordance with the provisions of § 21.531.

Payment for Part VII trainees may not exceed the amount payable for Part VIII trainees enrolled in the same course and receiving the same services.

(3) Optional fees for services not required to be paid by all students may be paid for Part VII trainees if the services covered by such fees are considered by the manager to be necessary for the vocational rehabilitation of the trainee. (Such optional fees are not authorized for Part VIII trainees.)

(4) The full cost of any special services or courses furnished at the request of the Veterans' Administration may be paid.

(b) *Books, supplies, and equipment.* (1) Books, supplies, and equipment required to be owned personally by other students pursuing the same course will be furnished trainees through arrangements with the institution or by the Veterans' Administration direct. (See §§ 21.539 and 21.540 for detail instruction.)

(2) Ten-percent compensation for handling and issuance of books, supplies, and equipment. (See §§ 21.539 and 21.540.)

CROSS REFERENCES: *Rates for flight training.* (See §§ 21.601 to 21.612.)

Rates for correspondence courses. (See §§ 21.625 to 21.628.)

§ 21.446 *Adjustment of tuition payments to nonprofit educational institutions—(a) Administrator's decision.* Pursuant to the provisions of Administrator's Decision 711, June 22, 1946, an institution which finds it necessary to exceed its normal budgetary program to enable it to furnish additional facilities, such as teaching personnel and instructional supplies in order to accept veterans under Public Law 16, 78th Congress, may be paid a rate of tuition that will enable the institution to furnish such facilities.

(b) *Application.* An institution desiring an adjustment of its customary tuition charges for the education or training of veterans under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), will be required to submit a letter signed by the president of the institution to the manager of the regional office of the Veterans' Administration having jurisdiction over the territory in which the institution is located requesting such an adjustment and giving the following information:

(1) Total enrollment of students receiving resident instruction for the school year 1939–40 compared with the estimated enrollment for the school year 1946–47 or the year for which the adjustment is requested.

(2) Lump-sum total instructional expenditure for the school year 1939–40 compared with the same budget for the school year for which the adjustment is requested.

(3) A statement that payment over and above customary charges is required to enable the institution to furnish the additional facilities necessary to accommodate veterans under Part VII.

(4) The date on which it is proposed to make the adjustment effective.

(c) *Additional facilities.* If the above information shows that the institution is exceeding its normal program and is being required to furnish additional facilities, personnel, or supplies which are required for veterans under Part VII, the manager of the regional office is authorized to contract for such additional facilities and, if the nonprofit institution is not willing to furnish same for the customary tuition charges, to provide for payment of tuition on one of the following bases that is acceptable to the institution:

(1) $15 a month, $45 a quarter, or $60 a semester.

(2) An amount equivalent to the nonresident fee of the institution.

(3) Estimated cost of teaching personnel and supplies for instruction determined in accordance with the provisions of § 21.531.

(d) *Increased tuition charges.* The payment of increased tuition charges to a nonprofit institution for veterans enrolled under Part VII, as herein provided, will be limited in the case of each individual veteran to the amount payable for the veterans under Public Law 346 for the same services in the same courses. This provision does not affect the authority under § 21.443 (a) (4) to pay the full cost of special services rendered by institutions for Part VII trainees at the request of the Veterans' Administration, as these are not included in such limitations.

(e) *Contracts and effective date.* Contracts under the provisions of paragraph (c) of this section may be made effective with the first term, quarter, or semester, beginning subsequent to the date a formal request for such an adjustment is received in the regional office. In consideration of the additional facilities to be furnished, an existing contract on the basis of customary charges covering terms, quarters, or semesters for which a prospective adjustment is requested may be modified by a supplemental contract, effective prospectively, to provide payment of tuition on one of the bases set forth in paragraph (c) of this section.

§ 21.447 *Limitations on payments.* The following are limitations on amount of payments to institutions or establishments:

(a) Institutions furnishing apprentice or other training on the job, including business or other establishments, and Government agencies, may not be paid tuition or incidental fees for such train-

ing. (See §§ 21.539 and 21.540 for books, supplies, and equipment.)

(b) When more than one standard charge is made for the same service, the Veterans' Administration will pay the lowest price for the entire course, semester, quarters, or term which is offered or published.

(c) When the total cost of instruction is paid from Federal funds, or when a portion of the cost is covered by grants from the Federal Government, i. e., Smith-Hughes or other laws, due consideration to such subsidy will be given in determining the charge to the Veterans' Administration.

(d) Consideration of special features in § 21.448 may result in limitations.

§ 21.448 *Special conditions.* Some special conditions under which amounts payable may have to be determined are as follows:

(a) *Payment on behalf of a veteran who receives a fellowship, scholarship, grant-in-aid, assistantship, or similar award in complete or partial payment of either tuition or fees, or both.* Payment on behalf of a veteran who receives a fellowship, scholarship, grant-in-aid, assistantship, or similar award in complete or partial payment of either tuition or fees, or both, will be made in accordance with the following:

(1) Awards which constitute a waiver of either tuition or fees, or both, will reduce to the extent of the award the amount of either tuition or fees, or both, for which the Veterans' Administration will be responsible.

(2) Awards which are not paid in cash will reduce to the extent of the award the charges for which the Veterans' Administration will be responsible, except that awards which are made specifically for the purposes of defraying the cost of room and board in dormitories will be disregarded.

(3) Awards which are paid in cash may be retained by the veteran and not be deducted from the charge for tuition and other fees ordinarily payable by the Veterans' Administration.

(4) Waivers of tuition and fees provided under law by States or other Government authority will be utilized, and the charges which the Veterans' Administration will pay on behalf of veterans eligible thereunder will be reduced in accordance with such waivers.

(b) *Enrollment fees.* The Veterans' Administration may pay a registration or enrollment fee which will reimburse an institution for services in connection with registering a veteran at an amount sufficient to cover the reasonable expense of registration.

(c) *Breakage fees.* See § 21.576 (d) (1) (iii).

(d) *Tutoring for Part VII, Veterans' Regulations 1 (a) as amended (38 U. S. C., ch. 12), trainees.* Payment may be made for tutoring under Part VII when it is indicated that, in order for a veteran to be successfully rehabilitated, there is need for special assistance beyond that given to other students pursuing the same or comparable courses. This policy is based on the fact that under Part VII the Veterans' Administration has a definite responsibility to restore employability lost by a handicap due to service-incurred disability.

(e) *Reader service.* (1) When reader service is prescribed for the successful pursuit of a course of vocational rehabilitation for a veteran with visual impairment, such service may be furnished in accordance with Veterans' Administration policy and procedure.

(2) The regional manager is authorized to procure needed reader service for trainees under Part VII, as amended, through the execution of written contracts on VA Form 1903, Proposal for Vocational Rehabilitation Training Under Public Law 16, 78th Congress, with schools in which such veterans are following courses of vocational training; or, if the school is unable to provide adequate service, the manager is authorized to execute such contracts with individuals who adequately meet the qualifications indicated in subparagraph (6) of this paragraph or agencies which commonly provide satisfactory reader service.

(3) Where reader service for a veteran in school training is provided by the school as mentioned in subparagraph (2) of this paragraph, provisions for this service may be included in the general contract with the school or in a supplemental contract (in accordance with the provision in § 21.577.)

(4) Trainees with visual impairment who are in training on the job will be provided with reader service only when study is required in connection with their training and when the need for such assistance is established. The regional manager is authorized to procure the needed reader service for such trainees through the execution of written contracts on VA Form 1903 with individuals who adequately meet the qualifications indicated in subparagraph (6) of this paragraph or with agencies which commonly provide satisfactory reader service.

(5) In each contract involving reader service, the rate of payment per hour and the maximum number of hours per week of necessary reader service should be stated under paragraph "Second" of VA Form 1903, with provision for reducing the number of hours when requirements may be met with a reduced amount of service. It should also be stipulated that payment will be made only for the hours of service actually rendered. The rate per hour for reader service may vary from one community to another, but the hourly rate for such service will not exceed the rate generally paid in the community for reader service for a nonveteran student with visual impairment. The number of hours of service in each case will be determined by the amount of reading necessitated by the course. For school training, the criterion of 2 hours of reading service per week for each credit hour may be utilized as a general guide in estimating the amount of reader service required.

(6) The suitability of any prospective reader with regard to personality, background of education, and experience should be scrutinized to determine that the reader is a person who has some insight into the problems of a newly blinded adult and who can provide, as an incidental part of his work, assistance to the trainee in becoming oriented to the school or training establishment. A reader for a veteran in training on the job should be an individual whose vocational interest lies in the occupational field in which the veteran is being trained. For the school trainee, a superior student taking the same courses as the veteran usually can provide excellent reader service. If such a student is not available, an upper-class student or a graduate student studying in the same major field as the veteran should be satisfactory. In order that the quality and quantity of the service may be adequate in different subjects, in some instances it may be advisable to provide more than one reader for the trainee. A member of the trainee's family should not be employed as a reader unless it is impossible to obtain satisfactory service through any other source.

(7) The functions of a reader should be more than simply to read mechanically. His services should serve a twofold purpose:

(i) To read printed material with a degree of intelligence commensurate with the importance of the subject matter.

(ii) To test the veteran's understanding of what has been read.

(f) *Hard of hearing and deafened veterans.* Where specialized education such as lip reading, speech and voice correction, training in speech and voice retention, and acoustic training is required as an integral part of the training program for a hard-of-hearing or deafened veteran, contractual arrangements may be made not only with institutions but also with individuals who are qualified in the special fields and have properly equipped facilities for training. Hard-of-hearing and deafened veterans, for whom on-the-job training is prescribed under Part VII may also be provided with specialized education. It is desirable that all services be procured from the institution in which the veteran is enrolled for education or training. However, if adequate instruction in specialized education cannot be obtained in the institution in which the veteran is enrolled, the services of another institution or of an individual teacher or teachers may be provided by separate contracts.

(g) *Payments for equivalency examinations.* An equivalency examination is one in which qualified students by previous study or experience have gained the information to be derived from the pursuit of a subject and may, by taking an examination, gain credit for an elective or required college subject or unit course without actually studying the subject at the institution. Such an equivalency examination in the required or elective subject is given to students enrolled in the institution who request college credit for these subjects; if the student successfully passes the credit examination, he is given credit for the subject toward a degree and is not required to pursue that particular subject or unit course at the institution. When a veteran is entitled to benefits under Public Law 16, the fees for an equivalency examination may be paid by the Veterans' Administration if such examination is prescribed by the Veterans' Administration as a necessary part of the veteran's rehabilitation program.

(h) *Payments of expenses for required degree thesis.* (1) If a manager of a regional office determines that the cost of typing, printing, microfilming, or otherwise reproducing the minimum required number of copies of a required degree thesis is an essential part of the course of training required to restore employability of a Public Law 16 trainee, such expense may be authorized.

(2) Such research expense as is generally considered essential for completing a thesis may be paid when the research work is an integral part of the course leading to the granting of a degree and the appropriate official of the institution (the veteran's committee chairman, "major" professor, department head, or appropriate dean) certifies that such expense is required in order to complete the course which requires the preparation of a thesis.

(3) Arrangements should be made with institutions to provide for furnishing of the services as indicated above, or to have invoices charged to and paid by the institution so that payment may be effected in a manner similar to that followed in connection with books and supplies. The institution should furnish an estimate of the cost at the time the veteran is enrolled in the course. Such cost must be reasonable and not in excess of the cost generally required to be incurred and paid by other students for the same services or items.

(4) The contract with the institution must include provision for payment for such services and, if the original contract does not include provision for payment for such services and it is determined that such services are necessary for the rehabilitation of Part VII trainees, contracts should be supplemented to cover payment for such services.

§ 21.449 *Medical services for Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), trainees.*—(a) *Purpose.* Where satisfactory arrangements for Part VII trainees can be made with the school, contracts for education and training should also provide for the furnishing, or arrangements for furnishing, medical and hospital care for illnesses of relatively short duration. Such medical service and hospital care may be provided for by the institution through payment of a student health fee customarily charged to all students, or arrangements may be made by the institutions with doctors and hospitals in the immediate area where complete services are not available in the school-owned and operated facilities. Section 21.253 (a), relative to medical treatment of trainees receiving vocational rehabilitation, refers particularly to considerations incident to supervision by the training officer and to treatment necessary to prevent interruption of training. In cases where it is necessary to interrupt the training of the veteran for an extended period because of illness, consideration should be given to transferring him to a Veterans' Administration hospital. Managers of the regional offices should establish a procedure whereby the institutions would notify promptly the regional office having jurisdiction over Veterans' Administration activities in the area in which the institutions are located of the veteran's illness or injury in order that arrangements may be made for medical service in a Veterans' Administration field station.

(b) *Availability of medical service.* Contract officers will, in their contract negotiations with educational institutions for education and training under Part VII, determine the nature and extent of medical service which is available to students at the institutions upon payment of a health fee and additional allowable fees or other charges; and will provide in the contract for the furnishing of medical treatment and hospital care to veterans for illnesses of relatively short duration. Where an institution is in position to furnish medical service and hospital treatment upon payment of additional fees and charges which are not covered by the health fee or where the institution can arrange with a hospital which is not connected with the institution to furnish the service for its students, the contract should be supplemented to include provision for such available service. In those cases where the records of the institution do not distinguish between Public Law 16 veterans and Public Law 346 veterans, the manager should provide the institution with a list of disabled veterans who are entitled to medical service.

(c) *Determination of fee rate payable.* The Department of Medicine and Surgery, Veterans' Administration, has negotiated contracts with virtually all States to furnish outpatient treatment to veterans with service-connected disabilities and has negotiated contracts with a number of State associations to furnish hospital care. Where it is contemplated that a contract will be negotiated with an institution to include medical and hospital services for Public Law 16 veterans, the regional office will ascertain from the division of medicine and surgery whether there is a medical contract covering the area in which the institution is located. Where such a contract exists, the fees established in the Public Law 16 contract negotiated by the regional office for medical service and the charges for hospital services furnished outside of the regular services covered by the health fee will not exceed the charges negotiated by the Department of Medicine and Surgery. Customary charges will be paid to the institution for the services covered by the regular health fee. In those cases where the Department of Medicine and Surgery does not have a contract covering medical treatment and hospital care, the charges for such service will be checked with the division of medicine and surgery to determine that they are not in excess of the general rates being approved for such services by that division.

(d) *Treatment by fee physicians.* In those cases where contractual arrangements cannot be made with educational institutions but where the institution designates a physician or physicians to whom students are referred for treatment, the regional offices will arrange with the institution to have disabled veterans report to the institution's health officer for assignment to designated physicians for treatment or referred to designated hospitals for hospitalization. In such cases, the fees for medical services and charges for hospital services shall not exceed charges provided for in contracts negotiated by the division of medicine and surgery, and, where the medical division does not have a contract, the charges for medical and hospital services will not exceed the charges approved for such services by the division of medicine and surgery.

(e) *No certification from medical division required.* No certification is required from the division of medicine and surgery for medical services provided Part VII trainees under VR&E contracts or through arrangement made by VR&E with the institutions for fee physicians and hospital care, as these services are separate and distinct from any medical services to which veterans may otherwise be entitled under the jurisdiction of the division of medicine and surgery.

(f) *Voucher preparation.* The institution which provides medical services other than those covered by the health fee of the institution or by special arrangements with outside individuals or organizations will be required to submit to the regional office an itemized voucher each month showing the name and C-number of each trainee, the nature and date of services, and fees charged.

FEES AND EXPENSES PAYABLE UNDER PART VII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12), TO OTHER THAN THE EDUCATIONAL AND TRAINING INSTITUTION

§ 21.457 *Administrator's Decision 557.* Administrator's Decision 557, March 7, 1944, expressly authorizes payment of certain fees or expenses for Part VII Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), trainees payable to other than educational or training institutions in which the trainee is enrolled.

(a) Fees charged by a State or political subdivision in connection with licensing a trainee to engage in a particular occupation may be authorized under the provisions of Public Law 16, 78th Congress, as reasonable incidents of the rehabilitation of the trainee necessary to make him employable in the vocation for which he is trained.

(b) The cost of transportation incident to the taking of the required examination for a license is an incident of the program to attain employability and may lawfully be paid.

(c) Other fees required by law as a condition to the practice of a profession are exactions conditioning the practice of the profession or vocation, as distinguished from preparation for or admission to practice, and are not payable by the Veterans' Administration as a part of the training expense.

(d) Fees and other charges which are not prescribed by law, but by non-government organizations, such as initiation fees required to become a member of a labor union and the dues necessary to maintain membership in the unions, which are incident to training on the job may be paid, provided there are no fa-

cilities feasibly available whereby the necessary training can be accomplished without paying such charges as a necessary incident of the training.

(e) Union initiation fees and membership dues required to begin work following completion of training are not payable as a necessary part of preparation for employment.

§ 21.458 *Tutoring service.* In exceptional cases, payment for private tutoring for Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainees is authorized. (See § 21.448 (d).)

§ 21.459 *Reader service.* The manager is authorized to pay for the needed reader service for a Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainee with visual impairment which makes it impossible or inadvisable for the trainee to use his eyes for reading. (See § 21.448 (e).)

§ 21.460 *Specialized education for a hard-of-hearing or deafened veteran.* If instruction in specialized education cannot be obtained in the institution in which the veteran is enrolled, the services of another institution or of an individual teacher or teachers may be provided by separate contracts. (See § 21.448 (f).)

AMOUNT PAYABLE TO APPROVED NONPROFIT INSTITUTIONS FOR PART VIII, VETERANS REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12), TRAINEES, FOR RESIDENCE COURSES OF 30 WEEKS OR MORE, EITHER FULL TIME OR PART TIME

§ 21.468 *Definition of nonprofit institution.*

Corporations and any community chest fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation. (Par. (6), sec. 101, I. R. C.)

§ 21.469 *Course of education or training of 30 weeks or more.* For purposes of payment, a course of education or training of 30 weeks or more embraces all regular and special full-time or part-time courses customarily requiring 30 or more weeks for completion, including short-unit and complete-unit courses when such are included as a part of a course of 30 or more weeks. Examples:

(a) Academic courses requiring 30 or more weeks for completion.

(b) Summer session courses conducted by the institution in addition to its ordinary school year of 30 weeks or more which are within the required and elective courses for which credit is granted toward a degree.

(c) Short, complete courses including regular courses reorganized in duration or content to meet the needs of veterans only, if included in a course of 30 or more weeks.

(d) One or two subjects (in a course of 30 or more weeks, from the regular curriculum of an institution) for a quarter, semester, or other division of the school year.

(e) Regular courses in vocational, trade, proprietary, and other schools customarily requiring 30 or more weeks for completion.

§ 21.470 *Total payments to nonprofit institutions for courses of 30 weeks or more*—(a) *Payments authorized.* Payments are authorized to approved nonprofit institutions for eligible veterans enrolled therein for courses of 30 weeks or more. Such payments, subject to the rules and regulations set forth in §§ 21.400 to 21.671 will consist of the amounts charged to the Veterans' Administration for tuition either on a customary basis or on other than a customary basis as provided herein, plus the amounts customarily required to be paid by all students for other fees and necessary expenses and for books, supplies, and equipment which are required to be owned personally by other students pursuing the same courses and which are furnished to veterans by the institution.

(b) *Limitation on total payments by the Veterans' Administration.* The maximum amount which the Veterans' Administration will pay to a nonprofit school for eligible veterans enrolled therein for courses of 30 weeks or more is determined as follows:

(1) *Customary charges for tuition, fees, books, supplies, equipment, and other necessary expenses.* Where the charges to the Veterans' Administration for eligible veterans for tuition (if any), fees, books, supplies, equipment, and other necessary expenses are those customarily required to be paid by all students pursuing the course, veterans or nonveterans, the total payment by the Veterans' Administration for an individual veteran will not be made in an amount to exceed the rate of $500 for a full-time course for an ordinary school year unless the veteran elects on VA Form 7–1950a, Application for a Course of Education or Training Where the Customary Charges Are in Excess of the Rate of $500 for an Ordinary School Year, to have his entitlement charged with one additional day for each $2.10 of the amount by which the total customary charge for tuition, fees, books, supplies, equipment, and other necessary expenses exceeds the rate of $500 for a full-time course for an ordinary school year. If the veteran does not elect to have his entitlement charged with the amount the total customary charge for tuition, books, supplies, equipment, and other necessary expenses exceeds the rate of $500 for a full-time course for an ordinary school year, then the veteran must pay such excess amount to the institution. (See § 21.505 for exceptions.)

(2) *Other than customary charges for tuition and customary charges for fees, books, supplies, equipment, and other necessary expenses.* Where the nonprofit school elects and is permitted to charge the Veterans' Administration for eligible veterans enrolled therein on the basis of other than customary tuition and the amounts customarily required to be paid by all students pursuing the same course for fees, books, supplies, equipment, and other necessary expenses, the total payment to the institution for the other than customary tuition will be limited to an amount which, together with the customary charges for fees, books, supplies, equipment, and other necessary expenses will not exceed the rate of $500 for a full-time course for an ordinary school year. An individual veteran will not be permitted nor required either to elect on VA Form 7–1950a to have his entitlement charged at an accelerated rate or to pay personally for any part of the total charge for tuition, fees, books, supplies, equipment, and other necessary expenses where such total charge would exceed the rate of $500 for a full-time course for an ordinary school year because of the payment of tuition to the institution on other than a customary basis. (See § 21.505 for exceptions.)

§ 21.471 *Tuition payments to nonprofit schools for courses of 30 weeks or more.* (a) The Veterans' Administration is authorized to pay customary charges to a school for eligible veterans enrolled therein for courses of 30 weeks or more and is further authorized, if the school has no customary tuition or if the customary tuition is found by the Administrator to be insufficient to permit the institution to furnish education and training to eligible veterans, or inadequate compensation therefor, to pay such fair and reasonable tuition as will not exceed the estimated cost of teaching personnel and supplies for instruction.

(b) Managers are authorized to pay tuition to nonprofit schools for eligible veterans enrolled therein for courses of 30 weeks or more on any one of four alternative bases as follows:

(1) *Alternative 1.* Customary charges.

(2) *Alternative 2.* As much as $15 per month, $45 per quarter, or $60 per semester in lieu of but not in addition to customary tuition: *Provided,* Such rates do not exceed the estimated cost of teaching personnel and supplies for instruction.

(3) *Alternative 3.* Nonresident tuition for all veterans in lieu of but not in addition to customary tuition: *Provided,* That the amount of the nonresident tuition does not exceed the estimated cost of teaching personnel and supplies for instruction: *And provided further,* That the charges are not in conflict with existing State laws or other legal requirements.

(4) *Alternative 4.* Tuition based on the estimated cost of teaching personnel and supplies for instruction computed in accordance with the formula set forth in § 21.531.

(c) Subject to the limitations contained in the regulations in this part, an approved nonprofit school providing education and training to eligible veterans enrolled under the provisions of Part VIII, Veterans' Regulation 1 (a), as amended, (38 U. S. C., ch. 12), for a course of 30 weeks or more, may be paid all required customary fees that are not designated by the institution as tuition fees, such as hospital or health, library, incidental, activity, student union, diploma, matriculation, registration, laboratory, and course fees, together with the allowable customary charges for books, supplies, equipment, and other necessary expenses, and, in addition thereto, may be paid tuition on any one of the four

alternative bases provided in §§ 21.472 to 21.475.

§ 21.472 *Alternative 1; tuition on the basis of customary charges.* Payment will be made for tuition customarily charged to other students pursuing the same or comparable courses, as set forth in the published catalogs or bulletins of the school or college (except as otherwise stated herein). In the event an institution does not publish a bulletin, a responsible official of the institution will individually certify to the manager of the regional office within whose territory the institution is located the customary tuition charges for the courses offered.

§ 21.473 *Alternative 2; $15 a month, $45 a quarter, or $60 a semester.* Institutions with no established tuition or whose established tuition is inadequate compensation for furnishing education or training to veterans, if they so desire may be paid as much as $15 a month, $45 a quarter, or $60 a semester for each eligible veteran enrolled in a full-time course under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12); *Provided,* That the proper official certifies to the manager the charges customarily made to other students pursuing the particular course. No contract is required for such payments for Part VIII veterans.

§ 21.474 *Alternative 3; tuition based on the nonresident tuition*—(a) *Institutions which have nonresident tuition.* If they so desire, institutions which have nonresident tuition may be paid for each veteran enrolled under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), such customary tuition as is applicable to all nonresident students; *Provided,* That the charges are not in conflict with existing laws or other legal requirements. Managers will obtain evidence from the institution or proper official that such charges are legal. No contract is required for such payments for Part VIII veterans.

(b) *Limitation.* Where the institution has more than one nonresident fee, the Veterans' Administration will pay only the minimum nonresident fee for the veterans who are legal residents of the State (county, municipality, if appropriate) in which the institution is located. Payments for veterans who are not legal residents may be at the nonresident rate indicated in the institution's publication.

§ 21.475 *Alternative 4; estimated cost of teaching personnel and supplies for instruction.* When charges permitted under alternatives 1, 2, and 3 (§§ 21.472 to 21.474) are claimed by an institution to be inadequate compensation for the education or training furnished, the institution may request and the manager is authorized to contract for payment on the basis of the estimated cost of teaching personnel and supplies for instruction. (See § 21.531.)

§ 21.476 *Authorization for tuition payments on the basis of §§ 21.473 or 21.474.* (a) Paragraph 5, title II, Public Law 346, as amended by Public Law 268, 79th Congress, provides that the Administrator shall pay to the educational or training institution the customary charges for instruction of veterans and provides further that any institution may apply to the Administrator for an adjustment of tuition and that the Administrator, if he finds that the customary tuition charges are insufficient to permit the institution to furnish education or training to eligible veterans or inadequate compensation therefor, may provide for the payment of such fair and reasonable compensation as will not exceed the estimated cost of teaching personnel and supplies for instruction. Prior to the enactment of Public Law 268 on December 28, 1945, the adjustment permitted under Public Law 346 was not limited to the cost of teaching personnel and supplies for instruction. Administrator's Decision 720, September 20, 1946, provides that payments in lieu of customary charges on the basis of the second and third alternatives stated above can be effective only if the Veterans' Administration determines, on proper data, that such cost does not exceed the cost of teaching personnel and supplies for instruction.

(b) It has been determined administratively from reports submitted and studies made that the payment of other than customary tuition charges to nonprofit institutions on either the basis of $15 a month, $45 a quarter, or $60 a semester, or nonresident fees as set forth in alternates 2 and 3 (§§ 21.473 and 21.474), does not exceed the estimated cost of teaching personnel and supplies for instruction prescribed in paragraph 5, Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12).

(c) Authority is granted for payments of other than customary tuition charges to nonprofit educational institutions subsequent to December 28, 1945, on either of alternatives 2 or 3 set forth in §§ 21.473 and 21.474, in accordance with instructions relating to such payments.

AMOUNT PAYABLE TO AN APPROVED INSTITUTION OTHER THAN NONPROFIT FOR PART VIII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12), TRAINEES FOR RESIDENCE COURSE OF 30 WEEKS OR MORE, EITHER FULL TIME OF PART TIME

§ 21.484 *Definition of profit institution or other than nonprofit institution.* An institution which has not been recognized by the Bureau of Internal Revenue as a nonprofit institution is a profit or other than nonprofit institution. (See § 21.468.)

§ 21.485 *Customary charge basis; applicability and limitations (as outlined in alternative 1, § 21.472).* (a) The total charge may not exceed the rate of $500 for a full-time course for an ordinary school year of 34 weeks, unless:

(1) It is determined to be fair and reasonable under the method outlined in § 21.530.

(2) The trainee elects to have his entitlement charged with one additional day for each $2.10 of the amount the customary charge exceeds the rate of $500 for a full-time course for an ordinary school year. If the veteran does not so elect, then he must pay such excess to the institution.

(b) Charge for books, supplies, and equipment issued to the trainee by the institution is included in the total charge for determining whether the rate of $500 is exceeded.

(c) A contract will be required if the charge is in excess of the rate of $500 for a full-time course for an ordinary school year.

AMOUNT PAYABLE TO APPROVED INSTITUTIONS FOR PART VIII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12), TRAINEES FOR RESIDENCE COURSES OF LESS THAN 30 WEEKS' DURATION, FULL TIME OR PART TIME

§ 21.493 *Definition of a short, intensive, post-graduate or training course.* For the purposes of paragraph 3, Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), a short, intensive, post-graduate or training course is defined as that course of less than 30 weeks in duration for which the customary charges are in excess of the rate of $500 for a full-time course for an ordinary school year and is further defined as:

(a) Special courses of less than 30 weeks in duration offered by universities, colleges, and other higher educational institutions outside of and in addition to the regular established curriculum which are not within the required and elective courses for which credit is granted toward a degree or regular courses reorganized in duration or content to meet the needs of veterans only for which veterans may be granted credit toward a degree.

(b) Regular courses offered by training institutions where the course of instruction is less than 30 weeks.

(c) Special courses of less than 30-weeks' duration offered by training institutions which are not offered to regularly enrolled students pursuing a normal course of more than 30 weeks. Veterans who enroll in one or two individual subjects from the regular curriculum of an institution whose school year is more than 30 weeks and who pursue such courses for only one quarter or one semester will be considered part-time students and the institution will be paid for such students under instructions covering courses of more than 30 weeks.

§ 21.494 *Basis for payment to all institutions.* There is no differentiation in basis between nonprofit and other than nonprofit institutions for courses of less than 30 weeks, except for:

(a) Difference in method of determining fair and reasonable, when such determination is necessary. (See §§ 21.530 and 21.531.)

(b) Difference in amount payable when trainee fails to complete a subject. (See § 21.592 (c) (6).)

§ 21.495 *Amount payable by the Veterans' Administration for a course of less than 30 weeks.* (a) The amount payable by the Veterans' Administration for a course of less than 30 weeks will not:

(1) Exceed the customary charge.

(2) Exceed $500 total.

(b) The amount payable by the Veterans' Administration for a course of less than 30 weeks will be based on one of the following applicable conditions:

(1) Customary charge if it has been found to be fair and reasonable in accordance with the provisions of § 21.587.

(2) A fair and reasonable charge where the customary charge is determined not to be fair and reasonable.

(c) If the charges under paragraphs (b) (1) or (2) of this section exceed $500 total, the veteran must pay the excess over $500 to the institution, since the Veterans' Administration's payment is limited by law to a maximum of $500.

(d) If the charge under paragraphs (b) (1) or (2) of this section exceeds the rate of $500 (but not a total of $500), the veteran must elect to have his entitlement charged at an accelerated rate or to pay the excess to the institution.

(e) Charges for books, supplies, and equipment to be furnished to the trainee by the institution must be included in or added to the customary charge for purpose of determining whether the total customary charge exceeds the total of $500 or the rate of $500.

THE ORDINARY SCHOOL YEAR; ENROLLMENT FOR FULL-TIME OR PART-TIME COURSES

§ 21.503 *The ordinary school year.* (a) The "ordinary school year" for instruction ordinarily given on a semester or quarterly basis is defined as a period of two semesters or three quarters—not less than 30 nor more than 38 weeks in total length.

(b) The "ordinary school year" for instruction not ordinarily given on a semester or quarterly basis is defined as a period of 34 weeks.

§ 21.504 *Measurement of enrollment for full-time or part-time.* For purposes of determining the maximum allowable amount of tuition and other charges to be paid without requiring the individual veteran to exhaust his entitlement at an accelerated rate or to determine whether the total charge for part-time courses exceeds the rate of $500, full-time and part-time courses are measured in the following terms:

(a) *Measurement of full-time residence courses.* (1) In collegiate institutions which use a standard unit of credit recognized by an accrediting association, a full-time course during the regular school year will consist of 12 or more standard semester hours of credit for a semester or their equivalent in such terms as quarter hours, term hours, majors, or courses. Summer session study will be determined in accordance with the policy of each individual institution. Students are ordinarily permitted to enroll for not more than one semester hour of credit or the equivalent for each week of attendance. For graduate or advanced professional courses pursued on a full-time basis in colleges or universities, the certification of that fact by a responsible official of the institution will be accepted.

(2) In all other schools, including high schools, a full-time course of education or training will consist of 25 or more clock hours of required attendance per week.

(3) In a combination of on-the-job and school training, the portion of each kind of training will be determined in accordance with the policy herein. For full-time training, the fractional parts of the combined course must total not less than one.

(4) Decreases in amount of credit or hours of attendance during a course which result in a veteran's carrying less than the full-time program as defined herein will necessitate an adjustment which will be based on the provisions of "Measurement of Part-Time Study."

(b) *Measurement of part-time study for Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), students.* Courses which occupy the person for less time than that set forth under paragraph (a) of this section are part-time courses. The certified statement of enrollment furnished by the training institution, insofar as applicable, will be used for making the required fractional part-time determinations.

§ 21.505 *Maximum amount payable for a quarter, semester, or term without VA Form 7–1950a—(a) Enrollment for ordinary school year.* Where the veteran enrolls for an ordinary school year in an educational institution in which the total charges for the ordinary school year are within the rate of $500 for a full-time course for an ordinary school year, such charges will be paid by the Veterans' Administration without regard to the portion allocated to each quarter, semester, or term. Thus, payment will be made when due under Veterans' Administration regulations for a particular quarter, semester, or term within the ordinary school year even though such charges for that particular semester, quarter, or term exceed the pro rata part of the $500 for a full-time course for an ordinary school year. A VA Form 7–1950a is not required in such cases, and such payments by the Veterans' Administration will not constitute overpayment.

(b) *Enrollment for less than ordinary school year.* Where the veteran enrolls for less than an ordinary school year, the maximum amount the Veterans' Administration may pay for such period of time will be that pro rata portion of $500 that the length of the period of enrollment bears to the length of the ordinary school year of the institution involved. Payment of customary charges in excess of the amount thus determined will be made by the Veterans' Administration only if the veteran elects to exhaust his period of entitlement at an accelerated rate and executes VA Form 7–1950a accordingly. Where an institution under these circumstances is charging the Veterans' Administration other than customary tuition, the veteran will not be permitted nor required to execute a VA Form 7–1950a nor shall the institution be allowed to charge the veteran personally for any amount in excess of the rate of $500. It may be necessary in certain instances to adjust the amount of other than customary tuition that the institution would expect to receive in order to stay within the maximum amount that the Veterans' Administration may pay under the conditions set forth in this paragraph.

(c) *Application of payment policy.* Where the veteran enrolls in an institution for a course where it has been determined that the charges for the ordinary school year will not exceed the rate of $500 for a full-time course for the ordinary school year and then interrupts or discontinues his course at any time prior to the completion of the ordinary school year, the institution will be paid the amount due it under the regulations of the Veterans' Administration without regard to the fact that the amount of such payment, based on the period of the veteran's attendance in the institution, may exceed the rate of $500 for a full-time course for an ordinary school year. Such payment will be made without requirement of a VA Form 7–1950a and will not constitute an overpayment on the part of the finance officer. Examples of this are as follows:

(1) A veteran enrolls at the beginning of an ordinary school year consisting of two semesters for which the total charges are $500, payable $300 for the first semester and $200 for the second semester and discontinues or interupts at the end of the first semester. In such a case, the Veterans' Administration will pay the institution $300 for the first semester in the same manner as payment would have been made for a student attending for the full ordinary school year, and the payment of such charges will not require the execution of a VA Form 7–1950a and will not constitute an overpayment on the part of the finance officer.

(2) A veteran enrolls in a nonprofit institution which has a refund policy for veterans equivalent to that set forth in § 21.656 where the total charges for the ordinary school year of two semesters are $500, payable $300 for the first semester and $200 for the second semester. Such veteran interrupts or discontinues his course at the expiration of 5 weeks. Under the refund policy set forth in § 21.656, the institution is entitled to bill and be paid for the full semester's charges of $300 for such veteran and the full $300 will be paid by the Veterans' Administration in the same manner and at the same time that payment would have been made had the veteran continued for the full ordinary school year. Payment of the $300 will be effected without the execution of a VA Form 7–1950a, and such payment will not constitute overpayment on the part of the finance officer.

(3) A veteran enrolls for a 48-week course of instruction at a profit institution but discontinues his training after 4 weeks. The tuition charge for the 48-week course of instruction is $360 and the cost of books, supplies, and equipment actually furnished to the veteran amounts to $100. The Veterans' Administration will pay $100 for books, etc., plus 4/48 of $360 for tuition, without the execution of a VA Form 7–1950a and such action will not constitute an overpayment.

§ 21.506 *Determinations necessary in case of part-time course.* In the case of part time, it is necessary to determine whether the charge:

(a) Exceeds the rate of $500 for an ordinary school year.

(b) Is such that a contract is required under Veterans' Administration regulations.

(c) Is allowable under Veterans' Administration regulations.

(d) Requires the execution of VA Form 7–1950a by the veteran or payment of additional funds by the veteran.

§ 21.507 *Maximum charge for part-time course without VA Form 7–1950a.* In the absence of an executed VA Form 7–1950a, the maximum charge to the Veterans' Administration for a part-time course will be that proportion of the $500 allowable for an ordinary school year which the part-time training bears to full-time training.

Examples:

(a) Veteran enrolled for four semester hours of credit for one semester and does not elect to shorten his period of eligibility through the execution of VA Form 7–1950a, the charge will not exceed $83.33, derived as follows: $\frac{4}{12}$ of $\frac{1}{2}$ of $500.

(b) Veteran enrolled for nine clock hours of required attendance per week for 10 weeks in a part-time course in an institution and does not elect to shorten his period of eligibility through the execution of VA Form 7–1950a, the maximum allowable charge will be $52.94, derived as follows: $\frac{9}{25}$ of $\frac{10}{34}$ of $500.

§ 21.508 *Maximum charge with VA Form 7–1950a.* If a veteran is enrolled in a part-time course for an ordinary school year, measured as above, and elects to have his period of entitlement charged at an accelerated rate on VA Form 7–1950a, then it is only necessary to determine whether the charge for the part-time course exceeds the rate of $500 for a full-time course and that a contract is or is not required.

§ 21.509 *Maximum charge for summer session or other period not part of ordinary school year without VA Form 7–1950a.* For purposes of computing the maximum pro rata portion of $500 that can be paid as customary charges by the Veterans' Administration for a summer session, or other period outside of the ordinary school year as defined in § 21.503, without election on the part of the veteran to have the excess customary charges paid by the Veterans' Administration and his entitlement charged with such excess, the following will apply: The maximum payment will be computed as that fractional part of $500 that is derived by using as the numerator of the fraction the number of weeks of instruction in the summer session or other period of instruction and as the denominator the number of weeks of instruction in the ordinary school year as determined by the institution.

DETERMINATION OF AMOUNTS PAYABLE FOR PART VIII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12), TRAINEES

§ 21.516 *Review of charges.* (a) The training facilities section is responsible for determining whether the charges made by institutions to the Veterans' Administration for the education and training of veterans are in accord with the provisions set forth herein. (See § 51.589.)

(b) In order to determine that charges by institutions where contracts are not required are being made to the Veterans' Administration in accordance with Veterans' Administration regulations, the basis for charges to the Veterans' Administration by each approved institution in which Public Law 346, 78th Congress, veterans are enrolled and with which a contract has not been executed will be examined from time to time by personnel of the training facilities section. Such personnel will, insofar as possible, as part of their prescribed duties, visit the institutions involved to determine that charges being made for the education and training of veterans are in accordance with Veterans' Administration regulations. From time to time, training facilities section personnel will confer with finance personnel in the regional office concerning the validity of the charges being made by such institutions.

(c) Close liaison will be maintained between the personnel of the training facilities section and the training officer or officers assigned to the institution for the purpose of ascertaining that services being rendered to the trainee are those for which charges are being made.

§ 21.517 *Limitations applicable to payments to institutions for Part VIII, Veterans' regulation 1 (a), as amended (38 U. S. C., ch. 12), trainees—(a) Priority of charges—(1) Customary charges.* When an institution is charging the Veterans' Administration customary tuition charges applicable to all students, the customary charges for tuition and incidental fees will constitute a first charge on the maximum expenditure allowable for any one person for an ordinary school year. Charges for books, tools, equipment, supplies, and other necessary expenses will be paid from any amounts remaining after the charges for tuition and incidental fees are provided for.

(2) *Other than customary tuition.* Where a nonprofit school elects and is permitted to charge the Veterans' Administration for eligible veterans enrolled therein on the basis of "other than customary" tuition, the total payment to the institution for "other than customary" tuition will be limited to an amount which, together with customary charges for fees, books, supplies, and equipment, and other necessary expenses, will not exceed the rate of $500 for a full-time course for an ordinary school year. (See § 21.470 (b) (2).) Administrator's Decisions 638 and 720 provide that the Veterans' Administration may pay by way of increased tuition or fees only so much as will not increase the maximum cost to the individual veteran and that the Veterans' Administration may not authorize an institution to charge "fair and reasonable compensation" for instruction on the basis of nonresident fees or the cost of teaching personnel and supplies in an amount which, together with other necessary allowable fees and costs, exceeds $500 for an ordinary school year. Accordingly, "other than customary" tuition may be authorized only in such amount as to permit a complete billing for the customary expense of required and allowable fees, books, supplies, and equipment, and, in view of this, it may be necessary to adjust the charges for "other than customary" tuition in order that the full amount for other allowable expenses may be paid without exceeding the $500 maximum. The priority of charges in the case of an institution receiving "other than customary" tuition is, first, the customary fees of the institution other than those labeled "tuition" by the institution; second, the charges for books, supplies, and equipment which are required to be owned personally by all students pursuing same or similar courses; and third, "other than customary" tuition. As the 10-percent compensation for furnishing books, supplies, and equipment is an administrative expense and not a charge against the period of eligibility of an individual veteran for such compensation, it will not be included in the total charges when determining that such charges exceed the rate of $500 for an ordinary school year.

(b) *Responsibility for notification by manager.* When the estimated total customary charges exceed the rate of $500 for an ordinary school year for a full-time course or a pro rata amount for a shorter or longer period or for part-time study, the maximum amount allowable will be allocated: (1) To tuition and incidental fees, and (2) to books, supplies, and equipment, and other necessary expenses. Unless the veteran has executed and filed VA Form 7–1950a, the veteran and the institution concerned will be notified by the manager in confirming the enrollment that the Veterans' Administration will be responsible only for a total expenditure not to exceed the rate of $500 for an ordinary school year for the tuition, incidental fees, books, supplies, and equipment. Arrangements for any excess amount will be made between the veteran and the institution concerned and there will be a clear understanding to that effect before the enrollment of the veteran is approved.

(c) *The following limitations will be observed in payments for Part VIII trainees, regardless of the amount payable.* (1) Institutions furnishing apprentice or other training on the job, including business or other establishments and Government agencies, may not be paid tuition or incidental fees for such training. (See §§ 21.539 and 21.540 for books, supplies, and equipment.)

(2) When more than one standard charge is made for the same service, the Veterans' Administration will pay the lowest price for the entire course, semester, quarter, or term which is offered or published.

(3) When the total cost of instruction is paid from Federal funds, the Veterans' Administration will not approve any payments for tuition. When a portion of the cost is covered by grants from the Federal Government, i. e., Smith-Hughes or other laws, due consideration to such subsidy will be given in determining the proper charge to the Veterans' Administration.

(4) Under Part VIII there is no authority to pay a State license examination fee.

(5) Under Part VIII, payments are limited to cost of tuition, supplies, and other necessary expenses required for the successful pursuit and completion of the veteran's course, none of which can be construed to include union dues (not student union).

(6) Payments for trainees who discontinued during an instructional period are specially treated in §§ 21.655 to 21.657.

(7) A general fee of the institution which includes certain travel (i. e., travel expenses in connection with field trips taken by veterans in training under Part VIII) is allowable under the conditions outlined as follows:

(i) *Field trip transportation expense covered by regular tuition or laboratory fees.* Where field trips are required of all students pursuing the course as an integral part of the instruction in that course and the transportation expense for such trips is included as a part of the regular tuition or laboratory fees required of students pursuing such course, payment of the full amount of such tuition charges and fees may be made by the Veterans' Administration for veterans enrolled under Part VIII without deduction by reason of the inclusion therein of travel costs.

(ii) *Field trip transportation expense not authorized.* The Veterans' Administration cannot pay for the transportation expense for trainees enrolled under Part VIII, whether for an occasional field trip, summer camp, or for data for research or thesis, where the charge to the student is a separate fee not included in the tuition or laboratory fee customarily paid by all students enrolled in that course. Laboratory fees specifically designed to cover only the cost of travel expense will not be paid. Such field trip expenses may be paid for Part VII trainees if the services covered by such fees are considered by the manager to be necessary for the vocational rehabilitation of the trainee.

(8) (i) When a veteran who is enrolled in and pursuing a course of education or training under Part VIII needs special tutoring not generally required for the successful pursuit and completion of the course by other students in the institution, to meet the regularly prescribed standards of the institution, such tutoring will not be provided at Government expense, inasmuch as such a cost cannot be considered as either "customarily charged" or "generally required" as set forth in paragraph 5, Part VIII. Similarly, if an institution finds that a veteran does not meet the established entrance requirements but accepts him as a student subject to his receiving special tutoring during the pursuit of his course, such tutoring will not be provided at Government expense.

(ii) Tutoring as referred to in subdivision (i) of this subparagraph does not apply to individualized or tutorial methods of instruction employed by some institutions for all students pursuing the same course, inasmuch as any required or elective unit course listed in the official publication of the institution may be taken by the veteran regardless of the method of instruction employed by the institution. Neither does it apply to those situations where the institution makes adjustments in its course to meet the needs of veterans in the form of special classes which become part of the course.

(9) The special conditions in § 21.518 may present limitations.

§ 21.518 *Special charges and conditions*—(a) *Incidental fees.* Fees incidental to tuition and required of all students taking the same or comparable courses are payable by the Veterans' Administration. Such fees include matriculation fee, registration fee, laboratory fee, library fee, health and/or infirmary fee, student body or student activity fee, if required of all students. A fee for repeating a subject of a course would be allowable if it is required of all students who repeat a course.

NOTE: Library fines, or penalty fees, are not incidental fees payable by the Veterans' Administration. Deposits, all or part of which are normally refundable, are not incidental fees and are not payable by the Veterans' Administration as such. (See paragraph (c) of this section.

(b) *Physical and entrance examination fees.* A physical examination fee or an entrance examination fee required by an educational institution as a prerequisite of enrollment in courses of education or training may be paid by Veterans' Administration in behalf of eligible veterans: *Provided, that:*

(1) Such fee is required of all enrollees, veterans, and nonveterans.

(2) The eligible veteran actually is accepted for enrollment and begins the course for which the examination was a prerequisite.

(c) *Breakage fees.* Breakage fees or other deposits commonly required by an institution as a guarantee against contingent loss and which are refundable in whole or in part should not be included as authorized charges. Instead, it should be understood and agreed that at the conclusion of the course or term the Veterans' Administration will pay, upon being vouchered, the exact amount of breakage or loss, provided such breakage or loss is a normal one and not due to vandalism or misconduct of the trainee.

(d) *Student activity fees.* (1) Under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), there is no authority to pay any fees other than those specifically required by an institution to be paid by all students pursuing the particular course. If a fee is charged for an activity identified by an institution as a part of a course or for an activity or article which, although not a part of a course, is, nevertheless, required of all students pursuing the course for which the veteran is enrolled, such fee is considered to be authorized as an expense necessary to the pursuit of the course.

(2) If an item of expense such as the charge for a student yearbook or photograph for a yearbook or other similar items not directly a part of the course is required to be paid by all students pursuing the same or similar course as that pursued by the veteran, the charge for such item is considered an authorized item of expense.

(3) If an activity carries a fee for which the student may elect to pay or refrain from the activity, the charge for such an activity may not be considered an authorized expense. Similarly if an institution does not require all students to pay fees for glee club purchase lecture course or athletic association tickets, subscribe to yearbooks, furnish pictures for yearbooks, or purchase other items, but allows students to exercise an option or election in the matter, then the fee or expense for such activity or item may not be considered an authorized expense.

(e) *Fellowships, scholarships, or similar awards as tuition or fees.* Payment in behalf of a veteran who receives a fellowship, scholarship, grant-in-aid, assistantship, or similar award in complete or partial payment of either tuition or fees, or both, will be made in accordance with the following:

(1) Awards which constitute a waiver of either tuition or fees, or both, will reduce to the extent of the award the amount of either tuition or fees, or both, for which the Veterans' Administration will be responsible, except in those cases where the award is made specifically to cover tuition and fees in excess of the $500 limit for an ordinary school year or proportionate amount for a longer or shorter course or part-time study.

(2) Awards which are not paid in cash to the veteran will reduce to the extent of the award the charges for which the Veterans' Administration will be responsible, except that awards which are made specifically for the purposes of defraying the cost of room and board in dormitories will be disregarded.

(3) Awards which are paid in cash may be retained by the veteran and not be deducted from the charge for tuition and other fees ordinarily payable by the Veterans' Administration.

(4) Waivers of either tuition or fees or both, provided under law by States or other Government authority, will be utilized and the charges which the Veterans' Administration will pay on behalf of veterans eligible thereunder will be reduced in accordance with such waivers.

(f) *Payment for auditor courses and noncredit courses.* (1) This policy applies to a subject course which is referred to by various educational institutions in such terms as an "audit" course, an "auditor" course, an "auditing" course, a "hearer" course, a "noncredit" course, or a "refresher" course. The policy further applies to one or more of these subject courses whether prescribed or recommended by the educational institution as a part of an eligible veteran's course of training or whether constituting the veteran's entire course of training.

(2) Subject to the limitations of the law, measurement of the courses listed in subparagraph (1) of this paragraph for purposes of determining contract requirements will be on a semester-hour basis (or its equivalent in such terms as quarter hours, term hours, major, or courses) for courses pursued without credit, but requiring all of the work prescribed for students enrolled for credit, except for taking the credit examinations; and on the basis of one-half of the ordinarily granted semester-hour credit (or its equivalent) for courses pursued without credit and requiring only attendance and listening at class.

(3) Payments may be made for books and instructional supplies required of all students in courses listed in subparagraph (1) of this paragraph when the veteran is required to perform all of the work which all students enrolled for credit must perform in the course with the exception of taking credit examinations. Payments may not be made for books and instructional supplies for veterans enrolled in courses listed in subparagraph (1) of this paragraph which require only attendance and listening at class.

(4) In the case of those educational institutions which have a regular auditor's fee, usually less than the customary tuition fee for credit courses, wherever applicable the Veterans' Administration will pay the auditor's fee in lieu of the regular tuition fee.

(g) *Payment of expenses for required degree theses or dissertations*—(1) *Research expense.* The cost of such research as is generally considered essential for completing a thesis may be paid when the research work is an integral part of the course leading to the granting of a degree and the appropriate official of the institution (the veteran's committee chairman, "major" professor, department head, or appropriate dean) certifies that such expense is required in order to complete the course which requires the preparation of a thesis. Research expense considered allowable, when certified as a necessary cost as set forth herein, may include such items as duplication of questionnaires, postage required to submit questionnaires to the field, reproduction of maps and charts, purchase and development of film, etc. Travel expense of the student may not be included as a part of the cost to be paid by the Veterans' Administration.

(2) *Final preparation of thesis.* In the final preparation of the required degree thesis or dissertation, only the expense of typing the minimum number of final copies required by the institution for the granting of the degree may be paid for by the Veterans' Administration. Except as stated below, the cost of binding, printing, microfilming, or otherwise reproducing copies of a thesis or dissertation is not authorized.

(3) *Payment of customary fees.* Notwithstanding the provisions of subparagraph (2) of this paragraph, where an institution has a uniform customary fee published in the appropriate catalog or bulletin of the institution which includes the cost of printing of abstracts of a thesis, binding, microfilming, or other similar charge in connection with a course involving the submission of a thesis or dissertation and such fee is required to be paid in the same amount by all students who are enrolled for that particular subject or unit course, such customary fee may be paid by the Veterans' Administration as a part of the cost of education and training for an eligible veteran.

(4) *Institutions to arrange for services.* Arrangements should be made with institutions to provide for furnishing of the services as indicated above, or to have the invoices charged to and paid by the institution, so that payment may be effected in a manner similar to that followed in connection with books and supplies. The institution should furnish an estimate of the cost at the time the veteran is enrolled in the course. Such costs must be reasonable and not in excess of the costs generally required to be incurred and paid by other students for the same services or items.

(h) *Payments for equivalency examinations.* (1) An equivalency examination is one in which qualified students by previous study or experience have gained the information to be derived from the pursuit of a subject and may, by taking an examination, gain credit for an elective or required college subject or unit course without actually studying the subject at the institution. Such an equivalency examination in the required or elective subject is given to students enrolled in the institution who request college credit for these subjects and if the student successfully passes the credit examination he is given credit for the subject toward a degree and is not required to pursue that particular subject or unit course at the institution.

(2) *Authorized payments under Public Law 346.* The Veterans' Administration will pay the customary charge made by an institution for an equivalency examination, *Provided:*

(i) That the customary charge as published in its catalog or bulletin must be paid by all students, veterans or nonveterans, who elect to take the examination for credit to be applied toward the selected course of instruction.

(ii) That the veteran is pursuing a course in the institution under Public Law 346 and is actually enrolled as a student of the institution at the time of the examination and such student has applied for the equivalency examination for the purpose of obtaining credit toward his selected course of instruction.

(3) *Payments not authorized under Public Law 346.* Conditions under which the Veterans' Administration will not pay for equivalency examinations for Public Law 346 trainees:

(i) When the equivalency examination or a similar examination is given to a veteran who is not pursuing a course of instruction as an enrolled student in an approved institution at the time of the examination.

(ii) When the fee for such examination is not customarily charged by the institution to all students, veterans or nonveterans, who are permitted to take the examination in connection with the pursuit of the selected course of instruction.

(iii) When such examinations are given to Public Law 346 trainees prior to enrollment in an approved educational institution.

§ 21.519 *Extent of payment when entitlement has expired and is extended.* (a) Paragraph 2, Part VIII, Veterans' Regulation 1 (a), as amended by section 5 (b), Public Law 268, 79th Congress (38 U. S. C. ch. 12), reads as follows:

Provided further, That wherever the period of eligibility ends during a quarter or semester and after a major part of such quarter or semester has expired, such period shall be extended to the termination of such unexpired quarter or semester.

(b) The following interpretation will guide managers in such cases:

(1) *If enrollment is for the quarter or semester in a course of 30 weeks or more.* (i) Whenever the period of eligibility ends during a quarter or semester and after a major portion of such quarter or semester has expired, such period will be extended to the termination of such unexpired quarter of semester: *Provided,* The customary charge for tuition does not exceed the rate of $500 for an ordinary school year.

(ii) In case the customary charge exceeds the rate of $500 for an ordinary school year and the veteran has executed a VA Form 7–1950a, the period of eligibility will be extended either to the end of the quarter or semester or for a period of time during which the charge to the Veterans' Administration for tuition, fees, books, supplies, equipment, and other necessary expenses equals $125, whichever is the lesser. The period the entitlement is to be extended may be determined as follows:

(*a*) Find the total charge by the institution for 1 week by dividing the total charge for the quarter or semester by the number of weeks in the quarter or semester.

(*b*) Divide $125 by the cost per week found in subdivision (*a*) of this subdivision.

(*c*) The result will be the weeks and fractions of weeks which will be the maximum period for which the period of eligibility and entitlement can be extended.

(2) *If enrollment is for a course of 30 weeks or more in an institution which does not subdivide the year.* (i) When a veteran trainee is enrolled in and attending an educational institution which does not divide its course into quarters or semesters and his period of eligibility ends after half the period or year of instruction is completed, or after 9 weeks, whichever is the lesser in time, the period of eligibility will be extended either to the end of the course or for not to exceed nine additional weeks, whichever is the lesser in time: *Provided,* The trainee is enrolled for and pursuing a course for which the customary charge does not exceed the rate of $500 for an ordinary school year.

(ii) When the institution does not divide its course into quarters or semesters and the charge for the course exceeds the rate of $500 for an ordinary school year and VA Form 7–1950a has been executed, the period of eligibility will be extended either to the end of the course or the year or for a period of time during which the charge to the Veterans' Administration for tuition, fees, books, supplies, equipment, and other necessary expenses equals $125, whichever is the lesser. The period the entitlement is to be extended may be determined as follows:

(*a*) Find the total charge by the institution for 1 week by dividing the total charge for the course or the year by the number of weeks in the course of the year.

(*b*) Divide $125 by the cost per week found in subdivision (*a*) of this subdivision.

(*c*) The result will be the weeks and fractions of weeks which will be the maximum period for which the period of

eligibility and entitlement can be extended.

(d) If, as in flight training, the cost per week cannot be found because instruction is charged by the hour, the extension of period of entitlement will be limited to that period for which the charge to the Veterans' Administration will not exceed $125.

(3) *If enrollment is for a course of less than 30 weeks.* The rules set forth in subparagraph (1) or (2) of this paragraph will apply for a veteran-trainee, except that in no case can the Veterans' Administration pay more than the total of $500 for a course of less than 30 weeks.

§ 21.520. *Payment of tuition where a veteran has insufficient entitlement to complete a major portion of a semester, quarter, or unit period of education or training under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12).* (a) *Method of computation.* The period of entitlement for a course of education or training under the provisions of Public Law 346, as amended, is measured in calendar time. Where a veteran has insufficient entitlement to complete a major portion of the semester, quarter, or other appropriate unit of time for which the veteran desires to enroll, the maximum total payments to be made on his behalf by the Veterans' Administration will be determined as follows:

(1) *Total charges less than the rate of $500 for a full-time course for an ordinary school year.* Where the total charge, including the charge for tuition, fees, books, supplies, equipment, and other necessary expenses for such unit does not exceed the rate of $500 for an ordinary school year, such total charge for the term, semester, quarter, or other unit will be reduced to a rate per week or day, whichever is applicable, and such weekly or daily rate will be multiplied by the remaining number of weeks or days of the veteran's entitlement. The resulting amount is the maximum total payment that may be made on behalf of the veteran.

Example: To determine the payment authorized for a veteran with 6 weeks of entitlement who enrolls in a semester of 16 weeks for which the charge is $160, divide the $160 by 16 weeks and multiple the $10 per week rate by the 6 weeks of remaining entitlement. The amount of $60 is the maximum total payment that may be made by the Veterans' Administration under the above circumstances.

(2) *Total charges in excess of the rate of $500 for a full-time course for an ordinary school year.* Where the total charge, including the charge for tuition, books, supplies, equipment, and other necessary expenses exceeds the rate of $500 for an ordinary school year, the veteran's remaining days of entitlement will be multiplied by $2.10. The resulting amount is the total maximum payment that the Veterans' Administration may make on behalf of such veteran.

Example: A veteran with 3 weeks of entitlement who enrolls in a course of 16 weeks for which the charge is $300 would be entitled to have paid on his behalf 21 (days) times $2.10 or $44.10.

(b) *Notification to institution and veteran.* In any case where the veteran has insufficient entitlement to complete the major part of a term, semester, quarter, or other appropriate unit of time, the veteran and the institution will be advised of the exact amount of the veteran's entitlement. The maximum amount of payment that will be made by the Veterans' Administration on behalf of such veteran will be determined as set forth in paragraph (a) (1) and (2) of this section, and arrangements for the payment of any excess costs not covered by the veteran's entitlement must be made between the individual veteran and the institution in which he is enrolled. In the procedure of settlement, it will be necessary to prorate the total of the charges. Using the example in paragraph (a) (1) of this section, where the total charges are $160, the Veterans' Administration would pay $60 which would be partly applied to tuition, partly to fees, and partly to books, supplies, and equipment. Thus the Veteran's Administration would pay 60/160ths of the cost of each of the component parts. For example, if the $160 consisted of $100 for tuition, $20 for fees, and $40 for books, etc., the Veterans' Administration would pay 60/160ths (37½%) on account of each, or $37.50 for tuition, $7.50 for fees, and $15 for books, etc. Arrangements for the $100 balance would then be a matter between the individual veteran and the institution in which he is enrolled. Up to the end of the veteran's entitlement, the arrangements for payments for tuition, fees, books, etc., would be in accordance with Veterans' Administration regulations. For the 10 weeks balance of the period of instruction, arrangements would be the same as between a nonveteran and the institution and the Veterans' Administration would not be an interested party for such a period.

METHOD OF DETERMINING FAIR AND REASONABLE COMPENSATION AND COST OF TEACHING PERSONNEL AND SUPPLIES FOR INSTRUCTION

§ 21.530 *Determination of fair and reasonable compensation.* The determination of fair and reasonable compensation by the manager, as in the case of courses of less than 30 weeks, or courses of 30 weeks or more in institutions other than nonprofit will require the submission by the educational or training institution of detailed, certified financial statements showing the most recent actual cost experience of the institution for the specific courses involved including cost data on the items of expense which will be used for the determination of fair and reasonable compensation, the basis on which teaching salaries and other expenses have been allocated to the courses involved, and the number of students enrolled and the number of clock hours or credit hours during the period covered by the cost data. In the case of new courses for which no actual cost experience is available, estimated costs may be submitted.

(a) *For nonprofit institutions when course is less than 30 weeks.* For nonprofit institutions, as defined in subparagraph (6), section 101, Internal Revenue Code (see § 21.468), fair and reasonable compensation will be based on the allowance of the following expenses within the limits designated:

(1) Actual cost of teaching and related personnel at reasonable salaries. Teaching and related personnel will include personnel essential to the teaching function such as laboratory supply room attendants and clerical personnel assisting teachers in the preparation of instructional material and records. The salaries of personnel serving both an administrative and teaching function will be prorated accordingly. The cost shown for teaching personnel will be supported by a schedule listing the name, title, annual salary rate, and will show whether employment is part- or full-time for each person included in such cost.

(2) Consumable instructional supplies.

(3) Depreciation on equipment actually used for instruction of students at Bureau of Internal Revenue rates allowed for income tax purposes.

(4) Rental at 4 percent per year of the original construction cost of building space used for instructional purposes when the property is owned by the institution or the actual rental cost when the space is rented by the institution.

(5) Cost of heat, light, power, water, janitor service, and building maintenance.

(6) Taxes and insurance.

(7) Actual administrative expenses which are considered reasonable and necessary in the operation of the school and are properly allocable to the courses under review. Such expenses may include salaries of administrative and clerical personnel representing reasonable compensation for services actually performed and the cost of such items as postage, telephone and telegraph, travel, interest, legal and accounting fees for actual services (not retainers), stationery and office supplies, and such other similar expenses as are reasonable and necessary for the operation of the school, provided that in no case will there be included in the fair and reasonable cost determination a base salary in excess of the rate of $10,000 per annum for an individual who has a proprietary or bonus interest in the institution. The administrative cost must be itemized, and the salary items must be supported by a statement showing for each person the name, title, annual salary, percentage of time devoted to administration, and the amount of salary allocated to the cost of the courses under review. All cases where requested administrative costs exceed 15 percent of suparagraphs (1), (2), (5), and (6) of this paragraph shall be forwarded to Assistant Administrator for Vocational Rehabilitation and Education, central office, for review and approval.

(8) Expenses for advertising, sales commissions, and promotional plans will not be allowed.

(b) *For institutions other than nonprofit for either courses of less than 30 weeks or courses of 30 weeks or more.* Fair and reasonable compensation for schools operated for profit will not exceed the actual or estimated costs to the institution for providing the instruction, plus an allowance for profit as indicated below. In determining the fair and reasonable compensation all expenses, except expenses for sales commissions and promotional plans, which are reasonable and necessary for the operation of the courses involved will be included in the cost statement and such expenses will be grouped into the general categories set forth below within the limits designated.

(1) Actual cost of teaching and related personnel at reasonable salaries. Teaching and related personnel will include personnel essential to the teaching function such as laboratory supply room attendants and clerical personnel assisting teachers in the preparation of instructional material and records. The salaries of personnel serving both in administrative and teaching functions will be prorated accordingly. The cost shown for teaching personnel will be supported by a schedule listing the name, title, annual salary rate, and will show whether employment is part-time or full-time for each person included in such cost.

(2) Consumable instructional supplies.

(3) Depreciation on building and equipment actually used for instruction of students at rates allowed by the Bureau of Internal Revenue for income tax purposes.

(4) Reasonable rent.

(5) Cost of heat, light, power, water, janitor service, and building maintenance.

(6) Taxes and insurance, exclusive of income taxes.

(7) Actual administrative expenses which are considered reasonable and necessary in the operation of the school and are properly allocable to the courses under review. Such expenses may include salaries of administrative and clerical personnel representing reasonable compensation for services actually performed and the cost of such items as postage, telephone and telegraph, travel, interest, legal and accounting fees for actual service (not retainers), stationery and office supplies, and such other similar expenses as are reasonable and necessary for the operation of the school, provided that in no case will there be included in the fair and reasonable cost determination a base salary in excess of the rate of $10,000 per annum for an individual who has a proprietary or bonus interest in the institution. The administrative cost must be itemized and the salary items must be supported by a statement showing for each person the name, title, annual salary, percentage of time devoted to administration, and the amount of salary allocated to the cost of the courses under review. All cases where requested administrative costs exceed 15 percent of subparagraphs (1), (2), (5), and (6) of this paragraph shall be forwarded to the Assistant Administrator for Vocational Rehabilitation and Education, central office, for review and approval.

(8) Advertising expense calculated in accordance with the procedure set forth below and not to exceed the limitations prescribed herein.

(i) *Determination of amount allowable for advertising expense.* Well-established profit institutions may be permitted to include actual advertising expenses for the period covered by the cost data in determining fair and reasonable costs where the percentage of actual advertising expense in relation to gross income from resident instruction for the period covered by the cost data does not exceed the average percentage of gross income expended by the institution for advertising over the 5-year period immediately preceding June 22, 1944, as evidenced by a certified statement of the institution as to advertising expenses and gross income from resident instruction for the periods covered, and where the percentage of advertising expense in relation to gross revenue from tuition does not exceed the average percentage of advertising costs for other comparable well-established schools in the area. Where the institution has not been established for a period of 5 years prior to June 22, 1944, and therefore does not have a fair standard of experience with relation to advertising costs prior to the enactment of Public Law 346, the institution may be permitted to include advertising expense actually incurred during the period covered by the cost review in an amount not to exceed the average percent of gross income from resident instruction which other well-established comparable schools in the area have expended for advertising for the 5-year period immediately prior to June 22, 1944. If there are no other comparable schools in the area and if the institution does not have a 5-year experience prior to June 22, 1944, the schools may be authorized to include actual advertising costs at a rate shown by their experience but not in an amount to exceed 8 percent of the total gross income from resident instruction for the period covered by the cost review without prior approval of central office. Where there are no other comparable well-established schools in the area and the actual advertising experience of the institution exceeds 8 percent of gross income from resident instruction, more than 8 percent may not be included in the fair and reasonable cost determination unless all facts are submitted to the Assistant Administrator for Vocational Rehabilitation and Education and approval is granted for the inclusion of advertising costs in excess of 8 percent. In no event will a newly established school, without actual cost experience for advertising expense, be permitted to include in a fair and reasonable cost statement, advertising expense in excess of 8 percent of gross income from tuition for resident instruction.

(ii) *Definition.* The term "advertising expense" as used herein includes the expenses incurred in the operation of an advertising department within the contractor's organization, as well as expenses incurred in the use of advertising media, such as newspapers, magazines, radios, brochures, pamphlets, bulletins, and catalogs. Promotional activities involving gifts, scholarships, contests, prizes, and sales commissions are not permitted to be included as allowable advertising expenses.

(9) Profit not to exceed 10 percent of the amount customarily charged to nonveteran students for the course. For example, if the customary charge for the course is $200 and the amounts listed in subparagraphs (1) to (8), of this paragraph, divided by the total number of students equals $170, there will be added to the $170 a profit allowance of $20 (10 percent of $200), making a total maximum rate of $190, which can be determined to be fair and reasonable. If no nonveteran students are enrolled and there is therefore no real customary charge actually being paid by nonveteran students, the profit allowance will be determined as one-ninth (1/9th) of the total allowable costs included in subparagraphs (1) to (8) of this paragraph.

(10) Expenses for sales commissions and promotional plans will not be allowed.

(c) *When the manager has completed his analysis of the cost data.* When the manager has completed his analysis of the cost data, he will determine on the basis of the total number of all students trained and cost of the items listed herein after reflecting known changes in costs whether the customary charges of the educational or training institution are fair and reasonable. In making this determination, the manager will give consideration to the fact that it is not fair and reasonable for the Veterans' Administration to pay a charge based on the full cost of operating an educational institution under abnormal situations, such as periods when enrollments in the institution are far below the normal capacity and expectancy of the institution, or where operating costs are greatly in excess of normal operating costs for other comparable institutions in the same general locality. Contracts, when required, will be negotiated to provide payment not to exceed the amounts determined by the manager to be fair and reasonable as provided herein.

(d) *Books, supplies, and equipment.* Books, supplies, and equipment required to be owned personally by other students pursuing the same course will be furnished by the institution to veterans (see § 21.539), and the institution will be compensated therefor on the basis of customary charges in addition to "fair and reasonable compensation" as defined above.

§ 21.531 *Adjustment of tuition on the basis of the cost of teaching personnel and supplies for instruction (see § 21.475).*—(a) *Application.* (1) An institution desiring an adjustment of customary tuition charges for instruction will forward a letter to the manager of the regional office of the Veterans' Administration having jurisdiction over the territory in which the institution is located requesting such an adjustment and such letter will include:

(i) The date on which it is proposed to make the adjusted tuition fees effective.

(ii) A certification that the customary tuition charges are insufficient to permit the institution to furnish education or training to eligible veterans or are inadequate compensation therefor.

(2) The institution, in order to have its application considered, will be required to submit with the application or within 30 days of the date of the application the following supporting data:

(i) A statement of the adjustment in customary tuition charges requested.

(ii) A statement of the fees to be charged in addition to the adjusted tuition charge.

(iii) A calculation of the cost of teaching personnel and supplies for instruction.

(iv) A copy of the latest published financial report of the institution or, if such a report is not published, a certified financial statement of the institution showing the detail income and expense of the institution during the last fiscal period.

(b) *Definition of teaching personnel and supplies for instruction.* (1) The cost of teaching personnel is defined as that part of the salary of any individual on the staff of an education or training institution applicable to the time spent by the individual in actually conducting classes and laboratories. The salaries of deans, department chairman, or other faculty members whose credit hour teaching load is reduced because of administrative or other duties will be allocated to teaching costs on the basis of the ratio that the credit-hour teaching load of the individual bears to the average full-time credit hour teaching load for a faculty member of equivalent academic rank in the department in which the individual teaches. Research performed by a faculty member in addition to teaching duties for which the institution does not receive compensation or charge a part of the salary of the individual to research costs will not be used as a basis for reducing the allocation of a salary to teaching costs. Teaching personnel would not include such personnel as presidents, treasurers, registrars, alumni secretaries, deans of men and women, business officers, football coaches, clerical personnel, service personnel, instrument makers, librarians, student assistants, or others if their functions do not include the actual instruction of students in classes or laboratories. The salary of a faculty member engaged full-time in research will not be allowed as a teaching cost. The salaries of teaching personnel applicable to services rendered for medical or other care in hospitals or clinics or for the instruction of pupils in practice schools and other similar service laboratories or divisions will not be allowed as a cost of teaching personnel.

(2) Supplies for instruction are defined as those consumable supplies required for student instruction in the classroom and laboratory. Teaching supplies do not include such items of expense as labor, utilities, communications, travel expense, library books, office supplies, and equipment.

(c) *Procedure for calculating the cost of teaching personnel and supplies for instruction.* (1) For nonprofit institutions using a semester-hour, quarter-hour, or similar credit system:

(i) Payments of tuition to an institution on the basis of the estimated cost of teaching personnel and supplies for instruction will be made in terms of a rate per credit hour for instruction applicable to all regularly enrolled veterans in all colleges, divisions, and departments of an institution except professional courses of medicine, dentistry, pharmacy, veterinary medicine, and such special professional courses for which a separate rate per credit hour should be determined if the institution desires an adjustment of customary tuition charges for these courses.

(ii) The rate per credit hour for instruction will be determined on the basis of the enrollment and the cost experience for the most recent quarter or semester for which data are available. (For purposes of the calculation, the cost and enrollment figures must cover the same instructional period.) The rate will include the cost of teaching personnel determined by dividing the total of teaching salaries as defined in paragraph (b) of this section by the total credit hours for which part- and full-time students are enrolled. To the rate per credit hour of instruction so determined will be added an allowance of 15 percent to cover the cost of personnel related to the actual teaching process and supplies for instruction.

(2) For other nonprofit schools not using a credit-hour system.

(i) Payments of tuition on the basis of the estimated cost of teaching personnel and supplies may be made in terms of clock hours of instruction; per man week; per man month; per course; or other terms as may be applicable and as may be agreed upon.

(ii) The principles, definitions, and allowances for other teaching personnel and supplies set forth herein will be used to calculate a unit cost for teaching personnel and supplies for instruction.

BOOKS, SUPPLIES, AND EQUIPMENT, INCLUDING TOOLS, FOR PARTS VII OR VIII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12), TRAINEES

§ 21.539 *Furnished by the institution*—(a) *General.* (1) It is very much desired that schools furnish supplies to enrollees because such practice facilitates service to the enrollee.

(2) "Supplies" is a general term including books, consumable supplies, and equipment (including tools) and other necessary articles certified by the institution as required of all students, whether or not trainees, taking the same or comparable course or courses.

(b) *Estimates for "supplies"—(1) For Part VIII, Veterans' Regulation 1 (a), as amended, (38 U. S. C., ch. 12), trainees.* After the veteran has been admitted, the institution will forward to the regional office of the Veterans' Administration the VA Form 7–1950 presented by the veteran upon entering. On this form the institution certifies the veteran's course and the estimate charge for tuition, fees, and "supplies." The importance of such total estimated is two-fold:

(i) To determine whether the total charge will exceed the rate of $500.

(ii) To serve as a guide to all concerned as to the probable charge for supplies.

(2) *For Part VII, Veterans' Regulation 1 (a), as amended, trainees.* The estimate for "supplies" ordinarily will be stipulated in the contract.

(c) *Promptness in furnishing "supplies."* Managers will arrange with institutions so that required "supplies" will be available promptly to trainees. Such items will be issued only as they are needed except that a majority of the items which will be required and useful throughout the term or semester may be issued at the beginning of such term or semester.

(d) *"Supplies" for which payment may be made and items for which payment may not be made.* (1) Payment by the Veterans' Administration for "supplies" will be limited to those customarily required to be owned personally by all students, whether or not trainees, taking the same or comparable course or courses, and in no instance will they be greater in variety, quality, or amount than required of other students.

NOTE: Required is in contradistinction to requested or desirable to have or necessary for a future profession or job but not required by the institution of all students in the course.

(2) Where an article is available in several prices, grades, or qualities, Veterans' Administration may pay for only such quality or grade as will meet the requirements as specified in the standard list prepared by the institution. (See paragraph (g) (2) of this section.) Veterans' Administration may pay only for that grade or quality of "supplies" required of all students in standard established schools. In arriving at the judgment as to whether "supplies" should be required, consideration should be given to the best practice in established institutions in a given field of instruction in the decade previous to passage of Public Law 346, 78th Congress. In cases where the institution's book or supply store, or other stores chosen by the institution to furnish "supplies," do not have a required item and it cannot be obtained by such store on the market, the institution will then determine whether the entry with reference to the item on the standard list should be changed to accord with the grade available.

(3) Items commonly used for personal purposes such as fountain pens, brief cases, typewriters, desk sets, reading lamps, etc., are not interpreted within the definition of "supplies" and payment therefor will not be made by the Veterans' Administration except that in the case of Part VII trainees such items may be paid for when furnished on specific authorization of the Veterans' Administration.

(4) Items worn in lieu of ordinary clothes will not be classed as "supplies." Therefore, athletic or physical education clothing, laboratory coats and trousers, nurses' or technicians' uniforms, school or military uniforms, coveralls, or similar articles will not be interpreted as within the definition of "supplies" and are not paid for by Veterans' Administration. Protective items worn primarily to protect the wearer from physical harm as distinguished from protecting his undergarments may be furnished and paid for by the Veterans' Administration when required of all students.

(5) Any expensive items susceptible of use for personal amusement or recreation will be interpreted as within the definition of "supplies" paid for by Veterans' Administration only when managers of regional offices have satisfied themselves that the veteran possesses sufficient aptitude, talent, and interest to indicate likelihood of success as a result of a chosen course. Required conditions will be considered as fulfilled when approved advisement procedures have been followed and the course (requiring such articles) prescribed on that basis, or when veterans have successfully pursued courses for such time as to establish the fact that they possess the necessary aptitude to complete the course successfully.

(6) Payments may be made for "supplies" for a trainee registered in an auditor's or noncredit course, provided they are required of all students, and provided further the trainee is required to perform all of the work which all students enrolled for credit must perform in the course with the exception of taking credit examination. Payments may not be made for "supplies" for Part VIII trainees registered in such a course which requires only attendance and listening in the course.

(7) Because a veteran may be required to return the articles or repay a reasonable value thereof, Veterans' Administration cannot enter into any arrangement for partial payment, sharing payment with the veteran or installment payment, except in the case of Part VIII where the total cost of the course exceeds $500, the veteran may elect to pay the excess.

(8) The Veterans' Administration will not relace at Government expense articles of "supplies" which have been issued to a trainee which are subsequently lost, stolen, or misplaced, except in the case of Part VII trainees where the replacement is specifically authorized by the Veterans' Administration.

(9) The Veterans' Administration will not reimburse a trainee who pays personally for "supplies." This does not preclude the institution from reimbursing a trainee for an authorized expenditure and billing the Veterans' Administration therefor.

(10) When a particular article is required for use in more than one prescribed subject or in another quarter or semester or school year such article will not be duplicated at Veterans' Administration expense.

(11) Expenditures incurred by the institution in connection with trainees' theses may be included with the billing for "supplies." (See § 21.518 (g) for limitations.)

(e) *Charge.* The amount billed by the institution to the Veterans' Administration for "supplies" rests on the following:

(1) The institution will assure itself that the Veterans' Administration is not billed at an unreasonable price.

(2) If an institution operates a bookstore or supply store for students, regardless of whether they are trainees, the "supplies" authorized and issued to trainees through such store will be charged at no higher rate than that paid by any other student.

(3) If an institution chooses to arrange for issuance of "supplies" by stores or agencies not institutionally owned, where other students may purchase such items, and to pay the store or agency for authorized items issued to trainees, it may properly bill the Veterans' Administration for such "supplies" at such reasonable price as may be charged the institution for such items.

(4) If the bookstore or vendor provides a discount to the institution for "supplies" purchased by students or furnished to trainees, the institution will pass the discount on to the Veterans' Administration in the charges for authorized items issued.

(5) If the discount is granted to students, the charge to the Veterans' Administration for authorized items issued to the trainee will be on the basis of the net price to students.

(6) If the institution furnishes items of "supplies," specifically purchased for trainees only, i. e., not handled through a book or supply store for all students, such items will be billed at cost to the institution.

(7) Where it is customary in a survey subject to permit each student to obtain the aggregate of books for the subject (referred to as a rental set) on a rental basis and the ownership or permanent possession by the student of such books is not required for the satisfactory completion of the subject, trainees should be provided the rental sets on the same basis as they are rented to other students and the rental instead of purchase price charged to the Veterans' Administration.

(8) When a "used" book or piece of equipment is issued in place of a new book, the charge should be that customary for "used" and so marked on the individual bill.

(f) *Billing for "supplies."* (1) Charges for "supplies" furnished by an institution to trainees may be billed immediately after such articles are issued or may be included in the billing for tuition and incidental fees. Billing may be made on Standard Form 1034, Public Voucher for Purchases and Services other than Personal, or on the invoice of the institution or a combination of the two; i. e., SF 1034 supported by a number of invoices (normally not more than 50). Where the institution does not submit SF 1034, the original invoice will bear the following certification:

I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards and all conditions of purchase applicable to the transactions have been complied with; and that state and local sales taxes are not included in the amounts billed.

There will be shown on each voucher or invoice the following for each veteran trainee: Name and C-number, date of enrollment, amount of charge and period covered by the charge (in column "Date of Delivery or Service"). Books, supplies, equipment, etc., need not be itemized to show the individual items for which charges are made but sufficient information should be indicated so that the character of the charges may be determined. For instance, where it is the practice of an institution to submit its charges to cover both tuition and other items in one amount, it will be sufficient to state on the voucher or invoice "Tuition, books, supplies, etc.," without break-down. However, if the school's charges as reflected by contract, catalog, or otherwise are stated separately as to tution, as to fees, as to supplies, or as to equipment (including books), the voucher or invoice should show the amount applicable to each such general breakdown. The face of the voucher will show the authority for the expenditure as, for example, "Public Law 346, 78th Congress."

(2) The 10-percent charge for handling and issuance of "supplies" (see paragraph (i) of this section for limitation) may be shown as one item following the total charge for such "supplies" and need not be itemized for each veteran trainee.

(3) In addition to the certificate of the payee appearing on SF 1034, vouchers or invoices submitted by institutions for "supplies" will contain certification to the effect that "no amount received from the Government is used or will be used as a rebate, prize, or other payment in goods or money to the veteran trainee." Where "supplies" are not itemized, a statement will accompany the voucher or invoice certifying that the articles represented by the charge for each veteran were delivered to the trainee or expenditures were made in his behalf and the institution has on hand and available for inspection by the Veterans' Administration evidence of such delivery and expenditure. If found convenient, this statement may be stamped on, or otherwise added to, the face of the voucher or invoice, in which case the signature following the payee's certificate will be considered as subscription to the statement. The following is illustrative of the added certification required:

I certify that the supplies, equipment, and miscellaneous services have been delivered or furnished to the trainees and evidence of expenditure and delivery of the articles or services on account of each veteran is available for the inspection of the VA; that no amount received from the Government is used or will be used as a rebate, prize, or other payment in goods or money to the veteran trainee.

(g) *Necessary record at the institution to support the charge for "supplies."* While it is not the desire of the Veterans' Administration to require the institution to comply with any one system for authorizing, issuing, and accounting for "supplies" issued to trainees for which the institution bills the Veterans' Administration, it is required that the evidence on hand include the following:

(1) Certification by the instructor, dean, or president of the institution of the itemized list of "supplies" required of each student, veteran-trainee, or otherwise, in a given subject of the course. This file of certification may be an annex to or a part of a standard list.

(2) A standard list (by subjects) of the "supplies" required for each quarter, semester, or year (with duplicate items of nonexpendable books, supplies,

and equipment or items susceptible to duplication as between subjects, courses, quarters, semesters, or years starred or otherwise marked).

(3) A file for each individual trainee showing the items authorized for issuance to him, and evidence of such issuance consisting of his signature as indicating receipt, and the prices charged, as a supporting basis for the bill to the Veterans' Administration for "supplies." (Such file can be helpful to the institution in checking on duplicate items and ascertaining whether items actually issued were authorized in paragraphs (a) and (b) of this section.)

(h) *Responsibility of regional office.* Managers will require the training facilities section to review the supporting records of approved institutions within their region to ascertain whether the requirements of paragraph (g) of this section are being met. If deemed feasible, they may require the institutions to file a standard list with the regional office.

(i) *Compensation for handling and issuing "supplies" for Part VII and Part VIII trainees.* (1) Educational and training institutions furnishing to trainees "supplies," which are customarily required to be owned personally by other students pursuing the same or similar courses, may be compensated for such services on the basis of 10 percent of the customary charge for the "supplies" furnished except as provided in subparagraph (10) of this paragraph.

(2) The provision for a 10-percent handling charge applies when the institutions do not customarily furnish such items for all students but which either permit or require all students to purchase "supplies" from any available source of supply.

(3) The provision for a 10-percent handling charge applies also when the institution provides through the operation of an institutional supply store or bookstore for furnishing such "supplies"; or the institutions may arrange with bookstores or agencies not connected with or operated by the institution to furnish "supplies" as authorized by it. In such cases, the institution is entitled to the 10-percent handling charge, provided the billing to the Veterans' Administration for such "supplies" is done by the institution.

(4) Where it is customary in a survey subject to permit all students to obtain the aggregate of books for the subject (referred to as a rental set) on a rental basis and the ownership or permanent possession by the student of such books is not required for the satisfactory completion of the subject, trainees should be granted the rental sets on the same basis as they are rented to other students and the rental instead of purchase price charged to the Veterans' Administration. The 10-percent handling charge applies in such case. Note that this provision is limited to rental sets. (For cases where the institution provides other books by rental, see subparagraph (5) of this paragraph.)

(5) Where the institution customarily furnishes "supplies," or any of these items, for all students enrolled either on a rental charge, or fee basis and either includes the charge for such items in the tuition or collects an additional amount therefor from each student, the provision for a 10-percent handling charge does not apply.

(6) The 10-percent handling charge is not applicable to Government-owned books such as those procured from the Library of Congress since there is a separate provision for compensating the institution for the issuance and handling of these books.

(7) The 10-percent compensation paid to institutions is considered an administrative expense of the Veterans' Administration chargeable to appropriation, Salaries and Expenses, VA Program Symbol 5100, Object 070, and not a charge against the period of eligibility of an individual veteran. In those cases where a veteran elects to execute VA Form 7–1950a for the charging of his eligibility in order to have the Veterans' Administration pay the cost of a course of education in excess of the rate of $500 per year, the 10-percent compensation for handling costs paid to the institution will not be included in the cost of the course. Therefore, it will not be necessary on public vouchers for "supplies" to show the allocation of the 10-percent charge to the materials issued to each individual veteran.

(8) Where the 10-percent handling charge is applicable, it may be shown as one item following the total charges for "supplies" on Standard Form 1034 and need not be entered in the individual supporting schedules.

(9) Where contracts are required for either Part VII or Part VIII, and the institution or establishment is entitled to and requests the 10-percent compensation for furnishing "supplies" to veterans, the contract must provide for such compensation.

(10) It is considered that compensation in the amount of 10-percent of the customary charge is a reasonable reimbursement to colleges, universities, and other schools providing academic courses where there is a small percentage of expensive equipment required to be furnished to veterans. However, in the case of trade and professional schools and, in some instances, professional courses in academic schools where items of equipment costing in excess of $50 are required and issued, the maximum allowance of 10-percent compensation on the customary charge for such expensive equipment may result in compensation in excess of a reasonable allowance for the costs incurred by the institution in procuring, issuing, and billing for such equipment. In view of these facts, managers will review the handling charges being paid to institutions where expensive items of equipment are required to be issued to veteran-trainees under Public Laws 16 or 346, as amended. However, the institution should not be required to submit detailed billings on books, supplies, and equipment for the purpose of accomplishing this review. If it is considered by the manager that the allowance of 10-percent is resulting in payment by the Veterans' Administration of more than a reasonable amount of compensation for the costs incurred by the institutions, the manager may authorize the payment of such lesser sums as may be agreed upon with the institution, based on the customary charges of the items furnished, which will result in reasonable compensation to the institutions for services rendered. In those cases where the rate of compensation is agreed upon between the institution and the Veterans' Administration at a figure less than 10-percent, such adjusted rate will be for prospective application and will not be applied for services rendered prior to the date of the agreement. Where contracts are otherwise required, the agreed rate will be inserted in such contracts when they are negotiated but existing contracts need not be changed with respect to the percent compensation prior to the termination date of such contracts unless the institution will voluntarily agree to a reduction and amendment to the contract. Where contracts are not otherwise required for payments and a rate of compensation less than 10-percent is agreed upon between the institution and Veterans' Administration, the finance officer will be furnished with a written memorandum from the vocational rehabilitation and education division setting forth the agreed rate of compensation and the effective date thereof.

(j) *Procurement by institution.* Institutions will normally furnish, issue, or release the required supplies to the trainee through such channels as it designates.

(k) *Limitations on amount for on-the-job training establishments.* Establishments providing on-the-job training may furnish the required articles by purchase in accord with current Veterans' Administration regulations.

(l) *Release of "supplies" to trainees.* "Supplies" will not be marked to indicate ownership by the United States and will be deemed released to the trainee at the time they are furnished.

(m) *"Supplies" previously issued to trainee by the institution at Veterans' Administration expense may be returned by the trainee.* (1) As a result of failure to complete or a change of course.

(2) Voluntarily because he has no further need for them.

(n) *Disposition of "supplies" which have been turned in by a trainee.* (1) Arrangements may be made with the institution to receive the items and to reissue to trainees.

(i) The manager of the regional office is:

(*a*) Authorized to enter into negotiations with any educational institution to work out a plan with the institution to meet its particular problems and complete arrangements for the reissuance to trainees of books, supplies, and equipment returned by a trainee.

(*b*) May contract to reimburse the institution for the estimated handling cost of such books, supplies, and equipment. The amount to be paid to the particular institution should be based on the estimated reasonable cost that will be incurred by the institution in rendering this service. As to books, it should be determined that there is sound justification for the authorization of any reimbursement in excess of 25 cents per volume. In no case shall more than 35 cents per volume be authorized without prior approval of the Assistant Administrator for Vocational Rehabilitation and Education. Reimbursement should not be based on the normal profit margin charged by a retail bookstore or supply source.

(ii) The agreed estimated cost of handling may be billed to the Veterans' Administration in one lump sum on a public voucher which need show only the total number of volumes issued. Such payments for handling charges would be considered an item of administrative overhead, and finance officers will charge such expenses to allotment account Symbol, Program 5100, Object 070, under appropriation Salaries and Expenses VA. This payment for the estimated cost of handling expense is in lieu of the 10-percent allowance for handling costs authorized in paragraph (i) of this section.

(2) "Supplies" which have been recovered from trainees and for which no arrangements under subparagraph (1) of this paragraph have been made should be delivered to the supply officer and appropriate procedure set up to insure that all serviceable items will be reissued to other trainees whenever like items are needed for them whenever it is administratively feasible.

§ 21.540 *Furnished by Veterans' Administration.* In the large majority of cases, the school will be able to furnish and will have ready for issuance promptly to the trainee the required "supplies" and resort to the regional office or training officers for procurement will be the rare case. The important feature in this connection is to emphasize that the estimate for "supplies," regardless of their source, must be included in the total estimated charge for the Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), trainee in determining whether the rate of $500 for an ordinary school year is exceeded.

AMOUNT PAYABLE FOR COOPERATIVE COURSE FOR PART VIII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12), TRAINEE; AMOUNT PAYABLE FOR COURSE OF RELATED TRAINING FOR PART VIII TRAINEE

§ 21.548 *Payments for cooperative course.* (a) Payments to the institution will be only for that portion of training or instruction given by the institution. The basis for charge will be determined in the light of the applicable portion of §§ 21.468 through 21.476, 21.484, 21.485, 21.493 through 21.495, and 21.503 through 21.509.

(b) Tuition payments for the time a veteran is in full-time training on the job will be adjusted in accordance with each individual situation.

(c) For combinations of school and on-the-job training running concurrently, the time in each component type will be measured in accordance with the appropriate standard prescribed for each type of training, and the maximum amount payable for instruction will be determined on the basis that the part-time institutional training bears to full-time institutional training.

§ 21.549 *Payments for related training.* (a) Necessary care will be exercised to avoid duplication of charges for books, supplies, and equipment.

(b) Tuition charges will be determined in accord with applicable portions of §§ 21.468 through 21.476, 21.484, 21.485, 21.493 through 21.495 and 21.503 through 21.509.

(c) For combinations of school and on-the-job training running concurrently, the time in each component type will be measured in accordance with the appropriate standard prescribed for each type of training, and the maximum amount payable for instruction will be determined on the basis that the part-time institutional training bears to full-time institutional training.

(d) See § 21.421 for payment instructions where a veteran is in training under one regional office and the institution (principal trainer) requests related training in a secondary training establishment which is located in a different regional office area.

AMOUNT PAYABLE TO HOSPITALS APPROVED FOR RESIDENCY TRAINING FOR PHYSICIAN VETERANS WHO ARE PART VIII. VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12), TRAINEES

§ 21.557 *Payments in lieu of tuition and fees.* Hospitals approved by the appropriate State agency for training in connection with residencies for qualified physician veterans enrolled under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), (or Part VII) may be paid as follows: For courses of more than 30 weeks (residency training usually covers 52 weeks) in accord with the bases set forth in §§ 21.468 through 21.476 or 21.484 and 21.485. When payment is requested on the basis of alternative 4, § 21.471, the hospital will be required to deduct the value of services rendered by the individual from the cost of teaching personnel and supplies for instruction in arriving at the compensation to be paid for training.

§ 21.558 *Furnishing of books, supplies, and equipment for veterans pursuing residency courses in hospitals.* (a) Since residency courses are entered upon only by qualified physicians and since qualified physicians in pursuit of their medical courses and/or their general practice ordinarily own the common diagnostic instruments and certain of the texts applicable to general medicine, only books and equipment which are peculiar to the specialty for which the veteran is preparing himself will ordinarily be paid for by the Veterans' Administration.

(b) For the doctor-veteran pursuing a residency course in a hospital, the Veteran's Administration may pay for, subject to the provisions governing the amount of money which may be expended for cases under Public Law 346, such books, supplies, and equipment necessary and required for training purposes as are certified by the physician or physicians responsible for giving the course as being required to be possessed personally by every physician, veteran or non-veteran, pursuing the same course, *Provided*, That:

(1) Such books, supplies, and equipment are not furnished or loaned by the institution.

(2) In no case will any book or item of equipment be paid for when such article is already in the possession of the veteran. Adequate assurance will be obtained that the veteran does not own or have available for his use any item requested.

§ 21.559 *Responsibility of hospital which offers a residency course.* It is the responsibility of every participating hospital to maintain an educational program of high quality fulfilling established and generally accepted standards for such work. There is no authority to pay a hospital in connection with enrollment of veterans in a residency program unless such hospital offers a definite educational program as distinguished from on-the-job training, involving organized teaching on rounds and in conferences as well as classroom conferences dealing with autopsy findings, medical problems in the hospital, X-ray diagnoses, laboratory studies, and other organized educational features which definitely stamp this training as education. Such a program of instruction entails expenditures by the hospital which would be unnecessary if patient care alone were involved. Presumably, the services of additional physician teachers will be required in order to provide necessary instruction.

CONTRACTS UNDER PUBLIC LAW 16, 78TH CONGRESS AS AMENDED, FOR PART VII, VETERANS REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12), TRAINEES

§ 21.567 *Origin of authority.* The authority for contracts is contained in paragraph 2, Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C., ch. 12), which provides that the Administrator may by agreement or contract with public or private institutions or establishments provide for such additional training facilities as may be suitable and necessary to accomplish the purpose of Part VII. There is authority under the law to provide by contract for all training necessary for rehabilitation.

§ 21.568 *Agreement for free instruction.* Certain public schools make no charges of any kind for instruction, services, or supplies. When it is desired to enter trainees into such institutions, an agreement will be made in triplicate. The original will be retained in the training facilities section of the regional office, the first copy will be returned to the institution, and the second copy will be sent to the director, training facilities service, vocational rehabilitation and education, central office. If any charges whatsoever are to be made, such as for student body fee or for books or supplies, VA Form 1903 will be executed.

§ 21.569 *Authority to make contracts.* (a) The manager, assistant manager, and chief, vocational rehabilitation and education division, in a regional office are authorized, with the exception of correspondence courses, to enter into contracts in accordance with existing laws, regulations, and policies with public or private educational or training institutions (other than for

training on the job) in the territory of that regional office for the purpose of providing courses of education and training for veterans enrolled under the provisions of Public Law 16, 78th Congress, as amended.

(b) Where a principal institution has branches outside the territory of a regional office which are separate entities and which do not have authority to contract, the regional office having jurisdiction over the territory in which the principal institution is located will negotiate a contract for courses offered by both the principal institution and the branches and will forward properly executed copies of the contract to the regional offices in which the branches are located. In such cases, the billing will be made by the principal institution to the Veterans' Administration regional office having jurisdiction over the veteran for which the bill is submitted and for the area in which the instruction is given.

§ 21.570 *Determination when contract is required.* Contracts are required before payment of charges can be made to educational institutions for the rehabilitation of eligible veterans. The provisions of § 21.587 relative to contracts with other than nonprofit institutions are equally applicable to contracts for the rehabilitation of Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), trainees.

§ 21.571 *When to make contracts.* (a) Contracts will be made with training facilities as the need develops for a definite course or courses. This does not mean that it is necessary to wait until a veteran is ready for induction, although there should be reasonable assurance that the contract will be utilized. Contracts may cover any number or all of the courses offered by an institution which it is expected will be utilized even though the need for such courses is not present at the time the proposal is made.

(b) In addition to the educational training, a disabled veteran is entitled to medical care for the purpose of preventing an interruption of training, and every effort should be made to keep veterans in training to the fullest extent possible. Medical and hospital care for illnesses of relatively short duration should be provided in contracts with institutions, if available. Institutions with which contracts have been made for vocational training under the provisions of Public Law 16, 78th Congress, as amended, and those institutions with which it is contemplated that contracts will be made, should be required to furnish the regional office with a statement indicating the nature and extent of medical services available through payment of the health fee and a statement of medical services available and the fees charged therefor which are not covered by the health fee. The statement of medical services available and the fees to be charged for such services not covered by the health fee should be included in, and made a part of, Public Law 16 contracts. Immediately after the contracts have been approved, the institution will be authorized to provide medical care of the nature covered by the contract, as required, to trainees. Such authorization will be sent to the institution by the manager listing the trainees by name, if already enrolled. The manager will issue similar authority for each trainee subsequently enrolled, these authorities to remain in effect as long as the trainees covered thereby are enrolled at the institutions. Each institution providing medical service under the contract other than that covered by the health fee will be required to submit an itemized voucher each month showing the name of each trainee who received medical service, the nature and date of such service, and the fees charged.

CROSS REFERENCE: *Renewal of contracts.* (See § 21.588.)

§ 21.573 *Negotiation*—(a) *Preliminary negotiations and memorandum agreements.* When it is desired to obtain training for a disabled veteran under the provisions of Public Law 16 and a contract has not been negotiated with a suitable facility, immediate action should be taken to negotiate a contract with the institution or agency found suitable by the facilities officer. So far as possible, trainees will not be entered into training until a contract is completely negotiated. However, when a trainee's interests and rights under Public Law 16, 78th Congress, will be seriously jeopardized by withholding him from training because of the absence of a contract and the contract cannot be immediately completed, he may be entered into training on the basis of a written memorandum agreement with the school pending the final approval of a contract. Immediate steps will be taken to complete the contract. In no event will a veteran be placed in training without a written agreement.

(b) *Final negotiations.* Insofar as it is possible, it is considered that the negotiation of a contract should include a visit to the institution so that the contracting officer will have first-hand knowledge of the extent and nature of facilities and services of the institution. A personal visit to the institution is particularly desirable where contracts are negotiated which involve a fair and reasonable cost determination or payment of adjusted tuition on the basis of cost of teaching personnel and supplies for instruction so that the details of the cost data and the supporting records therefor can be examined if necessary.

§ 21.574 *Form 1903.* VA Form 1903, Proposal for Vocational Rehabilitation Training Under Public Law 16, 78th Congress, revised June 1945, will be used for all contracts under Public Law 16 (except for correspondence courses) which involve any payments whatsoever to the institution.

§ 21.575 *Deviation from contract terms.* All charges and other terms shall be stated in the contract, and no deviation therefrom can be made during the period covered by the contract. It is essential that all statements shall be in concise terms, leaving no doubt as to the services to be performed and the charges therefor.

§ 21.576 *Preparation of contracts.*—(a) *Numbering of contracts.* Public Laws 16 and 346 contracts made by regional offices, with effective dates of July 1, 1948, or any time subsequent thereto, will bear the symbol "V" to designate the Veterans' Administration, followed by the identification number of the field station. In addition, a capital letter "V" will be used to designate vocational rehabilitation and education, followed by a hyphen and the serial number of the contract beginning with the number "1" and continuing in numerical sequence without limitation as to date or year. For example, contracts of the New York City Regional Office will be designated V3006V–1, V3006V–2, etc., and contracts of the Hospital and Regional Office at Togus, Maine, will be designated V4002V–1, V4002V–2, etc. A separate number series will not be assigned to Public Law 16 and Public Law 346 contracts. Memorandum agreements referred to in § 21.573 (a) will not be numbered. Contracts renewed in accordance with the provisions of § 21.588 will retain number and symbol of the original contract which is renewed. The contract will carry the notation in the upper right corner of page 1 "negotiated contract" under or in close proximity with the contract symbol number; such notation will bear the initials of the contracting officer. Only the original, first, and second copies of the contract need be initialed by the contracting officer.

(b) *Date of contract.* A contract must show on the last page of VA Form 1903, the date on which it is approved by the manager. If a preliminary memorandum agreement was made as outlined in § 21.573, the dates set out in paragraph First will be those stated in the preliminary memorandum agreement. In such a case, the original memorandum will be attached to the original copy of the contract and by reference made part of the contract, and copies will be made and attached to the copies of the contract. In no other case will the beginning date of the contract shown on page 1 of VA Form 1903 be earlier than the date of acceptance shown on page 3 thereof.

(c) *Duration of contracts.* The dates, stating the period the contract will be in force, are to be filled in, and in general the period will not be longer than 12 months. The period may be:

(1) For the Government fiscal year where practicable and satisfactory. In most cases, this will be for schools which operate continuously and do not divide the school year into fixed terms, semesters, or quarters.

(2) For the school year. The period may extend over parts of two fiscal years, if necessary, for the purpose of covering the ordinary school year at the particular institution. It is impracticable, in view of summer sessions and of accelerated programs in effect at many institutions of higher learning, to limit contracts with these institutions to the fiscal year. Therefore, contracts with institutions having a summer session which will be utilized in the vocational rehabilitation program and with those having accelerated programs will be made to include the entire school year, even though the contracts will in most instances cover a period extending into two fiscal years.

In most institutions it will probably be more satisfactory to begin the contract with the fall term and have it conclude with the close of the summer term of the next succeeding fiscal year or begin with the summer term and terminate with the close of the spring term of the next succeeding fiscal year.

(3) For such other period as may be mutually agreeable to the institution and the Veterans' Administration.

(d) *Uniformity of contracts.* With the view of attaining uniformity and adequacy of content, proposals will be prepared, insofar as circumstances permit, in accordance with the following:

(1) *Paragraph Second; instruction and charges*—(i) *Course description.* A schedule 1 will be prepared and attached to each copy of the contract and will include complete information relative to courses and charges either by description or specific reference to attached catalogs or bulletins. The course description should provide:

(*a*) Name of the course.

(*b*) The school calendar.

(*c*) Indication whether institution is operated on a credit-hour or clock-hour basis, and, in the case of schools which do not operate on a credit-hour basis, the length of school day and week.

(*d*) Time and total credits required for the completion of the course in the case of a college or university or other school which evaluates its courses on a standard credit-hour basis; or total clock hours of instruction required in business, trade, or other schools which operate on a clock-hour basis.

(*e*) Required and elective subjects and number of credit or clock hours of each subject comprising the course should be stated. In the event that the required information or part of it is included in a published catalog, bulletin, or other official document of the institution, a copy of such publication may be attached to and made a part of the contract. In such cases, the contract will indicate by a clear reference to specific pages and paragraphs the provisions of the catalog or bulletin to be included in and made a part of the contract. In no instance will a general reference such as "as per catalog attached" be included. When a catalog is not entirely correct in its current form, the institution may make necessary corrections by inserting corrected sheets and properly initialing them.

(ii) *When more than one standard charge is quoted for a service.* When an institution quotes more than one price for a service such as a monthly rate, term rate or course rate, or offers a discount for cash in advance for a month, term, course, etc., the Veterans' Administration will pay only the lowest published charge, which is generally the cash price, for the service. Payment will continue to be made in arrears.

(*a*) Where the charge as stated by the institution is a course price, regardless of the length of time it may take an individual student to complete the course, paragraph Second will include the following provisions:

(*1*) The above charge will be the maximum charge; however, in the event any individual trainee completes his course in less time than that stated in this paragraph, the charges will be prorated to cover only the period of actual attendance. If an individual trainee does not complete a course satisfactorily within the time stated, such instruction as may be necessary to enable the trainee to complete the course will be furnished at no additional cost to the Veterans' Administration.

(2) The charges for each year will be stated separately in contracts with institutions offering courses of more than 1 year and for which the fees and charges are not the same for each year; for example, a 4-year course in pharmacy.

(iii) *Variable fees.* When laboratory fees or subject fees are not identical for all students enrolled in the same course, reference will be made to the published list of fees and charges in this manner: "Laboratory fees and subject fees for this course will be charged in accordance with the rate published in the referenced publication, pages ------ "or" * * * as stated in the description of the subject on pages ------." Breakage fees or other deposits commonly required by an institution as a guarantee against contingent loss and which are refundable in whole or in part will not be included in proposals. Instead, a statement will be included providing that at the conclusion of the course or term the Veterans' Administration will pay, upon being vouchered, the exact amount of the breakage or loss, provided such breakage or loss is a normal one and is not due to vandalism or other misconduct of the trainee.

(iv) *Part-time study.* If any special arrangements are made concerning the use of the courses for part-time study or evening study other than as set forth in the published literature which is made part of the contract, stipulation to that effect should be typed in as part of this paragraph.

(v) *Books, supplies, and equipment.* It is of the utmost importance that institutions agree to assume responsibility for furnishing books, supplies, and equipment. As provided in paragraph Second of the contract, VA Form 1903, books, supplies, and equipment are to be furnished as required for the instruction of veterans but in no instances greater in variety, quality, quantity, or amount than are required by the institution to be provided personally by other and all students pursuing the same or similar courses. Provision for payment for such items by the Veterans' Administration will be included in paragraph Second of the contract. In general, it is desirable that there be listed in the contract or attached schedule the books, supplies, and equipment to be furnished and the charge therefor; but, if it is not practicable to do so, the use of one of the terms as follows would be satisfactory:

(*a*) At prices charged other students by the college or book store.

(*b*) At list prices charged other students less a discount of ------ percent.

(*c*) At cost to the school.

(*d*) At a rental charge of $------ per -------.

(*e*) As listed herein (and a listing to be attached as Schedule 2 to the contract).

(vi) *Allowance of 10 percent for handling and issuance of books, supplies, and equipment.* Where an institution is entitled to the 10-percent compensation for the handling and issuance of books, supplies, and equipment, as provided in §§ 21.539 and 21.540 provision for payment of the 10-percent handling charge must be included under paragraph Second of the contract. The provision should be expressed somewhat as follows:

It is understood and agreed that the institution in submitting vouchers for books, supplies, and equipment furnished to veterans may add to the total of each such voucher 10 percent of the total as compensation for handling and issuing of such material.

(vii) *Guaranteed payment clause.* Under no condition will the Veterans' Administration consider a contract which contains a "guaranteed payment clause." By "guaranteed payment clause" is meant any condition in the contract which provides that the Veterans' Administration will pay a specified sum of money for a specified number of students per term.

(2) *Paragraph Third; payment.* The basis on which payments are to be made must be set forth clearly and concisely. If billing for nonrefundable fees covering nonrecurring services or for books, supplies, and equipment is to be made immediately after the services are rendered on the articles issued, it should be so stated. If payment for customary tuition or other services is to be made monthly, quarterly, etc., the exact basis for such payments should be made. If payments are to be made to nonprofit institutions at the expiration of the refund period in accordance with §§ 21.655 through 21.657 it should be so stated. In the case where payments are to be made on other than the customary charge basis, it must be stated that total payments for any individual veteran under the contract will be limited to $500 for a full-time course for an ordinary school year.

(3) *Paragraph Fourth; refusal to furnish books and supplies.* When an institution will not contract to furnish the needed books and supplies, prior authority to delete paragraph Fourth will be obtained from central office and the manager will thereafter arrange to furnish the necessary articles in accordance with established procedures.

(4) *Paragraph Fifth; charges differing from customary charges.* Where contracts are negotiated on the basis of other than customary charges, as provided under Veterans' Administration regulations, paragraph Fifth will be deleted.

(j) *Late registration.* In case of late registration which occurs on or before the last date on which the institution will accept students generally for full credit for the semester, quarter, or term, payment may be made for the entire semester. In case of registration after the last date upon which the institution will accept students for full credit for the term, charges for tuition will be prorated on the basis of the time remaining in the term or on the basis of the credits for which the veteran is enrolled.

(ii) *Proration of charges.* There will be inserted in the blank space provided at the end of paragraph Eighth the exact provisions relating to the proration of charges in the event that veterans are withdrawn or discontinued prior to the end of the term, semester, or quarter, and such provisions for proration of charges will be determined as follows:

(a) *Nonprofit institutions.* Nonprofit educational institutions which do not have or will not accept a graduated scale of charges for purposes of determining refunds at least equivalent to that set forth in §§ 21.655 through 21.657 will be required to prorate charges on the basis of actual attendance for veterans withdrawing or discontinuing prior to the close of the period and will be paid in arrears for that prorata part of the charge for services rendered during the period covered by vouchers submitted for payment.

(b) *Other than nonprofit institutions.* In all cases where veterans are enrolled in other than nonprofit institutions, payment of tuition and fees will be made in arrears prorated on the veteran's period of attendance.

(c) *Payment for books, supplies, and equipment.* Institutions may submit bills and be paid in full for books, supplies, and equipment issued to veterans in accordance with existing regulations (see §§ 21.539 and 21.540) immediately following the issuance of such material.

(d) *Fees for noncontinuing services.* The graduated scale of charges will not apply to a fee which is for noncontinuing service and not subject to refund under any conditions, such as a registration fee.

(5) *Corporate certification.* Information relative to the proper authorities for signing contracts will be inserted in the certificate form for corporations. If the institution is not a corporation, the words "not a corporation" must be typed under the word "certificate."

§ 21.577 *Supplemental contracts.* Courses or services and charges therefor not included in the original contract may be provided for by the negotiation of a supplemental contract. Each supplement will be prepared in typewritten form with six copies and distribution made in the same manner as the original contract. The supplement is in letter form, and the name of the institution and address should be placed in the upper left corner. In the first sentence, the contract number should be stated and reference made to any previous supplements by number. If copies of institutional catalogs, bulletins, or other printed material were made a part of the original contract, copies thereof need not be attached to the supplement; however, if any new publications have been issued and are to be used in description of courses or charges, they should be attached to the supplement. Individual courses and charges may be added by typewritten description as suggested in the form. Each supplement must be executed by both parties in the same manner as in the original contract.

CONTRACTS UNDER PUBLIC LAW 346, 78TH CONGRESS, AS AMENDED, FOR PART VIII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12), TRAINEES

§ 21.585 *Authority.* Contracts for education and training of veterans under Public Law 346, 78th Congress, as amended, are authorized under chapter IV, title II, thereof.

§ 21.586 *Authority to make contracts.* The manager, assistant manager, and chief, vocational rehabilitation and education division, in a regional office, are authorized, except as to correspondence courses, to enter into contracts in accordance with existing laws, regulations, and policies, with public or private educational or training institutions (other than training on the job) in the territory of that regional office for the purpose of providing courses of education and training for veterans enrolled under the provisions of Public Law 346, 78th Congress, as amended.

§ 21.587 *Determination when contract is required.* It will be necessary for a contract to be negotiated by the Veterans' Administration before payments for tuition, fees, books, supplies, equipment, and other necessary expenses are made to the institution for the training of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C., ch. 12), trainees under the following circumstances:

(a) *Nonprofit institutions*—(1) *Courses of 30 weeks or more.* (i) When the institution elects and is permitted to receive payment of other than customary tuition, on the credit hour rate (alternative 4, § 21.475).

(ii) Contracts will be made effective with the beginning of the first term, semester, or quarter subsequent to the date the institution submits a formal request for payment of adjusted tuition on the basis of alternative 4, § 21.475 provided such request is approved by the Veterans' Administration.

(2) *Courses of less than 30 weeks (see § 21.493 through § 21.495).* A contract must be negotiated with a nonprofit institution in all cases where the customary charges exceed the rate of $500 for a full-time course for an ordinary school year. Where the customary charges for such courses have not been increased subsequent to June 22, 1944, in what appears to be an unreasonable amount for the services rendered, the manager may contract to pay such customary charges without the submission of cost data. In all other cases contract rates must not exceed the rates determined to be fair and reasonable in accordance with the provisions of § 21.530.

(b) *Other than nonprofit institutions (courses of 30 weeks or more and courses of less than 30 weeks).* (1) Contracts will be required when the customary charges exceed the rate of $500 for a full-time course for an ordinary school year. In the negotiation of such a contract, it will be necessary for the school to submit cost data. Agreed contract rates will not exceed rates determined by the Veterans' Administration to be fair and reasonable in accordance with the provisions of § 21.530.

(2) Effective July 1, 1948, contracts will be required when the customary charges do not exceed the rate of $500 for a full-time course for an ordinary school year where a majority of the enrollment of the institution consists of veterans in training under Public Laws 16 and 346, as amended, and where one of the following conditions prevails:

(i) The institution has been established subsequent to June 22, 1944.

(ii) The institution, although established prior to June 22, 1944, has increased its charges to all students subsequent to that date to an amount which, in the judgment of the manager, appears to be an unreasonable amount for the services rendered. In general, an increase of less than 25 percent will not be considered unreasonable. However, if, in the judgment of the manager, an increase of less than 25 percent in the case of any institution is considered to be unreasonable, the manager may submit a full report of the facts to the assistant administrator for vocational rehabilitation and education through the appropriate branch office and request a ruling as to whether or not a cost determination should be made.

(3) In the negotiation of contracts as required in subparagraphs (2) (i) and (ii) of this paragraph, it will be necessary for the school to submit cost data. Agreed contract rates will not exceed rates determined by the Veterans' Administration to be fair and reasonable in accordance with the provisions of § 21.530.

(4) Contracts will not be required when the customary charges do not exceed the rate of $500 for a full-time course for an ordinary school year provided any one of the following conditions prevails:

(i) When the customary charges of an institution established prior to June 22, 1944, do not exceed the rate of $500 for a full-time course for an ordinary school year and the institution has not increased its charges subsequent to June 22, 1944, to an amount which, in the judgment of the manager, appears to be unreasonable for the services rendered.

(ii) Where the majority of the enrollment of the institution consists of students not in training under Public Laws 16 and 346, as amended.

(iii) Where an institution which was established prior to June 22, 1944, and has been in continuous operation since that date and has not increased its charges to students, veterans, and nonveterans alike, to an amount in excess of the charges customarily made by the institution for the same or similar courses prior to June 22, 1944.

(5) Payments of customary charges will be made to institutions within the provisions of subparagraphs (4) (i), (ii), or (iii) of this paragraph without requirement of either a cost determination or a contract. In all such cases, the training facilities section will notify the finance office in writing of the customary charges that are authorized to be paid without a contract.

(6) Each institution affected will be notified in writing of these provisions not less than 30 days prior to the date a contract is required. In any case in which a contract is required under Veterans' Administration regulations for the education and training of veterans, no payments whatsoever will be made to an institution until a written agreement or contract between the Veterans' Administration and the institution has been completed.

(7) An institution may request cancellation of its contract and negotiation of a contract for the fiscal year beginning July 1, 1948, under the provisions of this regulation, effective on same date provided all of the following conditions exist:

(i) The contract was negotiated under authority of the Administrator's telegram of September 30, 1947, prior to July 1, 1948, but extending into the fiscal year 1949.

(ii) The request for reconsideration is made in writing to the manager of the appropriate Veterans' Administration regional office not later than July 1, 1948.

(8) If the manager determines that the institution is suffering a serious financial hardship or is handicapped in giving the type of training desired because of the rate agreed upon under the formula prescribed prior to July 1, 1948, the manager is authorized to permit termination of the contract and to negotiate a new contract on the basis of the revised formula set forth in § 21.530.

(c) For flight course contracts, see § 21.601.

(d) For correspondence course contracts, see § 21.625.

§ 21.588 *Renewal of contract.* Renewals of contracts in lieu of making new contracts may be accomplished by the completion of renewal agreement when no change is made in the existing original contractual provisions. Six copies of the renewal agreement must be prepared and signed and distribution made in the same manner as the original contract. In no event will a contract originally negotiated on the basis of fair and reasonable compensation or cost of teaching personnel and supplies for instruction be renewed until the submission of proper cost data required and unless such data justifies a continuation of the terms of the existing contract. (See § 21.529 through § 21.531.) If the examination of the cost of operations for the preceding period indicates that the basis of charges is to be changed, a new contract must be negotiated.

§ 21.589 *Negotiations*—(a) *Preliminary negotiations.* A file should be maintained showing the name of each approved institution, the basis on which the institution charges for tuition, fees, etc., and other pertinent information. In all cases in which it is ascertained that a contract will be required, the institution will be notified that payments for veterans may be made only under contracts negotiated in accordance with the provisions of applicable regulations and instructions, and negotiations will be initiated with all those institutions desiring to enroll veterans under Public Law 346. In any case in which a contract is required under Veterans' Administration regulations for the education and training of veterans under the provisions of Public Law 346, as amended, no payments whatsoever will be made to an institution until a written agreement or contract between the Veterans' Administration and the institution has been completed.

(b) *Memorandum agreements.* If a contract is required under existing regulations and it is not possible to complete a formal contract with an approved institution prior to the enrollment therein of eligible veterans, a memorandum agreement may be made pending completion of the formal contract. Rates of payment need not be stated in the memorandum agreement, though provision may be included which specifies that the rates as finally adopted will be determined in accordance with rules, regulations, and policies of the Veterans' Administration and will be effective from the beginning date of training as set forth in the memorandum agreement.

(c) *Final negotiations.* (See § 21.573 (b).)

§ 21.590 *VA Form 7–1903b, Contract for Education and Training, Public Law 346, 78th Congress, as amended.* VA Form 7–1903b will be used by regional offices for all new contracts required with educational institutions under Public Law 346 for the education and training of veterans.

§ 21.591 *Deviation from contract terms.* All services, charges, and other terms will be stated in the contract, and no deviation, change, or other alteration in the terms for services or charges will be made during the period covered by the contract except as noted below. Contracts may be supplemented to add additional courses or services and charges therefor as provided in § 21.592 (d). Erasures, interlineations, and other alterations are to be avoided; but whenever made, they must be authenticated properly by each party to the contract initialing the changes.

§ 21.592 *Preparation of contracts*—(a) *Numbering of contracts.* (See § 21.576 (a).)

(b) *Period covered by contracts.* Contracts negotiated on VA Form 7–1903b will be effective for the period beginning and ending on the dates shown under article 1 (a), VA Form 7–1903b. Contracts may be negotiated to cover the Government fiscal year, a period extending over parts of two fiscal years, if necessary, to cover an entire school year of the institution, or such other period as may be mutually agreeable to the institution and the Veterans' Administration. Generally, contracts should not cover a period of more than 12 calendar months.

(c) *Preparation of VA Form 7–1903b*—(1) *General.* The appropriate contract number will be inserted in the upper right corner of page 1 of the form in the space provided therefor. The contract will carry the notation in the upper right corner of page 1 "negotiated contract" under or in close proximity to the contract symbol and number, such notation to bear the initials of the contracting officer. Only the original and first and second copies of the contract need be initialed by the contracting officer. The formal date of the contract will be inserted in the first paragraph. This date may be prior to the beginning date of instruction of Public Law 346 veterans for which payment is to be made under the contract but may not be later than the beginning date of instruction as shown in article 1 (a). The legal name of the institution and its address should be inserted in the first paragraph. In the third paragraph, the name of the appropriate approving agency should be inserted, such as "State Department of Education of the State of _____."

(2) *Article 1, instruction*—(i) *Period covered by contract.* Under paragraph (a) of the form, the period covered by the contract is to be inserted. The beginning date of the period should be the first day on which veterans are enrolled for instruction or, if veterans have been enrolled continuously, the beginning date of the semester, quarter, or term of the institution. The ending date should be the final date of instruction but not later than June 30 of the current fiscal year, except as provided in paragraph (b) of this section.

(ii) *Article 1 (b).* A schedule 1 will be prepared and attached to each copy of the contract and will include complete information with respect to courses and charges either by description or specific reference to attached catalogs or bulletins. The course description should provide:

(a) Name of the course.

(b) The school calendar.

(c) Indication whether institution is operated on a credit-hour or clock-hour basis, and in case of schools which do not operate on a credit-hour basis the length of school day and week.

(d) Time and total credits required for the completion of the course in the case of a college or university or other school which evaluates its courses on a standard credit-hour basis, or total clock hours of instruction required in business trade, or other schools which operate on a clock-hour basis.

(e) Required and elective subjects and number of credit or clock hours of each subject comprising the course should be stated. In the event that the required information or part of it is included in a published catalog, bulletin, or other official document of the institution, a copy of such publication may be attached to and made a part of the contract. In such cases, the schedule 1, as mentioned in the contract, will be prepared to indicate by a clear reference to specific pages and paragraphs the provisions of the catalog or bulletin to be included in and made a part of the contract. In no instance will a general reference such as "as per catalog attached" be included on schedule 1. When a catalog is not entirely correct in its current form, the institution may make necessary corrections by inserting corrected sheets and properly initialing them. If copies of school publications are not available, complete information with respect to the description of courses, charges, and other items will be typed and included as a part of schedule 1.

(iii) *Article 1 (d), books, equipment, and supplies.* It is of utmost importance that institutions agree to assume re-

sponsibility for furnishing books, equipment, and supplies. As provided in article 1 (c), of the VA Form 7–1903b, books, supplies, and equipment are to be furnished as required for the instruction of veterans but in no instance greater in variety, quality, quantity, or amount than required by the institution to be provided personally by other and all students pursuing the same or similar courses. Provision for payment for such items by the Veterans' Administration will be included in article 1 (d) of the contract. In general, it is desirable that there be listed on an attached schedule the books, supplies, and equipment to be furnished and the charges therefor; but, if it is not practicable to do so, the use of one of the terms as follows would be satisfactory.

(a) At prices charged other students by the college or book store.

(b) At list prices charged other students, less a discount of ------ percent.

(c) At cost to the school.

(d) As listed herein (and a listing shown or attached as schedule 2 to the contract).

(e) At a rental charge of $------ per ------.

(iv) *Allowance of 10 percent for handling and issuance of books, supplies, and equipment.* Where an institution is entitled to the 10-percent compensation for the handling and issuance of books, supplies, and equipment as provided in §§ 21.539 and 21.540 provision for payments of the 10-percent handling charge must be included in article 1 (d) of the contract. The provision should be expressed somewhat as follows:

It is understood and agreed that the institution in submitting vouchers for books, supplies, and equipment furnished to veterans may add to the total of each such voucher 10 percent of the total as compensation for handling and issuing of such materials.

(3) *Article 2, payment.* The terms for payment under this article must set forth clearly and concisely the basis on which payments are to be made. If billing for nonrefundable fees covering nonrecurring services or for books, supplies, and equipment is to be made immediately after the services are rendered or the articles issued, it should be so stated. If payment for customary tuition or other services is to be made monthly, quarterly, etc., the exact basis for such payments should be indicated. If payments are to be made to nonprofit institutions at the expiration of the refund period in accordance with §§ 21.655 through 21.657, it should be so stated. In the case where payments are to be made on other than the customary charge basis, it must be stated that total payments for any individual veteran under the contract will be limited to $500 for a full-time course for an ordinary school year.

(4) *Article 3, records and reports.* As agreed upon in the contract, the institution will maintain records of attendance, deportment, and progress of veterans in training and will make available such records and furnish such reports to the Veterans' Administration as may be necessary and required.

(5) *Article 4, inspection.* This provision permits the duly authorized representatives of the Veterans' Administration to visit the place of instruction for the purpose of supervising the veterans in training and for such other purposes as may be necessary and required.

(6) *Article 5, proration of charges.* There will be inserted in the blank space provided in article 5 the exact provisions relating to the proration of charges in the event that veterans are withdrawn or discontinued prior to the end of the term, semester, or quarter, and such provisions for proration of charges will be determined as follows:

(i) *Nonprofit institutions.* Nonprofit educational institutions which do not have or will not accept a graduated scale of charges for purposes of determining refunds at least equivalent to that set forth in §§ 21.655 through 21.657 will be required to prorate charges on the basis of actual attendance for veterans withdrawing or discontinuing prior to the close of the period and will be paid in arrears for that prorata part of the charge for services rendered during the period covered by vouchers submitted for payment.

(ii) *Other than nonprofit institutions.* In all cases where veterans are enrolled in other than nonprofit institutions, payment of tuition and fees will be made in arrears prorated on the veteran's period of attendance.

(iii) *Payment for books, supplies, and equipment.* Institutions may submit bills and be paid in full for books, supplies, and equipment issued to veterans in accordance with existing regulations immediately following the issuance of such material.

(iv) *Fees for noncontinuing service.* The graduated scale of charges will not apply to a fee which is for noncontinuing service and not subject to refund under any conditions, such as a registration fee.

(7) *Corporate certification.* Information relative to the proper authorities for signing contracts will be inserted in the certificate form for corporations. If the institution is not a corporation, the words "not a corporation" must be typed under the word "Certificate."

(d) *Supplements to contracts.* Courses or services and charges therefor not included in the original contract may be provided for by the negotiation of a supplemental contract. Each supplement will be prepared in typewritten form. The supplement is to be in letter form, and the name of the institution and address should be placed in the upper left corner. In the first sentence, the contract number should be stated and reference made to any previous supplements by number. If copies of institutional catalogs, bulletins, or other printed material were made a part of the original contract, copies thereof need not be attached to the supplement; however, if any new publications have been issued and are to be used in description of courses or charges, they should be attached to the supplement. Individual courses and charges may be added by typewritten description. Each supplement must be executed by both parties in the same manner as in the original contract. None of terms of original contract should be included in the supplement, which should provide only for the additional courses, services, and charges covered by the supplement.

INSTRUCTIONS RELATING TO PAYMENTS FOR FLIGHT TRAINING UNDER PART VIII, VETERANS' REGULATION 1 (A), AS AMENDED (38 U. S. C., CH. 12)

§ 21.601 *Flight training.* Under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), an eligible veteran may elect to enroll for flight training in any flying school or flight training institution which has been approved by the appropriate State agency: *Provided,* That the enrollment in such school or institution is for a definite course of flight instruction consisting of one unit flight course or a combination of unit flight courses, or parts thereof, as defined herein. For the purpose of payment for flight training under Public Law 346, as amended, unit flight courses, and parts thereof are defined as, and limited to, the following:

(a) *Unit flight courses.* A unit flight course of education or training is defined as a program or study and training which is so organized as to qualify the student upon successful completion thereof to meet the requirements of the Civil Aeronautics Administration (hereinafter referred to as "CAA" for the issuance of the appropriate CAA certificate or rating, as a private pilot certificate, commercial pilot certificate, flight instructor rating, or instrument rating. Unit flight courses to be contracted and paid for, within the limits prescribed herein, are as follows:

(1) Elementary flight or private pilot course.

(2) Advanced flight or commercial pilot course (including the flight requirements for the private pilot course).

(3) Flight instructor course.

(4) Instrument rating course.

(5) Multiengine class rating course.

(6) Airline transport pilot course. A unit course authorized to provide the advanced instrument and radio knowledge and training required for the CAA airline transport pilot rating examination. Enrollment in this course will be limited to veterans who upon successful completion of this course will meet the requirements of the CAA for the issuance of the airline transport pilot rating. The other instructional requirements for the airline transport pilot rating examination are obtainable in the other flight courses defined above.

(b) *Partial flight courses.* An eligible veteran who, prior to enrollment under Public Law 346, as amended, has completed some flight time but has insufficient flight time to qualify for the desired certificate or rating may be enrolled in any unit course for which he is eligible for a sufficient number of hours to complete the requirements for the desired certificate or rating.

(c) *Flight refresher courses.* An eligible veteran who has formerly held a certificate or rating but who has not kept the certificate or rating current may enroll in the appropriate unit course at any stage in the course for such parts of the course as are necessary for him to qualify for the reinstatement of his certificate or rating. Refresher training will be strictly limited to parts of an established unit course or courses.

(d) *Airplane class rating courses.* An eligible veteran holding a current CAA certificate with rating as a private or commercial pilot may, if he so elects, enroll in an appropriate unit course for a sufficient number of hours to qualify him for an additional airplane class rating of single engine land, single engine sea, multiengine land, or multiengine sea. For example, a veteran holding a single engine land rating could enroll in a private pilot course conducted with a single engine sea plane for sufficient training to qualify for a single engine sea rating; *Provided,* That flight training in any of these airplane class rating courses will be limited to a maximum of 20 hours.

§ 21.602 *Enrollment.* Enrollment of a veteran in a combination of unit flight courses to be pursued simultaneously will not be confirmed. An eligible veteran, however, may enroll for such a combination course of flight instruction provided the unit courses are pursued consecutively. Enrollment of a veteran in any unit flight training course under Public Law 346 will not be confirmed unless it is clearly indicated that upon successful completion of the course the veteran will have the qualifications required by the CAA for the examination for the CAA certificate or rating for which the course is claimed to qualify the veteran. For example, a veteran holding only a private pilot certificate will not be enrolled in the instrument rating course unless he has sufficient solo hours so that at the completion of the instrument rating course he will have the minimum CAA requirements of 200 solo hours, of which not less than 20 hours were solo cross-country flying, including at least one flight to a point not less than 150 miles distant from the point of departure, with at least three full-stop landings at different points on the course.

§ 21.603 *Curriculum for flight courses.* (a) Contract proposals for flight training and ground instruction under Public Law 346, as amended, must provide for, and specify, both a minimum number of hours and a maximum number of hours of flight instruction and the number of hours of classroom ground instruction, or both, required to complete each unit flight course.

(b) Contract proposals may include unit flight courses which provide for the number of flight and ground school hours normally required for each course in the regular operation of the institution or training agency. Contract proposals will not be approved which provide special unit course requirements solely for veterans in training under Public Law 346.

(c) The course may be pursued on a definite schedule, either full time or part time, and there is no requirement of the Veterans' Administration that the course must provide a minimum of 25 clock hours' attendance each week.

§ 21.604 *Payments for flight courses.* A course of flight instruction consisting of a combination of two or more of the unit flight training courses as defined herein, if pursued consecutively, may require more than 30 weeks to complete. For such a course of flight instruction, more than $500 may be paid, provided all the following conditions are met:

(a) That the course of flight instruction for which a veteran is enrolled, consisting of one or more unit courses, is regularly scheduled, on either a part-time or full-time basis, to extend for 30 weeks or more, based on the estimated minimum time required to complete the course.

(b) That the charges are fair and reasonable (see § 21.606) and not in excess of those charged to other students for the same or similar courses.

(c) That the veteran elects to have his period of entitlement charged at an accelerated rate.

§ 21.605 *Limitations.* (a) The Veterans' Administration is not authorized to pay in excess of $500 for a course of education or training of less than 30 weeks (par. 3 (b), Part VIII, Veterans' Regulation 1 (a), as amended—38 U. S. C. ch. 12). Therefore, if an eligible veteran enrolls in a course of flight instruction, which consists of one or more unit flight courses and is regularly scheduled by the flight school or institution, to be completed in less than 30 weeks' time, the maximum amount that can be paid by the Veterans' Administration for such a course is $500.

(b) The Veterans' Administration cannot pay special fees for the CAA flight examination or for pictures for flight certificates or identification cards as an additional cost of the course. Payment for these items may be made where the cost thereof is included in the customary rates per flight hour required to be paid to the institution by all students pursuing the same course. The Veterans' Administration is authorized to pay for the flight physical examination, provided the conditions prescribed in § 21.518 are fulfilled.

§ 21.606 *Contracts required.* (a) Inasmuch as the customary charges for flight training will exceed the rate of $500 for a full-time course for an ordinary school year of 34 weeks, contracts will be required for such training in accordance with the provisions of § 21.587. No contract will be approved until the manager of the regional office has found that the rates proposed to be charged are fair and reasonable. For the purpose of negotiating contracts under Public Law 346, as amended, for flight instruction as defined herein, managers are authorized to approve proposals as fair and reasonable without requiring the submission of detailed cost figures and to approve contracts for one or all of the unit flight courses, provided all of the following conditions are met:

(1) The maximum hourly rates charged for flight instruction and classroom ground instruction in each unit course do not exceed the following:

Course and equipment	Rate per hour for— Dual flight instruction	Solo flight instruction	Classroom ground instruction per student hour
Private pilot course			
Primary trainer airplanes of less than 125 horsepower	$11.50	$8.50	$0.70

NOTE: No hourly flight rate in excess of the maximum shown above will be approved for a private pilot course even though the horsepower of the equipment proposed is in excess of that shown above.

Commercial pilot course			
Primary trainer airplanes of less than 125 horsepower	$11.50	$8.50	$0.70
Secondary trainer airplanes of 125 horsepower or more	18.00	15.00	.70

NOTE: At least 75 percent of the total flight hours must be charged at the primary trainer hourly rates and not more than 25 percent of the total flight hours will be charged at the secondary trainer rates even though more than 25 percent of the flight instruction is given in secondary trainers.

Flight instructor course			
Primary trainer airplanes of less than 125 horsepower	$11.50	$8.50	$0.70

NOTE: No rate in excess of the maximum shown above will be approved for the flight instructor course even though the horsepower of the equipment proposed is in excess of that shown above.

Instrument rating course			
Airplanes equipped for instrument flight instruction	$20.00	------	$0.70
Link trainer	10.00	------	.70
Multi-engine class rating course			
Multi-engine airplane	45.00	$45.00	.70
Airline transport pilot course			
Airplane equipped for instrument flight instruction	20.00	20.00	.70
Link trainer	10.00	10.00	.70
Multi-engine airplane	45.00	45.00	.70

(2) The charges for a course are not more than those made to other students pursuing the same or comparable courses, as set forth in published catalogs or bulletins of the school or institution, except as otherwise stated herein. In the event a school or institution does not publish a bulletin, a responsible official of the school or institution will individually certify to the manager of the regional office, within whose territory the school or institution is located, the customary charges for the courses offered.

(b) If a contract proposal submitted for flight courses does not conform to the provisions listed in paragraphs (a) (1) and (2) of this section, but the manager, nevertheless, considers that the proposal should be accepted, the proposal may be submitted to the office of assistant administrator for vocational rehabilitation and education, central office, with the manager's recommenda-

tion, supported by adequate facts and accompanied by statements to substantiate the proposed charges as fair and reasonable as provided for in § 21.530. Each statement to be submitted must be certified by an official of the school or institution and must include the following:

(1) A detailed statement of total actual or estimated operating expenses and sales for one full year (12 months) of operation and must indicate thereon the period covered.

(2) A separate detailed computation of the actual or estimated cost per hour for flight instruction in each type of equipment proposed to be used in the flight instruction, showing the hours of equipment operation on which the cost is based.

(3) A separate computation of the actual or estimated cost per hour for ground instruction in each ground instruction course proposed, showing the number of student classroom hours on which the cost is based.

§ 21.607 *Preparation of contracts.* (a) Contracts will be prepared on VA Form 7–1903b and must show the unit flight courses and ground courses to be furnished. Attached to the contract must be a copy of the catalog or other printed bulletins or separate schedules showing:

(1) The detailed content for each unit flight course, showing the minimum and maximum amount of dual and supervised solo time allotted for instruction and practice in each maneuver or item of instruction included in such course and the type and horsepower of equipment to be used for each maneuver or item of dual and solo instruction.

(2) The detailed content for each unit ground instruction course showing the subjects to be taught, the number of classroom hours devoted to each subject, and the items of instruction to be covered under each subject.

(3) A schedule of flight rates on an hourly basis for each type of instruction in each type of equipment and a schedule of ground instruction rates on an hourly basis for each unit course, with a maximum total amount to be charged for each complete unit course. The maximum total amount to be charged for each unit course will be derived by multiplying the hourly rate for each item of flight and ground instruction by the respective number of maximum scheduled hours therefor and adding the product. For example, the hourly and maximum total charge for a commercial pilot course might be shown as follows:

45 hours dual in 65 hp. equipment at $9.00	$405
110 hours solo in 65 hp. equipment at $7.00	770
10 hours dual in 220 hp. equipment at $15.00	150
10 hours solo in 220 hp. equipment at $12.00	120
110 hours ground instruction at $0.70	77
Total maximum cost of commercial pilot course	1,522

(4) A statement as to the minimum and maximum amount of time in terms of weeks to complete each unit course plus a statement as to the average number of required hours of classroom ground instruction and flight instruction each week.

(b) Contracts must show under article 1 (d) the actual or estimated cost of books and supplies required for each ground instruction course.

(c) Contracts must provide in article 5 for payment only on the basis of the number of ground and flight hours actually completed.

§ 21.608 *Insurance for flight training.* Personal life and accident insurance for the veteran may be charged to the Government as a part of the fair and reasonable cost of the course if it is required of, and the cost thereof included in the charge made to, all students. Operator's public liability and property damage insurance is a proper charge to be included in determining the fair and reasonable cost.

§ 21.609 *Payment under contracts.* (a) Vouchers may be submitted at the end of each month covering the actual hours of flight and ground instruction and books and supplies furnished the eligible enrolled veterans during that month. Vouchers need show only the name and C-number of each veteran, the period covered by the voucher, and the amount due for the month for each veteran for books and supplies, ground instruction, and flight instruction. For each veteran listed on the voucher, there must be attached a certificate containing a detailed statement signed by the individual veteran showing for that period:

(1) The actual number of classroom ground hours of instruction received for each subject and the charge therefor.

(2) The actual number of flight hours of instruction, dual and solo, received and the charge therefor.

(3) The type and horsepower of equipment in which the flight instruction was received.

(4) A statement that the flight hours certified on the voucher agree with the flight hours for the period as recorded in the pilot's log book of the veteran.

(5) The books and supplies furnished for the course during the month.

(b) Monthly charges are to be made at hourly rates on the basis of flight and ground instruction hours actually given. No payment for any unit course will be made by the Veterans' Administration in excess of the total maximum cost shown in the contract for that unit course even though the contractor furnished more than the maximum number of hours shown for that unit course. It is understood that the veteran's training will be discontinued at any stage where progress in the course is not satisfactory according to the regularly prescribed standards and practices of the flying school or institution.

§ 21.610 *Subsistence payments to veterans.* (a) For courses in flight schools, the determination of the subsistence allowance to be paid will be based on the clock-hours of required attendance at the school in accordance with existing instructions, with ground instruction valued at one clock-hour attendance for each required hour of classroom ground instruction, and flight instruction valued at two clock-hours for each hour of flying time. (The counting as 2 hours of actual attendance of each 1 hour of actual flying time is based on the fact that by common requirement and experience the flight student spends at the school the additional allowed time before and after actual flying, receiving instruction, advice, etc., from the instructor or in performing duties necessary to starting actual flying or completing the lesson period after flying.)

(b) The payment of subsistence allowance will be upon the basis of the anticipated normal program of flight instruction. Weekly adjustments are not required because of extended periods of nonflight weather or compensatory periods of accelerated flying time, provided the veteran holds himself in readiness for instruction and such instruction is temporarily suspended due to nonflight weather.

§ 21.611 *Execution and revision of contracts.* Future contracts for flight instruction courses that do not follow these provisions, and instructions will not be approved.

§ 21.612 *Payment for flight training in nonprofit institutions*—(a) *Purpose.* The purpose of this paragraph is to set forth the procedures and policies applicable to payment for flight training courses pursued by eligible veterans for academic credit in colleges and universities.

(b) *Payment for voluntarily elected flight courses.* Payment for voluntarily elected flight courses at colleges and universities which are pursued concurrently with other credit courses may be made subject to the following conditions:

(1) The institution certifies to the Veterans' Administration that the course in flight training is voluntarily elected by the veteran and is a related and useful part of the educational objective of the veteran in his chosen curriculum.

(2) The charge for the veteran for the flight course is not more than the sum regularly charged nonveteran students similarly electing the same course.

(3) The veteran requests acceleration in the use of his available entitlement for the total charge for the flight training course which he has voluntarily elected by executing a VA Form 1950A authorizing an additional charge to his entitlement at the rate of 1 day for each $2.10 of the total cost of the flight course.

(c) *Payment for required flight courses.* When the flight course is not voluntarily elected by the student but is required by the institution as a partial fulfillment of the institution's standard credit-hour requirement for the student's degree objective, payment to the institution will be made as follows:

(1) If the institution has elected to charge the Veterans' Administration on the basis of customary charges (alternative 1, § 21.471) and the total charge for the flight course and the regular course exceeds the rate of $500 for an ordinary school year, the veteran either will be required to execute a VA Form 1950A and have his entitlement charged at an accelerated rate for the excess or the veteran will be required personally to pay the amount the charge exceeds the rate of $500 for the ordinary school year. If the combined customary charge is less than $500, a VA Form 7–1950a is not required.

(2) If the nonprofit institution has elected and is permitted to charge the Veterans' Administration on the basis of other than customary tuition charges (alternative 2, 3, or 4, § 21.471), the total payment to the institution for the other than customary tuition will be limited to an amount which together with the customary charges for fees (including flight training), books, supplies, equipment, and other necessary expenses will not exceed the rate of $500 for a full-time course for an ordinary school year. (See §§ 21.470 (b), (2) and 21.517.) If the total customary charges for fees (including flight training), books, supplies, equipment, and other necessary expenses, but exclusive of tuition charges, exceed the rate of $500 for a full-time course for an ordinary school year, the veteran may elect through the execution of VA Form 7–1950a to have the amount of such excess customary charges, exclusive of tuition, paid by the Veterans' Administration and his entitlement charged for the excess or he may elect to pay the excess personally.

(d) *Payment to nonprofit institutions.* Where a veteran is enrolled in a flight training course in a nonprofit institution as a required or elective part of his regular academic course, payment to the nonprofit institution will be made at hourly rates only for the actual hours of flight and ground instruction to the veteran. (See § 21.656 (g).)

INSTRUCTIONS RELATING TO CONTRACTS AND PAYMENTS FOR INSTITUTIONAL ON-FARM TRAINING COURSES UNDER PART VIII, VETERANS REGULATION 1 (A), AS AMENDED, (38 U. S. C. CH. 12)

§ 21.613 *Payments for institutional on-farm-training*—(a) *Contract required.* Payments for institutional on-farm training provided to Part VIII veterans after September 1, 1947, will be made only in accordance with the terms of contracts negotiated between the Veterans' Administration and educational institutions which provide such instruction in accordance with the provisions of Public Law 346, 78th Congress, as amended by Public Law 377, 80th Congress.

(b) *Basis for payment.* Contracts will be prepared on VA Form 7–1903b and will provide for payment for institutional on-farm training at a fixed monthly rate per student to include the cost of instruction in the classroom, individual instruction on the farm, and supervision, which has been determined to be fair and reasonable by the regional office in accordance with the formula and criteria set forth in § 21.614.

(c) *Regulations applicable to interim payments.* In order to provide a basis for deciding any questions which may be occasioned by delay in the submission of vouchers or in their payment, the following regulation is for application:

During the period September 1, 1947 (the effective date of the first contract under Public Law 377), to the date the contract was negotiated (but not later than January 1, 1948), interim payments will be made at rates being charged by educational institutions for institutional on-farm training as of September 1, 1947: *Provided*, That if such rates are determined not to be fair and reasonable, adjustments will be made on subsequent vouchers for the difference between the amounts paid subsequent to September 1, 1947, and the amounts determined to be fair and reasonable as of that date. All vouchers submitted for services rendered subsequent to September 1, 1947, and prior to the determination of an agreed contract rate will have written or stamped clearly on the face thereof by the payee the statement, "Interim payment pending determination of fair and reasonable rate to be fixed by contract."

§ 21.614 *Determination of fair and reasonable compensation for institutional on-farm training*—(a) *Certified financial statement required.* In making the determination of fair and reasonable compensation, the regional office will require the educational institution to submit certified detailed financial statements which must include the amount of any accumulated surplus (deficit). These financial statements are exempt from a reports control symbol. This financial statement shall include the actual cost experience accumulated during the most recent contract period for the institutional on-farm courses. Such financial statements shall include:

(1) The number of students (veterans and nonveterans) enrolled in the institutional on-farm courses during the period covered by the cost data and the number of student months of instruction provided during such period. (Student months of instruction will be derived by adding the number of students enrolled at the beginning of each month for the total number of months covered by the cost data.)

(2) A statement of the total income received or due from the Veterans' Administration as payment for veterans enrolled in the institutional on-farm program during the period covered by the cost data; a separate statement of income received or due from other sources for the course, during the same period, such as tuition from nonveterans and transfers from State funds.

(3) The basis on which teaching salaries and other expenses have been allocated for the courses involved.

(4) Cost data on the following items of expense which, within the limits designated, will be used for the determination of fair and reasonable compensation.

(i) *Instructors.* Actual cost of instructors at salary rates not in excess of those paid by the institution, or by other similar institutions in that area, for teachers with comparable duties and responsibilities. The cost shown for instructors will be supported by a schedule listing the name, title, and annual salary rate and will show whether employment is full- or part-time for each person included in such cost and the proportion of time spent by each on this program. In determining fair and reasonable compensation, the ratio of full-time instructors, or equivalent thereof, charged to these courses should generally average not more than one instructor for 18 or 20 students. Classes ordinarily should not exceed 25 students. Payments for classes of less than 12 will be made only in unusual circumstances such as in sparsely populated areas or where the program is just being started or ended and full explanation for such small classes shall be made.

(ii) *Travel expenses for instructors.* Such expense will be limited to mileage for use of personal cars at a rate not to exceed the established mileage rate customarily paid by the institution or provided by State law or regulation but not more than 7 cents per mile. Mileage will be limited to travel actually required to be performed by the itinerant instructor in connection with the training program.

(iii) *Consumable classroom instructional supplies.* This item will include the cost of instructional supplies and teaching aids which are actually consumed during the process of instruction and which are required for all students.

(iv) *Textbooks.* This item will include required textbooks, farm account books, etc., where such items are customarily furnished to all students at no additional charge to the student and the cost thereof is included in the monthly tuition rate. If separate charges are customarily made by the institution to all students for text and other books, no cost will be shown for this item, but provision will be made in the contract to pay for such required text and other books at prices customarily charged to other students.

(v) *Building operation and maintenance, depreciation, and rent.* Cost of the pro rata portion of depreciation on instructional equipment, heat, light, power, water, janitor service, building maintenance, rent of nonpublicly owned facilities, and insurance for classroom and laboratory space which may be allocated to these courses on the basis of the time the classrooms are used for these courses in relation to the full-time use of such classrooms and laboratories. A sum not in excess of $1.25 per student per month is acceptable as a fair and reasonable charge for this item without detailed calculation. In any case where the institution requests an amount in excess of $1.25 per man per month for this item, the manager will submit the proposal with the cost data and his recommendations relative thereto to the Assistant Administrator for Vocational Rehabilitation and Education through the appropriate branch office for a determination as to whether an amount in excess of $1.25 per student per month may be included in the fair and reasonable determination.

(vi) *Allowance for administration and supervision.* An allowance to cover the cost of supervisory, administrative, and clerical personnel and the cost of consumable office supplies and other expenses for administrative and supervisory offices including related expenses of the State agency responsible for conducting these courses. An amount not in excess of 5 percent of the cost of subdivisions (i) through (v) of this sub-

paragraph may be included to cover these costs without detailed justification. However, if the institution requests more than a 5 percent allowance for administration and supervision, the manager is authorized to include in the fair and reasonable cost, such amount in excess of 5 percent as may be justified as reasonable and necessary to conduct a satisfactory program: *Provided*, That in no case will administrative and supervisory costs in excess of 15 percent of subdivisions (i) through (v) of this subparagraph be included in the fair and reasonable justification except on prior approval of the Assistant Administrator for Vocational Rehabilitation and Education. Any request for an amount in excess of 5 percent for administration and supervision must be supported by a detailed schedule of the cost of the items included.

(b) *Estimated cost may be used.* In the case of new courses for which no actual cost experience is available or cost data is incomplete, estimated cost may be substituted in the formula prescribed above.

§ 21.615 *Exclusion of salaries paid from Federal funds.* In computing fair and reasonable compensation, there shall be excluded from the costs all salaries paid from matching State-Federal appropriations such as the Smith-Hughes and George-Deen appropriations, and the certification of the appropriate official of the institution on the cost data must include a statement that no part of the salaries or other expenses which were or are to be paid from such funds is included.

§ 21.616 *Review and adjustment of contract rates.* Contracts for institutional on-farm training shall be executed for a period not to exceed 12 months. In negotiating new contracts or for the renewal of contracts which were in effect on or before September 1, 1947, consideration will be given to any surpluses (deficits) accumulated as a result of the payment of the agreed rates in excess (deficiency) of the amount spent on the program by the institution and the agreed rate for the succeeding contract period will be adjusted to make due allowance for accumulated surpluses (deficits).

§ 21.617 *Short-term renewal of contract.* If at the expiration of the contract period the institution is not in a position to submit substantiating cost data for an institution on-farm contract to be negotiated in accordance with Veterans' Administration regulations, the contract may be renewed for such period of time as is necessary at the same effective rate of tuition in existence. Generally, the additional time needed should not be more than 3 months though for this purpose contracts may be renewed for a maximum period of 4 months. Such an arrangement will give the institution time to prepare cost data needed for the determination of fair and reasonable rate to be paid for the next contract period. When the final rate is agreed upon for the succeeding contract period, after taking into account any surplus or deficit, the renewal agreement will be superseded by the new contract providing for the agreed rate.

§ 21.618 *Books, supplies, and equipment.* The farm on which a veteran receives that part of his course of institutional on-farm training must be equipped with the necessary supplies and equipment which will permit the trainee, even though he is in control of the farm, to pursue successfully institutional on-farm training. Therefore, under no circumstances shall the Veterans' Administration pay for any equipment or supplies which a person may require in order to operate the farm. The Veterans' Administration will pay for only those books and incidental supplies required for the veteran to pursue that part of his course in organized group instruction. Such books and supplies will be limited to those required to be owned personally by all students in such course. Farm equipment or tools will not be furnished since it is considered that these are articles which a farm must have in order to meet the provisions of Public Law 377, 80th Congress.

CORRESPONDENCE COURSES

§ 21.625 *Contract negotiations for correspondence courses*—(a) *Definition of a correspondence course.* A course of education or training by correspondence is a course conducted by mail consisting of regular lessons or reading assignments, the preparation of required written work which involves the application of principles studied in each lesson, the correction of assigned work with such suggestions or recommendations as may be necessary to instruct the student, the keeping of student achievement records, and finally the issuance of a diploma, certificate, or other evidence to the student who has satisfactorily completed the requirements of the course.

(b) *Approved schools.* In accordance with paragraph 4, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), institutions furnishing correspondence courses must be approved. Approval of a school for use under Public Law 346 will be by the appropriate agency of the State in which the home offices of the school are located. As it is the responsibility of the State to determine which institutions are qualified and equipped to furnish education or training, it is also within the jurisdiction of the State to prescribe the standards to be met by an approved institution. The same procedure may be followed by the State in determining the standards required for correspondence courses as is followed by the State in the case of institutions offering resident instruction. The general approval given by certain State agencies to institutions covers residence courses only. Such States give separate and specific approval for correspondence courses.

(c) *Contract required.* Veterans may be enrolled under Veterans' Administration programs in only those correspondence courses of instruction or training for which contracts have been specifically negotiated with central office. The courses, including the number of lessons, price per lesson, charge for registration, charge for extra equipment, charge for bound books, and the total cost of the course, or any other charges payable are set forth in such contract. The correspondence school furnishing courses for the training of veterans under Public Laws 16 and 346 will submit vouchers for payments direct to the regional office in accordance with the terms of existing contracts. Institutions or on-the-job-training establishments shall not be permitted to negotiate with a school for a correspondence course and bill the Veterans' Administration for its cost. In no case will payment be authorized to an on-the-job-training establishment for the cost of a correspondence course used as supplemental training.

(d) *Negotiation of contracts.* All contracts and supplements to existing contracts for correspondence courses shall be negotiated by central office and decentralized to field stations. Where possible, contracts for correspondence courses will be negotiated for use under both Public Laws 16 and 346. In some instances, a separate contract may be negotiated separately for Public Law 16 and Public Law 346 enrollments. In the event that a contract is limited in scope, indication will be given either in the body or on the face thereof by a stamp impression or otherwise. Contracts negotiated for correspondence courses are usually approved for use in all States. Occasionally, however, contracts are negotiated by central office for correspondence courses of limited application as to program or region.

(e) *Period of contract.* Contracts covering correspondence courses, subject to availability of appropriations, are usually negotiated for a period of not to exceed 3 years from the date of execution of the contract, subject to extension beyond a 3-year period by mutual consent of the contracting parties. Contracts may be terminated upon written notice at the expiration of 30 days from the date of such notice at the request of either the institution or the Veterans' Administration.

(f) *Schools with which contracts are negotiated.* Information relative to negotiated contracts for correspondence courses is published in VA Bulletin 55. As additional contracts are negotiated, supplements or revisions to VA Bulletin 55 will be published listing such contracts.

(g) *Information concerning correspondence courses.* Information concerning the subject matter of courses and academic credit for such courses of institutions which are members of the National University Extension Association can be obtained from the Guide to Correspondence Study, a publication of that association. Copies of such publication have been furnished each regional office. Specific questions as to the content of courses covered in the above publication and courses included in Veterans' Administration contracts may be directed to the institutions offering the courses. The Home Study Blue Book and Directory of Private Home Study Schools and Courses, published by the National Home Study Council, Washington, D. C., also furnishes information as to courses offered by member institutions of such council.

(h) *Request for correspondence course for which no contract exists.* When a correspondence course is desired for which no contract has been decentralized to the field stations, request for a contract for the desired course may be made to central office by the school or the regional office.

(i) *Courses not included in contract.* Before any correspondence course offered by an institution with which a contract has been negotiated but which course is not included in the contract may be made available to eligible veterans, an amendment by a supplement to the original contract including such courses must be negotiated by central office.

(j) *Changes in courses.* Changes in courses made by the institution with which a contract has been negotiated during the life of the contract will become effective and a part of the contract only upon negotiation of a supplement to the existing contract. Minor changes in courses or course material not affecting the length of the course or number of lessons and not lowering the educational value of the courses or the quality of the course materials, such as revision of text, the substitution of a newer lesson for an older one, or the substitution of equipment of equal or greater value are permitted without notice.

§ 21.626 *General provisions of correspondence contracts*—(a) *Services to be furnished by institutions.* The institutions with which the Veterans' Administration contracts for correspondence courses must provide veterans enrolled under such contracts with prompt and adequate lesson service and, unless otherwise specified, must furnish veterans with the same texts, diplomas, lesson services, and other services as are normally provided for regularly enrolled nonveteran students.

(b) *Servicing of lessons.* All lessons of a correspondence course must be serviced adequately and individually by the institution contracting for such courses before payment can be made for the lessons. Grouping of lessons into units and partial servicing of individual lessons does not meet the requirement that each lesson be serviced individually. Each lesson must have a separate examination adequate in terms of lesson content as compared to the remainder of the course.

(c) *Records and reports.* The contractor will maintain records of progress of veterans in training under this contract and will make available such records and furnish such reports to the Veterans' Administration at such intervals as may be mutually determined and as may be necessary and required by the Veterans' Administration to administer the training of the veteran as required by the law.

(d) *Inspection of institution.* Duly authorized representatives of the Veterans' Administration under pertinent provisions contained in all contracts covering correspondence courses are permitted to visit the institution offering correspondence courses from time to time and at reasonable times to inspect the institution, including the records and books of account.

(e) *Length of time to complete course.* The contract form contains no limitation on the length of time required to complete a course. There will be no maximum or minimum time limit except as may be decided by the institution offering the correspondence course and required of all students. The length of time required by the institution or used by the trainee to complete a full-time course is immaterial except that the course may be pursued under benefits of Public Law 346 only to the end of the person's entitlement or to a date not later than 9 years after the termination of the present war, whichever occurs first. It is desirable that a full-time course be pursued continuously. For purposes of VA Form 7-1950b, estimated time may be used to determine length of time necessary to complete a correspondence course.

§ 21.627 *Charges and payments for correspondence courses*—(a) *Contracts required.* Payments will be made to approved institutions for correspondence courses in accordance with the rates established in the contracts approved by the Office of the Assistant Administrator for Vocational Rehabilitation and Education. No payment will be made by the Veterans' Administration for correspondence instruction in the absence of such a contract.

(b) *Charges—How determined.* Public Law 268, 79th Congress, does not permit the Veterans' Administration to pay charges in excess of those which are determined to be fair and reasonable. The rates for which correspondence courses are contracted may be equal to or less than but may not exceed the customary charges of the institution offering such courses.

(c) *Payment on "lesson completed" basis.* The policy of the Veterans' Administration is to pay only for services rendered and to make payment only in arrears. This policy, as applied to payment for education and training by correspondence, requires that payment be made on a "lesson completed" basis for assignments sent in by students to the institution and serviced by such institution during a pay period, monthly or quarterly.

(d) *Lessons must be completed and serviced.* Payment may be made only for such lessons of correspondence courses as are completed by the student and serviced by the contractor. In the event that it is necessary to service a lesson more than once, only one charge will be made for such service.

(e) *Registration fee.* A nominal registration fee is normally allowed an institution with which a contract is negotiated for correspondence courses. The registration fee is separate from other charges. An institution is entitled to payment of the registration fee, when charged, if a student has been officially enrolled in the institution and regardless of whether or not the student completes any lesson assignments. Registration fees are intended to cover only the costs incurred by an institution in actually setting up and enrolling students on the books of the institution. Payment of registration fee, if any, may be requested on the vouchers submitted by the institution for the first pay period (monthly, quarterly, or as otherwise specified in the contract).

(f) *Books, supplies, and equipment*—(1) *When furnished.* Such items will be furnished to the veteran pursuing a correspondence course only if and as needed for present and immediate use and will consist of those items required but in no instances greater in variety, quality, or amount than the institution provides other students or requires other students to provide when pursuing the same or similar courses. The Veterans' Administration has the right in all contracts for correspondence courses to specify the items of books, supplies, and equipment considered necessary for individual veterans enrolled under such contracts including veterans enrolled in correspondence courses used as supplemental training to an on-the-job training program under Public Law 346, as amended.

(2) *Payment.* Payment may be made for such items when furnished under the terms of the contract at the end of the pay period during which such items are furnished the student. Bound books and equipment including expendable supplies for which charges are listed separately in a contract may be furnished only once to the same student regardless of the number of courses which he may pursue requiring the use of the same books, equipment, and/or supplies. The voucher need not be accompanied by receipts signed by the veteran acknowledging receipt of such item. The institution will provide a statement to accompany the voucher certifying that the articles for which payment is requested were delivered to each specific enrollee and that the institution has on hand for inspection by the Veterans' Administration evidence of such delivery. If found more convenient, a statement covering such certification may be stamped or otherwise entered on the front of the voucher in which case the payee's signature on the voucher will be considered as subscribing to such statement. In some correspondence course contracts, an estimated charge may be included for books, supplies, and equipment.

(g) *Postage and expendable supplies.* Charges for postage and expendable supplies, when allowable, are usually included in the total charge for lessons in contracts covering correspondence courses. Postage may be allowed to an institution in a contract for mailing lessons or returning completed lessons to a student, but only when the institution normally charges nonveteran students separately for such postage. When the particular contract contains separate and specific charges for such items, payment will be included in vouchers submitted at the end of the pay period (monthly, quarterly, or as otherwise specified) for such postage as has been actually incurred or supplies actually furnished to the enrollee. Postage will not be furnished to veterans in training under Public Law 346 for mailing completed lessons to the school or institution.

(h) *Loss, damage, or destruction.* The Veterans' Administration will not be responsible or liable for the loss, damage,

or destruction of any books, supplies, equipment, or other items loaned or withdrawn from an institution by a veteran enrollee in connection with any enrollment under a contract covering correspondence courses.

(i) *Charges to veteran enrollees.* No charge whatever may be made to an enrollee under a contract by an institution for items covered by the contract. Contracts covering correspondence courses will contain the total price of the course including all books, supplies, and equipment normally supplied to students by the institution and considered necessary to the successful pursuit of the course, except as may be otherwise specified in the contract.

(j) *Charges not permitted.* (1) An individual will not be enrolled under a contract covering correspondence courses by the contractor where any charges in connection with such enrollment may be made against the Veterans' Administration which, in the knowledge of the contractor, would under existing or previous agreements with the contractor, normally be borne by any individual, group, firm, corporation, organization, or establishment other than the student enrolled.

(2) No deposit of any nature may be charged against the Veterans' Administration in connection with any services which the institution might render under contracts covering correspondence courses.

(3) No additional charges may be made by a contractor to a veteran or the Veterans' Administration in connection with the use of correspondence courses other than the charges specifically set forth in the contract covering such courses.

(4) The 10-percent compensation described in § 21.539 (i) allowed resident educational and training institutions for handling the issuance of books, supplies, and equipment is not applicable to correspondence courses, and such compensation may not be paid in connection with correspondence courses in addition to the charges for such items set forth in the contract.

(k) *Expenditures other than contract charges.* A veteran enrolled in a correspondence course under Public Law 346 may not be furnished at Government expense for use in connection with the pursuit of such correspondence course any additional books, supplies, equipment, or services other than those that are required to be provided by the contractor under the terms of the contract covering the particular correspondence course.

(l) *Catalog, brochures, and other publications incorporated in contract.* The charges, courses, and other provisions of only such catalog, brochures, or other publications as are specifically incorporated in a contract covering correspondence courses will be applicable to the contract. When an institution revises or otherwise changes any catalog, brochure, or other publication which has been incorporated in the contract, the revised or changed editions do not become a part of the contract unless so included by a supplement to the original contract negotiated by central office. It is the policy of central office to eliminate such attachments, when possible, in negotiating contracts and to furnish them for information purposes only in individual instances.

(m) *Billing by institutions.* (1) Institutions will bill for charges contained in contracts covering correspondence courses in the following manner:

(i) Prepare voucher, SF 1034. Charges covering individual veterans may be listed on continuation sheet, SF 1035, or separate invoices for each veteran trainee may be attached to voucher, SF 1034. A number of invoices (normally not more than 50) may be submitted with one voucher.

(ii) The following will also be shown on each voucher or invoice:

(*a*) Name and C-number of each veteran trainee.

(*b*) Date of enrollment.

(*c*) Course.

(*d*) Individual charges for each trainee.

(*e*) Period covered by the charges for each trainee.

(*f*) Contract number and total charges.

(*g*) The face of the voucher will show the authority for the expenditure, for example, "Public Law 346, 78th Congress, as amended."

(2) Vouchers will be submitted by the institution furnishing the correspondence course to the regional office which has jurisdiction over the area in which the veteran resides. When a trainee transfers from the jurisdiction of one regional office to training under the jurisdiction of another regional office, payment of all outstanding vouchers will be effected by the regional office having jurisdiction over the veteran at the time of the training, that is, the office from which the veteran is transferred. Where there is an outstanding account, information required to process subsequent vouchers will be made of record before the claims folder is transferred. When vouchers are received in the regional office they will be routed direct to the finance division for audit and certification for payment. When a voucher is received by a regional office representing charges for a period of training rendered after the transfer of a veteran to the jurisdiction of another regional office, the voucher will be forwarded for payment to the regional office to which the veteran has transferred and the institution so notified, unless the voucher also contains billing for other veterans. In the latter event, there will be suspended from the voucher the charges for the transferred veteran and the institution will be notified of the reason for the suspension and advised of the correct name and address of the regional office to which billing should be made.

(3) Vouchers covering correspondence courses must be itemized so that charges against each enrollee covered by the voucher may be identified with specific charges as set forth in the contract. Charges for completed lessons must indicate the particular lesson or lessons for which payment is requested. When the contract sets forth the charge for a particular item of equipment, the voucher must list such item of equipment. Where a number of invoices are submitted with one voucher or invoices are scheduled for a number of veteran trainees, all of such veterans must be enrolled from an area under the jurisdiction of the same regional office.

(4) A separate voucher will be submitted for a student transferring from training under Public Law 346 to training under Public Law 16 after his training has begun. Charges must be prorated according to services rendered under each law, and a separate voucher submitted for each period of training.

(5) Separate vouchers and/or invoices will be prepared when request is made for payment of charges for which refund of the amount of such charges has been made to a veteran. Charges for more than one veteran may be included on the same voucher except when only a portion of the charge for which payment is requested represents a refund to the veteran. Where a refund is involved, a separate invoice for the particular veteran must be prepared, and the additional certificate required in connection with refunds should be amended to indicate the specific amount of the charge which has been refunded to the veteran.

(6) It is the school's responsibility to determine whether a lesson has been satisfactorily completed for billing purposes. A student does not necessarily need to have made a passing grade in order for the school to be entitled to charge for the lesson under the terms of the contract. In the event the school requires further study and possible resubmission of a lesson, the school may not be paid more than once for the servicing of the same lesson.

(7) As payment may be made only for correspondence courses of instruction or training for which contracts have been specifically negotiated by central office of the Veterans' Administration, payments may not be made to an institution including an on-the-job training institution for a correspondence course obtained from another institution. Further, no payment may be made for instructional or lesson service when charges for such items are included in vouchers or invoices covering books, supplies, or equipment submitted by an individual or institution other than a correspondence school with which a contract exists covering such services. Instances have come to the attention of central office of field stations purchasing textbooks for veterans, usually pursuing an on-the-job training program, where the purchase of such books includes lesson servicing in connection with the use of the book by the institution selling the book. In such instances the purchase of the book actually represents the purchase of a correspondence course, and such a book may only be purchased when a contract has been negotiated by central office for the correspondence course represented by the book.

(n) *Certificate required on vouchers.* The following additional certificate will be required on all vouchers submitted for payment of charges covering correspondence courses:

I hereby certify that the charges made herein are in accordance with the provisions of Contract No. VA-vr- ----------, that the veteran trainee concerned has completed the lessons for which charges are made, that such lessons have been serviced by the contractor, that books, supplies, equipment, or other services have been furnished to the veteran trainee, and the institution has evidence of such delivery on hand for the inspection of the VA. This certifies that no amount received from the Government is used or will be used as a prize, rebate, or other payment in goods or money to the veteran trainee.

The above certificate may be either imprinted, typed, or impressed with a rubber stamp on the voucher, depending on the billing method used by the institution.

(o) *Checking vouchers against monthly supervisory report of veteran.* It will be the responsibility of the finance officer to check all vouchers or invoices covering correspondence courses against the applicable contract. Payment on vouchers submitted by institutions for services rendered to veterans pursuing correspondence courses will not be withheld for the reason that the field office having jurisdiction and responsibility of the case has not received an applicable monthly supervisory report or a statement from the veteran for the month covered by the voucher submitted, nor is it required that vouchers be checked against such reports before payment is made of the voucher, when the institution submitting the voucher certifies that the services have been rendered or the lessons have been completed, as the case may be, by the student. However, the provisions of this subparagraph are not to be construed as limiting the right of the finance officer charged with the payment of a voucher from checking the reports set forth above or from withholding or refusing payment on all or part of any voucher when, in his opinion, such action is warranted or justified.

(p) *Period covered by vouchers or invoices.* Vouchers or invoices may be submitted by an institution at the end of the month, quarter, or other period set forth in the contract during which lessons were completed or services were furnished or rendered to the student.

§ 21.628 *Refunds*—(a) *Vouchers representing refunds to veterans.* The Veterans' Administration will pay, at regular billing periods to an approved institution with which a contract has been negotiated, for such lessons as are completed, bound books, equipment, supplies, and other services actually furnished and included in the contract for which an eligible veteran pursuing the course may have made payment to the institution. Payment will be made in such instances upon certification by the institution that it has refunded to the veteran the amount for which payment is requested from the Veterans' Administration.

(1) In no case where a veteran resumes or continues under an existing contract a course in which he has been previously enrolled will the total amount to be paid by the veteran and the Veterans' Administration exceed the cost of the course including the registration fee, books, supplies, equipment, or other charges as are set forth in the contract.

(2) The Veterans' Administration may not be charged for any lesson service or other service, registration fee, books, supplies, or equipment furnished under a contract for which payment has been made by a veteran without proper certification by the institution of refund to the veteran for such amount. In requesting payment, the institution need not present a receipt signed by the veteran acknowledging refund, but the institution should certify that such institution has on hand for inspection by the Veterans' Administration evidence of such refund.

(3) To determine whether a veteran is entitled to a refund, the registration fee, if any, and charge for books, supplies, equipment, lessons completed, or other services rendered the veteran by the institution prior to pursuing the course under Veterans' Administration programs will be calculated at the charges for such services set forth in the contract. If the total amount paid by the veteran exceeds the amount that would have been payable for such services under the contract, the veteran will be entitled to refund for the balance to the extent that services are rendered under the contract and as set forth in subparagraph (4) of this paragraph.

(4) It is not the policy of the Veterans' Administration to require an institution with which a contract is negotiated to refund payments which it had previously collected from a veteran except to the extent of the school's right to obtain payment from the Veterans' Administration for the moneys which it has refunded to the veteran enrollee. However, where a veteran has paid to the institution an amount in excess of the total charges set forth in the contract for the course, it is the responsibility of the institution to further refund to the veteran in accordance with the provisions of subparagraph (3) of this paragraph the difference between the total contract price and the amount paid by the veteran. The Veterans' Administration will not require the institution to refund this excess payment except to the extent the institution is entitled to bill the Veterans' Administration for an amount which will assure the institution of receiving the total charges for the course as covered by the contract.

(5) The following additional certificate will be required on all vouchers submitted for payment of charges covering correspondence courses when the institution has refunded to the veteran the amount for which payment is requested from the Veterans' Administration:

I hereby certify that the payments requested above cover services rendered to the veteran for which payment had been made by the veteran and subsequently refunded by the institution to the veteran. I further certify that the institution has on hand for inspection by the Veterans' Administration evidence of such refund.

(b) *Period for which refunds authorized.* Refunds may be made by an institution to a veteran with expectation of payment from the Veterans' Administration only for work completed after the effective date of the contract between the institution and the Veterans' Administration covering the specific correspondence course or after the date the veteran files a formal or informal application for a certificate of eligibility, whichever is later. When the effective date of the contract is not specifically indicated in the contract, the effective date of the contract is the date of approval of the contract by the Veterans' Administration.

(c) *Refund of registration fee.* In the case of a veteran continuing under Veterans' Administration programs a course in which he had previously enrolled, no registration fee will be paid by the Veterans' Administration on behalf of such veteran for enrollment in such course.

CONTRACT TERMINATION

§ 21.637 *Termination of contracts under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12).* Contracts under Part VII contain no provision for termination, since the Veterans' Administration has the complete responsibility for the veteran-trainee. However, when the regional office considers that fraud has been committed against the Government, or that the contractor is not furnishing the courses of instruction as required by the terms of the contract and the contractor has refused to correct the condition, or that the best interests of the Government or trainees will be served by termination to be effected by the withdrawal of trainees from the establishment or institution, the full particulars pertaining to the desired termination will be forwarded to the branch office together with the recommendations of the regional office for review by that office and transmittal to central office.

§ 21.638 *Termination of contracts under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12).* (a) Article 6 of VA Form 7–1903b for contracts under Part VIII authorizes the Veterans' Administration to terminate a contract in its entirety or partially upon notice in writing to the contractor 60 days prior to the effective date of termination. The regional office is authorized to cancel the entire contract or any part thereof without prior approval when it is determined that all or part of the services furnished under the contract will no longer be required for training eligible veterans and that such termination of the contract is, therefore, desirable.

(b) When the regional office considers that fraud has been committed against the Government, or that the contractor is not furnishing the courses of instruction as required by the terms of the contract and the contractor has refused to correct the condition, or that the best interests of the Government or trainees will be served by a partial or total termination, the full particulars pertaining to the desired termination will be forwarded to the branch office together with the recommendation of the regional office for review by that office and transmittal to central office for the authority to terminate the contract pursuant to the provisions of article 6 of the contract, VA Form 7–1903b.

REIMBURSEMENT TO VETERANS

§ 21.646 *General restriction.* The Veterans' Administration will not reimburse a veteran who pays personally for tuition, incidental fees, books, supplies, and

equipment, and/or other necessary expenses. Under certain circumstances, a Part VIII, Veterans Regulation 1 (a), as amended (U. S. C. 38, ch. 12), trainee may be reimbursed by the institution. (See § 21.647.)

§ 21.647 *Refunds to persons who were enrolled as Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), trainees in a course of education or training while on terminal leave or while hospitalized pending discharge during the period June 22, 1944, to December 28, 1945.* (a) Under the provisions of Public Law 268, 79th Congress, a person while on terminal leave, or while hospitalized pending final discharge, may be afforded education or training benefit (except that no subsistence allowance shall be paid in such case) subject to all the statutory conditions pertaining to eligibility except actual discharge or release from active service, effective June 22, 1944.

(b) The Veterans' Administration will refund to an institution any payments which a person made to the institution for tuition, fees, books, supplies, and equipment, provided all the following conditions are met:

(1) That the person obtain from the institution in which he was enrolled a certified statement showing:

(i) The period during which the person was enrolled.

(ii) The course of study pursued and the amount paid by the person for tuition, fees, books, supplies, and equipment.

(iii) That the money paid to the institution by the person has been refunded by the institution to the person.

(2) That the person certifies the accuracy of the statement required under subparagraph (1) of this paragraph and submits this statement with the following papers to the regional office of the Veterans' Administration having jurisdiction over the area in which the person resides:

(i) A certified copy or photostatic copy of authorization placing him on terminal leave or, in the case of a person hospitalized pending final discharge, a statement by the proper official of the station, post, or hospital in which he was receiving treatment, including information as to the date of his discharge or probable date if he is still hospitalized.

(ii) An application for education or training (VA Form 7–1950) if such an application has not previously been submitted for some other purpose.

(3) That the approval of the institution by the appropriate agency of the State cover the period during which the person was enrolled.

(4) That the sum of money to be refunded not exceed the amount which the Veterans' Administration would have been authorized to pay for education or training under Veterans' Administration instructions in effect at the time the person received the education or training.

(c) An institution will be required to submit to the same regional office to which the veteran submits the papers required under paragraphs (B) (1) and (B) (2) (i) of this section a public voucher covering amounts refunded to a person under these instructions.

TIME OF PAYMENT

§ 21.655 *General.* (a) Payments for tuition, incidental fees, books, supplies, and equipment to training institutions will be made in arrears only and will be prorated in installments over the school year or over the length of the course as provided herein, except as provided in §§ 10.656 and 10.657.

(b) The period for which payment of charges may be made will be the period of the veteran's actual enrollment in the institution and will be subject to the following:

(1) The effective beginning date will be the date of the veteran's authorized entrance into training status (as shown on VA Form 7–1950), except that payment will be made for an entire semester, quarter, or term in institutions operating on that basis if the veteran enters not later than the final date set by the institution for enrolling for full credit.

(2) If an institution customarily charges for the amount of credit or number of hours of attendance for which a veteran enrolls, payment may be made on that basis when a veteran enters after the final date permitted for carrying full credit for the semester or term.

(3) The terminal date to which payment will be made is the day following:

(i) The end of the semester, term, or quarter during which the educational service is furnished.

(ii) The date of interruption or discontinuance of training.

(iii) The date of completion of the course.

(4) Expiration of entitlement. (See § 21.519.)

§ 21.656 *Time of payment to institutions for residence courses for Parts VII and VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12) trainees and basis for determining amount payable*—(a) *Payment on a monthly or other basis.* Institutions, both profit and nonprofit, may submit bills for payment in arrears for the education or training of veterans on a monthly basis or at other periods to suit the convenience of the institution.

(b) *Payment for books, supplies, and equipment.* Institutions may submit bills and be paid for books, supplies, and equipment issued to veterans in accordance with existing regulations immediately after the issuance of such materials. (See §§ 21.539 and 21.540.)

(c) *Payments to other than nonprofit institutions.* In all cases where veterans are enrolled in other than nonprofit institutions, the payment of tuition and fees will be made in arrears prorated on the basis of the veteran's period of attendance.

(d) *Provisions for payment to nonprofit institutions after expiration of refund period.* (1) Nonprofit educational institutions which have a refund policy providing for a graduated scale of charges for purposes of determining refunds, at least equivalent to that set forth in paragraph (e) of this section, or those institutions which are willing to adopt such a policy with reference to veteran trainees, may submit a bill and be paid part or all of the entire amount of the allowable tuition and other fees for a term, quarter, or semester of 19 weeks or less immediately following the date on which the refund period expires as designated for each of the following bases of payment:

(i) *Customary charges or other than customary charges (Alternatives 1, 2, or 3, §§ 21.472 through 21.474).* Payment will be made in full for the entire term, quarter, or semester immediately following the expiration of the refund period. The graduated scale of charges of the institution will also be applicable for purposes of determining the payment to be made for veterans withdrawing or discontinuing before the expiration of the refund period.

(ii) *Estimated cost of teaching personnel and supplies for instruction (Alternative 4, § 21.475).* (a) Payments on this basis consist of tuition at a rate per credit hour plus the other regular nontuition fees of the institutions such as laboratory, student health, library, and student activity fees. After the expiration of the refund period or as soon thereafter as the institution is able to determine the number of credit hours for which a student is enrolled and for which performance will be finally recorded on the records of the institution, the institution may bill and be paid for the full amount of tuition at the contract rate per credit hour and for the full amount of the other customary nontuition fees charged by the institution. The "number of credit hours for which performance will be recorded" means those credit hours of work for which the student is finally enrolled after the expiration of the period during which a student is permitted to change courses without penalty insofar as credit is concerned. The credit-hour valuation used for purposes of calculating the payment will be the normal credit offered by the institution for the subject or course involved without regard to the fact that performance may finally be recorded in any one of a number of various terms, such as full credit, withdrawn, incomplete, or such other official record of performance as may be made by the institution following the expiration of the date for change of course without penalty.

(b) The basis of determining the number of credit hours for purposes of payment should be comparable to the basis used by the institution in calculating the number of credit hours for purposes of determining the rate of payment.

(2) Nonprofit educational institutions which do not have or will not accept a graduated scale of charges for purposes of determining refunds at least equivalent to that set forth in paragraph (e) of this section will be required to prorate charges on the basis of actual attendance for veterans withdrawing or discontinuing prior to the close of the period and will be paid in arrears for that pro rata part of the charge for services rendered during the period covered by vouchers submitted for payment.

(e) *Schedule of maximum charges acceptable as a basis for payment to nonprofit institutions.*

Period of veteran's actual attendance in institution from date of enrollment.	Length of semester, quarter, or course, and percent of tuition and fees to be charged					
	16–19 weeks (inclusive)	12–15 weeks (inclusive)	9–11 weeks (inclusive)	6–8 weeks (inclusive)	3–5 weeks (inclusive)	1–2 weeks (inclusive)
	Percent	Percent	Percent	Percent	Percent	Percent
1 week or less	20	20	25	40	60	60
Between 1 and 2 weeks	20	40	50	80	100	100
Between 2 and 3 weeks	40	60	75	100	100	----
Between 3 and 4 weeks	60	80	100	100	100	----
Between 4 and 5 weeks	80	100	100	100	100	----
Over 5 weeks	100	100	100	100	----	----

(f) *Fees for noncontinuing services.* The graduated scale of charges will not apply to a fee which is for a noncontinuing service and not subject to refund under any conditions such as a registration fee.

(g) *Fees for flight training courses.* The graduated scale of charges will not apply to fees for flight training courses for veterans. Payment for flight training for veterans will be made only for the actual hours of flight and ground instruction furnished to the veteran. Where the charge for flight training is stated by the institution as a fixed charge for the course and is not stated as a charge per hour of instruction, the hourly rates for dual, solo and ground instruction will be determined by prorating the total charge for the course to the maximum scheduled hours of flight and ground instruction included in the course. The provisions of this paragraph will be applied to all payments made for services rendered for terms, semesters, or quarters beginning subsequent to September 1, 1947, where contracts are not required or in effect for such terms, semesters, or quarters. Future contracts negotiated with nonprofit institutions which include therein a provision for payment for flight courses for eligible veterans will specify the hourly rates for flight and ground instruction at which payment will be made by the Veterans' Administration for veterans.

§ 21.657 *Advance payment of tuition and other allowable charges to nonprofit colleges and universities under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12)*—(a) *Purpose.* The method of advance payment of tuition and other necessary charges is intended for application only in the case of well-established nonprofit colleges and universities to provide relief for such institutions that have heretofore generally required students to pay tuition in full at the beginning of the term, semester, or quarter and have suffered serious financial hardship as a result of receiving payment in arrears for veterans enrolled under Public Law 346, as amended.

(b) *Authority.* (1) It has been determined that the Veterans' Administration is authorized, pursuant to the authority vested in the Administrator to carry out the provisions of paragraph 5, Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12) to make advance payments of tuition and other allowable charges to nonprofit colleges and universities for resident instruction where it is the customary practice of the institution to collect tuition and other charges from students at the beginning of the term (Comptroller General's Decision B–56585, May 1, 1946).

(2) Managers of regional offices are authorized to enter into agreements for advance payments to nonprofit colleges and universities in accordance with the procedures outlined herein when all of the following provisions are met:

(i) The college or university submits a letter to the Manager stating that if the Veterans' Administration does not make advance payments to the institution for veterans enrolled under the benefits of Part VIII, it will impose a financial burden upon the institution of such proportions as to create a serious hardship.

(ii) The manager determines that it is the customary practice of the college or university to require students to pay tuition, fees, and other necessary charges in full at the beginning of the term, semester, or quarter and that the advance payment procedure is necessary for the relief of the institution involved.

(iii) The manager determines that the interests of the Government will be protected adequately in the arrangement for advance payment. (The manager will not enter into agreements for advance payments to any institution when, in his judgment, it is considered that the interests of the Government are not adequately protected in such arrangement.)

(c) *Contracts required for advance payments.* (1) In all cases where the procedure for advance payment is approved by the manager, a written agreement covering such arrangement must be executed between the institution and the Veterans' Administration. This written agreement will either be a part of the regular contract with the institution, if a contract is required for the education and training of Part VIII veterans under existing regulations, or will be a separate agreement where a contract is not otherwise required.

(2) The written agreements will be provided as follows:

(i) *No contract required.* (a) Where a contract with a nonprofit institution is not otherwise required for veterans enrolled under the benefits of Part VIII, in accordance with existing Veterans' Administration regulations and instructions, and the institution has requested payment in advance and such advance payment is approved by the manager, a contract for advance payment will be executed, and the method of advance payment of tuition and other necessary charges will be elected by the institution in lieu of all other methods of payment while the contract for advance payment remains in force.

(b) Contracts for advance payments executed in accordance with this paragraph to be effective July 1, 1948, and subsequent thereto will be identified as to number and symbol as provided by § 21.576. Contracts which are made to provide advance payments will be distributed in the same manner as contracts for education and training under Part VIII.

(ii) *Contracts already executed.* (a) Where a contract with a nonprofit institution has been executed for veterans enrolled under the provisions of Part VIII, and the institution requests payment in advance and such payment is approved by the Manager, a supplemental contract will be negotiated to incorporate the method of advance payment of tuition and other necessary charges in lieu of the provisions for payment outlined in the original contract.

(b) Contract supplements will be distributed in the same manner as the original "ve" contracts.

(iii) *New contracts.* Where there is no contract and a contract with a nonprofit institution is required under existing Veterans' Administration regulations for veterans enrolled under the benefits of Part VIII, or where the previous contract has expired and the nonprofits institution has requested payment of tuition in advance and such payment has been approved by the Manager, provision will be made in the original or renewed contract by attaching the schedule for payment of tuition charges as a separate schedule to become a part of the contract by reference in article 2 (a) of VA Form 7–1903b, Contract for Education and Training, Public Law 346, 78th Congress, as amended.

(d) *Effective date.* Advance payments may be made for any term, semester, or quarter in process on, or beginning after the date of execution of the necessary contract or supplement to an existing contract.

§ 21.658 *Advance payment of tuition and other allowable charges to States for instruction under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch 12)*—(a) *Purpose.* The method of advance payment of tuition and other necessary charges as outlined herein is intended for application only in the case of designated State agencies which have been approved as educational institutions to furnish vocational instruction to eligible veterans enrolled under the provisions of Part VIII. The procedure outlined herein is established to provide financial relief to such State educational institutions by advance payment of tuition, fees, and other necessary expenses to the institution for eligible veterans enrolled under the provisions of Part VIII. Advance payments as authorized herein will be limited to those cases where a single State agency is approved as an educational institution under the provisions of Public Law 346, as amended, and is responsible for furnishing institutional on-farm instruction or other vocational instruction to eligible veterans who elect to enroll in such institutions. If separate agencies are responsible for the different types of training, separate contracts may be made with such separate agencies.

(b) *Authority.* (1) It has been determined that the Veterans' Administration is authorized, pursuant to the authority contained in section 1500, title VI, Public Law 346, 78th Congress, as amended, to make advance payment to State institutions for tuition, fees, and other necessary expenses. Advance pay-

ment as outlined in this paragraph will be made for 4-month periods defined as follows: First period—July, August, September, October; second period—November, December, January, February; third period—March, April, May, June.

(2) Managers of regional offices are authorized to enter into agreements for advance payments to State institutions in accordance with the procedures outlined herein when all of the following provisions are met:

(i) An authorized official of the State certifies that if the Veterans' Administration does not make advance payments to the institution for instruction furnished to eligible veterans enrolled under the provisions of Part VIII, it will impose a financial burden upon the State of such proportions as to create a serious hardship.

(ii) The institution agrees to submit vouchers for instruction to be furnished to eligible veterans enrolled under the provisions of Part VIII, on or after the first day of each 4-month period.

(c) *Contract required for advance payments.* In all cases where the procedure for advance payment is approved by the manager, a contract will be required with the institution covering the vocational instruction to be furnished by the institution to eligible veterans enrolled under the provisions of Part VIII, and the advance payment procedure will be incorporated as a part of such contract. Where contracts have already been negotiated and are in effect covering vocational instruction to be furnished by a State institution, the advance payment procedure may be incorporated in such contract through the execution of a supplement as prescribed by the Veterans' Administration. Where no contract exists between the institution and the Veterans' Administration covering the vocational instruction to be furnished by the institution to eligible veterans enrolled under the provisions of Part VIII, a contract will be negotiated, and the advance payment procedure will be incorporated in such contract as a separate schedule as prescribed by the Veterans' Administration. A single contract may be negotiated with the institution covering all of the vocational instruction furnished within the State, in which event, if more than one regional office exists within the State, the regional office having jurisdiction over the area in which the institution's headquarters is located should conduct negotiations with the State and should prepare the contract to be submitted to the other regional offices for approval. Finance officers at all other regional offices should be furnished with copies of the approved contract. If the State so desires, separate contracts may be negotiated with each regional office having jurisdiction over the area within the State in which veterans may be enrolled in the institutions for vocational instruction under the provisions of Public Law 346, as amended. Vouchers will be submitted to and payments made by the regional office having jurisdiction over the area in which the veterans are enrolled in the institutions for vocational instruction under the provisions of Public Law 346, as amended.

period in process on or beginning after the date of execution of the necessary supplement or schedule to an existing contract with the institution.

VOUCHERS OR INVOICES FOR PAYMENT

§ 21.666 *Vouchers or invoices for amounts due the institution.* (a) Vouchers or invoices for tuition and incidental fees, with or without charges for books, supplies, and equipment, may be submitted to the Veterans' Administration regional office for payment in accord with the provisions of §§ 21.655 through 21.657.

(b) Vouchers or invoices for books, supplies, and equipment, if prepared separately, may be submitted at any time after the issuance of the items to the trainees. (See § 21.539 (f) for details.)

§ 21.667 *Data on voucher, invoice, or supporting schedule.* (a) Vouchers will be in sufficient detail to permit a proper audit of the account for each veteran. On each voucher, invoice, or separate schedule attached will be shown:

(1) Name and C-number of the trainee exactly as written on pertinent Veterans' Administration Forms 1900, 1953, or 7-1950.

(2) Date of his enrollment.

(3) Course.

(4) The individual charge for each trainee.

(5) Period covered by the charge.

(6) Unitemized total for books, supplies, and equipment issued to the trainee.

(b) Where it is the practice to cover tuition and all other items in one amount, it will be sufficient to state tuition, fees, books, supplies, and equipment without breakdown.

(c) Where it is the practice as reflected in the institution catalog or otherwise or if so indicated in the contract to indicate the charges separately as to tuition, incidental fees, books, supplies, and equipment, the voucher or supporting schedule should show the amount applicable to each such general breakdown.

(d) The face of the voucher will show the authority for expenditure for Part VIII trainees as "Public Law 346, 78th Congress," and for Part VII trainees as "Public Law 16, 78th Congress."

§ 21.668 *Exclusion of Federal admission taxes from payments to educational institutions for education and training under Public Laws 16 and 346, 78th Congress, as amended.*—(a) *Payments to institutions to exclude Federal admission taxes.* Section 3 of the act of August 12, 1935, Public Law 262, 74th Congress, provides in part that " " " payments made to or on account of a beneficiary under any of the laws relating to veterans shall be exempt from taxation " " ". Section 1661 title VI, Public Law 346, as amended, provides that, except as otherwise stated, the provisions of Public Law 262 shall be applicable. In view of these provisions of Public Law 262 and Public Law 346, as amended, payments made to institutions Law 262. Therefore the tax imposed by section 1700 (a) of the Internal Revenue Code, as amended, does not apply to payments made by the Veterans' Administration covering admission charges to athletic and other events on behalf of veterans attending schools and colleges under the provisions of Public Laws 16 and 346, as amended. No admission taxes will be included in bills submitted by educational institutions to the Veterans' Administration where such bills cover the customary charges required to be paid by all students and where the payment of such charges entitles the student (veteran) to admission to athletic and other events. Such admission taxes ordinarily would be included in the required fee designated by the institution as "student activity fee" or in a required customary charge which includes, among other things, the privilege of the students to attend athletic and other events for which admission normally would be charged.

(b) *Certification.* In addition to the certification appearing on SF 1034, Public Voucher for Purchases and Services Other Than Personal, or on the original invoices submitted by educational institutions for payment of tuition and fees, where the charges of the institutions involve payment of required customary fees which entitle the student to admission to athletic and other events, the SF 1034, or the original invoices, if SF 1034 is not used, must bear the additional certification that the amount billed does not include any Federal admission taxes imposed by section 1700 (a) of the Internal Revenue Code, as amended. This additional certification may be inserted on the face of SF 1034 or on the original invoice or invoices by the institutions through use of a rubber stamp if desirable.

(c) *Effective date.* Vouchers which are submitted on and after September 1, 1947, covering payment of tuition or fees which entitle students to admission to athletic or other events, will not be paid without the certification that the amounts claimed are exclusive of Federal admission taxes. No adjustments will be required by Veterans' Administration for payments on vouchers which have been submitted prior to September 1, 1947, by educational institutions where such vouchers may have included taxes imposed by section 1700 (a) of the Internal Revenue Code, as amended.

§ 21.669 *Certification by the institution.* (a) Where the institution does not submit SF 1034, the original invoices submitted by institutions for the payment of tuition, fees, books, supplies and equipment will contain the following certification:

I certify that the above bill is correct and that the payment therein has not been received; that all compulsory requirements as to American production and labor standards and all conditions of purchase applicable to the transactions have been complied with; and that there are no other claims against the United States arising out of the transactions recited in the above bill.

§ 21.670 *Irregular items.* In those cases where a voucher contains an irregular item, the allowability of which is questionable in the light of existing regulations and policies, the finance division will submit the voucher to the chief, training facilities section, for a determination as to the allowability of the item in question and, if appropriate, an interpretation or amplification of current applicable regulations and policies.

§ 21.671 *Vouchers for a Parts VII or VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainee who transfers from the jurisdiction of one regional office to the jurisdiction of another regional office.* The payment of vouchers covering tuition, fees, books, supplies, and equipment for trainees who transfer from the jurisdiction of one regional office to training under the jurisdiction of another regional office will be effected by the station having jurisdiction of the veteran at the time of the training, i. e., the office from which the veteran is transferred. The foregoing applies to cases where there is an outstanding account. Information required to process the voucher will be made of record before the claim folder is transferred.

SUBPART D—ADVISEMENT AND GUIDANCE

§ 21.700 *Advisement and guidance under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12).* Advisement and guidance shall be provided each disabled person who applies for vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), and who meets the eligibility requirements set forth in § 21.040 (a), (b), and (c). The advisement and guidance services will include determining whether the person is in need of vocational rehabilitation and when such need is found to assist him in the selection of an employment objective and such training courses as will enable him to secure employment in an occupation best suited to his individual capacities and compatible with his disability. The selection of an occupation in which rehabilitation is to be effected will be based upon consideration of the person's interests, aptitudes, abilities, educational background, work experiences, personality traits, limitations imposed by disabilities, and any other relevant factors in relation to the characteristic requirements, and employment opportunities of occupations. Standards of counseling will be maintained in accordance with accepted professional practices and trained vocational advisers will adhere to the principles of advisement and guidance as prescribed in vocational rehabilitation and education procedures. Personal counseling, educational guidance, group guidance, personal adjustment counseling, special refresher techniques, and other accepted counseling methods will be utilized as necessary to prescribe such vocational objectives and courses as will fit the person to employment consistent with the [illegible] is need for vocational rehabilitation will be made for each claimant who applies and is otherwise eligible for vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), in accordance with advisement and guidance principles set forth in vocational rehabilitation and education procedures. Inasmuch as the statutory provisions respecting entitlement include the requirement that a person establish as a fact that he "is in need of vocational rehabilitation to overcome the handicap" of his service-connected disability, the requisite that need be existen at the time of determination is substantive and not merely procedural. The question to be answered, therefore, is whether the handicap due to the disability is of such character as to constitute a need of vocational rehabilitation for the purpose of restoring the employability lost by reason of the handicap.

(b) A determination that "need for vocational rehabilitation is not established" will be made if one of the following four exceptional conditions is found to exist:

(1) *First condition: Claimant is suitably employed.* If the claimant is regularly employed in an occupation which is as suitable for him, considering his disability and all the factors essential to holding employment, as any other occupation for which it is practicable to provide training.

(2) *Second condition: Claimant is employable in a suitable occupation.* If the claimant is not employed, but is able, in the opinion of vocational rehabilitation and education personnel, to be employed in an occupation which is as suitable for him, considering his disability and all the factors essential to securing and holding such employment, as any other occupation for which it is practicable to provide training.

(3) *Third condition: Training not medically feasible.* If the claimant's disability is such as to require medical rehabilitation rather than vocational rehabilitation because training in general is not medically feasible. Final determination that this condition exists will be made by the vocational rehabilitation board. (See § 21.715)

(4) *Fourth condition: Claimant fails to cooperate.* If after thorough and careful advisement, considering the claimant's ability to meet the training and the employment requirements, it is found to be impracticable to select or determine with the agreement and cooperation of the claimant, an employment objective and a course of rehabilitation that can be completed within the training period legally allowable so as to restore employability. In each of the following instances a determination that "need for vocational rehabilitation is not established" is justified under this condition: (i) Claimant refuses to submit to a medical examination considered necessary for the purpose of determining feasibility of training; (ii) claimant insists upon training for a specific objective for which all others appear unsuitable; (iii) claimant refuses without adequate reason to attend classes or training sessions previously agreed upon.

(c) A determination, or a redetermination, of need for vocational rehabilitation will be made whenever a veteran who is otherwise eligible for such benefits and whose status is one of those described below requests induction into training under Part VII:

(1) A veteran who entered training under Part VIII prior to making application for vocational rehabilitation.

(2) A veteran who entered training under Part VIII while a determination of need for vocational rehabilitation was pending.

(3) A veteran who entered training under Part VIII after having been found in need of vocational rehabilitation.

In the type of cases indicated in subparagraphs (1), (2), and (3) of this paragraph when a determination is made that "need for vocational rehabilitation is established" the veteran's training status and subsistence allowance under Part VII will begin with the actual date of his induction into training under that part regardless of whether the course selected under Part VII is the same or different from that which the veteran pursued under Part VIII.

§ 21.702 *Delegation of authority to determine need for vocational rehabilitation.* Authority to determine whether a disabled person who applies for benefits under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C., ch. 12), is in need of vocational rehabilitation is vested in the vocational rehabilitation and education divisions of regional offices and in vocational rehabilitation and education sections of Veterans' Administration hospitals.

§ 21.710 *Review of initial determination that need for vocational rehabilitation is not established.* When in accordance with the prescribed advisement and guidance procedure an initial determination is made that an applicant for vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), is not eligible to the benefits under that part, because of not being in need of vocational rehabilitation or for other reasons, the available evidence relating to the case will be considered by a reviewing committee in accordance with vocational rehabilitation and education procedures. If the reviewing committee concurs in the initial determination that the applicant is not eligible to the benefits under Part VII, the reasons upon which the committee's determination is based will be recorded on the prescribed form which will be signed by each member of the committee.

§ 21.711 *Redetermination of entitlement.* Prior to redetermination [illegible] once a determination of need for vocational rehabilitation has been made, regardless of whether training is to be provided by the regional [illegible] in which the determination is made or in the [illegible]

ment as outlined in this paragraph will be made for 4-month periods defined as follows: First period—July, August, September, October; second period—November, December, January, February; third period—March, April, May, June.

(2) Managers of regional offices are authorized to enter into agreements for advance payments to State institutions in accordance with the procedures outlined herein when all of the following provisions are met:

(i) An authorized official of the State certifies that if the Veterans' Administration does not make advance payments to the institution for instruction furnished to eligible veterans enrolled under the provisions of Part VIII, it will impose a financial burden upon the State of such proportions as to create a serious hardship.

(ii) The institution agrees to submit vouchers for instruction to be furnished to eligible veterans enrolled under the provisions of Part VIII, on or after the first day of each 4-month period.

(c) *Contract required for advance payments.* In all cases where the procedure for advance payment is approved by the manager, a contract will be required with the institution covering the vocational instruction to be furnished by the institution to eligible veterans enrolled under the provisions of Part VIII, and the advance payment procedure will be incorporated as a part of such contract. Where contracts have already been negotiated and are in effect covering vocational instruction to be furnished by a State institution, the advance payment procedure may be incorporated in such contract through the execution of a supplement as prescribed by the Veterans' Administration. Where no contract exists between the institution and the Veterans' Administration covering the vocational instruction to be furnished by the institution to eligible veterans enrolled under the provisions of Part VIII, a contract will be negotiated, and the advance payment procedure will be incorporated in such contract as a separate schedule as prescribed by the Veterans' Administration. A single contract may be negotiated with the institution covering all of the vocational instruction furnished within the State, in which event, if more than one regional office exists within the State, the regional office having jurisdiction over the area in which the institution's headquarters is located should conduct negotiations with the State and should prepare the contract to be submitted to the other regional offices for approval. Finance officers at all other regional offices should be furnished with copies of the approved contract. If the State so desires, separate contracts may be negotiated with each regional office having jurisdiction over the area within the State in which veterans may be enrolled in the institution for vocational instruction under the provisions of Public Law 346, as amended. Vouchers will be submitted to and payments made by the regional office having jurisdiction over the area in which the veterans are in training.

(d) *Effective date.* Advance payments may be made for any 4-month period in process on or beginning after the date of execution of the necessary supplement or schedule to an existing contract with the institution.

VOUCHERS OR INVOICES FOR PAYMENT

§ 21.666 *Vouchers or invoices for amounts due the institution.* (a) Vouchers or invoices for tuition and incidental fees, with or without charges for books, supplies, and equipment, may be submitted to the Veterans' Administration regional office for payment in accord with the provisions of §§ 21.655 through 21.657.

(b) Vouchers or invoices for books, supplies, and equipment, if prepared separately, may be submitted at any time after the issuance of the items to the trainees. (See § 21.539 (f) for details.)

§ 21.667 *Data on voucher, invoice, or supporting schedule.* (a) Vouchers will be in sufficient detail to permit a proper audit of the account for each veteran. On each voucher, invoice, or separate schedule attached will be shown:

(1) Name and C-number of the trainee exactly as written on pertinent Veterans' Administration Forms 1900, 1953, or 7–1950.

(2) Date of his enrollment.

(3) Course.

(4) The individual charge for each trainee.

(5) Period covered by the charge.

(6) Unitemized total for books, supplies, and equipment issued to the trainee.

(b) Where it is the practice to cover tuition and all other items in one amount, it will be sufficient to state tuition, fees, books, supplies, and equipment without breakdown.

(c) Where it is the practice as reflected in the institution catalog or otherwise or if so indicated in the contract to indicate the charges separately as to tuition, incidental fees, books, supplies, and equipment, the voucher or supporting schedule should show the amount applicable to each such general breakdown.

(d) The face of the voucher will show the authority for expenditure for Part VIII trainees as "Public Law 346, 78th Congress," and for Part VII trainees as "Public Law 16, 78th Congress."

§ 21.668 *Exclusion of Federal admission taxes from payments to educational institutions for education and training under Public Laws 16 and 346, 78th Congress, as amended*—(a) *Payments to institutions to exclude Federal admission taxes.* Section 3 of the act of August 12, 1935, Public Law 262, 74th Congress, provides in part that "* * * payments made to or on account of a beneficiary under any of the laws relating to veterans shall be exempt from taxation * * *" Section 1500, title VI, Public Law 346, as amended, provides that, except as otherwise stated, the provisions of Public Law 262 shall be applicable. In view of these provisions of Public Law 262 and Public Law 346, as amended, payments made to institutions for education and training under Public Laws 16 and 346, as amended, are subject to the provisions of section 3 of Public Law 262. Therefore the tax imposed by section 1700 (a) of the Internal Revenue Code, as amended, does not apply to payments made by the Veterans' Administration covering admission charges to athletic and other events on behalf of veterans attending schools and colleges under the provisions of Public Laws 16 and 346, as amended. No admission taxes will be included in bills submitted by educational institutions to the Veterans' Administration where such bills cover the customary charges required to be paid by all students and where the payment of such charges entitles the student (veteran) to admission to athletic and other events. Such admission taxes ordinarily would be included in the required fee designated by the institution as "student activity fee" or in a required customary charge which includes, among other things, the privilege of the students to attend athletic and other events for which admission normally would be charged.

(b) *Certification.* In addition to the certification appearing on SF 1034, Public Voucher for Purchases and Services Other Than Personal, or on the original invoices submitted by educational institutions for payment of tuition and fees, where the charges of the institutions involve payment of required customary fees which entitle the student to admission to athletic and other events, the SF 1034, or the original invoices, if SF 1034 is not used, must bear the additional certification that the amount billed does not include any Federal admission taxes imposed by section 1700 (a) of the Internal Revenue Code, as amended. This additional certification may be inserted on the face of SF 1034 or on the original invoice or invoices by the institutions through use of a rubber stamp if desirable.

(c) *Effective date.* Vouchers which are submitted on and after September 1, 1947, covering payment of tuition or fees which entitle students to admission to athletic or other events, will not be paid without the certification that the amounts claimed are exclusive of Federal admission taxes. No adjustments will be required by Veterans' Administration for payments on vouchers which have been submitted prior to September 1, 1947, by educational institutions where such vouchers may have included taxes imposed by section 1700 (a) of the Internal Revenue Code, as amended.

§ 21.669 *Certification by the institution.* (a) Where the institution does not submit SF 1034, the original invoices submitted by institutions for the payment of tuition, fees, books, supplies, and equipment will contain the following certification:

I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards and all conditions of purchase applicable to the transactions have been complied with; and that State and local sales taxes are not included in the amounts billed.

(b) For certificate on voucher covering books, supplies, and equipment, either billed separately or with tuition and fees, see §§ 21.539 and 21.540.

§ 21.670 *Irregular items.* In those cases where a voucher contains an irregular item, the allowability of which is questionable in the light of existing regulations and policies, the finance division will submit the voucher to the chief, training facilities section, for a determination as to the allowability of the item in question and, if appropriate, an interpretation or amplification of current applicable regulations and policies.

§ 21.671 *Vouchers for a Parts VII or VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainee who transfers from the jurisdiction of one regional office to the jurisdiction of another regional office.* The payment of vouchers covering tuition, fees, books, supplies, and equipment for trainees who transfer from the jurisdiction of one regional office to training under the jurisdiction of another regional office will be effected by the station having jurisdiction of the veteran at the time of the training, i. e., the office from which the veteran is transferred. The foregoing applies to cases where there is an outstanding account. Information required to process the voucher will be made of record before the claim folder is transferred.

SUBPART D—ADVISEMENT AND GUIDANCE

§ 21.700 *Advisement and guidance under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12).* Advisement and guidance shall be provided each disabled person who applies for vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), and who meets the eligibility requirements set forth in § 21.040 (a), (b), and (c). The advisement and guidance services will include determining whether the person is in need of vocational rehabilitation and when such need is found to assist him in the selection of an employment objective and such training courses as will enable him to secure employment in an occupation best suited to his individual capacities and compatible with his disability. The selection of an occupation in which rehabilitation is to be effected will be based upon consideration of the person's interests, aptitudes, abilities, educational background, work experiences, personality traits, limitations imposed by disabilities, and any other relevant factors in relation to the characteristics, requirements, and employment opportunities of occupations. Standards of counseling will be maintained in accordance with accepted professional practices and trained vocational advisers will adhere to the principles of advisement and guidance as prescribed in vocational rehabilitation and education procedures. Placement counseling, educational guidance, group guidance, personal adjustment counseling, special rehabilitation techniques, and other accepted counseling methods will be utilized as necessary to prescribe such vocational rehabilitation course as will fit the person for employment consistent with the degree of disablement.

§ 21.701 *Need for vocational rehabilitation to be determined in each case.* (a) A determination as to whether there is need for vocational rehabilitation will be made for each claimant who applies and is otherwise eligible for vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), in accordance with advisement and guidance principles set forth in vocational rehabilitation and education procedures. Inasmuch as the statutory provisions respecting entitlement include the requirement that a person establish as a fact that he "is in need of vocational rehabilitation to overcome the handicap" of his service-connected disability, the requisite that need be existent at the time of determination is substantive and not merely procedural. The question to be answered, therefore, is whether the handicap due to the disability is of such character as to constitute a need of vocational rehabilitation for the purpose of restoring the employability lost by reason of the handicap.

(b) A determination that "need for vocational rehabilitation is not established" will be made if one of the following four exceptional conditions is found to exist:

(1) *First condition: Claimant is suitably employed.* If the claimant is regularly employed in an occupation which is as suitable for him, considering his disability and all the factors essential to holding employment, as any other occupation for which it is practicable to provide training.

(2) *Second condition: Claimant is employable in a suitable occupation.* If the claimant is not employed, but is able, in the opinion of vocational rehabilitation and education personnel, to be employed in an occupation which is as suitable for him, considering his disability and all the factors essential to securing and holding such employment, as any other occupation for which it is practicable to provide training.

(3) *Third condition: Training not medically feasible.* If the claimant's disability is such as to require medical rehabilitation rather than vocational rehabilitation because training in general is not medically feasible. Final determination that this condition exists will be made by the vocational rehabilitation board. (See § 21.715)

(4) *Fourth condition: Claimant fails to cooperate.* If after thorough and careful advisement, considering the claimant's ability to meet the training and the employment requirements, it is found to be impracticable to select or determine with the agreement and cooperation of the claimant, an employment objective and a course of rehabilitation that can be completed within the training period legally allowable so as to restore employability. In each of the following instances, a determination that "need for vocational rehabilitation is not established" is justified under this condition: (i) Claimant refuses to submit to a medical examination considered necessary for the purpose of determining feasibility of training; (ii) claimant insists upon training for a specific objective excluding all others, when that objective is considered to be inappropriate for the claimant's rehabilitation; (iii) A claimant who has previously been found to be in need of rehabilitation fails or refuses without adequate reason to attend classes or training sessions previously agreed upon.

(c) A determination, or a redetermination, of need for vocational rehabilitation will be made whenever a veteran who is otherwise eligible for such benefits and whose status is one of those described below requests induction into training under Part VII:

(1) A veteran who entered training under Part VIII prior to making application for vocational rehabilitation.

(2) A veteran who entered training under Part VIII while a determination of need for vocational rehabilitation was pending.

(3) A veteran who entered training under Part VIII after having been found in need of vocational rehabilitation.

In the type of cases indicated in subparagraphs (1), (2), and (3) of this paragraph when a determination is made that "need for vocational rehabilitation is established" the veteran's training status and subsistence allowance under Part VII will begin with the actual date of his induction into training under that part regardless of whether the course selected under Part VII is the same or different from that which the veteran pursued under Part VIII.

§ 21.702 *Delegation of authority to determine need for vocational rehabilitation.* Authority to determine whether a disabled person who applies for benefits under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C., ch. 12), is in need of vocational rehabilitation is vested in the vocational rehabilitation and education divisions of regional offices and in vocational rehabilitation and education sections of Veterans' Administration hospitals.

§ 21.710 *Review of initial determination that need for vocational rehabilitation is not established.* When in accordance with the prescribed advisement and guidance procedure an initial determination is made that an applicant for vocational rehabilitation under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), is not eligible to the benefits under that part, because of not being in need of vocational rehabilitation or for other reasons, the available evidence relating to the case will be considered by a reviewing committee in accordance with vocational rehabilitation and education procedures. If the reviewing committee concurs in the initial determination that the applicant is not eligible to the benefits under Part VII, the reasons upon which the committee's determination is based will be recorded on the prescribed form which will be signed by each member of the committee.

§ 21.711 *Redetermination of need*—(a) *Prior to induction into training.* Once a determination of need for vocational rehabilitation has been made, regardless of whether training is to be provided in the regional territory in which the determination is made or in the territory of another regional office to which the veteran is transferred, the case will not be opened for redetermination of need unless: (1) There is evi-

dence of error of fact or law or (2) there is new and additional evidence which clearly indicates the necessity for reconsideration of need.

(b) *After induction into training.* (1) When upon the basis of a proper determination of need a claimant has been inducted into training, the question of need will not be reopened with a view of discontinuing training merely because of a decrease in the disability even though the decrease be such that the disability rating is reduced to less than compensable degree.

(2) Need will be redetermined in the course of making revaluations only in those cases in which the failure to accomplish vocational rehabilitation through the plan formulated in previous advisement is due to factors within the claimant's control.

§ 21.715 *Medical feasibility for vocational rehabilitation.* A determination as to whether it is medically feasible for a claimant to pursue a course of vocational rehabilitation will be made in each case by a medical consultant in accordance with vocational rehabilitation and education procedures. When as a result of the application of these procedures it is the opinion of the medical consultant that such training is not medically feasible the case will be subject to review by a vocational rehabilitation board. Upon due consideration of all the evidence, the board will determine feasibility and the course of action to be pursued in the case. When a claimant may not be inducted into training because of either permanent or temporary unfeasibility a determination that "need for vocational rehabilitation is not established" will be made. This determination will remain in effect until such time as there may be a redetermination that due to the improvement in the claimant's physical or mental condition, medical feasibility for training and need for vocational rehabilitation are established.

§ 21.720 *Advisement and guidance during the 60-day period following reduction of disability rating to less than 10 percent.* When a veteran having a disability rating of 10 percent or more has his rating reduced to less than 10 percent, he does not, subsequent to the date of the reduced rating, meet the eligibility requirement for entrance into training under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), even though he may continue to receive, for a period of 60 days or more, compensation payments based on his former rating in accordance with § 21.009 (e) and paragraph III (b), Part I, Veterans Regulation 2 (a), as amended (38 U. S. C., ch. 12). He is not entitled to vocational counseling under Part VII, as amended, although he may upon his own request be provided such counseling under Part VIII, if he is eligible for education and training under that part. Even though vocational advisement may have been completed in his case prior to reduction of his disability rating to less than compensable degree, this fact does not make him eligible for induction into training under Part VII, as amended.

§ 21.722 *Appeals from advisement and guidance actions.* When the appropriate application of the advisement and guidance procedures results in a determination that a claimant is not eligible for the benefits under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), the claimant will be notified in writing of the determination and of his right to appeal to the Board of Veterans Appeals in accordance with the procedures established by that board.

§ 21.728 *Authority to provide transportation, meals and lodging for advisement and guidance purposes.* (a) Transportation at Government expense may be authorized and transportation, meals and lodging requests may be issued for the travel of an eligible claimant for benefits under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), when the manager or the chief, vocational rehabilitation and education division, has determined that such travel is necessary in the discharge of the Government's obligation in the case and the veteran is instructed to perform the travel for the following purposes: (1) To report to a field station or Veterans' Administration guidance center for determination of need for vocational rehabilitation and for advisement and guidance; (2) to return to the place from which travel was authorized when the Veterans' Administration is unable at that time to enter the veteran into training.

(b) Regional managers are authorized to provide the services of an attendant to accompany a claimant or beneficiary while such claimant or beneficiary is traveling for the purposes set forth in paragraph (a) of this section, when in the judgment of the chief, vocational rehabilitation and education division, such services are necessitated by the severity of the disability of the claimant or beneficiary.

(c) Transportation, meals, and lodging will not be authorized at Government expense for a claimant who is eligible only under Part VIII to report to a field station or Veterans' Administration guidance center for advisement and guidance under that part.

(d) If a veteran's eligibility under Part VII has been established, transportation expenses may be authorized at Government expense even though the veteran elects at the time of advisement to take training under Part VIII.

§ 21.730 *Advisement and guidance under Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12).* (a) Advisement and guidance services will be held to be necessary for a veteran entitled to education or training under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C., ch. 12), who upon consideration of the facts and circumstances in his individual case is found to require the services in order to protect the interests of the Government or the veteran, provided the determination as to the necessity of the services is made by appropriate personnel of the Veterans' Administration through the application of the principles set forth in vocational rehabilitation and education procedures.

(b) Educational and vocational guidance will also be arranged for: (1) A veteran who voluntarily requests educational or vocational guidance and is preparing to enter training in the near future under the provisions of Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), and desires assistance in making educational and vocational plans to accomplish his occupational adjustment.

(2) A veteran who voluntarily requests educational or vocational guidance and is in training under the provisions of Part VIII, Veterans' Regulation 1 (a), as amended (38 U. S. C., ch. 12), but desires educational or vocational guidance because of uncertainty as to whether his educational and vocational plans are in line with his aptitudes, abilities, and interests to the extent necessary to accomplish his occupational adjustment. (Educational guidance as referred to in this subparagraph is not that educational guidance which is offered by an institution to all students pursuing courses in such an institution.)

(c) The counseling techniques and methods used in providing educational and vocational guidance under Part VIII will be the same as those applied in the counseling of veterans under Part VII, as set forth in § 21.700. A determination as to whether there is need for training is not required to be made in the cases of veterans counseled under the provisions of Part VIII.

§ 21.735 *Advisement and guidance service on a fee basis—(a) Authorization.* The assistant administrator for vocational rehabilitation and education or his designate is authorized to negotiate and approve contracts with educational institutions, establishments, and other agencies for the purpose of providing services relating to the counseling of veterans who are eligible for such services under the provisions of Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C., ch. 12), and to establish rates of payment which are just and reasonable for such services.

(b) *Establishment of Veterans' Administration guidance centers.* In each instance where such a contract is made, an organizational unit will be established at the location indicated in the contract where the services are to be performed and this unit with a chief in charge will for Veterans' Administration purposes be designated a Veterans' Administration guidance center.

(c) *Utilization of Veterans' Administration guidance centers.* In providing advisement and guidance services it will be the policy to utilize guidance centers to the greatest extent, consistent with the actual needs for such services, except for the counseling of seriously disabled veterans as identified in vocational rehabilitation and education procedures for whom such services will be provided at regional offices where specialists in the various disabilities will be available.

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

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GUARANTY OF LOANS ON HOMES

AUTHORITY: §§ 36.4000 to 36.4051 issued under 58 Stat. 284; 38 U. S. C. 693.

§ 36.4000 *Definitions.* Wherever used in §§ 36.4000–36.4051, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

(a) "Administrator" means the Administrator of Veterans' Affairs or any employee of the Veterans' Administration designated by him to act in his stead.

(b) "United States" used geographically means the several States, Territories and possessions, and the District of Columbia.

(c) "State" means any of the several States, Territories and possessions, and the District of Columbia.

(d) "Designated Agency" or "Agency" as used in respect to processing applications for guaranty of loans, means any Federal instrumentality designated by the Administrator (including Veterans' Administration if so designated) to certify whether an application meets the requirements of the act and regulations, and recommend whether the application should be approved if the applicant is found eligible.

(e) "Federal Agency" as used with respect to agencies making, guaranteeing or insuring primary loans, means any Executive Department, or administrative agency or unit of the United States Government (including a corporation essentially a part of the Executive Branch) at any time authorized by law to make, guarantee or insure such loans.

(f) "Guaranty" means the obligation of the United States of America assumed by virtue of the guaranty by the Administrator as provided in Title III of the Servicemen's Readjustment Act of 1944 (58 Stat. 284; 38 U. S. C. 693), and subject to the limitations and conditions thereof and of these regulations. The subject of the guaranty is that portion of an eligible loan procured by an eligible veteran which may be subject to being guaranteed as provided in said Title III, as determined by the Administrator upon application in accordance with §§ 36.4000–36.4051.

(g) "Mortgage" means an applicable type of security instrument commonly used or legally available to secure loans or the unpaid portion of the purchase price of real or personal property in a State, District, Territory, or possession of the United States of America in which the property is situated. It includes, for example, deeds of trust, security deeds, escrow instruments, real estate mortgages, conditional sales agreements, chattel mortgages, etc.

(h) "Secondary" or "junior" loan means a loan which is secured by a lien or liens subordinate to any other lien or liens on the same property.

(i) "Guaranteed loan" means a loan unsecured, or secured by a primary lien, or where permissible under the act and these regulations, a secondary lien, which loan is guaranteed in whole or in part by the Administrator as evidenced by endorsement thereon; or by Loan Guarantee Certificate issued by the Administrator, and which shall have become effective as prescribed by these regulations; or by such other legal evidence as may be provided by the Administrator.

(j) "Home" and "residential property" means any dwelling consisting of not more than four family units, or any combination dwelling and business property, the primary use of which is occupation by the veteran as his home.

(k) (1) "Reasonable normal value" is the price the property would ordinarily bring or the transaction would ordinarily cost in a contract between a willing and well informed buyer and a willing and well informed seller, both acting free from necessity and under circumstances not affected by economic or other conditions of an impermanent character.

(2) The purpose and intent are (i) to assure that the price to be paid represents a fair and reasonably permanent value in the real property to be acquired, (ii) to give, so far as the real estate is concerned, the basis for a fair but not unreasonable risk on the part of the United States Government when executing its guarantee, (iii) to assure that the appraisal shall be founded upon true and reasonably permanent values.

(3) Each valuation shall be justified, inter alia, (i) by the history of values and prices for this and similar properties, (ii) by the future resale possibilities as indicated by trends in the immediate locality and (iii) by the most probable and reasonably assured long term future economic and real estate conditions, national and local, as they will affect properties similar to and competitive with that under appraisal.

(4) "Reasonable normal value" is not necessarily "fair market value" nor "fair market price" in the usual legal sense of those terms, nor is it necessarily the same as "value for mortgage purposes."

(l) "Property" and "lot" as used in section 501 of the act refer to an interest in realty defined in this section, and subject to the conditions therein.

(1) An interest in realty may be a fee simple estate, or certain other estates indicated in subparagraphs (1) to (6) (including an estate for years) eligible as securities for guaranteed loans. But in any event the estate shall be one limited to end at a date more than 14 years after the ultimate maturity date of the loan, or when the fee simple title shall vest in the lessee; except that, if it is a leasehold that terminates earlier, it shall nevertheless be acceptable if lessee has the irrevocable right to renew for a term ending more than 14 years after the ultimate maturity date of the loan or until the fee simple title shall vest in lessee: *Provided,* The mortgagee obtains a mortgage lien of the required dignity upon such option right or anticipated reversion or remainder in fee.

(2) A life estate or other estate of uncertain duration is excluded, unless the remainder interests are also encumbered by lien of the same dignity to secure the same debt.

(3) A remainder interest in realty shall be eligible as security for a mortgage loan only in the event that all the owners of intervening immediate or remainder interests lawfully can and do (i) join in the mortgage in such manner as to subject all such intervening estates to the lien; or (ii) execute and deliver a lease or other proper conveyance to the owner of the ultimate remainder in fee simple in such manner as to assure his legal right to possession and enjoyment until the vesting of his ultimate remainder interest.

(4) If other than a fee simple estate or estate for years with minimum duration

as stated in subparagraph (1) of this paragraph, is offered as security full information may be submitted to the Administrator before taking application from the veteran. The Administration shall determine the eligibility of any such estate.

(5) The existence of any of the following will not require denial of the guaranty; hence will not require special submission:

(i) Outstanding easements for public utilities, party walls, driveways, and similar purposes;

(ii) Customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(iii) Slight encroachments by adjoining improvements;

(iv) Outstanding water, oil, gas or other mineral, or timber rights, which do not materially impair the value for residential purposes, or which are customarily waived by prudent lenders in the community: *Provided, however,* That if there is outstanding any legal right to quarry, mine or drill within 400 feet of the encumbered building the application for guaranty may be denied for that reason unless upon consideration of all the facts the Administrator determines otherwise. Such determination at the option of the lender or borrower may be obtained upon a special submission of all the facts prior to taking application for guaranty.

(6) A mortgage on an undivided interest in realty shall not be acceptable unless all co-tenants of the veteran join in the mortgage, and unless such joinder has the legal effect of creating a lien on the property such as is otherwise required. In such case it shall not be required that the co-tenants join in, endorse, or otherwise become personally liable on the veteran's indebtedness. Notwithstanding such joinder in the mortgage by the co-tenants the value of the security for purpose of guaranty shall be determined with respect to the individual interest of the veteran only, and the guaranty will be limited to the proper proportion of that sum, irrespective of the actual amount of the loan.

(m) "Indebtedness" means the unpaid principal and accrued interest on the note, bond or other obligations, the subject of the guaranty, and includes also taxes, insurance premiums and any other item for which the debtor is liable under the terms of the mortgage, or other contract, including proper contractual or statutory trustee fees and attorney fees, if any.

(n) "Note" means a promissory note, a bond, or other instrument evidencing the debt and the debtor's promise to pay same.

(o) "Appraiser" means an individual or firm or corporation of recognized standing, approved in writing by the Administrator to appraise property. An applicant for designation as an approved appraiser shall show to the satisfaction of the Administrator that he is of good character and that his experience and information enable him to form sound opinions as to the reasonableness of the purchase price or cost of property to be appraised in the territory in which he expects to operate.

A list of appraisers, considered by the Administrator to be in good standing at the time these regulations become effective, may be approved.

(p) "Certificate of title" means a written and signed opinion or statement as to title by a qualified member of the bar of, or by a title company authorized to do such business in, the jurisdication in which the mortgaged property is situated; or at the option of borrower and lender a title insurance or guaranty contract by a corporation authorized to engage in such business in the State wherein the property is situated; or appropriate evidence of title in the proposed encumbrancer pursuant to a Torrens or other similar title registration statute.

(q) "Credit report" means the report submitted by any credit reporting agency of at least five years' experience with facilities for national coverage, approved by the Administrator, or any other form of report acceptable to the Administrator for the purpose of determining the applicant's credit standing.

(r) "Eligible veteran" means a veteran who:

(1) Served in the active military or naval service of the United States on or after September 16, 1940, and before the officially declared termination of World War II.

(2) Shall have been discharged or released from active service under conditions other than dishonorable, either

(i) After active service of ninety days or more, or

(ii) Because of injury or disability incurred in service in line of duty, irrespective of the length of service; and

(3) Applies for the benefits of this title within two years after separation from the military or naval forces, or within two years after the officially declared termination of World War II, whichever is later. In no event, however, may an application be filed later than five years after such termination of such war.

(s) "Eligible lenders" are persons, firms, association, corporations, and "governmental agencies and corporations, either State or Federal." (Section 500 (c))

(t) "Creditor" means the payee, or any subsequent holder of the "indebtedness" and includes a mortgagee.

(u) "Debtor" means the maker of the note, or obligor in any other obligation, or any other person who is, or becomes, liable thereon, by reason of a contract of assumption or otherwise.

(v) "Interest" means the compensation fixed by law, or by the parties to a contract, for the use or detention of, or forbearance with respect to money, irrespective of the name applied to such compensation.

§ 36.4001 *Miscellaneous.* Throughout §§ 36.4000–36.4051, unless the context otherwise requires:

(a) The singular includes the plural;

(b) The masculine includes the feminine and neuter;

(c) Person includes corporations, partnerships and associations;

(d) Month means calendar month, i. e., the period beginning on a certain date in one month and ending at midnight on the preceding date of the next month;

(e) "The act" or "the statute" means the Servicemen's Readjustment Act of 1944, ch. 268, 78th Congress, 2d Session (Public Law No. 346), 58 Stat. 284; 38 U. S. C. 693;

(f) Title III means Title III of the act.

Loans Eligible for Guaranty

§ 36.4002 *Eligible loans.* Real or personal property encumbered to secure a loan guaranteed pursuant to Title III of the act shall be situated within the United States.

§ 36.4003 *Purchase or construction.* Section 501 (a) of the act provides for granting to an eligible veteran "the guaranty of a loan to be used in purchasing residential property or in constructing a dwelling on unimproved property owned by him to be occupied as his home". The application therefor "may be approved by the Administrator", if he finds that:

(a) The proceeds of such loan will be used to pay for such property * * * (including construction cost);

(b) The contemplated terms of payment of any mortgage loan bear a proper relation to the veteran's present and anticipated income and expenses;

(c) The property is suitable for dwelling purposes;

(d) The purchase price or the construction cost, plus the value of the lot, does not exceed the reasonable normal value of the entire property as determined by proper appraisal; and,

(e) The loan appears practicable.

§ 36.4004 *Repairs, etc.* (a) Section 501 (b) provides: "Any application for the guaranty of a loan under this section for the purpose of making repairs, alterations, or improvements in, or paying delinquent indebtedness, taxes or special assessments on, residential property owned by the veteran and used by him as his home may be approved by the Administrator if he finds that the proceeds of such loan will be used for such purpose or purposes."

(b) For the purpose of section 501 (b):

(1) "Alterations or improvements", means any structural changes in or additions to the property, including heating and other equipment that become fixtures, or the replacement of either, or operations of a protective nature, which will increase the usefulness of the property as a home.

(2) "Repairs" means the work and material necessary to restore the building, or a fixture therein, to a condition that is useful and appropriate to the circumstances, the need therefor having arisen because of wear and tear, accident, or other cause.

(3) "Taxes" means general or special taxes assessed against the property.

(4) "Special assessments" means any charges for improvement purposes assessed against the property.

(5) "Delinquent indebtedness" means past due amounts of principal or interest (without giving effect to any accelera-

tion provisions) on an obligation secured in whole or in part by a lien or liens on property of an eligible veteran and occupied as his home. Each application to guarantee a loan purposed to pay delinquent indebtedness in excess of $500 shall be supported by an appraisal of the reasonable normal value of the residential property which secures the delinquent loan. The reasonable normal value of any property on account of which a loan for delinquent indebtedness is to be guaranteed may not be exceeded by the aggregate amount outstanding on the obligations which it secures, and in the case of property acquired within six months of the date of the filing of the application, by the cost of such property to the applicant.

(6) Satisfactory evidence will be required to establish that the proceeds of such loan will be used for one or more of the purposes stated in paragraph (b) of this section.

§ 36.4005 *Increase in value due to repairs, etc.* An application pursuant to section 501 (b) for the guaranty of a loan for repairs, alterations, or improvements of the property, must show that the amount of the loan will bear a proper relation to the value of the property, and that the repairs, alterations or improvements will enhance such value to a reasonable degree.

§ 36.4006 *Prior liens.* The existence of a lien or liens on the property in respect to which a guaranty of a loan is sought pursuant to section 501 (b) will not necessarily require a denial of the application for guaranty; but full consideration will be given to the amount, rate of interest, and maturity dates of the primary loan in determining whether a suitable relation will exist between the veteran's obligation and probable available income.

§ 36.4007 *First liens required.* Except as provided in section 505 of the act, loans for the purpose of purchasing or constructing homes, and in respect to which any guaranty is sought, shall be secured by a first lien on such property; but the existence of tax or special assessment prior liens will not disqualify security which is adequate and otherwise acceptable.

§ 36.4008 *Mortgages required.* (a) Each loan guaranteed in whole or in part by the Administrator shall be secured by a mortgage except that when the principal amount of a loan to be guaranteed does not exceed $500 and the lender does not require a mortgage, the Administrator may nevertheless guarantee such loan provided it complies otherwise with the act and these regulations (as to procedure see § 36.4024 (e)).

(b) The law of the State where the contract is made determines the capacity of the parties to contract. Similarly the law of the State wherein the real estate is situated determines the capacity of mortgagor to encumber and of the mortgagee to hold the legal rights resulting from encumbrance. The act does not modify such law of the State. The guaranty by the Administrator will be available only in the event that under the applicable State law the contract between the borrower and lender is binding on both, and the mortgage has the legal effect intended. This paragraph will be applicable particularly in cases involving minors, "persons of unsound mind," and persons under other legal disability by reason of the law of the State. It will be applicable also in cases involving mortgage or other loans which any guardian, conservator, or other fiduciary seeks to make, or obtain; and to a guaranty thereof for which application is submitted.

(c) *Type of loan and mortgage.* (1) Except as otherwise provided in paragraph (a) of this section each loan guaranteed under the provisions of Title III must be evidenced by a note or notes secured by appropriate security instrument or instruments ("mortgage legally sufficient in the jurisdiction in which the property to be encumbered is situated.").

(2) A term loan, which is in accord with applicable State or Federal law, and regulations, if any, may be eligible for guaranty if the amount of the loan to be guaranteed plus the unpaid amount of all obligations secured by liens superior to the lien securing the proposed loan does not exceed two-thirds of the reasonable normal value of the property encumbered to secure the loan and if the ultimate maturity date of the mortgage indebtedness so secured, and to be guaranteed, is not more than five years from the date of the note. Such superior liens shall not be mortgage liens, except when the guaranty is issued pursuant to sections 501 (b) or 505 of the act.

(3) Except as provided in subparagraph (2) of this paragraph the loan shall be amortized. The obligation to be amortized may, and except for the first year shall, require such periodical payments of stated sums as will in accordance with standard amortization practice result in payment of the entire principal and interest within not more than 20 years from the date of the loan, or the date of assumption by the veteran, whichever is later. At the request of the mortgagor the payments during the first year shall be less than the amount required thereafter, by the sum representing the interest charge on the guaranteed part of the loan, and which interest charge the Administrator will pay at the end of that year.

§ 36.4009 *Transfer of title.* The conveyance of, or other transfer of title to the property after the creation of a lien thereon to secure the veteran's debt, which is guaranteed in whole or in part by the Administrator, shall not terminate or otherwise affect the contract of guaranty, unless (a) the creditor by express agreement for that purpose releases or otherwise discharges the veteran from personal liability thereon; or (b) by indulgence of, or by agreement with, the veteran's immediate or remote grantee contrary to §§ 36.4000–36.4051, and without the consent of the Administrator the creditor so alters the contract made by the veteran with the lender as to cause discharge of the veteran by operation of law.

§ 36.4010 *Obligation of guarantor.* To the extent prescribed the obligation of the United States is that of a guarantor, not an indemnitor.

§ 36.4011 *Contract provisions.* Subject to the provisions of the act and §§ 36.4000–36.4051, the contract between the lender and borrower, may contain such provisions as they may agree upon and which are reasonable and customary in the locality where the property is situated:

§ 36.4012 *Repayment provisions.* (a) If the loan be an amortized loan the lender and borrower may contract for such periodical payments at monthly or other intervals but not less frequently than annually.

(b) If the mortgagor consents the mortgage may provide that each monthly or other periodical payment shall include in addition to the proper amount to be credited to principal and interest a proportionate part of the estimated amounts required annually for all taxes, ground rents if any, special assessments if any, and fire and other hazard insurance premiums. Such provisions may direct the method of crediting the additional amounts included in the periodical payments for the purposes stated in this paragraph.

(c) The method may be by crediting the note with the amounts so received and debiting same with disbursements by the creditor for such purposes; or by crediting and debiting a separate "trust account", or otherwise as the debtor and creditor agree. Unless otherwise provided by the parties, all periodical payments made by the debtor on the obligation shall be applied to the following items in the order set forth:

(1) Taxes, special assessments, fire and other hazard insurance premiums, and ground rents (allocated among such items as the creditor elects);

(2) Interest on the mortgage debt; and

(3) Principal of the mortgage debt.

§ 36.4013 *Prepayments.* (a) When the debt is to be amortized the note or other evidence thereof, or the mortgage securing same, shall contain appropriate provisions granting any person liable for such debt, the right to pay at any time the entire unpaid balance or any part thereof. Unless otherwise agreed all such prepayments shall be credited to the unpaid principal balance of the loan as of the due date of the next installment. No premiums shall be charged for any partial or entire prepayment.

(b) Any person liable shall be entitled to prepay a term loan, or any part thereof, upon not less than one month's notice. The note or mortgage shall so provide.

(c) Any prepayment shall be applied in the manner and to the items directed by the person making the prepayment.

§ 36.4014 *Pro rata decrease of guaranty.* The amount of the guaranty shall decrease pro rata with any decrease in the amount of the unpaid principal of the loan, prior to the date the claim is submitted.

§ 36.4015 *Insurance coverage required.* (a) Buildings the value of which enter into the appraisal forming the basis for the loan guaranteed shall be insured

against fire, and other hazards against which it is customary in the community to insure and in amount at least equal to the amount by which the loan exceeds the value of the encumbered land plus that of the improvements included in the appraisal but which are not subject to the hazards insured against: *Provided*, That upon a satisfactory showing at the time of application for guaranty that (1) it is impossible or impracticable to obtain such insurance because of location, prohibitive cost, or other good reason; (2) prudent lenders in such community customarily do not require such insurance, or some portion thereof, (amount or hazard) and (3) the lender submitting the application is willing to make the loan without insurance coverage on one or more of the buildings, or without certain coverage, or in a reduced amount, and subject to the provisions of paragraphs (b) and (c) of this section; the Administrator may at the time of approving the application waive all or part of such insurance requirements, subject to the provisions of said paragraphs (b) and (c) of this section. No waiver will be granted on the basis of premium cost in any case wherein the premium cost on an annual basis does not exceed $5.00 per $1000 of insurance against the hazard of fire, or $10.00 per $1000 for fire and all other hazards covered by the insurance. The procuring of insurance of the amount and coverage stated in the approved application shall constitute conclusive evidence of waiver by the Administrator of insurance in excess of the amount stated in or in connection with the application and also all hazards not mentioned therein as hazards to be covered.

The creditor shall require that there be maintained in force such insurance of the coverage stated in the approved application in an amount not less than the amount stated or the amount of the unpaid indebtedness whichever is the lesser.

In the event insurance becomes unavailable the fact shall be reported to the Administrator for determination whether waiver shall be granted or loan declared in default.

(b) For the sole purpose of determining the amount payable upon a claim under the guaranty after an uninsured loss (partial or total) has been sustained, the unpaid balance of the loan (except as provided in paragraph (c) of this section) will be deemed to have been reduced by an amount equal to the amount of the uninsured loss, but in no event below an amount equal to the value of the land and other property remaining and subject to the mortgage.

(c) There shall be no reduction of the amount of the guaranty as provided in paragraph (b) of this section by reason of an uninsured loss which is uninsured (as to hazard or amount) by reason of a waiver by the Administrator as provided in paragraph (a) of this section.

(d) All insurance effected on the mortgaged property shall contain appropriate provisions for payment to the creditor, (or trustee, or other appropriate person for the benefit of the creditor), of any loss payable thereunder. If by reason of the creditor's failure to require such loss payable provision in the insurance policy payment is not made to the mortgagee the liability on the guaranty nevertheless shall be reduced as provided in paragraph (b) of this section with respect to an uninsured loss, except to the extent that the liability under the policy was discharged by restoring the damaged property, by the insurer, or out of payments thereunder to the insured, or otherwise. No waiver pursuant to paragraph (a) of this section shall modify this paragraph.

(e) Upon the creditor (or trustee or other person) collecting the proceeds of any insurance contract, or other sum from any source by reason of loss of or damage to the mortgaged property, he shall be obligated to account for same, by applying it on the indebtedness, or by restoring the property to the extent the expenditure of such proceeds will permit. As to any portion of such proceeds the mortgagee is not entitled to retain for credit on such indebtedness or by reason of other legal right, he shall hold and be obligated to pay over the same as trustee for the United States and for the debtor, as their respective interest may appear.

(f) Nothing in §§ 36.4000–36.4051 shall operate to prevent the veteran from procuring acceptable insurance through any authorized insurance agent or broker he selects. In all cases the insurance carrier shall be one licensed to do such business in the State wherein the property is situated.

§ 36.4016 *Loan charges.* (a) In the case of a purchase of real or personal property by the veteran and a guaranty pursuant to the act and §§ 36.4000–36.4051 of an indebtedness representing part of the purchase price, there may be charged to the veteran and included in said note amounts actually paid or incurred by the seller (mortgagee) for such expenses and charges as are chargeable to such purchaser in accord with local custom, if the purchaser so agrees, such as fees for appraisals, credit and character report on the veteran, surveys, fees of purchaser's (not seller) attorney, recording fees for recording the deed and the mortgage only, premiums on fire and other hazard insurance that may be required in accordance with §§ 36.4000–36.4051.

(b) In the case of a loan to the veteran, charges in accord with local custom, such as fees for appraisals, credit and character report, surveys, abstract, or the search, curative work and instruments, attorney fees, fees for tax certificates showing all taxes paid, premiums on fire and other hazard insurance that may be required in accordance with these regulations, revenue stamps, recording fees, etc., all limited to amounts actually paid or incurred by the lender, may be charged to the borrower and withheld from the gross amount of the loan.

(c) Any unreasonable charges shall be ground for denying an application for guaranty. No brokerage or other charges shall be made against the veteran for obtaining any loan guaranty under this title.

§ 36.4017 *Interest.* (a) The rate of interest chargeable on a loan guaranteed fully or in part, shall not exceed 4 per centum per annum on unpaid principal balances. Interest may be computed in accordance with standard amortization practices.

(b) The rate of interest on a secondary loan which is guaranteed pursuant to section 505 of the act may exceed by not more than 1% per annum the rate charged on the principal loan, but in no event shall the rate on the secondary loan exceed 4% per annum.

§ 36.4018 *Advances.* (a) Nothing herein shall prevent the creditor from making advances for the benefit of the mortgagor to pay taxes, assessments, and insurance premiums as they become due, and the cost of the emergency repairs needed to protect the property. The amount guaranteed by the Administrator shall be increased pro rata with all such increases in the unpaid principal balance of the loan: *Provided:* (1) That the annual interest rate on all advances shall not exceed 4 per centum per annum; (2) that the terms of repayment shall not extend the date of the amortization of the loan and (3) that the amount of the guaranty shall in no event exceed the original amount thereof, nor exceed the percentage of the indebtedness originally guaranteed.

(b) In the case of any advance made by a creditor to a debtor, the creditor with the consent of the debtor, may apply any and all payments made by the debtor for a period of twelve months to the liquidation of the advance without considering the original loan in default. This shall not be construed to extend the period of indulgence contemplated by §§ 36.4034 and 36.4035.

§ 36.4019 *Construction loans.* Under certain circumstances loans relating to new construction may be guaranteed pursuant to the Act. (See § 36.4032)

Guaranty by the Administrator

§ 36.4020 *Limits.* In no event will the aggregate obligations of the United States as guarantor under Title III exceed $2,000 in respect to one veteran, whether there be one or several loans, and whether some are obtained for the acquisition of a home, others for a farm, and others for business, or equipment, or other purposes. Repayment of a loan or loans in whole or in part, or transfer of the encumbered property does not modify or enlarge such limitation. The guaranty shall not at any time exceed 50 per centum of the aggregate of the indebtedness for any of the purposes specified in sections 501, 502 and 503 of the act.

§ 36.4021 *Second loan under section 505 (a).* Section 505 (a) of the act provides that when the principal loan for any of the purposes stated in sections 501, 502 or 503 is "approved by a Federal agency to be made or guaranteed or insured by it pursuant to applicable law and regulations, and the veteran is in need of a second loan to cover the remainder of the purchase price or cost, or a part thereof," the Administrator may guarantee the full amount of the second loan, *Provided:*

(a) It does not exceed 20 per centum of the purchase price or cost.

(b) The amount guaranteed together with all other guarantees under Title III for the same veteran does not exceed $2,000.

(c) The loan conforms to all other applicable requirements of §§ 36.4000–36.4051.

§ 36.4022 *Two or more eligible veterans or borrowers.* (a) In the absence of a statement to the contrary, an application signed by two or more eligible veterans shall be conclusively presumed to be an application by each for the guaranty of an equal proportionate part of the entire amount to be guaranteed: *Provided, however,* That if husband and wife execute the application, both being eligible veterans, it will be conclusively presumed in the absence of a contrary statement in the application that it is an application for guaranty on behalf of the husband only. Unless the amount of guaranty then available to the husband is insufficient to meet the requirements of the case for guaranty of a proper amount under §§ 36.4000–36.4051 and the terms of the application; in which event the deficiency may be charged against the amount available to the wife, unless she has in the application or otherwise (before approval) stated in writing her unwillingness to be so charged.

(b) The Administrator will not require a wife to sign an application made by her husband. If she also is an eligible veteran and desires to exercise her right as such to obtain a guaranty, a separate application by her will be required. Signature of her husband to indicate his pro forma joinder will be required only when the wife is resident of, or the application is signed in, or the property to be encumbered is situated in, a State under the laws of which such contract cannot be legally executed by a married woman alone as in the case of an unmarried woman.

§ 36.4023 *Maximum liability where there are two or more veterans.* (a) For the purpose of determining the maximum amount of the potential liability of the United States under a guaranty incident to an obligation on which two or more eligible veterans who applied for the guaranty are liable, the obligation will be deemed a several, and not a joint, obligation of the respective applicants who were charged with the guaranty or a part thereof notwithstanding that as among the debtors or any of them, and as between them, or any of them, and the creditor, the obligation is in fact and law a joint obligation or a joint and several obligation.

(b) In no event will the amount of any veteran's debt thereunder be deemed to exceed for guaranty purposes the amount for which such veteran is legally liable to the holder of the obligation, nor the value of the interest of the veteran in the property. If more than one of the obligors is an eligible veteran and application by him or them is granted, the maximum aggregate amount of the guaranty will be the sum of the amounts available to each applying veteran but in no event will the aggregate of the guarantees for more than one veteran exceed 50 per centum of the total loan except as provided under section 505 of the Act.

(c) For the purpose of this § 36.4023 the wife of a principal obligor shall not be counted unless (1) she is legally liable on the obligation under the law of jurisdiction where she executed it, and (2) if she is a veteran she be properly chargeable with a part or all of the guaranty as provided in § 36.4022.

§ 36.4024 *Veteran's application.* (a) To apply for a guaranteed loan the veteran and the prospective lender shall complete and sign in duplicate Finance Form 1802, Application for a Home Loan Guaranty. The lender shall inquire of the nearest office of the Veterans' Administration whether the proposed borrower is eligible and the amount of his available guaranty. This information will be supplied on Finance Form 1800, Certification of Eligibility. The Administrator will also supply the name and address of an approved appraiser to be used in the course of processing the application.

(b) Before forwarding the executed application the prospective lender shall procure a credit report on the borrower and an appraisal of the property by the appraiser designated. The appraiser's report shall include photographs necessary to reflect generally existing conditions, and in any event those specified in the application, or appraisal forms prescribed. They may be snapshots. (See instructions for appraisers.)

(c) If the proposed loan is for alteration or improvement purposes the appraisal report shall reflect an examination of the building contract, the plans and specifications, and include appropriate data sufficient to afford a basis for estimating the increased value of the property to result from completion of such improvements.

(d) In every case the appraiser's report shall indicate the basis, by survey or otherwise, of identifying the property appraised as that to be encumbered to secure the proposed loan.

(e) If (1) the loan does not exceed $500, (2) the lender does not require a mortgage, and (3) the loan otherwise complies with §§ 36.4000–36.4051, the provisions of paragraphs (b), (c), and (d) of this section; paragraphs (d), (e), and (h) of § 36.4025; paragraphs (a), (c), and (d) of § 36.4030; subparagraphs (2) and (3) of paragraph (a) of § 36.4031; and paragraphs (c) and (e) of § 36.4032 shall be inapplicable to such loan and any guaranty thereof.

§ 36.4025 *Papers required.* The prospective lender shall submit to the agency the following papers:

(a) Certification of eligibility.

(b) Loan guaranty certificate.

(c) Original application for guaranty signed by prospective lender and borrower.

(d) The credit report.

(e) The appraisal report.

(f) Copy of the "conditional sales agreement" if the loan is to be predicated on such an instrument.

(g) Proposed loan closing statement of the estimated amounts to be disbursed by the lender for the account of the borrower.

(h) Unless stated in the mortgage, or otherwise in the papers submitted, a statement of the kinds and amounts of insurance to be required to protect the mortgagor, the lender and the Administrator against loss by fire and other hazards, and the estimated premium cost thereof. (See § 36.4015)

(i) When applicable, the original and copy (both signed) of Form No. 1862, Application to Amend Loan Guaranty Certificate, (see § 36.4031 (c) and (d)).

§ 36.4026 *Recommendation for approval of guaranty.* The Agency shall review the papers to determine whether it will recommend approval of the application for guaranty. Thereupon the Agency shall forward all the papers to the appropriate office of the Administrator with recommendation that (a) the Administrator approve the application, or (b) he disapprove it. If disapproval is recommended the reasons therefor shall be stated in writing at the time the papers are forwarded. A recommendation that the application be approved, shall be appropriately endorsed on the original of the application.

§ 36.4027 *Administrator's action on application.* (a) Upon receipt of the papers from the Agency, the Administrator will determine whether to approve the application. If disapproved he shall return to the proposed lender all papers except the original application for guaranty and shall state that the application for guaranty has been denied and the reasons therefor. He shall send a copy of the letter to the veteran and the Agency. Upon denial any expenses incurred by the lender or the borrower shall be borne by them or either of them as they shall have agreed.

(b) (1) The veteran and the proposed lender, or either, may appeal to the Administrator for review of a denial of the application.

(2) Such appeal may be by letter, or on any prescribed form, and mailed or delivered to central office of the Veterans' Administration within one month after receipt of notice of denial.

(c) (1) If for any reason the loan transaction is not concluded and the same or another lender thereafter wishes to consider making a loan on the same security described in the original application, a supplemental application, if the same lender, or a new application if a different lender, may be submitted. If accompanying it is a statement by the borrower and lender that the condition of the security is substantially the same as when the appraisal report was made, the supplemental or new application may be approved without a new appraisal, if the supplemental or new application shall have been received by the Administrator within three months from the date of the appraisal report.

(2) Without reference to the time limit stated in subparagraph (1) of this paragraph, a copy of the appraisal report will be supplied without cost to a prospective new lender or to the original proposed lender at the currently prescribed price for a copy.

§ 36.4028 *Execution and form of guaranty.* (a) If the Administrator approves the application he shall notify the Agency and the veteran thereof. For the purpose of evidencing the contract of guaranty, he shall execute a loan guaranty certificate, to become effective upon the conditions therein stated. It shall be in substantially the form following:

NOTE: Forms printed in the FEDERAL REGISTER are for information only and do not follow the exact format prescribed by the issuing agency.

UNITED STATES OF AMERICA

LOAN GUARANTY CERTIFICATE

Issued by Veterans' Administration

State _____
(Where property is located)

Number L. H. _____
(To be filled in by Veterans' Administration)

_____
Lender
(Exactly as appears as payee of note)

_____
(Address)

_____
Borrower (Veteran)
(Exactly as to be signed on note and mortgage)

_____
(Address)

I

A. This certificate shall become effective when the requirements of the statute and regulations have been complied with and the acts certified in Part III hereof have been accomplished in compliance with said requirements.

B. When it becomes effective as hereinabove prescribed, this certificate shall obligate the United States of America to pay to the legal holder of the "note" described on the reverse hereof upon his duly filing claim therefor:—

1. All or such portion of the maximum amount hereby guaranteed as becomes payable upon the conditions, at the times stated in, and in accordance with the provisions of, the Servicemen's Readjustment Act of 1944, (38 U. S. Code 693; 58 Stat. 284), and the regulations issued pursuant thereto which are in effect on the date of this Certificate. In no event will the obligation under this Certificate exceed $2,000. Subject to the foregoing this guaranty on this date is for $_____, being ____ per centum of the face amount of said note, and in no event will it exceed said sum or percentage.

2. At the expiration of one year from the date of the "note", an amount equal to the interest for one year at the contract rate on that portion of the indebtedness ("note") originally guaranteed hereby, such payment to be credited on the indebtedness as prescribed by said regulations.

C. Executed on behalf of the United States of America by the Administrator of Veterans' Affairs, through the undersigned authorized agent on this date, to become effective in the manner hereinabove prescribed.

Date _____

ADMINISTRATOR OF VETERANS' AFFAIRS

By: _____
(Authorized Agent)

At: _____
(Post Office)

II

DESCRIPTION OF PROPERTY TO BE "MORTGAGED"

Type lot and block number, if any, or field notes and any other proper language to complete legal description. Include description of personal property if any.

Premises identified as:

_____
(House Number and Street)

_____
(City, Town, Village)

_____
(County, Parish)

_____
(State, District, Territory)

and further described as:

(Continue legal description if necessary in the space below)

III

CERTIFICATION BY BORROWER AND LENDER

A. We hereby warrant that (1) the undersigned borrower named on the reverse hereof executed the note, the principal sum of which is $_____; (2) it is dated the _____ day of _____ 19____; (3) borrower(s) and mortgagor(s) delivered it together with the "mortgage" (as defined in the regulations) bearing the same date, and executed to secure payment of said note; (4) said note and mortgage are those approved by the Administrator of Veterans' Affairs upon application of the undersigned pursuant to which this loan guaranty certificate was issued; and (5) the amount stated above has been paid to, or according to the directions of, the undersigned borrower(s).

B. The undersigned lender warrants that (1) the same "mortgage", duly executed and acknowledged; was properly filed for record on the _____ day of _____ 19____; at _____ -- M.; and was given file No. _____ by the Recorder; (2) that it covers the property described on the reverse hereof, which is the same property described, or otherwise identified, or referred to, in the above-mentioned application for guaranty, and in this loan guaranty certificate; and (3) that no lien superior to said "mortgage" has intervened since the date of said application.

(If a corporation)

_____
(Secretary)

Mr.
Mrs.
Miss _____
(Lender(s))

By: _____
Title—(President, vice president, etc.)

Mr.
Mrs.
Miss _____
Mr.
Mrs.
Miss _____
(Borrower(s))

_____
(Sign in ink on these lines)

If the note is unsecured but is eligible for guaranty under the regulations, references to "mortgage" in paragraphs "A" and "B" above are inapplicable. (See § 36.4008 (a).)

(b) The word principal as used in the Loan Guaranty Certificate and the certification on the reverse thereof means the amount of money actually disbursed to or for the account of the borrower.

(c) The certification by borrower and lender in paragraph III B (3) of the Loan Guaranty Certificate as printed in § 36.4028 shall be deemed to be correct, nothwithstanding that the guaranteed loan is secured by a second lien, if, but only if, such is permissible under the regulations and the facts of the case, and if the application for guaranty indicates that the loan is to be secured by a second lien.

§ 36.4029 *Disposition of papers.* The original application for guaranty will be retained in the files of the Veterans' Administration. The loan guaranty certificate and all other papers will be forwarded to the proposed lender with instructions as to closing the loan in a manner to make the guaranty effective.

§ 36.4030 *Loan procedure after approval of guaranty.* Upon receipt of the papers from the Administrator, the lender shall:

(a) Satisfy himself by title certificate, as defined in these regulations, as to the title to the property to be encumbered, *Provided,* That in the case of applications pursuant to section 501 (b) of the act an affidavit by the veteran may be accepted in lieu of such certificate if the amount of the loan does not exceed $500.

(b) Cause all necessary instruments to be properly signed and those to be recorded properly witnessed, acknowledged or proved so as to entitle them to recordation.

(c) Disburse all funds in substantial accord with the proposed loan closing statement submitted with the application. (See § 36.4025 (g))

(d) File with the proper public official for record the mortgage and any other appropriate instrument which under the law of the State is required or permitted to be recorded.

§ 36.4031 *Guaranty when effective.* (a) Within two months after closing the loan and filing the proper instrument for record, the lender shall complete and forward to the Administrator (using prescribed form, if available) a properly signed report of closing the loan stating that:

(1) The disbursement of the amount named in such report as the principal of the loan has been completed by the lender, which amount may be not more than 3% in excess of the amount of the proposed loan as stated in the original application for guaranty, without complying with the procedure stated in paragraphs (c) and (d) of this section.

(2) Such disbursements were as estimated on the loan closing statement submitted with the application, except as otherwise stated on the reverse side of the report of closing loan. (See §§ 36.4016 (a) and 36.4025 (g))

(3) The note and the mortgage (or other security instrument) were properly executed stating the date, and the latter "was duly acknowledged, witnessed, or proved, to that it was legally eligible for recording; the date and hour and county in which it was properly filed for record; and the filing number thereof."

(4) The note was dated (stating the date thereon), and signed by the "debtor", and the rate of interest provided therein.

(5) The loan guaranty certificate (stating its L-number) was completed, and appropriately signed by the lender and the borrower as therein provided.

(b) If lender is a corporation its corporate seal shall be impressed on such report.

(c) If the transaction to be closed is essentially the same as indicated in the original application except that:

(1) The amount of the loan actually to be made is more than 103% of the amount stated in the application, or

(2) Personal property to be acquired differs from that described but is for the same use or purpose and substantially similar in kind, quality and value, Form 1862, Application to Amend Loan Guaranty Certificate, will be completed and signed in duplicate.

(d) The lender will forward the original and copy of Form 1862, Application to Amend Loan Guaranty Certificate, to the "Agency", which will recommend approval or disapproval and forward both to the Veterans' Administration office which issued the Loan Guaranty Certificate. Such office will determine whether to approve the Application to Amend Loan Guaranty Certificate. Such determination will be based on the original application, the evidence submitted in or with the original application, the application to amend, the recommendation of the Agency, and such other evidence, if any, as it considers necessary. Notice of action will be given as in the case of original applications. If approved such approval will be appropriately indicated on the original, and such original, duly executed by the Veterans' Administration will be forwarded to the lender. It may be attached to the original Loan Guaranty Certificate to evidence amendment thereof as reflected by such "rider".

§ 36.4032 *Construction loans.* (a) Upon the submission to an agency of an application made pursuant to section 501 (a) or 505 (a) of the act for the guaranty of a loan for the construction of a dwelling on unimproved property owned by the veteran, or under section 501 (b) for construction involving alterations or improvements, the guaranty will be issued to become effective only upon completion of the construction project, and upon fulfillment of the same requirements of this part as are applicable to the guaranty of loans for the acquisition of homes other than by construction.

(b) Notwithstanding the provisions of paragraph (a) hereof, the guaranty mentioned therein may become effective without the entire amount of the loan having been disbursed if:

(1) Complete disbursement is prevented, in the exercise of ordinary care, by reason of the filing of mechanic liens or other liens, or other controversy or threat of litigation, as to entitlement to any part of the proceeds of such loan; and

(2) There is paid to an Escrow Agent approved by the Administrator so much of such proceeds as have not been disbursed, or other arrangements satisfactory to the Administrator have been made for assuring the availability of such sums; and

(3) There is issued by the Administrator Form 1863, Approval of Escrow Certificate, which may be attached to the loan guaranty certificate.

(c) For construction loans the lender will follow the procedure provided in §§ 36.4024–36.4031 for the guaranty of loans for the purchase of residential property and in addition will furnish to the Agency:

(1) Complete plans and specifications for the proposed construction.

(2) An estimate, prepared by a qualified appraiser, of the fair market value of the property on which the improvements will be situated together with a separate estimate of the increased value of the property which will result from the improvements according to the plans and specifications. Such estimates of value are in addition to the appraiser's report of the "reasonable normal value".

(3) A copy of the agreement or agreements (which may be unsigned) on which the proceeds of the proposed loan will be disbursed.

(d) Upon the receipt of such papers the Agency will follow the procedure prescribed in § 36.4026 and submit same to the Administrator for action under §§ 36.4027 and 36.4028.

(e) Except where the construction shall have been inspected and approved and completion certified by a Federal Agency making or guaranteeing or insuring the principal loan on such property, as contemplated by section 505 (a) of the act, the Loan Guaranty Certificate shall become effective upon the condition, in addition to those set forth in § 36.4030, that there be supplied to the Administrator a statement by an appraiser on Form 1803 (a), Statement by Appraiser on Completion of New Construction,

(1) He has inspected the construction, repairs, alterations, or improvements.

(2) The same have been constructed and completed in substantial conformity with the contract, the plans and specifications (if any); and any authorized changes therein (if any), permitted by §§ 36.4000–36.4051, or, in those cases embraced in § 36.4024 (c) or § 36.4024 (e) there are no plans and specifications, within good building practices.

(3) The increased value of the property as completed and which will be encumbered is substantially in accord with his estimate.

(f) During the course of construction the Administrator shall be entitled at his expense, to cause such inspection of the construction work at such time or times as he may determine.

(g) Upon compliance with the requirements of this section and of §§ 36.4030 and 36.4031 relating to the guaranty becoming effective in other than construction loan cases, said Loan Guaranty Certificate shall become effective as originally executed (and subject to § 36.4031), or as amended pursuant to approval of application therefor on Form 1862, Application to Amend Loan Guaranty Certificate. (See § 36.4031 (c) and (d).)

(h) The borrower and lender may contract for the payment to the lender of a reasonable sum for the advance of funds during the construction and the supervision or inspection of the construction.

(i) Minor changes may be made in the plans and specifications or substitution of material of substantially equal quality or value, as the creditor, the debtor, and the builder (contractor) may agree if same are not of a major character and in the aggregate do not increase or decrease the cost more than five per centum of the contract price. This does not modify the provisions of § 36.4031. Changes or substitutions other than as herein stated must have the approval of the Administrator.

§ 36.4033 *Losses which are not guaranteed.* The guaranty shall not cover any loss sustained by the creditor as the result of:

(a) The acceptance by the mortgagee of a mortgage on any property, title to which is not merchantable;

(b) Failure of the mortgagee to procure a duly recorded lien of the dignity required by §§ 36.4000–36.4051;

(c) Failure of the mortgagee to comply with § 36.4015 with respect to insurance, or

(d) A tax sale pursuant to execution, or otherwise as provided by law, occasioned by nonpayment of taxes accruing against the mortgaged property after the date of the mortgage if mortgagee fails to give notice to the Administrator of the delinquent taxes at least one month before such sale.

(e) A release by the creditor of the lien on any of the real or personal property securing the guaranteed loan, or any part thereof, unless the Administrator consents in writing. Such consent may be granted if the debt is appropriately reduced or on such other terms as the Administrator may determine: *Provided, however*, That if the land is sought by a public authority for highway or other purposes, consent is hereby given for the creditor to release without consideration or for such consideration as he deems proper and without reference to the Administrator, the creditor's lien on land without any buildings thereon if the land so released does not exceed five percent of the acreage encumbered and does not exceed $200 in value. The same consent is hereby given when the release, easement grant, or other instrument is sought by a public or private agency, or person, for the purpose of pipe line, telephone, telegraph or electric transmission lines: *Provided, however*, That when such releases, or grants by the lender for any one or more of the purposes stated in this paragraph, or otherwise, with or without specific consent by the Administrator, shall have decreased the security as much as five percent in acreage, or $200 in value, no further releases shall be executed, without consent of the Administrator. If release of lien is executed contrary to the provisions of §§ 36.4000–36.4051 the amount of the guaranty will be reduced proportionately in the same manner as if the value of the released property were applied as a credit on the unpaid balance of the loan. The provisions of this paragraph will not be construed to affect the guaranty in the event of any grant of title or easement that leaves unaffected the lien on the property affected thereby; or

(f) Sale by reason of foreclosure of a superior lien if the holder of the guaranteed loan secured by a subordinate lien has knowledge of such foreclosure sale as much as 10 days prior thereto and fails to notify the Administrator of the time and place thereof.

(g) The exercise of a right of reverter for breach of restrictive covenants.

Claims under a guaranty

§ 36.4034 *Default.* (a) In the event of default, not cured, continuing three months on an amortized loan or one month on a term loan the creditor may elect to assert claim under the guaranty, and give notice thereof to the Administrator.

(b) If any default occasioned by failure seasonably to pay to the creditor entitled any amount of principal or interest due him under the contract (not cured) shall have persisted as long as six months the holder of the indebtedness shall give notice thereof to the Administrator notwithstanding the failure results from payments on advances as provided in § 36.4018, or from any indulgences of the debtor as provided in § 36.4041.

(c) (1) The notice shall state the loan guaranty number if available. If not available other identifying data shall be included, such as date and amount of original obligation, location of Veterans' Administration office that issued the guaranty and the property encumbered.

(2) In all cases the notice shall state the name and last known address of the debtor, of the veteran, and of the creditor, and the date and manner of default, and amount past due. If he desires, the creditor may also state his views as to any indulgence that should be extended.

(3) The notice to the Administrator shall be mailed by registered mail or personally delivered in exchange for a written receipt within one month after the expiration of said 6 months' period.

§ 36.4035 *Claim on notice of default.* (a) In the notice of default or separately, then, or later, the creditor may make claim under the guaranty.

(b) Then or thereafter the creditor may also give notice of his intention to foreclose the lien or liens securing the indebtedness.

(c) The Administrator may approve the creditor's request, if any, to postpone action to press his claim against the mortgagor, or the property, such postponement, with the consent of the Administrator, shall not operate to void or diminish the ultimate liability under the guaranty. In no event shall indulgence or postponement of action authorized by §§ 36.4000–36.4051 impair any right of the creditor to thereafter proceed within the applicable statute of limitations period as if there had been no indulgence or postponement.

§ 36.4036 *Legal action.* (a) The creditor shall not begin action in court or give notice of sale under power of sale, or repossess the property, real or personal, or otherwise take steps to terminate the debtor's rights in the property until the expiration of thirty (30) days after delivery to the Administrator of the notice of intention to foreclose, repossess or otherwise to so terminate the debtor's rights. Notwithstanding paragraph (a) of § 36.4034 such notice may be given at any time after a default.

(b) (1) If the circumstances require immediate action to protect the interest of the creditor or the Administrator, the Administrator may waive the requirement for prior notice if notice of the action taken is immediately given.

(2) Without limiting the foregoing, the existence of conditions justifying the appointment of a receiver for the property shall be sufficient excuse for beginning suit without prior notice to the Administrator if within ten days after commencement of the suit or action, plaintiff gives the Administrator notice thereof.

§ 36.4037 *Notice of suit and subsequent sale.* (a) Within ten days after beginning suit or causing notice of sale without suit to be given, the creditor shall notify the Administrator thereof by registered mail or personal delivery in exchange for written receipt. It shall state whether the foreclosure will be by proceeding in court, or under a power of sale; the style and number of the suit, if any, and the name and location of the court in which pending.

(b) The creditor shall give written notice to the Administrator by registered mail (or delivery) of any foreclosure sale, judicial, or under a power of sale; or of any proposed termination of the rights of any vendee or his immediate or remote grantee (assignee) pursuant to any power or option in a sales contract, or in any other instrument affecting the property which constitutes any security for the obligation guaranteed. Such notice shall be given so that it is received at least thirty days before such sale or other proposed action. It shall state the date, hour and place thereof. The Administrator may bid thereat on the same terms as the lender or other bidders, and may exercise any right the debtor could exercise by virtue of the contract, or any statute, or otherwise. This section is applicable whether the suit, or the sale, or termination, occur before or after payment of the guaranty.

§ 36.4038 *Death of veteran.* (a) In the event the creditor has knowledge of the death of the veteran, or of any owner of an interest in the encumbered property, or the death of any other person liable on the indebtedness which is guaranteed in whole or in part, the creditor shall take such steps, if any, as are legally necessary, and reasonably available, in the jurisdiction where the encumbered property is situated, to avoid loss of the lien, or impairment thereof, or of all or part of the proceeds of any sale of the property as a result of, or incident to, such death, or of any probate proceedings thereby occasioned in said jurisdiction.

(b) In addition to protecting the lien rights as required by paragraph (a) of this section, the creditor at his discretion may proceed in probate, or otherwise, as may be permissible and feasible, in any jurisdiction where administration proceedings are pending or properly may be instituted, or other appropriate legal action taken against assets or persons, to assert any rights, by means of any remedies, therein available to a similarly situated creditor or the decedent.

(c) Upon direction of the Administrator and his designation of an accessible attorney for the purpose, and making appropriate provisions for advancing or paying the costs and expenses of the proceeding, the creditor shall proceed as provided in paragraph (b) of this section: *Provided, however*, That in any case the Administrator may, at his option, proceed immediately in respect to protecting the lien, or asserting claim as contemplated by paragraph (b) of this section, or as to both remedies. If the Administrator takes action, it may be in his name or the name of the creditor as the Administrator may elect and as may be appropriate under applicable law. If action is taken by the Administrator he shall seasonably notify the creditor thereof.

(d) Nothing in this section shall impair any right of set-off or other right or remedy of the Administrator.

§ 36.4039 *Death or insolvency of creditor.* (a) Immediately upon the death of the creditor and without the necessity of request or other action by the debtor or the Administrator, all sums then standing as a credit balance in a "trust", or "deposit", or other account to cover taxes, insurance accruals, or other items in connection with the loan secured by the encumbered property, whether stated to be such or otherwise designated, and which have not been accredited on the note shall, nevertheless, be treated as a set-off and shall be deemed to have been credited thereon as of the date of the last debit to such account, so that the unpaid balance of the note as of that date will be reduced by the amount of such credit balance: *Provided, however*, That any unpaid taxes, insurance premiums, ground rents, or advances may be paid by the holder of the indebtedness, at his option, and the amount which otherwise would have been deemed to have been credited on the note reduced accordingly. This section shall be applicable whether the estate of the deceased creditor is solvent or insolvent.

(b) The provisions of paragraph (a) of this section shall also be applicable in the event of:

(1) Insolvency of creditor;

(2) Initiation of any bankruptcy or reorganization, or liquidation proceedings as to the creditor, whether voluntary or involuntary;

(3) Appointment of a general or ancillary receiver for the creditor's property; or, in any case

(4) Upon the written request of the debtor if all secured and due insurance premiums, taxes, and ground rents have been paid, and appropriate provisions made for future accruals.

(c) Upon the occurrence of any of the events enumerated in paragraphs (a) or (b) of this section interest on the note and on the credit balance of the "deposits" mentioned in paragraph (a) shall be set off against each other at the rate payable on the principal of the note, as of the date of last debit to the deposit account. Any excess credit of interest shall be treated as a set-off against the unpaid "advances," if any, and the unpaid balance of the note.

(d) The provisions of paragraphs (a), (b) and (c) of this section shall apply also to corporations. The dissolution thereof by expiration of charter, by forfeiture, or otherwise shall be treated as is the death of an individual as provided in paragraph (a).

§ 36.4040 *Filing claim under guaranty.* Claim under the guaranty may be made

on Form 1864, Claim under the Guaranty. Subject to the limitation that the total amount payable under the guaranty shall in no event exceed the original amount thereof, the amount payable under the guaranty shall be the percentage of the indebtedness originally guaranteed applied to the indebtedness (as defined in § 36.4000 (m)), computed as of the date of the claim, and reduced by any payments theretofore made by the United States pursuant to the guaranty.

§ 36.4041 *Options available to Administrator.* Upon receipt of claim under the guaranty, or notice of intention to foreclose, the Administrator shall have the following options:

(a) Pay to the creditor not later than one month after receipt of notice of any default, as a partial payment of any actual or potential claim under the guaranty, the amount of principal, interest, taxes, advances, or other items in default; and in consideration of such payment the lender shall be deemed to have agreed to refrain from giving effect to any acceleration provisions by reason of defaults prior to the date of notice of default theretofore given: *Provided, however,* That unless the creditor consents, the Administrator may exercise this option once only, and in an amount not exceeding an amount equivalent to the aggregate of principal and interest payable in one year, or not exceeding ten per centum of the original amount of the guaranty, whichever sum is less.

(b) Pay the creditor within one month after receipt of claim the full amount payable under the guaranty without requiring foreclosure, or personal action.

(c) Pay to the creditor promptly after receipt of claim any amount agreed upon, not exceeding the amount due under the guaranty; and notify him to institute appropriate foreclosure proceedings, with, or without, legal action to reduce the debt to judgment, against all or any of the parties liable thereon, and whose names are stated in such notice to the creditor.

(d) If the creditor does not begin appropriate action within two months after receipt of notice to institute action as provided in paragraph (c) above, the Administrator shall be entitled to begin and prosecute the same to completion in the name of the creditor, or of the Administrator on behalf of the United States, as may be appropriate under applicable laws and rules of procedure: *Provided, however,* That in such event the Administrator shall pay (in advance if required under the practice in the jurisdiction) all court costs, and other expenses, and provide the legal services required.

§ 36.4042 *Refinancing and extension of guaranty.* (a) (1) In addition to the options available under §§ 36.4038 or 36.4041, the Administrator, upon receiving (i) notice of intention to foreclose by judicial proceedings or otherwise or to repossess the property, real or personal, or otherwise to terminate the debtor's rights therein, or (ii) a claim for a guaranty, shall be entitled to obtain a refinancing of the indebtedness by delivering notice of intention so to do to the creditor prior to the date upon which otherwise it would be proper for the creditor to proceed. Upon receipt from the Administrator of such notice of intention to obtain a refinancing the creditor's right to proceed shall be suspended for sixty (60) days from the date stated by the Administrator in such notice as the date on which the Administrator received the creditor's notice or claim.

(2) If within the sixty day period prescribed in subparagraph (1) of this paragraph, an offer is received by the creditor to pay, or to purchase the indebtedness at par and interest to date of closing, it shall be the duty of the creditor to forthwith accept such offer, to execute and deliver appropriate instruments without recourse, and to refrain from further proceedings, or repossession, or termination of the debtor's rights.

(3) When (i) a claim for guaranty is filed, or (ii) when a refinancing occurs and an offer is made as contemplated by subparagraphs (1) and (2) of this paragraph, the creditor shall not be entitled to treat payments theretofore made by the debtor, or another, as liquidated damages, or rentals, or otherwise than as payments on the indebtedness, notwithstanding any provision in the note, or mortgage, or otherwise, to the contrary.

(4) Nothing herein shall be construed to require a creditor to lend money for such refinancing, nor to affect guarantees issued prior to the effective date of this amendment.

(b) If refinanced in any manner the Administrator may continue in effect the guaranty granted with respect to the previous loan in such manner as to cover the loan which effected the refinancing.

(c) The Administrator in appropriate cases shall be entitled to exercise any redemption rights of a debtor, or a creditor, in connection with the loan guaranteed, or property rights arising out of, or incident to, such loan.

§ 36.4043 *Subrogation.* (a) Any amounts paid to the creditor by the Administrator pursuant to the guaranty shall constitute a debt due to the United States by the veteran on whose application the guaranty was made; and by his estate upon his death. The Administrator is subrogated to the contract and the lien rights of the creditor to the extent of such payments, but junior to the creditor's rights as against the debtor or the encumbered property, until the creditor shall have received the full amount payable under his contract with the debtor. No partial or complete release by the creditor of the debtor or of the lien shall impair any rights of the Administrator, by virtue of the lien or otherwise.

(b) The creditor, upon request, shall execute, acknowledge and deliver an appropriate instrument tendered him for that purpose, evidencing any payment received from the Administrator and the Administrator's resulting right of subrogation.

(c) The Administrator shall cause the instrument required by paragraph (b) of this section to be filed for record in the office of the recorder of deeds, or other appropriate office of the proper county, town, or state, in accordance with the applicable State law. The filing or failure to file such instrument for record shall have the legal results prescribed by the applicable law of the state where the real or personal property is situated, with respect to filing or failure to so file mortgages and other lien instruments and assignments thereof.

The references herein to "filing for record" include "registration" or any similar transaction, by whatever name designated when title to the encumbered property has been "registered" pursuant to a Torrens or other similar title registration system provided by law.

§ 36.4044 *Future action against mortgagor.* In addition to the amount, if any, collected from the proceeds of the encumbered property by reason of the right of subrogation, the United States will collect from the veteran, or his estate, by set-off against any amounts otherwise payable to the veteran or his estate; or in any other lawful manner, any sums disbursed by the United States on account of the claim pursuant to the guaranty.

§ 36.4045 *Suit by Administrator.* (a) Whenever pursuant to §§ 36.4000–36.4051, the Administrator institutes, or causes to be instituted by the creditor, or otherwise, any suit in equity; action at law; or probate proceedings or the filing of a claim in such; or other legal or equitable proceedings of any character, or any sale, in court or pursuant to any power of sale, the person or persons properly instituting the same (including the Administrator), shall be entitled to recoup from any proceeds realized therefrom any expenses reasonably incurred, including trustee fees, court costs, and attorney fee paid (or the reasonable value of the services of the trustee and of the attorney, if performed by salaried person or persons, or by the party himself, when proper).

(b) The net proceeds, after setting off such items that may properly be recouped, shall be credited to the indebtedness, or otherwise as may be proper under the facts.

(c) In determining the propriety of recoupment and the amount thereof consideration shall be given to any provisions in the note or mortgage relating to such items, and any amounts actually realized pursuant thereto.

§ 36.4046 *Creditor's records and reports required.* (a) The creditor shall maintain a record of the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof. Any creditor who fails to maintain such record shall be presumed to have received on the dates due all sums which by the terms of the contract are payable prior to date of claim for default, and the burden of going forward with evidence and of ultimate proof of the contrary shall be on such creditor; not on the debtor, or the United States.

(b) On any delinquent loan the creditor shall report annually on the anniversary of the earliest unremedied default any amount received or disbursed, the unpaid balance of principal and accrued interest and any other items chargeable; and the nature of any defaults not already reported. He shall include such additional information, if reasonably necessary and obtainable, which may, from time to time be requested by the Administrator.

(c) A proposed lender may be required to submit evidence satisfactory to the Administrator of his equipment for maintenance of adequate records on, and his ability to service, loans if guaranteed pursuant to the provisions of the act and §§ 36.4000–36.4051.

§ 36.4047 *Failure to supply information.* Failure to supply any available information required by §§ 36.4000–36.4051 within two months after request therefor will entitle the Administrator to obtain such information otherwise, and the expense of so obtaining it, plus ten dollars to cover estimated overhead expenses, shall be chargeable to the creditor who failed to comply with such request.

§ 36.4048 *Notice to Administrator.* Any notice required by §§ 36.4000–36.4051 to be given the Administrator shall be sufficient if in writing, and delivered at, or mailed to, the Veterans' Administration office at which the application for guaranty was approved or to any changed address of which the creditor has been given notice or, at the option of the creditor, to the central office of the Veterans' Administration, Washington 25, D. C. If mailed the notice shall be by registered mail when so provided by §§ 36.4000–36.4051.

§ 36.4049 *Right to inspect books.* The Administrator has the right to inspect, at a reasonable time and place the papers and records pertaining to the loan and guaranty. If permission to inspect is declined the Administrator may enforce the right by subpoena under the provisions of Title III, Public No. 844, 74th Congress, 49 Stat. 2031–35, 38 U. S. C. 131, or in any other lawful manner.

§ 36.4050 *Forms, construction to be placed on reference to.* All references in the regulations to Form 1800, Certification of Eligibility, or to other form numbers shall be construed to include any revision of the same forms, identified by the same, or by different numbers.

§ 36.4051 *Disqualified lenders and bidders.* Except under unusual circumstances and upon prior approval by the Administrator an application for guaranty of a loan will not be approved if the lender is known to be an employee of the Veterans' Administration or of the Agency; and without such approval, an employee of either may not bid at a foreclosure sale of the security for a guaranteed loan.

GUARANTY OF LOANS ON FARMS AND FARM EQUIPMENT

AUTHORITY: §§ 36.4100 to 36.4151 issued under 58 Stat. 284; 38 U. S. C. 693.

§ 36.4100 *Definitions.* Wherever used in §§ 36.4100–36.4151, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

(a) "Administrator" means the Administrator of Veterans' Affairs or any employee of the Veterans' Administration designated by him to act in his stead.

(b) "United States" used geographically means the several States, Territories and possessions, and the District of Columbia.

(c) "State" means any of the several States, Territories and possessions, and the District of Columbia.

(d) "Designated agency" or "agency" as used in respect to processing applications for guaranty of loans, means any Federal instrumentality designated by the Administrator (including Veterans' Administration if so designated) to certify whether an application meets the requirements of the act and regulations, and recommend whether the application should be approved if the applicant is found eligible.

(e) "Federal agency" as used with respect to agencies making, guaranteeing, or insuring primary loans, means any Executive Department, or administrative agency or unit of the United States Government (including a corporation essentially a part of the Executive Branch) at any time authorized by law to make, guarantee or insure such loans.

(f) "Guaranty" means the obligation of the United States of America assumed by virtue of the guaranty by the Administrator as provided in Title III of the Servicemen's Readjustment Act of 1944 (58 Stat. 284; 38 U. S. C. 693), and subject to the limitations and conditions thereof and of §§ 36.4100–36.4151. The subject of the guaranty is that portion of an eligible loan procured by an eligible veteran which may be subject to being guaranteed as provided in said Title III, as determined by the Administrator upon application in accordance with these regulations.

(g) "Mortgage" means an applicable type of security instrument commonly used or legally available to secure loans or the unpaid portion of the purchase price of real or personal property in a State, District, Territory or possession of the United States of America in which the property is situated. It includes, for example, deeds of trust, security deeds, escrow instruments, real estate mortgages, conditional sales agreements, chattel mortgages.

(h) "Secondary" or "junior" loan means a loan which is secured by a lien or liens subordinate to any other lien or liens on the same property.

(i) "Guaranteed loan" means a loan unsecured, or secured by a primary lien, or where permissible under the act and these regulations, a secondary lien, which loan is guaranteed in whole or in part by the Administrator as evidenced by endorsement thereon; or by a Loan Guaranty Certificate issued by the Administrator, and which shall have become effective as prescribed by §§ 36.4100–36.4151; or by such other legal evidence as may be provided by the Administrator.

(j) "Farming operations" are those which involve actual production and marketing of crops, livestock, livestock products, or other agricultural commodities, and which constitute the applicant's major occupation. No acreage limit will be established but size will be a factor in determining practicability.

(k) "Reasonable normal value" is the price the property would ordinarily bring or the transaction would ordinarily cost in a contract between a willing and well informed buyer and a willing and well informed seller, both acting free from necessity and under circumstances not affected by economic or other conditions of an impermanent character.

(l) (1) "Real property" as used in section 502 of the act refers to an interest in realty defined in this section and subject to the conditions therein. It includes buildings and other improvements that are deemed to be real property under the law of the State where situated.

(i) An interest in realty may be a fee simple estate, or certain other estates indicated in subdivisions (i) to (vi), inclusive, of this subparagraph including an estate for years, eligible as security for guaranteed loans. But in any event the estate shall be one limited to end at a date more than 14 years after the ultimate maturity date of the loan, or when the fee simple title shall vest in the lessee; except that, if it is a leasehold that terminates earlier, it shall nevertheless be acceptable if lessee has the irrevocable right to renew for a term ending more than 14 years after the ultimate maturity date of the loan or until the fee simple title shall vest in lessee; provided the mortgagee obtains a mortgage lien of the required dignity upon such option right or anticipated reversion or remainder in fee.

(ii) A life estate or other estate of uncertain duration is excluded, unless the remainder interests are also encumbered by liens of the same dignity to secure the same debt.

(iii) A remainder interest in realty shall be eligible as security for a guaranteed loan only in the event that all the owners of intervening immediate or remainder interests lawfully can and do (*a*) join in the mortgage in such manner as to subject all such intervening estates to the lien; or (*b*) execute and deliver a lease or other proper conveyance to the owner of the ultimate remainder in fee simple in such manner as to assure his legal right to possession and enjoyment until the vesting of his ultimate remainder interest.

(iv) If other than a fee simple estate or estate for years with minimum duration as stated in subdivision (i) of this subparagraph is offered as security, full information may be submitted to the Administrator before taking application from the veteran. The Administrator shall determine the eligibility of any such estate.

(v) The existence of any of the following will not require denial of the guaranty, hence will not require special submission:

(*a*) Outstanding easements for public utilities, party walls, driveways, and similar purposes;

(*b*) Customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(c) Slight encroachments by adjoining improvements;

(d) Outstanding water, oil, gas or other mineral rights which do not and will not materially impair the value for farming purposes, and which are customarily waived by prudent lenders in the community: *Provided, however*, That if there is outstanding any legal rights to quarry, mine, or drill within 400 feet of the principal residence or barn on the encumbered farm, the application for guaranty may be denied for that reason, unless upon consideration of all the facts, the Administrator determines otherwise. Such determination at the option of the lender or borrower may be obtained upon a special submission of all the facts prior to taking application for guaranty.

(vi) A mortgage on an undivided interest in realty shall not be acceptable unless all co-tenants of the veteran join in the mortgage and unless such joinder has the legal effect of creating a lien on the property such as is otherwise required. In such cases it shall not be required that the co-tenants join in, endorse, or otherwise become personally liable on the veteran's indebtedness. Notwithstanding such joinder in the mortgage by the co-tenants the value of the security for purpose of guaranty shall be determined with respect to the individual interest of the veteran only, and the guaranty will be limited to the proper proportion of that sum, irrespective of the actual amount of the loan.

(2) "Personal property" means tangible or intangible property other than "real property" as defined in subparagraph (1) of this paragraph if such property is to be used in farming operations conducted by the veteran as prescribed in these regulations. It includes property which by reason of the contract of the seller and purchaser remains personalty notwithstanding that except for such contract it would become a "fixture", or otherwise a part of the realty.

(3) Livestock, equipment, machinery or implements for the purchase price of, or loan upon, which a guaranty under section 502 is applied for shall be those to be used directly in farm operations to be conducted by the veteran on farm land in which he holds any estate mentioned in paragraph (l) (1) (i)–(vi), inclusive, of this section, or any farm land to the use and occupancy of which he is entitled for a sufficient period to make a suitable crop. The latter right shall be evidenced by a lease, or by an appropriate letter from the landlord, evidencing the veteran's right to use of the land.

(m) "Indebtedness" means the unpaid principal and accrued interest on the note, bond or other obligations, the subject of the guaranty, and includes also taxes, insurance premiums and any other items for which the debtor is liable under the terms of the mortgage or other contract, including proper contractual or statutory trustee fees and attorney fees, if any.

(n) "Note" means a promissory note, a bond, or other instrument evidencing the debt and the debtor's promise to pay same.

(o) "Appraiser" means an individual or firm or corporation of recognized standing, approved in writing by the Administrator to appraise property. An applicant for designation as an approved appraiser shall show to the satisfaction of the Administrator that he is of good character and that his experience and information enable him to form sound opinions as to the reasonableness of the purchase price or cost of property to be appraised in the territory in which he expects to operate. He shall also be experienced in determining the earning capacity of farms.

A list of appraisers, considered by the Administrator to be in good standing at the time §§ 36.4100–36.4151 become effective, may be approved.

(p) "Certificate of title" means with respect to real property a written and signed opinion or statement as to title by a qualified member of the bar of, or by a title company authorized to do such business in, the jurisdiction in which the mortgaged property is situated; or at the option of borrower and lender a title insurance or guaranty contract by a corporation authorized to engage in such business in the State wherein the property is situated; or appropriate evidence of title in the proposed encumbrancer pursuant to a Torrens or other similar title registration statute.

(q) "Credit report" means the report submitted by any credit reporting agency of at least five years' experience with facilities for national coverage, approved by the Administrator, or any other form of report acceptable to the Administrator for the purpose of determining the applicant's credit standing. (See §§ 36.4124 and 36.4125 before ordering credit report.)

(r) "Eligible veteran" means a veteran who:

(1) Served in the active military or naval service of the United States on or after September 16, 1940, and before the officially declared termination of World War II;

(2) Shall have been discharged or released from active service under conditions other than dishonorable either (i) after active service of ninety days or more, or (ii) because of injury or disability incurred in service in line of duty, irrespective of length of service; and

(3) Applies for the benefits of this Title within two years after separation from the military or naval forces, or within two years after the officially declared termination of World War II, whichever is later. In no event, however, may an application be filed later than five years after such termination of such war.

(s) "Eligible lenders" are persons, firms, association, corporation and governmental agencies and corporations, either State or Federal. (Section 500 (c).)

(t) "Creditor" means the payee, or any subsequent holder of the indebtedness, and includes a mortgagee.

(u) "Debtor" means the maker of the note, or obligor in any other obligation, or any other person who is, or becomes, liable thereon, by reason of a contract of assumption or otherwise.

(v) "Conducted by a veteran" means personally directed and operated by a veteran on the site, with or without hired labor; not solely operated by a tenant or an employee who does not receive supervision and direction by the veteran.

(w) "Interest" means the compensation fixed by law, or by the parties to a contract, for the use or detention of, or forbearance with respect to money, irrespective of the name applied to such compensation.

§ 36.4101 *Miscellaneous.* Throughout §§ 36.4100–36.4151 unless the context otherwise requires; (a) the singular includes the plural; (b) the masculine includes the feminine and neuter; (c) person includes corporations, partnerships and associations; (d) month means calendar month, i. e., the period beginning on a certain date in one month and ending at midnight the preceding date of the next month; (e) "the act" or "the statute" means the Serviceмen's Readjustment Act of 1944, ch. 268, 78th Congress, 2d Session (Public No. 346), 58 Stat. 284; 38 U. S. C. 693; (f) Title III means Title III of the act.

Loans Eligible for Guaranty

§ 36.4102 *Eligible loans.* (a) The real or personal property encumbered to secure a loan guarantee pursuant to Title III of the act shall be situated within the United States as defined in § 36.4100 (b).

(b) (1) The veteran must possess such actual knowledge of farming and be of such character and industry as to indicate that because of his ability and experience relevant to farming he likely will be able to succeed in the conduct of farming operations. Agricultural courses in schools of recognized standing and other training will be given due weight in evaluating experience.

(2) It must appear that the veteran's financial situation will be such that he likely will be able to carry on the farming enterprise successfully. The amount of "readjustment allowance", if any, payable pursuant to Title V of the act (38 U. S. C. 696, 696d) shall be considered in this connection.

(c) A farming operation must be of sufficient size and productivity to enable an operator of average ability, operating under normal circumstances as to yields and prices, to derive sufficient subsistence and income from it to meet necessary living and operating expenses and debt obligations. The area of the farm unit and its composition (i. e., crop acres, pasture, woodland, etc.) must be carefully related to and reconciled with the type of operations which would be undertaken by a typical operator. Improvement and farm facilities must be appropriate, or feasibly adjustable, to operations to be undertaken.

§ 36.4103 *Agricultural loans.* Section 502 of the act provides for granting to an eligible veteran "the guaranty of a loan to be used in purchasing any land, building, livestock, equipment, machinery, or implements, or in repairing, altering, or improving any buildings or equipment, to be used in farming operations conducted by the applicant" if the Administrator of Veterans' Affairs finds that:

(a) The proceeds of such loan will be used in payment for real or personal property purchased or to be purchased by the veteran, or for repairing, altering or improving any buildings or equipment, to be used in bona fide farming operations conducted by him;

(b) Such property will be useful in and reasonably necessary for efficiently conducting such operation;

(c) The ability and experience of the veteran, and the nature of the proposed farming operations to be conducted by him are such that there is a reasonable likelihood that such operations will be successful; and

(d) The purchase price paid or to be paid by the veteran for such property does not exceed the reasonable normal value thereof as determined by proper appraisal.

§ 36.4104 *Repairs, improvements, taxes, delinquent indebtedness, etc.* (a) "Alterations" in respect to a farm, means any structural changes in or additions to an existing building, or equipment, on or to be used on the farm, including heating and other equipment that become fixtures; or operations of a protective nature, which increase the usefulness of such buildings or equipment.

(b) "Improvements" means construction of new buildings (other than the main residence), new or improved fencing, installation or extension of water supply, or of electricity for domestic or other purposes on the farm, sewers and other waste disposal systems on the farm, silos, barns, and other structures thereon.

(c) "Repairs" means the work and material necessary to restore the building or fixture therein, or the equipment, to a condition that is useful and appropriate to the circumstances, the need therefor having arisen because of wear and tear, accident or other cause.

(d) "Taxes" means general or special taxes assessed against the real property.

(e) "Special assessments" means any charges for improvement purposes assessed against the real property.

(f) "Delinquent indebtedness" means past due amounts of principal or interest (and without giving effect to any acceleration provisions) on an obligation secured in whole or in part by lien or liens on property of an eligible veteran and occupied as his home. (See § 36.4105 (a).) Each application to guarantee a loan purposed to pay delinquent indebtedness in excess of $500 shall be supported by an appraisal of the reasonable normal value of the residential porperty which secures the delinquent loan. The reasonable normal value of any property on account of which a loan for delinquent indebtedness is to be guaranteed may not be exceeded by the aggregate amount outstanding on the obligations which it secures, and in the case of property acquired within six months of the date of the filing of the application, by the cost of such property to the applicant.

(g) "Purchased or to be purchased" as used in section 502 (1) of the act refers to real or personal property to be used for the purpose stated in section 502 of the act, whether the property is purchased contemporaneously with such application, or is to be purchased subsequent thereto. But as to any loan for a future purchase the guaranty will become effective only from the time the purchase is consummated.

§ 36.4105 *Loan for delinquent indebtedness and taxes on farm home.* (a) Under appropriate circumstances a guaranty pursuant to section 501 (b) of the act may be obtained if the loan is "for the purpose of * * * paying delinquent indebtedness, taxes, or special assessments on residential property owned by the veteran and used by him as his home * * *". Section 501 (b) is applicable to a farm if it is the veteran's home. (See § 36.4104 (d), (e), (f).)

(b) Guaranty of a loan for alterations, improvements, or repairs (as each is defined and limited in § 36.4104) for the farm may be granted if otherwise proper, notwithstanding that such loan is not secured by a first lien.

(c) Satisfactory evidence will be required to establish that:

(1) The proceeds of the loan will be used for an appropriate purpose as prescribed in paragraphs (a) and (b) of this section.

(2) The amount of the loan will bear a proper relation to the value and earning power of the property, and the alterations, improvements or repairs of the real or personal property will enhance its value to a reasonable degree.

§ 36.4106 *Prior liens*—(a) *Real property.* The existence of a lien or liens on the real property in respect to which a guaranty of a loan is sought pursuant to section 501 (b) will not necessarily require a denial of the application for guaranty; but full consideration will be given to the amount, rate of interest, and maturity dates of the primary loan in determining whether a suitable relation will exist between the veteran's obligation and probable available income.

(b) *Personal property.* Unless section 501 (b) of the act is applicable, or unless the circumstances are extraordinary; a loan which is to be secured by a lien on personalty shall be secured by a first lien thereon. (See §§ 36.4104 and 36.4105.)

§ 36.4107 *First liens required.* Except as provided in section 505 of the act, loans for the purpose of purchasing a farm with or without a residence thereon, and loans for constructing a residence thereon, and in respect to which any guaranty is sought, shall be secured by a first lien on the property, but the existence of tax or special assessment prior liens will not necessarily disqualify security which is adequate and otherwise acceptable.

§ 36.4108 *Mortgages required.* (a) (1) Each loan guaranteed in whole or in part by the Administrator shall be secured by a "mortgage" except that when the principal amount of a loan to be guaranteed does not exceed $500 and the lender does not require a mortgage, the Administrator may nevertheless guarantee such loan provided it complies otherwise with the act and §§ 36.4100–36.4151. (As to procedure see § 36.4124 (c) and (f).)

(2) If indebtedness of the veteran is not adequately secured by a lien on the entire interest in specific chattels or other personal property, but is secured by undivided interests therein, the requirements of § 36.4100 (l) (1) (vi) relating to undivided interests in realty shall be applicable to the interests in said chattels or other personal property.

(3) The "mortgage" shall include all intangible property rights which are incident to the encumbered property, real or personal.

(4) If the encumbered real or personal property is owned by a partnership all partners shall join in the encumbrance or their authorization to the person or persons executing the encumbrance shall be in writing in due form and properly acknowledged. The Veterans' Administration will not require that a partner other than the veteran become personally liable on the obligation.

(5) Increase derived from live-stock which is held as collateral is not required to be included in the lien, and when so included may be disposed of by agreement between creditor and debtor without advising the Administrator of such disposition.

(b) The law of the "State" where the contract is made determines the capacity of the parties to contract. Similarly the law of the "State" wherein the real-estate or personal property is situated determines the capacity of "mortgagor" to encumber and of the "mortgagee" to hold the legal rights resulting from encumbrance. The act does not modify such law of the "State". The guaranty by the Administrator will be available only in the event that under the applicable "State" law the contract between the borrower and lender is binding on both, and the "mortgage" has the legal effect intended. Paragraph (b) of this section will be applicable particularly in cases involving minors, "persons of unsound mind", and persons under other legal disability by reason of the law of the "State". It will be applicable also in cases involving "mortgage" or other loans which any guardian, conservator, or other fiduciary seeks to make, or obtain; and to a guaranty thereof for which application is submitted.

(c) *Type of loan and mortgage.* (1) Except as otherwise provided in paragraph (a) of this section each loan guaranteed under the provisions of Title III must be evidenced by a "note" or "notes" secured by appropriate security instrument or instruments ("mortgage legally sufficient in the jurisdiction in which the property to be encumbered is situated"), including a pledge or hypothecation when appropriate.

(2) A term loan, which is in accord with applicable State or Federal law, and regulations, if any, may be eligible for guaranty if the amount of the loan to be guaranteed plus the unpaid amount of all obligations secured by liens superior to the lien securing the proposed loan does not exceed two-thirds of the "reasonable normal value" of the property encumbered to secure the loan and if the ultimate maturity date of the "mortgage" indebtedness so secured, and to be guaranteed, is not more than five years from the date of the "note". Such superior liens shall not be "mortgage" liens except when the guaranty is issued pursuant to §§ 36.4105 and 36.4106.

(3) Except as provided in subparagraph (2) of this paragraph the loan shall be amortized. If the obligation to be amortized is secured by realty it may, and except for a period not in excess of the first three years shall, require periodical payments not less frequently than annually. The amounts so payable shall be substantially equal as to principal, or if the parties so agree, as to principal and interest. In any event they shall be such as will result in payment of the entire principal and interest within not more than 20 years from the date of the loan, or the date of assumption by the veteran, whichever is later. At the request of the mortgagor the payments for the first year shall be less than the amounts required in other years by the sum representing the interest charge on the guaranteed part of the loan, and which interest charge the Administrator will pay at the end of the first year. The mortgagor and mortgagee may agree that no payment on principal will be required during a period not extending beyond the first three years. The ultimate maturity, and the dates and amounts of periodical payments, shall be fixed so as to maintain until the ultimate maturity substantially the same ratio between the indebtedness and the value of the real and personal property encumbered to secure same, taking into consideration the fact that the useful life of portions of the real or personal property will have ended prior thereto.

§ 36.4109 *Transfer of title.* The conveyance of, or other transfer of title to the property after the creation of a lien thereon to secure the veteran's debt, which is guaranteed in whole or in part by the Administrator, shall not terminate or otherwise affect the contract of guaranty, unless (a) the "creditor" by express agreement for that purpose releases or otherwise discharges the veteran from personal liability thereon; or (b) by indulgence of, or by agreement with, the veteran's immediate or remote grantee or vendee contrary to §§ 36.4100–36.4151 and without the consent of the Administrator the creditor so alters the contract made by the veteran with the lender as to cause discharge of the veteran by operation of law.

§ 36.4110 *Obligation of guarantor.* To the extent prescribed the obligation of the United States is that of a guarantor, not an indemnitor.

§ 36.4111 *Contract provisions.* Subject to the provisions of the act and §§ 36.4100–36.4151, the contract between the lender and borrower may contain such provisions as they agree upon and which are reasonable and customary in the locality where the property is situated.

§ 36.4112 *Repayment provisions.* (a) If the loan be an amortized loan the lender and borrower may contract for periodical payments at monthly or other intervals, but not less frequently than annually, subject to the provisions of § 36.4108 (c) (3).

(b) If the mortgagor consents the mortgage may provide that such monthly or other periodical payment shall include in addition to the proper amount to be credited to the principal and interest a proportionate part of the estimated amounts required annually for all taxes, rents, special assessments, if any, and fire and other hazard insurance premiums. Such provisions may direct the method of crediting the additional amounts included in the periodical payments for the purposes stated in this paragraph.

(c) The method may be by crediting the note with the amounts so received and debiting same with disbursements by the creditor for such purposes; or by crediting and debiting a separate "trust account", or otherwise as the debtor and creditor agree. Unless otherwise provided by the parties, all periodical payments made by the debtor on the obligation shall be applied to the following items in the order set forth:

(1) Taxes, special assessments, fire and other hazard insurance premiums and rents (allocated among such items as the creditor elects);

(2) Interest on the mortgage debt; and

(3) Principal of the mortgage debt.

§ 36.4113 *Prepayments.* (a) When the debt is to be amortized the note or other evidence thereof, or the mortgage securing same, shall contain appropriate provisions granting any person liable for such debt, the right to pay at any time the entire unpaid balance or any part thereof. Unless otherwise agreed all such prepayments shall be credited to the unpaid principal balance of the loan as of the due date of the next instalment. No premium shall be charged for any partial or entire prepayment.

(b) Any person liable shall be entitled to prepay a term loan, or any part thereof, upon not less than one month's notice. The note or mortgage shall so provide.

(c) Any prepayment shall be applied in the manner and to the items directed by the person making the prepayment.

§ 36.4114 *Pro rata decrease of guaranty.* The amount of the guaranty shall decrease pro rata with any decrease in the amount of the unpaid principal of the loan, prior to the date the claim is submitted.

§ 36.4115 *Insurance coverage required.* (a) Buildings, the value of which enter into appraisal forming the basis for the loan guaranteed, shall be insured against fire, and other hazards against which it is customary in the community to insure, and in reasonable amount at least equal to the amount by which the loan exceeds the value of the encumbered land plus that of the improvements included in the appraisal but which are not subject to the hazards insured against: *Provided*, That upon a satisfactory showing at the time of the application for guaranty that (1) it is impossible or impracticable to obtain such insurance because of location, prohibitive cost, or other good reason; (2) prudent lenders in such community customarily do not require such insurance, or some portion thereof (amount or hazard), and (3) the lender submitting the application is willing to make the loan without insurance coverage on one or more of the buildings, or without certain coverage, or in a reduced amount, and subject to the provisions of paragraphs (b) and (c) of this section; the Administrator may at the time of approving the application waive all or part of such insurance requirements, subject to the provisions of said paragraphs (b) and (c) of this section. No waiver will be granted on the basis of premium cost in any case wherein the premium cost on an annual basis does not exceed $5.00 per $1000 of insurance against the hazard of fire, or $10.00 per $1000 for fire and all other hazards covered by the insurance. For loans on personalty insurance collectible in amount equal to the debt and against the hazards usually insured against, if reasonably available at reasonable cost, shall be required. The insurance coverage on personalty will be a factor in determining the practicability of the loan. The procuring of insurance of the amount and coverage stated in the approved application shall constitute conclusive evidence of waiver by the Administrator of insurance in excess of the amount stated in or in connection with the application and also all hazards and property not mentioned therein as hazards and property to be covered.

The creditor shall require that there be maintained in force such insurance of the coverage stated in the approved application in an amount not less than the amounted stated or the amount of the unpaid indebtedness whichever is the lesser.

In the event insurance becomes unavailable the fact shall be reported to the Administrator for determination whether waiver shall be granted or loan declared in default.

(b) For the sole purpose of determining the amount payable upon a claim under the guaranty after an uninsured loss (partial or total) has been sustained, the unpaid balance of the loan (except as provided in paragraph (c) of this section) will be deemed to have been reduced by an amount equal to the amount of the uninsured loss, but in no event below an amount equal to the value of the land and other property remaining and subject to the mortgage.

(c) There shall be no reduction of the amount of the guaranty as provided in paragraph (b) of this section by reason of an uninsured loss which is uninsured (as to hazard or amount) by reason of a waiver by the Administrator as provided in paragraph (a) of this section.

(d) All insurance effected on the mortgaged property shall contain appropriate provisions for payment to the "creditor," (or trustee, or other appropriate person for the benefit of the "creditor"), of any loss payable thereunder. If by reason of the "creditor's" failure to require such loss payable provision in the insurance policy, payment is not made to the "mortgagee" the liability on the guaranty nevertheless shall be reduced as provided in paragraph (b) of this section with respect to an uninsured loss, except to the extent that the liability under the policy was discharged by restoring the damaged property, by the insured, or out of payments thereunder to the insured, or otherwise. No waiver pursuant to

paragraph (a) of this section shall modify this paragraph.

(e) Upon the "creditor" (or trustee or other person) collecting the proceeds of any insurance contract, or other sum from any source by reason of loss of or damage to the "mortgaged" property, he shall be obligated to account for same, by applying it on the indebtedness, or by restoring the property to the extent the expenditure of such proceeds will permit. As to any portion of such proceeds the "mortgagee" is not entitled to retain for credit on such indebtedness or by reason of other legal right, he shall hold and be obligated to pay over the same as trustee for the United States and for the debtor, as their respective interests may appear.

(f) Nothing in these regulations shall operate to prevent the veteran from procuring acceptable insurance through any authorized insurance agent or broker he selects. In all cases the insurance carrier shall be one licensed to do such business in the State wherein the property is situated.

§ 36.4116 *Loan charges.* (a) In the case of a purchase of real or personal property by the veteran and a guaranty pursuant to the act and §§ 36.4100–36.4151 of an indebtedness representing part of the purchase price, there may be charged to the veteran and included in said note amounts actually paid or incurred by the seller ("mortgagee") for such expenses and charges as are chargeable to such purchaser in accord with local custom, if the purchaser so agrees, such as fees for appraisals, credit and character report on the veteran, surveys, fees of purchaser's (not seller's) attorney, recording fees for recording the deed and the "mortgage" only, premiums on fire and other hazard insurance that may be required in accordance with §§ 36.4100–36.4151.

(b) In the case of a loan to the veteran, charges in accord with local custom, such as fees for appraisals, credit and character report, surveys, abstract, or title search, curative work and instruments, attorney fees, fees for tax certificates showing all taxes paid, premiums on fire and other hazard insurance that may be required in accordance with §§ 36.4100–36.4151, revenue stamps, recording fees, etc., all limited to amounts actually paid or incurred by the lender, may be charged to the borrower and withheld from the gross amount of the loan.

(c) Any unreasonable charges shall be ground for denying an application for guaranty. No brokerage or other charges shall be made against the veteran for obtaining any loan guaranty under this title.

§ 36.4117 *Interest.* (a) The rate of interest chargeable on a loan guaranteed fully or in part, shall not exceed 4 per centum per annum on unpaid principal balances. Interest may be computed in accordance with standard amortization practices.

(b) The rate of interest on a secondary loan which is guaranteed pursuant to section 505 of the act may exceed by not more than 1% per annum the rate charged on the principal loan, but in no event shall the rate on the secondary loan exceed 4% per annum.

§ 36.4118 *Advances.* (a) Nothing herein shall prevent the creditor from making advances for the benefit of the mortgagor to pay taxes, assessments and insurance premiums as they become due, and the cost of emergency repairs needed to protect the property. The amount guaranteed by the Administrator shall be increased pro rata with all such increases in the unpaid principal balance of the loan: *Provided*, (1) That the annual interest rate on all advances shall not exceed 4 per centum per annum; (2) that the terms of repayment shall not extend the date of the amortization of the loan and (3) that the amount of the guaranty shall in no event exceed the original amount thereof, nor exceed the percentage of the indebtedness originally guaranteed.

(b) In the case of any advance made by a creditor to a debtor, the creditor with the consent of the debtor may apply any and all payments made by the debtor for a period of twelve months to the liquidation of the advance without considering the original loan in default. This shall not be construed to extend the period of indulgence contemplated by §§ 36.4134 and 36.4135.

§ 36.4119 *Construction loans.* Under certain circumstances loans relating to new construction may be guaranteed pursuant to the act. (See § 36.4132.)

Guaranty by the Administrator

§ 36.4120 *Limits.* In no event will the aggregate obligations of the United States as guarantor under Title III exceed $2,000 in respect to one veteran, whether there be one or several loans, and whether some are obtained for the acquisition of a home, others for a farm, and others for business, or equipment, or other purposes. Repayment of a loan or loans in whole or in part, or transfer of the encumbered property does not modify or enlarge such limitation. The guaranty shall not at any time exceed 50 per centum of the aggregate of the indebtedness for any of the purposes specified in sections 501, 502 and 503 of the act.

§ 36.4121 *Second loan under section 505 (a).* Section 505 (a) of the act provides that when the principal loan for any of the purposes stated in sections 501, 502 or 503 is "approved by a Federal agency to be made or guaranteed or insured by it pursuant to applicable law and regulations, and the veteran is in need of a second loan to cover the remainder of the purchase price or cost, or a part thereof", the Administrator may guarantee the full amount of the second loan, *Provided:*

(a) It does not exceed 20 per centum of the purchase price or cost.

(b) The amount guaranteed together with all other guarantees under Title III for the same veteran does not exceed $2,000.

(c) The loan conforms to all other applicable requirements of §§ 36.4100–36.4151.

§ 36.4122 *Two or more eligible veterans or borrowers.* (a) In the absence of a statement to the contrary, an application signed by two or more eligible veterans shall be conclusively presumed to be an application by each for the guaranty of an equal proportionate part of the entire amount to be guaranteed: *Provided, however*, That if husband and wife execute the application, both being eligible veterans, it will be conclusively presumed in the absence of a contrary statement in the application that it is an application for guaranty on behalf of the husband only, unless the amount of the guaranty then available to the husband is insufficient to meet the requirement of the case for guaranty of a proper amount under §§ 36.4100–36.4151 and the terms of the application; in which event the deficiency may be charged against the amount available to the wife, unless she has in the application or otherwise (before approval) stated in writing her unwillingness to be so charged.

(b) The Administrator will not require a wife to sign an application made by her husband. If she also is an eligible veteran and desires to exercise her right as such to obtain a guaranty, a separate application by her will be required. Signature of her husband to indicate his pro forma joinder will be required only when the wife is resident of, or the application is signed in, or the property to be encumbered is situated in, a State under the laws of which such contract cannot be legally executed by a married woman alone as in the case of an unmarried woman.

§ 36.4123 *Maximum liability where there are two or more veterans.* (a) For the purpose of determining the maximum amount of the potential liability of the United States under a guaranty incident to an obligation on which two or more eligible veterans who applied for the guaranty are liable, the obligation will be deemed a several, and not a joint, obligation of the respective applicants who were charged with the guaranty or a part thereof notwithstanding that as among the debtors or any of them, and as between them, or any of them, and the creditor, the obligation is in fact and law a joint obligation or a joint and several obligation.

(b) In no event will the amount of any veteran's debt thereunder be deemed to exceed for guaranty purposes the amount for which each veteran is legally liable to the holder of the obligation, nor the value of the interest of the veteran in the property. If more than one of the obligors is an eligible veteran and application by him or them is granted, the maximum aggregate amount of the guarantees will be the sum of the amounts available to each applying veteran but in no event will the aggregate of the guarantees for more than one veteran exceed 50 per centum of the total loan except as provided under section 505 of the act.

(c) For the purpose of § 36.4123 the wife of a principal obligor shall not be counted unless (1) she is legally liable on the obligation under the law of the jurisdiction where she executed it, and (2) if she is a veteran she be properly chargeable with a part or all of the guaranty as provided in § 36.4122.

§ 36.4124 *Veteran's application.* (a) To apply for a guaranteed loan the veteran and the prospective lender shall complete and sign in duplicate Form 1822, Application for Farm Loan Guaranty. Before or after preparing the application, and before submitting it, the lender and the veteran will address a joint inquiry to the nearest office of the Veterans' Administration on Form 1800. Certification of Eligibility, or otherwise. In addition to the necessary identifying information, they will state whether the property to be encumbered is real or personal, or both, the State and county in which it is situated, and the nearest highway. The Administrator will reply on said Form 1800 or otherwise, stating the name and address of an approved appraiser of realty, and in the case of personal property, the person or persons to function as such.

(b) If instructed by the Administrator so to do, on Form 1800, Certification of Eligibility, or otherwise, the creditor will secure a credit report. If not so instructed such report will not be required by the Veterans' Administration. (See paragraph (d) of this section.)

(c) If the proposed loan is for repairs, alterations or improvements to realty the appraisal report shall reflect an examination of the building contract, and the plans and specifications, if any, and shall include appropriate data sufficient to afford a basis for estimating the increased value of the farm to result from such repairs, alterations or improvements: *Provided, however,* That if the cost of such repairs, alterations and improvements does not exceed $500 the appraisal requirements of §§ 36.4100–36.4151 will be met by an appraisal report by the agency, and no plans or detailed specifications will be required as a condition to a guaranty otherwise proper. Such appraisal report may be abbreviated and consist of bill of material, estimate of labor cost, general description of the work to be done, and opinion of the agency as to reasonable normal value, and the enhancement of the value of the propetry.

(d) The veteran, the lender, and the appraiser shall be entitled, before or during the preparation of the application and other papers preliminary to a loan or purchase, to consult with the agency.

(e) In every case the appraiser's report shall indicate the basis, by survey or otherwise, of identifying the real property appraised as that to be encumbered to secure the proposed loan.

(f) If (1) the loan does not exceed $500, (2) the lender does not require a mortgage, and (3) the loan otherwise complied with §§ 36.4100–36.4151, the provisions of paragraphs (b), (c) and (e) of this section; paragraphs (d), (e) and (h) of § 36.4125; paragraphs (a), (c) and (d) of § 36.4130; subparagraphs (2) and (3) of paragraph (a) of § 36.4131; and paragraphs (c) and (e) of § 36.4132 shall be inapplicable to such loan and any guaranty thereof: *Provided, however,* That in every such case there shall be submitted with the application a report by the agency as to the reasonable normal value of the work, or property, real or personal, to be purchased, repaired, altered, or improved.

(g) If the guaranty is applied for in connection with the acquisition of, or a loan upon livestock, equipment machinery, or implements, the agency shall upon inspection or evidence and review of the application report its opinion as to the reasonable normal value of such property, and its recommendation as to the guaranty. Such report shall constitute an appraisal.

§ 36.4125 *Papers required.* The prospective lender shall submit to the agency the following papers:

(a) Certification of eligibility (see § 36.4124 (a)).

(b) Loan Guaranty Certificate (Form 1821 attached to application).

(c) Original application for guaranty signed by prospective lender and borrower (see § 36.4124 (a)).

(d) The credit report, if required. (See § 36.4124 (b) and (d).)

(e) The original appraisal report, Form 1833. (See § 36.4124 (c), (f) and (g).)

(f) Copy of purchase option, if any; and copy of conditional sales agreement if loan is to be predicated on such an instrument.

(g) Proposed loan closing statement of the estimated amounts to be disbursed by the lender for the account of the borrower (see Form 1806).

(h) Unless stated in the mortgage, or otherwise in the papers submitted, a statement of the kinds and amounts of insurance to be required to protect the mortgagor, the lender and the Administrator against loss by fire and other hazards, and the estimated premium cost thereof. (See § 36.4115.)

(i) When applicable, the original and copy (both signed) of Form 1862, Application to Amend Loan Guaranty Certificate. (See § 36.4131 (c) and (d).)

§ 36.4126 *Recommendation for approval of guaranty.* The Agency shall review the papers to determine whether it will recommend approval of the application for guaranty. Thereupon the Agency shall forward all the papers to the appropriate office of the Administrator with recommendation that (a) the Administrator approve the application, or (b) he disapprove it. If disapproval is recommended the reasons therefor shall be stated in writing at the time the papers are forwarded. A recommendation that the application be approved, shall be appropriately endorsed on the original of the application. If more than one person functions as or for the Agency in making such recommendation each such person shall sign the recommendation made, indicating concurrence or dissent. In case any such person fails to participate in the decision or is absent, the appropriate fact and name of such person shall be noted on the recommendation.

§ 36.4127 *Administrator's action on application.* (a) Upon receipt of the papers from the Agency, the Administrator will determine whether to approve the application. If disapproved he shall return to the proposed lender all papers received from the lender except the original application for guaranty and the original appraisal report and shall state that the application for guaranty has been denied and the reasons therefor. He shall send a copy of the letter to the veteran and the Agency. Upon denial any expenses incurred by the lender or the borrower shall be borne by them or either of them as they shall have agreed.

(b) (1) The veteran and the proposed lender, or either, may appeal to the Administrator for review of a denial of the application.

(2) Such appeal may be by letter, or on any prescribed form, and shall be mailed or delivered to central office of the Veterans' Administration within one month after receipt of notice of denial.

(c) (1) If for any reason the loan transaction is not concluded and the same or another lender thereafter wishes to consider making a loan on the same security described in the original application, a supplemental application, if the same lender, or a new application if a different lender, may be submitted. If accompanying it is a statement by the borrower and lender that the condition of the security is substantially the same as when the appraisal report was made, the supplemental or new application may be approved without a new appraisal, if the supplemental or new application shall have been received by the Administrator within three months from the date of the appraisal report.

(2) Without reference to the time limit stated in subparagraph (1) hereof, a copy of the appraisal report will be supplied without cost to a prospective new lender or to the original proposed lender at the currently prescribed price for a copy.

§ 36.4128 *Execution and form of guaranty.* (a) If the Administrator approves the application he shall notify the Agency and the veteran thereof. For the purpose of evidencing the contract of guaranty, he shall execute a Loan Guaranty Certificate, to become effective upon the conditions therein stated. It shall be in substantially the form following:

Finance Form 1821
Nov. 1944

UNITED STATES OF AMERICA

LOAN GUARANTY CERTIFICATE ISSUED BY VETERANS' ADMINISTRATION

State _____
(Where property is located)

Number L. F. _____
(To be filled in by V. A.)

_____
(Lender) (Exactly as Payee's name will appear on note)

_____
(Borrower-Veteran) (Exactly as to be signed on note and mortgage)

_____
(House or Box Number—R. F. D. or Street—Post Office—County)

_____
(State)

_____
(House or Box Number—Street—Post office—County)

_____
(State)

I

A. This certificate shall become effective when the requirements of the statute and regulations have been complied with and the acts certified in Part III hereof have been accomplished in compliance with said requirements.

B. When it becomes effective as hereinabove prescribed, this certificate shall obligate the United States of America to pay to the legal holder of the "note" described on the reverse hereof upon his duly filing claim therefor:

1. All or such portion of the maximum amount hereby guaranteed as becomes payable upon the conditions, at the times stated in, and in accordance with the provisions of the Servicemen's Readjustment Act of 1944 (38 U. S. Code 693; 58 Stat. 284), and the regulations issued pursuant thereto which are in effect on the date of this certificate. In no event will the obligation under this certificate exceed $2,000. Subject to the foregoing, this guaranty is for _____ per centum of the principal amount of said "note", but not for more than $_____. In no event will it exceed said percentage of the principal amount.

2. At the expiration of 1 year from the date of the "note", an amount equal to the interest for 1 year at the contract rate on that portion of the indebtedness ("note") originally guaranteed hereby, such payment to be credited on the indebtedness as prescribed by said regulations.

C. Executed on behalf of the United States of America by the Administrator of Veterans' Affairs through the undersigned authorized agent on this date, to become effective in the manner hereinabove prescribed.

Dated _____

ADMINISTRATOR OF VETERANS' AFFAIRS

By _____
(Authorized Agent)

At _____
(Post Office)

NOTE: If loan is not closed the proposed lender, or when paid the holder of the note will mark the certificate "Cancelled", sign thereunder and return the Veterans' Administration.

II

Description of property to be "Mortgaged" (Lot and block, section and township, land lot and Land District, etc., and surveyor's field notes where appropriate and any other language proper to complete description. Include description of personal property, (if any). Describe fully: show serial numbers, if available, or any other means of identification.

Premises identified as _____
(Name of farm, if any, and R. F. D. also number or name of nearest highway)

_____
(City, Town, Village)

_____
(County, Parish)

_____
(State, District, Territory)

and further described as: _____

_____

_____
(If more space is needed, detach and continue description on reverse)

III

CERTIFICATION BY BORROWER AND LENDER

A. We hereby warrant that (1) the undersigned borrower named on the reverse hereof executed the note, the face amount of which is $____ consisting of $_____ principal and $____ interest as defined in the Regulations; (2) it is dated_____ day of _____ 19____; (3) borrower(s) and mortgagor(s) delivered it together with the "mortgage" (as defined in the regulations) bearing the same date, and executed to secure payment of said note; (4) said note and mortgage are in the form and type contemplated in the application of the undersigned pursuant to which this loan guaranty certificate was issued; and (5) the principal stated above has been paid to, or according to the directions of, the undersigned borrower(s).

B. The undersigned lender warrants that (1) the same "mortgage," duly executed and witnessed, acknowledged, or proved as required by law, was properly filed, or filed for record, if and as provided by law on the _____ day of _____, 19____, at _____ M; and was given file No._____ by the Recorder or other proper official; (2) that it covers the property described on the reverse hereof, which is the same property described, or otherwise identified, or referred to, in the above-mentioned application for guaranty and in this loan guaranty certificate, or in the application to amend loan guaranty certificate, if any, applicable to such loan; (3) that no lien superior to said "mortgage" has intervened since the date of said application; and (4) if the approved application for guaranty related to a loan wholly or partly to be secured by a hypothecation or a pledge of personal property, such hypothecation or pledge has become effective by appropriate delivery to the lender and no superior lien has intervened since date of application.

(All signatures must be in ink)
(If a corporation)

_____
(Secretary)

Mr.
Mrs.
Miss _____
(Lender(s))

By: _____
Title—(President, vice president, etc.)

Mr.
Mrs.
Miss _____
Mr.
Mrs.
Miss _____
, (Borrower(s))

NOTE 1. If the note is unsecured, references to "mortgage" in paragraph "A" and "B" above are inapplicable. (See Regulations, § 36.4108, Par. (c).)

NOTE 2. If the local law provides for filing only, not recording, chattel mortgages or similar instruments paragraph "B" above nevertheless is to be completed. It refers not only to the County Recorder or Clerk, but also the State Commissioner of Motor Vehicles or other officials who keep motor vehicle mortgage records, and to other similar officials, State or County. (See § 36.4133 of Regulations.)

(b) The word principal as used in the Loan Guaranty Certificate and the certification on the reverse thereof means the amount of money actually disbursed to or for the account of the borrower.

§ 36.4129 *Disposition of papers.* The original application for guaranty and the appraisal report will be retained in the files of the Veterans' Administration. The Loan Guaranty Certificate and all other papers will be forwarded to the proposed lender with instructions as to closing the loan in a manner to make the guaranty effective.

§ 36.4130 *Loan procedure after approval of guaranty.* Upon receipt of the papers from the Administrator, the lender shall:

(a) Satisfy himself by "title certificate", as defined in §§ 36.4100–36.4151, as to the title to the real estate to be encumbered (§ 36.4100 (p)), and satisfy himself in such reasonable manner as may be available as to the title to personal property to be encumbered.

(b) Cause all necessary instruments to be properly signed and those to be filed, or filed and recorded, properly witnessed, acknowledged or proved so as to entitle them to filing or recordation.

(c) Disburse all funds in substantial accord with the proposed loan closing statement submitted with the application. (See § 36.4125 (g) and Form 1806 or 1861.)

(d) File with the proper State, County or other public official to be retained where required, or recorded and returned, the "mortgage", and any other appropriate instrument which under the law of the State is required or permitted to be filed or recorded for the purpose of establishing a valid lien as between the parties, or third persons, or of giving actual or constructive notice of the "mortgage," pledge, hypothecation, or other transaction.

(e) Take possession or do any other necessary act to make effective the pledge or hypothecation, if any.

§ 36.4131 *Report of closing loan.* (a) Within two months after closing the loan and filing with appropriate public official of the proper instruments, or the taking of other appropriate steps, if any, to make the lien effective, the lender shall complete and forward to the Administrator (using prescribed form, if available) a properly signed report of closing the loan stating that:

(1) The disbursement of the amount named in such report as the principal of the note has been completed by the lender, which amount may be not more than 3% in excess of the amount of the proposed loan as stated in the original application for guaranty, without complying with the procedure stated in paragraphs (c) and (d) of this section.

(2) Such disbursements were as estimated on the loan closing statement submitted with the application, except as otherwise stated on the reverse side of the report of closing loan. (See §§ 36.4116 (a) and 36.4125 (g) and Form 1806 or 1861.)

(3) The note and the mortgage (or other security instrument) were properly executed, stating the date, and the latter was duly acknowledged, witnessed, or proved, so that it was legally eligible for filing and in which it was properly filed and the filing number thereof; or in the case of a pledge, or hypothecation the necessary possession, or other steps were taken to make same effective.

(4) The note was dated (stating the date thereon) and signed by the "debtor"; the actual principal amount thereof; and the rate of interest provided therein.

(5) The Loan Guaranty Certificate (stating its L-Number) was completed, and appropriately signed by the lender and the borrower as therein provided.

(b) If the lender is a corporation, its corporate seal shall be impressed on such report.

(c) If the transaction to be closed is essentially the same as indicated in the original application except that:

(1) The amount of the loan actually to be made is more than 103% of the amount stated in the application, or

(2) Personal property to be acquired differs from that described but is for the same use or purpose, and substantially similar in kind, quality and value.

appraiser of realty, and in the case of personal property, the person or persons to function as such.

(b) If instructed by the Administrator so to do, on Form 1800, Certification of Eligibility, or otherwise, the creditor will secure a credit report. If not so instructed such report will not be required by the Veterans' Administration. (See paragraph (d) of this section.)

(c) If the proposed loan is for repairs, alterations or improvements to realty the appraisal report shall reflect an examination of the building contract, and the plans and specifications, if any, and shall include appropriate data sufficient to afford a basis for estimating the increased value of the farm to result from such repairs, alterations or improvements: *Provided, however,* That if the cost of such repairs, alterations and improvements does not exceed $500 the appraisal requirements of §§ 36.4100–36.4151 will be met by an appraisal report by the agency, and no plans or detailed specifications will be required as a condition to a guaranty otherwise proper. Such appraisal report may be abbreviated and consist of bill of material, estimate of labor cost, general description of the work to be done, and opinion of the agency as to reasonable normal value, and the enhancement of the value of the propetry.

(d) The veteran, the lender, and the appraiser shall be entitled, before or during the preparation of the application and other papers preliminary to a loan or purchase, to consult with the agency.

(e) In every case the appraiser's report shall indicate the basis, by survey or otherwise, of identifying the real property appraised as that to be encumbered to secure the proposed loan.

(f) If (1) the loan does not exceed $500, (2) the lender does not require a mortgage, and (3) the loan otherwise complied with §§ 36.4100–36.4151, the provisions of paragraphs (b), (c) and (e) of this section; paragraphs (d), (e) and (h) of § 36.4125; paragraphs (a), (c) and (d) of § 36.4130; subparagraphs (2) and (3) of paragraph (a) of § 36.4131; and paragraphs (c) and (e) of § 36.4132 shall be inapplicable to such loan and any guaranty thereof: *Provided, however,* That in every such case there shall be submitted with the application a report by the agency as to the reasonable normal value of the work, or property, real or personal, to be purchased, repaired, altered, or improved.

rower (see § 36.4124 (a)).

(d) The credit report, if required. (See § 36.4124 (b) and (d).)

(e) The original appraisal report, Form 1833. (See § 36.4124 (c), (f) and (g).)

(f) Copy of purchase option, if any; and copy of conditional sales agreement if loan is to be predicated on such an instrument.

(g) Proposed loan closing statement of the estimated amounts to be disbursed by the lender for the account of the borrower (see Form 1806).

(h) Unless stated in the mortgage, or otherwise in the papers submitted, a statement of the kinds and amounts of insurance to be required to protect the mortgagor, the lender and the Administrator against loss by fire and other hazards, and the estimated premium cost thereof. (See § 36.4115.)

(i) When applicable, the original and copy (both signed) of Form 1862, Application to Amend Loan Guaranty Certificate. (See § 36.4131 (c) and (d).)

§ 36.4126 *Recommendation for approval of guaranty.* The Agency shall review the papers to determine whether it will recommend approval of the application for guaranty. Thereupon the Agency shall forward all the papers to the appropriate office of the Administrator with recommendation that (a) the Administrator approve the application, or (b) he disapprove it. If disapproval is recommended the reasons therefor shall be stated in writing at the time the papers are forwarded. A recommendation that the application be approved, shall be appropriately endorsed on the original of the application. If more than one person functions as or for the Agency in making such recommendation each such person shall sign the recommendation made, indicating concurrence or dissent. In case any such person fails to participate in the decision or is absent, the appropriate fact and name of such person shall be noted on the recommendation.

§ 36.4127 *Administrator's action on application.* (a) Upon receipt of the papers from the Agency, the Administrator will determine whether to approve the application. If disapproved he shall return to the proposed lender all papers received from the lender except the original application for guaranty and the original appraisal report and shall state

security described in the original application, a supplemental application, if the same lender, or a new application if a different lender, may be submitted. If accompanying it is a statement by the borrower and lender that the condition of the security is substantially the same as when the appraisal report was made, the supplemental or new application may be approved without a new appraisal, if the supplemental or new application shall have been received by the Administrator within three months from the date of the appraisal report.

(2) Without reference to the time limit stated in subparagraph (1) hereof a copy of the appraisal report will be supplied without cost to a prospective new lender or to the original proposed lender at the currently prescribed price for a copy.

§ 36.4128 *Execution and form of guaranty.* (a) If the Administrator approves the application he shall notify the Agency and the veteran thereof. For the purpose of evidencing the contract of guaranty, he shall execute a Loan Guaranty Certificate, to become effective upon the conditions therein stated. It shall be in substantially the form following:

Finance Form 1821
Nov. 1944

UNITED STATES OF AMERICA

LOAN GUARANTY CERTIFICATE ISSUED BY VETERANS' ADMINISTRATION

State _____
(Where property is located)

Number L. F. _____
(To be filled in by V. A.)

_____
(Lender) (Exactly as Payee's name will appear on note)

_____
(Borrower-Veteran) (Exactly as to be signed on note and mortgage)

_____
(House or Box Number—R. F. D. or Street—Post Office—County)

_____
(State)

_____
(House or Box Number—Street—Post office—County)

_____
(State)

I

A. This certificate shall become effective when the requirements of the statute and regulations have been complied with and the acts certified in Part III hereof have been

principal amount.

2. At the expiration of 1 year from the date of the "note", an amount equal to the interest for 1 year at the contract rate on that portion of the indebtedness ("note") originally guaranteed hereby, such payment to be credited on the indebtedness as prescribed by said regulations.

C. Executed on behalf of the United States of America by the Administrator of Veterans' Affairs through the undersigned authorized agent on this date to become effective in the manner hereinabove prescribed

Dated _____

ADMINISTRATOR OF VETERANS' AFFAIRS

By _____
(Authorized Agent)

At _____
(Post Office)

NOTE. If loan is not closed the proposed lender, or when paid the holder of the note will mark the certificate "Cancelled", sign thereunder and return the Veterans' Administration

II

Description of property to be "Mortgaged" (Lot and block, section and township, land lot and Land District, etc., and surveyor's field notes where appropriate and any other language proper to complete description. Include description of personal property, (if any). Describe fully; show serial numbers, if available, or any other means of identification.

Premises identified as _____
(Name of farm, if any, and R. F. D. also number or name of nearest highway)

_____
(City, Town, Village)

_____
(County, Parish)

_____
(State, District, Territory)

and further described as: _____

_____

_____

(If more space is needed, detach and continue description on reverse)

III

CERTIFICATION BY BORROWER AND LENDER

A. We hereby warrant that (1) the undersigned borrower named on the reverse hereof executed the note, the face amount of which is $____ consisting of $_____ principal and $____ interest as defined in the Regulations; (2) it is dated_____ day of _____ 19____; (3) borrower(s) and mortgagor(s) delivered it together with the "mortgage" (as defined in the regulations) bearing the same date, and executed to secure payment of said note; (4) said note and mortgage are in the form and type contemplated in the application of the undersigned pursuant to which this loan guaranty certificate was issued; and (5) the

secured by a hypothecation or a pledge of personal property, such hypothecation or pledge has become effective by appropriate delivery to the lender and no superior lien has intervened since date of application.

(All signatures must be in ink)
(If a corporation)

_____
(Secretary)

Mr.
Mrs.
Miss _____
(Lender(s))

By _____
Title—(President, vice president, etc.)

Mr
Mrs
Miss _____
Mr
Mrs
Miss _____
(Borrower(s))

NOTE 1. If the note is unsecured references to "mortgage" in paragraph "A" and "B" above are inapplicable. (See Regulations, § 36.4108, Par. (c).)

NOTE 2. If the local law provides for filing only, not recording, chattel mortgages or similar instruments paragraph "B" above nevertheless is to be completed. It refers not only to the County Recorder or Clerk, but also the State Commissioner of Motor Vehicles or other officials who keep motor vehicle mortgage records, and to other similar officials, State or County. (See § 36.4133 of Regulations.)

(b) The word principal as used in the Loan Guaranty Certificate and the certification on the reverse thereof means the amount of money actually disbursed to or for the account of the borrower.

§ 36.4129 *Disposition of papers.* The original application for guaranty and the appraisal report will be retained in the files of the Veterans' Administration. The Loan Guaranty Certificate and all other papers will be forwarded to the proposed lender with instructions as to closing the loan in a manner to make the guaranty effective.

§ 36.4130 *Loan procedure after approval of guaranty.* Upon receipt of the papers from the Administrator, the lender shall:

(a) Satisfy himself by "title certificate", as defined in §§ 36.4100–36.4151, as to the title to the real estate to be encumbered (§ 36.4100 (p)), and satisfy himself in such reasonable manner as may be available as to the title to personal property to be encumbered.

(b) Cause all necessary instruments to be properly signed and those to be

other transaction.

(c) Take possession or do any other necessary act to make effective the pledge, or hypothecation, if any.

§ 36.4131 *Report of closing loan.* (a) Within two months after closing the loan and filing with appropriate public official of the proper instruments, or the taking of other appropriate steps, if any, to make the lien effective, the lender shall complete and forward to the Administrator (using prescribed form, if available) a properly signed report of closing the loan stating that:

(1) The disbursement of the amount named in such report as the principal of the note has been completed by the lender, which amount may be not more than 3% in excess of the amount of the proposed loan as stated in the original application for guaranty, without complying with the procedure stated in paragraphs (c) and (d) of this section.

(2) Such disbursements were as estimated on the loan closing statement submitted with the application, except as otherwise stated on the reverse side of the report of closing loan. (See §§ 36.4116 (a) and 36.4125 (g) and Form 1806 or 1861.)

(3) The note and the mortgage (or other security instrument) were properly executed, stating the date, and the latter was duly acknowledged, witnessed, or proved, so that it was legally eligible for filing and in which it was properly filed and the filing number thereof; or in the case of a pledge, or hypothecation the necessary possession, or other steps were taken to make same effective.

(4) The note was dated (stating the date thereon) and signed by the "debtor"; the actual principal amount thereof; and the rate of interest provided therein.

(5) The Loan Guaranty Certificate (stating its L-Number) was completed, and appropriately signed by the lender and the borrower as therein provided.

(b) If the lender is a corporation, its corporate seal shall be impressed on such report.

(c) If the transaction to be closed is essentially the same as indicated in the original application except that:

(1) The amount of the loan actually to be made is more than 103% of the amount stated in the application, or

(2) Personal property to be acquired differs from that described but is for the same use or purpose, and substantially similar in kind, quality and value.

Form 1862, Application to Amend Loan Guaranty Certificate, will be completed and signed in duplicate.

(d) The lender will forward the original and copy of Form 1862, Application to Amend Loan Guaranty Certificate, to the "Agency," which will recommend approval or disapproval and forward both to the Veterans' Administration office which issued the Loan Guaranty Certificate. Such office will determine whether to approve the Application to Amend Loan Guaranty Certificate. Such determination will be based on the original application, the evidence submitted in or with the original application, the application to amend, the recommendation of the Agency, and such other evidence, if any, as it considers necessary. Notice of action will be given as in the case of original applications. If approved such approval will be appropriately indicated on the original, and such original, duly executed by the Veterans' Administration will be forwarded to the lender. It may be attached to the original Loan Guaranty Certificate to evidence amendment thereof as reflected by such "rider."

§ 36.4132 *Construction loans.* (a) Upon the submission to an Agency of an application made pursuant to section 502 of the act for the guaranty of a loan for construction on a farm owned by the veteran, or for repairs, alterations or improvements thereon (hereinafter collectively refered to as "construction loans") the guaranty will be issued to become effective only upon completion thereof, and upon fulfillment of the same requirements of these regulations as are applicable to the guaranty of loans for the acquisition of residential or nonresidential farm buildings other than by construction.

(b) Notwithstanding the provisions of paragraph (a) of this section, the guaranty mentioned therein may become effective without the entire amount of the loan having been disbursed if:

(1) Complete disbursement is prevented, in the exercise of ordinary care, by reason of the filing of mechanics' liens or other liens, or other controversy or threat of litigation, as to entitlement to any part of the proceeds of such loans; and

(2) There is paid to an escrow agent approved by the Administrator so much of such proceeds as have not been disbursed, or other arrangements satisfactory to the Administrator have been made for assuring the availability of such sums; and

(3) There is issued by the Administrator Form 1863, Approval of Escrow Certificate, which may be attached to the Loan Guaranty Certificate.

(c) For construction loans the lender will follow the procedure provided in §§ 36.4124 to 36.4131, inclusive, for the guaranty of loans for the purchase of farms, and in addition will furnish to the Agency:

(1) Complete plans and specifications, except as provided in § 36.4124 (c). When complete plans and specifications are not required the data mentioned in said paragraph (c) will be supplied unless § 36.4124 (g) is applicable, in which event the requirements will be those stated therein.

(2) An estimate, prepared by a qualified appraiser, of the normal agricultural value of the property on which the improvements will be situated together with a separate estimate of the increased value of the property which will result from the improvements according to the plans and specifications or other data. (See § 36.4124 (c).) Such estimates of value are in addition to the appraiser's report, otherwise required;

(3) A copy of the agreement or agreements (which may be unsigned) on which the proceeds of the proposed loan will be disbursed.

(d) Upon the receipt of such papers the Agency will follow the procedure prescribed in § 36.4126 and submit same to the Administrator for action as prescribed in §§ 36.4127 and 36.4128.

(e) The Loan Guaranty Certificate shall become effective only upon the conditions stated in § 36.4130 and in addition the further condition that there be supplied to the Administrator a statement by an appraiser on Form 1803 (a), Statement by Appraiser on Completion of New Construction. It shall recite that:

(1) He has inspected the construction, repairs, alterations, or improvements.

(2) The same have been constructed and completed in substantial conformity with the contract, the plans and specification (if any), and any authorized changes therein (if any), permitted by §§ 36.4100–36.4151, or, in those cases embraced in § 36.4124 (c) or § 36.4124 (f) there are no plans and specifications, within good building practices.

(3) The increased value of the property as completed and which will be encumbered is substantially in accord with his estimate.

(f) During the course of construction the Administrator shall be entitled at his expense, to cause such inspection of the construction work at such time or times as he may determine.

(g) Upon compliance with the requirements of this section and of §§ 36.4130 and 36.4131 relating to the guaranty becoming effective in other than construction loan cases, said Loan Guaranty Certificate shall become effective as originally executed (and subject to § 36.4131), or as amended pursuant to approval of application therefor on Form 1862, Application to Amend Loan Guaranty Certificate. (See § 36.4131 (c) (d).)

(h) The borrower and lender may contract for the payment to the lender of a reasonable sum for the advance of funds during the construction and supervision or inspection of the construction.

(i) Minor changes may be made in the plans and specifications or substitution of material of substantially equal quality or value, as the creditor, the debtor, and the builder (contractor) may agree if same are not of a major character and in the aggregate do not increase or decrease the cost more than five per centum of the contract price. This does not modify the provisions of § 36.4131. Changes or substitutions other than as herein stated must have the approval of the Administrator.

(j) On an application made pursuant to section 501 for the guaranty of a loan for the construction on farm property of a unit to be occupied by the veteran as a home, in addition to the requirements prescribed in the foregoing paragraphs the appraisal report shall include appropriate data sufficient to afford a basis for estimating the effect such new building would have on the value of the farm, as is required in the case of repairs, alterations or improvements by paragraph (c) of § 36.4124.

§ 36.4133 *When guaranty does not apply.* The guaranty shall not cover any loss sustained by the creditor as the result of:

(a) The acceptance by the mortgagee of a "mortgage" on any real or personal property, title to which is not merchantable;

(b) Failure of the mortgagee to procure a duly recorded lien of the dignity required by §§ 36.4100–36.4151; or a lien of such dignity by filing, without recording, if lawful, or by pledge or otherwise as required or permitted by applicable law in the jurisdiction where the property is situated at the time the loan is closed;

(c) Failure of the mortgagee to comply with § 36.4115 with respect to insurance;

(d) A tax sale pursuant to execution, or otherwise as provided by law, occasioned by nonpayment of taxes accruing against the mortgaged property after the date of the "mortgage" if "mortgagee" fails to give notice to the Administrator of the delinquent taxes at least one month before such sale;

(e) A release by the creditor of the lien on any of the real or personal property securing the guaranteed loan, or any part thereof unless the Administrator consents in writing. Such consent may be granted if the debt is appropriately reduced or on such other terms as the Administrator may determine: *Provided however*, That if the land is sought by a public authority for highway or other purposes, consent is hereby given for the creditor to release without consideration or for such consideration as he deems proper and without reference to the Administrator, the creditor's lien on land without any buildings thereon if the land so released does not exceed five percent of the acreage encumbered and does not exceed $200 in value. The same consent is hereby given when the release, easement grant, or other instrument is sought by a public or private agency, or person, for the purpose of pipe line, telephone, telegraph or electric transmission lines: *Provided, however*, That when such releases, or grants by the lender for any one or more of the purposes stated in this paragraph, or otherwise, with or without specific consent by the Administrator, shall have decreased the security as much as five percent in acreage, or $200 in value, no further releases shall be executed, without consent of the Administrator. If release of lien is executed contrary to the provisions of these regulations the amount of the guaranty will be reduced proportionately in the same manner as if the value of the released property were applied as a credit on the unpaid balance of the loan. The provisions of this paragraph will not be construed to affect the guaranty in the event of any grant of title or easement that leaves unaffected the lien on the property affected thereby; or

(f) Sale by reason of foreclosure of a superior lien if the holder of the guaranteed loan secured by a subordinate lien has knowledge of such foreclosure sale as much as 10 days prior thereto and fails to notify the Administrator of the time and place thereof.

(g) The exercise of a right of reverter for breach of restrictive covenants.

Claim Under a Guaranty

§ 36.4134 *Default.* (a) In the event of default, not cured, continuing three months on an amortized loan or one month on a term loan the "creditor" may elect to assert claim under the guaranty, and give notice thereof to the Administrator.

(b) If any default occasioned by failure seasonably to pay to the "creditor" entitled any amount of principal or interest due him under the contract (not cured) shall have persisted as long as six months the holder of the indebtedness shall give notice thereof to the Administrator notwithstanding the failure results from payments on "advances" as provided in § 36.4118 or from any indulgence of the debtor as provided in §§ 36.4135 and 36.4141.

(c) (1) The notice shall state the loan guaranty number if available. If not available other identifying data shall be included, such as date and amount of original obligation, location of Veterans' Administration office that issued the guaranty and the property encumbered.

(2) In all cases the notice shall state the name and last known address of the debtor, of the veteran, and of the creditor, and the date and manner of default, and amount past due. If he desires, the creditor may also state his views as to any indulgence that should be extended.

(3) The notice to the Administrator shall be mailed by registered mail or personally delivered in exchange for a written receipt within one month after the expiration of said six months' period.

§ 36.4135 *Claim on notice of default.* (a) In the notice of default, or separately, then, or later, the creditor may make claim under the guaranty.

(b) Then or thereafter the creditor may also give notice of his intention to foreclose the lien or liens securing the indebtedness.

(c) The Administrator may approve the creditor's request, if any, to postpone action to press his claim against the mortgagor, or the property. Such postponement with the consent of the Administrator, shall not operate to void or diminish the ultimate liability under the guaranty. In no event shall indulgence or postponement of action authorized by §§ 36.4100–36.4151 impair any right of the creditor to thereafter proceed within the applicable statute of limitations period as if there had been no indulgence or postponement.

§ 36.4136 *Legal action.* (a) The creditor shall not begin action in court or give notice of sale under power of sale, or repossess the property, real or personal, or otherwise take steps to terminate the debtor's rights in the property until the expiration of thirty (30) days after delivery to the Administrator of the notice of intention to foreclose, repossess or otherwise to so terminate the debtor's rights. Notwithstanding paragraph (a) of § 36.4134 such notice may be given at any time after default.

(b) (1) If the circumstances require immediate action to protect the interest of the creditor or the Administrator, the Administrator may waive the requirement for prior notice if notice of the action taken is immediately given.

(2) Without limiting the foregoing, the existence of conditions justifying the appointment of a Receiver for the property shall be sufficient excuse for beginning suit without prior notice to the Administrator if within ten days after commencement of the suit or action, plaintiff gives the Administrator notice thereof.

§ 36.4137 *Notice of suit and subsequent sale.* (a) Within ten days after beginning suit or causing notice of sale without suit to be given, the creditor shall notify the Administrator thereof by registered mail, or by personal delivery of notice in exchange for written receipt. The notice shall state whether the foreclosure will be by proceeding in court, or under a power of sale; the style and number of the suit, if any, and the name and location of the court in which pending.

(b) The creditor shall give written notice to the Administrator by registered mail (or delivery) of any foreclosure sale, judicial, or under a power of sale; or of any proposed termination of the rights of any vendee or his immediate or remote guarantee (assignee) pursuant to any power or option in a sales contract, or in any other instrument affecting the property which constitutes any security for the obligation guaranteed. Such notice shall be given so that it is received at least thirty days before such sale or other proposed action. It shall state the date, hour and place thereof. The Administrator may bid thereat on the same terms as the lender or other bidders, and may exercise any right the debtor could exercise by virtue of the contract, or any statute, or otherwise. This section is applicable whether the suit, or the sale, or termination, occur before or after payment of the guaranty.

§ 36.4138 *Death of veteran or other owner.* (a) In the event the creditor has knowledge of the death of the veteran or of any owner of an interest in the encumbered property, or the death of any other person liable on the indebtedness which is guaranteed in whole or in part, the creditor shall take such steps, if any, as are legally necessary, and reasonably available, in the jurisdiction where the encumbered property is situated, to avoid loss of the lien, or impairment thereof, or of all or part of the proceeds of any sale of the property as a result of, or incident to, such death, or of any probate proceedings thereby occasioned in said jurisdiction.

(b) In addition to protecting the lien rights as required by paragraph (a) of this section, the creditor at his discretion may proceed in probate, or otherwise, as may be permissible and feasible, in any jurisdiction where administration proceedings are pending or properly may be instituted, or other appropriate legal action taken, against assets or persons, to assert any rights, by means of any remedies, therein available to a similarly situated creditor of the decedent.

(c) Upon direction of the Administrator and his designation of an accessible attorney for the purpose, and making appropriate provisions for advancing or paying the costs and expenses of the proceeding, the creditor shall proceed as provided in paragraph (b) of this section: *Provided, however*, That in any case the Administrator may, at his option, proceed immediately in respect to protecting the lien, or asserting claim as contemplated by paragraph (b) of this section, or as to both remedies. If the Administrator takes action, it may be in his name or the name of the creditor as the Administrator may elect and as may be appropriate under applicable law. If action is taken by the Administrator he shall seasonably notify the creditor thereof.

(d) Nothing in this section shall impair any right of set-off or other right or remedy of the Administrator.

§ 36.4139 *Death or insolvency of creditor.* (a) Immediately upon the death of the "creditor" and without the necessity of request or other action by the debtor or the Administrator, all sums then standing as a credit balance in a "trust," or "deposit," or other account, to cover taxes, insurance accruals, or other items in connection with the loan secured by the encumbered property, whether stated to be such or otherwise designated, and which have not been credited on the "note" shall, nevertheless, be treated as a set-off and shall be deemed to have been credited thereon as of the date of the last debit to such account, so that the unpaid balance of the note as of that date will be reduced by the amount of such credit balance: *Provided, however*, That any unpaid taxes, insurance premiums, rents, or advances may be paid by the holder of the indebtedness, at his option, and the amount which otherwise would have been deemed to have been credited on the note reduced accordingly. This section shall be applicable whether the estate of the deceased creditor is solvent or insolvent.

(b) The provisions of paragraph (a) of this section shall also be applicable in the event of:

(1) Insolvency of creditor;

(2) Initiation of any bankruptcy or reorganization, or liquidation proceedings as to the creditor, whether voluntary or involuntary;

(3) Appointment of a general or ancillary receiver for the creditor's property; or, in any case

(4) Upon the written request of the debtor if all accrued and due insurance premiums, taxes, and rents have been paid, and appropriate provisions made for future accruals.

(c) Upon the occurrence of any of the events enumerated in paragraph (a) or

(b) of this section interest on the note and on the credit balance of the "deposits" mentioned in paragraph (a) shall be set off against each other at the rate payable on the principal of the note, as of the date of last debit to the deposit account. Any excess credit of interest shall be treated as a set-off against the unpaid "advances", if any, and the unpaid balance of the note.

(d) The provisions of paragraphs (a), (b) and (c) of this section shall apply also to corporations. The dissolution thereof by expiration of charter, by forfeiture, or otherwise, shall be treated as is the death of an individual as provided in paragraph (a).

§ 36.4140 *Filing claim under guaranty.* Claim under the guaranty may be made on Form 1864, Claim Under the Guaranty. Subject to the limitation that the total amount payable under the guaranty shall in no event exceed the original amount thereof, the amount payable under the guaranty shall be the percentage of the indebtedness originally guaranteed applied to the indebtedness (as defined in § 36.4100 (m)), computed as of the date of the claim, and reduced by any payments theretofore made by the United States pursuant to the guaranty.

§ 36.4141 *Options available to Administrator.* Upon receipt of claim under the guaranty, or notice of intention to foreclose, the Administrator shall have the following options:

(a) Pay to the creditor not later than one month after receipt of notice of any default, as a partial payment of any actual or potential claim under the guaranty, the amount of principal, interest, taxes, advances, or other items in default; and in consideration of such payment the lender shall be deemed to have agreed to refrain from giving effect to any acceleration provisions by reason of defaults prior to the date of notice of default theretofore given: *Provided, however,* That unless the creditor consents, the Administrator may exercise this option once only, and in an amount not exceeding an amount equivalent to the aggregate of principal and interest payable in one year, or not exceeding ten per centum of the original amount of the guaranty, whichever sum is less.

(b) Pay the creditor within one month after receipt of claim the full amount payable under the guaranty without requiring foreclosure, or personal action.

(c) Pay to the creditor promptly after receipt of claim any amount agreed upon, not exceeding the amount due under the guaranty; and notify him to institute appropriate foreclosure proceedings, with or without legal action to reduce the debt to judgment, against all or any of the parties liable thereon, and whose names are stated in such notice to the creditor.

(d) If the creditor does not begin appropriate action within two months after receipt of notice to institute action as provided in paragraph (c) of this section, the Administrator shall be entitled to begin and prosecute the same to completion in the name of the creditor, or of the Administrator on behalf of the United States, as may be appropriate under applicable laws and rules of procedure; *Provided, however,* That in such event the Administrator shall pay (in advance if required under the practice in the jurisdiction) all court costs, and other expenses, and provide the legal services required.

§ 36.4142 *Refinancing and extension of guaranty.* (a) (1) In addition to the options available under § 36.4138 or § 36.4141, the Administrator, upon receiving (i) notice of intention to foreclose by judicial proceedings or otherwise or to repossess the property, real or personal, or otherwise to terminate the debtor's rights therein, or (ii) a claim for a guaranty, shall be entitled to obtain a refinancing of the indebtedness by delivering notice of intention so to do to the creditor prior to the date upon which otherwise it would be proper for the creditor to proceed. Upon receipt from the Administrator of such notice of intention to obtain a refinancing the creditor's right to proceed shall be suspended for sixty (60) days from the date stated by the Administrator in such notice as the date on which the Administrator received the creditor's notice or claim.

(2) If within the sixty-day period prescribed in subparagraph (1) of this paragraph, an offer is received by the creditor to pay, or to purchase the indebtedness at par and interest to date of closing, it shall be the duty of the creditor to forthwith accept such offer, to execute and deliver appropriate instruments without recourse, and to refrain from further proceedings, or repossession, or termination of the debtor's rights.

(3) When (i) a claim for guaranty is filed, or (ii) when a refinancing occurs and an offer is made as contemplated by subparagraphs (1) and (2) of this paragraph, the creditor shall not be entitled to treat payments theretofore made by the debtor, or another, as liquidated damages, or rentals, or otherwise than as payments on the indebtedness, notwithstanding any provision in the note or mortgage, or otherwise, to the contrary.

(4) Nothing herein shall be construed to require a creditor to lend money for such refinancing, nor to affect guarantees issued prior to the effective date of this amendment.

(b) If refinanced in any manner the Administrator may continue in effect the guaranty granted with respect to the previous loan in such manner as to cover the loan which affected the refinancing.

(c) The Administrator in appropriate cases shall be entitled to exercise any redemption rights of a debtor, or a creditor, in connection with the loan guaranteed or property rights arising out of, or incident to such loan.

§ 36.4143 *Subrogation.* (a) Any amounts paid to the creditor by the Administrator pursuant to the guaranty shall constitute a debt due to the United States by the veteran on whose application the guaranty was made; and by his estate upon his death. The Administrator is subrogated to the contract and the lien rights of the creditor to the extent of such payments, but junior to the creditor's rights as against the debtor or the encumbered property until the creditor shall have received the full amount payable under his contract with the debtor. No partial or complete release by the creditor of the debtor or of the lien shall impair any rights of the Administrator, by virtue of the lien, or otherwise.

(b) The creditor, upon request, shall execute, acknowledge and deliver an appropriate instrument tendered him for that purpose, evidencing any payment received from the Administrator and the Administrator's resulting right of subrogation.

(c) The Administrator shall cause the instrument required by paragraph (b) of this section to be filed for record in the office of the recorder of deeds, or other appropriate office of the proper county, town, or State, in accordance with the applicable State law. The filing or failure to file such instrument for record shall have the legal results prescribed by the applicable law of the State where the real or personal property is situated, with respect to filing or failure to so file mortgages and other lien instruments and assignments thereof.

The references herein to "filing for record" include "registration" or any similar transaction, by whatever name designated when title to the encumbered property has been "registered" pursuant to a Torrens or other similar title registration system provided by law.

§ 36.4144 *Future action against mortgagor.* In addition to the amount, if any, collected from the proceeds of the encumbered property by reason of the right of subrogation, the United States will collect from the veteran, or his estate, by set-off against any amounts otherwise payable to the veteran or his estate; or in any other lawful manner, any sums disbursed by the United States on account of the claim pursuant to the guaranty.

§ 36.4145 *Suit by Administrator.* (a) Whenever pursuant to §§ 36.4100–36.4151, the Administrator institutes, or causes to be instituted by the creditor, or otherwise, any suit in equity; action at law; or probate proceedings or the filing of a claim in such; or other legal or equitable proceedings of any character, or any sale, in court or pursuant to any power of sale, the person or persons properly instituting the same (including the Administrator) shall be entitled to recoup from any proceeds realized therefrom any expenses reasonably incurred, including trustee fees, court costs, and attorney fee paid (or, the reasonable value of the services of the trustee and of the attorney, if performed by salaried person or persons, or by the party himself, when proper).

(b) The net proceeds, after setting off such items that may properly be recouped, shall be credited to the indebtedness, or otherwise as may be proper under the facts.

(c) In determining the propriety of recoupment and the amount thereof consideration shall be given to any provisions in the "note" or "mortgage" relating to such items, and any amounts actually realized pursuant thereto.

§ 36.4146 *Creditor's records and reports required.* (a) The creditor shall maintain a record of the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof. Any creditor who fails to maintain such record shall be presumed to have received on the dates due all sums which by the terms of the contract are payable prior to date of claim for default, and the burden of going forward with evidence and of ultimate proof of the contrary shall be on such creditor; not on the debtor, or the United States.

(b) On any delinquent loan the creditor shall report annually on the anniversary of the earliest unremedied default any amount received or disbursed, the unpaid balance of principal and accrued interest and any other items chargeable; and the nature of any defaults not already reported. He shall include such additional information, if reasonably necessary and obtainable, which may from time to time be requested by the Administrator.

(c) A proposed lender may be required to submit evidence satisfactory to the Administrator of his equipment for maintenance of adequate records on, and his ability to service, loans if guaranteed pursuant to the provisions of the act and §§ 36.4100–36.4151.

§ 36.4147 *Failure to supply information.* Failure to supply any available information required by §§ 36.4100–36.4151 within two months after request therefor will entitle the Administrator to obtain such information otherwise, and the expense of so obtaining it, plus ten dollars to cover estimated overhead expenses, shall be chargeable to the creditor who failed to comply with such request.

§ 36.4148 *Notice to Administrator.* Any notice required by §§ 36.4100–36.4151 to be given the Administrator shall be sufficient if in writing, and delivered at, or mailed to, the Veterans' Administration office at which the application for guaranty was approved or to any changed address of which the creditor has been given notice or, at the option of the creditor, to the central office of the Veterans' Administration, Washington 25, D. C. If mailed the notice shall be by registered mail when so provided by §§ 36.4100 to 36.4151.

§ 36.4149 *Right to inspect books.* The Administrator has the right to inspect, at a reasonable time and place the papers and records pertaining to the loan and guaranty. If permission to inspect is declined the Administrator may enforce the right by subpoena under the provisions of Title III of Public No. 844, 74th Congress, 49 Stat. 2031–35, 38 U. S. C. 131, or in any other lawful manner.

§ 36.4150 *Forms, construction to be placed on references to.* All references in the regulations to Form 1800, Certification of Eligibility, or to other form numbers, shall be construed to include any revision of the same forms, identified by the same, or by different numbers.

§ 36.4151 *Disqualified lenders and bidders.* Except under unusual circumstances and upon prior approval by the Administrator an application for guaranty of a loan will not be approved if the lender is known to be an employee of the Veterans' Administration or of the Agency; and without such approval, an employee of either may not bid at a foreclosure sale of the security for a guaranteed loan.

GUARANTY OF LOANS ON PURCHASES OF BUSINESS, ETC.

AUTHORITY: §§ 36.4200 to 36.4251 issued under 58 Stat. 284; 38 U. S. C. 693.

§ 36.4200 *Definitions.* Wherever used in §§ 36.4200–36.4251, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

(a) "Administrator" means the Administrator of Veterans' Affairs or any employee of the Veterans' Administration designated by him to act in his stead.

(b) "United States" used geographically means the several States, Territories and possessions, and the District of Columbia.

(c) "State" means any of the several States, Territories and possessions, and the District of Columbia.

(d) "Designated agency" or "agency" as used in respect to processing applications for guaranty of loans, means any Federal instrumentality designated by the Administrator (including Veterans' Administration if so designated) to certify whether an application meets the requirements of the act and regulations, and recommend whether the application should be approved if the applicant is found eligible.

(e) "Federal agency" as used with respect to agencies making, guaranteeing or insuring primary loans, means any Executive Department, or administrative agency or unit of the United States Government (including a corporation essentially a part of the Executive Branch) at any time authorized by law to make, guarantee or insure such loans.

(f) "Guaranty" means the obligation of the United States of America assumed by virtue of the guaranty by the Administrator as provided in Title III of the Servicemen's Readjustment Act of 1944 (58 Stat. 284; 38 U. S. C. 693) and subject to the limitations and conditions thereof and of §§ 36.4200–36.4251. The subject of the guaranty is that portion of an eligible loan procured by an eligible veteran which may be subject to being guaranteed as provided in said Title III, as determined by the Administrator upon application in accordance with §§ 36.4200–36.4251.

(g) "Mortgage" means an applicable type of security instrument commonly used or legally available to secure loans or the unpaid portion of the purchase price of real or personal property in a State, District, Territory, or possession of the United States of America in which the property is situated. It includes, for example, deeds of trust, security deeds, escrow instruments, real estate mortgages, conditional sales agreements and chattel mortgages.

(h) "Secondary" or "junior" loan means a loan which is secured by a lien or liens subordinate to any other lien or liens on the same property.

(i) "Guaranteed loan" means a loan unsecured, or secured by a primary lien, or where permissible under the act and §§ 36.4200 to 36.4251, inclusive, a secondary lien, in which loan is guaranteed in whole or in part by the Administrator as evidenced by endorsement thereon; or by Loan Guaranty Certificate issued by the Administrator, and which shall have become effective as prescribed by §§ 36.4200–36,4251, or by such other legal evidence as may be provided by the Administrator.

(j) (1) "Business" means any gainful occupation or profession other than farming which constitutes the applicant's major occupation.

(2) "Business loan" means an obligation for all or part of the purchase price, or a loan obtained for the purpose of paying all or part of the purchase price of (i) the entire, or a part interest in, an existing business enterprise whether it is, or is to be operated by an individual, partnership or joint venture, and includes leasehold rights as lessor or lessee of real or personal property a part of such enterprise and similarly good will, franchise rights, and rights as licensee, (ii) supplies, machinery, equipment or tools.

(3) "Business realty loan" means a loan for the purchase of land or buildings or both to be used by the applicant in pursuing a gainful occupation other than farming. Leasehold rights included in subparagraph (2) will not be deemed "business realty."

(4) "Purchased or to be purchased" as used in section 503 (1) of the act refers to real or personal property to be used for a purpose stated in section 503 of the act, whether the property is purchased contemporaneously with such application, or is to be purchased subsequent thereto. But as to any loan for a future purchase the guaranty will become effective only from the time the purchase is consummated.

(k) (1) "Reasonable normal value" is the price the property would ordinarily bring or the transaction would ordinarily cost in a contract between a willing and well informed buyer and a willing and well informed seller, both acting free from necessity and under circumstances not affected by economic or other conditions of an impermanent character.

(2) The purpose and intent are to assure that the price to be paid is not in excess of that on which a fair profit can be earned based on (i) the past record, if any; (ii) the reasonable probabilities of the future; and (iii) reasonably efficient management.

(l) (1) "Land" as used in section 503 of the act refers to an interest in realty defined in this section, and subject to the conditions therein.

(i) An interest in realty may be a fee simple estate, or certain other estates indicated in subdivisions (i) to (vi) of this subparagraph (1) (including an estate for years) eligible as security for guaranteed loans. But in any event the estate shall be one limited to end at a date more than 14 years after the ultimate maturity date of the loan, or when the fee simple title shall vest in the lessee; except that, if it is a leasehold that terminates earlier, it shall nevertheless be acceptable if lessee has the irrevocable right to renew for a term end-

ing more than 14 years after the ultimate maturity date of the loan or until the fee simple title shall vest in lessee: *Provided*, The mortgagee obtains a mortgage lien of the required dignity upon such option right or anticipated reversion or remainder in fee.

(ii) A life estate or other estate of uncertain duration is excluded, unless the remainder interests are also encumbered by a lien of the same dignity to secure the same debt.

(iii) A remainder interest in realty shall be eligible as security for a guaranteed loan only in the event that all the owners of intervening immediate or remainder interests lawfully can and do (*a*) joint in the mortgage in such manner as to subject all such intervening estates to the lien; or (*b*) execute and deliver a lease or other proper conveyance to the owner of the ultimate remainder in fee simple in such manner as to assure his legal right to possession and enjoyment until the vesting of his ultimate remainder interest.

(iv) If other than a fee simple estate or estate for years with minimum duration as stated in subdivision (i) of this subparagraph (1) is offered as security full information may be submitted to the Administrator before taking application from the veteran. The Administrator shall determine the eligibility of any such estate.

(v) The existence of any of the following will not require denial of the guaranty; hence will not require special submission:

(*a*) Outstanding easements for public utilities, party walls, driveways, and similar purposes;

(*b*) Customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(*c*) Slight encroachments by adjoining improvements;

(*d*) Outstanding water, oil, gas or other mineral, or timber rights which do not and will not materially impair the value for business purposes, and which are customarily waived by prudent lenders in the community: *Provided, however*, That if there is outstanding any legal right to quarry, mine or drill within 400 feet of the encumbered building the application for guaranty may be denied for that reason unless upon consideration of all the facts the Administrator determines otherwise. Such determination at the option of the lender or borrower may be obtained upon a special submission of all the facts prior to taking application for guaranty.

(vi) A mortgage on an undivided interest in realty shall not be acceptable unless all co-tenants of the veteran join in the mortgage, and unless such joinder has the legal effect of creating a lien on the property such as is otherwise required. In such case it shall not be required that the co-tenants join in, endorse, or otherwise become personally liable on the veteran's indebtedness. Notwithstanding such joinder in the mortgage by the co-tenants the value of the security for purpose of guaranty shall be determined with respect to the individual interest of the veteran only, and the guaranty will be limited to the proper proportion of that sum, irrespective of the actual amount of the loan.

(2) "Buildings" as used in section 503 of the act refer to structures of a permanent nature which are attached to and become a part of the land.

(3) "Personal property" means tangible or intangible property other than land or buildings as defined in subparagraphs (1) and (2) of this paragraph if such property is to be used in a business conducted by the veteran as prescribed in §§ 36.4200–36.4251. It includes property which by reason of the contract of the seller and purchaser remains personalty notwithstanding that except for such contract it would become a "fixture," or otherwise a part of the realty.

(4) "Supplies" means those articles normally used, necessary and expended in the operation of a business or profession, including those required by the service industries, both personal and industrial.

(5) "Equipment, machinery and tools" mean all such articles commonly so described, and which are required for use in pursuing a gainful occupation other than the resale thereof and which will be useful and reasonably necessary for the efficient and successful pursuit of such occupation. Equipment shall include structures which by operation of law or the terms of the applicable lease or other contract of the parties, do not become a part of the realty, and which may be removed without consent, or further consent, of the land owner.

(m) "Indebtedness" means the unpaid principal and accrued interest on the note, bond or other obligations, the subject of the guaranty, and includes also taxes, insurance premiums and any other items for which the debtor is liable under the terms of the mortgage, or other contract, including proper contractural or statutory trustee fees and attorney fees, if any.

(n) "Note" means a promissory note, a bond, or other instrument evidencing the debt and the debtor's promise to pay same.

(o) "Appraiser" means an individual or firm or corporation of recognized standing, approved in writing by the Administrator to appraise property. An applicant for designation as an approved appraiser shall show to the satisfaction of the Administrator that he is of good character and that his experience and information enable him to form sound opinions as to the reasonableness of the purchase price or cost of property to be appraised in the territory in which he expects to operate.

A list of appraisers, considered by the Administrator to be in good standing at the time §§ 36.4200–36.4251, become effective, may be approved.

(p) "Certificate of title" means, with respect to real property, a written and signed opinion or statement as to title by a qualified member of the bar of, or by a title company authorized to do such business in, the jurisdiction in which the mortgaged property is situated; or at the option of borrower and lender a title insurance or guaranty contract by a corporation authorized to engage in such business in the State wherein the property is situated; or appropriate evidence of title in the proposed encumbrancer pursuant to a Torrens or other similar title registration statute.

(q) "Credit report" means the report submitted by any credit reporting agency of at least five years' experience with facilities for national coverage, approved by the Administrator, or any other form of report acceptable to the Administrator for the purpose of determining the applicant's credit standing.

(r) "Eligible veteran" means a veteran who:

(1) Served in the active military or naval service of the United States on or after September 16, 1940, and before the officially declared termination of World War II.

(2) Shall have been discharged or released from active service under conditions other than dishonorable, either

(i) After active service of ninety days or more, or

(ii) Because of injury or disability incurred in service in line of duty, irrespective of the length of service; and

(3) Applies for the benefits of this Title within two years after separation from the military or naval forces, or within two years after the officially declared termination of World War II, whichever is later. In no event, however, may an application be filed later than five years after such termination of such war.

(s) "Eligible lenders" are persons, firms, associations, corporations and "governmental agencies and corporations, either State or Federal".

(t) "Creditor" means the payee, or any subsequent holder of the indebtedness, and includes a mortgagee.

(u) "Debtor" means the maker of the note or obligor in any other obligation, or any other person who is, or becomes, liable thereon, by reason of a contract of assumption or otherwise.

(v) "Used or conducted by a veteran" means personally directed and operated by a veteran on the site, with or without hired labor; not solely operated by a tenant or an employee who does not receive supervision and direction by the veteran.

(w) "Interest" means the compensation fixed by law or by the parties to a contract, for the use or detention of, or forbearance with respect to, money, irrespective of the name applied to such compensation.

§ 36.4201 *Miscellaneous.* Throughout §§ 36.4200–36.4251, unless the context otherwise requires: (a) the singular includes the plural; (b) the masculine includes the feminine and neuter; (c) person includes corporations, partnerships and associations; (d) month means calendar month, i. e., the period beginning on a certain date in one month and ending at midnight on the preceding date of the next month; (e) "the act" or "the statute" means the Servicemen's Readjustment Act of 1944 Ch. 268—78th Congress—2d Session. (Public No. 346), 58 Stat. 284; 38 U. S. C. 693; (f) Title III means Title III of the act.

Loans Eligible for Guaranty

§ 36.4202 *Eligible location.* To be eligible for guaranty a loan for any of the purposes stated in section 503 must be

in connection with an enterprise which has its principal place of business within the United States and any real or personal property encumbered to secure a loan shall be situated within the United States. Temporary removal for use in the course of the business will not affect the guaranty if the lien is not affected.

§ 36.4203 *Loans for business purposes.* Section 503 of the act provides for granting to an eligible veteran "the guaranty of a loan to be used in purchasing any business, land, buildings, supplies, equipment, machinery, or tools, to be used by the applicant in pursuing a gainful occupation (other than farming)." The application, therefore, may be approved by the Administrator if he finds that:

(a) The proceeds of such loan will be used for payment for real or personal property purchased or to be purchased by the veteran and used by him in the bona fide pursuit of such gainful occupation;

(b) Such property will be useful in and reasonably necessary for the efficient and successful pursuit of such occupation;

(c) The ability and experience of the veteran, and the conditions under which he proposes to pursue such occupation, are such that there is a reasonable likelihood that he will be successful in the pursuit of such occupation;

(d) The purchase price paid or to be paid by the veteran for such property does not exceed the reasonable normal value thereof as determined by proper appraisal; and

(e) The loan appears practicable.

§ 36.4204 *Loans for the acquisition of a business.* (a) The assets to be acquired may consist of real or personal property, tangible or intangible, or a combination of any such. The business so acquired may be operated by an individual or a partnership. The appropriate contracts or circumstances shall assure that upon acquisition of the contemplated interest in the business enterprise the veteran, as sole owner or as partner, shall have an active part in the management and direction thereof. The ultimate maturity of such loans shall not be in excess of 5 years.

(b) When the veteran purchases an interest in an existing business which interest will constitute security for a guaranteed loan, the bill of sale or other appropriate instrument shall expressly provide that the good will is included, and when appropriate, and in every case in the service industries, shall contain appropriate provisions, lawful in the jurisdiction, forbidding or restricting the seller's engaging in a similar business within such period of time and such area as the seller and purchaser agree. Encumbrance on interests in the business so acquired shall include all such rights, and in all cases, encumbrances on business interests shall expressly include good will.

(c) (1) To the extent practicable and legally permissible, all assets of the business acquired shall be pledged as security for the loan.

(2) Cash, notes, accounts receivable and other choses in action not an integral part of the business may be excluded.

(3) The lien on personalty may be a secondary lien provided the first lien secures only an obligation for part of the purchase price thereof.

(4) If realty is acquired in the transaction the lien on the realty shall be a first lien unless § 36.4206 is applicable.

(d) If the indebtedness of the veteran is not adequately secured by lien on the entire interest in specific chattels or other personal property but is secured by undivided interests in specific chattels or other personal property, or in a business enterprise owned by more than one person, the requirement of paragraph (i) (1) (vi) of § 36.4200, relating to undivided interests in realty shall be applicable to the interests in said chattels or business or other personal property.

(e) Loans for the acquisition of additional inventory or for other working capital purposes are not included in the act.

§ 36.4205 *Loans for purchases of equipment and supplies*—(a) *Loans for the purchase of equipment, machinery or tools (new or used).* (1) A loan for the entire purchase price of such articles, to be guaranteed in whole or in part, shall be secured by a conditional sales agreement, or by a first lien. The ultimate maturity of such loans shall not be in excess of 3 years.

(2) A loan for the initial payment on the purchase price of such articles shall not exceed one-third of the purchase price and subject to the same limitation shall not exceed $1,000.00. The ultimate maturity of such loans shall not be in excess of one year for loans which do not exceed $500.00, or 2 years for loans exceeding $500.00. Loans for such purposes shall be secured by second lien.

(3) In no event will application for guaranty be granted in respect to an obligation for the unpaid purchase price or any part thereof if application for guaranty shall have been granted (or is pending) in respect to the initial payment on the purchase price of the same property as contemplated by subparagraph (2).

(b) *Loans for the purchase of supplies.* A loan for the purpose of purchasing supplies as defined in § 36.4200 (i) (4) may be made if the loan does not exceed $1,000.00 and the maturity does not exceed 1 year. Such loans may be unsecured if security is not practicable or customary.

§ 36.4206 *Second loans to complete a purchase.* If the loan secured by a first lien is made, guaranteed or insured by a Federal Agency pursuant to law or regulation applicable thereto as provided in section 505 (a) of the act, and application is made to the Administrator to guarantee a second loan to cover all or part of the purchase price, such application may be granted if otherwise proper under the act and §§ 36.4200–36.4251, notwithstanding the loan is not secured by a first lien.

In such case the second loan shall not exceed 20% of the purchase price and the rate of interest shall not exceed 4% per annum.

§ 36.4207 *Life insurance, or additional security.* The lender and borrower may make mutually acceptable arrangements for life insurance, or for other security in addition to the property, if any, encumbered to secure the guaranteed loan.

§ 36.4208 *Loans for and mortgages on business realty*—(a) *Loans for the purchase of business realty (land, building).* Except as provided in section 505 of the act, loans for the purpose of purchasing business realty and in respect to which any guaranty is sought, shall be secured by a first lien on such property; but the existence of tax or special assessment prior liens will not disqualify security which is adequate and otherwise acceptable.

(b) *Mortgages required on business realty.* (1) Each business realty loan guaranteed under the provisions of Title III must be evidenced by a note or notes secured by appropriate security instrument or instruments (mortgage legally sufficient in the jurisdiction in which the property to be encumbered is situated). If the loan to be guaranteed does not exceed $500 and the lender does not require a mortgage, the Administrator may nevertheless guarantee such loan provided it complies otherwise with the act and §§ 36.4200–36.4251.

(2) The law of the State where the contract is made determines the capacity of the parties to contract. Similarly the law of the State wherein the real estate or personal property is situated determines the capacity of mortgagor to encumber and of the mortgagee to hold the legal rights resulting from encumbrance. The act does not modify such law of the State. The guaranty by the Administrator will be available only in the event that under the applicable State law the contract between the borrower and lender is binding on both, and the mortgage has the legal effect intended. Subparagraph (2) of this paragraph will be applicable particularly in cases involving minors, "persons of unsound mind," and persons under other legal disability by reason of the law of the State. It will be applicable also in cases involving mortgage or other loans which any guardian, conservator, or other fiduciary seeks to make or obtain; and to a guaranty thereof for which application is submitted.

(3) A term loan, which is in accord with applicable State or Federal law, and regulations, if, any, may be eligible for guaranty if the amount of the loan to be guaranteed plus the unpaid amount of all obligations secured by liens superior to the lien securing the proposed loan does not exceed two-thirds of the reasonable normal value of the property encumbered to secure the loan and if the ultimate maturity date of the mortgage indebtedness so secured, and to be guaranteed, is not more than five years from the date of the note. Such superior liens shall not be mortgage liens, except when the guaranty is issued pursuant to section 505 of the act.

(4) Except as provided in subparagraph (3) of this paragraph the loan shall be amortized. The obligation to be amortized may, and except for the first year shall, require such periodical payments of stated sums as will in accord-

ance with standard amortization practice result in payment of the entire principal and interest within not more than 20 years from the date of the loan, or the date of assumption by the veteran, whichever is later. At the request of the mortgagor the payments during the first year shall be less than the amount required thereafter, by the sum representing the interest charge on the guaranteed part of the loan, and which interest charge the Administrator will pay at the end of that year.

(5) Increase derived from live-stock which is held as collateral is not required to be included in the lien, and when so included may be disposed of by agreement between creditor and debtor without advising the Administrator of such disposition.

§ 36.4209 *Transfer of title.* The conveyance or other transfer of a veteran's interest in a business, or in other property, real, personal or mixed, which has been acquired wholly or in part with the proceeds of a loan guaranteed in whole or in part by the Administrator, shall not terminate or otherwise affect the contract of guaranty, unless (a) the creditor by express agreement for that purpose releases or otherwise discharges the veteran from personal liability thereon; or (b) by indulgence of, or by agreement with, the veteran's immediate or remote grantee, or vendee, contrary to §§ 36.4200–36.4251, and without the consent of the Administrator the creditor so alters the contract made by the veteran with the lender as to cause discharge of the veteran by operation of law.

§ 36.4210 *Obligation of guarantor.* To the extent prescribed the obligation of the United States is that of a guarantor, not an indemnitor.

§ 36.4211 *Contract provisions.* Subject to the provisions of the act and §§ 36.4200–36.4251, the contract between the lender and borrower may contain such provisions as they agree upon and which are reasonable and customary in the locality where the property is situated.

§ 36.4212 *Repayment provisions, business loans.* (a) Subject to §§ 36.4204, 36.4205 and 36.4208 the terms of repayment of the loan to be guaranteed may be such as the lender and borrower agree. Such terms should be predicated primarily upon the anticipated earning capacity of the business, the nature and normal useful life of the security, if any, and other material factors that would be considered by reasonably prudent persons similarly situated. Generally, such loans should be repayable on a monthly, quarterly, or seasonally amortized basis. An unamortized loan, except as provided in § 36.4208 (b) (3) will not be guaranteed.

(b) The loan agreement may provide for variable amortization payments dependent upon the earnings of the business, and for such other reasonable protective options as usually are required by prudent lenders of the community in comparable transactions.

(c) Any loan guaranteed by the Administrator under Title III of the act shall be payable in full in not more than twenty years.

§ 36.4213 *Prepayments.* (a) When the debt is to be amortized the note or other evidence thereof, or the mortgage securing same, shall contain appropriate provisions granting any person liable for such debt, the right to pay at any time the entire unpaid balance or any part thereof. Unless otherwise agreed all such prepayments shall be credited to the unpaid principal balance of the loan as of the due date of the next instalment. No premiums shall be charged for any partial or entire prepayment.

(b) Any person liable shall be entitled to prepay a term loan, or any part thereof, upon not less than one month's notice. The note or mortgage shall so provide.

(c) Any prepayment shall be applied in the manner and to the items directed by the person making the prepayment.

§ 36.4214 *Pro rata decrease of guaranty.* The amount of the guaranty shall decrease pro rata with any decrease in the amount of the unpaid principal of the loan, prior to the date the claim is submitted.

§ 36.4215 *Insurance coverage required.* (a) Buildings the value of which enter into the appraisal forming the basis for the loan guaranteed shall be insured against fire, and other hazards against which it is customary in the community to insure and in reasonable amount, at least equal to the amount by which the loan exceeds the value of the encumbered land, plus that of the improvements included in the appraisal but which are not subject to the hazards insured against: *Provided*, That upon a satisfactory showing at the time of application for guaranty that (1) it is impossible or impracticable to obtain such insurance because of location, prohibitive cost, or other good reason; (2) prudent lenders in such community customarily do not require such insurance, or some portion thereof (amount or hazard), and (3) the lender submitting the application is willing to make the loan without insurance coverage on one or more of the buildings, or without certain coverage, or in a reduced amount, and subject to the provisions of paragraphs (b) and (c) of this section; the Administrator may at the time of approving the application waive all or part of such insurance requirements, subject to the provisions of said paragraphs (b) and (c) of this section. No waiver will be granted on the basis of premium cost in any case wherein the premium cost on an annual basis does not exceed $5.00 per $1,000 of insurance against the hazard of fire, or $10.00 per $1,000 for fire and all other hazards covered by the insurance. For loans on personalty, insurance collectible in amount equal to the debt and against the hazards usually insured against, if reasonably available, at reasonable cost shall be required. The insurance coverage on personalty will be a factor in determining the practicability of the loan. The procuring of insurance of the amount and coverage stated in the approved application shall constitute conclusive evidence of waiver by the Administrator of insurance in excess of the amount stated in or in connection with the application and also all hazards and property not mentioned therein as hazards and property to be covered.

The creditor shall require that there be maintained in force such insurance of the coverage stated in the approved application in an amount not less than the amount stated or the amount of the unpaid indebtedness whichever is the lesser.

In the event insurance becomes unavailable the fact shall be reported to the Administrator for determination whether waiver shall be granted or loan declared in default.

(b) For the sole purpose of determining the amount payable upon a claim under the guaranty after an uninsured loss (partial or total) has been sustained, the unpaid balance of the loan (except as provided in paragraph (c) of this section) will be deemed to have been reduced by an amount equal to the amount of the uninsured loss, but in no event below an amount equal to the value of the land and other property remaining and subject to the mortgage.

(c) There shall be no reduction of the amount of the guaranty as provided in paragraph (b) of this section by reason of an uninsured loss which is uninsured (as to hazard or amount) by reason of a waiver by the Administrator as provided in paragraph (a) of this section.

(d) All insurance effected on the mortgaged property shall contain appropriate provisions for payment to the creditor (or trustee, or other appropriate person for the benefit of the creditor), of any loss payable thereunder. If by reason of the creditor's failure to require such loss payable provision in the insurance policy payment is not made to the mortgagee the liability on the guaranty nevertheless shall be reduced as provided in paragraph (b) of this section with respect to an uninsured loss, except to the extent that the liability under the policy was discharged by restoring the damaged property, by the insurer, or out of payments thereunder to the insured, or otherwise. No waiver pursuant to paragraph (a) of this section shall modify this paragraph (d).

(e) Upon the creditor (or trustee or other person) collecting the proceeds of any insurance contract, or other sum from any source by reason of loss of or damage to the mortgaged property, he shall be obligated to account for same, by applying it on the indebtedness, or by restoring the property to the extent the expenditure of such proceeds will permit. As to any portion of such proceeds the mortgagee is not entitled to retain for credit on such indebtedness or by reason of other legal right he shall hold and be obligated to pay over the same as trustee for the United States and for the debtor, as their respective interest may appear.

(f) Nothing in §§ 36.4200–36.4251 shall operate to prevent the veteran from procuring acceptable insurance through any authorized insurance agent or broker he selects. In all cases the insurance carrier shall be one licensed to do such business in the State wherein the property is situated.

§ 36.4216 *Loan charges.* (a) In the case of a purchase of business or real or personal property by the veteran, and a guaranty pursuant to the act and §§ 36.4200–36.4251 of an indebtedness representing part of the purchase price, there may be charged to the veteran and included in said note amounts actually paid or incurred by the seller (mortgagee) for such expenses and charges as are chargeable to such purchaser in accord with local custom, if the purchaser so agrees, such as fees for appraisals, credit and character report on the veteran, surveys; fees of purchaser's (not seller's) attorney, recording fees for recording the deed (or other conveyance) and the mortgage only, premiums on fire and other hazard insurance that may be required in accordance with §§ 36.4200–36.4251.

(b) In the case of a loan to the veteran, charges in accord with local custom, such as fees for appraisals, credit and character report, surveys, abstract, or title search, curative work and instruments, attorney fees, fees for tax certificates showing all taxes paid, premiums on fire and other hazard insurance that may be required in accordance with §§ 36.4200–36.4251, revenue stamps, recording fees, etc., all limited to amounts actually paid or incurred by the lender, may be charged to the borrower and withheld from the gross amount of the loan.

(c) Any unreasonable charges shall be grounds for denying an application for guaranty. No brokerage or other charges shall be made against the veteran for obtaining any loan guaranty under this title.

§ 36.4217 *Interest.* (a) The rate of interest chargeable on a loan guaranteed fully or in part, shall not exceed 4 per centum per annum on unpaid principal balances. Interest may be computed in accordance with standard amortization practices.

(b) The rate of interest on a secondary loan which is guaranteed pursuant to section 505 of the act may exceed by not more than 1% per annum the rate charged on the principal loan, but in no event shall the rate on the secondary loan exceed 4% per annum.

§ 36.4218 *Advances.* (a) Nothing herein shall prevent the creditor from making advances for the benefit of the mortgagor to pay taxes, and assessments on the real property (if any) securing the indebtedness, insurance premiums as they become due and the cost of the emergency repairs needed to protect the real or personal property, or to cover some particular emergency requirement of the business other than a working capital requirement, in order to prevent a default or to protect the security for the loan. The amount guaranteed by the Administrator shall be increased pro rata with all such increases in the unpaid principal balance of the loan: *Provided*, That (1) the annual interest rate on all advances shall not exceed 4 per centum per annum; (2) the terms of repayment shall not extend the date of the amortization of the loan, (3) the amount of the guaranty shall in no event exceed the original amount thereof, nor exceed the percentage of the indebtedness originally guaranteed, and (4) as to advances to cover an emergency requirement, the transaction is reported to the Administrator before or within 10 days after such advance, and is approved by him.

(b) In the case of any advance made by a creditor to a debtor, the creditor with the consent of the debtor, may apply any and all payments made by the debtor for a period of twelve months to the liquidation of the advance without considering the original loan in default. This shall not be construed to extend the period of indulgence contemplated by §§ 36.4234 and 36.4235.

Guaranty by the Administrator

§ 36.4220 *Limits.* In no event will the aggregate obligations of the United States as guarantor under Title III exceed $2,000 in respect to one veteran whether there be one or several loans, and whether some are obtained for the acquisition of a home, others for a farm, and others for business, or equipment, or other purposes. Repayment of a loan or loans in whole or in part, or transfer of the encumbered property does not modify or enlarge such limitation. The guaranty shall not at any time exceed 50 per centum of the aggregate of the indebtedness for any of the purposes specified in sections 501, 502 and 503 of the act.

§ 36.4221 *Second loan under section 505 (a).* Section 505 (a) of the act provides that when the principal loan for any of the purposes stated in section 501, 502 or 503 is "approved by a Federal agency to be made or guaranteed or insured by it pursuant to applicable law and regulations, and the veteran is in need of a second loan to cover the remainder of the purchase price or cost, or a part thereof," the Administrator may guarantee the full amount of the second loan, *Provided:*

(a) It does not exceed 20 per centum of the purchase price or cost.

(b) The amount guaranteed together with all other guarantees under Title III for the same veteran does not exceed $2,000.

(c) The loan conforms to all other applicable requirements of §§ 36.4200–36.4251.

§ 36.4222 *Two or more eligible veterans or borrowers.* (a) In the absence of a statement to the contrary, an application signed by two or more eligible veterans shall be conclusively presumed to be an application by each for the guaranty of an equal proportionate part of the entire amount to be guaranteed: *Provided, however*, That if husband and wife execute the application, both being eligible veterans, it will be conclusively presumed in the absence of a contrary statement in the application that it is an application for guaranty on behalf of the husband only, unless the amount of guaranty then available to the husband is insufficient to meet the requirements of the case for guaranty of a proper amount under §§ 36.4200–36.4251, and the terms of the application; in which event the deficiency may be charged against the amount available to the wife, unless she has in the application or otherwise (before approval) stated in writing her unwillingness to be so charged.

(b) The Administrator will not require a wife to sign an application made by her husband. If she also is an eligible veteran and desires to exercise her right as such to obtain a guaranty, a separate application by her will be required. Signature of her husband to indicate his pro forma joinder will be required only when the wife is resident of, or the application is signed in, or the property to be encumbered is situated in, a State under laws of which such contract cannot be legally executed by a married woman alone as in the case of an unmarried woman.

§ 36.4223 *Maximum liability where there are two or more veterans.* (a) For the purpose of determining the maximum amount of the potential liability of the United States under a guaranty incident to an obligation on which two or more eligible veterans who applied for the guaranty are liable, the obligation will be deemed a several, and not a joint, obligation of the respective applicants who were charged with the guaranty or a part thereof notwithstanding that as among the debtors or any of them, and as between them, or any of them, and the creditor, the obligation is in fact and law a joint obligation or a joint and several obligation.

(b) In no event will the amount of any veteran's debt thereunder be deemed to exceed for guaranty purposes the amount for which such veteran is legally liable to the holder of the obligation, nor the value of the interest of the veteran in the property. If more than one of the obligors is an eligible veteran and application by him or them is granted, the maximum aggregate amount of the guaranty will be the sum of the amounts available to each applying veteran but in no event will the aggregate of the guaranties for more than one veteran exceed 50 per centum of the total loan except as provided under section 505 of the act.

For the purpose of § 36.4223 the wife of a principal obligor shall not be counted unless (1) she is legally liable on the obligation under the law of jurisdiction where she executed it, and (2) if she is a veteran she be properly chargeable with a part or all of the guaranty as provided in § 36.4222.

§ 36.4224 *Veteran's application.* (a) To apply for a guaranteed loan the veteran and the prospective lender shall complete and sign in duplicate Form 1842, Application for Business or Business Realty Loan Guaranty, Form 1842b, if loan does not exceed $5,000, and both that form and Form 1842c, if the loan exceeds $5,000, Supplement to Application for a Business or Business Realty Loan Guaranty (Exhibit A and Exhibit B). Before or after preparing the application, and before submitting it, the lender and the veteran will address a joint inquiry to the regional office or combined facility having jurisdiction of the territory in which the veteran resides whether the proposed borrower is eligible and the amount of his available guaranty.

This information will be supplied on Form 1800, Certification of Eligibility. In addition to the necessary identifying information, they will state whether the property to be encumbered is real or personal, or both, the State and county in which it is situated and the nearest highway. The Administrator will reply on said Form 1800 or otherwise, stating the name and address of an approved appraiser of realty, and in the case of personal property, the person or persons to function as such. When the lender is a bank Form 1845, Appraiser's Check Sheet, may be completed by the bank and forwarded with the application to the agency.

(b) Before forwarding the executed application the prospective lender shall procure a credit report on the borrower and an appraisal of the business or real property by the appraiser designated.

(c) In every case involving real property, the appraiser's report shall indicate the basis, by survey or otherwise, of identifying the property appraised as that to be encumbered to secure the proposed loan. Serial numbers, if any, and other identifying data will be included in a report dealing with personal property to a sufficient extent to identify the property appraised as that which is to be encumbered.

(d) If the supplies, equipment, machinery, or tools purchased are new and bought through normal commercial channels, the invoice price will be considered "the reasonable normal value" provided such price does not exceed the published price less any available trade or other discounts, and does not include any amount representing a premium or other charge for immediate possession or delivery. If the articles are "used" an appraiser will be designated by the Administration as provided in paragraph (a) of this section.

(e) If (1) under §§ 36.4200–36.4251, a mortgage is not required and (2) the lender does not require a mortgage, and (3) the loan otherwise complies with §§ 36.4200 to 36.4251, inclusive, paragraph (c) of this section; paragraph (e) of § 36.4225; paragraphs (a), (d) and (e) of § 36.4230 shall be inapplicable to such loan and any guaranty thereof.

§ 36.4225 *Papers required.* The prospective lender shall submit to the agency the following papers:

(a) Certification of eligibility. (See § 36.4224 (a).)

(b) Loan guaranty certificate. (Form 1841 attached to application.)

(c) Original application for guaranty signed by prospective lender and borrower. (See § 36.4224 (a).)

(d) The credit report. (See § 36.4224 (b) and (d).)

(e) The appraisal report, if required.

(f) Copy of any option agreement, loan agreement or conditional sales agreement used in the transaction.

(g) Proposed loan closing statement of the estimated amounts to be disbursed by the lender for the account of the borrower. (See Form 1861.)

(h) Unless stated in the mortgage, or otherwise in the papers submitted, a statement of the kinds and amounts of insurance to be required to protect the mortgagor, the lender and the Administrator against loss by fire and other hazards, and the estimated premium cost thereof. (See § 36.4215.)

(i) When applicable, the original and copy (both signed) of Form 1862, Application to Amend Loan Guaranty Certificate. (See § 36.4231 (c) and (d).)

§ 36.4226 *Recommendation for approval of guaranty.* The agency shall review the papers to determine whether it will recommend approval of the application for guaranty. Thereupon the agency shall forward all the papers to the appropriate office of the Administrator with recommendation that (a) the Administrator approve the application, or (b) he disapprove it. If disapproval is recommended the reasons therefor shall be stated in writing at the time the papers are forwarded. A recommendation that the application be approved shall be appropriately endorsed on the original of the application.

§ 36.4227 *Administrator's action on application.* (a) Upon receipt of the papers from the agency, the Administrator will determine whether to approve the application. If disapproved he shall return to the proposed lender all papers except the original application for guaranty and the original appraisal report and shall state that the application for guaranty has been denied and the reasons therefor. He shall send a copy of the letter to the veteran and the agency. Upon denial any expenses incurred by the lender or borrower shall be borne by them or either of them as they shall have agreed.

(b) (1) The veteran and the proposed lender, or either, may appeal to the Administrator for review of a denial of the application.

(2) Such appeal may be by letter, or on any prescribed form, and shall be mailed or delivered to central office of the Veterans' Administration within one month after receipt of notice of denial.

(c) (1) If for any reason the loan transaction is not concluded and the same or another lender thereafter wishes to consider making a loan on the same security described in the original application, a supplemental application, if the same lender, or a new application if a different lender, may be submitted. If accompanying it is a statement by the borrower and lender that the condition of the security is substantially the same as when the appraisal report was made, the supplemental or new application may be approved without a new appraisal, if the supplemental or new application shall have been received by the Administrator within three months from the date of the appraisal report.

(2) Without reference to the time limit stated in subparagraph (1) of this paragraph (c) a copy of the appraisal report will be supplied without cost to a prospective new lender, or to the original proposed lender at the currently prescribed price for a copy.

§ 36.4228 *Execution and form of guaranty.* (a) If the Administrator approves the application he shall notify the Agency and the veteran thereof. For the purpose of evidencing the contract of guaranty, he shall execute a loan guaranty certificate, to become effective upon the conditions therein stated. It shall be in substantially the form following:

Veterans' Administration
Finance Form 1841

UNITED STATES OF AMERICA

LOAN GUARANTY CERTIFICATE ISSUED BY VETERANS' ADMINISTRATION

State _____
(Where property is located)

_____
(Lender, exactly as payee's name will appear on note.)

_____
(R. F. D. or Street) (Post Office)

_____
(County) (State)

Number LB-_____
(To be filled in by V. A.)

_____
(Borrower-Veteran, exactly as to be signed on note and mortgage.)

_____
(R. F. D. or Street) (Post Office)

_____
(County) (State)

I

A. This certificate shall become effective when the requirements of the statute and regulations have been complied with and the acts certified in part III hereof have been accomplished in compliance with said requirements.

B. When it becomes effective as hereinabove prescribed, this certificate shall obligate the United States of America to pay to the legal holder of the "note" described on the reverse hereof upon his duly filing claim therefor:

1. All or such portion of the maximum amount hereby guaranteed as becomes payable upon the conditions, at the time stated in, and in accordance with the provisions of the Servicemen's Readjustment Act of 1944 (38 U. S. Code 693; 58 Stat. 284), and the regulations issued pursuant thereto which are in effect on the date of this certificate. In no event will the obligation under this certificate exceed $2,000. Subject to the foregoing, this guaranty is for _____ per centum of the principal amount of said "note," but not for more than $_____. In no event will it exceed said percentage of the principal amount.

2. At the expiration of 1 year from the date of the "note," an amount equal to the interest for 1 year at the contract rate on that portion of the indebtedness ("note") originally guaranteed hereby, such payment to be credited on the indebtedness as prescribed by said regulations.

C. Executed on behalf of the United States of America by the Administrator of Veterans' Affairs, through the undersigned authorized agent on this date, to become effective in the manner hereinabove prescribed.

Dated_____

ADMINISTRATOR OF VETERANS' AFFAIRS,

By _____
(Authorized agent)

At _____
(Post Office)

NOTE: If loan is not closed, the proposed lender, or when paid, the holder of the note will mark this certificate "Cancelled," sign thereunder, and return to Veterans' Administration.

II

Description of Property to be "Mortgaged" (Lot and block, section and township, land lot and Land District, etc., and surveyor's field notes where appropriate, and any other language proper to complete description. Include description of personal property, if any. Describe fully: show serial numbers, if available, or any other means of identification.)

Premises identified as _____
(Name of place, if any,

_____
and R. F. D. Also number or name of nearest

_____
highway. Street and number in city, etc.)

_____ _____
(City, Town, Village) (County, Parish)

_____
(State, District, Territory)

III

CERTIFICATION BY BORROWER AND LENDER

A We hereby warrant that (1) the undersigned borrower names on the reverse hereof executed the note, the face amount of which is $_____ consisting of $_____ principal and $_____ interest, as defined in the regulations; (2) it is dated the _____ day of _____ 19__; (3) borrower(s) and mortgagor(s) delivered it together with the "mortgage" (as defined in the regulations) bearing the same date, and executed to secure payment of said note; (4) said note and mortgage are in the form and type contemplated in the application of the undersigned pursuant to which this loan guaranty certificate was issued; and (5) the principal stated above has been paid to, or according to the directions of, the undersigned borrower(s).

B. The undersigned lender warrants that (1) the same "mortgage," duly executed and witnessed, acknowledged, or proved as required by law, was properly filed, or filed for record, if and as provided by law on the _____ day of _____ 19__, at ____ M; and was given file No. _____ by the Recorder or other proper officials; (2) that it covers the property described on the reverse hereof, which is the same property described, or otherwise identified, or referred to, in the above-mentioned application for guaranty, and in this loan guaranty certificate or in the Application to Amend Loan Guaranty Certificate, if any, applicable to such loan; (3) that no lien superior to said "mortgage" has intervened since the date of said application unless the application indicates it is for a loan to be secured by a second lien as prescribed by the regulations; and (4) if the approved application for guaranty related to a loan wholly or partly to be secured by a hypothecation or a pledge of personal property, such hypothecation or pledge has become effective by appropriate delivery to the lender and no superior lien has intervened since date of application.

(All signatures must be in ink)

(If a corporation)

_____
(Secretary)

Mr.
Mrs.
Miss _____
(Lender(s))

[CORPORATE SEAL]

By: _____

_____
Title (President, vice president, (etc.)

Mr.
Mrs.
Miss _____

Mr.
Mrs.
Miss _____
(Borrower(s))

NOTE 1. If the note is unsecured, references to "mortgage" in paragraphs "A" and "B" above are inapplicable. (See Regulations, §§ 36.4205 and 36.4208.)

NOTE 2. If the local law provides for filing only, not recording, chattel mortgages or similar instruments, paragraph "B" above nevertheless is to be completed. It refers to not only the County Recorder or Clerk, but also to the State Commissioner of Motor Vehicles or other official who keeps motor vehicle mortgage records, and to other similar officials, State or County.

(b) The word principal as used in the Loan Guaranty Certificate and the certification on the reverse thereof means the amount of money actually disbursed to or for the account of the borrower.

§ 36.4229 *Disposition of papers.* The original application for guaranty and the appraisal report will be retained in the files of the Veterans' Administration. The Loan Guaranty Certificate and all other papers will be forwarded to the proposed lender with instructions as to closing the loan in a manner to make the guaranty effective.

§ 36.4230 *Loan procedure after approval of guaranty.* Upon receipt of the papers from the Administrator, the lender shall:

(a) Satisfy himself by title certificate as defined in these regulations as to the title to the real estate to be encumbered and satisfy himself in such reasonable manner as may be available as to the title to personal property to be encumbered.

(b) Cause all necessary instruments to be properly signed and those to be filed, or filed and recorded, properly witnessed, acknowledged or proved so as to entitle them to filing or recordation.

(c) Disburse all funds in substantial accord with the proposed loan closing statement submitted with the application. (See § 36.4225.)

(d) File with the proper State, County or other public official, to be retained where required, or recorded and returned, the "mortgage", and any other appropriate instrument which under the law of the State is required or permitted to be filed or recorded for the purpose of establishing a valid lien as between the parties, or third persons, or of giving actual or constructive notice of the "mortgage", pledge, hypothecation, or other transaction.

(e) Take possession or do any other necessary act to make effective the pledge, or hypothecation, if any.

§ 36.4231 *Report of closing loan.* (a) Within two months after closing the loan and filing with the appropriate public official of the proper instruments, or the taking of other appropriate steps, if any, to make the lien effective, the lender shall complete and forward to the Administrator (using prescribed form, if available) a properly signed report of closing the loan stating that:

(1) The disbursement of the amount named in such report as the principal of the note has been completed by the lender which amount may be not more than 3% in excess of the amount of the proposed loan as stated in the original application for guaranty without complying with the procedure stated in paragraphs (c) and (d) of this section.

(2) Such disbursements were as estimated on the loan closing statement submitted with the application, except as otherwise stated on the reverse side of the loan closing statement. (See § 36.4225.)

(3) The note and the mortgage (or other security instrument) were properly executed stating the date, and the latter was duly acknowledged, witnessed, or proved so that it was legally eligible for filing and for recording if appropriate; the date and hour when, and county in which it was properly filed; and the filing number thereof; or in the case of a pledge or hypothecation the necessary possession, or other steps were taken to make same effective.

(4) The note was dated, (stating the date thereon), and signed by the debtor; the actual principal amount thereof, and the rate of interest provided therein.

(5) The Loan Guaranty Certificate (stating its L-number) was completed, and appropriately signed by the lender and the borrower as therein provided.

(b) If lender is a corporation its corporate seal shall be impressed on such report.

(c) If the transaction to be closed is essentially the same as indicated in the original application except that:

(1) The amount of the loan actually to be made is more than 103% of the amount stated in the application, or (2) personal property to be acquired differs from that described but is for the same use or purpose, and substantially similar in kind, quality and value, Form 1862, Application to Amend Loan Guaranty Certificate, will be completed and signed in duplicate.

(d) The lender will forward the original and copy of Form 1862, Application to Amend Loan Guaranty Certificate, to the "Agency", which will recommend approval or disapproval and forward both to the Veterans' Administration office which issued the Loan Guaranty Certificate. Such office will determine whether to approve the Application to Amend Loan Guaranty Certificate. Such determination will be based on the original application, the evidence submitted in or with the original application, the application to amend, the recommendation of the agency, and such other evidence, if any, as it considers necessary. Notice of action will be given as in the case of original applications. If approved such approval will be appropriately indicated on the original, and such original, duly executed by the Veterans' Administration will be forwarded to the lender. It may be attached to the original Loan Guaranty Certificate to evidence amendment thereof as reflected by such "rider".

§ 36.4232 *New building.* (a) When an application submitted pursuant to the procedure set forth in the foregoing §§ 36.4224 and 36.4225 relates to the guaranty of a loan covering the cost of new building for business purposes, the lender will also furnish the following:

(1) Complete plans and specifications for the proposed new building.

(2) An estimate, prepared by a qualified appraiser, of the fair market value of the property on which the improvements will be situated together with a separate estimate of the increased value of the property which will result from the improvements according to the plans

and specifications. Such estimates of value are in addition to the appraiser's report of the "reasonable normal value."

(3) A copy of the agreement or agreements (which may be unsigned) on which the proceeds of the proposed loan will be disbursed.

(b) Upon the receipt of such papers the agency will follow the procedure prescribed in § 36.4226 and submit same to the Administrator for action under §§ 36.4227 and 36.4228.

(c) The borrower and lender may contract for the payment to the lender of a reasonable sum for the advance of funds during the construction and for the supervision or inspection of the new building.

(d) During the course of building the Administrator shall be entitled, at his expense, to cause such inspection of the construction work at such time or times as he may determine.

(e) The closing report required under § 36.4231 shall be forwarded within two months after completion of the new building and shall be accompanied with a statement by an appraiser on Finance Form 1803a stating that:

(1) He has inspected the building.

(2) The same has been built and completed in substantial conformity with the contract, plans and specifications, if any, and any authorized changes therein, permitted by these regulations.

(3) The increased value of the property as completed and which will be encumbered is substantially in accord with his estimate.

(f) Minor changes may be made in the plans and specifications or substitution of material of substantially equal quality or value, as the creditor, the debtor, and the builder (contractor) may agree if same are not of a major character and in the aggregate do not increase or decrease the cost more than five per centum of the contract price. This does not modify the provisions of § 36.4231. Changes or substitutions other than as herein stated must have the approval of the Administrator.

(g) Upon compliance with the requirements of this section and of §§ 36.4230 and 36.4231 relating to the guaranty becoming effective in other than new building cases, the loan guaranty certificate shall become effective as originally executed (and subject to § 36.4231), or as amended pursuant to approval of application therefor on Form 1862, Application to Amend Loan Guaranty Certificate.

(h) Compliance with paragraph (a) (2) and paragraph (e) of this section is not required in the case of loans not in excess of $500.

§ 36.4233 *When guaranty does not apply.* The guaranty shall not cover any loss sustained by the creditor as the result of:

(a) The acceptance by the mortgagee of a mortgage on any real or personal property, title to which is not merchantable;

(b) Failure of the mortgagee to procure a duly recorded lien of the dignity required by §§ 36.4200–36.4251; or a lien of such dignity by filing, without recording, if lawful, or by pledge or otherwise as required or permitted by applicable law in the jurisdiction where the property is situated at the time the loan is closed;

(c) Failure of the mortgagee to comply with § 36.4215 with respect to insurance;

(d) A tax sale pursuant to execution, or otherwise as provided by law, occasioned by nonpayment of taxes accruing against the mortgaged property after the date of the mortgage if mortgagee fails to give notice to the Administrator of the delinquent taxes at least one month before such sale;

(e) A release by the creditor of the lien on any of the real or personal property securing the guaranteed loan, or any part thereof unless the Administrator consents in writing. Such consent may be granted if the debt is appropriately reduced or on such other terms as the Administrator may determine: *Provided, however,* That if the land is sought by a public authority for highway or other purposes, consent is hereby given for the creditor to release without consideration or for such consideration as he deems proper and without reference to the Administrator, the creditor's lien on land without any buildings thereon if the land so released does not exceed five percent of the acreage encumbered and does not exceed $200 in value. The same consent is hereby given when the release, easement grant, or other instrument is sought by a public or private agency, or person, for the purpose of pipe line, telephone, telegraph or electric transmission lines: *Provided, however,* That when such releases, or grants by the lender for any one or more of the purposes stated in this paragraph (e), or otherwise, with or without specific consent by the Administrator, shall have decreased the security as much as five percent in acreage, or $200 in value, no further releases shall be executed, without consent of the Administrator. If such are executed without consent the amount of the guaranty will be reduced proportionately in the same manner as if the value of the released property were applied as a credit on the unpaid balance of the loan. The provisions of this paragraph (e) will not be construed to affect the guaranty in the event of any grant of title or easement that leaves unaffected the lien on the property affected thereby; or

(f) Sale by reason of foreclosure of a superior lien if the holder of the guaranteed loan secured by a subordinate lien has knowledge of such foreclosure sale as much as 10 days prior thereto and fails to notify the Administrator of the time and place thereof.

(g) The exercise of a right of reverter for breach of restrictive covenants.

Claims Under a Guaranty

§ 36.4234 *Default.* (a) In the event of default, not cured, continuing; (1) three months on an amortized loan which is secured by a mortgage on real property; (2) one month on an unamortized loan unsecured, secured by real or personal property; (3) two months on an amortized loan which is unsecured or secured by a lien on personal property, the creditor may elect to assert claim under the guaranty, and give notice thereof to the Administrator.

(b) If any default occasioned by failure seasonably to pay to the creditor entitled any amount of principal or interest due him under the contract (not cured) shall have persisted as long as six months on the type of loan described in paragraph (a) (1); or three months on the type described in paragraphs (a) (2) or (a) (3), the holder of the indebtedness shall give notice thereof to the Administrator notwithstanding the failure results from payments on advances as provided in § 36.4218 or from any indulgences of the debtor as provided in §§ 36.4235 or 36.4241.

(c) (1) The notice shall state the loan guaranty number if available. If not available other identifying data shall be included, such as date and amount of original obligation, location of Veterans Administration office that issued the guaranty and the property encumbered.

(2) In all cases the notice shall state the name and last known address of the debtor, of the veteran, and of the creditor, and the date and manner of default, and amount past due. If he desires, the creditor may also state his views as to any indulgence that should be extended.

(3) The notice to the Administrator shall be mailed by registered mail or personally delivered in exchange for a written receipt within one month after the expiration of the periods prescribed in paragraph (b) of this section.

§ 36.4235 *Claim on notice of default.* (a) In the notice of default or separately, then, or later, the creditor may make claim under the guaranty.

(b) Then or thereafter the creditor may also give notice of his intention to foreclose the lien or liens securing the indebtedness.

(c) The Administrator may approve the creditor's request, if any, to postpone action to press his claim against the mortgagor, or the property. Such postponement, with the consent of the Administrator, shall not operate to void or diminish the ultimate liability under the guaranty. Consent is hereby given for the lender to agree to deferring or reducing payments for not more than six months on an amortized note but not beyond a date six months beyond its original maturity, and subject to the same limitation, not beyond 20 years from date of the note. In no event shall indulgence or postponement of action authorized by §§ 36.4200–36.4251, impair any right of the creditor to thereafter proceed within the applicable statute of limitations period as if there had been no indulgence or postponement.

§ 36.4236 *Legal action.* (a) The creditor shall not begin action in court, or give notice of sale under a power of sale, until the expiration of 30 days after receipt by the Administrator of the notice of intention to foreclose. Notwithstanding paragraph (a) of § 36.4234 such notice may be given at any time after a default.

(b) (1) If the circumstances require immediate action to protect the interest of the creditor or the Administrator, the Administrator may waive the requirement for prior notice if notice of the action taken is immediately given.

(2) Without limiting the foregoing, the existence of conditions justifying the appointment of a receiver for the property shall be sufficient excuse for beginning suit without prior notice to the Administrator if within ten days after commencement of the suit or action, plaintiff gives the Administrator notice thereof.

(c) Subject to the provisions of this paragraph (c) the right to repossess personal property by virtue of law, or any contract, may be exercised without prior notice to the Administrator, but he shall be given notice thereof within ten days thereafter, and he or the debtor may exercise any rights of redemption or other legal rights available under the law of the jurisdiction within 30 days after such notice, or such longer period, if any, as is provided by such law. In any case the debtor or the Administrator shall be entitled to a good title to and possession of such property so repossessed upon compliance with the conditions of any agreement or upon paying or tendering to the person then in possession thereof within 30 days after such notice, the unpaid balance of the debt with interest to date of tender, and a reasonable sum in addition to cover expenses of the repossession.

§ 36.4237 *Notice of suit and subsequent sale.* (a) Within ten days after beginning suit or causing notice of sale without suit to be given, the creditor shall notify the Administrator thereof by registered mail or personal delivery in exchange for written receipt. The notice shall state whether the foreclosure will be by proceeding in court, or under a power of sale; the type and number of the suit, if any, and the name and location of the court in which pending.

(b) The creditor shall give written notice to the Administrator by registered mail (or delivery) of any foreclosure sale, judicial, or under a power of sale; or of any proposed termination of the rights of any vendee or his immediate or remote grantee (assignee) pursuant to any power or option in a sales contract, or in any other instrument affecting the property which constitutes any security for the obligation guaranteed. Such notice shall be given so that it is received at least thirty days before such sale or other proposed action. It shall state the date, hour and place thereof. The Administrator may bid thereat on the same terms as the lender or other bidders, and may exercise any right the debtor could exercise by virtue of the contract, or any statute, or otherwise. This section is applicable whether the suit, or the sale, or termination, occur before or after payment of the guaranty.

§ 36.4238 *Death of veteran or other owner.* (a) In the event the creditor has knowledge of the death of the veteran, or of any owner of an interest in the encumbered property, or the death of any other person liable on the indebtedness which is guaranteed in whole or in part, the creditor shall take such steps, if any, as are legally necessary, and reasonably available, in the jurisdiction where the encumbered property is situated, to avoid loss of the lien, or impairment thereof, or of all or part of the proceeds of any sale of the property as a result of, or incident to, such death, or of any probate proceedings thereby occasioned in said jurisdiction.

(b) In addition to protecting the lien rights as required by paragraph (a) of this section, the creditor at his discretion may proceed in probate, or otherwise, as may be permissible and feasible in any jurisdiction where administration proceedings are pending or properly may be instituted, or other appropriate legal action taken against assets or persons, to assert any rights, by means of any remedies, therein available to a similarly situated creditor of the decedent.

(c) Upon direction of the Administrator and his designation of an accessible attorney for the purpose, and making appropriate provisions for advancing or paying the costs and expenses of the proceeding, the creditor shall proceed as provided in paragraph (b) of this section: *Provided, however,* That in any case the Administrator may, at his option, proceed immediately in respect to protecting the lien, or asserting claim as contemplated by paragraph (b) of this section, or as to both remedies. If the Administrator takes action, it may be in his name or the name of the creditor as the Administrator may elect and as may be appropriate under applicable law. If action is taken by the Administrator he shall seasonably notify the creditor thereof.

(d) Nothing in this section shall impair any right of set-off or other right or remedy of the Administrator.

§ 36.4239 *Death or insolvency of creditor.* (a) Immediately upon the death of the creditor and without the necessity of request or other action by the debtor or the Administrator, all sums then standing as a credit balance in a "trust," or "deposit," or other account to cover taxes, insurance accruals, or other items in connection with the loan secured by the encumbered property, whether stated to be such or otherwise designated, and which have not been credited on the note shall, nevertheless, be treated as a set-off and shall be deemed to have been credited thereon as of the date of the last debit to such account, so that the unpaid balance of the note as of that date will be reduced by the amount of such credit balance: *Provided, however,* That any unpaid taxes, insurance premiums, rents, or advances may be paid by the holder of the indebtedness, at his option, and the amount which otherwise would have been deemed to have been credited on the note reduced accordingly. This section shall be applicable whether the estate of the deceased creditor is solvent or insolvent.

(b) The provisions of paragraph (a) of this section shall also be applicable in the event of:

(1) Insolvency of creditor;

(2) Initiation of any bankruptcy or reorganization, or liquidation proceedings as to the creditor, whether voluntary or involuntary;

(3) Appointment of a general or ancillary receiver for the creditor's property; or, in any case

(4) Upon the written request of the debtor if all secured and due insurance premiums, taxes, and ground rents have been paid, and appropriate provisions made for future accruals.

(c) Upon the occurrence of any of the events enumerated in paragraph (a) or (b) of this section interest of the note and on the credit balance of the "deposit" mentioned in paragraph (a) shall be set-off against each other at the rate payable on the principal of the note, as of the date of last debit to the deposit account. Any excess credit of interest shall be treated as a set-off against the unpaid advances, if any, and the unpaid balance of the note.

(d) The provisions of paragraphs (a), (b), and (c) of this section shall apply also to corporations. The dissolution thereof by expiration of charter, by forfeiture or otherwise shall be treated as in the death of an individual as provided in paragraph (a).

§ 36.4240 *Filing claim under guaranty.* Claim under the guaranty may be made on Form 1864, Claim under the Guaranty. Subject to the limitation that the total amount payable under the guaranty shall in no event exceed the original amount thereof, the amount payable under the guaranty shall be the percentage of the indebtedness originally guaranteed applied to the indebtedness (as defined in § 36.4200 (m)) computed as of the date of the claim, and reduced by any payments theretofore made by the United States pursuant to the guaranty.

§ 36.4241 *Options available to Administrator.* Upon receipt of claim under the guaranty or notice of intention to foreclose, the Administrator shall have the following options:

(a) Pay to the creditor not later than one month after receipt of notice of any default, as a partial payment of any actual or potential claim under the guaranty, the amount of principal, interest, taxes, advances or other items in default; and in consideration of such payment the lender shall be deemed to have agreed to refrain from giving effect to any acceleration provisions by reason of defaults prior to the date of notice of default theretofore given: *Provided, however,* That unless the creditor consents, the Administrator may exercise this option once only, and in an amount not exceeding an amount equivalent to the aggregate of principal and interest payable in one year, or not exceeding ten per centum of the original amount of the guaranty, whichever sum is less.

(b) Pay the creditor within one month after receipt of claim the full amount payable under the guaranty without requiring foreclosure, or personal action.

(c) Pay to the creditor promptly after receipt of claim any amount agreed upon, not exceeding the amount due under the guaranty; and notify him to institute appropriate foreclosure proceedings, with, or without, legal action to reduce the debt to judgment, against all or any of the parties liable thereon, and whose names are stated in such notice to the creditor.

(d) If the creditor does not begin appropriate action within two months after receipt of notice to institute action as provided in paragraph (c) above, the Administrator shall be entitled to begin

and prosecute the same to completion in the name of the creditor, or of the Administrator on behalf of the United States, as may be appropriate under applicable laws and rules of procedure: *Provided, however,* That in such event the Administrator shall pay (in advance if required under the practice in the jurisdiction) all court costs, and other expenses, and provide the legal services required.

§ 36.4242 *Refinancing and extension of guaranty.* (a) (1) In addition to the options available under § 36.4238 or § 36.4241, the Administrator, upon receiving (i) notice of intention to foreclose by judicial proceedings or otherwise or to repossess the property, real or personal, or otherwise to terminate the debtor's rights therein, or (ii) a claim for a guaranty, shall be entitled to obtain a refinancing of the indebtedness by delivering notice of intention so to do to the creditor prior to the date upon which otherwise it would be proper for the creditor to proceed. Upon receipt from the Administrator of such notice of intention to obtain a refinancing the creditor's right to proceed shall be suspended for sixty (60) days from the date stated by the Administrator in such notice as the date on which the Administrator received the creditor's notice of claim.

(2) If within the sixty day period prescribed in subparagraph (1) of this paragraph, an offer is received by the creditor to pay, or to purchase the indebtedness at par and interest to date of closing, it shall be the duty of the creditor to forthwith accept such offer, to execute and deliver appropriate instruments without recourse, and to refrain from further proceedings, or repossession, or termination of the debtor's rights.

(3) When (i) a claim for guaranty is filed, or (ii) when a refinancing occurs and an offer is made as contemplated by subparagraphs (1) and (2) of this paragraph, the creditor shall not be entitled to treat payments theretofore made by the debtor, or another, as liquidated damages, or rentals, or otherwise than as payments on the indebtedness, notwithstanding any provision in the note, or mortgage, or otherwise, to the contrary.

(4) Nothing herein shall be construed to require a creditor to lend money for such refinancing, nor to affect guarantees issued prior to the effective date of this amendment.

(b) If refinanced in any manner the Administrator may continue in effect the guaranty granted with respect to the previous loan in such manner as to cover the loan which effected the refinancing.

(c) The Administrator in appropriate cases shall be entitled to exercise any redemption rights of a debtor, or a creditor, in connection with the loan guaranteed, or property rights arising out of, or incident to, such loan.

§ 36.4243 *Subrogation.* (a) Any amounts paid to the creditor by the Administrator pursuant to the guaranty shall constitute a debt due to the United States by the veteran on whose application the guaranty was made; and by his estate upon his death. The Administrator is subrogated to the contract and the lien rights of the creditor to the extent of such payments, but junior to the creditor's rights as against the debtor or the encumbered property, until the creditor shall have received the full amount payable under his contract with the debtor. No partial or complete release by the creditor of the debtor or of the lien shall impair any rights of the Administrator, by virtue of the lien, or otherwise.

(b) The creditor, upon request, shall execute, acknowledge and deliver an appropriate instrument tendered him for that purpose, evidencing any payment received from the Administrator and the Administrator's resulting right of subrogation.

(c) The Administrator shall cause the instrument required by paragraph (b) of this section to be filed for record in the office of the recorder of deeds, or other appropriate office of the proper county, town, or state, in accordance with the applicable State law. The filing or failure to file such instrument for record shall have the legal results prescribed by the applicable law of the state where the real or personal property is situated, with respect to filing or failure to so file mortgages and other lien instruments and assignments thereof.

The references herein to "filing for record" include "registration" or any similar transaction, by whatever name designated when title to the encumbered property has been "registered" pursuant to a Torrens or other similar title registration system provided by law.

§ 36.4244 *Future action against mortgagor.* In addition to the amount, if any, collected from the proceeds of the encumbered property by reason of the right of subrogation, the United States will collect from the veteran, or his estate, by set-off against any amounts otherwise payable to the veteran or his estate; or in any other lawful manner, any sums disbursed by the United States on account of the claim pursuant to the guaranty.

§ 36.4245 *Suit by Administrator.* (a) Whenever pursuant to §§ 36.4200–36.4251, the Administrator institutes, or causes to be instituted by the creditor, or otherwise, any suit in equity; action at law; or probate proceedings or the filing of a claim in such; or other legal or equitable proceedings of any character, or any sale, in court or pursuant to any power of sale, the person or persons promptly instituting the same (including the Administrator) shall be entitled to recoup from any proceeds realized therefrom any expenses reasonably incurred, including trustee fees, court costs, and attorney fee paid (or the reasonable value of the services of the trustee and of the attorney, if performed by salaried person or persons, or by the party himself, when proper).

(b) The net proceeds, after setting off such items that may properly be recouped, shall be credited to the indebtedness, or otherwise as may be proper under the facts.

(c) In determining the propriety of recoupment and the amount thereof consideration shall be given to any provisions in the note or mortgage relating to such items, and any amounts actually realized pursuant thereto.

§ 36.4246 *Creditor's records and reports required.* (a) The creditor shall maintain a record of the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof. Any creditor who fails to maintain such record shall be presumed to have received on the dates due all sums which by the terms of the contract are payable prior to date of claim for default, and the burden of going forward with evidence and of ultimate proof of the contrary shall be on such creditor; not on the debtor, or the United States.

(b) On any delinquent loan the creditor shall report annually on the anniversary of the earliest unremedied default any amount received or disbursed the unpaid balance of principal and accrued interest and any other items chargeable; and the nature of any defaults not already reported. He shall include such additional information, if reasonably necessary and obtainable, which may from time to time be requested by the Administrator.

(c) A proposed lender may be required to submit evidence satisfactory to the Administrator of his equipment for maintenance of adequate records on, and his ability to service, loans if guaranteed pursuant to the provisions of the act and §§ 36.4200–36.4251.

§ 36.4247 *Failure to supply information.* Failure to supply any available information required by §§ 36.4200–36.4251 within two months after request therefor will entitle the Administrator to obtain such information otherwise, and the expense of so obtaining it, plus ten dollars to cover estimated overhead expenses, shall be chargeable to the creditor who failed to comply with such request.

§ 36.4248 *Notice to Administrator.* Any notice required by §§ 36.4200–36.4251 to be given the Administrator shall be sufficient if in writing, and delivered at, or mailed to, the Veterans' Administration office at which the application for guaranty was approved or to any changed address of which the creditor has been given notice or, at the option of the creditor, to the central office of the Veterans' Administration, Washington 25, D. C. If mailed the notice shall be by registered mail when so provided by §§ 36.4200–36.4251.

§ 36.4249 *Right to inspect books.* The Administrator has the right to inspect, at a reasonable time and place the papers and records pertaining to the loan and guaranty. If permission to inspect is declined the Administrator may enforce the right by subpoena under the provisions of Title III of Public No. 844, 74th Congress, 49 Stat. 2031–35, 38 U. S. C. 131, or in any other lawful manner.

§ 36.4250 *Forms, construction to be placed on reference to.* All references in §§ 36.4200–36.4251 to Form 1800, Certification of Eligibility, or to other form numbers shall be construed to include any revision of the same forms, identified by the same, or by different numbers.

§ 36.4251 *Disqualified lenders and bidders.* Except under unusual circumstances and upon prior approval by the Administrator an application for guaranty of a loan will not be approved if the lender is known to be an employee of the Veterans Administration or of the Agency; and without such approval, an employee of either may not bid at a foreclosure sale of the security for a guaranteed loan.

GUARANTY OR INSURANCE OF LOANS TO VETERANS

AUTHORITY: §§ 36.4300 to 36.4375 issued under 58 Stat. 284, 59 Stat. 626; 38 U. S. C. 693.

NOTE: Those requirements, conditions, or limitations which are expressly set forth in the act are not restated herein and must be taken into consideration in conjunction with §§ 36.4300 to 36.4375, inclusive.

§ 36.4300 *Applicability of §§ 36.4300 to 36.4375, inclusive.* Sections 36.4300 to 36.4375, inclusive, shall be applicable to each loan entitled to an automatic guaranty, or otherwise guaranteed or insured, on or after the date of publication thereof in the FEDERAL REGISTER, and shall be applicable to such loans previously guaranteed to the extent that no legal rights vested thereunder are impaired.

§ 36.4301 *Definitions.* Wherever used in the act or §§ 36.4300 to 36.4375, inclusive, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated, namely:

(a) "Act"—Public Law 346, 78th Congress (58 Stat. 284), cited as the "Servicemen's Readjustment Act of 1944", as amended by Public Law 268, 79th Congress (59 Stat. 626) (38 U. S. C., Sup., 693 et seq.).

(b) "Administrator"—the Administrator of Veterans' Affairs, or any employee of the Veterans' Administration authorized by him to act in his stead.

(c) "Alterations"—any structural changes or additions to existing realty or any modifications that increase the usefulness or efficiency of equipment or machinery used for farm or business purposes.

(d) "Combination loan"—any obligation the proceeds of which are expended for more than one purpose which are severally definable as "real estate loans" and "non-real estate loans".

(e) "Conducted by a veteran" (section 502)—personally performed, directed or operated by him on a full or part-time basis, with or without hired labor, not solely operated by a tenant or an employee who does not receive the direction and supervision of the veteran.

(f) "Cost"—the entire consideration paid or payable for or on account of the application of materials and labor to tangible property.

(g) "Date of first uncured default"—the due date of the earliest payment not fully satisfied by the proper application or available credits or deposits.

(h) "Default"—failure of a borrower to comply with the terms of a loan agreement.

(i) "Designated appraiser"—a person approved in writing by the Administrator to fix the value of property, or a specified type of property, within a stated area for the purpose of justifying the extension of credit to an eligible veteran for any of the purposes stated in Title III of the act. Such an appraiser is not an agent of the Administrator in any case.

(j) "Dwelling"—any building designed primarily for use as a home consisting of not more than four family units plus an added unit for each veteran if more than one eligible veteran participates in the ownership thereof.

(k) "Economic readjustment"—means rearrangement of an eligible veteran's indebtedness in a manner calculated to enable him to meet his obligations and thereby avoid imminent loss of the property which secures the delinquent obligation.

(l) "Engaging in business" or "pursuing a gainful occupation"—(section 503)—active participation in the operation, management and supervision of an enterprise or practice of a profession or trade, on a full- or part-time basis.

(m) "Farm" any real estate suitable or adaptable for farming operations.

(n) "Farming operations"—activities justifying capital expenditures which involve production of crops, livestock or other agricultural commodities and the marketing thereof and their products in amounts in excess of the subsistence needs of the operator.

(o) "Federal agency" as used in section 505 (a) of the act, means any Executive Department, administrative agency, or corporate instrumentality of the United States Government the stock of which is wholly owned by the United States.

(p) "Full disbursement"—payment by a lender of the entire proceeds of a loan for the purposes described in the report of the lender in respect of such loan to the Administrator either (1) by payment to those contracting with the borrower for such purposes, or (2) by payment to the borrower, or (3) by transfer to an account against which he can draw at will, or (4) by transfer to an escrow account, or (5) by transfer to an earmarked account if (i) the amount thereof is not in excess of ten percent of the loan, or (ii) the loan is one submitted by a lender of the class specified in section 500 (d) or section 508 of the act.

(q) "Guaranty"—the obligation of the United States, assumed by virtue of Title III of the act, to repay a specified percentage of a loan upon the default of the primary debtor.

(r) "Holder"—the lender or any subsequent assignee or transferee of the guaranteed or insured obligation.

(s) "Home"—place of residence.

(t) "Improvements"—any alteration that improves the property for the purpose for which it is occupied, operated, or employed.

(u) "Indebtedness"—the unpaid principal and interest plus any other amounts allowable under the terms of a loan including those authorized by statute and consistent with §§ 36.4300 to 36.4375, inclusive, which have been paid and debited to the loan account.

(v) "Insurance"—the obligation assumed by the United States to indemnify a lender to the extent specified in §§ 36.4300 to 36.4375, inclusive, for any loss incurred upon any loan insured under section 508 of the act.

(w) "Insurance account"—the record of the amount available to a lender or purchaser for losses incurred on loans insured under section 508 of the act.

(x) "Lender"—the payee or assignee or transferee of an obligation at the time it is guaranteed or insured.

(y) "Lien"—any interest in, or power over, real or personal property, reserved by the vendor, or created by the parties or by operation of law, chiefly or solely for the purpose of assuring the payment of the purchase price, or a debt, and irrespective of the identity of the party in whom title to the property is vested, including but not limited to mortgages, deeds with a defeasance therein or collaterally, deeds of trust, security deeds, mechanics' liens, lease-purchase contracts, conditional sales contracts, consignments.

(z) "Non-real estate loan"—any obligation incurred for the purchase, alteration, improvement or repair of personal property; or any loan which is not a real estate loan.

(aa) "Purchase price"—the entire legal consideration paid or payable upon or on account of the sale of property, exclusive of acquisition costs, or for the cost of materials and labor to be applied thereto.

(bb) "Real estate loan"—any obligation incurred for the purchase of real property or a leasehold estate as limited in §§ 36.4300 to 36.4375, inclusive, or for the construction of fixtures or appurtenances thereon or for alterations, improvements or repairs thereon required by §§ 36.4300 to 36.4375, inclusive, to be secured by a lien on such property or is so secured.

(cc) "Reasonable value"—that figure which represents the amount a designated appraiser, unaffected by personal interest or prejudice, would recommend as a proper price or cost to a prospective purchaser, whom the appraiser represents in a relationship of trust, as being a fair price or cost in the light of prevailing conditions.

(dd) "Repairs"—any alteration of existing realty, machinery, or equipment which is necessary or advisable for protective, safety, or restorative purposes.

(ee) "Residential property"—(1) any improved real property or leasehold estate therein as limited by §§ 36.4300 to 36.4375, inclusive, the primary use of which is for occupation as a home, consisting of not more than four family units, plus an added unit for each eligible veteran if more than one participates in the ownership thereof; or (2) any land to be purchased out of the proceeds of a loan for the construction of a dwelling, and on which such dwelling is to be erected.

(ff) "Repossession-repossessed"—recovery or acquisition of such physical control of property (pursuant to the provisions of the security instrument or as otherwise provided by law) as to make

further legal or other action unnecessary in order to obtain actual possession of the property or to dispose of the same by sale or otherwise.

General Provisions

§ 36.4302 *Computation of guaranties or insurance credits.* (a) The sum of all guaranties and credits to insurance accounts covering loans made to an individual veteran shall not exceed $2,000 for non-real estate loans, nor $4,000 for real estate loans, nor a proper proportion of such maxima on loans of both types or any combination thereof.

(b) Excepting loans fully guaranteeable under section 505 (a), not more than 50% of the original principal amount of any loan may be guaranteed. The maximum credit to the insurance account of a lender relative to any insured loan shall be 15% of the original principal amount of such loan or the amount thereof which could be guaranteed, whichever is less.

(c) The following formula shall govern the ascertainment of the amount of the guaranty benefit which is available to an eligible veteran:

(1) To compute unused guaranty, add to realty guaranty used for prior loans twice the non-realty guaranty used. Subtract this sum from $4,000. The sum remaining is, subject to the limitations of the act, the amount of realty guaranty available. The non-realty guaranty available is one-half of said sum.

(2) To compute the amount of guaranty on combination loans:

Allow not to exceed 50% of the cost of the real estate but not to exceed the maximum real estate guaranty available;

If any real estate guaranty remain available, not to exceed one-half thereof may be allowed on the non-real estate portion of the loan.

(d) For the purpose of computing the remaining guaranty or insurance benefit to which a veteran is entitled, loans guaranteed prior to the effective date of §§ 36.4300 to 36.4375, inclusive, shall be taken into consideration as if made subsequent thereto.

(e) A loan made by an insurable lender may be either guaranteed or insured at the option of the borrower and the lender: *Provided*, That if the Administrator is not advised of the exercise of such option at the time the loan is reported pursuant to § 36.4303 such loan will not be eligible for insurance.

(f) A guaranty is reduced or increased pro rata with any reduction or increase in the amount of the guaranteed indebtedness, but in no event will the amount payable on a guaranty exceed the amount of the original guaranty or the percentage of the indebtedness corresponding to that of the original guaranty.

(g) The amount of any guaranty or the amount credited to a lender's insurance account in relation to any insured loan shall be charged against the original or remainder of the guaranty benefit of the borrower. Complete or partial liquidation, by payment or otherwise, of the veteran's guaranteed or insured indebtedness does not increase the remainder of the guaranty benefit, if any, otherwise available to the veteran. When the maximum amount of guaranty or insurance legally available to a veteran shall have been granted, no further guaranty or insurance is available to him.

§ 36.4303 *Reporting requirements.* (a) With respect to loans automatically guaranteed under section 500 (a) of the act, evidence of the guaranty will be issuable to a lender of a class described under section 500 (d) of the act if the loan is reported to the Administrator within 30 days following full disbursement, and upon the certification of the lender that:

(1) There has been no default thereunder;

(2) An construction, repairs, alterations, or improvements effected subsequent to the appraisal of reasonable value, and paid for out of the proceeds of the loan, which have not been inspected and approved upon completion by a compliance inspector designated by the Administrator have been completed properly in full accordance with the plans and specifications upon which the original appraisal was based, and any deviations or changes of identity in said property have been approved as required in § 36.4304 concerning guaranty or insurance of loans to veterans;

(3) The loan conforms otherwise with the applicable provisions of the act and of the regulations concerning guaranty or insurance of loans to veterans;

Provided, however, That if the report shows that any part of the proceeds of a loan is held in escrow or earmarked as provided in the definition of "full disbursement" contained in the regulations concerning guaranty or insurance of loans to veterans, approval of the loan for guaranty or insurance shall be evidenced by a certificate of commitment.

(b) Loans made pursuant to section 505 (a) or section 508 of the act although not entitled to automatic guaranty or insurance thereunder, may, when made by a lender of a class described in section 500 (d) thereof, be reported for issuance of a guaranty or of an insurance credit, or a certificate of commitment as provided in paragraph (a) of this section.

(c) Each loan proposed to be made to an eligible veteran by a lender not within a class described in section 500 (d) of the act shall be submitted to the Administrator for approval prior to closing. Section 500 (d) lenders shall have the optional right to submit any loan for such prior approval. The Administrator upon determining any loan so submitted to be eligible for a guaranty, or for insurance, will issue a certificate of commitment with respect thereto.

(d) A certificate of commitment shall entitle the holder to the issuance of the evidence of guaranty or insurance upon the ultimate actual payment of the full proceeds of the loan for the purposes described in the original report and upon the submission within 30 days thereafter of a supplemental report showing that fact and:

(1) The identity of any property purchased therewith,

(2) That all property purchased or acquired with the proceeds of the loan has been encumbered as required by the regulations concerning guaranty or insurance of loans to veterans,

(3) That any construction, repairs, alterations, or improvements paid for out of the proceeds of the loan which have not been inspected and approved subsequent to completion by a compliance inspector designated by the Administrator have been completed properly in full accordance with the plans and specifications upon which the original appraisal was based and that any deviations or changes of identity in said property have been approved as required by § 36.4304, and

(4) That the loan conforms otherwise with the applicable provisions of the act and the regulations concerning guaranty or insurance of loans to veterans.

(e) Upon the failure of the lender to report in accordance with the provisions of paragraph (d) of this section, the certificate of commitment shall have no further effect, or the amount of guaranty or insurance shall be reduced pro rata, as may be appropriate under the facts of the case: *Provided, nevertheless*, That if the loan otherwise meets the requirements of this section, said certificate of commitment may be given effect by the Administrator, notwithstanding the report is received after the date otherwise required.

(f) Evidence of a guaranty will be issued by the Administrator by appropriate endorsement on the note or other instrument evidencing the obligation, or by a separate certificate at the option of the lender. Notice of credit to an insurance account will be given to the lender. No evidence of a guaranty or insurance will be issued on any transaction unless the lender, the veteran, and the loan are shown to be eligible, and any unused, and unreserved entitlement of a veteran shall be applied to loans in the order in which they are reported to the Veterans' Administration. On and after the effective date of this section, unused certificates of eligibility issued prior to March 1, 1946 shall be void.

§ 36.4304 *Deviations; changes of identity.* (a) A deviation of more than 5 percent between the estimates upon which a certificate of commitment has been issued and the report of final payment of the proceeds of the loan, or a change in the identity of the property upon which the original appraisal was based, will invalidate the certificate of commitment unless such deviation or change be approved by the Administrator. Any deviation in excess of 5 percent or change in the identity of the property upon which the original appraisal was based must be supported by a new or supplemental appraisal of reasonable value: *Provided*, That substitution of materials of equal or better quality and value approved by the veteran and the designated appraiser shall not be deemed a "change in the identity of the property" within the purview of this section. A deviation not in excess of 5 percent will not require the prior approval of the Administrator.

(b) Subject to compliance with the regulations concerning guaranty or insurance of loans to veterans, the certificate of guaranty, or the evidence of insurance credit will be issuable within the available entitlement of the veteran on the basis of the amount of the loan stated in the final loan report.

(c) Any amounts which are disbursed for an ineligible purpose shall be excluded in computing the amount of the guaranty or insurance credit.

§ 36.4305 *Partial disbursement.* In cases where intervening circumstances make it impracticable to complete the actual paying out of the loan originally proposed, or justify the lender in declining to make further disbursements on a construction loan, evidence of guaranty or of insurance of the loan or the proper pro rata part thereof will be issuable if the loan is otherwise eligible for automatic guaranty or a certificate of commitment was issued thereon: *Provided:*

(a) A report of the loan is submitted to the Administrator within a reasonable time subsequent to the last disbursement, but in no event more than 90 days thereafter, unless report of the facts and circumstances is made and an extension of time obtained from the Administrator.

(b) There has been no default on the loan, except that the existence of a default shall not preclude issuance of a guaranty certificate or insurance advice if a certificate of commitment was issued with respect to the loan,

(c) The Administrator determines that a person of reasonable prudence similarly situated would not make further disbursements in the situation presented,

(d) There has been full compliance with the provisions of the act and of the applicable regulations up to the time of the last disbursement.

Provided further, however, That in the case of a construction loan when the construction is not fully completed the lender shall further certify as follows:

(e) The amount disbursed out of the proceeds of the loan and any other payments made by or on behalf of the veteran to the builder or contractor do not exceed 80 percent of the value of that portion of the construction performed (basing value on the contract price) plus the sum, if any, disbursed by the lender out of the proceeds of the loan for the land on which the construction is situated;

(f) Any amount advanced for land is protected by title or lien as provided in the regulations concerning guaranty or insurance of loans to veterans; and

(g) No enforceable liens, for any work done or material furnished for that part of the construction completed and for which payment has been made out of the proceeds of the loan, exist or can come into existence.

§ 36.4306 *Refunding of outstanding indebtedness.* (a) The proceeds of a guaranteed or insured loan if otherwise eligible may be used to refinance existing obligations of the veteran-applicant or to repay advances made by him provided:

(1) The obligation was incurred or the advance made within 60 days prior to the date of application to the lender, or

(2) The obligation represents the balance due on a land sale contract (see § 36.4354), or

(3) The obligation represents the balance due for the purchase of land on which new construction is to be financed through the proceeds of the loan, or

(4) Such obligation is eligible under section 507 of the act.

(b) If any part of an obligation which is refinanced with the proceeds of the loan submitted for guaranty or insurance is ineligible that portion of the loan which serves to refinance such part of the obligation shall be excluded in computing the amount of guaranty or credit to the insurance account of the lender in respect of that loan.

§ 36.4307 *Joint loans.* (a) The fact that other parties (1) will have an undivided interest with the veteran in the ownership of property, or (2) have joint and several liability with the veteran on a guaranteed or insured obligation shall not make a loan ineligible, but the amount of the loan upon which the guarantee or insurance shall be based in the case of a real estate loan, shall be proportional to the value of the veteran's interest in the property or estate; or, in the case of a non-real estate loan, shall be the reasonable value to the veteran of his participating share in or on his individual contribution to the enterprise. If the property so purchased is an interest in real property or a leasehold estate, the obligation shall be secured by a first lien (or by a second lien if under section 505) on the entire property or estate, or if an interest in personalty, shall be secured to the extent "legal and practicable."

(b) If two or more eligible veterans are joint-obligors and request a guaranty or credit to an insurance account, the total amount guaranteed or credited shall be charged equally to their respective guaranty benefits, or apportioned otherwise as they may designate. Regardless of the number of eligible veterans who are joint-obligors the maximum guaranty or insurance shall be calculated as if the obligation were several.

(c) Notwithstanding the interest of a veteran's spouse, as such, the full amount of the loan my be the basis for guaranty or insurance. If both spouses be eligible veterans, the maximum proportion of the loan which may be guaranteed or insured will not be increased, but either or both may, within such limitations, utilize available guaranty or insurance entitlement.

§ 36.4308 *Transfer of title by borrower.* The conveyance of, or other transfer of title to property by operation of law or otherwise, after the creation of a lien thereon to secure a loan which is guaranteed or insured in whole or in part by the Administrator, shall not constitute an event of default, or acceleration of maturity, elective or otherwise, and shall not of itself terminate or otherwise affect the guaranty or insurance.

§ 36.4309 *Amortization.* (a) All loans the maturity date of which is beyond 5 years from date of loan, or date of assumption by the veteran, shall be amortized. The schedule of payments thereon shall be in accordance with any generally recognized plan of amortization requiring approximately equal periodic payments and shall require a principal reduction not less often than annually during the life of the loan, except that on farm real estate loans the principal repayments may be postponed for not more than two years from the date of the loan. The final installment on any loan shall not be in excess of two times the average of the preceding installments, except that on a construction loan such installment may be for an amount not in excess of five per centum of the original principal amount of the loan. The limitations imposed herein on the amount of the final installment shall not apply in the case of any loan extended pursuant to § 36.4314 (a).

(b) Any plan of repayment on loans required to be amortized which does not provide for approximately equal periodic payments shall not be eligible unless approved by the Administrator.

(c) Every guaranteed or insured loan shall be repayable within the estimated economic life of the property securing the loan.

(d) Subject to paragraph (a) of this section, any amounts which under the terms of a loan do not become due and payable on or before the last maturity date permissible for loans of its class under the limitations contained in the act shall automatically fall due on such date. (See § 36.4334.)

§ 36.4310 *Prepayment.* The debtor shall have the right to prepay at any time, without premium or fee, the entire indebtedness or any part thereof not less than the amount of one installment, or $100, whichever is less, provided that any prepayment made on other than an installment due date need not be credited until the next following installment due date or 30 days after such prepayment, whichever is earlier. The holder and the debtor may agree at any time that any prepayment not previously applied in satisfaction of matured installments shall be re-applied for the purpose of curing or preventing any subsequent default. The initial four percent payment made by the Administrator may be considered a prepayment for the purposes of this section.

§ 36.4311 *Interest rates.* (a) Excepting non-real estate loans insured under section 508 of the act, the interest rate on any loan guaranteed or insured wholly or in part may not exceed four per centum per annum on the unpaid principal balance.

(b) On a non-real estate insured loan the interest rate may not be in excess of:

(1) Discount note—An amount equivalent to $3 discount per $100 of original face amount of a 1-year note, payable in equal monthly installments, or

(2) Interest bearing note—5.70 per centum per annum on the unpaid principal balance.

(c) Interest in excess of the applicable rate specified in the act shall not be payable on any advance, or in the event of any delinquency or default: *Provided*, That a late charge not in excess of an amount equal to 4 percent on any installment paid more than 15 days after due date shall not be considered a violation of this limitation.

§ 36.4312 *Closing costs.* (a) Any costs or expenses incurred in closing a loan or

financing a purchase and normally required to be paid by a purchaser or lienor incident to the making of a loan under local lending customs may be included in the amount paid out of the proceeds of a guaranteed or insured loan, except that no brokerage or service charge or their equivalent may be charged against the debtor or the proceeds of the loan either initially, periodically or otherwise: *Provided*, That a lender shall not be precluded from making a customary charge in construction loan cases for supervision and inspection during the course of construction. Loans guaranteed or insured pursuant to section 505 (a) of the act shall not exceed 20% of the purchase price as defined in § 36.4301 (aa).

(b) Brokerage or other charges shall not be made against the veteran for obtaining any guaranty, or insurance under section 508 of this title, nor shall any premiums for insurance on the life of the borrower be paid out of the proceeds of a loan, except that there may be paid out of the proceeds of a non-realty loan for farm or business purposes premiums on insurance not in excess of the amount of the loan and for a period not in excess of 2 years, or the term of the loan, whichever is less.

(c) Any commission or other consideration paid or payable by the veteran to a sales broker or another, as agent of the veteran or otherwise, shall not be considered as acquisition or closing costs and shall be treated as part of the purchase price for the purpose of determining that the purchase price of the property is not in excess of the reasonable value thereof, and when so treated any such commission or consideration may be paid out of the proceeds of the loan.

§ 36.4313 *Advances and other charges.* (a) A holder may include in a guaranteed or insured indebtedness or charge against the proceeds of the security therefor, any reasonable expense necessary and proper for the maintenance or repair of the security or for the payment of accrued taxes, special assessments, ground or water rent, or premiums on fire or other casualty insurance against loss of or damage to such property. Any expenses other than those expressly permitted may be debited against the indebtedness or deducted from the proceeds of the sale of the security if lawfully authorized by the loan agreement: *Provided*, That such other expenses shall not be considered in determining the amount payable by the Administrator, except as provided in paragraph (b) of this section.

(b) The holder may charge (1) against the proceeds of the sale of the security, (2) against gross amounts collected, (3) in any accounting to the Administrator after payment of a claim under the guaranty, (4) in the computation of a claim under the guaranty, subject to § 36.4321 (a), or (5) in the computation of an insurance loss, any of the following items actually paid:

(i) Any expense which is reasonably necessary for preservation of the security,

(ii) Court costs in a foreclsoure or other proper judicial proceeding involving the security,

(iii) Other expenses reasonably necessary for collecting the debt, or repossession or liquidation of the security,

(iv) Reasonable trustee's fees or commissions not in excess of those allowed by statute and in no event in excess of 5 percent of the unpaid indebtedness,

(v) Reasonable amount for legal services actually performed not to exceed 10 percent of the unpaid indebtedness as of the date of the first uncured default, or $250, whichever is less,

(vi) Any other expense or fee that is approved in advance by the Administrator.

(c) Nothing in this section shall be construed to authorize any charge against the debtor unless he otherwise be liable therefor.

§ 36.4314 *Extensions and re-amortizations.* (a) The terms of repayment of any loan may by written agreement between the holder and the debtor be extended in the event of default, to avoid imminent default, or in any other case where the prior approval of the Administrator is obtained. Except with the prior approval of the Administrator, no such extension shall set a rate of amortization less than that sufficient to fully amortize at least 80 percent of the loan balance so extended within the maximum maturity prescribed for loans of its class.

(b) In the event of a prepayment pursuant to § 36.4310, the balance of the indebtedness may, by written agreement between the holder and the debtor, be re-amortized, provided the re-amortization schedule will result in full repayment of the loan within the original maturity.

(c) In the event an additional loan is proposed to be made pursuant to § 36.4351 for the repair, alteration or improvement of real property on which there is an existing loan guaranteed or insured under the act, the terms of repayment of the prior loan may, by written agreement between the holder and the debtor, be recast to combine the schedule of repayments on the two loans, provided the entire indebtedness is repayable within the permissible maximum maturity of the original loan.

(d) Unless the prior approval of the Administrator has been obtained, any extension or re-amortization agreed to by a holder which relieves any obligor from liability will release the liability of the Administrator under the guaranty or insurance on the entire loan.

(e) The holder shall promptly forward to the Administrator an advice of the terms of any agreement effecting a re-amortitzation or extension of a guaranteed or insured loan.

§ 36.4315 *Reporting of defaults.* The holder of any guaranteed or insured loan shall give notice to the Administrator within 45 days after any debtor:

(a) is in default by reason of nonpayment of any installment for a period of 60 days from the date of first uncured default (see § 36.4301 (g)); or

(b) is in default by failing to comply with any other covenant or obligation of such guaranteed or insured loan which failure persists for a continuing period of 90 days after demand for compliance therewith has been made, except that if the default is due to non-payment of real estate taxes, the notice shall not be required until the failure to pay when due has persisted for a continuing period of 180 days.

§ 36.4316 *Continued default.* (a) In the event any failure of the debtor to discharge his obligations under the loan continues for a period of three months, or for more than one month on an extended loan or on a term loan, the holder may at his option, then or thereafter, submit a claim for payment of the guaranty. He may also then or thereafter give the notice prescribed in § 36.4317.

(b) A claim for the guaranty, or the notice prescribed in § 36.4317 may be submitted prior to the time prescribed in paragraph (a) of this section in any case where any material prejudice to the rights of the holder or to the Administrator or hazard to the security warrants more prompt action.

§ 36.4317 *Notice of intention to foreclose.* (See also § 36.4319.) Except upon the express waiver of the Administrator, a holder shall not begin proceedings in court or give notice of sale under power of sale, or otherwise take steps to terminate the debtor's rights in the security until the expiration of 30 days after delivery by registered mail to the Administrator of a notice of intention to take such action: *Provided*, That (a) immediate action may be taken if the property to be affected thereby has been abandoned by the debtor, or has been or may be otherwise subjected to extraordinary waste or hazard, or if there exist conditions justifying the appointment of a receiver for the property (without reference to any contractual provisions for such appointment), and (b) any right of a holder to repossess personal property may be exercised without prior notice to the Administrator; but notice of any such action taken shall be given by registered mail to the Administrator within ten days thereafter.

§ 36.4318 *Refunding of loans in default.* (a) Upon receiving a notice of default or a claim for a guaranty or a notice under § 36.4317, the Administrator may within 30 days thereafter require the holder upon penalty of otherwise losing the guaranty or insurance to transfer and assign the loan and the security therefor to the Administrator or to another designated by him upon receipt of payment in full of the balance of the indebtedness remaining unpaid to the date of such assignment. Such assignment may be made without recourse but the transferor shall not thereby be relieved from the provisions of § 36.4325.

(b) If the obligation is assigned or transferred to a third party pursuant to paragraph (a) of this section the Administrator may continue in effect the guaranty or insurance issued with respect to the previous loan in such manner as to cover the assignee or transferee.

§ 36.4319 *Legal proceedings.* (a) When the holder institutes suit or otherwise becomes a party in any legal or equitable proceeding brought on or in connection with the guaranteed or insured indebtedness, or involving title to, or other lien on, the security, such holder, within the time that would be required if the Administrator were a party to the proceeding, shall deliver to the Administrator, by mail or otherwise, by making such delivery to the loan guaranty officer at the office which granted the guaranty or the insurance, or other office to which the holder has been notified the file is transferred, a copy of every procedural paper filed on behalf of holder, and shall also so deliver, as promptly as possible, a copy of each similar pleading served on holder or filed in the cause by any other party thereto. Notice of, or motion for, continuance and orders thereon are excepted from the foregoing.

(b) A copy of a notice of sale under power by a holder or one acting at his behest (e. g. trustee or public official) shall be similarly delivered to the Administrator at or before the date of first publication, posting, or other notice, but in any event, except in emergency or when waived by the Administrator, not less than ten days prior to date of sale. Copy of any other notice of sale served on the holder or of which he has knowledge shall be similarly delivered to the Administrator, including any such notice of sale under tax or other superior lien or any judicial sale.

(c) The procedure prescribed in paragraphs (a) and (b) of this section shall not be applicable in any proceeding to which the Administrator is a party, after his appearance shall have been entered therein by a duly authorized attorney.

(d) In any legal or equitable proceeding (including probate and bankruptcy proceedings) to which the Administrator is a party, original process and any other process prior to appearance, proper to be served on the Administrator, shall be delivered to the loan guaranty officer of the regional office of the Veterans' Administration having jurisdiction of the area in which the court is situated. Within the time required by applicable law, or rule of court, the Administrator will cause appropriate special or general appearance to be entered in the cause by his authorized attorney.

(e) After appearance of the Administrator by attorney all process and notice otherwise proper to serve on the Administrator before or after judgment, if served on his attorney of record shall have the same effect as if the Administrator were personally served within the jurisdiction of the court.

(f) If following a default the holder does not begin appropriate action within 2 months after requested in writing by the Administrator to do so, or does not prosecute such action with reasonable diligence, the Administrator may at his option intervene in, or begin and prosecute to completion any action or proceeding, in his name or in the name of the holder, which the Administrator deems necessary or appropriate, and may fix a date beyond which no further charges may be included in the computation of the guaranty claim or an insured loss. The Administrator shall pay, in advance if necessary, any court costs or other expenses incurred by him, or properly taxed against him, in any such action to which he is a party, but may charge the same, and also a reasonable amount for legal services, against the guaranteed or insured indebtedness, or the proceeds of the sale of the security to the same extent as the holder (see § 36.4313), or otherwise collect from the holder any such expenses incurred by the Administrator because of the neglect or failure of the holder to take or complete proper action. The rights and remedies herein reserved are without prejudice to any other rights, remedies or defenses, in law or in equity, available to the Administrator.

§ 36.4320 *Sale of security.* (a) If any security for a guaranteed or insured loan is to be disposed of through a private sale, the amount to be realized therefrom shall be reported in the notice required under § 36.4317, or by subsequent written advice at least 10 days in advance of the sale, and the Administrator may thereupon either assent to such sale, or upon agreement to indemnify the holder to the extent of any increased or resultant loss consequent thereon, may establish an upset price which shall govern in adjusting the rights and liabilities of the holder and the Administrator.

(b) Upon receipt of notice of a public sale to liquidate any security for a guaranteed or insured loan the Administrator may appraise such security and notify the holder in advance of the sale of the amount required to be credited to the indebtedness on account of the sale thereof, subject to the following alternatives:

(1) If a third party acquires the security at the sale the holder shall credit against the indebtedness the net proceeds of the sale, or the amount specified by the Administrator, whichever is the greater.

(2) If the holder acquires the security at the sale he shall credit the indebtedness for the purpose of accounting to the Administrator, the amount specified by the Administrator, paying over to the Administrator, the excess if any by which such credit exceeds the sum required to satisfy the indebtedness and may further dispose of the security in accordance with the rights he derived through the sale, or he may within 15 days after the date of the sale advise the Administrator of his election to transfer or convey the security, or the rights therein derived through the sale, to the Administrator in return for payment of the specified amount required to be credited to the indebtedness, or the amount required to satisfy the indebtedness, whichever is the less.

(3) Upon receiving repayment in full of all payments made on the guaranty or insurance, or upon such other terms as may be agreed, the Administrator shall deliver appropriate release of all rights in the property accruing by reason of the guaranty or insurance of the loan.

(c) When a debtor proposes to transfer or convey any security or other property to a holder to avoid foreclosure or other judicial, contractual, or statutory disposition or relinquishment of the obligation or of the security the consent of the Administrator to the terms of such proposal shall be obtained in advance of such transfer or conveyance. Prior to giving such consent the Administrator shall appraise the property which is to be transferred or conveyed and shall fix the amount which the holder shall be required to allow for the value of any such property in any subsequent accounting to the Administrator for a surplus resultant after payment of a guaranty, or in computing the net loss on a loan insured under section 508. The holder shall be entitled to elect to transfer or convey the property to the Administrator upon payment by the Administrator of the stated valuation up to the amount thereof required to satisfy in full the remaining balance of the indebtedness. Such election must be exercised by the holder within 15 days after receiving the transfer or conveyance of the property or he will be deemed to have elected to retain the property and to allow the required credit.

(d) If under the applicable State law, or decree of foreclosure or order of sale a minimum acceptable bid is provided, and the maximum bid for the property fails to equal such amount at the sale or if the court refuses to confirm a foreclosure sale, the creditor may submit to the Administrator a proposal for an agreement as to value of such property for purposes of a claim for guaranty, or insurance, or for accounting to the Administrator in respect of the property pursuant to § 36.4321 (b) and (c). The Administrator thereupon shall proceed in the manner provided in paragraph (c) of this section and fix the value of the property. The value so fixed by the Administrator shall govern as between the Administrator and the creditor if the creditor elects to proceed with further sale of such property pursuant to said decree or order. If the creditor does not so elect the rights and liabilities of all parties will remain unaffected by such submission.

§ 36.4321 *Computation of guaranty claims; subsequent accountings.* (a) Subject to the limitation that the total amounts payable shall in no event exceed the amount originally guaranteed, the amount payable on a claim for the guaranty shall be the percentage of the loan originally guaranteed applied to the indebtedness computed as of the date of claim but not later than (1) the date of judgment or of decree of foreclosure, or (2) in non-judicial foreclosures the date of publication of the first notice of sale, or (3) in cases in which the security is repossessed without a judgment, decree or foreclosure the date the holder repossesses the security, or (4) if no security is available or no repossession takes place, the date of claim but not more than 6 months after the first uncured default. Deposits or other credits or setoffs legally applicable to the indebtedness on the date of computation shall be applied in reduction of the indebtedness on which the claim is based. Any escrowed or earmarked funds not subject to superior claims of third persons must likewise be so applied.

(b) Credits accruing from the proceeds of a sale or other disposition of the security subsequent to the date of computation, and prior to the submission of the claim, shall be reported to the Administrator incident to such submission, and the amount payable on the claim shall in no event exceed the remaining balance of the indebtedness.

(c) The claimant shall be deemed to have received as trustee for the benefit of the United States any amounts received on account of the indebtedness after the date of the claim, from the proceeds of a sale of the security or otherwise, to the extent such credits exceed the balance of the indebtedness unsatisfied by the payment of the guaranty. He shall forthwith pay such amounts to the Administrator to the extent of the debtor's liability to the Administrator as guarantor.

(d) Any allowable expenditures or costs paid subsequent to the date of computation of the claim and before accounting to the Administrator, and accrued interest from the date of claim to the date of sale, may be deducted by the holder from the proceeds of the sale of the security, or may be included in the accounting to the Administrator on such loan.

§ 36.4322 *Computation of indebtedness.* In computing the indebtedness for the purpose of filing a claim for payment of a guaranty or for payment of an insured loss, or in the event of a transfer of the loan under § 36.4318 (a), or other accounting to the Administrator, the holder shall not be entitled to treat repayments theretofore made as liquidated damages, or rentals, or otherwise than as payments on the indebtedness, notwithstanding any provision in the note, or mortgage, or otherwise, to the contrary.

§ 36.4323 *Subrogation and indemnity.* (a) The Administrator shall be subrogated to the contract and the lien or other rights of the holder to the extent of any sum paid on a guaranty or on account of an insured loss, which right shall be junior to the holder's rights as against the debtor or the encumbered property until the holder shall have received the full amount payable under his contract with the debtor. No partial or complete release by a creditor shall impair the rights of the Administrator with respect to the debtor's obligation.

(b) The holder, upon request, shall execute, acknowledge and deliver an appropriate instrument tendered him for that purpose, evidencing any payment received from the Administrator and the Administrator's resulting right of subrogation.

(c) The Administrator shall cause the instrument required by paragraph (b) of this section to be filed for record in the office of the recorder of deeds, or other appropriate office of the proper county, town or State, in accordance with the applicable State law. The filing or failure to file such instrument for record shall have the legal results prescribed by the applicable law of the State where the real or personal property is situated, with respect to filing or failure to so file mortgages and other lien instruments and assignments thereof.

The references herein to "filing for record" include "registration" or any similar transaction, by whatever name designated when title to the encumbered property has been "registered" pursuant to a Torrens or other similar title registration system provided by law.

(d) As a condition to paying a claim for an insured loss the Administrator may require that the loan, including any security or judgment held therefor, be assigned to the extent of such payment, and if any claim has been filed in bankruptcy, insolvency, probate, or similar proceedings such claim may likewise be required to be so assigned.

(e) Any amounts paid by the Administrator on account of the liabilities of any veteran guaranteed or insured under the provisions of the act shall constitute a debt owing to the United States by such veteran.

§ 36.4324 *Release of security.* (a) Except upon full payment of the indebtedness the holder shall not release a lien or other right in or to real property held as security for a guaranteed or insured loan, or grant a fee or other interest in such property, without the prior approval of the Administrator, unless in the opinion of the holder such release does not involve a decrease in the value of the security in excess of $300, *Provided*, That the aggregate of the reduction in the original value of the security resultant from such releases without the Administrator's prior approval does not exceed $300.

(b) Holder may release from the lien personal property including crops without the prior approval of the Administrator.

(c) Except upon full payment of the indebtedness or upon the prior approval of the Administrator, the holder shall not release a lien under paragraphs (a) or (b) of this section unless the consideration received for the release is commensurate with the fair market value of the property released and the entire consideration is applied to the indebtedness, or if encumbrance on other property is accepted in lieu of that released it shall be the holder's duty to acquire such lien on property of substantially equal value which is reasonably capable of serving the purpose for which the property released was utilized.

(d) Failure of the holder to comply with the provisions of this section shall not in itself affect the validity of the title of a purchaser to the property released.

(e) The holder shall notify the Administrator of any such release or substitution of security within 30 days after completion of such transaction.

(f) The release of the personal liability of any obligor on a guaranteed or insured obligation resultant from the act or omission of any holder without the prior approval of the Administrator shall release the obligation of the Administrator as guarantor or insurer, except when such act or omission consists of: (1) Failure to establish the debt as a valid claim against the assets of the estate of any deceased obligor provided no lien for the guaranteed or insured debt is thereby impaired or destroyed; or, (2) an election and appropriate prosecution of legally available effective remedies with respect to the repossession or the liquidation of the security in any case, irrespective of the identity or the survival of the original or of any subsequent debtor, if holder shall have given such notice as required by § 36.4317 and if after receiving such notice, the Administrator shall have failed to notify the holder within 15 days to proceed in such manner as to effectively preserve the personal liability of the parties liable, or such of them as the Administrator indicates in such notice to the holder.

(g) Nothing herein shall be construed to restrict the expenditure of working capital, the processing of materials, or the sale of merchandise or inventory in the ordinary course of business.

(h) Increase derived from livestock which constitutes security is not required to be included in the lien, and when so included may be disposed of by agreement between holder and debtor without advising the Administrator of such disposition.

§ 36.4325 *Partial or total loss of guaranty or insurance.* (a) There shall be no liability on account of a guaranty or insurance with respect to a transaction in which a signature to either the note, the mortgage, or any other loan papers, or the application for guaranty or insurance is a forgery; or in which the discharge or certificate of eligibility is counterfeited, or falsified, or is not issued by the Government.

Except as to a claimant on a negotiable instrument who acquired same before maturity, for value, and without notice, any material misrepresentation or fraud by the lender, or by the holder, or the agent of either, in procuring the guaranty, the insurance credit, or a transfer thereof, shall relieve the Administrator of liability.

(b) In taking security required by the act and the regulations in this subpart, a holder shall obtain the required lien on property the title to which is such as to be acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally in the community in which the property is situated, and if any holder fails in this respect or fails to comply with the act and the regulations in this subpart with respect to:

(1) Obtaining and retaining a lien of the dignity required on all property reported as being encumbered to secure a loan,

(2) Inclusion of power to substitute trustees (§ 36.4327),

(3) The procurement and maintenance of insurance coverage (§ 36.4326),

(4) Advice to Administrator as to default (§ 36.4315),

(5) Notice of intention to begin action (§ 36.4317),

(6) Notice to the Administrator in any suit or action, or notice of sale (§ 36.4319),

(7) The release, conveyance, substitution or exchange of security, except as provided in the regulations in this subpart,

(8) Lack of legal capacity of a party to the transaction incident to which the guaranty or the insurance is granted (§ 36.4328),

(9) Failure of the lender to see that any escrowed or earmarked account is expended in accordance with the agreement,

no claim on the guaranty or insurance shall be paid on account of the loan with respect to which such failure occurred until the loss, if any, resulting from such failure is determined. The burden shall be upon the holder to establish that such loss or any part thereof is not attributable to such failure. If so established, the amount payable, if any, shall be calculated as though the amount of the loss attributable to such failure had been paid on the indebtedness. If after the payment of a guaranty or an insurance loss, or after a loan is transferred pursuant to § 36.4318 (a), the failure to comply with the regulations as provided in this paragraph is discovered and the Administrator claims that a loss resulted the transferor or person to whom such payment was made shall reimburse the Administrator except as to so much of the loss as such person or transferor establishes was not attributable to such failure.

§ 36.4326 *Hazard insurance.* The holder shall require insurance policies to be procured and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected to the extent customary in the locality. All monies received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance.

§ 36.4327 *Substitution of trustees.* In jurisdictions in which valid, any deed of trust or mortgage securing a guaranteed or insured loan, if it names trustees, or confers a power of sale otherwise, shall contain a provision empowering any holder of the indebtedness to appoint substitute trustees, or other person with such power to sell, who shall succeed to all the rights, powers and duties of the trustees, or other person, originally designated.

§ 36.4328 *Capacity of parties to contract.* Nothing in §§ 36.4300 to 36.4375, inclusive, shall be construed to relieve any lender of responsibility otherwise existing, for any loss caused by the lack of legal capacity of any person to contract, convey, or encumber, or caused by the existence of other legal disability or defects invalidating, or rendering unenforceable in whole or in part, either the loan obligation or the security therefor.

§ 36.4329 *Geographical limits.* Any real property purchased, constructed, altered, improved, or repaired with the proceeds of a guaranteed or insured loan, and the principal place of business of any enterprise in connection with which a loan is obtainable under sections 503 or 507 of the act, shall be situated within the United States, defined in the act as the several States, territories and possessions and the District of Columbia.

§ 36.4330 *Accounting records.* (a) The holder shall maintain a record of the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof. Any holder who fails to maintain such record shall be presumed to have received on the dates due all sums which by the terms of the contract are payable prior to date of claim for default, and the burden of going forward with evidence and of ultimate proof of the contrary shall be on such holder.

(b) The Administrator has the right to inspect, examine, or audit, at a reasonable time and place, the records or accounts of a holder pertaining to loans guaranteed or insured by the Administrator.

§ 36.4331 *Disqualification of lenders.* Whenever a loan guarantee officer finds with respect to loans guaranteed or insured under the act that any lender or holder has failed to maintain adequate loan accounting records, or to demonstrate proper ability to service loans adequately, or to exercise proper credit judgment, or has willfully or negligently engaged in practices otherwise detrimental to the interests of veterans or of the Government, he may temporarily suspend the right of such lender or holder to secure guaranty or insurance on loans under Title III of the act pending reference of the matter to the central office for investigation or action as may be necessary and appropriate. Upon a proper hearing at which the lender or holder shall have an opportunity to appear in person or by counsel, or both, and to introduce evidence, the Administrator, if he deems sufficient cause has been shown therefor, may decline for a specified period to issue further evidence of guaranty or insurance.

§ 36.4332 *Delivery of notice.* Any notice required by §§ 36.4300 to 36.4375, inclusive, to be given the Administrator must be in writing, and delivered, by mail or otherwise, to the Veterans' Administration office at which the guaranty or insurance was issued, or to any changed address of which the holder has been given notice. Such notice must plainly identify the case by setting forth the name of the original veteran obligor and the file number assigned to the case by the Administrator, if available, or otherwise the name and serial number of the veteran. If mailed, the notice shall be by registered mail when so provided by §§ 36.4300 to 36.4375, inclusive. This section does not apply to legal process (see § 36.4319).

§ 36.4333 *Satisfaction of indebtedness.* Upon full satisfaction of a guaranteed loan by payment or otherwise it shall be the duty of the holder to cancel the endorsement, if any, of the Administrator; and forthwith inform the Administrator of such cancellation. In the event the Administrator's liability thereon is evidenced by an instrument separate from the instrument evidencing the debtor's obligation, the instrument evidencing the obligation of the Administrator shall be returned to the Veterans' Administration office issuing same, or to the central office, with the holder's cancellation or endorsement of release thereon.

§ 36.4334 *Incorporation by reference.* Regulations issued under the act, and in effect on the date of any loan which is submitted and accepted or approved for a guaranty or for insurance thereunder shall govern the rights, duties and liabilities of the parties to such loan and any provisions of the loan instruments inconsistent with such regulations are hereby amended and supplemented to conform thereto.

§ 36.4335 *Supplementary administrative action.* Notwithstanding any requirement, condition, or limitation stated in or imposed by the regulations concerning guaranty or insurance of loans to veterans, the Administrator, within the limitations and conditions prescribed in the act, may take such action as may be necessary or appropriate to relieve any undue prejudice to a debtor, holder, or other person, which might otherwise result, provided such action shall not impair the vested rights of any person affected thereby. If such requirement, condition or limitation is of an administrative or procedural nature, such action may be taken by any employee authorized to act under § 36.4342 of the regulations concerning guaranty or insurance of loans to veterans.

§ 36.4336 *Eligibility of loans; reasonable value requirements.* No loan is guaranteeable or insurable the proceeds of which have been expended or will be expended for property, or for construction, alterations, repairs or improvements, the purchase price or cost of which is in excess of the reasonable value of the same as determined by a proper appraisal made by an appraiser designated by the Administrator. Nor in any case in which a lien is required by §§ 36.4300 to 36.4375, inclusive, may such purchase price or cost when added to the amount remaining unpaid on obligations secured by prior liens, be in excess of the reasonable value of the subject property as so improved.

§ 36.4337 *Security; non-real estate loans.* To the extent legal and practicable under customary business practice, all loans made for the purchase, alteration, improvement, repair or production of tangible personal property will be secured by such property in the usual legal form employed in the locality in transactions where rights in personal property are reserved as security for the payment of its purchase price or for the cost of work done or materials applied thereto.

§ 36.4338 *Death or insolvency of holder.* (a) Immediately upon the death of the holder and without the necessity of request or other action by the debtor or the Administrator, all sums then standing as a credit balance in a trust, or deposit, or other account to cover taxes, insurance accruals, or other items in connection with the loan secured by the encumbered property, whether stated to be such or otherwise designated, and which have not been credited on the note shall, nevertheless, be treated as a set-off and shall be deemed to have been credited thereon as of the date of the last debit to such account, so that the unpaid balance of the note as of that dated will be reduced by the amount of such credit balance: *Provided*, That any unpaid taxes, insurance premiums, ground rents, or advances may be paid by the holder of the indebtedness, at his option, and the amount which otherwise would have been deemed to have been credited on the note reduced accordingly. This paragraph shall be applicable whether the estate of the deceased holder is solvent or insolvent.

(b) The provisions of paragraph (a) of this section shall also be applicable in the event of:

(1) Insolvency of holder;

(2) Initiation of any bankruptcy or reorganization, or liquidation proceedings as to the holder, whether voluntary or involuntary;

(3) Appointment of a general or ancillary receiver for the holder's property; or in any case

(4) Upon the written request of the debtor if all secured and due insurance premiums, taxes, and ground rents have been paid, and appropriate provisions made for future accruals.

(c) Upon the occurrence of any of the events enumerated in paragraphs (a) or (b) of this section, interest on the note and on the credit balance of the deposits mentioned in paragraph (a) shall be set off against each other at the rate payable on the principal of the note, as of the date of last debit to the deposit account. Any excess credit of interest shall be treated as a set-off against the unpaid advances, if any, and the unpaid balance of the note.

(d) The provisions of paragraphs (a), (b) and (c) of this section shall apply also to corporations. The dissolution thereof by expiration of charter, by forfeiture, or otherwise shall be treated as is the death of an individual as provided in paragraph (a).

§ 36.4339 *Qualification for designated appraisers.* (a) To qualify for approval as a designated appraiser, an applicant must show to the satisfaction of the Administrator that his character, experience, and the type of work in which he has had experience for at least five years, qualifies him competently to appraise and value within a prescribed area the type of property to which the approval relates.

§ 36.4340 *Restriction on designated appraisers.* A designated appraiser shall not make an appraisal, excepting of alterations, improvements or repairs to real property entailing a cost of not more than $1,000, if such appraiser is an officer, director, trustee, employer or employee of the lender, contractor, or vendor: *Provided,* That appraisals of nonreal estate loans may be made by an officer, director, trustee, employer or employee of a lender of a class specified under sections 500 (d) or 508 of the act.

§ 36.4341 *Suspension or removal of appraisers.* Upon it appearing that an appraiser designated by the Administrator is not qualified to make appraisals of the type for which he was appointed, or has engaged in any practice detrimental to the interests of the veteran, the lender, or the Government, he may be suspended or removed by the Administrator: *Provided,* That such action shall not prejudice the guaranty or insurance right of a lender who has in good faith acted in reliance upon a designation of such appraiser prior to receiving notice of such suspension or removal.

§ 36.4342 *Delegation of authority.* (a) Except as hereinafter provided each employees of the Veterans' Administration heretofore or hereafter appointed to, or lawfully filling, any position designated in paragraph (b) of this section is hereby delegated authority, within the limitations and conditions prescribed by law, to exercise the powers and functions of the Administrator with respect to the guaranty or insurance of loans and the rights and liabilities arising therefrom, including but not limited to, the adjudication and allowance, disallowance, and compromise of claims, the collection or compromise of amounts due, in money or other property, the extension, rearrangement, or acquisition of loans, the management and disposition of secured and unsecured notes and other property, and those functions expressly or impliedly embraced within paragraphs (2) to (6), inclusive, of section 509 (a) of the act. Incidental to the exercise and performance of the powers and functions hereby delegated each such employee is authorized to execute and deliver (with or without acknowledgment) for, and on behalf of, the Administrator evidence of guaranty or of insurance credits and such certificates, forms, conveyances, and other instruments as may be appropriate in connection with the acquisition, ownership, management, sale, transfer, assignment, encumbrance, rental or other disposition of real or personal property, or of any right, title or interest therein, including, but not limited to, contracts of sale, installment contracts, deeds, leases, bills of sale, assignments and releases; and to approve disbursements to be made for any purpose authorized by Title III of the act.

(b) Designated positions:

Assistant Administrator for Finance
Director, Loan Guaranty Service
Assistant Director, Loan Guaranty Service
Division Chief, Loan Guaranty Service
Assistant Division Chief, Loan Guaranty Service
Chief, Loan Guaranty Division
Assistant Chief, Loan Guaranty Division
Loan Guaranty Officer
Assistant Loan Guaranty Officer

(c) Nothing in this section shall be construed (1) to authorize any such employee to exercise the authority vested in the Administrator under section 504 or section 508 (b) of the act or to sue, or enter appearance for and on behalf of the Administrator or confess judgment against him in any court without his prior authorization; or, (2) to include the authority to exercise those powers reserved to the Administrator under §§ 36.4335, 36.4343 and 36.4344, or those delegated to the Assistant Administrator for Finance, or Director, Loan Guaranty Service, under § 36.4343 or § 36.4344 of the regulations concerning guaranty or insurance of loans to veterans.

§ 36.4343 *Loans which may not be processed automatically.* (a) Any loan which is (1) related to an enterprise in which more than ten individuals will participate; or (2) to be made for the purchase or construction or residential units in any housing development, cooperative or otherwise, the title to which development or to the individual units therein is not to be held directly by the veteran participants, or which contemplates the ownership or maintenance of more than three units or of their major appurtenances in common; or (3) to be made for business or farm purposes in the amount of $25,000 or more, to be eligible for guaranty or insurance shall require prior approval of the Administrator, the Assistant Administrator for Finance or of the Director, Loan Guaranty Service, who may issue such approval upon such conditions and limitations as he may deem appropriate, not inconsistent with the provisions of the act, and subject to §§ 36.4301, 36.4302, 36.4317, 36.4319 to 36.4330 inclusive, 36.4332, 36.4333, 36.4335, 36.4336, 36.4340, 36.4345, 36.4350, 36.4352, 36.4354, 36.4360, and, as to insured loans, §§ 36.4370 to 36.4375 inclusive.

(b) The issuance of such approval with respect to a residential development under paragraph (a) (2) of this section also shall be subject to such conditions and stipulation as in the judgment of the approving officer are possible and proper to (1) afford reasonable and feasible protection to the rights of the Government as guarantor or insurer, and as subrogee, and to each veteran participant against loss of his respective equity consequent upon the failure of other participants to discharge their obligations; (2) provide for a reasonable and workable plan for the operation and management of the project; (3) limit the personal liability of each veteran participant to those sums allocable on a proper ratable basis to the purchase, cost, and maintenance of his individual unit or participating interest; (4) limit commercial features to those reasonably calculated to promote the economic soundness of the project and the living convenience of the participants, retaining the essential character of a residential project.

(c) No such project, development, or enterprise may be approved which involves an initial grouping of more than 500 veterans, or a cost of more than five million dollars, unless it is conclusively shown to the satisfaction of the approving officer that a greater number of veterans or dollar amount will assure substantial advantages to the veteran-participants which could not be achieved in a smaller project.

(d) When approved as in this section provided, and upon performance of the conditions indicated in the prior approval, proper guaranty certificate or certificates may be issued in connection with the loan or loans to be guaranteed on behalf of eligible veterans participating in the project, development or enterprise not to exceed in total amount the sum of the guaranties applied for by the individual participants and for which guaranty each participant is then eligible.

(e) In lieu of guaranty as authorized in paragraph (d) of this section, insurance shall be available on application by the lender and all veterans concerned. In such case the insurance credit shall be limited to 15 percent of the obligation of the veteran applicant (subject to available eligibility) and the total insurance credit in respect to the veterans' loans involved in the project shall not exceed 15 percent of the aggregate of the principal sums of the individual indebtedness incurred by the veterans participating in the project for the purpose of acquiring their respective interests therein.

(f) There is reserved to the Administrator the power to approve loans not meeting the requirements or exceeding the limits prescribed in this section, and

there is hereby delegated to the Assistant Administrator for Finance, and the Director, Loan Guaranty Service, the authority to approve loans permitted or authorized by this section, to issue commitments to lenders and to authorize loan guaranty officers to issue certificates of guaranty or certificates of insurance credit in accordance with such prior approval.

§ 36.4344 *Loans for corporate or partnership purposes.* A loan of less than $25,000 to an eligible veteran for the purchase of an interest in a corporation or partnership to enable him to engage in business, may be guaranteed or insured, if otherwise eligible, provided such veteran has, or upon completion of the loan transaction will have control of the management of the enterprise through ownership of more than 50% of the outstanding voting stock of the corporation or at least a 50% interest in the partnership, and such veteran is, or as a result of the purchase will become, actively engaged in the conduct of the business on a full or part-time basis. Any loan to be made for the purchase of an interest in a business in which the veteran does not have or will not acquire the control above prescribed for loans eligible for automatic guaranty shall require the prior approval of the Administrator, the Assistant Administrator for Finance, or the Director, Loan Guaranty Service. A loan, otherwise eligible, may be approved for guaranty or insurance under this section provided that the conditions under which the veteran will engage in the business are such as reasonably to assure the right to an active participation by the veteran in the operation, management, supervision and control of the business during the life of the loan.

§ 36.4345 *Waivers, consents, and approvals; when effective.* No waiver, consent, or approval required or authorized by the regulations concerning guaranty or insurance of loans to veterans shall be valid unless in writing signed by the Administrator or the subordinate officer to whom authority has been delegated by the Administrator.

Real Estate Loans

§ 36.4350 *Eligibility for guaranty or insurance.* (a) No loan for the purchase of an interest in residential, farm, or business realty, or for the cost of any construction, repairs, alterations or improvements thereon shall be eligible for a guaranty or insurance unless the veteran has or will become vested with an estate in the subject property not less than:

(1) A fee simple estate therein, legal or equitable; or

(2) A leasehold estate running or renewable at the option of the lessee for a period of not less than 14 years from the maturity of the loan, or to any earlier date at which the fee simple title will vest in the lessee, which is assignable or transferable, if the same be subjected to the lien, or

(3) A life estate, provided that the remainder and reversionary interests are subjected to the lien.

(b) Any such property or estate will not be ineligible by reason of encroachments, easements, servitudes, reservations for water, timber, or subsurface rights, or building and use restrictions whether or not enforceable by a reverter clause if there has been no breach of the conditions affording a right to an exercise of the reverter: *Provided,* That such limitations on the quantum or quality of the estate or property, insofar as they may materially affect the value of the property for the purpose for which it is used, are taken into account in the appraisal of reasonable value required by the act.

§ 36.4351 *Loans, first, second, or unsecured.* (a) Loans for the purchase of real property or a leasehold estate as limited in the regulations concerning guaranty or insurance of loans to veterans, or for the alteration, improvement or repair thereof and for more than $1,000 and more than 40 percent of the reasonable value of such property or estate prior thereto shall be secured by a first lien on the property or estate. Loans for such alteration, improvement, or repairs for more than $1,000 but 40 percent or less of the prior reasonable value of the property shall be secured by either a first or second lien. Those for $1,000 or less need not be secured, and in lieu of the title examination the lender may accept a statement from the borrower that he has an interest in the propery not less than that prescribed in § 36.4350 (a).

(b) Loans for the installation of equipment which will become fixtures upon, or for the repair, alteration or improvement of property being occupied under a lease with an unexpired term not less than the duration of the loan, and which property is used in connection with the business or farming operation of a veteran, may, if otherwise eligible, be guaranteed or insured: *Provided,* That the prospective income from the business or farming operation will permit retirement of the indebtedness within the term of the loan: *And provided further,* That the loan is secured to the extent required by § 36.4337.

§ 36.4352 *Tax or special assessment.* Tax or special assessment liens or ground rents shall be disregarded with respect to any requirement that loans shall be secured by a lien of a specified dignity.

§ 36.4353 *Dual purpose loans, residential and business property.* If otherwise eligible a loan for the purchase or construction of a combination or residential property and business property which the veteran proposes to occupy in part as a home will not be ineligible under section 501 if not more than two business units are included. A loan for the purchase or construction of residential property containing more than four separate family units plus an added unit for each veteran participating in the ownership thereof, or more than two business units, must be classed as a business loan and satisfy the requirements of eligibility prescribed under section 503.

Section 505 (a) Loans

§ 36.4354 *Land sale contracts.* Loans to refinance the balance owed by a veteran on an existing land sale contract may be guaranteed or insured, *Provided,* That (1) if the contract was executed within one year of the date of application for the loan the purchase price contained in the terms of the contract shall not be in excess of the current appraised reasonable value of the property; and (2) if the contract was executed more than one year prior to the date of the application the purchase price contained in its terms shall not be in excess of the appraised reasonable value of the property as of the date of the execution of the contract and the unpaid amount of the contract shall not be in excess of the current appraised reasonable value of the property.

§ 36.4360 *Concurrent with primary loan.* A second loan is eligible for guaranty or insurance under section 505 (a) only if the proceeds thereof are used concurrently with and as part of the same transaction which is partially financed through the proceeds of the primary loan, or by continuing the primary loan in effect by assumption or otherwise.

Refinancing—Section 507

§ 36.4365 *Indebtedness eligible for refinancing.* (a) No loan shall be made to refinance delinquent indebtedness less than 60 days in default without a written statement from the holder of the delinquent obligation or other evidence satisfactory to the Administrator that it is delinquent.

(b) Any loan proposed to be made to refinance a delinquent obligation which was incurred within one year of the date of the application for refinancing shall be referred in advance to the Administrator with a report of the proposed borrower's income and expenses, and his affidavit stating the purchase price of the property purchased with the proceeds of the delinquent loan. The Administrator may hold any such case to be ineligible if it appears the guaranty or insurance of such refinancing would effect an evasion of any of the limitations imposed by the act.

(c) No loan guaranteed or insured by the Administrator under Title III may be refinanced under section 507 of that title.

Section 508 Loans

§ 36.4370 *Insured loan and insurance account.* (a) Loans otherwise eligible may be insured when purchased by a lender eligible under section 508 if the purchaser (lender) submits with the loan report evidence of an agreement, general or special, made prior to the closing of the loan, to purchase such loan subject to its being insured.

(b) A current account shall be maintained in the name of each insured lender or purchaser. The account shall be credited with the appropriate amounts available for the payment of losses on insured loans made or purchased. The account shall be debited with appropriate amounts on account of transfers, purchases under § 36.4318, or payment of losses. The Administrator may on six months' notice close any lender's insurance account. Such account after expiration of the 6-month period shall be available only as to loans embraced therein.

(c) Amounts received or recovered by the Administrator or the holder with respect to a loan after payment of an insured claim thereon will not restore any amount to the holder's insurance account.

§ 36.4371 *Amount payable by Administrator for credit on loan.* The amount payable by the Administrator for credit on the loan in accordance with section 508 (c) of the act will be 4% of the amount credited to the lender's insurance account for the particular loan.

§ 36.4372 *Transfer of insured loans.* (a) In cases involving the transfer from one insured financial institution to another insured institution of loans which are transferred without recourse, guaranty, or repurchase agreement, if no payment on any loan included in the transfer is past due more than one calendar month at the time of transfer there shall be transferred from the insurance account of the transferor to the insurance account of the transferee an amount equal to the original percentage credited to the insurance account in respect to each loan being transferred applied to the unpaid balance of such loans, or to the purchase price, whichever is the lesser.

(b) Transfers between insurance accounts in a manner or under conditions not provided in paragraph (a) of this section must have the prior approval of the Administrator.

(c) Where loans are transferred with recourse or under a guaranty or repurchase agreement no insurance credit will be transferred or insurance account affected and no reports will be required.

(d) In all cases of transfer of loans from one insured financial institution to another insured institution, except as provided in paragraph (c) of this section, a report on a prescribed form executed by the parties and showing their agreement with regard to the transfer of insurance credits shall be made to the Administrator.

§ 36.4373 *Debits and credits to insurance account under § 36.4318.* In the event that an insured loan is transferred under the provisions of § 36.4318, there shall be charged to the insurance account of the transferor a sum equal to the amount paid transferor on account of the indebtedness less the current market value of the property transferred as security therefor as determined by an appraiser designated by the Administrator, or the amount chargeable to such insurance account in the event of a transfer under § 36.4372, whichever sum is the greater. The credit to the insurance account of the transferee will be computed in accordance with § 36.4372 (a).

§ 36.4374 *Payment of insurance.* (a) In the event that pursuant to notice under § 36.4317 the holder forecloses or otherwise liquidates and applies the proceeds of security toward reduction of an insured loan, the net loss shall be reported to the Administrator with proper claim, whereupon the holder shall be entitled to payment of the claim within the amount then available for such payment under the payee's related insurance account. Subject to the provisions of paragraph (b) of this section and to § 36.4370 (b) a supplemental claim for any balance of an insurance loss may be filed at any time within five years after the date of the original claim.

(b) The basis of the claim for an insurance loss shall consist in the unrealized principal or the amount paid for the obligation, if less, plus unrealized interest, subject to the applicable dates specified in § 36.4321 (a), and those expenses, if any, allowable under § 36.4313, but subject to proper credits because of payments, set-off proceeds of security, or otherwise.

§ 36.4375 *Reports of insured institutions.* An insured financial institution shall make such reports respecting its insurance accounts as the Administrator may from time to time require, not more frequently than semiannually.

ASSISTANCE TO CERTAIN DISABLED VETERANS IN ACQUIRING SPECIALLY ADAPTED HOUSING

AUTHORITY: §§ 36.4401 to 36.4410 issued under Pub. Law 702, 80th Cong.

NOTE: Those requirements, conditions, or limitations expressly set forth in the act and not restated herein must be taken into consideration in conjunction with these regulations.

§ 36.4401 *Definitions.* Wherever used in the act or §§ 36.4401 through 36.4410, unless the context otherwise requires, the terms defined in this section shall have the meaning herein stated; namely:

(a) "Act": Public Law 702, 80th Congress, 2d Session.

(b) "Administrator": The Administrator of Veterans' Affairs or any employee of the Veterans' Administration authorized by him to act in his stead.

(c) "Movable facilities": Such exercising equipment and other aids as may be allowed or required by the approving medical officer.

(d) "Necessary land": Any plot of land the cost and area of which are not disproportionate to the type of improvements thereon and which is in keeping with the locality.

(e) "Special fixtures": Construction features which are specially designed to overcome the physical limitations of the individual beneficiary and which are allowed or required by the approving medical officer as necessary by nature of the qualifying disability.

(f) "Housing unit": A family dwelling or unit approved by the medical service as medically feasible for occupation as a home by the individual beneficiary including the land, improvements, and all appurtenances, together with such movable facilities or special features as are authorized under the definitions of those terms in §§ 36.4401 through 36.4410.

(g) "Remodeling": Any alterations, repairs, or improvements necessary or desirable to the housing unit as defined in §§ 36.4401 through 36.4410.

§ 36.4402 *Eligibility.* No beneficiary shall be eligible for assistance under the act for the purpose of reimbursing him for the cost of an existing structure acquired by him prior to applying for assistance or for constructing or remodeling a dwelling unless it is determined pursuant to §§ 36.4401 through 36.4410, in respect of the beneficiary that:

(a) It is medically feasible for such beneficiary to reside in the existing or proposed housing unit and in the locality where such is or will be situated;

(b) The nature and condition of the proposed housing unit are such as to be suitable to the veteran's needs for dwelling purposes;

(c) Such unit bears a proper relation to the veteran's present and anticipated income and expenses;

(d) The veteran has or will acquire an estate in the property not less than a fee simple estate, or a leasehold estate, the unexpired term of which, including renewals at the option of the lessee, is not less than 50 years, and such title as is acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community.

§ 36.4403 *Joint ownership of housing unit.* The construction or remodeling of a housing unit, or reimbursement to a veteran who has acquired a suitable unit at his own expense, shall be permissible notwithstanding that title to the home is or will be vested in an eligible veteran and his spouse. If an undivided interest is or will be owned by a person other than the spouse of the veteran the cost of the unit to the veteran shall be computed to be such part of the total cost of the unit as is proportionate to the undivided interest of the veteran in the entire property, and the percentages and amounts prescribed in the act shall be calculated only upon such cost to the veteran.

§ 36.4404 *Computation of cost of housing unit.* For the purpose of computing the amount of benefits payable to a veteran beneficiary there may be included in the total cost to the veteran the following:

(a) The cost of the necessary land and the grading, landscaping, and improvement thereof for use for residential purposes;

(b) The cost of the improvements erected thereon, and of the appurtenances thereto, including such heating, cooking, laundry and refrigeration equipment as may be suitable to equip a housing unit for residential use;

(c) The cost of remodeling a housing unit;

(d) The cost of movable facilities and special fixtures;

(e) Reasonable architects' and attorneys' fees for services rendered to the veteran which are necessary to and are in connection with the transaction;

(f) Any charges for the customary necessary connections to or extensions of public facilities and improvements;

(g) Such other reasonable costs or expenses incurred in closing a loan or financing the acquisition of the housing and land, including unpaid taxes, ground rents, or assessments, which are normally required to be paid by a lienor or a purchaser.

§ 36.4405 *Submission of proof to the Administrator.* As a condition precedent to the grant the Administrator may require submission of such proof of costs and other matters as he may deem necessary.

§ 36.4406 *Disbursement of benefit authorized.* After approval of an application for a grant the Administrator shall decide upon a method of disbursement which in his opinion is appropriate and advisable in the interest of the veteran and the Government and disburse the benefit payable accordingly. Disbursements may be made to the veteran or to third parties who have contracted with the veteran.

§ 36.4407 *Supplementary administrative action.* Notwithstanding any requirement, condition, or limitation stated in or imposed by §§ 36.4401 through 36.4410 the Administrator, within the limitations and conditions prescribed in the act, may take such action as may be necessary or appropriate to relieve undue prejudice to a veteran or a third party contracting or dealing with such veteran which might otherwise result.

§ 36.4408 *Delegation of authority.* (a) Except as hereinafter provided, each employee of the Veterans' Administration heretofore or hereafter appointed to, or lawfully filling, any position designated in paragraph (b) of this section is hereby delegated authority, within the limitations and conditions prescribed by law, to exercise the powers and functions of the Administrator with respect to assisting eligible veterans to acquire specially adapted housing.

(b) Designated positions:

Assistant Administrator for Finance.
Director, Loan Guaranty Service.
Assistant Director, Loan Guaranty Service.
Division Chief, Loan Guaranty Service.
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

(c) Nothing in this section shall be construed to authorize any employee designated in paragraph (b) of this section to determine basic eligibility or medical feasibility.

§ 36.4409 *Guaranteed or insured loans under Servicemen's Readjustment Act.* In any case where, in addition to the benefits of Public Law 702, 80th Congress, the veteran will utilize his entitlement to the loan guaranty or insurance benefits of title three of the Servicemen's Readjustment Act of 1944, as amended, the complete transaction must be in accord with applicable regulations promulgated thereunder excepting § 36.4306 thereof.

§ 36.4410 *Allocation of the funds of the grant.* Any amount payable as a grant under the act may be required by the Administrator to be utilized as he deems advisable for payment of any of the following costs or debts which are obligations of the veteran before any part of grant may be paid to the veteran directly:

(a) Cost of necessary land,

(b) Cost of constructing or remodeling a housing unit,

(c) Delinquent taxes secured by a lien on the housing unit,

(d) Reduction or retirement of any indebtedness incurred in connection with the purchase, construction, or remodeling of a housing unit on which the grant is made.

SUBPART B—TITLE V; READJUSTMENT ALLOWANCE

§ 36.501 *Readjustment allowances for former members of armed forces*—(a) *Definitions.* (1) "Act" means the Servicemen's Readjustment Act of 1944, Public No. 346, 78th Congress.

(2) "Administrator" means the Administrator of Veterans' Affairs.

(3) "Agency" means any agency administering a State Unemployment Compensation Law or the Railroad Unemployment Insurance Act, which has entered into an agreement with the Administrator to assist him in the payment of allowances.

(4) "Allowance" means the readjustment allowance payable under the act.

(5) "Employment Office" means a public employment office which is utilized by the agency in administering its unemployment compensation law, and also means any facility designated as an employment office for the purposes of the act by the Railroad Retirement Board.

(6) "Agent" means the readjustment allowance agent appointed by the Administrator under section 1100 (a) of the act, as his representative assigned to a given agency.

(7) "Value of Remuneration other than Cash," as used in this act, shall be determined by the agency pursuant to its rules and regulations as to such valuation under its unemployment compensation law.

(b) *Starting date of readjustment allowance payment.* (1) With respect to agencies paying benefits on a flexible week basis, allowances for unemployment are first payable for the week starting Monday, September 4, 1944. With respect to agencies then paying benefits on a calendar week basis, (i. e. the week beginning Sunday) the first week for which allowances may be paid starts September 10, 1944.

(2) Allowances for the self-employed are first payable for the month of October, 1944.

(3) The allowances will be in the amount authorized in chapter IX of the act.

(c) *Applications for allowances.* (1) The veteran's initial application shall be made through local offices or facilities of an agency on a form supplied by the Administrator. Applications may be made by mail pursuant to agency regulations and procedures.

(2) The veteran, at the time he files his application, shall present sufficient evidence of the nature of his discharge or separation from military or naval service and the date and length of his active service. Original or properly authenticated copies of discharge or separation papers, or certificates in lieu of lost or destroyed discharges, shall be deemed sufficient evidence upon which to base a determination of entitlement and the number of weeks of allowances to which the veteran is entitled. A copy of a discharge or separation paper may be considered properly authenticated if such copy is certified by a notary public or other officer authorized by law to administer oaths or take acknowledgments. Photostats of original documents or of certified copies of records may be accepted if the original would be acceptable.

(3) The agency may require any veteran who files an application and has no social security account number to secure such a number.

(d) *Determination of entitlement.* (1) (i) Any person who served in the active military or naval service of the United States at any time after September 16, 1940, and prior to the termination of the present war and who is discharged or released from active service under conditions other than dishonorable, after active service of 90 days or more or by reason of an injury or disability incurred in service in line of duty, has potential entitlement to allowances under Title V. In the computation of service under any law, there should be excluded periods of agricultural, industrial or indefinite furlough; time under arrest, in the absence of acquittal; time for which the soldier or sailor was determined to have forfeited pay by reason of absence without leave, and time spent in desertion or while undergoing sentence of court martial. Time lost through intemperate use of drugs or alcoholic liquor or through disease or injury the result of his own misconduct, should not be excluded in such computation. Service with the Women's Army Auxiliary Corps is not considered active service.

(ii) An application for allowances under Title V of the act made by a person who served in the active military or naval service of the United States after September 16, 1940, and prior to the termination of the present war, and who asserts that he was discharged after active service of less than 90 days by reason of injury or disability, shall be cleared with the Veterans' Administration through the agent unless the statement is made on the discharge or separation papers that he was discharged for disability incurred in service in line of duty.

(iii) An application for allowances under Title V of the act will be denied if the applicant (*a*) was dishonorably discharged; (*b*) was discharged on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority; (*c*) was discharged as a deserter; (*d*) in the case of an officer if his resignation was accepted for the good of the service; or (*e*) was discharged or separated from the military or naval service to escape trial by general court martial.

(iv) Where the applicant was discharged or separated under other than honorable conditions for an offense other than one of those specified in paragraph (c) of this section the application shall be cleared with the Veterans' Administration through the agent.

(2) In determining the maximum number of weekly allowances potentially payable to the veteran under section 900 (b), the agency shall count "each calendar month or major fraction thereof of active service". For the purpose of such determination the term "calendar month" means the month starting with

the date of the veteran's entry upon active service, and each such corresponding month ensuing consecutively thereafter (i. e., the first "calendar month" starts on the beginning date of active service and ends on the day preceding the same date in the succeeding month: *Provided however*, That if the succeeding month does not include enough days to have a corresponding date, his first "calendar month" will end at the close of such succeeding month. The second "calendar month" starts immediately after the end of the first "calendar month" and its termination is likewise determined, and so on with the beginning and ending dates similarly determined.) When a fraction of such a month had elapsed on the veteran's discharge date, any balance of days remaining after the determination of calendar months as herein above described shall be treated as a "major fraction" if it includes 16 days or more.

(3) All the period between the veteran's entry upon active service and his discharge or separation is considered active service, except those periods enumerated in subparagraph (1) (i) of this paragraph. When the discharge, including remarks on the reverse of the certificate, does not show the date of entry upon active service but does show the date of induction (or date of enlistment), the latter shall be accepted as date of entry into active service except where active service of ninety days or more is in doubt. In those cases where such doubt exists, the application shall be cleared with the Veterans' Administration through the readjustment allowance agent.

(4) The agency shall make determinations of entitlement following the criteria stated herein, if sufficient evidence to support determinations is presented. If the veteran is unable to present sufficient evidence upon which to base such determination, including a determination as to the period of active service, the application involved will be cleared with the Veterans' Administration through the readjustment allowance agent. The agency will make determinations of entitlement based upon the information received as a result of the clearance through the readjustment allowance agent and enter that determination on the application forms.

(e) *Registration for work and reporting unemployment.* (1) Unemployed veterans shall be registered for work in accordance with the employment office regulations, policies and procedures applicable to claimants under the Unemployment Compensation Law of the agency.

(2) Unemployed veterans shall report their unemployment at such times and in such manner as is required by the agency for claimants under its Unemployment Compensation Law.

(3) No unemployed veteran shall be eligible to receive an allowance for any week in which he was not so registered or with respect to which he did not so report: *Provided*, That such failure to be registered or to report may be waived by the agency on the same basis as would justify such a waiver as to its unemployment compensation claimants. Registration may be waived in case of illness as provided in paragraph (m) of this section.

(f) *Use of agency's type of week.* Claims for allowances filed by unemployed veterans with a given agency shall be based on the weekly time unit which currently applies to claimants under the agency's Unemployment Compensation Law: *Provided*, That any agency which applies other than a weekly time unit to unemployment compensation claimants shall adopt suitable procedures to provide for a weekly basis for allowances to unemployed veterans.

(g) *Time and frequency of allowance payments.* Allowances for unemployment shall be paid at the intervals prescribed for unemployment compensation payments by the law or regulations of the agency. Allowances for self-employment shall be paid following the receipt of valid claims.

(h) *Required content of agency records.* (1) Each agency shall maintain files containing all correspondence and other papers relating to individual veteran's claims, and such files shall be readily accessible to the agent, or other authorized representative of the Administrator.

(2) Each agency shall maintain a separate record for each veteran whose application is allowed. This record shall be maintained in such manner as will facilitate a prompt compilation of required statistical data and shall contain at least the following information:

(i) The veteran's name.

(ii) His last service serial number, and branch of service.

(iii) The date and place of the veteran's birth.

(iv) The maximum number of weekly allowances to which the veteran was originally entitled.

(v) Number of weekly allowances paid, and total amount of weekly allowances paid during each consecutive period of unemployment.

(vi) Number of monthly payments made to the self-employed and allowance weeks charged.

(vii) Disqualifications imposed (current or past) and weeks involved.

(viii) Record of transfer to or from another agency.

(i) *Required content of claims for total unemployment.* (1) The initial, or additional first claim (i. e. the first claim taken after an intervening period of employment) filed by a veteran during any period of total unemployment shall contain a signed statement covering at least the following information:

(i) Residence.

(ii) Ability and availability for work.

(iii) Registration for work.

(iv) Name of last employer.

(v) Reason for separation from last employer.

(vi) Recent refusal of job offer or job referral.

(vii) Recent failure to attend a free training course.

(2) Continued claims shall contain a signed statement covering at least the following information with respect to the week for which allowance is claimed:

(i) Ability and availability for work.

(ii) Registration for work.

(iii) Refusal of job offer or referral.

(iv) Failure to attend free training courses.

(v) Wages earned.

(vi) Benefits, received or accrued under other programs, which are deductible from allowances.

(j) *Allowance checks; repayments, etc.* (1) Each agency shall supply its checks or other forms for payment of allowances in such form as is best suited to its own procedures and equipment, provided that the face of each such check (or order for payment) shall bear the following statement: "In payment for readjustment allowances under the Servicemen's Readjustment Act of 1944."

(2) Repayment to the agency of the amount of readjustment allowances paid veterans will be made promptly following receipt of certified vouchers (Standard Form 1034) by the agent. Form 1034 will show the designation of the fund to be credited, the total amount to be repaid, the period covered, etc., and will be supported by a schedule or list of the individual items totaling the amount of the repayment claimed.

(3) The amount of canceled checks and collections on account of items for which repayment had been made to the agency will be shown as a deduction from the amount stated on a subsequent Form 1034 and there will be attached a list of the checks canceled and the collections made.

(4) The agency will establish and maintain a separate depositary (banking) account for benefit payments under Title V of the act and following each reconciliation of the account will furnish the agent a summary statement showing the balance at the beginning and end of the period, the total charges and total credits during the period, and the total of the checks outstanding at the end of the period.

(k) *Partial unemployment claims.* (1) Each agency whose law provides for partial unemployment benefits shall take and pay veteran's claims for weeks of partial unemployment in a manner consistent with its methods under its unemployment compensation law.

(2) Any agency whose unemployment compensation law does not provide for the payment of partial unemployment benefits, shall provide for payment of veteran's partial unemployment benefits by adopting and putting into effect procedures which are insofar as practicable consistent with those of other agencies.

(3) Each agency's claim-form for veterans' claims for weeks of partial unemployment shall contain a signed statement by the veteran covering the following information with respect to the week covered by the claim:

(i) Items (i), (ii), (iii), (iv), (vi), and (vii) listed in subparagraph (1) of paragraph (i) of this section.

(ii) Wages payable (i. e. earned).

(iii) That work was for less than a full work week.

(iv) Reason for less than a full work week.

(l) *Transfer of claims between agencies.* (1) When a veteran, who has been receiving allowances through a given agency, transfers to the jurisdiction of another agency, he may continue his claims against the original agency under the interstate benefit payment plan (or, by direct mail with the consent of the original agency), or, at his option, he may request the new agency to have his allowance record transferred so that the new agency may pay his allowances.

(2) The form used by each agency for transferring a veteran's allowance record under subparagraph (1) of this paragraph 5 shall contain the same minimum information specified under paragraph (h) (2) of this section.

(m) *Allowances during periods of illness or of disability.* (1) Under the provisions of section 700 (b) (4) of the act, a period of continuous unemployment will be deemed to start on the effective date of the veteran's first claim for allowances during the period of continuous unemployment.

(2) Each agency shall initially, if practicable, secure evidence of the veteran's illness or disability through a certificate of his attending physician. The veteran's signed statement or other suitable evidence shall be obtained.

(3) So far as practicable, the agency shall assist the veteran in reporting weekly his continued unemployment, due to his illness or disability, by mail or through his designated representative.

(4) The first claim for allowance filed by a veteran for a period of illness or disability shall bear a signed statement by the veteran that he is unable to work and shall specify the nature of his illness or disability. Such claims shall also provide space for a physician's certification to the same effect, or for an explanation as to why such a certification could not practicably be secured.

(5) Continued claims for allowances filed by a veteran for a period of illness or disability under this regulation shall bear a signed statement by the veteran that he was unable to work throughout the week or weeks in question.

(n) *Allowances to the self-employed.* (1) Each agency shall determine whether a veteran is engaged in self-employment, consistently with the definition of the employment relationship provided in its unemployment compensation law.

(2) A veteran shall be treated as having been fully engaged in self-employment during a given calendar month only if, throughout that month, he was engaged in his self-employment to the exclusion of any services in an employment relationship. For the purposes of this paragraph calendar month means one of the given twelve months of the calendar year.

(3) A veteran's net earnings from his self-employment include total income from self-employment less expenses incurred in securing such income. Personal or family expenditures shall not be deductible as expenses.

(4) Each self-employed individual shall maintain such records as are necessary for a determination of his net earnings. Such records shall reflect income received and expenses paid, and shall be open to inspection or audit by an authorized agency representative, or of the Veterans' Administration.

(5) Veterans' claims for allowances for months of self-employment shall be filed at a local office of the agency, or by mail on forms prescribed by the Administrator.

(6) Such claim shall be examined and a determination made in respect thereto by the State agency. This determination will include the eligibility of the claimant and the amount of the allowance. If the claim is allowed, the number of weeks of entitlement of the claimant will be decreased by five (5).

(7) Each such claim that is allowed shall be processed for payment by the State agency in accordance with procedures established similar to those under which payments of readjustment allowances are made to unemployed veterans and in accordance with paragraph (j) of this section.

(8) The determination of the State agency in respect to a self-employed claim shall be subject to the same procedures relating to appeals that now govern, or that shall be made to govern, appeals from a determination in respect to an unemployed claim.

(o) *Payment of claim after death.* (1) In case a veteran dies, and at the time of his death there is due and payable to him readjustment allowances, the amount thereof shall, upon claim therefor, be certified to the agent. The agent shall forward such certification to the Dependents Claims Service, Veterans' Administration, Washington, D. C., for adjudication. The amount of such allowances shall be awarded under the provisions of § 4.160 (a) and (b) of this chapter to the surviving spouse, or if there be no surviving spouse, to the child, or children, dependent mother or father, in the order named. In all other cases only so much of the unpaid allowances may be paid as may be necessary to reimburse a person who bore the expense of last illness and burial: *Provided*, That no part of the allowances due the deceased veteran shall be used to reimburse any political subdivision of the United States, or of any State, for expenses incurred in the veteran's last sickness or burial.

(p) *Agency application of disqualifications.* Each agency shall take appropriate steps consistent with its established administrative policies, procedures, and precedent (disregarding the provision "attributable to the employer") to enforce and apply the disqualifications provided in the act. Each agency shall interpret and apply such disqualifications so far as practicable consistently with decisions of the agent on second appeal, and with decisions of the Administrator on final review.

(q) *Additional disqualifications.* Pursuant to section 800 (c) (2) of the act, the Administrator hereby prescribes that each agency may apply the following additional disqualifications. In the case of successive (consecutive) disqualifications and the assessing of additional disqualifications (except as determined by the Administrator upon referral by the agency) the aggregate number of weeks to be assessed by the agency shall not exceed thirteen (13).

(r) *Determinations and appeals with respect to unemployment.* (1) Each determination of the agency with respect to a veteran's application or claim shall be in writing and shall bear a clear statement of his right to appeal.

(2) Such determination shall be final unless within the time limit set by the agency's law and regulations for the filing of appeals from initial determinations an appeal is taken therefrom. Except as provided in this section, or where another referee or tribunal is designated by the Administrator, such appeal shall be heard and decided by the same referee or tribunal which would hear and decide the appeal if it had arisen under the law of the agency. The hearing shall be conducted in accordance with the agency's law and regulations, in the same manner as are appeals from the agency's unemployment compensation benefit determinations, except as otherwise prescribed by the Administrator.

(3) Each decision of such referee or tribunal shall contain: The name of the agency whose determination is appealed; the name, most recent serial number, and last known address of the claimant; a complete statement of the case; findings of fact; conclusions of law; and the decision. Such decision shall be signed and dated.

(4) Unless an appeal is heard and decided by the referee or tribunal within thirty days after the date upon which the appeal was filed with the agency the claimant may make written application to the agent to have such appeal transferred to, and heard and decided by the agent. Upon receiving such application the agent may, if after consultation with the agency, he finds that such delay was unreasonable, order the appeal transferred to him for hearing and decision.

(5) The claimant shall be promptly notified of the referee's or tribunal's decision and such decision shall be final unless within thirty days after the date of mailing of notice to the claimant's last known address or in the absence of such mailing within thirty days after the delivery of such notice a written appeal pursuant to section 1102 of the act is filed with the agency, the referee or tribunal, or the agent.

(6) When such appeal is filed the record shall be transmitted to the agent. Upon such agent's request he shall be furnished with a transcript of the hearing on appeal.

(7) Interstate appeal proceedings shall be conducted in accordance with the law and regulations of the agency conducting the hearing and appeal.

(8) The phrase in section 1103 of the act, "the appellate procedures being subject to final appeal to the Administrator" is hereby construed to mean "the appellate proceeding and the decision being subject to final appeal to the Administrator".

(9) For the purpose of this section the veteran shall be deemed to be the only interested party, other than the United States, except that in cases involving a strike, lock-out or other labor dispute the employer shall be deemed to be an interested party.

(10) Any appeal to the Administrator from the decision of the agent must be made in writing within sixty (60) days from the date of mailing of notice of decision to last known address of the veteran.

(s) *Prosecutions and penalties.* In case an agency discovers an apparent violation of the act, subject to penalty under section 1300 or 1301, the agency shall report the relevant facts to the agent, who will be responsible for further proceedings.

(t) *Force of instructions on forms.* The Administrator's instructions appearing on forms supplied by him under this instruction shall have the same force and effect as if they were set out in full in this instruction.

(u) *Statistical reports.* Each agency shall report to the agent promptly after the close of each calendar week the number of veterans who, during that week, were paid allowances by the agency on account of unemployment, the total amount so paid, and the number of veterans whose entitlement expired during the week. The agency shall furnish such other reports or information which the Administrator finds necessary. It will be the policy of the Administrator, where feasible, to consult with the agencies before requiring additional statistical reports.

(v) *Individual reports.* Each agency shall, with respect to each veteran whose right to benefits has been exhausted or has expired, or whose record has been transferred to another agency, or at intervals as prescribed by the Administrator, report the following information on forms supplied by the Administrator.

(1) The name of the veteran.

(2) His serial number and branch of service.

(3) Total number of weekly allowances and amount paid during each consecutive period of unemployment and the beginning and ending dates thereof. (Veterans' Administration Insts. 1, 1–B, 1–C, 1–D, 1–E, 1–F) (Title V, 58 Stat. 295; 38 U. S. C., 696)

§ 36.502 *Determination of entitlement to readjustment allowances.* (a) For the purpose of determining entitlement to readjustment allowances under section 700, Public No. 346, 78th Congress, a veteran must have been discharged or released from active service under conditions other than dishonorable after ninety days or more of active service, or by reason of an injury or disability incurred in line of duty, and must have served after September 16, 1940, and prior to the termination of the war. This means that in determining eligibility under section 700, the fact that the major portion of the active service covered a period prior to September 16, 1940, or subsequent to the termination of the war, is not material.

(b) Computation of number of weeks of readjustment allowances. For the purpose of computing the number of weeks of readjustment allowances under section 900 (b) of the act, only periods of active service after September 16, 1940, and prior to the termination of the war will be taken into account; thus, a veteran whose active service covered the period March 14, 1940, to October 15, 1940, would be entitled to eight weeks of readjustment allowances; but a veteran who served for a period of ninety days or more ending September 28, 1940, would have eligibility for benefits under Title V, but have no entitlement to readjustment allowance since his active service after September 16, 1940, was less than the major portion of a month. (Veterans' Administration Inst. 2) (Title V, 58 Stat. 295; 38 U. S. C. 696)

§ 36.503 *Procedure for determinations of net earnings under section 902 (b) of the Servicemen's Readjustment Act of 1944.* — (a) *Claims by self-employed.* Claims for readjustment allowance by the self-employed, under section 902 (b) of the act cited above, will be prepared on a form prescribed by the Administrator.

(b) *Definition of "net earnings".* The term "net earnings" as used herein means the net amount realized in earnings by the veteran in any given month which may serve the purpose of his immediate livelihood. It covers earnings received by him in connection with his self-employment, reduced by the amount of expenses incurred during such month which are directly related to his self-employment. Personal or family expenditures shall not be deductible as expenses.

(c) *Valuation of products in determining "net earnings".* The value of any product produced as a result of his self-employment enterprise used by the veteran for the livelihood, maintenance or sustenance of himself or his family, will be taken into account in determining "net earnings". This value will be estimated on the basis of prevailing market prices; that is, the estimated amount that the veteran would have received had he sold the product at the nearest market.

(d) *Keeping of "net earnings" records.* A veteran's "net earnings" shall be shown in keeping with sound accounting practices. The records which each self-employed individual is required to maintain (§ 36.501 (n) (4)) may be kept on either a cash or an accrual basis. The method used should be that best calculated to reflect the true "net earnings" of the veteran's enterprise considering the customs, incidents and advantages of the business itself and should be used consistently throughout the duration of the veteran's claiming.

(e) *Two or more types of self-employment.* When a self-employed veteran is engaged in two or more types of self-employment, such information shall be incorporated on the claim form and total income and expenses with respect thereto shall be appropriately reported.

(f) *Net earnings when enterprise is partly owned or is a partnership.* When a self-employed veteran shows that his business venture is partly owned or the business is a partnership, the entire income and expenses of the business shall be reported in the space provided therefor on the claim form. The names of all owners or partners, together with the percentage of division of profits applicable to each shall be entered on the claim form. In arriving at the net earnings of the veteran filing the claim the rate applicable to the veteran shall be used.

(g) *Labor performed during month of filing claim.* Labor performed by a self-employed veteran during a month for which he files a claim for allowances will not, in itself, preclude him from receiving an allowance for that month, provided such labor was casual or incidental to his business and did not conflict with, interrupt, or cause the abandonment, either completely or in part, of his activities in the pursuit of his business. Earnings from such labor shall be treated as income for the month during which the labor was performed.

(h) *Period during which claim may be filed.* The veteran's claim for readjustment allowance and statement of net earnings from self-employment shall be filed not later than the last day of the month following that for which the claim is filed; provided that if the claimant shows extenuating circumstances, the period during which the claim may be filed may be extended not later than the 10th day of the second month following that for which the claim is filed. (Veterans' Administration Insts. 3, 3–A, 3–B) (Title V, 58 Stat. 295; 38 U. S. C. 696)

§ 36.504 *Operations of the Readjustment Allowance Office, San Juan, Puerto Rico.*—(a) *Applicability.* The provisions of § 36.501, as modified by this section shall govern operations of the Readjustment Allowance Office, Puerto Rico, established by Administration Order No. 42 of September 6, 1944.

(b) *Definitions.* (1) "Agency", as used in § 36.501, includes the Readjustment Allowance Office, Puerto Rico.

"Manager" means the individual administratively responsible for the operation of the Readjustment Allowance Office, Veterans' Administration, Puerto Rico.

(3) "Main office" means the principal office of the agency at San Juan, Puerto Rico.

(4) "Local office" means an office, either stationary or itinerant, established for the purpose of carrying out the provisions of Title V of the act, and the regulations issued pursuant thereto.

(5) "Employment office" means a free public employment office operated by the United States Employment Service.

(6) "Itinerant service" means a service with respect to the payment of allowances maintained by either the Readjustment Allowance Office, Puerto Rico, or the United States Employment Service.

(7) "Week of unemployment" means a week during which a person performed no service and received no wages, or one during which he worked less than a full work week due to lack of work and earned less than $23.

(8) "Week" and "workweek" means a period of seven consecutive days commencing Sunday and ending at midnight, Saturday.

(c) *Filing of claims for allowances.* (1) A person in the vicinity of an employment office shall present himself at such office and register for work and file his claim for allowances. The effective date of such registration and claim for allowances shall be the first day of the week in which he files his claim, except that registration at such employment office within a period of seven days following an individual's first day of unemployment shall be deemed effective as of the first day of the week in which the

individual's termination of employment occurred if good cause to justify or excuse the delay is shown. When a claimant's allowances cannot be determined due to absence or incompleteness of the discharge or separation paper, or in the presence of a claim or indication of insanity as provided in the first proviso, section 300, Public No. 346, 78th Congress, the claimant's application (Form 1382) together with a statement of the facts shall be forwarded to the Veterans' Claims Service, Veterans' Administration, Washington 25, D. C., for appropriate action. The section of the act just cited relates to a discharge or dismissal which bars benefits and provides: "That in the case of any such person, if it be established to the satisfaction of the Administrator that at the time of the commission of offense such person was insane, he shall not be precluded from benefits to which he is otherwise entitled under the laws administered by the Veterans' Administration."

(2) A person in a locality wherein itinerant service is provided may register for work and file a claim for allowances with such itinerant service. His registration shall be effective as of the first day of the week of unemployment in which his registration occurs, except that the effective date of his claim shall be the first day of the week in which his termination of employment occurred if he registers for work with such itinerant service at its first regular visit following his termination of employment, or at its second regular visit, provided good cause is shown for his failure to register at the first regular visit.

(3) A person in a locality designated as one wherein registration for employment and filing of claims may be made by mail, may register and file his claim by forwarding his discharge or separation paper to and requesting the required registration and allowance claim forms from the main office. If such person completes and remails such forms not later than seven days following the date upon which they were mailed to him by the agency, his claim shall be effective as of the first day of the week in which he mailed his written request. If he fails to complete and mail his registration within the period above prescribed, his registration shall be effective as of the first day of the week in which such completed forms were mailed: *Provided, however,* That for good cause shown, the agency may permit such registration to be effective as first provided above.

(4) To maintain continuing eligibility for allowances with respect to any week of unemployment during any continuous period of unemployment, an individual shall continue to register and report as provided in subparagraphs (1), (2), and (3) of this paragraph, once each week at a time designated by the agency, or at intervals of more or less than one week when so directed by the agency. No continued claim for allowances shall be allowed until the claimant shall furnish to the agency a signed continued claim for allowances on the form prescribed.

(d) *Extended period for registration and filing claims for good cause.* (1) If the failure of any person to register and file a claim for allowances within the time set forth in these regulations was due to failure of the agency to discharge its responsibilities promptly in connection with such claim, the period during which such claim may be filed shall be extended to a date which shall be not less than one week after the person has received appropriate notice from the agency of his potential rights to allowances.

(2) The agency may for good cause shown to its satisfaction waive the registration requirements herein provided and further extend the time during which registration for allowances may be made: *Provided, however,* That no extension may be granted beyond the period of limitation for payment of allowance provided in section 700 (a) of the act.

(e) *Determination of suitability of employment offered.* In determining whether or not any work is suitable for any person claiming allowances, consideration shall be given, but not limited, to the following factors:

(1) The degree of risk involved to his health, safety and morals.

(2) His physical fitness.

(3) His prior training, earnings and experience.

(4) His prospects of securing work in keeping with his prior training, experience and earnings.

(5) The distance of the available proffered work from his residence.

(6) The length of his unemployment.

Under no condition will work be determined suitable if, as a condition of being employed, the claimant would be required by a prospective employer to join a company union or to resign from or to refrain from joining a bona fide labor organization.

(f) *Determination of good cause for quitting, refusing to apply for, or accept suitable work.* In determining whether any person claiming allowances has good cause for quitting suitable work, failing to apply for or accept suitable work, consideration shall be given, but not limited, to the following factor: Did the claimant act as a reasonable, prudent and careful person would have acted under the same or similar conditions? Under no condition shall the question of good cause for quitting, for refusing to apply for or accept work, be confined to the employment itself, but may rest upon reasons entirely personal to the claimant. The personal reasons must be substantial, such as the preservation of home, family and its education; claimant's health, age and percentage of disability; health of the dependents of the claimant; the preservation of useful skills, etc.

(g) *Determination and review of claims.* (1) Claims for allowances shall be promptly determined on the basis of the facts presented. Notice of such determination shall be promptly given to each claimant. Such notice to the claimant shall advise him of the number of weeks of potential allowances and other data pertinent to his allowances, and if disqualified, the time and reason for such disqualification. If a claimant is ineligible, he shall be advised of such ineligibility and the reason therefor. Unless the claimant, within seven days after the delivery of such notification, or within ten days after such notification was mailed to his last known address, files with the agency a written request for review of or an appeal from such determination, it shall be final: *Provided,* That if the claimant subsequently, within the time limits provided in section 700 of the act, presents additional facts revealing his eligibility to allowances, a redetermination of the claim shall be made.

(2) Upon receiving a written request for review, the agency may, on the basis of such facts as it may have in its possession or may acquire, affirm, modify, or reverse the prior decision, or refer the claim to the chief of allowances. The claimant shall be promptly notified of such decision or referral. Unless the claimant files an appeal within seven days after the date of mailing or within five days after delivery of such notification, such latter decision shall be final and allowances shall be paid or denied in accordance therewith.

(h) *Time and frequency of allowance payments.* Allowances shall be paid at intervals of one week.

(i) *Allowance checks.* Vouchers covering allowances certified by the agency will be forwarded for payment to the designated office of the Division of Disbursement, Treasury Department, San Juan, Puerto Rico.

(j) *Allowances to the self-employed.* The duties imposed upon the readjustment allowance agent under paragraph (n) of § 36.501, will be discharged for the agency by the chief of allowances or the senior claims examiner.

(k) *Appeal from the initial readjustment allowance determination.* (1) Appeals from initial readjustment allowance determinations shall be heard and decided by the chief of allowances. The person appealing shall file a written notice of appeal with the main office of the agency, or at the nearest employment office, which may be:

(i) Upon an appeal form provided by the agency, or

(ii) A writing setting forth: The name of the appellant; the name and serial number of claimant; and the grounds upon which the appeal is made: *Provided,* That nothing herein contained shall limit the issues presented at the hearing to the grounds for appeal submitted by the appellant.

(2) All hearings shall be conducted informally and in such manner as to ascertain the substantial rights of the parties. All issues relevant to the appeal shall be considered and passed upon. Any other party to an appeal before the chief of allowances may present such evidence as may be pertinent. The chief of allowances may take such additional evidence as he deems necessary. The testimony of all parties and witnesses shall be given under oath.

(3) The parties to an appeal, with the consent of the chief of allowances, may stipulate as to the facts involved. He may decide the appeal on the basis of such stipulation, or, in his discretion, may set the appeal for hearing and take such further evidence as he deems necessary to enable him to render his decision.

(4) The chief of allowances may indicate to the reporter portions of the evi-

dence which he wishes transcribed to aid him in preparing his findings of fact and decision.

(5) The chief of allowances is authorized to grant or deny requests for adjournment or continuance of a hearing. If any party to a hearing fails to appear at the appointed time and place of hearing and has not requested a continuance or postponement showing good cause, prior to the time of the hearing, the chief of allowances in his discretion may continue the hearing to a later date or write his decision on the facts of record.

(6) The claimant and any other interested parties shall be notified promptly in writing of the decision and such decision shall be final unless within thirty days after the date of the mailing of the notice to the last known address, or in the absence of such mailing, within thirty days after the delivery of such notice, a written appeal by the claimant is filed with the agency.

(l) *Appeal from decision of the chief of allowances.* (1) Appeals from the decision of the chief of allowances will be heard and decided by the manager. The claimant's appeal shall be filed with the main office of the agency or at the nearest employment office and may be presented upon an appeal form provided by the agency or may be in any written form that sets forth:

(i) The name and serial number of the claimant.

(ii) The grounds upon which the appeal is made: *Provided, however,* That nothing herein contained shall limit the issues presented at the hearing to the grounds for appeal submitted by the appellant. The claim may contain references to or excerpts from the original minutes on the appeal before the chief of allowances.

(2) The acceptance of an appeal from a party other than the claimant will be conditioned upon such party obtaining prior authorization from the manager. This may be obtained by filing a notice of application for leave to appeal. Unless the notice of application discloses a direct relation to the case and sets forth the specific grounds for the application, the manager will deny the request.

(3) The manager in his discretion may decide the appeal upon the record, may take additional evidence or remand the issue or issues to the chief of allowances for the purpose of taking additional evidence.

(4) In the hearing of an appeal the manager may limit the parties to oral argument, or the filing of written argument, or both. If, in the discretion of the manager, additional evidence is necessary, the parties shall be notified by the manager, in writing, of the time and place such evidence will be taken. Any party to any proceeding in which testimony is taken may present such evidence as may be pertinent to the issue on which the manager directed the taking of evidence.

(5) If the manager should remand any issue or issues to the chief of allowances, additional evidence shall be taken by him in the manner prescribed for the conduct of hearings on appeals.

(6) The decision of the manager shall be in writing and shall set forth his finding of fact, the reason for his decision, and his decision. Each interested party shall be promptly notified of the decision by mailing a copy of such decision to such party's last known address.

(m) *Notice of hearings and transmittal of decisions.* (1) Notices of hearings, specifying the time and place, shall be mailed by either the chief of allowances or the manager, as appropriate, to all interested parties at least seven days before the date of the hearing. Such notice shall set forth the reasons for such appeal as submitted by the appellant and shall be deemed good and sufficient if mailed to the last known address of each of the interested parties.

(2) The decision or the letter transmitting the decision to the interested parties shall set forth the rights of such parties to further appeal and the time limits relative thereto.

(3) One copy of all appeals decisions shall be forwarded to the chief readjustment allowance division.

(n) *Representation before the chief of allowances or the manager.* (1) The veteran, or his authorized representative, and any person having a direct relation to the case may appear in any proceedings before the chief of allowances or the manager.

(2) The Administrator (by attorney or other representative) shall be deemed an interested party to any hearing.

(3) Hearings before the chief of allowances or the manager shall not be open to the public.

(o) *Nondisclosure of information.* All matters relative to an application for allowances shall be treated as confidential and shall not be open to public inspection. Any interested party may have access to as much of the record as is necessary to prosecute a claim or appeal.

(p) *Appeal to the Administrator.* Any interested party may appeal to the Administrator from the decision of the manager. Such appeal shall be in writing and be made within sixty (60) days from the date of mailing of the decision of the manager to the party's last known address. (Veteran's Administration Inst. 4) (Title V, 58 Stat. 295; 38 U. S. C. 696)

§ 36.505 *Determination as to applicability of the provisions of section 1300 Title V of the Servicemen's Readjustment Act of 1944*—(a) *Delegation of authority to State unemployment compensation agencies.* The State unemployment compensation agencies are hereby vested with authority to hold hearings and to make findings of fact as to whether or not a claimant knowingly accepted an allowance to which he was not entitled under the provisions of Title V, Public No. 346, 78th Congress.

(b) *Requirement for hearing and determination by agency and review by readjustment allowance agent.* In all cases where it is indicated that a veteran knowingly accepted the payment of an allowance to which he was not entitled, or knowingly accepted an allowance where fraudulent representations were made to secure or increase the allowance, it is the responsibility of the State agency to hold a hearing and make a determination of the applicability of the provisions of section 1300, Title V, Public No. 346, 78th Congress. The determination will be reviewed by the readjustment allowance agent and the provisions of section 1300 will not be applied until the readjustment allowance agent has approved the determination of the State agency.

(c) *Veterans right to request review of decision.* Where the readjustment allowance agent concurs with the determination of the State agency holding the claimant ineligible to receive any further allowance under Title V, the veteran will be informed by the State agency of his right to request the Administrator to review the decision.

(d) *Penalty imposed under section 1300.* The provisions of section 1300 may be imposed irrespective of the disposition of cases submitted for action under the provisions of section 1301 and the method of handling thereunder. (Veterans' Administration Inst. 6) (Title V, 58 Stat. 295; 38 U. S. C. 696)

§ 36.506 *Waiving recovery of overpayments*—(a) *Delegation of authority to State unemployment compensation agencies.* The State unemployment compensation agencies are hereby vested with authority, in those cases where it shall appear that an overpayment exists in the accounts of any claimant for readjustment allowances, to hold hearings, to make findings of fact and to determine whether or not recovery of such overpayment shall be waived under the provisions of section 28, World War Veterans' Act, 1924, as amended (section 453, U. S. C., Title 38), which is for application under the terms of section 1500, Servicemen's Readjustment Act of 1944.

(b) *Determination by State agency subject to approval by readjustment allowance agent.* A determination by the State agency that recovery of an overpayment shall be waived will not become effective until the facts of the case shall have been briefed and submitted to, and the determination therein reviewed and approved by, the readjustment allowance agent.

(c) *Delegation of authority to readjustment allowance agent to approve determination of State agency.* Each readjustment allowance agent is hereby vested with authority to review and to approve or disapprove a determination of the State agency waiving recovery of an overpayment. Upon his approval, the agent is hereby authorized to execute, for the Administrator, an appropriate Certificate of Waiver of Overpayment.

(d) *Right of veteran to appeal decision.* In every case where recovery of an overpayment is ordered, or waiver is denied, the veteran will be informed by the State agency of his right to appeal the decision, or to request a review by the Administrator, as the case may be, in accordance with appeal procedure set forth in § 36.501.

(e) *Provisions governing the granting of waiver of recovery of overpayment.* In their consideration and determination of the propriety of granting a waiver of recovery of an overpayment, both the State agencies and the readjustment allowance agents will be governed by the provisions of applicable law and guided by the principles set forth in regulations and decisions interpretive thereof. (Veterans' Administration Inst. 7) (Title V, 58 Stat. 295; 38 U. S. C. 696)

§ 36.507 *Operation of State cooperating agencies and others*—(a) *Authority of State agencies under section 800 (a) (3).* The State agencies are hereby vested with authority to investigate and determine cases arising under the above section of the act. This determination shall be subject to appeal in the same manner as any other determination made by the State agency.

(b) *Courses included in "free training courses".* The words "free training course" shall include training courses provided under either a State or Federal or Federal-State training program. Such a training course must be one which would appear to hold out a prospect of reemployment within a reasonable period not too far in the future.

(c) *Courses under Part VII and Part VIII, Veterans' Regulation No. 1 (a) as amended (38 U. S. C., ch. 12).* A training course under Part VII which looks to rehabilitation of the applicant (including vocational counseling or aptitude evaluations) within a reasonable period of time into an employment objective in which there are employment opportunities which can be foreseen, is within the meaning of the phrase "free training course." A retraining course under Part VIII, Veterans' Regulation No. 1 (a), as amended, is within the meaning of the language, if the veteran can be retrained in an employment objective as to which there is a favorable opportunity of employment when and if retraining is completed. As to either Part VII or Part VIII, however, a failure or refusal to apply for, or to accept, education as distinguished from training, is not a failure to avail oneself of a free training course.

(d) *Determination of "good cause" in claimant's failure to attend.* In determining the question of good cause with respect to a claimant's failure to attend an available free training course, consideration shall be given, but not limited, to the following factors:

(1) Personal or family considerations affecting the claimant's decision.

(2) Prospects of employment in claimant's primary occupations or related occupations for which he is fitted by training, experience and skills.

(3) Comparison of claimant's prospects for employment in his primary or secondary occupations with that of other persons seeking employment in those occupations.

(4) Duration of claimant's unemployment.

(5) Suitability of occupation for which claimant is to be trained with respect to:

(i) The existence of entry jobs in the community.

(ii) The opportunities for employment in entry and non-entry jobs.

(iii) The wages, hours and working conditions in entry and non-entry jobs.

(6) Suitability of training for claimant with respect to:

(i) The duration of the course.

(ii) The claimant's age, aptitudes, experience, skills and physical ability.

(iii) Increasing the claimant's employability.

(iv) Increasing the claimant's opportunities to secure suitable employment. (Veterans' Administration Inst. 8) (Title V, 58 Stat. 295; 38 U. S. C. 696)

§ 36.508 *Delegation of authority to readjustment allowance agents and State unemployment compensation agencies*—(a) *Subpoena power.* The readjustment allowance agent located in each of the several States and the administrative head of each participating State unemployment compensation agency are hereby vested with authority to issue subpoenas for and compel the attendance of witnesses within a radius of 100 miles from the place of the hearing, to require the production of books, papers, documents and other evidence, to take affidavits, to make investigations, and to conduct hearings and examine witnesses upon any matter relating to Title V, Public No. 346, 78th Congress.

(b) *Delegation of authority to invoke aid of courts in disobedience cases.* In case of disobedience to any such subpoena or contumacy by or on the part of any person so subpoenaed, the readjustment allowance agents and the State unemployment compensation agencies are hereby vested with authority to invoke the aid of any District Court or the District Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence. (Veterans' Administration Inst. 9) (Title V, 58 Stat. 284; 38 U. S. C. 693)

§ 36.509 *Offset of subsistence allowance overpayments*—(a) *Statement of policy.* The payment of readjustment allowances to a veteran against whom there is outstanding an overpayment of subsistence allowances as to which all other means of collection have been exhausted is not in accord with Federal disbursement practice, and is not a proper expenditure of Government funds.

(b) *Responsibility of State agencies.* Readjustment allowances are not payable when the State Employment Security Agency has been notified of an outstanding uncollectible overpayment of subsistence allowances, until the overpayment has been offset against readjustment allowances otherwise payable or the agency has been notified by the Veterans' Aministration regional office that the outstanding overpayment has been liquidated. (Veterans' Administration Inst. 10) (Title V, 58 Stat. 295; 38 U. S. C. 696)

[F. R. Doc. 48-10441; Filed, Nov. 26, 1948; 4:26 p. m.]

DEC 2 '48

DEC 2 '48

FEDERAL REGISTER

VOLUME 13 NUMBER 232

Washington, Tuesday, November 30, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 C. C. C. Rye Bulletin 1, Amdt. 2]

PART 266—RYE LOANS AND PURCHASE AGREEMENTS

1948 RYE PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration, published in 13 F. R. 4989, 5525, governing the making of loans and containing the requirements of the purchase agreement program on rye produced in 1948, is further amended as follows:

In § 266.224 *Rates at which loans and purchases will be made*, under paragraph (a) subparagraph (1), the following terminal market and rate are added.

Terminal Market	*Rate per bushel*
Milwaukee, Wisconsin	$1.51

In § 266.224 *Rates at which loans and purchases will be made*, under paragraph (d) *County rates*, the following counties and rates are added:

County	*Rate*
CALIFORNIA	
Los Angeles	$1.42
IOWA	
Franklin	1.27
MISSOURI	
Pike	1.34
MONTANA	
Glacier	1.16
Hill	1.15
Rosebud	1.10
Toole	1.16
NEVADA	
Elko	1.13
Humboldt	1.13
WASHINGTON	
Benton	1.34
WYOMING	
Platte	1.17

Issued this 23d day of November 1948.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved: November 23, 1948.

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 48-10359; Filed, Nov. 29, 1948; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 927—MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1946 ed., 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order during the month of December 1948:

(1) All of the first proviso appearing in § 927.5 (a) (11) except "plus eight cents";

(2) All of the proviso appearing in § 927.5 (a) (12);

(3) All of the second proviso appearing in § 927.5 (a) (13).

(b) In accordance with the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237), notice of proposed rule making, public procedure thereon, and 30 days' prior notice of the effective date hereof are found to be impracticable, unnecessary, and contrary to the public interest in that it is necessary to issue immediately and make effective not later than December 1, 1948, this suspension order to reflect current marketing conditions, and to facilitate, promote, and maintain the orderly marketing of milk produced for the New York metropolitan milk marketing area. The changes caused by this suspension do not require of persons affected substantial or extensive preparation prior to the effective date. The time intervening between the date of issuance of this suspension and its effective date affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the following provisions of the order be and they hereby are suspended with respect to all milk subject to the provisions of

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

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the order during the month of December 1948:

(1) All of the first proviso appearing in § 927.5 (a) (11) except "plus eight cents";

(2) All of the proviso appearing in § 927.5 (a) (12);

(3) All of the second proviso appearing in § 927.5 (a) (13).

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 26th day of November 1948.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 48-10468; Filed, Nov. 29, 1948; 11:16 a. m.]

PART 930—MILK IN THE TOLEDO, OHIO, MARKETING AREA

ORDER, AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

§ 930.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area; and a decision was made with respect to amendments by the Secretary on November 17, 1948. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions, and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Toledo, Ohio, marketing area and will disrupt orderly marketing. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication (sec. 4c, Administrative Procedure Act, Pub. Law 404, 79th Cong. 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers, who during September 1948 (said month having been determined to be a representative period) were engaged in the production of milk for sale in the said marketing area.

The foregoing determinations are supplementary and in addition to the determinations made in connection with the issuance of the aforesaid order and the determinations made in connection

with the issuance of each of the previously issued amendments thereto; and all of said previous determinations are hereby ratified and affirmed except insofar as such determinations may be in conflict with the determinations set forth herein.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 930.5 (a) (1) the proviso contained therein and substitute therefor the following: "*Provided*, That such Class I milk price shall be not less than $4.70 from the effective date of this amendment through January 31, 1949; and not less than $4.48 for the delivery period of February 1949."

2. Add to § 930.5 (a) (2) the following proviso: "*Provided*, That such Class II milk price shall be not less than $4.10 from the effective date of this amendment through January 31, 1949; and not less than $3.88 for the delivery period of February 1949."

Issued at Washington, D. C., this 26th day of November 1948, to be effective on and after the 1st day of December 1948.

(48 Stat. 31, 670, 675; 49 Stat. 730; 50 Stat. 246; 7 U. S. C. 601 et seq.; § 102, Reorg. Plan I of 1947; 12 F. R. 4534)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-10471; Filed, Nov. 29, 1948; 11:15 a. m.]

PART 946—MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the previous findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.), a public hearing was held on November 5, 1948, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. The decision was made by the Secretary on November 19, 1948. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect the market supply of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make the amendment hereafter set forth effective by not later than December 1, 1948, so as to reflect current marketing conditions. Any delay beyond December 1, 1948, in the effective date of this amendment to the order, as amended, will seriously threaten the supply of milk for the Louisville, Kentucky, marketing area. The changes effected by this order amending the order, as amended, do not require substantial or extensive preparation by persons affected prior to the effective date. Accordingly it is concluded that good cause exists for making this amendment effective within less than 30 days after the date of publication. (Sec. 4 (c), Administrative Procedures Act, Pub. Law 404, 79th Cong., 60 Stat. 237)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended and as hereby further amended, which is marketed within the Louisville, Kentucky, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, further amending the aforesaid order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1948), were engaged in the production of milk for sale in the said marketing area.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the period (.) at the end of § 946.4 (b) (1) and add the following: ": *Provided*, That for the delivery periods from the effective date of this order through January 1949 the price for Class I milk shall not be less than $5.16; and that for the delivery period of February 1949 the price for Class I milk shall not be less than $4.94."

2. Delete the period (.) at the end of § 946.4 (b) (2) and add the following: ": *Provided*, That for the delivery periods from the effective date of this order through January 1949 the price for Class II milk shall not be less than $4.61; and that for the delivery period of February 1949 the price for Class II milk shall not be less than $4.39."

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C., 601 et seq.; sec. 102 Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued in Washington, D. C., this 26th day of November 1948 to be effective on and after the 1st day of December 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-10469; Filed, Nov. 29, 1948; 11:16 a. m.]

PART 965—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

ORDER, AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

§ 965.1 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area; and a decision was made with respect to amendments by the Secretary on November 17, 1948. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Cincinnati, Ohio, marketing area and will disrupt orderly marketing. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the aforegoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication. (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong. 60 Stat. 237)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during September 1948 (said month having been determined to be a representative period) were engaged in the production of milk for sale in the said marketing area.

The foregoing determinations are supplementary and in addition to the determinations made in connection with the issuance of the aforesaid order and the determinations made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous determinations are hereby ratified and affirmed except insofar as such determinations may be in conflict with the determinations set forth herein.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended, as follows:

1. Delete from § 965.6 (a) (1) the proviso contained therein and substitute therefor the following: "*Provided*, That such price for Class I milk shall be not less than $5.40 from the effective date of this amendment through January 31, 1949; and not less than $5.18 for the delivery period of February 1949."

2. Delete from § 965.6 (a) (2) the proviso contained therein and substitute therefor the following: "*Provided*, That such price for Class II milk shall be not less than $4.95 from the effective date of this amendment through January 31, 1949; and not less than $4.73 for the delivery period of February 1949."

Issued at Washington, D. C. this 26th day of November, 1948, to be effective on and after the 1st day of December 1948.

(48 Stat. 31, 670, 675; 49 Stat. 730; 50 Stat. 246; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan I of 1947; 12 F. R. 4534)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-10472; Filed, Nov. 29, 1948; 11:15 a. m.]

PART 972—MILK IN THE TRI-STATE MARKETING AREA

ORDER, AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TRI-STATE MARKETING AREA

§ 972.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.; 12 F. R. 1159, 4904), a public hearing was held upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tri-State marketing area; and a decision was made with respect to amendments by the Secretary on November 17, 1948. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions, and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Tri-State marketing area and will disrupt orderly marketing. The changes effected by this order, amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication. (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237)

(c) *Determinations.* It is hereby determined that handlers (excluding coop-

erative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Tri-State marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who, during September 1948 (said month having been determined to be a representative period) were engaged in the production of milk for sale in the said marketing area.

The foregoing determinations are supplementary and in addition to the determinations made in connection with the issuance of the aforesaid order and the determinations made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous determinations are hereby ratified and affirmed except insofar as such determinations may be in conflict with the determinations set forth herein.

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 972.5 (b) the proviso contained therein and substitute therefor the following: *"Provided*, That such price for Class I milk shall not be less than $5.00 at Huntington district plants and $4.80 at other plants from the effective date of this amendment through January 31, 1949; and not less than $4.78 at Huntington district plants and $4.58 at other plants for the delivery period of February 1949."

2. Delete from § 972.5 (c) the proviso contained therein and substitute therefor the following: *"Provided*, That such price for Class II milk shall not be less than $4.70 at Huntington district plants and $4.50 at other plants from the effective date of this amendment through January 31, 1949; and not less than $4.48 at Huntington district plants and $4.28 at other plants for the delivery period of February 1949."

Issued at Washington, D. C., this 26th day of November 1948, to be effective on and after the 1st day of December 1948.

(48 Stat. 31, 670, 675; 49 Stat. 730; 50 Stat. 246; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947; 12 F. R. 4534)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-10470; Filed, Nov. 29, 1948; 11:15 a. m.]

Chapter XXI—Organization, Functions and Procedures

PART 2405—BUREAU OF DAIRY INDUSTRY

DISCONTINUANCE OF CODIFICATION

The codification of Part 2405 is hereby discontinued. Future amendments to description or organization and functions will appear in the Notices section of the FEDERAL REGISTER.

Dated: November 12, 1948.

O. E. REED,
Chief,
Bureau of Dairy Industry.

[F. R. Doc. 48-10358; Filed, Nov. 29, 1948; 8:49 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 210—CHECK CLEARING AND COLLECTION

MISCELLANEOUS AMENDMENTS

On April 16, 1948, the Board of Governors of the Federal Reserve System, acting in accordance with section 4 of the Administrative Procedure Act and section 2 of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 1946 Supp. 262.2), published in the FEDERAL REGISTER (13 F. R. 2050) notice of proposed amendments to Part 210, relating to the clearing and collection of checks by Federal Reserve Banks. After due and careful consideration of all relevant matter presented, the Board hereby adopts the following amendments to Part 210 to become effective January 1, 1949:

1. Paragraph (b) of § 210.5 is amended by adding at the end of such paragraph the following sentence: "A Federal Reserve Bank, or any agent to which such checks are forwarded by a Federal Reserve Bank, may present such checks pursuant to any special collecting agreement not inconsistent with the terms of this regulation or may present them through a clearing house subject to the rules and practices thereof."

2. Section 210.5 is amended by inserting therein a new paragraph (d) reading as set forth below and by changing the designations of present paragraphs (d) to (h), inclusive, so that such paragraphs will be designated (e) to (i), inclusive:

§ 210.5 *Terms of collection.* • • •

(d) Any check which a Federal Reserve Bank or an agent thereof presents to the drawee bank for payment or sends to the drawee bank for collection, and for which remittance or settlement is made by the drawee bank on the day on which it receives[3] such check, may be returned for credit or refund at any time prior to midnight of the drawee's next business day following such day of receipt or prior to the time provided by applicable clearing house rule or special collection agreement, whichever is earlier, except that this paragraph shall not apply to checks presented over the counter.

3. Section 210.6 is amended to read as follows:

§ 210.6 *Other rules and regulations.* Each Federal Reserve Bank may also promulgate rules not inconsistent with the terms of the law or of the regulations of this part, governing the details of its operations in clearing and collecting checks and other cash items. Such rules shall be set forth by the Federal Reserve Bank in its letters of instruction to its member and nonmember clearing banks and shall be binding upon any member or nonmember clearing bank which sends any check or other cash item to such Federal Reserve Bank for collection or to any other Federal Reserve Bank for the account of such Federal Reserve Bank for collection.

(Secs. 11 (i), 16, 38 Stat. 262, 265, sec. 4, 40 Stat. 234; 12 U. S. C. 248 (i), (o) 342, 360)

Issued this 24th day of November 1948.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-10357; Filed, Nov. 29, 1948; 8:49 a. m.]

[3] A check received by a drawee bank on a day other than its business day, or received on a business day after its regular business hours or during afternoon or evening periods when it has reopened (or remained open) for limited functions, shall be deemed to have been received on its next succeeding business day.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration

[Amdt. 11]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate realignment and establishment of civil airways between such points; (2) the realignment and establishment of the civil airways referred to in (1) above, have been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600, as follows:

Designation and Redesignation of Civil Airways: Amber Civil Airway No. 9; Red Civil Airways Nos. 20, 21, 75 and 77; Blue Civil Airways Nos. 20, 32 and 56

1. Section 600.4 (b) (9) is amended to read:

(9) *Amber civil airway No. 9 (Charleston, S. C., to New York, N. Y.).* From the intersection of the northeast course of the Charleston, S. C., radio range and the southwest course of the Myrtle Beach S. C., VHF radio range via the Myrtle Beach, S. C., VHF radio range station; Wilmington, N. C., VHF radio range station; New Bern, N. C., VHF radio range station; Williamston, N. C., VHF radio range station (excluding the area between 9,500 feet and 18,500 feet mean sea level during the hours of darkness between the Wilmington, N. C. VHF radio range station and the Williamston, N. C., VHF radio range station); the intersection of the northeast course of the Williamston, N. C., VHF radio range and the southwest course of the Norfolk, Va., radio range; Norfolk, Va., radio range station. From the Norfolk, Va., VHF radio range station via the intersection of the north course of the Norfolk, Va., VHF radio range and the southwest course of the Salisbury, Md., VHF radio range; Salisbury, Md., VHF radio range station; the intersection of the northeast course of the Salisbury, Md., VHF radio range and the southwest course of the Atlantic City, N. J., VHF radio range; Atlantic City, N. J., VHF radio range station; the intersection of the northeast course of the Atlantic City, N. J., VHF radio range and the south course of the Matawan, N. J., VHF radio range; Matawan, N. J., VHF radio range station (excluding that portion more than 2 miles either side of the northeast course of the Atlantic City, N. J., VHF radio range and the south course of the Matawan, N. J., VHF radio range) to the intersection of the north course of the Matawan, N. J., VHF radio range and the east course of the Allentown, Pa., radio range.

2. Section 600.4 (c) (20) is amended to read:

(20) *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).* From the Lansing, Mich., radio range station via the intersection of the northwest course of the Romulus, Mich., radio range and the northwest course of the Selfridge Field, Mich., radio range and the intersection of the northwest course of the Windsor, Ontario, Canada, radio range and the northwest course of the Selfridge Field, Mich., radio range to the intersection of the northwest course of the Windsor, Ontario, Canada, radio range and the United States-Canadian Border. From the intersection of the northwest course of the Cleveland, Ohio, radio range and the United States-Canadian Border via the Cleveland, Ohio, radio range station and the Akron, Ohio, radio range station to the intersection of the southeast course of the Cleveland, Ohio, radio range and the west course of the Pittsburgh, Pa., radio range. From the Pittsburgh, Pa., radio range station via the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northwest course of the Washington, D. C., radio range; the Washington, D. C., radio range station to the intersection of the southeast course of the Washington, D. C., radio range with Red Civil Airway No. 77, excluding that portion which lies more than 3 miles north of the southeast course of the Washington, D. C., radio range between the intersection of the southeast course of the Washington, D. C., radio range and the south course of the Baltimore, Md., radio range and Red civil airway No. 77."

3. Section 600.4 (c) (21) is amended to read:

(21) *Red civil airway No. 21 (Lansing, Mich., to Boston, Mass.).* From the Lansing, Mich., radio range station to the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Romulus, Mich., radio range. From the Romulus, Mich., radio range station to the intersection of the southeast course of the Romulus, Mich., radio range and the west course of the Cleveland, Ohio, radio range. From the intersection of the west course of the Cleveland, Ohio, radio range and the northwest course of the Akron, Ohio, radio range via the Akron, Ohio, radio range station; Pittsburgh, Pa., radio range station; the intersection of the northeast course of the Pittsburgh, Pa., radio range and the north course of the Altoona, Pa., radio range to the Sunbury, Pa., radio marker station. From the intersection of the northeast course of the Allentown, Pa., radio range and the west course of the Newark, N. J., radio range to the Newark, N. J., radio range station. From the intersection of the east course of the New York, N. Y. (LaGuardia) radio range and the southwest course of the Bridgeport, Conn., radio range via the Bridgeport, Conn., radio range station to the intersection of the northeast course of the Bridgeport, Conn., radio range and the southeast course of the Hartford, Conn., radio range. From the intersection of the southeast course of the Hartford, Conn., radio range and the west course of the Quonset Point, R. I. (Navy), radio range via the intersection of the west course of the Quonset Point, R. I. (Navy), radio range and the southwest course of the Providence, R. I., radio range; Providence, R. I., radio range station, excluding that portion more than 2 miles east of the southwest course of the Providence, R. I., radio range; Squantum, Mass. (Navy), radio range station, excluding that portion which lies more than 4 miles east of the southwest course of the Squantum, Mass. (Navy), radio range between the Providence, R. I., radio range station and a point 5 miles northeast to the intersection of the northeast course of the Squantum, Mass. (Navy), radio range and the east course of the Boston, Mass., radio range.

4. Section 600.4 (c) (75) is added to read:

(75) *Red civil airway No. 75 (U. S.-Canadian Border, Vancouver, B. C., to U. S.-Canadian Border, Abbotsford, B. C.).* From the Vancouver, B. C., radio range station to the intersection of the northwest course of the Bellingham, Wash., radio range and the west course of the Abbotsford, B. C., radio range; Abbotsford, B. C., radio range station to the intersection of the east course of the Abbotsford, B. C., radio range and the northeast course of the Bellingham, Wash., radio range, excluding those portions lying outside the limits of the continental United States.

5. Section 600.4 (c) (77) is added to read:

(77) *Red civil airway No. 77 (Richmond, Va., to Millville, N. J.).* From the intersection of the north course of the Richmond, Va., radio range and the southwest course of the Patuxent River, Md. (Navy), radio range via the Patuxent River, Md. (Navy), radio range station to the Millville, N. J., radio range station, excluding that portion below 6,000 feet between the eastern boundary of Blue civil airway No. 56 and the southwest boundary of Red civil airway No. 20.

6. Section 600.4 (d) (20) is amended to read:

(20) *Blue civil airway No. 20 (Atlantic City, N. J., to Allentown, Pa.).* From the Atlantic City, N. J. (Navy), radio range station via the intersection of the west course of the Atlantic City, N. J. (Navy), radio range and the southeast course of the Millville, N. J., radio range; Millville, N. J., radio range station; the intersection of the northwest course of the Millville, N. J., radio range and the southwest course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station to the Allentown, Pa., radio range station.

7. Section 600.4 (d) (32) is amended to read:

(32) *Blue civil airway No. 32 (Pendleton, Oreg., to Fairbanks, Alaska).* From the Pendleton, Oreg., radio range station via the intersection of the northwest course of the Pendleton, Oreg., radio range and the southeast course of the Yakima, Wash., radio range to the Yakima, Wash., radio range station. From the Seattle, Wash., radio range station via the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, B. C., radio range to the intersection of the south course of the Patricia Bay, B. C., radio range and the U. S.-Canadian Border. From the Skwentna, Alaska, radio range station via the intersection of the northeast course of the Skwentna, Alaska, radio range and the southwest course of the Summit, Alaska, radio range to the Summit, Alaska, radio range station.

8. Section 600.4 (d) (56) is amended to read:

(56) *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).* From the Weeksville, N. C. (Coast Guard), radio range station via the inter-

section of the northwest course of the Weeksville, N. C. (Coast Guard), radio range and the southwest course of the Norfolk, Va., VHF radio range to the Norfolk, Va., VHF radio range station. From the intersection of the northwest course of the Norfolk, Va., radio range and the south course of the Langley Field, Va. (AFB), radio range via the Langley Field, Va. (AFB), radio range station; the intersection of the north course of the Langley Field, Va. (AFB), radio range and the southeast course of the Brandywine, Md., radio range to the Brandywine, Md., radio range station, excluding that portion more than 3 miles east of the south and north courses of the Langley Field, Va. (AFB), radio range and the southeast course of the Brandywine, Md., radio range, and excluding that portion more than 3 miles west of the southeast course of the Brandywine, Md., radio range and the north course of the Langley Field, Va. (AFB), radio range between the Brandywine, Md., radio range station and a point 18 miles south of the intersection of the north course of the Langley Field, Va. (AFB), radio range and the southeast course of the Brandywine, Md., radio range.

9. Section 600.4 (e) *Other civil airways—(2) Norfolk, Va., to Washington, D. C.*, civil airway is revoked.

This amendment shall become effective 0001 e. s. t., December 1, 1948.

(Sec. 205, 301, 302, 307, and 308, 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Public Law 872, 80th Cong.; 49 U. S. C., 425, 451, 452, 457, 458)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 48-10352; Filed, Nov. 29, 1948; 8:47 a. m.]

[Amdt. 15]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

MISCELLANEOUS AMENDMENTS

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate redesignation and establishment of control areas, including control zones at, and reporting points between, such locations; (2) the redesignation and establishment of the control areas referred to in (1) above, have been coordinated with the civil operators involved, the Army and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable; unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in Sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

Designation and Redesignation of Control Areas: Amber Civil Airway No. 9; Red Civil Airways Nos. 20, 53, 75 and 77; Blue Civil Airways Nos. 20, 32, and 56. Designation and Redesignation of Control Zones. Designation and Redesignation of Reporting Points: Green Civil Airway No. 4; Amber Civil Airway No. 9; Red Civil Airways Nos. 14, 20, 75 and 77; Blue Civil Airways Nos. 19, 20, 32 and 56

1. Section 601.4 (b) (9) is amended by changing caption to read:

(9) *Amber civil airway No. 9 control areas (Charleston, S. C., to New York, N. Y.).* * * *

2. Section 601.4 (c) (20) is amended by changing caption to read:

(20) *Red civil airway No. 20 control areas (Lansing, Mich., to Washington, D. C.).* * * *

3. Section 601.4 (c) (53) is amended to read:

(53) *Red civil airway No. 53 control areas (Joplin, Mo., to Springfield, Mo.).* All of Red civil airway No. 53.

4. Section 601.4 (c) (75) is added to read:

(75) *Red civil airway No. 75 control areas (U. S.-Canadian Border, Vancouver, B. C., to U. S.-Canadian Border, Abbotsford, B. C.).* All of Red civil airway No. 75.

5. Section 601.4 (c) (77) is added to read:

(77) *Red civil airway No. 77 control areas (Richmond, Va., to Millville, N. J.).* All of Red civil airway No. 77.

6. Section 601.4 (d) (20) is amended by changing caption to read:

(20) *Blue civil airway No. 20 control areas (Atlantic City, N. J., to Allentown, Pa.).* * * *

7. Section 601.4 (d) (32) is amended to read:

(32) *Blue civil airway No. 32 control areas (Pendleton, Oreg., to Fairbanks, Alaska).* From the Pendleton, Oreg., radio range station to the United States-Canadian Border and from the Skwentna, Alaska, radio range station to a line extended at right angles across such airway through a point 25 miles northeast of the radio range station.

8. Section 601.4 (d) (56) is amended by changing caption to read:

(56) *Blue civil airway No. 56 control areas (Elizabeth City, N. C., to Washington, D. C).* * * *

9. Section 601.4 (e) (65), *Control area extension (Pendleton, Oreg.)*, is revoked.

10. Section 601.4 (e) (65) is added to read:

(65) *Control area extension (Yakima, Wash.).* From the Yakima, Wash., radio range station extending 5 miles either side of the northwest course of the Yakima radio range to a point 20 miles northwest of the radio range station.

11. Section 601.4 (e) (136) is added to read:

(136) *Control area extension (San Juan, P. R.).* Within a 150 nautical mile radius from the Isla Grande Aerodrome, San Juan, P. R., excluding the mainland of the Dominican Republic and overlapping portions of existing danger areas and airspace warning areas.

12. Section 601.4 (e) (137) is added to read:

(137) *Control area extension (Albany, Ga.).* From the Albany, Ga., radio range station extending 5 miles either side of the east course of the radio range to a point 20 miles east of the radio range station.

13. Section 601.4 (e) (138) is added to read:

(138) *Control area extension (Orlando, Fla.).* From the Orlando, Fla., radio range station extending 5 miles on the southeast side and parallel to the northeast course of the Orlando, Fla., radio range to the intersection of the northeast course of the Orlando, Fla., radio range and the northwest course of the Melbourne, Fla., radio range including all that area north of the northeast course of the Orlando radio range between Red civil airway No. 47 and Amber civil airway No. 7.

14. Section 601.4 (e) (139) is added to read:

(139) *Control area extension (Lexington, Ky.).* From the Lexington, Ky., nondirectional radio marker beacon extending 5 miles either side of a line 225° magnetic to a point 20 miles southwest of the marker beacon and extending 5 miles either side of a line 45° magnetic from the marker beacon to its intersection with the northwest course of the Lexington, Ky., VHF radio range.

15. Section 601.8 (c) (240) is added to read:

(240) *Milton, Fla., control zone.* Within a 5 mile radius of North Whiting Naval Air Station extending 2 miles either side of the northwest course of the North Whiting (Navy) radio range to a point 10 miles northwest of the radio range station.

16. Section 601.8 (c) (241) is added to read:

(241) *Albany, Ga., control zone.* Within a 5 mile radius of the Municipal Airport extending 2 miles either side of the west and east courses of the Albany radio range to a point 10 miles east of the radio range station, including a 5 mile radius of Turner Air Force Base, and extending 2 miles either side of the north and south courses of the Albany radio range to a point 10 miles south of the radio range station.

17. Section 601.8 (c) (242) is added to read :

(242) *Lexington, Ky., control zone.* Within a 5 mile radius of the Blue Grass Airport extending 2 miles either side of a line 225° magnetic from the Lexington, Ky., non-directional radio marker beacon to a point 10 miles southwest of the radio marker beacon.

18. Section 601.9 (a) (4) is amended to read:

(4) *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* Los Angeles, Calif., radio range station; the intersection of the north course of the Los Angeles, Calif., radio range and the southwest course of the Palmdale, Calif., radio range or the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station; Acomita, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; the intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; Lebo, Kans., radio range station; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the northeast course of the Indianapolis, Ind., radio range and the northwest course of the Cincinnati, Ohio., radio range or the Greenfield, Ind., radio marker beacon; the intersection of the west course of the Columbus, Ohio, radio range and the north course of the Dayton, Ohio, radio range; Columbus, Ohio, radio range station; the intersection of the west course of the Pittsburgh, Pa., radio range and the southeast course of the Cleveland, Ohio, radio range; Pittsburgh, Pa., radio range station; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the southwest course of the Allentown, Pa., radio range and the east course of the Harrisburg, Pa., radio range; Philadelphia, Pa., radio range station.

19. Section 601.9 (b) (9) is amended by changing caption to read:

(9) *Amber civil airway No. 9 (Charleston, S. C., to New York, N. Y.).* * * *

20. Section 601.9 (c) (14) is amended to read:

(14) *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* Rockford, Ill., radio range station; Chicago, Ill., radio range station; the intersection of the east course of the Harvey, Ill., radio range and the southeast course of the Chicago, Ill., radio range; the intersection of the northeast course of the Lafayette, Ind., radio range and the northwest course of the Indianapolis, Ind., radio range.

21. Section 601.9 (c) (20) is amended to read:

(20) *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).* Akron, Ohio, radio range station; the intersection of the northwest course of the Washington, D. C., radio range and the northeast course of the Martinsburg, W. Va., radio range; the intersection of the southeast course of the Washington, D. C., radio range and the northeast course of the Patuxent River, Md. (Navy), radio range.

22. Section 601.9 (c) (75) is added to read:

(75) *Red civil airway No. 75 (U. S.-Canadian Border, Vancouver, B. C., to U. S.-Canadian Border, Abbotsford, B. C.).* No reporting point designation.

23. Section 601.9 (c) (77) is added to read:

(77) *Red civil airway No. 77 (Richmond, Va., to Millville, N. J.).* No reporting point designation.

24. Section 601.9 (d) (19) is amended to read:

(19) *Blue civil airway No. 19 (Miami, Fla., to Orlando, Fla.).* The intersection of the north course of the Miami, Fla., radio range and the west course of the West Palm Beach, Fla., radio range.

25. Section 601.9 (d) (20) is amended by changing the caption to read:

(20) *Blue civil airway No. 20 (Atlantic City, N. J., to Allentown, Pa.);* * * *

26. Section 601.9 (d) (32) is amended by changing the caption to read:

(32) *Blue civil airway No. 32 (Pendleton, Oreg., to Fairbanks, Alaska).* * * *

27. Section 601.9 (d) (56) is amended by changing the caption to read:

(56) *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).* * * *

This amendment shall become effective 0001 e. s. t., December 1, 1948.

(Sec. 205, 301, 302, 307, and 308; 52 Stat. 984, 985, 986; 54 Stat. 1233, 1235; Pub. Law 872, 80th Cong.; 49 U. S. C., 425, 451, 452, 457, 458)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 48-10353; Filed, Nov. 29, 1948; 8:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.[1], Amdt. 51]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1–825.12) is amended in the following respect:

1. Schedule B is amended by incorporating item 36 as follows:

36. Provisions relating to Jamestown Defense-Rental Area, State of New York.

Increase in Maximum Rents Based Upon the Recommendation of the Local Advisory Board.

Pursuant to the provisions of, and subject to the limitations contained in, the Housing and Rent Act of 1947, as amended, the maximum rents for all housing accommodations in the Jamestown Defense-Rental Area, State of New York, are increased, effective November 27, 1948, in the amount of 8 percent.

Any maximum rent for housing accommodations in said defense-rental area which is substantially lower than the rent generally prevailing in said defense-rental area for comparable housing accommodations on March 1, 1942 plus 8 percent shall be eligible for adjustment on the basis of such generally prevailing rent plus 8 percent, on the filing of an individual petition for adjustment under § 825.5 (a) (11).

All provisions of §§ 825.1 to 825.12 insofar as they are applicable to the Jamestown Defense-Rental Area are hereby amended to the extent necessary to carry there provisions into effect.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (e), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (e))

This amendment shall become effective November 27, 1948.

Issued this 24th day of November 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 51 to the Controlled Housing Rent Regulation

The Local Advisory Board for the Jamestown Defense-Rental Area, State of New York, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase in the general rent level in said Defense-Rental Area.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 8 percent, and is therefore issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-10398; Filed, Nov. 26, 1948; 1:12 p. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 51]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is hereby amended in the following respect:

1. Schedule B is amended by incorporating item 37 as follows:

37. Provisions relating to Jamestown Defense-Rental Area, State of New York.

[1] 13 F. R. 5706, 5788, 5783, 5937, 6246, 6283, 6411, 6556, 6881.

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882.

Increase in Maximum Rents Based Upon the Recommendation of the Local Advisory Board. Pursuant to the provisions of, and subject to the limitations contained in, the Housing and Rent Act of 1947, as amended, the maximum rents for all housing accommodations in the Jamestown Defense-Rental Area, State of New York, are increased, effective November 27, 1948, in the amount of 8 percent.

Any maximum rent for housing accommodations in said defense-rental area which is substantially lower than the rent generally prevailing in said defense-rental area for comparable housing accommodations on March 1, 1942 plus 8 percent shall be eligible for adjustment on the basis of such generally prevailing rent plus 8 percent, on the filing of an individual petition for adjustment under § 825.65 (a) (8).

All provisions of §§ 825.81 to 825.92 insofar as they are applicable to the Jamestown Defense-Rental Area are hereby amended to the extent necessary to carry these provisions into effect.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (d). Applies sec. 204 (e), 61 Stat. 197, as amended by 62 Stat. 37 and by 62 Stat. 94; 50 U. S. C. App. 1894 (e))

This amendment shall become effective November 27, 1948.

Issued this 24th day of November 1948.

TICHE E. WOODS,
Housing Expediter.

Statement To Accompany Amendment 51 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

The Local Advisory Board for the Jamestown Defense-Rental Area, State of New York, has in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase in the general rent level in said Defense-Rental Area.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 8 percent, and is therefore issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-10399; Filed, Nov. 26, 1948; 1:12 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5673]

PART 101—TAXES ON ADMISSIONS, DUES, AND INITIATION FEES

ORIGINAL RETURN TO BE FILED WITH COLLECTOR AND DUPLICATE RETAINED

Regulations 43 (1941 edition) (26 CFR, Part 101), relating to the taxes on admissions, dues and initiation fees under the provisions of the Internal Revenue Code, are hereby amended as follows:

PARAGRAPH 1. Section 101.32, as amended by Treasury Decision 5385, approved June 30, 1944 (26 CFR 101.32), is further amended by adding at the end thereof a paragraph reading as follows:

§ 101.32 *Records; admissions.* • • •

(c) *Duplicate returns.* Subject so far as applicable to the conditions prescribed as to other records required by this section each person required to keep such other records shall also retain in his records the duplicate returns required by § 101.33.

PAR. 2. Section 101.33 (26 CFR 101.33) is hereby amended as follows:

(A) By altering the first paragraph thereof as follows:

(i) By striking from the first sentence the word "make" and inserting in lieu thereof the word "prepare".

(ii) By inserting in the second sentence immediately following the first word thereof the word "original".

(iii) By inserting in the third sentence immediately following the first word thereof the word "original."

(iv) By inserting immediately preceding the last sentence the following: "The duplicate return shall be retained as provided by § 101.32 (c)."

(B) By altering the second paragraph as follows:

(i) By striking from the third sentence the word "triplicate" and inserting in lieu thereof the word "duplicate".

(ii) By striking from the last sentence the word "copies" and the words "and duplicate" and inserting in lieu of the word "copies" the word "copy".

PAR. 3. Section 101.38 (26 CFR 101.38) is amended by adding at the end thereof a sentence as follows: "Likewise to be kept as part of the records are the duplicate returns required by § 101.39."

PAR. 4. Section 101.39 (26 CFR 101.39) is amended by altering the first paragraph thereof as follows:

(A) By inserting in the second sentence immediately following the first word thereof the word "original".

(B) By inserting in the third sentence immediately following the first word thereof the word "original".

(C) By inserting immediately preceding the last sentence the following: "The duplicate return shall be retained as provided by § 101.38."

(53 Stat. 467; 26 U. S. C. 3791)

Because this Treasury decision makes only a minor procedural change in net effect reducing the burden of persons subject to the regulations, it is found that it is unnecessary to issue such Treasury decision under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 23, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10373; Filed, Nov. 29, 1948; 8:55 a. m.]

[T. D. 5672]

PART 130—TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATIONS SERVICES

ORIGINAL RETURN TO BE FILED WITH COLLECTOR AND DUPLICATE RETAINED

Regulations 42 (1942 edition) (26 CFR, Part 130), relating to the taxes on safe deposit boxes, transportation of oil by pipe line, telephone, telegraph, radio and cable messages and services, and transportation of persons under the provisions of the Internal Revenue Code, are hereby amended as follows:

PARAGRAPH 1. Section 130.71 (26 CFR 130.71) is amended by changing the designation of paragraph (e) to (f) and inserting a new paragraph (e) to read as follows:

§ 130.71 *Records.* • • •

(e) In addition to the records prescribed in paragraph (a), (b), (c) or (d) each person required to keep such records shall also retain the duplicate returns prescribed by § 130.72.

PAR. 2. Section 130.72, as amended by Treasury Decision 5347, approved March 15, 1944 (26 CFR 130.72), is further amended by altering paragraph (e) thereof as follows:

(A) By striking from the first sentence the words "under oath" and the comma immediately following, and inserting in such sentence immediately preceding the words "must be sworn" the words "the original."

(B) By inserting in the second sentence immediately following the first word thereof the word "original."

(C) By inserting immediately following the second sentence a new sentence as follows: "The duplicate return shall be retained as prescribed by § 130.71 (e)."

(53 Stat. 423, 467, 55 Stat. 722; 26 U. S. C. and Sup., 3472, 3791)

Because this Treasury decision makes only a minor procedural change in net effect reducing the burden of persons subject to the regulations, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 23, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10371; Filed, Nov. 29, 1948; 8:55 a. m.]

[T. D. 5678]

PART 143—TAX WITH RESPECT TO THE TRANSPORTATION OF PROPERTY

ORIGINAL RETURN TO BE FILED WITH COLLECTOR AND DUPLICATE RETAINED

In order to conform Regulations 113 (1943 edition) (26 CFR, Part 143), relating to the tax on the amount paid for the transportation of property, to a change of system for the verification of returns, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 143.51 (26 CFR 143.51) is amended by inserting immediately following the first sentence thereof another sentence reading as follows: "Such person shall also retain as part of his records the duplicate returns required by § 143.52."

PAR. 2. Section 143.52 (26 CFR 143.52) is amended by altering the first paragraph thereof as follows:

(A) By striking from the second sentence the word "made" and inserting in lieu thereof the word "prepared."

(B) By striking from the second sentence thereof "under oath," and inserting therein immediately preceding the words "must be sworn to" the words "the original."

(C) By inserting in the third sentence immediately following the first word thereof the word "original."

(D) By inserting immediately following the third sentence another sentence reading as follows: "The duplicate return shall be retained as prescribed by § 143.51."

(E) By inserting in the last sentence, immediately after the word "sections" the following: "143.51, relating to records,"

(53 Stat. 423, 467, 55 Stat. 722; 26 U. S. C. and Sup., 3472, 3791)

Because this Treasury decision makes only a minor procedural change in net effect reducing the burden of persons subject to the regulations, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 23, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10367; Filed, Nov. 29, 1948; 8:54 a. m.]

[T. D. 5676]

PART 302—EXCISE TAX ON SALE OF PISTOLS AND REVOLVERS

RETURN AND OATH REQUIREMENTS MODIFIED

Regulations 47 (1928 edition) (26 CFR, Part 302), relating to tax on pistols and revolvers sold by the manufacturer, producer, or importer, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 (26 CFR, Cum. Supp., p. 5876), are hereby amended as follows:

PARAGRAPH 1. Article 12 (26 CFR 302.12) is amended as follows:

(A) By altering the first paragraph thereof as follows:

(i) By striking therefrom the words "make monthly returns under oath" and inserting in lieu thereof the words "prepare a monthly return."

(ii) By adding at the end thereof a new sentence reading as follows: "The original return must be under oath."

(B) By altering the third paragraph thereof as follows:

(i) By striking therefrom the opening words "The return must be rendered" and inserting in lieu thereof the words "The original return must be filed."

(ii) By adding at the end thereof a new sentence reading as follows: "The duplicate return shall be retained."

(C) By striking from the first sentence of the eighth paragraph the concluding words "of the taxable sale" and inserting in lieu thereof the words "the tax becomes due".

PAR. 2. Article 15 (26 CFR 302.15) is amended by striking from the fourth sentence of the first paragraph thereof the word "sworn".

PAR. 3. Article 17 (26 CFR 302.17) is amended as follows:

(A) By striking from the first paragraph the words "an affidavit" and inserting in lieu thereof the words "a statement".

(B) By striking from the second and third paragraphs the word "affidavit" and inserting in lieu thereof the word "statement".

(53 Stat. 467, 26 U. S. C. 3791)

Because this Treasury decision makes only procedural changes in net effect relieving restrictions, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 23, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10369; Filed, Nov. 29, 1948; 8:55 a. m.]

[T. D. 5674]

PART 314—TAXES ON GASOLINE, LUBRICATING OIL, AND MATCHES

RETURN AND OATH REQUIREMENTS MODIFIED

Regulations 44 (1944 edition) (26 CFR, Part 314) relating to taxes on gasoline, lubricating oil, and matches, are amended as follows:

PARAGRAPH 1. Section 314.23 (26 CFR 314.23) is amended by striking from the first sentence of the second paragraph thereof the word "sworn".

PAR. 2. Section 314.25 (26 CFR 314.25) is amended by striking from the second and third paragraphs the word "sworn" wherever it appears therein.

PAR. 3. Section 314.26 (26 CFR 314.26) is amended as follows.

(A) By striking from the first paragraph thereof the word "sworn".

(B) By altering the second paragraph thereof as follows:

(i) By striking from the first sentence the words "an affidavit" and inserting in lieu thereof the words "a statement".

(ii) By striking from the second and third sentences the word "affidavit" and inserting in lieu thereof the word "statement".

PAR. 4. Section 314.29 (26 CFR 314.29) is amended by striking from the last sentence of the second paragraph the word "sworn".

PAR. 5. Section 314.60 (26 CFR 314.60) is amended as follows:

(A) By altering the first paragraph thereof as follows:

(i) By striking from the first sentence of the first paragraph the words "make a return" and inserting in lieu thereof the words "prepare a return for each calendar month in duplicate".

(ii) By striking from the second sentence the words "in duplicate" and the words "for each calendar month" and inserting before the word "return" the word "original".

(iii) By striking from the fourth sentence the opening word "Such" and inserting in lieu thereof the words "The original".

(B) By adding at the end thereof a new paragraph reading as follows:

The duplicate return shall be retained as prescribed by § 314.62.

PAR. 6. Section 314.62 (26 CFR 314.62) is amended by inserting in the first sentence of the first paragraph after the word "records" the following: ", including the duplicate returns prescribed by § 314.60,".

PAR. 7. Section 314.64 (26 CFR 314.64) is amended as follows:

(A) By striking out the word "sworn" wherever it appears.

(B) By striking out the word "affidavit" wherever it appears and inserting in lieu thereof the word "statement".

(C) By amending the "Statement of Ultimate Vendor" as follows:

(i) By striking out the first paragraph and inserting in lieu thereof the following:

The undersigned certifies that he himself or the _____
(Name of vendor if other than undersigned)
of which he is _____ is the ultimate vendor
(Title)
of the articles specified below or on the reverse side hereof;

(ii) By striking out "Subscribed and sworn to before me this ____ day of _____, 19____. _____" and inserting in lieu thereof the following: "_____".
(Date)

(D) By striking out the tenth paragraph.

(53 Stat. 419, 467; 26 U. S. C. 3450, 3791)

Because this Treasury decision makes only procedural changes in net effect relieving restrictions, it is found that it is unnecessary to issue such Treasury Decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective

date limitation of section 4 (c) of said act.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 23, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10372; Filed, Nov. 29, 1948; 8:55 a. m.]

[T. D. 5675]

PART 316—EXCISE TAXES ON SALES BY THE MANUFACTURER

RETURN AND OATH REQUIREMENTS MODIFIED

Regulations 46 (1940 edition) (26 CFR, Part 316), relating to taxes on articles sold by the manufacturer, producer, or importer, are hereby amended as follows:

PARAGRAPH 1. Section 316.22 (26 CFR 316.22) is amended by striking from the first sentence of the second paragraph thereof the word "sworn".

PAR. 2. Section 316.23 (26 CFR 316.23) is amended by striking from the first sentence of the second paragraph thereof the word "sworn".

PAR. 3. Section 316.25 (26 CFR 316.25) is amended by striking from the second and third paragraphs thereof the word "sworn" wherever it appears therein.

PAR. 4. Section 316.26 (26 CFR 316.26) is amended as follows:

(A) By striking from the first paragraph thereof the word "sworn".

(B) By altering the second paragraph as follows:

(i) By striking from the first sentence the words "an affidavit" and inserting in lieu thereof the words "a statement".

(ii) By striking from the second and third sentences the word "affidavit" and inserting in lieu thereof the word "statement".

PAR. 5. Section 316.29 (26 CFR 316.29) is amended by striking from the second sentence of the second paragraph the word "sworn".

PAR. 6. Section 316.200, as renumbered and amended by Treasury Decision 5099, approved November 28, 1941 (26 CFR 316.200), is amended as follows:

(A) By altering the first paragraph thereof as follows:

(i) By striking from the first sentence the words "make a return" and inserting in lieu thereof the words "prepare a return for each calendar month in duplicate".

(ii) By striking from the second sentence the words "in duplicate", and the words "for each calendar month", and inserting immediately preceding the word "return" and word "original".

(iii) By striking from the fourth sentence the opening word "Such" and inserting in lieu thereof the words "The original".

(B) By striking from the first sentence of the third paragraph the word "made" and inserting in lieu thereof the word "prepared".

(C) By adding at the end thereof a new paragraph reading as follows:

The duplicate return shall be retained as prescribed by § 316.202.

PAR. 7. Section 316.202, as renumbered by Treasury Decision 5099 (26 CFR 316.202), is amended by inserting in the first sentence of the first paragraph immediately following the word "records" the following: ", including the duplicate returns prescribed by § 316.200,".

PAR. 8. Section 316.204, as amended by Treasury Decision 5348, approved March 15, 1944 (26 CFR 316.204), is amended as follows:

(A) By striking out the word "sworn" wherever it appears therein.

(B) By striking out the word "affidavit" wherever it appears in the ninth and tenth paragraphs, and inserting in lieu thereof the word "statement".

(C) By altering the "Statement of Ultimate Vendor" as follows:

(i) By changing the first paragraph to read as follows:

The undersigned certifies that he himself, or the _____ of
(Name of vendor if other than undersigned)
which he is _____, is
(Title)
the ultimate vendor of the articles specified below or on the reverse side hereof;

(ii) By striking out "Subscribed and sworn to before me this _____ day of _____ 19____." and inserting in lieu thereof the following: "_____".
(Date)

(D) By striking out the eleventh paragraph.

(53 Stat. 419, 467; 26 U. S. C. 3450, 3791)

Because this Treasury decision makes only procedural changes in net effect relieving restrictions, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 23, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10370; Filed, Nov. 29, 1948; 8:55 a. m.]

[T. D. 5677]

PART 320—RETAILERS' EXCISE TAXES

RETURN AND OATH REQUIREMENTS MODIFIED

Regulations 51 (1941 edition) (26 CFR, Part 320), relating to taxes on articles sold at retail, are hereby amended as follows:

PARAGRAPH 1. Section 320.70, as renumbered and amended by Treasury Decision 5353, approved March 31, 1944 (26 CFR 320.70), is amended by altering the first paragraph thereof as follows:

(A) By striking from the first sentence the words "make a return" and inserting in lieu thereof the words "prepare a return for each calendar month in duplicate".

(B) By striking from the second sentence the words "made in duplicate" and the words "for each calendar month" and inserting immediately preceding the word "return" the word "original".

(C) By striking from the fourth sentence the opening word "Such" and inserting in lieu thereof the words "The original".

PAR. 2. Section 320.72, as renumbered by Treasury Decision 5353 (26 CFR 320.72), is amended by inserting in the first sentence of the first paragraph, immediately after the word "records" the following: ", including the duplicate copy of each return as prescribed by § 320.70,".

PAR. 3. The third paragraph of § 320.76 as renumbered by Treasury Decision 5353 (26 CFR 320.76), is amended by striking out the word "sworn" wherever it appears therein.

(53 Stat. 467, 55 Stat. 720; 26 U. S. C. and Sup., 3791, 2410)

Because this Treasury decision makes only procedural changes in net effect reducing the burden incident to compliance with the regulations, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 23, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10368; Filed, Nov. 29, 1948; 8:54 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter IV—Secret Service, Department of the Treasury

EDITORIAL CHANGES INCIDENT TO PUBLICATION OF CODE OF FEDERAL REGULATIONS, 1949 EDITION

In order to conform Chapter IV of Title 31 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the FEDERAL REGISTER and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER.

1. In Part 400, §§ 400.1, 400.4 and 400.5 are deleted, and §§ 400.2 and 400.3 are redesignated §§ 400.1 and 400.2, respectively.

2. In Part 401, § 401.1 is deleted, and §§ 401.2 to 401.6 are redesignated §§ 401.1 to 401.5, respectively.

3. In Part 402, §§ 402.1 and 402.3 are deleted, and § 402.2 is redesignated § 402.1.

4. In Part 403, §§ 403.1 and 403.3 are deleted, and § 403.2 is redesignated § 403.1.

5. In Part 405, §§ 405.1 and 405.3 are deleted, and § 405.2 is redesignated § 405.1.

6. The codification of Part 406—Organization, is discontinued. Future amendments to this material will appear in the Notices section of the FEDERAL REGISTER.

7. Part 407 is deleted.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10366; Filed, Nov. 29, 1948; 8:54 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

REORGANIZATION AND RENUMBERING OF MATERIAL FORMERLY CODIFIED IN CHAPTERS I, III, AND IV

EDITORIAL NOTE: In order to conform Chapters I, III, and IV of Title 33 to the scope and style of the Code of Federal Regulations, 1949 Edition, as prescribed by the regulations of the Administrative Committee of the Federal Register and approved by the President effective October 12, 1948 (13 F. R. 5929), the following editorial changes are made, effective upon their publication in the FEDERAL REGISTER:

1. Chapters I, III, and IV are renumbered and consolidated into a new chapter under the headnote "Chapter I—Coast Guard, Department of the Treasury."

2. Certain parts and sections are renumbered as follows:

Old part No.	New part No.	Old section No.	New section No.
1	1	(1)	(1)
2	110	(1)	(1)
3	105	(1)	(1)
4	(See 30, 33, 45).		
5	5	(1)	(1)
8	8	(1)	(1)
11	50	(1)	(1)
12	52	(1)	(1)
14	51	(1)	(1)
16	16	(1)	(1)
20	20	(1)	(1)
	30	4.10	30.01
		4.11	30.05
		4.12	30.10
		4.13	30.15
		4.14	30.20
		4.15	30.25
		4.16	30.30
		4.17	30.35
		4.18	30.40
		4.19	30.45
		4.20	30.50
		4.21	30.55
		4.22	30.60
	33	4.23	33.01–1
		4.24	33.01–5
40	40	(1)	(1)
	45	4.25	45.01
		4.26	45.05
		4.27	45.10
		4.28	45.15
		4.29	45.20
		4.30	45.25
		4.31	45.30
		4.32	45.35
		4.33	45.40
		4.34	45.45
		4.35	45.50
302	82	(1)	(1)
303	100	(1)	(1)
304	84	(1)	(1)
312	80	(1)	(1)
322	90	(1)	(1)
323	92	(1)	(1)
332	95	(1)	(1)
402	62	(1)	(1)
403	66	(1)	(1)
404	68	(1)	(1)

[1] No change in numbers to the right of decimal point.

3. As so renumbered the material is reorganized under nine subchapters as follows:

SUBCHAPTER A—GENERAL

Part
1 General Organization and Jurisdiction
5 Regulations, United States Coast Guard Auxiliary
8 Regulations, United States Coast Guard Reserve
16 Regulations for Receipt of Donations for Chapel, Coast Guard Academy
20 Procedures Applicable to the Public

SUBCHAPTER B—MILITARY PERSONNEL

30 Appointments of Officers
33 Appointments of Civilians as Commissioned Officers, Chief Warrant Officers, and Warrant Officers
40 Cadets of the Coast Guard
45 Enlistments
50 Coast Guard Retiring Review Board
51 Regulations for Panel and Boards on Review of Discharges and Dismissals of Former Members of the Coast Guard
52 Regulations for Board on Correction of Military Records of the Coast Guard

SUBCHAPTER C—AIDS TO NAVIGATION

62 Aids to Navigation
66 Lighting of Bridges
68 Vessels

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

80 Pilot Rules for Inland Waters
82 Boundary Lines of Inland Waters
84 Towing of Barges

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARY'S RIVER

90 Pilot Rules for the Great Lakes
92 Anchorage and Navigation Regulations; St. Mary's River, Michigan

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

95 Pilot Rules for Western Rivers

SUBCHAPTER G—MARINE REGATTAS OR MARINE PARADES

100 Regulations to Promote the Safety of Life on Navigable Waters During Regattas or Marine Parades

SUBCHAPTER H—ROUTES FOR PASSENGER VESSELS

105 Publication of North Atlantic Passenger Routes

SUBCHAPTER I—CONSERVATION OF MARINE LIFE

110 Whaling

Subchapter B—Military Personnel

[CGFR 48-37]

PART 33—APPOINTMENTS OF CIVILIANS AS COMMISSIONED OFFICERS, CHIEF WARRANT OFFICERS, AND WARRANT OFFICERS

SUBPART 33.05—APPOINTMENTS OF LICENSED OFFICERS OF THE UNITED STATES MERCHANT MARINE AS COMMISSIONED OFFICERS, CHIEF WARRANT OFFICERS, AND WARRANT OFFICERS

The following regulations are prescribed and shall be effective on and after the date of publication of this order in the FEDERAL REGISTER:

Sec.
33.05–1 Purpose.
33.05–3 Appointments.
33.05–5 Precedence.
33.05–7 General requirements for eligibility.
33.05–9 Specific requirements for commissioned officers.
33.05–11 Exceptions to general and specific requirements for commissioned officers.
33.05–13 Specific requirements for chief warrant and warrant officers.
33.05–15 Scope of examinations.
33.05–17 Procedure for making application.
33.05–19 Determination of eligibility and notification for examination.
33.05–21 Conducting of examination.
33.05–23 Notification.
33.05–25 Requirements for examination and re-examination.
33.05–27 Physical standards.

AUTHORITY: §§ 33.05–1 to 33.05–27 issued under section 8, 18 Stat. 127, as amended, and sections 3, 4, 5, 6, and 7, 61 Stat. 410–412; 14 U. S. C., 6c, 6d, 20a–1, 20a–2, 21a and 92.

NOTE: The text of §§ 33.05–1 to 33.05–27 is also contained in the "Regulations Governing Appointments of Licensed Officers of the United States Merchant Marine to Commissioned, Chief Warrant and Warrant Rank in the United States Coast Guard," which may be obtained upon request from the Commandant (PTP), U. S. Coast Guard Headquarters, Washington 25, D. C.

§ 33.05–1 *Purpose.* The regulations in this subpart govern the appointments of licensed officers of the United States Merchant Marine as commissioned officers, chief warrant officers, and warrant officers in the United States Coast Guard.

§ 33.05–3 *Appointments.* The appointments will be made in ranks or specialties appropriate to the qualifications and experience of the applicants. Any person who accepts such an appointment as a commissioned officer shall serve a probationary period of two years. During this period his commission may be revoked if his services are unsatisfactory. The commissioned officer while serving a probationary period will be subject to the same rules of conduct and performance of duty as are applicable to all officers in the Coast Guard.

§ 33.05–5 *Precedence.* (a) Officers appointed under this subpart who, during any period of World War II, did not serve temporarily as commissioned officers of the Coast Guard, or as commissioned officers who were regular members of the Coast Guard Reserve, shall take precedence with other officers in their respective ranks in accordance with the dates of commission in such ranks. Appointees whose dates of commission are the same shall take precedence with each other in the order recommended by the selecting and examining board as approved by the Secretary of the Treasury.

(b) Officers appointed under this subpart who, during any period of World War II, served temporarily as commissioned officers of the Coast Guard, or as commissioned officers who were regular members of the Coast Guard Reserve on active duty, shall assume a lineal position on the precedence list of regular Coast Guard officers as determined by the following formulae:

(1) The highest grade in which the appointee served on active duty for a period of at least three months, and the

date of rank held while so serving will be determined.

(2) The date of rank determined by subparagraph (1) of this paragraph will be adjusted by adding thereto one-half of the period of time served in inactive Reserve status since release from active duty or one-half of the period of time served on active duty as a chief warrant officer, warrant officer, or enlisted man of the Coast Guard, since termination of temporary commissioned status, plus any period of time since release from active duty, or termination of temporary commissioned status, during which the appointee had no Coast Guard or Coast Guard Reserve status.

(3) If the grade determined by subparagraph (1) of this paragraph is captain, and the adjusted date of rank as such is subsequent to March 25, 1945, the adjustment will be made upon the appointee's former date of rank in the grade of commander, and the appointment will be made in the latter grade.

(4) If the grade determined by subparagraph (1) of this paragraph is commander, and the adjusted date of rank as such is subsequent to March 15, 1944, the adjustment will be made upon the appointee's former date of rank in the grade of lieutenant commander, and the appointment will be made in the latter grade.

(5) If the grade determined by subparagraph (1) of this paragraph is lieutenant commander, and the adjusted date of rank as such is subsequent to April 1, 1944, the adjustment will be made upon the appointee's former date of rank in the grade of lieutenant, and the appointment will be made in the latter grade.

(6) If the grade determined by subparagraph (1) of this paragraph is lieutenant, and the adjusted date of rank as such is subsequent to January 1, 1944, the adjustment will be made upon the appointee's former date of rank in the grade of lieutenant (junior-grade), and the appointment will be made in the latter grade.

(7) If the grade determined by subparagraph (1) of this paragraph is lieutenant (junior-grade) or ensign, the appointment will be made in the grade determined.

(8) Precedence will be established in accordance with the adjusted date of rank in the grade to which appointed. If there is any officer on active duty in the same grade with the same date of rank, the appointee shall take precedence next after him, or next after the most junior of such officers if there is more than one.

(9) If the adjusted date of rank of two or more appointees is identical, the lineal position among them will be determined in accordance with their relative seniority on January 1, 1946, or at the time of release of the first officer released from active duty, whichever is the earlier.

(10) In the event that the Secretary of the Treasury finds that the grade and precedence determined for any person who, during any period of World War II, served temporarily as a commissioned officer of the Coast Guard is such that the position of the appointee on the lineal list would be manifestly in disagreement with the established precedence of other officers, the Secretary may establish a different precedence which is better suited to the established precedence of other officers and shall assign a date of rank which will correspond to that precedence.

(11) In the event that the permanent regular officer next senior to the appointee, who has not failed to qualify for permanent promotion, is serving in that grade under an appointment for temporary service, the appointee will be permanently commissioned in the next lower grade with such date of rank as will afford him the same relative precedence, and then be advanced for temporary service to the grade as determined by this section.

(12) Notwithstanding the provisions of subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11) of this paragraph, any Reserve officer who is appointed to permanent commissioned grade in the regular Coast Guard, and who has served continuously on active duty since 1 March, 1948, shall have the date of rank and precedence which was established for him as of that date.

§ 33.05–7 *General Requirements for eligibility.* In order to be considered for appointment as a commissioned officer, chief warrant officer, or warrant officer in the Coast Guard, an applicant must:

(a) Be a male citizen of the United States.

(b) Reach at least his 21st birthday in the year in which application is made. No applicant will be commissioned who has not reach his 21st birthday.

(c) Not reach his 40th birthday in the year in which application is made. No applicant will be commissioned who has reached his 40th birthday.

(d) Satisfy the Commandant of the Coast Guard as to his good moral character. No person who has been convicted of a felony is eligible for appointment as a commissioned officer, chief warrant officer, or warrant officer.

(e) Be physically sound, not less than five feet six inches in height, stripped, nor more than six feet four inches in height, stripped.

(f) Meet specific requirements of the grade for which considered.

§ 33.05–9 *Specific requirements for commissioned officers.* In order to be considered for appointment as a commissioned officer in the Coast Guard, an applicant must:

(a) Have served four or more years aboard a vessel of the United States in the capacity of a licensed officer.

(b) Receive a satisfactory grade in a written examination in each of the following subjects:

(1) Laws and regulations pertaining to the United States Merchant Marine.

(2) Mathematics.

(3) English.

(4) General science.

(5) Ship construction.

(6) Tests of emotional stability, social adjustment, vocational interest, study habits, background, or personality characteristics as may be administered.

(c) If a licensed deck officer, receive a satisfactory grade in a written examination in each of the following additional subjects:

(1) Navigation.

(2) Seamanship.

(d) If a licensed engineer officer, receive a satisfactory grade in a written examination in each of the following additional subjects:

(1) Marine engineering.

(2) Electrical engineering.

(e) Be interviewed by a Board of at least three Coast Guard officers of the rank of Lieutenant Commander or above, who will assign the applicant a mark in general adaptability.

(f) Meet physical standards prescribed for original entry into the U. S. Coast Guard as outlined in § 33.05–27.

§ 33.05–11 *Exceptions to general and specific requirements.* Notwithstanding the limitations prescribed in §§ 33.05–7 (c) and 33.05–9 (b), (c) and (d), the Commandant may, when the needs of the Service so require, recommend to the Secretary of the Treasury the appointment of an individual possessing outstanding professional qualifications for a particular assignment requiring special knowledge which is not available in the commissioned corps of the Coast Guard.

§ 33.05–13 *Specific requirements for chief warrant and warrant officers.* In order to be considered for appointment as a chief warrant officer or warrant officer in the Coast Guard, an applicant must:

(a) Be a licensed officer of the United States Merchant Marine.

(b) Receive a satisfactory grade in a written examination in each of the following subjects:

(1) Laws and Regulations pertaining to the United States Merchant Marine.

(2) Mathematics.

(3) English.

(4) Tests of emotional stability, social adjustment, vocational interest, study habits, background, or personality characteristics as may be administered.

(c) Receive a satisfactory grade in a written examination in each of the following additional subjects:

(1) Navigation.

(2) Seamanship.

(3) Electrical engineering.

(4) Marine engineering.

(d) Be interviewed by a Board of at least three Coast Guard officers of the rank of Lieutenant Commander or above who will assign the applicant a mark in general adaptability.

(e) Meet physical standards prescribed for original entry into the U. S. Coast Guard as outlined in § 33.05–27.

§ 33.05–15 *Scope of examinations—*(a) *General.* The scope of the examinations listed in §§ 33.05–9 and 33.05–13 are described generally in this section. The examination in any one subject may not cover all the topics described under that subject. However, to insure adequate preparation for the examination, all topics should be studied.

(b) *Laws and regulations pertaining to the United States Merchant Marine.* The topics included are: Life saving apparatus; safety equipment; regulations governing safety and comfort of passengers and crews; pratique; annual and special inspections; notices to be posted; procedures in disputes and casualties.

(c) *Mathematics.* The topics included are: Principles and theorems of algebra, plane geometery, and plane trigonometry, with practical problems therein.

(d) *English.* The topics included are: Principles of English grammar and composition; clearness, effectiveness, and correctness of expression; spelling; punctuation; demonstration of ability to write clear and well organized paragraphs in a short essay or composition on a work of literature, or a recent current event.

(e) *General science.* The topics included are: Basic principles of physics and chemistry, with practical problems therein.

(f) *Ship construction.* The topics included are: Hull systems, structure, fittings and equipment; buoyancy; stability; ship maintenance, preservation, and repair; subdivision; damage and control thereof; shipyard practices.

(g) *Navigation.* The topics included are: Use and care of instruments used in navigation; definitions of nautical astronomy; buoyage system of the United States; piloting; principles of compass compensation; practical problems in determining latitude, longitude, azimuths, compass error, times of sunrise and sunset, and tides and currents.

(h) *Seamanship.* The topics included are: Types and characteristics of ships and boats; ropes, knots, and splices; standing and running rigging; ground tackle; deck seamanship; watchstanding; signals; rules of the road; weather; ship handling.

(i) *Marine engineering.* The topics included are: Principles of operation of marine boilers and fittings, turbines, steam reciprocating engines, internal combustion engines, and fireroom and engineroom auxiliaries; lubrication; maintenance and repair.

(j) *Electrical engineering.* The topics included are: Definitions; measurements; magnets and magnetism; Ohm's Law; Kirchoff's Laws; solutions of D. C. networks; D. C. generators; D. C. motors; inductance, capacitance, and impedance; power factor; A. C. measurements; solutions of A. C. networks; A. C. generators; A. C. motors; safety precautions; batteries.

§ 33.05–17 *Procedure for making application.* (a) Those persons who consider themselves eligible under the regulations in this subpart and desire to apply for an appointment as a commissioned officer, chief warrant officer, or warrant officer in the U. S. Coast Guard should address a letter to the Commandant (PTP), United States Coast Guard, Washington 25, D. C., requesting an application, Coast Guard form CG–10116.

(b) Coast Guard form CG–10116 shall be completed in its entirety and mailed, with all the inclosures required, to the Commandant (PTP), U. S. Coast Guard, Washington 25, D. C.

§ 33.05–19 *Determination of eligibility and notification for examination.* (a) Upon receipt of Coast Guard form CG–10116 and inclosures at Coast Guard Headquarters, a determination will be made as to whether the applicant is eligible to participate in examinations for appointment as commissioned officer, chief warrant officer, or warrant officer in the Coast Guard. A list will then be prepared of those applicants who are in all respects qualified to compete in any examinations to be held in the calendar year in which application is made.

(b) When it is determined when examinations are to be conducted, all candidates on the list will be notified at least two months prior to the date of the examination. Instructions will be issued as to place, time, schedule of examination, etc.

(c) Lists of candidates eligible to take examinations are good only for a calendar year, and if the needs of the Coast Guard do not require the holding of the examination during any calendar year applicants on the list will be so notified. Applicants who desire to place their names on the new eligibility list for the following calendar year need only to re-affirm their desire and their names will be placed on the list. Complete renewal of original application is not required.

§ 33.05–21 *Conducting of examinations.* (a) Examinations will be conducted at various centers throughout the country. The schedule of examinations will normally be as follows:

(1) Commissioned officers.

First day: 8:00 a. m. to 12 noon—Laws and Regulations pertaining to the United States Merchant Marine; Mathematics; 1:00 p. m. to 4:30 p. m.—English; Aptitude Tests.

Second day: 8:00 a. m. to 12 noon—Navigation; Seamanship or Marine Engineering; Electrical Engineering; 1:00 p. m. to 4:30 p. m. Ship Construction; General Science.

Third day: 8:00 a. m. to 12 noon—Interviews.

(2) Chief warrant officers and warrant officers.

First day: 8:00 a. m. to 12 noon—Laws and Regulations pertaining to the United States Merchant Marine; Mathematics; 1:00 p .m. to 4:30 p. m.—English; Aptitude Tests.

Second day: 8:00 a. m. to 12 noon—Examination in Specialty; 1:00 p. m. to 4:30 p. m.—Interviews.

(b) Each candidate will appear before a Board of three commissioned officers of the Coast Guard, of the rank of Lieutenant Commander or above, for an interview. The Boards will be appointed by the Commanders of the Coast Guard Districts in which examinations are being conducted. Based upon this interview each applicant will receive a grade which reflects the judgment of the Board as to his adaptability for service as a Coast Guard commissioned or warrant officer.

§ 33.05–23 *Notification.* (a) All examination papers will be graded and reviewed, and adaptability of applicants for entrance into the Coast Guard determined by a Board of officers, Coast Guard Headquarters, Washington, D. C. This Board will be appointed by the Secretary of the Treasury and the Board's findings, when approved by the Secretary, are final.

(b) Applicants for appointments as commissioned, chief warrant, or warrant officers in the Coast Guard who are determined to be mentally and morally suited for the appointment will be so notified and directed to report for a final physical examination.

(c) When the results of the final physical examinations are received at Coast Guard Headquarters and it is determined that eligible applicants are physically qualified, they will be so notified.

(d) All candidates for appointments as commissioned, chief warrant, or warrant officers in the Coast Guard who are found to be not mentally, morally, or physically qualified for the appointment will be so notified.

(e) Appointments to commissioned, or chief warrant officer rank, will be made by the President, by and with the advice and consent of the Senate. Appointments to warrant officer rank will be made by the Secretary of the Treasury. Appointments will be offered to successful candidates to such extent as the needs of the Coast Guard require. Upon acceptance by the candidate he will be ordered immediately to active duty in the Coast Guard.

§ 33.05–25 *Requirements for examination and re-examination.* (a) All expenses in connection with application, physical examination, and travel to point of examination and interview must be borne by the candidate. Examinations will be given at specified times and places. Candidates will be given sufficient notice to arrange their personal affairs for the time necessary for examination.

(b) Examinations will be held simultaneously for all approved applicants and no exceptions will be made to permit holding special examinations at another time if a candidate is unable to participate in the scheduled examination. All candidates will be notified as promptly as possible as to the results of the examinations.

(c) Candidates who have failed an examination will be permitted to undertake subsequent examinations if they are, in all other respects, qualified for consideration for appointment in the United States Coast Guard.

§ 33.05–27 *Physical standards.* Examining medical officers in the field will prepare medical certificates on applicants in strict accordance with the regulations in this subpart. They have no authority to deviate in any respect from the requirements. The medical certificates will contain the actual facts as disclosed by the physical examination, together with the opinion of the examining physicians as to whether or not the candidate is physically qualified for appointment. Final determination as to physical qualification based on the facts disclosed by this report and the opinion of the examining medical officers will be made by the Commandant. The following are the general disqualifications, but it is impossible to specify every disease or condition which would disqualify an applicant, and an applicant will be rejected in case he presents any disease or physical condition which manifestly renders him unfit for duty, although such disease

or condition may not be specifically mentioned herein:

(a) Any acute disease.

(b) Mental infirmities: Insanity; idiocy; imbecility; dementia; feeble-mindedness.

(c) Diseases of the cerebrospinal system: Epilepsy; chorea; all forms of paralysis; tabes dorsalis; neuralgia; stuttering or other impediment of speech.

(d) Constitutional diseases: Feebleness of constitution; poor physique; impaired general health; suspected tuberculosis or syphilis. Wassermann test is obligatory in all cases.

(e) The skin: All chronic, contagious, and parasitic diseases of the skin; extensive nevi; deep and adherent cicatrices; chronic ulcers; vermin.

(f) The head: Abnormally large head; considerable deformities the consequence of fracture; serious lesions of the skull, the consequence of complicated wounds or the operation of trephining; caries and exfoliation of the bone; injuries of cranial nerves; tinea capitis; alopecia; performation or marked deviation of nasal septum; ozena; nasal polypi; chronic nasal catarrh.

(g) The spine: Caries; spina; bifida; lumbar abscess; rickets; fracture and dislocation of the vertebra; angular curvatures, including gibbosity of the anterior and posterior parts of the thorax.

(h) The ears: Deafness of one or both ears; all catarrhal and purulent forms of acute and chronic otitis media; perforated ear drum; polypi and other growths or diseases of the tympanum; closure of the auditory canal, partial or complete, except from acute abscess; furuncle, or impacted cerumen; malformation or loss of the external ear and all diseases thereof, except those which are slight and nonprogressive.

(i) (1) The eye: Loss of eye; total loss of sight of either eye; conjunctival affections, including trachoma; entropion; opacites of the cornea, if covering a part of moderately dilated pupil; petrygium, if extensive; strabismus; hydrophthalmia; exophthalmia; conical cornea; cataract; loss of crystalline lens; diseases of the lachrymal apparatus; ectropion; ptosis; incessant spasmodic motion of the lids; adhesion of the lids; large encysted tumors; abscess of the orbit; muscular asthenopia; nystagmus; any affection of the globe of the eye or its contents; defective vision, including anomalies of accommodation and refraction; myopia; hypermetropia, if accompanied by asthenopia; astigmatism; amblyopia; glaucoma; diplopia; color blindness. The candidate must have 20/30 vision, uncorrected, in each eye.

(2) Defective vision due to disease of the eye grounds, shall be cause for rejection at any time.

(j) The face: Extensive nevi; unsightly hairy spots; extensive cicatrices on the face.

(k) The mouth and fauces: Harelip, simple, double, or complicated; loss of the whole or a considerable part of either lip; unsightly mutilation of the lips from wounds, burns, or disease; loss of the whole or part of either maxilla; ununited fractures; ankylosis; deformities of either jaw interfering with mastication or speech; loss of certain teeth; cancerous or erectile tumors; hypertrophy or atrophy of the tongue; mutilation of the tongue; adhesions of the tongue; chronic ulceration; fissures or perforations of the hard palate; salivary of bucconasal and thyroglossal fistulae; hypertrophy of the tonsils sufficient to interfere with respiration or phonation.

(l) The neck: Goiter, scrofulous adenitis of the cervical glands; tracheal openings; thyroglossal or cervical fistulae; wry neck; chronic laryngitis, or any other disease of the larynx which would produce aphonia; stricture of the esophagus.

(m) The chest: Malformation of the chest or badly united fracture of the ribs or sternum sufficient to interfere with respiration; caries or necrosis of ribs; deficient expansive mobility; evident predisposition to tuberculosis; chronic pneumonia; emphysema; chronic pleurisy; pleural effusions; chronic bronchitis; previous operation for empyema; asthma; organic diseases of the heart or large arteries; serious protracted functional derangement of the heart; distinct predisposition to disease of heart or lungs.

(n) The abdomen: All chronic inflammations of the gastrointestinal tract, including diarrhea and dysentery; diseases of the liver or spleen, including those caused by malaria poisoning; ascites; obesity; hemorrhoids; prolapsus ani; fistula in ano; marked fissures of the anus; hernia in all situation; tumors.

(o) Genito-urinary organs: Any acute affection of the genital organs, including gonorrhea, syphilis, and venereal sores; loss of penis; phimosis, if complete; stricture of the urethra; atrophy or loss of both testicles; undescended testicle or permanent retraction of one or both testicles; chronic disease of the testicle or epididymitis; hydrocele of the tunic and cord unless the hydrocele of the cord is small and inconsequential; varicocele causing symptoms; malformations of the genitalia (epispadias or hypospadias not preventing the normal passage of urine may not cause rejection); incontinence or retention of urine; urinary fistulae; enlargement of the prostate; calculus; cystitis; all organic diseases of the kidney.

(p) Affections common to both the upper and lower extremities: Chronic rheumatism; chronic diseases of joints or movable cartilage; acquired or congenital deformities such as old or irreducible dislocations or false joints; severe sprains; relaxation of the ligaments or capsules of joints; dislocations; fistulae connected with joints or any parts of bones; effusions into joints; badly united or nonunited fractures; defective or excessive curvature of the long bones; rickets; caries; necrosis; exostoses; atrophy or paralysis of a limb; extensive, deep, or adherent cicatrices, especially of burn; contraction or permanent retraction of a limb or portion thereof; loss of a limb or portion thereof.

(q) The upper extremities: Acquired or congenital deformities, such as fracture of the clavicle or fracture of the radius and ulna; webbed fingers; permanent flexion or extension of one or more fingers, as well as irremedial loss of motion of these parts; mutilation or loss of either thumb or index finger; loss of the second and third phalanges of all fingers of either hand; total loss of any two fingers of the same hand.

(r) The lower extremities: Acquired or congenital deformities, such as, varicose veins, knock-knees, club feet, flat feet (causing symptoms), webbed feet, the affected toes doubled or branching, the great toe crossing the other toes, hammer toe, bunions, large corns; overriding or superposition of any of the toes to an extreme degree; loss of a great toe; loss of any two toes of the same foot; permanent retraction of the last phalanx of any of the toes or flexion at a right angle of the first phalanx of a toe upon the second, with ankylosis of the articulation; ingrowing of the nail of the great toe; bromidrosis; chronic ulcers.

(s) *Hearing.* An applicant who cannot hear conversational speech 30 feet and whispered speech 15 feet will be rejected. The applicant will be placed at one end of the room with the ear to be tested toward the other end of the room and will insert his moistened index finger into the other ear. The examining surgeon will approach within a few feet of the applicant and pronounce words or phrases and direct the applicant to repeat what he has heard. The surgeon will then gradually recede from the applicant until he ceases to repeat correctly what is spoken to him and the distance entered on the examination record. The applicant will then face about and the other ear will be similarly tested and recorded. The above technique will be carried out in testing whispered speech, the examiner using residual air in whispering. The applicant's eyes will be covered to prevent lip reading. Any chronic disease of the external, middle, or internal ear will be sufficient cause for rejection.

(t) *Teeth.* An applicant will not be accepted unless he has a minimum of 20 teeth, 14 of which must be serviceable for masticating and incising food, and so arranged as to have 4 masticating teeth in the upper jaw opposed to 4 masticating teeth in the lower jaw, and 3 incisor teeth in the upper jaw opposed to 3 incisor teeth in the lower jaw. By "serviceable teeth" is meant sound teeth or those which have been restored by fillings or well-fitting crowns, which are not involved with pyorrhea or pus pockets around the roots, and which are not placed so irregularly as to prevent opposed teeth entering into serviceable occlusion. Masticating teeth will be considered as molars (including wisdom teeth) and bicuspids. Incisor teeth will include incisor and canine teeth. Bridge teeth or teeth on plates will not be considered as serviceable teeth. Teeth used as abutments for bridges may be considered as serviceable teeth. Artificial teeth used in plates or bridges will not be so considered, but if the prosthetic appliances are well fitting the teeth so supplied may be computed in addition to the 14 necessary serviceable teeth in order to allow the applicant sufficient teeth for entrance. Such bridge or prosthetic appliances, as well as missing or unsound teeth, will be indicated in the record of physical examination.

(u) A careful urinalysis (including microscopical examination) will be made in each case, and a quantitative examination, when practicable, if albumen or sugar is present.

(v) Blood pressure readings are required on all examinations. In considering the blood pressure, due regard will be given to the age of the applicant and to physiological causes, such as excitement, recent exercises, and digestion. The condition of the arteries, the tenseness of the pulse, and the degree of accentuation of the aortic second sound will be taken into consideration, as will also the relation between the systolic and diastolic pressure. No applicant will be rejected as a result of a single reading. When the blood pressure reading at the first examination is regarded as abnormal, or in case of doubt, the procedure will be repeated twice daily, in the morning and in the afternoon, for a sufficient number of days to enable the examiner to arrive at a definite conclusion. Hypertension evidenced by a persistent systolic blood pressure above 150 or hypotension with less than 110 is a cause for rejection. In a person under 25 years of age a persistent systolic pressure of or above 140 or a persistent diastolic pressure of 95 or over is a cause for rejection.

(w) (1) Attention will be paid to the stature and physical proportions of the candidate, and no one under 5 feet 6 inches nor over 6 feet 4 inches (stripped) will be accepted.

(2) The following tables of physical proportions are for information and guidance. Mere fulfillment of the requirements of the standard tables does not determine eligibility.

Height		Weight	Allowance for underweight or overweight	Chest measurement	
In feet—	In inches—			At expiration	Mobility
		Pounds	*Pounds*	*Inches*	*Inches*
5 ft.	66	132	8	32½	2
5 ft.	67	134	8	33	2
5 ft.	68	141	12	33¼	2½
5 ft.	69	148	15	33½	2½
5 ft.	70	155	20	34	2½
5 ft.	71	162	20	34¼	2½
6 ft.	72	169	20	34¾	3
6 ft.	73	176	20	35¼	3
6 ft.	74	183	20	35¾	3½
6 ft.	75	190	20	36¼	3¾
6 ft.	76	197	20	36¾	3¾

(3) If an applicant weighs more than the number of pounds stated in the above table, including allowance for overweight, he may be accepted if the overweight is due to muscle and bone, but will be rejected if it is due to fat.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

NOVEMBER 22, 1948.

[F. R. Doc. 48-10374; Filed, Nov. 29, 1948; 8:56 a. m.]

Chapter III—Coast Guard: Inspection and Navigation

TRANSFER OF REGULATIONS

CROSS REFERENCE: For transfer of the regulations in this chapter, see Chapter I of this title, *supra*.

Chapter IV—Coast Guard: Navigational Aids

TRANSFER OF REGULATIONS

CROSS REFERENCE: For transfer of the regulations in this chapter, see Chapter I of this title, *supra*.

TITLE 34—NATIONAL MILITARY ESTABLISHMENT

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 555—MOTION PICTURE SERVICE

PATRONAGE ELIGIBILITY

A new paragraph (e) is added to § 555.9, as follows:

§ 555.9 *Patronage eligibility.* • • •

(e) Civilian guests of military personnel may attend Army theaters when in company of military personnel and provided proper written authorization is presented at time of admission. [C4, AR 210—390, Nov. 1, 1948] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10365; Filed, Nov. 29, 1948; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 927]

[Docket No. AO 71-A-17]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Supps., 900.1 et seq.; 12 F. R. 1159, 4904), notice is hereby given of a hearing to be held at the Commodore Hotel, New York, New York, beginning at 10:00 a. m., e. s. t., December 8, 1948, and at the State Office Building (Hearing Room 1), Albany, New York, beginning at 10:00 a. m., e. s. t., December 9, 1948, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the establishment of minimum Class I-A prices for a limited period of time beginning January 1, 1949. Evidence will be received on the following proposals:

1. (Proposed by Metropolitan Cooperative Milk Producers Bargaining Agency Inc.; Dairymen's League Cooperative Association, Inc.; and Eastern Milk Producers Cooperative Association, Inc.)

Amend § 927.5 (a) (1) (ii) to read:

(ii) The Class I-A price shall be $5.68 per hundredweight for each of the months of January, February, and March 1949, and $5.24 per hundredweight for each of the months of April, May, and June 1949.

2. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.)

Amend § 927.5 (a) (1) (ii) to read:

(ii) The Class I-A price per hundredweight for each of the months of January, February, and March 1949 shall be the 201-210 mile zone price per hundredweight established under Order No. 4 for Class I milk containing 3.7 percent butterfat for the Greater Boston Marketing Area, minus 19 cents.

Copies of this notice of hearing, the said order, as amended, now in effect, and the said tentative marketing agreement may be procured from the Market Administrator, 205 East 42d Street, New York, New York, or from the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: November 24, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-10410; Filed, Nov. 29, 1948; 8:59 a. m.]

[7 CFR, Part 975]

[Docket No. AO-179-A-4]

HANDLING OF MILK IN CLEVELAND, OHIO, MILK MARKETING AREA

HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of prac-

tice and procedure, as amended (7 CFR, Supps. 900.1 et seq.; 11 F. R. 7737, 12 F. R. 1159, 4904), notice is hereby given of a public hearing to be held at the Carter Hotel, Cleveland, Ohio, beginning at 10:00 a. m., e. s. t., December 7, 1948, for the purpose of receiving evidence with respect to a proposed amendment to the tentative marketing agreement as heretofore approved and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (12 F. R. 5840, 13 F. R. 2332, 13 F. R. 5653). The amendment proposed has not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendment hereinafter set forth:

The following amendment has been proposed by the Milk Producers Federation of Cleveland:

1. Amend § 975.6 (b) (1) to delete the proviso contained therein and to provide that the price for Class I milk shall not be less than $5.25 per hundredweight prior to April 1, 1949.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the market administrator, 2163 East Second Street, Cleveland, Ohio, or from the Hearing Clerk, United States Department of Agriculture, in Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 24, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 48-10412; Filed, Nov. 29, 1948; 9:00 a. m.]

[7 CFR, Part 989]

[Docket No. AO-198]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In F. R. Doc. 48-10196, appearing at page 6884 of the issue for Tuesday, November 23, 1948, the following changes are made:

1. In § 989.4 (f) the word "delivery" in the first line of subparagraph (3) should read "delivered", and in subparagraph (6) the phrase "or (6)" should be deleted.

2. In the last paragraph before the signature "P. O. Box 775" should read "P. O. Box 773".

3. In Exhibit A, under "Biola District 3", the figure "1319" in the third line should read "13-19".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 1]

[Docket No. 9126]

COMMERCIAL RADIO OPERATORS

PROPOSED RULE MAKING

In the matter of amendments §§ 13.61 and 13.62 of the Commission's rules governing commercial radio operators, docket No. 9126.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to amend §§ 13.61 and 13.62 of its rules governing commercial radio operators for three purposes:

(a) To include in the scope of authority of the various classes of commercial radio operator licenses as set forth in Part 13 of the Commission's rules, appropriate provision for stations using pulsed and frequency modulated types of emission.

(b) To define more clearly the basic scope of authority of the various classes of commercial radio operator licenses by reference to types of transmission employed (radiotelephone, radiotelegraph, facsimile, television, etc.) in lieu of the present references to types of emission. This change is made desirable by the fact that provision in Part 13 for stations employing pulsed and frequency modulated techniques would, under the present system of reference to types of emission, lead to the use of approximately 22 different standard symbols in defining the scope of authority of commercial operator licenses. It is believed that such a system is unnecessarily complicated and cumbersome.

(c) To expand the scope of operating authority under the radiotelephone classes of license so as to include therein certain transmissions technically classified as telegraphy but which the holder of a radiotelephone class of license is considered to be qualified to handle. These types of transmission consist generally of telegraphy of any form except by any type of the Morse code; telegraphy transmitted automatically for distress, identification or testing purposes by a station normally using some other type of transmission; telegraphy transmitted automatically by a relay station on frequencies above 30 Mc; and telegraphy transmitted as an incidental part of a program intended to be received by the general public.

APPENDIX

1. Section 13.61 of the rules governing commercial radio operators is amended in the following particulars:

(a) Paragraph (a) is amended to read as follows:

(a) *Radiotelephone second-class operator license.* Any station, except stations transmitting telegraphy by any type of the Morse Code and except standard broadcast stations, international broadcast stations, FM broadcast stations, noncommercial educational FM broadcast stations with transmitter power rating in excess of 1 kw, television broadcast stations licensed for commercial operation, or ship stations licensed to use power in excess of 100 watts for communication with coastal telephone stations.

(b) Paragraph (b) is amended to read as follows:

(b) *Radiotelephone first-class operator license.* Any station, except stations transmitting telegraphy by any type of the Morse Code and except ship stations licensed to use power in excess of 100 watts for communication with coastal telephone stations.

(c) Paragraphs (c) and (d) are amended by deleting the words "any station while using type B, A-O, A-1, A-2, A-3 or A-4 emission except—" and substituting the following: "Any station except stations transmitting television and except—".

(d) Paragraph (e) is amended by deleting the words "any station while using type A-O, A-3, or A-4 emission" and substituting the following: "Any station except stations transmitting television or transmitting telegraphy by any type of the Morse Code."

(e) Paragraph (f) is amended by deleting the words "any station while using type B, A-O, A-1, A-2, A-3, or A-4 emission; *Provided*, That, in the case of equipment designed for and using type A-3 or A-4 emission—" and substituting the following: "Any station except stations transmitting television: *Provided*, That, in the case of equipment designed for and using telephone or facsimile transmissions—".

3. The proposed amendments, authority for which is contained in sections 4 (i) and 303 (l) and (r) of the Communications Act of 1934, as amended, are set forth in an appendix attached to this notice.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth in the appendix hereto, may file with the Commission on or before December 31, 1948, a statement or brief setting forth his comments. At the same time, persons favoring the amendments as proposed may file statements in support thereof. The Commission will consider all such comments that are presented before taking action in the matter, and if any comments are submitted which appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 22, 1948.

Released: November 23, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10397; Filed, Nov. 29, 1948; 8:59 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-305]

PROPOSED TRADE PRACTICE RULES FOR THE CANVAS COVER INDUSTRY

NOTICE OF ADDITIONAL TIME WITHIN WHICH TO FILE SUGGESTIONS OR AMENDMENTS

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 26th day of November 1948.

Opportunity is hereby extended by the Federal Trade Commission to all members of the Canvas Cover Industry and all other interested or affected parties to prepare and file in writing with the Commission specific or additional suggestions or amendments to the proposed trade practice rules for this industry which were released for consideration on October 29, 1948, and the hearing on which was held November 22, 1948, in Washington, D. C. For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such suggestions or amendments may be submitted by letter, memorandum, brief, or other written communication, to be filed with the Commission not later than January 22, 1949. All such matters filed in the proceeding will receive due consideration by the Commission before final action on the proposed rules.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-10435; Filed, Nov. 29, 1948; 9:03 a. m.]

NOTICES

NATIONAL MILITARY ESTABLISHMENT

Department of the Army

DESCRIPTION OF CENTRAL AND FIELD AGENCIES

The Description of Central and Field Agencies, which formerly appeared in the Code of Federal Regulations as Part 1, Subtitle A, Title 10, is amended as follows:

1. In section 1.13, delete the words "As Senior Army Planner".

2. Sections 1.1 (c), 1.1 (d) (3), 1.6, 1.9, 1.12, 1.14, 1.23 (b) and (c), 1.24 (c), and 1.29 (a) (2), are amended, sections 1.5a, 1.5b, 1.5c, 1.7 (c) and 1.22a are added, and sections 1.15, 1.16, 1.17, 1.23 (a) (2) and 1.24 (a) (8) are revoked, as follows:

SEC. 1.1 *General.* • • •

(c) This organization provides, under the Chief of Staff, a General and a Special Staff; an Office, Chief, Army Field Forces, under the Chief, Army Field Forces; Administrative Staffs and Services under the Director of Personnel and Administration; Technical Staffs and Services under the Director of Logistics; six army areas; the Military District of Washington; and such oversea commands as the Secretary of the Army may find necessary.

• • • • • •

(d) The following principles have been applied in designing the organization of the Department of the Army and described in this part:

• • • • • •

(3) The structure of the staff organization supporting the Chief of Staff, Vice Chief of Staff, and Deputy Chiefs of Staff must be as simple as possible with a minimum of individuals habitually reporting direct to the Chief of Staff, Vice Chief of Staff, or the Deputies.

• • • • • •

SEC. 1.5a *Vice Chief of Staff, United States Army.* The Vice Chief of Staff is responsible to, and is the principal adviser and assistant to the Chief of Staff, and acts for him in his absence. The Vice Chief of Staff performs and exercises such of the functions, duties and powers devolved upon the Chief of Staff by law, regulation, or otherwise, as the Chief of Staff may direct. All orders, recommendations, and other official acts of the Vice Chief of Staff are considered as emanating from the Chief of Staff and shall have full force and effect as such.

SEC. 1.5b *Deputy Chief of Staff for Plans and Combat Operations.* The Deputy Chief of Staff for Plans and Combat Operations is responsible to the Chief of Staff for the supervision and correlation of:

(a) Planning activities of the Army.

(b) Direction of combat of operations including such as may be charged to the Chief of Staff as the executive agent of the Joint Chiefs of Staff.

(c) Deployment of forces and the allocation of resources assigned to the Department of the Army in peace and war.

(d) Assignment of strategic and tactical missions of commanders operating overseas or in the zone of the interior.

SEC. 1.5c *Deputy Chief of Staff for Administration.* The Deputy Chief of Staff for Administration is responsible to the Chief of Staff for the supervision and correlation of all administrative and current operational activities of the Army other than those assigned to the Deputy Chief of Staff for Plans and Combat Operations in section 1.5b.

SEC. 1.6 *Chief of Information.* The Chief of Information advises the Secretary of the Army and the Chief of Staff on matters of policy relating to public understanding and support of the Army, and is responsible to the Chief of Staff for supervision and coordination throughout the Department of the Army in the information and education field, both at home and abroad. He coordinates the public information and legislative (except for appropriations) policies and programs of the Army, and troop information and education policies and programs of the Army and the Air Force by exercising supervision over the following agencies whose heads are responsible to him for the performance of functions assigned to them:

(a) *Public Information Division.* The Chief, Public Information Division, coordinates, processes, and releases all Department of the Army announcements of public interest, including photographs and motion pictures, to news-gathering agencies, radio stations and networks, film producers, and other public and private organizations in the field of public information; supervises Department of the Army contacts with these agencies; and assists outside writers by gathering material and arranging interviews with officials within and outside the Department of the Army.

(b) *Legislative and Liaison Division.* The Chief, Legislative and Liaison Division formulates, coordinates, and accomplishes the Department of the Army legislative program, except appropriations bills; participates in official Department of the Army contacts with the Congress and its individual members, except in matters pertaining to appropriations; and coordinates contacts of other Department of the Army agencies with the Congress.

(c) *Army-Air Force Troop Information and Education Division.* The Chief, Army-Air Force Troop Information and Education Division is charged with developing basic plans and policies for information and education activities for military personnel. He supervises the execution of information and education programs, but in so doing does not engage in operations or administrative duties where an agency exists for that purpose.

SEC. 1.7 *Army Comptroller.* • • •

(c) The Chief of Finance is under the supervision of the Army Comptroller and is responsible through him and the Chief of Staff to the Secretary of the Army.

• • • • • •

SEC. 1.9 *Director of Personnel and Administration.* (a) The Director of Personnel and Administration, General Staff, United States Army, is the military personnel manager of the Department of the Army. He has the primary General Staff interest in manpower. He is the adviser to and assistant to the Chief of Staff for administrative matters and for matters relating to manpower as a whole and to military personnel as individuals throughout the Army. He has over-all Department of the Army responsibility for the procurement, allocation, and reallocation of personnel in bulk in accordance with established requirements and priorities, and for the separation of individuals from the military service. He exercises General Staff supervision and direction of the Army Safety Program.

(b) Under the direction of the Chief of Staff, the Director of Personnel and Administration directs and controls the operations and administrative activities of the heads of Administrative Services. In exercising such direction and control, he receives from the other General Staff Directors and the Army Comptroller the same staff direction previously exercised by them over the heads of Administrative Services and is assisted by the General Staff Directors and the Army Comptroller in the implementation of this additional responsibility.

* * * * *

SEC. 1.12 *Director of Logistics.* (a) The Director of Logistics, General Staff, United States Army, has General Staff responsibility for logistical planning; service activities; supply control; distribution, storage, and maintenance of supplies; purchasing; production and other industrial matters; disposal of surplus property, initiation, allocation, coordination, and progress of research and development programs; conduct of research and development activities in consonance with user interest; and for the development of Army service, supply, procurement, research and development plans, policies, objectives, and programs in consonance with Army-wide plans, policies, objectives, and programs.

(b) Under the direction of the Chief of Staff, and The Assistant Secretary of the Army on procurement and related industrial matters, the Director of Logistics directs and controls the operations and administrative activities of the heads of Technical Services. In exercising such direction and control, he receives from the other General Staff Directors and the Army Comptroller the same staff direction previously exercised by them over the heads of Technical Services and is assisted by the General Staff Directors and the Army Comptroller in the implementation of this additional responsibility. Civil functions of the Corps of Engineers are specifically exempted from direction and control by the Director of Logistics; in regard to these matters the Secretary of the Army deals directly with the Chief of Engineers.

* * * * *

SEC. 1.14 *Special Staff, United States Army.* The following agencies, because of their fields of activity, report direct to the Chief of Staff and are designated as the Special Staff:

(a) National Guard Bureau.
(b) Office of the Executive for Reserve and ROTC Affairs.
(c) Office of the Inspector General.
(d) Historical Division.
(e) Civil Affairs Division.
(f) Office of the Judge Advocate General.

SEC. 1.15 [Revoked.]

SEC. 1.16 [Revoked.]

SEC. 1.17 [Revoked.]

* * * * *

SEC. 1.22a *Office of the Judge Advocate General.* The Office of the Judge Advocate General, Special Staff, United States Army, is charged throughout the Army with supervising the system of military justice; providing legal advice and services; and with operating the system of appellate review of records of general courts martial provided by the Articles of War. The Judge Advocate General is the chief law officer of the Department of the Army and the chief legal adviser to the Secretary of the Army and the Chief of Staff. He reports direct to the Secretary of the Army with respect to courts martial and certain legal matters.

SEC. 1.23 *Administrative Staffs and Services.* (a) The Administrative Services are as follows:

* * * * *

(2) [Revoked.]

* * * * *

(b) The heads of the Administrative Services are also Administrative Staff officers of Headquarters, Department of the Army. As such, they function according to the principles referred to in section 1.24 (b). The General and Special Staffs will decentralize appropriate functions to the Administrative Staffs and Services to the maximum extent practicable. Communication between the appropriate staff division and the Administrative Staffs and Services is conducted through the Director of Personnel and Administration except as authorized herein or as may be specifically prescribed by the Director of Personnel and Administration.

(c) The Administrative Staffs and Services are directed and controlled in their operations and administrative activities by the Director of Personnel and Administration in accordance with the provisions of section 1.9 (b).

SEC. 1.24 *Technical Staffs and Services.* (a) The Technical Services are as follows:

* * * * *

(8) [Revoked.]

* * * * *

(c) The Technical Staffs and Services are directed and controlled in their operations and administrative activities by the Director of Logistics in accordance with the provisions of section 1.12 (b). The General and Special Staffs will decentralize appropriate functions to the Technical Staffs and Services to the maximum extent practicable. Communication between the appropriate staff division and the Technical Staffs and Services is conducted through the Director of Logistics except as authorized herein or as may be specifically prescribed by the Director of Logistics.

(1) through (10) [Revoked.]

* * * * *

SEC. 1.29 *Communications*—(a) *How addressed.*

* * * * *

(2) Matters requiring the attention of the Chief of Staff, the Vice Chief of Staff, or a Deputy Chief of Staff, United States Army, or the attention of more than one of the divisions of the General or Special Staffs will be addressed to the Chief of Staff, United States Army, Washington 25, D. C. Correspondence requiring the attention of a single division of the General or Special Staffs may be addressed to the head of the division by title, General or Special Staff (as the case may be), United States Army, Washington 25, D. C.

* * * * *

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10364; Filed, Nov. 29, 1948; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

AMENDMENT TO ORGANIZATION STATEMENT

The statement on organization of the Bureau of Animal Industry, Agricultural Research Administration (formerly Part 2403), is amended by adding the following:

The Agriculture Remount Service administers the Act of April 21, 1948 (Public Law 494, 80th Congress) which transferred to this Department the former Remount Service Quartermaster Corps, Department of the Army, and consists of a program to improve the breeding of light horses in such manner as will best advance the livestock and agricultural interests of the United States.

The work of this Service is carried on directly and in cooperation with public and private organizations and individuals. The horses are available for the use of breeders upon showing of proper qualifications.

The use of breeding stallions is customarily made available through agents under contract with the Bureau. Persons desiring use of the breeding service may apply to the agent in their locality if known, or should communicate with the nearest Agriculture Remount station. A fee of not to exceed $20.00 may be charged by an agent for breeding a mare. Stations are located at Fort Robinson, Nebraska; Fort Reno, Oklahoma; and Pomona, California.

F. H. SPENCER,
Acting Administrator, Agricultural Research Administration.

[SEAL] A. J. LOVELAND,
Acting Secretary of Agriculture.

NOVEMBER 23, 1948.

[F. R. Doc. 48-10360; Filed, Nov. 29, 1948; 8:50 a. m.]

Rural Electrification Administration

[Administrative Order 1650]

LOAN ANNOUNCEMENT

NOVEMBER 16, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 31F McNairy	$480,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 48-10400; Filed, Nov. 29, 1948; 8:59 a. m.]

[Administrative Order 1651]

LOAN ANNOUNCEMENT

NOVEMBER 17, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 32L Calhoun	$167,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 48-10401; Filed, Nov. 29, 1948; 8:59 a. m.]

[Administrative Order 1652]

LOAN ANNOUNCEMENT

NOVEMBER 17, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 84B Hamilton	$5,994,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 48-10402; Filed, Nov. 29, 1948; 8:59 a. m.]

[Administrative Order 1653]

LOAN ANNOUNCEMENT

NOVEMBER 17, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 77L Forsyth	$150,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 48-10403; Filed, Nov. 29, 1943; 8:59 a. m.]

[Administrative Order 1654]

LOAN ANNOUNCEMENT

NOVEMBER 17, 1948.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pennsylvania 13T Tioga	$100,000

[SEAL] GEORGE W. HAGGARD,
Acting Administrator.

[F. R. Doc. 48-10404; Filed, Nov. 29, 1948; 8:59 a. m.]

DEPARTMENT OF COMMERCE

Office of Industry Cooperation

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR TANK AND OIL FIELD PRODUCTION EQUIPMENT

NOTICE OF PUBLIC HEARING ON PROPOSED CONTINUATION AND OTHER MATTERS

Notice is hereby given that a public hearing will be held on Wednesday, December 8, 1948, at 10:00 a. m., e. s. t., in the Auditorium on the fifth floor of the National Archives Building, Pennsylvania Avenue between Seventh and Ninth Streets NW., Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to (1) the proposed continuation beyond February 28, 1949, of the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for tank and oil field production equipment, approved by the Attorney General on August 24, 1948 and by the Secretary of Commerce on August 25, 1948 and subsequently published in the FEDERAL REGISTER (13 F. R. 5666) and (2) several proposed changes in the operational details of the plan.

The proposed continuation involves two procedures. One would remain effective if the present authority contained in Public Law 395 is not extended. The other would become effective if the present authority contained in Public Law 395 is appropriately extended. The two procedures are represented by documents attached hereto as Exhibits A and B. They are in draft form and are subject to revision at or after the public hearing.

Under one procedure (Exhibit B), it is proposed that the Secretary of Commerce will make a request, with the approval of the Attorney General, for unilateral action by steel producers in continuing deliveries for the program during the six-month period March 1, 1949 through August 31, 1949, in accordance with section 2 (f) of Public Law 395.

Under the other procedure (Exhibit A), it is proposed to amend the existing plan to provide that, in the event of statutory extension, the plan itself will automatically continue in effect during the seven-month period March 1, 1949 through September 30, 1949, which would round out the full third calendar quarter.

Exhibit A also contains the proposed changes in the operational details of the plan.

The proposed actions have been formulated after consulting with representatives of the steel producing and tank and oil field production equipment industries and with interested government agencies, including the Department of the Interior, the National Military Establishment, and the Department of Justice.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Friday, December 3, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

JOHN R. ALISON,
Acting Secretary of Commerce.

EXHIBIT A—AMENDMENT

PROPOSED AMENDMENT TO VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR TANK AND OIL FIELD PRODUCTION EQUIPMENT

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with respresentatives of the steel producing industry and manufacturers of tank and oil field production equipment and after expression of the views of industry, labor and the public generally at an open public hearing held on December 8, 1948, has determined that, in order to carry out the program begun under the voluntary plan (13 F. R. 5666) entered into by steel producers to furnish certain steel products to manufacturers of tank and oil field production equipment, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in the said Public Law 395, that (1) steel producers make further deliveries of steel products to such manufacturers beyond February 28, 1949 and (2) that certain changes be made in the existing plan to cover this and other matters.

Therefore, the abovementioned voluntary plan is amended as follows:

1. By adding the following after the certification at the end of subparagraph 3 (b):

In addition, certifications on orders placed after December 31, 1948 shall carry the following additional sentence:

The undersigned further certifies that the quantities ordered herewith, when added to all other quantities certified by the undersigned under the plan for the same delivery month, do not exceed the undersigned's allocations under the plan for that month.

Purchase orders shall be placed not less than 60 days before the first of the month in which delivery is required.

2. By adding the following as a new subparagraph (c) at the end of paragraph 3:

(c) Participation in the benefits of this plan shall at all times be contingent upon each participating Manufacturer's continued strict compliance with the provisions hereof. In the event of any actual or prospective noncompliance by any participating Manufacturer, the Secretary of Commerce may, after written notice to the participating Manufacturer, take such action as he deems warranted with respect to the Manufacturer's participation in the Plan, including partial or total suspension or termination of participation privileges and notification to the participating steel producers not to make any or certain further shipments under the Plan to such Manufacturer.

3. By adding the following at the end of paragraph 5: "However, if the time limitation of March 1, 1949 now specified in subsection 2 (b) of Public Law 395 is extended or otherwise changed by legislative action in a form which permits the continuation of this plan, the plan shall thereupon automatically continue in effect through September 30, 1949 (or through the date specified in such legislative action if a date earlier than September 30, 1949 is so specified) subject to other applicable provisions in this plan regarding earlier termination by the Secretary of Commerce and withdrawal by any individual participant. During the continuation period, steel products shall be made available at the rate of approximately 16,530 net tons per month, distributed by types as specified in subparagraph 2 (a) of this plan."

4. By inserting the following new paragraph at the end of the plan:

7. Any interpretation issued by the Secretary of Commerce (after consultation with the Attorney General), in writing, to clarify the meaning of any terms or provisions in this plan shall be binding upon all participants notified of such interpretation.

After approval of this amendment by the Attorney General and by the Secretary of Commerce, and after any steel producer or any manufacturer of tank and oil field production equipment has made a written acceptance of a request by the Secretary of Commerce for compliance herewith, this amendment shall become effective as to such steel producer or such manufacturer and shall be subject to the terms and conditions set forth in the original voluntary plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—REQUEST

PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR TANK AND OIL FIELD PRODUCTION EQUIPMENT

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing industry and manufacturers of tank and oil field production equipment, and after expression of the views of industry, labor and the public generally at an open public hearing held on December 8, 1949, has determined that, in order to carry out the program begun under the voluntary plan (13 F. R. 5666) entered into by steel producers to furnish certain steel products for manufacturers of tank and oil field production equipment it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products to such manufacturers after the expiration of the plan on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the above-mentioned voluntary plan continue to make approximately 16,530 net tons of steel products available monthly, during the period March 1, 1949, through August 31, 1949, on certified orders from manufacturers of tank and oil field production equipment; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That manufacturers of tank and oil field production equipment place purchase orders hereunder only for the quantities and types of steel products established for them individually by the Secretary of Commerce; that they put identifying certifications on such purchase orders; and that they use all steel products obtained hereunder solely for the manufacture of tank and oil field production equipment.

In the event that an amendment to the abovementioned voluntary plan extending its effectiveness beyond February 28, 1949 takes effect pursuant to appropriate legislation, this request will be superseded by said extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-10439; Filed, Nov. 29, 1948; 10:32 a. m.]

VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, RECONVERSION AND REPAIR OF MERCHANT VESSELS

NOTICE OF PUBLIC HEARING ON PROPOSED INCREASE AND OTHER CHANGES AND ON CONTINUATION

Notice is hereby given that a public hearing will be held on Wednesday, December 8, 1948, at 4:00 p. m., e. s. t., in the Auditorium on the fifth floor of the National Archives Building, Pennsylvania Avenue between Seventh and Ninth Streets NW., Washington, D. C., for the purpose of affording to industry, labor and the public generally an opportunity to present their views with respect to (1) the proposed increase in the quantity of steel products to be made available under the voluntary plan, under Public Law 395, 80th Congress, for the allocation of steel products for the construction, reconversion and repair of merchant vessels, approved by the Attorney General on November 3, 1948 and by the Secretary of Commerce on November 5, 1948, (2) several proposed changes in the operational details of the plan, and (3) proposed completion of the procedures for continuation beyond February 28, 1949.

The increase in the monthly allocation quantity from 10,190 net tons of steel products to 15,415 net tons, beginning with the month of February 1949, and other changes in the operational details are set out in Exhibit A hereto.

Exhibit B hereto is a proposed request, to be made by the Secretary of Commerce, with the approval of the Attorney General, for unilateral action by participants in continuing the program for six months beyond February 28, 1949, in accordance with section 2 (f) of Public Law 395. This would remain effective in the event the authority now contained in the Law is not extended. The plan already provides for automatic continuation in the event of appropriate statutory extension.

Both Exhibits are in draft form and are subject to revision at or after the public hearing.

The proposed actions have been formulated after consulting with representatives of the industries involved and with interested government agencies, including the U. S. Maritime Commission, the National Military Establishment, and the Department of Justice.

Any person desiring to participate in the public hearing should file a written notice of appearance with the Director of the Office of Industry Cooperation, Room 5847, Department of Commerce Building, Washington 25, D. C., not later than 5 p. m., e. s. t., on Friday, December 3, 1948. Persons desiring to present written statements or memoranda should submit them, in triplicate, at the hearing.

JOHN R. ALISON,
Acting Secretary of Commerce.

EXHIBIT A—AMENDMENTS

PROPOSED AMENDMENT TO VOLUNTARY PLAN UNDER PUBLIC LAW 395, 80TH CONGRESS, FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, RECONVERSION AND REPAIR OF MERCHANT VESSELS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing and shipbuilding industries, and after expression of the views of industry, labor and the public generally at an open public hearing held on December 8, 1948, has determined that, in order to carry out the program begun under the voluntary plan (13 F. R. ——) entered into by steel producers to furnish certain steel products for builders, reconverters, and repairers of merchant vessels, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in the said Public Law 395, that (1) steel producers make larger quantities of steel products available to such builders, reconverters, and repairers and (2) that certain changes be made in the existing plan to cover this and other matters.

Therefore, the abovementioned voluntary plan is amended as follows:

1. Paragraph 2 (*Agreement by Steel Producers*) is amended to read as follows:

2. *Agreement by Steel Producers.* During the period this plan remains in effect, producers will make available, out of their own production or that of their producing subsidiaries or affiliates, to participating builders a total of 10,190 net tons of steel products for the month of January 1949 and a total of 15,415 net tons per month thereafter, distributed by types approximately as follows:

Type	Net tons per month	
	January 1949	After January 1949
Structural shapes	939	2,016
Bars	165	689
Pipe	206	717
Plate—under 5/8"	3,303	11,240
Plate—5/8" and over	2,294	
Sheets—black	126	289
Sheets—galvanized	266	473
Miscellaneous—for repairs [1]	2,801	(2)
Total net tons per month	10,190	15,415

[1] Classifications to be determined later.
[2] Including above.

Producers will, from time to time, however, upon request of the Secretary of Commerce, give consideration to making additional quantities available.

2. By redesignating subparagraph 7 (c) *Other Reports* as 7 (d) and inserting the following as a new subparagraph 7 (c):

(c) *Report on orders placed.* In addition to the other reports provided for in this paragraph, each participating builder will, no later than the first day of each month, submit to the Secretary of Commerce, by letter or telegram, a report on the quantities and kinds of steel products covered by certified orders placed by it under this plan and accepted by participating steel producers for delivery in the second succeeding month.

3. By inserting the following, as an unnumbered subparagraph, at the end of paragraph 8 (*Obligations of participating builders*):

Participation in the benefits of this plan shall at all times be contingent upon each participating builder's continued strict compliance with the provisions hereof. In the event of any actual or prospective noncompliance by any participating builder, the Secretary of Commerce may, after written notice to the participating builder, take such action as he deems warranted with respect to the builder's participation in the plan, including partial or total suspension or termination of participation privileges and notification to the participating steel producers not to make any or certain further shipments under the plan to such builder.

4. By inserting the following after the certification in paragraph 9 (*Procedure for placing orders*):

In addition, certifications on orders placed after December 31, 1948 shall carry the following additional sentence:

The undersigned further certifies that the quantities ordered herewith, when added to all other quantities certified by the undersigned under the plan for the same delivery month, do not exceed the undersigned's allocations under the plan for that month.

Purchase orders shall be placed not less than 60 days before the first of the month in which delivery is required.

After approval of this amendment by the Attorney General and by the Secretary of Commerce, and after any steel producer or any builder, reconverter, or repairer of merchant vessels has made written acceptance of a request by the Secretary of Commerce for compliance herewith, this amendment shall become effective as to such producer, builder, reconverter, or repairer and shall be subject to the terms and conditions set forth in the original voluntary plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

EXHIBIT B—REQUEST

PROPOSED REQUEST UNDER PUBLIC LAW 395, 80TH CONGRESS FOR ALLOCATION OF STEEL PRODUCTS FOR CONSTRUCTION, RECONVERSION AND REPAIR OF MERCHANT VESSELS

The Secretary of Commerce, pursuant to the authority vested in him by Public Law 395, 80th Congress, and Executive Order 9919, after consultation with representatives of the steel producing and shipbuilding industries and with the interested government agencies and after expression of the views of industry, labor and the public generally at an open public hearing held on December 8, 1948, has determined that, in order to carry out the program begun under the voluntary plan (13 F. R. —) entered into by steel producers to furnish certain steel products for builders, reconverters and repairers of merchant vessels, it will be necessary, and is practicable and appropriate to the successful carrying out of the policies set forth in said Public Law 395, that steel producers make further deliveries of steel products to such builders, reconverters and repairers after the expiration of the plan (as amended) on February 28, 1949.

Therefore, the Secretary of Commerce, in accordance with subsections 2 (c) and 2 (f) of Public Law 395, 80th Congress, and with the approval of the Attorney General, hereby requests:

1. That steel producers participating in the abovementioned voluntary plan continue to make approximately 15,415 net tons of steel products available monthly, during the period March 1, 1949 through August 31, 1949, on certified orders from builders, reconverters and repairers of merchant vessels; and that such products be made available in accordance with delivery procedures established under the said plan.

2. That builders, reconverters and repairers of merchant vessels place purchase orders hereunder only for the quantities and types of steel products established for them individually by the Secretary of Commerce; that they put identifying certifications on such purchase orders; and that they use all steel products obtained hereunder solely for the construction, reconversion or repair of merchant vessels (as defined in the abovementioned voluntary plan).

In the event that an extension of the effectiveness of the above-mentioned voluntary plan beyond February 28, 1949 takes effect pursuant to appropriate legislation, this request will be superseded by said extended plan.

[To be signed by the Attorney General and the Secretary of Commerce upon approval.]

[F. R. Doc. 48-10440; Filed, Nov. 29, 1948; 10:32 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3277]

PAN AMERICAN AIRWAYS, INC.; GUATEMALA CITY-LOS ANGELES/SAN FRANCISCO OPERATION

NOTICE OF HEARING

In the matter of the application of Pan American Airways, Inc., for amendment of its certificate of public convenience and necessity authorizing air transportation between the United States and various points in Latin America so as to authorize direct service carrying persons, property and mail beyond the intermediate point Guatemala City, Guatemala, to the coterminal points Los Angeles, Calif., and San Francisco, Calif., in both directions.

For further details of the operations proposed and the route modification requested, the parties are referred to the application, the Examiner's prehearing conference report, and the correspondence with respect thereto which are on file with the Civil Aeronautics Board.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the above application is assigned for hearing on December 13, 1948, at 10:00 a. m. (P. s. t.) in Room 535, U. S. Post Office and Court House Building, 312 Spring Street, Los Angeles, Calif., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

(1) Whether the proposed certificate amendment is required, in whole or in part, by the public convenience and necessity.

(2) Whether the applicant is fit, willing, and able to perform the proposed new transportation properly and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before December 6, 1948, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., November 26, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10414; Filed, Nov. 29, 1948; 9:00 a. m.]

[Docket No. 3307]

NORTHWEST AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Northwest Airlines, Inc., for amendment of its certificate of public convenience and necessity for route No. 3 so as to remove restrictions preventing services to (a) Great Falls on flights serving Butte, Billings, Bozeman, or Helena, Montana, and (b) Kalispell on flights serving Bozeman, Butte, Helena, or Missoula.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that the above-entitled proceeding, assigned for hearing on November 30, 1948, is hereby postponed to December 8, 1948, at 10:00 a. m. (e. s. t.) in Room 2065, Temporary Building No. 4, 17th Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., November 24, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10413; Filed, Nov. 29, 1948; 9:00 a. m.]

[Dockets Nos. 3415, 3416]

MT. MCKINLEY AIRWAYS, INC., AND GOLDEN NORTH AIRWAYS, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the non-certificated operations of Mt. McKinley Airways, Inc., Docket No. 3415, and Golden North Airways, Inc., Docket No. 3416.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceedings originally assigned to be held on November 29 is postponed to December 10, 1948, at 10:00 a. m. (e. s. t.), in Room 5042, Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 24, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10415; Filed, Nov. 29, 1948; 9:00 a. m.]

[Docket No. SR-1-176]

STANLEY F. WOODWARD

NOTICE OF ORAL ARGUMENT

In the matter of D. W. Rentzel, Administrator of Civil Aeronautics, Complainant, vs. Stanley F. Woodward, Respondent.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 1004 (a) of said act, that oral argument in this case

is assigned to be heard December 13, 1948, at 10:00 a. m. in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C. before the Board.

Dated at Washington, D. C., November 24, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 48-10416; Filed, Nov. 29, 1948; 9:01 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9072]

OLNEY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Robert E. Thompson and Sidney R. Sanders, d/b as Olney Broadcasting Company, Olney, Texas, Docket No. 9072, File No. BP-6767; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of November 1948;

The Commission having under consideration the above-entitled application requesting a permit to construct a new standard broadcast station to operate on the frequency 1410 kilocycles, with 250 watts power, daytime only, at Olney, Texas, and also having under consideration petitions filed by Stephens County Broadcasting Company, licensee of Station KSTB and David W. Ratliff, licensee of Station KDWT, that the above-entitled application be designated for hearing and that petitioners be made parties thereto;

It is ordered, That the said petitions of Stephens County Broadcasting Company and of David W. Ratliff be, and they are hereby, granted; and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Olney Broadcasting Company be, and it is hereby, designated for hearing, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station KSTB, Breckenridge, Texas or with Station KDWT, Stamford, Texas, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the assignment of a Class IV station to a regional channel.

It is further ordered, That Stephens County Broadcasting Company, licensee of Station KSTB, and David W. Ratliff, licensee of Station KDWT, be, and they are hereby, made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-10379; Filed, Nov. 29, 1948; 8:56 a. m.]

[Docket No. 8961]

JOHN A. BOHN

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of John A. Bohn, Martinez, California, Docket No. 8961, File No. BP-6696; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 19th day of November 1948;

The Commission having under consideration the above-entitled application of John A. Bohn for a construction permit for a new standard broadcast station to operate on the frequency 1330 kc, 500 w power, daytime only, at Martinez, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station KWBR, Oakland, California, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That E. N. and S. W. Warner, d/b as Warner Brothers, licensee of Station KWBR, Oakland, California, be, and they are hereby, made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-10380; Filed, Nov. 29, 1948; 8:57 a. m.]

[Docket Nos. 8178, 9190]

STEEL CITY BROADCASTING CO. AND RADIO STATION WGES

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of George M. Whitney, Caroline L. Whitney and Fredrik K. Feyling, d/b as Steel City Broadcasting Company, Gary, Indiana, Docket No. 8178, File No. BP-5681; John A. Dyer, V. I. Christoph, E. M. Hinzman, F. A. Ringold and W. F. Moss, d/b as Radio Station WGES (WGES), Chicago, Illinois, Docket No. 9190, File No. BP-6700; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of November 1948;

The Commission having under consideration a petition, filed January 16, 1948, for reconsideration and grant without a hearing on the above-entitled amended application of George M. Whitney, Caroline L. Whitney and Fredrik K. Feyling, d/b as Steel City Broadcasting Company, requesting authorization to construct a new standard broadcast station at Gary, Indiana, to operate on 1370 kc, with 500 w power, daytime only; opposition to the petition filed January 29, 1948, by the licensee of Station WGES, Chicago, Illinois; and the above-entitled application of J. A. Dyer, V. I. Christoph, E. M. Hinzman, F. A. Ringold and W. F. Moss, d/b as Radio Station WGES, requesting authorization to change the daytime directional pattern of Station WGES, operating on 1390 kc, with 5 kw power, DA, U, filed April 9, 1948;

It appearing, that the aforesaid application of Steel City Broadcasting Company was, on October 16, 1947, designated for hearing and that the hearing is currently scheduled to commence on March 17, 1949, in Washington, D. C.; and

It further appearing, that the Radio Station WGES and Steel City Broadcasting Company applications as amended would involve an overlap of their respective 2 mv/m and 25 mv/m contours;

It is ordered, That the said petition of Steel City Broadcasting Company be, and it is hereby, denied, and that, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of J. A. Dyer, V. I. Christoph, E. M. Hinzman, F. A. Ringold and W. F. Moss, d/b as Radio Station WGES be, and it is hereby, designated for hearing in a consolidated proceeding with the application of George M. Whitney, Caroline L. Whitney and Fredrik K. Feyling, d/b as Steel City Broadcasting Company, at the time and place aforesaid, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate station WGES as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of station WGES as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of station WGES as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of station WGES as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of station WGES as proposed would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to those provisions of the Standards concerning the licensing of stations with less than 30 kc frequency separation.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's October 16, 1947 order designating the aforesaid Steel City Broadcasting Company application for hearing be, and it is hereby, amended to include the above-entitled application of Radio Station WGES, to include among the issues for hearing, Issue No. 7, set forth above, and to change Issue No. 6 thereof to read as Issue No. 6 above.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-10381; Filed, Nov. 29, 1948; 8:57 a. m.]

KWKW

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on November 8, 1948 there was filed with it an application (BAL-797) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station KWKW, Pasadena, California from Marshall S. Neal, Paul Buhlig, E. T. Foley and Edwin Earl, d/b as Southern California Broadcasting Company to Southern California Trade Unions Broadcasting Association. Under the terms of an agreement dated August 13, 1948, Marshall S. Neal, Paul Buhlig, E. T. Foley and Edwin Earl have agreed to sell and assign their interest in the said partnership of Southern California Broadcasting Company to the Southern California Trade Unions Broadcasting Association for a sum of not less than $392,500 nor more than $420,000, payable as follows: $25,000 in cash upon consummation of the assignment within thirty days following approval thereof by the Federal Communications Commission; $35,000 annually on the first and second anniversary of the assignment, plus two-thirds of the net profits of the station for each of said years (said additional amount not to exceed $27,500 for either or both of said years); and the remaining unpaid portion ($297,500) in five equal annual installments with interest at 2½% per annum on the unpaid balance. Full information concerning the transaction may be obtained from the application which is on file at the Federal Communications Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 8, 1948 that starting on November 12, 1948 notice of the filing of the application would be inserted in a newspaper of general circulation at Pasadena, California in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 12, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract. (Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-10382; Filed, Nov. 29, 1948; 8:57 a. m.]

ELECTRONIC ENTERPRISES, INC. (WITA)

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on November 17, 1948 there was filed with it an application (BTC-699) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Electronic Enterprises, Inc., licensee of station WITA, San Juan, Puerto Rico to Antonio Ayuso Valdivieso. The proposal to transfer control arises out of a contract of October 26, 1948 pursuant to which Bernard and Elizabeth Rubell propose to sell 125 shares (50%) of the licensee's capital to Antonio Ayuso Valdivieso for a cash consideration of $25,000. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 17, 1948 that starting on November 16, 1948 notice of the filing of the application would be inserted in El Imparcial a newspaper of general circulation at San Juan, Puerto Rico, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 16, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract. (Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 48-10383; Filed, Nov. 29, 1948; 8:57 a. m.]

ALMA BROADCASTING CO., INC. (WFYC)

PUBLIC NOTICE CONCERNING PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on November 16, 1948 there was filed with it an application (BTC-704) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Alma Broadcasting Co., Inc., permittee of station WFYC, Alma, Michigan from Cleon Van Ripper and Merle E. Rhoads to Merle E. Rhoads. The proposal to transfer control arises out of a contract of October 29, 1948 providing that transferee shall receive from Alma Broadcasting Company, Inc. forty-five shares of its common stock in repayment of a loan of $4,500 to said corporation previously made by said transferee. The agreement further provides that the said transferee shall purchase from the said transferor thirty shares of stock now owned by said transferor and that in consideration therefor, said transferee has loaned the said transferor three thousand dollars ($3,000) for which a promissory note bearing interest at 5% per annum, payable on demand of said transferee, has been executed by said transferor. The said thirty shares of stock have been endorsed in blank by said transferor and have been deposited with said transferee as collateral for the said note. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 16, 1948 that starting on November 22, 1948, notice of the filing of the application would be inserted in The Central Michigan Tribune of Mt. Pleasant, Michigan, a newspaper of general circulation at Alma, Michigan in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 22, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract. (Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10385; Filed, Nov. 29, 1948; 8:57 a. m.]

WBTH

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on November 15, 1948 there was filed with it an application (BAL-800) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WBTH, Williamson, West Virginia, from Williamson Broadcasting Corporation to Mingo Broadcasting Corporation. The proposal to assign the license arises out of a contract of October 26, 1948 pursuant to which Williamson Broadcasting Corporation will assign its lease improvements, transmitting plant and radiating system, studio and office equipment, an automobile, technical supplies, unearned deposits and insurance premiums, leases, and goodwill for a cash consideration of $70,000 plus an amount equal to the face value of accounts receivable as of the date of Commission consent to the assignment. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 15, 1948 that starting on November 19, 1948 notice of the filing of the application would be inserted in the Williamson Daily News, a newspaper of general circulation at Williamson, West Virginia, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 19, 1948 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract. (Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10384; Filed, Nov. 29, 1948; 8:57 a. m.]

WRTB

PUBLIC NOTICE CONCERNING PROPOSED ASSIGNMENT OF CONSTRUCTION PERMIT [1]

The Commission hereby gives notice that on November 10, 1948, there was filed with it an application (BAPCT-8) for its consent under section 310 (b) of the Communications Act to the proposed assignment of construction permit for television station WRTB, Waltham, Massachusetts, from Raytheon Manufacturing Company to Columbia Broadcasting System, Inc. The proposal to assign arises out of a contract of October 16, 1948, pursuant to which Raytheon Manufacturing Company will assign to Columbia Broadcasting System certain properties and equipment for station WRTB for the sum of $242,122, subject to adjustments as provided in the agreement between the parties. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on November 10, 1948, that starting on November 12, 1948, notice of the filing of the application would be inserted in the Waltham News-Tribune, a newspaper of general circulation at Waltham, Massachusetts, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from November 12, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract. (Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10386; Filed, Nov. 29, 1948; 8:57 a. m.]

[Docket No. 8248]

AGNES JANE REEVES GREER

ORDER REOPENING HEARING

In re application of Agnes Jane Reeves Greer, Dover, Ohio, Docket No. 8248, File No. BP-5319; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of November, 1948;

The Commission having under consideration the record in the above-entitled proceeding; and

It appearing, that the record contains conflicting and insufficient evidence with respect to the proposed service area of the above-named applicant and the interference problems involved; that a decision cannot be reached in this proceeding until proper and complete evidence is taken with respect to these matters; that in order properly to resolve the discrepancies in the evidence with respect to interference, groundwave field intensity measurements should be taken in the manner prescribed in the Commission's Standards of Good Engineering Practice to determine the nature and extent of the interference problems which would result from the operation proposed; and that the parties hereto should be required to take such measurements to determine the foregoing matters;

It is ordered, That the record in the above-entitled proceeding be, and it is hereby, reopened for further hearing at Washington, D. C., on a date to be specified by subsequent order, to determine the foregoing matters; and

It is further ordered, That the parties to this proceeding be, and they are hereby, directed to submit, at the further hearing, groundwave field intensity measurements taken in the manner prescribed in the Commission's Standards of Good Engineering Practice from which a determination can be made of the interference areas and populations which would result from the operation of the station proposed; and

It is further ordered, That the Hearing Examiner heretofore designated in this proceeding be, and she is hereby, directed to hold the further hearing herein ordered and submit a Recommended Decision based on the record heretofore compiled and the record made in the further hearing in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10387; Filed, Nov. 29, 1948; 8:58 a. m.]

[Docket Nos. 8731, 8732, 8733, 8841]

BEACON BROADCASTING CO., INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Beacon Broadcasting Company, Inc., Boston, Massachusetts, Docket No. 8731, File No. BPH-1320; Boston Radio Company, Inc., Boston, Massachusetts, Docket No. 8733, File No. BPH-1385; the Northern Corporation, Boston, Massachusetts, Docket No. 8732, File No. BPH-1372; Bunker Hill Broadcasting Company, Boston, Massachusetts, Docket No. 8841, File No. BPH-1420; for FM construction permits.

Whereas, the above-entitled applications are presently scheduled to be heard on November 29, 1948, at Boston, Massachusetts; and

It appearing, that a petition requesting waiver of hearing in the above-entitled proceeding has been filed; and that no action has as yet been taken on the said petition;

It is ordered, This 19th day of November, 1948, that the hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, March 3, 1949, at Boston, Massachusetts.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10388; Filed, Nov. 29, 1948; 8:58 a. m.]

[Docket No. 8395]

TWIN CITIES BROADCASTING CORP. (WDGY)

ORDER CONTINUING HEARING

In re order to show cause directed to Twin Cities Broadcasting Corporation (WDGY), Minneapolis, Minnesota, Docket No. 8395, File No. BS-669.

The Commission having under consideration a petition filed November 5, 1948, by Twin Cities Broadcasting Corporation (WDGY), Minneapolis, Minnesota, requesting a continuance in the hearing presently scheduled for December 6, 1948, at Washington, D. C., in the proceeding upon the above-entitled matter;

It is ordered, This 19th day of November, 1948, that the petition be, and it is hereby, granted; and that the hearing in the proceeding upon the above-entitled matter be, and it is hereby, continued to 10:00 a. m., Tuesday, February 8, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10389; Filed, Nov. 29, 1948; 8:58 a. m.]

[Docket Nos. 8011, 8012, 8162, 8338, 8672]

AMERICAN BROADCASTING CO. INC. (KGO) ET AL.

ORDER CONTINUING HEARING

In re applications of American Broadcasting Company, Inc. (KGO), San Francisco, California, Docket No. 8011, File No. BMP-2157; for modification of construction permit. Denver Broadcasting Company, Denver, Colorado, Docket No. 8012, File No. BP-5141; for construction permit. KCMO Broadcasting Company (KCMO), Kansas City, Missouri, Docket No. 8338, File No. BMP-2556; for modification of construction permit. Tampa Times Company (WDAE), Tampa, Florida, Docket No. 8672, File No. BP-6266; for construction permit and modification of license of General Electric Company (WGY), Schenectady, New York, Docket No. 8162, File No. BS-264.

The Commission having under consideration a petition filed November 10, 1948, by General Electric Company (WGY), Schenectady, New York, requesting a continuance in the hearing presently scheduled for December 13, 1948, upon the above-entitled applications;

It is ordered, This 19th day of November, 1948, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled applications be, and it is hereby, continued indefinitely.

Exception noted by counsel for WDAE.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10390; Filed, Nov. 29, 1948; 8:58 a. m.]

[Docket No. 8116]

BALBOA RADIO CORP. (KLIK)

ORDER CONTINUING HEARING

In re application of Balboa Radio Corporation (KLIK) San Diego, California, Docket No. 8116, File No. BP-5622; for construction permit.

The Commission having under consideration a letter filed November 17, 1948, by Balboa Radio Corporation, San Diego, California, requesting a continuance in the hearing presently scheduled for December 2, 1948, at San Diego, California, upon its above-entitled application for construction permit;

It is ordered, This 19th day of November, 1948, that the request be, and it is hereby, granted; and that the hearing upon the above-entitled application be, and it is hereby, continued to 10:00 a. m., Monday, January 31, 1949, at San Diego, California.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10391; Filed, Nov. 29, 1948; 8:58 a. m.]

[Docket Nos. 8409, 9092]

PARISH BROADCASTING CO. AND RUSTON BROADCASTING CO. (KRUS)

ORDER CONTINUING HEARING

In re applications of Parish Broadcasting Company, Minden, Louisiana, Docket No. 8409, File No. BP-5749; Clarence E. Faulk, Jr., tr/as Ruston Broadcasting Company (KRUS), Ruston, Louisiana, Docket No. 9092; File No. BP-6730; for construction permits.

The Commission having under consideration a petition filed November 9, 1948, by Ruston Broadcasting Company (KRUS), Ruston, Louisiana, requesting a continuance in the hearing presently scheduled for December 16, 1948, at Ruston, Louisiana, upon its above-entitled applications for construction permits;

It is ordered, This 19th day of November, 1948, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, February 10, 1949, at Minden, Louisiana, and Friday, February 11, 1949, at Ruston, Louisiana.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10392; Filed, Nov. 29, 1948; 8:58 a. m.]

[Docket No. 8876]

PENN-ALLEN BROADCASTING CO. (WFMZ)

ORDER CONTINUING HEARING

In re application of Penn-Allen Broadcasting Company (WFMZ), Allentown, Pennsylvania, Docket No. 8876, File No. BMPH-1100; for modification of construction permit.

The Commission having under consideration a petition filed November 17, 1948, by Penn-Allen Broadcasting Company (WFMZ), Allentown, Pennsylvania, requesting leave to amend its above-entitled application for FM construction permit so as to show revised information on regarding the corporation's Articles of Incorporation, capital stock, stockholders, finances, program plans; and to show a new transmitter site and revised engineering information incidental thereto; as more particularly appears from the amendment filed simultaneously with the petition;

It is ordered, This 19th day of November, 1948, that the petition be, and it is hereby, granted; and that the amendment filed simultaneously with the petition be, and it is hereby, accepted; and

It is further ordered, That, on the Commission's own motion, the hearing upon the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, December 29, 1948, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10393; Filed, Nov. 29, 1948; 8:58 a. m.]

[Docket No. 9157]

FORT INDUSTRY CO. (WSPD) AND NORTHEASTERN INDIANA BROADCASTING CO. INC. (WKJG)

ORDER CONTINUING HEARING

In the matter of the petition of the Fort Industry Co. (WSPD), for designation for hearing of Northeastern Indiana Broadcasting Company, Inc. (WKJG), Docket No. 9157, File No. BMP-3332; for modification of construction permit.

The Commission having under consideration a joint petition filed November 17, 1948 by Fort Industry Company and Northeastern Indiana Broadcasting Company, Inc., requesting a continuance in the hearing presently scheduled for December 2, 1948, at Washington, D. C. in the above-entitled proceedings;

It is ordered, This 19th day of November, 1948, that the petition be, and it is hereby, granted; and that the hearing in the proceeding upon the above-entitled

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

matter be, and it is hereby, continued to 10:00 a. m., Monday, January 31, 1949, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10394; Filed, Nov. 29, 1948; 8:58 a. m.]

[Docket Nos. 9066, 9067]

KENYON BROWN AND GEORGE E. CAMERON, JR.

ORDER CONTINUING HEARING

In re applications of Kenyon Brown, Tulsa, Oklahoma, Docket No. 9066, File No. BP-6693; George E. Cameron, Jr., Tulsa, Oklahoma, Docket No. 9067, File No. BP-6752; for construction permit.

The Commission having under consideration a petition filed November 10, 1948, by Kenyon Brown, Tulsa Oklahoma, requesting a continuance in the hearing presently scheduled for November 22, 1948, at Tulsa, Oklahoma, upon the above-entitled applications for construction permits;

It is ordered, This 12th day of November, 1948, that the petition be, and it is hereby, granted; and that the hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, December 6, 1948, at Tulsa, Oklahoma.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10395; Filed, Nov. 29, 1948; 8:58 a. m.]

[Docket Nos. 8998, 8999]

FAULKNER COUNTY BROADCASTING CO. AND CONWAY BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Leonard Murel Rose, Elmer Lawrence Donze and Norbert Bernard Donze, d/b as Faulkner County Broadcasting Company, Conway, Arkansas, Docket No. 8998, File No. BP-6660; Conway Broadcasting Company, Conway, Arkansas, Docket No. 8999, File No. BP-6706; for construction permits.

Whereas, The above-entitled applications are presently scheduled to be heard on November 15, 1948, at Conway, Arkansas; and

Whereas, The public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 12th day of November, 1948, that the hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Wednesday, December 1, 1948, at Conway, Arkansas.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-10396; Filed, Nov. 29, 1948; 8:59 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1096]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FURTHER POSTPONING HEARING

NOVEMBER 23, 1948.

Upon consideration of the motion filed November 18, 1948, by Texas Eastern Transmission Corporation for a further postponement of the hearing herein now set to commence on December 13, 1948;

It appearing to the Commission that:

(1) Texas Eastern has agreed that if such postponement is granted, and, by reason of its being so granted, the Commission is unable to make a determination of the issues involved in this proceeding within the period of suspension heretofore ordered, Texas Eastern will not move to put the proposed supplemental rate schedules into effect pursuant to section 4 (e) of the Natural Gas Act prior to a final determination by the Commission herein.

(2) Good cause exists for further postponing the date of hearing as hereinafter provided.

The Commission orders that:

The public hearing herein now set to commence on December 13, 1948, be and the same hereby is postponed to March 14, 1949, commencing at 10:00 a. m. (est) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: November 24, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10362; Filed, Nov. 29, 1948; 8:50 a. m.]

[Docket No. G-1151]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

NOVEMBER 22, 1948.

Notice is hereby given that on November 12, 1948, an application was filed with the Federal Power Commission by Southern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Birmingham, Alabama, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural gas facilities:

(a) A tap and gate valve on Applicant's 12 inch pipe line located at or near the intersection between this line and the 10 inch pipe line of United Gas Pipe Line Company (United) in the Southwest Quarter of Section 18, Township 9 North, Range 18 West, Jefferson Davis County, Mississippi.

(b) A tap and gate valve on Applicant's 6 inch line together with a measuring station and appurtenant equipment located at or near the intersection between said line and United's 6 inch line in Panola County, Texas and facilities to connect said measuring station with the lines of the Applicant and United.

Applicant states that the facilities above described will be used by it to deliver gas to United in quantities not to exceed 50,000 Mcf per day from those described in (a) and not to exceed 25,000 Mcf per day from those described in (b); that its estimated reserves in the Gwinville field of Jefferson Davis County, Mississippi and Logansport field in Texas are sufficient for the service proposed; and estimate the capital cost of the proposed facilities at $20,750, which will be financed from current funds.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Southern Natural Gas Company, is on file with the Commission and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10351; Filed, Nov. 29, 1948; 8:46 a. m.]

[Docket Nos. G-1041, 1046, 1049, 1050, 1101, 1107, 1108]

COUNCIL BLUFFS GAS CO. ET AL.

NOTICE OF OPINION

NOVEMBER 24, 1948.

Council Bluffs Gas Company, Docket No. G-1107, Central Electric and Gas Company, Docket No. G-1041; Minnesota Valley Natural Gas Company, Docket No. G-1046; Minneapolis Gas Light Company, Docket No. G-1049; Hastings Gas Company, Docket No. G-1050; and Iowa-Illinois Gas and Electric Company, Docket No. G-1101; *v.* Northern Natural Gas Company. In the matter of Northern Natural Gas Company, Docket No. G-1108.

Notice is hereby given that, on November 23, 1948, the Federal Power Commission issued its Opinion No. 169 entered November 23, 1948, revising rate schedule and establishing regulations for the apportionment of increases in contract demand in the above-designated matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10361; Filed, Nov. 29, 1948; 8:50 a. m.]

[Docket No. G-1132]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 22, 1948.

Upon consideration of the application filed October 4, 1948, by Arkansas Louisiana Gas Company (Applicant), a Delaware corporation having its principal office at Shreveport, Louisiana, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as more fully described in such application on file with the Commission and open to public inspection;

It appears to the Commission that:

This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 22, 1948 (13 F. R. 6223).

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on December 9, 1948, at 9:30 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 23, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10363; Filed, Nov. 29, 1948; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 30035]

KANSAS INTRASTATE RATES

NOTICE OF PETITION

In the matter of petition of respondent rail carriers for leave to amend petition dated July 13, 1948, and for modification of the order of August 6, 1948, instituting the above-entitled proceeding.

It appearing, that upon petition dated July 13, 1948, filed by common carriers by railroad operating to, from and between points in the State of Kansas, averring that the Corporation Commission of the State of Kansas has refused to authorize or permit said petitioners to apply to the transportation of certain commodities and traffic moving intrastate by railroad in Kansas, increases in freight rates and charges corresponding to those approved for interstate application in Ex Parte No. 162, Increased Railway Rates, Fares, and Charges, 1946, and Ex Parte No. 148, Increased Railway Rates, Fares, and Charges, 1942, 266 I. C. C. 537, and Ex Parte No. 166, Increased Freight Rates, 1947, 269 I. C. C. 33, 270 I. C. C. 81, and 270 I. C. C. 93, the Commission, by Division 1, entered an order on August 6, 1948, instituting an investigation thereon under section 13 (4) of the Interstate Commerce Act, as amended:

It further appearing, that said petitioners have filed a petition dated November 13, 1948, for leave to amend said petition dated July 13, 1948, and for corresponding modification of the Commission's order of August 6, 1948, to supplement and clarify the issues in the light of the report of the Commission on further consideration, decided July 27, 1948, in Ex Parte No. 166, Increased Freight Rates, 1947, 270 I. C. C. 403, and the Sixth Supplemental Order, dated October 27, 1948, of the State Corporation Commission of the State of Kansas, in its Docket 33880-R, granting petitioners, with certain exceptions, increases in Kansas intrastate freight rates and charges corresponding to those approved for interstate application in said report of the Commission on further consideration, and for good cause appearing:

It is ordered, That said petition dated July 13, 1948, be, and it is hereby, amended in accordance with respondents' petition dated November 13, 1948.

It is further ordered, That the first paragraph of said order of August 6, 1948, instituting this investigation, be, and it is hereby, amended to read as follows:

"It appearing, that a petition, as amended, has been filed on behalf of the Atchison, Topeka and Santa Fe Railway Company and other common carriers by railroad operating to, from, and between points in the State of Kansas, averring (1) that in Ex Parte No. 162, Increased Railway Rates, Fares, and Charges, 1946, and Ex Parte No. 148, Increased Railway Rates, Fares, and Charges, 1942, 266 I. C. C. 537, this Commission authorized certain increases in interstate rates and charges throughout the United States, which were established January 1, 1947, and that the Corporation Commission of the State of Kansas, by order dated February 5, 1947, in its dockets Nos. 23850-R and 30400-R, has refused to authorize or permit said petitioners to apply to the transportation of agricultural limestone; brick and articles taking brick rates; sand; gravel; chatt; fluxing stone; stone, broken, ground or crushed; road building aggregates; sugar beets; furnace slag; and cinders, moving intrastate by railroad in Kansas, increases in freight rates and charges corresponding to those approved for interstate application in the proceedings above cited, or to apply an increased minimum charge per shipment, in less than carloads, or in any quantity, or to apply an increased minimum rate for pick-up and/or delivery services in connection with less-than-carload or any-quantity shipments, moving intrastate by railroad in Kansas, corresponding to those approved for interstate application in said proceedings; and (2) that in Ex Parte No. 166, Increased Freight Rates, 1947, 269 I. C. C. 33, 270 I. C. C. 81, 270 I. C. C. 93, and 270 I. C. C. 403, this Commission authorized certain increases in interstate rates and charges throughout the United States, which were established October 13, 1947, January 5 and 13, 1948, May 6, 1948, and August 21, 1948, and that the Corporation Commission of the State of Kansas; by orders dated March 31, 1948, June 16, 1948, and October 27, 1948, in its docket No. 33880-R, has refused to authorize or permit said petitioners to apply to the transportation of hay and related articles; agricultural limestone; brick and articles taking brick rates; livestock; sand, gravel, chatt; fluxing stone; stone, broken, ground or crushed; road building aggregates; sugar beets; and cement, increases in rates and charges corresponding to those approved for interstate application in the proceeding last hereinabove cited;"

It is further ordered, That the State of Kansas be notified of this amendment of the order by sending copies of this order and of said petition dated November 13, 1948, by registered mail to the Governor of the said State and to the Corporation Commission of the State of Kansas, at Topeka, Kans.

And it is further ordered, That notice of this amendment of the order be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

Dated at Washington, D. C., this 19th day of November A. D. 1948.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-10356; Filed, Nov. 29, 1948; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT & RAILWAYS CO. ET AL.

NOTICE OF FILING WITH RESPECT TO A PROPOSED ACCOUNTING REORGANIZATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 22d day of November A. D. 1948.

In the matter of the United Light and Railways Company, American Light & Traction Company, et al. File Nos. 59-11, 59-17, 54-25.

Notice is hereby given that American Light & Traction Company ("American Light"), a registered holding company, has filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), an application-declaration, designated Application No. 5 in response to Commission's order of December 30, 1947, with respect to a proposed accounting reorganization. The application-declaration designates sections 11 (e) and 6 (a) (2) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 6, 1948, at 5:30 p. m., e. s. t., request in writing that a hearing be held with respect to said application-declaration stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

At any time after December 6, 1948 said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

By Order dated December 30, 1947, the Commission approved a plan filed by American Light and its parent, the United Light and Railways Company, pursuant to section 11 (e) of the act, which plan, among other things, provided for American Light's disposition during the year 1948, by sales or through dividend distributions, of all of its holdings of common stock of Detroit Edison, the offer by American Light to purchase at $33 per share plus accrued dividends its outstanding preferred stock, and the distribution in kind by American Light among its stockholders of the common stock of Madison Gas and Electric Company, and the Commission in the order of December 30, 1947, reserved jurisdiction, among other things, with respect to accounting entries in connection with the plan.

American Light proposes to establish reserves, as of January 2, 1948, adequate in amount to cover all charges to earned surplus required to be made in connection with the dividend payments, distributions, sales, and other transactions contemplated by the plan, together with a provision for contingencies arising in connection with the plan. These charges will result in an earned surplus deficit and it is proposed to eliminate such deficit by a charge to paid-in surplus.

It is stated that the proposed reserves will aggregate $35,053,940 and will be for the following purposes and in the following amounts:

Dividends declared on common stock during 1948	$8,362,664
Dividends declared on preferred stock during 1948	603,865
Losses on sales of the common stock of The Detroit Edison Co.	22,824,572
Excess of purchase price of preferred stock to be retired over par value thereof plus accrued dividends	4,368,806
Distribution of the common stock of Madison Gas and Electric Co.	3,144,533
Contingencies, including fees and expenses in connection with the consummation of the plan	750,000
	35,053,940

The establishment of such reserves will exhaust the entire earned surplus existing as at December 31, 1947, in the amount of $21,630,812 and will result in an earned surplus deficit of $13,423,128, which deficit will be eliminated by transfer to the paid-in surplus account. Paid-in surplus in the amount of $18,621,001 as at December 31, 1947, will be reduced to $5,197,873 as at January 2, 1948. Upon completion of all transactions contemplated by the plan any balance in such reserves will be transferred to the paid-in surplus account. It is also proposed that the earned surplus of the subsidiaries of American Light at January 2, 1948 be transferred to the paid-in surplus account in consolidated statements.

The application-declaration requests the Commission to enter an order authorizing American Light to record on its books the accounting entries proposed or releasing jurisdiction heretofore reserved over accounting entries to be made by American Light in connection with the plan with the understanding that the accounting entries proposed will be recorded on the books of the company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10354; Filed, Nov. 29, 1948; 8:47 a. m.]

[File No. 70-2000]

MILWAUKEE GAS LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of November A. D. 1948.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Milwaukee Gas Light Company ("Milwaukee"), a public utility subsidiary of American Light & Traction Company ("American Light"), a registered holding company. Applicant designates section 6 (b) of the act and Rule U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Milwaukee proposes to enter into a credit agreement which will expire July 1, 1949, with certain banks hereinafter named which will commit such banks to advance to Milwaukee on or before July 1, 1949, a maximum of $4,500,000 as follows:

The National City Bank of New York	$1,100,000
Central Hanover Bank & Trust Co. of New York	1,100,000
Mellon National Bank & Trust Co. of Pittsburgh, Pa.	1,100,000
First Wisconsin National Bank of Milwaukee	1,200,000

An aggregate of $2,500,000 is to be advanced on or before December 31, 1948. The remaining $2,000,000 will be advanced from time to time upon request of the company prior to July 1, 1949 in amounts of not less than $1,000,000 each. The respective amounts, dates of maturity and interest rates of the notes to be issued evidencing the $4,500,000 of advances are to be as follows:

Amount due	Date due	Annual rate of interest (percent)
$450,000	May 31, 1950	2¼
450,000	Nov. 30, 1950	2¼
450,000	May 31, 1951	2¾
450,000	Nov. 30, 1951	2¾
450,000	May 31, 1952	2¾
2,250,000	Nov. 30, 1952	3

A commitment fee will be paid computed at the rate of 1 percent per annum on the average daily unused balance of the commitment from date of the first advance until July 1, 1949 or until the entire $4,500,000 shall have been taken down, whichever shall occur first.

The application states that of the proceeds $1,400,000 will be used to retire outstanding 2¼% short term bank loans maturing January 3, 1949 and the remainder will be used to finance the company's construction program through the year 1949.

It is stated that the Public Service Commission of Wisconsin has jurisdiction over the proposed transactions, that an appropriate application will be made to and the requisite authority obtained from that Commission with respect to the proposed transaction.

Milwaukee requests that the Commission enter an order on or before November 30, 1948, or as soon as possible thereafter approving the proposed transactions and that such order become effective upon its entry.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that the same shall not be granted except pursuant to further order of the Commission:

It is ordered, Pursuant to the applicable sections of the act, that a hearing on said application be held on December 2, 1948, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and that, on the basis thereof, without prejudice to the presentation of additional matters and questions upon further examination, the following matters and questions are presented for consideration:

(1) Whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with applicable requirements of the act and of the rules and regulations promulgated thereunder, or, if not, whether any terms and conditions should be required or imposed in the public interest or for the protection of investors and consumers and if so the nature of such terms and conditions;

(2) Whether the securities to be issued are reasonably adapted to the security structure and earnings of the applicant and of the holding company system of which it is a part, and if not what terms and conditions should be imposed in the public interest or in the interest of investors and consumers;

(3) Whether the consideration to be received for the proposed notes is fair and reasonable; and

(4) Whether the fees, commission, or other remuneration to be paid in connection with the issue and sale of said notes are reasonable.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before November 30, 1948, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Milwaukee Gas Light Company, the Mayor of the City of Milwaukee, and the Public Service Commission of Wisconsin; that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this notice and order be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-10355; Filed, Nov. 29, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 12266]

ERNST SCHLUND ET AL.

In re: Debts owing to Ernst Schlund, Meta Schlund and Arcadius Voiss, and securities owned by the personal representatives, heirs, next of kin, legatees and distributees of Fred Tollner, deceased. F-28-26306-D-1, F-28-4279-D-3, F-28-25639-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That Ernst Schlund and Meta Schlund, whose last known address is Huptmarket, 21 Zwickau Sacheen, Germany, and Arcadius Voiss, whose last known address is Immelmann Str. 21, Gad-Godesberg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Fred Tollner, deceased, who there is reasonable cause to believe are residents of Germany; are nationals of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of the American National Bank and Trust Company of Chicago, 33 North La Salle Street, Chicago, Illinois, in the amount of $464.50, representing the proceeds of sale and final distribution, allocable to 10 beneficial interest shares of the Yates Apartments, Chicago, Illinois, evidenced by a certificate bearing the number 112, registered in the names of Ernst Schlund and Meta Schlund, JTLY, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by Ernst Schlund and Meta Schlund, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: a. All rights and interests in, to and under a participating certificate evidencing an interest in a voting trust for capital stock of Windermere Hotel Company, c/o Securities Service Corporation, 105 So. La Salle Street, Chicago, Illinois, said certificate numbered 1347 and registered in the name of Fred Tollner, and

b. That certain debt or other obligation matured or unmatured, evidenced by one (1) Windermere Hotel Company Bond, of $1,000 face value, bearing the number 6789, registered in the name of Fred Tollner, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, together with any and all rights in, to and under the aforesaid bond,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Fred Tollner, deceased, the aforesaid nationals of a designated enemy country (Germany);

5. That the property described as follows: That certain debt or other obligation, matured or unmatured, evidenced by one (1) Certificate of Interest for ten (10) units of the Chatelaine Tower Building, of $100 par value each, said certificate bearing the number 474, registered in the name of Arcadius Voiss, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid certificate,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or an account of, or owing to, or which is evidence of ownership or control by, Arcadius Voiss; the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Fred Tollner, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-10375; Filed, Nov. 29, 1948; 8:56 a. m.]

[Vesting Order 12308]

ELIZABETH ALGAYER ET AL.

In re: Bank accounts and participation certificates owned by Elizabeth Algayer and others. F-28-9113-A-1/E-1, F-28-9114-A-1/E-1, F-28-9115-A-

1/E–1, F–28–9116–A–1/E–1, F–28–9117–A–1/E–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Algayer, Johannes Algayer, Johann Georg Algayer, Eva Hiller and Katharine Hiller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: a. That certain debt or other obligation owing to Elizabeth Algayer, by The Pennsylvania Company for Banking and Trusts, 15th and Chestnut Streets, Philadelphia, Pennsylvania, arising out of a Savings Fund Account, account number M–46729, entitled Elizabeth Algayer, maintained at the Germantown Branch of the aforesaid bank, Chelten and Germantown Avenues, Philadelphia, Pennsylvania, and any and all rights to demand, enforce and collect the same, and

b. One (1) Depositors Participation Certificate of the Kensington Security Bank and Trust Company, Philadelphia, Pennsylvania, said Depositors Participation Certificate numbered 9867, registered in the name of the Germantown Trust Company for the blocked account of Elizabeth Algayer National of Germany, and presently in the custody of The Pennsylvania Company for Banking and Trusts, Germantown Branch, Chelten and Germantown Avenues, Philadelphia, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Elizabeth Algayer, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: a. That certain debt or other obligation owing to Johannes Algayer, by The Pennsylvania Company for Banking and Trusts, 15th and Chestnut Streets, Philadelphia, Pennsylvania, arising out of a Saving Fund Account, account number M–46731, entitled Johannes Algayer, maintained at the Germantown Branch of the aforesaid bank, Chelten and Germantown Avenues, Philadelphia, Pennsylvania, and any and all rights to demand, enforce and collect the same, and

b. One (1) Depositors Participation Certificate of the Kensington Security Bank and Trust Company, Philadelphia, Pennsylvania, said Depositors Participation Certificate numbered 9863, registered in the name of the Germantown Trust Company for the blocked account of Johannes Algayer National of Germany, and presently in the custody of The Pennsylvania Company for Banking and Trusts, Germantown Branch, Chelten and Germantown Avenues, Philadelphia, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Johannes Algayer, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: a. That certain debt or other obligation owing to Johann Georg Algayer, by The Pennsylvania Company for Banking and Trusts, 15th and Chestnut Streets, Philadelphia, Pennsylvania, arising out of a Saving Fund Account, account number M 46727, entitled Johann Georg Algayer, maintained at the Germantown Branch of the aforesaid bank, Chelten and Germantown Avenues, Philadelphia, Pennsylvania, and any and all rights to demand, enforce and collect the same, and

b. One (1) Depositors Participation Certificate of the Kensington Security Bank and Trust Company, Philadelphia, Pennsylvania, said Depositors Participation Certificate numbered 9865, registered in the name of the Germantown Trust Company for the blocked account of Johann Georg Algayer, National of Germany, and presently in the custody of The Pennsylvania Company for Banking and Trusts, Germantown Branch, Chelten and Germantown Avenues, Philadelphia, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Johann Georg Algayer, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: a. That certain debt or other obligation owing to Eva Hiller, by The Pennsylvania Company for Banking and Trusts, 15th and Chestnut Streets, Philadelphia, Pennsylvania, arising out of a Saving Fund Account, account number M 46730, entitled Eva Hiller, maintained at the Germantown Branch of the aforesaid bank, Chelten and Germantown Avenues, Philadelphia, Pennsylvania, and any and all rights to demand, enforce and collect the same, and

b. One (1) Depositors Participation Certificate of the Kensington Security Bank and Trust Company, Philadelphia, Pennsylvania, said Depositors Participation Certificate numbered 9864, registered in the name of the Germantown Trust Company for the blocked account of Eva Hiller, national of Germany, and presently in the custody of The Pennsylvania Company for Banking and Trusts, Germantown Branch, Chelten and Germantown Avenues, Philadelphia, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Eva Hiller, the aforesaid national of a designated enemy country (Germany);

6. That the property described as follows: a. That certain debt or other obligation owing to Katherine Hiller, by The Pennsylvania Company for Banking and Trusts, 15th and Chestnut Streets, Philadelphia, Pennsylvania, arising out of a Savings Fund Account, account number M 46728, entitled Katherine Hiller, maintained at the Germantown Branch of the aforesaid bank, Chelten and Germantown Avenues, Philadelphia, Pennsylvania, and any and all rights to demand, enforce and collect the same, and

b. One (1) Depositors Participation Certificate of the Kensington Security Bank and Trust Company, Philadelphia, Pennsylvania, said Depositors Participation Certificate numbered 9866, registered in the name of the Germantown Trust Company for the blocked account of Katherine Hiller, national of Germany, and presently in the custody of The Pennsylvania Company for Banking and Trusts, Germantown Branch, Chelten and Germantown Avenues, Philadelphia, Pennsylvania, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Katherine Hiller, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

7. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48–10376; Filed, Nov. 29, 1948; 8:56 a. m.]

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FEDERAL REGISTER

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RETAIN QUARTERLY INDEXES

Subscribers are requested to retain the quarterly subject indexes for calendar 1948 for use in lieu of an annual index.

The regular annual codification guide included herewith is particularly valuable in view of the consolidation of the 1948 Supplement with the new Code.

The regular subject index covering the entire calendar year will not be published for 1948. Because of the number of documents reflecting editorial changes incident to the publication of the 1949 Edition of the Code of Federal Regulations, the last quarter of calendar 1948 has been separately indexed.

Beginning January 1949, the contents of the Federal Register will be separately indexed as follows: monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending March, June, and September; and annually for the calendar year.

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[2] E. O. 10004.

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NOTE: In order to group under a single title the rules and regulations issued by the Secretary of Defense and those issued by all components of the National Military Establishment, Title 34—Navy was redesignated Title 34—National Military Establishment, and the regulations appearing therein were transferred to Chapter VI of the redesignated title.

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U. S. GOVERNMENT PRINTING OFFICE: 1949